

Chapter 4: Suitability Findings And Management Context

This chapter presents the study findings relative to Section 4(a) “. . .On the suitability or non-suitability for addition to the national wild and scenic rivers system.” The suitability of the river for designation is directly related to existing and future river management which will also be discussed in this chapter.

4.A. Principle Factors of Suitability

The Interagency Wild and Scenic River Coordinating Council developed the following criteria as a general guide to exploring the suitability or non-suitability of river segments for inclusion in the Wild and Scenic Rivers System. A suitability analysis is designed to answer the following questions:

1. Should the river’s free-flowing character, water quality, and Outstandingly Remarkable Values (ORVs) be protected, or are one or more other uses [e.g., issuance of a hydro license] important enough to warrant doing otherwise?
2. Will the river’s free-flowing character, water quality, and ORVs be protected through designation? Is it the best method for protecting the river corridor? In answering these questions, the benefits and impacts of Wild and Scenic Rivers designation must be evaluated and alternative protection methods considered.
3. Is there a demonstrated commitment to protect the river by any nonfederal entities that may be partially responsible for implementing protective management?”

Rivers such as the lower Farmington River and Salmon Brook that flow through predominantly private lands are best considered following the Partnership Wild and Scenic Rivers Study and potential designation model. For these rivers the National Park Service has developed and refined additional factors upon which suitability findings should be made:

1. The adequacy of existing protection measures to conserve the river’s outstanding resources without the need for federal land acquisition or federal land management.
2. Whether there is an existing or proposed management framework that will bring the key river interests together to work toward

the ongoing protection of the river.

3. The strength of local support for river protection and national designation.
4. The effects of designation on uses of the land, water base, and resources associated with the river, the neighboring communities, etc.

Existing Protections

There are strong protections in place for the lower Farmington River and Salmon Brook. These protections include local, state, and federal statutes and regulations that directly protect the watercourses and adjacent lands. The free-flowing condition of the lower Farmington River is protected through a series of laws and agreements. There are established local watershed associations, land trusts, and other non-governmental and governmental supporting organizations that have strong interest in protecting the outstanding resources and protecting land. Finally there is strong local and regional citizen recognition of the important resources and appreciation of the watercourses. Together with a locally administered management plan, these existing protections are found to meet the suitability criteria for the designated segments that are recommended for Wild and Scenic River designation.

A summary of existing protections follows.

4.B.1 Regulatory Protections

In order to identify the regulations, policies, and plans that favor protection and enhancement of the natural and cultural resources in the watercourses, the Study Committee contracted the law firm of Robinson & Cole to inventory and assess such regulations and policies enacted in the ten river corridor towns. The study addressed each town’s municipal plan and regulations as they relate to the protection and enhancement of the ORVs in the lower Farmington and Salmon Brook. Consult the Management

Plan Appendices for the *Municipal Plan and Regulation Review (Review)*, as well as a summary of state and federal programs contributing to the protection of the lower Farmington and Salmon Brook.

The Study Committee concluded that the current combination of local, state, and federal regulations, protected lands, and physical constraints to development (i.e. floodplains, wetlands etc.) provide a protection scheme for the ORVs that is adequate and makes federal condemnation of lands unnecessary and designation possible for the lower Farmington River and Salmon Brook. In support of this conclusion, important local, state, and federal protections were identified. These are briefly described below.

Local

All ten towns have comprehensive local land use regulations. Each town has adopted a set of basic regulations designed to protect the natural, cultural, and historic features of the community.

Some of the key local protections include:

Local Wetlands Commissions: Connecticut State Inland Wetlands and Watercourses Act (sections 22a-36 through 22a-45 of the CT General Statutes) sets broad authority to regulate wetlands through local municipal watercourse commissions and state regulatory process. Municipal Inland Wetland and Watercourse Commissions regulate for activities in upland review areas that would likely impact wetland or watercourse function. Reviews in upland areas may include assessing and regulating impacts from a proposed activity on hydrologic, water quality and ecological functions. All of the ten towns have an upland review area of at least 100 feet upland of the wetland or stream; some towns have a greater regulated upland review area. This is the single most important local regulatory authority in place, and indicates a consistent and strong willingness among the ten river towns to protect water resources.

State Enabling Legislation at the Local Level: The state has comprehensive enabling

Wild and Scenic volunteers remove invasive plants along Farmington River

Photo: Joyce Kennedy



legislation governing the use of land. It grants authority to towns to adopt regulations that effectively implement legislation at the local level. Towns therefore have the independence to choose regulatory tools to gain greater resource protection and have the flexibility to implement them.

Subdivision Regulations: A significant number of the towns allow for cluster and open space residential subdivisions that allow for greater protection of open space and/or particular natural features on a site. Modification of traditional subdivision regulations for development is an example of how the towns are using local regulations to protect outstanding resources.

Examples of strong local regulations and policies utilized by towns in the river corridor:

Avon: Ridgeline Protection Overlay Zone, protection of water recharge areas through the use of landscaped buffers and setbacks

Bloomfield: Maintain natural drainage systems, promote preservation and restoration of vegetative buffers

Burlington: Emphasis on retention of vegetation and existing trees

Canton: Farmington River Protection Overlay District, innovative stormwater management techniques for commercial and industrial developments

East Granby: Best management practices for maintaining riparian buffers and to preserve and maintain existing vegetation

Farmington: Plan of Conservation and Development supports: the Wild and Scenic designation, adoption of a river overlay zone, and focuses on preservation and improvement of surface watersheds and groundwater levels and water quality

Granby: Retention of vegetative buffers and ground coverage, preservation of trees

Hartland: Farmington River Protection Overlay District, support of designation in Plan of Conservation and Development

Simsbury: Protect drainage systems and prohibit development within 50 feet of watercourse, storage of pesticides, fertilizers, and manure prohibited within 100 feet of any watercourse

Windsor: Transfer of development rights program and concentrated effort to protect open space along Farmington River

The Review considered town regulations and plans enacted before July 2008. Though not documented in this report, towns have made regulatory and plan revisions that have further strengthened ORV protections since that time.

State

Many state statutes contribute to the protection of the Outstandingly Remarkable Values. State programs regulate non-agricultural activities within or near wetlands and watercourses. Five of the most important state regulations protecting the watercourses are:

Inland Wetlands and Watercourses Act: (described in the local regulation summary above)

Water Diversion Policy Act: Protects the instream flow of the watercourses by prohibiting any new dam or diversion greater than 50,000 gallons per day without the issuance of a permit.

Aquifer Protection Regulations: Offers the watercourses some protection from non-point source pollution by requiring towns to adopt protective land use regulation in zones of designated water supply aquifers.

Connecticut Water Pollution Control: Statutes protect the streams and ground water quality from point-source pollution inputs.

Soil Erosion and Sediment Control Act: Protects the streams from sedimentation impacts associated with construction and new developments.

Federal

There are multiple federal regulations that offer protection for the lower Farmington River and Salmon Brook. The *Clean Water Act* (CWA) provides substantial protection for the lower Farmington River and Salmon Brook's water quality by restricting all discharges into the river. The CWA was created to restore and maintain the chemical, physical, and biological integrity of the nation's surface water. It requires states to adopt surface *Water Quality Standards* and an *Anti-degradation Policy* and establishes the *National Pollution Discharge Elimination System*, administered by the State of CT, which requires all entities to obtain a discharge permit from the appropriate authority. In addition, the *Section 404 Permit* requires approval from the U.S. Army Corps of Engineers for any project that would discharge dredged or fill material into waters of the U.S.

