

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

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2  
3 UNITED STATES OF AMERICA :

4 vs. :

Civil Action No. 90-22 Erie

5 ROBERT BRACE and ROBERT :  
6 BRACE FARMS, INC., a :  
PENNSYLVANIA CORPORATION :

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9 Deposition of ADRIAN SHARPE, taken before  
10 and by Janis L. Ferguson, Notary Public in and  
11 for the State of Pennsylvania, on Tuesday, March  
12 17th, 1992, commencing at 2:00 p.m., at the  
13 Econo Lodge, Route 19 and I-90, Erie, Pa.  
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15  
16

17 APPEARANCES:

18 DAVID A. DANA, ESQUIRE, Department of Justice,  
19 Environment and Natural Resources Division,  
Environmental Defense Section, Room 7119, Washington,  
D.C., attorney for the United States of America.

20 JOHN D. WARD, ESQUIRE, Vartan Parc, 30 North Third  
21 Street, Eighth Floor, Harrisburg, Pennsylvania,  
attorney for the Defendants.  
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23

24 REPORTED BY: JANIS L. FERGUSON  
25 REGISTERED PROFESSIONAL REPORTER



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TESTIMONY OF ADRIAN SHARPE

Direct examination by Mr. Ward . . . . .	1
Cross-examination by Mr. Dana . . . . .	32
Redirect examination by Mr. Ward . . . . .	47

EXHIBITS:

Defendant's Exhibit A - Page 21

1 exception of one year my folks lived in Erie.

2 Q. So all your life -- When were you born then?

3 A. November 8th, 1906.

4 Q. So since 1906 you've lived generally in -- right  
5 in the Quance Road area and South Hill Road. Tell us  
6 something about what kind of work you've done from the early  
7 ages on.

8 A. Farm work of all kinds. Milk cows and helped  
9 harvest the corn, grain. Just kind of a community affair.

10 Q. Did you operate your own farm?

11 A. Yes.

12 Q. And what years was that?

13 A. Oh, I think from 1949 I bought the farm from my  
14 dad.

15 Q. 1949?

16 A. Yeah.

17 Q. And how long did you operate that farm?

18 A. Until 1971.

19 Q. And how large of an operation was it in terms of  
20 acreage?

21 A. We had a hundred and fifty-seven acres.

22 Q. And was that for crop?

23 A. Yes. And pasture land.

24 Q. For beef cattle or --

25 A. Dairy cattle.

1 A. I knew him too.

2 Q. Did you work at any time for either Mr. Brace's  
3 father or his grandfather?

4 A. For his grandfather. The neighborhood had a  
5 thrashing machine and a silo filler in together, in a  
6 cooperative venture. And I helped him fill silo there for  
7 several years with grain.

8 Q. Now, you say this was a cooperative?

9 A. Kind of, yes. It was a neighborhood cooperative  
10 venture.

11 Q. Now, obviously you are familiar with the area.  
12 And would you -- Your testimony is you are familiar with the  
13 farming practices in the general area?

14 A. Oh, sure.

15 Q. And that would include crop farming and pasture  
16 farming?

17 A. Sure.

18 MR. DANA: There's an objection as to -- You  
19 can obviously use the word "farming" as the  
20 witness understands it. But we may adopt a  
21 different definition of farming. For just  
22 general purposes. You might just want to --  
23 I just want it noted for the record.

24 MR. WARD: What other word would you use?

25 MR. DANA: Just to differentiate crop farming

1 from pasture or cattle farming.

2 MR. WARD: So down the road your argument is  
3 going to be that cattle -- raising beef or  
4 livestock is not agricultural?

5 MR. DANA: No, no. I'm not saying what our  
6 argument is. I just want it to be clear as  
7 to what the witness is saying when he uses  
8 the word "farming".

9 BY MR. WARD:

10 Q. Mr. Sharpe, when we use the term "farming", what  
11 does that mean to you?

12 A. Till the soil, take care of it, plant the crops,  
13 and harvest them.

14 Q. And --

15 A. It's a livelihood for people.

16 Q. All right.

17 A. Milk the cows.

18 Q. So there would be livestock?

19 A. Yeah.

20 Q. Now, Mr. Sharpe, I'm going to point out to a map  
21 here we've brought along. It's a map prepared by the United  
22 States Geologic Surveyor, the Department of Interior, and I  
23 believe it's the Cambridge Springs quadrangle.

