

CHAPTER 89

FORESTS; STATE FORESTS; TREE PLANTING

Sec.		Sec.	
89.01	Director, powers and duties	89.165	Timber products transported for storage marked
89.021	State forests established	89.166	Must use legal description of land
89.03	Education in forestry	89.167	Authority of forest officers
89.031	Control and management of state forests	89.168	Violations; penalties
89.032	Additional lands acquired	89.17	Leases granted
89.033	Gifts	89.18	Permit for roads
89.034	May include tax-forfeited lands in state forests	89.19	Rules
89.035	Income paid into state treasury	89.26	Water powers owned or controlled by state withdrawn from sale
89.036	Funds apportioned to county	89.27	Lands suitable for reforestation withdrawn from sale
89.037	Construction of Laws 1943, Chapter 171	89.28	Investigation ordered of pulpwood or growing same
89.038	Sale of certain state forest land	89.29	State lands within Chippewa national forest made state forests
89.08	Nurseries; stock to be used on state lands	89.30	Certain state lands to become state forests
89.12	Spraying equipment	89.31	Reforestation; tree planting
89.13	Trees on privately-owned land sprayed	89.32	Planting stock; procurement and distribution
89.14	State forests	89.33	Planting stock; sale
89.15	Director to have charge of state forests	89.34	Revolving fund
89.16	Sale of timber		
89.163	Loads of timber products marked		
89.164	Manufactured products marked		

**89.01 DIRECTOR, POWERS AND DUTIES.** The director shall have the management of the state forests and of all other property acquired therefor, supervise all matters of forest protection and reforestation and have charge of all moneys appropriated therefor or accruing therefrom, including the state forest fund and the forest service fund. He shall ascertain and observe the best methods of reforesting cut-over and denuded lands, foresting waste and prairie lands, preventing destruction of forests and lands by fire, administering forests on forestry principles, encouraging private owners to preserve and grow timber for commercial purposes, and conserving the forests around the head waters of streams and on the watersheds of the state, and shall collect information regarding the timber lands owned by the state. Biennially, on or before the first Monday in December, of each even-numbered year, the director shall report his doings, conclusions, and recommendations, and any damage caused by forest and prairie fires and any trespassing upon state lands to the governor, which report shall be printed and distributed to the members of the legislature and otherwise as he may direct.

The director shall be allowed necessary traveling and field expenses incurred in the conduct of his official duties. The director is hereby authorized, subject to the provisions of Laws 1939, Chapter 441, to employ such office assistants as may be necessary and to fix their compensation. The director may appoint an assistant forester and such other employees, outside of the office assistants, as may be necessary in carrying out the provisions of chapters 88 to 91 and, subject to the provisions of Laws 1939, Chapter 441, fix the amount of their compensation and remove any subordinate officers and employees so appointed by him. The director shall purchase all necessary equipment, instruments, and field supplies.

A full and accurate account of all receipts and expenditures incurred in the carrying out of the provisions of chapters 88 to 91, with such vouchers and forms as may be approved by the public examiner, shall be kept in a system of books prescribed by the public examiner.

The director shall execute all rules and regulations pertaining to forestry and forest protection within the jurisdiction of the state; have charge of the work of protecting all forests and lands from fire; shall investigate the origin of all forest fires, and prosecute all violators of chapters 88 to 91; shall prepare and print for public distribution an abstract of the forest fire laws of Minnesota, together with such rules and regulations as may be formulated.

The director shall prepare printed notices calling attention to the dangers from forest fires and cause them to be posted in conspicuous places, and shall furnish same to the railroad companies, whose duty it shall be to post them in such places as the director may direct.

# MINNESOTA STATUTES 1945

793

FORESTS; STATE FORESTS; TREE PLANTING 89.021

The director shall become familiar with the location and area of all state timber and cut-over lands and prepare maps of state forests and each of the timbered counties showing the state lands therein, and shall supply such maps to the district rangers, to the officials of the state, and to counties requiring them; and, in all ways that are practical and feasible, shall protect such lands from fire and the illegal cutting of timber; he shall report to the commissioner, from time to time, such information as may be of benefit to the state in the care and management of its timber. It shall be his duty to inquire into the extent, kind, value, and condition of all timber lands; the amount of acres and value of timber that is cut or burned, and he shall also report the quantity and species of second-growth timber and shall, not later than the first of December, of each year, make a written report to the commissioner upon all such data ascertained by him, and shall recommend therein plans for improving the state system of forest protection, management, and reforestation.

Damage by fire occurring to state timber or lands, when coming to the knowledge of the director or his employees, shall be promptly reported to the attorney general, who, at his discretion, may either enforce collection of such demands directly or may employ private attorneys therefor on such terms, not contingent, as he deems for the best interests of the state. The amount so collected, after deducting therefrom the fees of such attorneys, if any, and other necessary expenses incurred in investigation, preparation for trial, and trial, shall be paid into the state treasury and credited to the fund that would have been entitled to receive the sale price of the lands or timber if sold; or, if there be no such fund, then such money shall be credited to the general revenue fund. The attorney general, either in or out of court, may compromise and settle state claims for fire damage to state lands or timber, on such terms as he deems for the best interests of the state.

The director shall cooperate with the several departments of the state and federal governments and with counties, towns, corporations, or individuals in the preparation of plans for forest protection, management, replacement of trees, wood lots, and timber tracts, using his influence as time will permit toward the establishment of scientific forestry principles in the management, protection, and promotion of the forest resources of the state.

When any tract or tracts of land that have been included in areas set apart as state forests are found to be more valuable for the production of farm crops than for forestry purposes, the director shall recommend to the commissioner that the same be eliminated from the state forests; and the commissioner may adopt or otherwise approve such recommendation, whereupon such lands shall be subject to sale the same as other lands not reserved.

When any state lands not reserved or set aside are found by the director to be more valuable for the production of timber than for agriculture he may recommend to the commissioner that such lands be reserved and set aside for forestry purposes; and the commissioner may adopt or otherwise approve the recommendation, whereupon such lands shall become a part of the state forests.

