

## **Curriculum Vitae**

Peter M. Stokely

## **Current Position**

Environmental Scientist  
Environmental Protection Agency  
Office of Civil Enforcement  
1220 Pennsylvania Ave, Washington, DC 20460

## **Responsibilities**

- Support Environmental Protection Agency (EPA) Regions and the U.S. Department of Justice in Clean Water Act (CWA) case development through aerial photography interpretation, GIS support and knowledge of wetland science and policy.
- Perform as government expert in CWA litigation.
- Provide outreach and training in CWA enforcement methods including, aerial photography interpretation, GIS mapping, and analysis.
- Help develop and implement headquarters CWA enforcement policies, initiatives and guidance.
- Coordinate with the Regions on enforcement issues, initiatives, case development and program direction.

## **Accomplishments**

- Recruited by the Office of Enforcement and Compliance Assurance (OECA) to help EPA's national CWA enforcement efforts after the Supreme Court ruling in *Rapanos v. United States*.
- Developed training materials and guidance for supporting CWA enforcement investigations after Rapanos which have been presented nationwide.
- Provided technical outreach of the effects of Rapanos on CWA enforcement to House of Representative and Senate staff.
- Recognized expert in aerial photography interpretation both regionally and nationally.
- Presenter at EPA/DOJ National Enforcement Conferences and EPA remote sensing symposiums.
- Invited faculty at the National Advocacy Center in Columbia, South Carolina (2007, 2008).
- Provided expert witness testimony in both criminal and civil litigation of numerous CWA enforcement cases across the nation (see Aerial Photo Interpretation and Expert Witness Testimony Provided).
- Provided aerial photography interpretation and GIS analysis in support of EPA review of proposed federal rule making as the result of the Supreme Court's decision in the *Solid Waste Agency of Northern Cook County (SWANCC) v US Army Corps of Engineers*.
- Participated in the planning and execution of numerous multi-disciplinary wetland field investigations to support CWA enforcement and permit cases.
- Provided aerial photo interpretation expertise and wetland policy guidance in support of the CERCLA program.
- Developed and instructed aerial photography courses that have been are taught at various locations nationally.

## **Awards/Recognition**

## Medals

- Awarded EPA Region 5 Bronze Medal as part of the Rapanos Civil Litigation Team (June 2010).
- Awarded EPA Region 5 Bronze Medal as part of the Fabian Wetlands Enforcement Team (June 2009).
- Awarded EPA Region 2 Bronze Medal for exceptional service in *United States v. Manzo*, a successful CERCLA litigation that resulted in \$31 million cost recovery judgment for the Government (June 2008).
- Awarded EPA Office of Water Bronze Medal for Effective Co-administering the Rapanos Guidance to Ensure CWA Protection to our Nation's Aquatic Resources (July 2008).
- Awarded EPA Region 3 Bronze Medal for exemplary management and implementation of a high priority grants program designed to protect and enhance wetlands and aquatic resources in the Mid-Atlantic Region (April 2007).
- Awarded EPA Region 3 Bronze Metal for aquatic resource protection using Aerial Photography Interpretation and GIS Analysis (May 2006).
- Awarded EPA OECA Bronze Metal for outstanding team effort in the conviction of three individuals and two corporate defendants in the largest wetland's criminal enforcement case in United States history (July 2006).
- Awarded EPA Region 3 Bronze Metal for outstanding scientific analysis supporting continued regulation of the uppermost reaches of our Nation's Waters (April 2004).
- Awarded EPA Region 3 Bronze Metal for efforts leading to the successful prosecution of violations of the Clean Water Act (April 1996).
- Awarded EPA Region 3 Bronze Metal for efforts associated with the testing of the proposed 1991 revisions to the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (April 1992).

## Special Recognition or Achievement Awards

- EPA's Excellence in Analytical Support Award (2017).
- Awarded a Special Recognition Award by the U.S. Department of Justice for providing extraordinary assistance in the investigation and prosecution in the matter of *United States v. Robert J. Lucas Jr., et al.* Convictions February 25, 2005 (February 2007).
- EPA's Office of Compliance for playing a critical role in helping to make the NPDES Technical Inspector Workshops a success (December 2007).
- Superior Accomplishment Award for my role in developing EPA Region 3's comments on Advanced Notice for Proposed Rulemaking after the Supreme Court ruled in *SWANCC* (July 2003).
- Superior Accomplishment Award from EPA Region 8 for aerial photography interpretation and expert reports in the West Valley City, Utah CWA investigations (August 2003).

