

CHAPTER 5A

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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.1993 d.350, effective June 17, 1993.
See: 25 N.J.R. 1350(a), 25 N.J.R. 3150(a).

Executive Order No. 66(1978) Expiration Date

Chapter 5A, Natural Areas and the Natural Areas System, expires on June 17, 1998.

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 was readopted as R.1993 d.350. See: Source and Effective Date. See, also, section annotations for specific rulemaking activity.

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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.

“Department” means the Department of Environmental Protection.

“Division” means the Division of Parks and Forestry.

“Existing use or activity” means a use or activity which was lawful prior to designation of a site to the Natural Areas System.

“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.

“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 are representative of natural communities.

“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).

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 United States;

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 New Jersey. 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 notify property owners, no later than 45 days subsequent to listing on the Register.

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

(g) 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.

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. Periodically evaluating sites listed on the Register and recommending to the Commissioner acquisition of those considered most important for preservation;
4. 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.
5. Evaluating management plans prepared by the Division and recommending to the Commissioner revisions or adoption, or both; and
6. Evaluating rules proposed by the Division for implementation of the Natural Areas System Act.

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.

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 such as, but not limited to, prescribed burning and maintenance of fire-breaks;

8. The existence of similar sites of equal significance under public or private ownership that are apparently assured of preservation; and

9. 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).

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;
2. A description of the existing uses and activities;
3. A description of existing rights-of-way which are to be expected from the boundaries;
4. Any management practices that will contribute towards preservation in accordance with the management objective;
5. An analysis of public uses and their impact on the natural area resulting in identification of:
 - i. Areas dedicated and restricted to ecological research and study;
 - ii. Areas which provide opportunities for public interpretation, observation, and study of the natural communities, species, and ecosystem; and
 - iii. Areas where recreational activities will be permitted provided that these activities have no serious or long term effects on natural values; and

6. An evaluation of the current boundaries and changes, if necessary, to achieve preservation in accordance with the management objective.

(e) A draft management plan shall be reviewed by the administering agency and other agencies within the Department, as appropriate, prior to submission to the Council.

(f) The Council shall review the draft management plan and the comments of the administering agency and shall request additional information from the Division or recommend to the Commissioner that the plan be adopted.

(g) If the Division or the administering agency disagrees with the recommendation of the Council, the recommendations of each shall be forwarded to the Commissioner for a final decision.

(h) The Commissioner shall review the draft management plan, the recommendation of the Council, and the recommendation, if any, of the Division and shall take the following action on the draft management plan:

1. Adopt the draft management plan as the management plan for the natural area, effective upon publication of notice of the plan adoption in the New Jersey Register; or
2. Request the Council and the Division's reconsideration of the draft management plan, after which the Council and the Division may resubmit the draft management plan for the Commissioner's approval.

(i) An adopted management plan for a natural area may be amended subject to the following:

1. The Council shall review any proposed amendments to an adopted management plan, and the comments of the administering agency on the proposed amendments, and shall request additional information or recommend to the Commissioner that the proposed amendments be adopted;
2. If the administering agency disagrees with the recommendation of the Council, the recommendations of each shall be forwarded to the Commissioner for a final decision; and
3. Adoption of amendments to a management plan for a natural area shall be effective upon publication of notice of the adopted amendments in the New Jersey Register.

Public notice: Allamuchy Natural Area Management Plan approved by Commissioner on May 24, 1989.

See: 21 N.J.R. 1748(e).

Public Notice: Management plan for the Swimming River Natural Area.

See: 23 N.J.R. 3180(c).

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) added and (e) has been modified to clarify the relationship of an adopted management plan for a natural area to the interim

management practices; new (h) and (i) added to establish a procedure for adopting a management plan for a natural area; recodification. 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-1.9 Interim management practices

(a) Interim management practices shall be implemented by the administering agency, provided that:

1. The practice will have no direct or indirect adverse impact on natural features of concern;
2. The administering agency notifies the secretary of the Council, in writing, no later than 30 days after initiating the practice;
3. Approval of the Commissioner is not required by provision elsewhere in this subchapter; and
4. The practice is consistent with terms of any conservation easement held by the Department.

(b) Interim management practices listed at (e) or (f) below which require the approval of the Commissioner shall first be submitted to the Council for its review and recommendation.

(c) Upon finding that an interim management practice listed below at (e) or (f) would be detrimental to achieving a specific management objective, the Council shall recommend to the Commissioner the substitution of a more appropriate interim management practice. Should the Commissioner concur with the recommendation of the Council, the Commissioner may approve substitution of a more appropriate interim management practice.

(d) Where there are conflicts between general practices described below at (e) and practices specific to a natural area classification described below at (f), the latter shall apply.

(e) The following interim management practices apply generally to all natural areas upon designation to the System and until and unless superseded by the provisions of an adopted management plan:

1. Natural area boundaries shall be made clearly evident by posting signs at a maximum density of 10 signs per mile; entrance points shall be posted to indicate to users that they are entering a natural area; boundary signs shall be of a standard size and format as approved by the Commissioner and provided by the Division;
2. Boundary fences that are needed to protect the natural area may be installed provided the fence shall not have a detrimental effect on movement of wildlife, air circulation, or other natural conditions;
3. Vehicular access lanes may be maintained within a natural area but may not be enlarged in any manner except upon approval of the Commissioner.

4. Existing firebreaks within a natural area may be maintained for safety purposes; temporary firebreaks made by mowing, raking, plowing or wetting, may be used in conjunction with prescribed burning for habitat management;

5. Existing structures may be maintained in a natural area; new structures and enlargement of existing structures may be undertaken upon approval by the Commissioner, provided the structures directly or indirectly contribute to the management objective; new structures, of a temporary nature, may be constructed for research purposes in accordance with N.J.A.C. 7:5A-1.10;

6. No measures, such as cutting of grass, brush or other vegetation, thinning of trees, opening of scenic vistas, or planting, shall be taken to alter natural processes or features for the purpose of enhancing the beauty or neatness of a natural area;

7. Except as otherwise provided in this section, there shall be no introduction, removal or consumptive use of any material, product or object to or from a natural area; prohibited activities include grazing by domestic animals, farming, gathering of plants or parts thereof, mining or quarrying, and dumping, burying, or spreading of garbage, trash or other materials; structures or materials may be removed as follows:

- i. Old interior fences may be removed, giving consideration to leaving posts to mark boundaries between former land uses;
- ii. Rubbish or any other waste material may be removed; and
- iii. Structures having no historic, scientific or habitat value may be demolished and removed unless such structures are deemed essential for administrative purposes;

8. Water levels within a natural area shall not be altered except to restore water levels which have been altered due to a sudden natural phenomena or man-induced conditions off-site; routine repairs to existing water control structures may be undertaken but the structures may not be enlarged;

9. All wildfires shall be brought under control as quickly as possible; after a fire within a natural area, there shall be no cleanup or replanting except as approved by the Commissioner to achieve the management objective or for reasons of health and safety;

10. Prescribed burning, to eliminate safety hazards and to manage habitat, may be conducted upon review of a proposal for prescribed burning by the Council and approval by the Commissioner; use of vehicles and equipment shall be specified in the proposal for prescribed burning;

11. Erosion control within a natural area shall not be undertaken except to restore existing grades which have been altered due to a sudden natural phenomena or man-induced conditions within or beyond the natural area;

12. Habitat manipulation may be undertaken if preservation of a particular habitat type or species of native flora or fauna is included in the management objective of the natural area and upon approval by the Commissioner of a specific habitat manipulation plan prepared by the Department.

13. Gypsy moth control activities may be implemented as an interim management practice after approval of a gypsy moth control plan by the Commissioner; the Commissioner shall review a gypsy moth control plan only after the State Forester has determined that egg mass counts and prior year defoliation indicate the tree mortality will be severe without intervention; to the extent practicable, biological controls, rather than chemical means, shall be used to control gypsy moths;

14. There shall be no physical manipulation of a natural area or application of chemicals known as adulticides for the purpose of controlling mosquitoes; the application of larvacides may be permitted in salt marshes only and only as follows:

- i. The application of *Bacillus thuringensis* var. israeliensis (BTI) may be initiated by a mosquito control agency at any time; and
- ii. The application of other larvacides may be initiated upon approval by the Commissioner of a specific mosquito control plan submitted by a mosquito control agency; the plan shall identify the specific area where an application will be made, the types and amount of larvacide to be applied, the need for the application, and the reason why BTI cannot be used for this application;

