Chelsea Herrera

From: Normile, Zachary M CIV USARMY CENAE (USA) <Zachary.M.Normile@usace.army.mil>
Sent: Friday, April 4, 2025 1:04 PM
To: Ledwin, Sean M; Cross, Amanda S; david.bean; donald.dow; Latti, Elizabeth; Whittum, Kory
Cc: Clark, Casey; Hammer, Lars; Gregory Allen; Daniel Parker
Subject: RE: in-water work window

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Hi all,

As long as the Services agree, I don't see any reason why this would not work. We would just need to see their concurrence in writing so we can save that documentation to the file.

Thank you,
Zach Normile
USACE Regulatory
Maine Project Office
Office #: 978-318-8496
Mobile #: 207-447-0996

From: Ledwin, Sean M <Sean.M.Ledwin@maine.gov>
Sent: Friday, April 4, 2025 15:51
To: Cross, Amanda S <amanda_cross@fws.gov>; david.bean <david.bean@noaa.gov>; donald.dow <Donald.Dow@noaa.gov>; Latti, Elizabeth <Elizabeth.Latti@maine.gov>; Whittum, Kory <Kory.Whittum@maine.gov>
Cc: Normile, Zachary M CIV USARMY CENAE (USA) <Zachary.M.Normile@usace.army.mil>; Clark, Casey <Casey.Clark@maine.gov>; Hammer, Lars <Lars.Hammer@maine.gov>; Gregory Allen <gallen@verdantas.com>; Daniel Parker <dparker@verdantas.com>
Subject: [Non-DoD Source] in-water work window

Hi all,

The construction of the Woodland Fishway projects starting this summer will need to involve in-water work beyond the general TOY Work Window in order to complete the beneficial project and reduce impacts which could result in longer delays for fish passage at the new fishways as the construction requires the fishways to be decommissioned during replacement and potential cost overruns that would prevent us from completing the project as intended. Based on the species present and potential impacts, we would like to propose that the TOY Restriction be limited to May 15-June 30th to limit impacts to the upstream migrating fish runs of alosines. We believe with other provisions this would be very protective of all potential species and in-water work would still be limited to just essential components with the majority of work being completed in the dry. We would propose the remaining time would be allowable for in-water work. I have copied the provision for alternative work windows in the USACE permit below. Zach please let us know how best to proceed but my understanding is we can request email concurrence from the respective agencies for this alternative. Please give me a call if you have any questions. I have included folks from our engineering firm if you have any specific construction questions. Thank you for considering. Sean

24. Time-of-Year Work (TOY) Windows/Restrictions. In-water work shall be conducted during the following TOY work windows (work allowed) under SV and any in-water work proposed during the following TOY restrictions (no work) shall be reviewed under PCN (and shall contain written justification for deviation from the work allowed windows). The term "in-water work" does not include conditions where the work site is "in-the-dry" (e.g. intertidal areas exposed at low tide). The term also does not include work contained in a cofferdam so long as the cofferdam was installed and subsequently removed within the work allowed window.

TOY Restriction (***no work***) TOY Work Window (***work allowed***)

Non-tidal waters Oct. 1st to Jul. 14th Jul. 15th to Sep. 30th

Tidal waters Apr. 10th to Nov. 7th Nov. 8th to Apr. 9th

Alternate work windows proposed under PCN will generally be coordinated with the U.S. Fish and Wildlife Service, National Marine Fisheries Service, Maine Department of Inland Fisheries and Wildlife, and/or Maine Department of Marine Resources and resulting written verifications may include species-specific work allowed windows.