

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, Minnesota 55155

In the Matter of the review of the Watershed
Management Plan for the **Brown's Creek**
Watershed District, pursuant to Minnesota
Statutes Section 103B.231, Subdivision 9.

ORDER
APPROVING
A WATERSHED
MANAGEMENT PLAN

Whereas, the Board of Managers of the Brown's Creek Watershed District submitted a Watershed Management Plan (Plan) on June 11, 2026, to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

Whereas, the Board has completed its review of the Plan;

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

1. **Watershed District Establishment.** The Brown's Creek Watershed District (BCWD) was established in 1997 when the Brown's Creek Watershed Management Organization was unable to resolve flooding issues in Goggins Lake, Plaisted Lake, School Section Lake, and Kismet Basin. This chain of lakes had merged due to rising water levels to form one shallow, 440-acre basin. Nearby homes and septic systems flooded, resulting in property damage and threatened lake water quality. Since that time, BCWD's role has expanded to address all facets of water resources management, including protecting and restoring Brown's Creek and adopting stormwater management rules. The Brown's Creek Watershed Management Organization prepared its first-generation watershed management plan that the Board approved in 1990.
2. **Authority of Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The current BCWD watershed management plan was approved by Board Order on September 28, 2016. Subsequently, the BCWD completed two minor amendments in 2017 and 2019.
3. **Nature of the Watershed.** The BCWD is located entirely within central Washington County in the eastern Twin Cities metropolitan area (metro). Its 28 square mile jurisdiction includes portions of seven cities and townships, including parts of Stillwater, Hugo, and Lake Elmo. BCWD is the smallest watershed district by area in the state, though it still contains a bounty of small lakes and wetlands. BCWD is bounded by Valley Branch Watershed District to the south, Rice Creek Watershed District to the west and north, Carnelian-Marine St. Croix Watershed District to the north and east, and the Middle St. Croix Watershed Management Organization and the St. Croix River to the east, the latter of which the entire BCWD drains to. Historically, BCWD's focus has been on alleviating flooding and protecting Brown's Creek (one of the few metro trout streams) from the impacts of development, necessary commitments considering nearly 37% of the land cover in the watershed is impervious surfaces.
4. **Plan Development and Review.** On December 14, 2023, the BCWD sent notification of initiation of the planning process for the development of the 2027-2036 Watershed Management Plan (Plan) to the plan review agencies

and other parties as required by MR 8410, and solicited each agency's priority issues, summaries of relevant water management goals, and water resource information. An initial planning meeting/public kickoff event with the convened Technical Advisory Committee (TAC), made up of plan review authorities and other governmental units within the watershed, was held on July 9, 2024. BCWD solicited input from their Citizen's Advisory Committee (CAC) on June 10, 2024, August 12, 2024, October 14, 2024, and December 9, 2024. The TAC met again on August 20, 2024, October 22, 2024, and February 25, 2025. BCWD met with the TAC and CAC in April of 2025 to prioritize issues facing the BCWD, prioritize capital improvement projects, and prioritize programs and projects. A memo detailing the results of these prioritization meetings was shared on May 28, 2025. Finally, the TAC and CAC met in October of 2025 to provide input on budget and implementation activities. BCWD continued to solicit input from the Board of Water and Soil Resources up to the release of the 60-day draft Plan in February of 2026.

The draft Plan was submitted to Board of Water and Soil Resources (BWSR), other state and regional review agencies, and local governments for the formal 60-day review period on February 18, 2026, pursuant to Minnesota Statutes Section 103B.231 Subd. 7. The BCWD prepared a written response to the 60-day comments and sent responses to reviewers on May 14, 2026. A public hearing was held on June 10, 2026. The BCWD sent a final draft Plan to State and Regional Review Agencies on June 11, 2026. None of the state or regional review agencies had additional comments on the 90-day draft, stating that all of their previous responses were satisfactorily addressed in the latest draft. BWSR staff's final review of the Plan identified the needed elements of the plan content requirements have been met, although staff submitted to BCWD a list of minor clarifications and typos that will be addressed prior to plan adoption.