15. Research activities and the collection of specimens may only be conducted in accordance with N.J.A.C. 7:5A-1.10 and upon approval of the administering agency; and

16. Public use of natural areas shall be allowed only to the extent and in a manner that it will not impair natural features; the administering agency may restrict access and use as necessary to protect the natural area; the following are permissible public uses of 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, 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 boating or 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. Existing trails may be maintained, but not enlarged in any manner, by the administering agency to allow public use and prevent erosion, trampling of vegetation beyond the trails, and other deterioration as follows:
- (1) New trails or enlargement of existing trails for interpretive purposes may be initiated subsequent to review of a plan by the Commissioner and approval of that plan by the Commissioner;
 - (2) Rare plants may not be removed for the purpose of maintaining existing or constructing new trails; and
 - (3) To the extent possible, natural materials shall be used on and along trails; and
- iv. All pets shall be kept caged or leashed and under immediate control of the owner except that dogs used while legally hunting shall be exempt from the leashing requirement.
- (f) The following interim management practices, unless superseded by an adopted management plan, apply to the appropriate specified natural area classifications:
- 1. Location markers identifying interpretation points of interest may be installed except within ecological reserves;
 - 2. Trail blazes may be used within any natural area;
 - 3. Existing vehicular access lanes may not be enlarged in any manner within an ecological reserve;
 - 4. New vehicular access lanes may be constructed only within buffer areas and upon approval by the Commissioner;
 - 5. The alteration of natural processes or features for the purpose of enhancing public use of the natural area may be conducted by the administering agency only within buffer areas; and
 - 6. The following management practices shall not be permitted within ecological reserves:
 - i. New, existing or temporary firebreaks;
 - ii. Construction of new trails;
 - iii. Alteration or restoration of water levels;
 - iv. Prescribed burning;
 - v. Erosion control measures;

- vi. Gypsy moth control activities; and
- vii. Manipulation of vegetation and wildlife habitats.

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

Consolidated (f)5 and (e)5 to clarify that construction and alteration of structures located within natural areas may be undertaken as an interim management practice only upon approval by the Commissioner, and to expand the scope of this interim management practice from buffer areas to all natural areas; (e)12 revised to specify that habitat manipulation within a natural area as an interim management practice requires approval by the Commissioner of a specific habitat manipulation plan.

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-1.10 Procedures for conducting research and collecting specimens

(a) In accordance with this section, research or collection within a natural area may be conducted by individuals, groups, or governmental agencies, who, in the opinion of the administering agency, are qualified to conduct such activities and which, in the opinion of the administering agency, will not have a detrimental effect on the natural features of the area.

(b) A written proposal for research or collection activities within a natural area shall be submitted to the administering agency. The submission shall contain:

- 1. The name, address, position, and professional qualifications of the applicant;
- 2. The purpose and theme of the research or collecting and benefits to be derived therefrom;
- 3. The specific methods and procedures for carrying out the activity;
- 4. The location of the research sites;
- 5. The duration of the project, the frequency of visitation, and the method of access;
- 6. The name(s) and number of persons involved; and
- 7. Any anticipated direct and indirect impacts on the natural area that may result from implementation of the project.

(c) The administering agency shall review the submission and approve, conditionally approve, or disapprove the application for research or collection. The decision shall be based on:

- 1. The relationship of the activity to the management objective of the area and the benefits to be derived;
- 2. The ability and competence of the applicant to conduct the activity; and
- 3. The approved activity having minimal adverse impact on the natural area and the administering agency's ability to adequately manage the area while subject to research and collection.

(d) Interim and final reports and publications resulting from the research or collection, as specified in the approval, shall be submitted to the administering agency and secretary of the Council.

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-1.11 Enforcement of rules

(a) Remedies for the violation of the provisions of this chapter applicable to those State-owned or leased lands, waters and facilities administered by the Department, other than wildlife management areas or reservoir lands, shall be as provided at N.J.S.A. 13:1L-23.

(b) Penalties for the violation of the provisions of this chapter applicable to State-owned or leased lands under the control of the Division of Fish, Game and Wildlife shall be as provided at N.J.S.A. 23:7-9.

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-1.12 Boundaries of natural areas

(a) The Division shall maintain, and make available to the administering agency and members of the public, general location maps of each natural area in the System.

(b) All boundaries of natural areas shall conform with physical features identifiable in the field or the edge of State ownership of the natural area.

