



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

**DLWID OFFICE  
April 2, 2009  
6:00 P.M.**

**PRESENT:** Jack Strayer  
Otis Winchester  
Brian Green  
Smokey Aschenbrenner

**ABSENT:** David Juenke

**AUDIENCE:** Randy Weldon, Michael Roth, Marilyn Wilhelm, Avery & Beth Shiply, Tom Snair, Mark Highland, Mark Cetrisne, Sally Bowdle, Gary McGrath, JoAnn & Vern Wicks, Mark & Kerry Richard, Raylene Erickson, Tony McAslin, Bill & Sue Henderson, Dean & Bettina Higginson, Annie McIssacc, Jeff Fjelland, William Boscole, Bruce Ludwig, Bill Pigott, Caren & Tom Willoughby, Bonnie Fast, Justin Hellberg, Larry Fowler, Jim & Barb Gill, Wally & Helen Voigt, Pat Dooling, D.M. Price, Jonathan Mall (State Parks), Bill Sexton (a few others who did not sign in)

**STAFF:** Paul Robertson

**MEDIA:** Green called the meeting to order at 6:00 p.m.

**Minutes from February**

Robertson asked that Minutes approval from February be postponed to April since he had not yet had time to review them.

**Financial Report**

A couple of payments that were not listed on the financial report were noted by Robertson. Green moved that the financial report be accepted as presented. Winchester seconded the motion.

**Vote:** Unanimous. Motion carried.

## Public Comment

None

## Unfinished Business

### Boat House/Docks

Jerry Warner informed Robertson that he will be speaking to ODFW this week to spur this issue along.

### Land Use Complaints

There are three land complaints at issue.

2551 EDLR: Landowners wish to move the shoreline back from where they added the concrete blocks. This solution may or may not appease the enforcement action. No beneficial vegetation is suggested. The application is pending and is not yet ready for comment—it is being reviewed and may be resubmitted.

11<sup>th</sup> & EDLR: Robertson received information from DSL's supervisor, who stated that the home owners have an illness in the family and are unemployed. The contractor has paid his penalty and the State does not intend to issue another order to the homeowners at this time.

Seid Creek Slide: Was not pursued by DSL. Robertson contacted NOAA and they stated that they were looking at the implications this slide would have. They are awaiting permission to access the property. DSL has said they have no jurisdiction. It would have to be proven that the fill was purposely placed there and allowed to fall.

### Lake Level Decision

**This issue was moved to the beginning of the meeting due to the large audience.**

Robertson presented a slide show regarding issues of raising and lowering the lake level and the history of the lake. The lake level has varied only slightly recently and is currently at 9.6. The mean high level has been 10.4. It seems that 8.3 is the lowest the lake has been since consistent records were kept in 1997. Below 10.4 is public domain; the District has not maintained the lake at a 10.4 level. The average depth is 8.4; the maximum depth of the lake is 21.1 feet; surface area is 685 acres. In 1986, the fish control structure was built. In 1991, impoundment right was applied for, approved in 1996 and implemented in 1998. The maximum impoundment allowance was 1360 acre-feet. No more than three splash boards can be used, totaling 24”.

History May 1, July 4, November 1 (1983 to 1991). Before the dam, lake level fluctuated between 10 and 8.3 feet during the 90's.

1998 to Present—Robertson showed a number of slides with variable lake levels, rainfall and effects of the dam on the water levels. April 15, the I-beams and 3 boards on top of it were installed. May 15 to May 31, the dam was pulsed every other night to permit fish passage. October 15, I-beams and boards were removed.

June 1, 2008, a section was replaced. July 1, 2008, top boards were replaced with 4 x 8 boards.

Greg Beaman, Water Resource Division's water master for District 1, performed a review of the permit. An error appears to have been made in calculating the space that would impound the amount of water legally permitted. The permit states that the District can

use 24” of boards above the cement structure. 22.5” of boards were used. The concrete sill was surveyed at 8.03. Water impoundment exceeds 1360 AF with 3 splash boards. Beaman determined that the maximum splash board height can be 18”. Maximum dam height is 8.03 plus 1.50 or 9.53.

