

Minnesota Nonferrous Metallic Mineral Mining Rules: Environmental Organizations File Judicial Challenge



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The Friends of the Boundary Waters Wilderness and a number of other environmental organizations (collectively “FBWW”) filed a December 3rd petition in the Minnesota Court of Appeals to certain Minnesota Department of Natural Resources (“MDNR”) rules.

The petition seeks a declaration that MDNR’s Nonferrous Metallic Mineral Mining Rules (“Mining Rules”) are invalid.

FBWW argue that the rules are invalid because:

- they fail to implement or make specific the law enforced or administered by that agency or to govern its organization or procedure as defined by Minnesota Statutes section 14.02, subd. 4; and
- are otherwise so vague that neither a party affected by these rules nor the Court can determine what is required or prohibited.

FBWW seeks a declaration that Minnesota Rules Chapter 6132 “fails to include provisions mandated by statute, and unconstitutionally grants the DNR discretion in excess of its statutory authorities.”

FBWW’s petition cites a permit issued by MDNR as illustrating the alleged problems associated with the rules. This is stated to have been the first permit issued under the rules.

A copy of the petition can be found [here](#).