RE: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (Our File TW/013/2013)

On February 13, 2013, the Department of Transportation and Works received your request for access to the following records/information:

*A copy of the report that was completed by the western regional office regarding flooding that occurred in Frenchman’s Cove in Spring 2012 (in/around March month)*

I am pleased to inform you that your request for access to this information has been granted in part and a copy of the related emails reporting on this issue is attached.

Access to personal information contained within the records, has been refused in accordance with the following exception to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

*Section 30(1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party’s personal privacy.*

As required by subsection 7(2) of the Act, we have severed information that is excepted from disclosure and have provided you with as much information as possible.

Section 43 of the Act provides that you may ask the Information and Privacy Commissioner to review this partial refusal of access or you may appeal the refusal to the Supreme Court Trial Division. A request to the Information and Privacy Commissioner shall be made in writing within 60 days of the date of this letter or within a longer period that may be allowed by the Commissioner.

The address and contact information of the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
34 Pippy Place
P.O. Box 13004, Stn. A
St. John’s, NL A1B 3V8

Telephone: (709) 729-6309
Facsimile: (709) 729-6500
In the event that you choose to appeal to the Trial Division, you must do so within 30 days of the date of this letter. Section 60 of the Act sets out the process to be followed when filing such as appeal.

If you have any further questions, please feel free to contact the undersigned at 729-3676.

Sincerely,

JAMIE CHIPPETT
Deputy Minister

Enclosure
From: Matthews, Donald  
Sent: Thursday, April 26, 2012 9:30 AM  
To: OBrien, Terry; McCarthy, Cyril  
Subject: Re: TRIM CORRESPONDENCE: COR/2012/02823: Eddie Joyce - Frenchman's Cove flooding concerns - Route 450 -

Terry you are right as we were TOLD to ditch against our objections

Sent Via BlackBerry

----- Original Message -----  
From: OBrien, Terry  
To: McCarthy, Cyril; Matthews, Donald  
Sent: Thu Apr 26 09:18:32 2012  
Subject: RE: TRIM CORRESPONDENCE: COR/2012/02823: Eddie Joyce - Frenchman's Cove flooding concerns - Route 450 -

Cyril I can not recall when the ditching was done, I can recall the supervisor of the day telling me the story of how they were force to go and do the ditching and almost lost an excavator and had to get a second one to get it out.

Now the more I think of it, Mr. Ed Joyce was first elected in 1989 and he was after us while he was in power to have this ditching done. So I'm thinking the ditching was first done long before 1989, that's 23 years.

----- Original Message -----  
From: McCarthy, Cyril  
Sent: Wednesday, April 25, 2012 4:24 PM  
To: Matthews, Donald; OBrien, Terry  
Subject: TRIM CORRESPONDENCE: COR/2012/02823: Eddie Joyce - Frenchman's Cove flooding concerns - Route 450 -

Don / Terry

I have already responded to Mr. Joyce that we will not be doing any work in this area. I have since visited the site and met with a local homeowner representing . Some information has come to light from the homeowner, I have no way to confirm if DTW was involved in any of this wrok so I thought I would run this by you.

Attached find a google image of the area in question. According to the homeowner, DTW built a Berm and ditched to the area marked smaller culverts behind home some years ago (20 or 25 years). The ditch is still clearly visible as is the Berm. This was done to alleviate flooding that was occurring at the culvert that I have marked Dry culvert. According to the resident the Berm was cleaned out about 15 years ago and is now in need to be cleaned again. Terry you can recall DTW doing this ditching about 15 years ago but the soil conditins were such that it was not possible to complete.

The water and sewer contractor working in this area two years ago ditched about 60 meters of the ditch which totals about 150 meters long to the berm. Considerable alders and tree growth has occurred along this ditch route.

Is the homeowners version of what has occurred here accurate? There seems to be significant evidence on the ground to support his ascertainment.

Also, I believe we will still have significant trouble with heavy equipment in this area without some backfilling or placement of materials.

Your comments?
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.