

**Quick Look:**

- Boat Wash Stations
- DEQ Grant
- Log Removal

Devils Lake Water Improvement District

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www.DLWID.org

AGENDA 2011 April 7

Regular Meeting: 6 pm, DLWID Office

- I. Special Order of Business: Boat Wash Stations** 6:00 pm
Glenn Dolphin, Aquatic Invasive Species Prevention Program Coordinator, OMB
- II. Minutes of the Previous Meetings** 7:00 pm
- III. Financial Report**
- IV. Public Comment** (Agenda Items, Please limit comments to 5 minutes per person)
- V. Unfinished Business** (Agenda Support Item A)
- a. The Devils Lake Plan
 - i. DEQ 319 Grant
 - ii. Septic Tank Revitalization Program (Seth Lenaerts)
 - iii. Save our Shoreline Campaign (Seth Lenaerts)
 - iv. Vegetation Management (Agenda Support Items A&C)
 - v. Sewer (Brian Green)
 - vi. The Café --- Union 50 (Agenda Support Item D)
 - b. Communications Report
 - c. Safety Report
 - d. Thompson Creek
 - e. Erosion Study
 - f. Internship
 - g. Staffing
- VI. New Business** (Agenda Support Item B)
- a. Log Removal
 - b. Lake Contractor Contract
 - c. Native Vegetation (Jack Strayer) (Agenda Support Item C)
 - d. Invasive Species Control (Jack Strayer)
- VII. Non-agenda Items**
- VIII. Public Comment** (Non-agenda Items, Please limit comments to 5 minutes per person)
- IX. Board Comments & Announcements**
- X. Adjournment**

Meetings of DLWID are handicapped accessible under the ADA.

If special accommodations are needed, please contact the District Office at (541) 994-5330 prior to the meeting.

Special Order of Business:

Boat Wash Stations: Glenn Dolphin Oregon Marine Board

Glenn is going to provide a 30 min -40 minute presentation on Invasive Species and Boat wash station, after which there will be time for questions and answers. Glenn will be able to provide some cost/benefit analysis for us regarding Boat wash stations for us.

I. Unfinished Business

a. The Devils Lake Plan

- i. **DEQ 319 Grant:** I submitted the following documents/files to DEQ ahead of the March 31, 2011 deadline. This should finish our obligation to DEQ under this grant program. As a little history this grant began back in Nov 2008 with the initial application. It got partially funded in mid-2009, so we were asked to submit a revised application. The actual agreement began in February 2010 with an end date of March 31, 2011. The Grant was for the consolidation, grading and compilation of the historic data from Devils Lake. This included the creation of Sampling and Analysis Plans and Quality Assurance Project Plans, a bibliography, grading the data in the bibliography, and development of a database to house all the data. Data of high enough quality was also to be sent to DEQ for entry into their statewide database. All of these tasks were accomplished. The only remaining thing I see that we have is insuring payment to E&S Environmental Chemistry Inc., for services rendered is accomplished after getting funds from DEQ.

Materials sent to DEQ:

- Final Report & Preliminary Data Assessment
- MS Access Database 257MB
- Data Report
- Data Quality Compliance Report
- Final Performance Report
- Quality Assurance Project Plan
- Sampling and Analysis Plans
 - Bacteria
 - Cyano-Watch
 - Physical and Chemical Parameters
- Financial and Administrative Reports
 - Exhibit B
 - Exhibit C
 - In-Kind Match form

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

Board Chair, Brian Green, Director, David Skirvin, Lake Manager, Paul Robertson, and I had a meeting with Mayor Dick Anderson, Councilor, Gary Ellingson and City Manager, David Hawker on March 23. The intention of the meeting was to restart conversations on the septic inspection ordinance, now that there is a new city council and to address any concerns.

As Hawker has stated in the past he is concerned about having the initial ordinance be watershed wide as opposed to phasing in the ordinance over time. Mayor Anderson also said that he likes the idea of phased approach, which would allow City Council to evaluate the progress of the program, assess staffing needs, available funding and other pertinent information.

The phased in approach is very similar to what we had agreed upon in the past. The exception being the City wanting language that allows for evaluation after each tier is inspected and the ability to slow down the program or stop the program. Which, realistically they can do with or without the language in the ordinance.

If the inspections are going to be phased in, it begs the question how will the systems be prioritized. Mr. Hawker and I have been working on this question for sometime. At this point the result is a matrix of criteria, including, system characteristics, proximity to the lake or tributary, and water use. Each item would then be given a score and higher scoring systems would have a higher priority.

It was my feeling that the meeting went well. The next step will be for Mr. Hawker to work on a proposal that he feels the City Council will be favorable to. Timing at this point is uncertain. The city is working on their budget at this point, which is a time consuming process.

