



General Assembly

**Substitute Bill No. 5520**

February Session, 2026



**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 Section 26-136 of the general statutes is repealed and the  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.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	26-136

**ENV**      *Joint Favorable Subst.*