Newsletter
May 2014

President's Message

by Lyman McWain

Over the last few months the Lake Level committee and many of us on the SLA Board along with our local representatives have been working hard to develop a plan with the state to manage the high spring water levels experienced at Seymour. Unfortunately we have reached an impasse and see no way to successfully proceed to help our lake.

For me personally, this is a tragedy that we have failed to motivate our own government to our cause to improve Seymour. Hence our reluctant decision to sue VT ANR and the press release below:

Seymour Lake Association To Sue State of Vermont

FOR IMMEDIATE RELEASE
CONTACT Chuck Nichols
(802) 723-4976, craynichols@me.com

MORGAN, VT: Subsequent to a recent, unanimous vote of the Seymour Lake Association's (SLA's) Board of Directors, on April 21, 2014 SLA announced that they plan to file suit the week of April 21st against the State of Vermont, Agency of Natural Resources (ANR). The lawsuit is the culmination of six years of what SLA characterizes as fruitless discussions and inaction by ANR, resulting in continued water quality degradation, property damage, and violations of an existing Vermont statute and a Vermont Supreme Court decision, both specific to water levels at Seymour Lake.

"For years, ANR has spent countless resources to get enacted H. 526 (the "Shore Land Protection Bill"), while they've turned a blind eye to the shore land and erosion problems we suffer with at Seymour Lake … all of which they are directed to fix by complying with the existing law and Supreme Court decision.

Nearly 45% of the respondents of a 2013 SLA survey reported that they've seen erosion on their lake shore property since the new dam was installed in 2004," commented Tim Buzzell, a retired professional engineer with over 40 years of experience in technologies related to the storage, transmission, and hydrology of water. Mr. Buzzell grew up in Derby and Northfield and his family has had property on Seymour Lake for nearly a century. "And in February 2014," continued Buzzell, "SLA surveyed our members again and received graphic details of the erosion, property damage, and degradation of water quality they've witnessed since the new dam was installed."

"The existing law and Supreme Court decision direct ANR to maintain Seymour Lake water levels at what the Supreme Court ruled were the 'natural and normal' levels, essentially a 14" fluctuation between the high and low pins, noting that the Supreme Court established a maximum and minimum lake level datum within which the lake level was to be maintained. These high and low levels were benchmarked by embedding two steel pins into rock along the lake shore," explained Buzzell. "Even ANR's own data and staff have made it clear that the flooding has significantly increased with the building of the new dam. And who better to testify to the loss of trees, bushes, beaches, and property due to flooding and the resulting erosion, than the people who live on the lake and see the damage and the diminished water quality day in and day out? Just last week the water level was 17" over the high pin," concluded Buzzell.

The SLA participated in good faith in the 401 Certification process for the new dam in 2004 [a 401 Certificate is a tool provided by the Federal Clean Water Act that allows states to have input into the dam permitting process to ensure compliance with state water quality standards]. Through the 401 Certification process, ANR agreed to the installment of a gate to maintain "normal and natural" water levels. The SLA again, in good faith, agreed to allow ANR to determine when that was appropriate. Those "natural and normal" water levels have been established for over 50 years, and have been fixed by well-established law … that ANR has chosen to ignore.

Annually, over 125 SLA member volunteers host or participate in watershed ecology workshops, the Blueberries for Blue Lakes program, the Lake Wise program, the first- ever Septic Socials (learning about the most current septic systems), workshops to plant buffer zones, test six Seymour tributaries, train and pay staff for the Invasive Patroller and Access Greeter program, and volunteers in kayaks constantly monitor the lake for invasive species, just to name a few programs. "Our members care passionately about this lake," concluded Buzzell. "So it's with considerable frustration that we find ourselves in the position of having to spend our time and money fighting ANR … an arm of state government charged with the protection of our natural resources … in order to protect our natural resources."