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

Lakescaping for Landscapers:

Doug Spiro and I offered the course Lakescaping for Landscapers on Tuesday, March 15. The attendance was what I had expected; we had a total of 8 participants, 4 landscapers, 1 nursery owner and landscaper, 2 landscape maintenance people and the mayor also attended.

The course included a history of Devils Lake, DLWID, and development around the lake. Save our Shoreline was a large component, explaining why we have the program, the benefits and the incentives. The class also covered a general overview of lakescaping and the fundamental principals. We then went into specific plants, plant details and landscape design, finally finishing with an exercise where the participants had to come up with their own design. The exercise featured a site with specific limitations and opportunities as well as a homeowner profile, which included specific homeowner requests.

Although this course only took two hours to present, the time to create the presentation far exceeded that. Now that we have this presentation, time permitting it seems like a good idea to do a similar presentation that is targeted for the public.

Regatta Grounds RFP:

East Devils Lake Rock Company has accepted to do the project. Site preparation is currently planned for 8am, Wednesday, April 6, with planting to be done a week or two afterwards. The delay in planting is to allow time to see what the percolation rates are to assure appropriate plants are selected.

East Devils Lake State Park

This project is still moving forward. I had a talk with Katie who continues to support the project. She needs to have the Districts assurance that they will support this project long term.

Is the District still in support of this project and will they be able to offer some early maintenance support? Maintenance should be limited to weed pulling and watering the first month. Perhaps more long term maintenance if there is widespread invasive re-growth. Maintenance would either be done by staff or contractor.

Ideally, eventually it will come to the point that the State Parks will maintain the site, but at this point they have not offered to aid in the maintenance.

iv. **Vegetation Management:** Also see Agenda Item C for materials sent by Jack Strayer

Grass Carp: We received (just today 2011-04-01) the public records request we made in December from ODFW. They suggested that OSP's Fish and Wildlife may have other files related to illegal stockings and that we should contact them too which I did with a voice mail. Over the next week I will begin processing the reams of paper and digital files they sent.

Strategic Plan Next Steps: While there are number of items planned for this spring, a few are proposed to be completed by outside contracts and thus we need to develop those in the next week or so. They include the following:

- Survey and map the lake with GIS for all aquatic plants, all inlets and outlets and screen location. We need to develop an RFP for this item which I may be able to complete by our meeting.
- Acquire professional topographic survey: I want to look into this a bit more as existing maps with LiDAR data may suffice, but I will also investigate some costs we can expect.

The other primary issue we need to work on above all others was raised by ODFW's letter regarding the Devils Lake Plan. It states that we need to petition the commission to modify Administrative Rules which list the Grass Carp as a controlled species and the specific limitations and restrictions for stocking under OAR 635-056-0075. This is beyond the Part of that process will require a study of scientific nature with cited references showing that the controlled species will not harm or potentially harm native species. The scientific report must include the following:

- a. Disease/parasite issues
- b. Interbreeding-hybridization
- c. Competition for habitat-food, water
- d. Impacts to habitat of native wildlife
- e. Predation on native wildlife
- f. Feasibility and cost of capturing/eradicating
- g. Other factors as deemed by the commission

v. **Sewer** (Brian Green)

vi. **The Café --- Union 50:** See also Agenda Support Item D

I conducted some research in to the legality of developing such a project and how the funding might be addressed (See Item D). This was brought up at one of our recent board meetings. Items in the attachment are excerpts from ORS 552 which governs Water Improvement Districts. I underlined items of particular interest which as I read support the District's authority to pursue

such a project and options for funding such a project. We can provide these materials to our attorney for future research if warranted.

As to funding the project the Devils Lake Water Improvement District as a Special District is eligible for some very low interest loans through SDAO. This program relies on the fact the District has ongoing taxing authority. Here are the details and other financial opportunities:

SDAO Flex-Loan Program: Marketed now as the cooperative financing programs through Wedbush, this loan program available to special districts like our own allows for lower interest loans based on the security of a taxing authority. Payments are semi-annual, due July 1 and Jan 1 which befits the tax collection structure of the District. Loans are 15-25 year fixed loans with rates currently in the 3.5-4% range. Loans can be made for land, buildings, improvements and equipment.

On a 20 year loan figure annual cost of \$7,500-8,000 per \$100,000 borrowed. If the District borrowed 500,000 then it would need \$37,500-\$40,000 a year.

Local Lending: I spoke with Oregon Bank and TLC federal Credit Union as well. Rates start around 6.5% and for Oregon Bank with 25-30 year amortization schedules with a shorter maturity (balloon payments). TLC would be similar but are statutorily limited to 15 years for loans. TLC would also want 25% down.

