



House of Representatives

File No. 659

General Assembly

February Session, 2024

(Reprint of File No. 193)

Substitute House Bill No. 5355
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 3, 2024

***AN ACT CONCERNING THE WATER RESOURCES OF THE UPPER
FARMINGTON RIVER VALLEY.***

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

1 Section 1. (NEW) (*Effective from passage*) (a) The Commissioner of
2 Energy and Environmental Protection, in consultation with the
3 Metropolitan District Commission, shall make Colebrook River Lake
4 Dam release and holdback requests to the United States Army Corps of
5 Engineers, as needed, to achieve an optimum flow in the Farmington
6 River for: (1) Fish and wildlife, (2) recreation, (3) the river's health, (4)
7 flood risk reduction, (5) tourism, (6) hydropower, and (7) safety.

8 (b) Notwithstanding any provision of the general statutes or any
9 special act, the Metropolitan District Commission shall release from the
10 Goodwin Dam any amount of water released from the Colebrook Dam
11 based on a request of the Commissioner of Energy and Environmental
12 in furtherance of the provisions of subsection (a) of this section.

13 Sec. 2. (*Effective from passage*) Not later than January 1, 2025, within
 14 available resources, the Commissioner of Energy and Environmental
 15 Protection shall submit a report, in accordance with the provisions of
 16 section 11-4a of the general statutes, to the joint standing committee of
 17 the General Assembly having cognizance of matters relating to the
 18 environment, on recommended courses of action for the state to manage
 19 the waters contained in Colebrook River Lake between the levels of
 20 seven hundred one feet and six hundred forty-one feet in the event that
 21 the federal government releases the Metropolitan District Commission
 22 from responsibility for such waters. Such report shall address the state's
 23 interest in achieving an optimum flow for: (1) Fish and wildlife, (2)
 24 recreation, (3) the river's health, (4) flood risk reduction, (5) tourism, (6)
 25 hydropower, and (7) safety. The commissioner shall consult relevant
 26 stakeholders in the preparation of such report.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which addresses the flow of the upper Farmington River, is not anticipated to result in a fiscal impact to the state or municipalities. The bill requires the Department of Energy and Environmental Protection (DEEP) and the Metropolitan District Commission (MDC) to take action to promote optimum flow for multiple listed purposes. The department currently monitors flow and makes release requests for several of the specified purposes. DEEP does not require additional resources to monitor flow for the remaining specified purposes (flood risk reduction and safety, and hydropower) because that is determined by other entities, which will not be impacted by the bill.

DEEP also has the necessary expertise to prepare and submit the required report by January 1, 2025.

House "A" makes a technical change that has no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5355 (as amended by House "A")******AN ACT CONCERNING THE WATER RESOURCES OF THE UPPER FARMINGTON RIVER VALLEY.*****SUMMARY**

This bill requires the Department of Energy and Environmental Protection (DEEP) commissioner to make Colebrook River Lake Dam release and holdback requests to the U.S. Army Corps of Engineers, as needed, to achieve an optimum flow in the Farmington River for fish and wildlife, recreation, the river's health, flood risk reduction, tourism, hydropower, and safety. The commissioner must consult with the Metropolitan District Commission (MDC) when doing this. (Colebrook River Lake Dam is on the west branch of the Farmington River in Colebrook.)

The bill also requires MDC to release from the Goodwin Dam the amount of water released from the Colebrook Dam based on the DEEP commissioner's requests. This applies regardless of any state statute or special act. (The Goodwin Dam is on the west branch of the Farmington River just east of Colebrook, downstream from the Colebrook River Lake Dam.)

Lastly, the bill requires the DEEP commissioner to report to the Environment Committee by January 1, 2025, on recommended ways for the state to manage Colebrook River Lake waters between 701 and 641 feet in case the federal government releases MDC from its responsibility for these waters. The report must address the state's interest in achieving an optimum flow for fish and wildlife, recreation, the river's health, flood risk reduction, tourism, hydropower, and safety. The

commissioner must consult with relevant stakeholders when preparing the report.

*House Amendment "A" applies the MDC requirement relating to the Goodwin Dam regardless of any special act.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 34 Nay 0 (03/15/2024)