



Devils Lake Water Improvement District

DLWID Board Work Session Minutes

October 4, 2023

DEVILS LAKE WATER IMPROVEMENT DISTRICT
TAFT CONFERENCE HALL
1206 SE 48TH PL., LINCOLN CITY, OR
And via zoom

1. Called to Order at 8:32 am by Vice Chair Mitch Moore

2. **Roll Call:**

Board Members Present: Dayton Mays, Mitch Moore, Keith Fowler in person; Susan Elworth via zoom

Board Members Absent: Tina French

DLWID Staff Present: Boone Marker

Overview of Biological Assessment for proposed dredging project.

Eric Campbell, Campbell Environmental appeared via zoom to answer questions about the dredging project.

Boone asked about the length of time an assessment is good.

Mr. Campbell responded that under Oregon law, any time work is done in rivers, streams, or wetlands, the project requires coordination via a joint permit application (JPA) with both state and federal agencies. Assessment goes to National Fisheries and US Fish and Wildlife. Drafted application needs signature from local planning and adjacent property owners.

Last signature was Oregon Parks and Rec – temporary placement approved, new employee changed their mind, with long list of roadblocks. They don't want anything placed on beach. Josh was brainstorming with other alternatives for disposal, this isn't uncommon. There are almost a dozen agencies that need to approve. This is such a tight space to work with. Asked to work with Civil West, Ferguson Construction suggested using suction pipe to put in settling pond and wetlands in the area. Hostetler Park would require use of wetlands, surrounded by property owners other than district.

Suggestion to put dredging materials upstream in lake. Working with Oregon State Parks would add a year or two to process.

Boone will work with City Parks and Rec about Hostetler Park, but there's not a lot of space.

Mitch asked about flood threat – last year water levels highest in 24 years. Lake Oswego funded dam replacement based on flood danger and asked if this is a way to approach this through FEMA. Keith said he has photos of flooding in 2021.

Mr. Campbell said that in his experience, you need to weigh risk assessment, damage to properties, and human safety. Agencies will point fingers at each other, they would need to figure out who to blame, and possible solutions. And then, what about 5 to 10 years from now, how will the district address the larger problem. The lake could be silting in from upstream. Problem may be bigger than just maintenance dredging. Need to establish location to be used in the future. Techniques may not change, but rules changing every six months.

Mitch said that the weir is owned by the district, and removed in the winter. Sand coming in from beach. Sand is being pushed under the bridge, the city dredges from bridge to beach. DLWID wants to dredge from bridge to lake. Keith said he thought this was an emergency permit application. Mr. Campbell talked about emergency definition (like Katrina). Wetlands and waterway work needs approval of DSL and US Corps of Engineers

Mr. Campbell talked about political pressure and who to go to. Lots of details – means, methods, design of construction. Most efficient would be revisiting means and methods. He and Josh talked about the possibility of dumping in parking lot of closed

motel. The question is who to put political pressure on, Mr. Campbell suggested the mayor, state rep and senator, governor, Merkley?

Susan said that the criteria is in the email from State Parks and OPRD and set out in the regulations. Mr. Campbell said that the criteria are open for the state agencies to interpret. The purpose and need to be addressed, and asked if we have exhausted all alternatives, and what should be the next steps? Should a contractor be hired to come up with a plan? Meeting with more than one staff at Parks? Mr. Campbell said that is frustrating to deal with state agencies, lack of accountability, and figuring out who is the decision maker.

Questions were raised: Continue to work with Civil West? What are alternatives? Who vetted Hostetler Park? Did ODF&W say the dredging can only happen in August? Start with the city – how can we use this park? Work with Civil West to ask how to dredging to settling basin, then into trucks. Series of design constraints, this is really a design issue. Can local people be hired to do what the city does down river from the bridge, moving sand to the beach? This is really dredging the mouth of the river, not the lake.

River is under state lands, not OPRD (beach) – need to prove beach only place possible. They are looking at recreational use. Susan suggested board decide whether to continue working with OPRD or find alternative site.

Mitch said that DLWID represents citizens, but State Lands owns lake – is there a state or federal agency that does this type of work? Discussion about removal of weir – what's the real problem, what's the permanent solution?

Mitch said the weir is removed in the winter, it only exists in the summer. Originally it was to keep grass carp in the lake, the cause is the ocean, not the weir.

Mitch suggested getting support from FEMA – suggested addressing list of “roadblocks”; Support from City, Gomberg, Anderson.

More questions were raised: Is endless dredging the permanent solution? If not, is there another design solution, then every 3-5 years, find a new location? The district needs to be set up for long term success. Boone has been talking to the Regional Solutions team from the governor's office. Mitch asked about ODOT support, after their work on the bridge. Mitch suggested tackling roadblocks from the March email from

OPRD and try to get answers to all of their questions, then contact the Regional Solutions team to get the agencies together.

It was agreed to get back to Mr. Campbell with any questions about the permit, and he will wait for direction from the board.

Eric Campbell left the meeting at 9:26 am.

Meeting adjourned by Vice-Chair Moore at 9:27 am.