

# LEGISLATIVE PERSPECTIVE ON UPPER FARMINGTON RIVER FLOW ISSUES



State Representative Mark Anderson, CT-62  
(Barkhamsted, Granby, Hartland & New Hartford)

February 15, 2024

## **GENESIS 1:28**

“Be fruitful, multiply, fill the earth and subdue it. Rule the fish of the sea, the birds of the sky, and every creature that crawls on the earth.”



# OUTLINE

- The Problem
- Background
- Current Situation
- Call to Action
- Q & A

## **THE PROBLEM:**

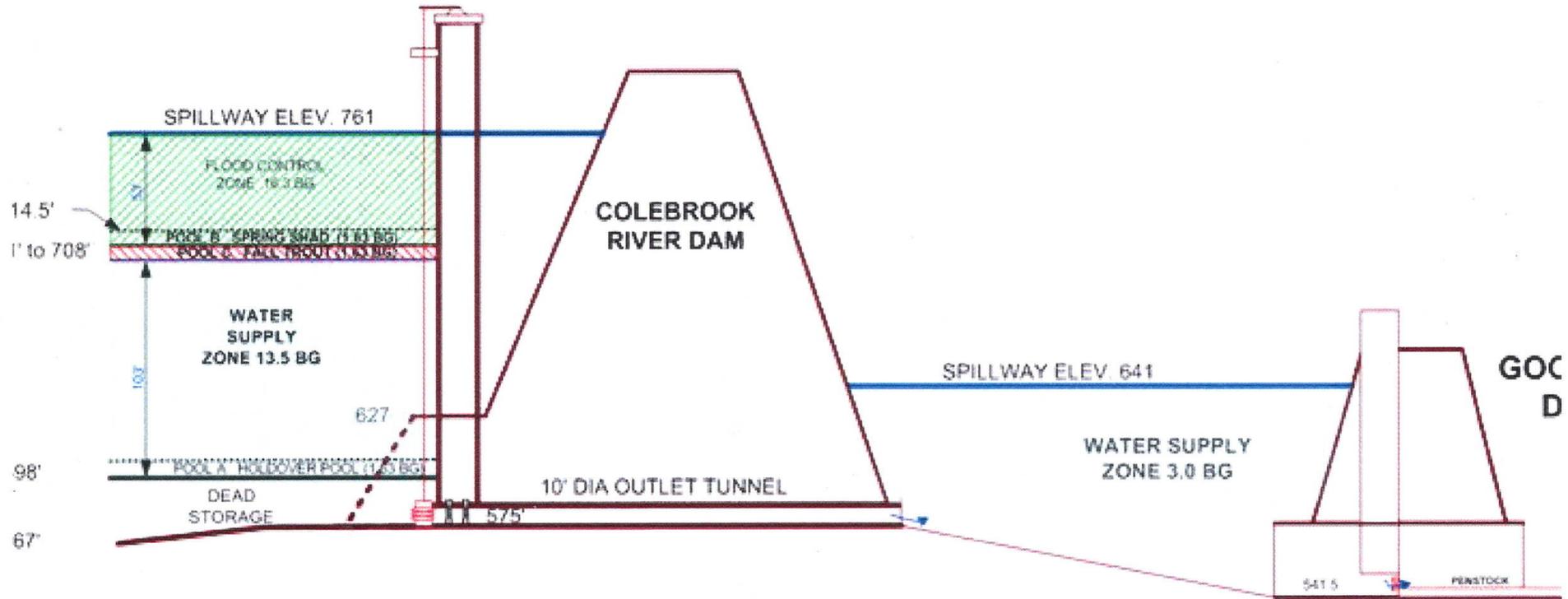
Erratic water flows in the Upper Farmington River detract from aquatic life, fishing, recreation and businesses, with no authoritative organized approach to address it.

**BACKGROUND**

# ROLE PLAYERS

- U.S. Army Corps of Engineers (USACE) -  
- “Owns and maintains Colebrook River Dam  
-Manages flood control on Farmington River”
- Metropolitan District Commission (MDC) -  
“Makes flow releases as required”
- Dept. of Energy & Environmental Protection (DEEP)  
- “Manages fisheries pool storage and release”

# Water Storage Space



# 2016 – 2022

- 2016 drought
- 2019: 50<sup>th</sup> year of Colebrook River agreement
- Jun. – Sep. 2022: sustained low water levels
- Jun. 14, 2022: MDC files w/DPH for declaratory ruling

# **EARLY 2023**

- Jan 5: MDC withdraws app. w/DPH mid-hearing
- Jan. 12: House Bill 5214 filed
- Mar. 10: Public Hearing for HB 5214

**HB 5214** (2023)

AN ACT CONCERNING THE  
CONSERVATION OF CERTAIN WATERS  
AND LANDS OF THE UPPER  
FARMINGTON RIVER.

