



REGULAR MEETING OF THE WHITE BEAR LAKE CONSERVATION DISTRICT
7:00 P.M. WHITE BEAR CITY HALL
MINUTES of November 20, 2009

APPROVAL DATE: 1/19/10

1. CALL TO ORDER The November meeting of the White Bear Lake Conservation District was convened by Chair Thomas Hoffman at 7:02 pm.

2. ROLL CALL Present were: Chair Thomas Hoffman, Vice Chair Luke Michaud, Directors Diane Longville, Mike Parenteau, Doug Danks, John Steinworth, Sue Cernohous, George St. Germain. Absent were Mike Stawnychy, Yale Norwick (both excused). A quorum was present. Recording secretary was Julie Yoho.

3. AGENDA

Strike 8b7, need clarification. Add items 8c1 annual WBL clean up, 8c2 email subscription data base, 8c3. press release

MOTION #1 (Parenteau/Michaud) Move to approve agenda with changes above. All Aye, PASSED

4. APPROVAL OF MINUTES

MOTION #2 (Parenteau/Michaud) Move to approve October meeting minutes. All Aye, PASSED

5. PUBLIC COMMENT TIME

Hoffman – reminder, milfoil and Ord 5 are later on agenda. This is for other items not on agenda.

Don Moony, Cottage Park Road.

Comments regarding ice skating in commercial bay. In 1988 the lions club organized and lighted rinks there. City has helped in past for maintenance. Lack of interest eventually made it end. Fully supports a skating area there.

Randy LaFoy, Birchwood

Birch Beach repair was not sufficient.

Steinworth – grass seed was put in, area prepped. However, when docks came out, tires tore out what was planted.

LaFoy – encourage members to go there, there is still damage at site, grass seed not enough.

6. NEW BUSINESS

6a. Ordinance 5 revision second reading and public hearing

Hoffman – Board has had discussion for potential changes over past year. Board tabled last month. Would like to open for public comment tonight, put on agenda in January for further discussion.

Michaud – item was tabled. Motion has to be made to take off table for discussion.

Kantrud – yes, take off table to discuss

MOTION # 3 (Steinworth/Danks) Move to take item off table and discuss and take public comment. 2 nay (Michaud/St. Germain), 5 aye, PASSED.

Pat McNamara

Concern over ADUA as defined here causes anxiety and mess due to uneven shoreline. Over years common sense has been used. This suggest giving rights to lakeshore owners over the water with extended property lines. Many properties in Mahtomedi will cross. Disagree with this, will create problems. Don't need.

Gene Altstatt, Wildwood Beach road

Unclear what will happen next? Where in process are we?

Boat houses, shore stations, different set back rules.

Extending lot lines will result in converging, angling, etc. Approx. 180 people distinctly affected by this dramatic change. Would like to inform these people so they know what is happening. The LMCD Ord. has been in effect for 30 years, they have had 30 years of problems. Will be future litigation if this passes. Better to stick with system you have now, have committee handle problem areas, rather than create minute detail here. Not a one size fits all situation. Lived on Minnetonka for 25 years. Encourage Board to table until something more practical is figured out.

Kantrud – if no action now, item can be brought back whenever you want to take off table. Can be ongoing work. Once passed, will be published for law.

6b. Hoffman - Application to Lake Quality Committee from Paul Bolstad to join as member. Hoffman has interviewed as well as others on Board. He will be a great asset to committee. Recommend approval.

MOTION # 4 (Michaud/Cernohous) Move to approve and appoint Paul Bolstad to the Lake Quality Committee. All aye, PASSED.

7. UNFINISHED BUSINESS

none

8. REPORTS/ACTION ITEMS

8a. Lake Quality Committee

8a1. Steve McComas 2009 Zebra Muscle Assessment report

Has draft at this point. Will be finalizing, then publishing. Focus was to assess habitat suitability for zebra muscles in WBL.

Looked at the substrate and water quality to see what muscels could do if they come into lake. Currently not in WBL. In other area lakes, St Croix river, Brainerd area, and others.

Suitability for growth is based on water column characteristics – see report for details. Several conditions are optimal, some survivable. They could be food limited due to low chlorophyll. Some conditions in WBL limit, some are optimal, mixed messages. Substrate (bottom) conditions. Sandy vs rock rubble. 800 acres not suitable, 1400 acres survivable, 195 acres optimal. Would not expect rampant growth, but they could survive. Zebra muscels will be limited by food, but there is plenty of space. Can grow onto plants, docks, lifts, (vertical substrate).

Impacts would be to swimming areas, boat maintenance, algae on bottom due to waste. Can also affect fish spawning, decline in zooplankton = less survival for young fish.

