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NEWS

Phippsburg dredging foes aim to block project

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Multiple appeals filed

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PHIPPSBURG — Opponents of a Kennebec River dredging scheduled for this August challenged the project's state permit on multiple fronts in a series of appeals filed Monday.

The appeals place under siege dredging work described by opponents as devastating to Phippsburg's summer economy and river environment, and by supporters as minimally impactful and necessary for the September sailaway of the destroyer DDG-111 from Bath Iron Works.

West Bath attorney Steve Hinchman filed an appeal with the Maine Board of Environmental Protection on behalf of a wide range of clients, including the town of Phippsburg, the Kennebec Estuary Land Trust, the Phippsburg Land Trust, the Phippsburg Shellfish Conservation and a number of individuals, including current town Selectman Lawrence Pye.

Pleasant Cove Road resident Dot Kelly, named as an appellant in the list filed by Hinchman, also filed a separate appeal, as did the duo of Ed Friedman and Douglas Watts.

Friedman, of Bowdoinham, is the president of the Friends of Merrymeeting Bay, while Watts is a professional wildlife photographer and videographer from Augusta.

"The (U.S. Army Corps of Engineers) could not have picked a worse time to plan a full-scale dredging and disposal project for the Kennebec River," Hinchman wrote in his appeal. "August is the height of a very short two-month summer season and is the busiest and most critical month of the year for virtually all other users of the Kennebec."

Dredging work on the river has historically taken place during the winter months, when wildlife and tourists are less active, and the Army Corps has a blanket permit. However, Army Corps officials propose to move 70,000 cubic yards of material from two locations this August because the time they say they need to acquire the necessary permits and get the equipment in place leaves no wiggle room before the warship is scheduled to depart.

The Army Corps is slated to take a hydrographic survey of the highest concern area, near Doubling Point, later this week to determine if the river bottom sand buildup at the location has receded enough to ease the pressure to dredge.

When contacted earlier this month, however, both William Kavanaugh of the Army Corps and Cmdr. Tate Westbrook, commanding officer of the DDG-111 Spruance, said they were skeptical the spring runoff this year would wash enough of the shoaling away to eliminate the need for dredging.

In their appeal, Friedman and Watts argue the dredging work violates the Natural Resources Protection Act, the U.S. Endangered Species Act and the U.S. Clean Water Act. In their filing, they argued the project will threaten the endangered Atlantic salmon and shortnose sturgeon, which will likely be present in the river when the dredging is to occur.

In her appeal, Kelly takes issue with the locations the Army Corps proposes to dispose of the

dredge spoils, an in-river site known as the Kennebec Narrows and near Jackknife Ledge off the shore of Popham Beach. Kelly, who lives near the Kennebec Narrows site, wrote in her appeal that in planning to dump the material at those locations, the Army Corps ignores analysis demonstrating the Least Environmentally Damaging Practicable Alternative (LEDPA) is farther offshore, in an "ocean disposal."

In a parallel process, the Maine Legislature's joint standing Committee on Natural Resources and the Environment has tabled discussions of an omnibus Department of Environmental Protection bill that includes language to cement the status of the western Kennebec River as having Class SB waters.

Water classification

The move has implications on the dredging project, as the project's permit is contingent upon a clarification of the water classification there, the 20-year-old documentation of which has come under scrutiny. Opponents of the dredging project believe the waters there have always been the more restrictive Class SA, in which the disposal of dredge spoils is clearly prohibited, while supporters of the project say the river has been regulated at Class SB levels all along.

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