

113TH CONGRESS  
1ST SESSION

# S. 1253

To amend the Wild and Scenic Rivers Act to designate certain segments of the Farmington River and Salmon Brook in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 27, 2013

Mr. MURPHY (for himself and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To amend the Wild and Scenic Rivers Act to designate certain segments of the Farmington River and Salmon Brook in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes.

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 “Lower Farmington  
5 River and Salmon Brook Wild and Scenic River Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

1           (1) the Lower Farmington River and Salmon  
2           Brook Study Act of 2005 (Public Law 109–370) au-  
3           thorized the study of the Farmington River down-  
4           stream from the segment designated as a rec-  
5           reational river by section 3(a)(156) of the Wild and  
6           Scenic Rivers Act (16 U.S.C. 1277(a)(156)) to its  
7           confluence with the Connecticut River, and the seg-  
8           ment of the Salmon Brook including its main stem  
9           and east and west branches for potential inclusion in  
10          the National Wild and Scenic Rivers System;

11          (2) the studied segments of the Lower Farm-  
12          ington River and Salmon Brook support natural,  
13          cultural, and recreational resources of exceptional  
14          significance to the citizens of Connecticut and the  
15          Nation;

16          (3) concurrently with the preparation of the  
17          study, the Lower Farmington River and Salmon  
18          Brook Wild and Scenic Study Committee prepared  
19          the Lower Farmington River and Salmon Brook  
20          Management Plan, June 2011, that establishes ob-  
21          jectives, standards, and action programs that will  
22          ensure the long-term protection of the outstanding  
23          values of the river segments without Federal man-  
24          agement of affected lands not owned by the United  
25          States;

1           (4) the Lower Farmington River and Salmon  
2 Brook Wild and Scenic Study Committee has voted  
3 in favor of Wild and Scenic River designation for the  
4 river segments, and has included this recommenda-  
5 tion as an integral part of the management plan;

6           (5) there is strong local support for the protec-  
7 tion of the Lower Farmington River and Salmon  
8 Brook, including votes of support for Wild and Sce-  
9 nic designation from the governing bodies of all ten  
10 communities abutting the study area;

11           (6) the State of Connecticut General Assembly  
12 has endorsed the designation of the Lower Farm-  
13 ington River and Salmon Brook as components of  
14 the National Wild and Scenic Rivers System (Public  
15 Act 08–37); and

16           (7) the Rainbow Dam and Reservoir are located  
17 entirely outside of the river segment designated by  
18 section 3 of this Act, and, based on the findings of  
19 the study of the Lower Farmington River pursuant  
20 to Public Law 109–370, this hydroelectric project  
21 (including all aspects of its facilities, operations and  
22 transmission lines) is compatible with the designa-  
23 tion made by section 3 of this Act.

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 at the end the fol-  
4 lowing new paragraph:

5 “(208) LOWER FARMINGTON RIVER AND SALM-  
6 ON BROOK, CONNECTICUT.—Segments of the main  
7 stem and its tributary, Salmon Brook, totaling ap-  
8 proximately 62 miles, to be administered by the Sec-  
9 retary of the Interior as follows:

10 “(A) The approximately 27.2-mile segment  
11 of the Farmington River beginning 0.2 miles  
12 below the tailrace of the Lower Collinsville Dam  
13 and extending to the site of the Spoonville Dam  
14 in Bloomfield and East Granby as a rec-  
15 reational river.

16 “(B) The approximately 8.1-mile segment  
17 of the Farmington River extending from 0.5  
18 miles below the Rainbow Dam to the confluence  
19 with the Connecticut River in Windsor as a rec-  
20 reational river.

21 “(C) The approximately 2.4-mile segment  
22 of the main stem of Salmon Brook extending  
23 from the confluence of the East and West  
24 Branches to the confluence with the Farm-  
25 ington River as a recreational river.

1           “(D) The approximately 12.6-mile segment  
2           of the West Branch of Salmon Brook extending  
3           from its headwaters in Hartland, Connecticut  
4           to its confluence with the East Branch of Salmon  
5           Brook as a recreational river.

6           “(E) The approximately 11.4-mile segment  
7           of the East Branch of Salmon Brook extending  
8           from the Massachusetts-Connecticut State line  
9           to the confluence with the West Branch of  
10          Salmon Brook as a recreational river.”.

