**Frenchman Bay Partners Steering Committee Meeting**



**Location:** Gordon’s Wharfin Sullivan

**Date and Time:** Monday January 25th, 3-5 pm

**Directions:** http://friendsoftauntonbay.org/home/directions

**MINUTES**

1. **Introductions**

* Alan Gray, Friends of Taunton Bay
* John Kelly, Acadia National Park Management Specialist, Steering Committee
* Antonio Blasi, Schoodic Maine Guide, Hancock County Commissioner, Steering Committee
* Chris Petersen, College of the Atlantic, Executive Committee Vice President
* Larry Libby, Lamoine Conservation Commission, Steering Committee
* Hannah Webber, Schoodic Institute, Steering Committee
* Madeline Motely, College of the Atlantic
* Roger Bowen, Gouldsboro Selectman, Steering Committee
* Fiona de Koning, Acadia AquaFarms, Executive Committee Member-at-Large
* Bob DeForrest, Maine Coast Heritage Trust, Executive Committee Member-at-Large
* Jane Disney, MDI Biological Laboratory, Executive Committee President
* Bridie McGreavy, University of Maine, Executive Committee Secretary (call-in)
* Anna Farrell, MDI Biological Laboratory, Communications Committee
* Andrea DeFrancesco, Ironbound Island Seaweed

1. **Review of minutes from Sept. 29 Steering Committee and Dec. 28 Executive Committee Meetings**

We reviewed the minutes of the last Steering Committee meeting. There is a concern about rockweed harvesting in Frenchman Bay. How does rockweed function as habitat? How could it be impacted by harvesting? What is the interest of Canadian companies in harvesting in Maine and New Hampshire? Should rockweed be added to the Frenchman Bay Partners Conservation Action Plan as a conservation target? Last meeting the group voted ‘yes’ on having a Rockweed Meeting for the purpose of education.

**3. Planning Discussion: FBP Rockweed Meeting for Frenchman Bay Partners**

**Purpose**

This meeting was called to outline and organize the Frenchman Bay Partners Rockweed Meeting. The discussion began with recalling the Frenchman Bay Partners mission and vision:

*The mission of the Frenchman Bay Partners is to ensure that the Frenchman Bay area is ecologically, economically and socially healthy and resilient in the face of future challenges.*

*The vision of the Frenchman Bay Partners is a healthy and sustainable future for Frenchman Bay where multiple users can enjoy the inherent beauty and benefit from the ecological and economic viability of the bay.*

The mission and vision are there to guide decisions and progress as the Frenchman Bay Partners grow, and it’s important to keep them in mind as we move forward. The purpose of the rockweed meeting should fit with the mission and vision.

The first issue brought up was the legal question of who owns the intertidal. In most states, this is not a question because the intertidal is part of the public trust. However, this is not the case in a handful of states, including Maine and Massachusetts. Coastal property owners own land out to the mean low tide line, as set out in the Colonial Ordinance of 1647. Property rights are subject to the “fishing, fowling, and navigation” easement, meaning the public can utilize this zone for use of fishing, fowling, and navigation.

A January 19, 2016 article in the Ellsworth American Waterfront section, titled: “[Washington Country landowners file suit to block rockweed harvest](http://www.ellsworthamerican.com/featured/washington-county-landowners-file-suit-to-block-rockweed-harvest-on-their-shore)”, reports on a case asking just who owns the rockweed, an intertidal seaweed. There is gray area around where individuals and companies can harvest rockweed: is it considered part of the fishing, fowling, and navigation easement? Does rockweed belong to the owner of the land on which it grows? Or is rockweed subject to the public trust, and belong to the state?

The federal Public Trust Doctrine is a common-law principle that supports the [general public’s right of coastal access](http://www.mainehealthybeaches.org/documents/pubacc04.pdf) for certain coast-dependent activities. The 1989 Moody Beach case, decided by the Maine Supreme Court, determined the public has very limited rights in the intertidal zone: public rights do not extend beyond fishing, fowling, and navigation. Currently, rockweed appears to fall under the fishing clause. In 2011, the [Maine Supreme Court](http://bangordailynews.com/2011/08/30/news/court/maine-high-court-ensures-beach-access-at-low-tide/) ruled that scuba divers may use private property exposed at low tide to reach the ocean, expanding the right to navigation to include the right to walk across the intertidal zone to enter the ocean.

