Memphrémagog Conservation inc.

Bulletin MCI

Newsletter - June 2012

45 years of conservation

President's message

2012 marks the 45th anniversary of our organisation. This adventure started with a deplorably polluted lake! The founders, Gordon Kohl, Peter Kohl and Herb Mitchell, worked to make the installation of septic systems mandatory for all shoreline residences. Their work helped result in the adoption of regulations by the Province of Québec and the creation of the post of municipal inspector.

We would like to pay tribute to these visionaries who had the courage to fight for the protection of Lake Memphremagog at a time when the word "environment" had little resonance. Since that time, hundreds of volunteers have taken their turn during these 45 years to carry out this important mission of protecting this reservoir of drinking water, this irreplaceable ecosystem, this jewel that is Lake Memphremagog.

More than ever, the work of MCI to protect this precious resource is important, and it is with passion that the directors and volunteers pursue this mission first imagined by the founders.

Remember that, around the world, drinking water is a priority, and is a major issue in many countries. Here we have a reservoir of drinking water for the entire region, and we have a duty to preserve it in order to reduce the ever increasing and onerous costs of treating our drinking water. MCI commends the fact that many large cities have as a priority the protection of their sources of drinking water, and MCI would like to see the same for Lake Memphremagog, which provides drinking water to 170,000 people every day.

Over the years, we have come to realize that the health of the lake depends not only on its shoreline, but on its entire watershed, and it is of paramount importance to preserve the natural landscapes that make up this territory. MCI's program to protect natural landscapes fulfills this fundamental need to protect the roles of the different ecosystems in the watershed: forests, wetlands, peat bogs, rivers and streams in the maintenance of the quality of the water. You will see, in the centre pages of this newsletter, concrete results of our conservation actions, actions of which we are very proud.

Informing and sensitizing shoreline residents, and all watershed residents, as well as surveillance of the lake are among our priority actions. For this reason, for many years we have put together and financed a team

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What is a nature reserve on private land ?

If a private landowner wants to protect the natural areas on his property while still retaining its ownership, the nature reserve on private land can be the ideal conservation option!...

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2012 Annual Meeting

The Annual Meeting of the members of MCI will take place Sunday, July 8 at 9:30 AM at the Murray Memorial Centre in Georgeville. We hope to see you all there!

Shorelines: MCI's efforts

MCI has offered free consultations with biologist to over 200 shoreline property owners! Do you need our help! Call us!

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of patrollers who criss-cross the lake from May to September. Our patrol also carries out sampling of the quality of the water, provides information to residents, reports environmental abuses to the municipal inspectors, and keeps a sharp lookout for cyanobacteria blooms. In short, they are the eyes of MCI!

Although less reported in the media these days, cyanobacteria blooms remain a major and all too real problem. We need to make every effort to reduce and even eliminate this menace to the quality of our water. Our water must be protected from the multiple and diffuse sources of pollution to which these cyanobacteria, among other problems, testify. Think of discharges from residential septic systems and water treatment plants, fertilizers from golf courses and private residences, sediments from roadside ditches and agricultural runoff. We all have a role to play in the lake's protection. What is yours?

As with the founders in 1967, we invite each and every one of you to do your part to preserve the lake! Walk around your property and check that your lakeside buffer zone is truly 10 metres, that there is no bare soil in order to control erosion, make sure that your septic system is functioning properly and plant more trees! And if you want to protect the natural area of your property, please call us and visit our web site.

In conclusion, we hope that you enjoy reading our 2012 newsletter. We hope that it imparts to you our passion for, and our sustained efforts to preserve this jewel of the Eastern Townships: Lake Memphremagog!

Gisèle Lacasse Benoit
President

A cocktail party took place last May 5th to celebrate the 45th anniversary of MCI, attended by about one hundred people.

We invite you to read the text, attached, of Mr Donald Fisher, Honorary President of the celebration and former president of MCI, relating the history of Memphremagog Conservation Inc., which can be found on our web site.

Ariane Orjikh, Catherine Roy, Erich Smith-Peter, Dominic Bélanger, Charles Rodrigue

2012 patrol

Once again this year, we are happy to be able to count on a seasoned team of patrollers. The head of our patrol will be Catherine Roy, a student at the Batchelor's level in molecular and cellular biology. She worked as a patroller with us in 2010, and we are privileged to be able to count once again on her experience and dynamism. She will be joined this year by three new patrollers: Dominic Bélanger, biologist, Ariane Orjikh, Master's level student in International Ecology and Charles Rodrigue, Batchelor's level student in Biology.

