



# **Housatonic River WILD AND SCENIC RIVER EVALUATION**

**Findings regarding the State of Connecticut's  
application for the Housatonic River Wild and Scenic  
Designation as a State Administered Unit**

National Park Service  
Interior Region 1 – North Atlantic Appalachian

Boston, Massachusetts  
April 2021

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Cover Photo: Housatonic Valley Association

# Executive Summary

## The Proposal

On behalf of the State of Connecticut, Governor Dannel Malloy on November 16, 2016, proposed to the Secretary of the Interior that the Housatonic River, from the Massachusetts/Connecticut border to the Boardman Bridge in New Milford, be included in the National Wild and Scenic Rivers System under Section 2(a)(ii) of the Wild and Scenic Rivers Act (WSRA) (16 USC § 1271-1287). This proposal builds on the previous findings and recommendations of the 1979 congressionally authorized Wild and Scenic River study of the Housatonic River in Connecticut, which found 41 miles of the river eligible but recommended that designation under Section 2(a)(ii) be pursued subject to certain conditions.

As required by Section 2(a)(ii), future river management could be accomplished through state and local mechanisms. The federal government's role would be to ensure federal consistency with state and local protection efforts.

NPS has discussed with the Housatonic River Commission and other interested parties that the proposed designation would also satisfy the requirements of a congressional designation as a "Partnership Wild and Scenic River." The required ingredients of the "Partnership" designation model are met, including local support; local administrative structure; locally adopted river management plan; and demonstrated local commitment to river protection.

This report is the National Park Service's (NPS) evaluation of the State of Connecticut's proposal.

## Evaluation Procedure

Section 2(a)(ii) provides for administrative designation by the Secretary of the Interior if the river in question meets the following requirements:

1. the river must have been designated as a state wild, scenic or recreational river by or pursuant to an act of the state legislature;
2. the river must be administered by an agency or political subdivision of the state;
3. the river must meet the eligibility criteria required of all national wild and scenic rivers, i.e. it must be free-flowing and possess one or more "outstandingly remarkable" value (ORV);
4. it must be demonstrated that the values that make the river worthy of designation, i.e., its free-flowing character, water quality, and ORVs will be permanently protected and enhanced.

In addition, the proposal must be evaluated for potential impacts as per the National Environmental Policy Act (NEPA).

## Findings

The following are the NPS' findings regarding each of the above four technical requirements:

- 1) The proposed river segment meets the requirement of having been designated into a state river protection system with the approval of State of Connecticut Senate Bill No. 81, Public Act No. 16-38 (May 25, 2016).
- 2) The proposed management strategy meets the requirement that the river be administered by the state or a political subdivision. Assignments for administration and management are described in the draft Memorandum of Agreement for Protection of the Housatonic River. The federal role is limited to processing the Governor's application and, after designation, reviewing federal water resources and hydropower projects as required by Section 7 of the Wild and Scenic Rivers Act.
- 3) The proposed Housatonic segment meets National Wild and Scenic River eligibility requirements as this section is generally free-flowing and hosts a high concentration of outstanding natural, recreational, and cultural values – including canoeing and kayaking, fishing, hiking the Appalachian Trail, three bridges and two railroad depots listed in the National Register of Historic Places, and habitat for rare and endangered species of plants and animals.
- 4) Protection of the river will be guided by the Housatonic River Commission (HRC) and its updated River Management Plan (2006). There are state statutes (Title 22a and Title 26), town regulations, assistance from the Housatonic Valley Association (HVA) and Northwest Hills Council of Governments, which collectively provide a robust framework to ensure future protection of the river and its outstanding natural, recreational, and cultural values.

## Public Attitudes

As demonstrated by public statements, letters of support, and protective local regulations, there is strong support for river protection and the proposed Wild and Scenic designation by local governments, state agencies, elected officials, environmental organizations, and private citizens. The aforementioned stakeholders recognize the importance of the river to the local communities, and seek Wild and Scenic status to protect and enhance the outstanding qualities of the river. As one of the leading advocates for river protection, the Housatonic River Commission (formed in 1979) has provided guidance on local river management to the towns of Canaan, Cornwall, Kent, New Milford, North Canaan, Salisbury, and Sharon. The commission produced an advisory management plan in 1981, which was updated in 2006, and routinely consults with municipal land use decision makers.

## **Impacts of Designation**

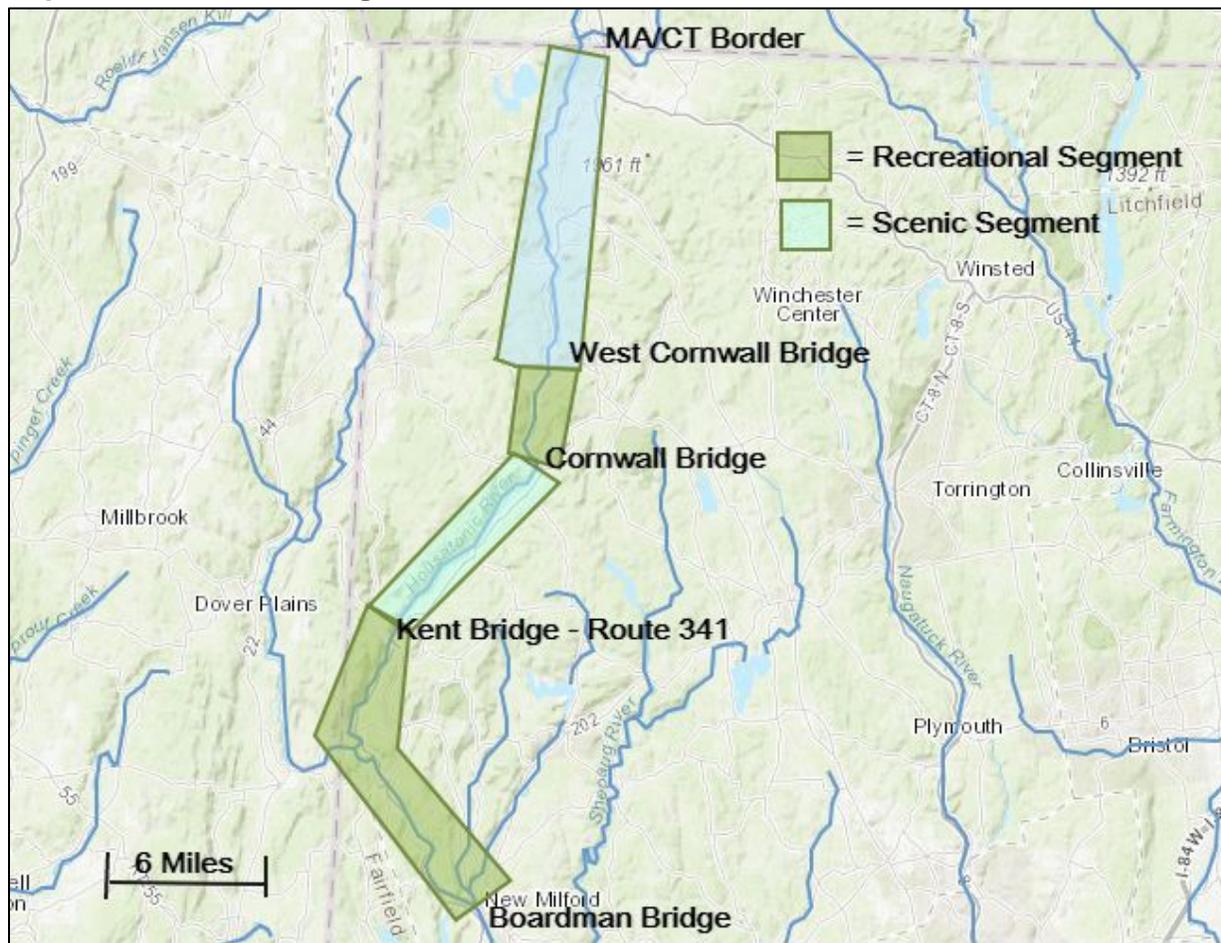
The NPS' evaluation of the potential impacts of designation to the Housatonic River concludes that Wild and Scenic designation would provide sustained support to the existing framework of programs and initiatives promoting stewardship and protection of natural, cultural and recreational values associated with the Housatonic River. This includes the Falls Village and Bull's Bridge hydroelectric generating facilities (Federal Energy Regulatory Commission (FERC) Project No. 2576) which would be effectively "grandfathered" as prior existing facilities whose operation and license terms are found to be compatible with the proposed designation.

## **Finding**

The NPS evaluation concludes that 40.3\* miles of the Housatonic River from the Massachusetts/Connecticut state line to Boardman Bridge in New Milford, Connecticut as proposed by Connecticut Governor Malloy, meet the criteria for designation as a State Administered component of the National Wild and Scenic Rivers System pursuant to Section 2(a)(ii) of the Wild and Scenic Rivers Act. Impacts of the designation would primarily result in a modest, sustained strengthening of an existing and well established local, state, federal and non-governmental framework recognizing and seeking protection and enhancement of the Housatonic River's free-flowing condition, water quality, and natural, cultural and recreational values.

\*Stated mileage of the proposed segment was updated from the 1979 Wild and Scenic River study (41.0 miles) based on geographic information system data available from Connecticut Department of Energy and Environmental Protection (CT DEEP) and the United States Environmental Protection Agency (US EPA). The following map reflects that change as well as changes to the classifications compared to the 1979 study.

### Map of NPS Revised Segment Classifications



## Chapter I: Introduction

In August 1979, the National Park Service completed a Wild and Scenic eligibility and suitability study of the Housatonic River from the Massachusetts/Connecticut border to the confluence of the Shepaug River (P.L. 94-486). The study found that the segment from the Massachusetts/Connecticut border to the Boardman Bridge in New Milford was eligible, but the remaining stretch to the confluence of the Shepaug River was not, due to the adverse effects of impounded water and shoreline development.

As part of the study, the NPS found that if Wild and Scenic status was desired, the surrounding towns needed to develop an acceptable management plan to guide land use, recreation, and water quality. The National Park Service also identified a need to appoint a managing agency. Based on these findings, the surrounding towns and State of Connecticut did not seek designation at the time.