In Downeast Maine, the argument for public access to the intertidal, in the context of rockweed harvesting, seems to be turned on its head. Traditionally, environmental groups have advocated for the Public Trust Doctrine; by general principle, the state does a better job of preserving resources than private land owners. In this case, however, people distrust government management of rockweed, and seem to think private land owners may be better preservationists than the state. Ken Cline of College of the Atlantic just wrote a piece on the issue for the Frenchman Bay Conservancy, but it has not yet been disseminated to the public.

There was consensus that legal issues need to be clarified and understood. The Frenchman Bay Conservancy and Friends of Taunton Bay are focusing their attention on legal issues. Additionally, the biology of rockweed, harvesting methods, and the distinction between rockweed harvesting and edible seaweed harvesting need to be presented. Four distinctive categories emerged as important to understanding the rockweed issue: the legal side (property rights), the social aspects (livelihood), economic aspect (harvesting methods and landings data), and scientific information (ecology and biology of the plant and the ecosystem).

Ambiguity surrounds the legal category. The lawsuits being filed indicate a political aspect to rockweed harvesting. The Maine Department of Marine Resources is dealing with rockweed as if it is a marine resource, but the Maine Department of Inland Fisheries and Wildlife is recognizing rockweed as habitat. State governmental departments haven’t yet reconciled their differences regarding the resource. There are inconsistencies between state agencies. What is their role in all of this? What are they doing? Can they act as facilitators for us, or can we act as facilitators for them? Do we want state agencies attending our meeting?

A discussion regarding the role of the Frenchman Bay Partners followed. Historically, the Frenchman Bay Partners have taken on a non-advocacy role, with the goal of communicating with, educating, and informing partners so they can take their own stance. We set others up for advocacy, but do not play that role as the Frenchman Bay Partners. As a group, we focus on education, data collection, etc. With a partnership of 92 entities that continues to grow, we cannot afford to isolate partners. From the industry perspective, this is an advantage. It keeps communication open and circumvents the polarization that can accompany advocacy.

On the other hand, the society we live in tends to disregard hard facts produced by science in favor of opinions that support people’s views. Short-term thinking rules politics, economics, and industry, and one concern with science is that it spends too much time collecting facts that increase our knowledge base, but what is knowledge without action? If rockweed is a precious resource that, for instance, influences our fishing industry in coastal Maine, we need to advocate for it.

The discussion was brought back to how the Frenchman Bay Partners can work together. Our primary focus is learning; what is the expertise we need to facilitate this? Bringing in a range of perspectives and expertise levels the playing field. Envisioning the types of solutions, which include science, business, land ownership, economics, legal, and regulatory expertise will help narrow down how we can take steps to achieve these solutions. We may decide to learn a little about everything now, then delve into specifics over the next couple of years (i.e. host six focused meetings over two years), or use the website to add depth via online resources to the breadth of topics.

Who is at the table and why? What can they all contribute? There is a range of perspectives on biology, from industry supported biology to conservation supported biology. Robin Hadlock Seeley (rockweed expert), Sarah Redmond (Maine Sea Grant, biology/aquaculture), and Jessie Muhlin (Maine Maritime Academy, industry) were mentioned as potential people who should be there. The Maine Seaweed Council is very industry-oriented. We need landowner perspectives, and others who have opinions. The Friends of Taunton Bay think they will use the landowner focus as a hook to bring people into their discussion. Such a diverse range of perspectives is likely to become contentious at some point, and perspectives on the same data will be different. Rather than avoid the conflict, we need to work through it meaningfully. The Collaborative Learning approach is one take on addressing environmental conflict using a model of shared understanding. Chris Feurt at UNE researches this method and has a lot of expertise.

