



Testimony before the

Joint Standing Committee on Agriculture, Conservation and Forestry

By Kaitlyn Bernard, Natural Resources Policy Advisor

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Re: LD 736, An Act To Enhance the Ecological Reserve System

Senator Dill, Representative O’Neil, and members of the Joint Standing Committee on Agriculture, Conservation, and Forestry, my name is Kaitlyn Bernard and I am the Natural Resources Policy Advisor for The Nature Conservancy in Maine. I appreciate this opportunity to testify **in support of LD 736, An Act To Enhance the Ecological Reserve System**. We support LD 736 and the amendment that was circulated with the Committee and the Interested Parties list in advance of the hearing by bill sponsor Nicole Grohoski.

The Nature Conservancy (TNC) is a nonprofit conservation organization dedicated to conserving the lands and waters on which all life depends. Guided by science, we create innovative, on-the-ground solutions to our world’s toughest challenges so that nature and people can thrive together. Working in more than 70 countries, we use a collaborative approach that engages local communities, governments, the private sector, and other partners. TNC has been leading conservation in Maine for more than 60 years and manages approximately 275,000 acres of conserved land across the state. We also work with communities to restore rivers and streams, rebuild groundfish populations in the Gulf of Maine, and develop innovative solutions to climate change.

Maine’s Ecological Reserves System was created by the Maine Legislature in 2000 to maintain effective representations of every natural community type in Maine. The bill before you would help our state continue to move in the direction of this worthwhile goal and give the Bureau of Parks and Lands (BPL) the opportunity and flexibility to designate additional ecological reserves. After 22 years of progress since the creation of the Ecological Reserves System, Maine BPL currently manages 19 ecological reserves across the state, encompassing about 96,000 acres. These reserves include iconic Maine places such as the Bigelow Preserve, Nahmakanta, the Mahoosucs, and Mt. Abraham.

The Nature Conservancy supports this effort to update the existing “cap” on the Ecological Reserve System while preserving an adequate amount of operable timberlands for timber management within the Bureau’s land holdings to financially support their work. Current statute includes arbitrary limits on the system and LD 736 would instead focus on a more relevant goal of preserving an adequate amount of operable timberlands. Maine’s Bureau of Parks and Lands

is funded exclusively by revenue from the sale of timber harvested from their lands. Therefore, it is critical to maintain operable timberlands as part of the BPL land holdings to support their important work and operations. Since Ecological Reserves are a subset of lands managed by BPL that do not allow for timber harvesting, it is important to focus this discussion on the balance needed to maintain operable timberlands while allowing for additional flexibility in Ecological Reserves to accomplish Maine goals.

Current statute states that “[n]o more than 6% of the operable timberland acres on [public lands] may be designated as ecological reserves.” The bill sponsor’s amendment would update the 6% figure to 8%. **The Nature Conservancy recommends that the Committee consider updating the limit on operable timber percentage from 6% to 10%.** Based on conversations with the Bureau, we understand that limiting ecological reserves to no more than 10% of the operable timberland acres on public lands would have a manageable impact on their budget. It is important to note that LD 736 does not require the Bureau to designate new areas as Ecological Reserves but allows them to do so at their discretion. An increase to 10% would allow the Bureau to designate 20,144 additional operable timberland acres as ecological reserves and make significant progress towards meaningful protection of key natural community types.

The changes in Section 5 of LD 736 would eliminate other limits on the system, namely, that “total land acreage designated as ecological reserves may not exceed 15% of the total land acreage under the bureau or 100,000 acres, whichever is less.” Both figures place arbitrary limits on the system that are not related to the purpose of the system, nor are related to maintaining funds to support the Bureau. Eliminating these caps in favor of a more targeted goal to balance operable timber will give the Bureau and Ecological Reserves system important flexibility.

Over the last several years, TNC has participated in and supported a number of stakeholder groups that have explored land and forest conservation issues. Each of these efforts has produced important recommendations, including specific recommendations to expand Maine’s ecological reserve system:

- The 2019 Maine Land Conservation Task Force recommended, “Target[ing] land conservation efforts to effectively protect critical natural resources and help Maine combat and adapt to a changing climate.”
- The Maine Climate Council’s Natural and Working Lands Working Group recommended expanding the ecological reserve system.
- The Maine Forest Carbon Task Force recommended, “Establish[ing] forest reserves on sites with high carbon density and in areas of special ecological value to allow the stand to mature to a late successional forest.”

Additionally, staff from key Maine agencies and programs recently drafted “An Assessment of Accomplishments and Gaps in Maine Land Conservation”, a comprehensive review of land conservation in Maine, guided by the goals of the 1997 Report of the Land Acquisition Priorities Committee (LAPAC). This thorough review aims to examine both the achievements and the potential gaps in Maine land conservation since the 1997 final report set baseline goals. The review was led by staff in the Maine Natural Areas Program, Maine Bureau of Parks and Lands, Maine Department of Inland Fisheries and wildlife, and Land for Maine’s Future Program.

Importantly, this draft report finds that many forest types are under-represented in ecological reserves among Maine's ecoregions. The report finds that while high elevation and emergent wetlands are well represented on Ecological Reserves and similarly managed lands, lower elevation forest types are under-represented in several ecoregions. These under-represented forest types include:

- Northern hardwoods forest in low elevation settings (i.e. outside the Central- Western and White Mountains ecoregion)
- Northern white cedar swamps in northern Maine
- Lower elevation forest types including oak- pine forest, oak- northern hardwoods forest, and hemlock forest in the Central, Western and White Mountains,
- Spruce flats in the eastern lowlands- central foothills ecoregion
- All matrix forest types in the Seacoast Plain- Ossipee ecoregion
- Cedar-spruce seepage forest
- Beech-birch maple forest
- Maple-basswood-ash forest
- Hardwood river terrace forest
- Silver maple floodplain forest

One of the key takeaways of the Ecological Reserves subsection of this draft report states:

“While ecological reserves include examples of most habitats in Maine, lower elevation forest types are under-represented in ecological reserves or similarly managed lands. New conservation of ecological reserves targeting large blocks of forest in southern Maine, and northern hardwoods forest and cedar swamps in northern Maine could help fill gaps in Maine's network of ecological reserves.”

The bill language and amendment presented to the Committee serves to allow the Maine Bureau of Parks and Lands to protect biodiversity, meet the state's land conservation and climate goals, complete Maine's Ecological Reserve System as originally intended, as well as otherwise improve the system. This bill does not force the Bureau to make any additional designations, it simply provides additional flexibility to allow the Bureau to do so at their discretion to accomplish their goals. The Nature Conservancy supports LD 736 and urges the committee to consider a modest change from the sponsor's amendment to allow “no more than 10% of the operable timberland acres on [public lands]” be designated as ecological reserves.

Thank you for the opportunity to comment.