

The Clary Lake Clarion

Volume 8 Issue 1

The Newsletter of the Clary Lake Association

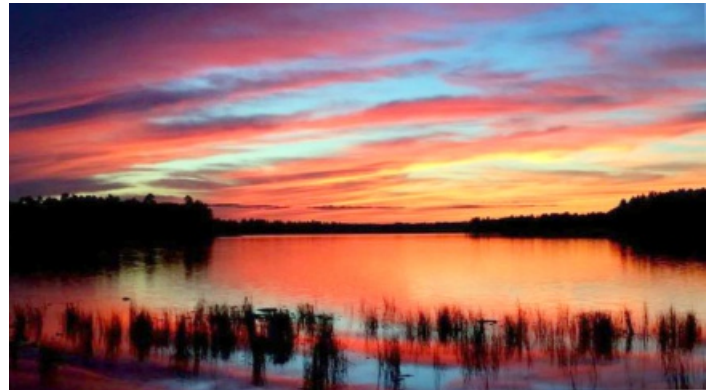
Spring/Summer 2017

Message from the President

For some of you, this is the first issue of the *Clarion* you've received, and I'm delighted to welcome you to the Association. Thanks to the diligent recruitment efforts of Secretary George Fergusson, the CLA now has 119 Members, by far the largest number in our history. This increase in the number of people who support our efforts to protect and enhance Clary Lake is truly gratifying to the Board of Directors and our many life-long Members. Thank you for joining us!

In addition to welcoming new members, the past year has witnessed a real change in the way the Clary Lake Association participates in and relates to the community. CLA Member Erin Grimshaw has initiated the "Momentum Committee" as a way for the Association to be more visible to our neighbors and friends. Last Autumn witnessed CLA's first-ever community supper, hosted by our friends at the Sheepscoot General Store. The Committee also organized a work party to clear rocks from the end of the boat launch so that more people can enjoy the Lake even in low water; hosted a mid-winter bonfire on the ice; and sponsored a benefit supper, again at Sheepscoot General, to support Colin Fergusson and Sara Roy in recovering from a fire that severely damaged their Clary Lake residence. And, as you'll read elsewhere in this issue, plans are in the making for CLA's first-ever participation in the celebrated Whitefield Fourth of July parade!! Watch this space, as well as your inbox, for ways all our members can work and recreate together.

That so much positive energy is centered on Clary Lake even in the face of the continued unwillingness of the dam owner to meet his legally-required water-level obligations is a tribute to the spirit of our Members and friends. When I wrote my comments for the *Clarion* last year, I had hopes that a resolution to this long-standing assault on the integrity of the Lake environment could be found. I regret that this is not the case. The Board is continuing its close attention to developments in Superior Court, and maintaining regular contact with the Office of the Attorney General as it seeks an end to the endless litigation delays that the dam and mill owners have foisted on Clary Lake's long-suffering property owners. *(continued on page 4)*



Typical Clary Lake Sunset, photograph by Craig Brann, used by permission. Taken at the State Boat launch, August 2016

Annual Meeting Notice

This year's Annual Meeting will be on Saturday, August 12th at 2:00 PM at the same place as last year's Annual Meeting, at the home of Erin Grimshaw and Christina Bishop at 739 Gardiner Road in Jefferson. The rain-date is the next day, Sunday, same time and same place. Coffee and water (both hot and cold varieties) will be provided. As usual there will be a pot luck supper at the conclusion of the meeting so plan accordingly. There is plenty of parking available; some seating will be provided but you might want to bring a lawn chair or two.