Action ideas to consider – see report for various levels. Recommend level 4, more education, prevention, rapid response plan to treat areas if found. Moderate to sub-optimal conditions for them to become a major factor in WBL. Not here yet.

Parenteau – is it inevitable?

McComas – yes. Can be slowed down, but it will happen due to popularity of lake

St Germain – if no control at all, what damage would done?

McComas – swimming beach areas will have clumps in sand, nuisance. Ecology will be changed, more filament growth on the bottom, effects on fish habitat. Short term changes until things stabilize in 20 – 30 years, no lakes have that much history so unclear. Boats moored will have to be scrapped, more service on lines, etc.

Longville – is there natural control?

McComas – several fish and ducks will feed on them when they're small and low growth. Only have been around since mid 80s, so we're still learning as we go.

Hoffman – are they introduced via human, or birds?

McComas- predominately boaters, so some control over.

Michaud – if they dry up are they dead?

McComas – can live for 1 week clammed up. Look on lifts/docks to find out if they are present

8a2. EWM & Aquatic Plant Survey. This is draft, full report coming. Report shows sample points and where milfoil was found. Red areas are where it grew to surface. In past years, similar areas, but not at red conditions. 520 acres of milfoil, 40 acres where it comes to surface. Harvester cut 30 acres. We've been taking surveys for 13 years at the same stations at various depths and record density ratings. (Definitions in report.) EWM has been widespread with low to moderate density generally over the lake. Over the last 3 years there has been more abundant growth with low lake levels. Plants get more sun, don't have to grow as much to hit the surface. EWM arrived in WBL in '89.

Percent and distribution has remained fairly stable. Native species have been tracked as well, haven't lost due to milfoil. There is natural fluctuation.

Lake is down 4.5 feet, 2000 acres in 09. This concentrates nuisance growth. Harvesting does not spread it, it's already distributed. Auto-fragmentation at end of season will break up plants and distribute around. EWM will only grow where sediments are conducive to growth.

Options for treatment:

Harvesting, herbicides, estimated costs (see report)

EWM is a perennial plant. If treated, it will come back, maybe lighter for 1 year, but will come back. All options are annual controls. Treat whole lake or problem areas.

Michaud – in WBLCD Lake Management Plan the triggers for treatment are spelled out. Many areas in green on map are still a nuisance. How many acres are moderate plus high growth?

Steinworth – green areas have other plants as well?

McComas – there only a few areas on the lake where milfoil is monoculture. Most stations have nice mix of 4-5 other plants there. Will look at how many species per site in final report

Parenteau – you have looked at many lakes in area, what is criteria for best control approach – why is one different than the other?

McComas - Each lake different. Must look at cost, effectiveness, long term effects to determine best approach. Harvesting requires physical take out points, etc.

Parenteau – are the results different?

McComas – can be. If end result is to be recreationally usable, harvesting will cut matting. Herbicides will do same thing. In some open water herbicide can be diluted, and low contact time will not help

Parenteau – early spring herbicide treatment?

McComas – some lakes are experimenting with early season application. Some have been effective. Can't always predict abundance of growth in WBL as it varies in this lake.

Michaud – so if its treated, there will be no problems in that area?

McComas – odds are good, but no guarantee

Michaud – did not want biomass on bottom caused by herbicide use in late season, so supported harvesting. Now we know pretty close where it's going to be growing with low water.

Steinworth – can you speak to benefit of removing biomass and impact on sediment following year?

McComas – that's an advantage of early season herbicide or harvesting – gets nutrients out of there. Some areas received sunlight and used nitrogen to produce heavy growth. Has it used nitrogen up? That is question.

Public comment

Bob D.(sp?), WBL resident

On the charts the stations seem different from maps – looks like milfoil is taking over.

McComas – occurrence has some fluctuation, abundance changes more than distribution

Bob – milfoil has surrounded lake, complex issue. In the tables is it showing concentration of plants at stations?

McComas – yes.

Mike Downing, South Shore Blvd.

Would like more info on practices in area lakes. Can you summarize the treatment in Grays Bay on Minnetonka? Board should use information as moving forward.

McComas – Grays & Phelps bay data. Looking at % occurrence. 1st year had 54% occurrence (see handout). This year, better control, not eradicated. They eliminated nuisance conditions.

Granger Whitney, Black Bear Racing assoc.

Sailboat draws 4'. Every time we went out we had milfoil problems. It is a nuisance. Transect locations are not where we are using lake and having problems.

Mike Creary resident (sp)

Milfoil has ruined lake. Reduced in the early 90s with chemical treatments. Steinworth stopped treatments and now we have problems. Steinworth hired new consultant, harvesting was not effective. LMCD reduced with chemicals. Time to find new consultant or get second opinion on chemical treatment. WBLCD can tax more to fund. Would like to ask Steinworth how he can stand by and watch native plants be destroyed by milfoil.