[1911 c. 125 ss. 3, 4, 5, 6; 1925 c. 407 ss. 5, 6, 7, 8, 9, 10] (4031-5, 4031-6, 4031-7, 4031-8, 4031-9, 4031-10)

**89.02** [Repealed 1943 c. 171 s. 10]

**89.021 STATE FORESTS ESTABLISHED.** For the purpose of vesting and re-vesting the state with title to lands in the areas hereafter described which are suitable primarily for state use and development as state forests, for growing, managing, and harvesting timber and other forest crops and for the establishment and development of recreational areas and for the protection of watershed areas, and the preservation and development of rare and distinctive species of flora native to such areas, there are hereby established as state forests all lands and waters now owned by the state or hereafter acquired by the state within the areas, in the townships and sections described as follows:

## **1. Beltrami Island State Forest.**

The West one-half of Townships 158 and 159, Range 32; Township 157, Range 32; Townships 157, 158 and 159, Range 33; Townships 157, 158, 159 and 160, Range 34; Townships 157, 158, 159, 160 and 161, Range 35; Townships 158, 159 and 160, Range 36; South one-half of Township 161, Range 36; Townships 159 and 160, Range

37; the South two-thirds of Township 161, Range 37; the East two-thirds of Township 160, Range 38; all west of the 5th principal meridian.

**2. Buena Vista State Forest.**

Townships 147 and 148, Range 32; Sections 1, 2 and the West one-half of Section 11, Township 146, Range 33; all of Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, and 16 except the South one-half of the Northeast quarter, all of Sections 23, 24, 25, 35 and 36, Township 147, Range 33; Township 148, Range 33, except the Southwest quarter of the Northwest Quarter and the Southeast quarter of the Northwest quarter of Section 10; all west of the 5th principal meridian.

**3. Cloquet Valley State Forest.**

The North one-half of Township 53, Range 12; Townships 54 and 55, Range 12; the North one-half of Township 53, Range 13; Townships 54 and 55, Range 13; the North one-half of Township 53, Range 14; Townships 54 and 55, Range 14; the North one-half of Township 53, Range 15; Townships 54 and 55, Range 15; Townships 52 and 53, Range 16; East two-thirds of Townships 54 and 55, Range 16; all west of the 4th principal meridian.

**4. Crow Wing State Forest.**

Township 47, Range 28, except the Northwest quarter of the Northeast quarter of Section 36; Township 47, Range 29; Township 47, Range 30; all west of the 4th principal meridian. Townships 136 and 137, Range 27; Townships 136 and 137, Range 28; all west of the 5th principal meridian.

**5. D. A. R. Memorial State Forest.**

The west one-half of the Northeast quarter and the Northwest quarter of Section 16, Township 43, Range 19; west of the 4th principal meridian.

**6. Finland State Forest.**

Township 58, Range 5; Townships 57 and 58, Range 6; Townships 56, 57 and 58, Range 7; Township 56, Range 8; the East one-half of Townships 57 and 58, Range 8; Section 36, Township 60, Range 9; all west of the 4th principal meridian.

**7. Fond du Lac State Forest.**

Township 48, Range 19, except Sections 25, 36 and the Northeast quarter of the Northeast quarter of Section 26; Township 49 and the South one-half of Township 50, Range 19; Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26 and 27, Township 49, Range 20; Sections 22, 23, 24, 25, 26, 27, 34, 35 and 36, Township 50, Range 20; all west of the 4th principal meridian.

**8. Foot Hills State Forest.**

Townships 137, 138, 139, 140 and 141, Range 31; Township 137, Range 32, except the Southwest quarter of the Northwest quarter and the Northwest quarter of the Southwest quarter of Section 12 and the Southeast quarter of the Southeast quarter of Section 16; Section 36, Township 138, Range 32; the South two-thirds and Sections 1, 2, 3, 9, 10, 11 and 12 of Township 139, Range 32; Section 36, Township 140, Range 32; Township 138, Range 33, except the Southwest quarter of the Northeast quarter of Section 2 and the Southwest Quarter of the Southeast quarter of Section 32; Sections 13, 14, 15, 22, 23, 24, 25, 26, 27, 28, 32, 33, 34, 35 and 36, Township 139, Range 33; Section 36, Township 140, Range 33; the East one-half of Township 138, Range 34; all west of the 5th principal meridian.

**9. General C. C. Andrews State Forest.**

Sections 5 and 6, Township 44, Range 19; Sections 19, 29, 30, 31 and 32, Township 45, Range 19; the North one-half of Sections 1 and 2, and seven acres adjacent to the Willow River dam in the north one-half of the Southwest quarter of Section 2, Township 44, Range 20; Sections 24, 25, 26, 35 and 36, Township 45, Range 20; all west of the 4th principal meridian.

**10. George Washington State Forest.**

Townships 59, 60 and the South one-half of Township 61, Range 21, except the East one-half of the Northwest quarter of Section 36, and abandoned right of way across the Northeast quarter of the Southeast quarter of Section 36, both in Township 59, Range 21; Townships 59, 60 and the South one-half of Township 61, Range 22; Townships 59, 60, 61 and 62, Range 23; Townships 59, 60, 61 and 62, Range 24,

# MINNESOTA STATUTES 1945

795

## FORESTS; STATE FORESTS; TREE PLANTING 89.021

except the Southwest quarter of the Southwest quarter of Section 20, Township 62, Range 24; Townships 59, 60 and 61, Range 25, but excluding any land designated by law as Scenic State Park; all west of the 4th principal meridian.

### 11. Grand Portage State Forest.

Townships 61, 62, 63, 64 and 65, Range 3; Townships 62, 63 and 64, Range 4; the Northwest quarter of the Southwest quarter of Section 18, that portion of the North one-half of Section 18 and that portion of Section 7 lying west of the Old Grand Portage Indian Reservation boundary in Township 63, Range 5; all east of the 4th principal meridian.

