



BROWN'S CREEK WATERSHED DISTRICT

Preserving the integrity of the watershed for future generations

www.bcwd.org | 455 Hayward Ave N, Oakdale, MN 55128 | 651-330-8220

REGULAR MEETING OF THE BOARD OF MANAGERS

Wednesday, May 13, 2026

Regular Meeting at 6:30 PM

MEETING LOCATION

Stillwater Township Hall

13636 90th Street North, Stillwater, MN 55082

- 1) Call Regular Meeting to order
- 2) Approve Agenda -**Board Action**
- 3) Public Comments
- 4) Consent Agenda – **Board Action** *(all items listed under the consent agenda are considered to be routine by the Board of Managers and will be enacted by one motion. There will be no separate discussion on these items unless a Manager removes an item from the consent agenda for discussion or there is a request to remove the item from the consent agenda, in which event the board will consider whether to remove the item from the consent agenda and consider it separately.)*
 - a) Approve minutes of the April 8, 2026 regular meeting
 - b) Accept Permit Fee Statement
 - c) Accept Authorized Funds Spreadsheet and approve revised budget
 - d) Authorize the payment of bills as presented
 - e) Authorize apparel order for managers, staff, and citizen advisory committee not to exceed \$1,000 from 200-4949 Miscellaneous Expenses
 - f) Authorize Brown's Creek restoration signage scope not to exceed \$5,000 for Emmons and Olivier Resources and \$5,000 for Vacker Sign for a total not to exceed \$10,000 from account 910-0000 Education and Outreach
 - g) Authorize beaver informational signage not to exceed \$500 from account 910-0000
 - h) Accept the groundwater trends summary report
 - i) Authorize groundwater trend monitoring scope with Emmons and Olivier Resources not to exceed \$4,160 from 942-0004
 - j) Accept the macroinvertebrate monitoring summary report from 2016-2025
 - k) Authorize administrator to amend on advice of counsel the agreement for engineering service to update the rates as presented
- 5) Selection of officers and designation of acting administrator June 5-21, 2026 – **Board Action**
- 6) Planning
 - a) 2027-2036 Watershed Management Plan
 - i) Draft responses to written comments – **Board Action**
 - ii) Next steps – June 10, 2026 public hearing and finalize responses to comments

- b) Brewer's Pond water quality improvement feasibility – **Board Action**
- 7) Projects
 - a) Brown's Creek Restoration Phase 2: Brown's Creek Cove landuse agreements – **Board Action**
- 8) Discussion Agenda - No Action Required
 - a) Updates
 - i) Administration
 - (1) Minnesota Watersheds Summer Tour – Save the Date Aug 25-26, 2026 Detroit Lakes
 - (2) EMWREP 20th Anniversary Celebration – either Tue, Sept 10th or Thurs, Sept 29th – preferences?
 - (3) Community Advisory Committee meeting minutes and upcoming events
 - (4) Personal Leave: May 22, May 29, June 5-June 21, 2026
 - ii) Legal – MN plumbing code proposed changes
 - iii) Engineer
 - iv) Managers
 - b) June 2026 Regular Meeting BCWD Board Agenda
- 9) Adjournment

Managers:

BCWD Board Packet May 13, 2026
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 Kay Feltus, President • Chuck LeRoux, Vice-President • Celia Wirth, Treasurer
 Debra Sahulka, Secretary • Griffin Brod, Manager



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DRAFT Minutes of the regular meeting of the Brown's Creek Watershed District Board of Managers, Wednesday April 8, 2026

Roll call

Managers Present:	Others Present:
Chuck LeRoux, Vice President	Karen Kill, BCWD administrator
Celia Wirth, Treasurer	Hannah Peterson, BCWD communications and project assistant
Griffin Brod, Manager	Michael Welch, Smith Partners, BCWD counsel
Luke Mattson, Manager	Camilla Correll, EOR, BCWD engineer
Manager Absent:	
Klayton Eckles, President	

1) Call to order

Vice President Chuck LeRoux called the regular meeting to order at 6:31 p.m.

2) Approve agenda

Manager Wirth moved, seconded by Manager Brod, to approve the agenda as presented.

Motion carried 4/0.

3) Public comments

There were no public comments.

4) Consent agenda

Karen Kill requested removing item 4c, accept authorized funds spreadsheet and approve revised 2026 budget as presented; Luke Mattson requested removing item 4e, authorize staff and manager registration and manager per diem for the Workshop on the Water July 30, 2026; and Michael Welch requested removing item 4h, authorize administrator to execute on advice of counsel the Washington County aquatic invasive species prevention aid funds grant in the amount of \$4,000 to treat curly leaf pondweed on South School Section Lake and conduct a post-treatment survey, from the consent agenda for discussion.

a) Approve minutes of the March 11, 2026, regular meeting as presented

b) Accept Permit Fee Statement as presented

d) Authorize the payment of bills as presented, totaling \$69,466.61

f) Authorize Emmons and Olivier Resources scope of work for vegetative maintenance not to exceed \$41,887, including \$41,387 as a subcontract with Natural Shores Technology

g) Authorize administrator to execute on advice of counsel an agreement with PLM Lake & Land Management Corp for treatment of curly leaf pondweed in South School Section Lake not to exceed \$3,472.08

i) Authorize distribution of the annual report

Manager Wirth moved, seconded by Manager Mattson, to approve the consent agenda as amended. Motion carried 4/0.

1 **c) Accept Authorized Funds Spreadsheet and approve revised 2026 Budget as presented**

2 Ms. Kill explained changes to carry-forward funds in the 2026 budget, highlighted in the
3 spreadsheet in the packet.

4 **Manager Wirth moved, seconded by Manager Brod, to approve the revised 2026 budget as**
5 **presented. Motion carried 4/0.**

6 **e) Authorize staff and manager registration and manager per diem for the Workshop on the**
7 **Water July 30, 2026**

8 Ms. Kill shared that managers may register and request reimbursement or request staff to
9 register them. Managers Wirth and Mattson expressed interest in attending.

10 **Manager Wirth moved, seconded by Manager Mattson, to authorize staff and manager**
11 **registration and manager per diem for the Workshop on the Water. Motion carried 4/0.**

12 **h) Authorize the administrator to execute, on advice of counsel, the Washington County aquatic**
13 **invasive species prevention aid funds grant in the amount of \$4,000 to treat curly-leaf**
14 **pondweed on South School Section Lake and conduct a post-treatment survey.**

15 Mr. Welch said Washington County has insurance requirements that appear to be inconsistent
16 with the specifics in BCWD's contract for the work. He said that the proposed authorization of
17 execution of the grant agreement if proposed with the understand that staff and counsel are
18 still working on insurance requirements.

19 **Manager Mattson moved, seconded by Manager Brod, to authorize the administrator to**
20 **execute, on advice of counsel, an agreement with Washington County for an aquatic invasive**
21 **species prevention grant in the amount of \$4,000 to treat curly-leaf pondweed on South**
22 **School Section Lake and conduct a post-treatment survey. Motion carried 4/0.**

23 **5) Permitting**

24 **a) BCWD Permit 24-18 Washington County 15B Frontage Road amendment**

25 Ms. Kill explained that Washington County has requested to amend its permit to remove the
26 stipulation, requiring the county to provide stormwater treatment if Central Commons does not
27 build a proposed stormwater facility. She said that Central Commons has now constructed the
28 required basin, obviating the condition.

29 **Manager Mattson moved, seconded by Manager Wirth, to approve the Washington County**
30 **permit amendment 24-18 by removing stipulation four. Motion carried 4/0.**

31 **6) Projects**

32 **a) Maintenance – Iron Enhanced Sand Filter Task 3**

33 Camilla Correl said Task 3 as presented at the March regular meeting has now been broken
34 down into three subtasks, as presented in the updated memo. BCWD would take the lead on
35 coordination with the City of Stillwater, and EOR would complete a feasibility study and bring
36 recommendations to the managers prior to the request for quote process. The managers
37 discussed the typical lifespan of iron-enhanced sand filters and media disposal.

38 **Manager Mattson moved, seconded by Manager Brod, to authorize the Emmons and Olivier**
39 **Resources scope of work for subtask 3.2, stormwater maintenance and enhancement scoping,**
40 **not to exceed \$13,515 from account 948-0000. Motion carried 4/0.**

41 **7) Discussion agenda**

42 **a) Updates**

1 **i) Administrator**

2 Ms. Kill said that an application had been submitted for the Minnesota Department of
3 Health Groundwater Protection Initiative Grant, and she shared the annual reporting
4 requirements. Hannah Peterson said that the newsletter would be sent to homeowners in
5 May and asked the managers to send her any feedback. Ms. Kill and Ms. Peterson shared
6 what they learned at the stormwater pond symposium.

7 **ii) Legal**

8 Mr. Welch asked the managers if they had any resolutions to bring to Minnesota
9 Watersheds. He said that there is still work being done on chloride and mentioned a bill in
10 the works to require long-term planning for capital improvement projects when state funds
11 are being utilized.

12 **iii) Engineer**

13 Ms. Correll shared that she attended a conference in Canada and connected with a
14 community there that had started to develop an integrated groundwater framework similar
15 to what BCWD is hoping to develop in its 2027-36 plan. She also said that Jimmy Marty
16 would be leading a workshop this summer about soft water plant communities, like what he
17 found in the Brown's Creek Watershed. Manager Wirth expressed interest in attending.

18 **iv) Managers**

19 Manager Wirth asked about the results of the Bass Lake lead testing, and Ms. Kill said the
20 testing produced no results inconsistent with state standards.

21 **b) May 2026 Regular Meeting Agenda**

22 Ms. Kill and the managers discussed the watershed management plan update process. They
23 decided that the comments and responses would be brought to the May regular meeting and a
24 public hearing would be scheduled for the June regular meeting.

25 **8) Adjournment**

26 Manager Mattson moved, seconded by Manager Wirth, to adjourn the regular meeting at
27 7:48 p.m. Motion carried 4/0.

28 Respectfully submitted by

29 Hannah Peterson, BCWD staff and Griffin Brod, Secretary *pro tem*



BROWN'S CREEK WATERSHED DISTRICT

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Permit Fee Statement

Financial Summary

Balance Due to BCWD	\$103,973.88
Balance Due to Permit Applicants	-\$153,033.19
Total Exempted	\$158,351.24

Balance By Permit													
Permit Number	Project Name	Permit Status	Permit Status Date	Rule 2.0	Rule 3.0	Rule 4.0	Rule 5.0	Rule 6.0	Rule 7.0	Rule 10.0	Project Type	Balance Exempt	Balance Due
05-12	Bergmann Development/Sanctuary	Permitted	10/14/05	☒	☒	☒	☐	☐	☒	☐	RES DEV		\$0.00
15-07	Brown's Creek Cove	Permitted	05/05/16	☒	☒	☒	☐	☐	☒	☒	RES DEV		\$8,238.52
16-03	The Ponds at Heifort Hills	Permitted	09/27/16	☒	☒	☒	☒	☐	☒	☒	RES DEV		\$1,327.34
17-01	Farms of Grant/White Oaks Savannah	Permitted	10/08/18	☒	☒	☒	☐	☐	☒	☒	RES DEV		\$26,057.67
17-04	The Lakes at Stillwater	Permitted	11/22/17	☒	☒	☒	☐	☐	☒	☐	COM		\$4,843.95
17-17	West Ridge	Permitted	08/17/18	☒	☒	☒	☐	☐	☒	☐	RES DEV		\$2,189.16
18-04A	Boutwell Farms	Permitted	09/28/18	☒	☒	☒	☐	☐	☒	☐	RES DEV		\$785.69
18-05	Hazel Place/Heritage Ridge	Permitted	11/14/18	☒	☒	☒	☐	☐	☒	☐	RES DEV		-\$1,679.20
18-06	Nottingham Village	Permitted	03/05/26	☒	☒	☒	☐	☐	☒	☐	RES DEV		\$1,412.90
18-14	St Croix Valley Recreation Center Expansion	Permitted		☐	☒	☐	☐	☐	☒	☐	GOV DEV	\$7,406.28	
19-05	Central Commons	Permitted	09/24/25	☒	☒	☒	☐	☐	☒	☐	COM		-\$2,287.52
20-05	Neal Ave Road Reconstruction	Permitted	06/01/20	☒	☒	☐	☐	☐	☐	☐	ROAD	\$19,088.31	
20-08	CSAH 15-36 Interchange	Permitted	03/24/21	☐	☒	☐	☐	☒	☒	☐	ROAD	\$24,166.21	
20-12	White Pine Ridge	Permitted	06/07/21	☐	☒	☐	☐	☐	☐	☐	RES DEV		\$2,904.47
21-13	Marylane Gateway Addition	Permitted	09/29/21	☒	☒	☒	☐	☐	☒	☐	RES DEV		-\$611.00
21-15	Schwartz Residence	Permitted	09/07/21	☒	☒	☐	☐	☐	☐	☐	SF RES		-\$319.38
21-34	Fahey Residence	Permitted	11/04/21	☐	☒	☐	☐	☐	☐	☐	SF RES		-\$743.78
21-45	Norell Ave N Improvements	Permitted	06/15/22	☒	☒	☐	☐	☐	☒	☐	ROAD	\$10,458.63	
22-11	7125 Lone Oak Trail (WOS L106)- Wiechman	Permitted	09/25/22	☐	☒	☐	☐	☐	☐	☐	SF RES		\$8,607.88
22-18	Stillwater Oaks	Permitted	10/11/25	☒	☒	☒	☐	☐	☒	☐	RES DEV		-\$5,115.70
22-20	Popeyes OPH	Permitted	11/09/22	☐	☒	☐	☐	☐	☐	☐	COM		-\$189.62
22-31	Wash Co. CSAH 57 culverts	Permitted	02/02/23	☐	☒	☐	☐	☐	☐	☐	ROAD	\$1,053.00	
23-01	Cty Rd 61 Re-alignment	Permitted	04/12/23	☒	☒	☐	☐	☐	☐	☐	ROAD	\$8,147.40	
23-02	WOS L114 - Cates (7211 Lone Oak Trail Tweden)	Permitted	05/04/23	☐	☒	☒	☐	☐	☒	☐	SF RES		\$0.00
23-11	7273 Lone Oak Trail- WOS Lot 122 - Freiroys Residence	Permitted	04/04/24	☐	☒	☐	☐	☐	☐	☐	SF RES		\$1,958.42
23-15	7085 Lone Oak Trail- WOS L102- Mensah Res/Cates	Permitted	09/06/23	☐	☒	☐	☐	☐	☐	☐	SF RES		\$2,533.54
23-18	7285 Lone Oak Tri- WOS L124	Permitted	11/09/23	☐	☒	☐	☐	☐	☐	☐	SF RES		\$1,204.75
23-19	Liberty Classical Academy Expansion	Permitted	09/10/25	☒	☒	☒	☐	☐	☒	☐	COM		-\$4,750.94
24-01	Take 5 Oil Change	Permitted	08/23/24	☒	☒	☐	☐	☐	☒	☐	COM		-\$304.50
24-03	WOS L120- 7255 Lone Oak- Hilgert	Permitted	03/18/24	☐	☒	☐	☐	☐	☐	☐	SF RES		\$3,926.24
24-06	Rutherford Elementary	Permitted	08/29/24	☒	☒	☐	☐	☐	☒	☐	GOV DEV	\$8,580.06	
24-07	Elliott Crossing	Permitted	04/29/25	☒	☒	☒	☐	☐	☒	☐	RES DEV		-\$5,516.49
24-08	Altendorfer Residence - 13075 Lynch Rd	Permitted	05/08/24	☐	☒	☐	☐	☐	☐	☐	SF RES		\$1,021.77
24-09	Washington County CSAH 5 - Trails and Bridge	Permitted	01/28/25	☒	☒	☐	☒	☐	☒	☐	ROAD	\$22,890.73	
24-11	WOS Lot 127 Karr Residence (Cates)	Permitted	08/29/24	☐	☒	☐	☐	☐	☐	☐	SF RES		\$2,265.09
24-12	WOS Lot 130-Carlson Residence	Permitted	10/15/24	☐	☒	☐	☐	☐	☐	☐	SF RES		\$1,296.18
24-15	Lornston Residence	Permitted		☐	☒	☒	☐	☐	☐	☐	SF RES		-\$77.73
24-16	Goodsell Residence	Permitted	12/10/24	☐	☒	☒	☐	☐	☐	☐	SF RES		\$0.00
24-17	WOS Lot 129 - Weatherby	Permitted	12/03/24	☐	☒	☐	☐	☐	☐	☐	SF RES		\$1,539.91
24-18	Washington County CSAH 15B/South Frontage Rd	Permitted	04/09/25	☒	☒	☐	☒	☒	☒	☒	ROAD	\$26,365.40	
25-01	Curve Crest Boulevard Utility Extension	Permitted	02/19/25	☐	☒	☐	☐	☐	☐	☐	UTILITY	\$2,632.73	
25-02	Anderson Holdings Mass Grading	Permitted	05/01/25	☐	☒	☐	☐	☐	☐	☐	COM		\$6,036.21
25-03	HealthPartners Lakeview Campus	Permitted	07/02/25	☒	☒	☒	☒	☐	☒	☐	COM		\$7,962.95
25-04	Kranz Home Addition	Permitted	03/14/25	☒	☒	☐	☐	☐	☒	☒	SF RES		\$1,396.94
25-05	St. Croix Rec Center Parking Lot Extension	Permitted	07/28/25	☒	☒	☐	☐	☐	☒	☐	GOV DEV	\$13,939.65	
25-06	CSAH 15 Pavement Preservation	Permitted	03/18/25	☐	☒	☐	☐	☐	☐	☐	ROAD	\$2,070.24	
25-07	WOS Lot 121 - Castillo Residence	Permitted	04/24/25	☐	☒	☐	☐	☐	☐	☐	SF RES		\$2,827.35
25-08	Marylane Lot 4 - Dockter Residence	Permitted	05/20/25	☐	☒	☐	☐	☐	☐	☐	SF RES		\$1,759.20
25-11	Stillwater Wellhead 10 PFAS Treatment	Permitted	06/27/25	☐	☒	☐	☐	☐	☐	☐	UTILITY	\$8,207.35	
25-12	Doede Home Construction	Permitted	07/25/25	☐	☒	☒	☐	☐	☐	☐	SF RES		\$1,066.37
25-13	Xcel Energy Steel Pole Replacement	Permitted	07/14/25	☐	☒	☐	☐	☐	☐	☐	COM		\$2,291.26
25-14	119th St. N - Husnik Residence	Permitted	08/22/25	☒	☒	☐	☐	☐	☐	☐	SF RES		-\$305.44
25-15	Elliott Crossing Lot 1 - Belin Residence	Permitted	07/07/25	☐	☒	☐	☐	☐	☐	☐	SF RES		\$1,346.71
25-17	WOS Lot 128 - Morud Residence	Permitted	08/22/25	☐	☒	☐	☐	☐	☐	☐	SF RES		\$1,700.29
25-18	Marylane Gateway Lot 3 - Deininger Residence	Permitted	07/24/25	☐	☒	☐	☐	☐	☐	☐	SF RES		\$926.00
25-19	Elliott Crossing Lot 3 - Kootenia	Permitted	09/03/25	☐	☒	☐	☐	☐	☐	☐	SF RES		\$574.64
25-21	Bryant Yard Extension	Permitted	09/10/25	☐	☒	☐	☐	☐	☐	☐	SF RES		\$15.80
25-22	WOS Lot #117- Upadhyaya	Permitted	10/02/25	☐	☒	☐	☐	☐	☐	☐	SF RES		\$1,278.22
25-23	10286 Kismet Ln N Septic	Permitted	10/17/25	☐	☒	☐	☐	☐	☐	☐	SF RES		\$0.00
25-24	Ziegler Pole Shed	Permitted	10/02/25	☐	☒	☐	☐	☐	☐	☐	SF RES		\$445.96
25-26	Elliott Crossing Lot 4 - Zawadski Homes	Permitted	10/23/25	☐	☒	☐	☐	☐	☐	☐	SF RES		\$112.92
25-27	Elliott Crossing Lot 5 - Style & Structure	Permitted	12/01/25	☐	☒	☐	☐	☐	☐	☐	SF RES		-\$581.54
25-28	Chick-fil-A Stillwater	Permitted	04/17/26	☒	☒	☐	☐	☐	☒	☒	COM		\$782.10
25-29	Sunrise Park Trail	Conditionally Approved	03/11/26	☒	☒	☐	☐	☐	☒	☐	GOV DEV	\$3,345.25	
25-30	Brixton Commons	Conditionally Approved	02/11/26	☒	☒	☒	☐	☐	☒	☐	RES DEV		-\$122.25

26-01	Elliott Crossing Lot 2 - Anderson	Permitted	01/14/26	☐	☒	☐	☐	☐	☐	☐	SF RES		\$128.48
26-02	Sanctuary Wastewater Treatment Facility	Permitted	02/20/26	☐	☒	☐	☐	☐	☐	☐	RES DEV		-\$753.25
26-03	7 Brew Coffee - Oak Park Heights (60th)	Assessing Completeness	04/07/26	☒	☒	☐	☐	☐	☐	☐	COM		-\$1,046.25
26-04	Bergmann Residence Addition	Assessing Completeness	03/24/26	☒	☐	☐	☐	☐	☐	☐	SF RES		\$1,209.00

Brown's Creek Watershed District
2026 Budget -Approved 4-8-2026
5-13-2026

		Revised Carry Forward	2026 Grants	2026 Levy	Revised 2026 Total Budget	Allocated	Available
100-2910	Designated Funds - Management Plan Projects	\$ 820,996			\$ 820,996		\$ 820,996
					\$ -		\$ -
Revenue					\$ -		\$ -
100-3700	Interest Income				\$ -		\$ -
100-3601	Metropolitan Council Outlet Monitoring Grant		\$ 5,000		\$ 5,000		\$ 5,000
100-3630	Washington County Cost-share Applewood Reuse		\$ 60,000		\$ 60,000		\$ 60,000
100-3631	MPCA Small Watershed Grant 2023-2025				\$ -		\$ -
100-3400	Permits				\$ -		\$ -
100-3632	MPCA Small Watershed Grant 2025-2029		\$ 310,191		\$ 310,191		\$ 310,191
100-3633	WCD HELP Grant 2025-2026				\$ -		\$ -
100-3635	Lower St Croix Parntership grant		\$ 34,100		\$ 34,100		\$ 34,100
100-3634	Washington County AIS control grant		\$ 4,000		\$ 4,000		\$ 4,000
100-3100	Tax Levy			\$ 1,247,745	\$ 1,247,745		\$ 1,247,745
TOTAL, ESTIMATED Sources of Funding		\$ 820,996	\$ 413,291	\$ 1,247,745	\$ 2,482,033	\$ -	\$ 2,482,033

ACCT. #	General Expenses	Revised Carry Forward	2026 Grants	2026 Levy	Revised 2026 Total Budget	Allocated	Available
200-4000	Manager Per Diem and Expense			\$ 10,000	\$ 10,000	\$ 6,500	\$ 3,500
200-4210	Meeting Space	\$ 880		\$ 1,440	\$ 2,320	\$ 2,320	\$ -
200-4250	Dues & Subscriptions (MN Watersheds 7200 and LMCIT 2800)			\$ 10,000	\$ 10,000	\$ 10,000	\$ -
200-4270	Bonding & Insurance			\$ 6,500	\$ 6,500	\$ 6,500	\$ -
200-4280	Postage & Delivery			\$ 1,000	\$ 1,000		\$ 1,000
200-4290	Printing & Notices			\$ 1,000	\$ 1,000		\$ 1,000
200-4330	Accounting			\$ 5,040	\$ 5,040	\$ 5,040	\$ -
200-4331	Audit			\$ 11,500	\$ 11,500	\$ 11,500	\$ -
200-4949	Misc., Other Expense			\$ 2,000	\$ 2,000		\$ 2,000
200-4320	Wash. Conservation District--Admin			\$ 70,000	\$ 70,000	\$ 70,000	\$ -
200-4265	Admin Conference Registrations			\$ 3,500	\$ 3,500	\$ 200	\$ 3,300
200-4410	Legal Fees - General			\$ 29,100	\$ 29,100	\$ 29,100	\$ -
200-4500	Staff Engineer			\$ 33,000	\$ 33,000	\$ 33,000	\$ -
	Equity Training	\$ 5,000		\$ (5,000)	\$ -		\$ -
	Contingency Reserve	\$ 10,878		\$ 40,000	\$ 50,878		\$ 50,878
TOTAL GENERAL FUND EXPENSES:		\$ 16,758	\$ -	\$ 219,080	\$ 235,838	\$ 174,160	\$ 61,678

ACCT. #	MANAGEMENT PLAN EXPENSES	Revised Carry Forward	2026 Grants	2026 Levy	Revised 2026 Total Budget	Allocated	Available
300-4320	Wash. Conservation District--Administrator			\$ 256,500	\$ 256,500	\$ 256,500	\$ -
300-4410	Legal Fees - Mgmt Plan			\$ 60,000	\$ 60,000		\$ 60,000
300-4501	Staff Engineer	\$ 3,042		\$ 99,000	\$ 102,042	\$ 102,042	\$ -
300-4702	Permitting, Legal Review			\$ 17,500	\$ 17,500		\$ 17,500
300-4703	Permitting, Engineering Review	\$ 0		\$ 78,000	\$ 78,000		\$ 78,000
300-4704	Permitting, Inspection Database	\$ 4,000		\$ -	\$ 4,000	\$ 4,000	\$ -
300-4710-1	Baseline Monitoring		\$ 5,000	\$ 162,500	\$ 167,500	\$ 167,500	\$ -
300-4640	Equip. Maint. and Upgrades	\$ 10,000		\$ 15,000	\$ 25,000	\$ 4,015	\$ 20,985
300-4810	Shared Educator Position			\$ 25,500	\$ 25,500	\$ 25,480	\$ 20
300-4950	Management Plan Implementation -future projects				\$ -		\$ -
903-0001	Trout Habitat Preservation Project: Monitoring,	\$ 6,592		\$ 340	\$ 6,932	\$ 6,932	\$ -
909-0000	Rules Review/Evaluation	\$ 22,150		\$ (20,000)	\$ 2,150	\$ 2,150	\$ -
909-0001	Groundwater Dep Nat Resource Inventory update			\$ 8,400	\$ 8,400		\$ 8,400
909-0002	Permitting Program Internal Procedure updates	\$ 25,000		\$ (25,000)	\$ -		\$ -
910-0000	Education & Outreach	\$ 35,500		\$ 64,500	\$ 100,000	\$ 10,800	\$ 89,200
911-0000	Volunteer Stream Monitoring			\$ 5,000	\$ 5,000		\$ 5,000
914-0000	Homeowner BMP Program			\$ 50,000	\$ 50,000	\$ 1,500	\$ 48,500
923-0000	H & H Model Maintenance	\$ 48,863		\$ (8,000)	\$ 40,863	\$ 40,863	\$ -
923-0002	Flood Risk Assessment			\$ -	\$ -		\$ -
923-0003	Long Lake - Flood Risk - Weir Modification Assessment	\$ 30,000			\$ 30,000		\$ 30,000
923-0004	Stormwater Structure Inventory			\$ -	\$ -		\$ -
927-0000	Management Plan Update	\$ 45,778			\$ 45,778	\$ 30,308	\$ 15,470
929-0000	Long Lake Plan Implementation	\$ 103,700		\$ (100,000)	\$ 3,700		\$ 3,700
929-0012	Long Lake - Marketplace Reuse Feasibility			\$ -	\$ -		\$ -
929-0013	Long Lake - Chloride Impairment Assessment	\$ 10,000		\$ -	\$ 10,000		\$ 10,000
929-0014	Long Lake - Brewer's Pond BMP/LGU cost-share	\$ 25,000			\$ 25,000	\$ 25,000	\$ -
935-0000	Land Conservation Program	\$ 200,000		\$ 50,000	\$ 250,000		\$ 250,000
935-0002	110th Street Property Implementation	\$ 50,000			\$ 50,000	\$ 3,300	\$ 46,700
935-0003	Develop Land Conservation Priorities	\$ 20,000			\$ 20,000		\$ 20,000
940-0000	BMP Program – LGU/Community Demonstration Projects				\$ -		\$ -
942-0004	Measuring Trends in GW Elevations & Flow			\$ 5,000	\$ 5,000		\$ 5,000
942-0007	Groundwater - Browns Creek piezometers			\$ 10,000	\$ 10,000		\$ 10,000
942-0008	Groundwater -recharge mapping			\$ -	\$ -		\$ -
942-0011	Groundwater - Coordination with users			\$ 8,500	\$ 8,500		\$ 8,500
947-0002	Fish Baffles - Hwy 95 & 96 Culverts			\$ 7,500	\$ 7,500		\$ 7,500
947-0009	Browns Creek Trail Improvements			\$ -	\$ -		\$ -
947-0017	Brown's Creek Implementation - Ecoli	\$ 10,000		\$ (10,000)	\$ -		\$ -
947-0018	Brown's Creek - Biological Survey (Macroinvert)			\$ 4,160	\$ 4,160	\$ 4,160	\$ -
947-0020	Brown's Creek - Stream Channel Survey			\$ 7,500	\$ 7,500		\$ 7,500
947-0022	Brown's Creek - Buffer and Stream Restoration-BC Park				\$ -	\$ -	\$ -
947-0025	Brown's Creek - Golf Course Reuse - SCC		\$ 88,191	\$ 12,000	\$ 100,191		\$ 100,191
947-0026	Brown's Creek - Brown's Creek Cove Reach	\$ 58,000	\$ 256,100	\$ 124,800	\$ 438,900	\$ 112,550	\$ 326,350
947-0027	Brown's Creek - McKusick Road rock crib feasibility	\$ 26,000		\$ (26,000)	\$ -		\$ -
947-0028	Brown's Creek - Millbrook Phase II			\$ -	\$ -		\$ -
948-0000	CIP Maintenance	\$ 48,964	\$ 60,000	\$ 115,300	\$ 224,264	\$ 116,048	\$ 108,216
950-0001	South School Curly Leaf Treatment		\$ 4,000	\$ 6,000	\$ 10,000	\$ 7,640	\$ 2,360
950-0003	Aquatic Vegetation Surveys			\$ 12,000	\$ 12,000		\$ 12,000
953-0000	Fen Management Plan Implementation	\$ 435		\$ 4,200	\$ 4,635	\$ 4,635	\$ -
957-0000	Weather Station	\$ 1,180		\$ 3,000	\$ 4,180	\$ 4,180	\$ -
959-0004	Resource Assessment - AIS				\$ -		\$ -
960-0000	St Croix Phosphorus Reduction	\$ 10,000		\$ (10,000)	\$ -		\$ -
960-0001	DNR Gully Stabilization			\$ -	\$ -		\$ -
961-0000	Mendel Wetland Restoration Feasiblity	\$ 7,535		\$ (7,535)	\$ -		\$ -
961-0001	Mendel Wetland Restoration -Vegetation Management			\$ 5,500	\$ 5,500		\$ 5,500
964-0000	District-Wide Chloride Source Assessment	\$ 2,500		\$ (2,500)	\$ -		\$ -
967-0000	Brewers Pond Subwatershed Plan			\$ 20,000	\$ 20,000		\$ 20,000
TOTAL MANAGEMENT PLAN PROJECT EXPENSES:		\$ 804,238	\$ 413,291	\$ 1,028,665	\$ 2,246,195	\$ 929,602	\$ 1,316,592
TOTAL, OPERATING EXP. & MGMT. PLAN PROJECTS:		\$ 820,996	\$ 413,291	\$ 1,247,745	\$ 2,482,033	\$ 1,103,762	\$ 1,378,270

BROWN'S CREEK WATERSHED DISTRICT
5/13/2026
CURRENT ITEMS PAYABLE-PAGE 1 of 2

VENDOR

Emmons & Olivier Resources, Inc.

Inv. 41-0000-245 Retainer
Inv. 41-0000-245 Retainer
Inv. 41-0001-248 General Permitting
Inv. 41-0307-107 Permits 2017
 Permit #17-01 Grant Holdings Subd
Inv. 41-0350-55 Permits 2019
 Permit #19-05 Central Commons
Inv. 41-0402-48 Permits 2022
 Permit #22-18 Stillwater Oaks
Inv. 41-0420-39 Permits 2023
 Permit #23-19 Liberty Classical Academy Expansion
Inv. 41-0438-27 Permits 2024
 Permit #24-03 WOS Lot 120 Hilgert Residence
 Permit #24-07 Elliott Crossing
 Permit #24-08 Altendorfer Residence
 Permit #24-15 Lornston
 Permit #24-16 Goodsell Residence
 Permit #24-18 CSAH 15 Frontage
Inv. 41-0461-16 Permits 2025
 Permit #25-01 Curve Crest Utility Extension
 Permit #25-02 Anderson Holdings
 Permit #25-03 Lakeview Hospital
 Permit #25-05 St. Croix Rec Center
 Permit #25-07 WOS Lot 121 Castille
 Permit #25-11 Stillwater PFAS Treatment
 Permit #25-12 Doede Residence
 Permit #25-14 Husnik Residence
 Permit #25-15 Elliott Crossing Lot 1B
 Permit #25-17 WOS Lot 128 Morud
 Permit #25-18 Deininger Residence
 Permit #25-19 Elliott Crossing Lot 3
 Permit #25-21 Bass Lake West
 Permit #25-22 WOS Lot 117 Upadhyaya
 Permit #25-24 Ziegler Pole Shed
 Permit #25-26 Elliott Crossing Lot 4

		YES	NO	ABSTAIN	ABSENT
ECKLES		_____	_____	_____	_____
BROD		_____	_____	_____	_____
LEROUX		_____	_____	_____	_____
WIRTH		_____	_____	_____	_____
SAHULKA		_____	_____	_____	_____
ACCOUNT #	ITEMS		TOTAL	CK NO	
300-4500	\$ 8,249.25				
200-4500	\$ 2,749.75				
300-4703	\$ 4,504.25				
300-4703	\$ 181.21				
300-4703	\$ 57.83				
300-4703	\$ 555.65				
300-4703	\$ 312.73				
300-4703	\$ 155.96				
300-4703	\$ 283.51				
300-4703	\$ 186.48				
300-4703	\$ 87.97				
300-4703	\$ 42.00				
300-4703	\$ 553.08				
300-4703	\$ 85.33				
300-4703	\$ 85.33				
300-4703	\$ 542.23				
300-4703	\$ 105.46				
300-4703	\$ 211.73				
300-4703	\$ 211.73				
300-4703	\$ 211.73				
300-4703	\$ 115.47				
300-4703	\$ 287.48				
300-4703	\$ 211.73				
300-4703	\$ 81.02				
300-4703	\$ 232.48				
300-4703	\$ 135.98				
300-4703	\$ 211.73				
300-4703	\$ 236.98				
300-4703	\$ 294.73				

EOR Continued	Permit #25-27 Elliott Crossing Lot 5	300-4703	\$ 259.98	
	Permit #25-28 Chick-fil-A	300-4703	\$ 2,257.21	
	Permit #25-30 80th & Manning Townhomes	300-4703	\$ 746.00	
	Inv. 41-0475-4 Permits 2026			
	Permit #26-01 Elliott Crossing Lot 2	300-4703	\$ 322.23	
	Permit #26-02 Sanctuary WWTF	300-4703	\$ 30.52	
	Permit #26-03 7Brew Coffee	300-4703	\$ 2,953.75	
	Permit #26-04 Bergmann Residence	300-4703	\$ 1,965.00	
	Inv. 41-0284-41 BCWD Education & Outreach	910-0000	\$ 1,521.91	
	Inv. 41-0447-23 BCWD 2024 WMP Update	927-0000	\$ 712.50	
	Inv. 41-0449-7 Brown's Creek Cove	947-0026	\$ 28,170.33	
	Inv. 41-0463-10 AHGC O&M	948-0000	\$ 1,616.68	
	Inv. 41-0465-5 2025 Groundwater Monitoring & Mgmt	942-0004	\$ 468.25	
	Inv. 41-0469-4 2025 Bio Survey	947-0018	\$ 1,891.00	
	Inv. 41-0473-4 E.coli Sampling Scope	947-0017	\$ 197.00	
	Inv. 41-0476-1 THPP Prescribed Burn 2026	903-0001	\$ 643.10	
	Inv. 41-0484-1 IESF O&M 2026	948-0000	\$ 168.00	\$ 65,104.27
Xcel Energy	Inv. 974681672 - Iron Enhanced Sand Filter Pump Operation	948-4500	\$ 175.81	\$ 175.81
Washington Conservation District	Inv. 7419 Q1 2026 Educator - EMWREP	300-4810	\$ 6,370.00	
	Inv. 7428 March 2026 Water Monitoring			
	Baseline Water Monitoring - Labor	300-4710	\$ 11,529.66	
	Baseline Water Monitoring - Equipment	300-4640	\$ 16.67	
	Baseline Water Monitoring - Expenses	300-4640	\$ 3,511.98	
	Inv. 7444 March 2026 BMP Program	914-0000	\$ 460.50	
	Inv. 7464 Q1 2026 Administration			
	Administration (1/5)	200-4320	\$ 16,324.00	
	Administration (4/5)	300-4320	\$ 65,296.00	
	Admin Training (Lakes, Storm Ponds, Sensible Land Use, WOW)	200-4265	\$ 481.85	
	Board Training (WOW)	200-4000	\$ 33.85	
	Trees/Planting Supplies - Brown's Creek Park	948-0000	\$ 129.00	
	Trees/Planting Supplies - Brown's Creek Conservation Area	935-0002	\$ 2,304.02	
	Trees/Planting Supplies - Heifort Hills Estate HOA	914-0000	\$ 129.00	
	Miscellaneous Expenses	200-4949	\$ 144.09	
	Education Expenses (Tablecloths, Event Snacks, Stickers, Eco Fair)	910-0000	\$ 689.57	\$ 85,531.38
Smith Partners	Inv. 46599 Retainer - Meetings, Preparation	200-4410	\$ 2,464.48	
	Inv. 46600 General Legal Services	300-4410	\$ 242.40	
	Inv. 46601 Planning	300-4410	\$ 0.18	
	Inv. 46602 Contracts	300-4410	\$ 757.50	
	Inv. 46603 Permits	300-4702	\$ 60.69	
	Inv. 46604 Lake McKusick Iron-Sand Infiltration (& SSSL AIS Treatment)	300-4410	\$ 1,700.13	

Smith Partners Continued	Inv. 46605 Brown's Creek Restoration	300-4410	\$	181.80		
	Inv. 46606 BC Cove	300-4410	\$	667.32	\$	6,074.50
Dave S. McCord, LTD	Inv. 4741 February 2026 Accounting Services	200-4330	\$	420.00		
	Inv. 4742 March 2026 Accounting Services	200-4330	\$	420.00	\$	840.00
Abdo LLP	Inv. 524008 Audit Services for Year Ended 12/31/25	200-4331	\$	5,750.00	\$	5,750.00
Chris Ecker	Cost-share Reimbursement 2025-08	914-0000	\$	2,121.50	\$	2,121.50
Total Amount Disbursed						\$ 165,597.46

BROWN'S CREEK WATERSHED DISTRICT
5/13/2026
MONTHLY ITEMS DEPOSITED - Page 1 of 1

VENDOR	INVOICE/DESCRIPTION	ACCOUNT #	CK NO	DEPOSIT DATE	TOTAL
4M Fund	Dividend (Interest)	100-3700	Direct Deposit	4/30/2026	\$ 2,010.36
MOR Development LLC	#24-07 Permit Fee Payment	300-4703	6075	4/13/2026	\$ 13,098.43
Kueber Coffee Minnesota LLC	#26-03 Permit Fee Deposit	300-4703	Direct Deposit	4/7/2026	\$ 4,000.00
TOTAL AMOUNT DEPOSITED:					\$ 19,108.79

Brown's Creek Watershed District
Treasurer's Report
5/13/26

Total Bank Balance		
4M Fund	\$	652,935.20
USBank		-
Less Accounts Payable		(187,486.27)
Plus Unrecorded Deposits since	04/30/2026	-
Total Balance	\$	<u>465,448.93</u>



BROWN'S CREEK WATERSHED DISTRICT

Preserving the integrity of the watershed for future generations

www.bcwd.org | 455 Hayward Ave N, Oakdale, MN 55128 | 651-330-8220

MEMORANDUM

TO: Brown's Creek Watershed District Board
FROM: Karen Kill and Hannah Peterson
RE: BCWD Apparel Order
DATE: May 8, 2026

Background

BCWD has gained new board and CAC members in the last year who do not yet have BCWD apparel. Branded apparel will enhance public visibility and recognition of the watershed district during events, fieldwork, and community engagement activities.

Heritage Embroidery can set up an online ordering site open from May 13th to May 27th. Apparel would take approximately 3 weeks to arrive and would be available in time for several summer community events.

Requested Action

Approve apparel order through Heritage Embroidery not to exceed \$1,000 total from 200-4949 Miscellaneous Expense.

Managers:



BROWN'S CREEK WATERSHED DISTRICT

Preserving the integrity of the watershed for future generations

www.bcwd.org | 455 Hayward Ave N, Oakdale, MN 55128 | 651-330-8220

MEMORANDUM

TO: Brown's Creek Watershed District Board
FROM: Karen Kill and Hannah Peterson
RE: Brown's Creek Restoration Project – Interpretive Signage
DATE: May 8, 2026

Background

The Brown's Creek Restoration Project was completed (aside from additional maintenance and plantings) in 2025. In the 2026 budget planning process, BCWD budgeted \$15,000 to develop three interpretive signs to educate the community about different aspects of the project at three different locations along the restoration site. BCWD staff will design three 36 x 24" signs for the following locations and content:

1. **Brown's Creek Park:** Native plants/habitat, buckthorn removal, reconnection to floodplain, overall project benefits
2. **ADA-Accessible Fishing Pier:** Get out more grant, cold-water fishery, pools and riffles, re-meandering
3. **Stair Access:** Macroinvertebrates/stream species, stormwater

BCWD can save on costs compared to the budget estimate by designing in-house with some graphic and installation support from Emmons & Olivier Resources. Staff would aim to have the signage installed by the September 19, 2026, Community Watershed Celebration and Bird Festival at Brown's Creek Park.

