



Devils Lake Water Improvement District

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www.DLWID.org

Quick Look:

- Blue Lake, SolarBees
- Devils Lake Radio
- RARE program
- Listserv

AGENDA

Regular Meeting

2009 November 5 at 6 pm. in the DLWID Office.

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| I. Minutes of the Previous Meeting | 6:00 |
| II. Financial Report | 6:05 |
| III. Public Comment (Agenda Items, Please limit comments to 5 minutes per person) | 6:10 |
| IV. Unfinished Business (Agenda Support Item A) | 6:20 |
| a. Boat House/Docks | |
| b. Land-use Complaints | |
| c. Lake Level | |
| d. The Devils Lake Plan | |
| i. DEQ 319 Grant | |
| ii. Native Vegetation | |
| iii. Whole Lake Circulation | |
| iv. Septic Tank Revitalization Program (Seth Lenaerts) | |
| v. Save our Shoreline Campaign (Seth Lenaerts) | |
| e. Financial Oversight Committee Report | |
| f. Communications Committee Report | |
| g. Safety Report | |
| h. Water Quality Update | |
| i. Nutrient Budget RFP | |
| V. New Business (Agenda Support Item B) | 7:30 |
| a. Board Appointment Process | |
| b. Listserv (Seth Lenaerts) | |
| c. Devils Lake Low Power Radio | |
| d. SDAO Best Practices and Self Assessment | |
| e. NALMS, Hartford CT | |
| VI. Non-agenda Items | 7:50 |
| VII. Public Comment (Non-agenda Items, Please limit comments to 5 minutes per person) | 7:55 |
| VIII. Announcements | |
| IX. Adjournment | 8:00 |

Meetings of DLWID are handicapped accessible under the ADA.

If special accommodations are needed, please contact the District Office at (541) 994-5330 prior to the meeting.

I. Unfinished Business

(Agenda Support Item A)

6:20

- a. Boat House/Docks: Sent an email to Commissioner Don Lindley and County Counsel Wayne Belmont inquiring as to whom we should seek as a replacement contact for Matt Spangler who recently left the County Planning Department. Don has been part of the process since 2006, and Wayne drafted the Ordinance. Wayne responded with the comment that he thought that they would like to wait until a new Planning Director was in place before proceeding. What we need to determine, is what makes sense for us to seek, understanding that ultimately it is the Planning Department that sets the Planning Commission Agenda.
- b. Land-use Complaints
 - i. 11th and EDLR: Owners had until 2009-10-31 to comply with DSL Corrective Order. I received a letter dated 2009-10-12 from DSL stating that they could not determine if the fill was in Essential Salmon Habitat or how much was placed there. DSL has closed the case after over a year and half of a process. There was clear photographic evidence of large scale filling (multiple dump trucks) in the most lakeward portion of the property, nearly all of which was in the Significant Wetland Overlay established by Sharpiro in 1996. Where the state now has difficulty assessing whether or not this was a violation is not only confusing to me, but poor governing in my opinion as they (DSL) have said that there was a violation and now have recinded that assertion. They actually assessed and were paid a penalty to the contractor that conducted the fill. There are polar opposite messages being sent. Previously (2 years ago approximately) DSL's Assistant Director, Kevin Moynihan, US Army Corps of Engineers, Robert Rose, and I collaborated on a brochure outlining that Devils Lake and the wetlands the feed it are Essential Salmon Habitat, and that any fill or removal required a permit from DSL. Other USACE specific permit information was also highlighted. With DSL recent turn-around in this complaint, we are left with a questionable policy of enforcement of existing wetland law. While the particulars of this case (volume of fill, potential impacts, etc) may be of little or great consequence, the impact of this type of government is highly significant to future development around the lake. It would be staff's recommendation that the District should seek clarification through the highest channels at DSL and with other agencies such as ODFW and DEQ.

Unrelated other complaint of wastewater discharge being followed up by Lincoln County Environmental Health Manager, Bill Zekan. Pictures of pipeline were emailed to him, and he & I spoke on the phone regarding the incident. Apparently the owner claims to have no knowledge of the incident, and blames potentially a friend that stayed down at the RV. Pictures of the pipe are in the mail to the owner.
 - ii. 2551 EDLR: I spoke with the owner and he said that the project was nearly complete the concrete had been removed, and they were soon to be planting 75 willows in this bio-restoration project. Case Closed
 - iii. Seid Creek: Called and left a message with NOAA-NMFS Bridgette Lohrman (2009-10-15). No Reply.
- c. Lake Level: Dam was removed Monday Oct 12, 2009. This is done each year to prevent damage from storm surges during winter storms. The dam is generally reinstated in April and serves as recreational water storage. The wintertime provides a different set of management strategies in which the District and the City of Lincoln City co-administer an Emergency dredging permit of the D River when and only when it is clogged with sand and debris from storms. This dredging is only to reduce the likelihood of flooding of low-lying properties, and is only done to a level as to allow unimpeded flow to resume. A series of permits are needed. The