More than three decades later, on November 16, 2016, Connecticut's Governor Dannel Malloy petitioned the Secretary of the Interior to approve Wild and Scenic status as a state administered component under Section 2 (a)(ii) of the Wild and Scenic Rivers Act, implementing the recommendation of the 1979 study. The Governor's petition consists of the following main elements:

- A cover letter signed by Governor Dannel Malloy
- Connecticut Public Act 16-38, an Act concerning the designation of certain areas of the Housatonic River as a Wild and Scenic river
- The Housatonic in Connecticut - A Wild and Scenic River Study by the National Park Service (August 1979)
- A report excerpt (pgs. 67-68) from the U.S. General Accounting Office, Wild and Scenic Rivers (GAO/RCED-87-39) (December 1986)
- Map of Wild and Scenic Designations requested
- Documents on administering the Wild and Scenic Housatonic River including a draft Memorandum of Understanding, Housatonic River Commission Rules of Procedure, the Housatonic River Commission's 2006 Management Plan, and a draft of the Coordinating Committee By-Laws.
- Letters of Support from the Communities Affected
- Letters of Support from Connecticut Congressional Delegation (Sen. Blumenthal, Sen. Murphy, Congresswoman Esty)

This evaluation report documents the NPS' assessment of the extent to which the proposed segment of the Housatonic River meets designation requirements as identified in the Wild and Scenic Rivers Act and subsequent agency guidelines. It also looks at changes on the river since the National Park Service concluded that the river was eligible for Wild and Scenic status in the 1979 study. This evaluation utilizes the findings of the 1979 study as a baseline for analysis. Standardized guidance on identifying ORVs was developed in the interim, as documented in the

Interagency Wild and Scenic River Coordinating Council (IWSRCC) "The Wild & Scenic River Study Process" white paper, 1999. For components such as natural resources and settlement patterns that changed little since the original study, refer back to 'The Housatonic in Connecticut - A Wild and Scenic River Study, NPS 1979' for more detail.

Although no other alternatives have been evaluated in this document, NPS has discussed with the Housatonic River Commission and other interested parties that the proposed designation would also satisfy the requirements of a congressional designation as a "Partnership Wild and Scenic River." The required ingredients of the "Partnership" designation model are met, including: local support; local administrative structure; locally adopted river management plan; and demonstrated local commitment to river protection.

## Chapter II: Housatonic River Environment

### Massachusetts/Connecticut Border to Boardman Bridge

#### *(Towns of Canaan, Cornwall, Kent, New Milford, North Canaan, Salisbury, Sharon)*

The Housatonic River basin lies principally in western Connecticut and southwestern Massachusetts with small sections extending into southeastern New York. Of the river's total 132 miles, 40.3 miles in Connecticut were identified for this evaluation. This area is well known for its charming rural character, historical heritage, and natural beauty which is remarkable considering its proximity to the northeastern megalopolis.

### Hydrology

The Housatonic River basin extends from Connecticut into Massachusetts and New York, and is comprised of 1,950 square miles. The river itself is formed by the confluence of the East Branch and West Branch Housatonic Rivers at Pittsfield, Massachusetts. It follows a generally southerly course for 36 miles through Massachusetts and 30 miles through northwestern Connecticut to the vicinity of Bulls Bridge, where it turns and flows southeastward for 53 miles to tidewater at Derby. It then continues for 13 more miles to its mouth at Long Island Sound, four miles eastward of the City of Bridgeport.

The study segment of the river stretches 40.3 miles south from the Massachusetts border to the Boardman Bridge in New Milford, Connecticut. Locally identified river corridor boundaries were named in the original 1981 River Management Plan and have not been altered since that time. They consist of an inner boundary, an outer boundary, and village centers. The Hollenbeck River, Blackberry River, Salmon Kill, Macedonia Brook, and Ten Mile River are tributaries that enter the Housatonic within the proposed Wild and Scenic stretch. Other tributaries below the proposed Wild and Scenic area are: Rocky River (Candlewood Lake), Still River, and Shepaug River.

The Rocky River (Candlewood Lake outlet) confluence with the Housatonic River is downstream of the proposed designation. The flow regime from this hydropower project is the baseline condition and NPS does not anticipate that future FERC licensing actions will violate Wild and Scenic River (WSR) standards.

### Geology

During the most recent Ice Age, masses of ice moved into Connecticut, advancing and retreating at least twice and quite likely four times. As the ice left each time, the path cut by the river was altered, especially within the less resistant marble areas. One interglacial stage diverted the river through the large lakes in Salisbury and then looped into New York State in the Ten Mile River System before rejoining the present course near Bull's Bridge. Evidence also exists of an earlier path north of Falls Village through the Hollenbeck River, east of the present Housatonic and eventually back to the current valley at Cornwall Bridge.

The glaciers also created various landforms which are evident in the valley. Those composed of sand and gravel deposits and in the form of sinuous ridges or mounds are known as terraces, eskers, and kames. The hard packed material below these sand and gravel deposits is consolidated glacial till which forms elongated hills in some places known as drumlins.

There are two spectacular waterfalls within the proposed designated area. The first are the Great Falls in Falls Village, Canaan. The second are Kent Falls in the Town of Kent, where a series of cascades drop 250 feet in under a quarter of a mile, the highest being 70 feet. Also in Kent, the Bull's Bridge area contains a smaller, scenic gorge.

## **Soils**

Soils in the Housatonic Valley have been formed by the weathering and erosion action of the area's climate on its bedrock materials and glacial deposits. Generally, the soils of the valley can be grouped into six major associations which are defined by the pattern of soils in the area, and which are described according to general location, slope, permeability, depth to bedrock, and parent material. These characteristics are important in understanding the soils of an area because of their direct relationship to land use and vegetation patterns.

The floodplains and terraces of the Housatonic Valley north of Kent are occupied by the Copake-Groton Genesee Association. These well drained soils are generally level to sloping or undulating, and have been derived from limestone and schist. About 60 percent of this association has been cleared and is used mainly for farming or is idle. In fact, these soils are among the better ones for farming on terraces and floodplains in Litchfield County. The rest of the association is in forest, home sites, estates and industrial development.

The area to the west of the river and above Falls Village is occupied by the Stockbridge-Farmington-Amenia Association, most of which is gently sloping to steep, well drained, deep soils formed in limestone glacial till and schist. This association includes some of the better upland soils for farming in Litchfield County and are generally well suited to crops grown in support of the dairy industry. About 60 percent of the acreage consists of open fields for dairying, but some areas are used for summer cottages, camps, and year round residences.

Most of the uplands of the river valley south of Falls Village are occupied by the Hollis-Charlton Association and the Charlton Paxton-Hollis Association. Both of these soils are generally gently sloping to steep, and include rocky soils which are shallow to bedrock, and deep, well drained soils formed in glacial till. The Hollis soils are most notable in the area for their shallow nature which produces prominent bedrock outcrops in the ridges along the river. Most of the land in these two associations is covered with cutover forest, although 40 percent of the Charlton-Paxton-Hollis Association was cleared and is used for dairy farming and orchards.

From Kent downstream to Lake Lillinonah, the Housatonic River valley lowland is occupied by the Hinckley-Merrimac-Hartland Association, while the uplands continue the Hollis-Charlton and

Charlton Paxton-Hollis Associations described above. Soils in this area are nearly level or undulating to sloping, but commonly they are steep on terrace breaks, developed in deep deposits of sand and gravel, and are excessively well drained. A large percentage of this association was cleared and is used for vegetable crops, nursery stock, and crops for dairy farming. The rest of the cleared area is idle or used for housing and industrial sites. A small upland portion of the river valley near the village of New Milford is occupied by the Paxton-Woodbridge Association. These soils are gently sloping to steep, well drained, formed in glacial till, have a fragipan layer, and are located in an area of elongated drumlins. Much of this acreage is used for crops in support of dairy farming, and the rest is cutover forest used for homesites or is idle. These soils are severely limited for onsite sewage disposal systems.

## **Climate**

The Housatonic River valley has a humid continental climate, classified as a snow-forest type with warm summers. The prevailing westerly wind, blowing from the southwest in the summer, but from the northwest during other periods, is often interrupted by the arrival of maritime air from the Atlantic Ocean to the south and east. Mean temperatures generally average about 70 degrees (F) in July and 24 degrees (F) in January. The average annual rainfall ranges from 44 to 52 inches. Snowfall varies considerably from year to year and averages about 45 inches in the Lake Lillinonah area to about 75 inches above Falls Village.

In the Housatonic River Basin, climatic conditions differ quite markedly from north to south. The southern portion of the basin has fairly hot summers and relatively mild winters; whereas the northern portion has shorter, cooler summers and much colder winters.

Although the climate of an area is not expected to alter much in a short time span (less than 40 years since the original study), climate change has been noticeable in the study area. The original study stated that "Weather is seldom excessively hot, and prolonged periods of extreme cold are rare. Rainfall is plentiful in the area and well distributed throughout the year." While this statement is still generally true, northwest Connecticut has seen changes in its weather patterns. As in other areas of the country, storms have become more severe. This increases the risk of flash flooding, as well as contaminants from impervious surfaces being washed into the river. Risk of drought is also increasing. In 2016, the Connecticut Interagency Drought Workgroup issued a first-ever drought watch for the state, and the proposed Wild and Scenic area in the northwest corner was listed as extreme drought.

## CHAPTER III: EVALUATION OF ELIGIBILITY AND CLASSIFICATION

### Eligibility and Classification Criteria

The criteria described here have been developed and refined largely since the time of the original Housatonic 1979 Study. These criteria will be considered in the context of re-visiting the 1979 Housatonic Study conclusions.

#### Eligibility and Classification Criteria

The subsections below describe the relevant eligibility and classification criteria as set forth in the Wild and Scenic Rivers Act; in the USDA/USDI Interagency Guidelines for Eligibility, Classification, and Management of River Areas as published in the Federal Register on September 7, 1982; in the Technical Report of the Interagency Wild and Scenic Rivers Coordinating Council on the Wild & Scenic Rivers Study Process, IWSRCC, December 1999; and the NPS Director's Order 46 of May 1, 2015.

#### Free-flowing

The National Wild and Scenic Rivers System is designed to protect eligible “free-flowing” rivers and sections of rivers that support outstandingly remarkable resource values from the adverse impacts of federally-assisted water resource projects, such as construction of new dams. The Act's definition of “free-flowing” is outlined in Section 16:

*(b) “Free-flowing”, as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence, however, of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion in the national wild and scenic rivers system shall not automatically bar its consideration for such inclusion: Provided, That this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the national wild and scenic rivers system.*

Rivers that have dams above, downstream, or on a tributary to the study segment, including those that regulate flow through the segment, along with the existence of minor dams, rip-rap, and other diversions within the segment, may still be eligible as long as the river is otherwise free-flowing and supports at least one ORV.

#### Outstandingly Remarkable Values

To be considered eligible for inclusion in the National Wild and Scenic Rivers System a river segment, together with its adjacent lands, must support one or more “outstandingly remarkable”

natural, cultural, or recreational resource values. Such resource values must be directly related to, or dependent upon, the river and its adjacent lands (generally  $\frac{1}{4}$  mile or another geographic area as defined by the study team). The “outstandingly remarkable” threshold is met if a value is found to be unique, rare or exemplary within a region of comparison, as based on the professional judgment of the study/evaluation team.

