

Legislative Changes to Exploratory Borings

As of May 27, 2026, the legislature enacted changes to [Minnesota Statutes, Chapter 103I](https://www.revisor.mn.gov/statutes/cite/103I/full) (<https://www.revisor.mn.gov/statutes/cite/103I/full>), regarding exploratory borings that encounter gas. Minnesota Statutes, Chapter 103I, has not yet been updated to reflect these changes. Until then, the requirements can be found in [Article 2 or Senate File 4612 \(beginning on line 35.10\)](https://www.revisor.mn.gov/bills/94/2026/0/SF/4612/versions/latest/) (<https://www.revisor.mn.gov/bills/94/2026/0/SF/4612/versions/latest/>).

The statutory changes include:

1. **Modified definitions**, including:
 - “**Exploratory boring**” which was revised to remove authorization to explore or drill for oil.
 - “**Gas**” which was added to include both hydrocarbon and nonhydrocarbon gases.
 - “**Encounter gas**” which means “a sustained presence of gas in an exploratory boring for at least 24 hours and in which gas has not dissipated prior to sealing”
2. **Revised requirements** for exploratory borings that encounter gas.
3. **Established prohibitions**, including:
 - An exploratory boring cannot be used for the extraction or production of gas.
 - An exploratory boring cannot be used to explore or prospect for oil.
4. **Authorized rulemaking** for exploratory borings and gas wells, specifically:
 - MDH must adopt rules for exploratory borings encountering gas in conjunction with gas well rules.
 - The Notice of Intent to Adopt Rules must be published by May 22, 2028.

Interim Guidance

Until rules are adopted, explorers should use the following guidance for exploratory borings that encounter gas.

Notification Requirements

1. Notify MDH 651-201-4600 or health.wells@state.mn.us; and the DNR Exploration Compliance Administrator:
 - Within 24 hours of encountering gas during drilling; and
 - Prior to beginning permanent sealing.
2. Submit a Permanent Sealing Notification via paper form and fee of \$125 via check or money order to MDH (until the e-Licensing system is updated).
3. Submit a Permanent Sealing Report to MDH containing information indicating:

- That gas was encountered during drilling; and
- The depth(s) at which gas was encountered.

Permanent Sealing Requirements

An exploratory boring that encounters gas must be permanently sealed:

- Within 10 days of encountering gas unless it is constructed to prevent the movement of gas and water within and from one geologic formation to another.
- From the bottom of the boring to within two feet of the established ground surface.

Conversion to a Gas Well

An exploratory boring may not be converted to a gas well unless it was constructed:

- With innermost casing meeting API Specification 5CT;
- Before July 1, 2025; and
- In compliance with Minnesota Statutes, Chapter 103I.

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