



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
55 Great Republic Drive  
Gloucester, MA 01930-2276

MAY 18 2010

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, D.C. 20426

Re: Worumbo Project (FERC No. 3428) and Pejepscot Project (FERC No. 4784)

Dear Secretary Bose:

On April 5, 2010, FERC issued a letter responding to Friends of Kennebec Salmon (FKS) and Friends of Merrymeeting Bay (FMB) concerning upstream and downstream fish passage operation at the Worumbo (FERC No. 3428) and Pejepscot (FERC No. 4784) Projects on the Androscoggin River in Maine. FKS and FMB filed letters with FERC on February 1, 2010 and March 25, 2010 stating that the current fishway operation schedules at both hydroelectric projects were not sufficiently protective of listed Atlantic salmon in the Androscoggin River. In FERC's April 5<sup>th</sup> response to FKS and FMB, FERC solicited input from resource agencies regarding these issues. This letter responds to FERC's request for input from NOAA's National Marine Fisheries Service (NMFS).

The Androscoggin River is known to support federally listed Atlantic salmon (*Salmo salar*). Atlantic salmon in the Androscoggin River are part of the Gulf of Maine Distinct Population Segment (GOM DPS) of Atlantic salmon which is listed as endangered under the Endangered Species Act (ESA) of 1973. The GOM DPS includes all anadromous Atlantic salmon whose freshwater range occurs in the watersheds from the Androscoggin River northward along the Maine coast to the Dennys River. Included are all associated conservation hatchery populations used to supplement these natural populations; currently, such conservation hatchery populations are maintained at Green Lake National Fish Hatchery (GLNFH) and Craig Brook National Fish Hatchery (CBNFH). NMFS and U.S. Fish and Wildlife Service (FWS) share jurisdiction over the GOM DPS of Atlantic salmon. Pursuant to a Statement of Cooperation between the Services, NMFS is responsible for addressing issues for listed Atlantic salmon and FERC-licensed dams in the GOM DPS.

Critical habitat has been designated for listed Atlantic salmon pursuant to section 4(b)(2) of the ESA. The critical habitat designation for the GOM DPS includes 45 specific areas occupied by Atlantic salmon at the time of listing that include approximately 19,571 km of perennial River, stream, and estuary habitat and 799 square km of lake habitat within the range of the GOM DPS and in which are found those physical and biological features essential to the conservation of the



species. The entire occupied range of the GOM DPS in which critical habitat is designated is within the State of Maine. The Worumbo and Pejepscot Projects are located within designated critical habitat for the Atlantic salmon GOM DPS.

On March 8, 2010, Miller Hydro Group and Topsham Hydro Partners, L.P. (licensees of the Worumbo and Pejepscot Projects, respectively) submitted letters to NMFS outlining a plan and process for addressing ESA issues for Atlantic salmon at their hydroelectric projects. In their letters, the licensees indicated plans to prepare a Biological Assessment (BA) concerning potential effects of project operation on listed Atlantic salmon. Based upon information in the BA, NMFS would determine whether additional protection measures for Atlantic salmon are needed at each project and this would form the basis of a Species Protection Plan. The Species Protection Plan would likely be submitted to FERC to trigger a Section 7 consultation under the ESA. NMFS expects that this process will take over a year to complete.

FKS and FMB recommend that FERC require the licensees of the Worumbo and Pejepscot Projects to operate upstream fishways from May to November 30<sup>th</sup> annually. Under FKS and FMB's proposal, upstream fishways at Worumbo and Pejepscot would commence operation in May once Atlantic salmon are detected in the lower Androscoggin River at the Brunswick Dam fishway. As Atlantic salmon are known to undertake upstream migrations in Maine rivers from May to November 30<sup>th</sup> annually, NMFS agrees operating upstream fishways from May to November 30<sup>th</sup> annually would benefit Atlantic salmon in the Androscoggin River.

FKS and FMB recommend to FERC that downstream passage at Worumbo and Pejepscot be operated from April 1<sup>st</sup> to December 31<sup>st</sup> annually to protect downstream migrating Atlantic salmon in the Androscoggin River. FKS and FMB state this schedule of operation is needed to protect Atlantic salmon smolts and adults in the river. By letter dated March 25, 2010 to FERC, the Maine Department of Marine Resources stated downstream passage facilities at Worumbo and Pejepscot should be operated from April 1 to June 30 and October 15 to December 15 to protect downstream migrating Atlantic salmon. NMFS agrees that operating downstream passage facilities from April 1 to June 30 and October 15 to December 15 would benefit Atlantic salmon in the Androscoggin River.

Our recommendations herein should be considered interim by FERC until such time as Section 7 consultation is completed by NMFS at the Worumbo and Pejepscot Projects. As indicated above, NMFS anticipates that the licensees for each project will request FERC initiate Section 7 for these projects in the near future. If you have any questions concerning these comments, please contact Jeff Murphy at 207-866-7379 or [Jeff.Murphy@noaa.gov](mailto:Jeff.Murphy@noaa.gov).

Sincerely,



Mary A. Colligan

Assistant Regional Administrator

Cc: Douglas Watts, FKS  
Ed Friedman, FMB  
Norm Dube, MDMR  
Fred Seavey, FWS