Estimated Costs

Description	Not to exceed
Design & Installation Support by EOR	\$5000
Sign Printing and Installation Materials from Vacker Sign	\$5000
TOTAL	\$10,000

Requested Action

Approve the design, printing, and installation of restoration project signage not to exceed a total of \$10,000 from account 910-0000 Education and Outreach.

Managers:



BROWN'S CREEK WATERSHED DISTRICT

Preserving the integrity of the watershed for future generations

www.bcwd.org | 455 Hayward Ave N, Oakdale, MN 55128 | 651-330-8220

MEMORANDUM

TO: Brown's Creek Watershed District Board
FROM: Karen Kill and Hannah Peterson
RE: Beaver Signage
DATE: May 8, 2026

Background

Beaver activity has been noted along Brown's Creek and its tributaries by residents, staff, and Community Advisory Committee members. While beavers are considered a nuisance to some, they are actually an important keystone species that enhance wetland habitats by raising water levels to restore the native plant community and removing early succession trees. Flooding is a potential concern, but there are opportunities to explore to coexist with beavers rather than removal of beavers and their dams when problems arise.

BCWD staff has designed signage to educate the community about the benefit of beavers and to encourage coexistence rather than removal of beavers and their dams when possible. Staff has also coordinated with the City of Stillwater and local beaver experts to assess sign content and potential locations.

Estimated Costs

Description	Quantity	Estimated Cost
18x24" Aluminum Sign	3	\$250
Sign Posts/Installation Materials	3	\$250
TOTAL		\$500

Requested Action

Approve the printing and installation of beaver signage not to exceed a total of \$500 from account 910-0000.

Managers:

Beavers at Work in the Watershed



A beaver in the water.

Friend or Foe?

While sometimes considered a nuisance, beavers are a keystone species in North American forests because they provide important ecosystem services. **Coexistence should be prioritized over removing beavers and their dams!**

Beavers and Brown's Creek

You may notice beaver activity (downed trees, dams, lodges, and pooling water) along Brown's Creek and its tributaries. **These beavers are enhancing wetland habitat by raising water levels to restore the native plant community and removing early succession trees.**

Brown's Creek Watershed District (BCWD) is aware of the activity and is monitoring it closely to determine if action needs to be taken. In general, BCWD supports beaver-human coexistence by encouraging their presence but also wants to prevent flood-related impacts to landowners. BCWD has installed levelers in a few beaver dams to let some of the water through without removing the dams. This preserves much of the ecological benefit provided by dams while reducing flood risk.

Beaver Benefits

Beavers provide many benefits to their ecosystems by building dams to hold back water. Key benefits include:

- Increasing drought and wildfire resilience by storing water
- Holding back sediments and removing pollutants
- Slowing flows to minimize streambank erosion and reduce flood damage
- Restoring wetland plant communities
- Removing early succession trees like boxelder and aspen
- Creating habitat for aquatic bugs, fish, reptiles, amphibians, waterfowl, and other mammals



**BROWN'S CREEK
WATERSHED DISTRICT**
Preserving the integrity of the watershed for future generations



Beaver lodge and dammed area of water.



Beaver dam along the creek.

Project Name	Groundwater Monitoring Program	Date	05/05/2026
To / Contact info	BCWD Board of Managers		
Cc / Contact info	Karen Kill, District Administrator		
From / Contact info	Stu Grubb, PG; Ali Stone, EOR		
Regarding	2025 Groundwater Elevation and Trends		

Summary

BCWD has been monitoring a network of wells for groundwater levels since 2012. The data is used to identify trends in groundwater levels and changes to groundwater flow over time.

Groundwater elevation trends are shown on Figures 3-6. Groundwater elevations increased from 2024 to 2025 with an average increase of 0.56 feet. The increase is not surprising considering there was a shift from a few years (2000-2023) of below average rainfall to two years (2024-2025) of above average/average rainfall and snowfall. Current groundwater levels are generally midway between the lowest levels recorded in 2012 and highest levels recorded in 2020.

EOR and BCWD are working to add more wells to the network, particularly near the landlocked basins in the north part of the watershed that are susceptible to groundwater flooding. Ongoing regular monitoring is important so that the watershed can recognize trends and extremes in groundwater levels that affect water resource management.

Background

BCWD has established a network of wells for measuring groundwater levels. The network includes residential wells, golf course wells, and DNR observation wells. Water level measurements are collected annually at the residential wells and golf course wells. Water level measurements are recorded hourly at the DNR observation wells using data loggers.

The data has been collected since 2012. The data is used to identify trends in groundwater levels and changes to groundwater flow over time. Changes to levels and groundwater flow can have significant effects on Brown's Creek and other groundwater dependent natural resources, flooded areas such as Kimbro Basin, and stormwater infiltration basins.

The well network was established to cover the entire watershed district, and also to monitor each of the major drinking water aquifers in the watershed district. The distribution of wells by aquifer is:

- Quaternary (Glacial) – 7
- St. Peter - 1
- Prairie du Chien – 10
- Jordan/St. Lawrence – 2
- Tunnel City Group – 4
- Multi-Aquifer – 1

See Figure 1 for a cross-section of the aquifers underlying the BCWD.

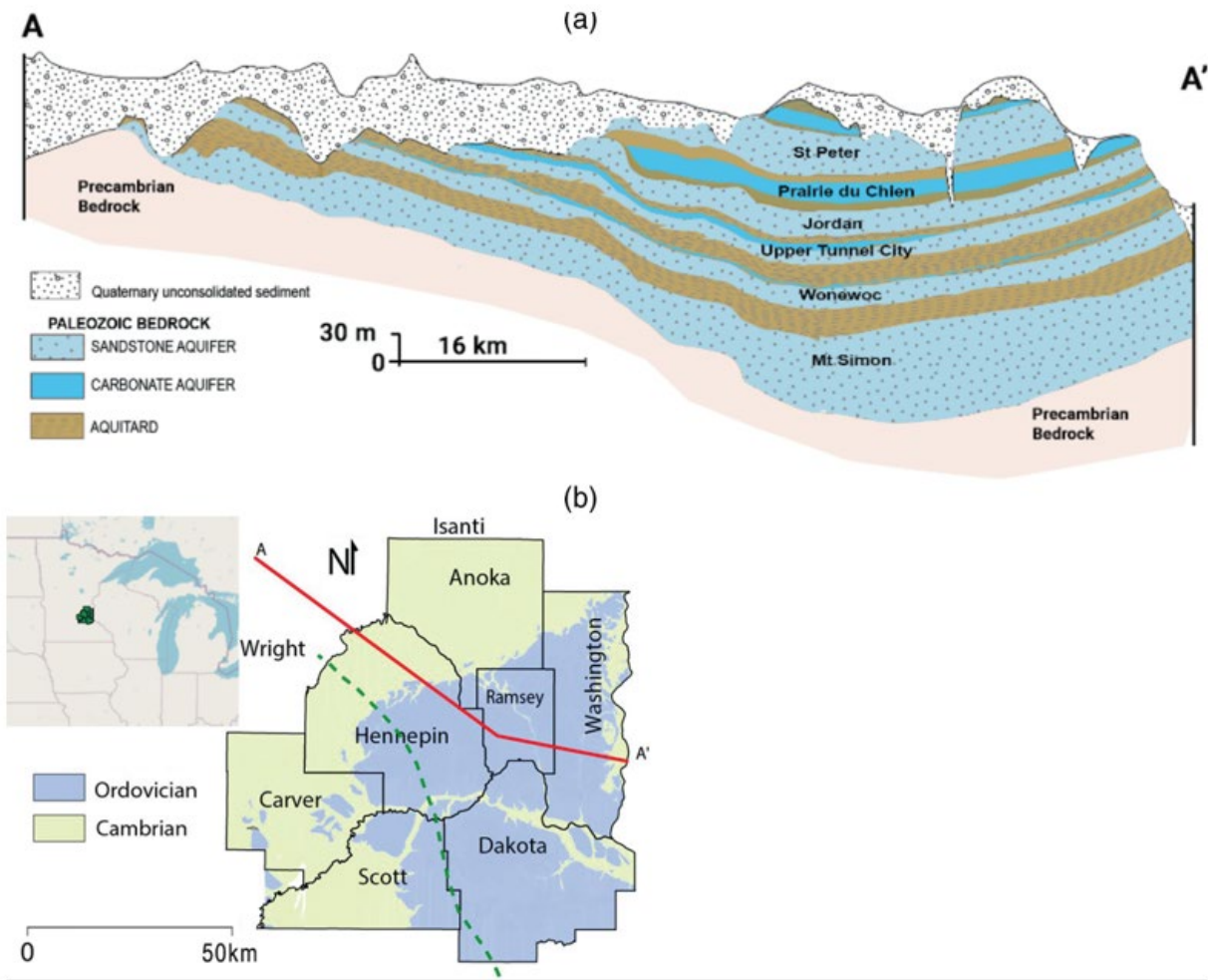


Figure 1. (a) Cross-section of Aquifers and Aquitards in the Twin Cities Metro Area; (b) Location of Cross-section. Aquifers are the underground layer of water-bearing material, consisting of permeable or fractured rock, or of unconsolidated materials such as gravel, sand or silt. Aquitards are any geological formation that transmits water at slower rates than an aquifer.

Analysis

Residential Wells

Groundwater elevation data from the golf course wells, residential wells, and DNR observation wells are shown in Table 1. Groundwater elevations increased from 2024 to 2025 with an average increase of 0.56 feet. The increase is not surprising considering there was a shift from a few years (2000-2023) of below average rainfall to two years (2024-2025) of above average/average rainfall and snowfall.

DNR Observation Wells

DNR measures water elevations monthly in four observation wells:

- Brown's Creek Park – Deep well completed in the Jordan aquifer

- Brown's Creek Park – Middle well completed in a confined Quaternary aquifer
- Withrow School – Well completed in the Prairie du Chien aquifer
- Kimbro – Shallow well completed in the Quaternary (glacial) aquifer

A fifth observation well was abandoned in 2021, but provides useful historic data:

- Brown's Creek Park – Shallow well completed in the Quaternary (glacial) aquifer

Groundwater elevation data from the DNR observation wells are shown on Figure 2. The data for the Withrow well shows that the water level had been dropping since reaching a high level of 960.05 in June 2020, but increased in 2024 and remained stable at that increased elevation through 2025. The Brown's Creek Park – Deep well groundwater elevations can fluctuate by as much as six feet over short time periods. This observation is the result of pumping from a nearby well (probably Oak Glen Golf Course) and will be investigated when the District obtains pumping data from the Oak Glen Golf Course. The Brown's Creek Park – Middle well shows dropping groundwater elevations since the beginning of the observation period in October, 2020 but increased in 2024 and remained at that increased level through 2025. The Kimbro – Shallow well became part of the monitoring program in 2021 and generally shows a trend of decreasing water levels corresponding to the decreasing surface water levels in the Kimbro Basin. The deeper DNR observation wells (Browns Creek – Deep and Withrow) showed little change in groundwater elevations in 2025.

Golf Course Wells

There were some notable changes in groundwater levels from 2024 (See Table 1). Oak Glen Golf Course (151580) showed a decrease of 19.16 feet. This suggests a measurement error as new equipment was installed and became operational after two years of no pumping. Oak Glen Golf Course (151581) saw an increase of 18.73 feet and Logger's Trail Golf Course (761112) saw an increase of 9.53 feet from 2024 to 2025. In both instances these sites had large decreases of similar magnitude in 2024. Last year that the wells apparently had not recovered from their most recent pumping event, and the 2025 monitoring likely represents their steady state.

Change in Water Levels in Each Aquifer

Groundwater levels in each aquifer were compared to identify trends over time. Residential well and DNR observation well levels were used for the year-to-year analysis. The golf course wells have not been measured for as long, and the individual water level readings tend to be less reliable due to the large pumping volume. Data from the golf course wells are useful for identifying long term trends in groundwater levels near those high-volume water users.

Quaternary (Glacial) Aquifer

Groundwater levels in the shallow Quaternary aquifer wells are shown on Figure 3. Two of the wells show an increase of about 6 feet since 2012 (slightly up from 2023, but down from 2020). Two of the wells show significantly less increase since 2012, about 0-2 feet. Out of the five Quaternary wells that were measured this year, two showed decreasing water levels and three showed increasing water levels. The variations seen this year are smaller than those seen last year. Variations across the aquifer may indicate a number of influences, including changes to discharge/recharge areas, changes in pumping rates, and variable precipitation and snowmelt rates. It is important to have multiple sampling locations to see not only the general gradient of groundwater flow, but also differences

between aquifers (vertical) and areas within the aquifer (horizontal). These local differences can result in challenges that require special solutions as well as larger trends that may warrant changes to watershed management policies.

Prairie du Chien Aquifer

Groundwater levels in the Prairie du Chien aquifer are shown in Figure 4. Most of the wells showed a consistent increase of 8 to 10 feet from 2012 to 2020, a decrease from 2020 to 2023, and an increasing trend from 2023 to 2025. Almost all aquifers in the Prairie du Chien saw small increases (approximately 0.5 ft) from 2024-2025 with one exception, the Wiersma property that decreased about 1 ft from 2024-2025.

Other Aquifers

Groundwater levels from the St. Peter, Jordan, and Tunnel City Group aquifers are shown on Figure 5. The wells show similar trends over time, a rise from 2012 to 2020 followed by a drop from 2021 to 2024, then a slight increase from 2024-2025. Only one well followed a slightly different trend of having an increase from 2023-2024 and decrease from 2024-2025, the Brown's Creek Park Well in the Tunnel City Group aquifer. Note that the Olien well was not available for measurement again this year. We will try to investigate the apparent decline in the water level. However, the new landowner has not responded to our recent requests for access to the well.

Adding network wells

BCWD has been working to add additional wells to the monitoring network. More groundwater data is needed in the northeast part of the watershed district where landlocked basins may be subject to groundwater flooding. EOR identified 23 residences with wells suitable for adding to the network. Karen Kill sent a letter to each residence to gauge their interest in the monitoring program. There were no responses. We will continue to try to contact these well owners and other well owners using other methods until we have added at least five wells to the monitoring network.

Ann Meyers volunteered her well for the monitoring program. The well is in a deep pit and is not easily accessible. EOR is working with WCD to find a way to get reliable water level measurements from the well.

Recommendations

It is recommended that the BCWD continue to collect groundwater elevation data on an annual basis. The long-term data and analyses are important for understanding groundwater conditions and groundwater/surface water interactions throughout the District. The data will be particularly useful for understanding the thermal impairment of Brown's Creek and water level fluctuations in landlocked areas such as the Kimbro Basin. The addition of well locations will be useful in developing a more accurate picture of regional groundwater levels and may help the BCWD predict when groundwater flooding is likely to become an issue in the future.

Table 1. Groundwater Elevations from 2017 to 2025

Unique Number	Name	2018 Water Elevation	2019 Water Elevation	2020 Water Elevation	2021 Water Elevation	2022 Water Elevation	2023 Water Elevation	2024 Water Elevation	2025 Water Elevation	Change since last measure
Approximate Date		Oct-18	Oct-19	Oct-20	Oct-21	Oct-22	Oct-23	Sep-24	Sep-25	
Golf Course Wells										
515171	Applewood	894.14		897.65	895.58	891.45	890.67	890.53	891.31	0.78
151580	Oak Glen	823.56	826.12	825.63	823.00			844.32	825.16	-19.16
151581	Oak Glen	828.16	828.23	828.78	829.19	827.95	828.41	810.96	829.69	18.73
208038	Stillwater	>200	>200							
Stillwater Oaks 1	Stillwater Oaks	910.11	912.41							
Stillwater Oaks 2	Stillwater Oaks	909.05	913.60	913.72	909.95					
Stillwater Oaks 3	Stillwater Oaks	910.07	911.90	912.46	911.02					
Stillwater Oaks 4	Stillwater Oaks	957.69	970.29	970.16	970.81					
566145	Logger's Trail	904.16	905.93	907.20						
667998	Logger's Trail	905.10	907.34	908.40	905.30	905.08	903.48	904.48	905.23	0.75
761112	Logger's Trail	900.09	901.94	903.55	900.71	899.18	898.15	889.32	898.85	9.53
Domestic Wells										
428563	Ed and Laurie	900.91	903.36	906.14	903.71	900.80	898.79	899.46	899.45	-0.01
410987	Dan and Lori	905.62	907.22	910.22	908.10	905.35	903.18	903.88	904.05	0.17
196839	Louis J. Bruno	866.75	866.40	870.28	868.23	931.72				
Leiser	Craig Leiser	933.99	935.85	937.65	934.01	932.67	931.34	930.78	932.53	1.75
James	Alan and Molly	940.20	942.14	944.20	940.56	938.70	937.55	938.87	939.15	0.28
184049	Kirk and Tracy	942.48	944.77	945.61	941.11	939.87	939.12	938.99	940.04	1.05
Thatcher	Jyneen	953.19	957.18	958.63	953.89	951.60	950.91	952.35	952.78	0.43
138188	Rick Vanzwol	939.36	941.45	943.96	940.84	937.81	936.11	936.68	937.07	0.39
479665	John and	906.86	907.77	908.87	907.23	905.85	907.22	905.91	906.17	0.26
493250	Mark and	721.50	721.54	721.89	721.01	711.66		0.00		
525197	James and	913.02	914.69	917.18	914.69	912.42	910.66	909.23	911.26	2.03
505390	Larry J and	929.18	932.29	933.50	932.93	930.09	927.93	927.96	928.23	0.27
153485	John P and	898.47	899.31	901.08	897.14	896.83		895.76	897.29	
138904	Duane and Margaret	828.41	830.33	832.27	828.69	827.62	827.55	825.59	828.54	2.95
406204	Michael and	940.98		942.78	940.28	939.17	938.86	940.98	940.23	-0.75
Boughten	Larry	951.32	954.28	956.81	949.52	948.51	947.53	950.52	949.11	-1.41
DNR Observation Wells										
595649	Brown's Creek	865.81	868.11	868.20	866.17	865.21	864.38	866.10	865.73	-0.37
623066	Brown's Creek	875.05	876.84	876.88	875.30	875.01				
551565	Withrow	954.91	958.64	959.50	954.83	951.99	951.10	953.31	953.47	0.16
834170	Brown's Creek			875.59	874.15	873.43	873.09	874.8	875.03	0.23
281129	Kimbrow -				929.73	926.75	926.82	926.84	926.72	-0.12

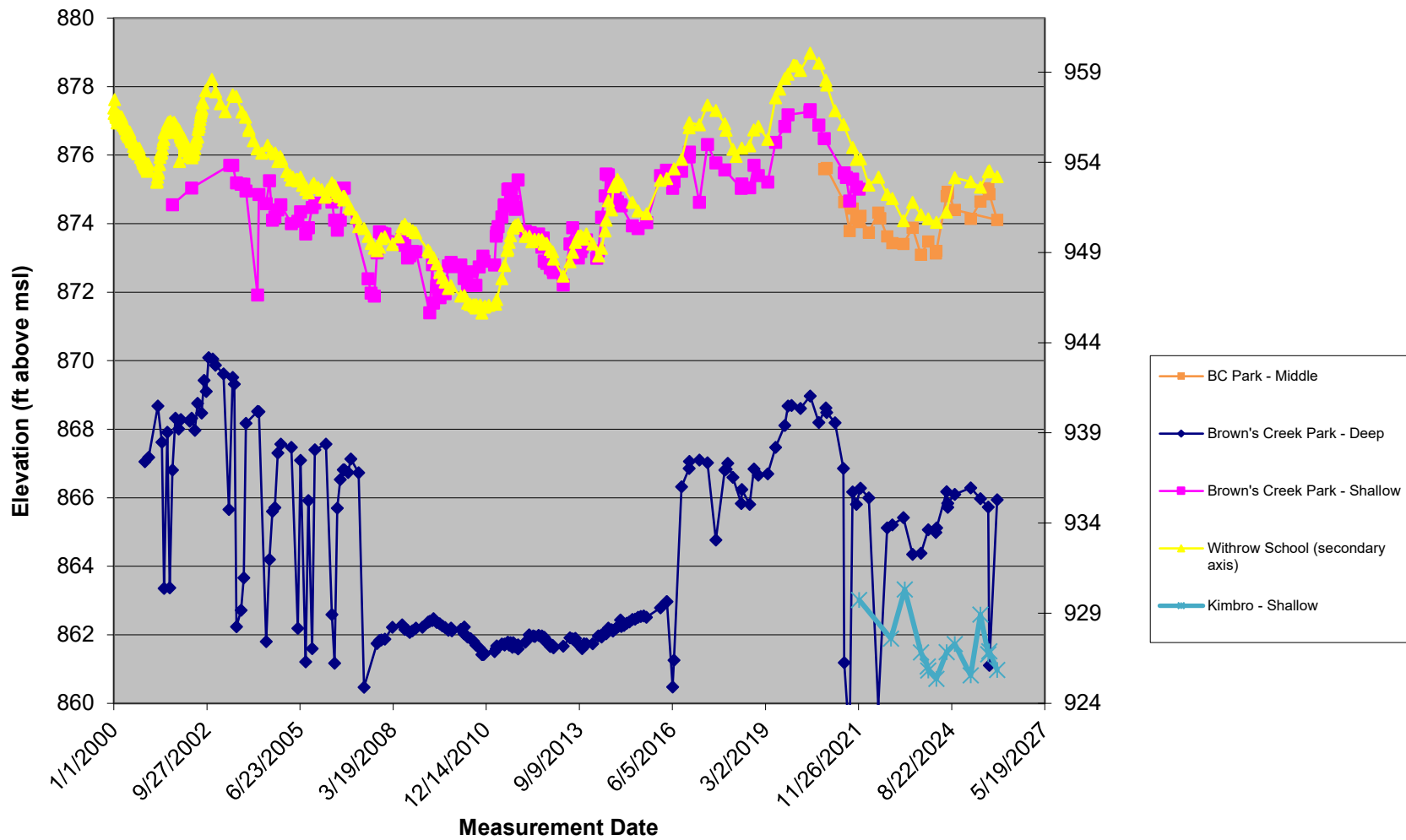


Figure 2. Groundwater Elevations - DNR Observation Wells

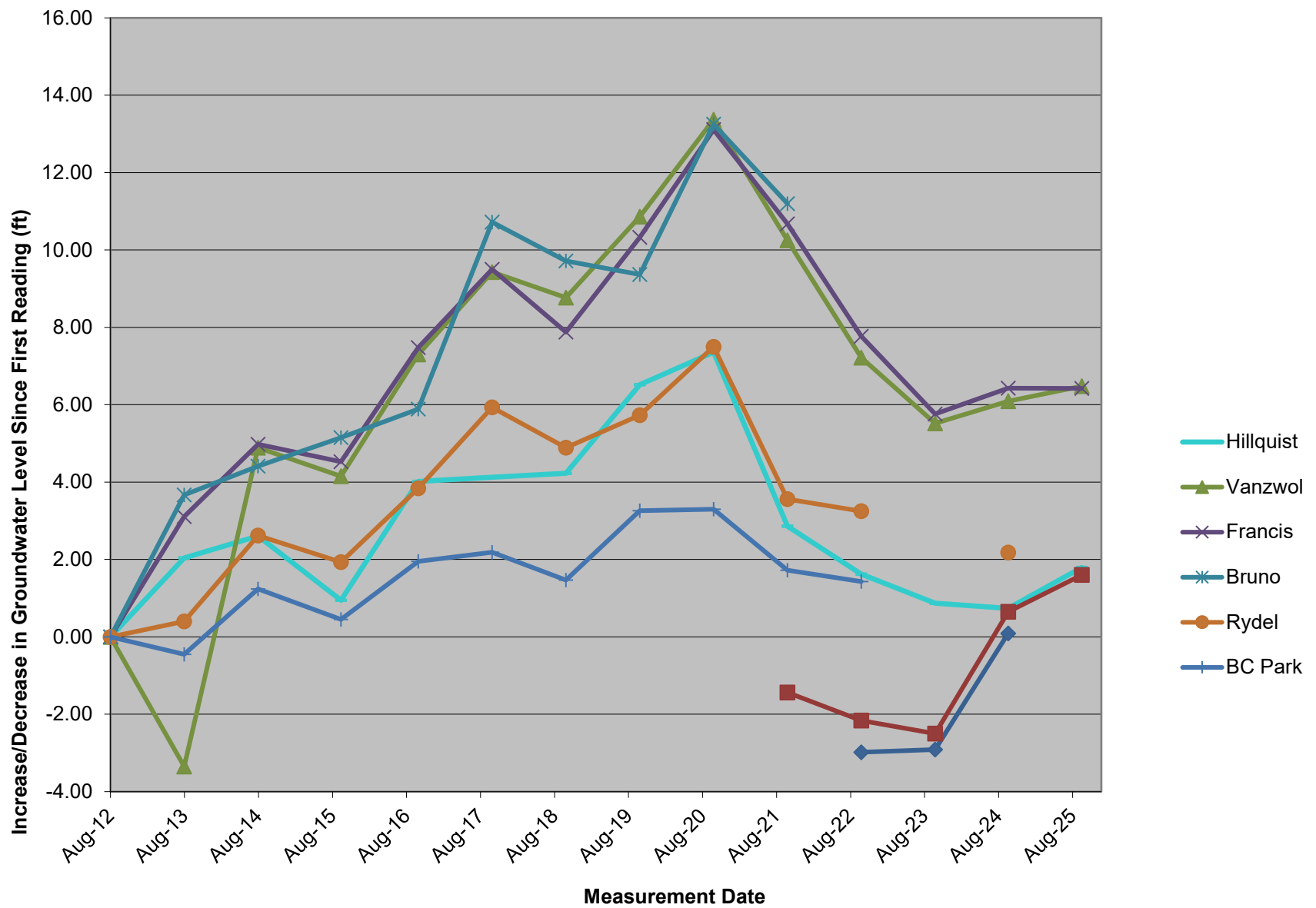


Figure 3. Groundwater Level Change Over Time - Quaternary (Glacial) Aquifer Wells.

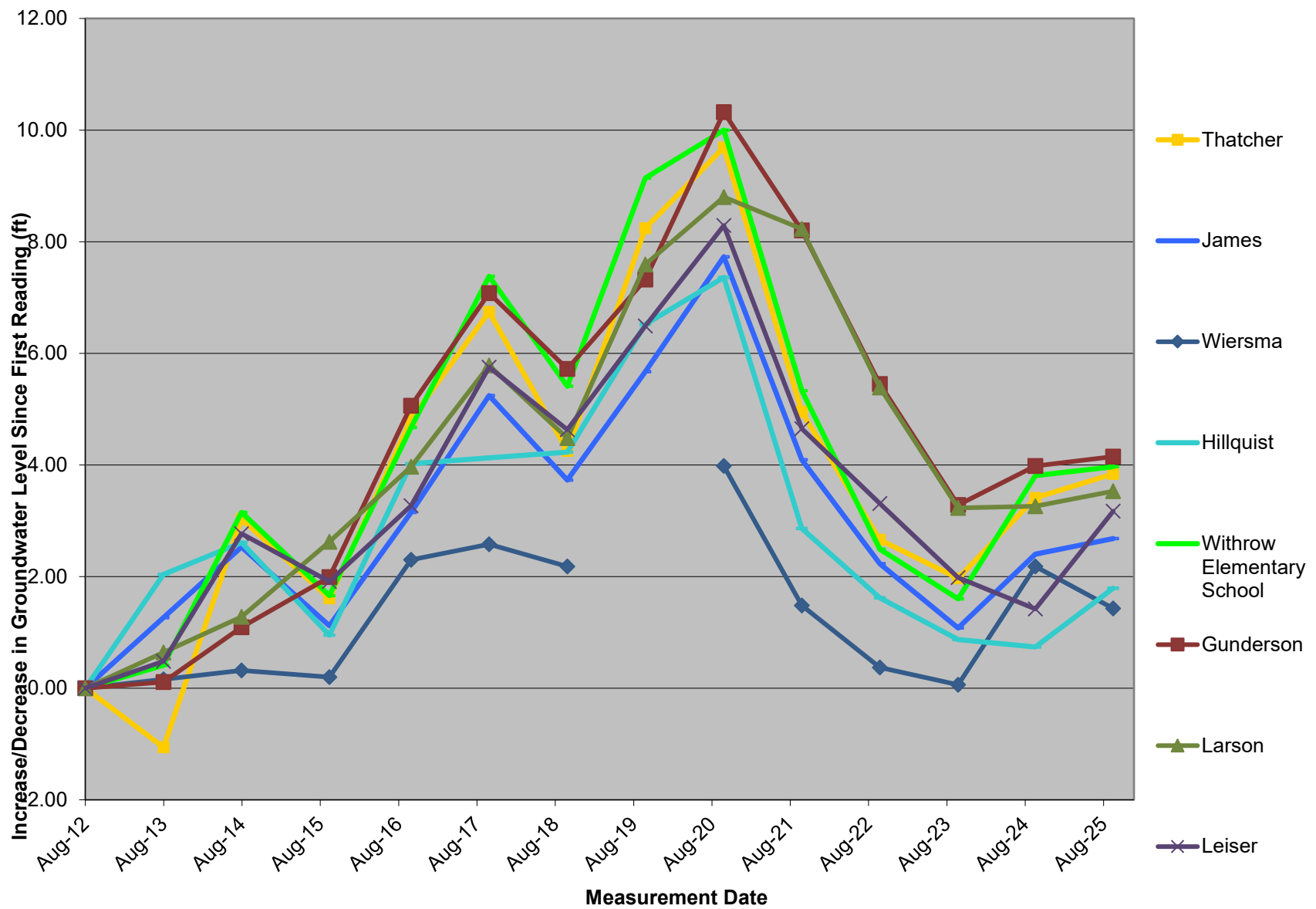


Figure 4. Groundwater Level Change Over Time - Prairie Du Chien Aquifer Wells.

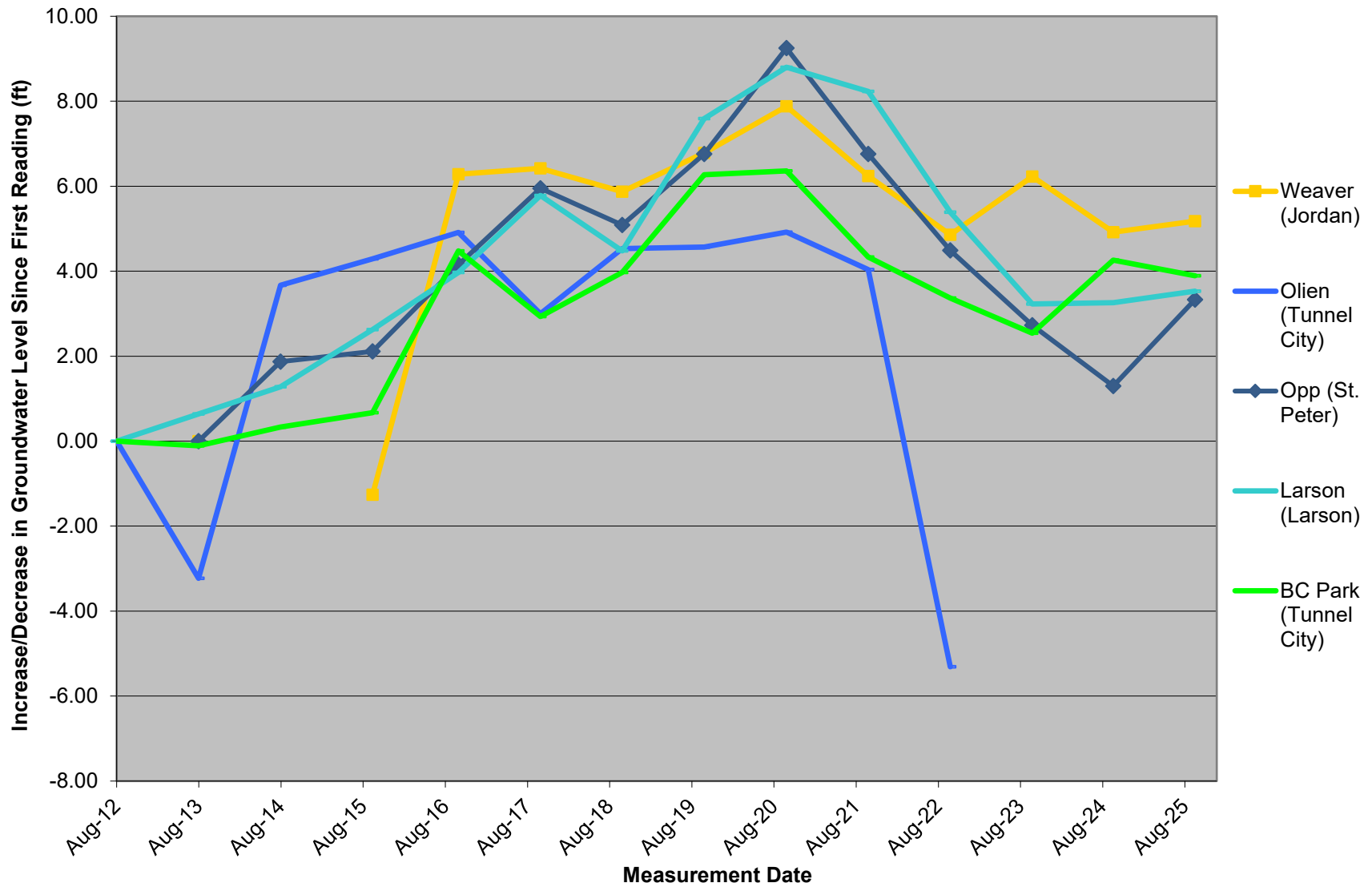


Figure 5. Groundwater Level Change Over Time – Wells in All Other Aquifers

Project Name	Groundwater Monitoring Program	Date	05/06/2025
To / Contact info	BCWD Board of Managers		
Cc / Contact info	Karen Kill, District Administrator		
From / Contact info	Stu Grubb, PG and Camilla Correll, PE		
Regarding	2026 Groundwater Monitoring and Coordination Scope of Work		

Background

Since 2012, the BCWD has operated a groundwater level monitoring network spanning 15 residential wells and 4 golf course wells across the district. This monitoring program delivers significant long-term value at minimal cost to the District. Annual monitoring expenditures are modest, yet the data being accumulated is not easily or cheaply replaceable: it represents more than a decade of continuous, consistent groundwater elevation records across multiple aquifers and geographic areas of the district which results in a dataset that grows more valuable with each passing year.

What makes this dataset irreplaceable is precisely what makes it worth protecting: its consistency and its duration. Groundwater systems respond slowly, and detecting meaningful trends requires years, on the order of decades, of uninterrupted data collection. If the District discontinues this program, that continuity is permanently lost. No future investment can recover the data gap, and the District would lose its ability to make science-based decisions about its highly valued groundwater-dependent resources at a time when those resources face increasing pressure.

Scope of Services

This scope of services includes both the work related to monitoring groundwater elevations as well as the activities related to management of the District's groundwater resources.

Groundwater Monitoring

It is recommended that the BCWD continue to implement the groundwater monitoring program in 2026. EOR and Washington Conservation District staff will continue to work together on the monitoring and reporting of water levels from the current network. Project costs presented in the table below represent only EOR staff time and do not include Washington Conservation District staff time.

Expanding the Well Network

In 2025, The BCWD Board of Managers approved the expansion of the well network to include other areas in the district where groundwater data will likely be important in the future. BCWD mailed letters to well owners asking if they would consider being part of the monitoring network. EOR will follow up on the letters and work with the willing well owners to get the necessary information and agreements in place so we can begin collecting data on the four to five additional wells. This work will be completed under the previously approved budget.

Groundwater Management

In 2025, The BCWD Board of Managers approved a budget for EOR staff to attend meetings and participate in regional groundwater management activities on behalf of the watershed district. Most of these activities have not yet been scheduled and are often quickly organized to address new groundwater issues that arise throughout the year. Examples of past BCWD groundwater management activities include:

- Participation in meetings for the North and East Metro Groundwater Management Area sponsored by DNR.
- Contributions to development of the Metro Model groundwater model developed by the Metropolitan Council. This includes gathering information about infiltration and aquifer recharge rates in the watershed. The model is also being used to research the effects of climate change on groundwater resources.
- Engagement with Washington County programs such as the Water Consortium and the Individual Septic Treatment System regulatory program.
- Working with DNR to expand their observation well network in BCWD.
- Scheduling a water quality testing clinic in collaboration with the Minnesota Well Owners Organization.

EOR has not used all the budget approved for this task in 2025, so we will continue to work in 2026 under the previously approved budget.

The following table summarizes the cost for EOR to perform these tasks in 2026.

Task	Hours	Cost
Monitoring the existing well network, including coordination with landowners and the WCD and producing a final report	20	\$4,160
Expanding the well network to include 4-5 additional wells, including coordination with landowners and the WCD	4	\$1,175*
Groundwater management	24	\$5,091*

* Remaining budget amount approved previously.

Requested Action

Approve this scope of services for the 2026 Groundwater Monitoring and Coordination in the amount of \$4,160 from account number 942-0004.

Project Name | Brown's Creek Biological Assessments
To / Contact info | BCWD Board of Managers
Cc / Contact info | Karen Kill, District Administrator
From / Contact info | Mike Majeski, Conservation Biologist
Regarding | Macroinvertebrate Data Summary_2016-2025

Date | 04/03/2026

Executive Summary

Macroinvertebrate monitoring conducted at three stream sites from 2016 to 2025 indicates a clear and sustained improvement in stream health over the course of the monitoring period. Index of Biotic Integrity (IBI) scores — a standardized measure of aquatic community health based on the types and abundance of macroinvertebrates present — have trended upward across all three sites, with most scores falling between the General Use and Exceptional Use thresholds established for the Southern Coldwater Streams region.

The improvement has been most pronounced at the Gorge site, where IBI scores have consistently exceeded the Exceptional Use threshold since 2019. This trend is reflected in the broader dataset as well — of the 20 samples that have scored above the Exceptional Use threshold across all sites and years, 17 have occurred since 2019, including all three fall 2019 samples. Taken together, these results indicate that the stream's macroinvertebrate community is recovering.

Background

The BCWD has been conducting routine fish and macroinvertebrate assessments since 2016 to monitor changes in the biological community of Brown's Creek following implementation of numerous water quality projects in the watershed (see implementation activity under Stream Management, Goal A of the 2017-2026 Watershed Management Plan). The goals of BCWD's routine fish and macroinvertebrate assessments are to develop a more robust understanding of the variability of species composition over time and to develop a long-term trend analysis of changes to the biological community in Brown's Creek in response to on-going water quality projects implemented in the watershed. Macroinvertebrate assessments have been conducted annually as populations and species diversity can change quickly due to changes in their environment, in part due to their short life spans and sensitivities to changes in water quality. Conversely, fish have longer lifespans and populations are generally slower to respond to changes in their environment compared to macroinvertebrates. The DNR conducts routine fish surveys on a 3-year basis in Brown's Creek with the last survey completed in Fall 2024.

The Minnesota Pollution Control Agency (MPCA) has been using fish and macroinvertebrate data to assess the watershed's water quality impairments and designated uses as part of their long-term Intensive Watershed Monitoring Plan. As part of MPCA's biological assessment, fish and macroinvertebrate-based indices of biological integrity (IBI) have been developed to track long-term trends in the biological community of each watershed studied in Minnesota. Fish and macroinvertebrate IBI's are based on the number and diversity of fish and macroinvertebrate species present in a stream compared to what the stream is expected to support. The following is a summary of macroinvertebrate data collected from 2016-2025.

2025 Macroinvertebrate Assessment

Macroinvertebrates were sampled from three sites along Brown's Creek including the Headwaters, Middle Reach, and Gorge (Figure 1). Starting in 2023, macroinvertebrate sampling has been only conducted in the fall (September) based on input and recommendations from MPCA staff. The fall season is the recommended sampling period since the overall macroinvertebrate community is better represented in the fall (e.g., more species are present in the fall compared to the spring).

Macroinvertebrate specimens were sent to RMB Environmental Laboratories for taxonomic identification to the genus level, and a subsequent report was completed summarizing the macroinvertebrate IBI scores and results from the 2016-2025 surveys (Appendix A). Findings and trends from the macroinvertebrate surveys are summarized below.