## Letters or Certificates of Appreciation

- Buffalo District Corps of Engineers Certificate of Appreciation for co-instructing an aerial photography and GIS course (May 2013).
- U.S. Department of Justice Executive Office for United States Attorneys for participating as an instructor in the 2008 Environmental Crimes Seminar (June 2008).
- U.S. Department of Justice for being a panelist in the 1998 and 2001 EPA/DOJ National Enforcement Conferences.

- EPA National Enforcement Training Institute for instructing a course in aerial photography interpretation (May 1999).
- United States Attorney's Office for aerial photography interpretation support in *United States v. Mango, et al.* (January 1997).
- United States Attorney's Office for aerial photography interpretation support in *United States v. James J Wilson, et al.* (July 1996).
- Virginia Cooperative Extension Service (VEC) letter of appreciation for participation VEC Wetland Regulation Training Session (May 1995).
- Corps of Engineers Certificate of Appreciation for preparation and teaching Aerial Photography Interpretation courses (May 1993).
- Delaware Valley Science Fair for judging the 1993 fair (April 1993).
- United States Attorney's Office for aerial photography interpretation support in *United States v. William B. Ellen* (April 1992).
- Cabrini College in Philadelphia for guest teaching a wetlands course (March 1992).
- Society of American Foresters (SAF) letter of Appreciation for participation in SAF Wetland Training Session (July 1990).
- United States Attorney's Office for aerial photography interpretation support in *United States v. Paul V, Kebert et al.* (October 1987).
- EPA ORD Certificate of Appreciation for my efforts to improve the environment which have contributed to the search for a better life (November 1982).
- EPA ORD Nomination for Outstanding Support Services in the Southeast Ohio Risk Assessment Study (December 1981).

### Education

Bachelor of Science from West Virginia University (1980) in *Forest Resource Management*, with a Supportive curriculum of remote sensing, computer science, geography, hydrology, surveying and mapping.

### Continuing Education

Aerial Photo Interpretation Course. American Congress on Surveying and Mapping. Washington D.C., February 1981.

Technical Writing Workshop. Shipley Associates. Warrenton VA., November 1981 and March 1982.

Fundamentals of Remote Sensing for Terrain Analysis. George Washington University, January 1982.

Elements of Photogrammetry I and 2. George Mason University, May 1983.

Graduate Level Terrain Analysis. Robert Frost, U.S. Army Engineer Topographic Laboratories, 1983.

Classification of Wetland and Deepwater Habitats. U.S. Fish and Wildlife Service, Clearwater, Florida, October 1987.

ESRI ARC/Info GIS Training Course. U.S. EPA, Philadelphia, Pennsylvania, March 1988.

Jurisdictional Delineation of Wetlands. U.S. EPA. Hickory Corners Michigan, September 1988.

Cumulative Impact Assessment in South Eastern Wetland Ecosystems. U.S. EPA. Slidel, Louisiana, October 1988.

Hazardous Materials Incident Response Operations. U.S. EPA, Edison New Jersey, Oct 26-30, 1992.

Habitat Evaluation Procedures Workshop. U.S. Fish and Wildlife Service, National Ecology Research Center, Philadelphia, Pennsylvania, Nov. 1-6, 1992.

Practical Conflict Management. National Highway Institute, Hunt Valley Maryland, February 2-4, 1993.

