



TODDY POND ASSOCIATION NEWSLETTER

Fall 2019

Issue 43

OUR MISSION

We believe that we have a responsibility to protect Toddy Pond and its watershed so that we and future generations may enjoy its beauty and the recreational opportunities it provides. Our objective is to protect the air, water, soil, plant and animal life of the watershed and to preserve its economic, ecological and aesthetic value by encouraging responsible land and water use.

Invasive Milfoil Found in Washington County

Lucy Leaf

For a number of years, I've been able to tell people that we don't have any invasive aquatic plants in our region now, but they aren't far away – maybe 60 miles or so. The invasives have been gradually moving north and east, but it seemed we could hold them back with intensive preventive efforts, such as Courtesy Boat Inspection (CBI) and Invasive Plant Patrol (IPP).

But we just received some alarming news from Lake Stewards of Maine (LSM). Variable milfoil has been detected in Big Lake, which is just downstream from Grand Lake Stream. This is in the Princeton area of Washington County and Big Lake is part of the huge and complex Grand Falls Flowage, which empties into the St. Croix watershed. The watershed is known for its pristine lakes and streams, wilderness beauty, and extraordinary fishing. As with the more remote lakes and rivers in the northern, sparsely-populated reaches of Maine, it could easily be assumed that these waterbodies should be most resistant to plant invasives. However, the discovery wasn't just a lone fragment or small colony of invasive plants in a cove that could be contained with barriers. Variable milfoil, one of the most aggressive aquatic plant invaders, is apparently well-established in Big Lake. It exists in colonies the size of multiple football fields. It is abundant and well-mixed with the native plants.

"This infestation is a game changer for Maine," indicated Roberta Hill, director for the Invasive Species Program at LSM. Resources that were slated for our own county, including a complete survey of the lakes within the heavily used Public Land Preserve (Tunk, Donnell, and Spring River Lakes) will now have to be postponed in order to survey over a 100 miles of shoreline in the Grand Lake region. As with Penobscot and Aroostook County, Washington County is a region that has almost no IPP activity. There are few, if any, organized lake associations. Apparently, no one noticed or recognized this enormous infestation of very visible plants, with above-water flowering spikes. Variable milfoil is the most common invasive plant in Maine. Every motorized boat requires a "milfoil" sticker. How could this massive infestation be overlooked?

2020 Calendar

- June 21** — TPA Hail to Summer BBQ
Balsam Cove Campground pavilion, time TBD
- July 18** — **Toddy Pond Loon Count**, 7:00–7:30am
- August 9** — **TPA Annual Meeting**
Time and place TBD

How did it get started? What factors led to its proliferation. And how can it possibly be contained?

All this will be hashed over in the months to come, while state-wide strategy and use of available resources will have to be reconsidered.

This does affect us here at Toddy Pond. While the invasives may still be sixty miles away, we are now squarely in between infestation points. Fortunately, thanks to Catherine Fox and Mark Whiting, who were our guest speakers at the Toddy Pond Association annual meeting in August, we have a Hancock County LSM, of which I myself am a part. As a group, we have already surveyed Donnell Pond and Tunk Lake, using motorized boats and kayaks. These are popular fishing lakes, visited by boats that could also visit Toddy Pond.

What happens elsewhere affects what happens here at our own lake. Having already intercepted invasive milfoil, twice, through our volunteer boat inspectors, we know how easily our lake could become infested. And there are many hours when the landing has no inspectors, and many boats launched, uninspected, from private property. Float planes and waterfowl can also spread fragments.

This recent discovery should serve as a reality check. We are not immune. All the efforts to protect our lake and those around us matter.

Plant Patrol and New Threats

Lucy Leaf

The good news is that no invasive plants have been found in Toddy Pond, though a new native milfoil, alternate-flowered water-milfoil, is showing itself more regularly. This milfoil requires more scrutiny than the Farwell's and Low water-milfoils illustrated in *Native Plants of Toddy Pond*, because it is

consistently whorled, and therefore bears closer resemblance to several of the invasive milfoils.

