



Quick Look:

- Erosion Study Bids
- Lake Level Update
- Devils Lake Plan Updates
- SOS Recruitment

Devils Lake Water Improvement District
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AGENDA 2010 September 2
Regular Meeting: 6 pm, DLWID Office

- I.** Minutes of the Previous Meetings 6:00 pm
- II.** Financial Report
- III.** Public Comment (Agenda Items, Please limit comments to 5 minutes per person)
- IV.** Unfinished Business (Agenda Support Item A)
- a. Lake Level
 - b. The Devils Lake Plan
 - i. DEQ 319 Grant
 - ii. Native Vegetation
 - iii. Septic Tank Revitalization Program (Seth Lenaerts)
 - iv. Save our Shoreline Campaign (Seth Lenaerts)
 - v. Vegetation Management
 - vi. Sewer (Brian Green)
 - c. Communications Report
 - d. Safety Report
 - e. Thompson Creek
 - f. Water Quality Update
 - g. Erosion Study RFP
 - h. SOLV
- V.** New Business (Agenda Support Item B)
- a. Government Grant Book/CD (Brian Green)
- VI.** Non-agenda Items
- VII.** Public Comment (Non-agenda Items, Please limit comments to 5 minutes per person)
- VIII.** Board Comments & Announcements
- IX.** Adjournment

