

# Access and Public Use Plan for Cranberry Creek Wildlife Management Area 2022-2026



Cranberry Creek WMA parking area.

Photo: James Canevari, NYSDEC

Division of Fish and Wildlife  
Bureau of Wildlife

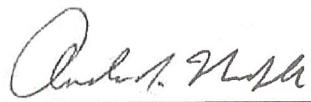
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June 2022

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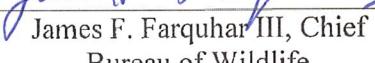
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11/10/2022

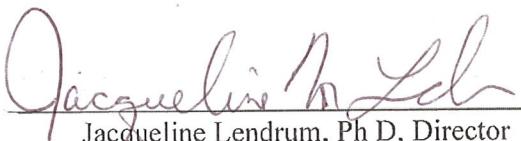
Date



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Date



Jacqueline Lendum, Ph D, Director  
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## **SUMMARY**

Cranberry Creek Wildlife Management Area (WMA), acquired in 1967, is located in close proximity to the St. Lawrence River. The WMA proper is rather small (13.6 acres) however it is adjacent to 125 acres of wetland in conservation easement. The historical value and wildlife diversity far exceed the WMA's size. Many of the wetlands associated with the WMA and river are important habitat for migratory waterfowl, Osprey, northern pike, muskellunge, and Blanding's turtles. The WMA has a memorial gravesite from The Battle of Cranberry Creek (War of 1812) which was dedicated to the site in the late 1990s.

Management objectives for public use and access on Cranberry Creek WMA include:

- Engage in a volunteer stewardship agreement (VSA) with The American Legion Post 904.
- Maintain parking area, kiosk, and foot trail to the memorial site.



Battle of Cranberry Creek memorial at Cranberry Creek WMA.

Photo: James Canevari, NYSDEC

# **I. BACKGROUND AND INTRODUCTION**

## **PURPOSE OF ACCESS AND PUBLIC USE PLANS**

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### **BACKGROUND**

Providing public access to lands owned by DEC is an integral part of state land management. DEC Division of Fish and Wildlife's (DFW) Bureau of Wildlife (BOW) oversees WMAs, Multiple Use Areas (MUA), Unique Areas, and other properties comprising the WMA system. The Bureau strives to provide safe, convenient, and ecologically-sound public access to these areas.

The priority public use activity on WMAs is wildlife-dependent recreation such as hunting, trapping, fishing, and wildlife observation. Other public use activities may be appropriate if DFW determines they are compatible with both wildlife conservation and the primary public use activities. Guidance on the use and purpose of WMAs and a list of allowable activities is provided on DEC's Wildlife Management Areas webpage.<sup>1</sup>

### **SCOPE AND INTENT**

This Access and Public Use Plan (APUP) complements the Habitat Management Plan (HMP) for Cranberry Creek WMA and addresses management objectives for wildlife-dependent recreation, access features, and facility development and maintenance. In conjunction with WMA regulations, APUPs serve as the overarching guidance for providing access to wildlife lands and determining public use activities appropriate for each area. APUPs draw from and build upon other management plans that may exist for the area, including Unit Management Plans (UMP), previous management planning documents, and feedback received during a public comment period.

Primary purposes of this plan:

- To foster compatible wildlife-dependent recreation and wildlife conservation priorities.
- To identify public use activities and access features, highlighting exceptional opportunities specific to the WMA.
- To describe current management challenges and discuss potential solutions.
- To prioritize necessary improvements and proposed new features.
- To establish a maintenance schedule for existing facilities and features.

### **COMPLIANCE WITH STATE ENVIRONMENTAL QUALITY REVIEW**

Activities described in this plan are included in the 1979 *Programmatic Environmental Impact Statement on Public Use Development Activities of the DEC Division of Fish and Wildlife*,<sup>2</sup> which addressed compliance with the State Environmental Quality Review Act, 6 NYCRR Part

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<sup>1</sup> Available online at <https://www.dec.ny.gov/outdoor/7768.html>.

