

SEARSPORT DREDGING BULLET POINTS

The Corps and DOT want to spend more than \$13 million taxpayer dollars to deepen the channel in Searsport from the congressionally-authorized depth of 35-ft to 40-ft and expand the size of the channel and turn-around, so that Sprague Energy and Irving Oil (*two foreign-owned oil companies*) can supposedly *save \$845,000 a year*, by keeping an *average of fewer than 7 vessels a year* from waiting *no more than 6 hours* for a high tide to unload imported oil products at Mack Point. For this, the Corps advocates risking the lobster grounds in western Penobscot Bay, by dumping almost a million cubic yards of dredge spoils in pockmarks created by methane venting, in the middle of a geologically unstable area with known methane deposits, unapproved and undesignated for dredge spoils disposal under the criteria established by the Clean Water Act (CWA) and previously rejected for dredge spoils disposal for this same project in the late 1990s.

Western Penobscot Bay is where at least 20% of all lobsters caught annually in the U.S. are caught. The value of this catch continues to increase -- valued in 2014 at over \$130 million and an estimated the \$600+ million to the Maine economy -- more than a 26% increase over 2013 levels. In fact, the lobster landings in the area proposed for dredging and dumping in Belfast Bay have increased by 282% since 2008, when the Corps gathered the data on which it based its Environmental Assessment of the anticipated impacts of this project on the lobster fishery in Pen-Bay.

Even if the dredge spoils to be dumped in the Belfast Bay pock marks off the North West corner of Islesboro are clean, the turbidity that will be caused from re-suspension of dredge spoils by natural currents in the area that maintain these pock marks through scouring could devastate lobster settlements in Penobscot Bay and destroy the nearby Pemaquid Mussel Farm aquaculture facility that brings in an estimate \$500,000 a year to the local economy from sales of clean, high-quality, locally-raised mussels.

However, because of the presence of contamination in Searsport and the upper Penobscot Bay -- including the likely presence of buried HoltraChem legacy mercury that dredging in Searsport could disturb -- this dredging project also risks destroying the reputation for wholesomeness of ALL Maine lobsters and, if dredging spreads methyl mercury contamination to any Pen-Bay lobsters, this project could irreparably damage demand for Penobscot Bay lobsters and the iconic Maine Lobster brand -- a cornerstone of the Maine economy.

Here are a few additional troubling facts about this project:

- In a meeting with lobstermen in 2014, Corps staff have acknowledged that it will take at least 4-years for “recovery and re-colonization” of the area impacted by this dredge-and-dump proposal -- *double* the time that the Corps publicly acknowledged recovery and re-colonization would take. A 4-year loss of *just* the western Penobscot Bay lobster fishery could result in *up to a \$2.6 billion loss to the Maine economy* -- lost revenue that the Corps’ staff confirmed *would not be reimbursed by the federal government*. However, the Environmental Assessment, drafted in 2013 and submitted to DEP with their recent 2015 application to dredge, only acknowledges a 2-year time frame for such “recovery and re-colonization”. Further, the Corps’ definition of “recovery and re-colonization” only means the return of some benthic life like worms -- it does not indicate a return of productive lobster and scallop fisheries that will replicate the current levels of landings or that would continue the improvements in these fisheries that have been experienced in recent years.
- The federal court’s sediment expert in the HoltraChem litigation, Dr. Kevin Yeager, determined that the Corps’ 2008 sediment testing was inadequate under both the RIM 2004 standards jointly issued by the Corps and EPA, and the federal court’s experts’ standards developed during the Penobscot River Mercury Study (PRMS) to detect the presence and effects of mercury, particularly HoltraChem legacy mercury. The Yeager Report concludes that additional sediment testing was required using the PRMS standards before any dredging, even maintenance dredging, is done. Unfortunately, the Corps did updated testing that failed to meet this standard and failed to even meet the standard required by DE for Sprague to dredge the Searsport dock area in late 2014. PRMS requires 90 cm cores, and testing every 1 cm segment from 0-20 cm, 2 cm segments from 21-40 cm, and 5 cm segments from 41-90 cm. The updated 2014 Corps testing only looked at 1-foot segments from 1-3 feet cores and still found elevated levels of contaminants, despite using a methodology calculated to under-estimate and conceal the true level of contamination present in the sediment to be dredged and dumped.
- The PRMS established that there is a layer of buried inorganic mercury throughout the entire upper Penobscot Bay, down to the southern tip of Islesboro, found generally at a depth of about 20 to 40 cm (8 to 16 inches), attributable to the dumping of mercury by HoltraChem primarily in 1967 to 1970. The Court’s experts concluded that there is no threat to the environment, biota or public health as long as this layer remains buried.

