

Testimony on LD 1398, Bob Cummings, Phippsburg

Mr. Chairman and members of the committee: My name is Bob Cummings. I live in Phippsburg. I've lived almost my entire life on or near the Kennebec River estuary. I am here to urge rejection of LD 1398, because LD 1398 lowers the quality classification of the Kennebec River along the shoreline of Phippsburg.

I've been involved in seeking improvements to the quality of the waters of the Kennebec ever since paddling the river near my then home in Bath in a homemade skiff in the late 1930s. Untreated human wastes commonly floated by our little skiff. And we were warned not to eat the striped bass we caught in such dirty waters.

As an adult I attended in 1958 the first meeting between the Department of Marine Resources and Phippsburg shellfish harvesters at which we were told that the Kennebec was too polluted for the harvesting of shellfish and would likely remain that way forever. Later still, I served a decade as a member of the Phippsburg Conservation Commission, 12 years as an elected Selectman, and for the last 20 years as a member of the Phippsburg Shellfish Conservation Commission.

During my four terms as a member, the Phippsburg Board of Selectmen successfully fought with a skeptical DMR to reopen our clam flats to commercial harvesters for the first time in three decades. As a board 20 years ago, Selectmen also strongly urged the upgrading of the river to SA.

Now we are being told, belatedly, that the reclassification was just a mistake, a mistake so heinous that it doesn't even warrant having the DEP board follow the state law that requires public hearings in or near the communities affected by water classification changes.

No one in town was notified of the proposed change in classification, not the Board of Selectmen, not the town administrator, not the Phippsburg Conservation Commission, and not even the Shellfish Conservation Commission. We learned of the proposed change from rumors about this allegedly routine omnibus bill. I was appalled when I discovered the rumors were true. I was even more appalled when I was told that no hearing in Phippsburg was needed because our top clean water classification had been imposed by mistake.

Maybe. But it was a change that had been widely discussed, and strongly supported, by residents of Phippsburg, who have voted for clean waters time and time again at town meetings.

If a mistake was made, it was not that our waters are too dirty for an SA classification. It is more likely that the bill that changed the classification 20 years ago was amended to mistakenly exclude Georgetown waters located on the eastern shore of the estuary.

Because of our half century of effort, 40 Phippsburg families now earn a significant part of their incomes from harvesting shellfish from the vast tidal flats at the mouth of the Kennebec River. The natural question these families ask is how this lower classification impacts the quality of our waters, and the incomes that clean waters allow. No one has yet told us. A DMR representative could only say the obvious: "A lower classification means less protection."

I know that some think this bill is needed to permit dredging to allow a BIW ship to get out the river for delivery to the Navy. I doubt if passage will do anything that would help facilitate delivery of the ship. The problem faced by BIW and the Army Corps of Engineers is not the dredging, but where the dredged spoils will be deposited. There are many options. The existing law doesn't prohibit dredging. It just limits the places the spoils can be dumped.

Thousands of cubic yards of sand dredged from the Kennebec over the decades have been deposited on land. Hundreds of homeowners have welcomed dredged wastes over the decades. Towns with land fill dumps will welcome an inexpensive source of cover. Other approved ocean sites already exist in Casco Bay that can be used without degrading Phippsburg waters.

Nor is this a surprise development. The DEP has known for more than a year that this problem was coming up. Rather than face the problem head on it chose subterfuge.

This bill should be rejected in its entirety. Before further considering a downgrading of Phippsburg waters, this committee should advise the Board of Environmental Protection to carry

out its Legislative mandate, which requires it to hold hearings in or near Phippsburg so that we who are most affected can express our concerns and ask questions about the potential impact on the quality of our waters, and the jobs that quality waters have provided.

Frankly it's hard for me to imagine how LD 1398 in its present form can possibly be approved by a responsible Legislature. It's not even clear what the bill really does. A map distributed by the sponsors shows a narrow SA district remaining along the edge of Atkins Bay, behind Popham Beach State Park (see attached map Figure 2, Omnibus proposal).

The Legislature's advisors office has found nothing in the language of the bill that provides for an SA area remaining along Atkins Bay. (Fig. 3). For comparison, Fig 1, shows the existing SA zone.

Phippsburg for a century or more has received the pollution from the Androscoggin and Kennebec Rivers. We once voted at town meeting to sue upriver communities to stop their pollution. Rather than litigate, our citizens fought for the passage of the first clean water law in the nation that Maine finally passed in the early 1960s.

We have worked too hard for too many decades to allow our waters to be again degraded.

Sincerely, Bob Cummings, 616 Main Road, Phippsburg, 04562