### 12. Kabetogama State Forest.

Townships 61, 62, 63, 64, 65, 66, 67, 68 and 69, Range 17; Townships 63, 64, 65, 66, 67, 68, 69 and 70, Range 18; Townships 63, 64, 65, 66, 67, 68, 69 and 70, Range 19, except the Northeast quarter of the Southeast quarter, Section 6, Township 63, Range 19; Townships 64, 65, 66, 67, 68, 69, 70 and 71, Range 20; Townships 67, 68, 69, 70 and 71, and that portion of Townships 64, 65 and 66 lying outside of the old Nett Lake Indian Reservation boundaries, all lying in Range 21; all west of the 4th principal meridian.

### 13. Koochiching State Forest.

Townships 64 and 65, Range 24; Townships 64 and 65, Range 25; Townships 64, 65, 66 and 67, Range 26; Townships 64, 65, 66 and 67, Range 27; all west of the 4th principal meridian.

### 14. Land O'Lakes State Forest.

Townships 139 and 140, Range 25; Townships 139 and 140, Range 26; Townships 139 and 140, Range 27; Sections 16 and 36 of Township 139, Range 28; all west of the 5th principal meridian.

### 15. Mille Lacs State Forest.

The West two-thirds of Township 45, Range 26, Township 45, Range 27, except the Northeast quarter of the Northeast quarter of Section 16 and the South one-half of the Southwest quarter and the South one-half of the Northwest quarter of Section 22; all west of the 4th principal meridian.

### 16. Mississippi Headwaters State Forest.

The North one-third and Sections 16, 17, 18, 19, 20, 21, 29 and 30 of Township 146, Range 34, except the Northwest quarter of the Northwest quarter of Section 8; the South five-sixths of Township 147, Range 34, except the Northeast quarter of the Northeast quarter, the Northwest quarter of the Northwest quarter and the Southwest quarter of the Northwest quarter of Section 24; the West one-half and Sections 2, 3, 10 and 11 of Township 145, Range 35; Township 146, Range 35, except Sections 3, 4, 5 and 6; Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 24, 25, 35 and 36, Township 147, Range 35, except the Northwest quarter of the Southwest quarter of Section 24; Sections 19, 20, 21, 22 and the South one-third of Township 148, Range 35; Sections 1, 12, 13, 24, 25 and 36, Township 145, Range 36; Sections 12, 13, 24, 25 and 36, Township 146, Range 36; all west of the 5th principal meridian.

### 17. Nemadji State Forest.

Fractional Townships 44, 45 and 46, Range 15; the South one-third of fractional Township 47, Range 15; Townships 44, 45 and 46, Range 16, except the North half of the Northeast quarter of the Northwest quarter of Section 16, Township 46, Range 16; the South one-third of Township 47, Range 16; Townships 44, 45 and 46, Range 17, except the Southwest quarter of the Southeast quarter and the Southeast quarter of the Southwest quarter of Section 16, Township 46, Range 17; all west of the 4th principal meridian.

### 18. Northwest Angle State Forest.

Townships 166, 167 and 168, Range 33; Townships 166, 167 and 168, Range 34; Townships 165, 166, 167 and 168, Range 35; all west of the 5th principal meridian.

### 19. Paul Bunyan State Forest.

Sections 2, 3, 4, 5, 6, 7 and 8, Township 141, Range 32; Township 142, Range 32; Sections 7, 18 and 19, and the South one-third of Township 143, Range 32; Sections 1, 2, 3, 4, 9, 10, 11 and 12, Township 141, Range 33; Township 142, Range 33, except

# MINNESOTA STATUTES 1945

## 89.021 FORESTS; STATE FORESTS; TREE PLANTING

796

Sections 19, 20, 29, 30, 31 and 32; Township 143, Range 33; Sections 28, 29, 30, 31, 32, 33 and 34, Township 144, Range 33; Sections 16 and 36, Township 142, Range 34; Townships 143 and 144, Range 34; Township 145, Range 34, except Sections 5, 6, 7, 8, 17, 18, 19 and 20; Section 36, Township 146, Range 34; all west of the 5th principal meridian.

### 20. Pillsbury State Forest.

That portion of Township 133, Range 29, lying north of the Northern Pacific Railroad in Cass County; that portion of Township 133, Range 30 lying north of the Northern Pacific Railroad; the West one-half of Township 134, Range 29; all of Township 134, Range 30; all west of the 5th principal meridian.

### 21. Pine Island State Forest.

Townships 152, 153, 154, 155 and 156, Range 25; that portion of Township 157, Range 25, lying west of the Big Fork River; that part of Sections 31, 32 and 33, Township 158, Range 25, lying south of the Black River; Townships 152, 153, 154, 155, 156 and 157, Range 26; that part of Township 158, Range 26, lying south of the Black River; Townships 153, 154, 155, 156 and 157, Range 27; that part of Township 158, Range 27, lying south of the Black River; Townships 153, 154, 155 and 156, Range 28; Townships 153, 154 and 155, Range 29; the East five-sixths of Township 153, Range 30; the South one-half of Township 154, Range 30; Lots 2, 3 and 4 of Section 8, the South one-half of the Northwest quarter and the Southwest quarter of Section 9, the Northwest Quarter of Section 16, Section 17, all in Township 154, Range 30; all west of the 5th principal meridian.

### 22. Rum River State Forest.

The West two-thirds of Township 40, Range 25; Township 41, and the South one-half of Township 42, Range 25; the east one-third of Township 40, Range 26; all west of the 4th principal meridian.

### 23. Sand Dunes State Forest.

The West one-half of Section 15, all of Sections 16, 17, 20 and 21, the West one-half of Section 22, all of Sections 25, 26, 27, 28, 29, 35 and 36, all in Township 34, Range 27; west of the 4th principal meridian.

