

Appendices No. 4 MWC & IJC Recommendations on PofO Revisions

The below is copy of the Manitoba Water Commission (June, 1998) and the International Joint Commission (November 2000) reports and recommendations with regard to revisions to the **Program of Operation**. This should Canada, Manitoba and the City of Winnipeg were to undertake revisions to better flood protect the City from Red River flooding.

MWC Recommendation 2 and IJC Recommendation 3 remain to be fully undertaken. **This time in full inclusion of stakeholders to be adversely affected by the operation of the expanded Floodway !**

Interestingly, Mr. Maurice Sydor on behalf of Environment Canada notes in his **ATIP** response to my request as to whether all International Joint Commission (IJC) recommendations were undertaken in the **Program of Operation** review and revisions.

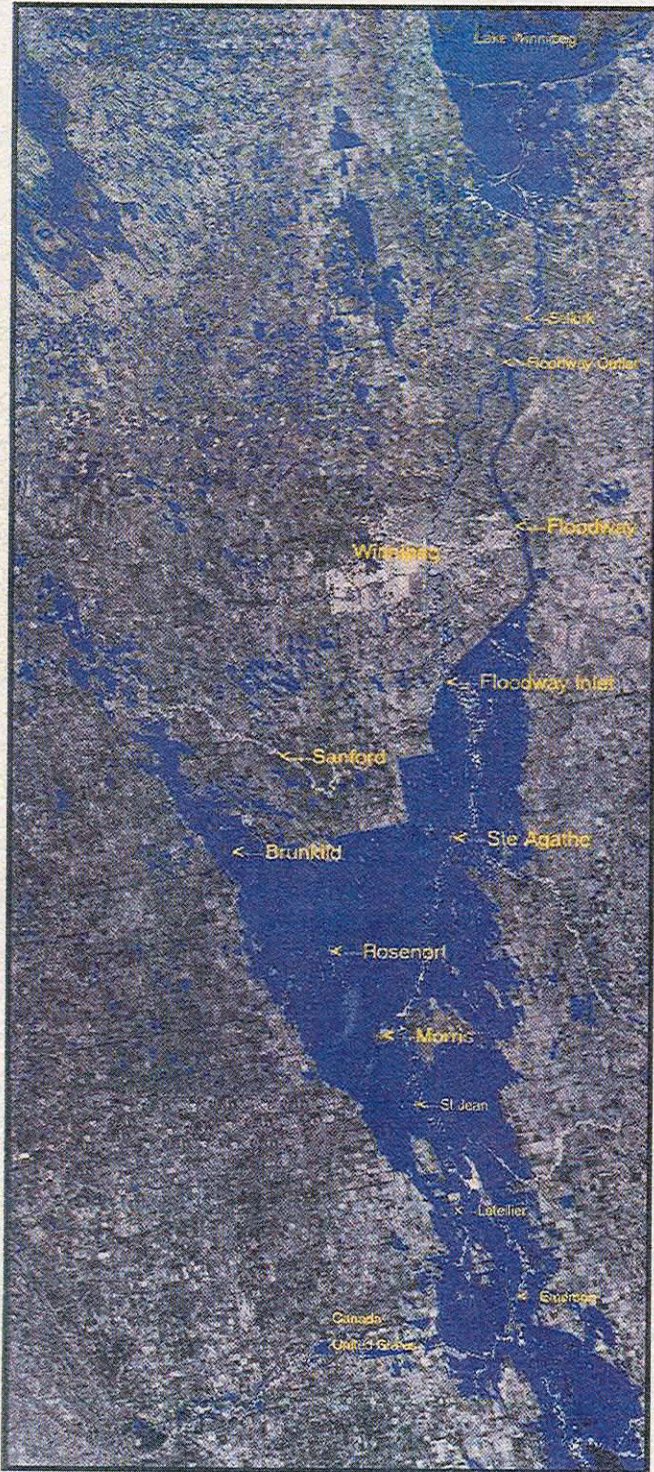
Adobe record 33 and/or ATIP record 000053 reads in part;

“My holdings do not contain any information relating to the following topics contained in the last three paragraphs of the request for information: economics, consultations with upstream Red River residents, negotiations nor any agreements or discussions on compensation issues”.

The below tells the story and, **it is soon time!!!**

AN INDEPENDENT REVIEW OF ACTIONS TAKEN DURING THE 1997 RED RIVER FLOOD

A REPORT TO THE
HON. J. GLEN CUMMINGS
MINISTER OF NATURAL
RESOURCES



MANITOBA

Manitoba Water Commission
June, 1998



The Commission believes that Manitoba Water Resources staff acted prudently in operating the Floodway and the entire flood control system in the manner in which they did in 1997.

Estimates of damage without the flood control system in place or operated in a manner which permitted the inundation of the City of Winnipeg are in the \$5 to

\$7 billion range. Because the Floodway was operated as it was, flood damage claims within the city of Winnipeg to date have totalled approximately \$37 million.

However, the Province of Manitoba and the City of Winnipeg need to recognize the impacts of their decisions and actions on the people living upstream of the Floodway gates.

Recommendations

1. Impacts on residents south of the Floodway gates created through the operation of the Floodway in 1997 should be given due consideration.

2. The Red River Floodway Program of Operation should be reviewed and revised for emergency operations by the Province of Manitoba in full consultation with the Government of Canada and the affected municipalities, including the City of Winnipeg, and residents of the Valley.

Until an agreement for emergency operation is reached, any future negative impacts on residents south of the Floodway gates created as a result of deviating from the published Program of Operation in order to protect the City of Winnipeg from flooding, should be the responsibility of the City of Winnipeg.

3. In calculating the natural water surface elevation in the area immediately south of the Floodway, the effect of the West-Dike as well as any effect from the Seine River Diversion should be taken into consideration.

4. Access to residences immediately upstream of the Floodway inlet during floods should be improved by raising access roads where appropriate, but only after an investigation of the potential impacts has been undertaken.

5. The Province and City of Winnipeg should report all flood water elevations, including those at James Avenue in Winnipeg, as feet above sea level.

D) West Dike/West Dike Extension

1) Description

Technically speaking, the West Dike and the West Dike Extension (Z-Dike) are components of the Red River Floodway system. However, because of the attention afforded these structures during and following the 1997 flood on the Red River, they are discussed separately on the following pages.

(13 km) of the West Dike were raised in readiness for the unusually high flood levels and the potential for wind set-up from the south.

