

UPPER FARMINGTON RIVER MANAGEMENT PLAN

Prepared by the Farmington River Study Committee – April 29, 1993

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INTRODUCTION

The Upper Farmington River Management Plan articulates a vision for future management of the uppermost segment of the river in Connecticut and its adjacent lands. It also proposes complementary actions that might be taken upstream and downstream of this segment.

The plan was prepared as one component of the Farmington Wild and Scenic River Study authorized by Congress in 1986 through P.L. 99-590. The study covered two segments of the upper Farmington River – an 11 mile section of the West Branch in Massachusetts, and a 14 mile section of the West Branch and mainstem in Connecticut. The Connecticut segment is the focus of this management plan.¹ (See Map #1 at the end of this section.)

The study has been led by the Farmington River Study Committee, an advisory group created by Congress to represent the major interests in the study area. The Study Committee included representatives from the nine towns along the two segments, the Commonwealth of Massachusetts, the State of Connecticut, the Hartford Metropolitan District Commission (MDC), the Farmington River Watershed Association (FRWA), and the U.S. Department of the Interior. Staff assistance and funding for the project have been provided by the National Park Service (NPS).

Traditionally, a river management plan is prepared following national wild and scenic river designation. This plan, however, was prepared before any decision was made regarding whether to recommend designation. This approach reflects the fact that the Farmington River area encompasses a unique set of circumstances that requires a unique management response. Because of these circumstances, the Study Committee concluded that it would be impossible to consider the issue of designation without first knowing how the river would be managed following such designation. Furthermore, the Committee felt that a comprehensive management plan was needed regardless of whether the river was ever designated.

While the plan was prepared as part of the wild and scenic river study process, implementation of the plan's major actions is not dependent on designation. Indeed, many critical actions, including local adoption of riverfront zoning improvements, have already taken place. Those elements of the plan that are dependent on designation are clearly spelled out to distinguish them from the rest of the plan.

¹ As authorized for study by Congress, the Connecticut segment includes that portion of the West Branch and mainstem extending from immediately below the Goodwin Dam and Hydroelectric Project in Hartland to the downstream end of the New Hartford/Canton town line.

The Plan was not prepared in a vacuum. It represents months of concentrated attention on the part of the Study Committee and other contributors. A technical work group consisting of staff from the Connecticut Department of Environmental Protection (DEP), the MDC, the FRWA, and the NPS provided expertise and assistance in resolving several key issues. Each component of the plan was scrutinized to determine if it furthered the goals set forth by the Study Committee at the outset of the project and met the needs of the many interests involved. Inevitably there were differences of opinion. These were resolved through open dialogue at both the work group and sub-committee level. The plan is therefore a consensus document that has the confidence and support of all who participated in its preparation.

A summary of the draft plan was presented and discussed at an open public meeting in Barkhamsted on January 14, 1993. Over 200 local residents attended, and support for the plan was overwhelming. The public also was given the opportunity to provide input during a 30-day comment period immediately following the meeting.

The plan has six parts:

1. Approach to Resource Management: This section describes the basic philosophy that underlies the plan and presents the goals that guided development of the plan. It also describes how designation as a wild and scenic river would affect the river and the various interests involved in river management.

2. Administrative Framework: This section describes the organizational structure that is being proposed to oversee implementation of this plan and long-term protection of the river.

3. Resource Management: This section, by far the most extensive, is the main body of the plan. The section is divided into three primary parts: land resources, water resources, and outstanding resources. For each, the plan identifies actions that will be undertaken, objectives, and standards to guide these actions, and specific provisions that would take effect if the river is designated as a wild and scenic river.

4. Education and Outreach: This section identifies a number of activities that could be initiated to increase public awareness of the value of the river and techniques for managing it wisely.

5. Management of the Massachusetts Segment: This section describes how wild and scenic river designation of the Connecticut segment would affect the river in Massachusetts, and presents recommendations for management of the river in Massachusetts. It also identifies the steps that would need to be taken to obtain wild and scenic river designation for this portion of the river at any time in the future.

6. Downstream River Management: This section presents recommended actions that would help protect the lower portion of the river and complement the actions being taken further upstream.

The management plan is directed to local governments, the states of Connecticut and Massachusetts, federal agencies, public commissions and authorities, residents of the river corridor, river users, and others who care about the future of the upper Farmington River. All of these interests will have to work together if the river is to be protected and the plan's goals are to be achieved.

The management plan does not contain a prescription for every situation that could confront river managers. Instead, it provides a vision for the future of the river and a context for interpreting and acting on future events. The plan creates a specific mechanism – the Farmington River Coordinating Committee – to address future management issues.

(Farmington River map)

APPROACH TO RESOURCE MANAGEMENT

GOALS AND MANAGEMENT PHILOSOPHY

GOALS

In September 1989, the Farmington River Study Committee adopted a set of goals for future management of the upper Farmington River. These goals provided the foundation for the development of this management plan. They are as follows:

1. Conserve and enhance important land-based natural and cultural resources, including wildlife habitat, forests, diverse landscapes, and the scenic and historical character of the Farmington Valley.
2. Encourage effective management of river-related growth that will protect the river's special qualities, and that will emphasize existing local control and the rights of private property owners.
3. Balance the legitimate demands on the river for water supply, waste assimilation, energy production, and commercial and industrial uses, while maintaining stream flow and water quality necessary to sustain fisheries, recreation and scenic qualities at levels sufficient for wild and scenic river designation.
4. Manage river recreation to minimize resource degradation and impacts on private and public landowners, while providing for appropriate recreational use and public access.

These goals make it clear that, in the upper Farmington River Valley, resource protection and human activities are not separate issues, but always will be intertwined.

MANAGEMENT PHILOSOPHY

The above goals give direction as to what the management plan seeks to accomplish. Of equal concern is the issue of how these goals would be accomplished. Drawing upon their collective experience with resource management, and with the Farmington River area, the Study Committee defined a management philosophy to guide development of the plan. This philosophy incorporates the following basic elements:

1. Resource conservation should be fully integrated with traditional patterns of use, ownership, and jurisdiction.
2. River management should be accomplished through cooperation among all public and private organizations with an interest in the river.
3. Long-term resource protection should rely on existing programs and authorities rather than on new layers of bureaucracy.
4. Future management should be based on a cooperatively developed plan which establishes resource protection standards and identifies key actions.

This management philosophy is built on the assumption that, for the most part, existing river protection mechanisms are adequate to protect river resources. If a resource value has been protected by existing management, and if existing management seems adequate to address issues that can reasonably be expected to appear in the future, then the existing mechanism should be left alone. If the existing mechanisms could be improved or made more efficient by better coordination or enforcement, then this should be pursued. New or stricter regulations, or other actions, should only be undertaken when needed, not used as a primary management tool.

The Study Committee is firm in its resolve that this management plan must not pre-empt existing rights or management responsibilities. Rather, the plan should create a common vision for the future and an environment in which those concerned with the river can focus their collective energies on making this vision a reality.

WILD AND SCENIC RIVER CONSIDERATIONS

LEGISLATIVE GUIDANCE

The Wild and Scenic Rivers Act (P.L. 90-542, as amended) provides the legal foundation and overall guidance for the National Wild and Scenic Rivers System. The fundamental concepts that underlie this Act, and the elements of paramount importance for designation of the Farmington River, are described below.

Section 1(b) summarizes the intent of the Act:

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.

Section 10(a) specifies how designated rivers should be managed:

Each component of the national wild and scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration primary emphasis shall be given to protecting its esthetics, scenic, historic, archaeological, and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area.

Section 7(a) describes the specific protections provided to designated rivers:

The Federal Power Commission [Federal Energy Regulatory Commission] shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act...on or directly affecting any river which is designated...and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established...No department or agency of the United States shall recommend authorization of

any water resources project that would have a direct and adverse effect on the values for which such river was established...

RELATIONSHIP OF THE MANAGEMENT PLAN TO DESIGNATION

Section 3(d) of the Wild Scenic Rivers Act requires that a comprehensive river management plan be prepared for each river designated into the national system “to provide for the protection of the river values.” Furthermore, as described in Sec. 10(a) of the Act, management prescriptions can – and should – be tailored to meet the specific needs of the river in question. If the upper Farmington River is designated into the National Wild and Scenic Rivers System, it is the Study Committee’s intent that the authorizing legislation specify that this management plan will satisfy the requirement of Sec. 3(d) and, therefore, will constitute the official framework for future management of the river. As described in the **Administrative Framework** section, the plan will be subject to periodic review and updating by the representative coordinating committee that will be established.

SAFEGUARDS

The plan includes the following specific provisions to safe-guard the interests of landowners and others. These provisions are consistent with the direction provided by Congress in authorizing the Farmington Wild and Scenic River Study.

1. There will be no acquisition of lands by the federal government – through condemnation or otherwise – in conjunction with wild and scenic river designation.
2. There will be no federal management of non-federal lands. Private lands along the river will continue to be managed by their respective owners in accordance with local land use regulations. Non-federal public lands will continue to be managed by the agencies that own those lands.²
3. The river area will not become a national park and will not be subject to the federal regulations that govern units of the national park system.
4. No new federal permits will be required as a result of designation.

² The only existing federal lands near the segment are parcels administered by the U.S. Army Corps of Engineers around and above the Colebrook Reservoir.

NATIONAL PARK SERVICE ROLE

As this plan amply demonstrates, designation will be carried out through a non-traditional approach, with the federal government acting as a partner in river management rather than as the primary manager. The National Park Service will serve as the key federal representative in the implementation of the management plan and designation. The agency's principal role will be to represent the Secretary of the Interior in reviewing federal projects as required by Sec. 7(a) of the Act. Also, the NPS may provide technical assistance, staff support, and/or funding appropriated by Congress for management of the river. Any such NPS assistance will be coordinated with the management committee described in the **Administrative Framework** section of this plan. The **Resource Management** section of this plan provides additional details on the Park Service role under the heading of "Wild and Scenic River Provisions."

GEOGRAPHIC AREA PROPOSED FOR DESIGNATION

The stretch of the Farmington River proposed for the wild and scenic river designation is the segment of the West Branch and mainstem extending from immediately below the Goodwin Dam and Hydroelectric Project in Hartland, Connecticut to the downstream end of the New Hartford/Canton, Connecticut town line. With respect to lateral boundaries, Sec. 4(d) of the Wild and Scenic Rivers Act specifies that the area included in a study should "generally comprise that area measured within one-quarter mile from the ordinary high water mark." However, there are no specific requirements regarding the minimum width of the boundary following designation. The Study Committee has concluded that, on the Farmington River, where much of the corridor is in private ownership and where some issues – notably water quality – involve the entire watershed, defining a distinct lateral boundary would serve no useful purpose and, indeed, could be counter-productive.

Although a specific lateral boundary therefore is not established, the plan focuses protection efforts on the river itself and the immediate riparian corridor. In keeping with the river protection districts established by the riverfront towns, the lands within 100 feet of the river receive greatest attention throughout the plan. For uplands outside of this area, the plan also identifies numerous actions relating to water quality maintenance, public and private land management, and other issues.

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ADMINISTRATIVE FRAMEWORK

OVERVIEW

This section describes a structure for administration of the Connecticut segment that will provide ongoing coordination and communication among the many interests involved in the upper Farmington River area.

An underlying principle in this administrative framework is that existing institutions and authorities will provide the foundation for the long-term protection of the upper Farmington River. Landowners, riverfront communities, the state, the MDC, advocacy and user groups, and federal agencies all have active and indispensable roles in maintaining the high quality of the river system. The section of this plan on **Resource Management** provides a detailed description of the specific responsibilities of each of these players in future river management. From an administrative perspective, the principal need is for a mechanism to coordinate the activities of those involved in the management of the river and its corridor.

There are two key parts to the administrative structure:

1. The establishment of a broadly representative committee – the Farmington River Coordinating Committee (FRCC) – to link all of the players together on a long-term basis. This group will build upon the work and successes of the Farmington River Study Committee in seeking increased cooperation among all river interests.
2. The development of agreements among the various parties involved in river management. These agreements will reinforce the current consensus to work cooperatively in implementing this plan and pursuing the long-term protection of the upper Farmington River.

FARMINGTON RIVER COORDINATING COMMITTEE

PURPOSE

The purpose of the Farmington River Coordinating Committee is to promote the long-term protection of the upper Farmington River by: (1) bringing the major players in river management together on a regular and ongoing basis, (2) stimulating cooperation and coordination among those players, (3) providing a forum for all river interests to discuss and resolve issues, and (4) coordinating implementation of this management plan.

This type of representative body is indispensable for long-term management because of the complexities and significance of the upper Farmington River system. Given the number of jurisdictions and interests involved in the upper Farmington River Valley, no one entity can assume sole management responsibility or provide the necessary protection by itself. Furthermore, management decisions by any one entity are likely to impact a number of other interests. The forum provided by the FRCC will ensure communication among all parties and the representation of all viewpoints in making and implementing management decisions.

The achievements of the Farmington River Study Committee are indicative of what can be accomplished through a participatory, cooperative effort. These achievements, including the collaborative development of this management plan, are directly attributable to a new level of cooperation that has evolved among its members.

The FRCC will be the mechanism to build upon and continue that cooperative spirit.

FUNCTION

The FRCC will have an advisory role only; it will not have regulatory or land acquisition authority. The Committee may provide advice to existing entities that have management or regulatory authority affecting the river, but it will not have the power to dictate the actions or decisions of any of those entities.

The FRCC will not have additional authority for the following reasons: (1) a major emphasis throughout the wild and scenic study process has been to work within existing authorities to achieve effective protection of the river, (2) there is no need to create an additional layer of regulatory bureaucracy, and (3) there is no need for land acquisition authority beyond what already exists at the local and state levels.

The FRCC is intended to complement and support the roles and activities of existing interests, rather than compete with them.

RESPONSIBILITIES

The FRCC will assume the following responsibilities:

Address river-related issues: The FRCC will pursue cooperative resolution of current issues affecting the upper Farmington River, as well as issues that may arise in the future. The Committee will not have the authority to resolve any issue directly. Instead, it will provide a public forum for the discussion of issues, help raise awareness about issues of particular importance, and stimulate the appropriate authorities to take action.

Recreation management is a good example of an issue that the FRCC may wish to address. This issue is described more fully in the section on **Management of Outstanding Resources**.

