

BANGOR DAILY NEWS

Critics warn Bath Iron Works river dredging could threaten wildlife



Bath Iron Works

The future USS Rafael Peralta (DDG 115) is floated from the dock for the first time during its October 2015 christening at Bath Iron Works.

By [Beth Brogan](#), BDN Staff

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BATH, Maine — A new proposal to conduct “emergency” Kennebec River channel dredging next month to allow a Bath Iron Works destroyer to depart has prompted those who work and live on the river to voice concerns about the impact and timing of the project.

The work is slated to take place just as federally protected migratory fish — notably Atlantic salmon and shortnose sturgeon — begin to spawn in the riverbed. It’s also sparked fears of contamination among riverfront property owners and shellfish harvesters.

Many of those frustrated and worried about the planned dredging have been through this before and in 2011 went to federal court to appeal — unsuccessfully — a permit allowing dredging that year.

Dredging of the federal navigation channel has been rumored for months, but until Tuesday, neither a shipyard spokesman nor the Army Corps of Engineers would confirm the work was planned for this spring. On Tuesday, the Corps issued a [public request](#) for comment about the

proposal, as required by the Clean Water Act of 1977, noting that the dredging is slated to begin April 19 to allow the future USS Rafael Peralta, an Arleigh Burke-class destroyer, to sail from Bath Iron Works in late April.

According to the announcement — which solicits public comment on the proposal for an abbreviated two-week period because of the emergency designation — shoals, or “massive sand waves,” have accumulated in the 27-foot deep, 500-foot wide federal navigation channel between the shipyard and Popham Beach, prompting concerns that without dredging, the Peralta could not navigate the river, even during high tide.

Bad timing

As proposed, the three- to five-week operation would remove about 50,000 cubic yards of “clean sand” from Doubling Point, just south of Bath, and deposit it downriver just north of Bluff Head in Phippsburg. In addition, about 20,000 cubic yards of material dredged from the mouth of the river near Popham Beach in Phippsburg would be deposited a half-mile south of Jackknife Ledge, an area known as a “prime inshore lobster areas” between Popham Beach and Sequin Island.

But parties who appealed the 2011 dredge permit expressed concern this week with the current proposal, arguing that migratory fish begin “major spawning activity” at the end of April and beginning of May. They also reiterated concerns about the two disposal sites and about the “emergency” designation prompting a rushed permitting process.

Ed Friedman, a Bowdoinham guide and president of Friends of Merrymeeting Bay, said in an email Wednesday, “FOMB remains very concerned about the effects of dredging on migratory fish species in particular, for which the river is federally designated as a ‘significant wildlife habitat.’ The earlier the dredging, the less impact on these species.”

Dot Kelly, whose Phippsburg home overlooks the disposal site, was among the plaintiffs in 2011.

“It’s a complicated, vibrant ecosystem,” Kelly, a former director of energy and environmental science at a major pharmaceutical company, said of the proposed disposal area, which is near the Phippsburg Land Trust property known as the Greenleaf Easement. “If I thought it was unimpactful, I wouldn’t be making an issue, but I do think it’s impactful. I do see the birds out on the river. I see the seals. ... And shellfishermen have said for years that it impacts our [seeding] ability the next year [after a dredge]. ... There’s been no rigorous study, so it’s a difficult situation, but the clam flats are downstream of what’s disposed up here.”

David Gray, chairman of the Phippsburg Shellfish Commission — also a party to the suit — said in February that the clam flats take “a real significant hit” for years after a dredge, though he acknowledged he has no formal data to support this.

“When they dredge the bottom of that, who knows what they’re stirring up after decades of logging and paper mills and sewer treatment plants up the river?” Tim Richter of the Phippsburg Land Trust, said.

But on Wednesday, Ed O'Donnell, chief of navigation for the New England Division of the ACOE, laughed at the idea that dredging the channel might adversely affect shellfish flats or endangered fish. He said the dredged material is sand, similar to that on Popham Beach, and unlikely to travel several miles downriver.

“To think a minor change in the river is going to create a significant impact ... we spend a lot of money looking at if things are going to impact the resources and we just haven't seen impacts,” he said. “We've been dredging here since the 1800s, and the river seems to be in good shape.”

When the channel was dredged in 2011, before the departure of the USS Spruance from BIW, local environmentalists, business owners, property owners and commercial fishermen appealed a dredge permit to the state Board of Environmental Protection and eventually took the case to court. Among their arguments was the original 2002 state permit that noted the permissible hopper dredging was limited to a period from Dec. 1 to March 15, and long-term mechanical dredging from Nov. 1 to April 1.

‘Not a long-term solution’

The state Board of Environmental Protection denied the appeals, though most board members [admitted at the time that they were conflicted](#) about studies used by the ACOE to argue that dredging would do minimal damage to wildlife in the river.

Referring to the board and court decision, O'Donnell said Wednesday, “Both times they deemed that the work was not going to create significant adverse impacts and that the work is needed to help the shipyard continue to operate and the Navy to get their ships out.”

On Tuesday, Maine's congressional delegation issued a statement including a November letter to the ACOE urging that the dredging move forward as soon as possible. According to the [letter](#), BIW learned last September that the river wasn't deep enough for the Peralta but determined “a temporary work-around plan” would allow the Peralta to travel down the river “outside the navigable channel,” though it notes that “is not a long-term solution.”

Between extensive discussions between the assistant secretaries of the Navy and the Army and staff changes prompted by the change in the federal administration, the process halted until the beginning of March, when the Navy notified the ACOE that it would provide the estimated \$1 million to \$5 million in funding, O'Donnell said.

The ACOE still has not received the funds from the Navy but is moving forward with plans with the understanding they are forthcoming, O'Donnell said.

Bath Iron Works spokesman David Hensch on Wednesday referred calls about the dredging and the work-around plan to the ACOE and the Navy, saying only, “The ongoing maintenance of a navigable channel in the Kennebec River to ensure safe passage of ships is vital to our business, Maine's economy and our Navy customer's objective of delivering quality ships to the fleet.”

O'Donnell, of the ACOE, referred questions to the Navy. A phone call to the Navy was not returned Wednesday.

“From the standpoint of minimal biological impact plus timely completion for sea trials, any necessary dredging should be done earlier in the season,” Friedman said Wednesday, in part. “As usual, BIW and the Navy seem to be abusing emergency status while hiding beneath the questionable umbrella of ‘national security.’”

Richter said the land trust would consider submitting comments to the ACOE, adding, “It’s not like we want BIW to go away. We know better than that. And it’s not like we don’t want them to send ships down the river. We would just prefer that if [the Army Corps of Engineers] is going to do this dredging, they play by the rules and do it at a time of year that has the least environmental impact and the least economic impact.”