



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

DLWID OFFICE

April 7, 2011

6:00 P.M.

- PRESENT:** Randy Weldon
Joe Barnes
Jack Strayer
Brian Green
- ABSENT:** David Skirvin
- AUDIENCE:** **Speaker: Glenn Dolphin, Oregon State Marine Board, Aquatic Invasive Species Coordinator**
Alex Ward, Doug Pirie, Raylene Erickson, Noel Walker
Larry Brown, Bill and Julie Sexton
- STAFF:** Paul Robertson, Seth Lenaerts
- MEDIA:** None

Robertson introduced Glenn Dolphin, who did a PowerPoint presentation on boat washing stations and much more.

He said that the state of Oregon Marine Board and the Oregon Dept. of Fish and Wildlife worked with the 2009 Legislature on a law for permitting of watercraft to fund boat inspections as of January 1, 2010. Fish and Wildlife and Oregon Marine Board split the profits.

Wyoming, Idaho and California all have this program with the goal of protecting water bodies from the spread of invasive species. Boats over 12 feet must obtain a sticker permit every two years based on the length of the boat, plus an additional \$5. Out-of-state boaters pay \$20. No inspection is currently mandatory; however, a voluntary inspection program is now in effect. There are more than 180,000 registered boats in the state. WA, ID and CA require boats to stop at boat inspection stations and California has mandatory border inspections. Idaho has mandatory boat inspection authority to inspect all boats coming into the state. In Oregon, non-motorized boats 10 feet and longer are required to have a permit and the fee is the same for residents and non-residents. The permit is transferrable at \$5 per permit.

Initial permit revenue was used for signage, education materials, training, law enforcement and mobile boat decontamination equipment. A total of 198,536 AISPP permits were sold in 2010, raising more than \$1 million. These fees could double once everyone is aware of the permit requirement. Seven citations were issued last year.

Dolphin showed the Marine Board Outreach Campaign signage that was borrowed from Idaho. They also produce rack cards, posters and brochures. A media campaign, press releases, newspaper articles, TV coverage, short stories, Grant's Getaways on TV and an outdoor show in Travel Oregon have all begun educating boaters.

Dolphin left a couple of new boat ramp signs for DLWID to install with the message: "Stop Oregon Invaders; Clean, Drain and Dry." Ten locations on roadways leading into the state have signs: "Watercraft: State Law Requires Invasive Species Permit." Eight more signs will be added. Signs are \$1,000 plus installation costs from ODOT.

Zebra/Quagga mussels are the most dangerous invasives. The Great Lakes have had them since the '80's and Hoover Dam and Lake Mead have them because of the calcium.

There have been more than 200,000 inspections done in Colorado; they close public boat ramps at night and this state is the strictest. They have spent more than \$2 million on boat inspections. Staff throughout the Northwest meets on a regular basis to discuss and learn more about inspections. Dolphin showed decontamination units that the state uses. Each has various inspection tools and a containment mat for waste water. No mussels were found in Oregon last year.

Roadside voluntary inspections numbered about 600 last year by two inspectors at each site. A law fining for non-compliance and violations for not stopping is going through the House now and will next pass through the Senate. It is expected to pass. Dolphin said there are 48 ramps throughout the state with voluntary inspection signage that seem to be more effective than those on the highways. Watercraft inspection training is being done throughout the state. Level I training is for three hours; Level II is a two-day process. They teach hands-on use of decontamination equipment for live mussels at an infested body of water. Detailed boat cleaning takes a minimum of one hour with 140-degree water. The cost is \$20 to \$30 to spray down the boats coming out of infested Lake Mead. A variety of statewide representatives are trained on watercraft inspecting: County Marine Patrol, state/federal agency; field personnel; USCG auxiliary and ODOT ports of entry.

The Clean Launch Law dictates boaters are prohibited to launch a boat with any visible aquatic species on the exterior of the boat—hull, motor, trailer or equipment or invasive species inside the boat. These inspections focus on the time of launch, not during transport or retrieval of a boat—a Class B violation with a fine of \$287. There is also a sign for Boat Engine Backflushing. The alternative is for boaters to wash their boats at home or in a local car wash.

The New Zealand mud snail is also a dangerous invasive species.

Dolphin discussed boat washing stations.

He stressed the need for a good overall AIS management plan and said there is no silver bullet to solve AIS problems. A strong education/outreach program is required.

