

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, MAY 13, 2009

6:35 p.m. (Commission Chamber)

-Convene

CONSENT AGENDA

(1) (a) Consider approval of Commission Orders;

REGULAR AGENDA

(2) Consider request to apply herbicides to leafy pond weed in Lone Star Lake (Keith Browning)

(3) Other Business

(a) Consider approval of Accounts Payable (if necessary)

(b) Appointments

(c) Miscellaneous

(d) Public Comment

(4) Adjourn

MONDAY, MAY 18, 2009

Presentation by the County departments (Public Works and Maintenance) No backup

WEDNESDAY, MAY 20, 2009

MONDAY, MAY 25, 2009

-No Commission Meeting in observance of Memorial Day

WEDNESDAY, MAY 27, 2009

MONDAY, JUNE 1, 2009

Presentation by the County departments (Sheriff, Emergency Communications and Youth Services) No backup

WEDNESDAY, JUNE 3, 2009

MONDAY, JUNE 8, 2009 (Light Agenda)

WEDNESDAY, JUNE 10, 2009

MONDAY, JUNE 15, 2009

WEDNESDAY, JUNE 17, 2009

MONDAY, JUNE 22, 2009 (JLE Building, lower level)

WEDNESDAY, JUNE 24, 2009 (JLE Building, lower level)

MONDAY, JUNE 29, 2009

WEDNESDAY, JULY 1, 2009

MONDAY, JULY 6, 2009

WEDNESDAY, JULY 8, 2009 (Light Agenda)

MONDAY, JULY 13, 2009

Public Hearing for the annexation of the former Farmland Industries property

WEDNESDAY, JULY 15, 2009

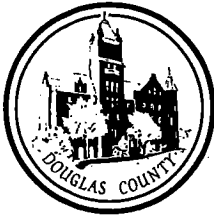
Public Hearing for Farmland Annexation

MONDAY, SEPTEMBER 7, 2009

-No Commission Meeting in Observation of Labor Day

MONDAY, SEPTEMBER 21, 2009 (Light Agenda)

Note: The Douglas County Commission meets regularly on Mondays at 8:10 A.M. and Wednesdays at 6:35 P.M. at the Douglas County Courthouse. Specific regular meeting dates that are not listed above have not been cancelled unless specifically noted on this schedule.



DOUGLAS COUNTY PUBLIC WORKS

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Keith A. Browning, P.E.
Director of Public Works/County Engineer

MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer *KAB*

Date : May 8, 2009

Re : Consider request to apply herbicide to leafy pondweed at Lone Star Lake

The cabin owners in the southwest arm of Lone Star Lake have requested we treat the leafy pondweed with herbicide (Aquathol-K), as we have done the last three years. Leafy pondweed is prolific this time of year, and interferes with use of docks and general lake recreation. We have treated the pondweed in the past with the approval of Richard Sanders, Kansas Dept. of Wildlife & Parks (KDWP) Fisheries Biologist, who also accompanies us during the application (in fact, we use his boat). The previous BOCC approved us applying the herbicide if the cabin owners pay for the cost of the chemicals. The herbicide cost for applying only around the docks is less than \$1,000. We typically apply the herbicide in mid-May. Typically this pondweed is a problem in the spring, then will wilt back naturally as the water temperature rises in late June.

In January 2009, the 6th Circuit Court ruled that, under the Clean Water Act (CWA), the EPA should require an NPDES permit for application of pesticides in water. Previously, the EPA had ruled that properly applied pesticides are exempt from the CWA's permitting requirements. This court ruling is causing many agencies to re-think the practice of applying aquatic herbicides. KDHE, who administers NPDES permits in Kansas, told us they are reviewing the court ruling to determine whether it means they should change their procedures. As of now, however, they are still not requiring an NPDES permit for use of herbicides by a licensed applicator.

Richard Sanders feels we should not apply the herbicide this year. Richard said since we have treated the pondweed the last three years, he feels we should take a year off and see how the pondweed reacts this year. I also think the recent court ruling is causing KDWP to reconsider its practices regarding the use of herbicides.

Based on this information, Craig Weinaug has directed us not to apply herbicide to pondweed this year. The LSL Cabin Owners Association requests the BOCC overrule that administrative directive.

Action Required: Consider request from Lone Star Lake Cabin Owners Association for Public Works to apply herbicide to leafy pondweed in the southwest arm of Lone Star Lake.

