

MAINE STATE LEGISLATURE

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AMS

L.D. 477

DATE: 2/18/2000

(Filing No. S-500)

AGRICULTURE, CONSERVATION AND FORESTRY

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**STATE OF MAINE
SENATE
119TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 157, L.D. 477, Bill, "An Act Requiring Legislative Approval of Ecological Reserves"

Amend the bill by striking out the title and substituting the following:

'An Act to Establish Standards and Conditions for Designation of Ecological Reserves on Lands Managed by the Bureau of Parks and Lands'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 5 MRSA §13076, sub-§3, ¶F is enacted to read:

F. The Natural Resources Information and Mapping Center shall maintain a database of areas designated as ecological reserves as defined in Title 12, section 1801, subsection 4-A and other public lands designated and managed for equivalent purposes and shall provide scientific review of areas on state land proposed as ecological reserves.

Sec. 2. 12 MRSA §1801, sub-§4-A is enacted to read:

4-A. Ecological reserve. "Ecological reserve" means an area owned or leased by the State, under the jurisdiction of the bureau, designated by the director for the purpose of maintaining one or more natural community types or native ecosystem types in a natural condition and range of variation and contributing to the protection of Maine's biological diversity and managed:

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A. As a benchmark against which biological and environmental change may be measured;

B. To protect sufficient habitat for those species whose habitat needs are unlikely to be met on lands managed for other purposes; or

C. As a site for ongoing scientific research, long-term environmental monitoring and education.

Sec. 3. 12 MRSA §1805 is enacted to read:

§1805. Designation of ecological reserve

The director may designate an ecological reserve on a parcel of land under the jurisdiction of the bureau that was included in the inventory of potential ecological reserves published in the July 1998 report of the Maine Forest Biodiversity Project, "An Ecological Reserves System Inventory: Potential Ecological Reserves on Maine's Existing Public and Private Conservation Lands." The director may designate an additional ecological reserve only in conjunction with the adoption of a management plan for a particular parcel of land and the process for adoption of that management plan must provide for public review and comment on the plan. When a proposed management plan includes designation of an ecological reserve, the director shall notify the joint standing committee of the Legislature having jurisdiction over matters pertaining to public lands of the proposal.

1. Allowed uses. Allowed uses within an ecological reserve must be compatible with the purpose of the ecological reserve and may not cause significant impact on natural community composition or ecosystem processes. Allowed uses include nonmanipulative scientific research, public education and nonmotorized recreation activities such as hiking, cross-country skiing, primitive camping, hunting, fishing and trapping. For the purposes of this subsection, "primitive camping" means camping in a location without facilities or where facilities are limited to a privy, fire ring, tent pad, 3-sided shelter and picnic table. The removal of trees and construction of facilities associated with these allowed uses are allowed. The director may allow other uses when their impact remains low and does not compromise the purpose of the ecological reserve. Recreational use of surface waters is under the jurisdiction of the Department of Inland Fisheries and Wildlife.

2. Trails and roads for motorized vehicle use. The director shall allow the continuing use of an existing snowmobile trail, all-terrain vehicle trail or a road if the director

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2 determines the trail or road is well designed and built and
3 situated in a safe location and its use has minimal adverse
4 impact on the ecological value of an ecological reserve and it
5 cannot be reasonably relocated outside the ecological reserve.

6 A new snowmobile or all-terrain vehicle trail or a new road is
7 allowed only if the director determines all of the following
8 criteria are met:

- 10 A. No safe, cost-effective alternative exists;
- 12 B. The impact on protected natural resource values is
13 minimal; and
- 14 C. The trail or road will provide a crucial link in a
15 significant trail or road system.

18 3. Incompatible uses. Uses that are incompatible with the
19 purpose of an ecological reserve are not allowed. Incompatible
20 uses include timber harvesting, salvage harvesting, commercial
21 mining and commercial sand and gravel excavation. For the
22 purposes of this subsection, "salvage harvesting" means the
23 removal of dead or damaged trees to recover economic value that
24 would otherwise be lost.

26 4. Resource protection measures. The director shall take
27 action to control a wildfire occurring on an ecological reserve
28 or spreading to bureau lands. The director may authorize a
29 prescribed burn in an ecological reserve if necessary to
30 replicate natural processes that maintain specific natural
31 communities or rare species populations.

