



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
OFFICE OF THE COMMISSIONER
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333

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March 24, 2025

Senator Denise Tepler
Representative Victoria Doudera
Committee on Environment and Natural Resources
c/o Legislative Information Office
100 State House Station
Augusta, ME 04333

Dear Senator Tepler and Representative Doudera:

Please accept this letter concerning LD 795, **An Act to Exempt Pegmatite Mining from the Maine Metallic Mineral Mining Act and Establish a Permit-by-rule Process**. The Act would exempt “pegmatite mining” from most of the requirements of the Maine Metallic Mineral Mining Act (MMMA; Title 38, Article 9) if the activity is subject to standards of the rock quarrying law (Title 38, Article 8-A). The bill would define “pegmatite mining” as, in part, “the extraction for commercial sale of pegmatite or similar minerals commonly found in pegmatite rock formations.”

The Maine Geological Survey (MGS), within the Bureau of Resource Information and Land Use Planning (BRILUP) in the Department of Agriculture, Conservation and Forestry (DACF), has worked closely with this Committee, the Maine Department of Environmental Protection (DEP), and the Board of Environmental Protection on policy related to the mining of metal-bearing minerals and with DEP on this bill.

MGS believes that the definition of “pegmatite mining” in LD 795 is not an appropriate category for exclusion from the MMMA. Pegmatite is a general geologic term without a precise definition, which refers to an exceptionally coarse-grained igneous rock with interlocking mineral crystals. Although pegmatites often share an overall chemical composition like granite, their composition can vary widely and can be very different from the host rocks that they are found within. Pegmatites can include rare minerals rich in certain notable elements, which in some circumstances might be desirable products for mining, and, in other circumstances, might be harmful to the environment or human health. The mere fact that a rock is or is not a pegmatite does not indicate what its composition may be or the level of risk it may pose to environmental or human concerns.

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There are two potential problems with using this definition of pegmatite mining to exclude activities from the MMMA. First, determining exactly which rocks and minerals are and are not pegmatites or pegmatitic minerals may not be elementary and may be subject to disagreement because the definition is imprecise and rests almost entirely on the relative physical size of mineral grains. Second, government oversight of mining activities should be related to the environmental risks associated with the many properties of a particular rock or mineral (such as the likelihood of altering water pH or releasing toxic or radioactive elements) and not related to general descriptions of the texture of a rock or the physical dimensions of a mineral. For example, it is possible for pegmatites in New England to contain radioactive elements such as uranium, potentially toxic ions such as fluoride, or acid-producing minerals such as pyrite. It is also common for pegmatites to be found within a non-pegmatitic host rock with very different properties and potential environmental risks than the pegmatite itself. The applicability of the proposed definition of “pegmatite mining” to a rock would have little bearing on any potential environmental risks or the appropriate level of environmental oversight of mining.

State Geologist Ryan Gordon plans to attend any work session scheduled on LD 795 and be available to answer any geologic questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Judith East".

Judith East, Director, Bureau of Resource Information and Land Use Planning

CC: Amanda Beal, Commissioner, DACF
Emily Horton, Director of Policy & Community Engagement, DACF
Robert Wood, Director, Bureau of Land Resources, Maine DEP