

# Memorandum

**To:** Maryalice Fischer, Certification Program Director, LIHI  
**From:** Jeffrey Cueto, P.E.  
**Date:** February 2, 2018  
**Re:** South Milton Hydroelectric Project – LIHI Certificate #100  
Recertification Request

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This memorandum contains the results of my review of the recertification request for the South Milton Hydroelectric Project (Project), located in the town of Milton, N.H. on the Salmon Falls River, a tributary of the Piscataqua River, which enters the Atlantic Ocean in Portsmouth, N.H. and Kittery, Maine. The facility is owned by the Salmon Falls River Hydro Corporation, or SFR Hydro (Applicant). The Project dam is one of fifteen on the river; six of the downstream dams host FERC-licensed or exempted hydroelectric facilities. FERC granted the Project an exemption from licensing as Project No. 3984 on June 30, 1981. LIHI publicly noticed the application for recertification on October 26, 2017, with comments due by December 26, 2017. No comments were filed in response to this formal notice.

The Project was originally certified on January 30, 2013 for a five-year term beginning September 6, 2012.<sup>1</sup> Certification was made subject to four special conditions: 1) maintenance of a bypass conservation flow of 58 cfs; 2) revision of the flow-monitoring plan to address maintenance of the bypass conservation flow and filing of that revised plan with FERC; 3) installation and operation of permanent American eel passage facilities by August 1, 2015; and 4) notification of LIHI and the State Historic Preservation Officer (SHPO) of any new activities that may have an adverse effect on historic properties and SHPO approval of such activities. By letter dated August 31, 2017, LIHI extended the certification terms to accommodate the recertification application review; the present termination date is April 6, 2018.

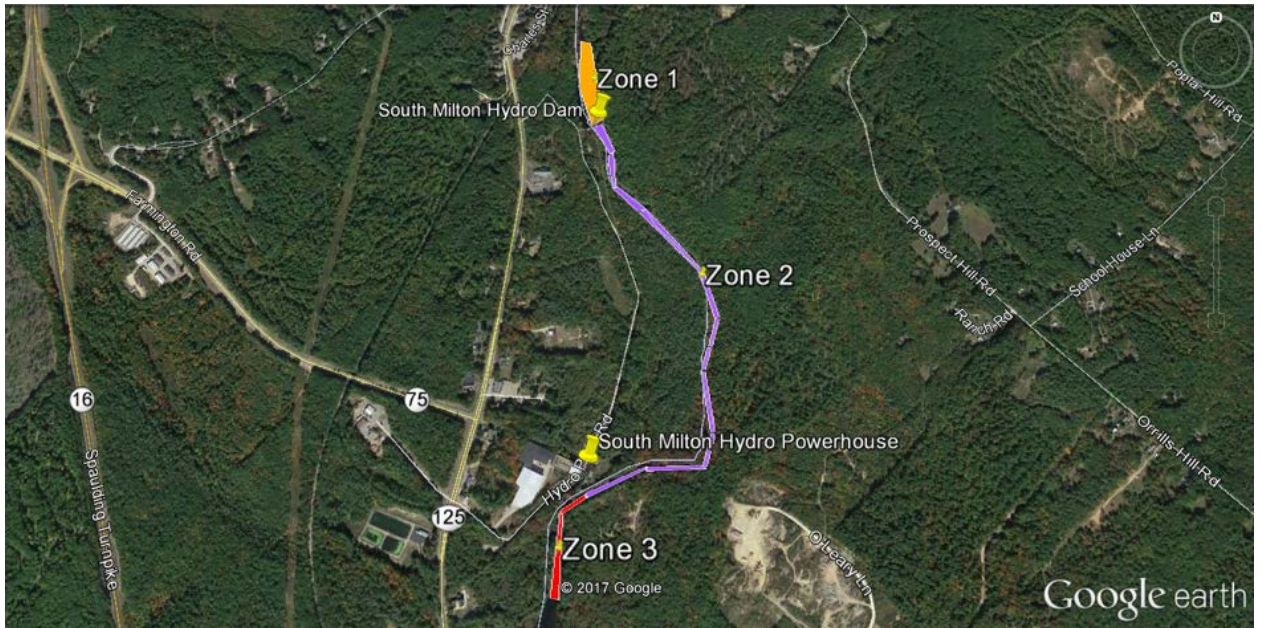
## **I. Recertification Review Standards.**

