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LOWER FARMINGTON RIVER AND SALMON BROOK WILD AND SCENIC RIVER STUDY ACT OF 2005

DECEMBER 8, 2005.—Ordered to be printed

Filed under authority of the order of the Senate of November 18, 2005

Mr. DOMENICI, from the Committee on Energy and Natural
Resources, submitted the following

R E P O R T

[To accompany S. 435]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 435) to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

On page 2, line 17, strike “of enactment of” and insert “on which funds are made available to carry out”.

PURPOSE OF THE MEASURE

The purpose of S. 435 is to amend the Wild and Scenic Rivers Act to designate approximately 40 miles of the lower Farmington River and Salmon Brook in Connecticut for study for potential addition to the National Wild and Scenic River System.

BACKGROUND AND NEED

S. 435 authorizes a feasibility study to evaluate whether the lower Farmington River and Salmon Brook, a major tributary, qualify for designation as part of the National Wild and Scenic Rivers System. The lower Farmington River is defined as the 40-mile stretch from the end of the existing wild and scenic section in Canton to the confluence with the Connecticut River in Windsor. A

feasability study of the lower Farmington River and Salmon Brook is the first step toward “wild and scenic” designation for the two waterways.

The 14 miles of the Farmington River’s West Branch, designated as a Wild and Scenic Partnership River in 1994, is a resounding environmental and economic success story. Partnership designation for the West Branch has fostered public-private partnerships to preserve the area’s environment and heritage while yielding economic benefits to river towns.

The West Branch of the river is home to trout, river otter, and bald eagle populations, and historic structures still grace its banks. Fishermen, hikers, canoeists, and kayakers enjoy the river and its banks year-round. In addition, a 2003 study by North Carolina State University found that partnership designation resulted in millions in economic activity and increased property values in the river towns of Barkhamsted, Canton, Colebrook, Hartland, and New Hartford.

Congress created the National Wild and Scenic Rivers System in 1968 to preserve the character of wild, scenic, or recreational rivers and their immediate environments, as well as to ensure the free-flowing condition of these rivers. Some rivers within the Wild and Scenic Rivers System are managed cooperatively between the Federal Government and a local management entity. The previously designated stretch of the Farmington River is one of 14 such partnership rivers. According to the National Park Service, the Partnership Wild and Scenic Rivers program, “helps communities preserve and manage their own river-related resources locally by bringing together State, county, and community managers to preserve the outstanding and remarkable values for which the rivers were set aside.”

LEGISLATIVE HISTORY

S. 435 was introduced by Senators Dodd and Lieberman on February 17, 2005. The Subcommittee on National Parks held a hearing on S. 435 on September 22, 2005. Similar legislation, S. 2663, was introduced by Senators Dodd and Lieberman in the 108th Congress.

At its business meeting on November 16, 2005, the Committee on Energy and Natural Resources ordered S. 435 favorably reported as amended.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on November 16, 2005, by a unanimous voice of a quorum present, recommends that the Senate pass S. 435 if amended as described herein.

COMMITTEE AMENDMENT

During the consideration of S. 435, the Committee adopted an amendment to clarify the time period for the completion of the study.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the bill the “Lower Farmington River and Salmon Brook Wild and Scenic River Study Act of 2005.”

Section 2(a) designates additional segments of the Farmington River and Salmon Brook in Connecticut for study for potential addition to the National Wild and Scenic Rivers System. The segments to be added are described as the Farmington River downstream from the segment designated as a recreational river to its confluence with the Connecticut River, and the segment of the Salmon Brook including its mainstream and east and west branches.

Subsection (b) requires the Secretary of the Interior to submit the results of the study to Congress no later than 3 years after the date on which funds are made available to carry out the Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

NOVEMBER 23, 2005.

Hon. PETE V. DOMENICI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 435, the Lower Farmington River and Salmon Brook Wild and Scenic River Study Act of 2005.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

S. 435—Lower Farmington River and Salmon Brook Wild and Scenic River Study Act of 2005

S. 435 would require the National Park Service to study a segment of the Farmington River and a segment of the Salmon Brook in Connection for potential addition to the Wild and Scenic Rivers System. CBO estimates that implementing S. 435 would cost about \$200,000 over the next 3 years, assuming the availability of appropriated funds. Enacting S. 435 would not affect revenues or direct spending.

This legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on State, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out

S. 435. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 206, as ordered reported.

EXECUTIVE COMMUNICATIONS

The views of the Administration on S. 435 were included in testimony received by the Committee at a hearing on the bill on September 22, 2005 as follows:

STATEMENT OF JANET MATTHEWS, ASSOCIATE DIRECTOR
FOR CULTURAL RESOURCES, NATIONAL PARK SERVICE,
DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before you today to discuss the views of the Department of the Interior on S. 435, a bill to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook for study for potential addition to the National Wild and Scenic Rivers System. The Department supports enactment of this legislation with one technical amendment.

While the Department supports the authorization of this study, it is important that future funding requests go towards completing previously authorized studies. There are currently 25 studies in progress, and we hope to complete and transmit 6 to Congress by the end of 2005. Therefore, the Department will focus the funding provided towards completing these studies.

S. 435 presents the opportunity to build from the success of the Upper Farmington River, which was designated a component of the National Wild and Scenic Rivers System in 1994. At that time, the partnership-based model of Wild and Scenic River designations, with a limited Federal role and no Federal land acquisition authority, was essentially an experiment. Now, 11 years later, it is a testament to the success of that partnership approach that the Lower Farmington and Salmon Brook communities, the State of Connecticut, and the Farmington River Watershed Association have all come together to seek a similar study.

The portion of the Farmington River under consideration runs approximately 40 miles from the Upper Farmington's downstream endpoint to the Connecticut River. The Lower Farmington has its own distinct character that compliments the "outstandingly remarkable" fish, wildlife, historic and recreational resources that qualified the upper river for designation. A notable historic feature, the Farmington Canal, served as an important regional transportation link from its opening in 1825 until the mid-1840's when railroad tracks were laid upon its obsolete towpath. Today, much of this feature is being converted into a recreational multi-use path and greenway, providing out-

standing access to recreational, scenic and historic attributes of the river valley.

In July 2005, results of a U.S. Fish and Wildlife Service survey of the Lower Farmington and Salmon Brook uncovered what is believed to be the State of Connecticut's largest populations of the federally endangered dwarf wedgemussel (*Alasmidonta heterodon*). Salmon Brook is a major tributary of the Farmington River, and is well known for its outstanding scenery and trout fishing.

It is significant that the communities and interest groups associated with the Lower Farmington and Salmon Brook have had the unique opportunity to observe and interact with the National Park Service and the Farmington River Coordinating Committee (created to oversee management of the Upper Farmington Wild and Scenic segment) for more than 10 years. The development of these relationships should facilitate the completion of the study required by this legislation.

The Department suggests one amendment to S. 435. Section 2 of the bill requires that a report on results of the study be submitted to the Senate and House authorizing committees no later than three years after the date of enactment of the Act. We believe it more feasible to provide that this occur no later than three years after funds are made available based on the number of studies currently being conducted by the Department.

This concludes my prepared remarks, Mr. Chairman. I will be happy to answer any questions you or other committee members may have regarding this bill.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law are made by the bill S. 435, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

WILD AND SCENIC RIVERS ACT

(Public Law 90-542; Approved October 2, 1968)

AN ACT To provide a National Wild and Scenic Rivers System, and for other purposes.

* * * * *

SEC. 5. (a) The following rivers are hereby designated for potential addition to the national wild and scenic rivers system.

* * * * *

(139) *LOWER FARMINGTON RIVER AND SALMON BROOK, CONNECTICUT.*—*The segment of the Farmington River downstream from the segment designated as a recreational river by section 3(a)(156) to its confluence with the Connecticut River, and the segment of the Salmon Brook including its mainstream and east and west branches.*

(b) TIME FOR SUBMISSION.—Not later than 3 years after the date of this Act, the Secretary of the Interior shall submit to Congress a report containing the results of the study required by the amendment made by subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

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