Also during the 1997 flood, a 21-mile (34 km) extension of the West Dike was constructed as a precautionary measure to prevent floodwater from circumventing the West Dike and entering the Red River at St. Norbert through the LaSalle River system. The West Dike Extension (often called the Z-Dike or Brunkild Dike) was constructed in seven days, requiring one million cubic yards of earth and 154,000 tons of limestone. This work was the responsibility of Manitoba Highways and Transportation.

In this
sub-section

Description

Impact on Flood
Levels

Impact on
Agricultural
Drainage

The West Dike extends from the Red River Floodway Control Structure 20 miles (32 km) to the south and west. It was constructed in conjunction with the Red River Floodway to prevent flood water from entering the LaSalle River system and the city of Winnipeg from the south. During the 1997 flood, eight miles

2) Impacts on Flood Levels

There has been much speculation by the public that the West Dike and West Dike Extension had negative impacts on flood levels in the area south of the Floodway Inlet, and in some manner, contributed to the flooding of Ste. Agathe.

The West Dike did have a slight effect on water levels south of the Floodway Control Structure. By its very nature, the West Dike prevents floodwaters from flowing north into the LaSalle River and the south end of Winnipeg, and therefore tends to hold water back.

The West Dike did not cause the flooding at Ste. Agathe but it did have an influence.

Modelling carried out by Klohn-Crippen determined that the presence of the West Dike directed an additional flow of 6,000 cfs (about a 50% increase) to the east and over the rail line and possibly affected the timing of the flooding in Ste. Agathe.

During high flood periods, flood water commonly escapes the main river channel in the vicinity of Morris and flows north and east between Highway 330 and the

CN rail line near Highway 75. Highway 305 runs in an east-west direction and crosses the flow path. Near the east end of Highway 305, the land elevation rises and flow is constricted. The water ponds to the south of 305 and flows east over the CN rail line and Highway 75. The presence of the West Dike prevents overland flow from flowing north into the LaSalle River and further constricts the critical section near Highway 305.

Water levels in the area south of 305 were not significantly different from the natural levels as they are controlled by the elevation of the rail line to the east. Flooding of Ste. Agathe would have occurred under natural conditions by overflow of the CN rail line.

Clearly, there was a need to raise the West Dike in response to the imminent danger of overtopping in the vicinity of Avonlea Corner. Sustained winds from the south on April 28 resulted in a wind set-up of about 1.5 feet. Wave action was also a significant threat.

The West Dike in the vicinity of the Avonlea Corner was originally built to a minimum elevation of 778.5 feet asl to prevent floodwater entering the LaSalle River basin. This is slightly higher than the Floodway inlet elevation of 778.0 feet for the maximum probable flood.

In 1997, water elevation against the dike exceeded 779' while the floodway inlet elevation was 771.5'.

Also, the West Dike was designed to provide a fail-safe by allowing floodwaters to enter the LaSalle River system - under extreme conditions - before excessively high water could cause damage to the Floodway Control Structure. This design feature should be considered when planning any extension to the West Dike.

The West Dike Extension (Z-Dike) had no effect on water levels immediately south of the Floodway. And since flood waters only reached the West Dike Extension at a few locations, it's presence had a very limited and localized impact.

Clearly, there was a need to raise the West Dike in response to the imminent danger of overtopping in the vicinity of Avonlea Corner.

Recommendation

10. The function that the West Dike is intended to perform as a fail-safe under extreme conditions - by allowing floodwaters to enter the LaSalle River system before excessively high water can cause damage to the Floodway Control Structure - should be considered when planning any extension to the West Dike.

I n t e r n a t i o n a l

J o i n t C o m m i s s i o n

A Report to
the Governments
of Canada and
the United States
on Reducing Flood
Impacts in the
Red River Basin

Living with the Red



NOVEMBER 2000



International
Joint
Commission

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Presentation to International Joint Commission Re: Final Report

Fort Gary Hotel 220 Broadway St. Winnipeg, Mb., May 15, 2000

My name is Paul Clifton and we reside on Red River Drive, ¼ of a mile upstream of the Winnipeg Floodway

Firstly, I must relate my observations from your initial hearings here in Winnipeg following the Interim Report. With all due respect to this Commission, the moderator of the interim hearings, *Ruled* that a speaker shorten his presentation too firmly to conform to his *Rule*, of a 10-min. presentation limit. To the credit to the presenter he was able to recover following the moderators interruption and provided a credible presentation to this Commission. I also observed that the last hearing was *Ruled* so well that the hearing was adjourned at approximately 9:30 p.m. a full half-hour before the intended finish time. With respect, the issues at hand are far too important for this Commission to set, *Rules* enforcing unreasonable firmness in controlling a presentations length, and being seen as not wanting to hear an entire submission.

Having said that it is not my intention to monopolize the Commission's time and wish to present to the Commission on the topic of *Rules*.

Rules as they relate to complete inclusion of all interested stakeholders, including all interested "Upstream Residents", acknowledging their legitimate rights in the difficult issues of flood protection of a major prairie city.

Rules as they relate to the apportionment of floodwaters through and around Winnipeg.

Rules as they relate to Federal approval of a Program of Operation for the Winnipeg Floodway or proposed changes to said Program.

Rules, unwritten as they relate to your consultant in the study and completion of this report.

Rules as they relate to flood easements and flood compensation for artificial flooding, I will explore your reports inclusion of references to flood easements and flood damage compensation agreements in the Ste. Agathe Detention option.

Rules as often told to us as it relates to the Federal Disaster Financial Assistance Program, "this is an assistance program only, and not a full compensation program".

I firstly will present a four and three quarter minute video presentation as our record of actual events following the deal to protect Winnipeg, deviating from the established Program of Operation. Note the dates, comments by the mayor of Winnipeg and observed continued rising flood levels upstream, and our emergency flood fighting efforts. Additionally I would like to thank CBC for the use of their copyrighted material and their continued interest in our story.

Video 4.75 min.

Rules of fair and openness as they relate to complete inclusion of all interested stakeholders, including all interesting "Upstream Residents", in the difficult issues of flood protection of Winnipeg, have been blatantly disregarded.

The Manitoba Water Commission, Final Report, dated June, 1998 has been provided to this Commission to assist in the completion of your final report. The first 5 recommendations of the Report are found on page 36. To date Recommendations 1 and 2, have not been fully implemented: (here I paraphrase).

1. Impacts on residents south of the Floodway gates should be given due consideration.

The Manitoba Water Commission, recommendation was only acted on by government in a broad catch all way and not weighted based on the relative distance from the floodway control structure. Doubling of the floodproofing grant to \$ 60,000.00 with a \$ 10,000 landowner contribution, and removed the Federal/ Provincial Federal Disaster Financial Assistance program cap had little affect in our neighborhood. DFFA has only ever been structured as an "assistance program" and is not a full compensation program. Both programs have had limited benefit to those in the immediate upstream forebay area.