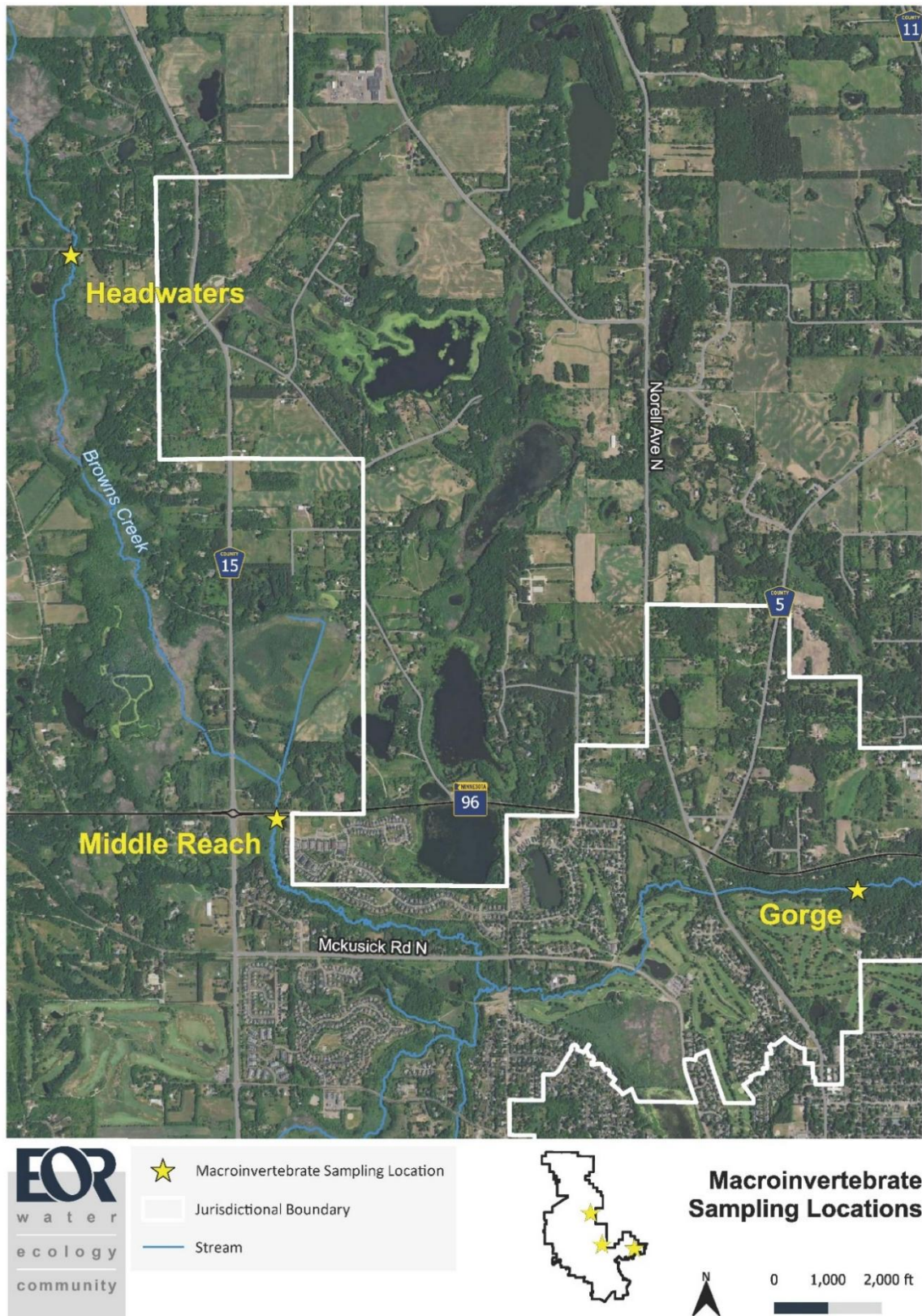


Figure 1. Macroinvertebrate sampling locations in the BCWD, 2016-2025.

Findings & Trends

- Data collected from 2016-2025 indicates an overall upward (improving) trend in stream health and macroinvertebrate community quality.
- The calculated IBI scores from all 3 sites from 2016-2025 indicate an improving macroinvertebrate community since 2016, with most macroinvertebrate IBI scores occurring between the General Use and Exceptional Use thresholds for the Southern Coldwater Streams region (Figure 2). In particular, the Gorge IBI scores have improved the most during the study and have remained above the Exceptional Use threshold since 2019. Of the 20 samples that have scored above the Exceptional Use Threshold over the course of the monitoring project, 17 of those samples have occurred since 2019. Most notably, all three fall 2019 samples were above the Exceptional Use Threshold.

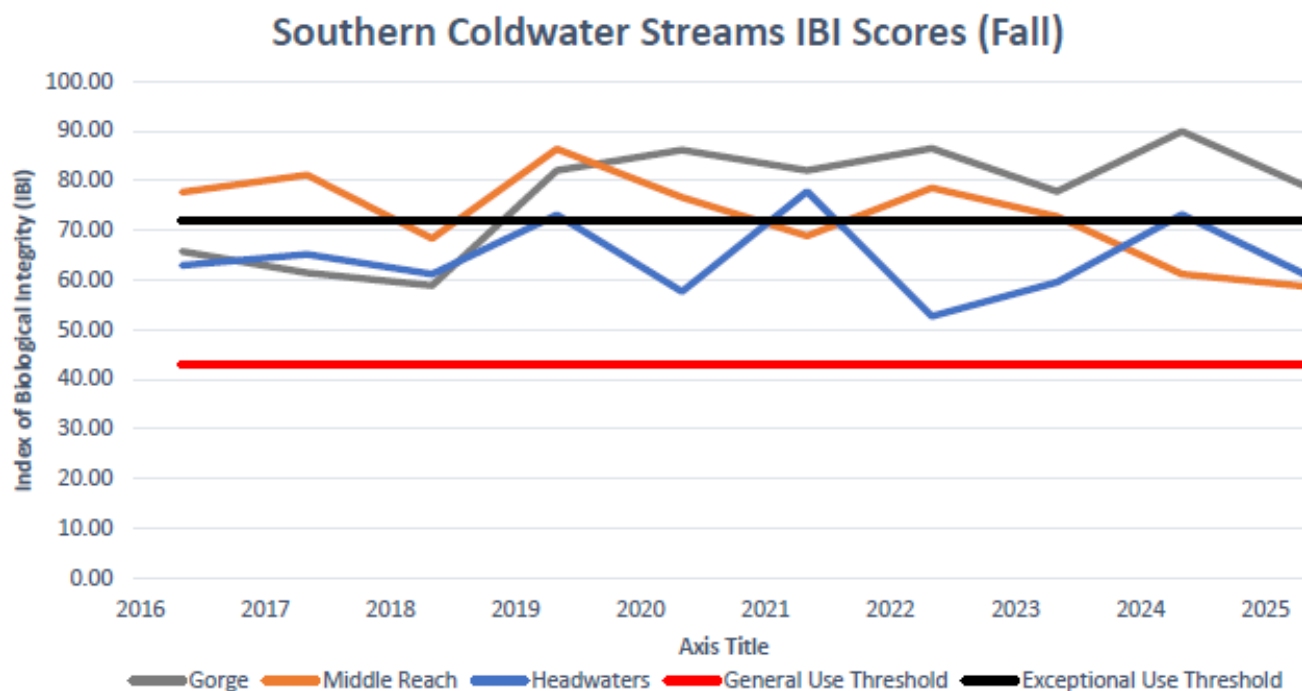


Figure 2. Fall season IBI scores from Brown's Creek and associated General Use and Exceptional Use thresholds.
Source: RMB Macroinvertebrate Stream Monitoring Assessment 2016-2025 (Figure 6, Appendix A).

- The total number of taxa (a unique group of organisms) sampled from 2016-2025 indicates a diversity of macroinvertebrates present across all 3 sites (161 unique taxa to date), with the three most dominant taxa having a medium-level tolerance to pollution: black flies, freshwater shrimp "scuds", and non-biting midges. However, good numbers of intolerant taxa (groups intolerant of pollution) are also present which indicates the stream provides ample habitat and water quality to support sensitive taxa such as stoneflies and "saddle casemaker" caddisflies.

- Perlodid stoneflies have been collected every year from the Gorge site, indicating the creek provides ample habitat and high oxygen levels to support this pollution intolerant group. Perlodid stoneflies were also collected from the Middle Reach in 2020 and from 2022-2024.
- The average pollution tolerance value has decreased since 2016, indicating the creek is supporting a greater number of taxa that are considered intolerant to pollution (Figure 3). This trend is also reflective in the population size of intolerant taxa, with the total number of pollution intolerant taxa generally increasing since 2016 (Figure 4). Pollution intolerant taxa are present in good numbers at all 3 sampling sites and suggest Brown's Creek is providing suitable habitat and water quality at these monitoring locations. However, the increase in the Middle Reach average pollution tolerance value for 2025 is attributed to a significant increase in water temperature from a large beaver dam that occurred throughout the summer season upstream of the sample site. The warmer water measured in 2025 likely favored pollution tolerant taxa that dominated the Middle Reach sample in 2025 and resulted in a decline in pollution intolerant taxa (Figure 4).

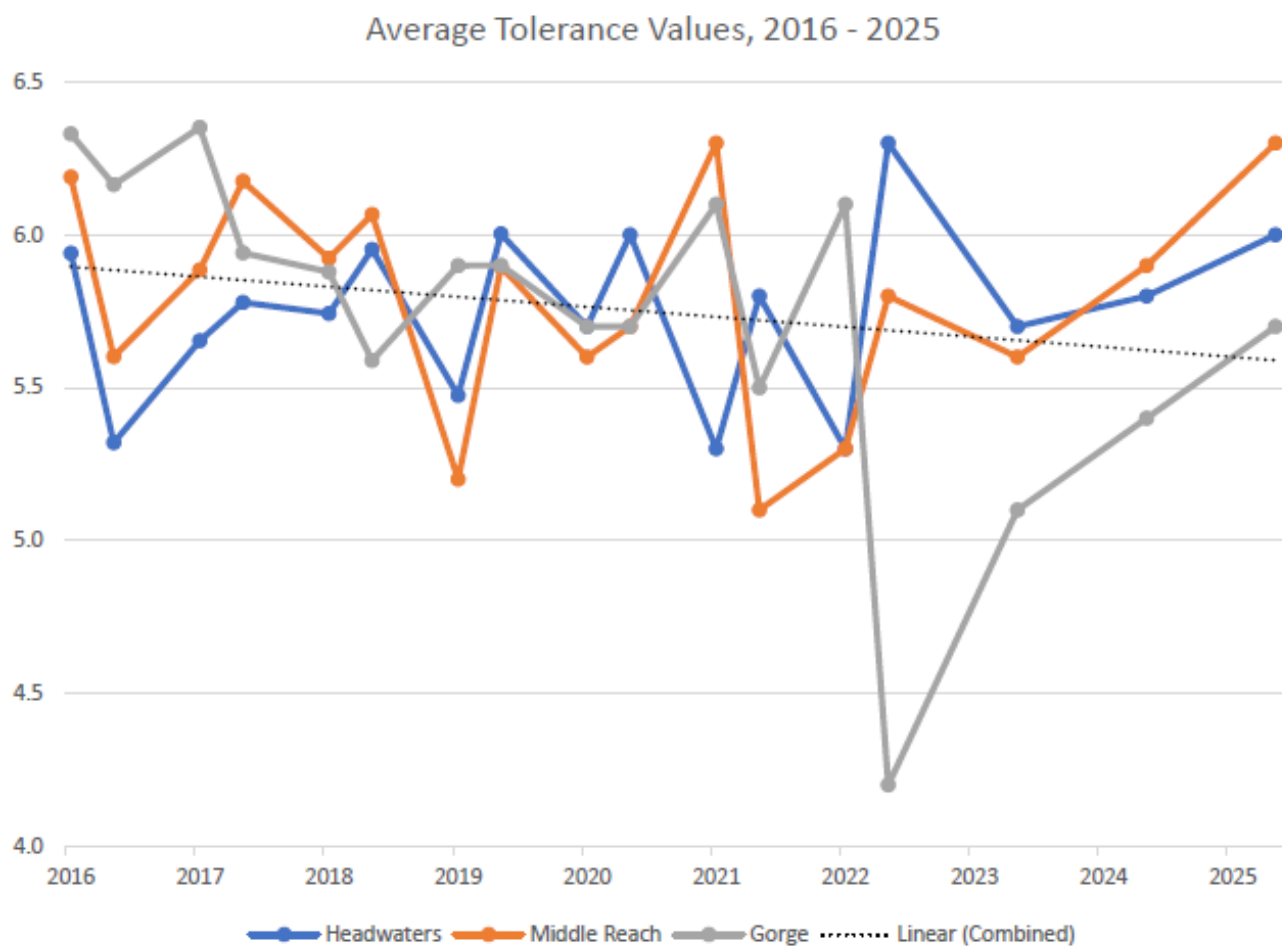


Figure 3. Average pollution tolerance values for Brown's Creek macroinvertebrates from 2016-2025. Source: RMB Macroinvertebrate Stream Monitoring Assessment 2016-2025 (Figure 4, Appendix A).

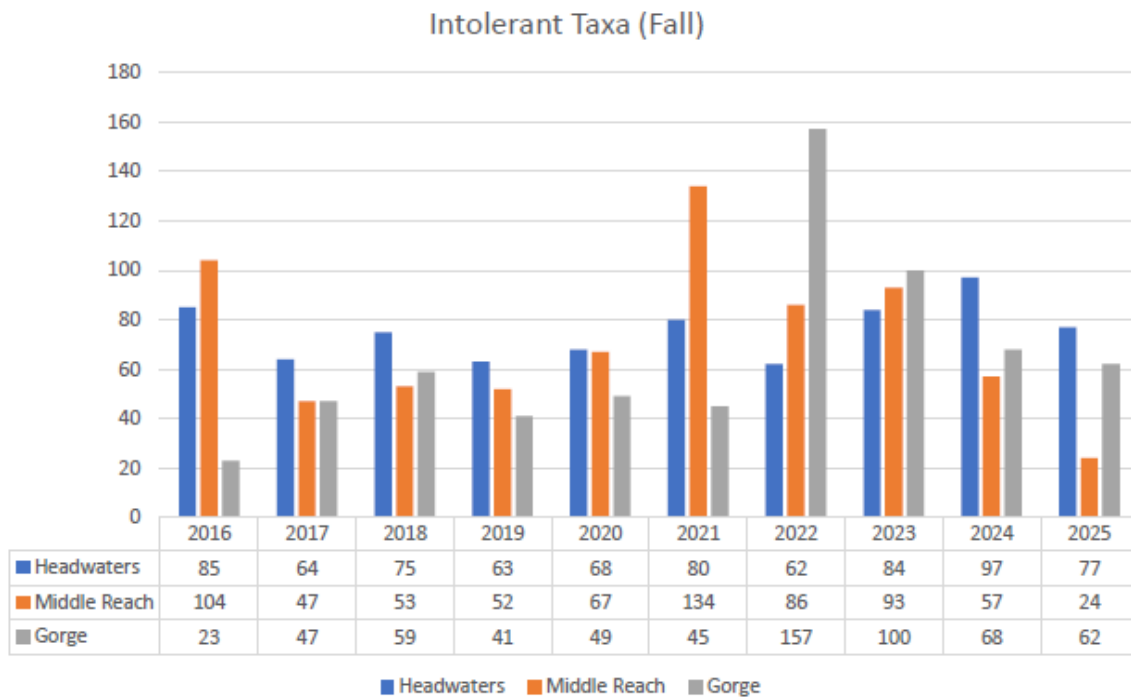


Figure 4. Comparison of total numbers of intolerant taxa collected in Brown's Creek from 2016-2025 (Fall samples only). Source: RMB Macroinvertebrate Stream Monitoring Assessment 2016-2025 (Figure 9, Appendix A).

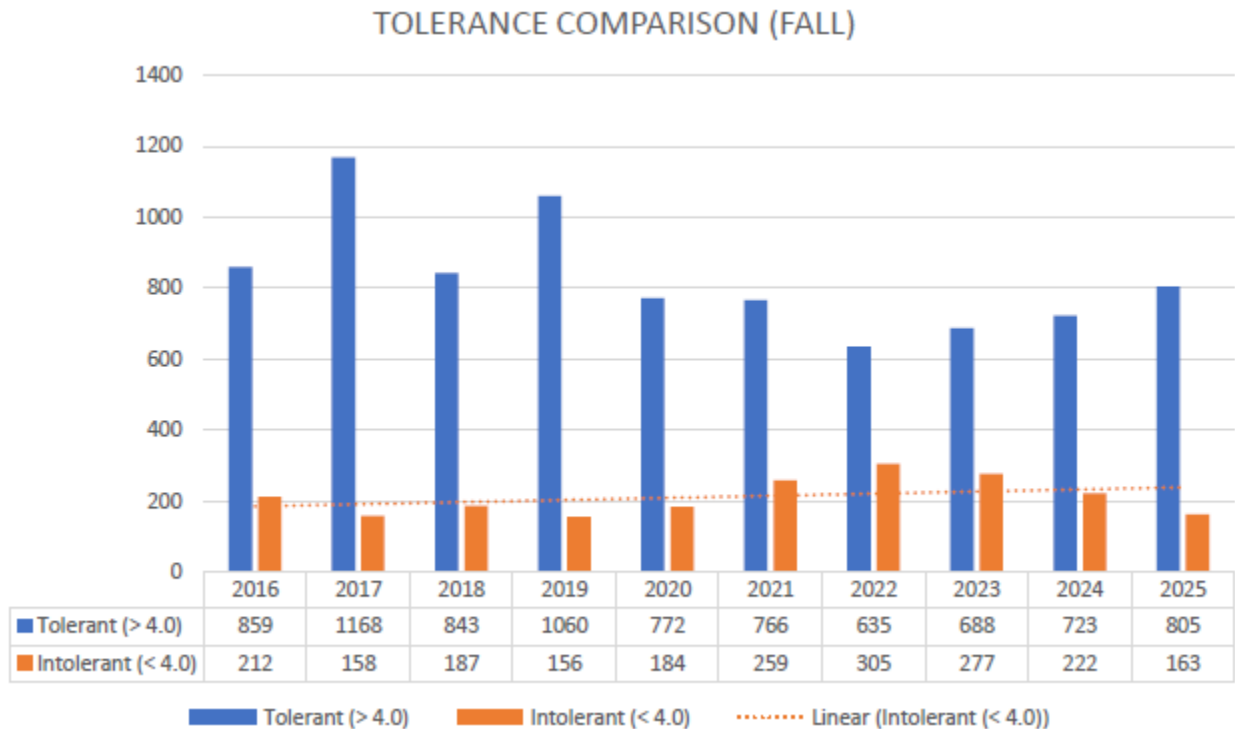


Figure 5. Comparison of tolerant and intolerant taxa in Brown's Creek. Source: RMB Macroinvertebrate Stream Monitoring Assessment 2016-2025 (Figure 11, Appendix A).

Discussion

The section of Brown's Creek between Manning Avenue and the St. Croix River is designated as a Class 2A stream, supporting coldwater aquatic life and habitat. The ideal fish community (or highest fish IBI score) for a Class 2A coldwater stream would be comprised solely of species intolerant to warm water such as brook trout and sculpin. Since both of these species are absent from Brown's Creek, the fish IBI scores have been historically low despite supporting a naturally reproducing population of brown trout. It is unknown when native brook trout became extirpated from Brown's Creek, but DNR fish survey records indicate introduced "East Coast" brook trout were stocked in the creek sometime in the 1970's. The introduced brook trout did not fair well in Brown's Creek which led to the stocking of non-native brown trout to support recreational trout angling in the area. However, the creek has slowly cooled over the last decade following implementation of several water quality and stream habitat projects in the watershed. The creek now provides a thermal regime that may support Minnesota native strain brook trout which are genetically unique to Minnesota streams. If the Minnesota Department of Natural Resources decides to reintroduce native strain brook trout to Brown's Creek, and the brook trout begin to naturally reproduce, fish IBI scores would improve significantly and may result in delisting Brown's Creek for the existing Aquatic Life impairment.

Appendix A

RMB Report: Macroinvertebrate Stream Monitoring Assessment 2016-2025

Macroinvertebrate Stream Monitoring Assessment 2016 – 2025

Emmons & Olivier
Resources, Inc.

March 19th, 2026

RMB Environmental Laboratories
Authored by: Jefferey Kasowski



Report Date: March 19th, 2026

To: Mike Majeski
Emmons & Olivier Resources, Inc.
1919 University Ave W Suite 300,
St. Paul, MN 55104

Subject: Macroinvertebrate Assessment of Brown's Creek

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Acknowledgements: Barbara Hayford, Aquatic Biology Associates, Inc: taxon identification and
taxon quality control verification

Joel Chirhart, Minnesota Pollution Control Agency: IBI calculations

Kaira Kamke: Report

Moriya Rufer: Report

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Introduction

Macroinvertebrates provide a valuable insight into the health of a stream ecosystem since most taxa require specific conditions to survive and thrive. Stream parameters like temperature, flow speed, substrate type, dissolved oxygen, and pollution inputs can all impact which invertebrates will be found at a site. Evaluating the invertebrate community in a stream or river can reveal impacts to the aquatic ecosystem and trends in the water quality.

From 2016 – 2022, aquatic macroinvertebrates were collected in May or June and September from Brown's Creek in Washington County, Minnesota. In 2023 – 2025, aquatic macroinvertebrates were collected in September only. The Minnesota Pollution Control Agency (MPCA) Index of Biotic Integrity (IBI) was calculated for all stream sites to assess the water quality and compare sites. Samples were collected along the stream reach at the Headwaters, Middle Reach, and Gorge sites to evaluate how the quality changes along the gradient (Figure 1). Brown's Creek is located within the Southern Coldwater Streams invertebrate class (Figure 2). Samples were repeated each year beginning in 2015 to evaluate changes over time. The collection of this data is essential for compiling a baseline dataset of invertebrates found in this region, which can be used for assessments of impacts or future restoration projects on this stream.

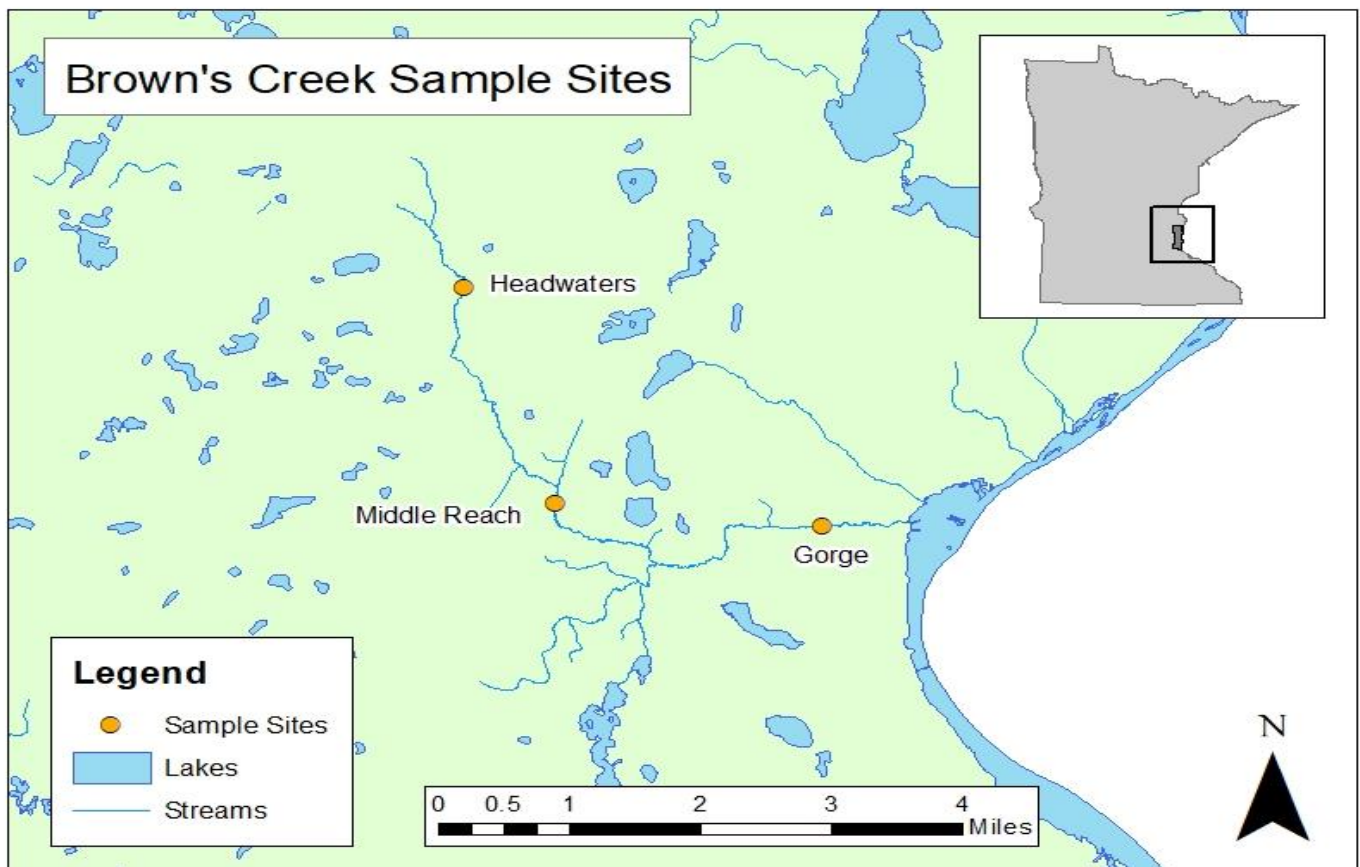


Figure 1: Macroinvertebrate monitoring sites in Brown's Creek, 2016-2025

Methods

Sample Collection

The aquatic macroinvertebrate samples collected from 2016 – 2025 were located at the Headwaters, Middle Reach, and Gorge sites of Brown’s Creek. Samples were collected with a D-frame net following the MPCA’s Standard Operating Procedure (SOP) for multi-habitat collection of stream invertebrates (MPCA). They were then preserved and delivered to RMB Environmental Laboratories, Inc. (RMBEL) in Detroit Lakes, MN for laboratory processing and data analysis.

Laboratory Processing

The macroinvertebrate samples were processed following MPCA methods, including sorting random subsamples to a target specimen count of 300. All taxa were enumerated and identified to genus level, with leeches and snails identified to species where possible. Representative taxa were retained in a project collection for internal quality control. Subsample picking and taxa identifications were both held to 95% efficiency in internal quality control checks.

Data Management and Assessment

The final data for each sample was entered into a spreadsheet and sent to Joel Chirhart at the MPCA to run the IBI database calculations. RMBEL staff used the macroinvertebrate community data to calculate general invertebrate metrics to accompany the IBI values and facilitate comparison among sites along the stream gradient and across years. Sites were mapped in ArcMap to regionally compare the samples, which are within the Southern Coldwater Streams invertebrate class (Class 9). These classes are derived from the Minnesota Department of Natural Resources (DNR) Ecological Classification System provinces and were developed based on major climate zones, native vegetation, and biomes.

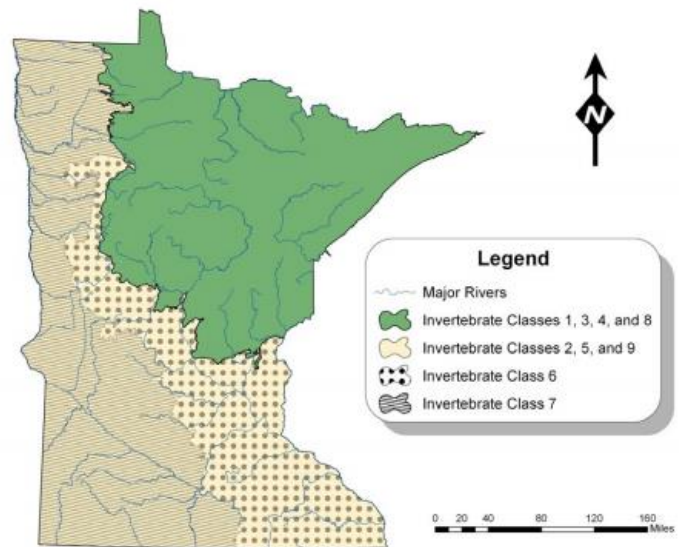


Figure 2: Map of Minnesota Pollution Control Agency invertebrate classes (MPCA)

Results

Macroinvertebrate Metrics

Macroinvertebrate metrics can provide a general overview of the health of a stream ecosystem relating to which taxa are dominant in a sample and how many taxa are intolerant to pollution impacts. Overall taxa richness is a common metric for water quality, since unimpacted stream systems typically show much more diversity than those with heavy impacts. The taxa richness values in this report include only unique taxa, and specimens that are immature or damaged and left at a higher taxonomic level were omitted from the metric. This may present some discrepancies from previous reports sent, in which all taxa were included in the richness values, regardless of whether they were unique to the rest of the community composition. Evaluating certain taxa groups that generally prefer specific conditions can give an idea of whether the stream quality is higher or lower than other sites. These include Ephemeroptera (mayflies), Plecoptera (stoneflies), and Trichoptera (caddisflies), which typically are found in unpolluted waters, as well as Chironomidae (midges) which tend to dominate in highly impacted sites. Additionally, the presence of taxa that are intolerant to pollution can indicate higher quality waters. These metrics are explained in Table 1; they have been calculated for all the samples throughout this project and are listed in Tables 2 – 7.

Table 1. Explanations of the macroinvertebrate metrics

<u>Metric</u>	<u>Explanation</u>	<u>Response</u>
Taxon Richness	The total number of taxa found in the sample (genus level, family level for Chironomidae)	Higher numbers indicate better water quality and habitat quality
EPT Richness	The total number of Ephemeroptera (mayflies), Plecoptera (Stoneflies), and Trichoptera (caddisflies) in the sample. These taxa are considered generally intolerant to pollution.	Higher numbers indicate better water quality and habitat quality
Plecoptera Richness	The total number of Plecoptera (stoneflies) taxa in the sample. Plecoptera are intolerant to pollution and are clean water indicators.	Higher numbers indicate better water quality and habitat quality
Percent Chironomidae	Generally, the more chironomids in a sample, the more impacted the site is.	Lower numbers indicate better water quality and habitat quality
Average Tolerance	The average tolerance value of all the taxa in the sample on a 0-10 scale, with 0 being intolerant to organic pollution and 10 being tolerant to organic pollution	Lower numbers indicate better water quality and habitat quality
Intolerance	Number of taxa with tolerance values less than or equal to 4	Higher numbers indicate better water quality and habitat quality

2016 Results

In 2016, the samples had a total of 55 different taxa found. The taxon richness values for each sample were mostly above 20, which represents a diverse community of invertebrates (Table 2). Only the Gorge sample from September showed a lower taxa richness than the other samples, with only 15 unique taxa. The EPT richness was also found to be high, with every sample having at least 3 different taxa from one of those insect groups. The Plecoptera richness was comparable to the 2015 samples, with only the Gorge site having stoneflies present, but they were found in both the May and September samples this year.

The percent Chironomidae was low again for the samples in 2016, with the highest only reaching 14.2%. However, the average tolerance values were slightly above 5.0 again, indicating the domination of tolerant taxa in the samples. Each of the samples displayed intolerant taxa, so each site does not show the high impact levels that would prevent those species from occurring there.

Table 2. Metrics for each sample site in 2016

Site	Taxon Richness	EPT Richness	Plecoptera Richness	Percent Chironomidae	Average Tolerance	Intolerance
Headwaters	36	8	0	6.0%	5.6	3
May	20	4	0	7.6%	5.9	1
September	28	6	0	4.5%	5.3	3
Middle Reach	36	7	0	6.8%	5.8	3
May	20	3	0	14.2%	6.2	1
September	23	5	0	1.4%	5.6	3
Gorge	27	3	1	11.6%	6.2	2
May	21	3	1	12.2%	6.3	1
September	15	3	1	1.1%	6.2	1

2017 Results

The macroinvertebrate samples taken in 2017 again showed high-quality water overall, with 60 unique taxa found across all the sites (Table 3). The taxon richness was higher for most of the samples than in previous years, and all sites had several EPT taxa present. Plecoptera were again found only at the Gorge site, but in both the spring and fall samples. The Chironomidae proportion was higher in some of the sites this year than in previous years, with the most being present in the Headwaters sample from May. However, most of the midge taxa found were *Diamesa* and *Parametriocnemus*, which both have moderate tolerance values of 5.0 and 5.2, respectively. Midges that dominate in heavily impacted streams tend to have tolerance values much higher than those found in this sample. The average tolerance values for the samples were like previous years in the 5.5 – 6.5 range, and each site had some intolerant taxa found.

Table 3. Metrics for each sample site in 2017

Site	Taxon Richness	EPT Richness	Plecoptera Richness	Percent Chironomidae	Average Tolerance	Intolerance
Headwaters	31	6	0	33.2%	5.7	4
May	18	3	0	51.5%	5.7	2
September	23	4	0	4.8%	5.8	3
Middle Reach	37	8	0	8.9%	6.1	5
May	19	3	0	19.6%	5.9	2
September	28	6	0	1.3%	6.2	4
Gorge	34	6	1	20.5%	6.1	3
May	20	3	1	34.5%	6.4	1
September	27	5	1	11.7%	5.9	3

2018 Results

The metrics for 2018 sample sites show high stream quality, most like 2017 than previous years, and the samples included 64 different taxa across all samples (Table 4). All samples showed exceptionally high taxon richness values, with the Gorge site being at a similar level to the other sites. All sites had at least two EPT taxa present, and again the only Plecoptera specimens found this year were at the Gorge site in both samples. The percent Chironomidae metric was slightly lower across most of the sites compared to previous years. Like 2017, the highest percent Chironomidae value was in the May Headwaters sample, but again the community consisted mostly of moderate-tolerance species. The average tolerance values are like previous years, and all samples had some intolerant taxa present this year, so the sites also provide suitable conditions for these species.

Table 4. Metrics for each sample site in 2018

Site	Taxon Richness	EPT Richness	Plecoptera Richness	Percent Chironomidae	Average Tolerance	Intolerance
Headwaters	35	6	0	18.7%	5.9	4
May	24	2	0	35.8%	5.7	2
September	26	5	0	4.9%	6.0	3
Middle Reach	37	6	0	7.3%	6.0	4
May	21	3	0	13.8%	5.9	2
September	25	4	0	0.9%	6.1	3
Gorge	36	8	1	11.5%	5.7	5
May	27	6	1	17.9%	5.9	3
September	24	5	1	5.4%	5.6	3

2019 Results

In 2019, the samples included 58 unique taxa and showed an ongoing trend of high stream quality (Table 5). The taxon richness values continue to show high levels of diversity throughout Brown's Creek. The May Headwaters community had a richness level higher than any sample in this project so far with over 30 unique taxa. The Middle Reach and Gorge sites showed diversity like previous years. All samples had at least 3 unique EPT taxa present, with the Gorge site showing the only Plecoptera specimens. However, this year both *Isoperla* and *Haploperla* were found at this site, which have moderately low tolerance values of 4.2 and 4.0, respectively.

The Chironomidae proportion was slightly higher in 2019 than in previous years in the Headwaters and Middle Reach sites with half to two-thirds of the May samples comprised of midges. This level of community domination would generally indicate a higher level of impact, although the majority of the Chironomidae community was again represented by *Diamesa*. The average tolerance values are also slightly lower than in previous years with all the samples remaining below 6.0, and all sites included intolerant taxa. This indicates that the stream community is stable and continuing to support the species that are intolerant to stream impacts.

Table 5. Metrics for each sample site in 2019

Site	Taxon Richness	EPT Richness	Plecoptera Richness	Percent Chironomidae	Average Tolerance	Intolerance
Headwaters	39	8	0	40.3%	5.7	4
May	32	4	0	67.0%	5.5	2
September	23	6	0	16.9%	6.0	3
Middle Reach	32	9	0	28.4%	5.6	5
May	19	3	0	54.8%	5.2	3
September	20	7	0	4.0%	5.9	4
Gorge	31	9	2	11.3%	5.9	4
May	24	6	1	25.3%	5.9	3
September	17	5	1	1.8%	5.9	2

2020 Results

In 2020, the samples included 54 unique taxa and showed an ongoing trend of high stream quality (Table 6). The taxon richness values continue to show high levels of diversity throughout Brown's Creek. All samples had at least 3 unique EPT taxa present. The Middle Reach and Gorge sites both showed Plecoptera specimens. This is the first year that Plecoptera has been found in the Middle Reach which could represent higher water quality in that area than in years past.

The average tolerance values for the samples were similar to 2019, with numbers falling between the 5.6 – 6.0 range which are slightly lower than in previous years. Each site had some intolerant taxa found which indicates that the stream community is stable and continuing to support the species that are intolerant to stream impacts.

This year there was a higher number of taxa with moderately low tolerance values ranging from 4.1 to 4.5. *Isoperla* (TV=4.2) was found in both Middle Reach and Gorge, *Ptilostomis* (TV=4.4) and *Pycnopsyche* (TV=4.5) were found in Headwaters, and *Antocha* (TV=4.1) was found in Gorge. A higher number of taxa with moderately low tolerance values is another indicator of good water quality. The Chironomidae proportion was lower in 2020 compared to 2019 where we saw the highest numbers of any year sampled. Similar to 2019, the majority of the Chironomidae community was again represented by *Diamesa*, which has a moderate tolerance value compared to other midges.

Table 6. Metrics for each sample site in 2020

Site	Taxon Richness	EPT Richness	Plecoptera Richness	Percent Chironomidae	Average Tolerance	Intolerance
Headwaters	36	7	0	23.8%	5.8	2
May	22	3	0	35.9%	5.7	2
September	25	6	0	11.4%	6.0	3
Middle Reach	32	10	1	18.1%	5.7	5
May	16	6	1	28.5%	5.6	3
September	22	5	0	18.1%	5.7	3
Gorge	29	7	1	14.2%	5.7	5
May	20	5	1	21.1%	5.7	2
September	22	7	1	6.6%	5.7	5

2021 Results

In 2021, the samples included 52 unique taxa and showed an ongoing trend of high stream quality (Table 7). The taxon richness values continue to show high levels of diversity throughout Brown's Creek. All samples had at least 4 unique EPT taxa present. The Gorge site showed Plecoptera specimens for both sample occurrences.

The average tolerance values for the samples in 2021 were similar to 2020, with numbers falling between the 5.6 – 6.0 range which are slightly lower than in previous years. Each site had some intolerant taxa found which indicates that the stream community is stable and continuing to support the species that are intolerant to stream impacts.

This year again there was a higher number of taxa with moderately low tolerance values ranging from 4.1 to 4.5. *Ptilostomis* (TV=4.4) was found in Headwaters. *Isoperla* (TV=4.2), *Pycnopsyche* (TV=4.5) and *Antocha* (TV=4.1) were found in Gorge. A higher number of taxa with moderately low tolerance values is another indicator of good water quality.

The Chironomidae proportion was lower in 2021 compared to 2020 and substantially lower to 2019 where we saw the highest numbers of any year sampled. The majority of the Chironomidae community was represented by *Polypedilum*, which has a high tolerance value compared to other midges. The second highest number of midges were represented by *Diamesa* which has a lower tolerance value and has been the most prevalent genus found in past years. The lower Chironomidae numbers this year are a good sign since most of MN had experienced low water conditions over the summer of 2021. Lower water conditions usually result in warmer water temperatures which helps Chironomidae development. EPT richness remained stable from Spring to fall sampling and increased in the Middle Reach which is similar to past years and a great sign that taxa can maintain richness even in low water conditions.

Table 7. Metrics for each sample site in 2021

Site	Taxon Richness	EPT Richness	Plecoptera Richness	Percent Chironomidae	Average Tolerance	Intolerance
Headwaters	28	8	0	6.0%	5.5	5
May	20	5	0	9.7%	5.3	4
September	21	5	0	2.4%	5.8	3
Middle Reach	40	9	0	15.6%	5.7	5
May	25	4	0	30.8%	6.3	3
September	24	7	0	3.1%	5.1	3
Gorge	28	7	1	14.7%	5.8	3
May	22	5	1	24.9%	6.1	2
September	16	5	1	4.5%	5.5	2

2022 Results

In 2022, the samples included 50 unique taxa and showed an ongoing trend of high stream quality (Table 8). The taxon richness values continue to show high levels of diversity throughout Brown's Creek. All samples had at least 5 unique EPT taxa present. All samples had at least 20 unique taxa with the highest being 28 representing a healthy and diverse community of invertebrates. The Gorge site showed Plecoptera specimens for both sample occurrences. Middle Reach showed plecoptera specimens for its spring sample.

The average tolerance values were like years past for Headwaters and Middle Reach. Gorge site had a normal average tolerance in the spring; but showed a much lower average tolerance value for its fall sample due to the abundance of the caddisfly *Glossosoma* (TV=1.1), *Protophila* (TV=1.4) and riffle beetle *Optioservus* (TV=3.1). Each site had at least 5 intolerant taxa which indicates that the stream community is stable and continuing to support the species that are intolerant to stream impacts. The Chironomidae proportion was average for Headwaters which typically shows higher numbers than the other two sites. The majority of the Chironomidae community was represented by *Diamesa* (TV=5.0), which has a lower tolerance value and has been the most prevalent genus found in past years. Middle Reach and Gorge came back with lower-than-average Chironomidae numbers which are similar to 2015 where we had the lowest numbers of all year's sampled.

Table 8. Metrics for each sample site in 2022

Site	Taxon Richness	EPT Richness	Plecoptera Richness	Percent Chironomidae	Average Tolerance	Intolerance
Headwaters	32	7	0	26.2%	6.0	8
May	25	5	0	41.4%	5.3	6
September	22	5	0	10.8%	6.3	6
Middle Reach	37	10	1	4.5%	5.6	7
May	25	8	1	5.1%	5.3	5
September	28	7	0	4.0%	5.8	6
Gorge	33	10	1	3.9%	5.1	8
May	26	7	1	3.5%	6.1	5
September	20	8	1	4.2%	4.2	7

2023 Results

In 2023, the samples included 44 unique taxa and showed an ongoing trend of high stream quality (Table 9). The taxon richness values continue to show high levels of diversity throughout Brown's Creek. All samples had at least 5 unique EPT taxa present. All samples had at least 20 unique taxa with the highest being 26 representing a healthy and diverse community of invertebrates. The Gorge and Middle Reach sites showed Plecoptera specimens for each sample occurrence.

The average tolerance values were like years past for all three sites. Each site had at least 3 intolerant taxa which is consistent with past years indicating that the stream community is stable and continuing to support the species that are intolerant to stream impacts.

The Chironomidae proportion was average for Headwaters which typically shows higher numbers than the other two sites. The majority of the Chironomidae community was represented by *Tvetenia Bavarica* Group (TV=5.0), which has a lower tolerance value than other midges. Middle Reach and Gorge came back with lower-than-average Chironomidae numbers.

