

Clash along bucolic Maine coast erupts over rockweed

By [David Abel](#) Boston Globe Staff, November 25, 2019, 7:33 p.m.



Jeffrey Parent said he was dumbfounded by the denuding of rockweed from the shoreline near his home in Waldoboro, Maine. JESSICA RINALDI/GLOBE STAFF/GLOBE STAFF

WALDOBORO, Maine — On a recent afternoon, a few feet from the small, coastal home where Jeffrey Parent lives with his wife and five children, a boat rumbled up to his rocky shore and deployed a vacuum-like tool that began sucking up large clumps of a knotty, olive-colored marine plant called rockweed.

No one asked for his permission.

To Parent, it was as if someone had just parked in his yard and started snipping flowers from his garden. He couldn't believe what he was witnessing.

"We were so angry," said Parent, 65, showing the newly shorn granite boulders surrounding the modest home he has owned here since 2012, where the rambling rockweed had been clipped to a few inches. "It was so arrogant of them. They acted like they could do whatever they wanted, no matter the consequences."

The retired UPS driver and others along this state's 3,500 miles of coast have complained that many harvesters of rockweed — an increasingly valuable commodity used for fertilizers and food products — are ignoring last spring's controversial Supreme Judicial Court ruling that requires them to do something few had ever done: ask property owners for permission before removing the soggy weeds.

For generations, rockweed harvesters in Maine have operated like fishermen, free under state law to rake clams, collect worms, and navigate in the so-called intertidal zone — the area between high and low tides. As the industry has become more lucrative, the number of harvesters has increased, stirring tensions with coastal residents who prize their seaside tranquility.



A harvester used a machine to remove rockweed from the shoreline of Friendship, Maine. The weed (left) resembles eel grass, and some environmentalists say it protects young lobsters and other sea life. LYNN CASE

The court's ruling doesn't appear to have reduced the conflict, even though the justices sided with coastal property owners who objected to a Canadian company that had repeatedly taken rockweed from their shore. The plaintiffs complained that the large-scale removal of rockweed — which has grown to a \$20 million business in Maine — has damaged coastal ecosystems, reducing habitats for juvenile lobster, cod, and other species that rely on the weed for protection and food.

“We agree that rockweed in the intertidal zone belongs to the upland property owner and therefore is not public property, is not held in trust by the state for public use, and cannot be harvested by members of the public as a matter of right,” Justice Jeffrey Hjelm wrote in the majority opinion.

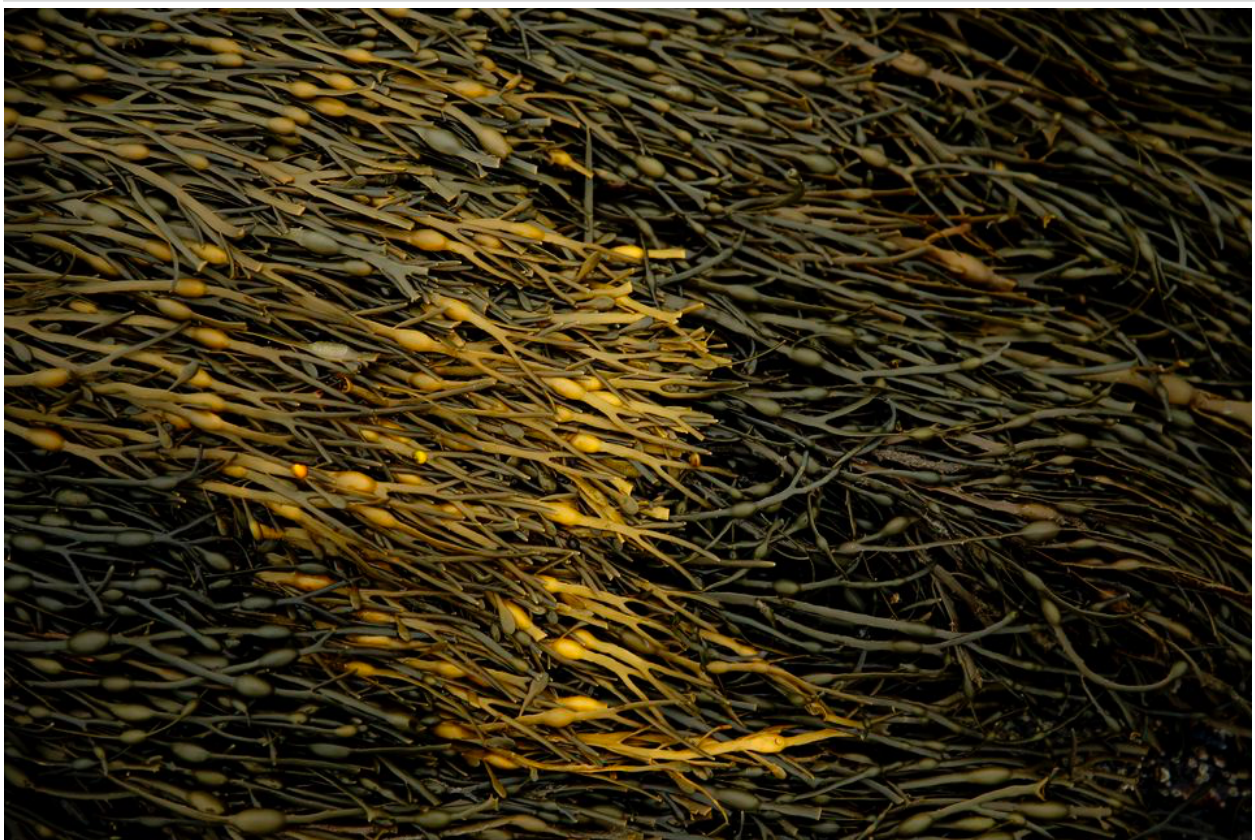
The decision wasn't well received by the owners of companies that rely on a steady supply of rockweed, some of whom worried that it would undermine an industry that has seen its harvest quadruple to more than 22 million pounds since 2001.

