



Phippsburg Land Trust
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Comments via Email

March 30, 2011

William M Kavanaugh, Jr
U.S. Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751
nae-pn-nav@usace.army.mil

Re: Maintenance and Advance Maintenance Dredging of the Federal Navigation Project in the Kennebec River, Maine.

Dear Mr. Kavanaugh,

I am commenting on the August 2011 dredging proposal in my individual capacity as the President of the Phippsburg Land Trust, a community land trust in Phippsburg, Maine that protect through ownership or easements approximately 800 acres on the Phippsburg peninsula. Our Board of Directors meetings are not scheduled so as to coincide with the deadline for comments on this matter, but I, along with other Board members, felt it was critical to provide a timely response to represent the Land Trust's interests in this matter.



The Phippsburg Land Trust holds easements on about 120 acres in the Fiddler's Reach area of Phippsburg, and holds a fee interest in 13 acres at our Noble Hill Preserve at the end of Fiddler's Reach on the Kennebec River. In total, there are six

Fledgling eagle at Winnegance eagle's nest in 2008; young eagles in 2011 may be adversely affected by the dredging and disposal operation. This eagle's nest is halfway between the dredging site and the Kennebec Narrows disposal site.

Phippsburg Land Trust preserves at Fiddler's Reach that are potentially affected by the proposed dredging and disposal activity at Bluff Head.

We also hold fee interest in approximate 10 acres at Cox's Head, an area potentially affected by the dredging and disposal activity planned for the mouth of the River. We are very concerned with the environmental and recreational impacts of the proposed dredging and disposal in August of 2011.

- **Disposal at Bluff Head (the Kennebec Narrows)**

Disposal of dredged material at Bluff Head will directly and immediately affect the environmental health of the Phippsburg Land Trust's Greenleaf Preserve, which sits directly to the south of the proposed disposal area at Bluff Head. The northern portion of the marshy wetlands at this site can be seen to have additional area when aerial images from 1997 and 2011 are compared. Moreover, there appears to be new shoaling offshore from this marsh, potentially caused by dredging spoils; the draft



ACE environmental report appears to provide only cursory review of these changes and declines to provide any insight into their environmental

impact. This area was measured as having been smothered in a five foot overburden layer one month after disposal in 1981, and yet no assessment has been done regarding the environmental consequences of this for the plants and animal life of this federally documented wetland area.

View from the Noble Hill Preserve at Fiddler's Reach, looking towards the disposal area. Enjoyment of this preserve will be greatly diminished by the dredging and disposal operation.

As reported by Dot Kelly, a nearby neighbor to the Phippsburg Land Trust's Greenleaf Preserve, there was both an immediate and persistent deposit – presumably of silt from the dredged materials, but of unknown makeup – that has been found on this marsh and wetlands since the dredging in 2009. No studies have been prepared to date regarding the makeup of this silty coating, nor its impact on wetlands plant and wildlife. At a minimum, such studies should be performed before any further disposal happens in the Kennebec Narrows (Bluff Head) site.



View down river from the Greenleaf Preserve in Fiddler's Reach. This preserve would be the most significantly affected by the dredging operation.

Moreover, the dredging and disposal proposed will be a full time, noisy and industrial process. This will destroy the serenity and beauty that visitors to Phippsburg Land Trust preserves seek. The dredging and disposal will drive wildlife from the river and the adjoining shores, potentially damage wetland plants and animals, and disrupt the enjoyment of visitors to Phippsburg Land Trust. It should not be approved for the August time frame, when it will be maximally destructive.

- **Dredging at the mouth of the Kennebec (Popham)**

The Wilbur Preserve at Cox's Head is the newest preserve of the Phippsburg Land Trust. This 10-acre preserve encompasses a high peak, used during the Revolutionary War as a lookout, and in the War of 1812 as a garrison for soldiers. Views from the summit are panoramic. However, the proposed dredging in August will transform these serene views of circling hawks and Fort Popham to a noisy, industrial, and destructive process, during the months that the Phippsburg Land Trust preserves are most widely used by the public.

Other Phippsburg Land Trust Concerns

The Phippsburg Land Trust shares concerns raised by the Phippsburg Shellfish Committee, our neighbor Dot Kelly, and the Phippsburg Commenters and incorporates these comments by reference.