Urban Renewal Façade Improvement Loan: The facility will need a new roof shortly as there are currently leaks as I understand but there are many opportunities to roll an improvement loan into a purchase agreement or the like. Should the District acquire the property, it could then apply for a façade improvement loan which could cover the cost of a new roof and necessary improvements up to \$50,000 for one project and up to \$100,000 in total with a second loan. These are 0% interest loans. Some origination fees apply. This would be an even lower cost alternative to adding in the improvements to a SDAO Flex Loan.

Also so the board knows, I did receive a call from Dennis Regan the realtor for the OCCC Foundation. He was interested in getting a letter of intent from the board. What I haven't had the time to do is set up a follow up meeting with Kurt Olsen of Urban Renewal, but am providing a summary of our previous meeting here:

Meeting with Kurt Olsen, Urban Renewal Director 2010-11-09 RE: Union 50. We discussed the vision for the property, and the idea of The CAFÉ as a science center, research center and resource of lake education. I mentioned the recreation value to lakefront properties to be able to boat to the D River moorage, and walk to Kyllos as an economic boom to property values. We also talked about the connection to the wetland trails and the Cultural Center and State Parks, as well as the "D Boat House". This is an Urban renewal Parks and Rec idea of doing a kayak rental at the D River Park. Overall he definitely suggested something was possible, but that it would take partnerships. He suggested the possibility of some sort of cost sharing where DLWID would fund a portion (E.g. 1/3), and then UR could fund another on a zero interest loan which could then be held for 5-10 years. At that point there could be a decision as to if the UR should forgive the loan entirely, seek repayment, or if the property should be sold picking up the investment value. Those decisions would be down the road.

He also suggested talking to OCCC about a price break based on community value or opportunity to use the facility for field courses, interns, etc. If there is to be an aquarium based educational component, the educational opportunities for the Aquarium Science students might be worth

OCCCC having the ongoing involvement. He also inquired about whether there was an agency that might need office space as one means of attracting funding (ODFW, DSL, and DEQ). Kurt also suggested the partnerships that could be forged with the area hotels, and the dentist's office suggesting that at least for the hotels, having a science center which would bring visitors in. In order for the idea to gain traction, he suggested Brian talk to Urban renewal President. Given that, UR staff assumingly could become more involved, exploring the options available.

b. **Communications Report** (Seth Lenaerts)

Promotional items

Skier down flags

I continued to investigate skier down flags. I looked at a number of flags with the cheapest being a vinyl flag on plastic pole for \$2.99 a flag. For a nicer nylon flag on a wood pole with a suction cup that sticks to the boat, the cost is \$8.99. There are a range of flags between these two options.

The idea was to have the flag and add a DLWID logo to them. Flags will be ordered and purchased with the printing down by a different party.

Printing costs are estimates based on a 6x6 DLWID logo.

Flag Cost	Printing Cost (does not include \$20 set up fee)	Total Cost
Low End \$2.99	2.75-3.00 (cost difference due to flag material.)	\$5.74-5.99 per flag
High End \$8.99	2.75	\$11.74

Board Action: Would the Board like to pursue Skier Down flags as a promotional item, if so, how many and at what price?

Seed Packets

The first hundred seed packets were made and about 70 of them accompanied the letters to Thompson Creek residents regarding canine based fecal bacteria. A sample packet will be available at the meeting.

In our first seed order we only ordered 2lbs of seed which makes about 100, 10gram packages. Each package can cover 20-25 square feet. The seeds are a mix of two pre-made mixes. One of the mixes is a wetland prairie mix, the other a marsh mix. The wetland prairie mix costs \$52.75 a pound, the marsh mix is \$139.95. Therefore the total is \$192.70 for 2lbs. When additional costs are added like shipping, labels, and the envelope, each packet costs about \$2.00. Although the seed costs may seem high, after reviewing and calling several other seed distributors, \$95-\$125.lb is about the norm. The marsh mix is more because it has a high percentage of sedge and rush which are costly seeds. Thus far, I haven't found a better suited mix than the Sunmark mix that we have purchased.

Board Action: I think this is a great promotional item that helps to promote the District and Save our Shorelines. They have also been well received by the public and I think most people who see them find them to be a novel idea.

I recommend ordering 6lbs of seeds. Four lbs would be dedicated to seed packets and the remaining two lbs could be used for projects or for packets depending on need. Total cost would be \$576 for the seeds and about \$15 for shipping.

Recreation Brochure

The recreation brochure is coming along well. Please see the latest draft. We can still do edits, but this should be printed soon. It would be nice to have the brochures out to hotels and local businesses before the summer tourism season begins. Please provide feedback on content and detailed edits are appreciated.

The cost of the brochures will be higher than initially quoted, since we are using a large piece of paper and we have used more of their graphic designers time than originally estimated. The initial quote was \$45 for design. \$967.10 for 5,000. \$1236.54 for 10,000.

