



# MANITOBA

## ORDER IN COUNCIL

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DATE: **August 2, 2011**

ORDER IN COUNCIL NO.: **293/2011**

RECOMMENDED BY: **Minister of Conservation**

REGULATION MADE OR APPROVED: [124/2011](#)

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### ORDER

The *Lake St. Martin Outlet Channel Authorization Regulation* set out in the attached Schedule A is made.

### AUTHORITY

*The Environment Act*, C.C.S.M. c. E125, states:

**Action by minister to minimize danger**

**25(1)** Notwithstanding anything in this Act, where the Lieutenant Governor in Council considers it in the public interest to take emergency action to alleviate an environmental emergency or where a health emergency as declared by the Minister of Health exists, the minister may authorize the taking of such action as is deemed necessary by the Lieutenant Governor in Council or the Minister of Health to mitigate the emergency or alleviate the threat to health without reference to the normal approval or licencing processes pursuant to this Act.

**No injunction against minister**

**25(2)** No injunction lies against the minister to restrain or prevent the minister or any person acting under the authority of the minister from taking action under subsection (1).

### BACKGROUND

1. During the spring and summer of 2011, water levels in Lake Manitoba have increased to unprecedented levels, with peak levels predicted to be as much as five feet above the top of the normal operating range of the lake.
2. The existing outlet from Lake Manitoba, controlled by the Fairford Dam and consisting of the dam, the Fairford River, Lake St. Martin and the Dauphin River, has not been able to accommodate record inflows to the lake, leading to the rise in water levels.
3. Additional outlet capacity is required on an emergency basis to alleviate high water levels that are causing significant environmental damage to areas around Lake Manitoba and Lake St. Martin.
4. The construction of an outlet channel from Lake St. Martin south of the Dauphin River will increase outflows from Lake St. Martin and allow greater winter outflows from Lake Manitoba to Lake St. Martin.
5. The proposed outlet channel would normally require environmental assessment and licensing as a Class 3 Water Development (flood control projects protecting areas greater than 100 km<sup>2</sup>) pursuant to the *Classes of Development Regulation*, Manitoba Regulation 164/88 under *The Environment Act*.