



February 17, 2026

Minnesota Environmental Quality Board
520 Lafayette Road N
St. Paul, MN 55155

Environmental Quality Board Members:

I write today on behalf of the Minnesota Chamber of Commerce (Chamber), a statewide organization representing more than 6,300 businesses and more than 500,000 employees throughout Minnesota. Thank you for implementing the relevant provisions from SF 3's environmental permitting title.

Environmental permitting reform is necessary to grow Minnesota's economy. The Minnesota Chamber Foundation detailed in its 2024 report, [Streamlining Minnesota's environmental permitting process: Essential for economic growth](#) that it takes too long, costs too much, and is too uncertain for investment in Minnesota, along with the ramifications of being uncompetitive with other states. The report helpfully recommended reforms to improve permitting in Minnesota.

Laws of Minnesota 2025, 1st Spec. Sess., Chapter 1, Article 6, Section 5 addresses Environmental Review Actionable Strategies No. 3 from the Chamber Foundation report.

The Chamber suggests one small change. The sentence beginning on line 2.6 and concluding on line 2.7, starting with the added "An", is duplicative and will be confusing to project proposers. The preceding sentence is updated by adding "scoping document", which refers to the well-defined new definition of "scoping document" earlier in the rule on lines 1.10-1.13. The definition of scoping document and its reference on line 2.5 make clear that an EAW remains an option. Therefore, the Chamber recommends striking the second sentence in Supb. 2. A.

The updated language would read as follows:

- A. All projects requiring an EIS must have a scoping document filed with the RGU.

Thank you for considering this suggestion from the Minnesota Chamber of Commerce. We appreciate your efforts to implement this important law and your willingness to partner in growing Minnesota's economy.

Sincerely,

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Minnesota Chamber of Commerce
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Commissioner Sarah Strommen
Minnesota Department of Natural Resources
1500 Lafayette Road
Saint Paul, MN 55155

Executive Director Catherine Neuschler
Minnesota Environment Quality Board
520 Lafayette Road
Saint Paul, MN 55155

February 17, 2026

Dear Commissioner Strommen and Executive Director Neuschler,

In response to the enacted legislation calling for expedited rulemaking in Laws of Minnesota 2024, Ch. 116, Art. 3, Secs. 21-25, We understand the Department of Natural Resources (DNR) and Environmental Quality Board (EQB) are in the process of completing expedited rulemaking related to gas resources production in Minnesota, pursuant to Laws of Minnesota 2024, Ch. 116, Art. 3, Secs. 21-25. We at The Nature Conservancy seek to offer recommendations for your consideration in the rulemaking process.

The mission of The Nature Conservancy (TNC) is to conserve the land and water on which all life depends. TNC is a leading conservation organization working in all 50 states and more than 70 countries, and our work is solutions-oriented and grounded in science. With this lens, we write to offer the following recommendations to ensure continued natural resources conservation of critical lands in Minnesota which provide multiple benefits for clean water, carbon sequestration, wildlife habitat and more.

We are sharing the following recommendations with both agencies for transparency, recognizing the first recommendation is relevant for both DNR and EQB, while remaining recommendations are primarily relevant for DNR, but may inform EQB efforts.

References below to the **"GTAC Recommendations"** refer to the Gas Resources Technical Advisory Committee (GTAC) Recommendations and Statutory Language for Permitting Gas Resources Development dated 1/15/2025.

References below to the **"Proposed Legislation"** refers to SF2530, Second engrossment, 94th Sess. (MN 2025).

References below to **"Conservation Lands"** shall refer to the definition established in recommendation 1 below.

1. Establish Inclusive Definition of Conservation Lands and Align to Minnesota's Conservation Objectives

"Conservation Lands" should be robustly defined in rulemaking and should trigger environmental review in all cases. Additionally, exploration and mining should be prohibited or restricted

appropriately on Conservation Lands to preserve and maintain the benefits those lands provide to Minnesotans and the state's air, water and wildlife. Conservation Lands in Minnesota provide multiple benefits for clean water, carbon sequestration, wildlife habitat and critical species conservation aligned with goals of the State's Climate Action Framework, Wildlife Action Plan, and other natural resources plans. These benefits could be adversely impacted by gas exploration and production.

