

Lake DeSmet Advisory Board Meeting  
January 23, 2023  
1:00 PM

Board Members Present: Michael Whitaker, Bob Rolston, Paul Mavrakis, Dave Belus, Nathan Lindsey, Jim Fennema, Joe Kalus

Operating Department Personnel Present: Megan Fraley, Bill Novotny

Public in attendance: Todd Litton, Erin Litton, Kevin Michelena, Jack Landon, Sal Crivello, Jamie Crivello

The meeting was called to order at 1:00 PM by Chairman Whitaker. Chairman Whitaker asked for a motion to approve the minutes from the September 21, 2022, meeting. Mr. Belus so moved and Mr. Rolston seconded that the minutes be approved as written. The motion carried.

Ms. Fraley reported the following Lake DeSmet Operating Department updates:

- The following Lake DeSmet Advisory Board positions are up for appointment:
  - a. Bob Rolston (Sheridan County Commissioners Representative)
  - b. Nathan Lindsay (Environmental Representative)
  - c. Joe Kalus (Recreation Representative)

The Environmental and Recreation positions will be advertised on February 23, 2023, with applications due two weeks later on March 9, 2023.

- The elevation of the lake as of December 30, 2022 was 4608.74 ft.
- Irrigator releases for 2022 had continued until October 4. Johnson County released 10,641 acre-feet from the North Dam with a total of 11,865 acre-feet used in Lake DeSmet in 2022 including the State of Wyoming South Dam releases.
- One monitor well on the North Dam that has been high since 2019 was again out of average range during fall monitoring. It is being closely observed and the data is being analyzed by the Department contract engineer.
- During the fall inspection, the Diversion Dam trash rack was found to be inoperable. Johnson County electrician David Eads fixed it on October 13, 2022.
- The project to reconstruct the eroded sections of the North Dam Outlet Channel and perform a full ditch cleaning was completed by Nick Zezus and Wyoming Construction Materials on October 21, 2022, after release operations had shut down for the year.
- Johnson County Road & Bridge completed several improvements to the Mikesell-Potts Recreation Area including: drilling two water wells; constructing a watercraft washdown station; installing a fire pit and lawn; building a beach volleyball court; and planting 32 trees.

Chairman Whitaker called for discussion on the request received from a shoreline landowner to install a temporary stairway in order to access their temporary boat dock. Mr. Belus asked about the location of the requesting landowner's property. Chairman Whitaker noted that such temporary structures should be regulated similarly to the temporary boat docks and added that as more development occurs in the steeper sections of the reservoir, the demand would increase. Mr. Belus stated that the owner would be fully responsible for any costs associated with the structures.

Mr. Rolston expressed that his primary concern was the impact on public access should there not be enough space between the end of the stairs and the water line, observing that conflicts may arise as a result of the public walking on private owners' stairways. Chairman Whitaker agreed that

ensuring there was enough distance for public access was important. Mr. Mavrakis voiced concerns that if not strictly controlled the desired structures may continue to increase to more extreme requests and further noted that in some areas it is not possible to allow access due to the topography. Mr. Fennema agreed with Mr. Mavrakis's concerns and stated that such temporary stairs may need to be restricted to certain areas to prevent degrading the visual appeal of Lake DeSmet with too many such structures in any one area.

Chairman Whitaker requested comments on the subject from the attending shoreline owners. Mr. Litton noted that stairs may help keep the shoreline clean and stop the leaving of personal property below the 4620 ft. elevation. Mr. Rolston asked what percentage of the surrounding properties might require access and Mr. Kalus replied that the shoreline properties north of Shell Creek were quite flat while Mr. Crivello agreed that the south development areas were much steeper. Mr. Michelena noted that stairways could prevent erosion and additional pathways from being created and that the prefabricated structures presented were of high quality and would look nice. Mr. Michelena added that such structures need to be planned for and controlled for quality, as most adjacent landowners also want the shoreline to look nice. Mr. Mavrakis stated that water level should not go close to the 4620 ft. elevation in the near future and recommended that the Board develop hard elevation boundaries for the stairway endpoint to make future considerations easier. Mr. Michelena stated that the department should analyze everything on a case-by-case basis to ensure full compliance by the owner and added that any damages to the structures would be entirely the responsibility of the landowner. Mr. Litton added that if the owner attached the stairway properly then they should not have safety issues. Mr. Belus recommended putting restrictions on structure colors to preserve the visual quality of the lake. Mr. Michelena stated that while natural modifications do look good, they do more damage and disturb the vegetation whereas the aluminum stairways presented may be preferable despite using artificial materials due to their lower impact.

