



Morning mist
Photo: Wanda Colman

CHAPTER 3

Implementing the Plan: Role of the Farmington River and Salmon Brook Wild and Scenic Committee

Farmington River and Salmon Brook Wild and Scenic Committee (FSWS)

The Lower Farmington River and Salmon Brook will be managed under the Partnership Wild and Scenic Rivers Program, in which river stakeholders work cooperatively to achieve the goals and priorities in the Management Plan.

Purpose. A non-regulatory advisory committee will be established called the Farmington River and Salmon Brook Wild and Scenic Committee (FSWS). The purpose of the Committee 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; and (subject to Wild and Scenic River Designation)

- Advising and assisting the National Park Service in implementation of the Wild and Scenic River designation and expenditure of potential federal funding for Management Plan implementation;
- Advising and assisting the National Park Service in the review of potentially adverse federal water resource development projects.

It will also be the Committee's responsibility to monitor the Outstanding Resource Values with respect to the degree they are protected, degraded or enhanced during implementation of the Plan.

It will be vital for the Committee to develop local and regional partnerships with towns and with other conservation organizations to achieve short and long-range plan goals. It will also be the Committee's responsibility to monitor the Outstanding Resource Values with respect to the degree they are protected, degraded or enhanced during implementation of the Plan.

The FSWS Committee will have no regulatory or land acquisition authority. It may advise, complement, or support existing entities that have management or regulatory authority affecting the river, but will have no power to dictate the actions or decisions of those entities.

Responsibilities. The committee will also assume the following responsibilities:

1. **Address river-related issues:** FSWS will pursue cooperative resolution of issues affecting the Outstanding Resource Values (ORVs) and stream flow. While the Committee will not have the authority to resolve any issue directly, it will provide a forum for the discussion of issues, help raise awareness about issues of particular importance, and stimulate needed action.

FSWS will be available to evaluate proposals that could affect the ORVs and comment as it deems necessary to the appropriate agencies or organizations. The 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. It is acknowledged that committee members must recuse themselves from participating in such activities as necessary to avoid conflicts of interest. Examples of proposals that FSWS could choose to review and comment on include but are not limited to:

- Zoning changes for lands along the river or its tributaries that potentially impact ORVs.
- Development projects or other land use activities that potentially affect ORVs.
- Applications for state permits (e.g., point source discharges; water withdrawals).
- Changes to state programs or policies (e.g., statewide water quality standards).
- Applications for federal permits (e.g., Army Corps of Engineers Section 404

permits; Federal Energy Regulatory Commission certification for pipeline crossings).

Town boards and commissions will be encouraged to communicate and collaborate with FSWS on matters related to the watercourses, but it will be the Committee's responsibility to stay informed about proposals under local jurisdiction that it could choose to review. Committee members, particularly town representatives, will play an important role in keeping the group abreast of local issues.

The State of Connecticut will be requested to notify FSWS of state or federal permit applications associated with wastewater and stormwater discharges to surface and groundwater, water diversions, water quality certifications, dam construction, flood management and stream channel encroachment, inland wetlands and other potential actions pertinent to protecting the rivers' ORVs. The State will then give the Committee the opportunity to comment.

2. **Review and update the Management Plan:** It is expected that the Management Plan will require regular revisions and updates. Advances in resource management strategies or technology, as well as changes to regulations, laws, policies or programs may require the Plan to be revised. It is recommended that a review be conducted approximately every five years. Minor updates to the Plan should be approved by the FSWS, and the public should be given ample opportunity to participate in the update process. In the event that the Committee determines that a major or significant revision is required (removal or major changes to goals and objectives, significant changes to administrative framework, material changes to Wild and Scenic River provisions, etc.) a full review process similar to that undertaken for the Plan's development and community endorsement should be undertaken.

3. **Promote public involvement and education:** The Wild and Scenic Committee will provide opportunities for the public to learn about and participate in efforts to resolve issues that affect the river. A primary goal of outreach and

education will be to engage community members in protecting and enhancing the ORVs. This may be accomplished through Committee meetings, workshops, newsletters, a website, surveys, mailings, volunteer opportunities, media coverage, school activities, or other measures. The Committee also will support the education and outreach activities of its member organizations and, when appropriate, initiate its own projects to educate the public about the Farmington's and Salmon Brook's special values, the challenges confronting them and sensible techniques for conserving them. In performing these activities, the Committee 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, town staff, riverfront landowners and other local residents.

