



PUBLIC NOTICE

Applicant:
Dwayne Shaw
Downeast Salmon Federation

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Expires: April 12, 2026

New England District
Permit Application No. NAE-2025-02520

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: Dwayne Shaw
Downeast Salmon Federation
187 Main St
Columbia Falls, Maine 04623

AGENT: Kaylee Faltys
Inter-Fluve
113 S. Main St
Unit 107
Lodi, Wisconsin 53555

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the Narraguagus River, at Unionville Road, Latitude 44.6077786°, Longitude -67.938842°, Cherryfield, Washington County, Maine.

EXISTING CONDITIONS: The Narraguagus River is currently impounded by a 500-foot-long earthen embankment dam with a creosote-treated timber crib fixed crest spillway originally constructed to retain ice jams and prevent flooding downstream. Three rock-filled timber crib “ice piers” exist upstream of the dam to immobilize ice. The dam has a hydraulic height of 7 feet and impounds 3.5 miles and 328 acres of the Narraguagus River and West Branch Narraguagus River. Currently, fish passage is provided by an aging Denil-style fishway which the applicant states has many deficiencies to adequate passage, particularly for Atlantic salmon.

PROJECT PURPOSE:

Basic: Flood management

Overall: To improve fish passage while maintaining an existing impoundment for ice-mitigation.

PROPOSED WORK: The applicant requests authorization to discharge permanent fill into 53,930 square feet (1.24 acres) of the Narraguagus River and adjacent scrub-shrub and forested wetlands to facilitate the removal of the existing dam, installation of the new impounding structure, installation of a bank-to-bank nature like fishway, bank stabilization, and replacement of existing ice piers with stacked granite block ice piers. The project also includes temporary fill of 8,736 square feet (0.20 acres) of the Narraguagus River to facilitate dewatering of the construction area. The goal of this activity is to create a stable nature like fishway that conveys flows and provides effective upstream fish passage for migratory fish species within the Narraguagus River, including Atlantic salmon, while maintaining impoundment levels and functionality of the ice dam.

The new fishway is proposed to be 270 feet long and comprised of natural materials, with a constructed step-pool morphology primary channel on river right and a roughed channel comprised of cobbles and boulders on river left. The new impounding structure is proposed to be constructed of sheet pile cutoff overlaid by boulders on the upstream side and natural river substrate that ties into the fishway on the downstream side. Bank stabilization activities will include constructing an overbank within an existing wetland on river right and fabric encapsulated soil lifts installed on the existing grade on river left to direct flow through the fishway and convey flood flows. The overbank will be revegetated according to a wetland restoration plan, with 1.3 acres of wetland creation proposed. Non-jurisdictional activities include upgrades to the public recreational facilities, with a new parking area, overlook, amphitheater, pedestrian footpaths, and a floating dock proposed.

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's location was chosen to impact the narrowest and least complex wetland area, avoiding more functional wetlands upstream and downstream.
- A robust revegetation plan will use native species adapted to the new site hydrology to fully replace the ecological function of impacted wetlands.
- Best Management Practices (BMPs): The project will strictly adhere to all NMFS and FHWA BMPs, including work timing restrictions and dewatering.
- A fish evacuation plan will be executed in all dewatered areas, and the Maine Department of Marine Resources will be on-site to ensure the safety of any Atlantic salmon encountered during construction.

COMPENSATORY MITIGATION: The applicant has provided the following explanation why compensatory mitigation should not be required: "The Cherryfield Ice Dam Fish Passage Project includes permanent impacts to wetlands along the Narraguagus River in Cherryfield Maine, however, as this project will restore fish passage, increase riparian buffers along the Narraguagus River, and will result in a net increase in wetlands, compensatory mitigation should not be required."

CULTURAL RESOURCES:

The National Marine Fisheries Service Restoration Center (NMFS RC) 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 NMFS RC initially determines that:

No historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) are present within the permit area; therefore, there will be no historic properties affected. NMFS RC has had initial coordination with the State Historic Preservation Officer and Tribal Historic Preservation Officers.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

ENDANGERED SPECIES: NMFS RC 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 and critical habitats may be present in the action area. Preliminary determinations made by NMFS RC are also included below.

Species Common Name	Scientific Name	Federal Status	Initial Determination
Northern long-eared bat	<i>Myotis septentrionalis</i>	Endangered	Not Likely to Adversely Affect
Tricolored bat	<i>Perimyotis subflavus</i>	Proposed endangered	Not Likely to Adversely Affect
Atlantic sturgeon	<i>Acipenser oxyrinchus oxyrinchus</i>	Endangered	Not Likely to Adversely Affect
Shortnose sturgeon	<i>Acipenser brevirostrum</i>	Threatened	Not Likely to Adversely Affect
Atlantic salmon	<i>Salmo salar</i>	Endangered	Likely to Adversely Affect
Atlantic salmon critical habitat	-	-	Likely to Adversely Affect
Monarch Butterfly	<i>Danaus plexippus</i>	Proposed threatened	Not Likely to Adversely Affect

As the lead federal agency, any required consultation will be completed by NMFS RC.

ESSENTIAL FISH HABITAT: NMFS RC is the lead federal agency responsible for coordination pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996. NMFS RC intends to initiate intra-service individual consultation. The Corps will not make a permit decision until the consultation process is complete. Final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS Habitat and Ecosystem Services Division.

NAVIGATION: The proposed activity is located approximately 6.4 miles upstream of a federal navigation channel (Narraguagus River).

SECTION 408: The applicant will 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 alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: Water Quality Certification has been waived by the Maine Department of Environmental Protection.

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 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. Please refer to the permit application number (NAE-2025-02520) 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.

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