

13:1B-15.12a RT SEQ.

LEGISLATIVE HISTORY CHECKLIST

NJSA 13:1B-15.12a to 13:1B-15.12a10 ("Natural Areas System Act")

Laws of 1975 Chapter 363

Bill No. A1334

Sponsor(s) Kean

Date Introduced March 18, 1974

Committee: Assembly Agriculture & Environment

Senate Judiciary

Amended during passage Yes Amendments during passage denoted by asterisks

Date of passage: Assembly Feb. 27, 1975

Senate July 31, 1975

Date of approval March 3, 1976

Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly No

Senate Yes

Fiscal Note No

Veto message No

Message on signing No

Following were printed:

Reports No

Hearings No

10/4/76

MAY 1977

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1334

STATE OF NEW JERSEY

INTRODUCED MARCH 18, 1974

By Assemblyman KEAN

Referred to Committee on Agriculture and Environment

AN ACT to establish and administer a Natural Areas System within the State of New Jersey in order to protect and preserve natural and ecological resources for present and future generations
**and supplementing P. L. 1961, c. 51 (C. 13:1B-15.4 et seq.)*.*

1 BE IT ENACTED by the Senate and General Assembly of the State
2 of New Jersey:

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

1 ***[2.** As used in this act: "area," "land," and "acre" as applied
2 to holdings or potential holdings within the Natural Areas System
3 hereinafter referred to as the "system" mean not only dry land
4 areas but also water areas or wet areas that are integral parts of
5 natural areas, such as streams, lakes, marshlands, and swamps
6 and the riparian lands contiguous to wetlands and ocean beaches;
7 "Natural area" means any area in which the natural processes
8 of tree, plant and animal life, and other natural processes such as
9 the flow of streams and the weathering of rocks, are taking place
10 relatively uninfluenced by man and his works, and are of such
11 quality as to be of more than usual interest for scenic, geological
12 and ecological values and for scientific study, education, and com-
13 patible recreational use.]*

1 ***[3.]*** *2.* For inclusion in the system, it is not necessary that
2 an area be wholly unmarked by man, but that the impact of man be
3 not permanent, not seriously destructive of the area's potential for
4 developing natural values, and not obtrusively apparent to the
5 casual observer, and is of such character that the lessening of
6 human impact will allow the land or water to recover natural values
7 of interest. Notwithstanding the above definition and criteria, lands
8 subject to the noise of vehicular traffic and of commercial and

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

9 industrial operations, and subject to air and water pollution as
 10 the result of the activities of man, may nevertheless be designated
 11 as parts of the system if they lie on the perimeters of primary
 12 natural areas within the system, and if the purpose of their in-
 13 clusion within the system is to protect or buffer the primary na-
 14 tural areas.

1 ***[4.]*** *3.* The Department of Environmental Protection shall
 2 within ***[10 years of the effective date of this act review all holdings**
 3 of State lands of 500 or more acres, and all islands owned by the
 4 State, to determine the suitability of such holdings for inclusion
 5 within a New Jersey Natural Areas System and shall recommend
 6 certain areas for inclusion within the system.]* *2 years of the
 7 effective date of this act review and update the planning for natural
 8 areas as part of the New Jersey Statewide Comprehensive Outdoor
 9 Recreation Plan and shall recommend certain areas for inclusion
 10 within a New Jersey Natural Areas System, hereinafter referred
 11 to as "the system."**

1 ***[5.]*** *4.* The department shall have the authority***[**, and after
 2 suitable studies and public hearings, to establish the system initially
 3 by declaring up to 5,000 acres of State parklands, State forests,
 4 hunting and fishing preserves, or other State lands within the juris-
 5 diction of the department to be within the Natural Areas System.]*
 6 *to establish the system initially by declaring those areas designated
 7 as natural areas as of January 1, 1975 and, after suitable studies
 8 and public hearings, up to 5,000 additional acres of State parklands,
 9 State forests, hunting and fishing preserves, or other State lands
 10 within the jurisdiction of the department to be within the system*.

