

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

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**H. R. 2815**

**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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## 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”.

6        **SEC. 2. FINDINGS.**

7        The Congress finds that—

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

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

19          (3) the towns that directly abut the Connecticut  
20          segment (Hartland, Barkhamsted, New Hartford,  
21          and Canton), as well as the Town of Colebrook,  
22          which abuts the segment’s major tributary, have  
23          demonstrated their desire for national wild and sce-  
24          nic river designation through town meeting actions  
25          endorsing designation; in addition, the 4 abutting

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

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

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

1 supporting designation, no action be taken regarding  
2 wild and scenic river designation of the Massachu-  
3 setts segment; and

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

1 **SEC. 3. DESIGNATION.**

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

5 “( ) FARMINGTON RIVER, CONNECTICUT.—The 14-  
6 mile segment of the West Branch and mainstem extending  
7 from immediately below the Goodwin Dam and Hydro-  
8 electric Project in Hartland, Connecticut, to the down-  
9 stream end of the New Hartford-Canton, Connecticut,  
10 town line (hereinafter in this paragraph referred to as the  
11 ‘segment’), as a recreational river, to be administered by  
12 the Secretary of the Interior through cooperative agree-  
13 ments between the Secretary of the Interior and the State  
14 of Connecticut and its relevant political subdivisions,  
15 namely the Towns of Colebrook, Hartland, Barkhamsted,  
16 New Hartford, and Canton and the Hartford Metropolitan  
17 District Commission, pursuant to section 10(e) of this  
18 Act. The segment shall be managed in accordance with  
19 the Upper Farmington River Management Plan, dated  
20 April 29, 1993, and such amendments thereto as the Sec-  
21 retary of the Interior determines are consistent with this  
22 Act. Such plan shall be deemed to satisfy the requirement  
23 for a comprehensive management plan pursuant to section  
24 3(d) of this Act.”.

1 **SEC. 4. MANAGEMENT.**

2 (a) COMMITTEE.—The Director shall appoint a per-  
3 son to represent the Secretary on the Farmington River  
4 Coordinating Committee provided for in the Plan.

5 (b) FEDERAL ROLE.—(1) The Director shall rep-  
6 resent the Secretary in the implementation of the Plan  
7 and the provisions of this Act with respect to the segment  
8 designated by section 3, including ongoing review of the  
9 consistency of the Plan with the Wild and Scenic Rivers  
10 Act and the review of proposed federally assisted water  
11 resources projects which could have a direct and adverse  
12 effect on the values for which the segment was established,  
13 as authorized under section 7(a) of the Wild and Scenic  
14 Rivers Act.

15 (2) In order to provide for the long-term protection,  
16 preservation, and enhancement of the river segment des-  
17 ignated by section 3, the Secretary, pursuant to section  
18 10(e) of the Wild and Scenic Rivers Act, shall offer to  
19 enter into cooperative agreements with the State of Con-  
20 necticut and its relevant political subdivisions identified in  
21 the amendment made by such section 3 and, pursuant to  
22 section 11(b)(1) of such Act, shall make a similar offer  
23 to the Farmington River Watershed Association. The Sec-  
24 retary, pursuant to such section 11(b)(1), also may enter  
25 into cooperative agreements with other parties who may  
26 be represented on the Committee. All cooperative agree-

1 ments provided for in this Act shall be consistent with the  
2 Plan, and may include provisions for financial or other as-  
3 sistance from the United States to facilitate the long-term  
4 protection, conservation, and enhancement of the segment  
5 designated by such section 3 and the implementation of  
6 the Plan.

7 (3) The Secretary may provide technical assistance,  
8 staff support, and funding to assist in the implementation  
9 of the Plan.

10 (4) Implementation of this Act through cooperative  
11 agreements as described in paragraph (2) of this sub-  
12 section shall not constitute National Park Service adminis-  
13 tration of the segment designated by section 3 for pur-  
14 poses of section 10(c) of the Wild and Scenic Rivers Act,  
15 and shall not cause such segment to be considered as being  
16 a unit of the National Park System.

17 (c) WATER RESOURCES PROJECTS.—(1) In deter-  
18 mining whether a proposed water resources project would  
19 have a direct and adverse effect on the values for which  
20 the segment designated by section 3 was included in the  
21 National Wild and Scenic Rivers System, the Director  
22 shall specifically consider the extent to which the project  
23 is consistent with the Plan.

24 (2) For purposes of implementation of section 7 of  
25 the Wild and Scenic Rivers Act, the Plan, including the

1 detailed analysis of instream flow needs incorporated  
2 therein and such additional analysis as may be incor-  
3 porated in the future, shall serve as the primary source  
4 of information regarding the flows needed to maintain  
5 instream resources and the potential compatibility between  
6 resource protection and possible water supply withdrawals.

7 (d) LAND MANAGEMENT.—The zoning ordinances  
8 duly adopted by the towns of Hartland, Barkhamsted,  
9 New Hartford, and Canton, Connecticut, including the  
10 “river protection overlay districts” in effect on the date  
11 of enactment of this Act, shall be deemed to satisfy the  
12 standards and requirements of section 6(c) of the Wild  
13 and Scenic Rivers Act. For the purpose of section 6(c),  
14 such towns shall be deemed “villages” and the provisions  
15 of that section, which prohibit Federal acquisition of lands  
16 by condemnation, shall apply to the segment designated  
17 by section 3.

18 **SEC. 5. DEFINITIONS.**

19 For the purposes of this Act:

20 (1) The term “Committee” means the Farming-  
21 ton River Coordinating Committee referred to in sec-  
22 tion 4.

23 (2) The term “Director” means the Director of  
24 the National Park Service.

1           (3) The term “Plan” means the comprehensive  
2 management plan for the Connecticut segment of  
3 the Farmington River prepared by the Farmington  
4 River Study Committee and the National Park Service,  
5 which is known as the “Upper Farmington River  
6 Management Plan” and dated April 29, 1993.

7           (4) The term “Secretary” means the Secretary  
8 of the Interior.

9 **SEC. 6. FUNDING AUTHORIZATION.**

10       There are authorized to be appropriated such sums  
11 as may be necessary to carry out the purposes of this Act,  
12 including the amendment to the Wild and Scenic Rivers  
13 Act made by section 3.

      Passed the House of Representatives March 15,  
1994.

Attest:

*Clerk.*