(continued on page 3)

Seymour Lake Association

P.O. Box 36
Morgan, Vermont 05853
Telephone: (802) 766-8895 Website: www.seymourlake.org

Officers May 1, 2014

President:	Lyman McWain	lmcwain@aol.com	895-4438	cell 203-676-0083
Vice President:	Chuck Nichols	craynichols@me.com	723-4976	cell 802-917-4282
Treasurer:	Jean McKenny	jmckenny@together.net	766-8895	Morgan 802-895-2942
Secretary:	Linda Buzzell	t-lbuzzell@comcast.net	895-4175	(home) 603-448-3245

Directors (Term Ends)

Ted Jewett	'14	Susan Davis	'15	Tim Buzzell	'16
Bruce Barter	'14	Erik Lessing	'15	Peggy Barter	'16
Charles Woods	'14	Frank Antonelli	'15	Dave Anderson	'16

Committee Members

Activities.....Frank Antonelli
Audit .....Steve Massicotte
Boating.....Tim Buzzell
Dam/Lake Level.....Tim Buzzell, Ron Kolar, Dave Anderson, Chuck Nichols, Erik Lessing
Development/Education. Lyman McWain, Tracey Shadday, Peggy Barter
Fishing .....Homer Selby, Ron Frascoia
Grants .....Janet Selby, Peggy Barter, Beth Torpey, Linda Broadwater
Ice Out .....Homer Selby, Janet Selby
Loon .....Charles "Woody" Woods, Eric Hanson, Bonnie & Dave Potter, Ruby Jenness
Maps .....Ron Kolar
Membership .....Ted Jewett, Bruce Barter, Linda Broadwater, Tim Buzzell, Gerry Cahill, Susan Davis, Ilene Douglas, Erik Lessing, Janet Selby, Ann Torpey
Milfoil .....Janet Selby, Peggy Barter
Newsletter .....Erik Lessing, Bruce Barter, Maggie Griffith
Nominating .....Dave Anderson, Chuck Nichols, Tim Buzzell
Water Quality.....Peggy Barter, Frank Antonelli, Linda Broadwater, Susan Davis, Tom Emery, Bill Kilpatrick, Dan Barry, Ron Kolar, Anthony Lazzara, Erik Lessing, Tracey Shadday, Gil Wierschke
Website .....Allan Wooley, Lyman McWain

Note: Name underlined is Committee Chair. Others are Committee Members.

Greeters at the Boat Launch: Bud Bergh, Reed Hubbard, Dan Griffith, Lisa Foster, and Nicole Ludwig

