

PUBLIC DOMAIN; CONSERVATION

CHAPTER 84

DEPARTMENT OF CONSERVATION

Sec.	
84.025	Creation and organization
84.027	Powers and duties
84.03	Additional powers and duties
84.081	Divisions of department
84.082	Vacancies
84.083	Assignment and delegation of duties
84.084	Transfer of funds
84.085	Acceptance of gifts
84.086	Seals, uniforms, and badges
84.087	Keeping records and orders
84.088	Transfer of functions and appropriations
84.09	Conservation of wild rice
84.10	Harvested in certain lakes
84.11	Certain boats and devices prohibited
84.12	Unlawful to harvest immature wild rice
84.13	Night harvesting prohibited; rice pole
84.14	Director of the wild rice harvest
84.15	Commissioner may restrict harvest

Sec.	
84.153	Property, leasing, renting
84.154	Lac qui Parle water control project
84.155	Conservation projects, Beltrami Island, Pine Island
84.156	Interest in certain lands transferred to United States
84.157	Exchange of certain state lands
84.361	Taxes canceled in certain cases
84.362	Structures may be moved
84.363	May sell dead and down timber
84.37	Right of exploration reserved to state
84.38	Licenses
84.39	Licenses to receive 50 per cent
84.40	License fees paid into state treasury
84.41	Enforcement
84.415	Leases and easements
84.42	Violations; penalties

84.01, 84.02 [Repealed by 1943 c. 60 s. 12]

**84.025 CREATION AND ORGANIZATION.** Subdivision 1. **Continuance.** The department of conservation shall continue as now constituted, subject to the provisions of Laws 1943, Chapter 60, as amended.

Subd. 2. **Supervision.** The department shall be under the supervision and control of a commissioner of conservation who shall be appointed by the governor by and with the advice and consent of the senate. The commissioner shall be chosen with regard to his knowledge, training, experience, and ability in administration of conservation work. The commissioner, if his appointment be approved by the senate at a regular session of the legislature, shall serve for a term expiring March 1 in the sixth calendar year following the calendar year in which such approval was given, and until his successor is appointed and has qualified. Appointment of a commissioner for the ensuing term may be made by the incoming governor at any time after taking office in the year in which the current term expires, but such appointee shall not take office until the expiration of such current term nor until approved by the senate unless there is a vacancy. In case of a vacancy the governor may appoint a commissioner to serve at the pleasure of the governor but not later than the next following March 1 in an odd numbered year and until a successor is appointed and has qualified as in case of the expiration of a regular term.

Subd. 3. **Salary; bond.** The salary of the commissioner shall be \$6,000 per year. He shall give a bond to the state in the sum of \$25,000.

Subd. 4. **Deputy.** The commissioner may appoint a deputy, to serve at his pleasure, who shall be in the unclassified service of the state. The deputy may exercise all the powers of the commissioner, subject to his direction and control. The deputy shall receive the same salary as the maximum prescribed for directors of divisions. He shall give a bond to the state in the sum of \$5,000.

Subd. 5. **Assistants.** The commissioner may employ such other assistants as may be necessary for his administrative staff and for the performance of such other functions of the commissioner or the department as are not assigned to the several divisions.

[1943 c. 60 s. 1]

**84.027 POWERS AND DUTIES.** Subdivision 1. **Powers.** The commissioner of conservation shall be the administrative and executive head of the department. Subject to the provisions hereof and other applicable laws, he shall have the powers and duties herein prescribed. The enumeration of specific powers and duties herein shall not limit or exclude other powers or duties.

Subd. 2. **Duties.** The commissioner shall have charge and control of all the public lands, parks, timber, waters, minerals, and wild animals of the state and of the use, sale, leasing, or other disposition thereof, and of all records pertaining to the performance of his functions relating thereto.

Subd. 3. **Powers.** The commissioner shall have all the powers and duties prescribed for the commissioner of conservation by Laws 1931, Chapter 186, all the powers and duties therein prescribed for the conservation commission except the power to appoint a commissioner, and all other powers and duties now prescribed by law for the commissioner of conservation, the conservation commission, the department of conservation, its divisions, or the director of any division.

Subd. 4. **Powers.** The commissioner shall have all existing powers and duties now or heretofore vested in or imposed upon the state auditor in any capacity and not heretofore transferred to any other officer or agency with respect to the public lands, parks, timber, waters, and minerals of the state, and the records thereof; provided, that nothing herein shall divest the state auditor of any power or duty otherwise prescribed by law with respect to auditing, accounting, disbursement, or other disposition of funds pertaining to the matters herein specified, nor of any power or duty expressly vested in or imposed upon him by the following provisions of law:

(1) The provisions of Mason's Minnesota Statutes 1927, Section 76, so far as the same pertain to the crediting of payments on account of state lands, timber, or other products to the proper funds, or to the depositing and keeping of conveyances and abstracts of title; also all other provisions pertaining to the filing or keeping of deeds, grants, or conveyances to the state or abstracts or other evidence of title to state property;

(2) All provisions pertaining to escheated property;

(3) Mason's Minnesota Statutes 1927, Sections 2220, 6442 to 6449, inclusive, 6646, 6660, and 8223.

