

Office of Policy and Legal Analysis

Date: March 24, 2021
To: Joint Standing Committee on Environment and Natural Resources
From: Deirdre Schneider, Legislative Analyst
Re: LD 593, An Act To Restore Regular Mapping of Eelgrass Beds in the State

Summary

This bill directs the Department of Environmental Protection, in consultation with the Department of Marine Resources, to establish and administer a program to regularly produce and update maps regarding the distribution of eelgrass beds in the State. The bill establishes a mapping schedule and requires that maps for each designated coastal portion be updated every 5 years. It also requires that data collected and maps produced under this program must be made available on the department's website.

The department is directed to submit, beginning March 1, 2023, and biennially thereafter, a report to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters on the data collected and maps produced and updated under this program.

It also creates the Eelgrass Mapping Fund to support the establishment and administration of the eelgrass mapping program and authorizes the fund to accept grants, bequests, gifts or contributions from any source, public or private.

The bill contains an appropriations and allocations section containing three initiatives.

- The first initiative provides an allocation for the eelgrass mapping fund so that grants, bequests, gift or contributions can be accepted.
- The second initiative provides appropriations for 2 positions at the DEP.
- The third initiative provides appropriations for aerial imagery acquisition and processing and annual equipment maintenance and replacement.

History

During the 129th Legislature, LD 559 was before the ENR Committee. The committee voted unanimously OTP-AM. The amendment included the addition of the Eelgrass Mapping Fund and the appropriations and allocations section, including the same initiatives contained in LD 593. The amended version of LD 559, is the same proposal as LD 593. The bill died on the Special Appropriations Table upon adjournment.

Sponsor Amendment (Attached)

Representative McCreight submitted an amendment to the bill prior to the public hearing that adds salt marsh vegetation mapping. This addition would not require additional resources.

List of People that Submitted Written Testimony and/or Spoke at the Hearing

Proponents: Representative McCreight (Sponsor); Ivy Frignoca, Friends of Casco Bay; Christine Real de Azua; Beverly Johnson; Jenny Zagariello; Sebastian Belle, ME Aquaculture Assoc, Mary Ann Nahf; Phil Colarusso; Rob Wood, Nature Conservancy;

Opponents: None

Neither for nor against: Brian Kavanah, DEP

Amendments Proposed in Testimony

- **Christine Real de Azua** – (1) Accelerate the mapping timetable; (2) Include all brackish tidal areas, which can reach far inland given Maine’s complex coastline; and (3) Direct DEP to develop a plan to address the problems contributing to eelgrass loss.
- **Sebastian Belle, ME Aquaculture Assoc.** – Include a procedure and policy for removal of nonexistent eelgrass beds from the database and maps so that “no go zones” are not created in perpetuity.

Fiscal Impact

- No preliminary fiscal impact statement issued; however, the bill contains an appropriations and allocations section that totals in 2021-22 -\$283,243 (GF) and in 2022-23, \$330,400 (GF)

Proposed Sponsor Amendment

Committee: ENR

Drafter: DS

File name: G:\COMMITTEES\ENR\Bill amendments\130th 1st\Amendment drafts\LD 593

McCreight proposed amendment.docx

LR (item)#: 086902

New Title?: Yes

Add Emergency?: No

Date: 3/12/21

Proposed Amendment (Representative McCreight) to LD 593, An Act To Restore Regular Eelgrass Mapping in the State

Change the Title of the bill as follows:

An Act To Restore Eelgrass Mapping and Enhance Salt Marsh Vegetation Mapping in the State

Amend section one of the bill as follows: (changes shaded):

Sec. 1. 38 MRSA §1805 is enacted to read:

§1805. Eelgrass and salt marsh vegetation mapping

In accordance with the requirements of this section and in consultation with the Department of Marine Resources, the department shall establish and administer an eelgrass and salt marsh vegetation mapping program. For the purposes of this section, "eelgrass" means the flowering marine plant species *Zostera marina* that is primarily found in shallow, protected intertidal and subtidal locations in the State. For the purposes of this section "salt marsh vegetation" means salt-tolerant vegetation which contains a mixture of graminoids and forbs and sometimes includes cordgrasses.

1. Mapping procedures. The department shall in accordance with the schedule in subsection 3 facilitate the production and update of eelgrass and salt marsh vegetation distribution maps for eelgrass beds and salt marsh vegetation within the State. The data collected and the maps produced and updated in accordance with this section must, to the maximum extent practicable, be compatible with the State's geographic information system.

2. Eelgrass and Salt Marsh Vegetation Mapping Fund. The Eelgrass and Salt Marsh Vegetation Mapping Fund is created within the department as a nonlapsing dedicated fund to support the establishment and administration of the eelgrass and salt marsh vegetation mapping program required under this section. The fund may accept revenue from grants, bequests, gifts or contributions from any source, public or private.

3. Mapping schedule. The mapping of eelgrass beds and salt marsh vegetation required under this section must be conducted in accordance with the following schedule, as department resources allow.

A. No later than November 1, 2022, mapping must be completed for that portion of the coast from Phippsburg to St. George and must be updated every 5 years thereafter.

B. No later than November 1, 2023, mapping must be completed for that portion of the coast from St. George to Brooklin and must be updated every 5 years thereafter.

C. No later than November 1, 2024, mapping must be completed for that portion of the coast from Brooklin to Jonesport and must be updated every 5 years thereafter.

D. No later than November 1, 2025, mapping must be completed for that portion of the coast from Jonesport to Calais and must be updated every 5 years thereafter.

E. No later than November 1, 2026, mapping must be completed for that portion of the coast from Eliot to Phippsburg and must be updated every 5 years thereafter.

4. Availability of data and maps. The department shall make available on its publicly accessible website the data collected and maps produced and updated under this section.

5. Report. On or before March 1, 2023, and biennially thereafter, the department shall submit to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters a report summarizing the data collected and maps produced and updated under this section and including an analysis, if available, of the changes to the eelgrass beds and salt marsh vegetation within the State that are demonstrated by the data collected and maps produced under this section.

Amend line 41 on page 1 and lines 1 and 2 on page 2 of the bill as follows:

Eelgrass Mapping and Salt Marsh Vegetation Fund N302

Initiative: Provides an allocation to accept grants, bequests, gifts or contributions from any source, public or private, to support the administration of the eelgrass mapping and salt marsh vegetation program.

SUMMARY

This amendment changes the title and in addition to eelgrass, requires the Department of Environmental Protection, in consultation with the Department of Marine Resources, to establish and administer a program to regularly produce and update maps regarding the distribution of salt marsh vegetation in the State. It also provides a definition for “salt marsh vegetation.”