24 MR. WARD: Do you need any other

25 identification, David? It's seven point five

1 intersection of Greenlee Road and South Hill  
2 Road.

3 MR. DANA: The area you were calling the  
4 gravel pit area for this purpose?

5 MR. WARD: Yes. Right. It's right below the  
6 intersection there.

7 A. There's Greenlee Road, and there's South Hill  
8 Road (indicating).

9 Q. All right. Now, generally what does that area --  
10 What has it looked like over the years? Do you recall?

11 A. For many years it was all farm land. Then the  
12 beavers got in there and kind of dammed up the water and  
13 made this so as they couldn't farm it so good. They could  
14 pasture it. But their water backed up there from the beaver  
15 dam.

16 Q. And in 1977, do you recall how that piece of  
17 property was being used? At that time, I believe Mr.  
18 Brace's father owned the farm.

19 A. Yes.

20 Q. Up until '77.

21 A. Mostly pasture land.

22 Q. Now, generally from time to time could you see  
23 water on the surface of that area? And, again, we're  
24 talking about the intersection of Greenlee Road or anyplace  
25 else in that whole area.

1           A.     Not unless it was in the spring of the year, for  
2 a little while, and the late fall.

3           Q.     That would be the only time?

4           A.     (Witness nods head affirmatively.)

5           Q.     Were there beavers in the area?

6           A.     Beavers, yes.

7           MR. DANA: Again, the area is just --

8           MR. WARD: Again, the area is -- I'm still  
9 referring to -- When I use the word "area", I  
10 am referring to that area immediately south  
11 of Greenlee Road and South Hill Road. The  
12 intersection. Let's see if I have --

13          THE WITNESS: North of -- It would be north  
14 of Greenlee Road and South Hill Road.

15          MR. WARD: Let's do this, if the intersection  
16 shows up here (indicating). I'm trying to go  
17 back before this picture was taken now.

18          MR. DANA: But, John, just for the record,  
19 I'd like to interpose a general objection to  
20 the use of the word "area" here. It's too  
21 imprecise a term for this case. You've only  
22 defined it as sort of south of these two  
23 roads.

24          MR. WARD: Let me explain it for Mr. Sharpe.

25 BY MR. WARD:

1 Q. Mr. Sharpe, I'm going to just draw a general  
2 circle south of the intersection of Greenlee Road and South  
3 Hill Road. Right here (indicating). And I'm just going to  
4 draw a general circle right like this. All right, sir?

5 A. (No response.)

6 Q. Do you see this circle?

7 A. Yeah.

8 Q. Now, I'm going to refer to that as the area.

9 MR. WARD: Because he is not familiar with  
10 the term site --

11 MR. DANA: I understand. And I'm not trying  
12 to make him tied to the litigation. I'm just  
13 trying to get an inkling of what he's talking  
14 about.

15 Q. When I talk about "the area" or a specific area,  
16 this is the area we're discussing (indicating).

17 A. Right. Went up through here (indicating).

18 Q. Yes. And you lived approximately how far away  
19 from this area?

20 A. Oh, up here (indicating). North of that. Yes,  
21 right. There's Sibleyville. That would be south of this  
22 area.

23 Q. No, sir, that's north. This is oriented north  
24 and south. That's north coming this way (indicating).

25 MR. BRACE: 19 is up here (indicating).



1 MR. WARD: Yes, 19 is up here.

2 MR. BRACE: It doesn't show on there.

3 MR. DANA: We should also just add for the

4 record that Mr. Brace is attending the

5 deposition, as is his daughter, Miss McAtee.

