



Welcome to the Manitoba
Government
Public Consultation Process

On the Regulations under
The Red River Floodway Act

MARCH 2006

Regulations:

- Compensation
- Floodway Operation Report

Schedule of Events:

March 4 - St. Adolphe Club Amical
10 a.m. to 2 p.m.

March 6 – Howden Community Centre
1078 Red River Drive
5 p.m. to 9 p.m.

March 11 – Ste. Agathe Community Hall
10 a.m. to 2 p.m.

Objectives of the Session

- To provide information about the proposed regulations
- To discuss the issues and options regarding the proposed regulations
- To obtain feedback on the proposed regulations

Format of the Session

- Presentations
- Questions for clarification
- Small group discussions
- Report back
- Open discussion

Discussion Questions

Issues for Discussion:

1. Fair compensation for property damage
2. Determining business income loss
3. Duties & responsibilities of claimants
4. Floodway operation report requirements

Presenters

Lorimer Thompson – Water Stewardship
Overview of *The Red River Floodway Act*

Eugene Kozera – Water Stewardship
Floodway operations and artificial flooding

Bob Harrison – Water Stewardship
Reporting on Floodway operations

Paul Anderson – Manitoba Emergency Measures
Organization
Compensation regulations under the Act



The Red River Floodway Act *Regulations*

Overview of The Red River Floodway Act
Lorimer Thompson

The Red River Floodway Act

A History

- Artificial spring flooding occurred in 1997
 - Public demands for compensation
 - Government focused on restoration and flood protection
 - \$274 million in disaster assistance
 - \$130 million in flood proofing
- 2002 CEC public meetings on flood protection options for Winnipeg
 - Identified compensation as a major issue

The Red River Floodway Act

A History (Continued)

- December 2002
 - Province commits to compensation legislation for the valley for artificial spring flooding
- June 20, 2005
 - *The Red River Floodway Act* proclaimed
- March 2006
 - Development of regulations

The Red River Floodway Act

What The Act Contains

Part 1: Definitions

Part 2: Compensation for artificial spring flood damage and economic loss

Part 3: Extreme Spring Floods

Part 4: General Provisions

Part 5: Consequential Amendments

Part 2: Compensation for artificial spring flood damage and economic loss

- 2 (1) A person may claim compensation under this Part if
- (a) artificial flooding has damaged the person's eligible property or caused the person to have an economic loss; and
 - (b) the person meets any applicable eligibility criteria set out in the regulations.

Part 3: Extreme Spring Floods

- 8(1) When an extreme spring flood occurs or one is about to occur the government may;
- (a) flood any real property and store water on the property; and
 - (b) Cause any real and personal property to be negatively affected by flooding and water.

Part 4: General Provisions

- Requires the director to report to the Minister of Water Stewardship about the operation of the Floodway by June 30 in any spring the Floodway operates.
- The Minister must share and publicize the report in accordance with the regulations.

Part 5: Consequential Amendments

- Amended The Emergency Measures Act to be consistent with The Red River Floodway



