



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

**LINCOLN CITY COUNCIL CHAMBERS  
May 8, 2014  
6:00 P.M.**

**PRESENT:** Brian Green, chairman  
David Skirvin  
Kip Ward  
Randy Weldon

**PUBLIC SPEAKERS:** Dean Klaus  
Tom Snair  
Larry Rich  
Joseph LoBello  
Mitchell Moore  
Mark Christie  
Steve Brown (written comments submitted)  
Jim Hoover  
Mark Highland  
Miles Schlesinger  
Debbie Flory  
Tina French

**STAFF:** Paul Robertson, Lake Manager

Chairman Brian Green convened the meeting at 6:05 p.m.

**I. ROLL CALL**

Four directors present. Green noted that the city has asked that the meetings not run too long for security and personnel reasons.

**II. CONSENT AGENDA**

**(0:02)**

**David Skirvin moved to approve the consent agenda (including the minutes of the April 2014 meeting and the financial report). Green seconded. Unanimous vote in favor.**

### **III. SPECIAL ORDER OF BUSINESS**

#### **a. Board appointment**

The board considered two applicants to fill the open seat resulting from the resignation of Noel Walker.

**Tina French, 260 NE East Devils Lake Road, Otis, OR**, lifelong resident, family business has served north Lincoln County for 50 years. She wants to be on the board because she cares for Devils Lake environmentally, economically, and for recreation. Serves now on Oregon Refuse and Recycling Association and Lincoln County Solid Waste Advisory Committee and has served on numerous other boards for the last 20 years; understands regulations, has experience in funding, accessible to community with an office on Highway 101, works with many groups, skills to find commonality in ideas; no background in lake water science but has learned a lot lately through research. Other communities have fixed their lakes. Proponent of gathering more data and then developing a short-term plan to control the factors that affect the lake; need to develop a mid-term plan to keep phosphates out of the lake and a long-term plan to reduce them further; plan must be mutually beneficial to fishermen, boaters, kayakers, homeowners; wealth of knowledge in this community that should be gleaned to fix lake.

**Kent Norris, 3279 NE East Devils Lake Road, Otis, OR**, has lived here full-time for almost a year; has owned the property 2.5 years; bachelor's degree in resource planning, master's degree in education, retired middle school science teacher; has visited the lake for 40 years and has seen changes over time; has been watching board meetings on TV; point of view is multiple use; board's job is to look at all the different aspects of the user groups, not an emotional decision maker; good at hearing what people say even if their ideas are different; teaching background would help people understand reasons behind board decisions.

SKIRVIN: Appreciated meeting with both candidates; attributes to both are appealing; would like someone with a science background; hope that whoever is not selected will continue to engage with the board.

GREEN: Attracted to someone with a strong science background; had been blessed with three strong candidates, now two strong candidates; hope that person not selected applies again when there's a vacancy because the board could use both applicants.

ROBERTSON: This appointment lasts until June 30, 2015, which would have been the end of Noel's term.

#### **BALLOT RESULTS**

Three (3) votes for Kent Norris.

One (1) vote for Tina French.

**Kent Norris was sworn in.**

**Brian Green nominated David Skirvin to be vice chairman. Randy Weldon seconded. Four votes in favor; Skirvin abstained. Skirvin elected vice chairman.**

**IV. COMMENTS from CITIZENS on NON-AGENDA ITEMS (0:18)**

Green outlined public comment policy. Several people were signed in to speak. Comments were limited to 4 minutes apiece.

**Dean Klaus, 3520 NE Yacht Street, Lincoln City**, not a permanent resident. Grandchildren come and use lake; church group uses house on lake. Disturbed by animosity at previous meetings. Will no longer fertilize lawn. Concerned about erosion from boat wakes. Concerned about dropping lake level below wall. We all have economic concerns. Each house is unique. Disturbing to have a huge change in the level of the lake.

