

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2815

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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## IN THE HOUSE OF REPRESENTATIVES

JULY 30, 1993

Mrs. JOHNSON of Connecticut (for herself, Mrs. KENNELLY, Mr. GEJDENSON, Ms. DELAURO, Mr. SHAYS, and Mr. FRANKS of Connecticut) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

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—

8               (1) Public Law 99–590 authorized the study of  
9       2 segments of the West Branch of the Farmington

1 River, including an 11-mile headwater segment in  
2 Massachusetts and the uppermost 14-mile segment  
3 in Connecticut, for potential inclusion in the Wild  
4 and Scenic Rivers System, and created the Farming-  
5 ton River Study Committee, consisting of represent-  
6 atives from the 2 States, the towns bordering the 2  
7 segments, and other river interests, to advise the  
8 Secretary of the Interior in conducting the study  
9 and concerning management alternatives should the  
10 river be included in the Wild and Scenic Rivers Sys-  
11 tem;

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

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

1       tion overlay districts,” which establish a uniform set-  
2       back for new structures, new septic systems, sand  
3       and gravel extraction, and vegetation removal along  
4       the entire length of the Connecticut segment;

5               (4) during the study, the Farmington River  
6       Study Committee and the National Park Service  
7       prepared a comprehensive management plan for the  
8       Connecticut segment (the “Upper Farmington River  
9       Management Plan”, dated April 29, 1993) which es-  
10      tablishes objectives, standards, and action programs  
11      that will ensure long-term protection of the river’s  
12      outstanding values and compatible management of  
13      its land and water resources; and

14              (5) the Farmington River Study Committee  
15      voted unanimously on April 29, 1993, to adopt the  
16      Plan and to recommend that Congress include the  
17      Connecticut segment in the Wild and Scenic Rivers  
18      System in accordance with the spirit and provisions  
19      of the Upper Farmington River Management Plan,  
20      and to recommend that, in the absence of town votes  
21      supporting designation, no action be taken regarding  
22      wild and scenic river designation of the Massachu-  
23      setts segment.

1 **SEC. 3. WILD, SCENIC, AND RECREATIONAL RIVER DES-**  
2 **IGNATION.**

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

6 “( ) FARMINGTON RIVER, CONNECTICUT.—(A) DES-  
7 IGNATION AND MANAGEMENT.—The 14-mile segment of  
8 the West Branch and mainstem extending from imme-  
9 diately below the Goodwin Dam and Hydroelectric Project  
10 in Hartland, Connecticut, to the downstream end of the  
11 New Hartford-Canton, Connecticut, town line (hereinafter  
12 in this paragraph referred to as the ‘segment’), to be ad-  
13 ministered by the Secretary of the Interior in cooperation  
14 with the Farmington River Coordinating Committee es-  
15 tablished under paragraph (B) as a recreational river. The  
16 segment shall be managed in accordance with the Upper  
17 Farmington River Management Plan, dated April 29,  
18 1993, adopted on April 29, 1993 by the Farmington River  
19 Study Committee (hereinafter in this paragraph referred  
20 to as the ‘Plan’). The Plan shall be deemed to satisfy the  
21 requirement for a comprehensive management plan pursu-  
22 ant to section 3(d) of this Act.

23 “(B) MANAGEMENT COMMITTEE.—To assist in the  
24 long-term protection of the segment and the implementa-  
25 tion of this paragraph and the Plan, a Farmington River  
26 Coordinating Committee (hereinafter in this paragraph re-

1 ferred to as the ‘Committee’) shall be established within  
2 90 days after the date of enactment of this paragraph.  
3 The membership, functions, responsibilities, and adminis-  
4 trative procedures of the Committee shall be as set forth  
5 in the Plan. The Committee shall not be a Federal advi-  
6 sory committee, and shall not be subject to the provisions  
7 of the Federal Advisory Committee Act (Act of October  
8 6, 1972; 86 Stat. 776; 5 U.S.C. App.).

9       “(C) FEDERAL ROLE.—(i) The Director of the Na-  
10 tional Park Service (hereinafter in this paragraph referred  
11 to as the ‘Director’) shall represent the Secretary in the  
12 implementation of the Plan and the provisions of this Act  
13 with respect to the segment designated by this paragraph,  
14 including the review of proposed federally assisted water  
15 resources projects which could have a direct and adverse  
16 effect on the values for which the segment was established,  
17 as authorized under section 7(a) of this Act.