The Red River Floodway *Act Regulations*

Floodway Operations Report

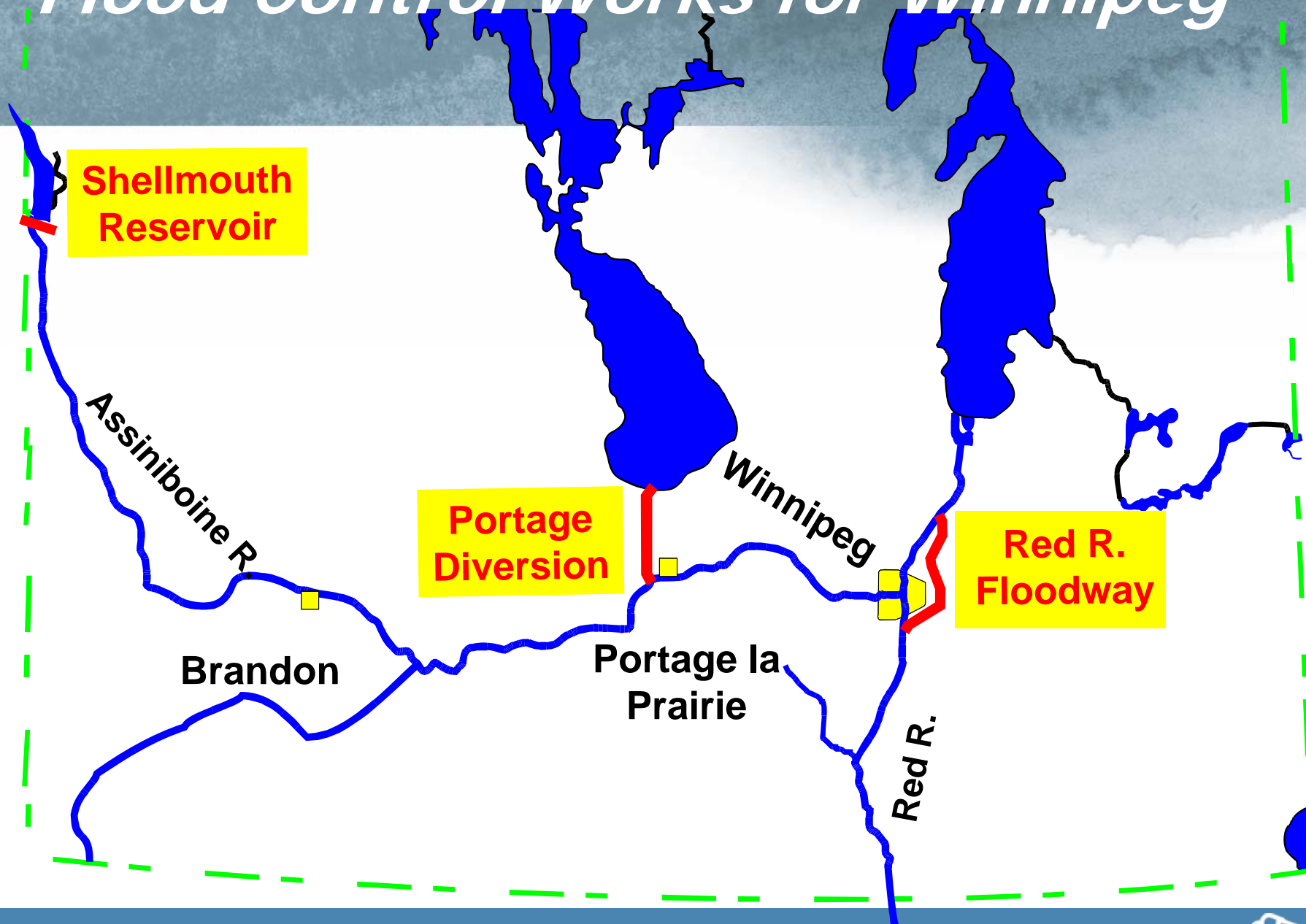
Eugene Kozera

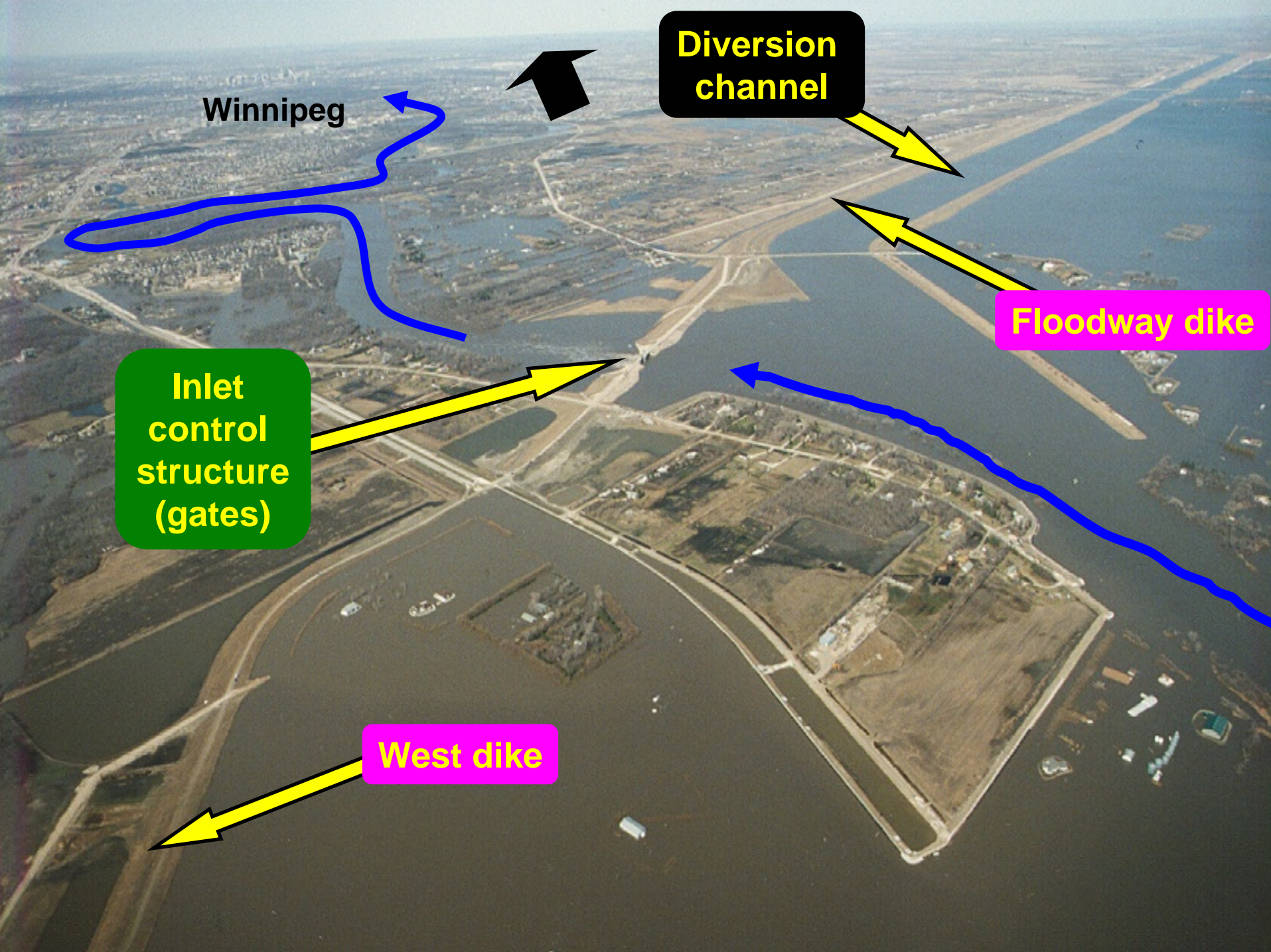
Bob Harrison

Outline

- Floodway Operation
- Definition of “Artificial Flooding”
- Floodway Operation Report
- Suggested Items to Require in Regulations
- Example – 2005 Report

