

NATURAL AREAS ACT AND NATURAL AREAS SYSTEM ACT
N.J. Stat. § 13:1B-15.4 et seq. and 13:1B-15.12a et seq.

NATURAL AREAS ACT
1961

13:1B-15.4. Definitions

The following terms wherever used or referred to in this act shall have the following meanings unless a different meaning clearly appears from the context:

- (a) "Commissioner" means the Commissioner of the Department of Conservation and Economic Development or his designated representative.
- (b) "Council" means the natural areas council established under this act.
- (c) "Department" means the Department of Conservation and Economic Development.
- (d) "Natural areas" means areas of land or water which have retained their primeval character, although not necessarily completely natural and undisturbed, or having rare or vanishing species of plant and animal life or having similar features of interest which are worthy of preservation for the use of present and future residents of the State.
- (e) "Section" means the natural areas section established under this act.

13:1B-15.5. Responsibility of department for acquiring, maintaining and preserving natural areas

The department is hereby vested with the responsibility of acquiring, maintaining and preserving natural areas within the State as a habitat for rare and vanishing species of plant and animal life so that the people of the State may be assured of their right to enjoy the benefits of such areas as places of natural interest and scenic beauty, as a living illustration of the State's original heritage and as a place for scientific study.

13:1B-15.6. Creation of natural areas section in Division of Parks, Forestry and Recreation; administration; powers and duties

There is hereby created in the department a natural areas section in the Division of Parks, Forestry and Recreation, the function of which shall be, under the direction of the commissioner, to administer and enforce the provisions of this act and to perform such other duties as the commissioner may direct or as may be provided by law.

In addition to other functions, powers and duties vested in it by this and any other law, the Division of Parks, Forestry and Recreation shall, through the natural areas section:

- a. Make periodic State-wide surveys to determine the availability of land that should be preserved at natural areas or as wild life preserves and recommend an over-all program of acquisition.
- b. Recommend the acquisition of specific lands or interests in lands which are suitable for natural areas.
- c. Maintain and operate lands being preserved as natural areas.
- d. Prepare and disseminate literature and other materials to inform the public with respect to New Jersey's natural area program.

- e. Consult with and co-operate with conservation and naturalists groups and organizations in the acquisition and maintenance of natural areas.

13:1B-15.7. Natural areas council; membership; terms; vacancies; reimbursement for expenses; meetings

There shall be within this section a natural areas council which shall consist of 7 members. The administrative head of the section shall serve as a member, ex officio. The other 6 members shall be appointed by the Governor. First appointments shall be made so that 2 members shall serve for terms of 1 year from July 1, 1961; 2 members for terms of 2 years from July 1, 1961; and 2 members for terms of 3 years from July 1, 1961. Subsequent appointments shall be for terms of 3 years. The appointed members of the council shall be either professional naturalists or persons who have a demonstrated interest in the preservation of natural lands and wild life.

The Governor shall fill any vacancy in the appointed membership of the council for the unexpired portion of the term.

The members of the council shall serve without compensation. They may be reimbursed for expenses necessarily incident to their duties. The council shall meet at least once every 6 months and at such other times as the commissioner may determine. A meeting of the council shall be called by the commissioner when requested by 3 members of the council. The administrative head of the section shall serve as secretary of the council.

13:1B-15.8. Duty of council to advise commissioner

The council shall advise the commissioner in matters relating to the administration of this act and shall co-operate with the section:

- (a) In the development of rules and regulations to establish standards for the acquisition, maintenance and operation of lands under the administration of the section; and
- (b) In the formation of an over-all program of land acquisition.

13:1B-15.9. Acquisition of lands

Lands acquired by the State pursuant to this act shall be acquired by the commissioner in the name of the State. They may be acquired by gift, purchase or otherwise on such terms and subject to such conditions and restrictions as the commissioner, after consultation with the council, may determine.

13:1B-15.10. Rules and regulations; standards for acquisition, maintenance and operation of lands

The section, with the advice of the council, shall prescribe rules and regulations establishing standards for the acquisition, maintenance and operation of lands under its administration. Such rules and regulations shall be approved by the commissioner.

13:1B-15.11. Acceptance of grants and gifts by commissioner; expenditure of funds

The commissioner may accept grants and gifts of lands, money or other things of value to carry out the purpose of this act and may use such grants and gifts and any sums as may be appropriated from time to time to acquire lands for natural areas and to maintain and operate such lands. The commissioner may expend funds in the State Recreation and Conservation Land Acquisition Fund, should such fund be established by law, to implement the purpose of this act.