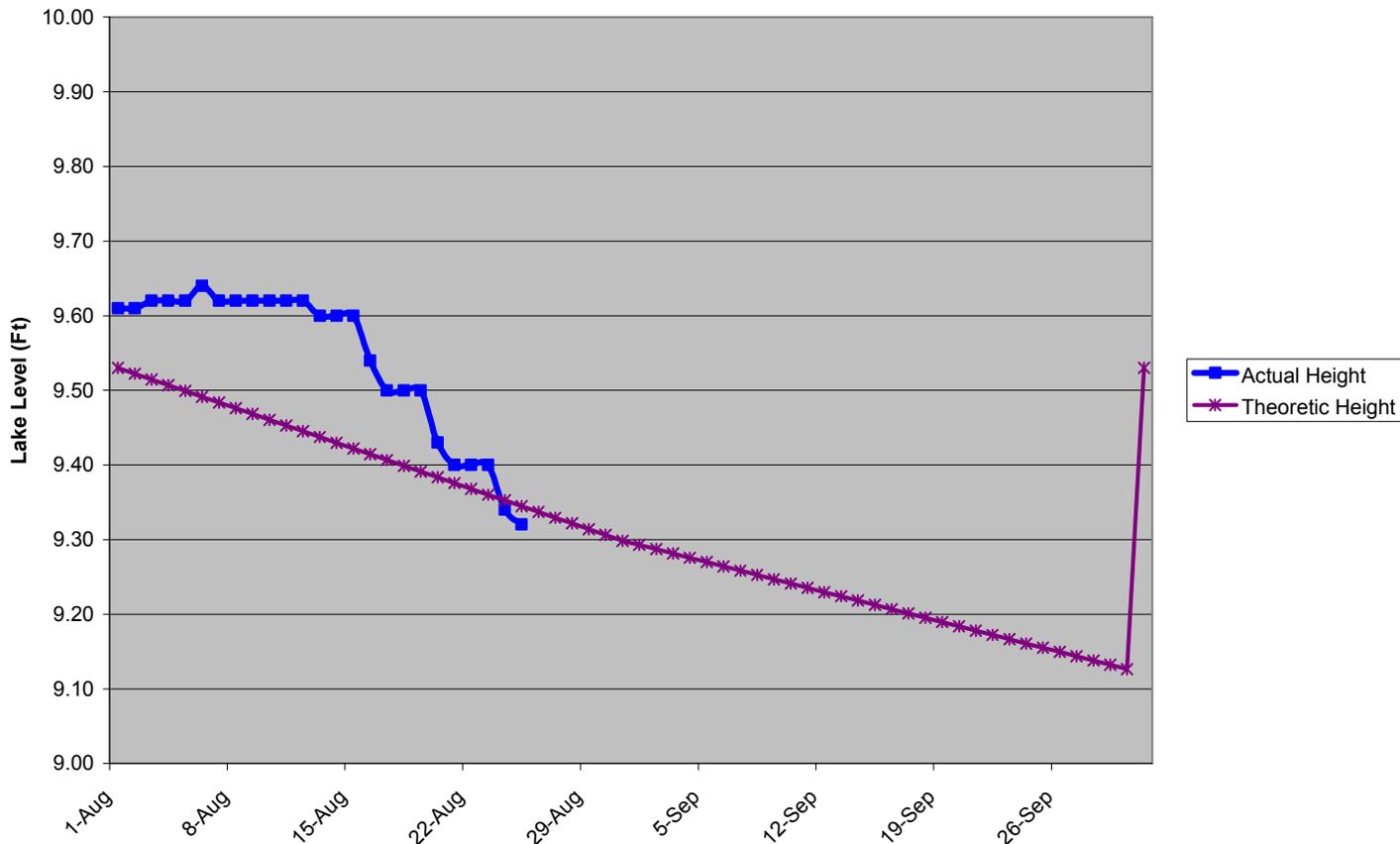
Unfinished Business

(Agenda Support Item A)

- a. **Lake Level:** The lake has been manually dropped in the month of August by the Lake Contractor and will continue to be dropped through the month of September. This is being done in an effort to comply with the conditions of our permit that state that inflow and outflow must be equal during this time of the year. Effectively no additional water can be impounded in August and September, and in fact a slight decline in the lake height needs to be afforded to account for evaporation. This decline is on the order of 2/3" a week in August and a 1/2" a week in September. Boards have been removed in an attempt to mimic this changing lake level. This is certainly an imprecise method, but the lake does respond over time with the removal of additional boards. I have included a graph of the actual height of the water and what should theoretically be the height of the water based on the evaporation calculations. On October 1st, the lake level can again be increased, hence the last point on the theoretic line jumps back to the maximum height allowed under our permit of 9.53'.

As to the question regarding why the inflow/outflow provision exists on our permit in the first place, and how we might further an appeal should we so choose, I have repeatedly contacted Water Resources via email, and have yet to hear back. The most recent email was Monday August 23, 2010. Should I receive a reply I will immediately pass it on to the board.

Evaporation Calculation



As reported last meeting the staff gages at the D River and the State Park do not accurately represent the height of the lake, and are set too high by 0.20 and 0.22' respectively. The District ordered and just recently received two pair of Staff plates for installation. The Lake Contractor has been contacted to arrange an installation, possibly as early as next week. Data in the graph above have been corrected and do represent the actual height of the lake.

b. The Devils Lake Plan

- i. **DEQ 319 Grant:** I have met with E&S Environmental Chemistry Inc. and was able to answer their questions regarding the scope of the project. I have provided them a DVD of all of the digital data, and have agreed to box up only the additional paper documents not on the DVD. They have plenty to work on now they said, and thus I will drop off the additional paper files when Seth and I go to Corvallis for the Oregon Lakes Association conference in mid September. Other than that, I think our role is more or less limited to answering follow up questions as they move forward on the design of the database, and their eventual grading of the data which will be done in the fall. Final product is not due until New Year's Eve, 2010, and our final report to DEQ is not until March 2011.
- ii. **Native Vegetation:** We have received the 100 new copies of the Native Planting Guide. A mailer is being developed to be sent to the lakefront property owners and preferably to local landscapers in the area as well. This is a group I would also like to target. We have already provided a few copies to homeowners who have inquired and to public agencies. This includes a few copies spread out between the City and County Planning Departments and Public Work Departments, the Siletz Tribe's Natural Resources Department, the watershed councils, the Soil and Water Conservation District, and the Natural Resource Conservation District. I have also provided five copies to the Driftwood Library for circulation and for permanent reference.

iii. **Septic Tank Revitalization Program** (Seth Lenaerts)

No update on draft ordinance as of Friday, August 27. Will provide update at the board meeting.

The City of Lincoln City and Lincoln County Board of Commissioners held a joint meeting on Wednesday, August 11. The septic tank inspection ordinance was discussed at that that meeting. David Hawker explained the program to the Board of Commissioners and requested that County staff be available to take the prescribed action in case of a failure. Valerie Soilhi who is head of the Lincoln County planning department was at the meeting and stated that her staff can accomplish the task. In addition she re-stated the County's willingness to work with homeowners whose systems may not be functioning.

iv. **Save our Shoreline Campaign** (Seth Lenaerts)

DSL Permits

In continuation of the discussion regarding DSL permits for shoreline plantings.

