

CHAPTER 89

STATE FORESTS; TREE PLANTING

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89.001 DEFINITIONS. Subdivision 1. Unless the language or context clearly indicates that a different meaning is intended, the following terms for the purpose of Minnesota Statutes, Chapter 89, shall have the meanings ascribed to them.

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

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

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

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

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

Subd. 7. "Reproduction" means young stands of commercial tree species ranging from one foot high to 4.9 inches diameter at 4½ feet above the ground and at least ten percent stocked.

[1961 c 223 s 1; 1965 c 51 s 13; 1969 c 1129 art 10 s 2]

NOTE: Laws 1961, Chapter 223, Section 15 reads: "This act shall not be construed as repealing any acts relating to forestry other than herein expressly repealed but shall be deemed and construed as supplementary thereto."

89.01 COMMISSIONER, POWERS AND DUTIES. Subdivision 1. The commissioner shall ascertain and observe the best methods of reforesting cut-over and denuded lands, foresting waste and prairie lands, preventing destruction of forests and lands by fire, administering forests on forestry principles, encouraging private owners to preserve and grow timber for commercial purposes, and conserving the forests around the head waters of streams and on the watersheds of the state.

Subd. 2. The commissioner shall execute all rules and regulations pertaining to forestry and forest protection within the jurisdiction of the state; have charge of the work of protecting all forests and lands from fire; shall investigate the origin of all forest fires; and prosecute all violators as provided by law; shall prepare and print for public distribution an abstract of the forest fire laws of Minnesota, together with such rules and regulations as may be formulated.

The commissioner shall prepare printed notices calling attention to the dangers from forest fires and cause them to be posted in conspicuous places.

Subd. 3. Damage by fire occurring to state timber, reproduction or lands, when coming to the knowledge of the commissioner, shall be promptly reported to the attorney general, who, at his discretion, may either enforce collection of such demands directly or may employ private attorneys therefor on such terms, not contingent, as he deems for the best interests of the state. The amount so collected, after deducting therefrom the fees of such attorneys, if any, and other necessary expenses incurred in investigation, preparation for trial, and trial, shall be paid into the state treasury and credited to the fund that would have been entitled to receive the sale price of the lands, reproduction, or timber if sold; or, if there be no such fund, then such money shall be credited to the general fund. The attorney general, either in or out of court, may compromise and settle state claims for fire damage to state lands, reproduction, or timber, on such terms as he deems for the best interests of the state.

Subd. 4. The commissioner shall cooperate with the several departments of the state and federal governments and with counties, towns, corporations, or individuals in the preparation of plans for forest protection, management, replacement of trees, wood lots, and timber tracts, using his influence as time will permit toward the establishment of scientific forestry principles in the management, protection, and promotion of the forest resources of the state.

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

Subd. 6. When any state lands not reserved or set aside are found by the commissioner to be more valuable for the production of timber than for agriculture he may by written order designate such lands as state forest subject to the approval of the state legislature at its next regular session.

[1911 c 125 s 3-6; 1925 c 407 s 5-10; 1961 c 223 s 2; 1963 c 381 s 1; 1969 c 399 s 1] (4031-5—4031-10)

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

[1957 c 765 s 1; 1961 c 223 s 3; 1967 c 905 s 9; 1969 c 1129 art 10 s 2]

STATE FORESTS

89.021 STATE FORESTS. Subdivision 1. **Established.** There are hereby established and re-established as state forests, for growing, managing and harvesting timber and other forest crops and for the establishment and development of recreational areas and for the protection of watershed areas, and the preservation and development of rare and distinctive species of flora and fauna native to such areas, all lands and waters now owned by the state or hereafter acquired by the state, excepting lands acquired for other specific purposes or tax-forfeited lands held in trust for the taxing districts unless incorporated therein as otherwise provided by law, in the townships and sections described as follows:

Subd. 2. Badoura State Forest.

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

Subd. 3. Battleground State Forest.

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

Subd. 4. Bear Island State Forest.

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

Subd. 5. Beltrami Island State Forest.

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

Subd. 6. Big Fork State Forest.

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

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

Subd. 7. Birch Lakes State Forest.

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

Subd. 8. Blackduck State Forest.

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

Subd. 9. Bowstring State Forest.

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

Subd. 10. Buena Vista State Forest.

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

Subd. 11. Burntside State Forest.

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

Subd. 12. Chengwatana State Forest.

