



## **In Defense of Watersheds**

**Protecting your community from flooding  
without dams**

*Including CASE STUDY: The Demise of Dark Hollow Dam*

**Appendix: Sample Documents**



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**Petition**

**We, the residents of Valley Road and adjoining roads, are opposed to the proposed Dark Hollow Dam because of how the dam's inundation pool will impact our community and the Neshaminy Creek. We believe Valley Road should be maintained intact in its present location and all of the following should be preserved:**

- 1) Valley Road's existing route**
- 2) all residences, some of which date from Colonial times**
- 3) all historic structures, including the Eight Arch Bridge**
- 4) the beauty, natural resources, and the flora and fauna, of our section of the Neshaminy Creek**

**Furthermore, we believe flooding problems in the Neshaminy watershed should be addressed through implementation of effective stormwater management and other site-specific alternatives.**

**Name (print)**

**Address**

**Signature**

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**This petition will be presented to the Warwick and Buckingham Township supervisors, Bucks County, the Natural Resources Conservation Service, and the Neshaminy Creek Steering Committee.**

**Citizen Strategy Sessions – post card**

**Dark Hollow Dam Strategy Meeting  
Scheduled for:**

**April 15, 1999**

**Join us at Kevin and Gloria Coleman's  
Thursday, April 15, 1999, 6:00 pm  
Street Address and Town**

**Agenda**

- ✓6:00 Pizza, soda and questions and answers
- ✓6:25 Update
- ✓6:40 Strategy session – the alternatives report
- ✓7:30 Phone-a-thon fundraiser

## Citizen Strategy Sessions –meeting agenda



### Agenda February 9, 1999

**6:00-6:30**      **Question and Answer**

**6:30**            **Steering Committee Report – 5 to 10 minutes**

**6:40**            **Committee Reports**

**Outreach Committee:**      **International Day of Protest**  
   **Upcoming Fairs**  
   **Education – Stormwater seminars**  
   **Bucks County Contacts**  
   **Other**

**Set date for outreach committee meeting – this meeting will be a banner painting party as well as organization meeting for assignments for the protest day (March 2<sup>nd</sup>)**

**Historical Committee:**      **Eight Arch Bridge**  
   **Native American sites**

**Fundraising Committee:**      **Riverkeeper Races, May 22nd**

**Next meeting – Feb. 10, 5:30 pm, Delaware Riverkeeper office, Washington Crossing, PA – at this meeting we will begin planning the fundraising event.**

**Research Committee:**      **FOIA requests**  
   **Land ownership in the inundation pool**  
   **Conservation District file review findings**

## Citizen Strategy Sessions – checklist



### Meeting of the Neshaminy Preservation Coalition 2/9/99

#### February/March Action Agenda & Checklist

- \_\_\_\_\_ Join the Delaware Riverkeeper in **reviewing agency files** on February 25 in Harrisburg or March 4 in Bucks County. Call Maya or Tracy to sign up, (215) 369-1188.
  
- \_\_\_\_\_ **Write Philadelphia Inquirer** supporting their editorial which concluded that the most effective means of reducing flooding along the Neshaminy is through stormwater best management practices and infiltration, not the Dam. Copy of article on back. (Philadelphia Inquirer, Box 41705, Philadelphia, PA 19101). And write the Bucks County Courier Times and the Intel praising the Phila. Inquirer and urging them to take the same position.
  
- \_\_\_\_\_ **Write Bucks County Commissioners and Congressman Greenwood** to demand that the public be given an opportunity to review and comment on the NRCS studies and findings before they develop and draft their alternatives report. (Bucks County Commissioners, 55 East Court Street, Doylestown, PA 18901; Congressman James C. Greenwood, 69 East Oakland Avenue, Doylestown, PA 18901).
  
- \_\_\_\_\_ Attend the March 14 **Native American River Blessing Ceremony** at the Dark Hollow Bridge as our part in the International Day for Rivers and Against Dams.
  
- \_\_\_\_\_ Sign up for a Coalition **committee** – development, outreach, historical or research. Call Maya or Tracy at (215) 369-1188 to sign up.

## Press Statement



### Press Statement

#### Delaware Riverkeeper Network

**Contacts:** Maya van Rossum, Delaware Riverkeeper  
Tracy Carluccio, Special Projects  
(215) 369-1188

## Neshaminy Study and Process Biased Says Riverkeeper

The meeting held by the Neshaminy Watershed Study Technical Team on November 18 at Tamanend Middle School was uninformative and revealed disturbing evidence of bias in the process.

The Natural Resources Conservation Service (NRCS) presented little information and was unable to answer most questions, to the frustration of those in attendance. After over a year of study, there is no excuse for the woeful lack of information provided. Why waste the public's time?

Why not hold these meetings as information becomes available? The public should be involved in the decision making process -- not included as an after-thought. The one thing the NRCS did say was that the next time they will hold a public meeting is after the decisions are made.

A significant example the NRCS' bias in the study process is their manipulation of the public by highlighting the number of structures within the 500-year flood plain while the alternatives are designed to only address structures within the 100-year floodplain. And they couldn't even tell us how many structures are in the 100-year floodplain of the main stem lower Neshaminy Creek. Using the 500-year floodplain inflates the number of properties people believe will be affected.

The impression expressed to us by members of the public is that the decision is already made -- the NRCS is going to build a dam and is now just trying to justify that decision.

## Meeting Flyer



**!!ALERT!!**

### **Dark Hollow Dam: Upcoming Public Meetings**

The Neshaminy Creek Watershed Plan Study will host important meetings this summer:

#### **June 22, 1998 Technical Team/agency meeting**

The Study's technical team will meet with federal, state, and county agencies to review their data and other findings at the Bucks County Planning Commission offices, Neshaminy Manor Complex, Bldg, G, 4<sup>th</sup> floor 9:30 – 2:00 pm. The meeting will not have a public comment forum but interested public can attend—seating is very limited, so they tell us, it's on a first come/first serve basis. The Delaware Riverkeeper Network will sit in and comment in writing afterwards.

#### **July 15, 1998 Technical team/agency meeting**

The study's technical team will meet with county agencies and the municipalities in the watershed to review their data and other findings at the Bucks County Planning Commission offices, Neshaminy Manor Complex, Bldg. G, 4<sup>th</sup> floor, 9:30—2:00 pm. The meeting will not have a public comment forum but interested public can attend-- seating is very limited, so they tell us it's on a first come/first serve basis. Riverkeeper will sit in and comment in writing afterwards.

#### **August 1998 Public Meetings to review the various alternatives**

No date in August has been made public yet. Riverkeeper has protested that August is not an optimum month to get people to meetings because many people go on vacation. We have asked that the public meetings be held in September or thereafter. We have also requested that meetings be held at various times of the day and in every municipality in the watershed, so that the maximum exposure of information to the public can be achieved. It has also not been made clear what the purpose of the August meetings are – are they public forums or are they information gathering session or are they simply to tell the public what the steering committee is considering as the various alternatives?

**THE PUBLIC RECORD IS STILL OPEN** – the most important thing you can do now is write the Watershed Plan Steering Committee and give them information/opinions/references about the Neshaminy Creek Watershed that you think are important. **DON'T ASSUME THAT THEY KNOW ALL THEY NEED TO KNOW, AND DON'T ASSUME THEY UNDERSTAND YOUR POSITION/OPINION ON THE ISSUE. TAKE A FEW MOMENTS TO EXPRESS YOUR POSTION ON THIS CRITICAL ISSUE AND TO SHARE INSIGHTS AND INFORMATION YOU THINK ARE OF VALUE, BEFORE THE RECORD IS CLOSED:** Neshaminy Creek Watershed Plan Steering Committee, c/o Bucks Co. Conservation District, 924 Town Center, Doylestown, PA 18901-5182.





# Dark Hollow Dam: Background

## Fact Sheet #1

### The Proposed Dark Hollow Dam and Neshaminy Creek Stormwater Management

*Bucks County and the United States Department of Agriculture's Natural Resources Conservation Service are considering the construction of a dam across the main stem of the Neshaminy Creek at Dark Hollow near the border of Buckingham and Warwick Townships. The dam was conceived three decades ago as part of a larger flood control project but was cancelled in the late 1980's when found to be environmentally and economically unfeasible. Recent flooding in the lower Neshaminy and renewed contact by the NRCS have rekindled interest in building the dam.*

#### Time Line:

- 1955: Flood of record in Neshaminy Creek basin resulting from record rainfall and record high tides in the upper Delaware River.
- 1966: Pennsylvania Soil Conservation Service (SCS) issues Neshaminy Watershed Work Plan aimed at controlling flooding in the Neshaminy Creek. The plan calls for the construction of 10 impoundments in the basin in Bucks and Montgomery Counties.
- 1970's and 80's: Eight of the ten structures are completed by the Neshaminy Water Resources Authority (NWRA), the county agency carrying out the Work Plan. A small dam planned for the Little Neshaminy in Montgomery County (PA 610) and the Dark Hollow Dam (PA 614) were put on hold. The Dark Hollow Dam, the only main stem structure, was postponed due to controversy over its environmental impacts and its questionable effectiveness for controlling flooding in the most flood-prone sections of the watershed.
- 1987: Cost Benefit Analysis issued by NWRA concludes that the Dark Hollow Dam is not cost-beneficial, employing the criteria used by the federal government. Stormwater management, floodplain protection, local site and area-specific structural measures such as berming, floodproofing and structure buy-outs were offered by the NWRA as alternatives to be considered by the County. NWRA secured state funding and began the development of the Neshaminy Creek Stormwater Management Plan under PA's Stormwater Management Act to prevent run-off and flooding in the watershed.
- 1988: NWRA passed resolution to cancel Dark Hollow Dam project and designate the site as a county park.
- 1989: County Commissioners notified SCS that they will not build Dark Hollow Dam and held ceremony designating Dark Hollow Park.
- 1992: Neshaminy Creek Stormwater Management Plan issued by Bucks County Planning Commission after six years of study and inter-governmental planning. The Plan offered non-structural means for managing stormwater run-off, maximizing groundwater recharge, maintaining/improving water quality, and preserving natural waterways in the Neshaminy Watershed. However, this plan has never been implemented.

- 1996: Heavy rainfall, as much as nine inches in four hours, caused the worst flooding for many years in the lower Neshaminy Creek. SCS, renamed the Natural Resources Conservation Service, contacted Bucks County, telling them funding for the construction of Dark Hollow Dam will expire unless a new Watershed Work Plan is signed.
- 1997: NRCS and Bucks County begin the development of an updated Watershed Work Plan to study solutions to flooding, a Steering Committee is formed by the County to guide the process, and public hearings are held.
- 1998: In January – Steering Committee calls for public input.

### THE PROPOSED DAM

**Type:** Dry Dam (no permanent pool) for flood control, compacted earthen fill with a concrete principal spillway and a concrete shute emergency spillway.

