



CERTIFIED MAIL - RETURN RECEIPT REQUESTED

DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

REPLY TO
ATTENTION OF

Regulatory Branch

July 23, 1987

SUBJECT: Unauthorized Dredging and Sidecasting of Material into
Wetland; Violation No. 87-005-712

RECEIVED

JUL 30 1987

Wetlands & Mar. Pol. Sect.
EPA - Region III

Mr. Robert Brace
PO Box 338
R. D. 1
Waterford, Pennsylvania 16441

Dear Mr. Brace:

This letter concerns the unauthorized placement of fill material into wetland areas contiguous with Elk Creek on your property at various locations both north and south of South Hill Road, Town of Waterford, Erie County, Pennsylvania.

On May 5, 1987, Mr. James Pabody of my Cleveland Projects office met with you at the project site to determine the extent of wetland filling that was initially reported to this office by the Pennsylvania Game Commission. The results of this investigation have shown that you had excavated a series of trenches through a wetland area and have connected these trenches into Elk Creek. The trenches were constructed in a manner in which the excavated material was sidecasted along their length into the surrounding wetland. During the May 5 meeting you stated to Mr. Pabody the purpose of your project was to restore the natural drainage to this area which had been disrupted by beaver dams. In addition, at a location separate from the trenching activity you have placed a considerable amount of waste and earthen fill material into a portion of this same wetland. No explanation was offered for this activity.

The placement of dredge or fill material into waters of the United States including wetlands requires a Department of the Army permit under Section 404 of the Clean Water Act. Since these activities were performed without first obtaining proper Department of the Army authorization you have violated Sections 301 and 404 of the Clean Water Act. A copy of the penalties associated with the violation of these provisions of the Clean Water Act is enclosed.

I hereby order you to cease all activities associated with this project until further notice.

EXHIBIT

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An investigation involving this department and the United States Environmental Protection Agency is being conducted into these unauthorized activities. You will be notified of any further requirements. I must warn you that any additional wetland filling is strictly prohibited and willful violation of this stop work order will result in immediate referral of this case to the United States Attorney for action.

Questions pertaining to this matter should be referred to Mr. Donald Wilson who may be reached at 716-876-5454, extension 2325, or by writing to the above address.

The Buffalo District -- Leadership in Engineering.

Sincerely,

FRANK J. HENRY

Daniel R. Clark
Colonel, U.S. Army
Commanding

Enclosure