Twenty-one lakefront property owners signed a petition to lower the lake to 9.0 feet during the summer. Flooding is the primary issue. Robertson said that the dam artificially floods areas in dry season. Recreation usage is always a concern. The choppiness of the water is a concern as well as a loss of beaches and erosion. Issues contributing to erosion are saturated soils, loss of vegetation, wake boats, armored walls of rip rap and concrete walls. Wetlands have many benefits, including cyanobacteria inhibition. The dam traps toxic cyanobacteria as well as debris. When water stops flowing over the dam, due to a notch in the top bar, water backs up and water quality decreases. The lake can be pulsed by removing one board of the dam. It can help mitigate some of the danger to Coho.

Opposition to this point of view was expressed by 5 to 7 individuals who wish to keep the lake level at its maximum level to maintain their boat access and are concerned with the erosion effects of shallow water and the loss of their property values.

Still another set of people were requesting removal of the dam.

The decision to be made: Will the District continue to use its impoundment right and at what level?

### **Public Comment**

**Kerry and Mark Richard** created a flyer (attached) and took it around to all lakefront property owners prior to the meeting, a probable reason for the large public attendance. Kerry expressed concern that property owners had not been informed of the imminent decision by the Board to decide on the lake level. She was concerned that property owners should have a major voice in this outcome. Mrs. Richard did not want the lake level to be lowered.

Robertson informed visitors about all the methods the District has implemented to inform the public (about 400 lakefront property owners). Approximately 10 percent of those people were present.

**Pat Dooling** said that at 9 feet, everybody on the north end of the lake would be “high and dry.” He suggested that a notice be sent to property owners for an upcoming meeting when everyone would be able to attend—not mid-week.

**Bettina Higginson** owns two properties on Loop Drive. She said if the lake level is lowered, her properties would become worthless and her docks unusable.

**Wally Voigt** lives on NE Lake Drive. He asked what the purpose was for considering lowering the lake level.

**Robertson** said the initial request for lowering the lake level came from the State Parks due to flooding of the campgrounds. Later, a petition was presented by Randy Weldon to the District from 21 people asking for lake levels to be lowered. Randy Weldon summarized the petition for the audience. He said that the lake in the past had always decreased to below 9 feet by July 4. He and the petitioners requested that the lake remain at about 9 feet.

**Gary Alston** asked what would happen if the lake level were changed. He would like to see the lake level remain as is. He requested no changes.

**Robertson** said if the lake is maintained at the maximum legal level, the dam would comprise two stacked boards totaling 15” plus a third of 3”. He said the WRD survey specifies 18-inches of boards.

**Wally Voigt** said that the campground was built in the wetlands and therefore should not be a consideration. Property owners’ concerns should take precedence over the park’s campground.

**Gary McGrath** (NE Loop Drive) said that it appears all the District needs to do to increase the lake level would be to obtain another permit.

**Mitch Moore** (Loop Drive) said that the District has no other choice but to lower the dam to the WRD requirements. He suggested the District bring the boards down to comply with WRD and revisit the issue next year after determining the outcome.

**Mark Christy** (NE Loop) said he would like to maintain the level at the highest permitted level, see what happens and make a decision with the proper vetting and notification of a meeting reconvened in a larger setting next year or in the fall of 2009.

**Beth Shibly** (West Devils Lake Road) said her property is located in a basis and if the lake is lowered, she and six other property owners will be unable to launch their boats or move them to their docks. She is voting to maintain the level as is.

**Bill Pigott** said he signed the petition to lower the lake level. He admitted to not liking power boats because he is a kayaker. His issue is that he likes to have his beach exposed so that he can use it. He said he doesn’t believe everyone is on the same level with perceptions about what is at issue.

**Green** asked Robertson to fill people in on the summer levels. Robertson said Al Rice measured the lake on three specific days a year from 1983 to 1991, the levels were 8.3 on the low level and 10 feet on the high level. After insertion of the dam, the lake has been between 9 and 10 feet from spring to fall. The D River becomes quite clogged with debris. Lake levels are reactive to the winter rains. He said 8.3 was the low level during the summers without the dam.

