



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

**COUNCIL CHAMBERS, CITY HALL, 3rd Floor
September 13, 2012
6:00 P.M.**

PRESENT: David Skirvin
Noel Walker
Kip Ward
Randy Weldon
Brian Green

ABSENT: None

AUDIENCE: Don Sell and Mr. and Mrs. Larry Rich

STAFF: Lake Manager Paul Robertson and Alyssa Clayton, Intern

MEDIA: None

Skirvin called the regular DLWID Board of Directors meeting to order at 6:00 P.M.

Consent Agenda

Skirvin moved to approve the Minutes and the Financial Report from August and Green seconded the motion. Vote Unanimous. Motion carried.

Public Comments

Larry Rich. He has lived on the lake for three years. He said friends visited last week from the East coast and for the first time ever, he was embarrassed about the lake. He asked the Board members who voted to lower the lake and to give up the water rights to explain their decision.

Unfinished Business

The Devils Lake Plan

Septic Tank Revitalization Program

Robertson said at the last Board meeting, Lenaerts reported there would be a meeting between the City, the County and DLWID. The date has not yet been set. Lenaerts continues to work on setting up a meeting to iron out details. It is important to get the support of city council, since it is ultimately their decision. Robertson suggested that Board members might meet with DLWID staff and city councilors and discuss the septic tank revitalization program and discuss the role each entity will play in this program. It is important to make certain that the District's goals align with those of the City.

Save our Shoreline (SOS)

Tuesday was the first day of shooting for the Save our Shoreline promotional video. There will be one additional day of shooting.

The Rain Garden Training was pushed back to September 22 from 10:00 AM to Noon at the Lincoln City Community Center. The cost will be \$20; however, a couple of scholarships will be provided.

District staff is working with Spiro Landscapes and Katie Duzik of Oregon State Parks on a fall maintenance plan for the rain gardens at Regatta Park and East Devils Lake State Park. Light maintenance has been completed on the sites; however, it is time to do a more comprehensive program of replacing some of the plants that have died. Plants will be added to the shoreline of the EDLSRA. It is also time to perform a thorough job of weeding both sites and tidying them up. The plan is to complete this in mid-October. The maintenance, labor and materials should not exceed \$1,500.

Skirvin moved to allow staff to spend up to \$1,500 for maintenance of the rain gardens; Green seconded the motion.

Walker: Will this be an annual expense?

Robertson said that the State is going to assume responsibility of the East Devils Lake State Park as of October, 2013. At this time, additional plants will be planted to replace the ones that have died. It was drier than expected this year and plant types need to be re-calibrated. Foliage should be planted denser with native plants.

Vote: Unanimous. Motion carried.

Vegetation Management

Grass Carp. Robertson said he has received some feedback on the second draft of the application from Max Depth Aquatics. The goal is to get all of the information to the contractor by mid-week. Additional input from the Board is welcome.

Aquatic Plant Survey. The second phase of the survey was moved to September 17-19 because of some equipment issues they were having on another survey. The surveyors had suggested that they not complete a full survey of what was assumed to be a void lake bottom, but focus on digitizing the existing vegetation, including lily pads that are not well represented in the underwater survey.

Robertson said that while he can understand the benefits of determining the large macrophytes, he did not wish to make a change from the original contract without the

Board's input. There would be no cost change, just a change to digitizing aerial photos of lily pads and plants that do not get picked up very well, compared to running the sonar across the lake. They suggested taking aerial photography and digitizing those plants and representing those as a mass, relative to the lake. One weakness is that if you have an aerial taken in April rather than August, there might be less density. Robertson said he was thinking of a hybrid of the two options. Focusing their underwater sonar survey in areas they expect to see vegetation, like the mouth of Rock Creek. They were conducting 200 meter transects and eight of those comprise one mile. For simplicity, it might just be best to have them continue as was stipulated and move forward.

Skirvin: What is your recommendation?

Robertson: I think that we should just look at fulfilling the contract as stated. The reason we went with that is because there is an unknown out there. We want to see if there is resurgence in the last few months. A good strategy is to do an annual survey. If we went to the other in-house technology we talked about—Biosonics, then you could do those at your leisure—send staff out with the boat. You could get more data. Right now, we are still in that point of time when the grass carp are suppressing the weeds. If we want to confirm that, we should go with the original plan.

Walker: I think we should go along with what Paul recommends.

Weldon: Yes, we should go along with what we had planned. From what we've seen, lily pads in March and April are basically non-existent. Now, they are 40 or 50 feet out into the lake. Quite a bit of difference from Spring to Summer.