In 2016, LIHI began reviewing new applications, both initial applications and recertification applications, under a revised set of criteria and an updated process, all outlined in the Low Impact Certification Program 2<sup>nd</sup> Edition Handbook (March 7, 2016). Section 6 of the Handbook addresses the recertification process, which is comprised of two stages. Under Stage I, LIHI can expeditiously recertify a project if it

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<sup>1</sup> The reviewer report from 2013 is available at <https://lowimpacthydro.org/wp-content/uploads/2013/01/SouthMiltonCertificationFinalReport16Jan2013.pdf>

has a complete application and finds that there is neither a material change in the criteria or process or a material change in the facility that may affect conformance with the criteria. If a material change determination is made, then the application moves to Stage II for a full review under the criteria. Since the Project has not previously been subject to review under the new Handbook criteria and because that fact alone constitutes a



*Figure 1. Project area showing zones as defined by Applicant.*

material change, the application is subject to a Stage II full review under the revised criteria. The scope of review as described in the Handbook is:

The Stage II recertification review involves a complete review of the application package, a search of public records associated with the facility, and all other necessary inquiries (e.g., to resource agencies and local non-governmental organizations) to resolve factual disputes, evaluate the veracity of claims, or make other inquiries as needed. The application reviewer also reviews and summarizes all public comments received.

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At the conclusion of the full, Stage II review, the application reviewer will produce a detailed reviewer's report similar to that issued for an initial certification and make a recommendation to the Executive Director as to whether LIHI's criteria are still met by the facility, in light of the material change and/or the change in LIHI's criteria or interpretation.

The application indicates that the physical plant and its operation have not materially changed since the facility was first certified in 2013.

## II. Summary Recommendation.

Based on my review of the record, including the original LIHI reviewer report from 2013 and the files contained in FERC eLibrary and entered subsequent to the last certification review, as well as consultation with several resource agencies, I recommend that the South Milton Project be recertified for the standard period of five years, subject to four conditions to address ecological flows, fish passage, and cultural resources. These conditions are essentially the same as, or stem from, conditions placed on the original certification.

*Issue 1:* To provide an ecologically acceptable flow in the penstock-bypassed reach, a conservation flow of 58 cfs, or impoundment inflow if less, must be released at the dam.

*Condition 1:* The Owner shall continue to maintain a minimum flow of 58 cfs, or inflow if less, in the penstock-bypassed reach of river.

*Issue 2:* The original FERC-approved flow management plan does not specify the measures and protocols in place to comply with the bypass conservation flow requirement. While the 2013 LIHI certification required revision of the plan and filing of the revised plan within 90 days of the grant of certification, the plan as drafted and presented to the resource agencies did not address bypass flows. Consequently, that condition was only partially satisfied and needs to be carried forward.

*Condition 2:* After consultation with the U.S. Fish and Wildlife Service, the N.H. Department of Fish and Game, and the N.H. Department of Environmental Services, the Owner shall revise the Project flow monitoring plan by specifying the method for releasing the bypassed reach minimum flow (58 cfs, or instantaneous inflow if less, and true run-of-river operation) and how records will be maintained to demonstrate compliance with the bypass reach minimum flow and true run-of-river operation. The revised plan shall be filed with FERC for approval within 90 days of receipt of agency concurrence. The Owner shall copy LIHI on the filing in the following annual compliance report filed with LIHI.

*Issue 3:* There is a need to continue to maintain and operate the permanent American eel passage facilities developed pursuant to the original certification. The Owner should also monitor effectiveness.

*Condition 3:* The Owner shall continue to operate and maintain safe, timely, and effective upstream passage facilities for American eel in coordination with the New Hampshire Department of Fish and Game, the Maine Department of Marine Resources, and the U.S. Fish and Wildlife Service. The Owner shall monitor effectiveness using means acceptable to the agencies and report results annually to the agencies and in the annual compliance reports filed with LIHI. If, during the LIHI certification term, agencies determine that eel passage is not effective, the Owner

shall consult with agencies to develop and implement modifications to the passage facility. The status of consultation and any modifications to eel passage will also be reported to LIHI in the annual compliance reports.

