

9.0 Navigable Waters Protection Act Authorization Status

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A search of the Manitoba Law Library has produced evidence of advertisements in the Canada Gazette, as follows:

- On July 6, 1963, "NAVIGABLE WATERS PROTECTION ACT, R.S.C. 1952, CHAPTER 193. The Province of Manitoba hereby gives notice that it has, under section 7 of the said Act deposited with the Minister of Public Works, at Ottawa, and in the Office of the District Registrar of the Land Titles Office in Winnipeg, in Winnipeg, Manitoba, a description of the site and the plans of the Inlet Control Structure proposed to be built across the Red River between River Lots 73, 74 and 176, 177, Parish of St. Norbert, Rural Municipality of Fort Garry and the City of St. Vital, Manitoba. And take notice that after the expiration of one month from the date of the publication of this notice, the Province of Manitoba will, under section 7 of the said Act, apply to the Minister of Public Works for approval of the said site and plans. Dated this 27th day of June, 1963. GEORGE HUTTON, Minister Agriculture and Conservation, Province of Manitoba."
- On October 5, 1963, "DEPARTMENT OF PUBLIC WORKS, NAVIGABLE WATERS PROTECTION ACT. Notice is hereby given that, during the period from September 23 to 27, 1963, I have approved the plan and site of the following works: Inlet Control Structure - Red River between River Lots 73, 74 and 176 and 177, Parish of St. Norbert, Rural Municipality of Fort Garry, and the City of St. Vital, Province of Manitoba. Dated at Ottawa, Ontario, this 30th day of September, 1963. JEAN-PAUL DESCHATELET, Minister of Public Works."

A search of files from the early 1960's has not revealed any approvals required or given for other structures associated with design and construction of the original floodway. However, Transport Canada has indicated that applications for approval of existing works are required under Section 6(4) of the Navigable Waters Protection Act (NWPA), before consideration is given to the modifications of these works as part of the Floodway Expansion Project. It is proposed that NWPA applications will be submitted by the Manitoba Floodway Authority for the following existing structures proposed to be modified under the Floodway Expansion Project:

1. Seine River Syphon Inlet Structure – modifications are proposed to the weirs at the siphon inlet and overflow structure.
2. Seine River crossing at Prairie Grove Road – extension or replacement of the culvert is proposed to accommodate a higher road elevation.
3. Seine River crossing at CPR Emerson Subdivison – possible extension or replacement of the culvert may be necessary to accommodate a higher rail elevation.
4. Floodway Outlet Structure – the structure and the channel from the structure to the Red River will be enlarged and widened, respectively.

It is proposed to consult with local Transport Canada, Marine Safety (Navigable Waters) personnel to seek clarification and input on the need for post reconstruction navigation safety related improvements in the vicinity of the Seine River Syphon Inlet and the Floodway Channel Outlet structures. During reconstruction of these structures, placement and maintenance of appropriate signage, water-borne markers, and operational policies and procedures will be incorporated into the terms of the construction contracts.