Those portions of sections 6 and 7 in township 38, range 19, lying west of the St. Croix river; all of township 39, range 19, lying west of the Kettle and St. Croix rivers; the north one half of section 6, township 36, range 20, lying west of the St. Croix river; sections 6, 7, 18 and 19 and those portions of sections 4, 5, 8, 17, 20, 29, 30 and 31 in township 37, range 20, lying west of the St. Croix river; sections 23, 27 and 28 and those portions of sections 12, 13, 24, 25, 26, 33, 34 and 35 in township 38, range 20, lying west of the St. Croix river; sections 15 and 22, and the east one third of township 39, range 20; sections 25, 26, 35 and 36 and those portions of sections 14, 23 and 24, lying south of the Kettle river in township 40, range 20; all west of the 4th principal meridian.

Subd. 13. Cloquet Valley State Forest.

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

Subd. 14. Crow Wing State Forest.

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

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

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

Subd. 16. Emily State Forest.

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

Subd. 17. Finland State Forest.

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

Subd. 18. Fond du Lac State Forest.

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

Subd. 19. Foot Hills State Forest.

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

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

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

Subd. 21. George Washington State Forest.

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

Subd. 22. Golden Anniversary State Forest.

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

Subd. 23. Grand Portage State Forest.

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

Subd. 24. Hill River State Forest.

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

Subd. 25. Huntersville State Forest.

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

Subd. 26. Insula Lake State Forest.

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

Subd. 27. Kabetogama State Forest.

The south one-half and sections 16, 17 and 18 of township 63, range 16; townships 63, 64, 65, 66, 67, 68 and 69, range 17; townships 63, 64, 65, 66, 67, 68, 69 and 70, range 18; townships 63, 64, 65, 66, 67, 68, 69 and 70, range 19; the south two-thirds of township 63, range 20, except sections 29, 30, 31 and 32; townships 64, 65, 66, 67, 68, 69, 70 and 71, range 20; sections 13, 14, 23, 24, 25, 26, 35 and 36 of township 63, range 21; those portions of townships 64, 65 and 66, range 21, lying outside the Nett Lake (Bois) Indian Reservation boundary; townships 67, 68, 69, 70 and 71, range 21; the northeast quarter of section 25, the northeast quarter of the southwest quarter and the north one-half of the southeast quarter of section 29, the north one-half of the south one-half, section 33, all in township 69, range 22; the southeast quarter of the northeast quarter and the northeast quarter of the southeast quarter of section 1, township 70, range 22; the northwest quarter of section 21, township 69, range 23; all west of the 4th principal meridian.

Subd. 28. Koochiching State Forest.

The southwest quarter and sections 15, 16, 17, 18, 22, 26, 27, 34, 35 and 36 of township 63, range 22; that portion of township 64, range 22, lying outside of the old Nett Lake Indian Reservation boundary; township 63, range 23; that part of township 64, range 23, lying south of the old Nett Lake Indian Reservation boundary; that part of township 65, range 23, lying west of the old Nett Lake Indian Res-

ervation boundary; townships 63, 64 and 65, range 24; townships 63, 64 and 65, range 25; the northwest quarter and sections 19, 29, 30, 31, 32, 33, the east one-half of the southeast quarter of section 22, the southwest quarter of section 23, the west one-half of the southeast one-quarter and the southeast quarter of the southeast quarter of section 23, all in township 66, range 25; townships 63 to 67 inclusive, range 26; the south one-sixth of township 68, range 26; townships 63 to 67 inclusive, range 27; sections 14, 23, 26, 35 and 36 of township 68, range 27; all west of the 4th principal meridian.

Subd. 29. Lake Isabella State Forest.

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

Subd. 30. Lake Jeanette State Forest.

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

Subd. 31. Land O'Lakes State Forest.

Sections 4, 5, 9 and 16 of township 138, range 25; sections 1 to 16 inclusive, the northeast quarter of the northeast quarter of section 20, and the north one-half of the northwest quarter of section 21, section 36, all in township 139, range 25; the south one-third, sections 5, 7, 8, 9, sections 15 to 22 inclusive, of township 140, range 25; the south one-sixth and sections 1, 12, 16, 20, 21, 28, 29, 30, the east one-half of section 2, the east one-half and the north one-half of the northwest quarter of section 11, the northeast quarter of the northeast quarter of section 22 of township 139, range 26; section 7, sections 13 to 27 inclusive, the east one-half of section 35 and section 36 of township 140, range 26; sections 16 and 36 of township 139, range 27; the south one-half of the southeast quarter of section 8, the northeast quarter and west one-half of section 16 of township 140, range 27; section 36 of township 139, range 28; all west of the 5th principal meridian.

Subd. 32. Lyons State Forest.

