

# Shellmouth Dam Compensation Program

Regulation Amendment and  
Program Redevelopment

**EMO** EMERGENCY  
MANAGEMENT  
ORGANIZATION

Manitoba 

# Housekeeping

- Presentation (1 hour)
  - Purpose of today's session
  - Overview of Artificial Flooding
  - Office of the Auditor General Report
  - OAG Recommendations
  - What We Heard in 2022
- Feedback on New Program Process (1 hour)
  - Regulatory Changes
  - Online Application + Timelines
  - Inspections
  - Communication Strategy



# Land Acknowledgement

# Purpose of Today's Session



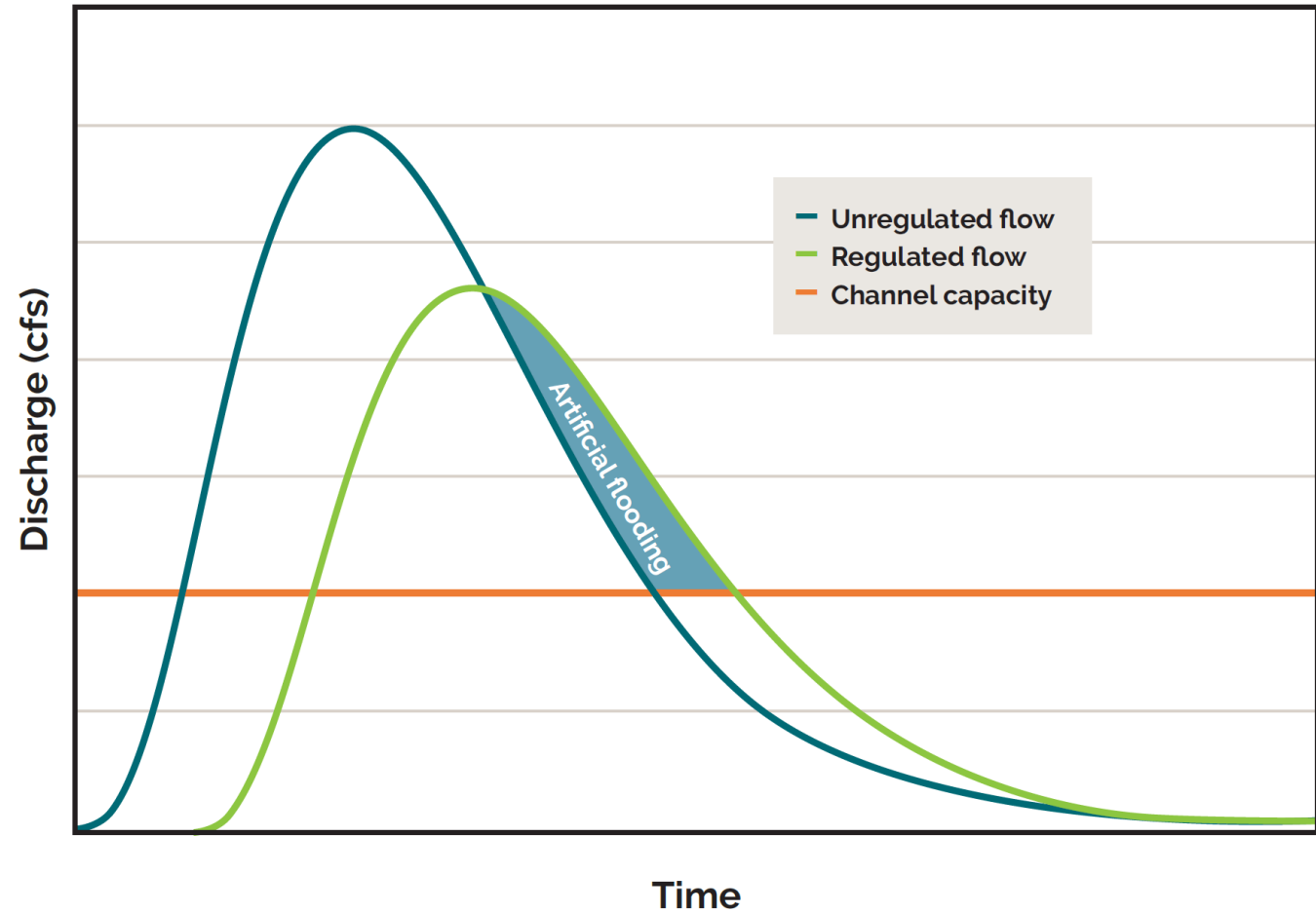
- Today's engagement session **will**:
  - Provide an update on a new program process
  - How feedback from the April 2022 engagement session was incorporated into the new program process
  - How the new program process addresses Office of the Auditor General (OAG) recommendations
  - Review regulatory amendments for new program process
- Today's engagement session **will not**:
  - Determine approaches to address the long-term effects of flooding
  - Discuss operational decisions and constraints of the Shellmouth Dam



**The department remains open to discuss long-term strategies and to engage with all stakeholders on how best to balance the many interests in this area**