Flood Control Works for Winnipeg





Winnipeg

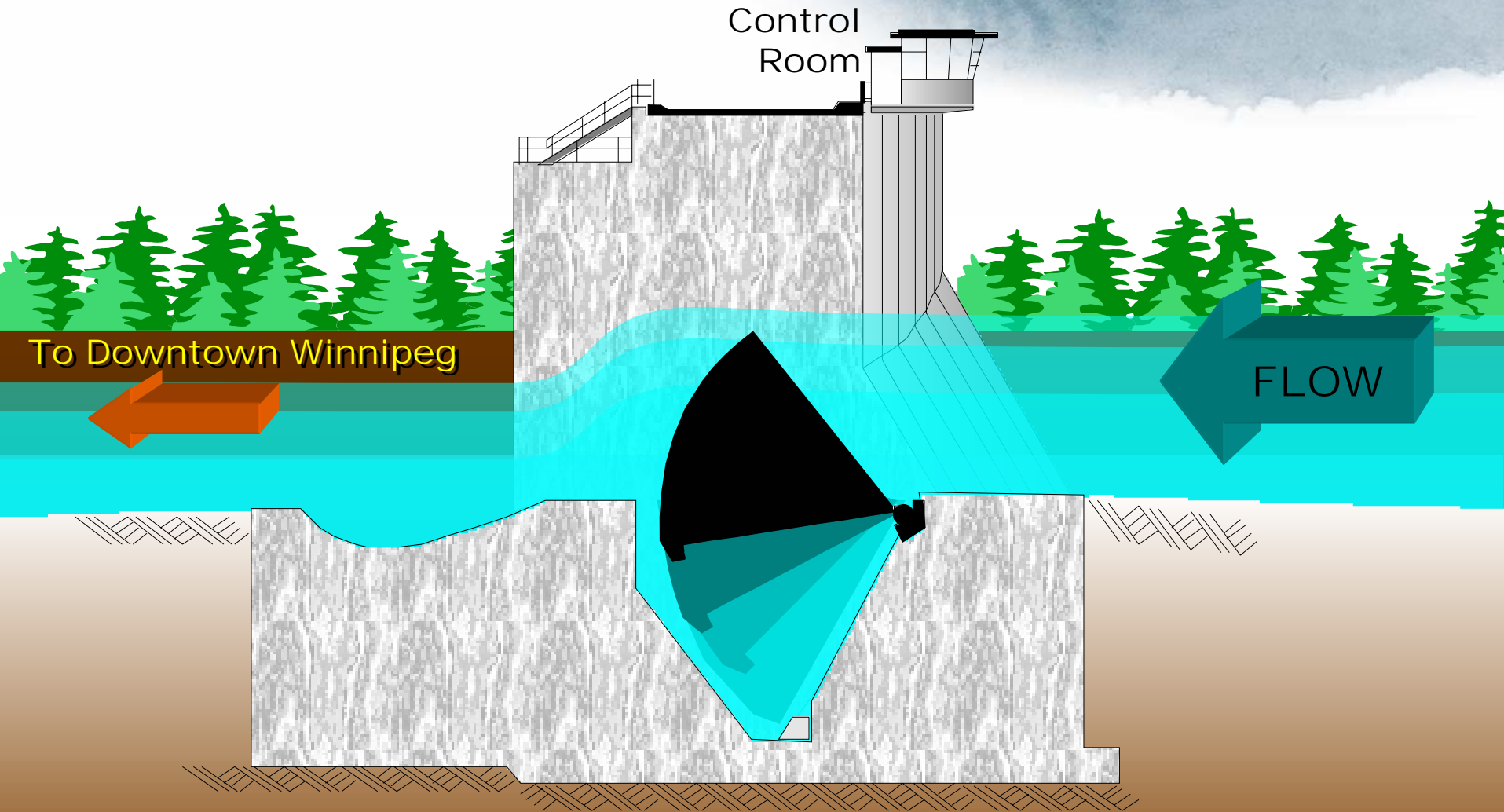
Diversion channel

Floodway dike

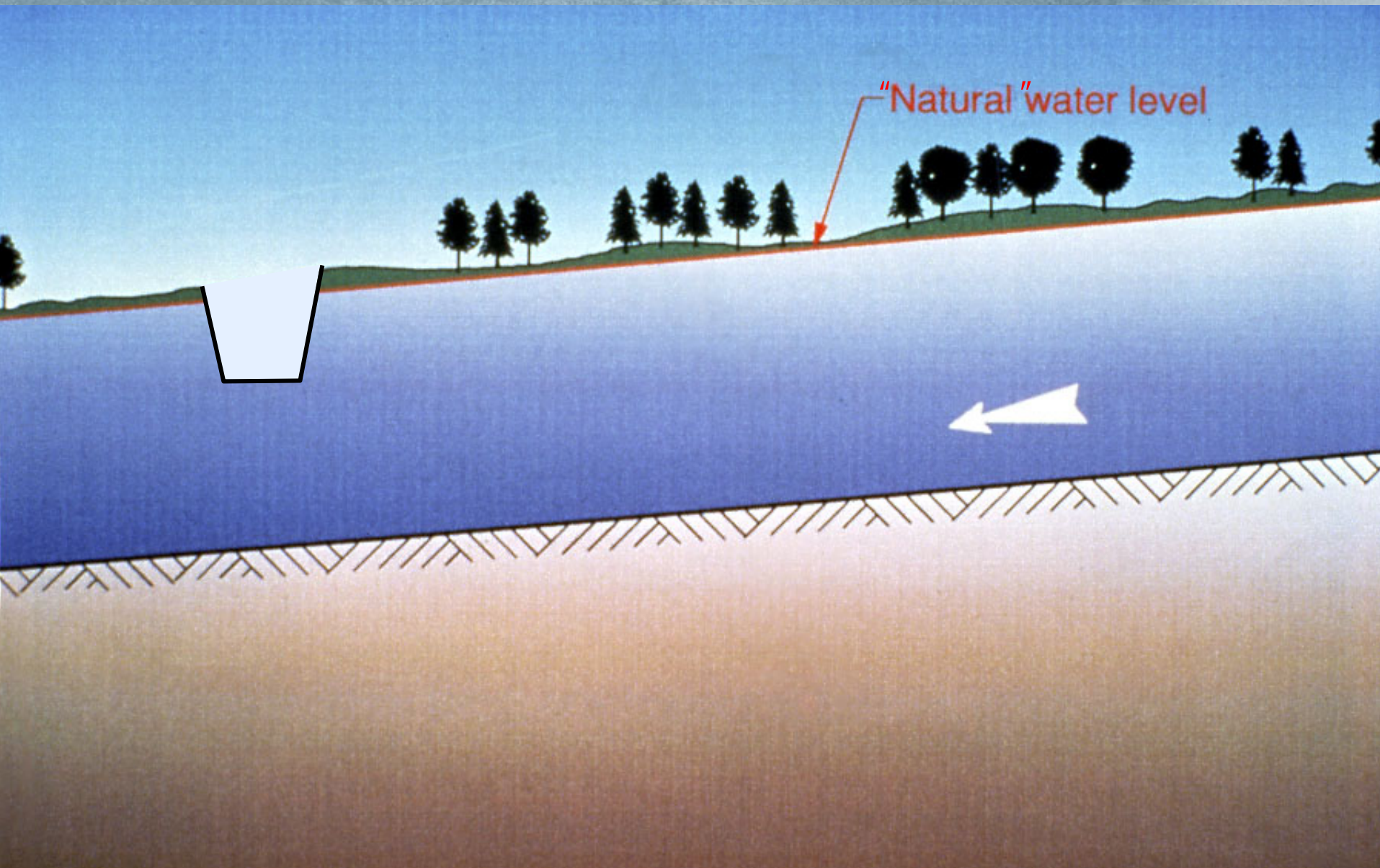
Inlet control structure (gates)