Section 36, township 136, range 33; west of the 5th principal meridian.

Subd. 33. Minnesota Memorial Hardwood State Forest.

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

Subd. 34. Mississippi Headwaters State Forest.

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

Subd. 35. Nemadji State Forest.

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

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

Subd. 36. Northwest Angle State Forest.

Townships 166, 167 and 168, range 33; townships 166, 167 and 168, range 34; townships 165, 166, 167 and 168, range 35; all west of the 5th principal meridian.

Subd. 37. Pat Bayle State Forest.

The north two-thirds of township 62, range 1; township 63, range 1; sections

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

Subd. 38. Paul Bunyan State Forest.

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

Subd. 39. Pillsbury State Forest.

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

Subd. 40. Pine Island State Forest.

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

Subd. 41. Red Lake State Forest.

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

Subd. 42. Remer State Forest.

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

Subd. 43. Rum River State Forest.

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

Subd. 44. St. Croix State Forest.

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

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

Subd. 45. Sand Dunes State Forest.

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

Subd. 46. Savanna State Forest.

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

Subd. 47. Smokey Bear State Forest.

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

Subd. 48. Smokey Hills State Forest.

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

Subd. 49. Solana State Forest.

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

Subd. 50. Sturgeon River State Forest.

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

Subd. 51. Two Inlets State Forest.

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

Subd. 52. Wealthwood State Forest.

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

Subd. 53. Welsh Lake State Forest.

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

Subd. 54. White Earth State Forest.

Township 142, range 37; the north one-half and sections 19 and 30 of township 144, range 37; sections 1, 2, 3, 4, 9, 10, 11, 14 and 15 of township 145, range 37; sections 25, 34, 35 and 36 of township 146, range 37; township 142, range 38, except sections 29, 30, 31 and 32; township 143, range 38, except sections 2, 3, 10, 11 and 12; the north one-sixth and sections 11, 12, 14, and 15 of township 144, range 38; the southwest quarter and sections 17 and 18 of township 145, range 38; the northeast quarter of township 142, range 39; the west one-half of section 21 and sections 24, 25, 28, 33, 34, 35 and 36 of township 143, range 39; the east one-third and sections 3, 10, 15 and 22 of township 145, range 39; sections 35 and 36 of township 146, range 39; all west of the 5th principal meridian.

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

Subd. 55. Whiteface River State Forest.

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

Subd. 56. Administrative and scattered state forest land.

Government lot 4 in section 24 of township 66, range 6; government lot 3 in section 34 of township 65, range 8; government lots 1 and 2 in section 35 of township 65, range 8; government lots 1, 2, 3 and 4 in section 1, government lot 1 in section 2 of township 64, range 9; government lots 1, 2 and 3 in section 19 of township 65, range 10; government lot 1 in section 13 of township 65, range 11; government lots 4 and 6 in section 26 of township 58, range 12; government lot 4 in section 1 of township 63, range 12; government lot 5 in section 13, government lots 4 and 5 in section 35 of township 64, range 12; government lots 1 and 2 in section 6 of township 66, range 12; government lots 3 and 4 in section 6 of township 66, range 15; government lots 1, 2, 3, 4 and the southeast quarter of the southeast quarter in section 20, government lots 2 and 3 in section 28, government lot 1 in section 29,