You'll find a Membership form/envelope included with this newsletter and we encourage everyone to fill it out and send it in with your Membership dues early. We know a lot of you for your own reasons like to wait to renew at the Meeting. That is fine, but in that case please plan to arrive a little early to *(continued on page 4)*

Momentum Committee Update

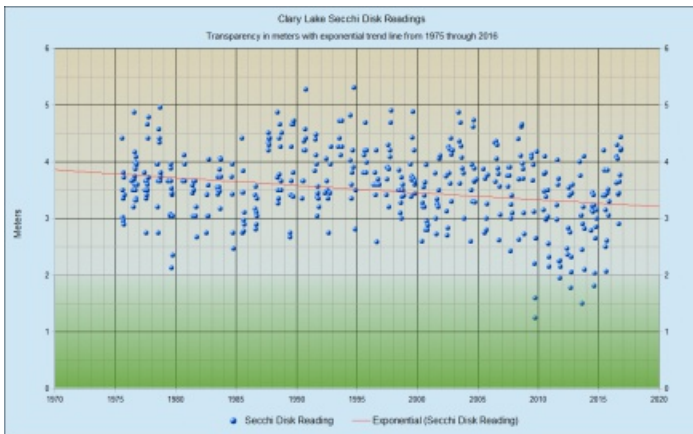
The Clary Lake Association Momentum Committee had a great first year of programming! The Committee hosted four well-attended community oriented events since the Committee's inception at last year's Annual Meeting. The first activity was a cookout and rock clearing event at the public boat launch on Labor Day weekend. The second event was a Harvest Supper (potluck) at the Sheepscoot General Store in late October. The third event was a Fire On Ice cookout/party on the Lake in mid to late February, and the final event was a Spring Supper (potluck and fundraiser) at the Sheepscoot General Store in early May.

The Momentum Committee plans to keep the activities/momentum rolling for 2017-2018. The next two activities on the docket include a BBQ/ice cream social at the Bishop's residence on Gardiner Road the weekend before July 4th as well as a CLA *(continued on page 4)*

Clary Lake's Declining Water Quality

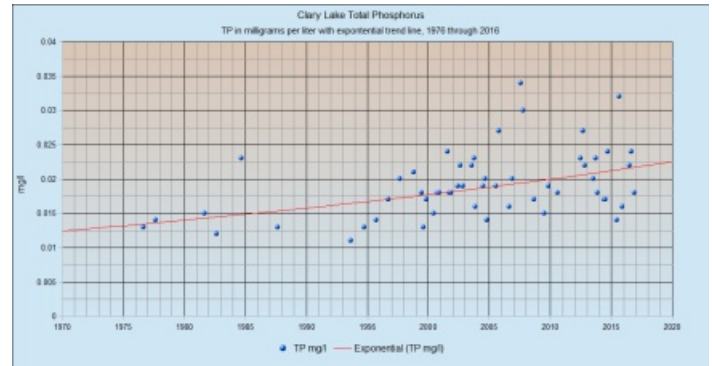
Clary Lake's water quality has been noticeably declining in recent years. Common sense tells us this is so because we've been seeing increasingly intense and longer-lasting algae blooms in recent years as well as out-of-control growth of pond weeds in many areas around the lake. We also know this because we've been collecting water quality data for many years and it clearly shows both declining transparency and increasing levels of phosphorus, which is the primary nutrient to sustain algae growth. There is also ample evidence that drastically lower water levels over the last 10 years are primarily to blame for these changes in our lake.

To measure transparency, we use a secchi disk which is a round disk about 8" in diameter divided into 4 alternating black and white sections. To make a secchi disk reading, you lower the disk into the water on a tape measure while watching it with a view-scope, and the depth where you just lose sight of the disk is the secchi disk reading. The deeper you can see the secchi disk, the more transparent is the water. Secchi disk readings are therefore a direct measurement of water transparency (clarity) in meters. Factors that affect water transparency are suspended particles (sediment) from runoff, and algae. Pollen can also mix into the water briefly and reduce transparency.