**Location:** Approx. 1000 ft. upstream of Dark Hollow Rd. on Neshaminy Creek, Warwick Township

**Description:** 56 foot high earthen dam spanning Dark Hollow

*Length of creek to be covered by dam:* 300 feet

*Drainage Area to feed impoundment:* 58.6 square miles

*Storage Capacity:* floodwater: 7,311 acre feet  
sediment: 689 acre feet

*Surface area of inundation area:* 545 acres, all vegetation cleared to 50 yr. flood level

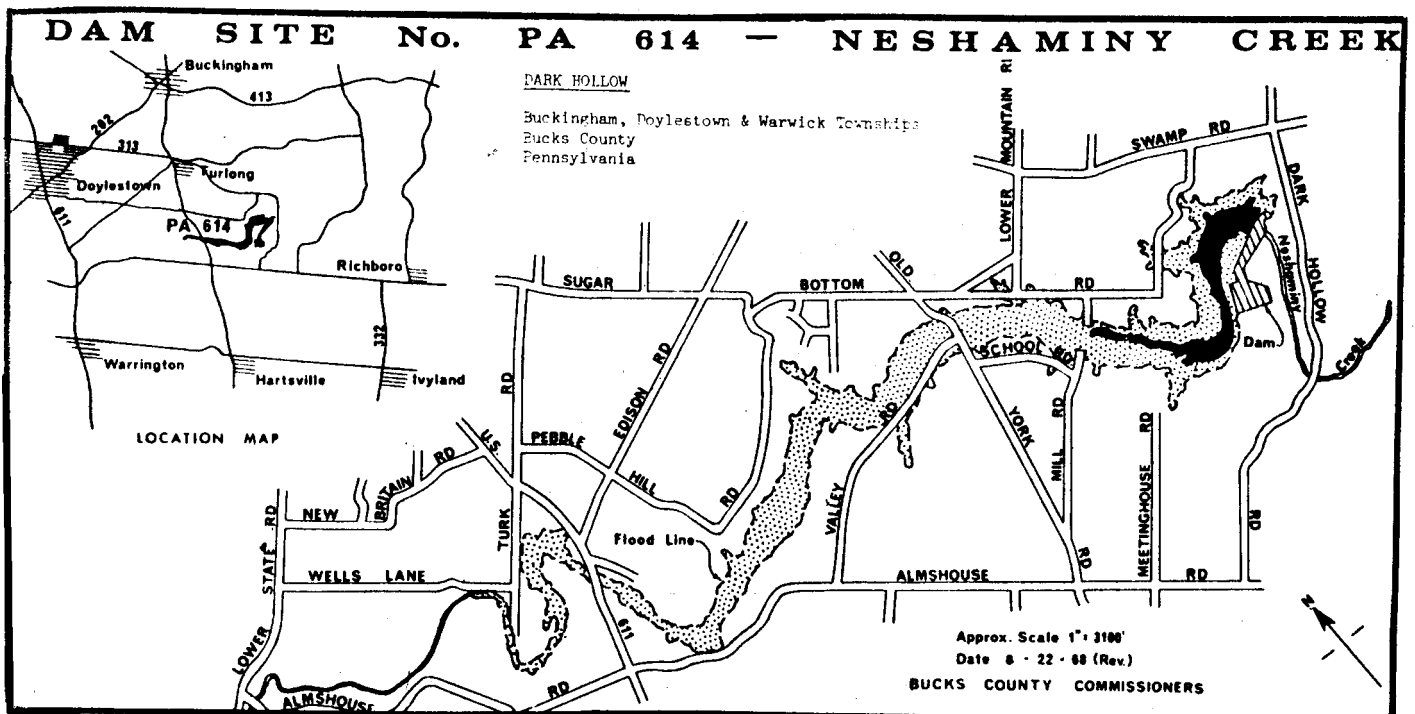
*Maximum floodpool area:* 610 acres

*Emergency concrete spillway bottom width:* 450 feet

*Rock type:* Locatong Formation V, steep slopes

*Vegetation:* Lowland hardwoods, upland hardwoods, hedgerows, cultivated fields. Wetlands survey needed.

*Flora and Fauna:* No endangered or special interest species inventory performed--some rare species reported.





## Dark Hollow Park

### Fact Sheet #2

### The Proposed Dark Hollow Dam and Neshaminy Creek Stormwater Management

Hidden in special corners of Bucks County are natural gems that are unique and irreplaceable. Traveling down the main stem of the Neshaminy Creek south of Route 263, with Warwick Township on your right and Buckingham Township on your left, the first striking feature is the **Eight Arch Bridge**, listed on the National Register of Historic Places and the last remaining eight arch bridge in Pennsylvania. A hand laid stone and mortar 218 foot long structure with distinctive and graceful arches, the bridge was built in 1803. As you follow the tree-lined stream south you enter a quiet, meandering stream that seems separate from present day space and time.

You pass under the iron **Mill Road Bridge**, a rock escarpment rises on your left, the creek narrows, rushing a little faster over rocky riffles. Brooks join the creek as you go; back channels, flooded in high flows, break off and come back again. Closing in from the right, remarkable overhanging rock cliffs, known as the **Neshaminy Palisades**, decorated in moss, ferns, and lichens create the heart of Dark Hollow--shady, quiet, and cool. An impressive rock ledge cuts all the way across the creek, and just below, another part way across, making small waterfalls. The stream slows, changing course from northeast to southeast, as this remarkable right angle causes the stream to almost double back on itself. Some say this is the origin of the Neshaminy's Indian name--place where we drink twice.

A **mature stand of hardwoods** border the floodplain that abuts large farm fields on the right and leads to the historic Worthington Farmstead on the left. Historically known as **Indian Neck Farm**, it is said that a Native American Village once covered the plateau--it is mentioned on an 1682 deed for William Penn's first land purchase from the **Lenni Lenape's**. Early in this century, bathers and picnickers flocked here to enjoy the Neshaminy waters and the large pool that was formed by a mill dam.

After you round the curve, ahead is the **Dark Hollow Bridge**, standing strong and angular, like a vision from the past. As you leave this secluded world, you feel as though you've been transported, experiencing one of the region's secret treasures.

The Bucks County Commissioners dedicated Dark Hollow Park in 1989 when they cancelled the Dark Hollow Dam proposal. The 610 acre maximum flood pool of the dam project includes acreage or flood easements that were bought by the County over two decades. Some of these parcels were sold after 1989, but the bulk of the land was put under the Bucks County Parks Department.

**What you're likely to find in Dark Hollow Park:**

Lowland and upland **hardwoods**: oaks, maples, ash, bitternut and shagbark hickory, beech, sycamore, black walnut, tulip, elm, box elder, wild black cherry. Mature and very old oaks, tulip, beech and hickory.

**Evergreens**: old hemlock, red cedar, white pine, and taxus.

**Small trees and shrubs**: viburnum, spice bush, elderberry, ilex, mountain laurel, bladdernut, witch hazel, and wild berries.

**Plant communities**: a splendid population of Neshaminy bluebells (*Mertensia virginica*), many species of common and rare ferns, partridge berry, native and naturalized grasses and wildflowers including goldenrod, evening primrose, butterfly flower, native snapdragon, wood asters, and many spring ephemerals.

Historically reported **rare plants**: Rock crowfoot (*Ranunculus micranthus*), Marsh pennywort (*Hydrocotyle umbellata*), Stuve's bush clover (*Lespedeza Stuvei*).

In the **water**: catfish, carp, sunfish, bass, trout (trout stocked from Rt. 611 to Rt. 263 in spring), eels, crayfish, mussels, macroinvertebrates, diverse insect life. Classified as warm water fishery.

On the **land**: muskrat, fox, skunk, opossum, and other small mammals

In the **air** and in the trees: Resident bird species include owls, ducks, herons, hawks, vultures, osprey, kingfishers, and hundreds of bird species as listed in the Breeding Bird Atlas and from the Bucks County Audubon Society (215) 297-5880.

**How to Experience the Park:**

Series of **foot trails** along the west side of the creek with parking at Rt. 263 and at Mill Road.

**Canoes** can be put in just above the Eight Arch bridge at Rt. 263 and taken out at the public access area at the train trestle on Old Sackettsford Road in Rushland or go further south until you hit dams at Tyler State Park.

**Viewed** from Valley Road, Old York Road, Eight Arch Bridge, Mill Road Bridge, Dark Hollow Bridge.

**To get more involved or for more information call us at 1-800-8-DELAWARE  
Riverkeeper Fact Sheets are updated regularly – please call with your facts.**



# Voluntary Buyouts-- A Permanent and Effective Solution

## Fact Sheet # 4 The Proposed Dark Hollow Dam and Neshaminy Creek Stormwater Management

As a result of extensive public input to the Steering Committee, one of the flood damage reduction options being considered by NRCS is stormwater management coupled with structure buyout and removal from the floodplain.

Structural solutions, such as dams, have been the answer to flooding across the country throughout this century. The federal government has spent \$140 billion in federal tax monies preparing for and recovering from natural disasters over the past 25 years. The Army Corps of Engineers has spent more than \$25 billion on levees, dams, riprap, channelization and other structures in an effort to minimize flood damages. However, annual flood losses have more than doubled (in constant dollar terms) from what they were in 1900 and continue to rise. The National Flood Insurance Program (NFIP) is deeply in debt and already had to be bailed out by Congress (\$1 billion forgiven).

A report by the National Wildlife Federation, "**Higher Ground: A Report on Voluntary Property Buyouts in the Nation's Floodplains**", July, 1998, lays out a compelling argument for nonstructural measures and the restoration of the functions of floodplains. The report documents the movement towards voluntary buyout and relocation, purchase of flooding easements and wetlands, and the implementation of wise floodplain management. Voluntary buyouts allow participating home and business owners to move out of harm's way and restore the natural flood protection capacity of floodplains, providing benefit to neighboring and downstream communities. The investment being made in the nonstructural solutions is already repaying itself, providing a permanent solution that is extremely cost-effective. The old-fashioned dam approach is not only very expensive and not very effective, in some cases dams have actually made flooding worse, increasing flood damage costs.

**According to the report, Middletown Township and Bristol Township are among the top 300 prime candidates in the U.S. for a voluntary buyout program because of their large number of repetitive loss properties.** Pennsylvania is in the top 10 list of states with the largest payments made for repetitive loss properties. NFIP rules require that properties which sustain substantial damage (many of these are repetitive loss properties) be removed from the floodplain. The report criticizes the NFIP for not enforcing its regulations and, instead, continuing to repair substantially damaged properties with our taxes.

The best news is that there is funding now available for nonstructural solutions and more is on the way. FEMA (through Project IMPACT) and the Army Corps (through its new Challenge 21 program), along with other federal and state programs, are funding voluntary buyouts and floodplain restoration to control floods and improve stream water quality in the nation's waterways. 50 to 75% of NRCS's funds that are to be spent on the Neshaminy can, according to their rules, be used to fund nonstructural solutions, buyouts and floodplain restoration; the rest can be spent on retrofitting existing basins and stormwater systems.

**Voluntary buyouts are an important and effective tool in reducing flood damages -- they remove at risk homeowners from harm's way; restore floodplains allowing them to once again perform their flood control function; and they help improve water quality as well.**

## **Three Principles of Voluntary Property Buyouts**

People in distress receive meaningful assistance by the voluntary purchase of their property, at pre-disaster fair market value, so that they can use the funds to acquire new housing on higher ground out of harm's way.

Where they are appropriate, voluntary buyouts are a cost-effective use of public funds because in return for one-time purchases, any future expenditure of disaster relief and recovery funds on the properties is prohibited.

People and the environment benefit because all property acquired in voluntary buyouts reverts permanently to recreational and open space uses or natural wetlands and floodplain functions.

