

Lake DeSmet Advisory Board Meeting
September 21, 2022
1:00 PM

Board Members Present: Michael Whitaker, Bob Rolston, Paul Mavrakis, Jim Fennema by phone
Operating Department Personnel Present: Megan Fraley, Cheryl Benner, Linda Greenough
Public in attendance: Mark Hines – DOWL, Dick Hall, Salvatore Crivello, Greg Loftus, Nathan Behrend, Andrew Linch – State of Wyoming by phone
Press in attendance: Seth Taylor – Buffalo Bulletin

The meeting was called to order at 1:09PM by Chairman Whitaker. Chairman Whitaker asked for a motion to approve the minutes of the April 20, 2022 meeting. Mr. Rolston moved and Mr. Mavrakis seconded that the minutes be approved as written. Motion carried.

Ms. Fraley reported the following:

- The elevation of the lake as of September 1, 2022 was 4610.60 ft.
- During filling of the Lower Clear Creek Irrigation District permit via the Leiter Ditch, the ditch headgate became jammed opened resulting in the Operations Department performing a maintenance release to maintain lake level until the headgate was closed on June 29.
- The lake was filled to a maximum elevation of 4613.41ft for 2022. Monitoring of the Lake DeSmet piezometers was completed June 24 – July 1.
- Releases from the North Dam are ongoing at 27.5 cfs as of September 21. A total of 10,149 acre-feet has been released from the North Dam with the highest flow of 94 cfs occurring on August 5.
- Per recommendation from Spencer Power Fluid, shut-off valves were installed on the drifting butterfly valve by Johnson County in May.
- During the yearly inspection, the leaking regulating gate was found to be fully sealed.
- During the high runoff due to a large storm over Memorial Day weekend, the diversion dam became filled with debris. It was removed after filling operations were completed.
- A tree that was cut down along the North Dam in what appears to be a prank was removed.
- Multiple sections of the outlet channel have sloughed off and are causing erosion along the channel. Johnson County is in the process of reconstructing the outlet channel to prevent additional erosion damage.
- 4 new temporary boat dock permits were approved this year, bringing the total number of active permits up to 10.
- ALC Engineering completed placing markers along the lake store in order to designate the 4620 line.

Ms. Fraley brought up expanding a permit to include municipal use to prepare for future fulfillment of the obligation of the County to provide 5,000 acre-feet of municipal water to Sheridan and Johnson Counties. Chairman Whitaker stated expansion would require a petition to the Board of Control and recommended that a better time to proceed might be when Sheridan County moves forward with using Lake DeSmet as a municipal water source. Mr. Rolston pointed out that while the current municipal sources for Sheridan are adequate, the Sheridan population is expanding, and

added that the preferred course of action would be to divert the water above the lake and use the stored water as exchange. Chairman Whitaker called for public discussion on the permit expansion. Mr. Hall concurred that the quality of water would be better if diverted above the lake and Mr. Hines stated that Sheridan Area Water Supply was considering applying for Piney Creek sourcing. Chairman Whitaker brought up potential future pressure to offset regulation on the Tongue River due to the Yellowstone River Compact.

Ms. Fraley brought up that a request had been received from a landowner to install a removable staircase in order to access the lake below the 4620. Mr. Rolston asked about the topography of the area and Ms. Benner explained that it was along a steep bank. Mr. Rolston stated that manmade structures could be obtrusive to the visuals of the lake and questioned whether landowners were guaranteed easy access to the lake from their property. Chairman Whitaker questioned whether access expectations may be expanded in the future to include handicap access. Mr. Rolston noted that removable access structures may create trespassing issues as the public uses them to access private property. Mr. Behrend asked for clarification of the temporary versus permanent structure policy and Chairman Whitaker confirmed that permanent structures were prohibited below the 4620. Mr. Hall asked about the use of natural stone below the 4620 and the Board confirmed that natural materials did not present the same issues as artificial structures. Mr. Behrend noted that a temporary structure may be more erosive than permanent structures due to repeated installation and removal and that more regulations may be warranted as people were just doing what they want. Mr. Hines stated that stairs would be too large to easily put in or take out and that a permanent structure may be less damaging. Mr. Rolston noted that more development along the lake will result in larger issues, and there was a need to get ahead of potential development concerns. Mr. Crivello asked about whether the County assumes liability regarding falls and injuries that might occur due to the inability to access the lake. Mr. Rolston replied that the question would be best addressed by the County Attorney. Mr. Mavrakis noted that approval could create expectations in the future for access. Mr. Behrend asked who was responsible for erosion control below the 4620 and Mr. Mavrakis replied that erosion was standard along lake shores, noting significant erosion within Barkey Draw as an example. Chairman Whitaker requested that if approved, engineered plans would be required. Mr. Rolston noted that there are no guidelines for this type of development and Commissioner Greenough agreed that the County has no provisions for it. Chairman Whitaker requested a motion to table the request for removable stairways and/or ladders until the next meeting and more detailed plans by the requesting property owner could be presented. Mr. Rolston so motioned and Mr. Mavrakis seconded. Motion carried.

Chairman Whitaker called for open topics and public comments.

Mr. Mavrakis brought up the subject of boats being beached on the shoreline. Ms. Benner explained that this is a violation of shoreline regulations as personal property cannot be left for longer than 24 hours. Chairman Whitaker observed similar problems occurring on another lake which resulted in boats being blown away. Mr. Rolston compared it to the dispersed camping issue currently

impacting the Bighorn National Forest, noting failure to enforce regulations causes an increase in issues, and recommended that action be taken before things get out of control.

Mr. Hall asked about a helicopter incident that occurred over the summer and Ms. Fraley explained that a helicopter was mistakenly reported to be taking off and landing from the South Dam during the 4th of July celebrations, although it was later discovered to be landing on private property. Ms. Benner stated that requests to land float planes have been made in the past, but that there are no guidelines on helicopters or float planes, adding any set regulations may be too difficult to enforce. Mr. Mavrakis voiced concerns about float planes introducing zebra mussels to the lake, particularly with new reports of infested lakes close to the border in South Dakota. The Board agreed that it could become a significant threat.

Chairman Whitaker requested updates on the Piney Creek mountain reservoirs prior to the next Advisory Board meeting. Ms. Fraley agreed to provide them.

Next meeting was set for January with the date and time to be later confirmed.

Mr. Mavrakis moved to adjourn the meeting and Mr. Rolston seconded. The motion carried and the meeting was adjourned at 1:51 PM.


Michael Whitaker, Chairman