Obtaining Special Use Permits for Mineral Sources and Development Encroachments on Current and Potential Future Mineral Extraction Sites

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There has been a quiet revolution in land-use control through the development of local zoning ordinances that place the future of mining in the hands of the residents and locally elected municipal, township, and county representatives. Mining is a unique industry that has in recent decades transitioned from a private business operating behind tall fences to one of the most heavily regulated industrial businesses with increased public exposure and public control over the permit to operate. Mining permits are now written largely by the public specifically to incorporate input from residents, community groups, NGOs, and other stakeholders. This is an added burden on the mining entity due to the effort to educate all stakeholders and has greatly increased the cost of permitting and, in some cases, operation. Due to the (1) historically private nature of mining, (2) mining’s relatively negative reputation, (3) the general lack of public education on the mining processes, and (4) the role that mining plays in everyday life, obtaining a special or conditional use permit for mining requires engaging a multitude of stakeholders, most importantly the local community, as well as obtaining a commitment by the mining entity to the public interest in health, safety, environment, and sustainable business practices.

The strategies that have developed to obtain permits have evolved along with the local zoning ordinances; the residential development of land around urban areas; pressure brought on by the public’s growing affluence, education, and easy access to information; and overall emphasis placed on groundwater protection, rural lands, and sustainability. As with the realization that the days of easy oil are over, the days of easy mineral resources are also past. Ironically, as the population increases and communities expand, the need for convenient aggregate and mineral resources increases. Existing mining operations are encroached upon and resources are made unavailable for future use by the expanding new developments. The land-use management plans and local ordinances recently developed to control land use too often ignore the importance of mining and the source of all raw materials needed to develop the land that the planning and ordinances control.