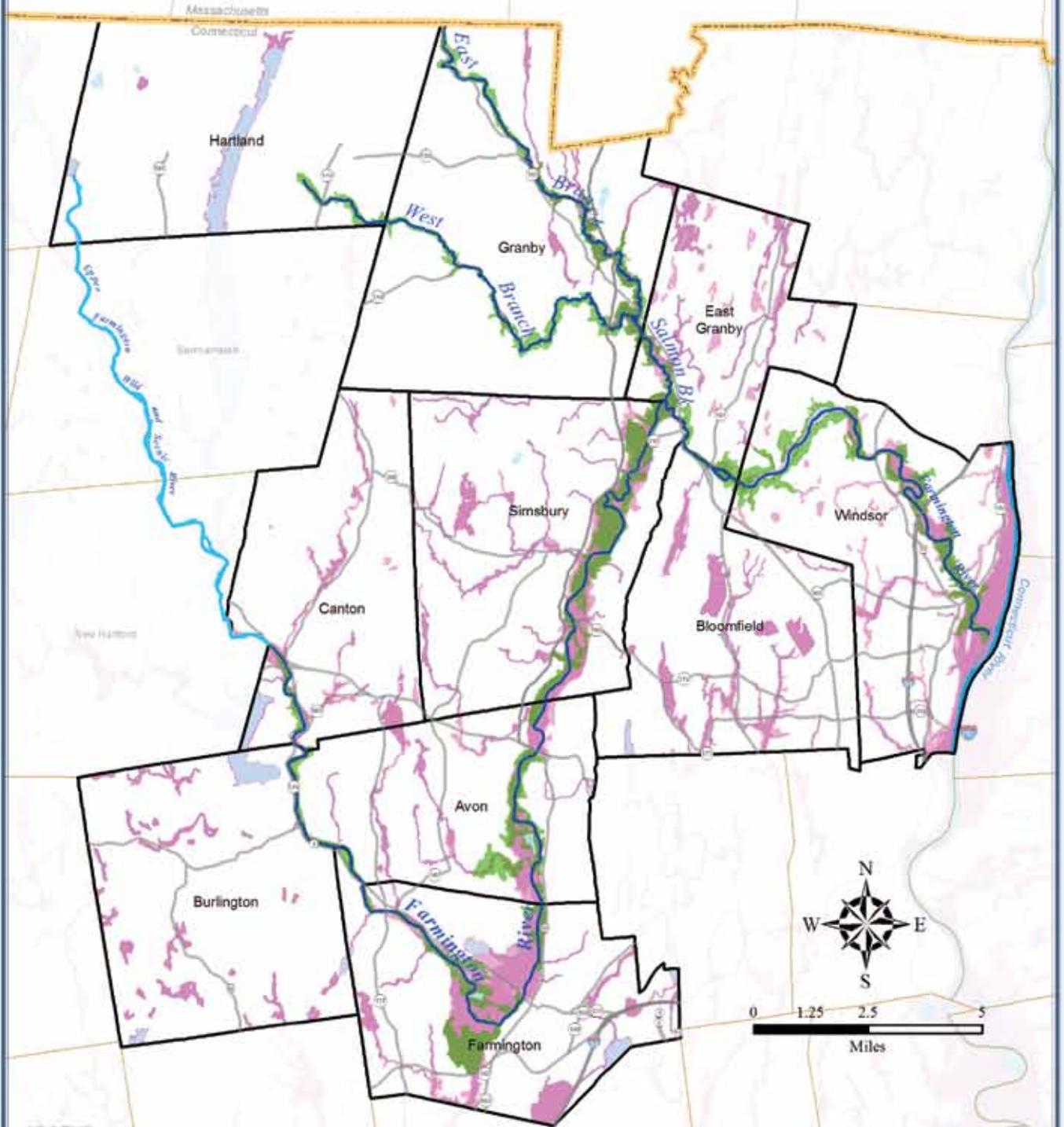
Many state statutes contribute to the protection of the Outstandingly Remarkable Values.



LOWER FARMINGTON RIVER / SALMON BROOK

Wild and Scenic Study

Avon, Bloomfield, Burlington, Canton, East Granby, Farmington,
Granby, Hartland, Simsbury and Windsor
Connecticut



LEGEND

- Riparian Buffers
- 100 Year Flood Zone
- 500 Year Flood Zone
- Upper Farmington Wild and Scenic River

FIGURE 7 Floodplains and Riparian Buffers

Data Sources & Notes: DEP; FEMA; CLEAR; TeleAtlas (DPS), FRWA. Prepared by J. Bolton, FRWA: 07/11