Monitor activities that might affect the river: The FRCC will evaluate specific proposals that could affect the segment and provide comments as it deems necessary to the appropriate authorities. FRCC review of a particular proposal could be initiated at the request of the public or of local, state, or federal officials, or at the Committee's own discretion. Examples of proposals that the FRCC could choose to review and comment on include:

- zoning changes for lands along the river or its tributaries
- development projects near the river
- applications for state permits (e.g., point source discharges; water withdrawals)
- changes to state programs or policies (e.g., statewide water quality standards; land management practices on the state forests)
- applications for federal permits (e.g., Army Corps of Engineers Section 404 permits; Federal Energy Regulatory Commission certification for pipeline crossings)
- other federal projects (e.g., changes in flood control operations)

As specified in the **Resource Management** section of this plan, the state will be required to notify the FRCC of certain state permit applications and other potential actions, and give the Committee the opportunity to comment.³ Subsequent to being notified by the

³ The provision for notification of the FRCC by certain state agencies may require statutory, executive, or other action at the state level. This issue is addressed at the end of the Overview to the **Resource Management** section of this plan.

relevant federal agencies, the NPS will inform the Committee of any proposed projects requiring federal permits or other assistance that would affect the segment. Town boards will be encouraged to communicate and cooperate with FRCC on matters related to the river (including notifying the Committee of specific proposals), but it will be the Committee's final responsibility to keep itself informed of proposals under local jurisdiction that it may wish to review and provide comments on. Individual Committee members, particularly the town representatives, will play an important role in keeping the group abreast of local issues.

The monitoring efforts of the FRCC will not affect monitoring and review functions of its member organizations.

Stimulate public involvement and education: The FRCC will provide opportunities for the public to become aware of, and participate in, efforts to resolve issues that affect the river. This may be accomplished through Committee meetings, workshops, newsletters, surveys, mailings, or other techniques. The Committee also will support the education and outreach activities of its members, and, when appropriate, initiate its own projects to educate the public about the Farmington's special values, the challenges confronting it, and sensible techniques for conserving it.⁴ In performing these activities, the FRCC should reach out to a broad cross-section of the public, including recreational users, visitors to the Farmington Valley, elected and appointed officials at all levels of government, agency staff, riverfront landowners, and other local residents.

Promote river enhancement initiatives: The FRCC will support river enhancement projects initiated by its members or other groups, contingent on endorsement by the Committee. Whenever necessary and appropriate, the Committee will seek to coordinate involvement of its members in enhancement efforts. The Committee may also find opportunities to initiate its own cooperative enhancement efforts.

Examples of river enhancement projects that could merit FRCC support and involvement include the bank stabilization and re-vegetation initiative along West River Road in Barkhamsted, and the frequent river cleanups that are sponsored by several advocacy and user groups. River cleanups are the type of project with which the FRCC could augment past successes by stimulating coordinated action by several of its members.

⁴ Specific projects that the FRCC or its member organizations should consider are included in the section of this plan on **Education and Outreach**.

Review and update the Upper Farmington River Management Plan: Changes to this plan undoubtedly will become necessary due to new issues, technological advances, or new statutes, regulations, and programs. In addition, actions identified in the **Resource Management** section of this plan may be completed. The FRCC will be responsible for reviewing the plan on a regular basis, and updating it as necessary. In doing this, the FRCC should take care to avoid becoming mired in a continual process of review and revision, and instead focus its energies and resources on implementation.

If actions should occur that are inconsistent with this plan's provisions for resource protection and management, the FRCC will need to evaluate potential responses and incorporate into the plan those it determines to be most appropriate.

It is recommended that the FRCC conduct a thorough review of this management plan every five years, although this schedule may be altered as appropriate. Changes to this plan can only be made if they are approved by all voting members of the FRCC. The public should be given ample opportunity to participate in future revisions to the plan.

Prepare periodic status reports: The FRCC will prepare brief reports every 3-5 years on the status of protection of the segment and implementation of this management plan. These reports will serve two primary purposes:

1. to inform the general public, local officials, the Governor, the General Assembly, and, if the segment is designated as a wild and scenic river, Congress and the Secretary of the Interior about the conditions of the river, and
2. to publicize any pressing needs or issues requiring attention or assistance from the local, state and/or federal governments.

Preparation of these reports also will provide the FRCC with a regular opportunity to identify its accomplishments and chart its course for the next interval.

MEMBERSHIP

Core membership: The following entities will constitute the core voting membership of the FRCC. Each will have one representative and one alternate.

- | | |
|------------------------|------------------------------------------|
| ? Town of Colebrook | ? State of Connecticut |
| ? Town of Hartland | ? Metropolitan District Commission |
| ? Town of Barkhamsted | ? Farmington River Watershed Association |
| ? Town of New Hartford | ? U.S. Department of the Interior |
| ? Town of Canton | (National Park Service) ⁵ |

Appointments: Representatives and alternates will be appointed as follows:

- Town representatives, by the respective boards of selectman
- State representatives, by the Governor
- MDC representatives, by the District Commissioners
- FRWA representatives, by its Board of Directors
- Department of Interior representatives, by the Regional Director, National Park Service

While not a requirement, each riverfront town is encouraged to appoint a riparian landowner as either its regular member or its alternate.

Additional members: Membership may be expanded to include other interests based on the following provisions:

Massachusetts interests: If the Commonwealth of Massachusetts and/or any of the towns along the Massachusetts segment (Becket, Otis, Sandisfield, and Tolland) request membership, they will be granted non-voting status automatically. Any of those interests subsequently may be granted voting status by unanimous consent of the existing members. If the Massachusetts segment is designated as a wild and scenic river at some point in the future, the State and the towns along the designated section will be granted voting membership automatically, regardless of whether they were previously active on the Committee.⁶

⁵ The Department of the Interior will be a member of the FRCC only if the segment is designated as a national wild and scenic river.

⁶ The possibility of future designation of the Massachusetts segment as a wild and scenic river is discussed in the section of this plan on **Management of the Massachusetts Segment**.

Other interests: Other interested parties (downstream or tributary towns in Connecticut, river user groups, etc.) may be added to the Committee if they request membership and are approved by unanimous consent of the existing members. The existing members shall decide on a case-by-case basis whether any new member shall be granted voting or non-voting status.

Representatives of any new member institutions will be appointed by the governing body of that institution or, in the case of the Commonwealth of Massachusetts, by the Governor.

All representatives shall serve at the will of the their respective member institution.

While the regular members and alternates will be the official representatives of the respective organizations, staff from any organization having expertise relevant to the Committee's activities will be encouraged to participate on an ongoing basis.

PROCEDURES

Establishment: The FRCC will be established after Congress concludes its deliberations on whether to designate the segment into the National Wild and Scenic Rivers System.

Decision-making: All Committee decisions and actions will be made by the unanimous expressed consent of all voting members (not only those present at a given meeting). This provision will be waived for any future decision only by the unanimous consent of all voting members.

While alternates will be encouraged to attend meetings and participate actively on the Committee, each organization will be limited to one vote on any matters requiring a formal decision by the Committee. Based on the experience of the Farmington River Study Committee, formal votes are likely to be taken rarely, if at all.

Officers: The Committee will have three officers: chair, vice-chair, and secretary/treasure. The responsibilities of the officers will be established in the Committee's bylaws. The chairperson will be elected by the Committee from among its appointed town or state members.

Quorum: A majority of the members of the Committee will constitute a quorum.

Bylaws: The Committee will develop and enact bylaws for all other procedural issues.

FUNDING/STAFF

To implement the responsibilities identified above, the FRCC will likely require direct funding and possibly in-kind assistance. Funds may be needed to (1) hire staff to coordinate the Committee's activities (2) undertake specific projects, and/or (3) cover costs related to general operations or specific responsibilities (office space and equipment, printing and distribution information, education and outreach, etc.).

If the segment is designated as a national wild and scenic river, congressional appropriations will be sought to assist with the establishment and initiation of the FRCC. Federal funds to support the Committee will be pursued for a start-up period of 3-5 years.⁷ Such funds will be part of the annual budget request to Congress by the National Park Service's North Atlantic Regional Office. If adequate funding is forthcoming, the NPS could (1) provide the necessary staff support for the FRCC from its own personnel, or (2) transfer money directly to the FRCC through a formal cooperative agreement. (Cooperative agreements are discussed later in this section.) In addition to providing staff support and/or direct financial assistance to the FRCC, the NPS may provide technical planning and river conservation assistance to the Committee and its members if requested and if sufficient appropriations are available.

For long-term funding needs or for specific projects – such as those identified in the **Resource Management** section of this plan – the FRCC may wish to pursue financial assistance and/or in-kind contributions (office space, equipment, etc.) from individuals, foundations, corporations, and government (federal, state, and/or local). In pursuing funding from any of these sources, the FRCC will avoid situations where it could be competing for funds with one or more of its member organizations. The FRCC also will avoid situations where its receipt of funds or in-kind contributions could create perceptions of conflict of interest.

If the segment is included in the National Wild and Scenic Rivers System, the NPS will provide assistance to the FRCC in identifying potential sources of federal funding (beyond start-up money described above) that would not result in an increased federal presence in the upper Farmington River Valley. For instance, federal funding for specific projects may be available through the Land and Water Conservation Fund, the National Park Service's "Challenge Cost-Share Program," or other similar sources.

⁷ The need for continued federal funding will be evaluated after this start-up period.

MANAGEMENT AGREEMENTS

COORDINATING COMMITTEE AGREEMENT

Among its first tasks, the FRCC will develop a written agreement to be adopted by its member institutions. This agreement will establish a cooperative commitment among the members to participate in long-term management of the river and to implement those parts of this management plan under their jurisdiction or to which they have been assigned specific responsibility. If the segment is designated as a national wild and scenic river, the development of this agreement will be contingent upon the endorsement by the FRCC's voting members of the provisions contained in the legislation designating the segment.

INTER-AGENCY CONSISTENCY AND COORDINATION

The success of this management plan will depend, in part, on state and federal agencies being consistent with the broad goals and specific provisions of the plan when taking any actions that could affect the segment. The DEP will take the lead in pursuing options to achieve such consistency at the state level. Possible approaches include statutory action by the General Assembly, Executive Order by the Governor, and/or other less formal means.

If the river is designated as a wild and scenic river, the NPS will take the lead in ensuring consistency at the federal level through its authority under the Wild and Scenic Rivers Act.

COOPERATIVE AGREEMENTS BETWEEN THE FRCC AND THE NPS

If the segment is included in the Wild and Scenic Rivers System, the NPS may enter into formal cooperative agreements with the FRCC or any of its member organizations pursuant to Sec. 10(e) and/or Sec. 11(b)(1) of the Wild and Scenic Rivers Act. Such agreements could include provisions for limited financial or other assistance from the federal government to facilitate the protection and management of the upper Farmington River. Relevant passages from the Wild and Scenic Rivers Act follow.

Section 10(e):

The federal agency charged with the administration of any component of the national wild and scenic river system may enter into written cooperative

agreements with the Governor of a State, the head of any State agency, or the appropriate official of a political subdivision of a State for State or local government participation in the administration of the component.

Section 11(b)(1):

The Secretary of the Interior...shall assist, advise, and cooperate with States or their political subdivisions, landowners, private organizations, or individuals to plan, protect, and manage river resources. Such assistance, advice and cooperation may be through written agreements or otherwise...Any agreement under this subsection may include provisions for limited financial or other assistance.

RESOURCE MANAGEMENT

OVERVIEW

This section of the plan describes a detailed management program that will provide long-term protection for the upper Farmington River and its outstanding fisheries, recreation, wildlife, and historic values. The discussion is divided into three parts: Land Management, Water Resource Management, and Management of Outstanding Resources. These are further subdivided into more specific categories, as indicated below.

Land Management:	Private Lands Public Lands
Water Resource Management:	Water Quality Water Quantity Channel, Bank and Wetland Protection
Management of Outstanding Resources:	Recreation Resources Fisheries and Wildlife Historic Resources

A fundamental tenet of the management plan – that the river’s outstanding resources can only be protected through sound management of the land and water base on which they rely – is reflected in this structure. The specific provisions described in Land Management and Water Resource Management establish the foundation necessary for long-term protection. Other management considerations specific to each outstanding resource are described in Management of Outstanding Resources.

For each management category, the following are discussed:

OBJECTIVES establish a vision for future management. These objectives are intended to supplement the broad goals that were presented in the **Approach to Resource Management**.

STANDARDS establish the basic criteria by which future management actions will be measured.

ACTION PROGRAM lays out specific strategies for achieving the objectives and ensuring the long-term protection of the river and its important values. The Action Program has three components:

Key Actions identify the most essential actions required for managing river resources according to the defined standards.

Supporting Activities identify other programs and actions currently in place that contribute to effective management.

Additional Opportunities include recommendations for further actions that, while not required, could enhance resource management and protection.

WILD AND SCENIC RIVER PROVISIONS include special conditions that will take effect if the river is designated as a national wild and scenic river. This section describes the role of the National Park Service, specific policies and standards that will be linked to designation, and any additional actions that will be required or other entities to implement the designation.

The reader should note that implementation of certain provisions contained in this management plan may require statutory, executive, or other action at the state level. These provisions primarily relate to notification requirements for future implementation of state regulatory responsibilities affecting the segment. A list of the issues and programs that could require legislative action is contained in Appendix A.

The reader also should note that the local, state, and federal laws and regulations providing protection to the river are described in detail in the Draft Evaluation of Existing Protection (June, 1990). This document serves as an important supplement to the management plan.

RESOURCE MANAGEMENT: LAND RESOURCES

PRIVATE LANDS

OBJECTIVE

Conserve the high water quality, ecological integrity, and scenic character of the segment and the upper Farmington River Valley through sensitive management of privately-owned shoreland and upland areas, without unduly restricting other uses of those lands.

STANDARDS

Shorelands: The shorelands along the river are the highest priority lands for protection. The River Protection Overlay Districts adopted in Hartland, Barkhamsted, New Hartford, and Canton will constitute the standard for shorelands protection on private lands.⁸ These districts establish a 100-foot setback for new structures, new septic system, the removal of earth materials, and clearcutting. Existing structures within 100 feet of the river are not affected, although the districts do establish limitations on the expansion of such structures.

