

6130.1200 EXCLUSION AREAS FOR MINING.

No mining shall be conducted within any of the following areas unless the commissioner determines that a state or national emergency exists which would require the exploitation of the mineral resources within such areas:

A. On and within one-fourth mile of the Boundary Waters Canoe Area, as defined in chapter 6140, state or national wilderness areas, state or national parks and national monuments, except where such areas are established as a result of their association with mining.

B. Within a national, wild, scenic, or recreational river district or within one-fourth mile of a national wild, scenic, or recreational river (whichever is greater): and within a designated state land use district or within one-fourth mile of any state wild, scenic, or recreational river (whichever is greater) however, underground mining may be permitted to the extent consistent with the governing Wild and Scenic Rivers Act and the rules promulgated thereunder.

C. On sites designated in the state Registry of Historic Sites or National Register of Historic Places, except where such areas are established as a result of their association with mining, and on designated state scientific or natural areas.

D. Within 300 feet of any state designated trout stream, any river listed in Minnesota Statutes, section 85.32, subdivision 1, and the Redwood, Yellow Medicine, Chippewa, Bois de Sioux, Red River of the North, Roseau, Rainy, Vermillion, Kawishiwi, and Pigeon Rivers.

E. Within 400 feet of any natural watercourse located within the area defined by the federal Shipsted-Newton-Nolan Act, United States Code, title 16, sections 577 to 577b.

F. Within any lake greater than 80 acres in size and any stream trout lake designated by the commissioner.

G. Within that area adjacent to the north shore of Lake Superior classified as the lake orientation zone in the DNR report North Shore Characterization Study. However, within this zone existing processing and by-product disposal shall be allowed at Silver Bay. The storage and transshipment of product and fuel, add docks and associated facilities shall be allowed at Duluth, Two Harbors, Silver Bay, and Taconite Harbor. The removal of ore by underground mining within this zone may be permitted subject to conditions prescribed by the commissioner when such mining can be conducted in a manner consistent with these parts.

H. Within the following setback areas containing dwellings, buildings, roads, or facilities which are in existence prior to the issuance of a permit to mine:

(1) 500 feet of any occupied dwelling, public school, church, public institution, county or municipal park, or cemetery unless allowed by the owner; and

(2) 100 feet of the outside right-of-way line of any public roadway, except where mine access or haul roads cross such right-of-way line.

I. Within any area except federal areas added to the categories listed in part 6130.1200 which is designated hereafter but prior to the issuance of a permit to mine involving such area provided that such designation is made by a process which includes a public hearing.

Statutory Authority: *MS s 93.47*

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