

MAINE STATE LEGISLATURE

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Date: 2-18-22

(Filing No. H-771)

AGRICULTURE, CONSERVATION AND FORESTRY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 541, L.D. 736, "An Act To Enhance the Ecological Reserve System"

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 12 MRSA §1805, as enacted by PL 1999, c. 592, §3 and amended by PL 2011, c. 657, Pt. W, §7 and PL 2013, c. 405, Pt. A, §24, is further amended to read:

§1805. Designation of ecological reserve

The director may designate ecological reserves on parcels of land under the jurisdiction of the bureau ~~that were 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 additional ecological reserves or remove the designation of a parcel of land as an 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 matters of the proposal. When a proposed management plan includes the removal of a parcel of land of 10 acres or more as an ecological reserve, the director shall submit a report to the joint standing committee of the Legislature having jurisdiction over public lands matters prior to the bureau's updating the accompanying management plan for the parcel of land. The report must include a description of the parcel of land, the reasons for the removal of the designation as an ecological reserve, the intended uses of the parcel of land and the benefits to the public as a result of the removal of the designation as an ecological reserve. The joint standing committee of the Legislature having jurisdiction over public lands matters may report out a bill relating to the subject matter of the report.

COMMITTEE AMENDMENT

1 **1. Allowed uses.** ~~Allowed uses~~ The director may within an ecological reserve ~~must~~
2 ~~be allow uses that are~~ compatible with the purpose of the ecological reserve and ~~may do~~
3 ~~not cause significant impact on natural community composition or ecosystem processes.~~
4 ~~Allowed uses~~ Uses that the director may allow include nonmanipulative scientific research,
5 public education and nonmotorized recreation activities such as hiking, cross-country
6 skiing, primitive camping, gathering of materials for cultural and traditional use by a
7 member of a federally recognized Wabanaki Indian nation, tribe or band in this State,
8 hunting, fishing and trapping. For the purposes of this subsection, "primitive camping"
9 means camping in a location without facilities or where facilities are limited to a privy, fire
10 ring, tent pad, 3-sided shelter and picnic table. The removal of trees and construction of
11 facilities associated with these allowed uses are allowed. The director may allow other
12 uses when their impact remains low and does not compromise the purpose of the ecological
13 reserve. Recreational use of surface waters is under the jurisdiction of the Department of
14 Inland Fisheries and Wildlife.

15 **2. Trails and roads for motorized vehicle use.** The director shall allow the
16 continuing use of an existing snowmobile trail, an all-terrain vehicle trail or a road if the
17 director determines the trail or road is well designed and built and situated in a safe location
18 and its use has minimal adverse impact on the ecological value of an ecological reserve and
19 it cannot be reasonably relocated outside the ecological reserve.

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

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

25 **3. Incompatible uses.** Uses that are incompatible with the purpose of an ecological
26 reserve are not allowed. Incompatible uses include timber harvesting, salvage harvesting,
27 commercial mining and commercial sand and gravel excavation. For the purposes of this
28 subsection, "salvage harvesting" means the removal of dead or damaged trees to recover
29 economic value that would otherwise be lost.

30 **4. Resource protection measures.** The director shall take action to control a wildfire
31 occurring on an ecological reserve or spreading to bureau lands. The director may
32 authorize a prescribed burn in an ecological reserve if necessary to replicate natural
33 processes that maintain specific natural communities or rare species populations. The
34 director may implement predetermined wildfire tactics to protect the integrity of the
35 landscape and shall use minimal impact suppression tactics to the extent possible.

