

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D. C. 20426

OFFICE OF ENERGY PROJECTS

Project No. 5073--Maine
Benton Falls Hydroelectric Project
Benton Falls Associates

Douglas Watts
Friends of Kennebec Salmon
131 Cony Street
Augusta, ME 04330

SEP 7 2010

Ed Friedman
Friends of Merrymeeting Bay
P.O. Box 233
Richmond, ME 04357

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SECRETARY OF THE
COMMISSION
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FEDERAL ENERGY
REGULATORY COMMISSION

Subject: Turbine screens at the Benton Falls Project

Dear Messrs. Watts and Friedman:

We are in receipt of your request, filed June 1, 2010, that the Benton Falls Hydroelectric Project (FERC No. 5073) be required to maintain fish protection screens at the project year-round in order to protect downstream migrating adult Atlantic salmon. You requested that the Federal Energy Regulatory Commission utilize its reserved authority to require Benton Falls Associates (licensee) to install and maintain fish screens at the project year around.

In your letter you stated that without protective screens in place at the turbine intakes year-round, it is likely that the adult Atlantic salmon that were passed above the dam in summer 2009 will enter the turbines this spring (2010) and be killed. You added that adult salmon passing the dam upstream during the summer 2010, and subsequent years, will also likely be killed as they attempt to migrate downstream during subsequent spring seasons. Further, you stated that if the protective screens that are put in place during the fall eel migration season are left in place year-round, the risk of down-migrating adult Atlantic salmon being entrained in the turbines at Benton Falls will be zero since the salmon will be physically unable to contact the turbines.

- 2 -

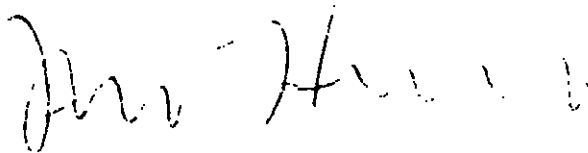
As you are aware, the 2006 Order Approving Upstream and Downstream Eel Passage¹ required the licensee to install a screen with one-inch clear spacing that overlays the trash racks in order to prevent downstream migrating eels from entering the turbine area. The licensee is required to install the screens from September 1st through November 30th each year. Review of project reports indicates that the licensee has been complying with this requirement.

However, in December 2005, the U.S. Fish and Wildlife Service (FWS) and the National Oceanic and Atmospheric Administration (NOAA) Fisheries Service, in coordination with the State of Maine, finalized a Recovery Plan for the Gulf of Maine, Distinct Population Segment of Atlantic salmon. The Recovery Plan identifies recovery actions needed to halt the decline of the species and lays out a process to minimize threats. In June 2009, NOAA Fisheries Service and FWS extended Endangered Species Act protection to Atlantic salmon by adding fish in the Penobscot, Kennebec, and Androscoggin rivers, and their tributaries, to the endangered species list.

In order to remain informed on the issues concerning the protection of Atlantic salmon in Maine, we will request (in separate correspondence) that the licensee keep us apprised of its actions concerning the protection of Atlantic salmon at the Benton Falls Project and any consultation the licensee may have with FWS and NOAA Fisheries Service. We will also request that the licensee keep us informed of any measures they have or may propose to implement, such as your suggestion to operate the fish screens more frequently, to protect endangered Atlantic salmon.

Thank you for your letter and interest in the Benton Falls Project. If you have any questions regarding this letter, please contact Mr. Thomas LoVullo at (202) 502-8900.

Sincerely,



Steve Hocking
Chief, Biological Resources Branch
Division of Hydropower Administration
and Compliance

¹ Order Approving Upstream and Downstream Fish Passage Operation Plan and Effectiveness Study. (Issued November 7, 2006) 117 FERC ¶ 62,131.

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