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Opponents of a plan to dredge the Kennebec River this summer are challenging the state permits for the project. The town of Phippsburg, the Friends of Merrymeeting Bay, a pair of land trusts and several area residents charge that allowing dredging to proceed will devastate the region's tourist industry and jeopardize the livelihoods of dozens of shellfish harvesters, as well as potentially harm two endangered species.

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The permits from the Maine Department of Environmental Protection allow the U.S. Army Corps of Engineers to dredge two locations in the Kennebec River, in Bath and Phippsburg, and to dump 70,000 cubic yards of sandy material in two locations, including just off Popham Beach State Park.

The project could last as many as five weeks and involves using a barge with a giant vacuum operating around the clock. Steve Hinchman is an attorney representing dredging opponents. He says for the past 25 years the DEP has prohibited dredging in summer because of the environmental damage it causes.

"It kills fish and we've got endangered salmon and endangered sturgeon there," he says. "We have migrating shad and herring. They're proposing dredging and disposal right on top of some of the most productive lobstering grounds. You have 40 shell fishermen that depend on the clam flats that are at risk of closures because dredging causes spikes in fecal cholorform levels."

And in general, Hinchman says, dredging is going to make a mess in the Kennebec at the height of tourist season in August. But it's something the U.S. Army Corps of Engineers says is necessary to ensure that the billion-dollar U.S.S. Spruance makes its scheduled September delivery from Bath Iron Works to the Navy. That means allowing the ship to make it safely down the Kennebec without running aground.

But Hinchman, the town of Phippsburg and other opponents are asking the Maine Board of Environmental Protection to modify the DEP's order and allow for minimal dredging and disposal of the dredging material at an alternate site near Portland.

"The Portland disposal site is too far away from the dredging area, and it would significantly add to the cost of doing the work," says William Kavanaugh, of the U.S. Army Corps of Engineers. He says not only would changing the disposal site add to the cost of the project but the cost would likely be passed on to the state of Maine.

Dredging opponents are also upset about the state's plans to downgrade a portion of the Kennebec River from the highest water quality class, SA, to SB. Without it, Steve Hinchman says dredging cannot proceed. "Class SA prohibits any discharge of any pollution, which would include dredge spoils. In order to get around that DEP has gone to the Legislature and asked them to change that designation from Class SA down to Class SB."

But Deputy DEP Commissioner Patty Aho says her office believes the river classification should be modified. "We believe that, based on all the information in the record from the 1989-1990 time frame, this is a correction rather than a reclassification of that portion of the river."

Aho says a mistake was made back in 1990 when SA designation was given to one part of the Kennebec and SB to the other without drawing a proper boundary. She says that has made the classification illogical and unmanageable.

Aho could not discuss the pending appeal of the DEP's permits to the Board of Environmental Protection. But the board will not have the last word on the project. The National Marine Fisheries Service is expected to issue a biological opinion on the effect of dredging on the endangered Atlantic sturgeon and salmon by the end of June.

And the U.S. Army Corps of Engineers is weighing various impacts, both environmental and economic. In the meantime, Bill Kavanaugh says all the recent rain could mitigate the need for dredging altogether.

"We've mobilized our survey crew to check the river, primarily at Doubling Point, which is the area of most concern, which is just south of the Bath Iron Works," Kavanaugh says. "And subsequently we'll make a determination as to whether or not dredging will be warranted."

Kavanaugh says such a determination would be made in conjunction with the Navy and Bath Iron Works and likely won't come for at least another couple of weeks.