

CHAPTER 89

STATE FORESTS; TREE PLANTING; FOREST ROADS

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89.01 COMMISSIONER, POWERS AND DUTIES.

[For text of subs 1 to 5, see M.S.2004]

Subd. 5a. **Sale of state forest land.** Any state lands included in areas set apart as state forests are eliminated from the state forest upon sale under the provisions of sections 92.06 to 92.08 or 94.09 to 94.16.

[For text of subs 6 and 7, see M.S.2004]

History: 2005 c 10 art 1 s 22

89.039 FOREST MANAGEMENT INVESTMENT ACCOUNT.

Subdivision 1. **Account established; sources.** The forest management investment account is created in the natural resources fund in the state treasury and money in the account may be spent only for the purposes provided in subdivision 2. The following revenue shall be deposited in the forest management investment account:

- (1) timber sales receipts transferred from the consolidated conservation areas account as provided in section 84A.51, subdivision 2;
- (2) timber sales receipts from forest lands as provided in section 89.035;
- (3) money transferred from the forest suspense account according to section 16A.125, subdivision 5; and
- (4) interest accruing from investment of the account.

[For text of subd 2, see M.S.2004]

History: 1Sp2005 c 1 art 2 s 70

89.19 RULES.

[For text of subd 1, see M.S.2004]

Subd. 2. **Rulemaking exemption.** Designations of forest trails and changes to the designations by the commissioner shall be by written order published in the State Register. Designations and changes to designations are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. Before designating or changing a designation of forest trails, the commissioner shall hold a public meeting in the county where the largest portion of the forest lands are located to provide information to and receive comment from the public regarding the proposed trail designation or change in designation. Sixty days before the public meeting, notice of the proposed forest trail designation or change in designation shall be published in the legal newspapers that serve the counties in which the lands are located, in a statewide Department of Natural Resources news release, and in the State Register.

History: 1Sp2005 c 1 art 2 s 71

89.36 PRODUCING AND PROCURING PLANTING STOCK.

[For text of subd 1, see M.S.2004]

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

89.35 to 89.39, or any other applicable law now or hereafter in force. The commissioner must give preference for Minnesota grown planting stock.

[For text of subds 3 and 4, see M.S.2004]

History: *1Sp2005 c 1 art 2 s 72*

89.37 DISTRIBUTING PLANTING STOCK.

[For text of subds 1 to 3b, see M.S.2004]

Subd. 4. **Proceeds of sale.** All money received in payment for tree planting stock supplied under this section shall be deposited in the state treasury and credited to a forest nursery account and are available to the commissioner of natural resources for the purposes of sections 89.35 to 89.37, including up to \$250,000 per year for forestry education and technical assistance.

[For text of subds 5 to 7, see M.S.2004]

History: *1Sp2005 c 1 art 2 s 73*

89.71 FOREST ROADS.

Subdivision 1. **Designation, inventory, recording.** The commissioner shall designate forest roads by written order published in the State Register. Designated forest roads, bridges, and other improvements administered under section 89.002, subdivision 3, are designated to the width of the actual use including ditches, backslopes, fills, and maintained right-of-way, unless otherwise specified in a prior easement of record. The commissioner may undesignate, by written order published in the State Register, all or part of a state forest road that is not needed to carry out forest resource management policy. Designations and undesignations are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The commissioner shall maintain and keep current an inventory listing and describing roads in which the state claims a right or property interest for state forest road purposes. The commissioner may file for record with a county recorder or registrar of titles appropriate documents setting forth the state's interest in all or part of any state forest road.

[For text of subds 2 to 7, see M.S.2004]

History: *2005 c 141 s 1*

89.715 ALTERNATIVE RECORDING FOR STATE FOREST ROAD.

Subdivision 1. **Authorization.** The commissioner may adopt a recorded state forest road map under this section to record the department's state forest road prescriptive easements. For purposes of this section, "recorded state forest road map" means the official map of state forest roads.

Subd. 2. **Map requirements.** The recorded state forest road map must:

- (1) show state forest roads at the time the map is adopted;
- (2) be prepared at a scale of at least four inches equals one mile;
- (3) include section numbers;
- (4) include a north point arrow;
- (5) include the name of the county and state;
- (6) include a blank and a description under the blank for the date of public hearing and date of adoption;
- (7) include blanks for signatures and dates of signatures for the commissioner; and
- (8) include a list of legal descriptions of all parcels crossed by state forest road prescriptive easements.

Subd. 3. **Procedure to adopt map.** (a) The commissioner must prepare an official map for each county or smaller geographic area as determined by the commissioner as

provided in subdivision 2, and set a time, place, and date for a public hearing on adopting a recorded state forest road map to record roads.

(b) The hearing notice must state that the roads to be recorded will be to the width of the actual use including ditches, backslopes, fills, and maintained rights-of-way, unless otherwise specified in a prior easement of record. The hearing notice must be published once a week for two successive weeks in a qualified newspaper of general circulation that serves the county or smaller geographic areas as determined by the commissioner, the last publication to be made at least ten days before the date of the public hearing. At least 30 days before the hearing, the hearing notice must be sent by certified mail to the property owners directly affected in the county or smaller geographic areas as determined by the commissioner at the addresses listed on the tax assessment notices at least seven days before appearing in the qualified newspaper. The hearing notice may be sent with the tax assessment, but all additional costs incurred shall be billed to the department.

(c) After the public hearing is held, the commissioner may amend and adopt the recorded state forest road map. The recorded state forest road map must be dated and signed by the commissioner and must be recorded with the county recorder within 90 days after the map is adopted.

(d) The recorded state forest road map that is recorded with the county recorder must comply with the standards of the county recorder where the state forest roads are located.

(e) A recorded state forest road map that was prepared by using aerial photographs to establish road centerlines and that has been duly recorded with the county recorder is an adequate description for purposes of recording road easements and the map is the legally constituted description and prevails when a deed for a parcel abutting a road contains no reference to a road easement. Nothing prevents the commissioner from accepting a more definitive metes and bounds or survey description of a road easement for a road of record if the description of the easement is referenced to equal distance on both sides of the existing road centerline.

(f) The commissioner shall consult with representatives of county land commissioners, county auditors, county recorders, and Torrens examiners in implementing this subdivision.

Subd. 4. Appeal. (a) Before filing an appeal under paragraph (b), a person may seek resolution of concerns regarding a decision to record a road under this section by contacting the commissioner in writing.

(b) A person may appeal a decision to record or exclude recording a road under this section to the district court within 120 days after the date the commissioner adopts the state forest road map.

Subd. 5. Unrecorded road or trail not affected. This section does not affect or diminish the legal status or state obligations of roads and trails not shown on the recorded state forest road map.

Subd. 6. Exemption. Adoption of a recorded state forest road map under this section is exempt from the rulemaking requirements of chapter 14 and section 14.386 does not apply.

History: 2005 c 101 s 1