

Maine Zone D Lobster Council

June 15, 2015

Patricia Aho
Commissioner
Maine Department of Environmental Protection
#17 State House Station
Augusta, Maine 04333-0017

James W. Parker, Chair
Alvin K. Ahlers, Member
Tom Eastler, Member
Sue Lessard, Member
Thomas Dobbins, Member
Maine Board of Environmental Protection
#17 State House Station
Augusta, Maine 04333-0017

RE: Fisheries Impacts of Dredge Spoils Disposal From Proposed "Improvement" Dredging of the Searsport Federal Navigation Project, Searsport Harbor, Searsport, Maine
Project No. **DEP # L-26487-08-A-N/L-26487-4E-B-N**

VIA: U.S. Mail and Electronic Transmission

Dear Com. Aho, Chairman Parker, and Members of the Board of Environmental Protection:

On behalf of the Zone D Lobster Council and the lobster license holders in Zone D, I am writing to request that you support the members of Zone D, and all fishermen in Penobscot Bay, by (i) treating this project as a project of statewide significance; and (ii) denying the Water Quality Certification for the Searsport dredging and dumping project, as currently proposed. This project, as proposed, will affect adversely Penobscot Bay estuarine and marine fisheries – especially the valuable Penobscot Bay lobster fishery, fishing and the fishing industry. Adoption of the Dawson Alternative – the Least Environmentally Damaging Practicable Alternative (LEDPA) -- will mitigate these adverse ecological impacts, while still achieving 97% of the navigational efficiencies and port improvement goals of the larger project. This LEDPA could also be accomplished with minimal environmental and economic damage to all fisheries in Penobscot Bay *if all dredge spoils are disposed on land*, in a location appropriate for the level of contamination that exists in the 37,100 cy of material that would need to be removed to restore the channel to the congressionally authorized depth of 35-feet.

Based on our years of experience in lobstering and knowledge of the environment, economy and fisheries in Penobscot Bay, as well as the scientific evidence that has been presented since deepening the Searsport FNP was first proposed the late 1990s, the Maine Zone D Lobster Council unanimously has agreed that disposal of the nearly one million cubic yards of dredge material in Penobscot Bay this project proposes, will have a pronounced negative affect on the Knox and Waldo County, Zone D, Penobscot Bay and Maine lobster fishery and on the ability of Zone D members to make a living for the following reasons:

- Dredging nearly one million cubic yards to accommodate deep draft vessels will release sediment in Penobscot Bay, both where the dredging occurs and especially where the dredge spoils are deposited, causing lobster die-off and retreat from those areas for years, as demonstrated during past large Penobscot Bay dredging events. This conclusion is not speculative, the Corps has acknowledged that this will be the result.