Thanks to twenty-five TPA volunteers, nineteen of whom are certified Plant Patrollers, the entire shoreline of Toddy Pond (minus about a mile) has been inspected in 2019 as it has been each year for a number of years now. Looking at the other lakes in Hancock County, some of which have NEVER been inspected, this is rather extraordinary. Due to our popular boat landing on Route One, we are considered a higher risk lake, which is mitigated by our active CBI and IPP programs. There are other high-risk lakes in the area which haven't been surveyed in years, or have never been completely surveyed, as Toddy Pond has.

While twenty-five surveyors is an incredible show of volunteerism, many of these are couples who survey just one sector which is usually near their dock. With approximately thirty miles of shoreline to inspect, a few volunteers have been taking two or three sectors and paddling or driving afar to get to them. We have also been doing team paddles for high-risk areas or to get new volunteers started. We really need more volunteers on the entire western shore, including Orland and Penobscot, and as always, I can get people started with a simple tutorial paddle right off their dock.

There is a new threat we must now watch out for, and that is toxic algae, which is the blue-green algae or cyanobacteria. We are seeing more reports of this serious threat in the news media, often referred to as an "algae bloom." Algae blooms, quite common in the south, are now spreading north to our own region. The blooms come and go, often related to warming temperatures, but also to levels of available nutrients, such as phosphorus.

This June, I got a worried call from a Toddy Pond resident in the Blue Hill area who had aborted his usual morning swim due to a green scum that covered his entire cove. By the time we got a paddler to the area, the scum was gone. However, I went scouting in my own area and sure enough, I found an unusual green scum in the Gold Stream Cove (South Toddy). It was very different from the usual metaphyton (type of algae) we have observed for years, which collects in clumps just under the surface and turns to an ugly, bubbling, brown mass as it decomposes. The green "scum" looked similar to the yellow pollen scum that we are used to seeing in June. The green scum, however, formed threads across the surface, or covered it entirely. Like pollen, it collects visibly on a beach, but with a blue-green hue to it. Sure enough, a sample sent to our Hancock County LSM plant expert, Mark Whiting, showed it to be a potentially toxic blue-green algae. The algae dissipated quickly, however, and we have not seen it since.

Cyanobacteria is the new threat, and it is toxic. When these algae blooms occur, experts advise no swimming and keeping dogs clear of the lake, for they have been reported to die within hours after ingesting or even swimming in the water. Algae blooms have been reported in Hancock County and one lake in Franklin has already begun alum treatments to mitigate a serious ongoing problem. They also had to raise over \$100,000 to match DEP funding for a one-time treatment that may need to be repeated. Part of their agreement with the state is taking preventive steps to improve water quality and reduce the phos-

phorus load contributing to the blooms. They are utilizing the LakeSmart Program through the Maine Lakes Society to help accomplish this.

We don't want to wait until Toddy Pond has further algae blooms that would highly impact our use of the lake. We have already taken steps to protect our lake, including a watershed survey initiated by Hancock County Soil and Water a few years ago, which identified water run-off problems and offered Toddy Pond residents solutions they could undertake on a voluntary basis where needed. The TPA is now considering LakeSmart as well as other approaches to reducing the non-point source pollution that can promote algae blooms and make the lake more welcoming to invasive species.

2019 Loon Count

Steve Antell

The 2019 Toddy Pond loon count took place on July 20. Twenty-seven volunteers were able to completely cover the lake under ideal conditions, unlike the year before, when we floundered around in dense fog. We came up with a total of fifteen adult loons but only one chick, all in South Toddy. Both totals were below average and therefore of some concern. We suspect at least one nest was flooded out but are unaware of any other chicks that might have been missed on count day. It was also notable that no loons at all were reported on count day in Middle and North Toddy. Highly unusual, although adults were seen in Middle Toddy later that day.

We are exploring a more systematic survey of the pond next year, using volunteers and professionals to locate and monitor loon nests over the entire course of the breeding season. We're not sure if that will come together or not but in any case, we will be back out on the pond on July 18, 2020, hoping for good weather as we undertake yet another count.

