



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

**DLWID OFFICE  
September 3, 2009  
6:00 P.M.**

**PRESENT:** Jack Strayer  
Otis Winchester  
David Skirvin

**ABSENT:** Brian Green, excused, 1 Vacancy on Board

**AUDIENCE:** Raylene Erickson, Donna Elsasser, Randy Dorsing, Sharon and Dennis DuBose, Jim Covert, Randy Weldon, Larry Brown, Tony McCasline, Larry and Mariellen Rich, Bill and Sue Henderson, Bill Pigott, Avette Gaiser, Mitch Moore

**STAFF:** Paul Robertson and Hannah Nicholls, Intern

Jack Strayer (Chair) called the meeting to order at 6:00 p.m. in the absence of Brian Green who had a family emergency.

**Minutes of Previous Meeting:** Otis Winchester moved for approval of the Minutes of the August meeting; motion seconded by Skirvin.  
Vote: Unanimous. Motion carried.

**Financial Report:** Paul Robertson reported that \$47,054 was moved from last year's savings into reserve in two segments. Transactions were from the previous budget year. There is \$22,000 in the local account. Winchester moved for approval of the financial report; Skirvin seconded the motion.  
Vote: Unanimous. Motion carried.

**Board Appointment/Swearing in of Board Member:** Votes were tallied; Randy Weldon received three votes and was sworn in as the newest DLWID Board member.

**Public Comments**

Larry Brown had some suggestions for the Board. He has been keeping track of the water testing over the last several months and the public notices posted indicating the conditions of

the lake. He doesn't think they accurately reflect the hazards of the Lake. He doesn't think they have an acute hazard on the lake. The readings are 2 ½-3 times the World Health Organization's drink water limit and if you look you never see anyone die from all of those (in the world) from what we are testing for. If interested in cyanotoxin levels in the lake, test in summer; test one time a month. Send someone every day and tell what the level is that day. Make sure it is accurate.

Jack Strayer: Said they are accurate. He said there is a discrepancy in what Oregon thinks and the World Health Organization, but that can't be decided here. The stick signs around the Regatta are advisory, not prohibiting, don't have authority to do that, it is only advisory.

Larry Brown: What have we accomplished? Assess accurately; don't chase people off the lake for no reason. If testing, show up in waders and go to a good sized water to test.

Hannah: We do wear waders.

Strayer: We should be accurate, but have to abide by the State standards.

Weldon: Comment re health alert – people's first glance at red alert is that the lake is shut down. How it comes across could have some fine tuning.

Avette Gaiser: Has a Bed & Breakfast on Devils Lake. She asked guests why they don't rent a boat and they say they heard the lake has a problem. She feels her business has not been impacted by the warnings on the lake. She tries to get them to rent boats and use the lake.

Sue Henderson: Wants more clarification. She reads ratings online and takes them serious. Are readings just in the lake, not around shoreline? Is she being unwise to let her children go in the water?

Strayer: A lot of discussion of what is a hazard still is not reconciled; not new to lake, thinks it has gotten worse.

Paul Robertson: Comments re lake levels - 2005 State of Oregon guidelines for cyanobacteria came out. In the first year we put out information (GREEN Sheets) in the second year we started the cyanobacteria enumeration. The following year the thought was if there are toxins in the water, we should invest in supplies to run lab to test for them. The lab is the same equipment used by the US Geological Survey, to analyze for cyanotoxin. If there are eight parts per billion toxins in water there is deemed to be an epidemiological risk. That is what you look at.

Strayer: Where is the line at the hospital?

Paul Robertson: People do get sick from cyanotoxins. Dogs get sick because they swim, drink, and lap off their fur. Pets are at more risk than a child. Anatoxin is often the attributed toxin as it is much more deadly, and is something cyanobacteria present in the lake can produce. Someone asked how much to get sick? Paul said from his memory it was around a gallon of the water when the level was 8ppb (This was based on a 20 kg child (55#)). If the concentration of the toxins was higher, than the volume of water would be much less. (e.g. Based on the previous estimate, if the concentration was at 128 ppb, someone would ingest as little as a cup (8 oz) and likely get sick.)

Bill Pigott: He has been researching why we are scaring people the way we are. It is 20 kg and not African drinking water. He has heard people say they are not bringing their boat because they got a thing in the mail with a red alert on it. Why was the warning escalated? It's scaring people. He read the Red Health Advisory. There were some in previous weeks and they did not jibe, so he thought too much going on for what he has been seeing on the lake. He has been lead to believe that all of a sudden we are throwing out red health alerts.

