

Resolution No. 26-03

**Brown's Creek Watershed District  
Board of Managers**

**Ordering the Brown's Creek Cove project**

Manager \_\_\_\_\_ offered the following resolution and moved its adoption, seconded by Manager \_\_\_\_\_ :

**Whereas** Brown's Creek Watershed District has an approved and adopted watershed resources management plan in fulfillment of Minnesota Statutes section 103B.231, and the plan articulates policies committing BCWD to the improvement of the water quality and ecological integrity of Brown's Creek and its tributaries, including maintaining a viable cold-water fishery, and the hydrology and geomorphology required for stream equilibrium and health;

**Whereas** the capital improvements program in the plan includes creek-restoration projects addressing impairments of Brown's Creek for turbidity and fish-bioassessments identified in the Brown's Creek Total Maximum Daily Load Plan (2012) and the Brown's Creek Thermal Study (2016) and improving ecosystem health;

**Whereas** at its February 2024 regular meeting, the BCWD Board of Managers directed BCWD staff and the engineer to assess the feasibility of the capital improvements in the plan to address the impairments and restore water quality and habitat in Brown's Creek, and staff and the engineer conducted necessary surveys to develop a conceptual design for restoration of roughly 1,950 linear feet of the creek extending north and west from McKusick Road North just upstream of Brown's Creek Park and at least five acres of associated habitat in Stillwater, and the design concept includes narrowing the creek where widening has occurred; thinning trees and removing invasive species; restoring floodplain connection and wetlands; restoring riffles and pools in the creek; shaping and stabilizing banks; and planting and establishing diverse native vegetation and pollinator habitat (the Brown's Creek Cove Project), and the Brown's Creek Cove Project will also include the development and implementation of a plan for post-construction maintenance and repair of the Brown's Creek Cove Project (the Maintenance Plan);

**Whereas** BCWD expects the Brown's Creek Cove Project to reduce sediment in creek flows and to the St. Croix River by 28.8 tons per year and reduce total phosphorus by 20.2 pounds per year, to increase fish spawning and provide stable refuge for macroinvertebrates, increase the number and depth of pools providing thermal refuge for aquatic biota during summer and improve winter habitat for fish and amphibians; provide instream woody structure to serve as fish and macroinvertebrate habitat and protect streambanks from erosion;

**Whereas** the Brown's Creek Cove Project is proposed to be undertaken on parcels owned or controlled by public and private landowners and would require access from

Washington County right-of-way, and BCWD staff have secured preliminary agreement from such property owners to facilitate construction and implementation of the Brown's Creek Cove Project;

**Whereas** the estimated cost of the Brown's Creek Cove Project, including engineering, design, planning, permitting, construction and construction oversight, is \$420,000, including \$340,000 for construction and \$80,000 for planning, design, permitting, engineering, construction oversight, and BCWD plans to fund through a watershed-wide ad valorem levy of \$133,000 as authorized by Minnesota Statutes section 103B.241, a contribution of \$35,000 in Watershed-Based Implementation Funding through the Lower St. Croix Partnership, and federal water-quality grant funds administered by the Minnesota Pollution Control Agency of \$222,000;

**Whereas** after presentation by staff and the engineer of the concept for and assessment of the feasibility of the Brown's Creek Cove Project, BCWD conducted a duly noticed public hearing pursuant to Minnesota Statutes section 103B.251, subdivision 3, and [COMMENTS AT HEARING]; and

**Whereas** in consideration of the above-cited record in the matter, the board of managers finds that the Brown's Creek Cove Project will be conducive to public benefit and promote the general welfare, and represents a cost-effective contribution to the implementation of the watershed plan and the fulfillment of BCWD's powers and purposes under Minnesota Statutes chapters 103B and 103D.

**Now, therefore, be it resolved** that the Brown's Creek Watershed District Board of Managers hereby orders the Brown's Creek Cove Project, and directs that BCWD's costs thereof be funded through a watershed-wide levy, except as offset by grant funding received;

**Be it further resolved** that the BCWD Board of Managers directs the administrator to prepare agreements for the access and use of the property necessary for the successful implementation of the Brown's Creek Cove Project with fee title owners of such property and to present drafts of such agreements to the board for approval and authorization to execute on behalf of BCWD;

**Be it further resolved** that the BCWD Board of Managers approves the task order for the BCWD engineer to complete the design and construction documents, including final plans and specifications and all other documentation necessary to procure bids for implementation of the Brown's Creek Cove Project, and to provide implementation oversight for the Project and authorizes the task order for a total cost not to exceed \$80,867;

**Be it further resolved** that the BCWD Board of Managers directs the administrator to utilize the final plans and specifications to obtain bids for construction and implementation of the Project in accordance with applicable public-procurement law and to timely present bids received to the managers for approval.

The question was on the adoption of the resolution and there were \_\_\_ yeas and \_\_\_ nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Brod	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Eckles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LeRoux	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mattson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wirth	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the president declared the resolution adopted March 11, 2026.

\* \* \* \* \*

I, Griffin Brod, secretary *pro tem* of the Brown's Creek Watershed District, do hereby certify that I have compared the above resolution with the original thereof as the same appears of record and on file with BCWD and find the same to be a true and correct transcription thereof.

IN TESTIMONY WHEREOF, I set my hand \_\_\_\_\_.

\_\_\_\_\_  
Griffin Brod, Secretary *pro tem*