

Appendix 6

Fish Passage and Protection

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Migratory fish pass the facility using upstream and downstream passage, installed in 1983, in accordance with the design criteria of the USF&WS. As a condition of issuance, the FERC Exemption requires the Jackson Mills Hydro facility (“the project”) to comply with any terms and conditions that Federal and State fish and wildlife agencies have determined appropriate for the project. The FERC reserved the right to revoke the exemption if any term or condition of the exemption was violated. Nashua Hydro Associates (“NHA”) believes this condition constitutes a legal obligation to install fish passage facilities.

In its FERC Exemption application dated September 1983, NHA agreed to comply with comments of the US Department of Interior, the National Oceanic and Atmospheric Administration; the U. S. Fish and Wildlife Service; the New Hampshire Fish and Game Department, and the New Hampshire Water Supply and Pollution Control Commission. Letters from each of those agencies are included as exhibits 6.1-6.4. The agencies concurred that the fish passage facilities required for the project included the installation of upstream and downstream passage facilities installed in accordance with the design criteria of the USF&WS. Upstream and downstream passage was installed in 1983 and have operated successfully since then. During these operating years the agencies have periodically inspected the fish passage facilities. Minor deficiencies were noted during these inspections that were addressed by the project. NHA remains in compliance with fish passage requirements at the Jackson Mills dam.