*Issue 4:* The Facility site may contain archaeological or architectural/historic resources eligible for listing in the National Register of Historic Places (historic properties). There is no programmatic agreement between the Applicant, FERC, and the New Hampshire Division of Historical Resources nor is there a historic properties management plan to protect such resources, if present.

*Condition 4:* The Owner shall consult with, and obtain approval from, the State Historic Preservation Office in advance of conducting activities that may have an adverse effect on historic properties, including excavation, demolition, and structural alteration. Information on such activities shall be included in the annual compliance reports filed with LIHI.

The Applicant did not suggest that any Plus Standards are met that would extend the term of the certification for more than five years. I concur.

For the last five years, FERC eLibrary contains no documents indicating any issues or license violations relevant to the LIHI standards.

### **III. Standards Review**

#### Criterion A - Ecological Flow Regimes

*Goal:* The flow regimes in riverine reaches that are affected by the facility support habitat and other conditions suitable for healthy fish and wildlife resources.

*Review:* The South Milton Project operates as a true run-of-river facility, maintaining a bypassed-reach conservation flow of 58 cfs using a sluice gate located near the river-left abutment. Since the Project is subject to a FERC exemption, the exemptee must maintain and operate the Project consistent with the terms and conditions set by the federal and state resource agencies in the original exemption proceeding. Appendix 1 of the original LIHI application contains the terms letters. Those with binding conditions include:

**U.S. Fish and Wildlife Service** (January 3, 1981): a bypass conservation flow of 58 cfs, or a flow based on an instream flow habitat study, and anadromous fish passage when restored to the Project area

**U.S. Department of the Interior** (May 8, 1981): a downstream conservation flow of 58 cfs, an interim bypass conservation flow of 25 cfs with adjustment after the first year of operation, and anadromous fish passage when needed

**N.H. Department of Fish and Game** (January 6, 1981): anadromous fish passage when needed

**N.H. Department of Fish and Game** (April 20, 1981): a bypass conservation flow of 25 cfs with a possible future adjustment to 58 cfs)

**Maine Department of Marine Resources** (January 5, 1981): anadromous fish passage when needed and a minimum flow of 50 cfs at South Berwick should the Project operate in a peaking mode.

In Appendix 4 of the application, the Applicant provided an email (August 23, 2017) from the U.S. Fish and Wildlife Service (USFWS) supporting certification provided that there are no project changes and that eel passage would continue to be accommodated. The 58 cfs minimum flow is based on the USFWS's regional flow policy and uses a hydrologic standard-setting approach to flow prescriptions. It represents the regional median August flow (0.5 cfs/sq. mile)<sup>2</sup>, and is applied year around when higher seasonal flows are not believed to be necessary for support of fish spawning and incubation.

Because the FERC Order Approving and Modifying Stream Gaging Plan (April 20, 1993) only addressed below-project flows and was silent with respect to bypassed reach flows, the LIHI certification required passage of a minimum conservation flow of 58 cfs at the dam and revision of the flow management plan.<sup>3</sup> The revised flow management plan was to be developed in consultation with the resource agencies and filed with FERC within 90 days of the grant of certification in 2013. A copy of the draft plan was apparently filed with LIHI in 2015, but the plan was not finalized and filed with FERC.

The flow management plan as drafted and filed with LIHI is similar to the plan originally filed with FERC and approved under the FERC order in that it does not address the intent of LIHI's Condition 2 to specify the method, or methods, used to maintain bypassed reach minimum flows from the dam and related record keeping. The method should both maintain a minimum of 58 cfs when inflows are higher and match inflows when inflows fall below 58 cfs. The latter action avoids a drawdown of the impoundment, the impacts of which may include a significant lag time flow interruption when the station shuts down. Since the flow management plan does not meet the intent of the existing certification Condition 2, I recommend the condition be carried forward

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<sup>2</sup> According to the Project's *Water Quality Monitoring Field Sampling Plan* (Gomez and Sullivan Engineers, DPC, July 2016), 58 cfs is actually 0.54 cfs/sq. mile based on a watershed area of 107.4 square miles estimated using the U.S. Geological Survey Web application StreamStats.

