

I am writing in opposition to two bills, LD1316 and LD1323, that pertain to ownership of intertidal seaweed. I regret that my job responsibilities on April 25 prevent me from giving my testimony in person. I am therefore submitting these written comments.

LD 1316 states that "the State owns title to intertidal land". This statement contradicts the court's assertion in the Ross v Acadian Seaplants case that upland land owners own the intertidal zone. *"The intertidal zone belongs to the owner of the adjacent upland property, or some other person to whom that part of the land has been transferred by the upland owner,..."*

LD 1323 delineates permitted uses of intertidal land to include seaweed harvesting. This bill attempts to reverse the Maine Supreme Judicial Court's decision that the upland landowner owns intertidal seaweed.

The primary species driving these two bills is the seaweed called knotted wrack (*Ascophyllum nodosum*). Abundant research has established the critical roles that knotted wrack plays in Maine intertidal communities. Knotted wrack serves as food for intertidal herbivorous snails and crustaceans, provides a nursery habitat for crustaceans and cod, and foraging habitat for fish, sea ducks and shorebirds.

Harvesting practices stipulate that 16 inches of each knotted wrack plant must be left attached to the rocks after harvesting. We know that the mechanical harvesters used often leave less than 16 inches of biomass. Even leaving 16 inches allows harvesters to extract a large amount of biomass as knotted wrack may reach lengths of six feet. Furthermore, harvesting the tips of knotted wrack removes the growing tip (the apical meristem) of the algae, slowing recovery and reproduction of the wrack. Cutting the apical meristem causes the remaining portion of the alga to develop lateral meristems, producing short, bushy algae, quite different from the original elongate growth form. Cutting turns a knotted wrack stand from a forest to a meadow and therefore diminishes its functions in the intertidal community.

Sincerely,

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