

Union Calendar No. 238

103D CONGRESS
2D SESSION

H. R. 2815

[Report No. 103-430]

A BILL

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

MARCH 10, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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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

MARCH 10, 1994

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[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on July 30, 1993]

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,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Farmington Wild and*
3 *Scenic River Act”.*

4 **SEC. 2. FINDINGS.**

5 *The Congress finds that—*

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

19 *(2) the study determined that both segments of*
20 *the river are eligible for inclusion in the National*
21 *Wild and Scenic Rivers System based upon their free-*
22 *flowing condition and outstanding fisheries, recre-*
23 *ation, wildlife, and historic values;*

24 *(3) the towns that directly abut the Connecticut*
25 *segment (Hartland, Barkhamsted, New Hartford, and*
26 *Canton), as well as the Town of Colebrook, which*

1 *abuts the segment's major tributary, have dem-*
2 *onstrated their desire for national wild and scenic*
3 *river designation through town meeting actions en-*
4 *dorsing designation; in addition, the 4 abutting towns*
5 *have demonstrated their commitment to protect the*
6 *river through the adoption of "river protection over-*
7 *lay districts", which establish a uniform setback for*
8 *new structures, new septic systems, sand and gravel*
9 *extraction, and vegetation removal along the entire*
10 *length of the Connecticut segment;*

11 (4) *during the study, the Farmington River*
12 *Study Committee and the National Park Service pre-*
13 *pared a comprehensive management plan for the Con-*
14 *necticut segment (the "Upper Farmington River*
15 *Management Plan", dated April 29, 1993) which es-*
16 *tablishes objectives, standards, and action programs*
17 *that will ensure long-term protection of the river's*
18 *outstanding values and compatible management of its*
19 *land and water resources, without Federal manage-*
20 *ment of affected lands not owned by the United*
21 *States;*

22 (5) *the Farmington River Study Committee*
23 *voted unanimously on April 29, 1993, to adopt the*
24 *Upper Farmington River Management Plan and to*
25 *recommend that Congress include the Connecticut seg-*

1 *ment in the National Wild and Scenic Rivers System*
2 *in accordance with the spirit and provisions of the*
3 *Upper Farmington River Management Plan, and to*
4 *recommend that, in the absence of town votes support-*
5 *ing designation, no action be taken regarding wild*
6 *and scenic river designation of the Massachusetts seg-*
7 *ment; and*

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

1 *that the Secretary determines would be consistent*
2 *with the Wild and Scenic Rivers Act and the Plan.*

3 **SEC. 3. DESIGNATION.**

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

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

1 **SEC. 4. MANAGEMENT.**

2 (a) *COMMITTEE.*—*The Director shall appoint a person*
3 *to represent the Secretary on the Farmington River Coordi-*
4 *nating Committee provided for in the Plan.*

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

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

1 *provisions for financial or other assistance from the United*
2 *States to facilitate the long-term protection, conservation,*
3 *and enhancement of the segment designated by such section*
4 *3 and the implementation of the Plan.*

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

8 *(4) Implementation of this Act through cooperative*
9 *agreements as described in paragraph (2) of this subsection*
10 *shall not constitute National Park Service administration*
11 *of the segment designated by section 3 for purposes of sec-*
12 *tion 10(c) of the Wild and Scenic Rivers Act, and shall*
13 *not cause such segment to be considered as being a unit*
14 *of the National Park System.*

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

22 *(2) For purposes of implementation of section 7 of the*
23 *Wild and Scenic Rivers Act, the Plan, including the de-*
24 *tailed analysis of instream flow needs incorporated therein*
25 *and such additional analysis as may be incorporated in*

1 *the future, shall serve as the primary source of information*
2 *regarding the flows needed to maintain instream resources*
3 *and the potential compatibility between resource protection*
4 *and possible water supply withdrawals.*

5 *(d) LAND MANAGEMENT.—The zoning ordinances duly*
6 *adopted by the towns of Hartland, Barkhamsted, New*
7 *Hartford, and Canton, Connecticut, including the “river*
8 *protection overlay districts” in effect on the date of enact-*
9 *ment of this Act, shall be deemed to satisfy the standards*
10 *and requirements of section 6(c) of the Wild and Scenic*
11 *Rivers Act. For the purpose of section 6(c), such towns shall*
12 *be deemed “villages” and the provisions of that section,*
13 *which prohibit Federal acquisition of lands by condemna-*
14 *tion, shall apply to the segment designated 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 the*
24 *Farmington River prepared by the Farmington River*
25 *Study Committee and the National Park Service,*

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

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

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

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