

## **RESOLUTION #2021-80**

WHEREAS, the middle and upper Delaware River segments were designated a National Wild and Scenic River in 1978 by Congress and President Jimmy Carter in 1978, and the lower Delaware River was designated by Congress and President Bill Clinton in 2000 and;

WHEREAS, the river bluffs from Byram to Devil's Tea Table are noted as having "remarkable scenic values" in the Lower Delaware Wild & Scenic River corridor; and

WHEREAS, the area parallels the Delaware River Scenic Byway, a designation by the USDOT, endorsed by the NJDOT, and subject to the Delaware River Corridor Management Plan; and

WHEREAS, the bluffs along Route 29 contain world famous outcrops of Triassic-age lake cycles, known as van Houten cycles, providing the textbook record of lake formation due to climate change in the Jurassic and Triassic Periods of the Mesozoic Era, and which could be considered "geologic heritage" due to possessing aesthetic, intrinsic or scientific and educational value, and providing unique insight into geological processes; and

WHEREAS, the Devil's Tea Table geologic formation also has unique local, historical and geological significance, and is believed to hold religious significance to Indigenous people; and

WHEREAS, the archaeological record the Kingwood Township Route 29 corridor revealed artifacts of Indigenous people and prehistoric man inhabiting this portion of the river corridor dating from 6500 B.C. through the 1700's, when the Turtle clan of the Lenapi Indians occupied the area; and

WHEREAS, the NJDEP Natural Heritage Priority Sites Coverage was created to identify critically important areas to conserve New Jersey's biological diversity, with particular emphasis on rare plant species and ecological communities, and the area known as Devil's Tea Table, including siltstone and shale cliff and adjacent dry woods overlooking the Delaware River, is designated by NJDEP as Natural Heritage Priority site number S.USNJHP1\*203 because it "Contains an occurrence of a shale cliff natural community and populations of endangered and special concern plant species" and the area known as Byram cliffs and wooded rocky diabase hillside is site number S.USNJHP1\*151 because it contains "One special concern plant species plus historically documented plant species"; and

WHEREAS, this area is also home to rare, threatened and endangered plants and wildlife including American Bald Eagles, copperheads, and several species of bats and fish; and

WHEREAS, The New Jersey Department of Transportation intends to construct rockfall mitigation in Kingwood Township on cliffs adjacent to approximately 3 miles of Route 29 from Mile Post 27.3 near Byram to a point, north of the Devil's Tea Table locality, at Mile Post 30.43, including the removal of trees and vegetation, blasting on much of the rockface, rock removal and reinforcement, installing metal mesh or "draping" materials to the rockface, the creation of a new barrier or a "catchment ditch," and applying concrete to the smoothed rockface including to the Devil's Tea Table geologic structure, to keep rocks from falling onto Route 29; and

WHEREAS, an Open Public Records Act request submitted by local residents revealed that NJDOT has no records of accidents or fatalities related to rockfall incidents along Route 29 in Kingwood Township; and

WHEREAS, numerous questions have been raised by residents and local officials in Kingwood and West Amwell Townships to officials at NJDOT regarding the necessity of this project and its potential impact to the environment and local economy which relies heavily upon recreational tourism; and

WHEREAS, all Kingwood Township residents rely upon private wells and septic systems and have questioned NJDOT officials about the potential damage to existing wells and septic systems from the proposed stone blasting and removal of the cliffs associated with this project; and

WHEREAS, Route 29 is the north-south commuting route in the area and the proposed project will cause significant traffic delays and detours for several months or years during construction and will impact commuters in Frenchtown Borough, Kingwood Township, West Amwell Township, Stockton Borough, and the City of Lambertville; and

WHEREAS, a more robust stakeholder process is warranted and needed especially in light of this project's scope which were permanently and irreversibly change the landscape of the river bluffs from Byram to Devil's Tea Table in the Lower Delaware Wild & Scenic River corridor; and  
WHEREAS, the rockfall mitigation project panned at Jugtown Mountain along I-78 in Bethlehem Township has drawn similar concerns from residents and officials;  
WHEREAS, residents and governing bodies in the communities impacted by these projects desire a more robust community stakeholder process with the NJDOT including the exploration of potential alternatives to the project as presented; and  
NOW THEREFORE BE IT RESOLVED, that the Common Council of the Borough of Frenchtown calls upon the NJDOT to pause moving forward with the rockfall mitigation plan for Route 29 and I-78 in Hunterdon County and to immediately engage in a robust stakeholder process with residents and local officials within the communities impacted by this proposed project; and  
BE IT FURTHER RESOLVED that the Common Council of the Borough of Frenchtown calls upon the NJDOT and the North Jersey Transportation Planning Authority (NJTPA) to examine alternatives to the proposed rockfall mitigation plan as presented; and  
BE IT FUTHER RESOLVED that copies of this resolution be sent to U.S. Representative Tom Malinowski; Governor Phil Murphy; State Senator Michael J. Doherty; State Senator Shirley K. Turner; Assemblyman John DiMaio; Assemblyman Erik Peterson; Assemblywoman Verlina Reynolds-Jackson; and Assemblyman Anthony S. Verrelli.

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Brad Myhre, Mayor  
Dated: May 5, 2021  
Attest:

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Brenda S. Shepherd, RMC  
Borough Clerk