

**Calendar No. 449**

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 2815**

**[Report No. 103-278]**

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**AN ACT**

To designate a portion of the Farmington River in Connecticut as a component of the National Wild and Scenic Rivers System.

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MAY 25 (legislative day, MAY 16) 1994

Report with amendment

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### IN THE SENATE OF THE UNITED STATES

MARCH 16 (legislative day, FEBRUARY 22), 1994

Received; read twice and referred to the Committee on Energy and Natural Resources

MAY 25 (legislative day, MAY 16), 1994

Reported by Mr. JOHNSTON, with amendments

[Omit the part struck through and insert the part printed in italic]

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## AN ACT

To designate a portion of the Farmington River in Connecticut as a component of the National Wild and Scenic Rivers System.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Farmington Wild and  
5        Scenic River Act”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds that—

3 (1) Public Law 99–590 authorized the study of  
4 2 segments of the West Branch of the Farmington  
5 River, including an 11-mile headwater segment in  
6 Massachusetts and the uppermost 14-mile segment  
7 in Connecticut, for potential inclusion in the Na-  
8 tional Wild and Scenic Rivers System, and created  
9 the Farmington River Study Committee, consisting  
10 of representatives from the 2 States, the towns bor-  
11 dering the 2 segments, and other river interests, to  
12 advise the Secretary of the Interior in conducting  
13 the study and concerning management alternatives  
14 should the river be included in the National Wild  
15 and Scenic Rivers System;

16 (2) the study determined that both segments of  
17 the river are eligible for inclusion in the National  
18 Wild and Scenic Rivers System based upon their  
19 free-flowing condition and outstanding fisheries,  
20 recreation, wildlife, and historic values;

21 (3) the towns that directly abut the Connecticut  
22 segment (Hartland, Barkhamsted, New Hartford,  
23 and Canton), as well as the Town of Colebrook,  
24 which abuts the segment's major tributary, have  
25 demonstrated their desire for national wild and sce-  
26 nic river designation through town meeting actions

1 endorsing designation; in addition, the 4 abutting  
2 towns have demonstrated their commitment to pro-  
3 tect the river through the adoption of “river protec-  
4 tion overlay districts”, which establish a uniform set-  
5 back for new structures, new septic systems, sand  
6 and gravel extraction, and vegetation removal along  
7 the entire length of the Connecticut segment;

8 (4) during the study, the Farmington River  
9 Study Committee and the National Park Service  
10 prepared a comprehensive management plan for the  
11 Connecticut segment (the “Upper Farmington River  
12 Management Plan”, dated April 29, 1993) which es-  
13 tablishes objectives, standards, and action programs  
14 that will ensure long-term protection of the river’s  
15 outstanding values and compatible management of  
16 its land and water resources, without Federal man-  
17 agement of affected lands not owned by the United  
18 States;

19 (5) the Farmington River Study Committee  
20 voted unanimously on April 29, 1993, to adopt the  
21 Upper Farmington River Management Plan and to  
22 recommend that Congress include the Connecticut  
23 segment in the National Wild and Scenic Rivers Sys-  
24 tem in accordance with the spirit and provisions of  
25 the Upper Farmington River Management Plan, and

1 to recommend that, in the absence of town votes  
2 supporting designation, no action be taken regarding  
3 wild and scenic river designation of the Massachu-  
4 setts segment; and

5 (6) the Colebrook Dam and Goodwin Dam hy-  
6 droelectric projects are located outside the river seg-  
7 ment designated by section 3, and the study of the  
8 Farmington River pursuant to Public Law 99-590  
9 determined that continuation of existing operations  
10 of these projects as presently configured, together  
11 with associated transmission lines and other existing  
12 project works, is not incompatible with the designa-  
13 tion made by section 3 and will not unreasonably di-  
14 minish the scenic, recreational, and fish and wildlife  
15 values of the segment designated by such section as  
16 of the date of enactment of this Act; therefore, sec-  
17 tion 7(a) of the Wild and Scenic Rivers Act will not  
18 preclude the Federal Energy Regulatory Commission  
19 from licensing or relicensing (or exempting from li-  
20 censing) the continued operations of such projects as  
21 presently configured or with changes in configura-  
22 tion that the Secretary determines would be consist-  
23 ent with the Wild and Scenic Rivers Act and the  
24 Plan.

1           (6) the Colebrook Dam and Goodwin Dam hy-  
2           droelectric projects are located outside the river seg-  
3           ment designated by section 3, and based on the study  
4           of the Farmington River pursuant to Public Law 99-  
5           590, continuation of the existing operation of these  
6           projects as presently configured, including associated  
7           transmission lines and other existing project works, is  
8           compatible with the designation made by section 3  
9           and will not unreasonably diminish the scenic, rec-  
10          reational, and fish and wildlife values of the segment  
11          designated by such section as of the date of enactment  
12          of this Act.

