

FEDERAL ENERGY REGULATORY COMMISSION  
Washington, D. C. 20426

OFFICE OF ENERGY PROJECTS

Project No. 5073-087—Maine  
Benton Falls Hydroelectric Project  
Benton Falls Associates

Richard A. Norman  
Benton Falls Associates  
c/o Essex Hydro Associates, L.L.C.  
55 Union Street, 4<sup>th</sup> Floor  
Boston, MA 02108

JUL 22 2010

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SECRETARY OF THE  
COMMISSION  
2010 JUL 26 P 2:01  
FEDERAL ENERGY  
REGULATORY COMMISSION

Subject: 2009 Fish and Eel Passage Report, and 2010 Proposed Operating Plan

Dear Mr. Norman:

This acknowledges receipt of your combined, 2009 Fish Passage and Eel Passage Monitoring Report, and your proposed 2010 operating plan for the Benton Falls Hydroelectric Project, filed March 18, 2010 with the Commission.

You filed your fish passage report pursuant to the Commission's Order Approving Upstream Fish Passage Operation Plan and Effectiveness Study.<sup>1</sup> You filed your eel passage report in accordance with: the Commission's Order Approving Settlement, Transferring License, and Amending Fish Passage Requirements;<sup>2</sup> the project's water quality certificate; and the Kennebec Hydro Developers Group Agreement.

Your report stated that 1,319,137 alewives were recorded by the conductivity counter. You also report that 19 salmon (4 Atlantic and 15 landlocked salmon) and 8 shad were visually observed and recorded. You stated that 2009 was the first year that salmon and shad had been noted in the fish lift. Your report also indicated that 12,288 eels migrated upstream at the Benton Falls Project, down from last year's total of 18,395 eels.

With respect to the fish lift operating plan for 2010, you proposed to continue the upstream fish passage monitoring for 2010. You added that the fish lift operating schedule

<sup>1</sup> See 116 FERC ¶ 62,038, issued July 18, 2006.  
<sup>2</sup> See 84 FERC ¶ 61,227, issued September 16, 1998.

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will be extended to the earlier of October 31, 2010 or the date at which the river temperature exceeds 25 degrees Centigrade. You also proposed no material changes to the operation of the upstream and downstream eel passage facilities. However, in response to a U.S. Fish and Wildlife Services comment, you proposed to increase your effort to monitor trash buildup on the trash racks during high flow conditions and to increase the raking frequency as needed.

Lastly, you indicated that you provided a draft copy of your 2009 report and 2010 operation plans to: U.S Fish and Wildlife Service; National Marine Fisheries Service; Maine Department of Environmental Protection; Maine Department of Marine Resources; and Maine Department of Inland Fisheries & Wildlife. Your final report filed with the Commission incorporated the agencies' comments.

Your 2009 annual report, filed March 18, 2010 adequately meets the license reporting requirements for the Benton Falls Project. Thank you for your cooperation and if you have any questions regarding this letter please contact me at (202) 502-8900.

Sincerely,



Thomas J. LoVullo  
Division of Hydropower Administration  
and Compliance

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