STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

Susan M. Lessard, Chair

Cynthia S. Bertocci
Executive Analyst

Terry Dawson

BOARD OF ENVIRONMENTAL PROTECTION
Meeting Minutes

December 15, 2011

A meeting of the Board of Environmental Protection was held on Thursday, December 15, 2011, at the Dept. of Public Safety – Florian Hall, Augusta, Maine. Richard Gould, Presiding Officer, called the meeting to order at 12:00 (noon) with the following individuals present:

Board: Alvin Ahlers, Gary Curtis, Elizabeth Ehrenfeld, Robert Foley, M. Wing Goodale, and Richard Gould. Board member Susan M. Lessard arrived at approximately 1:30 p.m.

Staff: Mike Mullen, Director Bureau of Land and Water Quality

Others: Patricia Aho, Commissioner
Peggy Bensinger, Assistant Attorney General
Cynthia S. Bertocci, BEP Executive Analyst
Terry Dawson, BEP Administrative Assistant

(Meeting adjourned at approximately 4:00 p.m.)

Presiding Officer Gould began the meeting with a public hearing continuation as follows:

1. **Continuation of December 1, 2011 Public Hearing in the Matter of:**
   Chapter 305 Permit-By-Rule, Section 20 Activities Located In, On or Over High or Moderate Value Inland Waterfowl and Wading Bird Habitat, or Shorebird nesting, Feeding, and Staging Areas / Amendments

   The Board heard testimony from Department of Inland Fisheries and Wildlife (DIFW) staff regarding the proposed amendments to Chapter 305. DIFW staff also responded to Board member questions regarding matters such as DIFW review of DEP applications, the species which utilize the significant wildlife habitat at issue, and the function of buffers.

III. Regular Agenda

1. Chapter 305 Permit by Rule, Section 20, Activities located In, On or Over High or Moderate Value Inland Waterfowl and Wading Bird Habitat, or Shorebird Nesting, Feeding, and Staging Areas // Amendments (Deliberative Session)
   Staff: Mike Mullen, Director Bureau of Land and Water Quality
   Cynthia Bertocci, BEP Executive Analyst

The Board conducted a deliberative session following the close of the public hearing. Discussions resulted in a request that Department staff provide the Board a revised rule that includes options to address issues raised including appropriate setback from wetland, timing of construction and any limitations on types of activities.