

## 'Sounding off' about the Kennebec dredging operation

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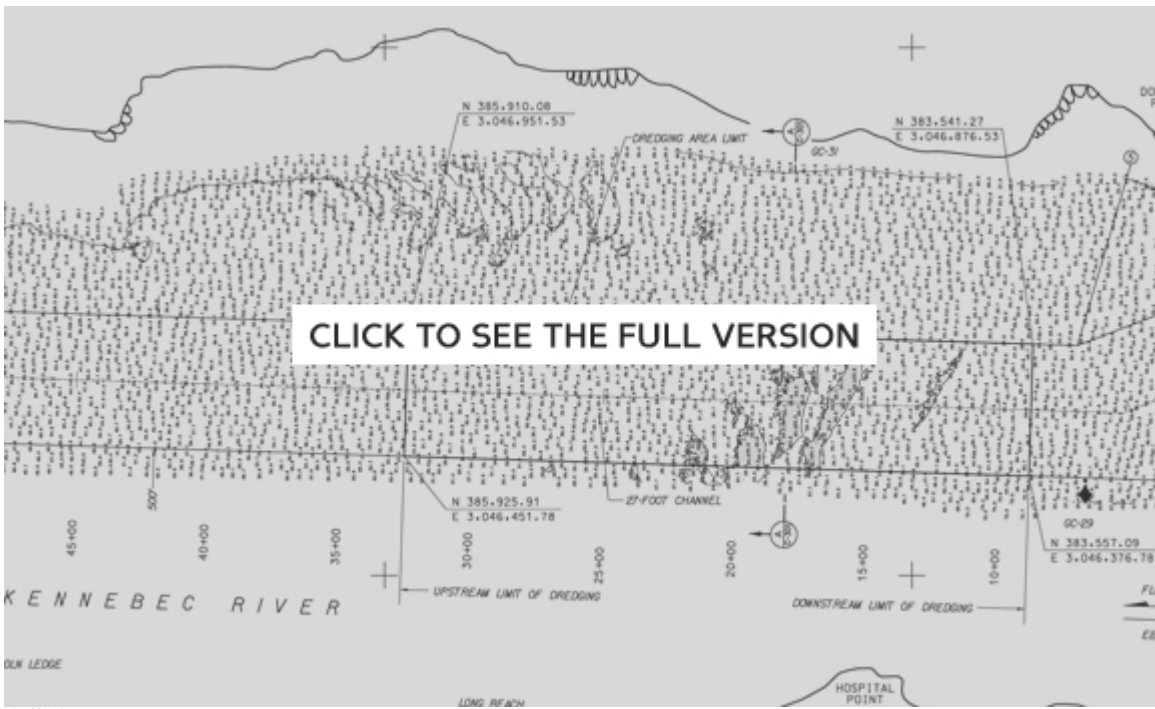
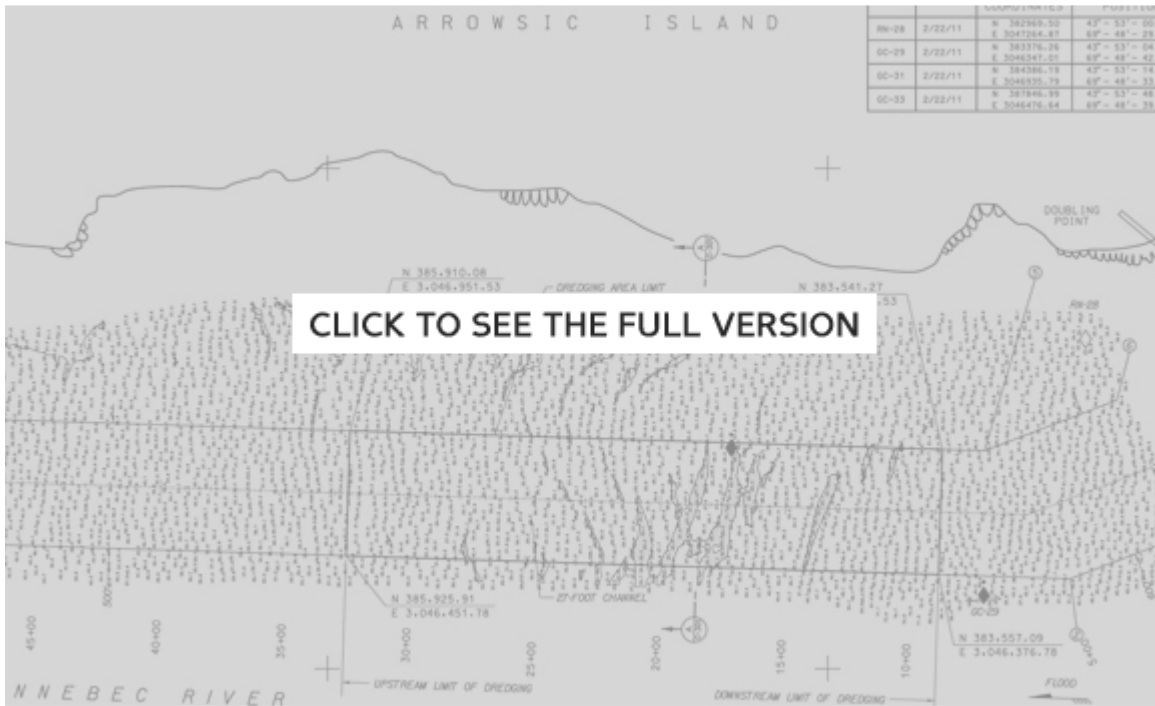
BATH – While Friends of Merrymeeting Bay and other interested parties await a July appeals date to try to prevent the extreme dredging operation in the Kennebec River at high season in August, the Army Corps of Engineers has finally released its sounding data, and there is a bit of a surprise.