The 2012 team will be working with a new boat that MCI acquired at a cost of some $20,000. To finance a good part of this expense, we were able to count on the generosity of a private family foundation, which wishes to remain anonymous.

Seven days a week, from May to September, these university students will be at your service on the lake, starting very early in the day. Their tasks are numerous: keeping residents informed, keeping a close eye on activities on the lake and the shores, watching out for cyanobacteria blooms and meeting with young people attending local day camps. As well, the patrollers work in close collaboration with the municipal inspectors. This year, we have added a special collaboration with the City of Magog in a water sampling program at their beaches, as well as a partnership with the MRC on a continuing study of the quality of the water in Fitch Bay. As was the case last year, we invite all the inspectors of the lakeside municipalities to join us on the patrol boat to check up on their territory, especially the state of the shoreline and the conformity with regulations on its renaturalization.

Added to these numerous tasks is participation in the water sampling program of the Environment department (MDDEP). A series of samples is also sent to Vermont government agencies for analysis and comparison to test results in Québec. You will find the details of these sampling campaigns below.

For the past few years, we have also been inviting members of the media who wish to talk about the health of the lake to join our patrollers on the boat.

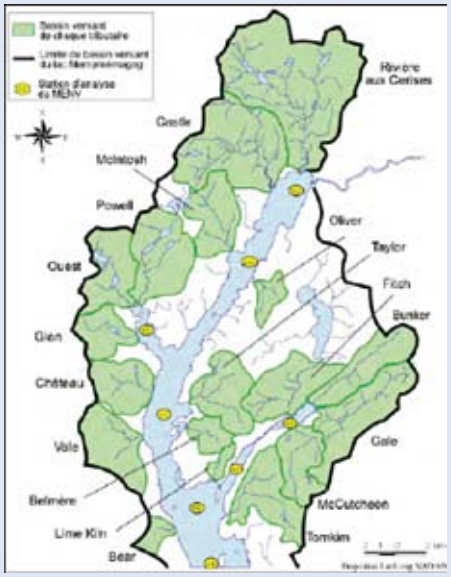
It goes without saying that our patrollers invite everyone they meet to become members of MCI and to purchase our promotional items! Are you organizing a small reception at your residence? Invite them! They will be pleased to meet with you (our cotton shirts are really quite attractive!). In this way, you can aid us in financing a part of our operations.

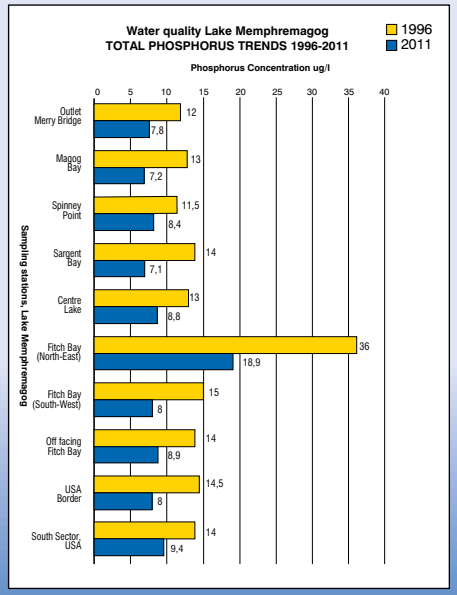
We invite you to contact them as well if you need information on or have questions or concerns regarding the health of the lake. They will be with you quickly; if you see our patrol boat on the lake, do not hesitate to salute them and encourage them in their work!

They can be reached by phone or text at (819) 620-3939 and by email at patrol@memphremagog.org.

Robert Benoit
Board member and Patrol Supervisor

MCI-MDDEP sampling program





Since 1996, MCI has participated in a program to sample the water of Lake Memphremagog for the Enviromment Ministry (MDDEP) under the aegis of the RSVL (Réseau de surveillance volontaire des lacs).

The sampling plan consists of 10 stations distributed across the entire surface of the lake. Samples are taken four times over the summer, from June to August.

The sampling targets the following elements : chlorophyll A, which measures the amount of algae in the water column, total trace phosphorus (p-t-t), the main element stimulating the growth of plants and aquatic algae, and dissolved organic carbon, which is an indicator of the quantity of organic matter in the water. Surface water temperature and water transparency, measured using a Secchi disc, are also noted at each station to complete the data.

