



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

**DLWID OFFICE
September 6, 2007
6:00 P.M.**

- PRESENT:** Otis Winchester
Jack Strayer
Brian Green
- ABSENT:** Smokey Aschenbrenner (Excused)
- AUDIENCE:** Doug Pirie
Don Sell
Pat Payne
Chester Noreikis
Ursula Sperry
Dave Juenke
- STAFF:** Paul Robertson
Kevin Erickson
- MEDIA:** None

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

Minutes of Previous Meeting

Green moved and Strayer seconded approval of the minutes from August, 2007.

Vote: Unanimous. Motion passed.

Financial Report

Robertson explained a few small changes to the satisfaction of the Board.

Special Order of Business

Applicant interviews for Director Opening

Doug Pirie was interviewed for the current opening on the Board. He had submitted a resume for the previous opening and stated that there weren't any changes. He reiterated that he had worked for the Army Corps of Engineers for three decades in planning, engineering and construction associated with harbors, breakwaters, coastal erosion, and estuary projects. The last half of his career was in construction and research and development, in shoreline erosion and wind waves. He has owned a home on the lake for seven years and has lived here for five years. He is currently on the Budget Committee of DLWID. Green asked if he had any particular items of interest or observations. Doug said he is concerned with the water quality, the future of the fish and about erosion of the shoreline and future requirements of home owners in maintaining their shorelines. He feels that any changes need to consider the economics of the area.

Dave Juenke was interviewed next. He said he has been a resident of Devils Lake as well as a boat owner since 1967. Mr. Juenke was one of the first people to support funding for a lab in Portland do testing; he also advocated for funding for sewer construction. He watched the lake deteriorate and subsequently worked to help create Devils Lake Water Improvement District that was approved by a slim 20 votes. He said that one of the three cornerstones of DLWID was to promote the lake for recreation. Mr. Juenke was formerly the owner of the local *News Guard* newspaper.

Public Comment

None

Unfinished Business

Chetlo Place

Robertson received an e-mail from Carrie Landrum, the newest person in charge of these issues at DSL. She believes that the materials in question were placed on the property long ago and the State will not perform enforcement action. Sand is the only new material that is relevant and she feels that removing it would cause more harm than good. They have closed the case. Mr. Hart is apparently planning to replant trees on one main parcel in the fall. Delineation reports show where the wetlands are. That report shows there are opportunities for him to develop and other areas where he would need to apply for a permit to make changes.

Strayer asked if everyone has to do a delineation report. Robertson said "No." Pat said the person who came to survey her land suggested to Mr. Hart that if he wanted to develop the land, it wasn't all wetlands. Pat asked how Landrum came to the conclusion that materials were not recently installed. Pat says she has photos before and after he installed materials—both rock and sand. Robertson said he feels the city may be the enforcement entity to ensure the trees are planted, and Robertson will also monitor for tree planting. Green asked if the delineation maps should match the original maps.

Robertson said the wetlands maps showed only gross inventory of wetlands. Green suggested that Pat e-mail Carrie Landrum and tell her she is disappointed in her disposition of the issue and ask her to reconsider her decision.

Green Acres

Robertson said all permits have been received and an initial review has been done. He is hopeful that the project can be completed by the deadline of September 15—an agricultural push-up dam and filtration system for watering livestock. Three truckloads of gravel will be delivered tomorrow. Robertson, Greg Beaman (Water Resources), Paul Katen and Randy Neal will meet to plan the project in detail. Robertson said upon completion, there will be a much freer running stream. There is also a culvert on the lower end of the dam area that may be velocity barrier at times, however adult salmon are traversing it fine. (By walking the property last week, Robertson said Randy Neal pointed out the culvert that the Mid Coast Watershed did not find nor did they report the presence of the push-up dam.) Randy Neal is providing the labor for this project.

11th & EDLR

Robertson said DSL sent a second letter to the property owner and they finally received a reply. Robertson has a video of the material dumping here. This was another parcel that was labeled wetlands. No further action has been taken.

3280 EDLR

U. S. Army Corps of Engineers said that there are certain criteria that must be met before any enforcement action can be taken. Although many truckloads of material have been surging down to the lake, the soil is being moved by water. DSL hasn't responded. Green said that it appears an erosion violation is likely. DEQ says the property has since been changed to mitigate erosion and that a storm water runoff has been created. Robertson cannot confirm this. Unless DSL becomes interested in, there appears to be no recourse.

Boat House/Docks

A number of people have become involved in this ordinance change and met on August 21st—Matt Spangler, Douglas Pirie, Raylene Erickson, Kevin Erickson, Jerry Warner and Ursula Sperry. The proposed ordinance will limit the maximum size to 450 square feet with an additional 50 square feet allowed for a small fishing pier next to the boathouse—a total of 500 square feet. Boathouses were proposed to a maximum of 12 feet above the high water. The proposal incorporated setbacks but did not include a maximum frontage percentage that will likely be at 33%...Green asked if there was a provision for those who have narrow lots. Doug Pirie says they discussed flag lots. A provision will be made for communally-owned property. Matt Spangler is working on details. Strayer said he had originally dissented because he feels that flexibility should be considered. Robertson assured the Board that flexibility will be incorporated into the ordinance.

D River Dredging

One bid was received from last year's contractor, Allen Parker. Robertson stated that he is hopeful that Parker will be available when the time comes to perform the work. Robertson will create another document listing performance requirements and a copy will be provided to the City.

Cyano Watch

Robertson said he has been receiving many phone calls from concerned individuals wanting more information on. He is attempting to alleviate fears on these issues; however, the sampling of August 9 revealed high levels of toxins producing cyanobacteria. Cyano testing equipment has been under consideration since 1994. The problem is serious. In Regatta Grounds, one sample was 40,000 and this is a red flag. One of these organisms is a producer of toxins. Strayer asked if some of these people playing on the lake could become ill and Robertson replied, "Yes." One person who called in had developed a rash. There have been no life or death situations to date. Robertson responded to Strayer that he has conferred with people in the State Health Department; however, they rely on the local people to take care of the situation. Robertson stated that the public removes warning signs. Green inquired if this was the first time there has been documented toxigenic species present which it wasn't. Robertson stated that he does not know if the organisms produce the toxins. DLWID does not have the equipment to perform toxicity tests. Sending off items (four or five) for testing would incur a cost of \$250 per sample, per site per toxin. Robertson displayed a graph of the different toxins and the levels of lethality involved. Strayer asked if the Board requires authority to close the lake. Robertson stated that DHS has provided that authority.

New Business

Cyanobacteria Toxin Testing Equipment

Winchester asked what additional charges would be incurred for testing if the \$5,200 were spent for initial equipment. Robertson passed out to the Board information on the equipment currently used by the U.S. Geological Survey. He said there are six public sites around the lake, including the popular Regatta Grounds, Holmes and D River that would require one kit every four weeks at a cost of \$440 - \$500 per kit per toxin. However, for all four toxins found in the lake, testing only during August and September, cost would be about \$100 per week per toxin. Testing would take place only when the water is visibly colored and potentially toxic. Approximately \$1000 a month for all four toxins would cover the cost. Robertson said that if the lake became dangerously toxic, he would suggest red taping these public areas. Green suggested that if testing did not have to be performed until next year, perhaps circulators could be in place by then. Winchester suggested tabling the issue until the next meeting so that Aschenbrenner and the new board member could be involved.

Fish Habitat

Strayer shared information he obtained in researching revegetating the lake. Bob Buckman is a district biologist to whom Strayer addressed his questions and concerns. He and Strayer identified items that were hazardous and held forth impediments to

growing the fish population. The majority of small fish are reared south of Devils Lake State Park. There are a couple of spots from Rock Creek into Thompson Creek where fish can repopulate. The golf course culvert does not have enough stream flow to clear out the gravel beds for spawning, plus water rights issues preclude this from happening... Two impediments—wetland area augmented and a weed- free lake contribute to lower levels of fish. As vegetation is placed back into the lake, the grass carp will consume it. If it is protected, more warm-water fish will populate. One Washington study reviewed the effects of warm-water fish on Coho salmon in coastal lakes. Warm-water fish were not predatory and Coho is up to a high level now. Buckman said that Devils Lake is the perfect place to do a study—there is a good baseline figure for Coho. A vegetation study would be possible. Strayer is interested in learning about the diets of other area animals in the lake. Strayer and Buckman took a tour around the lake, searching for fish habitat at elevations under five feet. They were amazed that the grass carp near the resort were so healthy since there is little vegetation. Strayer would like to discuss with Buckman the subject for a research project—possibly going into the shallow edges of the lake for electro fishing for warm-water fish. Buckman said that his predecessor and a doctor from OSU might be good resources; Gary Galovich is a warm-water biologist. Robertson said that he would be interested in electro fishing with Strayer, Galovich and Buckman.

Director Jackets and ID's

Robertson priced out jackets, both embroidered and with iron-on logos. Cost with embroidery would be \$37.55 each (or a total of about \$225); without embroidery, \$28. Set-up adds another \$20 per individual for the first time. Green questioned the point of identifying Board members with jackets. Robertson responded that it is a good idea for authenticating the role of Board members when they are in a public arena.

Green moved and Strayer seconded authorizing funds for Robertson to purchase jackets with personalization at the best cost possible.

Vote: unanimous. Motion passed.

Lake Level Measurer

Robertson reported that the pen-writer lake measurer fell into the canal. To replace the measurer with a digital, pressure sensor will cost approximately \$2,000. Green asked if it was the only measuring device owned by DLWID. Robertson replied affirmatively and stated that a remote reader would cost about \$13,000. Green said that since the lake level will not fluctuate much between now and the next Board meeting, Robertson should research and make a recommendation at the October meeting.

Property Access Permission Slips and Mailing

Kevin Erickson has created a database of property owners based on their proximity to the various creeks. Robertson drafted a letter to the owners and Dennis Bartoldus created a permission form absolving property owners from any liability for the District to access the creeks via their property. This was mail-merged and sent to 80 people to grant the District access to Thompson Creek, Rock Creek and Neotsu Creek.

Salmon People “Co-Host”

Peter Donaldson has organized a traveling troupe focusing on the role of watershed and streams and the interaction with humans in an artistic venue at the Cultural Center at the old Delake School. Robertson would like to sponsor the troupe at no cost—support and promote it on the web site and through e-mail. Robertson has been asked to host a Chamber Chat on October 15 when Donaldson will be the guest. The Board agreed this would be a good project.

GIS & Data Presentation

Kevin Erickson pulled up some information on Mr. Juenke to demonstrate the success of his database project. He showed property owned by some of the audience and Board members. His excellent presentation displayed information he has assimilated from various sources of data—from DSL, the County, Lincoln City and others. He and Robertson described some of future applications for the new database and discussed their plans to share data to ensure continued cooperation from other entities. Erickson has about 55 hours of work remaining under the grant.

SIL 2007 Report

This will be discussed at a later date due to time restrictions of this meeting.

Non-Agenda Items

Public Comment

Doug Pirie spoke up and said that he would like to withdraw his application for the Director position, since he feels the Board has a great candidate in Mr. Juenke. Winchester thanked Mr. Pirie for applying.

Announcements

Robertson will speak on KBCH at 7:00 a.m. on Tuesday—9/11.

The annual Erosion Control Seminar will be held on October 4, 2007, the same date as the next Board meeting.

The slideshow on Channel 4 has been updated.

Robertson will be the host of Chamber Chat on October 15, 2007, when the Salmon People will be featured guests.

Robertson will attend the September 21 and 22 Oregon Lake Association Annual Meeting at Diamond Lake that was previously approved by the Board.

October 30 and 31 are the dates of the Senior Fair; Robertson hopes some of the Board members will be able to attend.

The protest of the drilling of wells by Chinook Winds will go forward. Water Resources has not been receptive. Robertson received a letter from Jim Kikumoto, expressing the cooperation of Chinook Winds in postponing the permit process to allow discussion of using lake water as an alternative. Robertson sent an e-mail to Kikumoto informing him that the District is protesting because Water Resources did not respond.

On East Devils Lake Road, road crews plan to drill under the road and place 15 to 20 culverts between two bridges to allow water sheet flow under the road. They will add four or more inches of asphalt to increase the road level. This should alleviate some of the flooding during the winter. The road will be closed from the 12th through the 18th for a week while they do the work.

The Board meeting adjourned at 9:00 p.m.

Respectfully submitted,

Linda Burt