GREEN: Asked Lake Manager to review lake conditions. (0:25)

ROBERTSON: Lake today is at 9.6 feet (2.9 meters) above mean sea level, which is above the maximum impoundment; water temperature is 61°F; HABs are zero; water clarity is excellent, as good as can be expected; much better report card than a month ago.

**Tom Snair, 4303 Eagle Place, Lincoln City**, has lived here 25 years; asks himself if lake is better today than 20 years ago; no, people on the street give it an F; can't fix the past, but we can be a solution to the pollution. How did the lake get to this condition? If this was a property, we'd fire the manager; can the lake be run by a homeowners association? If sediment is rising, why would it not be cost-effective to dredge bottom? The sediment needs to be cleaned out.

**Larry Rich, 4590 NE Loop Drive, Otis**, showed front page of Oregonian, predicting extremely hot and dry summer, urged board to put in dam now, keep the lake level high; it's just common sense, doesn't require a long range study.

**Joseph LoBello, 455 N. Yodel Lane, Otis**, talked about sediment: has fecal matter from grass carp; he tested 7-8 sites, found 0 phosphorus, only minute traces of phosphorus at creek from golf course; north winds agitate the water, releasing phosphates from the sediment; when sunny and phosphates released, then algae bloom; extreme north blow leads to algae bloom; his research says carp take half of the nutrition out of the plants they eat and return half of that to the lake through their excrement; Diamond Lake in Oregon had an algae bloom, sediment samples tied it to chub that were brought in; 1986 study of Devils Lake says carp fecal matter adds nutrients; thinks carp should be kept in very small numbers.

GREEN: new grass carp application calls for one (1) fish per hectare.

**Mitchell Moore, 2929 NE Loop Drive, Otis**, here on behalf of Devils Lake Neighborhood Association; written testimony sent to board members before meeting; looking for way to move forward; hope you give it due consideration.

**Mark Christie, 3184 NE Loop Drive, Otis**, thanked David Skirvin and board for holding HABs workshop; it was a great dialogue; asked board to consider quarterly workshops; encouraged board to reach out to DLNA and other neighborhood associations to engage and build relationships, supported Mitch's proposal.

**Steve Brown, 1510 NE Lake Drive, Lincoln City**, thanked Paul Robertson and board for listening to concerned citizens; sees need for short-, mid-, and long-term goals; focused on Devils Lake economic study that concluded that if vegetation takes over the lake again, it would cost \$29 million loss to property values on lake and \$2.25 million loss in recreation, lodging, and taxes per year; multiplier effect results in greater impact; economic study has no comment on algae or lake level, but he thinks economy would be affected as well; lake permit purpose is recreation and water quality; opposed to removing dam to improve lake flow.

**Jim Hoover, 3150 NE East Devils Lake Road, Otis**, thanked board and Lake Manager for HABs workshop; noted that expert at workshop reaffirmed that top 2 feet of sludge or sediment has 50 years of stored nutrients; if nitrates going into the lake are reduced, they would then be released from the sediment, so nitrate level would be unchanged over the next 50 years; 1988 Devils Lake study said septic systems provide 25% of the nutrients into the lake; has asked repeatedly and has not been told where the other 75% comes from; has also asked how much sewage from the city has spilled into lake in last 10 years; if septic systems are all replaced by sewer systems, it would take 200 years to affect the lake; we're not talking about replacing all the septic systems, only those that fail, so we're not dealing with 98% of the nutrient flow; need to look more at short-term solutions; also spoke with John Fonseca, who told board two years ago about aeration; wondered why was that not presented to the board; are we getting a complete picture, are all ideas presented to the board: people deserve more for the \$200,000-plus a year that's being spent to make the lake better.

**Mark Highland, 2170 NE Lake Drive, Lincoln City**, thanked Skirvin and the board for holding HABs workshop; important, educational, came away with positive attitude about working with board, good for two-way dialogue, supported written statement from the DLNA and Mitch Moore; DLNA has asked the board to convert 6" of water into a catalyst that engages community; it's not us against you.