13:1B-15.12. Use of departmental employees

Insofar as possible, the section shall make use of the employees of the department in carrying out the provisions of this act.

**NATURAL AREAS SYSTEM ACT
1975****13:1B-15.12a. Short title**

This act shall be known as, and may be cited as, the "Natural Areas System Act."

13:1B-15.12a1. Natural areas system; standards for inclusion of area

For inclusion in the system, it is not necessary that an area be wholly unmarked by man, but that the impact of man be not permanent, not seriously destructive of the area's potential for developing natural values, and not obtrusively apparent to the casual observer, and is of such character that the lessening of human impact will allow the land or water to recover natural values of interest. Notwithstanding the above definition and criteria, lands subject to the noise of vehicular traffic and of commercial and industrial operations, and subject to air and water pollution as the result of the activities of man, may nevertheless be designated as parts of the system if they lie on the perimeters of primary natural areas within the system, and if the purpose of their inclusion within the system is to protect or buffer the primary natural areas.

13:1B-15.12a2. Review and update of planning for natural areas

The Department of Environmental Protection shall within 2 years of the effective date of this act review and update the planning for natural areas as part of the New Jersey Statewide Comprehensive Outdoor Recreation Plan and shall recommend certain areas for inclusion within a New Jersey Natural Areas System, hereinafter referred to as "the system."

13:1B-15.12a3. Establishment of system; inclusion of additional areas

The department shall have the authority to establish the system initially by declaring those areas designated as natural areas as of January 1, 1975 and, after suitable studies and public hearings, up to 5,000 additional acres of State parklands, State forests, hunting and fishing preserves, or other State lands within the jurisdiction of the department to be within the system.

13:1B-15.12a4. Inclusion of other additional state lands; study; public hearings; periodic recommendations

The department shall as rapidly as possible study all remaining State lands that may have the required potential for natural values, and after a public hearing as to each such area of land being considered for inclusion in the system, make periodic recommendations to the Governor concerning additional lands to be included within the system.

13:1B-15.12a5. Study of private lands for inclusion

The department shall also, as rapidly as possible study lands that are not State-owned lands to determine their natural values and potential for inclusion with the system.

13:1B-15.12a6. Registry of lands suitable for inclusion

The department shall, in keeping with the findings of the studies conducted pursuant to sections 5 and 6 of this act, maintain a registry of all lands, public and private, which are suitable for inclusion within the system under the provisions of this act and the act to which this act is a supplement.

13:1B-15.12a7. Limitations on use of land in system

No land in the system may be leased, sold or exchanged or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed, nor minerals extracted, except by authorizing special legislation.

13:1B-15.12a8. Acquisition of land by purchase, gift or otherwise

The department is authorized to acquire by purchase, gift, or otherwise any land or any interest therein that will serve to further the purposes of this act and the act to which this act is a supplement.

13:1B-15.12a9. Designation and regulation of classifications and uses of land within system

The department shall designate and regulate those classifications and uses of lands within the system as it shall deem proper to effectuate the purposes of this act and the act to which this act is a supplement, such that the New Jersey Natural Areas System shall include:

- a. Areas of limited public access which are dedicated and restricted to ecological research and study, wherein the only permissible development shall be that of temporary, unobtrusive structures erected for scientific purposes and later removed;
- b. Areas which provide opportunities for public interpretation of the natural processes, flora and fauna of this State, wherein the development of nature trails and educational facilities shall be permitted;
- c. Areas of minimal interference by man wherein those recreational activities at those levels, to be determined by the department, which will not have serious or long-term effects on natural values and processes shall be permitted.

13:1B-15.12a10. Permitted activities and obligation of users

Swimming, canoeing, rowboating, fishing and hunting may be permitted in designated sections of the system at the discretion of the department, but only at levels of activity that will not have serious or long-term effects on the natural values of areas within the system. Hiking may also be permitted in lands of the system, but only to the extent of minimal impact on natural values. Camping may be permitted but shall be restricted to occasional overnight camping along trails and shall not include day-long camping or camping at established campgrounds. Auto campgrounds are excluded from all natural areas. Overnight trailside shelters of the type called lean-tos are permitted, but there may not be two such shelters within 3 miles of each other, and such shelters may not be used for day-long camping or for more extended stays. Nothing may be brought into a natural area and left there except upon specific approval of the department. Nonburnable camping trash shall be removed for disposal elsewhere.