Thanks to all those who participated this year. Rest assured, I will be back in contact with you next year.

Community Outreach Committee Formed

Dale Dailey

In its last meeting of the year, the TPA Board of Directors authorized the formation of a Community Outreach Committee. The purpose of the committee is to explore ways to grow community involvement, encourage and facilitate volunteerism, and raise awareness of the issues impacting Toddy Pond. If you're interested in joining the committee or want to share your thoughts and ideas, please e-mail me (Dale Dailey), at campme@comcast.net.

Water Runoff and Toddy Pond Water Quality

Robyn Silberstein

We at Toddy Pond are so fortunate to enjoy a healthy and beautiful body of water. One of my greatest joys is a summer swim in Toddy Pond. As a new homeowner on the lake I soon realized that I am directly involved and contribute to the water quality, especially after this past rainy spring. I welcome any advice and help that would improve my own erosion and run-off issues.



Runoff from our property ...



... contributes to Big Problems for Toddy Pond.

We face many challenges, including development, invasive plants, and storm water run-off. The Toddy Pond Association makes it a priority to address these threats. I am directing my efforts to watershed protection and volunteering to coordinate the LakeSmart program, which offers support for lake land-owners; simple guidelines to protect Toddy Pond from storm water runoff. LakeSmart is free, personalized help, voluntary and non-regulatory. I am looking for volunteers to help with this project. If you are interested, please call me (Robyn), at 667-7999.

Large Shoreline Property for Sale on North Toddy

Sarah LeVine

Ordway Clifford, who died in 2018 at the age of 101, inherited the property, formerly a farm, from her mother (see my article in the *History of Toddy Pond*). It lies between Long Point Way and the camps at the end of Moonraker Way, has 2900 feet of waterfront, including a sand beach, more than 200 acres of woods, a large pond, a three-bedroom house built about twenty years ago and six acres of blueberry fields bordering Back Ridge Road. The property, one of only two large undeveloped areas on the lake (the other is Mandala Farm on the eastern shore of North Toddy, also described in the *History*), is for sale for \$1.2M. The sale would include plans to create a fourteen-lot subdivision in the vicinity of the sand beach and to log the forested area of the property to within 100 feet of Long Point Way. These plans are problematic not only for Long Point and North Toddy property owners but for everyone on the pond. It

is urgently hoped that a way can be found to put most of the acreage into conservation.

Treasurer Needed

Chris Dadian

After four years of unstinting service to Toddy Pond, Barb Leaf will end her work as TPA board member and treasurer this spring. We are grateful for her dedication and energy. Difficult as it will be to replace her we must try. If you are interested in taking on this vital role please contact me at toddymail@toddypond.org.

Toddy Pond Water Quality

Barbara Leaf

I have often speculated about the cleanliness of our pond. I have heard in passing that our water quality is relatively good. But how is water quality determined? Why is our water tea colored when other lakes can appear clear-colored, or even green? I knew the answers were out there somewhere because over many years I have watched Dick Salminen, a Toddy Pond resident, launch his boat on mornings when the sun was bright and the lake was dead calm to take water quality measurements. Dick is one of the cadre of volunteers across Maine who tests our waters and submits their findings to Lake Stewards of Maine (formerly VLMP).

There are many imminent threats to our water quality. Near the top of the list is the potential for lakes to become phosphorus enriched and more biologically productive, primarily the result of runoff. Doesn't "enriched" and "productive" sound good for our lake? The answer is a resounding NO! This condition is characterized by declining water clarity resulting from an increase in the growth of algae. Excess algae can lead to a decline in oxygen levels, which is detrimental to all aquatic life, including cold-water fish (trout and salmon), and the balance of plant life.

