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10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 **RENO MAY, an individual, et al.,**
 Plaintiffs,
 15
 16 v.
 17 **ROBERT BONTA, in his official
 capacity as Attorney General of the
 State of California, and Does 1-10,**
 18 Defendants.
 19

Case Nos. 8:23-cv-01696 CJC (ADSx)
 8:23-cv-01798 CJC (ADSx)

**SUR-REBUTTAL DECLARATION
 OF LEAH GLASER IN SUPPORT
 OF DEFENDANT’S OPPOSITION
 TO PLAINTIFFS’ MOTIONS FOR
 PRELIMINARY INJUNCTION**

Date: December 20, 2023
 Time: 1:30 p.m.
 Courtroom: 9B
 Judge: Hon. Cormac J. Carney

21 **MARCO ANTONIO CARRALERO, an
 individual, et al.,**
 22 Plaintiffs,
 23
 24 v.
 25 **ROBERT BONTA, in his official
 capacity as Attorney General of
 California,**
 26 Defendant.
 27
 28

1 **SUR-REBUTTAL DECLARATION OF PROFESSOR LEAH GLASER**

2 I, Leah Glaser, declare under penalty of perjury that the following is true and
3 correct:

4 1. This declaration is based on my own personal knowledge and
5 experience, and if I am called to testify as a witness, I could and would testify
6 competently to the truth of the matters set forth in this declaration.

7 2. I previously provided a declaration in support of the State of
8 California’s opposition to the plaintiffs’ motions for preliminary injunction filed in
9 *May v. Bonta*, C.D. Cal. No. 8:23-cv-01696 CJC (ADSx) (Dkt. No. 21-4) and
10 *Carralero v. Bonta*, C.D. Cal. No. 8:23-cv-01798 CJC (ADSx) (Dkt. No. 20-4).
11 See Decl. of Professor Leah Glaser (herein the “Declaration” or the “Glaser
12 Declaration”). My professional background and qualifications, and my retention
13 and compensation information, are set forth in Paragraphs 3 through 7 and
14 Paragraph 11 of the Declaration, respectively.

15 3. The Declaration was prepared pursuant to a request from the Office of
16 the Attorney General of the State of California to provide an expert opinion on the
17 history/development of parks and State Parks in the United States and California,
18 including whether modern day parks and State Parks existed around 1791 or 1868,
19 and on the history/development of particular cultural spaces/institutions in the
20 United States and California, including whether modern versions existed around
21 1791 or 1868.

22 4. For this declaration, I have been asked by the Office of the Attorney
23 General to review and provide a response regarding certain statements (discussed
24 herein below) made in the *May* Plaintiffs’ motion to exclude my declaration
25 testimony. *May* Dkt. No. 29-14. I have reviewed those statements and prepared
26 this declaration.

27 5. The opinions I provide in this declaration are based on my review of
28 the referenced statements and the citations in support thereof and of documents

1 filed in this lawsuit, and on my education, expertise, and research. The opinions
2 contained herein are made pursuant to a reasonable degree of professional certainty.

3 **I. RESPONSE TO STATEMENTS MADE IN MAY PLAINTIFFS’ MOTION TO**
4 **EXCLUDE TESTIMONY**

5 6. The *May* Plaintiffs’ brief motion to exclude summarily dismisses my
6 my Declaration with erroneous representations of its contents and the conclusory
7 assertion that “almost all of it is irrelevant” (*May* Dkt. No. 29-14, p. 5); these
8 unsupported assertions do not merit a response as the Declaration speaks for itself.

9 7. The *May* Plaintiffs’ motion also misrepresents in several respects the
10 evidence cited in and attached as exhibits to my Declaration. First, the *May*
11 Plaintiffs state that my Declaration references “a couple of Post-Reconstruction and
12 20th century restrictions on parks discussed in three paragraphs.” *May* Dkt. No. 29-
13 14, p. 5. In fact, the Declaration references more than thirteen different firearm
14 bans in State Parks. The cited examples included the 1894 firearm ban applicable
15 in Yosemite when it was a State Park (Glaser Declaration ¶ 40) and numerous
16 examples from a multi-volume 1936 Digest of State Parks (Glaser Decl. ¶¶ 54-55,
17 fn. 38-39, Ex. 3, 4).¹

18 8. In addition, the *May* Plaintiffs in the same paragraph suggest that
19 “most of” the “few” firearm restrictions State Parks that I cited “had to do with
20 hunting.” Yet none of the cited firearm bans are directed at hunting. Glaser Decl.
21 ¶¶ 54-55, fn. 38-39, Ex. 3, 4.

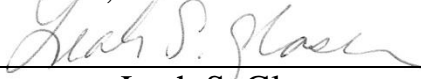
22 9. In order to correct the record and make clearer the number and nature
23 of firearm bans enacted for State Parks evidenced in the referenced 1936 Digest,
24 attached to this declaration are State Park firearm bans set forth in that Digest. See
25 Exhibits 1 to 15 hereto.

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28 ¹ The *May* Plaintiffs’ reference to three paragraphs is also in error. See
Glaser Decl. ¶¶ 40, 49, 54, 55, 59.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct

Executed on December 5, 2023, at New Britain, Connecticut.



Leah S. Glaser

Exhibit 1
Alabama (see p. 4)

A L A B A M A

I. STATE PARKS.

Jurisdiction. State parks are under the jurisdiction, control and charge of the State Commission of Forestry (Acts of 1927, 1935).

State Commission of Forestry; how appointed; terms of office. The Commission consists of the Governor (as ex-officio Chairman), the Commissioner of Conservation, three practical lumbermen who are owners of timberland and engaged in the manufacture of lumber, and two farmers who are land-owners. Appointments are made by the Governor. Appointive members are to serve during good behavior, and without compensation, but receive expenses incident to official duties. Vacancies are filled by the remaining members, the same ratio of lumbermen and farmers being maintained. The State Forester serves as Secretary.

Secretary.

Note: The State Constitution provides that "no office shall be created, the appointment to which shall be for a longer time than during good behavior."

Duties of Commission; report to Governor. The Commission is directed to inquire into and make annual reports to the Governor upon forest conditions in Alabama, with reference to the development, protection and use of forests; the economic, social and cultural benefits to be derived from the existence and operation of forests, and the use of forests for public purposes (Code of 1923, as amended by Acts of 1935);

Report to Legislature; recommend legislation. Is required to report to each regular session of the Legislature the results of its investigations, and recommend necessary legislation with reference to forestry and other interests devolving upon it by law (Code 1923);

Educate the public. Is directed to promote, so far as it may be able, a proper appreciation, among all classes of the population, of the benefits to be derived from forest culture, preservation and use;

Survey and classify lands. Is required to ascertain the description and location of all lands to which the State holds the legal title for itself, or as Trustee (classified by law as "forest reserves"), and all State parks. The lands are to be classified as "used" or "unused" lands, showing the manner in which title was acquired, character of the land; that is, whether chiefly valuable for agriculture, mining, timber culture or other use, and the use to which it is being put (Acts of 1927);

- "Used and "Unused" lands defined. Note: "Used lands" are those being utilized for the specific and immediate purposes of the State. "Unused lands" those not being so utilized, and which are not contiguous to the premises of any department, institution or State building.
- Acquire other lands. Also ascertain what, if any, lands the State is entitled to have which have not been received, and to take immediate and appropriate action to acquire the same for the State;
- Unused lands for State parks. As to all unused lands owned by the State, it is to determine which are most suitable for forest culture; and at the direction of the Governor, such lands are to be devoted to forest culture as State forests, or to the purposes of State parks;
- Consolidate lands. Where any of the lands of the State are scattered, it is to determine if such ownership may be consolidated by the exchange of such lands with individual owners;
- Acquire areas by gift, purchase, condemnation. For the purpose of establishing, developing, and maintaining State forests and State parks, the Commission may acquire land by donation, purchase or condemnation, and for these purposes may use such funds as may be available to it (Acts of 1935).
- Additional areas; made available through tax delinquency. Under the provisions of an Act of 1933, all lands purchased by the State at tax sales have been subject to redemption at any time before title passed out of the State. In order to make additional areas available for park and forest purposes, this law was superseded by Act of 1935, which provides that real estate bid in by the State at tax sales shall, after three years from date of sale, be subject to conveyance to the Commission of Forestry whenever the Commission determines any such lands to be suitable and desirable for use as a State park or State forest, or for the purpose of exchange for other lands which may be suitable for park or forest purposes. The State Land Commissioner may also transfer lands to the Commission without application by the latter whenever it is deemed to the best interests of the State to do so. Conveyances and transfers may be effected without public advertisement and bids.
- Bureaus. Administrative bureaus have been established by the Commission as follows:
- Bureau of Park Service
 - Bureau of Field Service
 - Bureau of Research and Lands
 - Bureau of Silviculture
 - Bureau of Public Relations
 - Bureau of Administration

- Bureau of Park Service. The function of the Bureau of Park Service, which is under the direction of the State Forester, is to plan and perfect a State Park System, acquire additional lands for park purposes, the promulgation and enforcement of rules and regulations governing the occupancy and use of State parks, and to provide coordinating personnel and other facilities in connection with State Park ECF activities.
- Rules and regulations. The Commission is authorized to make such rules and regulations for the administration, occupancy, and use of State forests and State parks as it finds necessary (Acts of 1935), and
- Cooperation with Federal Government. Is further authorized to make such rules and regulations for the development, maintenance, management and operation of forest and park enterprises entered upon by the State, counties and municipalities, as will make possible the securing of loans or other financial cooperation from any agencies of the Federal Government (Ib).
- State Forestry Fund. All occupation licenses or privilege taxes imposed for engaging in any business dealing with timber or timber products, and all fines and forfeitures imposed for violation of forestry and timber laws, are designated as the State Forestry Fund, for the exclusive use of the Commission in carrying out the powers and duties devolving upon it by law (Code of 1923). The Legislature has also appropriated sums for acquiring park and forest lands.
- Appropriations.

II. STATE PLANNING.

- Commission. A State Planning Commission was established by Acts of 1935, to be composed of appointive members and certain State officers, including the State Forester.
- Duties and authorities. It is the duty of the Commission to provide for State planning of all public works and uses of land which are to be constructed or acquired with State funds, or located, constructed, or authorized by the State; all local improvements which under the statutes are required to be submitted to State authorities; also all projects of State magnitude, even though the construction and financing are to be done by local authorities exclusively;
- Such planning is to include, among other things, highways, parks, reservations, forests, and wildlife refuges;
- Following adoption of the master plan, no State public highway, park, forest reservation or other State way or ground may be acquired or constructed until first submitted to the Commission for its report and advice.

III. RULES AND REGULATIONS GOVERNING CABIN OCCUPANCY.

1. References may be required of applicants prior to leasing cabins.
2. All payments shall be made in cash in advance (checks not acceptable).
3. There will be no rebates or refunds for any reason.
4. Any application for the renting of cabins may be rejected without explanation.
5. The lessee is responsible for maintaining cabin and premises in clean, sanitary and presentable condition.
6. Cabins shall not be used for illegal, immoral or discreditable purposes, either by the lessee or by other occupants or visitors. Violation of this rule shall constitute ground for the cancellation of the contract without rebate or refund.
7. Lessees are required to conduct themselves in an orderly and civil manner with due consideration to other persons on the Park area.
8. Fire-arms are rigidly excluded from State Parks, and the possession of such on the premises by renters or lessees is sufficient ground for cancellation without rebate or refund.
9. Dogs, except constantly under leash, are not permitted in the Parks.
10. Requests for reservations must be accompanied by full payment for the period of occupancy desired. Should the accommodations requested not be available the remittance will be returned to the applicant. Should the accommodations be available, the remittance will be held to apply beginning the date for which the reservation is requested.
11. Any cabin that has been furnished will be available only at the higher rate specified; it is not practicable to move out furniture for the purpose of permitting an applicant to obtain a lower rate. If no unfurnished cabins are vacant only furnished cabins at the higher rate will be leased.
12. During short occupancy periods (one week or less) transfers from one cabin to another will not be permitted except upon full payment of the original contract and execution of a new contract with full cash payment. During longer occupancy periods, consideration will be given requests for such transfers at the discretion of the Park authorities, and no additional charge will be made.
13. It is called to the attention of lessees and other occupants of State Parks that such areas are by law State Forest Reserves and wild life refuges. No trees, wild flowers, shrubs, vines or ferns may be dug up, broken off or removed from the Park area. Birds and wild animals must not be hunted or harmed.

14. Lessees and other occupants are required to refrain from setting fire to State Park property, and in the event of fire breaking out are expected to use every effort to extinguish the fire as quickly as possible.

IV. SCHEDULE OF CABIN RENTALS

ALABAMA STATE PARKS
1936

		Regular Rates May 1 - Oct. 31				Special Nov. 1 - Apr. 30		
		Per Night	Per Week	Per Month	6 months Season	Per Week	Per Month	6 Months Season
CHATTahoochee PARK	Unfurnished	\$1.00	\$ 6.00	\$22.50	\$120.00	\$4.75	\$17.00	\$ 90.00
Houston County	Furnished	1.50	9.50	30.00	165.00	7.00	22.50	125.00
CHEHA PARK	Unfurnished	1.50	10.00	35.00	190.00	8.00	27.50	150.00
Clay & Cleburne Counties	Furnished	2.00	12.50	45.00	240.00	9.75	33.50	180.00
DE SOTA PARK	Unfurnished	1.50	10.00	35.00	190.00	8.00	27.50	150.00
DeKalb County	Furnished	2.00	12.50	45.00	240.00	9.75	33.50	180.00
GULF PARK	Unfurnished	1.50	10.00	35.00	190.00	8.00	27.50	150.00
Baldwin County	Furnished	2.00	12.50	45.00	240.00	9.75	33.50	180.00
LITTLE RIVER PARK	Unfurnished	1.00	6.00	22.50	120.00	4.75	17.00	90.00
Escambia & Monroe Counties	Furnished	1.50	9.50	30.00	165.00	7.00	22.50	125.00
OAK MOUNTAIN PARK	Unfurnished	1.25	8.00	28.50	145.00	6.50	22.50	120.00
Shelby County	Furnished	1.75	11.00	37.50	200.00	8.50	28.00	150.00
PANTHER CREEK PARK	Unfurnished	1.00	6.00	22.50	120.00	4.75	17.00	90.00
Geneva County	Furnished	1.50	9.50	30.00	165.00	7.00	22.50	125.00
VALLEY CREEK PARK	Unfurnished	1.00	6.00	22.50	120.00	4.75	17.00	90.00
Dallas County	Furnished	1.50	9.50	30.00	165.00	7.00	22.50	125.00
WEOGUFKA PARK	Unfurnished	1.25	8.00	28.50	145.00	6.50	22.50	120.00
Coosa County	Furnished	1.75	11.00	37.50	200.00	8.50	28.00	150.00

Note: A "Night" comprises any 24-hour period or portion thereof; no rate is given for "Week-ends" but the regular "Night" rate shall apply for each 24-hour period or portion thereof. Winter rates (Nov. 1 - April 30) for less than one week are the same as regular rates, reductions being made only for longer periods. It is not probable that furnished cabins will be available in Alabama State Parks prior to June 1.

Exhibit 2
Arkansas (see p. 12)

ARKANSAS

I. STATE PARKS.

State Park Commission. State parks are under the jurisdiction of the Arkansas State Park Commission (Act of March 18, 1927).

Members; how appointed; terms of office. The Commission was created for a period of thirty years, and consists of seven members. The Attorney-General is ex-officio a member and Chairman; the Secretary of the Game and Fish Commission is ex-officio a member and Secretary. The other members are appointed by the Governor for four year terms (rotated). Members serve without compensation, but receive actual expense incident to official duties.

Purposes of Act. The declared purposes of the Act are:

Acquire areas. To provide for the selecting and acquiring of such areas which, by reason of their natural features, scenic beauty, and historical interest, have educational, recreational, health, camping and out-door life advantages;

Preserve natural habitat. To protect and preserve in its original habitat and native beauty the flora, fauna and wildlife therein, and to preserve the same for all future generations;

Promote health and pleasure. Thereby promoting health and pleasure through recreational places, resorts and scenic playgrounds for the people of the State;

Attract visitors. To attract visitors, home-seekers and tourists to the State, and to provide places of recreation and pleasure for them;

Increases wealth of State. To increase the wealth and revenue of the State by means of such parks.

Commission's duties. The Commission is directed:

Make survey. To make a survey of the State with relation to its needs of public parks;

Compile data. To procure information and compile data concerning same;

Evaluate areas. To determine the desirability and value of areas offered to the State;

- Acquire lands; how. To receive and acquire lands and areas by donation, gift, or by eminent domain;
- Expenditure of income. To administer all funds coming into its hands as a result of the rules and regulations governing the use and occupancy of the property;
- Rules and regulations. To make and enforce rules and regulations for the management, care and control of properties acquired.
- Reservations prohibited. The Attorney-General is to pass upon and approve the title to all property before acceptance. No conveyance may be accepted which contains a reservation of title to timber or mineral rights.
- Use of State lands. Upon recommendation and application by the Commission for the use of State lands as parks (subject to approval by the Governor), the Commissioner of State lands is required to issue certificates dedicating such lands to park purposes forever.
- Reports. The Commission is required to make biennial reports to the Governor and General Assembly, including all business transacted, and making such recommendations as may be deemed necessary.
- Roads to State parks. By Act of the 1935 Legislature, the State Highway Commission is directed to include and maintain as a part of the State Highway system the roads most used connecting the various State parks with an established State highway.
- State Park Fund. In addition to appropriations to the Commission, certain receipts from licenses issued by the Federal government under the Water Power Act are credited to the State Park Fund. For the fiscal years 1936 and 1937 fixed sums are to be transferred from the Game Protection Fund and from the General Revenue Special Fund, with the proviso that before any of the moneys appropriated from the Game Protection Fund are expended in the acquisition or development of any park area, the Governor is to approve of such expenditure after he is assured that it will be of value to the wildlife resources in the section or park where the money is to be expended.

II. FOREST RECREATION AREAS.

Under the authority of an Act of 1935, the State Forestry Commission, with the approval of the Governor, may:

- Establish recreational areas. Set aside for the public welfare State-owned lands which are suitable for the purpose of growing timber, demonstrating proper forestry practices, providing public recreation, and establishing forest nurseries

and experimental stations;

Tax reversion and mineral lands.

To designate and set aside lands suitable for these purposes which have or may hereafter revert to the State on account of delinquent taxes; also surface rights to State-owned lands held primarily for minerals; and

Land acquired by gift.

Any lands held by or which may be given to the State by donation or otherwise;

Acquire areas by condemnation, leases, etc.

To acquire lands suitable for the above purposes by purchase, exchange, condemnation, lease or agreement;

Accept by gift, grant or devise.

To accept on behalf of the State by gift, grant or devise, lands suitable for such purposes;

Exchange State lands.

To exchange State-owned lands for Federal-owned lands for forestry purposes.

Sub-marginal areas; transfer to Government.

In order to cooperate with the Federal government in its program of acquiring sub-marginal lands to be set aside as parks, recreational or other appropriate uses, the State Land Commissioner is authorized to grant and convey to the United States Government all State-owned lands in any area designated as a sub-marginal land project (Act of 1935).

III. PUBLIC HUNTING AND FISHING GROUNDS.

Use of public and private lands.

By Acts of 1935, the Game and Fish Commission is authorized to utilize public lands, and with the consent of the owner, private lands as fish or game refuges or public hunting grounds with respect to any species of game, fish or other wildlife; and to cooperate with the State Park Commission, and other agencies and persons in the acquisition, development and maintenance of any area for wildlife or recreational purposes.

Cooperate with other Commissions.

IV. ARKANSAS CENTENNIAL COMMISSION.

Creation; Purposes.

Act of March 21, 1935 created the Arkansas Centennial Commission

(a) To foster, develop and conduct a befitting celebration of the 100th Anniversary of the State;

(b) To select, procure, construct, finance and manage recreational areas in the State.

Acquire recreational areas.

In order to carry out the purposes of the Act, the Commission is empowered to contract, select, acquire, build, construct, own, manage, operate and finance recreational

areas devoted to the public use and desirable in the public interest, and for which funds may be made available to be loaned or granted by the Federal government or any other Federal agency, or by any other source.

Method of financing. Upon completion of the recreational areas the Commission may charge reasonable rents, rates, licenses and taxes for the uses thereof by the public sufficient to provide for payment of the interest upon all bonds, notes and other evidences of indebtedness; also to create a sinking fund to pay the principal thereof and to provide for the operation and maintenance of said recreational areas, and to create an adequate depreciation fund.

Recreational areas defined. Recreational areas for the purpose of the Act are defined as follows: A plot or parcel of land comprising from 40 to 320 acres to be located adjacent or convenient to an improved State highway, selected for its scenic beauty where possible, improved with buildings, lodges, and other facilities suitable for outdoor recreation designed for the purpose of vocational and community centers in the territory in which they are located, and for the comfort and pleasure of touring motorists, and as a medium of favorably advertising the State, and suitable to ultimately become a part of the permanent park system of the State;

Added powers. May exercise the power of eminent domain; solicit and receive contributions; accept grants of money from and to borrow money from the Federal government or any Federal agency, or from any other source.

V. STATE PLANNING.

Planning Board. A State Planning Board was established by Acts of 1935, consisting of fifteen members, including representation from the State Park Commission and the State Forestry Commission.

Official State plan. The functions and duties of the Board are to prepare and adopt a plan for the physical development of the State, including the location, character and extent of forest reservations, parks, wildlife refuges, conservation projects, land utilization program for forestry, and other purposes;

Purpose of plan. To guide and accomplish a coordinated, adjusted, efficient and economic development which will increase with present and future needs and resources, and best promote the health, safety, comfort, convenience, prosperity and welfare of the public;

Recreational matters.	To make recommendations, among other things, respecting the conservation of natural resources, and such uses of land as will tend to create greater opportunities for recreational, educational and cultural advances;
General powers and duties.	To confer and cooperate with authorities of neighboring States and within the State on planning matters; make studies and reports on planning problems as requested, or at its own initiative furnish advice to any public agency falling within the field of State planning; submit drafts of legislation or regulations for carrying out the official State plan; prepare and recommend to the Governor and General Assembly a comprehensive public works program.
Enforcement of State plan.	After the adoption of the State plan, no improvements are to be authorized, and no property acquired, by any State or public agency which may have definite part in or relation to the official State plan, unless the proposed location, character and extent thereof be first submitted to the Board for its report and advice.

VI. STATE PARK RULES AND REGULATIONS.

The following rules and regulations relating to flora, fauna, fish, other wild life, the carrying of fire arms, the building or kindling of fires on state parks, and the mutilating of property, were promulgated pursuant to the authority granted by Act 172 of the Acts of the General Assembly for the year 1927.

1. There shall be no hunting, shooting or killing of wild life of any kind upon a state park at any season of the year.
2. No fire arms shall be possessed or carried within the boundaries of a state park except that same be cased or broken down so that the same could not be fired, unless written permission is first secured from the park superintendent or his duly authorized representative. The discharging of fire arms within the boundary of a state park is prohibited at all times.
3. There shall be no fishing at any time in any manner within the boundaries of any state park.
4. The cutting down, mutilating, scarring, taking or gathering in any manner, destroying, injuring or harming of any shrub, tree, plant, vine, flower or grass in any state park is prohibited.
5. The tearing down, destroying, mutilating, disfiguring or in any manner injuring any sign, building, structure or improvement within or bordering the boundary of a state park is prohibited.
6. The setting of any forest fire or building of a fire, except in the places provided therefor within a state park is prohibited, and any person who starts a

fire in an oven, barbeque pit, or other place provided for fires within a park shall not leave the same without taking due precaution to prevent the burning of the surrounding woods or area.

Adopted April 27, 1935.

Exhibit 3
California (see p. 20)

C A L I F O R N I A

I. STATE PARKS.

Jurisdiction.	State parks are under the jurisdiction of the Department of Natural Resources, acting through the State Parks Commission (Acts of 1927).
Director; appointment; term.	The Department is under the control of an executive officer designated as the Director of Natural Resources, and who is appointed by and to hold office at the pleasure of the Governor.
Organization of Department.	The work of the Department is divided among Divisions, as follows:
Division of Parks.	<u>Division of Parks</u> , to be administered through a Chief appointed by the Director upon nomination by the State Parks Commission.
State Parks Commission; appointment; terms.	General policies for the administration of the State park system are to be determined by the State Parks Commission. The Commission consists of five members, appointed by and to hold office at the pleasure of the Governor.
Division of Forestry.	<u>Division of Forestry</u> , to be administered through a Chief (who is also designated as State Forester) appointed by the Director upon nomination by the State Board of Forestry.
State Forestry Board; appointment; terms.	The Board of Forestry consists of seven members, appointed by and to hold office at the pleasure of the Governor. It determines general policies for the guidance of the Division.
Division of Fish and Game; Commission.	<u>Division of Fish and Game</u> , to be administered through a Fish and Game Commission of three members, appointed by and to hold office at the pleasure of the Governor (1933).
Division of Mines; Board.	<u>Division of Mines</u> , administered through a Chief appointed by the Director upon the nomination of the State Mining Board. General policies of the Division are determined by the Board, consisting of five members appointed by and to hold office at the pleasure of the Governor.
Compensation.	The Director is paid a salary fixed by law. The Chiefs of Division are paid such salaries as may be determined by the Director, with the approval of the Governor. The members of the Commissions and Boards serve without compensation, but are entitled to their actual and necessary expenses incurred in the performance of their duties.

- What constitutes State Park system. All parks, public camp grounds, monument sites, landmark sites, and sites of historical interest created or acquired by the State, or which are under its control, constitute the State Park system; except the grounds known as Sutter's Fort property, the State Fair Grounds in the City of Sacramento, and Balboa Park in the City of San Diego (as amended 1931).
- Administration. The State Parks Commission is directed to administer and develop the State Park system for the use and enjoyment of the public, and is empowered as follows:
- Expend funds. To expend all monies from whatever source derived for the care, protection, supervision, extension and improvement or development of the system;
- Acquire property by purchase and condemnation. With the consent of the Governor and the Board of Control, may acquire by purchase or by condemnation proceedings such real and personal property or any interest therein as it deems necessary or proper for the extension, improvement, or development of the system;
- Gifts of land, money, property. May, within its discretion, accept any gift, devise, grant or other conveyance of real property or any interest therein, including water rights, roads, trails and rights of way, to be added to or used in connection with the park system; also to accept by gift, donation, contribution or bequest, money to be used in acquiring real property or any interest therein, or for improving the same as a part of or in connection with the park system, or for any of the purposes for which the Commission is created; also may accept personal property in the same manner for purposes connected with the park system;
- City or county may assist State. Any county, city and county, or city, may assist the State in acquiring any park, playground, recreational center, or beach, to be used for recreational purposes, by donating to the State any real property owned by it or subsequently acquired; and for such purpose may use such of its funds, including funds received by bequest, gift and donation, and those received in trust for the acquisition of such properties, as may be deemed necessary (Acts of 1931);
- Counties may condemn lands. Supervisors of counties are also authorized to use the power of eminent domain to acquire lands for park property for transfer to the State Park system;
- State Park Contingent Fund. All money collected or received from gifts or bequests, or from municipal or county appropriations or donations for the improvement and/or additions to the State Park system are to be deposited in the State treasury to the

credit of the State Park Contingent Fund. All moneys so deposited to be used for the improvement and/or administration of State parks and/or the acquisition of additional lands and properties for the State Park system, in accordance with the terms of the gift, bequest or municipal or county appropriation or donation from which such moneys are derived (as amended 1933);

Contract with cities, counties, etc., for care of lands.

Contracts may be entered into between cities, counties and other political subdivisions of the State for the care, maintenance, and control, for the purposes of the State Park system, by either party to such a contract, of lands under the jurisdiction of the other party, and the expenses of such care, maintenance and control may be paid from the general fund of such city, county or other political subdivision of the State, or from the funds of the Commission, as the case may be;

Revolving Fund.

A Revolving Fund is also created for the use of the Commission. With the approval of the State Board of Control, the Commission may draw from the funds appropriated or the contingent fund without first submitting vouchers and itemized accounts, to a sum not to exceed five thousand dollars, to be used for cash advances, which sum must at any time upon demand of the State Board of Control or State Comptroller be accounted for by the Commission;

Fees and rentals.
State Park Maintenance Fund.

Whenever in its judgment it is practicable to do so, the Commission is directed to collect fees, rental and other return for the use of all State park areas. The amount of such fees to be determined by the Commission and paid into the State treasury to the credit of the State Park Maintenance Fund, to be available for construction, improvements, equipment and maintenance of State parks in such amounts as may be appropriated by the Legislature (Acts of 1933);

Rules and regulations; police powers; penalties.

Is authorized to establish rules and regulations for the government and administration of the park system not inconsistent with law; and may confer on the Chief of the Division of Parks and such other employees as they may designate full authority and powers of peace officers for the parks. Any person who violates the established rules and regulations to be guilty of a misdemeanor;

Reports to Governor; contents.

To gather, digest and summarize in its annual reports to the Governor information concerning the park system and the relation thereto of other available means for conserving, developing and utilizing the scenic and recreational resources of the State;

Closing camping areas in State parks. The Director of Natural Resources, with the consent of the Governor, may declare closed to camping any area in any State park or forest when, in the judgment of the Director, such declaration is necessary in the interest of public peace or safety.

Jurisdiction of State forests. Note: All State-owned forests are under the jurisdiction of the Division of Parks; the Division of Forestry is charged with the fire protection of State park areas.

Hunting on parks. Note: The State Parks Commission has set aside all State parks as game reservations.

Roadside parks. The Department of Public Works may acquire in fee or in any lesser estate or interest, by condemnation, purchase, lease, donation or dedication, any real property (a) for parks adjoining or near any State highway and/or (b) for the culture and support of trees which aid in the maintenance of the attractiveness of the scenic beauties of such highway (Acts of 1935).

Park roads. The above Act also provides that whenever jurisdiction over any highway within a State park has been relinquished to the authority charged with the management and control of such park, the State Highway Department may construct, improve or maintain such highway, such construction, etc., to be subject to the approval of the park authority. The cost of construction, improvement and maintenance to be paid from the State highway fund.

Easements over State park land. The Director of Natural Resources is authorized, upon application by proper authorities and on such terms and conditions as the State Parks Commission may prescribe, to grant easements for public highways over and across State park lands under the jurisdiction of the Department of Natural Resources and the State Parks Commission (Acts of 1933).

Jurisdiction over State burial grounds. By Acts of 1933, all duties, powers, purposes, responsibilities and jurisdiction of the Department of Finance concerning the State Burial Grounds are transferred to and vested in the Division of Parks.

II. STATE SURVEY.

State park site survey. Acts of 1927 directed the Department of Natural Resources, through the State Parks Commission, to make a survey to determine what lands to be suitable and desirable for the ultimate development of a comprehensive, well-balanced State Park System, and to define the relations of such a system to other means of conserving and utilizing the scenic and recreational resources of the State; to make a report to the Secretary of State embodying the results of the survey and to make recommendations regarding the

means by which such a park system can be acquired. This Act carried an appropriation to be used for the purposes of the Act; also authorized the Commission to accept gifts of money to be similarly used.

Acquire lands for park purposes.

A companion Act also authorized the Commission to acquire, as a part of the State Park System, such lands and other properties as in its judgment are suitable for park purposes.

State Park bonds authorized.

For the purpose of meeting the costs of such acquisitions, State bonds in the amount of \$6,000,000 were authorized to be issued, and to be sold from time to time at the direction of the State Park Finance Board (created by the Act), upon resolution presented by the State Parks Commission that such sum is needed in furtherance of the purposes of the Act; Provided, bonds are to be sold only when there has been deposited with the State treasury a fund from private gift, city or county appropriation, or from some source other than appropriation by the State, or the sale of state bonds, equal to the amount to be realized for the project intended to be accomplished from the sale of bonds; except, that the sale of bonds may be authorized when it is shown that half the total value involved in such project has been provided from sources other than State appropriation or the sale of State bonds, in the form of land, timber, or other properties, or in money, or in any or all such properties.

Funds to be matched.

except, that the sale of bonds may be authorized when it is shown that half the total value involved in such project has been provided from sources other than State appropriation or the sale of State bonds, in the form of land, timber, or other properties, or in money, or in any or all such properties.

Exception.

except, that the sale of bonds may be authorized when it is shown that half the total value involved in such project has been provided from sources other than State appropriation or the sale of State bonds, in the form of land, timber, or other properties, or in money, or in any or all such properties.

Referendum.

Vote: This Act contained a referendum clause, and received a majority vote.

III. PUBLIC SHOOTING GROUNDS.

Establishment.

For the purpose of propagating, feeding and protecting birds, mammals and fish, and establishing public shooting grounds, the Fish and Game Commission may (as amended 1933)-

Acquire land and water.

Acquire by purchase, lease, rental or otherwise, and occupy, develop, maintain, use and administer land, or land and water, or land and water rights, suitable for State game refuges, game farms, or public shooting grounds;

Funds for acquiring.

Is directed to expend, in addition to any other money made available by law, for a period of ten years beginning January 1, 1928, not less than one-third of all moneys collected annually from the sale of hunting licenses for the purposes of establishing and maintaining game refuges and public shooting grounds;

Regulations.

Any property acquired to be subject to rules and regulations of the Commission:

Title to property. The acquisition of such property is in no case prohibited because of rights of way, easements and reservations which from their nature, will, in the opinion of the Commission, in no manner interfere with the use of the property for the purpose for which acquired;

Advisory committee. The appointment of a committee to be known as the Game Refuge and Public Shooting Grounds Committee is authorized, to consist of the Director of the California Academy of Sciences, Director of Hooper Foundation for Medical Research of the University of California, and five other members to be appointed by the Commission with the approval of the Governor. Appointive members are to serve at the pleasure of the appointive power and without pay. The Committee is allowed necessary expenses incurred in the discharge of their duties.