We recommend the following definition of "**Conservation Lands**," which reflects definitions used in the GTAC Recommendations (page 74-75) and the Proposed Legislation (Article 1, Section 13, Subd. 8) but makes critical additions to include lands that should be uniquely reflected in rules:

- (1) *Lands acquired, restored, protected, or enhanced using appropriations from the outdoor heritage fund under section 97A.056.*
- (4) *Lands protected under the reinvest in Minnesota reserve program established under section 103F.515, including lands encumbered by conservation easements or restoration projects funded under that section.*
- (5) *Lands designated as wetland preservation areas under sections 103F.612 to 103F.616.*
- (6) *Lands protected under section 103H.101, including lands identified or regulated for the preservation of groundwater quality, recharge areas, or other hydrologic features where mineral exploration or extraction would conflict with statutory groundwater protection purposes.*
- (7) *Lands subject to a conservation easement under chapter 84C, when the easement restricts or prohibits mineral exploration or extraction to protect natural, scenic, habitat, ecological, hydrologic, or open-space values.*
- (8) *State-owned or state-administered conservation lands where mining or surface disturbance is limited under law or rule, including but not limited to:*
 - (i) *state parks, state recreation areas, and state wilderness areas;*
 - (ii) *scientific and natural areas designated under section 84.033; or*
 - (iii) *calcareous fens and peatlands designated under sections 103G.223 and 84.035;*
 - (iv) *state wildlife management areas established and designated under section 97A.133;*
 - (v) *state trails designated under section 85.015 or lands acquired for trails and recreational uses related to trails under section 84.029, subdivision 2;*
 - (vi) *peatlands identified as peatlands watershed protection areas in the Department of Natural Resources report entitled Protection of Ecologically Significant Peatlands in Minnesota (November 1984);*
 - (vii) *waters that are classified by the commissioner for primary use as trophy lakes, family fishing lakes, designated trout lakes, designated trout streams, special species management lakes, and other designated uses under section 97C.005;*
 - (viii) *the Boundary Waters Canoe Area Wilderness Mineral Management Corridor, identified on the Department of Natural Resources map entitled Minnesota Department of Natural Resources B.W.C.A.W. Mineral Management Corridor (February 1991);*

- (ix) lands located within 0.25 miles of Voyageurs National Park and other protected areas identified in the Department of Natural Resources mapping series, where mineral exploration or surface disturbance is restricted to protect adjacent conservation lands;
- (x) lands within national wild, scenic, or recreational river districts of a national wild, scenic, or recreational river and within the areas identified by the document entitled *A Management Plan for the Upper Mississippi River*, produced by the Mississippi Headwaters Board (January 1981);
- (xi) lands within designated state land use districts of a state wild, scenic, or recreational river under the Minnesota Wild and Scenic Rivers Act;
- (xii) lands within the area adjacent to the north shore of Lake Superior identified in the document entitled *North Shore Management Plan*, produced by the North Shore Management Board (December 1988);
- (xiii) waters identified in the public waters inventory under section 103G.201 that have not been created or substantially altered in size by human activities or in the adjoining shorelands, as defined in section 103F.205, subdivision 4.

