## §480-DD. Significant wildlife habitat criteria; reduction in certain significant wildlife habitats due to development or topography

Although an area is otherwise in conformance with significant wildlife habitat criteria adopted by the department for shorebird nesting, feeding, roosting and staging areas, or high and moderate value inland waterfowl and wading bird habitat, the Department of Inland Fisheries and Wildlife may determine that a specific portion of the area is no longer this type of significant wildlife habitat due to the topography or impact of development in existence on June 8, 2006 and continuing in existence as of the date of the determination. [PL 2007, c. 290, §8 (NEW); PL 2007, c. 290, §15 (AFF).]

**1. Factors.** When determining whether an area is no longer a significant wildlife habitat, the Department of Inland Fisheries and Wildlife may consider factors such as species present or exiting and potential use of the area by birds, levels of disturbance, screening, development density, land use, presence of cliffs or bluffs and any mitigating factors.
[PL 2007, c. 290, §8 (NEW); PL 2007, c. 290, §15 (AFF).]

**2. Exclusions.** The Department of Inland Fisheries and Wildlife may not exclude an area from a significant wildlife habitat designation if future development of the area might unreasonably degrade the remaining significant wildlife habitat, unreasonably disturb the birds or unreasonably affect the continued use of the remaining significant wildlife habitat by the birds.
[PL 2007, c. 290, §8 (NEW); PL 2007, c. 290, §15 (AFF).]

For purposes of this section, "development" means the area of property altered, including, but not limited to, buildings, roads, driveways, parking areas, wastewater disposal systems and lawns and other nonnative vegetation as determined by the department. [PL 2007, c. 290, §8 (NEW); PL 2007, c. 290, §15 (AFF).]

SECTION HISTORY

PL 2007, c. 290, §8 (NEW). PL 2007, c. 290, §15 (AFF).

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