<sup>2</sup> Available online at [https://www.dec.ny.gov/docs/wildlife\\_pdf/eisppublic.pdf](https://www.dec.ny.gov/docs/wildlife_pdf/eisppublic.pdf).

617. All proposed management also requires compliance with the Endangered Species Act, National Environmental Policy Act, the State Historic Preservation Act, Executive Order 13175 *Consultation and Coordination with Indian Tribal Governments*, and CP-42 *Contact, Cooperation, and Consultation with Indian Nations* prior to implementation.

## **WMA REGULATIONS**

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The NY Codes, Rules and Regulations, Title 6, Chapter 1, Subchapter G, Part 51: Public Use of State WMAs (“Part 51”) lists regulations for public use of the WMA system. Part 51 addresses restricted and prohibited uses of WMAs in order to prevent disturbance to wildlife and interference with wildlife-dependent recreation.<sup>3</sup> A new Part 51 has been adopted by New York, with an effective date of January 1, 2022). The new regulations include necessary changes that keep up with new or evolving public uses, updated laws, and current use concerns on our New York State WMAs.

Certain WMAs and other lands have site-specific regulations which will supersede Part 51. Any site-specific regulations will be cited in these plans as well as on the webpage for the subject location. The public is responsible for reading and complying with all regulations.

Current Part 51 regulations can be found in [Appendix C](#).

## ***II. RECREATIONAL RESOURCES***

### **POINTS OF ACCESS**

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This WMA is located in the town of Alexandria in Jefferson County near the St. Lawrence River. From Watertown, take I-81 north to NYS Route 12 towards Alexandria Bay. Stay on Route 12 north for 1.5 miles and turn right on Swan Hollow Road (44.3304141°N, 75.8826056°W) - Get [Google Map Driving Directions](#) (Figures 1 and 3).

### **CONNECTIVITY TO OTHER RECREATION AREAS**

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Cranberry Creek WMA is nestled near the mighty St. Lawrence River and with that comes a plethora of other public lands (Figure 1). Just to the west of NYS Route 26 and south of NYS

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<sup>3</sup> Additional information is available online at <https://www.dec.ny.gov/regulations/regulations.html>.

Route 12 is the Otter Creek Preserve. This preserve is owned and managed by the Thousand Island Land Trust. It encompasses 115 acres and includes 1.9 miles of walking trails<sup>4</sup>.

A little further north in the Village of Alexandria Bay you can find the Scenic View Park Swim Area. This is a village park right on the St. Lawrence River that offers amazing views, playgrounds, and picnic areas<sup>5</sup>.

There is a nearby state park as well, Keewaydin State Park. This is a rather large state park that is managed by the NY State Office of Parks, Recreation, and Historic Preservation (OPRHP). Boating, camping, swimming, and picnicking can all be performed at this location<sup>6</sup>.

## WMA FEATURES

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All structures, roads, trails, and other features are documented to track existing conditions and identify future management actions to maintain, repair, or improve public use and access. Table 1 summarizes the existing and proposed features on Cranberry Creek WMA. In addition, Cranberry Creek WMA has a memorial site to the Battle of Cranberry Creek during the War of 1812. This memorial has two resting benches, a cemetery to commemorate the significance of this battle, and scenic overlooks.

Table 1. Summary of current and desired public use features on Cranberry Creek WMA. Features listed here are those that are available to the public.

| Category                  | Feature  | Current Amount<br>(as of 2022) | Proposed Changes |
|---------------------------|--|--------------------------------|------------------|
| Parking                   | Vehicle parking area   | 1                              | No Change        |
| Trails                    | Foot trail   | 0.1 Miles                      | No Change        |
| Structures and facilities | Informational kiosks   | 2                              | No Change        |
|                           | Other (Battle of Cranberry Creek, War of 1812 Memorial/Cemetery) | 1                              | No Change        |
|                           | Other (Monument/plaque)  | 1                              | No Change        |
|                           | Other (Benches)  | 2                              | No Change        |

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<sup>4</sup> Otter Creek Preserve information can be found at <https://tilandtrust.org/explore/preserves-trails/otter-creek-preserve>.

