

CHAPTER 89

STATE FORESTS; TREE PLANTING

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89.001 DEFINITIONS.

Subdivision 1. Unless the language or context clearly indicates that a different meaning is intended, the following terms for the purpose of this chapter, shall have the meanings ascribed to them.

Subd. 2. "Department" means the department of natural resources of the state of Minnesota.

Subd. 3. "Commissioner" means the commissioner of natural resources or his agent.

Subd. 4. "Forest land" means land which is at least ten percent stocked by trees of any size and capable of producing timber, or of exerting an influence on the climate or on the water regime; land from which the trees described above have been removed to less than ten percent stocking and which has not been developed for other use; and afforested areas.

Subd. 5. "Timber" means trees that will produce forest products of value, whether standing or down, and including but not limited to logs, bolts, pulpwood, posts, poles, cordwood, lumber and decorative material.

Subd. 6. "State forest lands" means all land and waters owned by the state within state forests, including all lands set apart under the Constitution of the state of Minnesota, Article XI, Section 11, and laws enacted pursuant thereto, but excepting lands acquired by the state for other specific purposes or tax-forfeited lands held in trust for the taxing districts unless incorporated into state forests as otherwise provided by law.

Subd. 7. "Reproduction" means young stands of commercial tree species ranging from one foot high to 4.9 inches diameter at 4 1/2 feet above the ground and at least ten percent stocked.

Subd. 8. "Forest resources" means those natural assets of forest lands, including timber and other forest crops, recreation, fish and wildlife habitat, wilderness,

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rare and distinctive flora and fauna, air, water, soil, and educational, aesthetic and historic values.

Subd. 9. "Multiple use" means the principle of forest management by which forest resources are utilized in the combinations that will best meet the needs of the people of the state; including the harmonious and coordinated management of the forest resources, each with the other, without impairment of the productivity of the land and with consideration of the relative values of the resources, and not necessarily the combination of uses resulting in the greatest economic return or unit output.

Subd. 10. "Sustained yield" means the principle of forest management for the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of forest resources without impairment of the productivity of the land; allowing for periods of intensification of management to enhance the current or anticipated output of one or more of the resources.

Subd. 11. "Reforestation" means the process of natural or artificial forest regeneration, including securing seed, growing seedlings, preparing sites, planting seed, planting trees, removing deleterious growth and underbrush and other activities related to forest regeneration.

Subd. 12. "Extractive use" means the removal of sand, gravel, peat or any mineral from beneath the surface of the land.

Subd. 13. **Forest lands under the authority of the commissioner.** "Forest lands under the authority of the commissioner" means state forest lands and other forest lands managed by the commissioner outside of state forests, except for tax-forfeited lands held in trust for the taxing districts and for the following units of the outdoor recreation system as defined in section 86A.04: state parks, state trails, state wildlife management areas, state scientific and natural areas, state water access sites, state historic sites, state rest areas and state wilderness areas.

History: 1961 c 223 s 1; 1965 c 51 s 13; 1969 c 1129 art 10 s 2; 1976 c 2 s 172; 1982 c 511 s 2

89.002 POLICIES.

Subdivision 1. **Forest resource management policy.** The commissioner shall manage the forest resources of state forest lands under the authority of the commissioner according to the principles of multiple use and sustained yield. The forest resource management policy shall not supersede any existing duty or authority of the commissioner in managing forest lands, but the duties and authorities, as far as practicable, shall be exercised consistently with this policy. The forest resource management policy is not intended to exclude extractive uses of forest lands under the authority of the commissioner pursuant to state law.

Subd. 2. **Reforestation policy.** (a) The commissioner shall maintain all forest lands under authority of the commissioner in appropriate forest cover with species of trees, degree of stocking, rate of growth and stand conditions designed to secure optimum public benefits according to multiple use, sustained yield principles and consistent with applicable forest management plans.

(b) Each year the commissioner shall strive to assure that (1) reforestation occurs annually on an acreage at least equal to the acreage harvested that year on all forest lands under the authority of the commissioner; (2) additional reforestation is accomplished on areas previously harvested but not adequately reforested so that the backlog of reforestation work can be eliminated; and (3) poorly stocked forest land, or forest land damaged by natural causes, shall be returned to a state of productivity.

Subd. 3. **Forest road policy.** The commissioner shall provide a system of forest roads and trails which provides access to state forest land and other forest

land under his authority which is adequate to permit the commissioner to manage, protect, and develop those lands and their forest resources consistent with the forest resource management policy, and to meet demands for forest resources.

History: 1982 c 511 s 3

89.01 COMMISSIONER, POWERS AND DUTIES.

Subdivision 1. The commissioner 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.

Subd. 2. The commissioner 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 as provided by law; 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 commissioner shall prepare printed notices calling attention to the dangers from forest fires and cause them to be posted in conspicuous places.

Subd. 3. Damage by fire occurring to state timber, reproduction or lands, when coming to the knowledge of the commissioner, 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, reproduction, or timber if sold; or, if there be no such fund, then such money shall be credited to the general fund. The attorney general, either in or out of court, may compromise and settle state claims for fire damage to state lands, reproduction, or timber, on such terms as he deems for the best interests of the state.

Subd. 4. The commissioner 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.

Subd. 5. When any tract or tracts of land that are included in areas set apart as state forests are found to be more valuable for agriculture than for forestry or other conservation purposes, the commissioner by written order may eliminate such lands from state forests whereupon such lands shall be subject to sale the same as other lands not reserved. When any tract or tracts of land that are included in areas set apart as state forests are found to be more valuable for the construction of industrial plants or for purposes including forestry essential to the establishment of or expansion of substantial commercial developments, the commissioner, by written order, with the unanimous approval of the land exchange board may eliminate such lands from state forests whereupon such lands shall be subject to sale the same as other lands not reserved.

Subd. 6. When any state lands not reserved or set aside are found by the commissioner to be more valuable for the production of timber than for agriculture

he may by written order designate such lands as state forest or adjust the boundaries of state forests subject to the approval of the state legislature at its next regular session.

History: 1911 c 125 s 3-6; 1925 c 407 s 5-10; 1961 c 223 s 2; 1963 c 381 s 1; 1969 c 399 s 1; 1975 c 271 s 6; 1982 c 511 s 4 (4031-5 - 4031-10)

89.011 FOREST RESOURCE MANAGEMENT PLAN.

Subdivision 1. Preparation. By July 1, 1983, the commissioner shall prepare a comprehensive forest resource management plan designed to implement the policies stated in section 89.002. The plan shall include an assessment and program elements as provided in subdivisions 2 and 3 and any other issues which the commissioner determines should be included in the plan.

Subd. 2. Forest assessment. The assessment shall be updated at least once every ten years and shall include but not be limited to the following:

(a) The present and projected use and supply of and demand for forest resources in the state;

(b) The development of a forest resources data base, compatible with the data base of the Minnesota land management information center, capable of continuous updating and usable as a tool in effectively managing forest resources, utilizing existing data bases as much as practicable;

(c) The current and anticipated reforestation needs for forest land, including the amount of backlog areas, current and anticipated allowable harvests, identifying poorly stocked forest land, and delineating those areas needing reforestation which are prime forest lands or otherwise likely to produce optimum public benefits from reforestation; and

(d) An inventory and map of all existing state forest roads and classification by use, standard and condition.

Subd. 3. Program elements. The program shall be updated every four years and shall describe specific actions to address the assessment and to implement the forest resources management policy of section 89.002, including but not limited to:

(a) Improvement of silvicultural practices and improved methods for harvesting and utilizing timber and timber residues;

(b) Measures to improve reforestation practices;

(c) Measures to enhance recreational opportunities and fish and wildlife habitat;

(d) The identification of "prime forest land" according to criteria developed by the commissioner;

(e) Priorities for construction and improvement of forest roads to achieve the state forest road policy, including the development of alternative methods for financing forest road construction, improvement and maintenance, and for imposing a reasonable share of the costs of the forest road system on those who directly benefit from the availability and use of the system;

(f) A description of how the multiple use and sustained yield management policy will apply to decisions about other public and private uses of forest lands and resources, including:

(1) extractive uses;

(2) utility corridors;

(3) industrial, commercial, agricultural and institutional uses;

(4) residential and seasonal use; and

(g) An estimate of the expenditures necessary to implement the elements of the program, along with the sources and amounts of revenue available or necessary to finance the estimated expenditures.

Subd. 4. **Federal coordination.** The department of natural resources shall coordinate all forest resources planning efforts with the appropriate federal agencies in order to achieve optimum public benefit, to obtain federal assistance, to participate in the federal forestry planning process, and to enhance the productivity and multiple use management of forest resources.