5. **Local Review.** The BCWD distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231 Subd. 7. Local written comments and edits were received from the City of Oak Park Heights, Rice Creek Watershed District, Valley Branch Watershed District, and Washington County. BCWD responded in writing to all comments.
6. **Metropolitan Council (Council) Review.** During the 60-day review, the Council commended the BCWD for developing a watershed management plan that includes a thoughtful overview of the composition of the watershed, as well as a discussion of what makes this watershed unique with a thorough and thoughtful listing of issues, associated goals, and actions. The Council also applauded the incorporation of climate change and equity considerations throughout the Plan, and thought that the inclusion of a "How to Read this Plan" section demonstrated a dedication to public accessibility to the data. Several comments were regarding inconsistencies in the plan or requesting additional clarity. The Council advised the BCWD to make a clearer connection between some implementation activities with funding streams and associated tables. During the 90-day review, the Council again congratulated the BCWD for their work on this Plan, and stated that all of their comments on the 60-day draft were incorporated.
7. **Department of Agriculture (MDA) Review.** MDA did not provide any comments on this Plan.
8. **Department of Health (MDH) Review.** During the 60-day review, MDH commended the BCWD for their high priority focus on groundwater and drinking water, for the inclusion of pollutants of emerging concern that affect groundwater, for climate change being considered for all issues, and much more. MDH mentioned several areas that had typos or that could benefit from clarification. MDH recommended that several water quality goals be re-worded to be more inclusive of the groundwater/surface water interaction, that there be more discussions of DWSMAs, and that some information in the land and water resource inventory be updated to more accurately reflect the current state of groundwater in the watershed. During the 90-day review, MDH stated that all of their comments on the 60-day draft were incorporated, that they had no further comments, and that they fully support the adoption of the Plan.
9. **Department of Natural Resources (DNR) Review.** During the 60-day review, the DNR commended the BCWD for including the "Score your Shore" assessment in an implementation activity, stating that it will provide valuable

information about lake health and help identify opportunities for shoreline restoration. The DNR recommended that a discussion on how threatened and endangered species are regulated be included, that a discussion on rare and natural communities be included, and that more benefits of using native plants be included. The DNR also listed a few typographical errors to be fixed. The DNR did not have any further comments on the 90-day draft.

10. **Pollution Control Agency (PCA) Review.** During the 60-day review period, the PCA commended the BCWD for creating a well-written plan that was concise and thorough. The PCA did not have any other comments. The PCA did not have any comments on the 90-day draft either.
11. **Department of Transportation (DOT) Review.** The DOT did not provide formal comment.
12. **Board Review.** During the 60-day review, Board staff thanked the BCWD for holding Technical Advisory Committee meetings during plan development to provide input on early drafts. Board staff commended the BCWD for evaluating implementation activities through the lenses of climate change and equity. Board staff found the plan to be incredibly comprehensive with remarkable attention to detail. Innovative strategies for resource conservation and water quality improvement were discussed, and emerging issues, such as data centers, were even referenced. Staff also had comments on goal measurability and other suggestions to help bring the plan into conformance with Minnesota Statutes Sections 103B.201 to 103B.251 and Minnesota Rules 8410. Staff also sent unofficial typographical, grammatical, and formatting comments. Staff felt the Plan was revised as necessary to provide required Plan content.
13. **Plan Summary.** The Plan has 15 issue categories. Many of the categories and sub-issue areas are the same as those identified in previous Plans, with Pollutants of Emerging Concern being a new addition. The rest of the categories are: Stormwater Runoff Management; Erosion Prevention and Sediment Control; Stream Management; Lake Management; Wetland Management; Floodplain and Flood Management; Groundwater Management; Ecological Health; Monitoring and Data Collection; Regulations; Recreation; Education, Outreach, and Stewardship; Land Conservation; and Funding. A primary goal is associated with each of the issue categories. Each issue category is further divided with sub-issues that have an overarching policy, goals to meet the policies, and implementation activities associated with each goal.

In preparing this Plan, BCWD evaluated its programs, policies, and projects through both climate change and equity lenses to ensure that future actions not only strengthen resilience in natural systems, people, and infrastructure, but also address historical gaps in equity. The overall health of the resources in the BCWD are improving since the last generation plan, evidenced by the fact that Plaisted Lake was delisted from the impaired waters inventory. BCWD will continue to improve water quality, maintain and improve ecological health in the watershed, and target pollutants of emerging concern like PFAS and microplastics.

14. **Central Region Committee Meeting.** On August 3, 2026, the Board's Central Region Committee and staff met in St. Paul and online to review and discuss the final Plan. Those in attendance from the Board's committee were Joe Collins, Jayne Hager-Dee, Jill Crafton, Mike Runk, Annie Felix, Mark Zabel, Heather Johnson, and Steven Nyhus. Others in attendance included Board staff Josh Norman, Gretchen Asuncion, and Marcey Westrick, and Karen Kill and Hannah Peterson from BCWD. After presentation and discussion, the committee unanimously recommended approval of the Plan to the full Board.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving the Watershed Management Plan for the Brown's Creek Watershed District (BCWD) pursuant to Minnesota Statutes Section 103B.231, Subd. 9.
3. The BCWD Watershed Management Plan, attached to this Order, defines the water and water-related problems within the BCWD's boundaries, possible solutions thereto, and an implementation program through 2036.
4. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Brown's Creek Watershed District's Watershed Management Plan submitted on June 11, 2026.

Dated at Detroit Lakes, Minnesota this 27th day of August 2026.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



BY: Todd Holman, Chair