Table 9. Metrics for each sample site in 2023

Site	Taxon Richness	EPT Richness	Plecoptera Richness	Percent Chironomidae	Average Tolerance	Intolerance
Headwaters						
September	20	5	0	10.3%	5.7	3
Middle Reach						
September	26	7	1	4.0%	5.6	3
Gorge						
September	21	8	1	5.4%	5.1	4

2024 Results

In 2024, the samples included 38 unique taxa and showed an ongoing trend of high stream quality (Table 10). The taxon richness values continue to show high levels of diversity throughout Brown's Creek. All samples had at least 5 unique EPT taxa present. All samples had at least 21 unique taxa with the highest being 25 representing a healthy and diverse community of invertebrates. The Gorge and Middle Reach sites showed Plecoptera specimens for each sample occurrence.

The average tolerance values were like years past for all three sites. Each site had at least 3 intolerant taxa which is consistent with past years indicating that the stream community is stable and continuing to support the species that are intolerant to stream impacts.

The Chironomidae proportion was lower for Headwaters which typically shows higher numbers than the other two sites. Middle Reach and Gorge came back with average Chironomidae numbers.

Table 10. Metrics for each sample site in 2024

Site	Taxon Richness	EPT Richness	Plecoptera Richness	Percent Chironomidae	Average Tolerance	Intolerance
Headwaters						
September	24	7	0	6.3%	5.8	4
Middle Reach						
September	25	5	1	7.8%	5.9	2
Gorge						
September	21	6	1	5.2%	5.4	3

2025 Results

In 2025, the samples included 30 unique taxa and showed an ongoing trend of high stream quality (Table 11). The taxon richness values continue to show high levels of diversity throughout Brown's Creek. All samples had at least 1 unique EPT taxa present. EPT numbers were lower than in past years which could be caused by low water conditions. All samples had at least 11 unique taxa with the highest being 21 representing a healthy and diverse community of invertebrates. The Gorge site showed 1 Plecoptera specimen.

The average tolerance values were like years past for all three sites. Each site had at least 2 intolerant taxa which is consistent with past years indicating that the stream community is stable and continuing to support the species that are intolerant to stream impacts.

The Chironomidae proportion showed low numbers which is a good indicator. This taxa group tends to dominate in heavily impacted streams, so this low proportion of the community means that there are likely minimal high-impact pollutant sources affecting the stream.

Table 11. Metrics for each sample site in 2025

Site	Taxon Richness	EPT Richness	Plecoptera Richness	Percent Chironomidae	Average Tolerance	Intolerance
Headwaters						
September	21	4	0	2.7%	6.0	3
Middle Reach						
September	16	1	0	1.6%	6.3	2
Gorge						
September	11	4	1	1.9%	5.7	2

2016 – 2025 Comparisons

General macroinvertebrate metrics are best used in combination to determine the health of a stream ecosystem. However, a few of the metrics can give an overall glimpse into how stream health is changing over time. The taxa richness represents how many unique specimens are present in a sample, which is an indication of biological community stability. Streams with high taxa richness are better able to respond to and recover from impacts to the water quality. In this project, the taxa richness for all samples ranges from 11 to 32, and over the years of this project, the communities present appear to be stable and show an increasing trend in richness (Figure 3). This indicates that the stream ecosystem is healthy and successfully recovering from any disturbances or impacts that may have occurred in the years prior to the survey.

The Headwaters sample from May 2019 showed 32 unique taxa, which was higher than in any of the previous samples, indicating that the stream has a very stable and diverse community present. Samples from 2021 showed lower taxa richness than 2019 but remained comparable with earlier years of sampling. 2022 showed continued improvement. We had a record low for average tolerance from the fall Gorge site which also resulted in a record high in IBI scoring from that same site. The total tolerance comparison across all years shows a strong increase in intolerant taxa along with a decrease in tolerant taxa. Decreasing tolerance values along with stable taxa richness and lower Chironomidae numbers are all great indicators that conditions are improving for Brown's Creek. When comparing 2023's results with past numbers for taxa richness, average tolerance and IBI scoring; consistent stable numbers appear to be the trend which is a great sign that no new impairments have been introduced to Brown's Creek and the stream seems to be maintaining a healthy macroinvertebrate community. 2024's results remained consistent regarding taxa richness, EPT species and percent Chironomidae and average tolerance. MIBI numbers were great this year with both Middle Reach and Gorge coming in above the exceptional use threshold. Head waters had a lower MIBI score but still came in consistent with past years. 2025's results showed a lower taxa richness and EPT species than last year but were still comparable to years past. MIBI numbers were consistent with past years with numbers well above the general use threshold.

The average tolerance value metrics can also give a good insight into stream health since it consists of a weighted average calculation. The Brown's Creek samples show an interesting pattern over the course of the years surveyed (Figure 4). Natural fluctuations in community composition can occur year to year and are a normal occurrence in this tolerance range of 5.5 to 6.4. There is a slight decreasing trend developing over the years, showing that the stream community can support more specimens that are intolerant to impacts. This is an indication of good water quality and a stable aquatic ecosystem. The Headwaters and Middle Reach sites tend to follow the same pattern throughout the sample period, indicating similar conditions at those two sites. However, the Gorge samples follow a different pattern, showing a higher tolerance score in 2016 and 2017 when the

other two sites showed much lower scores. This could be due to a disturbance or impact occurring to Brown's Creek between the Middle Reach and Gorge sample sites. However, the disturbance is not severe enough to have strongly altered the other metrics in the Gorge samples, so the stream community is able to recover before reaching this last sample site. In 2020 & 2021, we see more consistent taxa in Headwaters and Middle Reach. Gorge showed more variation than in years past when compared with the other two sites; this could be due to low water levels in the fall. There is a down trend in average tolerance values and it seems that the numbers of intolerant taxa have been rising year after year which is a great sign that conditions are improving. Even though numbers of unique taxa have declined since 2018 in Brown's creek, the taxa with lower tolerance values have been increasing. As conditions improve in Brown's creek it allows taxa with lower tolerance values a chance to rebound and increase their populations.

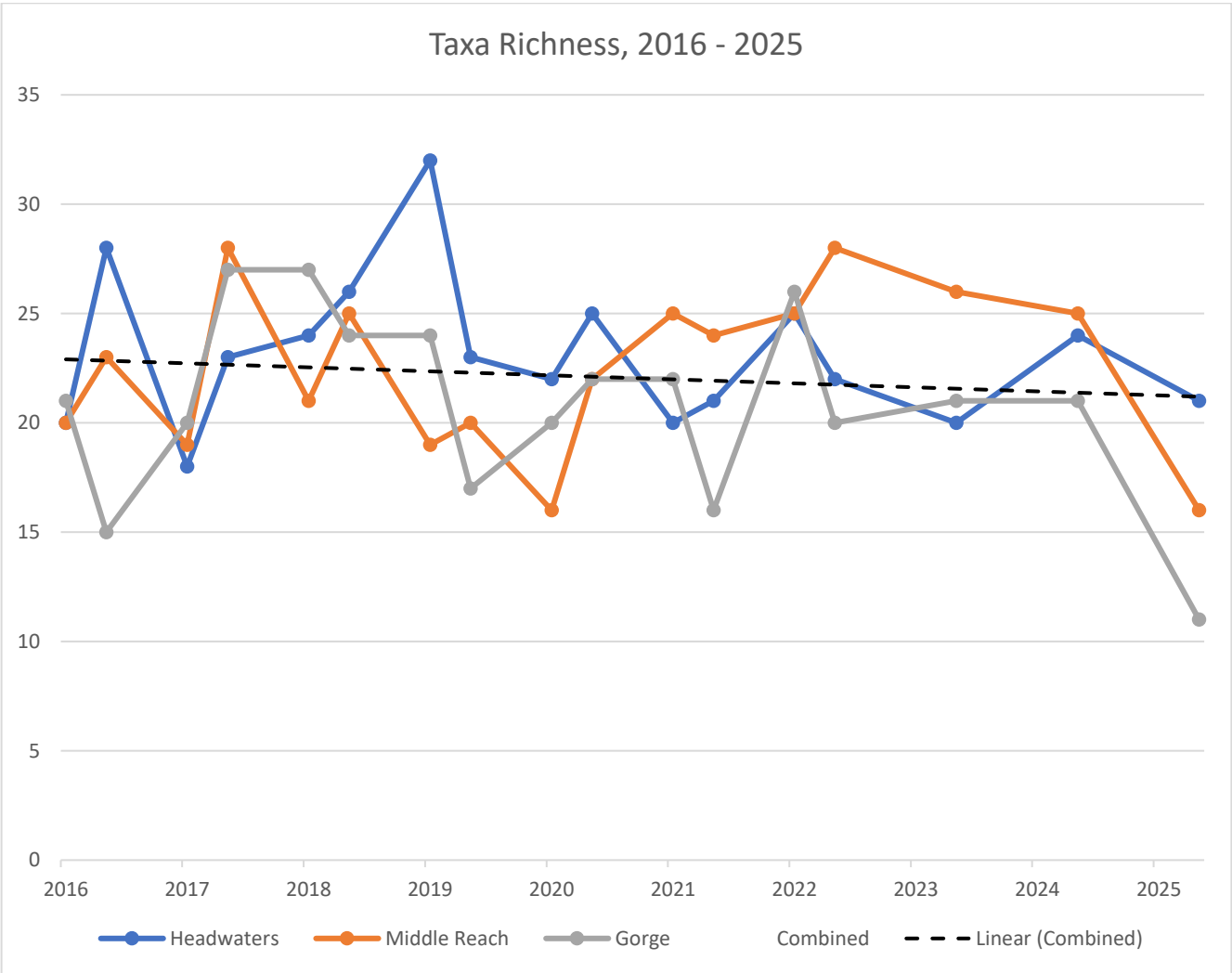


Figure 3: Taxa richness values for Brown's Creek samples from 2016 to 2025

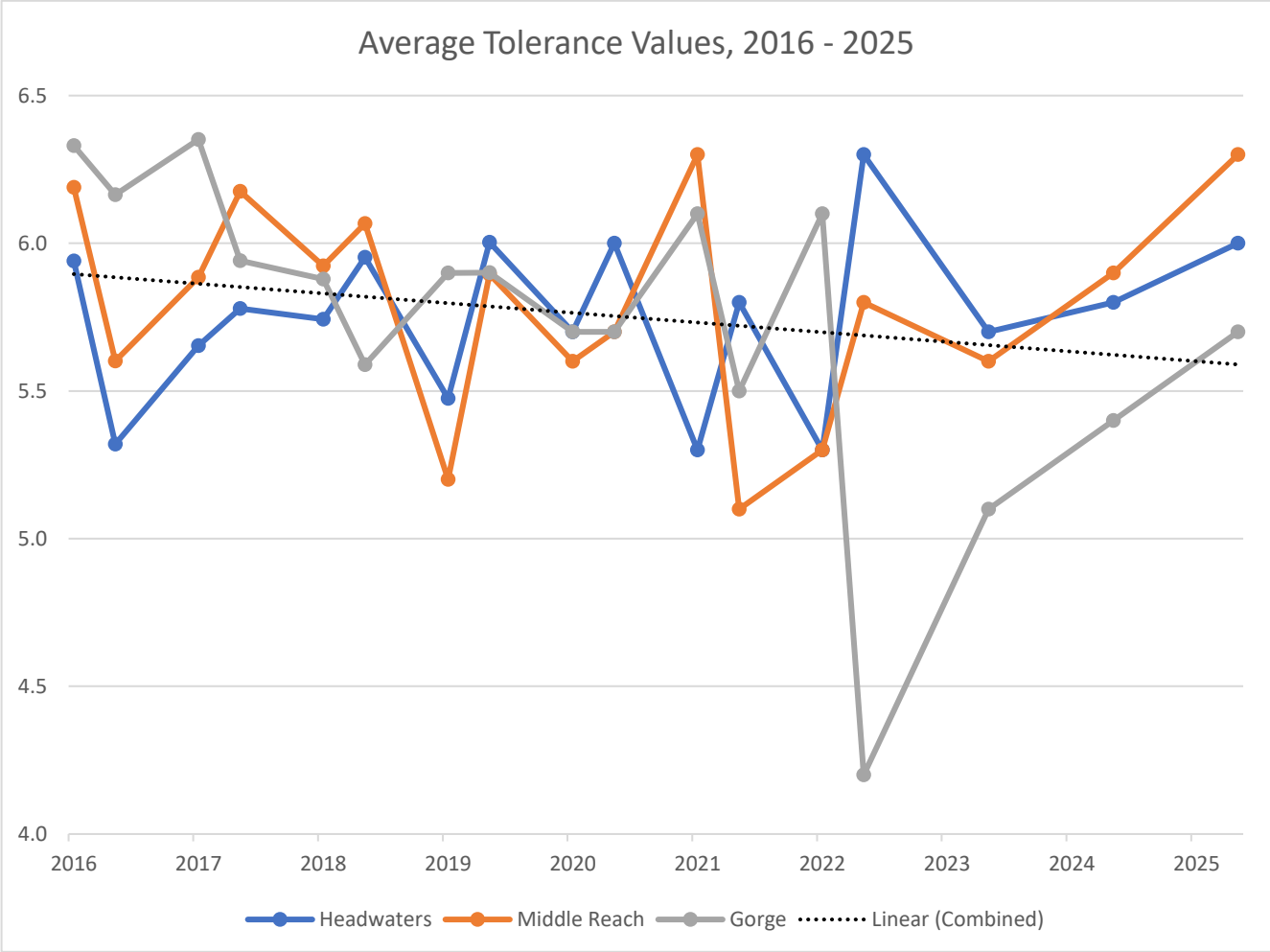


Figure 4: Average tolerance values for Brown's Creek samples from 2016 to 2025

Index of Biological Integrity (IBI)

The MPCA has developed a state-wide method of evaluating stream health using aquatic macroinvertebrates. This index gives each sample a numerical value that can be used to compare one site to another. It can also be used to monitor individual sites over time to determine whether the stream condition is improving or declining.

Due to the geographic differences throughout Minnesota and the variability in stream types, the state has been divided up into three regions that comprise nine different invertebrate stream classes (Figure 2). Each class has a different IBI calculation that best represents the invertebrate communities typically found within the region. They are based primarily on region, watershed size, thermal regime, and stream gradient (MPCA). The study area in this project is located within the Southern Coldwater Streams invertebrate class.

Tiered Aquatic Life Uses (TALU)

Stream health throughout Minnesota is evaluated for its capacity to sustain aquatic life, including the macroinvertebrates, fish, plants, and other organisms. The MPCA developed models with threshold IBI values that represent how well the stream can sustain aquatic life. These include *Exceptional Use* for high-quality streams, *General Use* for streams with light impacts, and *Modified Use* for areas with heavy impacts to the streams (Table 7). Each invertebrate stream class has different threshold levels based on the invertebrate communities typically found in that region. In this project, almost all samples were above the General Use Threshold, and several were above the Exceptional Use Threshold.

Table 12: Tiered Aquatic Life Uses as determined by the MPCA (MPCA 2014)

Use Category	Description
Exceptional Use	Evident changes in structure due to loss of some rare native taxa; shifts in relative abundance; ecosystem level functions fully maintained
General Use	Overall balanced distribution of all expected major groups; ecosystem functions largely maintained through redundant attributes
Modified Use	Sensitive taxa markedly diminished; conspicuously unbalanced distribution of major taxonomic groups; ecosystem function shows reduced complexity and redundancy

The Southern Coldwater Streams region represents areas in the southern portions of Minnesota with deciduous broadleaf forests. This invertebrate class has an IBI General Use Threshold of 43 and an Exceptional Use Threshold of 72. In this project, almost all samples met the General Use Threshold, and several of the Middle Reach & Gorge samples exceeded the Exceptional Use Threshold as well as all the sites in September of 2019 (Table 7, Figure 5). The highest score was 86.5 from the September 2022 sample of the Gorge site and the lowest was 35.2 from the May 2017 sample of the Gorge site. There are natural fluctuations in the invertebrate community, causing the IBI scores to change over time. The samples taken in the fall of each year usually show a higher score than the spring samples, but overall, the scores are between the General and Exceptional Use Thresholds, indicating a stable aquatic community.

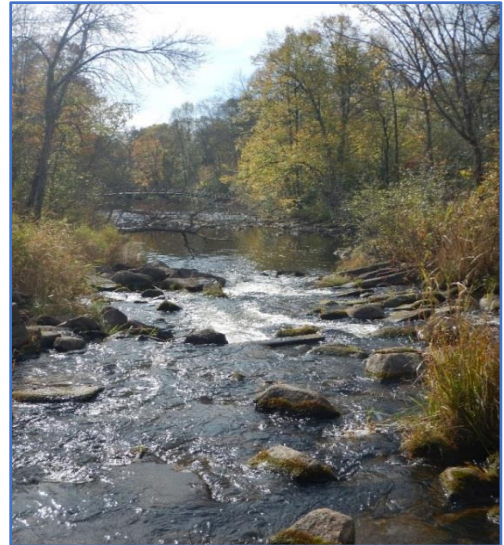


Figure 5: Example of a Southern Coldwater Stream sample site

Sample Date		Headwaters	Middle Reach	Gorge
2016	May	51.7	44.8	41
	September	63	77.7	65.8
2017	May	49.8	56.1	35.2
	September	65.1	81.1	61.4
2018	May	53.8	66.6	52.4
	September	61.2	68.4	58.9
2019	May	49.9	48.9	51
	September	73.1	86.4	82
2020	May	63.3	64.5	53.2
	September	57.6	76.6	86.2
2021	May	72.5	43.3	48.4
	September	77.8	68.9	82
2022	May	59.1	75.1	78
	September	52.7	78.5	86.5
2023	September	59.5	72.7	77.8
2024	September	73.1	61.1	89.9
2025	September	60.88	58.68	78.7

Table 12: Index of Biological Integrity (IBI) scores for Brown's Creek samples from 2016 to 2025

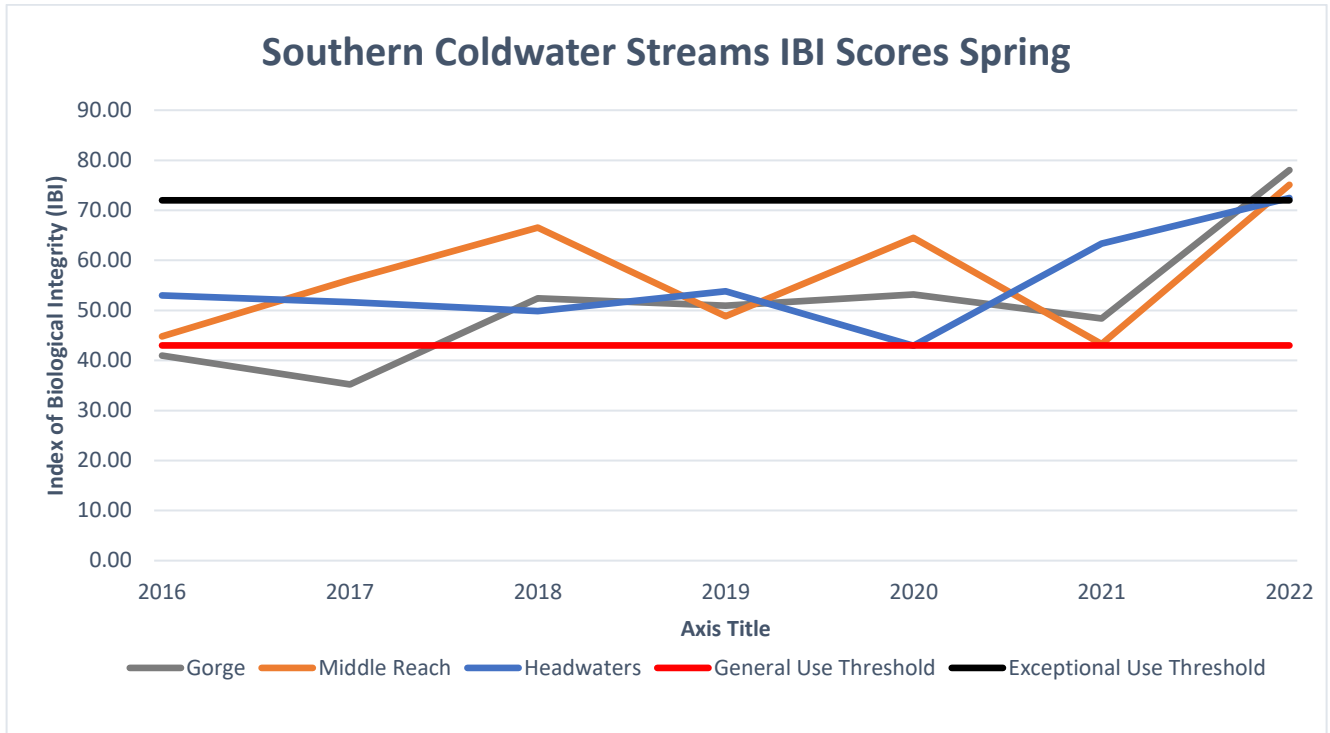


Figure 6: IBI scores, General Use Threshold, and Exceptional Use Threshold for Brown's Creek samples within the Southern Coldwater Streams class in spring 2016 – 2022

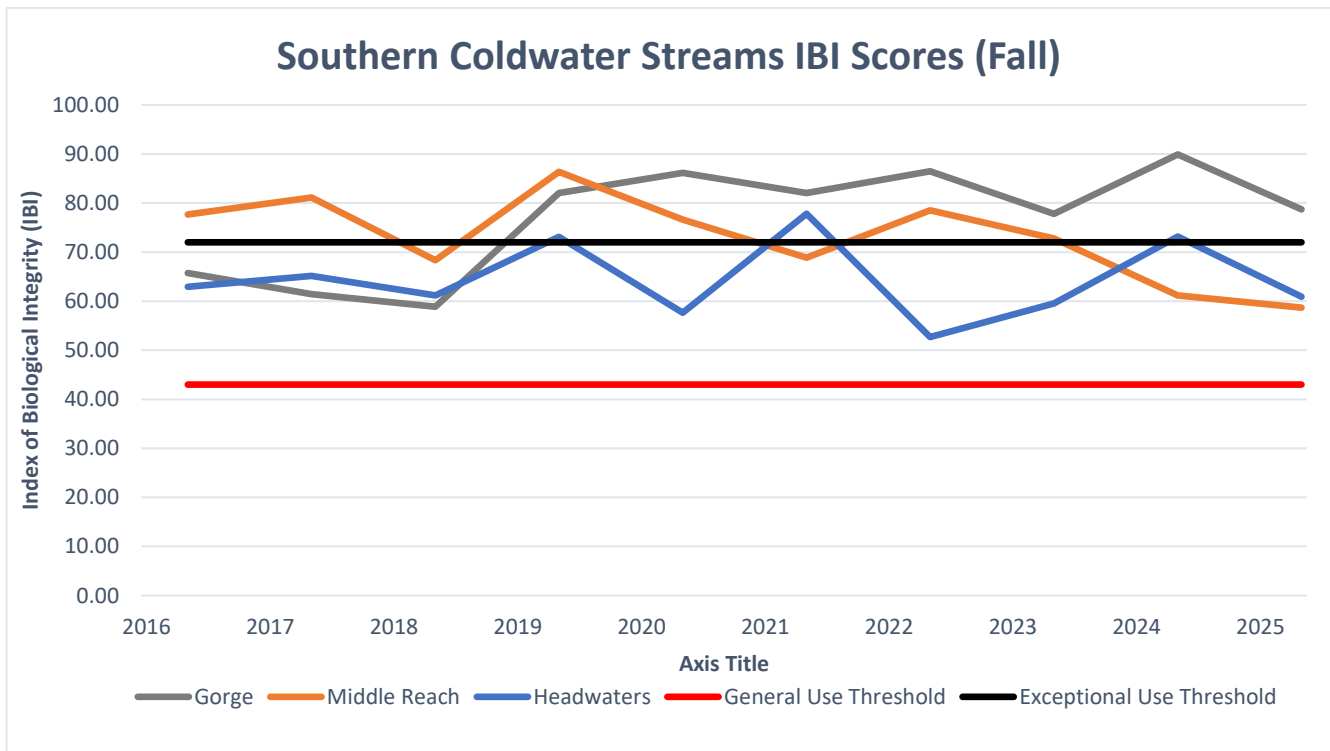


Figure 7: IBI scores, General Use Threshold, and Exceptional Use Threshold for Brown's Creek samples within the Southern Coldwater Streams class in fall 2016 – 2025

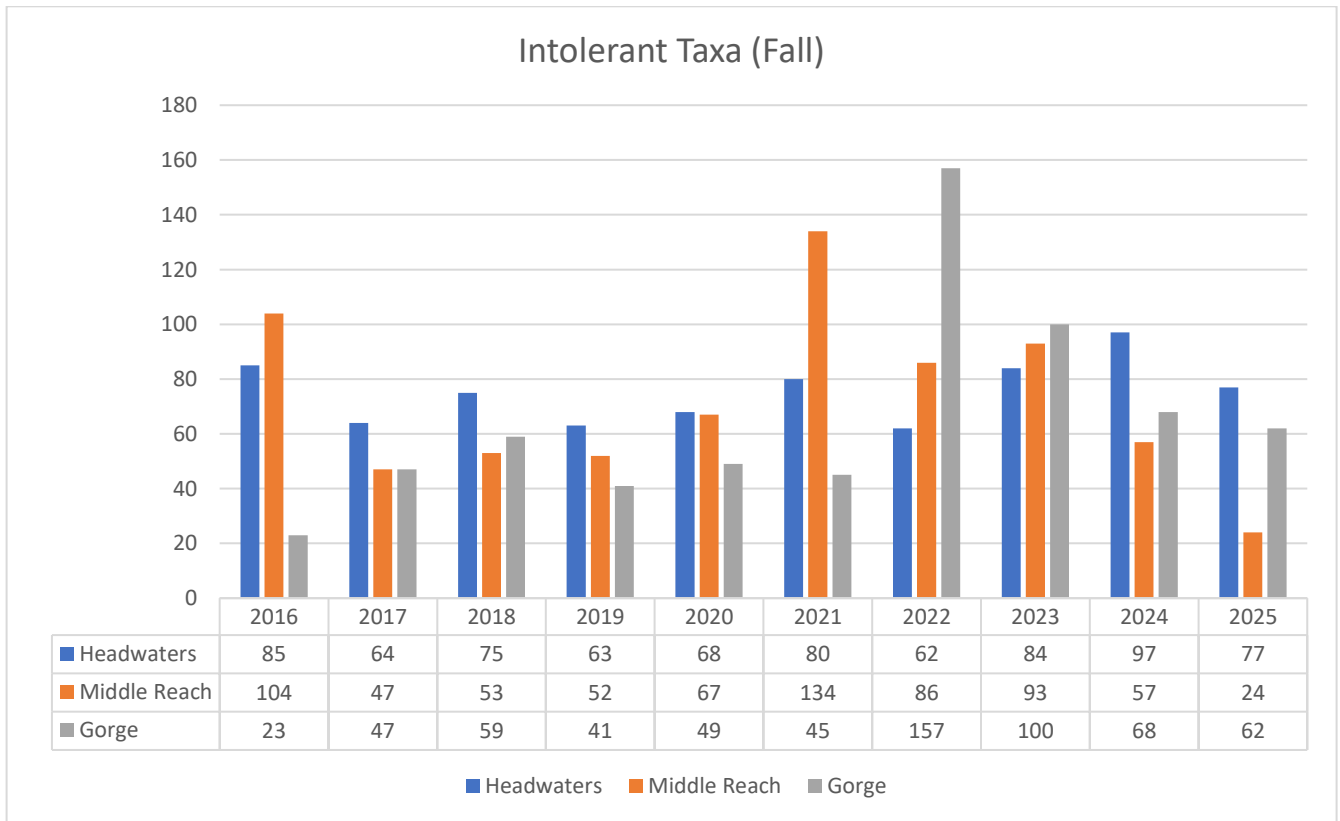
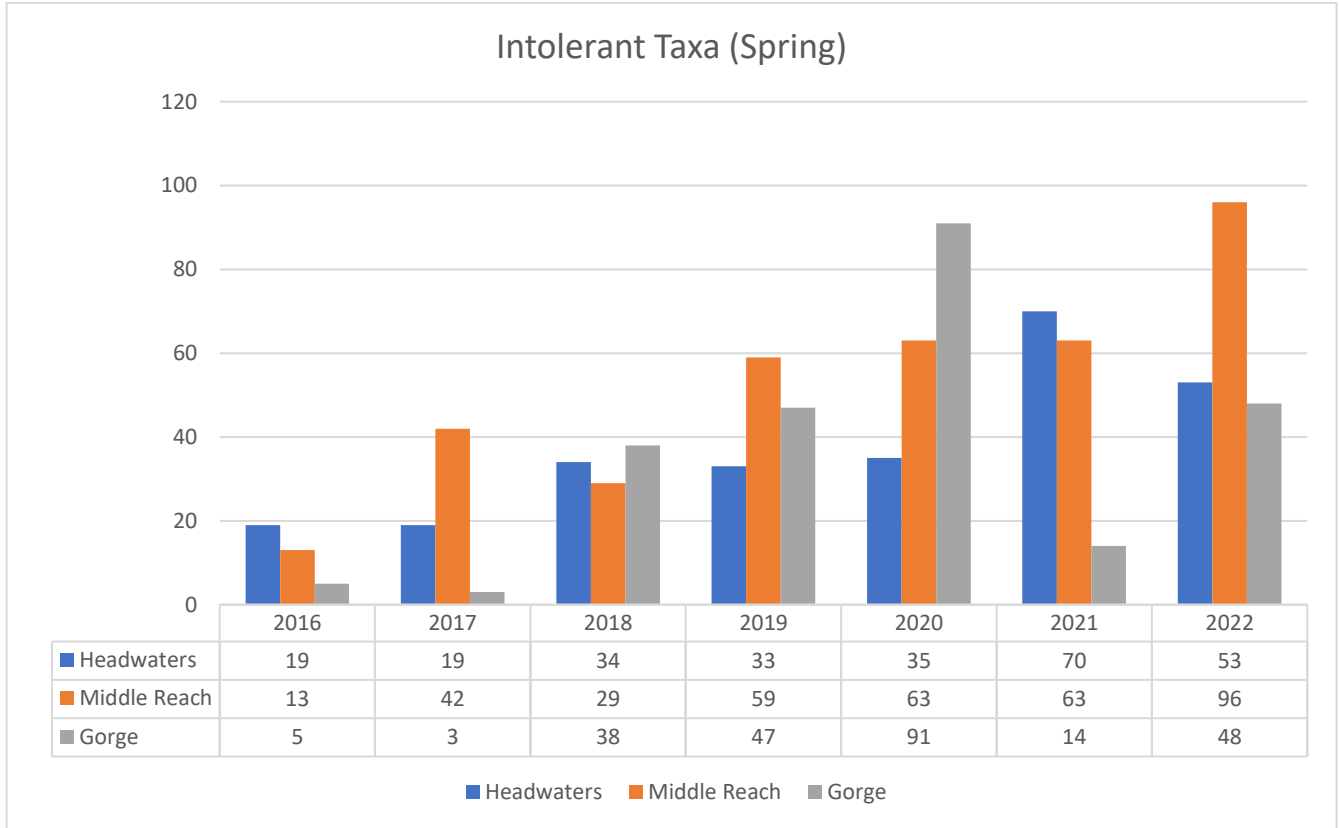


Figure 8 & 9: Comparison of Intolerant taxa spring vs fall for Brown's Creek 2016 - 2025

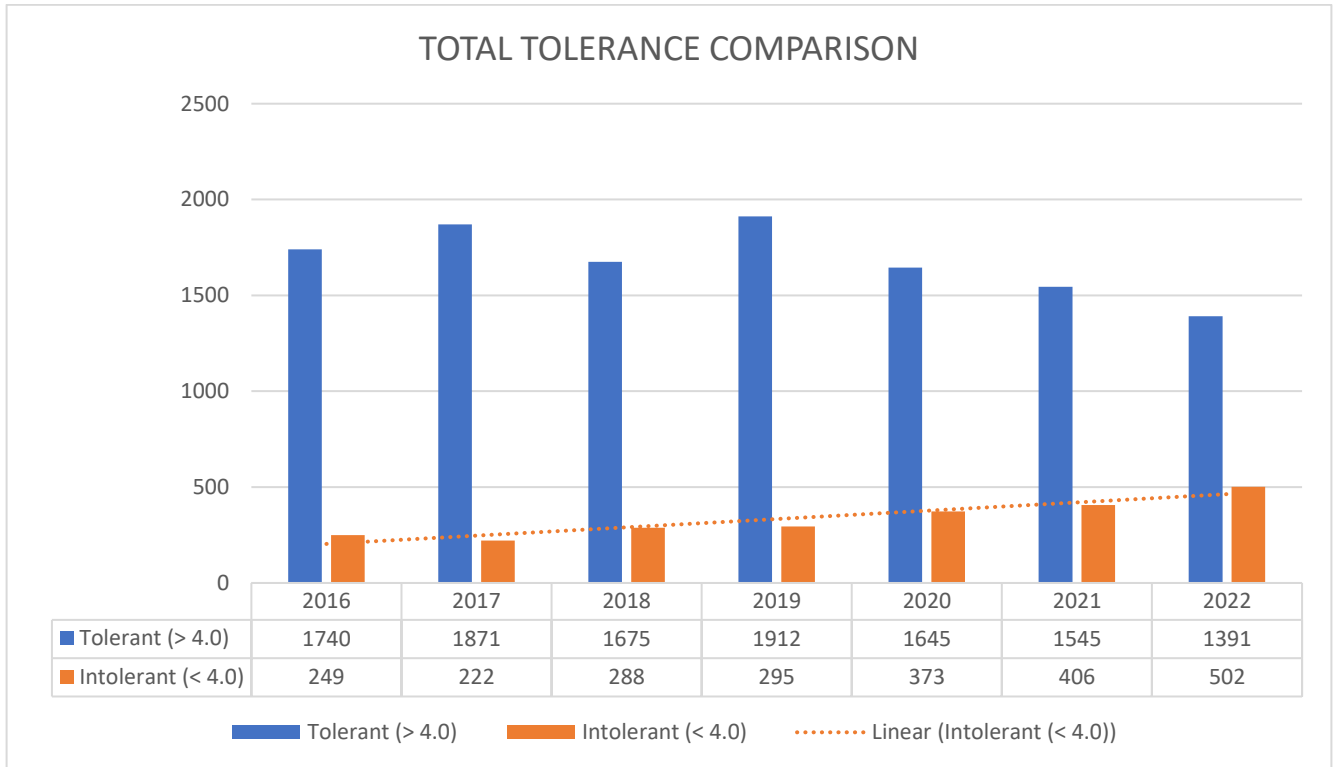


Figure 10: Comparison of Tolerant from Intolerant Taxa for Brown's Creek 2016 – 2022

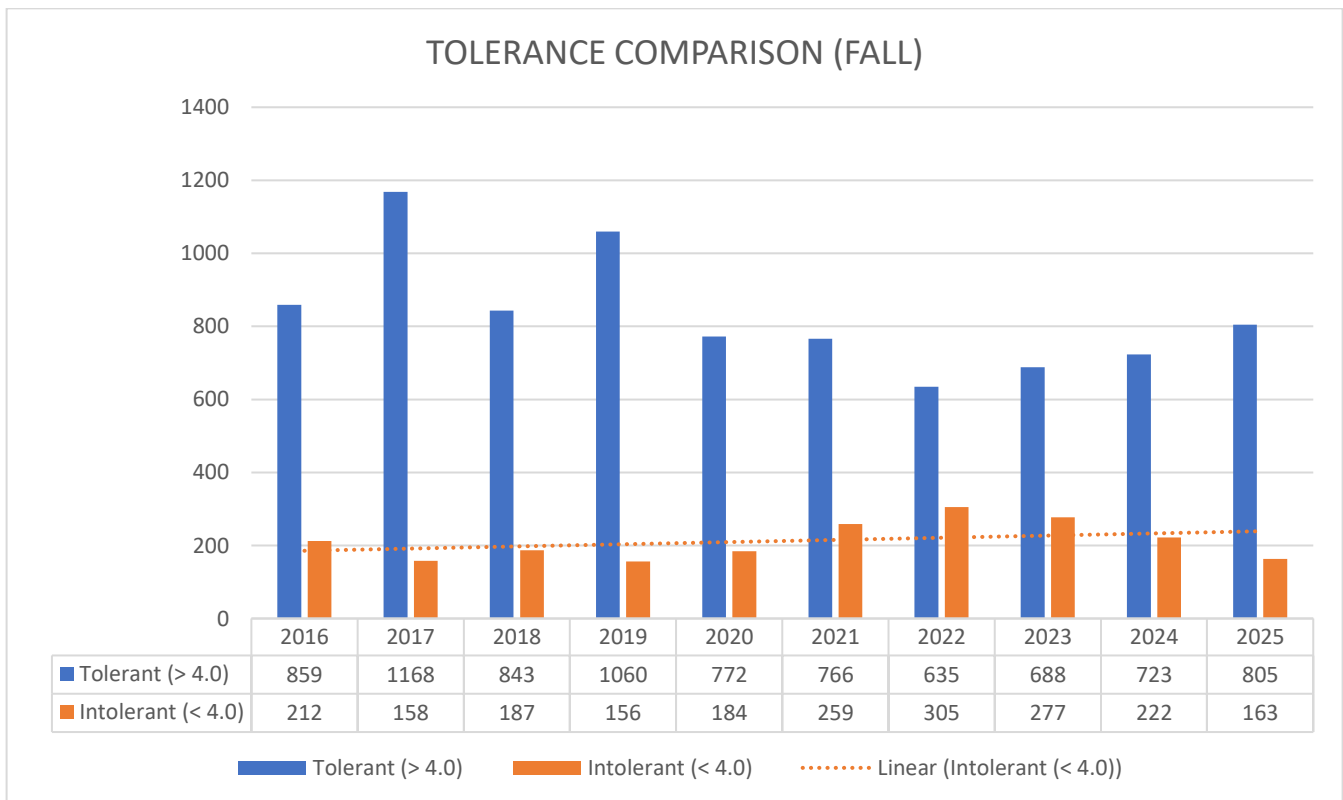


Figure 11: Comparison of Tolerant from Intolerant Taxa for Brown's Creek (Fall) 2016 – 2025

Discussion

General Metrics

The macroinvertebrate communities sampled throughout this project included a wide variety of species, and the sample sites showed a range of metric results. Overall, there were 161 unique taxa across all the years of sampling, meaning that the Brown's Creek sites have diverse communities with seasonal fluctuations in the community composition (Appendix 1). The most prevalent taxa overall were scuds (*Gammarus*), blackflies (*Simulium*), and mayflies (*Baetis*). These taxa have medium-level tolerance values, so they are often found in higher densities in streams with moderate impacts. The dominance of tolerant taxa like these can cause the average tolerance value of a sample to be high. Most of the samples in this project had an average tolerance value between 5 and 7, with the lowest being 5.2 in the May 2019 Middle Reach sample and the highest being 6.4 in the May 2017 Gorge sample.

Despite the prevalence of tolerant species, all the samples included some intolerant taxa, indicating that the level of impacts on the streams was not high enough to prevent the sensitive species from living there. The next most abundant taxon was a riffle beetle (*Optioservus*) which is intolerant to impacts with a tolerance value of only 3.1. The abundance of these riffle beetles indicates that the stream is clean and fast enough to support a strong community of intolerant taxa. Intolerant taxa are any species with a tolerance value (TV) of 4 or less. In this project, these included *Cardiocladius* (TV = 2.7), *Glossosoma* (TV = 1.1), *Lepidostoma* (TV = 0.1), *Limnephilidae* (TV = 3.5), *Lype* (TV = 3.1), *Neophylax* (TV = 3.2), *Optioservus* (TV = 3.1), *Parapsyche* (TV = 1.0), *Perlodidae* (TV = 2.7), *Prosimulium* (TV = 3.0), *Protoptila* (TV = 1.4), and *Rhyacophila* (TV = 0.0). This combination of taxa shows that while these streams likely have some urbanization impact, they also have pockets of good microhabitat and sufficient oxygen.

The EPT metric evaluates the diversity of Ephemeroptera (mayflies), Plecoptera (stoneflies), and Trichoptera (caddisflies) in the samples. These insect groups are generally indicators of less impacted waters since they contain many intolerant species. In this project, the EPT values ranged from 1 to 7 unique taxa in each sample. While there are no definitive thresholds with this metric, sites with few or no EPT taxa likely have a substantial number of impacts and may be targeted for management practices to improve the watersheds that flow into these sites. The Plecoptera subset of the EPT metric is also evaluated since the stonefly group contains mostly intolerant species, and typically they require high-quality, well-oxygenated water. Two unique stonefly species were found during this project (*Isoperla* and *Haploperla*), and they have only been found in the Gorge & Middle Reach Sites. This group of insects is typically not very diverse in stream samples without strong riffles present to keep the water full of dissolved oxygen.

The Chironomidae fraction of a sample can also indicate general water quality. Even though this group is very diverse and includes midge species with tolerance values ranging from 0 to 10, generally they only dominate a sample at a site with heavy pollution impacts. The samples in this project ranged from 0% to 67% Chironomidae present, with some of the largest proportions seen in the May 2019 samples. Since most healthy streams have a diverse community of macroinvertebrates, the high numbers of midges seen in the spring samples initially seems like an indication of impact. However, with the change in community throughout the year and with such low Chironomidae proportions in the fall samples, Brown's Creek likely has minimal pollution impacts affecting the water quality, especially when looking at all the metrics in combination.