<sup>3</sup> The plan approved in 1993 provided for a minimum downstream flow of 58 cfs to be met by operating in an instantaneous run-of-river mode.

into the recertification, including the provision that the revised flow monitoring plan be filed with FERC. The FERC regional office typically does project environmental inspections, and its inspectors should have this revised flow management plan. I also recommend carrying forward the conservation flow requirement condition.



*Figure 2. Penstock-bypassed reach of river.*

*Conclusion:* The Ecological Flow Regime Standard A-2 (*Agency Recommendation*) is met in the bypassed-reach zone as the minimum flow is based on a site-specific, science-based flow recommendation made by the USFWS during the original FERC exemption process, and no resource agencies appear to have subsequently raised any issues regarding flow management. In the tailrace zone, the run-of-river flow management meets LIHI's definition and can be considered to have a de minimis effect (Standard A-1). This determination is contingent on the following conditions being incorporated in the recertification:

1. The Owner shall continue to maintain a minimum flow of 58 cfs, or instantaneous inflow if less, through the penstock-bypassed reach of river.
2. After consultation with the U.S. Fish and Wildlife Service, the N.H. Department of Fish and Game, and the N.H. Department of Environmental Services, the Owner shall revise the Project flow monitoring plan by specifying the method for releasing the bypassed reach minimum flow (58 cfs, or instantaneous inflow if less, and true run-of-river operation) and how records will be maintained to demonstrate compliance with the bypass reach minimum flow and true run-of-river operation. The revised plan shall be filed with FERC for approval within 90 days of receipt of agency concurrence. The Owner shall copy LIHI on the filing in the following annual compliance report filed with LIHI.

### Criterion B - Water Quality

*Goal: Water Quality is protected in waterbodies directly affected by the facility, including downstream reaches, bypassed reaches, and impoundments above dams and diversions.*

*Review:* For the purposes of the original LIHI certification process, water quality samples were collected in the summer of 2012 as recommended by the N.H. Department of Environmental Services (NHDES). Data included dissolved oxygen, water temperature, phosphorus, and chlorophyll-a. Based on the sampling results, NHDES concluded that the Project as it was being operated at that time was meeting the water quality criteria for dissolved oxygen, phosphorus, and chlorophyll-a. (Letter from NHDES to LIHI, January 14, 2013) For recertification, NHDES asked that the Applicant repeat the sampling to demonstrate continued compliance. The Applicant did so following a sampling plan produced by Gomez and Sullivan Engineers, DPC (*Water Quality Monitoring Field Sampling Plan*, July 2016). Appendix 2 of the application contains a letter from NHDES (October 24, 2017) with findings similar to those made in 2013; sampling was done in 2016 and 2017. NHDES again concluded that the Project is currently meeting water quality standards.

Based on the NHDES's 2016 federal Clean Water Act water quality assessment, the Salmon Falls River is not Section 303(d) listed (impaired designated uses for which a Total Maximum Daily Load is required for attainment) for either the impoundment (Assessment Unit NHIMP600030405-02) or the one-mile-long reach immediately downstream of the dam (Assessment Unit NHRIV600030405-03). The documentation from the water quality assessment is shown in the following tables.

<b>Severe</b> Not Supporting, Severe	<b>Poor</b> Not Supporting, Marginal	<b>Likely Bad</b> Insufficient Information - Potentially Full Supporting	<b>No Data</b> No Data	<b>Likely Good</b> Insufficient Information - Potentially Full Supporting	<b>Marginal</b> Full Support, Marginal	<b>Good</b> Full Support, Good
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\*DES Categories; 2-G = Supports Parameter well above criteria, 2-M = Supports Parameter marginally above criteria, 2-OBS = Exceeds WQ criteria but natural therefore not a WQ exceedence, 3-ND = Insufficient Information/No data, 3-PAS= Insufficient Information/Potentially Attaining Standard, 3-PNS= Insufficient Information/Potentially Not Attaining Standard, (4A=Impaired/TMDL Completed, 4B=Impaired/Other Measure will rectify Impairment, 4C=Impaired/Non-Pollutant, 5=Impaired/TMDL needed) M=Marginal Impairment, P=Severe Impairment, T=Threatened (<http://des.nh.gov/organization/divisions/water/wmb/swqa/index.htm>)