Uplands: This plan does not establish specific standards for the management of privately-owned upland areas beyond the 100-foot shoreland buffer. Although activities in upland areas can affect river values, existing regulations, incentive programs, and topography provide the segment with strong protection from potential adverse effects of upland management. To complement that protection, land managers should seek to minimize impacts on water quality, views to and from the river, and the scenic character of the river valley. Best Management Practices should be used to control erosion and sedimentation on projects located near tributaries to the segment, and the aesthetic impacts of clearcuts, if ever proposed on ridgelines that are visible from the river, should be evaluated prior to cutting.

⁸ The River Protection Overlay Districts referenced are those approved by the respective planning and zoning commissions in the four riverfront towns on the following dates: Barkhamsted, July 25, 1991; New Hartford, November 13, 1991; Canton, January 15, 1992; Hartland, January 27, 1992. These districts create an effective greenway and provide strong protection to the river and its shorelands. Copies of the ordinances are included in Appendix B.

ACTION PROGRAM

Key Actions

Landowner stewardship: *Private lands will remain private; landowners will continue as the primary stewards of lands along the segment.*

Longstanding traditions of private land ownership and diverse land uses in the Farmington River Valley are largely responsible for the character and quality of the river corridor. A primary thrust of this management strategy is, therefore, to reinforce those patterns and the traditional role of landowners.

Landowners can fulfill their stewardship responsibility to taking an active interest in the river, by expanding their knowledge of sensitive land management practices, and by incorporating those practices into management of their lands. Voluntary opportunities available to landowners to enhance their short and long-term stewardship abilities include: gaining expertise in forest, wildlife habitat, and wetland vegetation management; participating in the Public Act 490 program, which offers reduced tax assessments to landowners in return for keeping undeveloped lands in that condition;⁹ and learning about conservation easements, deed restrictions, and other land conservation techniques. Other voluntary land management techniques directly related to reducing non-point source pollution are described under “Land Stewardship” in the **Water Quality** section of this plan.

Local land use management: *Riverfront towns will implement and enforce their existing land use regulations, including the River Protection Overlay Districts, and other programs that provide protection to the river.*

The River Protection Overlay Districts provide the backbone of protection for the immediate shorelands. These districts will be supplemented by town regulations relating to wetlands, septic systems, floodplains, zoning, and subdivisions. Each riverfront town should emphasize conservation of the river when implementing these regulations. Complementary management of upland areas will be achieved through active consideration of the river in the enforcement of existing regulations and other programs beyond the 100-foot buffer. Implementation of the non-regulatory,

⁹ The Public Act 490 program, authorized under C.G.S. 12-107a-e, is similar to “current use assessment programs” established in other states, although that name is not applied formally to the program in Connecticut.

incentive-based Public Act 490 program will provide important additional protection both to shoreland and upland areas.¹⁰

There are several other actions the towns could take to provide further protection for the river. These are described under “Additional Opportunities” at the end of this section.

Supporting Activities

State land use regulations: *In implementing its responsibilities related to land use, the state should ensure consistency with this management plan and the local River Protection Overlay Districts.*

The DEP has several relevant responsibilities, including:

- point-source discharge permitting under Connecticut’s Water Pollution Control Statutes (C.G.S. 22a-416 et seq.) and Sec. 402 of the federal Clean Water Act (P.L. 95-217);
- control of non-point source pollution pursuant to those same statutes;
- regulation of state agency activities under the Inland Wetlands and Watercourses Act (C.G.S. 22a-36 et seq.);
- regulation of state agency activities under the Flood Management Act (C.G.S. 25-68b et seq.); and
- regulation of hazardous waste storage under the Storage of Hazardous Wastes Near Watercourses Act (C.G.S. 22a-134p(a) et seq.);

Also relevant is the State Siting Council’s jurisdiction regarding the location of hazardous waste, low-level radioactive waste storage, energy plants, and telecommunications facilities, pursuant to C.G.S. 22a-114 et seq., 22a-163 et seq., and 16-50g et seq.

While the DEP and Siting Council programs clearly have a bearing on land use, they are also directly related to water quality and/or wetland protection. Additional discussion of these programs is included in the **Water Resource Management** section of this plan.

State land use acquisitions: *The State of Connecticut should pursue the purchase of important river-related lands from willing sellers if parcels come on the market and if funding is available.*

¹⁰ A full description and analysis of the local land use regulations and other programs that contribute to protection of the river can be found in the Draft Evaluation of Existing Protection (June, 1990).

Selective public purchase of critical lands on a willing-seller basis can be a valuable component of a diversified strategy to protect a river corridor. In Connecticut, the primary mechanism for such acquisition is through the Recreation and Natural Heritage Trust Program, established in 1987 by C.G.S. 23-73 *et seq.* and administered by the DEP. In 1990, this program was used to protect a 120-acre tract with 3000 feet of undeveloped frontage along the West Branch of the Farmington River in Hartland. In addition to setting aside a valuable piece of riparian land, the purchase has provided opportunities for additional public access, development of an educational center, and the creation of a trout and salmon rearing facility at the site. Another mechanism that could be used to protect important river-related lands is the state's agricultural preservation program, authorized under C.G.S. 22-26-aa *et seq.* This program is administered by the Connecticut Department of Agriculture and the Office of Policy and Management.

The FRCC should assist the state in looking for other opportunities for applying these programs. Local representatives on the FRCC can play a particularly valuable role in monitoring when important parcels have been, or may be, put on the market.

Federal regulations: *The U.S. Army Corps of Engineers will implement its permitting responsibilities under Section 404 of the Clean Water Act.*

Sec. 404 requires a permit from the Corps for any project that would discharge dredged or fill material into a water of the U.S., including wetlands. This is the primary federally administered regulatory program that has any significant effect on land use along the river. The program is addressed in greater detail in the section of this plan on **Water Resources Management – Channel, Bank and Wetland Protection**

Voluntary land conservation: *Local land trusts should pursue protection of important riverfront and watershed lands by assisting landowners with voluntary land conservation actions.*

Voluntary land conservation programs have proven to be highly effective in protecting important riverfront and watershed lands on rivers across the country. The elements common to successful programs have included: (1) identifying parcels of particular significance for the conservation of the river (for instance, those with undeveloped shorelands, steep slopes, striking visual features, or habitat for rare species); and (2) actively encouraging landowners to protect those parcels by providing them with information and assistance regarding the full range of voluntary private land protection techniques (e.g., donations of fee title or conservation easements, deed restrictions, covenants, transfers of development rights).

In the upper river valley, the FRWA and the Trust for Public Land have worked with local land trusts in Colebrook, New Hartford, Barkhamsted, and Canton over the past three years to initiate this type of program specifically for the wild and scenic study area. These efforts have established a strong foundation for long-term success, but they will need to be reinvigorated and augmented if the program is to achieve its full potential. Local land trusts should pursue opportunities for additional training, fund-raising, and collaborative projects with regional or national land conservation organizations. This would enable the trusts to strengthen their technical knowledge and negotiating skills, to expand their organizational capacities with respect to donations of easements and/or fee title, and to effectively manage these easements or lands.

Watershed protection initiatives: *The FRWA should give special attention to the upper Farmington River watershed in implementing its Regional Land Protection Program.*

The FRWA's Regional Land Protection Program incorporates a variety of actions to achieve land conservation in the Farmington River Valley. As a primary part of this program, the Watershed Association has identified a number of actions that will further the voluntary land conservation initiative described in the previous paragraph. These actions include:

1. complementing and supporting the efforts of existing local land trusts;
2. assisting in the creation of new local land trusts in communities where they do not currently exist;
3. educating riverfront landowners, local officials, and other residents about voluntary land protection techniques.
4. working with interested landowners on specific land conservation projects; and
5. developing the organizational capacity to hold and manage land and/or easements.

The FRWA Plan also includes advocating for and facilitating the public purchase of critical parcels, working with town governments to strengthen local protection mechanisms, and participating in the public review of specific development proposals that could affect the river.

Implementation of the FRWA Plan in the upper Farmington River watershed will provide an important complement to other land protection actions described in this management plan.

Additional Opportunities

Technical assistance to landowners: *Establish a program to provide resource management expertise to interested landowners.*

Stewardship of riverfront and watershed lands could be greatly enhanced if landowners had access to professional guidance for activities such as forest, wetland, and wildlife habitat management. Landowners, however, may be unaware that such expertise exists, or they may be unable to afford the costs involved in obtaining it. A good example of an existing program is the Connecticut Forest Stewardship Program, which offers education, technical support, and financial assistance to forest landowners. The program is designed to improve forest resource management for such purposes as wildlife habitat enhancement, protection of riparian and wetland areas, recreational trail development, and soil conservation. For a landowner to participate, a stewardship management plan must be developed for the entire forest land property. Parcels must be at least 10 acres and 75% forested. Generally parcels larger than 1000 acres are not included, although waivers for parcels up to 5000 acres are possible.

The FRCC should evaluate opportunities for making resource management expertise more readily available by publicizing existing technical assistance programs and/or seeking funding to hire resource management professionals who could then provide their services to landowners at reduced cost or free of charge.

Local enforcement of regulations: *Improving the zoning enforcement capacity of the riverfront towns.*

The limited amount of zoning enforcement available among the riverfront towns has been identified as an issue related to the protection of shoreland and upland areas. The towns' limited enforcement capabilities are primarily a result of tight local budgets. Riverfront towns, with possible assistance from the FRCC and others, should pursue funding to enable them, either individually or collectively, to hire zoning enforcement staff to focus specifically on river-related issues.

Local planning: *Each riverfront town should emphasize conservation of the river in future updates to its "Town Plan of Development".*

All towns along the segment have prepared master plans, or, as they are referred to in Connecticut, Town Plans of Development. These plans are revised periodically. In its most recent revision, the Town of Canton included language identifying protection of the Farmington River as a high priority. The other communities should follow suit in future revisions to their plans.

Incentive-based conservation programs: *Towns in the upper Farmington River watershed should encourage owners of important river-related lands to participate in incentive-based conservation programs, such as the Public Act 490 program.*

As has been done in Barkhamsted, New Hartford and Canton, the Towns of Hartland and Colebrook should consider adopting the “open space” provisions of the Public Act 490 program in addition to the “forest land” and “agricultural land” provisions. This could enable many significant river-related parcels to qualify for reduced tax assessments based on continued management as open space, and thereby provide important additional protection to the river. The Public Act 490 program can be a particularly effective tool for conserving upland areas. These lands, which have a direct bearing on the river’s condition, are not subject to all of the more rigorous regulations that apply to shoreland areas. In addition, the towns should consider tax abatement programs for dairy farms and fruit orchards, as permitted by C.G.S. 12-81M.

Open space requirements: *The riverfront towns should consider revising their local subdivision regulations to require that riverfront subdivisions specifically set aside shoreline areas as protected open space.*

Under the state statute authorizing local regulation of subdivisions, towns can require that subdivisions include set-asides of protected open space between developed areas and important natural features. By specifically targeting lands along the Farmington River for such set-asides, this authority could be used to provide further protection for the shorelands.

Aquifer protection: *Towns in the upper Farmington River watershed in Connecticut should evaluate opportunities to further protect water quality in the segment and its tributaries through implementation of the “Aquifer Protection Act” (C.G.S. 22a-354b).*

Under this statute, towns are required to designate and protect aquifers that are recognized for their existing or potential use as a public water supply (i.e., serving more than 1,000 people). For any such aquifer, the town involved must adopt comprehensive and protective land use regulations, and assign a town board or commission the responsibility of enforcing those regulations. The DEP is responsible for developing minimum guidelines and approving local regulations, providing technical assistance, and enforcing the statute if a town fails to do so.

While the primary intent of the statute is to protect public groundwater drinking supplies, any concomitant protection of aquifers adjacent to the upper Farmington River or its tributaries would obviously contribute to maintaining the high water quality of the segment.

Scenic road designation: *The riverfront towns and the state should evaluate the potential to designate “scenic roads” along the segment.*

Under C.G.S. 7-149a, towns may establish ordinances to designate scenic town roads and regulate future alterations to those roads. To qualify, a local road must meet certain criteria, and the town must have agreement from a majority of the road’s abutters. At the state level, C.G.S. 13b-31c et seq. authorizes scenic designation of state highways by the DEP in conjunction with the Department s of Transportation and Economic Development.

Local or state designation of scenic roads along the segment would provide further recognition of the aesthetic qualities of the river corridor, and would limit future impacts to the river from road-related alterations.

Other local actions: *The riverfront towns should consider other local initiatives to provide further protection to the river.*

A number of specific suggestions for each town are included in the Draft Evaluation of Existing Protection (June, 1990). The FRCC could provide other ideas to the towns by gathering information on river protection techniques that have been successful in other parts of the country.

The adoption of any new land use regulations or other local mechanisms will continue to be at the discretion of the towns. The potential benefits and costs of any new action should be thoroughly evaluated, as should the level of community support.

WILD AND SCENIC RIVER PROVISIONS

The federal government will not acquire private lands along the segment by condemnation or otherwise, nor will it regulate the use of those lands, as a result of National Wild and Scenic River designation. Furthermore, there will be no requirements for additional state or local land use regulations resulting from designation. Designation will not preclude use of federal funds through the Land and Water Conservation Fund or similar programs for state or local land acquisition, nor will it preclude acquisition by the federal government of land in the Farmington River basin for purposes not related to wild and scenic river designation.

PUBLIC LANDS

OBJECTIVE

Conserve the high water quality, ecological integrity, and scenic character of the segment and the upper Farmington River Valley through sensitive management of publicly-owned shoreland and upland areas, without unduly restricting other uses of those lands.

STANDARDS

Shorelands: Publicly-owned shorelands will be managed in a way that will maintain or enhance their natural appearance and function. To achieve this, management will meet or exceed the protection measures specified by the River Protection Overlay Districts that have been adopted in each of the riverfront towns. These provisions are described in the previous section in the shorelands standard for private land management and copies of the ordinances are included in Appendix B.

In addition, new infrastructure development within 100 feet of the river will be limited to that necessary for public health, welfare, and safety, for emergency response, or to provide public access to the river. Any such infrastructure will be constructed so as to reasonably minimize both short- and long-term impacts on the ecological functions and scenic qualities of the shorelands area.