18       “(ii) Pursuant to section 10(e) and section 11(b)(1)  
19 of this Act, the Director may enter into cooperative agree-  
20 ments with the State of Connecticut, the towns of  
21 Colebrook, Hartland, Barkhamsted, New Hartford, and  
22 Canton, Connecticut, and the Committee. Such coopera-  
23 tive agreements shall be consistent with the Plan and may  
24 include provisions for financial or other assistance from

1 the United States to facilitate the long-term protection,  
2 conservation, and enhancement of the segment.

3 “(iii) The Director may provide technical assistance,  
4 staff support, and funding to assist in the implementation  
5 of the Plan.

6 “(iv) Notwithstanding the provisions of section 10(c)  
7 of this Act, no portion of the segment designated by this  
8 paragraph shall become a part of the National Park Sys-  
9 tem nor shall it be subject to regulations which govern  
10 the National Park System.

11 “(D) WATER RESOURCES PROJECTS.—(i) In deter-  
12 mining whether a proposed water resources project would  
13 have a direct and adverse effect on the values for which  
14 the segment designated by this paragraph was included  
15 in the national wild and scenic rivers system, the Secretary  
16 shall specifically consider the extent to which the project  
17 is consistent with the Plan.

18 “(ii) Congress finds that the existing operation of the  
19 Colebrook Dam and Goodwin Dam hydroelectric facilities,  
20 together with associated transmission lines and other ex-  
21 isting project works, pursuant to licenses or exemptions  
22 currently granted them under the Federal Power Act (41  
23 Stat. 1063; 16 U.S.C. 791a et seq.), is not incompatible  
24 with the designation of the segment referred to in sub-  
25 paragraph (A) as a component of the national wild and

1 scenic rivers system, and will not have a direct and adverse  
2 effect on, nor unreasonably diminish, the values for which  
3 the segment was established. Notwithstanding anything in  
4 this Act to the contrary, the designation of the river shall  
5 not affect the ability of the Federal Energy Regulatory  
6 Commission to license or relicense (including exempting  
7 from licensing) the continued operation of the Colebrook  
8 Dam and Goodwin Dam hydroelectric projects, together  
9 with associated transmission lines and other project  
10 works, provided that such operation is consistent with the  
11 Plan.

12       “(iii) Notwithstanding anything in this Act to the  
13 contrary, inclusion of the segment designated by this para-  
14 graph in the Wild and Scenic Rivers System shall not im-  
15 pair the continued operation of the Colebrook Dam and  
16 Reservoir by the United States Army Corps of Engineers  
17 for the purpose of flood control.

18       “(iv) The Plan, including the detailed analysis of  
19 instream flow needs incorporated therein and such addi-  
20 tional analysis as may be incorporated in the future, shall  
21 serve as the primary source of information regarding the  
22 flows needed to maintain instream resources and the po-  
23 tential compatibility between resource protection and pos-  
24 sible water supply withdrawals.

1       “(E) LAND MANAGEMENT.—(i) The zoning ordi-  
2 nances duly adopted by the towns of Hartland,  
3 Barkhamsted, New Hartford, and Canton, Connecticut,  
4 including the ‘river protection overlay districts’ in effect  
5 on the date of enactment of this paragraph, satisfy the  
6 standards and requirements of section 6(c) of this Act.  
7 For the purpose of section 6(c), such towns shall be  
8 deemed ‘villages’ and the provisions of that section, which  
9 prohibit Federal acquisition of lands by condemnation,  
10 shall apply.

11       “(ii) Nothing in this paragraph or this Act shall au-  
12 thorize management by the United States Government of  
13 lands which are not owned by the United States Govern-  
14 ment. All lands along the segment and its tributaries shall  
15 be managed by the owners of such land.

16       “(iii) The United States Government shall not ac-  
17 quire land along the segment or its tributaries for the pur-  
18 poses of wild and scenic river designation. Nothing in this  
19 paragraph or this Act shall prohibit Federal acquisition  
20 of land along the segment for other purposes, or the use  
21 of Federal funds administered by State or local govern-  
22 ments to acquire land along the segment.

23       “(F) MISCELLANEOUS.—Notwithstanding anything  
24 in section 3(b) of this Act to the contrary, no distinct lat-  
25 eral boundary shall be established for the segment of the

1 river designated by this paragraph, as set forth in the  
2 Plan.

3 “(G) FUNDING.—There are authorized to be appro-  
4 priated such sums as may be necessary to carry out the  
5 purposes of this paragraph.”.

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