The soundings – that is, measurements of the depth of the river from Doubling Point back to the BIW launch site – were not substantially different in May than they were at the high-water point in February, when the ship launched safely for its sea trials.

But more surprising is a deeper understanding of the Kennebec's shoal behavior.

"It appears that the worst place to try to take a heavy vessel is through the federal shipping channel," said Friedman. "The soundings tell a very clear story. There is sufficient depth outside of the shipping channel all the way down to tidal deep water for a ship the size of the Spruance."

The sounding data maps are a little hard to read in this format, but here are the two maps from the winter soundings and the May soundings.



Essentially, the only difference between the two occurs between 27 feet (which is the specification for the Kennebec federal channel) and 30 feet (which is the overdredging depth the Army Corps of Engineers wants to do). The keel depth of the Spruance is only 25 feet. *(30' depth plots may for comparison be found on the FOMB website under Cybrary, Legal Documents, Kennebec Dredging)* Italics added by FOMB.

Outside of the federal channel, however, the depth of the river is already between 28-30 feet.

Friedman exploded with frustration. "Given the available sounding data, sonar technology and ample deep water in the area, if the Navy can't find their way around a simple shoal, they have no business going off to start another war. Assuming no dredging and no shoal-avoidance measures are taken, if BIW ships can't hold up to scraping a little bottom paint on what has been characterized as coarse-grained sand peaks, perhaps they shouldn't build destroyers. The sounding plot data illustrate well: First, how minimal dredging can easily accomplish the mission of getting the Spruance out, and second, how summer dredging could be avoided totally by going around the shoaled area in deeper water. The Army Corps' own data show this is nothing more than a power play by the Corps, the Navy and now, since they just weighed in on the side of the Corps, BIW, designed to put the people of the Kennebec in their place."

The people of the Kennebec, that is, who live and harvest shellfish along Phippsburg's Fiddler's Reach, and those who rely on summer tourism dollars at Popham Village. Between the two industries, there is expected to be at least a million dollars lost this summer owing to the dredging.

Friedman is also concerned about endangered species of fish and birds who nest or migrate near the waters.

However, Friedman says, certain actions by the Army Corps of Engineers preclude any other choice but not to dredge at all or to dredge to the maximum depth, which will take a terrible toll on shellfisheries and summer businesses in the Phippsburg and Georgetown regions.

"They insisted on a no-bid contract," he said. "That means they'll have to use the only dredge available in the Northeast, which is a hydraulic dredge."

That means that the other option – minimal dredging to get the ship out through the channel and removal of the spoils to federal dump sites well offshore – cannot be done in time. "They timed out any other possibility," Friedman said.

During the summer, the committee in charge of water resources voted to reduce the lower Kennebec's quality status to SB, which is a step down from the SA status it had enjoyed. The purpose of the degrading of the water had nothing to do with the actual water quality; the committee decided that it must have been an error – an error that had been on the books since 1990.

When Steve Hinchman, the attorney representing FOMB and other lower Kennebec River plaintiffs, went to the Attorney General's Office, he was told that because it was ruled an error, the state did not have to apply normal rules of degradation of water quality, which involve going to the Environmental Protection Agency for a variance.

"In other words, anything could be ruled an 'error' in order to get around any rule that is inconvenient," Friedman said. "It's a Catch-22."

If the Bureau of Environmental Protection rules against them, Friedman says that the next step is to get an injunction in court to prevent the dredging.

"We would probably go to a federal court because the state courts seem to give undue deference to state agencies," he said.

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