

Appendix C

Fish Passage and Protection Automatic Hydroelectric Project

As a condition of the Low Impact Hydropower Institute's certification of Messalonskee Stream Hydro's Union Gas, Rice Rips and Oakland Hydroelectric plants, Messalonskee Stream Hydro (MSH) is required, within 18 months of the issuance of the certifications, to provide LIHI with a copy of an agreement with the Maine Department of Marine Resources and the U.S. Fish and Wildlife Service (the agencies) demonstrating that MSH has reached agreement with the agencies on the final design, construction, operations and maintenance of safe, timely and effective upstream and downstream passage of American Eel (see Appendix C-1).

MSH's Union Gas facility is located immediately downstream of the Automatic Project and MSH's Rice Rips and Oakland hydroelectric facilities are located immediately upstream, in that order, of the Automatic Project. As a condition of receiving its certification by the Low Impact Hydropower Institute, Automatic would commit to signing a similar agreement with the agencies for installing effective upstream and downstream Eel passage at its dam in a timely manner with the passage of American Eel at the MSH projects.

As a condition of issuance, the FERC License requires the Automatic project to comply with any subsequent terms and conditions that Federal and State fish and wildlife agencies determine appropriate for the project. The FERC reserved the right to revoke the license if any term or condition of the license is violated.