

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, :
Plaintiff :

v. : Civil Action Nos.:
: 1:90-cv-002229 and
: 1:17-cv-0006

ROBERT BRACE, ROBERT BRACE: :
FARMS, INC. and ROBERT :
BRACE and SONS, INC., :
Defendants :

Deposition of LEWIS L. STECKLER, taken before
and by Sonya Hoffman, Notary Public in and for the
Commonwealth of Pennsylvania on Thursday, November
30, 2017, commencing at 12:59 p.m., at the offices
of Knox McLaughlin Gornall & Sennett, P.C., 120
West Tenth Street, Erie, PA 16501.

Reported by Sonya Hoffman
Court Reporter

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EXHIBIT

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A P P E A R A N C E S

For the Plaintiff:

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For the Defendant:

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Also Present:

Robert Brace
Beverly Brace

1 L E W I S L . S T E C K L E R, first
2 having been duly sworn, testified as follows:

3
4 DIRECT EXAMINATION

5 BY MR. KOGAN:

6
7 Q. Mr. Steckler, thank you for coming and appearing
8 today. We appreciate it.

9 Would you state your full name and former position
10 within the U.S. government for the record.

11 A. Lewis Lee Steckler. I was a District
12 Conservationist for Soil Conservation Service, and then
13 NRCS, which is Natural Resource Conservation Service in Erie
14 County for 28 years.

15 Q. Now, what years are we talking about, sir?

16 A. From '78 until I retired on January 1st of 2006.

17 Q. Okay. That's a long span.

18 A. Yes.

19 Q. You must have seen a lot of changes over the
20 course of that span.

21 A. Yeah.

22 Q. Working for the SCS as a District Conservationist,
23 what were your duties, generally speaking?

24 A. Well, generally worked with landowners and
25 farmers, ranchers, whatever you want to call them, property

1 at that.

2 Going back to the restoration plan -- and I'm
3 going to end this deposition sort of the 5:00 time, so
4 please don't think you're going to be here the whole time.
5 I won't do that to you, but I do want to focus on your
6 involvement.

7 And if you can describe your involvement in this.

8 A. I didn't want to do it, but I was asked.

9 Q. By whom?

10 A. By the Justice Department official and Wildlife
11 Service.

12 Q. What did they --

13 A. To document the removal of the drainage tiles and
14 a couple of the ditch blocks, they called them, where they
15 blocked off the drainage ditches.

16 Q. Okay.

17 A. Since I was the closest person they could get --
18 that's their logic -- so somebody didn't have to travel from
19 State College.

20 Q. That must have been not an easy job.

21 MS. BUCKLEY: Objection.

22 Q. How did you find that having to be there at that
23 point to oversee this? How many days were you there?

24 A. Three days.

25 Q. Three days. And did you have a guide to go by?

1 MS. BUCKLEY: Objection.

2 Q. What were you using to evaluate whether it was
3 being done properly?

4 A. They must have sent me some guidelines, like I
5 mentioned, about the ditch block and the pipe coming out
6 every 50 feet or something like that.

7 Q. Did you ever see the consent decree?

8 A. Not to my knowledge. No.

9 Q. Did you ever see a map tied to the consent decree?

10 A. I probably glanced at it when I was in Washington
11 that time.

12 (Exhibit D-10 Steckler - Consent Decree - marked
13 for identification.)

14 Q. Okay. Let me try to refresh your memory. I'd
15 like to enter into evidence Defendant's Exhibit D-10
16 Steckler, which is the 1996 consent decree in Civil Action
17 No. 90-229 accompanied by a restoration -- Wetlands
18 Restoration Plan and a hand-drawn map.

19 A. (Witness reviews document.) Well, there's the
20 check dam. There's the -- I guess they dug trenches to
21 interrupt the flow of the drainage pipe that was installed.

22 Q. Did you ever talk to the designer of that plan?

23 MS. BUCKLEY: Objection.

24 Q. When you were asked to --

25 A. I don't know who made it. Did Dave Putman make

1 it? If it was Dave, I did talk to him. But I don't know if
2 he did this map or not.