(c) The Department may correct errors in the boundary of a natural area effective upon publication of notice of the correction in the New Jersey Register.

(d) Changes in boundaries of natural areas may be made pursuant to the procedure at (f) through (j) below.

(e) In order to qualify for addition to a natural area through a boundary change, a site must be owned in fee or held as a conservation easement by the Department.

(f) Any person may petition the Department to change the boundary of a natural area by completing a proposal as specified at (g) below and submitting copies to the Council, the Division, and the administering agency for the natural area. The Division may propose to change the boundary of a natural area by providing the information specified at (g) below to the Council and the administering agency for the natural area.

(g) A proposal to change the boundary of a natural area shall be in written form and shall contain the following information:

1. The name, address, and affiliation of the petitioner;
2. The relationship of the petitioner to the natural area for which a boundary change is proposed;

3. A map, at U.S.G.S. scale or larger, clearly showing the current boundary of the natural area and the proposed boundary adjustment;

4. An explanation of the reason for the proposed boundary change; and

5. A general description of the land proposed for exclusion or inclusion in the natural area, including, but not limited to, a description of:

- i. Vegetative community types;
- ii. Habitat types (wetland and upland);
- iii. Ecological community age, structure and quality; and
- iv. Structures and other man-made features.

(h) If the proposed change would result in a net change of not more than 25 percent of the total acreage of the natural area, the Council shall review the proposal at the next regularly-scheduled meeting after receiving the proposal and shall submit its recommendation on the proposal to the Commissioner for decision.

(i) If the proposed change would result in a net change of more than 25 percent of the total acreage of the natural area, public notice of the proposal shall be provided in the New Jersey Register. The Department shall accept written comment on the proposal and the Council shall review the proposal at the next regularly-scheduled meeting after the close of the public comment period on the proposal. The Council shall submit its recommendation and a summary of any written public comment received on the proposal to the Commissioner for decision.

(j) The Commissioner shall review the recommendation of the Council and shall take one of the following actions on the proposal:

1. Approve the boundary change, effective upon publication of notice of the boundary change in the New Jersey Register, upon a finding that the boundary change:

- i. Conforms with physical features identifiable in the field or the limits of State ownership; and
- ii. Serves to protect the natural area or further its management objective; or

2. Request that the Council reconsider its recommendation and resubmit the proposal for the Commissioner's review; or

3. Deny the proposal, effective upon publication of notice of the denial in the New Jersey Register, upon a finding that the proposed boundary change:

- i. Does not conform with physical features identifiable in the field or the limits of State ownership; or
- ii. Does not serve to protect the natural area or further its management objective.

New Rule: R.1992 d.77, effective February 18, 1992.
 See: 23 N.J.R. 1985(b), 24 N.J.R. 581(b).
 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-1.13 Natural Areas System

(a) The following are designated as components of the Natural Areas System:

1. Absegami Natural Area:

i. Location: Bass River State Forest, Bass River Township, Burlington County;

ii. Management Objective: preservation of Atlantic white cedar and pine/oak communities, southern swamp habitat, and rare species habitat;

iii. Interim Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Bass River State Forest;

2. Allamuchy Natural Area:

i. Location: Allamuchy State Park, Allamuchy Township, Warren County, and Byram Township, Sussex County;

ii. Management Objective: preservation of a hardwood forest of significant size and successional fields and protection of a rare plant community;

iii. Interim Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Hopatcong State Park;

3. Batsto Natural Area:

i. Location: Wharton State Forest, Mullica Township, Atlantic County, and Washington Township, Burlington County;

ii. Management Objective: preservation of a southern swamp, Pine Barrens bog and floodplain habitats, and rare species habitat;

iii. Interim Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Wharton State Forest;

4. Bearfort Mountain Natural Area:

i. Location: Wawayanda State Park, West Milford Township, Passaic County;

ii. Management Objective: preservation of scrub oak and hardwood swamp forests, and rare species habitat;

iii. Interim Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Wawayanda State Park;

5. Bear Swamp East Natural Area:

i. Location: Downe Township, Cumberland County;

ii. Management Objective: preservation of ecological communities and relationships, management of bald eagle nesting site and other known and potential endangered species habitat;

iii. Interim Classification: ecological reserve;

iv. Administering Agency: Division of Parks and Forestry, through the Office of Natural Lands Management;

