

CONSERVATION  
CHAPTER 84

## DEPARTMENT OF CONSERVATION

Sec.		Sec.	
84.025	Creation and organization	84.163	Battle Point; improvement and maintenance
84.027	Powers and duties	84.361	Taxes canceled in certain cases
84.03	Additional powers and duties	84.362	Structures may be removed
84.031	Enjoining interference with waterflow from beyond state boundaries	84.363	May sell dead and down timber
84.032	Low-water mark, stipulation	84.415	Licenses, permits
84.033	Divisions of department	84.42	Violations; penalties
84.034	Vacancies	84.43	Definitions
84.035	Assignment and delegation of duties	84.44	Declaration of policy
84.034	Transfer of funds	84.45	Commissioner of conservation, powers and duties
84.035	Acceptance of gifts	84.46	Commissioner of aeronautics
84.036	Seals, uniforms, and badges	84.47	Permits to private property owners
84.037	Keeping records and orders	84.48	Two-way radio system
84.038	Transfer of functions and appropriations	84.49	Water craft, limitation of operation
84.039	Conservation of wild rice	84.50	Violations and penalties
84.10	Wild rice harvested in certain lakes	84.51	Inspection
84.111	Water craft; methods of harvest; hours of harvest	84.52	Certain zoning regulations applicable
84.14	Director of the wild rice harvest	84.521	Suspension of sections 84.43 to 84.52
84.15	Commissioner may restrict harvest	84.53	Topographic survey; commissioner of conservation
84.153	Property; leasing, renting	84.54	State mapping advisory board
84.154	Lac qui Parle water control project	84.55	County board or governing body of any municipality may cooperate
84.155	Conservation projects; Beltrami Island, Pine Island	84.57	Underground waters, displacement by underground storage of gas or liquid under pressure
84.156	Interest in certain lands transferred to United States	84.58	Permit for underground storage
84.157	Exchange of certain state lands	84.59	Appeals to district court from determination of commissioner of conservation
84.158	Grant of flowage easements	84.60	Order granting permit; findings, restrictions
84.161	Commissioner may acquire land for certain purposes	84.61	Damages, payment
84.162	Additional powers of commissioner	84.62	Certificate of use

**84.025 CREATION AND ORGANIZATION.** Subdivision 1. **Continuance.** The department of conservation shall continue as now constituted, subject to the provisions of Laws 1943, Chapter 60, as amended.

Subd. 2. **Supervision.** The department shall be under the supervision and control of a commissioner of conservation who shall be appointed by the governor by and with the advice and consent of the senate. The commissioner shall be chosen with regard to his knowledge, training, experience, and ability in administration of conservation work. The commissioner, if his appointment be approved by the senate at a regular session of the legislature, shall serve for a term expiring March 1 in the sixth calendar year following the calendar year in which such approval was given, and until his successor is appointed and has qualified. Appointment of a commissioner for the ensuing term may be made by the incoming governor at any time after taking office in the year in which the current term expires, but such appointee shall not take office until the expiration of such current term nor until approved by the senate unless there is a vacancy. In case of a vacancy the governor may appoint a commissioner to serve at the pleasure of the governor but not later than the next following March 1 in an odd numbered year and until a successor is appointed and has qualified as in case of the expiration of a regular term.

Subd. 3. **Bond.** The commissioner shall give a bond to the state in the sum of \$25,000.

Subd. 4. **Deputy.** The commissioner may appoint a deputy, to serve at his pleasure, who shall be in the unclassified service of the state. The deputy may exercise all the powers of the commissioner, subject to his direction and control. The deputy shall give a bond to the state in the sum of \$5,000.

Subd. 5. **Assistants.** The commissioner may employ such other assistants as may be necessary for his administrative staff and for the performance of such other functions of the commissioner or the department as are not assigned to the several divisions.

Subd. 6. **Deputy attorney general.** The attorney general shall appoint a deputy attorney general, in addition to the number now authorized by law, who shall be the attorney for the department of conservation. He shall receive the same salary

# MINNESOTA STATUTES 1965

915

DEPARTMENT OF CONSERVATION 84.027

as other deputy attorneys general, to be paid from moneys appropriated therefor to the department of conservation or otherwise as may be provided by law.

[1943 c 60 s 1; 1947 c 609 s 25; 1949 c 467 s 1; 1949 c 789 s 7 sbd 1; 1951 c 713 s 10; 1957 c 898 s 1]

**84.027 POWERS AND DUTIES.** Subdivision 1. **Powers.** The commissioner of conservation shall be the administrative and executive head of the department. Subject to the provisions hereof and other applicable laws, he shall have the powers and duties herein prescribed. The enumeration of specific powers and duties herein shall not limit or exclude other powers or duties.

Subd. 2. **Duties.** The commissioner shall have charge and control of all the public lands, parks, timber, waters, minerals, and wild animals of the state and of the use, sale, leasing, or other disposition thereof, and of all records pertaining to the performance of his functions relating thereto.

Subd. 3. **Powers.** The commissioner shall have all the powers and duties prescribed for the commissioner of conservation by Laws 1931, Chapter 186, all the powers and duties therein prescribed for the conservation commission except the power to appoint a commissioner, and all other powers and duties now prescribed by law for the commissioner of conservation, the conservation commission, the department of conservation, its divisions, or the director of any division.

Subd. 4. **Powers.** The commissioner shall have all existing powers and duties now or heretofore vested in or imposed upon the state auditor in any capacity and not heretofore transferred to any other officer or agency with respect to the public lands, parks, timber, waters, and minerals of the state, and the records thereof; provided, that nothing herein shall divest the state auditor of any power or duty otherwise prescribed by law with respect to auditing, accounting, disbursement, or other disposition of funds pertaining to the matters herein specified, nor of any power or duty expressly vested in or imposed upon him by the following provisions of law:

(1) The provisions of Mason's Minnesota Statutes 1927, Section 76, so far as the same pertain to the crediting of payments on account of state lands, timber, or other products to the proper funds, or to the depositing and keeping of conveyances and abstracts of title; also all other provisions pertaining to the filing or keeping of deeds, grants, or conveyances to the state or abstracts or other evidence of title to state property;

(2) All provisions pertaining to escheated property;

(3) Mason's Minnesota Statutes 1927, Sections 2220, 6442 to 6449, 6646, 6660, and 8223.

Subd. 5. **Powers.** The commissioner shall have all the powers and duties prescribed for the state auditor by Mason's Supplement 1940, Sections 5620-1 to 5620-13, 6452-1 to 6452-13, and 4031-75 to 4031-88, with respect to the receipt, filing, keeping, and certification of reports, lists, and records of descriptions of lands, reserving to the state auditor all other powers and duties therein prescribed for him. The county auditor shall make and transmit to the state auditor all the certificates and reports therein required except certificates and reports of land descriptions, which shall be made and transmitted to the commissioner.

Subd. 6. **Powers.** The commissioner shall have all the powers and duties prescribed for the state auditor by Mason's Supplement 1940, Sections 5620-13½ to 5620-13½j, as amended, and 2139-2b to 2139-27k, as amended, with respect to the receipt, filing, and keeping of reports of sales of land and the execution of conveyances, reserving to the state auditor all other powers and duties therein prescribed for him. The county auditors shall make and transmit to the commissioner all the certificates and reports therein required to be made to the state auditor with respect to such sales and conveyances. The county treasurers shall make all reports of collections thereunder in duplicate and shall transmit a copy of each report to the state auditor and the commissioner.

