ecoSTRATEGIES
CIVIL ENGINEERING

1890 East Main Street | Falconer, New York 14733
Phone: 716.664.5602 Ext. 400 | Fax: 716.664.6648 | Email: ajohnson@ecostrategiespllc.com

August 5, 2015

Robert Brace & Sons, Inc.
Attention: Bob Brace
1131 Route 97
P.O. Box 338
Waterford, Pennsylvania 16441

Subject: Wetland Evaluation Report
Homestead, Murphy, and Marsh Farms
Waterford Borough, Erie County, Pennsylvania

To Whom It May Concern:

EcoStrategies Civil Engineering, PLLC (EcoStrategies) was contracted by Robert Brace and Robert Brace & Sons, Inc. (Owner) to review historical documents and conduct a hydrologic survey for a wetland evaluation on their property located in Waterford and McKean Townships, Erie County, Pennsylvania (Figure 1). The property is 168.8 acres in size and is located in a rural setting consisting mainly of agricultural and forested areas (Figure 2). The property is situated at approximately 1,230 feet above mean sea level (msl) at the headwaters of Elk Creek and adjacent to the continental watershed divide.

EcoStrategies understands that the Owner has been involved in a legal dispute with the Environmental Protection Agency (EPA) and other agencies over farming operations and wetland regulations. This legal dispute has been on-going for more than 30 years and the resulting court cases, conflicting views and interpretations have made it a difficult issue to resolve.

The goal of this report is to provide an understanding of the property and land use history, explain the agricultural exemption, and describe the past and present conditions of the hydrology and wetlands on the property. The Owner and their attorney believe through the Consent Order that they have the right to return the property to its pre-1984 condition, which will render most of it farmable. The Owner believes that by preparing and presenting the historical evidence (e.g., authentic historical aerial photos, agricultural exemptions, hydrologic survey, etc.) in an organized report, it will show the condition of the property prior to 1984 and support the claim that the wetland areas of concern were already part of a commenced farming operation. The following sections of this letter report provide a brief description of the property layout and history, the hydrology, and the agricultural exemption.

EXHIBIT
26

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Property Layout & History

The Owner operates the property as "one farm", which consists of three separate areas referred to as the Homestead Farm, Murphy Farm, and Marsh Farm (Figure 3). The main house, barn, and storage area serving the farm are located along Greenlee Road as shown on Figure 3. The farm has been in the Brace family since the 1930s. The Homestead and Murphy Farms were purchased by Robert Brace from his father, Charles Brace, in 1975. The Marsh Farm was purchased in 2011, but was historically drained and maintained by Mr. Brace since the 1970s via an agreement with the previous owner.

Mr. Brace began clearing brush and creating drainage ditches in the spring of 1977 to expand the existing farming operation. This work involved the conversion of wetlands to produce an agricultural commodity. To visually observe the commenced conversion activities, one can compare the historical aerial images from 1968 and 1983. Figure 4 presents historical imagery from 1968 (provided by Penn Pilot) showing the property *without* farm drainage ditches; while Figure 5 presents the historical imagery from 1983 (provided by the United States Department of Agriculture [USDA]) showing the property *with* established farm drainage ditches that appear to be well maintained. This authentic photo from 1983 (see Figures 2 & 5) is a key piece of evidence showing the condition of the property in the pre-1984 condition, which again is the condition that the Owner believes he has the right to restore the land to in accordance with the Consent Order. An additional pre-1984 photo of the property (Figure 6), taken by the Owner in a low flying aircraft, is also included to supplement the authentic photos from Penn Pilot and USDA. The photographic evidence clearly indicates well-drained farm fields with dry land capable of supporting the ongoing farming operation.

Hydrology & Wetlands

The onsite hydrology follows the topography and existing drainage ditches. Stormwater run-on and run-off collects along the approximate center of the property where it is conveyed from south to north. The water drains offsite at the culvert crossing near the intersection of Sharp and Greenlee Roads (Figure 5). At the present time, there is approximately 1.75 feet of standing water in the main drainage channel and a relatively large area of standing water at the southern end of the property. These areas of standing water are best viewed on the 2006 aerial photo (Figure 7). The standing water in the channel today is due to the height of the Sharp Road culvert and the water at the southern end is due to beaver dams; however, the root causes warrant further explanation and are provided below.

In order to understand the current hydrology of the property, one must understand the historical chain of events that transformed the land into its current condition. Historical photos dating back to 1939 show the subject property (and neighboring properties) as being well drained for agricultural use without standing water. The root cause of the standing water that is observed today at the south end can be directly linked to a beaver dam dispute with an agency official. Historically, the beaver dams were allowed to be removed from the farm drainage ditches based on the agricultural farming exemption. Mr. Brace worked in cooperation with the Pennsylvania Game Commission (Game Commission) from 1977 to 1987 to routinely remove beaver dams to maintain the farm drainage ditches. However, in 1987 the Owner claims that Mr. Andrew

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Martin (former Game Commission employee) no longer would allow Mr. Brace to remove the beaver dams. The Owner alleges that Mr. Martin had his own personal agenda and essentially went out of his way to impose the unnecessary involvement of other local, state, and federal agencies. By delaying the review process and not allowing the Owner to keep up with removing the beaver dams to maintain the farm ditches, the property at the south end became flooded and would now likely be classified as a wetland area based on the current soil, water, and vegetation characteristics, which have evolved and established themselves over the past 25+ years. If the Consent Order allows the Owner to return the property to the pre-1984 condition, the existing beaver dam(s) would be removed and this area would be drained and converted back to dry farmland as shown in the May 11, 1983 photo from USDA (see Figure 2). It is important to note that it is our belief that the root cause of this problem is the beaver dams and the personal conflict with Mr. Martin in 1987 that changed the entire course of events leading up to where we are today. If this event had not occurred and the commenced conversion to a farming operation was recognized, the Owner would have continued on with the conversion and the property would be farmable today.

Another important piece of evidence regarding the change to the onsite hydrology is the installation of the Sharp Road culvert (see Figure 5). This culvert on Sharp Road is the location where the drainage leaves the property. The Owner claims that in the mid-late 1980s the Pennsylvania Department of Transportation (Penndot) installed a new culvert at this location and added concrete along the bottom of the culvert, which backed up the flow and raised the water table in the Lane Road culvert and other parts of the property. As a result, some of the drainage tile outlets on all three farm areas became submerged due to the higher water table. These claims were initially verified in the field by Mr. Bruce Coffin (Supervisor for Waterford Township) and other Town employees (Mr. Gary Taylor and Mr. Jerry Hanas) using a laser level. A copy of the April 22, 2014 journal entry by Mr. Coffin documenting these observations is included under Appendix B.

EcoStrategies conducted a hydrologic elevation survey of these culverts using a total station on July 31, 2015. The results indicated that the top of the concrete at the invert of the Sharp Road Culvert (inlet side or east side) is 1.75-feet higher than the invert on the Land Road culvert (outlet side or north side) which is located upgradient. In other words, the concrete fill in the Sharp road culvert created a dam that backed water up resulting in 1.75-feet of standing water for more than 1,800 feet up to the Lane Road Culvert and beyond. Based on additional elevation points taken upgradient and downgradient of the Sharp Road culvert, we estimate that at least 2 feet of concrete (and riprap base material beneath the concrete) was added above the natural channel bottom. Photos of Sharp Road and Lane Road Culverts are included under Appendix C. In general, most culverts are installed so that the bottom of the culvert is set approximately 6-inches below the natural channel bottom (not 2+ feet above the bottom) for ecological and other reasons; and also downstream culverts should always be set lower than upstream culverts feeding into it unless there is a specific reason not to follow this standard practice. This culvert is why some of the drain tiles previously installed by the Owner are now either partly or completely submerged under water even under low flow conditions and also why certain areas have evolved more quickly into potential wetland areas. Additional survey details and notes are available upon request.

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Agricultural Exemption

The Homestead and Murphy Farms were issued an agricultural exemption by the USDA Agricultural Stabilization and Conservation Service (ASCS) in 1988. It is our understanding that the ASCS determined that the conversion of the potential wetland areas under question began prior to December 23, 1985 in accordance with the law and would enable the Owner to complete the conversion to produce an agricultural commodity by the year 1995. This determination was based on 1) the fact that the construction activities began on April 28, 1977 as supported by more than $28,000 in invoices; and 2) substantial funds were expended in the wetland areas for the direct purpose of converting the wetlands prior to December 23, 1985, which is also supported by invoices. A copy of the ASCS determination is included under Appendix A.

The ASCS map and associated documents indicate that 43.4 acres of wetland area (depicted as areas "14" [11 acres] and "15" [32.4 acres]) was approved by ASCS as "Converted Wetland" ("CW") to a farming operation. The CW polygon shown on the ASCS map has been superimposed on to the 1983 image to better visualize the area relative to other property features (see Figure 8). In addition, approximately 13.3 acres was approved as "Prior Conversion" ("PC") as shown on Figure 8. It is our opinion that this evidence shows that the Owner already had an on-going agricultural exemption that was in place and therefore the Owner should not have been found in violation for continuing his farming operations in this area. It is the Owner's intent to continue the commenced conversion of this land as originally planned and to utilize the fertile soil in these areas to produce organic crops.

Conclusion

In conclusion, the Owner and EcoStrategies respectfully request that the EPA consider the factual evidence provided herein and allow the Owner to continue to pursue his original farming goals and return the property to its pre-1984 condition via the Consent Order. Below are the key points of this report.

