

CHAPTER 630—S. F. No. 1174

[Coded as Sections 84.43 to 84.52]

An act relating to the operation of aircraft within roadless or wilderness areas and on or over public waters therein, and for the maintenance of watercraft thereon.

Be it enacted by the Legislature of the State of Minnesota :

[84.43] Section 1. **Definitions.** Subdivision 1. The definitions given in this section shall govern for the purposes of this act unless a different meaning is clearly indicated by the language or context.

Subd. 2. "Wilderness Area" shall mean any of the following areas or parts thereof :

(1) All those portions of the Superior National Forest described in Section 2 of Public Law 733, 80th Congress, approved June 22, 1948, and all public waters included therein or bordering thereon except the following: Crane Lake, Moose Lake in Township 64 North, Range 9 West, Snow Bank Lake, Sawbill Lake, Brule Lake, Big Lake in Townships 64 and 65 North, Range 13 West, Saganaga Lake, Seagull Lake, Clearwater Lake in Township 65 North, Range 1 East, and East Bearskin Lake in Township 64 North, Range 1 East and Range 1 West:

(2) Such other areas as may be designated by the commissioner of conservation as hereinafter provided within the present boundaries of the Superior National Forest and the Kabetogama and Pigeon River purchase units thereof as heretofore established by federal authority and not less than five miles from any public highway.

Subd. 3. "Public waters" shall mean all waters lying wholly within the State and all portions of boundary waters within the jurisdiction of the state contained within any wilderness areas designated hereunder and which the public have a right to use for navigation, fishing, hunting or any other beneficial public use.

Subd. 4. "Aircraft" shall mean any contrivance now known or hereafter invented and used or designed for navigation or flight in the air.

[84.44] **Sec. 2. Declaration of policy.** It is hereby declared that regulation and control of the operation of aircraft and watercraft upon or over any wilderness area and public waters therein is necessary for the protection and promotion of public health, safety and welfare and other interests of the public therein and for the protection and conservation of natural wilderness conditions and other natural resources therein for the public benefit.

[84.45] **Sec. 3. Commissioner of conservation, powers and duties.** The commissioner of conservation shall have power and it shall be his duty to designate such wilderness areas within the limits hereinbefore authorized as he shall determine after investigation to be necessary for the purposes of this act, and to add to, withdraw from, or otherwise modify such designations from time to time as the fulfillment of such purposes may require. Such designations shall be made by regulations adopted as provided by and subject to the laws relating to regulations of administrative agencies of the state, and may be modified or rescinded in like manner; provided, that in addition to or in connection with the proceedings required under said laws, the commissioner of conservation or his authorized agent shall hold a public hearing on any proposal for a designation or a change therein hereunder at a place designated by him in a county containing lands affected thereby, of which at least two weeks' published notice shall be given in each county affected, and at least thirty days' notice shall be given by mail to the county auditor of each such county.

[84.46] **Sec. 4. Commissioner of Aeronautics.** Subdivision 1. The commissioner of aeronautics shall have power and it shall be his duty as soon as practicable after the passage of this act to designate as aircraft checking stations at least three airports having suitable facilities for the landing of aircraft equipped for flying and landing in wilderness areas. Such checking stations shall be located so as to cover the commonly used approaches to such wilderness areas by air from all sides, as far as practicable, and each such station shall be within 100 miles of the nearest point on the boundary of such wilderness areas. The designation of such checking stations shall be made by regulations adopted as provided by and subject to the laws relating to regulations of the commissioner of aeronautics, and may be modified or rescinded in like manner from time to time as may be necessary for the purposes of this act. The commissioner of conservation shall

appoint attendants for such checking stations and shall prescribe their powers and duties, subject to the provisions hereof. Officers or employees of other state departments or governmental subdivisions of the state may be appointed as such attendants with the approval of their appointing authorities.

Subd. 2. The provisions of this subdivision shall apply to all aircraft and pilots thereof except as otherwise provided herein. From and after the designation of not less than three checking stations as hereinbefore provided, no such aircraft pilot shall fly an aircraft into or over any wilderness area at a height less than 2,000 feet from the ground, except as may be necessary for safety, without first landing at a checking station designated hereunder and making a written report to the attendant, on a form prescribed by the commissioner of conservation, containing the following information: type and federal registration number of the aircraft; name, address, and license number of the pilot; names and addresses of the passengers; purpose of flight; proposed line of flight and destination within the wilderness areas; proposed period of stay therein, and proposed checking station for reporting on departure therefrom. The attendant shall deliver to the pilot a countersigned copy of the report, which the pilot shall retain in his possession at all times while in the wilderness areas on the trip covered thereby. During the period of such trip as stated in the report, the aircraft shall not be operated, landed, or kept at any place within the wilderness areas except as specified in the report, and shall not remain within such areas after the expiration of such period. Upon leaving such areas at any time after entering the same, the pilot, before landing the aircraft at any other place, shall immediately proceed to and land at the checking station designated for checking out in his report, and shall check out by submitting his copy of the report to the attendant, who shall endorse the same to show such checking-out and return the same to the pilot; provided, that if by reason of weather conditions or otherwise it is impracticable for the pilot to check out at the station designated in the report, he may check out at any other checking station established hereunder, submitting a written statement of his reasons therefor. All records made hereunder shall be kept on file at the checking stations, and shall be subject to inspection by the commissioner of aeronautics, the commissioner of conservation, or their authorized agents, and by any game warden or other law enforcement officer.