government lots 2 and 3 in section 31 of township 67, range 15; the southeast quarter of the southwest quarter in section 18 of township 50, range 16; government lots 1, 2, 3, 4, the south one half of the northwest quarter and the west one half of the southwest quarter in section 1, government lot 1 in section 3, government lot 1, the east one half of the northwest quarter and the southwest quarter of the northwest quarter in section 11 of township 66, range 16; government lots 1 and 2 in section 6, government lot 5 in section 7, government lots 1 and 2 in section 20, government lots 1, 2 and the southwest quarter of the southwest quarter in section 21, government lots 1 and 3, the southeast quarter of the northwest quarter, and the north one half of the southwest quarter in section 28, government lots 2, 3 and 4 in section 34 of township 67, range 16; the northeast quarter of the southeast quarter in section 7 of township 46, range 17; the northeast quarter of the northwest quarter in section 30 of township 52, range 17; the east one half of the northeast quarter in section 31 of township 58, range 21; the southwest quarter of the northwest quarter in section 1, the south one half of the northeast quarter in section 11, the southwest quarter of the northwest quarter and the northwest quarter of the southwest quarter in section 12 of township 66, range 22; the north one half of the southwest quarter, the southeast quarter of the southwest quarter, the east one half of the southeast quarter and the southwest quarter of the southeast quarter in section 1, the west one half of the southwest quarter in section 2, the east one half of the southeast quarter and the southwest quarter of the southeast quarter in section 3, government lots 3 and 4 and the southwest quarter of the northwest quarter in section 5, government lots 1 and 7 in section 6, government lots 1, 2, 3 and the northeast quarter of the northeast quarter in section 7, the north one half of the northeast quarter in section 10, the northwest quarter of the northwest quarter in section 11, the southwest quarter of the southeast quarter in section 12, the west one half of the northeast quarter, the southeast quarter of the northwest quarter, the east one half of the southwest quarter, the north one half of the southeast quarter and the southwest quarter of the southeast quarter in section 14, the west one half of the northwest quarter in section 15, government lot 4, the southeast quarter of the southwest quarter, the east one half of the southeast quarter and the southwest quarter of the southeast quarter in section 19, the northwest quarter of the southwest quarter in section 20, the west one half of the northeast quarter and the east one half of the northwest quarter in section 21, the southeast quarter of the southwest quarter in section 25, the northeast quarter, the northeast quarter of the northwest quarter, government lot 4, and the northeast quarter of the southeast quarter in section 30, government lot 1 in section 31 of township 67, range 22; the northeast quarter of the southwest quarter, the west one half of the southeast quarter, and the southeast quarter of the southeast quarter in section 13, the west one half of the northwest quarter in section 17, the east one half of the northeast quarter in section 18, the northeast quarter of the northeast quarter, the west one half of the northeast quarter, and the southeast quarter of the northeast quarter in section 19, the northwest quarter in section 20, the south one half of the southwest quarter in section 28, the north one half of the northwest quarter in section 33, of township 68, range 22; the east one half of the southeast quarter and the southwest quarter of the southeast quarter in section 9, the southwest quarter of the southwest quarter in section 10 of township 69, range 22; the northeast quarter of the southeast quarter in section 6, the south one half of the southeast quarter in section 23, the southwest quarter in section 25, the north one half of the northeast quarter in section 26 of township 70, range 22; the southwest quarter of the southwest quarter in section 22 of township 42, range 25; the southeast quarter of the southwest quarter in section 12 of township 66, range 25; the north one half of the southeast quarter and the southeast quarter of the southeast quarter in section 22 of township 44, range 28; the south one half of the southwest quarter in section 16, and the northwest quarter of the northwest quarter in section 36 of township 38, range 31; all west of the 4th principal meridian.

The east one half of the northwest quarter in section 9 of township 135, range 28; government lots 2 and 3 in section 9 of township 136, range 28; the southeast quarter of the northwest quarter in section 3 of township 140, range 28; the southwest quarter of the southeast quarter in section 11 of township 136, range 29; the southeast quarter in section 6 of township 140, range 30; the northwest quarter of the northwest quarter and the northwest quarter of the southwest quarter in section 8, the southwest quarter of the southeast quarter in section 32, the west one half of the northwest quarter in section 34, the south one half of the southwest quarter in

section 35 of township 143, range 35; the northeast quarter of the southeast quarter in section 9 of township 142, range 36; the southwest quarter of the southwest quarter in section 13, the east one half of the southeast quarter in section 14 of township 143, range 37; the northwest quarter of the northeast quarter and the northeast quarter of the northwest quarter in section 30 of township 145, range 37; the southeast quarter of the northwest quarter in section 26, the southwest quarter of the northwest quarter in section 27 of township 142, range 39; all west of the 5th principal meridian.

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

Subd. 58. Snake River State Forest.

The north one half and the southwest quarter of section 6, township 41, range 22; sections 6, 7, 18, the northeast quarter of section 19, the west one half of the southwest quarter of section 30, the south one half of section 31 of township 42, range 22; sections 1 and 2 of township 41, range 23; section 1, the northeast quarter and the south one half of section 12, the northeast quarter and the south one half of section 14, sections 13, 24, 25, 26 and 36 of township 42, range 23; all west of the 4th principal meridian.

[1943 c 171 s 1; 1943 c 305 s 1; 1943 c 550 s 1-3; 1945 c 79 s 1; 1951 c 61 s 1; 1953 c 292 s 1; 1953 c 383 s 1; 1955 c 183 s 1; 1959 c 176 s 1, 2; 1961 c 330 s 1; 1961 c 521 s 1; 1963 c 332 s 1, 2; 1967 c 514 s 1-18; 1969 c 257 s 1-9; 1969 c 1129 art 10 s 2]

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

[1925 c 407 s 12; 1961 c 223 s 4] (4031-12)

89.031 MANAGEMENT AND CONTROL. All state forest lands shall be under the management and control of the commissioner who shall have authority to make, establish, promulgate and enforce all necessary rules and regulations not inconsistent with the laws of the state for the care and management of state forest lands.