Subd. 7. **Limitation of powers.** Except as otherwise expressly provided, nothing herein shall confer on the commissioner any authority over any property of the state devoted pursuant to law to any specific purpose under any officer or agency of the state other than the commissioner or the department of conservation or its divisions.

Subd. 8. **Selection of lands for certain purposes.** The commissioner of conservation may select from any available lands owned by the United States in this

# MINNESOTA STATUTES 1965

## 84.03 DEPARTMENT OF CONSERVATION

916

state such lands as he deems suitable in lieu of any deficiencies which may have occurred in grants of school lands or other lands heretofore made to the state under any act of congress, and may, with the approval of the executive council, accept on behalf of the state any grants or patents of lands so selected issued by the United States to the state.

This subdivision shall not be deemed to amend, supersede, or repeal any existing law, but shall be supplementary thereto.

[1948 c 60 s 2; 1953 c 382 s 1]

**84.03 ADDITIONAL DUTIES AND POWERS.** So far as practicable the commissioner shall collect and arrange statistics and other information in reference to the lands and general and special resources of the state, and its advantages as a place of residence, spread knowledge of the same throughout the civilized world by correspondence, by messengers, and by public lectures and all forms of legitimate advertising, facilitate the immigration of such persons of good moral character as may desire a change of domicile, and answer all inquiries from persons residing within or without the state upon these subjects.

He is hereby authorized and empowered to take such measures as he may deem advisable to advertise, both within and without the state, sales of all state lands, and to secure, compile, and issue such valuable statistics of the resources of the state as may be useful in securing a desirable class of settlers to purchase and to locate on these lands.

He may adopt and promulgate reasonable rules and regulations, not inconsistent with law, governing the use and enjoyment of state land reserved from sale, state parks, state public camp grounds, state recreation reserves, and state monument sites, which shall have the force and effect of law. A reasonable fee may be fixed, charged, and collected by the commissioner for the privilege of transient camping in state public camp grounds.

The commissioner, biennially, shall report to the legislature his acts and doings, with recommendation for the improvement or conservation of state parks, state public camp grounds, state recreation reserves, and state monument sites, and for desirable accessions thereto, such report to include an inventory of the tracts and parcels of land, and rights, interests, and easements therein, held by the state or withdrawn from sale for any of these purposes, with the value thereof. The commissioner is hereby authorized to subdivide the east one-half of the southeast quarter of section 16, township 57, range 21, into smaller parcels or village lots, and to appraise and offer such parcels or lots for sale as provided by law. This land may be sold notwithstanding the fact that it has frontage on a public lake, provided that a strip 33 feet in width landward from the ordinary high water mark be reserved by the state.

[1905 c 201 s 1; 1907 c 267 s 5; 1923 c 430 s 8, 14; 1941 c 222 s 1] (77, 4342, 6460, 6466)

**84.031 ENJOINING INTERFERENCE WITH WATERFLOW FROM BEYOND STATE BOUNDARIES.** Whenever any person, firm, association, or corporation, or any state or political subdivision, agency or commission thereof shall disturb, obstruct, or interfere with the natural flow or condition of public waters beyond the boundaries of the state in a manner so as to seriously affect the public welfare and interests of the state, the commissioner of conservation may institute proceedings in behalf of the state in any court having jurisdiction to abate or enjoin the continuance thereof.

[1947 c 414 s 1]

**84.032 LOW WATER MARK, STIPULATION.** In any civil action involving the navigability of any body of water, river or stream, or the ownership of the bed thereof, wherein the state is a party thereto, the commissioner of conservation, in behalf of the state, with the approval of the attorney general, may agree by written stipulation with any riparian owner and party to such action as to the location of the ordinary low-water mark upon the riparian lands of such party. Such stipulation when executed by all parties thereto shall be presented to the judge of the district court wherein the action is pending for approval and, if approved, the judge shall make and enter an order therein providing that the final judgment when entered shall, as to the parties to such stipulation, conform to the location of the ordinary, low-water mark as provided for in such stipulation.

[1951 c 599 s 1]

# MINNESOTA STATUTES 1965

917

DEPARTMENT OF CONSERVATION 84.086

**84.081 DIVISIONS OF DEPARTMENT.** Subdivision 1. **Directors.** The department of conservation shall be organized with the following divisions: a division of forestry, a division of waters, a division of game and fish, a division of lands and minerals, and a division of state parks. Each division shall be under the immediate charge of a director, subject to the general supervision and control of the commissioner. The directors shall be appointed by the commissioner, to serve at his pleasure, and shall be in the unclassified service of the state. They shall be chosen with regard to knowledge, training, experience, and ability in administering the work of their respective divisions.

Subd. 2. **Directors, bonds.** Each director shall give a bond to the state in the sum of \$5,000, except the director of forestry and the director of game and fish, who shall each give a bond in the sum of \$15,000.

Subd. 3. **Directors may employ assistants.** Each director, with the approval of the commissioner, may employ such assistants as may be necessary for the work of his division. Each director, with the approval of the commissioner, may designate one of his employees as deputy director, and may revoke such designation at any time, regardless of the civil service status of such employee and without affecting such status. Each deputy director may exercise all of the powers of the director, subject to his direction and control, including powers delegated by the commissioner unless otherwise prescribed by him.

[1943 c 60 s 3; 1943 c 601 s 1; 1947 c 587 s 17; 1949 c 356 s 1; 1949 c 739 s 7  
sbd 2; 1951 c 713 s 11]

**84.082 VACANCIES.** In case of a vacancy in the office of commissioner or of any director, his deputy shall have all of the powers and perform all of the duties thereof until a successor, either as an acting or regular incumbent, has been appointed and has qualified; provided, no deputy commissioner serving as commissioner in the event of a vacancy shall have power to discharge a director or to revise or change the assignments of activities among the divisions of the department or to designate another deputy. While serving in such vacated office a deputy shall receive the same salary as the regular incumbent.

[1943 c. 60 s. 4]

**84.083 ASSIGNMENT AND DELEGATION OF DUTIES.** Subdivision 1. Each division shall have charge of administering the activities indicated by its title and such other duties and functions as may be assigned by the commissioner, subject to the right of the commissioner to revise and change assignments of any and all activities or of specific duties or functions among the several divisions at any time as he may see fit. The commissioner may, by written order filed in the office of the secretary of state, delegate to the director of any division any of the powers or duties vested in or imposed upon the commissioner by this act or by any other law upon such conditions as he may prescribe and subject to modification or revocation at his pleasure. Such delegated powers and duties may be exercised or performed by the respective directors in their own names or in the name of the commissioner, as he may direct.

Subd. 2. The division of waters shall have all the powers and duties now vested in or imposed upon the division of water resources and engineering, subject to all applicable provisions of law. Wherever the term "division of water resources and engineering" is used in any other law, it shall be deemed to refer to the division of waters.

[1943 c 60 s 5; 1949 c 356 s 2]

**84.084 TRANSFER OF FUNDS.** The commissioner may authorize the performance of services for any division by any other division or by the department staff, and, with the approval of the commissioner of administration, may require appropriate transfers of funds to compensate for the cost of such service.

[1943 c. 60 s. 6]

**84.085 ACCEPTANCE OF GIFTS.** The commissioner may accept in behalf of the state all gifts or grants of lands or personal property tendered to the state for any purpose pertaining to the activities of the department of conservation or any of its divisions.

