
MEMORANDUM & DISCUSSION PAPER

TO: MEMBERSHIP OF THE ASSOCIATION BASIN VERSANT DU POISSON BLANC

FROM: WATER LEVEL SUBCOMMITTEE (JEFF PARKES, MARGARET ROBINSON, JOANNE ROYFOSTER & LARRY VILLENEUVE)

SUBJECT: ***WATER LEVELS OF LAC DU POISSON BLANC***

DATE: Dec 6, 2019

CC: PIERRE CHARLEBOIS, PRESIDENT ABVPB

Introduction

The Poisson Blanc Watershed Association (ABVPB) represents a membership of approximately 100 property owners of Lac du Poisson Blanc who are primarily located in the municipalities of Lac Ste Marie and Bowman. The association is currently working to broaden its membership base to the northern parts of the watershed into the Municipalities of Notre-Dame-du-Laus and Notre-Dame-de-Pontmain.

In August of 2019 a Water Levels committee was formed with a mandate to research the subject of water level changes in Lac du Poisson Blanc with two objectives in mind. The first objective is to collect the facts and to summarize them in a document in order to inform our members about why water levels fluctuate regularly in the lake (this paper fulfils this objective only). The second objective is to gather comments from the membership to better understand the range of concerns that fluctuating water levels have on property owners. Once the members comments and suggestions have been assembled, the committee will publish a final report on the association website and will present a list of action items for the committee to pursue in discussions with the appropriate authority to try to improve future outcomes related to fluctuating water levels.

Discussion

This discussion paper was prepared by committee members after reading a variety of readily available reports, correspondence and provincial regulations. Committee members have also provided input from their own experience on the subject.

Who controls the water levels in Lac du Poisson Blanc?

The water level of Lac du Poisson Blanc is managed by the (Quebec) Ministry of Environment in such a way as to respond to five competing needs:

Competing Needs - Why Water Levels Fluctuate	
1	to control flooding in the Outaouais, as far as Montreal;
2	to maximize hydro electricity production;
3	to minimize erosion;
4	to encourage recreational use of the reservoir
5	to protect the environment (ie. maintain fish spawning habitat, etc).

The official name of the regulator is the **MELCC** or Ministère de L'Environnement et de la Lutte Contre les Changements Climatiques and it is responsible to maintain and manage 12 dams within the Lièvre River watershed including the reservoir of Lac du Poisson Blanc. Hydro electricity production capacity at the dams is either managed by the Ministry of Environment or is licensed to private companies such as Evolgen (Brookfield Energy) or Boralex. Dam operations must follow the guidelines developed by the Ottawa River Regulation Planning Board.

Other groups who hold influence on water levels include:

Ottawa River Regulation Planning Board An intergovernmental committee (including the Federal, Québec and Ontario) that collectively manages water levels during spring runoff to minimize flooding along the Ottawa River and of all its tributaries as far as Montreal. It sets target water levels for spring runoff and regulates water levels in watersheds and reservoirs flowing to the Ottawa River.

COBALI (Comité du Bassin Versant de la Rivière du Lièvre) - its mission is to protect, improve and enhance the water resource of the Lièvre River Watershed including Lac du Poisson Blanc, the Blanche River and Pagé Creek watersheds, and the related resources and their habitats, in a context of sustainable development and works in collaboration with all stakeholders. COBALI's main mandate is to develop the Water Master Plan for its Integrated Water Management Area. https://www.cobali.org/wp-content/uploads/2018/11/Chapitre-7Plan-action_MAJVF.pdf The plan is based in part on the 2006 study that laid the groundwork for this plan which looked at different scenarios to best manage the water levels.

Private Power Companies – have long term contracts with the Ministry of Environment to produce hydroelectric power at many dams in the Lievre watershed. Power companies must operate within strict guidelines but with the understanding that maximizing power production at each facility is a common goal. As a result, management of the dams include a requirement to attempt to maximize power production. It is important to note that Hydro Quebec does not operate any dams within the Lievre River watershed so they have no responsibility or role to play in this discussion.

Additional Information

The dam at Rapide-des-Cedres in Notre-Dame-du-Laus on the Lievre River is the control valve on Lac du Poisson Blanc. Hydroelectricity production at this dam is currently operated by **Evolugen**. It is important to note that this dam is only one of 12 dams within the Lievre River Watershed and all are managed such that water levels within the entire watershed are coordinated and are meeting the minimum requirements as outlined within the regulations for the operation of each dam.

Based on recent correspondence from COBALI, the water management plan for Lac du Poisson Blanc has not changed in the last several years. The management plan was prepared by Ministry of the Environment and Evolgen must follow it carefully or it will be at risk to fines and other penalties.