Revised Quote:

aps quality printing service

No. 10454

Date 3/31/11

Customer P.O. No.

D.L.W.I.D.
PO Box 974
Lincoln City, OR . 97367

e: 541 994-5330

QUANTITY	DESCRIPTION	AMOUNT
5,000	Brochures, 16 x 9 White Gloss 80# Book Recy., printed 4 colors front in Process ink, 4 colors back in Process ink	1,223.50
10,000	Brochures, 16 x 9 White Gloss 80# Book Recy., printed 4 colors front in Process ink, 4 colors back in Process ink	1,662.59
1	Typesetting & Desing	110.00

Board Action: Approve the brochure with nominal edits.

- c. **Safety Report:** No Incidents
- d. **Thompson Creek:** I have made repeated attempts to get a bill from OSU with no response to date.
- e. **Erosion Study:** Dr. Toni Pennington and Hydrologist Bob Mussetter will be in our area the week of May 9th to survey the lake. I will be supporting them and working closely with them as Captain and crew of the SS DLWID.
- f. **Internship:** (For a review of the proposed internship see Staff Report 2011-03-03)

We have had three applications to date for our unpaid internship. All the candidates on paper would seem to be a good match for the District in one form or another. If the District is in favor of moving forward with the summertime Water Quality and Outreach internship, I will begin setting up interviews. Typically I have conducted the interviews and made a recommendation to the board. Without objection given the timeframe and if the board decides tonight to go ahead an offer a position, I would like to be able to formally offer the position in April to the best candidate. This would allow the candidate the best chance at finding housing something that has plagued our internships in the past. Also if we are having an internship the board discussed a possible stipend. A \$,1000 was suggested at on time.

BOARD ACTION:

- Are we going to interview and then offer a position for the summer, doing so in April?
- If so will there be a stipend available? And at what value?

g. **Staffing:** (For a review of the proposed work plan see Staff Report 2011-03-03)

The board has been evaluating the costs and benefits of continuing a project manager for the District. Details of a proposed workload are given below, but could change based on directives or other priorities. The District just completed the Devils Lake Plan, which strategized a solid ten-years worth of projects, so there are certainly many items to tackle should the board want to move forward at a pace consistent with having a staff person specializing on just a few items such as we have done in the last year.

Board Actions:

- Do we want to have a Project Manager funded out of the Improvement Fund for FY 2011-2012?
- We need this decision tonight as the budget will be released before the May meeting, and a great deal hinges on the outcome of this decision.

II. New Business

(Agenda Support Item B)

- a. **Log Removal:** The Board has asked for quotes for removing logs from the D River area, and from exclusively the SE 1st Street Canal. I had collected three quotes for each area, but got some new information late today regarding dragging logs, so I am giving everyone until Monday to get back to us.

I also followed up on a couple of issues that were raised when researching this project and the fire house option for moving sand as requested last meeting. The first issue is whether the logs sitting on the bottom can be removed without a permit. When the lake was 11'+ logs moved into the canal and D River Area, they are now sitting on the sandy bottom as the lake has receded. It is a question of floating vs. floatable. Carrie Landrum of DSL has assured me that logs that do not require excavation to remove do not require a permit. I further inquired about having to drag logs across the sand which is acceptable.

See excerpt of email from Carrie Landrum of DSL below:

If the logs can be removed without having to dig them out, excavate, or otherwise conduct removal activity, you do not need a permit. From the photographs, it appears that these logs can be pulled out without the need to conduct any removal activity.

Carrie Landrum
Resource Coordinator
Oregon Department of State Lands

Follow Up from Carrie Landrum

No, dragging a log out of the river would not require a permit.

The other issue revolves around the In-water Work Period established by ODFW. This is when work can be done in a waterbodies and varies between lakes and streams/ivers.

Lakes: October 1 - February 15

Streams/Rivers: July 1 – September 15

ODFW is willing to consider that the terminal end of the lake where we might do work including the canal can be considered river and thus the opportunity to do work would begin July 1st. Frankly an argument could be made either way, but currently we are in neither In-water work period. Thus unless we want to wait until July, we need to ask for a variance. This is possible, but I get that sense that only a small project such as just the canal would likely get approval. There too we have no guarantee. Coho salmon smolts head to sea and use cover such as logs (Large Woody Debris –LWD) and thus ODFW first off does generally not favor log removal, and secondarily will consider the fish and wildlife impacts when considering a variance and thus may deny a variance outright.

See email from Derek Wilson of ODFW below with follow up.

From: Derek Wilson [mailto:derek.r.wilson@state.or.us]
Sent: Tuesday, March 29, 2011 11:02 AM
To: Paul Robertson
Subject: RE: Log removal in Devils Lake Canal and D River approach

Paul,

Attached is the waiver form. Some of the information can be filled out by you if you like. Otherwise, we typically complete the form following a written request. As you know, coho smolt are / will be migrating out of the lake well into May. This will be taken into consideration for your waiver request since the work you want to do is in the migration corridor and the in channel LWD is likely used as cover by the smolt during their out migration.