Phosphorus is the primary nutrient that contributes to algae growth in lakes and "acceptable" levels of phosphorus varies from lake to lake. To measure phosphorus, about 3 times a year we take a water sample and send it off to the State lab for analysis. In Clary Lake, phosphorus levels between 0.10 and 0.15 milligrams per liter are considered "normal." Levels greater than about 0.18 milligrams per liter indicate potential for an algae bloom and values much greater than that usually indicate an algae bloom in progress. In recent years, significantly

higher than normal phosphorus levels have become common. Other factors that influence algae growth include water temperature, the amount of sunlight available, and the time of year.



In recent years our secchi disk readings have ranged from a high of between 4 and 5 meters in the Spring to a low between 1 and 2 meters in Summer and early Fall. The State considers that readings of 2 meters or less indicate an algae bloom in progress, though secchi disk readings between 2 and 3 meters indicate an unhealthy amount of algae growth, even if it isn't technically a bloom. As you can see in the graph of Clary Lake secchi disk readings from 1975 through 2016 accompanying this article, we first started to experience algae blooms in 2009, again in 2011, 2012, 2013, and 2014, and we only narrowly missed one in 2015. Because of the extreme drought conditions last year with the attendant lack of runoff, we didn't have an algae bloom but we still saw significant algae growth.

Most phosphorus enters the Lake with runoff carrying sediment, which is why it is so important to identify and mitigate non-point sources of pollution such as eroding gravel driveways, malfunctioning culverts, etc. Phosphorus is also stored in bottom sediments and is released into the water column under conditions of low oxygen and lake stratification as often occurs in late Summer and early Fall. It is also released from sediment around the shoreline that has been exposed due to low water conditions when disturbed by waves, rainfall, and runoff.

The 2 charts of secchi disk and phosphorus data from 1975 through 2016 clearly show the alarming trends of decreasing transparency and increasing phosphorus levels over the last 10 years and in particular, over the last 5 or 6 years. Low water levels have the effect of reducing the flushing rate and concentrating nutrients. Low water levels also drain valuable wetlands which normally act to buffer phosphorus and other pollutants. We can only hope for a quick resolution of our water level crisis and implementation of the Clary Lake Water Level Order.

The Year in Review

The "Year in Review" column took up 2/3 of last year's newsletter. This year it is a lot shorter with pretty much all the activity revolving around the two court cases pending in Lincoln County Superior Court. It seems like it takes weeks if not months for the Judge to respond to whatever motions are pending and as a result, progress has been horribly slow. Here is what has happened since the last Annual Meeting:

- **August 17, 2016:** Lawyers with the Office of the Attorney General filed the DEP Administrative Record with the Court. This consists of 264 documents (emails, letters, memos, etc.) which were used by the DEP as the basis for issuing the Clary Lake Water Level Order. This Record was posted for perusal and download on the Association website on September 8th.
- **August 30, 2016:** Attorneys for Aquafortis Associates LLC [AQF] filed 3 documents in Superior Court, a request for production of documents, an objection to a DEP deposition notice, and an objection to DEP request for discovery.
- **September 1, 2016:** DEP filed the Administrative Record with Superior Court. The record consisted of all documents including emails that DEP used to arrive at the Clary Lake Water Level Order.
- **October 4, 2016:** Counsel for DEP and AQF held a telephone conference with Justice Billings to discuss the previously filed motions/objections. My take away from a brief phone call I had with Assistant Attorney General Scott Boak the next day was that the court "needed more time" to ponder the matter.
- **November 4, 2016:** We learned that DEP has established the Clary Lake High Water Elevation to be 151.16' (NAVD88). I learned of this from a letter from DEP staff person Kathy Howatt to Paul Kelley dated June 7, 2016 in which she responded to Mr. Kelley's submission of an elevation survey as required by the Clary Lake WLO.
- **November 16, 2016:** Two hearings were held in Superior Court on this day, the first in the morning in the matter of Bob Rubin and Cheryl Ayer v. Paul Kelley and Richard Smith, the second in the afternoon in the matter of AQF v. DEP (Water Level Order Appeal).
- **20 March 2017:** Pleasant Pond Mill LLC files for bankruptcy. It appears this bob-n-weave maneuver by Paul Kelley was intended to short-circuit the Rubin/Ayer lawsuit. While it didn't accomplish this end, we did learn that PPM owes Preti Flaherty, the law firm representing PPM and AQF in the water level order appeal, \$335,000 as well as owing \$115,000 to Medius L3C, \$14,400 to American Express, and \$335 to the Town of Whitefield.
- **24 March 2017:** DEP files 2 motions supporting their objections to AQF motions to modify the record and taking of additional discovery.
- **April 3, 2017:** DEP files their response to AQF's motion requesting the Court modify the Record.
- **April 25, 2017:** Hearing held in the matter of AQF v. DEP to consider DEP's June 2016 *(continued on page 5)*

