



## KEY DATES:

- Tuesday, August 3: "Freedom's Common Loons: Life in the Wild on Local Lakes." A Tales of Ossipee Lake presentation. Under the tent at Camp Calumet, Freedom. 7:30 PM. Free. Info @ 603-539-4773.
- Friday, August 6: TV magician Matt Roberts' Comedy Magic Show to benefit Ossipee Historical Society. Ossipee Central School, 7 PM. Info is on the Society's website. Ticket info @ 603-539-8201.

## CONTACT US:

OSS�PEE LAKE ALLIANCE  
PO Box 173  
Freedom, NH 03836

info@ossipeelake.org  
Phone: 914-588-3280  
www.ossipeelake.org

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# OSS�PEE LAKE REPORT

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## NEW EVIDENCE ASSESSED IN 410 RULE

By David Smith

**OSS�PEE** — DES authorities paid a visit to Ossipee Lake last month to view evidence local elected officials say illustrates the natural mean high water level should be lower than 410 ft., the benchmark set by the state.

Dam Bureau Chief Engineer Jim Gallagher and DES Water Division Assistant Director Rene Pelletier joined Ossipee Lake Alliance, Freedom and Ossipee selectmen, and State Representative Mark McConkey on a boat tour looking for physical evidence of the

natural level of the lake before the dam was built in the 1800s.

Sky conditions and high water conspired against the authorities seeing the graves, natural spring and lot line markers that were on the boat tour agenda; but there was more evidence to sift through at Ossipee Town Hall after the meeting, including historic maps.

The boat tour and meeting are part of an ongoing effort by the Alliance and local elected officials to establish a new benchmark for the lake based on historic and scientific evidence of the lake's original

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Jay Close and his faithful companion Haley contemplate the world at the end of a dock at the end of a summer day on the best lake in the state. *Photo: Christina Dearborn Close*

## MANAGING MILFOIL IN FREEDOM

By Jim McElroy and R. A. Oram

**FREEDOM** — You've seen the signs: "Pick your own" apples, blueberries, corn - how about milfoil?

Taking a cue from pick your own, Bill Nicholson, summer resident of Danforth Ponds, did exactly that.

An unwanted plant had taken up residence along his waterfront. Bill, an amateur diver, began to remove milfoil by hand picking. Thus began the long campaign.

There are a number of aquatic invasive spe-

cies that have colonized water bodies in New Hampshire - spread by water body users that inadvertently carry plant fragments from lake to lake on water craft.

While native milfoil is also present in a number of water bodies in the state, invasive species such as variable milfoil are a particular problem as they can disrupt recreation as well as the ecological balance of water bodies and eventually reduce shoreline property values.

In addition, variable milfoil is extremely adaptable to a number of aquatic environ-

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## MANAGING MILFOIL IN FREEDOM



Professional diver Cliff Cabral of New England Milfoil with one of the many truckloads of invasive variable milfoil he and his divers pulled from Danforth Pond in 2009. *Photo: NEM Inc.*

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ments making control difficult and expensive. Once a water body is infested with an exotic aquatic plant, it is practically impossible to get rid of it entirely.

As one of the Danforth Pond abutters, Dave Tursky, put it, it's like dealing with weeds in your lawn or garden – the best you can hope for is to control the invading plants and reduce their impact.

Variable milfoil was first discovered in New Hampshire in Lake Winnepesaukee in the late 1960's. By the spring of 2007 there were 34 management control plans developed by the New Hampshire Dept. of Environmental Services (NHDES) for variable milfoil alone!

As of April, 2010, NHDES had identified 83 sites within the state having aquatic invasive species with 54 of those being variable milfoil.

Another invasive milfoil species, called Eurasian milfoil, is present in New England but that is found mostly to the west of the Connecticut river (only 3 sites in NH).

### Getting Organized to Fight

The Freedom Aquatic Invasive Species Committee (FAISC) was encouraged to stand up by the Ossipee Lake Alliance (OLA) in early 2010.

Support from the Freedom Board of Selectmen and the Freedom Conservation Commission (FCC), led to the creation of FAISC, a subcommittee under the FCC which formalized the milfoil management efforts.