Let me know if you have any questions,

Derek

Follow up from Derek Wilson:

We are already seeing coho smolt migrate out at several of our life cycle monitoring sites. The lake forms typically start by mid April and peak late April to Mid May depending on the water year and go into June.

Lastly, the board asked me to contact NLFR about hosing out the D River area with a fire hose. I have yet to hear back, but will let you know. Obviously this would require a removal/fill permit, but if feasible and allowed would save on trucking cost substantially. The other alternative is to evaluate having a local contractor basically hose it out using a pressured trash pump or similar. As a practical matter moving that much sand will take a fair amount of time/money and will need to be done regularly as the sand will likely be re-deposited next winter. The other item raised by the Lake Contractor was that if you do move all that sand out of the way expecting to have better flow, you actually may enhance the risk to properties upstream as water would be equally unimpeded flowing up the lake next winter.

Staff Recommendation:

- Seek a variance to the In-water work period for just the canal and authorize the Lake Manager to contract with one of the three entities based on cost and availability, with the goal of doing the work before April 15 or after May 31st.
- The alternative is to wait until July and award a contract in the new fiscal year during the In-water work period of either or both the areas.

Board decisions:

- Do we want to contract to remove logs in the canal, in the D River area, or in both areas?
- If so, do we want to ask for a variance for one area or both areas?
- Does the board want to proceed with trying to hose out the sand or other mechanism of removing it?

- b. **Lake Contractor Contract:** The current contract expires April 13, 2011. I have sent to the board a proposed contract through June 30, 2012. I have spoken to Bill Sexton and he is interested in continuing with a contract, but didn't specify any additional or differing terms.
- c. **Native Vegetation** (Jack Strayer): See Agenda Item C.

Lake Manager Note: I believe the items of interest are covered in the Grass Carp Strategic plan as well, and that they overlap because the aquatic plant survey moves both projects ahead equally. This is true for the Invasive Species Control item listed below.

- d. **Invasive Species Control** (Jack Strayer) See Agenda Item C

Lake Manager Note: Additional items that we were identified in the Devils Lake Plan, but the primary one of getting an aquatic plant survey is addressed under Vegetation management: Grass Carp above.

VII. Non Agenda: (Seth Lenaerts)

The United Way of Lincoln County is sponsoring a “Day of Caring”, which is a coordinated day of community service in the County. Teams of volunteers and local businesses provide much needed labor to complete projects for local non-profit agencies that otherwise might not get done. Past projects have included: painting, yard work, or light construction, etc. Lincoln County has not had a Day of Caring for the last couple years and they are looking for team to participate.

Generally, teams are business based and therefore the business allows their employees to take a day or a half day of work time to take part in a community service project. I am involved in the Local Young Professional group, and we are trying to organize a team for this event.

If we get enough people interested, I would like to take participated for a half day, either in the morning from 8am-11:30 or in the afternoon 1-4:30.

Will the board be willing to allow me to take part in this community activity?

Devils Lake Plan discussion at April 7, 2011 meeting

DLPlan - Grass carp [plan A]

- Add Oregon State requirements from the ODFW Letter on the DLPlan
- Devise steps to deal with the State requirements
- plan for meeting with F&W commission
- plan for formal study to justify grass carp, to prepare for change in Oregon OAR's
- Make other specific action steps needed to obtain grass carp permission

DLPlan - Aquatic vegetation [plan B] which includes vegetation planting, control and monitoring

- Immediately place native aquatic plants at demonstration sites to control erosion [per DSL guidance] and to start lake vegetation [protect from grass carp with coconut fiber rolls held down with re-bar].
- Draft a RFP study proposal to define the vegetation planting, control and monitoring techniques that are most appropriate for devils Lake [somewhat like the Tapps lake and Blue Lake studies below]
- http://www.cascadewater.org/pdf/news/Lake_Tapps_IAVMP_06AUG10.pdf
- http://www.clr.pdx.edu/docs/bl_plan.pdf
- Meet with ODFW to sync previous enclosure direction with the ODFW comments on DLPlan.[Buckman said to use 1/8" mesh enclosures, while the ODFW comments were more concerned vegetating the lake than with resident fish]
- Devise plan for permitting, design and planting enclosures – per ODFW revised direction.
- Devise plan for planting native aquatic plants to the 3' water depth level below MHW [based on the tetra tech study with detailed provisions for protecting water front boating and swimming access from unwanted vegetation]

The DLPlan v. 2.1 – Action Plans are included below, for discussion. **Items in bold need attention.**

Action Plan for Native Vegetation

GOAL: To revegetate Devils Lake with native plants capable of sequestering nutrients and trapping sediments at the same time as providing habitat for fish and wildlife.

