



**MINUTES
DEVILS LAKE WATER IMPROVEMENT DISTRICT
REGULAR MEETING**

**DLWID OFFICE
October 2, 2008
6:00 P.M.**

PRESENT: Jack Strayer
Smokey Aschenbrenner
Otis Winchester
Brian Green
David Juenke

ABSENT: None

AUDIENCE: Randy Weldon
Raylene Erickson, PADL

STAFF: Paul Robertson
Michelle Millage, Intern

MEDIA: Kate Rowland, *Newport News Times*

Green called the meeting to order at 6:00 p.m.

Minutes.

Minutes from September were reviewed. Winchester moved and Juenke seconded approving the minutes as submitted.

Vote: Unanimous. Motion carried.

Minutes of the Special Meeting from July 29 were reviewed. Aschenbrenner moved and Juenke seconded approving the minutes, with three minor changes that were submitted by Strayer.

Vote: Unanimous. Motion carried.

Financial Report.

Robertson covered the financial report and explained a few minor issues and changes.

Winchester moved and Strayer seconded approving the Financial Report.
Vote: Unanimous. Motion carried.

Public Comment

None

Unfinished Business

Boat House/Docks.

Dan Avery from ODFW sent Robertson an e-mail indicating that they have completed their guidelines for this issue. It is not clear how DSL will move forward, but it appears that they will deal with each case on an individual basis. Robertson stated that it might be good for the District to push forward on the project. The draft of the ODFW guidelines shows a total dock area of 144 square feet, not to exceed six feet in width and 24 feet in length, with 60% grading so that light can penetrate. There is a restriction for a ramp grading of four feet, and ramps should not extend out more than 10% into the water. Deck wood should not be treated, and the DSL should require a registration number. These restrictions will apply to new construction only. ODFW is a non-regulatory agency that makes recommendations to DSL, who will review the guidelines.

Bioswale Update.

Robertson reported that a design has been completed and the city and NRCS is moving forward. Raylene made contact with the City and they seems to be progressing. It will be located at Voris Park. DEQ has provided a grant of \$3,000 for the project. Green asked if there was a time frame and Robertson replied, "No."

Lake Level Update and public comments.

Randy Weldon reported that he is continuing research on lake levels which he will complete by next month. Strayer asked what type of study he is work on. Weldon replied that he is taking photos as well as reviewing some coordinates. He is concerned about the upcoming rains, and still would like to see the lake remain at a nine-foot level. The people who signed his petition are concerned.

Robertson reported that the lake level is currently down to 9.5 from last week and has only varied a few inches over the last month. He said that with any reservoir, a shoreline is created and debris is collected. What has happened in the past is that cyanobacteria comes downstream, blocking at the D River that provides a refuge for it to accumulate, thus creating a problem. Also, there is a correlation between water becoming stagnated and cyanobacteria accumulating. Strayer asked how far back from the dam it accumulates and Robertson replied up to 100 feet. Juenke asked why the dam was created.

Robertson replied that it was for the recreational use permit that the District applied for in 1996—it is a 12-year-old issue. Previously, there was only a fish screen that was continuously being damaged. When ODFW said they didn't have to have a gate there for the grass carp, an application for a recreational water use permit was obtained and is now in effect.

Discussion continued regarding the concrete base and the fact that sand is building up next to the dam. Strayer suggested that maybe the dam should be removed and Robertson said he had considered it. There are aspects of the dam that are advantageous. In the wintertime the dam is gone and the concrete dam prohibits the sand from moving in. Removing the dam in the summertime would encourage better growth on the shoreline when the water is lower. Healthy plants would adapt to the variable level. Strayer and Green recalled that the lake went down to seven feet when there was no dam, just a natural dam. In 1986, the concrete was inserted. Strayer said if anyone proposed taking out the dam, there would be public outcry. Green reminded them that removing the dam would bring the lake level down to seven feet. He said the level of the lake is 8 feet above sea level and there would be a whole lot of lake level lost. The lowest people are requesting now is at nine feet, so the dam should be retained if the level is going to be maintained at nine feet or more.

Winchester asked if a permit could be obtained to dredge out the sand. Robertson replied that it wouldn't be a permanent fix. If the concrete were removed, there would be a deeper channel, but the sand would build up on one side and the water would alter the channel.