## **V. UNFINISHED BUSINESS**

**(0:57)**

### **a. The Devils Lake Plan**

ROBERTSON: Reviewed plan to date as outlined in staff report.

#### **I. Septic/Sewer**

SEE STAFF REPORT re: city looking into budget for sewer upgrade.

GREEN: Lincoln City City Council has scheduled a workshop session to review options for the Voyage LID at 3-5 p.m. June 2, 2014.

**ii. Save our Shoreline (SOS)**

SEE STAFF REPORT re: one landowner interested in subsidy for plantings at her property, plan must be approved; vegetation above seawalls helps fight nutrient flow.

**iii. Vegetation Management**

SEE STAFF REPORT re: no update.

GREEN: Aeration programs also used for vegetation control.

**b. Communications Report**

SEE STAFF REPORT re: strategies for public outreach (Internet, Channel 4, social media, radio interviews, e-newsletter)

ROBERTSON: OSU presented a specialist in cyanobacteria; focus usually on phosphorus, but nitrogen also a concern; healthier algae and diatoms grow faster; more dangerous algae are slow growers, favor longer residence time, less flushing; referred to specialist's experience with large lake in China that was overcome by blue-green algae in 30 years; they're adding 30 wastewater treatment plants on the lake; dredging failed because it removed healthy bacteria and removed just a small portion of sediment; algae harvesting didn't work; alum not effective in shallow lake.

WARD: Water from the tap at the lake in China comes out green because of the algae; they have allocated billions of dollars to address it. The notion that board members are just sitting here and not doing their homework is not correct. The problem is incredibly complex, and what works in one place will not necessarily work elsewhere. There are no quick, easy, cheap fixes.

GREEN: After you do as much work as we have done you come to realize that the fix has to be designed specifically for a given lake.

**c. Safety Report**

SEE STAFF REPORT: no accidents reported.

**d. MidCoast TMDL**

SEE STAFF REPORT re: Total Maximum Daily Load, dispute in state over temperature. Links to DEQ site found in staff report.

**e. East Devils Lake Road**

SEE STAFF REPORT re: no update.

**f. Policy Updates**

Tabled until June or July.

**g. Harmful Algal Blooms**

**(1:11)**

SEE STAFF REPORT for recommendations from Joe Eilers, a certified lake manager and hydrologist, of MaxDepth Aquatics, who gave a presentation at the April 19 HABs workshop.

Continued focus on long-term solutions:

- Nutrients arrive from many sources: forests, wetlands, urban development, in-lake (wake surfboards plowing up sediments; the dam holding lake at higher than normal level; sediment buildup)
- Consider long-term monitoring: on-site weather station; lake stage monitoring; measuring streamflow discharge; water temperature monitoring.

Short-term restoration activities:

- Pilot study for aeration, big undertaking, what happens if a boat anchor wrecks the tubing, what permits are needed
- Mussel cultivation could reduce nutrient recycling
- Macrophytes (let vegetation come back), cut back on grass carp, what effect does vegetation have on bass coming back and then reduction of salmon and trout
- Operate dam at a low level to increase flushing rate (blue-green algae like to sit in the same water for long periods of time; flushing reduces their chance to thrive)
- Provide circulation through aeration
- Focus on sewerage
- Improve wetlands
- Reduce fertilizers; natural landscape good for Devils Lake.

ROBERTSON: (SEE STAFF REPORT FOR STAFF RECOMMENDATIONS):

- Focus on monitoring to better inform decision-making, including a robust monitoring protocol, computer monitoring (what are the anticipated benefits from removing one nutrient source or another)
- Develop proposal requests for a pilot aeration program.

WARD: Are there native plants that survive better and do not recycle through life stages so often, where they die and then contribute nutrients to the sediment?