1 ***[6.]*** *5.* The department shall as rapidly as possible ***[com-**
 2 plete the]* study ***[of]*** all remaining State lands that may have
 3 the required potential for natural values, and after a public hearing
 4 as to each such area of land being considered for inclusion in the
 5 system, make periodic recommendations to the Governor concerning
 6 additional lands to be included within the system. ***[The Governor,**
 7 upon accepting such recommendations, shall recommend to the
 8 Senate and General Assembly appropriate legislation to authorize
 9 the inclusion of such lands in the system. It is the intent of this
 10 act that of all lands potentially suitable for inclusion within
 11 the system, the department shall make its recommendation to the
 12 Governor for at least two-thirds of said lands within 5 years of
 13 the effective date of this act, and the remaining one-third within
 14 the subsequent 5 years.]**

1 ***[7.]*** *6.* The department ***[may at its discretion]*** *shall also,
 2 *as rapidly as possible** study lands that are not State-owned lands
 3 to determine their natural values ***[within the meaning of this act,**
 4 and may consider proposals by individuals and group or organiza-
 5 tions for lands to be included within the system. If such lands meet
 6 the criteria for inclusion, the department may at any time acquire,
 7 such land or lands as may be within the limits of appropriations,
 8 or may recommend to the Governor legislation for the purpose of
 9 acquiring such lands for inclusion within the system]* *and
 10 *potential for inclusion with the system**.

1 ***[8.]*** *7.* The department ***[may, in accordance with law, accept**
 2 gifts and bequests of land for inclusion in the system if, in the
 3 opinion of the department, the offered land or lands meet the criteria
 4 for inclusion]* *shall, in keeping with the findings of the studies
 5 conducted pursuant to sections 5 and 6 of this act, maintain a
 6 registry of all lands, public and private, which are suitable for
 7 inclusion within the system under the provisions of this act and the
 8 act to which this act is a supplement*.

1 ***[9.]** The department, on the authority of the commissioner and
 2 with the approval of the Governor, and after public notice and
 3 public hearing, may sell or trade up to 50 acres of any tract of land
 4 within the system if in the opinion of the commissioner and the
 5 Governor, such sale or trade will improve the overall system and
 6 be in the best interests of the people of the State of New Jersey;
 7 not more than one such sale or trade shall take place per tract of
 8 land every 5 years.]*

1 ***[10.]** Except as provided in section 9, no]* *8. No* land in the
 2 system may be leased, sold or exchanged or be taken by any corpora-
 3 tion, public or private, nor shall the timber thereon be sold, removed
 4 or destroyed, nor minerals extracted, except by authorizing special
 5 legislation.

1 ***[11.]*** *9.* The department is authorized to ***[purchase or**
 2 otherwise acquire scenic and other easements and rights in land
 3 that will serve to further the purposes of this act]* *acquire by
 4 purchase, gift, or otherwise any land or any interest therein that
 5 will serve to further the purposes of this act and the act to which
 6 this act is a supplement*.

1 ***[12.]** Lands included within the system shall have no roads or
 2 other rights of way except such as are in existence at the time of
 3 and area's inclusion within the system. Such existing roads and
 4 rights of way shall to the maximum extent possible be allowed to
 5 revert to natural conditions, but roads of minimum ecological im-
 6 pact required by personnel of the department for proper adminis-

7 tration of the system may be retained. Except for roads used for
 8 such administrative purposes, it is the intent of this act to prohibit
 9 the use of motorized vehicles within natural areas, including land,
 10 water and amphibious motorized vehicles and aircraft flying low,
 11 taking off or landing within such areas. Consistent with the pur-
 12 poses of this act, however, and if compatible with the preservation
 13 of the natural values of an area, the department may from time to
 14 time authorize by permit occasional trips during daylight hours
 15 via motorized vehicles into a natural area for the purpose of trans-
 16 port of necessary scientific equipment, or for the transport of the
 17 aged, infirm or handicapped for educational and recreational pur-
 18 poses.】*

19 *10. *The department shall designate and regulate those classifica-*
 20 *tions and uses of lands within the system as it shall deem proper*
 21 *to effectuate the purposes of this act and the act to which this act*
 22 *is a supplement, such that the New Jersey Natural Areas System*
 23 *shall include:*