### 24. Savanna State Forest.

That portion of Township 48, Range 22, north of the present location of the Northern Pacific Railroad right of way; Townships 49, 50, 51 and 52, Range 22, except the North one-half of the Northeast quarter of Section 36, and the East one-half of the Southeast quarter and the North one-half of the Southwest quarter of Section 10, Township 49, Range 22; that portion of Township 48, Range 23, lying north of the present location of Northern Pacific Railroad right of way; Townships 49 and 50, Range 23; that portion of Townships 51 and 52, Range 23, lying east of the Mississippi River, except the North half of the Southwest quarter of Section 16, Township 52, Range 23; that portion of Townships 50 and 51, Range 24, lying east of the Mississippi River; all west of the 4th principal meridian.

### 25. Smoky Hills State Forest.

Sections 5, 6, 7 and 8, Township 140, Range 36; Township 141, Range 36, except the Southwest quarter of the Southeast quarter of Section 4; the North five-sixths of Township 139, Range 37; Township 140, Range 37, except Sections 3, 4, 5, 6, 10, 11, 12, 13 and 14; the East one-sixth of Township 141, Range 37; Township 140, Range 38, except the Southwest quarter of the Southwest quarter of Section 32; the West two-thirds of Township 141, Range 38; all west of the 5th principal meridian.

### 26. St. Croix State Forest.

Fractional Township 42, Range 15; Townships 41 and 42, Range 16; Townships 41 and 42, Range 17, except the Northeast quarter of the Southwest quarter of Section 16, Township 41, Range 17; all west of the 4th principal meridian.

### 27. Third River State Forest.

The North one-half of Township 147, Range 29; Township 148, Range 29; the South one-half of Township 149, Range 29; all west of the 5th principal meridian.

# MINNESOTA STATUTES 1945

797

FORESTS; STATE FORESTS; TREE PLANTING 89.021

## 28. White Earth State Forest.

Township 144, Range 36, except the Southwest quarter of Section 35; Townships 142, 143 and 144, Range 37; Townships 142, 143 and 144, Range 38; Township 145, Range 38, except Sections 1, 2, 3, 4, 5, and the Southeast Quarter of the Northwest quarter of Section 10; the East one-half of Township 142, Range 39; Sections 25, 35, 36 and the East one-half of Section 34, Township 143, Range 39; the East one-third of Township 145, Range 39; the South one-half of Section 10, Section 15, and the North one-half of Section 22, Township 145, Range 39; all west of the 5th principal meridian.

## 29. Blackduck State Forest.

All of Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, and 14 except the Southwest quarter of the Southeast quarter, all of Sections 15, 16, 17 and 18, Township 149, Range 31; the West two-thirds of Township 150, Range 31, except the Southeast quarter of the Southwest quarter of Section 29; Sections 27, 28, 29, 30, 31, 32, 33 and 34, Township 151, Range 31; Township 149, Range 32, except the Northwest quarter of the Southeast quarter of Section 25; Township 150, Range 32, except the Northeast quarter of Section 36; and all of Township 151, Range 32, lying south and east of the Indian Reservation boundary; all west of the 5th principal meridian.

All lands except tax-forfeited lands held in trust for the taxing districts, now owned by the state or hereafter acquired by the state within the boundaries of the above described areas are hereby withdrawn from sale and established as state forests, to be governed, operated, managed, and controlled on forestry principles.

The commissioner of conservation is hereby authorized to withdraw from the Grand Portage Forest, and to offer for sale and to sell during 1943 the following described land:

Commencing at the corner to Sections 27, 28, 33 and 34, Township 62 North, Range 3 East; thence due south along the section line between sections 33 and 34 for a distance of 1585.6 feet to an iron pin (one inch square and 12 inches long) being the meander corner to sections 33 and 34, Township 62 North, Range 3 East; thence at an angle of 81 degrees and 24 minutes to the left (being South 81 degrees and 24 minutes East) for a distance of 469.4 feet to an "x" mark on a ledge rock, being the point of beginning of this survey; thence at an angle of 35 degrees and 46 minutes to the left (being North 62 degrees and 50 minutes East) for a distance of 677.3 feet to a 4" x 4" cedar post; thence at an angle of 18 degrees and 20 minutes to the right (being North 81 degrees and 10 minutes East) for a distance of 228.3 feet; thence at an angle of 18 degrees and 27 minutes to the left (being North 62 degrees and 43 minutes East) for a distance of 375.4 feet to a 4" x 4" cedar post; thence at an angle of 13 degrees and 13 minutes to the right (being North 75 degrees and 56 minutes East) for a distance of 333.8 feet to a 4" x 4" cedar post; thence at an angle of 32 degrees and 50 minutes to the left (being North 43 degrees and 06 minutes East) for a distance of 150.0 feet to a 4" x 4" cedar post; thence at an angle of 72 degrees and 36 minutes to the right (being South 64 degrees and 18 minutes East) for a distance of 99.6 feet to a 3/4 inch iron pipe; thence at an angle of 115 degrees and 42 minutes to the left (being North 0 degrees and 00 minutes West) and paralleling the West line of Section 34, for a distance of 992.5 feet to the section line, being the north line of Government Lot 1; thence at an angle of 90 degrees and 00 minutes to the left (being North 90 degrees and 00 minutes West) along the north line of Government Lot 1 for a distance of 210.5 feet to the center line of former trunk highway No. 61; thence at an angle of 55 degrees and 28 minutes to the left (being South 34 degrees and 02 minutes West) for a distance of 1331.8 feet along the center line of said former trunk highway; thence deflect to the right on a 6 degree and 00 minute curve, delta angle 58 degrees and 30 minutes, for a distance of 911.70 feet along the center line of said highway, thence leaving the center line of said highway at this point and turning to the left (being South 20 degrees and 24 minutes East) for a distance of 139.9 feet to an "X" mark on a ledge rock to the point of beginning, and here terminating; containing 16.66 acres in Government Lot 1, which includes .99 acres right-of-way (33 feet in width to the south and east of center line of road; Government Lot 2 contains 1.31 acres of this survey which includes .71 acres of right-of-way (33 feet in width to the south and east of center line of road), excepting therefrom that part of former Trunk Highway No. 61 contained in said description.