(9) *Federal conservation lands, including that are withdrawn from mineral entry under federal law, national forests or portions thereof designated for conservation purposes, national parks, national monuments, national wilderness areas, national wildlife refuges, national waterfowl protection areas, and units of the National Park System, subject to valid existing rights.*

(10) *Lands owned in fee by a nonprofit conservation organization:*

(11) *Lands subject to conservation easements or similar recorded conservation agreements or restrictions held by soil and water conservation districts, watershed districts, counties, or other local government units for the protection of soil, water, wetlands, riparian areas, habitat, or other natural resources.*

(12) *Any other lands withdrawn from mineral exploration or extraction or formally designated or mapped for conservation purposes by state or federal law, local government action, rule, or designation order, including lands where the primary purpose of the designation is the protection of natural resources, ecological systems, water resources, wildlife habitat, or outdoor recreation consistent with conservation purposes, and where mineral exploration or extraction would be incompatible with the primary purpose of said lands.*

The GTAC Recommendations and Proposed Legislation created a tiered approach to protection of different types of conservation lands. The most protective category prohibits all gas resource development (see *GTAC Recommendations* (page 75, Section 16, Subd. 2) and *Proposed Legislation* (Article 1, Section 13, Subd. 8(c)). We propose all Conservation Lands (as defined above) fall into this most protective category. If this is not possible, we provide an alternative framework in the attached *Appendix A: Gas Production Locations*.

The GTAC Recommendations and Proposed Legislation has established a category of lands in which gas resource development are allowed only if "the commissioner determines that there is no prudent and feasible siting alternative" (*GTAC Recommendations* (page 76, Section 16, Subd. 5) and *Proposed Legislation* (Article 1, Section 13, Subd. 8(f))). This category should require a public hearing and comment period of no less than 60 days prior to the commissioner's decision.

2. Add Clear Well Spacing and Setback Standards

The spacing unit minimum area included in the GTAC Recommendations (Page 64, Section 9, Subd. 1) and the Proposed Legislation (Article 1, Section 9), of a quarter-quarter section, or 40 acres, would increase the possibility of land clearing, fragmentation and disturbance from associated infrastructure. There is precedence in numerous states requiring greater well spacing and setbacks from waters or drinking water sources. TNC recommends well spacing of 640-acres per well and minimum setbacks of 500 feet from public waters, wetlands, public and private drinking water wells, Drinking Water Supply Management Areas or sensitive water features. See the following state statutes for examples:

States with 640-acre spacing units and 1,320-1,660 feet minimum setbacks:

1. Alaska: 640-acre unit size and 1,500 feet setback from property lines (20 AAC 25.055).
2. Arizona: 640-acre unit size and 1,660 feet setback from unit boundaries (Ariz. Admin. Code SS R12-7-107).
3. Florida: 640-acre unit size and 1,320 feet setback from boundaries (Fla. Admin Code r. 62C-26.004(2)).
4. Iowa: 640-acre unit size and 1,320 feet setback from boundary lines (IAC 561.17.16).
5. Mississippi: 640-acre unit size and 1,500 feet setback from unit boundaries (26 Miss. Code. R. 2-1-8).

States with minimum setbacks specific to water or drinking water sources:

6. Maryland: 200 feet setback from wells and 100 feet setback from drinking water supplies and wellhead protection areas (Md. Code Regs. 26.19.01.09).
7. Michigan: 330 feet setback from freshwater for human or animal consumption (Mich. Admin. Code R.324.301).
8. Pennsylvania: 200 feet setback from conventional wells, 500 feet setback from unconventional wells and 1000 feet setback from certain water resources. (Pennsylvania Statutes Title 58 P.S. Oil and Gas § 507).

3. Include Clear Reclamation and Restoration Requirements

The GTAC Recommendations (page 72, Section 15) and the Proposed Legislation (Article 1, Section 13, Subd. 1(7)) require a plan for reclamation and restoration of gas development locations, but do not contain definitions of those terms nor detailed performance standards.

We recommend the following definition be reflected in rules pertaining to reclamation and/or restoration:

"The process of assisting the recovery of an ecosystem that has been degraded, damaged or destroyed. Ecological restoration aims to assist in recovering the ecosystem to the trajectory it would be on if degradation had not occurred, accounting for environmental change."

(Source: Gann GD, et. al. 2019. International principles and standards for the practice of ecological restoration. Second edition. Restoration Ecology S1-S46).

