



Bill Case Farms Inc.
Bill & Gail Case

33010 Dever-Conner Dr. NE Albany, OR 97321

(phone) Personal Phone/Ex. 6

(fax) 541-928-8856

(email) Ex. 6 - Personal Privacy

To: Ryan Jackson

From: Bill Case

Re: EPA

July 25, 2017

I have been trying to information to Doug Erickson in the EPA office in Seattle. I was told that you might be able to get information to him.

I received an email from two U.S. Congressmen who gave me an address for Scott Pruitt. I sent him a letter and told him that I would also be sending it to Doug Erickson but I was unable to get an address for Mr. Erickson.

I just received a letter that said that Kent Hansen may want to settle my case. This case has been going on since 2009. When Kent Hanson came to my farm to observe the area of the river that is in contention, I told him that I did not know why we were here since the US Army Corps of Engineers told us that we could do what we did. Bob Lobdell and Gloria Hirate were both with me at the time and heard Michelle Hansen from the Corps give the approval for the job. Michelle even came down while we were working and said that it looked okay. Now she wants to deny that she gave approval even though we have two witnesses who heard her and a photo that shows that she was there during the job.

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Thank you for getting this information to Doug Erickson.



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Mr. Scott Pruitt
Office of the administrator 1101A
Environmental Protection Agency
1200 Pennsylvania Avenue
Washington DC 20460
June 17, 2017

Dear Mr. Pruitt,

I just received an email from two US Representatives. Representative Greg Walden and Representative Peter DeFazio suggested that I send this letter to you. Representative Greg Walden may have already sent you a copy, but he wanted to make sure that you received it.

I have spent over \$150,000 fighting the E.P.A. since 2009. During this time they have never come up with anything that will stop the erosion and the pollution of the Santiam River that is adjacent to our property.

I have hired at least six river design engineers. Each of them have indicated that the E.P.A. is unreasonable and unrealistic in what they have proposed. The E.P.A. is saying to tear out all existing dikes and rip rap and just let the river erode the property.

If I follow the advice of the E.P.A., I could lose 40 or 50 more acres of prime farm land. I have been working with the U.S. Department of Fish and Wildlife and they say that we have done is very beneficial to the fish population.

I have enclosed some copies of letters from people who are knowledgeable about the river.

I am also going to send a copy of this information to Mr. Erickson in Seattle who I believe is the Western Regional E.P.A. director.

Please call me at Personal Phone/Ex. 6 you have any questions.

Sincerely

Bill Case



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May 3, 2017

To Whom it May Concern:

I recently received a letter from Kent Hanson from the EPA, Department of Justice regarding settlement negotiations. After reading it, I became very confused as to what they were trying to say. Also, only a small amount of the letter was the truth.

First off Mark Buckley who has a PHD was listed as the expert witness. He claimed that Bill Case Farms Inc. had an income of 1.6 million dollars in 2010 and over 1.5 million in 2015. The only thing he forgot to put in the report was the farming expenses incurred during those years. It looks as if we had only income and no expenses.

I took this information to my accountant who I have used for 24 years. He put in all our expenses for those years plus 2015 which Mr. Buckley forgot to put in his report.

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Because of the incessant rain and the flooding of the river, we are three weeks behind in planting both corn and beans. This is the worst planting season that I have seen in the past 40 years. Our markets are very dependent upon the timing of the crop and its arrival at the grocery store.

I am inclosing our accountant's report so that you can see what Mr. Buckley forgot to put in his report. It shows all of our expenses and also shows that we have 8 residences but most of them are lived in by our farm workers and really need to be replaced. Two of them are mobile home which have no resale value.

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...of anything near that figure. We do have 8 residences but most of them are lived in by our farm workers and really need to be replaced. Two of them are mobile home which have no resale value.

Mr. Buckley calculated that the fine should be \$800,000 to 1.4 million based on his income findings. As these findings are totally wrong, there is no way that we could pay this amount. In order to pay the fine we would have to liquidate assets and that would put us out of business.