Subd. 5. **Public and private coordination.** The department of natural resources shall coordinate all forest resources planning efforts with counties and other public agencies and private organizations engaged in forest resource management and research.

Subd. 6. **Staff assistance.** In preparing the forest resources management plan the commissioner is authorized to utilize existing professional staffs of state agencies when the expertise of the staff of a state agency is necessary to fully prepare the plan.

History: 1982 c 511 s 5

89.012 UNIT FOREST RESOURCE PLANS.

Each geographic administrative unit of the division of forestry identified by the commissioner as an appropriate unit for forest resource planning shall have a unit forest resource plan which is consistent with the forest resource management policy and plan, including state reforestation and road policies. The scope and content of the plan shall be determined by the commissioner. A unit plan shall not be implemented until approved by the commissioner.

A unit plan shall set forth the specific goals and objectives for the management, protection, development, and production of forest resources in the administrative unit. A unit plan shall be integrated with other uses not managed under the multiple use, sustained yield principles policy when those uses have been authorized and approved according to law, including compliance with environmental review procedures. Unit plans shall be revised as necessary to remain consistent with the forest resource management plan.

History: 1982 c 511 s 6

89.013 PRESENTATION TO LEGISLATURE.

The completed forest resource management plan and unit plans shall be presented at hearings before the standing committees of each house of the legislature with jurisdiction over natural resources or appropriation matters.

History: 1982 c 511 s 7

89.014 ADMINISTRATIVE REALIGNMENT PLAN.

Subdivision 1. **Realignment of state forests.** The commissioner shall propose a realignment of the boundaries of state forests, including consolidation or creation of state forests and adjustment of boundaries of existing state forests, which is based on the long-term suitability of forest lands under the authority of the commissioner for use and management for forestry purposes and the state forest resource management policy and plan. In proposing the realignment the commissioner shall consider the results of the land suitability study required by Laws 1981, Chapter 356, Section 31, Subdivision 4(s).

Subd. 2. **Realignment of administrative units.** The commissioner shall propose a realignment of the administrative units of the division of forestry which

provides cost-effective administration of the lands managed by the division and reasonable convenience and access of the public in utilizing forest resources. The realignment shall identify the appropriate administrative level for which unit forest resource plans should be prepared under section 89.012.

Subd. 3. **Presentation to legislature.** The commissioner shall present the realignment plans required by this section to the appropriate substantive standing committees of both houses of the legislature by December 31, 1983, including drafts of legislation needed to implement the plans.

History: 1982 c 511 s 8

89.015 SOUTHERN MINNESOTA TREE SPECIES, RESEARCH.

Research shall be carried on by the University of Minnesota School of Forestry in cooperation with the Division of Lands and Forestry of the Department of Natural Resources, North Central Forest Experiment Station of the United States Forest Service, individual timber land owners and others directly concerned on such valuable southern Minnesota tree species as basswood, red elm, rock elm, red and white oak, black walnut, black cherry, butternut and green ash to develop means of increasing the contribution of the large acreage of farm woodlands to the agricultural economy. The research effort will be concentrated on such important problems as means of reproducing basswood, development of planting stock, selection of superior strains of these species, methods of field planting, management of existing stands, and methods of increasing the representation of these species in woodlands and forests in need of rehabilitation because of past damage from high-grading, burning, and grazing.

History: 1957 c 765 s 1; 1961 c 223 s 3; 1967 c 905 s 9; 1969 c 1129 art 10 s 2; 1971 c 25 s 28

STATE FORESTS

89.021 STATE FORESTS.

Subdivision 1. **Established.** There are hereby established and re-established as state forests, in accordance with the forest resource management policy and plan, all lands and waters now owned by the state or hereafter acquired by the state, excepting lands acquired for other specific purposes or tax-forfeited lands held in trust for the taxing districts unless incorporated therein as otherwise provided by law, in the townships and sections described as follows:

Subd. 2. **Badoura State Forest.**

The north one-third of township 139, range 32, except sections 11 and 12; sections 15, 16, the west one-half of the northwest quarter and the northwest quarter of the southwest quarter of section 21, 22, 23, 26, 27, 34, 35 and 36 of township 139, range 32; section 36 of township 140, range 32; sections 1, 2 and 12 of township 139, range 33; section 36 of township 140, range 33; all west of the 5th principal meridian.

Subd. 3. **Battleground State Forest.**

Sections 4 to 9 inclusive, and sections 15 to 25 inclusive and that part of sections 26, 27, 28, 30, 35 and 36 lying north of the Boy river in township 143, range 28; sections 12, 13, 14, 23, 24, 25, 26, 35 and 36 of township 143, range 29; all west of the 5th principal meridian.

Subd. 4. Bear Island State Forest.

Townships 61, 62 and 63, range 11; township 61, range 12; townships 61 and 62, range 13; township 61, range 14, except the lands acquired for state park purposes; all west of the 4th principal meridian.

Subd. 5. Beltrami Island State Forest.

Township 157, range 32; the west one-half of townships 158 and 159, range 32; townships 157, 158 and 159, range 33; townships 155, 156, 157, 158, 159 and 160, range 34; the southwest quarter and sections 8, 9, 16, 17, 18, 22, 27, 34 and 35 of township 161, range 34; townships 155, 156, 157, 158, 159, 160 and 161, range 35; the north one-third and sections 13, 24, 25 and 36 of township 156, range 36; townships 157, 158, 159 and 160, range 36; the south one-half and sections 11, 12, 13 and 14 of township 161, range 36; the north one-third, except sections 7 and 8 of township 156, range 37; townships 157, 158, 159 and 160, range 37; the south two-thirds of township 161, range 37, sections 1, 2, 3 and 12 of township 159, range 38; the east two-thirds of township 160, range 38; all west of the 5th principal meridian.

Subd. 6. Big Fork State Forest.

The northwest quarter of township 61, range 26; the west one-half of township 62, range 26; townships 61 and 62, range 27; all west of the 4th principal meridian.

Townships 149 and 150, range 25; township 150, range 26; township 150, range 27; all west of the 5th principal meridian.

Subd. 7. Birch Lakes State Forest.

Section 36 of township 127, range 33; west of the 5th principal meridian.

Subd. 8. Blackduck State Forest.

The north five-sixths of township 148, range 28; township 149, range 28; the north one-half of township 147, range 29; township 148, range 29; the south one-half of township 149, range 29; township 148, range 30; the south two-thirds of township 148, range 31; all west of the 5th principal meridian.

Subd. 9. Bowstring State Forest.

The north one-half of township 57, range 26; township 58, range 26; the north one-half of township 57, range 27; township 58, range 27; all west of the 4th principal meridian. Townships 146 and 147, range 25; that part of township 144, range 26 lying northwesterly of the Leech Lake river and southwesterly of the Mississippi river; townships 145, 146 and 147, range 26; that part of townships 143 and 144, range 27, lying north of the Leech Lake river; townships 145, 146 and 147, and the south one-sixth of township 148, range 27; that part of township 143, range 28, lying north of the Leech Lake river; that part of township 144, range 28, lying north of Leech Lake and Leech Lake river; townships 145, 146, 147 and the south one-sixth of township 148, range 28; sections 4, 5, 6, 7 and 8 of township 143, range 29; townships 144, 145, 146 and the south one-half of township 147, range 29; the north five-sixths of township 143, range 30; townships 144 and 145, range 30; sections 1, 11, 12, 13, 14, 23, 24, 25 and 26 of township 143, range 31; the east one-sixth of township 144, range 31; all west of the 5th principal meridian.

Subd. 10. Buena Vista State Forest.

That part of township 146, range 30, lying north of Cass Lake and the Mississippi river; township 147, range 30; township 147, range 31; the north one-half and sections 19 and 20 of township 147, range 32; township 148, range 32; the west one-half of township 149, range 32; sections 16, 24, 25, 35 and 36 of township 147, range 33; the east one-half of township 148, range 33; that part of township 149, range 33, lying east of the old Indian Reservation boundary; all west of the 5th principal meridian.

Subd. 11. Burntside State Forest.

Townships 63 and 64, range 13; the southeast quarter of township 65, range 13; township 63, range 14; all west of the 4th principal meridian.

Subd. 12. Chengwatana State Forest.