Variable milfoil became established in the Danforth Ponds sometime between 1985-1990.

No large scale action was taken for a number of years. The first herbicide treatment (Diquat) was done on five acres of middle Danforth on June 10, 2002, with services provided by Lycott Environmental, Inc. Diquat is no longer used in this area due to its limited effectiveness.

Diver hand-pulling of milfoil on Danforth has been conducted a number of times (annually since 2003) with funding coming from a variety of sources (Town of Freedom, Danforth Bay Camping Resort, Ossipee Lake Marina and a number of residents).

Services for this work have been provided by New England Milfoil. The State of New Hampshire requires certification of all those engaged in aquatic invasive species removal (hand pulling, herbicide application, etc.).

As the problem became more pronounced, a group called the Friends of Danforth began meeting in August of 2007.

Spearheading this effort were Bruce and June Howlett (they own property on the river leading to upper Danforth). Efforts of the group included milfoil education, fund-raising for management, progress reports to abutters and training of weed watchers provided by NHDES.

Recent diver efforts (2008, 2009) have made use of DASH (Diver Assisted Suction Harvesting). Services again provided by New England Milfoil.

In this technique, a large underwater hose connected to a pump is used to feed diver-pulled

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### OSSIPEE LAKE REPORT:

Writer & Editor: David Smith  
Design Services: Design Monsters

Send mailing address changes to  
[info@ossipeelake.org](mailto:info@ossipeelake.org) or PO Box  
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## NEW EVIDENCE ASSESSED IN 410 RULE

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water level. Under N.H. common law, the state owns for the public trust bodies of water over ten acres and the surrounding shoreline up to the natural mean high water mark.

DES is charged with establishing the high water marks using maps and physical evidence, and so far the agency has set 23 of them. Lake Sunapee was the first in 1957, and the most recent was Horseshoe Pond in Merrimack, which was set in 2005.

Ossipee Lake appears on DES' list of lakes with benchmarks but state officials concede they don't know where the 410 ft. number came from.

In a survey conducted by Ossipee Lake Alliance this spring, 35 property owners said the state owns more than one-quarter of their property based on the 410 ft. benchmark, and 12 of those said the state owns everything, including their home.

Ossipee Lake Alliance official Bob Reynolds says he hopes the state will resolve the benchmark issue quickly because the 410 ft.

determination is making it impossible for people to buy or sell affected properties.

Senior Assistant State Attorney General Allen Brooks was invited to the boat tour and meeting but did not attend.

Reynolds said he has sent Brooks a letter asking him to clarify the rights of affected property owners and whether the 410 Rule makes their land titles, deeds and mortgages invalid.

Reynolds is one of the affected property owners, as is Westward Shores Campground, one of the lake's largest businesses.

Last year Westward Shores' plan to sell its campsites as condo units ran into a roadblock in part because of the state's claim of ownership.

Dam Bureau official Gallagher said he'll be back to the lake this fall to view the evidence that couldn't be seen on the current visit, adding he hopes the agency will be able to rule on the benchmark by year-end.

Ossipee Lake Alliance is planning a public meeting on the 410 Rule on Saturday, August 14th. Details will be posted on the website.

## A PARADE, A BOAT RACE AND SUMMER MAGIC

FREEDOM -- As we go to press, summer is officially underway. The excitement of Ossipee's Old Home Week is starting to fade just as anticipation of Freedom's celebration is starting up.

Summer is synonymous with Old Home Weeks, and Old Home Weeks (and Old Home Days) are a grand tradition celebrated all around New England. But where did the idea come from?

Credit Frank Rollins, who was New Hampshire's 45th governor from 1899 to 1901. A lawyer and banker before entering politics, Rollins loved New Hampshire's small rural towns and feared for their future as children grew up and moved on to cities and other parts of the country.

The idea of Old Home Weeks was essentially a public relations scheme, according to Yankee magazine writer Jim Collins; a way to lure native sons and daughters back home to remind them of the appeal of small town rural life.

