



# House of Representatives

General Assembly

**File No. 434**

February Session, 2026

Substitute House Bill No. 5520

*House of Representatives, April 7, 2026*

The Committee on Environment reported through REP. PARKER of the 101st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING FISH PASSAGES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 26-136 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 [(a) Upon petition of ten or more persons owning property above any  
4 dam or artificial obstruction existing on October 1, 1982, built upon any  
5 stream, the commissioner shall determine whether such dam or artificial  
6 obstruction shall be provided by the person, firm, corporation or  
7 municipality or political subdivision thereof, owning or controlling the  
8 dam or obstruction with a suitable fishway for the passage of fish. Upon  
9 receipt of an application for a permit to construct, rebuild or  
10 substantially repair a dam or artificial obstruction built upon any  
11 stream, the commissioner shall require the dam or artificial obstruction  
12 be provided with a fishway if such a facility is necessary to protect  
13 fisheries resources by providing access to natural spawning or nursery  
14 areas or to protect the public interest by preventing the loss of a fishery  
15 from the area of the dam or artificial obstruction. For the purposes of

16 this section, "rebuild" or "substantially repair" means any action altering  
17 the structure of the dam or artificial obstruction, changing the use of the  
18 dam or artificial obstruction or impeding the available free passage of  
19 fish.

20 (b) Within thirty days from the receipt of such petition or application,  
21 the commissioner shall set a time and place for a hearing thereon, if in  
22 the opinion of the commissioner a hearing is reasonable or necessary.

23 (c) Upon determination that a fishway is necessary, the commissioner  
24 shall issue an order to the person, firm, corporation or municipality or  
25 political subdivision thereof owning or controlling the dam or  
26 obstruction to construct a fishway in the form, material, capacity, at such  
27 location and within such time as the commissioner establishes. The  
28 commissioner shall cause a copy of the order to be served on the person,  
29 firm, corporation or municipality or political subdivision thereof. Such  
30 fishway shall be constructed and maintained subject to the approval of  
31 the commissioner, and shall be kept open and free for the passage of  
32 such fish in such manner and during such period as the commissioner  
33 requires. If no such period is specified by the commissioner, it shall be  
34 kept open and free from April first to November first in each year.]

35 (a) Any person may submit a petition to the Commissioner of Energy  
36 and Environmental Protection for a safe, timely and effective fish  
37 passage for any hydroelectric dam that is not subject to the jurisdiction  
38 of the Federal Energy Regulatory Commission. Upon the submittal of  
39 such a petition, the commissioner shall determine whether there is a  
40 safe, timely and effective fish passage for migratory fish at all life stages  
41 upstream and downstream of such dam and associated reservoir. For  
42 purposes of this section, a fish passage is deemed safe, timely and  
43 effective if it meets or exceeds the Connecticut River Migratory Fish  
44 Restoration Cooperative's fish passage standards developed by the  
45 Connecticut River Atlantic Salmon Commission.

46 (b) If the commissioner determines that there is not a safe, timely and  
47 effective fish passage, the commissioner shall prescribe, by order, issued  
48 to the person, firm, corporation or municipality, or political subdivision

49 thereof, that owns or controls such dam, the conditions to ensure such a  
50 safe, timely and effective fish passage both upstream of such reservoir  
51 and downstream of such dam. Such conditions may include, but shall  
52 not be limited to, requirements to (1) construct, rebuild and operate  
53 fishways, (2) remove any artificial obstructions, and (3) maintain  
54 minimum water flows. If the commissioner determines that any existing  
55 fish passage structures are ineffective or harmful to aquatic life, the  
56 commissioner shall include conditions to remediate such harm,  
57 including, but not limited to, removal or reconstruction of the fish  
58 passage structures.

59 (c) Not later than one hundred eighty days after submittal of any such  
60 petition, the commissioner shall publish notice of the commissioner's  
61 tentative determination as to whether there is a safe, timely and effective  
62 fish passage. If the commissioner determines that there is not a safe,  
63 timely and effective fish passage, the commissioner shall publish a draft  
64 order in the commissioner's notice of tentative determination. Such  
65 notice shall be published on the Department of Energy and  
66 Environmental Protection's Internet web site. The commissioner shall  
67 provide a public comment period on such tentative determination of not  
68 less than thirty days following publication of such tentative  
69 determination and the Department of Energy and Environmental  
70 Protection shall hold a public hearing before making any final  
71 determination on such petition. The person, firm, corporation or  
72 municipality, or political subdivision thereof, that owns or controls any  
73 dam that is the subject of such a public hearing shall be deemed to be a  
74 party to such hearing.