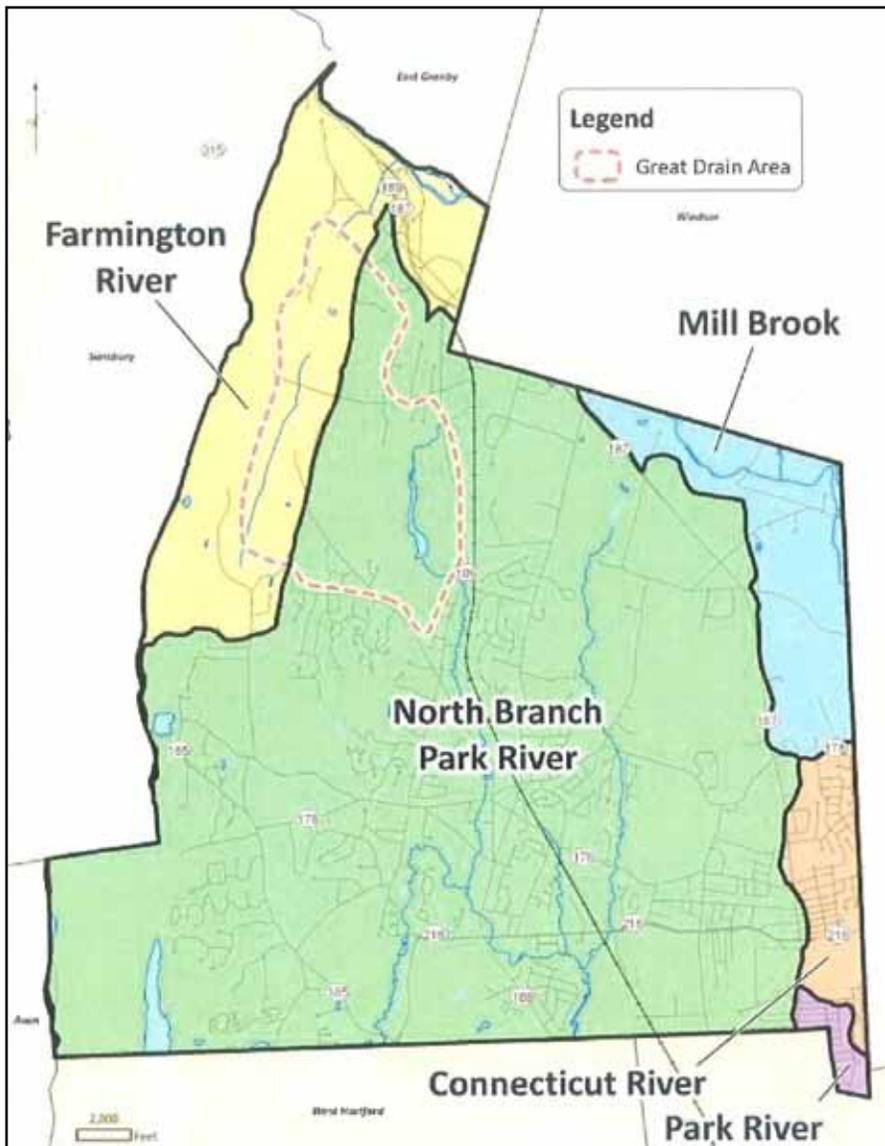


Figure 8: The Great Drain

From the Town of Bloomfield Plan of Conservation and Development: The Great Drain or the Griffin Brook Watershed, which runs adjacent to the Talcott Mountain Ridge forms a valuable ecological system in Bloomfield together with the Ridge. The Great Drain is a superior red maple swamp because its soil is enriched by dissolved calcium that leaches out of the Ridge rock. As such, it is unusual for central Connecticut. The soil of the Great Drain supports abundant and diverse vegetation in a complete vertical stratification, which in turn supports diverse wildlife—amphibians, mammals and birds. In fact, over 100 species of bird have been sighted in the Great Drain and over forty are known to nest there. In addition, the Great Drain traps water run-off from the Ridge and has been known to hold up to five feet of water during the early spring. Protecting it means controlling flooding to the east of the Great Drain. Finally, the wetland plant species in the Great Drain neutralize pollutants, which is especially important as the water in the Great Drain flows northwards, and eventually into the Farmington River. Any ridgeline protection measures taken by the Town should include the Great Drain.

The *National Flood Insurance Act* established the *National Flood Insurance Program* (NFIP) to protect against flood losses. States can require more stringent measures. The CT DEP is the designated coordinating agency that recently adopted new requirements that establish a higher regulatory standard that is more protective of floodplains. In addition NFIP encourages communities to engage in better floodplain management and also allow municipalities to adopt more restrictive ordinances than the Federal government. All ten towns of the Wild and Scenic Study Area engage in some form of flood plain management through their town regulations and policies.

Additionally, the *National Environmental Policy Act* (NEPA) and the *Rivers and Harbors Act* provide some protection to the streams.

The *Wild and Scenic Rivers Act* provides the strongest protection available for the watercourses by protecting designated rivers from any federally assisted or licensed water resource development project that would have a direct and adverse effect on the river's resources.

Further description of these programs is available in the Management Plan.

In summary, there is a substantial set of local, state and federal regulations that are protective of the lower Farmington and Salmon Brook and make the watercourses suitable for Wild and Scenic designation within the Partnership system of management.

4.B.2 Open Space and Land Conservation

In total, the ten towns, land trusts, and the state have protected about 27% of the lands within one quarter mile of the 70 miles of river frontage along the lower Farmington River and Salmon Brook. There are ongoing significant efforts to protect open space along the watercourses to protect water quality, biodiversity, and corridors for recreational use. An additional 9% of the lands within the study corridor are comprised of agricultural uses. Some of these farmlands are permanently protected by conservation easements. Based on the results of a recent survey conducted by the Wild and Scenic Study Committee, approximately 12% of the open space lands in the corridor are held by the local land trusts. There are noteworthy examples of land preservation efforts by area land trusts even during this time of economic

hardship. Both the towns and land trusts have demonstrated their commitment to protecting land along the watercourses. The Study Towns are actively pursuing updated regulations and establishing policies that maintain open space and establish corridors for recreation along the river and brook.

4.B.3 Other Supporting Programs

Watershed Associations

Farmington River Watershed Association

(FRWA): The FRWA has been committed to the protection and preservation of the Farmington River and its tributaries (such as the Salmon Brook) for over 50 years. Along with state and non-profit partners FRWA has played a key role in contributing to the Wild and Scenic Study as well as having taken the lead role in organizing the Farmington Valley Biodiversity Study which laid the groundwork for the Study. FRWA has had a central role in protecting the ORVs, water quality and free-flowing character of the river.

Salmon Brook Watershed Association

(SBWA): The SBWA partners with the DEP to monitor and document the excellent water quality of the Salmon Brook and has worked to educate stream front residents on how to protect water quality through land management practices on property adjacent to the brook. They have been active participants in the Wild and Scenic Study process.

Pequabuck River Watershed Association

(PRWA): The Pequabuck River is a major tributary to the Farmington River. It has water quality issues due to urbanized land uses in this basin. A representative from PRWA stepped up to join the Wild and Scenic Study Committee after the commencement of the study and will become a core member of the Farmington and Salmon Brook Wild and Scenic Committee. This partnership is

significant in terms of the protection of water quality in the lower Farmington River because the Pequabuck River enters the Farmington River in the Town of Farmington.

Local Land Trusts

Land trusts within the ten towns have been supporters of the Wild and Scenic Study effort through participation of their members on the Study Committee as town representatives and at the Land Use Leadership Alliance Workshops. All ten land trusts also took part in the land trust integration survey conducted by the Management and Protection Sub-committee and wrote letters of endorsement for the designation. It is expected that land trusts will be active participants on the Farmington and Salmon Brook Wild and Scenic Committee. In addition to actively seeking out and protecting important land in the towns, the land trusts play a significant role in community outreach, education and land stewardship activities.

Combined, the ten local land trusts (Avon Land Trust, Burlington Land Trust, Canton Land Conservation Trust, Inc., East Granby Land Trust, Farmington Land Trust, Granby Land Trust, Hartland Land Trust, Simsbury Land Trust, Inc., Windsor Land Trust and Wintonbury Land Trust (Bloomfield)) protect approximately 6000 acres of land in the Wild and Scenic Study Towns, with about 700 of those acres within one quarter mile of the lower Farmington River and Salmon Brook. The Hartland Land Trust was recently organized as a result of seed funding through the existing upper Farmington River Wild and Scenic Partnership Program.

Non-regulatory State Programs

The State of Connecticut has been active in attempting to restore migrating fish populations to the watercourses. The State played a key role in design, funding and construction of the Rainbow Dam fish ladder as well as providing ongoing monitoring and maintenance support. The State has been instrumental in the design of improved fish passage for the Spoonville Dam and Smith-Gristmill Dam. There is a strong commitment from the state as a partner (two CT DEP representatives currently serve on the Study Committee) on both the Study Committee and future Wild and Scenic Committee.