The proposed timing for the dredging will cause immense hardship in Phippsburg. The economic impact on those who work in the recreational fishing and tourism economy in Phippsburg will be significant. Lobstermen who routinely fish off Jackknife Ledge will be displaced at minimum; traps, equipment and the lobsters themselves may also be damaged or destroyed. Most significantly, the prospect of a month or longer closure of the Kennebec River shellfish flats will be a devastating economic loss for the 40 Phippsburg families that depend on income derived from a commercial shellfish harvesting license. The vast majority of our shellfish are harvested in Kennebec River flats, and the majority of the



View of Fort Popham and the Atkins Bay shellfish flats from the summit of Cox's Head. These flats are among the most productive shellfish flats in Phippsburg.

year's catch – and the year's profits – are in July, August and early September. The Corps proposal is likely to require a shutdown of the shellfish flats at their peak valuation for the year. Summer in Maine is a short season at the best of times; the Army Corps of Engineers proposal will have economic impacts in Phippsburg, Georgetown and Arrowsic, but also in the surrounding communities that rely on tourism and the local fisheries to thrive.

The proposed dredging and disposal protocols are clearly inadequately studied in light of the regulations that apply to these waters, these wetlands, and these fisheries. Either no or inadequate studies have been performed to understand any number of the complex factors at play in this estuarine and marine system. Issues that must be addressed in order to permit dredging and disposal include:

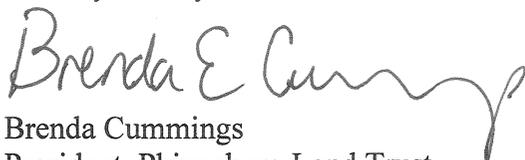
- The impact of the turbidity and sediment deposits caused by dredging on the marine life of the Kennebec, particularly on the survival and the potential contamination of shellfish. Are industrial contaminants present in the Kennebec River bed, and does dredging and disposal cause these contaminants to adversely affect clams and other filter-feeding shellfish?
- The suitability of the Kennebec Narrows as a disposal site, based on its physical characteristics, and the impacts of disposed materials on the surrounding area, which includes marshes and wetlands.
- The impact of a summer dredging and disposal operation on marine and estuarine birds, mammals, fish, and plants, particular the juveniles of each species, uniquely at risk due to the timing of the proposed activity. The Kennebec River and the mouth of the Kennebec are crucial travel lanes to both rare species, such as the short-nose sturgeon, and important “indicator” species, upon whom the health of the entire ecosystem depends, such as alewives and shad.
- Development of a more complete understanding of the sediment circulation system that affects the Kennebec River and the Popham Beach/Small Point complex. There are indications that deposits at Jackknife Ledge, for example, may be influencing the dynamics of the Morse River system. But no study has been performed to determine such an impact. The area at Doubling Point has not required dredging in the past nine years, despite an anticipated need every few years by the BIW and the Navy. Developing a more complete understanding of the forces that impact the shifting sands under the Kennebec might well allow the Corps to develop practical and less expensive ways to manage the navigation channel, with much less negative environmental impact.

Past dredging and disposal has had minimal effects on the interests of the Phippsburg Land Trust, and on the sensitive environmental areas of the River, because it has occurred in winter, when recreational use of this area is at a minimum. November or December dredging, when the Kennebec River is already running at a higher-than-average flow, would seem likely to allow the sediment and debris stirred up by dredging to be quickly cleared by the river's flow. Moreover, the negative economic impact of the dredging and disposal would be vastly lessened. The worst possible time to dredge the Kennebec River is late summer, when the river's flow tends to be at its slowest, and when our tourism and fisheries industries are at their peak.

I am aware that the SPRUANCE has recently navigated the River as part of its sea trials; it seems logical that a similar navigation in September of 2011, perhaps with the

assistance of a local river pilot, should succeed as well. I urge the Corps to consider all other alternatives before dredging and dumping in the local waters in August is employed. Moreover, if dredging is essential, it should be limited to the minimum amount needed for the SPRUANCE's passage, in order to lessen the negative environmental effects on the marshes and wetlands of the Kennebec, the estuarine and marine wildlife, and the recreational and economic interests of the residents of Phippsburg.

Thank you for your consideration,

A handwritten signature in black ink that reads "Brenda E. Cummings". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Brenda Cummings
President, Phippsburg Land Trust