

# The Clary Lake Clarion

Volume 3 Issue 1

The Newsletter of the Clary Lake Association

Winter 2011/2012

## Editorially Speaking

It figures this edition of the Clarion will be mostly all about the Clary Lake Water Level Petition since there is little else of real consequence happening around the lake this year. The impact of the ongoing draw down of the lake is significant, and will be felt for a long time. Eventually, when the dam has been repaired and a satisfactory water level regime is in place it will recover, but I doubt we can expect anything like “normal” water levels this coming year: we’re having an “open” winter so it’s unlikely there will be enough snow melt this spring to raise the lake level up to anything like normal springtime levels. In any case, the dam remains wide open. This does not bode well for loon nesting, fish spawning, or boating this coming year.

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We must point out that while the Clary Lake Association both endorses and supports this lake level petition, it is not an Association initiative. Of the 54 certified signatures obtained for the petition (fully 50% of all potential signors) only about 1/3 of them were Association members. Because of the time of year and the urgency of the situation, it was not practical nor necessary to try to obtain signatures from all lake shore owners, though it would have been nice. For those of you who weren’t given an opportunity to sign the petition, there will be an opportunity at this year’s annual Association meeting for you to both voice your concerns and show your support.

## Lake Level Petition Update

Most of you have probably heard about the latest lake level petition. For those of you who haven’t, the drastic draw down of the lake level this past fall prompted an emergency meeting of the Board of the Association; at that meeting it was decided that while the Board could and would vote to support a new petition, it could not initiate one without a mandate from the Association Membership. At that meeting, George Fergusson decided on his own as an individual and not as an Association board member to initiate a petition to the State of Maine Department of Environmental Protection (DEP) as provided for by law, asking them to establish a lake level order on Clary Lake. With the able assistance of Jack Holland, Association Board Member, the petition was circulated during the month of December 2011 and was finally submitted to the DEP on 03 January, 2012. George Fergusson is the official spokesperson for the petitioners; as such, his responsibilities are 1) to serve as an intermediary between other petitioners and the DEP; 2) share information, correspondence, notices, draft orders and other official documents with other petitioners; and 3) send comments on behalf of other petitioners to the DEP. If you signed the petition then you’re already on the “notification list.” If you didn’t sign the petition but you’d like to be included on it,

please contact George Fergusson and ask to be added to the notification list. Likewise, if you’d like to submit to the DEP a written statement or other evidence relevant to the lake level petition, please contact George at **207-549-5991** or (preferably) via email at **gsfergusson@gmail.com**. In any case, we’ll make sure that all lake property owners and other interested parties are notified well in advance of the date and time of the DEP hearing.

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There is little news to report at this time. At some point the DEP will schedule a public hearing for sometime next summer to hear testimony from lake shore owners and other interested parties to assist them in determining what is an appropriate water level regime for Clary Lake. In making their decision, DEP will consider a number of factors that include issues of public access and public safety and the ecological impact on wetlands and wildlife. They will then



*The State boat launch was pretty much unusable last fall except for carry-in traffic. There is less than 2' of water by those rocks.*

make their decision and draft the order. I have requested that the Department give due consideration to a 2006 Association position paper calling for a water level of 12” below the top of the dam, but there is no guarantee they will honor this water level request. For this reason, petitioning DEP is often considered a last resort, deemed necessary at this time only because of the seriousness of the situation and the fact that the dam owner has shown no indication of any willingness to repair the dam or manage the water level of Clary Lake in a considerate and responsible fashion.

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The one question I’m asked most about this lake draw down is “*why is he [the dam owner] doing it?*” Well, Paul Kelley, spokesperson for Pleasant Pond Mill LLC has been quoted as saying that dam operators “routinely” draw down water

levels going into winter to minimize damage to the dam and shoreline from high water and ice. While this is often the case, drawing the lake down over 5', completely draining the marshes, and rendering the boat launch virtually unusable seems rather excessive. Mr. Kelley has also stated that the dam was not designed to have water going over the top of it, that allowing water to go over the top causes damage to the dam. Well, in fact the dam **was** designed to have water go over the top of it and water **has been** going over the top of it ever since Henry Clary built it around the turn of the last century. That said, Mr. Kelley's fears of high water are not completely unfounded: he has let the condition of the dam deteriorate to the point where high water really will cause damage: the notorious "concrete plug" in the center of the dam which has been visibly crumbling over the past few years now has a hole clear through it and is in danger of washing out completely. So while they are right to be concerned, would not the correct action be to repair the dam rather than drain the lake?

As many of you will recall, back in the fall of 2007 the Association membership voted to authorize the Board to negotiate with the dam owner in the hopes of arriving at an arrangement to take ownership of the dam. That mandate is still in effect. In the coming weeks and months the Board will attempt to arrive at an agreement with Pleasant Pond Mill LLC to at least help repair the dam, and preferably, to obtain full ownership of it. In the meantime, the petition process will proceed. Perhaps with the threat of a DEP lake level order looming over them, Pleasant Pond Mill LLC will be more motivated to either repair the dam or relinquish control of it than they have been in the past. One way or another, we are confident that the dam will be repaired and we will all finally enjoy a stable water level again.

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### About the Lake

The water level of the lake is currently 51" below the top of the dam, higher than it was this past fall but still extremely low even for this time of year, and way lower than most people can remember seeing it. Still, the meadow at the northwest end of the lake remains completely drained with just the channel which is free of ice running through it to the dam. There is currently about 10" to 12" of ice on the lake though large sections have until recently remained open through the coldest weather. Because of safety concerns there has not been much ice fishing activity this year.

