



FARMINGTON WILD AND SCENIC RIVER STUDY

Final Report

May 1995

Prepared by:
Division of Rivers and Special Studies
North Atlantic Regional Office
National Park Service
U.S. Department of the Interior

In cooperation with:
The Farmington River Study Committee

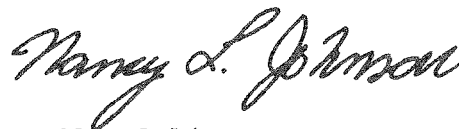


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Dedication

I am pleased to dedicate this seminal report to the honored memory of my late colleague, Representative Silvio Conte, who represented the First District of Massachusetts from 1959 to 1991. His tireless efforts to preserve the headwaters of the Farmington River, and his work to protect the Connecticut River and the many other natural resources that bless New England, leave us a legacy of which his family and friends can be proud.

The significance of this report and the underlying study cannot be diminished. Years of effort have gone into this comprehensive endeavor, and the unique, multi-dimensional strategy of protection that it prescribes for the West Branch and main stem of the Farmington River in Connecticut should lead to the successful protection of many other private land rivers. I am proud to have played a role in this project and commend it to you with great satisfaction.



Nancy L. Johnson
Member of Congress
Sixth District — Connecticut



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Companion Documents

The following documents were prepared and distributed during the Farmington Wild and Scenic River Study. They provide detailed descriptions of specific components of the study, and serve as supporting documents to this report.

Copies are available from: Division of Rivers and Special Studies
North Atlantic Region, National Park Service
15 State Street, Boston, MA 02109
(617) 223-5131

- Draft Eligibility and Classification Report (August, 1989)
- Draft Evaluation of Existing Protection (June, 1990)
- An Instream Flow Study of the Mainstem and West Branch of the Farmington River (June, 1992)
- Upper Farmington River Management Plan (April 29, 1993)

ABBREVIATIONS AND ACRONYMS

CCC	Civilian Conservation Corps	FVHD	Farmington Valley Health District
CEPA	Connecticut Environmental Policy Act	FWS	United States Fish and Wildlife Service
CFR	Code of Federal Regulations	IFIM	Instream Flow Incremental Methodology
cfs	Cubic feet per second	IWSP	Individual Water Supply Plan
C.G.S.	Connecticut General Statute	MassDEP	Massachusetts Department of Environmental Protection
CMR	Code of Massachusetts Regulations	MDC	Hartford Metropolitan District Commission
DEM	Massachusetts Department of Environmental Management	MEPA	Massachusetts Environmental Policy Act
DEP	Connecticut Department of Environmental Protection	mgd	Million gallons per day
DOHS	Connecticut Department of Health Services	M.G.L.	Massachusetts General Law
EA	Environmental Assessment	NEPA	National Environmental Policy Act
EIE	Environmental Impact Evaluation	NFIP	National Flood Insurance Program
EIR	Environmental Impact Report	NPDES	National Pollution Discharge Elimination System
ENF	Environmental Notification Form	NPS	National Park Service
EOEA	Massachusetts Executive Office of Environmental Affairs	OPM	Connecticut Office of Policy and Management
EPA	United States Environmental Protection Agency	P.L.	Public Law
FRAA	Farmington River Anglers Association	TMA	Trout Management Area
FRC	Farmington River Club	UMass/ WRRC	University of Massachusetts' Water Resources Research Center
FRCC	Farmington River Coordinating Committee	USGS	United States Geological Survey
FRSC	Farmington River Study Committee	WUA	Weighted Usable Area
FRWA	Farmington River Watershed Association	WUCC	Water Utility Coordinating Committee

This document presents the results of the Farmington Wild and Scenic River Study, authorized by Public Law 99-590 (October 30, 1986) and encompassing two segments of the upper Farmington River in Massachusetts and Connecticut. The report summarizes the extensive information assembled during the project, the numerous actions taken to protect the river, and the comprehensive management plan that was prepared to ensure the long-term protection of the Connecticut Study Segment. It also presents findings on the eligibility and suitability of the two study segments for National Wild and Scenic River designation, along with the final recommendations regarding designation of each of the segments made by the Farmington River Study Committee, a special advisory committee created by the authorizing legislation.

Typically, the study report is prepared prior to a final decision by Congress and the President on whether the river area in question should be designated into the National Wild and Scenic Rivers System. In these instances, the report serves as a tool to assist in the decision-making process. In the case of the Farmington River Study, that normal progression did not occur. While this report was being prepared, legislation to designate the Connecticut Study Segment was passed by Congress and, on August 26, 1994, was signed into law by President Clinton. This document, therefore, is intended primarily to provide a thorough record of the study process, both for those who will be involved in managing the river post-designation and for those on other rivers who may be interested in the Farmington River Study as a model for their own efforts.

DISTINGUISHING FEATURES OF THE STUDY STRATEGY

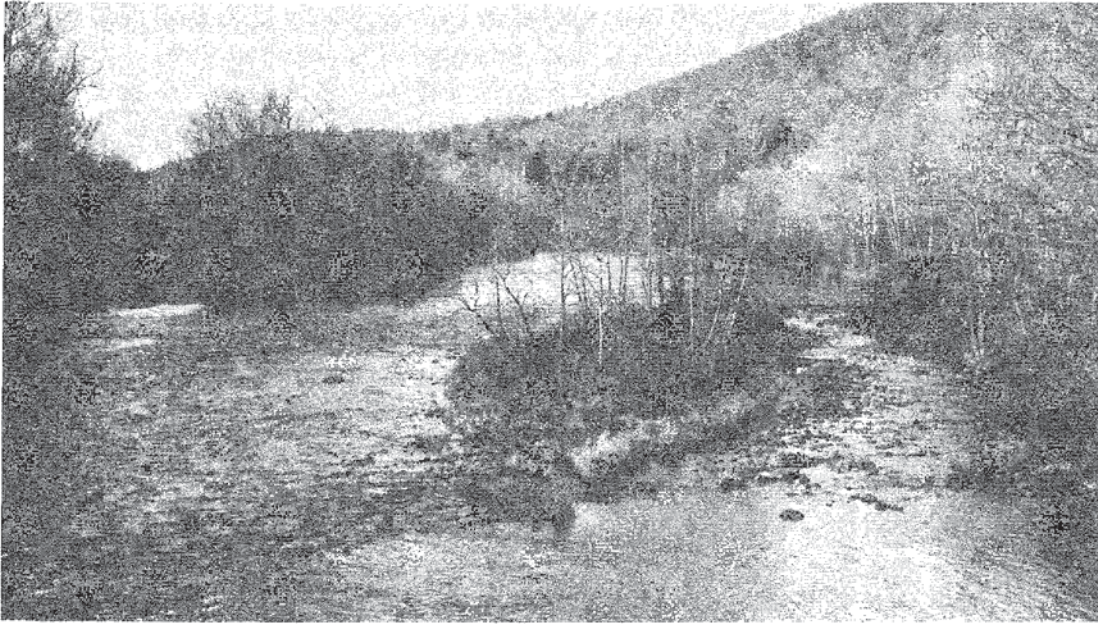
In response to the particular circumstances of the study area and the history of limited success in applying the Wild and Scenic Rivers Act to rivers flowing through private lands, a nontraditional grassroots strategy was employed for the Farmington River Study. Key elements of that strategy include the following:

- **Bottom-up Planning Guided by a Representative Advisory Committee:** Rather than having federal representatives dominate the study team and planning process, the Farmington River Study Committee was given the lead role. The Study Committee served as the primary decision-maker, and spearheaded an extensive effort to obtain the broadest possible public involvement throughout the project. Staff from the National Park Service (NPS) played a support role, providing technical and administrative assistance and facilitation to the Study Committee.
- **Federal Land Acquisition and Land Management Not an Option:** Because fears of a federal takeover had derailed so many previous efforts to protect private land rivers through Wild and Scenic River designation, federal land acquisition and land management were eliminated from consideration at the outset of the Farmington River Study. Congressional sponsors of the project gave clear guidance on this issue during initial legislative hearings, providing critical reassurance to local residents that the study would not result in an unwanted federal presence in the Farmington Valley.
- **Relying on Local, Regional, State and Private Actions to Protect the River Corridor:** Instead of the traditional dependence on federal land acquisition as a primary mechanism to protect the river corridor, the Farmington River Study focused on encouraging those who have had long-standing responsibility for management of the corridor — namely, riverfront landowners, the local

communities, regional authorities, state agencies, and private organizations — to take the actions needed to ensure compatible management of lands along the river.

The strong protection from adverse water resource projects available only through Wild and Scenic River designation was used as an incentive to motivate these interests to provide comparably strong protection to the land resources under their jurisdiction. This incentive-based approach contrasts sharply with the threat of potential federal land condemnation that traditionally has been used to motivate local communities along designated private land rivers to provide compatible shorelands management.

- **Implementing Actions to Protect the River During the Study:** In past Wild and Scenic River studies, little effort has been made to pursue implementation of actions to strengthen river protection during the study period. Instead, implementation typically has been left until after designation, when the federal managing agency usually has the authority to acquire land as a way of ensuring protection if the local communities are unwilling or unable to do so themselves. The Farmington River Study reversed that pattern by encouraging the local communities, state agencies, landowners and others to take actions to protect the river during the study, prior to designation.
- **Addressing Resource Allocation Controversies Through Cooperative Scientific Analysis:** In response to a long-standing controversy about the impacts of possible future water supply withdrawals from the river, the Farmington River Study Committee initiated a comprehensive scientific examination of the issue. The resulting “instream flow study” was carried out through an open, cooperative process, and was overseen by a working group with representatives from all of the major interests. In order to maximize objectivity, independent consultants that were agreed to by all members of the working group were hired to perform the study.



A view of the upper Farmington River and surrounding hillsides from the Route 318 bridge in Pleasant Valley, Connecticut.

- **Long-term Management Based on a Cooperative Partnership:** As on most private land rivers, authority over the various aspects of river management on the Farmington River is shared among many different entities, with no single entity playing a truly dominant role. This being the case, the Study Committee recognized that effective long-term management of the river could only be achieved through a cooperative partnership involving all of the major parties with a stake in its future — local and state government, riverfront landowners, regional authorities, private organizations, recreationists, and others. The Study Committee also acknowledged that if the river ultimately was to be designated as a Wild and Scenic River, the federal government would have important responsibilities as a member of that partnership. However, it was agreed that the federal role could not, and should not, be the dominant one of primary manager that had typified most designations over the history of the Wild and Scenic Rivers System.
- **Preparing a River Management Plan During the Study:** In sharp contrast to previous Wild and Scenic River Studies, the Farmington River Study concentrated on the preparation of a comprehensive management plan during the study, prior to a final decision on whether to pursue Wild and Scenic River designation. The number of interests and jurisdictions involved and the firm opposition to a major federal presence made it essential to define up front what the roles, responsibilities, and authorities of the various interests — including the federal government — would be if the river was to be designated. The study participants agreed that, without such an understanding, it would be difficult, if not impossible, to reach consensus on designation. The group also recognized that a compre-

hensive management plan was needed regardless of whether the river was ever made part of the national system.

- **Local Control in the Final Recommendation Regarding Designation:** One of the most frequent concerns among riverfront communities is that a Wild and Scenic River Study will lead inevitably to designation, even if the local people oppose that outcome. To alleviate this concern, it was made clear from the outset of the Farmington River Study that each of the affected towns would be asked to make a formal decision about designation, and that designation would be recommended to Congress only if the communities supported it.

These principal features of the study strategy are discussed in greater detail in **Sub-Section 1.3.1: Special Considerations for the Farmington River Study**.

MAJOR ACCOMPLISHMENTS

Using the nontraditional grassroots strategy described above, the Farmington River Study Committee and the National Park Service worked cooperatively to: (1) evaluate whether the study segments met the requirements for inclusion in the Wild and Scenic Rivers System; (2) develop a river management plan; and (3) determine whether a consensus could be reached about pursuing designation. Over the course of those efforts, remarkable progress was made in resolving controversial river management issues and achieving tangible conservation results. The most significant achievements include:

- **Evaluation of Existing Protection:** To determine what additional actions, if any, might be necessary to ensure compatible management of the river corridor, the Study Committee and the NPS conducted a comprehensive



analysis to determine how well the study segments were protected by preexisting measures. Three primary protection mechanisms were evaluated: (1) the amount of riverfront land protected through public or private conservation ownership; (2) the strength of existing local, state, and federal laws and regulations; and (3) physical characteristics that limit potential development (steep slopes, wetlands, parallel roads, etc.).