[1943 c. 60 s. 7]

**84.086 SEALS, UNIFORMS AND BADGES.** Subdivision 1. Shall have seals. The department of conservation and the several divisions thereof shall have seals in the form and design heretofore adopted, bearing the words "State of Minnesota,

# MINNESOTA STATUTES 1965

## 84.087 DEPARTMENT OF CONSERVATION

918

Department of Conservation," also, in case of a division seal, the title of the division. The seals may be used to authenticate the official acts of the commissioner or the directors, respectively, but omission or absence of the seal shall not affect the validity or force of any such act.

Subd. 2. **Commissioner may furnish badges and uniforms.** (a) The commissioner may provide for the issuance at state expense of such badges and uniforms as he may deem necessary and suitable for officers or employees of the department and its divisions.

(b) Uniforms for game wardens and their supervisors shall be equipped with distinctive emblems, and shall be distinctive from the uniforms of any division or section of the department of conservation, the state highway patrol, or any other state department or agency.

[1943 c 60 s 8, 9; 1965 c 181 s 1]

**84.087 KEEPING RECORDS AND ORDERS.** Except as otherwise prescribed or required by law, the originals of all official records, orders, and other documents made, executed, or issued by or under the authority of the commissioner of conservation or the directors of the several divisions of the department shall be filed and kept in the respective offices where the same were made, executed, or issued, or in such other office in the department as the commissioner may direct.

[1943 c 60 s 10]

**84.088 TRANSFER OF FUNCTIONS AND APPROPRIATIONS.** Subdivision 1. **Functions.** So far as any duties herein vested in or imposed upon the commissioner of conservation are now exercised or performed by any other officer or agency of the state, such powers or duties are hereby transferred to the commissioner, subject to the provisions of Laws 1943, Chapter 60, and all existing and unexpended appropriations for the purposes of such powers or duties are hereby transferred therewith, to be available for the same purposes under the commissioner but otherwise subject to the same conditions and limitations as the original appropriations.

Subd. 2. **Appropriations.** Any unexpended appropriation made for the purposes of any activity or function which may be transferred by the commissioner at any time from one agency to another within the department shall be transferred therewith, to be available for the same purposes but otherwise subject to the same conditions and limitations as the original appropriation.

[1943 c. 60 s. 11]

**84.09 CONSERVATION OF WILD RICE.** From time immemorial the wild rice crop of the waters of the State of Minnesota has been a vital factor to the sustenance and the continued existence of the Indian race in Minnesota. The great present market demand for this wild rice, the recent development of careless, wasteful, and despoiling methods of harvesting, together with water conditions of the past few years, have resulted in an emergency, requiring immediate stringent methods of control and regulation of the wild rice crop. The traditional methods of the Indian in such harvesting are not destructive. On the other hand, the despoliation of the rice fields as now progressing under commercial harvesting methods will result in imminent danger of starvation and misery to large bands of these Indians. They are in danger of becoming relief charges upon the state and the counties, many of which are overburdened with relief loads now. It is further true that many of the reservation lands which were ceded in trust to these Indians have never been sold and others are reverting because of non-payment by the purchasers. It is therefore declared the purpose of sections 84.09 to 84.15, and Laws 1939, Chapter 231, to meet this emergency and to discharge in part a moral obligation to these Indians of Minnesota by strictly regulating the wild rice harvesting upon all public waters of the state and by granting to these Indians the exclusive right to harvest the wild rice crop upon all public waters within the original boundaries of the White Earth, Leech Lake, Nett Lake, Vermillion, Grand Portage, Fond du Lac, and Mille Lacs reservations.

[1939 c 231 s 1] (6131-4)

**84.10 WILD RICE HARVESTED IN CERTAIN LAKES.** It shall be unlawful for any person to take wild rice grain from any of the waters within the original boundaries of the White Earth, Leech Lake, Nett Lake, Vermillion, Grand Portage,

# MINNESOTA STATUTES 1965

919

DEPARTMENT OF CONSERVATION 84.14

Fond du Lac and Mille Lacs Reservations except said persons be of Indian blood, or residents of the reservation upon which said wild rice grain is taken.

[1939 c 231 s 2; 1941 c 217 s 1; 1943 c 220 s 1; 1945 c 171 s 1; 1947 c 424 s 1]  
(6131-5)

84.11 [Repealed, 1947 c 424 s 6]

## 84.111 WATER CRAFT; METHODS OF HARVEST; HOURS OF HARVEST.

Subdivision 1. It shall be unlawful to use, in harvesting wild rice in any public waters in this state, any water craft other than a boat, skiff, or canoe propelled by hand, which boat, skiff, or canoe may have a top width of not more than 36 inches and a length of not more than 18 feet, or any machine or mechanical device for gathering or harvesting the grain other than with flails not over 30 inches in length nor over one pound in weight, which flails must be held and operated by hand.

Subd. 2. It is unlawful to use any pole for propelling any water craft used in such harvesting which is not forked at the end, with each branch less than 12 inches in length.

Subd. 3. It is unlawful to use in such harvesting any machine or device for gathering the grain other than a flail not over 30 inches in length nor over one pound in weight, held and operated by hand.

Subd. 4. It is unlawful to harvest any wild rice in any public waters between three o'clock p.m. and nine o'clock a.m. following except as otherwise expressly permitted in writing by an authorized committeeman or other agent of the commissioner pursuant to regulations of the commissioner.

[1949 c 506 s 3, 4; 1959 c 684 s 1; 1963 c 174 s 1]

84.12, 84.13 [Repealed, 1947 c 424 s 6]

84.14 DIRECTOR OF WILD RICE HARVEST. Subdivision 1. The commissioner may appoint a director of the wild rice harvest, who shall be a man of proven experience in the actual cultivation and harvesting of wild rice, and such assistants as may be deemed necessary. The director shall serve at the will of the commissioner in this capacity and shall be appointed from the classified service of the state. He may be paid such salary as may be determined by the director of civil service and the commissioner of administration and for such periods during the year as may be designated by the commissioner, together with reasonable traveling expenses, from any sums available to the division of game and fish. The director shall have the duty of investigating the conditions affecting the crop of wild rice upon any waters that are proposed to be harvested.

Subd. 2. The director may, with the approval of the commissioner, appoint deputies or committeemen to assist him in any or all of his duties. The deputies or committeemen shall be in the unclassified service of the state and shall serve without compensation unless otherwise provided for by law. The director, deputies, and committeemen appointed for the purpose of regulating the harvesting of wild rice may be authorized by the commissioner to enforce the laws and regulations in relation thereto in the same manner as game wardens are authorized so to do.

Subd. 3. The commissioner may by order establish rules and regulations for the harvesting of wild rice on all public waters or portions thereof. Such rules and regulations need not include the opening dates, days, and hours of the wild rice harvesting season.

The opening dates, days, and hours of harvest shall be established by the commissioner and published by posting at such places and in such manner as the commissioner shall by regulation prescribe, no less than 48 hours prior to the opening thereof.

After the season for the taking of wild rice has been designated, the commissioner may alter the season by changing the days and the hours of the day during which such harvest may be conducted on any or all public waters or portions thereof. Whenever the commissioner alters the season notice thereof shall be published by posting in the vicinity of the waters or rice beds affected by such alteration at such places and in such manner as the commissioner shall by regulation prescribe, no less than 12 hours prior to the time such alterations are to take effect.