ROBERTSON: Most plants do have a cycle where they grow in the summer and die back in the winter. The lily pads are there year-round, but that's because the grass carp do not eat them.

WARD: Are there some that would weather better than others?

ROBERTSON: Yes.

(CONTINUED STAFF RECOMMENDATIONS):

- Continue implementation of 2011 Devils Lake Plan, including comprehensive resource management plan; build on previous studies
- Focus on sewer backbone in 4 years
- Draft action on fertilizer reduction; change the way front yards look; institute an ordinance to ban phosphate fertilizer because fertilizer is a major source of nitrogen and phosphorus
- Continue Save Our Shoreline; the best way to keep the shoreline from falling into the lake is to have a plant buffer

- Maintain water right at 9.0 feet; use science collected through monitoring and determine the best level for the dam; it would be good for the district to move beyond the question of lake level.

GREEN: Would like more public outreach and information so the public knows what we're doing and why.

NORRIS: Was frustrated recently trying to get hold of Paul; could he post his schedule?

SKIRVIN: Appreciates Lake Manager's initiative; would like to see timelines for proposed activities. What do you need to improve monitoring? Proposals for pilot studies for short-term solutions like aeration should be requested (RFP); important that people understand purpose of fertilizer ordinance; do mailing now while people are working on spring lawns; promote SOS; would also like to review data and come to a decision on lake level at June meeting (lake level should be an agenda item so public knows it will be discussed).

GREEN: Monitoring should be focused on data needed to model a strong aeration program, seems to be most cost-effective technique; no other short-term techniques seem to be affordable and effective for any length of time; aeration contractors need to know sources of nutrient inflow so they can compare locations; best time of year may be August, September, after summer bloom; gives aeration chance to treat water at a time when bloom is regressing, gives it 6 months of winter time to get a jump on next year's bloom.

WELDON: On aeration, RFP should have an option for a lease agreement, rather than buying equipment that might not work in our lake. Expects resistance to fertilizer ordinance; could we encourage people to sign up and say they will not use fertilizer? We can congratulate them with a newspaper ad; might be more effective than telling people what they cannot do.

WARD: Not opposed to aeration but suspicious of it; things we have done in past have had unintended consequences; like to work with things that work: would like more workshops, maybe one or two a month, good education process to explain terminology and issues. Asked why many people are not participating in SOS.

AUDIENCE MEMBER (Tina French): Was told it's not appropriate at a seawall, but Paul says it can be effective; objects to plant choices (spruce, willow).

GREEN: Regarding sediment levels, oxygen through aeration energizes bacteria in the sediment, and the bacteria actually eat the sediment; dredging is cost-prohibitive and could stir up existing nutrients rather than collect it; cross dredging off the list because it could cost more than \$10 million, and so it won't happen.

## **VI. NEW BUSINESS**

**(1:56)**

### **a. Water quality monitoring**

(SEE SLIDE PRESENTATION for information on monitoring and how to obtain regular results):

- HABs bloom is gone
- Clarity fantastic
- Oxygen levels rebounding
- Cell counts nearly 0
- *E. coli* lab moved to OCCC

**b. Devils Lake Revival**

SEE STAFF REPORT re: proposal for Devils Lake Revival in July. Only cost to district would be about \$3,000, which was the amount spent last year on advertising.

WARD: Bay Area Merchants Association has an excellent record of putting on successful events in the past.

**Green moved that the Devils Lake WID provide up to \$3,000 to the Bay Area Merchants Association to put on the Devils Lake Revival with help from Legacy Real Estate, Chinook Winds Casino Resort, Oregon Coast Community College and any other groups that want to help. Weldon seconded. Unanimous vote in favor.**

**c. Intern**

ROBERTSON: Interviewed four candidates out of 27 applicants; Ava Laszlo accepted and will join staff after she graduates from Oregon State University in mid-June.

**VII. NON-AGENDA ITEMS**

None.

