



March 22, 2016
Batsto Village
Wharton State Forest



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Wharton State Forest Stakeholder Meeting: Enforcement Plan



Summary of Stakeholder and Public Meeting Comments

- Provide for citizen involvement
- More law enforcement
- Forest fire and emergency response access must not be restricted
- More maintenance of trails needed
- Support some form of motorized access plan
- Abide by current regulations, laws, park statues, PCMP, etc.
- Provide education programs (children and general public)
- Balance recreation and preservation
- Provide good safe experience/safer for emergency personnel
- Provide an alternative for mudding
- Better explanation of rules, clarification of rules, clearer rules
- Continued availability of ADA access is important
- Base designation of Natural Areas on good science
- Maximize access
- Post signs at environmentally sensitive areas
- No vehicles allowed



Common themes from Stakeholders

- Road Maintenance
- Enforcement
- Protection of environmentally sensitive areas*
- Offers to Volunteer

* Note: “environmentally sensitive areas,” when used by the Department, refers to a specific environmental factor determined to be relevant to a particular issue, project review, or area of concern. Accordingly, any individual use of the phrase might reference wetlands, endangered plant or animal species or their habitats, rare communities or other factors, which are themselves individually governed by statute, regulation or Department policy.



Stakeholder Comments on Road Maintenance

- Maintaining the key roads on an annual basis is critical;
- Seek shared services with NJDOT or municipalities to help maintain the roads;
- Prioritize the state forest roads that need repair;
- All names of roads and bridges need to be consistently the same on all maps/IT outlets. This is critical for 911 and all emergency calls;
- If roads are impassable, post signs indicating so, and
- Define what is an impassable road.



Road Maintenance DEP Response

- The plan for this year is under development. Information will be forthcoming once plans are finalized.



Stakeholder Comments on Environmentally Sensitive Areas

- Define what is legitimate, acceptable, and legal forms of motorized recreation permitted in the forest;
- Consider if there should be a "road-less area";
- Consider seasonal closures of the more environmentally sensitive environmental areas,
- Provide the criteria for closing areas, and
- Provide criteria for designation of threatened and endangered species in the Forest.



Regulations and Policy Guiding Management of the Forest

- **State Park Service Administrative Code: NJAC 7:2-2 – General Uses**
 - Specifies purpose and powers of the Rules of the State Park Service.
 - Designates to the State Park Service the authority to direct all recreational or other uses, including the limitation or closing of land or water from public use for cause.
 - Prohibits damage to property or resources.



Regulations and Policy Guiding Management of the Forest

State Park Service Administrative Code: NJAC 7:2-3 - Motor Vehicles

- Vehicle must be licensed, registered and compliant with Motor Vehicle Laws of NJ.
- Prohibits operation of any motor vehicle on any lands under the jurisdiction of the State Park Service except on established public roads or in designated parking areas.
- Prohibits operation of any motor vehicle on or over “lands” or “waters,” including any cultivated or planted area, transmission line, survey line or in the woods, swamps, bogs, wetlands or fields unless permitted via a Special Use Permit.
- Prohibits operation of a motorized vehicle likely to cause damage or injury to persons, wildlife, or property.
- Prohibits operation of a motorized vehicle at any time on or over any road designated closed by signs or barriers.
- Prohibits operation of an off-road vehicle except when a Special Use Permit is granted by the State Park Service for an organized “special event” to operate on a pre-established course under prescribed conditions.



Regulations and Policy, cont.

- State Park Service Administrative Code: NJAC 7:2-3 – Motor Vehicles (continued)
- Possible Fines:
 - Minimum \$250 plus impoundment fees
 - Minimum \$500 fee to DEP plus potential fees for towing and storage (for a minimum of 48 hours)Potential for \$900 or more in fines and fees.



Regulations and Policy cont.

Other applicable statutes, regulations or policy:

- NJ's Natural Areas Systems Rules (NJAC 7:5A)
 - Restriction on public uses that impair natural resources
- Pinelands Comprehensive Management Plan (NJAC 7:50-6.143)
 - General Requirements
- NJ State Park Policy: Policy 2.35
 - Organized Competitive and Recreational Motorized Vehicle Event and Activities
- NJ's Endangered and Nongame Species Conservation Act (NJSA 23:2A)
 - to manage all forms of wildlife to insure their continued participation in the ecosystem.
- NJ's Freshwater Wetlands Protection Act (NJSA 13:9B-1 et seq.) and implementing Rules (NJAC 7:7A)
 - Regulates activities which occur in or adjacent to freshwater wetlands.
- Federal Clean Water Act and implementing Regulations (40 C.F.R.)
- NJ Title 39 - Motor Vehicles and Traffic Regulations



