



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

**DLWID OFFICE  
November 5, 2009  
6:00 P.M.**

**PRESENT:** Jack Strayer  
Brian Green  
David Skirvin  
Randy Weldon

**ABSENT:** None

**AUDIENCE:** Don Sell, Larry Brown, Donna Elsasser, Mark and Kerry Richards,  
Doug Pirie, Jim Covert, Neil Jensen, Bill Pigott, Joe Barnes, Dick  
Sirianni, Teri Cooper, Raylene Erickson

**STAFF:** Paul Robertson, Seth Lenaerts, RARE Participant

Green brought the meeting to order at 6:00 PM

**Minutes of Previous Meeting**

Weldon requested that the reference to Bi-Mart's being slow to respond on Page 3 of October's Minutes be removed. Green moved that the October Minutes be approved as amended. Strayer seconded the amended. Vote: Unanimous. Motion carried.

**Financial Report**

Robertson pointed to some format changes in the budget percentages of the financial report. He also added a page for details of the RARE intern program. In response to a question, he said the \$4,750 paid in September to RARE represented one quarter of the \$19,000 for 11 months. Green feels the format is easier to follow. Strayer moved that the report be approved and Green seconded. Vote: Unanimous. Motion carried.

**Public Comment on Agenda Items**

None

## Unfinished Business

### Boat Docks

Since Matt Spangler, Lincoln County Planning Department, has changed jobs, Don Lindley and Wayne Belmont suggested that this project be postponed until his replacement is hired.

**2551 EDLR:** The complaint dates back to a year and a half ago. DSL issued a citation, and then met with the property owners on site. They came up with a solution, and then delayed it for a year and eventually received a second. The letter from DSL has now backed away from the violation issue and indicates that they do not know how much fill was placed there. Robertson said that the county worked with him on the brochure regarding the wetlands fill because of the Coho habitat issue. He feels as if they are backing away from their responsibility and it doesn't bode well for Devils Lake in the future. Robertson asked the Board to consider ODFW's having some input on whether it is essential salmon habitat. Green said he feels it begs more than clarification. The District should object to the State closing the file. The policy adopted in the brochure is the one that should be followed. Kevin Moynihan's contact information is included in the brochure. Green wants a letter drafted with the District objecting to their dismissing the complaint when the violation was so clear. Strayer said it is totally inconsistent with their previous actions. Weldon said it's setting a precedent for anyone who wants to fill. Green asked Robertson to draft a letter for his and Robertson's signatures indicating that it is the consensus of the entire Board.

Robertson brought up an unrelated complaint—discharge of wastewater from an RV on East Devils Lake Road. Photos of the pipeline were emailed to Bill Zekan, Lincoln County Environmental Health Manager. The owners will have a difficult time denying this infraction, even though the owner said that it was a buddy of his that was in the RV. Green asked what the action would be. Robertson said we have not had to deal with this type of action; however, the county will probably follow a pretty rigid outline on this issue. Strayer noted that the RV has now been removed. Robertson noted that one RV can be placed in wetland areas through October with a conditional use permit. Kerry Richards asked if she could receive a follow-up report on this issue.

**11<sup>th</sup> & EDLR:** The owner of this property removed the concrete blocks and performed a restoration of the shoreline. They are currently planting 75 willows in the bio restoration. ODFW was very connected to this project.

**Seid Creek:** Green asked what is expected as the outcome on this issue. Robertson said nothing has occurred. NOAA previously said they were going to do a site inspection in March. Follow-ups have gone unanswered. Robertson asked if a letter from the Board would be effective. He explained that this is a construction site that has been filling debris above wetlands. Last year, a lot of it slid down into the wetlands. DSL has turned away from any enforcement action and the Corps never investigated. Robertson said it appears that Seid Creek is a watershed similar to Thompson Creek. Green asked for Robertson to continue making calls rather than the Board writing a letter just yet.

### Lake Level

The dam was removed Monday, October 12 to prevent damage from surges during the winter storms. Robertson received a copy of the permit for dredging from DSL. He also received

Parks & Recreation's permit this week that allows access to the sand. There is one condition in the permit—the seven day's notice that Tony Stein has removed to allow emergency dredging when needed.

### **Devils Lake Plan DEQ 319 Grant**

Robertson explained that this is the water quality analysis grant that is set to begin in November. There are timelines associated with it—January 31<sup>st</sup> is the date the draft is due for the quality assurance plan. The QAPP, along with the sampling and analysis plan has to be sufficient enough to backtrack. Green asked why there is such a delay. Robertson said it is because of an attempt to coordinate it with DEQ. The time frame is good because there is now time enough to perform the work.