<sup>5</sup> Village of Alexandria Bay Scenic View Park information can be found at <https://www.villageofalexandriabay.com/scenic-view-park-and-walking-trail-information/>.

<sup>6</sup> Keewaydin State Park information can be found at <https://parks.ny.gov/parks/24/details.aspx>.

## **MAINTAINING AND IMPROVING WMA FEATURES**

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DEC will continue to maintain and improve public use of and access to WMAs in order to provide the following benefits for WMA visitors:

- Provide opportunities for wildlife-dependent recreation that are compatible with wildlife habitat management practices and species management considerations.
- Educate and inform WMA visitors about wildlife and habitat, DEC programs, safety and regulations, recreational activities, and other information pertinent to the WMA.
- Provide and improve inclusivity and usability with accessible facilities (i.e., accessibility for people of all abilities).
- Maintain clean and safe facilities.

Each year, BOW's Land Management and Habitat Conservation Team develops a work plan specifying maintenance and improvements to WMAs that will enhance access and use of the areas. Implementation of the management recommendations proposed in this plan is dependent upon availability of staff and funding. Locations of features that will be installed, improved, replaced, or removed are shown in Figure 2.

### **PARKING AREAS**



**Current Conditions:** Currently there is one gravel parking area that can accommodate 4 to 6 vehicles. Parking also occurs along Swan Hollow Road and just to the west of the parking area is a location where some park to access the marsh associated with the WMA.

**Actions:** The following actions, listed in order of priority, are proposed during the timeframe of this plan:

- Maintain existing parking area as a gravel style parking area.

### **ROADS**

**Current Conditions:** The only roads around the WMA are public roads. Swan Hallow Road runs along the southern border of the WMA and is a paved town road.

**Actions:** The following actions, listed in order of priority, are proposed during the timeframe of this plan:

- None

### **TRAILS**



**Current Conditions:** There is one formal trail on the WMA. This trail consists of a stone substrate that leads from the parking area to the memorial site and is approximately 0.1 miles in length. There is a slight slope from the parking area to the memorial site that winds through a small section of forest with a buckthorn understory.

**Actions:** The following actions, listed in order of priority, are proposed during the timeframe of this plan:

- Maintain the trail system through regular mowing and debris removal.

### **BOAT LAUNCHES AND FISHING ACCESS**



**Current Conditions:** There are no formal boat launches on Cranberry Creek WMA.

**Actions:** The following actions, listed in order of priority, are proposed during the timeframe of this plan:

- None

### **OBSERVATION/HUNTING BLINDS, TOWERS, AND PLATFORMS**



**Current Conditions:** There are no formal observation/hunting blinds, towers, or platforms on Cranberry Creek WMA.

**Actions:** The following actions, listed in order of priority, are proposed during the timeframe of this plan:

- None

### **BUILDINGS AND OTHER PERMANENT STRUCTURES**



**Current Conditions:** As previously mentioned there is a memorial located on Cranberry Creek WMA. The memorial includes a chained off cemetery, two benches, a kiosk highlighting the event, and three headstones. This memorial commemorates the Battle of Cranberry Creek during the War of 1812. The battle took place in July of 1813 when the American Navy realized that several British boats loaded with supplies were traveling up the St. Lawrence River to Fort Henry in Kingston Ontario<sup>7</sup>. Three Americans lost their lives during this victorious battle and were buried nearby.

**Actions:** The following actions, listed in order of priority, are proposed during the timeframe of this plan:

- Maintain the memorial as is and in perpetuity.

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<sup>7</sup>New York Almanac – Battle of Cranberry Creek - <https://www.newyorkalmanack.com/2018/02/war-of-1812-battle-of-cranberry-creek-mini-doc/>.

