

OFFICE OF POLICY AND LEGAL ANALYSIS

To: Members, Joint Standing Committee on Agriculture, Conservation and Forestry
From: Karen S. Nadeau, Legislative Analyst
Date: February 1, 2022
Subj: **LD 736, An Act To Enhance the Ecological Reserve System**

This bill, which is a concept draft, proposes to assess the status of the ecological reserve system and consider changes that reflect the importance of the ecological reserve system.

SPONSOR'S AMENDMENT

- Requires the director of BPL to follow a process (same as current law for designating additional ecological reserves) to remove the designation of a parcel as an ecological reserve.
- Requires the director to submit a report to the ACF Committee when a proposed management plan includes the removal of a parcel over 10 acres from the ecological reserve system.
- Adds gathering of materials for cultural and traditional use by Indian tribes in the State.
- Authorizes the director to implement predetermined wildfire tactics to protect the landscape and requires the director to use minimal impact suppression tactics to the extent possible.
- Removes limitations on total land acreage designated as ecological reserves.
- Increases the amount of operable timberland acres on public lands that can be designated as ecological reserves from 6% to 8%.

Proponents: *Bureau of Parks and Lands; Manomet; Environmental Priorities Coalition; Midcoast Conservancy; Appalachian Mountain Club; Maine Audubon; Trout Unlimited; The Nature Conservancy; Natural Resources Council of Maine; Resident of Kingfield; Environment Maine*
Written only: Maine Organic Gardeners and Farmers Association; Residents of New Gloucester, Rockland, Presque Isle, Orono, Richmond, Amherst, and Alna; Sierra Club Maine Chapter; The Wilderness Society; Acadia Center; Maine Youth Action; Restore: The North Woods

- Ecological reserves on public lands account for less than one percent of land in Maine and store roughly 30% more aboveground carbon than other lands in Maine on a per acre basis.
- BPL revenue is generated by its timber harvesting operations; thus, it has no incentive to put too many acres of land into ecological reserves or it would bankrupt itself.
- The ecological reserve system is not a limiting factor in BPL's harvest volume; market fluctuations are the biggest driver of harvest volume.
- It may be prudent to consider a dedicated funding stream to monitor and manage ecological reserves as a supplement to the timber revenue that is vital in maintaining public lands for outdoor recreation, wildlife and public access.

Opponents: *Professional Logging Contractors of Maine; Maine Forest Products Council*

- The revenue that funds BPL is derived from timber harvesting, which also provides employment and economic activity throughout rural Maine.
- Sponsor's amendment was not created through a holistic effort that included multiple stakeholders nor a public process.
- With over 900,000 acres of federal and private land places in ecological reserves in the last 25 years, the urgency for BPL to add acres of ecological reserves has been significantly reduced.
- Total area of lands (state, federal and private) in "reserve-type" management is 940,000 acres or 4.8% of Maine's land base.

NFNA: *None*

NOTES:

BPL fee ownership 721,529 acres¹

T. 12, §1805, sub§5 – sponsor’s amendment proposes to strike: “The total land acreage designated as ecological reserves may not exceed 15% of the total land acreage under the jurisdiction of the bureau or 100,000 acres, whichever is less.

BPL manages 97,023 acres of ecological reserves (ER)

Operable timberland under the Bureau’s ownership 428,994 acres²

T. 12, §1805, sub§5 – “No more than 6% of the operable timberland acres on public reserved lands and nonreserved public lands may be designated as ecological reserves.”

	Acres	Difference between current operable timberland designated as ecological reserves and 6%, 8% and 10% caps (Acres)
Operable timberland	428,994	
Operable timberland designated as ER ³	22,755	
Current law 6%	25,740	2,985
Sponsor amendment 8%	34,320	11,565
Others support 10%	42,899	20,144

SUGGESTED AMENDMENTS:

BPL: The designation of land as an ecological reserve may not result in a decline in the sustainable harvest level on land under the jurisdiction of the bureau to less than the average annual harvest for the preceding 10 years.

BPL’s definition of “sustainable harvest level:” the amount of forest products that can be harvested over time without reducing timber inventory. Sustainable harvest level is determined by the operable acres of land and the forest growth rate.

Maine Audubon, AMC, Trout Unlimited, TNC and NRCM: Increase the limit on operable timberland designated as ecological reserves from 6% to 10%.

PRELIMINARY FISCAL IMPACT STATEMENT: *Not yet determined.*

¹ BPL 2020 Annual report – 635,712 ac. public reserved lands and nonreserved lands held in fee + 85,742 ac. parks, historic sites and boat access sites held in fee – Maine Audubon memo 1/25/22 cites 721,529 ac. which is 75 ac. greater.

² T. 12 §1805, sub§5 – “operable timberland” means land the bureau considers viable for commercial timber harvest operations.”

³ T. 12 §1805, sub§5 – Lands donated or acquired after the effective date of this section with the condition that the donated or acquired land be designated as an ecological reserve are not included when calculating acreage limits under this subsection.” From Maine Audubon memo 1/25/22: Some ecological reserves do not count toward the statutory limitations due to conditions of their acquisition by BPL.