Morgan Town Officers

Selectman—Larry Labor
Robert Guyer
Tom Bonneville

Town Clerk/Treasurer—TammyLee Morin

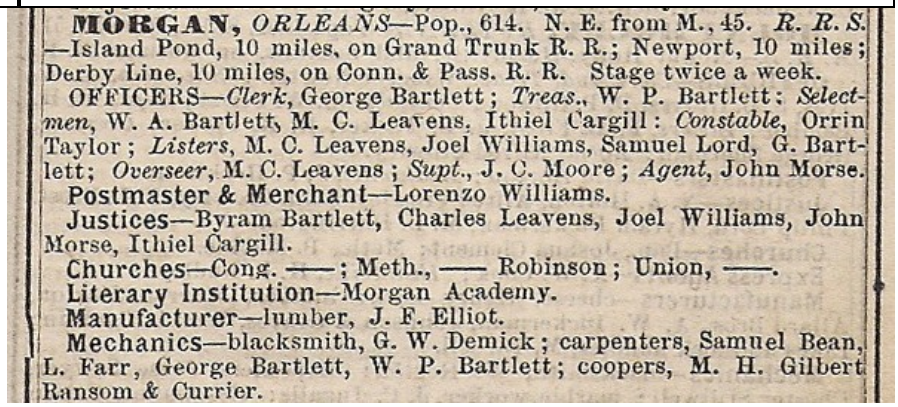
Asst. Town Clerk—Erikasue Jacobs

North Country School Director—Kristin Mason

Listers—Diane Moore
Jim Judd
Joseph Malgeri

School Directors—Tammy Lacourse
Kelly Paul
Danielle Blake

An Entry from Walton's Vermont Register for 1874



MORGAN, *ORLEANS*—Pop., 614. N. E. from M., 45. *R. R. S.*—Island Pond, 10 miles, on Grand Trunk R. R.; Newport, 10 miles; Derby Line, 10 miles, on Conn. & Pass. R. R. Stage twice a week.
OFFICERS—*Clerk*, George Bartlett; *Treas.*, W. P. Bartlett; *Selectmen*, W. A. Bartlett, M. C. Leavens, Ithiel Cargill: *Constable*, Orrin Taylor; *Listers*, M. C. Leavens, Joel Williams, Samuel Lord, G. Bartlett; *Overseer*, M. C. Leavens; *Supt.*, J. C. Moore; *Agent*, John Morse.
Postmaster & Merchant—Lorenzo Williams.
Justices—Byram Bartlett, Charles Leavens, Joel Williams, John Morse, Ithiel Cargill.
Churches—Cong. ——; Meth., —— Robinson; Union, ——.
Literary Institution—Morgan Academy.
Manufacturer—lumber, J. F. Elliot.
Mechanics—blacksmith, G. W. Demick; carpenters, Samuel Bean, L. Farr, George Bartlett, W. P. Bartlett; coopers, M. H. Gilbert Ransom & Currier.

Recognition

The newsletter is paid in part with support from VT Department of Environmental Conservation funds. □

President's Message (continued from page 1) by Lyman McWain

As I will not be running for election in July, I urge you all to support your Board in this endeavor as we are convinced that it is the right thing to help mitigate erosion and improve our water clarity. When we ask for financial support know that any unused funds will be returned to our general fund to continue our existing programs.

It has been my sincere pleasure to serve as your President, and to work with such dedicated and hard working people that really care about our very special lake. I have had a wonderful relationship with the membership and thank you all for your concerns, support and respect. I hope I gave back something close to what you have given me and my family and I leave believing we have grown together to make the SLA a more respected and financially secure organization with a wonderful base of experienced professionals. □

Dam and Lake Level by Tim Buzzell

The old Seymour Lake dam was replaced in 2004, and administration of the new structure fell under the purview of the VT Agency of Natural Resources (ANR). ANR has chosen to regulate outflow from the lake on a so called crest controlled run of river basis which calls for allowing water to outflow the lake only by passing over the dam spillway with no management of the unused discharge gate allowed. This has resulted in higher spring time lake levels than were previously typically experienced when the old dam with discharge gate management was in place.

For the past six years, the SLA Dam Committee has tried to convince ANR to allow the discharge gate to be managed in a manner that would mitigate these destructive high springtime lake levels. This effort was accelerated this past year with committee members meeting with ANR representatives in Montpelier on four occasions to negotiate, but with no success. We also met Senators Rogers and Starr who agreed to sponsor legislation that would force the issue, and we testified about the problem before the Senate Natural Resources Committee in February. However, relief from the legislature seems doubtful during the 2014 session.

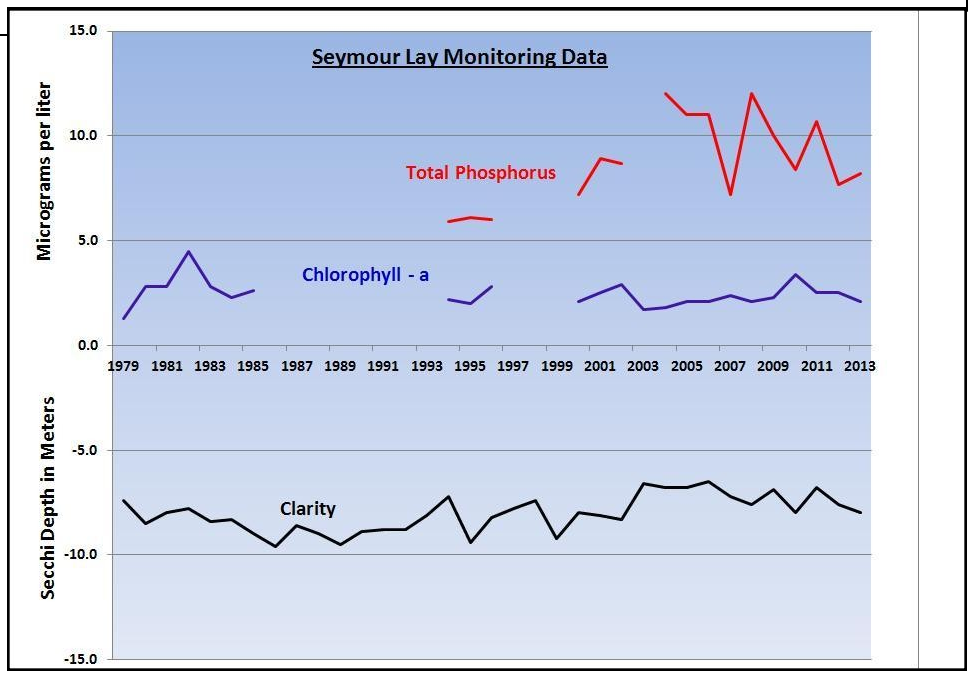
It has become increasingly clear that ANR will not budge on this matter even though the VT 401 Water Quality Certification for the Seymour Lake dam makes it clear that gate management is allowed, and indeed anticipated that it might be necessary, and in spite of the fact that by allowing these high spring time levels, they are ignoring a Vermont State Statute backed up by the 1950 Vermont Supreme Court finding that mandates the lake level be controlled and held within a set high and low level limit. □