6. Black River Natural Area:

i. Location: Black River Wildlife Management Area, Chester and Washington Townships, Morris County;

ii. Management Objective: preservation of mesic, marsh, floodplain habitat, and rare species habitat;

iii. Interim Classification: conservation preserve;

iv. Administering Agency: Division of Fish, Game and Wildlife, through Whittingham Wildlife Management Area;

7. Bull's Island Natural Area:

i. Location: Bull's Island Recreation Area, Delaware Township, Hunterdon County;

ii. Management Objective: preservation of a northern floodplain habitat, and rare species habitat;

iii. Interim Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Delaware and Raritan Canal State Park;

8. Bursch Sugar Maple Natural Area:

i. Location: Hope and Knowlton Townships, Warren County;

ii. Management Objective: preservation of a northeastern climax forest, and sugar maple/mixed hardwood community;

iii. Interim Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Jenny Jump State Forest;

9. Cape May Point Natural Area:

i. Location: Cape May Point State Park, Cape May Point Borough and Lower Township, Cape May County;

ii. Management Objective: preservation of freshwater marsh behind a coastal dune, habitat diversity for migratory birds, and rare species habitat;

iii. Interim Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Cape May Point State Park;

10. Cape May Wetlands Natural Area:

i. Location: Avalon Borough, Dennis and Middle Townships, Cape May County;

ii. Management Objective: preservation of tidal salt marsh ecosystem and rare species habitat;

iii. Interim Classification: ecological reserve;

iv. Administering Agency: Division of Parks and Forestry, through Cape May Point State Park;

11. Cedar Swamp Natural Area:

i. Location: Lebanon State Forest, Woodland Township, Burlington County;

ii. Management Objective: preservation of southern swamp and floodplain habitat, Atlantic white cedar, red maple and pine/oak forest communities, and rare species habitat;

iii. Interim Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Lebanon State Forest;

12. Cheesequake Natural Area:

i. Location: Cheesequake State Park, Old Bridge Township, Middlesex County;

ii. Management Objective: preservation of habitat diversity including hardwood forest, cedar swamp, mature white pine stand, freshwater swamp, Pine Barren outlier and salt marsh, and rare species habitat;

iii. Interim Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Cheesequake State Park;

13. Cook Natural Area:

i. Location: South Brunswick Township, Middlesex County;

ii. Management Objective: preservation of freshwater marsh habitat;

iii. Interim Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Delaware and Raritan Canal State Park;

14. Dryden Kuser Natural Area:

i. Location: High Point State Park, Montague and Wantage Townships, Sussex County;

ii. Management Objective: preservation of a northern bog habitat, and rare species habitat;

iii. Interim Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through High Point State Park;

15. Dunnfield Creek Natural Area:

i. Location: Worthington State Forest, Pahaquarry Township, Warren County;

ii. Management Objective: preservation of a hemlock ravine, and rare species habitat;

iii. Interim Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Worthington State Forest;

16. Farny Natural Area:

i. Location: Farny State Park, Rockaway Township, Morris County;

ii. Management Objective: preservation of northern mixed oak-hardwood forest, hardwood swamp forest, and rare species habitat;

iii. Interim Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Ringwood State Park;

17. Great Bay Natural Area:

i. Location: Little Egg Harbor Township, Ocean County;

ii. Management Objective: preservation of tidal salt marsh ecosystem and rare species habitat;

iii. Interim Classification: ecological reserve;

iv. Administering Agency: Division of Fish, Game and Wildlife, through Assunpink Wildlife Management Area;

18. Hacklebarney Natural Area:

i. Location: Hacklebarney State Park, Chester and Washington Townships, Morris County, Tewksbury Township, Hunterdon County and Bedminster Township, Somerset County;

ii. Management Objective: preservation of a river ravine and northern hemlock/mixed hardwood forest, and rare species habitat;

iii. Interim Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Hacklebarney State Park;

19. Island Beach Northern Natural Area:

i. Location: Island Beach State Park, Berkeley Township, Ocean County;

ii. Management Objective: preservation of barrier island dune system, plant community associations, and rare species habitat;

iii. Interim Classification: ecological reserve;