2. The Red River Program of Operation should be reviewed and revised by the Province in full consultation with Canada, Winnipeg, Municipalities, *and residents of the Valley*.

I provide attachment "A": Letter dated February 01, 1999 from: Chairman of the Red River Floodway Operations Review Committee, to Director of the Provincial Water Resources Branch, requesting local representation on committee because of numerous calls expressing local dissatisfaction with the make up of the committee.

I provide Attachment "B": e-mail dated February 04, 1999 from: Chairman of Committee to committee members denying inclusion of local representation.

Rules as they relate to the apportionment of floodwaters through and around Winnipeg.

The Floodway operators were to maintain "natural levels" upstream of the control structure up to the design of 169,000 cfs, and City levels to 25.5 @ the Redwood Bridge with a floodway channel flow of 60,000 cfs. This was clearly not done in 1997.

Rules as they relate to Federal approval of a Program of Operation for the Winnipeg Floodway or proposed changes to said Program.

In a documentation package provided to this Commission on, February 23, 1998. I Included:

1. May 28, 1962 agreement between the Government of Canada and the Government of the Province of Manitoba for the construction and maintenance of the Greater Winnipeg Floodway.
2. The 1970 Program of Operation
3. The 1984 Program of Operation

The 1962 cost shared agreement requires under Section 20, the submission to the Minister of Northern Affairs and National Resources, (Now, Environment Canada) A Program of Operation for the Control and Maintain of the Floodway or any changes to said Program.

I submit as Attachment "C", A reply from Environment Canada, after complaint to the Information Commission of Canada, in reply to the following request, filed under The Access To Information Act:

"Federal approval documents and Federally approved "Program of Operation of Operation" by which the Province of Manitoba was operating the Greater Winnipeg Floodway during the Red River flood of 1997".

Environment Canada reply dated April 22, 1998:

Please be advised that there are no federal approval documents for the 1970 or the 1984 Programs of Operation for the Greater Winnipeg Floodway. The 1970 Program of Operation was submitted by the Manitoba Government but was never approved by the Federal Government. The 1984 Program of Operation was not submitted by Manitoba Government for Federal approval.

Rules, unwritten as they relate to your consultant in the study and completion of this report.

- KGS Group, is convenient mute of the immediate upstream flooding issue in its report of Winnipeg flood protection.
- For the record this is the same engineering firm that was seconded by the Provincial Water Resources Branch, in April 1997, and undertook a review and directed critical repairs to the Floodway mechanical equipment prior to the impending river crest.
- KGS Group, the same consulting firm contracted by the Water Resources Branch to undertake design and call for one of many public tenders in the Federal / Provincial Community Ring Diking Projects and presumably will administer the work on behalf of the Province.
- Mr. and Ms. Commissioners, Manitoba is a large province geographically with a population of just over one million. The largest employer in this Province is the Province of Manitoba. Additionally close to 2/3 of the province's population lives and works in or immediately around the City of Winnipeg.
- Thus you have a consultant contracted by the IJC to complete a report, the same consultant that receives steady work from our provinces largest employer. The same consultant that authored and remained completely mute on the affect, in it's review of Winnipeg's flood protection and known, "Emergency Floodway Operation".
- KGS Group, the same consultant following the unwritten rule of not alienating one of their best clients.

This phenomenon is exactly why our community, the most badly devastated community scraped together monies to hire an outside consultant from Victoria, BC to conduct an "Independent" review of the actual flood control actions by the Province in the spring of 1997. They were not from this retentively small and biased professional community hoping to do further business with such a good client.

Rules as they relate to flood easements and flood damage compensation for artificial flooding.

To KGS Groups credit, they present the Ste Agathe Detention option, appropriately noting the need for flood easement and flood damage compensation prior to the implementation of a dam, the same should apply to the present dam in the river.

The dam option on the prairie has never been popular. Following the 1950 Red River flood the Royal Commission studied the detention option and dismissed it as a non-starter.

We collectively must get the floodwater to Lake Winnipeg in the mightiest of all ditches. This in full consultation with all interested stakeholders in setting rules we can all live with.

At least then we can spin a Megawatt or two and sell to our friendly neighbours south of the 49th. Not a bad deal as we can at least push power uphill.

We are still tired But let me assure you..... we're going to beat this thing.

INTERNATIONAL JOINT COMMISSION

PUBLIC HEARING

ON THE

**FINAL REPORT OF
THE INTERNATIONAL RED RIVER
BASIN TASK FORCE**

**THE NEXT FLOOD: GETTING
PREPARED**

**WINNIPEG, MANITOBA
MAY 15, 2000**

design capacity; the public should be consulted on any proposed new operating rules.

We're in support of this recommendation, and in fact, in a recent review of the floodway operations, the City was involved, along with the municipalities to the south of us, and there was some public involvement as well.

I'd like to conclude - some of you are saying finally - we commend the IJC for the work of the Task Force - I think that's been said a couple of times already - but we'd also like to be 95 per cent confident that we will not sustain catastrophic flood damages over the next 50 years and we look forward to the next step, further study of the two large projects. Thank you very much.

LÉONARD LEGAULT: Thank you very much for that very comprehensive and very thoughtful presentation. Murray, could you give us the name of our next speaker?

MURRAY CLAMEN: The next speaker is Paul Clifton. He will be followed by M. Karen Clifton.

PAUL CLIFTON (St. Norbert, Manitoba, resident): Thanks very much, Mr. Chairman. I have a front paragraph here and I hope you don't start your watches and discuss this. I relay you back to the review in Winnipeg after the interim report, where the Chair had ruled that there shall be ten-minute presentations and cut off a person from the valley speaking. To that fellow's credit, he was able to recover and provide a credible representation to this commission.

And I'm wondering about rules, rules of fairness, in controlling a presentation's length and being seen as not wanting to hear an entire

submission. I'm not suggestion that you let me drone on for all night, but we need at least ten minutes here, Sir.

LÉONARD LEGAULT: I only ask you to recall that you have neighbours, friends here who would also like to have their say, so if we can leave time for them. Thank you.

PAUL CLIFTON: Yes, I've cut through this, so I'd like to present on the rules. I'm not planning to monopolize the Commission and wish to present rules, rules as they relate to the inclusion of all interested stakeholders, including all interested upstream residents acknowledging their legitimate right in the difficult issue of flood protection for a major protection city.

Rules. Rules as they relate to the apportionment of water through and around the city of Winnipeg. Rules as they relate to the federal approval of a program of operation for the Winnipeg floodway and proposed changes to that floodway.