West dike

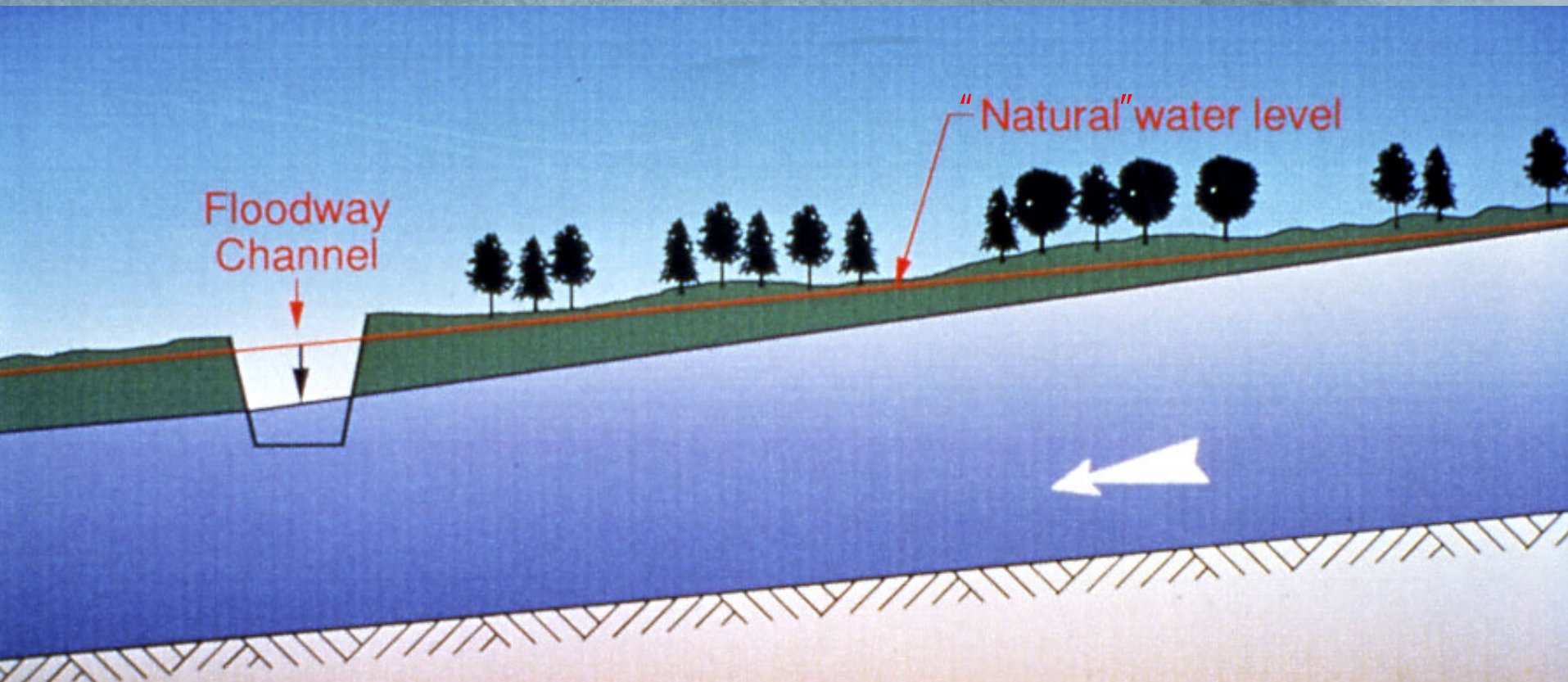
Floodway Inlet Control Structure



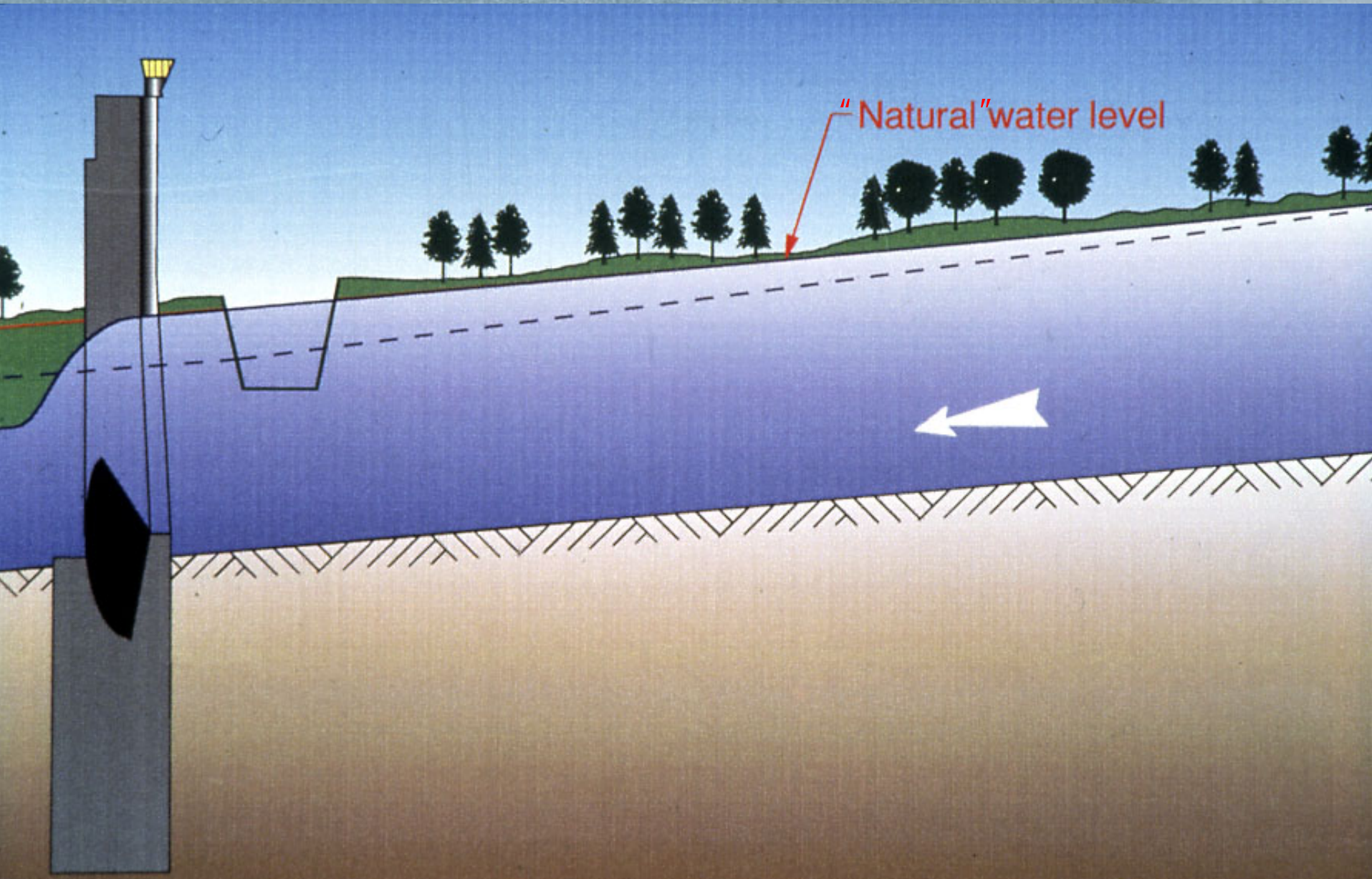
Spring Operation