Rollins established an Old Home Week Association and used his prodigious lobbying skills to get towns to embrace the idea of a statewide homecoming that was also, not coincidentally, good for tourism and the state's economy.

"I wish that in the ear of every son and daughter of New Hampshire, in the summer days, might be heard whispered the persuasive words: 'Come back, Come back!'" Rollins wrote, according to an article on the state website NewHampshire.com.

Those returning to Freedom this year will find music, sports, speaking events and plenty of camaraderie and community spirit. There will be a frozen T-shirt contest, a hike up Green Mountain and plenty of books, crafts and bake goods for sale.

A parade will pass through town as usual on the first Saturday, July 31st at 10 a.m., featuring floats, marching bands, classic cars and fire engines - always a noisy crowd pleaser.

The Freedom Village Store has stood witness to many a parade when it was closed or under-utilized. Not so this year, as it celebrates its first anniversary of being revitalized as the figurative heart of the village.

For us at the Alliance, we'll be presenting "Freedom's Common Loons: Life in the Wild on Local Lakes" on Tuesday, August 3rd at 7:30 p.m. under the big tent at Camp Calumet. It's part of our annual Tales of Ossipee Lake series, and it's on a new night this year.

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## ICE CREAM, LEMONADE, AND THE WHOLE TOWN HIKES UP GREEN MOUNTAIN IN JULY 1857

*The following newspaper accounts of the 4th of July in Freedom and Effingham were published by the Dover Gazette in 1857. They appear courtesy of museum curator and preservationist Jane Nylander, a long-time resident of Broad Bay in Freedom.*

### Freedom's 4th of July, 1857

The true spirit of '76 was evinced in this little town on the eighty-first anniversary of our Independence in a way that the heroes of the Revolution, if living, might well be proud of.

The day dawned - at first cloudy, but soon cleared away- upon a collection of young Americans who were displaying their patriotism by the firing of an unusual quantity of fire-arms and fire-crackers.

This soon aroused America the elder, and in a short time Freedom village was filled to overflowing.

### The Fantastics

By 7 o'clock the out-towners began to swarm in and around the village, and by 8 o'clock thousands of people were in and around the village, anxious to get the first sight of the Fantastics as they started from the Town House.

Such a company as you nor I e'er saw before, and I dare say never will again. The old Diel [Devil] himself, if he had exercised all his wits in rigging up his graceless imps for the sport and laughter of a crowd, could not have made a better hit.

As they paraded through the several streets, you could see the sober man there, laughing almost as heartily as the jolly old deacon, Uncle Tom, who had hard work to keep his fat belly from jostling out of his trousers.

### Entertainment

The company here halted in the Square, and one of the minstrels favored the crowd with an humorous song to the tune of "My legs got pinched a wee bit."

After which the company repaired to the Town House and invested themselves in that which I suppose they had in the morning been divested of, and re-appeared as good looking a set of fellows as New Hampshire ever gave birth to.

The day was now getting warm, and after a call by all hands into Pinkham's Saloon, where we had an ice cream and a cooling drink of lemonade with no 'stick' about it, except that we involuntarily felt the glass sticking to our fingers till it had been filled the second time, it

was ordered by the Marshal that a Procession be formed and march to the Meeting House for further entertainment.

### An Invocation

But a small part of the crowd could get into the house, so the gentlemen gathered around the outside and gave the inside to the ladies.

We then listened to an invocation by the Rev. Mr. Cox, of Freedom, after which was appropriate music, then some prefatory remarks by the Rev. Mr. C., prior to the reading of the Declaration of Independence.

This instrument was then read by Augustus Moulton, Esq. Solomon Andrews, Esq. was then introduced as the Orator of the day.

Mr. Andrews, though he had but a few hours to prepare in, soon showed himself to be a lineal descendant of the heroes of '76 and of ample calibre for the occasion,

Mr. A. not only fired the spirit of Old America, but moved the feelings of Young America to that degree that after listening to an elaborate address to the Sabbath School by the Rev, Mr. C., he wished to be heard by one of his order, through one who bore the cognomen of Orestes Topliffe. Young America soon proved himself no bore at all.