Uplands: Upland areas under public ownership within the segment's watershed will, to the extent reasonably possible, be managed in a way that will ensure protection of water quality and quantity, scenic views to and from the river, wildlife habitat, forest health, and the natural character of the upper Farmington River Valley. Existing DEP and MDC management policies provide the guidance necessary to achieve this protection. On the state forests, the DEP's "Guidelines for Silvicultural Operations on the DEP Lands" (adopted May 1, 1986) and other applicable directives contain specific standards for wetlands and water quality protection. The MDC establishes site-specific guidelines for management of its lands that are at least as stringent as those of the DEP.

In addition to these existing directives, the aesthetic impacts of clearcuts, if ever proposed on ridgelines that are visible from the river, should be minimized.

ACTION PROGRAMS

Key Actions

Management practices: *The DEP, the MDC, and the towns will continue to manage their respective lands along the segment. Each landowner should review its current policies and practices for consistency with the objective and standards stated above, and revise them if necessary.*

The substantial amount of state forest land and MDC land surrounding the segment plays a critical role in maintaining the high water quality, wildlife habitat, recreational access, and scenic character of the upper Farmington River Valley. Town-owned lands along the segment also provide limited but important public access to the river. In addition to maintaining those values, the public lands support other uses such as timber harvesting. This plan actively supports a continuation of the diverse uses of these lands.

Land transfers: *Public lands will be kept in public ownership whenever possible.*

Because public lands are vital to the many qualities of the upper Farmington River Valley, those attributes could be severely jeopardized if all or part of those lands were to be transferred into private ownership and opened to development. Such an occurrence is unlikely for state forest lands because they have been dedicated specifically for conservation purposes. Transfers of the MDC's lands are governed by state statute and the organization's charter as follows:

1. Most of the MDC land on the segment is Class I watershed land. Under C.G.S. 25-32(a)-(e) and 25-37c,d, these lands are precluded from sale except to another water company or a municipality, unless the classification of the land is changed.
2. Even if the classification of these lands is changed to a less stringent level, the MDC's Charter restricts the sale of any parcel greater than 10 acres in its existing reservoir system unless it is for "continued public use" or approved by referendum in the MDC's eight member towns.

Should a change in ownership of any existing public lands be considered, every reasonable effort should be made to keep the land in public ownership and to ensure continued management that is compatible with the objective and standards described at the beginning of this section. If the land is to be transferred to private ownership, conservation easements or other legally-binding restrictions on development should be placed on areas that are most critical for maintaining the river's water quality and quantity, ecological integrity, and scenic qualities. This provision applies at a minimum to shoreland areas within 100 feet of the river's ordinary high water mark.

WILD AND SCENIC RIVER PROVISIONS

There will be no additional requirements related to the management of public lands as a result of Wild and Scenic River designation. Designation will not preclude the use of federal funds through the Land and Water Conservation Fund or similar programs for state acquisition of MDC lands if they should be proposed for sale.

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RESOURCE MANAGEMENT: WATER RESOURCES

WATER QUALITY

OBJECTIVE

Maintain or enhance the segment's existing high water quality.

STANDARDS

Point source discharges:

- No new discharges from sewage treatment plants or industrial sites into the segment or its tributaries will be allowed. Increases in volume from existing discharges will be allowed only if accompanied by improved treatment so that pollutant loading to the river is not increased.^{11 12}
- For other new activities (e.g., storm water drains) that are regulated under Sec. 402 of the Clean Water Act (P.L. 95-217) and that would discharge directly into the segment, Best Management Practices will be required.

¹¹Note: Implementation of these standards may require changes in Connecticut's Water Quality Standards, including the anti-degradation standard, and in state statute. See Appendix A.

¹²Minor increases in the concentration of innocuous parameters that are not detrimental to the aquatic environment (such as heavy metals, sodium, potassium, and chlorides) that would result from increases in existing discharges will not be precluded. As an example, the exception for heavy metals is due to the fact that the concentration of heavy metals, such as copper, in a sewage effluent is not readily decreased as result of improvements to conventional treatment processes. Secondary sewage treatment facilities typically discharge similar concentrations of metals as do facilities providing advanced (or tertiary) sewage treatment. The increase in metals loading may not be ecologically significant, but any increase in discharge rate will most certainly result in an increase in mass loading.

Non-point source pollution: The riverfront towns and the state will seek to avoid, reduce, or eliminate non-point source pollution impacts on the segment. The immediate shorelands within 100 feet of the ordinary high water mark on the river will be the highest priority for attention. Within that area, the principal mechanisms for controlling non-point source pollution will be the implementation of the local River Protection Overlay Districts, and a requirement for the use of Best Management Practices on new projects that are covered by the state's applicable permitting procedures.

ACTION PROGRAM

Key Actions

Water pollution control statutes: *The DEP will have primary responsibility for implementing state and federal water pollution control statutes.*

Two laws govern the protection of water quality in Connecticut – the federal Clean Water Act (P.L. 95-217), and the state's Water Pollution Control Statutes (C.G.S. 22a-416 et seq.). The DEP administers both the state statutes and, through delegation from the U.S. Environmental Protection Agency (EPA), the federal law. The DEP has four primary responsibilities that affect the Farmington River's water quality:

Establishment of statewide water quality standards: These standards designate water quality goals and designated uses for different classes or water bodies, and establish base level criteria that must be met to maintain the designated uses for each class. As required under the statutes, the DEP has established a statewide anti-degradation policy. This policy protects high quality waters from being degraded.

Project review and certification under Sec. 401 of the Clean Water Act: Sec. 401 requires that any proposed discharge into the waters of the state must receive a water quality certificate from the state before any necessary federal permits or licenses can be granted. This requirement makes Sec. 401 certification a strong tool for the state in protecting its interests.

Point source discharge permits: Sec. 402 of the Clean Water Act establishes a permit system – the “National Pollution Discharge Elimination System” (NPDES) – for all point source discharges, such as new or expanded discharges from sewage treatment plants and industrial facilities. Stormwater discharges also are regulated under Sec. 402. The DEP has established general permits for stormwater discharges associated with two types of activities: (1) construction projects that involve the disturbance of greater than five acres of land; and (2) industrial facilities, as defined by the Standard Industrial Classification (SIC) Codes. Applicants are covered by these general permits if they register with the

DEP, but they must be able to demonstrate that they are in compliance with the general permit requirements. The permits require, among other things, that the permittee develop a pollution prevention plan and monitor the discharge. The DEP cannot deny a registration; however, the agency can enforce the permit requirements if the permittee is found to be in violation.

Non-point source pollution control: The Clean Water Act and the state statutes establish limited regulatory authority and encourage planning efforts for the reduction of non-point source pollution. The DEP's non-point source program is described in Non-Point Source Pollution: An Assessment and Management Plan (February 1989). In that document, the DEP identified 65 recommendations specific to national non-point source categories, and 25 actions designed to enhance non-point source management in Connecticut's statewide water quality management programs. The Plan emphasizes existing regulatory mechanisms, and focuses on water quality and water resource management, potable water supplies, management of hazardous materials and solid wastes, and local land use management.

The EPA oversees implementation of the Clean Water Act, in Connecticut, and maintains approval/veto authority over the state's water quality standards and permitting of specific projects but not over Sec. 401 certifications.

The upper Farmington River in Connecticut is currently designated as Class A (suitable for drinking water supply) from the Goodwin Dam downstream to the confluence with the Still River, and as Class B (suitable for fishing and swimming) for the remainder of the segment. For Class A waters, the DEP's existing anti-degradation policy prohibits point source discharges "unless a temporary discharge is necessary to remediate an existing surface or groundwater pollution problem" or "the discharge consists of clean water, treated backwash waters from public or private drinking water treatment systems or dredging and dredged material dewatering operations does not result in violation of Class A standards." The policy requires that Class B waters be maintained at their existing high quality unless a lowering of water quality "is necessary to accommodate overriding economic and social development which the Commission [of the DEP] has determined is clearly in the public interest, and...existing uses will be protected fully."

To fully achieve this plan's standards for water quality protection, the DEP will need to take the following actions:

1. Amend Connecticut's Water Quality Standards, including the anti-degradation policy, with a special provision for the upper Farmington River.¹³
2. Establish Best Management Practices as a condition for registration of new stormwater discharges or other activities regulated under Sec. 402 of the Clean Water Act (other than sewage treatment plant or industrial discharges) that will discharge directly into the segment.
3. Establish Best Management Practices as a condition for applicable permits for projects involving no-point source pollution within the boundaries of the local River Protection Overlay Districts.

Local land use management: *The riverfront towns will implement and enforce existing local land use regulations, including the River Protection Overlay Districts, and other programs that protect water quality.*

Several local land use programs provide important protection for the upper Farmington River's high water quality. In addition to the River Protection Overlay Districts, the most significant regulations are those related to septic systems, wetlands, floodplains, and subdivisions. The incentive-based Public Act 490 program also helps protect water quality by providing reduced tax assessments to landowners for keeping undeveloped lands in that condition. These regulations and programs are discussed in greater detail under **Land Management**.

While full implementation and enforcement of these mechanisms is most critical in those towns that directly abut the segment, water quality is also dependent upon sensitive land use management in the towns upstream of the segment and along its tributaries. The FRCC should encourage these communities to implement and enforce their own land use regulations and programs in a way that will contribute to the protection of the segment's high water quality.

¹³ Note: This may require a change in state statute. See Appendix A.

Land stewardship: *Landowners, both private and public, will help maintain the segment's high water quality through sensitive management of their lands.*

There are many land management techniques that landowners should consider using in order to protect the water quality of the river, its tributaries, and related aquifers. For example, landowners can maintain or re-establish vegetative buffers along the river and its tributaries, reduce or eliminate the use of fertilizers and pesticides on lawns and gardens, and leave low stumps and root structures in place if any vegetation is removed along the banks of the river or tributaries. Owners of riparian lands immediately adjacent to and upstream of the segment can fulfill their stewardship responsibility by expanding their knowledge of these and other techniques, and by incorporating them into the management of their lands. The role of landowners is discussed in more detail under **Land Management – Key Actions**.

Federal regulation of stream alterations: *For any project that would affect water quality through the discharge of material into the segment or an adjacent wetland, the Army Corps of Engineers will implement its responsibilities under Sec. 404 of the Clean Water Act in a manner consistent with this plan's water quality standards.*

This responsibility is described under **Channel, Bank and Wetland Protection – Key Actions**.

Supporting Activities:

Other state regulatory responsibilities: *The state should ensure consistency with this management plan in its implementation of other authorities that could have a bearing on water quality in the segment.*

Two state programs are particularly relevant:

1. the DEP's regulation of the storage of hazardous substances near the river, pursuant to C.G.S. 221-134p(a) et seq. (Storage of Hazardous Wastes Near Watercourses); and
2. the State Siting Council's jurisdiction regarding the location of hazardous waste, low-level radioactive waste storage, energy plants, and telecommunications facilities, pursuant to C.G. S. 22a-114 et seq., 22a-163 et seq., and 16-50g et seq.

In exercising these authorities, the DEP and the Siting Council should ensure the full protection of the segment's fisheries, recreation, wildlife, water supply, and scenic values from any potential adverse effects that could result from locating such

activities in the watershed of the segment. The FRCC should be notified of, and given the opportunity to comment on, any action under either program that could affect the river.¹⁴

Municipal water pollution control responsibilities: *In exercising their jurisdiction, the local water pollution control authorities in New Hartford and Canton should strive to meet the objectives and standards of this management plan.*

Under Connecticut's Municipal Sewerage Systems Statute (C.G.S. 7-245 *et seq.*), each town is empowered to establish a local water pollution control authority. This board is responsible for preparing a local water pollution control plan, and for managing the town's sewage treatment plant if one exists. In carrying out these responsibilities, the board can take strong steps to protect riparian water quality through such actions as developing and implementing a sewer avoidance program for certain areas and ensuring effective management of on-site facilities – including requirements for periodic inspection and maintenance of on-site sewage disposal systems.

Of the four towns abutting the segment, only New Hartford and Canton have established local water pollution control authorities, and New Hartford has the only municipal sewage treatment plant that directly affects the segment. (Canton's facility is located downstream of the segment.) As with all municipal facilities, the New Hartford plant must comply with DEP's water quality standards, regulations, and permitting requirements.

Hartland and Barkhamsted should consider establishing water pollution control authorities and developing waste water management plans in order to ensure effective on-site management and to avoid the need to sewer the area adjacent to the river at any time in the future.

Additional Opportunities

Water quality monitoring: *Initiate a volunteer/citizen-based water quality monitoring program.*

A water quality monitoring program conducted by local volunteers can be a cost-effective method for collecting important data on a continuing basis. This type of program also provides an excellent opportunity to increase community awareness of water quality issues, and to stimulate citizen participation in efforts to address difficult problems such as non-point source pollution. Many existing programs in other river

¹⁴ Note: This may require a change in state statute. See Appendix A.

basins have been integrated into the science curriculum in local schools, which helps ensure year-to-year continuity while providing students with a local opportunity for field research. Community service groups and river user groups also can be a good source of volunteers and resources.

Coordination for this type of program on the segment could be provided by the FRCC or one or more of its members. The DEP should be actively involved in any such effort in order to provide technical expertise and to ensure compatibility with existing water quality monitoring activities.

Education and outreach: *Pursue opportunities to educate landowners, developers, and local land use boards about the causes of non-point source pollution, its potential impacts on water quality and instream resources, and methods – such as Best Management Practices – for reducing or eliminating it.*

This could be achieved through a variety of techniques, such as disseminating informational brochures, conducting local workshops, and publishing information in local papers. This would be a good opportunity for a cooperative effort involving many of the groups represented on the FRCC.

Demonstration projects: *Pursue opportunities to demonstrate the use of Best Management Practices in controlling non-point source pollution.*

Federal funding for pilot projects is available through grants from the EPA under Sections 319, 104b, and 604b of the Clean Water Act. For example, Section 319 funds were recently awarded to the Hartford County Soil and Water Conservation District to improve aquatic habitat in the Pequabuck River, where habitat degradation had been caused by severe streambank erosion. The District, with input from the DEP fisheries biologists and local officials, designed and then constructed a new stable streambank and instream habitat improvements. Vegetation will be planted to encourage shade and cover for the river and its streambank.