### **Native Vegetation**

The contract has been signed with TetraTech. There are some timelines. Within 33 days we will have a plant list and it should move rather quickly. Green asked about the difference between the draft plant list and the final plant list. Strayer said we want to make sure it fits our needs and give us an opportunity to edit it. Strayer will be an integral part of this project since TetraTech is in Portland and he can meet with them there. St said it is satisfactory to him.

### **Whole Lake Circulation**

Robertson said there was supposed to be a presentation at the Lake Management meeting on Blue Lake; however, Joe Eilers was ill. Area property owners get Metro to pump water into the system and, therefore, three times the normal level of phosphorous is pumped into the water. There might be a link to the bloom and the water that is pumped into the lake. Robertson said that Blue Lake normally has a bloom all summer. Elaine Stewart of Metro has communicated with Robertson and he now has a report on the Blue Lake issue. She is the action person in charge of Blue Lake Park. Robertson just received it and has not had the opportunity to review it, but will send copies to the Board. Green asked if Robertson could place a link on the web site. It will be posted on the projects page on the DLWID website. Robertson will provide a report at the next meeting.

### **Septic Tank Revitalization Program**

Seth Lenaerts reported that he had spent the majority of the past month on the septic revitalization program. He feels he has some good results in the process of a public awareness program. He is working on the best management practices with stakeholders. On a public outreach program, he is creating some simple information to provide to homeowners. Other documents can be made available to people with septic systems. He is meeting with people from the County and the City to ensure that they are interested in the project. Strayer asked if there was a plan to identify problem septic systems; he asked if Seth has traveled around the lake to view the septic systems and Seth replied, "No." The District will play an important role; however, the City and County will lead the way. Next meeting, Seth will create a packet for home owners and will continue to meet and will discuss how to bring in the State agencies. December may be the first group meeting. He has worked with the County on compiling a data base on the septic system fields. In his discussions with the County and the City, it appears the best way is identifying a 500-foot buffer around the lake to assess. In response to a question, he said they will look at the

creeks also. They might adjust the buffer zone. He is extrapolating information from the County as-builts and the site plans. The County is interested in this information as well.

Robertson reported that he met with a man from Minnesota who takes aerial photos. He said it is \$40 per parcel, plus the cost to fly a plane to this area. If there is a medium-covered day, the water temperature has to be 43 degrees. The photographer can determine where the warm water is coming from. He says a septic tank purges regardless of whether someone is currently in the home.

Robertson responded to a question about how many sites in the Thompson Creek area have been tested. He said there has not been a lot of testing there. In the past, letters were mailed to the property owners requesting access. Some agreed, some said no and some ignored the request. He continued that Thompson Creek is a fraction of the septic tanks of the homes that are causing problems. Everybody needs to be on board.

Robertson said they are still targeting OSU asking them if they could test the DNA to type the pollution. The City is willing to contribute \$1,500 for testing that costs \$75 to \$150 per sample. This might be enough for eight samples to determine if the microbes are coming from humans or horses. But, this would be only one day's sample. The private labs are charging \$400 per sample. There are only a few people who have performed this testing. Dr. Field at OSU is doing this testing, so Robertson is trying to get him to do it. Green asked Robertson to continue to contact her on this.

### **Save our Shoreline Campaign**

Seth has spent most of his time last month on the septic systems. He would like to begin getting involved in the shoreline issue in the next month or so.

### **Financial Oversight Committee Report**

Weldon reported that he has talked with the auditor, who has indicated it would be best to wait until the final audit since she is so occupied with end-of-the-year work now. This will be January or February. She also has some new recommendations she would like to incorporate.

### **Communications Committee Report**

Strayer asked if Donna Elsasser would give the report. Elsasser said they had an excellent meeting last month. They met with Seth, who was going to research myemma.com. The committee determined that the best procedure would be to contract the Oregon Coast today to produce a small fold-out brochure that could be included with the property owners' water bills. They discussed the most effective ways to communicate with residents about the issues of the lake. They will meet tomorrow night to confirm some of the ideas. Raylene Erickson is also on the committee. She discussed possible speakers, one of which might be the Oregon Department of Human Resources and the methods they use for determining unsafe cyanobacteria levels. A water-billing mailer and a listserv notice could announce the upcoming speakers.

Strayer said there is a need for a monthly or bi-monthly report covering the issues of the lake. If there are a number of issues outlined, there could be links to other sites. The committee feels that the Board meetings could be friendlier. Perhaps include a speaker for the last half

of the Board meeting—someone such as from TetraTech, SolarBees, etc. They are still formulating ideas and will have more to report later.

Robertson reported that there was a recent change in the position of the Department of Human Resources.

Brown stated that some people could be out of the area in the winter.