- The pre-1984 condition was dry farmland that was properly drained and either producing crops or was in the process of being converted to produce crops as shown on the authentic historical aerial photos.
- The Owner should have been allowed to continue maintaining the farm ditches that he created in the 1970s, but instead, a conflict with a Game Commission employee put unwarranted constraints on the Owner that no longer allowed him to remove beaver dams and maintain the ditches. This resulted in the standing water that is now observed at the south end and the subsequent plant and animal species that became established over the past 25+ years.
- The Sharp Road culvert created a dam that was at least 2 feet above the channel bottom that backed water up resulting in 1.75 feet of standing water over 1,800+ feet of property. This caused an increase in the water table, submerged some of the drain tiles, and accelerated the potential for wetland establishment.

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Disclaimer

This evaluation was conducted using an objective and scientific approach based on factual evidence and interviews with the Owner. EcoStrategies understands that there may be other information that was not discovered or brought to our attention during this evaluation. Please note that EcoStrategies reserves the right to revise our observations outlined in this letter report if additional evidence or information becomes available. This document was prepared only for the Owner's use in an effort to help resolve issues with the EPA and EcoStrategies disavows any liability for the use of this document by others.

Sincerely,

Andrew R. Johnson, PE, CPESC
Principal Engineer

ATTACHMENTS:

FIGURES

Figure 1 – Location Map
Figure 2 – 1983 Historical Image of Property from USDA (showing pre-1984 condition)
Figure 3 – Integrated Farming Operation (showing all three farm areas that operate as one)
Figure 4 – 1968 Historical Image of Property showing no drainage ditches (status quo prior to conversion)
Figure 5 – 1983 Historical Image Showing the new Integrated Drainage Network installed by Brace
Figure 6 – Pre-1984 Photo of Property (provided by Owner to supplement the 1983 image)
Figure 7 – 2006 Historical Image of Property (showing how water is now ponded at south end)
Figure 8 - Converted Wetland Areas Per ASCS

APPENDIX

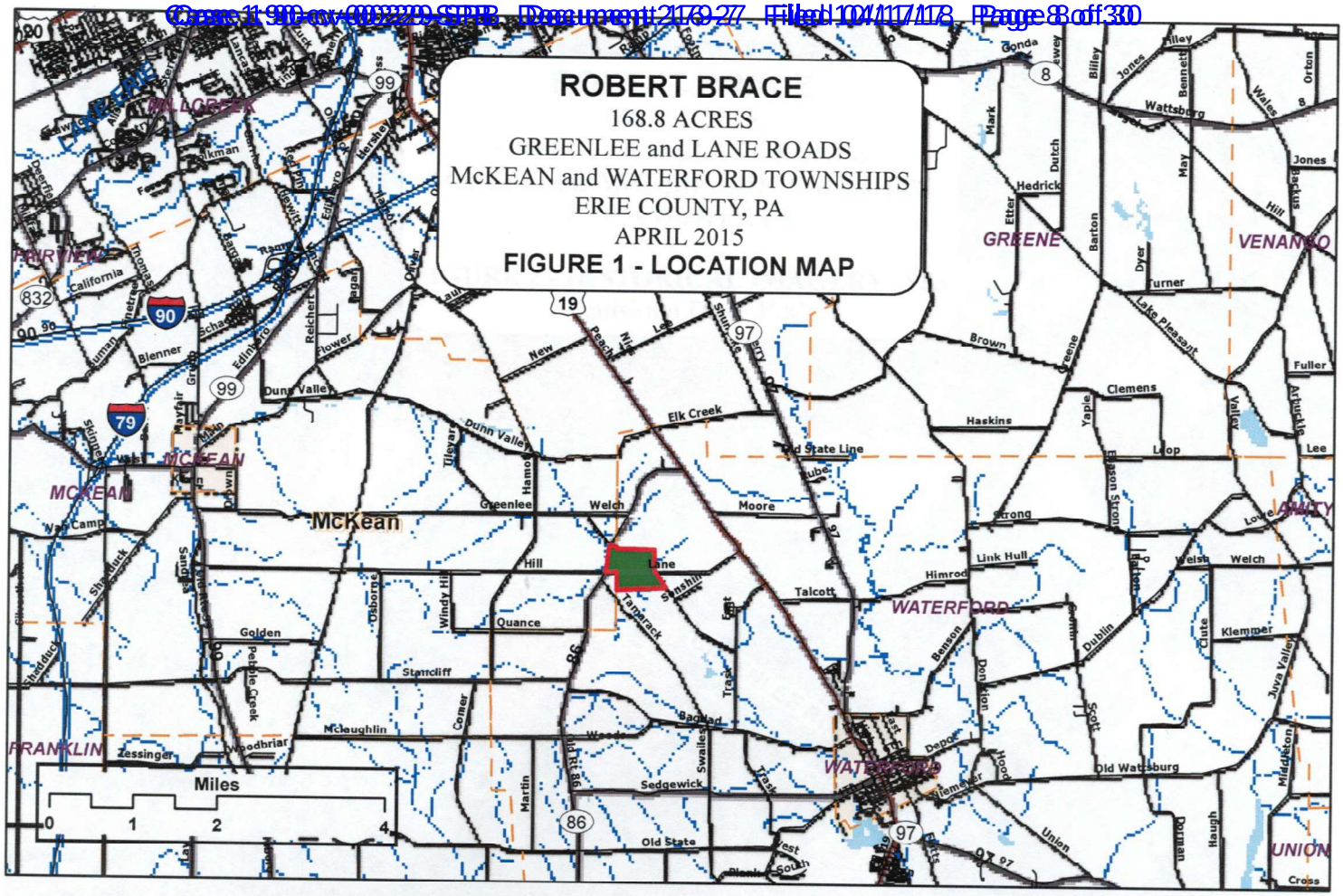
Appendix A – Agricultural Exemption Map and Documents from ASCS showing commenced conversion prior to December 23, 1985 and CW areas.

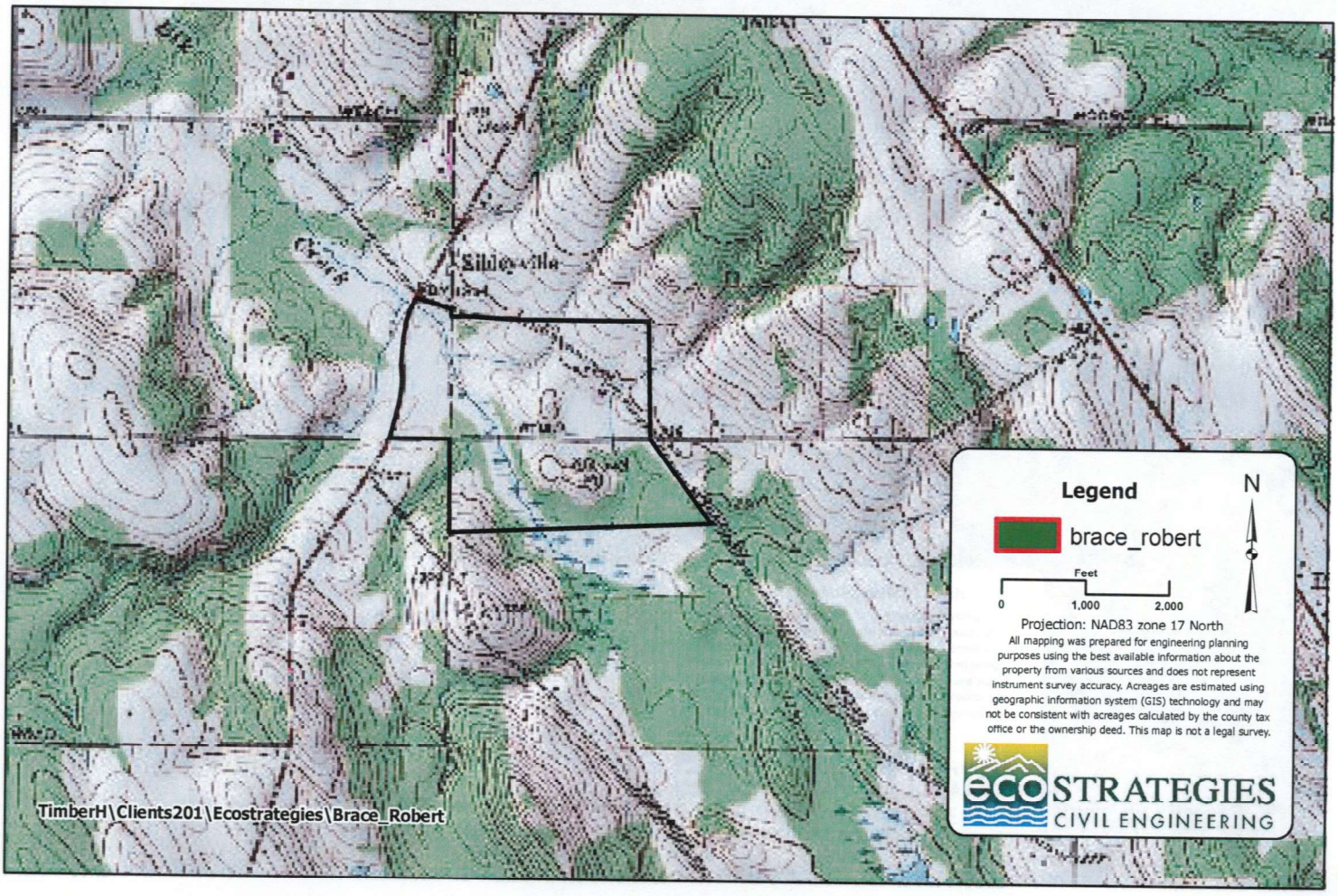
Appendix B – Journal Entry from Waterford Township (Bruce Coffin) documenting increase in water level due to concrete in Sharp Road culvert