The water table may stay about the same in drought years and in other years. There are resources beyond the rain capture zone. Water comes from underground. Precipitation and sunlight are the major factors for lake level changes. The dam has augmented levels slightly, but it has not changed the level considerably.

**Tony McCaslin** asked if the Board would consider postponing their decision until more home owners have an opportunity to discuss the issue.

**Green** said the decision should be made by June because the impoundment right needs to be set before July. He said the District will not increase the lake level before June.

**Sue Henderson, Loop Drive**, said her concern is that if it’s something they have to face because of an environmental impact, she believes the District should do what is best. The cyanobacteria issue is the most important; dropping a few inches is not as drastic as water quality. She suggested reducing the surface of the water could increase the cyanobacteria level.

**Robertson said** cyanobacteria are prevalent in the lake because of nutrients from development, wastewater and deforestation. These issues began around 1900. In 1986, the grass carp were inserted and took the crop of weeds out by 1993. The same amount of nutrients remained and those turned into cyanobacteria.

**Richard Hughes** said the more water you have may actually help the situation. Less water will have more pollution and a warming effect. Erosion is inevitable—when you live around water, there will be erosion. If you drop the lake in the summertime, it might

have a slight affect. He said large boats pass by his dock and no waves cover his dock. The most significant erosion occurs in the summertime.

**Caren Willoughby** asked if lake levels have been checked in a variety of locations.

**Robertson** said there are two official level gauges. Another is near Al Rice's home. He noted the lake is quite flat on a calm day.

**Bill Pigott** (East Devils Lake Road) said he believes the silt and sediment definitely move around on the lake bottom. He stated that what people are measuring is depth under their docks which does change year to year.

**Sally Bowdle** (Loop Drive) passed around a photo and explained that they have been attempting for two years to get dredging for their area. She asked what the Board's position is on dredging.

**Sherry Land** (Lake Drive) said lake levels are very important to land owners. She was not happy with the comedic article in the entertainment paper, *Oregon Coast Today*, re draining the lake.

**Tom Snare** said he understands the issue of lake levels arose initially because of the State Parks. He asked for a decision to be postponed.

**Jonathan Moll, State Parks manager.** Moll said that he had requested the Water Resources Department survey on lake water usage since he felt the level was unusually high. He wanted to determine if DLWID was acting within the rights of the water permit. By July 4, there is not usually standing water in the park. He said that at 9.6, there will be no flooding issues. However, if the lake is at 9'11", there will be flooding.

He said the park has been in existence since 1957. He disputed the idea that the park dredged their canals, only culverts. He said he wants the lake maintained at 9.6, which is the legal level—at least from Memorial Day through Labor Day when campers are there. He admitted the park is located in a wetlands area. It is 200 acres and there was standing water in the campground area last summer. He reminded the Board that there is a sewer line running through the park that should also be considered.

**Bettina Higginson** again brought up the idea of dredging and the procedures. Robertson noted that DSL had to issue a permit in conjunction with the Corps, whether one is applying for dredging or filling. Permitting is \$125 or so.

Bettina said that if the lake remains at the current level, they will be able to use their boats. Robertson said the Board has no a policy regarding dredging of the lake. He said that the issue of Coho salmon might make it very difficult to obtain such a permit.

Robertson introduced Raylene Erickson as the person from PADL who writes the newsletter and announced that she has been chosen as this year's Lake Steward. He said that DLWID.org has a link to PADL and all the audience can access either site to obtain information.

**Bill Sexton**, contractor, dock builder and barge/crane operator said the water levels have been high in the summer; however, he feels the Board can do a little better in monitoring the levels of the lake. He suggested if there is going to be heavy rain, the boards should be pulled. He said he sets the new docks ten feet above sea level and he would like the levels to remain about the same as they are currently. If the level goes down, he will not be able to access his own property. He said any permitting is a long process—six or seven months.