13 **SEC. 3. DESIGNATION.**

14          Section 3(a) of the Wild and Scenic Rivers Act (16  
15 U.S.C. 1274(a)) is amended by adding the following new  
16 paragraph at the end thereof:

17          “( ) FARMINGTON RIVER, CONNECTICUT.—The 14-  
18 mile segment of the West Branch and mainstem extending  
19 from immediately below the Goodwin Dam and Hydro-  
20 electric Project in Hartland, Connecticut, to the down-  
21 stream end of the New Hartford-Canton, Connecticut,  
22 town line (hereinafter in this paragraph referred to as the  
23 ‘segment’), as a recreational river, to be administered by  
24 the Secretary of the Interior through cooperative agree-  
25 ments between the Secretary of the Interior and the State

1 of Connecticut and its relevant political subdivisions,  
2 namely the Towns of Colebrook, Hartland, Barkhamsted,  
3 New Hartford, and Canton and the Hartford Metropolitan  
4 District Commission, pursuant to section 10(e) of this  
5 Act. The segment shall be managed in accordance with  
6 the Upper Farmington River Management Plan, dated  
7 April 29, 1993, and such amendments thereto as the Sec-  
8 retary of the Interior determines are consistent with this  
9 Act. Such plan shall be deemed to satisfy the requirement  
10 for a comprehensive management plan pursuant to section  
11 3(d) of this Act.”.

12 **SEC. 4. MANAGEMENT.**

13 ~~(a) COMMITTEE.—The Director shall appoint a per-~~  
14 ~~son to represent the Secretary on the Farmington River~~  
15 ~~Coordinating Committee provided for in the Plan.~~

16 *(a) COMMITTEE.—The Director of the National Park*  
17 *Service, or his or her designee, shall represent the Secretary*  
18 *on the Farmington River Coordinating Committee provided*  
19 *for in the plan.*

20 ~~(b) FEDERAL ROLE.—(1) The Director shall rep-~~  
21 ~~resent the Secretary in the implementation of the Plan~~  
22 ~~and the provisions of this Act with respect to the segment~~  
23 ~~designated by section 3, including ongoing review of the~~  
24 ~~consistency of the Plan with the Wild and Scenic Rivers~~  
25 ~~Act and the review of proposed federally assisted water~~

1 resources projects which could have a direct and adverse  
2 effect on the values for which the segment was established,  
3 as authorized under section 7(a) of the Wild and Scenic  
4 Rivers Act. ~~(2)~~ (1) In order to provide for the long-term  
5 protection, preservation, and enhancement of the river  
6 segment designated by section 3, the Secretary, pursuant  
7 to section 10(e) of the Wild and Scenic Rivers Act, shall  
8 offer to enter into cooperative agreements with the State  
9 of Connecticut and its relevant political subdivisions iden-  
10 tified in the amendment made by such section 3 and, pur-  
11 suant to section 11(b)(1) of such Act, shall make a similar  
12 offer to the Farmington River Watershed Association. The  
13 Secretary, pursuant to such section 11(b)(1), also may  
14 enter into cooperative agreements with other parties who  
15 may be represented on the Committee. All cooperative  
16 agreements provided for in this Act shall be consistent  
17 with the Plan, and may include provisions for financial  
18 or other assistance from the United States to facilitate  
19 the long-term protection, conservation, and enhancement  
20 of the segment designated by such section 3 and the imple-  
21 mentation of the Plan.

22 ~~(3)~~ (2) The Secretary may provide technical assist-  
23 ance, staff support, and funding to assist in the implemen-  
24 tation of the Plan.

1       ~~(4)~~ (3) Implementation of this Act through coopera-  
2 tive agreements as described in paragraph (2) of this sub-  
3 section shall not constitute National Park Service adminis-  
4 tration of the segment designated by section 3 for pur-  
5 poses of section 10(c) of the Wild and Scenic Rivers Act,  
6 and shall not cause such segment to be considered as being  
7 a unit of the National Park System.

8       (c) WATER RESOURCES PROJECTS.—(1) In deter-  
9 mining whether a proposed water resources project would  
10 have a direct and adverse effect on the values for which  
11 the segment designated by section 3 was included in the  
12 National Wild and Scenic Rivers System, the ~~Director~~ *Sec-*  
13 *retary* shall specifically consider the extent to which the  
14 project is consistent with the Plan.

15       (2) For purposes of implementation of section 7 of  
16 the Wild and Scenic Rivers Act, the Plan, including the  
17 detailed analysis of instream flow needs incorporated  
18 therein and such additional analysis as may be incor-  
19 porated in the future, shall serve as the primary source  
20 of information regarding the flows needed to maintain  
21 instream resources and the potential compatibility between  
22 resource protection and possible water supply withdrawals.

23       (d) LAND MANAGEMENT.—The zoning ordinances  
24 duly adopted by the towns of Hartland, Barkhamsted,  
25 New Hartford, and Canton, Connecticut, including the

1 “river protection overlay districts” in effect on the date  
2 of enactment of this Act, shall be deemed to satisfy the  
3 standards and requirements of section 6(c) of the Wild  
4 and Scenic Rivers Act. For the purpose of section 6(c),  
5 such towns shall be deemed “villages” and the provisions  
6 of that section, which prohibit Federal acquisition of lands  
7 by condemnation, shall apply to the segment designated  
8 by section 3.

9 **SEC. 5. DEFINITIONS.**

10 For the purposes of this Act:

11 (1) The term “Committee” means the Farming-  
12 ton River Coordinating Committee referred to in sec-  
13 tion 4.

14 ~~(2) The term “Director” means the Director of~~  
15 ~~the National Park Service.~~

16 ~~(3)~~ (2) The term “Plan” means the comprehen-  
17 sive management plan for the Connecticut segment  
18 of the Farmington River prepared by the Farming-  
19 ton River Study Committee and the National Park  
20 Service, which is known as the “Upper Farmington  
21 River Management Plan” and dated April 29, 1993.

22 ~~(4)~~ (3) The term “Secretary” means the Sec-  
23 retary of the Interior.