In 2010 and 2011, the study of the quality of the water of Lake Memphremagog also included the collection of data via an oxygen probe (model QS-600), lent to MCI by MDDEP. These data were collected in parallel with the MDDEP sampling. A number of different data were collected via the probe, such as barometric pressure, water temperature, quantity (measured in parts per million) and percentage of dissolved oxygen, pH level, ORP as well as quantity of minerals via measuring water conductivity. Sampling was done at every metre of depth to a depth of 50 metres at each station.

The sampling period has been widened in order to improve the quality of the follow-up, by including periods of water mixing (spring and fall). This change to the sampling plan has increased the number of samples from four to ten, two in the spring, four in the summer and four in the fall. The results of the sampling program show that the levels of phosphorus have dropped between 1996 and 2011. These results, showing that the concentrations of phosphorus have dropped are encouraging, and show that our prevention and remediation efforts are having a positive effect.

Nevertheless, the loss of water transparency, the numerous cyanobacteria blooms as well as the proliferation of aquatic plants all indicate that on certain measures, the quality of the water continues to deteriorate. It is thus imperative that we continue our actions to reduce phosphorus levels even more in the lake and its tributaries.

We continue to note a significant phosphorus load in certain sub basins of the lake, as identified in the sampling program of the Memphremagog MRC.We recommend that all tributaries whose phosphorus load exceeds 20 μg/L, the limit MDDEP recommends for a waterway, have a remediation plan in place to identify the source of, and reduce, this excess phosphorus.

The sub basins to be targeted first would be, the Fitch Bay brooks (Bunker, Gale, McCutcheon) and Tomkins creek. After Cherry River, Castle and De l'Anse Brooks.

To conclude, it is important to continue our efforts to reduce phosphorus and soil erosion throughout the watershed in order to continue to see improvements in the quality of the lake for all of its many users.

Erich Smith-Peter
Board member and scientific advisor

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In addition to the above, one donor has requested anonymity.

We would like to thank the municipalities of Austin, Magog, Stanstead Township and Ogden for their financial contribution. A huge thank you as well to the E.J.L.B. Foundation, the Benoit Family Foundation and the Howick Foundation for their exceptional donations.

MCI's conservation project bears fruit


Photo: MCI

Launched in 2009, MCI's new conservation project that targets the protection of the natural areas of Lake Memphremagog's watershed, has borne fruit in 2010-2011. Based on the collaborative effort of private landowners that wish to protect in perpetuity the natural areas of their property, this project has generated tremendous interest. One landowner has already begun the process of establishing the nature reserve status on on approximately 60 hectares of his property (see insert on Tomkins creek) while two other landowners have also committed to protect parts of their land on a total surface area of approximately 120 hectares.

Moreover, MCI has met with at least 10 landowners who have expressed an interest in embarking on conservation process and other new commitments are foreseen in the next year. Landowners are very enthusiastic about finding out information on how they can protect their natural heritage. These meetings provide them with a wealth of information on conservation options such as ecological gifts, conservation servitudes, nature reserves on private land or purchase options, as well as on the fiscal advantages associated with each option.

For landowners who have comitted to the conservation process, one of the key steps is to carry out the ecological assesment of their property. In 2011-2012, 4 ecological evaluations have been carried out by MCI in collaboration with Appalachian Corridor (ACA) on approximately 200 hectares of land. This work is done by biologists who identify, on each property, the flora and wildlife species that should be protected as well as natural areas of ecological interest.

Other pertinent steps in the process can involve cartography, fair market value appraisal and legal surveys of the property.

Besides the work achieved with landowners, MCI also met with the municipalities of Austin, Magog, Stanstead and Potton counties as well as with the Memphremagog MRC to share its conservation vision, its approach and its results. These meetings translated, among other things, into an important conservation project in partnership with the municipality of Austin which financially supported the production of an ecological profile of the natural areas in the municipality as well as the delimitation of the Millington wetland.

As part of an awareness-raising conservation intiative on private lands for landowners and members of MCI, a workshop was also given in 2011 by M. Marc Gauthier, Ph.D, wildlife biologist. Over 34 participants attended this event on natural areas and wildlife corridors. The goal was to inform these participants of the importance of wildlife habitats and corridors and what concrete actions they could take to ensure the protection of these milieus on their property.

Another upcoming workshop held by Mr. Gauthier will focus on 'The role of ecosystems on the maintenance of water quality in Lake Memphremagog'. This event will be held on June 2nd, 2012 at the Centre d'interprétation du Marais, 69 chemin Roy, Magog, Qc, J1X 0N4 at 9h30 am. The conference will last for an hour and be followed by a field outing.