The necessity of a permit is dependant on the task that is going to be completed. A good rule of thumb is that if the project only consists of planting or maintenance on an existing structure, a permit is not necessary. If soil is going to be moved or the project will include new features (excluding plants) then a general authorization permit is necessary.

General authorization permits are free to the applicant and must be sent in at least 15 days before the planting. General authorizations are associated with projects that will have a benefit on the water way and wildlife. Shoreline property owners can apply for a general authorization permit but the project must show that it matches at least one of the following criteria:

- **Ditch and drain tile removal:** disruption or removal of subsurface drainage structures (e.g., drain tiles) and plugging or filling of drainage ditches in wetlands.

- **Placement of large wood, boulders and spawning gravels:** provided the location is not tidally influenced and material is placed consistent with the [Guide to Placing Large Wood and Boulders](http://oregonstatelands.us/DSL/PERMITS/docs/bold_grav_place_hab_rest.doc) (http://oregonstatelands.us/DSL/PERMITS/docs/bold_grav_place_hab_rest.doc).
- **Other activities customarily associated with habitat restoration in essential salmon habitat waters:** less than 50 cubic yards of removal fill in waters of the State. Includes the disposal of material resulting from the restoration activities within the project area so long as it assists in accomplishing the objectives of the habitat restoration project. Activities must be consistent with the [Oregon Aquatic Habitat Restoration and Enhancement Guide](http://www.oregon.gov/OWEB/publications.shtml) (<http://www.oregon.gov/OWEB/publications.shtml>) and use materials or structures that would naturally and/or historically occur at the project site.

Furthermore, Carrie Landrum (DSL rep for Lincoln County) stated a general authorization permit is necessary if earth is being moved (grading), fill is being used, except where it is necessary to maintain a pre-existing structure and if non-plants are being placed in the water. An example of non-plants would be an erosion log or woody rip rap.

The result is that if a landowner wants to simply dig a hole and plant along the shoreline below the Ordinary High Water Mark (OHWM) they do not need a permit as long as there is not a grading and/or there is an erosion control aspect.

If the nature of the project includes an erosion control device and/or grading the property the owner is then required to apply for a general authorization permit and District staff can facilitate that process. The General Authorization permit is free and can be used **as long as the nature of the project is bank stabilization and habitat restoration.**

Examples:

Activity	Permit
Planting project above ordinary high water mark* (OHWM).	No Permit necessary
Planting of plants only below (OHWM) of 10'4"	No Permit necessary
Grading of property below the OHWM	Requires a General Authorization Permit
Placing of erosion control devices below 10'4 mark (erosion logs)	Requires a General Authorization Permit
Maintaining a current rock wall or rock structure	No Permit necessary

Ordinary High Water Mark for Devils Lake is 10 Feet 4 inches.

About General Authorization Permits

Below is the Oregon Administrative Rule regarding general authorization permits and a copy of the general authorization permit.

OAR 141-085-0534

Exemptions for Certain Voluntary Habitat Restoration Activities

These exemptions apply in all waters of this state except State Scenic Waterways.

(1) For the Purposes of this Rule:

(a) "Habitat Restoration" means the return of an ecosystem from a disturbed or altered condition to a close approximation of its ecological condition prior to disturbance.

(b) "Voluntary" means activities undertaken by a person of their own free will, and not as a result of any legal requirement of the removal-fill law (ORS 196.600–196.990).

(2) **Conditions of Exemption:**

(a) Activities described in paragraphs (3)–(8) of this section are exempt from permit requirements with the following conditions:

(A) In-water activities are conducted during the Oregon Department of Fish and Wildlife (ODFW) recommended in-water timing guidelines, unless otherwise approved in writing by ODFW;

(B) The in-water activities conform to ODFW fish passage requirements (ORS 509.580–509.910), unless otherwise approved in writing by ODFW;

(C) The activities do not convert waters of the state to uplands;

(D) The activities will cause no more than minimal adverse impact on waters of the state including impacts related to navigation, fishing, and public recreation;

(E) The activities do not cause the water to rise or be redirected in such a manner that it results in flooding or other damage to structures or substantial property off of the project site; and

(F) All necessary access permits, right of ways and local, state, and federal approvals have been obtained.

(3) Research and Fish Management in Essential Indigenous Anadromous Salmonid Habitat (ESH) are Exempt. A permit is not required for the construction and maintenance of scientific and research devices related to population management, watershed and habitat restoration, or species recovery, provided the activity does not exceed 50 cubic yards of removal-fill.

