

AGENDA

2015 March 5 – Special Day

Regular Meeting: 6 pm

Lincoln City, Council Chambers

801 SW Hwy 101, 3rd Floor



Quick Look:

- HABS: Aeration
- O & C Lands
- Personnel Policy

Devils Lake Water Improvement District

Post Office Box 974, Lincoln City, Oregon 97367

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www.DLWID.org

I. Roll Call

II. Consent Agenda

- Minutes of the Previous Meetings
- Financial Report

III. Comments from Citizens Present on Agenda/Non-Agenda Items: *This is an opportunity for members of the audience to bring to the District's attention any item not listed on the agenda for public hearing. Comments are limited to five (5) minutes per citizen, and the Board of Directors may use the light system. Speakers may not yield their times to others, and as a general rule this is not a time for exchange of questions. At the conclusion of this agenda item, a board member may discuss or raise questions regarding an item presented by a citizen. The Chair has the authority to reduce the time allowed for comment in accordance with the number of persons present and signed up to speak.*

IV. Unfinished Business

(Agenda Support Item A)

- The Devils Lake Plan
 - Septic / Sewer
 - Save our Shoreline
 - Vegetation Management
- Communications Report
- Safety Report
- MidCoast TMDL
- East Devils Lake Road
- Policy Updates
- Harmful Algal Blooms
- Replacement of the Water Impoundment Device (The dam) (Randy Weldon)
- Oregon and California Land Grant Act of 2015

V. New Business

(Agenda Support Item B)

VI. Non-agenda Items

VII. Additional Comments from Citizens Present on Non-Agenda Items: *This is an opportunity for members of the audience to bring to the District's attention any item not listed on the agenda for board discussion. Comments are limited to five (5) minutes per citizen, and the Board of Directors may use the light system. Speakers may not yield their times to others, and as a general rule this is not a time for exchange of questions. At the conclusion of this agenda item, a board member may discuss or raise questions regarding an item presented by a citizen. The Chair has the authority to reduce the time allowed for comment in accordance with the number of persons present and signed up to speak.*

VIII. Board Comments & Announcement

- Devils Lake Family Fishing Frenzy – March 28, 2015

IX. Adjournment

Meetings of DLWID are handicapped accessible under the ADA.

If special accommodations are needed, please contact the District Office at (541) 994-5330 48 hours prior to the meeting.

**Staff Reports 2015-03-05
Robertson**

Consent Agenda:

- Minutes of the Previous Meeting
- Financial Report

Unfinished Business

Agenda Support Item A

- a. **The Devils Lake Plan:** A watershed based plan adopted by the Board in 2011 that seeks to address the root causes of nuisance aquatic vegetation and/or Harmful Algal blooms which are excessive nutrients.

Executive Summary excerpt:* “Devils Lake is a shallow, 680 acre coastal lake that has long suffered from the effects of inputs of excess nutrients. Most prominent of these effects was the domination of the lake by nuisance aquatic plants in the 1980’s. Aquatic weed infestations largely choked the lake covering over 60% of the surface. Recreation was greatly impacted, and property values were in decline. In 1984, a local government entity, Devils Lake Water Improvement District (DLWID), was formed with the purpose of improving water quality, improving the environment for fish and wildlife, and generally reestablishing beneficial uses, including safe navigation and public access.

“Current concerns in the watershed are ongoing inputs of nitrogen and phosphorus, increasing sedimentation, erosion, stormwater, annual cyanobacteria blooms, and the threat of the return of nuisance aquatic plants to the lake.”

*View the full document online: http://www.dlwid.org/Projects/Devils_Lake_Plan/Devils_Lake_Plan_v2.1.pdf

Projects within the scope of the plan are being worked on simultaneously and are listed on the Agenda and in this staff report as subheadings. Updates to the work on the projects are presented month to month as change happens and are left on the agenda until the project is complete. For a full background and all updates, please refer to previous staff reports and the Projects Page of the District’s Website under these headings: <http://www.dlwid.org/Projects.html>

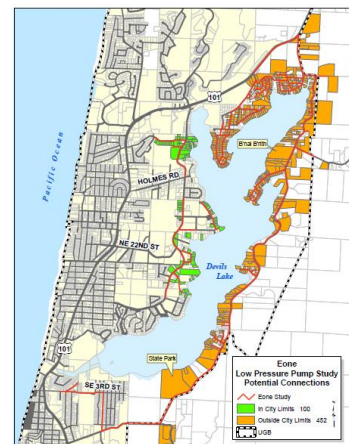
i. Septic / Sewer

- <http://www.dlwid.org/Projects.html#Septics>
- <http://www.dlwid.org/Projects.html#Sewer>

In an attempt to reenergize the projects I spoke at the Town Hall meeting on the need for sewer and a septic inspection program citing the economic study the District completed and the value of the lake to not only users, but associated real estate values. Some of this was picked up by the News Guard coverage on the event.