The descriptions below provide examples to help interpret this “outstandingly remarkable” eligibility requirement:

### **National Values**

Resource values which are nationally significant clearly meet the “outstandingly remarkable” threshold. A nationally significant resource would be rare, unique, or exemplary at a national scale. For example, a recreational boating experience that draws visitors from all over the nation would qualify as a nationally significant recreational resource.

### **Regional Values**

Based upon the desirability of protecting a regional diversity of rivers through the national system, a river segment may qualify based on regionally rare, unique, or exemplary resource values. The area, region, or scale of comparison is not fixed, and should be defined as that which serves as a basis for meaningful comparative analysis; it may vary depending on the value being considered. For example, physiographic regions are appropriate for geologic resources and ecoregions for biologic resources, while the region occupied by a particular culture is appropriate for archaeological resources.

### **Aggregate Values**

A river may qualify for a given resource value based upon an aggregate of important values, which when taken together are regionally exemplary. For example, a series of unusual and distinctive river-related geologic features may together qualify a segment as exhibiting an “outstandingly remarkable geologic value” even though no one element meets the criteria alone.

### **Defining “River-Related” Values**

The IWSRCC has characterized the determination as to whether a given resource value is river-related as based on three criteria. To be river-related a resource value should:

- 1) Be located in the river or in its immediate shorelands (generally within  $\frac{1}{4}$  miles on either side of the river);
- 2) Contribute substantially to the functioning of the river ecosystem; and/or
- 3) Owe their location or existence to the presence of the river.

## Classification Criteria

The Wild and Scenic Rivers Act requires that all eligible or designated river segments be classified as Wild, Scenic, or Recreational. These classifications are based solely on the amount of human impact, access, and development of the waterway and shoreline present at the time of the study or designation. The Act defines them as follows:

Wild river areas: Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

Scenic river areas: Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

Recreational river areas: Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

The USDA/USDI Interagency Guidelines provide additional direction relevant to the Housatonic, including:

- *The basis of classification is the degree of naturalness, or stated negatively, the degree of evidence of man's activity in the study area. The most natural rivers will be classified wild; those somewhat less natural, scenic; and those least natural, recreational.*
- *In segmenting the river the study team should take into account the management strategies necessary to administer the entire river area and should avoid excessive segmentation.*
- *The classification criteria provide uniform guidance for professional judgment, but they are not absolutes. It is not possible to formulate criteria so as to mechanically or automatically classify river areas. Therefore, there may occasionally be exceptions to some of the criteria.*

## Free-Flowing Condition

In the 1979 study, the eligible segment of the Housatonic River was found to be generally free flowing as it runs through a natural and largely undeveloped corridor:

*This free-flowing character is not significantly affected by the two run-of-the river hydropower dams at Falls Village and Bulls Bridge. In the Lake Lillinonah area, the Shepaug hydro power project includes a 1,870 acre impoundment of the river's free-flowing condition. This large impoundment, plus the presence of industrial and other structures on the shoreline in New Milford are the reasons why the ten miles of the river below Boardman Bridge were found ineligible for National Wild and Scenic River designation. - NPS, 1979 Study*

Since the 1979 study was completed, FERC relicensing in June of 2004 (FERC Housatonic River Project No. 2576) substantially improved aquatic habitat and river flows within the proposed Wild and Scenic segment by requiring a change in hydropower plant operations to true run-of-river (so that the outflow from the project shall equal the inflow on an instantaneous basis) for the Falls Village and Bulls Bridge facilities. Even though the original study described the dams as run-of-river operations, they did in fact employ elements of “pond and release” operation. The new license puts in place numerous additional enhancements to fish and wildlife, river health and recreation including maintenance of bypassed-reach minimum flows at Falls Village and Bulls Bridge. Utilizing the 1979 study as a baseline, free-flowing conditions within the proposed designation area have been markedly improved, and will continue over the 40 year term of the FERC license. Future relicensing will require consideration of Wild and Scenic River designation, as appropriate. (See below: **Impacts on Federally Assisted Water Resource Development Projects**)

The Governor’s application did not include downstream areas impacted by other hydroelectric facilities licensed under P-2576 (Rocky River, Shepaug and Stevenson), which have no impact upon the free-flowing condition of the proposed Wild and Scenic segment.

## Water Quality

*Efforts to return this river segment to its class "B" rating by 1979, are being made by the State of Connecticut in coordination with similar efforts in New York and Massachusetts. This situation is acceptable under the National Wild and Scenic River criteria since reasonable efforts are being made to return the river to its original excellent class "B" rating". - NPS, 1979 Study*

Since the original study, the Housatonic River segments in this evaluation are fully supporting aquatic life but remain under monitoring and remediation for PCBs from upstream contamination in Massachusetts. The latest CT DEEP data from 2016 shows continued efforts to reach the goal of the “B” water quality rating. According to the most recent US EPA reports,

*cleanup of PCBs and other hazardous substances in Pittsfield and the Housatonic River has progressed under an October 2000 Consent Decree entered into by US EPA, Massachusetts, Connecticut, the City of Pittsfield, the General Electric Company, and the Pittsfield Economic Development Authority. Cleanup was required for twenty contaminated areas outside the River, five groundwater management areas, and three River segments—the Upper ½-Mile Reach, the 1.5 Mile Reach, and Rest of River.*

At the time of this evaluation, all "active remediation" sites lie within a 30-mile stretch of the Housatonic River between Pittsfield, MA and the Rising Pond Dam in Great Barrington, MA. Within Connecticut (which is part of the “Rest of River” section), the strategy is "Monitored Natural Recovery" (MNR), described as

*ongoing, naturally occurring processes to contain, destroy or reduce the bioavailability or toxicity of contaminants in sediment. These processes may include physical, biological and chemical mechanisms that act together to reduce the risk posed by the contaminants. MNR may also include enhancements, such as thin layer capping, to accelerate the rate of recovery.*

The US EPA maintains a website to keep the public apprised of the clean-up and its progress which can be accessed at: <https://www.epa.gov/ge-housatonic>.

The following are some of the milestones reached under the above-mentioned October 2000 Consent Decree:

- Cleanup required for 20 contaminated areas outside the Housatonic River in Pittsfield, MA, five groundwater management areas, and three river segments—the upper ½-mile reach, the following 1.5-mile stretch, and “Rest of River.”
- Cleanup is complete at the 20 outside river sites in Pittsfield.
- Nine floodplain residential properties in Pittsfield, MA, cleanup substantially completed in 2018.
- As of this evaluation, 186,000 cubic yards of soil and sediment have been removed from the 20 cleanup sites in Pittsfield.
- Cleanup is complete for the two miles of river immediately below the General Electric Plant in Massachusetts.
- In February 2020, EPA and seven other parties reached a Settlement Agreement on how to proceed with the rest of River Cleanup. In July 2020, EPA issued a revised proposed plan/Draft RCRA Permit modification for public comment. In December 2020, EPA issued a Revised Final Permit accompanied by Response to Comments. In February 2021, two parties notified the Environmental Appeals Board that they intend to appeal the Revised Final Permit. The appeal was due March 5, 2021.
- In accordance with the Settlement Agreement, GE is submitting design plans associated with the Revised Final Permit, and EPA is currently reviewing those submittals.

## **Outstanding Remarkable Values**

### **Recreational Resources**

*The Housatonic River supports a full range of river-oriented activities and is well known in the Southern New England-New York region for canoeing, kayaking, trout and bass fishing, and fly-fishing. State park and forest lands in the area provide public access to the river and accommodations for camping, hiking, and hunting. - NPS, 1979 Study*

Since the 1979 study, the section of the Housatonic being evaluated continues to be a well-visited recreational area due to its many offerings in a picturesque setting. However, the change

of flow regime (true run of river) at the FERC licensed dams in 2004 soon turned the area from almost an amusement park atmosphere (reportedly up to 450 boats per day during pond and release) to one of mostly tranquility. According to the HRC, most sections of the evaluated river segment are hardly ever crowded. The one commercial outfitter in the area has adapted to the new style of river use by providing more canoes, kayaks, and tubes rather than rafting trips. Activities continue to vary according to the weather and seasonal flows. Some days there are more anglers than boaters, other days the opposite is true.

Concerns about recreational use in the Bulls Bridge area remain; however, there is a concentrated effort by the Appalachian Trail Council, CT DEEP, and the NPS in providing management support to control crowding, remove litter, and monitor safety.

The 2006 Housatonic Management Plan provides this overview:

***From the MA border to Falls Village Power Station***

*The Housatonic River in this segment runs primarily through farmland. Access points for boaters are at Rannapo Road in Ashley Falls, Dutchers Bridge in Salisbury, and above the Falls Village dam on the West side of the River. There is a short Class 5 kayaking run ("Rattlesnake Rapids") south of the Great Falls. The Appalachian Trail crosses the River at the Amesville Bridge in Falls Village. Robbins Swamp, the State's largest inland wetland, is east of the River in Canaan and North Canaan and is a popular duck hunting area. The Blackberry and Hollenbeck Rivers enter the Housatonic in this segment and the Hollenbeck Preserve, owned by The Nature Conservancy, encompasses 182 acres along the River and provides a habitat for significant rare plant and animal species including the State's declining grassland bird species.*

***Falls Village Power Station to Kent Center***

*This section of the River is heavily used for boating and fishing particularly from spring through early fall. Housatonic Meadows State Park along the west side of the River offers convenient camping, access to the River, and parking for anglers. The CT DEEP Trout Management Area, which DEEP stocks annually, runs for 9 miles through Sharon and Cornwall and includes a 3.5-mile fly-fishing only area. Macedonia Brook State Park also offers seasonal camping. The Kent Falls State Park is a popular site for hiking, fishing and picnicking. A section of the Appalachian Trail runs for five miles along the west side of the River between Kent and Cornwall Bridge. Notably, it is the longest stretch of river walk between Georgia and Maine. There are also access points for fishing and boating at Amesville, CL&P field in Sharon, Covered Bridge in West Cornwall, Housatonic Meadows State Park, and Swifts Bridge in Sharon and Cornwall. Commercial boat rental operations conduct business in this segment.*

***Kent Center to Bulls Bridge***

*This wide stretch of River is good for flat water canoeing and rowing. The Appalachian Trail runs along the ridge line in Kent, parallel to and west of the River. The Schaghticoke Reservation is on the west side of the River. Route 7 runs along the east*

*side of this River segment offering scenic views for tourists. A canoe/kayak take-out is just north of Spooner Dam on Bulls Bridge Island.*

### ***Bulls Bridge to Boardman Bridge***

*Bulls Bridge is an area for experienced kayakers offering the only true Class 4-5 run in Connecticut according to the Housatonic Area Canoe and Kayak Squad (HACKS). The Bulls Bridge Gorge area is also environmentally and historically significant and contains rare species as well as historic resources such as the site of the 1826 Bulls Bridge Iron Furnace. Scenic overlooks are located on the Bulls Bridge utility property but access and parking is an issue due to congestion. The Appalachian Trail follows the River in the area of Bulls Bridge. Protecting this sensitive area from overuse is a major concern. The Tenmile River, a major tributary, enters the Housatonic just below the Gorge. Rafting is common in this segment and there are access points at Bulls Bridge, the west bank of River south of Gaylordsville Bridge, the west bank south of the new Boardman Bridge, and Young's field at New Milford Center (just south of current Housatonic River Commission boundary). The State DEEP has designated a bass management area and a trout management area in this segment.*

Aside from the many scenic paved and dirt roads that can be biked on, the planned HouBike Trail proposes to link existing river roads next to or near the Housatonic to produce a continuous 45-mile multi-use biking and hiking route from Massachusetts/Connecticut border to the center of New Milford. The proposed HouBike Trail route includes approximately 35 miles of existing publicly maintained paved and dirt roads directly adjacent to the Housatonic. The additional 10 miles will initially be on roads that are not adjacent to the Housatonic. The project proposes least impact options for moving those 10 miles to locations adjacent to the Housatonic.

