

Clary Lake Association

PO Box 127
Whitefield Maine 04353

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Preserving and protecting Clary Lake



04 January 2019

James W. Parker, Chair
Board of Environmental Protection
c/o Ruth Ann Burke
#17 State House Station
Augusta, ME 04333-0017

RE: Clary Lake Association, Transfer Order Order #L-22585-36-F-T
Appeal by Aquafortis Associates LLC, c/o Richard Smith

Dear Mr. Parker:

The Clary Lake Association [CLA] appreciates the opportunity to respond to the above referenced appeal of the recently issued Transfer Order #L-22585-36-F-T. Guidance offered in the Notice of Receipt of Appeal dated December 20, 2018 states that the only matter before the Board on appeal is the "transfer of the duties and obligations of the water level order to Clary Lake Association." While Mr. Smith's appeal makes numerous claims of deficiencies including "conflicting or absent" technical information in regard to our recently approved license transfer application, we do not believe any of the issues raised qualify as matters pertaining to the transfer of the duties and obligations of the Clary Lake Water Level Order to our Organization. Our application stands on its own merits, and we do not feel the need to respond to any of the claims in Mr. Smith's appeal.

As the record shows, the CLA purchased the dam property from the Federal Bankruptcy Court on October 13, 2018, and the deed has been properly recorded in the Lincoln County Registry of Deeds in Book 5314 Page 281, a copy of which was attached to our application. Since the transfer, the Association has been in engaged in actions that will allow us comply with the WLO.

We therefore think that the Department has acted correctly in transferring the WLO to the Association, and that the present Appeal is without merit. We would ask the Board to dismiss the Appeal without delay so that the Association can continue unhindered in its efforts to restore an appropriate water level in Clary Lake, to the benefit of the State of Maine, the aquatic environment, and the littoral property owners of Whitefield and Jefferson.

Yours sincerely,

Malcolm Burson, President
Clary Lake Association

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