



Committee on Environment and Natural Resources
% Legislative Information Office
100 State House Station
Augusta, ME 04333

March 24, 2025

RE: LD 795, An Act to Exempt Pegmatite Mining from the Maine Metallic Mineral Mining Act and Establish a Permit-by-rule Process

Dear Sen. Tepler, Rep. Doudera, and Members of the ENR Committee:

My name is Francesca “Ches” Gundrum and I am Maine Audubon’s Director of Advocacy. Maine Audubon is a wildlife conservation non-profit – we fulfill our mission to “conserve Maine wildlife and wildlife habitat” by engaging people of all ages in nature through a science-based approach to education, conservation, and advocacy. On behalf of Maine Audubon and our 30,000 members, supporters, and volunteers, thank you for the opportunity to submit testimony in opposition to LD 795, *An Act to Exempt Pegmatite Mining from the Maine Metallic Mineral Mining Act and Establish a Permit-by-rule Process*.

Climate change is a leading threat to Maine wildlife and habitat, the conservation of which is central to Maine Audubon’s mission. To avoid the worst impacts of climate change, Maine must replace fossil fuel use with electricity generated from renewable energy to reduce emissions. Metallic minerals are critical components of the technologies, like batteries, necessary for electrification. Therefore, under the right circumstances, we would support thoughtfully sited, operated, and monitored metallic mineral mining, but not everywhere and only by a trusted and experienced company. Thankfully, Maine has some of the strongest laws in the country to protect our communities, lands, waters, and wildlife from the negative impacts of mining. Several years ago, Maine Audubon played an important role in shaping our state’s famously strict Metallic Mineral Mining Act. Thus, we strive to strike a balance between the need for metals in our lives with the protection of Maine’s vital natural resources with particular expertise and attention.

Permit-by-rule (PBR) is designed for activities that have minimal environmental impact while the full permitting process is required for more complex projects that could have significant environmental impacts and require detailed review, public input, and site-specific mitigation. LD 795 would authorize the Department of Environmental Protection (DEP) to grant permits for pegmatite mining under PBR for areas 20 acres or less; reduce pegmatite mining standards to quarrying standards; allow for additional pegmatite mining PBRs once the initial permitted area reaches the size limit; and exempts



pegmatite mining from Maine's mining excise tax. **Maine Audubon is strongly opposed to this legislation.** Among several concerns, our organization believes that pegmatite mining proposals should undergo full permit-level review to ensure that the potential adverse impacts on natural resources and local communities are comprehensively and rigorously assessed.

When it comes to metallic mineral mining, we ask this Committee to proceed with caution. While, on principle, we feel strongly that interests at play can be balanced, a lot remains unknown about the ore deposits that have spurred public interest in Maine and subsequent legislation and rulemakings. For example, while we know that spodumene (a mineral found in lithium-rich pegmatites) itself is not an acid-generating ore, we do not know if the deposits in Maine co-occur with deposits of reactive, acid-generating ores or materials that are otherwise dangerous. Exposing acid-generating ores would be deleterious to Maine waters. Mining pollution contains acid and a toxic soup of heavy metals that can kill fish and the aquatic insects and other invertebrates that form the base of the food chain.

Striking a careful balance between extracting minerals that are vital to our renewable energy transition and protecting our natural resources is critical. **We, respectfully, disagree that this effort achieves this goal.** Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Francesca Gundrum".

Francesca "Ches" Gundrum
Director of Advocacy