November 30, 2017

Assessment Unit ID NHIMP600030405-02 Size 5.0000 ACRES 2016, 305(b)/303(d) - All Reviewed  
 Assessment Unit Name SALMON FALLS RIVER - SALMON FALLS RIVER I Beach N Parameters by Assessment Unit  
 Primary Town MILTON Assessment Unit Category\*~ 3-PAS

Designated Use Description	*Desig. Use Category	Desig. Use Threat	Parameter Name	Parameter Threatened (Y/N)	Last Sample	Last Exceed	Parameter Category*	TMDL Priority	Source Name (Impairments only)
Aquatic Life	3-PAS		Chlorophyll-a	N			3-ND		
			DISSOLVED OXYGEN SATURATION	N	2016	2016	2-M		
			OXYGEN, DISSOLVED	N	2016	2016	3-PNS		
			pH	N			3-ND		
Drinking Water After Adequate Treatment	2-G								
Fish Consumption	4A-M		Mercury	N			4A-M	Atmospheric Deposition - Toxics	
Primary Contact Recreation	3-ND		CHLOROPHYLL-A	N	2016	N/A	2-G		
			Escherichia coli	N			3-ND		
Secondary Contact Recreation	3-ND		Escherichia coli	N			3-ND		
Wildlife	3-ND								

Table 1. 2016 N.H. Water Quality Assessment for impoundment.



<u>Assessment Unit ID</u>	NHRIV600030405-03	<u>Size</u>	1.0820	MILES	<b>2016, 305(b)/303(d) - All Reviewed Parameters by Assessment Unit</b>
<u>Assessment Unit Name</u>	SALMON FALLS RIVER	<u>Beach</u>	N		
<u>Primary Town</u>	MILTON	<u>Assessment Unit Category*</u>	3-PAS		

Designated Use Description	*Desig. Use Category	Desig. Use Threat	Parameter Name	Parameter Threatened (Y/N)	Last Sample	Last Exceed	Parameter Category*	TMDL Priority	Source Name (Impairments only)
Aquatic Life	3-PAS		DISSOLVED OXYGEN SATURATION	N	2016	N/A	2-G		
			OXYGEN, DISSOLVED	N	2016	N/A	2-G		
			PHOSPHORUS (TOTAL)	N	2016	NLV	3-PAS		
			pH	N			3-ND		
Drinking Water After Adequate Treatment	2-G								
Fish Consumption	4A-M		Mercury	N			4A-M	Atmospheric Deposition - Toxics	
Primary Contact Recreation	3-ND		CHLOROPHYLL-A	N	2016	N/A	2-G		
			Escherichia coli	N			3-ND		
Secondary Contact Recreation	3-ND		Escherichia coli	N			3-ND		
Wildlife	3-ND								

Table 2. N.H. Water Quality Assessment for reach downstream of dam.

*Conclusion:* The Water Quality Standard B-3 (Site-Specific Studies) is met in all zones based on the 2016-17 sampling study and NHDES's review of the sampling data. No zones are listed as impaired for any designated uses.

### Criterion C - Upstream Fish Passage

*Goal:* The facility allows for the safe, timely, and effective upstream passage of migratory fish. This criterion is intended to ensure that migratory species can successfully complete their life cycles and maintain healthy, sustainable fish and wildlife resources in areas affected by the facility.

*Review:* The USFWS reserved authority to prescribe fish passage during the FERC exemption proceeding; however, no formal prescriptions have been issued to date for migratory or for riverine fish. While the basin historically supported anadromous fish use as evidenced by the river's name, the presence of multiple dams downstream of the Project precludes access by anadromous fish. Based on contacts made with the New Hampshire and Maine fisheries agencies, there is no current plan to request anadromous passage facilities at the site for at least the next five years.

By letter dated August 14, 2015, the Applicant notified LIHI of completion of permanent upstream and downstream American eel passage facilities at the dam as required by Condition 3 of the LIHI certification. The design was coordinated with the USFWS. Anecdotal information contained in the recertification application suggests that passage is successful. The N.H. Department of Fish and Game (NHF&G), in the appended email dated January 26, 2018, asks that the Applicant provide effectiveness monitoring data, which, based on the appended May 10, 2012 email from the Applicant's representative, was to be collected. The Lakeside Engineering, Inc. eel passage plan addresses conceptual design but is silent on effectiveness monitoring.