Those portions of sections 6 and 7 in township 38, range 19, lying west of the St. Croix river; all of township 39, range 19, lying west of the Kettle and St. Croix rivers; the north one-half of section 6, township 36, range 20, lying west of the St. Croix river; sections 6, 7, 18 and 19 and those portions of sections 4, 5, 8, 17, 20, 29, 30 and 31 in township 37, range 20, lying west of the St. Croix river; that part of the southeast quarter of the southeast quarter of section 32 lying south and east of the traversing said section 32 as now laid out and traveled, sections 23, 27 and 28 and those portions of sections 12, 13, 24, 25, 26, 33, 34 and 35 in township 38, range 20, lying west of the St. Croix river; sections 15 and 22, and the east one-third of township 39, range 20; the south half of the northeast quarter and the southeast quarter of section 22, the north one half of the northeast quarter of section 27, the south three fourths of sections 24, sections 25, 26, 35 and 36 and those portions of sections 14 and 23, lying south of the Kettle river in township 40, range 20; all west of the 4th principal meridian.

Subd. 13. Cloquet Valley State Forest.

The north one-half of township 53, range 12; townships 54 and 55, range 12; section 36, township 56, range 12; the north one-half of township 53, range 13; townships 54 and 55, range 13; section 36 of township 56, range 13; the north one-half of township 53, range 14; townships 54 and 55, range 14; section 36 of township 56, range 14; the north one-half of township 53, range 15; townships 54 and 55, range 15; townships 52 and 53, range 16; the east two-thirds and sections 5, 6 and 8 of township 54, range 16; the east two-thirds and sections 5, 6, 31 and 32 of township 55, range 16; the south one-third of township 56, range 16; the east one-sixth and section 14 of township 53, range 17; section 36 of townships 54 and 55, range 17; sections 1 and 12 of township 55, range 18; all west of the 4th principal meridian.

Subd. 14. Crow Wing State Forest.

Sections 16, 17, 19, 20, 21, 28, 29 and 30, and the south one-sixth of township 47, range 29; sections 25 and 36 of township 47, range 30; all west of the 4th principal meridian. Section 16 of township 137, range 26; sections 2 to 6 inclusive, 9 to 16 inclusive, 23 to 26 inclusive, and sections 35 and 36, township 136, range 27; the east one-half of section 1 and section 36, township 136, range 28; the southeast quarter and sections 13, 14, 15, 16, 21, 28, 31, 32 and 33 of township 137, range 27; section 36, township 137, range 28; all west of the 5th principal meridian.

Subd. 15. D.A.R. State Forest.

Section 16 of township 43, range 19; west of the 4th principal meridian.

Subd. 16. Emily State Forest.

Section 36, township 138, range 26; west of the 5th principal meridian.

Subd. 17. Finland State Forest.

Township 58, range 5, except sections 1, 2, 11 and 12; the north one-half of township 58, range 6; the south two-thirds of township 59, ranges 6, 7, 8, 9 and 10; the west one-half of township 57, range 7; township 58, range 7; townships 57 and 58, range 8; the north two-thirds of township 57, range 9; township 58, range 9; the north two-thirds of township 57, range 10; township 58, range 10; section 36 of township 56, range 11; the east two-thirds of township 57, range 11; township 58, range 11, except sections 19, 20, 29, 30, 31 and 32; township 59, range 11; all west of the 4th principal meridian.

Subd. 18. Fond du Lac State Forest.

Section 18, township 48, range 18; the northeast quarter of the southwest quarter, section 13 of township 47, range 19; township 48, range 19, except sections 25 and 36; township 49, range 19; the east one-half of township 49, range 20, except sections 34, 35 and 36; the southeast quarter of the northwest quarter of section 11, and the south one-sixth of township 50, range 19; sections 34, 35 and 36 of township 50, range 20; all west of the 4th principal meridian.

Subd. 19. Foot Hills State Forest.

The northwest quarter and sections 19, 20, 30 and 31 of township 137, range 31; sections 3, 4, 9, 10, 11, 15, 16, 21, 22, 27, 28, 33, 34, 35 and 36 of township 138, range 31; sections 16, 21, 22, 26, 27, 28, 33, 34, 35 and 36 of township 139, range 31; sections 5, 6, 7, 8, 14, 15, 16, 17, 18, 23, 24, 25, 26 and 36 of township 140, range 31; the east one-half and sections 28, 32 and 33 of township 137, range 32; section 36 of township 138, range 32; all west of the 5th principal meridian.

Subd. 20. General C. C. Andrews State Forest.

Sections 5 and 6, township 44, range 19; sections 19, 30, 31 and 36 of township 45, range 19; the north one-half of sections 1 and 2, township 44, range 20; the southeast quarter of the southwest quarter of section 13, the southeast quarter of the southeast quarter of section 23, and sections 24, 25, 26, 35 and 36 of township 45, range 20; all west of the 4th principal meridian.

Subd. 21. George Washington State Forest.

Sections 1 to 30 inclusive, the west one-half of the northeast one-quarter, and the northeast one-quarter of the northwest one-quarter of section 33 of township 59, range 22; townships 60 and 61, range 22; the west one-half of township 62, range 22; townships 59, 60, 61 and 62, range 23; townships 59, 60, 61 and 62, range 24; township 59, range 25, except sections 4, 5, 6, 7, 8, 9 and 18; township 60, range 25, except lands acquired for Scenic State Park; the east one-half, the southeast quarter of section 4, sections 16, 19, 20, 21, 28, 29, 30, 31 and 33 of township 61, range 25; all west of the 4th principal meridian.

Subd. 22. Golden Anniversary State Forest.

Section 18, the east one-half of the southwest quarter and the southeast quarter of section 19, all of section 29 except the east half of the east half, all of section 30 except the west half of the northwest quarter, section 31, west one-half of the northeast quarter, the west one-half, and the northwest quarter of the southeast quarter of section 32 all in township 54, range 24; sections 1, 2, 11, 12, the northeast quarter, the north one-half of the southeast quarter, and the southeast quarter of the southeast quarter of section 3, the northeast quarter of the northeast quarter of section 10, the north one-half, the northeast quarter of the southwest quarter and northwest quarter of the southeast quarter of section 13, the north one-half of the northeast quarter, the southeast quarter of the northeast quarter of section 14 all in township 53, range 25; the south one-half and southwest quarter of the northwest quarter of section 25, the southeast quarter of the northeast quarter and east one-half of the southeast quarter of section 26, the southeast quarter of the southeast quarter of section 34, the east one-half and southwest quarter of section 35, and section 36 all in township 54, range 25; west of the 4th principal meridian.

Subd. 23. Grand Portage State Forest.

Township 61, range 3; township 62, range 3, except land acquired for state park purposes; township 63, range 3; township 64, range 3, except sections 6, 7, 17, 18, the west one-half of 19, and the northwest quarter of section 30; township 62, 63 and 64, range 4; lots 1, 2, 3 and 4 of section 7, the east one-half of the northwest quarter and lots 1, 2, 3, 4 and 6 of section 18, township 63, range 5; all east of the 4th principal meridian.

Subd. 24. Hill River State Forest.

Townships 51 and 52, range 25; township 50, range 26; the east one-half of township 51, range 26; the southwest quarter and sections 25, 27, 34, 35 and 36 of township 52, range 26; township 50, range 27; the north one-half and sections 24, 25 and 36 of township 52, range 27; all west of the 4th principal meridian.

Subd. 25. Huntersville State Forest.

Township 138, range 33; section 36 of township 139, range 33; the east one-third and sections 3, 10, 15 and 16 of township 138, range 34; all west of the 5th principal meridian.

Subd. 26. Insula Lake State Forest.

Section 36, township 63, range 8; west of the 4th principal meridian.

Subd. 27. Kabetogama State Forest.

The south one-half and sections 16, 17 and 18 of township 63, range 16; townships 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; the south two-thirds of township 63, range 20, except sections 29, 30, 31 and 32; townships 64, 65, 66, 67, 68, 69, 70 and 71, range 20; sections 13, 14, 23, 24, 25, 26, 35 and 36 of township 63, range 21; those portions of townships 64, 65 and 66, range 21, lying outside the Nett Lake (Bois) Indian Reservation boundary; townships 67, 68, 69, 70 and 71, range 21; the northeast quarter of section 25, the northeast quarter of the southwest quarter and the north one-half of the southeast quarter of section 29, the north one-half of the south one-half, section 33, all in township 69, range 22; the southeast quarter of the northeast quarter and the northeast quarter of the southeast quarter of section 1, township 70, range 22; the northwest quarter of section 21, township 69, range 23; all west of the 4th principal meridian.

Subd. 28. Koochiching State Forest.