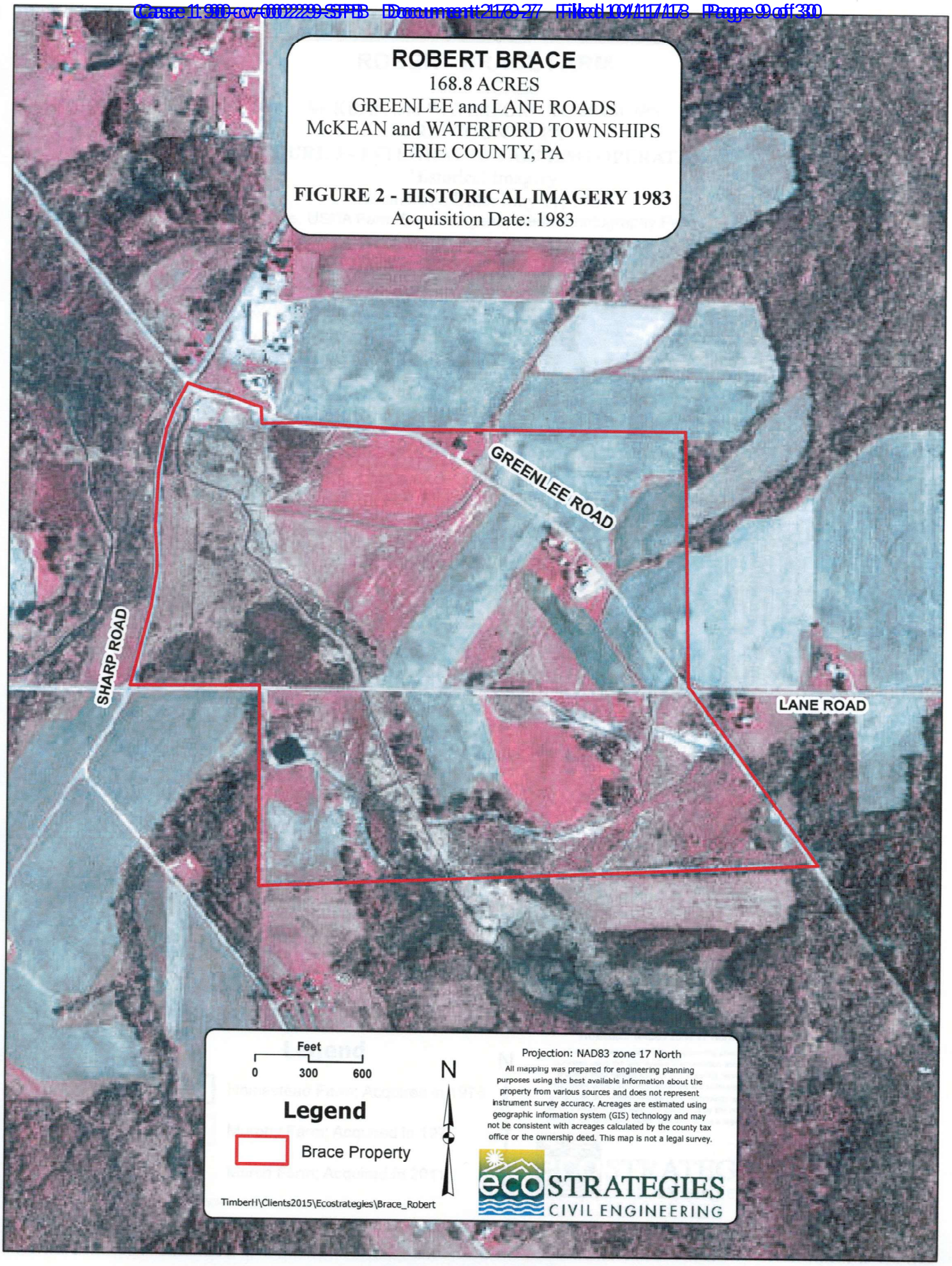
Appendix C – Sharp Road & Lane Road Culvert Photos