The evaluation concluded that the segments were generally well protected, in part because of the large tracts of adjacent public conservation land (particularly along the Connecticut Study Segment). Regulations covering adjacent private lands were found to provide additional strong protection, especially from water quality degradation; however, the natural integrity of the immediate shorelands was determined to be somewhat vulnerable to degradation from inappropriate development.

The complete report of this analysis, entitled the Draft Evaluation of Existing Protection (June, 1990), is published separately as a companion to this report.

- **Local Adoption of Strong Shorelands Zoning Ordinances:** Recognizing the need to provide additional protection to the river's immediate shorelands, all four towns abutting the Connecticut Study Segment (Hartland, Barkhamsted, New Hartford, and Canton) and the Town of Tolland, Massachusetts, each drafted and adopted a local "river protection overlay district." The ordinances adopted by the Connecticut towns prohibit new structures, new septic systems, and sand and gravel extraction within 100 feet of the river, and establish strict limits on vegetation removal in that area. The Tolland bylaw prohibits new structures and sand and gravel extraction within 200 feet of the river or the 100-year floodplain. It also establishes a 50-foot no-cut zone, limits vegetation cutting in the area from 50-200 feet from the river, and requires new septic systems to be setback at least 150 feet.
- **State Land Acquisition:** Both the Commonwealth of Massachusetts and the State of Connecticut acquired critical pieces of riverfront land during the study. The Massachusetts Department of Environmental Management purchased two parcels totalling 467 acres and approximately 8,600 feet of river frontage, for a combined cost of \$1.1 million. The Connecticut Department of Environmental Protection also purchased two important parcels, encompassing 123 acres and roughly 3,000 feet of river frontage, at a cost of \$325,000.
- **Private Conservation Initiatives:** In addition to local and state actions, private organizations in the Farmington Valley initiated a number of significant efforts to help protect the river:
 - The Farmington River Watershed Association (FRWA) launched a diversified program to stimulate land conservation throughout the Farmington Valley. The program includes: (1) pursuing voluntary

conservation of private lands through conservation easements and other options; (2) advocating for and facilitating the public purchase of critical parcels; (3) working with town governments to strengthen local regulatory measures; and (4) participating in the public review of development proposals that could adversely affect the river.

- Several organizations, including the FRWA, the Farmington River Anglers Association (FRAA), and the Farmington River Club (a boating group), sponsored annual river cleanups as a way to stimulate public participation and achieve on-the-ground improvements to the quality of the river corridor. From 1991 to 1993, the FRWA alone drew a total of almost 1000 people to these events throughout the watershed, about 300 of whom focused their efforts in the Wild and Scenic River Study area.
- In cooperation with the U.S. Soil Conservation Service and the Town of Barkhamsted, the FRAA initiated a streambank stabilization effort that emphasized revegetation as an alternative to structural techniques.
- **Community Support for Wild and Scenic River Designation:** Given the commitment to local control in the final recommendation about Wild and Scenic River designation, each of the communities in the study area was asked to make a formal decision on the issue. In the long-standing tradition of small-town New England, these decisions were made by the local townspeople at official "town meetings." All five of the Connecticut towns voted overwhelmingly in favor of designation. The three towns bordering the Massachusetts Study Segment also voted to support designation initially, but later rescinded those votes following a rancorous campaign by opponents of designation.
- **Instream Flow Study:** As mentioned previously, the Study Committee initiated a cooperative "instream flow study" in an attempt to resolve the historical controversy over the potential impacts of future water supply withdrawals on the Connecticut portion of the river. The study was designed to provide information on two fundamental questions: (1) What flows are needed to maintain the Farmington River's fisheries, recreation, and scenic values?; and (2) Is there sufficient water in the Farmington basin under different rainfall conditions to allow for limited withdrawals without adversely affecting those resources? Answers to those questions were needed to determine whether any withdrawal could be compatible with Wild and Scenic River designation.

The Instream Flow Study incorporated a number of important assumptions that must be considered when analyzing its final results. Keeping these assumptions in mind, the study's overall conclusion was that there appears to be sufficient water on an annual basis to provide for all

resource needs and uses, including maintaining historical levels of fisheries habitat and recreational opportunity in conjunction with potential limited withdrawals for water supply. This “win-win” scenario provided the foundation for resolving the intense controversy over potential withdrawals, and created an opportunity to achieve a unanimous consensus of support for Wild and Scenic River designation of the Connecticut Study Segment.

The final report of the Instream Flow Study, entitled An Instream Flow Study of the Mainstem and West Branch of the Farmington River (June, 1992), is published separately as a companion to this report.

- **Completion and Adoption of the Upper Farmington River Management Plan:** The capstone of the study process was the completion and adoption of the Upper Farmington River Management Plan. The Plan, which focuses primarily on the Connecticut Study Segment,* was prepared by the Study Committee with assistance from the National Park Service. It presents a vision for the long-term protection of the river’s outstanding values through compatible management of its land and water resources, and is founded on the following principles:

- Resource conservation should be fully integrated with traditional patterns of use, ownership, and jurisdiction.
- River management should be accomplished through cooperation among all public and private organizations with an interest in the river.
- Long-term resource protection should rely on existing programs and authorities rather than on new layers of bureaucracy.
- In the implementation of Wild and Scenic River designation, the federal government should act as a partner in river management rather than the primary manager.

The Management Plan established strong, detailed standards for resource protection, and identified a range of actions — many of which have already been implemented — to achieve those standards. The Plan also established an administrative framework to ensure its implementation, and created the “Farmington River Coordinating Committee” (FRCC) as a successor to the Study Committee. The FRCC’s purpose will be to stimulate continued cooperation and coordination among the major players in river management, and to provide a

* The Upper Farmington River Management Plan concentrated on the Connecticut Study Segment because, at the time the Plan was prepared, the Connecticut study towns had demonstrated strong support for both river protection and for Wild and Scenic River designation. A comparable amount of time and energy was not expended to prepare a comprehensive management plan for the Massachusetts Study Segment because of the lack of local support in the Massachusetts towns at that time.

forum for all river interests to discuss and resolve issues.

In addition, the Plan incorporated several specific provisions designed to safeguard the interests of riverfront landowners and the adjacent communities and to make clear that Wild and Scenic River designation will not result in unwelcome federal control of the Farmington Valley. Those provisions included the following:

- There will be no federal land acquisition (through condemnation or otherwise) in conjunction with designation.
- There will be no federal management of non-federal lands. Private lands along the river will continue to be managed by their owners in accordance with local land use regulations.
- The river area will not become a national park and will not be subject to the federal regulations that govern the national park system.
- No new federal permits will be required as a result of designation.