Green asked if the Board wanted to wait until the communications system is ramped up so that the person coming as a speaker could be announced ahead of time. Robertson said he thinks they should wait until the system is ramped up. He suggested having someone speak on the cyanobacteria issue in the spring or perhaps in May.

Pigott suggested they not bring in advocates for some issue. Green replied that it would be nearly impossible, since everyone is an advocate for something.

Skirvin suggested that the Board target a February date for TetraTech to come speak—either in person or via Skype. Robertson would need to ask if this could be accomplished without a charge prior to a decision being made.

### **Safety Report**

Discussion ensued regarding a high-speed accident that occurred in October during the time trials. Robertson had requested details from the Marine Board; they have not replied.

Pigott: Said the deck of the boat was ripped off, but there was not 95% of it disintegrated.

The owner was able to haul the boat away and the remaining pieces were picked up, leaving little debris.

### **Water Quality Update**

Robertson noted that staff has completed summer-time testing and provided summaries on line. Cyanobacteria were above Oregon's threshold for a considerable amount of the summer. Robertson pointed out that there is some confusion about the 8 parts per billion for microcystin. For drinking water standards, someone could drink 4 liters. At recreational standards the threshold becomes ½ liter. This means that a child could drink about one swallow. The greatest concerns are for children playing in green scum. For a little kid, about 1/3 of a cup would be the limit at 8 parts per billion.

Pigott continued discussing the issues of safety levels for water ingestion.

Robertson said that nobody knows how many people will die if you feed them cyanobacteria. No testing can be performed in this area.

Microcystin is one of the toxins that cyanobacteria produce. Green asked how likely it is that testing could be done for Anatoxins. Robertson said it is not likely due to the cost factor.

Further discussions continued on the toxicity levels of cyanotoxins.

### **Nutrient Budget RFP**

Robertson received a proposal on the RFP—Richard Raymond, Environmental Chemistry, Inc. His response was pretty extensive—28 pages and \$31,360. Strayer asked if the responder was with the Oregon Lake Assn. Robertson said this is a gentleman who was at the meeting. He met with Mr. Raymond, who has worked on previous projects for Devils Lake. Strayer asked if Robertson was aware of some of the previous studies and Robertson replied, “Yes.” Robertson will forward it to the Board for consideration.

## **New Business**

### **Board Appointment Process**

Robertson reported that the position has been advertised with a deadline of November 20. There have been three applicants. One has requested to be interviewed tonight since he will out of the area on December's meeting. Others will be interviewed December 3 with a final decision to be made in January.

Green noted that discussion had taken place about speeding up the process. When someone resigns, allow applicants until the following Board meeting at which time the applicants are interviewed and chosen. He wondered if it would be possible to decide on a new director at the second meeting. Strayer agreed with that process. The total process could take 60 days. Further discussion continued on the process.

Green asked Robertson to place the issue on the agenda for the December meeting.

Joe Barnes: 1727 E. Devils Lake Road.

He has been coming to the lake since his childhood. He now owns two properties here and a developer. He spends a lot of time in Lincoln City—Thursdays through Mondays. He uses the lake on a daily basis when he is here.

Green asked him what he sees as the primary issues facing the lake.

He said you have to balance all aspects of the issues. He said he believes that the septic issue needs to be addressed because he feels that the septic tanks are causing most of the problems. He said he wants to become part of the solution. Green responded that he is concerned with the new Board member being able to remain objective and not wanting to jump to conclusions. Barnes responded that this is his first meeting. The reason he became interested was because of his concern about SolarBees.

Green said that suppose the Board is reserving judgment on the SolarBees project and suppose the cyanobacteria became a serious problem and the SolarBees proved to have a major impact on weed eradication and other substantial issues. Could Barnes be persuaded to a change of heart? Barnes responded that he could remain open minded.

### **Listserve**

This issue emanated from the communications committee. Seth talked with other folks and pursued some on-line review. He checked out myemma and Constant Contact. He feels Constant Contact would be the most user friendly and the most cost effective for the District's needs. He shared information on the program.

The program can manage contacts, obtaining information from people who wish to opt in. A quarterly newsletter can be easily created and the E.coli reports and cyanobacteria updates can be incorporated in Constant Contact e-mails. A notice on upcoming speakers could be sent. The price would be about \$25 per month.

Green asked Robertson for input. Robertson responded that it would be very time consuming to do a complete regular newsletter. But with this program, links could be installed for people to use. People can subscribe or unsubscribe to receive the news. Green said to place it on the agenda for the next Board meeting.