Hoffman – not personal please, stay on issue

Mike Downing, South Shore blvd.

Unable to use boat due to milfoil this year. Not fearful of chemicals if properly used. Need to learn from others. Recommend board use chemical treatment on problem/red areas.

Bob (?)

What is nuisance? 4' down is nuisance for me. If do you nothing about milfoil it will take over lake and displace water and wipe out shallow parts of lake.

Peggy Black, Birchwood

Avid swimmer. I've been unable to swim due to weeds. Why are we not doing anything? Take more aggressive action than in past.

Jay Rendall, Stewart Ave

Hazard for sailboat, can't steer due to weeds on rudders. Is nuisance farther down. DNR has prevention grants available. (see website)

Hoffman – if we apply for grant are we obligated to use?

Rendall – applications are due Jan 15, grant agreement has to be signed once accepted – would require board approval at that point.

Fletcher Driscoll

Here to help. Obligation for all of us to help out. Has handout explaining plant chemistry.

Steve Johnson, S Shore blvd

Concern about harvesting – took them ½ hr to go dump load for every hr of harvesting. It has grown back now. Criteria states free of obstruction to 2' level, any boat draws more than that except a kayak.

Betsy Thorson, Birchwood

Supports early treatment, chemicals rather than harvesting

Paul Bolstad, new LQC member

Any treatment has positives and negatives. Chemical application a balance of exposure & timing. Too much will kill all, too little won't kill. How sure do you want to be? Harvesting is a yearly commitment, multiple cuts. Ways to control such as reducing nutrient inputs, stop fertilizing close to lake. Now we're putting out a fire. We always will have milfoil, cannot eradicate, but can manage nuisance.

Downing – look at runoff at areas of lake. Talk with township – area along s shore is runoff and red zone.

Steinworth – will meet between now and the January board meeting.

Would like to apply for grants as available

MOTION #5 (Steinwroth/Parenteau) Move to authorize LQC to apply for grants as available from DNR for milfoil and zebra muscles. Vote all aye, PASSED.

Michaud – how will meetings be posted?

Steinworth – on website, looking at the first Tues of each month. Board will be notified.

Hoffman – timing better his year, ahead of game so more options available for treatment

8a3. Matoska Marsh dredging permit. Comments being taken by DNR.

Steinworth - Due to low water, residents are unable to boat or reach water with motorized craft. Proposal is to cut channel 2' deep into sandbar.

LQC unanimous that Board should recommend denying permit. Owning lakeshore does not grant access to greater lake body. From public policy standpoint, could open door for other dredging or activity in basin. There is no basis to grant approval. This dredging will remove part of the barrier that defines Matoska marsh, removes material. DNR contends this is a one time permit. Dredge will fill again over time with sides deteriorating. Content of bar will change, weakening it. Motor traffic will go out, but also come in. Times of low water changes the characteristics of marsh.

Motorized watercraft cannot access, becomes quiet zone. Wildlife will be impacted. Low water cycles have happened in past.

Michaud – LUC discussed. Committee felt this is a hardship for families there. This is a recreational lake, dredging has happened in past. Will not vote to deny.

Steinworth – only precedent is dredge at halls marsh in 1988. No permit issued for that, applied for permit to extend farther. DNR wildlife was against. Would like advice from Mr. Kantrud - jurisdictional issue question. Mr Hiniker, rather than applying as an individual, applied thru city of WBL. How does city have jurisdiction to do work in our jurisdiction? There is question over if this is White Bear Township land, and / or WBLCD.

Kantrud – possibly concurrent jurisdiction. DNR has jurisdiction over dredging. Likely made more sense to apply for permit as a group rather than from individual.

Steinworth – question is why City of WBL is asking for permit to do work without consultation of other communities.

Kantrud – unique situation, concurrent jurisdiction, public body of water affects all. You could ask WBL why they supported it.

Steinworth – city is done with involvement, will not be doing work. Other bodies are commenting such as Ramsey Co Conservation.

MOTION # 6(Steinworth/Parenteau) Move that Board recommend DNR deny permit based on public policy and ecological concerns.

Discussion

Dick Hiniker

Would like to explain my process. I contacted DNR in June to find out about dredging. When contacted, the DNR said a government body had to sponsor the permit application. Went to city with the request since I'm a resident, so that is the procedure they followed. There has been so much discussion about people trying to get through weeds, we can't get out at all. We are being denied recreational use by a sand bar. Just want small channel.

Danks – would like background. Residents wanting to make changes on lake bottom go to DNR?