Paul Robertson: the state has revised their program and they have been looking at methods of evaluating the Lake and testing for toxins. Devils Lake has cut to the toxin, which is

congratulatory for them. They are developing this and it has gone through evaluations. They are working on looking at what the state says. There may be a learning curve for the district and the public. They have gotten up to speed and are reflecting that. He has the *E.coli* page people can look at showing the value of *E.coli* and problems up Thompson Creek. The problem at Regatta has been fixed. The visual material is fantastic regarding how we are trying to make it easy for people to look at data.

Bill Pigott: Believes collecting data needs to be done, but it seems to be presented in a way that is beyond what is necessary.

Larry Brown: Said yesterday there was a red health alert.

Randy Weldon: Wants to know what the guidelines are. Asked if we have rules and regulations on what we can post.

Paul Robertson: What we try to do is make information about the lake available on the shoreline.

Someone in audience asked if we could put in something in the information about the “gallon of water” that would be the amount required to ingest to get to the dangerous stage.

Paul Robertson: Said they could do that.

Bill Pigott: Says Paul is interpreting “to the letter.”

Someone in audience: She appreciates seeing the information about the levels, then someone says do not go in the lake, do not go in the water, do not swim in the lake, it is dangerous, you will die. She feels the message in her cul-de-sac is that you do not go in the lake and do not let your dog touch it. What about when it really does get bad? She has friends who will not come out if the lake is closed; they think red means not to come out.

Bill Pigott: The issue seems to be the signage. He says this is a tourist destination and all they see is red every week, always something wrong. He thinks that is overstating the situation. He says to be more realistic in how you present it. What if we do nothing with the signage? It is having an impact on the local economy and we are going overboard on the way we present it.

Avette Gaiser: Is there a way to indicate the safe things to do in this environment and the things that may cause a risk, a compromised way of doing it?

Paul Robertson: We have green information put out at the beginning of the season that people identify with and are making metal signs. Yellow signs, like the year before, when we see levels above a threshold that say: “caution cyanobacteria in Devils Lake.” He said we could improve on that. He said you don’t want to drink Devils Lake any time of the year; it has been dubbed the most polluted lake in Oregon dating back in the 1970’s. We have cyanobacteria. It needs your help, needs septic repaired, needs vegetation at the bottom of it. We all need to be focusing our energy on those things to restore from within by our community because it is our community that has been destroying it.

Jack Strayer: We need to report accurately on it. Maybe alternative language for the signage relating more about what it means.

Paul Robertson: We are limited by space. The goal has been to get the most information across in the most limited space.

Mariellen Rich: Why is the lake so low from last summer?

Paul Robertson: The lake level is artificially held in the summer. We have a dam at the end of “D River” to control it. Last year’s level was too high. There is a 10-year history of control level. Flooding at the campground was a pretty big driver for changing the dam level. The Department of Water Resources concluded that we were exceeding the height we can keep it at. It was set at a lower height this summer by about 5 inches to 9.35 instead of 9.9.

Randy Weldon: The old dam leaked down during summer, but the new dam held so well that it has only been since repair that the level has changed. The change has had impact, to let the lake behave on its own. Plants react better, shoreline plants react better. They have a new flow regimen and at some level the saturation causes the plants to die off.

Larry Brown: Things on the lake are getting better. He thinks a lot of things are better like sophisticated sand-fill septic. Things over time will help, but not over night.

Bill Pigott: In looking at what is going on, Thompson Creek keeps popping up, what is the problem? What can be done?

Paul Robertson: An intern will be starting soon to do a septic tank revitalization program which may include some money for people that can't afford repairs. DLWID has been seeking to work with Dr. Field from Oregon State who has developed the means of doing DNA based source tracking.

### **Unfinished Business**

Mitch Moore: RFP nutrient budget for the lake. Paul commented that Joe Eilers may be qualified, but his position at Solar Bees may skew him.

Robertson: He is well respected in his field.

### **Land-Use Complaints**

**2551 EDLR: no comments.**

**11<sup>th</sup> & EDLR: no comments.**

**Seid Creek: no comments.**

### **Lake Level**

The height of the dam is at 9.35 and holding. Water Resources inquired regarding the height of the lake and if it should be getting lower. Normally, you would say "yes," but there are a lot of other influences like wet lands being saturated, so the information is hard to assess.

Next time Greg Beaman of WRD is in the field he will do a flow level. Wetlands: At lake level the plants create a sponge effect, holding water in veins of plants. Permit says we are not supposed to impound more water past July 1st.

Randy Weldon: Questioned evaporation rates.