Farmington River paddling opportunities for many skill levels

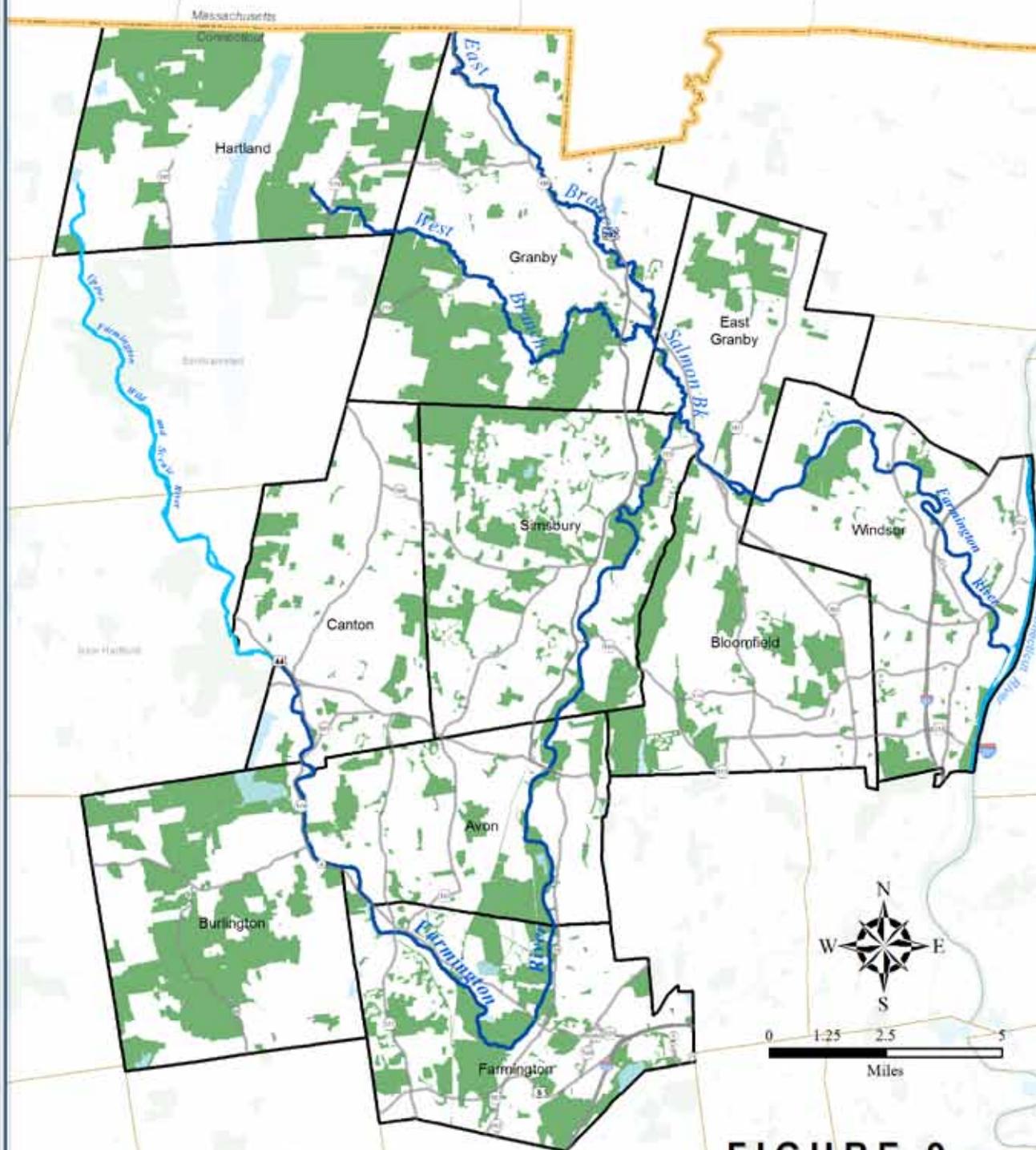




LOWER FARMINGTON RIVER / SALMON BROOK

Wild and Scenic Study

Avon, Bloomfield, Burlington, Canton, East Granby, Farmington,
Granby, Hartland, Simsbury and Windsor
Connecticut



LEGEND

- Open Space / Parks / Recreation Properties
- Upper Farmington Wild and Scenic River

FIGURE 9
Open Space, Parks,
and Recreation
Properties

Data Sources & Notes: DEP; CCRPA; CRCOG; OPM; TeleAtlas (DPS), FRWA. Prepared by J. Bolton, FRWA; 07/11

Each of the ten towns included in the Study area formally endorsed the Management Plan through votes of their boards of selectman or town councils.

4.C. Management Framework

The Lower Farmington River and Salmon Brook Management Plan (June 2011), together with the Lower Farmington and Salmon Brook Wild and Scenic Committee (FSWS) that would be charged with its implementation, have been specifically developed to ensure that an adequate and successful management framework exists to meet the purposes of the Wild and Scenic River designation. This type of management framework has proven to be a successful approach in providing management, coordination, and implementation on the 12 other Partnership Wild and Scenic Rivers.

Management Plan

Development of the Lower Farmington River and Salmon Brook Management Plan (Management Plan) was of central importance to the Study Committee, and the final, completed Management Plan is available as a companion document to this Study Report. The Management Plan is a guidance document for protection and enhancement of the Farmington River and Salmon Brook Study area. It details the management framework and protection strategies and standards for identified Outstandingly Remarkable Values (ORVs), free-flowing conditions, and water quality. Each of the ten towns included in the Study area formally endorsed the Management Plan through votes of their boards of selectman or town councils. Land use commissions and local organizations have endorsed the Plan as well. The State of Connecticut legislature passed a law supporting designation and directs the CT DEP to cooperate with the implementation of the Management Plan. Endorsement of the Management Plan by the partners substantiates suitability for designation by demonstrating local commitment to river conservation if the designation occurs.

Though existing protections are deemed adequate, it is important to ensure optimal protection of ORVs, water quality, and free-flowing character over time due to threats and a changing environment. To do so, the Study Committee identified a protection goal for each ORV, identified threats and management issues that could degrade ORV quality, noted potential gaps between these threats and *existing* protections, and recommended tools or techniques for improving protection and enhancement of the ORVs at the local level. This analysis and

the protection strategies developed for the Management Plan could potentially serve as a tool to protect and enhance the values of the Lower Farmington River and Salmon Brook whether or not Wild and Scenic designation is achieved.

The Management Plan calls for the creation of a Lower Farmington River and Salmon Brook Wild and Scenic Committee (FSWS) charged with coordinating and overseeing its implementation. As with the upper Farmington River and the other designated Partnership Wild and Scenic Rivers, it is envisioned that the FSWS would lead the Management Plan implementation process in the event of a Wild and Scenic designation. Each of the key local and state entities that would be the core membership of the FSWS has endorsed its creation through the Management Plan. These entities include: the ten towns bordering the river segments, the Farmington River and Salmon Brook Watershed Associations, the Pequabuck River Watershed Association (an important tributary), Stanley Black & Decker, the CT Department of Environmental Protection and the National Park Service. It will be vital for the FSWS to develop and maintain local and regional partnerships with towns and with other conservation organizations to achieve short and long-range Management Plan goals. It would also be the FSWS's responsibility to monitor the Outstandingly Remarkable Values, free-flowing character and water quality with respect to the degree they are protected, degraded or enhanced during implementation of the Plan.

The purpose of the FSWS is to lead and coordinate implementation of the Management Plan by:

- Bringing together on a regular basis various parties responsible for river management;
- Facilitating agreements, cooperation and coordination among them.
- Providing a focus and a forum for all river interests to discuss and make recommendations regarding issues of concern.
- Assisting the National Park Service in implementation of the Wild and Scenic River designation and expenditure of potential federal funding for Management Plan implementation (subject to Wild and Scenic River Designation).



Town and state leaders and Study Committee Representatives gather for a canoe trip

- Assisting the National Park Service in the review of potentially adverse federal water resource development projects (subject to Wild and Scenic River Designation).