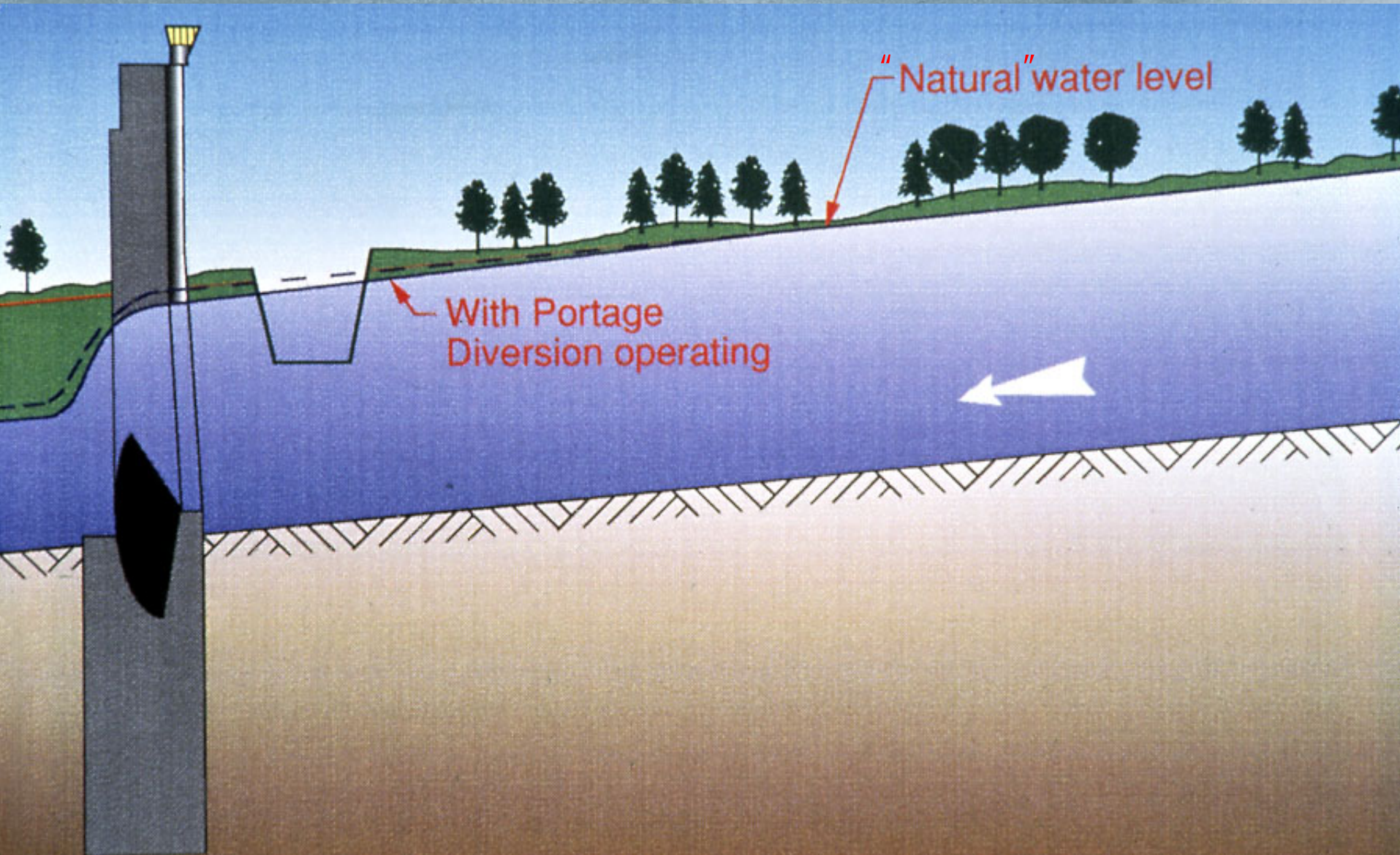
Spring Operation



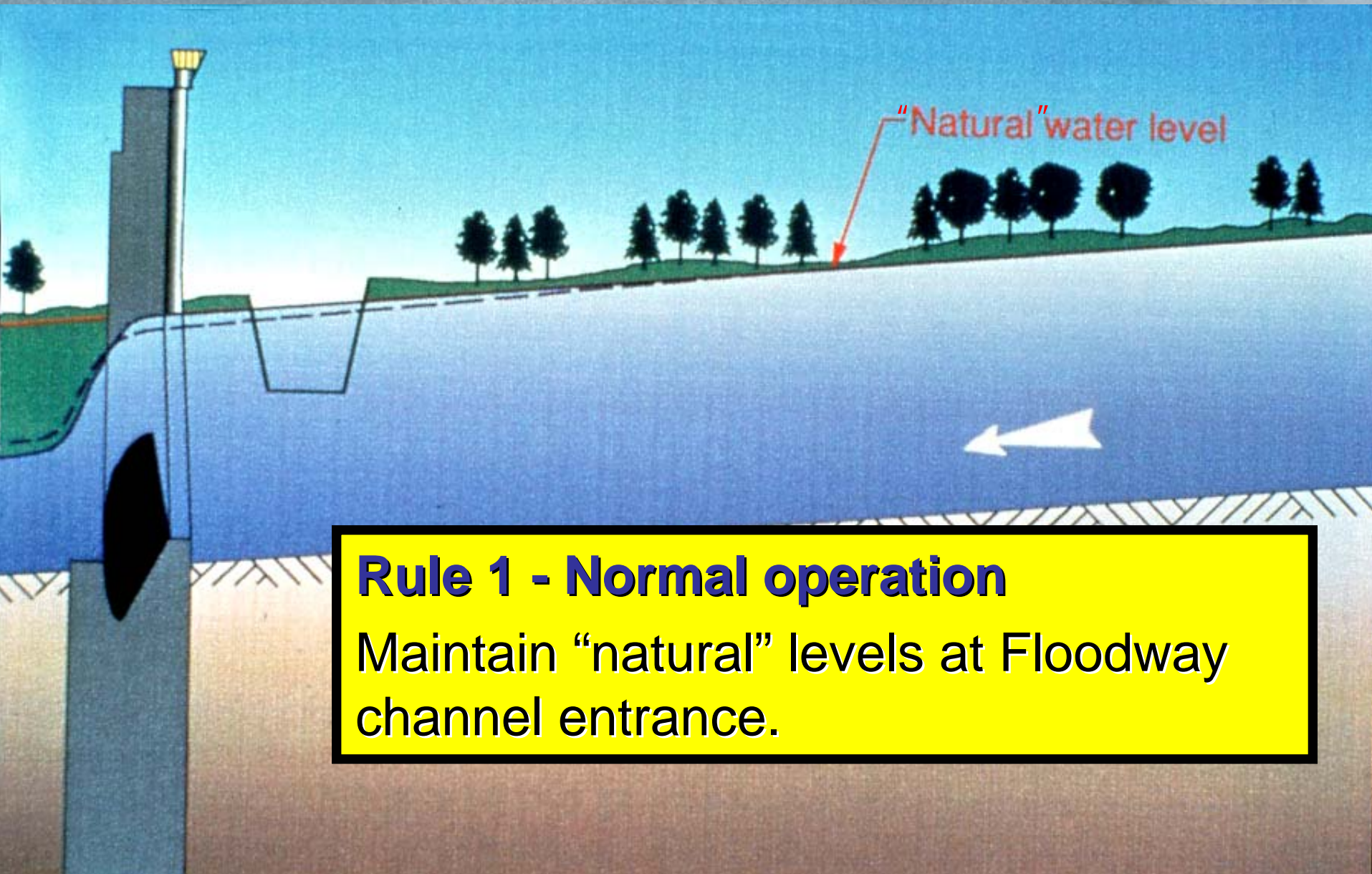
Spring Operation: Rule 1



Spring Operation: Rule 1



