

103^D CONGRESS
2^D SESSION

H. R. 2815

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

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—

8 (1) Public Law 99–590 authorized the study of
9 2 segments of the West Branch of the Farmington
10 River, including an 11-mile headwater segment in
11 Massachusetts and the uppermost 14-mile segment

1 in Connecticut, for potential inclusion in the Na-
2 tional Wild and Scenic Rivers System, and created
3 the Farmington River Study Committee, consisting
4 of representatives from the 2 States, the towns bor-
5 dering the 2 segments, and other river interests, to
6 advise the Secretary of the Interior in conducting
7 the study and concerning management alternatives
8 should the river be included in the National Wild
9 and Scenic Rivers System;

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

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

1 and gravel extraction, and vegetation removal along
2 the entire length of the Connecticut segment;

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

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

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

21 **SEC. 3. DESIGNATION.**

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

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

21 **SEC. 4. MANAGEMENT.**

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

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

11 (2) In order to provide for the long-term protection,
12 preservation, and enhancement of the river segment des-
13 ignated by section 3, the Secretary, pursuant to section
14 10(e) of the Wild and Scenic Rivers Act, shall offer to
15 enter into cooperative agreements with the State of Con-
16 necticut and its relevant political subdivisions identified in
17 the amendment made by such section 3 and, pursuant to
18 section 11(b)(1) of such Act, shall make a similar offer
19 to the Farmington River Watershed Association. The Sec-
20 retary, pursuant to such section 11(b)(1), also may enter
21 into cooperative agreements with other parties who may
22 be represented on the Committee. All cooperative agree-
23 ments provided for in this Act shall be consistent with the
24 Plan, and may include provisions for financial or other as-
25 sistance from the United States to facilitate the long-term

1 protection, conservation, and enhancement of the segment
2 designated by such section 3 and the implementation of
3 the Plan.

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

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

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

21 (2) For purposes of implementation of section 7 of
22 the Wild and Scenic Rivers Act, the Plan, including the
23 detailed analysis of instream flow needs incorporated
24 therein and such additional analysis as may be incor-
25 porated in the future, shall serve as the primary source

1 of information regarding the flows needed to maintain
2 instream resources and the potential compatibility between
3 resource protection and possible water supply withdrawals.

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

15 **SEC. 5. DEFINITIONS.**

16 For the purposes of this Act:

17 (1) The term “Committee” means the Farming-
18 ton River Coordinating Committee referred to in sec-
19 tion 4.

20 (2) The term “Director” means the Director of
21 the National Park Service.

22 (3) The term “Plan” means the comprehensive
23 management plan for the Connecticut segment of
24 the Farmington River prepared by the Farmington
25 River Study Committee and the National Park Serv-

1 ice, which is known as the “Upper Farmington River
2 Management Plan” and dated April 29, 1993.

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

5 **SEC. 6. FUNDING AUTHORIZATION.**

6 There are authorized to be appropriated such sums
7 as may be necessary to carry out the purposes of this Act,
8 including the amendment to the Wild and Scenic Rivers
9 Act made by section 3.

Passed the House of Representatives March 15,
1994.

Attest: DONNALD K. ANDERSON,
Clerk.