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FEDERAL ENERGY
REGULATORY COMMISSION

March 25, 2010

Ms. Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

Re: Fishway operations at Worumbo Dam (FERC No. 3428) and Pejepscot Dam (FERC No. 4784)
Androscoggin River, Maine

Dear Ms. Bose:

In at letter dated February 2009 (although it was 2010), Mr. Douglas Watts and Mr. Ed Friedman filed two letters with FERC requesting that FERC exercise its independent discretionary authority to instruct the licensees for the Pejepscot and Worumbo projects to operate their FERC-licensed downstream fish passage facilities from April 1 - Dec. 31 of each year to protect downstream migrating Atlantic salmon and that FERC exercises its independent discretionary authority to instruct the licensees for the Pejepscot and Worumbo projects to operate their upstream fishways at these dams every day during the 2010 Atlantic salmon migration season and thereafter beginning when the first migratory fish is passed at Brunswick in May and until at least November 30th of each year. This letter is intended to outline the Maine Department of Marine Resources (MDMR) position and process for Atlantic salmon passage at these facilities.

The adult Atlantic salmon returns to the Androscoggin River have historically been very small. With the exception of the last three years, the average adult returns from 2000 to 2006 were six adults annually. The run was as low as two adults captured in 2002 to as many as eleven in 2004. During this period, 98% of the run was comprised of hatchery-released smolts from other active restoration programs. Within the past three years, changes in marine survival have resulted in an increase in adult returns. Since 2007, the run has increased to an average of 20 adults annually. While the run is still comprised primarily of smolt releases from other programs, some naturally reared adult have been captured. Of the ten naturally reared adults captured at Brunswick in the past ten years, nine of them were capture since 2007.

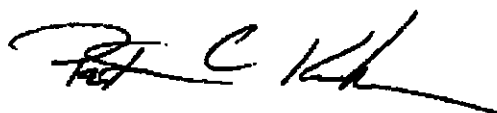
Due to this change in run composition, the MDMR decided changes should be made regarding passage facility operations at both the Pejepscot (FERC 4784) and Worumbo (Ferc 3428) projects. Letters were sent in June 2009 to each of the three lowest projects requesting specific operational dates to ensure downstream passage safety in the event that naturally reared adults were being produced in the system. MDMR met with representatives from these two facilities on March 25, 2010 and requested the same procedures be followed in 2010.

The management strategy for Atlantic salmon restoration in the Androscoggin River is classified as passive as Atlantic salmon only have access to the lower river up to Lewiston Falls. Atlantic salmon are captured at the Brunswick Project (FERC 2284) fishway as they enter the river and are biologically sampled. After sampling, each salmon is marked and allowed to pass upstream. Between Brunswick and Lewiston, Atlantic salmon pass two other passage facilities. Both the Pejepscot (FERC 4784) and Worumbo (FERC 3428) hydro projects have passage facilities that have been documented to pass Atlantic salmon. The operational timing for each of these facilities is governed by many factors. The upstream passages becomes operational in early May due to timing of anadromous fish migration and are operated for salmon if salmon are below each facility and if temperatures are favorable for passage. If river temperatures become too warm, Atlantic salmon generally find cool water refuge or hold in resting pools. This has been the case given the small number of adults returning annually and the lack of fall back behavior. In ten years, only two salmon were documented as recaptures at Brunswick. However, given the increase in adult returns this practice is currently under review. Operation of these facilities is also governed by mechanical failures, maintenance and high water. Each facility is closed each season for varying amounts of time to ensure the passage facility is maintained and operational when it is needed and to ensure safe operations for personal.

Prior to 2007, there were no indications that the Androscoggin River had a reproducing population of Atlantic salmon. The annual run of returning adults Atlantic salmon consisted entirely of hatchery released smolt in other Maine rivers. No information exists that these salmon either spawned or remained in the system through the spawning season. During this time frame, downstream passage relied on spill conditions at each of the hydro projects. It was felt, given that river conditions are generally highest during April and May, that that was sufficient if either kelts or smolts left the system. However, in 2007 and again in 2008, several of the returning adults were determined to be naturally reared from scale samples taken at the Brunswick fishway. Due to this change in run composition, MDMR decided that changes should be made regarding downstream passage facility operations. Letters were sent to each of the three lowest projects requesting specific operational dates (April 1 to June 30 and October 15 to December 31) to ensure downstream passage safety in the event that naturally reared adults were being produced in the system.

The MDMR meets annually with the owners of the two facilities Pejepscot (FERC 4784) and Worumbo (FERC 3428) to discuss the past year's activities and changes to the next year's operations if needed. The timing and coordination of operations is discussed at this meeting. MDMR is comfortable with the passage coordination and operations outline in the June 2009 letters given the current status of the population. MDMR will continue to review operations and make warranted changes based on the population on a yearly basis.

Sincerely,



Patrick Keliher, Director
Bureau of Sea Run Fisheries & Habitat
Maine Department of Marine Resources