

**Resolution No. 5 - 2024**

**THE SECOND RESOLUTION OF THE BOARD OF SUPERVISORS OF TINICUM TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA RESOLUTION REGARDING THE NJDOT ROUTE 29 ROCKFALL MITIGATION PROJECT, KINGWOOD TOWNSHIP, NJ**

**WHEREAS** the New Jersey Department of Transportation ("NJDOT") intends to construct rockfall mitigation in Kingwood Township, NJ on cliffs adjacent to the "Devil's Tea Table Rock Formation" along approximately 3 miles of Route 29 (hereinafter the "Project"); and

**WHEREAS** Tincum Township, Bucks County sits directly across the Delaware River from the Project area and will be affected in many ways by the Project; and

**WHEREAS** the Project will involve techniques such as the removal of trees and vegetation, blasting of the rockface, rock removal and reinforcement, installation of metal mesh or "draping" materials to the rockface, the creation of a new barrier or a "catchment ditch," applying concrete to the smoothed rockface including the Devils Tea Table, and redirection of three naturally flowing tributaries to the Delaware River; and

**WHEREAS** an Open Public Records Act request submitted by local residents revealed, and NJDOT does not dispute, that NJDOT has no records of accidents or fatalities related to rockfall incidents along Route 29 in Kingwood Township; and

**WHEREAS** Federal highway safety funds should only be used to improve roadway conditions that are in fact dangerous, and must not be expended in areas, such as the Project area, that pose no genuine or founded safety concerns; and

**WHEREAS** the Lower Delaware River segments involved were designated a National Wild and Scenic River by Congress and President Clinton in 2000; and

**WHEREAS** Tincum Township, Bucks County, PA is a municipal member of the Lower Delaware Wild and Scenic River Management Council; and

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

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

**WHEREAS** the Devil's Tea Table geologic formation also has a unique local, historical and geological significance and holds cultural significance to Native American peoples; and

**WHEREAS** archaeological records for the Kingwood Township Route 29 corridor show

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

**WHEREAS** numerous questions have been raised by residents and local officials in Kingwood, Tincum and eight other affected NJ & PA Municipalities to officials at NJDOT regarding the necessity of the Project and its potential impact to the environmental and historic resources and the local economy which relies heavily upon recreational tourism; and

**WHEREAS** Tincum Township, PA and Kingwood Township, NJ residents rely upon private wells and septic systems and have concerns about the potential damage to existing wells and septic systems from the proposed stone blasting and removal of the cliffs associated with the Project; and

**WHEREAS** Route 29 is the NJ north-south commuting route in the area and the Project will cause significant traffic delays and detours for several months or years during construction that will dramatically increase vehicular traffic on Route 32 in Bucks County and on Tincum Township roads imposing an undue burden on Tincum Township's infrastructure, increasing risk of traffic accidents, endangering public safety and welfare, and increasing roadway maintenance costs in Tincum Township; and

**WHEREAS** a more robust stakeholder process is warranted and needed especially in light of the Project's scope which will 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** Tincum Township, Bucks County, PA requests that an Environmental Impact Statement process, including public hearings, be required by the New Jersey Department of Environmental Protection (NJDEP), and that lower-impact options be considered by NJDOT prior to approval of the Project; and

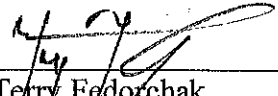
**NOW, THEREFORE, BE IT RESOLVED**, that the Tincum Township Bucks County, PA Board of Supervisors fully supports Kingwood Township and all neighboring municipalities calling for NJDOT to pause the Project until completion of an independent Environmental Impact Statement process, economic impact study, public hearings, and consultation with Tincum and Kingwood Townships, the National Park Service, Delaware River Scenic Byway Committee, and the Lower Delaware River Management Committee.


**BE IT FURTHER RESOLVED** that copies of this resolution be sent to U.S. Representative Thomas Kean Jr; U.S. Representative Brian Fitzpatrick; New Jersey Governor Phil Murphy; Pennsylvania Governor Josh Shapiro; Pennsylvania State Senator Steve Santarsiero; New Jersey State Senator Shirley K. Turner Pennsylvania State Representative Tim Brennan; Pennsylvania State Representative Shelby Labs; the US Federal Highway Administration, PADOT District 6, NJDOT; and other relevant agencies.

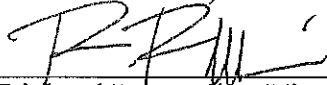
RESOLVED this the 2<sup>nd</sup> day of April, 2024

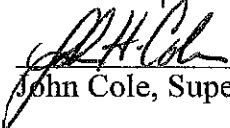
TINICUM TOWNSHIP  
BOARD OF SUPERVISORS

ATTEST:

  
\_\_\_\_\_  
Terry Fedorchak,  
Interim Township Manager

  
\_\_\_\_\_  
Eleanor Breslin, Chair

  
\_\_\_\_\_  
Richard Rosamilia, Vice-Chair

  
\_\_\_\_\_  
John Cole, Supervisor

