

# Environment Committee JOINT FAVORABLE REPORT

**Bill No.:** HB-5355  
AN ACT CONCERNING THE WATER RESOURCES OF THE UPPER  
**Title:** FARMINGTON RIVER VALLEY.  
**Vote Date:** 3/15/2024  
**Vote Action:** Joint Favorable Substitute  
**PH Date:** 3/8/2024  
**File No.:**

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## **SPONSORS OF BILL:**

Environment Committee  
Sen. Jan Hochadel, 13th Dist.  
Rep. Mark W Anderson, 62nd Dist.  
Sen. Lisa Seminara, 8th Dist.  
Rep. Sarah Keitt, 134th Dist.

## **REASONS FOR BILL:**

The Farmington River has experienced severe water level fluctuations the past couple years, with both high and low water contents in the river. This has impacted the livelihood of locals who depend on the river, as well as impacting the ecology of the river and its trout populations. An updated plan to implement water release from the Goodwin and Colebrook Dams could allow for a more stable river level.

## **SUBSTITUTE LANGUAGE:**

The language change added two sections, the first concerning the release and holdback forms to be submitted to the US Army Corps of Engineers, and the second concerning recommended action to be taken if the federal government releases the Metropolitan District Commission from its responsibilities for the water.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

### **Katie Dykes, Commissioner, Connecticut Department of Energy and Environmental Protection**

DEEP considers a recent decision by the Department of Public Health to have made this bill unnecessary. In July of 2023 DPH approved a [source abandonment permit](#) submitted by the Metropolitan District (MDC) to abandon the rights to the 10 billion gallons stored within the

Colebrook River Lake. Within the permit is a provision stating that MDC will grant Save the Sound and the Northwest Connecticut Land Conservancy an easement and the ability to amend the water supply plan within 12 months of the permit.

#### **NATURE AND SOURCES OF SUPPORT:**

##### **Nathan Frohling, Director of External Affairs, The Nature Conservancy**

The Conservancy states this bill grants the Connecticut greater control over timing of water releases and holdbacks from the Colebrook River and Goodwin Dams. They believe an update of the 1992 Farmington River flow system is needed to manager river and stream systems ensuring human and ecological needs are met. They believe the text of H.B. 5355 is the same as H.B. 5214 from 2023 but the intent is different, as this time it focusses on the control of flows.

##### **William Hyatt, Vice Chair, Connecticut Fisheries Advisory Council**

The Council strongly support efforts to conserve the natural resources of the Farmington River Watershed. They believe the State of Connecticut must have greater control over water releases from Colebrook and Goodwin Dam, as reestablishing flow regimes enhancing aquatic life is an important step in the right direction.

##### **Nick Lukiwsky, First Selectman, Town of Barkhamsted**

The Selectman believes we have a duty to ensure the rivers preservation for future generations; this bill addresses the need for conservation by mandating a report and proacting stepping towards safeguarding our water resources. They believe prioritizing the preservation of our water resources protects our environment and safeguards the health of our citizens.

##### **Aimee Petras, Executive Director, Farmington River Watershed Association**

The association believes the bill allows the state to gain greater control over water releases and has DEEP oversee an updated instream flow study. The Upper Farmington River community is a thriving recreational destination with many things to enjoy. They recount how there have been problems with extreme drought causing low flows and problems with protecting the fish population.

##### **Nick Simmons, Retired Environmental Scientist**

As a Riverton resident who lives on the West Branch of the Farmington River, the testifier sees the impact of the current water management strategy. He recounts the regular high rainfall events that see flows surge, with the impact of safety and bankside erosion; bankside erosion causes fallen trees, loss of topsoil, and terrestrial ecology impact. The testifier believes maintaining a reservoir capacity at 78-80% provides sufficient capacity to absorbed rainfall events, and drinking water is kept plentiful. The testifier suggests increasing the minimum flows from 50 to 100 cubic feet per second especially in the summer.

##### **David Zembko, Farmington Valley TU**

The testifier recounts the erratic and high flows in the river last year, which made it unfishable and disruptive to the aquatic insect life cycles. They believe it is important for Connecticut to gain greater control over water releases and holdbacks.

**John Antolini**

As a frequent angler, the testifier recounts numerous changes in the river's ecosystem and the entomology. Fish, insects, and wildlife depend on consistent river flows and cool water temperatures, but frequent flooding and drought like conditions provide a rollercoaster effect. They suggest having a program that considers the river life and recreation with smart release operations.

**Neil Baldino, VP. Candlewood Valley TU**

The testifier suggests the Farmington River Instream Flow Study of 1992 should be updated to support the ecological health and recreations flows and the recent changes to state and pending changes to federal regulations.

**Christopher Stone, District Council, The Metropolitan District**

In 2023 the DPH approved an application filed by the MDC to abandon the Colebrook River Reservoir's abandon portion of the water supply storage area. MDC disputed the need to file but DPH disagreed and in an agreement reached the abandonment application was filed to remove undue obstacles in connection with the termination of the contract with the US Army Corps of Engineers. The MDC has no objection to promoting a formal process to developing a flow regime on the Colebrook River Reservoir. While they abandoned their water storage area, they will not abandon their obligation to work with those identified in the Federal Wild and Scenic Designation of the West Branch to establish and manage a flow regime.