### Effingham's 4th of July, 1857

The anniversary of our Nation's birth was appropriately celebrated upon the summit of Green Mountain, in Effingham.

Scarcely had the rosy East ushered in the dawn of day ere the tide began to move mountainward.

By 9 o'clock a joyous multitude were clambering up its rugged sides from every direction; and when the sun reached its meridian at least one thousand people stood upon its elevated summit.

It was indeed a rosy gathering, for every cheek was flushed with the exertion of the toilsome ascent.

Each one arrived in a melting mood, but the cool mountain fir soon restored their equilibrium, and all were as 'merry as a marriage bell.'

And so they ought to be, for so lovely a holiday, so pure an atmosphere, so extended a view and such beautiful scenery is rarely seen."

*Reprinted from the Dover [NH] Gazette, July 11, 1857*

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## SUMMER MARKS THE RETURN OF KINGBIRDS TO THE OSSIPEE LAKE AREA

By David Eastman

*The following article originally appeared in the Conway Daily Sun in June 2009 and is reprinted with the kind permission of author and publisher.*

**TAMWORTH** — Summertime is when we see kingbirds along the edges of open water or overgrown fields, where one will watch these birds hunting aerial insects from an exposed perch near their nest site's location.

I welcome this flycatcher's presence because this is a superb hunter of insect pests. And, bug-season is usually not over by mid-July when we observe him. More than 100 species of flying insects have been documented in the Eastern kingbird's diet up here in New England.

Prey has been described as bees, wasps, weevils, beetles, grasshoppers, and flying ants in the menu. Another group includes the rose bug, May, and tiger beetles.

Years ago, legend had it that this bird ate honey bees around the hive - but research proved that the kingbird mostly ate up the drones around the white boxes, which weren't making honey anyway!

The Eastern kingbird is quite beneficial about the garden and orchard for he eats little of any cultivated fruit, but devours house flies and species that bother domestic and farm animals.

Smaller insects such as midges, gnats, and mosquitoes are not ignored. A great variety of caterpillars are fed to its young.

This bird is destructive to moths of many kinds. One research effort found that in a single, two-and-a-half hour period, seven kingbirds were seen to take 79 male and 24 female gypsy moths and killed a great many other adult moths that could not be positively identified.

Sometimes when I first see this bird, I think I am looking at a rather longish tree swallow - because he has the same white front and blackish-blue back, but then he does appear bigger than this other abundant bird species that utilizes our nest boxes so readily.

Whenever the Eastern kingbird flies up to snatch an insect out of the air, I can see the prominent white band at the end of his tail, which confirms a sighting of this bird.

Kingbirds are often to be found along wooded shorelines as you canoe past. They are frequently present as you paddle along the shrubby shore of Ossipee Lake because they prefer to nest where predators cannot visit their nests in that waterfront's area.

Access is limited by their choosing trees on small islands, too. Most nests are built out on a horizontal branch of a tree or shrub, and are usually less than 20 feet above ground.

If this vegetation is scarce, kingbirds will nest on top of a stump or broken stub. Whenever the female is sitting on this nest, woe be to intruders since her erect male stands guard to drive them away.

Very visible to the onlooker, he becomes a familiar bird to the novice birdwatcher during summers. He rarely will attack another bird on the ground or perched, but it is when a larger bird flies overhead that he is sensed as trouble and comes under the alert kingbird pair's savage attack.

The arrogant male's aggressive behavior is renowned for this dashing defense of the breeding territory. He earns his name because of it.

Larger birds such as hawks, owls, and crows crossing

through a kingbird couple's ½ acre territory cause the male to rise up like an interceptor, climbing above the intruder. He acts like a Spitfire pilot during the Battle of Britain.

### Fearless to Challenges

The kingbird's sense of territory goes up a hundred feet or so, like a cylinder of air. He assails any large bird that enters this column - even a turkey vulture or Canada goose, who witlessly enters the area and finds out all are treated as a marauding bald eagle would be!

The vigilant kingbird is fearless in these challenging attacks, and once he has climbed above his target, he persistently dives again and again to drive away the perceived assailant on his family.