Membership Update



First I wish to thank everyone who saw fit to join (or rejoin) the Clary Lake Association this past year, and I'd like to encourage you to renew your Membership for the upcoming 2017/2018 Membership year. Clary Lake needs your continuing support now more than ever! We currently have 119 Members (see Membership list on the last page) which represents a 42% increase over last year's Membership. This is outstanding! I attribute the increase in Membership to ongoing concerns over the health and well-being of Clary Lake and a burgeoning interest in and appreciation of the important role the Association is playing in current events. The work we're doing every day to represent the interests of lake shore owners and community members alike as well as working to keep everyone informed is extremely important. Your help is appreciated. While we haven't managed to resolve the current water level crisis yet, we are tirelessly helping to guide it to a satisfactory conclusion. And progress IS being made.

If you aren't currently a Member, please consider joining today! Membership is open to all, you do not need to be a lake shore owner to join. Our dues which are only \$25 per year go to cover our costs of operations. We're an all-volunteer organization. Please come to our Annual Meeting this August 12th, see what we have to offer, and how you can help. Help protect and preserve Clary Lake!



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(Annual Meeting, continued from page 1) sign up and have some time to settle in before the Meeting starts. We'll have the registration desk set up and ready to go at 1:00 PM. We will start the Business Meeting at 2:00 PM sharp. Our Membership year runs from the beginning of one Annual Meeting to the beginning of the next Annual Meeting so in order to be able to participate in and vote at the Meeting, you have to be a paid-up Member for the coming year. Annual dues are (still only!) \$25 per Member which entitles you to one vote; additional family members if they wish can also pay dues and be counted as a voting Member. If you need additional Membership forms there is a printable form on the Association website (look under the "Membership" main menu heading). Alternatively, you can also sign up or renew your Membership online using our secure PayPal payment processing system. Notice that we no longer ask for separate Summer and Winter addresses (though we still keep multiple addresses on file where appropriate) as they have been an endless source of confusion over the years about which address to use when sending out a mailing. Therefore please provide your **primary mailing address** and also **please** include email addresses for you and your family if you can as they make contacting you fast, free, and easy!

A final reminder: full Membership in the Association is now open to "all persons who support the purpose of the Association as stated in the bylaws and who pay annual dues to the Corporation." You need not be a Clary Lake shore owner to be a Member. In these trying times, we need all the community support we can get. There is strength in numbers, and we encourage you to invite your neighbors and friends of Clary Lake to come to the Meeting and join the Clary Lake Association. See you at the Annual Meeting!

(President's Message, contined from page 1)

Thanks to your support, the Association is maintaining its memberships in the Maine Lake Society and the Volunteer Lake Monitoring Program. The former is the voice of advocacy on lake issues in the Maine Legislature, while the VLMP compiles data from citizen scientists (including our own monitoring crew of David Hodsdon, Jack Holland, and George Fergusson) on lake water quality. Lake associations such as ours are the backbone of lake protection in Maine, and we can be proud of our contribution to these efforts.

I hope to greet as many of you as possible at the Annual Meeting on August 12, where we can recommit ourselves to working together on behalf of the Lake we cherish, even as we continue to enjoy its beauties and benefits.

