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[Plan to dredge for BIW ship sparks outcry](#)

Foes say silt removal set for August in the Kennebec River would threaten livelihoods near the coast; the Navy says it can't delay its destroyer's departure.

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Popham Beach area fishermen, business owners and others are trying to block the U.S. Army Corps of Engineers from dredging the Kennebec River during the height of the summer fishing and tourism season.



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The USS Spruance is due to leave Bath Iron Works in September. The Army Corps of Engineers says its path in the Kennebec River must be fully dredged in August.

Carl D. Walsh/Staff Photographer

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While dredging is normally done in winter, the corps is seeking state and federal permits to remove 70,000 cubic yards of silt from two sections of the river in August. The dredge spoils would be deposited downriver in Phippsburg, and offshore near Seguin Island off Popham Beach.

The corps, which is responsible for keeping federal navigation channels open, says the work is necessary to prevent the USS Spruance, a \$1 billion destroyer under construction at Bath Iron Works, from running aground when it leaves in September.

The Navy says speedy delivery of the 510-foot ship is critical to national defense. Opponents say they are seeking a compromise that won't harm the endangered short-nosed sturgeon, Atlantic salmon and other wildlife in the river, or jeopardize the livelihoods of clambers, lobstermen and those involved in the tourist trade.

"They are wiping out the entire bottom habitat, smothering it under a layer of sand. Ecologically, dredging is carpet bombing," said Stephen Hinchman, a West Bath lawyer.

Hinchman represents the town of Phippsburg, the Phippsburg Shellfish Conservation Commission's 40 commercial harvesters, the Phippsburg Land Trust, the Kennebec Estuary Land Trust, Friends of Merrymeeting Bay and several Phippsburg residents, who have appealed a conditional permit issued by former state [Department of Environmental Protection](#) Commissioner Darryl Brown. The appeal is one of four filed in the case. They will be decided by the Board of Environmental Protection.

Brown issued the permit earlier this year on the condition that the Legislature reclassify the water quality in sections of the river below BIW where the dredged material will be dumped. The current classification, the highest possible, prohibits the disposal of dredged material.

DEP officials said the sections in question were mistakenly classified at the highest level in the 1990s.

"Our documentation makes it clear to us there was an error," said Susan Davies, water-quality standards coordinator at the DEP.

Lawmakers have yet to act on the reclassification, which is included in an omnibus bill proposing changes to DEP rules.

Opponents say they are not against shipbuilding or dredging, but they question why the corps didn't plan better for the project.

"It is frustrating for us because we know they have to do it, and BIW provides a ton of jobs for our families and friends. But why do we have to do all the sucking it up for poor planning?" said Ethan DeBery, a Phippsburg resident who runs a fishing excursion boat and ferry boat to Seguin Island.

Opponents say they are just asking the corps to take less intrusive steps than the full-fledged dredge the agency is proposing -- the first since 2003 -- to ensure that the Spruance doesn't run aground.

Hinchman said it is possible the channel can be deepened by using a mechanical bucket dredge rather than the proposed hopper dredge, which vacuums up the material. He said the corps could then come back and do the full dredging in the winter.

Bill Kavanaugh, manager of the dredging project, said the corps cannot afford to dredge twice. He said federal funding for maintenance dredging is declining, especially for projects like this one that do not involve commercially important ports. The Kennebec dredging will cost about \$1.5 million.

"We are not looking to modify our plan," said Kavanaugh.

He disputed opponents' claims that the dredging would hurt fishing or the environment, saying the corps is required to pursue the least costly environmentally suitable alternative available.

"We don't anticipate any flats being closed and any significant impacts as far as fishing and tourism," said Kavanaugh.

He said ongoing dredging off Cape Cod in Massachusetts has benefited fishing.

"You are dredging up sediments that contain tiny organisms that fish go for," said Kavanaugh.

He said he expects the project to win approval from the National Marine Fisheries Service, which has the authority to stop the work if it threatens endangered species.

Opponents point out that the destroyer went safely down the river for sea trials in March, when a Bath Iron Works pilot successfully navigated the ship outside the designated channel.

But Cmdr. Tate Westbrook, a self-described environmentalist and captain of the Spruance and its 275 crew members, said that is a risk he cannot take. He said that in March, with the tides at their highest, the ship barely cleared the bottom.

"We had two feet between the bottom of my ship and the granite edges of the river," said Westbrook.

He said no matter how experienced the pilot, it is impossible to know exactly where the channel is under a destroyer, which is not equipped with a forward depth sounder.

Westbrook said the safety of his crew, many of whom will be going to sea for the first time, is at stake as well as the environment if his ship runs aground and spills the 300,000 gallons of fuel it will be carrying.

Westbrook said due to technical delays the ship is already six months overdue for its nearly yearlong trip down the East Coast and through the Panama Canal to its homeport of San Diego. Westbrook said the chief of naval operations, Adm. Gary Roughead, has repeatedly told Congress the Navy needs 313 destroyers to meet its current obligations around the world, but is operating with an active fleet of only 286.

"In Navy-speak, the demand for destroyers exceeds the supply," said Westbrook.

Last week, the corps conducted new channel surveys to determine whether spring runoff may have solved the problem by washing out the sand blocking the channel. Although the results are not yet available, Kavanaugh expressed doubt, because the snowpack in the Kennebec watershed over the winter was below normal.

Even if the channel has opened up, there is no guarantee it will remain so this summer, when sand at the mouth of the river washes back toward shore and up the river, said Kavanaugh.

Bath Iron Works officials find themselves caught in the middle.

"BIW has no desire to negatively impact the livelihoods of either our Phippsburg neighbors, the 111 BIW employees who reside in Phippsburg or the 5,600 BIW employees who live in

communities across the state and make their living building ships for the U.S. Navy," said spokesman Jim DeMartini.

But BIW officials questioned the motives of some of the opponents, such as landowner Dot Kelly, who has applied for a federal permit to place six tidal turbines in the area where the dredge spoils will go.

Kelly said her concerns are strictly about the environmental impact of the project.

"I just want them to go through the legal process for permits," said Kelly.

U.S. Rep. [Chellie Pingree](#) has met with both Bath Iron Works and the dredging opponents to try to broker a compromise. She said she is concerned about the effects of an August dredge.

"I hope it won't be necessary," said Pingree.

Meanwhile, time is running out, Kavanaugh said.

It is unclear when the Board of Environmental Protection will get to the appeals, including two filed by area residents opposed to the dredging and one by the corps, which is seeking an unconditional permit that would require no legislative action.

The BEP has stopped meeting until its members are vetted for possible conflicts of interest, at the direction of Gov. Paul LePage. The governor instituted the review following the resignation of Brown, the former DEP commissioner, over conflict-of-interest concerns.

Brown resigned after it became apparent that his ownership of an environmental consulting firm could violate conflict-of-interest provisions in state and federal law, making him ineligible for the job.

Hinchman, the lawyer representing dredging critics, played a key role in raising the conflict-of-interest issue with the federal government, state lawmakers and the Maine Attorney General's Office.

Opponents say that even if the Legislature reclassifies water quality in the Kennebec, dredging in the summer still violates standards, and they will continue to fight it.

"You can't ask the people who live and work on the water to be the ones to pay for it. They should have done it last winter," said Hinchman.

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