Quoted from "Higher Ground: A Report on Voluntary Property Buyouts in the Nation's Floodplains" by the National Wildlife Federation, July 1998.

### **For more information contact:**

Delaware Riverkeeper Network, P.O. Box 326, Washington Crossing, PA 18977  
Phone: (215) 369-1188 Fax: (215) 369-1181 E-mail: [drn@delawareriverkeeper.org](mailto:drn@delawareriverkeeper.org)

**Or visit our web site at [delawareriverkeeper.org](http://delawareriverkeeper.org)**



## Action Alert

# A DAM ACROSS THE ROCK RUN CREEK, BUCKS COUNTY, PA, IS BEING PROPOSED BY THE PA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE LOWER MAKEFIELD TOWNSHIP SUPERVISORS

### BASIC FACTS:

- ✓ The proposed earthen dam would be 650 feet long, 9 feet high and 10 feet wide at the top.
- ✓ The dam's spillway would be a 150-foot long concrete wall.
- ✓ The proposal requires realigning 650 feet of the existing, natural stream channel.
- ✓ Costs to the State for the project are \$1,040,000.
- ✓ Costs to Lower Makefield taxpayers were not provided but because Lower Makefield is the project's local sponsor the costs will be significant – they will include buying at least 10 acres of land for wetlands mitigation, relocating two sanitary sewer lines, potentially relocating two underground gasoline tanks, replacing or modifying two bridges, providing the land where the dam is to be built, and operation and maintenance of the dam over its life.
- ✓ The dam will destroy woodlands and 5 acres of wetlands.
- ✓ The PA Department of Environmental Protection (PA DEP) has failed to consider more environmentally friendly alternatives that might actually provide greater protection to downstream flood victims. In addition, according to PA DEP, flooding along Rock Run is caused by fill and structures placed in the floodplain, by "several inadequate culverts and bridges" that back up floodwaters and cause localized flooding, and increased stormwater runoff from development using detention basins. Yet PA DEP has failed to consider fixing these first!
- ✓ According to DEP studies, the 100-year flood in the Rock Run watershed study area caused flood damages to 31 buildings, with 3 receiving first floor flooding. The 135-year flood affected 40 buildings with 5 receiving first floor flooding.
- ✓ Funding has already been appropriated for the project despite the fact that a thorough analysis of alternatives has yet to be conducted and a full cost benefit analysis has never been provided for the project, including identification of who will be helped and/or harmed by the project.

**Write your Township Supervisors and send copies to the elected officials and the agencies that will have to permit this project. Demand a full analysis of alternatives, costs and benefits.**

**IN YOUR LETTER BE SURE TO INCLUDE:**

**1) The PA DEP did not consider more environmentally friendly alternatives that might actually provide greater protection to downstream flood victims.** Without this analysis we cannot be sure we are paying for a project that will benefit downstream victims while at the same time protecting our environment and upstream communities from potential flooding. Before making a final decision on this project the supervisors and PA DEP should consider floodplain restoration, voluntary buyouts, stormwater infiltration and stormwater best management practices as alternatives to the dam. In addition, it should consider resizing the culverts and bridges that the PA DEP specifically identifies as being a primary cause of much of the flooding.

**2) The feasibility study used to support this project failed to consider the costs to the taxpayers of Lower Makefield Township. The cost benefit analysis does not include the costs to Lower Makefield Township,** including acquiring at least 10 acres of land for wetlands mitigation, relocating two sanitary sewer lines, potentially relocating two underground gasoline tanks, replacing or modifying two bridges, providing the land where the dam is to be constructed and operation and maintenance of the dam over its life. The cost benefit analysis must be recalculated to include these significant project costs.

**3) PA DEP has yet to publicly specify the level of benefit the dam project might provide, both alone and in comparison to other alternatives, and it has not considered who might be harmed by the project and to what extent.** It also fails to identify the full environmental ramifications of the project including loss of woodlands, water quality impacts, and the ramifications of not being able to mitigate the destroyed wetlands in the same watershed. Would construction of the dam make flooding worse on Stony Hill Road upstream of the proposed dam? How much of the proposed dam impoundment area would be cleared and stripped of its natural vegetation? Why build another structure that could also fail or cause other flooding?

**4) The Pennsylvania Historical and Museum Commission, Bureau of Historic Preservation "reported a high probability of significant archaeological sites located in the study area."** Yet PA DEP is not requiring a Phase 1 archeological survey before the project moves forward and final decisions are made, despite the fact that federal permits will require this study. Will Lower Makefield taxpayers have to pay for this study?

**Township Supervisors  
Lower Makefield Township**  
1100 Edgewood Road  
Yardley, PA 19067

**Elected Officials**

**Representative David Steil**  
2 North State Street  
Newtown, PA 18940  
(215) 968-3975

**State Senator Joe Conti**  
10 Garden Alley  
Doylestown, PA 18901  
(800) 728-8600

**Governor Mark Schweiker**  
225 Main Capitol  
Harrisburg, PA 17120

**Congressman James C.  
Greenwood**  
69 East Oakland Avenue  
Doylestown, PA 18901  
(215) 348-7511

**Mr. Robert Bittenbender**  
Budget Secretary  
Main Capitol Building, Rm.  
238  
Harrisburg, PA 17120

**Agency Representatives**

Charlie Rhodes  
**Environmental Protection  
Agency, Reg. III**  
1650 Arch Street  
Philadelphia, PA 19103-2029

Samuel L. Reynolds  
**US Army Corps of  
Engineers**  
Wanamaker Bldg  
100 Penn Square East  
Philadelphia, PA 19107-3390

Jared Brandwine  
**US Fish and Wildlife Service**  
P.O. Box H  
Tobyhanna, PA 18466

Mike Conway  
**PA Dept of Environmental  
Protection**  
Rachel Carson Office Bldg  
P.O. Box 2063  
Harrisburg, PA 17105-2063

Please send us a copy of your letter to:  
Delaware Riverkeeper Network, P.O. Box 326, Washington Crossing, PA 18977.





## Citizens Letter

### **Bucks County Commissioners**

**Michael Fitzpatrick**  
**Charles Martin, Chair**  
**Sandra Miller**

Administration Building  
55 East Court Street  
Doylestown, PA 18901

### **Bucks Conservation District Board**

924 Town Center  
New Britain, PA 18901-5182

### **Congressman James C. Greenwood**

69 East Oakland Avenue  
Doylestown, PA 18901

### **Representative David Steil**

8 North State Street  
Newtown, PA 18940

### **State Senator Joe Conti**

10 East Fourth Street  
Doylestown, PA 18901

### **State Senator Stewart Greenleaf**

27 North York Road  
Willow Grove, PA 19090

### **Representative Chuck McIlhinney**

199 North Broad Street  
Doylestown, PA 18901

### **Governor Tom Ridge**

225 Main Capitol  
Harrisburg, PA 17120

### **Lt. Governor Mark Schweiker**

200 Main Capitol  
Harrisburg, PA 17120

Dear \_\_\_\_\_,

After years of study, it has been proven that a non-structural approach to the reduction of flood damages in the Lower Neshaminy is the most effective. Bucks County's Steering Committee, appointed to study the issue, has voted to recommend that the County Commissioners and the Conservation District endorse the nonstructural alternative that is described in the recently issued NRCS "Findings" report.

The facts show that the nonstructural buyout and floodproofing plan protects more structures than the proposed Dark Hollow Dam. The facts show that the nonstructural alternative gives more bang to our bucks -- the cost of lowering the damages is less than the benefits received by flood victims. The facts show that the nonstructural alternative can start sooner and be completed quicker than the proposed dam. The facts show that the dam would need an environmental impact study, a host of federal and state permits, and special government exceptions in order to be funded -- the nonstructural alternative needs none of these. The facts show that the dam would have many negative environmental impacts -- the nonstructural would not. The facts show that the dam will subject upstream communities to new flooding and the hazards of living below a high hazard dam, the nonstructural will not.

As a taxpayer and resident, I am asking you to do what the facts in the long-awaited study tell us to do: **to support the nonstructural alternative for the reduction of flood damages in the Lower Neshaminy Creek and to finally kill forever the outdated Dark Hollow Dam proposal.** This is what will help people the most and this is the only way we can be assured of federal funding. Please don't let hotheaded politics spoil our chances of getting the help needed. Some people are screaming for the dam because they have been misled into believing it will end their flood problems. Well, the facts show otherwise -- if a dam is built, future flood damages will be greater than if the nonstructural alternative is implemented. As an elected official, you must do the responsible thing and get our government moving on the right path to help those in need. Support the nonstructural alternative as the study and Steering Committee recommends and kill the dam once and for all.

Sincerely,

## Community Event Handout



Neshaminy Preservation Coalition



Delaware Riverkeeper Network

# Should we damn the Neshaminy? Or reduce downstream flood damages?

Recent flooding along the Neshaminy damaged properties, lives and livelihoods, putting fear in residents' hearts and inflicting serious financial loss. Over-development and poor stormwater controls have led to continuing flooding problems throughout the Neshaminy Watershed. The County completed the Neshaminy Creek Stormwater Management Plan in 1992 in an attempt to prevent stormwater run-off from drowning out those downstream from development. However, the Plan has never been fully implemented at the municipal level, allowing floodplain, wetland, headwater and stream corridor destruction while the flooding continues.

Three decades ago the federal Natural Resources Conservation Service proposed damming the Neshaminy Creek in order to reduce flooding in the Creek's lower reaches. After a hard look at the proposal in the late 1980's the County Commissioners, supported by the community, determined that the economic costs and environmental costs of the project didn't justify going forward.

Now the Natural Resources Conservation Service (NRCS) is revisiting the issue of how to reduce flood damages caused by water coming over the Neshaminy's banks. Initially the primary proposal was to once again dam the Creek at Dark Hollow. After an outcry from the public the NRCS agreed to, as required by law, consider other alternatives for reducing downstream flood damages -- but the dam is still among the top alternatives under consideration.

The final decision on whether to dam the Neshaminy or to implement another alternative, such as comprehensive stormwater management, ultimately rests with the County Commissioners. Therefore the alternative chosen ultimately lies with the people who have elected the Commissioners to office. There is a strong constituency calling for damming the Neshaminy -- in spite of the fact that it will provide minimal relief, and in many storms it will provide no relief at all.

## Some facts about the dam and the alternatives

The proposed Dark Hollow Dam will not solve the flooding problems in the basin. The dam was designed more than 20 years ago when land use in the watershed and the hydrology of the Creek were very different. Even then, the dam offered limited flood stage reduction for the lower Neshaminy, where the worst flooding has historically occurred. The dam would do nothing to address flooding caused by all the development below the dam site and would do nothing to prevent the increase of stormwater throughout the watershed. The dam will also provide no relief to flood victims who don't live along the Neshaminy's main stem or at the mouth of tributary streams.

If constructed, the dam would alter the flow of the Neshaminy, undermining its ecological health, and would destroy one of Bucks County's most unique and irreplaceable natural gems, Dark Hollow, which has been a county park since 1989. Dark Hollow Park is a quiet, beautiful place to hike, canoe, fish, watch wildlife, and enjoy the solitude of nature. It is home to the Neshaminy Palisades, remarkable overhanging rock cliffs that have been appreciated throughout history by native Americans, early colonial settlers, and residents up to the present day.

