

February 5, 2026

VIA ELECTRONIC MAIL

Select Board
Town of Alna
1574 Alna Road
Alna, Maine 04535

Re: Draft Mining Ordinance

Dear Members of the Select Board:

I am writing on behalf of Crooker Construction, LLC ("Crooker") to provide comments on the February 4, 2026, version of the draft mining ordinance ("mining ordinance").

We once again request clarity on the term "expansion" as it is used in the ordinance. In particular, we request additional language for the permitting definition of expansion. We also raise concern about the multiple definitions used for expansion in the ordinance.

Permitting & Expansion

Under the mining ordinance existing quarrying operations that expand are subject to permitting. Expansion for permitting is defined as "the enlargement of . . . all land used in connection with a bedrock quarrying or mining operation whether reclaimed or unreclaimed." This includes, but is not limited to, "land with overburden removed, land on which stumps, soil or other solid waste are deposited, working pits, and materials storage areas, but excludes natural buffer areas." See Article IX. Notably, this expansion definition does not specify that it applies to a permitted footprint of a quarrying or mining operation.

In Maine, a municipality may not nullify or amend a valid and final municipal land use permit by a subsequent enactment, amendment, or repeal of a local ordinance after a period of 45 days have passed from the validly issued permit approval. See 30-A M.R.S. § 3007(6). In 2003, Crooker obtained a site plan permit, which is still valid, that allows Crooker to quarry in an approximately 40-acre footprint. Crooker also has a 2019 NOITC approval from the Maine Department of Environmental Protection for the same footprint. As such, Crooker has a right to quarry in the entire 40-acre footprint regardless of how much of the footprint Crooker currently

utilizes or the approval of new ordinances by the town. To clarify this point in the ordinance, Crooker would like to recommend that the definition for affected land include the following:

*All land used in connection with a bedrock quarrying or mining operation, whether reclaimed or unreclaimed land, including without limitation, excavated land; land with overburden removed; land on which sumps, spoil or other solid waste are deposited; working pits and material storage areas; **land permitted to be quarried or mined** but excluding natural buffer strips.*

Registration & Expansion

Under the mining ordinance, as part of the existing operation registration process, an applicant must prove that an existing operation has not expanded. The definition for expansion under the registration is defined differently from the definition for expansion for permitting. It is defined as "enlargement of the mean aggregate disturbed surface area by more than 1 acre, when reclaimed land is subtracted from the aggregate disturbed surface area."

The differing expansion definitions is unnecessarily confusing and creates a potentially counterproductive scenario. What happens if an existing operation is not considered expanded for permitting purposes because the operation has not expanded it "affected land" but may not be able to register with the Planning Board because it has expanded its "aggregate disturbed land?"¹ We recommend fixing the inconsistency by using the permitting definition for expansion across the entire ordinance.

Finally, Crooker recommends revising the setback, reclamation, and groundwater performance standards, which are more restrictive than state-level standards.

Thank you for the opportunity to submit these comments.

Sincerely,



Georgia Bolduc

cc: Aga Dixon, Drummond Woodsum, Alna Town Counsel
Thomas Sturgeon, CEO, Crooker Construction, LLC
Ian Messier, President, Crooker Construction, LLC
Alna Planning Board

¹ Note that ordinance does not define "disturbed area" which creates further uncertainty.