

**FEDERAL ENERGY REGULATORY COMMISSION  
Washington, D. C. 20426**

**OFFICE OF ENERGY PROJECTS**

**Project No. 2611-079--Maine  
Hydro-Kennebec Project  
Hydro-Kennebec LLC**

**Ms. Mary Colligan  
National Marine Fisheries Service  
Northeast Regional Office  
55 Great Republic Drive  
Gloucester, MA 01930-2276**

**March 14, 2011**

**Subject: Designation of non-federal representative for ESA consultation; interim protection measures**

**Dear Ms. Colligan:**

**In a letter filed with the Federal Energy Regulatory Commission (Commission) on January 5, 2011, Brookfield Renewable Power (Brookfield), representing Hydro-Kennebec LLC, licensee for the Hydro-Kennebec Project, asked the Commission to designate it as the Commission's non-federal representative for the purpose of informal consultation with the National Marine Fisheries Service (NMFS) pursuant to section 7 of the Endangered Species Act (ESA) regarding Atlantic salmon. The Hydro-Kennebec Project is located on the Kennebec River in Maine.**

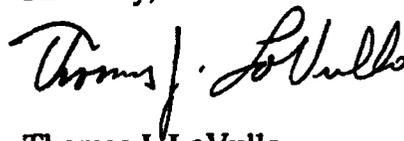
**Atlantic salmon in the Kennebec River are part of the Gulf of Maine Distinct Population Segment, which have been listed as endangered under the ESA. The salmon's Critical Habitat includes the reach of the Kennebec River where the Hydro-Kennebec Project is located. Generally the NMFS has jurisdiction over listed Atlantic salmon in estuarine and marine waters in Maine and the U.S. Fish and Wildlife Service has jurisdiction over listed Atlantic salmon in freshwater. However, the NMFS takes the lead on issues pertaining to hydroelectric operations and their effects on Atlantic salmon and its critical habitat. Therefore, by this letter, the Commission designates Brookfield as the Commission's non-federal representative to conduct informal consultation with the NMFS.**

**The role of the non-federal representative may include conducting studies, developing and supplying information, attending meetings, ensuring that pertinent endangered species information is maintained in a project file, development of a draft Biological Assessment, participating in informal consultation, and keeping the Commission apprised of its actions.**

Regarding the development of a BA, we note that, to ensure the Commission's compliance with its responsibilities under the ESA, Brookfield would provide a draft of any BA completed to the Commission. The Commission then reviews the draft BA, and modifies or adopts it as a final BA. The Commission then supplies the final BA to the NMFS.

We appreciate your assistance with ESA compliance at the Hydro-Kennebec Project. If you have any questions regarding this matter, please contact Mr. Joseph Enrico at (212) 273-5917.

Sincerely,



Thomas J. LoVullo  
Chief, Aquatic Resources Branch  
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and Compliance

cc: Kevin Bernier  
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