



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
NATURAL & HISTORIC RESOURCES, HISTORIC PRESERVATION OFFICE
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April 13, 2010

Greg Sandusky, County Engineer
McDade Administration Building
P.O. Box 8068
Trenton, NJ 08650

**RE: Mercer County, Hopewell Township
Bear Tavern Road Bridge over Jacob's Creek
County Bridge No. 214.2, SI&A No. 2200060**

Dear Mr. Sandusky:

Thank you for providing the Historic Preservation Office (HPO) with the opportunity for review and comment on the potential for the above-referenced project to affect historic and archaeological resources. Your request for review of the project is in preparation for the submission of a Freshwater Wetlands (FWW) permit. As the County has not yet applied for the FWW permit, we are providing technical assistance to you to expedite the future permit application.

In New Jersey, FWW permits are reviewed under an Assumption Agreement with the Environmental Protection Agency (EPA). EPA requires that the review of the impact of NJDEP FWW permitted projects on historic properties must be at least as stringent as the federal Section 106 Review process. Section 106 requires, among other things: identification of historic properties, assessing project effects, and resolving adverse effects. The comments that follow are based, in part, on the following reviewed reports:

McVarish, Douglas C., and Rebecca W. Yamin
January 2010 *Bear Tavern Road Bridge over Jacobs Creek. Hopewell Township, Mercer County, New Jersey, Phase IA Archaeological Study.* John Milner Associates, Inc., Philadelphia, PA. Prepared for County of Mercer, Office of the Engineer. (Report)

McVarish, Douglas C., and Rebecca W. Yamin
March 2010 *Hopewell Township, Mercer County, New Jersey, Phase IA Archaeological Study, An Addendum. Bear Tavern Road Bridge over Jacobs Creek.* John Milner Associates, Inc., Philadelphia, PA. Prepared for County of Mercer, Office of the Engineer.

Identification of Historic Properties

Architecture/Above Ground Properties

The project poses a problem in terms of the identification of historic properties. The historic properties that have been proposed for evaluation for eligibility extend well beyond the area of potential effect of the project (APE). Bear Tavern Road is certainly an 18th century road of local significance with a role in the nationally significant route of the Continental Army leading to the Battle of Trenton, however, evaluating the integrity of the route is well beyond the scope of the project. The Bear Tavern Bridge is but a fragment of that much longer route. Jacobs Creek Road follows the alignment of an abandoned 19th century railroad that was identified as part of a potentially eligible district in the book Hopewell, a Historical Geography. That potential district and the railroad line also extend well beyond the project APE. The difficulty is that to fully identify historic properties would require analysis that is out of proportion with the scale and geographic impact of the project. As you will see below, we have chosen to take a broad view of the eligibility of the bridge as a way to balance the goal of complete identification of above ground historic properties without an undue burden of cost on the County. We are not requesting additional information about architectural/above ground properties at this time.

The Bear Tavern Road Bridge over Jacobs Creek has previously been identified as eligible for listing on the New Jersey and National Registers of Historic Places. That opinion focused primarily on the bridge structure and three of the seven National Register aspects of integrity: design, materials and workmanship. However, the bridge does not exist in a vacuum, the aspects of integrity of: location, setting, feeling, and association, are essential to its historic character as part of a small rural historic landscape. The location of the bridge along the Colonial road at the base of the natural drainage, and at the intersection of Bear Tavern Road with the former Railroad Bed (now Jacobs Creek Road) is part of its historic character. The larger geographic area where the bridge is located is an important aspect of its integrity of setting. The association of the larger bridge site with the route of the Continental Army's march through this area is profound. Finally, the larger geographic area maintains integrity of feeling that is clear to all who pass through it. It is an area shaped by 18th & 19th century infrastructure development, when roads and later railroads followed natural contours, when the road led to the best natural ford of the stream.

Archaeological Properties

Our request for full Phase I survey, and as necessary Phase II archaeological survey, stands. The submitted Phase IA survey, the first half of a full Phase I survey notes that there has been prior disturbance to construct a waterline. However, the survey does not document the precise extent of that disturbance. Archaeological survey work must be conducted within the limits of ground disturbance to identify the presence or absence of archaeological deposits. The archaeological survey and cultural landscape

study shall include a field reconnaissance of both Jacobs Creek and Woolsey Creek, recording any visual evidence of prior masonry structure, including but not limited to presence of dressed stone in the stream.

Subsurface testing shall be excavated into culturally sterile subsoil to identify the presence or absence of archaeological deposits on the project site. If archaeological resources are identified, Phase II survey will provide for evaluation of the National Register eligibility of the site(s) and assessment of project impacts. For properties on or eligible for National Register inclusion, recommendations must be provided for avoidance of impacts. If impacts cannot be avoided, analyses must be provided exploring alternatives to minimize and/or mitigate impacts. Means to avoid, minimize and/or mitigate impacts to National Register eligible properties will need to be developed and undertaken prior to project implementation.

All phases of the archaeological survey and reporting will need to be in keeping with the Secretary of the Interior's *Standards and Guidelines for Archaeology and Historic Preservation*. Phase I archaeological survey and reporting guidelines must comply with N.J.A.C. 7:4-8.4 through 8.5 (http://www.nj.gov/dep/hpo/2protection/register_historic_places09_29_08.pdf). Evaluations to determine the National Register eligibility of archaeological sites must be in keeping with the National Park Service's 2000 National Register Bulletin, *Guidelines for Evaluating and Registering Archeological Properties*. The individual(s) conducting the work will need to meet the relevant Secretary of the Interior's Professional Qualifications Standards for archaeology (48 FR 44738-9).

If potential human burials or human skeletal remains are encountered, all ground disturbing activities in the vicinity shall cease immediately and the Historic Preservation Office should be contacted, as well as any appropriate legal officials. The potential burials shall be left in place unless imminently threatened by human or natural displacement.

Assessing Effects

The proposed project, which removes the historic bridge from its context, will have an adverse effect on the historic site (as stated in our May 15, 2009 letter on the project). This assessment is preliminary and does not include effects on archaeology as the identification of archaeological resources is not complete. The FWW rules require that adverse effects be avoided where possible to ensure that the project has the minimum practicable degradation of the historic property. The County worked with Hopewell Township to prepare an alternatives analysis. That alternatives analysis provides a useful starting point for a discussion of alternatives. I suggest we meet to discuss project impacts, alternatives, and as necessary mitigation for the project's impact on historic properties.

Additional Comment

The Department will need to consider a variety of wetland/natural resource factors when evaluating the required FWW permit for the project.

Thank you for providing the HPO with an opportunity to comment on the potential for this undertaking to affect historic properties. Please contact Vincent Maresca of my staff regarding archaeology (609-633-2395 or Vincent.Maresca@dep.state.nj.us) or Andrea Tingey regarding historic architecture (609-984-0539 or Andrea.Tingey@dep.state.nj.us).

Sincerely,



Daniel D. Saunders
Deputy State Historic
Preservation Officer and
Acting Administrator

c: Charlie Welch, NJDEP-LUR
Cate Litvack, Crossroads of the American Revolution, Inc.
Vanessa Sandom, Mayor, Hopewell Township
Paul Pogorzelski, Administrator/Engineer, Hopewell Township
Pamela Crabtree, Chair, Hopewell Township Historic Preservation Commission
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