For reservations call (819) 340-8721 or contact info@memphremagog.org.

Finally, it goes without saying that numerous efforts were put into raising funds from our different partners. We would like to thank the following partners that have generously contributed to our conservation project: MDDEP, *Partenaires pour la nature*; Environnement Canada, *ÉcoAction Program*, EJLB Foundation, the municipality of Austin as well as many private donors who truly value the protection of the Lake Memphremagog watershed and the water quality of its Lake.

Francine Hone, Biologist

MCI can support you!

If you value the natural areas on your property and would like to protect them, many legal options are open to you to ensure their protection. Our conservation experts will be happy to answer any of your questions. Our goal is to help you reach your conservation and financial objectives by building a working scenario tailored to your individual needs. Should you choose to proceed, MCI will guide you, step by step and confidentially, throughout the conservation process. For any questions pertaining to the protection of your property please contact MCI at conservation@memphremagog.org

What is a nature reserve on private land ?

If a private landowner wants to protect the natural areas on his property while still retaining its ownership, the nature reserve on private land can be the ideal conservation option!

Under the Natural Heritage Conservation Act, the nature reserve on private land is a legal status that allows a property owner to protect the natural elements of his property (forest, streams, wetlands, etc.) without losing the title to his property.

To be recognized as a nature reserve under this law, a property must have biological, ecological, wildlife, flora, geological, geomorphological or landscape characteristics that justify an interest in conservation (MDDEP, 2011). This status recognition is initiated by the landowner, but can be supported by a conservation organization such as MCI. Before finalizing the legal status certain conditions must be met, one of them being signing a legal agreement on the conservation measures that will be respected by the landowner.

The landowner, in collaboration with the conservation organization and the MDDEP, identifies the conservation restrictions that will be included in the legal agreement signed with the MDDEP. In other words, certain uses can be retained by the landowner, as long as they are compatible with the conservation of the natural characteristics of the property.

Nature reserves on private land are exempt of property and school taxes. However, according to the '*Loi sur la fiscalité municipale*', any municipality can impose a partial payment for municipal services. Furthermore, some of the associated fees (such as notary or survey fees) could be reimbursed by the MDDEP or assumed by the conservation organization.

After the legal agreement is signed, it is published at the registrar's office and binds all future owners to the terms of the agreement.

For more information : www.mddep.gouv.qc.ca or contact MCI by email at conservation@memphremagog.org.

A budding nature reserve on Tomkins Creek

This year a small group of landowners have decided to preserve part of their property in perpetuity. Once the property is officially recognized as a nature reserve on private land by the MDDEP, approximately 60 ha (148 acres) of land will be protected forever. The landowners decided to apply the nature reserve status on a part of their white-zoned property in order to ensure its perpetual protection.

The property is mostly forested, but a wetland worthy of mention is located along the Tomkins creek. This brook meanders across the property and eventually flows into Lake Memphremagog. The water quality of tributary streams, such as Tomkins creek, also contributes directly to the water quality of the lake which is a major source of drinking water for shoreline residents as well as the residents of Sherbrooke.

The streams, the large wetland as well as the smaller humid zones disseminated throughout the property are choice habitats for many species of amphibians and wildfowl, but they also benefit a whole wildlife community by providing them a place to drink, eat, shelter and reproduce. Because of these natural areas, there is no doubt that this property has a high ecological value that contributes to the area's biodiversity.

Other wildlife and flora species were also identified during fieldwork, some of these being listed as species at risk such as Two-leaved Toothwort , Canadian Maidenhair Fern, Clinton's Wood Fern, Ostrich Fern and Northern Dusky Salamander.

It should also be noted that the landowners will still be able to continue to hunt, harvest some firewood and maintain hiking trails on the protected area of their property.

This is the first nature reserve status application driven by MCI and we hope it will serve as an example to many other private landowners.

Photo: ACA

Photo: Photohélico

Municipality of Austin : an example for conservation planning

"We recognize that the municipality has a growing role in the protection of natural areas and of the environment. First because urbanized territory contains diversified milieus such as streams, rivers, parks and woodlands that harbor a number of flora and wildlife species, the evolution of this territory must therefore aim for a balance between conservation and development. Secondly, because the municipality is responsible for land use planning and it has the power to organize its development, it has a key role to play in a territorial strategy that favors biodiversity. Thirdly, because municipalities benefit from vegetated shorelines that filter run-off water, from wetlands that absorb heavy rains and floodwaters, and even from higher tax rates associated to higher residential values on properties that are in proximity to protected spaces. Municipalities therefore have a vested interest in protecting the biodiversity that provides so many ecological services. And finally, because local and regional municipalities are the representatives of the people, they have a certain responsibility in the education and sensitization of the citizens to the importance of protecting our biodiversity."