The southwest quarter and sections 15, 16, 17, 18, 22, 26, 27, 34, 35 and 36 of township 63, range 22; that portion of township 64, range 22, lying outside of the old Nett Lake Indian Reservation boundary; township 63, range 23; that part of township 64, range 23, lying south of the old Nett Lake Indian Reservation boundary; that part of township 65, range 23, lying west of the old Nett Lake Indian Reservation boundary; townships 63, 64 and 65, range 24; townships 63, 64 and 65, range 25; the northwest quarter and sections 19, 29, 30, 31, 32, 33, the east one-half of the southeast quarter of section 22, the southwest quarter of section 23, the west one-half of the southeast one-quarter and the southeast quarter of the southeast quarter of section 23, all in township 66, range 25; townships 63 to 67 inclusive, range 26; the south one-sixth of township 68, range 26; townships 63 to 67 inclusive, range 27; sections 14, 23, 26, 35 and 36 of township 68, range 27; all west of the 4th principal meridian.

Subd. 29. Lake Isabella State Forest.

Section 36, township 62, range 8; west of the 4th principal meridian.

Subd. 30. Lake Jeanette State Forest.

The north one-half of township 65, range 15; west of the 4th principal meridian.

Subd. 31. Land O'Lakes State Forest.

Sections 4, 5, 9 and 16 of township 138, range 25; sections 1 to 16 inclusive, the northeast quarter of the northeast quarter of section 20, and the north one-half of the northwest quarter of section 21, section 36, all in township 139, range 25; the south one-third, sections 5, 7, 8, 9, sections 15 to 22 inclusive, of township 140, range 25; the south one-sixth and sections 1, 12, 16, 20, 21, 28, 29, 30, the east one-half of section 2, the east one-half and the north one-half of the northwest

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quarter of section 11, the northeast quarter of the northeast quarter of section 22 of township 139, range 26; section 7, sections 13 to 27 inclusive, the east one-half of section 35 and section 36 of township 140, range 26; sections 16 and 36 of township 139, range 27; the south one-half of the southeast quarter of section 8, the northeast quarter and west one-half of section 16 of township 140, range 27; section 36 of township 139, range 28; all west of the 5th principal meridian.

Subd. 32. Lyons State Forest.

Sections 3, 4, 5, 6, 7, 8, 9, 10 and 16 of township 135, range 33; sections 16, 20, 21, 29, 31, 32, 33, 34, 35 and 36 of township 136, range 33; sections 25, 26, 27 and 36 of township 136, range 34; all west of the 5th principal meridian.

Subd. 33. Richard J. Dorer Memorial Hardwood State Forest.

Townships 101 to 105 inclusive, range 4; townships 101 to 106 inclusive, range 5; townships 101 to 106 inclusive, range 6; townships 101 to 106 inclusive, range 7; townships 101 to 108 inclusive, range 8; townships 101 to 110 inclusive, range 9; townships 102 to 110 inclusive, range 10; townships 102 to 111 inclusive, range 11; townships 102 to 105 inclusive, and townships 108 to 112 inclusive, range 12; township 105 and townships 109 to 113 inclusive, range 13; townships 108 to 112 inclusive, range 14; the north one-half of township 107, townships 108, 109, 112 and 113, all in range 15; townships 107, 108, and townships 112 to 115 inclusive, range 16; and townships 112 to 114 inclusive and sections 25 and 36 of township 115, range 17; all west of the 5th principal meridian.

Subd. 34. Mississippi Headwaters State Forest.

The northwest quarter and sections 10, 19, 20, 28, 29, 30 and 36 of township 146, range 34; the west one-half of township 147, range 34, except sections 4, 5, 6, 7, 8 and 9; the northwest quarter of township 145, range 35; the south one-third and sections 12, 13, 14, 15, 16, 21, 22, 23 and 24 of township 146, range 35; sections 34, 35 and 36 of township 148, range 35; sections 1, 2, 11, 14, 15, 16, 21, 22, 27 and 28 of township 144, range 36; the southeast quarter of the northeast quarter of section 25; and section 36 of township 145, range 36; all west of the 5th principal meridian.

Subd. 35. Nemadji State Forest.

Fractional townships 44, 45 and the south two-thirds of township 46, range 15; sections 4, 5, 6, 7, 8 and 9 of township 43, range 16; townships 44 and 45, range 16; the southeast quarter and sections 13, 14, 15, 31, 32 and 33 of township 46, range 16; sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12 and the northeast quarter of the northeast quarter of section 16 of township 43, range 17; the east one-third of township 44, range 17, the east one-half of the northeast quarter of section 10, and sections 20, 21, 22, 27, 28, 29, 32, 33 and 34; the east one-third and sections 10, 15, 16, 21, 22, 27, 28 and 29 of township 45, range 17; section 36 of township 46, range 17; all west of the 4th principal meridian.

NOTE: For withdrawal of certain lands, see Laws 1967, Chapter 81.

Subd. 36. 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.

Subd. 37. Pat Bayle State Forest.

The north two-thirds of township 62, range 1; township 63, range 1; sections 16, 17 and 18 and the southwest quarter of township 64, range 1; all east of the 4th principal meridian. The north two-thirds of township 62, range 1; sections 28, 29, 30, 31, 32, 33 and the east one-half of township 63, range 1; sections 13, 14, 15, 23, 24, 25, 26, 35 and 36 of township 64, range 1; township 62, range 2; the north one-half of township 61, range 3; township 62, range 3, except sections 4, 5, 6, 7, 8 and 9; townships 61 and 62, range 4; all west of the 4th principal meridian.

Subd. 38. Paul Bunyan State Forest.

Sections 2, 3, 4, 5, 6, 7 and 8 of township 141, range 32; township 142, range 32; sections 1, 2, 3, 4, 9, 10, 11, 12 and 16 of township 141, range 33; the east two-thirds and sections 5, 6, 7, 8, 17 and 18 of township 142, range 33; the south one-half and section 16 of township 143, range 33; sections 29, 30, 31 and 32 of township 144, range 33; section 36 of township 142, range 34; the northwest quarter and sections 3, 10 and 36 of township 143, range 34; the east five-sixths of township 144, range 34; sections 16, 21, 22, 27, 28, 33, 34, 35 and 36 of township 145, range 34; sections 1, 12, 13, 14, 15 and 16 of township 143, range 35; section 36 of township 144, range 35; all west of the 5th principal meridian.

Subd. 39. Pillsbury State Forest.

Sections 6, 7 and 18 of township 134, range 29; section 1, sections 8 to 16 inclusive, sections 20 to 28 inclusive, and sections 33, 34, 35 and 36 of township 134, range 30; all west of the 5th principal meridian.

Subd. 40. Pine Island State Forest.

Townships 151 to 157 inclusive, range 25; that portion of sections 23, 24, 25, 26, 31, 32, 33, 34, 35 and 36 of township 158, range 25, lying south and east of the Black river; townships 151 to 157 inclusive, range 26; that part of township 158, range 26, lying south of the Black river; townships 151 to 158 inclusive, range 27; townships 152 to 159 inclusive, range 28, except sections 1, 2, 12 and 13 of township 159, range 28; townships 152 to 159 inclusive, range 29, except section 6 of township 159, range 29; all west of the 5th principal meridian.

Subd. 41. Red Lake State Forest.

The north one-third and sections 17, 18, 19 and 20 of township 152, range 30; township 153, range 30, except sections 6, 7, 18 and 19; township 154, range 30, except sections 5 and 8; the northeast quarter and sections 23 and 24 of township 152, range 31; the south one-sixth and sections 22, 23, 24, 25, 26 and 27, except the northwest quarter of section 27, township 153, range 31; sections 25, 26, 35 and 36 of township 153, range 32; all west of the 5th principal meridian.

Subd. 42. Remer State Forest.

The east two-thirds of township 142, range 25, except sections 1, 2, 3 and 4; west of the 5th principal meridian.

Subd. 43. Rum River State Forest.

The west one-half of section 5, sections 6, 7 and 18, the west one-half of section 19 and the northwest quarter of section 8, township 39, range 25; sections 16 and 31 of township 40, range 25; the north two-thirds of township 39, range 26, except sections 6, 7, 18 and 19; sections 20, 21, 22, 23, 25, 26, 27, 28, 29, 32, 33, 34, 35 and 36 of township 40, range 26; sections 25 to 36 inclusive of township 42, range 27; all west of the 4th principal meridian.

Subd. 44. St. Croix State Forest.

Section 31, township 42, range 15; township 41, range 16; the southwest quarter and sections 15, 16, 17, 18, 22, 27, 34, 35 and 36 of township 42, range 16; sections 1, 2, 11, 12, 13, 14, 15, 16 and 22 of township 41, range 17; the south two-thirds of township 42, range 17; all west of the 4th principal meridian.

NOTE: For withdrawal of certain lands, see Laws 1967, Chapter 81.

Subd. 45. Sand Dunes State Forest.

Sections 13 to 17 inclusive, sections 20 to 29 inclusive, sections 35 and 36, and the north one-half of the north one-half of section 33, all in township 34, range 27; all west of the 4th principal meridian.

