

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission (FERC)
888 First Street, NE
Washington, DC 20426

FILED ELECTRONICALLY

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

Feb. 1, 2009

Dear Secretary Bose,

It has come to our attention that the operating schedule of the downstream fish passage facilities at the Pejepscot and Worumbo Dams does not protect Atlantic salmon smolts and kelts migrating down the Androscoggin River.

According to annual reports filed with FERC by the Pejepscot and Worumbo dam owners since 1999, the Maine Dept. of Marine Resources (MDMR) annually establishes the start and end dates of downstream fish passage operation at these dams. According to these reports, Maine DMR does not request operation of the downstream fishways at the Pejepscot and Worumbo Dams to begin until early to mid-June of each year. This is shown by the following tables:

Pejepscot Dam -- Dates of Operating Downstream Passage, 1999-2008.

1999: June 1 - Oct. 25
2000: June 13 - Nov. 29
2001: June 12 - Nov. 26
2002: June 24 - Nov. 25
2003: June 17 - Nov. 21
2004: June 2 - Nov. 29
2005: June 27 - Oct. 17
2006: No DS Report Filed.
2007: June 25- Nov. 8
2008: No Report Filed.

Worumbo Dam -- Dates of Operating Downstream Passage, 1999-2008.

1999: June 1 - Dec. 1
2000: No Report Filed.
2001: June 1 - Dec. 1
2002: June 15 - Dec. 1
2003: June 9 - Dec. 1
2004: June 15 - Dec. 1

2005: June 15 - Dec. 1
2006: June 15 - Dec. 1
2007: June 15 - Nov. 19
2008: June 12 - Nov. 24

Brunswick Dam fishway records show that in most, if not all, of these years, there are at least some adult Atlantic salmon which have swam above these dams and have presumably spawned above them, thereby producing smolts and kelts which require downstream passage past the Worumbo and/or Pejepscot Dams during April and May. It is well established that the downstream migration of Atlantic salmon smolt and kelt in Maine rivers occurs in April and May and ends by early June. This means that under the status quo schedule there are no downstream fish passage facilities in operation for Atlantic salmon at the Pejepscot and Worumbo Dams during their spring downstream migration season.

Recommendation:

Article 15 in the Commission's Form L-3 states:

"Article 15. The Licensee shall, for the conservation and development of fish and wildlife resources, construct, maintain, and operate, or arrange for the construction, maintenance, and operation of such reasonable facilities, and comply with such reasonable modifications of the project structures and operation, as may be ordered by the Commission upon its own motion or upon the recommendation of the Secretary of the Interior or the fish and wildlife agency or agencies of any State in which the project or a part thereof is located, after notice and opportunity for hearing."

In accordance with Article 15, we hereby request 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. We request this schedule begin with the 2010 Androscoggin River Atlantic salmon migration season, which starts on April 1, 2010.

Sincerely,

Douglas H. Watts, president
Friends of the Kennebec Salmon
131 Cony Street
Augusta, ME 04330

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

cc:

Topsham Hydro Partners

Miller Hydro Group

Maine DEP, Dept. of Land & Water Quality

NOAA-Fisheries

USFWS, Maine Field Office

Maine DMR

Document Content(s)

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