## MANAGING HABITAT TO PROVIDE RECREATIONAL OPPORTUNITIES

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An apple tree release was performed in 2017 on the WMA to provide soft mast for wildlife species. This work also opened the area to allow an informal trail to the water's edge to hand launch boats for waterfowl hunting, trapping, wildlife photography, and perhaps fishing in the creek. There is a conservation easement of 125 acres along the water side of the WMA that is flooded that provides habitat for many wildlife species and spawning habitat for northern pike and muskellunge.

The following actions, listed in order of priority, are proposed during the timeframe of this plan:

- None



Apple tree release project on Cranberry Creek WMA.

Photo: James Canevari, NYSDEC

## III. PUBLIC USE ACTIVITIES

### RECREATION ON WMAS

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WMAs are unique among other state lands because they are managed for wildlife conservation and wildlife-dependent recreation. DEC adheres to a set of broad goals based on statutory, regulatory, and policy guidance as a basis to determine compatibility of public uses. Briefly, the primary goals are: (1) providing and enhancing wildlife habitat, and (2) providing and enhancing opportunities for wildlife-dependent recreation. Secondary goals include: (3) fostering understanding and appreciation of wildlife and their habitats, and (4) allowing non-wildlife-dependent recreation when it is compatible with the primary goals. DEC carefully considers public use activities and determines whether they are compatible with these goals and the management objectives specific to each WMA. Some activities may be restricted to protect sensitive wildlife or habitats in specific areas or during certain times of year, or to reduce conflicts between user groups. Some activities may be allowed only under certain conditions or by permit. Other activities are not allowed on WMAs because they conflict with the purposes and management of WMAs.

## RECREATION ON CRANBERRY CREEK WMA

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All WMA visitors are responsible for complying with WMA regulations. See [Appendix C](#). In addition, certain locations have area-specific regulations that apply. Any area-specific regulations would be cited in this document and the corresponding webpage of the DEC website at <https://www.dec.ny.gov>.

WMAs are unique among other state lands because they are managed for wildlife conservation and wildlife-dependent recreation. DEC adheres to a set of broad goals based on regulatory guidance as a basis to determine compatibility of public uses. Briefly, the primary goals are: (1) providing and enhancing wildlife habitat, and (2) providing and enhancing opportunities for wildlife-dependent recreation. Secondary goals include: (3) fostering understanding and appreciation of wildlife and their habitats, and (4) allowing non-wildlife-dependent recreation when it is compatible with the primary goals. DEC carefully considered public use activities and determined whether they were compatible with these goals and the management objectives specific to each WMA.

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### **PRIMARY ACTIVITIES**

Primary activities include wildlife-dependent recreation that is compatible with the primary goals and purposes of WMAs. Hunting, trapping, wildlife watching, wildlife/nature photography, and fishing are the primary uses of Cranberry Creek WMA. All statewide hunting, trapping, and fishing regulations apply.<sup>8</sup>



**Hunting:** Upland hunting with firearms is possible though limited due to the proximity of adjacent dwellings, the small size of the WMA, and firearms discharge setbacks.



Wetland area on a flooding easement neighboring Cranberry Creek WMA.

Photo: James Canevari, NYSDEC



**Trapping:** Trapping opportunities are limited due to the small size of the WMA, but the marsh provides habitat for many furbearer species like muskrat, beaver, and raccoons.

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<sup>8</sup> Available online at <https://www.dec.ny.gov/regs/2494.html>.



**Wildlife observation/bird watching:** Many wildlife species (both upland and wetland species) can be observed on Cranberry Creek WMA. Some species found here include Northern Harriers, Least Bitterns, Bald Eagles, Blanding's turtles, Ruffed Grouse, and various migratory waterfowl.



**Fishing:** Common species caught from shore on this WMA include bullhead and sunfish.

## **SECONDARY ACTIVITIES**

Secondary activities are not necessarily wildlife-dependent, but they are generally compatible with the goals and purposes of WMAs. Secondary activities including hiking, bicycling on WMA roads, cross country (Nordic) skiing, and snowshoeing are generally compatible with the goals of Cranberry Creek WMA. These activities are also permitted when used in conjunction with a primary activity (e.g., snowshoeing to go hunting or trapping).