To Do and Pending Items:

- **Mandatory Septic System Inspection Ordinance:** Lincoln City, goal is by 2014-12-31 per previous City Manager



- Full buildable lands inventory: Lincoln County - Sent follow up inquiries on 2014-08-06 & 2015-02-25. Spoke with GIS coordinator 2014-09-19 at GIS Symposium by the Sea. Still on the list, just not as high of ranked priority.
- Urban Growth Management Agreement: Lincoln City and Lincoln County, with FY 2014-2015, DLWID to provide comments to City
- Sewer Master Plan Update: Lincoln City – expected by April 2015
- Environmental Review of low pressure sewer backbone: City & DLWID expected by April 2015

Voyage LID: (Chair Green)

City of Lincoln City has continued a hearing on the Voyage Lake LID and Reimbursement District to Monday, March 9, 2015, 6pm meeting start time

Robertson: I sent a letter and resent a previous letter to be entered as part of the public record on the Voyage Lake LID. The “new” letter summarized the attributes as I see them of the proposed LID and was largely recrafted from a previous summary. The other letter was one previously sent in 2012 to then City Manager David Hawker from then DLWID Chair Skirvin and detailed the District’s position on the formation of the LID. I intend to also speak at the hearing shown above representing the District and its ongoing support.

ii. Save our Shoreline (SOS)

- <http://www.dlwid.org/Projects.html#SOS>

I was able to move a number of surplus plants to the able hands of a shoreline property owner Ava had originally met with. They are working towards additional restorations on their property and will seek us and our SOS program out if applicable.

Meeting next week with City Engineer Reid on the restoration of a City owned parcel where the Maryland Pump station is being replaced.

We still have a small surplus of plants to move and planting time is upon us, so call 541-994-5330 to arrange for free delivery or to arrange to pick up some sedges and rushes.

iii. Vegetation Management

- <http://www.dlwid.org/Projects.html#Vegetation>

No word as of yet on being scheduled for a return trip to the OFW Commission. ODFW recently just hired their new director, Curt Melcher, whom the District met with previously about the Grass Carp issue when he was Deputy Director, so we fortunately we do have strong continuity regarding our proposal within the highest ranks of the Department.

b. Communications Report

- Internet Streaming: Meetings the DLWID are now available for live streaming and/or recorded streaming on the internet. The internet feed can be accessed via the City's website: <http://www.lincolncity.org/> by clicking on Agenda, Packets & Video or from the following link: <http://lincolncityor.iqm2.com/citizens/default.aspx>
- Government Access Channel 4: The District's monthly meetings continue to be broadcast live and throughout the month repeatedly airs. This channel is available for Charter subscribers.
- Social Media: The District uses these social media components to reach the general public periodically.
 - YouTube: <http://www.youtube.com/user/DLWID>
 - Facebook: <https://www.facebook.com/DevilsLake.Oregon>
 - Twitter: https://twitter.com/Devils_Lake
- KBCH am 1400: The District has had a standing interview spot on the THIRD Tuesday of the Month from 7:30 – 8:00 am.
- 100 History of Devils Lake: http://www.dlwid.org/Communications/Know_Your_Lake/100_Year_History.pdf
- Know Your Lake: The District, led by Chair Brian Green, has been publishing informational articles in the News Guard. The articles are meant to inform the public on the activities of the District. You can download copies of the articles from our website's Project Page: <http://www.dlwid.org/Projects.html>
- Devils Lake Radio 1610 am: Audio updates have been made and added to the airwaves. Tune in next time you are in Regatta Grounds or EDLSP.
- Clearwater E-Newsletter: Winter issue released in conjunction with solstice. Click here to see a copy: <http://myemail.constantcontact.com/Clearwater-e-Newsletter--Winter-2014-edition.html?soid=1102761961457&aid=ecrIMnSdyJ4>
- Lake Steward: Seeking nominations – Application online! Due back by March meeting. http://www.dlwid.org/Communications/Lake_Steward_Nomination.pdf
- Devils Lake Revival: BAMA not likely to take lead role this year given the number of events and few volunteers. I have through pursued scheduling the Revival. Given the lack of major events on the Third Saturday of July and that we have held it on that weekend for a few years, I have secured Saturday, July 18th for the event and will work on the permits in the next month.
- Devils Lake "Birding by Boat": Awarding winning video being presented at the Salem Audubon on March 10, which features interviews with Al Rice and Devils Lake Water District Manager Paul



