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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 309

02/13/2025 Authored by Falconer, Feist, Jordan, Acomb, Liebling and others
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy

A bill for an act

relating to natural resources; modifying Boundary Water Canoe Area Wilderness mining restrictions; amending Minnesota Statutes 2024, section 84.523.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2024, section 84.523, is amended to read:

84.523 BWCA; MANAGING MINERALS AND RELATED RESOURCES.

Subdivision 1. **Definition.** (a) For the purposes of this section, the ~~term~~ following terms have the meanings given them.

(b) "Boundary Waters Canoe Area Wilderness" means that area of lands and waters included within the boundaries designated in ~~federal regulation REG U-3, Code of Federal Regulations, title 36, section 293.16, as that regulation provided on January 1, 1975.~~ Public Law 95-495.

(c) "Rainy River headwaters" means that area of land and waters included within the Rainy River headwaters of the Rainy River basin designated on the Minnesota Department of Natural Resources map entitled Minnesota's Watershed Basins as identified in Minnesota Rules, part 7050.0470, subpart 2, item A, subitem (1), and designated on the map of Minnesota's Major Watersheds under Minnesota Rules, part 7050.0469 (HUC 09030001).

Subd. 2. **Intent.** The legislature finds that a combination of state legislative and administrative actions and court decisions have established a public policy of primarily wilderness management for state lands and waters within the Boundary Waters Canoe Area Wilderness. This state policy, together with a similar federal policy and international actions consistent with these state and federal policies, has created an area of hundreds of thousands

of acres of land and water containing myriad lakes and streams, wooded shores, virgin forests, and other natural attractions of surpassing scenic beauty and solitude, free from substantially all commercial activities and artificial development such as hydroelectric dams and power lines, resorts, roads, sawmills, and timber harvesting in no-cut zones.

Subd. 3. **Mining; prohibition.** Except with the prior approval of the legislature in those cases of national emergency which have been declared by the Congress and which direct the need for exploration and mining of federal lands within the Boundary Waters Canoe Area Wilderness or the Rainy River headwaters, and after an investigation and determination by the commissioner of natural resources pursuant to subdivision 5 no state-owned or administered land may be leased for exploration or mining of minerals, and no state permits, licenses or leases shall be issued to use any other state natural resources for any mineral exploration or mining operations in the Boundary Waters Canoe Area Wilderness and the Rainy River headwaters. Mining for taconite or iron ore, sand, gravel, and granite may be allowed on state-owned or administered land in the Rainy River headwaters if the commissioner of natural resources determines that the mining will not be detrimental to the Boundary Waters Canoe Area Wilderness.

Subd. 4. **Peat harvesting; prohibition.** Except with prior approval of the legislature in those cases of national emergency which have been declared by the Congress and which direct the need for exploitation of peat deposits on federal land within the Boundary Waters Canoe Area Wilderness, and after an investigation and determination by the commissioner of natural resources pursuant to subdivision 5 no state-owned or administered land may be leased for the purpose of harvesting peat, and no state permits, licenses or leases shall be issued to use any other state natural resources for the purpose of harvesting peat in the Boundary Waters Canoe Area Wilderness.

Subd. 5. **Investigation and determination.** In the event of a national emergency declared by Congress which requires, for the protection of national interests, exploitation of natural resources of the type found in the Boundary Waters Canoe Area Wilderness or the Rainy River headwaters, the commissioner of natural resources shall investigate and determine if there are reasonable alternative methods for providing the needed resources. If the investigation shows there are reasonable alternatives to exploitation of natural resources in the area, no permit for development shall be issued. If the commissioner of natural resources determines there is a need to provide resources from within the Boundary Waters Canoe Area Wilderness, and that there is no reasonable alternative available to meet the need, a permit may be issued upon approval by the state legislature.

Subd. 6. **State-owned lands.** Acquired lands owned by the state within the Boundary Waters Canoe Area Wilderness defined in subdivision 1 are designated as state wilderness areas under section 86A.05, subdivision 6.