Subd. 46. Savanna State Forest.

The north two-thirds of township 50, range 21, except sections 1, 12, 13, 14, 23 and 24; townships 49, 50 and 51, range 22; the south two-thirds and sections 11 and 12 of township 52, range 22; townships 49, 50, 51 and the south two-thirds of township 52, range 23; section 36 of township 50, range 24; townships 51 and 52, range 24; all west of the 4th principal meridian.

Subd. 47. Smokey Bear State Forest.

Sections 2, 3, 4, 9, 10, 11, 14, 15, 16, 21, 22, 23, 26, 27, 28, 32, 33, 34 and 35, township 69, range 26; west of the 4th principal meridian.

Subd. 48. Smokey Hills State Forest.

Section 6, the west one-half of section 7, the northeast quarter and the west one-half of section 18 of township 139, range 36; the southwest quarter of section 30, and section 31 of township 140, range 36; the northeast quarter and sections 4, 9, 16 and the east one-half of section 17 of township 139, range 37; township 140, range 37, except sections 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 31 and 32; all west of the 5th principal meridian.

Subd. 49. Solana State Forest.

Township 44, range 22, except sections 1, 2, 3, 10, 11 and 12; the west one-half of township 45, range 22, the north one-half of township 44, range 23; township 45, range 23; sections 1, 12, 13 and 24 of township 45, range 24; all west of the 4th principal meridian.

Subd. 50. Sturgeon River State Forest.

The north two-thirds of township 61, range 17; township 62, range 17; the east one-half and sections 28, 29, 30, 31, 32 and 33 of township 61, range 18, excluding sections 1, 2 and 3; the south one-third and sections 5, 6, 7, 8 and 15 to 22 inclusive of township 61, range 19; the south one-half except sections 23 and 24 of township 61, range 20; the south one-half and sections 17 and 18 of township 62, range 20; the north one-half of township 59, range 21; township 60, range 21; the south one-half of township 61, range 21; sections 19 through 30 inclusive of township 62, range 21; all west of the 4th principal meridian.

Subd. 51. Two Inlets State Forest.

Township 141, range 36; sections 34, 35 and 36 of township 142, range 36; section 1, the southeast quarter of the northeast quarter and the northeast quarter of the southeast quarter of section 11, section 12, the northeast quarter and the south one-half of section 13, the northeast quarter and the south one-half of section 24, and section 25 of township 141, range 37; all west of the 5th principal meridian.

Subd. 52. Wealthwood State Forest.

The northwest quarter and sections 3, 10, 15, 19 and 30 of township 45, range 26; the east one-third of township 45, range 27; all west of the 4th principal meridian.

Subd. 53. Welsh Lake State Forest.

Sections 2 to 10 inclusive of township 143, range 31; sections 2, 3, 4, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, 23, 26, 27, 28, 29, 32, 33, 34 and 35 of township 144, range 31; all west of the 5th principal meridian.

Subd. 54. White Earth State Forest.

Section 31, township 146, range 36; township 142, range 37; the north one-half and sections 19 and 30 of township 144, range 37; sections 1, 2, 3, 4, 9, 10, 11, 14, 15 and 16 of township 145, range 37; sections 25, 34, 35 and 36 of township 146, range 37; township 142, range 38, except sections 29, 30, 31 and 32; township 143, range 38, except sections 2, 11 and 12; the north one-sixth and sections 11, 12, 14, and 15 of township 144, range 38; the southwest quarter and sections 17 and 18 of township 145, range 38; the northeast quarter of township 142, range 39; township

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143, range 39, except land acquired for state park purposes; the east one-third and sections 3, 10, 15 and 22 of township 145, range 39; sections 35 and 36 of township 146, range 39; the east one-half and sections 28, 29, 30, 31, 32, and 33 of township 143, range 40; all west of the 5th principal meridian.

NOTE: White Earth State Forest, withdrawal of certain lands, see Laws 1965, Chapter 63.

Subd. 55. Whiteface River State Forest.

Sections 16, 20, 21, 28, 29, 32 and 33 of township 53, range 18; west of the 4th principal meridian.

Subd. 56. Administrative and scattered state forest land.

Government lot 4 in section 24 of township 66, range 6; government lot 3 in section 34 of township 65, range 8; government lots 1 and 2 in section 35 of township 65, range 8; government lots 1, 2, 3 and 4 in section 1, government lot 1 in section 2 of township 64, range 9; government lots 1, 2 and 3 in section 19 of township 65, range 10; government lot 1 in section 13 of township 65, range 11; southwest quarter of the northwest quarter of section 2, township 52, range 12; government lots 4 and 6 in section 26 of township 58, range 12; government lot 4 in section 1 of township 63, range 12; government lot 5 in section 13, government lots 4 and 5 in section 35 of township 64, range 12; government lots 1 and 2 in section 6 of township 66, range 12; government lots 3 and 4 in section 6 of township 66, range 15; government lots 1, 2, 3, 4 and the southeast quarter of the southeast quarter in section 20, government lots 2 and 3 in section 28, government lot 1 in section 29, government lots 2 and 3 in section 31 of township 67, range 15; the southeast quarter of the southwest quarter in section 18 of township 50, range 16; government lots 1, 2, 3, 4, the south one-half of the northwest quarter and the west one-half of the southwest quarter in section 1, government lot 1 in section 3, government lot 1, the east one-half of the northwest quarter and the southwest quarter of the northwest quarter in section 11 of township 66, range 16; government lots 1 and 2 in section 6, government lot 5 in section 7, government lots 1 and 2 in section 20, government lots 1, 2 and the southwest quarter of the southwest quarter in section 21, government lots 1 and 3, the southeast quarter of the northwest quarter, and the north one-half of the southwest quarter in section 28, government lots 2, 3 and 4 in section 34 of township 67, range 16; the northeast quarter of the southeast quarter in section 7 of township 46, range 17; the northeast quarter of the northwest quarter in section 30 of township 52, range 17; the northeast quarter of the northeast quarter of section 26, township 49, range 20; the east one-half of the northeast quarter in section 31 of township 58, range 21; the southwest quarter of the northwest quarter in section 1, the south one-half of the northeast quarter in section 11, the southwest quarter of the northwest quarter and the northwest quarter of the southwest quarter in section 12 of township 66, range 22; the north one-half of the southwest quarter, the southeast quarter of the southwest quarter, the east one-half of the southeast quarter and the southwest quarter of the southeast quarter in section 1, the west one-half of the southwest quarter in section 2, the east one-half of the southeast quarter and the southwest quarter of the southeast quarter in section 3, the north one-half of the northeast quarter in section 10, the northwest quarter of the northwest quarter in section 11, the southwest quarter of the southeast quarter in section 12, the west one-half of the northeast quarter, the southeast quarter of the northwest quarter, the east one-half of the southwest quarter, the north one-half of the southeast quarter and the southwest quarter of the southeast quarter in section 14, the west one-half of the northwest quarter in section 15, government lot 4, the southeast quarter of the southwest quarter, the east one-half of the southeast quarter and the southwest quarter of the southeast quarter in section 19, the northwest quarter of the southwest quarter in section 20, the west one-half of the northeast quarter and the east one-half of the northwest quarter in section 21, the southeast

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quarter of the southwest quarter in section 25, the northeast quarter, the northeast quarter of the northwest quarter, government lot 4, and the northeast quarter of the southeast quarter in section 30, government lot 1 in section 31 of township 67, range 22; the northeast quarter of the southwest quarter, the west one-half of the southeast quarter, and the southeast quarter of the southeast quarter in section 13, the west one-half of the northwest quarter in section 17, the east one-half of the northeast quarter in section 18, the northeast quarter of the northeast quarter, the west one-half of the northeast quarter, and the southeast quarter of the northeast quarter in section 19, the northwest quarter in section 20, the south one-half of the southwest quarter in section 28, the north one-half of the northwest quarter in section 33, of township 68, range 22; the east one-half of the southeast quarter and the southwest quarter of the southeast quarter in section 9, the southwest quarter of the southwest quarter in section 10 of township 69, range 22; the northeast quarter of the southeast quarter in section 6, the south one-half of the southeast quarter in section 23, the southwest quarter in section 25, the north one-half of the northeast quarter in section 26 of township 70, range 22; the southwest quarter of the southwest quarter in section 22 of township 42, range 25; the southwest quarter of the southwest quarter of section 16, township 46, range 25; the southeast quarter of the southwest quarter in section 12 of township 66, range 25; the north one-half of the southeast quarter and the southeast quarter of the southeast quarter in section 22 of township 44, range 28; the south one-half of the southwest quarter in section 16, and the northwest quarter of the northwest quarter in section 36 of township 38, range 31; all west of the 4th principal meridian.

