

In order to determine “how to fix it”, one has to understand “how it works” and this is where it started for me. This following the 1996 Red River Flood and my examination and linkage to Winnipeg’s sewage infrastructure.

I was made aware by a life long Valley resident of “**the promise of the Government(s) Engineers**” and that the floodway was constructed under an agreement between the Government of Canada and the Government for the Province of Manitoba. Within this agreement is; **Section 20** with terms and conditions requiring provision of a Program of Operation for how the flood control works would be operated.

**Section 20** required “**Federal Approval**” for the **Program of Operation**, as well as approval of revisions to said program. Not knowing who was responsible for the 1962 Ministry of Northern Affairs and National Resources, I started at the top, the PM of Canada. Surely he would be able to sort it out!!!

The following is the record of deception and sheltering of critical records by Canada at Manitoba’s request and on their behalf. But for the diligent efforts over some six years by the now retired Manitoba Ombudsman, Mr. Barry Tuckett, we as Canadians would still not be fully informed on Red River flood control matters.

My federal **Access to Information Act** (ATIP) requests started in 1997 with a **Privy Council Access** request that was subsequently transferred to Environment Canada. It was assigned File No. A-97-0158/mc after transferred from **PCO** and evolved into ATIP A-1998-0046/mc with denied access at Manitoba’s request. Only by the Environment Canada June 15, 2005 **ATIP** release; **A-2005-00074/mc** was the circle “closed” back to the former PM **The Rt. Hon. Jean Chrétien**.

With the change of government in 1999 I requested the records under A-2000-0161/mc and again they were denied by the Doer government. I confronted the Premier about “**Federal Approval**” and “**Sheltered Records**” on April 11, 2001 during the unnecessary flooding of our Upstream community, with **9 of 11** released subsequently released. -The Story Below.



Environment Environnement  
Canada Canada  
Les Terrasses de la Chaudière  
27ième étage/27<sup>th</sup> Floor  
10, rue Wellington/10 Wellington Street  
Gatineau, Québec K1A 0H3  
TÉL.: (819) 953-2743  
FAX: (819) 953-0749  
Courriel/E-Mail: Helen.Ryan@ec.gc.ca

Your File Votre référence

Our File Notre référence  
A-2004-00150 / mc

**JUN 09 2004**

Mr. Paul E. Clifton  
852 Red River Drive  
Howden, Manitoba  
R5A 1J4

Dear Mr. Clifton:

We have completed processing your request under the Access to Information Act (the Act) for:

"Provide background correspondence records of Environment Canada and the Government of the Province of Manitoba relating to ATIP request A-2000-0161/mc. The correspondence (Canada and Manitoba) follows complaint to the Information Commissioner of Canada under file No. 3100-15344/001.

Provide copies of the Environment Canada request relating to the release of records 00023, 00024, 00051, 00126 and 00182 - 00186 and include the requested approval to release records 00197 and 00198. Provide Manitoba's response to this request."

Attached please find the complete release package in response to this request. Please be advised that some information has been withheld in accordance with section/paragraph 13(1)(c) of the Act. A copy of the relevant section is attached.

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

Office of the Information Commissioner  
112 Kent Street, 22nd Floor  
Place de Ville, Tower B  
Ottawa, Ontario K1A 1H3

If you have any questions regarding this request, please do not hesitate to contact Maggie Casey at (819) 994-6619.

Yours sincerely,

Helen Ryan  
Access to Information and  
Privacy Coordinator

Enclosure

## EXEMPTIONS

### *Responsibilities of Government*

Information  
obtained in  
confidence

13. (1) Subject to subsection (2), the head of a government institution shall refuse to disclose any record requested under this Act that contains information that was obtained in confidence from

(a) the government of a foreign state or an institution thereof;

(b) an international organization of states or an institution thereof;

(c) the government of a province or an institution thereof; or

(d) a municipal or regional government established by or pursuant to an Act of the legislature of a province or an institution of such a government.

(2) The head of a government institution may disclose any record requested under this Act that contains information described in

Where  
disclosure  
authorized

## EXCEPTIONS

### *Responsabilités de l'État*

13. (1) Sous réserve du paragraphe (2), le responsable d'une institution fédérale est tenu de refuser la communication de documents contenant des renseignements obtenus à titre confidentiel :

a) des gouvernements des États étrangers ou de leurs organismes;

b) des organisations internationales d'États ou de leurs organismes;

c) des gouvernements des provinces ou de leurs organismes;

d) des administrations municipales ou régionales constituées en vertu de lois provinciales ou de leurs organismes.

(2) Le responsable d'une institution fédérale peut donner communication de documents contenant des renseignements visés

Renseignements  
obtenus à titre  
confidentiel

Cas où la  
divulgence  
est autorisée



CLERK OF THE EXECUTIVE COUNCIL

Legislative Building  
Winnipeg, Manitoba, CANADA  
R3C 0V8

April 13, 2004

Mr. Paul E. Clifton  
852 Red River Drive  
Howden MB R3V 1L2

Dear Mr. Clifton:

**Re: Application for Access under The Freedom of Information and Protection of Privacy Act (FIPPA)  
(Our File No. 06/04EC)**

Your application for access was received by Executive Council on March 18, 2004. You requested access to the following:

*" I provide my record of a letter sent to Premier Doer with carbon copy to the Federal Minister of the Environment, dated April 16, 2001. Please provide copy of Premier Doer's received copy c/w date stamp. Provide copy of Premier Doer's reply to this letter."*

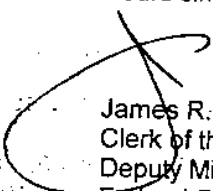
Your application for access has been processed and copies of the requested records are attached.

If you have any questions concerning your Application for Access request or *The Freedom of Information and Protection of Privacy Act*, please do not hesitate to contact Erroll Kavanagh at (204) 945-4319. A complete copy of the legislation can be found on the government's website ([www.gov.mb.ca/chc/fippa](http://www.gov.mb.ca/chc/fippa)).

Subsection 59(1) of *The Freedom of Information and Protection of Privacy Act* states that you may make a complaint about this decision respecting your request for access to the Manitoba Ombudsman. You have 60 days from the receipt of this letter to make a complaint on the prescribed form to:

Manitoba Ombudsman  
750 - 500 Portage Avenue  
Winnipeg MB R3C 3X1  
(204) 982-9130  
1-800-665-0531.