Le rôle du milieu municipal
(Boucher et Fontaine, 2010)

It is in this perspective that MCI proposed a project to the municipality of Austin that consisted of producing an ecological profile of the municipality's territory to guide their land use planning process. Thanks to the support of the municipality through its 'Green Fund', MCI has identified ecologically important natural areas as well as constraint zones that are sensitive to development.

The municipality of Austin wants to offer its citizens an attractive quality of life by maintaining the quality of its environment. In order to ensure an equilibrium between both conservation and development of its territory and provide for the community's actual needs without compromising the future generation's needs, the municipality must strategically plan its development by taking into account natural areas as well as their role at the watershed level. Since the territory of the municipality of Austin contains diversified milieus such as streams, rivers, wetlands and woodlands that harbour many flora and wildlife species, it must aim for a balance between the protection of natural areas and development. And, because the municipality is responsible for land use planning and has the power to organize its development, it is in a key position to plan the management of its territory to include the preservation of natural areas in its planning strategy.

Armed with the knowledge of which key natural areas to protect and the constraints that are linked to development, the municipality will be better equipped to orient development strategies or propose more 'sustainable' ways to develop that will respect the environment and the community.

The ecological profile

Since a sound knowledge of the ecosystems and species that inhabit them is at the basis for any intervention, an ecological profile of the territory is essential in defining priority actions. It allows us to determine which sectors of the municipality should be protected and what level of protection is required in each sector (Boucher et Fontaine, 2010).

One of the first stages of MCI's project was to gather all biophysical and ecological data on the municipality's territory as well as municipal zoning. This territory belongs to the Memphremagog MRC and has 72.62 km^2 of surface area that is almost entirely located in the Lake Memphremagog watershed.

The information gathered to assess the ecological value of the natural areas included (among others) the following: the presence of listed species, exceptional forest ecosystems (EFE), large unfragmented or slightly fragmented forests, mature forest stands, wildlife areas of interest, wetlands, waterways and streams as well as areas that are sensitive to human activity such as steep slopes, thin soils and zones that are located above 350 meters (mountain summits).

The data analysis allows the identification and prioritization of the natural areas of interest in terms of potential development pressure. The results of the analysis were compiled into GIS maps so that they could be easily integrated and used by the municipality to improve their urban planning and by-laws. MCI also made many recommendations to this end.

MCI encourages the municipality of Austin to integrate the natural areas that have been identified by MCI into its land use plan and to modify its land use by-laws to favor 'sustainable' development thereby becoming a shining example for other muncipalities to follow. To see our results, we invite you to go on our web site to consult our report and maps.

Francine Hone, Biologist

Reference : BOUCHER, I. et FONTAINE, N. 2010. *La biodiversité et l'urbanisation – Guide des bonnes pratiques sur la planification territoriale et le développement durable.* MAMROT du Québec, coll. « Planification territoriale et développement durable.» 178p.

Millington wetland, a natural jewel to protect

In the context of the ecological profile of natural areas produced for the municipality of Austin, MCI also carried out a more in depth study in 2011 that involved the delimitation of the Millington wetland. Given that this 239 ha wetland is the largest in the municipality of Austin and one of the biggest in the lake Memphremagog watershed, it has indisputable ecological value. In collaboration with biologists from Appalachian Corridor (ACA) the delimitation of the wetland was performed by using the simplified botanical method, approved by the Ministry of Sustainable Development, Environment and Parks (MDDEP), which consists in identifying the place where a predominance of aquatic plants transits into a predominance of terrestrial plants. Biologists also use biophysical and hydrological signs of the milieu such as the presence of organic matter accumulations, badly decomposed, or the roots of trees that are above ground, indications that reflect an adaptation of the milieu to the seasonal elevation of the water level that signify the presence of a wetland. This method allows us to draw an accurate line between the wetland and the upland.

Following the fieldwork where the geographic coordinates of the land are taken with a GPS, the data is transferred to a map to provide us with an acurate picture of the wetland's boundary.