- Disturbing buried legacy mercury from HoltraChem through the proposed dredging in Searsport could result in contamination of the entire Penobscot Bay food web, creating an environmental, economic and human crisis in this region and the State of Maine.
- Failure to conduct the necessary, updated sediment testing prior to proceeding with this project – even prior to doing the needed maintenance dredging that we support -- could:
 - Directly interfere with the federal court’s oversight of the remediation of HoltraChem mercury;
 - Increase the actual, economic, environmental and human costs of the remediation of the HoltraChem mercury contamination;
 - Spread methyl mercury contamination to the entire Pen-Bay food web, including the valuable commercial fisheries and aquaculture facilities in this region;
 - Damage or destroy the actual and economic viability of the lobster industry in Penobscot Bay, that sustains the Midcoast economy and the more than 2,100 licensed lobstermen in Zones C and D; and
 - Do irreparable harm to the iconic Maine Lobster Brand.
- Dawson & Associates, the nation’s premier expert in federal water resources development, evaluated the Searsport dredging proposal as proposed by the Corps and concluded that:
 - A less environmentally damaging, practical, *Non-Structural Alternative* to the proposed Searsport project exists, involving doing only maintenance dredging in the existing channel to restore the congressionally authorized depth of 35-ft and deepening the dock area to a 45-ft depth, that would accommodate 97% of the desired future fleet that the Big Dig and Dump is designed to attract to Searsport;
 - Potential Mercury contamination of the proposed dredge and dredge disposal sites must be further analyzed before the project moves forward; and
 - Several Army Corps’ economic assumptions are questionable and could significantly affect projected cost benefit ratios.

Dawson’s Non-Structural Alternative should be adopted because it achieves 97% of the Corps’ port improvement goals at no cost to State taxpayers and a fraction of the cost to federal taxpayers, and without inflicting adverse environmental and economic damages on Penobscot Bay and its people. This is the Least Environmentally Damaging Practicable Alternative (LEDPA) – requiring the removal of only 37,100 cy of material in the channel to re-establish the 35-foot authorized depth for this federal navigation project and only about 2-feet to 5-feet of material from the dock after recent maintenance dredging at the docks conducted by Sprague. All of this material could be disposed upland, not in the Bay, as Sprague did with the material that it dredged in the winter of 2014-2015 at the Mack Point, Searsport docks.

PLEASE ATTEND THE JUNE 9, 2015 PUBLIC HEARING IN SEARSPORT AT 6 PM AT THE HIGH SCHOOL.

PLEASE WRITE TO COMMISSIONER KELIHER PRIOR TO THE JUNE 9, 2015 PUBLIC HEARING OPPOSING THIS PROJECT AS UNNECESSARY AND OPPOSING ANY DREDGING, EVEN MAINTENANCE DREDGING, UNTIL PRMS-COMPLIANT SEDIMENT TESTING IS DONE BY AN INDEPENDENT ENTITY.

PLEASE WRITE TO DEP COM. AHO **BEFORE JUNE 1, 2015** DEMANDING BEP-DEP PUBLIC HEARINGS AND NODREDGING PRIOR TO PROPER PRMS-COMPLIANT TESTING AND OPPOSING ALL DUMPING IN THE METHANE POCK MARKS.

DEP ADDRESS: channeldredge.dep@maine.gov

PROJECT No: **RE: DEP # L-26487-08-A-N/L-26487-4E-B-N**

You should note that the proposed dredging project:

1. Will have environmental and economic impacts in more than one municipality,
2. Is subject to significant public scrutiny, and
3. Is located in more than one municipality.

Mail (U.S. Postal Service) to Dept. of Environmental Protection, Attn. Commissioner, #17 State House Station Augusta, Maine 04333;

In-hand delivery to Dept. of Environmental Protection, Attn. Commissioner, 28 Tyson Drive, Augusta, Maine 04330; Fax (207-287-2814), if followed by receipt of a signed original within five (5) working days; or

Email to the Commissioner (patricia.aho@maine.gov), if followed by receipt of a signed original within five (5) working days.