Rules. Rules, unwritten, as they relate to your consultant in the study and completion of this report. Rules as they relate to flood easement, flood damage compensation and artificial flooding and will (inaudible) the inclusion of the reference to flood easement and flood damage compensation in your consultant's report on the Ste. Agathe detention option. Rules as they relate to the federal disaster assistance program. This is an assistance program only and not a compensation program.

I first will present a 4.75 minute presentation on video of the actual events dealing with protecting the city of Winnipeg. I want you to note the dates, I want you to know the city of Winnipeg mirrors (?) comments, I want you to note the dates after that, the efforts south of the city, and the rising flood waters in the emergency efforts of the Cliftons.

Additionally, I'd like to thank the CBC Television for their interest in the Cliftons and their continued interest in their story and the use of their copyrighted material.

(RECORDED BROADCAST AIRS)

ANNOUNCER (CBC announcer): From CBC News.

PETER MANSBRIDGE (Anchor, CBC's The National): Tonight, winning the war against the Red.

UNIDENTIFIED: I feel a lot more confident, as does our city.

PETER MANSBRIDGE: Winnipeg stays dry.

UNIDENTIFIED: We're going to lose it.

PETER MANSBRIDGE: But not so outside the city. You can clearly see the floodway and the Brunkild dike and its extension protecting the city. And below Winnipeg, a huge spread of blue. That's the flooding, 40 kilometres across at its widest point tonight, and that's the problem area, south of the city of Winnipeg. It has been a terrible day for some of the people south of the city of Winnipeg. The CBC's Reg Sharon begins our coverage again tonight with their story.

REG SHARON (CBC reporter): They may be holding back the water just fine in Winnipeg, but people just to the south are starting to feel like sacrificial lambs. Paul and Maxine Clifton are a good example.

MAXINE CLIFTON (St. Norbert, Manitoba): Water Resources feel very sorry for us. They said that they're putting us under to protect more Winnipeg homes.

REG SHARON: To control the water inside the city, officials have adjusted the huge floodgates, backing up water and flooding people upstream.

LARRY WHITNEY (Manitoba Natural Resources): I can't tell them how to feel, certainly, but you know, we can't help them very much by operating the

floodway, certainly, and you know, they're not being sacrificed, they're not being helped by the floodway.

UNIDENTIFIED: This is...

UNIDENTIFIED: Paul Clifton.

UNIDENTIFIED: Paul Clifton's place. It's still hanging in there.

UNIDENTIFIED: I'll just yell out to him from here, if you cut her down (inaudible)...water? See, they're not letting up on Winnipeg. They're holding Winnipeg to 24.5.

UNIDENTIFIED: That's right.

MARIVEL TURIC (CBC reporter): 24,000 Manitobans have now been forced to leave their homes. Many are from low-lying areas in and around the city. The evacuation is orderly, but a few choose to stay behind to fight. It's a sight Maxine Clifton sees every day as she brings in supplies to her husband who has chosen to stay and fight for their home. They live on Red River Drive.

MAXINE CLIFTON: I used to have a real nice chain-link fence around this property, but three buildings have now gone through it. Here's Paul's shop. I don't know how...with a ten-foot ceiling in it, and that's all that's left. Here's my home and our dike here now. You have put it up...

MARIVEL TURIC: While all their land and property is under about seven feet of water, the eight foot dike around their home is holding, no thanks, they say, to the floodway.

PAUL CLIFTON: That has backed the water up somewhat, and we've seen increases of anywhere from eight inches to a foot overnight. So it's always been a battle to get enough bags.

MARIVEL TURUC: The Cliftons' home is only one of two left in their neighbourhood that hasn't flooded. Paul Clifton says the reason is simple: despite a mandatory evacuation order, he has refused to leave his home.

PAUL CLIFTON: Yeah, but it's too late to be tired. It's just something...we've got to win, we've got to beat this thing.

REG SHARON: As we head back in, Paul Clifton feels like weeping himself. He's fought hard to keep his home, and he's not ready to give it up yet.

PAUL CLIFTON: Plain effort, and we hope to win here. We hope to win.

(BROADCAST ENDS)

PAUL CLIFTON: Rules. Rules of fair and openness as they relate to complete inclusion of all interested stakeholders, all interested stakeholders, upstream residents, in this difficult issues of flood protection of Winnipeg, have been blatantly disregarded.

The Red River program or operation should be reviewed or revised in consultation with the City of Winnipeg, the province of Manitoba, the Government of Canada, municipalities, and residents of the valley.

As an attachment, I attach a letter from the Chairman of the Red River Floodway Operating Rules Committee. He asked for additional representation from the people of the valley because people have contacted him and said, look, we need representation from the valley.

Attachment B, the Director of Water Resources declines including people on the review of the operating rules, thinking that it would complicate and make things more difficult and possibly delay the report.

Rules. Rules as they relate to the apportionment of water through and around the city of Winnipeg. The floodway operators were to maintain natural levels upstream and the control structure up to a design of 169,000

cfs, and the city level was at 25.5, Redwood bridge, with a floodway channel flow of 60,000 cfs. This was clearly not done in '97.

Rules. Rules as they relate to the federal approval of a program of operation for the maintenance and construction of the floodway and the operation. I provided this commission a documentation package on February 23rd, '98.

It included the 1962 agreement between the Government of Canada and the Government for the Province of Manitoba for the construction and maintenance of the Greater Winnipeg floodway. I provided the 1970 program of operation and 1984 program of operation.

In the 1962 cost-shared agreement, the Government of Canada paid 60 per cent of the total costs, the province paid 40. Within this contract signed by the Government of Manitoba and the Government of Canada, it was required in Section 20 that the program of operation shall be submitted to the federal Minister for his approval. Any changes to that program shall be submitted to the Minister for his approval.

I submit Attachment C, a reply from Environment Canada, forerunner of the former ministry, after complaining to the Information Commissioner of Canada, in reply to the following request, following the Access to Information Act, federal approval documents and federal-approved program of operation by which the Province of Manitoba was operating the Greater Winnipeg floodway during the Red River flood of 1997, Environment Canada respond April 22nd, 1998: Please be advised there are no federal approval documents for the 1970 or '84 programs of operation for the Greater Winnipeg floodway.

The 1970 program of operation was submitted by the Government of Manitoba but was never approved. The 1984 program of operation was never submitted by the Government of Manitoba for federal approval.

Rules. Rules as they relate to your consultant in the study and the completion of this report. KGS is conveniently mute on the issue of upstream flooding.

Rules as they relate to flood easement, flood damage compensation for artificial flooding. To KGS Group's credit, they present the Ste. Agathe detention option purportedly noting the need for flood easement, flood damage compensation.