- iv. Administering Agency: Division of Parks and Forestry, through Island Beach State Park;
20. Island Beach Southern Natural Area:
- i. Location: Island Beach State Park, Ocean and Berkeley Townships, Ocean County;
 - ii. Management Objective: preservation of barrier island dune system, saltwater marsh, freshwater bogs, and rare species habitat;
 - iii. Interim Classification: conservation preserve;
 - iv. Administering Agency: Division of Parks and Forestry, through Island Beach State Park;
21. Johnsonburg Natural Area:
- i. Location: Frelinghuysen Township, Warren County;
 - ii. Management Objective: preservation of habitat diversity for rare species;
 - iii. Interim Classification: ecological reserve;
 - iv. Administering Agency: Division of Parks and Forestry, through Jenny Jump State Forest;
22. Ken Lockwood Gorge Natural Area:
- i. Location: Ken Lockwood Gorge Wildlife Management Area, Lebanon Township, Hunterdon County;
 - ii. Management Objective: preservation of hemlock/mixed hardwood forest with highly varied understory, and rare species habitat;
 - iii. Interim Classification: conservation preserve;
 - iv. Administering Agency: Division of Fish, Game and Wildlife, through Whittingham Wildlife Management Area;
23. Liberty Park Natural Area:
- i. Location: Liberty State Park, Jersey City, Hudson County;
 - ii. Management Objective: preservation of a salt marsh in Upper New York Bay;
 - iii. Interim Classification: conservation preserve;
 - iv. Administering Agency: Division of Parks and Forestry, through Liberty State Park;
24. Manahawkin Natural Area:
- i. Location: Manahawkin Wildlife Management Area, Stafford Township, Ocean County;
 - ii. Management Objective: preservation of a mature bottomland hardwood forest, and rare species habitat;
 - iii. Interim Classification: ecological reserve;
 - iv. Administering Agency: Division of Fish, Game and Wildlife, through Assunpink Wildlife Management Area;
25. North Brigantine Natural Area:
- i. Location: City of Brigantine, Atlantic County;
 - ii. Management Objective: preservation of salt marsh habitat, coastal dune, and rare species habitat;
 - iii. Interim Classification: conservation preserve;
 - iv. Administering Agency: Division of Parks and Forestry, through Wharton State Forest;
26. Osmun Forest Natural Area:
- i. Location: Knowlton Township, Warren County;
 - ii. Management Objective: preservation of a north-eastern mixed hardwood forest;
 - iii. Interim Classification: ecological reserve;
 - iv. Administering Agency: Division of Parks and Forestry, through Jenny Jump State Forest;
27. Oswego River Natural Area:
- i. Location: Wharton State Forest, Washington and Bass River Townships, Burlington County;
 - ii. Management Objective: preservation of hardwood swamp, pitch pine lowland, pine-oak, Atlantic white cedar, and bog communities, which serve as rare species habitat;
 - iii. Interim Classification: ecological reserve;
 - iv. Administering Agency: Division of Parks and Forestry, through Wharton State Forest;
28. Parvin Natural Area:
- i. Location: Parvin State Park, Pittsgrove Township, Salem County;
 - ii. Management Objective: preservation of mixed oak and pine forest on the Pine Barrens fringe with a diversity of plant and animal species, and rare species habitat;
 - iii. Interim Classification: conservation preserve;
 - iv. Administering Agency: Division of Parks and Forestry, through Parvin State Park;
29. Ramapo Lake Natural Area:
- i. Location: Ramapo Mountain State Forest, Wanaque and Ringwood Boroughs, Passaic County, and Oakland Borough, Bergen County;
 - ii. Management Objective: preservation of northern upland habitats and rare species habitat;
 - iii. Interim Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Ringwood State Park;

30. Rancocas Natural Area:

i. Location: Rancocas State Park, Westampton Township, Burlington County;

ii. Management Objective: preservation of freshwater marsh and southern floodplain habitat, including one of the largest stands of wild rice in the State;

iii. Interim Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Lebanon State Forest;

31. Readington Natural Area:

i. Location: Readington Township, Hunterdon County;

ii. Management Objective: preservation of early stages of secondary field succession;

iii. Interim Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Round Valley Recreation Area, for the New Jersey Natural Lands Trust;

32. Strathmere Natural Area:

i. Location: Corson's Inlet State Park, Upper Township, Cape May County;

ii. Management Objective: preservation of a dune habitat, plant community associations, and rare species habitat;

iii. Interim Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Belleplain State Forest;

