

PRELIMINARY CONSENSUS
ON THE DRAFT ROCKWEED HARVEST MANAGEMENT PLAN

3 November 2013: submitted to the Plan Development Committee (ME DMR)

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State of Maine Legislature

The undersigned organizations share two major concerns about the Draft RMP. First is that any discussion of “sustainability” that puts the focus on rockweed *per se* is inappropriate and needs to be replaced with a broader ecological values-based approach. In this regard we support the leading conclusion of the Canadian Science Advisory Secretariat (CSAS) Research Document 2013/042 (Vandermeulen, H. 2013. Information to Support Assessment of Stock Status of Commercially Harvested Species of Marine Plants in Nova Scotia: Irish moss, Rockweed And Kelp. DFO Can. Sci. Advis. Sec. Res. Doc. 2013/042. vi + 50 p.) that **harvests of macroalgae should be managed on the basis of ecosystem principles**. The CSAS report emphasizes the need to consider the effects of harvest on rockweed’s immediate biological community, its habitat value to dependent species and its contribution of organic material to the detrital food web.

Our second concern is that “biomass” recovery after harvest is an improper metric for whether the harvest is ecologically sustainable. -Instead **we should focus on whether there is prompt recovery to a natural state of the rockweed bed’s three-dimensional structure**, including plant height and canopy spread.

According to the CSAS report, the view of the Canadian Department of Fisheries and Oceans (DFO), Maritimes Region is that a “harmful alteration” of the habitat value has occurred **if it takes more than a year for the seaweed bed to recover its structure and integrity**. The CSAS document emphasizes that “the term ‘structure’ includes the three-dimensional shape of the algal canopy” and that the habitat protection objective should be that “the structure and integrity of the original seaweed bed must recover within one year after harvest”.

Accordingly, we propose as general principles that Maine’s Rockweed Management Plan:

- a) Eliminate or minimize to the greatest extent possible the potential adverse impacts of harvest on rockweed-dependent invertebrate, fish and bird species,
- b) Recognize the importance of maintaining detrital rockweed inputs to the Gulf of Maine ecosystem and
- c) Ensure recovery of the three dimensional structure of harvested rockweed beds within one year after harvest.

To help implement these principles we specifically request that the RMP provide for:

I. Restricted areas defined by GPS coordinates. By virtue of their fundamental conservation importance the areas listed below should be designated by DMR as either “No Cut” or as “Cut By Permission Only” lands

A. No Cut Coastal lands preserved for conservation with NGO, state (LMF) or federal funding including all NGO lands with a recorded "project agreement" and all municipal, state and federally-owned conservation lands. (Maps and coordinates to be supplied by conservation owner).

B. No Cut MDIFW designated significant wildlife habitat, defined by MDIFW using the Department's criteria and scientific data. Provision for an annual IFW review and refinement of the MDIFW no-cut list should be made in the RMP.

C. No Cut State of Maine designated coastal Focus Areas of ecological significance, as identified by the responsible state agency.

D. No Cut University of Maine researcher-identified seal haul-out and pupping ledges (these have been mapped).

E. By Permission Only Land trust (NGO) owned intertidal lands without project agreement or donor limitations should not be open to cutting without the agreement of the land trust land owner. (Maps and coordinates to be supplied by NGO owner).

F. By Permission Only Intertidal lands that are part of or adjacent to Conservation Easement lands should not be open to cutting without the permission of the fee owner of the intertidal property. (Maps to be supplied by easement holder or fee owner)

G. By Permission Only Intertidal lands that are part of or adjacent to biological field stations or municipal lands intended for research or education should not be open to cutting without the permission of the fee owner of the intertidal property

II. **Better science** should be sought as a foundation for the RMP. In that regard:

A. The PDT should actively seek out published, peer-reviewed submissions from independent scientists to inform ecologically responsible management. In particular, the PDT should be guided by the **recently published report (September 2013: Canadian Science Advisory Secretariat, Department of Fisheries and Oceans; Doc 2013/042) on commercial harvest of macroalgae in Nova Scotia**. This is a new and important summary of current DFO Canada recommendations for commercial harvesting of rockweed and other seaweeds based on input from scientists, managers and industry in Canada and on a comprehensive literature review. This is a Canadian government report, not the product of an advocacy group on either side of the issue.