(4) Vegetative Planting. A permit is not required for planting native woody or herbaceous plants by hand or mechanized means. Ground alteration such as grading or contouring prior to planting is not covered by this exemption.

(5) Refuge Management. A permit is not required for habitat management activities located on a National Wildlife Refuge or State Wildlife Area that are consistent with an adopted refuge, or wildlife area, management plan. Fill or removal in waters of the state for non-habitat management activities such as roads and building is not covered by this exemption.

(6) Ditch and Drain Tile Removal. A permit is not required for the disruption or removal of subsurface drainage structures

(e.g., drain tiles) and plugging or filling of drainage ditches in wetlands. Notification must be submitted on a form provided by the Department at least 15 calendar days prior to commencing the activity.

(7) Placement of Large Wood, Boulders and Spawning Gravels. A permit is not required for the placement of large wood, boulders and spawning gravels provided the project location is not tidally influenced and material is placed consistent with the Guide to Placing Large Wood and Boulders (DSL/ODFW 2010). If the activity will exceed 50 cubic yards of removal-fill in waters of the state, or any amount in Essential Salmonid Habitat, notice of the activity must be provided to the Department. Notification must be submitted on a form provided by the Department at least 15 calendar days prior to commencing the activity.

(8) Other Activities Customarily Associated with Habitat Restoration in Essential Indigenous Anadromous Salmonid Habitat (ESH). A permit is not required for voluntary habitat restoration activities resulting in less than 50 cubic yards of removal-fill in waters of the state. This includes the disposal of material resulting from the restoration activities within the project area so long as it assists in accomplishing the objectives of the habitat restoration project. The activities must be consistent with the Oregon Aquatic Habitat Restoration and Enhancement Guide and utilize materials or structures that would naturally and/or historically occur at the project site. Notice of the activity must be provided, submitted on a form provided by the Department, at least 15 calendar days prior to commencing the activity.

Stat. Auth.: ORS 196.825 & 196.600-196.665

Stats. Implemented: ORS 196.600-196.692 & 196.800-196.990

Hist.: DSL 8-2009, f. 12-15-09 cert. ef. 1-1-10

SOS Medallion:

I received a prototype of the SOS medallion. The intention of these medallions is to place them at shoreline sites where a restoration has occurred or where the property owner has either left the property natural or has done a native planting project. The estimated cost for these medallions is about \$12 which will include a rebar stake.

I propose purchasing an initial 20 of these medallions @ \$300 with funds from the improvement fund. (Materials and services, watershed protection shoreline restoration)

Homeowner Recruitment:

Recruitment is taking place on an ongoing basis. Thus far we have sent out a follow up email to those property owners who had shown interest in the past, included SOS information in the August newsletter and sent out a Save our Shoreline recruitment email. We still plan on sending out the SOS brochure and also doing direct recruitment. In the near future I plan on doing a quick survey of the lake to identify high potential projects and do direct outreach to those property owners.

Save our Shoreline Video:

Barry Heidt of Beach Life TV created an outreach video for us during the April plantings. (Show a few clips 5 minutes)

The District board has talked about these types of short informational videos in the past and budgeted for them in the future. Below is an excerpt from the 2010-2011 budget.

”One such idea is the development of a multimedia approach to education and outreach targeting lake stewardship consisting of a DVD mailed to lakefront property owners. The video product would also be aired on government access television, and be available on the web and through the public libraries. This idea in part was presented to the board in 2006, but resources were not expended at the time. Resurrecting this idea with the inclusion of web accessible video is one of the education and communication ideas being considered. Development of these multimedia items would couple well with the Save our Shorelines program. Some video has already been collected in this regard. While outside resources would be required, it is anticipated that coordination of this project would be one of the job details of a project management specialist should such a position evolve. Additional video vignettes could be produced covering other best management practices such as erosion prevention & control, septic system maintenance, and storm water control through the use of rain gardens. Estimates for the video development including distribution are approximately \$10,000. Refinements to these estimates would necessarily occur, particularly if funding was addressed through grants.“

This video is a sample of the type of informational video that the District could produce (maybe with a better narrator). This video is intended to be a pilot, just to show what is possible. If the board chooses to contract and create one of these videos and we really spend time on it, I think they could be a great resource.

Beach life TV has offered the District use of this video for the small fee of \$250, which is meant to cover the cost of using the equipment.

