

CHAPTER 84

DEPARTMENT OF NATURAL RESOURCES

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84.01 DEPARTMENT OF NATURAL RESOURCES; COMMISSIONER APPOINTMENT.

[For text of subs 1 and 2, see M.S.1986]

Subd. 3. Subject to the provisions of Laws 1969, chapter 1129, and to other applicable laws the commissioner shall organize the department and employ three assistant commissioners, each of whom shall serve at the pleasure of the commissioner in the unclassified service, one of whom shall have responsibility for coordinating and directing the planning of every division within the agency, and such other officers, employees, and agents as the commissioner may deem necessary to discharge the functions of the department, define the duties of such officers, employees, and agents and to delegate to them any of the commissioner's powers, duties, and responsibilities subject to the control of, and under the conditions prescribed by, the commissioner. Appointments to exercise delegated power shall be by written order filed with the secretary of state.

[For text of subs 4 and 5, see M.S.1986]

History: 1987 c 306 s 1; 1987 c 404 s 91

84.0272 PROCEDURE IN ACQUIRING LANDS.

When the commissioner of natural resources is authorized to acquire lands or interests in lands the procedure set forth in this section shall apply. The commissioner of natural resources shall first prepare a fact sheet showing the lands to be acquired, the legal authority for their acquisition, and the qualities of the land that make it a desirable acquisition. The commissioner of natural resources shall cause the lands to be appraised. An appraiser shall before entering upon the duties of office take and subscribe an oath to faithfully and impartially discharge the duties as appraiser according to the best of the appraiser's ability and that the appraiser is not interested directly or indirectly in any of the lands to be appraised or the timber or improvements thereon or in the sale thereof and has entered into no agreement or combination to purchase the same or any part thereof, which oath shall be attached to the report of the appraisal. The commissioner of natural resources shall not agree to pay more than the appraised value. New appraisals may be made at the discretion of the commissioner of natural resources.

History: 1987 c 404 s 92

84.081 DEPARTMENT DIVISIONS AND BUREAUS.

Subdivision 1. **Directors.** Subject to the commissioner's authority to revise or abolish existing divisions and to establish new divisions, all as prescribed in section

84.083, subdivision 1, the department of natural resources shall be organized with the following divisions: a division of lands and forestry, a division of waters, soils and minerals, a division of game and fish, a division of parks and recreation, and a division of enforcement and field service. Each division shall be under the immediate charge of a director, subject to the supervision and control of the commissioner. The commissioner may place a director's position in the unclassified service if the position meets the criteria established in section 43A.08, subdivision 1a. They shall be chosen with regard to knowledge, training, experience, ability in administering the work of their respective divisions, and with consideration given to applicable professional registration.

[For text of subds 2 and 3, see M.S.1986]

History: 1987 c 306 s 2

84.0855 SPECIAL RECEIPTS; APPROPRIATION.

Money received by the commissioner of natural resources as fees for seminars or workshops, for the sale of publications, maps, or to buy supplies for the use of volunteers, may be credited to one or more special accounts in the state treasury and is appropriated to the commissioner for the purposes for which the money was received.

History: 1987 c 404 s 93

84.0856 FLEET MANAGEMENT ACCOUNT.

The commissioner of natural resources may bill organizational units within the department of natural resources for the costs of providing them with equipment. Costs billed may include acquisition, licensing, insurance, maintenance, repair, and other direct costs as determined by the commissioner. Receipts and interest earned on the receipts shall be credited to a special account in the state treasury and are appropriated to the commissioner to pay the costs for which the billings were made.

History: 1987 c 404 s 94

84.0894 ENFORCEMENT OF AQUATIC PLANTS AND ENDANGERED SPECIES.

An enforcement officer shall enforce a violation of sections 84.0895, 84.091, 84.092, 84.093, and 84.152 in the same manner as a violation of the game and fish laws.

