

EXHIBIT 10

Subject: Re: Worumbo ESA process
From: Jeff Murphy <jeff.murphy@noaa.gov>
Date: Mon, 09 May 2011 13:53:24 -0400
To: Peter Yarrington <Peter.Yarrington@ferc.gov>

Hello Peter - We received your letter dated May 4, 2011 concerning the emergency repairs at the Worumbo Project (FERC No. 3428), located on the Androscoggin River in Maine. Given the emergency nature of the repairs, NMFS can confirm that emergency consultation procedures outlined under 50 CFR §402.05 are appropriate for this situation. We will continue to work with the licensee to minimize environmental impacts including those to listed Atlantic salmon during the repairs. Once construction is completed, FERC should submit a biological assessment to NMFS describing the nature of the emergency, the justification for the expedited consultation, a description of the work, and any impacts to listed Atlantic salmon and designated critical habitat. Much of this information has already been prepared. NMFS will then evaluate this information to issue a Biological Opinion to FERC.

We would appreciate obtaining monthly updates on the work. Thanks, Jeff.

On 5/2/2011 9:20 AM, Peter Yarrington wrote:

Good Morning Jeff:

Thanks very much for your help in the teleconference last week on routes to ensure ESA compliance at the Worumbo Project.

We have received a letter from Mark Isaacson per our teleconference. It seems to have the elements discussed in our call.

Per my notes from the call, our D2SI will do a cover letter to NMFS ASAP (addressed to you), enclosing the licensee's letter, discussing the licensee's determination that the work should go fwd this year as a matter of public safety and environmental protection. I plan to add a paragraph in the D2SI letter stating we would therefore like to move forward with emergency ESA consultation due to the situation and pursuant to our call with you last week.

1. If we follow this route, is there anything specific I need to write in the letter to you, besides that we agree with the licensee's determination, and that we would like to proceed with emergency consultation?
2. What would you expect to be the next unofficial and official steps (including hard copy stuff) under an emergency consultation?
3. Should we plan to have conference calls with you and licensee once a week, etc? We may request regular update reports from the licensee also.

Thanks very much

Pete Yarrington

B. Peter Yarrington

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