Invertebrate Stream Classes

Minnesota is divided up into invertebrate stream classes based on three geographic regions so the IBI values can be compared to streams within similar regions. These regions include Northern Forest Streams, Southern Streams, and Prairie Streams. The regions are then further divided based on whether the sample was taken from a site with riffle habitats present or only with glides and pools. This survey was located within the Southern Coldwater Streams class. Samples were taken from 3 dominant habitat types in a given reach per season (Either from riffles, pools, runs, glides, undercut banks, leaf packs, or wood debris.)

Each stream class has unique threshold values indicating the level of support for biological communities living there. The highest tier is the Exceptional Use Threshold which represents the highest quality streams that are providing maximum support for aquatic organisms. The next level is the General Use Threshold, which is the target level for streams that are healthy and functioning despite any impacts to them. The lowest level is the Modified Use Threshold, which represents streams with heavy impacts that may be struggling to adequately support the aquatic communities living in them. Sites with IBI scores at or below the Modified Threshold should be prioritized over others for management practices or restorations to improve the stream health.

The Brown's Creek sites within the Southern Coldwater Streams region have been regularly fluctuating with the seasonal sampling over the years of this project. Most IBI scores fall between the General and Exceptional Use Thresholds. The pattern across the three sites shows increased scores in the fall with numbers closer to the Exceptional Use Threshold. The Spring samples show slightly lower scoring with numbers closer to the general use threshold. This pattern is normal for most streams with fall samples showing a better display of a stream's true macro community. With improving IBI scoring occurring over the summer, it's unlikely that any major pollution impacts are occurring along Brown's Creek between the sample points.

Future Projects

Further monitoring of these sites is recommended to continue establishing the baseline data for these aquatic communities. Each site is dynamic and seasonally changing, so continuing to collect data helps to eliminate the differences due to natural fluctuations in invertebrate communities. Additionally, if there are suspected pollution inputs to a stream or restoration projects in progress, monitoring before and after these impacts is recommended to assess how the biological community is affected.

Literature Cited

MPCA. 2014. Development of a macroinvertebrate-based Index of Biological Integrity for assessment of Minnesota's rivers and streams. Minnesota Pollution Control Agency, Environmental Analysis and Outcomes Division, St. Paul, MN.

MPCA. 2014. Development of biological criteria for tiered aquatic life uses: Fish and macroinvertebrate thresholds for attainment of aquatic life use goals in Minnesota streams and rivers. Minnesota Pollution Control Agency, Environmental Analysis and Outcomes Division, St. Paul, MN.

Appendix 1: Project Taxa List

<u>Order</u>	<u>Family</u>	<u>Genus</u>	<u>Species</u>
Amphipoda	Crangonyctidae	Crangonyx	
Amphipoda	Gammaridae	Gammarus	lacustrus
Amphipoda	Hyalellidae	Hyalella	
Basommatophora	Physidae	Physella	
Basommatophora	Planorbidae	Micromenetus	
Bivalvia	Pisidiidae	Pisidium	
Bivalvia	Pisidiidae	Sphaerium	
Bivalvia	Pisidiidae	Musculium	
Cambaridae			
Clitellata			
Coleoptera	Dytiscidae	Agabus	
Coleoptera	Dytiscidae	Ilybius	
Coleoptera	Dytiscidae	Liodessus	
Coleoptera	Dytiscidae	Uvarus	
Coleoptera	Elmidae	Macronychus	
Coleoptera	Elmidae	Optioservus	
Coleoptera	Elmidae	Stenelmis	
Coleoptera	Gyrinidae	Gyrinus	
Coleoptera	Haliplidae	Peltodytes	
Coleoptera	Hydraenidae	Hydraena	
Coleoptera	Hydrophilidae	Enochrus	
Coleoptera	Hydrophilidae	Hydrobius	
Coleoptera	Hydrophilidae	Hydrochara	
Coleoptera	Hydrophilidae	Hydrochus	
Coleoptera	Hydrophilidae	Tropisternus	
Coleoptera	Hydrophilidae	Berosus	
Coleoptera	Scirtidae	Scirtes	
Collembola			
Diptera	Ceratopogoninae	Bezzia/Palpomyia	
Diptera	Ceratopogonidae	Ceratopogon	
Diptera	Ceratopogonidae	Dasyhelea	
Diptera	Ceratopogonidae	Mallochohelea	
Diptera	Chironomidae	Brillia	
Diptera	Chironomidae	Cardiocladius	
Diptera	Chironomidae	Chaetocladius	
Diptera	Chironomidae	Cladotanytarsus	
Diptera	Chironomidae	Conchapelopia	
Diptera	Chironomidae	Corynoneura	
Diptera	Chironomidae	Cricotopus	

Diptera	Chironomidae	Cryptochironomus	
Diptera	Chironomidae	Diamesa	
Diptera	Chironomidae	Diplocladius	
Diptera	Chironomidae	Eukiefferiella claripennis gr.	
Diptera	Chironomidae	Eukiefferiella devonica gr.	
Diptera	Chironomidae	Eukiefferiella tirolensis group	
Diptera	Chironomidae	Limnophyes	
Diptera	Chironomidae	Meropelopia	
Diptera	Chironomidae	Micropsectra	
Diptera	Chironomidae	Microtendipes	
Diptera	Chironomidae	Microtendipes pedellus group	
Diptera	Chironomidae	Nanocladius	
Diptera	Chironomidae	Orthocladius (Orthocladius)	
Diptera	Chironomidae	Orthocladius (Symposiocladius)	lignicola
Diptera	Chironomidae	Paracricotopus	
Diptera	Chironomidae	Parametriocnemus	
Diptera	Chironomidae	Paratanytarsus	longistilus
Diptera	Chironomidae	Paratendipes	
Diptera	Chironomidae	Polypedilum	
Diptera	Chironomidae	Prodiamesa	
Diptera	Chironomidae	Rheocricotopus	
Diptera	Chironomidae	Rheotanytarsus	
Diptera	Chironomidae	Saetheria	
Diptera	Chironomidae	Stenochironomus	
Diptera	Chironomidae	Stictochironomus	
Diptera	Chironomidae	Tanytarsus	
Diptera	Chironomidae	Thienemanniella	
Diptera	Chironomidae	Thienemannimyia complex	
Diptera	Chironomidae	Thienemannimyia Gr.	
Diptera	Chironomidae	Tvetenia	
Diptera	Chironomidae	Tvetenia bavarica gr.	
Diptera	Chironomidae	Zavrelimyia	
Diptera	Dixidae	Dixa	
Diptera	Empididae	Chelifera	
Diptera	Empididae	Hemerodromia	
Diptera	Empididae	Metachela	
Diptera	Empididae	Neoplasta	
Diptera	Ephydriidae		
Diptera	Limoniidae	Antocha	
Diptera	Limoniidae	Helius	
Diptera	Limoniidae	Limona	
Diptera	Limoniidae	Molophilus	

Diptera	Pediciidae	Dicranota	
Diptera	Simuliidae	Simulium	
Diptera	Simuliidae	Prosimulium	
Diptera	Simuliidae	Simulium	
Diptera	Straitomyidae	Straitiomyis	
Diptera	Stratiomyidae	Odontomyia	
Diptera	Syrphidae	Chrysogaster	
Diptera	Tipulidae	Antocha	
Diptera	Tabanidae	Chrysops	
Diptera	Tipulidae	Dicranota	
Diptera	Tipulidae	Hexatoma	
Diptera	Tipulidae	Limnophila	
Diptera	Tipulidae	Limonia	
Diptera	Tipulidae	Ormosia	
Diptera	Tipulidae	Pedicia	
Diptera	Tipulidae	Pilaria	
Diptera	Tipulidae	Tipula	
Ephemeroptera	Baetidae	Acentrella	
Ephemeroptera	Baetidae	Baetis	
Gastropoda	Ancylidae	Ferrissia	
Gastropoda	Lymnaeidae	Stagnicola	
Gastropoda	Physidae	Aplexa	
Gastropoda	Physidae	Physa	gyrina
Gastropoda	Physidae	Physa	acuta
Gastropoda	Physidae	Physa	gyrina
Gastropoda	Planorbidae	Gyraulus	parvus
Gastropoda	Valvatidae	Valvata	perdepressa
Hemiptera	Belostomatidae	Belostoma	
Hemiptera	Corixidae	Hesperocorixa	
Hemiptera	Corixidae	Sigara	
Hemiptera	Gerridae	Aquarius	
Hemiptera	Gerridae	Gerris	
Hemiptera	Nepidae	Ranatra	
Hemiptera	Pleidae	Neoplea	
Hemiptera	Veliidae	Microvelia	
Hirudinida	Erpobdellidae	Dina	parva
Hirudinida	Erpobdellidae	Erpobdella	punctata
Hirudinea	Glossiphoniidae	Placobdella	
Hirudinea	Glossiphoniidae	Glossiphonia	complanata
Hirudinea	Glossiphoniidae	Helobdella	stagnalis
Hirudinea	Haemopodidae	Haemopis	
Isopoda	Asellidae	Asellus	

Isopoda	Asellidae	Caecidotea	
Isopoda	Asellidae	Lirceus	
Isopoda	Oniscidae	Oniscus	
Lepidoptera	Pyralidae		
Mermithida	Mermithidae		
Odonata	Aeshnidae	Aeshna	
Odonata	Aeshnidae	Boyeria	
Odonata	Calopterygidae	Calopteryx	
Odonata	Coenagrionidae		
Oligochaeta			
Plecoptera	Chloroperlidae	Haploperla	
Plecoptera	Perlodidae	Isoperla	
Rhynchobdellida	Glossiphoniidae	Placobdella	
Sphaeriida	Sphaeriidae	Musculium	
Sphaeriida	Sphaeriidae	Pisidium	
Trichoptera	Brachycentridae	Brachycentrus	
Trichoptera	Glossosomatidae	Glossosoma	
Trichoptera	Glossosomatidae	Protoptila	
Trichoptera	Hydropsychidae	Ceratopsyche	
Trichoptera	Hydropsychidae	Cheumatopsyche	
Trichoptera	Hydropsychidae	Hydropsyche	
Trichoptera	Hydropsychidae	Parapsyche	
Trichoptera	Hydroptilidae	Hydroptilidae	
Trichoptera	Lepidostomatidae	Lepidostoma	
Trichoptera	Leptoceridae	Oecetis	
Trichoptera	Leptoceridae	Triaenodes	
Trichoptera	Limnephilidae	Anabolia	
Trichoptera	Limnephilidae	Limnephilus	
Trichoptera	Limnephilidae	Pycnopsyche	
Trichoptera	Philopotamidae	Chimarra	
Trichoptera	Phryganeidae	Ptilostomis	
Trichoptera	Polycentropodidae	Polycentropus	
Trichoptera	Psychomyiidae	Lype	
Trichoptera	Rhyacophilidae	Rhyacophila	
Trichoptera	Thremmatidae	Neophylax	
Trombidiformes	Limnesiidae	Limnesia	
Trombidiformes	Prostigmata	Hydracarina	
Trombidiformes	Sperchontidae	Sperchon	

Project Name | NA**Date** | 3/6/2026**To / Contact info** | BCWD Board of Managers**Cc / Contact info** | Karen Kill, District Administrator**From / Contact info** | Camilla Correll, PE**Regarding** | 2026 EOR Rates and Retainer

Background

At the March Board meeting, the BCWD Board of Managers approved EOR's 2026 Rates and Retainer.

Modification to the Proposed Rate Increase

The EOR 2026 Hourly Fee Schedule attached to this memorandum did not include Stu Grubb, PG. EOR has added Stu to the Hourly Fee Schedule and is requesting that the Board approve the revised Fee Schedule for invoices beginning May 2026.

Recommended Action

1. Authorize the administrator to amend, on advice of counsel, the agreement for engineering services to update the rates in accordance with the attached (revised) 2026 rate schedule for invoices beginning May 2026.

EOR 2026 Hourly Fee Schedule

<u>Classification</u>	<u>Hourly Rate (*)</u>
Professional 1 (Julia, Lau).....	\$134.00
Professional 2 (Jimmy Marty, Paul Nation, John Sarafolean).....	\$168.00
Professional 3 (Anne Wilkinson)	\$197.00
Professional 4 (Pat Conrad, Mike Majeski, Erik Megow)	\$227.00
Technician 1	\$97.00
Technician 2	\$116.00
Technician 3	\$142.00
Project Principal (Camilla Correll, Stu Grubb)	\$249.00
Senior Principal (Brett Emmons)	\$276.00
Support Staff	\$93.00
Permit Inspector	\$101.00

Professionals:

Includes licensed and nonlicensed engineers, landscape architects, geologists, scientists, surveyors, field professionals, and geospatial professionals with bachelor's or advanced degrees.

Technicians:

Work requires a combination of basic scientific knowledge and manual skills which can be obtained through two years of post high school education, such as is offered in technical schools, community colleges, or through equivalent on-the-job training.

Principals:

Officers and senior technical managers at the highest level of EOR staff classification performing technical and quality control supervision.

Support Staff:

Non-manual clerical work performed by office administrators, administrative assistants, bookkeepers, messengers, office helpers, and clerks.

Additional Notes:

- *Reimbursable expenses (Reproduction, Printing, Duplicating, Mileage at current government rates, DGPS equipment, field supplies, use/rental of special equipment, etc.) will be billed at cost.*
- *Subcontracted services will be billed at cost plus 15% to cover overhead expenses.*
- *Expert witness trial and deposition testimony will be billed at the above hourly rates times 1.5.*
- *Payment is due upon receipt of invoice. If the invoice is not paid within thirty (30) days after invoice date, Client will also pay a finance charge thereon of 1.5 percent or the maximum rate allowed by law, whichever is less, for each month thereafter or portion thereof that an invoice remains unpaid.*

(*) Rates reviewed and adjusted on an annual basis.

**Amendment to the agreement between
Brown's Creek Watershed District and Emmons & Olivier Resources
for Engineering Consulting Services**

This amends the February 28, 2025, agreement (the 2025-26 Agreement) between Brown's Creek Watershed District, a public body with powers set forth in Minnesota Statutes chapters 103B and 103D (BCWD), and Emmons & Olivier Resources Inc., a private Minnesota corporation (EOR).

In consideration of the mutual terms and conditions, promises, covenants, and payments hereinafter set forth, the sufficiency of which is hereby acknowledged, BCWD and EOR agree to amend the 2025-26 Agreement as follows:

- A. Exhibit 1, attached to and incorporated into the 2025-26 Agreement as a term thereof, is amended as follows:

EXHIBIT 1

RETAINER

Description of Services
Prepare for and attend monthly meetings (board meetings plus additional status/staff meetings with administrator and board). Review board packet information.
Prepare regular memoranda for ongoing projects and on technical watershed issues. Provide general technical support to board and administrator. Report on new technologies and management techniques. Keep administrator and board abreast of activities in other nearby cities and watershed districts. Answer questions and provide technical information to residents and developers as directed by the board.
Prepare monthly invoices. Prepare, as needed, regular update memoranda on project budgets, costs, and schedules. Work with the BCWD treasurer and administrator as needed to prepare budgets for upcoming projects and activities.

The following blended retainer fee is based on the 66 hours requested for the described services:

<u>Classification</u>	<u>Hourly Rate</u>	<u>Estimated Hours</u>	<u>Total</u>
Professional 4	\$218 <u>227</u>	12	\$2,616 <u>2,724</u>
Professional 3	\$189 <u>197</u>	12	\$2,268 <u>2,364</u>
Professional 2	\$162 <u>168</u>	18	\$2,916 <u>3,024</u>
Professional 1	\$129 <u>134</u>	16	\$2,064 <u>2,144</u>
Support Staff	\$89 <u>93</u>	8	\$712 <u>744</u>
Estimated Total		66	\$10,576<u>10,999</u>

Notes:

- (1) The retainer includes normal direct expenses including travel, mileage, copying, general postage, local facsimiles, cellular telephone charges and general office

supplies. Unusual direct expenses such as multiple color bond plots, presentation board supplies, slides and computer graphics will be billed at cost.

- (2) This retainer does not include technical development reviews or analyses.

- B. All references in the 2025-26 Agreement to Exhibit 2 are deleted and replaced with references to Exhibit 2A, and Exhibit 2, attached to and incorporated into the 2025-26 Agreement as a term thereof, is deleted and replaced in its entirety by the following Exhibit 2A, which is incorporated into and made a part of the 2025-26 Agreement as amended as a term hereof.

EXHIBIT 2A - Hourly Fee Schedule

Classification	Hourly Rate
Professional 1 (J. Lau)	\$134
Professional 2 (J. Marty, P. Nation, J. Sarafolean, A. Furneaux)	\$168
Professional 3 (A. Wilkinson)	\$197
Professional 4 (P. Conrad, M. Majeski, E. Megow, S. Grubb, K. Biehn, D. Lash)	\$227
Technician 1	\$97
Technician 2	\$116
Technician 3	\$142
Project Principal (C. Correll, S. Grubb)	\$249
Senior Principal (B. Emmons)	\$276
Support Staff	\$93
Permit Inspector	\$101

Professionals: Includes licensed and non-licensed engineers, landscape architects, geologists, scientists, surveyors, field professionals, and geospatial professionals with bachelor's or advanced degrees.

Technicians: Work requires a combination of basic scientific knowledge and manual skills which can be obtained through two years of post-high school education, such as is offered in technical schools, community colleges, or through equivalent on-the-job training.

Principals: Officers and senior technical managers at the highest level of EOR staff classification performing technical and quality control supervision.

Support Staff: Non-manual clerical work performed by office administrators, administrative assistants, bookkeepers, messengers, office helpers, and clerks.

Additional Notes:

- Reimbursable expenses (reproduction, printing, duplicating, mileage at current government rates, DGPS equipment, field supplies, use/rental of special equipment, etc.) will be billed at cost.
- Subcontracted services will be billed at cost plus 15 percent to cover overhead expenses.
- Expert witness trial and deposition testimony will be billed at the above hourly rates times 1.5.

This amendment is effective upon complete execution.

Except as explicitly amended hereby, the 2025-26 Agreement remains in full force and effect on its terms.

IN WITNESS WHEREOF, intending to be legally bound, the parties hereto execute and deliver this amendment to the 2025-26 Agreement.

Brown's Creek Watershed District

Emmons & Olivier Resources Inc.

Karen Kill, Administrator

Greg Graske, CFO

Date _____

Date _____

Approved as to form and execution

BCWD attorney

Project Name	BCWD Watershed Management Plan Update	Date	5/8/2026
To / Contact info	BCWD Board of Managers		
Cc / Contact info	Karen Kill <kkill@mnwcd.org> Camilla Correll <ccorrell@eorinc.com>		
From / Contact info	Alexander Furneaux <afurneaux@eorinc.com>		
Regarding	2027-2036 Watershed Management Plan Formal Plan Review Process – Response to Comments		

Background

On Wednesday February 18th, 2026 the BCWD initiated the statutory 60-day watershed management plan review and comment process by sending the draft plan to state review agencies, Metropolitan Council, Washington County, member communities and adjacent watershed management organizations. The comment period ended on Monday April 20th, 2026.

Update

The BCWD received comments from the following entities:

1. Board of Water and Soil Resources
2. City of Oak Park Heights
3. City of Stillwater
4. Metropolitan Council
5. Minnesota Department of Health
6. Minnesota Department of Natural Resources
7. Minnesota Pollution Control Agency
8. Rice Creek Watershed District
9. Valley Branch Watershed District
10. Washington County – Public Health and Environment
11. Washington County – Public Works

All in all, the BCWD received a total of 120 comments. These comments, the date they were received and a proposed response to comments are provided in the attached table. As this table indicates, quite a few of the comments received are compliments on the process the District took to develop the plan and on the plan format and content. Some comments prompted consideration by the managers of substantive changes to the plan, and such changes are discussed in the proposed response included in the table.

Next Steps

At the May 13th Board Meeting, the BCWD Board of Managers will review the response to comments document and consider authorizing the administrator to finalize and issue the proposed responses and schedule the public hearing on the plan for the regular June meeting.

At the regularly scheduled board meeting on June 10, BCWD will hold a public hearing on the 2027-2036 Watershed Management Plan. The public hearing is an opportunity for interested parties to learn about and comment on the 2027-2036 Watershed Management Plan.

Board Action

Authorize the administrator to finalize and issue the proposed responses to comments, and duly notice the public hearing on the plan for the regular June meeting.

Name of Submitter	Organization	Date	#	Section	Page	Comment	Response
Kate MacDonald	Minnesota Pollution Control Agency	3/13/2026	N/A			The Minnesota Pollution Control Agency (MPCA) appreciates the opportunity to review your draft Brown's Creek Watershed District Local Water Plan (Plan) dated 2027 - 2036, as well as providing input throughout your Plan development process. Overall, the Plan is well written, concise, and thorough. We have no comments as part of the official 60-day Review and Comment Period.	Thank you for reviewing the draft plan!
Barbara Riehle	Stillwater Township	4/8/2026	N/A			Both our Planner and Engineer have reviewed and responded that they do not have comment.	Thank you for reviewing the draft plan!
Josh Norman	Board of Soil and Water Resources	4/9/2026	1	Overall	N/A	This was a pleasure to read! The plan is extremely well-written, well-organized, and visually appealing. Very nice work!	Thank you for the feedback!
			2	Overall	N/A	The addition of the equity and climate change lenses for all issue categories is a great path forward.	Thank you for the feedback!
			3	4.1.4	24	The goal that aims to target rate control states that the accompanying implementation items are in Table 81. That table concerns thermal improvements, TSS load reduction, and ecological health projects. I am not seeing a direct correlation with rate control. I would recommend making the relevant implementation actions more clearly tied to rate control. For example, in Table 81, the Boutwell Road pond is identified as a future TSS load reduction project, and one of the implementation activities mentions adding grade control. If this is the project that was considered to be targeting rate control, it should be made clearer. (8410.008)	We updated the Brown's Creek Management Plan table (Table 81 in the 60-day draft) to clarify that proposed improvements address both thermal loads and rate control by reducing peak flow rates, while also stabilizing soils, minimizing erosion and sediment transport, and lowering thermal loads to the creek. Additional detail has been provided describing improvements.
			4	4.1.4	25	The goal "regularly inspect and maintain stormwater management facilities" could be more measurable. How often? Just BCWD owned or funded? Will it be all management facilities every year/two years? (8410.008)	We updated language to specify in Monitoring and Maintenance of SWMFs Goal A that this is focused on BCWD-owned BMPs. And in Goal B this is other BMPs constructed to meet the BCWD's rules and performance standards related to their construction and ongoing maintenance.
			5	4.2.4	30	Goal A on this page talks about long term.... What is long term	We rephrased the goal to: "Provide stabilization of the five highest priority erosion problem areas through stormwater management and stabilization projects, including the establishment of native vegetation, such that erosion is minimized, and channel/bank stability is maintained under design storm conditions (e.g., 2-, 10-, and 100-year events). Stabilization shall be in perpetuity, recognizing natural disturbances may necessitate occasional maintenance."
			6	4.2.4	30	Implementation item 3 under goal A describes determining sediment and chloride loading rates from gravel roads and parking lots. Chloride feels shoehorned into this implementation item. I think the chloride runoff problem is better suited under the previous issue category of Stormwater Runoff, not here in Erosion Prevention and Sediment Control.	We moved to Stormwater Runoff Management Table 5 in a new Goal G.
			7	4.4.4	42	"Consider adopting and implementing regulatory provisions to reduce chloride contamination" does not feel like an implementation item to include in this plan. How do you measure the action of considering? What can tangibly result from consideration? This language feels weak and out of place among the other very specific and measurable implementation items listed in this plan.	BCWD continues to assess the sources of and solutions to the chloride impairment in Long Lake and chloride contamination in the watershed generally. BCWD also continues to assess possible regulatory mechanisms that could reduce chloride loading to waters. The proposed approach identifies specific and appropriate steps BCWD will take early in the process, rather than promising a specific action prior to undertaking the legally required process for adopting a new regulatory provision (see Minn. Stat. sec. 103B.341). BCWD's decisionmaking and conclusions with regard to a regulatory approach to chloride will be documented in the rulemaking recorded and supporting materials.
			8	4.5.4	46	Another "consider" implementation item for rule amendments.	BCWD will assess the benefits of and options for providing additional regulatory protection of open bogs, coniferous bogs, sedge mats and other such unique wetland-plant communities through the statutory regulatory process (Minn. Stat. sec. 103D.341). BCWD's decisionmaking and conclusions with regard to a regulatory approach to chloride will be documented in the rulemaking record and supporting materials.
			9	4.6.4	50-52	Two more "considers" for implementation actions.	With regard to each of acquisition of properties vulnerable to flooding and changes to flood-risk reduction regulatory requirements, BCWD has not yet come to conclusions on a cost-effective approach. Additional study and option-assessment is needed in each case, and while BCWD is committed to addressing both issues, there is no specific commitment to a specific measurable approach in either case. Decisionmaking and conclusions underlying any regulatory step taken (for flood-risk mitigation) will be documented in the rulemaking record and associated supporting materials.
			10	4.6.4	51	Implementation item 4 under policy #3's goal regards the possible amendment of no net loss of flood storage in District rule from permitted activities. The very next goal is "ensure no net loss of flood storage capability within the watershed." I think that implementation item might fit better under this goal.	The implementation activity "Review and, as necessary, amend BCWD's rules to require no net loss of flood storage from permitting activities. Costs reflected in Regulations." is now associated with the goal "Ensure no net loss of flood storage capability within the watershed."
			11	4.6.4	52	One goal is "balance prevention and mitigation efforts." I am having a hard time imagining how this is specific or measurable. One of the implementation items is one of those "consider" activities, the other is about "exploring the expansion of the cost-share program", which is similar in vagueness. Again- how can you demonstrate and measure on paper that options were explored? Is this plan the place for this brand of noncommittal goals and activities? Unless the language can be changes for these "considers" and "explores" I would recommend omitting them. (8410.008)	In reviewing the goal, the language more closely corresponds to a policy-level direction used to inform goals and implementation items. The policy has been updated to read: "BCWD recognizes the need to balance flood prevention and mitigation by integrating upstream runoff reduction, floodplain management, and infrastructure improvements. The district will collaborate with property owners, local communities, and state and federal agencies to reduce flood risk under current and future conditions." The goal has been removed, and its applicable implementation items have been reassigned to Goal B "Support property owners' efforts to manage their flood risk."
			12	4.9	69	The baseline monitoring program is discussed, and there are a few implementation actions that discuss specific sampling locations, the frequency of sampling, the proposed parameters to be measured, and the requirement of periodic analysis of data. To be consistent with rule, there should be more information included about the rest of the sampling locations (especially as a part of the baseline monitoring program). Where are the existing stations? What are they measuring and how often? I think a link to the monitoring and data collection page on your website would suffice, since the annual monitoring reports are housed there which include locations. (8410.0105 subp. 5)	Appendix F - Land and Water Resource Inventory, section 1.3.7 describes the district's monitoring program including monitoring inventory for lakes, stream, and groundwater with monitoring parameters, locations, and yearly records. A reference to refer to this appendix and a link to the Monitoring and Data Collection page of the BCWD website has been added to section 4.9.2.
			13	4.9.4	71	The first implementation item on this page "conduct regular surveys..." how often is regular?	The statement has been revised to provide surveys every three years.
			14	4.10.4	75	Implementation items 2 and 3 under goal A on this page seem misplaced. I do not understand how local water management plan review ties into the permit application stage. Unless the review is of local partner's permitting process? That still does not seem to fit with the goal of "coordinate with district partners early in the permit application stage" because reviewing the plans would be prior to any application, right? I think if item 2 were to be kept here, there should be a stronger link to the goal. Additionally, implementation item 3 is vague. What regional solutions are sought? How are they linked to the permit application stage? Also- how is the cost for this implementation item tied to flood prevention? (8410.0105)	Local water management plan review is closely tied to the BCWD's regulatory framework. BCWD requires as a condition of approval that the local water management plan state that the city or township will update its ordinances to maintain conformity to the BCWD rules or defer exercise of regulatory authority for the work covered by the revised rule within one year after BCWD provides notice that it has significantly revised a rule. These requirements are described in section 5.7.2. Also, regional approaches to stormwater management necessarily require long-range capital planning with cities and townships for construction of infrastructure (e.g., stormwater facilities). In addition, cities and townships must agree to work with BCWD to implement regional systems for use by individual development and redevelopment project moving through their municipal planning, zoning and permitting processes. BCWD has added clarifying text regarding such coordination with municipalities to the plan text.
			15	4.10.4	76	Implementation item 1 under Goal E of the Permit Program sub-issue also feels misplaced. This goal is about improving the enforcement process, and there is not a clear link between that and district boundary review. I understand the need for boundary review under the permit program, but perhaps it would fit better under a different goal.	We agree with the comment and have reassigned the implementation item to B3 under sub-issue Permit Program.
			16	4.12.4	87	Implementation item 1 on this page should be a little clearer to tie to statute. The rule calls for "An annual communication must be distributed to residents of the organization." While this activity is budgeted for each year of the plan, it might be helpful to include a timeframe in the implementation item text. (8410.0105 subp. 4)	We changed to "Annually promote..."
			17	4.13.4	95	Goal B on this page "preserve and restore..." restore to what condition?	The text of the plan here has been revised to clarify that restoration will be to achieve a condition that maintains ecological health & native biodiversity.
			18	4.14.4	98	Implementation item 6 on this page deals with allocating funds in anticipation of the next 10-year plan. The associated goal with this item is "seek and acquire alternate sources of funding... for BCWD studies, projects, and capital improvements." This does not feel like a good fit for this specific goal.	The budget allocation to set aside money for the next watershed management plan has been removed from the "Funding" issue and given a separate line in the Implementation Plan Table after Project Development
			19	5.6.2	111	While the plan talks about the CAC and TAC, there is no procedure listed to establish committees for the purpose of making recommendations on a ten-year plan amendment. (8410.0105 subp. 1)	Thank you for the comment - this is intentional. Recommendation on a ten-year plan amendment would be carried out as a full board as described in section 5.8.1.
			20	5.7	114	Table 79 includes a list of community liaison members and their names. I would recommend removing this table and instead add a link to your website with the current board members/community liaisons. Otherwise this table will be out of date and incorrect almost immediately once members move on.	We have removed the table and noted that this information is available on the website with the link.
			21	5.7.2	114-115	This section of the plan is about local water management plan requirements and BCWD review. While a process is clearly laid out evaluating the implementation of local water plans and how local governments can adopt this plan by reference, there is no clear process mentioned for what BCWD would do if an LGU failed to implement its local water plan. (8410.0105 subp. 1)	Section 5.7 states that BCWD is not relying on cities and townships in the watershed to implement plan programs, and that a collaborative approach will be taken to implement projects. Subsection 5.7.2 describes specific steps BCWD will implement to ensure mechanisms are adopted and implemented to meet regulatory goals. Beyond these provisions, BCWD will not monitor or audit LGUs implementation of the local water plans for their own purposes. In the event BCWD comes to be aware nonetheless of inaction on a local plan that implicates a significant water-resources protection or flood-risk management issue, BCWD will advise the Board of Water and Soil Resources, given watershed districts' lack of statutory authority to take other enforcement measures in such circumstances.
			22	Overall	Overall	After finishing this plan, I must say that is is extremely thorough and well put together. I loved how policies, goals, and implementation actions were grouped in the table formats. One would have to look very hard to find anything deeper than some surficial complaints (comments above).	Thank you for the feedback!

Lee M. Mann, City Engineer	City of Oak Park Heights	4/13/2026	23	Budget		We note that BCWD allocates less of its budget percentage to projects and much more toward monitoring than the adjacent Valley Branch Watershed District (VBWD). The proposed monitoring actions exceed requirements. Consider adjusting the BCWD’s budget to increase the resulting percentage to projects.	These monitoring activities were reviewed with the board, TAC, and CAC, all of whom supported continuing these efforts. There was also consensus that the monitoring program should be evaluated on a regular basis to ensure the data collected continues to provide meaningful value. Comparisons between watershed districts are inherently challenging, as monitoring programs vary based on the number and type of resources, as well as the extent of BMP performance tracking. In addition, differences in how activities are categorized and reported across plans make direct comparisons difficult. For example, BCWD’s monitoring budget includes future hydrologic and hydraulic (H/H) updates, which may not consistently be classified as “monitoring” activities in other plans. Despite these differences, BCWD’s monitoring program is generally aligned with the activities identified in the VBWD plan, and the overall level of investment is comparable. Section 1.5 of the plan includes the policy statement agreed to by the board that 35% of the district’s annual budget should go to construction projects that benefit the Brown’s Creek watershed’s surface water and groundwater resources.
			24	4.5	47 A4 and A5	For the proposed actions listed below we question whether BCWD is extending itself past its core mission: a. Wetland Bank Creation: Washington County may be better positioned to determine the feasibility of creating a wetland bank. Also, the County may be better positioned to equitably distribute cost and benefits if a wetland bank does prove to be feasible. b. Wetland Monitoring: The Plan proposed to monitor five wetlands for 5-years for land use and climate change implications. How this research project will directly benefit the watershed or is not redundant to research by others is not explained. A 5-year period is an environmental snapshot while climate change is a multi-decade or longer process. How the implied outcome will be achieved within five years is not understood.	a. During TAC conversations with Washington County, their representative advocated for the inclusion of wetland bank feasibility evaluation in the plan. No comments from BWSR were received indicating they had an issue with these. BCWD recognizes Washington County and local communities as excellent partners in this process and is committed to working with them to evaluate the feasibility and develop partnerships for wetland banking opportunities where appropriate. b. We added the following definition for sentinel wetlands: "Sentinel wetlands refer to wetlands assessed with specific characteristics that make them useful indicators of changes to their environment over time." Members of the TAC with board support expressed interest in understanding how climate change is impacting these resources to better inform resource management decisions. We acknowledge that in the lifespan of this plan, we will only get a snapshot of change to these resources and intend that this monitoring be continued in subsequent plans.
			25	4.7		DWSMA Resolution: What issue is the BCWD looking to resolve with the Mn Dept. of Health (MDH) regarding drinking water supply management areas (DWSMA) between Stillwater and Oak Park Heights and the BCWD’s areas of concern? MDH has approved both communities’ DWSMA boundaries.	The Stillwater and Oak Park Heights wellhead protection plans have conflicting information that causes confusion when permit applicants try to meet BCWD’s stormwater management requirements. The communities have assigned different vulnerabilities to the same aquifer, and the Wellhead Protection Areas (WHPAs) overlap. This issue was identified in 2018 and brought to MDH and the City of Oak Park Height’s’ attention when BCWD was reviewing a permit application from the Madison Hospitality Group (Permit 18-08) and again for Curio (which is in the City of Stillwater). Administrator Erik agreed that this needed to be addressed together in future updates/amendments.
			26	4.7	59	No-Net Loss of Groundwater Recharge: The BCWD’s interest in such a future rule may place it in conflict with the land use planning role of individual communities and Met Council.	BCWD is already achieving this goal through the volume control requirements in its rules. This implementation activity reflects a commitment that future rule revisions maintain “no-net loss” of recharge and we are working with local communities and the Metropolitan Council to address this through the comprehensive plan updates and the local surface water management plans.
			27	4.7		Additional Grounwater Level Data Collection: We believe Washington County, acting under their Groundwater Plan should be the lead agency and BCWD be in a supporting role rather than collecting data. The County’s Plan includes action item 2.F.4 “Explore and, if feasible, implement additional groundwater level data collection, to complement state efforts to monitor groundwater levels. This could include cost-sharing with other local agencies.” The County may be better positioned compared to BCWD to equitably distribute costs for such efforts.	BCWD participated in the county’s groundwater plan and was comended for the groundwater level data collection. Washington County is not collecting this information and is relying on BCWD to collect this information which is being shared with the Metropolitan Council, Minnesota Department of Natural Resources, and others conducting regional groundwater modeling efforts. BCWD partners with the Minnesota Department of Natural Resources on the Observation Well network and would welcome partnering with others who may have capacity to collect this information.
			28	4.8		While sustaining healthy upland ecosystems is desirable and often better than implementing stormwater best management practices to treat impacted runoff, we question whether upland land practices are within the regulatory scope of BCWD. a. Native plant community preservation and restoration projects: Short of changing land use will the impact to stormwater for these undefined projects be measurable and have a cost benefit? Some non-native plants have excellent nutrient uptake and are very good at soil stabilization (e.g. reed canary grass) while unfortunately outcompeting native grasses. b. Pollinator (bee) conservation strategies: While Minnesota Statute 103B does leave room for interpretation on the purpose of watershed districts, it is unclear that bees were considered for this purpose. c. Oak forest monitoring in Stillwater: Why are BCWD funds going to a City of Stillwater resource? Should the management of this resource be left to the City of Stillwater? d. Pilot Rotational Livestock Grazing of Turf Areas: What is the cost benefit of pursuing this issue in the name of soil health improvement? e. Vegetation surveys: We believe that BCWD should support communities conducting their own inventories for planning purposes. Otherwise, we question the equitable benefit for taxpayers within BCWD.	Protecting upland areas supports many—if not all—of the 14 statutory purposes of watershed districts. BCWD recognizes the importance of including ecological health as a stand-alone issue, as improvements in ecological function provide multiple co-benefits, including stormwater rate and volume control, water quality enhancement, and flood risk reduction. This integrated approach is consistent with the principles of natural asset management. These implementation actions were identified through engagement with the TAC, CAC, and board, and will be further evaluated by BCWD to ensure they are cost-effective prior to implementation. Specifically: a. Native plant community preservation and restoration projects: New (unpublished) research by the Saint Anthony Falls Labratory (SAFL) demonstrates that “pervious area amendments” (green spaces amended through direct soil management practices or vegetation) may be the most cost-effective adaptation strategy for watersheds where soils can be remediated, reducing the total volume of runoff generated and reducing flood risk for a range of storms. b. Pollinator (bee) conservation strategies: BCWD recognizes that pollinator-friendly landscapes (native vegetation, reduced disturbance, fewer chemicals) also improve water, soils, and ecosystem performance. By promoting pollinator (bee) conservation strategies, BCWD is engaging with stakeholders and changing behaviors in a way that speaks to something other that stormwater management while still achieving stormwater management. c. Oak forest monitoring in Stillwater: This activity is important in managing the bounce on Long Lake where a number of homes do not have the desired freeboard allowance. Maintaining and enhancing the ecosystem services this area provides is one of the strategies being taken to provide flood management. d. Pilot Rotational Livestock Grazing of Turf Areas: This activity was identified during the engagement process and will be further vetted by BCWD to ensure this is a cost-effective management strategy. e. Vegetation surveys: BCWD is interested in talking to Oak Park Heights about their interest in vegetation surveys to see if there is alignment between BCWD and the city’s goals. These surveys will help make management decisions and recommendations in light of the land use and climate changes we are seeing moving forward.
			29	4.9		As mentioned previously the proposed \$2.3 Million budget under this line item (not including related efforts discussed above) is significantly greater than the larger VBWD. a. The Plan includes development of a storm utility database. Development would be required as a permit condition to provide GIS data to BCWD. The City previously commented to BCWD on 1/12/2026 regarding the Flood Vulnerability Assessment report that the City had data security concerns. We request that utility data sharing not be made a development condition but provided by communities at their discretion.	See response to comment 28 above. BCWD’s rules have historically required the submittal of as-built information to verify that stormwater management features are constructed per the construction plans, thereby meeting the stormwater management requirements. We have changed the implementation activity to read “Work with Washington County, surrounding watershed districts and member communities to develop a comprehensive database for storm sewer and structures located in the watershed by compiling what has been surveyed to date, coordinating with member communities, and evaluating the need to supplement with future structure inventory surveys.”
			30	4.13		Consider supporting communities in their land purchases to protect the watershed. Local leadership is often viewed more favorably. Consider expanding the scope of eligibility to include stormwater retrofits and equitably distribute funds across the BCWD.	BCWD’s policy on land conservation states that we will work with communities, agencies, homeowners’ associations, developers, residents, and non-profits, as appropriate, to protect land throughout the watershed to preserve and restore the resource quality, stormwater benefits, groundwater recharge, wildlife habitat connection, and access to natural spaces provided by key upland and lowland areas. BCWD welcomes communities to highlight their priorities so they can be included in the district’s Capital Improvement Program. If there are items that don’t fit under land conservation there are likely other areas where these projects could be accommodated.
			31	4.15		We agree with BCWD that these pollutants are beyond the scope of the watershed district and State and Federal agencies are best positioned to address these pollutants. Given BCWD’s lack of a clear role and the small budget for PFAS monitoring, consider rolling this issue up into Issue 9.	Thank you for the feedback - conversations during the watershed management plan development process preferred a dedicated issue to give the issue the space to elaborate on the statement profiling the issue and its relevance to the district.
			32	Appendix C		Summary of Civic Engagement Input: This appendix includes a memo summarizing flood vulnerability assessment discussion items during meetings with cities and townships. This memo’s statements and recommendations don’t include references to the City’s comments provided to BCWD on 1/12/2026. Please revise your summary to reflect the City’s comments.	Since the release of the draft plan for 60-day comment, a revised summary has been finalized that documents these comments. This revised summary will be included in the updated Appendix C.
Megan Moore	Department of Natural Resources	4/13/2026	33			We recommend the WMP include a discussion of how Threatened and Endangered species are regulated. All projects must comply with Minnesota’s endangered species law in accordance with Minn. Stat. 84.0895. Permit applicants should be directed to Minnesota Conservation Explorer to complete an environmental review. Project proposers should be aware that they may need to seek an NHIS review from the DNR regardless of the size of their project area. Early coordination is strongly encouraged.	Thank you for providing these resources. They are noted separately from the plan and will be used as specific resources provided to permit applicants as part of Permit Program Goal C1.
			34			We recommend that the new WMP include a discussion of Rare Natural Communities (RNCs). RNCs are determined by the DNR and are a special consideration under the Wetland Conservation Act. A guidance document on RNCs is available at WCA Rare Natural Community Guidance.	We added a reference to Rare Natural Communities in section 4.5.1.
			35			We recommend that the plan point out the many benefits of using native plants, including: deep roots to help control runoff, reduce erosion, and reduce flooding; providing shelter and food for wildlife, including pollinators; requiring little to no fertilizer, which is a benefit to establishing native plants around water systems; and plants that are adapted to local climate conditions.	We added "Native plants provide important benefits: their deep roots help control runoff, reduce erosion, and reduce flooding; they provide shelter and food for wildlife, including pollinators; they require little-to-no fertilizer, which keeps nutrients out of the water system; and they are generally well-adapted to local climate conditions." to section 4.8.1.
			36			There are numerous online resources that could be included in the plan covering native plants and their use to protect shorelines and streambanks from erosion. These include: BWSR’s list of state seed mixes, BWSR’s page on native plant identification and establishment, information from Blue Thumb, a BWSR partner at https://bluethumb.org/ , the DNR’s native plant supplier webpage, BWSR’s Streambanks and Shorelines webpage, BWSR’s Lakeshores fact sheet, DNR’s Planting Trees and Shrubs on Your Shoreline fact sheet, and DNR’s Natural Shorelines webpage.	Thank you for providing these resources. They are noted separately from the plan and will be used as specific resources provided across multiple sub-issues and goals related to naturalized landscapes, shoreline preservation, and erosion prevention in Education, Outreach, and Stewardship.
			37			We appreciate the plan’s inclusion of routine shoreline surveys using the "Score Your Shore" assessment process in its list of implementation activities. Such work will provide valuable information about lake health and help identify opportunities for shoreline restoration.	Thank you for the feedback!
			38		7	Figure 2, BCWD Annual Budget Percentage Allocation per Plan Issue Category includes a difficult-to-read legend. We recommend including larger text and larger symbols.	We have updated to make the legend larger and easier to read.
			39	4	20	References a Table 7980. This appears to be an incorrect reference.	All table numbers, titles, and references have been updated/corrected. Note that some table numbers changed based on other comments.