History: 1987 c 149 art 2 s 1

84.091 AQUATIC VEGETATION IN PUBLIC WATERS.

[For text of subds 1 and 2, see M.S.1986]

Subd. 3. **License fees.** (a) The fees for the following licenses, to be issued to residents only, are:

- (1) for harvesting wild rice, \$12.50;
 - (2) for buying and selling wild ginseng, \$5;
 - (3) for a wild rice dealer's license to buy and sell 50,000 pounds or less, \$70; and
 - (4) for a wild rice dealer's license to buy and sell more than 50,000 pounds, \$250.
- (b) The weight of the wild rice shall be determined in its raw state.

History: 1987 c 404 s 96

NOTE: Subdivision 3, as amended by Laws 1987, chapter 404, section 96, is effective for the licensing year beginning March 1, 1988, and for each licensing year after that date. See Laws 1987, chapter 404, section 192, subdivision 3.

84.0911 WILD RICE MANAGEMENT ACCOUNT.

Subdivision 1. **Establishment.** The wild rice management account is established as an account in the state treasury.

Subd. 2. **Receipts.** Money received from the sale of wild rice licenses issued by the

commissioner under section 84.091, subdivision 3, clauses (1) and (3), shall be credited to the wild rice management account.

Subd. 3. Use of money in account. (a) Money in the wild rice management account shall be used by the commissioner for management of designated public waters to improve natural wild rice production.

(b) Money that is not appropriated from the wild rice management account does not cancel but shall remain in the wild rice management account until appropriated.

History: 1987 c 149 art 1 s 1

84.83 DISPOSITION OF RECEIPTS; DEDICATED ACCOUNT.

[For text of subds 1 and 2, see M.S.1986]

Subd. 3. Purposes for the account. The money deposited in the account and interest earned on that money may be expended only as appropriated by law for the following purposes:

- (1) For a grant-in-aid program to counties and municipalities for construction and maintenance of snowmobile trails;
- (2) For acquisition, development, and maintenance of state recreational snowmobile trails;
- (3) For snowmobile safety programs; and
- (4) For the administration and enforcement of sections 84.81 to 84.90.

History: 1987 c 404 s 97

84.87 OPERATION; REGULATIONS BY MUNICIPALITIES.

[For text of subds 1 and 1a, see M.S.1986]

Subd. 2. Operation generally. It shall be unlawful for any person to drive or operate any snowmobile in the following unsafe or harassing ways:

- (a) at a rate of speed greater than reasonable or proper under all the surrounding circumstances;
- (b) in a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto;
- (c) without a lighted head and taillight when required for safety;
- (d) in any tree nursery or planting in a manner which damages or destroys growing stock.

[For text of subd 2a, see M.S.1986]

Subd. 2b. Operating under influence of alcohol or controlled substance. A person in control of or operating a snowmobile under the influence of alcohol or a controlled substance is governed by the prohibitions and chemical testing requirements of sections 84.91 and 84.911 and is punishable in accordance with those sections.

[For text of subd 3, see M.S.1986]

History: 1987 c 368 s 1,2

84.872 YOUTHFUL SNOWMOBILE OPERATORS; PROHIBITIONS.

Notwithstanding anything in section 84.87 to the contrary, no person under 14 years of age shall make a direct crossing of a trunk, county state-aid, or county highway as the operator of a snowmobile, or operate a snowmobile upon a street or highway within a municipality. A person 14 years of age or older, but less than 18 years of age, may make a direct crossing of a trunk, county state-aid, or county highway only if the person has in immediate possession a valid snowmobile safety certificate issued by the commissioner or a valid motor vehicle operator's license issued by the commissioner

of public safety or the drivers license authority of another state. No person under the age of 14 years shall operate a snowmobile on any public land or water under the jurisdiction of the commissioner unless accompanied by one of the following listed persons on the same or an accompanying snowmobile, or on a device towed by the same or an accompanying snowmobile: the person's parent, legal guardian, or other person 18 years of age or older. However, a person 12 years of age or older may operate a snowmobile on public lands and waters under the jurisdiction of the commissioner if the person has in immediate possession a valid snowmobile safety certificate issued by the commissioner.

It is unlawful for the owner of a snowmobile to permit the snowmobile to be operated contrary to the provisions of this section.

