

"State" means the State of New Jersey, or any of the departments or agencies in the executive branch of government with the lawful authority to engage in contracting.

"Timber" means trees sold, removed or destroyed for commercial, non-ecological purposes. Timber does not include trees harvested or removed solely for the purpose of furthering the management objective of a Natural Area.

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.

Amended by R.2004 d.463, effective December 20, 2004.

See: 36 N.J.R. 3008(a), 36 N.J.R. 3463(a), 36 N.J.R. 5670(a).

Rewrote the section.

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 Department 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 approve the listing of a site on the Register. The site must include rare species habitat or at least one ecological community, as defined at N.J.A.C. 7:5A-1.3.

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

(f) The Commissioner may remove a site from the Register upon a finding and recommendation by the Council that the site no longer satisfies the criteria enumerated in (d) above.

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).

Public Notice: Listing of West Branch Wading River on the Register of Natural Areas.

See: 35 N.J.R. 1308(a).

Amended by R.2004 d.463, effective Dec. 20, 2004.

See: 36 N.J.R. 3008(a), 36 N.J.R. 3463(a), 36 N.J.R. 5670(a).

In (c), substituted "Department" for "Commissioner"; rewrote (d); in (f), substituted "The" for "A site may be removed from the Register by the" at the beginning of the paragraph, inserted "may remove a site from the Register" following "Commissioner", deleted the last sentence.

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 Department for possible listing on the Register;
2. Evaluating studies conducted by the Department 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 Department and recommending to the Commissioner revisions, or approval, or both;
5. Evaluating rules developed by the Department for implementation of the acts; and
6. Recommending for acquisition specific lands or interests in lands that are suitable for designation to the Natural Areas System.

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).

Amended by R.2004 d.463, effective December 20, 2004.

See: 36 N.J.R. 3008(a), 36 N.J.R. 3463(a), 36 N.J.R. 5670(a).

Rewrote the section.

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. Wholly or partially owned in fee or held as a conservation easement by the State.

(b) Upon request of the Commissioner or a majority vote of the Council, the Department shall undertake a study of a Register site to assess appropriateness of designation as a natural area. This designation 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 the 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;
 - viii. Flooding or erosion; and
 - ix. Invasive species;
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 approval of a management plan.

(c) Upon review of the designation study and comments from the administering agency, the Council shall submit a recommendation to the Commissioner for designation of the land in question to the System. The Council's 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) If the Commissioner agrees with the Council's recommendation, the Department shall publish a notice of public hearing in the New Jersey Register and hold a public hearing on the proposed designation, in accordance with N.J.S.A. 13:1B-15.12a4.

(e) The Commissioner shall review the comments from the public, if any, and shall take the following action on the proposed designation:

1. Approve, subject to Gubernatorial concurrence;
2. Make changes to the proposed designation in consultation with the Council and approve subject to Gubernatorial concurrence; or
3. Request the Council's reconsideration of the recommendation for designation.

(f) The Department shall publish in the New Jersey Register a notice of administrative change revising N.J.A.C. 7:5A-1.13 each time a natural area or portion of a natural area is designated in accordance with this section.

(g) The process set forth at (c) through (f) above for designation of a natural area to the System shall apply when a natural area, or portion of a natural area, is removed from the System.

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.

Amended by R.2004 d.463, effective December 20, 2004.

See: 36 N.J.R. 3008(a), 36 N.J.R. 3463(a), 36 N.J.R. 5670().