### **Scenic Resources**

*The visual and spatial experiences of the river valley are highly diverse as the river flows through areas of steep forested mountains with prominent bedrock outcroppings near their summits, to areas of gently rolling hills and broad floodplains covered with agricultural fields and dotted with tiny villages. - NPS, 1979 Study*

Although there has been some development over the years, especially towards the southern portion of the study segment, the charm and beauty of the area remains. The Housatonic River corridor contains some outstanding scenery. Portions of Route 4 and Route 7 have been designated scenic roads by the state and afford views of the river. Several towns within the Housatonic corridor including Canaan, Kent, New Milford and Sharon have a local scenic road ordinance.

### **Cultural Resources**

*The Housatonic Valley originally developed as a river oriented agricultural area in colonial times and eventually played a prominent role in the 19th Century iron industry.*

*Reminders of these historical periods are evident today in the general appearance of the valley with its picturesque river side villages of colonial homes and stores, and its old stone fences running through fields of crops. - NPS, 1979 Study.*

It is generally held that the Housatonic Valley was first occupied by Paleo-Indians in approximately 10,000 BC, and since that time has been occupied by three distinctive Indian cultures before the first Europeans explored the area. The Schaghticokes still have a reservation along the river in Kent. Preliminary investigations indicate that the valley itself also has a great potential to yield significant archaeological finds due to the deeply stratified layers of soils which has isolated the remains of various cultures in sequence.

Within the river segment proposed for designation, two wooden covered bridges and one wrought iron bridge are listed on the National Register of Historic Places for their engineering significance. These are the covered bridges at West Cornwall and Bulls Bridge, and the wrought iron Boardman Bridge. In addition, the National Register includes the 19th Century Railroad Station at Cornwall Bridge on the east bank of the Housatonic River, and the Union Depot in North Canaan.

Furthermore, the remains of an old iron furnace in Kent have been given recognition as a State historical resource and have been nominated to the National Register. The State has also given recognition to a 60-acre historical district in the town of Kent which borders on the river.

## **Wildlife and Vegetation**

The Housatonic Valley is a unique ecosystem that is home to a variety of plants and animals, some not found in other parts of the state. Much of this is owed to the diverse habitats of the area's agricultural lands, woodlands, wetlands, and overgrown abandoned fields.

The original study found:

*The Housatonic Valley contains certain unique environmental conditions that create suitable habitats for rare and endangered species of both plants and animals. Several of these sites are recognized as "critical habitats" by the State of Connecticut and are of scientific and educational significance to New England as a whole. - NPS, 1979 Study*

The 1979 study documented a variety of rare, threatened and endangered species, and critical habitats associated with the Housatonic Valley. The landbase supporting these species and habitats remains mostly intact. For the purposes of this evaluation, more current information was reviewed including the 2009 "Natural Resource Inventory" prepared by the Town of Salisbury's Conservation Commission, and the "Report of the Critical Habitat Inventory for the Proposed HouBike Trail between Cornwall Bridge and Kent (August 1, 2017)" prepared by Michael W. Klemens LLC for the Northwest Hills Council of Governments.

Some of the species listed by these studies as either 'threatened', 'endangered', or 'of special

concern' by the state include: blue spotted salamander, Jefferson salamander, northern spring salamander, northern leopard frog, bog turtle, wood turtle, eastern hognose snake, eastern ribbon snake, timber rattlesnake, silver haired bat, red bat, hoary bat, southern bog lemming, eastern meadowlarks, brown thrashers, longnose sucker and several species of butterflies. The federally protected bald eagle also makes its home here along the river.

The major vegetation associations of the Housatonic Valley reflect the patterns of geology, soils and climate in the area as they gradually change from the northern to southern limits of the study area, and as they provide habitats for several species which are rare in Connecticut and New England as a whole. These qualities of the valley's vegetation provide a visually pleasing setting for the river and add to the ecological and educational value of the area.

From the Massachusetts state line south to the Cornwall Bridge, the Housatonic River passes through a transition Hardwoods-White Pine Hemlock zone, whose dominant hardwoods are red oak, basswood, white ash, and black birch. Hemlock and white pine are also frequent and locally dominant. A number of northern bog and forest species reach their extreme southern range limits in this area's cooler habitats. Some rare plant species of this region include bog rosemary and Canada violet.

Below the Cornwall Bridge is the Central Hardwoods Hemlock-White Pine zone, which continues downstream through Kent and into New Milford. The dominant species in this association are oaks and hickories. White pine and hemlock are also frequent and locally abundant to dominant. Some characteristic rare plants in this area are hairy wood-mint and Wiegand's wild rye.

The ecological and educational value of the vegetation in the Housatonic valley is attributed to the occurrence of critical habitats which support a variety of plants that are scarce to absent over the rest of the state and parts of New England. These critical habitats include marble ridges and ledges, and calcareous wetlands whose vegetation is uniquely suited to the marble or carbonate rocks that occur in the Housatonic Valley, yet are of extremely restricted occurrence in the rest of the state. Several of these sites have been proposed for Connecticut's Critical Biological Area status.

*Table Summarizing the ORVs on the Housatonic River by Segment*

Segment	ORV	Contributing Resources
<b>Entire Study Segment from MA/CT state line to Boardman Bridge, New Milford</b>	<i>Recreation</i>	Proposed HouBike Trail along much of river
		Hiking and hunting on adjacent state forest lands
		Canoeing along most of this stretch of river

Segment	ORV	Contributing Resources
		Fishing (see segment descriptions for details)
	<i>Scenic</i>	Outstanding views along the river
	<i>Cultural/Historic</i>	Valley first occupied by Paleo-Indians around 10,000 BC
		Historic agricultural area and then played a significant role in the 19th century iron industry
	<i>Ecological</i>	Home to a variety of plants and animals not found in other parts of the state
		Several 'critical habitat' sites recognized by State of Connecticut
<b>MA/CT Border to West Cornwall Bridge</b>	<i>Recreation</i>	Fishing - Bass, carp above Falls Village; brown, brook and rainbow trout below Falls Village
		Appalachian trail passes by the Great Falls
		Class III/IV kayaking below Great Falls, site of former kayak slalom race
		Hiking - Mohawk Trail meets the Appalachian Trail in this segment
		Popular birding area below Great Falls
<b>West Cornwall Bridge to Cornwall Bridge</b>	<i>Recreation</i>	Fishing - Pool and riffle trout fishing (brown, brook, rainbow)
		Camping at Housatonic Meadows State Park
		Class II/III kayaking below West Cornwall Bridge
	<i>Cultural/Historic</i>	West Cornwall covered bridge
<b>Cornwall Bridge to Kent Bridge</b>	<i>Recreation</i>	Fishing - Pool and riffle trout fishing (brown, brook, rainbow)
		Appalachian Trail along much of river in this section
		Hiking and scenic views at Kent Falls State Park
		Popular birding area above Kent near Appalachian Trail
<b>Kent Bridge to Boardman Bridge</b>	<i>Recreation</i>	Fishing - New fish management areas (both trout and bass)
		Class III-IV kayaking on much of this section, Class V right below Bull's Bridge dam
	<i>Cultural/Historic</i>	Covered Bull's Bridge
		Wrought iron Boardman Bridge
		Schaghticoke Reservation

## Classification

Based on the classification criteria described at the beginning of this chapter, the NPS evaluated the proposed Wild and Scenic stretch for appropriate classifications.

### Proposed Classification from the 1979 Study

In addition to determining eligibility, the 1979 study team classified the river into one scenic and two recreational segments.

#### Scenic Section

The 20.5-mile segment of the Housatonic River from Falls Mountain Road in Canaan to Kent Bridge was classified as scenic. In this area the river is free-flowing and runs through a generally undeveloped corridor with steep forested valley walls and prominent bedrock outcroppings. The Berkshire Railroad, Appalachian Trail and Route 7 highway provide good access to much of this area and are generally screened from the river by natural streambank vegetation.

#### Recreational Sections

The 8.5-mile recreational river segment from the Massachusetts/Connecticut border to Falls Mountain Road is a slow moving meandering stream through flat agricultural land with limited access by road, railroad, or trail. At the time of the original study, the Falls Village hydroelectric power dam in this area impounded water for less than one mile and altered the natural flow of the river over Great Falls. The streambanks showed evidence of human modification as a two to three foot mud bank was exposed by the daily hydropower operations. Furthermore, agricultural activities had caused gullying of the stream banks and hindered the growth of natural streambank vegetation in places.