Survey. The Committee is directed to make a survey of the State for the purpose of ascertaining the needs for game refuges and public shooting grounds, and report its recommendations to the Commission.

IV. STATE PLANNING.

State Planning Board. Acts of 1935 created as a division of the Department of Finance, a State Planning Board, to consist of the Director of Finance, the Director of Public Works, and the Director of Natural Resources, all ex-officio, and five citizens to be appointed by the Governor. The members receive no compensation other than for their reasonable expenses incurred in the performance of their duties. Appointive members serve for three years (rotated). The Board employs a Director of Planning qualified by special training, experience and demonstrated ability in the field of planning;

Members; appointments; terms.

Director.

Authority of Board.

Is authorized to cooperate with any persons or organizations interested for devising means to develop the natural and economic resources of the State, and may accept grants from the Federal and State governments or their agencies; also may accept gifts for the purposes of State planning;

Correlation.

Is directed to encourage the extension and correlation of State planning by agencies of the State government and participate in interstate and National planning efforts, both with a view to the benefit to be derived by the larger region or Nation, and by the State. The Board may not exercise any of the powers or duties of any other State department or agency.

V. STATE PARK RULES AND REGULATIONS.

California State Park System

This is Your Park

All of California's State Parks have been established for the purpose of preserving outstanding examples of nature's handiwork, for future generations, whether it be Redwood groves, beaches or other areas set aside for the use and enjoyment of all of the people.

That this enjoyment may not be destroyed it is necessary that certain restrictions governing the use of the parks be effected.

In order to preserve the natural beauty of the parks so that the public may enjoy them, please observe the following:

Do not pick flowers nor remove shrubs or small trees and please explain to others you may see violating this rule that these areas are being preserved, not only for our use but for posterity.

Do not destroy State property. It is your property.

Place all garbage and other refuse in garbage cans.

Protect human and wild life from danger by driving vehicles within the limit prescribed by the caution signs. Dogs are not permitted to run loose.

Note: In some parks, dogs are not allowed; therefore, suitable facilities are provided for caring for them at a small cost to the owner.

Firearms are not allowed, and must be sealed or checked at the Warden's Office.

Please confine travel to paths and roads.

Please confine campfires to camp stoves which are provided for this purpose.

Please report to the Warden any suggestions you may have to offer in order that he may use every effort to make your stay in the park enjoyable and comfortable.

Exhibit 4
Connecticut (see p. 27)

C O N N E C T I C U T

I. STATE PARKS.

Jurisdiction. All lands acquired by the State as public reservations, for the purposes of public recreation, or the preservation of natural beauty or historic association (except such lands as may be placed by law under the supervision of other commissions or officials), are under the supervision of the State Park and Forest Commission. (R.S. 1930).

Members appointment; terms. The Commission is composed of six members, two of whom are appointed by the Governor during each regular session of the General Assembly, with the advice and consent of the Senate. Appointments are for six years. Members serve without compensation but receive expenses incurred in the discharge of official duties. The Forester of the Agricultural Experiment Station is ex-officio member. A Chairman is annually elected from its members.

Divisions. Administrative divisions have been established as follows:
Division of Parks
Division of Forests

Powers and duties. The powers and duties of the Commission are as follows:

Acquire recreation areas. Acting by itself, or with local authorities, to acquire, maintain and make available to the public, open spaces for recreation;

By purchase, gift, condemnation, May take for the benefit of the public, by purchase, gift, devise, or condemnation, lands and rights in land for public open spaces, or take bonds for the conveyance thereof;

By lease. May lease lands for a period not to exceed five years, with an option to buy;

Administer other open spaces. In its discretion, and upon such terms as it may approve, may preserve and care for such other open spaces as may be entrusted, given or devised to the State by the United States, or by cities, towns, corporations or individuals for the purposes of public recreation, or for the preservation of natural beauty or historic association;

- Limitation. May not take or contract to take by purchase or lease any land or other property for an amount beyond such sums as may be appropriated or contributed for such purposes;
- Maintenance when adjoining other States. May cooperate with any official or agency having similar authority in any adjoining State for the care and maintenance of State park and forest lands lying along the boundary of the State and adjoining States, and may enter into agreement for the joint care and maintenance of such lands;
- Memorials in State Parks. With the approval of the Governor, may erect upon any State park, ground or reservation, or permit to be erected, any suitable monument, memorial or memorial tablet in commemoration of the services of any soldier, sailor or marine, or any organization of soldiers, sailors or marines who participated in any war or engagement in which any of the forces of the United States were engaged; may assume the care and maintenance of any public monument offered to it, or any public monument which is not under the care of any commission or department of the State, if it deems such action advisable, the expense of such care and maintenance to be paid by the State; and no order may be drawn for the purpose of building, rebuilding, caring for or maintaining any public monument which is not under the jurisdiction of the Commission of Sculpture, a State department, or an organized board of trustees, without the approval of the Commission;
- Animals for parks. May accept, either by purchase or gift, for free exhibition purposes only, any fish, crustacean, bird or animal;
- Lease of camp sites; use of income. May execute leases of camping sites and buildings on the State parks for limited periods, and use the proceeds from such leases and any other income resulting from the use of State parks for the care, maintenance and improvement of the same;
- Trust funds. With the approval of the Commission, the Comptroller may receive and hold in trust for the State, exempt from taxation, any grant or devise of land or rights in land, and any gift or bequest of money or other personal property, and shall preserve and properly invest any funds so received.
- State Park Fund. Such invested funds are to be known as the State Park Fund, to be used under the direction of the Commission and subject to its orders.
- Transfer of Control over open spaces. Any town or other municipality may transfer the care and control of any open spaces owned or controlled by it to the Commission, or enter into any agreement with the Commission for the joint care or preservation of open spaces within or adjacent to such town or municipality;

and the Commission may, in like manner, transfer the care and control of any open spaces controlled by it to any local public authorities.

Rules and regulations.

The Commission may, with the approval of the Governor, make and alter rules and regulations for the maintenance of order, safety and sanitation upon the lands in its control, and for the protection of trees and other property and the preservation of their natural beauty, and to fix penalties not exceeding a fine of \$20.00 for violation thereof;

State Park police.

Upon application of the Commission, the Governor may appoint at his pleasure, one or more persons employed upon the public reservations in charge of the Commission who may arrest any person in such reservation for any offense committed therein. Each such policeman, when on duty, must wear in plain view a shield bearing the words, "State Park Police."

State Forester.

The Commission is directed to appoint a technically trained Forester who has had not less than two years' experience in professional forestry work, and who is to administer the statutes relating to forestry and the protection of forests;

Forester may purchase State Forests.

The State Forester, with the advice and consent of the Commission, may buy land suitable for the growth of timber at a price not exceeding \$5.00 per acre; such areas are to be deeded to the State without cost; and, with the consent of the Commission and the approval of the Board of Finance and Control, may sell or exchange any land acquired for State forests. By Act of 1933 (Sec. 583b) he is further authorized, with the advice and consent of the Commission, to acquire land adjoining or in close proximity to an established State forest by exchanging for title in fee simple to such land the right to cut and remove wood, lumber or other forest products from State forest land to an amount equal in value to that of the land to be acquired.

Revolving Fund.

By Act of 1931 (Sec. 865c) the sum of \$30,000 was appropriated to establish a service and sales fund for the Commission, to be used as a revolving fund for the purchase of supplies for resale, and for labor or equipment required for service and sales operations in the State parks. The proceeds of all sales of material and equipment purchased from said fund, together with all receipts from service operations in the parks, are to be credited to the fund. At the end of each calendar year any balance of said fund in excess of \$30,000 reverts to the State treasury.

To oversee Indian tribes.

The Commission is authorized to act as overseer of any tribe of Indians residing in the State and is charged with the management of their lands and money; and is authorized to sell or exchange any real or personal property belonging to any member of any such tribe of Indians. (R.S. 1930, Sec. 5058, as amended, Acts of 1935).

II. COMMISSION ON FORESTS AND WILDLIFE.

The Park and Forest Commission and the Board of Fisheries and Game constitutes a Commission on Forests and Wildlife. (R.S. 1930, Sec. 2167).

Powers.

The Commission may accept any gift or any interest in real or personal property to be used by the Park and Forest Commission, the Board of Fisheries and Game, or the Commission on Forests and Wildlife, as may be determined by the latter, for any park or forest purpose, for the propagation and protection of wildlife, for public shooting and fishing grounds, or for recreation, upon such terms and conditions as may be agreed upon by the donor and the Commission;

Purchase or lease lands.

May also purchase or lease real or personal property to be used for any of said purposes, but may not purchase real estate at a cost in excess of \$10 per acre without the approval of the Board of Finance and Control; and

May authorize the State Forester or the Board of Fisheries and Game to repair and construct dams; to open up and abandon roads for fire control or to make any other improvement which in its judgment is necessary for the immediate use or protection of lands acquired by it. Expenditures for such purposes may be ordered by the Commission from any appropriation made to it for the purchase of land, provided not more than 10% of such appropriation may be spent for such improvements in any one fiscal year. (Acts of 1931, Sec. 584b).

III. PUBLIC HUNTING AND FISHING GROUNDS.

Hunting and fishing grounds.

Act of June 9, 1933, appropriated the sum of \$20,000 to the State Board of Fisheries and Game for the purchase of land and acquisition of rights of way to permit access by the public to lakes and ponds; for the renewal of public fishing and hunting rights, for the lease or purchase of areas required for the consolidation of areas held by the Board, and for the protection of public interests in hunting and fishing rights.

IV. STATE PLANNING.

Act of April 18, 1935, established a State Planning Board.

Powers and duties.

The Board is directed to: (1) collect information concerning the State, its natural resources, its people, its industries and other matters of public interest; (2) correlate the results of the researches of State departments and other organizations; (3) conduct studies in which counties, towns, and municipalities are interested and advise such units in connection with local planning problems; (4) cooperate with

the research divisions of public and private agencies; (5) act in the capacity of a research clearing house; (6) formulate plans for advancing the wise use of the resources of the State and assist in carrying out such plans.

V. STATE PARK RULES AND REGULATIONS.

This is a State Park. It belongs to you. It was paid for out of the State money, your money, or given to the State, for the preservation of natural beauty or historical association, and for the recreation of yourselves and your guests from other States.

The custodian of the State Park is the State Park Commission established by your representatives in the General Assembly, whose members are appointed by the Governor with the approval of the Senate. They are your servants, to see that the State Parks are properly cared for, rightly used and not abused.

There is a reason for every rule and regulation made, and they should be complied with, even though the reason is not evident. If the rules seem onerous or unnecessary, your criticisms or suggestions made in writing, will receive careful consideration.

It is desired that this park shall be used for picnic parties, camping and outdoor life by the people of Connecticut, provided the park is used in a wholesome and reasonable way, and that the trees, shrubs and plants are not injured, and all rubbish is placed in receptacles prepared for it, or buried or burned.

People using this State park should not monopolize it, nor disturb, nor unpleasantly intrude upon other parties using it. Fires are a source of danger to the forest, and must not be built in dry times, but at other times they may be made in stone fireplaces built by the Commission or acceptable to them; the fire should never be left alone, and must be put out on leaving.

The use of firearms or having them in possession is forbidden, also the killing or disturbing of wild animals, birds or birds' nests.

The directions of the caretakers should be followed. If they seem unreasonable or undesirable, or if suggestions are to be offered, please write to the Secretary or any member of the Commission.

No park employee is permitted to accept tips.

It is Permitted:

1. To fish in accordance with the Public Statutes.
2. To gather nuts, berries or wild flowers except for market.
3. To use any dead wood for the fireplace.
4. To camp for two nights without a permit, camping for longer periods to be by special permit.

Exhibit 5
Florida (see p. 35)

F L O R I D A

I. STATE PARKS.

Jurisdiction.

State parks are under the jurisdiction of the Board of Forestry, operating through the "Florida Park Service."

Board of Forestry; members; terms; officers.

The Board was created by an Act of 1927, and is composed of five members appointed by the Governor for four year terms, (rotated). Members receive no compensation, but are paid actual expenses necessarily incurred in connection with official duties. Official headquarters are designated as Tallahassee, but meetings may be held at other points in the State. The Board annually elects a President, Vice-President and Secretary from its members.

Federal Aid; CCC camps.

For the declared purpose of cooperating with Federal agencies; to enable the State to more fully qualify for the aid and assistance offered by Presidential Executive orders and Federal legislation providing for the establishment and operation of CCC camps; for the acquisition of State forests and parks by Federal purchases to be paid for by income from the forests or otherwise; and for the establishment, development and maintenance of a system of State forests and parks, the Board is authorized (Act of June 4, 1935);

Acquire lands.

To accept gifts, donations or contributions of lands suitable for forest or park purposes, and to enter into agreements with the Federal Government, or any other agencies, for acquiring by gift, purchase or otherwise, such lands as in the judgment of the Board are desirable and suited for State forests and State parks;

Funds.

For such purposes, and the utilization and development of such lands, the Board is authorized (a) to use the proceeds of the sale of any product therefrom, (b) the proceeds of the sale of any such land (except the State School Fund's 25%), and (c) such other funds as may be appropriated and available for such uses and purposes;

Note: The State Constitution provides that 25% of the sale of State-owned lands is to become a part of the State School Fund.

Limitation.

The Board is prohibited from entering into any agreement for the acquisition of or purchase of land, or for any other purpose which would pledge the credit of or obli-

Accept custody of land.

gato the State to pay any sum of money. It may, however, receive, hold the custody of, and exercise the control of any lands, and use the proceeds derived from the sale of products from, or the use of such lands (except the State School Fund's 25%) for the acquisition, use, custody, management, development or improvement of any lands vested in or subject to its control;)

May sell, lease or exchange lands.

With the concurrence of the Governor and the Trustees of Internal Improvement Fund, the Board may sell, lease, exchange or otherwise dispose of any lands under its jurisdiction when in its judgment it is advantageous to the State to do so in the interest of the highest orderly development, improvement and management of the State Forests and State Parks;

Internal Improvement Fund.

Note: The Internal Improvement Fund was created by Act of 1855, and originally included the remaining unsold portion of the 500,000 acres of land granted to the State by Act of Congress of March, 1845; the proceeds then on hand from such lands previously sold; all proceeds from subsequent sales; also all swamp land or lands subject to overflow granted the State by Act of Congress of September 1850; title to tide lands in certain counties. The object of the grants was to enable the State to reclaim these lands for settlement, cultivation and other internal improvement purposes. The Trustees of the Fund are the Governor, Comptroller, Treasurer, Attorney-General and the Commissioner of Agriculture.

Cooperating Agency.

The Board is designated and authorized as the agent of the State to cooperate with the Federal Government under the provisions of the Clarke-McNary Act; also with all other agencies, interested in proper land use, forest management, conservation, forest utilization and State park development;

Rules and Regulations.

The Board may make rules and regulations and do such acts and things as are reasonable and necessary to accomplish the purposes of the Act.

Appropriation; Purpose.

To assist in carrying out the purposes of the Act, the Legislature appropriated specific funds for State Park and State Forest purposes. The monies appropriated are placed at the disposal of the Governor, to be allocated by him on the recommendation of the Board for the management, development and acquisition of such lands as he may deem desirable and necessary for the expansion of the State forests and State park system.

Governor to allocate funds.

Note: State forest or park lands may be pledged for funds with which to develop or otherwise improve holdings.

II. FLORIDA PARK SERVICE.

Jurisdiction over State Parks.	Under the provisions of an Act of June 4, 1935, the Florida Board of Forestry was authorized to establish a department of State Parks to be known as the "Florida Park Service", to be administered by the Board for the purpose of acquiring, developing, and administering State parks in cooperation with the National Park Service, other governmental agencies, and the Trustees of the Internal Improvement Fund;
To cooperate with National Park Service.	
Supervision of Service.	The Service is to be operated by and be under the sole and exclusive supervision of the Board of Forestry, using funds specifically appropriated for park purposes and as otherwise provided by law;
Director: National Park Service to certify.	The Board is authorized to employ a Director of the "Service" whose qualifications are certified to by the National Park Service;
Counties may acquire and transfer park lands to State.	The Act also authorizes the Commissioners of any County to acquire by gift, devise or purchase, out of general funds, from individuals, corporations or the United States Government, any lands which are suitable for public parks or for the preservation of natural beauty or places of historic association, and operate the same as public parks; and may convey to the Trustees of the Internal Improvement Fund, or the Board of Forestry for the "Service", any lands acquired for park purposes.
Cooperate with counties.	The Board is also authorized to cooperate with counties in county and State park work.
	Note: Dade Memorial Park is under the jurisdiction of a separate Commission appointed by the Governor. This park receives State aid.

III. PUBLIC SHOOTING GROUNDS.

Acquire lands and water.	The State Board of Conservation (created by Acts of 1933) may, with the approval of the Governor, acquire lands and water by purchase, lease, gift or otherwise, suitable, among other things, for hunting purposes.
Improvement.	May erect such buildings and fences as may be deemed necessary to properly maintain and protect such lands;
Price limitation.	No such lands are to be purchased at a price to exceed \$10 per acre;

Lease shooting privileges; rental price. For the purpose of establishing public shooting grounds, may lease the shooting privileges of lands surrounding game refuges at a price not to exceed 5¢ per acre per year;

On State game lands. Public shooting grounds may also be established on State game lands;

State Game Fund available. Funds resulting from the administration of the fish and game laws are to be used in carrying out the foregoing provisions.

IV. STATE PLANNING.

Act approved June 8, 1935, established a State Planning Board, whose functions are:

Studies, etc. To secure, assemble, study, map, plot and chart any and all data pertaining, among other things, to land use, parks, wildlife, and laws relating to social, economic and conservation matters, for the purpose of advising, assisting and recommending to the administrative officers, the legislature and the people plans for future development, welfare and governance of the State, in order that the State's plan of development may be coordinated, its economic resources be conserved and the welfare of the people be promoted;

Master plan. To make and adopt an official master plan, showing the Board's recommendations for development, including, among other things, the location, character and extent of parks, reservations, forests, wildlife refuges; also a land utilization program including the general classification and allocation of the land within the State amongst agricultural, forestry, recreational, soil conservation and other uses and purposes.

County Planning Council. In order to assist the Board in its master plan, County Planning Councils may be formed in the various counties. All council members are to serve without compensation or expense allowance. In addition to assisting the Board, the Council is to make and adopt similar plans for the physical development of the county.

General. In order to promote public interest and understanding of the State and/or county plans and the problems of such planning, the State Board may publish and distribute copies of plans and reports and employ such other means of publicity and education as it may determine; may confer and cooperate with authorities of neighboring States; make a study of and report any planning problems of the counties of the State, municipality or subdivision; furnish advice or reports to any State officer or department; advise the Governor or the Legislature of programs for public improvements and financing, and may prepare and submit proposed legislation for the carrying out of the master plan, including zoning and land-use regulations, and regulations for the conservation of the natural resources of the State.

V. STATE PARK RULES AND REGULATIONS.

The following rules and regulations for the government of this Park are hereby established. These rules and regulations are promulgated to cover only the Government owned or controlled lands and waters in the Park area.

1. **PRESERVATION OF NATURAL FEATURES AND CURIOSITIES:** The destruction, injury, defacement, or disturbance in any way of the public buildings, signs, equipment, or other property, or the trees, flowers, vegetation, rocks, minerals, animal or bird or other life is prohibited; Provided, that the flowers may be gathered in small quantities when in the judgment of the Superintendent, or other authorized representative of the Florida Park Service, their removal will not impair the beauty of the Park. Before any flowers are picked, permit must be obtained from the Superintendent in charge.

2. **CAMPING:** When the Park is constructed by the Florida Park Service by means of the Civilian Conservation Corps in cooperation with the National Park Service, adequate camping places with pure water and other conveniences will be provided. Until such time no camping overnight or fires of any sort will be permitted except by special permit of the Superintendent or his duly authorized representatives. In such instances the following rules must be carefully observed: Wood for fuel only can be taken from dead or fallen trees. Combustible rubbish shall be burned on camp fires, and all other garbage and refuse of all kinds shall be buried.

3. **FIRES:** Fires constitute one of the greatest perils to the Parks; they shall not be kindled near trees, dead wood, moss, dry leaves, forest mold, or other vegetable refuse, but in some open space on earth. Should camp be made in a locality where no such open space exists or is provided, the dead wood, grass, moss, dry leaves, etc., shall be scraped away to the earth over an area for five feet around the fire.

Fires shall be lighted only when necessary and when no longer needed shall be completely extinguished and all embers and bed smothered with earth or water, so that there remains no possibility of reignition.

Smoking may be forbidden by the superintendent in any part of the Park during the fire season when in his judgment the fire hazard makes such action advisable.

NOTE: Especial care shall be taken that no lighted match, cigar, cigarette, or burning pipe tobacco is dropped in any grass, twigs, leaves, moss or tree mold.

4. **HUNTING:** The Park is a sanctuary for wild life of every sort, and all hunting or the killing, wounding, frightening, pursuing, or capturing at any time of any bird or wild animal, except dangerous animals, when it is necessary to prevent them from destroying human lives or inflicting personal injury or taking the eggs of any bird, is prohibited within the limits of said Park. **Firearms are prohibited within the Park except upon written permission of the Superintendent.**

5. **FISHING:** Fishing with nets, seines, traps or by the use of drugs or explosives or in any other way than with rod, hook and line held in hand, or for merchandise or profit, is prohibited. Fishing in the Park will be permitted only during the open season as prescribed by the State of Florida.

Fishing in waters of the Park is permitted from daylight until dark during the open season as prescribed by the State of Florida. At no time will fishing be permitted between dark and daylight.

6. PRIVATE OPERATIONS: No person, firm or corporation shall engage in any business, or erect buildings in the Park without permission in writing from the Florida Park Service, Tallahassee, Florida, nor shall any person reside or be permitted to reside on Park land without authority of the Florida Park Service, or other authorized representative.

7. CAMERAS: Still and motion-picture cameras may be freely used in the Park for general scenic purposes. For the filming of motion pictures requiring the use of artificial or special settings, or involving the performance of a professional cast, permission must be obtained from the Superintendent of the Park.

8. GAMBLING: Gambling in any form, or the operation of gambling devices, whether for merchandise or otherwise, is prohibited.

9. ADVERTISEMENTS: Private notices or advertisements shall not be posted or displayed within the Park, excepting such as the Park Superintendent deems necessary for the convenience and guidance of the public.

10. GRAZING: The running at large, herding or grazing of livestock of any form on the Government lands in the Park is prohibited except by permit.

11. MISCELLANEOUS: Possession, sale, transportation or manufacture of liquor in the Park, is prohibited.

The possession of dynamite, dynamite caps or blasting fuse is forbidden unless permission in writing has been obtained from the superintendent in advance.

12. FINES AND PENALTIES: Persons who render themselves obnoxious by disorderly conduct or bad behavior may be summarily removed from the Park by the Superintendent or a peace officer.

FLORIDA PARK SERVICE,
Tallahassee,
Florida.

Approved January 1, 1935
(Issued for Myakka Park)

Exhibit 6
Indiana (see p. 55)

I N D I A N A

I. STATE PARKS.

Jurisdiction.

The State Parks are under the jurisdiction of the Department of Public Works, and are administered by the Department of Conservation (Law 1919, 1933).

Board Members;
Appointment.
Commissioner of
Conservation;
Other officers.

The Department of Public Works is in charge of a Board consisting of the Governor, the Lieutenant Governor, and three other persons appointed by the Governor. One member is designated as Administrative Officer of the Department and Commissioner of Conservation. In the discretion and upon the direction of the Governor, not in excess of five additional members may be added to the Board. An Assistant Commissioner and a Secretary are also appointed by the Governor. All appointees are to hold office at the pleasure and discretion of the Governor and not in excess of four years except upon reappointment.

Departmental
powers.

The Department is empowered to investigate, compile and disseminate information and make recommendations concerning the natural resources of the State and their conservation; including the drainage and reclamation of lands; flood prevention, development of water power; culture and preservation of forests; fish and game; the preservation of soils; the prevention of waste mineral resources; the prevention and methods of control of plant diseases; infections and pests, and such other questions or subjects as may be contemplated by the Acts; may cooperate with departments of the Federal government in conducting topographical and other surveys, experiments or work of joint interest; may cooperate with any public or private institution or with individuals, societies or associations of individuals in making scientific investigations, compiling reports, and otherwise in such manner and to such extent as may be deemed necessary or advantageous in carrying out the purposes of the Act (Laws of 1919).

Divisions.

Divisions within the Department are as follows:

Division of State Parks, Lands and Waters
Division of Forestry
Division of Fish and Game
Division of Geology
Division of Entomology
Division of Engineering

Division Chiefs;
Appointment.

Additional divisions may be created from time to time, with the approval of the Governor. Each division is headed by a Director or other officer appointed by the Governor; is

vested with immediate supervision and management, and is responsible for its work.

- Division of State Parks, Lands and Waters. Acting through the Director of the Division of State Parks, Lands and Waters, the Department is empowered and directed as follows (Laws of 1919):
- Care of parks. To have the care, custody and control of the several parks and memorials owned by the State; exclusive of forest preserves;
- Rules and regulations. To make necessary rules and regulations to secure proper enforcement of the provisions of the Act;
- Publicity. To prepare, print, post or distribute printed matter relating to the State parks and memorials;
- Acquire lands by purchase or condemnation. Subject to the approval of the Governor, to purchase or acquire by eminent domain, lands for parks or memorials and scenic and historic places;
- Gifts. To receive and accept in the name of the people of the State by gift or devise, the fee or other estate therein of lands or scenic or historic places;
- Employ convicts. To employ, with the approval of the proper authorities, the convicts committed to any State penal institution for the purpose of producing or planting trees, clearing, improving, repairing, draining or developing lands purchased or acquired by the State for parks or as scenic or historic places;
- Custody of title papers, etc. To have the custody of all abstracts of title, papers, contracts or memoranda relating thereto, except original deeds to the State, for any lands purchased or received for parks or preserves or as scenic or historic purposes;
- Supervise streams and water courses. To have general charge and supervision of the navigable streams and water courses of the State within the government survey meander lines;
- Removal of minerals. To issue permits to take coal, sand and gravel from or under the bed of any navigable stream or water course or from or under the bed of any lake wholly within the State.
- Counties may convey lands for parks. The board of commissioners of any county having a population of less than 12,000 and not more than 16,000 is authorized to purchase or otherwise acquire any lands within such county and convey same to the State for park purposes (Laws of 1925).

Note: This Act applied to Steuben County and permitted the transfer of lands now known as Pokagon State Park. For powers of counties generally see following Act.

- Powers of counties generally. The Board of Commissioners of each county is authorized to acquire by purchase or otherwise any lands within such county for park purposes and to convey same to the State for park purposes (Laws of 1927);
- Petition. Such acquisitions are to be initiated by petition signed by not less than 200 taxpayers, requesting that an annual tax be imposed for acquiring lands. If before the time for hearing the petition 25% of the resident taxpayers representing 25% of the taxable property file a remonstrance, the petition is required to be dismissed. If no such remonstrance is filed, and the board finds such acquisition and conveyance expedient and for the best interests of the county, the petition is granted and an order entered for the purchase, fixing the maximum amount to be paid. Should there be insufficient money in the general fund to pay for the lands, the board may levy a tax upon the assessed property not to exceed one cent on each \$100 of taxable property for a period not to exceed 20 years; and may provide for the issuing of bonds to provide funds for the purchase of the lands;
- Consent to acceptance. Upon the filing of any such petition the commissioners are required to furnish one copy to the Governor and one copy to the Department of Conservation. No order granting any such petition may be made or entered unless and until the Governor and the Department have given their consent to the acceptance by the State of the lands described in the petition;
- Inspection by Department. When any board of commissioners proposes to acquire any such lands, the board may notify the Department of Conservation of the proposed acquisition, which Department is required to inspect the lands and report to the board the suitability or unsuitability thereof for park purposes. But such report is advisory only and not mandatory to the board.
- Other lands. Any town, city, township or county may purchase State-owned swamp, saline and meander lands bordering on lakes and streams for public park purposes, and transfer the same to the Department as and for a State park; the Department being authorized to establish, develop, improve and maintain the same as are other State parks; also to accept gifts, devises and bequests of any and all kinds of property of whatsoever nature for the enlargement, improvement, development, use and maintenance of the same (Laws of 1929).
- Hunting prohibited. It is unlawful for any person to take, kill, or shoot at, or in any manner disturb, any squirrel in any public park or State grounds, or within one-half mile thereof (Laws of 1911).
- Same. It is unlawful for any person to hunt, pursue, trap, kill, injure or take in any manner or at any time any wild animal or bird on any lands of the State used for a State

park. It is also unlawful for any person to go upon such lands with a gun (Laws of 1927).

Reduction of plants.

It is unlawful for any person, firm or corporation to construct, install or locate any reduction plant at any place which is within a distance of one and one-half miles of any state, county, township, city or town park, and no such reduction plant which has been destroyed by fire, wind-storm, lightning or flood, and which is within one and one-half miles of any such park may be rebuilt at any such location (Laws of 1935).

II. STATE FOREST RESERVES.

Division of Forestry; State Forester.

Acting through the Head of the Division of Forestry (the head of the Division is the State Forester), the Department is empowered and directed (Laws of 1919);

Care of forest lands.

To have the care, custody and control of the forest lands owned by the State, exclusive of State parks;

Rules and regulations.

To make necessary rules and regulations to secure proper enforcement of the provisions of the Act;

Establish nurseries; use of products.

To establish, operate and maintain nurseries for the production of trees to be used in reforestation. Such trees may be used to reforest any land owned by the State, or for planting on public roads or lands under such terms as may by the Department be deemed to be for the public benefit;

Purchase or condemn.

Subject to the approval of the Governor, to purchase or acquire by condemnation lands and forests;

Accept gifts of lands or forests.

To receive and accept in the name of the people of the State, by gift or devise, the fee or other estate therein of lands or forests;

Examine State-owned forest lands.

To examine the forest lands owned by the State, or by any State institution, for the purpose of advising and cooperating in securing proper forest management of such lands;

Employ convicts.

To employ, with the approval of the proper authorities, the convicts committed to any State penal institution, for the purpose of producing or planting trees, building roads or doing other work in the forests and in clearing, draining or developing lands purchased or acquired for forestry purposes;

III. PUBLIC SHOOTING GROUNDS.

Creation.

The Department of Conservation may, by regulation approved by the Governor, set aside, designate and maintain any game reserve, or any part thereof, or other lands acquired for that purpose, as a public shooting ground, permitting

all persons to hunt, trap or take such wild animals or wild birds in open seasons in such manner at such time and under such conditions and restrictions as may be imposed by regulation (Laws of 1927).

IV. GENERAL.

Highways within parks.

All public highways, except State highways, inside the boundaries of the several State parks, forest reserves, game reserves, and scenic and historic places owned by the State, are vacated as such highways, the Department of Conservation being authorized in its discretion to maintain and keep such roadways open to the public, or to close the same; Provided, that in any case where any privately owned lands would, by such vacation, become inaccessible by public highway, in such case so much of any such highway as will provide public access to and outlet from such lands is not to be deemed to be vacated so long as such condition exists (Laws of 1929).

Highways to parks.

The State Highway Commission is authorized to lay out, construct and maintain, as a part of the State Highway system, highways which will connect any State highway with any State park or any recreational, scenic or historic place owned or operated by the State; such connecting highways to be laid out, constructed and maintained in the same manner as is provided by law for the laying out, construction and maintenance of State highways (Laws of 1929).

Rotary Fund.

All funds accruing to the use of any Division (except the Division of Fish and Game) other than regular specific appropriations made by the General Assembly, constitute rotary funds and no part of which reverts to the general fund at the close of any fiscal year; (Laws of 1935).

Tippecanoe Battle Ground.

Article 15, Sec. 10, Constitution of Indiana, declares it to be the duty of the General Assembly to provide for the permanent enclosure and preservation of Tippecanoe Battle Ground.

V. INDIANA'S CONSERVATION PROGRAM.

1. Developing a greater appreciation of Out-door Hoosier-land.
2. Encouraging and correlating all conservation activities.
3. Perfecting artificial methods of wildlife propagation.
4. Improving conditions for greater natural increase of wildlife.
5. Correcting and controlling the pollution of streams and lakes.

6. Adding recreational opportunities through our State Parks, State Forests, and all other state properties.
7. Further developing State Forests and Forest Nurseries.
8. Restoring sub-marginal lands to their natural state.
9. Fostering "Riverside Forest" plan.
10. Furthering Conservation through Education.
11. Striving to make Indiana a more attractive Outdoor State.

VI. STATE PLANNING.

State Planning Board; members; terms.

A State Planning Board was created by Acts of 1935, consisting of eleven persons, one of whom to be the Governor or some person designated by him; one to be a member of the State Highway Commission, to be designated by the Governor; the Director of Public Works; Director of the Division of Public Health; the Director of the Agricultural experiment station at Purdue University; the State Geologist; one to be nominated by the Indiana city planning association; and the other four members to be selected and appointed by the Governor. The terms of the five appointive members to be for four years (rotated). A chairman is designated by the Governor. All members serve without compensation but are allowed any reasonable expenses incurred in the performance of official duties.

Executive Director.

The Board may appoint an executive director, who acts as its Secretary; also may employ such other personnel deemed necessary.

Purposes; Powers and duties.

For the purpose of providing that healthful, convenient, safe and pleasant living conditions may be assured throughout the State, affording abundant opportunity for the proper utilization of natural resources; and in order that the people of the State may realize the greatest possible benefit from the resources of the State, including soils, lands, forests, fisheries, wildlife and recreational facilities, and including such distribution of population and of the uses of land as will tend to reduce the wastes of physical, financial or human resources, the board is empowered:

Surveys, etc.