Lila Franklin	Metropolitan Council	4/16/2026	40	5.3	103	References a Table 7980. This appears to be an incorrect reference.	All table numbers, titles, and references have been updated/corrected. Note that some table numbers changed based on other comments.
			41	4.3.2	33	It states “the St. Croix River is a Wild and Scenic Waterway.” For accuracy and communicating the designation’s relevance, we recommend changing this text to “the St. Croix River is a National Wild and Scenic River.”	We have changed the wording to be "National Wild and Scenic River."
			42	1		Executive Summary: Although it is included later in the plan, consider including the BCWD’s vision and mission statements in the Executive Summary section.	We added the vision and mission statements added to the Executive Summary
			43		7	The budget allocation for issue area “Pollutants of Emerging Concern” does not appear to be represented in Figure 2 “BCWD Annual Budget Percentage Allocation per Plan Issue Category.”	Figure 2 has been updated to include Pollutants of Emerging Concern. Thank you for catching this.
			44		9	The term “equity” appears at the bottom of this page and throughout the plan, but is not defined in the glossary. Consider adding a definition for this word that clarifies how the term is used within the context of this plan, as its meaning can vary and a shared definition helps ensure consistent interpretation.	The equity definition as it is applied in this plan has been added to the glossary
			45		17	There is a reference to Table 8283 which does not appear to exist. Check table references throughout the document for accuracy.	All table numbers, titles, and references have been updated/corrected. Note that some table numbers changed based on other comments.
			46		20	The second paragraph references implementation “strategies” as well as implementation “activities.” Later in the plan, some elements are referred to as implementation “items.” If these terms mean the same thing, consider using consistent language throughout the document to reduce confusion about whether “strategies” are different from “activities” and “items.”	The document has been reviewed, and a consistent terminology has been applied to refer to "implementation activities"
			47		26	For Table 6, consider reiterating what the italicized text means in a footnote.	Emphasis has been added at the start of the document section about the role of italicized text by underlining the connection of italicized items to lower priority actions.
			48		34	Goal A, Implementation Item 2 says “Cost identified under monitoring and data collection,” however it appears the cost is included under “Stream Management” (as seen within implementation table, page 121)	We have removed the reference to the cost being identified under monitoring and data collection. Cost is now recognized under Stream Management
			49		65	It appears the implementation item “Conduct point-intercept surveys at each lake/pond > 20 acres in size every five to ten years with flexibility...” is not associated with any budget stream or connected to any other table.	We added to Table 46. Ecological Health Implementation Activities covered by Baseline Monitoring Program.
			50		85 & 88	The implementation item “Develop demonstration projects...” referenced on pgs. 85 & 88 is not reflected in the implementation table activities.	We added to Table 68. Education, Outreach, and Stewardship Implementation Activities covered by East Metro Water Resource Education Program
			51		115	Both the Met Council’s Imagine 2050 regional development guide and 2050 Water Policy Plan were adopted on February 12, 2025.	The dates for the Imagine 2050 and 2050 Water Plan have been updated.
			52		135-136	Implementation Table: The label for Table 82 needs to be brought down to the page with the table.	We have adjusted the formatting.
Karla Bigham and Alissa Lopez	Washington County - Public Health and Environment	4/16/2026	53	Overall	Overall	Public Health and Environment (PHE) reviewed how the BCWD 2027-2036 Watershed Management Plan addresses groundwater. Washington County commends the BCWD for recognizing the county as a partner in water resources management. The Watershed Management Plan identifies many strategies that align with the Groundwater Plan including protection of groundwater quality and quantity, pollutants of emerging concern, and groundwater monitoring and data collection. PHE appreciates the focus on climate change throughout the plan, as well as the effort BCWD has put into developing an equity policy. PHE looks forward to working with the BCWD and finding opportunities for collaboration and partnership during the implementation of the county’s Groundwater Plan and the BCWD 2027-2036 Watershed Management Plan.	Thank you for the feedback!
			54	4.7	58	Table 38 Goal C 1 & 3 and groundwater flooding policy – The county appreciates BCWD’s commitment to collect and share groundwater elevation and flooding data with Washington County. The county supports opportunities to share groundwater monitoring data and collaborate on groundwater related research opportunities as BCWD and Washington County implement their respective plans.	Thank you for the feedback!
			55	4.9	71	Table 50 Goal B item 2 – should this say Washington County consortium?	We have updated to be "the Washington County Water Consortium"
			56	4.1	75	Table 54 Goal B item 1 – The county thanks BCWD for considering consistency of rules and use with surrounding watershed management organizations. We look forward to working together to coordinate discussions about rule revisions as part of the water consortium.	Thank you for the feedback!
			57	4		Consider numbering sub-issue and policy within the policies, goals, and implementation activities tables to assist with plan navigation and ease of reference.	BCWD appreciates the note, and will be revising the tables to ensure the plan conforms to best practices for accessibility.
	Washington County - Public Works	4/16/2026	58	Overall	Overall	Include the year the photo was taken in the image captions whenever that information is available.	We have added years to all captions when available.
			59	Overall	Overall	Review the formatting of the table titles to ensure they are consistent throughout the document.	All table numbers, titles, and references have been updated/corrected. Note that some table numbers changed based on other comments.
			60	1.5	7	For Figure 2, increase the spacing between the percentage values.	We have updated to make the legend larger and easier to read.
			61	2.2	10	Check the spacing of the text for year 2008.	We have fixed and replaced the graphic in the plan document.
			62	2.2	10	For Figure 3, the label “2017–2036 4th Generation Management Plan” should be corrected to “2027–2026 4th Generation Management Plan.”	We have fixed and replaced the graphic in the plan document.
			63	2.6	12	Consider formatting the table in chronological or reverse-chronological order to help readers clearly identify which Board Members served together, and which Management Plan updates they contributed to.	We have updated the table to be in reverse chronological order based on starting year of manager term.
			64	2.7	14	Include the oxford comma in the sentence beginning “In pursuit of this goal, BCWD will ensure diversity, equity, inclusion and accessibility influence development.”	We have reviewed the document and fixed inconsistencies where the oxford comma was missing, including here.
			65	4.5	48	Include more descriptive language in the photo captions to indicate the specific locations of the wetlands within BCWD.	We have ensured all image captions are descriptive and include locations when applicable.
			66	4.1	75	In Table 54, “work with developers and municipalities to coordinate permit applications early in the design stage” should state “work with developers and municipalities to coordinate permit applications early in the design stage.”	We have fixed the misspelling of "developers"
			67	5.3	103	There are references to a Table 7980. Verify whether this table number is correct as written.	All table numbers, titles, and references have been updated/corrected. Note that some table numbers changed based on other comments.
			68	5.7	116	In the sentence ending with “deemed sufficient to meet the stormwater management requirements of BCWDs rules,” please note that BCWDs is missing an apostrophe.	We have fixed to include the missing apostrophe.
	Valley Branch Watershed District	4/17/2026	69	Overall	Overall	Our review finds the BCWD’s Plan is closely aligned with VBWD’s priority issues and goals, particularly regarding water quality and regulatory mechanisms. We also note the Plan identifies coordination with VBWD in updating its jurisdictional boundary by 2030 and look forward to cooperating with you in this effort.	Thank you for the feedback!
			70	Overall	Overall	We also suggest there may be opportunities for coordination during Plan implementation regarding future Rules updates and issues related to permitting programs, including but not limited to erosion and sediment control inspections and enforcement.	Thank you for the feedback!
Sara Belden	Rice Creek Watershed District	4/17/2026	71	Overall	Overall	RCWD acknowledges that we have shared high priority issues and goals. Surface water, groundwater management, data collection and flooding are major concerns for our district and drive many of our WMP Goals. Overall, we applaud your transparent and organized approach to this plan update. The District looks forward to future collaborations where hydrologic and legal boundaries align and continued collaboration on neighboring parcels and regional projects.	Thank you for the feedback!
Abby Shea	Minnesota Department of Health	4/20/2026	72	Overall	Overall	Consider referencing the Lower St. Croix River Watershed Groundwater Restoration and Protection Strategies (GRAPS) Report somewhere in the Plan; this area is one of the few in the Twin Cities metro that have a completed GRAPS report. This report is available here: https://www.health.state.mn.us/communities/environment/water/docs/cwf/grapslscrw.pdf	We have added to section 5.7.3.
			73	Overall	n/a	Thank you for the opportunity to participate in several TAC meetings. We have enjoyed working with BCWD staff, consultants, and partners and look forward to continuing this partnership! We are always happy to provide any assistance or collaborate on projects.	Thank you for the feedback!
			74	Glossary	viii	Suggest changing the definition of aquifer to "A body of permeable rock or sand and gravel that can contain or transmit sufficient quantities of groundwater to wells" per the USGS Water Basics Glossary (we made some edits to make it more plain language).	We have updated the definition to this suggestion.
			75	Glossary	viii	Suggest changing the definition of aquitard to "A low permeability unit that slowly transmits groundwater", as adapted from the MN DNR Groundwater Atlas User Guide.	We have updated the definition to this suggestion.
			76	Glossary	viii	The fen definition uses "ground water" with a space. Suggest changing to groundwater with no space to be consistent with common practice and the rest of the plan.	We have changed "ground water" to "groundwater" here and ensured consistency throughout the plan.

77	Acronyms	xi	Suggest using the aquifer codes as defined by the MN Geological Survey and not combining codes into a long code that is not used. For example CFRNCECR = CTCE, CJDNCSTL = CJSL. MGS aquifer codes can be found at https://mgsweb2.mnms.umn.edu/cwi_doc/aquifer.asp	We have updated the aquifer codes to match the Minnesota Geological Survey well codes.
78	Acronyms	xiv	We believe that SWUDS has changed to MPARS. This might be left over from the last plan. Suggest confirming with MN DNR staff.	We have made that change. Yes, the Minnesota Department of Natural Resources uses MPARS while the USGS has SWUDS.
79	1.4	6	Consider for the primary goal regarding groundwater management, inclusion of protecting groundwater quality for human health, rather than only groundwater-dependent natural resources in the watershed. The specific goals later in section 4.7 do get at this, but consider for inclusion in this primary goal.	We have added "...and contribute to protecting drinking water supply for human health benefits."
80	2.3	11	Groundwater is spelled both with and without a space in this section. Suggest using "groundwater" without a space as in MN Statutes 103B.	We have updated all instances of "ground water" to "groundwater."
81	2.7.1	13	Regarding "According to Kenny Blumenfeld, Senior Climatologist with the Minnesota Department of Natural Resources", suggest citing data or a specific study/paper/etc.	Reference to the January 8, 2020, Washington County Water Consortium meeting, where Kenny Blumenfeld presented on Hydroclimatic Conditions and Changes in the Twin Cities will be added to the references in the watershed management plan.
82	3.4	17	We appreciate climate change integration in all issues!	Thank you for the feedback!
83	3.4	17	We appreciate the high priority on groundwater resource management, as groundwater supplies the drinking water for all residents of the watershed.	Thank you for the feedback!
84	4.1.1	21	The third sentence notes that unless land use changes are properly managed, surface water quality and groundwater quantity will decrease. Consider stating that water quality will decrease to be inclusive of groundwater, as land use changes can also impact groundwater quality. This is one example where the connection between groundwater and surface water/stormwater/land use/etc. could be a bit more explicit. For any assistance with this or to discuss suggestions for any areas of the Plan, please don't hesitate to contact MDH SWP staff.	We added a statement to reflect that decrease in quality of waters infiltrated from runoff from land uses.
85	4.1.4, Table 5	24	Goal A: Appreciate the goal to protect and maintain the quantity and quality of groundwater recharge! This gets at what we are referring to in comment #12.	Thank you for the feedback!
86	4.1.4, Table 5	24	Goal C, item 1: Suggest ensuring protection of human health is explicit when mentioning reuse. Examples: "Promote stormwater reuse where protective of human health..." or "...encouraging reuse where safe and feasible", etc.	We have added this statement to the implementation activity.
87	4.1.4, Table 5	25	Goal A: This early involvement in development review could also be protective of drinking water resources.	We have added this statement to the implementation activity.
88	4.1.4, Table 5	25	Goal B: Appreciate the wholistic view of preservation and protection of water resources, rather than only surface water resources.	Thank you for the feedback!
89	Table 6	27	Regarding the second item here, this might be something that MDH could help with especially in surface water contribution areas (SWCAs) within Drinking Water Supply Management Areas (DWSMAs). Keep MDH in mind as a possible partner for this work.	We have added "State and Federal Agencies" in Table 79. Implementation Plan - Higher Priority as a partner.
90	4.2	29-32	There are a few items here that could also benefit groundwater and drinking water, particularly in highly vulnerable areas and/or SWCAs: 1) Goal A, item 3 on page 30; 2) soil health in general. Keep multiple benefits in mind when implementing projects like these and other similar projects/programs.	Thank you for the feedback.
91	4.6.1	49	Appreciate the acknowledgement of health risks when wells are inundated.	Thank you for the feedback!
92	4.6.1	49	Suggest changing "private well overtopping" to "drinking water well flooding". When a well is surrounded by flood waters, the flood waters can move quickly down the outside of the casing to the aquifer. This can impact all drinking water wells, including both public water supply wells and private wells.	We have updated the sentence to read "Flooding can subject properties to damage (including damage that may not be covered by insurance) and pose health risks when flood waters intersect with drinking water wells."
93	4.6.4, Table 31	50-52	Consider including information on how to protect wells from flooding in property owner packets and associated action items in this table. MDH SWP staff can connect BCWD with staff in our Well Management Section for resources to include. See the link for a peek at what we have available online already, but note that I believe they are working on developing more resources as well. https://www.health.state.mn.us/communities/environment/water/wells/natural/floodprecautions.html	Thank you for providing these resources. They are noted separately from the plan and will be used as specific resources provided as part of the Permit Program and Education and Outreach.
94	4.7.1	55	Appreciate the acknowledgement of potential impacts to drinking water supplies here!	Thank you for the feedback!
95	4.7	55	DWSMAs are mentioned in the implementation item 2 under goal B on page 57 and other references to this implementation item, but are not mentioned or discussed anywhere else in the plan. A description and explanation of what DWSMAs are and what areas in the watershed are vulnerable would be beneficial to add into the plan. If not wanting to add too much to the main body of the plan, a brief mention of this and a link to the MDH SWP Map Viewer (https://www.health.state.mn.us/communities/environment/water/swp/mapviewer.html) could be included here and then perhaps more information could be included in Appendix F. The southern portion of the watershed is of high or moderate vulnerability. Ideally this section would include a figure that includes the DWSMAs that overlap with the BCWD boundary, along with a link to the SWP Map Viewer since these areas will be updated over the life of the plan. This way when DWSMAs are referenced in the implementation item, there is a more clear understanding of what these areas are and why they are important in water management . It would also be helpful to highlight potential for multiple benefits projects where a project could improve groundwater and drinking water in addition to surface water, stormwater, etc. Note that "wellhead protection areas" are mentioned in Appendix F, but the DWSMA is the area for management and we recommend sticking with that term for consistency and clarity. MDH staff are happy to assist with any wording of a section on DWSMAs, map-making, etc.	We added a brief DWSMA discussion to Appendix F, section 1.3.7.3. A new figure is included in the plan showing the BCWD boundary, current DWSMAs, parcel lines, and regional wells, zoomed into Stillwater, Oak Park Heights, and Lake Elmo. The map includes a note to check MDH's SWP Map Viewer for the most current information on the DWSMA boundary and condition as this may change over the course of the plan.
96	4.7.2	55	Consider noting here that 100% of the drinking water in the BCWD is provided by groundwater as part of the relevance to the district. However, it is acknowledged that this is mentioned in the sub-issue areas.	We have added this statement to section 4.7.2.
97	4.7.3.1	56	Appreciate that part of management of groundwater quality is management of stormwater will not lead to contamination of groundwater! This is the idea we were getting at with the prior comment on the stormwater section.	Thank you for the feedback!
98	4.7.4, Table 38	57	We commend the BCWD for the inclusion of Goal B here and all 3 of the associated implementation items - we love to see this and appreciate this work!	Thank you for the feedback!
99	4.7.4, Table 38	57	We also love the Goal A, item 4 on this page!	Thank you for the feedback!
100	4.8.4, Table 43	64	Goal A is another example of something that could positively impact drinking water. Consider multiple benefits in the implementation of items related to this goal.	Drinking water protection has been added as an ecosystem service described in the sub-issue area description in section 4.8.3.2.
101	4.12.4, Table 63	86-89	Love the mentions of groundwater in various items throughout this table! Especially Goal A, item 3 on page 87 and Goal A on page 89.	Thank you for the feedback!
102	4.13	94	Keep in mind for multiple benefits that land conservation can benefit groundwater and drinking water quality too. In fact, there are financial resources for land conservation in vulnerable DWSMAs. Contact MDH or BWSR staff for any assistance on those programs. Land conservation can also be beneficial for private wells in sensitive areas, but I am not aware of funding resources available specifically for those scenarios.	Thank you for providing these resources. They are noted separately from the plan and will be used as specific resources provided as part of the Permit Program and Education and Outreach.
103	4.14	97	As a reminder, MDH has an accelerated implementation grant that the watershed would be eligible for regarding groundwater protection, and the BWSR competitive grant program has a drinking water grant opportunity. MDH staff are happy to assist with applications to these grant programs. https://www.health.state.mn.us/communities/environment/water/groundwater/accimprgrant.html	Thank you for providing these resources. They are noted separately from the plan and will be used as specific resources provided as part of the Permit Program and Education and Outreach.
104	4.15	99	Appreciate the inclusion of the section, as this is an important emerging issue for this area of the metro.	Thank you for the feedback!
105	Chapter 5	103, 113	Check various links to tables throughout this section. There are a few examples on pages 103 and 113 where they are off - it appears that "Table 7980" should be "Table 80", for example. These links throughout the plan are very helpful and make the plan easy to navigate!	All table numbers, titles, and references have been updated/corrected. Note that some table numbers changed based on other comments.
106	5.4.1.1	105	Consider including public health improvements in the assessment of Programmatic Cost-Share Projects.	We have added in the second paragraph when they align with the watershed district's purposes and powers
107	Table 82	137	Appreciate the inclusion of the following implementation item: "Provide technical support to residents with a well entirely within the critical flood event footprint".	Thank you for the feedback!
108	Table 84	140	Appreciate the inclusion of the second implementation item on this page regarding working with partners to collect and share groundwater data.	Thank you for the feedback!

			109	Appendix F 1.3.7	28	This section on groundwater monitoring is the first mention of groundwater in this appendix. Suggest moving this section after the groundwater resources section to improve context and understanding.	We have updated so that Groundwater Resources and Surface and Groundwater Appropriations sections precede monitoring so that readers have context of these elements of the hydrologic system before it is discussed how they are monitored.
			110	Appendix F 1.3.8	31	SWUDS has been changed to MPARS (Minnesota Permitting and Reporting System)	This change in title has been addressed.
			111	Appendix F 1.3.9	32	Quaternary should be capitalized throughout when referring to the geologic period.	We have capitalized all instances of Quaternary.
			112	Appendix F 1.3.9.1	32	Suggest replacing the second and third sentences in the first paragraph with something like "The Quaternary aquifer is typically the shallowest aquifer throughout the watershed. An important exception is the area around the lower reaches of Brown's Creek where bedrock is exposed."	This suggested language has been incorporated into the document.
			113	Appendix F 1.3.9.1	32	The Eau Claire Formation is typically considered an aquitard, as opposed to an aquifer.	Clarified in instances where the Eau Claire formation is identified that it is an aquitard.
			114	Appendix F 1.3.9.3	33	Suggest removal of "Groundwater quality in both the private and public wells is good to excellent." or provide a source for this statement.	The table is a carry-over from the 2017 BCWD plan, and updates and citations will be provided in the version in the final plan.
			115	Appendix F 1.3.9.3	33	Suggest removal of "At present, groundwater quantity is sufficient to provide adequate volume to private and public sources." or provide a source for this statement.	The table is a carry-over from the 2017 BCWD plan, and updates and citations will be provided in the version in the final plan.
			116	Appendix F 1.3.9.3	34	The mention of wellhead protection areas is not cited and the only MDH source cited (source 10) is the Minnesota Well Index, which is a good source of information on wells, but is not a source for information on wellhead protection areas or DWSMAs. Suggest adding information on DWSMAs as mentioned in comment 23 and including the SWP Web Map Viewer (https://www.health.state.mn.us/communities/environment/water/swp/mapviewer.html) as a source if information is added in the appendix. If information is not added in the appendix, it could still be a helpful source for the reference to wellhead protection area maps on this page 34.	SWP Web Map Viewer has been added as a reference to information pertaining to the Stillwater and Oak Park Heights DWSMAs.
			117	Appendix F 1.6.2	63	Suggest rewording discussion about CEC and MDH to " Under the CEC program, MDH is able to take a proactive approach to the protection of drinking water by considering contaminants that have been found in groundwater, surface water, or soil, or have the potential to enter our waters." Statement taken from the MDH CEC webpage (https://www.health.state.mn.us/communities/environment/risk/guidance/dwec/index.html). MDH can help with any additional rewords as necessary too.	This suggested language has been incorporated into the document.
Jay Riggs	Washington Conservation District (WCA LGU)	4/27/2026	118	Wetland/WCA		Please consider revising language relating to wetland mitigation requirements because the WCA will allow banking remote from the impacts. When mitigation for unavoidable wetland impacts is required, replacement shall be provided in the following order of preference: 1) within the same subwatershed (HUC 12) or onsite if site conditions are conducive, 2) within the same minor watershed (HUC 10), 3) within the same major watershed/subbasin (HUC 8), 4) within the same major basin (HUC 6), and 5) elsewhere consistent with the priorities of Minnesota Rules 8420.	BCWD does not administer the Wetland Conservation Act, but remains open to becoming the local government unit at city request. BCWD will consider replacement-wetland criteria more stringent than is required under WCA (consistent with Minn. R. 8420.0830, subp. 1A) in analyzing the effectiveness of its rules and drafting revisions as part of the implementation of the plan. BCWD's decision-making and conclusions will be documented in the record of and supporting materials for any rule revisions brought forward for adoption.

Project Name	Brewer's Pond Water Quality Improvement Feasibility Study Proposal	Date	5/8/2026
To / Contact info	BCWD Board of Managers		
Cc / Contact info	Karen Kill, District Administrator		
From / Contact info	Anne Wilkinson, PhD, Camilla Correll, PE		

Background

Brewer's Pond is classified as a Lake in the BCWD Rules, with the BCWD function and value category of Manage 1 (high and medium MnRAM ratings). Over the past several years, Brewer's Pond has received water quality grades ranging from F+ to C- as reported by the Brown's Creek Watershed District Water Monitoring reports. The pond consistently exceeds impairment thresholds for chlorophyll- α , Secchi disk transparency, and total phosphorus. Residents living on Brewer's Pond have expressed concerns about declining water quality and have requested that the BCWD explore options to improve conditions.

Key Points of Concern:

- Chlorophyll- α : Eutrophic to hypereutrophic levels observed in 2017-2018, 2022-2025.
- Secchi Disk Transparency: Lower than threshold in 2017-2018, 2022-2025
- Total Phosphorus: Above threshold 2017-2018, 2022

Recent watershed improvement projects have been completed to improve pond functioning and water quality. In 2025, BCWD partnered with the City of Stillwater to install a stormwater device to remove sediment entering Brewer's Pond to improve water quality. Given the small drainage area and limited opportunities for further external loading control, EOR is recommending a feasibility study to determine the phosphorus budget, specifically to quantify the internal load in Brewer's Pond as the possible driver for historically poor water quality.

Scope of Services

The following is a proposed scope and budget for the water quality improvement feasibility of Brewer's Pond. The following sections outline the proposed tasks.

Task 1. Sediment Sampling

One of the key causes of poor water quality in lakes and ponds is a process called **internal loading** which is the release of phosphorus that has accumulated in the bottom sediments back up into the water. Phosphorus is the primary nutrient that fuels algae blooms, and in many water bodies the sediment at the bottom acts as a hidden reservoir of phosphorus that can continue feeding algae growth even after external sources like stormwater runoff have been reduced. Understanding how much phosphorus is stored in Brewer's Pond sediments and how readily it is being released into the water is essential to designing an effective long-term management strategy.

To assess this internal load, EOR will collect sediment cores at three locations on Brewer's Pond. Each core will be sent to the University of Wisconsin Stout where lab analysis will be completed for phosphorus (P) fractions and P release rate. Cores will be divided into six depth segments ranging from the very surface down to 20 centimeters. Each segment will be analyzed for four different forms of phosphorus: loosely-bound phosphorus, which is the most easily released into the water; iron-

bound phosphorus, which is tied to iron in the sediment and can be released when oxygen levels in the water drop; labile organic phosphorus, which comes from decomposing plant and animal material; and aluminum-bound phosphorus, which is generally more stable and less likely to be released. Understanding how much phosphorus exists in each of these forms helps determine not just how much phosphorus is stored in the sediment, but how much of it is likely to be released under different conditions and therefore how significant the internal load problem is in Brewer's Pond.

At one of the three core locations, EOR will measure the rate at which phosphorus is being released from the sediment into the water above it. This release rate measurement provides a real-world check on the laboratory analysis and helps quantify how much phosphorus internal loading is contributing to the pond on an ongoing basis.

The results of this sediment analysis will be used to calculate the total internal phosphorus load in Brewer's Pond and determine whether internal load treatment is needed. Common treatment options include aeration systems that keep oxygen levels high enough to lock phosphorus in the sediment, or the application of aluminum-based compounds (alum) that bind phosphorus and prevent its release.

Task 2. BATHTUB model

To understand why Brewer's Pond is struggling with water quality and what it will take to improve it, EOR will develop a comprehensive phosphorus budget for the lake. External (watershed) phosphorus loads have been estimated for water quality modeling (P8) that was conducted previously for the Long Lake subwatershed. The internal load will be estimated by the sediment release data collected from the sediment cores (Task 1), pond bathymetry, and historic dissolved oxygen (DO) dynamics.

Once both the external and internal loads are quantified, they will be combined into a lake response (BATHTUB) model that predicts how the pond's water quality will respond to different management actions. This modeling will help determine which treatment options are feasible, how effective they are likely to be, and how long improvements can realistically be expected to last before additional management may be needed.

Task 3. Feasibility Report

EOR will analyze all data collected during this study and prepare a summary report identifying the most promising options for improving water quality in Brewer's Pond.

A central focus of this analysis will be evaluating whether an alum treatment is appropriate for the pond. To determine whether alum is the right tool for Brewer's Pond and how it should be applied, EOR will:

- Review historical and current water quality data and long-term phosphorus trends to understand how nutrient conditions in the pond have changed over time.
- Use sediment phosphorus data to calculate the appropriate alum dose and estimate treatment cost.
- Use phosphorus release rates and oxygen level data to determine where in the pond alum treatment would be most effective.

- Evaluate the best timing for treatment, which is typically when aquatic plant growth is at its lowest, to maximize effectiveness.

The findings will be compiled into a technical memorandum summarizing the pond's internal loading conditions, the preliminary alum dosing plan, and recommended next steps for improving long-term water quality in Brewer's Pond.

Fee Summary

Table 1 summarizes the labor, lab fees, and associated costs for the tasks described above.

Table 1. Scope of Services for Brewer's Pond Water Quality Improvement Feasibility

Task	Description	EOR Estimated Hours	Lab fees	Estimated Cost
1	Sediment Sampling	28	\$5,184	\$9,877
2	BATHTUB modeling	44	-	\$6,898
3	Feasibility Report	44	-	\$8,164
Total		116	\$5,184	\$24,939

Requested Action

1. Approve this scope of services not to exceed \$24,939 with Emmons & Olivier Resources of which \$5,184 will be subcontracted with UW-Stout for sediment analysis, all from account 967-0000.

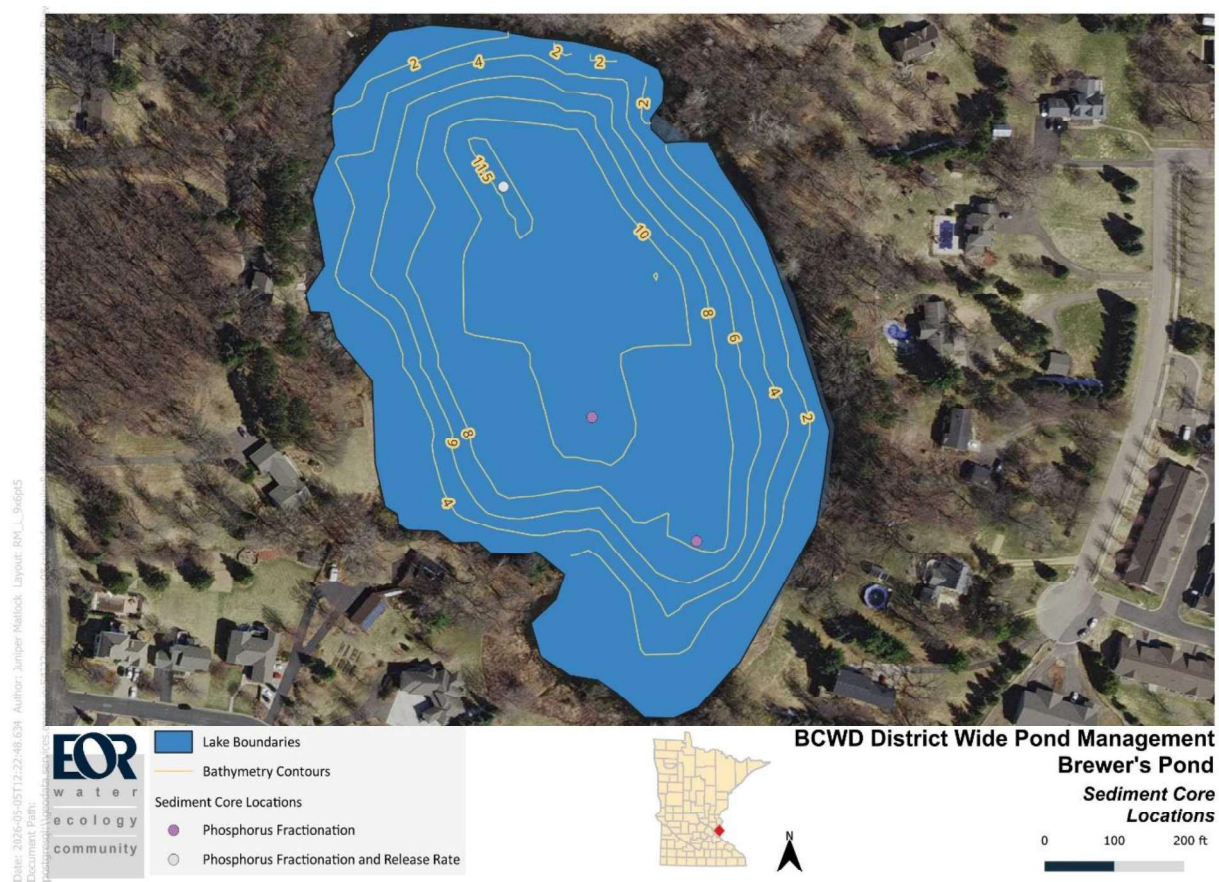


Figure 1: Proposed monitoring sites.

**Agreement Dedicating an Irrevocable Term License and
Committing to Convey a Maintenance Easement
Between Brown's Creek Cove Homeowners Association and
Brown's Creek Watershed District**

This agreement is made by and between Brown's Creek Cove Homeowners Association, a private Minnesota nonprofit corporation formed under Minnesota Statutes chapter 317A (Brown's Creek Cove HOA) and Brown's Creek Watershed District, a governmental entity of the State of Minnesota with purposes and powers set forth at Minnesota Statutes chapters 103B and 103D (BCWD), for purposes of conveyance by Brown's Creek Cove HOA to BCWD of temporary and ongoing property rights necessary for construction and long-term maintenance of a creek-improvement project.

RECITALS

A. Brown's Creek Cove HOA is the owner in fee simple of 3.6 acres of real property at 1836 White Pine Court in the City of Stillwater, Washington County, legally described as:

Outlot A, Brown's Creek Cove

(the Brown's Creek Cove Property).

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

C. Whereas at the direction of the BCWD Board of Managers and to address the impairments and improve the ecological health of Brown's Creek, the BCWD staff and engineer developed 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 in Stillwater, and the design includes narrowing the creek where widening has occurred, thinning trees and removing invasive species, restoring floodplain storage, restoring riffles and pools in the creek, shaping and stabilizing banks, and planting and establishing diverse native vegetation (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);

D. Whereas the Brown's Creek Cove Project includes work on the Brown's Creek Cove Property, among others, and the Brown's Creek Cove HOA has agreed to provide rights

to access and use the Brown's Creek Cove Property to facilitate implementation and maintenance of the Brown's Creek Cove Project;

E. Whereas after presentation by staff and the engineer of the concept for and assessment of the feasibility of the Brown's Creek Cove Project at its March 2026 regular meeting and a duly noticed public hearing pursuant to Minnesota Statutes section 103B.251, subdivision 3, the managers adopted BCWD Resolution 26-03, ordering the Brown's Creek Cove Project; and

F. Construction of the Brown's Creek Cove Project will benefit Brown's Creek Cove HOA by stabilizing and improving the Brown's Creek Cove Property, securing it against loss from erosion, and will benefit the public generally by mitigating risk of flooding and improving the ecological health of the creek and wildlife habitat.

The parties acknowledge in executing this agreement that sufficient mutual consideration is exchanged under the terms hereof, and that this agreement sets forth obligations that are duly binding on the parties.

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated into and made a part of this agreement, and to facilitate the Brown's Creek Cove Project, the parties agree as follows:

1. Approval of design and plans. BCWD has contracted with the BCWD engineer, Emmons & Olivier Resources Inc., for the preparation of a design and plans for the Brown's Creek Cove Project, and the design and plans are attached hereto and incorporated herein as Exhibit A. By their signatures hereunder, on behalf of the Brown's Creek Cove HOA, the undersigned approve the plans and design in Exhibit A. BCWD makes no warranty to the Brown's Creek Cove HOA regarding the BCWD engineer's or another third party's performance in design, construction or construction management for the Brown's Creek Cove Project.

2. License

- a. **Grant of license.** Brown's Creek Cove HOA hereby grants and conveys to BCWD, its contractors, agents, successors and assigns, an irrevocable term license over, under, upon and across that portion of the Brown's Creek Cove Property shown and labeled "Construction Area" on Exhibit B, attached hereto and incorporated herein, for purposes of access to and use of the Brown's Creek Cove Property for purposes of completion of the Brown's Creek Cove Project (the License). The License includes the right of ingress and egress and to pass over and through the Construction Area on foot and using motorized equipment for staging of construction, construction and implementation of the Brown's Creek Cove Project and the right to plant native vegetation, install stabilization techniques, alter existing grades and perform grading and filling within the Construction Area necessary to achieve the intended purposes of the Brown's Creek Cove Project. The rights granted hereby include the right to lay and maintain temporary utilities across or above the surface of the

Construction Area for purposes of implementation and construction of the Brown's Creek Cove Project.

- b. **Restrictions on Brown's Creek Cove HOA's use of the Construction Area.** During the term of the License, Brown's Creek Cove HOA agrees not to use the Construction Area in any manner that would damage or interfere with the Brown's Creek Cove Project. Specifically, any grading, filling or alteration of the surface of the Construction Area by any party other than BCWD, its contractors, agents, successors or assigns, or the construction of any hard-surfaced areas, fences, sheds, structures or similar improvements within the Construction Area is prohibited. Brown's Creek Cove HOA may use and enjoy the Brown's Creek Cove Property and the Construction Area for all purposes, but such use and enjoyment is subject to the restrictions stated herein and the temporary right of BCWD to use the same for the purposes herein expressed.
- c. **No public access or use.** No right of access or use of the Brown's Creek Cove Property is granted to the general public by this License.

3. Property Condition. On completion of construction of the Brown's Creek Cove Project, BCWD will restore the Brown's Creek Cove Property to materially the same condition as existed prior to the commencement of construction, except to the degree that the Brown's Creek Cove Property is improved by the Brown's Creek Cove Project. In the event the Brown's Creek Cove Property is damaged by the activities of BCWD or its contractors, agents or assigns pursuant to the exercise of any of BCWD's rights under this agreement, BCWD will promptly repair or restore the Brown's Creek Cove Property to the extent reasonably practicable or to a condition agreed to by BCWD and the Brown's Creek Cove HOA. BCWD will repair, seed or plant disturbed or damaged areas with vegetation suitable for Brown's Creek Cove HOA's continued use of the Brown's Creek Cove Property. Brown's Creek Cove HOA agrees and acknowledges that BCWD will not be responsible for any preexisting conditions on the Brown's Creek Cove Property, environmental or otherwise, or for any damage to the Brown's Creek Cove Property or liability arising out of or related to such preexisting conditions.

4. BCWD's ongoing specific rights and duties. In addition to its rights and responsibilities for fulfillment of the terms of this agreement as provided herein, BCWD agrees to accept and exercise rights and duties as follows:

- a. BCWD will contract with the BCWD engineer for construction oversight and management of the Brown's Creek Cove Project in accordance with the design and plans in Exhibit A.
- b. In contracting for the construction of the Brown's Creek Cove Project, BCWD will require that:
 - i. The contractor restrict all of its activities to the Construction Area of the Brown's Creek Cove Property as specified in subsections 2a and b herein.

- ii. The contractor name the Brown's Creek Cove HOA as an additional insured for general liability with primary and noncontributory coverage and provide a certificate showing same prior to start of construction.
 - iii. The contractor indemnify, defend and hold harmless Brown's Creek Cove HOA from any and all actions, costs, damages and liabilities of any nature arising from the contractor's negligent or otherwise wrongful act or omission, or breach of a specific contractual duty, or a subcontractor's negligent or otherwise wrongful act or omission, or breach of a specific contractual duty owed by the contractor to BCWD.
 - iv. The contractor extend all warranties applicable to the Brown's Creek Cove Property to Brown's Creek Cove HOA.
- c. BCWD or its engineer or contractor will assess the need for and obtain all permits and other regulatory approvals applicable to the Brown's Creek Cove Project on behalf of BCWD and Brown's Creek Cove HOA.
- d. BCWD will notify Brown's Creek Cove HOA at least 10 calendar days prior to commencement of construction of the Brown's Creek Cove Project, and within 10 days of substantial completion of construction. (For purposes of this agreement and the Brown's Creek Cove Project generally, "substantial completion" is defined as completion of all elements of the Brown's Creek Cove Project as described herein for the intended purposes of the Brown's Creek Cove Project, except establishment and maintenance of vegetation, and implementation of the Maintenance Plan, as described in paragraph 5c herein, all of which will continue after substantial completion.)
- e. BCWD will consult with Brown's Creek Cove HOA in advance of making any material change in the design and plans in Exhibit A pertaining to work on the Brown's Creek Cove Property.
- f. BCWD will provide Brown's Creek Cove HOA with as-built drawings of the portion of the Brown's Creek Cove Project on the Brown's Creek Cove Property and a draft Maintenance Plan within 60 days of substantial completion of construction.
- g. BCWD will commence performance or contract for the performance of maintenance of the Brown's Creek Cove Project on receipt of an executed final Maintenance Easement and approval of a draft of the Maintenance Plan, as specified and defined in paragraphs 5b and 5c, respectively, herein. As between BCWD and Brown's Creek Cove HOA, BCWD will retain responsibility for establishment of vegetation and implementation of the Maintenance Plan.
- h. Until substantial completion of the Brown's Creek Cove Project, if BCWD, in its judgment, should decide that the Brown's Creek Cove Project is infeasible, BCWD, at its option, may declare the agreement rescinded and annulled. If

BCWD so declares, all obligations herein, performed or not, will be void but, if land-disturbing activities for the Brown's Creek Cove Project on the Brown's Creek Cove Property have commenced, BCWD will return the Brown's Creek Cove Property materially to its prior condition or to a condition agreed to in writing by Brown's Creek Cove HOA and BCWD.