Soils Classification Course. Delaware Valley College, Doylestown, Pennsylvania, June 28-30 1993.  
Soil Science for Hazardous Materials, Cook College, New Brunswick, New Jersey, October 27-29, 1993.  
National Environmental Policy Act Training Workshop. Shipley Associates, New York City, June 13-15, 1995.  
Training Program for Major Investment Studies. National Transit Institute, Wilmington, Delaware, September 6-8, 1995.  
The Hydrogeomorphic Approach to Assessment of Wetland Functions in the Mid-Atlantic. The Natural Resource Conservation Service in cooperation with EPA, COE, FWS and the National Wetland Science Training Cooperative, Annapolis, Maryland, September 18-22, 1995.  
ISTEA: Opportunities for Innovative Transportation and Environmental Policymaking. U.S.EPA, Office of Policy, Planning, and Evaluation, Philadelphia Pa., Dec. 12, 1995.  
Regulatory IV Interagency Wetland Identification Training. Stockton, New Jersey, September 30-October 4, 1996.  
Applied Fluvial Geomorphology. Dave Rosgen; Wildland Hydrology Consultants, Charlottesville, Virginia, March 10-14, 1997.  
Remote Sensing and Digital Image Processing. Doug Wheeler; United States Geological Survey, Reston, Virginia, January 22-March 5, 1998.  
Automated Geospatial Watershed Management-GIS Based Hydrologic Monitoring. USDA Southwest Watershed Research Center/ EPA Office of Research and Development, Reston, Virginia, September 17-18, 2002.  
ArcGIS Pro-Essential Workflows, ESRI Offices, Vienna, Virginia, July 25-27, 2018

### **Professional Publications**

Stokely, PM, 2013.

Using Aerial Photography, Geospatial Data, and GIS to Support the Enforcement of Environmental Statutes. American Bar Association, Natural Resources and Environment, Volume 28, Number 1, Summer 2013.

Brilis, GM; vanWaasbergen, RJ; Stokely, PM; Gerlach, CL, 2001.

Remote Sensing Tools Assist in Environmental Forensics: Part II-Digital Tools. Environmental Forensics, Volume 2, Number 3. Academic Press, Pages 223-230.

Stokely, PM, 1987.

The EPA's Remote Sensing Support of the Clean Water Act's Section 404 Enforcement Activities. Army Corps of Engineers, 1987.

Stokely, PM. and Bear, WL, 1984.

Incorporation of Hydrogeologic Data into the USEPA Environmental Photographic Interpretation Center Investigations into Hazardous Waste Sites. Conference Proceedings, Management of Uncontrolled Hazardous Waste Sites, Washington, D.C.

### **Previous Employment**

Environmental Scientist/Work Assignment Manager, EPA Region 3, 12201 Sunrise Valley Drive, 555 National Center, Reston VA 20192. Job Description: Clean Water Act (CWA) and National Environmental Policy Act (NEPA) program duties, including CWA enforcement. Used established rules, current science, aerial photography interpretation and Geographic Information System (GIS) tools to

support EPA programs (2/88-7/06).

Senior Level Imagery Analyst/Team Leader (Held Top Secret Clearance): The Bionetics Corporation, (contractor to EPA's Environmental Photographic Interpretation Center (EPA/EPIC)). P.O. Box 1575, V.H.F.S. Warrenton, VA 22186, (9/80 to 2/88).

### **Expert Witness Testimony Provided**

1) U.S.A. v Paul V. Kebert, Kebert Construction Co., and the Kebert Family Partnership, Civil Action 86-86E, Crawford County, PA., November 1986, Federal Court Erie.

Issue: Wetlands filling for residential development.

Subject of testimony: Presence of wetlands prior to disturbance, chronology and extent of filling activity.

2) U.S.A. v Phillip R. and Paul S. Hobbs, Civil Action 90-41 Ware Neck, VA., January 1990, Federal Court Norfolk.

Issue: Wetlands filling for residential development although contested as normal silviculture.

Subject of testimony: Chronology of site disturbance, location of field samples, presence of natural and manmade drainage, connection to waters of the United States.

3) U.S.A. v William B. Ellen, Criminal No. S-90-0215, Dorchester County, MD, December 1990, Federal Court Baltimore.

Issue: Wetlands filling for hunting preserve, ponds, home and road construction.

Subject of testimony: Presence of wetlands prior to disturbance, chronology of events, description of wetlands at each count and opinion as to whether wetlands were filled, and acreage, impact of rainfall on wetland signatures.

4) U.S.A. v Robert Brace and Robert Brace Farms, Inc., Civil Action 90-229 Erie, Erie County, PA., November 1993, Federal Court Erie.

Issue: Wetland conversion for unknown purposes although contested for agricultural purposes.

Subject of testimony: Presence of wetlands prior to disturbance, chronology of events, presence of side cast fill material and underground drainage tiles, acreage of impact, drainage direction, connection to waters of the United States.

5) U.S.A. Counter Claim Plaintiff v Harry H. Cupp and Mina H. Cupp, Civil Action 89-170-E, Randolph County, WVA., July 1994, Federal Court Elkins.

