

# Minnesota Department of Natural Resources

500 Lafayette Road • St. Paul, MN • 55155-40



June 15, 2015

Mark J. Wedel  
Chair  
Aitkin County Board of Commissioners  
515 6th Avenue SE  
Aitkin, MN 56431

JUN 19 2015

Dear Mr. Wedel:

On June 22, 2015, the Minnesota Department of Natural Resources (DNR) will be publishing a notice of intent to hold a nonferrous metallic minerals lease sale. A copy of the notice is enclosed. Areas under consideration for the lease sale are located in Aitkin, Carlton, Cass, Itasca, Kanabec, Koochiching and St. Louis Counties. Some of the lands being considered have been offered in previous metallic minerals lease sales, and certain new lands of interest are also being considered for the lease sale.

Since the State of Minnesota's last nonferrous metallic minerals lease sale in 2012, we have changed our process in order to provide for greater transparency, opportunities for public input and access to information. As part of the revised process, we will be posting the areas under consideration for lease (draft mining unit book), interactive web maps of those areas, the DNR's land use screening criteria and other information on the DNR website:

[http://www.dnr.state.mn.us/lands\\_minerals/leasesale/index.html](http://www.dnr.state.mn.us/lands_minerals/leasesale/index.html)

This information will be posted at the time the notice of intent to hold the sale is published and will be available until August 21, 2015, during which time public input will be accepted about the areas under consideration. We will review and consider the input before finalizing the areas to offer for lease. A notice of sale and the finalized mining unit book will be published at least 30 days before the sale.

DNR staff will be contacting you shortly to request a meeting with the county board to discuss the lease sale. If you have any questions or concerns in the meantime, please do not hesitate to contact me.

Sincerely,



Susan Damon  
Land Acquisition and Legal Services Manager  
Minnesota Department of Natural Resources  
Division of Lands and Minerals  
651-259-5961

Enclosure

[www.dnr.state.mn.us](http://www.dnr.state.mn.us)

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**NOTICE OF INTENT TO HOLD  
STATE METALLIC MINERALS LEASE SALE**

**State Lands Being Considered for Metallic Minerals Leasing**

The Minnesota Department of Natural Resources announces that plans are being developed to hold the state's 34th sale of metallic minerals exploration and mining leases. The sale is tentatively scheduled for late 2015. The lease sale plans are being announced at this time in order to give all interested parties time to review and provide input on the areas under consideration (draft mining unit book).

The metallic minerals lease sale involves non-ferrous minerals, which are all metals except iron ore and taconite. Examples of non-ferrous metallic minerals are: copper, nickel, platinum, palladium, gold, silver, cobalt, chromium, zinc, lead, bismuth, tin, tungsten, tantalum, and niobium.

The purpose of Minnesota's metallic minerals rules (Minnesota Rules, parts 6125.0100 - .0700) is to promote and regulate the exploration for and mining and removal of metallic minerals on state-owned and state-administered lands. These rules, and the leases issued under these rules, authorize exploration and development of these minerals and impose certain requirements on the lessee. The requirements include: the payment of rentals that increase with the passage of time, the payment of royalty for all ore mined and removed, compliance with all applicable environmental statutes and rules, and the submission of data and other reports. In addition, the state lessee must comply with all other applicable regulatory laws.

The areas under consideration contain lands in portions of Aitkin, Carlton, Cass, Itasca, Kanabec, Koochiching and St. Louis Counties. Some of the lands being considered for the metallic minerals lease sale have been offered in previous lease sales, but based upon the interest shown by industry, new geologic data, and exploration techniques developed during the past few years, certain new lands of interest are also being considered for the lease sale. The Department of Natural Resources will be accepting public input for 60 days regarding the lands listed in the areas of consideration (draft mining unit book).

Written public input regarding the areas under consideration (draft mining unit book) will be accepted until 4:30 p.m. on August 21, 2015. Input may be submitted by U.S. mail or email. All input received is public information. Following the public input period, the DNR will review the input, and modify and finalize the lands to be offered in the lease sale.

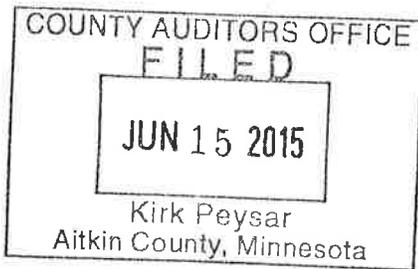
The exact time and place of the lease sale will be announced by legal notice at least thirty (30) days prior to the sale. The final mining unit book, listing the state lands to be offered at the lease sale, will be released at that time and will be available on the DNR website.