Subd. 5. **Powers.** The commissioner shall have all the powers and duties prescribed for the state auditor by Mason's Supplement 1940, Sections 5620-1 to 5620-13, inclusive, 6452-1 to 6452-13, inclusive, and 4031-75 to 4031-88, inclusive, with respect to the receipt, filing, keeping, and certification of reports, lists, and records of descriptions of lands, reserving to the state auditor all other powers and duties therein prescribed for him. The county auditor shall make and transmit to the state auditor all the certificates and reports therein required except certificates and reports of land descriptions, which shall be made and transmitted to the commissioner.

Subd. 6. **Powers.** The commissioner shall have all the powers and duties prescribed for the state auditor by Mason's Supplement 1940, Sections 5620-13½ to 5620-13¾, inclusive, as amended, and 2139-27b to 2139-27k, inclusive, as amended, with respect to the receipt, filing, and keeping of reports of sales of land and the execution of conveyances, reserving to the state auditor all other powers and duties therein prescribed for him. The county auditors shall make and transmit to the commissioner all the certificates and reports therein required to be made to the state auditor with respect to such sales and conveyances. The county treasurers shall make all reports of collections thereunder in duplicate and shall transmit a copy of each report to the state auditor and the commissioner.

Subd. 7. **Limitation of powers.** Except as otherwise expressly provided, nothing herein shall confer on the commissioner any authority over any property of the state devoted pursuant to law to any specific purpose under any officer or agency of the state other than the commissioner or the department of conservation or its divisions.

[1943 c. 60 s. 2]

**84.03 ADDITIONAL DUTIES AND POWERS.** So far as practicable the commissioner shall collect and arrange statistics and other information in reference to the lands and general and special resources of the state, and its advantages as a place of residence, spread knowledge of the same throughout the civilized world by correspondence, by messengers, and by public lectures and all forms of legitimate advertising, facilitate the immigration of such persons of good moral character as may desire a change of domicile, and answer all inquiries from persons residing within or without the state upon these subjects.

He is hereby authorized and empowered to take such measures as he may deem advisable to advertise, both within and without the state, sales of all state lands, and

to secure, compile, and issue such valuable statistics of the resources of the state as may be useful in securing a desirable class of settlers to purchase and to locate on these lands.

He may adopt and promulgate reasonable rules and regulations, not inconsistent with law, governing the use and enjoyment of state land reserved from sale, state parks, state public camp grounds, state recreation reserves, and state monument sites, which shall have the force and effect of law. A reasonable fee may be fixed, charged, and collected by the commissioner for the privilege of transient camping in state public camp grounds.

The commissioner, biennially, shall report to the legislature his acts and doings, with recommendation for the improvement or conservation of state parks, state public camp grounds, state recreation reserves, and state monument sites, and for desirable accessions thereto, such report to include an inventory of the tracts and parcels of land, and rights, interests, and easements therein, held by the state or withdrawn from sale for any of these purposes, with the value thereof. The commissioner is hereby authorized to subdivide the east one-half of the southeast quarter of section 16, township 57, range 21, into smaller parcels or village lots, and to appraise and offer such parcels or lots for sale as provided by law. This land may be sold notwithstanding the fact that it has frontage on a public lake, provided that a strip 33 feet in width landward from the ordinary high water mark be reserved by the state.

[1905 c. 201 s. 1; 1907 c. 267 s. 5; 1923 c. 430 ss. 8, 14; 1941 c. 222] (77, 4342, 6460, 6466)

84.04-84.08 [Repealed by 1943 c. 60 s. 12]

**84.081 DIVISIONS OF DEPARTMENT.** Subdivision 1. **Directors.** The department of conservation shall be organized with the following divisions: a division of forestry, a division of water resources and engineering, a division of game and fish, a division of lands and minerals, a division of state parks, and a tourist bureau. Each division shall be under the immediate charge of a director, subject to the general supervision and control of the commissioner. The directors shall be appointed by the commissioner, to serve at his pleasure, and shall be in the unclassified service of the state. They shall be chosen with regard to knowledge, training, experience, and ability in administering the work of their respective divisions.

Subd. 2. **Salaries and bonds of directors.** Each director shall receive an annual salary of \$4,800. Each director shall give a bond to the state in the sum of \$5,000, except the director of forestry and the director of game and fish, who shall each give a bond in the sum of \$15,000.

Subd. 3. **Directors may employ assistants.** Each director, with the approval of the commissioner, may employ such assistants as may be necessary for the work of his division. Each director, with the approval of the commissioner, may designate one of his employees as deputy director, and may revoke such designation at any time, regardless of the civil service status of such employee and without affecting such status. Each deputy director may exercise all of the powers of the director, subject to his direction and control, including powers delegated by the commissioner unless otherwise prescribed by him.

[1943 c. 60 s. 3; 1943 c. 601 s. 1]

**84.082 VACANCIES.** In case of a vacancy in the office of commissioner or of any director, his deputy shall have all of the powers and perform all of the duties thereof until a successor, either as an acting or regular incumbent, has been appointed and has qualified; provided, no deputy commissioner serving as commissioner in the event of a vacancy shall have power to discharge a director or to revise or change the assignments of activities among the divisions of the department or to designate another deputy. While serving in such vacated office a deputy shall receive the same salary as the regular incumbent.