Robertson explaining the lake's ecology to paddlers on International Migratory Bird Day back in 2009. First United Methodist Church, 600 State Street, Salem – The Carrier Room – 6:30 PM

- Sitka Kids Ecology Art Project: March 7, 10-12 - Participating in event at Lincoln City Cultural Center in accompaniment with Ian Keene, Open Space Coordinator, and SDCWC.
- KCUP 1230 AM: Radio interview spot with Karen Richards. “What’s going on in Lincoln City” -- Tuesday March 24, 9-9:30 am

c. **Safety Report** (Robertson) No incidents or updates. Safety is no accident!

d. **MidCoast TMDL** (Robertson)

- <http://www.dlwid.org/Projects.html#TMDL>

Department of Environmental Quality (DEQ) has begun the planning process for developing an Implementation Ready - Total Maximum Daily Load (IR-TMDL) for 303(d) listed waterbodies in the Oregon Mid-Coast Basin. The initiation of this TMDL process has been a long-time in the works and the process itself will be lengthy stretching over the next 18 - 20 months. Devils Lake is listed for Weeds/Algae, Chlorophyll a and pH and Thompson Creek is listed for fecal coliforms, and thus as a local government we have been invited to participate. Notably, temperature listings are also proposed by EPA for the lake and one of its tributaries. Representatives from local, state and federal government, special districts, Tribal Nations, private industry, forestry, agriculture, conservation, NGOs, watershed councils, landowners, and others were also identified.

- Links to the DEQ’s website are posted below.

<http://www.deq.state.or.us/WQ/TMDLs/midcoast.htm>

<http://www.deq.state.or.us/WQ/TMDLs/midcoastLSAC.htm>

Stakeholder Meeting: No meetings since our last DLWID meeting. View the website for more information.

Bacteria Technical Working Group: Last meeting was on Feb 24, 2015 in Newport, which I was able to attend after a previous engagement got moved. There was a review of the Load Duration Curves and the full scale watershed model of the Big Elk. Lastly the Beach Water Quality data have now been published for review which will extend until May 1, 2015. We will participate with for the northern beaches of Lincoln County.

e. **East Devils Lake Road**: No additional updates

f. **Policy Updates**:

Personnel Policy: A marked changes and clean version of the document have been generated and sent to the board based on the comments received to date. Without any additional changes the policy would be ready for adoption.

The District has proposed updates and additions to its Policy Manual for the following items: **(BOLDED require further actions)**

- Policy and Procedures Manual (Adopted 2014-02-13)
- **Personnel Policy/Manual (New draft sent 2015-02-27)**
- Mandatory Reporter Policy (Adopted: May 2013)
- Safety Policy (included in larger update)
- Financial Manual (Adopted 2014-01-09)
- Records Policy (Adopted 2014-01-09)
- Board Duties and Responsibilities (See Policy and Procedures Manual)
- **MSDS (Being updated as part of Safety manual)**
- Employee Training (Policy added to Personnel Policy)
- Light Duty Return to Work (included in Personnel Policy)
- Investment Policy (Adopted 2014-10-09)

Links to these drafts are available on the website:

http://dlwid.org/Board%20Directors.html#Board_Official_Actions

g. Harmful Algal Blooms: <http://www.dlwid.org/Projects.html#Aeration>

Aeration/Oxidation Project: The District Board of Directors provided direction at the February 2015 meeting that it wanted to continue to pursue an aeration project. Having evaluated the requirements of acquiring an Engineering and General Report as outlined in ORS 552, the District will still need to consult with an engineer ahead of a construction bid request as was attempted through the informal RFP process most recently. While the District could redraft the RFP to lesser standards and remove the onshore civil engineering requirements and reissue an informal RFP process, there is still a likelihood that the process could fail to provide suitable responses. These response by statute would have to be prioritized by qualification, and then secondarily seek to negotiate a contract. A simpler method would be to proceed with a direct appointment as provided in ORS 279C.110 (8) and in OAR 137-48-0200 (1)b. Under these provisions the District can obtain engineering work to a sum not to exceed \$100,000 which by estimate is achievable within the proposed scope of work of the original RFP and thus even more likely should we restructure our scope. A direct appoint would be a more efficient use of resources and allow the District to focus on the intended outcomes of the project by working in close consultation with an engineering firm from the onset.