Yours sincerely,

  
James R. Eldridge  
Clerk of the Executive Council  
Deputy Minister of  
Federal-Provincial Relations

Attach.

c. Erroll Kavanagh



Joe Bryksa/Winnipeg Free Press, Thursday April 12, 2001

Premier Gary Doer (left) talks to Paul Clifton  
who lives near the Floodway

FILE No.	503
CROSS REFERENCE NUMBERS	
No. 1	
No. 2	

0441

April 16, 2001  
 Paul E. Clifton  
 Group 5 Box 16 RR #1  
 St. Norbert, Mb. R3V 1L2

Premier Gary A. Doer  
 Manitoba Legislative Bldg.  
 Room 204, 450 Broadway,  
 Winnipeg Manitoba R3C 0V8

PREMIER'S OFFICE  
 APR 18 2001  
 MANITOBA

Re: Follow Up of Request for Federal/Provincial Documentation and Records

Dear Premier Doer

As a follow up to my request for approval documentation and historic records, made directly to you on the Winnipeg Floodway control structure on Wednesday April 11, 2001, I now provide the same request in writing. Additionally, I provide a relevant record package, and questions to ponder and respond to before you metaphorically button the collar on your flack jacket and continue down the same road as others in this matter.

Before my contention and grievance is dismissed as being caused by the actions of the previous administration, you should note that you and your technocrats are continuing as others. Given heavy and sustained rains in the Valley over the next ten days to two weeks, you and I would be in the same metaphoric boat as in May of 1997.

I noted at your press conference, that the release or access to Federal documentation was being blocked by your government. I provide copy as "Attachment A", an Information Source, Access to Information request form, submitted in the spring of 1998 to Environment Canada. The requested records were located with about 13 pages or portions thereof of 30 year old documents withheld at the request of the Province of Manitoba. In 2000, I again requested the excluded records and again was denied access because of the requested third party exemption. Mr. Doer, I'm requesting that you intervene, and authorize Canada to release these documents.

I have additionally requested the assistance of the Information Commissioner of Canada in complaint against Environment Canada and PFRA Manitoba, for release of all Federal records from the Red River Floodway Operational Review Committee, and it's December 1999 report. The Red River floodway operation review was conducted by a Provincially appointed committee which excluded and disallowed any meaningful participation from interested and elected upstream residents to be affected by any changes to the Program. I remind the Premier that this excluded community is likely the same folks to be courted to support the Winnipeg Floodway expansion option and the necessary surcharging of the floodway and artificial flooding upstream.

FILE No.	503	INDEXED
CROSS REFERENCE NUMBERS		
No. 1		
No. 2		



0441

Winnipeg, Manitoba, CANADA  
R3C 0V8

May 11, 2001

Mr. Paul E. Clifton  
Box 16 Grp 5 RR #1  
St. Norbert MB R3V 1L2

Dear Mr. Clifton:

The Premier would like me to thank you for your recent letter of April 16, 2001 regarding federal/provincial documentation and records.

You indicate in your letter that you have recently filed applications under the appropriate federal and provincial access legislation for the release of government documents. All access to information requests are guided by strict adherence to legislative requirements. The Premier has been told that Manitoba Conservation is processing your requests and will be making recommendations to the federal officials involved in the release of federal/provincial documents.

Thank you again for writing to the Premier and keeping him apprised of your concerns.

Sincerely,

Lea Girman  
Coordinator of the  
Premier's Secretariat



**Manitoba**

A-2000-0161



Manitoba Conservation  
Administrative Support Services  
Box 85, 200 Saulteaux Crescent  
Winnipeg, Manitoba R3J 3W3

May 15, 2001

Environment Canada  
Access to Information and Privacy Secretariat  
10 Wellington Street  
Hull, Quebec  
K1A 0H3

Attn: Ms. Maggie Casey

Re: Your access to Information request A-2000-0161

Manitoba Conservation continues to have concerns with the release of the information that was submitted in confidence, by our Ministry, in the following document:

- #000197-98 (2 pages)

13 (1) (c)

The following documents can be released:

- #000023 August 10, 1970
- #000024 August 25, 1970
- #000051 March 17, 1971
- #000126 April 20, 1976 and
- #000182-86 (5 pages) March 26th, 1982

If you have any further questions or concerns, please contact Gail Cielen, Access & Privacy Coordinator at the above address or phone (204) 945-2385, or e-mail [gcielen@gov.mb.ca](mailto:gcielen@gov.mb.ca).

Yours truly,

Gerry Glenn  
A/Director

c.c. G. Cielen





Manitoba Conservation  
Administrative Support Services  
Box 85, 200 Saulteaux Crescent  
Winnipeg, Manitoba R3J 3W3

May 15, 2001

*May 22/2001*

Environment Canada  
Access to Information and Privacy Secretariat  
10 Wellington Street  
Hull, Quebec  
K1A 0H3

Attn: Ms. Maggie Casey

Re: Your access to Information request A-200<sup>2</sup>0161

Manitoba Conservation continues to have concerns with the release of the information that was submitted in confidence, by our Ministry, in the following document:

- #000197-98 (2 pages)

*13(1)(c)*

The following documents can be released:

- #000023 August 10,1970
- #000024 August 25,1970
- #000051 March 17,1971
- #000126 April 20,1976 and
- #000182-86 (5 pages) March 26ht,1982

If you have any further questions or concerns, please contact Gail Cielen, Access & Privacy Coordinator at the above address or phone (204) 945-2385, or e-mail [gcielen@gov.mb.ca](mailto:gcielen@gov.mb.ca).

Yours truly;

Gerry Glenn  
A/Director

c.c. G. Cielen

**FAXED**  
MAY 16 2001

**MESSAGE TRANSMIS PAR TÉLÉCOPIEUR**

**FACSIMILE TRANSMITTED MESSAGE**

**Secrétariat de l'accès à l'information et de la protection des renseignements personnels / Access to Information and Privacy Secretariat**  
Direction générale de l'administration / Administration Directorate  
Environnement Canada / Environment Canada  
Les Terrasses de la Chaudière  
10, rue Wellington / 10 Wellington Street  
4<sup>e</sup> étage / 4<sup>th</sup> Floor  
Hull, Québec  
K1A 0H3

DATE: March 8, 2001

À TO: Gail Cielen

ORGANISATION / ORGANIZATION: Manitoba Conservation

NO. DE TÉLÉCOPIEUR / FAX NO: 204 948-2159

EXPÉDITEUR / FROM Maggie Casey

NO. DE TÉL. / TEL. NO.: 819 994-6619

NO. DE TÉLÉCOPIEUR / FAX NO.: (819) 953-1099

NOMBRE DE PAGE (S) JOINTE (S) / NUMBER OF PAGE (S) ATTACHED :

MESSAGE: **Original Request 1998-046 Current 2000-0161 (Winnipeg Floodway)**

This refers to our telephone conversation of today, March 8, 2001 and to your letter of November 24, 2000. As discussed, we received a complaint from the requester regarding exemptions applied to documents that are over 20 years old.

The Information Commissioners office would like evidence that this was given in Confidence and to prove injury should these documents be released. Could we please have something from your organization in writing.

Thank you.

