

STATUS REPORT: LAWRENCE AND LOWELL FISHLADDERS
Congressman Paul E. Tsongas
April 9, 1977

The Federal Power Commission, in a step intended to compel construction of a Lawrence fishladder, ordered the licensing of the Essex Company of Lawrence. The company owns water rights to both the Merrimack River dam and power canal system.

The Essex Company, which is bankrupt, began legal maneuvers to block licensing and fishladder construction. A lengthy court fight was expected. It was also anticipated that a similar event would occur up the river in Lowell when FPC attempts were made to license the Locks and Canals Corporation dam.

Following a meeting with Massachusetts, New Hampshire, and federal officials, it was decided that funds would be pursued from the Anadromous Fish Conservation Act, Public Law 89-304. The law, amended in 1974, provides \$25 million for the construction of fishladders, biological research, environmental management, purchase of adjacent lands, and establishment of fish hatcheries. The federal government supplies 2/3 funding with the remainder of the cost being assumed by states, localities, and/or private groups.

Estimates for the total cost of the Lawrence and Lowell fishladders ranges between \$1.25 million and \$1.5 million.

With a number of qualifying conditions the state has now agreed to supply 1/3 of funds required for federal participation and funding. It was anticipated that an initial \$30,000 would have become available for an engineering and parameters study.

It appeared that the sole roadblock to fishladder construction would be the federal government's hesitation to provide funds for projects which would benefit private companies. Both the Essex Company in Lawrence and the Locks and Canals Corporation in Lowell would benefit from the construction of the fishladders. However, it could certainly be argued that the benefits go far beyond improvements to the bankrupt firms. Fish passage would be possible not only from the Atlantic, but into upper New Hampshire. The New Hampshire Public Service Company has already agreed to construct fishladders at their dams following completion of work in Lowell and Lawrence. New environmental standards will result in a waterways and spawning grounds that can again support anadromous species such as Atlantic Salmon and shad which once flourished in the region.

A new development has now complicated the situation. A Lawrence development company has applied to the FPC to operate the Essex Company dam and canals and produce hydroelectric power. Although the proposal includes a plan to equip the dam with a fishladder, the application process could take a number of years. Furthermore, the potential acquisition of the Essex Company could work against arguments that fishladders

could never be constructed without the assistance of the federal government.

My office is now discussing the status of the Lawrence proposal firm and with state officials. We intend to evaluate the latest developments and determine whether it will be necessary to change strategy at this point. There is no doubt that chances for immediate funding have been damaged. However, successful application for the Essex Company rights would eventually result in construction of a Lawrence fishladder. This would tend to make Lowell construction of critical importance and focus activities on this project. It is possible that the Lowell fishladder (estimated to cost less than a Lawrence passageway) could be constructed without the full 2/3 federal share provided for in the Anadromous Fish Conservation Act.

I would expect to have developed a new strategy regarding the construction of Merrimack River fishladders before the end of May.