

**6131.0100 SITING.**

Subpart 1. **Goals.** Mining areas shall be sited to avoid conflicts with adjacent noncompatible land uses.

Subp. 2. **Requirements; exclusion areas for mining.** No peat mining shall be conducted within any of the areas in items A to I unless the commissioner determines that a state or national emergency exists that would require the exploitation of the peat resources within these areas:

A. in and within one-fourth mile of:

(1) the Boundary Waters Canoe Area Wilderness as legally described in Volume 45, No. 67, of the Federal Register for April 4, 1980; and

(2) national wilderness areas, national parks, and national monuments all as they exist and are defined by law on August 5, 1985;

B. in and within one-fourth mile of state wilderness areas and state parks;

C. 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), all as they exist and are defined by law on August 5, 1985; within a designated state land use district or within one-fourth mile of any state wild, scenic, or recreational river (whichever is greater);

D. on sites designated in the National Register of Historic Places and in registered national natural landmarks all as they exist and are defined by law on August 5, 1985; on sites designated in the state Registry of Historic Sites and in designated state scientific and natural areas;

E. within 300 feet of:

(1) any state trout stream designated by rule;

(2) any river listed in Minnesota Statutes, section 85.32, subdivision 1; and

(3) the Bois de Sioux, Red River of the North, Roseau, Rainy, and Pigeon Rivers;

F. 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 577-577b);

G. within any stream trout lake designated by rule;

H. within the following areas that are in existence before the issuance of a permit to mine:

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

I. within any area, except federal areas, added to the categories listed in this subpart if the designation is made before the issuance of a permit to mine the area, and an opportunity for a public hearing has been afforded.

Subp. 3. **Requirements; avoidance areas for mining.** Peat mining within the areas in items A to F will be allowed only if the mining and associated reclamation will enhance the existing use of the area; or, if no reasonable or prudent alternative exists and, in the case of state-owned land, the affected area will be replaced by an area of equal or greater public value serving the same purposes as the affected area:

A. On all lands within the boundaries of all Peatland Protection Management Areas legally described in Peatland Reclamation Report No. 1, Department of Natural Resources, December 1984, which is incorporated by reference and which is available through the Minitex Interlibrary Loan System. This document is not subject to frequent change.

B. Within any national wildlife refuge or waterfowl production area, or on lands designated as national natural landmarks or national trails, all as they exist and are defined by law on the August 5, 1985.

C. Within any state wildlife management area and on any state designated trail listed in Minnesota Statutes, sections 84.029 and 85.015.

D. Within any shorelands defined in Minnesota Statutes, section 103F.205.

E. Within any protected waters except as provided in Minnesota Statutes, sections 103G.211 and 103G.221.

F. Within any area added to the categories listed in this subpart, provided the designation is made before the issuance of a permit to mine the area.

**Statutory Authority:** *MS s 93.461*

**History:** *10 SR 277; L 1991 c 259 s 23*

**Published Electronically:** *June 11, 2008*