Maggie

# Info Source

## 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**

As a follow-up and to complete my record search: Reference Environment Canada ATIP File No. A-1998-0046 /mc request for documentation. Your Record Numbers 001 to 222 inclusive.

Provide your complete record package, including all previously excluded portions of your release of all Federal, records, notes or other documentation between the Government of Canada and the Government for the Province of Manitoba relating to the Greater Winnipeg Floodway.

\*\*\* If it is the intent of EC, to again not release the complete record package, simply forward this ATIP request to the Information Commissioner of Canada for adjudication of the necessity to release the full and complete record.

**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

February 19, 2001  
Paul Clifton  
Group 5 Box 16 RR #1  
St. Norbert, Mb. R3V 1L2

Information Commissioner of Cdn.  
Place de Ville, Tower B,  
112 Kent Street,  
Ottawa, Ontario K1A 1H3  
Facsimile (613) 995-1501

Re: Complaint Against Environment Canada Under ATIP, Their File No. A-2000 - 0161/mc

Dear Commissioner:

The lack of prompt assignment of an investigative officer to my complaint against Environment Canada, and the importance of the issue to our community prompts this letter to your attention.

As background I provide an outline of some of the issues at hand that relate to the Government of Canada, (Canada) and the Government for the Province of Manitoba, (Manitoba) for the Red River flood protection of the City of Winnipeg.

In the 1997 Red River flood large portions of southern Manitoba was flooded by a "Natural" and in the immediate upstream of Greater Winnipeg Floodway, unnatural or man-made flood levels. Upstream of floodway flooding was exacerbated by Province of Manitoba flood control, causing 2.5 to 3.9 feet above "natural levels" in our area in the flood protection for the City of Winnipeg.

The 1997 flood was studied by at least three technical bodies, {Charles Howard and Associates of Victoria, BC (December 18, 1997 Report). The Manitoba Water Commission (June, 1998 Report) and The International Joint Commission, Washington/Ottawa (November 2000 Report) with all reporting and commenting on the flooding of one community in the flood protection of another.

The present Red River flood control infrastructure, was conceived by the Government of Canada and the Province of Manitoba, after the 1950 Winnipeg Red River flood. The present infrastructure was constructed following the signing of the May 28, 1962 agreement for the construction and maintenance of the Greater Winnipeg Floodway. This agreement required a "Program of Operation" for the works to be submitted to the Federal Minister for approval and subsequent changes to the "Program", submitted for approval.

The above reference to 1950 or later records prompted my first Federal records search starting in the late spring of 1997, seeking records from the former Ministry of Northern Affairs and National Resources. Because I was unaware which Federal Ministry was responsible, I forwarded my first ATIP request to the Prime Minister of Canada.

This request was for the Federal approval documentation by which the Province of Manitoba was operating the Greater Winnipeg Floodway in the 1997 flood protection of Winnipeg. Environment Canada was found to be the responsible department for the former ministry and after complaint to your office for lack of prompt and complete response, Mr. Conrad Hoff intervened and Environment Canada provided a response. This reply stated that Manitoba had two "Programs of Operation" the 1970 and 1984. Manitoba submitted the 1970 Program to Canada and was not approved, the 1984 program was not submitted for approval.

This reply prompted me to submit a subsequent ATIP request for all Government of Canada records notes and documentation between Canada and Manitoba, EC File No. A-1998-0046/mc. Environment Canada advised of an estimated 80 hours of documentation search and required a 50% up front contribution. The 50% fee was provided and searches conducted. Environment Canada were not in compliance with the 30-day requirement of the Act and the search fee was felt to be excessive. Again I complained and Mr. Hoff and he resolved my complaint.

The 1998 Environment Canada release was documentation from No. 001 to ~~222~~ 204 with several pages or sections of pages withheld at the request of a third party. In 2000, a follow-up request was made to Environment Canada under the Act, for the 1998 excluded documents and assigned EC File No. A-2000-0161/mc. Again the same records were withheld for the same third party exclusion.

This lack of release by Environment Canada and subsequent complaint acknowledged by your office on November 20, 2000 is the extent of action by the Information Commissioner, thus this letter. The withheld documentation from between 1960 and 1971, relates directly to the intergovernmental discussions on proposed operation of the Winnipeg Floodway control works. These works that are presently capable of flooding the complete inhabited upstream of floodway area, up to 6.5 feet higher than the Red River flood of 1997, without negotiated right to do so.

Our communities right to know, and the public interest in disclosure of thirty year old records must clearly outweigh any invasion of privacy or necessity of nondisclosure of intergovernmental records.

Thank you in advance of your prompt follow-up regarding the above.

Regards,

P.E. Clifton

ICofCDN\010219.1L

xc Mr. Conrad Hoff, Information Commissioner of Canada  
Place de Ville, Tower B, 112 Kent Street,  
Ottawa, Ontario K1A 1H3

MANITOBA CONSERVATION

TELECOPIER TRANSMITTAL COVER SHEET

TRANSMITTING FROM CANON FACSIMILE PHONE 204-945-2385  
OPERATOR NUMBER: Brenda Camire @945-4856

MANITOBA CONSERVATION  
MANAGEMENT SERVICES  
Box 85, 200 Saulteaux Crescent  
WINNIPEG, MANITOBA R3J 3W3

DATE: November 24, 2000

NUMBER OF PAGES \_\_\_\_\_ (INCLUDING COVER SHEET)

TO: Ms. Maggie Casey  
Environment Canada  
Hull, Quebec  
(819) 953-1099

FROM: Gail Cielen

AREA: Program Coordinator

PHONE NO. 945-4170

REMARKS: See letter attached.

*This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law.*

*If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone at 945-\_\_\_\_\_.*

# Manitoba



Manitoba Conservation  
Management Services  
Box 85, 200 Saulteaux Crescent  
Winnipeg, Manitoba R3J 3W3

November 23, 2000

Environment Canada  
Access to Information and Privacy Secretariat  
10 Wellington Street  
Hull, Quebec  
K1A 0H3

Attn: Ms. Maggie Casey

Re: Your access to Information request A-1998-0046

Manitoba Conservation continues have concerns with the release of the information that was provided by our Ministry under Natural Resources. The documents indicated below, we feel, were provided in confidence:

- #000023 August 10, 1970
- #000024 August 25, 1970
- #000051 March 17, 1971
- #000126 April 20, 1976
- #000182-86 (5 pages) March 26<sup>th</sup>, 1982
- #000197-98 (2 pages)

13(1)(c)

If you have any further questions or concerns, please contact Gail Cielen, Access & Privacy Coordinator at the above address or phone (204) 945-2385, or e-mail [gcielen@nr.gov.mb.ca](mailto:gcielen@nr.gov.mb.ca).

