

APPENDIX C

FISH PASSAGE AND PROTECTION

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Benton Falls Hydroelectric Project

Fish Passage and Protection

The Federal Energy Regulatory Commission originally licensed the Benton Falls project without a requirement for fish or eel passage facilities. Subsequently, on January 25, 1989, in accordance with provisions of the Kennebec Hydro Developers Agreement (“the KHDG Agreement”), Benton Falls Associates’ (“BFA”) FERC license for the BF Project was amended to require installation of upstream and downstream fish passage facilities.

In 2006 BFA completed installation of both upstream and downstream fish passage facilities. The upstream fish passage facility consists of an elevator designed to pass alewives, shad and salmon. The downstream fish passage facility consists of two conduits that maintain a minimum flow of 350 cfs or project inflow that bypass the turbines. The upstream and downstream facilities became operational in the spring of 2006 and now have operated during four upstream and downstream fish migration seasons. These facilities have been highly successful. A record 1,319,137 alewives were transported upstream during the 2009 migratory season using the fish elevator. An even greater number were transported during the 2010 upstream migration season.

In addition to the upstream and downstream fish passage facilities that were installed in 2006, an upstream eel ramp has been installed on the eastern end of the dam. The eel ramp is maintained and operated by Benton Falls’ personnel, in consultation with Maine Department of Marine Resources (“MDMR”). The eel ramp is made ready for operation by June 1 of each year and operated until the earlier of September 15 or a date mutually agreed upon with MDMR. In order to minimize downstream eel mortality BFA has developed an operating plan in cooperation with the MDMR under which plan BFA replaced the existing trash racks for its #2 unit with new trash racks with smaller spacing approved by MDMR and installed a removable screen with similar spacing for its #1 unit trash rack. The Unit #1 removable screen is lowered into place on or before September

1 of each year and maintained in place during the downstream eel migration season. From 1999 to date, the facility has passed a total of 345,023 eels.

In accordance with the KHGD agreement, BFA is required to provide an annual fish passage effectiveness report to the FERC (after review by appropriate federal and state agencies). This report describes the operation of both fish and eel passage facilities. A copy of the most recent Fish Effectiveness report is attached as Exhibit C-1