[1943 c 171 s 2; 1961 c 223 s 5]

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

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

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

[1943 c 171 s 3; 1955 c 115 s 1; 1961 c 223 s 6]

89.033 GIFTS. The commissioner may accept for and in behalf of the state, any gift, bequest, devise, or grant of land or interest in lands in any state forests, or of money or personal property of any kind, which he may deem suitable for use in connection with the operation, control, development, or use of any state forest.

[1943 c 171 s 4; 1961 c 223 s 7]

89.034 TAX-FORFEITED LANDS, INCLUSION IN STATE FORESTS. Whenever the board of county commissioners, by resolution duly adopted, resolves that any lands, forfeited for non-payment of taxes, lying within the boundaries of any of the forests hereinabove designated, or that certain tax-forfeited land lying outside of such boundaries and classified as conservation lands are suitable primarily for the growing of timber and timber products, it may submit such resolution to the commissioner. If, upon investigation, the commissioner determines that the lands covered by such resolution can best be managed and developed as state forest lands or as a portion of an existing state forest, he shall make a certificate describing the lands and reciting the acceptance thereof on behalf of the

state as state forest lands. The commissioner shall transmit the certificate to the county auditor, who shall note the same upon his records and record the same with the register of deeds. The title to all lands so accepted shall be held by the state free from any trust in favor of any and all taxing districts, and such lands shall thereafter be managed and devoted to the purposes of state forest lands in the same manner as lands hereinabove set apart as state forest lands, and subject to all the provisions of law.

[1943 c 171 s 5; 1961 c 223 s 8]

89.035 INCOME FROM STATE FOREST LANDS, DISPOSITION. All income which may be received from lands acquired by the state heretofore or hereafter for state forest purposes by gift, purchase or eminent domain and tax-forfeited lands to which the county has relinquished its equity to the state for state forest purposes shall be paid into the state treasury and credited to a fund designated as the state forest fund except where the conveyance to and acceptance by the state of lands for state forest purposes provides for other disposition of receipts.

[1943 c 171 s 6; 1961 c 223 s 9]

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

89.036 FUNDS APPORTIONED TO COUNTY. The state of Minnesota shall hereafter annually on July 1 or as soon thereafter as may be practical, pay from the state forest fund to each county, in which there now are, or hereafter shall be situated, any state forests, a sum equal to 50 percent of the gross receipts of such state forests located within such county, which have been received during the preceding fiscal year and credited to the state forest fund, which payment shall be received and distributed by the county treasurer, as if such payment had been received as taxes on such lands payable in the current year.

After making such payment to the county, the balance of said funds in the state forest fund on July 1 shall be transferred and credited to the general fund of the state.

The state auditor shall annually draw his warrants upon the state treasurer for the proper amounts in favor of the respective counties entitled thereto and the state treasurer shall pay such warrants from the state forest fund.

The state auditor and the state treasurer shall, and are hereby authorized and empowered to devise, adopt, and use such accounting methods as they may deem proper, and to do any and all other things reasonably necessary in carrying out the provisions of this section.

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

[1943 c 171 s 7-9; 1959 c 158 s 8; 1969 c 399 s 1]

89.037-89.038 [Repealed, 1961 c 223 s 14]

89.08 [Repealed, 1947 c 94 s 7]

89.12-89.16 [Repealed, 1961 c 223 s 14]

89.163 [Renumbered 90.60, subdivision 1]

89.164 [Renumbered 90.60, subd. 2]

89.165 [Renumbered 90.60, subd. 3]

89.166 [Renumbered 90.61]

89.167 [Renumbered 90.62]

89.168 [Renumbered 90.63]

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

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

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

89.18 ROADS THROUGH STATE FORESTS, PERMITS. No public highway, other than a state trunk highway, shall be established or laid out through any state forest as the same shall be created and withdrawn from public sale and entry by existing or subsequent act, without the consent of the commissioner, certified by him in writing to the public authority having power to establish or lay out such highway. In any judicial proceeding affecting the laying out of a highway, the court may either sustain or reverse the action of the commissioner as the court, in its discretion, may deem proper. The limitations and restrictions provided in this section shall not apply to state-owned lands which have not been expressly withdrawn from sale and created and reserved as state forests. No state forest lands or right or easement therein shall be taken by eminent domain for any purpose without the consent of the commissioner, certified by him in writing to the authority or corporation exercising such right of eminent domain.