Natural Areas Definition

- “Natural Areas” are identified and managed in accordance with the Natural Areas and the Natural Areas System Rules at NJAC 7:5A. These Rules include provisions which establish the Governor-appointed “Natural Areas Council” which advises the Commissioner of the DEP on matters relating to managing State Natural Areas consistent with the requirements of two relevant State laws: the Natural Areas Act (NJSA 13:1B-15.4 et seq.) and the Natural Areas Systems Act (NJSA 13:1B-15.12a et seq.).
- These State laws and their implementing regulations also establish interim management practices applicable to all natural areas which ensure that their management or use will have no direct or indirect adverse impact on natural features which resulted in the areas establishment. Area-specific management plans can also be established which describe the natural features of a natural area and prescribe management practices and public uses to ensure preservation in accordance with the management objective of the natural area, typically that of a “conservation preserve.”



Permissible Uses in Natural Areas

- i. Hunting, trapping, and fishing are permitted in accordance with N.J.A.C. 7:25-5 and 7:25-6; except for the stocking of fish and game, habitats may not be manipulated for the purpose of enhancing hunting, trapping, or fishing;
- ii. Occasional camping along trails, boating, including motorized boating, and swimming may be permitted in specified locations of natural areas in accordance with N.J.A.C. 7:2-2, 7:2-5, 7:2-7, 7:2-8, and 7:25- 2, and are further limited as follows:
 - (1) No permanent structures may be erected;
 - (2) No motorized methods of camping are permitted;
 - (3) Trailside shelters of the type called lean-tos are permitted, but there may not be two such shelters within three miles of each other; and
- iii. Trails may be constructed and maintained as follows:
 - (1) Construction of new trails may be initiated subsequent to approval of a trail plan by the Commissioner. Maintenance of existing trails may be conducted upon approval of the administering agency.



Criteria and Definition for Threatened and Endangered Species

- Threatened or endangered plant or wildlife species listings are accomplished pursuant to specific regulations and are eventually promulgated via a process which includes provisions for public comment.
- When reviewing activities within State Parks or Forests, the Department employs the same list of wildlife species as is used in all in all other regulatory venue's concerning State lands. Similarly, all rare plant species tracked by the Natural Heritage Program are afforded protection when they occur on State lands.



Criteria for Closing Areas

- Decisions on restricting use, or “closing areas” for any reason are based upon the Division of Parks and Forestry’s authority to designate or direct any and all recreational or other use on its lands to such specific areas or locations as will be in the best interest of conservation, recreation, preservation and management of the natural and historic resources and the health, safety, and welfare of all persons concerned (NJAC 7:7-2.2) and to limit or close to the public use, specific areas, lands, waters and facilities under its jurisdiction whenever such action is deemed necessary for proper management and operation and/or in the best interest of health, safety and the general welfare of the public (NJAC 7:2-2.3). Additionally, other State laws or regulations exist which mandate requirements applicable to specific resources



Stakeholder and Public Meeting Recommendations on Enforcement

- Strengthen coordination between state park police, forest fire, and local police and emergency responders;
- Use cameras and drone surveillance of the problem areas;
- Increase fines and strengthen existing laws so perpetrators can be prosecuted;
- Undertake a high intensity action in key places to dissuade future activity;
- Clearly define what roads for vehicles are and mark them as such;
- Violators of permits should pay for damages, and
- Arrest violators of the law.



Enforcement Goals

- To stop All-Terrain Vehicles (ATVs) and illegal Off-road vehicles (ORVs) and other illegal vehicles from entering the state forest and to stop off-roading by any vehicle.
- To protect our most sensitive resources, such as threatened or endangered species habitats and/or historical/cultural areas.
- To educate the public on the impacts of illegal motorized vehicle use in Wharton State Forest.



Enforcement Strategy

- Enforcement of all NJAC 7:2 administrative code violations pertaining to ORV use and operating motor vehicles off of existing roadways.
- Enforcement of all applicable laws with regard to ORVs
- Enforcement of Title 39 and Title 13 statutes – laws relating to motor vehicle use of public lands
- Officers will be providing enhanced enforcement in the Forest.