**Green** closed the public comment session 7:45 PM. He asked if the Board wanted to postpone the decision on changing lake levels. He suggested the District continue to

operate at the impoundment level of 9.6. He said he feels any changes should be made slowly—if this level is maintained for a season and nobody is left “high and dry,” the Board might think about moving the level slightly lower. There are substantial benefits to having the normal ebb and flow with a natural shoreline and beaches.

**Green moved that the District continue to exercise its impoundment right at a 9’6” level, in accordance with WRD permitting. Winchester seconded the motion.**

Discussion: Green continued that there is an established impoundment right and the question is whether or not it should be fully utilized. He said the District is not surrendering any rights by not utilizing the entire permit amount. He feels that postponing the decision is the right choice. Aschenbrenner agreed that no decision is imperative at this time. He feels this summer the Board should see what occurs. He said during his seven or eight years on the Board, there have never been more than four or five people at the meetings. Aschenbrenner then brought up the significant issue—installation of SolarBees. It will be a \$1 million investment and grants are being sought. He said the District does not wish to raise taxes or borrow more than a minimum amount.

**Vote on Green’s motion:** Unanimous. Motion carried.

### **The Devils Lake Plan**

#### **Native Revegetation**

##### **Tetra Tech**

This issue is on hold until further notice.

##### **DSL Removal/Fill**

This application has been withdrawn until further notice.

##### **DSL Easement**

This application has been withdrawn with a notice that the District reserves the right to submit an application at a later date. DSL returned the \$750 application fee.

### **Model DEQ 319 Grant**

Communication has not been received from DEQ on the DEQ grant to create a mathematical model of Devils Lake. The District can apply for a grant up to \$15,000 for a data management project. Robertson said the \$15,000 would create a better record of the District’s data and make it available for DEQ.

### **SolarBees**

#### **Grant Submission Update**

Robertson said this is something the District would like all residents to be aware of. He said there is a slide show online. He encouraged the audience to look at the PowerPoint presentation on the website. The SolarBees would be useful to get rid of the cyanobacteria and to reduce weeds and get rid of the muck at the bottom of the lake.

They would reduce the effect of the sediment and the organic matter will dissipate.

SolarBees can actually inhibit weed growth and reduce lake bottom muck.

Robertson spent some time going through the website for the remaining people in the audience—from the history of the lake data in 1959 to the present.

### **DEQ Revolving Loan Program**

\$762,000 is the grant amount applied for on the application. \$100,000 will be allocated to septic tank revitalization to help people with their leaking septic tanks.

Robertson has applied for a half-grant, half-loan opportunity.

Two other entities' grants have been applied for—NOAA and an AARA grant where they have \$120 million to help local economies.

### **SolarBees Proposal**

Discussion ensued regarding statistics on the local area benefits from this project and the economic impact on the area by Devils Lake, SolarBees and applicable jobs as well as the impact on water quality from the SolarBees.

Robertson said he has taken real market value on the lake shore property and attempted to assess the increase in valuation for a 1-meter increase in water clarity. There would be between 1 and 6 percent property loss if water clarity decreases.

## **New Business**

### **Lake Steward Award**

This is the fourth year for a Lake Steward Award. Raylene Erickson was nominated last year, but declined. This year, Robertson insisted and she agreed to accept at the Community Days Banquet on April 18, also Earth Day Celebration, held at the Delake School.

### **Internship**

This is a paid position requiring some chemistry experience and database being highly desired. Robertson has received seven applications. He interviewed six people by phone and in person, and this year, two out of seven people were international. The applicant that rose to the top for her skills in chemistry was a Chinese student in chemistry and statistics—Jie Liu from PSU. Robertson spoke with her today and she is getting some information together. She would work three days a week from June 15 through October 15. He would recommend Monday through Wednesday to permit cyanobacteria monitoring with the other day and a half to be used for database management. She would be paid hourly through Contractors Clearinghouse; and the funds of \$10,000 would not be depleted by October. Robertson has requested that she acquire the proper documents for eligibility.