Juenke said that the District should consider the issue further when Weldon completes his information gathering. Green said he is going to propose a blog so that everyone could weigh in on where they want the lake level to be. The District is interested in the number of people who will be 50 feet from the shoreline if the dam were removed. That is an important factor. Winchester reminded that if the dam were removed, they would not be allowed a permit to install another one. Strayer said the lake level is 10.4 and Weldon's petition is for 9 feet. At that level, they would be surrendering a large percentage of the lake water. The extra water affects vegetation and water quality issues. Green said there is no need to rush to make a decision.

Strayer reported that he went to check out the issue raised by Mike and Janet Hughes during the September meeting. He said there is a 100-foot canal near their home that was created in 1959. He said it was dredged at that time to about eight feet. Hughes said the silting has brought it down to about two feet. Strayer said that instead of silt, it appears to be sloughing off the sides of the canal. The Hughes' have been mowing the grass that he said is a wetland, and it is about 150 feet from his house on a peninsula. Although it appears to be erosion, Strayer said, it probably isn't.

Robertson presented a letter from property owners in Leisure Bay. They wanted the Board to know that they don't feel that there is a problem with lake levels. They trust the judgment of the Board and appreciate a higher lake level and hope the Board will consider all facets of the lake before altering lake levels.

The Devils Lake Plan.

a. Native Revegetation

Strayer said Robertson submitted the application to DSL for \$620. It will be up to 120 days before the permit will be determined. Statelandsonline.com is the website for applications and their progress.

Robertson said that Dr. Toni Pennington, who works for Tetra-Tech, sent a proposal on the biologist/aquatic plant consulting. She has listed seven tasks with different scales for each task on a variable schedule. Green asked about Tetra-Tech and Robertson replied they are involved in anything to do with lakes. Strayer said the proposal was more in depth than he was considering for a biologist—he had been hoping for a graduate student. Robertson replied that he had found two contacts and only Pennington responded. She was also recommended by Dr. Systma from PSU. Strayer said that after reviewing the proposal, he has already completed some of these surveys. Robertson feels that using the B level of the proposal would cost about \$18,000. They could eliminate the portion on the type of exclosures, site selection and evaluation of experimental exclosures. The Board agreed that having had no specifics, this proposal was very helpful. They now have another guiding document obtained at no cost. Robertson reported that the budget for this portion is \$25,000 with \$13,000 existing and the balance to be obtained from other sources.

b. SolarBees

Green said SolarBees received his proposal, but he has not received a reply. He said if the District could receive full credit from rental payments, it would be great. Juenke asked if SolarBees offers a money-back guarantee and Robertson replied that they offer an insurance policy. Juenke said that if Green could not get the clause he was seeking, then they might be better off buying some of the units and returning them if they were unsatisfactory after two years. Green said if they were installed as late as March, they would probably have some effect on the blooms before the summer. Robertson said one benefit of installing them in the fall is that plants have resting stages and if you can disrupt the plants during their resting stages, you would have more success.

Robertson showed slides from Willow Creek, which he visited on his way to Wallowa. It is a large lake with a concrete dam, and the reservoir is in pretty bad condition with many nutrients. There is a hog farm nearby, and Robertson said it doesn't appear that the SolarBees will be successful since they require 8 or 10 units and only have two.

Robertson said he did not feel that a two-year project would be effective on Devils Lake. There is a 100-year development and that's a lot to undo. He asked if the Board wanted him to go forward with the easement and application for placement of fill in the lake. The cost would be \$750 for a 30-year easement and \$620 for the removal/fill project. Green said he would like to hold off until he hears back from SolarBees for their second response.

On insurance, Robertson reported the cost would be \$322 per year per machine to insure for liability and damage. He does not know the liability amount; however, replacement would be to functional value replacement, which is better than actual value.

Audit Contract.

Aschenbrenner moved that the contract for an audit be approved at \$3,300. Juenke seconded the motion. [Robertson reported that he has ordered the audit].

Vote: Unanimous. Motion carried.

Cyano-Watch Update

Michele Millage showed her schedule on toxicity levels. She said on the 9/16 sample, the plan was for the restrictions to be lifted; however, additional samples were required. She ordered additional supplies. They took the two worst samples from those from 9/22, sending one for DNA testing to Dr. Dreher and one to MaryBeth Gibbons for cell counts. The next sampling is 10/7 and they will be at Regatta Grounds and Sand Point.

Robertson said they received a great deal of information for \$50 from MaryBeth. The toxins are in excess of the guidelines on the website and some of these toxins have not been found previously. Millage said some people may become ill, and may or may not even connect their illness to a lake issue.

