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Deputy Minister Duff Montgomerie  
Department of Natural Resources  
P.O. Box 698  
Halifax, Nova Scotia  
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To Deputy Minister Duff Montgomerie,

I am writing to report flood damage to my 14 acre property caused by lack of maintenance and improper installation of ditching, culverts and drainage systems for a nearby natural watercourse that has caused natural wetland waters to be blocked from traveling on it's natural flow back to the ocean and dammed up at the front of my property. This has caused the water table on my property to increase by about two feet and is flooding my land. To make matters worse, paving and trenching work on highway 207 was just completed and there are now more gravel piles placed in the ditches across the highway that will only ensure the water will remain dammed up.

Since the flood damage has created significant loss to my investment, and is negating any possibility of seeing a return on my investment by halting my development plans that I have been working on over the last few years, I am requesting involvement from your department to resolve this problem. I have been told that this flood damage would be under the responsibility of the Department of Natural Resources and confirmed this fact with adjuster, Ian Saunders, Insurance Risk Management for Department of Transportation and Infrastructure Renewal and Brian Condran, Office of the Ombudsman.

### **Background**

In October, 2013, I was prepared to remortgage and complete a property development plan that I have been working on for a number of years to build a bed & breakfast off grid luxury resort with it's own sustainable farm, plus build sustainable manufacturing work shops and cabin type studios for artists and filmmakers at the back end of the property. I had been purchasing materials over the last few years to make ready to rebuild a home on an existing foundation that would become the bed & breakfast. I had a property evaluation done to determine the value of the new home on completion and as expected the value came in at 225,800 to 229,800, just for a basic home on a two acre plot, not counting the development of the B&B or the remaining 12 acres resort, work shops and studios.

In October, 2013 I hired an experienced developer David Haynes to clean up and prepare to begin rebuilding on the existing foundation. Mr. Haynes had interest in purchasing a small acreage at the far end of the property to build a new home and resell for his own profit. *Pg 1*



**Cracks In The Foundation**

Upon investigation of the existing foundation, we discovered major cracks had developed that were not there a few years ago. We discovered the reason the foundation is cracking is because the water table has risen two feet higher than normal and the foundation has been shifting and sinking into the ground during freeze and thaws.

It should be noted his structure was approved when it was built on the property. Developer confirmed that the house can no longer be rebuilt on this foundation even if it were repaired, the ground is too soggy to support a foundation at all.

What was once a beautiful 14 acre property with berry fields and a lush green forest is now becoming swamp with evergreen trees and natural plant life rotting and dying from the excessive water. This property is being completely flooded out by the wetland water that has been dammed up by incompetent management of a natural wetland and it is getting worse each day.



**Natural wetlands water flow path on other side of highway, now dry, used to flow the water back to the ocean**

### **Cause of Flooding**

The flooding is the result of the natural water flow from the nearby wetlands being disrupted and blocked. To give an idea how the water flow used to travel, there is a canal about half a kilometer west of the property that runs under a bridge between the ocean and porters lake. At high tide the water from the ocean runs thru the canal into porters lake.



**Water pools up other side of hwy at culvert causing flood on my smaller property across the street**

The water level in the lake rises and starts to flow back across the wetlands beside my property and used to be diverted under the trans canada trail (old railway) thru a four foot culvert then thru a culvert under the highway and down a natural marshy path of what used to be wetlands on the opposite side of the highway and then into the ocean.

When the Atlantic View trail was developed in this area some culverts were installed under the highway to capture runoff but these culverts, as high up as they are do nothing for the natural water flow of the wetlands and play no part other than to catch the excess water from the highway during bad storms and snow melts.

Areas along the highway were trenched to catch excess water from the highway but there is no where for the water in the trenches to go, it just sits stagnant. The trench in front of my property has been completely ignored so now the excess water from the snow melts and storms adds to the backup of the wetland water increasing the flooding on my property.



Trench front of next door property. Wetland water dammed up and not flowing



Front of my property. No Trenching

In looking at the water on the sides of the Trans Canada Trail, there is no water flow anymore through the four foot culvert that runs under the trail. It is either completely blocked by debris or the water table has risen so high that the water is equal on both sides of the trail.

### Environmental Concern

There is a major environmental concern in all of this as well. If the water were allowed to follow it's natural flow from the ocean to porters lake and back to the ocean the wetlands would remain primarily fresh water. Now with the ocean salt water being dammed up and prevented from going back in the ocean the wetlands are becoming more concentrated with salt and it is high salt water concentrations and the higher water table that are killing off the plants in the wetlands as well as the nearby trees and berry fields that used to grow on my property. This loss of plant life also means a loss of food for the wildlife in this area. The water is now being held stagnant is turning into uninhabitable green muck.



*bordering wetlands filling up with water plants dying off*



*Pools of green muck at front of my property*



*Side of my property evergreen trees flooded, dying*



*my backyard*



*my backyard*



*my backyard*

On October 25, 2013, I reported this problem to the Department of Transportation and Infrastructure Renewal, (902-424-2297). I spoke to Brenda Zinck who referred me to the Insurance & Risk Management, adjuster Ian Saunders (902-424-4440). Ian Saunders visited the property that same day, performed visual inspection.

At the time of his visit, Ian Saunders stated that he was not sure if the Department of Transportation would be responsible but he would check. A few days later I received a letter from him stating that the problem was the responsibility of the Department of Natural Resources and that he would be informing them to contact me. Today I have still not had a response from your department.

The lack of response to my complaint combined with the fact that contractors continued paving the highway at the front of our property this year, ignoring my complaint and even installing extra gravel piles across the road that will cause more blockage of the natural water flow I am beginning to wonder if perhaps my complaint was being ignored on purpose. The engineering plans devised to manage the water flow appear as if someone intentionally came up with a plan to stop the natural water flow of the wetlands maybe intent on creating flooding in this area to provide future employment for themselves as they earned profits later repairing the flooding damages they created, I don't like to believe it but it happens.

On December 30, 2013, I called the Office of the Ombudsman, spoke to Brian Condran who confirmed with me that your department would hold responsibility for this issue and Mr. Condran advised me to write a letter to you personally so that my concern would not be ignored. Mr. Condran has put my complaint on record and requests that I keep him informed of the situation. I added some pictures and have more pictures and videos of the damage.

Consideration of loss from this flooding situation to myself and my husband are significant, as well as the loss incurred by the developer who had his plans to earn wages working on the property, purchasing part of the land and building his own new home for resale. While the land is near completely flooded, there is hope to repair the damage by opening up the natural pathway for the water to flow where it used to so that the excess water can begin to return to the ocean. It will take a few years for the water table to recede but it will eventually lower to where it was when I first purchased the property.

I have estimated that my own recovery costs from this flood damage is near \$150,000 providing the repairs to the water flow are started immediately. It is possible to resolve the loss to the developer if he and his crew were given the job to repair the damages, earning standard wages for their work. The developer David Haynes has equivalency experience in the field of property development, planning, engineering, septic installations, etc. and would be quite capable of taking on the task to fix the water flow and flood damages.

Please contact me at the earliest convenience so that we might work to resolve this situation before it gets any further out of hand. I can be reached at 902-827-5921.

Lynne Fotherby