### **Devils Lake Low Power Radio**

Earlier in the year, Hatfield Marine Science Center decided to give their low power radio to Sea Grant. The radio presents a message within a short distance and DLWID would host the

program and it would have a recorded message. The box is mounted at Regatta Grounds with a mast for an antenna. It has been tested and a signal will be available at the other boat launches that could reach, hopefully, over to Sand Point. The range is a mile or two. After a few technical issues are ironed out, it will be installed this month. An advisor from Hatfield will come to instruct. DLWID information will be included. A phone system will need to be installed and signs placed near the location with the radio frequency and it will be placed on the District's truck.

### **SDAO Best Practices and Self Assessment**

Green completed this Special Districts Association of Oregon form last year. The deadline is the first week of December. Green said he would complete the Board's section and Robertson can complete the manager's portion. Completion will save the District 9% on insurance.

### **NALMS, Hartford CT**

Robertson reiterated some highlights applicable to Devils Lake.

Incoming president met Robertson off-site. They discussed grass carp, which the president has studied for over 20 years. There is no new information on grass carp. They are a good tool for eradication of weeds if a lake wishes to accept the consequences of complete eradication. Robertson noted that half a fish per acre will suppress weeds, which would mean a total of 340 fish for Devils Lake to keep the weeds at bay. These fish are very smart and eighty percent cannot be caught. You simply could not get back to ½ fish per acre once the weeds were under control. In the history of lake management, they are not generally legal because of this. No lake greater than 10 acres under public management is permitted to use grass carp. Studies are being done on destroying the fish after a specific amount of time with chemicals or radioactivity placed in the fish to terminate them after two or three years. They live from 10 to 12 and up to as much as 25 years.

There was a lecture from an EPA person who is working on getting EPA to run a monitoring program that has a salt water component. Michael Smart's work with US Army Corps of Engineers has an ecological approach to invasive species in lakes. Block nets can be done to promote new vegetation; however, our wave action would make it nearly prohibitive.

There was a talk on the issues of lake shore development—the more development, the more interaction between the shore and the water. If shorelines do not promote zoe plankton, the fish have nothing to feed on.

Some work has gone into charcoal for cyanobacteria control. Char can bind phosphorous. This is not a lake-wide treatment, only used in tributaries where bags of char act like a filter. SolarBees was discussed. There was another discussion about the reason whole lake circulation suppresses cyanobacteria. Treatment technology used all techniques to control weeds in New England. DLWID has looked at all of them. One new procedure they showed was a barge and an excavator to pull weeds out.

### **Non-Agenda Items**

Weldon asked about invasive species. He read that coastal waters are unsuitable to the zebra mussels due to the low calcium levels. Robertson said that they come in on boats. They

came from the Great Lakes, Nevada, San Diego, to the Columbia. A new invasive species permitting begins in January. For five kayaks you need one permit.

Seth says AmeriCorp offers mini-grants and at some point he would like to go to one or two home owners who would like to plant native vegetation. There will be no dollar investment required by the District—staff time would be considered an in-kind match. This would occur on March 31.

Seth asked if the Board would like to have someone from SDAO offer a Roles and Responsibilities of Board members training—a free service offered as part of the association dues. Seth talked with the director, who said they would be happy to tailor any training to the needs of the Board. Seth will provide more information at next month's Board meeting.

### **Public Comments**

Brown said the boat races were scheduled this year for a four-day weekend. This year they ran in the middle of a four-day weekend, ruining a lot of peoples' weekend. Normally, they are only allowed to choose one day; however, the last two years, they have had a permit for two days. Brown suggested the Board request scheduling on a non-holiday weekend and limiting it to one of two days. Strayer suggested that the Board write a letter to the Marine Board suggesting that they limit their permits to one day.

Green asked Robertson to draft a letter suggesting a one day, non-holiday weekend for the boat races in the future.

Robertson said this year he received a copy of the permit a few days before the event. Pigott said he has kayaks and he feels all people should be allowed to live and let live. Pigott feels that the Board should focus on what is 80% of the problems relating to the lake and not focusing on other issues. He feels the group is spreading out and not focusing on the immediate impacts. He said people on other lakes have been trying other things. He would like to have funds focusing on one issue that would have the biggest bang for the buck. Green said sources of phosphorous and nutrients are more diverse than just one issue. He agreed we need to focus, but reminded the audience that the Board has been working on these issues for more than two years. The Board has already considered all aspects of lake issues.

Robertson added that if everyone would plant their shoreline immediately, we wouldn't have these problems. Shoreline plantings are a good start. Septic tank revitalization is a good thing.

Pigott suggested putting out a notice that people could come in and get a loan to revitalize their septic tanks. This would be better than taking an adversarial role.

### **Announcements**

Robertson will be on the radio Tuesday, November 10, 7:30 a.m. 1400.

### **Adjournment**

There being no further business, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,  
Linda Burt