The delimitation of the Millington wetland increased the surface area of this wetland by over 3.7% and its perimeter increased from 11.43 km to 18.73 km, which amounts to a significant increase of 39%.

The Millington wetland contributes significantly to the preservation of biodiversity and the water quality on the territory of the municipality of Austin. Integrating the results of this study to the municipality's planning and management tools will contribute to the protection of the wetlands and prevent conflicts situations on municipal territory and in the Lake Memphremagog watershed. So in order to maximise the work done in this project MCI recommends that the new delimitation of the Millington wetland be integrated into the land use plan and the by-laws adjusted in consequence. This will allow the municipality to take more enlightened decisions regarding possible uses around this large and ecologically important wetland.

Photo: ACA, Marais Millington

What is a wetland?

The National Wetlands Working Group (1988) defines a wetland as *land saturated with water during a long enough period that it gives birth to aquatic or wetlands processes which are characterized by poor soil drainage, hydrophytic vegetation and different kinds of biological activity adapted to a wet environment.*

They are most often referred to as marshes, swamps, bogs and riparian zones.

Wetlands are places that are neither strictly terrestrial nor strictly aquatic and are commonly flooded or saturated with water during a certain part of the year. The flooding can be caused by the seasonal fluctuations of an adjacent body of water or because of insufficient drainage. We find them most often along streambanks or ponds, lakes and streams, but also at the foot of mountainous slopes where the water drains very slowly, in depressions where water accumulates or in areas where the water table is near or above the land surface (Appalachien Corridor, 2003).

Of all the ecosystems deserving protection, wetlands are at the top of the list because of their essential role in maintaining water quality and biodiversity. Wetlands are essential components of watersheds that act in the following way:

- natural filters that improve water quality by retaining sediments and nutritional elements;
- natural barriers that regulate the flow of water and help minimize the risk of flooding;
- areas that provide food and shelter for many species of invertebrates, fish, amphibians, reptiles, birds and mammals;
- areas for outdoor activities such as hunting, fishing, hiking and bird watching (Plan St-Laurent, 2010).

Riparian zones: a clear judgement

"The plaintiffs' properties are located on the shores of the lake. This situation carries with it certain undeniable advantages, as noted, among others, by Mr Wallot, but equally additional responsibilities towards the public good, and, more particularly, the environment."

- Judge François Huot

The legal debate surrounding the validity of municipal regulations regarding riparian zones finally ended a few months ago when the Court of Appeal ruled that municipalities have the right to impose standards regarding the protection of riparian zones. The Court went even further, confirming the power of municipalities to force their property owners to renaturalize their shorelines. The ruling of the Court of Appeal in the case of *Wallot v The City of Québec* resulted from a group of citizens of Lake St-Charles contesting a municipal regulation requiring them to renaturalize their shorelines. The regulation, passed by the City of Québec, was aimed at protecting the City's drinking water supply. The citizens alleged that this regulation went beyond the municipality's powers and cut off their property rights, such that the municipality did not have the right to force them to renaturalize that portion of their properties.

Primarily, the Court of Appeal based its reasoning on Article 19 of the *Municipal powers act*. This Article, which states that municipalities can adopt rules in environmental matters, must be interpreted in the context of current legislation. First of all, the *Environment quality act* allows for a riparian zone, shoreline and floodplain protection policy, and there is nothing in the law that excludes municipalities from adopting stricter regulations than those specified in the law. As well, the *the Sustainable development act* states that protection of the environment is part of the sustainable development process and that human activities must respect the ecosystem's ability to support them. Finally, though not yet in force at the time of the court case, the *the Act to affirm the Collective Nature of Water Resources and Provide for Increased Water Resource Protection* obliges everyone to prevent or limit the damage they are likely to cause to these collective water resources. The Court of Appeal ruled that the principles emerging from these laws must be reflected in the interpretation of Article 19 of the *Law regarding municipal powers* and must allow a liberal interpretation of municipal powers in environmental matters.

Mr Jean-François Girard, lawyer specializing in environmental law, wrote in his interpretation of the Wallot judgement: "…Judge Huot sees in Article 19 of the law on municipal powers, allowing local municipalities to adopt regulations in environmental matters, additional weight to the powers of the City of Québec to adopt the regulation under appeal. It is interesting to note how the Court of Appeal, while confirming the lower court judgement, echoes the comments of Judge Huot on this subject, and also adds:

"The protection of the quality of the environment, in all its forms, is no doubt a collective responsibility, but, obviously, the public authority is called on to play a primary and determining role in this area. We can thus easily assume that Québec municipalities cannot avoid these growing responsibilities."