Prior to the implementation of this dam, the same should apply for the present dam and the river. The dam option on the prairie has never been popular. Following the 1950 Red River flood, a Royal Commission study, the detention option was dismissed as a non-starter.

We collectively must get the flood waters to Lake Winnipeg in the mildest of all ditches, in this full consultation with all interested stakeholders in setting rules that we can all live with. At least then we could spend a megawatt or two and send our friendly neighbours south a bit of power. At least we can push the power uphill.

We are tired, but let me assure you we are going to win this thing. Thank you.

LÉONARD LEGAULT: Thank you very much for your presentation, Sir.

MURRAY CLAMEN: The next speaker is Karen Clifton, followed by Gord Kraemer.

KAREN CLIFTON (St. Norbert, Manitoba): I have studied all of the reports as well produced by all of the experts. They all talk about the financial costs of allowing damage to occur in the city of Winnipeg in the event of a major flood, some talk on collateral damage upstream, but none of them talk about the true human and social costs.

I am representing the 300 or so homes situated in the area immediately upstream of the floodway control structure, this year finally being referred to as the four-bay area. There was a flood here in 1974 where much damage and grief arose from an operating error of the floodway. Another major flood came in 1979, again devastation was the result of operation of the floodgates.

You would be quite justified in asking why there was no significant protests from the affected residents then. You'll recall the written assurances given to the residents when the floodway was built, still in the possession of many people, that water levels would never be higher than natural.

Residents here felt that after these events, the government of the time acknowledged what happened, were generous and timely with rebuilding funds. So rightly or wrongly, a culture of acceptance developed.

In 1997, however, the officials panicked, mass evacuations were conducted out here to limit the province's liability, resulting in the unnecessary loss of many homes and contents. There is now a firm resolve never to evacuate again.

Despite all of the evidence our government lied to us and the citizens of Canada about the actual amount of artificial flooding, we were even blamed in the media for our own misfortune.

After the '97 flood, no parade was held in our honour, no official thank yous were received, and certainly no funding assistance was received from the city that benefited at our expense. There was no mention that what was done to us preyed on anyone's minds.

In fact, it was immediately apparent that a battle was on between us and the province that continues today and into the future. Our terrible experiences with the provincial government and the EMO and the rest of the unwieldy

bureaucracies is the subject of a study of its own, which incidentally was announced by the province, then cancelled as being not required.

The experience of fighting the flood of '97 was physically exhausting. Being reduced to begging for relief since has left us quite numb. Even emergency relief money received gratefully from the Red Cross or Mennonite disaster service, generously donated by people all across Canada, ended up being deducted from our EMO, our flood-proofing claims. There is a community-wide sense of shock and disbelief regarding the province's attitude toward us and it is abundantly clear we can no longer rely on the whims of whoever the current government is as to whether we actually have rights or not.

People out there are sick, they are chronically ill and chronically fatigued, and always now, it seems, in a bad mood. I can't believe how many are clinically depressed now. Suicide gestures are not unheard of. No one has any energy, and I see the number of hours from sick time from work out here staggering, both stress-related and illness-related, with the accompanying loss of pension benefits and accrued seniority.

Everyone's asking each other what they're taking to help them sleep at night. Lots of people are still under treatment and lots more have not even started treatment. Medication costs are very high, as is family, individual or marital counselling.

Decreased productivity at work is rampant. And there is a shocking degree of anger out here that comes out in many ways, sometimes...

(TAPES CHANGES SIDES)

A businessman who frequently works out in our area says that I see a beat people. Residents now complain that their rights are more important than ours, and we're often told they're going to do what they want anyway.

In many cases, retirement savings are depleted and vacation plans for the foreseeable future are on hold. Retirements are on hold or cancelled until a settlement is reached.

Our relatives are tapped for rebuilding funds. We ourselves could never have gotten to where we are without a large debt to my mother, and we're in our late 40s and this really decreases self-esteem. Our families and relatives and friends are further tapped for pledges for the upcoming lawsuit.

In far too many cases, inheritances are borrowed against, insurance policies are cashed out. And in at least two cases, extra insurance is purchased so the survivors can carry on this fight if required. Many RRSPs have been cashed in, at a large tax cost. No one I know in our area has made an RRSP or educational savings plan contribution since spring of '97.

Most of these new homes that you see out in our area that we were forced to build are unfinished and will remain so until the final settlement is reached. As early as the fall of 1997 in our own case, we realized that the costs of rebuilding and flood-proofing our property on Red River Drive, the one on the video, made no economic sense.

A pre-flood market buyout was put before the Premier and two Cabinet ministers, with no action from the first two, and after two registered letters and several phone calls, no reply from the other. This was even before we discovered our home was uninhabitable due to mould contamination after the flood.

When it was perfectly clear that there would be no change of policy and no action was to be taken and when no other avenues remained for us after several months in a travel trailer and facing a winter living in our neighbours' basement, under much duress, we began in the fall of '98 a total

flood-proofing and rebuilding effort, with the expected result of an accumulation of debt that we can never pay off ourselves.

All of us here today knows that this is not right. We, like others, were initially on the Ministry of Natural Resources' so-called anomalies list. This list was properties that could not be rebuilt or flood-proofed either physically or economically. We and others were then mysteriously dropped from this list with no explanation, finding we have to bear these costs on our own.

Interest on these newly-acquired debts must be paid monthly, which in most cases will have to be added to our flood claims. In our case, it takes more than one of our two incomes to service this ridiculous flood debt. At 47, when I personally would have been debt-free and working on retirement planning, my own mortgage now runs until I'm 72 years old, with no room for retirement contributions at all.

So you can see that the people here suffered loss of dignity both during and long after the flood, and these effects will be felt long into their retirements and certainly as long as human memory allows.

The presentation of many of the residents here made to the Manitoba Water Commission in June of '98 were, according to the Ombudsman's report, inadvertently destroyed, so that the only historical record of what really happened south of the floodway once memory fails is the government's version in the archives.

Engineers, hydrologists, bureaucrats, and politicians are proceeding at a rapid pace with plans and projects while the most negatively impacted community is shut out, ignored, and even shut up. Once it was decided to draft new operating rules for the floodway structure, we were shut out of discussions because we would, and I quote, derail the process.

Why? Because we felt there should be some formula for compensation attached to damages that will clearly result and have resulted from the operation of this dam. Our government prefers instead to rely on world aid groups and disaster aid groups to cover these costs. These groups routinely assist the victims of government-caused disasters in Third World countries, but do and should take a dim view of performing this service in Canada.