It would also be the responsibility of the FSWS to:

- Address river-related issues through cooperative resolution.
- Review and update the Management Plan.
- Promote public involvement and education.
- Promote river enhancement initiatives.
- Report to the member towns and organizations on the activities of the Committee.
- Prepare periodic status reports for the river communities.

4.D. Support for River Protection and National Wild and Scenic Designation

There was a high level of interest in the Wild and Scenic Study from the Study Committee, the study area towns and the public throughout the study process and this interest developed into widespread support for the designation of the lower Farmington River and Salmon Brook as the Study progressed. The broad range of support from governing bodies, land use commissions, non-profit organizations and local citizens is described below.

4.E. Evidence of Support Study Committee

The Wild and Scenic Study Committee began meeting over four years ago to fulfill their mission of supporting the Study process through facilitating public involvement, guiding research on potential ORVs, development of the Management Plan and assessing local support for the designation. The high level of volunteer commitment displayed throughout the course of the study is commendable. The Study Committee has stated its intention to continue meeting until the river gains designation and then begin the transition to the Wild and Scenic Committee in preparation for the potential designation.

The Study Committee has indicated substantial interest and commitment to initiating implementation of actions outlined in the advisory Management Plan during the time prior to designation. In fact, the Committee has already participated in some local projects to further the goals of the Management Plan. The Study Committee supports the Environmentally Preferred Alternative presented in this Report, with all represented entities voting for this alternative with the exception of Stanley Black & Decker which expressed its support for the Partial Designation Alternative.

Local

During 2009 and 2010, the Avon Town Council, Bloomfield Town Council, Burlington Board of Selectmen, Canton Board of Selectmen, East Granby Board of Selectmen, Farmington Town Council, Granby Board of Selectmen, Hartland Board of Selectmen, Simsbury Board of Selectmen, and Windsor Town Council voted to endorse the Lower Farmington River and Salmon Brook Management Plan and Wild and Scenic designation.

Land use commissions from the ten towns also voted to endorse the Lower Farmington River and Salmon Brook Management Plan and Wild and Scenic designation as follows:

Avon: Inland Wetlands Commission, Planning and Zoning Commission, Natural Resources Commission

Bloomfield: Inland Wetlands and Watercourses Commission, Conservation, Energy and Environment Committee, Town Plan and Zoning Commission, Leisure Services Department

Burlington: Conservation Commission

Canton: Planning Commission, Conservation Commission, Inland Wetlands and Watercourses Agency

East Granby: Planning & Zoning Commission, Economic Development Commission, Inland Wetlands Commission

Farmington: Town Plan & Zoning Commission, Conservation Commission

Granby: Planning and Zoning Commission, Inland Wetlands Commission

Hartland: Planning & Zoning Commission, Inland Wetlands Commission

Simsbury: Conservation Commission

Windsor: Inland Wetlands Commission, Planning & Zoning Commission

State of Connecticut

There was broad support and unanimous passage of Public Act No. 08-37, An Act Concerning Designation of the Lower Farmington River and Salmon Brook within the National Wild and Scenic Rivers System. The Act, which Governor Rell signed into law on May 7, 2008, conveys the state's

support for designation and directs the CT DEP to cooperate with the implementation of the Management Plan. This act endorsed Wild and Scenic designation and stated that "The Commissioner of Environmental Protection shall cooperate with all relevant federal, state and local agencies to provide for such designation and to implement any management plan developed in accordance with the federal Wild and Scenic Rivers Act." The DEP indicated their support of the designation and intention to continue as an active partner in protecting the Outstandingly Remarkable Values of the lower Farmington and Salmon Brook.

A copy of this legislation can be found in Appendix 2

Non-governmental Organizations

Non-governmental organizations that indicated their support for the designation include:

- American Rivers
- Audubon Connecticut
- Avon Fish and Game Club
- Avon Land Trust

Rosedale Farm and Vineyard

Photo: Wanda Colman



NPS encouraged broad participation of local stakeholders in the study process and spent substantial time and effort considering and explaining the effects of the designation.

- Bloomfield Chamber of Commerce
- Bloomfield Greenway Study Committee
- Canton Historical Society, Inc.
- Canton Land Conservation Trust, Inc.
- Community Farm of Simsbury, Inc.
- Farmington Land Trust
- Farmington Valley Chapter Trout Unlimited
- Farmington Valley Visitors Association
- Granby Land Trust
- Hartland Historical Society
- Hartland Land Trust
- Hartland Lions Club
- Holcomb Farm
- Keep the Woods
- McLean Game Refuge
- New England Whitewater Triple Crown Championships
- Rivers Alliance of Connecticut
- Roaring Brook Nature Center
- Salmon Brook Historical Society
- Salmon Brook Watershed Association
- Simsbury Historical Society
- Simsbury Land Trust
- Tariffville Village Association
- The Burlington Land Trust
- The Simsbury Garden Club
- Town of Canton Collinsville Historic District Commission
- Wade's Farms
- Windsor Land Trust
- Wintonbury Historical Society
- Wintonbury Land Trust

Documentation of endorsements and support is found in Appendix 3

4.F. Effects of Designation

General Effects—Partnership Wild and Scenic River Model

NPS encouraged broad participation of local stakeholders in the study process and spent substantial time and effort considering and explaining the effects of the designation. In a general sense, the study stakeholders were well acquainted with the effects of Wild and Scenic designation based on the 15-year history of the upper Farmington River Wild and Scenic River. The two Study Towns of Canton and Hartland are also represented on the upper Farmington River Wild and Scenic Committee. The upper Farmington and the other Partnership Wild and Scenic

Rivers, including the recent designation of the Eightmile River (also in CT), have established a model for designation and management which constitute a substantial track record for the practical and expected effects of a Wild and Scenic River designations in settings very similar to the Lower Farmington and Salmon Brook Study area. These case studies and examples were explored thoroughly with the affected communities and other stakeholders as a part of the study process. Common features of all of the existing Partnership Wild and Scenic Rivers (as noted in Chapter 1) include the following:

- No reliance on federal ownership of land in order to achieve the WSRA's goals of protecting and enhancing river values.
- Land use management is regulated through existing local and state authorities, the same as before a designation.
- Administration and implementation of a locally led Management Plan is accomplished through a broadly participatory management committee, convened for each river specifically for this purpose.
- Responsibility for managing and protecting river resources is shared between the local, state, federal, and non-governmental partners on the committee.
- Reliance on volunteerism as a key to success.
- No National Park Service Superintendent, law enforcement, or similar elements of traditional federally managed units of the National Park System.

In addition to a general exploration of the effects and track record of the Partnership Wild and Scenic Rivers model, two designation alternatives were developed, and compared to a non-designation alternative in Chapter 5 (Environmental Assessment). Chapter 5 analyzes the likely effects of the designation alternatives on land and water resources, as well as socio-economic factors.

Specific Effects—Collinsville and Rainbow Dam Areas

The lower Farmington and Salmon Brook Study process included an in-depth examination of the effects of designation on river areas surrounding the Collinsville Dams and the river segments above and below Rainbow Dam and reservoir.

