



# Land Administration

---

## Carlton County Tax Forfeited Land Management Plan

### 6.I

#### Assessment

Carlton County administers roughly 72,400 acres of tax-forfeited land under the legal guidance of Minnesota Statutes 282.

The amount of tax-forfeited land administered by the County has remained relatively stable over the past decade. According to its policies the County intends to retain the acreage for public management. It will increase its holdings only if the offered land (sale or exchange) enhances County management objectives such as providing access or consolidating ownership into larger blocks. In 2002 the County acquired 120 acres from the University of Minnesota. The only foreseeable possible action that could significantly reduce the amount of acreage would be some form of transfer to the Fond du Lac Reservation of lands lying within the Reservation.

Under Minnesota law counties must classify their tax-forfeited lands as either "conservation" or "non-conservation". Carlton County has classified its lands into five categories as follows:

#### Conservation

- Memorial Forest: 49,200 acres are designated as Memorial Forest. These are lands deemed to best suited for on-going forest management.
- Retain: 15,990 acres cannot be sold by the County because they border wetlands, lakes, or streams or have other management values to the County.

#### Non-Conservation

- Dispose by Sale: 5,470 acres have been identified for possible disposal by sale.
- Exchange: 1,740 acres have been identified for possible exchange with other public or private land management entities. Exchanges must be for equivalently valued property.

By law the County must annually classify all newly forfeited lands and periodically evaluate its entire holdings for possible reclassification. Carlton County last reviewed its lands in 1999 and is scheduled to do so in 2004.

#### Hunting Cabin Leases

The County issues leases to individuals for the purpose of establishing hunting camps on tax-forfeited lands. The leases allow the individual to build a small shack but it does not grant them exclusive rights to any public land. There are currently 52 leases.

In 1993 the County adopted a new procedure for the issuance of new hunting cabin leases; the procedure does not apply to the re-issuance of existing leases. Under that procedure the County offered up to five new leases in

each of the years 1993-1996. A lottery system was used to select new leaseholders. No new leases have been issued since, but any new ones would be issued under the lottery system. Annual license fees are currently \$200 with higher amounts for grandfathered larger cabins.

In 2002 the Potlatch Corporation undertook a pilot project to issue leases to individuals for the recreational use of its land. This program was greatly expanded in 2003 at which time 25 leases covering 2,355 acres were offered in Carlton County (an estimated 440 leases were offered throughout northern Minnesota). The full impact of this program on public land management is not yet understood. Because the leaseholders can post the land closed to use by other people, it can be assumed that these lands, once open to use by the general public for hunting or other forms of non-intrusive recreational use, will now be effectively "privatized" and restricted to just the leaseholders. This will likely increase, to some degree, the level of pressure on public lands to accommodate hunters and other recreationists.

### **Easements**

State law allows counties to grant easements to parties that require access across County land for such purposes as utility corridors and public roads. Such easements are generally permanent in nature. Payments for easements may be one-time or annual. Carlton County generally avoids issuing easements unless absolutely necessary. The major existing easements across Carlton County lands are for power lines and pipelines.

## 6.2 Policies

**Objective:** *Carlton County seeks to develop and maintain a comprehensive, appropriately organized, easily understood, and coordinated system for managing and administering tax-forfeited and other designated lands under County jurisdiction.*

The following are the policies of Carlton County regarding land administration:

1. In accordance with State law, classify all parcels of tax-forfeited property under County administration within one year of forfeiture. All lands should have their classifications reviewed at least once every five years. Property can be classified as one of the following:

Conservation Lands: Memorial Forest – land placed within County memorial forests by express action of the County Board.

Conservation Lands: Retain – land not placed within the County memorial forest but valuable for one or more resource management purposes. These purposes may be immediate or anticipated to emerge in the foreseeable future.

Conservation Lands: Must Retain – land that by State law or County ordinance cannot be sold or exchanged to private interests and must be retained as tax-forfeited or County fee property.

Non-Conservation Lands: Exchange – land better suited for management by another entity including Federal or State agencies or a commercial forest landowner. Land received in exchange must be of equal

management value to the County.

Non-Conservation Lands: Dispose by Sale – land lacking significant management or resource value to the County or other resource managing entities and which has some reasonable value on the private real estate marketplace.

2. As lands become tax-forfeit within the corporate limits of a city and after determination of any value to an existing or proposed management unit, the parcel may be sold to abutting landowners (as per State law) or to the municipality. If neither abutting landowners nor the municipality desire to purchase the land, then it is to be placed upon a future land sale.
3. Additional leases for hunting cabin sites will not be likely. Current leases and any new ones are to adhere to the following guidelines:
  - a. If new leases are issued, they shall be issued using the lottery procedure identified in this plan.
  - b. Cabins allowed under a lease must be portable, not greater than 384 square feet, single story, have a maximum width of 24 feet, and be constructed out of materials approved by the County.
  - c. Construction of no more than one portable outhouse is mandatory. This structure cannot exceed 48 square feet in area.
  - d. Lessee is not permitted to further develop a site beyond that which is necessary to construct the two buildings. No living trees may be cut beyond 10 feet of the cabin or outhouse except with written permission from the County.
  - e. Occupancy and use under the lease is not intended for permanent residence or commercial development.
  - f. Lessee may obtain permission from County to clear a 4-foot wide trail of brush and debris for access to the lease site. The lessee shall not construct any road or trail utilized pursuant to the lease. Lessee shall be responsible to fully repair all damages to any road or trail utilized pursuant to the lease.
  - g. Lessee shall maintain the structures in a neat condition and shall take necessary precautions to keep the leased site and the surrounding area in neat and orderly condition and shall dispose of all garbage and refuse in approved sites (not on tax forfeited land).
  - h. Lessee is specifically prohibited from barricading driveways, roads, or from constructing any fences on County land. Lessee shall not post “no trespass”, “no hunting”, or similar signs on any part of the leased premises except upon buildings owned by the lessee.
  - i. Leases terminate on June 30 of each year or earlier upon failure to pay the annual rental fee. County may terminate a lease immediately upon any breach of covenants and conditions of the lease.
  - j. A terminated lease may be re-issued through the approved lottery process if the Carlton County Land Commissioner determines the lease does not conflict with County management objectives.
  - k. County may adjust lease fees at the beginning of any annual renewal period.
  - l. Leases may be transferred by the lessee only to a blood relative upon the formal, written approval by the Carlton County Land Commissioner.
  - m. Additional requirements may be instituted by the Land Department as lessor.
4. Leases for peat extraction are to be coordinated with the Minnesota Department of Natural Resources who will generally be the lead party.