**Hiking:** Hiking is generally allowed on open trails. Staying on trails reduces impacts to habitat. During hunting seasons, we recommend you wear orange or other bright colors for safety. Please be mindful of hunters, trappers, and people observing or photographing wildlife. Hiking is limited on this WMA due to its size, however one can hike or walk the trail from the parking area to the memorial site.



**Canoeing and kayaking:** Non-motorized boating is generally allowed on open waterways. Boats with electric motors are also allowed. The informal trail (1,000 feet carry) through the apple tree release to Cranberry Creek is manageable and provides recreationalists the opportunity to hand launch into the creek. There are no docks at this WMA.



**Bicycling:** Bicycling is not allowed on this WMA.



**Cross country (Nordic) skiing and snowshoeing:** These activities are allowed but practitioners should not remove or destroy vegetation. Trails are generally not groomed or improved by DEC. This can be performed on the WMA; however, it is recommended that caution be taken when on the ice during the winter months.

## **RESTRICTED ACTIVITIES**

Restricted activities are typically not wildlife-dependent and have the potential to adversely affect wildlife or wildlife-dependent recreation.

The following restricted activities may be allowed on Cranberry Creek WMA on a limited basis, with conditions and/or a permit:

**Dog walking and training:** While walking dogs on leash is allowed, training is restricted for specific purposes and during specific seasons. See [Appendix C](#).

**Taking edible plants, fruit, or fungi:** Only immediate personal consumption is allowed.

**Fires:** Fires are only allowed for cooking or for warmth and subject to additional conditions. See [Appendix C](#).

The following restricted activities on Cranberry Creek WMA are authorized only under permits issued through the Regional DEC office:

- Geocaching
- Organized competitive races or group events
- Drone flying is not allowed unless it is a permitted wildlife, research, or habitat management flight

The following activities are not allowed on Cranberry Creek WMA:

- Snowmobiles
- Motorized vehicles, including ATVs
- Camping
- Dog trials and group training events
- Mechanized boating
- Overnight mooring or boat storage
- Swimming
- Fires, except for cooking or warmth
- Target shooting

## **ACCESSIBLE RECREATION**



**Providing Accessible Recreation through the WMA System:** Wildlife-dependent recreational opportunities are available on many state lands for people of all ages and abilities.<sup>9,10</sup> The WMA system includes accessible trails, hunting blinds, observation platforms, canoe launches, and other opportunities for visitors to hunt, fish, observe, and enjoy wildlife. Throughout the WMA system:

- Service animals (dogs, miniature horses) are welcome at all DEC facilities.

<sup>9</sup> Information about accessible recreation on state lands is available at <https://www.dec.ny.gov/outdoor/34035.html>.

<sup>10</sup> Information about public use of State Forests is available in the *Strategic Plan for State Forest Management* at [https://www.dec.ny.gov/docs/lands\\_forests\\_pdf/spsfmfinal.pdf](https://www.dec.ny.gov/docs/lands_forests_pdf/spsfmfinal.pdf).

- Hunters with disabilities can apply for various permits and reduced fee licenses through DEC's Special Licenses Unit.<sup>11</sup>
- Through the Motorized Access Program for People with Disabilities (MAPPWD), DEC has established vehicular routes on certain WMAs to facilitate access for wildlife-dependent activities. These mapped routes are accessible by permit only, available through DEC's regional offices.<sup>12</sup>
- WMA visitors may apply for case-by-case accommodation permits to request the use of other power-driven mobility devices on state lands beyond MAPPWD routes.<sup>13</sup>  
Applications for accommodation permits are available through DEC's Central Office (Albany) or regional offices.
- To maintain and improve access for persons with disabilities, DEC employs a network of accessibility coordinators throughout the regions and in Central Office.
- Accessible destinations are shown on DEC's Accessible Recreation Destinations webpage. All WMA maps and webpages show available accessible features and how to get to them.

While not all existing facilities on WMAs are accessible, new features or existing features requiring repair will be evaluated and designed to be inclusive and accessible to the greatest extent possible while retaining the ecological integrity and wildlife value of the site.

