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GOVERNOR

STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES
21 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0021

PATRICK C. KELIHER
COMMISSIONER

October 30, 2020

Kathy Davis Howatt
Hydropower Coordinator
Bureau of Land Resources
Department of Environmental Protection

Dear Kathy:

MDMR hereby submits our *Recommended Terms and Conditions for the Shawmut Hydroelectric Project (P- 2322)* in response to the Licensee's Application for a Water Quality Certification (DEP Application: #L-19751-33-H-N). Our Terms and Conditions are supported by our agency mission for protecting and conserving diadromous species and their associated habitat.

MDMR is working with relevant technical experts to determine the best fish passage approach proactively as we currently consider the proposed plans inadequate and unlikely to meet the standards. This may include a bypass fishway alternative that was developed by the applicants consultants as part of the *Energy Enhancements and Lower Kennebec Fish Passage Improvements Study (BWPH 2018)* (FERC Accession #s 20190701-5155 and 20190701-5154). MDMR would like to work with DEP on how best to incorporate effective fish passage into the WQC and will continue to update DEP on progress related to those efforts. The below recommendations outline processes that assume fish passage evaluation of the applicants proposed fishways (or slightly modified) and steps to evaluate the effectiveness and remedy deficiencies.

We appreciate your request for project review and would like to set up a meeting with you soon to discuss any questions you may have and next steps in the process.

Sincerely,

Sean Ledwin

Sean Ledwin
Director
Sea-Run Fisheries and Habitat