Item = 0.71 FTE Status & Timeline

[*]1. Create a current inventory of native and non-native aquatic species in the lake. 2011

Summer

[*]2. Map the data with GIS. 2011 Summer

[Item #3 not in plan]

4. Re-apply to DSL and USACE for the permits to install improved design of enclosure. 2011 Winter

5. Contract to build enclosures 2012 Spring

6. Create and implement a monitoring program of the enclosures for fish and non-natives plants. 2012 Spring

7. Evaluate success and create additional enclosures around the perimeter of Devils Lake. 2012 Fall

8. Long-term work with ODFW and NOAA-Fisheries to develop a means of allowing the permanent establishment of natives in the lake.

Accomplishments to date: The District has contracted with a private company to develop a planting technique that would meet the needs of ODFW for excluding fish. This plan was part of the Shoreline Planting Guide. Further, the District has written a DSL and USACE Removal/Fill application for a similar project which can be used as a template for a new application.

Action Plan for Invasive Species Control

GOAL: To track and have the ability to respond to introductions of non-native invasive aquatic plants in Devils Lake.

Item = 0.63 FTE Status & Timeline

[*]1. Create a current inventory of native and non-native aquatic species in the lake. 2011 Summer

[*]2. Map the data with GIS. 2011 Summer

[*]3. Through meetings and public outreach evaluate the level of control required. 2011 Spring

[*]4. Determine preferred physical control methodologies for rapid response. 2011 Spring

5. Coordinate with outside agencies for permits to conduct rapid response control methods. 2011 Fall

6. Establish or train contractors to perform work.

7. Continue to survey and map the vegetation annually.

8. Activate rapid response as necessary.

9. Evaluate the effectiveness of control methods.

10. Determine if larger scale methods area appropriate.

Accomplishments to date: The Devils Lake Water Improvement District in 2006-2007 created and evaluated a list of vegetation control technologies. These strategies have been considered by the Devils Lake Water Improvement District's Board of Directors and have been made available to the public through the District's meetings and through its website. Staff has provided feedback on various methods providing Pros vs. Cons document for each of the 25 methods identified.

Action Plan for Chinese Grass Carp

GOAL: To provide the assurance and ability to act against the re-colonization of nuisance aquatic vegetation using a known, a relatively cost effective method of biological control, the herbivorous Chinese Grass Carp.

Item = 0.55 FTE Status & Timeline

1. Attend meetings of the ODFW Commission; provide public input regarding efforts to improve Devils Lake. 2007 & 2008

2. Apply for Grass Carp Permit. Completed 2008

[*]3. Establish timeline to appeal decision. 2010 Fall

4. Implement Action Plans: Invasive Species Prevention, Native Vegetation, Invasive Species Control, Septic Tank Revitalization, Riparian and Shoreline Vegetation, Stormwater Management, Erosion and Sediment Control, and Wetland Protection. 2010-2020

5. Establish the stocking number required for vegetation control. 2011 Summer

[*]6. Contract with engineer to delineate structures that meet ODFW's requirement for grass carp control. Winter 2010

7. Appropriate funding for grass carp purchase.

8. Formally appeal ODFW's decision for stocking Devils Lake with Grass Carp. 2011 Fall

9. Implement educational program on the prohibition of angling for and/or transport of Grass Carp. 2011 Fall

10. Purchase Grass Carp from reputable source and plant under permit. As required

Accomplishments to Date: The Devils Lake Water Improvement District has made application to ODFW for Grass Carp in 2009. This application was denied as expected. The District has since met with the ODFW Commission on two separate occasions identifying current strategies for lake management. The District has also established a reserve line item in the Improvement Fund for a future expenditure.

Chapter 552 — Water Improvement Districts*

2009 EDITION

<http://www.leg.state.or.us/ors/552.html>

*Excerpts pertinent to the construction, operation, maintenance and financing of the Center for Applied Freshwater Ecology aka The Cafe.