Robertson: With aerial data, one complete flyover in May would miss that very large bloom later on.

Walker: Regarding lily pads at Blue Heron, I noticed that a lot of them had disappeared, and now a lot of them have started to grow back the last few years. I didn't think grass carp had any effect on the lily pads.

Robertson: While the grass carp do not go after those coarse, hard-stem weeds, they do go after everything else and when the grass carp population drops the other weeds pop up. All the other fish eat other plants and the lily pads expand.

Green: I think we should just go with Paul's recommendation.

Robertson said they came back with a lot of zero's, as was expected. We want to see if it was because it was early in the season and now there might be some growth in September. The question has not been answered.

Skirvin: So, we will move ahead with the contract, as signed.

Sewer

Green said it seems as if this process has been going on forever. We are trying to have an area north of Regatta Grounds sewerred, and the best way to do it is through an LID that requires majority support. At first, we had a 70% support on the condition that no one would be required to connect immediately, and DEQ would not issue a permit for a replacement or repair if a septic system failed. We went through the process and the City hired an engineer. The City was insistent that we have some kind of mandatory connection date. An ordinance currently has a 120-day connection for a property to hook up to an available sewer line. A compromise was reached, and the City now requires mandatory connection, but not for 15 years, allowing all septic tanks in the proposed LID to, essentially, reach their useful lives and more. We had to go back to the property owners because that was a substantial change.

The property owners basically held the line and all of those who were in favor before are still in favor with only one switching from supportive to unsupportive. During the course of the engineering study, seven additional people have contacted me or the engineer asking to be included. The City asked that the LID proposal be put on the City Agenda for approval, rejection, modification or abandonment. If the city council votes to approve the LID, the next step is to hold a public hearing. And all 60 of the property owners would be Noticed. From the north edge of Regatta Grounds to past North 21st Street—14th to North 21st or 22nd. The bottom line is everything is looking good. We do not know what the city council will do, but so far, so good. The letter to the property owners explaining the proposal is attached to this month's Manager's Report and is available on the website. It can be a blueprint for anyone else wishing to start an LID.

Communications Report

KBCH Good Morning Wake Up Show. The program airs weekdays from 6 to 8 AM and the District has a monthly spot on the third Tuesday of every month from 7:30 to 8:00 AM.

Clearwater E-newsletter Fall edition went out, along with this meeting announcement and the water quality newsletter.

The annual conference of the Oregon Lakes Association will be held September 14-16, Friday–Sunday at Crater Lake. Robertson will give a presentation on the Lake Management Activities currently happening on Devils Lake.

Constant Contact. Cost for the ListServ went up \$5 a month since we now have more than 500 but less than 2,500 subscribers. We also added a new paid service for a few months as we collect input from our constituents as part of the goal-setting workshop. A survey feature at \$10 a month was added on a trial basis. We may wish to continue this if it works well, as we can perform surveys and attach them to our quarterly or annual newsletters.

Devils Lake Revival, not including staff time, cost approximately \$3,000. Costs were kept down due to the donations from various local merchants for advertising and prizes.

Safety Report

No incidents.

MidCoast TMDL

No meeting was held in August. This following week, the meeting in Florence will require an overnight stay for Robertson to attend the Bacteria Technical Working Group meeting on September 18 and the LSAC meeting on Wednesday, September 19.

Skirvin asked if anyone objected to the overnight stay. There were none.

Green: I see that a temperature listing is also recommended for Devils Lake.

Robertson: What happened since the last review of the water quality data for the lake is that they are taking all the new data, mostly from Salmon Creek Watershed Council, and placing sensors in the lake. The data shows that Devils Lake is warmer than what is acceptable for a reservoir system, which the lake essentially is. So, if you have a system that has been manipulated, you are subject to higher scrutiny. The EPA has a call on whether they want to

add temperature as criteria for which Devils Lake is impaired. It creates no additional monitoring, but creates additional identifying criteria for Devils Lake. The Oregon DEQ is looking at Devils Lake as a hybrid. It is not like you went from a stream to a lake, which is what most reservoirs do, but we are in a manipulative scenario. How they make that decision is up to them. We want to remedy that, regardless. Those remedies can include more shading.

Green: The connection between algae blooms and water temperature is my question.

Robertson: If you are listed, the only benefit is that you become eligible for funding to clean up the system, which we have taken advantage of. When we got our data base established, we got the grant through the state government because we are a 303 listed water body.

Robertson responded to additional questions:

Data is collected every 15 minutes over a period of years with a sensor that collects temperature and stores it until you download the data.