[1943 c. 60 s. 4]

**84.083 ASSIGNMENT AND DELEGATION OF DUTIES.** Each division shall have charge of administering the activities indicated by its title and such other duties and functions as may be assigned by the commissioner, subject to the right of the commissioner to revise and change assignments of any and all activities or of specific duties or functions among the several divisions at any time as he may see fit. The commissioner may, by written order filed in the office of the secretary of state, delegate to the director of any division, any of the powers or duties vested

in or imposed upon the commissioner by this act or by any other law upon such conditions as he may prescribe and subject to modification or revocation at his pleasure. Such delegated powers and duties may be exercised or performed by the respective directors in their own names or in the name of the commissioner, as he may direct.

[1943 c. 60 s. 5]

**84.084 TRANSFER OF FUNDS.** The commissioner may authorize the performance of services for any division by any other division or by the department staff, and, with the approval of the commissioner of administration, may require appropriate transfers of funds to compensate for the cost of such service.

[1943 c. 60 s. 6]

**84.085 ACCEPTANCE OF GIFTS.** The commissioner may accept in behalf of the state all gifts or grants of lands or personal property tendered to the state for any purpose pertaining to the activities of the department of conservation or any of its divisions.

[1943 c. 60 s. 7]

**84.086 SEALS, UNIFORMS AND BADGES.** Subdivision 1. **Shall have seals.** The department of conservation and the several divisions thereof shall have seals in the form and design heretofore adopted, bearing the words "State of Minnesota, Department of Conservation," also, in case of a division seal, the title of the division. The seals may be used to authenticate the official acts of the commissioner or the directors, respectively, but omission or absence of the seal shall not affect the validity or force of any such act.

Subd. 2. **Commissioner may furnish badges.** The commissioner may provide for the issuance at state expense of such badges and uniforms as he may deem necessary and suitable for officers or employees of the department and its divisions.

[1943 c. 60 ss. 8, 9]

**84.087 KEEPING RECORDS AND ORDERS.** Except as otherwise prescribed or required by law, the originals of all official records, orders, and other documents made, executed, or issued by or under the authority of the commissioner of conservation or the directors of the several divisions of the department shall be filed and kept in the respective offices where the same were made, executed, or issued, or in such other office in the department as the commissioner may direct.

[1943 c. 60 s. 10]

**84.088 TRANSFER OF FUNCTIONS AND APPROPRIATIONS.** Subdivision 1. **Functions.** So far as any duties herein vested in or imposed upon the commissioner of conservation are now exercised or performed by any other officer or agency of the state, such powers or duties are hereby transferred to the commissioner, subject to the provisions of this act, and all existing and unexpended appropriations for the purposes of such powers or duties are hereby transferred therewith, to be available for the same purposes under the commissioner but otherwise subject to the same conditions and limitations as the original appropriations.

Subd. 2. **Appropriations.** Any unexpended appropriation made for the purposes of any activity or function which may be transferred by the commissioner at any time from one agency to another within the department shall be transferred therewith, to be available for the same purposes but otherwise subject to the same conditions and limitations as the original appropriation.

[1943 c. 60 s. 11]

**84.09 CONSERVATION OF WILD RICE.** From time immemorial the wild rice crop of the waters of the State of Minnesota has been a vital factor to the sustenance and the continued existence of the Indian race in Minnesota. The great present market demand for this wild rice, the recent development of careless, wasteful, and despoiling methods of harvesting, together with water conditions of the past few years, have resulted in an emergency, requiring immediate stringent methods of control and regulation of the wild rice crop. The traditional methods of the Indian in such harvesting are not destructive. On the other hand, the despoilation of the rice fields as now progressing under commercial harvesting methods will result in imminent danger of starvation and misery to large bands of these Indians. They are in danger of becoming relief charges upon the state and the counties, many of which are overburdened with relief loads now. It is further true that many of the reservation lands which were ceded in trust to these Indians have never been sold

and others are reverting because of non-payment by the purchasers. It is therefore declared the purpose of sections 84.09 to 84.15 to meet this emergency and to discharge in part a moral obligation to these Indians of Minnesota by strictly regulating the wild rice harvesting upon all public waters of the state and by granting to these Indians the exclusive right to harvest the wild rice crop upon all public waters within the original boundaries of the White Earth, Leech Lake, Nett Lake, Vermillion, Grand Portage, Fond du Lac, and Mille Lacs reservations.

[1939 c. 231 s. 1] (6131-4)

**84.10 HARVESTED IN CERTAIN LAKES.** The legislature of the state of Minnesota hereby declares that the emergency heretofore found, continues to exist in the state, and therefore it, shall be unlawful prior to November 1, 1947, for any person to take wild rice grain from any of the waters within the original boundaries of the White Earth, Leech Lake, Nett Lake, Vermillion, Grand Portage, Fond du Lac and Mille Lacs Reservations except said persons be of Indian blood, or residents of the reservation upon which said wild rice grain is taken.

[1939 c. 231 s. 2; 1941 c. 217 s. 1; 1943 c. 220 s. 1; 1945 c. 171 s. 1] (6131-5)

**84.11 CERTAIN BOATS AND DEVICES PROHIBITED.** It shall be unlawful to use, in harvesting wild rice in any public waters in this state, any water craft other than a boat, skiff, or canoe propelled by hand, which boat, skiff, or canoe may have a top width of not more than 36 inches and a length of not more than 16 feet, or any machine or mechanical device for gathering or harvesting the grain other than with flails not over 30 inches in length nor over one pound in weight, which flails must be held and operated by hand.

