

(b) Other public uses are required due to unavoidable public necessity, but then only after notice to concerned groups and individuals and opportunity for public comment.

History: Cr. Register, May, 1982, No. 317, eff. 6-1-82.

NR 1.40 Acquisition of recreational land. (1) In the acquisition of recreational lands, the department shall place principal emphasis on the acquisition of lands in the heavily populated areas of the state and in places readily accessible to such areas.

(2) A high priority shall be placed on the consolidation and completion of existing projects and new projects shall be initiated only where unusual conditions of quality, location, cost, availability and need exist which justify their establishment and implementation.

(3) All new projects shall be subject to natural resources board approval.

History: Cr. Register, April, 1975, No. 232, eff. 5-1-75.

NR 1.41 Land acquisition authorization. (1) The following land transactions of the department shall require board approval:

(a) Acquisitions where the purchase price is \$150,000 or more.

(b) Acquisitions where more than 40 acres are outside of an established project boundary.

(c) Acquisitions where the purchase price exceeds the highest appraised value.

(d) Acquisitions by condemnations of land.

(e) Acquisitions by gifts of land to the department.

(f) Acquisitions where improvement values exceed 35% of total appraised value.

(g) Acquisitions of short tenure with substantial increased value.

(h) Sales of state land that are no longer needed for conservation purposes where the value exceeds \$50,000 or where the acreage exceeds 40 acres.

(2) The secretary may approve all other land transactions.

(3) The department shall submit to the board a yearly statistical report on the land control program, including an analysis of the program's status in relationship to the state recreational plan.

(4) The department shall submit to the board at each meeting a report on the status of all options and pending land acquisitions showing the date of each option.

History: Cr. Register, April, 1975, No. 232, eff. 5-1-75; am. Register, April, 1976, No 244, eff. 5-1-76; r. and recr. Register, November, 1985, No. 359, eff. 12-1-85.

NR 1.415 Policy on redesignation of department land uses. (1) The department shall conduct a periodic review of land use designations in order to determine whether a redesignation will secure better management.

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(2) Each redesignation of land use shall be subject to approval of the board.

History: Cr. Register, November, 1976, No. 251, eff. 12-1-76.

NR 1.42 Acquisition of state forest land. (1) Within established state forest boundaries, the department shall acquire suitable forest lands for the purpose of better blocking, consolidation of ownership and improvement of management possibilities. In the acquisition program, the department shall:

(a) Acquire by purchase or by exchange suitable publicly owned lands.

(b) Acquire by purchase suitable privately owned lands.

(c) Acquire suitable privately owned lands within the forest boundary by exchange for state-owned lands located outside the forest boundary which are no longer needed for conservation purposes.

(2) Outside established state forest boundaries, the department shall acquire lands for forestry purposes only when such lands are needed for specific purposes.

History: Cr. Register, April, 1975, No. 232, eff. 5-1-76.

NR 1.43 Acquisition of fish and game lands adjacent to water. (1) Lands on certain streams and lakes have been designated for acquisition by the board. Adequate land area, associated with the water, shall be acquired in connection with the acquisition of water frontage for preservation or recreational purposes.

(2) The width of parcels to be acquired on areas adjoining the water shall be based on the management objective of the project, the quality of the water or habitat, the opportunities for scenic enhancement or preservation, the level of public use, and the topography of the area, all with the purpose of protecting the water, the land and the associated flora and fauna.

(3) The boundaries of all land acquisition projects involving water frontage, shall extend a distance of a minimum of 150 feet from the shoreline, except for perpendicular access or where narrower strips of land will provide adequate access and habitat protection due to specific physical conditions, such as the presence of roads, favorable topography or land use conditions.

History: Cr. Register, April, 1975, No. 232, eff. 5-1-75; am. (3), Register, April, 1976, No. 244, eff. 5-1-76.

NR 1.44 Cooperation with county, town and municipal boards on land acquisition. The department shall inform county, town and municipal boards of proposed boundaries of land purchase projects in their areas. If these boards officially object, they shall be afforded an opportunity for personal appearances to present such objections to the board before a final decision on the proposed acquisition is made.

History: Cr. Register, April, 1975, No. 232, eff. 5-1-76.

NR 1.45 Disposition of state forest lands. (1) State forest lands and other state-owned islands within state forest boundaries and lands which provide desirable public access to waters may be sold for the following purposes only:

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- (a) To a local unit of government when required for a public use.
 - (b) To others for the purpose of making land adjustments due to occupancy resulting from errors of survey.
 - (c) To convey good quality, arable land.
 - (d) To settle land title disputes.
 - (e) To public utilities and co-operative associations when needed for power and telephone substations, transformers, booster stations and similar installations.
 - (f) To dispose of land no longer needed for conservation purposes.
- (2) State forest lands outside state forest boundaries which the natural resources board determines are no longer necessary for the state's use for conservation purposes shall be disposed of in accordance with the following priorities:

- (a) Sale to or exchange with a unit of government.
- (b) Sale to others.

History: Cr. Register, April, 1975, No. 232, eff. 5-1-75.

NR 1.46 Disposition of state fish and game lands. (1) State-owned fish and game management lands may be sold only when the natural resources board determines such lands are no longer necessary for the state's use for conservation purposes and only in accordance with the following priorities:

- (a) Sale to or exchange with another unit of government when the lands to be conveyed are required for another public purpose or the lands received in exchange are required for department project purposes.
- (b) Sale to others.

History: Cr. Register, April, 1975, No. 232, eff. 5-1-75; r. (2), Register, December, 1983, No. 336, eff. 1-1-84.

NR 1.47 Disposition of state park lands. (1) State-owned lands within state park boundaries shall not be sold or otherwise disposed of.

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