To make inquiries, investigations and surveys concerning the resources of all sections of the State;

Formulate plans, etc.

To assemble and analyze the data and to formulate plans for the conservation of such resources and the intelligent and systematic utilization and development thereof;

- Recommendations. To make recommendations from time to time as to the best methods of such conservation, utilization and development;
- Cooperation. To cooperate with other agencies, national and State;
- Master plan. To make and adopt an official master plan for the physical and economic development of the State, including, among other things, the general location, character and extent of highways, expressways, parkways, waterways, water front development, flood prevention works, parks, preservations, forests, wildlife refuges.
- Restrictions. Following adoption of the State master plan, no State highway, park, forest, reservation or other State way, ground or property may be constructed or acquired with State funds, or located, constructed or authorized by any State agency unless the location and extent thereof is first submitted to the Board for its report and advice.
- Ten-year program. The Board is further directed to prepare and keep up to date a ten year construction and financial program, to be prepared in consultation with the several State departments; to cooperate with municipal, county, regional and other local planning commissions; furnish advice and reports to any State officer or department; prepare and submit to the Governor and General Assembly drafts of legislation for carrying out the master plan; encourage the creation of county, municipal and regional planning commissions, and to act as a clearing house for information relating to such planning.

VII. STATE PARK RULES AND REGULATIONS

This is YOUR PARK

All visitors are expected to observe the following rules that we can fulfill the purpose for which this and other state parks were established, the preservation of a primitive landscape in its original condition and a place where you might enjoy the out-of-doors.

1. Do not injure or damage any structure, rock, tree, flower, bird or wild animal within the park.
2. Firearms are prohibited at all times.
3. Dogs must be kept on leash while in the park.
4. There shall be no vending or advertising without permission of the Department of Conservation.
5. Camping areas are provided at a fee of twenty-five cents per car or tent for each 24 hours or fraction.

6. Fires shall be built only in places provided; visitors must put waste in receptacles provided for that purpose.
7. Motorists will observe speed limits as posted in the park, and park in areas designated for parking.
8. Fathing is limited to such places and times as designated by the Department of Conservation.
9. Drinking water should be taken only from pumps, hydrants or fountains provided for that purpose. This water supply is tested regularly for purity.

CONSIDER THE RESULTS IF OTHER VISITORS USE THE PARK AS YOU DO

Help Prevent Forest Fires.

Build Fires only in Designated Places.

See that cigars or cigarettes are out before they are thrown away.

Break your match before you drop it.

Report any violation of fire regulations to park officials at once.

FIRE IS THE GREATEST THREAT TO OUR PARKS AND FORESTS.

Exhibit 7
Iowa (see p. 61)

I O W A

I. STATE PARKS AND PRESERVES.

- Jurisdiction. The State parks and preserves are under the jurisdiction of the Department of Conservation and are administered by the State Conservation Commission (Acts of 1935).
- State Conservation Commission; mem- The Commission is composed of seven members. Appointments bers; appointment; are for six years and are made by the Governor with the ap- terms. proval of two-thirds of the members of the Senate. Not more than four members may be of the same political party, and are to be citizens who are interested in and have substan- tial knowledge of conservation matters. Members receive \$7.50 for each day actually and necessarily employed in the discharge of official duties, but such compensation may not exceed \$500 for each fiscal year; also receive necessary expenses incurred in the discharge of their official duties when absent from their usual place of abode, unless serving under contracts which require them to defray their own ex- penses.
- State Conservation The Commission employs an administrative head, designated Director. as the State Conservation Director; and who in turn is authorized to employ necessary assistants, including a professionally trained State forester of recognized stand- ing; also such conservation officers as may be necessary to enforce the laws, rules and regulations.
- Divisions. The Department of Conservation consists of the following statutory divisions:
- Fish and Game. 1. Division of Fish and Game, including all matters re- lating to fish and fisheries, waterfowl, game, fur-bear- ing and other animals, birds, and wildlife resources;
- Lands and Waters; 2. Division of Lands and Waters, including all matters Parks. relating to State waters; State parks and recreation; forests and forestry; scenic, scientific, historical and archaeological matters;
- Administrative. 3. Division of Administration, including all matters re- lating to accounts, records, enforcements, technical ser- vice and public relations.
- The financial resources of the Commission are divided in- to three separate funds:
- Fish and Game Fund. 1. Fish and Game Protection Fund, consisting of all mon- eys accruing from license fees and all other sources of revenue arising under the division of game and fish;
- Conservation Fund. 2. Conservation Fund, consisting of all other funds;

Administration Fund. 3. Administration Fund, consisting of an equitable portion of the gross amount of the two above funds sufficient to pay the expenses of administration.

Powers and duties. General powers and duties of the Commission relating to the State parks are as follows (Code of Iowa, Chapter 87):

To make investigations. To investigate places in Iowa rich in natural history, forest reserves, archaeological specimens and geological deposits; the means of promoting forestry, maintaining animal and bird life, and the conservation of natural resources;

Establish parks. To establish, maintain, improve and beautify public parks upon the shores of lakes, streams or other waters within the State which have become historical, or which are of scenic interest, or which, by reason of their natural scenic beauty or location are adapted therefor;

Acquire lands. To purchase or condemn lands for public parks; but no contract for the purchase of such public parks may be made to an amount in excess of funds appropriated for such purpose by the General Assembly;

Acquire connecting highways. To purchase or condemn highways connecting such parks with the public highways. Such highways are to become public highways of the State and to be maintained as other public highways of the county;

Gifts or use of lands. To accept gifts of land or other property, or the use of lands or other property for a term of years, and improve the same as public State parks.

Condition. The conditions attached to a gift are to be entered as part of the record of the title by which the State takes the lands, if the conditions are made by the grantor in lieu of monetary considerations. If the donation be other than real estate, and a particular specification for its use be made by the donor, no part of such donation may be used or expended for any other purpose. If lands transferred to the State as a gift, or purchased from moneys given for that purpose, are not used for park purposes, or are sold, the donor may reclaim the land or funds by filing request within six months of the time of abandonment of sale, but no interest or other charges may be demanded. Any unclaimed funds are to be used for park purposes.

Use of private funds. The Commission may permit the improvement of parks, when established, or the improvement of bodies of waters upon the border of which parks may be established, by the expenditure of private funds; such improvements to be done under its direction;

- Cooperation with counties, cities, towns. May enter into an arrangement with any county, city or town for the care and maintenance of any State park; counties, cities and towns being authorized to maintain such parks and to pay the expense from its general fund;
- May lease lands. May lease for periods not exceeding five years such part of the property under its jurisdiction as to it may seem advisable;
- May sell park land. May sell such parts of the public parks as may be deemed undesirable for park purposes; the proceeds of such sale to be used for park purposes;
- Cities and towns may purchase lands for State parks; limitation. Any one or more cities or towns may expend money to aid in the purchase of land within the county for State parks. to become the property of the State and to be cared for as State parks; but the amount to be so paid may not exceed one-half of the total purchase price of the land involved in any single purchase, nor may the total amount paid in any single purchase exceed the sum of \$50,000. Such land may be paid for out of the general fund, or the park fund, or bonds may be issued and a tax levied for the payment of the bonds and the interest thereon (as amended 1934).
- May erect dams. The Commission may erect dams across streams and across the outlets of lakes for the purpose of raising the water level; compensating for any damage occasioned to riparian owners;
- Jurisdiction over streams. Exercise jurisdiction over all meandered streams and lakes and of State lands bordering thereon, not now used by some other State body for State purposes; and may convert parts of such property into State parks;
- To control islands. No island in any of the meandered streams and lakes, or in any of the waters bordering upon the State, may be sold without its recommendation; and if sold, the proceeds become a part of its funds.
- State agencies to cooperate. The Commission may call upon the President of the State College of Agriculture and Mechanical Arts for the services of at least one competent landscape architect, engineer, or gardener, for cooperation in the improvement of the property under its control; all necessary expenses to be paid by the Commission, but no compensation may be paid for such services;
- Highway Commission to cooperate. May call upon the Highway Commission for the services of at least one competent engineer, and also upon the County Engineer of any county, who is to assist, without expense to the Commission, in carrying out the true spirit and purpose of the law;

Rules and regulations. May adopt and enforce such rules and regulations as it may deem necessary, to regulate or restrict the use by the public of any of the parks, property or water under its jurisdiction; prohibiting, restricting or controlling the speed of boats, ships, or water craft of all kinds; traffic upon the roads and drives; governing the building or erection of any pier, wharf, service, piling wall, fence, building, or erection of any pier, wharf, service, piling wall, fence, building, or erection of any kind; and may prohibit, restrict or order the removal of same.

II. FORESTRY AND CONSERVATION.

Acquire forestry lands. By Act of 1935, the Commission is authorized to accept gifts, donations, or contributions of land suitable for forestry or conservation purposes;

Cooperate with United States. To enter into agreements with the Federal Government or other agencies for acquiring by lease, purchase or otherwise, such lands as in the judgment of the Commission are suitable for such purposes;

No tax exemption. All lands so acquired are subject to the regular annual tax levies as other real estate in the taxing district; the taxable value to be limited to the price at which same was purchased by the Commission or any agency of the Federal Government (Note: held by Attorney General to be "unworkable").

How lands paid for. Obligations incurred for the acquisition of land are to be paid solely and exclusively from revenue derived from such lands, and shall not impose any liability upon the general credit and taxing power of the State. All such revenue is to be segregated for the use of the Commission in the acquisition, management, development, and use of the lands until all obligations have been paid in full. Thereafter 5% of all net profits are to be used for such purposes as the General Assembly may prescribe, and 50% is to be paid into the temporary school funds of the counties in which lands are located;

May sell, lease or exchange land. The Commission may sell, exchange or lease lands when in its judgment it is advantageous to do so, provided the sale, lease or exchange is not contrary to the terms of any contract which it has entered into.

III. PUBLIC HUNTING AND FISHING GROUNDS.

The Commission is authorized to acquire by purchase, condemnation, lease, agreement, gift or devise, lands or waters and rights of way thereto, suitable for public hunting, fishing and trapping grounds, on which any person may hunt, fish or trap; and to extend and consolidate lands or waters suitable for such purposes.

IV. GENERAL PARK RULES.

The following are rules and regulations pertaining to State-owned parks, preserves and other areas under the jurisdiction of the Board:

1. Unless otherwise designated, the maximum speed limit of all vehicles and transportation agencies on park drives and highways is 15 miles per hour. All driving shall be confined to designated roadways.
2. Excessively loaded vehicles shall not operate over park roads and drives. The determination as to whether the load is excessive will depend upon the load and the road condition, and the decision regarding same will be made by the board's authorized representative.
3. All vehicles shall be parked in the designated parking areas, and - unless in case of an emergency - shall not be left unattended on a park road or drive.
4. No horse or other animal shall be hitched or tied to trees or shrubs, or in such a manner as to result in injury to State property.
5. No fires shall be built, except in places provided therefor. All fires shall be put out when the site is vacated, unless it is immediately used by some other party. Extreme care shall be taken that no fires get beyond control.
6. No person shall, in any manner, deface, injure or remove any tree, shrub, plant or flower, or the fruit thereof, or disturb or injure any structure or natural attraction. Special permission may be given by the board for the removal of specimens for scientific purposes, but such permission must be obtained from the Des Moines office.
7. Fire arms, fire crackers, explosives and weapons of all kinds shall not be used in a State park or preserve.
8. Picnic tables shall not be used or monopolized longer than necessary, especially if others are waiting to use such facilities.
9. All waste and litter shall be disposed of by placing same in the receptacles provided for that purpose, unless it is of such nature that it can and is burned up in the fireplaces. No waste or foreign substance shall be placed in any area, except where specifically authorized.
10. No person shall use any loud, violent, obscene or profane language, nor conduct himself in a disorderly or obscene manner, or commit any nuisance or misdemeanor.

11. No one shall enter upon portions of the area in disregard of signs or posted notices forbidding same, except by special permit of the State's representative.
12. No privately owned animal shall be allowed to run at large in any park or preserve, and every such animal shall be deemed running at large unless the owner carries such animal or leads it by a chain or leash not exceeding 6 feet in length, or keeps it confined in or attached to a wagon, automobile or other vehicle.
13. The park or other public area to which these rules apply shall be vacated by 10:30 P.M. unless special arrangements have been made to remain longer. In special cases, certain areas may be closed to visitors at an earlier hour, of which notice shall be given by proper signs or instructions. The provision of this section do not apply to authorized camping.
14. In case of accident, whenever possible and practical, same shall be reported to the park custodian.
15. Camping is only permitted in certain areas and under special rules and regulations provided therefor.
16. The park or its facilities shall not be used for the purpose of raising revenue, either directly or indirectly, except in the case of regularly authorized concessions approved by the board.
17. WARNING - At certain places in the parks and at the lakes, it is dangerous for small children to be unattended, and it is, therefore, suggested that adults give due attention to this when accompanied at the various parks and lakes by children.

V. RULES FOR CAMPING IN STATE PARKS

Where camping is permitted in State parks, it shall be in accordance with the following rules and regulations:

1. Camping shall be in the areas prescribed by the superintendent or the board.
2. In no event will camping be permitted in excess of two weeks and in certain designated areas for over night only.
3. Each camper shall register his or her name and address with the park custodian, and advise the custodian when the camp is vacated. A special register book shall be kept by the custodian.

4. A fee of 50¢ per night or \$2.50 per week for each camping unit shall be paid in advance. Each tent, auto, trailer vehicle or portable house used for sleeping quarters shall be considered one unit.
5. In making application for the privilege of camping, applicants shall submit credentials satisfactory to custodian. The right is reserved to refuse camping privileges, if this is deemed advisable by the custodian, and to rescind any or all camping permits previously issued, if for just cause this is deemed advisable.
6. Campers shall observe all park rules and regulations, and the laws of the State of Iowa.
7. The provisions of Section 4 hereof are not applicable to social service organizations, when groups of such organizations desire to camp as an organization and when accompanied by accredited officers of the organization. In such case, consult the park custodian regarding the provision for this type of camping.
8. Camping is only permitted in designated parks, and in general only in those parks where proper facilities exist and proper supervision can be given.

Park Lodges

Lodges have been erected in the parks that are enclosed and provided with fireplaces. Certain rules and regulations have been drawn up relative to the use of these lodges. Any group desiring the use of a park lodge for a special date may make reservation with the custodian. A small fee is charged for such use of the lodge to cover cost of illumination, firewood, etc. Although a lodge may be in use, under a reservation, a casual park visitor is not precluded from entering same for legitimate purposes. In the late fall and winter months, the eating of lunches in the lodge is permitted, as long as care and neatness is exercised in so doing.

Church organizations, boy scouts, camp fire girls, and similar organizations may be granted permission to use a lodge free of charge. However, no permit to use a lodge for the purpose of raising revenue is to be granted. No lodge reservations are to be granted for Sundays and holidays.

VI. RULES AND REGULATIONS FOR OPERATING BOATS AND OTHER CRAFT ON THE INLAND LAKES AND STREAMS OF THE STATE AND THE GENERAL USE OF MEANDERED LAKES AND STREAMS OF THE STATE.

1. Definitions:

"Motor Boat" is defined as any boat or water craft propelled by machinery. Any boat or craft that is propelled

by attachment to another craft, which in turn is propelled by machinery, is to be considered a motor boat.

2. Classifications:
- Class I - All steamboats.
 - Class II - All boats propelled with inboard motors which are used for commercial purposes.
 - Class III- All motor boats with inboard motors used for private purposes.
 - Class IV - All motor boats of plane or gliding type, including combination, plane and displacement types, propelled by an outboard motor.
 - Class V - All rowboats of displacement type, propelled by outboard motor.
 - Class VI - All rowboats or canoes propelled by hand.
 - Class VII- All sailboats.

3. Equipment:

(a) Fire extinguishing apparatus:

A fire extinguisher, approved by the Board of Conservation or its representative, must be carried, when navigated, by all motor boats operated for hire. The fire extinguishers shall be capable of extinguishing burning gasoline and be of the carbon-dioxide, carbon-tetrachloride or foam types.

(b) Air tanks:

All boats, except steamboats, carrying passengers for hire shall be equipped with air tanks of sufficient capacity to sustain afloat a boat when full of water with all her full complement of passengers and crew on board.

(c) Life preservers and life saving devices:

Motor boats carrying passengers for hire shall carry one life preserver, life belt or buoyant cushions or ring buoys for each person on board, and said life preservers, etc., shall be approved by the board of conservation or its authorized representative.

(d) Mufflers:

No motor boat, propelled in whole or in part by gas, gasoline or naphtha, shall be operated on the inland waters, of the State, unless the same is provided with the proper exhaust or muffler device so constructed and used to muffle the noise of the exhaust, and no such boat shall use a cut-out of any such device which will make the muffler ineffective.

(e) Whistle:

All motor boats in Classes I, II, III and IV shall have a whistle, horn or sound device capable of making a signal that can be heard from a distance of one thousand feet in calm weather. Sirens are specifically prohibited.

(f) Boiler insurance:

Owners of steamboats operated for hire on the inland waters of the State are hereby required to carry boiler insurance and copy of the insurance policy shall be filed with the board.

4. Lights:

All boats operated, during the period between 30 minutes after sundown and before sunrise, shall have the following lights:

(a) Every motor boat in Classes I, II, III, and all boats in Class IV, which in the latter case are capable of a speed of 8 miles or more per hour, shall have the following lights:

1. A bright white light in fore part of the boat as near the stern as practical, so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the vessel; namely, from right ahead to two points abaft the beam on either side. The glass of the lens shall be not less than 5 inches in diameter. In general, this light shall, when in use, be kept pointed in direction boat is traveling.

2. A white light aft (stern) to show all around the horizon.

3. A combined lantern in the fore part of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

All boats in Class IV, not capable of exceeding 8 miles per hour, shall have a constant white light in the fore part of the vessel and to be so constructed as to be visible all around the horizon.

(b) All boats in Class V, operated between 30 minutes after sunset and before sunrise, shall have a white light that is constant and so placed as to be visible from any direction.

(c) All boats in Class VI shall have, when operated between 30 minutes after sunset and before sunrise and when over 300 feet from shore, a white light that is constant, and so placed as to be visible from any direction.

(d) All boats in Class VII shall have a lantern at the masthead showing a white light and visible from any direction.

5. Speeds, distances and passing:

- (a) All boats in Classes I, II, III and IV shall not come closer than 300 feet from all other craft, unless unavoidable and in such cases they shall slow down to five miles per hour or less. This rule shall not apply to game wardens and boat inspectors and lake custodians.
- (b) All boats in Class V shall not come closer than 200 feet from other craft, except when landing or leaving shore or when it is unavoidable. This rule shall not apply to game wardens and boat inspectors and lake custodians.
- (c) All boats in Classes I, II, III, IV and V shall slow down to five miles per hour, when approaching bridges or underpasses, unless vision is unobstructed 300 feet ahead.
- (d) It shall be unlawful for any motor boat to operate within 300 feet of shores of lakes at a speed greater than ten miles per hour. On rivers, the speed shall be kept within such limits as will not endanger life or property.
- (e) Motor boats shall at all times be operated in a safe and sane manner.
- (f) When motor boats pass each other, the following rules shall apply:
 - 1. Passing from rear - keep to the left.
 - 2. Passing head-on - keep to the right.
 - 3. Passing at right angles - boat at the right has right-of-way, other conditions being equal.
 - 4. Sailboats have right-of-way over all other boats. Motor boats, when passing sailboats, shall always pass on the windward side.
 - 5. Any boat backing from a landing has the right-of-way over incoming boats.

6. Air craft:

- (a) Hydroplanes and air craft shall not make use of inland meandered lakes and streams of the State for the purpose of landing and carrying passengers or other purposes, except at a time of danger or distress when such use may be necessary or unavoidable, or except when special permission is given by the board of conservation.

Races and regattas:

- (a) These rules shall not apply in case of regular advertised races or regattas running over a marked course under permit from this board.
- (b) Boats not participating in such races or regattas shall remain at least fifty feet from such course during the period for which such race or regatta is scheduled.
- (c) No such races or regattas shall be permitted except under permit applied for and issued by the board of conservation or such agents or employees as it may authorize to issue same.

8. Buoys:

- (a) No private buoys or other obstructions of any kind are to be permitted less than 100 feet from shore nor more than 300 feet, unless by special permission from the board of conservation or its representative.
- (b) All private buoys must float in a vertical position at least eighteen inches above water when at ease and are to be painted white or have a white flag of at least one square foot in area.
- (c) Tampering with or moving any State owned buoy shall constitute a misdemeanor.
- (d) No boat shall be anchored away from the shore and left unguarded unless it be attached to a buoy.

9. Obstructions along shores.

No structures are to be built by private individuals beyond the line of private ownership along the shores of publicly owned waters in such a manner as to preclude the free passage of pedestrians along the shore between the ordinary high water mark and the water's edge, unless by special permission of the board.

10. Ice boats.

No craft or vehicle, operating on the surface of ice on the inland meandered lakes and streams of the State and propelled by machinery in whole or in part, shall be operated without a special license being issued for such operation by the board of conservation, or its duly authorized representatives. This shall not preclude the use of ice cutting machinery, automobiles and trucks, when such are used without endangering public safety and are operated in a proper manner.

Any such license issued may be revoked by the board of conservation or its authorized representatives, if the craft or vehicle is operated in a careless manner or endangers others. Such revocation may be made by the board, acting through its duly authorized agent or agents.

11. Encroachments; No filling, disposal of waste, or placing of foreign or detrius material in or on the waters of the meandered lakes and streams of the State, or on the publicly-owned shores thereof, or the abandonment of boats, or other property, or the encroachment on said shores or waters by any means whatsoever is permitted. This does not preclude, however, the construction of docks and other structures or erections or works for which proper permit has been granted by the board.
12. Proper precautions: Nothing in these rules shall exonerate any craft, or the owner, operator or crew thereof, from the consequences of any neglect to carry lights, signals or equipment, or from any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.
13. Rules suspended: The exhibitions of any light on board a craft, operated by or for police officers while on duty, may be suspended whenever necessary, and the character of the service may require it.
- The provisions of the rules and regulations herein shall not apply to craft licensed by authority of the United States when such craft are operated in accordance with the Federal laws and regulations therefor. No penalty is incurred by motor boats for failure to carry lights between the hours of sunrise and one-half hour after sunset.
14. Revocation of licenses: The law makes provision for the revocation of licenses "for cause". This term, in addition to other provisions of law, is herewith stipulated to include misconduct, gross negligence, recklessness in navigation, intemperance, violation of law, unfit condition of boat or operator, or any other condition or circumstance that may be contrary to public morals, safety or convenience.
15. Reporting accidents: All accidents shall be reported as promptly as possible to the nearest police officer and to the board of conservation or its authorized representative.

Resuscitation of the Apparently Drowned:

(Reprint from Page 38, Form 804, U. S. Department of Commerce, Steamheat Inspection Service):

(a) Drowning:

In an individual apparently drowned, the face should be exposed, the mouth and nostrils cleansed of water or mud, and the clothing should be opened to give free access to the chest. Next, turn the patient on his face and place under the upper part of his abdomen a roll of clothing, a blanket, or anything which will

cause the head to hang down and will allow the water to drain from the lungs. Drainage may be aided by making pressure over the lower part of the back. This may also be done by standing over the patient, lifting him by the middle of his body and holding him for a moment or two in this position. During this time, the mouth should be held open and if possible the tongue should be pulled forward. After all the water is drained from the lungs start artificial respiration.

(b) Artificial Respiration:

Place the individual on his stomach with one arm above his head and the other arm supporting his head, which should be turned somewhat to one side. While standing or kneeling astride the patient, facing his head, the palms of the hands are placed over the lower part of the patient's chest and by throwing the weight forward, pressure is made against the lower part of the chest, decreasing the capacity of the chest, and forcing out the air which may be contained in the lungs. When pressure is removed, air will be sucked into the lungs by the springing out of the chest wall. This motion is continued slowly about 12 or 14 times to the minute, no faster. If an assistant is at hand, continuous rubbing of the limbs of the patient toward the body may aid in restoration. Do not stop artificial respiration under two hours, as there is still a chance to restore life, even after this period of time. As soon as breathing is established, remove any wet clothing, wrap in warm blankets, place in bed and allow rest for at least 48 hours.

VII. RULES AND REGULATIONS PERTAINING TO CONSTRUCTION PERMITS AND FEES.

1. Definitions:

(a) Pier or Wharf:

Any structure used for loading or unloading passengers from boats or craft propelled by machinery and operated for hire is herewith defined as a pier or wharf.

(b) Other Structures used for Commercial Purposes:

In addition to piers and wharfs, the following structures used for commercial purposes are required to have a permit and pay the annual fee listed hereafter:

1. Toboggan Slides.
2. Boat Houses.
3. Bath Houses.
4. Concession Stands.
5. All other structures used for commercial purposes

2. Fees:

(a) Piers:

The annual fee for a pier or wharf, used by one boat operated for hire, is \$10.00. When used by two boats, operated for hire, the fee is \$15.00. Where used by more than two boats, operated for hire, the fee is \$25.00.

(b) Toboggan Slides and Other Structures:

The fee for each toboggan slide, operated for hire, is \$10.00. The fee for all other structures, used for commercial purposes, will be determined by the board for each specific case.

VIII. RULES AND REGULATIONS FOR THE REMOVAL OF ICE FROM MEANDERED LAKES AND STREAMS IN IOWA.

1. Permit required: No ice shall be removed from the meandered inland lakes and streams of the State, without an ice harvesting agreement having been entered into with the State and a permit for such removal obtained on whatever terms and for whatever consideration the State may specify.
2. Responsibility for damages: Under any permit issued for ice removal, the party granted a permit is to be responsible for all damages to the property of riparian owners, the State or private owners. The State assumes no liability on account of accidents due to the operation of ice removal under any permit issued.
3. Protection of public passages: The party removing ice under a proper permit is to erect suitable barriers on any part of an ice field where ice is cut, where said field crosses or traverses any part of a stream or lake that is used as a way of passage regularly or occasionally for either vehicular, equestrian or pedestrian traffic.
4. Barriers adjacent to recreational areas: Where the ice field is adjacent to an area used for skating or ice boating or other winter sports, proper barriers and signals shall be erected to give warning of open water or unsafe ice, due to the ice removal.
5. Interference with adjacent ice fields: There permits are granted for ice removal from areas adjacent to, or in near proximity to other areas where ice removal is permitted, nothing shall be done that will interfere with or effect the removal from the adjacent or nearby field or fields.
6. Contaminations: Should it be evident that sewage or other material is entering a lake and affecting the purity of the water from which ice is obtained, the necessary and/or legal steps to abate such contamination shall be taken by the board.
7. Reservations: Under permits granted for ice removal, the State reserves the right to designate the field cut, and the method of operation, and to preserve the ingress and egress to said ice by littoral or riparian owners, and to regulate or designate the passageway from the ice field to shore.

IX. RULES AND REGULATIONS PERTAINING TO THE REMOVAL OF SAND AND GRAVEL OR MIXED SAND AND GRAVEL, EARTH, STONE AND BOULDERS FROM THE BEDS OR SHORES OF LAKES AND STREAMS.

1. Permit required: No natural material or other material or property belonging to the State shall be removed from the beds or shores of the meandered lakes and streams of the State, without a permit for such removal having first been obtained from the board of conservation.
2. Agreement for removing sand and gravel: Before any sand and gravel or other natural material is removed, an agreement relating thereto must be entered into between the parties desiring to remove said material and the board of conservation. Said agreement shall set forth the terms and conditions under which said removal is permitted and the permit or license fee - if any - that shall be paid to the State.
3. Responsibility for damages: Under any permit granted or agreement entered into, the party removing any material is to be responsible for all damages to the property of riparian owners, the State, or private owners. The State assumes no liability on account of accidents, due to the operation of removing material under any permit issued.
4. Method of operation: In removing sand and gravel or other material that is removed by dredging, the operators shall so arrange the equipment that other users of the lakes or streams shall not be endangered by cables, anchors and concealed portions of the equipment or appendages, either during actual operation or when the equipment is not in use, although left in the stream.

No waste material shall be left in the stream in such a manner as to endanger other craft or to change the course of the stream. In general, wherever possible, all waste material shall be disposed of on privately-owned areas that are under the control of the operator or operators, or else be placed back in the stream as nearly as practical at the place or point of origin.

All operations under any permit issued or agreement entered into are subject to the supervision of the board, or its authorized representative, to the end that public interests may be properly safeguarded.

All material shall be so removed that future operations in the same or adjacent areas shall not be adversely affected thereby.

Where dredging operations are carried on, partly on State areas and partly on adjacent private areas, the natural banks shall not be removed unless the State so permits.

Where operations are entirely on private property adjacent to a public lake or stream, the natural bank between the State and privately owned areas shall not be removed without permission of the State.

Explosives shall not be used in operations under any agreement entered into or license issued without special permit of the Board.

Exhibit 8
Kansas (see p. 77)

K A N S A S

I. STATE PARKS.

Jurisdiction.	State parks are under the jurisdiction of the Forestry, Fish and Game Commission (Laws of 1925, 1927). Exception: Frontier Historical Park is supervised and controlled by the State Board of Regents through a Board of Managers.
Members; appointment; terms.	The Commission is composed of the Governor and three additional members by him appointed to serve for three years. Appointees are required to be men of experience in the fish, bird and animal life of the State; are to serve without compensation, but receive expenses incident to official duties.
Powers and duties.	The Commission is vested with the following powers and duties:
Establish recreational areas.	To establish, maintain and improve recreational grounds for the purpose of affording recreational activities to the citizens of the State;
How acquired.	To acquire by donation, devise, bequest, purchase, or by condemnation, title to lands, water and water rights for each recreational grounds, public forestry, fish and/or game preserves; but any and all private lands and waters used wholly or in part for the propagation of fish or for recreation purposes are exempt from the exercise of the power of eminent domain (rivers are not private waters);
Lands exempt from condemnation.	
Where to be maintained.	To provide for keeping such areas at such place or places most suitable to carry out the interests and purposes of the law;
Build lakes, etc.	To acquire or provide for the building and construction of reservoirs, lakes, dams, or embankments for impounding water on such public forestry, recreational grounds, fish and game preserves or elsewhere; the planting of forest trees, and the establishment of sub-fish hatcheries and game farms thereon;
Hunting and fishing grounds.	To replenish hunting and trapping grounds and water, or fishing water;
Maintain roads.	To contract relative to improvements and upkeep of roads in and about the forestry preserves and recreational grounds.

- Condemnation. Whenever in the judgment of the Commission it becomes necessary to purchase additional adjacent property for the purpose of protecting, adding to and improving State lakes, parks and recreation grounds, the Commission may acquire by purchase, or enter upon, take, use and appropriate such property by right of eminent domain (Acts of 1931).
- Excess condemnation. The taking, using and appropriating by the right of eminent domain for the purpose of protecting such areas and their environs, the preservation of the view, appearance, light, air, health, and usefulness thereof, by reselling such adjoining property with such restrictions in the deeds of resale as will protect areas taken for the aforesaid purposes, is declared to be taking, using and appropriating for public use; Provided, that the proceeds arising from the resale must be used in improving the lakes, parks or recreational grounds to which such resold property adjoins (Ib).
- Use of proceeds.
- To cooperate with United States. The Commission is designated as the agency of the state for procuring aid from the Federal Government in matters pertaining to the development of natural resources insofar as they pertain to forests, woodlands, public lands, sub-marginal lands, game reserves, lakes, streams, reservoirs and dams; and also is given charge of all funds procured for these purposes and of all projects constructed therewith (Laws of 1933, 1935).
- Tax remission. Whenever any person donates real estate to the State for use as a State park, upon which taxes have been assessed and penalties and charges have accrued, the County is authorized to remit and cancel all such taxes, penalties and charges (Laws of 1933).
- Tax reduction for dam construction. Acts of 1933 (amended 1935) provide that any landowner owning land not within the corporate limits of any city, who, by the construction of a dam across any dry water course forms and maintains upon his own land one or more reservoirs for the collection and storage of surface water, or who donates to the State or any of its agencies a tract of land on which to erect and maintain a similar reservoir, is entitled to a reduction of the assessed valuation of the piece of land upon which such reservoir is located of \$40 for each acre foot of storage capacity afforded by such dam; provided, that the total amount of such reduction may not exceed 40% of the assessed valuation of the entire contiguous acreage owned and upon which such reservoir or reservoirs are located; and provided further, that a watercourse whose constant supply of water consists principally of springs, where the entire drainage area does not exceed ten sections in extent, is to be deemed to be a dry watercourse for the foregoing purposes.
- Donation of land to State.
- Proviso.
- Proviso.

Source of funds. All moneys received from licenses to hunt, fish, trap or otherwise capture, kill or deal in any game, birds, animals, fish or allied recreational pursuits, are designated for the use of the Commission, less 10% which is required to be credited to the State's general revenue fund (Laws of 1925).

Revolving fund. A revolving fund was established for the Commission by Acts of 1935.

Appropriation. The 1935 Legislature appropriated funds to the Commission for the year 1935 as an emergency relief measure for the purpose of cooperating with and carrying out the Federal government's marginal land acquisition program; any unexpended balance to be used for similar purposes during the year 1936.

Note: By Act of the 1933 Legislature the Commission was authorized to borrow \$200,000 from the Reconstruction Finance Corporation to be used in the development of natural resources; building and constructing lakes, reservoirs and dams, and improving forestry, recreational grounds, fish and game preserves. The State Supreme Court subsequently held that the State debt then being in excess of the Constitutional limitation, further indebtedness could only be incurred by a referendum, and for which the Act did not provide, and that the Act was also violative of the Constitution, which provides that the State shall never be a party in carrying on any works of internal improvement except to aid in the construction of roads and highways.