*Conclusion:* I suggest that the Project be considered to meet the Upstream Fish Passage Standard C-3 (Best Practice/Best Available Technology) as 1) there is no current plan for anadromous fish access to the Project site within the 5-year term of a certification, and 2) permanent catadromous fish passage is now being provided. This determination is contingent on the following condition being incorporated in the recertification:

3. The Owner shall continue to operate and maintain safe, timely, and effective upstream passage facilities for American eel in coordination with the New Hampshire Department of Fish and Game, the Maine Department of Marine Resources, and the U.S. Fish and Wildlife Service. The Owner shall monitor effectiveness using means acceptable to the agencies and report results annually to the agencies and in the annual compliance reports filed with LIHI. If, during the LIHI certification term, agencies determine that eel passage is not effective, the Owner shall consult with agencies to develop and implement modifications to the passage facility. The status of consultation and any modifications to eel passage will also be reported to LIHI in the annual compliance reports.

### Criterion D - Downstream Fish Passage and Protection

*Goal: The facility allows for the safe, timely, and effective downstream passage of migratory fish. For riverine (resident) fish, the facility minimizes loss of fish from reservoirs and upstream river reaches affected by Facility operations. All migratory species are able to successfully complete their life cycles and to maintain healthy, sustainable fish and wildlife resources in the areas affected by the Facility.*

*Review:* See discussion above on upstream passage.

*Conclusion:* The Downstream Fish Passage Standard D-3 (Best Practice/Best Available Technology) is met based on the same reasoning applicable to upstream passage and subject to the same condition.

### Criterion E – Shoreline and Watershed Protection

*Goal: The Facility has demonstrated that sufficient action has been taken to protect, mitigate and enhance the condition of soils, vegetation and ecosystem functions on shoreline and watershed lands associated with the facility.*

*Review:* As noted in the original certification report:

The Facility dam creates a small impoundment with a surface area of about 100 acres and a length of about 1,100 feet. No protected buffer zones have been created along the riverine impoundment through a settlement agreement or the federal exemption. Further, there is no shoreland protection plan. Except at the dam, the Applicant only has flowage rights for the impoundment.

Based on the ownership map provided in Appendix 8 of the application, the Applicant does not own the lands along the river in the penstock-bypassed reach.

Based on aerial views of the site, the riparian area for the impoundment and the bypassed reach are well forested. While no “significant ecological value for protecting water quality, aesthetics, or low-impact recreation” (part of Standard E-1) has been identified, retention of the forested shoreline should be encouraged to protect aquatic biota, wildlife, and water quality.

*Conclusion:* The Shoreline and Watershed Protection Standard E-1 (Not Applicable/De Minimis Effect) is met in all zones under the Applicant’s ownership or control. There are no lands associated with the facility that are subject to a shoreline management plan or similar protection, and those lands are not known to have significant ecosystem functions or recreational use.

### Criterion F - Threatened and Endangered Species Protection

*Goal: The Facility does not negatively impact listed species.*

*Review:* Two federally listed threatened species may occur in the Project vicinity, small whorled pogonia, a member of the orchid family that has been documented in the town of Milton, and northern long-eared bat, which occurs statewide. According to the application, these species are also state listed in New Hampshire. The small whorled pogonia is principally found in upland hardwood forest understories. During the summer, northern long-eared bats roost in trees and are therefore susceptible to tree cutting.

*Conclusion:* The Threatened and Endangered Species Protection Standard F-2 (Finding of No Negative Effect) is met in all zones. There is no evidence that the facility was responsible for the extirpation of any listed species that may have been present historically, and, although there is no specific determination by a natural resource management agency that maintenance and operation of the Project does not present a risk to listed species, it seems reasonable to apply Standard F-2 as no tree cutting is known to be planned that may present a threat to northern long-eared bats and it is unlikely that small-whorled pogonia habitat is located within areas affected by Project operations or maintenance.