Subd. 4. It shall be the duty of the commissioner upon recommendation and advice of the director of wild rice harvest to list the important bodies and beds of wild rice growing in the public waters of this state and to rotate the opening of

# MINNESOTA STATUTES 1965

## 84.15 DEPARTMENT OF CONSERVATION

920

such beds with the general view that each bed shall be closed to harvesting where the director of wild rice finds that there is need of such closing for the purpose of restocking and reseeding such bed. The commissioner may regulate the days and hours of the day when harvesting shall be permitted in any one or more or all waters or rice beds of the state to obtain optimum quality and quantity of harvested wild rice consistent with adequate reseeding of wild rice beds. It is unlawful to take or harvest wild rice from any waters or rice bed at any time other than during the season, days and hours prescribed and announced by the commissioner therefor.

Subd. 5. The provisions of sections 84.09 to 84.15 shall not limit or supersede any authority otherwise conferred on the commissioner by law.

Subd. 6. Violation of any of the provisions of this section shall constitute a misdemeanor.

[1939 c 231 s 11; 1941 c 217 s 8; 1951 c 671 s 1; 1959 c 129 s 1,2; 1959 c 684 s 2; 1963 c 709 s 1; 1965 c 355 s 1,2,3,4] (6131-14)

**84.15 COMMISSIONER MAY RESTRICT HARVEST.** Subdivision 1. The commissioner may, in his discretion, restrict or prohibit the harvesting of wild rice grain on public waters of any designated area when, upon investigation of conditions, it shall be determined necessary or advisable to protect against undue depletion of the crop so as to retard reseeding or restocking of such area or so as to endanger its effective use as a natural food for waterfowl.

Subd. 2. The commissioner may harvest not to exceed 10,000 pounds of wild rice in any calendar year for the purposes of obtaining wild rice seed for experimental and research purposes and replanting in public waters of the state, including waters within the original boundaries of the Minnesota Indian Reservations.

[1939 c 231 s 12; 1949 c 628 s 1; 1957 c 85 s 1] (6131-15)

**84.153 PROPERTY, LEASING, RENTING.** The commissioner is hereby authorized at public or private vendue and at such prices and under such terms and conditions as he may prescribe, to lease any buildings or lands not now authorized to be leased, acquired in the name of the state of Minnesota by any of the several divisions of the department which are not presently needed for the uses and purposes of any of the divisions of the department. The purposes for which such leases may be executed shall be in the furtherance of the interests of conservation and such uses shall not result in any permanent injury to the land. No such lease shall be made for a term to exceed two years and shall contain a provision for cancellation at any time by the commissioner upon three months written notice. All money received from these leases shall be credited to the fund from which the property was acquired.

The commissioner is hereby authorized to rent or lease to employees of the various divisions of the department such cabins, buildings, or living quarters as are now or may hereafter be constructed upon state-owned lands under the control of the several divisions of the department, when this occupancy is found to be necessary or beneficial to the work of the department. These leases or rental agreements shall be upon a month to month basis and provide for surrender by the lessee upon demand at any time his services with the state may be terminated, without the necessity of any written notice. All receipts from rents shall be paid in to the state treasurer and credited to the fund charged with the cost of maintenance of such buildings and are hereby appropriated for such use.

All instruments and transactions so negotiated shall be approved as to form, validity, and execution by the attorney general.

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.

[1941 c 291 s 1-3; 1965 c 382 s 1]

**84.154 LAC QUI PARLE WATER CONTROL PROJECT.** Subdivision 1. Conservation project. The commissioner is hereby authorized, with the approval of the executive council, and on such terms as may be deemed advantageous to the state, to sell and convey to the United States the fee title, free from any mineral reservation, of lands acquired by the state for the Lac qui Parle River water control project upon which dams and appurtenant structures have been or may be constructed and such rights of way as may be required by the United States to provide access thereto for the purposes of construction, maintenance and operation, and to grant, sell and convey either such fee title to, or flowage rights over, all

# MINNESOTA STATUTES 1965

921

DEPARTMENT OF CONSERVATION 84.154

lands acquired for the project on and above Lac qui Parle Lake which lie below the 935.7 foot elevation on project datum, and to grant, sell and convey flowage rights only over all lands so acquired on or above Marsh Lake which lie below the 939.5 foot elevation on project datum and over all of such lands on and above either of these lakes which lie above such elevations, and to lease to any appropriate agency of the United States for conservation purposes, subject to such flowage rights, any of such lands the ownership of which is retained by the state, or to enter into a cooperative agreement with any such agency for the development and management of any wild life or other conservation activity thereon; provided, that no such conveyance or agreement shall waive any claim of the state for reimbursement from the United States under the flood control act of June 28, 1938, and any amendments thereof. Each such lease for conservation purposes and each such cooperative agreement for the development and management of wild life or other conservation activity on such lands shall contain specific conditions reserving to the public during all open seasons for hunting wild waterfowl at least 40 per cent of the area of these lands suitable for hunting waterfowl as public shooting grounds.

**Subd. 2. Commissioner of conservation may complete Lac qui Parle and Big Stone Lake projects.** Inasmuch as the cessation of the work relief program of the Federal government and the entry of the United States into the present war prevented completion of certain contemplated features of the Lac qui Parle and Big Stone Lake water control projects heretofore undertaken by the executive council, in cooperation with Federal agencies, and it is desirable that such projects be completed in order to secure effective control and utilization of the waters affected for the purposes of prevention and control of floods, water conservation, improvement of conditions for game and fish, and other authorized public uses, the commissioner of conservation is authorized to construct all works and improvements pertaining or incidental to said projects which he deems necessary for such purposes, and to maintain and operate the same so far as not transferred to the United States pursuant to law.

**Subd. 3. Powers of commissioner.** The commissioner of conservation may use for any project herein authorized any land of the state under his jurisdiction or control so far as is not inconsistent with the laws governing the same, may acquire by purchase, gift, or condemnation any additional lands or interests in lands required for such projects, including lands or interests in adjacent states if authorized by the laws thereof, may accept gifts or grants of money or property from the United States or any other source for such projects, may use and apply any money or property so received in accordance with the terms of the gift or grant so far as is not inconsistent with the provisions of this act or other laws, may act in behalf of the state as sponsor for any such project undertaken or authorized by the United States, may make any sponsor's contributions required for any such project out of moneys appropriated by Laws 1943, Chapter 476, or otherwise made available therefor, and may cooperate with the United States or any adjacent state or any authorized agency of either in constructing, maintaining and operating any such project upon such terms and conditions as he may deem proper not inconsistent with the laws of this state.

**Subd. 4. May sell or lease land.** The commissioner of conservation may, in behalf of the state, with the approval of the governor, sell or lease to the United States any part of the lands or interests in lands heretofore or hereafter acquired by the state for the purposes of such projects, with any structures or improvements thereon, upon such terms and conditions as he may deem proper, providing for the continued maintenance and operation of such projects for the purposes herein specified; provided that the provisions of this section shall not be deemed to repeal or supersede the provisions of Laws 1941, Chapters 142 and 518, with respect to lands or interests heretofore acquired, so far as applicable thereto; provided, that the governor shall not approve any such sale or lease without first consulting the legislative advisory committee and securing their recommendation, which shall be advisory only. Failure or refusal of the committee to make a recommendation promptly shall be deemed a negative recommendation.