The really unfair part of this fine is that we had approval from the US Corps of Engineers to do the work that prevents erosion without getting a permit. In the Mr. Buckley's report he stated that we worked below the ordinary high water mark and that we also trenched it down behind the river. He also claims that we sloped out of the river. Michelle Hanson knows what we did because she came back while we were working. She said that it looked alright to her. I have witnesses who saw her down at the river. Bob Lobdell from the Division of State Lands also came back while we were working to check on what we were doing.

The only rip rap that got in the river was the rip rap that washed in during the flood of 2010. This flood washed all the footings away. I took a lot of pictures while we were working. I gave the pictures to several newspapers who published articles about the flooding. If I were doing something illegal, I surely would not have shared these pictures. I took the pictures so that I could show the Corps of Engineers and Division of State Lands what I was doing as they were the ones who told me what I could do and how I could do it.

L.C. Lee also gave a report about the project. He came up with an estimate of rip rap and fill material which was not even close to the actual amount. He came up with 22,000 yards of rip rap. The actual amount was about 5,000 yards. I have expense receipts to prove this. The only fill we used was gravel and dirt that was on the ^{3,000} property. We moved the dirt with a cat to make a road. This road was the one that was begun by the Army Corps of Engineers began in 1996.

In the report Mr. Lee talks about the wetlands. There are not wetlands in this area. In the early 1990's, the Soil Conservation Services called and said that there was small area about ¼ acre of wetlands in corn field. They wanted to eliminate the wetlands in that area, so that is what they did. Then in 2012, the EPA came by and said that we were working in the wetlands. I told them that the Corps of Engineers used that exact same fill to replace a blown out dike in 1996. I gave the fill to the Corps at no cost and they used it to build part of the road that is mentioned in the report.

I then went back to the Soil Conservation Services and the NRCS to get the federal wetlands maps in order to prove to the EPA that it was not a wetland. I sent the maps to the EPA to show that there were not wetlands. Their reply was that the maps are not always right. In this report Mr. Lee said that I caused permanent temporal impacts to wetlands. I am not sure what that means as there are not wetlands there. He continues to talk about all the wetland damage even though there are no wetlands there.

In Mr. Lee's report his allegations of indirect impacts are totally false. I have no idea where he came up with this as it does ^{NOT} make any sense. He talks about water storage but there is none. He has included a lot of my pictures in his report and he also makes false statements about them. He claims to be an expert but I am thinking it must be in some other area.

The dike that we replaced in 2012 was put in by Harvey Mitchell in the 1950's. We replaced it because the Corps of Engineers said that ^{NO} permit was needed if I did it within one year. We replaced it in one year's time. The only time the water came in contact with the old dike was during floods, but in 2012 it washed out. There was no water in contact with the dike when we replaced it. It was totally dry and it

stays dry all summer. The only time water touches it is when the water is high. The other area that is down-stream where we replaced the wall along the field is also out of the water about 10 months of the year.

I do not understand why Mr. Lee wants us to remove the rip rap and let the river erode. It is working great and there are trees and brush that is growing between riprap which totally helps with erosion. They also are attractive for those who are recreational users of the river.

The US Department of Fish and Wildlife had a letter for me to send to the EPA saying that everything looked good and there was not erosion or pollution of the river and that it had enhanced the salmon habitat in the river. However, when I went to get the letter, I was told that the EPA would not let them give it to me because it would hurt their case against me. Steve Smith from the Department of Fish and Wild Life said that he could not tell the truth because the EPA would not let him.

The field that we protected by the wall that Mr. Lee wants us to remove has a very dangerous chemical residual in it. The previous owner grew carrots. The chemicals used on carrots is very toxic for fish. It seems as if the clean water act would want to keep something like this out of the river as well as all the soil that erodes into the river.

If we have to go to court, I have witnesses to testify to everything that I have said. We only have until May 16, 2017 to get something done. If you can help in any way to prevent our unfair fines, please contact Kent Hanson, US Department of Justice, PO Box 7611, Washington DC 20044, phone 206 639 5544

Sincerely



Bill Case, President
Bill Case Farms Inc.