Subd. 3. The provisions of this act shall not apply to the use of aircraft by any officer or agency of the state or of the United States for any authorized public purpose.

Subd. 4. The provisions of this act shall not prohibit or prevent the operation or landing of any aircraft within any such area so far as may be necessary to save life or property or prevent substantial injury thereto in an emergency.

[84.47] Sec. 5. **Permits to private property owners.**

Subd. 1. In case there shall be any private property situated within any such area and such private property, at the time such area is designated, is improved and used for purposes for which air transportation is essential, written permits shall be issued by the commissioner of aeronautics which shall authorize the operation of aircraft without check in or check out for the transportation of persons, their lawful possessions and materials to such extent as is necessary for the continuation of the use of the property affected existing at the time of the designation of the area, such permits to be issued upon the following conditions:

(a) The owner, lessee or operator of such private property shall have a licensed seaplane base on or adjacent to his property.

(b) Such permit shall thereupon be issued to the owner or operator of any aircraft to fly to, from, and between such bases and such other points as may be designated in the permit, provided such aircraft owner or operator has first complied with reasonable standards as to safety, equipment, and insurance to be established by the commissioner of aeronautics as provided by law.

(c) If the private property affected is situated in a wilderness area designated by the commissioner of conservation as hereinbefore provided, a permit shall be issued for such aircraft operation as may be necessary for the continuation of any lawful use of the property, whether existing at the time of the designation of such area or thereafter developed.

(d) A permit shall be effective until the end of the calendar year in which it is issued, and shall be renewable

annually upon the continued existence of the conditions authorizing its original issue. Every permit shall be subject to suspension or revocation, as the commissioner of aeronautics shall determine, upon conviction of the permittee of any violation of the provisions of this act.

(e) Every holder of a permit hereunder shall keep daily written records in duplicate, on forms prescribed by the commissioner of conservation, of all aircraft operations under the permit, containing the following information as to each flight, in addition to such other information as may be required by law or by regulations of the commissioner of conservation: type and federal registration number of the aircraft; name, address, and license number of the pilot; names and addresses of passengers; purposes of flight, place, date, and time of beginning and termination of flight, line of flight and destinations. On or before the fifth of each month the permittee shall mail one of the duplicates of such records for all flights during the preceding calendar month to the commissioner of conservation, who shall keep the same on file and subject to inspection in like manner as hereinbefore provided for inspection of copies of reports at checking stations.

Subd. 2. Any aircraft owner or operator carrying passengers for hire from a licensed seaplane base outside of the wilderness areas may obtain a permit in like manner as hereinbefore provided for operating between such base or other points outside of such areas, to be designated in the permit, and any points within such areas, subject to compliance with the requirements for keeping and mailing records and all other conditions pertaining to permits as hereinbefore prescribed, so far as applicable.

[84.48] Sec. 6. **Two-way radio system.** No aircraft shall fly into or over any such area except at the altitudes authorized in Section 4, without being equipped with a two-way radio system, provided that this requirement shall not become effective until prescribed by order of the commissioner of aeronautics and provided further that when it has been so prescribed, the operator of each such aircraft shall report his presence and location by radio to such station as may be designated by the commissioner of aeronautics and at such times during his stay within the area as the commissioner of aeronautics may prescribe. Orders of the commissioner of aeronautics under this section shall be prescribed by regulations adopted, modified, or rescinded as may be necessary for the

purposes of this act in accordance with the laws relating to his regulations in other cases.

[84.49] **Sec. 7. Water craft, limitation of operation.** No aircraft pilot, owner or operator shall keep or maintain within any wilderness area designated hereunder, any boat, canoe or other watercraft at any point within such area except at private property encumbered with a structure or structures suitable for human occupancy, or unless in the immediate possession and control of a person authorized by the owner to so possess and control it. Any boat, canoe or other watercraft not so maintained, possessed or controlled shall be deemed contraband and be subject to confiscation in the name of the state by any state game warden or peace officer and shall be disposed of in the same manner as other property confiscated by the director of game and fish.

[84.50] **Sec. 8. Violation and penalties.** Violation of any provision of this act shall be a misdemeanor, and any court imposing sentence shall be authorized upon recommendation of the commissioner of aeronautics to prohibit the pilot so convicted from operating an aircraft within the state for a period not exceeding one year.

[84.51] **Sec. 9. Inspection.** Every aircraft while landed at a checking station to report as herein provided shall be subject to inspection by the commissioner of conservation or his authorized agents, or by any game warden, any of whom may, without a warrant, examine and search such aircraft for wild animals illegally taken or possessed or for other things declared contraband by the laws relating to wild animals, and may seize and confiscate in the name of the state any such contraband which may thereupon be found.

[84.52] **Sec. 10. Not to conflict with certain zoning regulations.** Nothing herein contained shall authorize interference or conflict with the operation of any airport or other aeronautics facilities authorized, constructed, or maintained under any law, nor so as to interfere or conflict with any zoning regulations or any other regulations relating to aeronautics prescribed by or adopted pursuant to any other law.

Approved April 22, 1949.