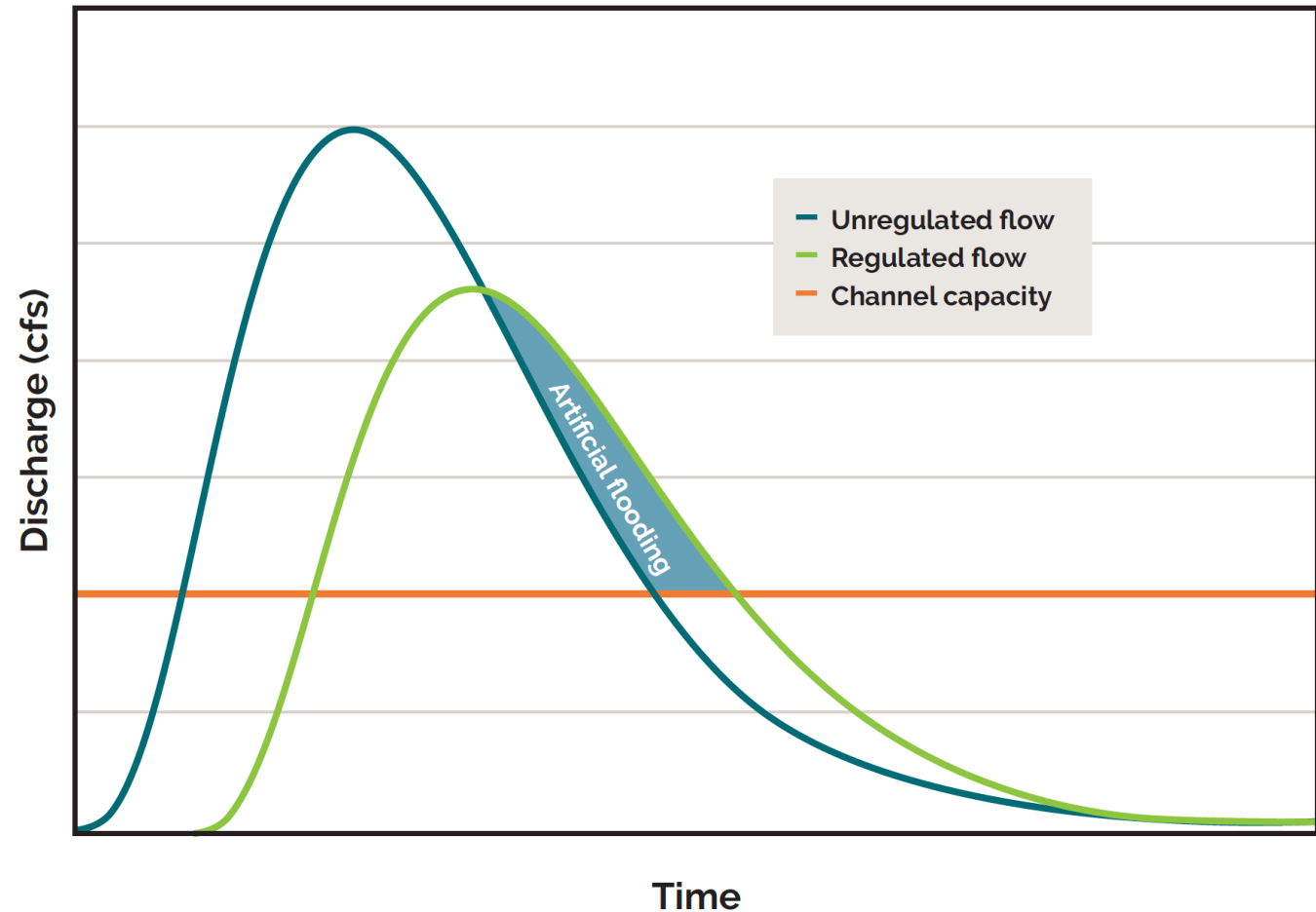
# Artificial Flooding





- **Artificial flooding** is defined by the Water Resources Administration Act as a period when regulated flows exceed unregulated flows (must exceed bankfull capacity)