[1939 c. 231 s. 3; 1941 c. 217 s. 2] (6131-6)

**84.12 UNLAWFUL TO HARVEST IMMATURE WILD RICE.** It shall be unlawful to harvest, sell, or purchase immature wild rice. For the purposes of sections 84.09 to 84.15, immature wild rice is any wild rice of which more than 15 per cent of the grains by count are adherent to any portion of the stalk or stem.

[1939 c. 231 s. 9; 1941 c. 217 s. 7] (6131-12)

**84.13 NIGHT HARVESTING PROHIBITED; RICE POLE.** It shall be unlawful to harvest any wild rice grain between the hours of six p. m. and eight a. m. of the day following; nor shall any rice pole be used for propelling boats used in the harvesting of wild rice grain which is not forked at the end, with each fork less than 12 inches in length.

[1939 c. 231 s. 10] (6131-13)

**84.14 DIRECTOR OF THE WILD RICE HARVEST.** The commissioner shall appoint a director of the wild rice harvest, who shall be a man of proven experience in the actual cultivation and harvesting of wild rice and such assistants as may be deemed necessary. The director shall serve at the will of the commissioner and shall not be within the classified service of the state. He shall be paid such salary, not to exceed the sum of \$200 a month, as may be determined by the commissioner and for such periods during the year as may be designated by the commissioner, together with reasonable traveling expenses, from any sums available to the division of game and fish. The director shall have the duty of investigating the conditions affecting the crop of wild rice upon any waters that are proposed to be harvested. The director, with the approval of the commissioner, shall prescribe such further rules and regulations as may be necessary to properly carry out the purposes of sections 84.09 to 84.15 and to properly regulate the harvest. He may, with the approval of the commissioner, appoint, in addition to the paid assistants appointed by the commissioner, deputies to serve without pay to assist him in any or all of his duties. The commissioner is hereby authorized to designate the season for the harvesting of the wild rice in each lake or rice bed or close the same upon the recommendation and report of the director of rice harvest, notice of the season to be published five days, or less, in advance.

[1939 c. 231 s. 11; 1941 c. 217 s. 8] (6131-14)

**84.15 COMMISSIONER MAY RESTRICT HARVEST.** The commissioner may, in his discretion, restrict or prohibit the harvesting of wild rice grain on public waters of any designated area when, upon investigation of conditions, it shall be determined necessary or advisable to protect against undue depletion of the crop so as to retard reseeding or restocking of such areas.

[1939 c. 231 s. 12] (6131-15)

**84.153 PROPERTY, LEASING, RENTING.** The commissioner is hereby authorized at public or private vendue and at such prices and under such terms and conditions as he may prescribe, to lease any buildings or lands not now authorized to be leased, acquired in the name of the state of Minnesota by any of the several divisions of the department which are not presently needed for the uses and purposes of any of the divisions of the department. The purposes for which such leases may be executed shall be in the furtherance of the interests of conservation and such uses shall not result in any permanent injury to the land. No such lease shall be made for a term to exceed two years and shall contain a provision for cancelation at any time by the commissioner upon three months' written notice. All money received from these leases shall be credited to the fund from which the property was acquired.

The commissioner is hereby authorized to rent or lease to employees of the various divisions of the department such cabins, buildings, or living quarters as are now or may hereafter be constructed upon state-owned lands under the control of the several divisions of the department, when this occupancy is found to be necessary or beneficial to the work of the department. These leases or rental agreements shall be upon a month to month basis and provide for surrender by the lessee upon demand at any time his services with the state may be terminated, without the necessity of any written notice. All receipts from rents shall be paid in to the state treasurer and credited to the fund charged with the cost of maintenance of such buildings and are hereby appropriated for such use.

All instruments and transactions so negotiated shall be approved as to form, validity, and execution by the attorney general.

[1941 c. 291]

**84.154 LAC QUI PARLE WATER CONTROL PROJECT.** Subdivision 1. **Conservation project.** The commissioner is hereby authorized, with the approval of the executive council, and on such terms as may be deemed advantageous to the state, to sell and convey to the United States the fee title, free from any mineral reservation, of lands acquired by the state for the Lac qui Parle River water control project upon which dams and appurtenant structures have been or may be constructed and such rights of way as may be required by the United States to provide access thereto for the purposes of construction, maintenance and operation, and to grant, sell and convey either such fee title to, or flowage rights over, all lands acquired for the project on and above Lac qui Parle Lake which lie below the 935.7 foot elevation on project datum, and to grant, sell and convey flowage rights only over all lands so acquired on or above Marsh Lake which lie below the 939.5 foot elevation on project datum and over all of such lands on and above either of these lakes which lie above such elevations, and to lease to any appropriate agency of the United States for conservation purposes, subject to such flowage rights, any of such lands the ownership of which is retained by the state, or to enter into a cooperative agreement with any such agency for the development and management of any wild life or other conservation activity thereon; provided, that no such conveyance or agreement shall waive any claim of the state for reimbursement from the United States under the flood control act of June 28, 1938, and any amendments thereof. Each such lease for conservation purposes and each such cooperative agreement for the development and management of wild life or other conservation activity on such lands shall contain specific conditions reserving to the public during all open seasons for hunting wild waterfowl at least 40 per cent of the area of these lands suitable for hunting waterfowl as public shooting grounds.