552.013 Definitions. As used in this chapter, except when the context requires otherwise:

- (1) “County board” means the county court or the board of county commissioners of a county.
- (2) “District” means a water improvement district proposed or created under this chapter.
- (3) “District board” means the board of directors of a district.
- (4) “Engineering plan” means the plans and specifications for the works to be constructed including:
 - (a) Maps, profiles, plans and other data necessary to show the location and character of the work, and the property benefited, taken or damaged;
 - (b) All rights of way or other property which may be required for the construction of the works; and
 - (c) Estimates of the cost of the works and of the benefits and damages which will accrue to each tract of land upon the construction of the works.
- (5) “Filed for record” means to file a document for recording with the county clerk of each county in which the lands within a district are located.
- (6) “Land” or “tract of land” means real property, together with improvements thereon, within a district.
- (7) “Landowner,” “owner,” “owner of land” and “owner in fee” are synonymous and mean a person owning a tract of land situated within a district. The vendee named in a bona fide contract of sale of a tract of land situated within a district shall be considered a landowner to the exclusion of the vendor. When two or more persons own a tract of land as tenants in common or by the entirety, each person shall be regarded as a landowner.
- (8) “Real market value” means real market value computed in accordance with ORS 308.207.
- (9) “Works” means dams, storage reservoirs, canals, ditches, dikes, levees, revetments, and all other structures, facilities, improvements and property necessary or convenient for draining land, controlling flood or surface waters, or supplying water for irrigation, domestic supply or other purposes. [1969 c.606 §2; 1983 c.83 §100; 1991 c.459 §428]



ORGANIZATION OF DISTRICT

552.108 Creation of water improvement district; purposes; limitation. (1) A water improvement district may be created as provided by this chapter for the purpose of acquiring, purchasing, constructing, improving, operating and maintaining drainage, irrigation, and flood and surface water control works in order to prevent damage and destruction of life and property by floods, to improve the agricultural and other uses of lands and waters, to improve the public health, welfare and safety, to provide domestic or municipal and industrial water supply, to provide water-related recreation and for the purpose of enhancing water pollution control, water quality, and fish and wildlife resources.

(2) Nothing in this chapter grants to a district the power to generate, distribute, transmit or sell electricity or to sell water or falling water to any person to generate electricity. [1969 c.606 §3; 1987 c.185 §2]



POWERS OF DISTRICT

552.305 Powers of districts generally. A water improvement district has full power to carry out the objects of its creation and to that end may:

- (1) Have and use a seal.
- (2) Have perpetual succession.
- (3) Sue and be sued in its own name.
- (4) Acquire by condemnation, purchase, devise, gift or voluntary grant real and personal property or any interest therein, located inside or outside of the boundaries of the district, and take, hold, possess and dispose of real and personal property purchased from, or donated by, the United States, or any state, territory, public body as defined in ORS 174.109 or person for the purpose of aiding in the objects of the district.
- (5) Enter into intergovernmental agreements under ORS chapter 190 for the construction, preservation, improvement, operation or maintenance of any works.
- (6) Build, construct, purchase, improve, operate and maintain, subject to other applicable provisions of law, all works necessary or desirable under any engineering plan adopted by the district.
- (7) Enter into contracts and employ agents, engineers and attorneys.
- (8) Appropriate and acquire water and water rights and sell, lease and deliver water for irrigation and other purposes both inside and outside the district.
- (9) Do such other acts or things as may be necessary for the proper exercise of the powers granted to make the greatest beneficial use of the waters of the district. [1969 c.606 §14; 2003 c.802 §136]



552.408 District projects; engineering plans. Construction of district works may be undertaken on motion of the district board or when landowners of the district request the district board to do so. Upon initiation of a construction project, the district board shall obtain engineering plans for the project. [1969 c.606 §33; 1987 c.185 §4; 1989 c.182 §45]



552.418 Notice of engineering plan; hearing; objections of landowners; approval or disapproval of plan. (1) Upon completion or adoption of the engineering plan, the district board shall cause notice to be given to the landowners that the plan, including the general report, may be inspected at the district office. The notice may be given by mail or by publication as the board determines.

(2) The notice shall fix a time and place for a hearing before the district board of all objections to the plan. The hearing shall be held not less than 20 nor more than 30 days after the date of mailing, or the date of the last publication, of the notice. At the hearing the board may make changes in the plan as necessary in the light of objections or suggestions made by persons appearing at the hearing. After the hearing the board shall approve the plan as proposed, corrected or changed, by adopting an order of approval. However, if the owners of more than 50 percent of the acreage within the district, within 30 days after the date of the order approving the plan, file written objections to the order with the secretary of the district, no further action shall be taken under the order and the plan shall be considered disapproved by the district board and rejected by the landowners. When an engineering plan is rejected by the landowners, the board may obtain a new engineering plan and present it to the landowners as provided by this section. [1969 c.606 §35; 1989 c.182 §47]



DISTRICT FINANCES

552.603 Financing construction, operation or maintenance of district works. The district board may, in accordance with the order approving an engineering plan adopted under ORS 552.418, finance the construction, operation or maintenance of district works by:

- (1) Use of the revolving fund established under ORS 552.635.