The east one-half of the northwest quarter in section 9 of township 135, range 28; government lots 2 and 3 in section 9 of township 136, range 28; the southeast quarter of the northwest quarter in section 3 of township 140, range 28; the southwest quarter of the southeast quarter in section 11 of township 136, range 29; the southeast quarter in section 6 of township 140, range 30; the northwest quarter of the northwest quarter and the northwest quarter of the southwest quarter in section 8, the southwest quarter of the southeast quarter in section 32, the west one-half of the northwest quarter in section 34, the south one-half of the southwest quarter in section 35 of township 143, range 35; the northeast quarter of the southeast quarter in section 9 of township 142, range 36; the southwest quarter of the southwest quarter in section 13, the east one-half of the southeast quarter in section 14 of township 143, range 37; the northwest quarter of the northeast quarter and the northeast quarter of the northwest quarter in section 30 of township 145, range 37; the southeast quarter of the northwest quarter in section 26, the southwest quarter of the northwest quarter in section 27 of township 142, range 39; the south one-half of the southeast quarter in section 5 of township 146, range 39; the northeast quarter of the northeast quarter in section 36 of township 160, range 40; all west of the 5th principal meridian.

Subd. 57. Upon the effective date of Laws 1963, Chapter 332, all the certificates of the commissioner of natural resources reserving certain state lands for state forest purposes heretofore issued pursuant to provisions of Minnesota Statutes, Section 89.01, are hereby cancelled.

Subd. 58. Snake River State Forest.

The north one-half and the southwest quarter of section 6, township 41, range 22; sections 6, 7, 18, the northeast quarter of section 19, the west one-half of the southwest quarter of section 30, the south one-half of section 31 of township 42, range 22; sections 1 and 2 of township 41, range 23; section 1, the northeast quarter and the south one-half of section 12, the northeast quarter and the south one-half of

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section 14, sections 13, 24, 25, 26 and 36 of township 42, range 23; all west of the 4th principal meridian.

History: 1943 c 171 s 1; 1943 c 305 s 1; 1943 c 550 s 1-3; 1945 c 79 s 1; 1951 c 61 s 1; 1953 c 292 s 1; 1953 c 383 s 1; 1955 c 183 s 1; 1959 c 176 s 1,2; 1961 c 330 s 1; 1961 c 521 s 1; 1963 c 332 s 1,2; 1967 c 514 s 1-18; 1969 c 257 s 1-9; 1969 c 1129 art 10 s 2; 1971 c 720 s 1-4; 1973 c 224 s 1; 1975 c 103 s 2; 1980 c 424 s 1; 1982 c 511 s 9

89.022 DISPOSAL OF TILLABLE LAND IN MEMORIAL HARDWOOD FOREST.

Subdivision 1. If any parcel acquired for the Memorial Hardwood Forest after July 1, 1977 contains more than ten contiguous acres of tillable land adjacent to other tillable land or to a maintained public road or a farm homestead consisting of a residence and farm buildings abutting a maintained public road, the commissioner of natural resources shall either exchange the land for other land suitable for forest purposes or declare the land as surplus land to the commissioner of administration. The commissioner of administration shall offer the land for sale in the manner provided by law not less than six months after acquisition by the state and once thereafter in each of the next two years. Tillable land is land classified as class 1, 2, or 3 as defined by the United States soil conservation service. Notwithstanding any law to the contrary neither the state nor any of its subdivisions shall be required to construct or maintain any street, highway or other road to provide access to any parcel of land sold or exchanged pursuant to this section. The commissioner of natural resources may retain easements over parcels sold or exchanged pursuant to this section as are required for purposes of providing access to public waters or forest lands or access to insure stream bank stabilization and protection.

Subd. 2. The commissioner of natural resources may apply to the legislative commission on Minnesota resources for an exemption from the exchange or sale requirements of subdivision 1 in instances where it can be demonstrated that unique recreational, historical or scientific values would be destroyed by the exchange or sale of tillable land or a farm homestead. Exemptions shall be decided by the commission on an individual basis. If the application for exemption is not decided by the commission within 90 days, the application shall be deemed to have been denied.

Subd. 3. Moneys collected pursuant to section 89.022 shall be deposited in the general fund.

History: 1979 c 248 s 1,2

89.03 ADVANCEMENT OF EDUCATION.

The commissioner may advance education in forestry within the state by publications and lectures, and upon the invitation of the director of the School of Forestry of the University of Minnesota may cooperate with the school, and the school shall furnish such aid to him as, in the circumstances, is consistent with its own proper functions.

History: 1925 c 407 s 12; 1961 c 223 s 4 (4031-12)

89.031 MANAGEMENT AND CONTROL.

All state forest lands shall be under the management and control of the commissioner who shall have authority to make, establish, promulgate and enforce

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all necessary rules and regulations not inconsistent with the laws of the state for the care and management of state forest lands.

History: 1943 c 171 s 2; 1961 c 223 s 5

89.032 ACQUISITION OF LAND.

Subdivision 1. The commissioner may acquire administrative sites or rights of way by eminent domain, in the manner provided by law, or by purchase any lands or interest in lands in the state forests as created by law, which he shall deem necessary for state use, and development.

Subd. 2. The commissioner may acquire lands or interest in lands for state forest purposes subject to mineral reservations.

Subd. 3. The commissioner may lease any land which he shall deem necessary for use for buildings, lookout towers, or other facilities for forestry purposes for such period as he shall deem necessary.

History: 1943 c 171 s 3; 1955 c 115 s 1; 1961 c 223 s 6

89.033 GIFTS.

The commissioner may accept 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.

History: 1943 c 171 s 4; 1961 c 223 s 7

89.034 TAX-FORFEITED LANDS, INCLUSION 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, it may submit such resolution to the commissioner. If, upon investigation, the commissioner 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 county recorder. 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 law.

History: 1943 c 171 s 5; 1961 c 223 s 8; 1976 c 181 s 2

89.035 INCOME FROM STATE FOREST LANDS, DISPOSITION.

All income which may be received from lands acquired by the state heretofore or hereafter for state forest purposes by gift, purchase or eminent domain and tax-forfeited lands to which the county has relinquished its equity to the state for state forest purposes shall be paid into the state treasury and credited to a fund

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designated as the state forest fund except where the conveyance to and acceptance by the state of lands for state forest purposes provides for other disposition of receipts.

History: 1943 c 171 s 6; 1961 c 223 s 9

NOTE: As to Volstead lands, see Laws 1961, Chapter 472, and Laws 1963, Chapter 390, Section 1.

89.036 FUNDS APPORTIONED TO COUNTY.

The state of Minnesota shall hereafter annually on July 1 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 percent 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 1 shall be transferred and credited to the forest management fund established under section 89.04.

The commissioner of finance 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 commissioner of finance 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.

There is hereby appropriated to the counties entitled to such payment, from the state forest fund in the state treasury, an amount sufficient to make the payments specified herein.

History: 1943 c 171 s 7-9; 1959 c 158 s 8; 1969 c 399 s 1; 1973 c 492 s 14; 1982 c 511 s 10

89.037 [Repealed, 1961 c 223 s 14]

89.038 [Repealed, 1961 c 223 s 14]

89.04 FOREST MANAGEMENT FUND.

Subdivision 1. **Fund established; sources.** The forest management fund is created as an account in the state treasury and may be spent only for the purposes provided in subdivision 2. The following revenue shall be deposited in the forest management fund:

(a) Money transferred from the state forest fund as provided in section 89.036;

(b) Money transferred from the state forest suspense account as provided in section 16A.125, subdivision 5, which may be appropriated to implement the state forest resource management policy and plan only on state forest trust fund lands as defined in section 16A.125, subdivision 5;

(c) Money from the sale of tree planting stock as provided in section 89.37, subdivision 4; and

(d) Interest accruing from investment of the fund.

Subd. 2. **Purposes of fund.** Subject to appropriation by the legislature, money in the forest management fund may be spent by the department of natural resources in accordance with the forest resource management policy and plan for any of the following purposes:

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- (a) Reforestation consistent with the state reforestation policy and forest resource management plan;
- (b) Forest road improvements consistent with the state forest road policy and forest resource management plan;
- (c) Equipment and training needed for the prevention and suppression of forest fires;
- (d) Forest pest prevention and treatment.

History: 1982 c 511 s 11

89.05 ACCOUNTING SYSTEM.

The department of natural resources shall consolidate and simplify the accounting system within the department for receipts from department managed lands, disbursements made on a regular basis, and the program for federal aids and grant reimbursements. The new accounting system shall be implemented with the cooperation and under the supervision of the department of finance, utilizing the assistance and recommendations of the office of the legislative auditor.