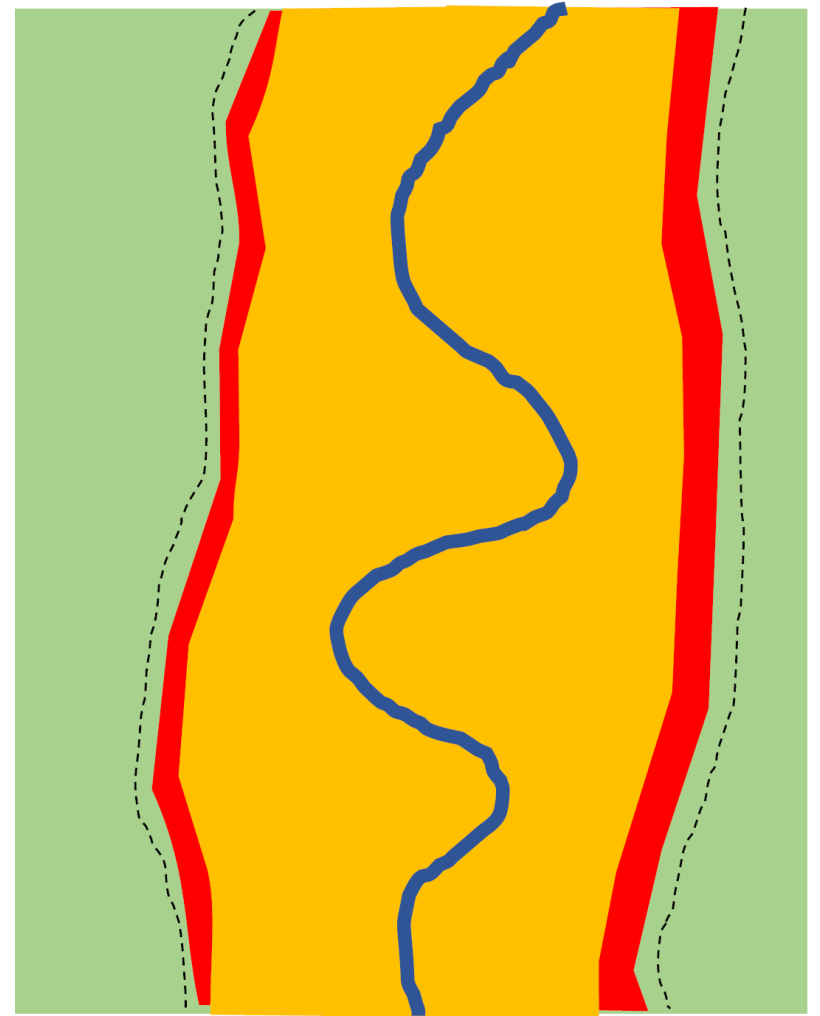
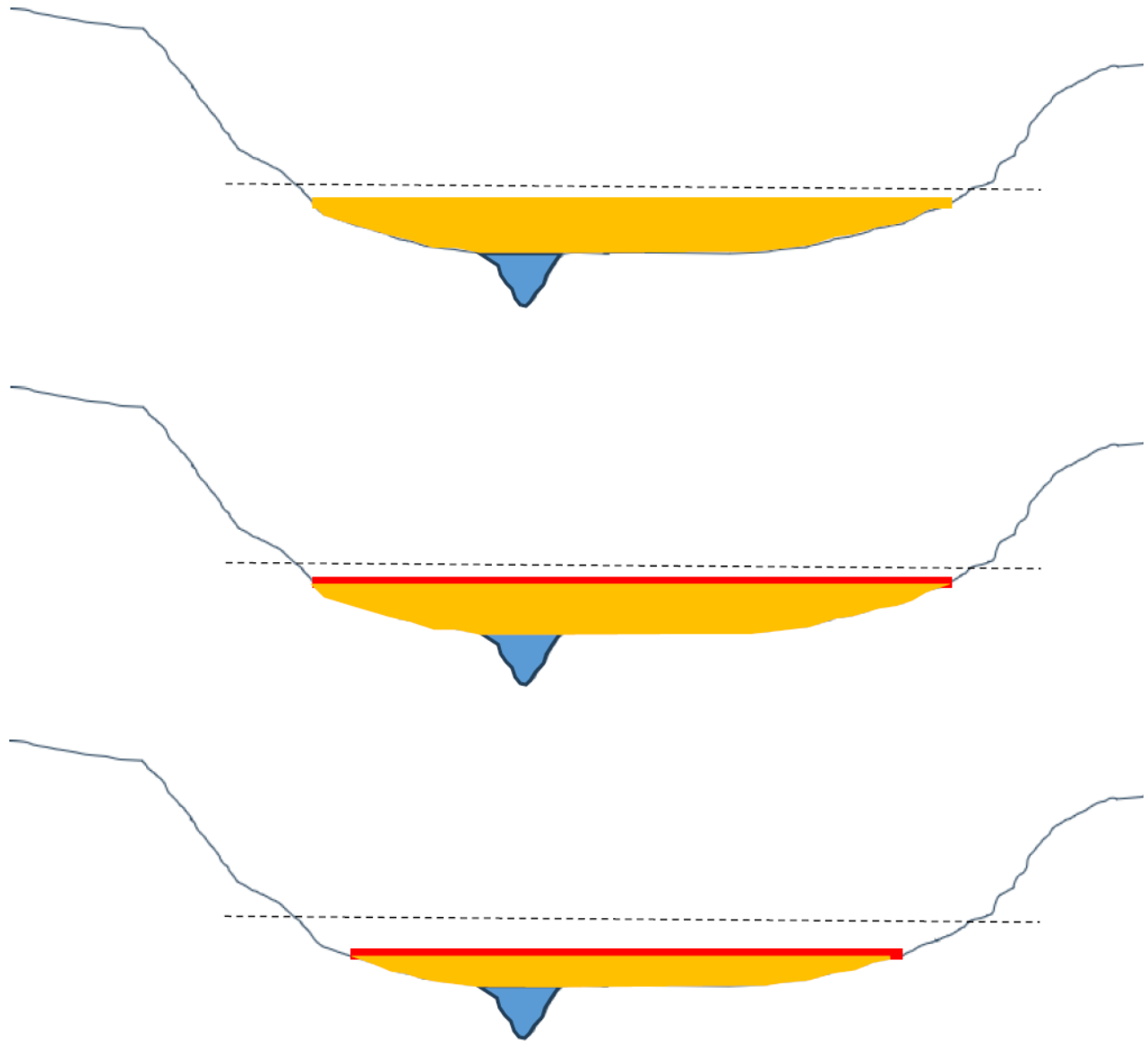


# Artificial Flooding

- Key considerations for artificial flooding:
  - Flooding in the Assiniboine River Valley is not always artificial flooding
  - Is often an incremental portion of the flooding
  - Cannot visualize the effects on the ground
  - Technical calculation comparing the unregulated hydrograph and regulated hydrograph



-  Unregulated – flood peak (indicates reduction due to dam operation)
-  Non-flood flows (within river channel)
-  Natural Flooding – due to snow melt and precipitation
-  Artificial Flooding – above unregulated flow projects and exceeding bank capacity





# Office of Auditor General Recommendations

Review existing policies and practices to determine what skills and experience levels are required to perform inspections and evaluate claims

Create program guidelines that clearly state what inspectors should be required to document.

Produce and follow a communication strategy to ensure key stakeholders are aware of the Shellmouth Dam Compensation Program and how it operates.

Place time limits on releasing artificial flood reports, decision letters on applicants' Intent to Claim Forms, inspections, payments

Produce guidelines that clearly state what must be included in EMO compensation files.



Auditor General  
MANITOBA

Report to the Legislative Assembly

## Investigations Report

Shellmouth Dam Compensation Program  
City of Winnipeg; Sale of Vimy Arena  
Municipal Development Corporations

# What We Heard in 2022

## Artificial Flooding

- Disagreement with the definition used by Manitoba
- Compensation for all flooding
- Length of time to announce program

## Inspections

- Lack of experience
- Incomplete documentation of damage

## Program Application

- Volume of paperwork
- Lack of clarity on damage documentation

## Evaluation of Impacts & Compensation

- Lack of consistency
- Lack of timely payments



**Manitoba EMO took this feedback into consideration and updated the compensation program process to improve claimant experience while still addressing the OAG recommendations**

# Regulatory Amendments

- Proposed amendments to two regulations dealing with compensation for artificial flooding:
  - Shellmouth Dam Compensation Regulation under The Water Resources Administration Act.
  - Floodway Compensation Regulation under The Red River Floodway Act.