Subd. 2. **Commissioner of conservation may complete Lac qui Parle and Big Stone Lake projects.** Inasmuch as the cessation of the work relief program of the Federal government and the entry of the United States into the present war prevented completion of certain contemplated features of the Lac qui Parle and Big Stone Lake water control projects heretofore undertaken by the executive council, in cooperation with Federal agencies, and it is desirable that such projects be completed in order to secure effective control and utilization of the waters affected for the purposes of prevention and control of floods, water conservation, improvement of conditions for game and fish, and other authorized public uses, the commissioner of conservation is authorized to construct all works and improvements pertaining or incidental to said projects which he deems necessary for such purposes, and to

maintain and operate the same so far as not transferred to the United States pursuant to law.

Subd. 3. **Powers of commissioner.** The commissioner of conservation may use for any project herein authorized any land of the state under his jurisdiction or control so far as is not inconsistent with the laws governing the same, may acquire by purchase, gift, or condemnation any additional lands or interests in lands required for such projects, including lands or interests in adjacent states if authorized by the laws thereof, may accept gifts or grants of money or property from the United States or any other source for such projects, may use and apply any money or property so received in accordance with the terms of the gift or grant so far as is not inconsistent with the provisions of this act or other laws, may act in behalf of the state as sponsor for any such project undertaken or authorized by the United States, may make any sponsor's contributions required for any such project out of moneys appropriated by this act or otherwise made available therefor, and may cooperate with the United States or any adjacent state or any authorized agency of either in constructing, maintaining and operating any such project upon such terms and conditions as he may deem proper not inconsistent with the laws of this state.

Subd. 4. **May sell or lease land.** The commissioner of conservation may, in behalf of the state, with the approval of the governor, sell or lease to the United States any part of the lands or interests in lands heretofore or hereafter acquired by the state for the purposes of such projects, with any structures or improvements thereon, upon such terms and conditions as he may deem proper, providing for the continued maintenance and operation of such projects for the purposes herein specified; provided that the provisions of this section shall not be deemed to repeal or supersede the provisions of Laws 1941, Chapters 142 and 518, with respect to lands or interests heretofore acquired, so far as applicable thereto; provided, that the governor shall not approve any such sale or lease without first consulting the legislative advisory committee and securing their recommendation, which shall be advisory only. Failure or refusal of the committee to make a recommendation promptly shall be deemed a negative recommendation.

Subd. 5. **Special funds created.** (1) There is hereby created a special fund to be known as the Lac qui Parle and Big Stone Lake Water Control Projects Fund, in which shall be placed all moneys heretofore or hereafter received for any lands or other property acquired by the state for the Lac qui Parle water control project and heretofore or hereafter sold or leased to the United States pursuant to Laws 1941, Chapter 518, or otherwise, also all moneys heretofore or hereafter received from any source for the sale or lease under any other law of any lands or other property acquired by the state for either the Lac qui Parle or Big Stone Lake water control project, except as otherwise provided in clause (2).

(2) All moneys in excess of \$2,500 remaining June 30, 1943, and at the end of each fiscal year thereafter in the Lac qui Parle revolving fund designated by Laws 1941, Chapter 142, shall be transferred to said projects fund. When all the property authorized to be sold under said chapter has been sold and the proceeds have been received the executive council shall notify the State Auditor thereof. Thereupon the balance remaining in said revolving fund shall be transferred to said projects fund and said revolving fund shall be abolished.

(3) All moneys in said projects fund are hereby appropriated to the commissioner of conservation for the purposes of Laws 1943, Chapter 476, to remain available therefor until expended hereunder or otherwise expressly disposed of by law; provided, that all expenditures hereunder shall be subject to the approval of the governor; provided, that the governor shall not approve any such expenditure without first consulting the legislative advisory committee and securing their recommendation, which shall be advisory only. Failure or refusal of the committee to make a recommendation promptly shall be deemed a negative recommendation.

[1941 c. 518; 1943 c. 476]

**84.155 CONSERVATION PROJECTS, BELTRAMI ISLAND, PINE ISLAND.**  
**Subdivision 1. Certain leases between the State and the United States of America ratified and approved.** Leases entered into between the United States of America and the State of Minnesota, through the commissioner of conservation, under date of August 2, 1940, demising to the State of Minnesota federal-owned lands in what are known as the Beltrami and Pine Island areas, located in the counties of Koochi-

# MINNESOTA STATUTES 1945

723

DEPARTMENT OF CONSERVATION 84.155

ching, Roseau, Lake of the Woods, and Beltrami, in the State of Minnesota, for a period of 50 years, are hereby in all things ratified and approved.