This is what informed Judge Beaudoin that: *"(…) environmental protection is henceforth seen as not following from the private sector, from approximation and good will, both of owners and users, but becomes a collective project supported by government legislation and regulation, both administrative and penal, symbols of the public order and interest surrounding it."*

Judge Huot also wrote: *The properties of the appellants are located on the shore of the lake. This situation carries undeniable advantages, as noted by Mr Wallot, but also additional responsibilities towards the public good, and more particularly, the environment.*

Secondly, the Court analyzed the reach of the regulation as it relates to property rights. To be illegal, a restriction must constitute an absolute negation of the exercise of property rights or a forfeiture of the property. Limitations related to the renaturalization of riparian zones do not deprive property owners of reasonable use of their property, since it actually permits a certain enjoyment of the renaturalized zone

In Le Devoir of June 22nd, 2011, in an article analysing the judgement of the Court of Appeal in the case of Wallot v City of Québec, the journalist Louis-Gilles Francoeur wrote:

"The Court of Appeal confirmed that municipalities have not only the right to impose standards of protection for riparian zones around lakes and waterways, but they also have the right to force property owners to return to a natural state that portion of the shoreline, putting an end to the supposed regime of acquired rights that a number of mayors invoked to justify their inaction in this area."

What must be understood is that all municipalities have the power to regulate and impose strict standards relative to riparian zones, to the extent that these measures or standards do not completely deprive property owners of the enjoyment of their properties. Legislative obligations regarding respect for the environment and water resources apply to municipalities, and it is their duty to take measures to ensure that they maintain the quality of the water. This is even more important when the body of water in question is the main source of drinking water for a municipality, as is exactly the case with the Cities of Sherbrooke, Magog and Potton regarding Lake Memphremagog.

Jean-Philippe Joyal, MCI Board Member and Law student at the University of Sherbrooke.

Photo: Hubert Simard, APS, Southière-sur-le-lac

Protecting the riparian zone, once and for all!


Photo : MCI

Riparian zones are a permanent vegetative cover, composed of a mix of herbaceous plants, shrubs and trees adjacent to a waterway or lake, and are essential to ensure the ecological balance of our waterways and the quality of our drinking water. They are the transition between aquatic and terrestrial ecosystems.

Riparian zones fulfill a number of important functions which promote the prevention or reduction of the inflow of contaminants into the water (sanitation function), the protection of aquatic and shoreline habitats (ecological function), and the maintenance of a natural landscape (aesthetic function), providing the following:

- Habitat for flora and fauna,
- Shade to protect against excessive heating of the water,
- A barrier against the input of sediments in waterways,
- Protection against erosion of the shoreline,
- Regulation of the hydrological cycle,
- Filtration of pollutants,
- A natural windbreak,
- Aesthetic beauty to the landscape.

In order to properly carry out these roles, riparian zones need to be sufficiently wide, and be composed of three strata – herbaceous plants, shrubs and trees, all indigenous species.

It is through the Quebec government policy on the protection of shorelines and floodplains that we aim to protect shorelines, lakes and waterways (both permanent and intermittent). This policy, whose enforcement has been delegated to the MRCs and municipalities, provides a normative framework. It does not exclude the possibility for the different governmental and municipal bodies to adopt additional protection measures for specific situations. The MRCs must establish, in their urban and development plans, minimal rules aiming to govern and prohibit usage, construction and work in riparian zones to ensure the protection of shorelines and floodplains. Municipalities must conform to the MRC urban plan and adopt, at a minimum, the same rules and regulations in their urban plans.

All work and construction are prohibited in the riparian zone. In the Memphremagog MRC, this prohibition has been in force since 1983, and applies to a riparian zone starting from the high water line, extending away from the waterway for a distance of 10 or 15 metres, depending on the slope of the terrain. Certain types of work may nevertheless be permitted, but they require the obtention of a municipal permit.

In some cases, riparian zones were converted to lawns prior to the coming into force of the regulations in 1983. In order to promote the return of natural vegetation in riparian zones, the MRC and its constituent municipalities adopted, in 2007, provisions prohibiting any and all work to control the vegetation in these zones, including the mowing of lawns in the first 5 to 7.5 metres, depending on the slope of the terrain. The Memphremagog MRC is aiming to increase this to 10 metres in 2013. The municipalities of Austin and Ogden have already adopted this 10 metre renaturalization policy, while taking into account particular measures for small shoreline properties.

Renaturalization of 10 metre riparian zones: let's be firm!

In the context where we see certain municipalities in the Memphremagog MRC cancelling or delaying the adoption of rules protecting the first 10 metres, even after the Quebec Court of Appeal has upheld their authority to go ahead with these rules, MCI strongly urges the municipal councils to have the courage to adopt rules ensuring the renaturalization of the first 10 metres: the court gives them the right!

Lakeshore, Riverbanks, Littoral zones and floodplains Acts should thus apply to all properties and put an end to phantom acquired rights!

Sources consulted: MDDEP : E. Gagnon et G. Gangbazo, MDDEP, 2007- Gestion intégrée de l'eau par bassin versant. Fiche no 7 : Efficacité des bandes riveraines : Analyse de la documentation scientifique et perspective.
Web site : mrcmemphremagog.com, 2012.

Renaturalization of the shoreline:
Southière-sur-le-lac, an example to follow!


Photo: Hubert Simard, APS, Southière-sur-le-lac

MCI would like to congratulate the Association of property owners of Southière-sur-le-Lac for having renaturalized 160 metres of the shoreline of their large beach. Thanks to the initiative of Jacques Charbonneau, ex-president of MCI, and to the work of 33 volunteers, including members of the board of MCI, some 589 shrubs were planted. As well, last year, the Association completed the renaturalization of 50 metres of the shore of their small beach. These efforts have completed the renaturalization work done in 1986, 1996 and 2009 on the first 5 metres of the shoreline of both beaches belonging to the Association.

Fritz Gerhardt

Study of the Black River

MCI has made a financial contribution to three important studies of the water quality of the Johns River in 2009 and the Black river in 2010 and 2011. Situated in Vermont, the Black river is a major tributary of Lake Memphremagog, while the Johns River, though much smaller in terms of water flow, showed signs of pollution that merited close attention. These studies have been carried out by Dr Fritz Gerhardt. This is an excellent example of trans-border collaboration.

You are invited to read the report on these studies on our web site at www.memphrémagog.org

Quebec Vermont Committee

This committee is comprised of representatives of local municipalities, the Quebec and Vermont governments and local non-profit organizations. MCI has the mandate to carry out surveillance of the quality of the waters of the lake and to find ways to coordinate the surveillance efforts on both sides of the border. The committee meets twice a year.

Topics covered at the meeting include presentation of results of studies on the quality of the water, the development of a joint action plan to be carried out in the short and medium term, and progress to date on the management of the Dunn property by the US Fish and Wildlife Service. In regards to the Quebec portion, designated the "Projected Michael Dunn Biodiversity Reserve", discussions regarding its day to day management and financing are ongoing.

Distribution of 3,000 Trees

Once again this year, MCI distributed 3,000 trees in three different towns. In collaboration with the respective municipalities, May 26th in Austin, May 27th in Magog and June 2nd in Stanstead Township.

Plant trees!

Membership renewal

Have you renewed your MCI membership for 2012?

Since 1967, the MCI has been dedicated to the preservation and conservation of Lake Memphremagog and its surrounding country. While the success of this organisation is largely due to the work of its many volunteers, its success very much depends on the continuing financial support from its membership.

Our mutual love of our beautiful lake means that we must continue in our efforts to protect its health. We ask you to renew your membership for 2012 if you have not already done so, using the membership form that is included with this newsletter. If you wish, you may renew your membership on line by using the MCI web site at www.memphremagog.org.

Useful Resources

MCI Lake Patrol: 819 620-3939

MRC Memphrémagog Lake Patrol:
819 620-7669 / 819 821-0435

Ministère de l'environnement de l'Estrie:
819 820-3882
Emergency: Yvan Tremblay, ext 248
Environment Emergency 24h. 1-866 694-5454
Wildlife Emergency 1-800 463-2191

Memphrémagog Conservation inc.

C. P. 70, Magog (Québec) J1X 3W7
Tel. : 819 340-8721
www.memphremagog.org
email : info@memphremagog.org

Redaction commitee
Francine Hone
Gisèle Lacasse Benoit
Johanne Lavoie

Collaborators
Robert Benoit
Jean-Philippe Joyal
Erich Smith-Peter

Revision
Claude Bernier
Johanne Lavoie
Madeleine Saint-Pierre

Translation
Peter Lepine
Terri Monahan

Graphic design
www.comma.ca

Printing
Imprimerie Debesco, Granby

This newsletter contains 100% post-consumer fiber paper.