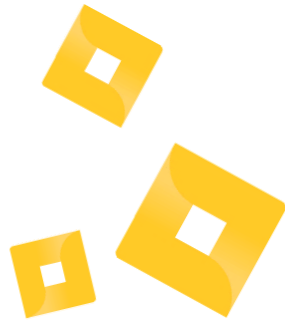
# Shellmouth Dam



- Overhaul of how the Shellmouth Dam Compensation Program is initiated and delivered to prevent delays under current program:
  - Streamlining program initiation (not dependent on artificial flood report)
  - Enabling claims to be filed as soon as a program is commenced
  - MTI to publish inundation maps showing the maximum extent of flooding
  - Allowing for inspections to occur closer to the time when artificial flooding occurs
  - Allowing EMO to determine the compensation to be awarded to claimants based on the proportion of damage or loss attributable to artificial flooding
  - Removing the requirement to use licensed insurance adjusters, EMO to determine inspector qualifications

# Red River Floodway

- Minor proposed amendment:
  - Remove the requirement for EMO to use licensed insurance adjusters



# Regulation – Next Steps

- Regulatory amendments and related engagement material is currently available online for feedback on EngageMB for 45 days
- Feedback will be accepted until April 14, 2024
- Final amendments to come into force spring 2024

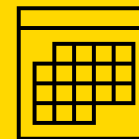




## Recommendation One

Review existing policies and practices to determine what skills and experience levels are required to perform inspections and evaluate claims

- Inspections will be carried out by Manitoba Agriculture Services Corporation (MASC).
  - **Requires regulatory amendment**
- Information collected by MASC Inspectors will be used to assess total flood damages.
- Secondary inspections with a private licensed adjustor can be carried out for structural/property damages.



Improved Timelines



Knowledgeable Staff

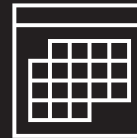


## Recommendation Two

Place time limits on:

- Release of Artificial Flood Reports
- Decision Letters on Applicants' Intent to Claim Forms
- Inspections
- Payments

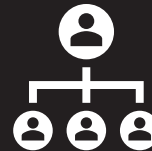
- Start of a compensation program will no longer be based on the release of the artificial flood report
  - **Requires regulatory amendment**
- Developed internal timelines for all program components.
- Hired permanent Compensation Program Manager



Improved Timelines



Quicker Program Implementation



Permanent Program Manager



## Recommendation Three

Create program guidelines which clearly state what inspectors should be required to document.

If physical inspections are required, the files should contain the date inspections took place, if the claimant was present, and the nature of the damage.

A set inspection workbook that will be used by inspectors (MASC inspectors & private adjustors) to document total flood damages

- **Informed by new process in regulatory amendments**

EMO developed general fact sheets that will be shared with claimants online and at the time of inspection.



Built in GPS Location Information



Set lines of communication between government departments



Consistent data gathering

## Recommendations Four & Five

Produce guidelines that clearly state what must be included in EMO compensation files.

Produce and follow a communication strategy to ensure key stakeholders are aware of the Shellmouth Dam Compensation Program and how it operates.

- Developed additional information for the EMO website that will thoroughly explain the compensation program and claimant requirements
  - **Informed by new process in regulatory amendments**
- Developing animated video of Shellmouth Dam operations and artificial flooding for public education
- Future program files will be tracked & stored in the database used for Disaster Financial Assistance to ensure efficiency



Better Communication & Outreach



Standardized Document Requirements



Database Tracking & Storage

# Proposed Program Process

# Additional Data

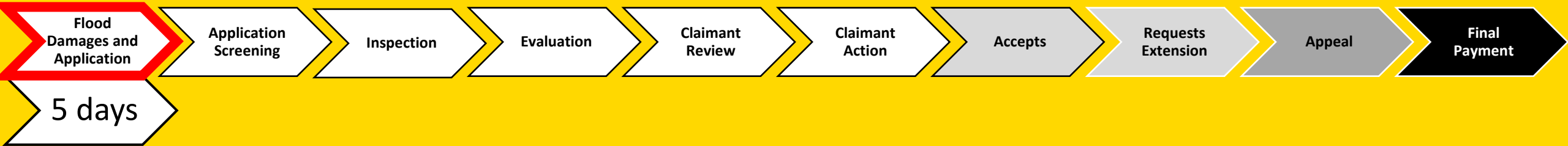
- Feedback from 2022 engagement session:
  - Support additional data (aerial imagery)
  - Concerns that outdated LiDAR data was used
- Updated program will use:
  - Most recent LiDAR, bathymetric, and shoreline data
  - Aerial photography captured at critical timeframes of the artificial flooding period
  - Real-time data from hydrometric stations

# Program Initiation

- Artificial flooding commences and property damage or economic loss occurs
- Minister issues public notice that a Shellmouth Dam Compensation Program is open, and claims may be filed:
  - Public notice with the **start date** of artificial flooding
  - How to apply
  - Link to inundation maps to verify eligibility
  - Public notice with the **end date** of artificial flooding

# Shellmouth Dam Compensation Program

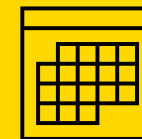
## Flood Damages and Application



Eligible applicants apply using an online application form

**The regulation allows claimants to submit a claim for compensation up to 20 days after the period of artificial flooding ends**

Letter of receipt of compensation claim within 5 days



# Compensation Application

Manitoba.ca > Transportation and Infrastructure > Emergency Management Organization > Compensation Programs > Compensation Application

## Compensation Application

### Applicant Information

Applicant/Business Name:

Business Registration Number:

Mailing Address:

City/Town/Village:

Province:

Postal Code:

### Contact Information

Primary Phone Contact Name:

Primary Phone Number:

Secondary Phone Contact Name:

Secondary Phone Number:

Email Address:

## Preliminary Estimate of Damages

### List properties with damage:

Local Authority	Quarter	Section	Township	Range	Tax Roll	Own or Lease	Number of Acres Impacted	Type of Damage
Sel... ▼	Sel... ▼	Sel... ▼	Sel... ▼	Sel... ▼	Ex: 00115...	Sel... ▼		
Sel... ▼	Sel... ▼	Sel... ▼	Sel... ▼	Sel... ▼	Ex: 00115...	Sel... ▼		
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ADD ROW

REMOVE ROW

### Request for Inspection

If your losses are determined to be a result of artificial flooding, do you authorize Manitoba EMO, or a qualified person or organization as determined by Manitoba EMO, to inspect your property?

