



Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First St., N.E.
Washington, D.C. 20426

FILED ELECTRONICALLY

October 16, 2016

RE: Fish Kill and License Violation. Ellsworth Project, Union River, Maine. FERC Project No. 2727. October 2016.

Dear Secretary,

This Complaint by the Downeast Salmon Federation (DSF) seeks immediate corrective action for an ongoing fish kill and license violation by the Ellsworth Dam Project in October 2016.

This fish killed occurred at approx. 7 a.m. on Wednesday, October 12, 2016 and was witnessed and photographed by DSF staff member Brett Ciccotelli. Videography of the fish kill and forensic details (ie. proximity to project) is captured on the following video clips uploaded to YouTube:

<https://www.youtube.com/watch?v=XA4dTjInqy0&feature=youtu.be>

<https://www.youtube.com/watch?v=43uer1vW6qU>

The video clips clearly show alewives being killed (ie. still wriggling, even with their eyes blown out) at the moment of Mr. Ciccotelli's site visit at 7 a.m., indicating entrainment was occurring at the exact time of his site visit.

During his 7 a.m. site visit, Mr. Ciccotelli collected a **small sub-sample** of the killed fish (juvenile alewives) and transferred them to Bailey Bowden of Penobscot, Maine who provided the following basic forensics of the sub-sample:

From: Bailey Bowden <clamchair@gmail.com>

Date: October 13, 2016 at 3:55:48 PM EDT

To: Brett Ciccotelli <brett@mainesalmonrivers.org>

Cc: Dwayne Shaw <dwayne@mainesalmonrivers.org>, Russell Heath <russell@mainesalmonrivers.org>

Subject: Re: Union River information, fish kill photos/videos, and how to help.

Hey Brett,

Thanks for letting me take a closer look at the wasted juvenile fish from the Union River. There were 34 fish collected and 29 were able to be measured. The size generally ranged from 53mm to 60 mm with one whopper reaching 80mm. Most of the fish were 55-56mm (19 of 29).

Here is the breakdown you were interested in.

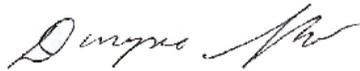
fish w/ 1 eye gone:	8
fish w/ both eyes gone:	19
fish w/ no heads :	5
whole fish :	2
TOTAL	34 alewives

The fish are currently chillin' in my freezer.

Best,
Bailey

This perennial and ongoing killing of juvenile alewives in the turbines of the Ellsworth Project is a violation of Article 406 of the existing license for the Project. As such, DSF requests corrective action by FERC to stop this ongoing fish kill at the Ellsworth Project. DSF requests that FERC immediately order the Licensee to cease power generation at the dam for the duration of the fall 2016 fish migration season so as to prevent any further turbine entrainment of juvenile alosids and other migrating fish at the dam.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dwayne Shaw".

Dwayne Shaw
Executive Director
Downeast Salmon Federation
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