When the judge of a juvenile court, or any of its duly authorized agents, shall determine that any person, while less than 18 years of age, has violated the provisions of sections 84.81 to 84.88, or any other state or local law or ordinance regulating the operation of snowmobiles, the judge, or duly authorized agent, shall immediately report such determination to the commissioner and may recommend the suspension of the person's snowmobile safety certificate. The commissioner is hereby authorized to suspend the certificate, without a hearing.

History: 1987 c 89 s 1

84.91 OPERATION OF SNOWMOBILES AND ALL-TERRAIN VEHICLES UNDER THE INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCES.

Subdivision 1. Acts prohibited. (a) No person shall operate or be in physical control of any snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state while under the influence of:

- (1) alcohol, as provided in section 169.121, subdivision 1, clauses (a) and (d);
- (2) a controlled substance, as defined in section 152.01, subdivision 4; or
- (3) a combination of any two or more of the elements named in clauses (1) and (2).

(b) No owner or other person having charge or control of any snowmobile or all-terrain vehicle shall authorize or permit any individual the person knows or has reason to believe is under the influence of alcohol or a controlled substance, as provided under paragraph (a), to operate the snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state.

(c) No owner or other person having charge or control of any snowmobile or all-terrain vehicle shall knowingly authorize or permit any person, who by reason of any physical or mental disability is incapable of operating the vehicle, to operate the snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state.

Subd. 2. Arrest. Conservation officers of the department of natural resources, sheriffs, sheriff's deputies, and other peace officers may arrest a person for a violation under subdivision 1 without a warrant upon probable cause, if the violation was committed in the officer's presence. If the violation did not occur in the officer's presence, the officer may arrest the person if the person was involved in a snowmobile or all-terrain vehicle accident resulting in death, personal injury, or property damage.

Subd. 3. Preliminary screening test. When an officer authorized under subdivision 2 to make arrests has reason to believe from the manner in which a person is operating, controlling, or acting upon departure from a snowmobile or all-terrain vehicle, or has operated or been in control of the vehicle, that the operator may be violating or has violated subdivision 1, paragraph (a), the officer may require the operator to provide a breath sample for a preliminary screening test using a device approved by the commissioner of public safety for this purpose. The results of the preliminary screening test shall be used for the purpose of deciding whether an arrest should be made under this section and whether to require the chemical tests authorized in section 84.911, but may not be used in any court action except to prove that a test was properly required

of an operator under section 84.911. Following the preliminary screening test, additional tests may be required of the operator as provided under section 84.911. An operator who refuses a breath sample is subject to the provisions of section 84.911 unless, in compliance with that section, the operator submits to a blood, breath, or urine test to determine the presence of alcohol or a controlled substance.

Subd. 4. Evidence. In a prosecution for a violation of subdivision 1, paragraph (a), the admission of evidence of the amount of alcohol or a controlled substance in the person's blood, breath, or urine, is governed by section 361.12, subdivision 4.

Subd. 5. Penalties. (a) A person who violates any prohibition contained in subdivision 1 is guilty of a misdemeanor. A person who violates any prohibition contained in subdivision 1 within five years of a prior conviction under that subdivision or civil liability under section 84.911, subdivision 2, or within ten years of two or more prior convictions under that subdivision or civil liability under section 84.911, subdivision 2, is guilty of a gross misdemeanor.

(b) A person who operates a snowmobile or all-terrain vehicle during the period the person is prohibited from operating the vehicle under subdivision 6 is guilty of a misdemeanor.

Subd. 6. Operating privileges suspended. Upon conviction, and in addition to any penalty imposed under subdivision 5, the person is prohibited for one year from operating a snowmobile or all-terrain vehicle, whichever was involved in the violation.

Subd. 7. Duties of commissioner. The court shall promptly forward to the commissioner copies of all convictions and criminal and civil penalties imposed under subdivision 5 and section 84.911, subdivision 2. The commissioner shall notify the convicted person of the period during which the person is prohibited from operating a snowmobile or all-terrain vehicle under subdivision 6 or section 84.911, subdivision 2. The commissioner shall also periodically circulate to appropriate law enforcement agencies a list of all persons who are prohibited from operating a snowmobile or all-terrain vehicle under subdivision 6 or section 84.911, subdivision 2.