In the past, many concerns have been raised related to fluctuating water levels causing property damage or inconvenience in the Rapides-des-Cedres sector. Subsequently, COBALI, through its monitoring of the Water Master Plan, has been working with concerned stakeholders to try to find solutions to problems. COBALI is ready to help us in our efforts. For example, they are prepared to review our correspondence and suggest the best way for the association to share comments and concerns with the **Ministry of Environment**.

It is also apparent that there are conflicting interests related to water levels in the lake. Property owners in the north end (Lac des Sables) have expressed concerns with high water levels causing erosion and loss of beachfront, while property owners in the south have expressed a desire to raise water levels to provide better waterfront in shallow areas.

General information about Lievre River dams including the dam at Rapides-des-Cedres can be found on the following site: <https://energielalievre.com/>

What are the laws that regulate the water levels in Lac du Poisson Blanc?

Legal Framework:

Bill 54. 1992 - establishes the high water level of 201.9 m throughout the year and a low water limit of 200 m in the months of July and August and a lower limit of 199.0 m in the month of September. Landowners cannot litigate any issues pertaining to damages resulting from operation of the dam so long as the upper and lower limits are respected during these periods.

Water Levels	
Spring	Spring run off is managed to ensure that water levels do not rise above 201.9 m . It will go higher only if there are exceptional weather conditions. The regulations state that 201.9 m is the maximum at any time of year.
Summer	May 24 until Aug 31: water must be maintained to a minimum of 200.0 m and a maximum of 201.9 m
Fall	From Sept 1 to Sept 30, the water level is to be kept to a minimum of 199.0m and a maximum of 201.9 m . After Sept 30 the water level may decrease below 199.0 m .
Winter	No specific dates to control water levels exist in the fall and winter months but it is generally observed from examining the published water level charts (from the Dam at Rapide-des-Cedres) that the water level is lowered significantly to make room for spring run off starting in December through to the middle of April. A typical year may see a low point of 193 m in April. *The average/median low of the year is a water level drop of over 7.5 m or 25ft to 194 m . As the spring weather arrives the water level rises significantly in a short period of time starting in mid April and generally rising to above 200 m in early May.

Note: The water levels indicated above (such as 201.9 m) are measurements in metres above sea level.

Has there been any past communication between our membership and the government or dam operators? Do we have a copy of the communications?

Yes, see table below with detail of many of the communications known at this time:

PAST COMMUNICATION	COMMENTS	ACTION
Jeff Parkes, Nov 2019	Jeff attended an open house about the water levels and spring 2019 flooding within the Ottawa River watershed. He briefly spoke to Martin Ferland, Director of Operations, Ministère de L'Environnement, Québec about Lac du Poisson Blanc water levels. He expressed that the main concerns of the ABVBP include 1) raising the water level throughout the summer months 2) extending the duration of higher water to the end of September and 3) creating better communications between Québec and our association including implementation of a water level forecast.	The Subcommittee will contact Martin Ferland and other appropriate contacts in the coming months once a full list of our members concerns become available. Martin seemed very open and willing to communicate with us but he explained that the dam operators have contracts in place which allow them to operate as they do now. However, he acknowledged that low water may be a problem for some, and a water level forecast would benefit many property owners.
Pierre Charlebois, Sept 2019	Pierre sent emails to COBALI on several topics including water quality and the membership's concerns about water levels.	COBALI has indicated an interest in assisting us in communicating with the MELCC or Evolugen. We will circulate a draft copy of our water level letter to COBALI prior to sending it to the government or power dam operator.

Ronald Thomas, 2015

Ronald wrote to the Centre d'expertise hydrique du Québec (now the MELCC) to discuss the significant changes in water levels that occur during the summer. He also expressed concerns on behalf of Newton Bay cottage owners who experienced low water levels in August and September only to see the water levels rise again in October to the end of the fall season. His main point was to explain to the MELCC that the regulated minimum water level of 199.0 m makes many cottage owners waterfront inaccessible. He requested that the water level be maintained at a minimum level of 200.0 m throughout the summer until the end of September. Ronald also requested a Water Level forecast be implemented in order to assist cottage owners to predict what may occur in the coming days so that they may plan ahead for the use of their waterfront accordingly.

The response from Quebec stated that the water levels experienced in the 2015 season respected the laws (Bill 54). They acknowledged Ronald's concerns about minimizing rapid and large fluctuations of water levels and that Quebec would try to respect his wishes in future water management strategies.

There has been no further response or discussion on Ronald's request for a water level forecast. However, more recently some communications have been received by the municipalities located in the Lievre watershed (including our association) warning that water levels were expected to rise to unusually high levels due to exceptionally high rainfall. Unfortunately, the communications have not always been sent on time to owners in the Lac Ste Marie sector so there is room for improvement.