The 12-mile recreational river segment from Kent Bridge to Boardman Bridge flows through a steep forested valley, yet it contains several elements of human modification. The following description is from the original study:

*The Bulls Bridge hydro power project in this area creates a 4.5 mile pool of impounded water and has altered the natural flow of the river through a spectacular rock gorge. The streambanks along this pool are exposed for 2-3 feet below their natural water level by the daily hydropower operations. The Berkshire Railroad, Route 7 highway and residential developments are obviously exposed along the shoreline in places without sufficient streambed screening.*

## Revised Classification

#### Scenic Sections

**The 14.9 mile segment from the Massachusetts/Connecticut border to the covered bridge in West Cornwall is classified as 'Scenic'.** The river flows through remote areas and is not

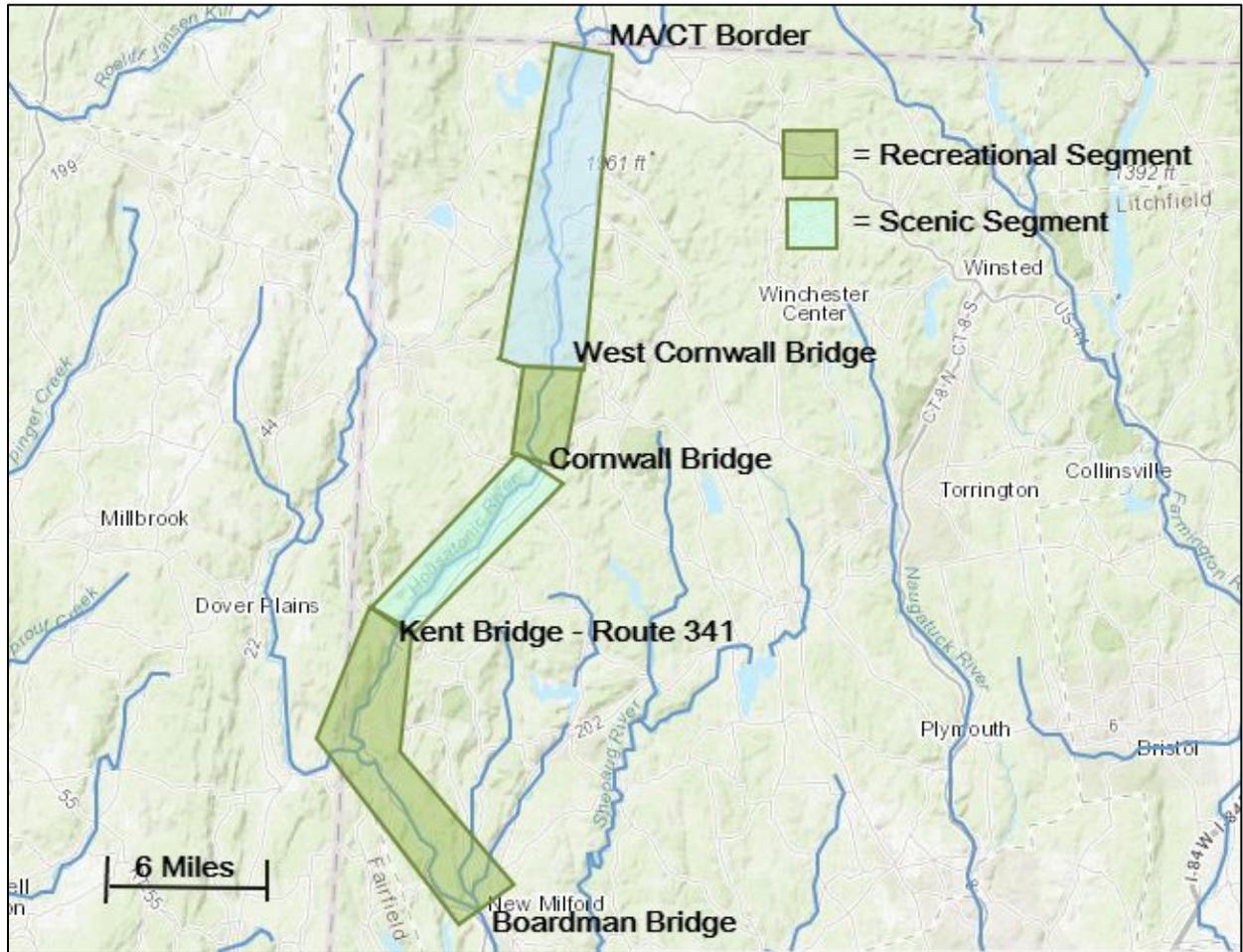
easily accessed by roads. Development through this stretch is still sparse, although in some areas the river is not far from Route 7. Access is difficult and the river is mostly hidden from view. The FERC relicensing, as previously mentioned, has improved the streambanks by changing from a pond-and-release operation to true run-of-river at both the Fall's Village hydro facility (included in this segment) and the Bull's Bridge hydro facility further downstream. Although both dams still exist, less of an environmental impact is seen, and recreational boating opportunities have improved. The Berkshire Railroad tracks are near the river, but the rail line is infrequently utilized and does not intrude on the secluded nature of the river.

**The 9.1-mile segment from the Cornwall Bridge to the Route 341 Bridge in Kent is also classified as 'Scenic'** (this stretch was also part of the original 1979 study's scenic segment). Here Route 7 is far enough away from the river on the east side to make access virtually impossible. On the west side, there is only minimal road access going north from Kent, and south from Cornwall Bridge. The roads in both directions end after approximately two miles, leaving only the Appalachian Trail to follow the river. This is a very beautiful section of the Housatonic River, and contains St. John's Ledges, where the Appalachian Trail has a several vistas looking down to the river.

#### Recreational Sections

**The 4.1-mile segment from West Cornwall Bridge to Cornwall Bridge and the 12.2-mile segment from the Route 341 Bridge in Kent to the Boardman Bridge in New Milford are classified as 'Recreational'.** The river here is paralleled by Route 7, making access very easy for most of this segment. Where the river is not right next to the road, access can be found by going through the Housatonic Meadows State Park.

### Proposed Segment Re-classification



## **Finding**

### **Eligibility**

Based upon the application of the Wild and Scenic eligibility criteria, the NPS' evaluation of the current designation proposal concludes that the 40.3-mile section of the Housatonic River from the Massachusetts/Connecticut border downstream to Boardman Bridge is eligible for inclusion in the National Wild and Scenic River System. The Housatonic River continues to support Outstandingly Remarkable Values that warrant preservation, including scenic beauty, recreational opportunities, historic value, and wildlife/vegetation, consistent with the 1979 Study findings.

### **Classification**

The NPS recommends a slight change to the proposed classifications scheme of the 1979 study for a total of 24.0 miles 'Scenic' and 16.3 miles 'Recreational' as described in the previous section.

## **CHAPTER IV: EVALUATION OF DESIGNATION AND MANAGEMENT**

### **State Designation and Management Requirements**

As described in the Introduction, to be considered for the National Wild and Scenic Rivers System under Section 2(a)(ii) of the Act, proposed rivers must be designated a state wild, scenic or recreational river by or pursuant to an act of the state legislature. The proposed river must also be administered by an agency or political subdivision of the state. This section describes how the proposed segment of the Housatonic River meets these requirements.

### **State Scenic River Designation**

The portion of the Housatonic River being evaluated for federal Wild and Scenic designation was proposed for “Local Scenic River” designation under Connecticut’s Senate Bill No. 81 - Public Act No. 16-38. This bill was approved by the General Assembly and signed into law on May 25, 2016.

### **State and Local River Management**

Management and administration of the proposed Wild and Scenic Housatonic River segment would be accomplished through a management framework authorized by the proposed Memorandum of Agreement for Protection of the Housatonic River. The key mechanisms all serve as non-regulatory management strategies, and are described below.

### **Housatonic River Commission Coordinating Committee**

The state’s application for Wild and Scenic designation proposes the creation of a new Housatonic River Commission Coordinating Committee (HRCCC). The purpose of the HRCCC is to promote the long-term protection of the Housatonic River from the Massachusetts/Connecticut border to the Boardman Bridge by bringing together interested parties on a regular basis, stimulating cooperation between those parties, by providing a forum to discuss and resolve issues that concern the river, and coordinating implementation of the Housatonic River Management Plan. The Committee will have an advisory role only. It will not have land acquisition or regulatory authority.

The “Memorandum of Agreement for Protection of the Housatonic River” (MOA) serves to establish the advisory HRCCC with representatives from the Housatonic River Commission, Northwest Hills Council of Governments, National Park Service, Connecticut Department of Energy and Environmental Protection (CT DEEP), and Housatonic Valley Association (HVA). Each of their roles are spelled out in this agreement. It also identifies actions that will not be taken, such as federal land acquisition. Meetings of the HRCCC are to be held every quarter.

This proposed structure builds off a long and successful history of the Housatonic River Commission (HRC) since 1979. The HRC continues to meet on a monthly basis.

## **The Housatonic River Commission**

The Housatonic River Commission was formed in July 1979 with a goal of providing guidance on local river management to the towns of Canaan, Cornwall, Kent, New Milford, North Canaan, Salisbury and Sharon. The Commission produced an advisory management plan - The River Management Plan, in 1981, updated that Plan in 2006, and routinely consults with municipal land use decision-makers.

The 1981 Plan spelled out the Commission's objectives and duties. With minor modifications, the updated plan reaffirms those original objectives and duties:

### Objectives of the Housatonic River Commission

- Promote the retention of the free-flowing and scenic character of the Housatonic River;
- Promote the protection and improvement of water quality, through:
  1. the elimination of toxic waste discharges and waste discharges lacking tertiary treatment;
  2. the adoption of measures to assure the proper performance of septic systems, including control of minimum lot sizes in relation to their soil characteristics;
  3. the adoption of measures for aquifer protection, ridgeline protection, erosion and sediment control, and the regulation of gravel and topsoil mining;
  4. the adoption of best management practices by farms within the watershed; and
  5. the adoption of measures to minimize non-point source pollution.
- Promote the preservation of significant ecological areas, including protection of fish and wildlife habitats and the continued stocking of indigenous game birds and fish.
- Promote the adoption of measures to control density of recreational activity in the River Corridor.
- Consult and cooperate with State agencies, the Towns, and local groups in Connecticut, Massachusetts, and New York, and Federal agencies, for the achievement of these objectives.

### Duties of the Commission

- Recommend each member town adopt standards for protection of the River Corridors.
- Provide inter-town coordination of a regional Housatonic River Management Plan with each of the towns involved.
- Explore and develop, when required, means to limit and/or regulate the recreational use of the River.
- Monitor development in the Corridors and review and comment on development applications.
- Consult with the State and Federal agencies, e.g. the Northwest Conservation District, the US Department of Agriculture Natural Resource Conservation Service, Federal Energy

Regulatory Commission, and Connecticut Department of Energy and Environmental Protection, and comment on their plans affecting the River.

- Encourage gifts of land and conservation easements to the individual towns, local land trusts or to a regional land trust to protect critical ecological, archaeological, or wildlife habitats.
- Encourage towns in the River Corridor to actively carry out the objectives of this Management Plan.
- Educate the general public on the importance of the River.

The updated 2006 River Management Plan includes guidance on land use, recreation management and water quality, which are the three biggest concerns for the future. Within each section is a discussion of existing conditions, significant issues or threats, and a series of recommendations to be addressed by both the HRC and the individual municipalities. The Plan includes a set of overall recommended actions for the HRC to continue its mission and expand its outreach within the region. Designation supports HRC efforts in managing increased recreational use of the river.