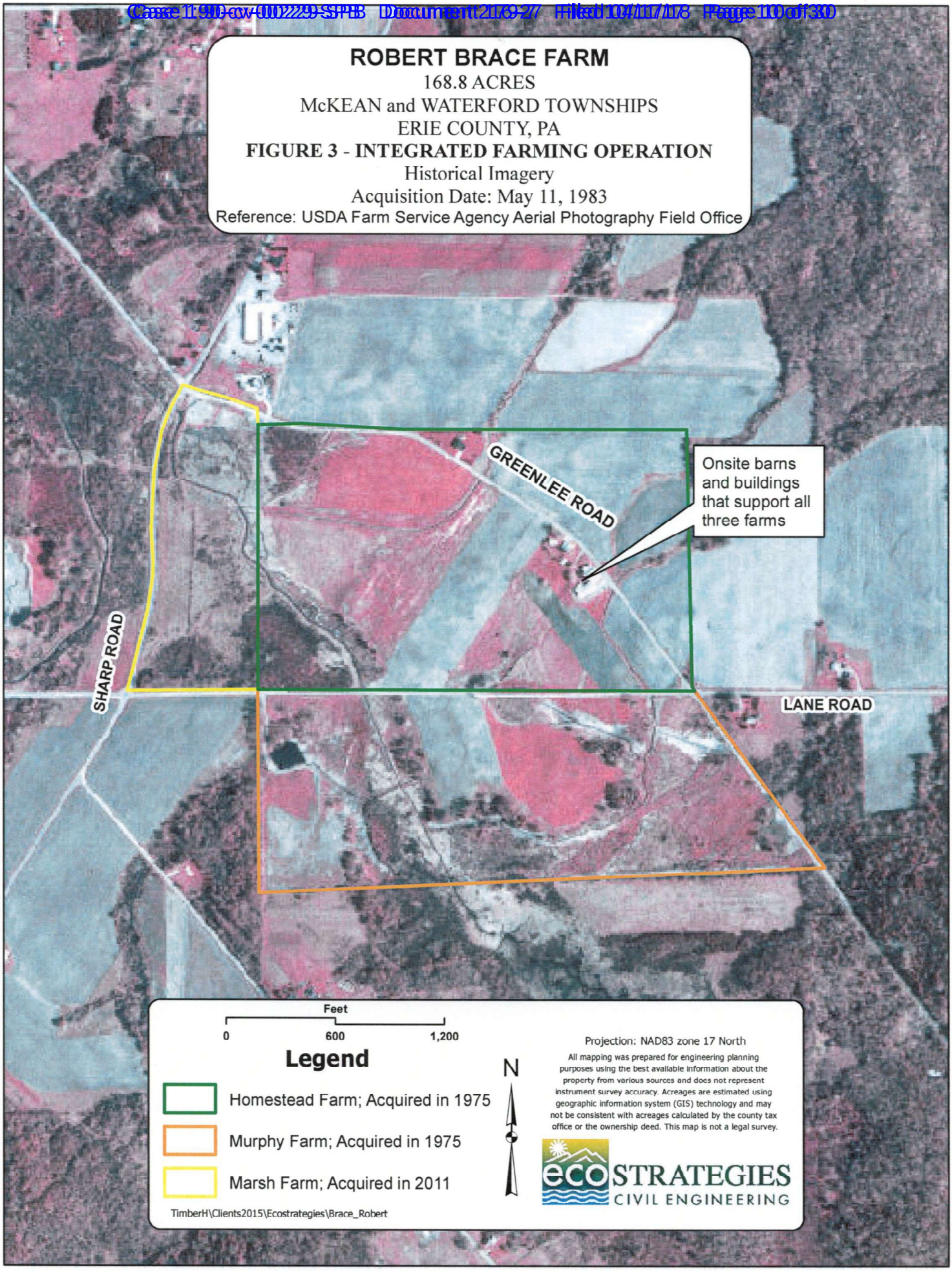
ATTACHMENTS

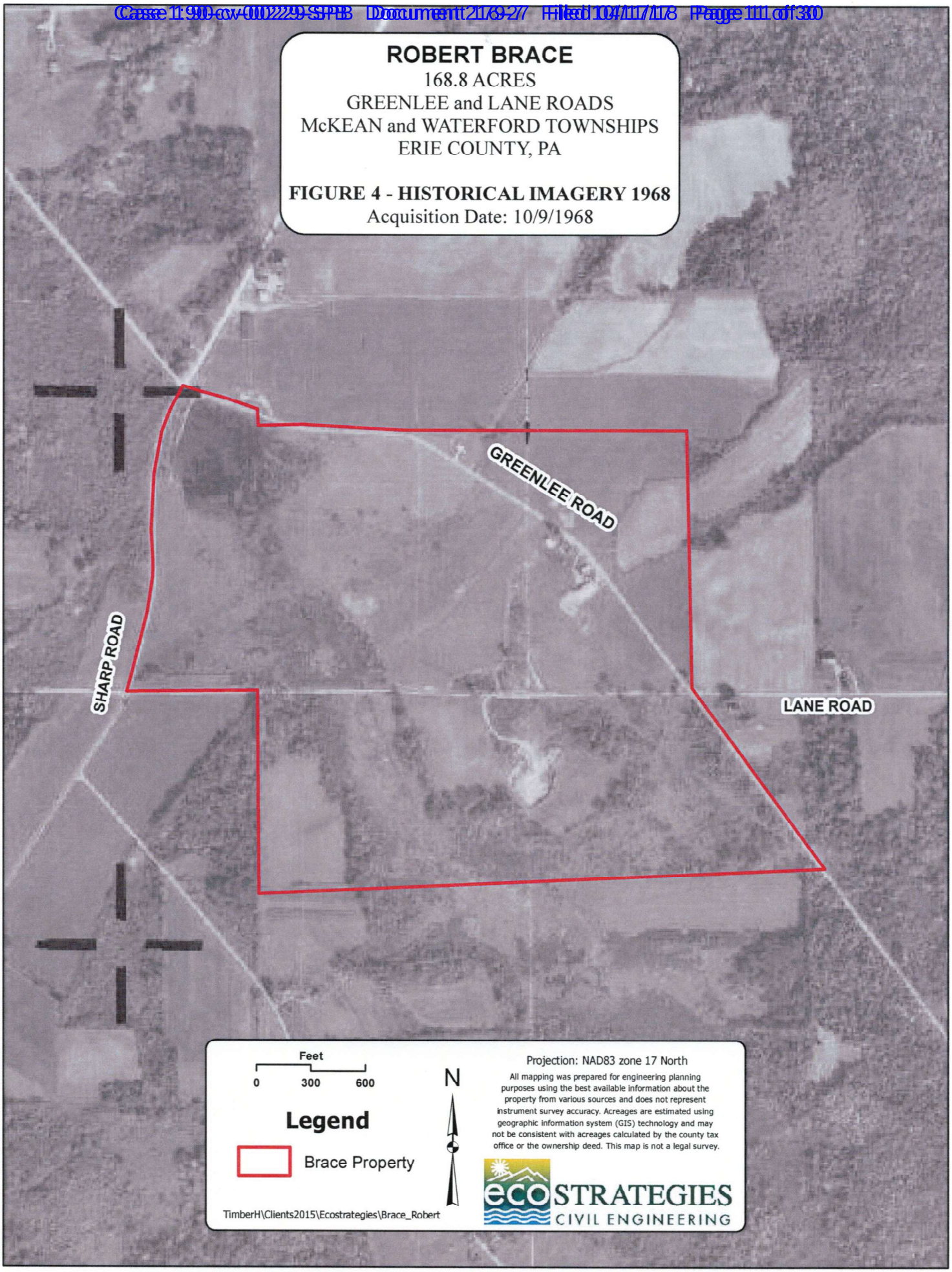
Figures


ROBERT BRACE
168.8 ACRES
GREENLEE and LANE ROADS
McKEAN and WATERFORD TOWNSHIPS
ERIE COUNTY, PA
APRIL 2015
FIGURE 1 - LOCATION MAP
McKEAN
McKean
WATERFORD
GREENE
VENANGO
FRANKLIN
UNION
Miles
0
1
2
4


Legend
brace_robert
Feet
0
1,000
2,000
N
Projection: NAD83 zone 17 North
All mapping was prepared for engineering planning purposes using the best available information about the property from various sources and does not represent instrument survey accuracy. Acreages are estimated using geographic information system (GIS) technology and may not be consistent with acreages calculated by the county tax office or the ownership deed. This map is not a legal survey.
ecoSTRATEGIES
CIVIL ENGINEERING
TimberH\Clients201\Ecostrategies\Brace_Robert


ROBERT BRACE
168.8 ACRES
GREENLEE and LANE ROADS
McKEAN and WATERFORD TOWNSHIPS
ERIE COUNTY, PA
FIGURE 2 - HISTORICAL IMAGERY 1983
Acquisition Date: 1983
GREENLEE ROAD
SHARP ROAD
LANE ROAD
Feet
0
300
600
Legend
Brace Property
N
Projection: NAD83 zone 17 North
All mapping was prepared for engineering planning purposes using the best available information about the property from various sources and does not represent instrument survey accuracy. Acreages are estimated using geographic information system (GIS) technology and may not be consistent with acreages calculated by the county tax office or the ownership deed. This map is not a legal survey.
TimberH\Clients2015\Ecostrategies\Brace_Robert
ecoSTRATEGIES
CIVIL ENGINEERING


ROBERT BRACE FARM
168.8 ACRES
McKEAN and WATERFORD TOWNSHIPS
ERIE COUNTY, PA
FIGURE 3 - INTEGRATED FARMING OPERATION
Historical Imagery
Acquisition Date: May 11, 1983
Reference: USDA Farm Service Agency Aerial Photography Field Office
GREENLEE ROAD
Onsite barns and buildings that support all three farms
SHARP ROAD
LANE ROAD
Feet
0
600
1,200
Legend
Homestead Farm; Acquired in 1975
Murphy Farm; Acquired in 1975
Marsh Farm; Acquired in 2011
N
Projection: NAD83 zone 17 North
All mapping was prepared for engineering planning purposes using the best available information about the property from various sources and does not represent instrument survey accuracy. Acreages are estimated using geographic information system (GIS) technology and may not be consistent with acreages calculated by the county tax office or the ownership deed. This map is not a legal survey.
ecoSTRATEGIES
CIVIL ENGINEERING
TimberH\Clients2015\Ecostrategies\Brace_Robert