Hoffman – motion is to provide comments on the permit to the DNR during their process. They will consider for their decision.

Danks – other instances where dredging occurred and did not require public comment.

Steinworth – dredging at Ramsey and Matoska – did we review? Those were for public use, not individual homeowners.

Michaud – this is a land locked situation, will vote against the motion

MOTION Vote

1 (Steinworth) aye; 5 oppose, 2 (St. Germain, Parenteau) abstain. Motion failed.

MOTION #7 (Michaud/St, Germain) Move to express “no comment” on permit request.

Discussion

Steinworth – no comment means this board has no opinion about biggest impact on marsh

MOTION Vote

1 oppose (Steinworth), 1 abstain (Parenteau), 6 aye. PASSED.

8b. Lake Utilization Committee

8b1. Kids Pro Ice permit application

MOTION#8 (Michaud/St Germain) Move to approve event permit for Kids Pro Ice snowmobile races. All aye, PASSED

8b2. Wildwood Beach condos dock permit

MOTION #9 (Michaud/St Germain) Move to approve 2010 permit for Wildwood Beach Condos. All aye, PASSED

8b3. Alicia Heights dock association

MOTION #10 (Michaud/St Germain) Move to approve 2010 permit for Alicia Heights and note we would like letter from neighbor to south. All aye, PASSED.

8b4. Forest Heights dock association

MOTION # 11 (Michaud/Cernohous) Move to approve 2010 permit for Forest Heights. All aye, PASSED.

8b5. Chateauguet condo association

MOTION #12 (Michaud/St. Germain) Move to approve 2010 permit for Chateauguet condo association.

Danks – would like to see ADUA info and frontage info

Friendly amendment, approved with condition that they re-submit with info on where dock is along their 140 feet. All aye, PASSED.

8b6. Whitthaus

MOTION #13 (Michaud/St Germain) Move to approve 2010 permit for Witthaus. 7 aye, (Danks abstain) PASSED

8b7. Ice rink in commercial bay. LUCommittee thinks this is a great idea.

Parenteau – permit required?

Michaud – doesn't sound like it will need one. Not selling, no large group, within ADUA.

8c. Lake Education Committee

8c1. Lake Clean Up will be first Sat in March, March 6, 2010

Would like to have \$200 for misc. supplies.

MOTION #14 (Danks/Michaud) Move to approve funds and date for clean up. All aye, PASSED.

8c2. Email database. Would like to start application for free subscriber service and see how that goes.

8c3. Mahtomedi homeowners have concern about dog poop clean up, would like to get info out
Danks would like to do press release on winter rules such as speed limit, can include other information.

8d. Treasurers report

8d1. Treasurers Report

MOTION #15 (Longville/Cernohous) Move to accept and pay checks 3941 – 3952. All aye, PASSED

Check # 3951 is error/duplicate from last month, will be coming out.

Revised report will be available in January

George – get outstanding bills paid prior to year end

8d2. Estimated December Treasurer’s Report

MOTION #16 (Longville/Cernohous) Move to pay regular bills in December since no meeting. All aye, PASSED.

8d3. Liability coverage waiver form

MOTION #17 (Longville/Parenteau) Move for Chair to sign WBLCD does not waive monetary limits. All aye, PASSED

8e. Board Counsel Report

There will be mediation sessions on the Birchwood issue in dec. Will report results in Jan. All parties agreed to try mediation.

Nelson case. Court decision in dock dispute speaks well to our authority to regulate. (Birch Beach appeal). In file at WBLCD.

8f. Administrative Staff Report

Items included in packet this month:

- Agenda
- Oct draft minutes
- Oct LUC draft notes
- Permit applications – 1
- Dock permit applications – 6
- DNR permit review - Matoska channel dredge
- 2010 meeting dates
- Liability coverage waiver form
- Comment letter regarding dock application
- Comment letter regarding milfoil control
- LQC new member application
- Matoska Marsh photo

9. CONSENT AGENDA

MOTION #18 (Michaud/Parenteau) Move to approve consent agenda. All aye, PASSED.

10. ANNOUNCEMENTS

Hoffman – Board term is ending in March. I will be resigning from the Board.

Michaud – Cable cast is not always being aired in some communities, or aired at bad times. If we can commit to an end time of meeting, or allow cable co. to cut meeting after 2.5 hrs, they can air replay at a better time. Would like to take better time slot and cut if needed.

11. ADJOURNMENT

MOTION # 19 (Michaud/Longville) Move to adjourn. All Aye, PASSED

Meeting adjourned at 10:20pm

ATTEST:

Administrative Secretary

Date

APPROVED:

Board Chairperson

Date