32 The director may use pesticides, including herbicides, and
33 sanitation harvests to control insect and disease outbreaks only
34 in response to:

- 36 A. A specific threat to the functioning of a native
37 ecosystem or managed wildlife habitat;
- 38 B. A specific threat to human health or safety; or
- 39 C. A condition that is likely to result in significant
40 damage to adjacent lands if control is not exercised.

41 For the purposes of this subsection, "sanitation harvest" means
42 the removal of trees that have been attacked or are in imminent
43 danger of attack by insects or disease in order to prevent these
44 insects or diseases from spreading to other trees.

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2 5. Limits on total land acreage designated as ecological
 4 reserves. The total land acreage designated as ecological
 6 reserves may not exceed 15% of the total land acreage under the
 8 jurisdiction of the bureau or 100,000 acres, whichever is less.
 10 No more than 6% of the operable timberland acres on public
 12 reserved lands and nonreserved public lands may be designated as
 14 ecological reserves. For the purposes of this subsection,
"operable timberland" means land the bureau considers viable for
commercial timber harvest operations. Lands donated or acquired
after the effective date of this section with the condition that
the donated or acquired land be designated an ecological reserve
are not included when calculating acreage limits under this
subsection.

16 The designation of land as an ecological reserve may not result
 18 in a decline in the volume of timber harvested on land under the
 20 jurisdiction of the bureau. For the purposes of this subsection,
"a decline in the volume of timber harvested" means an annual
harvest volume of less than the average annual harvest volume for
the preceding 10 years.

22 6. Reporting requirements. The bureau shall report the
 24 status of ecological reserves under the reporting requirements of
subchapters III and IV.

26 **Sec. 4. 12 MRSA §1839, sub-§1, ¶¶D and E,** as enacted by PL
 28 1997, c. 678, §13, are amended to read:

30 D. A summary of any campsite or recreation facility fees
 32 charged under section 1832, subsection 5; and

34 E. A description of the proposed budget, including
 36 allocations for the bureau's dedicated funds and any
 38 revenues of the bureau from permits, leases, fees and sales,
 for the following fiscal year beginning on July 1st.; and

38 **Sec. 5. 12 MRSA §1839, sub-§1, ¶F** is enacted to read:

40 F. The status of ecological reserves including the acreage
 42 of nonreserved public land designated as ecological
reserves, results of monitoring, scientific research and
other activities related to ecological reserves.

44 **Sec. 6. 12 MRSA §1853, sub-§1, ¶¶D and E,** as enacted by PL
 46 1997, c. 678, §13, are amended to read:

48 D. A summary of any campsite or recreation facility fees
 charged under section 1846, subsection 5; and

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E. A description of the proposed budget, including allocations for the bureau's dedicated funds and any revenues of the bureau from permits, leases, fees and sales for the following fiscal year beginning on July 1st; and

Sec. 7. 12 MRSA §1853, sub-§1, ¶F is enacted to read:

F. The status of ecological reserves including the acreage of reserved public land designated as ecological reserves, results of monitoring, scientific research and other activities related to the bureau's ecological reserves.'

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

The Department of Conservation and the Department of Inland Fisheries and Wildlife will incur some minor additional costs to comply with certain requirements pertaining to ecological reserves. These costs can be absorbed within the existing budgeted resources of the respective departments.

This bill may increase prosecutions for Class E crimes. If a jail sentence is imposed, the additional costs to the counties are estimated to be \$83.36 per day per prisoner. The number of prosecutions that may result in a jail sentence and the resulting costs to the county jail system are expected to be insignificant.

The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase General Fund revenue by minor amounts.'

SUMMARY

This amendment replaces the bill. It enacts a definition of "ecological reserve" and allows the Director of the Bureau of Parks and Lands to designate as an ecological reserve under the jurisdiction of the bureau lands that were listed as parcels for potential ecological reserve designation in the 1998 published inventory. In the process of adopting a management plan for a parcel of land that was not in the 1998 inventory, the director may designate additional land as an ecological reserve.

The amendment specifies uses allowed on ecological reserves. It prohibits timber harvesting, commercial mining and

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2 excavation of sand and gravel on ecological reserves. It
provides limits on the total acreage within the jurisdiction of
4 the Bureau of Parks and Lands that may be designated as
ecological reserves and limits the amount of operable timberland
6 that may be designated as ecological reserves. It requires
wildfires to be controlled and specifies allowed protection
8 measures. It requires the director to include information on
ecological reserves in the director's annual reports to the
Legislature on reserved and nonreserved public lands.