Upper and Lower Collinsville Dams

At the time the Wild and Scenic Study was authorized by Congress, the Upper and Lower Collinsville Dams were FERC licensed for the reinstatement of hydropower. Since then, FERC issued an Order Terminating Licenses for the Upper and Lower Collinsville Dam projects on December 11, 2007 (FERC, 2007). The licenses have since expired on December 11, 2007 because hydropower project construction did not begin within the required FERC timetable. Upon expiration of the FERC licenses, the Town of Canton applied for, and was granted, a Preliminary Permit (# 13273) to study the potential for the Town to develop a municipal hydropower project. In addition, the Town explored the possibility of having the former license reinstated and transferred to the Town (an effort which stalled in late 2010). To date, the Collinsville Renewable Energy Promotion Act (H.R.1353 and S.715) has been re-filed in Congress in an attempt to accomplish this transfer. The Town continues to pursue its investigations under the Preliminary Permit, and intends to proceed with hydropower development if the project is found to be economically feasible. The Collinsville Dams are owned by the CT DEP, which is cooperating with the Town of Canton in its explorations. DEP has cited both the potential power generation from the facility and the development of fish passage in conjunction with the project as rationale for its support. The consensus of the Study Committee was likewise to support the Town of Canton's explorations. In addition, Congressman Chris Murphy's office has strongly supported the redevelopment effort. These factors, together with the high historic and recreational value of the upper Collinsville Dam (which make dam removal extremely unlikely) have led the NPS to find this river segment currently unsuitable for designation.

Local and state support for Wild and Scenic designation of the Collinsville river segments could be re-evaluated in the event that FERC licensing for hydropower generation is not deemed economical through the current Preliminary Permit feasibility study. Under this scenario the CT DEP could consider removal of the Lower Collinsville Dam and development of fish passage at the Upper Collinsville Dam. The NPS believes that such an outcome would be compatible with Wild

and Scenic River requirements and purposes, and would open the door to potential designation of the Collinsville river segment.

In summary the river segment affected by the Upper and Lower Collinsville Dams is deemed **unsuitable** for designation at this time due to lack of support at the local, state, and federal (congressional) levels. This segment begins at 1.6 miles upstream of the Upper Collinsville Dam and extends .2 miles downstream of the Lower Collinsville Dam and is depicted on Eligibility and Suitability Map.

Lower Farmington River Segment that Includes Rainbow Dam

Consideration of boundaries upstream of Rainbow Dam

As noted in Chapter 3, best available data indicates that the impoundment created by Rainbow Dam likely extends upstream from the dam to a point somewhere below the Route 187 bridge under a range of normal flow conditions. Thus the NPS has chosen the 187 Bridge as the preferred Wild and Scenic segment boundary for this segment. However, a range of other segment endpoints in this vicinity could be chosen and justified. For example, Stanley Black & Decker (SBD) has indicated their interest in raising the flashboards at Rainbow up to a possible total height of 13 feet, which is seven feet above the current flashboard height. Such an action would impact the Tariffville Gorge by impacting the free-flowing conditions and increasing the size of the impoundment. Other potential points were considered as a part of Study discussions, but no consensus among the stakeholders was reached. The range of potential alternative endpoints is presented in Figure 10.

Figure 10: Potential Exclusion Boundaries Upstream of Rainbow Dam

Potential Wild and Scenic River Segment Boundary above Rainbow Reservoir	Description	Support	Issues	Comments
Windsor/East Granby/ Bloomfield Town Line	Riverine in appearance. Meets free-flowing definition. Clearly identifiable boundary. Rainbow Dam and Reservoir all within Town of Windsor according to SBD SEC filing.	Towns of Bloomfield and East Granby supportive of designating maximum river frontage.	SBD considers this boundary within the Rainbow Reservoir and potentially within future FERC project area.	Variation of the "full designation" alternative. Could overlap with upper end of Rainbow Reservoir. If used as WSR legislative boundary, consultation with FERC and potential legislative protection for Rainbow Dam should be considered.
Route 187 bridge	Based on the best available data, the Hydrologic Study identified the Route 187 bridge as likely upstream Rainbow Reservoir impoundment boundary. Riverine in appearance. Meets free-flowing definition. Clearly recognizable landmark as boundary. SBD original boundary request.	Towns of Bloomfield and East Granby supportive of designating maximum river frontage.	SBD considers this boundary within the potential influence of Rainbow Reservoir and potentially within future FERC project area.	Best match to available data relative to upstream extent of Rainbow Reservoir. Considered under the Environmentally Preferred Alternative B: Full Designation as Preferred Boundary. If used as WSR legislative boundary, consultation with FERC and potential legislative protection for Rainbow Dam should be considered.
Upstream tip of Helco Island	Protective of free-flowing conditions and ORVs of Tariffville Gorge. Protective of existing Rainbow hydro operations. Identifiable boundary, but could move over time.	Study Committee & SBD reached consensus on this boundary in July 2010 as fully protective of existing Rainbow Dam operations.	As of March 2011, SBD requested a larger exclusion area to allow for potential future expansion of Rainbow Reservoir (raising of Rainbow Dam flashboard height).	Variation of "full designation" alternative. Provides small buffer (based on currently available data) for existing Rainbow Reservoir in the event of future FERC licensing, but would essentially prevent expansion of Rainbow.
500 feet upstream of Spoonville Dam	Requested in March 2011 by SBD to allow potential future expansion of Rainbow Dam to maximum engineering height (total flashboard height of 13 feet).	Not supported by majority of stakeholders	Would inundate approximately 0.5 additional miles of currently free-flowing river segment above Rainbow, and would present other potential impacts such as to the adjacent lands, and instream values.	Considered under Alternative C: Partial Designation. Raising of Rainbow Dam by up to an additional 7 feet would need to be studied and licensed through normal FERC procedures, which would include a full evaluation of impacts, costs and benefits.

All stakeholders participating on the Study Committee have agreed with SBD that it is important that the existing operations of the Rainbow Dam and Reservoir be excluded from the designation and that SBD's existing operations be protected in the event of potential FERC licensing at some point in the future. Such FERC licensing would be triggered by proposed changes to the dam or its operation, or potentially by other factors. Given the desire to protect SBD's operations in this manner, and given the lack of precise scientific data determining the exact upstream extent of the Rainbow impoundment, it may be necessary and advisable to include legislative protections for the existing SBD operations as a part of any legislative Wild and Scenic designation effort. Figure 10 notes which potential endpoints would especially warrant such protections, based on close proximity (or potential overlap) between the Wild and Scenic River segment and the upstream boundary of the Rainbow Reservoir. In addition, Alternative C: Partial Designation includes a segment endpoint that would go beyond protecting the existing Rainbow operations, and would allow for potential expansion (raising flashboards an additional seven feet above the dam crest).

Based on existing data and under typical non-storm flow events, the engineer estimated that the upper end of the impoundment would likely be downstream of the Route 187 Bridge crossing (see Management Plan Appendices for Tariffville Gorge Hydrology Study). It is likely, therefore that the river is free-flowing down to the 187 bridge crossing. It also appears to meet the generally riverine in appearance standard down to the Windsor Town line. In March of 2011, SBD again asked for a larger boundary extending 500 feet upstream of the Spoonville Dam to allow for potential future alterations of the flashboards situated on top of the dam crest. Currently the flashboards stand six feet above the dam crest and SBD estimates that they could potentially be raised seven feet to reach a total height of 13 feet. Flowage rights would need to be obtained or documented to enable SBD to increase the size of the impoundment upstream of the Windsor Town line, since raising the flashboards would inundate properties adjacent to the river. In the engineer's report it is estimated that the increase in the size of the impoundment

length and depth could potentially submerge the lower portion of the renowned Tariffville Gorge and the bedrock features that will be exposed once the Spoonville Dam has been removed. In the event of this type of FERC licensing proposal, the Wild and Scenic designation could protect the river from further impoundment. However in this case it is also important to protect the existing operations of Rainbow Dam in the event of a future FERC licensing proceeding for dam improvements that might be necessary to maintain the current operation.

