

CHAPTER 5A

NATURAL AREAS AND THE NATURAL AREAS SYSTEM

Authority

N.J.S.A. 13:1B-3, 13:1B-15.4 et seq., 13:1B-15.12a et seq., 13:1B-15.100 et seq., 13:1D-9, 13:1L-1 et seq. and 23:7-9.

Source and Effective Date

R.1998 d.308, effective May 22, 1998.
See: 30 N.J.R. 897(a), 30 N.J.R. 2207(a).

Executive Order No. 66(1978) Expiration Date

The expiration date of Chapter 5A, Natural Areas and the Natural Areas System, was extended by gubernatorial directive from May 22, 2003 to May 22, 2004. See: 35 N.J.R. 2649(b)

Chapter Historical Note

Chapter 5A, Natural Areas and the Natural Areas System, was recodified from N.J.A.C. 7:2-11 by R.1991 d.487, effective October 7, 1991. See: 22 N.J.R. 2652(a), 23 N.J.R. 3005(a).

Pursuant to Executive Order No. 66(1978), Chapter 5A, Natural Areas and the Natural Areas System, was readopted as R.1993 d.350, effective June 17, 1993. See: 25 N.J.R. 1350(a), 25 N.J.R. 3150(a).

Pursuant to Executive Order No. 66(1978), Chapter 5A, Natural Areas and the Natural Areas System, was readopted as R.1998 d.308, effective May 22, 1998. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. NATURAL AREAS AND THE NATURAL AREAS SYSTEM

7:5A-1.1 Scope

(a) This subchapter constitutes the rules and regulations of the Department of Environmental Protection concerning

the identification, classification, and management of natural areas and administration of the Natural Areas System pursuant to N.J.S.A. 13:1B-15.4 et seq. and 13:1B-15.12a et seq.

(b) This subchapter shall be deemed to be supplemental to existing Departmental rules and not in derogation thereof.

7:5A-1.2 Purpose

The purpose of this subchapter is to provide detailed procedures, standards, and criteria for the administration and public use of natural areas and the Natural Areas System in order to protect and preserve the natural and ecological resources thereon for present and future generations.

7:5A-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Administering agency” means the Division of Parks and Forestry or Fish, Game and Wildlife in the Department of Environmental Protection, or any other group or organization managing land designated as part of the Natural Areas System.

“Commissioner” means the Commissioner of the Department of Environmental Protection.

“Conservation easement” means an interest in land less than fee simple absolute, stated in the form of a right, restriction, easement, covenant, or condition, in any deed, will or other instrument, other than a lease, executed by or on behalf of the person vested with a greater interest therein, appropriate to retaining land or water areas predominantly in their natural, scenic, open or wooded condition, or for conservation of suitable habitat for plants or animals.

“Construction of new trails” means the physical creation or alteration of a trail corridor or path to serve a function not served by the trail, path or underlying land. Creation of the trail corridor or path can be undertaken by a variety of means including cutting, clearing or removing vegetation, and alteration of the ground surface to encourage trail use.

“Department” means the Department of Environmental Protection.

“Division” means the Division of Parks and Forestry.

“Interim classification” means a category reflecting the type of habitat management permitted within the natural area prior to adoption of a management plan.

"Interim management practice" means any use, activity, or management conducted within a natural area prior to adoption of a management plan.

"Maintenance of existing trails" means routine activities conducted on an existing trail corridor or path to maintain the intended use of that trail. Maintenance may include, but not be limited to, signing or blazing, routine vegetation control such as trimming or brushing, and trail path grooming, provided that the vegetation control and trail grooming does not enlarge the existing width of the ground surface used as a trail.

"Management objective" means the stated purpose or goal of designating an area to the Natural Areas System, towards which management of the area is to be directed.

"Natural area" means an area of land or water, owned in fee simple or held as a conservation easement by the Department, which has retained its natural character, although not necessarily completely undisturbed, or having rare or vanishing species of plant and animal life, or having similar features of interest, which are worthy of preservation for present and future residents of the State.

"Natural Areas Council", hereafter "Council", means that body consisting of seven members including the Administrator of the Office of Natural Lands Management and six members of the public appointed by the Governor in accordance with N.J.S.A. 13:1B-15.7.

"Natural Areas System," hereafter "System," means those lands designated as natural areas pursuant to this subchapter, identified at N.J.A.C. 7:5A-1.13, and consisting of lands that serve as habitat for rare plant species or animal species, or both, or natural communities representative of the State of New Jersey or the nation.

"Prescribed burning" means the open burning of plant material under such conditions that the fire is confined to a predetermined area and accomplishes the environmentally beneficial objectives of habitat management and prevention or control of wildfires.

"Preservation" means any measures, including no action at all, which are required in order to avoid injury, destruction or decay of a natural resource feature within a Natural Area or otherwise maintain or protect those features indicated in the management objective.

"Register" means the registry, required by N.J.S.A. 13:1B-15.12a6, of all lands, public and private, which are suitable for inclusion within the System. See also N.J.A.C. 7:5A-1.4.

"Register site summary" means a written report, on file with the Division, summarizing site-specific information on the suitability for inclusion of a site on the Register, and containing a map indicating the boundary of the site.

"Right-of-way" means a less-than-fee interest in property held by another over which the Department has no control, such as, but not limited to, use of property for pipelines, transmission lines, and roads.

Amended by R.1992 d.77, effective February 18, 1992.

See: 23 N.J.R. 1985(b), 24 N.J.R. 581(b).

Added definition for "preservation" and "register site summary"; deleted "primary classification".

Amended by R.1993 d.350, effective July 19, 1993.

See: 25 N.J.R. 1350(a), 25 N.J.R. 3150(a).

Amended by R.1998 d.308, effective June 15, 1998.

See: 30 N.J.R. 897(a), 30 N.J.R. 2207(a).

Inserted "Construction of new trails" and "Maintenance of existing trails"; deleted "Existing use of activity"; and in "Natural Areas System", substituted "natural communities representative of the State of New Jersey or the nation" for "are representative of natural communities" at the end.

7:5A-1.4 Register of Natural Areas

(a) The Register of Natural Areas, hereinafter "Register", is a list of sites which serves as:

1. The official recognition of the site's important natural features which are worthy of preservation by the property owner; and
2. The list of sites from which to draw new areas for designation to the System.

(b) Listing on the Register does not, in itself, alter land use or ownership, nor does it impose any regulatory authority.

(c) Any individual or organization may suggest that a site be included on the Register by submitting a Register site summary to the Commissioner or the Council. Potential sites may also be studied and Register site summaries presented to the Council by the Department's Office of Natural Lands Management.

(d) Upon review of the Register site summary by the Council, and subsequent to the recommendation of the Council, the Commissioner may place a site on the Register. Placement of a site on the Register shall be effective upon publication of notice in the New Jersey Register. The site must satisfy one or more of the following criteria:

1. Endangered species habitat: The site is verified as supporting a significant, viable natural occurrence of one or more plant or animal species, or both, determined to be rare, threatened, or endangered in the State or nation;
2. Natural community: The site supports a significant, viable example of a rare natural community or an extremely high quality representative of other natural communities of the State or nation. Quality includes, but is not limited to, characteristics of structure, composition, age, size, and degree of disturbance.