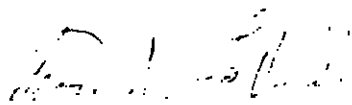


effectiveness studies, are contained in Exhibit B (Agreement)<sup>2</sup> of the Lower Kennebec River Comprehensive Hydropower Settlement Accord (Settlement), which was filed with the Commission May 28, 1998. The Commission's September 16, 1998 order approved the Settlement and amended the project licenses to include the fish passage requirements it contained.<sup>3</sup> The licensees file annual reports with the resource agencies and the Commission summarizing the previous years' fish passage operation and effectiveness studies, pursuant to the Agreement and the September 16, 1998 order, and a March 21, 2000 order which amended the date by which the reports must be filed to March 31.

We have reviewed past annual fish passage reports in light of the February 1, 2010 letter from the FOKS and FOMB. We note that, currently, the licensees of these projects are in the process of designing and/or conducting downstream fish passage effectiveness studies. We anticipate that the upcoming annual report for each project, due in the near future, will clearly address the status of downstream fish passage operation and effectiveness studies in accordance with the specific requirements of the Agreement.

In light of this, we plan to utilize the upcoming annual reports in completing our review of the issues raised by FOKS and FOMB. We are requesting through this letter that the licensees for the Lockwood, Shawmut, and Weston Projects include, to the extent possible, any further information in their upcoming annual reports that may be helpful in addressing the issues raised by FOKS and FOMB, and/or indicate in the reports or via separate filing that further information will be filed with the Commission within 45 days of the date of this letter. We welcome any input from the resource agencies copied on this letter, either through information provided for the licensee's reports or separately.

Sincerely,



Heather E. Campbell  
Acting Director  
Division of Hydropower Administration  
and Compliance

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<sup>2</sup> Agreement between Members of the Kennebec Hydro Developers Group, the Kennebec Coalition, the National Marine Fisheries Service, the State of Maine, and the U.S. Fish and Wildlife Service.

<sup>3</sup> Order Approving Settlement, Transferring License, and Amending Fish Passage Requirements, 84 FERC ¶ 61,227 (1998).