So how do we measure for these conditions? Secchi Disk Transparency (SDT) is a measure of the water clarity, or transparency, of the lake. From May through October, Dick periodically drives his boat to a point in the deepest part of North Toddy with a bucket full of equipment, including a Secchi disk and a viewing scope. This is where a full profile of the water column can be attained and the influence of day-to-day weather fluctuation is diminished. The Secchi disk is an 8-inch round disk divided into quarters that alternate between black and white. The disk is slowly lowered into the water on a metered tape while Dick watches it closely through the view scope. When the disk completely disappears, he pinches the tape at the water line to get a reading of the depth in meters. Clear lakes give deep readings while turbid, tea-colored, or highly productive lakes give shallow readings. SDT readings can be used to track changes in water quality over time. Transparency values in Maine have varied from 0.2 m (8 inches) to 21.3 m (70 ft), with the current overall average being 5.4 m (17.7 ft). Toddy Pond readings average around 5.0 meters, which puts us into what is considered a "moderately productive" category.

Beginning in 2019, Chris Dadian has been taking Secchi readings on Middle Toddy, where they were last recorded in 2001, and before that for a five-year stretch, from 1988–1992. Because of the long hiatus and the normal variability of turbid-

ity from one measurement to the next, a meaningful profile for Middle Toddy won't begin to appear until we have data for at least a couple more years. (SDT has not been measured on South Toddy since 1992.)

The next set of measurements Dick takes are temperature and dissolved oxygen profiles. These are taken with a hand-held electronic meter. Readings are recorded for every few meters from the surface to the bottom of the lake, which is approximately 36 meters at that location. Dissolved oxygen (DO) levels in lakes are strongly affected by water temperature – colder water can hold more DO than warmer water – which is why the two indicators are nearly always displayed together. Adequate concentrations of DO are necessary for the life of fish and other aquatic organisms and the prevention of offensive odors. DO levels are an important and commonly employed measurement of water quality and indicator of a waterbody's ability to support desirable aquatic life. The loss of oxygen in the deep areas of the lake may indicate that the ecosystem is stressed and changing. Levels above 5 milligrams per liter are considered optimal and Toddy's measurements are consistently above 5 milligrams.

A final test taken annually measures phosphorus levels. Since 2013 Chris Dadian has joined Dick late in the summer and takes a water sample which is then sent to a state laboratory for analysis. (In 2019, Chris took samples on two dates on North Toddy and one sample on Middle Toddy.) Tracking phosphorus levels over time is yet another way of monitoring changes in water quality. Phosphorus is one of the major nutrients needed for plant growth. It is generally present in small amounts and is usually the nutrient that has the biggest impact on plant growth. As phosphorus increases, generally the amount of algae in a lake also increases. According to LSM, Total Phosphorous (TP) varies from 1.0 ppb to 426 ppb in Maine lakes, with an average of 11.2 ppb. Measurements from Toddy Pond have been stable and consistently below that average.



Dick Salminen measuring dissolved oxygen.

Many people question the tea color of Toddy Pond waters. Color is influenced by the concentration of dissolved organic substances. Typically, brown or tea-colored lakes are surrounded by forests or wetlands. Dense forests provide dark organic material that dissolves in the lake water like a teabag. This dissolved organic material stains the water brown and shades the underwater world. This is a natural state and not an indication of poor water quality. Color is measured in Standard Platinum Units (SPU). Lakes with color levels greater than 25 SPU are considered to be “colored.” SPU for Toddy Pond is 24 SPU so it is right on the cusp.

Toddy Pond is one of the few lakes for which data has been collected for a long period of time. Analyzing the data over this long period of time indicates what is normal for our lake.

Many thanks to our intrepid water quality volunteers over all these years, Dick Salminen, Chris Dadian, and Woody Carville.

Biting the Bullet

Sarah LeVine

Although we'd like to believe otherwise, my husband and I aren't going to be around forever, so it's time to decide what to do about our camp: pass it on to our children or, when maintenance gets too much for us and/or we can no longer navigate the stairway down to the shore, much less get in and out of a kayak, put it on the market and let another lucky family enjoy beautiful Toddy Pond.

We ask our son (who lives 3000 miles away in LA, California) and our daughter (who lives 4000 miles away in Berlin, Germany), are you interested in keeping the camp after we're gone?