Subdivision 2. **Beltrami Island conservation project created.** For the purpose of protecting, preserving, and managing wild life, forest and water resources, there is hereby established the Beltrami Island conservation project consisting of all lands within the descriptions hereinafter contained. All public lands, except tax forfeited lands, lying within these areas are hereby set aside and reserved from sale. These areas shall comprise the following lands and waters in Beltrami county, Minnesota:

All of Townships 155 and 156, North, in Ranges 31, 32, 33, 34 and 35 West of the Fifth Principal Meridian:

All of Townships 157 and 158, North, in Ranges 36 and 37 West of the Fifth Principal Meridian:

and the following described lands and waters in the Lake of the Woods county, Minnesota:

All of Township 157, North, Range 32 West of the Fifth Principal Meridian:

All of Townships 157, 158 and 159, North, in Range 33 West of the Fifth Principal Meridian:

All of Townships 157, 158, 159 and 160, North, in Range 34 West of the Fifth Principal Meridian:

All of Townships 157, 158, 159 and 160, North, in Range 35 West of the Fifth Principal Meridian:

All of Townships 159 and 160, North, in Range 36 West of the Fifth Principal Meridian:

and the following described lands and waters in Roseau county, Minnesota:

The South one-half of Township 161, North, in Range 35 West of the Fifth Principal Meridian:

The South one-half of Township 161, North, in Range 36 West of the Fifth Principal Meridian:

All of Townships 159 and 160 and the South two-thirds of Township 161, North, in Range 37 West of the Fifth Principal Meridian, and

The East two-thirds of Township 160, North, in Range 38 West of the Fifth Principal Meridian.

Subdivision 3. **Pine Island conservation project created.** For the purpose of protecting, preserving and managing wild life, forest and water resources, there is hereby established the Pine Island conservation project consisting of all lands within the descriptions hereinafter contained. All public lands, except tax forfeited lands, lying within these areas are hereby set aside and reserved from sale. These areas shall comprise the following lands and waters in Koochiching county, Minnesota:

All of Townships 64 and 65, North, in Range 24 and 25 West of the Fourth Principal Meridian:

All of Townships 64, 65, 66 and 67, North, in Range 26 West of the Fourth Principal Meridian:

All of the lands in Townships 64, 65, 66 and 67, North, in Range 27 West of the Fourth Principal Meridian:

All of Township 152; the South one-half of Township 153; all of Townships 155 and 156; the West two-thirds of Township 157 and that portion of Township 158, North, situated South of the center line of Black River, all in Range 25 West of the Fifth Principal Meridian:

All of Township 152, North; the South one-half of Township 153; the North one-half of Township 155; all of Townships 156 and 157 and that portion of Township 158, North, situated South of the center line of Black River, all in Range 26 West of the Fifth Principal Meridian:

All of Townships 153 and 154; the North one-half of Township 155; all of Townships 156 and 157, and that portion of Township 158, North, situated South of the center line of Black River and East of that branch of the Black River which flows North through Sections 33 and 28, in Range 27 West of the Fifth Principal Meridian:

All of Townships 153, 154, 155, 156, 157 and 158 and the West one-third of Township 159, North, in Range 28 West of the Fifth Principal Meridian; and All of Townships 153, 154, 155, 156, 157, 158 and 159, North, in Range 29 West of the Fifth Principal Meridian.

Subdivision 4. **Lands to be under management of commissioner.** All public lands except tax forfeited lands, owned by the State of Minnesota, as well as lands



# MINNESOTA STATUTES 1945

owned by the United States and leased by the State of Minnesota within the Beltrami and Pine Island projects shall be under the management and control of the commissioner, who shall have authority to negotiate for and enter into on behalf of the State of Minnesota, leases for hay stumpage and timber stumpage at such fees and prices as he may determine reasonable and just.

**Subdivision 5. Commissioner to make rules.** Within the boundaries of the Beltrami Island and Pine Island areas, the commissioner is hereby given full power and authority to make, establish, promulgate, and enforce all necessary rules and regulations for the care, preservation, protection, breeding, propagation, and disposition of any and all species of wild life therein and the regulation, issuance, sale, and revocation of special licenses or special permits for hunting, fishing, trapping, camping and other uses within the areas not inconsistent with the terms of this section. The commissioner shall have the power and authority to declare the terms and conditions of such licenses and permits and the charges to be made therefor. He may issue regulations specifying and controlling the terms under and by which any wild animals may be taken, captured, or killed therein or under and by which fur bearing animals having commercial value may be sold and transported. He may regulate and effect the sale of merchantable timber from such lands as are owned or leased by the state; provided, his authority as to the leased lands shall not exceed that provided in the leases.

**Subdivision 6. Two funds created; disposition of receipts.** There shall be created two funds, one to be known as the Beltrami Island conservation fund and the other as the Pine Island conservation fund. All income and revenue received by virtue of all hay and stumpage leases, timber sales, sales of special licenses and permits, as hereinabove provided, from each of the areas described in this section, shall be paid in to the state treasury and credited to that fund bearing the name of the project from which the income was derived. These sums are hereby appropriated for the purpose of administering said areas in accordance with the terms of this section and the terms of the leases herein referred to as having been approved and ratified and for making repairs and replacements on the properties leased as provided by the leases. Any portion of income or revenue not needed for the above purposes may be used, subject to the mutual agreement between the State of Minnesota and the United States provided for in the leases, covering the acquisition by the State of Minnesota of additional lands to block in, round out and enlarge its holdings. Nothing herein contained shall alter, modify, or change the method of handling revenue or income provided for in Laws 1929, Chapter 258, from lands now in the public domain under the provisions of that act and nothing herein contained shall alter, modify, or change the method of handling revenue or income provided for in Laws 1929, Chapter 258, from lands now in the public domain under the provisions of this section.