The areas under consideration (draft mining unit book) are available on the internet through the DNR website at [http://www.dnr.state.mn.us/lands\\_minerals/leasesale/index.html](http://www.dnr.state.mn.us/lands_minerals/leasesale/index.html) and for review at the Hibbing and St. Paul offices of the Division of Lands and Minerals. Interactive maps of the lands under consideration may also be viewed on the DNR website. Written public input may be sent to: Division of Lands and Minerals, Box 45, 500 Lafayette Road, Saint Paul, MN 55155-4045, email: [MMLeaseSale.dnr@state.mn.us](mailto:MMLeaseSale.dnr@state.mn.us)

Dated: June 15, 2015

By: \_\_\_\_\_

  
Jess Richards, Director  
Division of Lands and Minerals



Co Board

**STATE OF MINNESOTA  
IN COURT OF APPEALS**

**FILED**

June 9, 2015

**OFFICE OF  
APPELLATE COURTS**

**ORDER**

#A15-0638

JUN 15 2015

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In re Denial of a Petition for  
Partial Abandonment of a Portion of  
County Ditch #24

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Considered and decided by Smith, Presiding Judge; Peterson, Judge; and Worke,  
Judge.

**BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND FOR THE  
FOLLOWING REASONS:**

Respondent Aitkin County Board of Commissioners denied relator's petition to partially abandon County Ditch 24 that serves relator's land. Relator sought review of that decision by filing both this certiorari appeal and, under Minn. Stat. § 103E.095, subd. 1 (2014), an appeal to district court. This court questioned jurisdiction over the certiorari appeal. Each party filed a memorandum responding to the order questioning jurisdiction.

The functions of the county board in a ditch proceeding are quasi-judicial. *State v. Truax*, 139 Minn. 313, 315, 166 N.W. 339, 340 (1918). "[Absent] an adequate method of review or legal remedy, judicial review of the quasi-judicial decisions of administrative bodies, if available, must be invoked by writ of certiorari." *Dietz v. Dodge County*, 487 N.W.2d 237, 239 (Minn. 1992). The statute under which relator filed its petition does not address review. Minn. Stat. § 103E.806 (2014).

Chapter 103E's generally-applicable review provision states that "[a] party may appeal to district court an order made by the drainage authority "that *dismisses* drainage proceedings." Minn. Stat. § 103E.095, subd. 1 (emphasis added). While the county did not state that it "dismissed" the matter, under chapter 103E, a "dismissal" includes a final disposition of a drainage matter that declines, on the merits, to award relief sought in a petition. See Minn. Stat. § 103E.261, subd. 5(a) (2014) (requiring dismissal of a drainage matter if certain requirements for relief are not satisfied); Minn. Stat. § 103E.341, subd. 1 (2014) (stating that, in its final order, a drainage authority "must dismiss the petition" if it determines that (1) the benefits of the proposed drainage project are less than its total cost; or (2) the proposed drainage project either will not be of public benefit and utility, or is not practicable after considering certain environmental, land use, and water management criteria). Thus, because the county's denial of relator's petition was on the merits of that petition, we conclude that the county functionally "dismissed" this matter.

The relevant part of Chapter 103E's definition of a "proceeding" refers to a matter that "begins with filing a petition *and ends by dismissal or establishment of a drainage project.*" Minn. Stat. § 103E.005, subd. 22 (2014) (emphasis added). It is undisputed that, here, the other parts of the definition are satisfied. Relator admits that its petition did not concern a "drainage project" under Minn. Stat. § 103E.005, subd. 11 (2014).

Because "drainage project" is defined as "a new *drainage system*, an improvement of a drainage system, an improvement of an outlet, or a *lateral*[,] " Minn. Stat. § 103E.005, subd. 11 (emphasis added), a "drainage project" involves a physical structure. See *e.g.*, Minn. Stat. § 103E.005, subs. 12, 15 (2014) (defining "[d]rainage

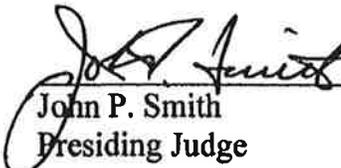
system” and “lateral,” respectively). To read the statute to refer to a dismissal a structure would be nonsensical, and therefore impermissible. *See Rohmiller v. Hart*, 811 N.W.2d 585, 591 (Minn. 2012) (citing Minn. Stat. § 645.17(1) (2010) for the idea that, when construing statutes, courts must presume that the legislature does not intend an absurd result).

Because “dismissal” in the definition of “proceeding” in Minn. Stat. § 103E.005, subd. 22 does not refer to the dismissal of a drainage project, because the other aspects of the definition of a “proceeding” are satisfied here, and because we conclude that the county functionally dismissed this drainage matter, we also conclude that review of the county’s decision was proper in district court under Minn. Stat. § 103E.095, subd. 1, and that we must dismiss this appeal.

**IT IS HEREBY ORDERED** that this appeal is dismissed.

Dated: June 9, 2015

**BY THE COURT**

  
\_\_\_\_\_  
John P. Smith  
Presiding Judge

