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**TESTIMONY OF  
ROB WOOD, DIRECTOR, BUREAU OF LAND RESOURCES  
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**SPEAKING IN OPPOSITION TO L.D. 795**

**AN ACT TO EXEMPT PEGMATITE MINING FROM THE MAINE METALLIC MINERAL  
MINING ACT AND ESTABLISH A PERMIT-BY-RULE PROCESS**

**PRESENTED BY SEN. MARTIN**

**BEFORE THE JOINT STANDING COMMITTEE  
ON  
ENVIRONMENT AND NATURAL RESOURCES**

**DATE OF HEARING:**

**MARCH 24, 2025**

Senator Tepler, Representative Doudera, and members of the Committee, my name is Rob Wood and I am the Director of the Bureau of Land Resources at the Department of Environmental Protection. I am speaking in opposition to L.D. 795.

During the 131<sup>st</sup> Legislature, the Department worked closely with this Committee to develop a process to exclude the physical extraction, crushing, grinding, sorting or storage of metallic minerals from the requirements of the Metallic Mineral Mining Act when those activities do not have the potential to create acid rock drainage, alkali rock drainage or other discharges that could cause violations of water quality standards and would not release or expose radioactive or other materials that could endanger human

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L.D. 795: An Act to Exempt Pegmatite Mining from the Maine Metallic Mineral Mining Act and Establish a Permit-by-rule Process

Testimony of: Rob Wood, Director, Bureau of Land Resources, DEP

Public Hearing: March 24, 2025

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health or the environment. In Public Law 2023, chapter 398 (LD 1363), the Legislature directed the Department to adopt major substantive rules governing how the Department will determine whether to exclude an activity from the Metallic Mineral Mining Act. The Department proposed rules to the Board of Environmental Protection, which provisionally adopted rules in the fall of 2023. During its second regular session, the Legislature considered those provisionally adopted rules and agreed to approve them, but elected to make several substantive changes to the rules, including requiring that an excluded mining activity may only have an actively mined, not-reclaimed area of 5 acres at one time. The Board finally adopted the rules in mid-2024 with the changes directed by the Legislature. There was significant public comment and input at every stage during the process.

L.D. 795 would undo much of this process by exempting pegmatite mining from the Metallic Mineral Mining Act, even when the pegmatite is a metallic mineral such as lithium-bearing mineral. The purpose of the Department's exclusion determination rule is to ensure that the excluded metallic mineral mining activity will not result in water quality violations or harm to human health or the environment. A permit-by-rule process that classifies all pegmatite mining as a quarrying activity will not provide the same safeguards to ensure that extraction of lithium-bearing minerals is conducted in a low-risk manner.

The Department does recognize that some of the restrictions in the exclusion rule may be onerous, specifically the requirement that an excluded mining activity may only have an actively mined, not-reclaimed area of 5 acres at one time. An alternative to the proposed bill would be to direct targeted changes to the exclusion rule that would, for example, allow for a larger area to be actively mined at one time. The Department is happy to work with the Committee to consider potential targeted changes to the exclusion rule if the Committee wishes.

Thank you for the opportunity to testify before you today. I would be happy to answer any questions from the Committee, both now and at the work session.