### Criterion G - Cultural and Historic Resource Protection

*Goal: The Facility does not inappropriately impact cultural or historic resources that are associated with the Facility's lands and waters, including resources important to local indigenous populations, such as Native Americans.*

*Review:* The original reviewer report states:

There is no specific site information concerning archaeological or architectural/historical resources; however, it is known that this site has a rich history as related to mill development. There is no programmatic agreement between the Applicant, FERC, and the New Hampshire Division of Historical Resources nor is there a historic properties management plan to protect such resources, if present.

As part of the original certification, the applicant submitted a Request for Project Review to the New Hampshire Division of Historical Resources by letter dated April 19, 2012. The Division responded on April 27, 2012 that the LIHI certification process is not an undertaking that would affect facilities and that the facility may become National Register eligible at a future date, necessitating architectural inventories. The recertification application indicates that no such registration has occurred to date.

According to the recertification application, "SFR Hydro Corporation purchased the project in 2000 and there has been no construction or demolition that would adversely

affect cultural or historic resources.” The FERC eLibrary record does not indicate any recent conflicts with the application’s statement. The application also suggests that Condition 4 of the original certification be incorporated into the recertification.

*Conclusion:* The Cultural and Historic Resource Protection Standard G-1 (Not Applicable/De Minimis Effect) is met as no operational changes or construction are planned, and cultural resources will be protected if the recertification is subject to Condition 4:

4. The Owner shall consult with, and obtain approval from, the State Historic Preservation Office in advance of conducting activities that may have an adverse effect on historic properties, including excavation, demolition, and structural alteration. Information on such activities shall be included in the annual compliance reports filed with LIHI.

#### Criterion H - Recreational Resources

*Goal: The facility accommodates recreation activities on lands and waters controlled by the facility and provides recreational access to its associated lands and waters without fee or charge.*

*Review:* While the Project is not subject to a recreation plan and does not provide formal recreational facilities on site, the Applicant does allow open access to the lands for public use, subject to safety limitations. It should be noted that the impoundment shoreline and penstock-bypassed river reach lands are not owned by the applicant (see Appendix 8 of the application).

*Conclusion:* The Recreational Resources Standard H-3 (Assured Accessibility) is met as the Applicant allows free and open public access to Project lands for recreational use.

## **APPENDIX**

**Subject:** Re: Milton Hydro, Salmon Falls River - Milton, NH - Request for LIHI review  
**From:** Stephen Hickey <sjh@essexhydro.com>  
**Date:** 5/10/2012 3:48 PM  
**To:** John\_Warner@fws.gov  
**CC:** gregg.comstock@des.nh.gov, Carol.Henderson@wildlife.nh.gov

John, Gregg and Carol:

I visited Milton Hydro today and was pleased to see that they have installed 3/4" trashracks over the entire intake. Based on your email of 5/7/2012, SFR Hydro Inc., the project owner, has agreed to create an upstream and downstream eel passage plan ("the plan") for approval by both USFWS & NH Fish and Game. As part of the plan, the project will calculate approach velocities to determine what turbine output level corresponds to a maximum intake velocity of 1.5 fps. The project will propose to reduce dusk to dawn generation to this level between August 15 and November 15. Milton hydro will provide a schedule for for upstream and downstream eel passage monitoring and construction activities on a timetable as agreed to by the agencies. At a minimum the schedule will include anticipated dates for night observations, temporary trapping, passage design, permanent installation and monitoring/efficiency testing. Milton Hydro will also provide design drawings for the proposed downstream eel trap. The trap will be constructed out of vinyl coated trap wire after approval of the design.

Milton Hydro anticipates that agency approval of an upstream and downstream eel passage plan and construction timetable will be a condition of Milton Hydro's LIHI certification. Please confirm you agree to this approach and would support the LIHI certification of this project based on the project's commitment to create such a plan and install the required passage on a timetable agreed to by the agencies.

Thank you and please contact me with any questions.

Steve

Stephen Hickey  
Hydro Management Group, LLC  
as authorized agent for SFR Hydro Inc.  
55 Union Street, 4th Floor  
Boston, MA 02108  
tel: 617-367-0032  
fax: 617-367-3796

On 5/7/2012 10:28 AM, [John\\_Warner@fws.gov](mailto:John_Warner@fws.gov) wrote:

Steve - American eel transit up the Salmon Falls River and would be an identified need. Passage for other species has not been triggered and there is no plan or timetable for anadromous fish passage at this project.

