

Section 15. **Protection of Wildlife and Fisheries**

**A. Preamble.** The Board recognizes the need to protect wildlife and fisheries by maintaining suitable and sufficient habitat and the susceptibility of certain species to disruption and interference of lifecycles by construction activities.

**B. Scope of Review.** In determining whether the developer has made adequate provision for the protection of wildlife and fisheries, the Board shall consider all relevant evidence to that effect, such as evidence that:

- (1) A buffer strip of sufficient area will be established to provide wildlife with travel lanes between areas of available habitat.
- (2) Proposed alterations and activities will not adversely affect wildlife and fisheries lifecycles or habitat management areas.
- (3) There will be no unreasonable disturbance to:
  - (a) ~~Important~~ High and moderate value deer wintering areas;
  - (b) Habitat of any species declared threatened or endangered by the Commissioner, Maine Department of Inland Fisheries and Wildlife or the Director of the U.S. Fish and Wildlife Service;
  - (c) ~~Nesting sites for bird colonies~~ Seabird nesting islands;
  - (d) Significant vernal pools;
  - (e) High and moderate value waterfowl and wading bird habitat, including nesting and feeding areas; and
  - (f) Shorebird nesting, feeding, and staging areas.

**C. Submissions.** Applications for approval of proposed developments shall include evidence that affirmatively demonstrates that the developer has made adequate provision for the protection of wildlife and fisheries, including information such as the following, when appropriate:

- (1) The location of natural buffer strips and adequate provision for their maintenance.
- (2) Plans to mitigate adverse effects on wildlife and fisheries through means that at a minimum include, but are not limited to, design considerations, pollution-abatement practices, the timing of construction activities, and on-site or off-site habitat improvements or preservation.

**D. Terms and Conditions.** The Board may, as a term or condition of approval, establish any reasonable requirement to ensure that a developer has made adequate provision for the protection of wildlife and fisheries.