II. FORESTRY AND FLORICULTURE.

Purpose. For the promotion of Forestry and Floriculture there has been established, under the direction of the State Board of Administration, a Department of Forestry and Floriculture (Acts of 1929).

Trustees; appointment. The Department is administered by a board of ten Trustees, appointed by the Board of Administration, and to hold office at its pleasure. Each member is required to accept the position without salary or compensation for traveling or other expenses, the object and purpose of this provision being to secure Trustees who have sufficient interest in Forestry and Floriculture to donate their time and services and to pay their own expenses;

State Forester. The Board of Administration appoints a State Forester and who is directed to select a tract of State land to be used for growing trees, plants, shrubs and flowers for transplanting for the purposes of reforestation and afforestation on permanent tracts of land;

Acquire areas. Lands for such purposes may be received by gift, or purchased with funds provided by the legislature; but no land may be purchased for a price exceeding the assessed valuation, and in addition the seller must make a suitable reduction as a donation to the interest of Forestry and Floriculture;

Recreation areas. All tracts of land which become the property of the State are to be known as forestry land, and are to be kept and controlled as game preserves, parks, and places of recreation and rest for all the people of the State and the visitors thereof;

Counties may participate. Townships and counties are also authorized to purchase and donate to the State lands suitable for these purposes or may receive from the Forester trees, plants, shrubs, and flowers to be planted thereon under agreement that the lands will be similarly and permanently used;

Improvement. All State, county, city and township officers are authorized to use the poor funds for the benefit of the unemployed in preparing trees, cultivating and caring for the areas;

Rules and regulations. The Board of Administration and Board of Trustees are directed to make and publish rules and regulations for the use of such lands: and to post notices showing the ownership and authority of the State over such tracts of land.

III. KANSAS FRONTIER HISTORICAL PARK.

Jurisdiction. The above park is under the general jurisdiction of the State Board of Regents but the active custody and management is vested in a Board of Managers, consisting of the Chairman of the State Board of Regents, the Secretary of the State Historical Society, the President of the Kansas State Teacher's College at Hays, and a fifth member to be appointed by the Governor (Laws of 1931).

Powers of Board. The Board of Managers may, subject to revision by the Regents, make all proper and needful rules and regulations for the use, preservation, improvement, control and maintenance of the park and grounds and buildings thereon, and may permit such use of same as is not inconsistent with the purposes for which the grounds have been set aside.

Fort Hays Military Reservation. The Board of Regents are directed to designate and set aside for public park purposes that portion of the Fort Hays Military Reservation which was the site of the building of old Fort Hays, together with the remaining buildings of the Fort, and such portions of the reser-

vation as it may deem to be of particular historic interest or which, in its judgment, may be favorably situated and well adapted for park purposes, and the setting aside of which for park purposes will not interfere with the reasonable use of the reservation by the educational institutions thereon.

IV. STATE PARK RULES AND REGULATIONS.

The following rules and regulations have been adopted by the Forestry, Fish and Game Commission covering the actions of the public on the State parks, and such rules and regulations have the full force and effect of law and violators are subject to prosecution:

1. The destruction or injury of any sign, guidepost or property of any kind is unlawful. This includes the peeling of bark, carving and chopping of trees, cutting branches, driving nails, digging ground from roots and the removal of trees, shrubs and plants, picking wild flowers and other injuries.
2. To carry or have firearms in possession in a State park is unlawful.
3. Throwing of tin cans, bottles, papers, junk or refuse of any kind on the ground or in a lake or stream; or the misuse and abuse of seats, tables and other park equipment, is prohibited.
4. Washing or the throwing of waste of any kind around well or spring, or the use of woods as toilets, or the use of toilets for bathhouses, is prohibited.
5. Building or starting fires in the open or in any place except where the proper provisions have been made, or to leave fires while burning, is prohibited.
6. Dogs in the park must be tied with a chain or controlled on a leash. They are not allowed to run loose about the park.
7. Speed limit for motor vehicles on park roads is 25 miles per hour, except where otherwise posted.
8. Camping, horseback riding or driving of automobiles or other vehicles on picnic grounds, children's playground, bathing beaches, and areas posted against such traffic or use is prohibited.
9. Persons desiring to camp in a State park are required to obtain permit before making camp. A permit authorizes the holder to camp in the park not to exceed three days. When time of permit has expired, campers are required to move from the park or have permit renewed. The park superintendent shall record the name and address of the responsible head of each camping party, the number of persons, and names and license numbers of cars.
10. Camping in the park by boys under seventeen years of age, unaccompanied by an adult, and girls under eighteen years of age, unaccompanied by their parents or chaperon, is prohibited.

11. Disorderly conduct in the way of drunkenness, vile language, fighting and personal exposure by change of clothing in automobiles, woods, park or any other place where person is not properly sheltered, is prohibited.

12. Bathing, swimming or wading is restricted to the area designated as the bathing beach. All persons enter the water at their own risk.

13. All state parks and lakes are game sanctuaries. Hunting, shooting, killing, trapping, injuring, pursuing, or molesting in any way, any bird or animal on or within any State park is prohibited: Provided, however, That the Forestry, Fish and Game Commission may, by rules and regulations, permit hunting, shooting, killing, trapping, injuring and pursuing of game birds and animals in such State parks as the commission may designate.

14. Any person having proper fishing license and persons exempt by law may fish on or within any State park. Fishing is permitted in daylight only, which is declared to be not earlier than one hour before sunrise nor later than one hour after sunset. The Forestry, Fish and Game Commission may further restrict or entirely close any park to fishing at any time, if in its judgment conditions demand it. Each person so fishing is limited to one rod and line with not more than two hooks attached, or a fly rod and line with not more than two hooks attached, or a fly rod and line with not more than two flies attached, or a casting rod with not more than one artificial bait or lure attached and such rod and line must be held in hand. Any such rod and line left set in the bank or attached to a boat, dock, tree, log or to anything, or in any way, with line and hooks in the water in such manner that hooks may be taken by any fish, is prohibited, declared unlawful, and may be seized and confiscated by the park superintendent or any game warden. No trot-lines, set lines, float, bank or limb lines are permitted. A daily bag of ten fish of all kinds is allowed. Bass less than 10 inches; catfish (except bullheads) less than 12 inches; crappie less than 7 inches; and yellow perch less than 6 inches in length must be at once returned to the water. Dumping minnows or any kind of live bait in the water of a State park is prohibited.

15. Boating is restricted to craft propelled by hand or wind power.

16. All park superintendents are both deputy sheriffs and deputy game wardens. They have authority to issue camping permits and are in complete charge of the parks. All questions of privileges shall be submitted to them. They shall preserve order and make arrests for violations of rules.

17. It shall be unlawful for any person or persons to take from the waters of any State lake or parks, or have in possession any blue gill of a length less than six inches (Commission regulation).

Exhibit 9
Massachusetts (see pp. 111; 113)

MASSACHUSETTS

I. STATE PARKS AND RESERVATIONS.

Jurisdiction. State Parks and Reservations, outside of the Metropolitan Parks District, are under the jurisdiction of the Department of Conservation, and are administered through the Division of Parks (Gen. Laws, Ch. 132a).

Conservation Commissioner. The Department is under the supervision and control of a Commissioner, designated by statute as the executive and administrative head, and who is appointed for three years by the Governor, with the advice and consent of the Council.

Director of Parks. The Commissioner is designated as Director of the Division of Forestry, and is also ex-officio the Director of the Division of Parks.

Divisions. Statutory divisions in the department are as follows (as amended 1934):

- Division of Parks
- " " Forestry
- " " Fish and Game

Powers and duties of the Commissioner, as relating to parks and recreational matters, are as follows:

Administer trusts. With the approval of the Governor and Council, may accept in trust, on behalf of the Commonwealth, bequests or gifts to be used for the purpose of advancing the recreation and conservation interests and policies of the Commonwealth, and to administer the same in such manner as to carry out the terms of the bequest or gifts:

Accept gifts of lands. With like approval, may accept on behalf of the Commonwealth gifts of land outside of the Metropolitan Parks District to be held and managed for recreation and conservation purposes;

Acquire lands; how. May not condemn. May acquire, within the limits of appropriations made therefor, otherwise than by eminent domain, any lands suitable for purposes of conservation or recreation lying outside of the Metropolitan Parks District;

Improvement and maintenance. May lay out and maintain the lands and erect and maintain such structures and other facilities thereon as may be necessary to render the lands reasonably available and accessible;

Sell lands. With the approval of the Governor and Council, may sell or exchange any land so acquired, which in his judgment can no longer be advantageously used for purposes of recreation or held for purposes of conservation;

- Sell land products. May sell such wood, timber, or other products of the lands as the economical management of the lands may require;
- Accept care of lands. With the approval of the Governor and Council, and on petition of any board or commission charged with the care and maintenance of any park or reservation owned by the Commonwealth outside of the Metropolitan Parks District, and with the approval of the county commissioners of the county or counties wherein such park or reservation is situated, may assume the care and maintenance of such park or reservations, and expend for the care and maintenance such sums as may be appropriated therefor;
- Rules and regulations. With like approval, may make such rules and regulations for the government and use of all property under its control, including rules and regulations relative to hunting and fishing not inconsistent with the laws protecting fish, birds and mammals;
- May establish fees. Such rules and regulations may also provide for the payment of fees and other charges for the parking of vehicles and for the enjoyment of other special privileges within the territory under his control;
- Concessions. May grant concessions for the sale of refreshments and other articles, and the furnishing of services.
- Director to advise other Commissions. The Director, acting in an advisory capacity, is directed to assist boards and commissions charged with the care and maintenance of parks or reservations owned by the Commonwealth outside of the Metropolitan Parks District which are not under his care and control.
- Assessments; how determined. The proportion in which each city and town of the Commonwealth (exclusive of those comprising the Metropolitan Parks District, but including Cohasset) shall annually pay money into the treasury of the Commonwealth to meet the expenses incurred and the cost of maintaining the Division, is determined by adding together the percentage which the valuation of the same bears to the total valuation of the Commonwealth, and the percentage which the population of such city or town bears to the total population of the cities and towns of the Commonwealth and dividing this sum by two.
- Definitions. The word "valuation" means the taxable valuation of property last established next prior to the determination provided for by the General Court as a basis of appointment for State and county taxes; the word "population" means the population as determined by the latest census, State or National, next prior to such determination.

How and when paid. The amount of money so required each year from every such city and town is to be paid by them into the State treasury at the time required for the payment of its proportion of the State tax.

Note: The Council as above and hereafter referred to is a Constitutional provision, and who are to advise the Governor in the executive part of the government.

II. METROPOLITAN PARKS DISTRICT.

Jurisdiction. The Metropolitan Parks District of Boston and environs is under the jurisdiction of a Metropolitan District Commission, consisting of a Commission and four Associate Commissioners, who, at the time of their appointment are required to reside within the district; at least one of whom must be a resident of Boston. Members are appointed for five years by the Governor, with the advice and consent of the Council (Gen. Laws, Chap. 92).

Commissioner. The Commissioner is the executive and administrative head of the Commission, being charged with the duty of organizing it into such divisions as he may from time to time determine.

Powers and duties. The Commission is authorized to acquire, maintain and make available to the inhabitants of the District open spaces for exercise and recreation, and which are designated as reservations;

Acquire lands; how. For such purposes lands, easements or interests in lands within the District may be acquired in fee or otherwise by purchase, gift, devise, or by eminent domain;

Control of contiguous areas. May accret and maintain as a portion of the reservations any lands or rights in lands which may be without the limits of the District, but immediately contiguous thereto;

Take or regulate other areas. May take by eminent domain, or acquire by agreement or otherwise, the right forever, or for such period of time as it may deem expedient, to plant, care for, maintain or remove trees, shrubs and growth of any kind within certain spaces regulated by the Commission along or near rivers within the District; and may take or impose by eminent domain, or acquire the benefit of by agreement or otherwise, such restrictions upon such regulated spaces as it deems expedient;

Limitations. Provided, no private property may be taken or restrictions imposed by eminent domain without the concurrence of a majority of the Commission and of the board of park commissioners, if any, of the town where such property is situated;

- May condemn high-ways for park purposes. May take or acquire, in fee or otherwise, by purchase, gift, devise, or by eminent domain, any land, easements or interests in land, although the lands so taken or any part thereof be already a public way provided the taking is concurred in by vote of the proper local officials;
- Reservations. May accept and assent to any deed containing reservations of easements or other interests in land upon such terms restrictions, provisions or agreements as it may deem best.
- Parks Trust Fund. The State Treasurer may, with the approval of the Governor and Council, reserve and hold in trust for the Commonwealth, exempt from taxation, any grant or devise of lands or rights in lands, and any gift or bequest of money or other personal property. Such property to be known as the Metropolitan Parks Trust Fund, to be used and expended under the direction of the Commission and subject to its orders. Subject to the terms of any such grant, gift, devise or bequest, the Commission may expend either the principal or income.
- Build boulevards. The Commission may connect any way, park or other public open space within any part of the towns of the District under its jurisdiction by suitable boulevards, and for this purpose exercise any of the rights granted in respect to reservations; and may also construct and maintain along, across, upon or over lands acquired for such boulevards or for reservations suitable roadways or boulevards. The cost of the maintenance of boulevards to be annually appropriated by the General Court from the Highway Fund;
- Cost of maintenance.
- Rules and regulations. May make rules and regulations for the government and use of reservations or boulevards, and to govern the public use of rivers within the District; also of the ponds and other waters along which it owns abutting lands for reservations; Provided, no rule or regulation affecting waters used for water supply purposes may take effect until approved by the officers having control of the same. nor may any rule or regulation affect the water rights of any person, whether a mill owner or otherwise;
- May lease lands. May erect, maintain and care for buildings; also grant easements, rights of way or other interests in land. including leases, in any portions of the lands;
- Sell materials. May sell surplus earth, rock, ice wood, hay, standing grass, old buildings and materials no longer needed;
- Abandon certain rights. With the concurrence of the local park commissioners, may abandon any easement or other right in land less than the fee, taken by right of eminent domain; such abandonment to revert title in the persons in whom vested at the time of taking;

- Sell areas. With the concurrence of the local park commissioners, may sell at public or private sale any portion of the lands or rights in lands, the title to which has been acquired and paid for;
- Grant permits. May grant to towns locations for sewers and drains across reservations or boulevards; locations to street railways; also permits for transmission of electricity and gas, subject to alteration, extension or revocation in the public interests; and may also contract with railroads for the construction and maintenance of boulevards across railroad lands or locations;
- Transfer control to others. May transfer, for care and control, including police protection, any of its lands to any city, town, county or local board, upon such terms and for such period as may be mutually agreed upon; also for laying out, constructing and maintaining ways into or across any such lands; and
- Accept lands for care and control. Any city, county or local board may transfer for care and control, including police protection, any lands in its control to the Commission for such period and upon such terms as may be mutually agreed upon;
- Charge for bathing and boating. May provide and maintain suitable accommodations for bathing and boating, and for the use of the same establish rules and regulations and make reasonable charges;
- Band concerts. May provide band concerts in such parks, parkways or other places under its control and at such times as it may select; including in its annual estimate of expense of maintenance such sum as it may recommend for such purpose;
- License use of lands and waters. May grant licenses to cities, towns, educational institutions, clubs and responsible persons for the construction and maintenance of boat landings, boat houses and landing floats, wharves, breakwaters, and other structures in connection therewith; playgrounds, swimming pools, and other recreational facilities along the Charles River Basin, for such rental, if any, and upon such terms and conditions as it may deem advisable;
- Lease locations. For the foregoing purposes may grant suitable locations by lease or otherwise, with the right to erect buildings and floats upon the waters upon such terms and conditions, restrictions and agreements and for such period of years not to exceed 25 as may be deemed expedient;
- To encourage rowing and boating. The Commission is directed to encourage rowing and boating on the basin in every reasonable way, giving consideration to the fact that any club or educational institution has for many years owned or occupied a boat house on the basin, the point on the bank at which such boat house was formerly situated, and the length of time during which it has been owned or maintained there;

- Disposition of revenue. All sums of money collected or received by the Commission in the exercise of its functions, in relation to reservations or boulevards, including current receipts from the bath houses, rentals, sales or use of property under its charge; and all fines recovered for violation of the laws of the Commonwealth within the limits of the reservations or boulevards, are to be paid to the State Treasurer, together with money collected or received by him in payment of betterments assessed by the Commission. Such funds to be used as a credit to the cities and towns of the District towards the payment of assessments to meet the cost of maintenance of the reservations: excepting money received in connection with the Bunker Hill monument, which are to be paid into the general revenue of the Commonwealth;
- Assessments. The proportions in which each town of the District (including Cohasset with respect to Nantasket beach only) is to annually pay to meet the interest sinking fund and serial or other bond requirements for each year (and any deficiency in the amounts previously paid in) are as follows: Both Boston and Cambridge are each to pay as a special assessment $16 \frac{2}{3}\%$ of the money as required on account of the money expended for construction of the Charles River basin marginal conduit; the payment of the balance to be based upon the respective taxable valuation of the property of the towns of the District;
- Maintenance. The proportion in which each town of the District is to annually pay money to meet the cost of maintenance of reservations (exclusive of Nantasket beach and the Charles River Basin) is to be apportioned according to the average percentage of valuation and population, determined as to any town by adding together the percentage which the population of the same bears to the total population of the towns, and dividing this sum by two;
- Same. The proportion in which each town of the District (including Cohasset with respect to the maintenance of Nantasket beach only) is to annually pay to meet the cost of Nantasket beach and the Charles River Basin, is to be based upon the respective taxable valuations of the property of the towns;
- Commission to determine assessments. The Commission is to determine the proportion in which each town is to annually pay money as above, and transmit its determination to the State Treasurer; thereupon such sum is to be included in the sum charged to such town, and be paid into the State Treasury at the time required for the payment of its proportion of the State tax;
- Payment of salaries. Expenses of salaries of the Metropolitan District Commissioners and such other general expense of maintenance of the general office and otherwise are also to be included in the sums assessed upon the towns in the annual State tax;

Annual reports. The Commission is required to keep full, accurate and separate accounts of its receipts, expenditures, disbursements, assets and liabilities, and to each year report to the General Court an abstract of the same, together with all recommendations for legislation which it deems desirable.

III. STATE FORESTS.

Requests or gifts. The Commissioner of Conservation, with the approval of the Governor and Council, may accept bequests or gifts to be used for the purpose of advancing the forestry interests of the Commonwealth; also for the construction and maintenance of State trails or paths, in such manner as to carry out the terms of the bequests or gifts (Gen. Laws, Chap. 132).

Gifts of land. Also, subject to the approval of the deed and title by the Attorney General, may accept gifts of land to be held and managed for experiment and illustration in forest management and for reforestation. A donor of such land may reserve the right to repurchase same, but in the absence of such reservation shall not have such right;

Acquire by purchase. May acquire by purchase or otherwise and hold, or, with the approval of the Governor and Council, may take in fee any woodland or land suitable for timber cultivation. The average cost of land so purchased may not exceed \$5 per acre;

Eminent domain. May also purchase or, with the approval of the Governor and Council, take by eminent domain and hold for State forests, lands suitable for the production of timber to the extent of not more than 150,000 acres. Such land must be purchased prior to August 5, 1936, and at an average cost not exceeding \$5 per acre; or at such price as the general court may from time to time determine. (Acts of 1920 appropriated three million dollars for land acquirement.)

Management. Lands acquired under the preceding two paragraphs are designated as State forests, and are under the control and management of the Forester, and who is required to reforest and develop the lands; and may, subject to the approval of the Commissioner, make all regulations which in his opinion will tend to increase the public enjoyment and benefit therefrom; expending such sums therefor as may be appropriated for the purpose.

Rules and regulations. The Commissioner may make rules and regulations relative to hunting, fishing or other uses of such lands;

- Trails and paths. May lay out, construct and maintain trails or paths through or over lands in State forests and in public reservations; also trails or paths leading to important mountains and other objects and places of special interest or beauty; and may connect such trails or paths in order to make them continuous so far as practicable, and may purchase such lands or easements as may be necessary for the aforesaid purposes;
- Acquire lands. purchase such lands or easements as may be necessary for the aforesaid purposes;
- Camps and shelters. May post such trails or paths, erect signs thereon, and construct suitable rest camps or shelters at appropriate places;
- Use of trails. May by written permit allow portions of such trails or paths to be enclosed and used by the owners of adjoining lands for any use not interfering with public passage on foot, during the whole or any part of the year upon such conditions as he may prescribe, and such permits may be revoked at his pleasure. The Commonwealth disclaims any liability for any injury or damage sustained on such trails or paths.
- Counties may assist. The selectmen or road commissioners, or the board or officer having charge of the maintenance and care of the highways, if so authorized, may agree to contribute money, labor or materials toward the laying out or construction of any State trail or path which the Commissioner may lay out and construct within such city or town.

IV. PUBLIC HUNTING AND FISHING GROUNDS.

- How acquired. For the purpose of providing public fishing grounds, the Director of the Division of Fish and Game (Department of Conservation) may acquire by gift, and, in his discretion, acquire by lease or purchase, fishing rights and privileges in any brook or stream; or may acquire by gift, lease or purchase lands necessary for such purposes, except a brook or stream which is a source of or a tributary to a public water supply. He may similarly acquire lands necessary for such purposes, together with such rights of ingress and egress from such a brook or stream as may be necessary or proper (A. L. Mass., Ch. 131).
- Great ponds. Great ponds of 20 acres or more are declared to be public for the purpose of fishing, hunting or boating thereon, and all persons must be allowed reasonable means of access thereto.

Note: Any pond of more than ten acres is a great pond. Title in it and to the islands therein is in the Commonwealth (5 Op. A.G. 378).

- Use of ponds. The Director may occupy, manage and control not more than six great ponds for the purpose of propagating fish, and may occupy not more than one-tenth part of each such pond with enclosures and appliances for such cultivation; but this privilege must not affect any public rights to such ponds other than the right of fishing;
- Public shooting grounds. For the purpose of providing public shooting grounds the Director may acquire by gift, and in his discretion, acquire by lease not to exceed five years, lands and waters, or either of them, or shooting rights thereon or therein, together with such rights of ingress to or egress from such lands or water as may be necessary and proper.
- V. GENERAL.
- Control of advertising. Advertising on public ways, in public places, and on private property within public view may be regulated and restricted by law (Art. 50, State Constitution).
- Same. The Department of Public Works is directed to make, and may amend and repeal, rules and regulations for the proper control and restriction of billboards, signs and other advertising devices, on public ways, or on private property within public view from any highway, public park or reservation; and no person, firm or corporation may post, erect, display or maintain on any public way or on private property within public view from any highway, public park or reservation any billboard or other advertising device unless such billboard or device conforms to such regulations. Any such device erected without an authorization or permit is deemed a nuisance and may be abated or removed (Chap. 93).
- Conservation. Constitutional provision. The conservation, development and utilization of the agricultural, mineral, forest, water and other natural resources of the Commonwealth are public uses, and the general court shall have power to provide for the taking, upon payment of just compensation therefor, of lands or easements or interests therein, including water and mineral rights, for the purpose of securing and promoting the proper conservation, development, utilization and control thereof and to enact legislation necessary or expedient therefor (Art. 49, State Constitution).
- Preservation of landmarks. Constitutional provision. The preservation and maintenance of ancient landmarks and other property of historical or antiquarian interest is a public use, and the Commonwealth and the cities and towns therein may, upon payment of just compensation, take such property or any interest therein under such regulations as the general court may prescribe (Art. 51, State Constitution).

Hunting prohibited in parks. No person may hunt, or in any manner molest or destroy any bird or mammal within the boundaries of any State reservation, park, common, or any land owned or leased by the Commonwealth (State forests excepted) or any political subdivision thereof, or any land held in trust for public use except as and to the extent authorized by the proper authorities (Chap. 131).

As to railroads. Railroads may not enter upon, or interfere in the management or care of any public park or reservation (Ch. 160).

Suspend hunting, etc., seasons. Whenever it appears to the Governor that by reason of extreme draught there is danger of fires resulting from hunting, trapping, fishing or other cause, he may, with the advice and consent of the Council, by proclamation suspend the opening or continuance of any or all open seasons for fishing or hunting, and close any and all sections of the woodlands where danger from fire might exist (Ch. 131).

VI. STATE PLANNING.

Creation. A State Planning Board was established by Acts of 1935, charged with the duty:

Master plan. To prepare and from time to time revise and perfect a master plan for the physical development of the Commonwealth, and may include among other things, the general character, location and extent of highways, waterfront development, parks, reservations, forests, wildlife refuges, and other public ways, public grounds and spaces which, by reason of their function, size, extent, location, legal status or other reason, are of State-wide as distinguished from more local concern, or the location, construction or authorization of which fall, according to law, within the province or jurisdiction of State departments, boards, commissions or officers, or which for any other reasons are appropriate subjects of or fall appropriately within the scope of a State, as distinguished from a local, program or plan; the general location and extent of forests: agriculture areas for purposes of conservation, food and water supply, sanitary and drainage facilities, or the protection of urban and rural development and a land utilization program, including the general classification and allocation of the land within the Commonwealth among agricultural, forestry, recreational, soil and water conservation, industrial, urbanization and other uses and purposes; also to plan and assist in planning all projects as to which Federal appropriations, grants or loans may pay a part or all of the cost;

Purpose of plan. The master plan is to be made with the purpose of guiding and accomplishing a coordinated, adjusted, efficient and economic development of the Commonwealth which will, in

accordance with present and future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and welfare of the people, as well as efficiency and economy in the process of development; including, among other things, such distribution of population and of the uses of land for urbanization, trade, industry, habitation, recreation, agriculture, forestry and other uses as will tend to create conditions favorable to health, safety, prosperity and transportation, and to create civic, recreational, educational and cultural opportunities, tend to reduce the wastes of physical, financial or human resources which result from either excessive congestion or excessive scattering of population, and tend toward an efficient and economic conservation, production and distribution of food and water, and of sanitary and other facilities.

Cooperation.

May confer and cooperate with the executive, legislative, planning, housing or zoning authorities of neighboring States, and of the counties and municipalities thereof; and is required to advise and cooperate with national, regional and county, municipal and other local planning, housing and zoning agencies within the Commonwealth for the purpose of promoting coordination between the State and local plans and development and to transmit information possessed by it which bears upon such coordination;

Recommend legislation.

May prepare and submit to the Governor or General Court drafts of legislation for the carrying out of the master plan or of any part thereof, including zoning or land-use regulations, and regulations for the conservation of the natural resources of the Commonwealth;

Zoning, etc.

Is directed to plan and assist in planning better housing, national, regional and municipal planning and zoning, and the better distribution of population and industry.

VII. RULES AND REGULATIONS

For the Government and Use of The () Reservation Under the Care and Control of the Department of Conservation

Rule 1. No person shall throw any stone, ball or missile; or have possession of or discharge any destructive weapon, firearm, fireworks, torpedo or explosive, or make a fire except in fireplaces provided by the department; or post, paint, affix, distribute or display any sign, notice or circular, program, placard or any other advertising device; or except by written authority from the Commissioner of Conservation engage in business, sell or expose for sale, or give away any goods or wares; or drop or place and suffer to remain any piece of paper, glass, garbage or other refuse except in receptacles designated therefor, nor throw a lighted match, cigar, cigarette or other burning substance in said receptacles, or upon the ground, nor bring or cause to be brought within said reservation, any garbage, refuse or material for the purpose of depositing the same within said receptacle.

Rule 2. No person shall solicit the acquaintance of or annoy another person; or utter any profane, threatening, abusive or indecent language, or loud outcry; or solicit alms, subscriptions or contributions for any purpose; or play ball or any other game, or sport or athletic demonstration except in places designated therefor; or have possession of or drink intoxicating liquor; or play any game of chance; or have possession of any instrument of gambling; or do any obscene or indecent act; or preach or pray aloud; or make an oration or harangue, or any political or other canvass; or except by written authority from said Commissioner, move in a military or civic parade, drill or procession; or play any musical instrument.

Rule 3. No persons unless properly clothed shall be upon the beach, nor lower from their shoulders or remove any part of their bathing costume on said beach, nor disrobe for bathing within public view.

Rule 4. No person shall cause or permit any animal owned by him or in his custody or under his control, except a dog when restrained by a leash not exceeding seven feet in length, to roam or to be at large on the beach.

Rule 5. No person shall drive any vehicle upon the beach or walks, and no person shall bring, land or cause to descend or alight within the reservation or upon the waters therein any aeroplane, flying machine, balloon, parachute or other apparatus for aviation, except by written authority from said Commissioner of Conservation.

Rule 6. No person shall refuse or neglect to obey any reasonable direction of a police officer or other official in charge.

Any person violating any of the above rules shall for each offense be punished by a fine of not more than twenty dollars (General Laws, Chapter 132A, Section 7).

The () Reservation is public property and it is the duty of every person to see that the above rules are observed and to call attention of the police or person in charge to any violation thereof.

Commissioner of Conservation

August 21, 1935

Approved by Governor and Council
July 17, 1935.

VIII. RULES AND REGULATIONS

For the Government and Use of Reservations, Parkways, Roadways, Driveways, Bridges and Beaches under the Care and Control of the Metropolitan District Commission.

Rule 1. No person shall enter or leave any Reservation, Parkway, Roadway, Driveway or Beach except at regular designated entrances.

Rule 2. No person shall injure, deface, dig up or displace, cut, break, remove, fill in, raise, destroy or tamper with any drive, path, walk, lawn, or beach; or deface, defile, injure, destroy or ill-use any building, bridge, structure, fence, sign, bench, seat, platform, plant, flower, bush, tree, turf, rock or any other property or equipment, real or personal, belonging to the Commonwealth of Massachusetts, under the care and control of the Metropolitan District Commission, or have possession of any part thereof.

Rule 3. No person shall throw any stone, ball or missile; or have possession of or discharge any destructive weapon, firearm, fireworks, torpedo or explosive; or make a fire except in fireplaces provided by the Commission; or post, paint, affix, distribute or display any sign, notice, circular, program, placard or any other advertising device; or, except by written authority from said Metropolitan District Commission, engage in business, sell or expose for sale, or give away any goods or wares; or set a trap or snare; or injure or have possession of any wild animal or bird; or injure or disturb any bird's nest or eggs; or drop or place and suffer to remain any piece of paper, garbage or other refuse, except in the receptacles designated therefor, nor throw a lighted match, cigar, cigarette or other burning substance in said receptacles, or upon the ground; nor bring or cause to be brought within said reservation, parkway or beach, any garbage, refuse or material for the purpose of depositing the same within said receptacles.

Rule 4. No person shall solicit the acquaintance of or annoy another person; or utter any profane, threatening, abusive or indecent language or loud outcry; or solicit alms, subscriptions or contributions for any purpose; or play ball or any other game or sport or athletic demonstration except in places designated therefor; or have possession of or drink any intoxicating liquor; or play any game of chance; or have possession of any instrument of gambling; or do any obscene or indecent act; or preach or pray aloud; or make an oration or harangue, or any political or other canvass; or, except by written authority from said Metropolitan District Commission, move in a military or civic parade, drill or procession; or play any musical instrument.

Rule 5. No person shall go within the shrubberies or upon the grass, or stand or lie down upon a beach or go to sleep thereon, or sit, stand, climb over or lie down upon any railing, balustrade, wall or fence.

Rule 6. No person unless properly clothed, shall be upon the beach or swim, bathe or wade in any water within or adjoining property under the care and control of the Commission, and then only at such times and in such places as the Commission may designate; nor loiter or walk upon a sidewalk or roadway or about a reservation other than a bathing beach in a bathing costume, unless wearing a closed covering; nor lower from their shoulders or remove any part of their bathing costume on said beach, nor disrobe for bathing in a public sanitary or within public view.

Rule 7. No person shall loiter on the sidewalks or driveways of any road, boulevard, parkway or reservation, after having been directed by a police officer of the Commission to move on, and no person shall obstruct the free passage of foot travelers on any such sidewalk or driveway.

Rule 8. No person shall spit upon any sidewalk or path in any reservation, parkway, road or driveway.

Rule 9. No person shall cause or permit any animal owned by him or in his custody or under his control, except a dog when restrained by a leash not exceeding seven feet in length, to roam or be at large, in, on or through any reservation or beach under the control of the Commission, or be hitched to a fence, tree, bush or shrub, nor to any object or structure except at a place provided therefor; nor ride or drive an animal not well broken and under proper control and then only in such roadways or bridle paths as are provided therefor; nor neglect or refuse to stop, place, change the position of or move said animal as directed by a police officer.

Rule 10. No person shall use roller skates, nor coast, skate or slide in any reservation except at such times and at such places as may be designated therefor.

Rule 11. No person shall have or allow a vehicle for carrying merchandise, or a vehicle in use for carrying merchandise or articles other than equipment proper for a pleasure vehicle, except upon a traffic road, or to gain access by the shortest way from the nearest street to the entrance of a house abutting on a parkway, boundary road or driveway; provided, however, that no person shall in any event carry or cause to be carried upon any parkway, boundary road or driveway on any vehicle a load the weight whereof exceeds ten tons except by written authority from said Metropolitan District Commission.

Rule 12. No person shall ride or drive an animal or vehicle upon or over any part of a reservation, parkway, roadway, driveway or bridge which has been closed to travel by the placing therein or the creation thereof of a barrier, fence, light or sign indicating that such part of such reservation, parkway, roadway, driveway or bridge is not open for public travel.

Rule 13. No person shall bring, land or cause to descend or alight within any reservation or upon the waters therein any aeroplane, flying machine, balloon, parachute or other apparatus for aviation, except by written authority from said Metropolitan District Commission.

Rule 14. No person shall refuse or neglect to obey any reasonable direction of a police officer or a person in charge.