6 A. Turn this map around.

7 Q. Does that help?

8 A. There's Sibleyville Corners. Here's where they  
9 are farming. Right in here (indicating).

10 Q. Right, okay.

11 THE WITNESS: Right, Bob?

12 Q. He can't talk right now.

13 A. Oh, he can't talk.

14 Q. No. Here's Tamarack Road?

15 A. Yes. That's another road here. And this is  
16 Greenlee Road (indicating).

17 Q. Right. This (indicating) is South Hill Road.  
18 Okay?

19 A. Yes.

20 Q. Generally, you say that water would be -- you  
21 could see water in the spring?

22 A. Very early in the spring. There was a little  
23 stream there. After -- Before the beavers come there, there  
24 was very little. There was just a little -- wet weather  
25 stream you might call it.

1 Q. Now, did the beavers move in at any particular  
2 time, or did they come in some years and not come in other  
3 years?

4 A. Oh, they was in there for several years. I can't  
5 pinpoint the years they was there, but they was in there a  
6 little time; enough to back the water up quite a ways.  
7 Spoil it.

8 Q. And did you notice what we might call flooding in  
9 there; water moving above ground?

10 A. It was -- See, there's Sibleyville Corners.  
11 Beaver dam was right in there (indicating). It flooded this  
12 land back up in here (indicating), which was never flooded  
13 before.

14 Q. Did beavers -- Again, we're on this entire map.  
15 You're familiar with the -- not just the specific area, but  
16 the whole countryside here. Are beavers very prevalent, or  
17 are they --

18 A. No. There's some up in here now (indicating),  
19 but they don't interfere with this (indicating) at all.

20 Q. Okay.

21 A. But these -- The highway had to take these out,  
22 because there was water coming over the highway.

23 Q. They took out what?

24 A. The beaver dams.

25 Q. The beaver dams.

1 MR. DANA: You may have said this for the  
2 record, but the area Mr. Ward has marked on  
3 the map he's marked with a circle in ink, and  
4 that's being used on the exhibit.

5 A. Here's where they --

6 Q. We don't have to pinpoint them, but if we just  
7 generally know that beavers came in the area.

8 A. They came across this road right here  
9 (indicating); was Sibleyville Corners.

10 Q. But do you remember in terms of years when it was  
11 more noticeable, as far -- how far back?

12 A. Well, gosh, I can't pinpoint the year, but --

13 Q. Well, don't worry about that. But it was prior  
14 to 1977?

15 A. Yes.

16 Q. Now, I believe you mentioned in 1977 that Mr.  
17 Brace's father used this -- the area in the circle here for  
18 pasture land.

19 A. A lot of it, yes.

20 Q. Did he use it for any crops, do you know?

21 A. He -- He did at certain times, I think, but  
22 mostly pasture land there at that time. Because these  
23 beavers, see, they would back that water up here and ruin it  
24 for plow land.

25 MR. DANA: What time frame are we talking

about?

MR. WARD: 1977.

A. And before that.

Q. And before. There's been testimony that Mr. Brace purchased property from his father.

A. Yeah.

Q. Which included this encircled area.

A. Sure.

Q. In 1977. Did you ever work for Mr. Brace at all on any of his farm properties?

A. Not this man.

Q. Not this man?

A. No.

Q. Did you notice the activity -- Can you tell us of the activity in the surrounding area, and including this area, as to agricultural, farming, pasturing, whatever you --

MR. DANA: Objection. What area --

MR. WARD: I said the general area including the area that's encircled. You know, we can call it a site if that's going to make you feel comfortable.

MR. DANA: Well, no. Your question isn't clear as to what area you're asking him to respond to.

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MR. WARD: I said the general countryside  
around the area that was within the circle.  
And I don't know how else to express that.  
MR. DANA: So both in and outside the circle?  
MR. WARD: Yes.  
MR. DANA: I'm just trying to understand, Mr.  
Ward. I'm not trying to be difficult.  
MR. WARD: Yes, you are.

BY MR. WARD:

Q. Within the circle and surrounding the circle, did  
you see Mr. Brace operate a farm?

A. Yes, I saw him clear that off so he could work it  
all.

Q. What about the surrounding area outside the  
circle?

A. Well --

Q. If you know where his property is.

A. Yes.

Q. What other kind of activity did he do?

A. Cabbage and potatoes.

Q. Any other crops?

A. Hay. Corn, I suppose. I know he used to raise  
potatoes and cabbage there a lot.

Q. All right.

A. This up here (indicating) was grown up through