He asked: will your focus be on prevention or containment? What is the species of concern? Do you have coverage for all water-access points? This program is expensive to install. What about utilities? Electricity and water? Permits? Will you use cold water or hot water? Will it be staffed? What about maintenance and safety? If you are only after weeds, they can be handled with a water hose with a nozzle. Education is important—signage, brochures, workshops.

Oregon is primarily concerned with aquatic vegetation moving from place to place.

The 100th Meridian Initiative Effort is coordinating the training.

In Oregon, every registered boat owner (180,000) would have received the “Underway,” a four-color, eight-page newsletter outlining programs that are in progress, including a full-page article about the new boat permit program.

Discussion expanded on weeds and invasive species and methods of invasion and eradication.

Green to Robertson: I would suggest you come to the next meeting with some simple methods of education and how to disseminate information to the public. It could limit the problem if people are aware.

Minutes of the previous meeting

The Minutes of the previous meeting were unanimously approved.

Financial Report

Robertson presented two fund transfer Resolutions—2011-03 to move \$300 from Contingency to Accounting and 2011-04 to move \$4,450 from Improvement Fund to Personal Services. Both were approved and signed.

The Financial Report was unanimously approved.

Unfinished Business

Devils Lake Plan

DEQ 319 Grant

Nothing remains but to pay the bill after the funds are received.

Strayer asked if the data base had been created and if there was anything specific that Robertson gained from it.

Robertson said he will review it in depth presently. He has reviewed the 319 Grant report regarding the phosphorous levels from the ‘90’s to now; there is still much phosphorous in the water. It ties into weed growth and cyanobacteria that are present, pretty static from the ‘90’s, still in the soil and coming into the system at a rate that can sustain it. If we can knock it down from the watershed, the numbers can decrease. Phosphorous was removed from laundry detergent in the ‘90’s and this year, it was removed from dishwashing soap.

Robertson said that rocks and concrete seep. Wetlands, natural riparian zones, simple things are important—no-phosphorous cleaning, no fertilizer; getting the root systems to utilize the nutrients instead of placing them into the lake. Septics are a component. He elaborated some more.

Septic Tank Revitalization Program (Lenaerts)

Lenaerts mentioned the e-mail regarding the State’s action and sent out the package that DEQ is proposing. Ways and Means Natural Resources Committee is meeting next Thursday from 1:00 to 2:30 regarding fees for violations. Lenaerts feels strongly that he and Robertson should attend the meeting and give testimony if possible.

Green said that if the bill is presented out of committee, it’s likely to pass and he said he feels that both Robertson and Lenaerts should attend since this issue is one of our priorities.

One facet of the issue is “Time of inspection at the time of transfer.” If you have an ATT system or sand filter, you have to get on a continuing operation schedule. There would be a minimum maintenance agreement for a sand filter system.

Barnes agreed that it would be good to have a presence there.

Lenaerts said the meeting went well with Green, Skirvin, Robertson, Mayor Anderson, Councilor Ellingson and David Hawker on March 23. David Hawker still has some concerns—staffing and funding. Watershed-wide would be a phased-in approach with a four-tiered system. Between tiers, the City would have an opportunity to evaluate the program and decide if they wish to continue moving forward with it.

Barnes mentioned implementing a voluntary program. He asked if it would be possible to go through the data base and contact people with septic systems greater than 20 years old and recommend that if they have not had an inspection within the last two years, they should do so. Green says that we have been working with the city on a mandatory program. Hawker's concern is making it watershed-wide, but he is not prepared to recommend it because of the administrative burden. Green said the way to handle it is to legislate the right and not the obligation to inspect watershed-wide so that the city has the opportunity to inspect based on the burden and time available. Dick Anderson got on board with this concept. The clarification was that it would be watershed-wide, but the city would not be required to inspect 20% every year. They can make a decision based on their success and how many people appeal, how much time it takes to address the appeals, etc.

Lenaerts said some septic systems are over 30 years of age—more than 50 percent should be inspected. With about 685 in the watershed, about 340 exceeded that age.

Green said those who have recently had an inspection would definitely go to the bottom of the list.

Robertson said they did get a verbal agreement to get some action by the end of April.

Hawker wants to see what the state is going to do before they begin to work on it at the local level.

Robertson said let's wait until May and then we can create an ordinance to bring it all together in a mandatory inspection program. The mandatory might get 50 people, even if there is no hammer.

The question was asked about the District's ability to pass an ordinance.

Robertson said that in the '90's, the District did pass an ordinance on Forest practices.

Robertson said there are new councilors with two new ones coming up in May and more in September.