Mr. Lindsey stated that the change was worth considering and Chairman Whitaker recommended that the regulations be adjusted first before requesting an application from the requesting landowner and added that the removability of the structure was a positive feature. Mr. Crivello asked about allowing the stairways to remain in place rather than removing them seasonally in order to access the ice in the winter. Mr. Michelena then added that putting in and taking out the structures may tear up the soil each time. Mr. Kalus responded that if allowed to remain during the winter, owners would need to be mindful of the water elevation as the drifts can get quite high and may damage the stairways. Mr. Rolston motioned to consider regulation changes for adding temporary stairs. Mr. Belus seconded it. Motion carried. Chairman Whitaker inquired as to whether the change would require advertising, to which Commissioner Novotny confirmed that it would necessitate the full public comment and review period.

Ms. Fraley brought up the topic of seaplanes/floatplanes landing on the lake. With the recent discovery of zebra mussels near the Wyoming-South Dakota border, water-landing aircraft represent a less likely, but possible avenue of infestation. Currently, Lake DeSmet is the only large reservoir in Wyoming that allows for seaplane/floatplane landing; furthermore, the current Shoreline Regulations only applies to boats and have no guidance regarding seaplanes/floatplanes. Mr. Mavrakis asked about the legality of limiting public aircraft access. Chairman Whitaker asked about the Texaco seaplane policy and Mr. Kalus described Texaco's use of seaplanes at Lake DeSmet. Mr. Kalus also recommended against allowing seaplanes/floatplanes on Lake DeSmet based upon his previous Texaco experience with them. Mr. Belus agreed with Mr. Kalus's no aircraft position. Chairman Whitaker asked about the legality of restricted access considering the partial ownership of the reservoir waters by the State of Wyoming. Commissioner Novotny stated

that it should be addressed with an attorney. Ms. Fraley noted that, while the operating agreement with the State does place obligations upon Johnson County regarding State water, the agreement specifies that Johnson County is the sole manager of the lake.

Mr. Mavrakis inquired about what benefits there may be with allowing aircraft landings and Mr. Lindsey replied that fire suppression planes could use the lake. Mr. Belus stated that the changing demographics of shoreline landowners may make the issue more prevalent. Mr. Michelena said that one plane was observed landing and taking off multiple times this summer and Mr. Litton concurred that he had seen similar events and attributed it to flight instructors out of Sheridan using Lake DeSmet for training. Mr. Mavrakis noted that the hazard was not from local aircraft, but those traveling from out of state and asked whether firefighting aircraft present the same risk. Mr. Belus remarked that fire suppression planes have previously used Healy Reservoir. Mr. Rolston commented that other lakes in Sheridan charge commercial aircraft for each landing and takeoff. Mr. Belus brought up the concern of collision risk with other types of Lake DeSmet water users. Commissioner Novotny noted that as a commercial organization the assumption of risk is borne by the training pilot and that, unlike a pleasure craft, a business should get approval for a permit prior to using Lake DeSmet. Chairman Whitaker questioned how to enforcement of any restrictions would occur and recommended carrying the issue forwards.

Chairman Whitaker called for open discussion.

Commissioner Novotny informed the Lake DeSmet Advisory Board that the settlement regarding the ongoing boat ramp litigation had made significant progress and should be finalized within 30-60 days. Mr. Mavrakis confirmed that the Wyoming Game & Fish Commission would vote on supporting the acquisition during their upcoming meeting. Mr. Fennema noted that the corresponding work on the Leiter Ditch would be addressed with the Lower Clear Creek Irrigation District during their upcoming annual meeting. Chairman Whitaker asked about the current capacity of the Leiter Ditch. Mr. Fennema responded that it is currently at 300 cubic feet per second, down from the original 500 cubic feet per second, and stated that at the location of the work, most of the water seeps through the area adjacent the North Dam rather than flowing in the Leiter Ditch. Chairman Whitaker noted that not all of it had always seeped through as there used to be enough water to sustain fish within the ditch.

Chairman Whitaker called for public comments. No public comments were made. Mr. Belus reminded the attending public of the open Lake DeSmet Advisory Board positions available this Spring and encouraged them to apply if interested.

The next meeting was set for Wednesday, April 19, 2023, at 1:00 PM.

Mr. Belus moved to adjourn the meeting and Mr. Lindsey seconded. The motion carried and the meeting was adjourned at 1:48 PM.

  
Michael Whitaker, Chairman