Any person violating any of the above rules shall for each offense be punished by a fine of not more than twenty dollars (General Laws, Chapter 45, Section 24).

September 1, 1932.

The lands and structures under the control of the Metropolitan District Commission are public property and it is the duty of every person to see that the above rules are observed and to call the attention of the police or person in charge to any violation thereof.

Exhibit 10
Michigan (see p. 122)

M I C H I G A N

I. STATE PARKS

Jurisdiction.	State parks are under the jurisdiction of the Department of Conservation (Acts of 1931 as amended).
Commission of Conservation; appointment; terms; offices; organization.	The general administration of the powers and duties of the Department is vested in a Commission of Conservation, composed of seven members, appointed by the Governor, subject to confirmation by the Senate, for six years. (Initial appointments were three for two years, two for four years, and two for six years). Members are required to serve without compensation, but are entitled to reasonable expenses incident to official duties; are to be selected with special reference to their training and experience along the line of one or more of the principal lines of activities vested in the Department and their ability and fitness to deal therewith. Two members are required to reside in the upper peninsula. Members elect a Chairman and a Secretary, and may adopt rules and regulations governing their organization and procedure.
Director of Conservation; assistants.	The Commission employs a Director of Conservation at a salary fixed by law, and who holds office at its pleasure. The Director in turn appoints, with the approval of the Commission, such assistants and employees as may be necessary to carry out the provisions of the conservation laws; the compensation and number of all such to be subject to the approval of the State Administrative Board.
General powers and duties.	It is made the duty of the Department (Acts of 1931, as amended), to protect and conserve the natural resources of the State;
Recreation facilities.	To provide and develop facilities for outdoor recreation;
Conservation of forests.	To prevent the destruction of timber and other forest growth and promote reforestation of State lands;
Pollution of waters.	To prevent and guard against the pollution of lakes and streams;
Fish and game.	To foster and encourage the protection and propagation of game and fish;
Gifts.	May accept gifts and grants of land and other property;
Acquire, sell, exchange lands.	Also buy, sell, exchange or condemn land and other property for any of the purposes contemplated by the law;

Dispose of forest products. May remove and dispose of forest products, incidental as required for the protection, reforestation and proper development and conservation of the lands and property under its control;

Removal of oils and minerals. May contract, subject to the approval of the Administrative Board, for the taking of coal, oil, gas, and other mineral products from any lands under its jurisdiction and control upon a royalty or other basis;

Investigations. May conduct such investigations as it may deem necessary for proper administration of the laws.

Divisions. Administrative divisions have been created within the Department as follows; each under the charge of a head appointed by the Director:

Division of Parks
" " Lands
" " Forestry
" " Fish and Fisheries
" " Game
" " Geology
" " Field Administration
" " Education
" " Land Use Planning

As to parks. Powers and duties of the Department as to parks are as follows, (Acts of 1919 as amended):

Supervision. To have charge and supervision of all areas acquired by the State as public parks for the purposes of public recreation, or the preservation of natural beauty or historic association; except such lands as may be placed by law under the supervision of other commissions or officials. Any lands now owned or acquired by the State may be transferred to the Department by the commissions or officials having control of the same;

Exception.

Acquire areas. To take in the name of the State and for the benefit of the public by purchase, condemnation, gift or devise, lands and rights in lands for public parks;

Donations. To accept donations, gifts and devises of lands for the purpose of establishing zoological parks, gardens, grounds or parks for any other purpose, to be maintained exclusively by the Department or jointly with any county, city, village or township, or any number of such. All such parks and gardens are deemed to be State parks within the meaning of any law establishing State parks under the jurisdiction of the Department;

Preservation of areas. To preserve and care for the public parks; and, in its discretion and upon such terms as it may approve, such other open spaces as may be entrusted, given or devised to the

State by the United States, or by cities, towns, corporations or individuals, for the purposes of public recreation, or for the preservation of natural beauty or natural features possessing historic information or association;

Control of municipal areas.

Any municipality is authorized to transfer the care and control of any open spaces owned or controlled by it to the Department upon such terms and for such periods as may be mutually agreed upon, or enter into agreements with the Department for the joint care and preservation of open spaces within or adjacent to such municipality; and the Commission may in like manner transfer the care and control of any open spaces controlled by it to any local municipality.

Transfer care to municipality.

Contributions by cities, etc.

Each county, city, village and township is authorized to appropriate to the Department sums of money toward the maintenance and improvement of any State-owned park or zoological gardens or grounds.

State Park Fund.

Whenever any money or other personal property is received for the purposes of the Act, the same is to be invested in a "State Park Fund", the proceeds to be used and expended under the direction of the Commission.

Lease privileges.

May rent or lease public service privileges in the parks; all funds or revenues derived therefrom to be credited to the general fund of the State;

Rules and regulations.

Make, alter and enforce rules and regulations for the maintenance of order, safety and sanitation upon the lands in its control;

Free use of parks.

May not make any rule or regulation to prevent the free use of any State park;

Park highways.

The State Highway Commissioner is authorized and directed to lay out, establish, maintain and improve trunk line highways and other highways as are necessary to, upon or through State parks or other State property, and to build connections between same.

II. MACKINAC ISLAND STATE PARK.

Members; appointment.

The above park is under the control and management of a Board of five Commissioners, appointed by and to hold office at the will of the Governor. Members receive no compensation, but are entitled to expenses incident to official duties. The Governor is ex-officio a member.

Powers and duties.

The Commissioners are empowered and directed (Acts of 1907 as amended):

Administration.

To lay out, manage and maintain the park and preserve the old fort;

- Gifts. To accept gifts, grants, devises or bequests of any property, real or personal, but only for the purposes incidental to or connected with the State parks under its management and control;
- Rules and regulations. To make and enforce by-laws, rules and regulations necessary for the care, order and preservation of the area. The Sheriff of the county, upon application of the Commissioners, may appoint one or more designated employees as deputy sheriffs. The Superintendent may also appoint such number of special police as the Commissioners may designate;
- Police powers.
- Employ personnel. To employ a Superintendent and such other persons as may be needed;
- Leases; rentals; privileges. To effect leases, and to fix prices for rentals or privileges upon the park property; also grant privileges and franchises for waterworks, sewerage and lighting for a period not exceeding 30 years;
- Disposition of revenue. All moneys received from rentals and privileges to be paid into the State treasury, to be credited to the general fund, and to be disbursed as appropriated by the Legislature (1935);
- Report to Governor. To make to the Governor, an annual report and statement of receipts and expenditures; also such recommendations and suggestions as may seem to them proper;
- United States flag to be flown. It is the duty of the Superintendent to see that the United States flag is kept floating from the flagstaff of Fort Mackinac; rules relative thereto being the same as those that have governed in that matter when the fort was in possession and occupancy by the United States troops.
- Note: The Commissioners also have the control and management of Michilimackinac State Park.

III. STATE FORESTS.

- Cooperative agreements with Federal agencies. The Conservation Commission may enter into cooperative agreements with Federal agencies for the purpose of acquisition, management and operation of public forest lands. Under such cooperative agreements, forest lands purchased by the United States are to be administered by the Commission as State forest lands, and during the period the agreement remains in force, 1/2 of the gross proceeds from all lands covered by the agreement and to which the United States holds title, is to be paid to the United States; Provided that when the amount of such payments equal the total sum expended by the United States in acquiring the lands, title is to be transferred from the Federal Government to the State; and provided further, that in the event of the termination of the agreements where title is in the United States, then the Federal Government is to reimburse the State for such funds as it has expended in the administration,

development and management of the lands (Acts of 1935),

Closing of forest areas.

Wherever by reason of draught the forests in the State are in danger of fire, the Governor is authorized to forbid by proclamation whenever he deems it necessary in the public interest and for the preservation of the public place health and safety, the use of fire by any persons entering forests, woodlands, or muck land areas. During such periods and in such areas as the Governor proclaims, it is unlawful for any person to build a camp fire of any nature except at authorized camp grounds or places of habitation (Acts of 1935).

IV. PUBLIC SHOOTING GROUNDS.

Dedication of State lands.

Certain State-owned swamp and submerged lands have been set apart from time to time and dedicated for public shooting or hunting grounds for the benefit and enjoyment of the people (Acts of 1891, 1895, 1899),

Control.

Control is vested in the Department of Conservation, which is authorized to make and enforce rules and regulations for the care and preservation of the grounds, for the maintenance of good order, and for the protection of property.

V. STATE TOURIST AND RESORT COMMISSION.

Members.

The Commission was created by Acts of 1934, consisting of ten members: The Governor, the State Highway Commissioner, the Director of Conservation, the Chairman of the Mackinac Island State Park Commission, the Master of the Michigan State Grange, the Executive Secretary of the Michigan State Farm Bureau, the Secretary-Managers of each of the following: the Upper Peninsula Development Bureau, the Michigan Tourist and Resort Association, the Southeastern Michigan Tourist and Publicity Association. Members are required to serve without compensation or allowance for traveling or other expenses.

Advertising State.

It is the duty of the Commission to advertise the advantages of the State, or such part thereof as the State Administrative Board may direct, to residents and non-residents, in newspapers, magazines, booklets, leaflets, periodicals and/or billboards, and in such other manner as it deems most advantageous to promote the purposes expressed.

Funds.

Funds are provided by legislative appropriations, to be disbursed under the direction of the State Administrative Board under such regulations and restrictions as it may prescribe.

VI. STREAM CONTROL.

Members.

A. Stream Control Commission was created by Acts of 1929, con-

sisting of the Director of Conservation, the Commissioner of Health, the Highway Commissioner, the Commissioner of Agriculture, and the Attorney General.

Powers.

The Commission is vested with control of the pollution of lakes, rivers and streams and all waters of the State and the great lakes which are or may be affected by waste disposal of municipalities, industries, public or private corporations, individuals, partnership associations, or any other entity, and is vested with authority to make and promulgate such rules and regulations and conduct such investigations deemed necessary to carry out the provisions of the Act. Is directed to establish such pollution standards for lakes, rivers and streams and other waters of the State in relation to the public use to which they are or may be put, and may take all appropriate steps to prevent any pollution which it deems to be unreasonable and against public interest in view of the existing conditions in any of the said waters.

VII. GENERAL,

Abandoned lands.

Whenever the title to the State is deemed absolute in lands bid off to the State by reason of delinquent taxes, and the Director requests from the Auditor General an examination of a specific description of lands located within the boundary of areas designated as State forests, State parks, State game refuges, public hunting, fishing or recreational grounds, such land is required to be withdrawn from sale; and if upon examination the lands are found to be unoccupied, and no suit is pending to set aside any of said taxes or to remove the cloud occasioned thereby, the Auditor General is required to deed the lands to the State (as amended 1933).

Note: Titles to lands which are tax delinquent for five years or more become absolute in the State (O.S.G. 1930).

Lands withdrawn from homestead right or sale.

The Director of Conservation may, with the approval of the Conservation Commission, withhold from sale or entry under the homestead right, such lands as he may determine to be suitable for State forests, State parks, State game refuges, public hunting or recreational grounds; but any legally platted lands in any township may be withheld with the consent of the township board;

Payments.

Provided, that on all lands so withdrawn there is to be paid an amount equal to 25¢ an acre, to be divided 1/4 to the general fund of the county, 1/4 to the general or contingent fund of the township, and 1/2 to the school district in which such lands are located (As amended 1931).

Nuisances.

Any person or his agent who shall keep or maintain within one mile of the limits of any park or within thirty rods of

any highway or street car line any slaughter-house, slaughter yard or slaughter-pen or any other place for slaughtering or killing any animals, or for rendering dead animals, unless such place be supplied with an adequate supply of water for daily and constant flushing and purifying of the place, and with adequate sewerage and drainage for the speedy removal of all blood and other fluid refuse from such slaughtering, killing or rendering, is to be guilty of a misdemeanor. (Acts of 1931).

Preservation of trees.

All trees, shrubs, vines, fruit plants, cuttings, scions, grafts, plants and plant parts, plant products and places within the State, infested with injurious insect pests or infected with plant diseases which are liable to spread to other plants, plant products or places to the injury thereof, or to the injury of man or animals, and all species and varieties of trees, shrubs, vines and other plants not essential to the welfare of the people of the State which may serve as favorable host plants, and promote the prevalence and abundance of insect pests and plant diseases, or any stage thereof, destructively injurious to other plants essential to the welfare of the people of the State, are declared to be a nuisance; and all persons owning or controlling lands or places within the State, and all public authorities having jurisdiction over streets, highways, parks, and other public places, are required to keep the same free from all injurious insect pests and plant diseases and all species and varieties of plants declared to be a nuisance. (Acts of 1933).

Intoxicants in parks.

No alcoholic liquor, except beer and/or wine, may be consumed in public parks and places of amusement not licensed to sell for consumption on the premises. (Acts of 1933).

Hunting in parks.

No person may trap or hunt with firearms or dogs, or in any other manner, in any State park, game refuge, or other lands under the control of and dedicated by the Department as game refuges or wild life sanctuaries, excepting under a permit issued by the Director. (Acts of 1929).

VIII. STATE PARK RULES AND REGULATIONS.

Michigan State Parks are open and free to the public. Visitors are welcome to use them for the various activities permitted. In order to prevent abuse and misuse of the privileges offered by these parks, the following rules and regulations will be enforced:

1. The destruction or injury of any sign, guide post or property of any kind is unlawful. This includes the peeling of bark, carving and chopping of trees, cutting branches, driving nails, digging ground from roots, and the removal of trees, shrubs and plants, picking wild-flowers, and other injuries.

2. To carry or have firearms in possession in a State park is unlawful.

3. Throwing of tin cans, bottles, papers, junk or refuse of any kind on the ground or in a lake or stream; or the misuse and abuse of seats, tables and other park equipment is prohibited.

4. Speed limit for motor vehicles on park roads is 20 miles per hour except where otherwise posted.

5. Dogs in park must be tied with chain or controlled on a leash. They are not allowed to run loose about the park.

6. The sale of eggs, milk, cream, butter, fruits and vegetables by farmers is permitted in State parks. All other vending or peddling in parks is prohibited.

7. Building or starting fires in the open or in any place except where proper provisions have been made or to leave fires while burning is prohibited.

8. Washing or the throwing of waste of any kind around well or spring or the use of woods as toilets or the use of toilets for bath houses is prohibited.

9. Persons desiring to camp in State parks are required to obtain permit before making camp. A permit will be issued to camp 7 days or less on a single site in parks within Oakland, Livingston, Macomb, St. Clair, Ottawa and Bay counties. The time limit in all other parks will be 15 days on a single site. When time of permit has expired, campers are required to move from the park. To again camp in parks new permits must be obtained.

10. Camping, horseback riding or driving of automobiles or other vehicles on areas (picnic ground, children's playground, bathing beaches, etc.) posted against such traffic or utilization is prohibited.

11. Carping in the park by boys under seventeen years of age unaccompanied by an adult or adults and girls under eighteen years of age unaccompanied by their parents or chaperon is prohibited.

12. Disorderly conduct in the way of drunkenness, vile language, fighting and personal exposure by change of clothing in automobiles, woods, park or any other place where person is not properly sheltered is prohibited.

Sec. 3-a - Act 17, Public Acts 1921, as amended by Act 337, P.A. 1927, provides that (any person who shall do or perform any act prohibited by such rules and regulations concerning the use and occupancy of lands and property under the control of said commission of conservation, which shall have been made, promulgated and pub-

lished as in this act provided, during the time such rules or regulations shall be in force and effect, or who shall violate any such rules or regulations thus made, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine, of not more than one hundred dollars, together with costs of prosecution, or to imprisonment in the county jail for not more than ninety days, or both such fine and imprisonment in the discretion of the court).

IX. LAW ENFORCEMENT,

Note: The rules and regulations governing the use of state parks are largely enforced by the park superintendent and assistants. These men in all cases are commissioned conservation officers and are empowered to enforce all laws pertaining to conservation.

In some state parks where the week-end attendance is so large as to create a traffic problem, additional temporary help is hired. This is done to prevent speeding on the park roads and reckless driving, and parking in areas such as picnic grounds rather than at designated parking places. In some parks and on some holidays it is necessary to call for the assistance of trained officers. The state police have rendered valuable aid in this work.

X. CAMPER'S PERMIT,

Post Permit on Tent or Trailer where Same may be Inspected by Park Officer:

Name of Visitor _____
 Street and No. _____
 City _____ State _____
 Number in Party _____ Date _____
 Kind of Car _____ License No. _____
 Trailer Camp _____ Tent Camp _____
 Length of visit desired _____ Pet _____

PERMISSION to camp and enjoy privileges of _____ State Park Camp Site No. _____ is hereby granted the above party by the CONSERVATION DEPARTMENT State Parks Division, Lansing, Michigan.

Park Officer's Signature.

Roadside parks.

Note: The State Highway Commissioner is authorized (Acts of 1925) to acquire highway rights of way by purchase, gift or condemnation. Roadside picnic tables and other park facilities are developed on these rights of way where desirable and suitable sites are available.

Exhibit 11
Ohio (see pp. 321)

O H I O

I. STATE PARKS.

Jurisdiction.	Lands and waters dedicated and set apart for public park or pleasure resort purposes, or acquired for such purposes, are under the control and management of the Conservation Council of the Division of Conservation (Acts of 1929).
Conservation Council; appointment; terms; Secretary.	The Conservation Council is composed of eight competent citizens, appointed by the Governor for four year terms (rotated.) Not more than four members may be affiliated with the same political party; are required to serve without compensation, but are paid actual and necessary expenses incurred in the performance of their official duties. The Commissioner of Conservation is designated by law as Secretary to the Council.
Powers and duties of Council.	Powers and duties of the Conservation Council are as follows (Acts of 1929):
Formulate policies; establish bureaus.	To plan, develop, formulate and institute programs and policies of the Division of Conservation, and to establish such bureaus within the Division as are approved by the Governor;
Bureaus.	Administrative bureaus have been established as follows: Inland Lakes and Parks Game Management and Propagation Fish Management and Propagation Law Enforcement Administration
Effectuate policies.	So far as funds are provided therefor, to adopt and carry into effect such measures as it deems necessary in the performance of its duties;
Rules and regulations.	To make and establish rules and regulations governing its organization and procedure and administration of the Division of Conservation as it may deem necessary or expedient;
Cooperate with other departments and officials.	To cooperate with the several State departments and officials in the conduct of matters in which the interests of the respective departments or officials overlap;
General jurisdiction of lakes, parks and lands.	To have the general care, protection and supervision of the State parks known as Lake St. Marys, Portage Lakes, Lake Laramie, Indian Lake, Buckeye Lake, Guilford Lake, and all other State parks and lands owned by the State or in which it is interested or may acquire or become interested, except

lands the care and supervision of which are vested in some other officer, body, board, association or organization;

Public use of lakes. The lakes named are at all times to be open to the public as resorts for recreation and pleasure, including hunting, fishing and boating, subject to the fish and game laws, and the boating privileges to be subject to the rules and regulations prescribed by law and the Council;

Police authority. To maintain such police regulations and enforce such rules for the government of the public parks as may be prescribed by law;

Improve and protect parks. To make alterations and improvements to all lands and water set apart or acquired for public parks or pleasure resort purposes and under its control and management, and to protect, maintain and keep them in repair;

Dams, locks, etc. Construct and maintain dikes, wharves, landings, docks, dams and other works;

Roads and drives. Construct and maintain such roads and drives in, around, upon and to such lands and waters as to make them conveniently accessible and useful to the public;

Acquire lands and property. Subject to the approval of the Attorney General, may acquire by gift, purchase, or by appropriation, such real and personal property, rights and privileges as may be necessary in its judgment for the use, extension, enlargement and maintenance of such public parks and resorts; also for new public parks, resorts, reservoirs, channels, drives, roadways, docks, dams, landings, wharves and other improvements;

How paid for. The value of property so acquired to be paid out of funds derived from the sale of special privileges and from leases of State land in and adjacent to the parks or pleasure resorts; or, when such costs exceed \$1,000, then out of moneys in the general revenue fund appropriated for such purposes, but no expense for these purposes may be incurred until the General Assembly has first appropriated money therefor;

Control, lease and sell other lands; exception. To control, manage, lease and sell the swamp, marsh, overflow lands, and all other lands to which the State has or should have the title, except canal and public works and institutional lands; but no land lease or sale of lands may be made except upon the approval of the Governor and Attorney General;

Wildlife conservation; enforcement of laws. To have the supervision and control of all lakes, reservoirs and State lands dedicated to the use of the public for park and pleasure resort purposes with respect to the enforcement of all laws relating to the protection of birds, fish and game; all laws for the protection of fish in inland waters and streams of the State, and all laws for the protection of the birds, fish, game and fur-bearing animals to apply to all such State reservations and lakes;

- Same. To exercise authority and control in all matters pertaining to and enforcement by legal action or proceeding of the laws of the State for the protection, preservation and propagation of game, fur-bearing animals, clams, mussels and fish; except authority to change laws in the General Code covering commercial fishing in the Lake Erie fishing district, and in such other waters wherein fishing with nets is licensed by law (as amended 1935);
- Same. To establish rules and regulations for the taking and hunting of game birds, clams, mussels, fur-bearing animals, game and fish (Acts of 1935);
- Report to Governor. Report to the Governor from time to time the results of its investigations concerning the natural resources of the State, with recommendations of such measures as it deems necessary or suitable to conserve or develop such resources and preserve them so far as possible;
- Same. Report annually to the Governor, including a statement setting forth its action on all matters pertaining to the management and control of all State reservoirs, lakes and lands set apart for public parks or pleasure resorts, and including a statement of the receipts and expenditures on account thereof.
- Conservation Commissioner. The Council recommends to the Director of Agriculture a Conservation Commissioner, who is appointed by the Director if acceptable to him. In addition to being designated as Secretary of the Council, the Commissioner is vested with the following powers and duties;
- Powers and duties. To enforce the provisions of the Act and the laws relating to the protection, preservation and propagation of birds, fish, game and fur-bearing animals;
- Employ personnel. To employ necessary clerks and other employees as he may deem necessary; also such fish and game protectors as the Council may prescribe, and to fix the salaries of all employees of the Division unless such compensation is otherwise fixed by law;
- Lease lands. May lease lands in or adjacent to Buckeye Lake, Indian Lake, Lake St. Marys, Guilford Lake or Portage Lakes, including marginal strips and marsh lands around said lakes, the outer slopes of artificial embankments, islands, borrow pits and State lands adjacent thereto as he deems proper;
- Appoint policemen. May appoint police patrolmen to preserve order and protect the public at any parks or pleasure resorts, and prescribe their compensation within the limitation fixed by law;

- Account for revenues. To keep a separate account of all revenues derived from leases of State land in and adjacent to the park and pleasure resorts, likewise all fund derived from the sale of special privileges in connection therewith; and to credit in a separate account, to each park or pleasure resort, all moneys derived from the lease of land or special privileges in connection therewith;
- Collect rentals. To collect all rentals for leases of State lands, boat licenses, dock licenses in State reservoir parks, and moneys for special privileges of any nature in or adjacent to such parks; the same to be transmitted to the State treasurer with a separate statement giving the names of persons from whom and for what purposes such moneys were collected, and to what park or pleasure resort such funds are to be credited;
- Receive fines, etc. Unless otherwise directed by the Council, to receive all fines, penalties and forfeitures arising from prosecution, convictions, confiscations or otherwise under the bird, fish and game laws, and by him to be paid into the State treasury to the credit of a fund to be appropriated biennially for his use;
- Roads leading to State parks and forests. The Director of Highways is authorized to relocate, and for such purpose to construct or reconstruct, improve, repair and maintain roads leading from a State highway to any public State park or State forest, including all such parks and properties under the control and custody of the Division of Conservation, Division of Forestry, and Ohio Archeological and Historical Society. Also to any State property used for military purposes or any road which leads along the side of or through school lands owned by the State. The Director is to confer with the authority in control of any such park or property before deciding upon the location and character of any such improvement, and is authorized to add to the State highway system not more than 50 miles of above-mentioned roads (Acts of 1931);
- Roads within parks and forests. Is further authorized to construct, reconstruct, improve, repair and maintain roads within the boundary of any public State park or State forest, including all such parks and properties under the control and custody of the Division of Conservation, Division of Forestry, and Ohio Archeological and Historical Society, or used for military purposes, provided the officer or board having control thereover first consents to the construction, reconstruction, improvement, repair and maintenance of such road. Such roads to be maintained in such manner as may be agreed upon between the Director and such officer or board;
- How paid for; limitations. The costs of such construction, etc., to be paid from the State highway construction funds, or the maintenance and repair funds, according to the character of the improvement; provided, that the expenditure for any one year may not

exceed \$50,000 and provided further, that the expenditure for highways leading to the aforesaid properties may not exceed \$5,000 per mile and expenditures within such properties may not exceed \$3,000 per mile.

II. STATE BOARD OF PARK COMMISSIONERS: SURVEY.

Members; purpose for which established.

By Acts of 1931 the Superintendent of Public Works, the State Forester, the Conservation Commissioner, the Head of the College of Civil Engineers in the Ohio State University, the Director of the Archaeological and Historical Society, and a member of one of the boards of park commissioners created under the Park District Act (G.C. 2976-1) or an executive officer of such Board, to be appointed by the Governor, were designated as a Board of Park Commissioners, and as such authorized and directed to make a survey for the ultimate development of a comprehensive and well balanced state system of public parks, including the relation of such system to other means of conserving and utilizing the scenic and recreation resources of the State;

Scope of study.

Such survey to include a study of the abandoned canal lands, idle and waste lands in the State, the forests and forest resources thereof, the places of archaeological and historical interest, including State historical parks administered by the Ohio State Archaeological and Historical Society; to also indicate the forests, streams and rugged areas of the State most suitable for the development of a practical park system; and, in general, include a study of all natural resources;

Report to Governor with recommendations.

Upon completion of such survey, the Commission to make a report to the Governor, embodying the results, and including recommendations regarding means by which such a State park system can be acquired and administered, together with the necessary proposed legislation therefor; also make recommendations as to the location of dams necessary to be placed across the rivers and streams for better preservation of water supplies and controlling the waters against flood damages, and the conservation and natural production of fish life in the streams; the Governor to transmit said report to the General Assembly with such recommendations as he deems pertinent thereto.

III. STATE FOREST PARKS.

Jurisdiction.

The Board of Control of the Agricultural Experiment Station may buy forested lands or other lands suitable for the growth of forest trees, at a price not exceeding \$10 per acre, to the amount of the appropriation for that purpose; all lands so purchased to be deeded to the State and to be known as State forests (Acts of 1923);

How acquired. The Board may also acquire by purchase or gift and hold in the name of the State, lands for State forest park purposes;

Areas included. Such lands may include areas which it is deemed necessary to reserve for the public good, and may include sites of scenic value, virgin woodlands, and areas desirable for recreation and reforestation;

Designation. Such lands are to be known as State forest parks, and their purchase is not restricted by the price limitation applicable to State forests;

Appraisal. No purchase of lands for State forest parks may be made until such lands have been duly appraised by a board of three disinterested free-holders having a knowledge of land values in the vicinity, appointed by the Auditor of State for that purpose. The amount paid for such lands may in no case exceed such appraised value, nor may the purchase price exceed the appropriation for that purpose.

* * * * *

Constitutional provision. Laws may be passed to encourage forestry, and to that end areas devoted exclusively to forestry may be exempted, in whole or in part, from taxation. Laws may also be passed to provide for converting into forest reserves such lands or parts of lands as have been or may be forfeited to the State, and to authorize the acquiring of other lands for that purpose; also, to provide for the conservation of the natural resources of the State, including streams, lakes and submerged swamp lands, and the development and regulation of water power and the formation of drainage and conservation districts. . . Art. 2, Sec. 36, State Const. Adopted September 3, 1912.

IV. OHIO STATE ARCHAEOLOGICAL AND HISTORICAL SOCIETY.

Purposes. The above society was founded and chartered in the year 1885. The Articles of Incorporation declare the purposes of the Society to be "the promoting of the knowledge of Archaeology and History, especially of Ohio, by establishing and maintaining a library of books, manuscripts, maps, charts, etc., properly pertaining thereto; a Museum of prehistoric relics and natural or other curiosities, or specimens of art or nature, promotive of the objects of the Association, and by courses of lectures and publication of books, papers and documents touching the subjects so specified, with power to receive and hold gifts and devises of real and personal estate for the benefit of the Society.

Purposes.

The Society is primarily a membership organization, but owing to the public service which it renders has been accorded the status of a quasi-State institution. It is governed by a Board of Trustees, nine of whom are elected directly by its membership, while six are appointed by the Governor. In addition, the Governor and the Director of the State Department of Education are members ex-officio of the Board.

Source of funds.

The Society's principal source of funds is through appropriations by the General Assembly, while membership fees constitute a permanent fund to be used at the Board's discretion for the benefit of the organization.

Assets.

The material assets of the Society are its Museum and Library Building located on the Ohio State University campus, and approximately forty parks throughout the State which it either owns or over which it has supervision for the State. In recent years a Department of State Parks has been established.

Acquisition of sites.

Any incorporated association or society maintained by and operating for and on behalf of the State, having for its purpose the preservation of historic or prehistoric sites or monuments, or the exploration, examination, improvement or preservation of the same for educational, scientific or memorial purposes, or for the purpose of collecting relics or artifacts therefrom and placing the same in a public museum, may acquire and hold any real estate in the State which is the site of an historic event, building, structure, canal, cemetery, monument, spring, tree, stone, or other natural or artificial object, or the site of any historic or prehistoric mound, earth or stone works, occupation, burial site, rock carving, inscribed rock, cache, hoarding pit, cave or rock shelter, when such cave or rock shelter can be proved to have been occupied or used by aborigines, or any site or area which scientific exploration or historical record may establish as having been occupied or created by aborigines (Acts of 1933);

Acquisition of adjacent land.

May acquire any property immediately contiguous to and adjoining any such real estate which is necessary for any educational, scientific or memorial purposes, or for the accommodation of the public in visiting such historic site, object or place, or which is essential to the carrying out the intent and purpose for which the park, reserve or memorial was created;

Appropriation.

In the event a price cannot be agreed upon, or where the owner cannot be located, such association or society may acquire such real estate by proceedings in a proper court in the manner provided by law for the appropriation of private property by the Superintendent of Public Works; such proceedings to be brought in the name of the State.

acquire lands and property.

The Director of the Society is authorized to negotiate for the transfer, by lease or permits, of certain canal property to the custody and control of the Society, including portions of the bed and adjacent embankments of abandoned canals, locks basins, aqueducts, dams, culverts, tunnels, feeders, side cuts canal lands, canal boats, miscellaneous equipment, and any early canal maps and records of historical interest which have ceased to become of frequent use in the business of the Department of Public Works. Such canal property may include those sections of the canal which formerly were portions of and the operating equipment upon any canal or branch canal which was built by and is now owned by the State (Acts of 1933);

transfer; how effected. Upon the determination of the Superintendent of Public Works that such canal property, so requested to be transferred, is worthy of preservation from an historical standpoint, he may effect transfer of the custody thereof to the Society by issuing, with the approval of the Governor and Attorney General, a permit to the Society authorizing it to enter upon, occupy and use such canal property for the purpose of preserving, beautifying and improving the same as points of historical interest to the citizens of Ohio. Said permit may run for a term of 99 years, renewable forever; but portions thereof not built upon or occupied by monuments, may be reclaimed for the use of the State;

Purpose of transfer.

Any such transfer of canal property is to be made specifically for the purpose of preservation and for practical and educational uses. The Society is authorized to improve, beautify, maintain, protect, preserve and develop any such canal property to the best interests of the people of the State, all of which to be subject to the approval of the Superintendent of Public Works;

Transfer may be made, when.

Such transfers may be effected from time to time, as occasion may arise, and upon the expiration or lapse of options or leases in force at the time of the passage of the Act. Additional permits may be issued in the same manner. Any such transfer to be effected only upon the approval of the Governor and the Attorney General.

V. ROADSIDE PARKS.

Director of Highways to construct.

Where the Director of Highways, in the construction or repair of roads on the State highway system outside the limits of municipal corporations, relocates such roads and/or relocates or constructs a bridge, culvert, underpass, overpass or other structure or improvement, the highway or portion thereof from which it is proposed to divert travel is not to be deemed to be vacated or abandoned but is made available to the Director for use as roadside parks for the benefit of the traveling public or such other usage as may be incident to the construction, maintenance and repair of the State highway system (Acts of 1935);

- Same.** Where small tracts of land lie between the existing right-of-way and the new right-of-way, and the Director deems such tract of land suitable and desirable for the establishment of a roadside park, he is authorized to obtain the same by gift, purchase or appropriation, the cost or expense to be paid from any funds available for the construction, reconstruction, maintenance and repair of the State highway system;
- Improvement.** May plant thereon such shrubbery, trees, sod or sodding, and construct such other devices and appurtenances as will in his opinion contribute to the health, comfort, safety and welfare of the traveling public; the cost thereof, together with the cost of maintenance, to be paid from funds available as above; provided, however, that such tracts of land are at all reasonable times to be open to the public for use without charge. The Director is without authority to lease, rent or sell any part thereof;
- Roadside planting.** May also construct and maintain inside the highway right of way, outside the limits of any municipal corporation, such landscaping improvements for the purpose of preventing soil erosion as he may deem necessary and desirable for the proper preservation and maintenance of the highway; the cost and expense of such improvements and maintenance thereof to be payable from funds available as above. Provided, however, that in any one calendar year the total sum so expended by and under the authority of the Act may not exceed \$100,000.
- Proviso.**
- VI. PUBLIC HUNTING GROUNDS.**
- How acquired.** The Conservation Council is empowered to acquire by gift, lease or purchase suitable lands for the purpose of establishing thereon public hunting grounds and reforestation; and may set aside any portion thereof as a game refuge (Acts of 1929);
- How paid for.** The lease or purchase price of any and all such lands may be paid for from hunters' and trappers' license funds;
- Regulation.** In accordance with the State laws, may make such regulations for the taking of birds, fish or game upon either public hunting territory or upon a State game refuge established on or within such public hunting ground as it may deem advisable;
- Supervision.** The title or lease to any and all such lands is to be taken in the name of the State and when so acquired the entire supervision is to be under the Division of Conservation;
- Appropriation.** When in the opinion of the Council it is necessary to procure lands for the purpose of reforestation or public hunting grounds, and a price cannot be agreed upon with the owners, such lands may be acquired by appropriation.