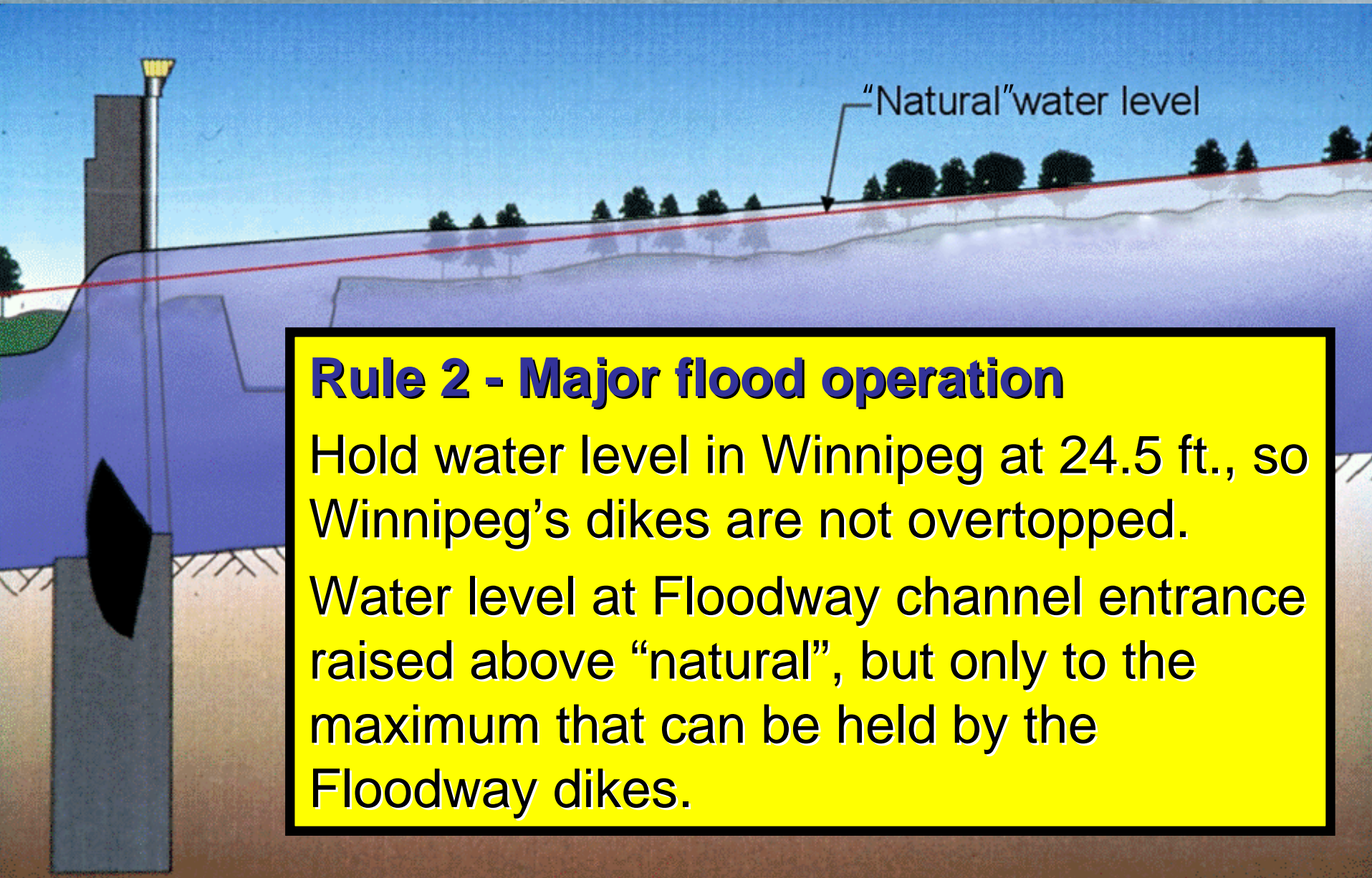
Spring Operation: Rule 1



Rule 1 - Normal operation

Maintain "natural" levels at Floodway channel entrance.

