



Maine Conservation Voters

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Testimony of Maine Conservation Voters

In Support of LD 1363

*“An Act to Support Extraction of Common Minerals by Amending the Maine
Metallic Mineral Mining Act”*

Before the Environment and Natural Resources Committee

April 13, 2023

Good afternoon, Senator Brenner, Representative Gramlich, and members of the Environment and Natural Resources Committee. My name is Beth Ahearn and I am the director of government affairs for Maine Conservation Voters (MCV). MCV is a nonprofit organization dedicated to protecting Maine’s environment, democracy, and climate future. Today we are testifying in support of LD 1363 and commend the sponsor, Rep. Landry, and the Department of Environmental Protection for crafting this bill.

LD 1363 would allow the restriction on open pit mining in Maine’s Mining Law to be lifted if a proposed mining operation will only generate mine waste that does **not** have the potential to create acid mine drainage or other drainage that would violate water quality standards. We do not do this lightly. I spent five years working with Nick Bennett from NRCM, battling mining legislation that would have damaged Maine’s water resources. Finally, in 2017, we were able to get Maine’s current mining law passed. I would not advocate weakening that bill and believe that it can be changed to allow for mining for important minerals that will not pollute our water. These are the reasons why:

First, the bill is designed to apply statewide to any metal or metalloid element, and not just to one particular deposit of spodumene (the mineral from which lithium is obtained) in Newry.

Second, it puts the appropriate burden of proof on the mining operator of a spodumene deposit, or other metal, to provide data showing that the deposit does not co-occur with deposits of reactive, acid-generating ores, or materials that are otherwise dangerous because of high levels of heavy metals, for example.

Third, this approach keeps intact all of the other safeguards in Maine's Mining Law that protect Maine's environment and taxpayers from a legion of possible risks associated with mining activities. These include:

- No use of tailings impoundments and a requirement to use dry stack tailings management;
- A ban on mines requiring perpetual treatment;
- A requirement not to contaminate groundwater beyond 100 feet from a mining operation; and
- A requirement that a mining operation provide sufficient funding up front to the State to cover a worst-case mining disaster (refundable after successful closure).

We hope that spodumene mining can occur safely in Maine. But as Nick has expressed, there is much we do not know and mining is risky. MCV supports the amendments to LD 1363 that NRCM has offered. I would be happy to answer any questions, now or before the work session.