**Subd. 5. Special funds created.** (1) There is hereby created a special fund to be known as the Lac qui Parle and Big Stone Lake Water Control Projects Fund, in which shall be placed all moneys heretofore or hereafter received for any lands or

# MINNESOTA STATUTES 1965

## 84.155 DEPARTMENT OF CONSERVATION

922

other property acquired by the state for the Lac qui Parle water control project and heretofore or hereafter sold or leased to the United States pursuant to Laws 1941, Chapter 518, or otherwise, also all moneys heretofore or hereafter received from any source for the sale or lease under any other law of any lands or other property acquired by the state for either the Lac qui Parle or Big Stone Lake water control project, except as otherwise provided in clause (2).

(2) All moneys in excess of \$2,500 remaining June 30, 1943, and at the end of each fiscal year thereafter in the Lac qui Parle revolving fund designated by Laws 1941, Chapter 142, shall be transferred to said projects fund. When all the property authorized to be sold under said chapter has been sold and the proceeds have been received the executive council shall notify the State Auditor thereof. Thereupon the balance remaining in said revolving fund shall be transferred to said projects fund and said revolving fund shall be abolished.

(3) All moneys in said projects fund are hereby appropriated to the commissioner of conservation for the purposes of Laws 1943, Chapter 476, to remain available therefor until expended hereunder or otherwise expressly disposed of by law; provided, that all expenditures hereunder shall be subject to the approval of the governor; provided, that the governor shall not approve any such expenditure without first consulting the legislative advisory committee and securing their recommendation, which shall be advisory only. Failure or refusal of the committee to make a recommendation promptly shall be deemed a negative recommendation.

Subd. 6. **Transfer to commissioner.** (1) The supervision and control of the Lac Qui Parle project lands, which is now vested in the executive council by Laws 1925, Chapter 426; Laws 1933, Chapter 355; Extra Session Laws 1933, Chapter 25; Laws 1935, Chapter 51; Extra Session Laws 1935, Chapter 101; Laws 1937, Chapters 209 and 459; Extra Session Laws 1937, Chapter 89; Laws 1941, Chapters 142 and 518; Laws 1943, Chapter 476; Laws 1945, Chapter 325; Laws 1947, Chapter 571; and Minnesota Statutes, Section 84.154, are hereby transferred to the commissioner of conservation.

(2) These lands, which consist of 22,000 acres, more or less, located in the north and east edge of Lac Qui Parle County and portions of the south and west edges of Chippewa, Swift and Big Stone Counties, shall be used and developed as a game refuge and public hunting grounds as the commissioner of conservation may designate and shall include all state-owned lands acquired pursuant to the provisions of law above stated.

(3) The right of eminent domain will not be exercised in the case of the acquisition of additional lands to this game refuge and public hunting ground.

[1941 c 518 s 1; 1943 c 476 s 1; 1957 c 755 s 1-3]

**84.155 CONSERVATION PROJECTS, BELTRAMI ISLAND, PINE ISLAND.** Subdivision 1. **Certain leases between the State and the United States of America ratified and approved.** Leases entered into between the United States of America and the State of Minnesota, through the commissioner of conservation, under date of August 2, 1940, demising to the State of Minnesota federal-owned lands in what are known as the Beltrami and Pine Island areas, located in the counties of Koochiching, Roseau, Lake of the Woods, and Beltrami, in the State of Minnesota, for a period of 50 years, are hereby in all things ratified and approved.

Subd. 2. **Beltrami Island conservation project created.** For the purpose of protecting, preserving, and managing wild life, forest and water resources, there is hereby established the Beltrami Island conservation project consisting of all lands within the descriptions hereinafter contained. All public lands, except tax forfeited lands, lying within these areas are hereby set aside and reserved from sale. These areas shall comprise the following lands and waters in Beltrami county, Minnesota:

All of Townships 155 and 156, North, in Ranges 31, 32, 33, 34 and 35 West of the Fifth Principal Meridian:

All of Townships 157 and 158, North, in Ranges 36 and 37 West of the Fifth Principal Meridian:

and the following described lands and waters in the Lake of the Woods county, Minnesota:

All of Township 157, North, Range 32 West of the Fifth Principal Meridian:

All of Townships 157, 158 and 159, North, in Range 33 West of the Fifth Principal Meridian:

All of Townships 157, 158, 159 and 160, North, in Range 34 West of the Fifth

# MINNESOTA STATUTES 1965

Principal Meridian:

All of Townships 157, 158, 159 and 160, North, in Range 35 West of the Fifth Principal Meridian:

All of Townships 159 and 160, North, in Range 36 West of the Fifth Principal Meridian:

and the following described lands and waters in Roseau county, Minnesota:

The South one-half of Township 161, North, in Range 35 West of the Fifth Principal Meridian:

The South one-half of Township 161, North, in Range 36 West of the Fifth Principal Meridian:

All of Townships 159 and 160 and the South two-thirds of Township 161, North, in Range 37 West of the Fifth Principal Meridian, and

The East two-thirds of Township 160, North, in Range 38 West of the Fifth Principal Meridian.

**Subd. 3. Pine Island conservation project created.** For the purpose of protecting, preserving and managing wild life, forest and water resources, there is hereby established the Pine Island conservation project consisting of all lands within the descriptions hereinafter contained. All public lands, except tax forfeited lands, lying within these areas are hereby set aside and reserved from sale. These areas shall comprise the following lands and waters in Koochiching county, Minnesota:

All of Townships 64 and 65, North, in Range 24 and 25 West of the Fourth Principal Meridian:

All of Townships 64, 65, 66 and 67, North, in Range 26 West of the Fourth Principal Meridian:

All of the lands in Townships 64, 65, 66 and 67, North, in Range 27 West of the Fourth Principal Meridian:

All of Township 152; the South one-half of Township 153; all of Townships 155 and 156; the West two-thirds of Township 157 and that portion of Township 158, North, situated South of the center line of Black River, all in Range 25 West of the Fifth Principal Meridian:

All of Township 152, North; the South one-half of Township 153; the North one-half of Township 155; all of Townships 156 and 157 and that portion of Township 158, North, situated South of the center line of Black River, all in Range 26 West of the Fifth Principal Meridian:

All of Townships 153 and 154; the North one-half of Township 155; all of Townships 156 and 157, and that portion of Township 158, North, situated South of the center line of Black River and East of that branch of the Black River which flows North through Sections 33 and 28, in Range 27 West of the Fifth Principal Meridian:

All of Townships 153, 154, 155, 156, 157 and 158 and the West one-third of Township 159, North, in Range 28 West of the Fifth Principal Meridian; and All of Townships 153, 154, 155, 156, 157, 158 and 159, North, in Range 29 West of the Fifth Principal Meridian.

**Subd. 4. Lands to be under management of commissioner.** All public lands except tax forfeited lands, owned by the State of Minnesota, as well as lands owned by the United States and leased by the State of Minnesota within the Beltrami and Pine Island projects shall be under the management and control of the commissioner, who shall have authority to negotiate for and enter into on behalf of the State of Minnesota, leases for hay stumpage and timber stumpage at such fees and prices as he may determine reasonable and just.

**Subd. 5. Commissioner to make rules.** Within the boundaries of the Beltrami Island and Pine Island areas, the commissioner is hereby given full power and authority to make, establish, promulgate, and enforce all necessary rules and regulations for the care, preservation, protection, breeding, propagation, and disposition of any and all species of wild life therein and the regulation, issuance, sale, and revocation of special licenses or special permits for hunting, fishing, trapping, camping and other uses within the areas not inconsistent with the terms of this section. The commissioner shall have the power and authority to declare the terms and conditions of such licenses and permits and the charges to be made therefor. He may issue regulations specifying and controlling the terms under and by which any wild animals may be taken, captured, or killed therein or under and by which fur bearing animals having commercial value may be sold and transported. He may regulate and effect the sale of merchantable timber from such lands as are owned

# MINNESOTA STATUTES 1965

## 84.156 DEPARTMENT OF CONSERVATION

924

or leased by the state; provided, his authority as to the leased lands shall not exceed that provided in the leases.

