

Moratoriums of Industrial Sand Mines

Tanya M. Bruder

Brian M. Nodolf

Nodolf Flory, LLP

526 Water Street | PO Box 1165

Eau Claire, WI 54702-1165

Phone 715-830-9771 | Fax 715-830-9780

www.nfattorneys.com



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- Royalty and mineral lease agreements
- Exploration agreements
- Drilling and coring agreements
- Development and operation agreements
- Sand processing plants
- Transportation
- Reclamation
- Mining permitting with the Wisconsin DNR and other entities
- Environmental factors
- Public and governmental relations



Authority to Establish Moratoriums

- Jurisdiction types
 - Cities
 - Villages
 - Towns
 - Counties
- Legal challenges to moratoriums



Impact of Moratorium

- Length
- Scope
- Applicability



Legislative Clarity on Applicability

- Wis. Stat. § 66.10015
- Filing of application is the critical point in time
- Post-filing deficiencies and/or errors can be supplemented and/or corrected
- Never ending application status



Moratoriums vs. Prohibitions

- Winona County, Minnesota issues first ban
- Wisconsin law does not allow bans
- Nuisance action – a possible alternative approach to bans



Defacto Moratoriums/ Prohibitions

- Practical zoning impossibilities
 - Nonmetallic mineral registration
- Practical operations impossibilities
- Practical financial impossibilities



Future of Moratoriums

- Future legislative action
 - Limiting applicability of moratoriums
- Shifting of legal focus to other legal aspects of mining





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