4. **Promote river enhancement initiatives:** With Committee approval, the Committee will support river enhancement projects initiated by its members or other groups. The Committee will seek to coordinate involvement of its members in enhancement efforts.
5. **Disperse funding provided through the cooperative agreement:** As funding is available through the NPS the Committee will be responsible for prioritizing projects to support. The Management Plan will serve as the blueprint for determining the projects that best 1.) Protect and enhance the ORVs, 2.) Promote the stated management goals, 3.) Provide information to member towns' residents regarding the value of protecting and enjoying the

river and brook, 4.) Expand partnerships, and 5.) Leverage volunteer efforts, in-kind services and additional funding. All of the member towns will be eligible to request funding to support ORV related projects that advance plan goals.

6. **Report to the member towns and organizations on the activities of the Committee:** It will be the responsibility of each Committee representative to serve as liaison to their town or organization by communicating on Committee actions, events and business on a regular basis. The representative will also be tasked with bringing reports, issues and potential projects from the town or organization to the Committee. The representative from each town is also expected to serve as a liaison between the Committee and the local land trust.
7. **Prepare periodic status reports:** FSWS will prepare brief annual reports on the status of protection of the watercourses and implementation of the Management Plan. These reports will serve two primary purposes:
 - To report on the condition of the watercourses to the general public, local officials, the Governor and the General Assembly of Connecticut, and, if the Lower Farmington River and Salmon Brook are designated Wild and Scenic, to Congress and the Secretary of the Interior.
 - To publicize any pressing needs or issues requiring attention or assistance from the local, state and/or federal governments.

Educational event for Farmington River town residents

Photo: John Fitts



Committee Core Members

The membership of FSWS will include representatives from nine river towns, other stakeholder groups, and (if designation occurs) the National Park Service. The National Park Service can only become a formal member of FSWS as a result of Congressional authorization through the achievement of a Wild and Scenic River designation.

The following entities constitute the core voting membership of FSWS. Each member will have one representative and one alternate. Each entity will have one vote. Due to the large number of key participants, at this point there can be no additional core members; however, active participation by non-core members will be encouraged.

- Town of Avon
- Town of Bloomfield
- Town of Burlington
- Town of East Granby
- Town of Farmington
- Town of Granby
- Town of Hartland
- Town of Simsbury
- Town of Windsor
- Farmington River Watershed Association
- Salmon Brook Watershed Association
- Pequabuck River Watershed Association
- Stanley Black & Decker

- Connecticut Department of Environmental Protection
- National Park Service

The Town of Canton will be represented on the upper Farmington River Wild and Scenic Committee (see explanation below)

Appointments

Representatives and alternates will be appointed as follows. Where appropriate the Committee may recommend candidates for appointment:

- Town representatives by the town board of selectmen or town council
- Watershed Association representatives by their board of directors
- Stanley Black & Decker as appropriate
- State representatives by the Commissioner of the Department of Environmental Protection
- Department of the Interior representatives by the New England Team Leader, National Park Service

Non-Core Committee Members

The Committee will encourage broad participation from representatives of interested groups that express interest in contributing to furthering the Management Plan goals. A non-core member can be involved with the activities of the committee informally, e.g., through attendance at meetings, participation on a subcommittee or volunteer work on projects, but will not be a voting member.

Study Committee members at work Photo: Joyce Kennedy



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Relation to the Farmington River Coordinating Committee

The Farmington River Coordinating Committee (FRCC) is the advisory group that implements the Management Plan for the upper Farmington River Wild and Scenic segment. The lower Farmington River and Salmon Brook Management Plan will be administered by a separate committee. However there will be opportunities to share resources and funding and to work cooperatively on projects that further the goals of both management plans.

The 1.1 mile river segment that reaches from the New Hartford/Canton town line to the confluence with the Nepaug River in Canton is contiguous to the upper Farmington River Wild and Scenic area and is therefore recommended to be administered as part of the upper Farmington Wild and Scenic River. The proposed 1.1-mile extension of the upper 14-mile Connecticut segment of the upper Farmington River could be under the jurisdiction of the Farmington River Coordinating Committee (FRCC) due to the existing Town of Canton representation as a core member of the FRCC. (see Figure 3: Potential Upper Farmington River Wild and Scenic Boundary and Extension) Once the lower Farmington and Salmon Brook Study is complete, Canton would no longer be represented on the lower Wild and Scenic Advisory Committee. Committee representatives from the Farmington River Watershed Association and CT DEP could serve on both the FRCC and FSWS Committee and act as liaisons between the two groups.