Public Notification Plan

- Stakeholder Meeting
- Press Release
- Coordination with Towns
- Posting on Website
- Signage in Forest



Tyvek Sign Posted at Environmentally Sensitive Areas



To be Posted at Forest Entrances – 24x 30

AREA PATROLLED

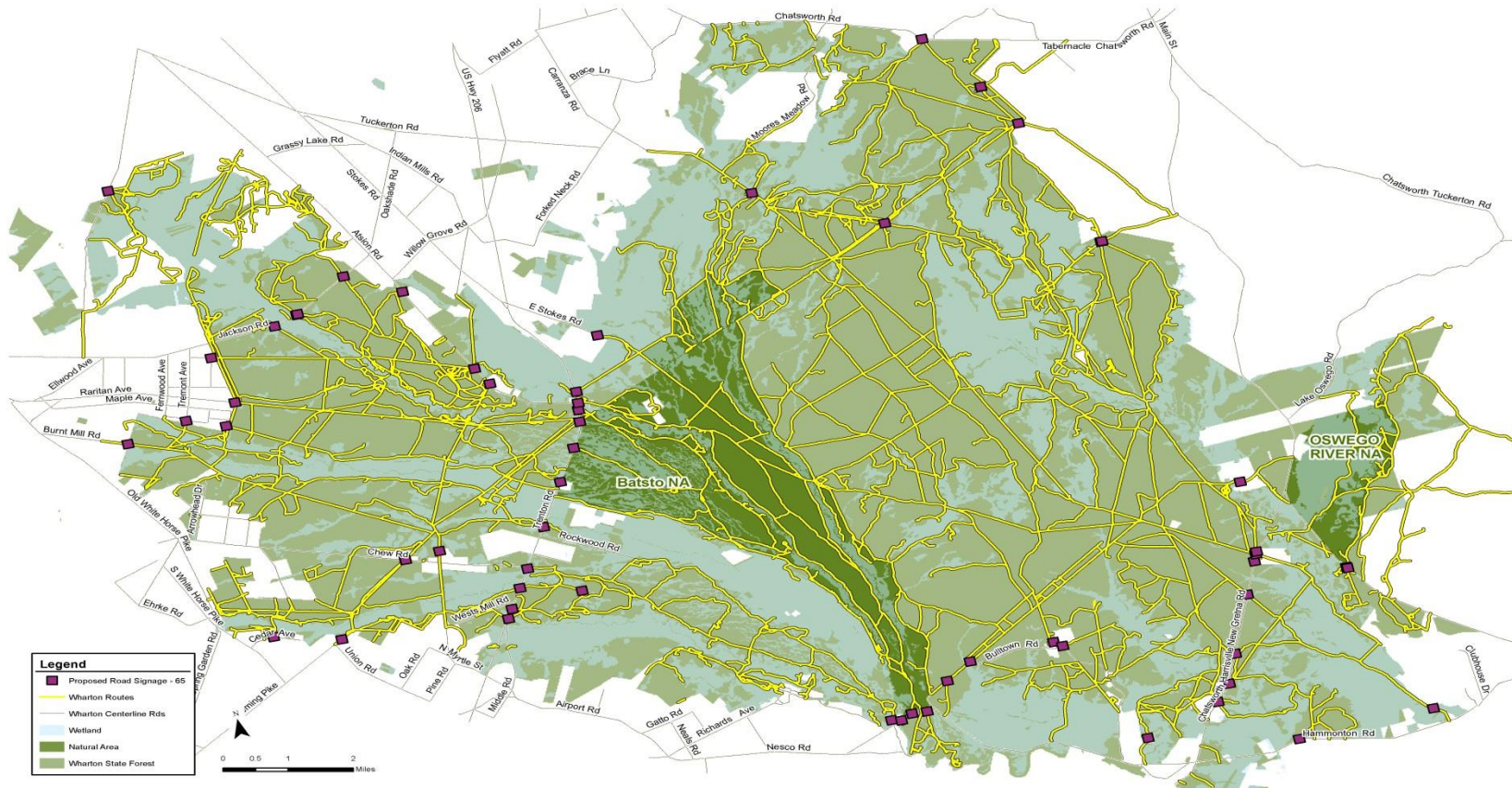
MOTOR VEHICLE RESTRICTIONS ARE IN EFFECT

N.J.S.A. 39:3C-28,-30,-33,-34; N.J.S.A. 13:1L-23;
N.J.A.C. 7:2-1.1 et seq.

Min. \$250 fine, restoration costs.
If impoundment, \$500 min. fee and associated costs.
Removal/vandalism of this sign is a criminal offense.



Location for Entrance Signs



Volunteer Opportunity

- Sign posting day – to be announced in the near future.