Locations affected by gas development should be reclaimed and restored as if the disturbance had never occurred. This would require specific activities such as soil restoration, tilling and reseeding, revegetation to specific cover benchmarks, contouring and grading, pit closure requirements, and options for converting wells to water wells. These standards would provide consistency and ensure restoration meets established, concrete thresholds.

4. Establish Specific Bonding Types and Amounts

To meet permit requirements for reclamation and restoration, rules should ensure that reclamation, contamination cleanup, and surface damage are fully funded for immediate reclamation and into the future, and should specify which financial assurances will be accepted. The open-ended discretion reflected in the GTAC Recommendations and Proposed Legislation could lead to insufficient bonding or inconsistent application. Other states require defined bond amounts or structured formulas. We recommend setting a minimum bond amount in addition to requiring specific financial assurances. Examples from other states include:

1. Colorado, as preferred example, requires a blanket bond amount of \$100,000 and additional bonds to protect surface owners who are not party to a lease or other agreement; also requiring operators to obtain permission for types of financial assurance not named in rule (ECMC Rule 701).
2. Alaska, as an example of a moderate standard, requires a \$400,000 per well bond amount in effect until all wells operated by that company are plugged, abandoned, and restored, and for which surety or personal bonds must be accompanied by a security guarantee via CD or irrevocable letter of credit (20 AAC 25.025).
3. Arizona, as an example of a minimum standard, requires a \$10,000 bond for wells less than 10,000 feet and \$20,000 bond for deeper wells; also requiring a performance bond before any well activity and that will guarantee the operator will properly drill, plug, and repair the well, prevent waste and pollution, and restore well sites (Ariz. Admin. Code R12-7.103).

5. Expand Environmental Protection Standards

Rules affecting gas production permitting should provide measurable and accountable requirements for groundwater protection, especially for well drilling and sealing, which disproportionately impacts groundwater. Minnesota Department of Health was named in *Law of Minnesota 2024, Ch. 116, Art. 3, Sec. 24* as being responsible for GTAC recommendations under the temporary framework related to drilling and sealing. However, it is our understanding that Minnesota Department of Health has not been directed to or does not yet have authority to draft rules pertaining to drilling and sealing standards for gas production or extraction wells. Therefore, TNC is deferring further comment on this until there is rulemaking authorized.

6. Surface Owner Notice and Surface Use Agreements

Rules should require operators to provide detailed advance written notice to surface owners and require operators to secure surface owner consent prior to engaging in activities impacting their surface rights. No exploration or extraction activities should begin without a mutually agreeable surface use agreement between an operator and the surface rights holder, and providing or affirming a surface use agreement should be a permitting condition. The surface owner should be able to reject the proposed surface use. For example, see the following statutory language from New Mexico:

Upon receipt of the notice required [by operators to surface owners], the surface owner may:
(1) *accept the proposed surface use and compensation agreement within twenty days; or*
(2) *reject the proposed surface use and compensation agreement; provided that, failure to accept the proposed agreement within twenty days shall be deemed to be a rejection by the surface owner. If the proposed agreement is rejected, the surface owner may enter into negotiations with the operator, including, if the parties agree, binding arbitration or mediation.* (New Mexico Statutes Annotated, Chapter 70. Article 12, D. NM 2007)

We recommend a minimum of 60-days' advance written notice to surface owners be required before operators enter the land, begin planned operations, abandonment activities, or any significant changes affecting the surface estate.