In 1989, the HRC prepared a Recreation Management Plan to assess the impact of recreation on the River. The recreation management goals listed below are based on that Plan:

- Promote effective local management of existing recreation facilities and resources for their best use.
- Preserve the Housatonic River environment and its unique and fragile natural features from overuse.
- Minimize conflicts among various recreational users and promote a balanced blend of uses appropriate to the River environment.
- Promote education of the general public in the safe and responsible recreational use of the Housatonic River.

To achieve these goals, the following was identified in the 1989 Recreational Plan and then modified to fit into the 2006 Housatonic River Management Plan. The HRC is tasked with their implementation:

1. Encourage a Carrying Capacity Study that will provide the appropriate information for local management decision-making regarding recreational use and capacity in the region.
2. Develop a means of monitoring the recreational use of the River by segment; the monitoring system will be used to alert the towns when the River segments carrying capacity is being exceeded.
3. Advocate for appropriate safety-related signage.
4. Encourage the development and distribution of River guides and safety brochures.
5. Encourage the State, the Towns and private property owners to keep existing access points open and clean.
6. Encourage coordination of educational and recreational programs within the River Corridor.
7. Participate actively in all planning studies that FERC has required NGC to undertake as a

condition of the hydropower re-licensing for the Falls Village and Bulls Bridge Dams. These include the Recreation Plan, Shoreline Management Plan, Critical Habitat Management Plan and Programmatic Agreements.

8. Encourage inter-town agreements for a coordinated, in-river, accident response system.
9. Encourage inter-town agreements for policing of riverside activity, where appropriate.
10. Monitor conditions of lands along the River to detect and report areas where environmental problems are occurring.
11. Work with the Upper Housatonic Valley National Heritage Area to encourage appropriate tourism and recreational management decision-making that preserves the long-term health of the River.

Some accomplishments since the 2006 HRC Plan include:

- All towns have considered and/or adopted zoning updates which include: permitted uses within four areas within the corridor- inner corridor, outer corridor, village centers, and sensitive areas zone.
- Northwest Hills Council of Governments (NHCOG) has created a model guide for low impact development for use in the river corridor.
- Several of the towns have completed Natural Resource Inventories (NRI).
- Towns are addressing Flood-prone Conservancy Zones (no build flood zones) in revised zoning regulations.
- HRC has been working with local sod farms to reduce nutrient runoff.
- A new Housatonic Valley Association River Stewards program is underway to begin addressing user capacity and behavior issues.
- HVA has developed and distributes river guides and safety brochures.
- Established an eradication program for Japanese Knotweed along the river and tributaries.

### **Northwest Hills Council of Governments**

The Northwest Hills Council of Governments will act as the administering agency for the river on behalf of the Housatonic River Commission and its constituent Towns as required by Section 2(a)(ii) of the Wild and Scenic Rivers Act of 1968. It will also assist the Housatonic River towns in meeting their responsibilities under this Memorandum within available resources.

## **Finding**

The proposed management and protection framework builds on and strengthens an already impressive and functioning framework at the local, state, and non-governmental level, and provides a strong foundation for 2(a)(ii) Wild and Scenic river designation or congressionally designated Partnership Wild and Scenic River.

## **CHAPTER V: EVALUATION OF RESOURCE PROTECTION**

This section describes a set of criteria used by the National Park Service to determine whether the values that make the Housatonic worthy of designation (free-flowing, water quality, and ORVs) are adequately protected through private, local, and/or state level actions to warrant designation as a state-administered Wild and Scenic River under Section 2(a)(ii) of the Wild and Scenic Rivers Act.

### **Protection Mechanisms**

In order for a river to be appropriate for designation as a national Wild and Scenic River under Section 2(a)(ii), there must be long-term protection of the river's WSR values and a workable management framework that does not rely on active federal management, apart from review of water resources and FERC hydropower projects under Section 7 of the Act..

This section will evaluate the following protection mechanisms:

- Local, State and Federal Programs, Laws and Regulations;
- Non-Governmental Initiatives, Programs & Partners;
- Land Protection for Conservation Purposes; and,
- Physical Limitations to Development.

### **Local, State and Federal Programs, Laws and Regulations**

#### **Local Ordinances and Programs**

All seven of the river corridor towns have approved the formation of the previously mentioned Housatonic River Commission, and proposed river management plan. They have begun cooperative planning and established an overlay zone on a uniform basis to guide and regulate development. This Housatonic River Overlay Zone, which includes flood-prone and environmentally sensitive areas, possesses many natural resources and historic sites, and is defined by an inner and outer corridor, plus village centers and sensitive areas. These local zoning regulations will help guide future recreation, water quality, and land planning on the river.

The inner corridor is defined by the 100-year flood zone and a streambelt area based on soil types as established by the USDA Natural Resources Conservation Service. This is the most sensitive area of the river corridor. Regulations here are designed to prevent alterations to the natural flow of the river, establish standards for land conservation, prevent water pollution, encourage a shoreline buffer zone, conserve flood storage functions of the floodplain, protect wildlife, and to conserve the natural conditions and environmental quality of the overlay zone.

The outer corridor is the portion lying between the inner corridor to the top of the river valley ridge, and is delineated by lines drawn from peak to peak along the ridge line, minus any village centers. Regulations here are primarily aimed at guarding against pollution, erosion, and sedimentation, and to establish safeguards on development.

Projects in the overlay zone have a layer of review in addition to that required by the local ordinances. Although having an advisory role only, except as noted, all applications for special exceptions, site plan approval, zoning permits, variances and zone changes affecting the zoning districts within the overlay zone are referred to the Housatonic River Commission for review and comment. The Housatonic River Commission has 35 days to report its recommendations to the referring board or commission.

### **State Laws, Regulations, and Programs**

There are several state laws, regulations, and programs that offer some form of protection for open space, water quality, in-stream flows, and habitat along the Housatonic River. The more significant state level controls include:

- Housatonic Riverbelt Greenway (1984) - The Housatonic Riverbelt Greenway, launched by the Housatonic Valley Association in 1984, extends along both sides of the Housatonic River from Pittsfield, Massachusetts to Stratford and Milford, Connecticut on Long Island Sound. The Connecticut Department of Energy and Environmental Protection designated the entire Connecticut portion as a State Designated Greenway in 2001. It comprises the entire Wild and Scenic Study area and extends south to the Long Island Sound. Envisioned primarily as a measure to help protect the river and its surrounding open spaces and scenic vistas, the greenway also provides opportunities for a variety of recreational activities.
- Connecticut State Statute, Title 22a - An excerpt from 22a-1 reads

*...the General Assembly hereby declares that the policy of the State of Connecticut is to conserve, improve and protect its natural resources and environment and to control air, land and water pollution in order to enhance the health, safety and welfare of the people of the state. It shall further be the policy of the state to improve and coordinate the environmental plans, functions, powers and programs of the state, in cooperation with the federal government, regions, local governments, other public and private organizations and concerned individuals, and to manage the basic resources of air, land and water to the end that the state may fulfill its responsibility as trustee of the environment for the present and future generations....*

Section 22a-6b goes on to give the state the right to impose civil penalties for water pollution violations, which helps hold companies accountable for their discharges that affect water quality.

- Connecticut State Statute, Title 26, Sec. 26-3 - The Commissioner of Energy and Environmental Protection shall enforce all laws relating to fish and wildlife in the state. The commissioner may allocate and expend for the protection, restoration, preservation and propagation of fish and wildlife all funds of the state collected, appropriated and acquired for the purpose.
- River Protection Commissions Act (1984) - Connecticut created this act to recognize established river conservation commissions as being responsible for defining river boundaries, inventorying resources, and developing and implementing river management plans.

## **Federal Laws and Regulations**

There are multiple federal regulations that offer protection for the Housatonic River.

The Clean Water Act (CWA) provides substantial protection for the Housatonic River'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 Connecticut, 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.

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 DEEP 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 towns of the Wild and Scenic Study Area engage in some form of floodplain management through their town regulations and policies.

The Safe Drinking Water Act - The Safe Drinking Water Act (SDWA) is the federal law that protects public drinking water supplies throughout the nation. Under the SDWA, US EPA sets standards for drinking water quality and with its partners implements various technical and financial programs to ensure drinking water safety.

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 values for which the river was designated.

## **Federal Programs**

Since the original study in 1979, there have been several programs which are federally funded and focus on the protection and conservation of lands specifically in Connecticut. These include:

- Protection of the Appalachian National Scenic Trail - The Appalachian Trail (AT) in Connecticut parallels the Housatonic River for much of the 56 miles in the State. From Falls Village to Bulls Bridge (approximately 25 miles), the AT traverses the ridgeline to the west of the Housatonic, and makes several incursions to the immediate river vicinity. The first section is approximately two miles long and stretches from below the Great Falls in Falls Village to the intersection of Route 112 and Route 7. Within this section, 0.75 miles of the trail is wheelchair accessible. The second and longest segment spans roughly five miles from Swift's Bridge (below the Cornwall Bridge) to St. John's Ledges. Finally, the Appalachian Trail makes a quick appearance again next to the river just below Bull's Bridge.

In 1979, the Appalachian Trail in Connecticut was one-third on private land, one-third on state land, and one-third on public highways for a total of 56 miles. Between 1980 and 1990, many significant purchases and relocations were made. The two largest purchases by the National Park Service in Connecticut were 1,200 acres in Salisbury from the Mt. Riga Corporation and 2,000 acres along the Housatonic River in Kent and Sharon from the Stanley Works.

The most significant relocation was the so-called "western route," opened in 1986, which completely removed the Appalachian Trail from the Town of Cornwall and placed it on Sharon Mountain west of the Housatonic River, shortening the Appalachian Trail by 10 miles and providing a permanent, stable home for the Trail on the ridges to the West of the Housatonic.

Today, within the 25 miles abutting the proposed Wild and Scenic River segment, the AT and all but the road crossings are on protected land, and there is generally a right-of-way easement for visitors to cross or walk-along all of them. Management is accomplished in a coordinated, partnership fashion between the NPS, Appalachian Trail Conservancy (ATC), State of Connecticut, Appalachian Mountain Club (AMC), and other state and local partners. NPS provides overall coordination and oversight of the Appalachian Trail as directed by Congress. However, the duties of monitoring and maintaining the Connecticut portion of the trail will fall upon the AMC and the ATC for all State of Connecticut owned lands, as well as lands acquired by the NPS for the trail in Connecticut.

