



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

**DLWID OFFICE
July 5, 2007
6:00 P.M.**

- PRESENT:** Otis Winchester
Smokey Aschenbrenner
Jack Strayer
- ABSENT:** Brian Green
- AUDIENCE:** Kathy Davis, Two Sisters fishing vessel
Doug Pirie
Ursula Sperry, Oregon Department of State Lands
Christopher Castelli, Department of State Lands, Land Manager
Randy Weldon
Kevin Erickson
- STAFF:** Paul Robertson
- MEDIA:** None

The meeting was called to order at 6:00 p.m. by Chair Winchester.

Minutes of Previous Meeting

Aschenbrenner moved and Strayer seconded to approve Minutes from the previous meeting.

Vote: Unanimous. Motion passed.

Financial Report

Robertson stated that the invoice of \$50 from Bank of the West for the safety deposit box had been mailed to an incorrect address and is therefore now due.

Aschenbrenner moved and Strayer seconded approving the Financial Report as it stands.

Vote: Unanimous. Motion passed.

Special Order of Business

Swearing in of Directors

Since the Secretary-Treasurer position is new, Robertson read the Oath of Office and the new Directors were sworn in. The Directors signed and Robertson will place on file.

Aschenbrenner moved and Strayer seconded the nomination of Winchester for chair and Green for Vice Chair.

Vote: Unanimous. Motion carried.

Public Comment

Kathy Davis, co-owner of Two Sisters fishing vessel and representative of Seagrant, an entity funded by OWEB, spoke about FESRI (Fishermen Extending Salmon Recovery Information). The mission of this group is to educate the public about fisheries and what is being done to restore salmon. She spoke about the salmon crises of 2006, and discussed three types of salmon fisheries—the Columbia, the Lower Columbia and the Oregon Troll Fishery. Before 1983, Davis said there were no restrictions on Coho fishing. For every Chinook caught, fishers could catch a Coho. El Nino and over-harvesting caused the season to close for the first time in 1984/85. In 1997, there was a real possibility that Coho would become an endangered species.

Davis explained that watershed is where all precipitation flows into a body of water. Uplands make up the largest area of watershed. Wetlands cleanse polluted water and cool the downstream flow. Unfortunately, nearly 40 percent of Oregon's wetlands have been altered or converted to other uses. Riparian area restoration helps in salmon recovery by lessening erosion and helping to maintain water temperature. The estuary is important because 65 percent of all commercial fish and 100% of sport fish use the estuary during their life cycles. She also mentioned that seven percent of salmon habitat is on private lands.

Davis showed slides as she spoke and passed out an evaluation form, since she is working to improve her presentation.

Unfinished Business

Chetlo Place

Robertson reported that he had spoken with Matt Spangler about this situation. Hart is going to develop a third parcel of land. Robertson stated that this issue is a wetlands enforcement issue and Hart has indicated that he would comply with the delineation order. Robertson said that a major concern of one of Hart's neighbors is the gray water issue impact and the neighbor has written a letter to the County regarding this.

Green Acres

Robertson reported that he is awaiting the DSL permit. He has asked Paul Katen, who is the signatory on the application, to keep an eye in that direction. If the project cannot be completed prior to September 15, the project cannot begin this year. Robertson feels that DLWID will have some on the general authorization. OWEB is funding this project.

11th & EDLR

Robertson said that Bob Lobdell is assuming control of this project; however, he has been ill and Carrie Landrum will act as coordinator for general authorizations for salmon habitat and wetlands enhancement. Christopher Castelli suggested that Robertson contact Kevin Hurtcamp. Carrie Landrum is researching the issue. Ursula Sperry took Chris's job in Land Management, which is where hers and Chris's responsibilities lie.

Discussion ensued about waterways navigability and whether the public could use private waters that were not navigable. Christopher said he did not know if dredged waterways could be claimed by the state. He also stated that Lands Management is not involved in ordinances to limit boathouses and docks. They rely on planning departments and local land use rules to create limitations for state land. He said that 640 square feet or 40 feet out from the bank is the limit on one lake in the state.

SDAO Grant and Intern

Another application was received for this grant; however, the applicant was a biology grad student with qualifications similar to Kevin Erickson's, so he was not eligible for the grant. Robertson has been trying to contact Luanne Richey, organizer of the grant to determine if they would permit Kevin Erickson to begin working under the grant.

Robertson told the Board he would like to hire Kevin with the \$2,000 the District had budgeted for this project; he would like to purchase the usage of the ARCGIS software that would enable the District to organize informational data—storm drain, lake temperatures, wind velocity, weather, rainfall, sunshine percentage, depth, etc. Ursula Sperry agreed with Robertson that the Access program is not good for data organization. Data could be updated and shared in the future with other agencies. The State has agreed that they will share data. Aschenbrenner asked the amount of funds this project would require. Robertson said that using the District's "matching" funds of \$2,000, plus the amount for the software, the total would be a minimum of \$3,500. Aschenbrenner asked how Kevin would be paid. Robertson stated that Coastal Temps' fee is less than Express Personnel's (who is no longer in business). The cost would be \$1.40 to \$1. Robertson said that Kevin could not be hired as a "contractor," since his time would be controlled by DLWID. Kevin said that he believes he can perform the required work within 142 hours and could begin immediately. Strayer asked if there was a simulator program within the GIS software. Kevin replied that he would be able to perform simulation if he could obtain data from various sources. Robertson stated that once the data is organized, it might be used as such. Winchester stated that he prefers to use the temp agency.

Aschenbrenner moved that the District appropriate \$3,500 to obtain the required ARCGIS software as described by the manager and to employ Kevin Erickson through Coastal Temps to perform the work of inputting and organizing data. The chair would be authorized to adjust the funds upward to an additional \$500, as needed. Strayer seconded the motion.

Vote: Unanimous. Motion carried.

Channel Maintenance

Robertson said that he had spoken with Grant Snyder and Jim Park regarding opening the channel and moving logs. Instead of the District becoming involved, Robertson believes

the landowners should make these decisions. Property is not in the District's jurisdiction, and this could set a precedent for future requests. Jim Park said that he could obtain \$100 per landowner and obtain a permit to move the logs. Robertson said he feels it should be wide enough for a kayak; Jim Park said it should be wide enough for a rowboat. Strayer said that his interest was in not removing wood from the lake. Strayer asked if Robertson would keep track of the logs and be sure they did not disappear; Robertson replied that he will be present when the logs are moved.

Erosion Control Inspection

Robertson reported that the City has not declined to cooperate and accept the offer of a 20% full time employee to help monitor lake erosion. They have not done anything about it. Winchester said that he would like for Robertson to send a letter from the Board. Robertson said he received an invitation to meet with the City on the 16th ; however, that is the morning he has scheduled bacteria sampling. He will try to arrange a time for a meeting. He thinks it will eventually be approved. Aschenbrenner said that although Bradley stated an agreement is not necessary, he believes it would be required to afford Robertson some authority.

Boat House/Docks

Robertson said that he has asked the County to respond to the June proposal; however, he has not received a response. He is hopeful that the County Commissioners will review the proposal.

New Business

Lake Level Management

Randy Weldon, 1400 NE Lake Drive, and a homeowner for 17 years with three children, read a letter to the Board regarding the water level. He said that the lake is full when it is maintained at a 9.9-foot level. He said the District is creating an erosion hazard with this elevated shoreline that cannot interact with wave energy from boats and jet skis. He said his lower dock is unusable due to the lake level. He once enjoyed four or five feet of beach, but has none at this time. With water skiers and jet skiers, the boat rollers are hitting retaining walls and bouncing across the lake causing erosion. He said he would like to see the lake lowered to about half of what it was in the past. Robertson stated that the dam has been in existence since 1994. Last year, the lake was its highest in ten years. He said that he has received quite a few positive phone calls from landowners about the lake level. He stated that wave energy is definitely problematic during the summer; however, wind energy is problematic in the winter. In the summertime, there is added wear and tear due to boating.

Winchester asked if Robertson could contact the sheriff's department and ask him to monitor the lake to keep the boats 100-feet away from the shoreline. They need to monitor the lake on weekends. Robertson said it would be his recommendation to not alter the lake level, but look at other issues. This is one of the reasons dock sizes need to be limited.

Cyanobacteria Watch

Robertson has conducted the first cyanobacteria sampling this year; results were negative for blue-green algae. He said the agreement for continued testing of poor water quality and blue-green algae species for \$50 was sent via e-mail to the Washington contractor,

who agreed to honor the price in the short term; however, her typical fee is triple in short turn around times. Robertson said he would like to have a faster turnaround—two or three days is still a long time for transient cyanobacteria. Robertson will try to do some basic testing of samples during the week. Toxicity sampling is \$250 or \$350 per shot for one molecule, enzyme-based testing. For bacteria sampling, Robertson said equipment and kits can be purchased for \$1,500 to \$2,000 for micro-system testing that is specific to one variant of the toxic strain. The price continues to decrease as the market changes. Strayer asked if there were any state agencies that have equipment. Robertson said that DEQ had some at one time.

Bacteria Sampling

Robertson is working with the *News Guard* to publish sampling results every week on page 2 of the newspaper. It would also be published online.

Grass Carp Application

Robertson said he has talked with ODFW's Laura Tessler about the application for the grass carp; he will begin the formal process of application. Winchester suggested that the Board wait until Green was present to cover the issue.

D River DSL Permit

Robertson reported that there is now a permit effective through March 2008 to dredge the D River during a storm.

Non-agenda Items

Robertson said that his Visa card charges 1% for international transactions; he noticed this when he recently paid for the conference in Montreal. Beginning July 1, they will be charging 3%. Robertson would like to obtain a new credit card with a \$2,000 limit prior to the trip to Montreal—possibly a Capital One card that offers mileage. Aschenbrenner said that he has a Citibank card that offers rebates—3% on gas, 1% on lodging and another percentage on pharmaceuticals. The Board approved Robertson's applying for a new Citibank credit card with a limit of up to \$2,000.

Robertson asked Christopher Castelli about procedures to petition removal of dilapidated structures on the lake, such as boathouses and boat docks that are unusable. Christopher stated that it would be best to work with the landowner. It would be necessary to check for a lease and then determine if the landowner needed financial assistance to remove the structures. He said there is a marine board fund to remove abandoned vessels. If the structure is not registered, Christopher said it would be best to work with the county and land use planning people.

Winchester asked if anyone else has applied for the vacant Board position. Robertson replied, "No;" he feels it is the Board's responsibility to bring in people to apply for the position.

Public Comment

Doug Pirie said that regarding the issue on 10th Street, he has a problem with the landowner placing multiple trailers on the property when the County allows one. He is frustrated that this landowner has changed valuable wetlands and neither the County nor

the State will do anything about it. Robertson said that the landowner has agreed to replant trees in the fall that he has cut down, and his wetlands scientist has stated that the land fill is not new and the Department of State Lands needs to come up with an opinion on the issue based on their independent study. Although the technique that the landowner is using makes sense, Robertson said that there is not a qualitative or quantitative study about the fill that went in. Robertson is hopeful that he will remove some of the fill. Robertson stated that he can do no more with the issue and Doug Pirie should address his concerns to Matt Spangler and the County, although Robertson stated that it appears the wetlands are on the landowner's property.

Announcements

Robertson will speak on KBCH 1400 am at 7:00 a.m. next Tuesday.

The Board meeting adjourned at 8:25 p.m.

Respectfully submitted,

Linda Burt