



General Assembly

February Session, 2026

Raised Bill No. 5520

LCO No. 2391



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

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 Section 26-136 of the general statutes is repealed and the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, the

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

57 (c) Not later than one hundred eighty days after submittal of any such
58 petition, the commissioner shall publish notice of the commissioner's
59 tentative determination as to whether there is a safe, timely and effective
60 fish passage. If the commissioner determines that there is not a safe,
61 timely and effective fish passage, the commissioner shall publish a draft
62 order in the commissioner's notice of tentative determination. Such
63 notice shall be published on the Department of Energy and
64 Environmental Protection's Internet web site. The commissioner shall
65 provide a public comment period on such tentative determination of not
66 less than thirty days following publication of such tentative
67 determination and the Department of Energy and Environmental
68 Protection shall hold a public hearing before making any final
69 determination on such petition.

70 (d) For any dam or artificial obstruction not subject to the provisions
71 of subsection (a) of this section, the commissioner shall, upon petition of
72 ten or more persons owning property above any such dam or artificial
73 obstruction existing on October 1, 1982, built upon any stream,
74 determine whether such dam or artificial obstruction shall be provided,
75 by the person, firm, corporation or municipality or political subdivision
76 thereof owning or controlling the dam or obstruction, with a suitable
77 fishway for the passage of fish.

78 (e) Upon receipt of any application for a permit to construct, rebuild
79 or substantially repair a dam or artificial obstruction built upon any

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

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

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

To provide additional means by which fish passages may be provided for on dams and reservoirs and establish standards for such fish passages.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]