Noel Roberts asked what would be the penalty if you got inspected and it was determined that you were not in compliance. Barnes responded that the same procedures would apply as if the city were doing the inspection.

Green said that Hawker indicated a plan to inspect 100 the first year.

Discussion ensued on the process and time-lines for inspections.

Green suggested that Lenaerts inform the City that he is going to testify at the State's hearing and then he can send information to the City.

Green said Hawker signed off on the watershed-wide issue and that was very positive step forward.

SOS--Save our Shoreline Campaign (Lenaerts)

Lenaerts feels that it might be beneficial to have landscaping and maintenance crews in the future focus on landscaping a public area. On the Regatta Grounds project, Lenaerts is communicating with Spiro—he has a plant list and they are reviewing the locations. Next Thursday is the day they will plant. Robertson suggested planting an extra 10% so that it will look good.

Discussion began about the curb cuts, pollution from the pavements flowing into the grass.

Robertson: They are going to come and place 45-degree angle curbs that will be more attractive.

East Devils Lake State park: Katie from Oregon Parks and Rec and Lenaerts are discussing the maintenance of the plants at this site. She is asking for long-term maintenance, saying that the State

cannot maintain it. Lenaerts feels that they will change their minds once the planting is completed; however, they are concerned about staff to perform the work.

Lenaerts said most of the plants are those that they have already been using.

Lenaerts asked if the District can offer maintenance. He said they are covering the canary grass.

Barnes said it might be advantageous to have a scope of work.

Robertson said this project should cut down on the maintenance of the area.

Green informed staff that as they are driving by the area, they should take a look at the 80- x 15-foot area and determine that it looks okay.

Lenaerts brought up the Bottemiller property project where the landowner wants to install envirolock bags resembling a sand bag, but with native soil. They are woven together with plantings in between. After completely covering the vegetation, you get an ornamental rock wall. Lenaerts said that the landowner wanted the District to fund his project and asked how they wanted to handle the request.

Although the Board expressed reservations due to the cost and the difference in concept, Green suggested that the Board at least take a look at the projected cost and consider this concept, since it might do more to save our shoreline than other things.

Lenaerts said that he will be required to obtain a permit because it will be considered fill.

Green said it would be valuable knowledge to know if DSL will give permits on this; Lenaerts could then go back to the landowner and say, "you supply the bags and we'll supply the plants."

Barnes said if we had a scope of work, we could look at co-oping with him as a sample project.

Vegetation Management

Robertson said he sent out a request in December and on April 1st received this public records item. He talked to with them and does not think that illegal transplanting is an issue. There was a case in '86 or '87 that started because people thought they could install grass carp. There is not a real threat for people to capture them in a public access lake. Signs could be installed—there is one at the D River.

Barnes asked if Robertson could create some sample signs regarding grass carp to bring to the next meeting. Robertson said he would do so.

Robertson said the Strategic Plan clarifies items and other items are modifying. The Strategic Plan has a list of about 30 issues; the Devils Lake Plan has eight items.

We need to survey and map the lake for aquatic weeds as part of the invasive species.

This will require funds and somebody to snorkel the inlets and outlets. Weeds are growing in shallow areas. If you tell the state how many carp you need, you will have to tell them how many weeds you have.

Barnes asked for Robertson to create a sample RFP for the Board to review.

Strayer mentioned the 2004 Wagner plan.

Barnes asked: What are the criteria?

Robertson said the species and density of vegetation. He suggested TetraTech might be good for the project. Green asked if TetraTech could do a draft and submit it to the Board.

Robertson added that a professional topographical survey is also necessary; or a government-stamped one will suffice. This will require some funds as well.

ODFW's letter regarding the Devils Lake Plan states that we need to submit a petition to the commission to modify the Administrative Rules that list grass carp as a controlled species with specific limitations. Part of that process will require a scientific study.

Green asked if they have to declassify grass carp and say it is not controlled.

Robertson said, "I am not sure whether they can just say the criteria can be changed for controlling them."

Green said that a commission can always make those findings. We can allow these fish in this particular habitat.

Barnes: Ms. Teller encouraged me to go before the commission, because they can make an exception to all these criteria.

Strayer said Dolphin mentioned the vegetation management study of Dr. Sitsma. Blue Lake gives how-to vegetation management controls. We need to take the aquatic vegetation seriously.

Robertson said that was our goal. Work on nutrient abatement and some other things in alternative approaches.

Strayer moved that the chairman and the lake manager read the ODFW letter specifically with respect to water quality, ecology, and vegetation goals of the original Devils Lake Plan and report back to the Board on any additions and changes to the Plan.