Green moved that Robertson be authorized to hire Jie Liu three days a week at \$10 per hour. Aschenbrenner seconded the motion.

**Vote:** Unanimous. Motion carried.

### **NW Business Expo**

Robertson was offered the opportunity to install a booth in the Expo, for which he registered. He said there are 60-plus booths with some good vendors, including Microsoft.

## **Non-Agenda Items**

Robertson proposed a request to the Board for the District to consider applying for a Resource Assistant Rural Environment internship, the RARE program UofO. This program would require a commitment of \$19,000; Robertson said the program is a good one.

Green said that he would recuse himself from this project since his daughter is involved.

Robertson said this is an internship for Master-level students. The local community adds about \$19,000 and they all interview each other. The pre-application is two pages that are due by April 15, with \$19,000 due by July 1. The student would be doing the job currently available—monitoring, water quality, adding public participation activities. The District would pay the \$19,000, and RARE would pay the intern. The program is for 11 months, full time, and equates to about \$10 an hour. Robertson said the District has to apply to become part of the program.

Aschenbrenner moved that Robertson apply for the program.

Winchester seconded the motion.

Vote: Unanimous, with Green abstaining. Motion carried..

Robertson said the budget committee will meet on May 11 at 10:00 a.m. He informed the audience that there are vacancies on the budget committee; only one meeting is required where the committee takes a look at the budget and makes recommendations. At a later date, the Board makes the final decision based on the committee's recommendations. Robertson announced that there is also a vacancy on the Board.

### **Public Comment**

None

### **Announcements**

KBCH 1400 am: Tuesday, April 7, 7:15 am

NW Business Expo: April 3, 2009 upstairs at Chinook Winds Convention Center

Earth Day, April 18, 2009, Four C's

Next Meeting: May 7, 2009

Budget Committee: May 11, 2009, 10:00 am

SOLV: May 16, 2009, Union 50.

Oregon Lake Association: September 11, 12, 2009-01-30, Union 50

Erosion Control Seminar: October 8, 2009

Adjournment at 8:52 p.m.

Respectfully submitted,

Linda Burt



# **ATTENTION!!!**

## **DEVILS LAKE PROPERTY OWNERS & RECREATIONAL WATER USERS**

**Did you know that next summer's recreational water level for Devils Lake is soon to be decided by the Board members of the Devils Lake Water Improvement District (DLWID)?**

- ❖ **Will you be able to navigate with lower water levels?**
- ❖ **Is there mud in front of your property or boat dock?**
- ❖ **Concerned about erosion from wake boats and wind/shallow water interaction?**

On April 2, 2009, the DLWID Board members will decide the fate of our property values and usability of boat docks, channels and the lake. **THIS SHOULD BE A DECISION MADE BY ALL OF US, NOT JUST A FEW!!!!!!!!!!!!!!!!!!!!!!!!!!!!**

The question posted on the website is:

Should DLWID continue to maintain the lake level using the dam at the D-River?

*"the lake level is 10.4 and the petition is for 9 feet. At that level, they would be surrendering a large percentage of the lake water. The extra water affects vegetation and water quality issues..."* as posted in the DLWID REGULAR MEETING minutes on October 2, 2008.

If you voted on the DLWID Blog <http://www.dlwid.blogspot.com/> your vote will **not** count on this decision! At the March Board meeting, it was clearly stated that the votes would not be considered when the Board makes its decision at the April Meeting. ***We must be present to have our voices heard.*** No matter how you stand on this issue please consider the following:

- ❖ lowering the lake level will affect erosion both positively and negatively
- ❖ lowering the summer lake level will significantly affect safe navigation and access to property and boat docks

Do not allow the voice of 5 Board members speak for all of us who pay property taxes or for those that choose Devils Lake as the site for recreation!

To learn more please visit the website @ <http://www.dlwid.blogspot.com/> and plan to attend the next DLWID board meeting to be held on **April 2, 2009 at 6:00 PM** at the District's office above Radio Shack in Lincoln City or contact the Board members or DLWID Manager Paul Robertson @ (541) 994-5330 to let them know your opinion on this impending decision.