11 **SEC. 4. MANAGEMENT.**

12          (a) IN GENERAL.—The river segments designated by  
13 section 3 shall be managed in accordance with the man-  
14 agement plan and such amendments to the management  
15 plan as the Secretary determines are consistent with this  
16 Act. The management plan shall be deemed to satisfy the  
17 requirements for a comprehensive management plan pur-  
18 suant to section 3(d) of the Wild and Scenic Rivers Act  
19 (16 U.S.C. 1274(d)).

20          (b) COMMITTEE.—The Secretary shall coordinate the  
21 management responsibilities of the Secretary under this  
22 Act with the Lower Farmington River and Salmon Brook  
23 Wild and Scenic Committee, as specified in the manage-  
24 ment plan.

25          (c) COOPERATIVE AGREEMENTS.—

1           (1) IN GENERAL.—In order to provide for the  
2 long-term protection, preservation, and enhancement  
3 of the river segment designated by section 3 of this  
4 Act, the Secretary is authorized to enter into cooper-  
5 ative agreements pursuant to sections 10(e) and  
6 11(b)(1) of the Wild and Scenic Rivers Act with—

7                   (A) the State of Connecticut;

8                   (B) the towns of Avon, Bloomfield, Bur-  
9 lington, East Granby, Farmington, Granby,  
10 Hartland, Simsbury, and Windsor in Con-  
11 necticut; and

12                   (C) appropriate local planning and environ-  
13 mental organizations.

14           (2) CONSISTENCY.—All cooperative agreements  
15 provided for under this Act shall be consistent with  
16 the management plan and may include provisions for  
17 financial or other assistance from the United States.

18           (d) LAND MANAGEMENT.—

19                   (1) ZONING ORDINANCES.—For the purposes of  
20 the segments designated in section 3, the zoning or-  
21 dinances adopted by the towns in Avon, Bloomfield,  
22 Burlington, East Granby, Farmington, Granby,  
23 Hartland, Simsbury, and Windsor in Connecticut,  
24 including provisions for conservation of floodplains,  
25 wetlands and watercourses associated with the seg-

1       ments, shall be deemed to satisfy the standards and  
2       requirements of section 6(e) of the Wild and Scenic  
3       Rivers Act (16 U.S.C. 1277(e)).

4           (2) ACQUISITION OF LAND.—The provisions of  
5       section 6(e) of the Wild and Scenic Rivers Act (16  
6       U.S.C. 1277(e)) that prohibit Federal acquisition of  
7       lands by condemnation shall apply to the segments  
8       designated in section 3 of this Act. The authority of  
9       the Secretary to acquire lands for the purposes of  
10      the segments designated in section 3 of this Act  
11      shall be limited to acquisition by donation or acquisi-  
12      tion with the consent of the owner of the lands, and  
13      shall be subject to the additional criteria set forth in  
14      the management plan.

15      (e) RAINBOW DAM.—The designation made by sec-  
16      tion 3 shall not be construed to—

17           (1) prohibit, pre-empt, or abridge the potential  
18      future licensing of the Rainbow Dam and Reservoir  
19      (including any and all aspects of its facilities, oper-  
20      ations and transmission lines) by the Federal En-  
21      ergy Regulatory Commission as a federally licensed  
22      hydroelectric generation project under the Federal  
23      Power Act; or

1           (2) affect the operation of, or impose any flow  
 2           or release requirements on, the unlicensed hydro-  
 3           electric facility at Rainbow Dam and Reservoir.

4           (f) RELATION TO NATIONAL PARK SYSTEM.—Not-  
 5           withstanding section 10(c) of the Wild and Scenic Rivers  
 6           Act (16 U.S.C. 1281(c)), the Lower Farmington River  
 7           shall not be administered as part of the National Park  
 8           System or be subject to regulations which govern the Na-  
 9           tional Park System.

10 **SEC. 5. FARMINGTON RIVER, CONNECTICUT, DESIGNATION**  
 11 **REVISION.**

12           Section 3(a)(156) of the Wild and Scenic Rivers Act  
 13 (16 U.S.C. 1274(a)) is amended in the first sentence—

14           (1) by striking “14-mile” and inserting “15.1-  
 15           mile”; and

16           (2) by striking “to the downstream end of the  
 17           New Hartford-Canton, Connecticut town line” and  
 18           inserting “to the confluence with the Nepaug River”.

19 **SEC. 6. DEFINITIONS.**

20           For the purposes of this Act:

21           (1) MANAGEMENT PLAN.—The term “manage-  
 22           ment plan” means the management plan referred to  
 23           in section 2(3).



1           (2) SECRETARY.—The term “Secretary” means  
2           the Secretary of the Interior.

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