

EXHIBIT 11

*Correspondence between
HDR & ACE*

Murch, Dana P

From: MacDonald, Chris [Christopher.MacDonald@hdrinc.com]
Sent: Thursday, February 10, 2011 4:43 PM
To: Howe, Rodney A NAE; misaacson@energymaine.com
Cc: Murch, Dana P
Subject: RE: Worumbo Dam repairs (UNCLASSIFIED)

Attachments: Review Standards Resp.pdf; Worumbo Cofferdam and Access Alternatives-110210.pdf



Review Standards
Resp.pdf (23 ...



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Good afternoon Rodney,

We are in contact with Mr. Atlas at FERC on the consultation under the ESA, and will follow up shortly. Thank you very much for bringing this to our attention.

In regards to alternatives to the cofferdam presented in the application, I have attached an alternatives analysis for your consideration. Also, we have been in touch with Dana Murch on an alternatives analysis specific to the type of cofferdam that we propose, an earthen cofferdam, and have included a "Review Standards for Earthfill Cofferdams" response as attached for additional consideration.

Please let us know if you have any additional questions or concerns.

Thank you,
-crm

Chris MacDonald
HDR | DTA
Direct: 207.239.3858

-----Original Message-----

From: Howe, Rodney A NAE [mailto:Rodney.A.Howe@usace.army.mil]
Sent: Wednesday, February 09, 2011 2:51 PM
To: MacDonald, Chris; misaacson@energymaine.com
Cc: Dana Murch
Subject: RE: Worumbo Dam repairs (UNCLASSIFIED)

Chris,

Thank you for your response. I understand the need to make the repairs to the deteriorating timber crib dam. My main concern is the extent of the cofferdam that will be required to access the work area. I needed to know what alternatives you had looked at and why they would not work with less environmental impact.

The Worumbo Dam is located within the critical habitat for Atlantic salmon therefore you will still need to provide documentation from FERC regarding their consultation with the USFWS under Section 7 of the Endangered Species Act and the resulting effect determination. The Corps cannot issue a permit without it and that could take some time so I suggest you contact Mr. Atlas very soon.

Rodney A. Howe
U.S. Army Corps of Engineers, New England District Maine Field Office
675 Western Avenue Suit 3
Manchester, Maine 04351
(207) 623-8367 Ext 5

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-----Original Message-----

From: MacDonald , Chris [mailto:Christopher.MacDonald@hdrinc.com]
Sent: Thursday, February 03, 2011 3:46 PM
To: Howe, Rodney A NAE; misaacson@energymaine.com
Cc: Dana Murch
Subject: RE: Worumbo Dam repairs (UNCLASSIFIED)

Good afternoon Rodney,

In response to your questions and concerns from January 20, 2011, we offer the following:

1. We have been in contact with FERC since 2009 regarding the condition of the Timber Crib Dam. During the winter of 2008-2009, a small section of timber and rock ~~fell out of~~ the downstream face of the dam, resulting in a sag in the crest of the dam in the area of material loss. This section was repaired, but these repairs are temporary. In consultation with FERC, Miller Hydro Group (MHG) has determined that it is impossible to arrest the deterioration of the main dam timbers that is the underlying cause of loss of material and the resulting sags in the dam. MHG has advised FERC of their intention to replace the crib dam with a concrete structure, and obtained FERC's concurrence with this approach.

Since there are no proposed changes in head pond, function, or general layout, the repair is considered a minor federal action and is handled through the New York Regional Office (NYRO). HDR|DTA has been in contact with William Atlas at the FERC NYRO in regards to the ongoing design. We have submitted a conceptual design report, as well as a preliminary supporting design report for review. The repair actions performed in the Summer of 2009 have temporarily stabilized the structure and no emergency actions have been required to date. Changing conditions, especially at the time of spring run-off, could rapidly alter the condition of the dam and require immediate action.

2. Mark Isaacson and I discussed your concern of the cofferdam length, specifically the section parallel to shore. We are generally in agreement with the notion that roads should be built above the high water line, but further extension on the bank toward the dam is impracticable in this case.

As you can see from the plans provided in our permit application, the bank of the river is steeply sloped from the Highway to the water near the southerly abutment on the Durham side. An access road parallel to the river in this area would require a great deal of earth work in order to be located on shore along this slope. The river bank from just downstream of the new headpond access road to the route 9 bridge appears unstable due to these steep slopes.

There have been slope failures in the area downstream of the dam in recent years and there is also evidence of an older slope failure in the area between the headpond access road and the dam. This corridor may be unstable in the long term, and cutting into the bank and removing the vegetation could make this situation significantly worse.

Additionally, Mark and I took a site walk last week to confirm that the route we show is the best option. We were able to confirm that the existing ground is far too steep to construct a road on shore. Slopes along the bank are near vertical just downstream of the headpond access road on the Durham side.

The vegetation in these steep areas appears well established, with a number of large trees. There are signs of previous slope stability issues, however, these areas currently appear stabilized and well vegetated. Removing the vegetation and earthwork in these highly sloped areas may create a detrimental condition.

Constructing a cofferdam parallel to shore may create temporary impacts to the immediate shoreline, but will leave the well established vegetation upslope intact and help preserve the stability of these slopes.

Please feel free to contact us if you have any additional questions or concerns or would like to inspect the area.

Regards,
-crm

Chris MacDonald
HDR|DTA
Direct: 207.239.3858

-----Original Message-----

From: Howe, Rodney A NAE [mailto:Rodney.A.Howe@usace.army.mil]
Sent: Thursday, January 20, 2011 8:59 AM
To: MacDonald , Chris; misaacson@energymaine.com; Dana Murch
Subject: Worumbo Dam repairs (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Chris,
I have received a copy of your letter to Dana. I have some additional concerns.

1. Have you contacted FERC for this project? The Androscoggin River is within the critical habitat for Atlantis salmon therefore the project will require formal consultation with the USFWS under Section 7 for Atlantic salmon. FERC would be the lead agency on this.
2. I have concern for the length of cofferdam along the shoreline to the dam. You must consider constructing an access road along the bank above high water from your staging site to the actual coffer dam. When the hydro dam was constructed in 1986, that coffer dam washed downstream during the flood. That potential impact should be minimized.

Rodney A. Howe
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