Our own municipal government endorsed the new operating rules over our legitimate concerns. They then decided to withdraw their endorsement after a technical presentation to council. They've changed their minds again after an unannounced meeting with government and apparently being told this is the best you'll get and it could be a lot worse. They then waived the required public hearing process, saying it wasn't necessary.

Even our local councillors from our own municipality who, though well meaning and has freely admitted she didn't understand the technical issues, felt that someone had to go. She nevertheless was appointed to the technical advisory committee studying the operating rules over the loud protests in our community and instead of the people elected by our community to represent us on flood-related issues.

The authorities, prior to April '99, refused to have any meaningful discussions with us. Since April 21st, '99, they refuse to talk to us because we are litigants, even though there is a wealth of knowledge and experience out here. Official threats to the careers of people who dare to speak out have been made.

There is also an uneasy awakening here as word is getting out that the provincial flood protection standard of 1997 plus two feet is in fact too low and that our provincial government knew it was too low all along, virtually guaranteeing another major disaster in our area.

We ourselves knew it was too low as early as late fall '97 and proceeded on our flood-proofing mound accordingly. But now, with the new, unapproved floodway operating rules, we only have one and a half inches of freeboard as the highest mound in the area. The province, if it thinks that these rules will be adopted, is obligated to further raise all these homes and dikes another four to four and a half feet.

All this planning and progress goes on while we continue to wait and wait. There has never, anywhere in any report, any media, anyone out here who has ever said that Winnipeg should not be protected at any cost.

The residents in the North Ritchot area bravely and resolutely accepted the sacrifice and sad consequences that at the time they felt had to be made. They never imagined that most of the financial burden and all of the grief would have to be borne by the very people who took the hit. They never imagined that they would be committed to likely a decade of legal wrangling with the province over our legitimate legal rights.

I know of no other dam in all of North America that does not have fair buyouts of adversely affected properties or flood easements or compensation attached for damages caused by the use of the dam.

Much mention was made in your report of affected residents obtaining private flood insurance, and I'd like here to comment that in the 30 plus years of operational experience that the province of Manitoba has had with the floodway, three major floods impacting upstream homeowners have been attributed to this structure.

No insurance company will insure against this, at least not at a premium that anyone can afford. The only positive thing is that at least then insurance company lawyers could deal with the province's lawyers instead of leaving it to private citizens.

The province, as owners and operators of this flood control structure, should already carry liability insurance, as any responsible citizen or corporation, to cover damages caused as a result of operating this structure. The city of Winnipeg, as the sole beneficiary of this dam, should also carry insurance as part of the cost of protecting the city.

The Government of Canada also, if it actually approves the operating rules, becomes a partner in planning to flood an upstream community and thus becomes obligated to insure for this eventuality. Those of us living here are already self-insured by being situated above even the dreaded 1826 flood, assuming natural water levels prevail.

So now, what must happen? Number one, the disaster of 1997 must be put right. Full compensation must be paid to allow our community to actually get on with our lives and return to being productive members of society.

Two, if buyouts of negatively impacted areas does not become policy, then a mechanism for covering costs and damages associated with the operation of the province's flood control infrastructure must be in place. This must be with full participation of all stakeholders, including the communities' own technical experts.

And third, the residents of the North Ritchot area must no longer be considered as a problem to be overcome, avoided or ignored. We are also citizens of the province of Manitoba and Canada, and our financial security and future rests with protecting the city of Winnipeg as well.

We ask that as you all proceed with recommendation for better preparing Winnipeg for an inevitable flood disaster, that more than lip service or the line at the bottom of a report is paid to the people and lives impacted by these works. Thank you.

LÉONARD LEGAULT: Thank you very much, Madam, for those very stirring comments. Murray?

MURRAY CLAMEN: The next speaker is Gord Kraemer, and followed by David Oster.

DAVID OSTER (Chairman, Red River North Chapter, International Coalition of Land and Water / Reeve, West St. Paul): Good evening, Mr. Chairman, Commission members, ladies and gentlemen. This is going to be a joint presentation.

Gord Kraemer is the secretary-treasurer of the Red River North Chapter of the International Coalition of Land and Water and also a councillor in West St. Paul, and I am the Chairman of the Red River North Chapter of the International Coalition of Land and Water and the reeve of West St. Paul.

We'd like to thank you, the International Joint Commission, for giving our organization the opportunity to make this submission. We would like to commend the efforts of the writers of the final report of the International Red River Basin Task Force to the International Joint Commission, the next flood, getting prepared.

The concerns that we wish to bring to your attention are the same concerns that are shared by the RM of West St. Paul, the RM of East St. Paul, the RM of St. Andrews, the RM of St. Clements and the City of Selkirk.

We are most concerned with the lack of specific attention to the following: a) ice jams at the mouth of Lake Winnipeg, and that's of course where the Red River enters into Lake Winnipeg; b) the lack of dredging required at that particular mouth on a regular basis; and c) the quality of water in Lake Winnipeg. Gord, please.

GORD KRAEMER (Secretary-treasurer, Red River North Chapter, International Coalition of Land and Water / Councillor, West St. Paul): Ice

Clearly, the protection of Winnipeg must be given a high priority. But it is equally clear that proposals for additional flood protection for the city or alterations to the operating rules for the Winnipeg Floodway must take account of the full economic, social and human costs for other areas that would be affected by such measures. A transparent process of open consultation must be established to ensure that residents of such areas have an opportunity to be an integral part of any decision-making process. The Commission considers that the doubts expressed about the efficacy of a detention structure at Ste. Agathe as the solution to Winnipeg's flood problems must be addressed and that there must be a full evaluation of the economic and social costs of the projects proposed. If the consensus is to proceed with such proposals, prompt and complete compensation of damages should be provided to any who are injured as a result. It is noteworthy that the Boundary Waters Treaty would provide for adequate protection and indemnity to persons in the United States who might be injured by an increase in water levels caused by a structure such as that proposed at Ste. Agathe. It is hard to imagine that Canadians should receive less consideration.

The Commission recommends that:

IJC Recommendation 3: The city, province and the Canadian federal government should cooperatively develop and finance a long-term flood protection plan for the city that fully considers all social, environmental and human effects of any proposed flood protection measures and respects both the needs of Winnipeg and the interests of those outside the city who might be affected by such a plan.

In response to suggestions made by the public in 1998, the Task Force investigated two proposals for increasing the discharge capacity of the Winnipeg Floodway channel—removal of the outlet structure and removal of the inlet weir or plug. Analysis shows that removing the outlet structure could produce a minor increase in flow capacity of 56.6 cms (2,000 cfs) and result in significant erosion. Removal therefore cannot be justified. Lowering the inlet weir crest level by 2.13 m (7 feet) to the level of the Winnipeg Floodway channel would increase the discharge capacity by 1.4 cms (50 cfs). This benefit is insignificant and not worth the complications arising from early entry of ice into the Winnipeg Floodway channel. The Commission concludes that neither of these options should be given further consideration.