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### Membership Information

Given the importance of the subject matter of this newsletter, it is being sent to all Clary Lake shore owners regardless of their membership status. If you are not currently a member, please consider joining today. The Clary Lake Association is a member of the Maine Congress of Lake Associations (COLA) and has been participating in the Maine Volunteer Lake Monitoring Program (VLMP) since 1975 and as such is one of the longest and most closely monitored lakes in the state. More recently, invasive aquatic plants have been found

in nearby lakes and we're concerned about them making their way into Clary. To prevent this from happening, we'd like to setup an invasive aquatic species monitoring program but we need volunteers. Training is available.

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Newly elected Association President, Ellis Percy, has expressed keen interest in making membership a priority during his term. This year's water level crisis is a perfect example of the importance of being informed and getting involved where the health of our natural resource is concerned. This year it is the intention of the Board to reconstitute and energize our Membership Committee and strategize on ways to increase our member roster. This includes proactively contacting local businesses and "friends" of Clary Lake as well as anyone who may directly or indirectly benefit from the healthy condition of the Lake and lake-related activities. You are encouraged to share ideas and offer assistance and feedback on how the Association may better serve its members and what sorts of promotional efforts might be helpful in attracting new members, and re-energizing existing members.

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As we move forward we will need a cohesive, rational, and unified approach for working with State and local partners to address and resolve the serious issues threatening our Lake. To that end, we will need the support and enthusiasm of all those who care about our Lake to address these challenges. Your participation through becoming a member, and your support in whatever way you can offer it, is most welcomed and much needed at this time. If you care about your lake, you owe it to yourself and your fellow lake shore owners to get engaged and get involved.

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Included in this newsletter is a sign up form. Annual dues are \$25 per family and the membership year runs from annual meeting to annual meeting. Dues paid now will provide full membership privileges for your family through Summer 2013. So get on board, add your voice to ours and be heard!

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### Volunteer Lake Monitoring Program

As noted above, the Association has always supported the efforts of Maine's VLMP, an independent non-profit organization that trains volunteers to monitor lakes for water quality, and in recent years has led the development of "invasive plant patrols." David Hodsdon is one of the longest-serving volunteer monitors, and he's been ably assisted by Jack Holland for the past decade. CLA Board VP Malcolm Burson reports that due to cutbacks at the federal level, the VLMP will lose a \$50,000 annual support grant beginning next October 1. He expects to ask the CLA to include an annual contribution to the VLMP in the next budget as part of an effort to get all lake associations to make a similar gift. [Ed: There is lots of interesting material and information available for free on the Maine VLMP web site: <http://www.mainevlmp.org/wp/> and be sure to search for Clary Lake and check out the 37 years of monitoring data!]

## Clary Lake Sweatshirts!



Sweatshirts with this beautiful stitched design are still available. Cost to members is \$15 and \$20 for non-members. These can be picked up at Linda Gallion's house or ordered by sending your check or money order and \$5 for shipping and handling to: Clary Lake Association, P.O. Box 127 Whitefield ME 04353. They will be on display and available for purchase at the annual meeting.

### Annual Meeting Notice

The annual meeting of the Clary Lake Association has not been scheduled yet. Traditionally it is held in the afternoon on the first Saturday in August though this year we're going to try and schedule it before the public hearing so that we

can rally support for the Association position. Regardless of when the meeting will be held, it will again be at the home of George & Margaret Fergusson on the south shore of Clary Lake. As usual, there will be a pot luck supper afterwards. More details of the meeting will be included in the Summer 2012 newsletter which will be going out in early June.

The **Clary Lake Association** is a non-profit corporation dedicated to preserving, protecting, and enhancing the natural beauty and quality of Clary Lake and its watershed. Membership in the Association is open to all Clary Lake shore owners and people who have lawful access to the lake (which is just about anyone) and costs \$25 per year.

#### Current Association Officers:

President: Ellis Percy <ellis@mofga.org>  
Vice President: Malcolm Burson <mburson@maine.rr.com>  
Treasurer: Linda Gallion <lgallion@roadrunner.com>  
Secretary: Margaret Fergusson <malawton52@gmail.com>  
Newsletter Editor: George Fergusson <gsfergusson@gmail.com>

#### Board Members:

Tom Vigue <polarisman@aol.com>  
Jack Holland <fishinfellow@roadrunner.com>  
Frances Moulton <jcmfam@aol.com>  
George Fergusson <gsfergusson@gmail.com>  
David Knight <booby@myfairpoint.net>  
Arolyn Antognoni <antognoni@roadrunner.com>

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### Clary Lake Association, P.O. Box 127, Whitefield Maine 04353

2012/2013 Membership Dues: **\$25.00** Membership year: 2012 Annual Meeting to 2013 Annual Meeting.

Voluntary Contribution: \_\_\_\_\_

Total Amount enclosed: \_\_\_\_\_

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Summer Address:

Name \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone Number (\_\_\_\_)-\_\_\_\_\_ Email \_\_\_\_\_

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Winter Address:

Name \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone Number (\_\_\_\_)-\_\_\_\_\_ Email \_\_\_\_\_

Clary Lake Association  
P.O. Box 127  
Whitefield Me 04353