- Yes  
 No

Preferred method of correspondence:

- Email  
 Regular Mail

This notice is not a submission for Disaster Financial Assistance (DFA). If your property was damaged during the spring flood, you may be eligible for Disaster Financial Assistance for damages to fencing, stored crops and field erosion. Please find information for DFA at <https://www.gov.mb.ca/emo/dfa/farm.html>

Please click the SUBMIT button to submit your Shellmouth Dam Operations Notice of Flood Impacts to Manitoba Emergency Measures Organization for preliminary screening. A written confirmation that your submission was received will be sent to you within two weeks.

If you do not receive this confirmation, please contact Manitoba Emergency Measures Organization at (204) 945-3050 or toll-free at 1-888-267-8298.

PRINT

SUBMIT

Flood Damages and Application

Application Screening

Inspection

Evaluation

Claimant Review

Claimant Action

Accepts

Requests Extension

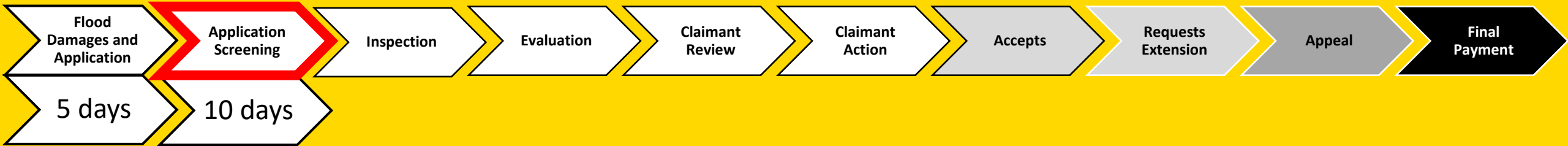
Requests Review by Steering Committee

Appeals



# Shellmouth Dam Compensation Program

## Application Screening

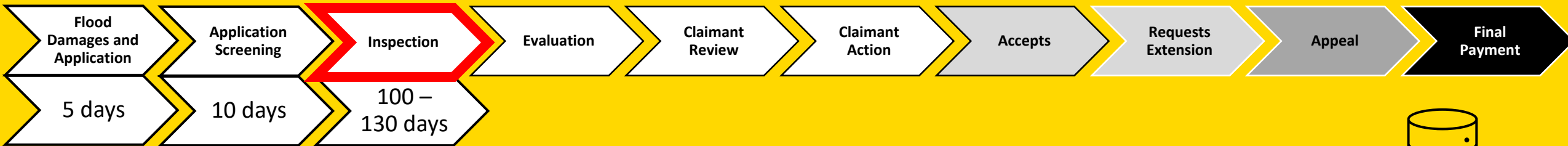


- The Program Manager reviews the types of losses to ensure that required information has been provided
- Hydrologic Forecasting & Water Management (HFWM) verifies the property location is within the artificial flood extent
- Acceptance letter and other forms sent to the claimant
- Program Manager assigns application to MASC for inspection
- Claimant is notified that their application has been assigned to MASC for inspection

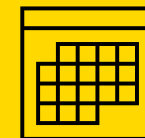
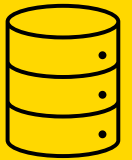


# Shellmouth Dam Compensation Program

## Inspections



- MASC to initiate contact with the claimant within **5 days**
- Inspections to be scheduled in consultation with the claimant and completed within one month (**30 days**) of water recession
- MASC will provide EMO with the inspection report within **5 days** of inspection completion.
- A secondary inspection by a private adjuster may be required due to the presence of non-agricultural damages. A secondary inspection would be scheduled within **30 days** of EMO's receipt of MASC inspection report.
- Manitoba EMO will share the inspection report with the claimant for verification within **60 days** of receipt.



# Survey 123 – Inspection form

The image displays a digital survey interface for 'Survey 123 - Inspection form'. The main window is titled 'Code Violation Form' and contains several sections:

- Incident Information:** Includes a mandatory 'Address\*' field.
- Location of the violation:** Includes a map with a location pin and coordinates (Lat: 34.055411, Lon: -117.18259).
- Form Design:** A right-hand panel allows for customizing the form's appearance, including themes and headers.

In the foreground, a smartphone displays a 'Survey Completed' notification, and a tablet displays a 'Zambia Population and Housing Census' form with the following visible fields and options:

- Last Name: Banda
- First Name: Mary
- Page indicator: 1 of 3
- What is Mary's status within the household?
  - Usual Member Present
  - Usual Member Absent
  - Visitor
- Is Mary male or female?
  - Male
  - Female
- How old was Mary at his/her last birthday? 21
- Where was Mary born?
  - What district? Lutaka
- Was this part of the district rural or urban at the time of birth?
  - Urban
  - Rural
  - Outside Zambia
- Is Mary Zambian?
  - Yes
  - No
- What is Mary's religion?
  - Catholic
  - Protestant
  - Muslim
  - Hindu
  - Buddhist



# Survey 123 – Inspection form

## Shellmouth Dam Inspection

- Property Inspected ▶
- Documentation of Damage ▶
- Other Damages ▶

Submit



## Property Inspected ▾

## Section Quadrant

## Section

## Township

## Range

## Landowner Present?

 Yes

 No

## Sketch

Please sketch natural features (river, oxbow, bush etc) and fencing, crop areas with approximate acres, erosion, field drains or ditches, access etc.

## Shellmouth Dam Inspection

## Property Inspected ▶

## Documentation of Damage ▾

## Agricultural &amp; Economic Damages (1) ▶

## Bales (1) ▶

## Crop (1) ▶

## Livestock Info (1) ▶

## Other Losses

Please explain any other economic loss experienced by the claimant. Economic losses may include items such as loss of opportunity to apply fertilizers in the fall when costs are lower; lost wages or salary; or lost business income.