Shading one stream will probably not make a difference, but on the shoreline it would make a difference. A 200-foot tree casts a fairly good shadow. Most of Sandpoint could be shaded the second half of the day. Trees can make a difference in the longer, skinnier arms—not the broad lake.

Ward: Is the assertion that impounding water is going to raise the temperature of the water?

Robertson said that is the assumption that DEQ is operating under. He said that if you went to Detroit Lake, right now, the lake is 75 degrees, but if you keep going upstream into some of the tributaries the temperature is 45 degrees. If Devils Lake were a reservoir and the D River was a function of the creeks running together, the temperature of D River would be considerably lower than Devils Lake. If you create surface area, you slow the water down. There is more sun time and you are wider, so there is more space in the middle that doesn't have shade. If you've manipulated the system and caused harm to salmon, the EPA is going to want you to fix that.

Ward: What is the remedy?

Robertson: Any number of remedies. You cannot cause harm to threatened species. You are in violation of the Protected Species Act. It's their call if they list us. Trees are a huge remedy. If you have Sitka Spruce across Ocean Lake, you'd have additional shading for sure and you'd get nutrient reduction from uptake of nutrients rather than at the bottom of the lake.

Internship

Alyssa Clayton reported that she continues sampling every week, monitoring the pH, temperature, conductivity, DO content, Secchi disc depth and turbidity in the lake, as well as testing for cyanotoxins, along with Paul. They take the boat in the lake, recording Secchi depth in the pelagic zone and take samples of lake water for cyanobacteria testing as well as working on completing the boat dock survey. Additionally, she has maintained the laboratory and recorded new inventory items for sampling, making sure the chemicals are stocked and have not expired.

She has worked with Lenaerts to maintain the rain gardens in Regatta Park and East Devils Lake State Park, weeding and watering weekly.

She sent out the Fall 2012 E-newsletter and is now beginning to create a digital archive of previous years' audits and budgets.

East Devils Lake Road

No update

Lake Level Monitoring

Staff has begun conducting lake level investigation for potential impacts on recreational users and properties. They have conducted some data collection on boat docks, visiting more than two-thirds of the docks so far. It will require another day to complete the survey within the next couple of weeks. An update will be provided when the survey is completed and additional parameters that were discussed at the last meeting are collected—photographic vegetation survey as well as compiling septic tank data and information that is applicable. They will be documenting the period of full fish passage versus that which is limited by the dam. They are hopeful to have this for the Board in November.

Erosion Prevention and Sediment Control Summit

This is another reminder to the public to add this date to your calendar—October 25—for the Erosion Prevention and Sediment Control Summit to be held at the City Council Chambers in the City Hall from 8:00 AM to 1:00 PM. It is for individual land owners as well as contractors as an educational session and training course.

NALMS

North American Lake Management is set for November 7-9 in Madison, Wisconsin.

Robertson presented a few pages of the highlights from 15 pages of the Agenda that are relevant to the District.

A few of the seminars that would be of interest are:

Outreach and education; three talks on lake economics. We are doing an economic study and could benefit from some insightful information. There are two or three sessions on harmful blooms. There are four talks in a session and six or so concurrent running sessions on Wednesday, Thursday and Friday with four sessions—hundreds of talks. The SOS program would benefit from the aquatic mapping talk; there is one on the complexities of managing lake issues; goal setting; water quality monitoring; nutrient reduction; mentoring. There are two talks on septic tanks, waste management and TMD. There are talks on regulation and ordinances and how to develop them. That would apply to our Septic Tank portion of the Devils Lake Plan. There is vegetation management that would apply to SOS and aquatic plant survey. They have the software that we talked about purchasing—hydro acoustics for surveys if we wanted to do that in-house. There is sediment and phosphorous release for aquatic plant growth.

Skirvin: How many talks would you actually have time to go to? Are they in some type of podcasts?

Robertson said he did not know if recordings were available. He does not think so.

They are an hour to an hour and a half in length and there are four or six concurrent sessions. They make every effort to explain the session content from abstracts. Robertson said he would plan ahead and decide from the abstracts if the content is pertinent. There is also a benefit to being in a session that may have two, three or four speakers, and sit through it because audience participation and questions can be relevant. There would be two in the morning and two in the afternoon.

Skirvin said the Board appreciates the mapping to the goals and the plan. In looking at the content, he believes it would be a good idea for Robertson to attend. He would like to see a plan on prioritization that might initiate some insight into the Goal Setting Workshop. He said the workshop could be postponed to November until you return to help us inject some of the ideas into goal setting.