Subd. 8. Immunity from liability. The state or political subdivision that employs an officer who is authorized under subdivision 2 to make an arrest for violations of subdivision 1 is immune from any liability, civil or criminal, for the care or custody of the snowmobile or all-terrain vehicle being operated by or in the physical control of the person arrested if the officer acts in good faith and exercises due care.

History: 1987 c 368 s 3

84.911 CHEMICAL TESTING.

Subdivision 1. Mandatory chemical testing. A person who operates or is in physical control of a snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state is required, subject to the provisions of this section, to take or submit to a test of the person's blood, breath, or urine for the purpose of determining the presence and amount of alcohol or a controlled substance. The test shall be administered at the direction of an officer authorized to make arrests under section 84.91, subdivision 2. Taking or submitting to the test is mandatory when requested by an officer who has probable cause to believe the person was operating or in physical control of a snowmobile or all-terrain vehicle in violation of section 84.91, subdivision 1, paragraph (a), and one of the following conditions exists:

(1) the person has been lawfully placed under arrest for violating section 84.91, subdivision 1, paragraph (a);

(2) the person has been involved while operating a snowmobile or all-terrain vehicle in an accident resulting in property damage, personal injury, or death;

(3) the person has refused to take the preliminary screening test provided for in section 84.91, subdivision 3; or

(4) the screening test was administered and recorded an alcohol concentration of 0.10 or more.

Subd. 2. Penalties; refusal; revocation of snowmobile or all-terrain vehicle operating privilege. (a) If a person refuses to take a test required under subdivision 1, none must be given, but the officer authorized to make arrests under section 84.91, subdivision 2, shall report the refusal to the commissioner of natural resources and to the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the incident occurred that gave rise to the test demand and refusal.

On certification by the officer that probable cause existed to believe the person had been operating or in physical control of a snowmobile or all-terrain vehicle while under the influence of alcohol or a controlled substance, and that the person refused to submit to testing, the commissioner shall impose a civil penalty of \$500 and shall prohibit the person from operating a snowmobile or all-terrain vehicle, whichever was involved in the violation, for a period of one year.

On behalf of the commissioner, an officer requiring a test or directing the administration of a test shall serve on a person who refused to permit a test immediate notice of intention to prohibit the operation of a snowmobile or all-terrain vehicle, and to impose the civil penalty set forth in this subdivision. If the officer fails to serve a notice of intent to suspend operating privileges, the commissioner may notify the person by mail, and the notice is deemed received three days after mailing. The notice must advise the person of the right to obtain administrative and judicial review as provided in this section. The prohibition imposed by the commissioner takes effect ten days after receipt of the notice. The civil penalty is imposed on receipt of the notice and must be paid within 30 days of imposition.

(b) A person who operates a snowmobile or all-terrain vehicle during the period the person is prohibited from operating the vehicle as provided under paragraph (a) is guilty of a misdemeanor.

Subd. 3. Rights and obligations. At the time a test is requested, the person must be informed:

(1) that Minnesota law requires a person to take a test to determine if the person is under the influence of alcohol or a controlled substance;

(2) that if the person refuses to take the test, the person is subject to a civil penalty of \$500 and is prohibited for a one-year period from operating a snowmobile or an all-terrain vehicle, as provided under subdivision 2;

(3) that if testing is refused it will not affect the person's motor vehicle driver's license;

(4) that if the test is taken and the results indicate that the person is under the influence of alcohol or a controlled substance, the person will be subject to criminal penalties and in addition to any other penalties the court may impose, the person's operating privileges will be suspended as provided under section 84.91, subdivision 6;

(5) that, after submitting to testing, the person has the right to have additional tests made by someone of the person's own choosing; and

(6) that a refusal to take a test will be offered into evidence against the person at trial.

Subd. 4. Requirement of urine test. Notwithstanding subdivision 1, if there is probable cause to believe there is impairment by a controlled substance that is not subject to testing by a breath test, a blood or urine test may be required even after a breath test has been administered.