**Subd. 6. Two funds created; disposition of receipts.** There shall be created two funds, one to be known as the Beltrami Island conservation fund and the other as the Pine Island conservation fund. All income and revenue received by virtue of all hay and stumpage leases, timber sales, sales of special licenses and permits, as hereinabove provided, from each of the areas described in this section, shall be paid in to the state treasury and credited to that fund bearing the name of the project from which the income was derived. These sums are hereby appropriated for the purpose of administering said areas in accordance with the terms of this section and the terms of the leases herein referred to as having been approved and ratified and for making repairs and replacements on the properties leased as provided by the leases. Any portion of income or revenue not needed for the above purposes may be used, subject to the mutual agreement between the State of Minnesota and the United States provided for in the leases, covering the acquisition by the State of Minnesota of additional lands to block in, round out and enlarge its holdings. Nothing herein contained shall alter, modify, or change the method of handling revenue or income provided for in Laws 1929, Chapter 258, from lands now in the public domain under the provisions of that act and nothing herein contained shall alter, modify, or change the method of handling revenue or income provided for in Laws 1929, Chapter 258, from lands now in the public domain under the provisions of this section.

[1941 c 215 s 2-6]

NOTE: The areas embraced within the Beltrami Island conservation project created by the foregoing section constitute almost all of the areas in the Red Lake game preserve, created by section 84A.01 and supersede the provisions of the Red Lake game preserve, wherever inconsistent therewith.

**84.156 INTERESTS IN CERTAIN LANDS TRANSFERRED TO UNITED STATES.** Subdivision 1. **Grant of easement to United States.** There is hereby granted to the United States an easement and right to flow and overflow by water the right-of-way of any and all town, county and state roads or highways lying within the Lac qui Parle Water Control Project in Chippewa, Lac qui Parle, Big Stone, and Swift counties, below the 945.0 foot elevation on project datum, and no claims for damage shall be maintainable against the United States by the state or any of its governmental subdivisions for any damage or injury to such roadways or highways, below such 945.0 foot elevation, because of the operation of any of the dams in said project or the maintenance of any water levels thereby.

Subd. 2. **Commissioner of conservation to acquire certain titles.** The commissioner of conservation of the state of Minnesota is hereby authorized to acquire by gift, purchase or condemnation, the underlying fee title to the right-of-way of any township or county roads or highways lying within such water control project and not now in public ownership, or the right to flow and overflow the same. The commissioner is further authorized to convey such fee title or flowage easements to the United States, together with any fee titles or easements heretofore obtained by or on behalf of the state, the counties or townships involved, to the right-of-way of any such roads or highways, when such conveyances are required to carry out the purposes of Laws 1943, Chapter 476, and Laws 1941, Chapter 518.

Subd. 3. **Grant effective upon acceptance.** The grant contained in subdivision 1 herein shall become effective upon the acceptance of title or easements by the United States to lands adjacent to each such road or highway.

Subd. 4. **Certain laws continued in effect.** Nothing herein shall be deemed to repeal or supersede Laws 1943, Chapter 476, or Laws 1941, Chapter 518, but the same and the whole thereof shall be continued in effect.

[1945 c 325 s 1-4]

**84.157 EXCHANGE OF CERTAIN STATE LANDS.** Notwithstanding any provision of section 94.343, subdivision 2, or any other existing law to the contrary, Class A state lands located within the Red Lake Game Preserve, the conservation areas created under sections 84A.20 and 84A.31, the Beltrami Island Conservation Project, the Beltrami Island State Forest, the Pine Island Conservation Project, the Pine Island State Forest, and all state forests or parts thereof in the area within the proclaimed boundaries of the Superior National Forest and the Chippewa National Forest wherein consent of the state to acquisition of land by the United States has heretofore been given by or pursuant to law may be exchanged for other lands within or without said areas upon compliance with all other provisions of

# MINNESOTA STATUTES 1965

925

DEPARTMENT OF CONSERVATION 84.362

law relating to the exchange of such lands, even though such exchanges may reduce land holdings of the state within the respective areas above specified.

[1945 c. 341 s. 1]

**84.158 GRANT OF FLOWAGE EASEMENTS.** The commissioner of conservation is hereby authorized in behalf of the state and with the approval of the governor to grant flowage easements upon state-owned lands, or tax-forfeited lands, in the region of upper Red Lake upon such terms and conditions as he may deem expedient.

[1947 c 148 s 1]

**84.161 COMMISSIONER MAY ACQUIRE LAND FOR CERTAIN PURPOSES.** The commissioner of conservation is hereby authorized to acquire on behalf of the department of conservation, state of Minnesota, all dam site and flowage easements and other interests in land by gift, purchase, condemnation or otherwise which may be necessary to accomplish the purposes of this section and to construct all dams, structures and control works needed to restore and control the water levels of Goose and Mud Lakes, Cass County, Minnesota, which authority to condemn shall include the condemnation of state-owned land whether held in trust or otherwise and whether or not the same be set aside as lake shore property or other special use under other provisions of law and the commissioner may further use any land of the state under his jurisdiction for this project; all for the purpose of improving habitat for fish, wild fowl and game, wild rice and for forestry and fire protection.

[1957 c 69 s 1]

**84.162 ADDITIONAL POWERS OF COMMISSIONER.** The commissioner of conservation is hereby authorized to enter into contracts and agreements with the United States and any authorized agency thereof for the use by the state of any flowage rights and other interests in land held by the United States needed for the flowage of land for this project and the commissioner of conservation may acquire such property in fee and may further contract and cooperate with the United States for the operation and control of the levels of said water and the construction and maintenance of any of the structures needed therefor upon such terms and conditions as he may deem necessary and proper not otherwise inconsistent with law.

[1957 c 69 s 2]

**84.163 BATTLE POINT; IMPROVEMENT AND MAINTENANCE.** The commissioner of conservation is hereby granted power to enter into agreements with the county of Todd or Douglas or with any municipality of said counties to permit such counties or municipalities to improve and maintain for the benefit of the public for the purposes of fishing, hunting, picnicking, camping, playing of athletic games, access to the lake, and general recreational purposes, the following described lands located in Todd county: Commencing at the westerly corner of a triangular tract of land in section 5, township 128, range 35, designated as tract "A" of Michael's Subdivision of a portion of government lot 1, section 4, township 128, range 35, according to the recorded plat thereof, thence southwesterly, westerly and northwesterly, curving to the right along the shore of Lake Osakis, to the tip of Battle Point; thence southeasterly along the shore of Lake Osakis, to a point where the shore line intersects the north-south section line between sections 4 and 5 of township 128, range 35; thence north along said section line, between said sections 4 and 5 of township 128, range 35; to the southerly corner of the hereinbefore mentioned tract "A" of said Michael's Subdivision; thence northwesterly to the point of beginning known as Battle Point.

[1963 c 58 s 1]

**84.361 TAXES CANCELED IN CERTAIN CASES.** After forfeiture to the state of any parcel of land lying within the Red Lake game preserve, as provided by Laws 1935, Chapter 278, the county auditor shall cancel all taxes and tax liens appearing upon the records, both delinquent and current, and all special assessments, delinquent or otherwise.