Peat project plans are to be reviewed for such issues as extent of area to be developed, operating plans, and site reclamation. Lease payments or royalties are to be commensurate in value to the value of the peat resource being extracted.

5. Negotiate exchanges of land with Federal, State, Reservation, municipal or private landowners as appropriate to acquire a better inventory of land resources to meet County management objectives. Land received is to have approximately equal management values to the County.
6. Examine each new property on the tax-forfeiture roles for improperly abandoned wells and sources of point and nonpoint contamination including underground storage tanks and wildcat landfills. A program for properly addressing any such features will be prepared and implemented in cooperation with appropriate Federal, State, County and municipal agencies and in accordance with the County Water Management Plan.
7. Coordinate resource planning and implementation, as will be appropriate, with other management agencies specifically including the Minnesota DNR (all divisions), University of Minnesota Forestry Center, Fond du Lac Reservation Business Committee, adjacent county land departments, and private landowners.
8. Contact the Carlton County Historical Society and the Fond du Lac Reservation Business Committee (for lands on or near the Reservation) regarding potential cultural and historical sites on lands prior to management activities, especially harvesting, site preparation and road construction. As appropriate, identify, protect, remove or otherwise address any significant features contained on the site.
9. Carlton County's policy and procedure for reviewing and issuing easements is:
  - a. Easements may be issued for public utilities, public roadways, and access to private land. Easements for private land access shall only be issued provided no other feasible options are available.
  - b. The County will not issue easements merely to allow the applicant to avoid crossing private or other public land.
  - c. Requests for an easement shall be submitted in writing to the Land Department and must contain the following information: map showing the approximate location of the requested easement; statement of intended use; review of all options for a proposed easement must be reviewed to assure the most logical route is selected; and a statement agreeing with the Department policy that seeking an easement simply to avoid private or other public land is not a valid reason for issuing an easement.
  - d. Applicants must provide a centerline survey of the easement completed by a Registered Land Surveyor.
  - e. Easements shall be charged on a per acre basis at the appraised land value plus timber value plus any other value on the land. This requirement may be waived for governmental subdivisions or public agencies.
  - f. Easements must be considered and formally approved by the Carlton County Board of Commissioners, which is under no obligation to accept, grant, or otherwise approve them.
  - g. No provisions herein described are intended to supercede the provisions of Minnesota Statutes 282.04 Subd 4.

### 6.3

#### Procedures

The following summarizes the lottery procedure for issuing any new **cabin leases** on tax forfeited land in Carlton County.

1. A card with applicant's name is to be placed into the container for each and every cabin lease site the applicant is seeking (applicants may apply for all available leases but can only receive one).
2. One successful applicant, one first runner-up, and one second runner-up will be selected by lottery for each available site. If only two persons apply for or are eligible for a site, there will be no second runner-up.
3. The successful applicant for each site will be selected by the drawing of a card out of each container. After all successful applicants are chosen, the first runners-up will be selected in the same manner, followed by selection of the second runners-up. Winners need not be present at the drawing to qualify.
4. Persons participating in the lottery automatically qualify for any slot for which their card is drawn, unless they have already been selected for a slot, and, upon being selected for a slot are automatically removed from further participation in the lottery.
5. No one is entitled to more than one successful slot (i.e., a person cannot be a successful applicant for site #1 and a runner-up for site #4).
6. The successful applicant will complete the leasing procedure by a set date. In the event that the successful applicant fails to complete the leasing procedure by that date, the site will be offered to the first runner-up. If the first runner-up fails to complete the leasing procedure within ten days of notification by the Land Department, the site will be offered to the second runner-up. If the second runner-up fails to complete the leasing procedure with ten days of notification, the site will not be awarded but will be offered at the next scheduled lottery.
7. If no eligible applicants remain for a particular site, that site will be awarded at the lottery but will be offered at the next scheduled lottery.
8. If any person who acquires a lease through the lottery wants to dispose of, transfer, or surrender the site prior to a set date, first right of refusal must be given to the first and second runners-up, respectively. If neither runner-up is interested, lease may be transferred according to existing County policy.
9. No person who is an existing lease holder shall be eligible to apply for a new lease.
10. Not more than one application per household or address will be accepted.
11. Every person applying for a lease must have attained the age of majority by the date of the lottery.

6.4

Strategic Actions

Carlton County will undertake the following actions relative to land administration to implement this strategic plan:

1. Raise annual cabin lease fee by \$25 every three years.
2. Consider land exchanges to consolidate ownership, provide access, or otherwise enhance management objectives.