ROBERT BRACE
168.8 ACRES
GREENLEE and LANE ROADS
McKEAN and WATERFORD TOWNSHIPS
ERIE COUNTY, PA
FIGURE 4 - HISTORICAL IMAGERY 1968
Acquisition Date: 10/9/1968
GREENLEE ROAD
SHARP ROAD
LANE ROAD
Feet
0
300
600
Legend
Brace Property
N
Projection: NAD83 zone 17 North
All mapping was prepared for engineering planning purposes using the best available information about the property from various sources and does not represent instrument survey accuracy. Acreages are estimated using geographic information system (GIS) technology and may not be consistent with acreages calculated by the county tax office or the ownership deed. This map is not a legal survey.
TimberH\Clients2015\Ecostrategies\Brace_Robert
ecoSTRATEGIES
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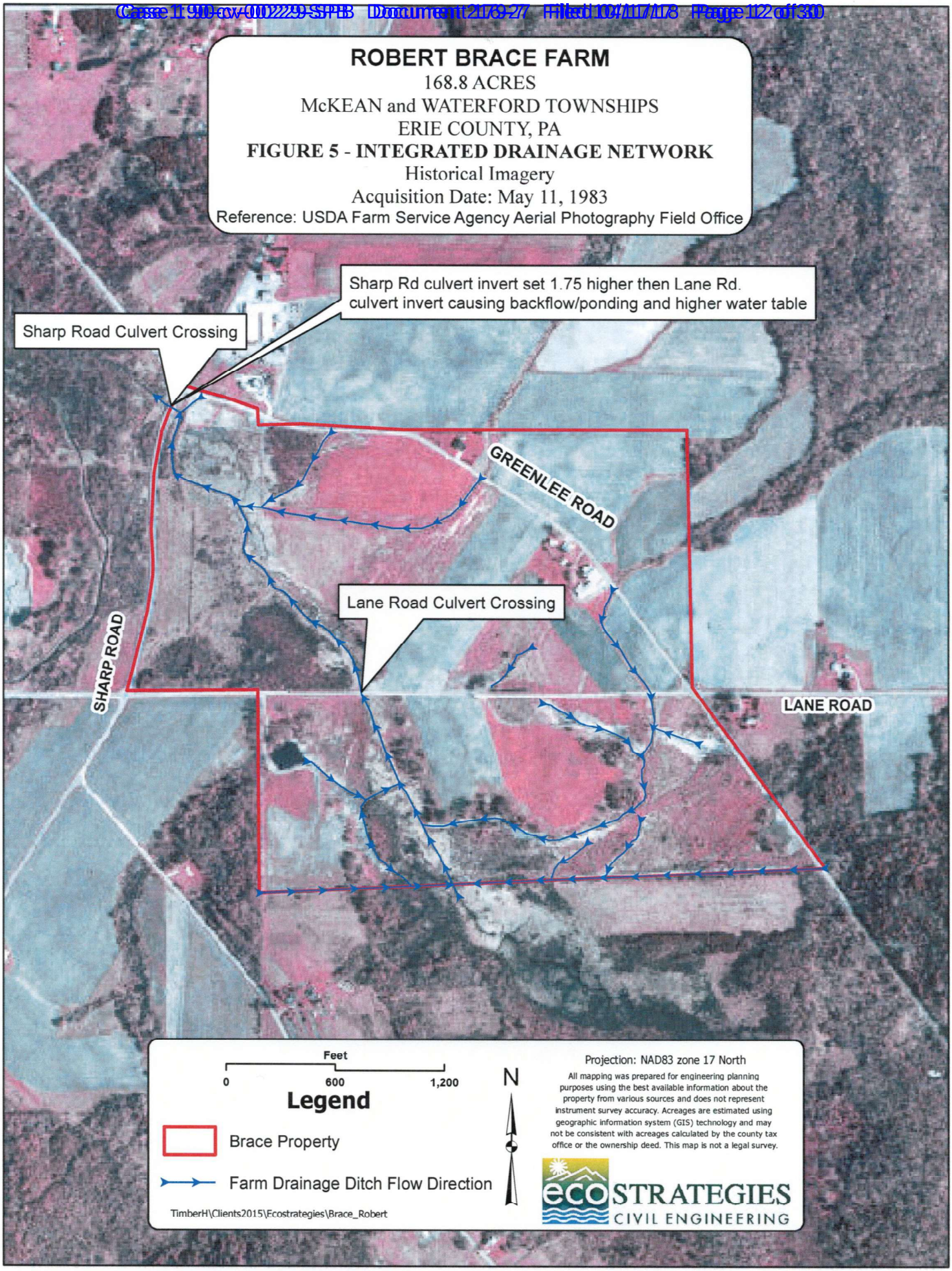
ROBERT BRACE FARM
168.8 ACRES
McKEAN and WATERFORD TOWNSHIPS
ERIE COUNTY, PA
FIGURE 5 - INTEGRATED DRAINAGE NETWORK
Historical Imagery
Acquisition Date: May 11, 1983
Reference: USDA Farm Service Agency Aerial Photography Field Office
Sharp Rd culvert invert set 1.75 higher then Lane Rd. culvert invert causing backflow/ponding and higher water table
Sharp Road Culvert Crossing
GREENLEE ROAD
Lane Road Culvert Crossing
SHARP ROAD
LANE ROAD
Feet
0
600
1,200
Legend
Brace Property
Farm Drainage Ditch Flow Direction
TimberH\Clients2015\Fcostrategies\Brace_Robert
N
Projection: NAD83 zone 17 North
All mapping was prepared for engineering planning purposes using the best available information about the property from various sources and does not represent instrument survey accuracy. Acreages are estimated using geographic information system (GIS) technology and may not be consistent with acreages calculated by the county tax office or the ownership deed. This map is not a legal survey.
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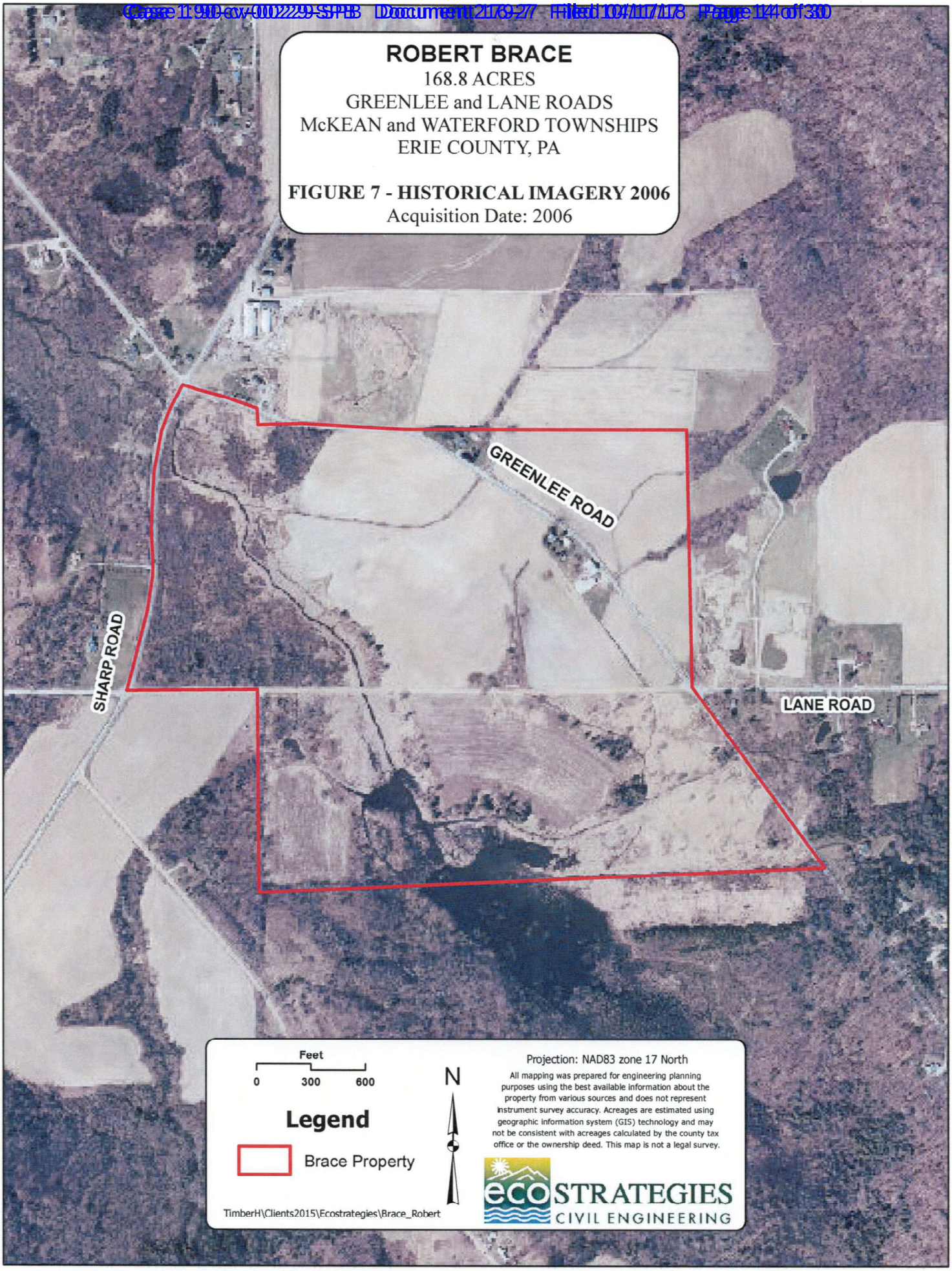
CIVIL ENGINEERING

FIGURE 6

PRE-1984 PHOTO of PROPERTY
(PROVIDED BY OWNER TO
SUPPLEMENT THE EXISTING
AUTHENTIC PHOTOS FROM
REFERENCED SOURCES)

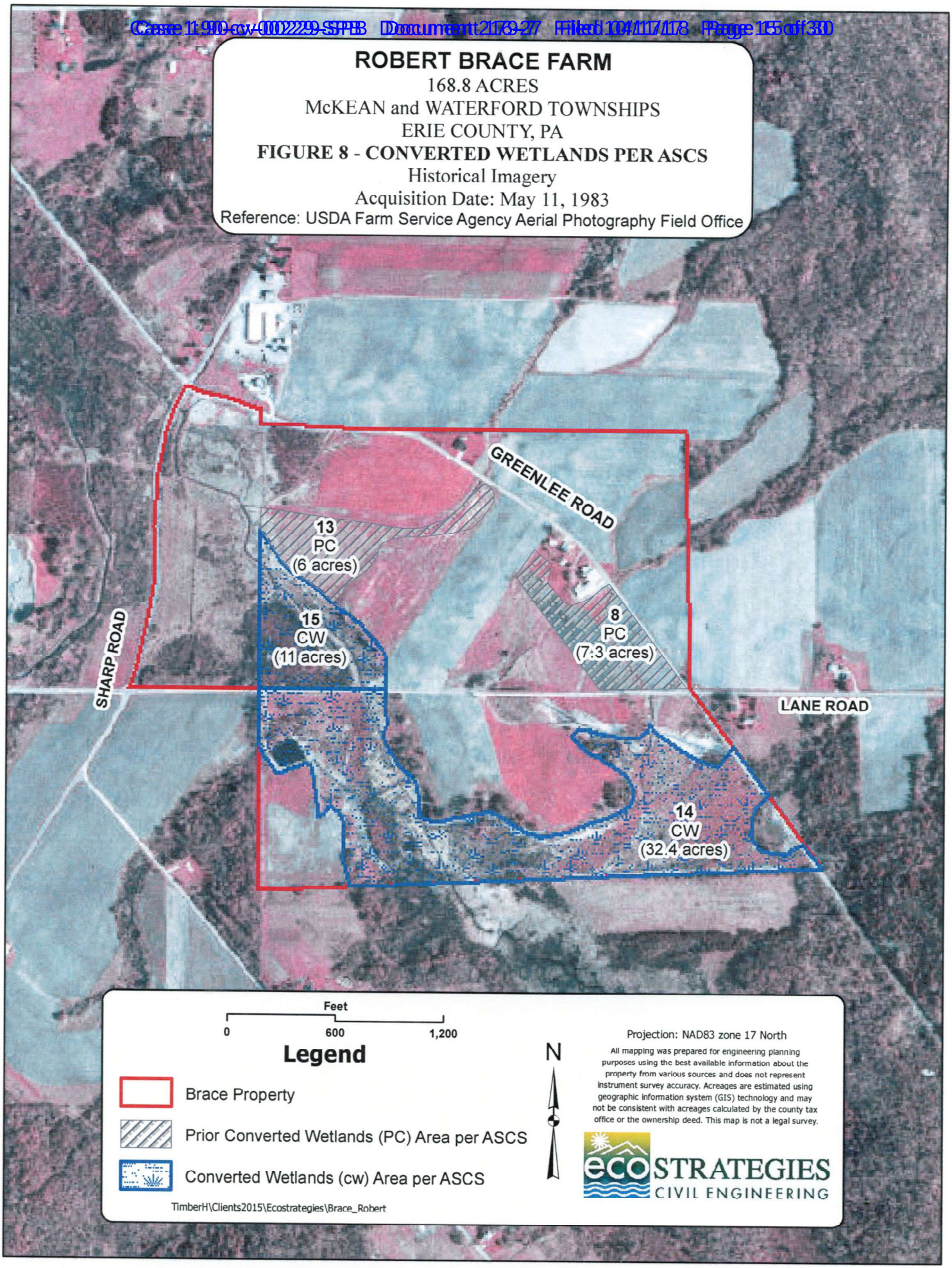

ROBERT BRACE
168.8 ACRES
GREENLEE and LANE ROADS
McKEAN and WATERFORD TOWNSHIPS
ERIE COUNTY, PA
FIGURE 7 - HISTORICAL IMAGERY 2006
Acquisition Date: 2006
GREENLEE ROAD
SHARP ROAD
LANE ROAD
Feet
0
300
600
Legend
Brace Property
N
Projection: NAD83 zone 17 North
All mapping was prepared for engineering planning purposes using the best available information about the property from various sources and does not represent instrument survey accuracy. Acreages are estimated using geographic information system (GIS) technology and may not be consistent with acreages calculated by the county tax office or the ownership deed. This map is not a legal survey.
TimberH\Clients2015\Ecostrategies\Brace_Robert
ecoSTRATEGIES
CIVIL ENGINEERING

ROBERT BRACE FARM

168.8 ACRES
McKEAN and WATERFORD TOWNSHIPS
ERIE COUNTY, PA

FIGURE 8 - CONVERTED WETLANDS PER ASCS

Historical Imagery
Acquisition Date: May 11, 1983
Reference: USDA Farm Service Agency Aerial Photography Field Office



Appendix

Appendix A

Erie County ASCS Office
R.D.#5 Route 19
Waterford, PA 16441
Telephone 796-6760

September 21, 1988

Robert H. Brace
Box 338
Waterford, PA 16441

Dear Mr. Brace:

The Erie County ASC Committee, at their regular meeting on September 14, 1988, reviewed your request for Swampbuster Commenced for your farm, serial number 826, tract 1356.

