



**APPALACHIAN
MOUNTAIN CLUB**
SINCE 1876

**Testimony of Eliza Townsend
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
March 24, 2025***

Senator Tepler, Representative Doudera, and distinguished members of the Environment and Natural Resources Committee, I am Eliza Townsend, Maine Conservation Policy Director for the Appalachian Mountain Club.

AMC is a people-oriented conservation nonprofit; our mission is the protection, understanding, and enjoyment of the outdoors. We have 6,200 members in Maine and manage 130,000 acres of forestland in Piscataquis County for multiple use, including sustainable forestry, backcountry recreation, and outdoor education. We pay property taxes on all of our land.

We oppose LD 795. Returning members of the ENR committee will remember that this issue was discussed in great depth over the past two years. I will add at the end of this testimony a timeline of legislative and administrative actions as a reminder—they represent input from dozens of individuals and countless hours spent by members of this committee, legislative staff, DEP staff, the Attorney General's office, the Board of Environmental Protection, and the public to address a complex challenge.

AMC weighed in repeatedly throughout that extended process. We urged that this committee exercise caution in making changes to Maine's Metallic Mineral Mining Act, which itself has a long and intense history. Nevertheless, we believe that the process was thorough and that everyone interested in the issue had ample opportunity to make their views known. While the finished product did not reflect every change we advocated, our concerns were heard and responded to. We congratulate the committee on its thoughtful hard work last session.

LD 795 proposes significant changes to the carefully crafted statute and rules to exempt inert mineral extraction from Chapter 200 and allow open pit mining in limited circumstances. It proposes to treat the extraction of pegmatite formations, including lithium-bearing minerals, as quarrying, increase size limits to 20 acres from 5, and exempt such activity from the mining excise tax. Extraction would be permitted by rule, meaning an operator would merely notify the DEP rather than seek prior approval. Rules to implement the law would be routine technical, avoiding legislative review.

Particularly troubling is that extraction of pegmatite, including lithium-bearing spodumene, would be exempted from pre-application geologic and ongoing water quality monitoring. Inert metallic minerals can co-occur with galena (lead sulfide) or with minerals that generate acid when exposed to air and water. The current law wisely requires precautions to protect human and environmental health; eliminating them would be irresponsible. We ask that you vote LD 795 Ought Not to Pass.



Major actions concerning amendment to the Maine Metallic Mineral Mining Act

- In April 2023, the ENR committee considered 7 bills related to Maine's mineral mining act; 38 people testified, including the sponsor of today's bill.
- After 2 work sessions, the committee voted out *An Act to Support Extraction of Common Minerals by Amending the Maine Metallic Mineral Mining Act*. The final bill and law required Major Substantive Rulemaking for implementation.
- Following the process for Major Substantive Rules, the DEP published the draft rules in late 2023 and offered a public comment period before the Board of Environmental Protection held a public hearing on them.
- The BEP directed the department to make revisions, and a second comment period and public hearing took place before the BEP tentatively adopted the revised rules.
- The rules were then submitted to the legislature for review in March 2024; LD 1471 was the vehicle.
- LD 1471 had a hearing and 3 work sessions before being voted out of committee and passing both bodies as an emergency measure. It received the support of 2/3rds of those present and voting in each chamber.
- The rules then returned to the BEP, which held a final public hearing before adopting them.