

CHAPTER 89

DIVISION OF FORESTRY; FORESTS; STATE FORESTS; TREE PLANTING

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

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

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

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

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

The director shall become familiar with the location and area of all state timber and cut-over lands and prepare maps of state forests and each of the timbered

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

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

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

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

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

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

89.02 CREATION OF STATE FORESTS. For the purpose of vesting the state with title to lands in the areas hereafter described which are suitable primarily for state use and development for the purpose of preserving, propagating, and breeding wild life of all suitable kinds, including all species of game, fish, and fur-bearing animals and birds of rare and useful species, and especially for the development of forests and the prevention of forest fires, and for the preservation and development of rare and distinctive species of flora native to such area, including the state flower, and for the protection of watershed areas, valuable for domestic and commercial uses, and for the establishment and development of recreational areas, there are hereby created and established certain state forests, to be managed in the same manner as other state forests, comprising all lands and waters within the following described areas now owned by the state, or hereafter acquired by the state, in the counties and townships described as follows:

Beltrami Island State Forest, Lake of the Woods county—The west half of townships 158 and 159, and all of township 157, range 32; townships 157, 158, and 159, range 33; townships 157, 158, 159, and 160, range 34; townships 157, 158, 159, and 160, range 35; townships 159 and 160, range 36; all west of the fifth principal meridian. Roseau county—The south half of township 161, range 35; the south half of township 161, range 36; townships 159 and 160, range 37; the south two-thirds

of township 161, range 37; the east two-thirds of township 160, range 38; all west of the fifth principal meridian.

3 Cloquet Valley State Forest, St. Louis county—The north half of townships 53, range 12; township 54, range 12, and township 55, range 12; the north half of township 53, range 13; townships 54 and 55, range 13; the north half of township 53, range 14; townships 54 and 55, range 14; the north half of township 53, range 15; townships 54 and 55, range 15; all west of the fourth principal meridian.

4 Finland State Forest, Lake county—Township 57, range 6; township 58, range 6; township 58 north, range 5; township 56 north, range 7; township 56 north, range 8; township 57, range 7; township 58, range 7; the east half of township 57 north, range 8; the east half of township 58 north, range 8; all west of the fourth principal meridian.

7 Fond du Lac State Forest, Carlton county—Township 49 north, range 19; the west half of township 49 north, range 18; all of township 49 north, range 20, except the south half of sections 25, 26, 27, 28, 29, and 30, and all of sections 31, 32, 33, 34, 35, and 36; all of township 48 north, range 19, except sections 25 and 36; all west of the fourth principal meridian. St. Louis county—The south half of township 50 north, range 19, and the south half of township 50 north, range 20; all west of the fourth principal meridian.

8 Foot Hills State Forest, Cass county—Section 9, township 139 north, range 32, townships 137, 138, 139, 140, and 141, range 31; township 137, range 32; all west of the fifth principal meridian. Hubbard county—The south two-thirds and sections 1, 2, 3, 10, 11, and 12, township 139, range 32; all that portion of township 139, range 33, lying south of the highway and east of the Crow Wing river; all west of the fifth principal meridian. Wadena county—Township 138, range 33; the east half of township 138, range 34; all west of the fifth principal meridian.

9 George Washington Memorial State Forest, St. Louis county—The north two-thirds of township 59, range 21; township 60, range 21; the south half of township 61, range 21; all west of the fourth principal meridian. Itasca county—Townships 59 and 60, range 22; the south half of township 61, range 22; townships 59, 60, 61, and 62, range 23; townships 59, 60, 61, and 62, range 24; townships 59 and 60, range 25; and township 61, range 25, except sections 4, 5, 6, 7, 8, 9, 17, and 18; all west of the fourth principal meridian.

10 Grand Portage State Forest, Cook county—Townships 61, 62, 63, 64, and 65, range 3, except the portions of sections 7, 8, 17, 18, 19, and 30, in township 64, range 3, now within the boundary of the Superior National Forest; townships 62, 63, and 64, range 4; townships 62, 63, and 64, range 5; townships 63 and 64, range 6; township 64, range 7; all east of the fourth principal meridian.