- Forest Legacy Program - This is a USDA Forest Service program implemented in partnership with CT DEEP. The entire Housatonic Wild and Scenic study area now falls within a Designated Forest Legacy Area in Connecticut. The Forest Legacy Program

protects working forests and other minimally managed woodlands primarily through conservation easements held by state agencies. The Forest Legacy Program has protected 8,125 acres in Connecticut with federal contributions totaling \$8.4M. Within the eligible Housatonic Wild and Scenic river communities, Forest Legacy funding has protected 892 acres in Kent and Sharon and 1,666.13 acres in Canaan.

- Highlands Conservation Act - The Highlands Conservation Act of 2004 covers portions of four states in a region which provides clean drinking water, large forest habitats, biological diversity, farmland and recreation benefits to major metropolitan centers in Pennsylvania, New Jersey, New York and Connecticut. It provides federal funding to these states that can contribute up to 50 percent of the purchase price of land or easements for eligible projects. Connecticut has received more than \$6M in Highlands funding to date. The HCA in Connecticut covers 28 towns, including all seven towns that comprise the eligible Wild and Scenic river sections in Northwest CT. Since 2007, HCA funding has protected 638 acres in four of these towns, including 304.4 acres directly adjacent to the Housatonic River in Canaan and Cornwall.
- Upper Housatonic Valley National Heritage Area - The Upper Housatonic Valley National Heritage Area (UHVNHA) designated in 2006, encompasses 20 towns in Massachusetts and nine in Connecticut, including all of the eligible communities under the Wild and Scenic Study except the northern section of New Milford from Boardman's Bridge to the town line with Kent. The UHNHA actively promotes the cultural, historic, recreational and scenic values of the study area, and is especially active enhancing the recreational assets. Its proposed HouBike Trail traverses the entire Wild and Scenic study area along trails and secondary roads near the river corridor.
- Great Thicket National Wildlife Refuge - The Great Thicket National Wildlife Refuge includes the Northern Housatonic Refuge Acquisition Focus Area in portions of Sharon, Connecticut but more than one-quarter mile from the proposed Housatonic Wild and Scenic area. The land acquisition goal of the Focus area is to protect 2,000 acres through purchase or donation to the US Fish and Wildlife Service. Of primary interest to the Refuge is the creation and protection of young growth forest habitat, and to bring back certain species that thrive there like the eastern cottontail rabbit. Since its creation in 2016, this Refuge has only acquired one parcel.

## **Non-Governmental Programs, Initiatives and Partners**

### **Housatonic Valley Association**

The Housatonic Valley Association, Inc., a non-profit 501(c)(3), works to conserve the natural character, environmental health and the economies of the region by protecting and restoring its

land and waters. It provides information and expertise in order to assist landowners along the Housatonic River who may want to make a voluntary donation of a conservation restriction on riverine lands. The HVA also serves as a resource and liaison to individuals or organizations which desire to participate in the protection of the Housatonic River. Some of the major accomplishments of the HVA include protecting 1,500 acres of wilderness, 200 acres of Conservation Fund land and 100 acres of prime farmland in the heart of the scenic Housatonic River corridor from Kent to Cornwall and Sharon. The HVA is also very active in leading river cleanups and water quality monitoring efforts.

### **Trout Unlimited**

The Connecticut Council of Trout Unlimited is a grassroots conservation organization dedicated to protect, reconnect, restore and sustain Connecticut's coldwater resources. There is a Northwestern Connecticut Chapter which has been in existence since 1963. From its website - "The Trout Unlimited mission is to conserve, protect and restore North America's trout and salmon fisheries and their watersheds." The Northwestern Connecticut Chapter specifically targets the upper Housatonic River watershed as its primary area of focus.

### **Audubon Connecticut**

Audubon Connecticut—a state office of the National Audubon Society—is one of Connecticut's premier conservation and environmental education organizations. With the support of its Board of Directors, its staff of seasoned professionals works hard to carry out the Audubon mission within the state—protecting birds, other wildlife, and their habitats through education, research, advocacy, and land protection. The Audubon's Sharon Center and its protected land encompasses 1,147 acres in the Town of Sharon.

### **The Nature Conservancy**

The Nature Conservancy (TNC) is a worldwide organization whose mission is "Protecting the Lands and Waters on Which all Life Depends." Since 1957, TNC has had a presence in northwest Connecticut addressing development threats, invasive species, and protecting some of the waterways like the Hollenbeck River near Canaan Mountain that are in the Housatonic River basin.

### **Land Protection for Conservation Purposes**

In 1979, the only permanently protected lands adjacent to the Housatonic River were part of Housatonic Meadows State Park and the Housatonic State Forest, a small section of the Appalachian Trail and a very small number of conservation easements held by local or regional land trusts.

Since then, acquisition of land and easements by the National Park Service, the State of Connecticut, the Housatonic Valley Association (HVA), and a robust local land trust network has

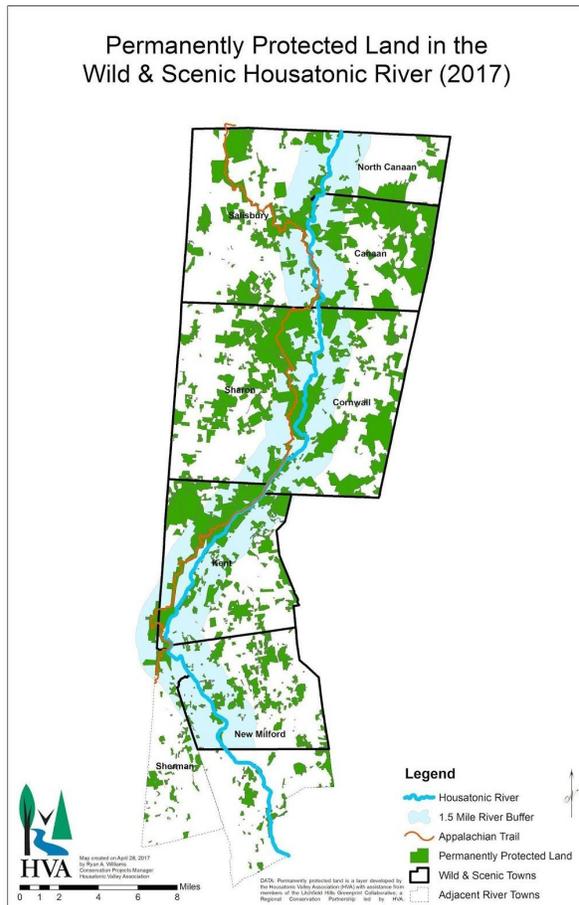
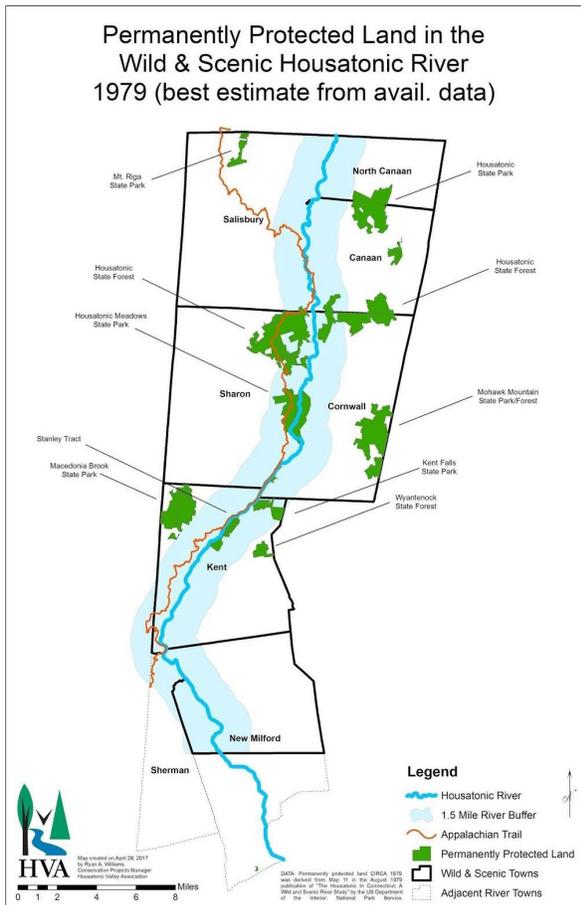
created the impressive 34 plus miles of protected riverfront today within the proposed Wild and Scenic area. HVA led negotiations that protected more than five miles of Appalachian Trail corridor along the west bank of the Housatonic River in Kent and Sharon – the longest stretch of riverfront trail on the entire Appalachian National Scenic Trail – and conserved another five miles along the east bank in Kent and Cornwall.

In 2017, HVA calculated the miles of riverfront protected on each side of the Housatonic River within the proposed 40.3-mile Wild and Scenic River segments in the Connecticut portion of the study area and identified 34.33 miles of protected riverfront. The breakdown by town is as follows:

- Kent: 12.06 miles (6.68 miles on the west bank and 5.38 miles on the east bank)  
Salisbury: 6.86 miles on the west bank
- Cornwall: 6.63 miles on the east bank
- Sharon: 5.12 miles on the west bank
- Canaan/Falls Village: 2.25 miles on the east bank New Milford: 1.0 miles on the east bank
- Sherman: 0.41 miles on the west bank (100 foot buffer along golf course required by permit)

The longest contiguous section of protected riverbank is on the west in Sharon and Kent (6.5 miles). The longest sections of along the eastern shore are 4.28 in Kent and 2.88 miles in Sharon and Cornwall.

## Maps of Land Protected in 1979 and 2017



## **Physical Limitations to Development**

The area being proposed for designation hosts significant physical limitations to additional development. These include steep slopes, wetlands, and physical barriers such as a railroad. While no comprehensive analysis of these factors is included in this evaluation, it is clear from site visits that physical limitations to development are significant and will continue to play an important factor in the long-term protection of the existing outstanding river resources and the proposed Wild and Scenic River area.

## **Finding**

In combination, local bylaws, state and federal legislation, and the various programs to protect land near and along the river indicate that there is a high likelihood that the Housatonic's WSR values will be protected in the future. Substantial protections were implemented in this area since the original study. In 1979 only a small percentage of land was protected near the river. By 2017, over 34 miles of riverfront had permanent protection under local land trusts, HVA, the State of Connecticut, and NPS (through the Appalachian Trail). Therefore, the nominated segment of the Housatonic River meets the protection and management requirements for designation under Section 2(a)(ii) of the Wild and Scenic Rivers Act.

## **CHAPTER VI: SUPPORT FOR DESIGNATION**

For a river where protection and management of the river corridor are to be achieved through a partnership among public and private interests rather than through federal ownership, broad-based support for Wild and Scenic River designation is essential.

Connecticut's application to designate the 40.3-mile stretch of river as Wild and Scenic has strong support from local residents, regional planning boards, all adjacent towns, state and local legislators, and agencies. The following sections describe the efforts made to achieve this designation.