VII. CANAL LANDS.

- Miami and Erio Canal.** The State reserves unto itself the right, title and interest in and to all lands and waters acquired under the various Acts providing for the construction of the Miami and Erio Canal, and all lands now occupied by any part of the canal, including all canal feeders, basins, slack waters, wide waters, State locks heretofore used for lock houses, tow paths, berme embankments, levees, wasteways, or for other incidental purposes thereto; also retains its title to the site of all dams and impounding basins above the same, and likewise to the embankments and levees connected therewith, and to all streams that formerly supplied water to the canal. No
- Restriction as to sale.** portion of the canal lands and lands adjacent thereto are ever to be sold except by specific authority of the General Assembly (Acts of 1927, 1931).
- Use for park purposes.** By Acts of 1931 a portion of the canal extending from a point in Lucas County to a point in Butler County, a distance of approximately 175 miles, was abandoned for canal and hydraulic purposes, to be devoted to highway and public parks, where suitable;
- Water to be retained for boating.** The Superintendent of Public Works being authorized and directed to shut off the water supply to such canal in order to drain the water from those levels that are selected as sites for public parks for the free use of the public; with the provision that the canal need not be drained if it is desired to make boating an added attraction to such parks; but the Director of Highways may drain, at his discretion, such canals, feeders, basins, slack waters and wasteways in order to prevent their waters from flowing into or through the abandoned parts of the canal lands which in his judgment are necessary for highway purposes;
- Cancellation of leases.** All leases granted for canal or hydraulic purposes to become null and void within sixty days after the same have been designated by the Director of Highways as necessary in any contemplated scheme of highway improvements over or adjacent to the canal lands; all other leases for lands to be terminated whenever the same can be legally done, provided the lands have been designated as necessary for highway purposes by the Director or may be designated for public park purposes by proper State authority;
- Jurisdiction.** The Director of Highways to have the supervision and control as to highways, and the Superintendent of Public Works as to public parks and other purposes.

VIII. RULES FOR GUIDANCE OF CONSERVATION COMMISSIONER
AND POLICE PATROLMEN: ACTS OF 1929

Rules for the Appointment
and Government of Police Patrolmen

Qualifications of
police patrolmen.

Rule 1. A person to be eligible to appointment as police patrolman at any of the State reservoir parks under the control of the conservation council must have been an elector of the State of Ohio for not less than two years preceding his appointment; he must be in good health and free from any infirmities that would be a hindrance in the discharge of his official duties, and must be able to read and write the English language understandingly.

How appointments
made.

Rule 2. All appointments to the position of reservoir police patrolman shall be made on probation, by the conservation commissioner subject to the rules and regulations of the civil service commission, and if at any time, in the opinion of such commissioner a person appointed to such position proves himself unfit for, or neglects to perform his official duties, he shall be dropped from the service.

Police patrolmen
and assistants.

Rule 3. The conservation commissioner is hereby authorized to employ one police patrolman at each reservoir park, at a salary of not to exceed twelve hundred dollars per year, two assistant police patrolmen at each state reservoir for three and one-half months prior to and including Labor Day, at the rate of not exceeding ninety dollars per month, and may expend for special patrolmen at each state reservoir during the summer months, a sum not exceeding ninety dollars at the rate of \$3.00 per day for each patrolman employed, all of which expenses shall be paid from the receipts from leases, boat permits and sale of special privileges to be derived from each of the state reservoirs, parks or funds appropriated for such purposes, but no funds shall be expended for this purpose upon any reservoir in excess of its own earnings, except from funds especially appropriated for such purposes.

Applications by
police patrolmen.

Rule 4. All applications for appointment for the position of police patrolman, must be made in the applicant's own handwriting and accompanied by recommendations from two reputable freeholders of the state, setting forth their willingness to sign the bond of the applicant.

Bond.

Rule 5. Each patrolman before assuming the duties of his office shall give bond to the satisfaction of the conservation commissioner in a sum of not less than \$500 conditioned for the faithful discharge of his duties, and a similar bond for the proper handling of moneys that may come into his hands while in the discharge of his duties as a collector for the state.

Badge worn while on duty

Rule 6. Each patrolman while on duty shall wear and display at all times, a badge to be furnished by the conservation commissioner when the appointment is made.

Hours on duty.

Rule 7. Each patrolman, unless otherwise directed by the conservation commissioner shall be at the reservoir to which he is assigned by 9 o'clock a.m. of each day including Sundays, and remain on duty until 9 o'clock p.m., with an intermission of one hour at noon and one hour immediately after 5:30 p.m. and shall be subject to call to make arrests, at all hours during the day or night and be subject to any special instructions which the conservation commissioner deems it necessary to give to such patrolman.

Conduct prescribed.

Rule 8. Each patrolman, both on and off duty, in his conduct and deportment, must be quiet, orderly and respectful towards all persons with whom he may come in contact; violent, coarse, profane and insolent language while on duty, and any conduct subversive of good order and gentlemanly bearing, will be cause for dismissal by the conservation commissioner.

Drinking and gaming prohibited.

Rule 9. Patrolmen shall not drink any kind of intoxicating liquors or engage in any game of cards, billiards or other games of amusement while on duty.

Dobts shall not be contracted.

Rule 10. No debts of any kind shall be contracted by any patrolman on behalf of the state without the written consent of the conservation commissioner and wherever possible, receipted bills for the purchase of supplies shall be taken and all bills shall be itemized, so as to show the quantity and price of each article purchased, and no patrolman shall make any appeal to the public, nor receive pecuniary assistance for any purpose whatever connected with his official duties.

Duties as to arrests; assistance.

Rule 11. It shall be the duty of each patrolman to arrest on view or warrant and bring to justice all disturbers of the peace and violators of the criminal laws of the state, when the offense is committed on land or water in or adjacent to state reservoirs and lands that have been set aside or dedicated to the use of the public for park and pleasure resort purposes, and when such patrolman deems it necessary, he may call to his assistance, anyone within the hearing of his voice to assist in making such arrests.

Force exercised in making arrests.

Rule 12. In making arrests, no unnecessary force shall be exercised by patrolmen toward offenders, but they shall at all times when required, act with firmness and sufficient energy to enable them to discharge their official duties, and when viciously resisted they shall call to their assistance any bystanders who happen to be present and all persons so requested to assist in making arrests shall immediately respond to such requests. Police patrolmen shall have the same power and authority as constables, and their jurisdiction shall be co-extensive with the counties touch-

ing any reservoir park. Such patrolmen and deputy patrolmen shall have the same authority to go armed, when on duty, as is given sheriffs, police officers of incorporated cities and villages, provided they have first given bond to the state of Ohio in the sum of five hundred dollars, conditioned for the faithful performance of their duties as police patrolmen, which bond shall be approved by the conservation commissioner and filed with the treasurer of state for safe keeping.

Prisoner shall be brought before magistrate without delay.

Rule 13. No patrolman when arresting a prisoner, shall permit or assent to any delay under any pretense whatever in bringing such prisoner at once before a justice of the peace, the mayor of any city or village or police judge of any municipality having jurisdiction in the county in which the offense was committed.

Shall not become surety or make compromise

Rule 14. No patrolman, official or employee of the division of conservation shall become surety on the bond of any person arrested for violation of the law nor shall such parties be directly or indirectly concerned in making any compromise between parties arrested and persons who have suffered by their acts with a view to assisting the arrested parties to escape the penalties provided by law in such cases.

Record of arrests and offenses.

Rule 15. Each patrolman shall carry a memorandum book in which he shall note the names and residence of all parties arrested, the offense for which the arrest was made, and all the circumstances attending the same, including the exact time and place; also the names and addresses of parties who witnessed the act for which the arrest was made; he shall also note therein with proper description all property found on the person of the party or parties arrested. And where he has reason to believe that any of said property is stolen, he shall take charge of the same and turn it over to the justice or other presiding officer in whose court the charges are filed, with a statement of all the facts ascertained and take a receipt for the property thus turned over to the court; the arresting officer shall also take charge of all firearms and other weapons found upon the person of any party arrested, and turn the same over to the court before whom the complaint is filed.

Familiarity with all parts of reservoir.

Rule 16. Each patrolman shall make himself familiar with all parts of the reservoir to which he is assigned and so far as possible become acquainted with the people living in the immediate vicinity of the same, so as to recognize them on sight; he shall also visit, as often as circumstances warrant, all resorts located on land or water in or around the reservoir to which he is assigned, that are reported to be the rendezvous of thieves, gamblers and other notorious characters and likewise of persons reported as habitually violating the fish and game laws of the state, making his visit as brief as possible and reporting fully to the conservation commissioner all the facts ascertained, but

without giving the information thus acquired to others.

Duties relative to lost children and property.

Rule 17. Police patrolmen shall take charge of all children who become lost or separated from their parents or friends having them in charge, and use their best endeavors to restore them to their parents or to proper parties interested in such children; they shall also take charge of lost articles turned over to their care and endeavor to restore them to their owners, and when in doubt as to the owner, they may require proof of the same; they shall carefully note in their record books an accurate description of all such property together with the time and place of finding the same, and the name or address of the person turning the same over to them and likewise the final disposition of the property.

Assistance in cases of accident and illness.

Rule 18. Patrolmen shall render all possible aid in case of accident or illness of parties visiting parks; they shall also note any obstructions to the safe handling of rowboats, launches or other water craft on the waters of the reservoir of which they are in charge and when such obstructions cannot readily be removed, they shall mark their location in some way to indicate the danger.

Information for convenience of public.

Rule 19. Patrolmen shall at all times hold themselves ready to furnish information regarding parks, train service and location of hotels, cottages, boats, etc., as will promote the convenience and interests of the public; such information shall always be given in a cheerful, courteous manner and without charge. They shall also serve notices furnished them by the state board of health, and carry out its instructions in all matters relating to sanitation at state reservoir parks.

Leave of absence.

Rule 20. Patrolmen desiring leave of absence from their duties, shall first obtain permission from the conservation commissioner before leaving their charge, but when necessity compels a patrolman to abandon his post without such permission, he shall immediately make a written statement of all the facts to the conservation commissioner in his absence, to the secretary of the division of conservation and return to his post at the earliest possible moment.

Metal plates for boats; collection of fees.

Rule 21. Each patrolman, when so designated by the conservation commissioner shall have charge of the metal plates for the boats on the reservoir to which he is assigned, and shall collect the fees for the same and promptly remit the amounts collected to the divisions of conservation giving the name and address of the party to whom each permit is issued with the name and description of the boat for which the permit is issued, and he shall keep a complete record of all permits issued, together with the names and addresses of the parties securing permit, and make weekly report of such collections to the conservation commissioner.

Monthly statement.

Rule 22. Each patrolman shall file a monthly statement on the first Monday of each month of his official acts

for the preceding month with the conservation commissioner, after which the reports shall be filed by the commissioner in suitable files and properly labeled for future reference.

Copy of act furnished patrolman.

Rule 23. The conservation commissioner shall furnish each patrolman with a copy of this act, which is intended to govern the actions of the police patrolmen when on duty and the conservation commissioner may, whenever he deems it proper, examine any patrolman as to his knowledge of the laws proscribed in this act, and a failure of any patrolman to become fairly familiar with his duties as proscribed in this act, shall be a proper cause for his removal by such commissioner.

Surrender of badge and records.

Rule 24. Each patrolman, on the termination of his term of service by limitation or otherwise, shall surrender his badge, records and all property that has come into his hands by reason of his office, to the conservation commissioner or in his absence to any other person designated by the conservation commissioner to receive the same.

Protection of property of state and of lessees.

Rule 25. It shall be the duty of the patrolmen to prohibit any person from removing stones forming the retaining walls of reservoir embankments and against injuring or interfering with the wasteways, bulkheads and feeder gates regulating the flow of water from such reservoirs, and against interfering with or injuring dock landings and buildings owned and controlled by the state or of private property located upon state lands in accordance with the terms of leases granted by the state of Ohio; also against the building of fires along the shores and embankments of any state reservoir, and against the cutting down or mutilating of shade trees upon the state property by any one, and even by the lessees of the state, and likewise against the cutting or digging into the embankments of such reservoirs in a manner tending to weaken or injure them, likewise to prevent the harboring of domestic animals upon any state reservoir lands leased for cottage site purposes, such as horses, mules, cattle, hogs, sheep, goats, chickens, geese, ducks, etc., and animals of any kind, the harboring of which tends to render the grounds unsanitary or objectionable for other reasons such as causing or creating a noise or unsightliness; also to prohibit anyone from riding, or driving horse-drawn vehicles, automobiles, trucks, tractors or motorcycles over any state reservoir embankments unless the same has been improved and used as a public highway, except by special permission from the conservation commissioner or his agents, and persons committing such offenses shall be arrested and fined under the terms of this act.

IX. GENERAL RULES RELATING TO THE CONTROL AND MANAGEMENT OF THE PUBLIC PARKS

Permits to boat owners.

Rule 26. Owners of boats of whatever kind, desiring to maintain and operate the same upon the waters of any public park, shall take out a permit entitling them to keep and operate the number and kind of boats described in their application, for which the following fees shall be charged:

Rowboats carrying not more than five persons, one dollar; rowboats carrying more than five persons, fifty cents additional for each persons in excess of five; electric, naphtha and steam launches, steamboats and other similar water craft, one dollar for each person of 170 pounds that may be carried thereon with safety.

Sailboats shall be measured thus: Multiply the length of the hull in feet by the greatest beam in feet, and divide the result by 30. Fractions shall be counted to the nearest unit. Final result will be the amount in dollars to be paid for the annual license.

Power boats shall be measured thus: Multiply the length of the hull in feet by the greatest beam in feet and divide the result by 15. Fractions shall be counted to the nearest unit. The result will be the amount in dollars to be paid for the annual license.

Application for permits.

Rule 27. All fees for boat permits shall be due on the first day of May in each and every year. Applications for boat permits, pipe permits and for special privileges shall be made to the conservation commissioner and when so required, applicants for permits shall furnish said commissioner or his agent, with satisfactory evidence of good character before such permit is issued.

Receipt on payment of fee.

Rule 28. Police patrolmen or other authorized agents of the state, shall on receipt of the required fee, issue a receipt therefor, giving the name and a brief description of the boat for which the permit is granted and noting thereon the number of the metal plate issued in connection therewith.

Attachment of metal plate.

Rule 29. On receipt of such metal plate, the owner of the boat taking out the permit shall immediately attach the plate in a permanent manner in a conspicuous place on the side or end of the boat, and failure to keep the same firmly attached to such boat, shall be sufficient cause for revoking a permit, and no metal plate shall be obscured by paint or otherwise during the year for which the permit is issued.

Operation and management of boats.

Rule 30. Owners of boats of whatever kind shall navigate them on the waters of the public parks of the state

with a view to the safety and comfort of those aboard other craft as well as their own, and any reckless management of boats endangering the lives and property of others, shall be cause for revoking such boat owner's permit.

Requirements as to name on power boats. Rule 31. All electric, naphtha, and steam launches, steamboats and similar craft, shall have an appropriate name painted thereon in letters at least $4\frac{1}{2}$ " high, and no permit shall be issued without a proper guarantee that this condition will be complied with within a reasonable length of time after the issuing of such permit.

Cancellation of lease or revocation of permit. Rule 32. Proof that any cottage upon state land, or any boat upon the water of any state reservoir, is used for illegal or immoral purposes shall be just cause for the conservation commission to cancel the leasehold for such state property, or to revoke the boat permit that has been issued to the owner thereof.

Boats for hire must be in good repair. Rule 33. Boats condemned as unfit by an inspector appointed by the conservation commissioner shall be put in good repair before the same are again offered for hire, or for the transportation of passengers.

Landing of power boats. Rule 34. Power boats must use care in landing, approaching docks or landings, slowly so as not to damage other boats, wharves or landings. Failure of parties to observe this rule shall be sufficient cause for revoking the permit of such boat owner.

Anchoring near channel to channel buoy prohibited. Rule 35. Power boats, sailboats, and row boats shall not anchor within 50 feet of any well defined channel that is in common use by boats navigating the state reservoirs, and the same shall not be anchored to any channel stake or buoys, except in an emergency.

Who may pilot or engineer. Rule 36. No person under 18 years of age shall be permitted to act as a pilot or engineer of any power boat or sailboat carrying passengers for hire, and the employment of such a pilot or engineer by any owner or manager of a boat shall be cause for the commissioner to revoke such owner's permit.

Disbarment of pilot. Rule 37. Pilots who do not observe due care in the handling of their boats shall not be allowed to continue as pilots on the waters of any public part of the state and it shall be the duty of the conservation commissioner to disbar such pilot from operating boats upon the state reservoirs.

Engine equipment. Rule 38. All power boats carrying passengers shall have reversible engines, reversible propellers or clutch gear, for reversing such boats.

Discharge of fire-
arms.

Rule 39. No person shall be permitted to discharge firearms from the main shore of a reservoir, or from the islands within such reservoir, or from boats thereon across the waters of any public park, except during the hunting season authorized by the statutes, and parties guilty of reckless shooting on or around such reservoirs shall be arrested and fined in accordance with the provisions of this act.

Disposal of garbage.

Rule 40. No lessee of a state lot, cottage owner, or other occupant of a cottage located upon state or adjacent lands shall deposit garbage upon the rear of such lot or throw the same into the lake, but such garbage shall be burned or removed from the premises so as not to be a nuisance to the cottage owners either on or off the state land.

State landings may
be used by all
boats.

Rule 41. No boat line company or individual shall have control of any state landing to the exclusion of other boat lines, or individuals owning and operating boats upon the waters of any state reservoir, and all boats shall have the right to land at any dock or landing for temporary purposes, but passenger boats operated for hire may only discharge passengers at private docks or landings, and shall not take on passengers from such docks or landings without the permission of the owner or owners thereof.

Permit to build
boat house or
private landing
required.

Rule 42. No boat owner or lessee of a state lot shall build a boat house or dock landing over the water of any state reservoir that has been dedicated and set apart as a public park and pleasure resort, except by the written permission of the conservation commissioner who shall first approve the plans for such boat house or dock landing before work thereon shall be commenced.

Permission to
cut trees.

Rule 43. No trees shall be cut by the lessees of state lots to make room for the erection of cottages or other buildings without permission of the conservation commissioner or his authorized agent.

Duty of lessees
as to woods, refuse,
etc.

Rule 44. Lessees of state lands or state lots shall keep the woods and poisonous vines cut on their leases and shall keep their lots, cottages and other buildings free from rubbish, garbage and all other unsightly things.

Oils, gasoline and other inflammable substances shall be stored in such a manner as not to endanger cottages and their occupants, or other property either on or off the state land.

Limitation of speed
of water craft in
canal.

Rule 45. Boats running in any canal connecting with a reservoir park, shall limit their speed while in the canal to four miles per hour and parties operating boats, and water craft of all kind, upon any state reservoir, dedicated and set apart as a public park and pleasure resort, shall limit the speed thereof to five miles an hour when

passing within one hundred and fifty foot of the shore line of any reservoir, and to a speed of eight miles an hour when operated between lines drawn one hundred and fifty and three hundred foot from the shore line, and the maximum speed on parts of any reservoir, beyond the three hundred foot line, shall be limited, to fifteen miles per hour. No persons shall operate a motor boat, or other water craft, upon any state reservoir with a muffler cut-out or other devices that are objectionable as noise makers, and no person shall be permitted to construct dock-landings upon or anchor boats of any kind within a narrow channel that connects to larger bodies of water.

Fishing from walls or bridge.

Rule 46. No one shall be permitted to fish from bridges extending over wasteweirs or from wing walls extending therefrom.

Use of public docks.

Rule 47. No one shall be permitted to monopolize the public docks or state lands upon the waters of any reservoir park to the detriment of others.

X. SAILING RULES - SAILING YACHTS.

Sailing rules.

Rule 48. When two sailing yachts are approaching one another so as to involve risk of collision, one of them shall keep out of the way of the other as follows:

On different points of sailing.

Rule 49. A yacht sailing free shall keep clear of one close hauled.

On the same point of sailing with the wind on opposite side.

Rule 50. When both yachts are close hauled or both free, or both have the wind aft and opposite sides, the yacht with the wind on the port side shall keep clear.

On the same point of sailing with the wind on same side.

Rule 51. When both yachts are free or have the wind aft and on the same side, the yacht to windward shall keep clear.

Wind aft.

Rule 52. A yacht with the wind aft is deemed to have the wind on the side opposite to that on which she is carrying her main boom. A yacht with the wind aft shall keep clear of a yacht on any other point of sailing.

Overtaking.

Rule 53. An overtaking yacht shall in every case, as long as an overlap exists, keep clear of the yacht which is being overtaken.

Definition of overlap.

Rule 54. An overlap is established when an overtaking yacht has no longer a free choice on which side she shall pass, and continues to exist as long as the leeward yacht by luffing, or the weather yacht by bearing away, is in danger of fowling.

Altering course.

Rule 55. When one of the two yachts is obliged to keep clear, the other shall not alter her course so as to involve risk of fouling.

Luffing.

Rule 56. A yacht may luff as she pleases in order to prevent another from passing her to windward, provided she begins to luff before an overlap is established.

Bearing away.

Rule 57. A yacht shall not bear away out of her course so as to hinder another in passing to leeward.

Rights on new course.

Rule 58. A yacht shall not be entitled to her rights on a new course until she has filled away.

Converging close hauled.

Rule 59. When two yachts, both close hauled on the same tack, are converging by reason of the leeward yacht holding a better wind, and neither can claim the rights of a yacht being overtaken, then the yacht to windward shall keep clear.

Passing and rounding marks.

Rule 60. If an overlap exists between two yachts when both of them, without tacking, are about to pass a mark on the required side, then the outside yacht must give the inside yacht room to pass clear of the mark. A yacht shall not however be justified in attempting to establish an overlap and thus force a passage between another yacht and the mark, after the latter yacht has altered her helm for the purpose of rounding.

Sailing rules.

Rule 61. When a yacht is approaching a shore, shoal, vessel or other dangerous obstruction, and cannot get clear by altering her course without fouling another yacht, then the latter shall, on being hailed by the former, at once give sea room, and in case one yacht is forced to tack or bear away in order to give room, the other shall also tack or bear away at as nearly the same time as is possible without danger of fouling; but should such obstruction be a designated mark of the course, a yacht shall not force another to tack under the provisions of this rule.

XI. MOTOR BOATS.

"Motor Boat" defined; inspection of machinery.

Rule 62. The words "motor boat" where used in this act shall include every vessel propelled by machinery and not more than sixty-five feet in length. The length shall be measured from end to end over the deck, excluding sheer.

That the engine, boiler, or other operating machinery shall be subject to inspection by the agents of the conservation commissioner and to their approval of the design thereof, on all said motor boats, which are more than forty feet in length, and which are propelled by machinery.

Motor boats
classified.

Rule 63. That motor boats subject to the provisions of this act shall be divided into classes as follows:

Class one: Less than twenty-six feet in length.

Class two: Twenty six feet or over and less than forty feet in length.

Class three: Forty feet or over and not more than sixty-five feet in length.

Lights on motor
boats.

Rule 64. That every motor boat in all weathers from sunset to sunrise shall carry the following lights, and during such time no other lights which may be mistaken for these prescribed shall be exhibited:

A. Every motor boat of class one shall carry the following lights:

First: A white light aft to show all around the horizon.

Second: A combined lantern in the fore part of the vessel and lower than the white light aft showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

B. Every motor boat of classes two and three shall carry the following lights:

First: A bright white light in the fore part of the vessel as near the stern as practicable, so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side. The glass or lens shall be of not less than the following dimensions:

Class two: Nineteen square inches.

Class three: Thirty-one square inches.

Second: A white light aft to show all around the horizon.

Third: On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side.

On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The glasses or lenses in the said side lights shall be of not less than the following dimensions on motor boats of

Class two: Sixteen square inches.

Class three: Twenty-five square inches.

The said lights shall be fitted with inboard screens of sufficient height and so set as to prevent these lights from being seen across the bow and shall be of not less than the following dimensions on motor boats of

Class two: Eighteen inches long.

Class three: Twenty four inches long.

Whistle, bell.

Rule 65. A. Every motor boat under the provisions of class one, shall be provided with a whistle or other sound-producing mechanical appliance capable of producing a blast of two seconds or more in duration and in the case of such boats so provided, a blast of at least two seconds shall be deemed a prolonged blast within the meaning of the law.

B. Every motor boat of class two or three shall be provided with an efficient bell, which shall not be less than eight inches across the mouth on board of vessels of class three.

Motor boats to be equipped with life preservers, etc.

Rule 66. Every motor boat subject to any of the provisions of this act, shall carry either life preservers or life belts, or buoyant cushions, or ring buoys, or other device, sufficient to sustain afloat every person on board and so placed as to be readily accessible. All motor boats carrying passengers for hire shall carry one life preserver of the sort prescribed for every passenger carried.

Every motor boat shall carry an anchor of sufficient weight to anchor in case of engine or other trouble.

Motor boats hired at launch liveries are construed as carrying passengers for hire.

Life preservers and other boat equipment shall be approved by the conservation commissioner or his authorized agents.

Means for extinguishing burning gasoline, etc.

Rule 67. Every boat operating upon state reservoirs for hire, shall carry, ready for immediate use, the means of promptly and effectually extinguishing burning gasoline or oil; salt and sand mixed, and kept in a pail or other receptacle ready for use, may be used.

Lights on sailing yachts.

Rule 68. A sailing yacht shall carry the following lights:

First: A white light aft to show all around the horizon.

Second: A combined lantern in the fore part of the yacht and lower than the white light aft showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

Lights on rowboats, canoes.

Rule 69. Rowboats or canoes shall carry white lights visible all around the horizon, located at the front end of the boat, and it shall not be permitted to carry lights on the floor of the boat or canoe.

Distress signals, false signals.

Rule 70. Boats in distress shall give notice thereof by a series of rapid blasts of the whistle, or by continuous ringing of the bell, and all boats within hearing shall immediately hasten to the relief of the vessel in distress.

Any one giving a false signal of distress may be deprived of the privilege of operating boats upon the water of any state park, by the conservation commissioner.

White light.

Rule 71. A white light is to be shown by boats while at anchor, which shall be visible all around the horizon.

Publication of pamphlet.

Rule 72. The conservation commissioner shall publish this act in pamphlet form with proper diagram and supply every boat owner with said pamphlet upon application.

Use of searchlights.

Rule 73. No searchlights of any description will be permitted upon boats operating upon the state reservoir parks, except for the purpose of making landings, and under no circumstances shall a pilot or owner flash or cause to be flashed the rays of a searchlight into the pilot house of a passing boat.

Signals

Signals indicating course.

Rule 74. In all weathers every motor boat under way in taking any course authorized or required by these rules shall indicate that course by the following signals on her whistle to be accompanied, wherever required, by corresponding alteration of her helm; and every vessel receiving a signal from another shall promptly respond with the same signal or sound the danger signal as provided in rule 75.

One blast means, "I am directing my course to starboard" except when two boats are approaching each other at right angles or obliquely, other than when one boat is overtaking another, one short blast signifies intention of boat which is to starboard of the other to hold course and speed.

Two blasts mean, "I am directing my course to port," except that when two boats are approaching each other at right angles or obliquely, other than when one boat is overtaking another, two short blasts signify desire of, or assent to boat which is to port of the other to cross the bow of boat to starboard.

When danger signal shall be given.

Rule 75. If, when boats are approaching each other, the pilot of either vessel fails to understand the course of intention of the other, whether from signals being given or answered erroneously, or from other causes the pilot so in doubt shall immediately signify the same by giving the danger signal of four or more short and rapid blasts of the whistle; and if both boats shall have approached within one-fourth mile of each other, both shall be immediately slowed to a speed barely sufficient for steering way, and if necessary, stopped and reversed, until the proper signals are given, answered, and understood, or until the boats shall have passed each other.

"Cross signals" forbidden.

Rule 76. Motor boats are forbidden to use what has become technically known among pilots as "cross signals," that is - - answering one whistle with two, and answering two whistles with one. In all cases, and under all circumstances, a pilot receiving either of the whistle signals provided in the rules, which for any reason he deems injudicious to comply with, instead of answering it with a cross signal, shall at once sound the danger signal and observe the rule applying thereto.

Signals for passing.

Rule 77. The signals for passing, by blowing of the whistle shall be given unanswered by pilots in compliance with these rules not only when meeting "head and head" or nearly so, but at all times when passing or meeting at a distance within a quarter of a mile of each other, and whether passing to the starboard or port.

Situations and signals for passing.

Rule 78. When boats are approaching each other "head to head," or nearly so, it shall be the duty of each boat to pass on the port side of the other; and the pilot of either boat may be first in determining to pursue this course, and thereupon shall give, as a signal of his intention, one short and distinct blast of his whistle, which the pilot of the other boat shall answer promptly by a similar blast of his whistle, and thereupon such boats shall pass on the port side of each other. But if the courses of such boats are so far on the starboard of each other as not to be considered by pilots as meeting "head to head," or nearly so, the pilot so first deciding shall immediately give two short and distinct blasts of his whistle, which the pilot of the other boat shall answer promptly by two similar blasts of his whistle, and they shall pass on the starboard side of each other. In the night, boats will be considered as meeting "head to head," so long as both the colored lights of each are in view of the other.

Signal when approaching bend or curve.

Rule 79. Whenever a boat is nearing a short bend or curve in the channel, where from the height of the banks or other cause, a boat approaching from the opposite direction cannot be seen for a distance of a quarter of a mile, the pilot of such boat, when he shall have arrived within one quarter of a mile of such curve or bend, shall give a signal by one long blast of the whistle, which signal shall be answered by a similar blast given by the pilot of any boat within hearing that may be approaching on the other side, and within a quarter of a mile of such bend or curve. Should such signal be so answered by a boat upon the farther side of such bend, then the usual signals for meeting and passing shall immediately be given and answered, but if the first signal of such pilot be not answered, he is to consider the channel clear and govern himself accordingly.

Signal when boat overtaking another.

Rule 80. When one boat is overtaking another, and the pilot of a boat which is astern shall desire to pass on the right or starboard hand of the boat ahead, he shall give one short blast of the whistle, as a signal of such desire and intention, and shall put his helm to port; or if he shall desire to pass on the left or port side of the boat ahead, he shall give two short blasts of the whistle as a signal of such desire and intention, and shall put his helm to a starboard and the pilot of the boat ahead shall answer by the same signals; or if he does not think it safe for the boat astern to attempt to pass it at that point he shall immediately signify the same by giving four or more short and rapid blasts of the whistle, and under no circumstances shall the boat astern attempt to pass the boat ahead until such time as they have reached a point where it can be safely done, when said boat ahead shall signify her willingness by blowing the proper signals. The boat ahead shall in no case attempt to cross the bow or crowd upon the course of the passing boat. Every boat coming up with another boat from any direction more than two points abaft her beam -- that is -- in such a position, with reference to the boat which she is overtaking, that at night she would be unable to see either of that boat's side lights, shall be deemed to be an overtaking boat; and no subsequent alteration of the bearing between the two boats shall make the overtaking boat a crossing boat within the meaning of these rules, or relieve her of the duty of keeping clear of the overtaking boat until she is finally passed and clear. As by day the overtaking boat can not always know with certainty whether she is forward of or abaft this direction from the other boat she should, if in doubt, assume that she is an overtaking boat and keep out of the way.

Passing in channels less than 500 feet wide.

Rule 81. In all channels less than five hundred feet in width, no motor boat shall pass another going in the same direction unless the motor boat ahead be disabled or signify her willingness that the boat astern shall pass, when the boat astern may pass, subject, however, to the other rules applicable to such a situation, and when motor

boats proceeding in opposite directions are about to meet in such channels, both such boats shall be slowed down to a moderate speed according to the circumstances.

Approaching at angles with risk of collision.

Rule 82. When two motor boats are approaching each other at right angles or obliquely so as to involve risk of collision other than when one boat is overtaking another, the boat which has the other on her own port side shall hold her course and speed; and the boat which has the other on her own starboard side shall keep out of the way of the other by directing her course to starboard so as to cross the stern of the other boat, or, if necessary to do so, slacken her speed or stop or reverse. The boat having the other on her port bow shall blow one blast on her whistle as a signal of her intention to cross the bow of the other, holding her course and speed, which signal shall be promptly answered by the other boat by one short blast of her whistle as a signal of her intention to direct her course to starboard, so as to cross the stern of the other boat or otherwise keep clear.

If from any cause whatever the conditions covered by this situation are such as to prevent immediate compliance with each other's signals, the misunderstanding or objection shall be at once made apparent by blowing the danger signal, and both boats shall be stopped, and backed if necessary, until signals for passing with safety are made and understood.

Approaching at angles without risk of collision.

Rule 83. When two motor boats are approaching each other at right angles or obliquely, other than when one boat is overtaking another, so that the boat having the other on her own starboard side may cross the bow of the other, without involving risk of collision, the steamer having the other on her own starboard side may cross the bow of the other. If the boats are within a quarter of a mile of each other, the boat having the other on her own starboard side shall give, as a signal of her intention to cross the bow of the other, two short and distinct blasts of her whistle which if assented to, the other boat shall promptly answer by two similar blasts of her own whistle, when the boat having the other on her starboard bow may cross the bow of the other, in which case the boat having the other on her own port side shall keep out of the way of the other. If, however, the boat having the other on her own port side deems it dangerous for the other steamer to cross her bow, she shall sound the danger signal, in which case both boats shall be stopped, and backed if necessary until signals for passing with safety are made, answered, and understood.