24 a. *Areas of limited public access which are dedicated and*
 25 *restricted to ecological research and study, wherein the only per-*
 26 *missible development shall be that of temporary, unobtrusive*
 27 *structures erected for scientific purposes and later removed;*

28 b. *Areas which provide opportunities for public interpretation*
 29 *of the natural processes, flora and fauna of this State, wherein the*
 30 *development of nature trails and educational facilities shall be*
 31 *permitted;*

32 c. *Areas of minimal interference by man wherein those recrea-*
 33 *tional activities at those levels, to be determined by the department,*
 34 *which will not have serious or long-term effects on natural values*
 35 *and processes shall be permitted.**

1 *【13.】* *11.* Swimming, canoeing, rowboating, fishing and hunt-
 2 ing may be permitted in designated sections of the system at the
 3 discretion of the department, but only at levels of activity that will
 4 not have serious or long-term effects on the natural values of areas
 5 within the system. Hiking may also be permitted in lands of the
 6 system, but only to the extent of minimal impact on natural values.
 7 Camping may be permitted but shall be restricted to occasional over-
 8 night camping along trails and shall not include day-long camping
 9 or camping at established campgrounds. Auto campgrounds are
 10 excluded from all natural areas. Overnight trailside shelters of
 11 the type called lean-tos are permitted, but there may not be two
 12 such shelters within 3 miles of each other, and such shelters
 13 may not be used for day-long camping or for more extended stays.

14 Nothing may be brought into a natural area and left there except
15 upon specific approval of the department. Nonburnable camping
16 trash shall be removed for disposal elsewhere.

1 14. At the time of inclusion of an area may be allowedff

1 ***[14.** At the time of inclusion of an area within the system, com-
2 patible private uses within the area may be allowed to continue,
3 but such uses may not be expanded or otherwise altered or devel-
4 oped so as to increase the impact on natural values. All new
5 private construction within a natural area is prohibited except for
6 perimeter fencing and temporary, unobtrusive structures erected
7 for scientific purposes and later removed.]*

1 ***[15.]*** *12.* This act shall take effect immediately.

ASSEMBLY, No. 1334

STATE OF NEW JERSEY

INTRODUCED MARCH 18, 1974

By Assemblyman KEAN

Referred to Committee on Agriculture and Environment

AN ACT to establish and administer a Natural Areas System within the State of New Jersey in order to protect and preserve natural and ecological resources for present and future generations.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

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

1 2. As used in this act: "area," "land," and "acre" as applied
2 to holdings or potential holdings within the Natural Areas System
3 hereinafter referred to as the "system" mean not only dry land
4 areas but also water areas or wet areas that are integral parts of
5 natural areas, such as streams, lakes, marshlands, and swamps
6 and the riparian lands contiguous to wetlands and ocean beaches;

7 "Natural area" means any area in which the natural processes
8 of tree, plant and animal life, and other natural processes such as
9 the flow of streams and the weathering of rocks, are taking place
10 relatively uninfluenced by man and his works, and are of such
11 quality as to be of more than usual interest for scenic, geological
12 and ecological values and for scientific study, education, and com-
13 patible recreational use.

1 3. For inclusion in the system, it is not necessary that an area
2 be wholly unmarked by man, but that the impact of man be not
3 permanent, not seriously destructive of the area's potential for
4 developing natural values, and not obtrusively apparent to the
5 casual observer, and is of such character that the lessening of
6 human impact will allow the land or water to recover natural values
7 of interest. Notwithstanding the above definition and criteria, lands
8 subject to the noise of vehicular traffic and of commercial and
9 industrial operations, and subject to air and water pollution as
10 the result of the activities of man, may nevertheless be designated

11 as parts of the system if they lie on the perimeters of primary
12 natural areas within the system, and if the purpose of their in-
13 clusion within the system is to protect or buffer the primary na-
14 tural areas.