After reviewing invoices that you submitted and concurrence with Lew Steckler, District Conservationist, SCS, the County Committee determined that converson of the wetlands began before December 23, 1985, and will enable you to complete the conversion and produce an agricultural commodity on the converted wetlands without losing USDA benefits.

The County Committee determination is based on the following criteria (1) construction activities were actively started prior to December 23, 1985 as supported by invoices; (2) substantial funds have been expended in the wetlands for the direct purpose of converting the wetlands prior to December 23, 1985, as supported by invoices.

Please contact this office if you have further questions.

Sincerely,

Joseph Burawa, County Executive Director
For: Erie County ASC Committee

Enclosure

CC: Lew Steckler, D.C., SCS

Agricultural Stabilization and Conservation Service

DATA NEEDED FOR SWAMPBUSTER COMMENCED AND THIRD-PARTY DETERMINATIONS

1. STATE: PA
2. COUNTY NAME: Erie
3. FARM NUMBER: 826

4. NAME AND ADDRESS OF PRODUCER
Robert H. Brace
Box 338
Waterford, PA 16441

5. TELEPHONE NUMBER (Area Code): 814-796-2529

6. GIVE LEGAL DESCRIPTION OF AREAS (Attach a photo copy and identify areas)
Erie County, Waterford Township, on South Hill Rd., east of Sharp Rd. ASCS tract 1356

	YES	NO
7. Has a wetland determination been completed by SCS? (If no, a wetland determination is needed to consider a commencement request.) (If yes, are the areas in question determined to be wetlands.)	X	
8. Has any action (dirt moved) been taken to convert the wetland(s)? (If yes, what date 4-28-77 and what action was taken to convert the wetland(s) ditching, tile, dozing	X	
9. What information is available to document the action to convert the wetland and the date? (For example, ASCS photos, canceled checks, contracts, who completed the work, etc.)	X	
10. Have you spent or legally committed substantial funds for "supplies or materials for the primary and direct purpose of converting the wetland" prior to December 23, 1985? Equipment purchases, such as tractors or scrapers, do not apply. Expenses for planning, such as attorney's fees, mileage, telephone calls, or surveying, do not apply. Date materials were purchased 4-28-77 thru 5-8-87 and the amount 28524.00.	X	

11. Provide copies of documentation; such as canceled checks, invoices, etc. Date a contract to move dirt was entered into _____. Provide a copy of the contract. Breakdown, by amount to whom the funds were committed and the purpose of each.

NAME OF INDIVIDUAL(S) FUNDS COMMITTED TO AND PURPOSE OF EACH (A)	AMOUNT (B)	TOTAL PROJECT COSTS (C)	FUNDS COMMITTED TO DATE (D)
Statements attached	28524.00		28524.00

12. Explain what has been done to establish the fact that you have actively pursued the completion of the project.
Purchased home farm in 1976. Work is continuous, substantiated by invoices

13. Has a crop been planted in the wetland in the current year? (If yes, what date May 1987.)

14. Is the request within the boundary of a drainage district? (If yes, a detailed plan must be submitted.)
No.

15. Is this a request for an exemption because of a third-party drainage? (If yes, provide full details of why and how you were not involved, in any way, with the drainage of the wetland.)

YES [ ] NO [X]

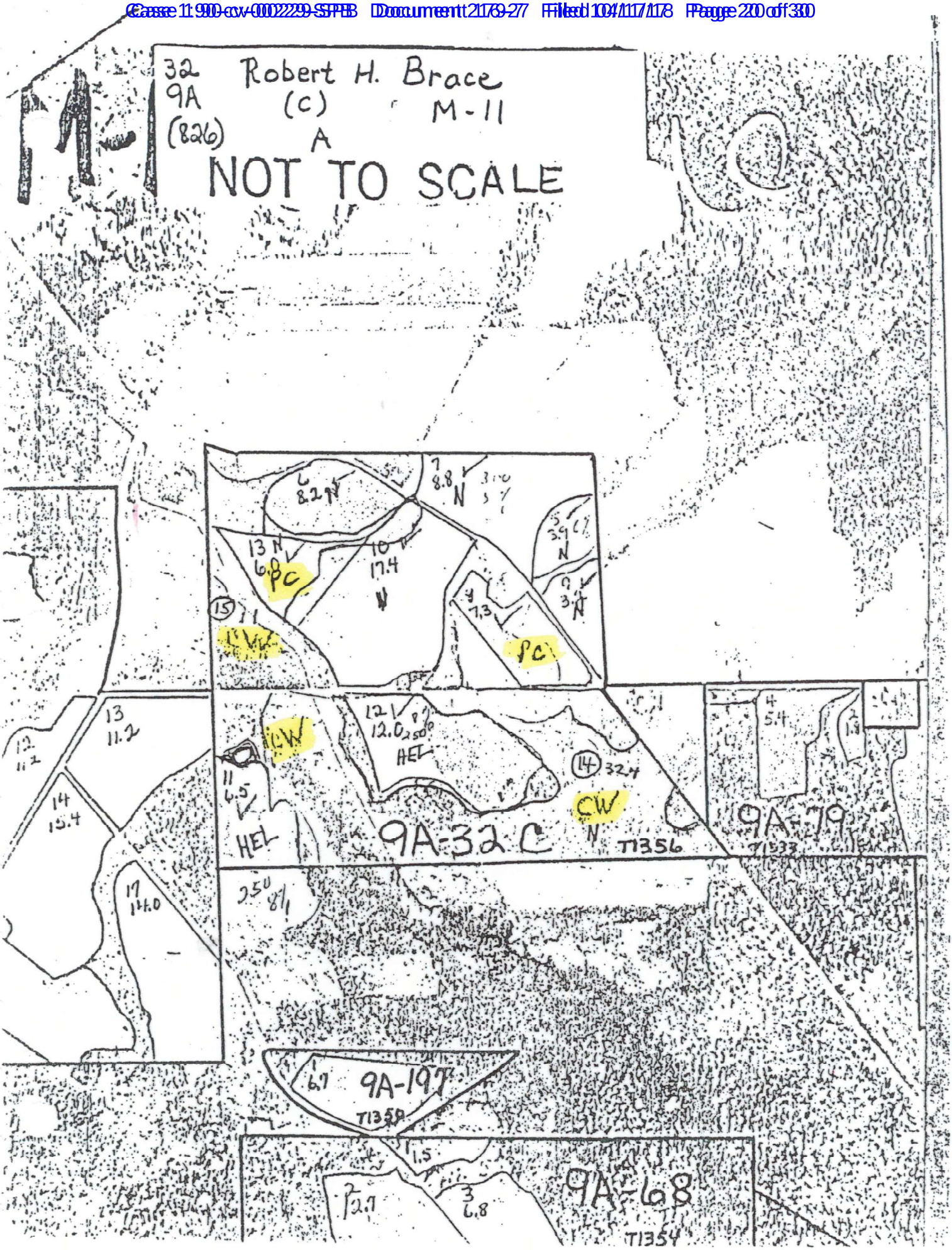
16. SIGNATURE OF PRODUCER: Robert H. Brace
DATE: Aug. 31, 1988

NOTE: The granting of a commencement or third-party request does not remove other legal requirements that may be required under State or Federal water laws.

Approval for mutting 7-14-88

This form must be filed no later than September 19, 1988. No commencement requests will be considered after this date.

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, marital status, or handicap.


32
9A
(826)
Robert H. Brace
(C)
A
M-11
NOT TO SCALE
PC
CW
HEL
9A-32 C
T1356
9A-79
T1533
9A-197
T1358
9A-68
T1354

.S.D.A.
oil Conservation Service

SCS-CPA-026
(1-88)

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

1. Name and Address of Person: Robert H. Bruce, Box 338, Waterford, Pa. 16441

2. Date of Request: 9-7-88

3. County: Erie

of USDA Agency or Person Requesting Determination: ASCS

5. Farm No. and Tract No.: 826 T 1356

SECTION I – HIGHLY ERODIBLE LAND

	Yes	No	Field No.(s)	Total Acres
6. Is soil survey now available for making a highly erodible land determination?	X			
7. Are there highly erodible soil map units on this farm?	X			
8. List highly erodible fields that, according to ASCS records, were used to produce an agricultural commodity in any crop year during 1981-1985.			11, 12	18.5
9. List highly erodible fields that have been or will be converted for the production of agricultural commodities and, according to ASCS records, were not used for this purpose in any crop year during 1981-1985; and were not enrolled in a USDA set-aside or diversion program.				