Numerous states require operators to compensate surface owners for damages and to negotiate in good-faith before entering the land. Rules should include a compensation framework, mandatory notice periods, and dispute-resolution mechanisms that ensure surface owners are not disadvantaged when estates are severed. Damages should include damage to conservation values and not purely economic losses. Some examples include:

1. Montana: Operators must negotiate with surface owners and compensate them for damages resulting from gas operations. Surface owners are entitled to payment for losses. At any point in negotiations, either party may request dispute resolution, including mediation. (Mont. Code §§ 82-10-504-05)
2. New Mexico: Operators must compensate surface owners for damages sustained by the surface owner for loss of certain income, lost land value, and loss of certain access causes by oil and gas operations. (N.M. Stat. Ann. § 70-12-4)
3. North Dakota: Developers must pay the surface owner a sum of money equal to the amount of damages sustained by the surface owner for lost land value, lost use of access, and lost value of improvements. (N.D. Cent. Code § 38-11.1)
4. Oklahoma: Prior to entering the site with heavy equipment, the operator must negotiate with the surface owner for the payment of any damages it may cause, and if an agreement is not reached, the operators shall petition the court for appointment of appraisers. (52 Okla. Stat, 318.5)

7. Preclude Involuntary Pooling

We recommend no involuntary pooling be allowed on Conservation Lands. If involuntary pooling is allowed, we recommend a threshold of at least 75% of mineral interest ownership be required. In fact, Kansas uses a 90% unitization threshold (K.S.A. 551301 to 551317). The surface owners should have a mechanism to contest proposed surface operations on their property, and an opportunity to influence or negotiate well spacing and other surface impacts via required surface use agreements with an operator. No surface operations should be allowed to proceed without agreement with the surface rights holder. For example:

1. Montana provides for general protest hearing opportunity (Montana Administrative Rule 36.22.601).
2. Texas also allows for protests to applications for disposal wells (16 Tex. Admin. Code § 3.9), and injection wells (16 Tex. Admin. Code § 3.46).

Overall, we cannot overstate the importance of crafting an enhanced definition of "Conservation Lands" for the proposed rules. Additional components of the rulemaking should ensure protections for lands and waters that help the State deliver on goals for clear air, water, carbon sequestration, and wildlife, which could be negatively impacted by gas development. If you have any questions about these recommendations, we welcome the opportunity to be a continued resource and to have clarifying conversations with you or your staff. Thank you for your consideration.

Sincerely,



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CC:

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Jesse Krzinski, Environment Quality Board
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Appendix A: Gas Resource Development Locations

As stated in Recommendation 1 above, TNC proposes that all Conservation Lands be placed in Tier 1. However, if that is not possible, we recommend the following categorization of types of conservation lands within the four tiers identified in the GTAC Recommendations and Proposed Legislation.

| | GTAC recommendations for Temporary Framework and SF2530, Second engrossment, 94th Sess. (MN 2025) | TNC Recommendation |
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| TIER 1 ("must not be located within or alter the gas resources of" per Minnesota Legislature 2025 SF2530 Article 1, Section 16., Subd. 8(c)) | <p>(1) The Boundary Waters Canoe Area Wilderness, as legally described in the Federal Register, volume 45, number 67 (April 4, 1980), with state restrictions specified in section 84.523, subdivision 3;</p> <p>(2) Voyageurs National Park, with state restrictions specified in section 84B.03, subdivision 1; or</p> <p>(3) the federal Agassiz and Tamarac Wilderness areas and Pipestone and Grand Portage National Monuments.</p> | <p>(1) State-owned or state-administered conservation lands where mining or surface disturbance is limited under law or rule, including but not limited to:</p> <ul style="list-style-type: none"> (i) state parks, state recreation areas, and state wilderness areas; (ii) scientific and natural areas designated under section 84.033; or (iii) calcareous fens and peatlands designated under sections 103G.223 and 84.035; (iv) state wildlife management areas established and designated under section 97A.133. (v) state trails designated under section 85.015 or lands acquired for trails and recreational uses related to trails under section 84.029, subdivision 2. (vi) peatlands identified as peatlands watershed protection areas in the Department of Natural Resources report entitled Protection of Ecologically Significant Peatlands in Minnesota (November 1984); (vii) waters that are classified by the commissioner for primary use as trophy lakes, family fishing lakes, designated trout lakes, designated trout streams, special species management lakes, and other designated uses under section 97C.005; (viii) the Boundary Waters Canoe Area Wilderness Mineral Management Corridor, identified on the Department of Natural Resources map entitled Minnesota Department of Natural Resources B.W.C.A.W. Mineral Management Corridor (February 1991); (ix) lands located within 0.25 miles of Voyageurs National Park and other protected areas identified in the Department of Natural Resources mapping series, where mineral exploration or surface disturbance is restricted to protect adjacent conservation lands; (x) Lands within national wild, scenic, or recreational river districts of a national wild, scenic, or recreational river and within the areas identified by the document entitled A Management Plan for the Upper Mississippi |