Landowners and developers should take advantage of these funding incentives for projects that would require the use of Best Management Practices. Local land use boards and/or the DEP should notify permit applicants about the existence of these grant programs, and work with them to acquire this assistance. In addition, the FRCC and other groups should identify and pursue implementation of solutions for existing non-point source pollution problems using these or other funding mechanisms.

Biological monitoring: *Conduct additional studies of the segment's aquatic biota to establish baseline biological conditions, and initiate a long-term biological monitoring program.*

Baseline information on existing biological “uses” would provide a sound foundation for any future application of the state’s anti-degradation policy. Several recognized methodologies are available for gathering such information, including the EPA’s “Rapid Bioassessment Protocols” (which was used in the Instream Flow Study to evaluate biological conditions on the Massachusetts Wild and Scenic Study Segment) and the “Index of Biotic Integrity”. A long-term monitoring program could provide important indications of change within the system, such as incremental water quality degradation from non-point source pollution. While DEP should play the lead role in any such efforts, it may be possible to incorporate long-term biological monitoring into the volunteer-based water quality monitoring program described above.

Control of road runoff: *Pursue opportunities for reducing potential pollution impacts resulting from various forms of road runoff.*

Both the towns and the state maintain roads along the segment. Each should review its procedures for road maintenance to determine opportunities for reducing impacts on water quality. Maintenance activities that may be relevant include resurfacing, winter sanding and salting, and cleaning of storm drains. Also, road crews should be made aware of the significance of the river. This could be achieved by posting signs at bridge crossings or other appropriate locations, as is done for public water supply watersheds in Connecticut.

WILD AND SCENIC RIVER PROVISIONS

- ? The NPS will review new federal permit and grant applications that require approval under the Clean Water Act. This review will be limited to projects that would discharge directly into the segment or its tributaries, and will be based upon an evaluation of the project relative to the management plan’s objectives and standards. No project that would have a direct and adverse effect on the segment’s outstanding fisheries, recreation, and wildlife values will be allowed. NPS review will be conducted in direct consultation with the DEP and, where appropriate, the EPA. In order to fulfill this responsibility, the NPS will be notified of relevant permit applications by the DEP and relevant grant applications by the EPA. The NPS will not require notification of individual registrations for stormwater and other general permits. However, the NPS will be notified of, and given the opportunity to review, any proposed changes to the criteria and standards for general permits.¹⁵

¹⁵Note: This may require a change in state statute. See Appendix A.

- ? The DEP will notify the NPS of any proposed revisions to Connecticut's water quality standards or any proposed projects requiring state certification under Sec. 401 of the Clean Water Act that are applicable to the segment. In either case, the NPS will be given the opportunity to comment, and will be granted party status in any given proceedings if it so requests.¹⁶
- ? The FRCC will be notified of, and given the opportunity to comment on, any of the following that would directly affect the segment: 1) point source discharge permit applications under Sec. 402 of the Clean Water Act, not including individual registrations for stormwater and other general permits; 2) proposed projects requiring state certification under Sec. 401 of the Clean Water Act; and 3) proposed revisions to Connecticut's water quality standards.¹⁷
- ? The Army Corps of Engineers will notify the NPS of any applications for individual permits under Sec. 404 of the Clean Water Act that would affect the segment. The Corps and the NPS will develop a coordination/screening procedure for projects which are authorized by the Corps under a general permit.

¹⁶Note: This may require a change in state statute. See Appendix A.

¹⁷Note: This may require a change in state statute. See Appendix A.

WATER QUANTITY

OBJECTIVE

Provide flows necessary to maintain the segment's existing water quality and to sustain aquatic biota, wildlife, recreation and scenic values, while meeting legal release commitments, waste assimilation needs, and compatible water supply demand.

STANDARDS

Existing flow management: The flow regime that has existed since the Goodwin and Colebrook Dams were established provides sufficient flows to maintain water quality and the resources that make the segment eligible for Wild and Scenic River designation. That existing flow regime is dictated by several legal commitments; these are listed later in this section under **Key Actions – Flow Management**. This plan does not propose, nor does Wild and Scenic River designation require, changes in the existing flow regime.

Modifications to existing flow management: The standards which follow will be applied only if any changes are proposed to the existing flow regime. The specific flow conditions identified on the next page are taken from the Instream Flow Study (June 1992), which provides the best available information on the flow needs of the different resources and the potential for compatibility between resource protection and water supply withdrawals. The study is a critical supplement to this management plan; a detailed summary of it, which was prepared by the Farmington River Study Committee, is included in Appendix C.¹⁸ For further description, refer to “Key Actions – Use of the Instream Flow Study” in the next section. Important considerations used in establishing the flow needs of the different resources are described in the box following these standards. Note that achieving the standards for aquatic biota and recreation resources will provide sufficient flows to sustain wildlife and scenic values.

Aquatic biota: An equivalent or greater quantity or quality of fish habitat as existed historically under normal, dry, and drought conditions will be maintained. In order to achieve this standard, the following specific conditions must be met:

¹⁸Additional information related to the Instream Flow Study is contained in the final report from that study, entitled An Instream Flow Study of the Mainstem and West Branch of the Farmington River (June 1992).

Habitat maintenance: The optimum flow scenario (i.e., 150/130 cfs) identified in the Instream Flow Study will be maintained except during 99% exceedence (a 1 in 100 year drought) or drier rainfall conditions, when the near-optimum scenario (i.e., 95 cfs) or the intermediate scenario may be applied.

Flushing flows: To maintain habitat viability and streambed quality, adequate high seasonal flows will be provided yearly during the spring, except during 90% exceedence (a 1 in 10 year drought) or drier rainfall years. The Instream Flow Study identifies the three-day average maximum flow from the period between 1970-1990 as sufficient for these purposes.

Recreation resources: An equivalent or greater quantity and quality of recreational opportunity as existed historically (from 1961-1990) under normal, dry, and drought conditions will be maintained. In order to achieve this standard, the following specific conditions must be met:

Frequency of opportunity: The total number of days of minimum and optimum conditions during the peak recreation seasons for each of the primary recreational activities (fishing, downriver canoeing, kayaking and other forms of play boating, and tubing) that existed historically under representative normal, dry, and drought conditions will be maintained. The historical number of days of optimum conditions for each use must be provided, and may be increased in conjunction with a corresponding decrease in days of minimum conditions.

Seasonal distribution: The days of minimum and optimum conditions for the primary recreation activities will be distributed across the peak recreation seasons in a pattern similar to the historical distribution from the representative normal, dry, and drought years. As was the case historically, at least some of the optimum recreation conditions will be provided during the spring runoff and storm events, when the greatest tributary inflow will be available to augment reservoir releases.

Distribution of flows within the minimum optimum ranges: During normal and wetter than normal years, a distribution of flows within the minimum and optimum ranges for each activity will be provided. During dry or drought years (i.e., 90% exceedence or drier), the low end of the minimum and optimum flow ranges for each activity must be maintained, but a distribution of flows within those ranges is not required.

Water quality: Sufficient flows will be provided to comply with Connecticut's water quality standards, including the applicable anti-degradation standard for the Farmington River.

Surplus water: After all the water resource needs are met, as identified in the Instream Flow Study, any surplus water available will be dedicated to enhancement of instream uses.

Emergency uses: In a declared water supply emergency, public health and welfare will be given priority over instream needs. That is, the above water quantity standards would be suspended, if necessary, for the duration of the declared emergency.

WATER QUANTITY STANDARDS for fisheries and recreation resources are based upon the following considerations, which are taken directly from the Instream Flow Study.

- The levels of fish habitat and recreational opportunity are calculated for the stretch of the Farmington River that is downstream of the confluence with the Still River, and therefore reflect the flows contributed both from West Branch reservoir releases and the Still River.
- Fish habitat is measured in terms of the “Weighted Usable Area” (WUA) available for target species and lifestages (adult trout and juvenile Atlantic salmon).
- The time frame used to establish historical levels of fish habitat and flushing flows was 1970-1990. The period of record used to establish historical levels of recreational opportunity was 1961-1990.
- The peak recreation seasons for the primary activities are as follows:

Fishing:	March 1 ¹⁹ – October 31
Downriver Canoeing and Play Boating:	April 1 – September 30
Tubing:	Weekends only from Memorial Day – July 4 th Daily from July 4 th – Labor Day Weekends only for two weeks after Labor Day

- The representative rainfall years are as follows:

Representative normal year:	1974
Representative dry year:	1988
Representative drought year:	1965
- The historical number of days of minimum and optimum recreational conditions are derived from hydrographs of representative years, as presented in the Instream Flow Study, Appendix G, Table A.
- In the flow scenarios developed in the Instream Flow Study, days with flows of 360 cfs were counted as providing optimum flow conditions for fishing, despite the fact that the optimum range for fishing identified by the consultant extended only from 150-350 cfs. Flows of 360 cfs were provided in order to reach the lower threshold for optimum downriver canoeing conditions. It was assumed that the additional 10 cfs increment would not have a noticeable impact on fishing conditions.

¹⁹In Connecticut, the fishing season officially begins on the third Saturday in April. The March 1 date refers to the beginning of peak use of the Trout Management Area, which is open for fishing year-round.

ACTION PROGRAM

Key Actions

Flow management: *The MDC and the U.S. Army Corps of Engineers will manage flows from the West Branch reservoirs in accordance with existing commitments. Any changes to those commitments that would cause changes in flow management in the segment must conform to the water quantity standards described above.*

Under present conditions, flow management is dictated by the following:²⁰

- 50 cfs minimum flow established under state statute;
- Riparian agreement between the MDC and the Farmington River Power Company;
- Agreement with the Allied Connecticut Towns;
- Army Corps of Engineers' flood control requirements;
- Fall fisheries augmentation flow;
- Flood encroachment/American shad minimum flow; and
- Regulatory requirements of the Federal Energy Regulatory Commission (FERC) for hydroelectric facilities at Colebrook and Goodwin Dams.²¹

If any changes to these commitments are proposed, certain issues would need to be addressed to ensure conformance with the water quantity standards. For instance, procedures would need to be established for determining whether a given year is “wet”, “normal”, “dry”, or “drought” year, and for linking reservoir releases accordingly. The FRCC will take an active role in efforts to resolve these and other flow-related issues.

It is important to note that if changes are proposed to certain of the commitments (particularly the riparian agreement with the Farmington River Power Company, the agreement with the Allied Connecticut Towns, and the fisheries pools), resultant changes to several of the other commitments could be necessitated in order to achieve the water quantity standards. (The 50 cfs minimum flow, the Corps' flood control requirements, and the regulatory requirements for the hydroelectric facilities likely would not need to be adjusted). If such a situation arises, all of the parties involved in

²⁰Details on these agreements and obligations are provided in the final report of the Instream Flow Study and the Draft Evaluation of Existing Protection.

²¹The existing license from FERC for the Colebrook Hydroelectric Facility extends through 2034. The Goodwin Hydroelectric Facility has been granted an exemption from license by FERC; as such, there is no specific date for reconsideration of the exemption provisions.

the various commitments should pursue a cooperative resolution and renegotiation of the obligations involved. However, this recommendation is not a requirement; each party would retain its right to determine whether renegotiation would be in its best interest.

Water supply planning: *Potential needs for water supply withdrawals from the West Branch will be determined through the state's water supply planning process and associated documents developed by the applicant.*

In 1985, the Connecticut General Assembly established a long-range, statewide water supply planning process: the "Connecticut Plan for Public Water Supply Coordination," authorized under C.G.S. 25-33 et seq. The statute divided the state into seven planning regions, and established a "Water Utility Coordinating Committee" (WUCC) for each region. Each water utility is required to prepare a 50-year water supply plan (under C.G.S. 25-32d); the WUCC for each region is then responsible for overseeing the preparation of a "Coordinated Water System Plan," which integrates the individual utility plans into a comprehensive regional plan. Both the individual utility plans and each Coordinated Water System Plan must receive approval from the Department of Health Services (DOHS), with concurrence from the DEP. Recognizing that water supply planning is a dynamic process, the statute requires regular review and revision of both the individual utility plans (on a 3-5 year basis) and each regional plan (on a 10 year basis).

With respect to the upper Farmington River, the relevant documents are: (1) the regional plan for the "Upper Connecticut River Water Supply Management Area" (March 31, 1989); and (2) the MDC's Individual Water Supply Plan (August 1990), which was approved by the state in September 1991. The MDC's plan states that "...no use of the Colebrook/West Branch system will occur before: (1) the safe yield of the augmented East Branch system...is exceeded; (2) the range of economically feasible groundwater options is fully evaluated; and (3) conservation potential is thoroughly assessed from a cost-effectiveness standpoint and in terms of expected long-range results." Future revisions to these documents should reflect both the knowledge gained from the Instream Flow Study and the agreements incorporated into this management plan.

Use of the Instream Flow Study: *The Instream Flow Study will be used as a primary source of information in water management and planning.*

The Instream Flow Study and subsequent analysis performed by the Farmington River Study Committee provide critical information regarding the flows needed to protect instream resources as well as the potential for compatibility between resource

protection and water supply withdrawals.²² The MDC, the Army Corps of Engineers, the DEP, and others should incorporate this information into any planning, management, or regulatory activities that involve water quantity issues on the West Branch.

Users of this information should keep in mind that the Instream Flow Study is not an evaluation of a specific withdrawal proposal, nor does it define a specific management regime for the West Branch Reservoirs. Rather, it incorporates two hypothetical levels of withdrawal into an intricate resource management and water allocation exercise. As with any scientific analysis, the study is based on a number of important assumptions; these assumptions have related limitations that should be considered in any future management decisions.

Given those considerations, the Instream Flow Study indicates that some use of the West Branch water for water supply could be compatible with protection of the river's instream resources and, therefore, with wild and scenic river designation. Based upon the assumptions utilized in the Instream Flow Study, during wetter-than-normal, normal, and dry years, there appears to be sufficient water to provide for all resource needs and uses, including a potential water supply withdrawal of up to 7.3 billion gallons per year. Under severe drought conditions, there appears to be sufficient water to provide for all resource needs and uses and withdrawals of up to 7.3 billion gallons per year, if a near-optimum fisheries scenario is applied.

