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Warren  
LD 795

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Committee on Environment and Natural Resources

Testimony in Opposition to LD795

An Act to Exempt Pegmatite Mining from the Maine Metallic Mineral Mining Act and Establish a Permit-by-rule Process

Senator Tepler, Representative Doudera, Members of the Environment and Natural Resources Committee, My name is Arleigh Kraus, I am a scientist with a degree in biochemistry, an organic farmer, and business owner in Warren. I am a board member of CARMA, Citizens Against Residential Mining Activities. I work with several experts in mining and environmental policy across the state.

I am here today to express my strong opposition to the proposed exclusion of pegmatite mining from Maine's metallic mineral mining laws. Pegmatite mining, particularly due to its extraction of lithium-bearing and other metallic minerals, should be classified under Maine's existing metallic mining regulations to ensure environmental protection, economic fairness, and public safety.

By definition, metallic mineral mining regulations are designed to manage the risks associated with extracting these types of minerals. Excluding pegmatite creates an unjustified regulatory loophole.

This bill proposes allowing pegmatite mining under a "permit by rule" system, significantly reducing regulatory oversight for operations up to 20 acres in size. By exempting these activities from the otherwise applicable mining laws and fees, this legislation creates a dangerous precedent that weakens Maine's ability to protect its land, water, air, and communities from the harmful impacts of mining.

Pegmatite formations often contain lithium-bearing minerals. Lithium extraction and processing have well-documented risks, including water contamination and soil degradation and air pollution. Without stringent environmental reviews, these operations could result in long-term ecological damage, including groundwater pollution, habitat destruction, and increased toxic runoff into local waterways leading to significant problems. For example our salmon and other species spawn in these waterways.

By exempting pegmatite mining from the mining excise tax and other financial assurance requirements, the bill effectively shifts the burden of cleanup and site reclamation from mining companies to the taxpayers of Maine. This is unacceptable. Responsible mining legislation should ensure that companies operating in our state are required to fund the full cost of reclamation and remediation. This process is a many years endeavor, not one year or even five years; MANY YEARS! History has shown that mining contamination has long-term consequences, as seen at the Callahan Corporation Superfund site in Brooksville, where toxic metals still prevent shellfish harvesting decades later and remains a financial burden on state taxpayers. Or google the devastating effects of the unregulated lithium mining and other mineral mining has emburdened on Africa.

Moreover, mining operations—particularly those involving lithium—should be subject to rigorous financial and environmental accountability measures to prevent future liabilities that could harm local economies, drinking water supplies, air quality, ecosystems, and infrastructures. FYI the extraction is ENERGY INTENSIVE.

Allowing mining operations to proceed with minimal regulatory oversight increases the likelihood of airborne and waterborne pollutants affecting surrounding communities. Heavy metal exposure, silica dust inhalation, and groundwater contamination are well-documented concerns with mineral extraction activities.

Children in particular are at great risk from metallic mining due to the effect of metals on development. The bill does not provide adequate safeguards to protect workers, nearby residents, or Maine's critical natural resources.

Very concerning is the provision that allows an applicant to proceed with mining activities if the DEP does not approve or deny a permit within 30 days of acceptance. As we are all aware there are ongoing oversight personnel cuts at all levels. 30 days is an unreasonable time frame. This effectively removes a key layer of scrutiny that ensures mining activities do not pose a significant threat to the environment or public health. Regulatory agencies must be given the time and resources necessary to conduct thorough reviews before permitting mining operations. Carving out an exemption for pegmatite mining creates a double standard that allows certain operators to bypass necessary safeguards. If pegmatite mining is allowed to proceed under weaker regulations, it opens the door for further industry demands for deregulation, weakening the state's ability to control mining-related risks.

I urge the Committee to reject this bill. Weakening environmental regulations and financial responsibility requirements will not benefit Maine's long-term sustainability. Instead, we should focus on policies that ensure responsible, well-regulated mining that prioritizes environmental health, public safety, and community well-being over short-term economic gains. For these reasons, I urge the Committee to reject this bill and ensure that pegmatite mining remains classified under Maine's metallic mineral mining regulations. Given its environmental risks, economic significance, and the presence of metallic minerals, pegmatite mining must be held to the same permitting, taxation, and environmental protection measures as other metallic mineral operations. Thank you for your time and consideration. I am happy to answer any questions.

Respectfully,  
Arleigh A. Kraus