- (2) Assessments under ORS 552.608 and 552.613 against the benefited property in the district with or without issuance of improvement bonds or warrants.
- (3) Service charges and user fees collected under ORS 552.618 or 552.630 from those who are served by or use the services, works and facilities of the district.
- (4) Levy of ad valorem taxes under ORS 552.623 and 552.625.
- (5) Sale of bonds under ORS 552.645 to 552.660.
- (6) Any combination of the provisions of subsections (1) to (5) of this section. [1969 c.606 §40]

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552.608 Assessment of cost of works against benefited land; hearing on proposed assessment. (1) All or part of the cost of building, constructing, purchasing, operating, maintaining and improving the district works described in an engineering plan adopted under ORS 552.408 or 552.413 may be assessed against the lands to be benefited by the works. The district board shall determine the portion of the cost, if any, that is to be paid from the general funds of the district and the portion that is to be paid by the lands benefited.

(2) Assessments shall be apportioned by the district board in accordance with the special and peculiar benefit to be received from the district works by each lot or parcel of land. Where parcels of land, or portions thereof, in the district are undeveloped, the district board may, in its discretion, defer assessing or imposing all or any portion of such assessments on such parcels until such parcels are connected with or receiving services from the district works.

(3) The district board shall afford an opportunity for hearing of any individual objections or remonstrances to assessments under this section. If remonstrances or objections are received by the district board signed by more than 50 percent of the landowners representing more than 50 percent of the acreage within the proposed assessment district, the proposed improvement shall not be made. [1969 c.606 §41]

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552.613 Improvement bonds. If any portion of the cost of a district works is assessed against the property directly benefited, the district board may issue improvement bonds in the total amount of the valid applications it has received to pay assessments in installments as provided by ORS 223.205 and 223.210 to 223.295. [1969 c.606 §42; 1995 c.333 §19]

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552.623 Ad valorem tax levy, collection, enforcement. (1) Subject to ORS 552.625, a district may assess, levy and collect taxes each year on the assessed value of all taxable property within the limits of the district. The proceeds of the tax shall be applied in carrying out the purposes of this chapter.

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552.625 Maximum rate of tax levy; procedure to change rate. (1) Subject to subsection (2) of this section, a district shall not levy an ad valorem tax in any one year in excess of the maximum rate of levy authorized, which shall be stated in the petition for creation of the district, unless a change in the maximum rate is first approved by the electors. The rate of levy shall be stated in dollars and cents per thousand dollars of assessed value.

(2) A maximum rate of levy fixed upon creation of the district may be increased or decreased by a majority of those voting on a proposed change at an election called for that purpose. An election on the question of a change shall be called by the district board upon a petition therefor signed by not less than 30 landowners. The question may be submitted to the electors on the motion of the board.

(3) A maximum rate of levy fixed as provided by this section is in addition to and not in lieu of any other tax limit provided by law. However, all other tax limits are subordinate to the maximum rate fixed as provided by this section. Notwithstanding any other law, the district board shall not in any one year levy an ad valorem tax in excess of the rate, except when the tax is levied under ORS 552.623 (2) to pay principal and interest on district bonds outstanding.

(4) A certified copy of the district board order declaring the results of an election approving a change in the maximum rate of levy under this section shall be filed for record. [1969 c.606 §44]

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552.630 Service and user charges. (1) For the purpose of paying the costs of operation and maintenance of district works constructed under this chapter, the district board may by ordinance:

(a) Impose and collect service charges on the owners or occupants of property served by the works of the district.

(b) Impose and collect user charges, fees and tolls for use of works, facilities and services of the district.

(2) Service or user charges shall be based on the cost of operation, maintenance and administration of the works, facilities or service. [1969 c.606 §45; 1991 c.459 §428c]

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552.645 General obligation bonds. (1) For the purpose of carrying into effect any of the powers granted by this chapter, a district, when authorized at any properly called election held for the purpose, has the power to borrow money, and sell and dispose of general obligation bonds. Outstanding bonds shall never exceed in the aggregate two and one-half percent of the real market value of all taxable property within the district.

(2) The bonds shall be issued from time to time by the district board in behalf of the district as authorized by the electors thereof. The bonds shall mature serially within not to exceed 50 years from issue date. However, for an indebtedness to the federal government or this state, the district may issue one or more bonds of the denominations agreed upon. Bonds shall bear interest at a rate payable semiannually as the board shall determine. The bonds shall be so conditioned that the district shall promise and agree therein to pay to the bearer at a place named therein, the principal sum, with interest at the rate named therein, payable semiannually, in accordance with the tenor and terms of the interest coupons attached.

(3) For the purpose of additionally securing the payment of the principal and interest on general obligation bonds issued under this section, the district shall have the power, by resolution of the district, which resolution shall constitute part of the contract with the holders of the bonds, to pledge all or any part of the net revenue of the district. The district board may adopt such a resolution without submitting the question of the pledge to the electors of the district. [1969 c.606 §47; 1983 c.347 §30; 1991 c.459 §430]