

# Sample Environmental Protection Terms

**These conditions are based on the Sumner (Maine) [Wind Ordinance](#).** In this document “environmental” is meant to include wildlife, water, vegetation, scenic/historical areas, etc. *Use these words as a basis to create your own law to address this very important matter: Copy-Paste-Edit...*

## *Definitions:*

**Essential Wildlife Habitat** – are areas identified by the {appropriate state agency (s)}, in accordance with the provisions of {appropriate state law(s)}.

**Significant Wildlife Habitat** - are areas defined under {appropriate state law(s)} and Administered by {appropriate state agency(s)}.

**Scenic or Special Resource** - means a scenic resource of state or national significance, as defined in {appropriate state law(s)}, as may be amended from time to time, any site registered in the National Registry of Historic Places, or a scenic or special resource of local significance identified as such in the {appropriate local law(s)}.

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**General terms and Conditions:**

1. The Applicant shall provide the Town with an [Escrow Account](#) to cover all costs and expenses incurred related to the Environmental Tests for the Wind Energy Facility (WEF).
2. The Town shall use Escrow Account funds to hire independent qualified experts, as needed, to conduct the tests specified below.

**Construction Permit Requirements (including drawings as applicable):**

1. The location of any of the following found within the confines of, or within one (1) mile from the perimeter of, any proposed WEF shall be identified: open drainage courses, streams, vernal pools, wetlands, and other important natural areas and site features, including, but not limited to, floodplains, deer wintering areas, Essential Wildlife Habitats, Significant Wildlife Habitats, Scenic or Special Resources, habitat of rare and endangered plants and animals, unique natural areas, sand and gravel aquifers, wells, and historic and/or archaeological resources, together with a description of such features.

2. Pre-construction and post-construction field studies shall be conducted using the most advanced techniques available. Independent experts shall be chosen by the Town, and funded through the WEF Escrow Account. If the pre-construction field studies demonstrate significant adverse effect to birds, bats, game animals, water resources, or habitat fragmentation, the Town and the WEF Applicant (includes Owner or Operator) shall develop an appropriate mitigation plan. It is acknowledged and accepted by the Applicant, that some environmental impacts cannot be satisfactorily mitigated and that some of those projects will not be approved.
3. In determining the nature and effectiveness of such mitigation plans, the Town will be guided by its own consultants, the *{appropriate state & federal agency(s)}*, and applicable state and federal laws and regulations. The WEF Applicant will be responsible for the full cost of implementing the mitigation plan under the supervision of the Town and its designated agents.
4. After implementation of any mitigation plan, the Town will review the plan to determine its effectiveness. Should the Town find the mitigation efforts inadequate, the WEF Applicant will be given sixty (60) days from that finding, to resolve the deficiencies. In the absence of a successful resolution the Town (at its discretion) shall have the right to: deny the WEF Application, or revocation of the WEF Operational License.
5. The Applicant must provide a written memoranda from the *{appropriate state & federal agency(s)}* detailing their assessment of the proposed WEF.
6. The Applicant must demonstrate, to the satisfaction of the Town, that the proposed WEF will not have an undue adverse effect on the proposed sites geological stability, surface or subterranean water resources, rare, threatened, or endangered wildlife, Significant Wildlife Habitat, Essential Wildlife Habitat, Raptor Habitat, threatened or endangered plants and rare and exemplary natural plant communities and ecosystems, and will not substantially increase storm water runoff.
7. The Applicant must provide a cumulative impacts assessment of the proposal in the context of other WEFs in the region, including migratory bird, bat and large mammal corridors, and demonstrate that the WEF is not located in an area that will result in degradation of important wildlife corridors.