There are more effective alternatives. In 1987 a county-paid consultant concluded that Dark Hollow Dam was not the most effective or cost effective solution for downstream flooding. Instead, stormwater management coupled with local structural and non-structural solutions were suggested.

- ✓Neshaminy Creek Stormwater Management Plan, already complete and adopted, could be instituted today, without cost to taxpayers, and begin immediately providing benefits to those downstream.
- ✓50 to 75% of the federal money tagged for the Dam could pay for other solutions, including stormwater management techniques on existing developments and buying up floodplain lands for preservation in their natural state.
- ✓Many of the homes and businesses that experience flooding are located in the Creek's floodplain. Instituting a buyout program for these buildings would provide a permanent solution for these businesses and families, it will keep us from having to constantly invest FEMA (federal tax) money in reimbursing property owners for flood losses, and it will restore the floodplain as a holding place for floodwaters thereby reducing flooding in neighboring and other downstream communities.
- ✓Implementing stormwater management will help flood victims who live along tributary streams who are also suffering the ravages of upstream development.

How the stormwater woes of the Neshaminy are addressed is in the hands of those that care about the Creek and live in its watershed. We are asking you to join with us to tell the County Commissioners, municipal officials, and the NRCS how you want this done. **Your help is needed to fight for effective stormwater management to control flood damage, stop the over-development of the watershed's lands, and protect Dark Hollow.** To learn more about the issues and get involved with others who care. please fill out the form below and return it to us. Feel free to call us at (215) 369-1188 for how to get involved and to receive more detailed information.



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**I want to help protect the Neshaminy and Dark Hollow Park:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

\_\_\_\_\_ I am want more information on how the County can protect the Neshaminy and Dark Hollow Park and still help reduce flood damages downstream.

\_\_\_\_\_ I want to help protect the Neshaminy and Dark Hollow Park from the proposed dam alternative.

**Mail to: Delaware Riverkeeper Network, P.O. Box 326, Washington Crossing, PA 18977.**

**Or call us at (215) 369-1188**

## Campaign Letter

Neshaminy Creek Watershed Plan Steering Committee  
c/o Bucks County Conservation District  
924 Town Center  
New Britain, PA 18901-5182

Bucks County Commissioners  
Administration Building  
55 East Court Street  
Doylestown, PA 18901

Dear Committee Members and County Commissioners,

I believe the Steering Committee and County Commissioners should:

- ✓ Implement alternatives other than the Dark Hollow Dam for reducing downstream flood damages;
- ✓ Enforce the Neshaminy Creek Stormwater Management Plan for future development and also require implementation of stormwater infiltration practices on existing development;
- ✓ Restore floodplains and wetlands throughout the Neshaminy Watershed in order to reduce flood damages and improve the health of the Neshaminy Creek;
- ✓ Use only those alternatives which will also improve water quality in the Neshaminy;
- ✓ Step up the public input process to ensure that every citizen and community is given a voice and opportunity to be heard;
- ✓ Pick the alternatives that protect our social, cultural, historical, and archaeological heritage **throughout** the Neshaminy Watershed;
- ✓ Make sure we don't make a rush to judgment;

The national experience teaches us that dams are costly, ineffective and dangerous. Infiltration practices and floodplain restoration provides long-term relief and safety for our communities.

We have one chance to get this right. We have an opportunity very few other river communities enjoy -- the federal government is looking to invest a significant amount of money in enhancing our quality of life and environment. It is essential this money gets spent effectively on long-term solutions.

Sincerely,

Name:

Address:

Newsletter (Originals were on legal size paper and prepared as self-mailers – i.e. with return address so could three fold and put stamp on and mail.)



## NESHAMINY NEWS

Newsletter of the Coalition to Reduce Flood Damage  
and Stormwater in the Neshaminy Watershed  
and to Protect Dark Hollow Park

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*Issue 2: May 13, 1998*

### It's Time to Tell the Commissioners Damming the Neshaminy Won't Stop Flooding!

The Bucks County Commissioners are in the process of deciding whether or not to dam the Neshaminy. Three decades ago the federal Natural Resources Conservation Service proposed damming the Neshaminy Creek in order to reduce flooding in the Creek's lower reaches. After a hard look at the proposal in the late 1980's the County Commissioners, supported by the community, determined that the economic costs and environmental costs of the project didn't justify going forward.

At that time, the County's experts said that the most frequent storms would not be contained at all by the dam. These experts also determined that during the worst storms – "100 year storms" -- the dam would reduce floodwaters by only 1.3 to 2.8 feet in communities where flooding is the worst. These same experts endorsed stormwater management, and local structural and non-structural solutions as being more effective.

In 1996, after a series of rainstorms flooded out many southern Bucks communities, the Natural Resources Conservation Service again proposed damming the Neshaminy to help reduce downstream flooding. Damming the Neshaminy is as bad an idea today as it was when the project was rejected. Damming the Neshaminy will not provide the flood relief downstream communities need; it will destroy the natural and historical heritage found in Dark Hollow Park; it will require us to spend County, State and Federal tax dollars on ineffective solutions rather than effective ones.

The Natural Resources Conservation Service and Bucks County are studying the Dam as one of several solutions for resolving downstream flooding. It is imperative that they have all of the facts needed to make sure they draw the correct conclusions. It is up to you to help make sure the NRCS and the Bucks County Commissioners look at all of the alternatives available. It is essential that the Bucks County Commissioners, NRCS and our state and federal representatives understand that sacrificing quality of life and environment in the upper part of the Neshaminy watershed won't stop downstream flooding and it is not an acceptable solution. This is a watershed problem that needs a watershed solution.

### How to Get Involved

This summer the Neshaminy Creek Watershed Plan Steering Committee will be reviewing the alternatives and considering which solution should be pursued. To date, the NRCS study has been fraught with holes – community representatives with local information have not been sought out, archaeological research has not focused on known historical areas, and agencies involved in the

process have displayed a bias toward building the dam rather than conducting an objective and open review.

Please take some time to write the Committee with your thoughts. Don't assume they know what you know. Local information and input is vital in order to make sure the committee takes all factors into consideration in choosing what route to take. Below are some talking points you might want to include in your letter.

There are more effective alternatives: In 1987 a county-paid consultant concluded that Dark Hollow Dam was not the most effective or cost effective solution for downstream flooding. Instead, stormwater management coupled with local structural and non-structural solutions were suggested.

- ✓ Neshaminy Creek Stormwater Management Plan, already complete and adopted, could be instituted today, without cost to taxpayers, and begin immediately providing benefits to those downstream.
- ✓ 50 to 75% of the federal money tagged for the Dam could pay for other solutions, including stormwater management techniques on existing developments and buying up floodplain lands for preservation in their natural state.
- ✓ Many of the homes and businesses that experience flooding are located in the Creek's floodplain. Instituting a buyout program for these buildings would provide a permanent solution for these businesses and families, it will keep us from having to constantly invest FEMA (federal tax) money in reimbursing property owners for flood losses, and it will restore the floodplain as a holding place for floodwaters thereby reducing flooding in neighboring and other downstream communities.
- ✓ Do you have any thoughts on these more effective alternatives as compared to the dam option

The History of Dark Hollow Park: Dark Hollow Park is rich in history. Native American artifacts have been located throughout the park, historic buildings dot the landscape, tales of the region's history are a regular part of local conversation.

- ✓ What areas do you know about?
- ✓ What tales of the past do you have to share?
- ✓ Where should the archaeologists and historians be sure to look?

The Natural Landscape of Dark Hollow Park: Dark Hollow Park also has a rich diversity of plant and wildlife. If the Dam is built the trees, plants and shrubs along the creek will be cleared and maintained as grass up to the 50 year flood level.

- ✓ How would you feel to lose this precious and already preserved piece of natural open space in Bucks?
- ✓ What beautiful stands of trees and flowers have you found in the park?
- ✓ Is there a particular animal community you feel needs to be considered?

Loss of Open Space: The maximum inundation pool behind the dam is 610 acres, intruding into Buckingham, Warwick and Doylestown Townships. Retained floodwaters will drown out vegetation and wildlife, will leave behind heavy sediment deposits and will bring with it trash and debris.

- ✓ Did you rely on the preservation of Dark Hollow in its natural state as open space when you bought your house or moved to the area?
- ✓ How do you feel about the destruction of losing this heavily vegetated expanse of open space so shortly after the County's commitment to preserve Bucks County open space through the County Open Space Bond Fund?
- ✓ In previous studies the value of being able to develop floodplain lands below the dam was counted as a benefit to be delivered by the dam – what do you think of this?

Public Participation: In order to fulfill its obligations under the law, NRCS and the County must elicit public input at every stage of the process. At present the Steering Committee is planning on having

information sessions in the summer to describe the status of their research and findings and to have public hearings in the Fall only after they have decided which alternatives they want to pursue. In addition, they are presently receiving written comments.

- ✓ Do you think one set of public hearings after the decision has been made is enough?
- ✓ Wouldn't opportunity for public input at the monthly steering committee meetings, while decisionmaking is ongoing, be more appropriate?
- ✓ How else would you like to participate in the decisionmaking process?

Your input into this process is essential. Write the Steering Committee and ask any questions you have concerning the project, the various alternative solutions, or with any information you have about the region. Copy your letter to the Bucks County Commissioners (address: County Administration Bldg, Main and Court Streets, Doylestown, PA 18901), and to your local, state and federal elected representatives. In the end the Bucks County Commissioners will have to vote on whether or not to accept the study's recommendations and Buckingham, Warwick Townships will have to sign off on the final plans if the dam is to be built. Your elected representatives need to know how you feel about the study and its alternative solutions in order to represent your viewpoint. Now is the time to participate, before a decision is made.

Send your comments to: Neshaminy Creek Watershed Steering Committee, c/o Bucks County Conservation District, 924 Town Center, New Britain, PA 18901-5182, At the same time ask to get on their mailing list.

And please send copies of your comments to us at Riverkeeper: Delaware Riverkeeper Network, P.O. Box 326, Washington Crossing, PA 18977 (215) 369-1188.





## *NESHAMINY NEWS*

Newsletter of the Neshaminy Preservation Coalition  
Dedicated to reducing flood damage and stormwater in  
the Neshaminy watershed and to protecting  
Dark Hollow Park

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Issue 8: June 10, 1999

### DISTURBING NEW EVIDENCE OF BIAS IN NRCS FLOOD CONTROL ALTERNATIVES STUDY

Efforts by the Natural Resources Conservation Service to skew the results of the interim alternatives report, due out in a month or so, are increasingly obvious. Most recently, Jeff Mahood of the NRCS Technical Team announced at the June Steering Committee meeting that when analyzing the flood reduction benefits of stormwater management they would only be considering the impacts of the Act 167 Stormwater Management program. This approach totally ignores the most effective best management practices that are being used in stormwater management today. The existing Act 167 Neshaminy Watershed Stormwater Management Plan is a good start but doesn't include many of the effective practices that are now being used.