Spring Operation: Rule 2

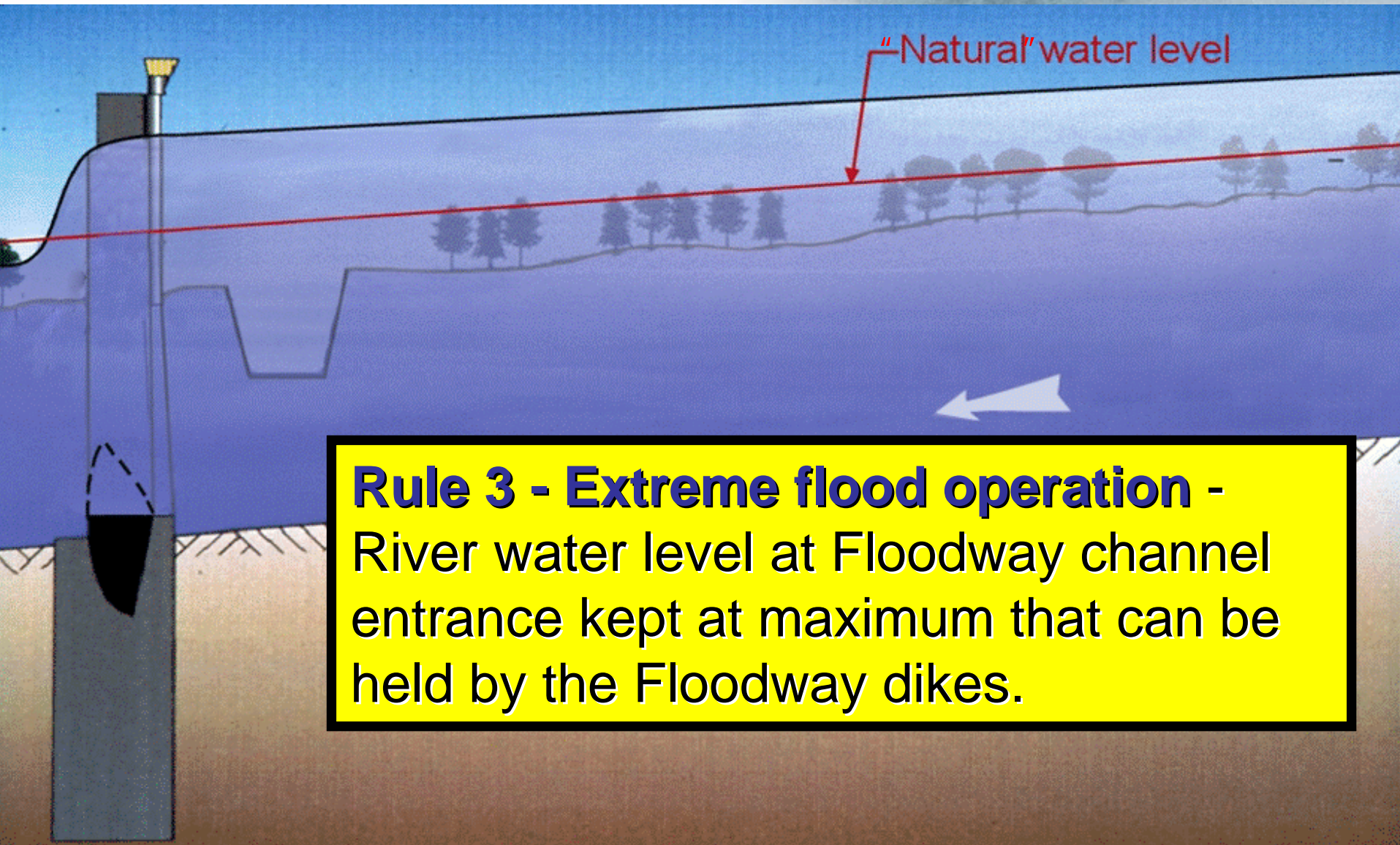


Rule 2 - Major flood operation

Hold water level in Winnipeg at 24.5 ft., so Winnipeg's dikes are not overtopped.

Water level at Floodway channel entrance raised above "natural", but only to the maximum that can be held by the Floodway dikes.

Spring Operation: Rule 3



Rule 3 - Extreme flood operation -
River water level at Floodway channel entrance kept at maximum that can be held by the Floodway dikes.

Floodway Operation Rules

Rule 1 - Normal operation - maintain "natural" levels at Floodway channel entrance.

Rule 2 - Major flood operation –hold level in Winnipeg at 24.5 ft. Water level at Floodway channel entrance will rise above “natural”, by not infringing on dyke freeboard.

Rule 3 - Extreme flood operation - river level at Floodway channel entrance must not exceed the maximum.

Rule 4 – Emergency non-Spring Operation to Reduce Sewer Backup in Winnipeg

Horn operation - before initial gate operation

Initial gate operation – usually, not until ice is moving

Final drop of gate - in consultation with City

Definition of “Artificial Flooding” in the Act

- **Artificial Flooding** - “flooding caused by Floodway operations during spring flooding and where the Red River exceeds its “**natural**” level at the time of the event”.

Floodway Operation Report:

Requirements of the Floodway Act (Part 4):

- Report on operation to be provided to the Minister of Water Stewardship in every spring when Floodway is operated
- Report must be provided to the Minister on or before June 30

Floodway Operation Report:

Objectives of report:

- Document operation of control gates
- Document recorded levels and flows
- Document computed "natural" levels
- Assess whether any artificial flooding occurred, and if so its magnitude and extent

Suggested Content of Report:

- The period of operation
- Statement as to whether artificial flooding was caused during this period
- Descriptions of:
 - causes of spring flooding and duration
 - Floodway operations and technical issues
- Tabulation of:
 - Floodway gate adjustments, including date and time
 - actual and computed “natural” flows and river levels for the Red River for the full period of operation at the Floodway channel entrance and at James Ave Pumping Station
- Other suggestions?

Suggested Content of Report (cont'd)

In years where artificial flooding occurred:

- Date and duration of artificial flooding
- Why "natural" levels were exceeded
- Map showing maximum extent and duration of artificial flooding
- **Other suggestions?**

