

# GUEST COLUMN

## Protecting rockweed and working waterfront

by Robin Hadlock Seeley

Supporting the working waterfront means supporting fishery habitat. Rockweed, our local seaweed along low tide shorelines, is a vital commercial fishery habitat. At least 22 commercially fished species, including cod, pollock, herring and lobster, use rockweed as habitat. But rockweed is also the target of an industry under pressure to remove more and more rockweed to process into fertilizers.

Expanding and intensifying rockweed removal from our coast is a lose-lose proposition. Our coastal ecosystem, including fisheries, loses. Without a vital coastal ecosystem, the working waterfront is at risk. And landowners whose rockweed becomes a target of the rockweed industry lose their property, with absolutely nothing to show for it.

Rockweed's pivotal role in our coastal ecosystem, sustaining our local fishing economy and working waterfront, has never been more clear. As well as serving as a foundation of our fisheries, rockweed is also a living buffer that protects our shoreline from storm waves; a major carbon absorber in Maine's climate strategy; and wildlife habitat for declining shorebirds. Rockweed does not grow back quickly after harvest but takes years to recover with a growth rate of 1-3 inches per year. A paper published last year claiming that rockweed grows back quickly after harvest has just been soundly rebutted by an experienced team of three marine biologists and a statistician in a paper about to be published.

Nevertheless, the rockweed industry in Washington County is still trying to convince landowners that it is a good thing to give away their rockweed. A current job advertisement for a rockweed harvest manager states that one job responsibility is "increase acceptability of the rockweed harvest" in order to open up new areas for cutting.

All of us, but especially landowners with rockweed on their property, should think carefully about who loses and who wins in this operation. Cut rockweed's annual value in Maine, at pennies per pound, has ranked below the annual value of most of Maine's fisheries statewide for years. Remarkably, even the total statewide harvest of rockweed is worth less than 1% of total fisheries value in Washington County.

The Maine judiciary has unequivocally found that intertidal rockweed is owned by the landowner and thus landowners can protect their own rockweed. Long-term Calais residents who were plaintiffs in

Ross v. Acadian Seaplants in 2019 won a decision from the Maine Supreme Judicial Court establishing that rockweed may not be cut without landowners' permission. In 2021 the rockweed industry tried to overturn the Ross decision by suing several landowners and me to get free access to landowners' rockweed for commercial harvesting. A Maine superior court judge determined that the suit against four landowners and me was a SLAPP suit.

Thank goodness, too, that Maine's legislature has recently defeated damaging bills that would have made it possible for rockweed harvesters to take landowner's rockweed without their permission. This year, bill LD 2003 was the industry's latest attempt to change Maine law so they can take rockweed from landowners without permission. LD 2003 sought to define rockweed cutting as "fishing" to open up the Maine coast to unlimited harvesting. Organizations and individuals from across Maine standing up against this bill include the Protect Maine's Fishing Heritage Foundation, which sent two fishermen to testify against the bill in person, the Maine Association of Realtors and the Natural Resources Council of Maine, Friends of Casco Bay, Friends of Cobscook Bay and Maine Audubon.

Bailey Bowden, chair of the shellfish committee for the town of Penobscot, said that LD 2003 is "horrible legislation. People are going to come in and hack the heck out of the rockweed. Cutting rockweed is different than just taking clams from mudflats – it's harvesting the very ecosystem itself." Fortunately, LD 2003 died in the Joint Committee on Marine Resources last month.

We have a choice to make. How can rockweed best benefit the Washington County economy? As habitat and food for our fish, lobsters and scallops? Or as seaweed biomass worth pennies per pound, to be cut and processed into fertilizer?

The commercial fisheries that depend on rockweed have a far greater value for Washington County than harvested cut rockweed does. Landowners saying "no" to more rockweed harvesting will protect our vital working waterfront. Supporting our fisheries and working waterfront requires us to protect the rockweed that those fisheries depend on.

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