

Comments by Cathy Johnson regarding
the Feb. 4, 2026 Administrative Draft Mining Ordinance

Article III, Section 2. Prohibited Activities

- **Total Size limit for gravel/borrow pits:** The most significant shortcoming of this draft is the lack of a provision limiting the total affected area of a mining operation. The most consistent and repeated public comment we have heard in the last 3 years is that no one wants another big mining operation in town. One is enough and residents don't want the one we have to get any bigger. This draft includes a 1 acre limit on the affected area of a new quarry which is good but lacks any limit whatsoever for new or expanded gravel pits. The result of this is that a new gravel pit operator could come in, get a permit for a gravel pit, and then move across the landscape of Alna endlessly, ½ acre/year. After 15 or 20 years, we would have another huge pit, with the accompanying noise, dust, trucks, and threats to our wells and the Sheepscot River.

The question of **how big the limit on the total affected area of a gravel pit should be** is a question worthy of further discussion. The first draft of this ordinance included a 5 acre limit on the affected area. Maybe this limit should be 5 or somewhat bigger at 8 or 10 acres. I encourage you to consider the views of other residents on this question before making a decision.

- **Subsection E: Size limit for a working pit:** Another significant shortcoming of this draft is allowing a working pit to grow to 5 acres of non-revegetated surface before any reclamation is required. An earlier draft required phased reclamation, ½ acre at a time. To ensure that reclamation occurs and neighbors aren't suddenly faced with a huge 5 acre unreclaimed open pit next door, the draft should include a maximum size of non-revegetated working pit area of ½ - 1 acre.

Some additional concerns affecting the administrative effectiveness of the ordinance:

Article IV Section 1 Registration of Existing Operations

- **Subsections (A)(6 and 7): Map with size for registration:** The registration process for existing pits needs **to require more specific information about the size of the existing pit.** The current language in subsection (6) requiring simply delineating “the boundaries of the affected area” and in subsection (7) requiring simply “hand-drawn depictions of all affected land...on a Town tax map” does not provide enough

information for the CEO or the Planning Board to determine in the future whether an expansion requiring a permit has taken place. There must be a clear and quantifiable baseline of the size of the existing pit from which to measure future activities.

- **Subsection (A)(5): Annual report:** Also related to the registration process, the “annual report” to a permitting or governmental authority that can be used as documentation of the existence of a pit should be **required to include information about the mining activities actually taking place, including the value or amount of material removed in the previous year.** For example, an annual report to the Secretary of State confirming the ongoing existence of a corporation does not necessarily provide sufficient information.
- **Subsection (B): Completeness Determination:** The current draft puts the responsibility of determining whether the information submitted by someone wishing to register an existing pit is complete on the Town Clerk. Judgment about whether the information submitted is adequate is required. This is an unfair responsibility to put on the Town Clerk. The Clerks should not be put in that position. I strongly recommend that this responsibility be given to the CEO, (or possibly the Planning Board or the Selectboard) but not to the Town Clerk.

Article VI Section 1 – Performance Standards Applicable to New Bedrock Quarrying and Mining Operations

- **Subsections B and H: Inconsistency in slope specifications:** The draft includes inconsistent performance standards regarding slopes of a pit. The performance standard in Article VI, Section 1 (B) requires slopes no steeper than 3 horizontal feet to 1 foot vertical. However, the same Article VI, Section 1 (H) requires slopes of only 2 ½ feet vertical to 1 foot horizontal. These sections should be reconciled at 3 feet vertical to 1 foot horizontal to provide the best short and long term results for both safety and erosion control.

Article IX – Definitions

- **Delete “commercial” reference:** Throughout this ordinance, there is no distinction between commercial and non-commercial mining activities because the activities have the same land use impacts on the ground. However, in the Article IX definition of abandonment, the word “commercial” appears. I assume this is just a drafting oversight and the word “commercial” should be removed.

Article IV, Section 2(C)2 Public Hearing Newspaper Notice; Article IV, Section 2(D) Site Visit; and Article V, Section 4(E) Site Visits

- **Email Notification:** Throughout this draft, there are multiple times when notification to the public is required. For reasons I do not understand, notification is required only by posting in “a newspaper having general circulation in town.” I am aware that some residents read the Wiscasset Newspaper, some read the Lincoln County News, and others read neither. I strongly recommend requiring notification through the town’s email list as well as newspaper notification. The only cost to the town of email notification is the cost of the clerk’s time and it will ensure that more people receive notification.

Article V, Section 2 (I); Article VI, Section 1(I); and Article VI, Section 1(H)

- **DEP standards for erosion control:** The draft includes three different references to DEP standards for erosion control. Article VI, Section 1(H)] is a general reference to DEP’s “best management practices for erosion and sedimentation control.” Article VI, Section 1(I) refers to DEP’s 2014 and 2016 manuals. And Article V, Section 2(I)] refers to “the latest version of the MDEP Erosion and Sediment Control Manuals.” This is a problem the Planning Board has faced in the past. I strongly recommend that these three references be the same and recommend that the language referring to “the latest version of MDEP Erosion and Sediment Control Manuals” be used to avoid problems in the future when the manuals are updated.

Article VI, Sections 1 and 3

- **Storage of materials from off-site:** This ordinance is silent on the storage of materials brought in from other sites such as fill, stumps, rock dust, demolition debris, or asphalt reclaim. Storage of these materials can result in adverse environmental impacts as a result of rain or snow runoff and can hinder reclamation work. I recommend that you consider adding a provision in Article VI, Sections 1 and 3 authorizing the Planning Board to impose conditions on the storage of materials brought in from other sites.

Thank you for your consideration of these comments.

Cathy Johnson

Feb. 7, 2026