**Goals**

* Learn from each other.
* Identify alternatives and options.
* Allow people to air their concerns and voice their opinions.
* Map out how we understand the problem from multiple perspectives.
* Understand what we agree on, what we do not agree on, where our gaps in knowledge are.
* Use the following open-ended, guiding questions in each category (legal, social, economic, and scientific):
  + What is/is not being done?
  + What can be done?
  + What ought to be done? (Range of alternatives)
* What might the future look like?
* Map potential conflict.
* There are some data we should collect before the meeting about the value of rockweed harvesting. It’s likely the state has that. It would be interesting to see what data the Canadians have as well, as one of the major rockweed companies interested in Downeast Maine, Acadia Seaplants Limited, is Canadian.

As we work through this process, it’s important to remember science won’t necessarily give us an answer. There are scientific questions that might help inform our decision making, but we have to understand the limits and the choices people have to make. Getting past the legal questions of rockweed, and discrepancies in science and regulations will likely be frustrating. Communication will help immensely in working through the conflicts, ambiguity, and frustrations.

**Format**

We might begin the process with a scoping session, to let people get their opinions out. An online pre-meeting survey could take the place of a physical meeting. The information gathered from the survey would be used to plan the event more strategically.

A survey would also give us the opportunity to understand diverse perspectives, give everyone the opportunity to learn from each other and creatively work through, and work towards, solutions. The most appropriate format is short answers to open ended questions, perhaps 5-7 questions total. Questions might include main concerns, what interests you, what brings you here, what you would like to learn, etc. Using Google Forms, the survey can be embedded directly in an email.

The rockweed meeting itself should start with educational presentations clarifying the biological, legal, and economic context of rockweed in Maine. This portion of the meeting would lay out the facts. Opinion sharing would take place in the pre-survey and in breakout sessions after the information-sharing presentations.

A diverse group of speakers will be necessary to give an overview of rockweed, beginning with the biology, followed by social/economic aspects, and ending with legal aspects.

Group concept mapping, in which people write down facts or voice their concerns could be a good way to disseminate opinions and facts.

The number of people invited/attending will determine if we have a forum or divide up into breakout groups for discussion.

*Next Step: Identify what we need for information*

**Scope**

Clarify the biological, legal, and economic context of rockweed management in Maine.

**Date/Time**

* Late March to Late April – April 2? April 9?
* 3-4 hours max, possibly 5 with lunch break. Bring in good food and good snacks.
* Watch out for other events taking place, i.e. Land Trust Conference.

**Venue Options**

* Gates Auditorium
* Sullivan Rec Hall
* Schoodic Institute

**Audience**

Our audience includes our diverse partnership and their organizations.

**4. Modifying our ESV Decision Support Tool for use at or as a follow-up to the FBP Rockweed Meeting—Bridie McGreavy**

The Steering committee discussed whether the ESV Decision Support Tool could come into play for this meeting or as a follow up meeting. The Decision Support Tool that the FBP has been using is too complicated. Jane currently has a grant that could cover a real-world application of the tool. If this were an online tool, it would be easy to invite a wider range of people and gather more data. However, when considering an online survey vs. the “dine and discuss” style event we’ve been holding, one member voiced how important they thought it was to get people together. It’s a process that would be lost with an online-only survey.

There is a range of ways to structure the process, and multiple different types of decision support tools already out there. There might not be just one tool that we use every time. Bridie can help make connections to people with the skills to do up front research and map out the issues. Margaret Snell at Maine Seacoast Mission and Sarah Randall might be good consultants for laying out a technical document summarizing a variety of decision support tools.

**As time allows:**

**3. Committee Updates:**

* Diadromous Fish—**Chris Petersen** –Plans for 2016
* Eelgrass –**Jane Disney**—Plans for summer 2016
* Mudflats—**Chris Petersen**—Softshell Clam data 1999-2015 ; **Bridie McGreavy**—Frenchman Bay Shellfish Committee progress—plans for a watershed survey in the Weir and Martin Cove watersheds 2016
* Communications—**Anna Farrell**—

Committee updates will be communicated in the next e-newsletter. Anna will request article topics for the next Frenchman Bay Partners e-newsletter, coming out in the spring. She is also working the 2015 Acadia National Park report.

**6. Next Steps**

Anna and Madeline, with the help of the Steering Committee and Executive Committees, will start compiling an invitation list, looking into venues, figuring out what we know, what we don’t know, and what we need to know.

**7. Announcements**

No announcements were made.