Subd. 5. Chemical tests. Chemical tests administered under this section are governed by section 361.121, subdivisions 5, 6, and 7.

Subd. 6. Judicial and administrative review; enforcement. Judicial and administrative review of sanctions imposed under this section is governed by section 361.121, subdivision 2a, 2b, and 2c. Payment and enforcement of the civil penalty imposed under this section is governed by section 361.121, subdivisions 8 and 9.

History: 1987 c 368 s 4

84.928 OPERATION REQUIREMENTS; LOCAL REGULATION.*[For text of subds 1 and 2, see M.S.1986]*

Subd. 3. Operating under influence of alcohol or controlled substance. A person may not operate or be in control of an all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state while under the influence of alcohol or a controlled substance, as provided in section 84.91 and is subject to section 84.911.

[For text of subds 4 to 6, see M.S.1986]

Subd. 7. Liability to road or trail authority. When a road, trail, or highway right-of-way is used as provided by sections 84.92 to 84.928, 85.018, and 296.16, the authority having jurisdiction and the officers and employees of the authority are exempt from liability for any claim by any person arising from that use. This section shall have no effect on the liability of any party or organization having responsibility for the maintenance of a trail or roadway for all-terrain vehicles.

History: 1987 c 149 art 2 s 2; 1987 c 368 s 5**84.943 MINNESOTA CRITICAL HABITAT PRIVATE SECTOR MATCHING ACCOUNT.**

Subdivision 1. Establishment. The Minnesota critical habitat private sector matching account is established as a separate account in the reinvest in Minnesota resources fund established under section 84.95. The account shall be administered by the commissioner of natural resources as provided in this section.

[For text of subd 2, see M.S.1986]

Subd. 3. Appropriations must be matched by private funds. Appropriations transferred to the critical habitat private sector matching account may be expended only to the extent that they are matched equally with contributions to the account from private sources or by funds contributed to the nongame wildlife management account. The private contributions may be made in cash or in contributions of land or interests in land that are designated by the commissioner of natural resources as program acquisitions. Appropriations transferred to the account that are not matched within three years from the date of the appropriation shall cancel to the source of the appropriation. For the purposes of this section, the private contributions of land or interests in land shall be valued in accordance with their appraised value.

[For text of subd 4, see M.S.1986]

Subd. 5. Pledges and contributions. The commissioner of natural resources may accept contributions and pledges to the critical habitat private sector matching account. A pledge that is made contingent on an appropriation is acceptable and shall be reported with other pledges as required in this section. In the budget request for each biennium, the commissioner shall report the balance of contributions in the account and the amount that has been pledged for payment in the succeeding two calendar years.

Money in the account is appropriated to the commissioner of natural resources only for the direct acquisition or improvement of land or interests in land as provided in section 84.944. To the extent of available appropriations other than bond proceeds, the money matched to the nongame wildlife management account may be used for the management of nongame wildlife projects as specified in section 290.431. Acquisition includes: (1) purchase of land or an interest in land by the commissioner; or (2) acceptance by the commissioner of gifts of land or interests in land as program projects.

History: 1987 c 357 s 13-15**84.944 ACQUISITION OF CRITICAL NATURAL HABITAT.**

Subdivision 1. Acquisition considerations. In determining what critical natural habitat shall be acquired or improved, the commissioner shall consider:

(1) the significance of the land or water as existing or potential habitat for fish and wildlife and providing fish and wildlife oriented recreation;

(2) the significance of the land, water, or habitat improvement to maintain or enhance native plant, fish, or wildlife species designated as endangered or threatened under section 84.0895;

(3) the presence of native ecological communities that are now uncommon or diminishing; and

(4) the significance of the land, water or habitat improvement to protect or enhance natural features within or contiguous to natural areas including fish spawning areas, wildlife management areas, scientific and natural areas, riparian habitat and fish and wildlife management projects.

Based on the above clauses, the commissioner by order promulgated under section 97A.051, subdivision 3, must establish a process to prioritize what critical habitat shall be acquired or improved.

