

The background of the slide is a vibrant blue with a subtle, wavy pattern. In the upper left corner, there are two long, slender green leaves, possibly from a plant like a reed or grass, extending diagonally across the frame. The main title is centered in a large, bold, white font with a black outline.

Legal Framework for Land Conservation

Minnesota Association of Watershed Districts

December 1, 2005

Louis N. Smith

Charles B. Holtman



The background of the slide is a solid blue color. In the upper left corner, there are several green, elongated leaves or blades of grass, slightly out of focus, extending towards the center. The main title is centered in the upper half of the slide in a bold, yellow, sans-serif font.

Legal Framework for Watershed Land Conservation

- I. *Introduction and Overview*
- II. *Land Conservation and
Watershed District Powers*
- III. *Land Conservation and
Watershed District Purposes*
- IV. *Land Conservation and
Watershed Planning*
- V. *Land Conservation and
Other Legal Considerations*
- VI. *Conclusion*



The Riparian Zone: Land-Water Connection

- 💧 *Water resource protection without considering upland?*
- 💧 *Watershed management without considering natural systems?*

Preserving natural upland areas can be beneficial – even critical – to water resource protection.

The background of the slide is a solid blue color. In the upper left corner, there are several green, elongated leaves or blades of grass, slightly out of focus, extending towards the center of the slide.

Land Conservation and Watershed District Powers

General Powers:

“A watershed district has the power, to the extent necessary for lawful conservation purposes... to exercise the power of eminent domain.”

Minn. Stat. §103D.335, subd. 1

Land Conservation and Watershed District Powers

Acquisition of Property:

“The managers may acquire by gift, purchase, taking under the procedures of this chapter, or by the right of eminent domain, necessary real and personal property.”

Minn. Stat. §103D.335, subd. 1,11

Land Conservation and Watershed District Purposes

General Purposes:

“To conserve the natural resources of the state by land use planning, flood control, and other conservation projects by using sound scientific principles for the protection of public health and welfare and the provident use of natural resources...”

Minn. Stat. §103D.201, subd. 1

Land Conservation and Watershed District Purposes

Specific Purposes:

1. *To control or alleviate damage from flood waters;*
10. *To control or alleviate soil erosion and siltation of watercourses and water basins;*
13. *To protect or enhance water quality in watercourses or water basins, and;*
14. *To provide for the protection of groundwater and regulate its use to preserve it for beneficial purposes.*

Land Conservation and Watershed Planning

Purposes of the Metropolitan Water Management Program

- ◆ *Protect, preserve, and use natural surface and groundwater storage and retention systems*
- ◆ *Minimize public capital expenditures needed to correct flooding and water quality problems*
- ◆ *Identify and plan for means to effectively protect and improve surface and groundwater quality*
- ◆ *Prevent erosion of soil into surface water systems*
- ◆ *Promote groundwater recharge*
- ◆ *Protect and enhance wildlife habitat*

The background of the slide is a solid blue color with a subtle, wavy pattern. In the upper left corner, there are two green leaves, one slightly behind the other, pointing downwards and to the right. The leaves are bright green and have a slight shadow, giving them a three-dimensional appearance.

Assuring Public Purpose

*The Public Purpose Doctrine:
No public taxation for a
private purpose.*

Safeguards:

- ◆ *Independent appraisals*
- ◆ *Competitive transactions*