Issue: Forested wetland conversion for agricultural purposes.

Subject of testimony: Presence of wetlands prior to disturbance, drainage direction and connection to Waters of the United States, acreage of impact.

6) Bozievich Case, October 1994, EPA Administrative Hearing, Philadelphia.

Issue: Conversion of wetlands for farming related purposes, York County, PA.

Subject of testimony: Presence of wetlands prior to disturbance, connection to Waters of the United States, area of impact.

7) Britton Construction Co., BIC Investments, and William and Mary Hammond, Docket No. CWA-III-096, November 1996, EPA Administrative Hearing, Washington, D.C.

Issue: Filling of tidal wetlands for residential construction, Chincoteague VA.

Subject of testimony: Presence of wetlands prior to filling, connection to tidal waters.

8) U.S.A. v James J. Wilson, Interstate General Co., LP and St. Charles Associates, Criminal No. AW-95-0390, Charles County, MD. February 1996, Federal Court Greenbelt.

Issue: Non-tidal wetlands filling for residential and commercial development.

Subject of testimony: Presence of wetlands prior to disturbance, drainage direction and connection to Waters of the United States, presence of natural and manmade drainage features, stability and reliability of wetland signatures, chronology of disturbances, selection and location of reference points, impact of rainfall on wetland signatures, opinion as to whether wetlands were filled and acreage of fill.

9) Borden Ranch Partnership v US Army Corps of Engineers and US EPA, CIV-597 0858 GEB JFM , Sacramento and San Joaquin Counties, California. January 1998, Federal Court Sacramento.

Issue: Non-tidal wetlands filling for agricultural purposes (vineyard and orchard).

Subject of testimony: Documentation and enumeration of discharges as the result of deep-ripping.

10) U.S.A. v Sartori, CIV 98-14087 Moore, Lake Placid, Highlands County, Florida, Federal District Court, Southern District of Florida, Fort Pierce, FL. July 2000.

Issue: Conversion of non-tidal wetland for agricultural purposes (caladium production).

Subject of testimony: Documentation of the history of the conversions, mechanized land clearing, site drainage, connections to waters of the United States, presence of wetlands, documentation of hydrology visible on the aerial photography.

11) U.S.A. v Paul G. Phypers, et al. Civ. Case No. 00-141195-CIV-PAINE/LYNCH, S.D. FLA., Lake Placid, Highlands County , FL. Federal District Court, Southern District of Florida, Fort Pierce, FL. May 8, 2002.

Issue: conversion of non-tidal wetlands for agriculture purposes (caladium production).

Subject of testimony: Documentation of the history of the site 1970-1999, description of the site before and after conversion to agriculture (mechanized land clearing, ditching), site drainage, connections to waters of the United States.

12) U.S.A. vs. Dominick and Louis Manzo, Marlboro Township, Monmouth County, NJ: Civil Action No. 97-289 (MLC), Federal District Court, District of New Jersey, Trenton, NJ. June 11-12, 2002.

Issue: Division of liability under CERCLA regarding the release of contaminants into Burnt Fly Bog.

Subject of testimony: Documentation of the history of the site from the 1950's until the present including the description of the waste lagoon contents and condition, description of manmade disturbances to the lagoons and subsequent deposition of material into Burnt Fly Bog, description of surface water flow paths and erosion from the lagoons and the description of changes to the vegetative cover of the adjacent wetlands.

13) Smith Farms Hearing, EPA 404/402 Administrative Proceeding, Virginia Beach Circuit Court, Virginia, June 18, 2002 (Retried October 6-10, 2003).

Issue: Tulloch ditching in preparation for land development.

Subject of Testimony: the methods and conclusions contained in two expert reports (January and June 2002), the January 2002 report covered the presence of wetlands on site and the description and measurement of disturbances to wetlands (ditching, clearing of swaths) and total land disturbance for 402 purposes. The June 2002 report focused on the hydrological connection of the site to other waters and tidal waters.

14) Lewis Farms Hearing, EPA 404/402Administrative Proceeding, Virginia Beach Circuit Court, Virginia, January 14 and February 6, 2003.

Issue: Tulloch ditching in preparation for land development.

Subject of Testimony: the presence of wetlands on site and the description and measurement of disturbances to wetlands (ditching, clearing of swaths, access roads (where and when)) and total land disturbance for 402 purposes. Testimony also focused on the hydrological connection of the site to other waters and tidal waters.

