

**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**

Chapter 5A, Natural Areas and the Natural Areas System, expires on May 22, 2003.

**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.
3. Wildlife habitat: The site provides spawning, breeding, nesting, resting, or feeding habitat which is highly significant for supporting resident or migratory wildlife, or both, of the State, the United States, or the world.

(e) The Division shall maintain the Register together with copies of the Register site summary.

(f) A site may be removed from the Register by the Commissioner upon a finding and recommendation by the Council that the site no longer satisfies the criteria enumerated in (d) above. Removal of a site from the Register shall be effective upon publication of notice in the New Jersey Register.

Amended by R.1992 d.77, effective February 18, 1992.  
See: 23 N.J.R. 1985(b), 24 N.J.R. 581(b).

Clarifying language added regarding the procedure for documenting the suitability of a site for inclusion on the Natural Areas Register and for including a site on the Natural Areas Register.

Amended by R.1998 d.308, effective June 15, 1998.  
See: 30 N.J.R. 897(a), 30 N.J.R. 2207(a).

In (d)2, added a reference to the nation at the end of the first sentence; deleted former (e); and recodified former (f) and (g) as (e) and (f).

Public Notice: Listing of Swartswood Sinkhole Ponds.  
See: 32 N.J.R. 116(b).

#### 7:5A-1.5 Natural Areas Council

(a) The Natural Areas Council shall advise the Commissioner in matters relating to the administration of the Natural Areas Act (N.J.S.A. 13:1B-15.4 et seq.) and the Natural Areas System Act (N.J.S.A. 13:1B-15.12a et seq.). The specific functions of the Council include, but are not limited to, the following:

1. Recommending sites to be studied by the Division for possible listing on the Register;
2. Evaluating studies conducted by the Division and providing a recommendation to the Commissioner for listing on the Register;
3. Evaluating those lands owned in fee or easement by the State that are listed on the Register, and recommending to the Commissioner their inclusion within the System.
4. Evaluating management plans prepared by the Division and recommending to the Commissioner revisions or adoption, or both; and
5. Evaluating rules proposed by the Division for implementation of the Natural Areas System Act.

(b) After consultation with the Council, lands to be acquired by the State for natural areas shall be acquired by the Commissioner in the name of the State by gift, purchase or otherwise on such terms and subject to such conditions and restrictions as the Commissioner may determine.

Amended by R.1992 d.77, effective February 18, 1992.  
See: 23 N.J.R. 1985(b), 24 N.J.R. 581(b).

At (a), corrected N.J.S.A. cite.

Amended by R.1998 d.308, effective June 15, 1998.  
See: 30 N.J.R. 897(a), 30 N.J.R. 2207(a).

In (a), deleted former 3, and recodified former 4 through 6 as 3 through 5; and added (b).

#### 7:5A-1.6 Natural areas designation

(a) To qualify for designation to the System, a site must be:

1. Listed on the Register; and
2. Owned in fee or held as a conservation easement by the Department.

(b) Upon request of the Commissioner or a majority vote of the Council, the Division shall undertake a study of a Register site to assess appropriateness of designation as a natural area. This study shall include, but not be limited to, the following analyses:

1. The overall quality of the site including:
  - i. The inherent ability to perpetuate the feature(s) of concern;
  - ii. The size of the site necessary to perpetuate the feature(s) of concern;
  - iii. The size of the population(s) at the site sufficient to assure perpetuation of biotic features of concern; and
  - iv. The integrity of the site in terms of its ability to significantly illustrate the feature(s) of concern;
2. The significant diversity of biotic features and the number of plant or animal species, or both, per community;
3. The relative scarcity or uniqueness of plant and animal species, community types, and wildlife habitats;
4. The presence and quality of surrounding buffer areas to provide protection and insure integrity of the site;
5. The degree of disturbance or potential threat, directly or indirectly, from one or more of the following:
  - i. Highways, roads, or railroads;
  - ii. Housing or commercial development;
  - iii. Industrial use;
  - iv. Military use;
  - v. Utility lines or rights-of-way;
  - vi. Visitor use;
  - vii. Active recreational use; and
  - viii. Flooding or erosion;
6. The ability of an administering agency to adequately manage the site or enter into a management agreement with others, to preserve the integrity of the natural features including such factors as cost, usability, boundaries, and accessibility;
7. The degree of threat to the public health, safety, and welfare which may be encountered as a result of terminating existing uses or activities; and

