EXHIBIT 11

Dean Doyle, Chair, Phippsburg Shellfish Committee, Comments the Phippsburg Shellfish Committee (March 25, 2011).

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March 25, 2011

Robert L. Green, Jr.,
Project Manager Division of Land Resource Regulation,
Bureau of Land and Water Quality
Maine Department of Environmental Protection
312 Canco Road, Portland, Maine 04103

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

Dear Mr. Green,

The Phippsburg Shellfish Committee represents 40 local commercial shellfish harvesters who depend upon the shellfish flats in Phippsburg, Maine for a substantial portion of our families' financial support. We feel the proposal to dredge the Kennebec River in August, 2011 will have a significant negative economic and environmental impact on Phippsburg's shellfish harvest, and should not be approved.

Impact of Dredging on Shellfish Flats:
Modern commercial harvesting of shellfish in Phippsburg began a quarter century ago, when the clean up of the Kennebec River under state and federal cleanup laws had progressed to the point where previously closed flats on the river were reopened to harvesting. The town of Phippsburg actively manages our shellfish flats, performing water quality testing, population surveys and reseedings in order to ensure this resource continues.

We have had experience with numerous dredging events over the years – most recently, in 1997, 2000, 2002 and 2003, when the areas proposed for dredging and disposal in this application have been affected. In our experience, dredged matter does not stay within the proposed dumping area and/or the dredging process itself releases noticeable and significant silt spreads throughout the clam flat areas along the Kennebec, particularly those in proximity to the dredging or dump sites, closing the feeding and breathing holes used by harvesters to locate populations of clams. Dredging at Doubling Point and dumping at Bluff Head affects active shellfish flats at Dromore Bay, the Upper Flats, Parker Head, Wyman's Bay and Atkins Bay. Dredging at Popham Beach and disposal at

Jackknife Ledge affects the entire Small Point/Popham Beach complex, including the Morse and Sprague rivers.

The Army Corps of Engineers Public Notice acknowledges that it is part of the Corps' management of the environmental impacts of dredging to dispose of the dredged material within the littoral system so that it is recycled. In our experience, the removal and deposit of the sand and silt through dredging results in immediate impacts on shellfish resources throughout the affected areas.

- Dredging in August will cause significant economic impact on 40 shellfish harvesters and their families. It will cause additional negative impact to the sustainability of the shellfishing industry in Phippsburg by reducing sales of recreational shell fishing permits, a key source of funding for the Phippsburg shellfish program.

The months of July and August are the best months for shellfish harvesting – the weather tends to be dry and the value of each bushel of clams is at its peak. We earn as much as ½ of our annual income during these two months. Moreover, Phippsburg has a substantial summer population, many of whom traditionally obtain a recreational shellfish harvesting permit.

The Department of Marine Resources, which manages the State of Maine's Shellfish Management Program and monitors water quality at the Kennebec River shellfish flats, states that dredging activity is a trigger for review of the status of shellfish harvesting on the River. They indicate dredging and disposal on the Kennebec River and in the near off-shore area off Popham will almost certainly require a complete shutdown of this area to shellfish harvesting during the dredging period. It is unknown how much additional closure time will be required in order for sediment to settle and the area to recover.

It cannot be overemphasized what a devastating loss this will be to the 40 families who depend on this resource. In August of 2010, shellfish prices were about $120/bushel, and at times reached as high as $140-$150/bushel. In recent years, the Kennebec River flats have been subject to a number of closures due to high rainfall and excessive upstream pollution; we have lost as many as ½ of our fishing days each year. Moreover, if there is red tide closure elsewhere on the coast, which is not uncommon in late summer, the Kennebec River flats are often the only local areas that remain open.

August stands as one of the most valuable months for shellfish harvesting; our families depend on the income we receive during August to sustain us when the flats are closed in other times of the year. Phippsburg harvesters could easily lose $350,000 to $500,000 of income if the flats are closed for the month of August, not including the costs to the Phippsburg shellfish management program from the loss of recreational permit sales. Shellfish harvesters from Georgetown and Arrowsic would be equally affected.

Even if it were possible to keep the shellfish flats open during the dredging, we know from past experience that when dredging occurs, silt and sand settle on the flats, closing the holes and making it difficult to find clams. This would also reduce our income during

a key period – we estimate productivity is diminished by 1/3 to ½ when there is excessive silt and debris in the waters and on the flats. Being unable to find clams will also discourage recreational clam harvesting, reducing the permit sales that support the Phippsburg shellfish management program.