Paul says at the end of the day, inputs and outputs are pretty easy to notice. It goes back to use of the dam in the first place, creating an artificial environment in the last 10 years.

Weldon: The way to do is to install evaporation gauge. Randy searched on internet – they are a lot of money.

### **Devils Lake Plan**

#### **DEQ 319 Grant**

Paul Robertson said it has two tasks. A quality assurance product plan or check to enter into DEQ data base to be used by TMDL; they are jumping ahead to get this done because DEQ is going to set a review of Devils Lake within the next couple of years. The next task is to assess data according to the QAPP plan. There were given \$15,000 to do data base creation and doing QA plan and back checking data

### **Native Vegetation**

A vegetation planting guide will be a printed for planting with methodology for construction of the 1/8-mesh enclosure. Sample pages for plants that public will be able to download online.

Jack Strayer: Will get comments back to Paul. Ask them to share interim work plan with us. Board is okay with that. Paul is to get it implemented; a board member can sign. Strayer has been authorized to do it.

### **Whole Lake Circulation**

Paul was asked to investigate safety issues with boaters. A snowmobile struck one unit. Paul hasn't found any information on the internet of wrecks or injuries. He found Stubbs Bay, MN showing a feasibility study and recommendations.

Bill Piggott said he read online information and he feels the issue is "Is it needed?" Do we need them or not. Do we have a situation that requires our spending a million dollars or more? He hears only that we are looking online regarding safety issues. His impression is that we are about to write a check.

Jack Strayer: Also has concerns about whether they are needed.

Bill Piggott feels this is a lot of money to spend; maybe should be reconsidered down the road.

Jack Strayer: The Board is not ready to write check, can't afford it, maybe down the road.

Bill Piggott says it sort of morphed into a safety issue.

Jack Strayer: That is a concern.

Mitch Moore: Feels it was driven by a Resolution Winchester made to investigate safety and to look at the cyanobacteria on the lake. Revisiting the testing - Paul was directed to look for safety issues – look at cyanobacteria this year and what levels are around the world and the country to see what is toxic and what is not. They are doing this because if we don't find safety issues, we will go forward. The reality is that they will look further.

### **DLWID Internship, Hannah Nicholls**

This is her second full month and her last meeting. She has been doing *E. coli* sampling and cyanobacteria sampling and monitoring. The monitoring is complicated involving weekly sampling and monitoring every other week. She is working on a digital archive of records from the last several years.

### **RARE Program**

Paul Robertson: we will have a new intern for 11 months. We have been matched with Seth Lenaerts. He is a returning RARE participant and knows the program well and has worked in small communities (Vernonia, OR and Kitui, Kenya). He will start on a volunteer basis September 9, 2009. He worked in Kenya where he devised and implemented a septic system program.

### **Financial Oversight Committee Report: no report.**

### **Communications Committee Report**

Mitch Moore: The Committee met after the last Board meeting about getting an outline published. Discussed the media available to use and who we are communicating with. The idea was that it would be the basis of a written plan that we may draft and turn over to Paul to comment on. When the committee is finished, we would have a nice description on the District's objectives on communicating and a plan for the coming year on what to put in the

newsletter and how to do that. At an upcoming meeting we will talk about what plan we will look at and how to create it. We've got a good start and will see where we go with it at the next meeting.

**Safety Report: Nothing to report.**

**Water Quality Update**

World Health has a moderate risk—what is the risk for Oregon at 8 parts per billion? Paul defines guidelines built on cell count - if you have over 100,000 cell per ml, you should put out an advisory and in order to lift that advisory you have to wait two weeks until the cyanobacteria are gone and outline the degrees you use to evaluate as to when you can lift the risk based on lab tests and numbers. Dr. Kaufman may be willing to come to a meeting – Laura Boswell is main contact – doesn't know if she has epidemiological information they are talking about.

Strayer thinks she may be someone good to get information from regarding the harmful bloom surveillance.

Paul says there are some major researchers online.

Avette Gaiser: When it is a red warning at Regatta and Sand Point and she is at Neotsu, can she get in a jet ski and tell guests they can get a boat and go fishing?

Paul Robertson: Boating is a low risk. It is when you are touching or breathing the water that you is at risk.

Randy Weldon: He is a little worried about the risk.

Paul Robertson: There is a lower risk if you stay in the boat in the center of the lake.

Cyanotoxin is about the same throughout the whole lake because the level is about the same everywhere right now. If you don't ingest cyanotoxins, you are at less risk.

Bill Pigott: He is concerned about the legal issues of liability if you don't post signage.