Subd. 2. Designation of acquired sites. The critical natural habitat acquired by the commissioner under this section shall be designated by the commissioner as: (1) an outdoor recreation unit pursuant to section 86A.07, subdivision 3, or (2) as provided in sections 97A.101, 97A.125, 97C.001, 97C.011, and 97C.021.

Subd. 3. County acquisition approval. The commissioner must follow the procedures under section 97A.145, subdivision 2, for critical natural habitat acquired under this section.

History: 1987 c 149 art 2 s 3-5; 1987 c 357 s 16

84.95 REINVEST IN MINNESOTA RESOURCES FUND.

[For text of subd 1, see M.S.1986]

Subd. 2. Purposes and expenditures. Money from the reinvest in Minnesota resources fund may only be spent for the following fish and wildlife conservation enhancement purposes:

(1) development and implementation of the comprehensive fish and wildlife management plan under section 84.942;

(2) implementation of the conservation reserve program established by section 40.43;

(3) soil and water conservation practices to improve water quality, reduce soil erosion and crop surpluses;

(4) enhancement of fish and wildlife habitat on lakes, streams, wetlands, and public and private forest lands;

(5) acquisition and development of public access sites and recreation easements to lakes, streams, and rivers for fish and wildlife oriented recreation;

(6) matching funds with government agencies, federally recognized Indian tribes and bands, and the private sector for acquisition and improvement of fish and wildlife habitat;

(7) research and surveys of fish and wildlife species and habitat;

(8) enforcement of natural resource laws and rules;

(9) information and education;

(10) implementing the aspen recycling program under section 88.80; and

(11) necessary support services to carry out these purposes.

Subd. 3. Work plan. By February 1 of each year the commissioner of natural resources, in consultation with the commissioner of agriculture, must present a written work plan for expenditure of money from the reinvest in Minnesota resources fund for the next fiscal year to the senate and house committees on agriculture and environment and natural resources for their review and comment. Any recommendations to the commissioners by the committees must be returned to the commissioners by March 15.

By April 30 of each year the commissioner must make the work plan, with any revisions, available to the public for comment. In so doing, the commissioner must hold at least three public meetings to inform the public of the work plan; one meeting to be held in the Twin Cities metropolitan area, the others at non-Twin Cities locations, one each in northern and southern Minnesota. By January 15 of each year, the commissioner must prepare a written progress report on projects undertaken and money encumbered during the fiscal year just ended, and must transmit the report to the above committees and make the report available to the public.

History: 1987 c 357 s 17,18

84.96 NATIVE PRAIRIE BANK.

Subdivision 1. Establishment. The commissioner shall establish a native prairie bank, determine where native prairie land is located in the state, and prescribe eligibility requirements for inclusion of land in the native prairie bank.

Subd. 2. Definition. For the purposes of this section, "native prairie" means land that has never been plowed, with less than ten percent tree cover and with predominantly native prairie vegetation.

Subd. 3. Easement acquisition. (a) The commissioner may acquire native prairie for conservation purposes by entering into easements with landowners. The easements must be conservation easements as defined in section 84C.01, clause (1), except the easements may be made possessory as well as nonpossessory if agreed upon by the landowner and the commissioner.

(b) The easements may be permanent or of limited duration. Highest priority must be given to permanent easements consistent with the purposes of this section. Easements of limited duration must be for at least 20 years, with provision for renewal for at least another 20-year period. For easements of limited duration, the commissioner may reexamine and adjust the payment rates at the beginning of any renewal period after considering current land and crop values.