Mr. Mahood and the Technical Team have received significant comment, technical information and studies documenting the value of a comprehensive and progressive stormwater management program for reducing downstream flood damages. They have met with one of the top experts in the field to discuss the issue. And, as far back as July of 1998 other State and Federal Agencies recommended to the Technical Team that stormwater best management practices should be reviewed as an option. If we are to believe Jeff Mahood's statement, all of this information is apparently

**What is a comprehensive stormwater management approach?** A program that addresses both future and existing development throughout the watershed by employing infiltration and other best management practices when land is disturbed and where development has already occurred. These practices encourage recharge of rainfall into the land, and, ultimately, to the groundwater aquifer below in order to prevent polluted and dangerous runoff (stormwater flooding) and to allow stormwater to be used as the resource that nature intends. A comprehensive plan includes: implementation of Act 167 plans; more stringent municipal ordinances that require infiltration FIRST and detention IF AND ONLY IF infiltration is not appropriate and encourages developers to preserve the natural properties of a site; retrofit of existing stormwater management systems to accommodate infiltration when and where appropriate; cooperative watershed-based, inter-municipal planning.

being ignored. Limiting consideration of the stormwater option to the Act 167 program is deceptive and it builds a bias into the study because stormwater management will not appear to be as effective and cost-effective a solution as it really is. Why give short shrift to an option that can reduce the Creek's flood damages AND improve the watershed at so small a public cost? Especially when, coupled with a voluntary buyout program, it is the most effective method for reducing flood levels.

It is disturbing that NRCS has made a unilateral decision without input from the County-appointed Steering Committee or the public. Especially disturbing is the release of this revelation by Mr. Mahood at the last moment before they publish their report, considering that they made public representations that led all of us to believe that the stormwater alternative was being fairly analyzed and considered. We can't help but ask: who is in charge of this study and doesn't this incriminating evidence bode poorly for the fairness and accuracy of the interim alternatives report?

***STUNNING DISCOVERY THROUGH RIVERKEEPER  
FREEDOM OF INFORMATION ACT REQUEST!***

**Stunning Discovery:  
Dark Hollow Dam IS NOT COST BENEFICIAL, according  
to the NRCS evaluation completed in 1994 and signed off  
on as recently as 1996 by Bucks County Commissioners!**

In November, 1994, Jeff Mahood of the NRCS completed guidance sheets for the U.S. Department of Agriculture which reported that the proposed Dark Hollow Dam's costs (\$916,000 annually) outweighed its benefits (\$474,000 annually) two to one--0.5-:1.0. The federal government requires that all projects funded by Congress provide at least a 1.1 to 0.50 benefit to cost ratio-- that the project be cost-beneficial and worth the tax dollars (\$11,386,000 in 1994) to construct it. According to the NRCS's most recent study of the dam, it IS NOT cost beneficial and IS NOT eligible for federal funding.

In the same report, Mr. Mahood admits there would be "problems in obtaining required permits" because the "1976 NEPA document is the same as not having one ". He also reports that there are "significant environmental concerns" which "even project modification may not successfully address...." and that the proposed dam does not "include features that provide positive effects on the natural environment."

# What do the experts have to say about dam building and the Dark Hollow Dam?

Whenever citizens opposed to the Dark Hollow Dam state their position, proponents for the dam, after announcing that the Dam must be built, say "let's hear what the experts have to say." The experts have to say a lot and here it is:

**Bucks County Planning Commission & Bucks County Conservation District, Neshaminy Creek Watershed Stormwater Management Plan, 1992:** "Planning for the construction of the largest control structure, PA 614 or the Dark Hollow Dam, on the Neshaminy mainstem has been ended by the County Commissioners due to its relatively modest incremental flood control benefits, its environmental effects, and its unfavorable cost benefit ratio...."

**Jeff Mahood, Natural Resources Conservation Service Technical Team, November 1994:** The benefit-to cost-ratio of the Dark Hollow Dam is 0.5 to 1. *(This means the dam is not cost beneficial according to federal standards and cannot receive construction funds from the NRCS.)*

Mr. Mahood says there would be "problems in obtaining required permits" because the "1976 NEPA document is the same as not having one." *(To do a new EIS for the dam alternative and secure the needed funding would take several years.)*

Mr. Mahood says that there are "significant environmental concerns which "even project modification may not successfully address...." And the proposed dam does not "include features that provide positive effects on the natural environment."

**Jeff Mahood, Natural Resources Conservation Service Technical Team, April 13, 1999:** There is a 10 to 15% reduction in projected future flood levels in the Neshaminy due to the implementation of stormwater management measures mandated by the existing Neshaminy Creek Watershed Stormwater Management Plan.

**Neshaminy Water Resources Authority hired experts, 1987:** "PA 610 [*Little Neshaminy Dam which has been cancelled and will never be built*] and PA 614 [*Dark Hollow Dam*] will provide additional reduction in flood level for the 100-year storm on the order of 1.3 to 2.8 feet" from Langhorne Terrace to Croyden Acres. According to this study, in a hundred-year storm flood stage at Hulmeville is 27.5 feet -- construction of the Dark Hollow Dam, according to this study, does not make the difference "between safety and a catastrophic loss for any of the homeowners in question."

**Delaware Valley Regional Planning Commission, September 1998:** "Historically, the Army Corps of Engineers, the Commonwealth of Pennsylvania and Bucks County have tried to curb escalating flood damages by constructing dams, levees and floodwalls, or by enlarging or straightening stream channels. Although these flood control structures generally lessened their damage to existing floodplain development, they also resulted in more extensive development occurring within the floodplain. The potential for damage was increased as more people located within the floodplain."

**Delaware Valley Regional Planning Commission, September 1998:** Acquisition/Relocation "is the preferred technique for flood hazard mitigation as it is the most dependable way to flood proof."

**James L. Witt, Director Federal Emergency Management Agency, November, 1998:**

"We are considering denying national flood insurance to homeowners who have filed two or more claims that total more than the value of their home and refuse to elevate their home, refuse to flood-proof their home, or refuse to accept a buy-out relocation offer. People need to accept the responsibility and the consequences of their choice to live in high-risk areas. We should charge people who live in high-risk areas the fair market rates for insurance, instead of the lower, subsidized federal flood insurance rates." Included in this strategy is a 1999 proposal that flood insurance will not be available to those homeowners at the [presently] "subsidized" rates.

**Brandon Muncy, Corps of Engineers Deputy Commander for Civil Works in Sacramento, CA, 1998:** "We've dammed just about every river throughout the U.S. and still haven't provided the protection the public wants."

**National Wildlife Federation, July, 1998:** Middletown Township and Bristol Township are among the top 300 prime candidates in the U.S. for a voluntary buyout program because of their large number of repetitive loss properties.

**Carol Collier, Executive Director, Delaware River Basin Commission, 1999:** "We must start thinking of stormwater as a resource, not a problem. We must strive for the development of stormwater management systems that encourage infiltration and replenishment of groundwater supplies, which in turn provide the baseflows for our rivers and streams during dry times.... We must also rethink our use of floodplains. These areas have been designed to accept the overflow waters during storm events."

## ***Where does the study stand?***

The Technical Team announced recently that they are behind schedule and have given no additional information on when we can expect the release of the interim alternatives report or public hearings.

The next Neshaminy Creek Steering Committee is scheduled for July 20, 1999, 9:30 am at the Bucks Conservation District offices in New Britain, PA.

The public record remains open for your comments. Send comments to: Neshaminy Creek Watershed Steering Committee, c/o Bucks Conservation District, 924 Town Center, New Britain, PA 18901-5182, with copies to Bucks County Commissioners, Administration Building, 55 East Court Street, Doylestown, PA 18901.

**Need a new coloring book for great summer fun? For a \$2 donation you can get a copy of the new *Riverkeeper Coloring***

**Book.** Your children will learn about the River, critters and nature while enjoying this favorite past time.

## **Riverkeeper Races -- A Great Day!**



**Thank you to all who  
helped, came and  
enjoyed!**

All funds raised at the event are dedicated to the protection of the Neshaminy Watershed.

## **Please Help us Protect the Neshaminy Creek and the Old Growth Forests of Dark Hollow Park.**

In order to defend the Creek against the Dark Hollow Dam proposal and make sure that the more effective stormwater management approach is implemented we need professional help -- and that costs money. We really need your tax-deductible contribution.

**Yes, I would like to help protect the Neshaminy Creek and Dark Hollow Park.  
Enclosed is my tax deductible donation of \$\_\_\_\_\_.**

**Name:**

**Address:**

**Phone:**

**Fax:**

**e-mail:**

Make check payable to: Delaware Riverkeeper Network

Mail to: Delaware Riverkeeper Network, P.O. Box 326, Washington Crossing, PA 18977

The official registration and financial information of the American Littoral Society may be obtained from the Pennsylvania Department of State by calling toll free -- within Pennsylvania -- 1-800-732-0999. Registration does not imply endorsement.

## Letter to the Editor

March 17, 1998

Editor  
Bucks County Courier Times  
8400 Route 13  
Levittown, PA 19057

Dear Editor,

I am writing in response to Ron Watson's recent guest opinion attacking the credibility of Delaware Riverkeeper, Maya van Rossum and correcting non-existent "misinformation" regarding Dark Hollow Dam. Mr. Watson is supposed to be an impartial participant in Dark Hollow Dam and Neshaminy flooding analysis. His guest opinion clearly demonstrates his bias.

Over the last year many members of the community have expressed their opinion on the dam issue. Yet, Mr. Watson and the Neshaminy Steering Committee have chosen to single out only one voice for response and attack -- a voice speaking against the Dam and for effective non-structural solutions to flooding.

Mr. Watson's letter claims to respond to factual inaccuracies in the Riverkeeper's letter. I have looked closely at both letters. The Riverkeeper facts are correct as presented. In many instances Mr. Watson's letter attributes to van Rossum statements she did not make, and argues points that are not at issue. From where I sit it seems pretty clear, Mr. Watson simply took a non-existent opportunity to try and undermine the credibility of the Riverkeeper organization -- an organization which is representing a very large and important part of the Neshaminy watershed community in this important debate.

Sincerely,

Bill Hilton  
B-Pure  
Lower Makefield, PA



September 30, 1998

Editor  
Bucks County Courier Times  
8400 Route 13  
Levittown, PA 19057

**Re: PA should buy in on "buy outs"**

Across the country the number of families, homes and businesses suffering flood damages is on the rise. Over the past 25 years the federal government has spent \$140 billion in federal tax revenue preparing for and recovering from natural disasters. Over this same period of time the Army Corps of Engineers has spent more than \$25 billion dollars on levees, dams, riprap flood walls, channelization and other structural solutions in an effort to reduce flooding and flood damages.

Yet, annual flood losses continue to rise -- the structural solutions are not working and in some cases are actually exacerbating the problem. According to Brandon Muncy, Corps of Engineers Deputy Commander for Civil Works in Sacramento, CA, "we've dammed just about every river throughout the U.S. and still haven't provided the protection the public wants."

Federal, state and local governments, experts and flood ravaged communities are looking for more effective, and cost-efficient solutions. Voluntary buyout programs are an important tool in the modern approach to reducing flood damages, especially when coupled with upstream stormwater management practices. Voluntary buyouts allow participating home and business owners to move out of harm's way and restore the natural flood protection capacity of floodplains, providing benefit to neighboring and downstream communities. Voluntary buyout programs are also a more cost effective method for reducing flood damages than the structural dinosaurs of the past.

According to a recent National Wildlife Federation study, Middletown Township and Bristol Township are among the top 300 prime candidates in the United States for a voluntary buyout program. This is because they are among the top 300 communities with the largest number of repetitive loss properties in the National Flood Insurance Program (NFIP). Repetitive loss properties are those that have received 2 or more flood insurance loss payments of at least \$1,000 within a 10 year period.