Motion dies with lack of a second.

Green said the Plan is just the beginning. We need to move forward and address it in the course of the commission.

Strayer said what he wanted was a continuation of a scientific study.

Barnes said the Board has decided to move forward; we are going in prepared even if we have to bring in experts from other states.

Green noted that Robertson agrees the process will require a scientific report that must include A through G. I think we ought to ask him to take a shot at writing the report to the best of his ability. If we need to, we can send out an RFP to improve on it. That should be the next step.

Robertson said, "Let's do what we can do and if we need to, we'll take it up a notch and ask another group."

Green said in "G" (other factors as deemed by the commission), he can address the things Strayer mentioned. Robertson said, also A through F.

Green said, "We should direct Robertson to address the three items that Strayer mentioned under "G", plus other items that you think might be considered.

Discussion ensued regarding Lytle Lake not being successful in their request for grass carp.

Robertson said that it was a public lake issue, and, we are a public lake. A nutrient budget makes sense and the idea of relying on something from 1980 doesn't make sense.

If we are going to target for fall on the grass carp issue, we have to focus on these three things.

Barnes: We should not be in a hurry because if we only have one shot at it, we might need to bring in some experts.

Robertson said we did not put an economic study in the Strategic Plan. If it makes sense, we should include it.

Discussion about whether the outdated economic study would be valuable. Raylene Erickson said she would do some research and try to find the previous economic study.

Green: "Let's see how far we can get addressing these items. I think we've got to do this and there is a fair amount of work involved."

Robertson said Budgets will also be consuming a great deal of time.

Sewer (Brian Green)

The City has hired the engineer that Green was working with. He assumed that he will come up with the same or lesser figures because of how these figures were generated.

He hasn't started because he had to increase his insurance coverage to do this job and he's waiting for them to approve his contract with the new policy attached. Haven't heard back from Dave Stiller about the easements up north. Awaiting the engineer's report. Then there is a public hearing on the creation of the LID and then they perform the work and put the final costs together and assess the properties; then a hearing will be held on the amount of the assessments. They will install the sewer line and then determine the assessments.

The Café – Union 50

Robertson said he has not yet scheduled a meeting with Kurt Olsen, Director of Urban Renewal. He did some research into the ORS ordinance and found that this project is well within the District's scope. There is a 0 percent interest loan for improvements with a one-third ownership.

Weldon asked if there would be any problems with being in the tsunami/flood area.

Robertson said flood insurance would be required, along with a good marked escape route. The Club is high visibility—it was a social club formed from a former yacht club. There is a good connection to the VCB and DeLake School. DeLake is growing.

Comparisons were made of the Union 50 Club to Blue Heron Marina as possible locations for DLWID's project.

Green said the next step is for Barnes and Green to meet with the Urban Renewal Board. Olsen recommended getting in front of the Urban Renewal Board to discuss it. Green will set up a meeting for mid-next week.

Communications Report

Re skier-down flags, prices are from \$2.99 to \$8.99. The \$2.99 melts from heat when trying to print.

Lenaerts feels he could find something for around \$5.00 that would be about \$8.00 with printing.

The Board discussed how many to order. Lenaerts suggested starting out with 50.

We will give them to people as we are cruising around the lake talking to people.

Barnes moved to purchase 50 flags with printing not to exceed \$8.50 per flag.

Green seconded the motion.

Vote: Unanimous. Motion carried.

Re seed packets, Lenaerts presented packages with a good mix. The cost is approximately \$2 per packet. Lenaerts suggested purchasing six pounds at a cost of \$576 for seeds with about \$15 for shipping.

Barnes moved to purchase six pounds of seeds for \$576 with \$15 for shipping.

Weldon seconded the motion.

Vote: Unanimous. Motion carried.

Re the recreational brochure. Lenaerts has a quote using the smaller paper size. Moving to a 4-fold will increase the cost somewhat. He would like to order 10,000 of the brochures after final edits.

Weldon suggested one edit should change the lake perimeter to 9.3 miles.

Lenaerts will await any additional changes from the Board.

Green asked for an incorporation of the "Clean, Drain and Dry" message regarding cleaning boats on the brochure, which Lenaerts will add.

Lenaerts said he will send out for one final edit on Friday with a final copy the following week and have the brochure printed by May.

Barnes moved to permit Lenaerts to order 10,000 brochures from Quality Printing at a cost of \$1,622.59, plus the \$110 for typesetting and design.