-- JW

Carol Henderson <Carol.Henderson@wildlife.nh.gov>

January 26, 2018 at 10:08 AM

CH

RE: South Milton

To: Jeffrey Cueto <ompompanoo@aol.com>

Hi Jeff:

Thank you for your patience. It appears from the information that you provided that the previous 4 LIHI conditions, including a bypass conservation flow of 58 cfs (USFWS summer aquatic base flow), updating of the flow management plan, and installation of American eel passage facilities, upstream and downstream, by August 2015 have been completed and complied with, as suggested five years ago in the previous LIHI process. It is also my understanding from the information that the USFWS had reviewed the design of the eel passage plans and so I must assume that the eel passage effectiveness was considered within the design. However, it would be beneficial to this agency if the facility owners could report any results that they may obtain concerning the effectiveness of the installed eel passage facilities that they have gathered.

Also, the Department is presently involved with the relicensing process for 3 hydroelectric facilities located on the Salmon Falls River below this facility, which could provide more information on the future goals for restoring anadromous fish to the river. At this point in time, I agree with the Maine Department of Marine Resources that there is no need for passage for at least 5 years. I hope this information has been helpful. If you need further assistance, please do not hesitate to contact me. Thank you, Carol Henderson, NH Fish and Game Department

[See More from Jeffrey Cueto](#)



From: **Wippelhauser, Gail** Gail.Wippelhauser@maine.gov  
Subject: RE: South Milton Hydroelectric Project LIHI review  
Date: January 19, 2018 at 1:10 PM  
To: **Jeffrey Cueto** ompompanoo@aol.com



There is no Maine initiative to restore anadromous fish to the river, and therefore no passage measures will be needed at this dam for at least 5 years.

Gail Wippelhauser, Ph. D.  
Marine Resources Scientist  
Maine Department of Marine Resources  
#172 State House Station  
Augusta, ME 04333  
Phone: 207-624-6349 Fax: 207-624-6501  
email: gail.wippelhauser@maine.gov  
-----Original Message-----  
From: Jeffrey Cueto [mailto:ompompanoo@aol.com]  
Sent: Friday, January 19, 2018 12:19 PM  
To: Wippelhauser, Gail <Gail.Wippelhauser@maine.gov>  
Subject: Re: South Milton Hydroelectric Project LIHI review

Thanks, Gail. Is there an initiative to restore anadromous fish to the river and, if so, is it correct that no passage measures at this dam will be needed for at least 5 years due to the several downstream dams?  
Jeff

On Jan 19, 2018, at 11:36 AM, Wippelhauser, Gail <Gail.Wippelhauser@maine.gov> wrote:

I have not been monitoring this project, and cannot comment.

Gail Wippelhauser, Ph. D.  
Marine Resources Scientist  
Maine Department of Marine Resources  
#172 State House Station  
Augusta, ME 04333  
Phone: 207-624-6349 Fax: 207-624-6501  
email: gail.wippelhauser@maine.gov  
-----Original Message-----  
From: Jeffrey Cueto [mailto:ompompanoo@aol.com]  
Sent: Wednesday, January 03, 2018 1:41 PM  
To: Wippelhauser, Gail <Gail.Wippelhauser@maine.gov>; Carol Henderson <carol.henderson@wildlife.nh.gov>  
Cc: John P. Warner <John\_Warner@FWS.gov>; Maryalice Fischer <mfischer@lowimpacthydro.org>  
Subject: South Milton Hydroelectric Project LIHI review

Hi, Gail and Carol. I'm reviewing the the South Milton Project for renewal of its Low Impact Hydropower Institute certification. I had also reviewed it five years ago when it was seeking its original certification. At that time, LIHI had certified it subject to four conditions, including a bypass conservation flow of 58 cfs (USFWS summer aquatic base flow), updating of the flow management plan, and installation of American eel passage facilities, upstream and downstream, by August 2015. I believe that the owner has complied with those conditions. I simply wanted to confirm with you that your agencies are satisfied with the current status of the project and its operations and that there is no anticipated need to accommodate other migratory fish over the next five years.

Thank you for your time.

Sincerely,  
Jeffrey Cueto, P.E.