Aquatic Nuisance Program by Janet Selby

The Town of Morgan has received word from the Vermont Department of Conservation that the 2014 Aquatic Nuisance Control Grant-in-Aid Program has awarded them $14,260 for the purpose of continuing the invasive species (milfoil) program at the Seymour Lake fishing access. The Grant was written by the Seymour Lake Association with the approval of the Morgan Selectmen. This year the access staff will be supplemented by the addition of Dan Griffith, Lisa Foster, and Nicole Ludwig, all local educators. With our long term greeters, Bud Bergh and Reed Hilliard, the five Aquatic Nuisance Greeters will inspect boats, personal watercraft, kayaks, and trailers as they enter the lake. It will generally be staffed from 6:00 a.m. to 6 p.m., 7 days a week, weather permitting from Memorial Day to October. □

Water Quality – An Update

The graph on the right contains the latest data points of 2013 for Seymour's water quality. These are measurements made by Tom Emery as part of Vermont's Lay Monitoring Program. Chlorophyll levels, a measure of algae in the water, are relatively constant. From 2001 to 2011, there are increased concentrations of Total Phosphorus which is the best indicator of nutrients in the water, and hence, our concern over that increase. Happily, there was an encouraging drop in phosphorus in 2012 and 2013. Clarity is about the same but we would like a return to the clearer levels of the 80's and '90s. Restoring natural vegetation on the shore to slow runoff of phosphorus into the lake, will do the most for the ongoing health of Seymour Lake. □



Save the Dates

- May 30th, Friday, 6PM: **Morgan Historical Society** Spring Ham Dinner at the Community House. $10 donation. Everyone welcome.
- June 6th, Friday, 8:30 AM to 3:00PM: **Vermont Lake Seminar,** Green Mountain Club, Waterbury, VT Sponsored by FOVLAP & DEC. This year's seminar will focus on lake-friendly shoreland management.
- June 20th, Friday: **Vermont Invasive Patrollers Training** Sponsored by MWA and Echo Lake Protective Association. Event will be held in Newport, location TBD.
- July 5th, Saturday, 11AM: **SLA Boat Parade** starting at Rossiter's Point. Coordinators are Cindy Kern, Bonnie McWain, and Collin Kwasnik.
- July 26th, Saturday, 9AM: **SLA Annual Meeting** at the Morgan Community House.
- July 28th, Monday, 8:30AM to 3:30PM: **FOVLAP Annual Meeting**, The Steak House, Barre Montpelier Rd, Berlin, VT.
- August 2nd, Saturday, 5PM: **SLA Picnic,** if there is one.
- August 6th, Wednesday, 11am to 2pm: **Circle of Friends** Bazaar. All proceeds go to local charities. E Taylor Hatton School.

Shoreland Protection Legislative Update, April 2014

by Peggy Barter

Each Vermont Legislative Session lasts for two years. In 2013, the House of Representatives passed a Shoreline Protection Bill. After requesting and obtaining expert input from the Lakes and Ponds Section of Vermont Department of Environmental Conservation (DEC), the House version of the bill included in general terms the actions needed on lakeshores to maintain high water quality. After passage by the House, the bill then moved to the Senate where it was placed in the Natural Resources and Energy Committee. This was the situation when the 2013 session ended.