[1941 c. 278 s. 7]

**84.362 STRUCTURES MAY BE REMOVED.** Until after the sale of any parcel of tax-forfeited land, whether classified as agricultural or non-agricultural hereunder, the county auditor may, with the approval of the commissioner, provide for the sale or demolition of any structure located thereon, which has been determined

# MINNESOTA STATUTES 1965

## 34.363 DEPARTMENT OF CONSERVATION

926

by the county board to be within the purview of section 73.09, and for the sale of salvage material, if any, therefrom.

[1941 c. 278 s. 8]

**84.363 MAY SELL DEAD AND DOWN TIMBER.** The county auditor may with the approval of the county board sell dead, down and mature timber upon any tract of agricultural land designated by the conservation commissioner. Such sale of timber products shall be for cash at not less than the appraised value thereof, as determined by the commissioner, to the highest bidder after not less than one week's published notice in an official paper within the county. Any timber offered at such public sale and not sold may thereafter be sold at private sale by the county auditor at not less than the appraised value thereof. The forestry practices to be followed in the cutting of this timber shall be approved by the commissioner.

[1941 c. 278 s. 9]

**84.37** [Repealed, 1963 c 5 s 12]

**84.38** [Repealed, 1963 c 5 s 12]

**84.39** [Repealed, 1963 c 5 s 12]

NOTE: Laws 1963, Chapter 5, Section 12 reads: "This repeal does not affect any right in specific property heretofore acquired under section 84.39."

**84.40** [Repealed, 1963 c 5 s 12]

**84.41** [Repealed, 1963 c 5 s 12]

**84.415 LICENSES, PERMITS.** Subdivision 1. **Utility companies, permit to cross state-owned lands.** The commissioner of conservation may, at public or private sale and for such price and upon such terms as he may prescribe (except where prohibited by law) grant licenses permitting passage over, under, or across any part of any school, university, internal improvement, swamp, tax-forfeited or other land or public water under the control of the state, of telephone, telegraph, and electric power lines, cables or conduits, underground or otherwise, or mains or pipe lines for gas, liquids, or solids in suspension. Any such license shall be cancelable upon reasonable notice by the commissioner for substantial violation of its terms, or if at any time its continuance will conflict with a public use of the land or water over or upon which it is granted, or for any other cause. All such land or public water shall remain subject to sale or lease or other legal use, but in case of sale, lease or other use there may be excepted from the grant or other disposition of land or public water all rights included in any license over, under, or across it, and the license may contain an agreement that there will be such exception. All rights so excepted shall be reserved to the state and be cancelable by the commissioner for the same reasons or cause as they might have been canceled before such sale, lease or other use of the land or water. Upon such cancelation, which shall be only after reasonable notice to the licensee, all rights granted by the license shall be vested in the state and may be granted again by the commissioner on the terms and conditions he may prescribe, but subject to cancelation for the same reasons or causes as they might have been originally canceled unless ownership of the fee and of the license are merged. Any license granted before April 13, 1951, may be governed by it if the licensee and commissioner so agree. Reasonable notice as used in this subdivision means a 90-day written notice addressed to the record owner of the license at the last known address, and upon cancelation the commissioner may grant extensions of time to vacate the premises affected.

Subd. 2. **Approval, head of agency.** In case the license or permit involves any land under the jurisdiction of any other agency than the commissioner of conservation, it shall be subject to the approval of the head of such other agency and shall be subject to cancelation by the commissioner of conservation as herein provided on request of the head of such other agency.

Subd. 3. **Application, form.** The application for license or permit shall be in quadruplicate, and shall include with each copy a legal description of the lands or waters affected, a metes and bounds description of the required right of way, a map showing said features, and a detailed design of any structures necessary, or in lieu thereof shall be in such other form, and include such other descriptions, maps or designs, as the commissioner in his discretion may require. The commissioner may at any time order such changes or modifications respecting construction or maintenance of structures or other conditions of the license or permit as he deems necessary to protect the public health and safety.

# MINNESOTA STATUTES 1965

**Subd. 4. Attorney general, duties.** The license or permit to be granted shall be in a form to be prescribed by the attorney general; shall describe the location of the license or permit thereby granted and shall continue until canceled by the commissioner, subject to change or modification as herein provided.

**Subd. 5. Fee.** Such licenses or permits shall provide for a fee of not more than \$4 per mile or proportionately for each fraction of a mile, but not less than \$1 annually. In the event the construction of such lines causes damage to timber or other property of the state on or along the same, the license or permit shall also provide for payment to the state treasurer of the amount thereof as may be determined by the commissioner.

All money received under such licenses or permits shall be credited to the fund to which other income or proceeds of sale from such land would be credited, if provision therefor be made by law, otherwise to the general revenue fund.

[1941 c 145; 1943 c 540 s 1; 1947 c 568 s 1; 1951 c 356 s 1, 2]

**84.42 VIOLATIONS; PENALTIES.** Subdivision 1. Any person violating any of the provisions of sections 84.09 to 84.15, or any of the orders of the commissioner promulgated in pursuance of the provisions thereof, shall be guilty of a misdemeanor; and, upon conviction, his license shall become null and void and no license of the same kind shall be issued to him for one year after the date of such conviction; and any person violating, or threatening to violate, any provisions of sections 84.09 to 84.15 and Laws 1939, Chapter 231, may be restrained by injunction proceedings brought in the name of the state by the attorney general or by any county attorney.

Subd. 2. [Repealed, 1965 c 45 s 73]

[1939 c 207 s 6; 1939 c 231 s 16] (3109-6, 6131-19)

**84.43 DEFINITIONS.** Subdivision 1. The definitions given in this section shall govern for the purposes of sections 84.43 to 84.52 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.

[1949 c 630 s 1]

**84.44 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.

[1949 c 630 s 2]

**84.45 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 sections 84.43 to 84.52, 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

# MINNESOTA STATUTES 1965

## 84.46 DEPARTMENT OF CONSERVATION

928

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 30 days notice shall be given by mail to the county auditor of each such county.

[1949 c 630 s 3]

**84.46 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 Laws 1949, Chapter 630, 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 sections 84.43 to 84.52. 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 sections 84.43 to 84.52 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 sections 84.43 to 84.52 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.

[1949 c 630 s 4]

**84.47 PERMITS TO PRIVATE PROPERTY OWNERS.** Subdivision 1. In case there shall be any private property situated within any such area and such

# MINNESOTA STATUTES 1965

929

DEPARTMENT OF CONSERVATION 84.49

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 permits 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 sections 84.43 to 84.52.

(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.

[1949 c 630 s 5]

**84.48 TWO-WAY RADIO SYSTEM.** No aircraft shall fly into or over any such area except at the altitudes authorized in section 84.46, 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 sections 84.43 to 84.52 in accordance with the laws relating to his regulations in other cases.

[1949 c 630 s 6]

**84.49 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

# MINNESOTA STATUTES 1965

## 84.50 DEPARTMENT OF CONSERVATION

930

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.

[1949 c 630 s 7]

**84.50 VIOLATIONS AND PENALTIES.** Violation of any provision of sections 84.43 to 84.52 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.

[1949 c 630 s 8]

**84.51 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.

[1949 c 630 s 9]

**84.52 CERTAIN ZONING REGULATIONS APPLICABLE.** 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.

[1949 c 630 s 10]

**84.521 SUSPENSION OF SECTIONS 84.43 TO 84.52.** The operation of Minnesota Statutes 1949, Sections 84.43 to 84.52, is hereby temporarily suspended, which suspension shall be effective during such time as Executive Order 10092, issued December 20, 1949, by the President of the United States remains in effect.