Yours truly,

  
W.J. Podolsky  
Executive Director

c.c. G. Cielen



# Manitoba



Manitoba Conservation  
Management Services  
Box 85, 200 Saulteaux Crescent  
Winnipeg, Manitoba R3J 3W3

November 23, 2000

*Dec 4/2000  
MC*

Environment Canada  
Access to Information and Privacy Secretariat  
10 Wellington Street  
Hull, Quebec  
K1A 0H3

Attn: Ms. Maggie Casey

Re: Your access to Information request A-1998-0046

*(A-2000-0161)*

Manitoba Conservation continues have concerns with the release of the information that was provided by our Ministry under Natural Resources. The documents indicated below, we feel, were provided in confidence:


*13 (1)(c)*

- #000023 August 10, 1970
- #000024 August 25, 1970
- #000051 March 17, 1971
- #000126 April 20, 1976
- #000182-86 (5 pages) March 26<sup>th</sup>, 1982
- #000197-98 (2 pages)

*13 (1)(c)*

If you have any further questions or concerns, please contact Gail Cielen, Access & Privacy Coordinator at the above address or phone (204) 945-2385, or e-mail [gcielen@nr.gov.mb.ca](mailto:gcielen@nr.gov.mb.ca).

Yours truly;

  
W.J. Podolsky  
Executive Director

*(204) 945-4056*

c.c. G. Cielen



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-2000-0161 / mc

JUL 5 2001  
JUL

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

Dear Mr. Clifton:

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

"As a follow-up and to complete my record search: Reference Environment Canada ATIP File No. A-1998-0046/mc request for documentation. Your record numbers 001 to 222 inclusive. Provide your complete record package, including all previously excluded portions of your release of all Federal, records, notes or other documentation between the Government of Canada and the Government for the Province of Manitoba relating to the Greater Winnipeg Floodway."

Attached please find the information that can now be released to you.

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

Yours sincerely,

René Bolduc  
A/Access to Information  
and Privacy Coordinator

Enclosure

c.c.: Barbara Morris  
Information Commissioners Office

# Info Source

## Access to Information Act

# Access to Information Request Form

For official use only

<p><b>Step 1</b> 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 <i>Access to Information Act</i>. If you wish to make an informal request, contact the appropriate institution. The address can likely be found in <i>Info Source</i> 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.</p>	<p><b>Step 2</b> To apply for information under the <i>Access to Information Act</i>, 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 <i>Info Source (Sources of Federal Government Information)</i> for a description of program records held by the institution or contact its Access to Information Coordinator.</p>	<p><b>Step 3</b> Forward the access request to the Coordinator of the institution holding the information. The address is listed in the "Introduction" to <i>Info Source</i>. 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.</p>	<p><b>Step 4</b> 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.</p>
---	---	---	---

Federal Government Institution  
Environment Canada

Provide details regarding the information being sought

As a follow-up and to complete my record search: Reference Environment Canada ATIP File No. A-1998-0046 /mc request for documentation. Your Record Numbers 001 to 222 inclusive.

Provide your complete record package, including all previously excluded portions of your release of all Federal, records, notes or other documentation between the Government of Canada and the Government for the Province of Manitoba relating to the Greater Winnipeg Floodway.

\*\*\* If it is the intent of EC, to again not release the complete record package, simply forward this ATIP request to the Information Commissioner of Canada for adjudication of the necessity to release the full and complete record.

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-2000-0161 / mc**

September 14, 2000

Ms. Gail Cielen  
 Access to Information Coordinator  
 Ministry of Natural Resources  
 Government of Manitoba  
 Box 85, 200 Saulteaux Crescent  
 Winnipeg, Manitoba  
 R3J 3W3

Dear Ms. Cielen:

We have received a request under the Access to Information Act (the Act) for:

"As a follow-up and to complete my record search: Reference Environment Canada ATIP fil no. A-1998-0046/mc request for documentation. Your record numbers 001 to 222 inclusive.

Provide your complete record package, including all previously excluded portions of your release of all Federal, records, notes or other documentation between the Government of Canada and the Government for the Province of Manitoba relating to the Greater Winnipeg Floodway."

We consulted with you on the following pages on September 10, 1998. Your recommendation at that time was to withhold these pages. I am consulting with you again to see if this information can now be released. Please provide me with your comments regarding their disclosure.

If you have objection to the documentation being made available to the applicant, I would appreciate you notifying me by **October 4, 2000**. In the absence of a response, we will presume that you have no concerns with the release of the document(s).

Your comments can be sent by fax (819) 953-1099. Any questions regarding this matter may be directed to Maggie Casey at (819) 994-6619.

Yours sincerely,

Michael Boguez  
 Chief  
 Access to Information  
 and Privacy Secretariat

*Pages*

23, 24, 51, 126, 182, 183  
 184, 185, 186, 197, 198

Enclosures

018



MANITONIA

PA

DEPARTMENT OF MINES AND NATURAL RESOURCES  
WATER CONTROL AND CONSERVATION BRANCH

693 TAYLOR AVENUE,  
WINNIPEG 9

August 10, 1970  
File: 10.5.4

Mr. A. T. Prince, Director  
Department of Energy, Mines and Resources  
582 Booth Street  
Ottawa 4, Ontario

Dear Dr. Prince:

By your letter of July 23, 1969 you requested that we submit to you, in accordance with Article 20 (1) of the Greater Winnipeg Floodway Agreement for your Minister's approval the following:

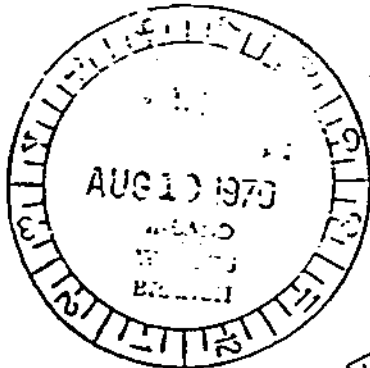
- (a) A program for the control and operation of the Floodway under routine conditions and emergency conditions.
- (b) A program for the establishment and maintenance of hydrometric rain gauges and of snow surveys on the Red River Basin.

Unfortunately, we were unable to complete the preparation of the appropriate reports outlining the programs referred to above as quickly as we would have liked. We have now completed item (a) and I am pleased to submit four copies of a report which we have recently completed dealing with this program for your review and consideration.

We have some revisions which we would like to make to our draft report covering item (b), and I would expect that we should be able to have four copies of the revised report in your hands before the end of the month.

Yours sincerely,

T. E. Heber, P. Eng.,  
Director.



13/15

Comments - News &  
Not Taken - Sept 15/70  
To be discussed with Hamilton  
Nov 4/70 000023

512017-6

Received 24th March 30/71



MANTOBA

DEPARTMENT OF MINES AND NATURAL RESOURCES  
WATER RESOURCES BRANCH

693 TAYLOR AVENUE,  
WINNIPEG 9

→ File

March 17, 1971  
File: 10.5.4

Dr. A. T. Prince,  
Director,  
Inland Waters Branch,  
Department of Fisheries and Forestry,  
588 Booth Street,  
Ottawa 4, Ontario.

