

Amendment to LD 736
An Act To Enhance the Ecological Reserve System
Proposed by Senator Dill
For discussion purposes at the work session
February 8, 2022

Amend the bill by striking out everything after the title and inserting in its place the following:

Sec. 1. 12 MRSA §1805 is 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 of the proposal. When a proposed management plan includes the removal of a parcel 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 matters pertaining to public lands prior to the bureau updating the accompanying management plan for the parcel. The report must include a description of the land, the reasons for the removal, intended uses of the parcel, and 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 matters pertaining to public lands may report out a bill relating to the subject matter of the report.

1. Allowed uses. The director may ~~Allowed uses~~ within an ecological reserve allow uses that are must be compatible with the purpose of the ecological reserve and may do not cause significant impact on natural community composition or ecosystem processes. ~~Allowed uses~~ Uses that the director may allow include nonmanipulative scientific research, public education and nonmotorized recreation activities such as hiking, cross-country skiing, primitive camping, gathering of materials for cultural and traditional use by a member of a federally recognized Wabanaki Indian nation, tribe or band in this State, 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 determines the trail or road is well designed and built and situated in a safe location and its use has minimal adverse impact on the ecological value of an ecological reserve and it cannot be reasonably relocated outside the ecological reserve.

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

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

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

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

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

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

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

5. ~~Limits on total land acreage designated as ecological reserves~~ Limits on operable timberland acres designated as ecological reserves. 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- 115,000 acres, whichever is less. No more than ~~68%~~ of the operable~~

timberland acres on public reserved lands and nonreserved public lands may be designated as ecological reserves. For the purposes of this subsection, "operable timberland" means land the bureau considers viable for commercial timber harvest operations and does not include inoperable lands which are lands not suitable for timber production due to topography or hydrologic setting. Inoperable lands include ledges, steep slopes, non-forested barrens, mountaintops, non-forested wetlands and other non-productive sites. 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.

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. For purposes of this subsection, "sustainable harvest level" means the amount of forest products that can be harvested over time without reducing timber inventory and is determined by the operable timberland acres of land and the forest growth rate. ~~volume of timber harvested on land under the 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.~~

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

SUMMARY

This amendment replaces the bill which is a concept draft. Current law provides that the director of the Bureau of Parks and Lands may designate additional ecological reserves 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. The amendment requires the director to follow the same process to remove the designation of a parcel of land as an ecological reserve.

Current law also provides that 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. The amendment provides that when a proposed management plan includes the removal of a parcel over 10 acres from the ecological reserve system, the director is required to submit a report to the joint standing committee having jurisdiction over matters pertaining to public lands of the proposal prior to the bureau updating the accompanying management plan for the parcel. The amendment specifies that the joint standing committee of the Legislature having jurisdiction over matters pertaining to public lands may report out a bill relating to the subject matter of the report.

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

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

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

The amendment also clarifies that 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.