At its final meeting on April 29, 1993, the Study Committee voted unanimously to “adopt the Upper Farmington River Management Plan as providing a balanced approach to long-term protection and use of the Farmington River.” Completion of the Plan marked the first time in the history of the Wild and Scenic Rivers System that a comprehensive management plan had been prepared during the study period, prior to designation. Together with the Instream Flow Study, the development of the Management Plan provided the foundation for achieving a unanimous consensus of support for Wild and Scenic River designation.

The final version of the Upper Farmington River Management Plan is published separately as a companion to this report.

PRINCIPAL FINDINGS AND RECOMMENDATIONS

MASSACHUSETTS STUDY SEGMENT

Eligibility

The Massachusetts Study Segment was found to be eligible for designation based on its free-flowing condition and its outstanding resource values. These values include recreation (regionally exemplary white water boating opportunities) and wildlife (regionally exemplary peregrine falcon habitat).

Classification

The segment was determined to be appropriate for “recreational” classification due to the level of human activity/development in the river corridor and the accessibility to the river from adjacent roads and bridge crossings.

Suitability

The Massachusetts Study Segment was found to be not suitable for designation at this time for the following reasons:

- With the exception of Tolland, existing regulations, programs, and other measures do not fully protect the natural integrity of the river's immediate shorelands;
- The three communities (Otis, Sandisfield, and Tolland) that directly abut the segment have not passed town meeting votes supporting Wild and Scenic River designation; and
- No formal management framework currently exists that would bring the major parties with an interest in the Massachusetts segment together to work cooperatively for its long-term protection and management.

The segment could become suitable if these inadequacies are rectified at some point in the future.

Farmington River Study Committee Recommendation on Designation

At its final meeting on April 29, 1993, the Farmington River Study Committee passed by unanimous vote a motion that included the following passage: "...be it resolved...that, in the absence of town votes supporting designation, no action be taken regarding a recommendation for the designation of the Massachusetts section of the river."

CONNECTICUT STUDY SEGMENT

Eligibility

The Connecticut Study Segment was found to be eligible for designation based on its free-flowing condition and its

outstanding resource values. These values include recreation (a regionally unique combination of recreation opportunities), fish (regionally exemplary habitat for trout and Atlantic salmon), wildlife (regionally unique bald eagle habitat), and historic resources (regionally exemplary historic and archaeological sites).

Classification

The segment was determined to be appropriate for "recreational" classification due to the level of human activity/development in the river corridor and the accessibility to the river from adjacent roads and bridge crossings.

Suitability

The Connecticut Study Segment was found to be suitable for Wild and Scenic River designation, without the need for any federal land acquisition or land management. This finding is based on the following:

- **Protection:** The segment is well protected through existing mechanisms, particularly the River Protection Overlay Districts adopted by all four adjacent communities and the high percentage of adjacent public conservation lands;
- **Support:** There is broad-based support for designation among the many parties involved in river use and management;
- **Management:** The Upper Farmington River Management Plan provides a comprehensive framework for the long-term protection and management of the segment; and
- **Effects:** Designation will provide a variety of important benefits, will entail very modest costs relative to those benefits, and will not have significant negative effects.



Among its many values, the Farmington River offers opportunities for solitude, relaxation, and recreation away from the pressures of modern life.



In addition to the overall suitability finding, the study produced three other important findings related to protection and management of the Connecticut Study Segment:

- (1) The zoning ordinances — particularly the River Protection Overlay Districts — adopted by the four riverfront towns provide unusually strong and consistent protection for the river and its shorelands. Those ordinances, therefore, satisfy the standards and requirements of Section 6(c) of the Wild and Scenic Rivers Act, which precludes the potential for land condemnation by the federal government in situations where the communities involved have adequate zoning in place to protect the river.

This is the first time in the history of the Wild and Scenic Rivers System that the requirements of Section 6(c) have been met through local zoning ordinances adopted prior to designation.

- (2) The Upper Farmington River Management Plan satisfies Section 3(d) of the Wild and Scenic Rivers Act, which requires the preparation of a comprehensive management plan.

This is the first time in the history of the Wild and Scenic Rivers System that the Section 3(d) requirement has been met with a management plan prepared during the study period, prior to designation.

- (3) Because the Connecticut Study Segment was found eligible for Wild and Scenic River designation based on the existing flow regime downstream of the Colebrook and Goodwin Dams and Hydroelectric Projects, the continued operation of those facilities is compatible with the protection of the river and with designation.

Farmington River Study Committee Recommendation on Designation

At its final meeting on April 29, 1993, the Farmington River Study Committee passed by unanimous vote a motion that included the following passage:

Be it resolved that: The Farmington River Study Committee recommend to the United States Congress that the Farmington River, from immediately below the Goodwin Dam and Hydroelectric Project in Hartland, Connecticut to the downstream end of the New Hartford/Canton, Connecticut town line, be designated into the National Wild and Scenic Rivers System in accordance with the spirit and provisions of the Upper Farmington River Management Plan.

DESIGNATION OF THE CONNECTICUT SEGMENT

Following completion of the Upper Farmington River Management Plan and the Study Committee's vote recommending designation of the Connecticut Study Segment, Congresswoman Nancy Johnson and Senator Joseph

Lieberman of Connecticut introduced legislation in their respective chambers of Congress to designate the river. After hearings before the relevant subcommittees, an amended version of the bill was passed by both the House of Representatives and the Senate. On August 26, 1994, President Clinton signed Public Law 103-313, designating the upper Farmington River in Connecticut into the National Wild and Scenic Rivers System. The legislation cements the grassroots principles upon which the study and the Management Plan were founded, and ensures that the interests of the many parties that share a stake in the future of the river will be fully integrated in the implementation of designation.

ORGANIZATION OF THIS REPORT

Chapter 1 provides background on the Wild and Scenic Rivers Act and the Farmington River Study.

Chapter 2 contains a description of the character and resources of the Farmington River study segments and the surrounding area.

Chapter 3 presents the methodology and findings of the eligibility and classification analyses, two of the formal requirements of the study process.

Chapter 4 summarizes the many laws, regulations, programs, agreements, and physical characteristics that currently affect the management and protection of the two study segments.

