

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 26-101—sHB 5333

Environment Committee

AN ACT CONCERNING THE REGULATION OF STRIPED BASS FISHING IN THE STATE, A WORKING GROUP CONCERNING THE WILDLIFE CONSERVATION PROGRAM AND PROCEDURES CONCERNING THE ESTABLISHMENT OF FISH PASSAGES

SUMMARY: This act makes numerous changes in laws related to wildlife in Connecticut.

Specifically, the act limits striped bass fishing to catch and release between December 1 and March 31 annually. It also makes it an infraction to violate any regulation on striped bass taking (killing, fishing, or other means of trapping) and imposes fines for violations.

The act also changes the Department of Energy and Environmental Protection's (DEEP) traditionally non-harvested species conservation program by:

1. expanding it to (a) implement the state's most recent federally approved wildlife action plan (see BACKGROUND) and (b) include provisions on wildlife health, monitoring climate change, and biodiversity conservation (§ 3);
2. eliminating a requirement for the DEEP commissioner to annually report to the Environment Committee on the program and instead creating a working group to determine how the program should be funded and implemented; and
3. requiring any money donated to the state for the program to be deposited into the General Fund and allocated to the program, as existing law requires for any revenue from DEEP's program to sell wildlife stamps and other artwork or publications (§ 5).

Lastly, the act allows any person to petition the DEEP commissioner to require a safe, timely, and effective fish passage be installed at any hydroelectric dam that is not subject to federal regulations. (PA 26-124, § 15, amended this provision to require at least 10 people, rather than any single person, submit such a petition.) The act sets a process the DEEP commissioner must follow if she receives a petition and actions she must take if she determines a dam does not have an adequate fish passage.

EFFECTIVE DATE: October 1, 2026, except the provisions on striped bass fishing infractions and fish passages are effective upon passage, and the provision creating the working group is effective July 1, 2026.

§§ 1 & 2 — STRIPED BASS FISHING

The act makes it an infraction to violate any regulation on striped bass taking, including the act's new provision limiting striped bass fishing to catch and release

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between December 1 and March 31 annually. The act imposes a fine of (1) \$150 for a first offense, (2) \$350 for a second offense, and (3) \$500 for subsequent offenses.

People fined for these violations must generally follow the law's procedure for infractions (for example, they can pay the fine by mail without making a court appearance). However, if a municipal law enforcement officer issues an infraction in Derby, Milford, Orange, Shelton, or Stratford, the fine must be paid to the municipality where the infraction occurred.

§ 4 — TRADITIONALLY NON-HARVESTED SPECIES CONSERVATION PROGRAM WORKING GROUP

The act requires the Environment Committee's co-chairpersons, in consultation with the committee's ranking members and the DEEP commissioner, to jointly select, by July 31, 2026, two co-chairpersons for the conservation program working group.

By August 15, 2026, the working group's co-chairpersons must select the group's members, which must include at least the following 14 people:

1. one representative each from DEEP, the Department of Transportation, and the Office of Policy and Management;
2. three representatives of conservation advocacy organizations that work on wildlife-related issues, one of whom must have fisheries aquatic expertise and one of whom must have avian expertise;
3. one representative of a land conservation organization;
4. two state college or university faculty members, as recommended by the DEEP commissioner;
5. one representative from a council of governments;
6. one water utilities representative;
7. one representative of an organization representing Connecticut recreational businesses;
8. one representative of the Connecticut Farm Bureau or its designee; and
9. one Connecticut-certified forester.

The act requires the working group's co-chairpersons to hold the group's first meeting by August 30, 2026, and the group must report its findings and recommendations, including any proposals for legislation, to the Environment Committee by January 15, 2027. The group ends on this date or when it submits its report, whichever is later. Under the act, the Environment Committee's administrative staff must serve in that capacity for the working group.

§ 6 — FISH PASSAGES

The act allows any person to petition the 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 act, a fish passage is considered safe, timely, and effective if it meets or exceeds the Connecticut River Migratory Fish Restoration Cooperative's existing standards.

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(PA 26-124, § 15, amended this act to require that at least 10 people, rather than any single person, submit such a petition.)

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 act, 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 act also excludes these dams and makes technical changes to existing procedures that allow (1) 10 or more property owners above a dam or obstruction that existed on October 1, 1982, to petition DEEP regarding fishways and (2) DEEP to require fishways when certain permit applications are filed for actions related to one of these dams or obstructions.

BACKGROUND

Wildlife Action Plan

States must submit wildlife action plans to the U.S. Fish and Wildlife Service in order to receive certain federal grant funding for wildlife programs. States must review and revise these plans every 10 years and submit them for federal approval. Connecticut's most recent wildlife action plan was approved in 2025 and, among other things, identifies species and habitats in need of conservation and priority conservation issues and actions for the next 10 years.