

Brace Farms

From: Conley, Rebecca (Toomey) <Rebecca_Conley@toomey.senate.gov>
Sent: Tuesday, May 28, 2013 8:28 AM
To: Brace Farms
Subject: RE: FW:

Dear Bob and Rhonda,

I hope you both had a wonderful holiday weekend! I wanted to let you both know that Sheila and I have seen the recent correspondences regarding the upcoming site visit by the EPA and her and/or myself will be available to attend the visit as well, if you would like us to. I have that day blocked off on our calendar so plan on us attending, please keep us posted if anything changes!

-Rebecca

From: Brace Farms [mailto:bracefarms@verizon.net]
Sent: Friday, May 24, 2013 5:34 PM
To: Lazos.Pamela@epa.gov
Cc: lutte.todd@epamail.epa.gov; rbosworth@pasen.gov; Conway, Shawn (Toomey); Sterrett, Sheila (Toomey); Tim.Butler@mail.house.gov; ndevlin@kmgslaw.com; Darrell.Owens@mail.house.gov; Joe.Fadden@mail.house.gov; klrapp@pahousegop.com; Conley, Rebecca (Toomey); Michael.M.Fodse@usace.army.mil
Subject: FW:

Dear Ms. Lazos,

Thank you for your reply to my most recent e-mail of May 23, 2013. I appreciate your understanding of my dilemma, and hopefully, my frustration with the seemingly never ending issues surrounding the use of my farmland.

Regarding your question of my availability on Thursday, June 27, 2013, the answer is yes, if no earlier date is available. We were hoping to complete our planting and the reclaiming work that we understood we were permitted to finish according to the discussion we had with Mr. Lutte and Mr. Fodse on their previous site visit. Please advise me regarding what time works best for those who will be present.

In regard to your pre-assessment of the 15 acres of Marsh property, I make note that in 1993 the U.S. Fish & Wildlife Service indicated that we were free to do whatever needed to be done on the North side of Lane Road. This is an integral part of our drainage system which is also the Marsh property. I stand by the fact that anything deemed "wetland" by any agency is only meeting that definition after being adversely affected by the inability to maintain my drainage ditch due to the over-reaching affects of the "restoration plan" and my inability to clean it for so long. My attempts to get government agents to return to my farm and acknowledge the adverse issues that were being created on my adjoining upland farm properties took many years. As indicated in our previous telephone conversation, that main drainage ditch was put in place in the mid 1970's with the blessing of the U.S. Soil & Water Conservation Service, thus, in my view, exempting that property from current regulation.

I am still hopeful that we may resolve this in a quick and efficient manner. Thank you again for your attention to this matter.

Robert Brace

From: Lazos, Pamela [mailto:Lazos.Pamela@epa.gov]
Sent: Thursday, May 23, 2013 3:08 PM

To: bracefarms@verizon.net

Cc: Adipietro, Dana M LRP; Hans, Scott A LRP; Amaditz, Kenneth (ENRD); Lutte, Todd; Lapp, Jeffrey; rbosworth@pasen.gov; [Sheila Sterrett@toomey.senate.gov](mailto:Sheila_Sterrett@toomey.senate.gov); Tim.Butler@mail.house.gov; ndevlin@kmgslaw.com; Darrell.Owens@mail.house.gov; Joe.Fadden@mail.house.gov; klrapp@pahousegop.com; [Rebecca Conley@toomey.senate.gov](mailto:Rebecca_Conley@toomey.senate.gov)

Subject:

Hello Mr. Brace,

We are in receipt of your emails dated May 6 and May 23, 2013. While EPA understands your dilemma, resulting from the necessity of a Site visit, the earliest date we can conduct this site visit is the morning of Thursday, June 27th. Please let me know if that date works for you. EPA will be accompanied by the U.S. Army corps of Engineers and possibly the U.S Fish and Wildlife Service. At this time, neither EPA nor Corps counsel will be attending.

As previously stated during our conference call, after a preliminary desk-top review of information regarding the 15 acres of the Marsh property from Route 86 to the Waterford township line it appears highly probable that wetlands exist on that parcel and that a Section 404 permit would be required for any work to be performed regardless of any potential agriculture exemptions to the associated channel.

Thank you for your patience in this regard. EPA looks forward to meeting with you on June 27th.

Please feel free to call me with any comments or concerns. I may be reached at (215) 814-2658.

Thank you,
Pam Lazos