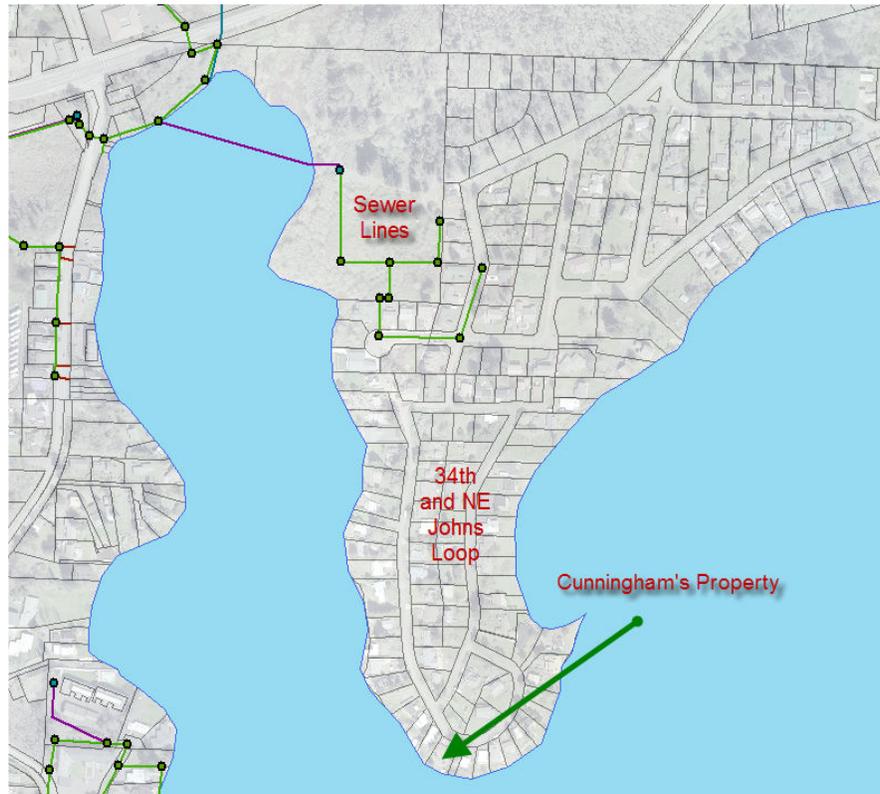
- v. **Vegetation Management:** The major component of the vegetation management plan being worked on right now is the completion of the Devils Lake Plan. Recent additions and revisions have been provided to the board. The biggest focus as requested was to provide the board some estimates of the workload each of the Action Item is assumed to be, as well as a timeline for the work to be completed. Other additions to the Devils Lake can be seen in the chapter on the Current Status of the Lake and Action Plans for the Existing Monitoring and the Center for Applied Freshwater Ecology.

As a means of estimating the workload, I and Seth both independently placed values in FTE or Full Time Equivalents to each item and then summed the results. I, then based on these two estimates, provided a final estimate which is what is presented in the Plan. For some items it is anticipated that the item would be done under a separate contract, and thus the FTE attached to that item is only the supplemental work anticipated to be required of staff to facilitate the contract.

FTE	Approximate Work Days
0.01	2.4
0.05	12
0.10	24
0.20	48
0.25	60
0.50	120
1.00	240

Lastly I have then placed a few specific time sensitive items in a proposed timeline. This is obviously up for debate and consideration as to what the board sees as being the larger priorities, but I have attempted to design a timeline around the top five goals and those items interrelated or interconnected to those goals.

- vi. **Sewer** (Brian Green) Based on the work Brian and Randy have done near Regatta Grounds, there has also been interest in doing a similar project in Neotsu on NE Johns Loop and 34th. Sewer does exist relatively near and thus a grinder pump sewer option may also be feasible. There are approximately 100 parcels south of where the sewer currently reaches, which assumingly would all be approached in total. Seth has initiated contact with the lead interested party, Steve Cunningham. Mr. Cunningham has spoken with a fraction of the neighbors (about a 1/10th or 10%), and has gotten 100% response in favor of the idea. The Cunningham's were incidentally one of three of the original SOS properties. Parcels to the east could be under another similar sized project should this project be first feasible and secondarily, successful. Funding is always the key. I provided Mr. Cunningham some information regarding potential funding, which I have forwarded on to the board. It would seemingly make sense to see what the formal response to Brian's letter has been in his neighborhood, before proceeding forward as well, but this is great project for the winter.