The NWF study found that while these top 300 communities represent less than 1 percent of the properties insured by the NFIP, from 1978 to 1995 they received 20 percent of all NFIP loss payments made nationwide (\$6.4 billion) and 49.8 percent of all NFIP payments for repetitive loss properties. In many instances, homeowners in this group received cumulative flood insurance payments that actually exceeded the value of their building -- in some cases many times over. In other words, the homeowners were paid more than their homes were worth.

While NFIP regulations require that properties sustaining substantial damage (a loss of 50% or more in a single flood) be removed from the floodplain or elevated above the 100-year floodplain, these regulations have not been adequately enforced. In fact, \$167 million in insurance payments were made to homes after they already suffered substantial damage -- homes that should have been moved out of, or elevated above, the floodplain.

Pennsylvania is in the top 10 list of states with the most repetitive loss properties and also in the top 10 list of states with the largest payments made for repetitive loss properties. Pennsylvania is also among the states with the highest average cumulative payments for repetitive loss properties.

There are a number of pots of money which can be used for voluntary buyout programs including Federal Emergency Management Agency money and Army Corps of Engineers money. In the case of the Neshaminy Creek watershed, Natural Resources Conservation Service money can be used if that money is not already used up to build the Dark Hollow Dam.

Voluntary buyout programs are an important resource for reducing flood damages, protecting communities and restoring our floodplain environments to healthy, functioning ecosystems. Buyout programs allow people in distress to receive pre-disaster fair market value for their homes, providing the funds needed to buy a house on higher, safer ground. All properties acquired in voluntary buyouts are permanently reverted to recreational and open space uses or natural wetlands and floodplain functions, thereby benefiting the entire community. Voluntary buyout programs are a truly win-win solution to reducing flood damages.

Yours sincerely,

Maya K. van Rossum  
Delaware Riverkeeper



## Stickers and Buttons



Left: Stickers that can be worn by people at meetings and/or used on meeting materials or press packets.

Below: Car bumper sticker. To stand up to the elements its usually worth paying the extra money for top quality.



1-800-8DELAWARE

**DON'T DAMN  
the  
NESHAMINY**

Signs/Banners



## Event Announcement



# Neshaminy Preservation Coalition

## Explore Dark Hollow Park

Dark Hollow, a county park since 1989, is a quiet, beautiful place to hike, canoe, watch wildlife, and enjoy the solitude of nature. It is also home to the Neshaminy Palisades, remarkable overhanging rock cliffs that have been appreciated throughout history by native Americans, early colonial settlers, and residents up to the present day.

In response to recent flooding in the Neshaminy Creek, the Natural Resources Conservation Service (NRCS) is reconsidering a proposal to construct a Dam on the main stem of the Neshaminy Creek, in Dark Hollow Park. The dam project was cancelled years ago as uneconomical and environmentally costly and a Stormwater Management Plan was developed as a non-structural approach to control flooding, improve water quality and groundwater recharge, and protect the watershed. Unfortunately, this plan has never been fully implemented.

If constructed, the dam would alter the flow of the Neshaminy, undermining its ecological health, and destroy Dark Hollow, one of Bucks County's most unique and irreplaceable natural gems. The proposed Dark Hollow Dam will not solve the flooding problems in the basin. It was designed more than 20 years ago when land use in the watershed and the hydrology of the Creek were very different. Even then, the dam offered limited flood stage reduction for the Lower Neshaminy, where the worst flooding has historically occurred. The dam would do nothing to address flooding caused by the development below the dam site or to prevent the increase of stormwater throughout the watershed.

## Upcoming Outings!

**April 18<sup>th</sup>, Dark Hollow Park Walk**, 10 to 12 noon. Join naturalist David Benner on a walk through Dark Hollow park to experience its natural wonders. Learn more about the Dam proposal and how it would impact Dark Hollow. Meet at the Mill Rd. parking lot in Warwick Township. Wear boots, bring a lunch and be prepared to rough it (there are no facilities). Call Riverkeeper at (215) 369-1188 to register!

**May 9<sup>th</sup>, Dark Hollow Canoe Trip**, 10 AM to 1:30 PM- Rich Myers of the Neshaminy Watershed Association will lead a trip down the Neshaminy through Dark Hollow Park and the site of the proposed Dam. Meet at the Neshaminy canoe launch on Rte. 263. We will take out at Rushland, off Old Sackettsford Rd. behind Davis Feed Mill. Bring a lunch and your own canoe. (A limited number of canoes are available). Call Riverkeeper at (215) 369-1188 to register!

## Fundraising Letter



### Neshaminy Preservation Coalition

### Delaware Riverkeeper Network

Dear Neighbor,

I am reaching out to you about a serious threat facing our townships. Bucks County, with the help of the United States Department of Agriculture's Natural Resources Conservation Service (NRCS), is considering constructing a dam on the Neshaminy Creek at Dark Hollow Park on the border of Buckingham and Warwick Townships. We need your help to keep this project from devastating our communities.

The dam was conceived more than two decades ago as part of a larger flood control project (most of which was built), but was cancelled in the late 1980's when found to be environmentally and economically infeasible. Recent flooding in the lower Neshaminy and a renewed contract by the NRCS have rekindled interest in building the dam--a County study is being conducted and public meetings will be held in the coming months.

A dam at Dark Hollow is bad news for us township residents. If Dark Hollow Dam is built, we will lose an area rich in history and natural splendor. Neshaminy Creek, long valued for its recreational resources would be forever transformed. Tracts of land farmed for centuries by our forefathers and native ancestors, and still farmed today, would be devastated by the dam and its spillway. Historic homes and structures would be demolished. Native plant and wildlife species would decline as parts of the meandering creek would be channelized and all vegetation up to the 50 year flood level would be stripped away. Will the Fish and Boat Commission stop stocking the Creek with trout? The floodplain below the dam would be re-defined, opening it up to more development.

The Delaware Riverkeeper Network, a nonprofit membership organization whose mission is to protect and restore the Delaware River, its tributaries and habitats, needs your help in this fight.

Through your financial support we can take the steps needed to ensure that the Neshaminy Creek and Dark Hollow Park remain preserved for generations to come and we can push for the development of real solutions to reduce flooding and stormwater damages in the Neshaminy Watershed.

Our goal for this mailing is to raise five thousand dollars to go towards hiring a private engineer who will dissect the NRCS/County alternatives report scheduled to be released in October. This strategy worked for us before when the dam was stopped and can work again with your help.

Please take a moment to fill out the enclosed return envelope. With your tax-deductible donation of \$35.00, you will automatically become a member of the Delaware Riverkeeper Network. You will receive a regular newsletter and be kept informed about this and other projects.

Thank you for helping to protect our natural resources and Bucks County's heritage. With your support, you are making a positive and lasting impact on our community and the Neshaminy Creek.

Environmentally yours,

Dan Minner

Neshaminy Preservation Coalition & Buckingham Township resident

## Fundraising Event



May 22, 1999  
1:00 to 4:00 pm  
Night Sight Farm, Jamison, PA

**Only \$10 per car load.**

### ***Come Out and Enjoy the Races***

Steeplechase, timber, races, hurdle races and flat races, they all owe their heritage to the spirit of the horse and probably date from the time of the second animal. Today we offer a series of paired chases designed for riders of all levels, experience and ability.

***Plus:***

***Games, pony rides, silent auction  
and great food for all!***

*Proceeds from this year's event will be used to protect and restore the Neshaminy Creek and the old growth forests of Dark Hollow Park.*



## FOIA request

Date

Name of FOIA or Right to Know Officer

Agency

Address

Address

Re: Name of your project -- FOIA Request

Dear FOIA/Right to Know Officer,

Pursuant to the Freedom of Information Act (FOIA) (and if appropriate you will want to add, and the state Right to Know law), we are requesting a review of all memorandums, studies, e-mails, letters, communications, documents, and appendices generated, produced, obtained, and/or used as part of XYZ project.

We request copies of all memorandums, studies, e-mails, letters, communications, documents, and appendices generated, produced, obtained, and/or used in support of and/or in the creation of XYZ project.

And/or you may want to say "We request an appointment in order to review all files associated with this project."

We are requesting a waiver of any fees associated with a response to this request as the information sought is in the public interest. (Agencies, state and federal, often have specific regulations that entitle members of the public and/or nonprofits to get a waiver of fees associated with providing copies of documents. If you are aware of the agency regulations that set forth this opportunity, be sure to cite them in your letter. Otherwise, just generally making the request as above should be okay.)

I look forward to receiving the information request in compliance with the FOIA.

Respectfully requested,

Your name and contact information

## Analyzing the Alternatives -- Copy of comment



July 2, 1998

Neshaminy Creek Watershed Plan Steering Committee  
c/o Bucks County Conservation District  
924 Town Center  
New Britain, PA 18901-5182

Dear Steering Committee members,

These comments are submitted on behalf of the Delaware Riverkeeper Network as part of the public process for the Neshaminy Creek Watershed Plan.

**We must begin by expressing deep disappointment and upset over the NRCS' premature and uninformed dismissal of stormwater management as one of the alternatives studied as part of the Neshaminy Creek Watershed Plan Study.**

Throughout the public process the Delaware Riverkeeper Network and other members of the public have requested and demanded that a comprehensive stormwater management program be one of the alternatives studied for addressing the flooding issues in the Neshaminy watershed. At the June 22, 1998 Technical Team meeting NRCS representatives stated that because stormwater management would not, alone, address flooding concerns along the Neshaminy it was not included as a separate alternative/option for study. (Jeff Mahood of NRCS said "stormwater management in and of itself won't reduce flooding.") Instead of a comprehensive stormwater management alternative NRCS simply included "stormwater basins" as an alternative for study and stated that this was supposed to be the stormwater management alternative.

Riverkeeper has submitted significant information and comment regarding use of a comprehensive stormwater management plan for effectively address flooding issues in the Neshaminy watershed. Our input has included comment from our staff, experts in water quality, quantity and protection issues, as well as information from and citations to studies done by experts in the field. We have specifically requested consideration of "Comprehensive Stormwater Management" as an alternative and were assured that it was receiving due consideration and study. A Comprehensive Stormwater Management alternative would include, but not be limited to:

- Implementation of the Neshaminy Creek Stormwater Management Plan
- A comprehensive floodplain buyout and protection program
- Creating forested buffers along the Neshaminy and its tributary streams
- Retrofitting detention basins in order to allow for stormwater retention and infiltration
- Implementing an effective array of zoning ordinances in all of the watershed's municipalities for reducing stormwater runoff and requiring use of stormwater BMPs
- Use of porous pavement in new development projects, expansions, or repairs
- Protecting and reforesting open space areas
- Incorporating filter strips into existing and new development projects
- Introducing bio-retention areas into new and existing developed areas
- Use of swales and french drains along parking areas and other large paved surfaces and/or routing (or re-routing) their runoff into vegetated areas
- Introducing infiltration trenches to existing developments and retrofitting existing drainage systems so they incorporate infiltration trenches (i.e. replace sections of existing drainage systems with porous materials)
- Programs for re-routing rooftop runoff into garden and other vegetated areas
- Use of vegetated roof covers
- A comprehensive education program for watershed residents about the benefits of revegetating lawns, re-routing rooftop runoff and sump-pump discharges into garden and other vegetated areas as opposed to storm sewers, creation of rain gardens, use of wet bottom detention basins, and wetlands protection programs.