[1931 c 263 s 7; 1961 c 223 s 11] (6513-7)

89.19 RULES AND REGULATIONS. The commissioner shall have power to prescribe such rules and regulations governing the use of state forest lands, or any part thereof, by the public or governing the exercising by holders of leases or permits upon state forest lands of all their rights under such leases or permits as may be necessary to carry out the purposes of this chapter.

[1931 c 263 s 8; 1961 c 223 s 12] (6513-8)

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

[1961 c 223 s 13]

89.201 [Repealed, 1955 c 714 s 3]

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

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

[1963 c 657 s 1; 1967 c 905 s 9; 1969 c 1129 art 10 s 2]

89.26 STATE WATER POWERS WITHDRAWN FROM SALE. All water powers having a possible average development of 100 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 within whose basin of overflow they lie. All lands unfit for agricultural and suitable for reforestation purposes are hereby withdrawn from sale. The commissioner is hereby requested and directed to ascertain all the water powers and lands referred to in section 89.26 with all due speed and to withdraw from sales all such lands and to report such withdrawals, including in such report the description of the land, the present character and the growth thereon, the estimated value of the land, and of the timber, if any, now growing thereon; also the quantity and character of the timber suitable for use in the manufacture of paper growing on the land and the most accessible method of transportation of the timber of use in the manufacture of paper to the nearest reserved water power or any water power which in the opinion of the commissioner can advantageously be procured by the state by condemnation or purchase for the purposes provided in sections 89.26 to 89.28.

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

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

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

89.29 [Repealed, 1961 c 223 s 14]

89.30 [Repealed, 1961 c 223 s 14]

TREE PLANTING

89.31 REFORESTATION; TREE PLANTING. Subdivision 1. **Trees defined.** The term "tree" or "trees," as used in sections 89.31 to 89.34, includes any kind of trees or woody perennial shrubs or vines deemed suitable by the commissioner of natural resources for the purposes therein authorized except such cultivated varieties as are capable of producing fruit for human consumption.

Subd. 2. **Purpose of planting.** The purposes for which trees may be produced, procured, distributed, and planted under sections 89.31 to 89.34 includes auxiliary forests, woodlots, windbreaks, shelterbelts, erosion control, soil conservation, water conservation, provision of permanent food and cover for wild life, and afforestation and reforestation on public or private lands of any kind, but does not include the raising of fruit for human consumption, or planting for purely ornamental purposes.

[1945 c 535 s 1; 1949 c 321 s 1; 1969 c 1129 art 10 s 2]

89.32 PLANTING STOCK PROCURED AND DISTRIBUTED. Subdivision 1. **Letting contract.** The commissioner of natural resources is authorized to procure tree planting stock for the purposes authorized in sections 89.31 to 89.34 by contract in the manner provided by law for contracts for construction or purchase provided, that in case two or more competitive bids are not received pursuant to an advertisement, a contract may be awarded to a single bidder if, in the opinion of the commissioner, the bid is reasonable and it is not practical to obtain competitive bids.

Subd. 2. **Requirements for growing and delivery; bonds.** So far as practicable, planting stock shall be procured by the commissioner hereunder through contracts for the growing thereof. In any contract hereunder the commissioner may specify the area of the state wherein the stock shall be grown and the conditions under which it shall be grown, cared for and delivered, together with such other terms and conditions as he deems necessary to accomplish the purposes hereof. Separate contracts may be made for different areas of the state or for different lots or kinds of trees, as the commissioner may determine. A contract may be made for the growing and delivery of stock at any time not exceeding five years from the date of letting as stated in the advertisement for bids, subject to availability of funds for payment. Every contractor shall furnish a bond in the amount of the total contract price in like manner as required for public work contracts.

Subd. 3. **Distribution.** The commissioner may provide for distribution of planting stock hereunder in the contract with the grower or by separate contract, let as provided in subdivision 1, or by state employees under his direction, as he deems most expedient.

Subd. 4. **Inspection; cancellation; liability.** All operations under any contract shall be subject to inspection by the commissioner or his agents or employees at any time. If the commissioner finds at any time that a contractor will not be able to fulfill his contract, the commissioner may, upon 30 days' written notice to the contractor by registered mail, cancel the contract or such part thereof as is affected by the default, but such cancellation shall not relieve the contractor or the surety on his bond from any obligation theretofore incurred under the contract or bond; provided, that there shall be no liability under any contract for the growing of planting stock on account of failure of the contractor to produce the stock due to an Act of God, the consequences of which he could not have foreseen or prevented by the exercise of reasonable diligence.