It is important to note that both the towns and the Study Committee are eager to protect the free-flowing river conditions and ORVs of the Tariffville Gorge by achieving designation for the maximum length of river possible.

If definitive studies at some future point (likely as a part of an FERC licensing procedure, should one ever be undertaken) establish a different, smaller impoundment extent, it would be conceivable to revisit the eligibility and suitability of a short river segment at the upstream edge of this impoundment boundary. In this regard, the towns of Bloomfield, East Granby and Windsor are supportive of designating as much of their Farmington River frontage as possible. At the moment however, this question is academic. Any such future re-consideration would require congressional action to amend the designation. As well, the potential Wild and Scenic Congressional bill is expected to provide protection for the existing hydro operation.

Lower Farmington River Downstream of Rainbow Dam

Similarly, as a question of suitability, the Study Committee, including the Town of Windsor, NPS and Stanley Black & Decker (SBD) have recognized that potential FERC licensing of the existing Rainbow facility might reasonably establish/require a FERC downstream project boundary that would extend below the existing tailrace for some small distance. Therefore, to be fully and conservatively protective of the existing Rainbow Dam operations, the Study concludes that a 0.5-mile segment of river below Rainbow Dam is unsuitable for designation. This 0.5-mile reach includes a small buffer area below the existing tailrace discharge from the Dam designed to be fully protective of the existing Rainbow Dam operations in the event of future FERC licensing.

In addition, SBD has requested that an additional 2.2 miles of the Farmington River below this point be excluded from Wild and Scenic River designation (to one half mile below the Rt. 75 bridge in the Poquonock section of Windsor) to preserve the possibility of new dam construction in the vicinity of Rt. 75 in the future. SBD has no current plans for dam construction nor do they consider it feasible at this time. However they own lands which border the river in the vicinity of the bridge at the site of a historic dam no longer in existence. Additional flowage rights would be necessary to go forward with construction of an impoundment. SBD has stated that a Wild and Scenic River designation on this river segment could also result in reduced property value for their lands.

The Wild and Scenic Study representatives participated in discussions and meetings with Town of Windsor staff and leaders over many months to allow proper consideration of this issue. The Windsor Council requested a consensus opinion from the Study Committee

Photo: Wanda Colman



on this matter. With the exception of the SBD representative, the Study Committee voted unanimously to support designation of this river segment. Subsequently, the Windsor Council and the Planning and Zoning Commission voted to endorse the Wild and Scenic designation with the contingency that the exclusion boundary be situated shortly below the dam tailrace so as to prevent construction of a new dam, though there were several council members opposed to this position. SBD is currently opposed to designating the river segment below the Rainbow Dam tailrace even though there are no current plans for dam construction, and the amount of power that could be generated is very small, making project development economically unfeasible at this time. The CT DEP opposes any expansion of the footprint of the existing Rainbow Dam or development of a new dam due to the significance of the Farmington River and Salmon Brook for fish habitat and restoration, and it has expressed the opinion that a new dam is not feasible or permissible.

In analyzing this situation, the NPS has concluded that the entire 8.1 mile Farmington River segment below the Rainbow Dam exclusion boundary is suitable for designation based on consideration of the principal suitability factors outlined at the beginning of this chapter. These considerations include:

- Support for Wild and Scenic River designation and opposition to a new dam on this segment by the Town of Windsor.
- Support for Wild and Scenic River designation and opposition to a new dam on this segment by the CT DEP.
- Present lack of economic or political feasibility for hydroelectric development at this site.
- Strong local and state recognition and commitment to preservation of identified free-flowing river values associated with this stretch of river.
- Potential adverse impacts to upstream river areas (especially fish passage) if a new dam were constructed at this site.
- Potential adverse impacts to riparian and river corridor-related ORVs associated with this stretch of river if a new dam were to be constructed.

However, based upon the presence of some differing opinions within the Town of Windsor, and to honor the position of Stanley Black & Decker that hydroelectric development of the Rt. 75 site may someday be feasible and should not be precluded by Wild and Scenic River designation, this Study Report includes further consideration of a partial Wild and Scenic River designation alternative (Alternative C) that would exclude 2.2 miles of eligible and suitable river below the Rainbow Dam tailrace, thereby allowing FERC to consider a license application for a hydroelectric facility in the vicinity of the Route 75 bridge, as proposed by SBD.

4.G. Summary of General Findings of Suitability

The Suitability analysis of the Farmington River and Salmon Brook concludes the following:

- Analysis of existing local, state, federal, and non-regulatory protections applicable to the lower Farmington River and Salmon Brook are found to adequately protect the rivers consistent with the purposes of the Wild and Scenic Rivers Act. These protections, combined with local support through town policies for river protection provide substantial protection to the river and its adjacent lands. When combined with the statutory protections that would be provided through the Wild and Scenic River designation, the Farmington River and Salmon Brook's Outstandingly Remarkable Values, free-flowing character, and water quality would be adequately protected without the need for federal land acquisition or federal land ownership and management. This finding is consistent with similar findings that have been made for each of the existing Partnership Wild and Scenic Rivers, whereby the designating legislation for each of those rivers has prohibited the federal condemnation of lands, as provided for by Section 6(c) of the Wild and Scenic Rivers Act. It is anticipated that any designating legislation for the lower Farmington River and Salmon Brook will likewise include such a provision. The Management Plan has been developed with input from and to meet the needs of local, state, and federal stakeholders and programs. It has been endorsed as the Management Plan for the lower Farmington River and Salmon Brook by the governing

bodies of Avon, Bloomfield, Burlington, Canton, East Granby, Farmington, Granby, Hartland, Simsbury, and Windsor. It would be utilized as the "Comprehensive Management Plan" called for by Section 3(d) of the Wild and Scenic Rivers Act, if the lower Farmington River and Salmon Brook are designated as components of the national system.

- The Lower Farmington River and Salmon Brook Management Plan as implemented by the future Lower Farmington River and Salmon Brook Wild and Scenic Committee (FSWS) provides an appropriate and effective management framework for the long-term management and protection of the watercourses.
- Based upon the official record of endorsement from local governing bodies, citizens, local and regional non-governmental organizations as well as an endorsement from the Connecticut General Assembly and Office of the Governor, it is concluded that there is sufficient support to make the river suitable for designation under the Wild and Scenic Rivers Act based on the Partnership Wild and Scenic Rivers model.

4.H. Segment—by—Segment Suitability Findings

Refer to Chapter 3, Section B. for a detailed discussion regarding eligibility of river segments.

Segment 1. Upper Farmington River and Town of Canton (Suitable): This 1.1-mile segment reaches from the New Hartford/Canton town line to the confluence with the Nepaug River. This river segment is contiguous to the upper Farmington River Wild and Scenic area and therefore is recommended to be administered as part of the upper Farmington Wild and Scenic River segment. In this case the additional 1.1 miles of the upper Farmington Wild and Scenic River would be under the jurisdiction of the Farmington River Coordinating Committee (FRCC), which includes a Town of Canton representative. Once the lower Farmington and Salmon Brook Study is complete, Canton would no longer be represented on the proposed Lower Farmington River and Salmon Brook Wild and Scenic Wild and Scenic Committee (FSWS).