1 4. The Department of Environmental Protection shall within 10
2 years of the effective date of this act review all holdings of State
3 lands of 500 or more acres, and all islands owned by the State, to
4 determine the suitability of such holdings for inclusion within a
5 New Jersey Natural Areas System and shall recommend certain
6 areas for inclusion within the system.

1 5. The department shall have the authority, and after suitable
2 studies and public hearings, to establish the system initially by
3 declaring up to 5,000 acres of State parklands, State forests, hunt-
4 ing and fishing preserves, or other State lands within the juris-
5 diction of the department to be within the Natural Areas System.

1 6. The department shall as rapidly as possible complete the
2 study of all remaining State lands that may have the required
3 potential for natural values, and after a public hearing as to each
4 such area of land being considered for inclusion in the system,
5 make periodic recommendations to the Governor concerning ad-
6 ditional lands to be included within the system. The Governor,
7 upon accepting such recommendations, shall recommend to the
8 Senate and General Assembly appropriate legislation to authorize
9 the inclusion of such lands in the system. It is the intent of this
10 act that of all lands potentially suitable for inclusion within
11 the system, the department shall make its recommendation to the
12 Governor for at least two-thirds of said lands within 5 years of
13 the effective date of this act, and the remaining one-third within
14 the subsequent 5 years.

1 7. The department may at its discretion study lands that are
2 not State-owned lands to determine their natural values within the
3 meaning of this act, and may consider proposals by individuals
4 and group or organizations for lands to be included within the
5 system. If such lands meet the criteria for inclusion, the depart-
6 ment may at any time acquire, such land or lands as may be within
7 the limits of appropriations, or may recommend to the Governor
8 legislation for the purpose of acquiring such lands for inclusion
9 within the system.

1 8. The department may, in accordance with law, accept gifts and
2 bequests of land for inclusion in the system if, in the opinion of
3 the department, the offered land or lands meet the criteria for
4 inclusion.

1 9. The department, on the authority of the commissioner and
2 with the approval of the Governor, and after public notice and
3 public hearing, may sell or trade up to 50 acres of any tract of land
4 within the system if in the opinion of the commissioner and the
5 Governor, such sale or trade will improve the overall system and
6 be in the best interests of the people of the State of New Jersey;
7 not more than one such sale or trade shall take place per tract of
8 land every 5 years.

1 10. Except as provided in section 9, no land in the system may
2 be leased, sold or exchanged or be taken by any corporation, public
3 or private, nor shall the timber thereon be sold, removed or de-
4 stroyed, nor minerals extracted, except by authorizing special leg-
5 islation.

1 11. The department is authorized to purchase or otherwise ac-
2 quire scenic and other easements and rights in land that will serve
3 to further the purposes of this act.

1 12. Lands included within the system shall have no roads or
2 other rights of way except such as are in existence at the time of
3 and area's inclusion within the system. Such existing roads and
4 rights of way shall to the maximum extent possible be allowed to
5 revert to natural conditions, but roads of minimum ecological im-
6 pact required by personnel of the department for proper adminis-
7 tration of the system may be retained. Except for roads used for
8 such administrative purposes, it is the intent of this act to prohibit
9 the use of motorized vehicles within natural areas, including land,
10 water and amphibious motorized vehicles and aircraft flying low,
11 taking off or landing within such areas. Consistent with the pur-
12 poses of this act, however, and if compatible with the preservation
13 of the natural values of an area, the department may from time to
14 time authorize by permit occasional trips during daylight hours
15 via motorized vehicles into a natural area for the purpose of trans-
16 port of necessary scientific equipment, or for the transport of the
17 aged, infirm or handicapped for educational and recreational pur-
18 poses.

1 13. Swimming, canoeing, rowboating, fishing and hunting may
2 be permitted in designated sections of the system at the discretion
3 of the department, but only at levels of activity that will not have
4 serious or long-term effects on the natural values of areas within
5 the system. Hiking may also be permitted in lands of the system,
6 but only to the extent of minimal impact on natural values. Camp-
7 ing may be permitted but shall be restricted to occasional over-
8 night camping along trails and shall not include day-long camping

9 or camping at established campgrounds. Auto campgrounds are
10 excluded from all natural areas. Overnight trailside shelters of
11 the type called lean-tos are permitted, but there may not be two
12 such shelters within 3 miles of each other, and such shelters
13 may not be used for day-long camping or for more extended stays.
14 Nothing may be brought into a natural area and left there except
15 upon specific approval of the department. Nonburnable camping
16 trash shall be removed for disposal elsewhere.