In addition to structural measures, there are a number of non-structural protective measures that need to be addressed by the city of Winnipeg. Despite the success of efforts in 1997, more planning for extreme events must be undertaken. The Commission encourages the city to enhance the flooding component of its Emergency Preparedness and Response Plan (EPRP) to address the following:

- emergency evacuation of large portions of Winnipeg;
- emergency response to breaches in flood-retaining structures;
- emergency construction of approximately 80 km (50 miles) of temporary dikes; and
- planning for operation of flood control works during unprecedented flow conditions.



Access to Information Act

Access to Information Request Form

For official use only

Step 1

Determine which federal government institution is most likely to have the information you are seeking. Decide whether you wish to submit an informal request for the information or a formal request under the *Access to Information Act*. If you wish to make an informal request, contact the appropriate institution. The address can likely be found in *Info Source* publications which are available across Canada, generally in major public and academic libraries, constituency offices of federal Members of Parliament and most federal government public enquiry and service offices.

Step 2

To apply for information under the *Access to Information Act*, complete this form or a written request mentioning the Act. Describe the information being sought and provide any relevant details necessary to help the institution find it. If you require assistance, refer to *Info Source (Sources of Federal Government Information)* for a description of program records held by the institution or contact its Access to Information Coordinator.

Step 3

Forward the access request to the Coordinator of the institution holding the information. The address is listed in the "Introduction" to *Info Source*. Enclose a \$5.00 money-order or cheque payable to the Receiver General of Canada. Depending upon the type or amount of information being sought, you may be asked to authorize further charges.

Step 4

When you receive an answer to your request, review the information to determine whether you wish to make a further request under the Act. You also have the right to complain to the Access to Information Commissioner should you believe that you have been denied any of your rights under the Act.

Federal Government Institution

Environment Canada

Provide details regarding the information being sought

Provide all records, documentation, notes, electronic or hardcopy, or any other format, of Environment Canada's, Mr. Maurice Sydor of Hull, PQ and his participation in the Manitoba, Operation Review Committee study of the Greater Winnipeg Floodway Operation, and its December, 1999 report.

Provide all EC records verifying the taking account of the full economic, social and human costs that would affect residents in the immediate forebay area of the Winnipeg Floodway in the Red River flood protection of Winnipeg. Provide records and proof of a transparent process of open consultation ensuring upstream residents were an integral part of the decision making process throughout the review. Provide records of discussion for negotiated upstream flood easement and flood damage compensation agreements, and the necessity for same being in place before the endorsement of the referenced report by Mr. Sydor on behalf of Environment Canada.

Method of access preferred

Receive copies of originals

Examine originals in government offices

Name of applicant

Paul E. Clifton

Street, address, apartment

Group 5 Box 16 RR#1

City or town

St. Norbert

Province

Manitoba

Postal Code

R3V 1L2

Telephone number

H 204 269-7760 W 204 474-4665

This request for access to information under the *Access to Information Act* is being made by

a Canadian citizen, permanent resident or another individual present in Canada, or

a corporation present in Canada

Signature

Date



Environment Environnement
Canada Canada
Terrasses de la Chaudière
10 Wellington Street, 4th Floor
Hull, Québec
K1A 0H3

Your File Votre référence

Our File Notre référence

A-2000-0304 / mc

February 20, 2001

Mr. Paul E. Clifton
Group 5, Box 16, R.R. #1
St. Norbert, Manitoba
R3V 1L2

Dear Mr. Clifton:

This is to acknowledge receipt on February 20, 2001 of your request under the Access to Information Act (the Act) for:

“Provide all records, documentation, notes, electronic or hardcopy, or any other format, of Environment Canada's, Mr. Maurice Sydor of Hull, PQ and his participation in the Manitoba, Operation Review Committee study of the Greater Winnipeg Floodway Operation, and it's December, 1999 report.

Provide all EC records verifying the taking account of the full economic, social and human costs that would affect residents in the immediate forebay area of the Winnipeg Floodway in the Red River Flood protection of Winnipeg.

Provide records and proof of a transparent process of open consultation ensuring upstream residents were an integral part of the decision making process throughout the review.

Provide records of discussion for negotiated upstream flood easement and flood damage compensation agreements, and the necessity for same being in place before the endorsement of the referenced report by Mr. Sydor on behalf of EC.”

We have started processing your request and will contact you as soon as possible.

If you have any questions regarding this request, do not hesitate to contact me at (819) 994-6619. Please quote the above file number on all future correspondence concerning this request.

Yours sincerely,

Maggie Casey
Access to Information and
Privacy Secretariat



Environment Environnement
Canada Canada
Terrasses de la Chaudière
10 Wellington Street, 4th Floor
Hull, Québec
K1A 0H3

Your File Votre référence

Our File Notre référence
A-2000-0304 / mc

March 8, 2001

Mr. Paul E. Clifton
Group 5, Box 16, R.R. #1
St. Norbert, Manitoba
R3V 1L2

Dear Mr. Clifton:

This refers to your request under the Access to Information Act (the Act) for:

“Provide all records, documentation, notes, electronic or hardcopy, or any other format, of Environment Canada's, Mr. Maurice Sydor of Hull, PQ and his participation in the Manitoba, Operation Review Committee study of the Greater Winnipeg Floodway Operation, and it's December, 1999 report.

Provide all EC records verifying the taking account of the full economic, social and human costs that would affect residents in the immediate forebay area of the Winnipeg Floodway in the Red River Flood protection of Winnipeg.

Provide records and proof of a transparent process of open consultation ensuring upstream residents were an integral part of the decision making process throughout the review.

Provide records of discussion for negotiated upstream flood easement and flood damage compensation agreements, and the necessity for same being in place before the endorsement of the referenced report by Mr. Sydor on behalf of EC.”

Please be advised that the Act and Regulations prescribe fees for the processing of requests. The fee for search and preparation time is \$10.00/hour. For this request, we will require approximately 45 hours to locate and prepare the requested information for disclosure. Please note that there is no charge for the first five hours of search and preparation time. Therefore, the search and preparation fee is \$400.00 (40 hours x \$10.00/hour).

We will require a deposit of \$200.00 before we continue to process your request. The cheque or money order should be made payable to the Receiver General for Canada and should be forwarded to the Access to Information and Privacy Secretariat at the above address within 30 days.