Robertson said the conference overlaps the November meeting. He thinks the Board should go ahead with the goal-setting meeting in October and consider some of the issues they wish to incorporate. They could then come back in November and December and finalize the goals.

Walker moved to allocate up to \$2,000 for Robertson to attend the NALMS conference in Wisconsin. Green seconded the motion. Vote: Unanimous. Motion carried.

Goal Setting Workshop

This workshop is currently scheduled for October 13 at 10:00 AM in the City Council chambers. It is typically three hours or more. To facilitate some data collection, Robertson has added a survey opportunity within ListServ and said it could be sent out to each of our current e-mail subscribers to solicit their input. It can then be organized and collected into an Excel document that would be transferrable. If you were to do a complete District electorate mailer, it would include about 4,400 people within the county. One problem we've seen in using the County Assessor's list is that it not 100% accurate, because people might pay their taxes and not necessarily change their addresses. With this elector's list, while not complete, you would not waste a stamp. Robertson spoke with the Chamber of Commerce and they will allow us to use their bulk mail account that is based on weight and costs less than a first-class stamp. With five pieces in that mailer, the cost would be more. We previously experienced a 25% return rate when we included a stamped, return-address envelope. If you do not include a stamped envelope, you will receive significantly fewer.

We have an online survey we can send to other folks. We could collect anonymous data that would be beneficial. If you want to do a fraction of the 4,400 number, you can check the list against names you already have on your 500-plus list.

Walker: How do they handle no-postage necessary envelopes? Don't you pay when they are returned?

Robertson said he is researching that as well—business reply mail. You pay for the documents that are returned to you. That might be the way to go, depending on how much it would cost to set up. If the direction is to do this, he said he would take that step.

Skirvin: It's a good idea to reach out and see what our constituents want us to do.

Weldon: Besides the electorate and people registered to vote, Devils Lake is owned by everybody in Oregon. He would like to see others included as well. They have as much say. Robertson said electronically that would be the way to go; however, getting 3.2 million e-mails would be beyond our capacity to handle.

Weldon: I was wondering if you could do mailers to the surrounding district, to include people who are not property owners in the same vicinity.

Skirvin: Can we balance this against, say, a water bill list?

Robertson said he has a property list. The City might have provisions against using that; but managing it is a possibility. But, do you want to spend \$5,000 on a mailer or can you get enough feedback by using a few other methods here and there. You all are elected to the Board to make the decisions.

We have been offered a free booth at the Senior Faire in October and we could survey the people who come through there.

Weldon: You could also place a quarter-page ad in the newspaper and folks could cut it out and go online and reply or mail it in.

Ward: \$5,000 is a lot of money. Can you target a percentage?

Skirvin suggested doing a newspaper ad, using ListServ and a questionnaire at the Senior Faire.

Robertson said he liked the newspaper ad idea and the booth at the Senior Faire and ListServ e-mail are free. So, we will get this out next week. We can also set up a URL that will collect anonymous replies. One issue to keep in mind is that it's not a voting thing—the District has already established the Devils Lake Plan.

Skirvin: Can someone work with Paul to validate the questions?

Walker volunteered to do so.

Skirvin moved to have Walker work on behalf of the Board with Robertson on the survey questions. Weldon seconded the motion. Vote: Unanimous. Motion carried.

New Business

Water Quality Report

Robertson said they have completed a summary of the water quality sampling that runs from Memorial Day through Labor Day for *E.coli* and harmful algae blooms.

Robertson showed a PowerPoint presentation on the data.

Temperature and precipitation and Lake Level.

Postings are in various forms—Emails, ListServ, The News Guard, the website, kiosks and social media.

Summary: Number of weeks that the water quality passed vs. the number of weeks the lake did not pass from 17 weeks of sampling.

Monitoring of *E.coli*.

D River; Campground; Regatta Grounds; Holmes Road Park; K Street, Neotsu; Sand Point; Thompson Creek Canal; Brown Bear (East) East Devils Lake State Park; Thompson Creek; Rock Creek.

Robertson showed charts with data from each of the above areas.

Weldon asked if there was a correlation to when the lake level in the summer drops off. He said gulls like to come in the afternoons when it is not so windy. You don't see them there in the fall, winter or spring.

Robertson said that he agrees; and, in the summer, there are more people around. He said he would like to see additional signage at the state parks advising not to feed the birds. The drive-by people are not going to stop throwing out food, but it might have some benefit. He said he has seen fewer people feeding birds.

Harmful Algae Bloom Surveillance. HABs.

The screen showed posters that are displayed to the public at various locations.

Oregon Health Authority Guide.

HABs: Posting Guide and Chart.

Hybrid of 2, 3 and 4 for monitoring.

