



Substitute House Bill No. 5333

Public Act No. 26-101

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.

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

Section 1. (NEW) (*Effective from passage*) Notwithstanding any provision of title 26 of the general statutes, any person who violates any regulation concerning the taking of striped bass, whether in the marine or inland waters of the state, shall have committed an infraction and shall pay a fine of one hundred fifty dollars for a first offense, three hundred fifty dollars for a second offense and five hundred dollars for a third or any such subsequent offense, by mail, or plead not guilty in accordance with the provisions of section 51-164n of the general statutes, provided for any infraction imposed pursuant to this section that occurs in the towns of Derby, Shelton, Orange, Milford or Stratford, the amount of such fine shall be paid to the respective municipality where the infraction occurred if a municipal law enforcement officer issued such infraction.

Sec. 2. (NEW) (*Effective October 1, 2026*) Notwithstanding any provision of title 26 of the general statutes, for the period commencing December first of each year and ending March thirty-first of the

Substitute House Bill No. 5333

following year, all fishing for striped bass shall be catch and release. For the purposes of this section, "catch and release" means the immediate return of a caught fish, without avoidable injury, to the waters from which such fish was taken.

Sec. 3. Subsection (b) of section 26-107f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2026*):

(b) The Commissioner of Energy and Environmental Protection shall establish a conservation program for species not traditionally harvested, which shall include, but not be limited to, provisions for the following: [Resource] Facilitation of the implementation of the most recent federally approved state of Connecticut wildlife action plan, resource inventory, habitat conservation, wildlife health, monitoring of environmental and climate change impacts, conservation of endangered and threatened species, conservation of biodiversity, wildlife recreation management, wildlife conservation education, private landowner assistance, urban wildlife conservation, problem animal management and scientific research, planning, administration and development.

Sec. 4. Section 26-107h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2026*):

[On or before February first, annually, the Commissioner of Energy and Environmental Protection shall submit to the joint standing committee of the General Assembly having cognizance of matters relating to the environment a report on the progress of the program established under section 26-107f, the purposes for which any funds allocated to said program were expended and the future of the program.]

(a) There is established a working group within the legislature to identify how the conservation program established in section 26-107f, as

Substitute House Bill No. 5333

amended by this act, should be funded and implemented.

(b) Not later than thirty days after the effective date of this section, the cochairpersons of the joint standing committee of the General Assembly having cognizance of matters relating to the environment, in consultation with the ranking members of said committee, and the Commissioner of Energy and Environmental Protection shall jointly select two cochairpersons for such working group. Not later than forty-five days after the effective date of this section, the cochairpersons of such working group shall select the membership of such working group, which shall include, but not be limited to: (1) One representative of the Department of Energy and Environmental Protection, 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 shall have fisheries aquatic expertise and one of whom shall have avian expertise, (3) one representative of a land conservation organization, (4) two members of the faculty of a state college or university, as recommended by the Commissioner of Energy and Environmental Protection, (5) one representative from a council of governments, (6) a representative of the water utilities, (7) a representative of an organization that represents recreational businesses in the state, (8) a representative of the Connecticut Farm Bureau, or its designee, and (9) a certified forester in this state.

(c) The cochairpersons of such working group shall convene such working group not later than sixty days after the effective date of this section. The administrative staff of the joint standing committee of the General Assembly having cognizance of matters relating to the environment shall serve as administrative staff of the working group. Not later than January 15, 2027, the working group shall submit a report on its findings and recommendations, including any proposed legislative proposals, to the joint standing committee of the General

Substitute House Bill No. 5333

Assembly having cognizance of matters relating to the environment, in accordance with the provisions of section 11-4a. The working group shall terminate on the date that it submits such report or January 15, 2027, whichever is later.

Sec. 5. Section 26-107i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2026*):

The Commissioner of Energy and Environmental Protection may establish a program for the sale of wildlife stamps, prints, posters, calendars, publications or other items. Any revenue received from the sale of such goods or materials and any funds donated to the state for the purpose of the program established under section 26-107f, as amended by this act, shall be deposited in the General Fund and allocated to the program established under section 26-107f, as amended by this act.

Sec. 6. Section 26-136 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

Substitute House Bill No. 5333

the structure of the dam or artificial obstruction, changing the use of the dam or artificial obstruction or impeding the available free passage of fish.

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

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

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

(b) If the commissioner determines that there is not a safe, timely and

Substitute House Bill No. 5333

effective fish passage, the commissioner shall prescribe, by order, issued to the person, firm, corporation or municipality, or political subdivision thereof, that owns or controls such dam, the conditions to ensure such a safe, timely and effective fish passage both upstream of such reservoir and downstream of such dam. Such conditions may include, but shall not be limited to, requirements to (1) construct, rebuild and operate fishways, (2) remove any artificial obstructions, and (3) maintain minimum water flows. If the commissioner determines that any existing fish passage structures are ineffective or harmful to aquatic life, the commissioner shall include conditions to remediate such harm, including, but not limited to, removal or reconstruction of the fish passage structures.

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

(d) For any dam or artificial obstruction not subject to the provisions of subsection (a) of this section, the commissioner shall, upon petition of ten or more persons that own property above any such dam or artificial

Substitute House Bill No. 5333

obstruction existing on October 1, 1982, built upon any stream, determine whether such dam or artificial obstruction shall be provided, by the person, firm, corporation or municipality, or political subdivision thereof, that owns or controls such dam or obstruction, with a suitable fishway for the passage of fish.

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

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

(g) Upon a determination that a fishway is necessary pursuant to subsection (d) or (e) of this section, as applicable, the commissioner shall issue an order to the person, firm, corporation or municipality, or political subdivision thereof, that owns or controls such dam or obstruction to construct a fishway in the form, material, capacity, at such location and within such time as the commissioner establishes. The commissioner shall cause a copy of such order to be served on such person, firm, corporation or municipality, or political subdivision thereof. Such fishway shall be constructed and maintained subject to the

Substitute House Bill No. 5333

approval of the commissioner, and shall be kept open and free for the passage of such fish in such manner and during such period as the commissioner requires. If no such period is specified by the commissioner, such fishway shall be kept open and free from April first to November first in each year.