c. **Communications Report:**

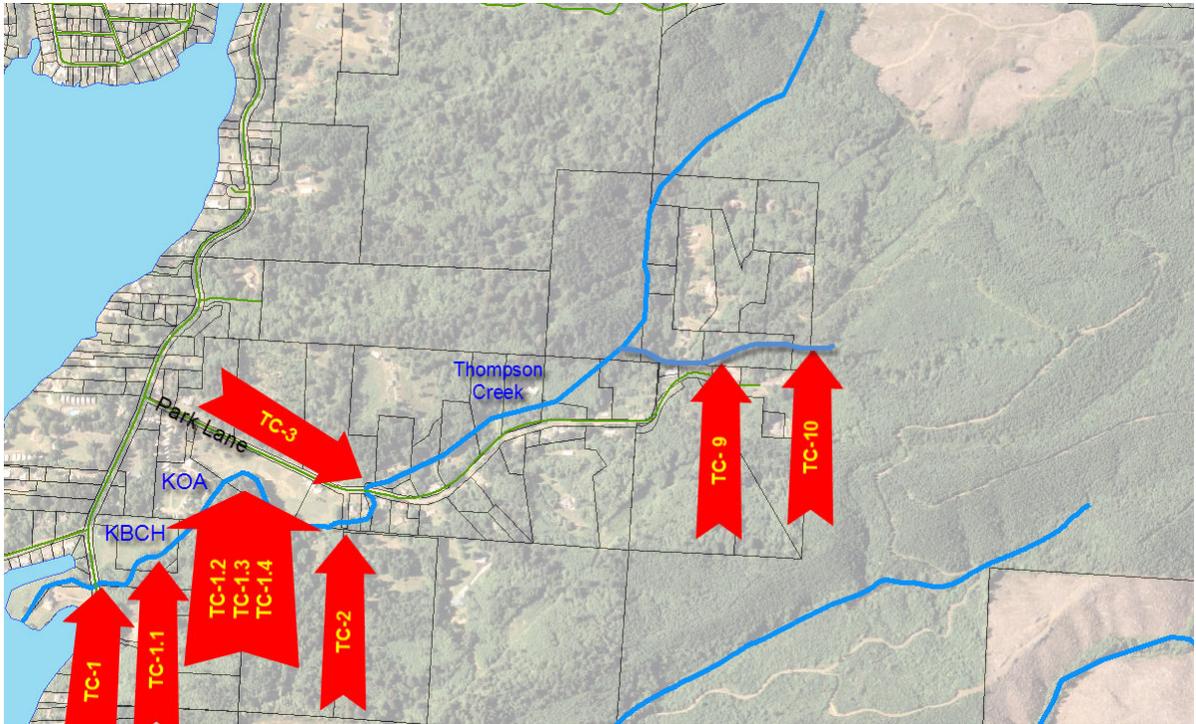
Devils Lake Flag: I have spoken with two local vendors regarding the request to have a Devils Lake Flag for the boat. One (Gomberg Kites) can only provide 16' "Feathers" (\$250-\$400), while Station 3 Promotional Graphics apparently can provide more of a flag (16" x 24") for \$130 plus S7H.

Potluck on the Point: On August 7, 2010 my wife and I along with Brian Green and Jack Strayer and their spouses attended a gathering at Dana and Mitchell Moore's home on Loop Drive. The event was attended by over 65 people according to Mitchell's blog and provided a nice opportunity to meet new folks. One interesting factoid I was told involved a septic system on Loop Drive installed in 1997. This was a steel tank, and by 2010 when it was recently pumped, it had many holes in it. This was then replaced with a fiberglass one, which have a longer life. Other things people were talking about were the Native Planting Guide, the SOS program and Water Quality.