In the event that a withdrawal is proposed, the applicant would have to satisfy requirements for applicable state and federal permits and resolve other constraints. Should the proposed withdrawal be from either or both of the West Branch reservoirs, an essential element of the withdrawal proposal would be the development of a plan for reservoir management, including an operational plan and a detailed flow regime. The plan would identify how the reservoirs and releases would be managed to balance competing uses and protect the river's resources as identified in the Instream Flow Study and this management plan. Other constraints could include, for example, the need to renegotiate existing flow management agreements.

State regulation of water diversions: *Any future withdrawal will require approval from the DEP under the Water Diversion Policy Act (C.G.S. 22a-365 et seq.).*

This statute, passed by the Connecticut General Assembly in 1982, was designed to protect the state's water resources and to ensure the balancing of different needs in the allocation of water within any particular basin. The Act establishes that any water

²²This information is contained in the final report of the Instream Flow Study and the "Summary: Farmington River Instream Flow Study" contained in Appendix C.

diversion must be “necessary” and compatible with the state’s long range water resource planning for the basin, and must reflect a balance among the needs for public water supply, water quality, waste assimilation, flood management, water-based recreation, wildlife habitat, agriculture, fish and wildlife, and low flow requirements. The law requires a permit from the DEP for any withdrawal of surface or ground water greater than 50,000 gallons per day, or for any construction (such as a dam) that would change the instantaneous flow of any water of the state. In addition to evaluating the factors listed above, DEP considers whether the applicant has adequately addressed the following: thorough exploration of alternatives, including conservation; implementation of conservation measures; and initiation of public information programs on conservation techniques. In general, the Department’s review emphasizes the following sequence: (1) avoid adverse effects of any diversion; (2) minimize any unavoidable effects; and (3) pursue mitigation for unavoidable effects.

If a withdrawal from the Farmington River’s West Branch is pursued, the applicant will need to prepare and submit a plan that demonstrates the extent to which the river’s various resource and use requirements will be maintained, as described above and in Appendix C, “Summary: Farmington River Instream Flow Study.”

State water quality certification: *The DEP will implement the water quality certification requirements of Sec. 401 of the Clean Water Act for any project affecting water quantity that requires a Clean Water Act discharge permit.*

This responsibility is described in the discussion of the DEP’s implementation of state and federal water pollution control statutes under **Water Quality – Key Actions**.

Federal regulation of stream alterations: *The Army Corps of Engineers will implement the permitting requirements of Sec. 404 of the Clean Water Act for any project affecting water quantity that would discharge dredged or fill material into the segment or an adjacent wetland.*

This responsibility is described under **Channel, Bank, and Wetland Protection – Key Actions**.

State regulation of water supply emergencies: *The DEP and the DOHS will maintain their authority to implement the state’s water supply emergency statutes if conditions arise that necessitate such action.*

Connecticut has two statutes that address this issue: “Water Supply Emergency” (C.G.S. 22a-378); and “Public Drinking Water Supply Emergency” (C.G.S. 25-32b). Under the first statute, if a water supply emergency is declared by the governor or otherwise according to law, the Commissioner of DEP is empowered to: (1) suspend existing diversion authorizations for up to sixty days; and (2) authorize diversions without the usual permitting requirements for up to ninety days. The second statute

authorizes the Commissioner of DOHS, in consultation with DEP and the Public Utilities Control Authority, to declare a public drinking water supply emergency. Under those circumstances, the Commissioner of DOHS may authorize the sale, supply, or taking of any waters for up to 180 days. The definition of a “public drinking water supply emergency” in the statutes includes the contamination of water, the failure of a water supply system, or the shortage of water.

In any future implementation of these authorities that would affect the segment, the state should notify the FRCC.²³

Supporting Activities

Other state authorities: *The state should ensure consistency with this management plan in its implementation of other authorities that could have a bearing on water quantity in the segment.*

In addition to the state’s responsibilities described above in “Key Actions”, the Connecticut General Assembly has established two statewide planning processes that have a bearing on water quantity management in the river:

1. the Long Range Plan for Management of Water Resources (C.G.S. 22a-352); and
2. the State Plan of Conservation and Development (C.G.S. 16a-24 et seq.).

Both these programs are administered by the Office of Policy and Management (OPM). The significance of the upper Farmington River is recognized in the current Plan of Conservation and Development, which identifies the segment as a preservation area. The Long Range Plan for Management of Water Resources has not yet been prepared; when it is written, it too, should recognize the river’s outstanding features and special status. The FRCC should work with the OPM to achieve consistency between these statewide plans and the river management plan.

²³Note: This may require a change in state statute. See Appendix A.

Additional Opportunities

Study of flushing flows: *Conduct a study to determine more conclusively the “flushing flows” needed to maintain the river’s ecological integrity.*

Because of time and budget limitations, the consultant for the Instream Flow Study was restricted to using a desk-top method for estimating the river’s flushing flow needs. The consultant acknowledged that a more detailed empirical study would be desirable. If such a study is pursued, it should be done through a cooperative effort similar to the way in which the Instream Flow Study was conducted. The DEP should coordinate the effort, and the FRCC should participate in developing the scope of work and reviewing the results.

Reservoir management: *The MDC and the Army Corps of Engineers should evaluate opportunities to enhance downstream resources within their existing reservoir management constraints.*

In the process of analyzing the results of the Instream Flow Study, it became apparent that there are opportunities which the MDC could pursue to enhance instream flows above historical levels while meeting existing obligations and maintaining adequate annual volumes for a potential water supply withdrawal. These findings raise the possibility that similar opportunities might be available to the Corps, while maintaining the reservoir capacity needed for flood control. Both agencies should explore the feasibility of implementing any such enhancement opportunities, in cooperation and consultation with the FRCC and the DEP.

Water conservation: *Pursue water conservation opportunities to reduce reliance on the Farmington River Valley’s surface and groundwater sources for water supply.*

There are two primary areas on which attention should be focused:

1. Supporting the conservation plans outlined in the MDC’s Individual Water Supply Plan, and
2. Promoting water conservation in study area towns.

Considerable energy and resources have been expended in both of these areas for many years – the MDC has pursued both supply management and demand management throughout its system, and the FRWA has emphasized educational programs on water conservation throughout the Farmington River basin. While these programs already

have been very successful, it may be possible to get even greater returns from them through a cooperative effort among MDC, the FRWA, and the other members of the FRCC.

Implementation of recent state and federal water conservation mandates will help to achieve further reductions in demand. At the state level, the Governor and the General Assembly have established a clear policy direction concerning the important role of water conservation in water management through the passage of the following Public Acts: P.A. 89-327, which establishes a water resources policy; P.A. 89-303, which concerns minimum efficiency standards for plumbing fixtures; and P.A. 89-266 establishing a residential water saving program to retrofit plumbing fixtures with water conserving devices. At the federal level, the National Energy Policy Act (P.L. 102-486; Oct. 24, 1992) established new national plumbing efficiency standards.

WILD AND SCENIC RIVER PROVISIONS

- ? NPS will review any proposed project involving flow alteration and requiring federal assistance through permits, licenses, funding, or other action and that would be on or directly affecting the segment. This would apply to projects upstream or on tributaries, as well as those on the segment itself. NPS review will be based upon an evaluation of the project relative to the management plan's objectives and standards. No project that would have a direct and adverse effect on the segment's outstanding fisheries, recreation, and wildlife values will be allowed.
- ? The DEP will notify the NPS and the FRCC of any relevant diversion permit applications, as well as other proposals that would affect the segment's water quantity and require state certification under Sec. 401 of the Clean Water Act. The NPS and the FRCC will be given the opportunity to comment on any such proposals, and the NPS will be granted party status in any given proceedings if it so requests.²⁴
- ? The Army Corps of Engineers will notify the NPS of any applications for individual permits under Sec. 404 of the Clean Water Act that would affect the segment. The Corps and the NPS will develop a coordination/screening procedure for projects which are authorized under a general permit.

²⁴Note: Notification and party status may require changes in state statute. See Appendix A.

- ? Wild and Scenic River designation will not preclude Federal Energy Regulatory Commission approvals required for the continued operation of the Goodwin and Colebrook Hydroelectric Projects, nor will it supersede the existing authority of the Army Corps of Engineers for flood prevention through management of the Colebrook Dam and Reservoir. Designation also will not preclude the temporary lowering of surface elevations in the West Branch Reservoirs below normal management levels for dam repairs.

CHANNEL, BANK, AND WETLAND PROTECTION

OBJECTIVE

Maintain or enhance the natural condition of the river system, including its free-flowing character, the integrity of the stream channel and banks, and the ecological functions of adjacent wetlands.

STANDARDS

Dams: In order to maintain the segment's free-flowing condition, no new dams will be allowed.

Other alterations: No other new man-made alterations to the river's channel, banks, and adjacent wetlands that would degrade their natural appearance and function will be allowed, unless such alteration is clearly in the interest of public health, safety, and welfare and no feasible and prudent alternative exists. Actions will be taken to minimize the impacts of any unavoidable alterations, including the use of Best Management Practices during construction to control non-point source pollution. To prevent resource degradation, any new bridge abutments and other physical structures (such as may be necessary for an approved diversion) should be designed to minimize impacts and/or be located as far from the river banks as possible. Any necessary bank stabilization should be designed in a way that will maintain the natural character of the shoreline and, wherever possible, should be achieved using natural vegetation. Improvements for recreational access will not be precluded. However, the need for any such improvements should be clearly established, and design and construction should be done in a way that will minimize impacts to the integrity and function of the river's channel, banks, and adjacent wetlands.

ACTION PROGRAM

Key Actions

Federal regulation of stream alterations: *The Army Corps of Engineers will implement Sec. 404 of the Clean Water Act, which requires federal approval for any project that would discharge dredged or fill material into a river or wetland.*

Regulations governing the Army Corps of Engineers' Nationwide Permit Program (Federal Register, November 22, 1991) require individual rather than nationwide permits for all proposed projects covered by Section 404 of the Clean Water Act that are "in a component of the National Wild and Scenic Rivers System." In accordance with these regulations and the Wild and Scenic Rivers Act, the Corps will, in its review of individual permit applications proposed on the segment, specifically consider comments from the NPS regarding consistency of proposed projects with the standards set forth in this plan. However, it would not be appropriate for the NPS, or the FRCC, to take an active role in all Section 404 permitting actions in the basin. The Corps and the NPS will work cooperatively to develop a coordination/screening procedure for projects authorized under a nationwide or regional permit that are beyond the immediate segment but that could adversely affect it.

State water quality certification: *The DEP will implement the water quality certification requirements of Sec. 401 of the Clean Water Act for any project affecting the segment's channel, banks, or adjacent wetlands that requires a Clean Water Act discharge permit.*

This responsibility is described in the discussion of DEP's implementation of state and federal water pollution control statutes under **Water Quality – Key Actions**.

Local land use regulation: *The riverfront towns will implement and enforce existing land use regulations that protect the river's channel, banks, and adjacent wetlands.*

The natural appearance and function of the river's channel, banks, and adjacent wetlands receive strong protection through several local land use regulations. The most important include the River Protection Overlay Districts, floodplain regulations, and wetlands regulations. These are discussed in greater detail under **Land Management**.

Supporting Activities

Other state regulatory responsibilities: *The state should ensure consistency with the provisions of this management plan in its implementation of other authorities and programs that relate to the protection of the river’s channel, banks, and adjacent wetlands.*

Connecticut has several other statutes that potentially have a bearing on the physical character of the river. They include the following:

- Inland Wetlands and Watercourses (C.G.S. 22a-36 *et seq.*), which authorizes the DEP to regulate activities conducted by state agencies that would affect a river or wetland;²⁵
- Flood Management (C.G.S. 25-68b *et seq.*), which authorizes the DEP to regulate activities conducted by state agencies within or affecting floodplains;
- Construction Over or Adjacent to Streams (C.G.S. 13a-94), which requires the Connecticut Department of Transportation to refer plans for state highways and bridges near streams to the DEP; and
- Dams and Reservoir Safety (C.G.S. 22a-401 *et seq.*), which authorizes the DEP to regulate the construction, repair or alteration of dams, reservoirs, and similar structures.

The FRCC should be notified of, and given the opportunity to comment on, any action under these programs that could affect the river other than those of an emergency nature.²⁶

Additional Opportunities

Floodplain protection: *Consider the possibility of establishing a “Stream Channel Encroachment Line” along part or all of the segment.*

Under C.G.S. 22a-342 *et seq.*, the DEP has the authority to regulate activities in floodplain areas. This authority is limited to those areas defined by “stream channel

²⁵The role of the towns’ inland wetland commissions in regulating activities other than those conducted by state agencies is incorporated in the key action entitled, “Local land use regulation” earlier in this section.

²⁶Note: This may require changes in state statutes. See Appendix A.

encroachment lines.” The statute requires that within these lines, “in the direction of the waterway, no obstruction or encroachment shall be placed” without receiving a permit from the DEP. The program, originally designed to reduce the loss of life and property from flooding, now requires consideration of potential environmental consequences in permit reviews as well.

To date, stream channel encroachment lines have not been defined for the segment. If they are established, the DEP could provide additional protection for the river’s floodplain. The DEP would be able to ensure consistency in floodplain management across the four riverfront towns and provide the towns with professional expertise in evaluating the environmental consequences of proposed projects in the floodplain. Also, because delineation of encroachment lines involves extensive surveying and hydraulic modeling, a sophisticated and defensible basis for regulating the floodplain would be established.

Because the DEP does not rely on the Federal Emergency Management Agency’s (FEMA) floodplain delineations, establishing encroachment lines along the segment would require a legislative appropriation for flood studies and mapping. Also, the DEP would have to find that flood hazard areas do, in fact, exist along the segment.

Officials of the riverfront towns should be involved in any decision to pursue this program for the segment.

WILD AND SCENIC RIVER PROVISIONS

- ? NPS will review any proposed channel, bank, or wetland alteration that requires a federal permit, license, certification, or funding and that would directly affect the designated segment. NPS review will be based upon an evaluation of the project relative to the management plan’s objectives and standards. No project that would have a direct and adverse effect on the segment’s free-flowing condition or its outstanding fisheries, recreation, and wildlife values will be allowed. No new dams will be allowed on the segment, and no new hydroelectric projects that would be on or directly affecting the segment will be allowed.
- ? The DEP will notify the NPS and the FRCC of, and give each the opportunity to comment on, any proposed project requiring state certification under Sec. 401 of the Clean Water Act. The NPS will be granted party status in any given proceedings if it so requests.²⁷

²⁷Note: Notification and party status may require changes in state statute. See Appendix A.