Chapter 5 describes two important water resources studies that were conducted: a review of the future water supply needs of the greater Hartford, Connecticut area; and the comprehensive "instream flow study" of the study segments.

Chapter 6 discusses the extent of support demonstrated during the project for Wild and Scenic River designation of each of the study segments.

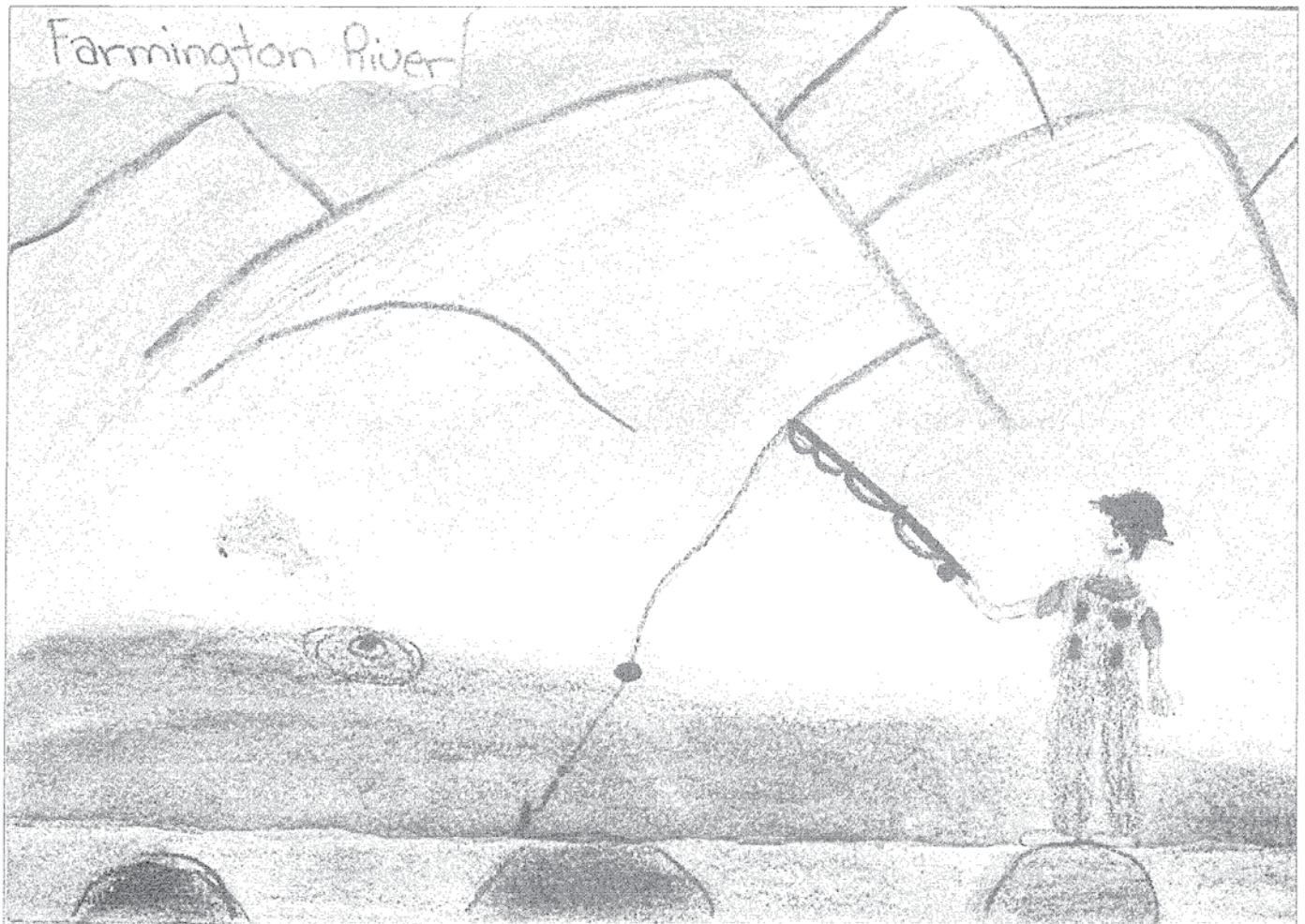
Chapter 7 provides a summary of the Upper Farmington River Management Plan, the comprehensive river management plan for the Connecticut Study Segment that was prepared in the latter stages of the study.

Chapter 8 presents the methodology and findings of the suitability analysis, the other formal requirement of the study process.

Chapter 9 recaps the study's major findings, presents the final recommendations of the Farmington River Study Committee, and provides general recommendations regarding future management of the river.

The "Postscript" summarizes the legislative process that culminated with the designation of the Connecticut Study Segment into the National Wild and Scenic Rivers System.

The report ends with a list of references, acknowledgments, and appendices, which present background information related to various aspects of the project.



CHAPTER I: INTRODUCTION AND BACKGROUND

Drawings and writings about the Farmington River shown on the chapter dividers throughout this report are courtesy of the 1990-91 fifth grade class of the Barkhamsted Elementary School.

Everyday many people use the Farmington River for tubing, canoeing, fishing and many other things. The Farmington River means a lot to the people of Barkhamsted. The water in the river is not polluted and its not crystal clear either, but I think you get the picture. The Farmington River is an important part of the people in Barkhamsted and Barkhamsted itself.

Mandie Maher

This chapter provides an introduction to the Wild and Scenic Rivers Act and the Farmington River Study. It includes a review of the project's history, the study strategy and process, the principal participants, the major issues identified at the project's outset, and the broad goals that were developed to guide the effort.

1.1 BACKGROUND ON THE WILD AND SCENIC RIVERS ACT

1.1.1 HISTORY AND POLICY

Enacted in 1968, the National Wild and Scenic Rivers Act (P.L. 90-542, as amended) was created to balance long-standing federal policies promoting construction of dams, levees, and other river development projects with one that would permanently preserve selected rivers, or river segments, in their free-flowing condition. Section 1(b) of the Act states:

It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.

The original Act designated eight rivers into the National Wild and Scenic Rivers System, and specified two processes by which other rivers could be added to the system. The more frequently used of these involves a legislative designation through an Act of Congress, often following a formal study process that is also authorized by Congress. The second approach involves an administrative designation by the Secretary of the Interior, following a formal application for designation from the governor of the state through which the river flows and provided that the state has already included the river in its own protected rivers system. The study and designation process used for the Farmington River is an example of the former — that is, the legislative or “congressional” route.

