Committee on Environment and Natural Resources
% Legislative Information Office
100 State House Station
Augusta, ME 04333

April 13, 2023

RE: LD 1363, An Act to Support Extraction of Common Minerals by Amending the Maine Metallic Mineral Mining Act

Dear Senator Brenner, Representative Gramlich, and Members of the Committee:

Thank you for the opportunity to submit testimony in support of LD 1363, An Act to Support Extraction of Common Minerals by Amending the Maine Metallic Mineral Mining Act, on behalf of Maine Audubon and our 30,000 members and supporters.

Climate change is the leading threat to Maine's wildlife and habitat, the conservation of which is central to Maine Audubon's mission. To avoid the worst impacts of climate change, Maine must (and is) embrace beneficial electrification, i.e., replace direct fossil fuel use with electricity in a manner that reduces emissions. This necessary transition is rife with complexity, often pitting – to the uninitiated – climate and clean energy goals with natural resource conservation goals. Locating grid-scale solar and wind energy projects, for example, which are essential to this transition, presents land use challenges when those projects are located on important natural resources. However, balancing natural resource impacts with a project's climate benefits is possible and has been an organizational priority for Maine Audubon for many years.[1]

Maine must strive for a similar balance should it pursue mining of materials that are critical components of the technology – such as batteries that power electric vehicles – that is, indeed, critical to beneficial electrification. Maine Audubon believes that LD 1363, with several friendly amendments, is a good step toward achieving that balance.

Presently, Maine's Metallic Mineral Mining Act restricts open pit mining, which may be necessary to mine lithium in Maine. LD 1363 would allow the restriction on open pit mining to be lifted if a proposed mining operation will only generate mine waste that does not have the potential to create acid mine drainage – a leading, negative mining impact. Furthermore, this approach keeps intact all of the other safeguards in the Mining Act that protect Maine's natural

[1] For more information on Maine Audubon's work on renewable energy siting and mitigation, please visit https://maineaudubon.org/advocacy/renewable-energy/.

resources from the multitude of risks posed by mining activities, including: (1) A prohibition on tailings impoundments; (2) a ban on mines requiring perpetual treatment; (3) a requirement not to contaminate groundwater beyond 100 feet from a mining operation; and (4) a requirement to demonstrate sufficient funding to cover a worst-case mining disaster.

Our colleagues at the Natural Resources Council of Maine have presented to the Committee and submitted in writing amendments that would improve LD 1363. Maine Audubon supports those proposed, reasonable amendments because they are in furtherance of our intention to support mining only if there are assurances that any natural resource impacts would be minimal.

That said, we urge the Committee to proceed with caution. While, on principle, we feel strongly that the interests at play can be balanced, a lot remains unknown about the ore deposits that have spurred public interest in Maine and this legislation. For example, while we know that spodumene itself is not an acid-generating ore, we do not know if the deposits in Maine co-occur with deposits of reactive, acid-generating ores or materials that are otherwise dangerous. Exposing acid-generating ores would be deleterious to Maine waters. This legislation, if passed, should be but one tool of *many* used to strike a careful balance between extracting minerals that are vital to our renewable energy transition and protecting our natural resources. We must proceed with caution.

Thank you for your consideration of our comments.

Sincerely,

Eliza Donoghue, Esq.
Director of Advocacy