Respectfully, Malcolm Burson, President.




The Boat Launch Cleanup, August 27, 2017

(Momentum Committee, continued from page 1) walking float for the Whitefield 4th of July parade. These events are still in the planning phase, and additional information about them will be coming soon. Keep an eye on the Clary Lake Association website for more information!

The Momentum Committee was organized at last year's Annual Meeting with the purpose of encouraging appreciation of and participation in activities associated with our beautiful lake. So far, the Momentum Committee has done just that; however, we have a long way to go! We look forward to finding new and creative ways of bringing our community together for many years to come!

Information about the Momentum Committee and its current Committee Members can be found on the CLA website under the Membership main menu heading. We're always looking for new ideas for events and the people to help make them a reality. If you you have an idea and/or are interested in volunteering on this fun Committee, please send your inquiries to the Committee email address: momentum@clarylake.org or contact the Secretary at: secretary@clarylake.org.

Respectfully, Erin Grimshaw



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2016/2017 Association Members: 119

John & Barbara Ahern	Wynne & Michael Keller
William & Valerie Albert	Eve & Doug Kinney
Patricia Althenn	David & Gayle Knight
Charlene Andersen	Megan Pratt Luisi
Mary Antognoni	Glenn Bruce MacDonald
Christina Bishop	David & Teresa Magnusen
Daniel & Dorothy Burns	Bill & Sue McKeen
Malcolm C. Burson	Wyatt McLarey
Gail & Tim Champine	Jean McWilliams
M. Jane Chase	Bob & Dotti Meyer
Tim & Martha Chase	Dennis Morgan
Debora A. Connell-Duncan	Lucy & Don Norman
Steve & Julie Cowles	Les & Claudia Page
Thurlow E. Crummett	Melissa Palmer-Karas
Genie & James Dailey	Ellis Percy
Beverly D'Urbano	Patricia H. Petry
Bill & Janet Donovan	Jean Phelps
Dan & Susan Erlandson	Elnora Pike
Cheryle & Peter Fasano	Kenneth Poole
Colin S. Fergusson	Frances Potter
Sara Jean Fergusson	Michael Potter
George & Margaret Fergusson	Gail Potter Pratt
Elizabeth Fergusson	Larry & Sandra Prescott
Kenneth G. Finegan	Ezelda Prescott
Jeffrey French	Kenneth & Freida Rapp
Kelsie L. French	Bruce & Audrey Relyea
Linda & Rick Gallion	Greg & June Relyea
Roberta Giampetruzzi	Steven & Adrienne Relyea
David Giampetruzzi	Timothy & Brenda Robbins
Steve & Ann Giampetruzzi	Edwin A. & Mildred E. Rosso
Roger Gilbert	Rob Rowland
Baxter Gillette	Sara Roy
Leslie Gillette	Robert Rubin & Cheryl Ayer
Thomas & Delph Gillette	Kate & David Seba
Mary Gingrow-Shaw	Ernie Shaw
Eleanor Goldberg	Lewis A. & Paula P. Shorey
Dee Ann Grazioso	Stephen & Mary Lou Smith
Erin Dey Grimshaw	Carol and Peter Stark
Tim & Trish Harkins	Karen Stutzer
Mrs. Stacy Herring	Joann Tribby
Gladys Hewett	Thomas & Linda Vigue
David S. & Gail A. Hillstrom	Thomas Vigue
Trudi Hodgkins	Ned & Brenda Vitalis
Francis Hodsdon	Stephen Viti
David & Janette Hodsdon	Stanley Whittier
Jack & Ann Holland	John S. & Darleen A.
Jaclyn Holland	Williams
Jay Holland	Warner & Rebekah Wilson
Joseph Holland	Arlene & Randy Wing

