

## CHAPTER 93

### MINERAL LANDS

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#### 93.20 RENTALS, ROYALTIES, FORM OF LEASE.

*[For text of subs 1 to 8, see M.S.1982]*

Subd. 9. (1) The royalties to be paid by the part.... of the second part to the party of the first part on ore removed in each calendar year that this lease remains in force as hereinafter specified shall be increased or decreased for that calendar year in the same proportion that the market value of standard grade Mesabi Non-Bessemer iron ore containing 51.50 percent iron, natural analysis, at lower lake ports, as of April first of that year, is increased or decreased above or below the corresponding market value of such standard ore that prevailed at the time of submission of the application for a prospecting permit on the mining unit covered by this lease; provided, that, in no case shall such royalties be less than the minimum royalties prescribed by law. For the purposes hereof, the market value of such standard ore as of the date of application for a prospecting permit on the mining unit covered by this lease, as determined by the commissioner of natural resources, was ..... Dollars (\$.....). As soon as practicable after April first of each year, the commissioner of natural resources shall determine the market value of such standard grade of Mesabi Non-Bessemer ore as of said date, shall file his order thereon in his office, shall file certified copies thereof in the offices of the state treasurer and commissioner of finance, and shall mail a certified copy thereof to the part.... of the second part. The market value so determined shall govern for the purpose of computing royalties due under this lease on ore removed during such calendar year. If such determination is not made in time for use in computing any such royalty, such royalty shall be computed and paid when due at the last rate theretofore in force under the provisions hereof, subject to adjustment as hereinafter provided. Upon the determination by the commissioner of the applicable market value of ore, if it appears that the amount theretofore paid for any royalty subject to such determination was less or greater than the correct amount based on such determination, any deficiency in such payment shall be added to and paid together with the rental or royalty due at the next following quarterly payment date hereunder, and any excess in such payment shall be applied as a credit upon rentals or royalties subsequently due hereunder as the case may be.

(2) If the part.... of the second part shall dispute any determination by the commissioner of the market value of such standard ore, the royalties affected thereby shall nevertheless be paid when due at the rates based on such determination; provided, that upon making any such payment when due, the part.... of the second part may file with the commissioner a protest against such determination, specifying the amount alleged to be the true market value of such standard ore for the purpose of computing such royalty. If the dispute involves the determination of the market value of such standard ore as of the date of application for a prospecting permit, as set forth in subdivision 9 (1) above, such protest shall be filed once only and then within 30 days after the first royalty payments are due. Within 30 days after filing such protest, the part.... of the second part may bring

an action against the commissioner in the district court for Ramsey county for a declaratory judgment determining the market value of the ore in dispute as stated in the protest. Upon the taking effect of final judgment in such action, the value determined thereby shall supersede the value determined by the commissioner for the purposes hereof, and adjustment of the amounts paid or payable for royalties shall be made accordingly in like manner as hereinbefore provided upon determination of market value by the commissioner. If such action is not brought within the time aforesaid, the commissioner's determination of market value shall be final. In case the part..... of the second part shall be entitled to any adjustment on account of overpayment of royalties hereunder, and the rentals or royalties subsequently due on or before the termination of this lease are not sufficient to make such adjustment as hereinbefore provided, the excess of such royalties paid above the amount adjustable against subsequent rentals or royalties shall be refunded to the part..... of the second part as provided by section 16A.48.

*[For text of subds 10 to 39, see M.S.1982]*

**History:** 1983 c 216 art 1 s 17

#### **93.44 DECLARATION OF POLICY.**

In recognition of the effects of mining upon the environment, it is hereby declared to be the policy of this state to provide for the reclamation of certain lands hereafter subjected to the mining of metallic minerals or peat where such reclamation is necessary, both in the interest of the general welfare and as an exercise of the police power of the state, to control possible adverse environmental effects of mining, to preserve the natural resources, and to encourage the planning of future land utilization, while at the same time promoting the orderly development of mining, the encouragement of good mining practices, and the recognition and identification of the beneficial aspects of mining.

**History:** 1983 c 270 s 1

#### **93.46 DEFINITIONS.**

*[For text of subd 1, see M.S.1982]*

Subd. 2. "Mining area" or "Area subjected to mining" means any area of land from which material is hereafter removed in connection with the production or extraction of metallic minerals or peat, the lands upon which material from such mining is hereafter deposited, the lands upon which beneficiating plants and auxiliary facilities are hereafter located, the lands upon which the water reservoirs used in the mining process are hereafter located, and auxiliary lands which are hereafter used or intended to be used in a particular mining operation.

*[For text of subds 3 and 5, see M.S.1982]*

Subd. 6. "Operator" means any owner or lessee of mineral rights or peat rights engaged in or preparing to engage in mining operations with respect thereto.

*[For text of subds 7 and 8, see M.S.1982]*

**History:** 1983 c 270 s 2,3

#### **93.461 PEAT INCLUDED IN MINELAND RECLAMATION.**

Sections 93.46 to 93.51 apply to peat in the same manner as to metallic minerals, to the greatest extent practicable, with the following exceptions:

(a) For the purposes of sections 93.46 to 93.51, "peat mining" means the removal of peat for commercial purposes, including activities associated with the removal. "Peat mining" does not include removal of peat which is incidental to the harvesting of an agricultural or horticultural crop, or to mining of a metallic mineral that is subject to a mineland reclamation rule and a permit to mine.

(b) No permit to mine peat is required under section 93.481 until 180 days after the effective date of rules promulgated to regulate peat mining and reclamation. The rules shall be adopted by July 1, 1985.

(c) No permit is required for a peat mining operation of 40 acres or less, unless the commissioner determines that there is potential for significant environmental effects which may result from the peat mining operation. A person intending to engage in or carry on a peat mining operation of 40 acres or less, if the intended operation involves removal of more than 1,000 tons of air-dried peat per year, shall notify the commissioner in writing before beginning any mining, specifying the legal description of the tract to be mined and the mining methods to be used. Within 20 days after receipt of written notice of intent to mine such a tract, or after receiving additional information requested, the commissioner shall notify the person of his decision to require, or not to require, a permit.

**History:** 1983 c 270 s 4

#### **93.481 PERMIT TO MINE.**

*[For text of subs 1 to 5, see M.S.1982]*

**Subd. 6. Reclamation rules required before issuance of a permit to mine.** Except for taconite and iron ore mining permits, no permit to mine metallic minerals may be issued by the commissioner until rules relating to reclamation of metallic mineral minelands have been amended, or new rules adopted, under sections 93.44 to 93.51 and in the manner provided in chapter 14, for the reclamation of minelands of the class for which the permit application is submitted. This section does not apply to metallic minerals which are mined incidentally to the mining of a mineral included in any mineland reclamation rule and covered by the permit to mine which has been issued for the mining project.

**History:** 1983 c 270 s 5