1 14. At the time of inclusion of an area within the system, com-
2 patible private uses within the area may be allowed to continue,
3 but such uses may not be expanded or otherwise altered or devel-
4 oped so as to increase the impact on natural values. All new
5 private construction within a natural area is prohibited except for
6 perimeter fencing and temporary, unobtrusive structures erected
7 for scientific purposes and later removed.

1 15. This act shall take effect immediately.

STATEMENT

This bill would establish a Natural Areas System of State-owned lands which should be maintained in their natural state and authorize a study of privately owned lands which the Department of Environmental Protection recommends be acquired and added to the system.

ASSEMBLY COMMITTEE AMENDMENTS TO
ASSEMBLY, No. 1334

STATE OF NEW JERSEY

ADOPTED JANUARY 27, 1975

Amend page 1, title, line 3, after "generations", insert "and supplementing P. L. 1961, c. 51 (C. 13:1B-15.4 et seq.)".

Amend page 1, section 2, lines 1-13, omit in their entirety.

Amend page 1, section 3, line 1, omit "3.", insert "2."

Amend page 2, section 4, line 1, omit "4.", insert "3."; after "within", omit "10".

Amend page 2, section 4, lines 2-6, omit in their entirety and insert "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.' "

Amend page 2, section 5, line 1, omit "5.", insert "4."; after "authority", omit ", and after suitable".

Amend page 2, section 5, lines 2-5, omit in their entirety and insert "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."

Amend page 2, section 6, line 1, omit "6.", insert "5."; after "possible", omit "complete the".

Amend page 2, section 6, line 2, after "study", omit "of".

Amend page 2, section 6, line 6, omit "The Governor,".

Amend page 2, section 6, lines 7-14, omit in their entirety.

Amend page 2, section 7, line 1, omit "7.", insert "6."; after "department", omit "may at its discretion", insert "shall also, as rapidly as possible".

Amend page 2, section 7, line 2, after "values", omit "within the".

Amend page 2, section 7, lines 3-9, omit in their entirety and insert "and potential for inclusion with the system."

Amend page 2, section 8, line 1, omit "8.", insert "7."; after "department", omit "may, in accordance with law, accept gifts and".

Amend page 2, section 8, lines 2-4, omit in their entirety and insert "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."

Amend page 3, section 9, lines 1-8, omit in their entirety.

Amend page 3, section 10, line 1, omit "10. Except as provided in section 9, no", insert "8. No".

Amend page 3, section 11, line 1, omit "11.", insert "9."; after "to", omit "purchase or otherwise ac-".

Amend page 3, section 11, lines 2-3, omit in their entirety and insert "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."

Amend page 3, section 12, lines 1-18, omit in their entirety and insert "10. 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."

Amend page 3, section 13, line 1, omit "13.", insert "11."

Amend page 4, section 14, lines 1-7, omit in their entirety.

Amend page 4, section 15, line 1, omit "15.", insert "12."

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1334

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: MAY 8, 1975

This bill would authorize the Department of Environmental Protection to establish a New Jersey Natural Areas System. This system would comprise areas designed for ecological research and study, interpretation of nature and public recreation, and would be composed of those State-owned lands presently designated as natural areas and up to 5,000 additional acres of other State lands within the jurisdiction of the department.

This bill would also direct the department to incorporate planning for natural areas as a part of the New Jersey Statewide Comprehensive Outdoor Recreation Plan and to maintain a registry of all lands, public and private, which, as a result of studies conducted by the department, are suitable for inclusion within this system.

This bill would further authorize the department to acquire, by purchase, gift or otherwise, any land or interest in land for the purposes of inclusion within the New Jersey Natural Areas System.