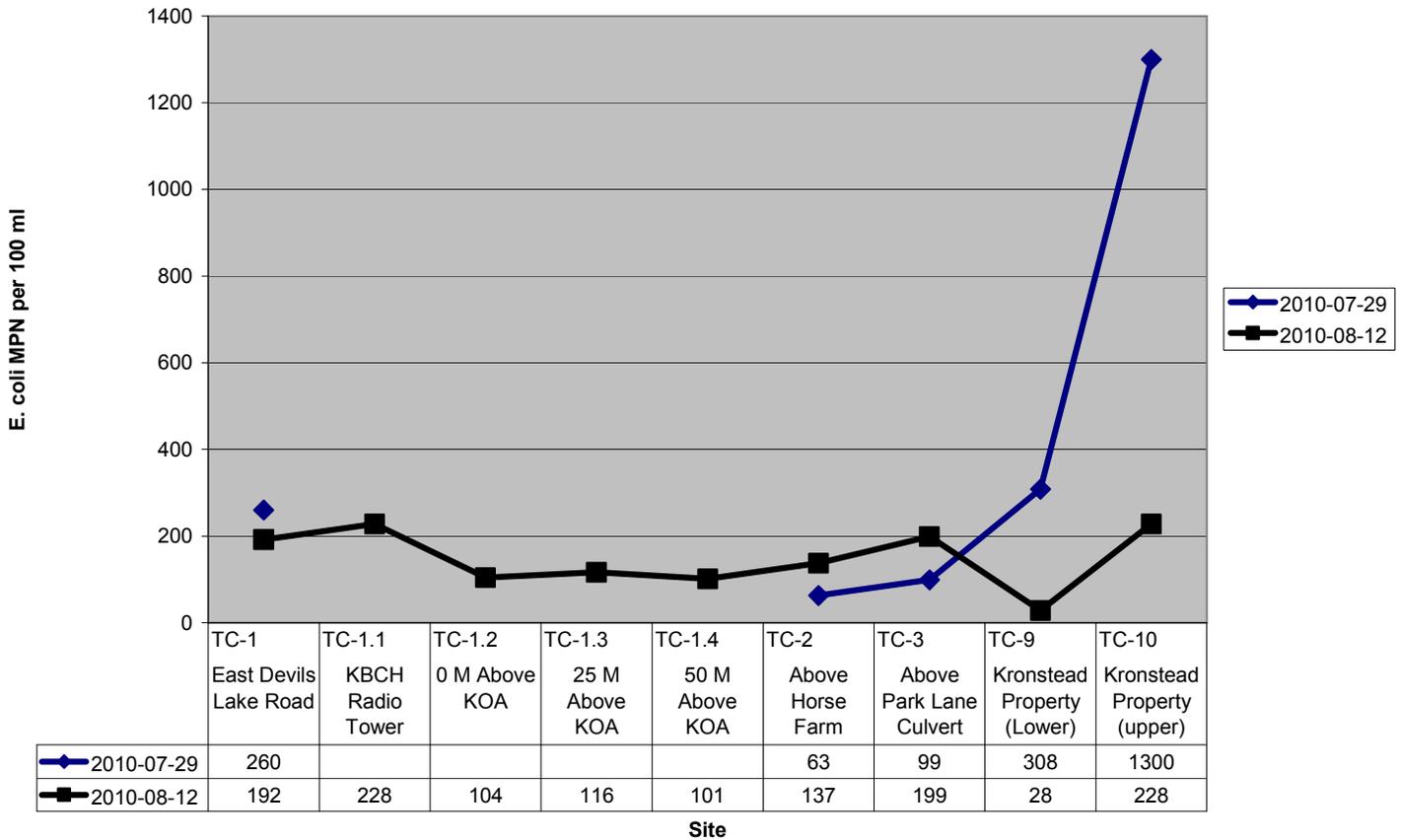
d. **Safety Report:** No Incidents.

- e. **Thompson Creek:** We have concluded two days of special sampling on the Thompson Creek System. The sample results are presented in table form and graphically below and a map of the sample sites has also been provided. We have not sent out any DNA samples, but have processed two sets of samples and have them in the freezer, if warranted. From the *E.coli* results on those two days, the only thing we can say at this point is nothing is very definitive. The first sample day we had the highest values at the top of the watershed, and the second day the values were all in the same range. Notably, only one sample site (TC-10) had a result that was above the water quality recreational use standard (406 *E.coli*/100ml), and therefore the benefit of analyzing any of the samples from these two samples days may be marginal. We were able to add a few more sites in the lower end (TC 1.1, TC1.2, TC 1.3, and TC 1.4) on the second day, but unfortunately in that run at least did not get that much more information as a result. The additional sites though are potentially very useful as they bracket particular properties

of interest, specifically KOA. The most productive thing to do at this point is to continue to sample for *E.coli* at as many sample sites as practical, and prep the samples for DNA work at the same time as we have been doing. The stream transitions into two main parts, and so gaining another sample site on the other fork would also be desirable. I have spoken with one of the owners already, and their son who owns the parcel just before the timber land is my classmate from high school, so I am confident we can get access. If we start to see a clearer change in the samples from point to point, then the samples should also be analyzed for DNA. With the onset of the rainy season, additional fecal matter may be washed into the streams. However with additional water also comes the factor of dilution which can reduce the number of organism per volume of water compounding our research efforts.