11 Kabetogama State Forest, St. Louis county—Townships 61, 62, 63, 64, 65, 66, 67, 68, and 69, range 17; townships 63, 64, 65, 66, 67, 68, 69, and 70, range 18; townships 63, 64, 65, 66, 67, 68, 69, and 70, range 19; townships 64, 65, 66, 67, 68, 69, 70, and 71, range 20; townships 64, 65, 66, 67, 68, 69, 70, and 71, range 21; all west of the fourth principal meridian.

14 Land O'Lakes State Forest, Cass county—Townships 139 and 140, range 26; townships 139 and 140, range 27; townships 139 and 140, range 25; all west of the fifth principal meridian.

7 Pine Island State Forest, Koochiching county—All that portion of township 153, ranges 26 and 27; township 154, ranges 25 and 26; township 155, range 25, lying west of the present location of trunk highway No. 4; that part of townships 156 and 157, range 25, lying west of the Big Fork river; that part of sections 31, 32, and 33, township 158, range 25, lying on the south side of the Black river; townships 155, 156, 157, and that part of 158, range 26, lying south of the Black river; townships 154, 155, 156, 157, and that part of 158, range 27, lying south of the Black river; townships 153, 154, 155, and 156, range 28; townships 153, 154, and 155, range 27; all west of the fifth principal meridian.

21 Savanna State Forest, Aitkin county—That portion of township 48, range 22, north of the present location of the Northern Pacific railroad right of way; townships 49, 50, 51, and 52, range 22; that portion of township 48, range 23, north of the present location of the Northern Pacific railroad right of way; townships 49 and 50, range 23; that portion of townships 51 and 52, range 23, lying east of the Mississippi river; that portion of townships 50 and 51, range 24, lying east of the Mississippi river; all west of the fourth principal meridian.

9 Third River State Forest, Itasca county—The north half of township 147, range 29, except that portion of sections 1 and 12 lying east of Third river; township 148, range 29; the south half of township 149, range 29; all west of the fifth principal meridian; provided, that no game refuge shall be established in the Third River State Forest other than by petition of three-fourths of the persons owning land and residing therein, addressed to the commissioner of conservation. Except as herein provided, such game refuge shall be established in accordance with the procedure prescribed in section 99.01.

4 White Earth State Forest, Clearwater county—Sections 7, 18, 19, 30, and 31, township 144, range 36; township 143, range 37; sections 10 to 36, except sections 17 and 20, in township 144, range 37; township 143, range 38, and all of township 144, range 38, except that part of the township lying north of the state aid highway running from Zerkel to Roy lake; all west of the fifth principal meridian; all that portion of sections 4, 5, and 6, township 144, range 38, not previously included in the Forest; all that portion of the west half of township 145, range 38, lying south of the Wild Rice river, Becker county—Township 142, range 37, township 142, range 38, and the east half of township 142, range 39, west of the fifth principal meridian. Mahnomon county—Sections 25, 35, and 36, and the east half of section 34, township 143, range 39; section 1, the east half of section 12, township 144, range 39; the east one-third of township 145, range 39; all west of the fifth principal meridian.

Bay Lake State Forest—Townships 45 and 46, range 28; fractional township 47, range 28; fractional township 47, range 29; fractional township 47, range 30; all west of the fourth principal meridian.

7 Buena Vista State Forest—Township 147, range 32; township 148, range 32; sections 1 and 2 and the west half of section 11, township 146, range 33; sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 23, 24, 25, 35, and 36, township 147, range 33; all of township 148, range 33; all west of the fifth principal meridian.

4 Crow Wing State Forest—Fractional townships 134, 135, and 136, and full township 137, all in range 27; townships 134, 135, 136, and 137, range 28; the east half of townships 134, 135, and 136, range 29; west of the fifth principal meridian.

5 Mille Lacs State Forest—That portion of township 42, range 26, lying west of highway No. 169; the west two-thirds of township 45, range 26; townships 42, 44, and 45, range 27; townships 42, 43, and 44, range 28; all west of the fourth principal meridian.