5. Brown's Creek Cove HOA's ongoing specific rights and duties. In addition to its rights and responsibilities for fulfillment of the terms of this agreement as provided herein, Brown's Creek Cove HOA agrees to accept and exercise rights and duties as follows:

- a. Brown's Creek Cove HOA will cooperate with efforts undertaken by BCWD and its contractors to obtain permits and approvals needed for the Brown's Creek Cove Project, and by their signatures below the authorized signatories of the Brown's Creek Cove HOA authorize BCWD to apply for such permits and approvals on their behalf.
- b. *Commitment to execute maintenance easement.* When BCWD notifies the Brown's Creek Cove HOA of substantial completion of the Brown's Creek Cove Project and provides Brown's Creek Cove HOA with as-built construction drawing(s) of the portions of the Brown's Creek Cove Project on the Brown's Creek Cove Property, Brown's Creek Cove HOA will attach the final construction drawing(s) provided by BCWD and execute a maintenance easement substantially in the form attached to and incorporated herein as Exhibit C (the Maintenance Easement). The Maintenance Area to be defined in the Maintenance Easement will encompass no greater area than that described as the Construction Area in this license, as shown in Exhibit B.
- c. *Review and approval of the Maintenance Plan.* In accordance with paragraph 4f herein, BCWD will timely provide a draft of the Maintenance Plan to Brown's Creek Cove HOA for its cooperation in the development of the Maintenance Plan. Brown's Creek Cove HOA will have 60 days from receipt to review and approve the final draft Maintenance Plan submitted in accordance with paragraph 4f. Failure to act within the specified time will constitute approval. Brown's Creek Cove HOA's approval will not be unreasonably withheld.

6. Costs. As between the parties, BCWD will be responsible for all costs of design, specification, construction, construction oversight and management for the Brown's Creek Cove Project, and development and implementation of the Maintenance Plan. Brown's Creek Cove HOA dedicates the License and the Maintenance Easement pursuant to the terms of this agreement at no cost to BCWD. In addition, the parties each will bear their own incidental costs of determination and completion of their responsibilities and exercise of their rights hereunder.

7. Insurance. BCWD will require its contractors, agents, successors and assigns to carry commercial general liability coverage for injury to or death of a person or persons and for damage to property caused by the performance of the Brown's Creek Cove

Project. Brown's Creek Cove HOA will remain solely responsible for maintaining liability and other insurance for their own use of and authority over the Brown's Creek Cove Property.

8. **Term.** The License granted hereunder will expire two years from the date of execution of this agreement or on recordation in the office of the Washington County Recorder by BCWD of the Maintenance Easement, whichever occurs sooner. Brown's Creek Cove HOA may revoke the License prior to its expiration only on written concurrence of BCWD. All other rights, obligations and duties hereunder will survive termination of the License, including but not limited to Brown's Creek Cove HOA's obligation under paragraph 5b hereunder.

9. **Delivery of Notices.** All notices required or permitted under this agreement will be in writing and will be deemed delivered when personally delivered, delivered by documented courier delivery or mailed by United States registered or certified mail, return receipt requested, at the address below or to such other address as a party may designate by a written notice to the other.

If to Brown's Creek Cove HOA:

Mike Wilson, President
1836 White Pine Court
Stillwater, MN 55082-7107
[phone/email]

If to BCWD:

Brown's Creek Watershed District
Attn: Administrator
455 Hayward Ave North
Oakdale, MN 55128
KKill@mnwcd.org
651-330-8220

10. **Authority.** The undersigned represents and covenants with BCWD that he is duly authorized to enter this agreement on behalf of Brown's Creek Cove HOA and to convey the rights to use the Brown's Creek Cove Property described herein to BCWD; that there are no unrecorded mortgages, contracts for deed or other encumbrances that would prevent the granting of the License or the use thereof by BCWD for the purposes described herein; and that the undersigned will indemnify and hold the BCWD harmless for any breach of the foregoing covenants.

11. **Severability.** If any one or more of the provisions of this agreement, or the applicability of any such provision to a specific situation, is held invalid or unenforceable, such provision will be modified to the extent necessary to make it or its application valid and enforceable, and the validity and enforceability of all other provisions of this agreement and all other applications of any such provision will not be affected thereby.

12. Venue; governing law. Venue for any adjudication arising from this agreement will be in the district court of Washington County, Minnesota, and the agreement will be construed and governed by the laws of the State of Minnesota.

13. No waiver of immunity. No provision of this agreement will be interpreted as a waiver of any statutory or common-law immunity by or limitation of liability available to BCWD, all such immunities and limitations being expressly reserved by BCWD.

{Signature page follows.}

IN WITNESS WHEREOF, the undersigned have executed this agreement with the intent to be legally bound by its terms as of the date this agreement is fully executed by both parties.

Brown's Creek Cove HOA

By Mike Wilson, President
Brown's Creek Cove Homeowners Association

Date: _____

Brown's Creek Watershed District

By Karen Kill, its administrator
Approved as to form and execution

Date: _____

BCWD counsel

EXHIBIT A

Project Design & Plans

EXHIBIT B

Site Plan – Construction Area

EXHIBIT C

Maintenance Easement

[MAINTAIN 3-INCH MARGIN]

MAINTENANCE EASEMENT

On the Brown's Creek Cove Property at 1836 White Pine Court Washington County, Minnesota

THIS EASEMENT is granted by Brown's Creek Cove Homeowners Association, a private Minnesota nonprofit corporation formed under Minnesota Statutes chapter 317A (Grantor) and Brown's Creek Watershed District, a governmental entity of the State of Minnesota with purposes and powers set forth at Minnesota Statutes chapters 103B and 103D (Grantee).

WITNESS:

A. Grantor own in fee simple certain real property consisting of 4.8 acres of land, more or less, at 1896 White Pine Court in the City of Stillwater, Washington County, legally described as:

Outlot A, Brown's Creek Cove

(the Brown's Creek Cove Property) and no one other than Grantor and [NAME(S) OF ADDITIONAL PARTIES HOLDING RECORDED INTERESTS (E.G., A MORTGAGE) IN THE PROPERTY; EACH NEEDS TO COMPLETE A CONSENT AND SUBORDINATION], has any right, title or legal interest in the Brown's Creek Cove Property.

B. Grantee has restored of roughly 1,950 linear feet of the creek extending north and west from McKusick Road North just upstream of Brown's Creek Park in Stillwater, and the design includes narrowing the creek where widening has occurred, thinning trees and removing invasive species, restoring floodplain storage, restoring riffles and pools in the creek, shaping and stabilizing banks, and planting and establishing diverse native

vegetation (the Brown's Creek Cove Project) on, in part, the Brown's Creek Cove Property. The Brown's Creek Cove Project has benefited Grantor by stabilizing and improving the Brown's Creek Cove Property and securing against soil loss from erosion, and will contribute to the realization of the public purposes for which Grantee was established;

C. Grantee has requested and Grantor have agreed to grant to Grantee an easement over the Brown's Creek Cove Property providing Grantee with the right to access and use the Brown's Creek Cove Property to maintain the Brown's Creek Cove Project after construction.

Now, therefore, for one dollar and other good and valuable consideration, the sufficiency of which the parties hereby acknowledge, the parties agree as follows:

1. Grant of Easement. Grantor hereby grant and convey to Grantee, its contractors, agents, successors and assigns a perpetual easement over, under, upon and across that portion of the Brown's Creek Cove Property delineated and labeled on Exhibit 1, attached hereto and incorporated herein (the Maintenance Area), for purposes of access for maintenance of the Brown's Creek Cove Project in accordance with the Maintenance Plan developed for and approved by Grantor as part of the Brown's Creek Cove Project. The easement includes the right of ingress and egress and to pass over and through the Maintenance Area on foot and using motorized equipment to conduct maintenance of the Brown's Creek Cove Project, including the right to inspect, monitor, reconstruct and otherwise maintain the Brown's Creek Cove Project on the Brown's Creek Cove Property, including but not limited to correction of erosion and structural problems observed to ensure stability of the Maintenance Area, maintenance or replacement of plantings; seeding and reseeded to maintain ecological health and function; removal of invasive species and weeds as necessary to achieve the intended purposes of the Brown's Creek Cove Project. The rights granted hereby include the right to lay and maintain temporary utilities across or above the surface of the Maintenance Area for purposes of maintenance of the Brown's Creek Cove Project.

2. Restrictions on Grantor's Use of Maintenance Area. Grantor will not use the Maintenance Area or permit the construction of any improvements within the Maintenance Area in any manner that would damage or interfere with the function or physical structure of the Brown's Creek Cove Project. Specifically, Grantor will not alter or allow alteration of any grade-control structures or any filling or grading of land or construction of structures within the Maintenance Area to ensure the Brown's Creek Cove Project continues to protect water quality and moderate flow in the creek. Weeds may be hand-pulled or spot-treated with herbicide according to instructions on the herbicide label. Grantor will not mow or otherwise disturb vegetation, apply fertilizer to, or dispose of yard or other waste in the Maintenance Area.

3. No Public Access or Use; Grantor's Reserved Rights. No right of access or use is granted to the general public to the Brown's Creek Cove Property by this easement. Grantor may use and enjoy the Maintenance Area for any purposes and engage in or

allow others to engage in all activities or uses and enjoy all rights accruing from their ownership of the Brown's Creek Cove Property, subject to the restrictions stated herein and the right of Grantee to use the Maintenance Area for the purposes herein expressed. Grantor retain the right to sell or transfer all or part of the Brown's Creek Cove Property subject to the easement. Grantor will inform all others who exercise any right on the Brown's Creek Cove Property by or through Grantor of the requirements and constraints imposed by the easement, and will take any other steps as necessary to ensure that the terms of the easement are met.

4. Conduct of the Brown's Creek Cove Project Maintenance; Property Condition. All activity by Grantee on the Brown's Creek Cove Property will be conducted in a safe and workmanlike manner at Grantee's sole cost. In the event the Maintenance Area or Brown's Creek Cove Property is damaged by the activities of Grantee or its contractors, agents or assigns pursuant to the exercise of any of Grantee's rights under the easement, Grantee will promptly repair or restore the Brown's Creek Cove Property to the extent reasonably practicable. Grantee will repair, seed or plant disturbed or damaged areas with vegetation suitable for the intended uses of the Brown's Creek Cove Property.
5. Inspection and Enforcement. Grantee's representatives, agents and contractors may enter the Maintenance Area at reasonable times to monitor activities on and uses of the Maintenance Area. In acting under this paragraph, Grantee will not unreasonably interfere with Grantor's use and quiet enjoyment of the Brown's Creek Cove Property. Grantee may act to prevent or remedy all activities and uses of the Maintenance Area not consistent with the terms of the easement. Grantee will remain responsible for its legal fees and related expenses for any unlawful action taken by Grantee, its employees, agents or contractors.
6. Notice. Grantee will notify Grantor by telephone or email at least 24 hours prior to commencement of any exercise of Grantee's rights under the easement.
7. Regulatory Authorities Not Affected. The easement does not replace or diminish the regulatory authority of Grantee or any other public body, as may apply to the Brown's Creek Cove Property or any activity within it.
8. Insurance. Grantor remain solely responsible for maintaining liability and other insurance for its own uses of and authority over the Brown's Creek Cove Property.
9. Running with the Land. This easement, rights and privileges hereby granted, the restrictions and obligations hereby imposed, and the agreements contained in this easement will be easements, restrictions and covenants running with the land in perpetuity and will inure to the benefit of and be binding on the parties hereto and their respective heirs, successors and assigns including but not limited to all subsequent owners of any portion of the Brown's Creek Cove Property and all persons claiming under them.
10. Notices. Except as otherwise specifically provided herein, all notices required or permitted under this easement will be in writing and will be deemed delivered when

personally delivered, delivered by documented courier delivery or mailed by United States registered or certified mail, return receipt requested, at the address appearing below or to such other address as each party may designate by a written notice to the other.

If to Grantor:

Mike Wilson, President
1836 White Pine Court
Stillwater, MN 55082-7107
[phone/email]

If to Grantee:

Brown's Creek Watershed District
Attn: Administrator
455 Hayward
Oakdale MN 55128
KKill@mnwcd.org

11. Authority. The undersigned represents and covenants with Grantee that he is duly authorized to enter this easement on behalf of Grantor and to convey the rights to use the Brown's Creek Cove Property described herein to Grantee; that there are no unrecorded mortgages, contracts for deed or other encumbrances that would prevent the granting of the easement or the use thereof by Grantee for the purposes described herein; and that the undersigned will indemnify and hold Grantee harmless for any breach of the foregoing covenants.

12. Severability. If any one or more of the provisions of this easement, or the applicability of any such provision to a specific situation, will be held invalid or unenforceable, such provision will be modified to the extent necessary to make it or its application valid and enforceable, and the validity and enforceability of all other provisions of this agreement and all other applications of any such provision will not be affected thereby.

13. Governing Law; Venue. This easement will be construed and governed by the laws of the State of Minnesota. Venue for any action taken under or related to the Easement will be in the district court of Washington County, Minnesota.

14. No Waiver of Immunity. No provision of this easement will be interpreted as a waiver of any statutory or common law immunity from or limitation of liability available to Grantee, all such immunities and limitations being expressly reserved by Grantee.

15. Recording. Grantee may, at its expense, record and rerecord this easement.

{Signature page follows.}

IN WITNESS WHEREOF, the undersigned execute this easement, intending to be legally bound.

Grantor

By Mike Wilson, President
Brown's Creek Cove Homeowners Association

Date: _____

STATE OF MINNESOTA
COUNTY OF WASHINGTON

This instrument was acknowledged before me this ____ day of _____, 202__, by Mike Wilson as president of the Brown's Creek Cove Homeowners Association.

Notary Public

Brown's Creek Watershed District

By Karen Kill
Its administrator

Date: _____

STATE OF MINNESOTA
COUNTY OF WASHINGTON

This instrument was acknowledged before me this ____ day of _____, 202__, by Karen Kill, as administrator of the Brown's Creek Watershed District, a special purposes district of the State of Minnesota with powers set forth at Minnesota Statutes chapters 103B and 103D, on behalf of the district.

Notary Public

Drafted by:
Smith Partners PLLP – MJW
250 Marquette Avenue South, Suite 250
Minneapolis Minn 55401

EXHIBIT 1

Maintenance Area

CONSENT AND SUBORDINATION

HOLDER, an [STATE OF INCORPORATION] corporation, the holder of a [TYPE OF SECURITY OR OTHER LEGAL INTEREST IN THE PROPERTY] dated [DATE], filed for record with the office of the recorder of Washington County, Minnesota, on [DATE], as document no. [NUMBER, hereby consents to the recording of the easement to which this consent and subordination is attached and agrees that its rights in the property affected by the easement will be subordinated thereto.

IN WITNESS WHEREOF, _____, a [STATE OF
INCORPORATION] corporation, has caused this consent and subordination to be
executed this _____ day of _____, 20__.

a [STATE OF INCORPORATION] corporation

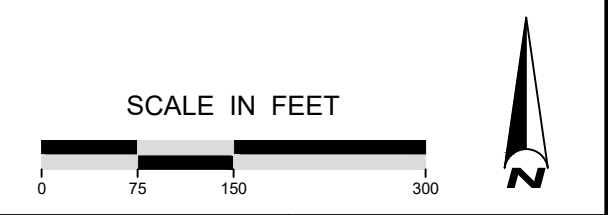
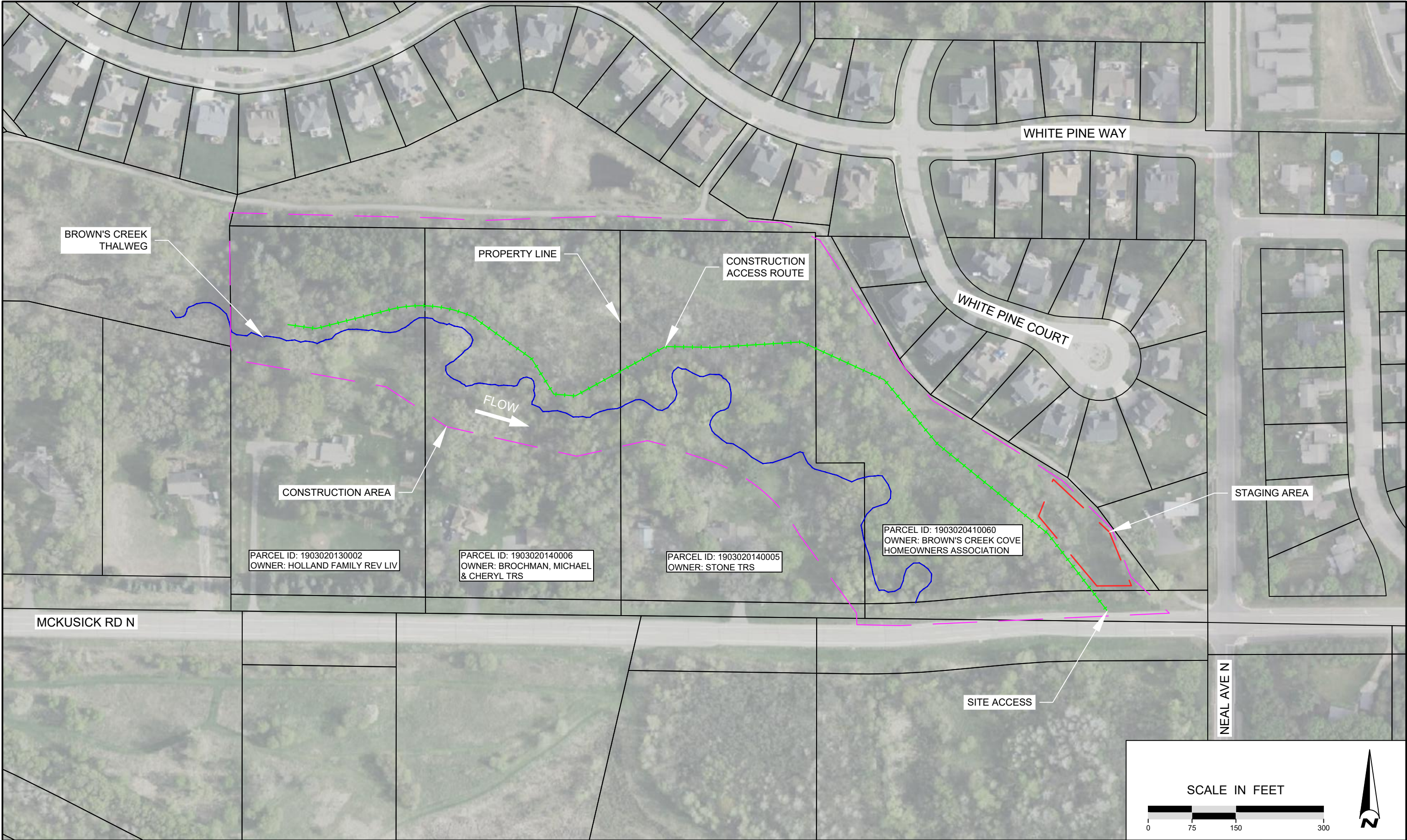
By:_____

Its:_____

STATE OF MINNESOTA)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by _____, as _____ of _____.

Notary Public



NOT FOR CONSTRUCTION



1919 UNIV. AVE. W. #300 ST. PAUL, MN 55105
TEL: 612.221.1111 FAX: 612.221.1112
WWW.EOR-RESOURCES.COM

DATE	NO.	DESCRIPTION
	1	
	2	
	3	
	4	
	5	
	6	

DESIGNED BY: EOR
DRAWN BY: DEM
CHECKED BY: MJM



EOR JOB #0041-0449

CLIENT PROJECT #XXX-XXXX

BROWN'S CREEK COVE RESTORATION
STILLWATER, WASHINGTON COUNTY, MINNESOTA

BROWN'S CREEK WATERSHED DISTRICT OAKDALE, MN 55128

EXHIBIT B

SHEET 01 OF 01

**Agreement Dedicating an Irrevocable Term License and
Committing to Convey a Maintenance Easement**

**Between David C. Stone and
Brown's Creek Watershed District**

This agreement is made by and among David C. Stone, as an individual and as trustee of Stone Trust (together, Stone), and Brown's Creek Watershed District, a governmental entity of the State of Minnesota with purposes and powers set forth at Minnesota Statutes chapters 103B and 103D (BCWD), for purposes of conveyance by Stone to BCWD of temporary and ongoing property rights necessary for construction and long-term maintenance of a creek-improvement project.

RECITALS

A. Stone is the owner in fee simple of 5.3 acres of real property at 12850 McKusick Road North in the City of Stillwater, Washington County, legally described as:

The east half of the southwest quarter of the southeast quarter of the northeast quarter and the south 16 rods of the west 5 rods of the east half of the southeast quarter of the northeast quarter of Section 19, Township 30, Range 20, according to the United States Government Survey thereof, excepting therefrom Parcel no. 4 of Washington County highway Right of Way Plat No. 84, filed and recorded in the Washington County Recorder's Office as document no. 714184,

(the Stone Property).

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

C. Whereas at the direction of the BCWD Board of Managers and to address the impairments and improve the ecological health of Brown's Creek, the BCWD staff and engineer developed 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 in Stillwater, and the design includes narrowing the creek where widening has occurred, thinning trees and removing invasive species, restoring floodplain storage, restoring riffles and pools in the creek, shaping and stabilizing banks, and planting and establishing diverse native vegetation (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);

D. Whereas the Brown's Creek Cove Project includes work on the Stone Property, among others, and Stone has agreed to provide rights to access and use the Stone Property to facilitate implementation and maintenance of the Brown's Creek Cove Project;

E. Whereas after presentation by staff and the engineer of the concept for and assessment of the feasibility of the Brown's Creek Cove Project at its March 2026 regular meeting and a duly noticed public hearing pursuant to Minnesota Statutes section 103B.251, subdivision 3, the managers adopted BCWD Resolution 26-03, ordering the Brown's Creek Cove Project; and

F. Construction of the Brown's Creek Cove Project will benefit Stone by stabilizing and improving the Stone Property, securing it against loss from erosion, and will benefit the public generally by mitigating risk of flooding and improving the ecological health of the creek and wildlife habitat.

The parties acknowledge in executing this agreement that sufficient mutual consideration is exchanged under the terms hereof, and that this agreement sets forth obligations that are duly binding on the parties.

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated into and made a part of this agreement, and to facilitate the Brown's Creek Cove Project, the parties agree as follows:

1. Approval of design and plans. BCWD has contracted with the BCWD engineer, Emmons & Olivier Resources Inc., for the preparation of a design and plans for the Brown's Creek Cove Project, and the design and plans are attached hereto and incorporated herein as Exhibit A. By their signature hereunder, Stone approves the plans and design in Exhibit A. BCWD makes no warranty to Stone regarding the BCWD engineer's or another third party's performance in design, construction or construction management for the Brown's Creek Cove Project.

2. License

- a. **Grant of license.** Stone hereby grants and conveys to BCWD, its contractors, agents, successors and assigns, an irrevocable term license over, under, upon and across that portion of the Stone Property shown and labeled "Construction Area" on Exhibit B, attached hereto and incorporated herein, for purposes of access to and use of the Stone Property for purposes of completion of the Brown's Creek Cove Project (the License). The License includes the right of ingress and egress and to pass over and through the Construction Area on foot and using motorized equipment for staging of construction, construction and implementation of the Brown's Creek Cove Project and the right to plant native vegetation, install stabilization techniques, alter existing grades and perform grading and filling within the Construction Area necessary to achieve the intended purposes of the Brown's Creek Cove Project. The rights granted

hereby include the right to lay and maintain temporary utilities across or above the surface of the Construction Area for purposes of implementation and construction of the Brown's Creek Cove Project.

- b. **Restrictions on Stone's use of the Construction Area.** During the term of the License, Stone agrees not to use the Construction Area in any manner that would damage or interfere with the Brown's Creek Cove Project. Specifically, any grading, filling or alteration of the surface of the Construction Area by any party other than BCWD, its contractors, agents, successors or assigns, or the construction of any hard-surfaced areas, fences, sheds, structures or similar improvements within the Construction Area is prohibited. Stone may use and enjoy the Stone Property and the Construction Area for all purposes, but such use and enjoyment is subject to the restrictions stated herein and the temporary right of BCWD to use the same for the purposes herein expressed.
- c. **No public access or use.** No right of access or use of the Stone Property is granted to the general public by this License.

3. Property Condition. On completion of construction of the Brown's Creek Cove Project, BCWD will restore the Stone Property to materially the same condition as existed prior to the commencement of construction, except to the degree that the Stone Property is improved by the Brown's Creek Cove Project. In the event the Stone Property is damaged by the activities of BCWD or its contractors, agents or assigns pursuant to the exercise of any of BCWD's rights under this agreement, BCWD will promptly repair or restore the Stone Property to the extent reasonably practicable or to a condition agreed to by BCWD and Stone. BCWD will repair, seed or plant disturbed or damaged areas with vegetation suitable for Stone's continued use of the Stone Property. Stone agrees and acknowledges that BCWD will not be responsible for any preexisting conditions on the Stone Property, environmental or otherwise, or for any damage to the Stone Property or liability arising out of or related to such preexisting conditions.

4. BCWD's ongoing specific rights and duties. In addition to its rights and responsibilities for fulfillment of the terms of this agreement as provided herein, BCWD agrees to accept and exercise rights and duties as follows:

- a. BCWD will contract with the BCWD engineer for construction oversight and management of the Brown's Creek Cove Project in accordance with the design and plans in Exhibit A.
- b. In contracting for the construction of the Brown's Creek Cove Project, BCWD will require that:
 - i. The contractor restrict all of its activities to the Construction Area of the Stone Property as specified in subsections 2a and b herein.
 - ii. The contractor name Stone as an additional insured for general liability with primary and noncontributory coverage and provide a certificate showing same prior to start of construction.

- iii. The contractor indemnify, defend and hold harmless Stone from any and all actions, costs, damages and liabilities of any nature arising from the contractor's negligent or otherwise wrongful act or omission, or breach of a specific contractual duty, or a subcontractor's negligent or otherwise wrongful act or omission, or breach of a specific contractual duty owed by the contractor to BCWD.
- iv. The contractor extend all warranties applicable to the Stone Property to Stone.
- c. BCWD or its engineer or contractor will assess the need for and obtain all permits and other regulatory approvals applicable to the Brown's Creek Cove Project on behalf of BCWD and Stone.
- d. BCWD will notify Stone at least 10 calendar days prior to commencement of construction of the Brown's Creek Cove Project, and within 10 days of substantial completion of construction. (For purposes of this agreement and the Brown's Creek Cove Project generally, "substantial completion" is defined as completion of all elements of the Brown's Creek Cove Project as described herein for the intended purposes of the Brown's Creek Cove Project, except establishment and maintenance of vegetation, and implementation of the Maintenance Plan, as described in paragraph 5c herein, all of which will continue after substantial completion.)
- e. BCWD will consult with Stone in advance of making any material change in the design and plans in Exhibit A pertaining to work on the Stone Property.
- f. BCWD will provide Stone with as-built drawings of the portion of the Brown's Creek Cove Project on the Stone Property and a draft Maintenance Plan within 60 days of substantial completion of construction.
- g. BCWD will commence performance or contract for the performance of maintenance of the Brown's Creek Cove Project on receipt of an executed final Maintenance Easement and approval of a draft of the Maintenance Plan, as specified and defined in paragraphs 5b and 5c, respectively, herein. As between BCWD and Stone, BCWD will retain responsibility for establishment of vegetation and implementation of the Maintenance Plan.
- h. Until substantial completion of the Brown's Creek Cove Project, if BCWD, in its judgment, should decide that the Brown's Creek Cove Project is infeasible, BCWD, at its option, may declare the agreement rescinded and annulled. If BCWD so declares, all obligations herein, performed or not, will be void but, if land-disturbing activities for the Brown's Creek Cove Project on the Stone Property have commenced, BCWD will return the Stone Property materially to its prior condition or to a condition agreed to in writing by Stone and BCWD.

5. **Stone's ongoing specific rights and duties.** In addition to its rights and responsibilities for fulfillment of the terms of this agreement as provided herein, Stone agrees to accept and exercise rights and duties as follows:
- a. Stone will cooperate with efforts undertaken by BCWD and its contractors to obtain permits and approvals needed for the Brown's Creek Cove Project, and by his execution below Stone authorizes BCWD to apply for such permits and approvals on their behalf.
 - b. *Commitment to execute maintenance easement.* When BCWD notifies Stone of substantial completion of the Brown's Creek Cove Project and provides Stone with as-built construction drawing(s) of the portions of the Brown's Creek Cove Project on the Stone Property, Stone will attach the final construction drawing(s) provided by BCWD and execute a maintenance easement substantially in the form attached to and incorporated herein as Exhibit C (the Maintenance Easement). The Maintenance Area to be defined in the Maintenance Easement will encompass no greater area than that described as the Construction Area in this license, as shown in Exhibit B.
 - c. *Review and approval of the Maintenance Plan.* In accordance with paragraph 4f herein, BCWD will timely provide a draft of the Maintenance Plan to Stone for his cooperation in the development of the Maintenance Plan. Stone will have 60 days from receipt to review and approve the final draft Maintenance Plan submitted in accordance with paragraph 4f. Failure to act within the specified time will constitute approval. Stone's approval will not be unreasonably withheld.
6. **Costs.** As between the parties, BCWD will be responsible for all costs of design, specification, construction, construction oversight and management for the Brown's Creek Cove Project, and development and implementation of the Maintenance Plan. Stone dedicates the License and the Maintenance Easement pursuant to the terms of this agreement at no cost to BCWD. In addition, the parties each will bear their own incidental costs of determination and completion of their responsibilities and exercise of their rights hereunder.
7. **Insurance.** BCWD will require its contractors, agents, successors and assigns to carry commercial general liability coverage for injury to or death of a person or persons and for damage to property caused by the performance of the Brown's Creek Cove Project. Stone will remain solely responsible for maintaining liability and other insurance for their own use of and authority over the Stone Property.
8. **Term.** The License granted hereunder will expire two years from the date of execution of this agreement or on recordation in the office of the Washington County Recorder by BCWD of the Maintenance Easement, whichever occurs sooner. Stone may revoke the License prior to its expiration only on written concurrence of BCWD. All other rights, obligations and duties hereunder will survive termination of the License, including but not limited to Stone's obligation under paragraph 5b hereunder.

9. Delivery of Notices. All notices required or permitted under this agreement will be in writing and will be deemed delivered when personally delivered, delivered by documented courier delivery or mailed by United States registered or certified mail, return receipt requested, at the address below or to such other address as a party may designate by a written notice to the other.

If to Stone: David C. Stone
12850 McKusick Road North
Stillwater, MN 55082-8429
[phone/email]

If to BCWD: Brown's Creek Watershed District
Attn: Administrator
455 Hayward Ave North
Oakdale, MN 55128
KKill@mnwcd.org
651-330-8220

10. Severability. If any one or more of the provisions of this agreement, or the applicability of any such provision to a specific situation, is held invalid or unenforceable, such provision will be modified to the extent necessary to make it or its application valid and enforceable, and the validity and enforceability of all other provisions of this agreement and all other applications of any such provision will not be affected thereby.

11. Venue; governing law. Venue for any adjudication arising from this agreement will be in the district court of Washington County, Minnesota, and the agreement will be construed and governed by the laws of the State of Minnesota.

12. No waiver of immunity. No provision of this agreement will be interpreted as a waiver of any statutory or common-law immunity by or limitation of liability available to BCWD, all such immunities and limitations being expressly reserved by BCWD.

{Signature page follows.}

IN WITNESS WHEREOF, the undersigned have executed this agreement with the intent to be legally bound by its terms as of the date this agreement is fully executed by both parties.

Stone

Date: _____
By David C. Stone, individually, and as trustee of the Stone Trust

Brown's Creek Watershed District

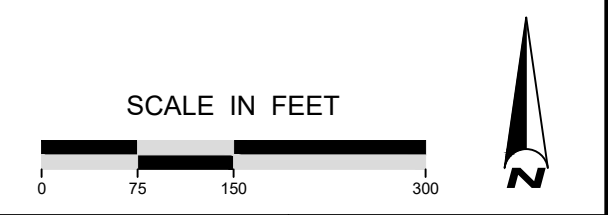
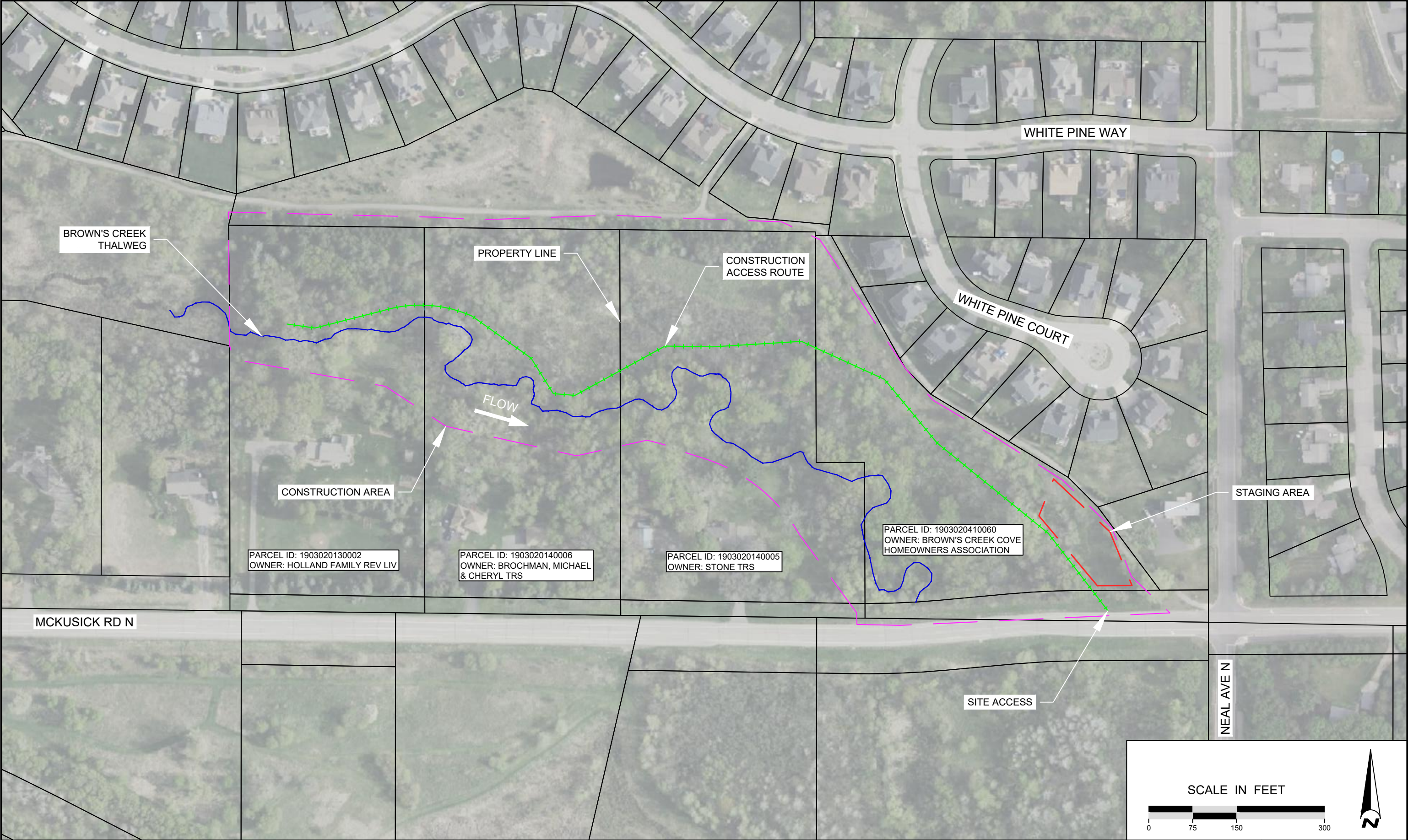
Date: _____
By Karen Kill, its administrator

Approved as to form and execution

BCWD counsel

EXHIBIT A

Project Design & Plans



NOT FOR CONSTRUCTION

EOR

water ecology community

EMMONS & OLIVIER RESOURCES, INC.

1919 UNIV. AVE. W. #300 ST. PAUL, MN 55108

TEL: 612.221.1100 FAX: 612.221.1101

DATE	NO.	DESCRIPTION
	1	
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	6	

DESIGNED BY: EOR
DRAWN BY: DEM
CHECKED BY: MJM
EOR JOB #0041-0449



BROWN'S CREEK WATERSHED DISTRICT

CLIENT PROJECT #XXX-XXXX

BROWN'S CREEK COVE RESTORATION
STILLWATER, WASHINGTON COUNTY, MINNESOTA

BROWN'S CREEK WATERSHED DISTRICT

OAKDALE, MN 55128

EXHIBIT B

SHEET 01 OF 01

EXHIBIT B

Site Plan – Construction Area

EXHIBIT C

Maintenance Easement

[MAINTAIN 3-INCH MARGIN]

MAINTENANCE EASEMENT

**On the Stone Property at 12850 McKusick Road North
Washington County, Minnesota**

THIS EASEMENT is granted by David C. Stone, as an individual and as trustee of Stone Trust (Grantor), and Brown's Creek Watershed District, a governmental entity of the State of Minnesota with purposes and powers set forth at Minnesota Statutes chapters 103B and 103D (Grantee).

WITNESS:

A. Grantor owns in fee simple certain real property consisting of 5.3 acres of land, more or less, at 12850 McKusick Road North in the City of Stillwater, Washington County, legally described as:

The east half of the southwest quarter of the southeast quarter of the northeast quarter and the south 16 rods of the west 5 rods of the east half of the southeast quarter of the Northeast quarter of Section 19, Township 30 north, Range 20 west, according to the United States Government Survey thereof, excepting therefrom Parcel no. 4 of Washington County highway Right of Way Plat No. 84, filed and recorded in the Washington County Recorder's Office as document no. 714184,

(the Stone Property) and no one other than Grantor and [NAME(S) OF ADDITIONAL PARTIES HOLDING RECORDED INTERESTS (E.G., A MORTGAGE) IN THE PROPERTY; EACH NEEDS TO COMPLETE A CONSENT AND SUBORDINATION], has any right, title or legal interest in the Stone Property.

B. Grantee has restored of roughly 1,950 linear feet of the creek extending north and west from McKusick Road North just upstream of Brown's Creek Park in Stillwater, and the design includes narrowing the creek where widening has occurred, thinning trees and removing invasive species, restoring floodplain storage, restoring riffles and pools in the creek, shaping and stabilizing banks, and planting and establishing diverse native vegetation (the Brown's Creek Cove Project) on, in part, the Stone Property. The Brown's Creek Cove Project has benefited Stone by stabilizing and improving the Stone Property and securing against soil loss from erosion, and will contribute to the realization of the public purposes for which Grantee was established;

C. Grantee has requested and Stone has agreed to grant to Grantee an easement over the Stone Property providing Grantee with the right to access and use the Stone Property to maintain the Brown's Creek Cove Project after construction.

Now, therefore, for one dollar and other good and valuable consideration, the sufficiency of which the parties hereby acknowledge, the parties agree as follows:

1. Grant of Easement. Grantor hereby grants and conveys to Grantee, its contractors, agents, successors and assigns an ~~perpetual-ongoing~~ easement over, under, upon and across that portion of the Stone Property delineated and labeled on Exhibit 1, attached hereto and incorporated herein (the Maintenance Area), for purposes of access for maintenance of the Brown's Creek Cove Project in accordance with the Maintenance Plan developed for and approved by Stone as part of the Brown's Creek Cove Project. The easement includes the right of ingress and egress and to pass over and through the Maintenance Area on foot and using motorized equipment to conduct maintenance of the Brown's Creek Cove Project, including the right to inspect, monitor, reconstruct and otherwise maintain the Brown's Creek Cove Project on the Stone Property, including but not limited to correction of erosion and structural problems observed to ensure stability of the Maintenance Area, maintenance or replacement of plantings; seeding and reseedling to maintain ecological health and function; removal of invasive species and weeds as necessary to achieve the intended purposes of the Brown's Creek Cove Project. The rights granted hereby include the right to lay and maintain temporary utilities across or above the surface of the Maintenance Area for purposes of maintenance of the Brown's Creek Cove Project.

2. Restrictions on Grantor's Use of Maintenance Area. Grantor will not use the Maintenance Area or permit the construction of any improvements within the Maintenance Area in any manner that would damage or interfere with the function or physical structure of the Brown's Creek Cove Project. Specifically, Grantor will not alter or allow alteration of any grade-control structures or any filling or grading of land or construction of structures within the Maintenance Area to ensure the Brown's Creek Cove Project continues to protect water quality and moderate flow in the creek. Weeds may be hand-pulled or spot-treated with herbicide according to instructions on the herbicide label. Grantor will not mow or otherwise disturb vegetation, apply fertilizer to, or dispose of yard or other waste in the Maintenance Area.

3. No Public Access or Use; Grantor's Reserved Rights. No right of access or use is granted to the general public to the Stone Property by this easement. Stone may use and enjoy the Maintenance Area for any purposes and engage in or allow others to engage in all activities or uses and enjoy all rights accruing from his ownership of the Stone Property, subject to the restrictions stated herein and the right of Grantee to use the Maintenance Area for the purposes herein expressed. Stone retains the right to sell or transfer all or part of the Stone Property subject to the easement. Stone will inform all others who exercise any right on the Stone Property by or through Stone of the requirements and constraints imposed by the easement, and will take any other steps as necessary to ensure that the terms of the easement are met.

