

112TH CONGRESS
2D SESSION

S. 2286

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.

IN THE SENATE OF THE UNITED STATES

APRIL 17, 2012

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

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 See-
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, operation of this hydro-
21 electric project (including associated transmission
22 lines and other project works) is compatible with the
23 designation 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(c) of the Wild and Scenic
3 Rivers Act (16 U.S.C. 1277(c)).

4 (2) ACQUISITION OF LAND.—The provisions of
5 section 6(c) of the Wild and Scenic Rivers Act (16
6 U.S.C. 1277(c)) 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 the potential future licensing or re-
18 licensing of the Rainbow Dam and Reservoir (includ-
19 ing associated transmission lines and other project
20 works) by the Federal Energy Regulatory Commis-
21 sion as a federally licensed hydroelectric generation
22 project under the Federal Power Act; or

23 (2) affect the operations of a hydroelectric facil-
24 ity at Rainbow Dam and Reservoir.

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

7 **SEC. 5. FARMINGTON RIVER, CONNECTICUT, DESIGNATION**
 8 **REVISION.**

9 Section 3(a)(156) of the Wild and Scenic Rivers Act
 10 (16 U.S.C. 1274(a)) is amended in the first sentence—

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

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

16 **SEC. 6. DEFINITIONS.**

17 For the purposes of this Act:

18 (1) **MANAGEMENT PLAN.**—The term “manage-
 19 ment plan” means the management plan referred to
 20 in section 2(3).

21 (2) **SECRETARY.**—The term “Secretary” means
 22 the Secretary of the Interior.

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