In the same manner as provided for the sale of other state school land.

The commissioner of conservation is hereby authorized to withdraw from the Headwaters State Forest all that portion of Section 36, Township 147, Range 34 lying north of U. S. highway number 2 as now located and constructed, and to offer for sale and to sell such tract, together with the Northwest Quarter, and the Northeast Quarter of the Southwest Quarter of Section 30, Township 147, Range 33, as hereinafter provided.

Before any sale is made, the commissioner shall cause published notice to be made of the time and place of the sale at least seven days in advance thereof in a legal newspaper of Beltrami county. The lands shall be offered as a unit and shall be sold at not less than the appraised value thereof. The right shall be reserved in the commissioner of conservation to reject any or all bids.

The city of Bemidji is hereby authorized to bid on and acquire title to said lands for the purpose of establishing an airport.

[1943 c. 171 s. 1; 1943 c. 305 s. 1; 1943 c. 550 ss. 1, 2, 3; 1945 c. 79 s. 1]

**89.03 EDUCATION IN FORESTRY.** The director may advance, as he deems wise, education in forestry within the state by publications and lectures, and upon the invitation of the director of the college of forestry of the University of Minnesota may cooperate with the college as far as his time will permit, and the college shall furnish such aid to him as, in the circumstances, is consistent with its own proper functions.

[1925 c. 407 s. 12] (4031-12)

**89.04-89.07** [Repealed by 1943 c. 171 s. 10]

**89.031 CONTROL AND MANAGEMENT OF STATE FORESTS.** The lands described in section 89.021 shall be under the management and control of the commissioner of conservation who shall have and is hereby given full power and authority to make, establish, promulgate and enforce all necessary rules and regulations not inconsistent with the laws of the state for the care and management of state forests and fire prevention, and he is hereby authorized to lease for income or for protection, meadow and pasture lands where such use will not interfere with the growth of forest trees, may sell dead and down and mature timber and other timber where the public interests will be subserved thereby, and may issue special use permits and enter into agreements in the furtherance of the general management and maintenance of such state forests.

[1943 c. 171 s. 2]

**89.032 ADDITIONAL LANDS ACQUIRED.** The commissioner of conservation is hereby authorized and empowered to acquire by eminent domain, in the manner provided in Chapter 117, or by purchase, or accept as a gift any lands or interests in lands in the state forests herein created, which he shall deem necessary for state ownership, use and development, and may acquire any such lands or interest in lands subject to mineral reservations.

[1943 c. 171 s. 3]

**89.033 GIFTS.** The commissioner of conservation is hereby authorized and empowered to receive for and in behalf of the state, any gift, bequest, devise or grant of land or interest in lands in any state forests, or of money or personal property of any kind, which he may deem suitable for use in connection with the operation, control, development or use of any state forest.

[1943 c. 171 s. 4]

**89.034 MAY INCLUDE TAX-FORFEITED LANDS IN STATE FORESTS.** Whenever the board of county commissioners, by resolution duly adopted, resolves that any lands, forfeited for non-payment of taxes, lying within the boundaries of any of the forests hereinabove designated, or that certain tax-forfeited land lying outside of such boundaries and classified as conservation lands are suitable primarily for the growing of timber and timber products and said lands outside of the above state forests comprise 50 per cent or more of the lands within any given area, it may submit such resolution to the commissioner of conservation for the purpose of establishing a state forest or of adding said lands to any of the state forests designated in section 89.021. If, upon investigation, the commissioner of conservation determines that the lands covered by such resolution can best be managed and developed as state forest lands or as a portion of an existing state forest,

he shall make a certificate describing the lands and reciting the acceptance thereof on behalf of the state as state forest lands. The commissioner shall transmit the certificate to the county auditor, who shall note the same upon his records and record the same with the register of deeds. The title to all lands so accepted shall be held by the state free from any trust in favor of any and all taxing districts, and such lands shall thereafter be managed and devoted to the purposes of state forest lands in the same manner as lands hereinabove set apart as state forest lands, and subject to all the provisions of Laws 1943, Chapter 171.

[1943 c. 171 s. 5]

**89.035 INCOME PAID INTO STATE TREASURY.** All income which may be received from lands acquired by the state within any area which has been designated or shall hereafter be designated by the Legislature or the commissioner of conservation as state forests excepting university, school, and swamp lands; lands acquired under the system of rural credits; state forest lands included within the game preserve established by Laws 1929, Chapter 258; lands acquired under authority of Laws 1931, Chapter 407, and Laws 1933, Chapter 402; and lands accepted by Chapter 83, Laws 1905, shall be paid into the state treasury and credited to a fund designated as the state forest fund.

[1943 c. 171 s. 6]

**89.036 FUNDS APPORTIONED TO COUNTY.** The State of Minnesota shall hereafter annually on July 1st or as soon thereafter as may be practical, pay from the state forest fund to each county, in which there now are, or hereafter shall be situated, any state forests, a sum equal to 50 per cent of the gross receipts of such state forests located within such county, which have been received during the preceding fiscal year and credited to the state forest fund, which payment shall be received and distributed by the county treasurer, as if such payment had been received as taxes on such lands payable in the current year.

After making such payment to the county, the balance of said funds in the state forest fund on July 1st shall be transferred and credited to the general revenue fund of the state.

The state auditor shall annually draw his warrants upon the state treasurer for the proper amounts in favor of the respective counties entitled thereto and the state treasurer shall pay such warrants from the state forest fund.

The state auditor and the state treasurer shall, and are hereby authorized and empowered to devise, adopt, and use such accounting methods as they may deem proper, and to do any and all other things reasonably necessary in carrying out the provisions of this section.

[1943 c. 171 ss. 7, 8, 9]

**89.037 CONSTRUCTION OF LAWS 1943, CHAPTER 171.** Laws 1943, Chapter 171, shall not be construed as repealing any acts relating to forestry other than therein expressly repealed but shall be deemed and construed as supplementary thereto.