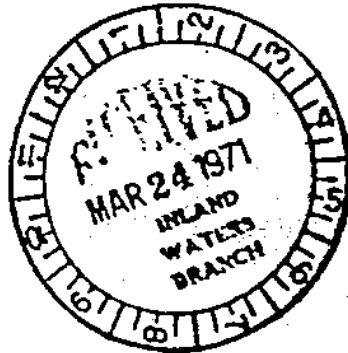
Dear Dr. Prince:

Further to my letter of August 25, 1970 I am forwarding four copies of our revised report on Hydrometeorological Networks and Flood Forecasting Procedures for Operation of the Red River Floodway. Revisions to this report were made subsequent to discussions between our staff and your Messrs. Ujjainwalla and King and subsequent to Mr. Ujjainwalla's letter of December 24, 1970 including comments by Mr. P. W. Strilaeff.

Yours truly,

T. E. Weber, P. Eng.,  
Director.

AW/lf  
Enclosures



Copy of letter + 1 of report to Mr Peterson  
Original letter + 3 cc to Mr James.  
Whose is this for reply  
1 WB or P+O?  
act 2



Province of Manitoba  
Department of Mines, Resources and Environmental Management  
Water Resources Division

1577 Dublin Avenue  
Winnipeg, Manitoba  
R3E 3J5

76 04 20.

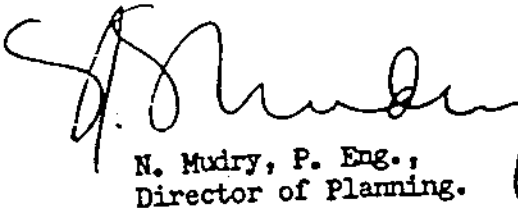
File: 10.5.1

Mr. H. B. Rosenberg,  
Chief,  
Socio Economic Division,  
Environment Canada,  
Ottawa, Ontario.  
K1A 0E7

Dear Mr. Rosenberg:

In response to your recent telephone request, I attach herewith two copies of a report entitled "Red River Floodway Program of Operation" which was prepared in July, 1970 in accordance with the provisions of the Floodway Agreement.

Yours truly,



N. Mudry, P. Eng.,  
Director of Planning.

NM/lh

Attachments.

*To list 3*

000126

MAY 14 1976

# MANIT<sup>BA</sup>

DEPARTMENT OF NATURAL RESOURCES  
Water Resources Branch  
1577 Dublin Avenue  
Winnipeg, Manitoba  
R3E 3J5

March 26, 1982

File: 10.5.1

Mr. Raj Thakur  
Environment Canada  
Water Planning & Management Branch  
Ottawa, Ontario  
K1A 0E2

Dear Mr. Thakur:

RE: RED RIVER FLOODWAY PROGRAM OF OPERATION

I am enclosing one copy of the above Manual as discussed.  
Please note the following:

1. The relationship shown on Figure 2, Reduction in Assiniboine River Peaks at Portage la Prairie with Shellmouth Reservoir in Operation is not used in the operation of the Red River Floodway Inlet Control Structure. Real time data is used in the operation.

2. Figure 6, Red River Floodway-Inlet Control Structure Rating Curve is missing from our files. In any event, we do not use this curve to determine the discharge of the Red River Floodway. It is calculated from the relationship:

$$Q = 885 H_1^{1.317} E_2^{0.183}$$

where

Q = discharge in cfs;

H<sub>1</sub> = water surface elevation at Floodway Inlet minus the control gate elevation, in feet;

H<sub>2</sub> = water surface elevation at the Floodway Inlet minus the tailwater elevation of the Inlet Control Structure, in feet

3. Figure 10: Red River Floodway Inlet Control Structure Gate Elevations. This curve is no longer in use. The attached Table replaced this figure.

023

000182





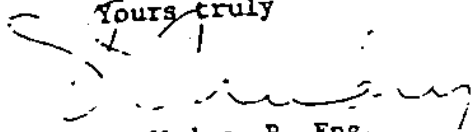
Mr. Raj Thakur

2

4. Our most recent computation sheet, Form 2, replaced Figure 11. A copy is attached.
5. Figure 12 is a gauge record sheet but we have run out of blank forms. An actual example is enclosed.

Should you need clarification, please do not hesitate to contact me.

Yours truly

  
N. Mudry, P. Eng.  
Chief of Water Management

Enclosures

000183

RED RIVER FLOODWAY CONTROL STRUCTURE  
 CYLINDER RISE IN FEET VS. GATE ELEVATION  
 IN FEET, U.S. OF C.