33. Sunfish Pond Natural Area:

i. Location: Worthington State Forest, Pahaquarry Township, Warren County;

ii. Management Objective: preservation of a lake of glacial origin surrounded by a hardwood forest, and rare species habitat;

iii. Interim Classification: ecological reserve;

iv. Administering Agency: Division of Parks and Forestry, through Worthington State Forest;

34. Swan Point Natural Area:

i. Location: Brick Township, Ocean County;

ii. Management Objective: preservation of tidal salt marsh ecosystem;

iii. Interim Classification: ecological reserve;

iv. Administering Agency: Division of Parks and Forestry, through Island Beach State Park;

35. Swimming River Natural Area:

i. Location: Borough of Tinton Falls, Monmouth County;

ii. Management Objective: preservation of habitat diversity including freshwater marsh, saltwater marsh, woodlands, fields and estuary;

iii. Interim Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Allaire State Park;

36. Tillman Ravine Natural Area:

i. Location: Stokes State Forest, Walpack and Sandyston Townships, Sussex County;

ii. Management Objective: preservation of a hemlock ravine and associated geologic forms, and rare species habitat;

iii. Interim Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Stokes State Forest;

37. Troy Meadows Natural Area:

i. Location: East Hanover and Parsippany-Troy Hills Townships, Morris County;

ii. Management Objective: preservation of freshwater marsh habitat northern swamp and floodplain habitat, and rare species habitat;

iii. Interim Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Ringwood State Park;

38. Washington Crossing Natural Area:

i. Location: Washington Crossing State Park, Hopewell Township, Mercer County;

ii. Management Objective: preservation of natural succession and mixed hardwood forests, and rare species habitat;

iii. Interim Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Washington Crossing State Park;

39. Wawayanda Hemlock Ravine Natural Area:

i. Location: Wawayanda State Park, Vernon Township, Sussex County;

ii. Management Objective: preservation of hemlock/mixed hardwood forest and rare species habitat;

iii. Interim Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Wawayanda State Park;

40. Wawayanda Swamp Natural Area:

i. Location: Wawayanda State Park, Vernon Township, Sussex County, and West Milford Township, Passaic County;

ii. Management Objective: preservation of extensive northern swamp and forest habitats, glacially formed, spring-fed pond, and rare species habitat;

iii. Interim Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Wawayanda State Park;

41. West Pine Plains Natural Area:

i. Location: Bass River State Forest, Woodland Township, Burlington County;

ii. Management Objective: preservation of a significant portion of the globally rare Pine Plains community, including rare plant and invertebrate species habitat;

iii. Interim Classification: conservation preserve;

iv. Administering Agency: Division of Parks and Forestry, through Bass River State Forest; and

42. Whittingham Natural Area:

i. Location: Whittingham Wildlife Management Area, Fredon Township, Sussex County;

ii. Management Objective: preservation of a northern swamp and floodplain forest on a limestone cliff, rare and exemplary natural communities, and rare species habitat;

iii. Interim Classification: conservation preserve;

iv. Administering Agency: Division of Fish, Game and Wildlife, through Whittingham Wildlife Management Area.

Amended by R.1989 d.566, effective November 6, 1989.
See: 21 N.J.R. 1480(b), 21 N.J.R. 3482(b).

New (c)41, West Pine Plains Natural Area, added; old (c)41 renumbered as 42 with no change in text.

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

Recodified from N.J.A.C. 7:5A-1.12; deleted (a) and (b), recodified (c) as (a); certain designations changed.

Public Notice: Management Plan and Boundary Revision for Cedar Swamp Natural Area.

See: 25 N.J.R. 601(b).

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

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

Public Notice: Oswego River Natural Area boundary change.

See: 26 N.J.R. 1540(b).

Public Notice: Farny Natural Area management plan and boundary revision.

See: 26 N.J.R. 2480(a).

Public Notice: Washington Crossing Natural Area management plan and boundary revision.

See: 26 N.J.R. 2481(a).

Public Notice: Dryden Kuser Natural Area management plan and boundary revision.

See: 27 N.J.R. 388(c).

7:5A-1.14 Public information

Interested persons may obtain information on the Natural Areas System or inspect location maps of natural areas by contacting:

Office of Natural Lands Management
Division of Parks and Forestry
Department of Environmental Protection
CN 404
Trenton, New Jersey 08625-0404
(609) 984-1339

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

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