[1941 c. 215]

NOTE: The areas embraced within the Beltrami Island conservation project created by the above section constitute almost all of the areas in the Red Lake game preserve, created by section 84A.01 and supersede the provisions of the Red Lake game preserve, wherever inconsistent therewith.

- 84.16 [Renumbered 84A.01]
- 84.17 [Renumbered 84A.02]
- 84.18 [Renumbered 84A.03]
- 84.19 [Renumbered 84A.04]
- 84.20 [Renumbered 84A.05]
- 84.21 [Renumbered 84A.06]
- 84.22 [Renumbered 84A.07]
- 84.23 [Renumbered 84A.08]
- 84.24 [Renumbered 84A.09]
- 84.25 [Renumbered 84A.10]
- 84.26 [Renumbered 84A.11]
- 84.27 [Renumbered 282.221, subdivision 1]
- 84.28 [Renumbered 282.221, subdivision 2]
- 84.29 [Renumbered 282.222, subdivision 1]
- 84.30 [Renumbered 282.222, subdivision 2]
- 84.31 [Renumbered 282.222, subdivision 3]
- 84.32 [Renumbered 282.222, subdivision 4]

**84.33** [Renumbered 282.223]

**84.34** [Renumbered 282.224]

**84.35** [Renumbered 282.225]

**84.36** [Renumbered 282.226]

**84.156 INTERESTS IN CERTAIN LANDS TRANSFERRED TO UNITED STATES.** Subdivision 1. **Grant of easement to United States.** There is hereby granted to the United States an easement and right to flow and overflow by water the right-of-way of any and all town, county and state roads or highways lying within the Lac qui Parle Water Control Project in Chippewa, Lac qui Parle, Big Stone, and Swift counties, below the 945.0 foot elevation on project datum, and no claims for damage shall be maintainable against the United States by the state or any of its governmental subdivisions for any damage or injury to such roadways or highways, below such 945.0 foot elevation, because of the operation of any of the dams in said project or the maintenance of any water levels thereby.

Subd. 2. **Commissioner of conservation to acquire certain titles.** The commissioner of conservation of the state of Minnesota is hereby authorized to acquire by gift, purchase or condemnation, the underlying fee title to the right-of-way of any township or county roads or highways lying within such water control project and not now in public ownership, or the right to flow and overflow the same. The commissioner is further authorized to convey such fee title or flowage easements to the United States, together with any fee titles or easements heretofore obtained by or on behalf of the state, the counties or townships involved, to the right-of-way of any such roads or highways, when such conveyances are required to carry out the purposes of Laws 1943, Chapter 476, and Laws 1941, Chapter 518.

Subd. 3. **Grant effective upon acceptance.** The grant contained in subdivision 1 herein shall become effective upon the acceptance of title or easements by the United States to lands adjacent to each such road or highway.

Subd. 4. **Certain laws continued in effect.** Nothing herein shall be deemed to repeal or supersede Laws 1943, Chapter 476, or Laws 1941, Chapter 518, but the same and the whole thereof shall be continued in effect.

[1945 c. 325]

**84.157 EXCHANGE OF CERTAIN STATE LANDS.** Notwithstanding any provision of Minnesota Statutes 1941, Section 92.40, Subdivision 2, or any other existing law to the contrary, Class A state lands located within the Red Lake Game Preserve, the conservation areas created under Minnesota Statutes 1941, Sections 88.54 and 94.20, the Beltrami Island Conservation Project, the Beltrami Island State Forest, the Pine Island Conservation Project, the Pine Island State Forest, and all state forests or parts thereof in the area within the proclaimed boundaries of the Superior National Forest and the Chippewa National Forest wherein consent of the state to acquisition of land by the United States has heretofore been given by or pursuant to law may be exchanged for other lands within or without said areas upon compliance with all other provisions of law relating to the exchange of such lands, even though such exchanges may reduce land holdings of the state within the respective areas above specified.

[1945 c. 341 s. 1]

**84.361 TAXES CANCELED IN CERTAIN CASES.** After forfeiture to the state of any parcel of land lying within the Red Lake game preserve, as provided by Laws 1935, Chapter 278, the county auditor shall cancel all taxes and tax liens appearing upon the records, both delinquent and current, and all special assessments, delinquent or otherwise.

[1941 c. 278 s. 7]

**84.362 STRUCTURES MAY BE REMOVED.** Until after the sale of any parcel of tax-forfeited land, whether classified as agricultural or non-agricultural hereunder, the county auditor may, with the approval of the commissioner, provide for the sale or demolition of any structure located thereon, which has been determined by the county board to be within the purview of section 73.09, and for the sale of salvage material, if any, therefrom.

[1941 c. 278 s. 8]

**84.363 MAY SELL DEAD AND DOWN TIMBER.** The county auditor may with the approval of the county board sell dead, down and mature timber upon any tract of agricultural land designated by the conservation commissioner. Such sale

# MINNESOTA STATUTES 1945

## 84.37 DEPARTMENT OF CONSERVATION

726

of timber products shall be for cash at not less than the appraised value thereof, as determined by the commissioner, to the highest bidder after not less than one week's published notice in an official paper within the county. Any timber offered at such public sale and not sold may thereafter be sold at private sale by the county auditor at not less than the appraised value thereof. The forestry practices to be followed in the cutting of this timber shall be approved by the commissioner.