[1945 c 535 s 2; 1969 c 1129 art 10 s 2]

89.33 PLANTING STOCK SALES. Subdivision 1. **Planting conditions; costs.** The commissioner may sell tree planting stock procured hereunder for planting on public or private lands for the purposes authorized in sections 89.31 to 89.34 under such conditions and regulations respecting the planting and care thereof as he may prescribe, and subject to inspection and supervision by him, his agents or em-

ployees. Sales shall be made at not less than the cost of the stock to the state plus such additional amount as the commissioner may determine as a fair proportionate charge for expenses of operation hereunder, which additional amount shall include, without limitation, a fair proportionate charge for salaries of employees engaged in distribution of planting stock and other actual overhead expenses of such distribution.

Subd. 2. State projects. The commissioner may furnish tree planting stock procured hereunder for planting in connection with any state project or activity, upon reimbursement of the price thereof, determined as provided on subdivision 1, from the funds available for such project or activity.

Subd. 3. Re-sale prohibited. It shall be unlawful for any person to use or permit the use of planting stock furnished hereunder for any purpose not authorized under sections 89.31 to 89.34, or to sell, give, remove, or permit the removal with roots attached of any tree previously planted from stock furnished thereunder for replanting on any ground other than his own or for any purpose not authorized thereunder.

Subd. 4. Sales of trees to soil and water conservation districts. The commissioner of natural resources may supply tree planting stock to organized soil and water conservation districts for soil, water, wildlife and conservation purposes or as prescribed in section 89.31, subdivision 2.

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

Resale of trees with roots attached by the districts to their cooperators will be permitted if planted in accordance with conservation purposes set forth in section 89.31, subdivision 2.

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

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

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

[1945 c 535 s 1; 1969 c 419 s 1; 1969 c 1129 art 10 s 2]

89.34 REVOLVING FUND. A fund to be known as the State Tree Planting Revolving Fund is hereby established. All moneys received under section 89.33 shall be credited to this fund. All moneys now or hereafter appropriated or credited to this fund from any source are hereby continuously appropriated to the commissioner of natural resources for the purposes of sections 89.31 to 89.34, and shall remain available therefor until expended, subject to any other express provisions of law respecting the same. Allotments and encumbrances may be made at any time against the moneys in this fund and against anticipated receipts therefor for such period as may be necessary for the fulfillment of any contract or for the carrying out of any project or activity authorized hereunder.

There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of \$3,000 for the state tree planting revolving fund, to be available from and after July 1, 1946.

[Last paragraph appropriating moneys for fiscal years 1946 and 1947 has expired]

[1945 c 535 s 4, 5; 1969 c 1129 art 10 s 2]

89.35 TREE PLANTING. Subdivision 1. **Trees defined.** The term "tree" or "trees" as used in sections 89.35 to 89.40 shall include any kind of trees or woody perennial shrubs or vines deemed suitable by the commissioner of natural resources for the purposes herein authorized except such cultivated varieties as are capable of producing fruit for human consumption.

Subd. 2. Purpose of planting. The purposes for which trees may be produced, procured, distributed, and planted under sections 89.35 to 89.40 shall include auxiliary forests, woodlots, windbreaks, shelter-belts, erosion control, soil conservation, water conservation, provision of permanent food and cover for wild life, and affor-

estation and reforestation on public or private lands of any kind, but shall not include the raising of fruit for human consumption or planting for purely ornamental purposes. It is hereby declared that all such authorized purposes are in furtherance of the public health, safety, and welfare.

[1947 c 94 s 1; 1969 c 1129 art 10 s 2]

89.36 PRODUCING AND PROCURING PLANTING STOCK. Subdivision 1. **Production at state nurseries.** The commissioner of natural resources may produce tree planting stock for the purposes of sections 89.35 to 89.40 upon any lands under his control which may be deemed suitable and available therefor so far as not inconsistent with other uses to which such lands may be dedicated by law.

Subd. 2. **Purchase of stock.** The commissioner of natural resources may purchase tree planting stock for the purposes herein authorized under the provisions of sections 89.31 to 89.34, or any other applicable law now or hereafter in force.

[1947 c 94 s 2; 1969 c 1129 art 10 s 4]

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

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

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

Subd. 4. **Proceeds of sale.** All moneys received in payment for tree planting stock supplied under this section shall be deposited in the state treasury and credited to the general fund.