Of course! They love the place. The grandchildren love the place. Summer wouldn't be summer anywhere else!

What to do? Leave it to them jointly? But having spent forty summers in Maine (twenty-three on Toddy), we know that nothing destroys equitable sibling relations faster than disputes over jointly-owned property.

Better do some research.

I start asking friends with siblings who'd inherited camps on Toddy and neighboring ponds how things have worked out. I also asked friends with two or more children about arrangements they've made, or are thinking of making.

One late summer morning I sit down with my ideal informant: my neighbor, L. In addition to being a psychologist who knows a lot about human nature, L and her first husband inherited (from her in-laws) a camp on Toddy that she has already – while she's still as fit as a fiddle – put under a joint-ownership arrangement with her three children, all of whom live far away (one in Europe). From her wonderfully coherent introduction, I learn about the many hazards of joint ownership and how to avoid at least some of them.

“My first husband and I got title to this camp by ‘tenancy in common,’ which is the usual way children inherit property from parents,” L tells me. “But tenancy in common provides no protection. Each owner has the right to do pretty much what they want with the property. This includes everything from making structural changes without permission from the other owners, to refusing to contribute to taxes and maintenance costs, to living in the place year-round and/or putting it on the market. While the other owner or owners may buy it back if they can afford to, they can't prevent the sale.”

An alternative to “tenancy in common” is “joint tenancy,” which generally avoids the problems of “tenancy in common.” The main drawback of “joint tenancy” is that if one of the tenants dies,

ownership of his/her share of the property passes to the other tenants, who may not be the heirs of the deceased. (That's why, despite its drawbacks, tenancy in common is often chosen for siblings, since it ensures that the property will eventually pass to their heirs.)

"Fortunately my tenant in common was my husband, not a difficult sibling!" says L.

When her first husband passed away, L inherited his share of the property, which included three lakeside cabins. Some years later, she built – with a lot of design input from her now adult children – a substantial three-season house on a rise in the middle of the property. (The original plan was for L to live in it herself, but since she prefers being on the shore, whenever a cabin's sitting empty, she moves into it.)

Then came the issue of "succession plans." Her three children, two of whom had families of their own, were spending part of every summer on the pond. All three asked to be included in the plans. (In the meantime, L had remarried, but her stepchildren expressed no interest in the Toddy property.)

Deciding that she wanted to secure transfer of the property not only to her biological children but, in due course, to her grandchildren, L consulted a property lawyer, who told her the best way to do it was through a Limited Liability Company (LLC). While, like corporations, LLCs limit the liability of their owners, meaning, for example, if one co-owner owes somebody a lot of money and gets sued, he/she cannot force the sale of the property to cover their debt, LLCs are taxed at a lower rate. Additional advantages include simplicity, low

set-up costs (\$4000-\$6000), and the capacity to tailor arrangements to each family's requirements (there is no one-size-fits-all camp plan!). L also learned that there are two types of LLCs: one which takes effect on the death of the owner; and one which takes effect as soon as the family and their lawyer have finalized the "operating agreement."

L chose the second type of LLC. While she retained 50% ownership, her late husband's 50% share was divided between her two daughters and her son, who, when she goes on her journey, will split her share between them. Each co-owner is obligated to contribute to taxes and maintenance costs in proportion to their share and, ultimately, to leave their share to their children, or, in the case of her son, who is childless, to his nieces and nephews. In the future, if a co-owner wishes to relinquish his share, s/he must first offer it to the other co-owners for a negotiated price.

Though this has turned out to be the right solution for my friend L and her family, it might not be for others. People should educate themselves and consult professionals. A good place to start is to read *Saving the Family Cottage: A Guide to Succession Planning for Your Cottage, Cabin, Camp or Vacation Home*, by Stuart J. Hollander, Rose Hollander, and David S. Fry (2017).



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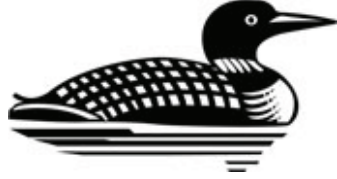
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