

Calendar No. 327114TH CONGRESS
1ST SESSION**S. 329****[Report No. 114-182]**

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

FEBRUARY 2, 2015

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

DECEMBER 16, 2015

Reported by Ms. MURKOWSKI, with an amendment

[Omit the part struck through and insert the part printed in *italic*]

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. FINDINGS.**

5 The Congress finds that—

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

16 (2) the studied segments of the Lower Farm-
17 ington River and Salmon Brook support natural,
18 cultural, and recreational resources of exceptional
19 significance to the citizens of Connecticut and the
20 Nation;

21 (3) concurrently with the preparation of the
22 study, the Lower Farmington River and Salmon
23 Brook Wild and Scenic Study Committee prepared
24 the Lower Farmington River and Salmon Brook
25 Management Plan, June 2011, that establishes ob-
26 jectives, standards, and action programs that will

1 ensure the long-term protection of the outstanding
2 values of the river segments without Federal man-
3 agement of affected lands not owned by the United
4 States;

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

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

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

20 (7) the Rainbow Dam and Reservoir are located
21 entirely outside of the river segment designated by
22 section 3 of this Act, and, based on the findings of
23 the study of the Lower Farmington River pursuant
24 to Public Law 109–370, this hydroelectric project
25 (including all aspects of its facilities, operations and

1 transmission lines) is compatible with the designa-
2 tion made by section 3 of this Act.

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 at the end the fol-
6 lowing new paragraph:

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

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

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

23 “(C) The approximately 2.4-mile segment
24 of the main stem of Salmon Brook extending
25 from the confluence of the East and West

1 Branches to the confluence with the Farm-
2 ington River as a recreational river.

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

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

13 **SEC. 4. MANAGEMENT.**

14 (a) IN GENERAL.—The river segments designated by
15 section 3 shall be managed in accordance with the man-
16 agement plan and such amendments to the management
17 plan as the Secretary determines are consistent with this
18 Act. The management plan shall be deemed to satisfy the
19 requirements for a comprehensive management plan pur-
20 suant to section 3(d) of the Wild and Scenic Rivers Act
21 (16 U.S.C. 1274(d)).

22 (b) COMMITTEE.—The Secretary shall coordinate the
23 management responsibilities of the Secretary under this
24 Act with the Lower Farmington River and Salmon Brook

1 Wild and Scenic Committee, as specified in the manage-
2 ment plan.

3 (c) COOPERATIVE AGREEMENTS.—

4 (1) IN GENERAL.—In order to provide for the
5 long-term protection, preservation, and enhancement
6 of the river segment designated by section 3 of this
7 Act, the Secretary is authorized to enter into cooper-
8 ative agreements pursuant to sections 10(e) and
9 11(b)(1) of the Wild and Scenic Rivers Act with—

10 (A) the State of Connecticut;

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

15 (C) appropriate local planning and environ-
16 mental organizations.

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

21 (d) LAND MANAGEMENT.—

22 (1) ZONING ORDINANCES.—For the purposes of
23 the segments designated in section 3, the zoning or-
24 dinances adopted by the towns in Avon, Bloomfield,
25 Burlington, East Granby, Farmington, Granby,

1 Hartland, Simsbury, and Windsor in Connecticut,
2 including provisions for conservation of floodplains,
3 wetlands and watercourses associated with the seg-
4 ments, shall be deemed to satisfy the standards and
5 requirements of section 6(e) of the Wild and Scenic
6 Rivers Act (16 U.S.C. 1277(e)).

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

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

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

1 Power ~~Act~~; ~~or~~ Act, provided that the Commission
 2 may, in the discretion of the Commission and con-
 3 sistent with this Act, establish such reasonable terms
 4 and conditions in a hydropower license for Rainbow
 5 Dam as are necessary to reduce impacts identified by
 6 the Secretary as invading or unreasonably dimin-
 7 ishing the scenic, recreational, and fish and wildlife
 8 values of the segments designated by section 3; or

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

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

18 **SEC. 5. FARMINGTON RIVER, CONNECTICUT, DESIGNATION**

19 **REVISION.**

20 Section 3(a)(156) of the Wild and Scenic Rivers Act
 21 (16 U.S.C. 1274(a)) is amended in the first sentence—

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

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

4 **SEC. 6. DEFINITIONS.**

5 For the purposes of this Act:

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

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

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