



**RESOLUTION OF THE DELAWARE AND RARITAN CANAL COMMISSION No.
2021-02:
AUTHORIZING TRANSFER OF MONIES DEPOSITED IN DRCC MITIGATION
ACCOUNT #4875-009 AND REPEALING RESOLUTION No. 2020-2**

WHEREAS, The Delaware and Raritan Canal Commission (Commission) approved a project (DRCC #05-3250) to permit a Public Service Electric and Gas Company (PSE&G) project to erect an 85-foot-high steel monopole within the boundaries of the Delaware and Raritan Canal State Park in Franklin Township, Somerset County, in the vicinity of the 5-Mile Lock access area, with overhead 69Kv and 13Kv conductors that would cross the Delaware and Raritan Canal south of the lock and canal park access area, and north of Interstate Highway Route No. 287; and

WHEREAS, Among the conditions of the certificate of approval issued on January 18, 2006, which in turn was subsequently modified by a stipulation of settlement between the Commission and PSE&G in 2008, was that PSE&G would deposit \$275,000 into a dedicated account from which the Department of Environmental Protection (DEP) Division of Parks and Forestry would construct “a new pedestrian access to the Park towpath in Franklin Township, Somerset County, or a project of similar scope in the Commission’s sole discretion”; and

WHEREAS, The above referenced mitigation monies were deposited in a mitigation account designated (#4875-009), which were partly expended in 2013 for the preparation of a study to assess the available alternatives for the construction of a new pedestrian bridge over the canal at Easton Avenue and John F. Kennedy Boulevard in the vicinity of Block 259, Lots 75 and 76, respectively, in Franklin Township, Somerset County; and

WHEREAS, The construction of proposed pedestrian bridge was ultimately deemed by the Commission to be infeasible due to right-of-way acquisition, engineering, jurisdictional, fiscal and operational reasons, which became apparent over the ensuing years; and

WHEREAS, The Commission subsequently adopted a motion at its February 19, 2020 meeting to solicit proposals from sponsor municipalities, counties, non-profit/advocacy environmental or historic preservation advocacy organizations, or partnerships involving such government units and organizations for an alternative project or projects to the proposed pedestrian bridge, for which the monies deposited in account #4875-009 might be expended in support of the Delaware and Raritan Canal State Park and in furtherance of the goals set forth in the Commission Master Plan; and

WHEREAS, The Commission intended that the monies deposited in account #4875-009 would constitute the Commission’s contribution to any individual project proposed by a sponsor

municipality, county, non-profit/advocacy environmental or historic preservation advocacy organization, or partnerships involving such government units and organizations; and

WHEREAS, The Commission intended pursuant to the provision of Resolution No. 2020-2 to solicit proposals for projects, for which the Commission contribution would not exceed \$71,000, and would use the monies deposited in mitigation account #4875-009, consistent with the conditions set forth in the certificate of approval for DRCC #05-3250 and the Stipulation of Settlement between the Commission and PSE&G dated November 29, 2007; and

WHEREAS, The emergent need to effectuate the rehabilitation of the historic East Millstone Bridgetender's Station, located within the Delaware and Raritan Canal State Park in the vicinity of Amwell Road (Somerset County Route No. 514), has resulted in a reconsideration of the policy adopted in Resolution No. 2020-02; and

WHEREAS, A project proposed by the Department of Environmental Protection, Division of Parks and Forestry, to effectuate the in-kind rehabilitation of the East Millstone Bridgetender's Station has been authorized by the Commission pursuant to a General Permit No. 1 issued on April 28, 2021 (DRCC #21-4196A);

NOW THEREFORE, BE IT RESOLVED:

1. The Executive Director of the Commission is hereby authorized in consultation with the DEP Office of Management and Budget to effectuate the transfer of the balance of the amount deposited in mitigation account #4875-009 from the Commission to the DEP Office of Resource Development in order to effectuate the restoration of the East Millstone Bridgetender's Station as authorized in the General Permit No. 1 for Commission project DRCC #21-4196A.
2. That a copy of this resolution, signed by the Chairman and attested by the Secretary, be transmitted to DEP Assistant Commissioner for Management and Budget, the Director of the Division of Parks and Forestry, the Administrator of the DEP Office of Resource Development, and the Superintendent of the Delaware and Raritan Canal State Park.
3. Resolution No. 2020-02 is hereby repealed.



Bruce D. Stout, Ph.D., Vice Chairman

I hereby certify the foregoing to be a true copy of the resolution adopted by the Delaware and Raritan Canal Commission at their meeting of May 19, 2021.



John Hutchison, Secretary