75 (d) For any dam or artificial obstruction not subject to the provisions  
76 of subsection (a) of this section, the commissioner shall, upon petition of  
77 ten or more persons that own property above any such dam or artificial  
78 obstruction existing on October 1, 1982, built upon any stream,  
79 determine whether such dam or artificial obstruction shall be provided,  
80 by the person, firm, corporation or municipality, or political subdivision  
81 thereof, that owns or controls such dam or obstruction, with a suitable  
82 fishway for the passage of fish.

83 (e) Upon receipt of any application for a permit to construct, rebuild  
 84 or substantially repair a dam or artificial obstruction built upon any  
 85 stream, as described in subsection (d) of this section, the commissioner  
 86 shall require such dam or artificial obstruction be provided with a  
 87 fishway if such a facility is necessary to protect fisheries resources by  
 88 providing access to natural spawning or nursery areas or to protect the  
 89 public interest by preventing the loss of a fishery from the area of the  
 90 dam or artificial obstruction. For the purposes of this subsection,  
 91 "rebuild" or "substantially repair" means any action altering the  
 92 structure of the dam or artificial obstruction, changing the use of the  
 93 dam or artificial obstruction or impeding the available free passage of  
 94 fish.

95 (f) Not later than thirty days after receipt of such a petition, as  
 96 described in subsection (d) of this section, or an application, as described  
 97 in subsection (e) of this section, the commissioner shall set a time and  
 98 place for a hearing on such petition or application, as applicable, if, in  
 99 the opinion of the commissioner, a hearing is reasonable or necessary.

100 (g) Upon a determination that a fishway is necessary pursuant to  
 101 subsection (d) or (e) of this section, as applicable, the commissioner shall  
 102 issue an order to the person, firm, corporation or municipality, or  
 103 political subdivision thereof, that owns or controls such dam or  
 104 obstruction to construct a fishway in the form, material, capacity, at such  
 105 location and within such time as the commissioner establishes. The  
 106 commissioner shall cause a copy of such order to be served on such  
 107 person, firm, corporation or municipality, or political subdivision  
 108 thereof. Such fishway shall be constructed and maintained subject to the  
 109 approval of the commissioner, and shall be kept open and free for the  
 110 passage of such fish in such manner and during such period as the  
 111 commissioner requires. If no such period is specified by the  
 112 commissioner, such fishway shall be kept open and free from April first  
 113 to November first in each year.

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	<i>from passage</i>	26-136
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**ENV**      *Joint Favorable Subst.*

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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**OFA Fiscal Note****State Impact:** None**Municipal Impact:** None**Explanation**

The bill makes procedural changes regarding petitioning the Department of Energy and Environmental Protection (DEEP) to require a safe, timely, and effective fish passage to be installed at any hydroelectric dam that is not subject to federal regulation. This is not anticipated to result in a cost to the state as DEEP has the staff and expertise necessary to complete the requirements contained within the bill.

**The Out Years****State Impact:** None**Municipal Impact:** None

**OLR Bill Analysis****sHB 5520*****AN ACT CONCERNING FISH PASSAGES.*****SUMMARY**

This bill allows any person to petition the Department of Energy and Environmental Protection (DEEP) commissioner to require a safe, timely, and effective fish passage be installed at any hydroelectric dam that is not subject to federal regulation. (Currently, three such dams exist in the state.) Under the bill, a fish passage is considered safe, timely, and effective if it meets or exceeds the Connecticut River Migratory Fish Restoration Cooperative's existing standards.

Within 180 days after receiving a petition, the commissioner must (1) determine if a safe, timely, and effective passage exists upstream and downstream of the dam and associated reservoir for migratory fish at all life stages and (2) publish notice of her tentative determination and a draft order for any action to ensure an adequate passage, if applicable (see below), on DEEP's website. The commissioner must allow at least 30 days for public comment on the tentative determination, and DEEP must hold a public hearing before making a final determination on the petition. Under the bill, the entity that owns or controls the applicable dam is deemed a party to the hearing.

If the DEEP commissioner determines a dam does not have an adequate fish passage, she must issue an order to the entity that owns or controls the dam prescribing conditions to ensure a safe, timely, and effective fish passage both upstream of the reservoir and downstream of the dam. The order may require, among other things, (1) constructing, rebuilding, and operating fishways; (2) removing any artificial obstructions; and (3) maintaining minimum water flows. If the commissioner determines an existing fish passage structure is

ineffective or harmful to aquatic life, she must also include conditions for remediating the harm, including removing or reconstructing the structure.

The bill also makes technical changes.

EFFECTIVE DATE: Upon passage

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 34 Nay 0 (03/18/2026)