## Photos

 Select image file (maximum number of files allowed: 99)


## Other Damages ▶

## Property Inspected ▶

## Documentation of Damage ▶

## Other Damages ▾

## Erosion (1) ▶

## Ditching (1) ▶

## Coral/Pen (1) ▶

## Fencing (1) ▶

## Field Reclamation (1) ▶

## Driveway, Culvert, Other (1) ▶

## Other Infrastructure (1) ▶

## Machinery (1) ▶

## Labour (1) ▶

## Salvaged Items (1) ▶

## Other Losses

Please explain any other economic loss experienced by the claimant. Economic losses may include items such as loss of opportunity to apply fertilizers in the fall when costs are lower; lost wages or salary; or lost business income.

## Photos


 Select image file (maximum number of files allowed: 99)


**Shellmouth Dam Inspection**

- Property Inspected ▾
- Documentation of Damage ▾
  - Agricultural & Economic Damages (1) ▾**
  - Bales (1) ▾
  - Crop (1) ▾
  - Livestock Info (1) ▾

**Other Losses**  
 Please explain any other economic loss experienced by the claimant. Economic losses may include items such as loss of opportunity to apply fertilizers in the fall when costs are lower; lost wages or salary; or lost business income.

Photos



1 Select image file (maximum number of files allowed: 99) 

**Other Damages ▾**

**Submit**

**Documentation of Damage ▾**

**Agricultural & Economic Damages (1) ▾**

 **1** 

**Loss**

-Please select- ▾

**Type of Crop/Specifics**

-Please select- ▾

**Total Acres in Field**

**Appraised yield of undamaged area**

**Total acres damaged**

**Appraised yield of damaged acres**

**Yield loss/acre (bu/lb/kg/tonne)**

**Total Appraised Production Loss**

**Need for additional inspection**

Yes

No



# Shellmouth Dam Inspection

Property Inspected ▶

Documentation of Damage ▶

Other Damages ▼

Erosion (1) ▶

Ditching (1) ▶

Coral/Pen (1) ▶

Fencing (1) ▶

Field Reclamation (1) ▶

Driveway, Culvert, Other (1) ▶

Other Infrastructure (1) ▶

Machinery (1) ▶

Labour (1) ▶

Salvaged Items (1) ▶

### Other Losses

Please explain any other economic loss experienced by the claimant. Economic losses may include items such as loss of opportunity to apply fertilizers in the fall when costs are lower; lost wages or salary; or lost business income.

Photos

Labour (1) ▼

1

Position

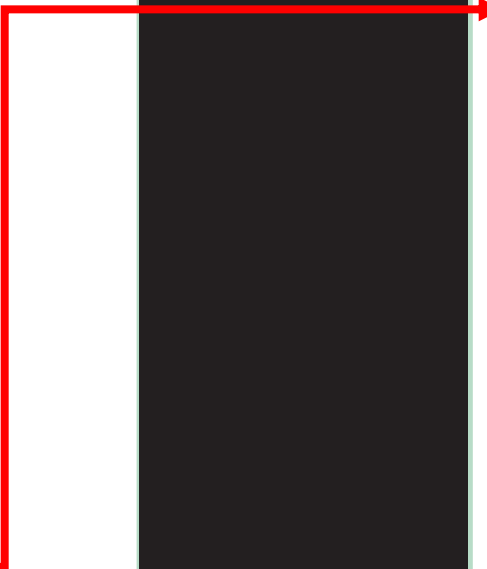
Activity

Hours

Comments

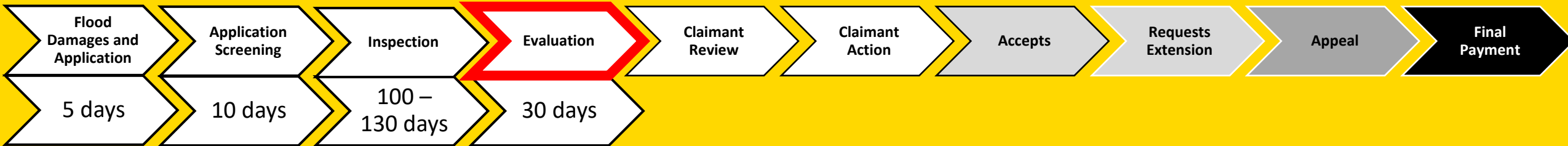
Photos

1



# Shellmouth Dam Compensation Program

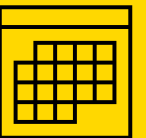
## Evaluations



**The assessment of total flood damages will then be evaluated for the artificial impact. Only damages caused in full or part by artificial flooding are eligible for compensation**

A simplified approach will be used to calculate the impact of unproportioned artificial flood damages:

- Previously, evaluation was lengthy as each individual parcel was assessed for the artificial flooding impact based on an inundation map.
- HFWM will now determine an average proportion of artificial flood damages for different stretches of the river
- This process is intended to balance technical interpretation, program timeliness, and fairness between similar claimants.





# Evaluation Approach

The Manitoba government will categorize reported losses and create a compensation matrix based on the following three categories:

**Paid at 100%**

Completely caused by  
artificial flooding

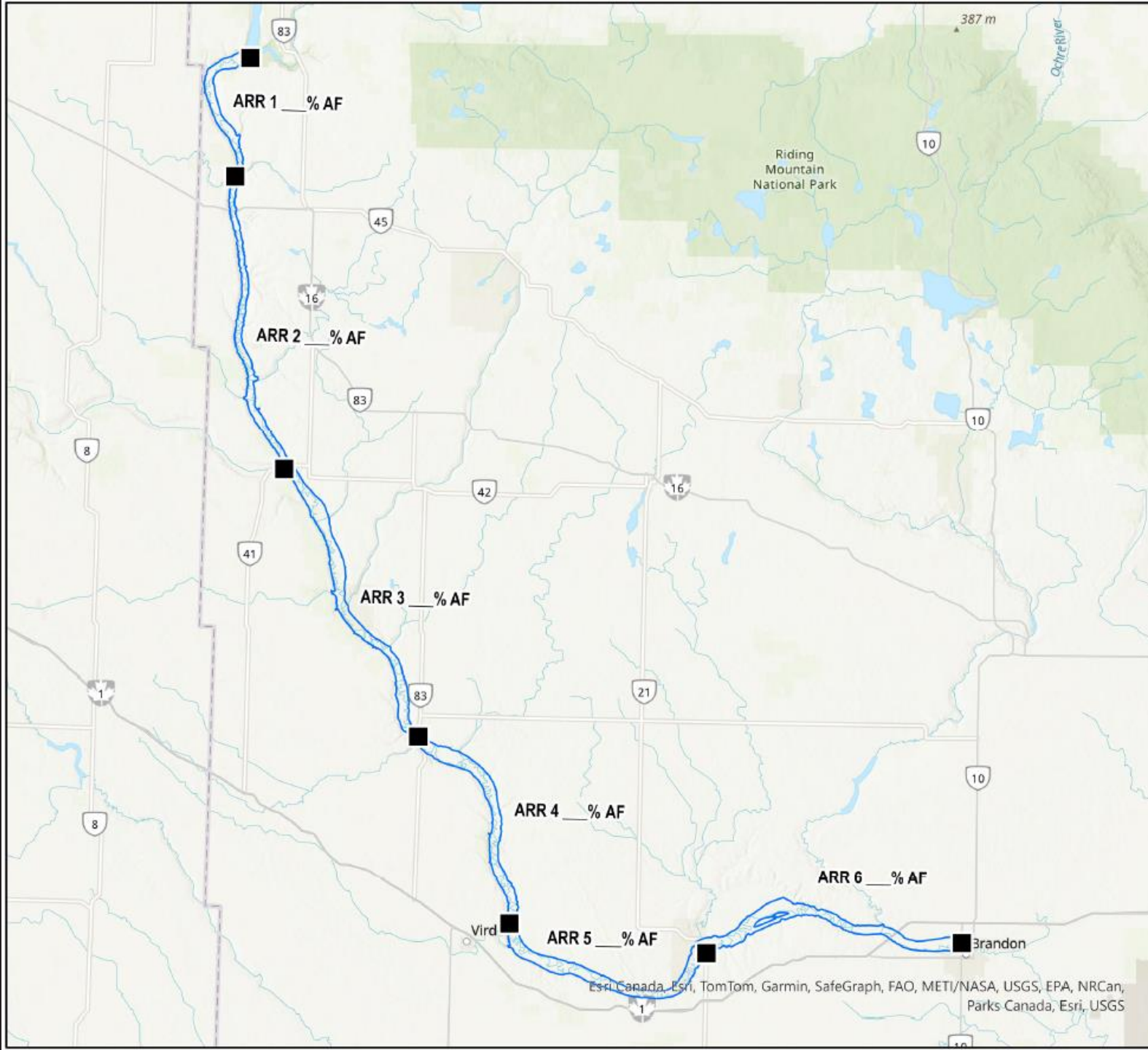
**Paid at average %**

Indeterminate cause  
(natural and  
artificial flooding)

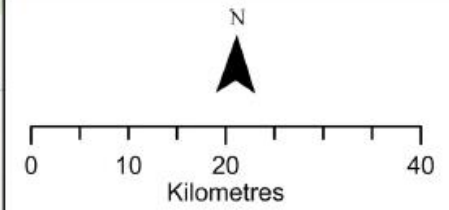
**Paid at 0%**

Not caused by  
artificial flooding

# Assiniboine River Reaches for Shellmouth Dam Compensation Program



- Hydrometric Stations
- ▭ Assiniboine River



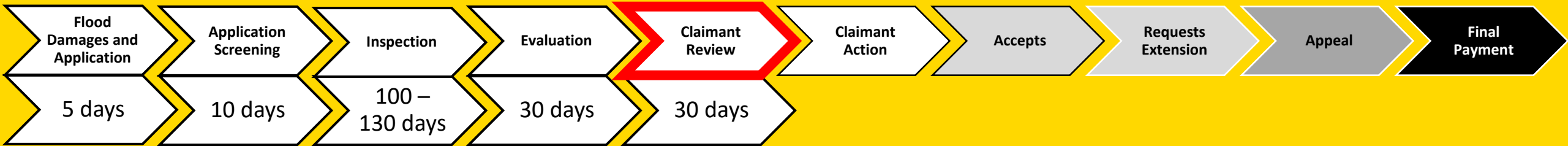
Map produced by Recovery and Mitigation, Emergency Management Organization, Manitoba Transportation and Infrastructure  
Date: 2024-03-20 11:56 AM  
Projection: UTM Zone 14N  
Horizontal Datum: NAD83  
Vertical Datum: CGVD28



Esri, Canada, Esri, TomTom, Garmin, SafeGraph, FAO, METI/NASA, USGS, EPA, NRCan, Parks Canada, Esri, USGS

# Shellmouth Dam Compensation Program

## Claimant Review



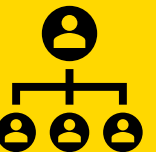
You will receive a compensation statement package for your review and acceptance. This compensation statement package is an explanation of the total compensation offered by Manitoba for damages caused by artificial flooding on your property.

The compensation amount is based on the damages recorded by:

- MASC inspections,
- secondary inspections,
- flood information provided by MTI,
- Shellmouth Dam Compensation Program policies and guidelines.

Claimants are encouraged to reach out to the Program Manager to discuss any questions on specific components of the compensation package.

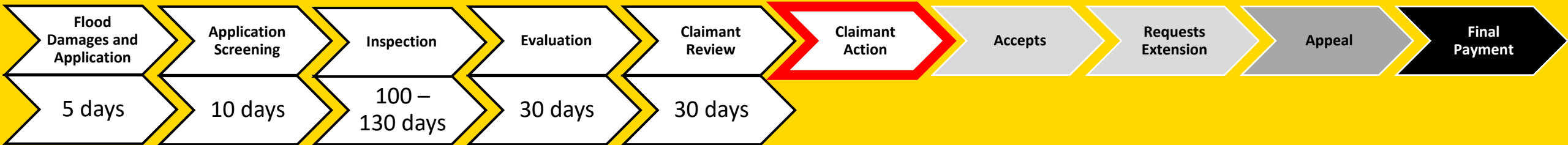
You may choose to accept only part of your compensation package. You may choose to appeal parts of your compensation package that you do not accept.





