

**8420.0930 MINING.**

Subpart 1. **Impacts from mining.** Wetlands must not be impacted as part of a project for which a permit to mine is required by Minnesota Statutes, section 93.481, except as approved by the commissioner. Impacts to wetlands that the landowner can demonstrate, to the satisfaction of the local government unit, were created by pits, stockpiles, or tailing basins, and by actions the purpose of which was not to create the wetland according to part 8420.0105, subpart 2, item D, are not regulated under this chapter.

Subp. 2. **Mining operations; post-July 1, 1993.** For mining operations that are permitted and initiated after July 1, 1993:

A. mining must not be conducted without first receiving a permit to mine issued under chapter 6130 for iron ore and taconite or chapter 6132 for nonferrous metallic minerals; and

B. the mining and reclamation operating plans or annual reports submitted by the applicant as required in the permit to mine must include an approved wetland replacement plan that meets the same principles and standards for replacing wetlands under parts 8420.0500 to 8420.0528 and provides for construction certification and monitoring according to parts 8420.0800 and 8420.0810.

Subp. 3. **Mining operations; pre-July 1, 1993.** For mining operations in existence before July 1, 1993, and operated on or after that date under a permit to mine issued under chapter 6130 for iron ore and taconite or chapter 6132 for nonferrous metallic minerals:

A. wetlands for which impacts were approved but not initiated before July 1, 1993, must not be impacted until the operating plan or annual report as required in the permit to mine includes an approved wetland replacement plan for the undisturbed wetlands. The wetland replacement plan must meet the same principles and standards for replacing wetlands under parts 8420.0500 to 8420.0528 and provide for construction certification and monitoring according to parts 8420.0800 and 8420.0810;

B. for filling activities that were approved and initiated before July 1, 1993, placement of fill atop a stockpile, roadway, or other mining-related facility that occupies a wetland filled before July 1, 1993, is allowed to continue within the areal extent, as it existed on July 1, 1993, of the stockpile, roadway, or other mining-related facility without the requirement of a replacement plan or amendment of the permit to mine. An expansion of the areal extent of the fill in the wetland requires an approved replacement plan in the operating plan or annual report as required in the permit to mine, according to item A; and

C. for draining activities that were approved and initiated before July 1, 1993, draining of a wetland to facilitate mining, using ditches and other drainage facilities that existed on July 1, 1993, is allowed to continue without the requirement of a replacement plan or amendment of the permit to mine. Maintenance of the ditches and structures are

allowed without the requirement of a replacement plan or amendment of the permit to mine, provided that as a result of the maintenance, wetlands are not drained beyond the extent that existed as of July 1, 1993. Otherwise, the permit to mine must be amended to provide for replacement according to item A.

Subp. 4. **Applicability.**

A. Replacement wetlands approved under this part must only be used for mining-related impacts covered under a permit to mine unless the credits are approved and deposited in the state wetland bank according to parts 8420.0700 to 8420.0755.

B. Applicable procedures are those required for permits to mine.

C. This part does not apply to peat mining as defined under Minnesota Statutes, section 93.461, that is subject to the mine permit and reclamation requirements under Minnesota Statutes, sections 93.44 to 93.51, and the rules adopted thereunder.

**Statutory Authority:** *MS s 103G.2242*

**History:** *34 SR 145*

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