History: 1982 c 511 s 12

89.06 NURSERY AND TREE IMPROVEMENT PLAN.

By February 1, 1983, the commissioner, with the assistance of the agricultural experiment station of the University of Minnesota, shall submit a plan to the legislature on the benefits and costs of making the nursery and tree improvement program in this chapter self-supporting. The plan shall include, but not be limited to, at least the following elements:

- (a) tree species and stand improvement;
- (b) adoption of a seed certification system;
- (c) development of specialized seed tree orchards;
- (d) implementation of modern nursery techniques;
- (e) contractual arrangements with users of tree seedlings; and
- (f) an economic analysis of surcharges and user fees that would make the nursery and tree improvement program self-supporting.

History: 1982 c 511 s 13

- 89.08 [Repealed, 1947 c 94 s 7]
- 89.12 [Repealed, 1961 c 223 s 14]
- 89.13 [Repealed, 1961 c 223 s 14]
- 89.14 [Repealed, 1961 c 223 s 14]
- 89.15 [Repealed, 1961 c 223 s 14]
- 89.16 [Repealed, 1961 c 223 s 14]
- 89.163 [Renumbered 90.60, subdivision 1]
- 89.164 [Renumbered 90.60, subd 2]
- 89.165 [Renumbered 90.60, subd 3]
- 89.166 [Renumbered 90.61]
- 89.167 [Renumbered 90.62]
- 89.168 [Renumbered 90.63]

89.17 LEASES AND PERMITS.

The commissioner 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 subject to such conditions as may be agreed on in the lease. 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 ten years shall be granted except with the approval of the executive council.

Hunting of wild game is prohibited on any land which has been posted by the lessee to prohibit hunting. Such prohibition shall apply to all persons including the lessee.

History: 1931 c 263 s 6; 1957 c 136 s 1; 1959 c 473 s 1; 1961 c 223 s 10; 1965 c 382 s 2 (6513-6)

89.18 ROADS THROUGH STATE FORESTS, PERMITS.

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 commissioner, 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 commissioner as the court, in its discretion, may deem proper. The limitations 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 commissioner, certified by him in writing to the authority or corporation exercising such right of eminent domain.

History: 1931 c 263 s 7; 1961 c 223 s 11 (6513-7)

89.19 RULES AND REGULATIONS.

The commissioner shall have power to prescribe such rules and regulations governing the use of state forest lands, 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 this chapter.

History: 1931 c 263 s 8; 1961 c 223 s 12 (6513-8)

89.20 POSTED LAND, TRESPASS.

Camping on posted state forest land or the erection of any type of building without written authorization shall be considered trespass. Any violation of the terms of this section shall constitute a misdemeanor. This does not prohibit temporary camping on unrestricted areas for such purposes as hunting, fishing, berry picking, or other similar uses of state forest land.

History: 1961 c 223 s 13

89.201 [Repealed, 1955 c 714 s 3]

89.21 CAMPGROUNDS, ESTABLISHMENT AND FEES.

The commissioner is authorized to establish and develop state forest campgrounds and may establish minimum standards not inconsistent with the laws of the state for the care and use of such campgrounds and charge fees for such uses as specified by the commissioner of natural resources.

All fees shall be deposited in the state treasury and appropriated to the division of lands and forestry in the department of natural resources to defray costs of maintenance, operation and development of state forest campgrounds.

History: 1963 c 657 s 1; 1967 c 905 s 9; 1969 c 1129 art 10 s 2

89.26 STATE WATER POWERS WITHDRAWN FROM SALE.

All water powers having a possible average development of 100 horsepower 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.

History: 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.

History: 1917 c 360 s 2 (6520)

89.28 PULPWOOD INVESTIGATION.

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.

History: 1917 c 360 s 3 (6521)

89.29 [Repealed, 1961 c 223 s 14]

89.30 [Repealed, 1961 c 223 s 14]

TREE PLANTING

89.31 [Repealed, 1973 c 234 s 5]

89.32 [Repealed, 1973 c 234 s 5]

89.33 [Repealed, 1973 c 234 s 5]

89.34 [Repealed, 1973 c 234 s 5]

89.35 TREE PLANTING.

Subdivision 1. **Trees defined.** The term "tree" or "trees" as used in sections 89.35 to 89.39 shall include any kind of trees or woody perennial shrubs or vines deemed suitable by the commissioner of natural resources for the purposes herein 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 produced, procured, distributed, and planted under sections 89.35 to 89.39 shall include auxiliary forests, woodlots, windbreaks, shelter-belts, erosion control, soil conservation, water conservation, provision of permanent food and cover for wild life, environmental education, and afforestation and reforestation on public or private lands of any kind, but shall not include the raising of fruit for human consumption or planting for purely ornamental purposes other than in connection with an environmental education program as provided in section 126.111. It is hereby declared that all such authorized purposes are in furtherance of the public health, safety, and welfare.

History: 1947 c 94 s 1; 1969 c 1129 art 10 s 2; 1978 c 578 s 1; 1980 c 509 s 20

89.36 PRODUCING AND PROCURING PLANTING STOCK.

Subdivision 1. **Production at state nurseries.** The commissioner of natural resources may produce tree planting stock for the purposes of sections 89.35 to 89.39 upon any lands under his control which may be deemed suitable and available therefor so far as not inconsistent with other uses to which such lands may be dedicated by law.

Subd. 2. **Purchase of stock.** The commissioner of natural resources may purchase tree planting stock for the purposes herein authorized under the provisions of sections 89.35 to 89.39, or any other applicable law now or hereafter in force.

Subd. 3. **Sale or exchange of stock.** In carrying out the provisions of sections 89.35 to 89.39, the commissioner may sell to or exchange surplus tree planting stock and seed with other states or the federal government for the following purposes:

- (1) to acquire tree planting stock of a species which is in short supply in the commissioner's inventory;
- (2) to acquire tree planting stock of a species not grown by the commissioner;
- (3) to acquire tree planting stock genetically superior to that grown by the commissioner; and
- (4) to utilize tree planting stock or seed not needed for the reforestation program in the state.

The commissioner's authority to acquire tree planting stock under this subdivision is limited to not more than five tree species per year. The minimum quantity he may acquire of any species is 20,000 trees.

History: 1947 c 94 s 2; 1969 c 1129 art 10 s 4; 1973 c 234 s 1; 1980 c 509 s 21; 1983 c 196 s 1

89.37 DISTRIBUTING PLANTING STOCK.

Subdivision 1. **Planting conditions.** The commissioner of natural resources may supply planting stock produced or procured hereunder for use on any public or private lands within the state for the purposes herein authorized under such conditions as he may prescribe for planting, care, and maintenance in furtherance of such purposes.

Subd. 2. **Public lands; auxiliary forests of nonprofit corporations.** Such planting stock may be supplied for use on any lands owned by or subject to an easement or right of way held by the state or by any political subdivision of the state upon payment of the cost of such stock and expenses of distribution, as the commissioner may determine. Such planting stock may be supplied under like conditions for use in any auxiliary forest owned and maintained by any corporation organized for religious, social, moral, educational, scientific, benevolent, charitable, fraternal, or reformatory purposes and not for profit.

Subd. 3. **Private lands.** Except as otherwise expressly provided, such planting stock in lots of not less than 500 may be supplied for use on private land only upon payment of such sum as the commissioner shall determine to pay for the cost of the stock and expenses of distribution.

Subd. 3a. **Sales of trees to soil and water conservation districts.** The commissioner of natural resources may supply tree planting stock to organized soil and water conservation districts for soil, water, wildlife and conservation purposes or as prescribed in section 89.35, subdivision 2, upon payment of the cost of the stock and expenses of distribution.

There is no minimum limitation on the number of trees going on an individual location. The district shall make the determination of the numbers of trees going to each location.

Resale of trees with roots attached by the districts to their cooperators is permitted if planted in accordance with conservation purposes set forth in section 89.35, subdivision 2.

The soil and water conservation districts are permitted to resell trees with an adequate amount added to defray costs of handling, grading, transportation, storage, salaries and other costs directly related to planting the stock.

The district shall keep a record of all trees planted and the locations of the plantings. A record of the plantings shall be sent to the commissioner of natural resources.

Soil and water conservation districts may establish joint distribution centers, if necessary, to facilitate distribution or improve quality of tree planting stock when approved by the commissioner of natural resources and the soil and water conservation districts so affected.

Subd. 4. **Proceeds of sale.** All moneys received in payment for tree planting stock supplied under this section shall be deposited in the state treasury and credited to the forest management fund pursuant to section 89.04 and are available to the commissioner of natural resources for the purposes of sections 89.35 to 89.37.

