



U.S. ARMY



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New England District

# PUBLIC NOTICE

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Applicant:  
Sean Ledwin  
Maine Dept. of Marine Resources

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## **New England District Permit Application No. NAE-2021-01340**

**TO WHOM IT MAY CONCERN:** The New England District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344). The purpose of this public notice is to solicit comments from the public regarding the work described below:

**APPLICANT:** Sean Ledwin  
Maine Department of Marine Resources  
32 Blossom Lane  
Augusta, Maine 04330

**WATERWAY AND LOCATION:** The project would affect waters of the United States associated with the Dennys River and Meddybemps Lake. The project/review area is located at 881 Main Street, at Latitude 45.0392592 and Longitude -67.3572443; in Meddybemps, Washington County, Maine.

**EXISTING CONDITIONS:** The outlet of Meddybemps Lake is currently impounded approximately 6 to 8 feet by a historic concrete dam with a Denil style fishway. Flows out of the lake are regulated primarily by the dam spillway gate, which has been broken since 2023. The dam and fishway are both aging structures that require substantial maintenance and upkeep by the Maine Department of Marine Resources (MDMR) while providing inadequate fish passage.

### **PROJECT PURPOSE:**

**Basic: Impoundment Maintenance**

**Overall: To replace the existing outlet structure at Meddybemps Lake (Dennys River) at existing water levels, while improving fish passage.**

**PROPOSED WORK:** The applicant requests authorization to discharge permanent fill material into 29,900 square feet (SF) of the Dennys River, Meddybemps Lake and adjacent wetlands to facilitate a dam removal and installation of a fishway and a new impounding structure. The proposed fishway will be constructed of a series of 12 boulder weir steps and associated pools over a length of 140 linear feet at a slope of 25H:1V to replicate natural stream conditions up to the head of the lake. The new impounding structure of Meddybemps Lake will be a reinforced concrete wall designed

to maintain relatively permanent water levels similar to existing conditions. A natural floodplain will be designed into the fishway to regulate high flows. Downstream of the fishway, the project also includes activities to remove riprap and a remnant dam structure as well as regrading the substrate to widen the channel within the Dennys River and improve fish passage. The slope will also be regraded no steeper than 2H:1V to stabilize the banks.

**AVOIDANCE AND MINIMIZATION:** The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The project is intended to improve fish passage ability in the Dennys River to Meddybemps Lake, by replacing a dam and aging denil-style fish ladder with a nature-like fishway and new water level control structure. The nature-like fishway alternative minimizes permanent structural impacts while maximizing ecological function. The proposed fishway is designed to improve hydraulic conditions to allow fish to ascend over the current drop, re-establish the thalweg of the river, minimize future disturbance, and create a more natural bankfull width in the river. Improving fish passage throughout these sites will help maximize the restoration potential of river herring, a co-evolved diadromous species (i.e., American eel, American Shad, alewife, blueback herring, sea lamprey, and Atlantic salmon), to biologically significant numbers.

The work area will be de-watered and completed behind a sandbag coffer dam, with pumps directing flow downstream. Numerous sediment and erosion control measures will be implemented during construction, including the following:

- Areas undergoing construction will be maintained in an untreated or unvegetated condition for the minimum time required.
- Sediment barriers will be installed prior to any soil disturbance of upgradient drainage areas.
- Silt fences will be installed at the toe of slopes.
- All erosion control structures will be inspected, replaced, and/or repaired every 7 days and immediately following any significant rainfall or snow melt or when no longer serviceable due to sediment accumulation or discomposure. Sediment deposits will be removed when they reach approximately one-third the height of the barrier. Sediment control devices will remain in place and be maintained until areas upslope are permanently stabilized.
- No slopes, either permanent or temporary, will be steeper than two horizontal to one vertical (2 to 1) unless stabilized with riprap or other structural means.
- If final seeding and sodding is not expected prior to the anticipated date of the first killing frost, temporary annual ryegrass seeding and mulching on rough graded subsoil will be applied to protect the site and delay permanent loaming, fine grading, and seeding or sodding until spring. When feasible, temporary seeding of disturbed areas that have not been finish graded shall be completed 30 days prior to the first killing frost.
- During the construction phase, intercepted sediment will be returned to the site and regraded onto open areas.

**COMPENSATORY MITIGATION:** The applicant has provided the following explanation why compensatory mitigation should not be required: the proposed work is expected to result in minimal and temporary impacts on wetlands and surface waters. All unavoidable impacts have been minimized through the project design, and no permanent loss of aquatic resources is anticipated. Therefore, compensatory mitigation is not required for this project.

**CULTURAL RESOURCES:**

The United States Fish and Wildlife Service has been designated the lead federal agency responsible for coordination pursuant to Section 106 of the National Historic Preservation Act (NHPA), due to its role in providing funding for this project. Utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The USFWS makes the preliminary determination that:

Historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places), are present within the permit area; however, the project will have no adverse effects to historical or cultural resources given the avoidance and conservation measures to be put in place. Coordination with the Maine Historical Preservation Commission and federally recognized tribes will continue to reach final determinations.

**ENDANGERED SPECIES:** The USFWS is the lead federal agency responsible for coordination pursuant to Section 7 of the Endangered Species Act. Based on their initial review, the following species may be present in the action area:

<b>Species Common Name</b>	<b>Scientific Name</b>	<b>Federal Status</b>
Tricolored bat	<i>Perimyotis subflavus</i>	Proposed endangered
Atlantic salmon	<i>Salmo salar</i>	Endangered
Atlantic salmon critical habitat	-	-
Monarch Butterfly	<i>Danaus plexippus</i>	Proposed threatened

Conservation measures will be put in place to avoid and minimize impacts to federally listed species, proposed species, and critical habitat. The USFWS has made a preliminary determination that the proposed project may affect, but is not likely to adversely affect the above listed and proposed species and critical habitat. As the lead federal agency, any required consultation will be completed by USFWS.

**ESSENTIAL FISH HABITAT:** The USFWS is the lead federal agency responsible for coordination pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996. Conservation measures will be put in place to minimize impacts to Essential Fish Habitat (EFH). The USFWS has made the preliminary determination that the project will not have significant adverse effects on Essential Fish Habitat. The USFWS intends to coordinate with the National Marine Fisheries Service (NMFS) Habitat and Ecosystem Services Division, which will continue to reach final determinations.

**NAVIGATION:** The proposed structure or activity is not located in the vicinity of a federal navigation channel.

**SECTION 408:** The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

**WATER QUALITY CERTIFICATION:** The Maine Department of Environmental Protection has expressly waived the Water Quality Certification for this project.

**NOTE:** This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

**COMMENTS:** The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The New England District will receive written comments on the proposed work, as outlined above, until April 12, 2026. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs>. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, New England District, Attention: [cenae-r-me@usace.army.mil](mailto:cenae-r-me@usace.army.mil). Please refer to the permit application number (NAE-20210-01340) in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

**NOTE: THIS IS NOT AN AUTHORIZATION TO DO WORK.**

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Please contact Ms. Tina Chaisson at [bettina.m.chaisson@usace.army.mil](mailto:bettina.m.chaisson@usace.army.mil) or (978) 318-8058 if you would like to be removed from our public notice mailing list.