10. This Highly Erodible Land determination was completed in the: Office [ ] Field [X]

NOTE: If you have highly erodible cropland fields, you may need to have a conservation plan developed for these fields. For further information, contact the local office of the Soil Conservation Service.

SECTION II – WETLAND

	Yes	No	Field No.(s)	Total Wetland Acres
11. Are there hydric soils on this farm?	X			
List field numbers and acres, where appropriate, for the following EXEMPTED WETLANDS:				
12. Wetlands (W), including abandoned wetlands, or Farmed Wetlands (FW). Wetlands may be farmed under natural conditions. Farmed Wetlands may be farmed and maintained in the same manner as they were prior to December 23, 1985, as long as they are not abandoned.				
13. Prior Converted Wetlands (PC) - The use, management, drainage, and alteration of prior converted wetlands (PC) are not subject to FSA unless the area reverts to wetland as a result of abandonment. You should inform SCS of any area to ·sed to produce an agricultural commodity that has not been cropped, ged, or maintained for 5 years or more.			1, 4, 6, 8, 10, 13	
14. Artificial Wetlands (AW) - Artificial Wetlands includes irrigation induced wetlands. These Wetlands are not subject to FSA.				
15. Minimal Effect Wetlands (MW) - These wetlands are to be farmed according to the minimal effect agreement signed at the time the minimal effect determination was made.				
NON-EXEMPTED WETLANDS:				
16. Converted Wetlands (CW) - In any year that an agricultural commodity is planted on these Converted Wetlands, you will be ineligible for USDA benefits. If you believe that the conversion was commenced before December 23, 1985, or that the conversion was caused by a third party, contact the ASCS office to request a commenced or third party determination. Commenced filed with ASCS			14, 15	43.4

17. The planned alteration measures on wetlands in fields _____ are considered maintenance and are in compliance with FSA.

18. The planned alteration measures on wetlands in fields _____ are not considered to be maintenance and if installed will cause the area to become a Converted Wetland (CW). See Item 16 for information on CW.

19. This wetland determination was completed in the: Office [ ] Field [X]

20. This determination was: Delivered [X] Mailed [ ] To the Person on Date: 9-20-88

NOTE: If you do not agree with this determination, you may request a reconsideration from the person that signed this form in Block 22 below. The reconsideration is a prerequisite for any further appeal. The request for the reconsideration must be in writing and must state your reasons for the request. The request must be mailed or delivered within 15 days after this determination is mailed to or otherwise made available to you. Please see reverse side of the producer's copy of this form for more information on appeals procedure.

NOTE: If you intend to convert additional land to cropland or alter any wetlands, you must initiate another Form AD-1026 at the local office of ASCS. Abandonment is where land has not been cropped, managed, or maintained for 5 years or more. You should inform SCS if you plan to produce an agricultural commodity on abandoned wetlands.

21. ·rks

22. Signature of SCS District Conservationist: Terrie L. Steckler

23. Date: 9-15-88

Assistance and programs of the Soil Conservation Service available without regard to race, religion, color, sex, age, handicap, etc.

Appendix B

Brace Farms

From: Bruce Coffin [coffinbruce@hotmail.com]
Sent: Monday, January 05, 2015 9:43 AM
To: Brace Farms
Subject: FW: Lane Road

Bob,

Second and final forward.

Bruce

From: coffinbruce@hotmail.com
To: bracefarms@verizon.net
Subject: FW: Lane Road
Date: Wed, 23 Apr 2014 13:32:58 -0400

From: coffinbruce@hotmail.com
To: wtfdtwp@verizon.net
Subject: Lane Road
Date: Tue, 22 Apr 2014 16:47:52 -0400

Linda/Gary,

I am sending this as my journal entry to the April 22,2014 Lane Road Meeting.

April 22, 2014 (1:45pm- 2:10pm) Bob Brace requested a meeting with Waterford Township regarding culverts on Lane Road. At the meeting were Gary Taylor, Jerry Hanas, Bruce Coffin, Bob Brace, and Randy Brace.

Jerry Hanas set up a transit to take readings. Invert of culvert on north east corner of Lane and Greenly intersection outlet measured 6' 4.5". Second reading was from north east corner of intersection same culvert inlet measured 4' 1". Third reading was from south east corner of intersection measured 4' 8".

The reason for the meeting was to determine if the Township could or should install a culvert on the east side of Greenly and Lane road intersection or ditch deeper on the east side of Greenly road so as water will drain from the south east intersection to the next culvert south across Greenly Rd. Also Bob Brace wanted to address the condition causing water to flood over Lane Road.

It was stated the Township would do a cost analysis of both solutions regarding the Greenly/Lane Road intersection and talk about the benefit/harm associated with each. Bob Brace stated he did not care which was done. He wanted the standing water area caused by the Township resolved.

It does look like Bob Braces statements are correct due to the lay of the land and natural drainage area.

Bob Brace showed the attendees why water is flowing across Lane Road during heavy rains. Bob Brace pointed out where Penn Dot installed concrete in the bottom of a culvert on Sharp Road (Sometimes called Rt. 86) located north west of Lane Rd.. This concrete is estimated to be a depth of one foot. This concrete raised the water behind the culvert one foot. This concrete reduced the size of the culvert one foot which reduces the flow that can pass through the culvert by undetermined gallons per minute. Jerry Hanas confirmed that after Penn Dot placed concrete in the Sharp Road culvert it raised the water about one foot in the Lane Road culvert. Bob Brace pointed out that a driveway culvert on the west side of Sharp Road, south of the culvert with concrete is three quarters plugged and water can not get through it and floods across sharp road. Which goes into the east side of Sharp Road and floods into the Lane Road drainage area reducing the ability of the Lane Road culvert to remove water from the south side; therefore forcing water to run over Lane Road washing gravel and culvert supports from Lane road. Causing an unnecessary hazard to public safety on Lane and Sharp Rd. Bruce Coffin and Randy Brace confirmed they drove through deep water running across from the west to the east on Sharp Road. It was discussed that the natural drainage area is from the east side of Sharp Road to the west side of Sharp Road through the culvert with concrete added. It was farther witnessed that the natural stream running on the west side of Sharp road was blocked with debris and causing the stream to drain from its natural bed into the west ditch of Sharp Road

and the additional water from the blocked stream in addition to the blocked culvert pipe on the west side of Sharp Road directly causes water to flow across Sharp road.

Jerry Hanas confirmed that water does and has ran across Lane Road and Bob Brace showed where water left debris and eroded the dirt and gravel around the Township culvert blocks.

Bruce Coffin said he would place the situation on the agenda at the May 07,2014 Township Meeting.

Appendix C

APPENDIX C

SHARP ROAD & LANE ROAD CULVERT PHOTOS

JULY 31, 2015

PHOTO 1. Sharp Rd culvert with over 2 feet of concrete and stone base along the bottom, which acts like a dam causing water to backup on Brace Property.

APPENDIX C

SHARP ROAD & LANE ROAD CULVERT PHOTOS

JULY 31, 2015

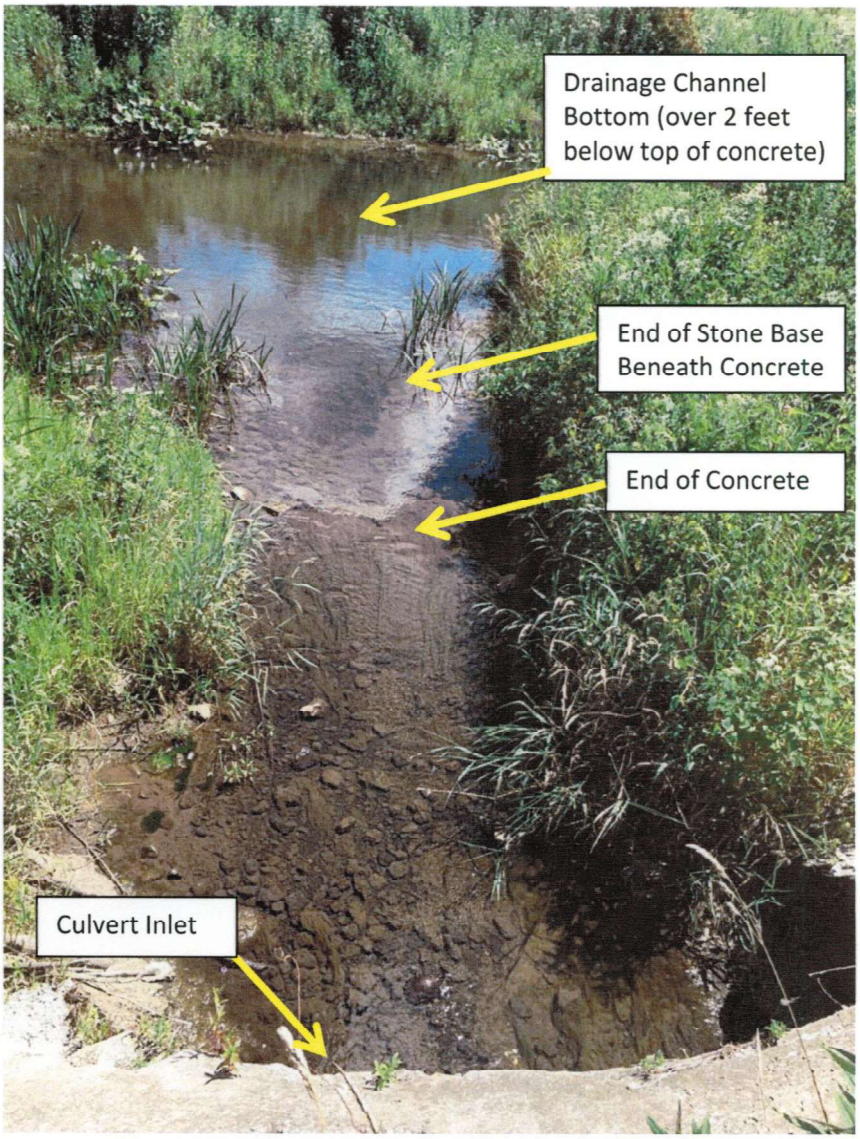


PHOTO 2. Inlet side (east side) of Sharp Rd culvert showing concrete and stone base placed more than 2 feet above channel bottom.

