

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

FILED ELECTRONICALLY

RE: Upstream 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 upstream fish passage facilities at the Pejepscot and Worumbo Dams is not allowing Atlantic salmon to freely migrate up 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 upstream fish passage operation at these dams. According to these reports, Maine DMR routinely orders these fishways to be shut down in early to mid-July of each year. Only occasionally does DMR order these fishways be operated after early to mid-July. This is shown in the following tables:

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

1999: May 13 - July 13 / Oct. 7 - 25
2000: May 17 - July 26
2001: May 23 - July 5
2002: May 17 - July 8
2003: May 22 - July 10
2004: May 13 - August 2 / Oct. 7-Oct. 12
2005: June 5 - July 12 / Sept. 27 - Oct. 10
2006: May 30 - July 14 (not operated June 8-19 and June 21-22)
2007: May 25 - July 6
2008: No Report Filed.

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

1999: May 13 - July 13 / Oct. 7 - Oct. 21 (no salmon passed; 6 salmon passed at Brunswick)
2000: No Report Filed.
2001: May 23 - July 6 (no salmon passed; 5 passed at Brunswick)
2002: May 31 - July 10 (not op. June 13 - June 18) (no salmon passed; 2 passed at Brunswick)
2003: May 22 - July 7 (no salmon passed; 3 passed at Brunswick)
2004: May 13 - August 2 / Sept. 14 - Oct. 12 (1 salmon passed; 12 passed at Brunswick)
2005: June 6 - July 12 / Sept. 27 - Oct. 15 (no salmon passed; 10 passed at Brunswick)
2006: May 30 - July 13 (not operated June 5-6; June 28-July 5) (2 salmon passed; 7 passed at Brunswick)
2007: May 25 - July 6 / Sept. 26 - Oct. 25 (7 salmon passed; 21 passed at Brunswick)
2008: May 16 - July 11 (2 salmon passed; 18 passed at Brunswick)

Upstream Fish Passage Efficiency for adult Atlantic Salmon at Worumbo Dam, 1999-2008

1999: 0 percent.
 2000: No Report Filed.
 2001: 0 percent.
 2002: 0 percent.
 2003: 0 percent.
 2004: 8 percent.
 2005: 0 percent.
 2006: 28 percent.
 2007: 33 percent.
 2008: 11 percent.

Total # of Salmon Passed at Brunswick since 1999: 84

Total # of Salmon Passed at Worumbo since 1999: 12

Cumulative Passage Efficiency since 1999

(total # of fish at Brunswick / total # of fish at Worumbo) : 14 percent.

Avg. Per Year Efficiency (annual eff./ # of years): 8.8 percent.

These records show that since 1999 the upstream fishways at the Pejepscot and Worumbo Dams have been operated for an average of only five to eight weeks per year which comprises less than 25 percent of the natural upstream migration season of adult Atlantic salmon in southern and central Maine (April to November). The Atlantic salmon spawning season in southern and central Maine extends well into November. We have independently confirmed this in recent years by documenting spawning Atlantic salmon in Cobbosseecontee Stream in Gardiner, Maine as late as Nov. 20 and in the upper Presumpscot River (by Sebago Lake Atlantic salmon) as late as Nov. 20.

Upstream fishways at Pejepscot and Worumbo are not operated until migratory fish are first passed at the Brunswick Dam, eight miles below the Pejepscot Dam. There is no written policy for when MDMR orders the Pejepscot and Worumbo fishways closed once they have been opened; nor is there any written policy for when or if MDMR orders the fishways re-opened after they have been closed. Except for the Androscoggin, we are not aware of any other Atlantic salmon river in Maine where fishways built for Atlantic salmon are routinely closed for the season in early July even when there are documented Atlantic salmon in the river below the fishways requiring passage during July, August, September and November.

Dropdowns:

Once an Atlantic salmon passes a fishway it is by no means guaranteed the salmon will stay above it. The existing seasonal closure regime penalizes salmon which pass either the Pejepscot or Worumbo fishways or both and then, for various reasons, migrate back downriver (during summer and fall freshets, for example). Once these fishways are closed, usually in early summer, salmon which drop down cannot migrate upriver again. In a river like the lower Androscoggin, which often attains very high water temps. in mid-summer, this could injure or kill salmon if they are unable to find thermal refugia in the river reach they are "stuck in." This also has the effect of fragmenting and isolating an already exceedingly small number of spawners.

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 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 Nov. 30 of each year. This will ensure maximum availability and usage of these facilities by spawning adult Atlantic salmon. We also request FERC require the Pejepscot Dam owner begin monitoring and reporting the daily usage of its upstream fishway by Atlantic salmon so as to gain much needed information on its efficiency and information on the timing of the run.

Sincerely,

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cc:
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Miller Hydro Group
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NOAA-Fisheries
USFWS, Maine Field Office
Maine DMR

Document Content(s)

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