[1943 c. 171 s. 10]

**89.038 SALE OF CERTAIN STATE FOREST LAND.** Any tract of state land or tax-forfeited land situated in a zoned county in an area not restricted against use for agriculture within any state forest, and withdrawn from sale under the provisions of the law creating such forest, but which is not otherwise restricted as to sale, may, if found by the commissioner of conservation to be more suitable for agricultural purposes than for forestry or other conservation purposes, upon recommendation by resolution of the county board, be released by order of the commissioner from such withdrawal from sale, and shall thereupon be subject to sale under applicable laws in like manner as if it had not been so withdrawn.

[1945 c. 151 s. 1]

**89.08 NURSERIES; STOCK TO BE USED ON STATE LANDS.** The director is hereby authorized to establish, maintain, and operate nurseries for the production of forest tree planting stock in this state. These nurseries may be established at such place as will, in his judgment, best promote the purpose of this section; but at no time shall any indebtedness be created hereunder beyond the limits of appropriations expressly provided and available at the time for this purpose.

The director may purchase or collect coniferous forest planting stock indigenous to Minnesota or grow the same; and may supply the same for use on lands owned by the state and dedicated to forestry or conservation purposes or to any political



subdivision of the state for use upon lands set aside and dedicated to forestry or conservation purposes for a period of not less than 25 years; or upon lands dedicated to state trunk highway purposes. Plantings on these lands shall be confined to standard forest plantings. No such plantings may be sold or given away for replanting upon any lands not qualified for planting under this section.

[1931 c. 281 ss. 1, 2; 1941 c. 84] (4031-73, 4031-74)

**89.09-89.11** [Repealed by 1943 c. 171 s. 10]

**89.12 SPRAYING EQUIPMENT.** The department is authorized and directed to purchase the necessary power spraying equipment for combatting injurious forest insects on state forests, whenever the director deems it necessary, in the interest of good forest management and forest protection, to spray the trees for controlling or killing injurious insects. This spraying may be done in cooperation with the Minnesota state entomologist.

[1937 c. 398 s. 1] (6512-1)

**89.13 TREES ON PRIVATELY-OWNED LAND SPRAYED.** The commissioner, in cooperation with the Minnesota state entomologist, is authorized to use the equipment for the spraying of trees on privately-owned lands for the purpose of checking or controlling insect epidemic outbreaks which may be injurious to private property, and may make such charges as shall be necessary to cover all or part of the cost of such operation, including temporary labor, spray material, gas and oil, and equipment repairs. All moneys received for such spraying are hereby reappropriated to the department for the purpose of paying the necessary expense in combatting such insect epidemics or outbreaks and for repairing equipment.

[1937 c. 398 s. 2] (6512-2)

**89.14 STATE FORESTS.** As used in sections 89.14 to 89.19, the term "state forests" includes all state lands now or hereafter set apart as state forests and shall be held to include all state-owned forest lands of every description which may now or hereafter be devoted to uses of forestation or timber production, including all such lands set apart under the Constitution of the State of Minnesota, Article 8, Section 7, and laws enacted in pursuance thereof, also all such lands withdrawn from sale for the purpose of forestation and timber reserves and all other such lands now or hereafter otherwise acquired or set apart as state forests or forest reserves or for the purpose of forestation and timber production.

[1931 c. 263 s. 1] (6513-1)

**89.15 DIRECTOR TO HAVE CHARGE OF STATE FORESTS.** The director shall have charge and control of all state forests and maintain and manage the same on forestry principles for timber production and for such other uses as are not inconsistent therewith.

[1931 c. 263 s. 2] (6513-2)

**89.16 SALE OF TIMBER.** Subdivision 1. **Manner of sale.** Timber and other forest products in the state forests shall be sold by the director in the same manner as provided by law for the sale of timber on other state lands, except as herein otherwise provided. Before any such sale is made, it shall be approved by the executive council, as successor in authority to the state timber board, as provided by law in case of sale of timber on other state lands. No timber or other forest products shall be offered or advertised for sale, or made subject to competitive bidding, in lots or parcels extending over more than one section or exceeding \$15,000 of appraised value.

Subdivision 2. **Estimates and appraisals.** This timber and other forest products in the state forests shall be estimated and appraised for sale under the direction of the director. These estimates and appraisals may be made by duly appointed and qualified state appraisers, designated by the director, with the approval of the commissioner, who shall be known as state forest appraisers. Each state forest appraiser shall, before entering upon the duties of his office, take an oath and give a bond, as provided by law for state appraisers, and shall, under the direction of the director, with respect to all state forest lands and the timber and forest products thereon, have and exercise all the powers and perform all the duties by law vested in or imposed upon state appraisers with respect to other state lands.

[1931 c. 263 s. 3] (6513-3)

**89.163 LOADS OF TIMBER PRODUCTS MARKED.** Within the forest areas of this state, all loads of logs, square timbers, piling, pulpwood, bolts, ties, poles,

# MINNESOTA STATUTES 1945

801

## FORESTS; STATE FORESTS; TREE PLANTING 89.18

posts, mining timber, and lagging shall, while being transported from the place where such products were cut, be conspicuously marked on each side with the legal description of the land from which these products were cut. Where timber is being cut from more than one 40-acre tract in a single logging operation, the loads of products from such operation may be marked with the legal description of all the lands being cut upon such operation, or the operator may register with the division a list of the legal descriptions of lands to be cut over in such single operation, and the director shall then assign to the operator a number covering the registered descriptions; such assignment to be for the period of one year and such number may be used to mark products being transported, in lieu of the legal descriptions.

[1941 c. 83 s. 1]

**89.164 MANUFACTURED PRODUCTS MARKED.** Any load of lumber or timber products which have been manufactured on the land where cut shall, while being transported from the land, be conspicuously marked on each side as provided in section 89.163.