- ? The Army Corps of Engineers will notify the NPS of any applications for individual permits under Sec. 404 of the Clean Water Act that would affect the segment. The Corps and the NPS will develop a coordination/screening procedure for projects which are authorized under a general permit.
- ? Wild and Scenic designation will not preclude the re-licensing of the Colebrook Hydroelectric Project, nor the continued exemption of the Goodwin Hydroelectric Project.
- ? The potential licensing of hydroelectric facilities on new or existing dams downstream of the segment, which could have an effect on the segment's Atlantic salmon resources, is discussed under **Downstream Management** later in this management plan.

RESOURCE MANAGEMENT: OUTSTANDING RESOURCES

RECREATION RESOURCES

OBJECTIVE

Protect and enhance the upper Farmington River's outstanding recreational resources.

STANDARDS

Recreation opportunities: Existing recreation opportunities will be maintained and enhanced.

Impacts on land and water resources: Recreational activities and facilities will be managed in a way that will prevent degradation of land or water resources.

Access: Public lands will be relied upon to provide access to the river. Any access through private lands will be at the discretion of the landowner.

ACTION PROGRAM

Key Actions

Recreation management on public lands: *The DEP, the MDC, and the riverfront towns will continue to manage recreation on their respective lands along the segment. Land managers should review current policies and practices relating to recreation management for consistency with the objective and standards stated above, and revise them if necessary.*

Current management policies provide for extensive access and a variety of recreational uses on public lands along the segment. State forests, which include the greatest amount of public acreage and frontage along the segment, support the broadest range of

recreational activities; as a result, they receive the most intense recreational pressure of any lands along the segment. Other public lands – particularly the state’s Satan’s Kingdom Recreation Area, the MDC’s Greenwoods area, and New Hartford’s town property – also provide important access opportunities and receive significant use. In conjunction with the river’s high quality for many active and passive uses, the extensive access and recreational opportunities on publicly owned shorelands make the upper Farmington River one of the region’s most important recreational resources.

Any major revision to existing recreation management policies and practices for public lands should be made in consultation with the FRCC.

Regulation of commercial recreation: *The DEP and the towns will regulate commercial recreation in accordance with their existing authorities.*

The DEP will continue to regulate commercial recreation on state lands to ensure public health, safety, and welfare, and resource protection. (Currently commercial recreation on state lands is limited to the tubing concession at Satan’s Kingdom.) The DEP also will actively participate in resolving other commercial recreation issues that may arise, such as potential access needs for commercial canoe liveries.

Private organization initiatives: *River advocacy and recreation user groups will continue to play an important role in recreation management.*

The Farmington River Valley’s principal river advocacy and recreation user groups (including the FRWA, the Farmington River Anglers Association, the Farmington River Club, and the Connecticut Chapter of the Appalachian Mountain Club) have dealt with recreational issues on the river for many years. Their continued involvement will be vital for effective recreation management in the future. These groups should focus attention on three primary activities:

1. educating users about the river and about the potential environmental and social effects of various recreational activities,
2. participating in efforts to resolve recreational conflicts or balance competing uses, and
3. assisting in cooperative projects such as development of new access sites and river cleanups.

Monitoring recreational use and promoting issue resolution: *The FRCC will take the lead in monitoring river recreation, identifying persistent issues associated with recreational use, and promoting the cooperative resolution of those issues. This may include developing a comprehensive recreation management plan.*

During the course of the Wild and Scenic River Study, members of the public identified a number of existing issues that warrant attention, including:

- ? concerns expressed by owners of riparian lands (e.g., trespass, noise, vandalism, and lack of respect for their privacy)
- ? conflicts posed by competing recreational users
- ? the need for adequate access to the river
- ? management of commercial recreational activities
- ? parking and traffic problems
- ? litter problems on both private and public lands
- ? the health, safety, and welfare of river users
- ? the potential intensification of these and other issues if recreational use increases in the future

To address these and other recreation issues, the FRCC should promote the development of a comprehensive recreation management plan for the segment. The plan could be prepared by the FRCC itself, or by the DEP. Regardless, it should be developed in cooperation with all interests that have a stake in recreational use of the river corridor.

Supporting Activities

Local land use regulations affecting recreation: *The riverfront towns will help to manage recreation by implementing and enforcing existing land use regulations, including the River Protection Overlay Districts, that affect recreational use of the river corridor.*

In general, the River Protection Overlay Districts allow for non-intensive and non-commercial recreational uses that do not require new structures within the 100-foot buffer area. These districts and other local regulations are discussed in further detail under **Land Management – Key Actions**.

Additional Opportunities

Additional public access: *The DEP and the MDC should evaluate opportunities to provide additional public access to the river on their lands, if such additional access is needed and is consistent with the purposes for which those lands were dedicated.*

In assessing needs and opportunities for additional access, the DEP and the MDC should consult with the FRCC and organizations that represent river users. The needs of the elderly and the disabled should be specifically addressed in any proposal for new or improved access. Cooperative projects (such as the handicapped fishing access site at the Church Pool in Pleasant Valley that was developed jointly by the MDC, the DEP, and the Farmington River Anglers Association) should be pursued whenever appropriate and feasible.

WILD AND SCENIC RIVER PROVISIONS

No additional requirements related to the management of recreation resources will result from Wild and Scenic River designation. The National Park Service will not regulate recreational use or require permits for commercial recreation activities.

FISHERIES AND WILDLIFE

OBJECTIVE

Protect and enhance the upper Farmington River's outstanding fisheries and wildlife resources.

STANDARDS

Habitat: The historical quality, quantity, and diversity of fish and wildlife habitat will be maintained and enhanced.

Sensitive Species: Populations of sensitive species, including Atlantic salmon, bald eagles, and osprey, will be maintained and enhanced.

Sport Fisheries: The upper Farmington River's high quality sport fishery will be maintained and enhanced.

ACTION PROGRAM

Key Actions

Fish and wildlife management: *The DEP will retain responsibility for management of fish and wildlife.*

The DEP's major fish and wildlife management activities include: (1) habitat management and protection, (2) fish and wildlife stocking programs, and (3) regulation and enforcement of fishing and hunting activities. The latter includes licensing requirements and the establishment of special management areas (for instance, the "Trout Management Area" in Barkhamsted and New Hartford.)

Any major changes to existing management practices that are specific to the Farmington River should be made in consultation with the FRCC.

Anadromous fisheries restoration: *The Connecticut River Atlantic Salmon Commission will actively implement plans and programs to restore anadromous fish in the Farmington River basin.*

The Farmington River is one of the principal tributaries included in the ongoing effort to restore Atlantic salmon to the Connecticut River watershed. This basin-wide endeavor was originally coordinated through the Connecticut River Anadromous Fisheries Management Policy Committee, whose members included the heads of the federal and state resource agencies with authority in the basin. In 1984, Congress established the Atlantic Salmon Compact to guide the future of this restoration effort. Further, the Congress called for the creation of the Connecticut River Atlantic Salmon Commission, as specified in the Compact. The State of Connecticut is a member of the Commission and is represented by the DEP and one additional person appointed by the Governor.

The Commission is responsible for developing, implementing, and updating a basin-wide restoration plan. The current plan, originally drafted by the Policy Committee and entitled the “Strategic Plan for the Restoration of Atlantic Salmon to the Connecticut River”, was completed in 1981 and is now being revised. The Commission will continue to implement those parts of the Strategic Plan that apply to the Farmington River.

In addition, the DEP is currently drafting its own statewide plan, the “Connecticut Anadromous Fisheries Comprehensive Plan”. Elements of the plan relating to the Farmington River will be implemented when the plan is completed.

Long-term success of the restoration efforts in the Farmington River basin will require protection of critical habitat in the upper segment and maintenance of adequate water quality and quantity in the river. The standards for water quality, water quantity, and channel, bank, and wetland protection established in the **Water Resource Management** section of this plan are intended, in part, to achieve those ends.

Upstream and downstream fish passage at the Collinsville dams and downstream passage at Rainbow Dam in Windsor are also critical needs. These are discussed in the **Downstream Management** section of this plan.

Bald eagle restoration: *The MDC, the DEP, and the U.S. Fish and Wildlife Service will continue their efforts to re-establish breeding pairs of bald eagles in the upper Farmington River watershed.*

These three agencies have been working cooperatively to support, protect, and monitor eagle activity in the upper part of the watershed in recent years. Re-establishment efforts came to fruition in May 1992, when a pair of eagles that had been nesting near the reservoir successfully hatched two chicks – the first born in Connecticut in more than 40 years.

While much of the birds' activity has been centered in the protected watershed of the Barkhamsted Reservoir, they regularly use the upper segment of the river for feeding, particularly in winter when the reservoir is frozen. Eagle use of the segment is directly dependent upon protection of its abundant fisheries, as well as maintenance of the high environmental quality and largely natural character of the river corridor. The standards and actions for land and water management in this plan will ensure that the segment retains those values.

Supporting Activities

Initiatives for habitat protection and enhancement: *The FRCC should promote projects that support the restoration, protection and/or enhancement of fish and wildlife habitat.*

Good examples of recent projects include the following:

1. The DEP's purchase of a 120-acre riverfront parcel in Hartland. The property includes an excellent site for a trout/salmon rearing facility, as well as 3000 feet of important riparian habitat.
2. A streambank planting project of a rip-rapped area along West River Road in Barkhamsted. This has been a cooperative effort designed to reduce erosion, improve wildlife habitat, and enhance the aesthetics of the site. The project was initiated by the Farmington River Anglers Association, with participation from the Town of Barkhamsted, the Soil Conservation Service, and a local nursery that donated plant materials.

Additional Opportunities

Inventory of sensitive species: *Conduct an inventory of sensitive plant and animal species associated with the Farmington River.*

This effort could be pursued cooperatively through the DEP's Natural Diversity Data Base in conjunction with the U.S. Fish and Wildlife Service, educational institutions, and other appropriate organizations.

WILD AND SCENIC RIVER PROVISIONS

There will be no additional requirements related to the management of fisheries and wildlife resources, and there will be no National Park Service role in such management, as a result of Wild and Scenic River designation.

HISTORIC RESOURCES

OBJECTIVE

Protect and enhance outstanding historic resources associated with the upper Farmington River.

STANDARDS

Historic sites: The integrity of sites associated with the segment and listed on the National Register of Historic Places or Connecticut's State Register of Historic Places will be maintained.

Archeological sites: The integrity of sites that are important in understanding and interpreting the activities of prehistoric cultures in the upper Farmington River Valley will be maintained.

ACTION PROGRAM

Key Actions

Historic preservation laws: *The Connecticut Historical Commission, the National Park Service, and the Advisory Council on Historic Preservation will continue to exercise their respective authorities to protect historic sites under C.G.S. 10-321a et seq. and the National Historic Preservation Act (P.L. 89-665).*

Section 106 of the National Historic Preservation Act requires that a review be conducted before any federal action is taken that might affect a site listed on the National Register. Federal actions that trigger this review include construction, licensing and permitting, government loans, and similar activities. The purpose of the review is to determine if the site would be adversely affected and, if so, to identify ways to avoid or mitigate the adverse effect. The act does not grant authority to stop a project in order to preserve a site; rather, it mandates that historic resources be "taken into account." The state typically takes the lead in evaluating the potential impacts of proposed projects on listed sites. The NPS provides technical assistance as needed, and retains the option of conducting its own review, as does the Advisory Council on Historic Preservation.

Several sites in the area have been recognized for their historic significance. Three structures are listed on the National Register – the 19th century Chapin House in Pine Meadow, the depression era CCC museum in the Peoples State Forest, and the early 19th century gothic revival style stone Union Church in Riverton. An additional thirteen structures are listed on the Connecticut State Register, and the clusters of 19th century buildings in New Hartford and Pine Meadow have been designated as state and local historic districts.

Existing authorities will be sufficient to protect these outstanding historic resources. Agencies responsible for oversight of these resources should be informed of the existence of the management plan and encouraged to take it into account as they exercise their review and consultation responsibilities.

Protection and investigation of archeological sites on public lands: *The DEP and the MDC will review their existing management plans for the state forests and watershed lands for compatibility with the protection of important archeological sites that are linked to the river, and will take additional actions if necessary to ensure the protection of those sites.*

Investigations conducted by the Farmington River Archeology Project in selected areas of Peoples State Forest and Nepaug State Forest have uncovered a number of prehistoric sites. One site, which includes portions of Beaver Meadow in Peoples State Forest, has been listed as a National Historic Site in recognition of its extensive remnants of pre-colonial Native American settlements.

Further investigations of archeological sites on public lands should be encouraged, but should be coordinated in advance with the managing agency to avoid conflicts with other resource management activities. All archeological activities should be overseen by recognized professional archeologists using accepted field techniques.

Supporting Activities

Interpretation of historic resources: *The local historical societies will continue to be both the primary source of information for the public on the region's historic resources, and the primary advocate for the protection of those resources.*

Local historical societies should evaluate opportunities for further research into the historical relationship between the adjacent communities and the river. This connection would also be an appropriate theme for the societies to emphasize in their public education efforts.

WILD AND SCENIC RIVER PROVISIONS

There will be no additional requirements related to the management of historic resources as a result of Wild and Scenic River designation. National Park Service authority will be limited to that already established under the Historic Preservation Act.

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EDUCATION AND OUTREACH

OVERVIEW

Long-term protection of the upper Farmington River will depend upon a shared sense of responsibility and the enlightened stewardship of all who use and manage the river and its adjacent lands. Developing this unified spirit in an area with so many interests, issues, and jurisdictions will require a commitment to education and outreach.

Organizations with existing education and outreach programs will be encouraged to continue and expand their efforts. In addition, the FRCC will help to organize cooperative efforts among its membership and with other organizations. The Committee's objective will be to support and complement ongoing education and outreach activities, rather than to duplicate them.

POTENTIAL ACTIVITIES

Following are examples of education and outreach activities that should be considered. Many of these are discussed in greater detail elsewhere in this plan.