Robertson said he received a message from DEQ that the District has been placed on a grant list with a placeholder of \$25,000 for testing/research on anabaena. This amount could be used for the modeling for SolarBees.

Millage showed a graph she has created of all cyanobacteria in three separate locations on the lake where the most information is available.

Website www.DLWID.org and Google Analytics

Robertson showed information on the hits to the website. At one point, more than 52 people researched the website.

Millage has created a list of all the supplies necessary to complete a test. She said that the more samples you run the more cost effective it is. It costs \$86 to do the first sample, for five samples the cost is \$130, with increments of one, five or nine samples. Five would be for four days or a month's supply.

New Business

OLA

Robertson would like to see developed a lake-assist program. This would include a schedule for a self-assessment for home owners who are interested in assessing their contributions to lowering the nutrient levels of the lake.

Senior Fair

This fair has been budgeted for October 14 and 15. Juenke asked if enough exposure is generated to justify the time and expenses. The Board agreed it was worthwhile.

SDAO Property & Liability Coverage Renewal

This is an acronym for Special Districts Associations of Oregon. Robertson said there is a credit for renewing insurance with them by December 1 to lock in the rate with no increase. Winchester moved and Green seconded authorizing Robertson to renew the insurance.

Vote: Unanimous. Motion carried.

Public Comment Blog

Green says he feels a blog would be a good idea for folks to provide information and weigh in on lake levels. Everyone who is interested could see the comments and contribute. It would be an official way to handle all the comments and opinions rather than receiving one-on-one contacts. A disclaimer would be added indicating that the site is not moderated and the author is solely responsible for what he or she places on the blog. Aschenbrenner asked if there was a cost; Robertson said there are some free sites you can use for blogging. Robertson showed the moderated blog that Raylene (PADL) has on her website. Robertson said he could research the options and will check with Raylene to see how she established PADL's blog. Green would like to have people post their real name and e-mail address.

Green Acres Grant

Robertson said he and Millage and Kate Danks from NRCS met with Gary Fromm last month, the new owner of Green Acres. In the course of the visit, Fromm agreed to move his fence for the benefit of the lake. Millage wrote a grant application to try to obtain funds for him to move his fence, including photos and a seven-page form. Robertson feels it will be successful. Fromm's fence extends 1,200 feet on the shoreline of Seid Creek. ODFW will be involved. Fromm said he will move the fence regardless of the grant application's success, but would appreciate the funds.

TLC Checking Account #2 Improvement Fund

Robertson feels that as the District proceeds with projects relating to lake improvement, it is necessary to open a second local checking account to manage these funds. The first \$620 for the native revegetation permit application would have come out of this account. Green moved and Juenke seconded Robertson's opening an account for lake improvement funds.

Vote: Unanimous. Motion carried.

Non-Agenda Items

Robertson recommended moving the January 1st meeting to January. 8. Green moved and Strayer seconded moving it to the second week.

Vote: unanimous. Motion carried.

Millage reported that she reviewed the cyanobacteria protocols that Robertson wrote some time ago, has edited them and created a spread sheet on ordering and the inventory that should be on hand at all times.

Robertson said that funds for Millage's internship are nearly depleted and that she has only two more weeks of funding. Juenke said he would like to see her remain long

enough to complete the testing samples on the lake until cold weather arrives. This would develop a case profile that would be extremely helpful in future years. The more information gathered this year, the better. This will increase the effectiveness in judging the success of the SolarBees' project. Green asked if she could extend her contract until the next Board meeting in November. Millage said that as long as there is work to be done, she would be happy to stay. Robertson said that with two weeks remaining, another \$14 per hour for two additional weeks would be about \$1,120, which is nearly one-fourth of the available consulting budget. If she remains until the Board meeting in November and provides a final report, the cost will be an additional \$1,600.

Winchester moved and Aschenbrenner seconded continuing Millage's internship to November 6, which for an additional amount of approximately \$1,600.
Vote: Unanimous. Motion carried.

Robertson showed slides of the sites with which DSL had issues, including the 11th Street fill and the one at 2551 E. Devils Lake Road, where the owner installed the concrete barrier.

Public Comment

None

Announcements

KBCH 1400 AM, October 7, 2008
Erosion Control Seminar, October 9, 2008.
NALMS – Lake Louise, November 10-15, 2008

The meeting adjourned at 8:45 PM.

Respectfully submitted,
Linda Burt