This year, the bright green shows fewer particles of bluegreen algae in the water or water that is significantly below the criteria for toxins.

Data is returned five days after sampling. Our criteria rest on whether the toxins and/or the species that are dominant are producing the toxins that we are monitoring for.

We sample at 12 different sites, using composites, then take from all the shoreline sites. We take the worst one from the shoreline and the worst one from any of the lake sample sites and those samples go for cell counts. Toxins are run on all the sites.

Robertson discussed this data form at length and described the data reflected on the form.

Oregon Health Authority.

A conversation was included that Weldon had with this entity.

Robertson showed a chart of HABs from 2008, 2009, 2011 and 2012

In 2010, there were no measurable blooms.

There is normally a bloom from July through September—factors vary. In 2009, toxins were above 50 at Sand Point.

Lake Level and Precipitation comprised two years of data.

Evaporation Simulation.

This week, lake level was 8.8 feet.

The chart depicted five years of lake level and precipitation in inches.

The last two years have been wetter.

Water Quality depicted two years of data.

The lake was two degrees cooler last year than this year and there was one degree of change from last summer to this summer.

A five-year trend shows last summer and previous years were cooler. Two summers prior were warmer.

Robertson said it is almost impossible to predict how these organisms will appear from year to year.

Green: If there is one contributing factor, wouldn't it be the number of days of sunshine?

Robertson agreed; and another one would be the number of cloudless nights. This cools the water faster. If you have a sunny day and a cool night, the lake will lose ground in temperature that it gained during the day.

Skirvin: What about wind?

Robertson said that wind tends to cool the lake. Still water warms up more quickly. If the lake is moving, you have more surface area, but the sun cannot hit it.

Discussion continued about correlation between lake level, temperatures and bluegreen algae blooms.

This presentation is included on the DLWID.org website under Meetings.

Skirvin: Can you determine the number of days of sunshine?

Robertson said he has searched for that data, but it is unavailable.

Weldon asked Robertson to reiterate the scenario about a resident's dog that was experiencing seizures. Robertson said that there was an unfortunate incident, in May, when a homeowner discovered his youngest dog having seizures; the dog recovered. His older dog then had seizures and died within 15 minutes. Robertson was notified by ODFW, who

wanted to know if the issue involved any toxins within the lake. Robertson said staff relayed as much information as they could, and then waited to hear back from them. It was determined that the dog died from ingesting a native plant—the Western water hemlock. Robertson has posted a video on Facebook depicting the plant. It was put out on our ListServ and the radio picked it up. It resembles the Queen Anne’s lace plant. Although not the most dominant plant around the lake, it is present.

Non-Agenda Items

Senior Fair. Will be held at the Chinook winds Casino on October 2 from 9 to 6 PM. We will have a booth and will have information for the survey.

Because of the NALMS Conference being held on the second Thursday of November, we will have to reschedule the November meeting.

Green asked the Board members to each report back on whether the 1st or the 15th would be best for them to attend the November Board meeting.

Board Comments and Announcements

Green said that the Board was asked by a member of the audience during the public comment session whether the Board felt they had made the correct decision in removing the dam and giving up the District’s water right.

For clarification, Green said, and to set the record straight, we did not vote to remove the dam or to give up the District’s water right. There is no plan to remove the dam. There is no plan to give up the water right. We voted to decrease the lake level a small amount to protect the shoreline from erosion and to allow the wetlands to have a more natural cycle. Wetlands can actually dry out if given the opportunity and it is good for them to do that. Lowering the lake level was also done to promote fish passage. Promoting salmon fish passage is necessary for our grass carp application. It is important to lower the lake level to facilitate migration of a genetically distinct species of salmon that is endangered. The speaker suggested that the algae blooms were caused by impounding less water than in previous years. Hopefully, the presentation by the lake manager indicated that there is no correlation between lake levels and algae blooms. The best correlation is between water temperature and algae blooms. We are also conducting a survey to determine what serious impacts, if any, there will be to lakefront owners and their docks. We are trying to conduct a rather extensive survey. We will continue to learn more about increased lake levels and will then make our decisions accordingly. That is the best that we can do and that is all you can ask us to do.

Oregon Lakes Association: September 15, 2012

Goal Setting Meeting October 13, 2012 at 10:00 AM

The Erosion Protection Seminar is October 25

The Rain Garden Seminar is September 22 from 10:00 AM to Noon.

The meeting adjourned at 8:21 P.M.

The next regularly scheduled Board meeting will be October 11, 2012 at 6:00 P.M.

Respectfully submitted, Linda Burt