[1951 c 157 s 1]

**84.53 TOPOGRAPHIC SURVEY; COMMISSIONER OF CONSERVATION.** The commissioner of conservation is authorized to make or provide for a topographic survey of the state and maps thereof, including preliminary aerial surveys incidental thereto, so far as funds may be made available therefor, and subject to the provisions hereof. For that purpose he may cooperate with the United States Geological Survey or any other federal, state, or local public agency or governmental subdivision, or with any private agency, under conditions mutually agreed upon. He may accept gifts or grants of money or property for the purposes hereof, and the same are hereby appropriated therefor. All surveys and maps made hereunder shall conform with standards prescribed or approved by the United States Geological Survey or other federal authority.

[1949 c 669 s 1]

**84.54 STATE MAPPING ADVISORY BOARD.** There is hereby created a State Mapping Advisory Board, which shall study the general topographic survey and mapping needs of the state, and shall advise the commissioner of conservation in determining the order of surveys and otherwise planning the operations, and shall promote coordination of survey and mapping activities of public and private agencies within the state. The board shall consist of eight members, including the Commissioners of Aeronautics, Agriculture, Business Research and Development, Highways, Iron Range Rehabilitation, and Taxation, the director of the Minnesota Geological Survey at the University of Minnesota and one member at large, who shall be appointed by the governor to serve at his pleasure. Each of said commissioners may appoint a member of his department to serve in his place and at his pleasure as a member of the board. The member at large shall receive no compensation for his services, but he shall receive necessary and actual travelling and subsistence expenses for any meeting of the board or for trips which he may make in connection with the business thereof. The other members of the board shall receive no additional compensation for their services as members thereof, but shall receive their necessary and actual travelling and subsistence expenses while engaged in the business of the board, to be paid from the appropriations to their several departments.

The first meeting of the board shall be called by the governor. The board shall

# MINNESOTA STATUTES 1965

931

DEPARTMENT OF CONSERVATION 84.59

elect a chairman, vice-chairman, and secretary from its membership, and may adopt rules for its own procedure.

[1949 c 669 s 2]

NOTE: Board abolished and duties transferred to the state planning officer. See section 4.16.

**84.55 COUNTY BOARD OR GOVERNING BODY OF ANY MUNICIPALITY MAY COOPERATE.** The county board of any county or the governing body of any municipality may cooperate with or through the commissioner of conservation and may provide facilities or equipment and expend moneys in furtherance of the provisions of sections 84.53 to 84.56 in consideration of benefits derived therefrom. Such expenditures may be made by direct payment for specified projects or operations or by contributions to the commissioner of conservation for disposal in accordance with any agreement made hereunder.

[1949 c 669 s 3]

**84.56 [Temporary appropriation]**

**84.57 UNDERGROUND WATERS, DISPLACEMENT BY UNDERGROUND STORAGE OF GAS OR LIQUID UNDER PRESSURE.** It shall be unlawful for the state, any person, partnership, association, private or public corporation, county, municipality or other political subdivision of the state to displace any underground waters of this state whether in consolidated or unconsolidated formations by the underground storage of any gas or liquid under pressure without first having secured a permit therefor from the commissioner of conservation.

[1953 c 512 s 1]

**84.58 PERMIT FOR UNDERGROUND STORAGE.** Subdivision 1. **Application.** Application for said permit shall be made to the commissioner of conservation in writing on a form prescribed by the commissioner accompanied by maps, plans and specifications describing the proposed displacement of underground waters and the underground storage of gases or liquids and such other data as the commissioner may require.

Subd. 2. **Public hearing.** No permit for the displacement of underground waters shall be issued by the commissioner without first having held a public hearing thereon.

Subd. 3. **Time of hearing.** Within 20 days after the receipt of the application together with all data requested by him the commissioner shall fix a time and place for a hearing thereon.

Subd. 4. **Notice of hearing.** Notice of hearing on any application shall recite the date, place and time fixed by the commissioner for the public hearing thereon and the notice shall show the location of waters and property affected and be published by the applicant, or by the commissioner if the proceeding is initiated by him, once each week for two successive weeks in a legal newspaper published in the county in which a part or all of the affected waters are located. Notice shall also be mailed by the commissioner to the county auditor and the chief executive official of any municipality affected.

Subd. 5. **Procedure at hearing.** The hearing shall be public and shall be conducted by the commissioner or a referee appointed by him. All affected persons shall have an opportunity to be heard. All testimony shall be taken under oath and the right of cross-examination shall be accorded. The commissioner shall provide a stenographer to take testimony and a record of the testimony and all proceedings at the hearing shall be taken and preserved. The commissioner shall not be bound by judicial rules of evidence or of pleading and procedure.

Subd. 6. **Witnesses, subpoenas.** The commissioner may subpoena and compel the attendance of witnesses and the production of all books and documents material to the purposes of the hearing. Disobedience of every such subpoena, or refusal to be sworn, or to answer as a witness, shall be punishable as a contempt in like manner as a contempt of the district court on complaint of the commissioner before the district court of the county where such disobedience or refusal occurred.

[1953 c 512 s 2-7]

**84.59 APPEALS TO DISTRICT COURT FROM DETERMINATION OF COMMISSIONER OF CONSERVATION.** Any party in interest may appeal from the determination of the commissioner to the district court of the county in which the project is wholly or partly located in accordance with the provisions of Minnesota Statutes, Section 105.47, insofar as the provisions thereof are applicable and may appeal to the supreme court as provided in said section.

[1953 c 512 s 8]

# MINNESOTA STATUTES 1965

## 84.60 DEPARTMENT OF CONSERVATION

932

**84.60 ORDER GRANTING PERMIT; FINDINGS, RESTRICTIONS.** No order granting a permit for the proposed storage shall be issued unless it shall contain and be based on the following findings:

- (1) The proposed storage will be confined to geological stratum or strata lying more than 500 feet below the surface of the soil;
- (2) The proposed storage will not substantially impair or pollute any water resources;
- (3) That the public convenience and necessity of a substantial portion of the gas consuming public in the state will be served by such undertaking; and unless said order shall contain conditions and restrictions which will reasonably protect;
  - (a) Private property or any interest not appropriated;
  - (b) The rights of the owners of lands, or of owners of any interests in said lands, lying within the boundaries of said proposed storage area, or those claiming under said owners, to explore for, drill for, produce or develop for the recovery of oil or gas or minerals under said lands, or to drill wells on said lands for the development and the production of water; provided, that such exploration, drilling, producing or developing shall comply with orders, rules and regulations of the commissioner issued for the purpose of protecting underground storage strata or formations against pollution and against the escape of gas therefrom; and
  - (c) Any public resources of the state which may be adversely affected by such use.

[1953 c 512 s 9]

**84.61 DAMAGES, PAYMENT.** The commissioner may, in such order or permit, require such corporation to demonstrate to the commissioner that said corporation has adequately provided a method to insure payment of any damage resulting from the operation of the gas or liquid storage reservoir.

[1953 c 512 s 10]

**84.62 CERTIFICATE OF USE.** No use shall be made of said gas or liquid storage reservoir by the applicant unless and until the right to use the property involved in said project has been filed with the commissioner of conservation and a certificate of use issued by him.

[1953 c 512 s 11]