

EXHIBIT 4

ORIGINAL

MILLER HYDRO GROUP

148 Middle Street, Suite 506 - Portland, Maine 04101
Tel. (207) 772-6190 - Fax (207) 772-6320

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Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
Mail Code: OEP/DHAC 12.3
888 First Street, NE
Washington, DC 20426

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SECRETARY OF THE
COMMISSION
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FEDERAL ENERGY
REGULATORY COMMISSION

**Subject: Worumbo Project (FERC No. 3428-ME)
Annual Fish Passage Status Report**

Dear Secretary Bose:

On September 24, 1998, Miller Hydro Group (MHG) filed its recommendations under Article 35 for future fish passage study activities at the Worumbo Project on the Androscoggin River in Maine. These recommendations followed consultation with the resource agencies and were approved by the Commission in its "Order Approving Recommendations on Fish Passage Studies" issued on November 12, 1998:

1. No additional upstream or downstream fish passage studies are recommended at this time. Future studies, if any, may be determined in consultation with the resource agencies as alewife or other target populations become more abundant, as the evaluation of additional modifications may be indicated, or as additional methods and technologies appropriate to the site become available.
2. Upstream and downstream fish passage facilities are to be operated in a manner and on a schedule determined in consultation with the resource agencies.
3. The licensee will meet with the resource agencies annually to discuss the status of anadromous fish runs in the Androscoggin River and the need for further passage studies.
4. Annual status reports will be filed with the Commission following the annual meetings with the resource agencies.

The 2010 annual resource agency meeting was held on Thursday, March 25, 2010, at 9:30 a.m. at the offices of the Maine Department of Marine Resources, Sea-Run Fisheries and Habitat, in Hallowell, Maine. In attendance were: Michael Brown, Paul Christman, Melissa Laser and Lew Flagg of the Maine Department of Marine Resources (DMR), Ed Hudson and John Demchak of Topsham Hydro Partners, and Mark Isaacson, Bearl Keith and Ken Wells of Miller Hydro Group (MHG).

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The total counts for the 2009 season were as follows:

Alewives	14,961	(14,757 in May and 204 in June.)
Salmon	1	(during 2 nd operational season)
Brown Trout	3	
Brook Trout	1	
Bass	87	
Shad	0	
Suckers	5	
Other	9	

Summary of 2009 Downstream Fish Passage Operations

The downstream fishway was started for the season on June 4, 2009, by removing all stop log gates from the #3 entrance weir. The backlighting unit was also installed at the #3 entrance at that time. #1 and #2 entrances remained closed throughout the operational period. Except for fishway maintenance activities (removing river debris, etc.), the downstream fishway remained in operation 24 hours per day and 7 days per week throughout the season. Bird activity was noted in the tailrace and/or zone "8" pool beginning on October 10th and continuing through the end of October. Bird activity during this period is not unusual due to the annual release from Sabattus Pond. The Maine Department of Marine Resources was notified of bird activity, as requested. Downstream passage facilities were closed for the season on December 7, 2009, due to continued high flows accompanied by high levels of debris.

Anadromous Fish Restoration Progress

Michael E. Brown, Department of Marine Resources, presented a summary report of anadromous fish restoration activities and results including fish run numbers, stocking efforts, and observations at the Brunswick fishway. The fishway at Brunswick operated from May 6, 2009 to the last week of October 2009. A total of 44,725 adult river herring ascended the fishway at Brunswick during the 2009 season. Of the total, 22,057 were captured for stocking programs in Androscoggin River watershed lakes and 20,702 were passed into the Brunswick headpond.

No American shad were captured at the Brunswick fishway during the 2009 season and no Merrimack River shad fry were released into the Androscoggin watershed.

A total of 24 Atlantic salmon passed the Brunswick fishway in 2009.

Other 2009 Brunswick fishway captures reported included: 7 Landlocked Salmon, 15 Sea Lamprey, 19 Smallmouth Bass, and 127 White Sucker.

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The dam on the Little River has been removed providing unimpeded passage of Atlantic salmon and other species to Little River habitat.

There has been some progress in providing fish passage on the Sabattus River. The Atlantic Salmon Federation has some ability to deal with some of the liability issues remaining concerning removal of the Juliet Dam and they are working with the Maine Department of Environmental Protection to resolve them. There is some funding availability for installation of fish passage at the Upper Dam and discussions have begun with the Town of Lisbon.

Paul Christman and Melissa Laser (DMR) summarized Atlantic salmon activities. There is no active salmon restoration program on the Androscoggin River. However, there are indications that there may be some activity, including spawning, in the Little River and, possibly, in other tributaries. The 2009 season saw numbers of salmon nearly as good as has been seen in the past 10-15 years due to apparent improvement in marine survival.

Fish Restoration Plans for 2010

Michael Brown of the Maine Department of Marine Resources (DMR) provided a summary of plans for fish restoration activities on the Androscoggin River during the 2010 season. The DMR will continue its river herring counting, release and stocking activities from the Brunswick fishway facilities. DMR will continue to monitor adult shad activity in and around the Brunswick fishway facilities. Attempts will be made to capture adult shad either for transport and release to upstream spawning habitat and/or for transport to the fry hatchery. Due to lack of funds for transport and hatchery activity, DMR has no plans to stock shad from the Merrimack River in 2010. Also, DMR plans to continue assessment of the numbers of river herring below the Juliet Dam on the Sabattus River and to conduct habitat work on the Little River. Atlantic salmon will be allowed to pass upstream from Brunswick.