Throughout the public process Riverkeeper and our over 4,000 members have been assured that implementation of a comprehensive stormwater management program which addresses both future and past development issues, as well as a wide array of BMP options would be thoroughly studied as one of the alternatives to the proposed Dark Hollow Dam. The fact that this alternative was not included on the NRCS list of options will, unfortunately, only encourage the public perception that NRCS is limiting its studies to their own preferred alternatives and that public input is not truly valued.

We demand that NRCS add a Comprehensive Stormwater Management plan to its list of alternatives to be studied. We also formally request that at this time NRCS provide an interim report of all of the alternatives studied as well as a listing of the information gathered and reviewed, including specific information about its review and consideration of the Stormwater alternative, as part of this Study effort. We request a similar final report be issued with NRCS' recommended alternatives in the fall.

Yours sincerely,

Maya K. van Rossum  
Delaware Riverkeeper

Tracy Carluccio  
Special Programs

Cc: Congressman James C. Greenwood  
Bucks County Commissioners  
State Representative David Steil  
State Senator Joseph Conti  
Senator David Heckler  
Senator Steward Greenleaf





September 30, 1998

Neshaminy Creek Watershed Plan  
Steering Committee  
c/o Bucks County Conservation District  
924 Town Center  
New Britain, PA 18901-5182

Dear Steering Committee members,

Enclosed is a copy of a USGS study entitled "Water-Use Analysis Program for the Neshaminy Creek Basin, Bucks and Montgomery Counties, Pennsylvania." The study provides important information about projective groundwater in the Neshaminy Creek watershed and it projects tremendous population growth in the basin -- a 41% increase in population in Montgomery Township by the year 2000, and 24 to 29 percent increase in population in Northampton and New Britain, Bucks County, respectively, by the year 2000.

Infiltration of water into the land and the aquifers below is important sustaining base flow to our streams and rivers -- the Neshaminy Creek is no exception. As we pave over the landscape it becomes increasingly more important that stormwater best management practices which rely on infiltration for reducing stormwater runoff become a widely used and implemented tool of townships, developers and existing facilities. Stormwater management techniques such as detention basins which seek to move the water off the land and into the local water course as quickly as possible exacerbate the lack of infiltration already created by the impervious surfaces and structures they are designed to accommodate. The end result, lack of base flow needed to sustain the Neshaminy Creek and tributary streams -- base flow which is needed more than ever to dilute the many wastewater discharges entering from upstream sewage treatment plants.

Most of the Neshaminy Creek Basin lies within Southeastern Pennsylvania's Ground-Water Protected Area. Water withdrawals within the protected area of 10,000 gal/d or more must receive DRBC approval. The Neshaminy watershed received this special protection for a very important reason -- the aquifers of the watershed needed protection otherwise they risked depletion. Any action which can be taken to improve and further protect the water

supplies sustaining the aquifer must be taken. As increased impervious surfaces reduce the ability for infiltration in some areas, it is incumbent on us to improve infiltration in others. This means implementing stormwater BMPs on both new and existing sites. Today we have an opportunity to obtain funding and support needed to get BMPs implementing on existing sites, to obtain improved regulations and regulatory support for new developments, and to implement other methods for enhancing the Neshaminy watershed's base flow. It is incumbent on the Committee, County, Conservation District and federal government to seize this one-time offer.

In addition, a reduction in infiltration will result in a reduction in aquifer capacity and therefore must inevitably lead to more stringent DRBC review and approval of permit applications. Obtaining implementation of stormwater BMPs and better infiltration will likely ease and perhaps even improve this burden.

This letter and report are submitted to further enlighten you about the importance of comprehensive stormwater management and best management practices and to further support a decision which gets the Natural Resources Conservation Service to expend their limited funds and other resources on stormwater management as opposed to other structural alternatives.

Yours sincerely,

Maya K. van Rossum  
Delaware Riverkeeper

Tracy Carluccio  
Special Projects

Cc: Congressman James C. Greenwood  
Bucks County Commissioners  
Buckingham Township Supervisors  
Warwick Township Supervisors  
State Representative David Steil  
State Senator Joseph Conti  
State Representative Matt Wright  
Senator David Heckler  
Senator Steward Greenleaf  
James Seif, PA DEP  
Dr. Hugh Archer, PA DEP

Regina Poeske, Environmental Protection  
Agency  
Sam Reynolds, Army Corps of Engineers  
Darrell L. Tribue, Agricultural Stabilization &  
Conservation Service  
Catherine Repose, USDA  
Claudine M. Andre, PA DEP  
Maria Tur, US Fish & Wildlife  
Pat Pingle, PA Coastal Zone Management  
Ron Watson

## Letter indicating legal intent



June 14, 1999

Bucks County Commissioners  
Administration Building  
55 East Court Street  
Doylestown, PA 18901

Dear Commissioners Fitzpatrick, Martin and Miller,

The NRCS has for months represented that they were analyzing comprehensive stormwater management as an alternative for reducing flood damages along the Neshaminy Creek. By contrast, Jeff Mahood of the NRCS Technical Team announced at the June Steering Committee meeting that they would only be considering the impacts of Act 167 Stormwater Management programs on future conditions; they are not considering implementation of the Act 167 Stormwater Management Plan as an alternative for reducing flood levels nor are they considering comprehensive stormwater management as an alternative for reducing flood levels. We respectfully request that you formally request an objective and full review of comprehensive stormwater management as an alternative for reducing flood damages along Neshaminy Creek.

Mr. Mahood and the Technical Team have received significant comment, technical documents and input from experts and citizens about the employment of a comprehensive stormwater management program to reduce downstream flood damages. NRCS met with recognized stormwater expert Tom Cahill to discuss the importance and flood reduction benefits of a comprehensive stormwater approach. As far back as July of 1998 other State and Federal Agencies recommended to the Technical Team at an agency meeting that stormwater management should be reviewed as an option. Limiting consideration of the stormwater option to the Act 167 program is deceptive, inaccurate and does not fulfill NRCS' obligation to look at effective alternatives for reducing downstream flood damages. Their decision not to review comprehensive stormwater management as an alternative in light of the public comment, expert documentation and agency recommendations is both arbitrary and capricious.

A comprehensive stormwater management approach addresses both future and existing development throughout the watershed by employing infiltration and other best management practices for new development and where development has already occurred. A comprehensive program includes implementation of Act 167 plans; more stringent municipal ordinances that require infiltration first and detention only if infiltration is not appropriate; retrofit of existing stormwater management systems to accommodate infiltration when and where appropriate; and restoration of natural floodplain and wetland areas. NRCS' refusal to study this approach in light of all the evidence on the record is arbitrary and capricious -- the NRCS has made a premature, uninformed decision to dismiss comprehensive stormwater management as an alternative to reducing downstream flood damages.

At the May 1999 Steering Committee meeting Jeff Mahood stated that implementation of the Neshaminy Creek Stormwater Management Plan, alone, would reduce flood damages in the Neshaminy Watershed by 10% to 15%. This in and of itself is evidence that stormwater management is an effective approach for reducing flooding. And yet the Neshaminy Stormwater Management Plan, while certainly progressive for its time, does not contain the many new strategies that have been developed by experts in the field of stormwater management, does not include a comprehensive retrofit program, still includes heavy emphasis on peak flows as opposed to volume of runoff, and is only one small part of what would be a comprehensive strategy. A comprehensive approach could accomplish a great deal more -- we have a right to know how much more when deciding how best to manage stormwater in the Neshaminy Watershed and NRCS has an obligation to study and share this information with us.

It is disturbing that NRCS has made a unilateral decision, especially considering that their representations to the public led us to believe that the stormwater alternative was being considered. Throughout this process Riverkeeper has commented on the bias being exemplified by the NRCS on the Neshaminy Study -- once again we raise this concern.

Bucks County is in a unique position. The Federal Government is considering spending millions of dollars to help reduce flood damages in the Neshaminy Watershed. It is critical that these dollars be spent in the most effective manner possible. NRCS dollars could be spent on stormwater management and voluntary buyout programs. It is critical that NRCS study this very effective alternative objectively, without a skewed perspective. We request that you formally ask NRCS to include review of a comprehensive stormwater management program on existing and future development as one of the alternatives being studied. Without that information you will not be able to make an informed decision.

Yours sincerely,

Maya K. van Rossum  
Delaware Riverkeeper



August 6, 1999

Neshaminy Creek Watershed Plan Steering Committee  
c/o Bucks County Conservation District  
924 Town Center  
New Britain, PA 18901-5182

Dear Steering Committee members,

Since July of 1998, the NRCS Technical Team has publicly stated that it would be looking at stormwater management as an option for reducing flood damages. We have been led to believe that their review of this option would be a holistic look at the many progressive stormwater infiltration, retrofit and best management practices in use today. At the June Steering Committee Meeting it was announced that the Technical Team in fact is NOT reviewing comprehensive stormwater management as an option for reducing flood damages, that they are only looking at stormwater management within the context of the Neshaminy Creek Stormwater Management Plan and that this review is only be used to determine future conditions not as an option for reducing flood damages. This decision is arbitrary, capricious and does a disservice to the residents of the Neshaminy Watershed and Bucks County.

Since this study began in 1997, documents, studies, testimony, and both technical and anecdotal support for comprehensive stormwater management have been placed on the record. Had NRCS given these submissions unbiased, careful and open review they clearly would have at least studied stormwater management as an option.

Today we submit additional documentation to support the review of stormwater management as an option for reducing flood damages in the Neshaminy Watershed. This as well as past submissions to the record indicate that a comprehensive approach to stormwater management can reduce flood damages in the Neshaminy Watershed, as destruction of floodplain and wetlands. It is well recognized that water related issues well as address the many other issues facing this watershed -- water quality impairments, loss of base flow, depletion of aquifers, open space protection and must be addressed on a watershed basis -- this concept is embodied in the Clean Water Act

DELAWARE RIVERKEEPER® NETWORK - *with offices on the main stem Delaware, in the Schuylkill Watershed, and in the Delaware Estuary*  
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and other water protection laws as well as the President's Clean Water Action

Plan and Pennsylvania's 21<sup>st</sup> Century Environment Commission Report -- implementation of this planning approach clearly points to comprehensive stormwater management as an important solution which must be studied and implemented.

In this submission for the public record you will find the following documents enclosed:

**Analyzing Urbanization Impacts on Pennsylvania Flood Peaks, Kibler, Froelich, Aron, 1981, Water Resources Bulletin, American Water Resources Association, Vol. 17, No. 2.**

This paper discusses the impact of urbanization on small developing watersheds in Pennsylvania. It discusses approaches to be used in this effort.

**Impervious Surface Reduction Study, Henderson Field Project, June 1996, City of Olympia, Water Resources Program, Washington State Dept. of Ecology.**

A demonstration project to reduce flooding from a gravel parking lot into a neighboring school field. The Project was also intended to "evaluate the flow reduction possibilities of one impervious surface reduction strategy," and to educate a community about the concept of compacted soils and stormwater runoff. The project did successfully reduce flooding of the neighboring school athletic field.

