



# ***RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION***

**NO. PC4-17-\_\_\_\_\_**

**TITLE:** Designate Existing Roads within Wharton State Forest that are Appropriate for Recreational Use by Motor Vehicles.

**Commissioner \_\_\_\_\_ moves and Commissioner \_\_\_\_\_ seconds the motion that:**

**WHEREAS,** Wharton State Forest consists of approximately 125,000 acres of state-owned land within the Pinelands Preservation Area, the most ecologically sensitive portion of the Pinelands National Reserve; and

**WHEREAS,** Wharton State Forest provides extensive public recreational opportunities, including canoeing, hiking, biking, horseback riding, camping, hunting and motorized vehicle recreation; and

**WHEREAS,** the Comprehensive Management Plan (“CMP”) at N.J.A.C. 7:50-6.143(a)(2) allows for the use of motor vehicles on public lands for recreational purposes; and

**WHEREAS,** in accordance with N.J.A.C. 7:50-6.143(a)3, the Pinelands Commission may, from time to time, designate areas on public lands, that are inappropriate for use of motor vehicles; and

**WHEREAS,** N.J.A.C. 7:50-6.143(a)3 also provides that such designation shall be done in consultation with the New Jersey Department of Environmental Protection; and

**WHEREAS,** from January 15, 2016 through May 12, 2017 during the public comment portion of various Commission meetings, the Commission heard extensive public comment concerning the damage being done to ecologically sensitive areas within Wharton State Forest as a result of motorized vehicles being operated off-road within the forest and the need to preserve these areas; and

**WHEREAS,** these concerns were expressed by the various users of Wharton State Forest including, but not limited to, environmental groups, hikers, hunters, enduro groups and off-road vehicle riders; and

**WHEREAS,** the Commission also heard public comment concerning the importance of having a map of Wharton State Forest that depicts the roads located therein for use by emergency responders, law enforcement officials and the public; and

**WHEREAS,** based on the public comment it has received, the Commission recognizes that the use of motorized vehicles off-road within Wharton State Forest is resulting in significant damage to the ecological and cultural resources of the Pinelands; and

**WHEREAS,** from October 2016 through May 2017, Commission staff has provided information to the Department of Environmental Protection concerning sites within Wharton State Forest that have been damaged by off-road motor vehicle use and met with the Department to discuss the development of guidance to identify areas where recreational motor vehicle use would be appropriate; and

**WHEREAS,** after consideration of the extensive public comment and review of available mapped information, the Commission has assembled sections of various federal USGS Topological maps from 1972, 1981, 1995 and 1997 in order to establish a map depicting the existing roads located within Wharton State Forest; and

**WHEREAS,** the Commission believes the above-described USGS map will serve as a guide for the public and others to use to identify areas within Wharton State Forest that are appropriate for recreational use by motor vehicles; and

**WHEREAS,** the Commission recommends that any changes to the USGS map regarding motor vehicle use be made in consultation with the DEP and be limited to those CMP provisions established for

consideration to designate areas inappropriate for use by motor vehicles. Such provisions at Section 7:50-6.143(a)(3)(i-ix) are,

- i. A need to protect a scientific study area;
- ii. A need to protect the location of threatened or endangered plant or animal species;
- iii. A need to provide a wilderness recreational area;
- iv. A need to prevent conflicts with adjoining intensively used recreational areas;
- v. A need to protect historic or archaeological sites;
- vi. A need to protect critical wildlife habitats;
- vii. A need to address a situation of public health and safety;
- viii. A need to protect extensively disturbed areas from further impact; and
- ix. The extent to which such road closure would substantially impair recreation access to and uses of surrounding resources.

**WHEREAS**, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

**NOW, THEREFORE BE IT RESOLVED** that:

- (1) The Pinelands Commission has identified the roads on the assembled federally prepared USGS Topographical maps, attached Exhibit A, as the baseline of existing roads in Wharton State Forest; and
- (2) The Pinelands Commission finds that recreational use of motor vehicles in Wharton State Forest should be limited to the roads marked on the attached USGS Topographical maps. From time to time, the Pinelands Commission may identify any of these or other roads unsuitable for motor vehicle passage based on the criteria set forth in the CMP at N.J.A.C.7:50-6.143(a)3. Any future changes shall be the subject of consultation between the Pinelands Commission and the NJDEP; and
- (3) The Executive Director shall forward this Resolution to the New Jersey Department of Environmental Protection and to consult with the Department regarding the areas designated in Paragraph (1) above; and
- (4) The Executive Director shall update the Commission on the use of the USGS Topographical Maps and other efforts to protect Wharton State Forest from further off-road motorized vehicle damage on an ongoing basis.

**Record of Commission Votes**

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun					Galletta					Prickett				
Avery					Jannarone					Quinn				
Barr					Lloyd					Rohan Green				
Brown					Lohbauer					Earlen				
Chila					McGlinchey									

\* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: \_\_\_\_\_

\_\_\_\_\_  
Nancy Wittenberg  
Executive Director

\_\_\_\_\_  
Sean W. Earlen  
Chairman