



For a thriving New England

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April 13, 2023

Joint Standing Committee on Environment and Natural Resources  
Maine State Legislature  
100 State House Station  
Augusta, ME 4333

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

Senator Brenner, Representative Gramlich, and members of the Joint Committee on Environment and Natural Resources,

Thank you for the opportunity to provide testimony in support of LD 1363, An Act to Support Extraction of Common Minerals by Amending the Maine Metallic Mineral Mining Act. Conservation Law Foundation (“CLF”) is a member-supported nonprofit advocacy organization working to conserve natural resources, protect public health, and build healthy communities in Maine and throughout New England. I have been CLF’s Vice-President for Maine since 2007. We have been intimately involved in past efforts to amend Maine’s law and regulations governing mining in Maine, most recently in 2017, and appreciate the work of both prior ENR committees and the Department of Environmental Protection that has resulted in one of the best mining laws in the country, ensuring that any mining is done subject to the highest standards to protect surrounding natural resources and that the burden to meet those standards rests with those doing the mining. One need only look to the substantial federal dollars that will be spent – now estimated by some to be up to \$45 million – to clean up the long defunct Callahan mine in the Blue Hill peninsula to realize how important that is.

Yesterday’s briefing of this Committee by Commissioner Loyzim and her staff was an excellent overview of the general issues associated with mining, particularly the risks of substantial harm in the form of acid rock drainage that is caused by minerals and waste rock that contain sulfides. The processing of minerals also presents significant risks, particularly those that require chemical treatment to both extract the metals of economic value from the rock and the need to store the resulting waste rock, tailings and process water.

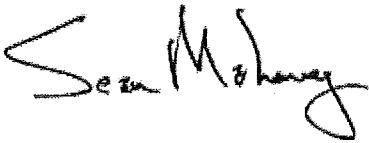
The bill before you today addresses the newest wrinkle in mining in Maine. As you are well aware, today there is a high premium on certain materials necessary to make the transition

to a clean energy economy. One of those materials is lithium and in 2021 a potentially large lithium bearing deposit was identified at an existing gem quarry in Newry. The lithium found there is located in a mineral known as spodumene, a common rock-forming silicate mineral. Importantly, there is a general recognition that spodumene is not a mineral or waste rock that generates acid rock drainage. However, as noted in a letter to the owner of the quarry who was looking to extract the spodumene, the Department concluded that the Metallic Mineral Mining Act was unclear as to whether spodumene should be treated in the same way as metallic minerals under the Act or in the same way as minerals such as granite and limestone, which share many of the same characteristics as spodumene, are treated under our rules governing quarrying. LD 1363 provides the clarity to address how spodumene should be treated under the Act in a balanced way that CLF supports.

Specifically, LD 1363 will allow the extraction of common minerals like lithium using open pit mining that is otherwise prohibited under the Act as long as it is established that the mine waste will not generate acid rock drainage or otherwise cause a violation of any applicable water quality standards. All other aspects of the Act should remain applicable, most importantly the financial assurance provisions for closure and reclamation of the mining operations. LD 1363 also calls for the Department to adopt rules to establish the standards for that reclamation and we are confident that the Department, with input from stakeholders keen to ensure that the Act remains a model for governing responsible mining, will move quickly to do just that.

Much has been made of the risks associated with mining, and particularly mining of the materials critical to the clean energy transition, and the often disproportionate burden of those risks that environmental justice populations bear. With the enactment of LD 1363, Maine has an opportunity to provide a significant amount of one of those critical materials, lithium, and to do so in a safe and responsible manner that does not disproportionately burden environmental justice populations. We urge this Committee to support this effort and to vote Ought to Pass on LD 1363.

Very truly yours,

A handwritten signature in black ink that reads "Sean Mahoney". The signature is written in a cursive, flowing style.

Sean Mahoney  
Senior Counsel and Vice President, CLF Maine