“The ruling created a huge mess,” said Dave Preston, president of the Maine Seaweed Council, which represents the companies.

He acknowledged that some of the state’s 154 licensed harvesters — the number of which has increased by more than 40 percent over the past decade — may be ignoring the ruling as a matter of economic necessity.

“Many of them have a lot of money tied up with their equipment, and so they’ve had to make a decision about what to do,” said Preston, noting that many of the harvesters work as independent contractors. “Do you try to survive? Until this ruling, the public’s right to the intertidal zone was unfringed.”

In flouting the court, others suggested, some harvesters hope to invite another lawsuit that might persuade the court to reconsider or alter its ruling.



Rockweed along Jeffrey Parent’s shoreline in Waldoboro, Maine. JESSICA RINALDI/GLOBE STAFF/GLOBE STAFF

George Seaver, co-owner of Ocean Organics, a Waldoboro processor of rockweed, said he thought there were gray areas in the ruling, such as whether

coastal homeowners can prevent harvesting if they can't prove their deeds extend to the shoreline.

"What do you do when you look all day long and can't find the owner of the intertidal zone?" he said. "Does that mean we all have to stop being in business?"

The harvesters his company has been buying from have received permission to take rockweed, he said. But he acknowledged that some of his colleagues at other companies haven't done so, and that some harvesters have turned the tables on property owners who have complained, demanding that they prove their property extends to the waterline.

Seaver said he hopes such disputes get litigated.

"A bad presentation in court before is what snatched this away from us," he said, referring to the case decided by Maine's top court. "It would be great if this ends up back in court."

Seaver and others, including state regulators, have dismissed the concerns about rockweed harvesting, even suggesting that it has benefits for the environment. The final product, for example, reduces the use of chemical fertilizers and the need for pesticides.

In a letter sent to Seaver last month, Patrick Keliher, commissioner of the state's Department of Marine Resources, wrote: "The department is not aware of any scientific research that has documented a deleterious or irreversible impact on Maine's marine ecosystem from rockweed harvesting."

But some property owners and scientists insist there are harmful impacts, especially when the rockweed is removed by machine, rather than by hand.

Diane Cowan, executive director of The Lobster Conservancy, compared harvesting that occurred last spring on the island off Friendship, where she has lived and worked for years, to a "massacre."

Rockweed has been harvested in the area for years, but it used to be mainly by hand, and there was little lasting damage, she said. Now, she sees several boats a day using mechanical harvesting equipment.

“It’s a gold rush mentality,” she said. “They harvest the same place over and over again. There’s nothing left to take. I search and fail to find any place that hasn’t been harvested in this bay.”

As someone who has spent her entire adult life wading through intertidal zones and studying what lives there, Cowan said, rockweed is especially vital to juvenile lobster, protecting them from the heat and the cold and providing cover from predators, such as sea gulls and skunks.

Rockweed is similar to eelgrass, which also provides vital habitat to many organisms but is highly protected by the state, she said.

Like a few of her neighbors — some of whom said they worried about retaliation if they spoke publicly about their concerns — Cowan has tried to ward off the mechanical harvesters, which are often noisy and spew diesel fumes.

“Watching the seaweed massacre — seeing, hearing, and smelling those destructive, filthy machines chugging along, clear cutting the rocky intertidal forest from this bay, literally breaks my heart,” she said.

While some of her neighbors said they’ve filed complaints with the Maine Marine Patrol, which has few resources to enforce the ruling, little has been done to stop the harvesting, they said.

Lynn Case, who has owned a house across the bay in Friendship since the 1980s, became so perturbed by recent harvesting that she called the Marine Patrol to file a complaint. She had taken pictures of the boat sucking up the rockweed along her shore.

But the officer didn’t seem interested and said she had to prove she owned the land up to the shoreline, she said.

“It was like, ‘Lady, don’t bother me,’” Case said. “He clearly didn’t want anything to do with it.”

Officials at the Department of Marine Resources said they have investigated only eight complaints relating to rockweed harvesting since the court’s ruling. None has resulted in a summons, said Jeff Nichols, a spokesman for the department.

“If there is sufficient reason to believe a violation has occurred, patrol [officers] may write a summons for theft,” he said.

For Jeffrey Parent, who has also sought help from authorities, the damage is already done.

As he walked along his spear-shaped property that juts into the frigid waters of Back River Cove, he showed areas where rockweed used to rise some 4 feet off the rocks. Now, it was down to about 16 inches, the legal limit.

It would likely take more than a decade to grow back, and the lack of protection would contribute to erosion, especially as sea levels rise, he said.

“There was no consideration for those of us who live here,” he said, pointing to one rock that had been completely denuded of rockweed. “What am I left to do at this point?”



Jeffrey Parent handled rockweed that had been cut by a harvester. JESSICA RINALDI/GLOBE STAFF/GLOBE STAFF