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| | | <p>River, produced by the Mississippi Headwaters Board (January 1981);</p> <p>(xi) Lands within designated state land use districts of a state wild, scenic, or recreational river under the Minnesota Wild and Scenic Rivers Act;</p> <p>(xii) Lands within the area adjacent to the north shore of Lake Superior identified in the document entitled North Shore Management Plan, produced by the North Shore Management Board (December 1988);</p> <p>(xiii) waters identified in the public waters inventory under section 103G.201 that have not been created or substantially altered in size by human activities or in the adjoining shorelands, as defined in section 103F.205, subdivision 4.</p> |
| TIER 2 ("passive subsurface activities allowed but subsurface directional drilling prohibited" per Minnesota Legislature 2025 SF2530 Article 1, Section 16., Subd. 8(d)) | <p>(1) state wilderness areas;</p> <p>(2) state scientific and natural areas;</p> <p>(3) within state peatland scientific and natural areas where directional drilling would significantly modify or alter the peatland water levels or flows, peatland water chemistry, plant or animal species or communities, or natural features of the peatland scientific and natural areas, except in the event of a national emergency declared by Congress;</p> <p>(4) calcareous fens identified under section 103G.223;</p> <p>(5) a state park, except that gas resource development operations must be allowed if the park has been established as a result of its association with mining; and</p> <p>(6) designated trout streams and lakes.</p> | <p>(1) Lands owned in fee by a nonprofit charitable conservation organization.</p> <p>(2) Lands acquired, restored, protected, or enhanced using appropriations from the outdoor heritage fund under section 97A.056.</p> <p>(3) State wildlife management areas established and designated under section 97A.133.</p> <p>(4) Lands protected under the reinvest in Minnesota reserve program established under section 103F.515, including lands encumbered by conservation easements or restoration projects funded under that section.</p> <p>(5) Lands designated as wetland preservation areas under sections 103F.612 to 103F.616.</p> <p>(6) Lands protected under section 103H.101, including lands identified or regulated for the preservation of groundwater quality, recharge areas, or other hydrologic features where mineral exploration or extraction would conflict with statutory groundwater protection purposes.</p> <p>(7) Lands subject to conservation easements or similar recorded conservation agreements or restrictions held by soil and water conservation districts, watershed districts, counties, or other local government units for the protection of soil, water, wetlands, riparian areas, habitat, or other natural resources.</p> <p>(8) Lands subject to a conservation easement under chapter 84C, when the easement restricts or prohibits mineral exploration or extraction to protect natural, scenic, habitat, ecological, hydrologic, or open-space values.</p> <p>(9) Any other lands withdrawn from mineral exploration or extraction or formally designated or mapped for conservation purposes by state or federal law, local government action, rule, or designation order, including lands where the primary purpose of the</p> |