CYLINDER RISE IN FEET	GATE ELEVATION IN FEET U.S. OF C.									
	0.0	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9
0.0	728.04	728.12	728.20	728.29	728.37	728.46	728.54	728.63	728.71	728.80
1.0	728.88	728.97	729.05	729.14	729.22	729.31	729.40	729.48	729.57	729.66
2.0	729.74	729.83	729.92	730.01	730.09	730.18	730.27	730.36	730.45	730.53
3.0	730.62	730.71	730.80	730.89	730.98	731.07	731.16	731.25	731.34	731.42
4.0	731.51	731.60	731.69	731.78	731.88	731.97	732.06	732.15	732.24	732.33
5.0	732.42	732.51	732.60	732.69	732.79	732.88	732.97	733.06	733.15	733.25
6.0	733.34	733.43	733.52	733.61	733.71	733.80	733.89	733.99	734.08	734.17
7.0	734.26	734.36	734.45	734.54	734.64	734.73	734.83	734.92	735.02	735.11
8.0	735.20	735.29	735.39	735.48	735.58	735.67	735.77	735.86	735.95	736.05
9.0	736.24	736.34	736.43	736.53	736.62	736.72	736.82	736.90	737.00	737.09
10.0	737.09	737.19	737.28	737.38	737.47	737.57	737.66	737.76	737.85	737.95
11.0	738.04	738.14	738.23	738.33	738.43	738.52	738.62	738.71	738.81	738.90
12.0	739.00	739.09	739.19	739.29	739.38	739.48	739.57	739.67	739.76	739.86
13.0	739.95	740.05	740.14	740.24	740.34	740.43	740.53	740.62	740.72	740.81
14.0	740.91	741.00	741.10	741.19	741.29	741.39	741.48	741.58	741.67	741.77
15.0	742.06	742.16	742.25	742.35	742.44	742.54	742.63	742.73	742.82	742.92
16.0	742.81	742.90	743.00	743.09	743.19	743.28	743.38	743.47	743.57	743.66
17.0	743.75	743.85	743.94	744.04	744.13	744.22	744.32	744.41	744.50	744.60
18.0	744.69	744.78	744.88	744.97	745.06	745.16	745.25	745.34	745.44	745.53
19.0	745.62	745.71	745.81	745.90	745.99	746.08	746.18	746.27	746.36	746.45
20.0	746.54	746.63	746.73	746.82	746.91	747.00	747.09	747.18	747.27	747.36
21.0	747.45	747.54	747.63	747.72	747.81	747.90	747.99	748.08	748.17	748.26
22.0	748.35	748.44	748.53	748.62	748.71	748.80	748.89	748.98	749.06	749.15
23.0	749.24	749.33	749.42	749.50	749.59	749.68	749.77	749.86	749.94	750.03
24.0	750.12	750.20	750.29	750.38	750.46	750.55	750.63	750.72	750.81	750.89
25.0	751.06	751.14	751.23	751.31	751.39	751.48	751.57	751.65	751.73	751.82
26.0	752.06	752.14	752.23	752.31	752.39	752.48	752.57	752.65	752.73	752.82
27.0	753.06	753.14	753.23	753.31	753.39	753.48	753.57	753.65	753.73	753.82
28.0	754.06	754.14	754.23	754.31	754.39	754.48	754.57	754.65	754.73	754.82
29.0	755.06	755.14	755.23	755.31	755.39	755.48	755.57	755.65	755.73	755.82
30.0	756.06	756.14	756.23	756.31	756.39	756.48	756.57	756.65	756.73	756.82
31.0	757.06	757.14	757.23	757.31	757.39	757.48	757.57	757.65	757.73	757.82
32.0	758.06	758.14	758.23	758.31	758.39	758.48	758.57	758.65	758.73	758.82
33.0	759.06	759.14	759.23	759.31	759.39	759.48	759.57	759.65	759.73	759.82
34.0	760.06	760.14	760.23	760.31	760.39	760.48	760.57	760.65	760.73	760.82
35.0	761.06	761.14	761.23	761.31	761.39	761.48	761.57	761.65	761.73	761.82
36.0	762.06	762.14	762.23	762.31	762.39	762.48	762.57	762.65	762.73	762.82
37.0	763.06	763.14	763.23	763.31	763.39	763.48	763.57	763.65	763.73	763.82
38.0	764.06	764.14	764.23	764.31	764.39	764.48	764.57	764.65	764.73	764.82
39.0	765.06	765.14	765.23	765.31	765.39	765.48	765.57	765.65	765.73	765.82
40.0	766.06	766.14	766.23	766.31	766.39	766.48	766.57	766.65	766.73	766.82
41.0	767.06	767.14	767.23	767.31	767.39	767.48	767.57	767.65	767.73	767.82
42.0	768.06	768.14	768.23	768.31	768.39	768.48	768.57	768.65	768.73	768.82

MAY 1929

RED RIVER FLOODWAY  
INLET CONTROL STRUCTURE OPERATION

Time	RED RIVER										RIVERS GAGE		FLOODWAY	
	UPSTREAM GAUGES					DOWNSTREAM GAUGES					UPSTREAM	DOWNSTREAM	MANOMETER	
	Staff No. 1 Inlet	Staff No. 2 Tomlinson	Manometer Pier Nose	Manometer Division Channel	Staff No. 3 West Side	South Tapermeter	Staff No. 4 P.T.H. No. 75	Staff No. 5 P.T.H. No. 75	Telemark St. Mary's No.					
Gate Elev. 0														
1600	746.08	758.98	758.71	758.49	758.14	758.15	744.04	750.00	749.98	750.03	758.27			
1900		758.78	758.51	758.24	757.82	749.80	748.78	749.70	749.63	757.60				
0800	745.62	758.28	757.91	757.54	749.92	749.81	748.74	749.70	749.63	757.35				
1300		758.03	757.66	757.29	749.76	749.75	748.67	749.66	749.60	757.09				
1600	745.16	757.93	757.56	757.19	749.82	749.80	748.72	749.70	749.68	756.88				
1900		757.68	757.31	756.94	749.82	749.80	748.72	749.70	749.68	756.40				
0400	744.22	757.23	756.86	756.49	749.45	749.45	748.36	749.40	749.38	756.02				
1200	743.75	756.88	756.51	756.14	749.45	749.45	748.36	749.40	749.38	755.60				
1600		756.58	756.21	755.84	749.67	749.65	748.56	749.60	749.58	755.55				
1900	743.28	756.43	756.06	755.69	749.85	749.85	748.76	749.80	749.78	755.55				
0800	742.81	755.78	755.41	755.04	749.64	749.64	748.55	749.60	749.58	755.55				
1300	742.34	755.48	755.11	754.74	749.62	749.62	748.53	749.58	749.56	754.90				
1600		755.28	754.91	754.54	749.62	749.62	748.53	749.58	749.56	754.55				
1900	741.85	755.08	754.71	754.34	749.68	749.68	748.59	749.64	749.62	754.32				
0800	741.58	754.53	754.16	753.79	749.32	749.32	748.23	749.30	749.28	754.17				
1300	741.10	754.18	753.81	753.44	749.33	749.33	748.24	749.30	749.28	753.57				
1600		753.93	753.56	753.19	749.38	749.38	748.29	749.36	749.34	753.21				
1900	740.72	753.83	753.46	753.09	749.32	749.32	748.23	749.30	749.28	753.21				
0800	739.95													
1300	739.48	752.73	752.36	751.99	749.32	749.32	748.23	749.30	749.28	752.91				
1600		752.83	752.46	752.09	749.32	749.32	748.23	749.30	749.28	752.75				
1900	740.72	752.83	752.46	752.09	749.32	749.32	748.23	749.30	749.28	752.53				
0800	739.95													
1300	739.48	752.73	752.36	751.99	749.32	749.32	748.23	749.30	749.28	752.03				
1600		752.65	752.28	751.91	749.15	749.15	748.06	749.10	749.08	751.53				
1900	740.72	752.65	752.28	751.91	749.15	749.15	748.06	749.10	749.08	751.03				