Segment 2. Collinsville Dams (Not Currently Suitable): This 2.9 mile segment begins at the confluence with the Nepaug River and extends downstream to a point 0.2 miles below the Lower Collinsville Dam tailrace. This segment of the lower Farmington River is found to be unsuitable based on the existing FERC Preliminary Permit and demonstrated local and Congressional interest in hydropower re-development for the Upper and Lower Collinsville Dams. In the event that this project is dropped from consideration or otherwise abandoned, the suitability of this could be re-evaluated based on local, state and stakeholder interest. It is envisioned that the FSWS and FRCC could monitor this situation in partnership with the CT DEP and the affected communities and consider the possibility of removing the lower Collinsville Dam and establishing non-hydro fish passage at the historically significant Upper Collinsville Dam.

Segment 3. Lower Farmington River (Suitable): This 27.3 mile segment begins below the tailrace of the Lower Collinsville Dam and extends south through Burlington, Avon, and Farmington, then turns north in Farmington and continues through Avon, Simsbury, East Granby, and into Bloomfield. This segment ends at the Route 187 bridge. The Route 187 bridge represents the likely upper end of the Rainbow Dam impoundment based on best available data. In the event that FERC licensing of Rainbow Dam in the future defines a smaller impoundment area, this endpoint could be re-evaluated based on local, state and stakeholder interest. In

addition, Figure 10 illustrates a range of other potential endpoints above Rainbow Dam that could be utilized in any potential legislative effort to designate this segment as a Wild and Scenic River. Figure 10 also touches on some of the factors related to the various potential endpoints. The Comparison of Alternatives in Chapter 5 also discusses these differences and the differing impacts of the alternatives.

Segment 4. Lower Farmington River (Suitable): This final 8.1 mile segment stretches from below the tailrace of the Rainbow Dam to the confluence with the Connecticut River.

East, West and Main Stem Salmon Brook (Suitable): This segment consists of 11.4 miles of the Salmon Brook East Branch, extending from the Massachusetts/Connecticut state line in Hartland, and into Granby, where it joins the Salmon Brook Main Stem; 12.6 miles of the Salmon Brook West Branch, reaching from the Hartland headwaters, and into Granby where it joins the Salmon Brook Main Stem; and 2.4 miles of the Brook's Main Stem, reaching from the confluence of the East and West Branches to the confluence with the Farmington River in East Granby.

4.1. Summary

37 miles of the lower Farmington River, and the entirety of the Salmon Brook, including the Main Stem and East and West Branches, totaling 26.4 miles, are found to be eligible and suitable for Wild and Scenic River designation. The Farmington River and Salmon Brook are both assigned a preliminary classification of 'recreational'.

Salmon Brook

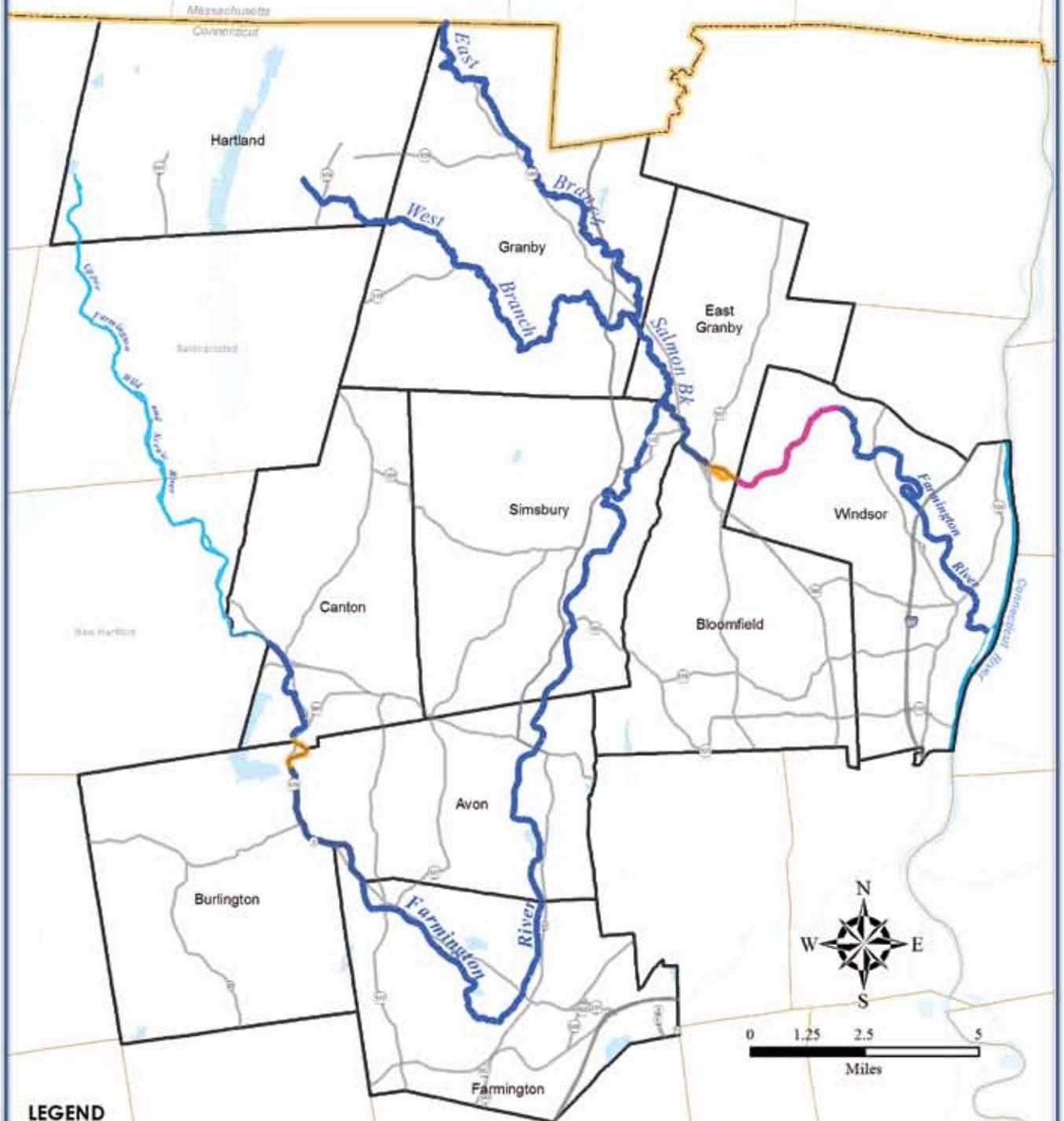




LOWER FARMINGTON RIVER / SALMON BROOK

Wild and Scenic Study

Avon, Bloomfield, Burlington, Canton, East Granby, Farmington, Granby, Hartland, Simsbury and Windsor Connecticut



LEGEND

- Suitable/Eligible
- Not Suitable/Eligible
- Not Suitable/Not Eligible
- Upper Farmington Wild and Scenic River

FIGURE 11 Eligibility and Suitability

Data Sources & Notes: DEP; TeleAtlas (DPS); FRWA. Prepared by J. Bolton, FRWA; 07/11