As of December, 1994, one hundred fifty rivers or river segments totalling 10,734 miles had been included in the national system. Of the designated segments, only three in addition to the Farmington are located in New England: the Allagash in Maine; the Wildcat in New Hampshire; and the Westfield in Massachusetts.

Each river designated into the national system receives permanent protection from federally licensed or assisted dams, diversions, channelizations and other water projects that would have a direct and adverse effect on its free-flowing condition and special resources.¹ The Wild and Scenic Rivers Act explicitly prohibits any new dam or other project licensed by

the Federal Energy Regulatory Commission (FERC) on or directly affecting a designated river segment, and requires that all other proposed federally assisted water projects in the area be evaluated for their potential impacts on the river's special features. Any project that would result in adverse effects to the designated segment is precluded under the Act.

This same protection is provided on a temporary basis for rivers that are under formal, legislatively authorized study for potential addition to the national system. The interim protection remains in place from the date of study authorization until Congress makes a decision on whether or not to designate the river into the national system, or until three years after a final study report is transmitted to Congress by the President, whichever comes first.

1.1.2 REQUIREMENTS FOR DESIGNATION

For a river to be designated into the National Wild and Scenic Rivers System, it must be found both “eligible” and “suitable.” To be eligible, the river must be free-flowing and possess at least one “outstandingly remarkable”² resource value, such as high quality scenic values, recreational opportunities, geologic features, fisheries and wildlife, historic sites or cultural resources. Rivers that are found eligible then are given a proposed classification as either “wild,” “scenic,” or “recreational,” depending on the amount of development and human presence along the river.

Determining whether a river is suitable for designation is more complicated than the relatively straightforward resource assessment required to evaluate eligibility. Essentially, suitability is an evaluation of first, whether an eligible river would be an appropriate addition to the national system, and second, whether Wild and Scenic designation is an appropriate element of long-term management for the river. In other words, does Wild and Scenic designation make sense for the river in question? For rivers flowing through predominantly private lands and for which federal land acquisition and land management are not envisioned as part of the long-term management scenario, there are several distinct issues that must be addressed in the suitability analysis. These include:

- **Protection:** Are there adequate mechanisms in place to provide lasting protection for the river's outstanding values without the need for federal land acquisition and management (if those existing mechanisms are complemented by the instream protection provided by Wild and Scenic River designation)? These protective mechanisms may in-

¹ The term “federally assisted” includes projects requiring any type of license, permit, grant, loan, or other assistance from the federal government.

² Rather than repeat this legal phrase throughout the text, we will simply use the term “outstanding.”

clude local, state, and federal laws and regulations; land owned by individuals, governmental bodies or private organizations that is legally dedicated for conservation purposes; and either natural limitations (e.g., adjacent wetlands or steep slopes) or man-made features (e.g., roads and railroad corridors) that create physical barriers to shoreland development.

- **Support:** Is there demonstrated support for river protection and for Wild and Scenic designation, as well as a commitment to participate in long-term management, among the major river interests (e.g., adjacent communities, state government, elected officials, conservation organizations, regional authorities, and river users)?
- **Management:** Is there an existing or proposed management framework that will bring those key river interests together to work toward the ongoing protection of the river?
- **Effects:** What would the effects of designation be? Or, more specifically: What uses of the associated land and water base could be enhanced, foreclosed, or curtailed with designation? What would the costs of designation be, particularly to the local, state, and federal governments? Would designation provide clearly definable public benefits? Is the protection afforded by designation needed, or are there other ways to protect the river that might be more appropriate? Would designation have any significant negative effects?

The requirements and criteria for eligibility and suitability are described in greater detail in Chapter 3: Eligibility and Classification, and Chapter 8: Suitability.

1.1.3 USING THE ACT TO PROTECT RIVERS ON PRIVATE LANDS

The Wild and Scenic Rivers Act was initially envisioned primarily as a tool to protect outstanding rivers on public lands in the western United States. Prior to its enactment, however, there was a recognition in Congress that the system should be broad and flexible enough to include rivers flowing through private lands, as do most streams in the East and certain other parts of the country. Thus, when the Act was passed in 1968, it included provisions designed to accommodate so-called "private land rivers."

Yet in the twenty-six years since its establishment, the Wild and Scenic Rivers System has had only limited success in protecting private land rivers. Of the one hundred fifty rivers designated into the national system, fewer than twenty are bordered predominantly by private lands. Many other outstanding private land rivers have been studied and found eligible for federal protection, but have not been designated. Still others have not even reached the study stage. There are a number of factors that have contributed to this poor track record, but the overriding one is the recurrent concern of landowners and local residents that designation may result in heavy-handed federal control or an actual takeover of the river corridor.

Despite that troubled history, encouraging progress has been made in recent years in the Northeast. Beginning with the study and designation of New Hampshire's Wildcat River in 1988, a nontraditional grassroots approach to the study process began to emerge that responded to the often-encountered local concerns. This strategy continued to evolve in the studies of New Jersey's Great Egg Harbor and Maurice Rivers, which were designated in 1992 and 1993, respectively.

The Farmington River Study represents the next step in the evolution of this new, nontraditional approach to the study and designation process. As in the successful precedents mentioned above, the strategy used on the Farmington was based on the recognition that private land rivers involve different challenges than public land rivers, and therefore require a fundamentally different approach. The specific features that distinguish the Farmington strategy are described in detail in Section 1.3: Study Strategy and Process.

1.2 BACKGROUND ON THE FARMINGTON RIVER STUDY

1.2.1 STUDY AUTHORIZATION

Local interest in a Wild and Scenic River Study of the Farmington River began in the early 1980's, when the Hartford Metropolitan District Commission, or MDC, (the utility that supplies water to about 400,000 people in the greater Hartford area) proposed a diversion from existing reservoirs on the river's West Branch to augment their supply. Local residents and town officials in the river valley and the Farmington River Watershed Association (FRWA) expressed concern that the proposed withdrawal would impact the river's special resources, particularly its fisheries, canoeing, kayaking, and scenic values. The diversion proposal was rejected in a 1981 referendum of the MDC's member towns, but anxiety about the project lingered in the Farmington Valley. At the same time, many residents of the area were becoming alarmed by the increasing rate of development along the river's banks and the potential threat that continued shoreline development could pose to the natural integrity of the river area.