Procedures

Establishment: It is recommended that the Study Committee remain in place until the lower Farmington River and Salmon Brook are designated. Once designation occurs the FSWS Committee can be established. This action will both 1.) provide continuity and continued momentum between the end of the study process and a formal designation and 2.) demonstrate to Congress the high level of partner commitment to the long-term preservation of the river and brook.

With the continued presence of the Study Committee, a number of actions in the Management Plan can be undertaken without delay, through local participation and volunteerism. For actions that will take

significant human, technical, and financial resources to complete, the Study Committee can set priorities for future implementation. In the event of no designation, the Plan will be a significant asset for planning and management, and the Wild and Scenic partners will be strongly encouraged to implement it as much as possible. In taking action, it is important to note that recommendations for local commissions are just that: recommendations. Actual implementation will require all the formal procedures that the town commissions must follow, especially in considering any new regulations for adoption.

Decision-making: To the extent possible, the Committee will operate by consensus. However, for certain issues such as changes to the Management Plan or FSWS bylaws, election of officers, addition or removal of members and expenditures of funds over certain levels, formal votes may be taken.

Officers: The Committee will have four officers: chairperson, vice-chairperson, secretary, and treasurer. The responsibilities of the officers will be established in the Committee's bylaws. The National Park Service representative cannot serve as Committee chairperson.

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

Memorandum of Understanding: FSWS members may establish an agreement outlining the cooperative commitment among its members to participate in the long-term management of the river and to implement those parts of the Management Plan under their existing traditional jurisdiction or to which they have been assigned specific responsibility.

Funding/Staff

To fulfill the responsibilities identified above, FSWS 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 FSWS' general operations and activities. For example, the Committee may need funds for office space and equipment, for printing and distribution of information or for education and outreach efforts.

If the watercourses are designated as a part of the National Wild and Scenic Rivers

System, Congressional appropriations will be sought to assist with the establishment and initiation of FSWS. If adequate funding is forthcoming, the NPS could provide its own personnel as the necessary staff support, or transfer money to FSWS through the use of a formal cooperative agreement. (Cooperative agreements are discussed below.) In addition to providing staff support and/or direct financial assistance the NPS may provide technical planning and river conservation assistance to the Committee and its members if such help is requested and if sufficient appropriations are available.

FSWS is encouraged to leverage any federal funding provided to maximize the impact of such funds. FSWS may wish to pursue financial assistance and/or in-kind contributions, such as office space or equipment, from individuals, foundations, corporations or governmental bodies at the federal, state, and/or local level. In pursuing funding from any of these sources, the FSWS will avoid situations where it could be competing directly for funds with one or more of its member organizations.

Since the inception of the Partnership Wild and Scenic Rivers management model, river partners have been successful in leveraging scarce resources to implement their respective river management plans. By leveraging funds from the private sector, local, state, and federal governments, the river partners have attained a level of river management that would not be possible with government-only support.

Cooperative Agreements between FSWS and the NPS

Cooperative Agreements are formal written agreements between NPS and a local partner to enable the distribution of federal funding or other federal assistance for supporting the implementation of the Wild and Scenic management plans. In this situation, the local partner would act in essence as the fiscal agent for FSWS and NPS, a legal necessity because FSWS is not an incorporated body. Decisions on how funds would be allocated, if they become available, would remain with FSWS in consultation with NPS.

If Wild and Scenic designation occurs, NPS may enter into formal cooperative agreements with FSWS (if it were to incorporate), or any of FSWS' member organizations that are

incorporated. This complies with Sec. 10(e) and/or Sec. 11(b) (1) of the Wild and Scenic Rivers Act. For other Partnership Wild and Scenic Rivers in New England, cooperative agreements have typically been established with local non-profit organizations, such as a land conservation group or a watershed association. For example, during the Farmington River and Salmon Brook Wild and Scenic Study a Cooperative Agreement was established between the Farmington River Watershed Association and NPS to distribute funds for study purposes. The local Study Committee determined how funds were used in the context of study needs and priorities.

The following passages from the Wild and Scenic Rivers Act describe the basis for this arrangement.

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.

The Partners

The Partnership Wild and Scenic Rivers program requires a clear understanding of partner roles and responsibilities for implementing the long-term management strategy for the river system. Main partners include landowners, towns, the state, stakeholders and the National Park Service if designation is achieved.