**James Buchok, Conservation Chairman, Farmington Valley Chapter Trout Unlimited**

As a national conservation organization with over 500 members in the Farmington Valley, the group are concerned about water flows. Over the past few seasons Farmington River flows have been very erratic with no planning for controlled releases; at times the group believes there were ample water levels and flows were reduced to the minimum. Low flows and rising water temperatures during the summer months has adverse effects on the trout population. Aquatic insects that rely on water flow are in jeopardy with the exposure to little or no water and heat from the sun can be fatal. The group believes there needs to be a technically viable flow management plan to address the issues.

**The following also testified for Trout Unlimited:**

**William Case; Carolyn Checovetes; John DiVenere; Mark Philippe; Steve Pike**

**Phillip Apruzzese, Vice President, CT Fly Fishermen's Association**

Their organization has over 300 members dedicated to the protection, enhancement, and support of the recreational enjoyment of fishing with the artificial fly. They believe there is an urgency to presently conserve and protect the Farmington River. They state the objectives of this bill will positively impact towns, farms, businesses, and aquatic life. They believe the State of Connecticut must gain control of the water released from the Colebrook and Hogback Dams, and DEEP must oversee an updated in stream flow study.

**Kierran Broatch**

The testifier believes the quality of trout living with the banks of the Upper Farmington River is unmatched, and they support all efforts to conserve the land and riparian rights. They believe this bill is a step towards bring in more visitors, and therefore supporting small businesses, throughout the watershed areas.

**Keith Cagel, President, Friends of Connecticut Sportsmen**

As advocates for the preservation of hunting, fishing, trapping and recreational shooting in Connecticut, the group support the bill. The operation of the Colebrook Dam is regulated between MDC, the US Army Corps of Engineers, and DEEP. The trout population in the Farmington River attracts anglers from around the country with recent data indicating that trout fishing trips are likely around 100,000 annually. They submit that the study included in the bill is insufficient, instead calling for a plan to reinstitute flow regimes and enhance aquatic life.

**Matthew Burke, Biologist/Teacher/ Fisherman**

As an avid supporter of environmental conservation, the testifier believes establishing an optimum flow is crucial for the well-being of the entire ecosystem, particularly the impact on mayfly hatches, wild trout, and the educational benefits. They state supporting controlled flows on the Farmington River is an environmental necessity and a commitment to preserving the rich tapestry that thrives withing its waters.

**Alicea Charamut, Executive Director, Rivers Alliance**

The culture of recreation built around the Farmington River in order to continue the state must be granted greater control over water releases and holdbacks and DEEP should oversee an updated instream flow study of the Farmington River. The drastic changes in flow over the past few years are tied to predicted weather events associated with climate change. We need a good solution now.

**Steve Culton**

As a fly-fishing guide on the Farmington River, the testifier states they have watched the water resources be managed poorly. They believe the callous disregard for the environment and people who use the river because of mismanagement by the MDC has resulted in months of lost income. They also decry low or dangerously high water levels, which puts an environmental impact on the trout and aquatic invertebrate populations.

**Myra Ermick, Owner, Main Street Canoe & Kyak**

The testifier expresses frustration with the impact water levels had on their business in the previous year; on days with irregular water levels they received emails midday with new release information which impacted the ability for their business to operate. They express the belief that many other businesses are also affected, as they all rely on tourism. It is their belief that water levels should be consistent and regular.

**Andrew Fisk, Northeast Regional Director, American Rivers**

The testifier supports the bills intentions, but the prior actions by the Department of Public Health and Congressional actions leave an important question on the table. It is their belief that the US Army Corp needs to become the sole owner and manager of the Colebrook Reservoir. They encourage the creation of a water management plan for the Colebrook Reservoir including public participation.

**Richard Stoops, FVTU and FRAA**

The testifier discusses the importance of the Farmington River, and the impact it has on local businesses and residents. Linking the health of the river to its water levels, the testifier recounts the intentions of the 1989 Farmington River Study Committee and the four priority points that it laid out as the foundation of their management plan.

**Thai Tran**

As a passionate fly fisherman, the testifier expresses frustration to see what this river and its natural wild inhabitants have endured over the past few years. It is their belief that mismanagement of the water release from the Goodwin Dam has caused inconsistent flows and negative impact. They believe it is time to get back on track and rectify the negative impact the inconsistent flows have on the fish/wildlife that inhabit the waters.

**Tyler Webb**

The testifier talks on the issue of trout; thousands of fishermen and women come to catch one of the river's famous "Survivor Strain" Brown Trout. They believe the last three years have brought chaos on the river due to the mismanagement of the river flow at Goodwin Dam. They state the potential ecological damage of the flow management and the damage to the economic viability needs to be corrected, suggesting the need to take the necessary steps to regulate the water release system from the Colebrook River Land and Hogsback Reservoir.

**Over 40 others also submitted testimony in support of the bill**

**NATURE AND SOURCES OF OPPOSITION:**

**Matthew Sedgwick**

The testifier expresses opposition to making the west branch fly fishing only, whilst expressing support for the idea of river flow control.

**Christopher Nelson**

The testifier expresses opposition to making large parts of the river catch and release for fishing.

**Reported by: Pamela Bianca**

**Date: April 1<sup>st</sup>, 2024**