In January 2014, the Senate committee requested DEC's Lakes and Ponds Section to provide exact parameters which lakeshore owners should follow in order to protect the water quality of the lakes. These specifications were then incorporated into the bill which subsequently passed the entire Senate.

When the two branches of the Legislature pass such different versions of a bill, the procedure is for a Joint Committee of the two legislative bodies to meet to reconcile the two versions. That is where the legislation stands as of the day this article is written.

Expectations are that the present session of the Legislature could end very soon or might continue until later in May or early June. At that time the Legislature will either reach a consensus and the bill will pass or no consensus will be reached and the bill will die.

Legislative updates are posted regularly on the web site (vermontlakes.org) of the state wide organization of lake associations, FOVLAP. □

Membership Update

by Bruce Barter

We reached a new high of 73.3% of lakeshore owners who were members of the Association as of year end 2013. And, what are the chances of ending 2013 with exactly the same number of membership units and number of donors as year end 2012? We did...and it's just a coincidence. The percentage of lakeshore owners who were members of the Association increased because of a change in the mix of members. Please note the complete list of active 2013 members on pages 6 and 7. Thanks to all of them for supporting the Association and also thanks to those who made an additional generous donation. In March, 2014 we sent membership renewal letters to all active members as of year end 2013. Thank you to the over 240 members who have already renewed for 2014. For those who were not members last year or not renewed yet, there is an envelope enclosed that can be used to join the Association in 2014. □

	Yr. End 2010	Yr. End 2011	Yr. End 2012	Yr. End 2013
Total Membership Units	329	337	365	365
Number of Donations (with membership forms)	160	186	215	215
Lakefront Properties with an Active Membership	69.8%	70.6%	71.9%	73.3%
Number of Members Not on Lakefront Property	44	49	75*	73**

* Includes 54 Morgan property owners/ residents and 21 people living elsewhere

** Includes 54 Morgan property owners/ residents and 19 people living elsewhere

Vermont Fish and Wildlife's New Seymour Lake Access Ramp - Possible Eurasian Milfoil Threat

A new boat launch ramp has been added just north of the old one. We have learned that a number of people who attempt to use the new ramp to launch or remove their boats from Seymour Lake are experiencing frustrations due to unintended consequences of the new construction such as low water levels which make it difficult to navigate their boats to or from the dock and finding that their trailers are being hung up by a steep angle in the ramp. Word-of-mouth reports are that people are seeking alternative places on the lake shore to launch their boats which has the adverse effect of bypassing Seymour Lake's vigorous milfoil inspection program. We need your help to continue to keep Seymour free of milfoil! If you have experienced success or problems in using the new ramp, please send a brief description of your issue to Peggy Barter at sla.newsletter.wq@gmail.com □

