

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

UNITED STATES OF AMERICA,	)	Civil Action No. 1:90-cv-00229
	)	
Plaintiff	)	
	)	
v.	)	
	)	
ROBERT BRACE, and ROBERT BRACE	)	
FARMS, INC.,	)	
	)	
Defendants	)	
	)	

**AFFIDAVIT OF RONALD L. BOSWORTH**

My name is Ronald L. Bosworth. I am making this affidavit in support of Defendants Robert Brace and Robert Brace Farms, Inc. in the above referenced matter.

I am seventy-one (71) years of age, currently retired, and reside at 1027 Old Pittsfield Road, Pittsfield, Pennsylvania 16340.

I previously served in the United States Air Force from May 1966 to April 1992, and I was honorably discharged at the rank of Chief Master Sergeant.

From July 2005 until January 2016, I served as Field Legislative Assistant to former Pennsylvania State Senator, Mary Jo White, and thereafter, from January 2016 until January 2018, I served as Legislative Assistant to Pennsylvania State Senator, Scott E. Hutchinson. In each of these roles, I mostly addressed constituent issues arising in Erie and Warren Counties.

On or about July 24, 2012, I recall a meeting convened at the Brace Family Farm located in Waterford Township, Pennsylvania that Mr. Robert Brace had previously scheduled with several federal agencies. I attended the meeting in place of former State Senator White who could not be present.



In addition to myself and Mr. Robert Brace, I recall that the following other persons were then in attendance: Mr. Brace's wife, Babe, his two sons, Randy Brace and Ronnie Brace, his daughter Rhonda McAtee, Todd Lutte of the U.S. Environmental Protection Agency, and Michael Fodse of the U.S. Army Corps of Engineers.

I recall that the purpose of the meeting was for the Braces to gain permission from the EPA and Corps to remove the water that had accumulated on and around the three adjacent Waterford farm tracts so that the Braces could return the fields to crop production.

After approximately three (3) to four (4) hours of walking the fields and along the ditches and watercourses running beside and through these three farm tracts, from Greenlee Road, to Lane Road, and then to Sharp Road, I recall that EPA representative Lutte and Corps representative Fodse had determined that the water had backed up due to beaver dam encroachment, sedimentation buildup and overgrown vegetation in the ditches.

In addition, I recall hearing both government representatives verbally agree to designate as "agricultural ditches" the portion of Elk Creek running alongside two of the farm tracts north of Lane Road, the portion of Elk Creek running through the third farm tract south of Lane Road into what the government referred to as the "Consent Decree Area," and all the ditches connecting to Elk Creek north and south of Lane Road, including those located in the Consent Decree Area.

As an outdoorsman, I recall being struck by the condition of the Consent Decree Area; how it looked like a huge pond taking up more than the thirty (30) or so acres the government said the Consent Decree Area measured.

I, furthermore, recall having been privy to the conversation held between the Braces, Mr. Lutte and Mr. Fodse. I specifically heard Mr. Lutte and Mr. Fodse authorize the Braces to go ahead and clean Elk Creek and those ditches to remove the excess vegetation and sediment and the beaver


dams present north and south of Lane Road to get the properties back into crop production. These federal representatives advised the Braces to make sure that they worked with the Pennsylvania Game Commission to remove the beaver dams.

Moreover, I recall having heard Mr. Brace inform Mr. Lutte and Mr. Fodse that the fields then under water would be placed back into corn production as they had authorized, except for the field at the southcentral portion of the Consent Decree Area which these federal representatives said should not be encroached. I do not recall Mr. Lutte or Mr. Fodse saying anything to the Braces that would indicate they could not place these fields back into corn production.

I declare that, to the best of my knowledge, and belief, the information herein is true, correct and complete.

FURTHER AFFIANT SAITH NOT.

DATED this 13<sup>TH</sup> day of April, 2018

  
Ronald L. Bosworth

**NOTARY ACKNOWLEDGEMENT**

SUBSCRIBED AND SWORN TO before me this 13<sup>TH</sup> day of April, 2018

STATE OF Pennsylvania

COUNTY OF WARREN .ss:

  
Notary Public

(SEAL)

My Commission Expires

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
Richard Alan Dies, Notary Public  
Brokenstraw Twp., Warren County  
My Commission Expires Dec. 13, 2020  
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES