



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

**DLWID OFFICE  
September 4, 2008  
6:00 P.M.**

- PRESENT:** Jack Strayer  
Smokey Aschenbrenner  
Otis Winchester  
Brian Green
- ABSENT:** David Juenke
- AUDIENCE:** Randy Weldon  
Don Sell  
Raylene Erickson, PADL  
Mike and Janet Hughes
- STAFF:** Paul Robertson  
Michelle Millage, Intern
- MEDIA:** Patrick Alexander, The News Guard  
Kate Rowland, The News Times

Strayer called the meeting to order at 6:00 p.m. prior to Green's arrival.

**Minutes.**

Winchester moved and Aschenbrenner seconded approving the Minutes from August.

**Vote:** Unanimous. Motion passed.

**Financial Report.**

Robertson reported that the District is currently working from funds from last year's ending fund balance of \$75,000.

The payroll contractor has been ill; therefore, payroll changes have not yet been implemented. Robertson will follow up to ensure that they are updated prior to the next Board meeting.

Winchester moved and Strayer seconded approving the Financial Report.  
**Vote:** Unanimous. Motion carried.

### **Public Comment**

#### **Intern.**

Paul introduced intern, Michelle Millage. Michelle provided her resume and discussed her contribution to the District since arriving—she moved to Newport from San Bernardino, California. She attended California State, receiving a Bachelor's degree last year in Chemistry and Criminal Justice. She worked in water quality monitoring for Lake Elsinor in California. Michelle has been performing weekly E-coli sampling and has been posting the water quality on the Internet, the newspaper and signage. She reported that cyanobacteria samples are varied, with six shoreline samples and some broad-lake samples. She has organized the lab, cleaned up the office and lab areas and ordered materials required for sampling. She is currently working on an internet spread sheet for correlation of toxicity dates and the cell counts and ID's that are received from the outside source.

### **Unfinished Business**

#### **Boat House/Docks.**

The Planning Department still awaits a response from ODFW. The Director's (of Planning Department) father passed away and he has been unavailable. The District is currently in a waiting stage.

#### **Bioswale Update.**

There is no update at this time. Robertson is planning to ask Raylene Erickson to assist in promoting this project with Lila Bradley and Stephanie, the City Attorney.

#### **Lake Level Update & Comments from Public**

Robertson said the lake level has varied from 9.5 to 9.8 in the last month because of the rains. State Parks requested the District to lower the level and to determine a mean level, preferably two inches lower, by the end of the year. Parks suggested that they would like to meet with the Board; however, they have not attended a meeting. The lake is currently lower than it has been the last few years; however, every time it rains, the park is inundated. Robertson said that the canals they have dredged have much to do with the flooding as do the unseasonably high rains. Green asked about the factors for the decision to maintain the lake level at closer to ten feet. Robertson said the District applied for water rights for two additional feet. This would put the lake up to 10.4. The District has been attempting to maintain a constant level with the dam. There have been about 15 phone calls informing Robertson that they appreciated a higher level of the lake. The recreational water right was to provide longer recreational use for lakefront property owners. Since then, people coming from the other side of the lake have requested the lake level to be lowered. State Parks has been trying to find out what is happening with the levels.

Green asked if the lake were two inches lower this summer than previously and Robertson replied that was correct. Strayer voiced his concern about lowering the lake level; he feels it should be higher.

*Comments from the public.*

Don Sell said he felt the lake is higher than it was last year; he said it was actually 18 inches higher. Robertson said records do not support a foot and a half variation. Mike and Janet Hughes live near the Neotsu Post Office. Hughes said that their islands are lower than the water level. They are concerned with massive erosion and say that they have lost ten feet of land due to the erosion from lake levels. He continued that they have a natural habitat that might be federally recognized. They moved there eight years ago; the waves now come crashing in. When the water level is lower, their property is not affected. When the water is high, erosion is present. They cannot mow their lawns now because of the water level. They've lived on the lake for 22 years and feel that the city is emptying raw sewage into the lake.

Green asked if they were referring to the pump station that failed during the last storm. Robertson said one pump station failed last year when the city ran out of human resources to maintain the pump stations because they were ferrying large generators around, pumping stations. Robertson suggested maybe the District should test samples near the pump stations. He has found no indication that sewage is being dumped into the lake on the six lakeside sites and a couple of stream sites.

Discussion ensued about why and where algae blooms proliferate.

Green said the Hughes' need to provide documentation of sewage dumping. There are enforcement people who can take care of this issue if it is documented.

Hughes said they live near a city employee who has said he will not allow his child to go into the lake.

Randy Weldon voiced his displeasure with the higher lake level. The first summer after the dam went in they went from an average of 8.5 to 10 feet. They have had no beach at times and their lower dock has become unusable. He said he is an avid skier; the lake is now bumpy and choppy and people who love to ski and boat on the lake are not happy. He said that a lot of lake debris has been loosened from shorelines and causes the lake to be dangerous to skiers. There is a large erosion factor and he knows many people are talking about it.

Green said preserving the wetlands is one reason to keep the level up.

Weldon read a petition that was signed by 22 waterfront home owners requesting the lake be maintained at a 9-foot level. Green said the District Board will take another look at the erosion issue.

Strayer said after the first time Weldon talked to the Board he made a trip around the lake and did not see more than two or three properties that seemed to have erosion. Green asked Weldon to document the erosion with photos and to obtain photos from his neighbors—before and after, if possible.

More discussion on lake level issues continued

Green asked for a map and a list of names of home owners who experienced erosion.

### **The Devils Lake Plan.**

Strayer attended with Robertson the Tualatin River Keepers' cyanobacteria conference. After 25 miles the river falls four feet into a lake-like body. There is an irrigation project; the dykes failed with the high water and filled up a false lake that served as a breeding ground for bluegreen algae. Certain times of the year, some of them were stressed, which is what has precipitated a release of toxins. The conference was conducted from a scientific point of view that Strayer admits was a bit out of his area of expertise. Robertson agreed that one point of view is that the problem is, indeed, a stress-related phenomenon.

Strayer said he recently went out on Devils Lake in his sailing boat, fell into the algae, but did not suffer any ill effects.

In Springfield, a group talked about boat washing stations. The Bass clubs are instigating a requirement that people must certify that they have washed their boats with bleach or vinegar prior to putting into the lake.

Strayer and Robertson have been working together on the DSL application for the SolarBees.

Strayer said that the warm-water group is attempting to improve the fisheries in the I-5 ponds. They have put fish and vegetation into the ponds. The person in charge of the ponds provided a list of vegetation types present and Strayer said three or four of them could be useful for Devils Lake. They could be a good source of vegetation for Devils Lake planting. A warm water biologist was asked who he could recommend as a botanist; he stated that they do not have a botanist position; however, there are a few people they can contact for information both in and outside the ODFW.

Strayer said he came across an article about the Alabama Marine Board passing a regulation that within 100-foot outside normal traffic channels, boats must be at idle speed. There are a lot of small channels in Alabama to traverse to reach larger bodies of water.

#### **a. Native Revegetation**

Robertson said DSL and Army Corps of Engineers required a removal/fill application and he created a draft with comments. He included Strayer's report, renaming some items and attaching documents. He will need a list of all adjoining property owners and a signature from the County. They will determine whether the plan fits. Robertson left a message for DSL and requested the sign-off, after which he will need a check for the application.

Robertson confirmed the permit requirement from Chris Castelli. Strayer said they need an easement for the gabions; it appears no permits have been required for the SolarBees.

Robertson talked to Dr. Sytsma, who provided two companies, Tetratex, Inc. and Aquatek. He will talk with Tony Pennington on Friday, who might be interested in the project. Dr. Sytsma has not commented on the Lake Plan; he is a Department head at PSU and is extremely busy this summer; he said he would review the Plan or have two of his students review it. Sources of vegetation could be the Talent Irrigation District and he recommended contacting other irrigation districts. He also suggested obtaining the plants while they are in the resting stages. After Robertson talks to Dr. Pennington, he will come back to the Board with a proposal.

### **b.SolarBees**

Green said Castelli was talking about easements for the gabions and didn't mention any requirements for the SolarBees. Robertson asked Castelli about Willow Creek Reservoir; it and the other lakes are not state-owned lakes and the Army Corps of Engineers did not need a permit. The best method of handling the issue is to obtain an easement. A removal/fill permit will be required for the anchoring system. With Devils Lake, any material infill requires a permit.

Green asked if there are only two lakes that have SolarBees. He said there is a slide-show on SolarBees website listing Astoria, Blue Lake and Willow Creek Reservoir. Dr. Dreher would have been affiliated with it.

Relating to his authorization to negotiate with SolarBees for the purchase of four units, Green e-mailed Joe Eilers and proposed that the Board was interested in the same agreement that Eilers had described SolarBees made with Blue Lake. He requested that SolarBees provide four units for a two-year test period, after which time the District would purchase the units. There is a precedent for this arrangement. Eilers responded by e-mail that he would check to see if his company would be interested in considering another agreement similar to the one for Blue Lake.

Strayer said the proposal was good. Green said it would be positive for SolarBees to use Devils Lake as an experiment for them to use as a success story in controlling weeds. Also, there is the possibility of the District purchasing 14 additional units.

### **Audit Contract**

Robertson asked auditor, Signe Grimstad, for a proposal for an audit. He said that he should obtain information by the next meeting. He had requested that she differentiate between the various reports. The report she suggested would not deflate the District's bond rating and would have the same credibility as a standard audit. Strayer asked if the Board wanted to continue with audits. Winchester responded that he felt the Board should have a standard audit. Green agreed. In the event the District wishes to pursue borrowing funds, an audit would be advised. Aschenbrenner agreed.

Winchester moved and Strayer seconded requesting a proposal for an audit from Grimstad.

**Vote:** Unanimous. Motion carried.

## **New Business**

### **Cyano-Watch Update**

Millage and Robertson gave a presentation on water quality and updates to the website. The advisory is still up on the site since it remains in effect. The health advisory will be removed mid-September. Millage and Robertson reported sampling from eight sites around the lake that showed microcystin was minimal. Safest level is .8 parts per billion. The dangers of cyanobacteria and toxins were discussed.

The testing process requires four hours, and Millage walked the group through steps performed for sampling. All samples are run twice. Strayer asked how many test samples were completed this year. Millage said 35, spread over the month. She said it is better to run more tests at one time although it is easier to run a smaller amount. DHS expressed their approval of the testing, since nobody else is performing them. Millage is currently working on a process to compare different test dates and the various cyanobacteria and toxins. Most of the samples are mid-lake samples taken from one meter below the surface, incrementally to one meter off the bottom of the lake and then combined. Robertson sent an analysis off to Dr. Dreher so that he could develop a data set for cyanobacteria. Millage will continue updating the website, adding the toxins and including as much information as possible.

### **Non-Agenda Items**

None

### **Public Comment**

None

### **Announcements**

1. KBCH 1400 am September 9, 2008 7:25 am
2. OLA '08--Wallowa Lake, September 12-14, 2008.
3. Erosion Control Seminar, October 9, 2008.

The meeting adjourned at 8:15 PM.

Respectfully submitted,  
Linda Burt