Publication of Report

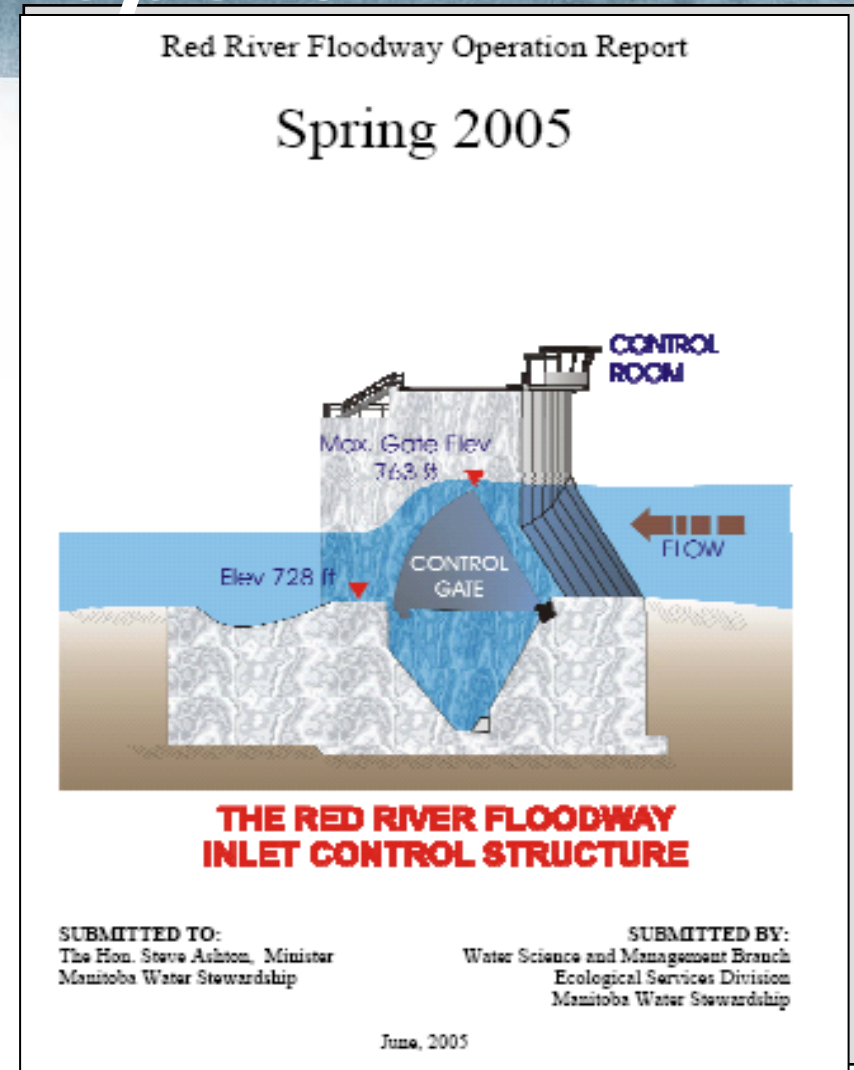
- Public registry
- Internet home page of Manitoba Water Stewardship

<http://www.gov.mb.ca/waterstewardship/reports>

- Water Stewardship offices

Review of 2005 report

- First report was published in 2005



<http://www.gov.mb.ca/waterstewardship/reports>

The Red River Floodway Act

PART 2:

Compensation for Artificial Flood Damage and Economic Loss

Paul Anderson

Compensation

Public meetings conducted by the Clean Environment Commission (2002 & 2005) identified compensation as one of the top issues related to flood protection options for the City of Winnipeg

Compensation

Comments arising from the public meetings included:

- All residents of the Red River Valley should be treated fairly
- Enshrined in legislation
- Full cost compensation
- The costs of being flooded and the frustration of dealing with adjusters, declaring bankruptcy, and other personal hardships must be considered

Disaster Assistance

The Disaster Financial Assistance (DFA) is intended to provide financial assistance following "natural" disasters

Assistance or Compensation

Limitations on who and what is eligible means that DFA is not an appropriate mechanism for providing compensation for spring artificial flooding

Assistance or Compensation

- **Assistance may be provided**
- **Compensation must be paid**

- **Assistance is limited to essential items**
- **Compensation is available for all property damage**

Assistance or Compensation

- **Assistance is not available for economic loss**
- **Compensation is available for economic loss**
- **Assistance is based on average quality and average pricing**
- **Compensation is based on similar kind, quality, and construction**

Assistance or Compensation

- **Assistance includes a deductible**
- **Compensation has no deductible**

The Red River Floodway Act

- **Enshrines compensation for spring artificial flooding in legislation**
- **Makes compensation available to everyone**
- **Provides full value for property damage**
- **Provides for economic loss or disruption**
- **No deductible**

Regulation

Guiding principles for the development of the compensation regulation

- **Fair to all parties**
- **Responsible stewardship of public funds**
- **Responsive to the needs of claimants**
- **Provide compensation in a timely manner**
- **Use of plain language**

Regulation

The compensation regulation may include:

- **Definitions**
- **Application and claims procedures**
- **Details of compensation for property damage**
- **Details of compensation for economic loss**
- **Claim settlement procedures**
- **Claims review and/or issue resolution process**

Regulation

Application and claims procedures

- **Who can claim**
- **How to claim**
- **Timeframe for submitting claims**
- **Duties and responsibilities of the claimant**
- **Duties and responsibilities of program administrators**

Regulation

Property damage

- **Based on the lesser of the cost to repair or replace**
- **Take into consideration materials of a similar kind, quality, and construction**
- **Use of generally accepted methods of valuation**
- **Consideration of damage to one-of-a-kind items**
- **Allow improvements or upgrades required by prevailing codes or standards**
- **Reductions for assistance from other sources**

Regulation

Economic loss

- **Account for wages, salaries or business income lost during a period of disruption**
- **Account for necessary expenses that continue during a period of disruption**
- **Use of generally accepted and appropriate methods of valuation**
- **Reduction for assistance from other sources**

Regulation

Claims settlement procedures

- **Documentation and verification of the claim**
- **Full disclosure of the valuation of a claim**
- **Procedures for releasing payment**

Regulation

Review and issue resolution process

- **Timeframe to request a review**
- **Procedure for requesting a review**
- **Appeal process (Disaster Assistance Appeal Board)**

Compensation

Review of public comments:

- **All residents of the Red River Valley should be treated fairly**
- **Enshrined in legislation**
- **Full cost compensation**
- **The costs of being flooded and the frustration of dealing with adjusters, declaring bankruptcy, and other personal hardships must be considered**

Questions?

Discussion Questions

Issues for Discussion:

1. Fair compensation for property damage
2. Determining business income loss
3. Duties & responsibilities of claimants
4. Floodway operation report requirements

Discussion Questions

1. It has been suggested that the valuation of compensation for property damage should be based on the lesser of the cost to repair or replace damaged property with something of a similar kind quality and construction.
 - Agree/ disagree? Please explain
 - How could fair compensation be assessed?

Discussion Questions

2. There is more than one way for determining business income loss.
 - How should that be embodied in the regulation?

Discussion Questions

3. It has been suggested that the Compensation Regulation include a section on the duties and responsibilities of a person claiming compensation under *The Red River Floodway Act*.
 - What duties and responsibilities should be imposed on a claimant?

Discussion Questions

4. Floodway Report –

- What details would be of use to you in the report?
- Where should the report be made available?
- Other comments about the report?

Contact Us

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