000/85

**FORM 2**  
**RED RIVER FLOODWAY**  
**INLET CONTROL STRUCTURE, GATE COMPUTATION**


DATE: \_\_\_\_\_


ITEM	REFERENCE	ELEVATION	DISCHARGE
<b>ASSINIBOINE RIVER CONTRIBUTION - NATURAL CONDITIONS</b>			
1	Discharge Q	2 day log	
2	Headway Q		
3	Swathwash Q	Flood Rating	
4	Total Q of Partage	1 + 2 + 3	
5	Total Q of Headway	11-8-1042	
6	Assiniboine Contribution	11-8-1061	
7	Shogren Creek & Local		
8	Total Contribution	6 + 7	
<b>RED RIVER FLOODWAY</b>			
9	St. Mary's Road	11-8-11096	
10	Floodway Inlet	11-8-1104	
11	Selected Floodway Q		
<b>RED RIVER PEAK DISCHARGE - NATURAL CONDITIONS</b>			
12	W.L. of Structure		
13	Gate Elevation	11-13	
14	M <sub>1</sub>		
15	Totals of Elevation	11-13	
16	M <sub>2</sub>		
17	Q = $\frac{M_1 M_2}{L^2}$	11-8-11097	
18	Total Q of Inlet	11 + 17	
19	La So Ho = 2640.5 M <sup>3</sup>	11-17-1104	
20	Peak of James Avenue	8 + 18 + 19	
<b>CHECK CALCULATION</b>			
21	James Avenue	Rating Curve	
22	Floodway	11	
23	Assiniboine Contribution	6	
24	Headway	2	
25	Total at James Avenue	21 + 22 + 23 + 24	


ITEM	REFERENCE	ELEVATION	DISCHARGE
<b>COMPARISON OF FLOW - REGULATED CONDITIONS</b>			
26	Headway	2	
27	Shogren & Local	7	
28	La So Ho	19	
29	Inlet Structure	17	
30	Total at James Avenue		
31	Difference	21-30	
<b>SELECTION OF NATURAL PEAK</b>			
32	Selected Peak	20 + 29	
33	Steps at James Avenue		
34	Equivalent Peak	1950 Curve	
<b>COMPUTATION OF GATE ELEVATION</b>			
35	Flood Conditions - Red River Peak Flood Conditions - Adj. Tributary Contribution	34	
36	Total Q at Inlet	6	
37	Required Inlet Elevation	16	
38	Floodway Q	11-8-1104	
39	Structure Q	34-38	
40	Required Inlet Elevation (See 37)	11-8-1104	
41	M <sub>2</sub>	37-40	
42	M <sub>1</sub>	See 17	
43	Required Gate Elevation	37-42	
44	Recommended Gate Elevation/Cylinder Rise		
45	Instruction for Gate Change Shows to _____ of _____ Hours.		



DATE: \_\_\_\_\_  
TIME: \_\_\_\_\_ HOUR  
COMPUTED BY: \_\_\_\_\_  
CHECKED BY: \_\_\_\_\_



Page(s) 197-198 is (are) withheld because of  
/ est(sont) retenue(s) pour

 Exemption(s) / Exception(s) 13 (i)(c)

 Exclusion(s) \_\_\_\_\_

 Duplicate(s) of / Duplicata(s) de(s) \_\_\_\_\_

 Not Relevant / Non pertinente(s) 

 Removed for consultation / à(ont) été(s) prélevée(s) pour  
fin de consultation 



**Manitoba  
Natural Resources**

**Water Resources Branch**  
1577 Dublin Avenue,  
Winnipeg, Manitoba

13(1)

## Telecopier Transmittal Cover Sheet

**To: Maurice Sydor**  
Environment Canada

Phone:

Fax: (819) 994-0237

**From: Rick Bowering**  
Manitoba Water Resources

Phone: (204) 945-6397

Fax: (204) 945-7419

Date: Thursday, December 11, 1997

Pages including this  
cover page: 14



### Comments:

Maurice, here is the original agreement referenced by Paul Clifton. Also included is the only response we have on our files from the federal government to the operating rules.

An issue is article 20 which states that the province must receive approval for the program for operation of the floodway from the federal government. In particular, subsection (3) states that any changes shall be submitted to the federal government for approval. We have not done that. Our position is that changes we have made are only "fine tuning" changes. They were all made within the intent of the original agreement based on experience we have gained over the years. Furthermore, none of the changes impact on areas of federal responsibility. In particular, the change we are getting the most flack on is when we switch from normal operation (rule 1) wherein we maintain normal levels south of Winnipeg, to rule 2, where, because of the imminent threat of overtopping the dikes in Winnipeg, we do not let levels rise above 24.5 feet at James Avenue. The original rules specified 25.5 feet, but experience has shown that the city could not sustain 25.5 feet, particularly in a year like this year.

000197

13 (1) (c)

We have made the point that operating rules are really guidelines. They are not rules in the sense of legal regulations. We have rule curves for all of our reservoirs and control structures, but we use them as guidelines. An engineer would be irresponsible to knowingly allow Winnipeg to flood because he rigidly holds to the operating rules.

000198



March 9, 2004

Mr. Paul Clifton  
852 Red River Drive  
Howden, Manitoba  
R3V 1L2

Dear Mr. Clifton;

Re: Your requests for access to information under Part 2 of *The Freedom of Information And Protection of Privacy Act*;  
(Our File Numbers W013/04)

This letter is in response to your application for access under Part 2 of the *Freedom of Information and Protection of Privacy Act* received February 13, 2004. The request was for the following records:

“Re: Two records by Manitoba (Water Branch) In Advance of-Canada Manitoba Agreement of May 1, 1997

On or about April 30, 1997 the Government of Manitoba in two records, corresponded to the Canadian Federal Government about the dire emergency the City of Winnipeg was under given ever-increasing Red River Flood stages.

On May 1, 1997 Canada signed an agreement with Manitoba on Red River Valley Disaster Assistance. Please provide these two documents of record maintained as records 197 and 198 of Environment Canada’s file on the Red River Floodway. They have been sheltered by the former Water Resources Branch of the Department of Natural Resources (1998) and since April 12, 2001 sheltered by the Executive Council of Manitoba and Premier Doer.

Attachments by registered mail.”

This is to advise that access has been denied to the records referenced as 197 and 198 under the following exceptions to disclosure under *the Freedom of Information and the Protection of Privacy Act*:

- ◆ 23(1)- Advice to a public body  
The head of a public body may refuse to disclose information to an applicant if disclosure could reasonably be expected to reveal
  - (a) advice, opinions, proposals, recommendations, analyses or policy opinions developed by or for the public body or a minister.
  
- ◆ 25(1)(n)-Disclosure harmful to law enforcement or legal proceedings  
The head of a public body may refuse to disclose the information to an applicant if disclosure could reasonably be expected to
  - (n) be injurious to the conduct of existing or anticipated legal proceeding
  
- ◆ 28(1)-Disclosure harmful to economic and other interests of a public body  
The head of a public body may refuse to disclose information to an applicant if disclosure could reasonably be expected to harm the economic or financial interests or negotiating position of a public body or the Government of Manitoba including the following information:
  - (c) information the disclosure of which could reasonably be expected to
    - (i) result in financial loss to,
    - (iii) interfere with or prejudice contractual or other negotiations of a public body or the Government of Manitoba



If you have any further questions or concerns please do not hesitate to contact Access & Privacy Coordinator, Gail Cielen at 1383 Whyte Avenue, Winnipeg, Manitoba R3E 1V7; phone (204) 945-4170, fax ☎(204) 945-8345 or e-mail [gcielen@gov.mb.ca](mailto:gcielen@gov.mb.ca).