History: 1947 c 94 s 3; 1953 c 580 s 1,2; 1969 c 399 s 1; 1969 c 1129 art 10 s 2; 1973 c 234 s 2; 1982 c 511 s 14-17

89.38 PROHIBITION; PENALTIES.

It shall be unlawful for a period of ten years from the date of purchase for any person who purchases trees from the commissioner to use or permit the use of planting stock furnished hereunder for any purpose not authorized hereunder, or to sell, give, remove, or permit the removal with roots attached of any tree previously

planted from stock furnished hereunder for replanting on any ground other than his own or for any purpose not authorized hereunder. Any violation of this section shall be a misdemeanor.

History: 1947 c 94 s 4; 1973 c 234 s 3; 1978 c 773 s 3

89.39 PURCHASE AGREEMENTS AND PENALTIES.

Every individual, partnership, or private corporation to whom any planting stock is supplied for planting on private land hereunder shall execute an agreement, upon a form approved by the attorney general, to comply with all the requirements of sections 89.35 to 89.39 and all conditions prescribed by the commissioner hereunder. Any party to such an agreement who shall violate any provision thereof shall, in addition to any other penalties that may be applicable, be liable to the state in a sum equal to three times the reasonable value of the trees affected by the violation at the time the same were shipped for planting; provided, that if such trees are sold or offered for sale for any purpose not herein authorized, such penalty shall be equal to three times the sale price. Such penalties shall be recoverable in a civil action brought in the name of the state by the attorney general.

History: 1947 c 94 s 5; 1980 c 509 s 22

89.391 NURSERY INSPECTION CERTIFICATES; LIMITATIONS ON ISSUANCE.

No certificate of inspection shall be issued pursuant to section 18.51 by the commissioner of agriculture to a person who is determined by the commissioner of natural resources to have purchased trees from him pursuant to sections 89.35 to 89.39 and who is selling, giving, removing, or permitting the removal of the trees with roots attached, in violation of section 89.38.

History: 1973 c 234 s 4; 1978 c 773 s 4

89.40 [Repealed, 1973 c 234 s 5]

89.41 EDUCATIONAL UNITS MAY ESTABLISH AND MAINTAIN FORESTS.

Any school district in the state, however organized, the University of Minnesota, or any branch thereof, any state university, community college, or other public educational institution or agency of the state, all herein referred to as agencies, may establish and maintain forests as herein provided, subject to the approval of the commissioner of natural resources. Any such agency may use for the purpose of such a forest any land belonging to it, or may acquire land therefor by gift or with contributed funds. For the purposes of such forest any tax-forfeited lands may be sold by the county board to any such agency or may be conveyed by the commissioner of revenue to any such agency in like manner as provided for the sale or conveyance of such lands to governmental subdivisions under section 282.01 and amendments thereof.

History: 1949 c 431 s 1; 1957 c 576 s 1,2; 1969 c 1129 art 10 s 2; 1973 c 349 s 2; 1973 c 582 s 3; 1975 c 321 s 2

89.42 SALE OF FOREST PRODUCTS.

Any such agency may sell or otherwise dispose of timber or other forest products grown in any such forest in such manner as the governing authority of such agency may determine, subject to the approval of the commissioner of natural resources. The proceeds of such sales shall be paid into the treasury of the agency,

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and may be used for maintenance or improvement of the forest, for acquisition of additional land for such forests, or for any other purpose within the lawful powers of the agency, as its governing authority may determine.

History: 1949 c 431 s 2; 1969 c 1129 art 10 s 2

89.43 TREE SEEDS AND CONES, PAYMENTS FROM APPROPRIATIONS.

Notwithstanding any provision of law to the contrary, out of any money appropriated to the commissioner of natural resources for the purchase of tree seeds and seed cones the commissioner of finance and the state treasurer shall pay to the commissioner upon his request the amounts deemed necessary by the commissioner to maintain an inventory of tree seeds and seed cones to assure an adequate supply for the nursery and forestry development needs of the department and to pay for the seeds and seed cones in cash at the time of delivery.

The commissioner shall deposit any money received pursuant to this section in a state depository subject to withdrawal for disbursement by check for the purposes described by the commissioner or his authorized agent.

The commissioner of finance shall prescribe rules by which the commissioner of natural resources shall account for the expenditures made pursuant to this section and may require an additional bond to cover all money paid to the commissioner of natural resources for disbursement pursuant to this section. Any bond premiums shall be paid by the commissioner from money available for that purpose.

Unless the legislature specifically otherwise directs in any act appropriating money to the commissioner of natural resources for the purchase of tree seeds and seed cones, money paid to the commissioner pursuant to this section shall not cancel on June 30 of any fiscal year and shall be available for expenditure in the ensuing fiscal year.

History: 1961 c 172 s 1; 1967 c 905 s 5; 1969 c 1129 art 10 s 2; 1973 c 492 s 14; 1981 c 356 s 279

- 89.51 [Renumbered 18.341]
- 89.52 [Renumbered 18.351]
- 89.53 ^{MS} [Renumbered 18.361]
- 89.54 ^{MS} [Renumbered 18.371]
- 89.55 ^{MS} [Renumbered 18.381]
- 89.56 ^{MS} [Renumbered 18.391]
- 89.57 [Renumbered 18.401]
- 89.58 [Renumbered 18.411]
- 89.59 [Renumbered 18.421]
- 89.60 [Renumbered 18.422]
- 89.61 [Renumbered 18.423]

89.65 FORESTRY EDUCATION.

Subdivision 1. By March 1, 1983, the commissioner shall provide to the respective standing committees on natural resources and finance of the house and the senate a report on continuing education needs of public and private foresters. The report shall be done with the assistance and cooperation of the University of Minnesota's agricultural extension service, agricultural experiment station and college of forestry, and shall detail the benefits and costs, including recommendations on licensing and course curricula, of developing a cooperative continuing education program for forestry professionals.

Subd. 2. By July 1, 1983, the commissioner shall implement a continuing education program for state foresters in the employ of the department of natural resources. The program shall be based on recommendations made in the report required in subdivision 1.

Subd. 3. The commissioner shall prepare and distribute a forest management manual, stressing the concept of multiple use and education and management concerns for small landowners who own at least ten acres of woodlands. The manual shall be prepared with the assistance and cooperation of the University of Minnesota's agricultural extension service, agricultural experiment station and college of forestry, and other public and private forestry organizations.

History: 1982 c 511 s 18

89.66 FORESTRY RESEARCH AND EXTENSION.

Subdivision 1. **Agriculture experiment station.** The director of the state agricultural experiment station at the University of Minnesota is authorized to conduct, support and cooperate in research activities deemed necessary to obtain scientific information about forest resources. Activities conducted under this section shall include, but not be limited to, the following:

(a) forest resources management research, including activities related to managing, reproducing and growing forest vegetation for forest resources purposes;

(b) forest environmental research, including activities related to management of watersheds, controlling erosion, improving wildlife habitats, reducing water and air pollution and related purposes;

(c) forest protection research, including activities related to protection of forest vegetation from fire, insects, diseases, animals, noxious plants, and air pollutants;

(d) forest utilization research, including activities related to harvesting, transportation, marketing, and utilization of wood; and

(e) forest resource assessment research, including activities required to inventory and survey the type and extent of forest resources.

To ensure efficient and effective accomplishment of forest research goals and objectives, the director of the state agricultural experiment station shall cooperate with other public and with private forestry organizations seeking scientific forestry information through research, and provide to the commissioner appropriate forest research results in the development and implementation of the forest resources management policy and plan.

Subd. 2. **Agricultural extension service.** The director of the agricultural extension service at the University of Minnesota is authorized to conduct, support, and cooperate in forestry extension activities including, but not limited to, the following:

(a) Providing educational programs that will enable individuals to recognize and capture opportunities for managing forests for purposes of recreation, timber, water, wildlife, forage, and other purposes;

(b) Using educational programs to disseminate the results of forestry research;

(c) Providing for the forestry educational needs of the private, nonindustrial forest landowner;

(d) Assisting in providing continuing education programs for professionally trained resource managers;

(e) Providing educational programs that will enhance in harvesting, processing, and marketing of wood;

(f) Assisting in the identification of topics in need of forestry research.

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In implementing this subdivision, all appropriate educational methods may be used.

To ensure efficient and effective accomplishment of forestry extension goals and objectives, the director of the state extension service shall cooperate with the commissioner in the development and implementation of the forest resources management policy and plan, and shall encourage close cooperation between forestry extension staffs in county, state, and federal service, and between personnel involved in forestry research and land management in all public and private agencies.

History: 1982 c 511 s 19