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

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

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

4 **5. Limits on total land acreage designated as ecological reserves.** The total land
5 acreage designated as ecological reserves may not exceed ~~15% of the total land acreage~~
6 ~~under the jurisdiction of the bureau or 100,000~~ 115,000 acres, whichever is less. No more
7 than ~~6%~~ 8% of the operable timberland acres on public reserved lands and nonreserved
8 public lands may be designated as ecological reserves. For the purposes of this subsection,
9 "operable timberland" means land the bureau considers viable for commercial timber
10 harvest operations and does not include inoperable lands, which are lands not suitable for
11 timber production due to topography or hydrologic setting. Inoperable lands include
12 ledges, steep slopes, nonforested barrens, mountaintops, nonforested wetlands and other
13 nonproductive sites. Lands donated or acquired after the effective date of this section with
14 the condition that the donated or acquired land be designated an ecological reserve are not
15 included when calculating acreage limits under this subsection.

16 The designation of land as an ecological reserve may not result in a decline in the ~~volume~~
17 ~~of timber harvested on land under the jurisdiction of the bureau.~~ For the purposes of this
18 subsection, "a decline in the volume of timber harvested" means an annual harvest volume
19 of less than the average annual harvest volume for the preceding 10 years sustainable
20 harvest level on land under the jurisdiction of the bureau to less than the average annual
21 harvest for the preceding 10 years. For purposes of this subsection, "sustainable harvest
22 level" means the amount of forest products that can be harvested over time without
23 reducing timber inventory and is determined by the operable timberland acres of land and
24 the forest growth rate.

25 **6. Reporting requirements.** The bureau shall report the status of ecological reserves
26 under the reporting requirements of subchapters ~~III~~ 3 and ~~IV~~ 4.

27 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
28 number to read consecutively.

29 **SUMMARY**

30 This amendment replaces the bill, which is a concept draft. Current law provides that
31 the Director of the Bureau of Parks and Lands within the Department of Agriculture,
32 Conservation and Forestry may designate additional ecological reserves only in
33 conjunction with the adoption of a management plan for a particular parcel of land, and the
34 process for adoption of that management plan must provide for public review and comment
35 on the plan. The amendment requires the director to follow the same process to remove
36 the designation of a parcel of land as an ecological reserve.

37 Current law also provides that when a proposed management plan includes designation
38 of an ecological reserve, the director is required to notify the joint standing committee of
39 the Legislature having jurisdiction over public lands matters of the proposal. The
40 amendment provides that when a proposed management plan includes the removal of a
41 parcel of land of 10 acres or more as an ecological reserve, the director is required to submit
42 a report to the joint standing committee of the Legislature having jurisdiction over public
43 lands matters of the proposal prior to the bureau's updating the accompanying management
44 plan for the parcel of land. The amendment specifies that the joint standing committee of

1 the Legislature having jurisdiction over public lands matters may report out a bill relating
2 to the subject matter of the report.

3 The amendment also adds the gathering of materials for cultural and traditional use by
4 a member of a federally recognized Wabanaki Indian nation, tribe or band in this State to
5 the list of allowed uses within an ecological reserve.

6 The amendment authorizes the director to implement predetermined wildfire tactics to
7 protect the integrity of the landscape and requires the director to use minimal impact
8 suppression tactics to the extent possible.

9 The amendment increases the limitation on total land acreage designated as ecological
10 reserves from 15% of the total land acreage under the jurisdiction of the bureau or 100,000
11 acres, whichever is less, to 115,000 acres. The amendment also increases from 6% to 8%
12 the operable timberland acres on public reserved lands and nonreserved public lands that
13 may be designated as ecological reserves. The amendment clarifies the definition of
14 "operable timberland" by specifying that it does not include inoperable lands.

15 The amendment also clarifies that the designation of land as an ecological reserve may
16 not result in a decline in the sustainable harvest level on land under the jurisdiction of the
17 bureau to less than the average annual harvest for the preceding 10 years.

18 **FISCAL NOTE REQUIRED**

19 (See attached)



130th MAINE LEGISLATURE

LD 736

LR 1707(02)

An Act To Enhance the Ecological Reserve System

Fiscal Note for Bill as Amended by Committee Amendment *A(H-771)*
Committee: Agriculture, Conservation and Forestry
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Agriculture, Conservation and Forestry as a result of the provisions of this bill are anticipated to be minor and can be absorbed within existing budgeted resources.