Motor boat to avoid risk of collision, when.

Rule 84. When a motor boat and sailing vessel or rowboat are proceeding in such directions as to involve risk of collision, the motor boat shall keep out of the way of the sailing vessel or rowboat.

Obedience and construction of rules.

Rule 85. In obeying and construing these rules, due regard shall be had to all dangers of navigation and collision and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger.

Fog Signals

When fog signals shall be used.

Rule 86. Whenever there is thick weather by reason of fog, mist, falling snow, heavy rain storms, or other causes, whether by day or night, fog signals shall be used as follows:

A motor boat under way shall sound at intervals of not more than one minute three distinct blasts of her whistle. Any boat at anchor and any boat aground in or near a channel or fairway shall, at intervals of not more than two minutes, blow her whistle rapidly for three to five seconds.

Speed in fog, etc.

Rule 87. Every motor boat shall, in thick weather, by reason of fog, mist, falling snow, heavy rain storms, or other causes, go at moderate speed. A motor boat hearing, apparently not more than four points from right ahead, the fog signal of another boat shall at once reduce her speed to bare steerageway, and navigate with caution until the boats shall have passed each other.

(There is no Rule 88 in the enrolled bill. - Ed.)

XII. SANITATION RULES.

Special sanitary district; control and management.

Rule 89. The territory included within any state park or pleasure resort and surrounding lands extending back one mile therefrom, is hereby designated a special sanitary district, to be under the control and management of the state board of health for sanitary purposes, and any failure to comply with the notices of said department relating to sanitary conditions, shall be deemed a violation of the terms of this act.

Powers and duties of state board of health.

Rule 90. The state board of health shall have power to make and enforce rules and regulations relating to the location, construction and repair of stockyards, hog-pens, stables, privies, cesspools, sinks, plumbing, drains and all other places where offensive substances or liquids may accumulate within such sanitary district and said board of health shall have power to abate all such nuisances, and may remove or correct all unsanitary conditions detrimental to the health and well-being of the community included in such sanitary district, and may, when necessary, certify the costs and expenses thereof to the county auditor, to be

assessed against the property of the offending party, and thereby made a lien upon it and collected as other taxes.

Arrest and prosecution on violation of orders.

Rule 91. When any specific order of the state board of health is neglected or disregarded by parties, after due notice, said board may cause the arrest and prosecution of all persons so offending in accordance with the terms of this act. Notice by the state board of health to abate or correct a nuisance shall be served upon parties offending in accordance with the terms of G.C. 4422.

Drainage into reservoir prohibited.

Rule 92. No sewer, drain or other connection with closets, cesspools, sinks, privies or other places where offensive or unsanitary matter accumulates, shall be drained or discharged into any state reservoir, and no garbage, offal or filth of any kind shall be thrown or discharged in any manner, into any such reservoir or immediate tributary thereto, and this rule shall apply to all houseboats and buildings erected over the waters of any state reservoir.

Penalty.

Any person convicted of violation of any of the foregoing rules to be fined not less than \$10 nor more than \$100.

Written permits; revocation.

Upon the payment of prescribed fees the Commissioner is to issue a written permit authorizing the maintenance and operation of the boats or watercraft for which fees have been paid and in the manner prescribed in such permit; any permit to be revoked on proof that such boat or boats are used for illegal purposes.

Numbered metal plates.

In carrying out the provisions of the preceding sections the Commissioner is required to procure suitable metal plates to be issued annually to persons using boats on the water of such public park or pleasure resort, canal or feeder thereto, and which are to be displayed in a conspicuous manner upon the side or end of the boat; any violation to be subject to a fine of not less than \$10 nor more than \$50.

Inspection of boats.

The Commissioner is required to cause to be inspected all boats and watercraft maintained and operated as above, and may condemn any such deemed by him unsafe for the carrying of passengers; the owner who offers it for hire to be fined not less than \$10 nor more than \$100, and the permit issued to be revoked and annulled.

XIII. RULES AND REGULATIONS GOVERNING STATE PARKS UNDER THE
JURISDICTION OF
THE OHIO STATE ARCHAEOLOGICAL AND HISTORICAL SOCIETY.

1. Above all, visitors to this park are respectfully requested to observe a reasonable and lawful rule of conduct at all times. You are urged to treat this park, and every object therein, as if it were your personal property in which you take an exceptional pride.
2. It is a misdemeanor to write or carve your name on or scratch or mar any tree or object within this park. You are requested to register properly and accurately in the register specially provided for that purpose. Fictitious registration is forbidden.
3. It is a misdemeanor to injure or mar trees in any manner. Branches or leaves must not be broken off. Flowers, wild flowers, plants and shrubs must not be plucked or disturbed. Hunting or disturbing of the birds, wild animals, or wildlife of any sort -- except under possible regulatory limitations -- and then only upon the written permission of the Ohio State Archaeological and Historical Society -- is positively forbidden. It is distinctly understood that this is a "wildlife sanctuary" -- where wildlife is protected from every angle.
4. Fishing in any form, including catching of minnows, is prohibited in any state park under the custody of the Ohio State Archaeological and Historical Society.
5. Shooting of firearms of any description or the carrying of firearms, either loaded or unloaded, in any state park under the control of the Ohio State Archaeological and Historical Society, is positively forbidden.
6. Drivers of vehicles over the roadways within this park must observe a safe and reasonable speed limit at all times. The interpretation of the term "safe and reasonable" will be determined by the superintendent of this park, and in cases where no superintendent is employed, by the Ohio State Archaeological and Historical Society; and it may be construed by either to permit some variations between the control and remote portions of the park and under certain varying situations and conditions. In no instance, however, will the maximum speed limit exceed 20 miles per hour.
7. Use the outdoor furnaces. Build no fires on the ground.
8. Visitors may purchase fuel for the outdoor furnaces in conveniently sized bundles from the resident superintendent of this park. Any profits thus accruing will be applied toward providing better accommodations for the visiting public. Visitors may provide their own fuel when they so desire.
9. All contributions are greatly appreciated and will be used in bettering conditions within the park.
10. Rubbish must be placed in receptacles provided for the purpose. All litter and debris must be cleaned up and the grounds left in as neat a condition as found.

11. Vehicles will be parked in areas set aside for the purpose -- unless special permission is obtained. Drivers of all vehicles will park under the direction of the park superintendent.
12. Visitors, picnickers, and campers will comply with the instructions of the superintendent of this park in every manner. Refusal or neglect to so comply will constitute a misdemeanor.
13. Advertising of any nature or the exhibiting of placards within this park on the part of outsiders is prohibited. Concession stands operated by any person or persons not officially connected with the park management, or the sale therein of any commodity, merchandise, or article, by any such person or persons, is forbidden. The delivery of any commodity, merchandise, or article to any user within this park on the part of any such outsider is strictly forbidden -- except in instances when special written permission has been obtained from the Ohio State Archaeological and Historical Society.
14. Reunions, picnic parties, and groups are advised to notify the resident superintendent as far in advance of their coming as possible. Such groups, coming unannounced, run risk of not obtaining desirable accommodations. You are requested to make reservations well in advance.
15. Drinking of beer or intoxicating liquor is banned.
16. Dogs are not permitted to run at large within this park. Permission of such on the part of the owners or by the person whom the dog accompanies, will constitute a misdemeanor.
17. Visitors must not trample upon the mounds or earthworks; monuments, memorials, ceremonial or ornamental objects and property of any and all kinds must not be damaged; nothing may be marred or injured.
18. This park closes at dark. Visitors must then depart or obtain special permission from the resident superintendent in order to remain. Such permission may be granted only after the park superintendent has been furnished ample proof of the justification of such request and upon the assurance that no damage will result and that rules are observed.
19. Campers furnishing satisfactory representations may camp within the park for a reasonable period. Those desiring such accommodations will first notify the resident superintendent of their wishes and when permission has been obtained they will register their names, addresses and automobile numbers. They will then occupy the area designated and comply with the general rules and regulations.
20. Any person acting in a loud and boisterous manner to the annoyance of another or to the detriment of this park, or who creates a nuisance of any sort similarly annoying or detrimental, may be ejected or arrested and prosecuted or both.
21. Any one who violates a reasonable and lawful rule of conduct, or who fails to observe the rules and regulations governing this and other state parks, under the custody of the Ohio State Archaeological and Historical

Society, may be ejected and is subject to arrest and prosecution. The resident superintendent is vested with police powers and is authorized to arrest violators.

22. The resident superintendent of this park is anxious to extend every courtesy and render any service consistent with the conditions which prevail and with the rules and regulations in effect. Persons will render a distinct service when reporting violations to the undersigned.

THE OHIO STATE ARCHAEOLOGICAL AND HISTORICAL SOCIETY
COLUMBUS, OHIO

H. R. MC PHERSON, Curator of Parks

Exhibit 12
South Dakota (see p. 368)

S O U T H D A K O T A

I. STATE PARKS.

- Jurisdiction. State parks, excepting Custer State Park, are under the jurisdiction of the State Park Board (Acts of 1935);
- Members; terms. The Board is composed of five members appointed by the Governor for five year terms (rotated); are to be appointed without reference to political affiliations; are to serve without compensation, but are allowed necessary traveling and subsistence expenses not to exceed \$500 for any one year. The Board elects a Chairman, a Vice-Chairman, and a Secretary, and who constitute an Executive Committee, the powers of which are determined by the Board;
- Officers.
- Powers and duties. Powers and duties of the Board are as follows:
- Acquire lands. To acquire park areas by purchase, lease, gift, or by condemnation;
- Administer. To develop and administer such areas as are acquired;
- Accept funds. To accept and use any funds provided by any agency of the United States Government or from other public or private sources, all such funds to constitute a Revolving Fund to be disbursed by the Board;
- Revolving Fund.
- Employ personnel. To employ necessary personnel under such appropriations as the Legislature may grant.
- Grazing prohibited. Acts of 1921 declare it to be unlawful for any person, association or corporation having charge or possession of any horses, mules, cattle, goats, sheep, swine, or other like animals, to cause or permit such animals to enter or graze upon any State park game preserve except on permits issued by the Board or other governing body.

II. CUSTER STATE PARK.

- Jurisdiction;
Members of Board. The above park is administered by the Custer State Park Board, which consists of three members appointed by the Governor for four year terms. Members serve without compensation but are allowed necessary expenses incurred in the performance of their various duties; a secretary may be employed (1927).
- Powers and duties. Powers and duties of the Board are as follows (1919, 1927):
- Administration. To operate, manage, improve and maintain the park and all property, real and personal, belonging to the State within

the limits of the ^{#2365} park;

- Purchase lands.** To purchase or to contract for the purchase, in fee simple, of any lands within the boundaries of the Park, suitable for park purposes, or to pay off mortgages, existing on such land as are purchased, and to pay taxes now a lien against said land;
- Eminent domain.** Is invested with the power of eminent domain and with the power to take or damage private property for public use;
- Park land purchase fund.** The State Treasurer and State Auditor are directed to create a special fund to be called the "Park Land Purchase Fund" and to which are to be credited annual appropriations to be drawn and expended by the Board;
- Same.** To acquire and hold such private property by gift, grant, devise, purchase, lease or condemnation proceedings as may be located in the park or adjacent thereto;
- Lease lands.** May rent common school lands belonging to the State or rent privately owned land, in or adjacent to the park when deemed suitable or necessary for park purposes, unless or until such lands may be purchased;
- School lands not to be sold.** The Commissioner of School and Public Lands is prohibited to advertise for sale, or sell, any school lands in the Park prior to January 1, 1938 unless requested by the Board to hold such sale;
- Highways, roads and trails.** To construct and maintain the necessary highways, roads and trails within the park boundaries and to use such moneys as are available for such purposes. The State Highway Department may enter into cooperative agreement with the Board to carry out this work. The Commission may determine the maximum expenses for the construction and maintenance during each year, but no highways, roads or trails may be built except such are designated by the Board; or the Commission may by resolution set aside or appropriate funds to the Board for the construction and maintenance of such highways, roads and trails, as the Commission may deem necessary. The Board may purchase the necessary right of way for highways and trails and may exercise the right of eminent domain. No automobile or wagon roads are to be built to the top of Harney Peak, nor to a higher altitude than 6400 feet;
- Park Highway Fund.**
- Restrictions.**
- Control of highways; signs; fences.** To regulate the speed limit on highways and trails, and to erect road signs at such points as may be deemed advisable; may also erect and maintain a fence around the entire park;
- Maintain schools.** To maintain or assist in the maintaining of schools within the park, and to pay for the same out of any funds available; but no additional schools are to be established in

excess of revenues derived for school purposes, except upon resolution of the park board advising the school board of its willingness to contribute the necessary funds for the maintenance of such additional schools;

Encourage summer homes; leases.

To encourage the erection of summer cottages and summer homes, may make term permits or leases for such purposes, but no lease may be made on the slopes of Sylvan Lake or within view of the Lake; the minimum rental for a site to be \$10 annually, and the Board may cancel the lease in case of failure to comply with such permit or lease, or to pay the rental. No leases may be made for homes along the highway but only upon locations designated by the Board;

Sale of timber.

May contract for and sell timber on any of the State lands in the Park, but not in excess of 100,000 lumber feet in any one year. No trees may be cut adjacent to the highway, except as may be necessary to improve the appearance of growing conditions. Proceeds derived from the sale of timber are to be placed in the General Fund of the State, except where such timber is from school land, in which case the proceeds are to be credited to the permanent school fund and applied to the purchase price of said land;

Superintendent.

Is directed to employ a Superintendent to care for the park property, manage and execute park enterprises and activities, direct and supervise other employees, and perform such other duties as the Board requires. The Board may also employ such other personnel as may be necessary, including a park Forester, or the Superintendent may be required to act as such;

Park Forester.

Rules and regulations.

May make and enforce necessary rules and regulations, and designate one or more employees as game wardens to enforce the provisions of the Act or any of the laws of the State;

Game warden.

Annual reports to Governor.

Must annually file with the Governor a report of all funds received from any source during the preceding year and a statement of all moneys paid out; including a report of all lands purchased, the price paid therefor, the lands rented and rental paid therefor; also a detailed report of all property sold or disposed of and the price received therefor.

State-wide park plan.

Is directed to formulate and recommend a State-wide plan for a State park system, embracing the different scenic and recreational areas in different sections of the State and report to the next Legislature.

Hunting regulated.

Hunting, trapping, killing or capturing game animals or game birds within the boundaries of the park is unlawful except under such regulations as may be prescribed by the Board. It is also unlawful to carry firearms therein or or permit dogs to run at large.

Firearms; dogs.

III. PUBLIC SHOOTING GROUNDS.

How acquired. By Acts of 1927 the Game and Fish Commission is vested with the power, on behalf and in the name of the State, to acquire by gift, grant, devise, purchase, lease or condemnation, any public or privately owned real property, known as duck passes or "flyways", or any public or privately-owned real property especially useful to hunters in shooting wild aquatic fowl.

IV. STATE PLANNING.

A State Planning Board was created by Acts of 1935. Its powers and duties are as follows:

- Make surveys. To make inquiries, investigations and surveys concerning the natural and human resources of all sections of the State;
- Formulate plans. To assemble and analyze the data thus obtained and to formulate plans for the conservation of such resources and for their intelligent and systematic utilization and development;
- Recommendations. To make recommendations from time to time as to the best methods of such conservation, utilization and development;
- Draft legislation. To draft for submission to the Legislature such procedure affecting the use, development and conservation of natural resources and the promotion of industrial and social facilities as are deemed advisable;
- Publicity. To promote public interest in and understanding of the State plans or of research reports, and the use of other means of publicity and education as it deems advisable;
- Cooperation. To confer and cooperate with Federal agencies and with the executive, legislative or planning authorities of neighboring states and of counties and municipalities of such states.

Exhibit 13
Virginia (see p. 397)

VIRGINIA

I. STATE PARKS.

Jurisdiction. State parks are under the jurisdiction of the State Commission on Conservation and Development of the Department of Conservation and Development (Acts of 1926).

Members; appointment; terms. The Commission consists of five members, appointed by the Governor, subject to confirmation by the General Assembly, for four year terms (rotated). One member is designated by the Governor as Chairman; the Commission may elect one of its members as Vice-Chairman; also appoints an executive Secretary and Treasurer. The Chairman is required to devote his full time to the performance of his official duties and receives a salary fixed by statute. The other members are paid traveling and other necessary expenses in attendance upon meetings or while otherwise engaged in the discharge of their official duties; also the sum of \$10 a day for each day or portion thereof while so engaged (as amended 1934).

Powers and duties. The Commission is vested with the following powers and duties (Acts of 1926, as amended);

Rules and regulations. To adopt rules and regulations for its own organization, the proper disposition and administration of any property to which it may acquire title or over which it may have control, and for the conduct of its business and the exercise of its powers;

Divisions; Directors. Note: Administrative divisions have been established as follows, each headed by a Director appointed by the Commission and confirmed by the Governor:

- Division of Parks
- " " Forest Service
- " " History and Archaeology
- " " Geological Survey
- " " Publicity and Advertising
- " " Water Resources and Power

Acquire areas, lands, etc. To acquire by gift, purchase, or by eminent domain, areas, properties, lands, or any estate or interest therein, of scenic beauty, recreational utility, historical interest, remarkable phenomena, or any other unusual features, which in its judgment should be acquired, preserved and maintained for the use, observation, education, health and pleasure of the people of Virginia. Such power and authority of acquisition to be within the limits of any appropriation, or of voluntary gifts or contributions for such purposes;

Limitation.

- Lease of property to contributors. When any property is acquired without the aid of an appropriation, and exclusively with the aid of gifts or contributions, it may place such property in the custody of the person, persons or association making such gift or contribution, or lease the property to such person, persons or association for a period not to exceed ninety-nine years, upon terms and conditions approved by the Governor, which, in the opinion of the Commission, will best preserve and maintain such properties for the above objects and purposes;
- Acquire areas for park purposes. May purchase or otherwise acquire for park purposes such real estate as it may deem proper to extend the park system of the State, and to cooperate with the Federal Government in reducing unemployment, and in conserving the natural resources of the Commonwealth;
- Appropriation; proviso. Note: This Act (1933) carried an appropriation to enable the Commission to exercise the powers conferred, with the provision that no part of the appropriation may be expended, or any real estate be acquired or purchased under the authority of the Act, unless and until approved by the Governor;
- Leases and concessions. May grant concessions on or with respect to and, with the consent of the Governor and Attorney General, execute leases of and grant easements affecting any lands or other property owned or held (Acts of 1936);
- Revolving funds; how expended. Gifts of money, entrance and concession fees, and all funds accruing from, on account of, or to the use of the State parks or any State park acquired or held by it, other than regular and specific appropriations made by the General Assembly, constitute (unless otherwise specifically provided), a Revolving Fund under the direction and control of the Commission, and which may be expended in the conservation and development of State parks or of any State park. No unexpended part of such fund is to revert to the State Treasury at the close of any fiscal year until and unless specific provision therefor is made by the General Assembly (Acts of 1932);
- Expend publicity funds. To have control of and expend any funds created for advertising the resources and advantages of the Commonwealth in such manner as it may deem best; and to cooperate so far as may be practicable and expedient with other organizations in the State engaged in similar or related work, and to acquire by gift or by transfer property or funds to be so expended (Acts of 1928);
- State Museum. Is vested with control and supervision of the State museum (Acts of 1932);

Investigate streams and rivers.

To investigate the streams and navigable rivers within and bordering upon the State; of the methods and means of improving the same; of conserving the water supply thereof; of using the same for the production of power, and how and in what ways the said streams and waters may be made of most value to the State and to the people thereof.

II. STATE FORESTS.

Acquire tax delinquent lands for forest purposes.

The State Commission on Conservation and Development may acquire the fee to lands sold to the Commonwealth for delinquent taxes, when it deems such land chiefly valuable for forest purposes. After lands are so acquired the Commission is required to pay annually to the counties in which such lands may lie one-fourth of the gross returns therefrom;

Acquire waste and unappropriated lands for forest purposes.

May also acquire as State forest land any waste and unappropriated land, other than unappropriated marsh and meadow land lying on the eastern shore of Virginia, as exempted from entry and grant, upon a showing that such lands are more valuable for forestry purposes than for agriculture or any other purposes;

Acquire forest lands by purchase or gift.

May also purchase lands suitable for State forests, and may accept gifts of land and money to the State for forestry purposes. Such gifts must be absolute, except that mineral and mining rights over and under land donated may be reserved by the donors, and that the lands shall be administered as State forests (Acts of 1914, as amended);

Accept lands from the United States.

May also accept gifts, donations and contributions of land from the United States, or any agency or agent thereof, and to enter into agreements with the same for acquisition by purchase, lease or otherwise, of such lands as the Commission may deem suitable for State forests, and to pledge and apply on the purchase price thereof not to exceed one-half of the gross proceeds derived from the said lands (Acts of 1936);

Manage and develop; sell products.

To provide for the management, development and utilization of any such lands so purchased, leased or otherwise acquired, and to sell or otherwise dispose of products on or derived from the land (Id);

Reimburse United States for Emergency Conservation Work.

If, upon the sale of any lands belonging to the Commonwealth, or of any products of any such lands, the Commission determines that the Commonwealth has derived a direct profit as the result of work on the lands sold, or on lands the proceeds of which are sold, done or to be done under any project carried on pursuant to the Emergency Conservation Work Act, one-half of such profit from the sale of such lands, or one-half the proceeds of the sale of such products, or such lesser

amount as may be sufficient, is to be applied to or towards reimbursing the United States Government for moneys expended by it under such Act for the work so done, to the extent and at the rate of \$1 per man per day for the time spent in such work, but not exceeding the amount of \$3 per acre. The Commission to fix and determine the amount of such profit or proceeds (Acts of 1936).

III. PUBLIC SHOOTING AND FISHING RESERVES.

Acts of 1930 empowered the Commission of Game and Inland Fisheries

- Acquire by purchase, etc. To acquire by gift, exchange, purchase, lease or otherwise, lands and waters for game and fish refuges, preserves, or public shooting and fishing, and to establish such lands under appropriate regulations;
- Other public areas. To exercise full control of the hunting and fishing rights and privileges in and on all impounded water areas in the State resulting from power development; also in all forest and watershed areas within the State which are now owned or which may hereafter be acquired by the United States Government, subject to the rights and powers of the United States Department of Agriculture therein; and to establish refuges, sanctuaries, and public shooting and fishing reserves in said areas under such regulations as it may deem proper.
- Funds for financing. The amount received by the State Treasurer from the sale of hunting, trapping and fishing licenses, the fifteen percentum dog fund, and such other items as may accrue to the Commission are required to be set aside as a Game Protection Fund, to be used for the payment of salaries, wages and expenses incident to carrying out the provisions of hunting, trapping, inland fish and dog laws and for no other purpose.
- Use of unappropriated marsh or meadow lands. All unappropriated marsh or meadow lands lying on the eastern shore of Virginia which have remained ungranted, and which have been used as a common by the people of the State, are to continue as such common, and remain ungranted, and no land warrant located upon the same. Any of the people of the State may fish, fowl or hunt on any such marsh or meadow lands (Code of 1930).

IV. FOREST, GAME, FISH AND RECREATION RESERVES.

- Use of private lands. Acts of 1930 authorize the owner of any forest land, or land suited to the growth of timber, desiring to do so, to offer the same, subject to pasturage, to the Commission of Game and Inland Fisheries as a forest, game, fish and recreation reserve;

- Leased to State. In the event such land is accepted, the owner is required to lease the land to the Commission on Conservation and Development until such time as the timber thereon becomes suitable for marketing; also to lease to the Commission of Game and Inland Fisheries the exclusive hunting, fishing and recreation rights or privileges so long as it may remain as a reserve;
- Commissions to develop. Thereafter it is the duty of the respective commissions to aid in the development and the increase of the forest resources of the land, and to protect it, so far as is possible, from fires and trespass; to propagate and protect game and fish, promote recreation therein, and issue rules and regulations therefor;
- Exclusive rights of State. From the time such land is leased the State is vested with the exclusive hunting, fishing and recreational rights thereon; except that the owners, their families and tenants, actually residing thereon, are allowed, without cost to themselves, such rights and privileges as the Commission of Game and Inland Fisheries is authorized to sell;
- Classes of licenses; cost. The Commission is authorized to sell hunting, fishing and limited recreation privileges on any reserves so created for an annual fee of not less than \$5 nor more than \$15 per person, except that non-residents of the State are to be charged not less than \$10 nor more than \$15 per person. The Commission may also, in its discretion, issue a limited recreation privilege which does not entitle the purchaser to hunting or fishing privileges, charging therefor whatever fee it may deem proper. All of the foregoing charges to be in addition to the present hunting and fishing licenses to be prescribed by law.
- Privileges of licensees. The license as issued entitles the holder to hunt and fish, except in the case of holders of limited recreation privileges, on all forest, fish and recreation reserves during the regular hunting and fishing seasons prescribed by law, and to camp thereon at any time, all under such rules and regulations as the Commission of Game and Inland Fisheries may prescribe. The Commission may, in its discretion, at any time close any area in such reserves against all hunting, fishing and recreation for the purpose of establishing sanctuaries thereon;
- Use of license fees. All funds accrued from the above privileges are to be paid into a fund in the State Treasury designated as the Forest, Game, Fish and Recreation Fund, and used for the payment of taxes on the real estate embraced in such areas, for the benefit and administration thereof, and for the purchase of State-owned forest demonstration and game and fish propagation and recreation areas;

Taxes doferred.

When any area has been accepted, the buildings, improvements and tillable land therein are to be assessed separate from the forest land and land suitable to the growth of timber. Thereafter, on forest land or land suited to the growth of timber no tax or local levies are to be paid, unless the owner desires to do so, or the collection thereof be enforced; but the taxes or levies imposed are to be entered by the county clerk in a book specially kept for that purpose. Such accrued taxes are to carry an annual interest rate of 6% per annum, and are to be a lien upon the lands embraced in the reserve, to be payable at such time as the timber is marketed or is matured for marketing; such maturity to be determined by the State. In no event may any taxes be doferred for a period longer than forty years. So far as possible, the funds derived from the sale of hunting, fishing and recreational privileges are to be used in advancing to the several counties the taxes or levies which have accrued. When and as such liens are paid to the county by the Commonwealth the county's lien for the taxes paid is to become the property of the Commonwealth; thereafter the amount so paid is to be reimbursed to the Commonwealth as a prerequisite to the removal of any timber;

Withdrawal of lands.

Any person leasing his land for a forest, game, fish and recreation reserve may withdraw the same from such area at any time after three months' notice to the Commission on Conservation and Development of his intention to do so; but as a prerequisite to withdrawal must pay all tax liens thereon, with accrued interest from the first day of December of the year in which such taxes were assessed or levied. However, in the event of such withdrawal during the first ten years of entry, the State may retain its lease of the hunting, fishing and recreation rights and privileges for a term of five years from expiration of withdrawal notice, unless a fee of not less than five cents per acre for land withdrawn be paid to the State; in which event the State will surrender such rights and privileges at the expiration of notice period. The amount of this fee is to be determined by the Commission of Game and Inland Fisheries;

Referendum.

The foregoing provisions are not to become operative in any county except upon a majority vote. A county once accepting may not withdraw its acceptance as to land which has been leased prior thereto; but the Commonwealth has the right at any time, acting through the General Assembly, to repeal the law or to abolish any reserves created. In the event the reserve is abolished after acceptance by any county, tax liens accruing on any real estate entered in the reserve are not to be enforced for a period of five years from the date of abolishment. The Commonwealth may at any time on three months' notice to the owner eliminate from the reserve any lands entered thereon when it deems such lands not suited for the purposes for which the reserve is created;

When county fails to adopt.

Should any county fail to adopt the provisions as set forth in the preceding paragraph, then the owners of any land in such county, suited to entry, may enter same in the reserve, in which event such lands are not to be subject to the provisions of the Act providing for assessments and the deferralment of taxes, but in lieu thereof such owners are to receive annually one-half of such a sum as may result from dividing the total receipts from the sale of all hunting, fishing and recreation privileges on such reserve by the total number of acres of land entered in the reserve, and multiplying the same by the number of acres owned by such owner. The State retains the other half of such sum to be used for the purposes hereinbefore set forth. The provisions of the paragraph also apply to all persons entering lands in the reserve and paying taxes thereon as at present. The Commission of Game and Inland Fisheries is also authorized under the provisions of this paragraph, and subject to its provisions, to lease the hunting, fishing and recreation rights and privileges on any lands not eligible to entry under the first paragraph;

Rules and regulations.

The Commission on Conservation and Development is authorized to promulgate and enforce rules and regulations pertaining to the administration of forestry; the Commission of Game and Inland Fisheries is authorized to issue, promulgate and enforce rules and regulations pertaining to hunting, fishing and recreation.

V. GENERAL.

Destruction of trees, shrubs, etc.

It is unlawful for any person to pick, pull, pull up, tear, tear up, dig, dig up, cut, break, injure, burn or destroy, in whole or in part, any tree, shrub, vine, plant, flower, or turf, found, growing, or being upon any land reserved, set aside, or maintained by the State as a public park, or sanctuary for wild animals, bird or fish; or to deposit any trash, debris, garbage or litter thereon, without having previously obtained permission in writing of the superintendent or custodian of such park, refuge or sanctuary to do so, unless the same be done under the personal direction of such superintendent or custodian of such park, refuge or sanctuary. Any person violating this section to be guilty of a misdemeanor (Acts 1926, 1930).

Violation of rules and regulations.

Violation of any rule or regulation for the Government or use of any State reservation or park, or road or boulevard traversing the same, is punishable by a fine of not less than \$5 nor more than \$50 (Acts 1914, 1916).

Constitutional provision.

"* * * nor shall the State become a party to or become interested in any work of internal improvement, except public roads and public parks * * *." Appdx. State Constitution, Section 185.

Tax exemption.

All property and income of the State Commission on Conserva-

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tion and Development is exempt from taxation, State and local (Acts of 1926).

VI. STATE PLANNING.

In October of 1933, the then Governor of Virginia appointed a State Planning Board which, in the absence of suitable legislative action, acted in an unofficial capacity until the regular session of the General Assembly which convened in January of 1934. The General Assembly, during the session of January - February, 1934, passed a resolution reading as follows:

Whereas, under Title II of the National Industrial Recovery Act, the Administrator under the direction of the President of the United States, is required to prepare a comprehensive program of public works which shall include, among other things construction, repair and improvement of public highways and parkways, public buildings and any publicly owned instrumentalities and facilities and development of natural resources, including control, utilization, and purification of waters, prevention of soil or coastal erosion, development of water improvement, transmission of electrical energy, construction of river and harbor improvements and flood control, and of drainage improvements; and

Whereas, in order to effectuate in a more orderly manner this program, the Federal Emergency Administration of Public Works, under the direction of the President of the United States, has established a National Planning Board and has allotted to it the sum of \$250,000.00 with which to stimulate the preparation of State, regional, local, and city plans; and

Whereas, this program contemplates the sending of qualified technical advisors by the National Planning Board to State, city, and regional planning units; and

Whereas, because of the great interest in the development of the national capital areas, the Chesapeake Bay region, the Potomac River Valley, and the development of the Skyline Drive and the Shenandoah National Park, it has seemed advisable to the National Planning Board to place at the disposal of Maryland and Virginia the same consultants; and

Whereas, such a qualified consultant has been offered to the Commonwealth of Virginia to aid its State Planning Board; and

Whereas, former Governor Pollard, acting during the recess of the General Assembly of Virginia, appointed a State Planning Board; and

Whereas, the present Governor of Virginia is desirous of continuing that Board as heretofore constituted in order to cooperate with the President in his program;

Therefore, be it resolved by the House of Delegates (the Senate concurring therein) that the Governor be, and he is hereby authorized to continue the State Planning Board, as it now exists, with the right to change the membership thereof at pleasure, in order to cooperate in aiding to effectuate Virginia's cooperation with the purposes of the National Planning Board.

Under the authority of the above Resolution, the Board appointed by Governor John Garland Pollard (Governor in 1933) was reappointed by Governor George C. Peery (who took office in January, 1934).

VII. EXCERPTS FROM REGULATIONS GOVERNING PARK PERSONNEL.

The Custodian has been instructed to see that the public observes the following rules, which are quoted from rules and regulations for park personnel:

1. Drunkenness will not be tolerated on the park property and persons found guilty of this offense will be requested to leave the park. The Custodian and his assistants will see that this rule is rigidly enforced, but tact must be observed to prevent scenes likely to be objectionable to other visitors.
2. Any breach of the moral codes will be treated in a like manner.
3. Any person or persons who conduct themselves as to constitute a nuisance to other users will be firmly but courteously requested to desist. Should they persist, the Custodian will request them to leave the park.
4. The speed laws must be enforced. Any person driving in the parks to the common danger or under the influence of liquor is to be reported to the proper authorities.
5. Breaches of game laws will be reported to the proper authorities.
6. The carrying and use of fire arms is prohibited.
7. Great care is to be taken that unseemly noise and conduct at night which will affect the comfort of others does not occur.
8. Safety measures and rules governing the same for bathing and boating will be observed and it shall be the duty of the life guard to see that they are enforced and it shall be the duty of the Custodian to see that he does so.

The methods that will be adopted by each custodian will of course vary, and it will be found that in the main the public will observe the regulations that it is necessary to impose if the custodian will instruct his subordinates to avoid the use of the word "don't". It is better to secure the cooperation of the public by courteous explanation and so win their support than to threaten, but should it become necessary to enforce regulations when courteous methods have failed, firmness is expected.