APPENDIX C

SHARP ROAD & LANE ROAD CULVERT PHOTOS

JULY 31, 2015

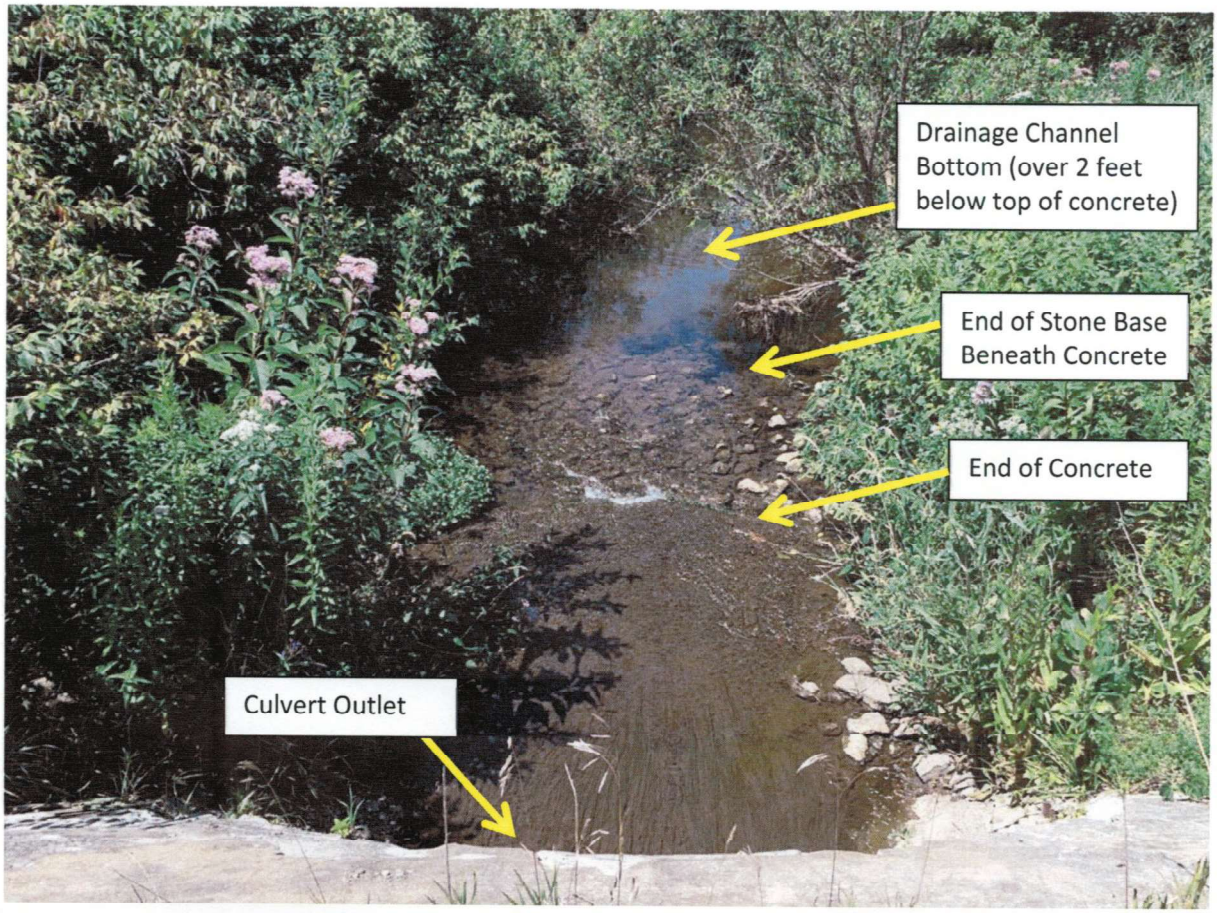


PHOTO 3. Outlet side (west side) of Sharp Rd culvert showing concrete and stone base placed more than 2 feet above channel bottom.

APPENDIX C

SHARP ROAD & LANE ROAD CULVERT PHOTOS

JULY 31, 2015

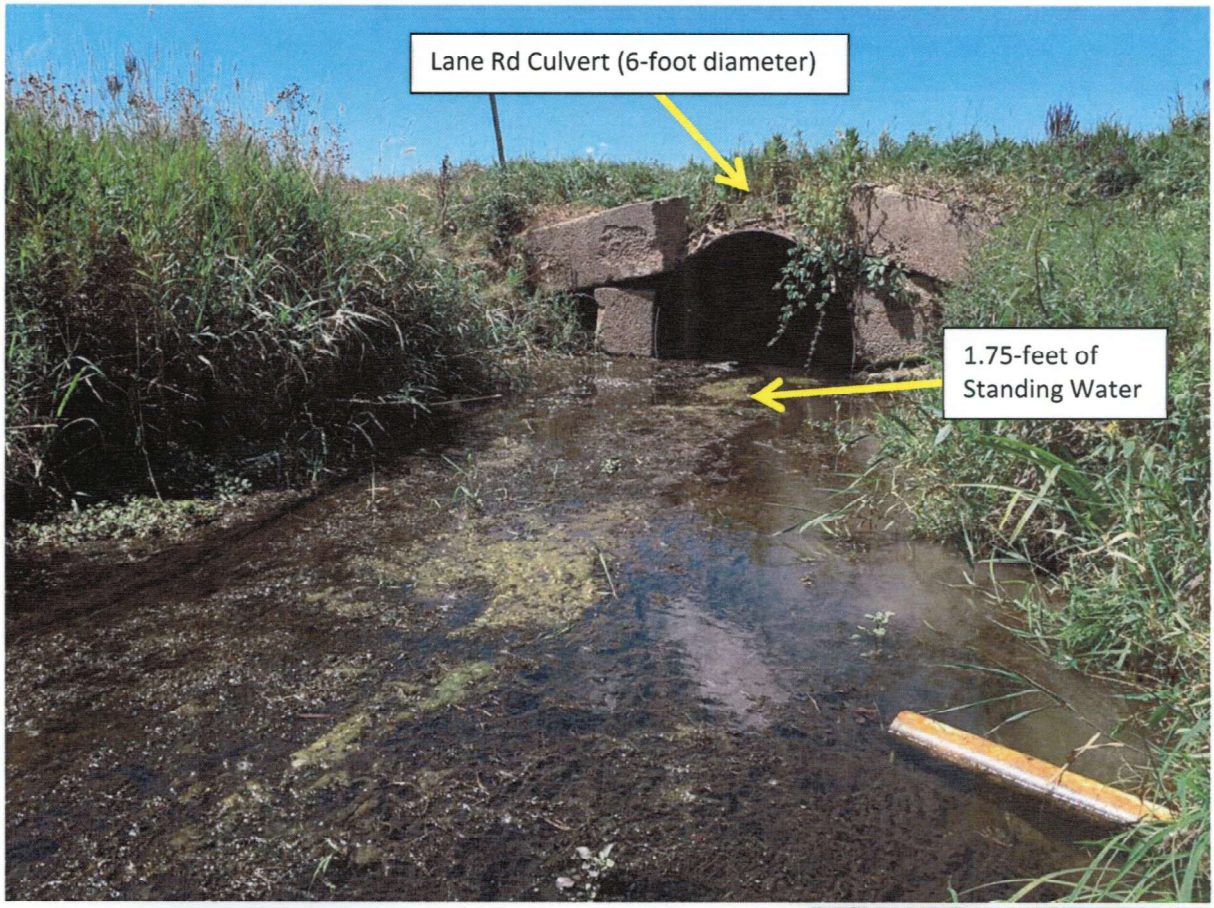
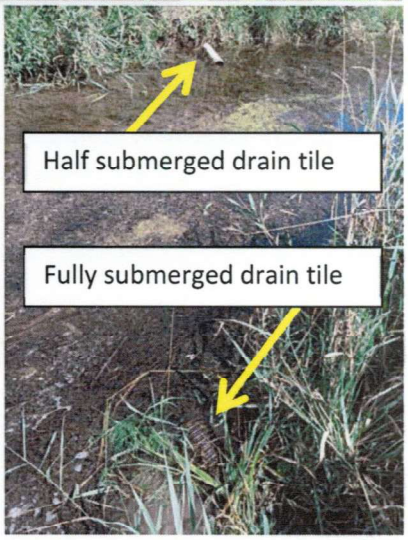



PHOTO 4. Lane Road Culvert (~1,800 feet upgradient from Sharp Road Culvert) with 1.75 feet of standing water in the culvert during low flow conditions. Note submerged drain tiles.