



## Save the Wetlands at the Maple Point Extension

Almost 26 acres of beautiful, forested land lies at the intersection of Big Oak and Township Line Roads in Middletown, Bucks County, PA. Experts have repeatedly found that at least 95% of these 25.798 acres are wetlands and therefore protected by state and federal law from development.

But, developers have proposed to build shopping centers, housing projects and most recently, 58 single family homes on the property. As wetlands, most of the property should be protected from all this. But the property owner has found a consultant which contradicts earlier findings of wetlands, and now claims that the majority of the property is uplands and buildable.

Of special note, this particular parcel is in the headwaters of Brock Creek - development in this area will adversely impact all downstream communities; communities already suffering from the recent devastating floods.

### **We know it's Wetlands -- the Experts say so.**

Since 1984 three well-respected consulting firms have reviewed the property and determined it to be primarily made up of wetlands. The most recent of the three, done in 1990 by Pennoni Associates, concluded that approximately 95% of the property was wetlands. One of the consultants wrote that a developer "would be lucky to find 5 percent of the parcel to be buildable upland."

In 1984, 1990 and 1994, the Bucks County Planning Commission has referred to the property as consisting primarily of floodplain soils and wetlands. It has recommended against placing houses or other development on the property, stating that this might aggravate flooding problems on adjacent properties.

In 1990, when the County Planning Commission reviewed changing the zoning of the tract to its present commercial status, it pointed out that the site's "natural features [wetlands and woods] severely limit the extent of development that can occur on the site." They specifically stated the belief that these same natural features would provide an effective buffer between the commercial development and neighboring residents.

### **So where's the problem?**

In 1993, the owner hired a new consultant (Nova Consultants) who found that only 5.5 acres of the property is wetlands, the rest is uplands, buildable and not protected by state and federal wetland regulations. In spite of the overwhelming evidence to the contrary, the Army Corps of Engineers is agreeing with Nova's findings that the site is comprised of mostly uplands and therefore free from wetlands building restraints.

In January, 1994, the Army Corps of Engineers visited the property to do a wetlands delineation. Accompanied by Nova Consultants staff, the Corps found the ground to be frozen and that they were unable to take needed soil samples. As a result, the Corps made a wetlands determination based on the data and findings of Nova.

In response to requests from a local homeowner's association, backed by the findings of the previous delineations -- those finding significant wetlands -- and a letter from Pennoni Associates saying they stand behind their findings, the Corps agreed to take another look. This time they went out in August of 1994, the driest time of year during a particularly dry year. Once again they found few wetland areas. A finding which apparently failed to consider some of the unique features of the site that require a high degree of expertise when making such an analysis that the area is on a perched water table thereby impacting the hydrologic features.

In response to requests from Riverkeeper and Congressman Jim Greenwood, the Pennsylvania Department of Environmental Protection has requested that the Army Corps of Engineers go with them to the site to take another look, to do another delineation; the Corps has agreed and has also brought EPA in on the process. But the property owner has reportedly refused them access to the property, even at agreed upon and scheduled times, and in spite of the fact that the property owner is apparently pushing for a quick decision on this issue. We wonder if the reason the property owner would suddenly refuse access on two scheduled occasions is because the ground was unmistakably soaked and wetlands vegetation clearly present so they wouldn't get the final delineation they are looking for (uplands and buildable). We wonder if they property owner is waiting for a dryer time of year (perhaps August) for the Corp to visit - when it's harder to make a good decision in questionable areas. We say that the developer had their chance, the Corp, EPA and DEP were already on site twice, ready to do the work but the property owner refused them access to the land, **now it is time for them to go to the bottom of the delineation waiting list - to wait for next Spring when the conditions are ideal for making an accurate delineation.**

#### **What Can I Do to Help?**

- **Write to the Middletown Township Board of Supervisors**, 2140 Trenton Road, Levittown, PA 19056, and the Bucks County Commissioners, County Administration Building, Main and Court Streets, Doylestown, PA 18901, and ask them to use funds provided by the Bucks County Open Space Plan to buy and protect this property.
- **Write to state and federal representatives.** Tell them that you know what is going on here, that you are concerned, and that you want them to exercise their responsibility to protect your environment. Let them know you are watching what happens here.
- **Call or write Congressman Jim Greenwood**, 1 Oxford Valley, Suite 800, Langhorne, PA 19047, (215) 752-7711, and express your appreciation for his past support and to ask for his support and intervention in this important issue in the future.
- **Call or write your state Representative, Dave Steil**, 2 N. State Street, Newtown, PA 18940, (215) 968-3975, Matt Wright, 760 N. Woodburne, Rd, Langhorne 19047 (215) 757-8538 and express your concern over the dwindling wetlands in Bucks County.
- **Write Robert Magnifico**, District Engineer, Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390 to express your concern. Cite: CENAP-OP-R-199302732-23 (JD)
- **Write the Pennsylvania Department of Environmental Protection**, John Girdleman, Southeast Regional Office, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428 and Ralph Spagnoli, U.S. EPA Region III, Mail Code 3ES30, 1650 Arch Street, Philadelphia, PA 19103-2029 to stress your desire for a correct wetlands delineation.

*We'd very much appreciate receiving copies of your correspondence and concerns. Please send them to Delaware Riverkeeper Network, P.O. Box 326, Washington Crossing, PA 18977.*