Partner roles are outlined as follows:

Landowners: The voluntary participation of local landowners is considered key to overall management plan success. Landowners face no new regulations or mandates as a



Photo: Tom Cameron

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result of this Plan or as a result of the Wild and Scenic River designation. However, it is hoped they will be supportive of land stewardship practices that are consistent with the Management Plan and the spirit and goals for protecting the Outstanding Resource Values (ORVs). Examples of desirable practices include chemical-free lawn management, promotion and care of native riverbank vegetation, control of erosion and management of invasive species. FSWS can provide landowners with information and technical tools as needed for good stewardship.

Towns: The plan calls for each town to be an active, voluntary participant in FSWS and in protecting the ORVs. Local land use commissions have done an outstanding job establishing conservation-oriented regulations and policies that make this river system suitable for a Wild and Scenic designation. Their involvement has been essential in developing this Management Plan and its recommendations to town land use commissions and other town entities. Towns are asked to be core members of the FSWS Committee by appointing a member and alternate to represent their interests and be responsible for communication between the town and the Committee.

State of Connecticut: Like the towns, the state is included as an active participant in FSWS, working with all the partners to implement the Management Plan. The State would appoint a core member and an alternate to FSWS. The CT Department of Environmental Protection has distinct roles in managing water quality, water diversions and discharges into waterways, among many other things. They are a leader in open space conservation through policy and funding decisions. The CT Department of Transportation manages many miles of road in the river corridor. Roads potentially have profound effects on local water quality and aquatic health, so the state will need to consider their effects on the ORVs. When making planning, policy, permitting or management decisions that may affect the ORVs of the Farmington River and Salmon Brook, the state is required to take into consideration the goals and recommendations established in the Plan. Thus it will fulfill the obligations of the 2008 bill passed by the General Assembly, supporting designation of the Lower Farmington River and Salmon

Brook as a component of the National Wild and Scenic Rivers System. This bill commits the state to cooperation in implementing this Management Plan. (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).

National Park Service (NPS): If the Wild and Scenic River designation is achieved, the NPS will coordinate any funding that is authorized by Congress for use in implementing the Management Plan. The NPS will take an active role on FSWS and, as funding allows, provide staff support to coordinate Committee activities as requested by FSWS.

In addition, the NPS will represent the Secretary of the Interior in fulfilling the legislative mandates of the Wild and Scenic Rivers Act. The NPS will review proposed projects that require a federal permit or use federal funding. Any such projects will be evaluated for consistency in protecting and enhancing the ORVs which make the streams appropriate as components of the Wild and Scenic Rivers System.

There are no new regulatory permits associated with the designation. The National Park Service conducts its reviews through existing federal regulatory programs, such as permitting under the Clean Water Act by the US Army Corps of Engineers or the US Environmental Protection Agency, and through the processes required by the National Environmental Policy Act which provides for environmental impact reviews of proposed federal actions.

Watershed Organizations: The Farmington River Watershed Association (FRWA) and the Salmon Brook Watershed Association (SBWA) will play key roles in guiding the FSWS both because of their comprehensive knowledge of local issues associated with the watercourses and because of their ongoing work in protecting and enhancing the ORVs. Each watershed organization will appoint a core member and alternate member to the committee.

Stanley Black & Decker (SBD): As owner of the Farmington River Power Company (FRPC) that manages the hydropower operation at Rainbow Dam, SBD is a major stakeholder on the lower Farmington River

It supports and enhances the quality of life residents have come to expect...

and there will be a SBD representative on the FSWS Committee. Though the Rainbow Dam and adjacent river segments will be excluded from the Wild and Scenic designated area, the FRPC's role in managing river flow significantly influences the lower river. The Power Company calls for upstream flows for the hydro operation based on an existing riparian rights agreement and dictates the amount of water that passes through the hydropower turbines over a 24-hour period of time. SBD is required at all times to release at least 120 cfs downstream to maintain adequate river flows below the Rainbow Dam. SBD takes pride in their river stewardship and production of a local clean energy source.

Summary

All phases of developing and implementing the Lower Farmington and Salmon Brook Management Plan, and establishing FSWS,

place strong emphasis on engaging a variety of stakeholders on the local level, using or modifying existing local regulations, leveraging local support, and tapping local knowledge. In this, the study process is typical of the approach taken by other Partnership Wild and Scenic Rivers, and is an approach which has had marked success on the upper Farmington River. It supports and enhances the quality of life residents have come to expect, while ensuring that communities remain in control of their land.

If designation of these watercourses as part of the Wild and Scenic River System is delayed or is not adequately funded, this Management Plan remains a valid and useful tool for the region's communities, agencies, and stakeholder groups, whose commitment to good river management has already been demonstrated.

Tariffville bridge abutments
Photo: Wanda Colman