# MID 2023

- Apr. 20: MDC files abandonment application with DPH for 10 BG
- Early Jul.: the floodgates of the sky were opened
- Jul. 18: MDC announces agreement with NCLC for conservation easement
- Jul. 20: DPH grants abandonment of 10 BG

**JUL. 18, 2023**



**CURRENT SITUATION**

# CURRENT SITUATION

- Pending Federal Legislation to release MDC from obligations to USACE
- Conservation easement not yet executed
- 2 Upper Farmington River bills filed and then merged
- Environment Committee Meeting Feb. 16 to raise concepts for a public hearing

# **2024 PROPOSED BILL**

An Act Concerning (AAC) the Water  
Resources of the Farmington River Valley  
(two parts)

# INSTREAM FLOW STUDY

## **Summary or description of proposed legislation** (what will the bill do?):

That DEEP be directed to oversee an update to the Farmington River Instream Flow Study last completed in 1992, which is linked here:

<http://www.farmingtonriver.org/application/files/9814/7699/4131/FmgtnRiverInstreamFlowStudySum.pdf>

## **Statement of Purpose** (What is the reason for the bill?):

To provide information to determine the best flow regime for the Upper Farmington River to support its ecological health and recreational flows in light of changes in climate, as well as recent changes to state and pending changes to federal regulations governing the water in Colebrook River Reservoir.

# MDC RELEASES

**Summary or description of proposed legislation** (what will the bill do?):

That the Metropolitan District Commission shall make requests for releases from the Colebrook River Dam, as necessary, to maintain the flow of water in the West Branch of the Farmington River at or above a rate determined to be a sufficient minimum flow rate by the Commissioner of Energy and Environmental Protection.

**Statement of Purpose** (What is the reason for the bill?):

To require the MDC to make requests for releases from the Colebrook River Dam, as necessary, to maintain the flow of water in the West Branch of the Farmington River at or above a rate determined to be a sufficient minimum flow rate by DEEP.

# KEY DATES

- Feb. 7: Session opened
- Feb. 9: Proposed bill deadline (Env.)
- Feb. 23: Committee/Raised Bill Deadline (Env.)
- Mar. 15: Public Hearing Deadline (Env.)
- Mar. 27: JF Deadline
- May 9: Sine Die

**CALL TO ACTION**

# HOW TO DO PUBLIC TESTIMONY

- Go to: [www.cga.ct.gov](http://www.cga.ct.gov)
- Click on: Committees
- Click on: Environment Committee
- Click on: Public Hearings – Agendas
- Register to Speak
- Submit Written Testimony

# PUBLIC HEARING AGENDA

Tuesday, February 13, 2024

10:00 AM via Zoom and YouTube Live

[Register to Speak](#)

[Submit Written Testimony](#)

[YouTube Live](#)

WORKS BY THE CHAIRS AND RANKING MEMBERS

POSITIONS FOR REVIEW

To Be a Judge of the Appellate Court and a Judge of the Superior Court

- i. The Honorable Dawne G. Westbrook of Glastonbury

To Be a Judge of the Superior Court



# Connecticut General Assembly

State Capitol | Hartford, Connecticut 06106-1562

## Judiciary Committee Written Testimony Submission

Note: To submit your testimony anonymously, use anonymous for the first and last name.

★First Name

Title

★Hearing Date and Time

★Bill Number(s) (Hold down **CTRL** key to select multiple bills.)

★Last Name

Organization or Agency (If Applicable)

★Supports or Opposes

- Supports
- Opposes
- General Comments

★How do I want to submit my testimony?

- Type In My Testimony
- Upload A File I Select**

Testimony File (Microsoft Word files are accepted; **PDF files are preferred.**)

No file chosen

 Click the icon to see how you can save documents as PDFs

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# SOME FINAL THOUGHTS

- DEEP Office of Outdoor Industry and Experiences  
– Request for Information  
    Ex. - Tubing at Satan's Kingdom State Park
- This can't be just about trout fishing, i.e. businesses, local gov't, conservation orgs. , sportsman orgs.
- Approach must be multi-pronged – legislation and negotiation
- Proposed legislation keeps flow issue on front burner

# CONCLUSION

- Nature is not entirely predictable, but an updated Instream Flow Study will help
- 10 BG gallon pool in Colebrook River Reservoir cannot be left to just U.S. government flood control interests
- Continuous proactive engagement from all stakeholders will get us closer to a solution to the erratic flow issue

**Q & A**