Subsection 59(1) of the *Freedom of Information and Protection of Privacy Act* provides that you may make a complaint about the decision to the Manitoba Ombudsman. You have 60 days from the receipt of this letter to make a complaint on the prescribed form to Manitoba Ombudsman, 750-500 Portage Avenue, Winnipeg, Manitoba R3B 3X1; 982-9130; 1-800-665-0531.

Sincerely;

Gerry Glenn  
Manager, Administrative  
Support Services

Attach  
c.c. G. Cielen



Manitoba Water Stewardship

Administrative Support Services  
1383 Whyte Avenue  
Winnipeg, Manitoba R3E 1V7

December 23, 2004

Mr. Paul Clifton  
852 Red River Drive  
Howden, Manitoba  
R5A 1j4

Dear Mr. Clifton;

Re: Your request for access to information under Part 3 of The Freedom of Information and Protection of Privacy Act  
(Our file 013/04)  
(Ombudsman file 2004-058)

In regards to your Freedom of Information and Protection request filed with Manitoba Water Stewardship, our file 013/04 dealing with documents referred to as 197 and 198, please note the following:

The department has again been in contact with the Manitoba Ombudsman's office in relation to the exceptions to disclosure that were applied to the information within the documents. Through additional discussions we have determined that the documents will be made available to you.

We are attaching the documents, 197 and 198.

If you have any questions or concerns please do not hesitate to contact me at the above address or phone (204) 945-4170, fax: (204) 945-8345 or e-mail at [gcielen@gov.mb.ca](mailto:gcielen@gov.mb.ca).

Sincerely:

A handwritten signature in blue ink, appearing to read "Gail Cielen". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Gail Cielen  
Access & Privacy  
Administrative Support Services

Attach

c.c. N. Brandson  
Ombudsman's Office



**Manitoba  
Natural Resources**

Water Resources Branch  
1577 Dublin Avenue,  
Winnipeg, Manitoba

## Telecopier Transmittal Cover Sheet

**To: Maurice Sydor**  
Environment Canada

Phone:  
Fax: (819) 994-0237

**From: Rick Bowering**  
Manitoba Water Resources

Phone: (204) 945-6397  
Fax: (204) 945-7419

**Date:** Thursday, December 11, 1997

**Pages including this  
cover page: 14**

---

### Comments:

Maurice, here is the original agreement referenced by Paul Clifton. Also included is the only response we have on our files from the federal government to the operating rules.

An issue is article 20 which states that the province must receive approval for the program for operation of the floodway from the federal government. In particular, subsection (3) states that any changes shall be submitted to the federal government for approval. We have not done that. Our position is that changes we have made are only "fine tuning" changes. They were all made within the intent of the original agreement based on experience we have gained over the years. Furthermore, none of the changes impact on areas of federal responsibility. In particular, the change we are getting the most flack on is when we switch from normal operation (rule 1) wherein we maintain natural levels south of Winnipeg, to rule 2, where, because of the imminent threat of overtopping the dikes in Winnipeg, we do not let levels rise above 24.5 feet at James Avenue. The original rules specified 25.5 feet, but experience has shown that the city could not sustain 25.5 feet, particularly in a year like this year.

000197

We have made the point that operating rules are really guidelines. They are not rules in the sense of legal regulations. We have rule curves for all of our reservoirs and control structures, but we use them as guidelines. An engineer would be irresponsible to knowingly allow Winnipeg to flood because he rigidly holds to the operating rules.

000198

# Ombudsman Manitoba

750 - 500 Portage Avenue  
Winnipeg, Manitoba R3C 3X1  
Telephone: (204) 982-9130  
Toll Free in Manitoba:  
1-800-665-0531  
Fax: (204) 942-7803  
E-mail: ombudsma@ombudsman.mb.ca  
www.ombudsman.mb.ca

---

500 av. Portage, Pièce 750  
Winnipeg (MB) R3C 3X1  
Téléphone : (204) 982-9130  
Sans frais au Manitoba :  
1 800 665-0531  
Télécopieur : (204) 942-7803  
Courriel : ombudsma@ombudsman.mb.ca  
www.ombudsman.mb.ca

**CONFIDENTIAL**

December 31, 2004

Mr. Paul Clifton  
852 Red River Drive  
Howden, Manitoba R5A 1J4

**Our File: 2004-058**  
**Water Stewardship File: WO13/04**

Dear Mr. Clifton:

This report is in response to your complaint of refused access under *The Freedom of Information and Protection of Privacy Act* (FIPPA) against Manitoba Water Stewardship, a public body under the Act.

In an application for access that was received by the Department on February 13, 2004, you made the following request:

*Re: Two records by Manitoba (Water Branch) In Advance of – Canada Manitoba Agreement of May 1, 1997*

*On or about April 30, 1997 the Government of Manitoba in two records, corresponded to the Canadian Federal Government about the dire emergency the City of Winnipeg was under given ever-increasing Red River flood stages.*

*On May 1, 1997 Canada signed an agreement with Manitoba on Red River Valley Disaster Assistance. Please provide these two documents of record maintained as records 197 and 198 of Environment Canada's file on the Red River Floodway. They have been sheltered by the former Water Resources Branch of the Department of Natural Resources (1998), and since April 12, 2001 sheltered by the Executive Council of Manitoba and Premier Doer.*

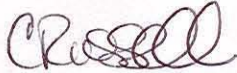
The Department responded to your application by letter dated March 9, 2004, and advised that access was being refused under the following exceptions to disclosure: sections 23(1)(a); 25(1)(n); and, 28(1)(c)(i), and (iii).

Our office received your complaint on March 15, 2004, and enquiries were made with you and the Department. We obtained copies of the records in question and reviewed the withheld information in relation to the cited exceptions. In the course of our

discussions with the Department, we expressed our view that they did not supply information that explained how or why the exceptions to disclosure applied to the withheld information. Our report and recommendation to the department, dated October 13, 2004, a copy of which you received, contained our findings in this matter and our recommendation to the Department. I note that, pursuant to our recommendation, the Department has provided full access to the requested records.

As this matter has been concluded, we will be closing our file. If you have any questions, please contact me at 982-9164.

Yours truly,



Candace Russell  
Compliance Investigator  
Access and Privacy

- c: Mr. Norman Brandson  
Deputy Minister  
Manitoba Water Stewardship
- Mr. Wolf Boehm  
Assistant Deputy Minister  
Manitoba Conservation
- Ms Gail Cielen  
Access and Privacy Coordinator  
Manitoba Conservation