[1941 c. 83 s. 2]

**89.165 TIMBER PRODUCTS TRANSPORTED FOR STORAGE MARKED.** Any load of logs, square timbers, piling, pulpwood, bolts, ties, poles, posts, mining timber, and lagging being transported from a point of temporary storage other than the land from which the products were cut, shall be conspicuously marked on each side with the name of the person, firm, or corporation sending such products and the location of the point of storage from which the load is being hauled.

[1941 c. 83 s. 3]

**89.166 MUST USE LEGAL DESCRIPTION OF LAND.** No person, firm, or corporation shall affix or use for identification purposes any legal description of land other than that from which the timber or timber products were cut or removed.

[1941 c. 83 s. 4]

**89.167 AUTHORITY OF FOREST OFFICERS.** Any forest officer or any officer with police authority shall have the authority:

(1) To arrest, with or without warrant, any person violating any provision of sections 89.163 to 89.168;

(2) To stop any truck or vehicle and to inspect any such load wherever found and to make such investigation with reference thereto as may be necessary for the purpose of determining whether the provisions of sections 89.163 to 89.168 have been complied with.

[1941 c. 83 s. 5]

**89.168 VIOLATIONS; PENALTIES.** Any person who shall violate any of the provisions of sections 89.163 to 89.167 shall, upon first conviction, be guilty of a misdemeanor and punished by a fine of not less than \$10.00, nor more than \$100.00, or by imprisonment in the county jail for not less than ten, nor more than 90, days, and in case of a subsequent conviction of the same or any other offense thereunder shall be guilty of a gross misdemeanor and punished by a fine of not less than \$100.00, or by imprisonment in the county jail for not less than 90 days, or by both such fine and imprisonment.

[1941 c. 83 s. 6]

**89.17 LEASES GRANTED.** The director shall have power to grant and execute, in the name of the state, leases and permits for the use of any state forest lands for any purpose which in his opinion is not inconsistent with the maintenance and management of the state forest in which the land is situated, on forestry principles for timber production. Every such lease or permit shall be revocable at his discretion at any time and subject to such conditions and regulations as he may prescribe. The approval of the commissioner of administration shall not be required upon any such lease or permit. No such lease or permit for a period exceeding two years shall be granted except with the approval of the executive council.

[1931 c. 263 s. 6] (6513-6)

**89.18 PERMIT FOR ROADS.** No public highway, other than a state trunk highway, shall be established or laid out through any state forest as the same shall be created and withdrawn from public sale and entry by existing or subsequent act, without the consent of the director, certified by him in writing to the public authority having power to establish or lay out such highway. In any judicial proceeding affecting the laying out of a highway, the court may either sustain or reverse the action of the director as the court, in its discretion, may deem proper. The limita-

tions and restrictions provided in this section shall not apply to state-owned lands which have not been expressly withdrawn from sale and created and reserved as state forests. No state forest lands or right or easement therein shall be taken by eminent domain for any purpose without the consent of the director, certified by him in writing to the authority or corporation exercising such right of eminent domain.

[1931 c. 263 s. 7] (6513-7)

**89.19 RULES.** The director shall have power to prescribe such rules and regulations governing the use of the state forests, or any part thereof, by the public or governing the exercising by holders of leases or permits upon state forest lands of all their rights under such leases or permits as may be necessary to carry out the purposes of sections 89.14 to 89.16 and 89.17 to 89.19.

[1931 c. 263 s. 8] (6513-8)

**89.24, 89.25** [Repealed by 1943 c. 171 s. 10]

**89.26 WATER POWERS OWNED OR CONTROLLED BY STATE WITHDRAWN FROM SALE.** All water powers having a possible average development of 100 horse-power or more owned by or subject to the control of the state and all lands so owned, controlled, or held in trust by the state lying within one mile of such water powers are hereby withdrawn from sale and held for the purpose of the improvement and utilization of the same for the purpose of having paper manufactured by plants built at and using the power of such water powers.

[1917 c. 360 s. 1] (6519)

**89.27 LAND SUITABLE FOR REFORESTATION WITHDRAWN FROM SALE.** All lands owned, controlled, or held in trust by the state, which lands would be overflowed by the complete and full development of the water powers referred to in section 89.26 are hereby reserved and withdrawn from sale in order that they may be overflowed by the improvement of the water powers within whose basin of overflow they lie. All lands unfit for agricultural and suitable for reforestation purposes are hereby withdrawn from sale. The commissioner is hereby requested and directed to ascertain all the water powers and lands referred to in section 89.26 with all due speed and to withdraw from sales all such lands and to report such withdrawals, including in such report the description of the land, the present character and the growth thereon, the estimated value of the land, and of the timber, if any, now growing thereon; also the quantity and character of the timber suitable for use in the manufacture of paper growing on the land and the most accessible method of transportation of the timber of use in the manufacture of paper to the nearest reserved water power or any water power which in the opinion of the commissioner can advantageously be procured by the state by condemnation or purchase for the purposes provided in sections 89.26 to 89.28.

[1917 c. 360 s. 2] (6520)

**89.28 INVESTIGATION ORDERED OF PULPWOOD OR GROWING SAME.** The commissioner shall make an investigation of the possibility of the state securing by purchase or condemnation water powers in the vicinity of state lands wherein pulpwood is now growing or upon which it may be profitably grown in the future. For such purpose it shall be proper for him to call upon the state drainage engineer for assistance.

[1917 c. 360 s. 3] (6521)

**89.29 STATE LANDS WITHIN CHIPPEWA NATIONAL FOREST MADE STATE FORESTS.** All lands now owned by the state and situated within the boundaries of the Chippewa National Forest, established within this state by act of Congress, shall hereafter constitute and be state forests and shall be governed, operated, managed, and controlled in the same manner as other state forests. The state authorities may cooperate with the federal authorities in respect to the government, operation, management, and control of such state forests along with such national forests to any extent and in any manner not inconsistent with the laws of this state.

