

MINNESOTA STATUTES 1975 SUPPLEMENT

FLOOD PLAIN MANAGEMENT 104.37

waters canoe area and collapses or disassembles the portable fish house each night. The owner or occupant shall remove the portable fish house or dark house from the boundary waters canoe area each time he leaves the boundary waters canoe area.

[1975 c 161 s 1]

101.45 Turtles and tortoises.

Any person permitted by law to take fish by angling may take, possess, buy, sell and transport turtles and tortoises in any manner except by use of explosives, drugs, poisons, lime and other deleterious substances or by the use of nets, other than landing nets, or traps; except that snapping turtles of the species *Chelydra serpentina* may not be possessed in excess of a limit of ten nor in a size where the dorsal surface of the carapace or shell measures less than ten inches in length. A holder of a license pursuant to section 98.46, subdivision 5, clause (7) may take turtles for sale in accordance with regulations of the commissioner.

[1975 c 107 s 3]

CHAPTER 104. FLOOD PLAIN MANAGEMENT

Sec. 104.35	Management plans; hearing; establishment.	Sec. 104.37	Acquisition of interests in land; development.
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104.35 Management plans; hearing; establishment.

[For text of subds 1 and 2, see M.S.1974]

Subd. 3. Following the public hearing, and such additional public hearings as the commissioner shall deem necessary, and following review by the state planning agency as required by section 86A.09, he may by order designate the river or segment thereof as a wild, scenic, or recreational river and shall adopt a management plan to govern the area. The commissioner shall notify and inform public agencies and private landowners of the plan and its purposes so as to encourage their cooperation in the management and use of their land in a manner consistent with the plan and its purposes.

[1975 c 353 s 21]

[For text of subd 4, see M.S.1974]

104.37 Acquisition of interests in land; development.

Subdivision 1. To further the purposes of sections 104.31 to 104.40, the commissioner of administration, for the commissioner of natural resources, may acquire the title, scenic easements or other interests in land, by purchase, grant, gift, devise, exchange, lease, or other lawful means. "Scenic easement" means an interest in land, less than the fee title, which limits the use of such land for the purpose of protecting the scenic, recreational, or natural characteristics of a wild, scenic or recreational river area. Unless otherwise expressly and specifically provided by the parties, such easement shall be (a) perpetually held for the benefit of the people of Minnesota; (b) specifically enforceable by its holder or any beneficiary; and (c) binding upon the holder of the servient estate, his heirs, successors and assigns. Unless specifically provided by the parties, no such easement shall give the holder or any beneficiary the right to enter on the land except for enforcement of the easement.

Subd. 2. The commissioner of natural resources may designate and develop appropriate areas of public land along wild, scenic, and recreational riv-

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ers as water waysides for facilities compatible with the class of river, including, as appropriate, primitive campsites, picnic sites, portages, water access sites, sanitation facilities, and interpretive display.

Subd. 3. The commissioner of natural resources may mark canoe and boating routes along a wild, scenic, or recreational river, consistent with the classification and characteristics of the river, including points of interest, portages, campsites, dams, rapids, waterfalls, whirlpools, and other hazards to navigation. Canoe routes, boating routes, campsites, and portages marked under this subdivision shall not be subject to the provisions of section 160.06.

Subd. 4. The commissioner of natural resources may designate all or a portion of a state wild, scenic, or recreational river that possesses the necessary qualifications as a state trout stream, and make habitat improvement as may be necessary, desirable, and consistent with the classification of the river.

[1975 c 353 s 22]

CHAPTER 105. DIVISION OF WATERS, SOILS AND MINERALS

Sec.

105.41 Appropriation and use of waters.

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[For text of subds 1 and 1a, see M.S.1974]

Subd. 1b. No permit shall be required for the appropriation and use of less than a minimum amount to be established by the commissioner by regulation. Permits for more than the minimum amount but less than an intermediate amount to be specified by the commissioner by regulation shall be processed and approved at the municipal, county, or regional level based on regulations to be established by the commissioner by January 1, 1977. The regulations shall include provisions for reporting to the commissioner the amounts of water appropriated pursuant to local permits.

[1975 c 105 s 1]

[For text of subds 2 to 5, see M.S.1974]

CHAPTER 106. DRAINAGE

Sec.

106.431 Fees and expenses; payment.

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Subdivision 1. Fees and expenses. The following fees and expenses shall be allowed and paid for services rendered under this chapter:

(1) The compensation of the engineer and his assistants and other employees shall be on a per diem basis and shall be fixed by order of the board or court. The order fixing compensation shall provide for payment of the actual and necessary expenses of the engineer and his assistants and other employees, including the cost of the engineer's bond.

(2) Each viewer may be paid on a per diem basis for every day necessarily engaged and his actual and necessary expenses. The compensation shall be fixed by the board or court.

(3) Each member of the county board may be paid a per diem pursuant to section 375.055, subdivision 1 while actually employed in drainage proceedings or in the inspection of any drainage system, if appointed as a committee