From: info@dougwatts.com
Subject: **LIHI applications for Maine Dams**
Date: January 4, 2011 10:20:11 PM EST
To: "Fred Ayer" <fayer@lowimpacthydro.org>

Hi Fred:

In the past two months I have examined LIHI applications for numerous hydro dams in Maine on the Kennebec and Penobscot: Messalonskee, Benton Falls, Stillwater, Orono, Medway.

All of these dams are within the historic habitat of Atlantic salmon and some are in designated Critical Habitat for Atlantic salmon. I am intimately familiar with all of these dams. The FERC licensing and Maine WQC and USFWS fishway prescriptions for all of these dams were written and set down as much as a decade before Atlantic salmon were listed as an endangered species in June 2009. As such, in my humble opinion, what the licenses and prescriptions and WQCs say about required fish passage at these dams is now totally outdated, since they were written before the salmon were listed, and for this reason cannot be used now as a benchmark for LIHI approval.

The benchmark for these dams now has to be the ESA. As you know, if any dam can even possibly cause a 'take' of an endangered species, it must apply for and receive an Incidental Take Permit under Section 10 of the ESA. None of the above Kennebec and Penobscot Dams have applied for and received Incidental Take Permits for their existing operations.

It is obviously not the intent of LIHI to be certifying dams that are, or could be, violating the ESA by harming Atlantic salmon (directly through turbine contact) or by keeping them from swimming past the dams. These dams (and owners) need to first get ITPs under the ESA before applying for LIHI certification. In the existing context, having a validly issued ITP should be a prerequisite for even applying for LIHI certification at these dams.

I am offering this suggestion and recommendation in lieu of having to repeat it for all of the various Maine dams subject to the ESA that are now seeking LIHI certification; and I offer it as a helpful suggestion.

Thanks,

Doug Watts