16 Mississippi Headwaters State Forest—The north one-third and sections 16, 17, 18, 19, 20, 21, 29, and 30, township 146, range 34; township 147, range 34, except sections 1, 2, 3, 4, 5, and 6; the west half and sections 2, 3, 10, and 11; township 145, range 35; all of township 146, range 35, except sections 3, 4, 5, and 6; sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 24, 25, 35, and 36, township 147, range 35; sections 19, 20, 21, 22, and the south one-third of township 148, range 35; sections 1, 12, 13, 24, 25, and 36, township 145, range 36; sections 12, 13, 24, 25, and 36, township 146, range 36; all west of the fifth principal meridian.

17 Nemadji State Forest—Townships 44, 45, and 46, range 15; the south one-third of township 47, range 15; townships 44, 45, and 46, range 16; the south one-third of township 47, range 16; townships 44, 45, and 46, range 17; sections 1, 12, 13, 24, 25, and 36, in townships 44, 45, and 46, range 18; all west of the fourth principal meridian.

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 fifth principal meridian; provided, that no game refuge shall be established in such Northwest Angle State Forest other than by petition of three-fourths of the persons owning land and residing therein, addressed to the commissioner of conservation, and the procedure to establish such refuge shall be in accordance with section 99.01. The division shall be authorized to charge a fee, not to exceed \$10.00, to each hunter seeking admission into such state forest for the purpose of hunting big game therein.

9 Paul Bunyan State Forest—The west one-half of section 2, all of sections 3, 4, 5, 6, 7, and 8, township 141, range 32; township 142, range 32; sections 7, 18, and 19, township 143, range 32; sections 1, 2, 3, 4, 9, 10, 11, and 12, township 141, range 33; township 142, range 33, except sections 19, 20, 29, 30, 31, and 32; township 143, range 33; sections 28, 29, 30, 31, 32, 33, and 34, township 144, range 33; townships 143 and 144, range 34; all west of the fifth principal meridian.

✓ Pillsbury State Forest—That portion of township 133, range 29, lying north of the Northern Pacific railroad in Cass county; that portion of township 133, range 30, lying north of the Northern Pacific railroad; the west half of township 134, range 29; all of township 134, range 30; all west of the fifth principal meridian.

✓ Rum River State Forest—The west two-thirds of township 40, range 25; townships 41 and 42, range 25; the east one-third of township 40, range 26; all west of the fourth principal meridian.

✓ Smoky Hills State Forest—Sections 5, 6, 7, and 8, township 140, range 36; township 141, range 36; the north five-sixths of township 139, range 37; township 140, range 37, except sections 3, 4, 5, 6, 10, 11, 12, 13, and 14; the east one-sixth of township 141, range 37; township 140, range 38; the west two-thirds of township 141, range 38; all west of the fifth principal meridian.

Waskish State Forest—Townships 153 and 154, range 29; the east five-sixths of township 153, range 30; the south half of township 154, range 30, and lots 2, 3, and 4 of section 8; the south half of the northwest quarter and the southwest quarter of section 9, the northwest quarter of section 16, all of section 17, all in township 154, range 30; all west of the fifth principal meridian.

✓ Blackduck State Forest—Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, and 18, in township 149, range 31; the west two-thirds of township 150, range 31; sections 27 to 34, township 151, range 31; township 149, range 32; all of township 150, range 32; and all of township 151, range 32, lying south and east of the reservation line.

The state school and other public lands now owned by the state included within the following described limits:

Township 152, ranges 25 and 26, township 153, ranges 25, 26, 27, 28, and 29, township 154, ranges 25, 26, 27, 28, and 29, township 155, ranges 25, 26, 27, 28, and 29, township 156, ranges 25, 26, 27, and 28, township 157, ranges 26 and 27, from the Minnesota and International railroad west to the old Red Lake Indian reservation boundary; township 158, ranges 26 and 27, from the Minnesota and International railroad west to the old Red Lake Indian reservation boundary and south of the Black river, west of the fifth principal meridian, and township 64, ranges 24, 25, 26, and 27, township 65, ranges 24, 25, 26, and 27, township 66, ranges 26 and 27, township 67, ranges 26 and 27, township 64, range 20, township 64, range 21, east of the Nett Lake Indian reservation, township 63, range 19, townships 61 and 62, range 17, township 54, ranges 12, 13, 14, and 15, township 55, ranges 13, 14, and 15, township 42, ranges 16, 17, and 18, township 41, ranges 16, 17, and the east half of range 18, township 49, range 19, townships 49 and 50, range 23, township 60 and the south half of township 61, range 20, sections 23, 24, 25, 26, 35, and 36, sections 1 to 12, township 59, range 21, townships 59, 60, and the south half of township 61, range 21, townships 59, 60, and the south half of township 61, range 22, townships 59, 60, and 61, range 23, townships 59, 60, and the east half of township 61, range 24, townships 60 and 61, range 25, west of the fourth principal meridian, section 16, township 139, range 32, township 134, range 29, west of Gull lake, township 134, range 30, sections 7 to 36, township 144, ranges 36, 37, and 38, and all of township 143, range 37, and township 143, range 38, and sections 1 to 6, township 142, range 37, and township 142, range 38, the west five-sixths of township 137, range 31, the east one-sixth of township 137, range 32, township 138, range 31, the north half of township 158, ranges 33, 34, and 35, township 159, ranges 33, 34, and 35, the south half of township 160, ranges 33 and 34, township 160, range 35, west of the fifth principal meridian; are hereby withdrawn from sale and established as state forests, to be governed, operated, managed, and controlled in the same manner as other state forests.

[1931 c. 124; 1933 c. 419 s. 1; 1933 c. 370 s. 1; Ex. 1936 c. 54 s. 1; Ex. 1936 c. 75 s. 1; 1937 c. 61 ss. 1, 2] (~~4031-1031~~) (~~4031-1031~~) (~~6522-2~~) (~~6522-2~~) (~~6522-5~~) (~~6522-6~~)

89.03 CONTROL AND MANAGEMENT OF STATE FORESTS. The division of forestry shall have the administration of all state forests and other state lands acquired or set apart for forest purposes, including fire prevention, appraisal, and sale of state timber. The director may advance, as he deems wise, education in forestry within the state by publications and lectures, and upon the invitation of the director of the college of forestry of the University of Minnesota may cooperate with the college as far as his time will permit, and the college shall furnish such aid to him as, in the circumstances, is consistent with its own proper functions. ~~He shall have, and is hereby given, full power and authority to make, establish, promulgate, and~~ R1943-111-

~~enforce all necessary rules and regulations, not inconsistent with the laws of the state, for the care and management of state forests and fire prevention.~~

~~[1925 c. 407 s. 12; 1933 c. 419 s. 2; 1937 c. 310 s. 2] (53-23 1/2 m) (4031-10 1/4 a) (4031-12)~~

~~**89.04 FUNDS REAPPROPRIATED.** All moneys received as gifts to the state; all income which may be received from the operation, development, management, and use of such state forests; all income which may be derived from the sale of birds, animals, fish, and flora therefrom and from the sale of lands and timber thereon owned by the state within such area, other than timber from university, school, and swamp lands and from state forest lands set apart pursuant to the Constitution of the State of Minnesota, Article 8, Section 7, and from state lands acquired under the system of rural credit, and all moneys of the state which may hereafter be transferred thereto under any law of this state, shall be paid into the state treasury and credited to the state forest fund, and the same is hereby annually appropriated for the purposes of sections 89.02 to 89.06. There is hereby annually appropriated from that one-half of the state game and fish fund appropriated by section 98.36 for the acquisition and maintenance of public hunting grounds, game farms, and game refuges, such an additional amount as may be necessary, in addition to the foregoing appropriation, for the condemnation or purchase of these lands.~~