8. The identification of preliminary boundaries of the area in the form of a site map to be refined upon adoption of a management plan.

(c) Upon review of the study and comments from the administering agency, the Council shall submit a final recommendation to the Commissioner for designation of the lands in question for inclusion within the System. If the Council favors designation, its recommendation shall include:

1. A management objective for the area;
2. A summary of qualifications of the site related to quality, diversity, and scarcity of the feature or species and potential management practices which may be necessary to ensure preservation; and
3. An interim classification for the area as provided in N.J.A.C. 7:5A-1.7.

(d) After considering the final recommendation of the Council, the Commissioner may propose such designation as an amendment to this subchapter and the Department shall hold a public hearing on the proposal, in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

(e) The Commissioner shall review the recommendation of the Council together with comments from the public or administering agency and shall take the following action on the proposal:

1. Adopt subject to gubernatorial approval;
2. Make changes to the proposal and adopt subject to gubernatorial approval;
3. Request the Council's reconsideration of the recommendation for designation; or
4. Take no action.

(f) Inclusion of an area in the System shall be effective upon publication in the New Jersey Register of the notice of adoption after compliance with the provisions of (d) and (e) above.

Amended by R.1992 d.77, effective February 18, 1992.  
See: 23 N.J.R. 1985(b), 24 N.J.R. 581(b).

Revised to clarify that a site held by the Department under a conservation easement is eligible for designation to the System.

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).

In (b), deleted former 8, and recodified former 9 as 8.

#### 7:5A-1.7 Classification of natural areas

(a) Interim classification of natural areas shall be related to the management objective of the area.

(b) Upon designation to the System, each natural area shall be categorized into one of the following interim classifications:

1. Ecological reserve: an area managed to allow natural processes to proceed with little or no habitat manipulation;

2. Conservation preserve: an area where habitat manipulation is permissible in order to preserve a plant or animal species, community type, or ecosystem.

(c) Upon adoption of a management plan for a natural area, the interim classification assigned to the area shall be superseded by the specific management practices prescribed by the management plan.

(d) As part of an adopted management plan, specified zones within the natural area may be categorized as buffer areas. A buffer area serves the purpose of protecting ecological reserves and conservation preserves.

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

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

New (c) and (d) added to explain the designation and purpose of buffer areas within natural areas.

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

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

#### 7:5A-1.8 Natural area management plans

(a) Management and uses of natural areas shall be subject to:

1. Interim management practices conducted by the administering agency;
2. Management practices requiring approval by the Commissioner as provided in N.J.A.C. 7:5A-1.9; or
3. A management plan adopted by the Commissioner specifying uses, activities, or management.

(b) The Division, with the cooperation of the administering agency and other units of the Department, shall prepare a management plan for each natural area in the System. The primary purpose of a management plan is to describe the natural features of the area and prescribe management practices and public uses to ensure preservation in accordance with the management objective of the natural area.

(c) An adopted management plan may supersede the interim management practices listed at N.J.A.C. 7:5A-1.9, if the Commissioner determines through his or her approval of the management plan that the practices in the management plan more specifically address the requirements of the management objective for that area. Any interim management practice listed at N.J.A.C. 7:5A-1.9 and not specifically addressed or superseded by the adopted management plan for the area shall remain in effect in a natural area following adoption of the management plan.

(d) Each management plan shall include, but not be limited to:

1. A site description identifying the physical features, natural communities, and species composition of the area;