

OPPOSE

LD 1853: An Act to Improve Environmental Oversight and Streamline Permitting for Mining in Maine

Sponsor: Representative MARTIN of Eagle Lake

Cosponsors: Representatives AYOTTE of Caswell, DUCHESNE of Hudson, and LONG of Sherman, and Senators GOODALL of Sagadahoc, JACKSON of Aroostook, and SHERMAN of Aroostook

The original bill was a one-sentence “concept draft” that was completely rewritten by JD Irving and its law firms in Maine and Nevada. Some of the original cosponsors do not support this massive, dangerous new bill.

Background: This after-deadline bill, released near the end of the legislative session, would gut Maine’s mining laws and regulations. This complex and sweeping bill was drafted by the Pierce Atwood law firm and released for “public review” less than 24 hours before the public hearing. The bill would eliminate Maine’s current mining regulations, which took years to write, and Pierce Atwood is pressing hard for the bill to be adopted immediately.

Summary: The bill is being pushed by Aroostook Timberlands, LLC, a division of J.D. Irving, so that it can have a “streamlined” process for digging an open-pit mine on Bald Mountain in Aroostook County. According to a mining lawyer from Nevada, Maine’s current rules “don’t work” for a large open-pit mine, in part because the company would have to meet strict groundwater standards near the mine and because Bald Mountain is not currently zoned for mining. Rather than go through the rezoning process and meet Maine’s environmental standards that have been on the books for more than 20 years, as would be required for any other mining operation, Aroostook Timberlands is trying to change the rules of the game in their favor, as rapidly and with as little public involvement as possible.

Explanation: Maine has many deposits of the type J.D. Irving wants to mine at Bald Mountain (see: <http://www.maine.gov/doc/nrimc/mgs/explore/mining/sites/nov05-1.jpg> for a map of these sorts of deposits in Maine). NRCM strongly opposes this effort to rush major changes through the legislative process weakening Maine’s protective mining standards just so one company might get a permit more easily. Whatever the Legislature does will have lasting and far-reaching consequences for the whole state.

When uncovered and exposed to water, the type of mineral deposits at Bald Mountain and many other places in Maine react to form acid compounds known as acid mine drainage (AMD). As the hole in an open-pit mine grows, companies must pump out massive quantities of acidic water. How will they treat this water and where will they discharge it? Proponents have said that levels of heavy metals such as arsenic are already high in the groundwater in the area around Bald Mountain (as they are in many places in Maine). How much higher will these concentrations get when massive amounts of rock are crushed and exposed to rain instead of being covered under ground? As of yet, we have no answers to these and many other questions, but the mining proponents are telling legislators not to worry. We should worry, and we should be cautious. Here’s what the US Fish and Wildlife says about the problems that mining companies have keeping their promises:

The mining industry has spent large amounts of money to prevent, mitigate, control, and otherwise stop the release of acid mine drainage (AMD) using the best available technologies, yet AMD remains as one the greatest environmental liabilities associated with mining, especially in pristine environments with economically and ecologically valuable natural resources. (http://reclamationresearch.net/publications/Final_Lit_Review_AMD.pdf)

At the public hearing on March 14, one legislator asked the mining lawyer from Nevada whether Maine would be left with a toxic lake after Irving finished with its open pit mine at Bald Mountain. The lawyer hesitated for 20 seconds or so and then said: “I don’t know.” This is not much assurance to give in exchange for eviscerating Maine’s mining rules. NRCM believes lawmakers must adopt a deliberate process of studying the many issues raised by this bill. We believe this can only be done with time. The bill should be addressed next year, not now.

NRCM opposes LD 1853.