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| | | <p>designation is the protection of natural resources, ecological systems, water resources, wildlife habitat, or outdoor recreation consistent with conservation purposes, and where mineral exploration or extraction would be incompatible with the primary purpose of said lands.</p> <p>(10) State parks, except that gas resource development operations must be allowed if the park has been established as a result of its association with mining.</p> |
| <p>TIER 3 ("subsurface development including subsurface drilling activities allowed but gas development locations prohibited" per Minnesota Legislature 2025 SF2530 Article 1, Section 16., Subd. 8(e))</p> | <p>(1) in the Boundary Waters Canoe Area Wilderness Mineral Management Corridor, identified on the Department of Natural Resources map entitled Minnesota Department of Natural Resources B.W.C.A.W. Mineral Management Corridor (February 1991);</p> <p>(2) within 0.25 miles of Voyageurs National Park;</p> <p>(3) within 0.25 miles of a state wilderness area;</p> <p>(4) within 0.25 miles of the federal Agassiz and Tamarac Wilderness areas and Pipestone and Grand Portage National Monuments;</p> <p>(5) within 0.25 miles of a state scientific and natural area;</p> <p>(6) within 0.25 miles of a state park, except surface and subsurface disturbances must be allowed if the park has been established as a result of its association with mining;</p> <p>(7) within 0.25 miles of a calcareous fen identified under section 103G.223;</p> <p>(8) on sites designated in the National Register of Historic Places, except that gas resource development operations must be allowed if the sites have been established as a result of their association with mining;</p> <p>(9) on sites designated in the registry of state historic sites, except gas resource</p> | <p>(1) State trails designated under section 85.015 or lands acquired for trails and recreational uses related to trails under section 84.029, subdivision 2.</p> <p>(2) On sites designated in the National Register of Historic Places, except that gas resource development operations must be allowed if the sites have been established as a result of their association with mining;</p> <p>(3) On sites designated in the registry of state historic sites, except gas resource development operations must be allowed if the sites have been established as a result of their association with mining;</p> <p>(4) Within national wild, scenic, or recreational river districts of a national wild, scenic, or recreational river and within the areas identified by the document entitled A Management Plan for the Upper Mississippi River, produced by the Mississippi Headwaters Board (January 1981);</p> <p>(5) Within designated state land use districts of a state wild, scenic, or recreational river;</p> <p>(6) Within the area adjacent to the north shore of Lake Superior identified in the document entitled North Shore Management Plan, produced by the North Shore Management Board (December 1988); and</p> <p>(7) In the following areas, provided they were in existence before a gas resource development permit was issued:</p> <p>(i) Within 500 feet of an occupied dwelling, public school, church, public institution, or</p> |

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| | <p>development operations must be allowed if the sites have been established as a result of their association with mining;</p> <p>(10) within national wild, scenic, or recreational river districts of a national wild, scenic, or recreational river and within the areas identified by the document entitled A Management Plan for the Upper Mississippi River, produced by the Mississippi Headwaters Board (January 1981);</p> <p>(11) within designated state land use districts of a state wild, scenic, or recreational river;</p> <p>(12) within the area adjacent to the north shore of Lake Superior identified in the document entitled North Shore Management Plan, produced by the North Shore Management Board (December 1988); and</p> <p>(13) in the following areas, provided they were in existence before a gas resource development permit was issued:</p> <ul style="list-style-type: none"> (i) within 500 feet of an occupied dwelling, public school, church, public institution, or county or municipal park, unless allowed by the owner; or (ii) within 100 feet of a cemetery or the outside right-of-way line of a public roadway. | <p>county or municipal park, unless allowed by the owner; or</p> <p>ii) Within 100 feet of a cemetery or the outside right-of-way line of a public roadway.</p> |
| <p>TIER 4 (“must be allowed if DNR says no prudent alternative” <i>per Minnesota Legislature 2025 SF2530 Article 1,</i></p> | <p>(1) in a national wildlife refuge, a national waterfowl protection area, or on a national trail;</p> <p>(2) in a state wildlife management area or on a state-designated trail either listed in section 85.015 or acquired under the authority of section 84.029, subdivision 2;</p> | |

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| <i>Section 16., Subd. 8(f))</i> | <p>(3) in peatlands identified as peatland watershed protection areas in the Department of Natural Resources report entitled Protection of Ecologically Significant Peatlands in Minnesota (November 1984); and</p> <p>(4) in waters identified in the public waters inventory under section 103G.201 that have not been created or substantially altered in size by human activities or in the adjoining shorelands, as defined in section 103F.205, subdivision 4, of the unaltered waters.</p> | |
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