Thompson Creek



f. **Water Quality Update:** Water quality at the D River and the D River Wayside has recently and suitably been the focus of a number of articles in the local papers due to some higher than normal bacterial readings. One article was based on our *E. coli* data from two weeks ago while the second article was based on data from the State Beach Monitoring Program (<http://www.oregon.gov/DHS/ph/beaches/>) collected this week. Both programs focus on recreational waters. However as the state’s program is for the ocean it uses a saltwater tolerant species, *Enterococcus*, as the indicator species of fecal contamination. As a result the values are not directly comparable, but the results can still be semi-quantitatively compared. Basically an exceedance of the either standard is a sign of higher than normal bacteria in the waters, as is thus a concern that other more harmful pathogens may also be in the waters.

Historically for 2010 the D River has met the state’s WQ standards 10 of 12 weeks this summer. We had a high reading two weeks ago (1203), and to a lesser degree just last Monday (190) which were the two failures. The river has less water in it this time of year, so fecal inputs are magnified in a way by the lack of dilution. Notably all other lake samples sites (Regatta Grounds, Holmes Road, Sand Point, the campground, and the state park have had exceptional water quality this summer with regards to bacteria, and are all 12 for 12. Thompson Creek and Rock Creek are 2 for 12 and 10 for 12 respectfully.

The State did just conduct a follow up sampling Thursday, and have continued to find higher than normal level of *Enterococcus*. Our next sample date is next Monday with data posted by Tuesday morning.

What might be the cause? I did find a dead seagull near the dam, which I removed yesterday, and we have seen a lot of feathers in the water lately suggesting the birds are congregating upstream of the dam. I mentioned the lack of dilution as well due to lower flows in the D River. Stagnant (lentic) waters may also come into play. Given the District dam at the end of the lake, flowing (lotic) water otherwise on its way out to sea is pooled behind the dam. Debris and organic matter tend to accumulate in this stagnant water as then would fecal matter or as has been the case the last couple of years even dead animals. A few years ago a dead raccoon was found hung up on the dam which may have led to high readings at the time, and certainly provided a health risk to people wading in the D River. The slower moving water also tends to have less oxygen which then slows down the biodegradation of things like fecal matter and bacteria.

- g. **Erosion Study RFP:** We received four responses to our RFP. Each board member should have received a copy of the four proposals. I will be conducting a formal review of the documents next week, and will provide recommendations to the board. Funding for the project was not specifically planned in the budget, but could be made available by resolution, moving X number of dollars in the Improvement Fund from Material & Services: Vegetation Management to Material & Services: Watershed Protection. This would be simpler and thus less time consuming than doing a supplemental budget.
- h. **SOLV** (Seth Lenaerts) Project will be either a planting or an invasive species removal. Details to be forthcoming.

New Business

(Agenda Support Item B)

a. **Government Grant Book/CD**

(Brian Green)

The Federal Grants and Loans Catalog is now available. This publication contains more than 5000 financial programs, subsidies, scholarships, grants and loans offered by the US federal government and various foundations and associations across the United States. That is over 2200 pages of information !!!

Contents of the Catalog:

- >-Federal agency administering a program
- > -Authorization upon which a program is based
- > -Objectives and goals of a program
- > -Types of financial assistance offered under a program
- > -Uses and restrictions placed upon a program
- > -Eligibility requirements
- > -Application and award process
- > -Regulations, guidelines and literature relevant to a program
- > -Information contacts at the headquarters, regional, and local offices
- > -Programs that are related based upon program objectives and uses

Programs in the Catalog provide a wide range of benefits and services, which have been grouped into 20 basic functional categories, and 176 subcategories that identify specific areas of interest. Listed below are the 20 basic categories in which all programs have been grouped by primary purpose.

- > Agriculture
- > Business and Commerce
- > Community Development
- > Consumer Protection
- > Cultural Affairs
- > Disaster Prevention and Relief
- > Education
- > Employment, Labor and Training
- > Energy
- > Environmental Quality
- > Food and Nutrition
- > Health
- > Housing
- > Income Security and Social Services
- > Information and Statistics
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