Subd. 4. Easement agreement. (a) In the easement between the commissioner and an owner, the owner must agree:

(1) to place in the program for the period of the easement eligible native prairie areas designated by the owner, including prairie covered by a federal or state easement that allows agricultural use and desirable land adjacent to the prairie as determined by the commissioner;

(2) not to alter the native prairie by plowing, heavy grazing, seeding to nonnative grasses or legumes, spraying with large amounts of herbicides, or otherwise destroying the native prairie character of the easement area, except mowing the native prairie tract for wild hay may qualify for easement as determined by the commissioner;

(3) to implement the native prairie conservation and development plan as provided in the easement agreement, unless a requirement in the easement agreement is waived or modified by the commissioner;

(4) to forfeit all rights to further payments under the terms of the easement and to refund to the state all payments received under the easement if the easement is violated at any time when the owner has control of the land subject to the easement, if the commissioner determines that the violation warrants termination of the easement, or if the commissioner determines that the violation does not warrant termination of the easement, the commissioner may determine refunds or payment adjustments to be paid by the commissioner;

(5) not to adopt a practice specified by the commissioner in the easement as a practice that would tend to defeat the purposes of the easement; and

(6) to additional provisions included in the easement that the commissioner determines are desirable.

(b) In return for the easement of the owner, the commissioner shall make payments as provided in subdivision 5 and may provide advice on conservation and development practices on the native prairie in the easement and adjacent areas.

Subd. 5. **Payments.** (a) The commissioner must make payments to the landowner under this subdivision for the easement.

(b) For a permanent easement, the commissioner must pay 50 percent of the average equalized estimated market value of cropland in the township as established by the commissioner of revenue for the time period when the application is made.

(c) For an easement of limited duration, the landowner shall receive a lump sum payment equal to the present value of the annual payments for the term of the easement based on 50 percent of the mean adjusted cash rental for cropland in the county as established by the commissioner of revenue for the time period when the application is made.

(d) To maintain and protect native prairies, the commissioner may enter into easements that allow selected agricultural practices. Payment must be based on paragraph (b) or (c) but may be reduced due to the agricultural practices allowed after negotiation with the landowner.

Subd. 6. **Renewal.** A limited-term easement may be converted to a permanent easement or renewed at the end of the easement period by mutual agreement of the commissioner and the owner, subject to any rate redetermination by the commissioner.

Subd. 7. **Easement runs with land.** If during the easement period the owner sells or otherwise disposes of the ownership or right of occupancy of the land, the new owner must continue the easement under the same terms or conditions.

Subd. 8. **Modification and termination by agreement.** The commissioner may terminate an easement by mutual agreement with the owner if the commissioner determines that the termination would be in the public interest. The commissioner may agree to modifications of agreements if the commissioner determines the modification is desirable to implement the native prairie program.

Subd. 9. **Rules.** The commissioner of natural resources may adopt rules that include the procedures and payment rates to implement this section.

History: 1987 c 357 s 19

PRAIRIE LAND MANAGEMENT

84.961 PRAIRIE LAND MANAGEMENT.

Subdivision 1. **Native prairie values.** The commissioner of natural resources must recognize the value of native prairie land by taking into consideration the wildlife, scientific, erosion control, educational, and recreational benefits of native prairie.

Subd. 2. **Planning.** The commissioner must plan for management, development, and restoration of:

(1) prairie land under the commissioner's jurisdiction; and

(2) prairie landscape reserves, comprised of an integrated network of protected prairie lands, prairie restoration sites, and private prairie lands.

Subd. 3. **Prairie landscape reserves.** The commissioner must develop and manage permanent prairie landscape reserves to maintain the native plant and animal populations, landscape features, and habitat types that are characteristic of intact prairie ecosystems. Management practices may include haying and grazing.

Subd. 4. **Prairie biologist.** The position of prairie biologist is established in the department of natural resources to plan, develop, and manage native prairie reserves and prairie land under this section. The prairie biologist shall be located within the central part of the prairie region and be under the supervision of the scientific and natural areas program.

History: 1987 c 404 s 98

84.963 PRAIRIE PLANT SEED PRODUCTION AREAS.

The commissioner of natural resources shall study the feasibility of establishing private or public prairie plant seed production areas within prairie land locations. If

prairie plant seed production is feasible, the commissioner may aid the establishment of production areas. The commissioner may enter cost-share or sharecrop agreements with landowners having easements for conservation purposes of ten or more years on their land to commercially produce prairie plant seed of Minnesota origin. The commissioner may only aid prairie plant seed production areas on agricultural land used to produce crops before December 23, 1985, and cropped three out of five years between 1981 and 1985.

History: 1987 c 404 s 99