



General Assembly

**Amendment**

January Session, 2005

LCO No. 6165

**\*SB0129406165HRO\***

Offered by:

REP. MINER, 66<sup>th</sup> Dist.

REP. PISCOPO, 76<sup>th</sup> Dist.

REP. STRIPP, 135<sup>th</sup> Dist.

REP. HETHERINGTON, 125<sup>th</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."**

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

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 Section 26-141b of the general statutes is repealed and the  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

5 The Commissioner of Environmental Protection shall, on or before  
6 [July 1, 1973] December 31, 2006, and after consultation and  
7 cooperation with the Department of Public Health, the Department of  
8 Public Utility Control, an advisory group convened by the  
9 Commissioner of Environmental Protection, which advisory group  
10 shall consist of a representative of a municipality that maintains a dam  
11 or structure diverting water, who shall be appointed by the Governor,

12 an environmental engineer, who shall be appointed by the president  
13 pro tempore of the Senate, a member of a regional government council,  
14 who shall be appointed by the speaker of the House of  
15 Representatives, a representative of an agricultural group, who shall  
16 be appointed by the minority leader of the Senate, and a representative  
17 of a business organization, who shall be appointed by the minority  
18 leader of the House of Representatives, and any other agency, board or  
19 commission of the state with which said commissioner shall deem it  
20 advisable to consult and after recognizing and providing for the needs  
21 and requirements of public health, flood control, industry, public  
22 utilities, [and] water supply, public safety, agriculture and other lawful  
23 uses of such waters and further recognizing and providing for stream  
24 and river ecology, the requirements of natural aquatic life, natural  
25 wildlife and public recreation, and after considering the natural flow of  
26 water into an impoundment or diversion, and being reasonably  
27 consistent therewith, [and also after thirty days' notice in the  
28 Connecticut Law Journal and after thirty days' notice sent by certified  
29 mail to all persons, firms and corporations known to have a direct  
30 interest, hold a public hearing and, not earlier than thirty days  
31 thereafter,] shall [promulgate] adopt regulations, in accordance with  
32 the provisions of chapter 54, establishing [instantaneous minimum]  
33 flow [standards and] regulations for all [stocked] river and stream  
34 systems. Such [instantaneous minimum] flow [standards and]  
35 regulations shall: (1) Apply to all river and stream systems within this  
36 state; [which the commissioner finds are reasonably necessary to keep  
37 a sufficient flow of water to protect and safely maintain the fish placed  
38 therein by him pursuant to his stocking program;] (2) preserve and  
39 protect the natural aquatic life, including anadromous fish, contained  
40 within such waters; (3) preserve and protect the natural and stocked  
41 wildlife dependent upon the flow of such water; (4) promote and  
42 protect the usage of such water for public recreation; (5) be [consistent  
43 with] based, to the maximum extent practicable, on natural variation of  
44 flows and water levels while providing for the needs and requirements  
45 of public health, flood control, industry, public utilities, water supply,  
46 public safety, agriculture and other lawful uses of such waters; and (6)

47 be based on the best available science, including, but not limited to,  
48 natural aquatic habitat, biota, subregional basin boundaries, areas of  
49 stratified drift, stream gages and flow data, locations of registered,  
50 permitted, and proposed diversions and withdrawal data reported  
51 pursuant to section 22a-368a, locations where any dams or other  
52 structures impound or divert the waters of a river or stream and any  
53 release made therefrom, and any other data for developing such  
54 regulations or individual management plans. Such flow regulations  
55 may provide special conditions or exemptions including, but not  
56 limited to, an extreme economic hardship or other circumstance, an  
57 agricultural diversion, a water quality certification related to a license  
58 issued by the Federal Energy Regulatory Commission or as necessary  
59 to allow a public water system, as defined in subsection (a) of section  
60 25-33d, to comply with the obligations of such system as set forth in  
61 the regulations of Connecticut state agencies. Any flow management  
62 plan contained in a resolution, agreement or stipulated judgment to  
63 which the state, acting through the Commissioner of Environmental  
64 Protection, is a party, or the management plan developed pursuant to  
65 section 3 of public act 00-152, is exempt from any such flow  
66 regulations. Flow regulations that were adopted pursuant to this  
67 section and sections 26-141a and 26-141c, as amended by this act, prior  
68 to the effective date of this section, shall remain in effect until the  
69 Commissioner of Environmental Protection adopts new regulations  
70 pursuant to this section."