# Shellmouth Dam Compensation Program

## Claimant Action

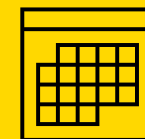


You will receive a compensation statement package for your review and acceptance. This compensation statement package is an explanation of the total compensation offered by Manitoba for damages caused by artificial flooding on your property.

Claimants are encouraged to reach out to the Program Manager to discuss any questions on specific components of the compensation package.

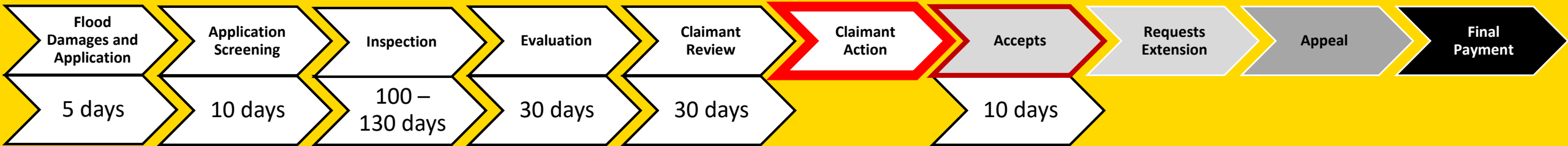
You may choose to accept only part of your compensation package. You may choose to appeal parts of your compensation package that you do not accept.

**The regulation requires the claimant to respond within 30 days of receiving the compensation statement package.**



# Shellmouth Dam Compensation Program

## Claimant Action - Accepts



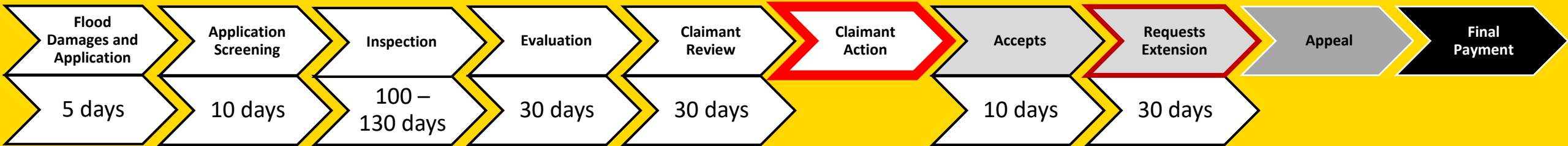
You will receive a compensation statement package for your review and acceptance. This compensation statement package is an explanation of the total compensation offered by Manitoba for damages caused by artificial flooding on your property.

Claimants are encouraged to reach out to the Program Manager to discuss any questions on specific components of the compensation package.

**If the compensation statement package is accepted by the claimant, then the compensation payment will be processed and provided to the claimant. You can accept all or parts of your compensation statement package, any parts not accepted can be appealed.**

# Shellmouth Dam Compensation Program

## Claimant Action – Requests Extension



You will receive a compensation statement package for your review and acceptance. This compensation statement package is an explanation of the total compensation offered by Manitoba for damages caused by artificial flooding on your property.

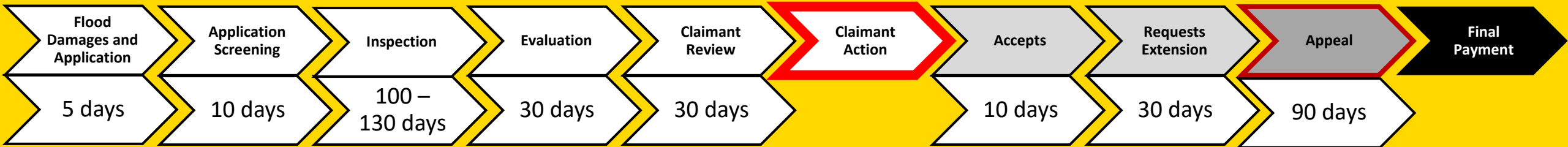
Claimants are encouraged to reach out to the Program Manager to discuss any questions on specific components of the compensation package.

The regulation requires the claimant to respond within 30 days of receiving the compensation statement package. **You may request an additional thirty-day extension to respond by contacting the Program Manager.**



# Shellmouth Dam Compensation Program

## Claimant Action – Appeal



If you are not satisfied with the level of compensation provided, you may appeal to the Disaster Assistance Appeal Board. **Your appeal must be filed within 90 days of the compensation statement being issued.**

The board is required to hear information presented by the claimant and Manitoba EMO before deciding on the appeal. All decisions must adhere to the compensation requirements outlined in sections 12.1 to 12.6 of the Water Resources Administration Act. The board will decide if the claimant's appeal should be either:

- Accepted in part (change in compensation amounts)
- Completely accepted (change in compensation amounts)
- Dismissed (no change in compensation amounts)

A decision of the board may be appealed upon a question of law to The Court of Appeal with leave granted by a judge of that court.



# Feedback Stations

- Regulatory amendments
  - Reframed to outline new program process
  - Initiation of the program without the artificial flood report
  - Timelines for application
  - Flexibility with inspector requirements
- Compensation application form & timelines
- Standardizing inspections & information collection
- Public Communication Plan

# Contact Information

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Please provide any feedback on the regulation amendments to [engagemb.ca](http://engagemb.ca) before April 14<sup>th</sup>.

You may also contact Manitoba EMO at:

Phone: (204) 945-3050

Toll Free: 1-888-267-8298

Fax: (204) 945-4929

[emo@gov.mb.ca](mailto:emo@gov.mb.ca)

Or the Compensation Program Manager at:

Evan Graham

Phone: (204) 794-3557

[Evan.Graham2@gov.mb.ca](mailto:Evan.Graham2@gov.mb.ca)