3 Q. Well, do you know whether it was EPA perhaps?

4 MS. BUCKLEY: Objection.

5 Q. Do you know an EPA official by the name of Jeffrey
6 Lapp?

7 A. I can't remember.

8 Q. That would be the Philadelphia connection. He
9 works out of the EPA Region 3 Philadelphia office.

10 A. I really can't recall.

11 Q. Okay. So you didn't -- you just had the plan as
12 it was written right there to go by. Correct?

13 MS. BUCKLEY: Objection.

14 A. I didn't have this document. No.

15 Q. Did you have the restoration plan attached to it
16 or the map attached to it?

17 A. I can't remember now. I knew -- they might have
18 told me over the phone what needed to be done as far as
19 the -- you know.

20 Q. How would you know it was done correctly then?
21 How did you know?

22 A. I reported what I saw.

23 Q. How did you know that the check dam was placed in
24 the right position?

25 MS. BUCKLEY: Objection.

1 Q. How did you know that the tile was broken in the
2 right location?

3 MS. BUCKLEY: Objection.

4 Q. How did you know that the ditches were clogged up
5 or filled in the right location --

6 MS. BUCKLEY: Objection.

7 Q. -- if you did -- if you're testifying that you
8 didn't have a map or you don't recall having such a map?

9 A. I don't recall. I know I was there. I took
10 pictures. There's photographs somewhere.

11 Q. There are?

12 A. Yellow pipe coming up. It's black and white.
13 It's a black-and-white camera.

14 Q. Okay. That's very helpful.

15 A. No. I do recall the yellow pipe being pulled out
16 of the ground, and it was an excavator on the tracks. I
17 think it was Showman, the contractor.

18 Q. I'm asking you. I don't know.

19 A. But the check dams could only be in ditches
20 because it's no good to put a check dam anywhere else but in
21 a ditch.

22 Q. What would the purpose of a check dam be, based on
23 your knowledge?

24 A. To stop the flow of water. To let the water build
25 up until it went over the top of it.

1 Q. If you didn't talk to the designer of the plan, as
2 you just testified, and you didn't necessarily --

3 A. Well, I don't know who did that. There's no name
4 on it.

5 Q. Right. It's anonymous.

6 A. So I can't say. Like I told you, if it was
7 Mr. Putman that drew this up, then I probably talked to him.

8 Q. But if it wasn't Mr. Putman, you didn't talk to
9 him?

10 A. Likely.

11 Q. And was it your job to know -- what was your job,
12 to know whether it was being followed properly, that
13 restoration plan? Was that your task?

14 A. Yes. They wanted to be sure it was completed to
15 the -- whatever they deemed necessary to undo the drainage
16 that was done.

17 Q. Now, if you spoke with Mr. Putman and
18 Mr. Putman -- whether Mr. Putman was or was not the designer
19 of the plan, did you talk to him about this restoration?

20 A. They may have come and looked at it later on. I
21 can't recall. I'm sure they must have signed off on it at
22 some time.

23 Q. Did USDA have to sign off on it?

24 A. No. We did not.

25 Q. Did you have to know whether it was designed

1 properly or operated properly?

2 MS. BUCKLEY: Objection.

3 A. I had no input into that at all.

4 Q. Did anybody from USDA have any input into that?

5 A. No. To my knowledge, no. Like I said, I was the
6 closest government employee to go and document it, that it
7 was actually done, because somebody was going to have to
8 drive from State College or Philadelphia and they got
9 clearance through my State office for me to do it.

10 Q. Okay. Now, did Mr. Brace ever contact you after
11 it was installed, after all this work was done to say that
12 it wasn't operating properly?

13 A. Oh, I don't know.

14 Q. Did you find out after the fact whether it was
15 causing any problems or not?

16 A. I don't know the answer to that.

17 MR. KOGAN: Okay. Okay. Well, I'm trying to
18 think of what else. I guess we're finished here
19 this afternoon, unless Counsel has some questions
20 to ask.

21 MS. BUCKLEY: Yes. We may. We'll just take a
22 break and confer and we'll be right back.

23 (Recess taken.)

24 MS. BUCKLEY: We do have a couple of questions.
25