**New Business**

**Nutrient Budget RFP**

Paul Robertson: A draft is available. 11/4/09 is the date to get information returned by. It may be completed by next Friday or Saturday for the Board to review.

Randy Weldon: We should study what percentage comes from lawns, etc.

Paul: There was a nutrient study done that didn't give percentages—a dairy on Rock Creek, septic tanks that were marginal; didn't get at shoreline development or nutrient cycling.

Same criteria he expects to see. He is hopeful that the information he has will be helpful. It is more recent.

**Education Committee:**

Paul brought to the Board the idea of starting an education committee.

Avette Gaiser was thinking of ways to educate the lake owners on what information is available about plants—what they look like and how to replace the bad ones with good ones, Non-invasive and invasive plants throughout Oregon. Maybe we could have a committee who would be available as a resource.

Raylene Erickson: Sent information to all PADL members. It was available at the annual meeting and she has two boxes of them she could send out.

Paul: Seth will be here and he is on a campaign to "Save our Shoreline." An Education Committee might give Seth a tool to create. We would want to have people from PADL on

that committee. Their newsletter is a fantastic resource. He encourages everyone to be a member of PADL.

Strayer said they would have to have a board member to lead the committee.

Skirvin said it is kind of tough during the winter. Wait and see how it goes when Seth gets on board.

### **Chinook Winds Golf – water rights applications**

The golf course is opting to get off chlorinated water. They have looked at well rights and made two applications for Thompson Creek and Neotsu Creek. There is a water right on Neotsu held by Lincoln City for the entire creek. Don't know whether they will get water rights or not. Paul said the way it affects us is that when they irrigate with chlorinated water they have to add fertilizer, likewise when someone uses other clean sources of water (well water for instance. One thing we have been suggesting is that instead of taking well water from the hill that is clean; what if the water was allowed to enter Devils Lake, serving the needs of fish and wildlife, then as it gets mixed with the rest of the lake and becomes nutrient rich, use it for the golf course. It would be better than taking clean water for irrigation. The water district uses the lake for storage. It would be regulated by the state.

Strayer: What is the district getting in exchange for this? The idea is to take out as close to the golf course as possible. He wants to know what kind of controls are on this.

Paul: Over the course of the summer if they were to pump Devils Lake out, they would lower one 5/16 of an inch over the summer.

Donna: Is Chinook Winds Golf Course paying property taxes?

Paul: They have parcels that are being taxed.

Donna thinks it is important to know if they are drawing water out of the lake.

Paul: This was a forced reservation created here before Lincoln County (County was only formed in 1896 and the Siletz reservation was decreased and eventually eliminated)– and the whole area was certainly native land before that. What it comes down to though is there is a mutual benefit and it is good for all parties.

Piggott says this is a valid point – what we deem to be a separate Nation; we need to negotiate and look into it.

Paul: The state owns the water and the lake.

Strayer: We want to control it.

### **Green Acres Infiltration Gallery: 2 year status report**

Paul Robertson: Removed a dam on Rock Creek. He wrote the grant for it, about \$3,000.

### **25 years of lake management on Devils Lake, a silver-lined anniversary--**

#### **A presentation from the Oregon Lakes Association:**

Strayer: Can you put the presentation on the web for all to look at? He says there is a food fee, anyone is welcome to join.

### **Non-Agenda Items**

#### **Public Comments**

Randy: Spoke about fertilizer, phosphates especially (Mitch had articles about lakes outlawing) how about talking to ACE and BiMart about how this affects Devils Lake? Put

posters at both ends of town showing that phosphate is not highly important for lawns and that phosphate is a pretty big negative for the lake. Make a couple of boards to put up.  
Paul Robertson: Agrees that it needs to be promoted because the complaint is that no one buys it. We need to educate, maybe put an article in the paper. Paul said maybe Seth can work on that.

Avette: Said she put in Dutch Clover, but by the fourth year she has all grass now because the grass took over the clover and now she has lawn she never planted.

Piggott: Wants to educate the lawn people. Everyone is affected, not just people that live on the lake. Getting information in the stores is a wonderful idea. Call stores and ask them to get organic fertilizer, not inorganic fertilizer. Tell them you want organic phosphorus. Paul says compost is a great use, peat moss holds water better. If it is just granular, be suspect of it. Think compost/ peat moss, ask Master Gardeners.

### **Announcements**

KBCH 1400 am: following Tuesday 7:15 am to 8:00 am  
Oregon Lake Association: September 11, 12, 2009  
North American Lake Management Society - October 27-31, 2009.

### **Adjournment**

Adjournment at 8:12 p.m.  
Respectfully submitted,  
Andrea Kinkead