Vermont Lake Wise

by Water Quality Committee

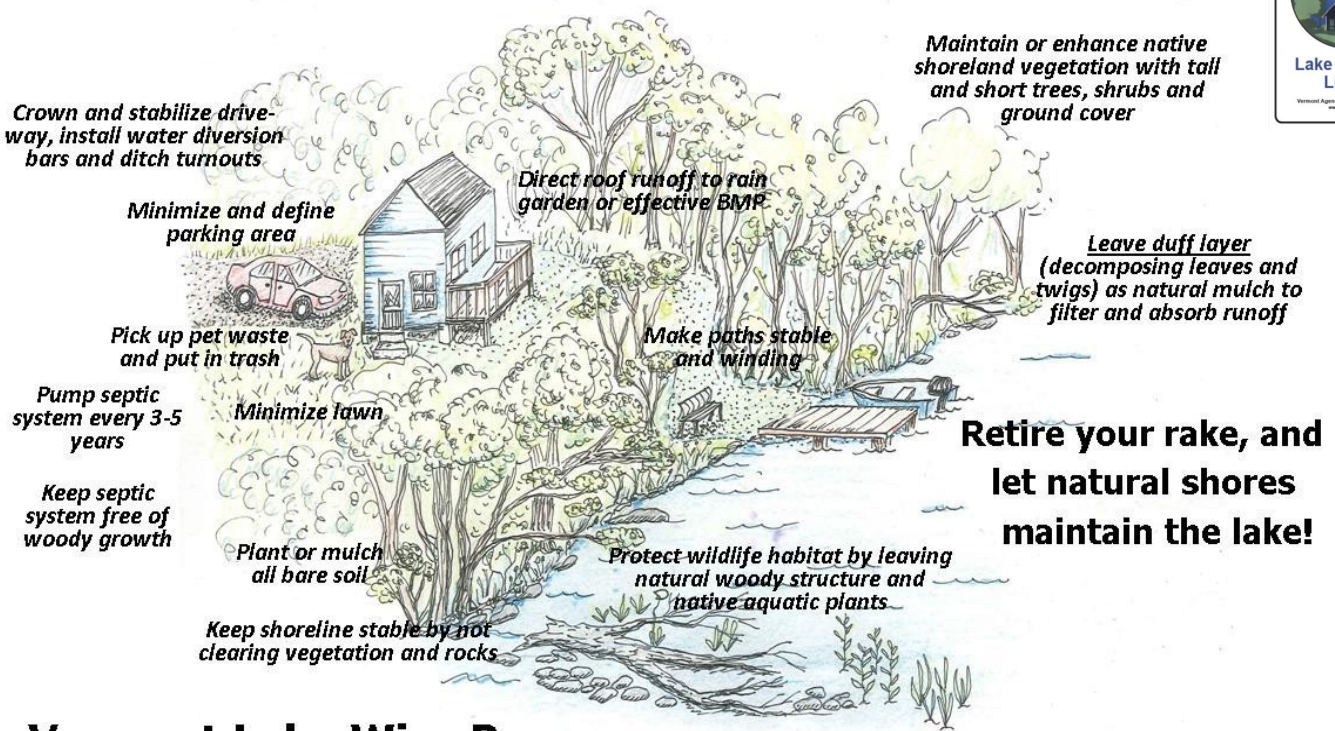
Seymour Lake Association, with Amy Picotte of VTDEC, will continue Lake Wise evaluations on Mondays starting June 30th We will make other Mondays available as needed through August 25th. Many of you have already had your evaluations, but if not and you desire to have your property evaluated, please let us know what Monday is best for you. Lake Wise Leaders Tracey Shadday (723-4505) and Peggy Barter (895-2778) will meet with each lake shore owner before their evaluation and also accompany the evaluator on the day of the evaluation. Lake Associations with 15 percent awarded participation in the Lake Wise Program will receive the Gold Lake Wise Award. Emails may be sent to sla.newsletter.wq@gmail.com. Help Seymour win! □

Lake Wise *is a Vermont Agency of Natural Resources program that awards lake-friendly shoreland property. A property that earns the Lake Wise Award represents a "model" shoreland property. The Lake Wise Award certifies a property is well managed, using shoreland Best Management Practices, and is protecting the lake water quality and habitat.*

Lake Wise Leaders are local, volunteer Lake Wise contacts. A Leader's job is to encourage shoreland owners to use better management practices and to earn the Lake Wise Award. Lake Wise Leaders conduct preliminary assessments of interested shoreland property owners on their lake to advise them of what needs to be done, if anything, before the official *Lake Wise Evaluator* is called out to assess the property.

Take advantage of free technical assistance through the Lake Wise Program and have your shoreland property assessed for controlling runoff and preventing erosion. The Lake Wise Program offers solutions - Best Management Practices - for managing shoreland property and making it lake-friendly for all. Most of the property improvements can be done by the landowners themselves. Learn how simple it is to live Lake Wisely!

This Property is Lake Wise! Typical of many Vermont lakeshore homes, this house was built too close to the lake to allow for the best standard of lake protection -- a100 foot wide vegetated shore -- but fortunately, this landowner is using all the lake friendly practices below to protect the lake.



