



DEPARTMENT OF THE NAVY
SUPERVISOR OF SHIPBUILDING
CONVERSION & REPAIR, USN
574 WASHINGTON ST
BATH, ME 04530-1934

3100
Ser 100/773
June 15, 2011

Susan Lessard, Chair
Maine Board of Environmental Protection
17 State House Station
Augusta, ME 04333-0017

Ref: (a) SUPSHIP ltr 3100 Ser 100/62 of 19 Jan 11
(b) SUPSHIP ltr 3100 Ser 100/131 of 31 Jan 11

Dear Chair Lessard,

SUBJECT: U.S. ARMY CORPS OF ENGINEERS KENNEBEC RIVER DREDGING
PERMIT DEP#L-16281-4E-E-N

On behalf of the Department of the Navy, the purpose of this letter is to reiterate the need for timely dredging of the federal navigational channel in the Kennebec River to support safe transit of the USS SPRUANCE (DDG 111).

As addressed in references (a) and (b), which were provided to the Department of Environmental Protection (DEP) as part of the permitting process, the Navy notified the Army Corps of Engineers that the SPRUANCE is scheduled to leave the Bath Iron Works (BIW) facility on or about 1 September 2011. Timing of this departure is critical and can not be changed. Prior to its departure, the DDG 111 crew must meet strict training and qualification requirements. Qualification and training continue after sail away on its movement to its home port in time to support a major Naval operational exercise. This schedule is key in supporting the Navy's global operational commitments. The SPRUANCE is a critical asset in meeting that mission. Simply put, there is no room in this ship's schedule to delay the sail date.

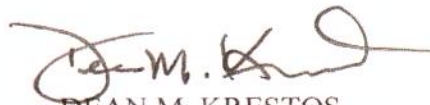
As a critical Navy asset, this sail away must be accomplished safely. As you know, in question is the available clearance in the Kennebec River's federal navigational channel. As stated in reference (a), the SPRUANCE has a safe navigational draft of approximately 29 feet. Surveys performed within the last twelve months reveal that although the federal navigational channel should be 27 feet deep, at two critical points, Doubling Point and at Sugarloaf Island, the depth is less than the requirement. Although ship movement uses high tides to ensure safe passage out of the BIW facility, soundings show that the federal navigational channel's depth will prevent the SPRUANCE from moving down the river in the navigational channel.

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Nor is there a safe alternative option for even short transits outside the channel. The federal navigational channel marks the only area for safe passage; moving outside the channel carries with it strict liability. Opponents to the permit have made suggestions that the Navy utilize Captain Walker, BIW's river pilot, to navigate outside the navigational channel, as BIW did during the February and March sea trials. As addressed in reference (a), during sea trials, BIW is liable for all aspects of safe ship operations and its river pilot has full responsibility for ship movement, not the Navy. The SPRUANCE has since been delivered to the Navy and accepted; the responsibility for navigating that ship down the river now rests with the Navy and its new Commanding Officer. While the Commanding Officer will seek advice and guidance from the experienced BIW river pilot during the transit, he and the Navy, not the pilot, are in charge and control of the vessel, its operations and its movements. Transit outside the channel risks grounding or collision and tearing of the hull. Leaving the channel, even for a short period of time, increases the risk to the environment should the ship hit ledge or ground itself. In order to ensure safe passage, the ship must remain in the federal navigational channel during the entire transit.

It is the Navy's focus that dredging must occur if soundings demonstrate that the ship can not utilize the channel through its entire trip down the river. The Navy is committed to safe passage of the SPRUANCE. Based on soundings in the channel, dredging is absolutely necessary so that the SPRUANCE is able to remain within the channel to ensure that safe passage.

I want to thank you for this opportunity to provide you the Navy's position regarding the permitted dredging. If you have any questions about any matters addressed in this letter, please notify Donnie Spiegelman-Boyd, Counsel for SUPSHIP Bath, at (207)442-3496 by 18 July 2011 and the Navy would be happy to make a representative available.



DEAN M. KRESTOS
Captain USN

Copy to:
BIW (Jeff Geiger, Dirk Lesko, Nick. Nichols)
PEO Ships (Rear Admiral Lewis, Mr. Summerall, Captain Vandroff)
NAVSEA 04 (Rear Admiral Campbell, Mr. Knowles)
NAVSEA 04RE