**VIII. ADDITIONAL COMMENTS from CITIZENS on NON-AGENDA ITEMS (2:06)**

Comments were limited to 5 minutes.

**Jim Hoover**, re: Eilers comment at workshop on lake level that there's no noticeable difference to the algae, whether the lake is at 8 feet or 9.5 feet. Also, the board referred to its limited budget, we're not spending the money we have; have yet to hear a proposal from the lake manager or the board saying: here is a solution; here is the cost of the solution; all we have to do is raise the money; we never hear a solution with dollar figures tied to it. Also, at the workshop John Fonseca offered to gather data in a week and a half at his cost with no obligation, but no one has talked about that; why has the board not said thanks or no thanks. Also, we had a lot of press about how dead our lake was; amazing that our full-time lake manager hasn't contacted all of the news outlets to say the lake is clear and has a lot of wonderful things to offer.

**Mitchell Moore**, noted that DLNA paper did not get discussed; we offered way to get public behind efforts to clean lake: take lake level to 9.53 feet; change message on septic to be more positive toward a solution instead of blaming; work with DLNA, because it was created to do good; people are pretty upset because lake level affects them; questionable whether the benefit of the lower lake level offsets the rancor it generates, which would evaporate with a higher level; if you don't raise the lake to 9.53, people will be upset and the DLNA won't be able to help; will take fertilizer pledge; DLNA could help with info on fertilizer; people

won't take their lawn out but maybe the Badge of Courage could be a brown lawn for the summer. Why does the lake need to stay at 9.0 to model?

**Miles Schlesinger, 1192 NE Lake Drive, Lincoln City**, thanked board for Lake Steward award; still interested in Dragon Boat Races or a demo race; crystal clear lake is great, hasn't seen this quality of water in 25 years; little disappointed that no one has mentioned the proposal that Miles gave the board for both the aeration of lake and the re-establishment of the D River by taking out the obsolete dam and letting the lake go to its natural level and then replacing the dam with a state-of-the-art dam with gates for salmon and controlling the water level; important part of keeping lake clear; would like a voice vote or discussion on what the lake level will be; property owners around lake deserve to know.

WARD: Has read Miles' suggestions about the dam and thinks they're well worth considering, but the board has many factors to consider before making a decision.

**Debbie Flory, 4676 NE Loop Drive, Otis**, has training in contemporaries dialogue as it applies to corporate, group discussion; noticed that she had not been open to some of the responses of the board regarding feelings in the room; you hear a lot of anger, and what's underneath the anger is fear; when you've put your life savings into a home that you thought you'd be here the rest of your life, but now you can't sell it for half because there's no access to the lake, it makes her fearful; not knowing if she can use her boat past June makes her fearful.

**Tina French**, everyone thought we'd make a decision on lake level tonight; why push it out to June?

**Greg Whitaker, 2170 NE Lake Drive, Lincoln City**, whole community wants to join with you and do what's best for the lake; to engage the community, they have to feel that they are being listened to; called for bringing lake to 9.53 feet.

## **IX. BOARD COMMENTS AND ANNOUNCEMENTS**

**(2:30)**

NORRIS: I appreciate being elected to the board; important to make sure everyone is valued in their comments; feel free to come talk at anytime and he will listen

Board discussed possibility of more workshops. Audience asked for workshop on lake level. Audience asked for board to decide tonight on lake level.

GREEN: Workshop on lake level not likely to produce anything that we don't already know.

WELDON: New board member could use more time to be educated.

NORRIS: Willing to wait until next meeting to decide on lake level; has already been researching and absorbing information on pros and cons.

GREEN: We have all listened to pros and cons; decision is extremely important to lakefront owners; new information will be gathered with an aeration project; he has not yet made a decision.

## **X. ADJOURNMENT**

Green adjourned the meeting at 8:41 p.m.

The next regularly scheduled Board meeting will be June 12, 2014, at 6:00 p.m.

| Respectfully submitted,  
Rick Mark