Paul Christman and Melissa Laser of DMR outlined planned salmon activities during 2010. Salmon management on the Androscoggin River takes the form of a passive program. The focus is on ensuring safe passage, trying to improve conditions, and obtaining a better understanding of what incoming fish are doing and where they are spawning. There are no plans for the introduction of juveniles to the system. Possibly, there will be a telemetry project to gain a better understanding as to where the salmon are going. There are plans for habitat studies, particularly in the Little River which currently appears the most likely place for spawning to be occurring and for habitat discovery. Electro-fishing studies may also be conducted. Other tributaries will also be investigated. It is not likely that much additional mainstem habitat will be discovered or become available. Based upon recent past experience, a significant number of salmon is anticipated again in 2010.

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Study Plans

The resource agencies have agreed that no feasible method for monitoring downstream passage of juvenile alewives at the Worumbo site appears to exist at the current time and they have recommended that formal downstream efficiency studies be suspended until such time that appropriate technology and sufficient numbers of alewives co-exist to make a successful study likely. The appropriate conditions do not yet exist. Therefore, no downstream fish passage studies are planned for the 2010 season.

The resource agencies also continue to watch for the appropriate conditions to conduct upstream passage studies under high flow conditions at the Worumbo Project. It is estimated that 100,000 or more fish are needed with high flow conditions to successfully accomplish this study.

Upstream Fish Passage Operations for 2010

The Worumbo upstream fish passage facilities will be ready for operation by May 15, 2010. The actual startup date will be determined by DMR based upon the first passage of fish at the Brunswick facility downstream from Worumbo. The upstream passage system will be operated through the river herring upstream migration season which normally ends in July. A second fall upstream passage season may be requested for late-running fish such as Atlantic salmon. The Worumbo bypass reach will be monitored for trapped fish during any dam maintenance activities which would result in reduced flows. As in the past, actual startup and shutdown will be in compliance with requests from DMR staff. All attraction pumps will be tested and made ready for operation before the start of the fish passage season. MHG will continue to record each fish lift in order to facilitate the observation of migrating fish, especially during those operational periods in which no counting occurs. The fishway will be operated according to the same schedule and in the same manner as in 2009:

- Attraction pump operation will begin daily at 7:00 a.m. two hours before the first scheduled lift. The lift will be operated daily at 9:00 a.m., 11:00 a.m., 1:00 p.m., 3:00 p.m., and 5:00 p.m. during upstream migration periods. During the alewife/shad upstream migration, fish will be held in the upper section exit channel for counting and then released into the headpond. The rotating gate at the viewing window will remain open following the alewife/shad upstream migration.
- With one generating unit on line (Unit #1 is the lead unit during the alewife/shad upstream migration season), the shoreside entrance gate will be closed. The riverside entrance gate will be adjusted to maintain a differential between tailwater and entrance channel of approximately 0.5 ft.
- When both units are on line, both the shoreside and the riverside entrance gates are open and adjusted as necessary to maintain the 0.5-ft differential.

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- The upper section gravity attraction flow system will be operated as follows:
 - During the alewife/shad upstream migration season (mid-May to mid-July), attraction flow will be maintained at approximately 1.0 fps on a 24 hours per day / 7 days per week basis.
 - During any subsequent period of fishway operation for Atlantic salmon migration, gravity attraction flow will operate from 7:30 a.m. to 5:00 p.m. 7 days per week.

As in the past, MHG will continue to cooperate with and work closely with DMR staff in determining upstream passage operation schedules and procedures appropriate to actual conditions for all targeted fish species.

Downstream Fish Passage Operations for 2010

In accordance with DMR instructions, downstream fish passage facilities will be ready for operation on April 1st, or as soon as can be done safely given river conditions and operational limitations (e.g., high flows, ice, excessive hydraulic pressure, etc.). The downstream passage will be operated until December 31st, unless river conditions (ice, river debris, or high flows, for example) force an earlier shutdown. DMR will be notified of any necessary operational interruptions and any needed planned maintenance will be coordinated with DMR staff. Station operators will continue to notify DMR if any unusual bird activity should occur. In addition, the downstream passage facility will be operated as follows:

- As in the past, entrance weir #3 will remain in full open position and weirs #1 and #2 will be closed except during periods of maintenance activity at entrance #3.
- The light fixture at entrance weir #3 will be on at all times during the downstream migration season.
- Flashboards will be used to provide a deeper plunge pool for receiving fish migrating downstream. The stop log configuration at the plunge pool exit gates will remain as in 2009 pending further guidance from DMR.

Other

Miller Hydro Group needs to replace the crib dam on the Durham side of the river. The plan is to build a new dam just downstream from the current dam. No changes in head or operation are planned. Construction is planned during the 2010 summer season if permitting is in place. If not, construction will be scheduled for the summer of 2011. A two to three month construction period is anticipated. DMR anticipates no problems for salmon during dam construction. MHG will consider integrating upstream eel passage into the design. During construction, the bypass reach will be monitored to prevent fish from being trapped due to any interruptions in flows.

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Consultation

On June 25, 2010, copies of the above status report were mailed to the resource agency meeting participants for review and comment. No written comments have been received to date. Comments received subsequent to the filing of this report will be forwarded to you. If you have any questions about this report, please do not hesitate to contact me at (207) 772-6190.

Respectfully submitted,



Bearl S. Keith
Project Administrator