

Proposal: CSD resolution regarding the Fallen Leaf Lake dam

Last updated: August 23, 2023

Proposal

Request for the CSD board of directors to consider a resolution reminding US Forest Service (USFS) of its obligations to operate the Fallen Leaf Lake dam in accordance with its legally binding MOU with Fallen Leaf Lake Protection Association (FLLPA).

This proposal would not request any additional actions that the USFS has not already agreed to. It is intended solely to remind the USFS of its existing obligations, and to express the CSD's support for the existing MOU because of potential impacts on the FLL marina and FLL fire fighting capabilities.

If approved by the CSD board of directors, the CSD would forward a copy of the attached draft resolution and attachments to all relevant contacts at the USFS.

Background

Recent inaction by the USFS caused the water level of Fallen Leaf Lake to drop below the target level that USFS agreed to in the MOU with the FLLPA. *A water level below the target level would severely impact the CSD's operations of the FLL marina for the removal of boats at the end of the summer season, and may impact the ability of FLL Fire Department to operate its fire boats on the lake.*

History

When USFS acquired the Baldwin estate, it included a dam built by Anita Baldwin in 1934 (Figures 1 and 2). After its acquisition, the USFS did not properly operate the Anita Baldwin dam, resulting in large and unregulated changes in the water level at Fallen Leaf Lake. These changes in water level impacted property owners at FLL, who created the FLLPA as a non-profit 501c3 organization in 1956 and filed suit against the USFS to force them to properly operate the Anita Baldwin dam.

After the USFS gathered stakeholder input and completed extensive studies on wildlife impacts, a target for the lake level was established and agreed upon (Figure 3, solid bold line). The FLLPA's lawsuit was settled out of court with USFS and the agreed upon lake levels are part of the settlement of the suit. The resulting MOU between the USFS and the FLLPA is shown in Attachment A. These targets have been honored by the USFS since 1972.

For comparison to target FLL lake levels, the actual 2023 measured values of lake levels are shown as triangles with dots in Figure 4. The measured lake levels are gathered from the USFS stilling well located at the dock at the end of Rontoni Road. USFS has admitted that it caused this year's unanticipated drop in lake level when it opened the 30" low flow pipe not realizing it might get jammed by debris from the collapsed "beaver deceiver." As you can see from the recent email correspondence (Attachment B), the FLLPA has been alerting the USFS for months to clear the debris and close the 30" pipe. In order to avoid the lake being drained well

below the legally binding targets, the FLLPA had to contract directly with an outside contractor to clear the debris and close the 30" pipe.

Draft Resolution

WHEREAS the United States Forest Service is the sole owner and operator of the dam (constructed 1934) at the northwest end of Fallen Leaf Lake, which is used to manage the water level of Fallen Leaf Lake; and

WHEREAS the United State Forest Service is bound by its 1972 Memorandum of Understanding (as amended) with the Fallen Leaf Lake Protection Association to provide ongoing management of the Fallen Leaf Lake dam in a manner that maintains agreed-upon water levels at Fallen Leaf Lake; and

WHEREAS the Fallen Leaf Lake Community Services District is a public agency which has the responsibility for operating fire fighting boats on Fallen Leaf Lake and for managing the marina and boat ramp at the south end of Fallen Leaf Lake; and

WHEREAS an unmanaged drop in the water level of Fallen Leaf Lake would negatively impact the ability of the Fallen Leaf Lake Community Service District to accomplish its responsibilities to operate its fire fighting boats and to provide adequate facilities for the launching and removal of boats from Fallen Leaf Lake;

THEREFORE the Fallen Leaf Lake Community Service District hereby reaffirms its support for appropriate management of the Fallen Leaf Lake dam and the lake level in accordance with the United States Forest Service's existing obligations, to the benefit of our mutual constituents.

Attachments

- Figure 1: satellite image of Anita Baldwin dam (1934) at upper left
- Figure 2: photo of Anita Baldwin dam (1934)
- Figure 3: target water level of Fallen Leaf Lake
- Figure 4: actual 2023 water level compared to target water level
- Attachment A: MOU between FLLPA and USFS, with amendments