

**RESOLUTION NO. 2021 – 56
TOWNSHIP OF KINGWOOD
HUNTERDON COUNTY, NEW JERSEY**

RESOLUTION OPPOSING CONSTRUCTION BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION OF ROCKFALL MITIGATION MEASURES DESIGNED TO HOLD BACK ROCKS ALONG ROUTE 29 WITHOUT COMPLETION OF AN ENVIRONMENT IMPACT STATEMENT, PUBLIC HEARINGS AND CONSULTATION WITH, AND APPROVAL FROM, KINGWOOD TOWNSHIP, THE NATIONAL PARK SERVICE AND THE DELAWARE SCENIC BYWAY COMMITTEE

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 revealed that NJDOT has no records of accidents or fatalities related to rockfall incidents along Route 29 in Kingwood Township; and

WHEREAS, spending Federal money to address a hypothetical safety problem where no accidents or injuries have been documented due to rockfalls in Kingwood Township, is a choice to ignore documented safety issues within Kingwood or elsewhere in the state (including in Overburdened Communities) where injuries and/or fatalities have in fact occurred and where the money could be spent more cost-effectively and equitably to prevent injuries and save lives; and

WHEREAS, the NJDOT has indicated the project should receive a “categorical exclusion” from any environmental assessment or environmental impact statement studies due to public safety issues, even though no accidents or fatalities have been documented due to rockfalls in Kingwood Township; and

WHEREAS, the lower Delaware River segments were designated a National Wild and Scenic River 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 Native American peoples; 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, the project will also negatively impact rare, threatened and endangered plants and wildlife including American Bald Eagles, copperheads, and several species of bats and fish; and

WHEREAS, residents living in Kingwood Township, anyone driving on the Delaware Scenic Highway (Route 29) and anyone hiking or biking on the adjacent state park trail, and anyone boating, fishing, tubing, or swimming in the Lower Delaware Wild and Scenic River will see a very different, industrial-looking rockface after the mitigation project is complete; and

WHEREAS, the loss of scenic value will negatively impact tourism businesses, recreational value and the local economy of River Towns surrounding Kingwood Township; and

WHEREAS, the loss of scenic value could negatively affect property values in Kingwood Townships; and

WHEREAS, all residents in Kingwood rely on private wells and septic systems and blasting and removal of cliffs risks damaging wells, septic systems and homes of residents in the area, polluting ground water and altering ground water flow so as to destroy irreplaceable water supplies; and

WHEREAS, Route 29 is the north-south commuting route in the area and the project will cause significant traffic delays and detours for several months or years during construction; and

WHEREAS, Governor DiFrancesco in 2011 signed into law a ban on regional and interstate 102-inch wide trucks — the typical tractor trailer truck on Route 29 through Lambertville, Stockton and Frenchtown thereby reducing commercial traffic and safety concerns; and

WHEREAS, for over 100 years, the Boy Scouts of America Order of the Arrow has recognized Scouts and Scouters who best exemplify the Scout Oath and Law in their daily lives and in August of 1915, E. Urner Goodman kept the first Vigil Honor ceremony of the Order of the Arrow on a rocky outcrop overlooking Treasure Island at a place called the “Devil’s Tea Table”; and

WHEREAS, the archaeological record the Kingwood Township Route 29 corridor revealed artifacts of Indians 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, when and if complete, the mitigation as planned will radically change the visual nature of the river valley in the area, forever; and

WHEREAS, the rockfall project appears to be lacking sufficient study and analysis including a full and comprehensive traffic study, a historic/archeological impact study, a Delaware River Wild and Scenic River visual and environmental impact study, Scenic Byway visual impact study and an Environmental Impact Study; and

WHEREAS, the NJDOT appears to have selected a preferred alternative without the concurrence of local officials and stakeholders in the bi-state region; and

WHEREAS, concurrence on the NJDOT preferred alternative has not been obtained from the National Park Service, the NJ State Department of Parks and Forestry, the NJDEP Land Use Regulation Program, or the Delaware River Basin Commission; and

WHEREAS, alternatives to mitigate the purported rockfall problem have not been presented in a meaningful way in which they can be discussed and vetted thoroughly and thoughtfully with the stakeholders in the region; and

WHEREAS, NJDOT installed a fence with a similar purpose along a formerly scenic stretch of Route 46 in Knowlton Township with no consultation with the Township on the design and without public hearings; and

WHEREAS, the Route 46 project resulted in the erection of a fence that is extremely unpopular among the residents of Knowlton Township because of its size, cost, design and lack of aesthetic appeal and because most residents felt it was not needed; and

WHEREAS, The Township Committee of Kingwood Township would like to avoid a similar debacle along a designated scenic byway stretch of Route 29;

NOW, THEREFORE, BE IT RESOLVED on this 1st day of April 2021, by the Township of Kingwood in Hunterdon County, State of New Jersey,

- that the NJDOT rank, using transparent, publicly-available ranking criteria, all transportation safety projects in the state to determine where Federal monies are most cost-effectively and equitably spent to protect public safety,

- that the NJDOT complete an Environmental Impact Statement,
- that the NJDOT evaluate less impactful options,
- that the NJDOT consult with Kingwood Township, New Jersey Division of Parks and Forestry, the National Park Service and Scenic Byway Committee and residents to determine if mitigation is needed and, if it is deemed to be needed, consult on the design of the mitigation in order to create a design that is acceptable to all parties and
- that the NJDOT hold public hearings to gauge the feelings of the public for the project and
- that the NJDOT agree to proceed with the project only under the condition that it is approved by Kingwood Township and the National Park Service and Scenic Byway Committee.

**TOWNSHIP COMMITTEE OF
TOWNSHIP OF KINGWOOD**

Richard Dodds, Mayor

Attest: April 1, 2021

**Cynthia L. Keller, RMC
Township Clerk**

ROLL CALL	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
T Ciacciarelli						
M Syrnick						
R Dodds						

I, **Cynthia L. Keller**, Clerk of the Township of Kingwood, County of Hunterdon and State of New Jersey do hereby certify the foregoing to be a true copy of **Resolution No. 2021 – 56** adopted by the Kingwood Township Committee on April 1, 2021.

**Cynthia L. Keller, RMC
Township Clerk**