Nominating Committee

This year we have a full slate of Officers to be voted on, and one open Board position. President Malcolm Burson and Vice President David Knight have both agreed to run for their second and final terms, and Mary Gingrow-Shaw has agreed to serve a second term as Treasurer. Finally, Secretary George Fergusson (who was reportedly overheard saying "I'll give up this office when they pry it from my cold dead fingers") has agreed to serve a third term as Secretary. Also one Board position has opened up: at last year's Annual Meeting the Membership voted to allow Jack Holland to complete the remaining year of Cheryl Ayer's Board term after she resigned last Spring. Jack has agreed to take on another 3 year Board position. Currently our Board consists of 9 members (5 board members and 4 officers). Our bylaws however allow up to 11 Board Members so if anyone has a burning desire to become a Board Member, nominations for up to 2 additional Board Members may be made from the floor at the Annual Meeting. Board terms are 3 years and Board Members may remain in office for 2 consecutive terms after which they can be reelected to the Board after 1 year.

(Year in Review, continued from page 3) letter to Kelley regarding establishment of the Clary Lake normal high water mark and 2 other motions pertaining to discovery and modification of the record issues first raised with the Court back in August 2016. As of this writing (June 2nd) the Court has issued no Orders on these matters.

- **May 1, 2017:** Meeting of Creditors and assignment of trustee in the Pleasant Pond Mill LLC Bankruptcy proceeding held at 9:00 AM at the Augusta Armory.
- **May 9, 2017:** PPM bankruptcy determined to be a "No Asset" case resulting in the bankruptcy trustee filing a "Report of No Distribution." And that as they say, is that.

You will find additional information about the above events (and more!) on the Association website, along with copies of the relevant documents. Just go to the news page and use the "search" function, or browse the archives. Updates will be posted as new information becomes available. I strongly encourage you to visit our website on a regular basis: <http://www.clarylake.org/> Respectfully submitted, George Fergusson, Secretary

The Clary Lake Association is a 501C(3) non-profit corporation duly registered in the State of Maine dedicated to preserving, protecting, and enhancing the natural beauty and quality of Clary Lake and its watershed. Membership in the Association is open to anyone and costs \$25 per year per person. Donations to the Association are tax deductible.

Current Association Officers:

President: Malcolm Burson	president@clarylake.org
Vice President: David Knight	vicepresident@clarylake.org
Treasurer: Mary Gingrow-Shaw	treasurer@clarylake.org
Secretary: George Fergusson	secretary@clarylake.org
Newsletter Ed: George Fergusson	editor@clarylake.org
Association Board Address:	board@clarylake.org

Current Board Members are: Jane Chase, Jack Holland, Steve Relyea, Randy Wing, and Ellis Percy

6/05/17

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"of Clary Lake"

By Margaret Fergusson

Shad blossoms have come... and gone,
as each year their notice is quickly lived;
And the mallard ducks may bless us, close up,
as they eagerly nibble at corn we have strewn.
Loons call to us and instinctively...trust...
they will find a quiet and stable place to carry on...
As we carry on... planting in its view,
playing in Nature, with love and anticipation of the many
moods...

of Clary Lake!

Winter's ice has now long melted;
and snowmen have shed their hats,
With stick arms now sunken
or taking up room in the burn pile...
As we now burn in our desire
to see the waters full and healthy;
And the Cardinal flower still sleeping,
resting up for her red coming-out party on the shores...

of Clary Lake!

The winds will churn the surface to white caps
or gently lap it against the banks and beaches.
Reeds and buoys will tell us where we can venture...
paddling, arms stroking or propelled by wind or engine,
Longing to see all of it...the marshes and coves,
the channel once rich with wild rice.
The launch or portage of vessels still.. with gleeful
passengers
colored in their delight to feel the treasured experience..

of Clary Lake!

Nature takes its course and must yet
withstand the mark of humankind;
Though a resilience remains witnessed
as each season continues the show of its worth.
Even in the face of 'less than',
the heart can hold onto the promise.
And in that promise.. the community.. the sharing..
we remain steadfast with reverence in the care..

of Clary Lake!