### **Local Government**

There are seven towns through which the proposed Wild and Scenic segment flows. Each town was extremely supportive in seeking designation. All provided a representative to the Housatonic River Commission and are active participants in the river's protection. Each town also sent support letters for designation that are included in the State's application. Lastly, the formation of uniform overlay districts by all seven towns shows their commitment of protecting the river into the future.

### **State Government / Legislators**

The commitment by the State of Connecticut to designate the Housatonic River into the National Wild and Scenic River System was demonstrated by Governor Malloy first giving it state protection, and then submitting the nomination to the Department of the Interior. Richard Blumenthal (U.S. Senate), Christopher Murphy (U.S. Senate), and Elizabeth Etsy (U.S. House) echoed their support with individual letters to the Secretary of the Interior, expressing the importance of protecting this valuable natural resource.

### **Regional Planning Boards**

Much of the river management falls under the purview of the Housatonic River Commission, which is responsible for monitoring and advising the towns in northwest Connecticut on issues involving the Housatonic River. Ever since 1979 when the NPS identified the eligibility of this river for its ORVs, HRC has been dedicated to maintaining an environmentally healthy and scenic river corridor. The Northwest Hills Council of Governments has pledged to help HRC by acting as the administering agency for the river.

The Housatonic Valley Association, Inc. is committed to providing valuable information and expertise in order to assist landowners along the Housatonic River, and to individuals or organizations who desire to participate in the protection of the Housatonic River.

## **Finding**

The long history of local interest in river protection, combined with demonstrated support for the current WSR designation proposal provides strong evidence of support both for river protection and the designation.

## **CHAPTER VII: CONSIDERATION OF ALTERNATIVES AND IMPACTS**

### **Alternatives**

The purpose of this document is to evaluate the application of the Governor of Connecticut for Wild and Scenic River designation against the eligibility and suitability criteria of the Wild and Scenic Rivers Act. The review of eligibility and suitability, as described in previous chapters, did not produce any findings or results that would warrant consideration of any other alternative than designation or non-designation of the entire nominated river area. As such, no other alternatives are evaluated.

Although no other alternatives have been evaluated in this document, NPS has discussed with the Housatonic River Commission and other interested parties that the proposed designation would also satisfy the requirements of a congressional designation as a "Partnership Wild and Scenic River." The required ingredients of the "Partnership" designation model are met, including: local support; local administrative structure; locally adopted river management plan; and demonstrated local commitment to river protection. Impacts would likely be similar to those described as follows.

### **Impacts of Designation**

Designation of the Housatonic River as a "state-administered" component of the National Wild and Scenic River System would have modest impacts to the administration and management of the designated river segment.

#### **Administrative Impacts**

The designation as proposed would build off of a successful and long standing local river administration tradition established by the communities through the Housatonic River Commission. The addition of new partner organizations through the proposed Memorandum of Understanding, together with the added significance of the Wild and Scenic River designation, would likely enhance and build off of the strong established local governance tradition. National Park Service technical assistance would add a federal partner with substantial expertise in locally-administered Wild and Scenic River management and protection gained through 25 years of experience with the "Partnership Wild and Scenic Rivers," which, though designated by congressional action, have very similar locally-based management and administration. Similarly, increased state level focus and attention is anticipated. It is envisioned that these effects would be modest, but potentially significant and positive over the long term.

#### **Impacts on Federally Assisted Water Resource Development Projects**

New protection for the designated segment would be provided under Section 7(a) of the Wild

and Scenic Rivers Act for new federally-licensed hydroelectric development projects or potentially adverse impacts of federally assisted water resource development projects.

*The Federal Power Commission [FERC] shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, as amended, on or directly affecting any river which is designated in section 3 of this Act as a component of the national wild and scenic rivers system or which is hereafter designated for inclusion in that system, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of designation of a river as a component of the national wild and scenic rivers system.*

Based upon application of Section 7(a), no new hydroelectric developments could be licensed by FERC on the designated river segment. The existing FERC licensed (FERC Project No. 2576) Falls Village and Bulls Bridge, run-of-river facilities would be expected to continue to operate, and could be licensed/re-licensed in the future as long as the new license did not involve changes in operations or facilities that would have new, direct adverse effects on the WSR. The term of the FERC license issued in 2004 is 40 years. As such, the existing baseline relating to hydroelectric developments would be effectively “grandfathered” as a part of the wild and scenic designation. Changes to the operation of the two existing FERC licensed facilities, as well as departures to the existing license requirements, would need to be reviewed by the National Park Service for compatibility with the Wild and Scenic River designation. In particular, any changes that either inundated additional free-flowing river areas (raising of dam height) or changed downstream flow patterns (away from instantaneous run-of-river operation) would likely not pass Wild and Scenic review, and therefore not be allowed. Other sorts of project changes (modernization of turbines, changes to FERC license conditions or requirements, etc.) would be reviewed by NPS under FERC agency consultation procedures to determine whether the changes would have a direct and adverse effect on the values for which the river was established.

NPS is already a partner recognized by FERC under P-2576 in the review and development of the Recreation Management Plan (adopted under license article 408 in 2006 and reviewed on a regular schedule for potential amendment). This Plan contains provisions for construction and maintenance of various recreation enhancement facilities (parking, signage, trails, etc.) which should not be impacted by Wild and Scenic designation. Other potential, future construction related to the current license provisions could include upstream or downstream fish passage facilities (Section 18 Fishway Prescriptions). The license also includes a Shoreline Management Plan and Critical Habitat Management Plan with provisions that apply to the Bulls Bridge and

Falls Village plants. NPS interprets that little or no disruption to such provisions would occur as a result of designation.

The prohibition against new hydroelectric project licensing is not likely to have any significant impact over the status quo, as there are no known, pending or likely proposals within the proposed Wild and Scenic segment of the Housatonic River. Similarly, Wild and Scenic River review of future, project changes to the two existing facilities is not likely to have a major impact on the future of these projects. All indications are that these facilities will continue to operate as run-of-river facilities at their current crest heights for the foreseeable future with or without a Wild and Scenic River designation.

While it is impossible to know what, if any changes to these facilities could be proposed in the future, existing constraints of the physical plants and the existing local, state and federal regulatory environment would probably limit these facilities to operations similar to the existing conditions with or without a Wild and Scenic River designation. It is possible that the designation could have a minor impact on the potential future licensing/relicensing of these facilities by the FERC due to an emphasis on the protection of Wild and Scenic River values as a part of the review process.

NPS does not foresee any impact of the proposed designation to the other generating facilities associated with P-2576 and the Housatonic basin, namely Shepaug, Rocky River, and Stevenson.

NPS will seek the concurrence of the FERC on these conclusions as a part of the required 90 day agency review period.

Other potential federally-assisted water resources projects (non-FERC hydropower) that could trigger review under Section 7 of the Act would include streambank stabilization projects or similar in-stream work requiring permits under Section 404 of the Clean Water Act (US Army Corps of Engineers). Such projects/permits would be reviewed for consistency with the designation, and NPS would generally promote natural stream channel process and design principles and techniques in their review/consideration (soil bioengineering techniques, incorporation of vegetation, etc.).

Bridge replacement projects often require Section 404 permits and may have federal funding associated with them, thereby triggering Wild and Scenic River review. Such replacements have been a frequent and routine occurrence on the Partnership Wild and Scenic Rivers throughout New England and the Northeast. Often there may be opportunities to improve free-flowing condition through removal on instream piers or other design changes. Opportunities also sometimes exist to improve recreational access associated with bridges. Scenic and historic qualities may also be involved in reviews, with NPS a party to historic resource evaluations under National Historic Preservation Act Section 106. NPS can be expected to advocate for the protection and enhancement of WSR values (free-flow, natural, cultural and recreational values) in association with bridge replacement projects. This has the potential to impact how such

projects get completed.

### **Impacts on other Federally Funded or Assisted Projects**

The overall context and purpose of a Wild and Scenic River designation is to establish a federal policy to “protect and enhance” WSR values for the enjoyment of present and future generations, as articulated in Section 1 and 10 of the Wild and Scenic Rivers Act:

#### Section 1:

*(b) It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes.*

#### Section 10:

*(a) Each component of the national wild and scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values.*

In this context, any federal agency undertaking projects that could impact the designated segment of the Housatonic would consult with the National Park Service as an aspect of their normal project review procedures under the National Environmental Policy Act (NEPA). The NPS would have the opportunity to comment on those projects to ensure that WSR values are recognized and protected. Such consultations would not carry the definitive weight of Section 7 of the Act (which only applies to FERC hydropower and federally assisted water resource development projects), but nonetheless could impact the implementation of other sorts of federally funded or assisted projects. The effect of such consultations would be to provide greater weight to the recognition and protection of values such as scenery, recreation, historic and cultural values associated with the designated river segment.

Existing federal projects or programs that have a presence in the vicinity of the proposed Housatonic segment (as discussed in other sections of this evaluation) include: Appalachian Trail, Upper Housatonic National Heritage Area and Great Thicket National Wildlife Refuge. Wild and Scenic River designation would complement and support these programs which also have a conservation and recreation focus. Similarly, the ongoing PCB remediation efforts of the US EPA in the upstream (Massachusetts) segment of the Housatonic has the promise to improve water quality within the proposed Wild and Scenic segment and would be complementary to that

designation. “Monitored Natural Recovery,” as described previously, which is proposed in the Connecticut portion of the river, appears consistent with the long-term goal of water quality improvement and restoration of Class B standards.

### **Other Potential Indirect Impacts of designation**

Wild and Scenic River designation can be anticipated to raise the overall awareness and visibility of the Housatonic River as a resource of national recognition and significance. This may improve the ability of local partners to raise grant funds and otherwise compete for resources directed toward conservation and recreation efforts. Similarly, the added recognition and awareness could impact decision makers at all levels (individuals, local boards, state, federal, non-governmental) to consider stewardship of river values in their decision making.

Recreational visitation could also increase, although the area already exists as a destination, and any future increase will likely be based on local marketing of the area as such, which is not likely to be driven by the designation. There is no data from the existing Partnership Wild and Scenic Rivers in New England that designation itself has led to significant recreational visitation.

### **Summary of Expected Impacts**

Under the Wild and Scenic River designation, the National Park Service would become a federal partner and advocate for the preservation of identified WSR values in the context of federally funded or assisted projects that could impact river values. New hydroelectric developments would be prohibited. Designation would elevate the status and perception of the river and its values at all levels. Increased coordination at all levels through the expanded Housatonic River Commission Coordinating Committee would benefit the river and implementation of local and state programs. Cumulatively, it is anticipated that these impacts will have a steady long-term effect of helping ensure that identified river values are protected and enhanced.