Staff recommendation: Authorize the Lake Manager to proceed with a direct appointment for an engineering plan and general report for an aeration/oxidation project for Devils Lake not to exceed \$30,000 without additional approvals, providing the option of separating out land based civil engineering components (sighting of compressors, power provisions, housings, etc.) as a separate appointment and provide the allowance to restructure the outcomes of the project to those that are achievable with lower cost technologies. This specifically would be a relaxation of the Chlorophyll *a* standard which might be exceeded by harmless green algae, instead focusing on reductions in toxins and toxigenic Harmful Algal Blooms as prescribed in the original RFP. The \$30,000 could come from appropriated consulting funds in the Improvement Fund identified under the heading Sewer which are no longer required given the City has already funded the environmental review targeted by the District's budget allocation.

h. Replacement of the Water Impoundment Device (The dam) (Director Randy Weldon)

The Devils Lake Water Improvement District will hold a Public Hearing as part of its April 9, 2015 meeting. The meeting will start at 6pm and will be held at Lincoln City Council Chambers, 801 SW Hwy 101, 3rd Floor, Lincoln City, Oregon 97367. The purpose of the

public hearing will be for the board to take public input on the potential replacement of the impoundment structure otherwise known as the dam and the overall managed use and/or continuance of the District's Water Right Certificate 69267, Permit to Appropriate the Public Waters #52672, and Permit to Store the Public Waters #R-11968.

i. Oregon and California Land Grant Act of 2015 (Senate Bill 132)

Available: <https://www.congress.gov/bill/114th-congress/senate-bill/132>

Proposed by Senator Ron Wyden this act would transfer ownership in the Rock Creek Watershed from the US Forest Service (USFS) to the Bureau of Land Management (BLM). Land would be moved from the USFS current objective of late successional reserve (similar to Old Growth) to timber harvest. The District decided to draft a letter which I have done based on input I received.

Board Consideration: Submit the draft letter in opposition of the transfer in the watershed and stating the contention of USFS management under the Northwest Forest Plan as preferable for watershed management.

DRAFT

March 5, 2015

Senator Ron Wyden
221 Dirksen Senate Office Bldg.
Washington, D.C., 20510

RE: Senate Bill 132: Oregon and California Land Grant Act of 2015

Senator Wyden:

The Devils Lake Water Improvement District, a local government in Lincoln County, Oregon formed under ORS 552, **opposes the transfer** of US Forest Service (USFS) Lands in the Devils Lake Watershed to ownership and operation by the US Bureau of Land Management (BLM), and further states that it **contends that the management strategies and protections afforded by the Northwest Forest Plan** which govern the USFS owned and operated lands **are better suited for watershed management** than measures proposed under the Oregon and California Land Grant Act of 2015.

The reasons for this opposition and contention include that lands currently managed for late successional reserve, such as those in the Siuslaw National Forest under USFS control, promote better habitat and maintain better water quality which threatened Coho Salmon and many other native species in our watershed depend on. Further, the impacts of logging have long-term adverse effect on the lake ecosystems, which is the particular natural resource we as a local government are designated to protect. In fact, in 1990 the Devils Lake Water Improvement District passed its own ordinance to protect Devils Lake from impacts including deforestation. With the protections afforded by the Northwest Forest Plan, the District rescinded this ordinance, but may be faced with reinstating the ordinance or one similar should these lands become designated for Forest Emphasis Areas under the **Oregon and California Land Grant Act of 2015**.

Lastly, the Devils Lake Water Improvement District understands that the National Oceanic and Atmospheric Administration and U.S. Environmental Protection Agency has just ruled that Oregon is not compliant with its Coastal Nonpoint Pollution Control Program as required by section 6217(a) of the Coastal Zone Act Reauthorization

Amendments of 1990 (CZARA), 16 U.S.C. 1455b. In their decision they found that *“the State has not adopted additional management measures applicable to forestry that are necessary to achieve and maintain applicable water quality standards under Clean Water Act section 303 and to protect designated uses.”* Apparently, NOAA and EPA first identified and notified the State of the need to implement these additional measures as far back as 1998, and a solution is long from being implemented, as witnessed by our own staff, Lake Manager Paul Robertson’s, participation in the Mid-Coast Total Maximum Daily Load process since 2013. As such we contend that as the apparent safeguards are already insufficient at protecting water quality that the impacts of extensive logging and road building that would likely occur should this bill pass, would undoubtedly exacerbate these circumstances leading to further degradation of our watershed and others.

Sincerely yours,

Brian Green, Chair
Devils Lake Water Improvement District

Attachments:

- Devils Lake Watershed Forest Ownership - Fish Presence Map
- Devils Lake Watershed Protection Ordinance ([Viewable online here](#))

Devils Lake Watershed Forest Ownership - Fish Presence Map