[1947 c 94 s 3; 1953 c 580 s 1, 2; 1969 c 399 s 1; 1969 c 1129 art 10 s 2]

89.38 PROHIBITION; PENALTIES. It shall be unlawful for any person to use or permit the use of planting stock furnished hereunder for any purpose not authorized hereunder, or to sell, give, remove, or permit the removal with roots attached of any tree previously planted from stock furnished hereunder for replanting on any ground other than his own or for any purpose not authorized hereunder. Any violation of this section shall be a misdemeanor.

[1947 c 94 s 4]

89.39 PURCHASE AGREEMENTS AND PENALTIES. Every individual, partnership, or private corporation to whom any planting stock is supplied for planting on private land hereunder shall execute an agreement, upon a form approved by the attorney general, to comply with all the requirements of sections 89.35 to 89.40 and all conditions prescribed by the commissioner hereunder. Any party to such an agreement who shall violate any provision thereof shall, in addition to any other penalties that may be applicable, be liable to the state in a sum equal to three times the reasonable value of the trees affected by the violation at the time the same were shipped for planting; provided, that if such trees are sold or offered for sale for any purpose not herein authorized, such penalty shall be equal to three times the sale price. Such penalties shall be recoverable in a civil action brought in the name of the state by the attorney general.

[1947 c 94 s 5]

89.40 DISPOSING OF SURPLUS PLANTING STOCK. In case the commissioner of natural resources finds that any tree planting stock procured under the provisions of sections 89.31 to 89.34, is not salable in accordance therewith, he may sell or otherwise dispose of the same as provided by sections 89.35 to 89.40, or he may request the commissioner of administration to sell such planting stock. Upon such request, the commissioner of administration shall proceed to sell such stock at the highest prices obtainable in accordance with the laws relating to the sale of surplus materials, except that he may, in his discretion, dis-

pense with advertising for bids. All proceeds of such sales shall be credited to the State Tree Planting Revolving Fund. The provisions of Laws 1939, Chapter 431, and any other existing laws relating to the sale of such materials are hereby modified and superseded so far as may be necessary to give effect to the provisions hereof.

[1947 c 94 s 6; 1949 c 380 s 1; 1969 c 1129 art 10 s 2]

89.41 EDUCATIONAL UNITS MAY ESTABLISH AND MAINTAIN FORESTS.

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

[1949 c 431 s 1; 1957 c 576 s 1, 2; 1969 c 1129 art 10 s 2]

89.42 SALE OF FOREST PRODUCTS. Any such agency may sell or otherwise dispose of timber or other forest products grown in any such forest in such manner as the governing authority of such agency may determine, subject to the approval of the commissioner of natural resources. The proceeds of such sales shall be paid into the treasury of the agency, and may be used for maintenance or improvement of the forest, for acquisition of additional land for such forests, or for any other purpose within the lawful powers of the agency, as its governing authority may determine.

[1949 c 431 s 2; 1969 c 1129 art 10 s 2]

89.43 TREE SEEDS AND CONES, PAYMENTS FROM APPROPRIATIONS.

Notwithstanding any provision of law to the contrary, out of any moneys appropriated to the commissioner of natural resources for the purchase of tree seeds and seed cones the state auditor and the state treasurer shall pay to the commissioner upon his request not to exceed the sum of \$10,000 in cash at any one time and not to exceed the sum of \$25,000 in any one fiscal year for the purpose of purchasing tree seeds and seed cones, and the payment therefor in cash at the time of delivery. At no time shall the moneys in the hands of the commissioner for this purpose exceed the sum of \$10,000.

All moneys paid to the commissioner pursuant to this section shall be deposited by him in a state depository subject to withdrawal for disbursement by check for the purposes described by the commissioner or his authorized agent.

The auditor shall prescribe such rules as he deems necessary for the accounting by the commissioner of natural resources of expenditures made pursuant to this section and may require an additional bond to cover all moneys delivered to the commissioner of natural resources for disbursement by him or his authorized agent. Any bond premiums shall be paid by the commissioner from any moneys available for such purposes.

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

[1961 c 172 s 1; 1967 c 905 s 5; 1969 c 1129 art 10 s 2]

89.51 [Renumbered 18.341]

89.52 [Renumbered 18.351]

89.53 [Renumbered 18.361]

89.54 [Renumbered 18.371]

89.55 [Renumbered 18.381]

89.56 [Renumbered 18.391]

89.57 [Renumbered 18.401]

89.58 [Renumbered 18.411]

89.59 [Renumbered 18.421]

89.60 [Renumbered 18.422]

89.61 [Renumbered 18.423]