- During a meeting between the Corps and lobstermen in 2014 arranged by the Maine Lobstermen's Association, Corps personnel acknowledged that it would take no less than 4-years for "recovery and re-colonization" of this area by *any* benthic organisms after this unprecedented dredging and disposal occurs. Four-years is *double* the time for recovery and re-colonization that the Corps claimed recovery and re-colonization would take in the 2013 Environmental Assessment.
- From 2008 to 2014, the combined Knox/Waldo lobster catch has increased from 20,525,049 pounds with a combined total value of \$70,943,333, to 34,709,767 pounds with a combined total value of \$130,263,678 – although the percentage of the total statewide catch that is attributable to Waldo and Knox counties has remained constant during this same period at about 28% to 29% of the total catch and catch-value. As a result, in 2014, the combined Knox and Waldo County lobster catch had a value in the Maine economy worth over ***\$651 million***.
- Zone D, which includes all of Waldo County and part of Knox County, is where approximately 20% of lobsters caught in the State of Maine are landed annually. In 2014, more than 24.4 million pounds of lobsters were landed by Zone D lobstermen, valued at over \$92 million at the dock and between \$276 million and \$461 million.
- Each year since 2008 the Waldo County lobster fishery has increased in the volume of pounds landed by an average of 26% annually with a total increase of 282% between 2008 and 2014. During this same period of time the value of this catch increase by 319% at the dock. In 2014, the volume of Waldo County landings reached 866,473 reported pounds, valued at \$3,404,098 at the dock and between \$10.2 and \$17 million in the Maine and Penobscot Bay economies. Even assuming the annual increases in the Waldo County fishery would stop and landings remained at current levels, the loss of "just" the Waldo County lobster fishery for the 4-year time acknowledged by the Corps, would result in the loss of roughly 3.5 million pounds of lobster, worth at least \$13.2 million to Zone D lobstermen who fish in Waldo County, valued at between \$40.8 and \$68 million in the Maine economy. ***The Corps made clear at the 2014 meeting with lobstermen that neither the State nor federal governments would compensate Zone D lobstermen for these losses.***
- In 2008, the volume of Knox County lobster landings was 20,218,311 reported pounds, valued at \$69,876,410 at the dock and between \$209.6 million and \$349.4 million in the Maine and Penobscot Bay economies. By 2014, the volume of Knox County lobster landings reached 33,843,294 reported pounds, valued at \$126,859,580 at the dock and between \$380.6 million and \$634.3 million in the Maine economy. The increase in the volume of Knox County landings since 2008 – when the Corps stopped its review of the Penobscot Bay lobster fishery and the impacts on that fishery this proposed project could cause – is more than 167%, with an increase in the value for this catch of more than 181%.
- Even if the dredging and dredge spoils disposal is done as planned, sediment plumes resulting from the dredging are expected to extend between 1500 feet and one mile of the dredging and disposal areas.

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- The area the Corps proposes to dump all dredge spoils was previously rejected as a suitable dredge spoils disposal site, in the late 1990s -- when the proposal to deepen the Searsport FNP was first proposed. Even assuming that the sediment to be dredged and dumped is free of contamination, dumping these spoils into the geologically unstable pockmarks off Islesboro in Belfast Bay would create a calamity of turbidity. Decades of scientific studies on these pockmarks, which are formed from venting methane in the sediment of this area, have demonstrated that any sediment put in these pockmarks will not stay there because of scouring from currents in this area of Penobscot Bay -- which keeps even naturally deposited sediment from staying in the pockmarks.
- Elevated turbidity associated with even clean sediment plumes and the expansion of the Searsport FNP footprint would devastate the Zone D lobster fishery in no less than Waldo County and would also damage or destroy the Pemaquid Mussel Farm (located just 5,000 feet away from the disposal site), eel grass and Essential Fish Habitat designated by NOAA (used at all stages of development by at least 16 species identified by NMFS), in Long Cove and around Sears Island.
- Under the best of circumstances, dredging destroys the seafloor, kills aquatic life, and generates huge amounts of waste that is harmful where disposed. But here, the sediment is known to contain levels *above reporting limits* of known carcinogens, neurotoxins, PAHs, PCBs, and heavy metals, including: arsenic, zinc, nickel, lead, cadmium, chromium, copper and mercury. The extent of this contamination remains unknown because the Corps has failed to conduct proper sediment testing, using the standards that the federal court's experts in the *Mallinckrodt* litigation have determined is needed to accurately assess the levels of contaminants.

We do not oppose maintenance dredging for Mack Point or the implementation of the Dawson Alternative that would achieve 97% of the navigational efficiencies and port improvement objectives of the Corps' mega-dredge, provided maintenance dredging is undertaken carefully, after proper sediment testing, and *all dredge spoils are safely disposed at an upland location*. However, the members of the Zone D Lobster Council unanimously oppose the disposal of any dredge spoils in the fertile lobstering grounds of Penobscot Bay and therefore oppose this project as currently proposed.

Sincerely,

Michael Dawson
Chair
Maine Zone D Lobster Council
42 Lakeview Drive
Bristol, Maine 04539

CC: Cynthia Bertocci, BEP Executive Analyst
Jim Beyer, DEP Eastern Maine Region