VIII. LETTER TO PATRONS OF PARK CABINS.

In welcoming you to our park we wish to express our appreciation of your patronage and hope that your stay with us will be a very happy one and upon leaving, it may be with regret.

In making these cabins available to the use of the public at the present rates, the State Commission on Conservation and Development is only able to do so as long as we receive cooperation of the persons using them. I am sure you will appreciate that maintenance and operating costs are only just covered by the rental which you pay for your cabin. It is our earnest desire that the enjoyment that we hope you will receive may be also available to others under like conditions. This can only be possible if we are able to keep our operating costs down to a minimum.

We, therefore, ask for your full cooperation in order that not only may we be able to continue to make these cabins available for your pleasure at the present prices, but possibly develop more.

We ask that you aid us by keeping all equipment as clean as possible, and upon leaving that you leave the cabin, china, kitchen utensils, etc. in a clean condition. Only by so doing shall we be able to continue renting these cabins at this price.

Any additional labor costs that are involved will mean operating at a loss and necessitate an increase in the rental of these cabins.

We are anxious to receive your comments on our parks and appreciate constructive criticism at all times. Your comments will aid us in our problems.

Sincerely trusting that we may have your cooperation, I am

Yours very truly,

(Signed) R. E. BURSON
Director of Parks

IX. INSTRUCTIONS TO PARK VISITORS.

All visitors are expected to observe the following rules in order that the park may be preserved for your enjoyment. Your admission fee and co-operation will ensure this.

Do not injure or damage any structure, rock, tree, flower, bird or wild animal within the park.

Firearms are prohibited at all times.

Dogs must be kept on leash while in the park.

There shall be no vending or advertising without permission of the Department of Conservation.

Fires shall be built only in places provided, visitors must put waste in receptacles provided for that purpose.

Motorists will observe speed limits as posted in the park and park in areas designated for parking.

Bathing is limited to such places and times as designated by the Division of Parks.

Drinking water should be taken only from hydrants or fountains provided for that purpose. This water supply is tested regularly for purity.

Please build fires only in designated places and see that cigars or cigarettes are out before they are thrown away.

Break your match before you drop it.

Exhibit 14
West Virginia (see p. 410)

WEST VIRGINIA

I. STATE PARKS.

Jurisdiction.	State parks are under the jurisdiction of the Conservation Commission of West Virginia (Acts of 1933).
Purpose of Act.	The declared purpose of the Act is to provide an organization for the protection, beautification, development, and use of lands, forests, fish, game, waters, plant and animal life, and the natural scenic resources of the State; and for the use of forest lands and other natural resources for projects to relieve unemployment.
Members; appointment; terms.	The Commission consists of five members and a Director, appointed by the Governor, with the advice and consent of the Senate, for six year terms (rotated). Members are required to be selected with special reference to their training and experience in relation to the principal activities required of the Commission, and for their ability and fitness to perform their duties. No member may be a candidate for or hold any other public office, nor be a member of any political committee. Members serve without compensation, but receive actual and necessary expenses incurred in the performance of official duties.
Advisory powers and duties.	The members of the Commission are to serve only as an advisory body to the Director, and, as such, have the following powers and duties:
Study legislation and administration methods.	To consider and study the entire field of legislation and administrative methods concerning the forests and their maintenance and development, the protection of fish and game, the beautification of the State and its highways, and the development of lands and natural resources;
Advise Director.	To advise with the Director concerning the conservation problems of particular localities or districts of the State;
Recommend policies.	To recommend policies and practices to the Director relative to any duties imposed upon him by law;
Investigate work of Director.	To investigate the work of the Director, and for this purpose to have access at reasonable times to all official books, papers, documents and records;
Advise Governor on conservation matters.	To advise or make recommendations to the Governor relative to conservation policy of the State;

Keep minutes of transactions.	To keep minutes of the transactions of each session, regular or special, which are declared to be public records and to be filed with the Director.
Advice to Director.	The Director may submit to the Commission or any committee thereof any matter upon which he desires its advice or opinion.
Report proceedings to Governor.	Upon the request of the Commission, the Director is required to incorporate its proceedings in his annual report to the Governor, or he may do so upon his own initiative.
Director; qualifications.	The Director is required to be selected with special reference to his training, experience, capacity and interest in the activities embraced within the law; is paid a salary fixed by statute; appoints and fixes the salaries of the heads of divisions and other personnel.
Divisions.	Note: The Director, with the advice of the Commission, and subject to the orders of the Governor, administers the work of the Commission through the following divisions, each of which is headed by an official selected by and responsible to him, namely: Division of Parks Division of Forestry Division of Game Division of Fish
Powers and duties.	In addition to his other powers, the Director is vested with the sole authority to:
Supervise Commission.	Exercise general supervision of, and make rules and regulations for the government of the Commission or Department;
Execute contracts for State.	Sign and execute in the name of the State any contract or agreement with the Federal government or its departments, subdivisions of the State, corporations, associations, co-partnerships or individuals;
Supervise fiscal affairs.	Supervise the fiscal affairs and responsibilities of the Department;
Devise general conservation program; conduct research.	Make a general conservation plan or program for the State; conduct research in improved conservation methods, and disseminate information on conservation matters to the residents of the State;
Organize department.	Organize his Department to give adequate treatment to the problems of fish and game, forestry, parks and playgrounds, natural resources and publicity;
Regulate hunting.	Alter the open seasons and bag limits;

Designate refuges.	Designate localities deemed necessary and desirable for the perpetuation of any species of fish and for the purpose of replenishing adjacent fishing waters;
Surveys.	Enter private lands to make surveys or inspections for conservation purposes;
Acquire areas; how; purposes.	Acquire by purchase, condemnation, lease or agreement, or receive by gift or devise, lands or waters suitable for the following purposes;
Forests, recreation, etc.	For State forests for the purpose of growing timber, demonstrating forestry, protecting watersheds, or providing public recreation;
State parks, etc.	For State parks for the purpose of preserving scenic or historic values or natural wonders;
Shooting and fishing grounds.	For public shooting, trapping or fishing grounds or waters to provide areas in which citizens may hunt, trap or fish;
Hatcheries, nurseries.	For fish hatcheries, game farms, forest nurseries and experimental stations;
Exchange lands.	To extend and consolidate lands or waters suitable for the above purposes by exchange of other lands or waters under his supervision;
Stocking of lands or waters.	Capture, propagate, transport, sell or exchange any species of game or fish needed for stocking any lands or waters;
Protect forests, etc.	Exercise powers granted for protection of forests; regulate fires and smoking in the woods or in their proximity;
Beautification of highways.	Cooperate with other departments and agencies in the beautification of State highways;
Cooperate with State & Federal government.	Cooperate with other departments and agencies of the State and Federal government;
Record proceedings; purchase equipment, etc.	Keep a complete and accurate record of all proceedings; purchase necessary equipment;
Reports to Governor.	Report to the Governor each year all information relative to the operation and functions of his Department; also such other reports and recommendations as may be required by the Governor;
General authority.	Exercise any other power that may be necessary or proper for the orderly conduct of his business and the effective discharge of his duties. Invoke any legal or equitable remedies for the enforcement of his orders or the provisions of law.

Condemnation. Private property may be taken or damaged for the construction, maintenance and operation of parks and other works of internal improvement, for the public use. Sec. 5362, Code of 1932.

Shooting near parks. It is unlawful for any person to shoot or discharge any firearms on or near any park or other place where persons gather for purpose of pleasure. Sec. 6054, Code of 1932.

II. STATE FOREST PARKS.

Cooperation with Federal government. Acts of 1933 further declared it to be the policy of the State to extend its cooperation to all provisions of Acts of Congress now in force or thereafter enacted providing for cooperation between States and the United States in the relief of hardship and unemployment through acquisition and development by the State of lands, State forests, and State forest parks, and the public recreational facilities, fish and game refuges therein.

Contract with Federal government; acquire areas by purchase, etc. In order to effectuate this policy, the Director, with the consent of the Governor, is authorized to enter into contracts or agreements with the United States or any of its agencies; and, with like consent, to acquire by purchase, lease or agreement any lands necessary to carry into effect the purposes of the Act.

State Forest Land Fund; what constitutes. The Act created a "State Forest Land Fund", to consist of 10% of the total revenue obtainable each year from all classes of hunting and fishing licenses; all income derived from the sale, exchange or management of State forest lands; from the sale of timber, cuttings or stumpage; from the sale of all gas and mineral rights, sale of camp sites, and leasing of camp building material. Moneys received from the United States Government or any of its agencies for the purchase of lands are excepted.

For what purpose used. The proceeds of the fund are to be used solely for the liquidation of any indebtedness incurred for the purchase or administration of lands until such indebtedness has been entirely discharged; thereafter the fund is to be used for the acquisition of lands for conservation and work relief purposes, and for the improvement, development and maintenance of the natural resources, plant and animal life of the State.

Pledge for liquidation of loans. In order to efficiently administer the Fund for the accomplishment of the described purposes, the Director is authorized to pledge such sum or sums as in his discretion, and with the approval of the Governor, may be necessary for the liquidation of loans from the United States government or any of its agencies;

Sell, purchase or exchange to consolidate tracts.	In order to consolidate forest tracts under either State or Federal administration, the Director may sell, purchase or exchange stumpage or lands within or adjacent to any National forest purchase area within the State;
Disposition of lands purchased with Federal funds.	At the expiration of the present emergency the Director, upon the request of the United States government, is directed to convey to the United States such title and interest acquired by the State in lands purchased with money granted outright to the State by the United States.
Authorities of Director.	In carrying into effect the provisions of the Act, the Director is further authorized to:
Rules and regulations.	Make rules and regulations for the use and occupancy of lands and other property under his control;
Facilities for outdoor recreation.	Provide and develop facilities for outdoor recreation, including the leasing of camp sites and the sale of camp building materials;
Dispose of products.	Remove and dispose of forest and mineral products incidental to the protection, reforestation and proper development of lands under his control;
Conduct research; utilize facilities of State University.	Conduct such investigations and research as may be necessary for the proper conduct of his work, and to this end utilize the facilities of the West Virginia University in so far as they may be adequate.
Reimbursement to Federal Government.	If and when, as a result of any work done by the establishment of conservation work camps on the State forest lands the State derives a direct profit from the sale of such lands or their products, the proceeds are to be equally divided between the Federal government until the State has paid for the work done at the rate of \$1 per man per day for the time spent on projects, subject to a maximum of \$3 per acre (Acts of 1933).
III. PUBLIC SHOOTING GROUNDS.	
Purchase; terms; reservations.	Under the authority of Acts of 1929 the Director, with the consent of the Governor, may purchase out of funds set aside for the purpose (10% annually of the revenue from hunting and fishing licenses) lands suitable for forest culture, forest parks, game and/or fish refuges, or game refuges and public shooting grounds. Such purchases may be made on terms requiring not less than one-third of the purchase price to be paid at the time of the conveyance, and the residue in not less than one and two years after date. Gifts of land by deed or will may also be accepted. When acquired by either gift or purchase, minerals and mining rights may be reserved;
Accept lands conveyed by deed or will.	

Limitation on price paid. Not more than \$5 per acre may be paid for lands for game refuges and public shooting grounds; and not more than one-third of the area may be used as a game refuge, the remainder to be used as public shooting grounds;

Set aside private lands. Any land of two thousand or more acres in extent may, with the consent of the owner, be set apart by the Director as a game refuge and public shooting grounds; not more than one-third to be used as a game refuge.

May lease lands; conditions. Lands may also be leased for similar purposes for not less than ten year periods, the rental price not to be more than the taxes thereon, and in no event to exceed ten cents per acre per annum.

IV. PUBLIC LAND CORPORATION.

Holds title of State. Acts of 1933 created the "Public Land Corporation of West Virginia" in which is vested the title of the State in public lands.

Acquire lands. The corporation may acquire from individuals or the State Commissioner of Forfeited Lands by purchase, lease or agreement, any lands that may be necessary for the public use;

Acquire lands. Also acquire by purchase, condemnation, lease, agreement or exchange, and to receive by gifts or devise, lands, rights or way or easements, waters and minerals suitable for any public purpose;

Sell or exchange. For the purpose of consolidating lands under either State or Federal administration, may sell, purchase or exchange lands or stumpage;

Use of income. All income received from the use and development of public lands is to be used solely for the purpose of the liquidation of obligations incurred for the acquisition, development and administration of such lands until all indebtedness or other obligations have been discharged. Funds are then to be paid into the general school funds;

Borrow funds for purchasing. May negotiate loans from the Federal government or any proper agency thereof, for the purchase, as provided by law, of such lands as may be necessary for the public use and the acquisition of which has been authorized by law;

Allocate lands for public uses. May designate lands to which it has title for development and administration for the public use, including forestation, stock grazing, agricultural rehabilitation and homesteading, and may contract or lease for the proper development of oil, gas, mineral and water rights within or upon the lands of property under its control;

Allocate lands for public uses.

Is directed to convey, assign or allot lands to proper departments or other agencies of State government for administration and control within the functions of such departments or other agencies as provided by law; also to make proper lands available for the purpose of cooperating with the Federal government in the relief of unemployment and hardship.

Exhibit 15
Wisconsin (see p. 423)

W I S C O N S I N

I. STATE PARKS.

Jurisdiction. State parks are under the jurisdiction of the State Conservation Commission (Laws of 1931, 1935).

Members; appointment; terms. The Commission consists of six members, appointed by the Governor, by and with the advice and consent of the Senate. Two members are to be appointed in each odd year for a term of six years, three from the territory north and three from the territory south of a line running east and west through the south limits of the City of Stevens Point; are to receive no pay for their services, but are allowed actual and necessary traveling expenses and subsistence while absent from their homes in attendance upon meetings of the Commission or in the discharge of their official duties. The Commissioners appointed are to be persons having knowledge of and interest in conservation. Members elect a Chairman and Secretary.

Conservation Director. The Commission employs a Conservation Director, to continue in office at its pleasure, as the administrative head of the State Conservation Department, and is responsible to the Commission for the execution of its policies. The Director employs, by and with the advice and consent of the Commission, such technical and administrative assistance as may be necessary for the execution of such policies. The Director also exercises the powers of the Commission in the interim of its meetings but subordinate thereto, but has no authority to make rules and regulations.

Divisions. Administrative divisions have been established by the Commission as follows:

Division of Fisheries	Division of Recreational
" " Law Enforcement	Publicity
" " Forests and Parks	" " Education
" " Forest Protection	" " Public
" " Cooperative Forestry	Relations
" " Clerical	" " Game Management
" " Contract Commercial Fishing	

Powers and duties of the Commission. Powers and duties of the Commission are as follows (Laws of 1931, 1935):

- By-laws. May make and establish such rules and by-laws as it may deem useful to itself and its subordinates in the conduct of the business entrusted to it;
- Jurisdiction over parks and other lands. Is empowered and required to have and take the general care, protection and supervision of all State parks, of all State fish hatcheries and lands used therewith; of all State forests, and of all lands owned by the State or in which it has any interests, except lands, the care and supervision of which are vested in some other officer, body or board;
- Acquire park land; scenic and historical values. To acquire by purchase, condemnation, lease or agreement, and to receive by gift or devise, lands or waters suitable and needed for State park purposes; for preserving scenic or historical values, or natural wonders;
- Appropriation. No land may be purchased until after the Legislature has appropriated or the Commission has otherwise acquired the necessary money for that specific purpose;
- Blocking lands. May extend and consolidate lands or waters suitable for the above purposes by exchange of other lands or waters under their supervision;
- Donations for park purposes. To accept grants, conveyances and devises of land, and bequests and donations of money, to be used for park purposes, if unconditional, or subject to such conditions only as the Commission finds are reasonable and not inconsistent with the use of such property for park purposes;
- Continued possession of homestead. Whenever any lands have been acquired which have been occupied as a homestead by the owner for 25 years or more, the Commission is required, if requested by such owner, to enter into a contract whereby he is to be permitted to remain for a term not exceeding his natural life upon the portion of such lands, not to exceed one acre in extent, upon which the homestead buildings are located; is to be allowed to fence such portion of lands and be afforded access to highways; the land and the buildings thereon to be used as a home only, subject to the rules of the Commission relating to the sale of intoxicants, to sanitation, and to the preservation of the park;
- Control of private lands. If in negotiating for such purchases it is ascertained that any lands or premises situated within the limits of a proposed State park have a value which is incommensurate with their value for the purpose of such park, the Commission may enter into written agreement with the owner for such control or supervision by the State over such land or premises as it deems necessary to the reasonable requirements of said park; and may extend over the lands and premises pursuant to any such agreement, such protective, police and

other of its powers as it may deem advisable;

- Accessibility.** Whenever any lands under its care and supervision are inaccessible because surrounded by lands privately owned, and whenever in its opinion the usefulness or value of such lands, whether so surrounded or not, will be increased by access thereto over lands not belonging to the State, it may acquire such lands as may be necessary to construct highways that will furnish the needed access;
- Ornamentation.** To lay out and ornament any State park and construct all proper roads and bridges therein;
- Camping.** Permit people to camp in and use the parks under restrictions and rules made by it, and to make such rules and regulations, with the Governor's approval, as may be necessary to manage and control the same;
- Establish services and recreational facilities.** Establish and furnish, at a reasonable charge, such services, conveniences, and recreational facilities as will render the parks more attractive to tourists and the general public and increase the number of visitors thereto. Among such services, may operate portable launches in the Devil's Lake State Park. All moneys received from any of such services and facilities to be paid into the Conservation Fund;
- Disposition of fees.**
- Police supervision.** Exercise police supervision over all parks; its agents or representatives of any park being authorized and empowered to arrest, with or without warrant, any person within the park area committing an offense against the State laws or in violation of any rule or regulation of the Commission;
- Protect trees and shrubs.** To enforce laws for the prevention of destruction of shrubs and trees in the parks;
- Conservation wardens.** To appoint conservation wardens to enforce the laws which it is required to administer;
- Lease park lands.** May lease for terms not exceeding 15 years parts or parcels of park lands or properties, or grant franchises or concessions; the proceeds to be paid into the State treasury to the credit of the Conservation Fund, and are appropriated therefrom to be used by the Commission for the purchase of State park lands, and for the purchase, construction, improvement and maintenance of park buildings, or for the improvement of park grounds; all subject to the approval of the Governor;
- Licenses to prospect.** Licenses may also be granted to prospect for ore or mineral upon any of said lands; security to be taken that the licenses will fully inform the Commission of every discovery of

ore or mineral and will restore the surface to its former condition and value if no discovery of valuable deposits be made;

- Sale of products. May remove wood, timber, rocks, stones, earth or other products from the parks and sell the same to the highest bidder;
- Use of land by societies. May allow State agricultural and horticultural societies to establish and maintain upon any portions of the parks which it deems suitable such museums, experiment stations and buildings as will best serve the requirements of such societies;
- For school purposes. May allow the use of portions of the parks, which it deems suitable, for buildings and playgrounds for school purposes; all of which to be under the general supervision of the Commission;
- Names for parks. May designate by an appropriate name any State park not expressly named by the Legislature;
- Investigations. To investigate, and in its annual report to the Governor make a detailed statement of the facts regarding any proposed park; also recommendations regarding the requirement of any new parks, the extension of existing parks, and such other recommendations it deems necessary;
- Same. Investigate and consider the propriety and desirability of securing and preserving all places of historical interest and of natural beauty, and include in its report its recommendations thereon;
- Same. To consider the natural resources of the State and report to the Governor from time to time the results of its investigations, with recommendations of such measures as it deems necessary or suitable to conserve such resources and preserve them, so far as practicable, unimpaired.
- Same; services. To inaugurate such other studies, investigations and surveys, and establish such services deemed necessary to carry out the provisions and purposes of the conservation laws;
- Research. To conduct research in improved conservation methods, and to disseminate information to the residents of the State in conservation matters;
- Game and fish propagation. To capture, propagate, transport, sell or exchange any species of game or fish needed for stocking or restocking any lands or waters of the State;

- Cooperation.** To enter into cooperative agreements with persons, firms, corporations or governmental agencies for purposes consistent with the purposes and provisions of the conservation laws, including agreements with the highway authorities with regard to planting trees or other vegetation in or along highways, or furnishing stock for such planting;
- Sale of lands.** May sell at public or private sale lands and structures owned by the State and under its jurisdiction when it determines that said lands are no longer necessary for the State's use for conservation purposes;
- Note: State park lands are not held for sale and are not subject to the foregoing provision.
- Disposition of funds.** The funds derived to be deposited in the Conservation Fund to be used exclusively for the purpose of purchasing other areas of land for the creating and establishment of public hunting and fishing grounds, wild life and fish refuges, and State parks;
- Interdepartmental cooperation.** Cooperate with the several State departments and officials in the conduct of matters in which the interest of the respective departments or officials overlap;
- Publicity.** To collect, compile and distribute information and literature as to the facilities, advantages and attractions of the State, the historic and scenic points and places of interest, and the transportation and highway facilities; also to plan and conduct a program of information and publicity designed to attract tourists, visitors and other interested persons from outside the State to the State; also to encourage and coordinate the efforts of other public and private organizations or groups of citizens to publicize the facilities and attractions of the State for the same purposes.
- Maps of parks.** Provide a suitable and durable set of maps of each park so arranged that additions thereto can be made whenever lands are added to them; each parcel of land designated thereon donated to the State as a gift for park purposes to have written thereon the name of the donor; and in close proximity to each map to be inscribed a schedule of all legislative acts affecting the park represented;
- Publications.** May issue pamphlets from time to time; may also issue a publication or magazine at stated intervals, all pertaining to fish and game, forests, parks and other kindred subjects of general information, and may sell subscriptions thereto; the same to be self-sustaining, and no moneys, except from the receipts therefrom are ever to be used therefor;

- State Park roads. Sums are annually appropriated for the construction and maintenance of roads, including fire roads, in the State parks and forests and other public lands, and for highway or fire roads leading from the most convenient State or Federal trunk highway to such lands. All work done to be determined by the Conservation Commission for State parks and forests. All work to be done by or under authority of the Highway Commission. Outside the limits of the park, forest and public land areas, not more than two direct connections to the most convenient State trunk highway may be built or maintained;
- U. S. may acquire lands for parks, etc. Consent of the State is given to the United States to acquire by purchase, gift, lease, or condemnation, with adequate compensation therefor, areas of land and water within boundaries approved by the Governor and the county board of the county in which the land is located, for the establishment of State forests, State parks, or other State conservation areas to be administered by the State under long-term leases, treaties or cooperative agreements (Laws of 1935).
- Restricting private use of islands. No lease to be hereafter (1931) issued or any lease extended or renewed on any unsurveyed and unattached islands in inland lakes north of the township line between townships 33 and 34 north, except that the Commission may extend or renew any such leases in existence June 25, 1925, to public, charitable, religious, educational or other associations not organized for profit; and except it may extend or renew any such leases in existence June 25, 1925, on islands upon which improvements have been made.
- Destruction of Indian mounds. It is unlawful except upon permit by the Commission, to destroy, deface, mutilate, injure, or remove any Indian burial, linear or effigy mounds, enclosures, cemeteries, graves, plots of corn hills, garden beds, boulder circles, pictograph rocks, caches, shell or refuse hoaps, spirit stone or maniton rocks, boulder mortars, grindstone rocks, or other prehistoric or historic Indian remains located upon the public lands, State parks, forestry reserves, lands of State educational or other State institutions, or upon other lands or properties belonging to the State (Laws of 1931).
- Conservation Fund. All moneys, except fines, accruing to the State by reason of any provision of the fish and game laws, or otherwise received or collected by each and every person for or in behalf of the State Conservation Commission, if not payable into the forest reserve fund, constitutes the Conservation Fund, and is required to be paid, within one week after receipt, into the State treasury and credited to said fund. No money may be expended or paid from the Fund except in pursuance of an appropriation by law; but any unappropriated surplus may be expended, subject to the approval of the Governor, Secretary of State, and State Treasurer, for the

purchase of lands from counties for forestry purposes and owned by counties by virtue of any tax deed, for additional equipment, new buildings, new hatcheries, or hatchery ponds, property improvements, increasing the warden force at any particular period, or any other similar special purpose except road work or improvement work on the State parks (Laws of 1931).

Reforestation fund.

All moneys received from State forest lands are to be paid into the Reforestation Fund and are appropriated to the Commission for the purchase or improvement of additional land for forest or park purposes (Laws of 1931, 1935).

Constitutional provision.

The State or any of its cities may acquire by gift, purchase, or condemnation lands for establishing, laying out, widening, enlarging, and maintaining memorial grounds, streets, squares, parkways, boulevards, parks, playgrounds, sites for public buildings, and reservations in and about and along and leading to any or all of the same; and after the establishment, laying out and completion of such improvements, may convey any such real estate thus acquired and not necessary for such improvements, with reservations concerning the future use and occupation of such real estate, so as to protect such public works and improvements, and their environs, and to preserve the view, appearance, light, air, and usefulness of such public works (Art. XI, Sec. 3a, State Const.)

II. STATE FORESTS.

Jurisdiction.

The Conservation Commission executes all matters pertaining to forestry within the jurisdiction of the State, and directs the management of the State forests (Laws of 1931, 1935);

Acquire areas; recreation.

May acquire by purchase, condemnation, lease or agreement, and receive by gift or devise lands suitable for State forests for the purpose of growing timber, demonstrating forestry methods, protecting watersheds, or providing recreation;

Purchase of county tax deed lands.

May purchase, with the approval of the Governor, Secretary of State and State Treasurer, lands owned by any county by virtue of any tax deed issued to such county, and which the county is willing to sell, and when such lands are adapted for forestry purposes; but the purchase price may not exceed the amount due the county for taxes, interest and charges;

Exchange.

For the purpose of blocking out State-owned and county-owned forest lands, the State or county is authorized to exchange

any of such lands for other lands adapted to forestry purposes, whether publicly or privately owned. The word "exchange" includes the purchasing of lands without conveying other lands in exchange therefor. The exchange of such lands, when owned by the State, to be subject to the approval of the Governor. All exchanges to be determined on the basis of equal values.

Sale.

For the purpose of blocking out State forest areas, for the acquisition of recreational areas, or for otherwise extending the usefulness of State forest lands, is authorized to sell parcels of the State forest lands, or the timber thereon;

Regulation of camp fires.

May regulate camp fires and smoking in the woods at such times and in such designated localities as it may find reasonably necessary to reduce the danger of destructive fires;

U. S. to be reimbursed.

The Governor, in the name and on behalf of the State, may contract or enter into agreements with the President of the United States as the President may deem necessary or advisable in carrying out the Emergency Conservation Work program whereby if, as the result of any conservation work project on State, county or municipally owned lands the State derives a direct profit from the sale of any such land, or the products thereof, the proceeds are to be divided equally between the State and the Federal government until the latter has been repaid the amount of its investment in such work, computed at the rate of \$1 per man per day, with a maximum limitation of \$3 per acre of land purchased.

Constitutional provision.

The State may appropriate moneys for the purpose of acquiring, preserving and developing the forests of the State (Art. VIII, Sec. 10, State Constitution).

III. PUBLIC SHOOTING AND FISHING GROUNDS.

How acquired.

The Conservation Commission may acquire by purchase, condemnation, lease or agreement, and receive by gift or devise, lands or waters suitable for public shooting, trapping or fishing grounds or waters for the purpose of providing areas in which any citizen may hunt, fish or trap (Laws of 1931, 1935).

IV. STATE PLANNING.

A State Planning Board was created by Acts of 1931 (amended 1935).

Powers.

It is declared to be the duty of the Board, and it is vested with power, jurisdiction and authority;

Assemble data. To assemble and correlate data and information with reference to the development of the State and its subdivisions which may be appropriate subjects of State concern; the general character and extent, among other things, of parks, reservations, forests; also, the general location and extent of forests, agriculture areas and open development areas for purposes of conservation, food and water supply, sanitary and drainage facilities, and the protection of urban and rural development; also a land utilization program, including the general classification and allocation of the land within the State amongst agricultural, forestry, recreational, soil and water conservation, industrial, urbanization and other uses and purposes;

Purpose of study. Such studies are to be made with the general purpose of guiding and accomplishing a coordinated, adjusted, efficient and economic development of the State, which will, in accordance with present and future needs and resources, best promote the health, safety, order, convenience and welfare of the State as well as efficiency and economy in the process of development;

Cooperation. All State boards, commissions, departments and institutions are directed to cooperate with the Board to further these ends.

V. RULES AND REGULATIONS.

IN THE MATTER OF establishing :
certain rules and regulations :
for the management and control : Order No. M-173
of all state parks in the state:
of Wisconsin :

Section 1. WHEREAS, in accordance with the power and authority delegated to the state conservation commission of Wisconsin by and under the provisions of section 23.09 of the Wisconsin statutes, the aforesaid state conservation commission upon its own motion has caused a careful and extensive investigations to be made relative to the necessity of promulgating rules and regulations for the management and control of all state parks, and

Section 2. WHEREAS, upon the evidence presented to it after such investigations the state conservation commission of Wisconsin verily believes that certain regulations should be adopted for the management and control of all state parks so as to protect such areas from depredation, and to insure to the people of this state and its tourists and visitors continued opportunities for recreation under proper safeguards while within the boundaries of such parks.

Section 3. NOW, THEREFORE, IT IS HEREBY ORDERED AND DECLARED under and pursuant to the provisions of section 23.09 of the Wisconsin statutes that the following rules and regulations shall be adopted and enforced within the boundaries of all state parks in Wisconsin, and it shall be unlawful for any person or persons to violate any of the following provisions as set forth in this order:

(1) State property. It shall be unlawful for any person or persons to disturb, molest, deface, remove, or destroy any trees, shrubs, plants, or other natural growth or to carve on any rocks, signs, walls, structures, drive nails in trees, or to injure or deface in any manner any park buildings, fences, tables, or other state property.

(2) Property of others. It shall be unlawful for any person or persons to disturb, molest, or remove the property or personal effects of others while on state park lands.

(3) Refuse. It shall be unlawful for any person or persons to dispose of any garbage, bottles, tin cans, paper, or other waste material in any manner except by placing in receptacles provided for such purposes. The bathing of dogs, washing of cars or clothing, or throwing of broken bottles, tin cans, or sewage in any of the lakes or streams within the boundaries of state parks is prohibited.

(4) Fires. It shall be unlawful for any person or persons to build any campfire or burn any rubbish except at designated fireplaces or to throw away any cigarettes, cigars, or pipe ashes without first extinguishing them.

(5) Peddling. It shall be unlawful for any person or persons to peddle or vend in or on any of the state parks unless authorized by the state conservation commission in writing.

(6) Safety. It shall be unlawful for any person or persons to drive an automobile, truck, motorcycle, or other vehicle at a speed greater than twenty-five miles per hour on state park roads.

(7) Firearms. It shall be unlawful for any person or persons to have in their possession or under their control any firearms of any kind unless the same is unloaded and within a carrying case; and to hunt, trap, or disturb any wild animals or birds at any time within the boundaries of a state park. It is unlawful to allow any dogs to run at large at any time within the boundaries of a state park.

(8) Parking. It shall be unlawful for any person or persons to park or leave unattended any automobiles, trucks, trailers, wagons, motorcycles, boats, or other similar equipment except in spaces and areas designated for such purposes.

(9) Personal conduct. It shall be unlawful for any person or persons to be intoxicated, to use profane language, to practice rowdiness or to otherwise conduct themselves in an improper manner while within the boundaries of a state park.

Section 4. IT IS FURTHER ORDERED that nothing in this order shall prohibit or hinder the state conservation commission, its park superintendents, or other duly authorized agents, or any peace officers, from performing their official duties on such state park areas.

Section 5. IT IS FURTHER ORDERED that this order shall become effective one week after publication in the official state paper, namely the Sheboygan Press of Sheboygan, Wisconsin, the Superior Telegram of Superior, Wisconsin, and the Wisconsin State Journal of Madison, Wisconsin.

Section 6. IT IS FURTHER ORDERED that this order shall be in force and effect from and after August 20, 1936.

Section 7. THIS ORDER was made and passed by the State Conservation Commission of Wisconsin at a meeting duly called and held by the said commission in the city of Madison, Wisconsin, this 21st day of July, 1936.

Section 8. IT IS FURTHER ORDERED that the Director of the State Conservation Commission of Wisconsin is authorized to validate this order by signing the same.

STATE CONSERVATION COMMISSION OF WISCONSIN

By (Signed) H. W. MacKenzie,
Conservation Director.

State of Wisconsin)
) ss.
County of Dane)

Barney Devine, being first duly sworn, deposes and says that he is the duly qualified and acting Chief Conservation Warden and that as such Chief Conservation Warden he has custody and possession of Order No. M-173, the same being the original order passed by the State Conservation Commission under the provisions of section 23.09 of the Wisconsin statutes, and that the foregoing copy of the said order hereto attached is a true and exact copy of such original order.

Barney Devine.

Subscribed and sworn to
before me this 20th day
of August, 1936.

C. A. Bontly,
Notary Public.

My commission expires August 13, 1939.

CERTIFICATE OF SERVICE

Case Names: *Reno May, et al. v. Robert Bonta, et al.;*
Carralero, Marco Antonio, et al. v. Rob Bonta

Case Nos. **8:23-cv-01696-CJC (ADSx); 8:23-cv-01798-CJC (ADSx)**

I hereby certify that on December 7, 2023, I electronically filed the following document with the Clerk of the Court by using the CM/ECF system:

**SUR-REBUTTAL DECLARATION OF LEAH GLASER IN
SUPPORT OF DEFENDANT’S OPPOSITION TO PLAINTIFFS’
MOTIONS FOR PRELIMINARY INJUNCTION (with Exhibits 1-15)**

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished electronically by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct.

Executed on December 7, 2023, at San Francisco, California.

Vanessa Jordan

Declarant

Vanessa Jordan

Signature