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DAVID B. WARD, P.C.

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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Lower Penacook Project

Project No. 3342-004

ORDER AMENDING LICENSE ARTICLE

(Issued October 10, 1986)

On August 5, 1986, New Hampshire Associates (licensee) filed an application for amendment of the license for the Lower Penacook Project, to amend article 32 to reflect an agreement between Public Service of New Hampshire (PSNH) and the state and federal fishery agencies regarding the construction of fish passage facilities at mainstem dams on the Merrimack River. ^{1/} The Lower Penacook Project is located on the lower Contoocook River, which is a tributary stream proposed for anadromous fish restoration and that enters the Merrimack River upstream of the fifth mainstem dam.

The revision of article 32 will provide for construction of fish passage facilities at the Lower Penacook Project on a schedule consistent with the agreement on mainstem fish passage, and based on the success of the anadromous fish restoration program on the Merrimack River.

The Director orders:

(A) Article 32 of the license is amended to read:

Article 32. The licensee, within 2 years after the annual passage of 15,000 adult American shad through the fish passage facilities at the Garvins Falls Project (FERC No. 1893), or through the fish

^{1/} The agreement is entitled, A Comprehensive Plan for Provision of Anadromous Fish Passage Measures and Facilities at PSNH's Merrimack-Pemigewasset River Hydroelectric Dams, FERC Project Nos. 1893, 2456, and 2457, and was signed by PSNH, the New Hampshire Fish and Game Department, the Massachusetts Division of Fisheries and Wildlife, the Massachusetts Division of Marine Fisheries, the National Marine Fisheries Service, the U.S. Forest Service, and the U.S. Fish and Wildlife Service.

facilities of the proposed Sewalls Falls Project (FERC No. 7216) if constructed, but in no case later than July 1, 2004, shall file for Commission approval functional design drawings of fish passage facilities for the Lower Penacook Project, prepared after consultation with the New Hampshire Fish and Game Department and the U.S. Fish and Wildlife Service. The licensee shall provide upstream and downstream fish passage facilities at the Lower Penacook Project within 5 years after the annual passage of 15,000 adult American shad through the fish facilities at the Garvins Falls Dam, or Sewalls Falls Dam if constructed, consistent with the agreement entitled, A Comprehensive Plan for Provision of Anadromous Fish Passage Measures and Facilities at PSNH's Merrimack-Pemigewasset River Hydroelectric Dams, FERC Project Nos. 1893, 2456, and 2457. Further, the licensee shall file as-built drawings of the Lower Penacook Project fish passage facilities within 6 months after completion of construction.

(B) This order is issued under authority delegated to the Director and is final unless appealed to the Commission under Rule 1902 within 30 days from the date of this order.

Richard T. Hunt
Richard T. Hunt
Director, Office of
Hydropower Licensing