

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 and 13:1L-1 et seq.

Source and Effective Date

R.2010 d.093, effective May 16, 2010.
See: 41 N.J.R. 4154(a), 42 N.J.R. 642(a), 42 N.J.R. 1167(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 5A, Natural Areas and the Natural Areas System, expires on May 16, 2017. See: 43 N.J.R. 1203(a).

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

In accordance with N.J.S.A. 52:14B-5.1d, 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 5A, Natural Areas and the Natural Areas System, was readopted as R.2004 d.463, effective November 17, 2004. See: 36 N.J.R. 3008(a), 36 N.J.R. 3463(a), 36 N.J.R. 5670(a).

Chapter 5A, Natural Areas and the Natural Areas System, was readopted as R.2010 d.093, effective May 16, 2010. 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 and Wildlife, in the Department, or any other group or organization managing land designated as part of the Natural Areas System.

“Commissioner” means the Commissioner of the Department or his or her designated representative.

“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 formerly 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 New Jersey Department of Environmental Protection.

“Designation study” means a written report or analysis of an area or portion of an area listed on the Register that assesses the appropriateness for designation of that area to the Natural Areas System.

“Division” means the Division of Parks and Forestry within the Department.

“Ecological community” means an interacting assemblage of plants, animals and other organisms, their physical environment and the natural processes that affect them.

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

“Interim management practice” means any use, activity, or management conducted within a natural area prior to approval of a management plan.

“Interpretive structures” means those structures and/or trails the sole purpose of which is to support the interpretation of natural features or the education of visitors and users of a natural area. Such structures may include, but are not limited to, buildings, blinds, kiosks, wayside trail exhibits, and signs.

“Invasive species” means nonindigenous plant and animal species that have been intentionally or accidentally introduced into habitats and geographical areas outside of their natural geographical range and that have the ability to reproduce and spread, thereby threatening native biological diversity and/or the integrity of natural ecosystems.

“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 to 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 ecological communities representative of the State of New Jersey or the nation.

“Natural Heritage Database” means the manual and computerized file maintained by the Division that includes continuously updated information on the location and status of rare plant and animal species and ecological communities in New Jersey. Information on the Natural Heritage Database is available at <http://www.nj.gov/dep/parksandforestry/natural/heritage/index.htm>.

“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.

“Rare species habitat” means habitat for any plant and/or animal species listed, proposed or of candidate status by the Federal government as endangered or threatened throughout the United States pursuant to the Endangered Species Act of 1973, 16 U.S.C. §§ 1531 et seq., and its implementing regulations, 50 CFR §§ 17.11 and 17.12; any plant species listed as endangered or as a species of concern pursuant to N.J.S.A. 13:1B-15.151 et seq. and its implementing rules, N.J.A.C. 7:5C; any animal species listed as endangered, threatened or as a priority wildlife species pursuant to N.J.S.A. 23:2A-1 et seq. and its implementing rules, N.J.A.C. 7:25-4; and any rare plant and/or animal species and/or ecological community recorded in the Natural Heritage Database.

“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.