Vermont Lake Wise Program - Vermont Agency of Natural Resources

Thank You to the Following Seymour Lake Association Members for Your Support in 2013

Hamid & Karen Abada
Adam & Louisa
Avelina Abbiati
Linda Adams
Tom & Cindy Adams
NPC Realty, Inc.
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Jane E. & John D. Kipp
Alan & Jenie Kolar
Ron & Janet Kolar
Ted & Roberta Kowal
William & Linda Kratt

Thank You to the Following Seymour Lake Association Members for Your Support in 2013

Larry & Pauline Labor
Robert & Debra Labrecque
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Wendell Lacoss
Al & Chris LaRocque
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Katie & Brian
Carol & Arthur Lerner
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Ilene Douglas
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Wayne & Judy Wyckoff
Linda & Robert Yarlott
Heather & Bob Zeagman
Alexander, Allyssa, Austin

The Woods in August—Indian Pipe

by Jerry Buzzell

The lake is so attractive, so central to the Seymour experience, so all consuming that we tend to forget that there's more to Morgan than clean water, loons, bass, and kayaks. There are, for instance, the woods.

Take a moment to step away from the shoreline and the cottage and enter the woods on a sunny day. There you will find ground covered with a thick layer of humus, granite outcrops, often draped with the tree roots and inevitably covered incompletely with mosses and lichens. The trees are a mixture of conifers and deciduous trees, some straight and tall, some fallen and rotting in the ground, some tiny seedlings. You will find ferns, various wildflowers, mushrooms and other fungi, insects and spiders, birds, and occasional signs of the coons, skunks, squirrels, and other animal life.

And in August, you will usually (but not inevitably) find indian pipe.

Fig. 1. Newly emergent indian pipe

Fig. 2. Pipe flowers starting to straighten

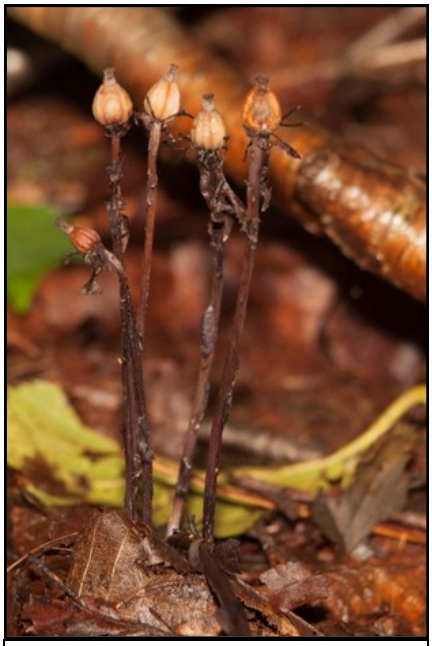

Fig. 3. One month later, pipes with developing fruit

In our little corner of Morgan, the pipes begin to poke out of the ground around the first of August. On slightly damp patches of leaf mold, usually with a tree nearby, you will note small white stems with bell-shaped drooping tops (Fig. 1). Because they lack color, you may think these are fungi, but they are, in fact, flowering plants which lack chlorophyll..

Until recently, indian pipe *(Monotropa uniflora)* was assumed to be a saprophyte—a plant that gets its nourishment directly from the rotting vegetation in the soil, rather than by photosynthesis. More recently, however, it has been shown to be parasitic on the hyphi of fungi which are, themselves, associated with the roots of trees. This is an example of the sort of complex interactions present in any ecosystem.

But flowering plants? Closer examination of the bell-shaped tops reveals that these are, in fact, the flowers, with ten recognizable pollen-forming anthers surrounding a central pollen-receiving stigma. Within a week or so, the drooping flowers straighten and this arrangement becomes more evident (Fig. 2).

By the middle of August, pipes become hard to find. However, careful examination reveals that they are still around but are busy maturing and setting seed. The stalk becomes thin and woody in appearance; the flower pedals have fallen off, and the developing "fruit" tops the stem (Fig. 3).

Last summer I followed several groups of indian pipe from the beginning of August until late September, when we left Morgan. Besides being interesting plants in their own right, I was also struck by the "communities" which developed around them. Small spiders could be found with webs spanning the gaps between pipes and their surroundings. A tiny arthropod, probably a mite, was often seen (and photographed) on the fruit. Something yet undetermined bored into several pipe fruits, reminding me of worms in apples, though I didn't dissect the fruits to check this out.

Indian pipe is but one of many interesting features of the woods in the Northeast Kingdom. □