In an attempt to address these concerns, the FRWA and towns along the river requested assistance from the National Park Service (NPS) in 1982 to evaluate the significance of the river's resources and recommend strategies for conserving and managing the river. The FRWA, the NPS, and the Connecticut Department of Environmental Protection (DEP) subsequently collaborated on a yearlong reconnaissance study of the river. That effort, summarized in the [Farmington River Study Final Report](#) (1984), concluded that (1) the Farmington River possessed a variety of significant resources, and (2) both local residents and government officials were concerned about conserving the quality of the river for the future. The report's principal recommendation was to develop a management plan that would "establish a regional cooperative partnership between



Despite its proximity to major population centers of the Northeast, the Farmington River corridor retains a largely undeveloped, natural character.

all levels of government and private groups and individuals to develop explicit and integrated policies for the future use and management of the Farmington River corridor.”

As a result of that study and growing interest in adding federal protection to local and state efforts to protect the river, Connecticut Congresswoman Nancy Johnson introduced legislation in 1984 to have the West Branch of the Farmington studied for potential inclusion in the National Wild and Scenic Rivers System. The legislation was intended not only to initiate an evaluation of whether the river would qualify for national designation, but also to stimulate a cooperative planning process among all river interests to conserve the river's critical resources.

On October 30, 1986, the Farmington Wild and Scenic River Study Act (P.L. 99-590) was signed into law, authorizing the study of two segments of the upper Farmington River: an 11-mile stretch of the West Branch in Massachusetts, extending from Hayden Pond in Otis downstream to the confluence with Thorp Brook in Sandisfield;³ and a 14-mile stretch of the West Branch and mainstem in Connecticut, extending from the base of the Goodwin Dam in Hartland downstream to the southern extent of the New Hartford/Canton town line. (See Map 1-1.) The authorizing legislation is included in Appendix A.

1.2.2 THE FARMINGTON RIVER STUDY COMMITTEE

In authorizing the study, Congress recognized that a wide range of interests shared a stake in the future of the Farmington and needed to be directly involved in the project. As a result, Congress created a special advisory committee, the Farmington River Study Committee, to represent those varied interests and

³ Subsequent analysis revealed that the Massachusetts segment is actually closer to 14 miles long.

to work with the National Park Service in conducting the study. The Study Committee consisted of seventeen members, including representatives of the eight towns bordering the two study segments,⁴ the Farmington River Watershed Association, the Hartford Metropolitan District Commission, the Commonwealth of Massachusetts, the State of Connecticut, and the Secretary of the Interior.

Early on, the Study Committee decided to channel the bulk of its work into three subcommittees:

(1) The **River Eligibility Subcommittee**, which assisted the National Park Service in reviewing draft eligibility and classification findings and in determining whether each study segment was eligible for Wild and Scenic River designation.

(2) The **Water Resources Subcommittee**, which focused on water quality and quantity issues, and the development of management recommendations concerning those issues.

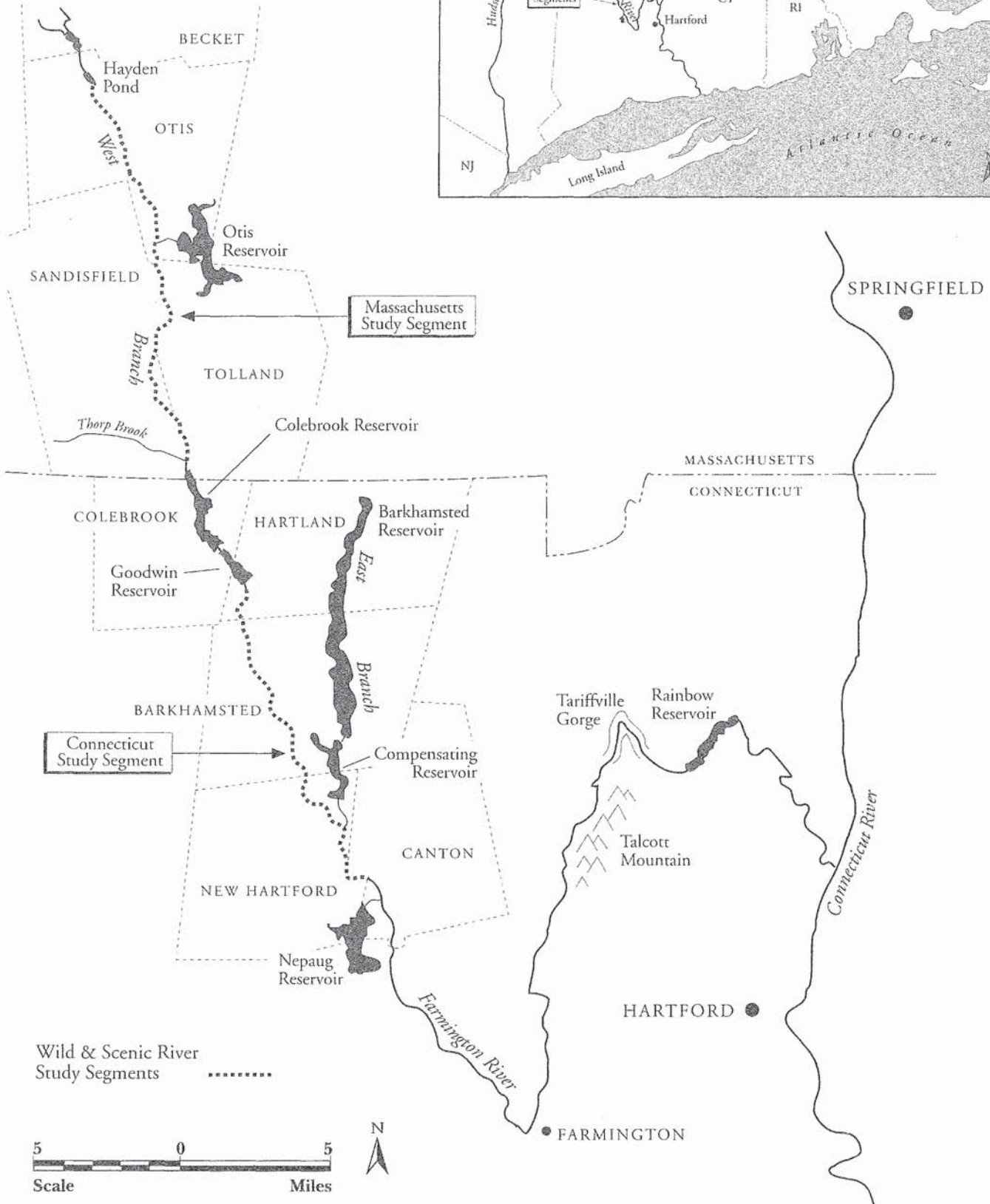
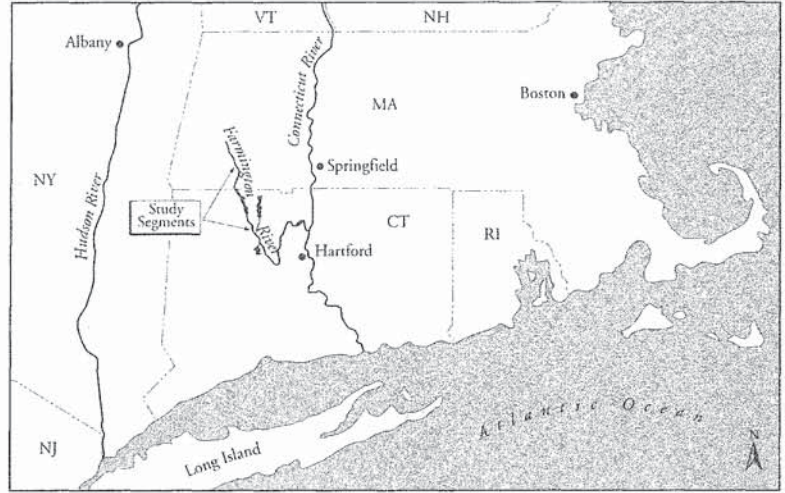
(3) The **River Conservation Planning and Public Involvement Subcommittee**, which concentrated on evaluating issues and developing recommendations related to the management of river corridor lands and river recreation. Because public involvement was recognized as being crucial to the success of the study, this subcommittee also developed and implemented strategies to involve the public in all phases of the process.

The Study Committee also established working groups to address certain technical issues. These groups, which generally consisted of staff members from several of the principal organizations involved in the project, provided analysis and recommendations for the consideration of the appropriate subcommittees and/or the full Committee.

The whole Study Committee met regularly (on average five times per year) from its first meeting in November, 1988 until May, 1992, with a final meeting in April, 1993. Subcommittee meetings were held as needed, with most meetings taking place during the first two years and the final year of the Committee's efforts.

⁴ The Study Committee included representatives from the Massachusetts towns of Becket, Otis, Sandisfield, and Tolland, and the Connecticut towns of Colebrook, Hartland, Barkhamsted, and New Hartford. The Town of Canton, which abuts the lower end of the Connecticut segment, was not officially included in the Study Committee in the authorizing legislation. However, on Canton's request, the Study Committee voted unanimously to add an unofficial representative of the town to its membership. The Town was an active and important participant throughout the study.

MAP 1-1: THE FARMINGTON WILD AND SCENIC RIVER STUDY AREA



The Study Committee and its working groups proved to be the crucial element in the study process. The Committee members, most of whom were volunteers, applied themselves to the project with dedication, energy and creativity for nearly six years. During that time, they were able to overcome antagonisms resulting from earlier controversies and work together — with each representing his or her own perspective and interest — to pursue improved protection for the river and mutually beneficial solutions to existing management issues. Without the Study Committee, the many accomplishments achieved during the study would not have occurred.



The Farmington River Study Committee — shown here at one of its many public meetings — was the focal point of the study process.

1.2.3 ROLE OF THE NATIONAL PARK SERVICE

The National Park Service was assigned by Congress to be the federal agency responsible for coordinating the Farmington River Study and preparing a final report. As a federal agency with no specific ties to the Farmington River, the Park Service was expected to perform two principal functions: first, to conduct an objective analysis of the river's eligibility and suitability for Wild and Scenic River designation; and second, to act as a catalyst in bringing together the major river interests to plan for the river's future. In doing this, the NPS relied on the Farmington River Study Committee for overall guidance and leadership. Thus, the Park Service's primary role was to provide technical assistance, staff support, and facilitation to the Study Committee and the interests represented on it.

1.3 STUDY STRATEGY AND PROCESS

1.3.1 SPECIAL CONSIDERATIONS FOR THE FARMINGTON RIVER STUDY

Because of both the unique circumstances of the Farmington River Valley and the troubled history of the Wild and Scenic Rivers System on private land rivers, the study process was tailored to incorporate a number of special considerations. The most significant of these are described below.

- **Strong Emphasis on Public Involvement:** Because of the broad range of individuals, organizations, and governmental bodies that share a stake in future of the Farmington River, an extensive public involvement program was developed as the cornerstone to the study process. In addition to being represented on the Farmington River Study Committee, the public was encouraged to participate in every aspect of the study through a variety of techniques:
 - * All meetings of the Farmington River Study Committee and its subcommittees were publicly advertised and open to public participation. These meetings were held at a variety of locations throughout the study area.
 - * Meeting notices and minutes of all Study Committee meetings were mailed to more than 500 individuals and groups.
 - * Town representatives on the Study Committee met frequently with elected and appointed officials from their communities to keep them informed about the project and seek their input.
 - * Several of the local representatives submitted written updates on the project to community newsletters.
 - * Study Committee members and project staff communicated frequently with reporters from the local and regional media in order to ensure accurate and ongoing coverage of the study.
 - * Two informational newsletters were published and distributed widely to interested parties.
 - * A series of four issue-identification workshops and a water management workshop were held to solicit direct public input early in the planning process.
 - * A three-part question-and-answer handout and a landowner and resident questionnaire were mailed to all 11,000 residents of the nine towns in the study area.
 - * A letter explaining the effects of Wild and Scenic River designation was sent to all voters in the three towns that directly abut the Massachusetts Study Segment.
 - * A major public forum, attended by more than 200 people, was held near the end of the study to present the proposed river management plan and receive comments from the public on it.
 - * Many other mailings, meetings, presentations and events were initiated to keep the public informed and actively involved throughout the study.
- **No Consideration of Federal Land Acquisition or Land Management:** In her testimony supporting the original study legislation for the Farmington River, Connecticut Congresswoman Nancy Johnson stated that "the traditional approach to river conservation, in which government acquisition and management of land are primary techniques, is not appropriate on the West Branch. Federal