B. The RMP should require ongoing consultation with MDIFW biologists with regard to identifying and minimizing potential impacts on species of concern, including adding or subtracting significant wildlife habitat areas as species distributions change over time.

C. The RMP should include a written statement of the criteria for biological research, observations and opinions to be included or referenced in the RMP. When research that is neither published nor peer-reviewed is used as a basis for the RMP, an explicit justification

for including such research should be included. This policy will increase confidence in the PDT process.

D. The RMP should include a research plan identifying what further research is necessary to determine an ecologically sustainable level of harvest.

III. Management plan specifics

A. Closed season We propose a statewide winter/spring closed season from Dec. 1 through June 30 augmented by late summer/early fall closure in designated areas important to shorebirds during their southward migration. All dates would be refined in consultation with MDIFW biologists to minimize adverse impacts on sensitive wildlife and to avoid the rockweed reproductive period.

The Canadian Science Advisory Secretariat document states: *"It is not good management practice to harvest seaweeds during their reproductive period. In general, Ascophyllum has a pronounced reproductive peak in May; it can be as late as June in more northerly waters..."* The suggested Dec. 1-June 30 closed season would avoid the rockweed reproductive season and allow shedding of reproductive biomass which results in a substantial detrital contribution to the Gulf of Maine ecosystem.

The proposed Dec. 1-June 30 closed season would also protect eider duck brood areas and seal pupping areas in the spring and early summer, and black duck and purple sandpiper winter feeding areas during this biologically critical time period.

Late summer and early fall closure of habitats used by southward migrating shore birds should be implemented following MDIFW proposals.

B. Daily harvest activity should be limited to the period from sunrise to sunset. This provision will minimize disturbances to lobsters and other organisms that forage in the intertidal zone during nocturnal high tides.

C. Cutting height should be at least 32" above the substrate. This cutting height will preserve more of the canopy structure and shorten (compared to the proposed 16" cut) the re-growth time required to restore original three-dimensional structure.

D. The annual percentage take per season has been proposed as 17% of harvestable biomass. Using an ecosystem approach requires that we also consider both habitat function and contributions of rockweed biomass to the ecosystem. Taking no more than 10% of harvestable rockweed biomass would be more protective of the Gulf of Maine ecosystem.

E. Biomass assessment. Biomass assessment in each sector should be performed by DMR, not by commercial interests; the industry should not be in the position of setting their own harvest limits by informing the state about how much rockweed biomass is in a sector. This provision will increase the confidence of all stakeholders in the management

process.

IV. Enforcement Harvest regulations need to be supported by credible enforcement. The RMP must mandate a meaningful increase in DMR enforcement capability and identify a mechanism to fund increased enforcement. Some ideas:

A. Engage towns Sector and sub-sector boundaries should not cross town lines. The duties and authority of town shellfish wardens could be extended to include rockweed law enforcement with a concomitant provision to support participating towns financially.

B. Increase the landings surcharge to raise money for enforcement. Consider 8% of landed value as a surcharge. If the current value is \$47/ton, a recent industry figure, the surcharge would be \$3.76/ton. If all landings statewide amount to \$1 million at the dock, the annual landings surcharge would supplement other revenues by \$80,000.

C. Increase license fees.

V. Ownership of Rockweed:

The RMP should include a statement about the unique ownership status of the intertidal resource being managed. State-approved language currently appears on the seaweed harvester license application and should appear prominently in the introductory section of the rockweed management plan:

“A DMR license authorizes the holder to harvest seaweed in compliance with Maine regulations governing cutting length and other conservation measures, from any area where seaweed may legally be taken. The holder of this license and any property owners must be aware that Maine’s common law (meaning state law developed through court decisions) is not clear as to whether seaweed located in the intertidal zone (defined as the shores, flats or other land between the high and low water mark) is owned by the public generally or by the upland property owner. Therefore, since ownership of the seaweed in the intertidal zone is an unsettled question that only Maine courts can definitively answer, the State of Maine takes no position on (1) whether the public may harvest seaweed from those areas without interfering with the private property rights of the upland owner or (2) whether the upland property owners may prohibit the public harvest of seaweed in those areas. “

The undersigned organizations concur in this position statement.

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