Please note that this estimate does not include the additional cost of any photocopies at \$0.20 per page. However, you will have the opportunity to review the records in person in one of our offices if you wish to avoid the photocopy fee. Payment of the remainder of the processing fee must be made prior to viewing the records.

If you are not satisfied with our handling of your request, the Act grants you the right to file a complaint with the Information Commissioner of Canada within one year of the receipt of your request. The address is:

Information Commissioner of Canada
Place de Ville, Tower "B"
112 Kent Street
Ottawa, Ontario
K1A 1H3

If you have any questions regarding this request, please contact Maggie Casey at (819) 994-6619 or by fax at (819) 953-1099.

Yours sincerely,



Michael Bogues
Chief
Access to Information and
Privacy Secretariat



Environment Environnement
Canada Canada
Les Terrasses de la Chaudière
27ième étage/27th Floor
10, rue Wellington/10 Wellington Street
Gatineau, Québec K1A 0H3
TÉL.: (819) 953-2743
FAX: (819) 997-3653
Helen.Ryan@ec.gc.ca

JAN 6 2004

Your File Votre référence

Our File Notre référence
A-2003-0202 / mc

Mr. Paul E. Clifton
Group 5, Box 16, R.R. #1
St. Norbert, Manitoba
R3V 1L2

Dear Mr. Clifton:

This refers to your request under the Access to Information Act (the Act) for:

“Provide complete copy of Environment Canada records, relating to the Red River Floodway in the Province of Manitoba and related flood protection correspondences. These records, several of which were previously requested under ATIP, start at record 001 and are to include Environment Canada more recent filings. Records requested within this current request include previously provided documentation, filed under Info Source File No. A-1998-0046/mc and A-2000-0161/mc and to include record Numbers 001 to 222 inclusive.

MODIFICATION MADE BY REQUESTER JULY 22/2003

- In addition to a copy of records previously treated under requests A-1998-0046/mc and A-2000-0161/mc also include new records on the subject from June 26, 1998 to July 22, 2003.”

Attached please find a partial release package in response to this request. Please be advised that some information has been withheld in accordance with section 13(1)(c), 14(a), 14(b), 18(d), 19(1), 21(1)(a), 21(1)(b), 23 of the Act. A copy of the relevant sections is attached. Please be advised that two of our consultations are not yet completed. We will provide you with additional information as soon as we have our responses.

The Act grants you the right to file a complaint with the Information Commissioner of Canada, within one year of the receipt of your request, if you are not satisfied with our handling of your request. The address is:

Information Commissioner of Canada
112 Kent Street, Suite 2200
Place de Ville, Tower B
Ottawa, Ontario K1A 1H3

If you have any questions regarding this request, please contact Maggie Casey at (819) 994-6619.

Yours sincerely,

Helen Ryan
Access to Information
and Privacy Coordinator

Enclosure

Kowalchuk,Michael [Wpg]

From: Sydor,Maurice [NCR]
Sent: Thursday, February 22, 2001 2:44 PM
To: Kowalchuk,Michael [Wpg]
Subject: FW: Access to Information Request - Greater Winnipeg Floodway Operation Review Committee & Report

For your info. Regards, *Maurice Sydor, P. Eng.*

-----Original Message-----

From: Sydor,Maurice [NCR]
Sent: Thursday, February 22, 2001 3:37 PM
To: Casey,Maggie [NCR]
Cc: Cooper,John [NCR]; Temple,John [NCR]
Subject: Access to Information Request - Greater Winnipeg Floodway Operation Review Committee & Report

As per page one, see attached *.tif file, the request has been made for "All records, documentation, notes, electronic or hardcopy 1999 report".

According to my files, I have in my possession the following information:

- 1: E-mail correspondence and minutes of meetings attended during the development of the review committee's report. My expertise and knowledge involves engineering and therefore entirely technical in nature. Approximately 100 plus e-mails were received from either Mr. Rick Bowering, Chairman and/or Mr. Eugene Kozaro, Secretary of the Committee who are both from the Manitoba Water Resources Branch. These are all in Microsoft Outlook format as e-mail messages.
2. Technical data used to assess bridge and channel capacities during the 1997 flood developed from Water Survey surveys, under contract to Manitoba Highways.
3. Technical data and report of the results of an Acoustic-Doppler Current Profiler (ADCP) report that formed the basis of the above item #2 report. Technical data is the property of Water Survey of Canada, Department of Highways of Manitoba and other water survey data from the Manitoba Water Resources Branch. Approvals would be required from Mr. Clare Bowden, Water Survey of Canada, Mr. Tim Lock of Manitoba Highways, Mr. Alf Wakertin and/or Mr. Rick Bowering of Manitoba Water Resources Branch.
3. Red River Valley Digital Elevation Mapping Review, obtained from the International Joint Commission (IJC), and used as an evaluation tool to determine the physical character of the entrance to the Red River Floodway, assess accuracy of the existing roadways and to evaluate other data of the two existing railway systems in the Red River Valley. Authorization to be requested from the IJC for any release or re-distribution.
4. Graphical Information System (GIS) project and associated data pertains to the development and assessment of a hydraulic model of the Red River Valley. Data input obtained from Manitoba Mapping and Surveys Branch, Private GIS Consultant, Mr. Richard Norman and software from BC Environment. Permission to release information would be required from all parties involved.

My holdings do not contain any information related to the following topics contained in the last three paragraphs of the request for information: economics, consultations with upstream Red River residents, negotiations nor any agreements or discussions on compensations issues.

The time required to gather and deliver each item are estimated as follows:

- Item #1: Eng 5 - 20 to 40 hours for extraction, review and preparation for electronic media transmission. Time required for review for relevance, approval and reproduction are not included. Files exceed 120 megabytes of information.
- Item #2: Eng 5 - 30 to 60 hours for extraction, review and presentation in hardcopy format. Electronic files exceed 50 megabytes.
- Item #3: Eng 5 - 10 to 25 hours, review and presentation of digital results and background data. Electronic files over 55.4 megabytes in size.

Item #4, Eng 5 - 10 to 15 hours, review and prepare digital results on the modeling results based upon digital terrain model for the Red River valley from Emerson to Winnipeg.

None of the above include costs associated with data purchases from originators or any costs associated with copyrights, third party handling charges or royalties.



Acces-to-Info.tif
(403 KB)

Please feel free to contact me if you need further information.

Regards,

Maurice Sydor, P. Eng.

Chief,
Water Management Modelling Division
National Water Issues Branch, ECS



351 St. Joseph Blvd.
4th Floor, Place Vincent Massey
Ottawa, Ontario K1A 0H3



(819) 953-1528
Fax: (819) 994-0237



Maurice.Sydor@ec.gc.ca

000054