~~[1933 c. 419 s. 3] (4031-10 1/4 b)~~

~~**89.05 LANDS ACQUIRED.** The commissioner, with the approval of the executive council is hereby authorized and empowered to acquire, by exercise of the right of eminent domain, which right is hereby given him, to be exercised in the manner provided in chapter 117, or by purchase, any lands or interests in lands in the state forests which he shall deem necessary for state ownership, use, and development for the purposes of sections 89.02 to 89.06, where the taxes or assessments have been delinquent for at least three years. All moneys to be used for the purposes specified in this section shall be expended from the funds created or appropriated in section 89.04. Any award to be paid for any tract of land so acquired by exercise of the right of eminent domain shall first be applied to the payment of any taxes or assessments that may be outstanding against the tract. No such tract shall be acquired by purchase or gift without payment or settlement of taxes or assessments outstanding against the same. Each county, town, and school district receiving these taxes shall apply the moneys towards any outstanding indebtedness against the county, town, or school district. The commissioner is hereby authorized and empowered to acquire any lands or interests in lands in state forests subject to mineral reservations.~~

~~[1933 c. 419 s. 4] (4031-10 1/4 c)~~

~~**89.06 STATE LANDS TO BECOME STATE FORESTS.** Subdivision 1. Created. The state swamp, school, and other public lands owned by the state included within the boundaries of the state forests, that have not heretofore been established as such, are hereby created and established as state forests and governed, operated, managed, and controlled in the same manner as other state forests.~~

~~Subdivision 2. **May receive gifts.** The commissioner is hereby authorized and empowered to receive, for and in behalf of the state, including lands from the federal government, and to make suitable acknowledgments of, any gift, bequest, devise, or grant of land or interests in lands in any such state forest, 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 or all of such state forests.~~

~~[1933 c. 419 ss. 5, 6] (4031-10 1/4 d) (4031-10 1/4 e)~~

~~**89.07 LANDS NOT TO BE ACQUIRED UNLESS INDEBTEDNESS IS PAID.** No lands shall be acquired under the provisions of any existing law unless the pro rata share of all outstanding indebtedness for which such lands are chargeable, in whole or in part, shall be paid to the treasurer of the county wherein such lands are situated. The state shall not purchase any lands within any school district or township in any state forest, except for administrative purposes, where the pro rata share of the outstanding public indebtedness chargeable against these lands exceeds 60 cents per acre.~~

~~[1935 c. 372 s. 1] (4031-10 1/4 i)~~

~~**89.08 NURSERIES; STOCK TO BE USED ON STATE LANDS.** The director is hereby authorized to establish, maintain, and operate nurseries for the production of forest tree planting stock in this state. These nurseries may be established at such place as will, in his judgment, best promote the purpose of this section; but~~

at no time shall any indebtedness be created hereunder beyond the limits of appropriations expressly provided and available at the time for this purpose.

The director may purchase or collect coniferous forest planting stock indigenous to Minnesota or grow the same; and may supply the same for use on lands owned by the state and dedicated to forestry or conservation purposes or to any political subdivision of the state for use upon lands set aside and dedicated to forestry or conservation purposes for a period of not less than 25 years; or upon lands dedicated to state trunk highway purposes. Plantings on these lands shall be confined to standard forest plantings. No such plantings may be sold or given away for replanting upon any lands not qualified for planting under this section.

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

89.09 LANDS INCLUDED IN STATE FORESTS. The state forests of the state shall consist of all state lands which have been or may be set apart by the legislature, or granted by the United States and accepted by the legislature, for forestry purposes, and of all lands which have been or shall be acquired by the state therefor.

[R. L. s. 2504] (6511)

89.10 LAND ELIMINATED FROM STATE FORESTS. When any tracts of land that have been included in areas set apart as state forests are found to be better adapted for the production of farm crops than for forestry, the director shall recommend to the department that the same be eliminated from the state forests and, with the approval of the department, these tracts shall be sold as other state lands are sold. The state lands in the following described townships or parts of townships are hereby eliminated from the Minnesota state forests: Township 62 north, range 12 west, section 36, township 63 north, range 12 west, the south half of township 61 north, ranges 2, 3, and 4 west, township 61 north, range 1 west, the south one-third of township 62 north, range 1 west, townships 61 and 62 north, ranges 1, 2, 3, and 4 east, the south half of township 63 north, range 3 east, and the south one-third of township 63 north, range 4 east. When any of the state lands in the above described townships or parts of townships, or any other state lands outside the boundaries of any state forests heretofore established, are found by the director to be better adapted for the production of timber than for agriculture, he is hereby authorized to certify such fact with regard to each tract of land to the department, whereupon the lands so certified shall become a part of the state forests, and be administered and used as are other state forests.

