

January 11, 2011

Jeffrey D. Lapp
Associate Director
Office of Environmental Programs
United States Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

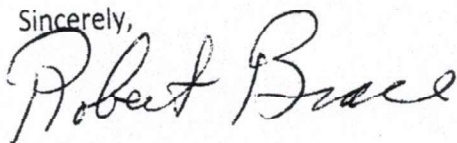
Dear Mr. Lapp:

This is in reference to your December 6, 2010 correspondence to Mr. Earl Brown of the Erie County Conservation District. I had contacted Mr. Brown recently regarding my property located in Waterford Township, Erie County, Pennsylvania. I have been seeking guidance and information from the Conservation District regarding what is needed in order to bring my farm back to its pre-1984 status, which was the intended goal of the Environmental Protection Agency when seeking to restore a wetland area on my Waterford farm. This was also part of the testimony offered by yourself during trial.

As you may recall, an approximate 30-acre portion of my farm was declared a wetland by the federal government and is part of a consent decree that I was forced to sign in order to remedy my situation at the time with government agencies. Also included with the decree was a restoration plan that had me plug various tile lines and ditches throughout the property. I voiced my concern at the time that the reclamation plan being instituted would affect far more than the 30 acres that the government agencies wanted to see "restored", but to no avail. Now, a few years later, my fears have come true. The effects of the reclamation plan have now expanded far beyond its intended boundaries and is consuming vast amounts of my uplands. I do not want to violate my consent decree, but am in need of removing the water that is now encroaching on the upland portions of my farm.

I believe Mr. Brown of the Erie County Conservation District would also appreciate knowing your advice on how to proceed. I am aware that you indicated in your December 6th letter that you would attempt to check the court records in an effort to determine the 30-acre boundary of the actual wetland. This would be appreciated since no actual outline was ever distinguished for me. I am aware of the harsh repercussions that can exist by violating a consent decree and I certainly do not wish to find myself in that situation. I would appreciate your advice on how best to proceed.

Sincerely,



Robert Brace

Cc: Earl Brown,
Erie County Conservation District
Neal Devlin
Knox Law Firm