<p>Friends of the Lievre River Watershed, 2006</p>	<p>Prior to the formation of COBALI, an organization called the Friends of the Lievre submitted an application to the court of Quebec for Class Action status on behalf of cottage owners within the Lievre River watershed against the province of Quebec and the private dam operators. The claim argued that water level fluctuations caused property damage and loss of use of personal property within the watershed</p>	<p>The provincial court decided that the law did not support the applicants claims and a class action request was therefore denied. <i>Note: The water level committee understands that this decision did not rule whether an impact or physical damage to the environment or to property occurred due to water level fluctuations at the time of the application. In fact, the original appeal filed by the Friends of the Lievre against the dam operators and the province was refused. However, the Court allowed a class action against Quebec because there was sufficient evidence to allow a case to proceed against them. Ultimately the court's decision was to dismiss the Friends' application since the evidence did not prove that a significant alteration of the shoreline profile occurred. However, the court did recognize that water level changes in the reservoir contribute to erosion, but the plaintiffs (Friends of the Lievre) failed to prove the causal link between dam management and erosion problems.</i></p> <p>This decision by the Court makes it clear that no arguments or other concerns presented in court about erosion or environmental impacts can be considered if the water level limits and timing as described in the Act are respected.</p>
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What are the main concerns of our membership related to Water Levels?

CONCERN	COMMENT	ACTION REQUESTED
<p>From July 1st to August 30th, the water level is kept to a minimum of 200.0 m and a maximum of 201.9 m.</p>	<p>Property owners located in Newton Bay complain that the lowest water level of 200.0 m is <u>too low</u> for the summer season. When water levels are below 201 m it presents ideal growing conditions for weed growth. Weed growth has dominated shallow sections of the bay in recent years, particularly in the Newton Bay creek area. Property owners suffer a loss of recreational enjoyment such as swimming, kayaking and fishing becomes unpleasant or impossible. Even careful power boating causes propellers to mulch the weeds further spreading Eurasian Millfoil and destroying natural species of seaweed.</p>	<p>The Association should ask for consideration to stabilize water levels throughout the summer season and increase the minimum water level to 201 m (as well as pursue an extension of the summer water levels through to the end of September or preferably to the middle of October).</p> <p>From an ecological perspective, higher water levels slow down the growth of algae and seaweed and also reduce the rate at which invasive species spread throughout the lake.</p>

<p>From Sept 1 to Sept 30, the water level is kept to a minimum of 199.0 m and a maximum of 201.9 m.</p>	<p>Since water levels are permitted to drop to 199.0m effective Sept. 1st, property owners have no choice but to assume that the water will drop to this level on Sept 1st. For many this means removing their boats and docks from the water prior to labour day weekend even if the water level has been steady or rising in the month of August. Some property owners can neither boat nor swim nor draw water from the lake for domestic use in the cottage when the water level is at 199.0 m which becomes a significant hardship. Property owners therefore experience a loss of enjoyment of their properties when temperatures are still very desirable.</p>	<p>Revisit the date of Sept. 1 for the decrease to a minimum of 199.0 and possibly establish a later date (September 30 or mid October). This would respect the needs to allow recreational use (maintain enough beach for pleasure but not have the water so low that we can't launch boats); and to allow greatest environmental protection (ie maintain fish spawning habitat). Furthermore, it would not negatively impact the other needs (hydro, flooding, erosion) of the water management plan.</p>
<p>Uncertainty of water levels throughout the Fall period</p>	<p>Because of the unpredictability of water levels throughout the Fall, property owners lose enjoyment of the lake as they must remove their docks and watercraft when temperatures continue to be desirable for boating.</p>	<p>Request stable water levels in September and October so that residents may use their waterfront until the thanksgiving weekend or later.</p> <p>Request that the MELCC communicate openly to residents and provide advanced warning about water level changes.</p>
<p>Winter changes in water levels</p>	<p>In recent years water levels have gone back up to spring highs in late November and December. Docks are stored in safe locations based on low water-levels but if the water rises and freezes, it can cause serious damage to docks when it is lowered again in the winter. As well, this can cause serious erosion problems.</p>	<p>Need to sensitize the MELCC to these issues and enquire as to possible changes or improvements to this practice by exploring other options to avoid erosion and damage to property. Also enquire as to the reason for the substantial increase in water level throughout the Fall months.</p>

The subcommittee will collect additional comments and concerns from members so it can prepare a letter on behalf of the Association addressed to the appropriate

authorities to raise awareness of our concerns and to open a discussion with them about possible solutions.

Please forward your questions and comments to:

Jeff Parkes, VP Newton Bay

Email: parkes.jeff@gmail.com
and please cc lacpoissonblanc@xplornet.com