[1927 c. 246 s. 1] (6522-1)

**89.30 CERTAIN STATE LANDS TO BECOME STATE FORESTS.** When the commissioner shall determine that any tract of public land of the state which shall have reverted to the state on account of default after sale theretofore made to the individual purchaser and which, after being reoffered for sale, remains unsold is suitable and is required for use as a forestry administrative station, demonstration

forest, or for any other forestry purpose and which has heretofore been put to such use, all in designated state forests, and shall so certify to the state auditor, it shall be the duty of the state auditor forthwith to certify the tract upon his records as state forest land. Thereupon any and all right of the prior purchaser of the tract to redeem the same shall be terminated and extinguished and the tract shall become and be a part of the state forests, subject to all the provisions of law relating thereto.

[1931 c. 283 s. 1] (6522-3)

**89.31 REFORESTATION; TREE PLANTING.** Subdivision 1. **Trees defined.** The term "tree" or "trees," as used in sections 89.31 to 89.34, includes any kind of trees or woody perennial shrubs or vines deemed suitable by the commissioner of conservation for the purposes therein authorized except such cultivated varieties as are capable of producing fruit for human consumption.

Subd. 2. **Purpose of planting.** The purposes for which trees may be procured, distributed, and planted under sections 89.31 to 89.34 includes auxiliary forests, woodlots, shelterbelts, erosion control, soil conservation, water conservation, provision of permanent food and cover for wild life, and afforestation and reforestation on public or private lands of any kind, but does not include the raising of fruit for human consumption, planting for purely ornamental purposes, or planting wind-breaks for farm buildings or farmyards,

[1945 c. 535 s. 1]

**89.32 PLANTING STOCK; PROCUREMENT AND DISTRIBUTION.** Subdivision 1. **Letting contract.** The commissioner of conservation is authorized to procure tree planting stock for the purposes authorized in sections 89.31 to 89.34 by contract in the manner provided by law for contracts for construction or purchase provided, that in case two or more competitive bids are not received pursuant to an advertisement, a contract may be awarded to a single bidder if, in the opinion of the commissioner, the bid is reasonable and it is not practicable to obtain competitive bids.

Subd. 2. **Requirements for growing and delivery; bonds.** So far as practicable, planting stock shall be procured by the commissioner hereunder through contracts for the growing thereof. In any contract hereunder the commissioner may specify the area of the state wherein the stock shall be grown and the conditions under which it shall be grown, cared for and delivered, together with such other terms and conditions as he deems necessary to accomplish the purposes hereof. Separate contracts may be made for different areas of the state or for different lots or kinds of trees, as the commissioner may determine. A contract may be made for the growing and delivery of stock at any time not exceeding five years from the date of letting as stated in the advertisement for bids, subject to availability of funds for payment. Every contractor shall furnish a bond in the amount of the total contract price in like manner as required for public work contracts.

Subd. 3. **Distribution.** The commissioner may provide for distribution of planting stock hereunder in the contract with the grower or by separate contract, let as provided in subdivision 1, or by state employees under his direction, as he deems most expedient.

Subd. 4. **Inspection; cancelation; liability.** All operations under any contract shall be subject to inspection by the commissioner or his agents or employees at any time. If the commissioner finds at any time that a contractor will not be able to fulfill his contract, the commissioner may, upon 30 days' written notice to the contractor by registered mail, cancel the contract or such part thereof as is affected by the default, but such cancelation shall not relieve the contractor or the surety on his bond from any obligation theretofore incurred under the contract or bond; provided, that there shall be no liability under any contract for the growing of planting stock on account of failure of the contractor to produce the stock due to an Act of God, the consequences of which he could not have foreseen or prevented by the exercise of reasonable diligence.

[1945 c. 535 s. 2]

**89.33 PLANTING STOCK; SALE.** Subdivision 1. **Planting conditions; costs.** The commissioner may sell tree planting stock procured hereunder for planting on public or private lands for the purposes authorized in sections 89.31 to 89.34 under such conditions and regulations respecting the planting and care thereof as he may prescribe, and subject to inspection and supervision by him, his agents or employees. Sales shall be made at not less than the cost of the stock to the state

# MINNESOTA STATUTES 1945

plus such additional amount as the commissioner may determine as a fair proportionate charge for expenses of operation hereunder, which additional amount shall include, without limitation, a fair proportionate charge for salaries of employees engaged in distribution of planting stock and other actual overhead expenses of such distribution.

Subd. 2. **State projects.** The commissioner may furnish tree planting stock procured hereunder for planting in connection with any state project or activity, upon reimbursement of the price thereof, determined as provided on subdivision 1, from the funds available for such project or activity.

Subd. 3. **Re-sale prohibited.** It shall be unlawful for any person to use or permit the use of planting stock furnished hereunder for any purpose not authorized under sections 89.31 to 89.34, or to sell, give, remove, or permit the removal with roots attached of any tree previously planted from stock furnished thereunder for replanting on any ground other than his own or for any purpose not authorized thereunder.

[1945 c. 535 s. 3]

**89.34 REVOLVING FUND.** A fund to be known as the State Tree Planting Revolving Fund is hereby established. All moneys received under section 89.33 shall be credited to this fund. All moneys now or hereafter appropriated or credited to this fund from any source are hereby continuously appropriated to the commissioner of conservation for the purposes of sections 89.31 to 89.34, and shall remain available therefor until expended, subject to any other express provisions of law respecting the same. Allotments and encumbrances may be made at any time against the moneys in this fund and against anticipated receipts therefor for such period as may be necessary for the fulfillment of any contract or for the carrying out of any project or activity authorized hereunder.

There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of \$3,000 for the state tree planting revolving fund, to be available from and after July 1, 1946.

There is hereby appropriated to the commissioner of conservation out of any moneys in the state treasury not otherwise appropriated the sum of \$4,460 for the fiscal year ending June 30, 1946, and the sum of \$4,460 for the fiscal year ending June 30, 1947, for salaries, supplies, and expenses for the administration of this act. Any balances remaining at the end of either of those fiscal years shall be credited to the state tree planting revolving fund.

[1945 c. 535 ss. 4, 5]