



General Assembly

**Amendment**

January Session, 2005

LCO No. 6375

\*SB0129406375HDO\*

Offered by:

REP. WALLACE, 109<sup>th</sup> Dist.

SEN. COLEMAN, 2<sup>nd</sup> Dist.

To: Subst. Senate Bill No. 1294

File No. 354

Cal. No. 514

*(As Amended by Senate Amendment Schedule "A")*

**"AN ACT CONCERNING THE MINIMUM WATER FLOW REGULATIONS."**

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1 Strike section 2 in its entirety and insert the following in lieu thereof:

2 "Sec. 2. Section 26-141b of the general statutes is repealed and the  
3 following is substituted in lieu thereof (*Effective October 1, 2005*):

4 The Commissioner of Environmental Protection shall, on or before  
5 [July 1, 1973] December 31, 2006, and after consultation and  
6 cooperation with the Department of Public Health, the Department of  
7 Public Utility Control, an advisory group convened by the  
8 Commissioner of Environmental Protection, and any other agency,  
9 board or commission of the state with which said commissioner shall  
10 deem it advisable to consult and after recognizing and providing for  
11 the needs and requirements of public health, flood control, industry,  
12 public utilities, [and] water supply, public safety, agriculture and other

13 lawful uses of such waters and further recognizing and providing for  
14 stream and river ecology, the requirements of natural aquatic life,  
15 natural wildlife and public recreation, and after considering the  
16 natural flow of water into an impoundment or diversion, and being  
17 reasonably consistent therewith, [and also after thirty days' notice in  
18 the Connecticut Law Journal and after thirty days' notice sent by  
19 certified mail to all persons, firms and corporations known to have a  
20 direct interest, hold a public hearing and, not earlier than thirty days  
21 thereafter,] shall [promulgate] adopt regulations, in accordance with  
22 the provisions of chapter 54, establishing [instantaneous minimum]  
23 flow [standards and] regulations for all [stocked] river and stream  
24 systems. Such [instantaneous minimum] flow [standards and]  
25 regulations shall: (1) Apply to all river and stream systems within this  
26 state; [which the commissioner finds are reasonably necessary to keep  
27 a sufficient flow of water to protect and safely maintain the fish placed  
28 therein by him pursuant to his stocking program;] (2) preserve and  
29 protect the natural aquatic life, including anadromous fish, contained  
30 within such waters; (3) preserve and protect the natural and stocked  
31 wildlife dependent upon the flow of such water; (4) promote and  
32 protect the usage of such water for public recreation; (5) be [consistent  
33 with] based, to the maximum extent practicable, on natural variation of  
34 flows and water levels while providing for the needs and requirements  
35 of public health, flood control, industry, public utilities, water supply,  
36 public safety, agriculture and other lawful uses of such waters; and (6)  
37 be based on the best available science, including, but not limited to,  
38 natural aquatic habitat, biota, subregional basin boundaries, areas of  
39 stratified drift, stream gages and flow data, locations of registered,  
40 permitted, and proposed diversions and withdrawal data reported  
41 pursuant to section 22a-368a, locations where any dams or other  
42 structures impound or divert the waters of a river or stream and any  
43 release made therefrom, and any other data for developing such  
44 regulations or individual management plans. Such flow regulations  
45 shall provide special conditions or exemptions including, but not  
46 limited to, an extreme economic hardship or other circumstance, an  
47 agricultural diversion, a water quality certification related to a license

48 issued by the Federal Energy Regulatory Commission or as necessary  
49 to allow a public water system, as defined in subsection (a) of section  
50 25-33d, to comply with the obligations of such system as set forth in  
51 the regulations of Connecticut state agencies. Any flow management  
52 plan contained in a resolution, agreement or stipulated judgment to  
53 which the state, acting through the Commissioner of Environmental  
54 Protection, is a party, or the management plan developed pursuant to  
55 section 3 of public act 00-152, is exempt from any such flow  
56 regulations. Flow regulations that were adopted pursuant to this  
57 section and sections 26-141a and 26-141c, as amended by this act, prior  
58 to the effective date of this section, shall remain in effect until the  
59 Commissioner of Environmental Protection adopts new regulations  
60 pursuant to this section."