4. Conduct of the Brown's Creek Cove Project Maintenance; Property Condition. All activity by Grantee on the Stone Property will be conducted in a safe and workmanlike manner at Grantee's sole cost. In the event the Maintenance Area or the Stone Property is damaged by the activities of Grantee or its contractors, agents or assigns pursuant to the exercise of any of Grantee's rights under the easement, Grantee will promptly repair or restore the Stone Property to the extent reasonably practicable. Grantee will repair, seed or plant disturbed or damaged areas with vegetation suitable for the intended uses of the Stone Property.

5. Inspection and Enforcement. Grantee representatives, agents and contractors may enter the Maintenance Area at reasonable times to monitor activities on and uses of the Maintenance Area. In acting under this paragraph, Grantee will not unreasonably interfere with Stone's use and quiet enjoyment of the Stone Property. Grantee may act to prevent or remedy all activities and uses of the Maintenance Area not consistent with the terms of the easement. Grantee will remain responsible for its legal fees and related expenses for any unlawful action taken by Grantee, its employees, agents or contractors.

6. Notice. Grantee will notify Stone by telephone or email at least 24 hours prior to commencement of any exercise of Grantee's rights under the easement.

7. Regulatory Authorities Not Affected. The easement does not replace or diminish the regulatory authority of Grantee or any other public body, as may apply to the Stone Property or any activity within it.

8. Insurance. Stone remains solely responsible for maintaining liability and other insurance for its own uses of and authority over the Stone Property.

9. Running with the Land; Term. Unless terminated as provided hereunder, t~~This~~he easement, the rights and privileges hereby granted, the restrictions and obligations hereby imposed, and the agreements contained in this easement will be easements, restrictions and covenants running with the land in perpetuity and will inure to the benefit of and be binding on the parties hereto and their respective heirs, successors and assigns including but not limited to all subsequent owners of any portion of the Stone Property and all persons claiming under them. The easement granted hereunder will commence on recordation and may not for 10 years thereafter be revoked, amended, superseded or otherwise modified or abrogated except as may be agreed to in writing by

Grantee, after which Grantor or its successor(s) in interest may direct Grantee to execute and deliver within 60 days a termination and release of the easement and Grantee's interests thereunder for recordation by Grantor.

10. Notices. Except as otherwise specifically provided herein, all notices required or permitted under this easement will be in writing and will be deemed delivered when personally delivered, delivered by documented courier delivery or mailed by United States registered or certified mail, return receipt requested, at the address appearing below or to such other address as each party may designate by a written notice to the other.

If to Stone: David C. Stone
12850 McKusick Road North
Stillwater, MN 55082-8429
[phone/email]

If to Grantee: Brown's Creek Watershed District
Attn: Administrator
455 Hayward
Oakdale MN 55128
KKill@mnwcd.org

11. Severability. If any one or more of the provisions of this easement, or the applicability of any such provision to a specific situation, will be held invalid or unenforceable, such provision will be modified to the extent necessary to make it or its application valid and enforceable, and the validity and enforceability of all other provisions of this agreement and all other applications of any such provision will not be affected thereby.

12. Governing Law; Venue. This easement will be construed and governed by the laws of the State of Minnesota. Venue for any action taken under or related to the Easement will be in the district court of Washington County, Minnesota.

13. No Waiver of Immunity. No provision of this easement will be interpreted as a waiver of any statutory or common law immunity from or limitation of liability available to Grantee, all such immunities and limitations being expressly reserved by Grantee.

14. Recording. Grantee may, at its expense, record and rerecord this easement.

{Signature page follows.}

IN WITNESS WHEREOF, the undersigned execute this easement, intending to be legally bound.

Grantor

By David C. Stone, individually, and as trustee of the Stone Trust

Date: _____

STATE OF MINNESOTA
COUNTY OF WASHINGTON

This instrument was acknowledged before me this ____ day of _____, 202__, by David C. Stone, individually, and as trustee of the Stone Trust

Notary Public

Brown's Creek Watershed District

By Karen Kill
Its administrator

Date: _____

STATE OF MINNESOTA
COUNTY OF WASHINGTON

This instrument was acknowledged before me this ____ day of _____, 202__, by Karen Kill, as administrator of the Brown's Creek Watershed District, a special purposes district of the State of Minnesota with powers set forth at Minnesota Statutes chapters 103B and 103D, on behalf of the district.

Notary Public

Drafted by:
Smith Partners PLLP - MJW
250 Marquette Avenue South, Suite 250
Minneapolis Minn 55401

EXHIBIT 1

Maintenance Area

CONSENT AND SUBORDINATION

HOLDER, an [STATE OF INCORPORATION] corporation, the holder of a [TYPE OF SECURITY OR OTHER LEGAL INTEREST IN THE PROPERTY] dated [DATE], filed for record with the office of the recorder of Washington County, Minnesota, on [DATE], as document no. [NUMBER, hereby consents to the recording of the easement to which this consent and subordination is attached and agrees that its rights in the property affected by the easement will be subordinated thereto.

IN WITNESS WHEREOF, _____, a [STATE OF
INCORPORATION] corporation, has caused this consent and subordination to be
executed this _____ day of _____, 20____.

a [STATE OF INCORPORATION] corporation

By:_____

Its:_____

STATE OF MINNESOTA)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by _____, as _____ of _____.

Notary Public

SAVE *the* DATE

2026 Summer Tour
August 25 - 26

Mark your calendar and stay tuned for more details. We are excited to have you join us in Detroit Lakes this year!



Holiday Inn, 1155 Hwy 10 East, Detroit Lakes, MN



BCWD Board Packet 5-13-2026
mnwatersheds.com/summer-tour
Page 1 of 2



**MINNESOTA
WATERSHEDS**
Connecting People. Protecting Water.



RED RIVER
RETENTION AUTHORITY

PELICAN RIVER
watershed district

mn
BWSR



**Wild Rice
Watershed
District**



Minutes of the April 13, 2026, Community Advisory Committee Meeting

Attendance

CAC Members Present:	Others Present:
George Vania	Hannah Peterson, BCWD Staff
Dennis Gervais	Celia Wirth, BCWD Manager
Anne Maule Miller*	Allison McGinnis, Bird City Stillwater/SSMN*
Mari Frederickson	
Jyneen Thatcher	
Hal Udoli	
CAC Members Absent:	
David Wortman	
Dory Herman	

**Attended virtually*

1) Called the meeting to order at 6:13 pm

2) Approved Agenda

3) Approved February 9, 2026, Minutes

4) Elect Chair, Co-Chair, & Recorder

George agreed to be Chair if staff continue to lead meetings. Anne recommended using Zoom's recording feature in place of having someone take notes.

5) Watershed Management Plan Update

Hannah shared that the plan is out for 60-day review until Monday April 20th. BCWD's responses to comments will be shared with the board at the May regular board meeting and a public hearing will be held at the June regular board meeting.

6) Recent Events Recap

Hannah provided a recap of the Water Where We Live Reception at the Washington County Heritage Center on March 25th, noting that there was a decent turnout and an interesting panel discussion including Administrator Karen Kill, BCWD's biologist Mike Majeski, and two of the artists about the connections between art and the environment.

7) Upcoming Event Planning

a) Long Lake Trail West Birding, April 18th, 8-10am

CAC members discussed how many people have signed up, yard signs, parking, and the birds that might be seen at Long Lake based on what George and Anne have been seeing so far.

b) Sustainable Stillwater MN's Valley Eco Fair, April 26th, 11am-2pm

Hannah shared that she would have a BCWD table at the event and encouraged CAC members to stop by if available.

c) Brown's Creek Conservation Area Planting, April 27th-29th, During Workday

Hannah shared that Washington Conservation District seasonal staff would be helping with the planting, but CAC members and volunteers were still welcome. Jyneen expressed interest in helping. Hannah said she would share the exact date and time when available.

d) Brown's Creek Park Restoration – Identify/mark dead trees, May 11th-15th, During Workday

Hannah shared that she would share date and time when available, and that it would likely be weather-dependent.

e) Brown's Creek Park Restoration – Volunteer Replanting, May 16th, 9-11am

Hannah shared that volunteers would be planting new trees in place of the marked dead ones.

f) Spring Creek Scene Painting, May 31st, 2-4pm

Hannah shared that seasonal painting events have been scheduled for spring, summer, and fall. She noted that paid registration is required to cover materials. See below for summer and fall dates.

g) Walking Tour at Lakes at Stillwater Trail, June 16th, 6:30-8pm

CAC members discussed the success of last year's walk and breaking up into different groups based on ability. They discussed having a Washington Conservation District staff member to help lead a group.

h) Summer Creek Scene Painting, June 28th, 2-4pm

i) Long Lake Water Quality and Art Event in with A House Unbuilt, July 25th, 10am-2pm

Hannah shared that planning is in process for this event and that the call for artists is out. She explained the challenges of where to have, since we are catering to the Croixwood neighborhood, and there is not easy access all around the lake. The current plan is the city property in Croixwood, however the lake is not visible from the grassy area. George suggested using people's properties to access the lake, and Anne said she may be willing to let a group in her yard.

j) Community Watershed Celebration & Bird Festival, September 19th, 10am-1pm

Hannah shared that an event application had been submitted to the city. Allison shared that the raptors have been reserved and that she talked to Get the Lead Out about participating. She also mentioned we need to find a way to better promote the bird costume contest. She also asked Hannah if Starry Skies North confirmed participation.

k) Fall Creek Scene Painting, October 11th, 2-4pm

l) Seeding and Snowshoeing, December 2026 or January 2027

The CAC thought this was a fun idea, but recommended coordinating with the city to see if there is a need.

8) CAC Updates

a) 110th Street Monitoring

George provided an update that he noted 18 birds, including a Phoebe and a Raven. He also expressed concern about the adjacent property owner to the west clearing trees and having deer stands facing BCWD's property. The CAC discussed whether they could hunt on the property and talking to the landowner about safety concerns. George also noted a beaver dam, and Jyneen shared about finding skunk cabbage. They shared their availability for taking new CAC members out for a tour.

1 **b) Seasonal Flora Handouts**

2 Anne shared that she is working on making something like the bird handouts for seasonal flora,
3 but that it won't be ready until next spring. She also discussed needing more handouts for the
4 bird boxes.

5 **9) BCWD Updates**

6 **a) Newsletter**

7 CAC members provided comments. Hannah requested any additional comments to be shared by
8 the end of the week.

9 **b) Brown's Creek Restoration**

10 Hannah shared that the next phase of restoration through Brown's Creek Cove has been
11 ordered by the board. The timeline will be dependent on getting agreements in place, so
12 construction will be summer 2026 or spring 2027.

13 **c) Beaver Management**

14 Hannah shared a draft beaver sign and mentioned how BCWD is monitoring beaver dams and
15 working with the University of Minnesota on management solutions.

16 Hannah also shared BCWD stickers and wildlife trading cards created by EMWREP. She also said that
17 BCWD is still seeking one board member and that the annual report would be shared soon.

18 **10) Adjourned Meeting at 7:52 pm**

BCWD 2026 Regulatory Program Update

BCWD completed a review of its regulatory program from 2024 – 2025 in collaboration with partners and presented recommendations related to rules, processes, and outreach and information to its board. The following updates share where BCWD is at with implementing the recommended actions.

Rules

BCWD is in the process of finalizing its 2027-2036 Watershed Management Plan. As part of the plan's implementation, BCWD intends to begin the rule review and revision process in 2027, where partners and stakeholders will have more opportunities to provide feedback. This will also include a review of the permit fee structure.

Processes

Online Application

BCWD created an online permit application through Smartsheet, which can be found at bcwd.org/permit-application/. By creating a free account, applicants can view their permit information, communicate with staff, and upload additional documents.

Online Payment

Online payment by credit card is now available through Square by requesting an invoice link. Online payments will include a 3% processing fee.

Outreach and Information

Outreach Opportunities

BCWD has identified a few priority audiences for education and outreach in the 2027-2036 Watershed Management Plan, including developers, homeowners' associations, and engineers. Staff has also begun working to have more regular interaction with its communities.

Guidance Materials

These are in development and will hopefully be completed soon. They will also be updated as needed through the rule revision process.

Website

The Permitting section of BCWD's website has been reformatted and updated to include additional information and improve user experience. This includes the addition of frequently asked questions (FAQs) and templates (with more to be created and added). All can be accessed at bcwd.org/permitting/.

Annual Reports

BCWD's annual report has a section on regulations, which includes the number of approved permits, approved variances, and notices of probable violation. Annual reports can be found at bcwd.org/annual-reports/.

Newsletters

The 2025 and 2026 newsletters had a section tying in the BCWD regulatory program with the newsletter theme. Newsletters can be found at bcwd.org/newsletters/.

Project Name	BCWD Permit Program	Date	05/08/2026
To / Contact info	BCWD Board of Managers		
Cc / Contact info	Karen Kill, District Administrator		
From / Contact info	John Sarafolean; Julia Lau EIT, EOR		
Regarding	April Permit Inspection Update		

Background

BCWD has an on-going permit review process in support of the District Rules. Developments within the District Jurisdictional Boundary are reviewed for compliance with the Rules and conditions of the permit. This memo documents inspections from 03/25/2026 to 05/06/2026.

Inspection of Existing Permits

Project Name	Permit ID	Date	Grade
WOS Development	17-01	3/25/2026	B
		4/8/2026	B
Central Commons	19-05	3/25/2026	A
		4/7/2026	A
		5/6/2026	A
Stillwater Oaks	22-18	4/7/2026	C
		4/15/2026	C
		4/29/2026	B
Liberty Classical Academy Expansion	23-19	3/25/2026	C
		4/8/2026	B
		4/29/2026	B
WOS Lot 120 Hilgert Residence	24-03	4/29/2026	B
Elliot Crossing		4/7/2026	B
		4/29/2026	B
Altendorfer Residence	24-08	3/25/2026	A
		4/8/2026	A
		4/29/2026	A
CSAH 5 Phase 3	24-09	5/6/2026	A
Lornston	24-15	4/15/2026	A
CSAH 15 Frontage Road	25-18	4/7/2026	A
Curve Crest Utility	25-01	3/25/2026	B
		4/7/2026	B

Anderson Holdings	25-02	4/7/2026	B
		5/6/2026	B
HealthPartners Lakeview Hospital	25-03	3/25/2026	A
		4/7/2026	A
		4/15/2026	B
		4/22/2026	B
		4/29/2026	B
St. Croix Valley Rec Center Parking Lot	25-05	4/29/2026	A
WOS Lot 121 Castillo	25-07	3/25/2026	B
		4/8/2026	B
		4/29/2026	B
CSAH 15B	25-08	5/6/2026	A
Dockter Residence	25-09	3/25/2026	A
Stillwater PFAS	25-11	3/25/2026	B
		4/8/2026	B
		4/29/2026	B
Doede Residence	25-12	3/25/2026	B
		4/8/2026	B
		4/29/2026	A
Xcel Pole Replacement	25-13	5/6/2026	B
Husnik Residence	25-14	4/15/2026	B
Elliot Crossing Lot 1 Block 1	25-15	4/7/2026	D
		4/15/2026	C
		4/29/2026	D
WOS Lot 128 Morud	25-17	3/25/2026	B
		4/8/2026	B
		4/29/2026	B
Deiningner Residence	25-18	3/25/2026	B
		4/8/2026	B
Elliot Crossing Lot 3 Block 1	25-19	4/7/2026	B
		4/15/2026	B
		4/29/2026	C
Bryant Tree Clearing	25-21	4/29/2026	B
Upadhyaya Residence	25-22	3/25/2026	B
		4/8/2026	B

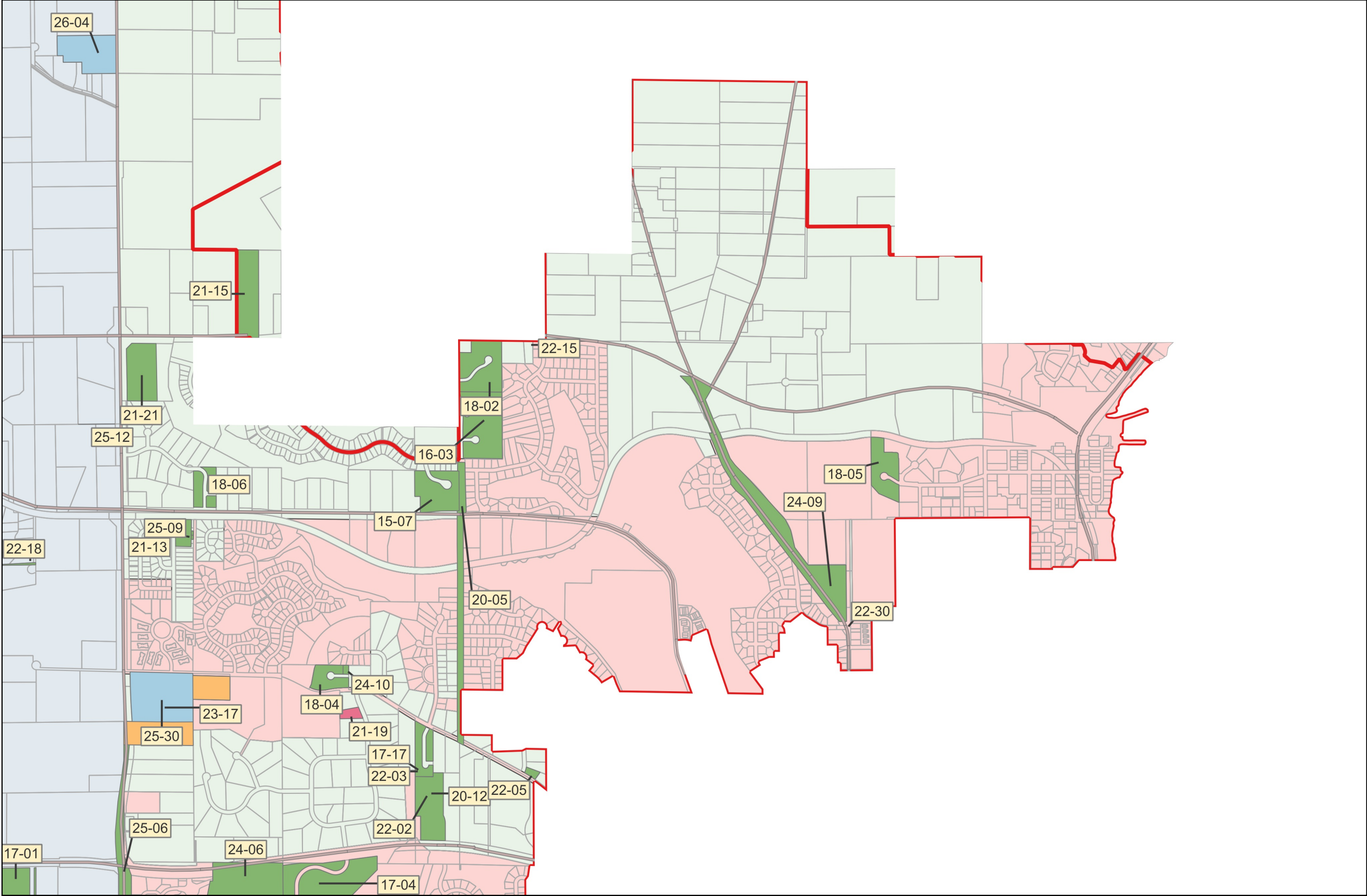
		4/29/2026	B
Ziegler Residence	25-24	4/8/2026	B
		4/29/2026	A
Elliot Crossing Block 1 Lot 4	25-26	4/7/2026	C
		4/15/2026	B
		4/22/2026	B
		4/29/2026	B
Elliot Crossing Block 1 Lot 5	25-27	4/7/2026	B
		4/15/2026	C
		4/29/2026	C
Chick-Fil-A	25-28	4/29/2026	A
Elliot Crossing Block 1 Lot 2	26-01	4/7/2026	B
		4/15/2026	B
		4/29/2026	B

Explanation of Grades:

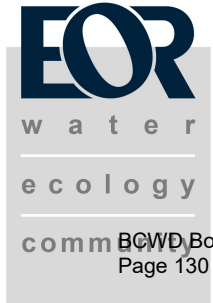
Permit 25-27 Elliot Crossing Block 1 Lot 1:

The site has had repetitive maintenance items due to no stabilization of disturbed soils. The D grades are due to lack of keeping up with maintenance and a small amount of sediment travelling offsite. Good communication came from the builder this week with guarantees to maintain BMPs and restoration of the site occurring the week of May 11, 2026.

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Author: Paul Nation
Layout: Permit Update Map



Permit No.	Applicant/Permit Name	Status
15-07	Brown's Creek Cove	Active
16-03	The Ponds at Helfort Hills	Active
17-01	White Oaks Savanna	Active
17-04	The Lakes of Stillwater	Active
17-17	Westridge	Active
18-02	Helfort Hills Estates	Active
18-04	Boutwell Farm	Active
18-05	Heritage Ridge	Active
18-06	Nottingham Village	Active
20-05	Neal Avenue Reconstruction	Active
20-12	White Pine Ridge	Active
21-13	Marylane Gateway	Active
21-15	Schwartz Residence	Active
21-21	Millbrook West Park	Active
22-02	White Pine Ridge, remaining lots	Active
22-03	Westridge, remaining lots	Active
22-05	13290 Boutwell Rd N	Active
22-18	Stillwater Oaks	Active
23-17	Sundance Stillwater	Pending
24-06	Rutherford Elementary	Active
24-09	CSAH 5 Phase 3	Active
24-10	Boutwell Farms Lot 1	Active
25-06	CSAH 15 Pavement Preservation	Active
25-09	Dockter Residence	Active
25-12	Doede Residence	Active
25-18	Deininger Residence	Active
25-30	Brixton Townhomes	Review
26-04	Bergmann Residence	Review



Active Permit

Conditional Approval

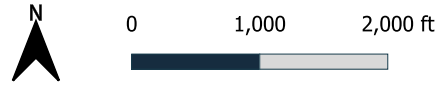
Under Review

BCWD Political Boundary

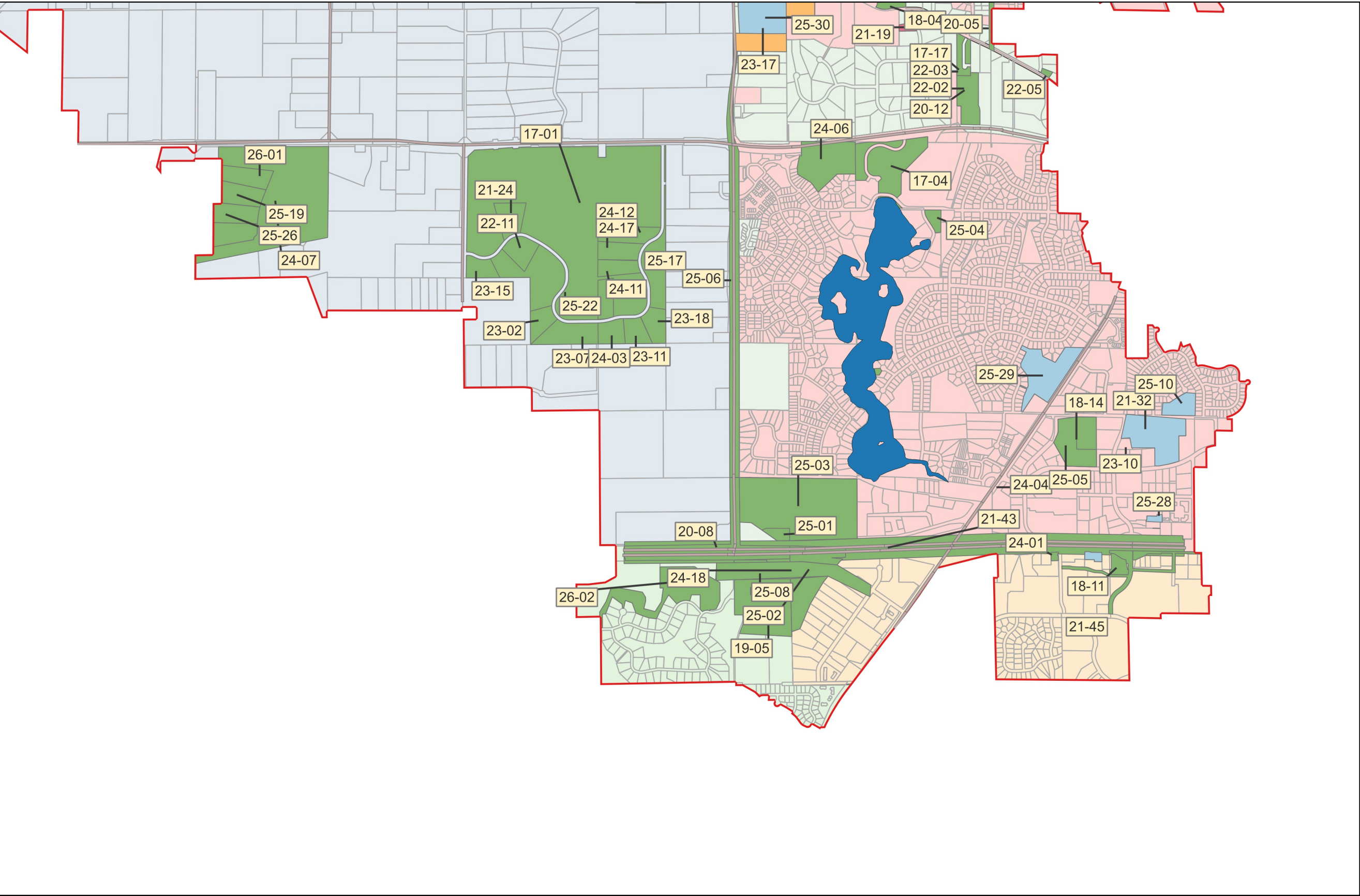
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BCWD Permit Sites
May 8th, 2026

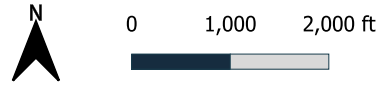


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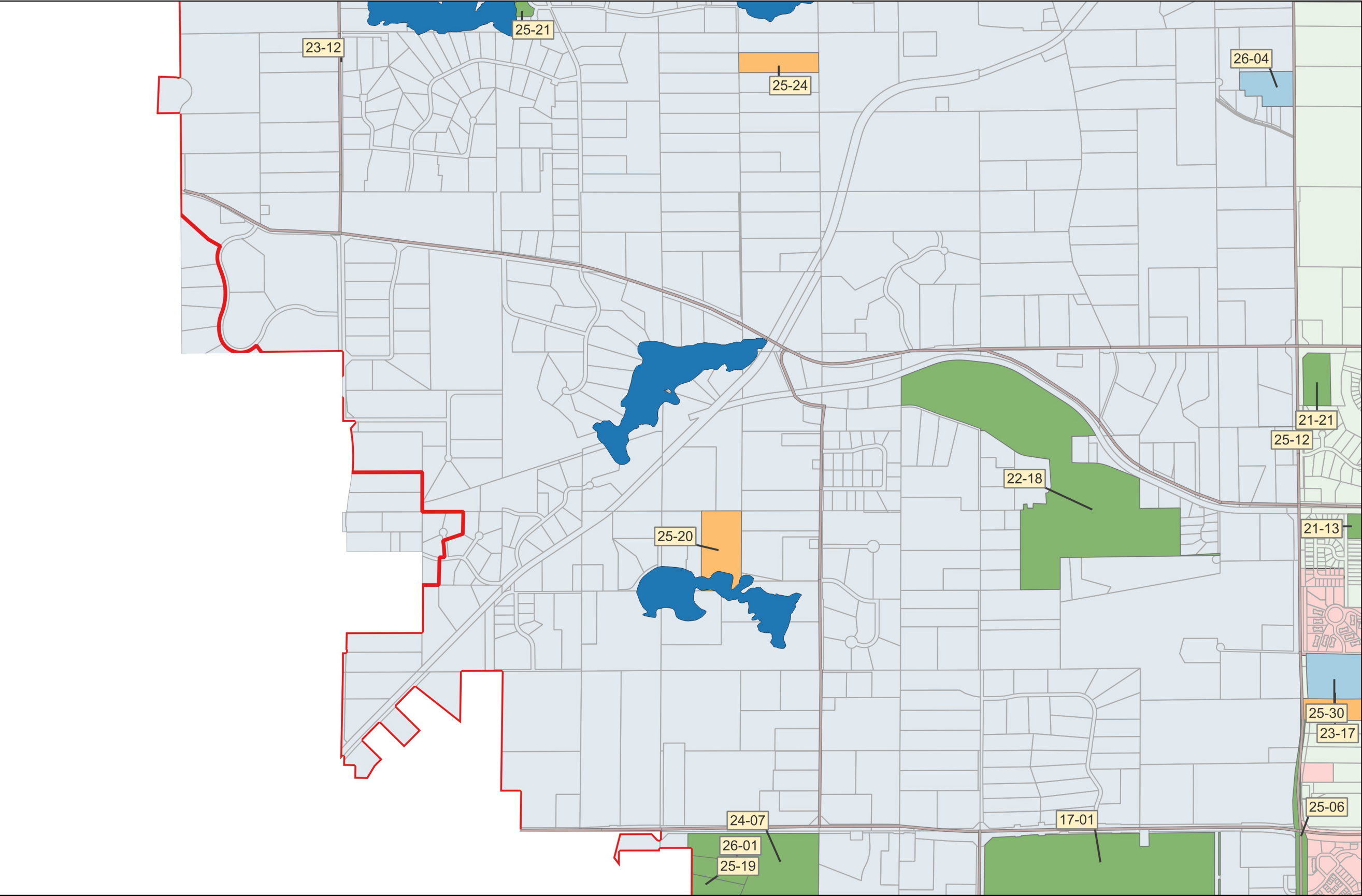


Permit No.	Applicant/Permit Name	Status
17-01	White Oaks Savanna	Active
17-04	The Lakes of Stillwater	Active
17-17	Westridge	Active
18-04	Boutwell Farm	Active
18-11	Ridgecrest	Active
18-14	St. Croix Valley Recreation Center Expansion	Active
19-05	Central Commons	Active
20-05	Neal Avenue Reconstruction	Active
20-08	TH36 CSAH 15 Interchange	Active
20-12	White Pine Ridge	Active
21-24	Nepal Residence - WOS B1L3	Active
21-32	Lakeview EMS	Review
21-43	MnDOT TH-36	Active
21-45	Norell Avenue Improvements	Active
22-02	White Pine Ridge, remaining lots	Active
22-03	Westridge, remaining lots	Active
22-05	13290 Boutwell Rd N	Active
22-11	Wiechmann Residence	Active
22-19	Miller Flood Protection	Active
23-02	Tweden Residence	Active
23-10	Curio Dance Studio	Active
23-11	Freiroy Residence	Active
23-15	Mensah Residence	Active
23-17	Sundance Stillwater	Pending
23-18	WOS Lot 124 Heck Residence	Active
24-01	Take 5 Oil Change	Active
24-03	WOS Lot 120 Hilgert Residence	Active
24-06	Rutherford Elementary	Active
24-07	Elliot Crossing/ Indian Hills	Active
24-11	WOS Lot 127 Karr Residence	Active
24-12	Carlson Residence	Active
24-17	WOS Lot 129 Weatherby	Active
24-18	CSAH 15 Frontage Road	Active
25-01	Curve Crest Utility	Active
25-02	Anderson Holdings	Active
25-03	Lakeview Hospital	Active
25-04	Kranz Residence Addition	Active
25-05	St. Croix Recreation Center	Active
25-06	CSAH 15 Pavement Preservation	Active
25-07	Castillo Residence	Active
25-08	CSAH 15B Construction	Active
25-10	Stillwater Wellhead 10 PFAS Treatment	Review
25-17	WOS Lot 128 Morud	Active
25-19	Elliot Crossing Lot 3 Block 1	Active
25-22	WOS Lot 117 Upadhyaya	Active
25-26	Elliot Crossing Lot 4 Block 1	Active
25-27	Elliot Crossing Block 1 Lot 5	Active
25-28	Chick-fil-A	Review
25-29	Sunrise Park Trail	Review
25-30	Brixton Townhomes	Review
26-01	Elliott Crossing Lot 2 Block 1	Active
26-02	Sanctuary WWTF	Active
26-03	7Brew Coffee	Review

BCWD Permit Sites
May 8th, 2026

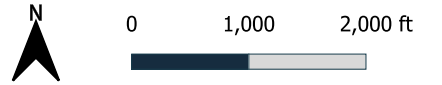


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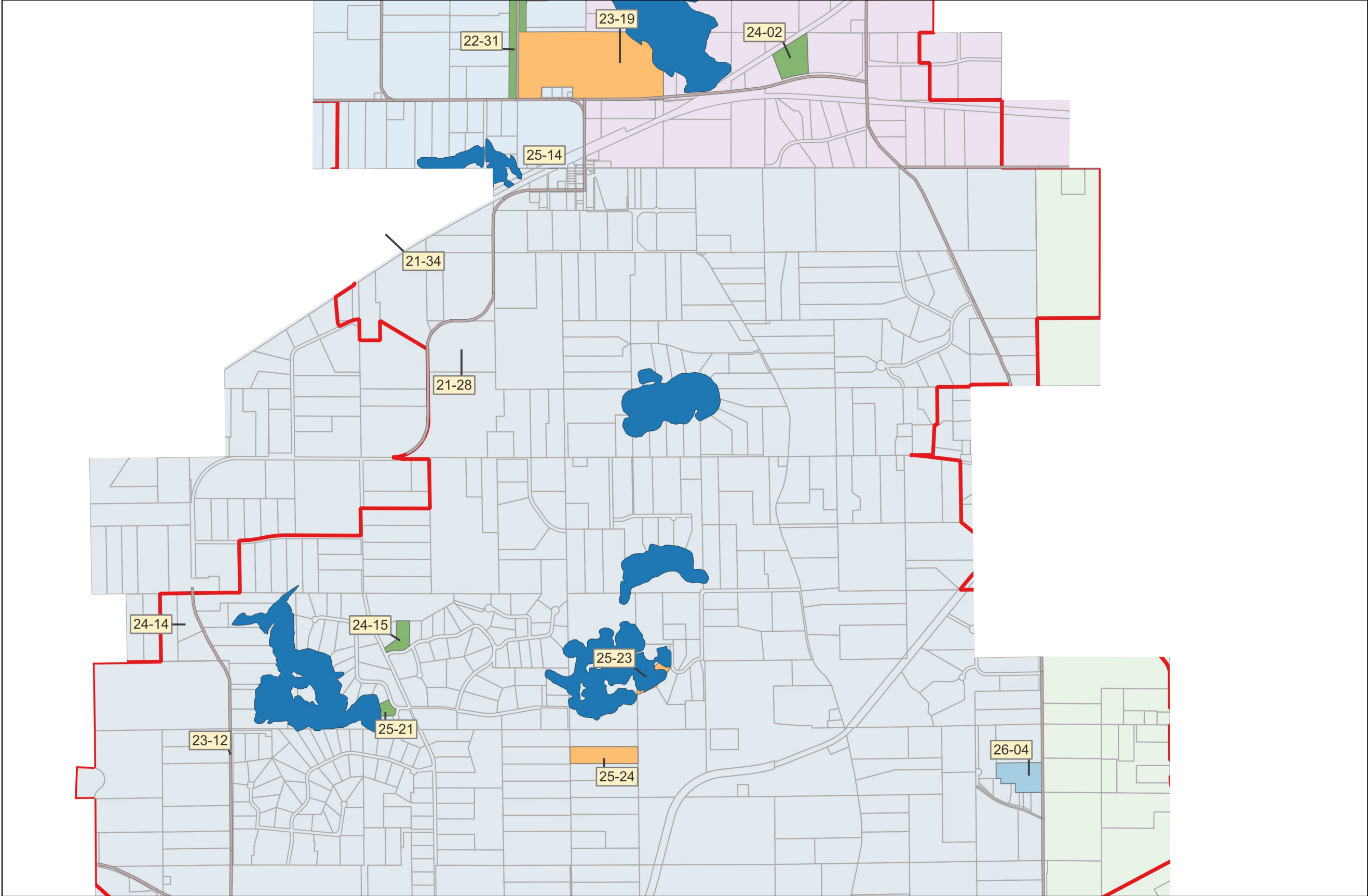


Permit No.	Applicant/Permit Name	Status
17-01	White Oaks Savanna	Active
21-13	Marylane Gateway	Active
21-21	Millbrook West Park	Active
22-18	Stillwater Oaks	Active
23-17	Sundance Stillwater	Pending
24-07	Elliot Crossing/ Indian Hills	Active
25-06	CSAH 15 Pavement Preservation	Active
25-12	Doede Residence	Active
25-19	Elliot Crossing Lot 3 Block 1	Active
25-20	Nike Henry Pool	Pending
25-21	Bryant Tree Removal	Active
25-24	Ziegler Pole Shed	Pending
25-30	Brixton Townhomes	Review
26-01	Elliott Crossing Lot 2 Block 1	Active
26-04	Bergmann Residence	Review

BCWD Permit Sites
May 8th, 2026



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Author: Paul Nation
Permit: Update
Map



Permit No.	Applicant/Permit Name	Status
21-28	Guerrino Residence	Active
21-34	Fahey Residence	Active
22-31	County Road 57 Culverts	Active
23-19	Liberty Academy Expansion	Pending
24-02	Schuster Residence	Active
24-14	Wick Residence	Active
24-15	Lorntson Property	Active
25-14	Husnik Residence	Active
25-21	Bryant Tree Removal	Active
25-23	Kismet Basin Septic System	Pending
25-24	Ziegler Pole Shed	Pending
26-04	Bergmann Residence	Review

EORecology

water ecology

community

Active Permit

Conditional Approval

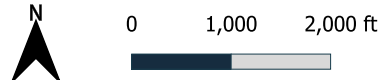
Under Review

BCWD Political Boundary

BCWD Board Packet 5-13-2026

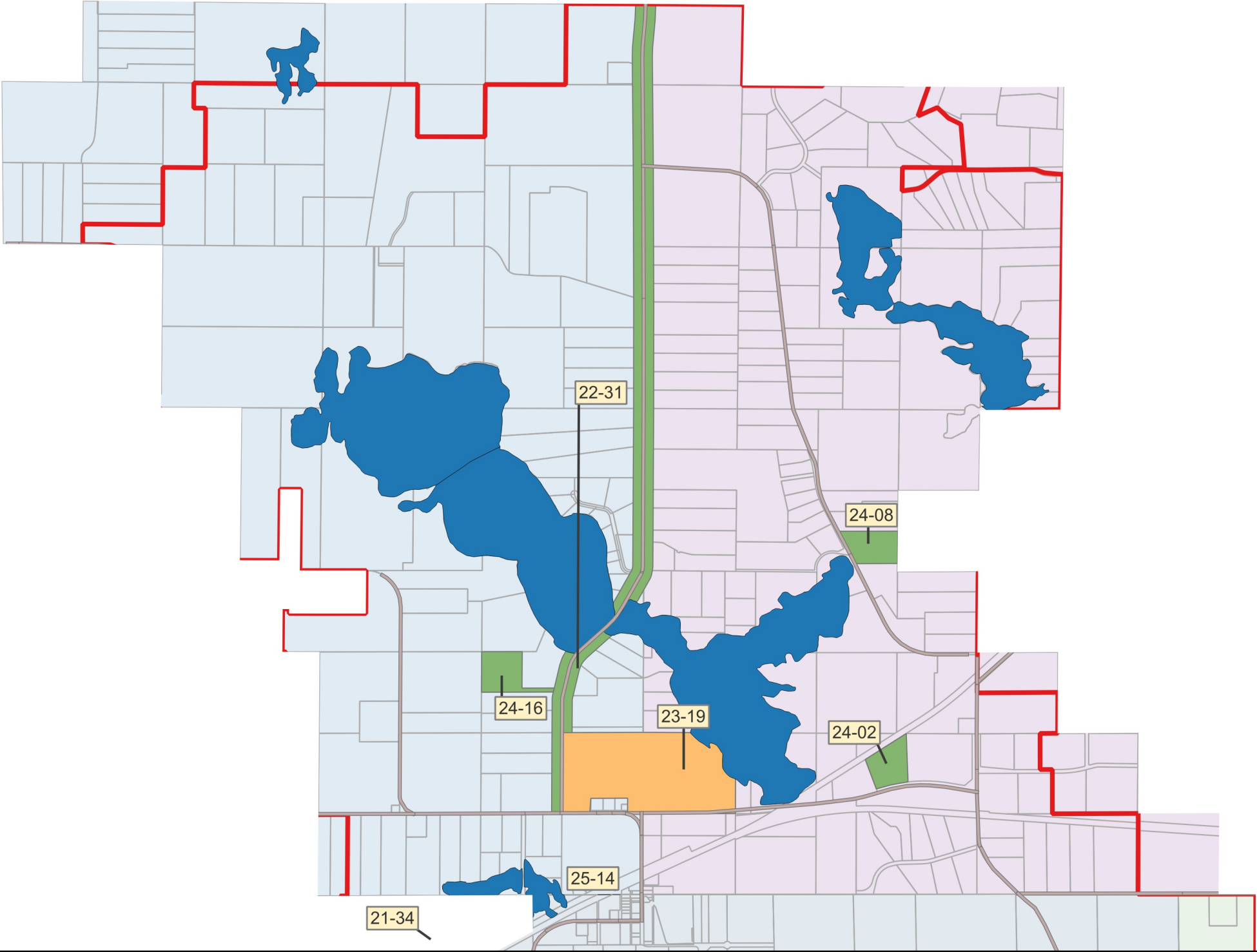
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BCWD Permit Sites
May 8th, 2026



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Permit No.	Applicant/Permit Name	Status
21-34	Fahey Residence	Active
22-31	County Road 57 Culverts	Active
23-19	Liberty Academy Expansion	Pending
24-02	Schuster Residence	Active
24-08	Altendorfer Residence	Active
24-16	Goodsell Residence	Active
25-14	Husnik Residence	Active



- Active Permit
- Conditional Approval
- Under Review
- BCWD Political Boundary

BCWD Permit Sites May 8th, 2026