15) Doug Blossom Hearing, EPA CWA Administrative Proceeding, Alaska State Court House, Kenia, Alaska, May 4, 2004.

Issue: Ditching and land clearing of wetlands for agriculture adjacent to Cook Inlet.

Subject of Testimony: testimony performed using live demonstration of ArcView GIS. Issues were the presence of wetlands, alteration of wetlands, evidence of silviculture activity, drainage connection to Cook Inlet, including flow across beach.

16) U.S.A. v Lucas, Criminal No: 1:04cr60GuRo, Federal District Court, Gulfport, MS. January 25, 2005.

Issue: Extent of wetlands, connections to the Gulf of Mexico, filling of wetlands for a trailer park.

Subject of Testimony: Method and results of aerial photography interpretation and GIS analysis showing the physical alterations and hydrological connection of the Lucas wetlands to local streams and bayous and ultimately to the Gulf of Mexico.

17) Smith Farms Hearing, Post Rapanos Remand Administrative Proceeding, Norfolk, VA, May 14, 2007.

Issue: CWA Jurisdiction after Supreme Court ruling in Rapanos.

Subject of Testimony: the results of the analysis of historical aerial photography and maps showing relatively permanent hydrologic connections. Analysis and discussion of comparable wetlands in the area, as well as testimony regarding the presence of wetlands on site and the hydrological connection of the site to other waters and tidal waters.

18) Lewis Farms Hearing, Post Rapanos Remand Administrative Proceeding, Norfolk, VA, May 25, 2007.

Issue: CWA Jurisdiction after Supreme Court ruling in Rapanos.

Subject of Testimony: the results of the analysis of historical aerial photography and maps showing relatively permanent hydrologic connections. Analysis and discussion of comparable wetlands in the area, as well as testimony regarding the presence of wetlands on site and the hydrological connection of the site to other waters and tidal waters.

19) Cody Bedford Evidentiary Hearing, Federal District Court, Norfolk, VA, October 22, 2008.

Issue: CWA Jurisdiction after Supreme Court ruling in Rapanos.

Subject of Testimony: testimony regarding the presence of wetlands on site and the hydrological connection of the site to other waters and tidal waters, and the chronology of filling in the wetlands.

20) U.S.A. v Johnson, Civil Action No. 99-12465-EFH, Federal District Court, Boston, MA, April 11-12, 2011.

Issue: CWA Jurisdiction after Supreme Court ruling in Rapanos.

Subject of Testimony: the results of the analysis of historical aerial photography and maps showing tributary connections, adjacent and abutting wetlands and flow paths to traditional navigable waters.

21) U.S.A. v Nicastro, June 2, 2011, Syracuse, NY-Grand Jury.

Issue: CWA Jurisdiction after Supreme Court ruling in Rapanos.

Subject of Testimony: the results of the analysis of historical aerial photography and maps showing wetlands and tributary connections and flow paths to traditional navigable waters.

22) U.S.A. v Richard Roberts, November 8, 2011, Federal District Court, Nashville, TN.

Issue: Establishing CWA Jurisdiction over a tributary to the Duck River in west-central Tennessee.

Subject of Testimony: the methods and results of historical aerial photography interpretation of the tributary of the Duck River known as Snake Creek.

23) Ron Foster, et al. v United States Environmental Protection Agency, Trial testimony, August 16, 2017. Southern District of West Virginia.

Issue: Factors related to CWA Jurisdiction over a tributary to Neil Run and the Little Kanawha River in west central West Virginia.

Subject of Testimony: the methods and results of aerial photography interpretation of the tributary (known as RR4) to Neil Run. The historical presence of a channel and bed and bank features across “the hayfield”.

24) C&S Enterprise, LLC v United States Environmental Protection Agency, Administrative Hearing, October 3, 2018. Federal District Court, Des Moines, IA.

Issue: Factors related to CWA Jurisdiction over a tributary to Deep Creek and the Iowa River located in Iowa County, IA.

Subject of Testimony: the methods and results of aerial photography interpretation of the tributary to Deep Creek. The historical presence of a channel, bed and bank features and the connection to Deep Creek. The tributary as a relatively permanent geographic feature that likely exhibits seasonal flow.