[1941 c. 278 s. 9]

**84.37 RIGHT OF EXPLORATION RESERVED TO STATE.** The State of Minnesota reserves to itself the exclusive right and privilege of investigating, exploring, excavating, and surveying, by and through the persons it may license for that purpose, all aboriginal mounds and earthworks, ancient burial grounds, prehistoric ruins, fossil bone deposits, and other archaeological and vertebrate paleontological features within the state, subject to the rights of the owners of any privately-owned lands upon which the same may be situated, to use such lands for agricultural, domestic, or industrial purposes, and the ownership of the state is hereby expressly declared in any and all articles, antiques, fossils remains, implements, or material found or discovered by virtue of such investigating, exploring, excavating, or surveying.

[1939 c. 207 s. 1] (3109-1)

**84.38 LICENSES.** Any person desiring to obtain a license for the purposes set forth in section 84.37 shall present an application therefor to the archaeologist, who shall be appointed by the department of anthropology and archaeology of the University of Minnesota from among its staff and be attached to the department, describing the location where the investigating, exploring, excavating, or surveying is to be done, and such other information as the archaeologist shall require, accompanied by an annual license fee of \$25.00, except the archaeologist, or his duly authorized representative, who may receive a license without fee with the consent and approval of the commissioner. Thereupon the commissioner shall investigate the location of the proposed work and, if satisfied as to the location and as to the scientific fitness of the applicant to make archaeological and paleontological investigations, explorations, or excavations, may issue a license to the applicant for that purpose. Each license shall expire at the end of the calendar year in which issued, but may be renewed for another calendar year, in the discretion of the commissioner, upon payment of a fee of \$25.00 per year. Any license may be revoked by the commissioner at any time, upon being convinced that the explorations or excavations authorized by the permit or license are being conducted unlawfully or improperly.

[1939 c. 207 s. 2] (3109-2)

**84.39 LICENSEE TO RECEIVE 50 PER CENT.** Fifty per cent of all articles, antiques, fossil remains, implements, and material found or discovered by such investigations, explorations, or excavations shall be and become the property of the licensee, and the remaining 50 per cent shall remain the property of the State of Minnesota, to be kept in or at such state buildings or institutions as the commissioner may prescribe. The division thereof shall be made by the commissioner and the licensee, and in case of dispute, the commissioner's decision shall govern and control such division.

[1939 c. 207 s. 3] (3109-3)

**84.40 LICENSE FEES PAID INTO STATE TREASURY.** All license fees collected under the provisions of sections 84.37 to 84.41 shall be paid into the state treasury and credited to the department contingent fund, and any expenses in connection with the administration and enforcement thereof shall be paid from the same fund upon the approval of the commissioner and the state auditor's warrant, but the expenses so paid shall in no case exceed the fees so collected.

[1939 c. 207 s. 5] (3109-5)

**84.41 ENFORCEMENT.** It shall be the duty of the employees of the division of game and fish, the division of forestry, and the division of lands and minerals of the department to assist the commissioner in carrying out and enforcing the provisions of sections 84.37 to 84.40.

[1939 c. 207 s. 4] (3109-4)

**84.415 LEASES AND EASEMENTS.** The commissioner may, at public or private vendue and at such prices and under such terms and conditions as he may prescribe, lease, or grant easements or permits over and across any portion of any unsold school, university, internal improvement, swamp, tax-forfeited, or other lands subject to sale by, or jurisdiction or control of, the state for the purpose of permitting the passage over or across such lands of telephone, telegraph, and electrical power or light lines; provided, all such agreements shall be made subject to sale and leasing of land for mineral or other legal purposes, and contain a provision for their cancelation, at any time, by the commissioner upon three months' written notice. All money received therefrom shall be credited to the fund to which the land belongs.

The license to be granted shall be in a form to be prescribed by the attorney general; shall describe the location of the easement or permit thereby granted and shall continue until canceled by the commissioner upon 90 days' notice.

Such licenses or permits shall provide for a fee of not more than \$4.00 per mile or proportionately for each fraction of a mile, but not less than \$1.00.

In the event the construction of such lines causes damage to merchantable timber on or along such easement, the easement or permit shall also provide for payment to the state treasurer of the amount thereof as may be determined by the commissioner.

[1941 c. 145; 1943 c. 540 s. 1]

**84.42 VIOLATIONS; PENALTIES.** Subdivision 1. Any person violating any of the provisions of sections 84.09 to 84.15, or any of the orders of the commissioner promulgated in pursuance of the provisions thereof, shall be guilty of a misdemeanor; and, upon conviction, his license shall become null and void and no license of the same kind shall be issued to him for one year after the date of such conviction; and any person violating, or threatening to violate, any provisions of sections 84.09 to 84.15 may be restrained by injunction proceedings brought in the name of the state by the attorney general or by any county attorney.

Subd. 2. Any person violating any of the provisions of sections 84.37 to 84.41 shall be guilty of a misdemeanor.

Subd. 3. Any person who, within the limits of the Red Lake game preserve, shall wilfully violate, or fail to comply with, any rule or regulation of the department adopted and promulgated in accordance with the provisions of sections 84A.01 to 84A.11 shall be guilty of a misdemeanor.

[1939 c. 207 s. 6; 1939 c. 231 s. 16] (3109-6, 6131-19)