

**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.

Source and Effective Date

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 Expiration Date

Chapter 5A, Natural Areas and the Natural Areas System, expires
November 17, 2009.

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

In accordance with N.J.S.A. 52:14B-5.1d, Chapter 5A, Natural Areas
and Natural Areas System, expiration date was extended by gubernato-
rial 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: 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 pur-
suant 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 there-
of.

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 genera-
tions.

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 Depart-
ment 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 pre-
dominantly in their natural, scenic, open or wooded condi-
tion, 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 encour-
age 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.