

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

FILED ELECTRONICALLY

**RE: Downstream fishway operations at Hydro Kennebec Dam (FERC No. 2611)
Kennebec River, Maine.**

Feb. 1, 2009

Dear Secretary Bose,

It has come to our attention that the protective fish boom/screen at the turbine intake of the Hydro Kennebec Dam has in recent years not been installed until late May, thus providing no protection to Atlantic salmon smolts and kelts migrating down the Kennebec River during April and May, which is the period of their migration.

In a June 10, 2009 letter from B. Peter Yarrington of the Division of Hydropower Administration and Compliance, the Federal Energy Regulatory Commission states that the downstream fish passage system at the Hydro Kennebec dam consists of a 10-foot-deep, angled Kevlar fish boom in the forebay designed to prevent fish from accessing the project trashracks, a 4-foot-wide bypass slot, and a plunge pool downstream in the tailrace.

In this letter, the Commission further states that by an April 21, 2006 Commission Order, this system is to be operated April 1 through December 31 of each year to facilitate the downstream migration of Atlantic salmon, American eel, American shad and alewife past the dam.

In this letter, the Commission acknowledges that in 2007 Hydro Kennebec did not install the protective net/boom until May 20, 2007 and did not install the boom in 2008 until May 29, 2008. Recently we asked Maine DMR Kennebec River restoration staff when the fish boom was installed in 2009 and they said they did not know.

It is critical to the survival of downmigrating Atlantic salmon smolts and kelts that this protective boom be in operation by April 1st to provide protection to Atlantic salmon migrating down the river in April and May. It is well established that the downstream migration of Atlantic salmon smolts and kelts in Maine rivers occurs in April and May and ends in early June.

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."

Accordingly, we request the Commission exercise its independent discretionary authority under Article 15 to instruct the owners of the Hydro Kennebec Dam to install and operate the protective fish boom at the dam beginning on April 1, 2010 to protect Atlantic salmon smolts and kelts during their migration down the Kennebec River in April and May 2010 and in subsequent years.

Sincerely,

Douglas H. Watts, president
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131 Cony Street
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Ed Friedman, chair
Friends of Merrymeeting Bay
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cc:
Madison Paper Industries
Maine DEP, Bureau of Land & Water Quality
NOAA-Fisheries
USFWS, Maine Field Office
Maine DMR