[1919 c. 315 s. 1] (6509)

89.11 POWER OF DEPARTMENT. The department may enter into contracts in the name of the state; may adopt a seal; may make reasonable rules and by-laws for the care, management, and preservation of the state forests; may cause actions to be brought, in the name of the state, to protect the state's interests in matters confided to its care; may lease, for income or for protection, meadow and pasture lands, where such use will not interfere with the growth of forest trees; may sell dead and down and mature timber, and other timber where the public interests will be subserved thereby; and may alienate any tract of land, when such alienation is demanded by the growth of towns, the building of railroads, or water-power or other public improvements.

[R. L. s. 2509] (6512)

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

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

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

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

89.14 FORESTS; STATE FORESTS; TREE PLANTING

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

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

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

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

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

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

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

89.163 LOADS OF TIMBER PRODUCTS MARKED. Within the forest areas of this state, all loads of logs, square timbers, piling, pulpwood, bolts, ties, poles, posts, mining timber, and lagging shall, while being transported from the place where such products were cut, be conspicuously marked on each side with the legal description of the land from which these products were cut. Where timber is being cut from more than one 40-acre tract in a single logging operation, the loads of products from such operation may be marked with the legal description of all the lands being cut upon such operation, or the operator may register with the division a list of the legal descriptions of lands to be cut over in such single operation, and the director shall then assign to the operator a number covering the registered descriptions; such assignment to be for the period of one year and such number may be used to mark products being transported, in lieu of the legal descriptions.

[1941 c. 83 s. 1]

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

[1941 c. 83 s. 2]

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

[1941 c. 83 s. 3]

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

[1941 c. 83 s. 4]

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

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

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

[1941 c. 83 s. 5]

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

[1941 c. 83 s. 6]

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

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

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

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

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

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

89.24 LANDS GIVEN FOR STATE FORESTS. When the owner of any lands suitable for state forests shall offer in writing to convey the same to the state for forestry purposes the commissioner shall refer the question of accepting the offer to the town and county boards where the land is situated for their advice thereon and shall consider all objections and recommendations submitted upon the question. The decision of the commissioner thereon shall be final. No conveyance of these lands shall be accepted unless the commissioner shall be advised by the attorney general that the same are clear of liens except the liens of the state for taxes. If any land shall be devised to the state for forestry purposes the question of the acceptance thereof shall be determined as nearly as may be in the same manner.

[R. L. s. 2512] (6514)

89.25 LANDS PURCHASED FOR STATE FORESTS. The commissioner is authorized to purchase for the state forests at a price not exceeding \$2.50 per acre any land, preferably at the sources of rivers, which is adapted for forestry, but not to exceed in any one township one-eighth of the area thereof; and no money shall be paid therefor until the attorney general certifies that the deed thereof conveys a clear title to the state.

[R. L. s. 2514] (6516)

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

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

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

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

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

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

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

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

89.30 CERTAIN STATE LANDS TO BECOME STATE FORESTS. When the commissioner shall determine that any tract of public land of the state which shall have reverted to the state on account of default after sale theretofore made to the individual purchaser and which, after being reoffered for sale, remains unsold is suitable and is required for use as a forestry administrative station, demonstration forest, or for any other forestry purpose and which has heretofore been put to such use, all in designated state forests, and shall so certify to the state auditor, it shall be the duty of the state auditor forthwith to certify the tract upon his records as state forest land. Thereupon any and all right of the prior purchaser of the tract to redeem the same shall be terminated and extinguished and the tract shall become and be a part of the state forests, subject to all the provisions of law relating thereto.

[1931 c. 293 s. 1] (6522-3)