DSL removal/fill permit is through an agreement between DLWID and LC to be acquired by the City. The beach access permits are handled by the District. The list of excavators and the implementation of the dredging operation is also handled by the District. Cost sharing for the excavation is split 50-50. Cost of the DSL permit is absorbed by the City. I have submitted a request for the OPRD Motor Vehicle Access permit which is an annual renewal. Our other OPRD permit "Ocean Shore Alteration permit (BA-539-02) is good through Oct. 3, 2012. I have emailed Public Works Director Lila Bradley for a copy of a current DSL removal/fill permit. With that we will be set for the upcoming storm season. Note: I have re-inquired about the DSL permit with the City, and as of yet have heard nothing regarding whether or not it has been applied for or obtained.

d. The Devils Lake Plan

i. DEQ 319 Grant: Work to begin in November.

ii. Native Vegetation: Tetra Tech is in receipt of our signed contract and anticipates beginning work on the project in November.

iii. Whole Lake Circulation: Blue Lake which has had 3 Solar Bee units installed since 2007 recently had a cyanobacteria bloom that caused a DHS toxin warning. A new property owner on the lake coincidentally called us thinking we had SolarBees on Devils Lake and he wanted to talk about management strategies. Through our conversation it mentioned that in fact a few weeks prior the lake did turn really green, as if green oil had been spilt. He said that it he went waterskiing since, and that it had cleared up. He estimated that it lasted approximately 2 weeks at most. I also solicited information from Joe Eilers at SolarBee who sent this email reply:

Basically, we think the bloom was initiated by a major influx of high- P water. Blue Lake has no surface inlets and loses water from evaporation through the summer. The homeowners like to have Metro request inputs of water from their back-up production wells near the lake. Around the end of August they added about 8% of the lake volume with groundwater containing about 90 ug/L PO4. That coincided with the Anabaena getting going about 10 days later. The in Sept, the lake turned over, releasing another pulse of high-P water. Anyway, we are trying to get the water quality data from Metro so we can better determine the timelines and the lake response. As soon as we have that, I'll dive into the data and try to sort things out. Joe

Jack Strayer initiated contact with Elaine Stewart, of METRO regarding Blue Lake. She is willing to send their findings once they complete them. I have had two phone attempts at getting a preview of such findings, and anticipate a call back.

iv. Septic Tank Revitalization Program (Seth Lenaerts)

v. Save our Shoreline Campaign (Seth Lenaerts)

e. Financial Oversight Committee Report: Met with new treasurer. Work on the assembling the materials for the audit has begun.

f. Communications Committee Report: (Jack Strayer)

g. Safety Report: No incidents to report from the District, however a high speed accident occurred on Devils Lake during the hydroplane races. Reportedly the individual walked away, but the

boat was totaled, most (at least 95% I understand) was recovered from the lake. Images available at <http://rides.webshots.com/album/575052210LruAhn> . I have asked the Oregon Marine Board for a copy any report generated about the incident, but the person I was referred to has yet to respond.

- h. Water Quality Update: We have completed the summertime water quality monitoring programs of E. coli and cyanobacteria. A summary of the monitoring is available online, but generally lake water from an E coli standpoint was good most of the year (Not so with the Tributaries) and the Cyano-Watch program identified similar concerns raised from last years inaugural sampling for microcystin. For many weeks the lake was above the 8ppb threshold, and with the diluted methodology of sampling used this year the values likely are no different then what was seen last year. What is critically important to the lake user though is dose calculations. What does the 8ppb actually mean? Below is an example calculation of microcystin toxicity.

Cyanotoxins: What they Mean? I dug up a previous email (2008-08-22) I had with Dr. Ken Kaufman of Oregon DHS when I poised this to him regarding consumption of water with microcystin toxins present.

Paul Robertson: "One question I had for you, was if you could help us work out some dosing numbers. I believe the dosing from WHO stated Tolerable Daily Intake (provisional):

* 0.04 ug/kg/day (WHO)

Could you help translate that into a more meaningful number? I was suggesting that if I weighed approx 220 # or 100 kg than I could consume 4 micrograms a day which if the water contained 1 ug/l than I could consume 4 liters or if like in the case of Devils lake with a concentration of say 8 ug/l than I could consume (gulp) ½ liter. Is this correct? If so then a 45# (20kg) child could gulp approximately 100 ml without much concern, is that true? Any help is appreciated."

Dr. Ken Kaufman's response: "You are doing the numbers correctly in applying the WHO guidance (Tolerable Daily Intake). However, the drinking water standard is based on lower body weight—generally 50 or 70 kg per adult. There are obviously a lot of people weighing more than that. It probably isn't really safe to assume that heavier people are less susceptible to harm from toxins, but body weight is a standard factor in making these assessments and setting regulatory standards.

The recommended drinking water standard for microcystins is 1 ug/l, and that is assumed to be safe for kids and adults."

What this means is that at the 8ppb threshold we shouldn't see any illness related to microcystin in people unless they ingest more than a about a pint of water for someone my size or about a ½ cup for a average 45 pound 8 year old. This is at 8ppb! If the concentration is 40 ppb then that ½ cup of lake water (gulp) in the same child would exceed the deemed daily, safe consumption limit by five-fold. This is when potentially the liver and excretory system could be overwhelmed by the toxin and liver damage could occur. What is important to note is that for acute poisonings (deaths) in dogs, it is not microcystin that is the lethal toxin, but anatoxin. This is a much more potent toxin readily associated with many cyanobacteria, some of which are notably found in Devils Lake (Anabaena). We, nor do many others, test for anatoxin as the test kits are not available due to restrictions with Homeland Security following the 911 tragedies and/or the cost of out sourcing is mostly prohibitive (hundreds of dollars per sample). It may be warranted to absorb some of these cost as this toxin is potentially a greater concern. Guidelines for Anatoxin in Oregon are that samples should not contain greater than 1 ppb.

- i. Nutrient Budget RFP: Expecting any and all proposals by November 4, 4pm.

II. New Business

(Agenda Support Item B)

- a. Board Appointment Process: I have notified the press of a board position being available, and have updated the website accordingly. We have published an application due date of November 20, 2009 by 4pm. Candidates will then be interviewed at the December 3rd Meeting, with an appointment decision to be made final in January. I have contacted a previous applicant, Tony McCaslin and have already received an application from one other individual, Joe Barnes.
- b. Listserve: Seth Lenaerts In the last couple of weeks I have been researching a number of Listserve companies. This research is in response to several issues regarding communication between DLWID and the constituents. The DLWID board created a Communication Committee to make recommendations to the board on ways to pass along information from staff and the board. One of these ways was creating an email list and a Listserv.

Listserv's are used by many businesses, agencies and organizations. Listservs perform the following features:

- Organize and manage contacts
- Send out a variety of email formats, special alerts, weekly updates, meeting minutes/agendas, newsletters, etc
- Report on the effectiveness of those emails. For example, how many people open the email, did they click on the links, etc

I have looked into three different listserv companies. All three of which allow potential customers to "test-drive" their product. To assure that the companies were equally considered, I created a few criteria to judge each company against.

Your Mailing List Provider

Cost: \$5.00 per month

Templates/Layouts: Least amount of different templates. Templates are awkward to modify.

Photos: Unlimited availability since YMLP does not host your photos. This does make it difficult to reformat the photos. Time consuming. YMLP does not offer generic photos.

Managing contacts

Ease of user: Relatively easy to use and sign up. In addition it is possible to have people sign up at DLWID.org

Ease for District: Best way to describe YMLP is awkward. It's difficult to separate different features in each "block". For example, it's not possible to delete a photo in the template but keep the text.

Constant Contact

Cost: \$20.00 per month

Templates/Layouts: Good variety of templates to be used for a number of different mailings. Templates are easy to change and adjust. Very user friendly and intuitive.

Photos: Photos are hosted by the server. The benefit is that its easy to modify pictures using Constant Contact software. The drawback is that only five photos are allowed at the base fee. Hosting unlimited photos and having access to a variety of generic photos is a 5 dollar a month surcharge.

Managing contacts: Easy to import multiple users by email address. Easy for clients to sign up on the website or to forward the emails they receive.

Ease of user: Relatively easy to use and sign up. In addition it is possible to have people sign up at DLWID.org

Ease for district: Easy to use.

My Emma

Cost: Minimum \$30.00 per month.

Templates/Layouts: Good variety of templates to be used for a number of different mailings.

Photos: Unlimited with fee.

Managing Contacts: Good for keeping contact information. Allows us to have physical address.

Ease of user:

Ease of District: More options. Both good and bad. Can make things a little more complicated.

After reviewing these three companies, I have come to the conclusion that constant contact is the best option for the district. Constant Contact has the necessary features to allow the district to effectively communicate with interested parties in a professional and timely manner

- c. Devils Lake Radio: Earlier in the year we were solicited by Oregon Sea Grant about hosting a low powered radio station for invasive species information dissemination. We have since evaluated potential site options based on the information we obtained on the resources required. Most recently I spoke with Lila Bradley to set up a meeting to fully investigate Regatta Grounds. On Monday 2009-10-19, I met with Allen Mason, WWTP Chief Operator, S. Sam Gilmore, Senior Pump Station Mechanic and two other from Lincoln City WWTP. They found a place inside the WWTP Pump station, and actually mounted the main unit that very day. I have Steve Hoover investigating a position for the antenna. A few more steps and we should be up and running. We will want to get some good signage made, and there is the opportunity for a phone line connection such that we could update the device remotely. Current message was recorded by Newport High School Students and speaks about invasive species. Water quality updates and other important lake announcements (Hydroplane races, fishing derby, etc) could be added with the addition of a phone line.
- d. SDAO Best Practices and Self Assessment: Worksheets passed out via email. We need a board member to head much of this up. Other aspects are to be handled by staff. With a good self assessed score, the District would be eligible for discounts on its insurance of up to 9%.
- e. NALMS, Hartford CT: Verbal report provided upon return.