Often the kingbird will strike a crow, known for ravaging nests, and even frequently land on this flying bird's back, pecking him all the while, with feathers flying out.



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## MINIMIZE OR ELIMINATE? THE CHALLENGES OF MANAGING MILFOIL IN FREEDOM

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plants up to a surface boat. In this way, the productivity of the diver is significantly increased.

### Escalation of Treatment on Danforth

In December of 2007, Susan Marks (Development Director, OLA) and Marcia Murphy (Friends of Danforth) held a conference call with Amy Smagula (Limnologist/Exotic Species Program Coordinator, NHDES) to discuss the possibility of doing a herbicide treatment on Danforth.

While DES grant funding was still available at that time, it was unclear who would assume responsibility for signing a contract, so the effort stalled.

Amy suggested setting up a meeting to educate Freedom residents as well as selectmen on milfoil management options – including herbicide treatments. Susan and Marcia then organized a meeting in August of 2008 and invited Danforth abutters, Freedom selectmen, and featured Amy Smagula as the primary speaker.

All abutters who attended the hearing were in favor of proceeding with herbicides for milfoil control since other methods were not keeping up. The attending selectmen (Les Babb and Donna Kupka) were very supportive of this approach and played a key role in gaining broader community backing.

Due to cutbacks in state budgets, we have been unable to secure any state funding for milfoil management in recent years. The burden then has fallen upon the town, local businesses, and donations from residents.

Funding for a herbicide treatment was ap-

proved at Freedom's 2009 Town Meeting with overwhelming voter support. Funding also came from Danforth Bay Camping Resort, Ossipee Lake Marina and residents Bruce and June Howlett.

Due to the minimum permit application cycle of 90 days, we were too late to have the treatment done in 2009 as we wanted to complete this effort prior to large-scale recreation use of Danforth Ponds.

The first milfoil management plan for Danforth was created by NHDES in March of 2009 with Amy Smagula being the primary author. Local input was provided by Marcia Murphy, Susan Marks, and Jim McElroy.

Regular surveys are now done at least annually to track the spread of the milfoil as well as the effectiveness of the management efforts.

A revised plan was created in January of 2010 and this version was used as part of the permit application to apply a 2,4-D herbicide (the preferred chemical) to the infested areas of Danforth.

The survey conducted in August of 2009 estimated the total milfoil area on middle and lower Danforth had grown to 22 acres!

The total area of lower and middle Danforth is about 83 acres. Clearly, the use of hand pulling and DASH were not staying ahead of the infestation.

Editor's Note: In the second part of this article, in the autumn issue, the authors will discuss new directions for milfoil control in 2010.

*Jim McElroy is Chairman of the Freedom Aquatic Invasive Species Committee, and R. A. Oram is Chairman of the Freedom Conservation Commission. Both reside year-round in Freedom.*

## KINGBIRDS ARE RETURNING FOR SUMMER

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A kingbird sometimes will continue delivering punishment even to the ground, incessantly screaming his "Kt-zee" call while doing so.

I once read that, an observer in 1884 watched a pair of kingbirds repeatedly diving after a crow until it dropped to the ground. There the man watched the crow staggering around, wounded, with blood coming from above the eye.

Due to this extraordinary behavior, the kingbird is called a tyrant in its scientific Latin name for this authoritative behavior he assumes over the nesting territory. Colonial naturalists described him well early on as the name tyrant and king were pretty synonymous from 1675

to 1721 in their historical accounts. And further, some of the American Indians of this time already knew this bird as the "little chief," but the English settlers fleeing from tyranny back home, called him the kingbird.

*In addition to writing for the Conway Daily Sun, David Eastman broadcasts "Country Ecology" four times weekly over radio station WMWV, 93.5 FM.*

*As Vice President of the Lakes Region Chapter of Audubon Society of New Hampshire, he welcomes you to monthly programs at the Loon Center in Moultonborough. For consultation, additional information, and to purchase his writings, visit his website at [www.countryecology.com](http://www.countryecology.com).*

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