Green seconded the motion.

Vote: Unanimous. Motion carried.

Safety Report

No issues.

Thompson Creek

No invoice has yet been received from OSU.

Erosion Study

Robertson said that TetraTech previously said lower water was better. If we install the dam in April at 9.53, the rains in April and May will push the level to 9.7 to 9.9. We saw that after the dam was in, we'd have a sheet of water pouring over the dam. If we run it to 9.7 to 9.9, TetraTech will be limited. We are investing \$30,000 dollars and we need to get our money's worth. There could be a public concern that the water will get too low; April 15 to May 28 there is little recreation ability. Weldon expressed concern that we will be up to 9.8 with the type of weather we are having. We have to make a decision now because the dam goes in on April 15.

Weldon moved to install the boards of the dam using the metal uprights as of April 15, withholding the cross boards until the on-site erosion study/survey visit has been completed. At that point we will have the contractor install the dam and operate the dam as previously instructed. Barnes seconded. Vote: Unanimous. Motion carried.

Internship

Green moved to have Robertson interview applicants for the internship with the offer of the \$1,000 stipend. Barnes seconded the motion.

Vote: Unanimous. Motion carried.

Staffing

Green moved to fund the project manager position out of the improvement fund for Fiscal Year 2011-2012. Barnes seconded the motion.

Discussion on the value of hiring a second staff person.

"Yes" votes: Weldon, Green, Barnes. "No" vote: Strayer.

Motion carried.

New Business

Log Removal

Robertson said he received some new prices. Drayton's bid is essentially the same as Wiggins. The hotel offered their property as long as boards are placed on the ground to prevent damage. Barnes said he feels Sexton might be more efficient since he has a crane. Robertson said the quotes are \$1,250, \$1,290 and \$810 for clearing only the canal. Water work period for the lake is October

through February; July 1 through September 15 is for streams. They can look at the D River as a stream. We will need a variance if we are going to move logs in the D River due to the salmon. The in-water work period is ODFW's deference to the salmon habitat.

Strayer asked if clearing the canal would enable kayaks to pass.

Robertson said you can look down there and see that you can get your kayak through.

Robertson recommended that if the Board wanted to clear the D River, to wait until July. The best window of time is to do work this next week because the salmon are going out; otherwise, we cannot work until July 1. They probably won't let us do the whole river next week.

Green moved to hire Sexton to clear the canal next week and to have Robertson call ODFW and see if we can get a variance for the River; if so, negotiate with Sexton to also clear the River, since he would have only one move-in cost if ODFW grants the variance.

Barnes seconded.

Green: If you get the variance, his bid is more than \$500 more than the next guy. If he has only one move-in cost, see if he can drop the price down.

Vote: Unanimous. Motion carried.

Lake Contractor Contract

Julie and Bill Sexton approved the contract. Robertson proposes April 15 for the start of the contract with it running through the next fiscal year.

Strayer move to approve the contract as stated by Robertson.

Green seconded.

Vote: Unanimous. Motion carried.

Non-Agenda Items

Lenaerts asked if he could participate in the United Way Day of Caring using the District's time to do a community project on April 29.

Barnes moved to permit Lenaerts to use one full day for a United Way of Lincoln County Day of Caring. Green seconded.

Vote: Unanimous. Motion carried.

Lenaerts said he will check into whether they can perform a project involving the lake.

The U.S. Army Corps of Engineers is offering a one-day course from 8:30 a.m. to 4:30 p.m. on May 5th—in Salem. Robertson feels it would be beneficial for have him to attend to learn more about the permitting process and their requirements on fill projects. It would be relevant to any shoreline restoration project or any project with a fill component. Robertson says it could be relevant to the emergency dredging permit that we will have to go to the Corps to obtain. It would also be a good networking opportunity.

Barnes moved to allow Robertson to go to the May 5 Army Corps of Engineers meeting.

Green seconded the motion. "Yes" votes: Barnes, Green and Weldon. "No" vote: Strayer.

Motion carried.

Robertson's vacation. Robertson would like permission to use his 7.5 vacation days on a Friday and a Monday as he wishes prior to the end of the fiscal year. The Board agreed that he could use

his vacation two days at a time with 48 hours' notice to the Board prior to his departure. If he wishes to use more than two days' notice, he must give three days' notice to the Board.

Public Comment

Adjournment

The meeting adjourned at 10:41 P.M.

The next Board meeting will be held on May 5 at 6:00 P.M.

Respectfully submitted, Linda Burt