KOONTZ, PERDUE, BLASQUEZ & CO. PC
CERTIFIED PUBLIC ACCOUNTANTS

May 1, 2017

Bill Case
33010 Dever Conner Road
Albany, OR 97321

RE: Bill Case Farms Valuation information

Dear Bill,

You have asked me to respond to the information presented in the April 14, 2017 letter from Mark Buckley. He has presented information from your tax returns which is seemly misleading. While he accurately should your "Total Income" form you tax returns, he has decided to not list the Operating Expenses calling them discretionary expenses. Since when does Repairs, interest, taxes Employee Expenses and other operating expenses become "discretionary" as without the operating expenses you could not operate a business. The following Chart expands on Mr. Buckley's information and more accurately shows the income earned by the "Farm Operation" for "Bill Case Farms". All information is from the same source used by Mr. Buckley, The income tax returns for 2010 thru 2014 and for additional analysis I have added 2015.

<u>YEAR</u>	<u>BILL CASE FARMS, INC TOTAL INCOME</u>	<u>OPERATING EXPENSES</u>	<u>BILL CASE FARMS, INC NET INCOME</u>
2010	Ex. 6 - Personal Privacy	Ex. 6 - Personal Privacy	Ex. 6 - Personal Privacy
2011			
2012			
2013			
2014			
2015			

In addition, I fail to see any certifications or professional licenses which lead to Mr. Buckley's ability to determine the value of the "Bill Case Farms, Inc" operations.

As for my professional qualifications, I have been practicing as a CPA/Accountant for 39 years and have been working with the Case Farms entities for 24 years.

If you have any questions or need any further information, please feel free to contact me at you convenience.

Very Truly Yours,

Richard D. Perdue, CPA
Managing Owner, Koontz, Perdue, Blasquez & Co. PC, CPA's

Year	Balance	Int Rate
12/31/2010		
12/31/2011		
12/31/2012		
12/31/2013		
12/31/2014		
12/31/2015	Ex. 6 - Personal Privacy	Ex. 6 - Personal Privacy
12/31/2016		
4/30/2017		

These figures are from our Produce Broker. All fresh fruit sales go through Batsford + Goodfellow. We don't use an operating loan because it is impossible to predict the yearly sales. We get advances every two weeks to pay bills + at the end of year we have a plus or minus for fresh fruit sales. As you can see from year 2010 to 2011 was not good + its up or down each year 2016 was better leaving on Ex. 6 - Personal Privacy minus balance. This year has already started out terrible due to all rain + cold weather. We are already two weeks behind so it could be a big loss year.

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South Santiam Flood Control District

200 Calapooia Street SW
Albany, Oregon 97321



Endre Szalay, EPA

Tracie Nadeau, EPA

June 23, 2012

Dear Tracie and Endre

We the undersigned are the board members of the South Santiam Flood Control District. We as a combined group have over 150 years of knowledge about the Santiam River. We either live beside or work along the river. We are writing this letter in support of Bill Case Farms Inc. and his efforts to stop erosion and pollution of the North Santiam River that is just south of Jefferson. Case Farms has spent countless hours and dollars to stop the erosion of his field that is on the North Santiam River. His efforts have completely stopped the pollution of the river. These efforts and the success of the efforts have been noted by other federal and state agencies.

We also know for a fact that the EPA's proposal of removing the rock wall and replacing it with native vegetation is totally impractical. Before the flood of 2005 this whole area was solid native vegetation that was 100 to 150 years old. It all washed away in less than two days. This is why we know that your proposal will not solve any problems. In fact it will create erosion and pollution of the North Santiam River 12 months of the year. This will really hurt the fish passage in the summer months.

We as a board were under the impression that the purpose of the Clean Water Act was to keep the river clean and to not pollute the river year around. Also, as far as the few rocks that are at the water line in the summer that are supposedly warming the river, we do not understand how this can make any sense. The disputed area in the North Santiam is only 200 feet before the North Santiam dumps into the South Santiam. The South Santiam is much warmer than the North Santiam. The combined rivers make up the Santiam River.

It has been noted by people looking and studying this site that approximately 400,000 yards of soil will erode into the river in a few years if the rock is removed. We do not think that this is a good thing. We as a board hope you will take these ideas into consideration. We do not think that what is now proposed by the EPA is a viable option.

Thank you,

The South Santiam Flood Control District

cc: Senator Ron Wyden cc: Dennis McLerran, EPA Region 10 administration cc: Peter DeFazio