- ? Developing a volunteer water quality monitoring program with students, local service organizations, and other residents.
- ? Providing hands-on opportunities for the public to experience the river (e.g., through nature hikes and canoe trips) and to help improve it (e.g., by working on river clean-ups). Several organizations, including the FRWA, the Farmington River Anglers Association, and the Farmington River Club, have been quite successful in organizing activities such as these.
- ? Developing and distributing information about the special features of the upper Farmington River and how this plan will provide for their long-term protection and management. (This could be done through slide shows and videos, printed materials, and/or formation of a speakers bureau to give presentations to local service organizations, garden clubs, and similar groups.)

- ? Providing information and assistance to landowners on techniques to enhance their stewardship of riverfront land. This could include: (1) identifying sources of information and expertise regarding the management of forest lands, wildlife habitat, and wetland vegetation, (2) organizing workshops and providing follow-up assistance on voluntary land protection techniques, such as conservation easements and deed covenants, and (3) providing information on the use of Best Management Practices to control non-point source pollution, and on funding opportunities to implement demonstration projects using Best Management Practices.
- ? Developing a simple, understandable brochure for riverfront landowners that (1) summarizes the existing local, state, and federal regulations that may affect them and how those regulations are implemented, and (2) provides addresses and phone numbers of the appropriate offices or agencies at each level of government. Ideally, this brochure should be prepared in consultation and cooperation with the local land use commissions and on town-by-town basis to ensure accurate descriptions of each town's regulations.
- ? Developing information for landowners, developers, local land use boards, and others about the causes of non-point source pollution, its potential impacts on water quality and other instream resources, and methods for reducing or eliminating it.
- ? Establishing an awards program to recognize outstanding conservation achievements by individuals and groups in the upper Farmington River Valley.
- ? Promoting river-related activities in local schools, as well as with local service organizations and other groups. The recent activities of the Barkhamsted Elementary School 5th grade class provide an outstanding example of this.
- ? Establishing a clearinghouse of information on river protection techniques that have been used successfully in other areas.
- ? Developing an information and interpretive center as a focal point for visitors to the upper Farmington River Valley.

MANAGEMENT OF THE MASSACHUSETTS SEGMENT

OVERVIEW

The actions described in this management plan focus on the Connecticut portion of the upper Farmington River. This section of the plan describes how implementation of the plan, and wild and scenic designation in Connecticut, would affect the river in Massachusetts. It also makes recommendations for management of the Massachusetts segment. These recommendations are made in recognition of both the inherent resource values associated with the Massachusetts portion of the river, and the effect that river management in Massachusetts can have on the river in Connecticut.

ISSUES RELATED TO WILD AND SCENIC DESIGNATION

RECOMMENDATION REGARDING WILD & SCENIC DESIGNATION

In the absence of town votes supporting designation in the Massachusetts towns, the NPS is not recommending wild and scenic river designation for the Massachusetts segment of the Farmington River.

EFFECT OF DESIGNATION IN CONNECTICUT

If the Connecticut segment is designated, the National Park Service will review any proposed water resource project on the Massachusetts segment or its tributaries that requires federal permits, licenses, or funding. Any project that would have an adverse effect on the Connecticut segment will, in accordance with the Wild and Scenic Rivers Act, be prohibited. Any project that would reduce either the quality or quantity of water flowing into the designated segment downstream would be of particular concern. Federal agencies that typically have a role in the funding or approval of such projects, notably the EPA, the U.S. Army Corps of Engineers, and

the Federal Energy Commission, will be apprised of the special status of the Connecticut segment and informed of the requirements of the Wild and Scenic Rivers Act. The National Park Service will not have review authority over land use activities that are not water-related and do not require federal permits or other federal assistance.

RECONSIDERATION OF WILD AND SCENIC DESIGNATION

If local attitudes about designation should change in Massachusetts towns, designation could be pursued without additional study. Designation would be contingent upon:

1. town votes in support of designation, and
2. strengthening of land use regulations affecting the immediate shorelands in Sandisfield and Otis so that protection in those towns would be comparable to that provided in Tolland and the Connecticut towns.

While designation of the entire Massachusetts segment would be preferable, it would be possible to designate only a portion of the segment. For example, the stretch in Tolland and Sandisfield could be designated by itself, should those two towns desire such action.

Designation could be obtained either through Congressional action or through a request from the Governor for administrative designation by the Secretary of the Interior as authorized under Sec. 2(a)(ii) of the Wild and Scenic Rivers Act. In either case, this management plan would need to be revised to include specific provisions for management of the Massachusetts segment. These provisions should be comparable but not necessarily identical to those identified in the plan for the Connecticut segment.

RIVER MANAGEMENT ISSUES

MANAGEMENT RECOMMENDATIONS

Regardless of designation, it is recommended that the Massachusetts segment be carefully managed to protect its inherent values and to prevent any negative impacts on the river downstream. Landowners, local governments, private organizations, and state agencies should protect the river to the best of their abilities and to the extent of their jurisdiction. Several of

the key actions, support activities, and additional opportunities identified in this plan could easily be adapted for use in Massachusetts. Those concerned with the continued conservation of the Massachusetts segment should review the actions proposed for the Connecticut portion of the river and implement those that they deem most applicable and important.

At the local level, all four Massachusetts towns should actively implement existing land use regulations that have a direct effect on the river. In addition, the towns of Sandisfield and Otis should consider adopting shorelands protection ordinances similar to those in Tolland and the Connecticut towns. Becket can contribute to the Farmington River's conservation primarily by protecting the wetland areas that form the river's headwaters through active enforcement of the Wetlands Protection Act.

There are also several ways that the Commonwealth of Massachusetts can help ensure continued conservation of the river. The Commonwealth has primary authority over both water quality and water quantity. The Massachusetts Department of Environmental Protection (DEP), through its Division of Water Pollution Control, should continue to actively exercise its authorities over the control of water pollution in this segment of the river. Should the Connecticut segment be designated as a wild and scenic river, the Massachusetts DEP should recognize this special status when it considers future water quality issues. That special status should also be recognized by the Department of Environmental Management (DEM) in its ongoing river basin planning process.

The Commonwealth also has a major role in protecting the river's shorelands and watershed lands. The DEM manages two state forests that abut the segment and also manages other forest lands that, while not adjacent to the river, provide critical protection to the watershed. The agency should continue to manage these lands in a manner that will protect and enhance the river and its related wildlife, recreation, and scenic resources. The DEM should continue to pursue opportunities to provide appropriate public access to the river for non-intensive recreational use. In addition, the DEM should continue its efforts to acquire key parcels along the river, as authorized by the state legislature in 1984.

PARTICIPATION IN THE FRCC

Any of the Massachusetts towns and/or the state will be welcome to participate on the Farmington River Coordinating Committee (FRCC), either upon its initiation or at some point in the future. This opportunity will be available regardless of whether the Massachusetts segment is designated as a national wild and scenic river. As described in the section of the plan on **Administrative Framework**, if the Commonwealth of Massachusetts and/or any of the towns along the Massachusetts segment request membership, they will be granted non-

voting status automatically. Any of those interests subsequently may be granted voting status by unanimous consent of the existing members. If the Massachusetts segment is designated as a wild and scenic river at some point in the future, the State and the towns along the designated section will be granted voting membership automatically, regardless of whether they were previously active on the Committee.

DOWNSTREAM RIVER MANAGEMENT

OVERVIEW

The upper Farmington River cannot be considered in isolation from other portions of the river system. The previous section addressed the headwaters area in Massachusetts. This section focuses on the downstream portion of the river, which extends for some 50 miles and includes nine communities: Burlington, Avon, Farmington, Simsbury, East Granby, Bloomfield, Windsor, and Windsor Locks. It identifies actions that could be taken by these communities and others both to protect the downstream portion of the river and to support actions being proposed for the upper Farmington area. These are recommendations only, and their implementation is not required as part of the Upper Farmington River Management Plan. This section also addresses the issue of anadromous fish restoration in the downstream segment.

MANAGEMENT RECOMMENDATIONS

LOCAL GOVERNMENT ACTIONS

Towns adjacent to the river should review the **Land Management** section of this plan and pursue implementation of actions that they deem relevant and beneficial. In particular, they should consider adopting shorelands protection ordinances similar to the River Protection Overlay Districts approved by upstream towns.

INITIATIVES BY PRIVATE ORGANIZATIONS

As discussed in the **Land Management** section of this plan, the FRWA has established a Regional Land Protection Program to strengthen protection of watershed lands. In brief, the program calls for FRWA to promote the initiation of voluntary land protection programs, adoption of local shorelands protection ordinances, and acquisition of environmentally sensitive lands. It also identifies several potential site-specific projects, including

development of a recreation management plan for Tariffville Gorge and creation of a riverfront greenway in Simsbury. Successful implementation of this diversified program can provide important protection to the lower part of the watershed.

Local land trusts involved in this area also should focus efforts on the river, possibly in partnership with the FRWA.

In addition, the FRWA, the DEP, and any other interested group should consider a cooperative effort to initiate a volunteer water quality monitoring program for the downstream segment.

PARTICIPATION IN THE FRCC

Downstream towns may want to consider participation in the Farmington River Coordinating Committee (FRCC) either through formal membership or informally, through information exchange and cooperation on specific projects involving both sections of the river. As discussed in the **Administrative Framework** section of this plan, formal membership on the FRCC would require unanimous consent of the existing members. Voting status would be determined by the Committee.

Downstream towns also may wish to establish a working committee among themselves to address river related issues that cross town lines.

ANADROMOUS FISH RESTORATION

Anadromous fisheries were identified as an outstanding resource in the Draft Eligibility and Classification Report (August 1988) prepared during the Wild and Scenic River Study. The section of this plan on **Management of Outstanding Resources** identifies several actions that will promote the re-establishment of viable populations of anadromous fishes including Atlantic salmon and American shad to the upper Farmington River. Given their migratory nature, restoration and enhancement of these fish in the upstream segment will succeed only if complemented by similar efforts downstream.

If the upper segment is designated as a wild and scenic river, special management provisions to protect anadromous fish will apply both within the designated segment and in downstream areas. Specifically, the NPS will review any proposed water resource project requiring federal licensing, permitting, or funding to ensure protection of anadromous fish and consistency with

this plan. The NPS will consult closely with the DEP and the U.S. Fish and Wildlife Service in this regard.

Passage, both upstream and downstream, is critical to the re-establishment of these fish to the Farmington River basin. There are three dams on the mainstem of the river downstream of the upper segment that have a bearing on fish passage – Rainbow Dam in Windsor, Lower Collinsville Dam, and Upper Collinsville Dam. Rainbow Dam, which produces electric power but is currently exempt from federal license, has upstream fish passage facilities, and the DEP and the Farmington River Power Company are pursuing improvements to downstream passage. The Collinsville dams once produced power for an adjacent factory, but no longer do so. Fish passage facilities have not been constructed at either of the Collinsville dams.

Adequate upstream and downstream fish passage facilities should be established and maintained at all downstream dams. The DEP and Farmington River Power Company should continue their efforts to improve downstream passage at Rainbow Dam. If a federal license is required for the Rainbow facility at some point in the future, the need for fish passage should be specifically addressed. Similarly, fish passage needs should be considered in any future licensing of the Collinsville dams. This is consistent with the DEP's position on this issue.

Should the upper Farmington River be designated as a wild and scenic river, the DEP and other members of the Connecticut River Atlantic Salmon Commission could use this special status as rationale for requesting funding for the purpose of constructing passage around the Collinsville dams. Potential sources might include congressional appropriations in conjunction with wild and scenic designation legislation, and/or grants from the National Fish and Wildlife Foundation or other private interests.

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APPENDIX A

Potential Changes to State Statutes

At various points in this plan, actions have been identified that could require changes in state statute for their implementation. The Connecticut DEP will take the lead role in determining whether statutory changes are, in fact, necessary for each issue.

Policy Issues:

1. Prohibition of new discharges from sewage treatment plants or industrial discharges into the segment. This could be achieved by amending Section 22a-417 of the Connecticut General Statutes, which prohibits such discharges into tributaries of water supply impoundments or into the Salmon River.

Notification requirements: For the following programs, the plan recommends that the relevant state agency notify the Farmington River Coordinating Committee and/or the National Park Service of projects potentially affecting the segment. The entity requiring notification is identified in parentheses.

1. Storage of Hazardous Wastes Near Watercourses – C.G.S. 221-134p(a) et seq. (FRCC)
2. State Siting Council jurisdiction regarding the location of hazardous waste, low-level radioactive waste storage, energy plants, and telecommunications facilities – C.G.S. 22a-114 et seq., 22a-163 et seq., and 16-50g et seq. (FRCC)
3. Point source discharge permit applications under Section 402 of the Clean Water Act and Connecticut’s Water Pollution Control Statutes – P.L. 95-217; C.G.S. 22a-416 et seq. (FRCC and NPS) Note that neither the FRCC nor the NPS will require notification of individual registrations for stormwater and other general permits; however, the NPS will require notification of any proposed changes to the criteria and standards for general permits.
4. Water quality certification under Section 401 of the Clean Water Act – P.L. 95-217. (FRCC and NPS)
5. Revisions to statewide water quality standards (FRCC and NPS)
6. Water supply emergencies – C.G.S. 22a-378 and 25-32b. (FRCC)

7. Water diversions – C.G.S. 22a-365 et seq. (FRCC and NPS)
8. State agency activities regulated under the Inland Wetlands and Watercourses Act – C.G.S. 22a-36 et seq. (FRCC)
9. State agency activities regulated under the Flood Management Act – C.G.S. 25-68b et seq. (FRCC)
10. Connecticut Department of Transportation projects covered by Construction Over or Adjacent to Streams Act – C.G.S. 13a-94. (FRCC)
11. Dams and Reservoir Safety – C.G.S. 22a-401 et seq. (FRCC)

Granting of party status: For certain programs, the National Park Service will request party status for any proceedings that could affect the segment. While party status would likely be granted if requested, it cannot be conferred automatically without a statutory requirement. This could be achieved through a provision similar to that in C.G.S. 22a-99, which grants party status to any coastal municipality for permit or license activities affecting coastal areas within or adjacent to that municipality. Following are the relevant programs for the upper Farmington River.

1. Revisions to statewide water quality standards.
2. Water quality certification under Section 401 of the Clean Water Act.
3. Water diversions.

(Appendix B - Local River Protection Overlay Districts and Appendix C - Summary: Farmington River Instream Flow Study - to be added in the near future – please contact FRCC at 860-379-0282 for hard copies.)