**Protecting Our Region's Rivers, Floodplains and Wetlands, An Introduction to regional water quality and floodplain management issues and policies, June 1998, METRO Regional Services, 600 Northeast Grand Ave, Portland, Oregon, 97232-2736, 503-797-1726.**

The pages provided discuss the values of vegetated corridors and floodplains. Benefits provided by vegetated corridors include moderating stormwater runoff: "They slow runoff and allow it to percolate into the ground. This helps stabilize water levels and temperatures. In one study, forest litter -- dead leaves, branches and needles - was found to absorb water and lower stream flow by as much as 40 percent."

Benefits of floodplains noted in this report include: "Store water and reduce flooding. Like a giant pan filled with sponges, floodplains soak up water. ... By providing water storage, floodplains reduce peak flood flows, slow the rush of water and limit flood damage. When left undeveloped, floodplains can prevent and reduce flooding in other areas by containing the water where it will least threaten human lives and property."

Other floodplain benefits include: "Recharge groundwater supplies. Floodwaters recharge underground aquifers with filtered water. ... This helps maintain water quality and flow."

**Nutrient Loading from Conventional and Innovative Site Development, July 1998, by the Center for Watershed Protection.**

This study compares pollutant export, economic benefits, and conventional versus innovative site planning techniques. The report concludes that the employment of

infiltration practices and other BMPs and the reduction of impervious cover can reduce stormwater runoff and nutrient export at considerable economic savings to the developer.

We remind you that the reduction of stormwater runoff volume and velocity reduces downstream flooding.

-----

In addition the NRCS must review the following publications if it is to make a fully informed about the stormwater management option:

***Stormwater Infiltration***, by Bruce K. Ferguson, 1994 by CRC Press, Inc., Lewis Publishers

***Bucks County Flood Recovery and Mitigation Strategy***, Prepared by the Delaware Valley Regional Planning Commission, September 1998.

Regarding the *Bucks County Flood Recovery and Mitigation Strategy*, this study was prepared for the US Department of Commerce, Economic Development Administration by the Delaware Valley Regional Planning Commission after the 1996 floods in January in the Neshaminy Creek and June in Lower Bucks on the Delaware River. The goal of the report is to recommend strategies to mitigate future flood damages. Floodplain development and the growing amount of impervious coverage are blamed in the report for increased flood frequencies and velocity. The report points out that continued development in the central and lower portions of Bucks County, the channelization of small creeks coupled with increased stormwater runoff and lack of adequate stormwater control, past efforts which focused only on controlling floodwaters by structural solutions and floodplain development are the problem. We would suggest that the Steering Committee and Technical Team meet with DVRPC to further develop a nonstructural stormwater management approach to reducing flood damages.

We would like to know in writing, for the record, whether the NRCS has yet reviewed this study, if so on what date and by whom was it submitted to your attention?

Yours sincerely,

Maya K. van Rossum  
Delaware Riverkeeper

Tracy Carluccio  
Special Projects

Cc: Congressman James C. Greenwood  
Bucks County Commissioners  
James Seif, Secretary, PA DEP  
Regina Poeske, Environmental Protection Agency  
Sam Reynolds, Army Corps of Engineers  
Maria Tur, US Fish & Wildlife

## Memorandum to Public Official



Memo to: Congressman James C. Greenwood  
from: Tracy Carluccio, Maya van Rossum  
date: 10/13/99  
re: **funding sources for Bucks County's buy-out program**

We are providing information that we think will be helpful to you in gaining funding for Bucks County's buy-out program for those who suffered damages in Hurricane Floyd. We have more details concerning our conversations with these agencies and look forward to discussing them with you. Your commitment to gaining support from federal funding sources to cover the costs of the homeowners who have signed up to be bought out is critical. From what we have found, there is enough money to cover the costs of a full buy-out of those who want to sell if you and State representatives, working with the County Commissioners, go after the funding.

### Federal Emergency Management Agency

Hazard Mitigation Grants Program: 15% of damages assessed--75% federal/25% nonfederal cost share basis. We know you are aware of this program but it is key that the municipalities where the homes are to be bought are included in Congress' final selection of communities that will receive the funds.

FEMA is trying to fast track this money for Floyd victims. The top priority is communities that are repetitive loss properties. Bristol Township and Middletown Township are among the top 300 communities with the potential for voluntary buyouts of repetitive loss properties as of 1995 (see attached). There may be more Bucks communities and/or these municipalities may have moved up the list since 1995 because there were a lot of damages in the 1996 floods in Bucks County (and the Neshaminy).

The Pennsylvania State Floodplain Manager, Kerry Wilson (PA Department of Community and Economic Development, Forum Bldg., Harrisburg, PA, 717-720-7445) has the information about repetitive loss properties here, although he says it may not be up to date. We have suggested that the County get up-to-date figures and pass them on to you. This information is critical to getting the maximum FEMA funds.

DELAWARE RIVERKEEPER® NETWORK - *with offices in the Schuylkill Watershed, Delaware Uplands and Estuary*

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## Federal Flood Insurance Program

Flood Mitigation Assistance Program: Money for "planning" may be available--could be used for buy-out/restoration program as part of a plan to prevent future damages (75% federal/25% nonfederal). The program's focus is to remove insured structures from the floodplain (is also used for floodproofing). The program is administered by PEMA but the funding comes from FEMA. Support is needed to free up funds.

## HUD (Community Development Block Grant Program)

New money may be available for this program for flood victims. This needs shepherding by you in order to make it happen.

Jim, you probably know other federal funding sources. Fast work is needed to get these communities the relief they need for buy-outs. We look forward to hearing from you.

That's all for now. We are doing follow-up contacts (phone, mail) to all elected reps. for specific support for the above-discussed funding sources.

## Statement to County Commissioners supporting buyouts



### **10/6/99 Statement from Maya K. van Rossum, Delaware Riverkeeper**

We would like to commend the Commissioners on the leadership role you have taken in providing flood relief to communities in need.

Tracy Carluccio and myself had the good fortune of hearing first hand the presentation you made at last week's public meeting regarding the package you have been able to offer flood victims.

A quick decisionmaking process backed by federal, state, local and county dollars is critical. We believe that your leadership on this issue and your willingness to bring County open space dollars to the table is setting a precedent for the region. Just the other day the Philadelphia Inquirer reported that Montgomery County seems to be following your lead.

We believe that voluntary buyouts are an important solution for flood victims and are a sound investment for the entire County. Voluntary buyouts provide immediate relief and protection to those living in the floodplain. At the same time, buyouts allow us to restore the floodplain, providing protection to neighboring and downstream residents, as well as improving water quality in the impaired Neshaminy Creek.

Thank you again for your leadership.

To say that Dark Hollow Dam would have prevented the flooding brought by Floyd is misleading and unsupportable. The only concrete data the public has available on the dam proposal shows minimal protection in a 100-year storm, at the same time cause flooding problems for upstream communities and no relief for those living along tributary streams. We continue to urge you to look for a regional solution, one that protects the entire watershed, including tributary streams, from growing flooding problems.

As you know, we are concerned that the NRCS has already discarded comprehensive stormwater management from the list of options or alternatives to be presented in their interim alternatives report. If we are to make an informed choice on this issue it is critical that all viable options be included in the report. Facts and data on the record support that comprehensive stormwater management which addresses existing and new stormwater issues is likely the most effective solution for Neshaminy Watershed communities. Its dismissal from the list of alternatives is unfounded, arbitrary, capricious and cannot be supported by the record. We urge you to take a leadership position and demand that the comprehensive stormwater option be put back into the study.

Celebrate the Creek postcard



Neshaminy Preservation Coalition



Delaware Riverkeeper Network

*Native American Blessing*  
of the  
*Neshaminy Creek*

**Sunday March 14**  
**1:00 pm**  
at  
**Dark Hollow Bridge**

**The chief of the region's Leni Lenape tribe will perform a traditional blessing of the Neshaminy Creek at Dark Hollow to commemorate the International Day of Protest for the Protection of Rivers, Water, and Life**

**Please join us for this healing ceremony and bring blankets and snacks for a lovely afternoon by the Neshaminy Creek (see back for map)**

Rain or shine event--Dress to keep warm and dry  
For information call: 215-369-1188

**Delaware Riverkeeper Network, P.O. Box 326, Washington Crossing, PA 18977.  
Phone: 215-369-1188 Fax: 215-369-1181 Email: [drn@delawariverkeeper.org](mailto:drn@delawariverkeeper.org)**

## Pre-Printed Letter

Neshaminy Creek Watershed Plan Steering Committee  
c/o Bucks County Conservation District  
924 Town Center  
New Britain, PA 18901-5182

Bucks County Commissioners  
Administration Building  
55 East Court Street  
Doylestown, PA 18901

Dear Committee Members and County Commissioners,

I believe the Steering Committee and County Commissioners should:

- ✓ Implement alternatives other than the Dark Hollow Dam for reducing downstream flood damages;
- ✓ Enforce the Neshaminy Creek Stormwater Management Plan for future development and also require implementation of stormwater infiltration practices on existing development;
- ✓ Restore floodplains and wetlands throughout the Neshaminy Watershed in order to reduce flood damages and improve the health of the Neshaminy Creek;
- ✓ Use only those alternatives which will also improve water quality in the Neshaminy;
- ✓ Step up the public input process to ensure that every citizen and community is given a voice and opportunity to be heard;
- ✓ Pick the alternatives that protect our social, cultural, historical, and archaeological heritage **throughout** the Neshaminy Watershed;
- ✓ Make sure we don't make a rush to judgement;

The national experience teaches us that dams are costly, ineffective and dangerous. Infiltration practices and floodplain restoration provides long-term relief and safety for our communities.

We have one chance to get this right. We have an opportunity very few other river communities enjoy -- the federal government is looking to invest a significant amount of money in enhancing our quality of life and environment. It is essential this money gets spent effectively on long-term solutions.

Sincerely,

Name:  
Address:

## Press Release



### For Immediate Release

**Dated:** April 11, 2000

**Contact:** Maya K. van Rossum, Delaware Riverkeeper 215-369-1188  
Carole Hendrick, Senior Attorney, Delaware Riverkeeper Network, 610-489-0295

## Riverkeeper Sues to Get Information on Neshaminy Creek Flood Study

April 11, 2000, the Delaware Riverkeeper Network filed suit against the Natural Resources Conservation Service (NRCS) in the United States District Court in Philadelphia. The complaint charges the NRCS inappropriately denied information requested pursuant to the Freedom of Information Act regarding the ongoing study of flood damages along the Neshaminy Creek.

According to Delaware Riverkeeper Maya van Rossum "for 5 months we have been fighting to gain access to public documents regarding flooding along the Neshaminy and the proposed Dark Hollow Dam so we can more effectively participate in the public process. By refusing our requests the NRCS has forced us to waste public and private resources in the court system."

DELAWARE RIVERKEEPER® NETWORK - *with offices in the Schuylkill Watershed, Delaware Uplands and Estuary*

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According to Attorney Carole Hendrick "The public clearly has a right to the documents we have been seeking. It's a shame that we have had to resort to the courts to enforce the rights of citizens."

The Delaware Riverkeeper Network has submitted two letters and an administrative appeal formally requesting the documents and data used to support the "Neshaminy Creek Watershed Plan Preliminary Summary." The Preliminary Summary contains information about the costs and benefits of various alternatives for reducing flood damages along the Neshaminy Creek, including a buyout program and construction of a high hazard dam (Dark Hollow Dam) across the Neshaminy Creek between Warwick and Buckingham.

The complaint asks that the NRCS be ordered to expedite release of the requested information.

#####