- Dredging in August will harm the clam population. Excessive siltation can suffocate adult clams, and will certainly cause stress, reducing growth. Moreover, dredging in summer is potentially devastating to the juvenile clam population, which must "set" near the top of the flats until they mature enough to survive at deeper levels. Being buried by a layer of silt or an influx of other dredged material will kill many of these juvenile clams.

The Jackknife Ledge disposal site sits offshore from the Fox Islands and the mouth of Morse River. It is part of the sediment circulation system that feeds the entire Small Point and Popham beach area. As noted above, this is apparently part of the reason why the Corps has selected the Jackknife Ledge site, as the area is considered part of the littoral system. This is also why we are especially concerned about dredging and dumping -- both in this area and at this particular time of year.

In the last few years, the Morse River has become one of the most productive clam spawning grounds in Phippsburg. It is one of the few places where sufficient seed clams for our reseeding efforts could be found in 2010. In August, any spring-spawned clams that have survived will be in the top inch or so of these flats; these juveniles are especially susceptible to stress and suffocation if buried under silt or dredging debris, or if they are in waters with a high amount of suspended solids.

There are known spat sets (juvenile clams) at Wyman's Bay, Parker Head Mill Pond, and elsewhere on the Kennebec River. These juveniles will also be at risk if dredging occurs in August at the Doubling Point/Bluff Head sites. The risk to the juvenile clam population means that the impact of dredging in August goes far beyond the current economic costs to today's harvesters; such activity will impact the sustainability of our shellfish program for years to come.

- Other Phippsburg fisheries will be adversely affected by the proposed dredging timetable. There is extensive lobstering at the mouth of the Kennebec. Sports fisherman and the river guides who serve them use the lower Kennebec extensively for fishing. August is a peak season for both of these activities, which are crucial to the economic vitality of this region and the State of Maine.

Like most Maine fisherman, many of the Phippsburg shellfish harvesters are or have been involved with other fisheries as well. We note that the mouth of the Kennebec has a significant amount of lobstering activity (particularly south of Jackknife Ledge). One committee member noted you could practically walk from Morse River to Seguin Island on the sea of lobster buoys in the area in August. We are concerned that dredge itself will cut lines and wipe out lobster traps that are in its path, both while dredging and while transporting the dredged material to the disposal site. The dredging and dumping at the

mouth of the Kennebec will kill and stress lobsters present in this very active fishery, again at a time of year when demand for the product is at its peak.

Many local people work in support of recreational/sports fishing, as fishing guides and as suppliers of bait and equipment. The dredging activity proposed will be disruptive at a minimum and could potentially be devastating to this economic activity. Moreover, many of the smaller fish that the sports fish such as bass prey upon are known to use this section of the river, such as shad, herring, smelt, and alewives. Sturgeon, both Atlantic and the endangered shortnose, are also found in this section of the Kennebec. This area is truly the Essential Fish Habitat defined in federal regulations protecting these waters.

- In August of 2011, dredging should be a last resort in these critical waters.

The SPRUANCE has recently navigated the Kennebec River channel (winter 2011) as part of its outfitting and testing. It seems reasonable to believe the Navy should be able to navigate the channel in September of 2011 without dredging, particularly when the potential negative impacts are so significant. If dredging is required, it should have been reasonably anticipated ahead of time and performed during the designated November to April timeframe, and not permitted at a time of year when there are such significant negative environmental and economic consequences.

Past dredging has had minimal effects on shellfish harvesting because it has occurred in winter or early spring, before clams have spawned. Moreover, in November and in late winter, the Kennebec River is already running high, which allows the sediment and debris stirred up by the dredging and dumping to be quickly cleared by the river's flow. Indeed, the best possible time to dredge would be when the river is already closed for shellfish harvesting due to rainfall or high water flow, because the economic impact of a forced closure would be lessened, and because the action of the river will quickly remediate much of the impacts of dredging, by clearing the water column and by scouring sediment from the clam flats. The worst possible time to dredge the Kennebec River is late summer, when the river's flow is at its lowest level, and when shellfishing and other fisheries are at their peak.

If the Navy's poor planning now requires an emergency action, all other alternatives should be considered before dredging and dumping in the local waters is employed. Moreover, any dredging should be limited to the minimum amount needed for the SPRUANCE's passage, in order to limit the negative environmental effects on the shellfish and other species of the Kennebec River and the Popham area, and the devastating economic impacts on shellfish harvesters and other fisheries in Phippsburg.

Thank you for your consideration,

Sincerely,

Dean Doyle, Chair
For the Phippsburg Shellfish Committee

cc: William M Kavanaugh, Jr
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