Management proposed in this plan is in accord with the Americans with Disabilities Act (ADA), the Architectural Barriers Act of 1968 (ABA), the Rehabilitation Act of 1973, Title V, Section 504, the Application of the Americans with Disabilities Act Accessibility Guidelines (ADAAG), and Principles of Universal Design. For more information on how DEC follows ADA guidelines on WMAs please see Appendix B at the end of this document.

**Accessible Recreation on Cranberry Creek WMA:** During the development of this plan, an inclusivity assessment was completed at Cranberry Creek WMA to determine the current accessible features, determine their condition, and identify appropriate actions such as updating existing facilities or installing new ones. The following accessible recreational opportunities are currently available on Cranberry Creek WMA:

- None

Recommendations for improving usability and inclusivity of wildlife-related recreation are included in this plan. The existing and proposed accessible features on this WMA are also noted in Table 1 and throughout the *Public Use Activities* section above.

## MANAGEMENT CHALLENGES

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Providing safe, accessible, and ecologically responsible public access on WMAs requires balancing recreation with wildlife and habitat conservation. Challenges may arise when these two priorities conflict, such as balancing protection of and providing access to or through

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<sup>11</sup> Information about permits for hunters with disabilities is available at <https://www.dec.ny.gov/permits/30419.html>.

<sup>12</sup> Information about MAPPWD is available at <https://www.dec.ny.gov/outdoor/2574.html>.

<sup>13</sup> Information about accommodation permits is available at <https://www.dec.ny.gov/outdoor/73029.html>.

inherently fragile habitats (e.g., wetlands, dunes). Responsible management of public access requires maintaining miles of property boundaries, working with user groups to minimize impacts of certain activities, and enforcing violations. This requires regulatory support as well as constant mindfulness of the unique purpose of WMAs.

On Cranberry Creek WMA, it is important to remind hunters to use caution when using firearms, because of the nearby dwellings and small size of the WMA. The wetlands are home of protected species, so it is important for visitors to realize the importance of any encounters with these species.

## **PERMITS AND USER AGREEMENTS**

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### **TEMPORARY REVOCABLE PERMITS**

Temporary Revocable Permits (TRPs) are short-term permits for certain individual or group activities or events on DEC-managed public lands.<sup>14</sup> A TRP may be required for some activities on WMAs. TRPs are issued by DEC regional offices and can be revoked at any time due to violations of TRP conditions.

### **VOLUNTEER STEWARDSHIP AGREEMENTS**

Volunteer Stewardship Agreements (VSAs) are issued when an individual or organization engages in activities to provide positive benefits to state lands.<sup>15</sup> For example, a VSA may be established for a local trail group to maintain a hiking trail on a WMA. VSAs are issued by DEC regional offices. DEC has entered into an agreement with The American Legion Post 904 out of Alexandria Bay New York. The agreement allows the Legion to maintain the area no less than three times per year (spring, summer, and fall).

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<sup>14</sup> Information about TRPs is available at <https://www.dec.ny.gov/regulations/51387.html>.

<sup>15</sup> Information about VSAs is available at <https://www.dec.ny.gov/regulations/90822.html>.

## **IV. MANAGEMENT SUMMARY**

In summary, Table 2 lists facility maintenance and public access actions planned for Cranberry Creek WMA for the duration of this plan. Location of management actions are shown in Figure 2. Completion of actions are dependent on staff and funding availability.

Table 2. Summary of management actions recommended for Cranberry Creek WMA, 2022-2026.

| Description of Action            | Priority | Estimated cost <sup>a</sup> |
|----------------------------------|----------|-----------------------------|
| Maintain parking area            | Low      | \$250.00                    |
| Maintain kiosk and two benches   | Low      | \$250.00                    |
| Maintain 0.1 miles of foot trail | Medium   | \$250.00                    |

<sup>a</sup> Cost estimate provided for planning purposes only and is subject to change.

## V. FIGURES

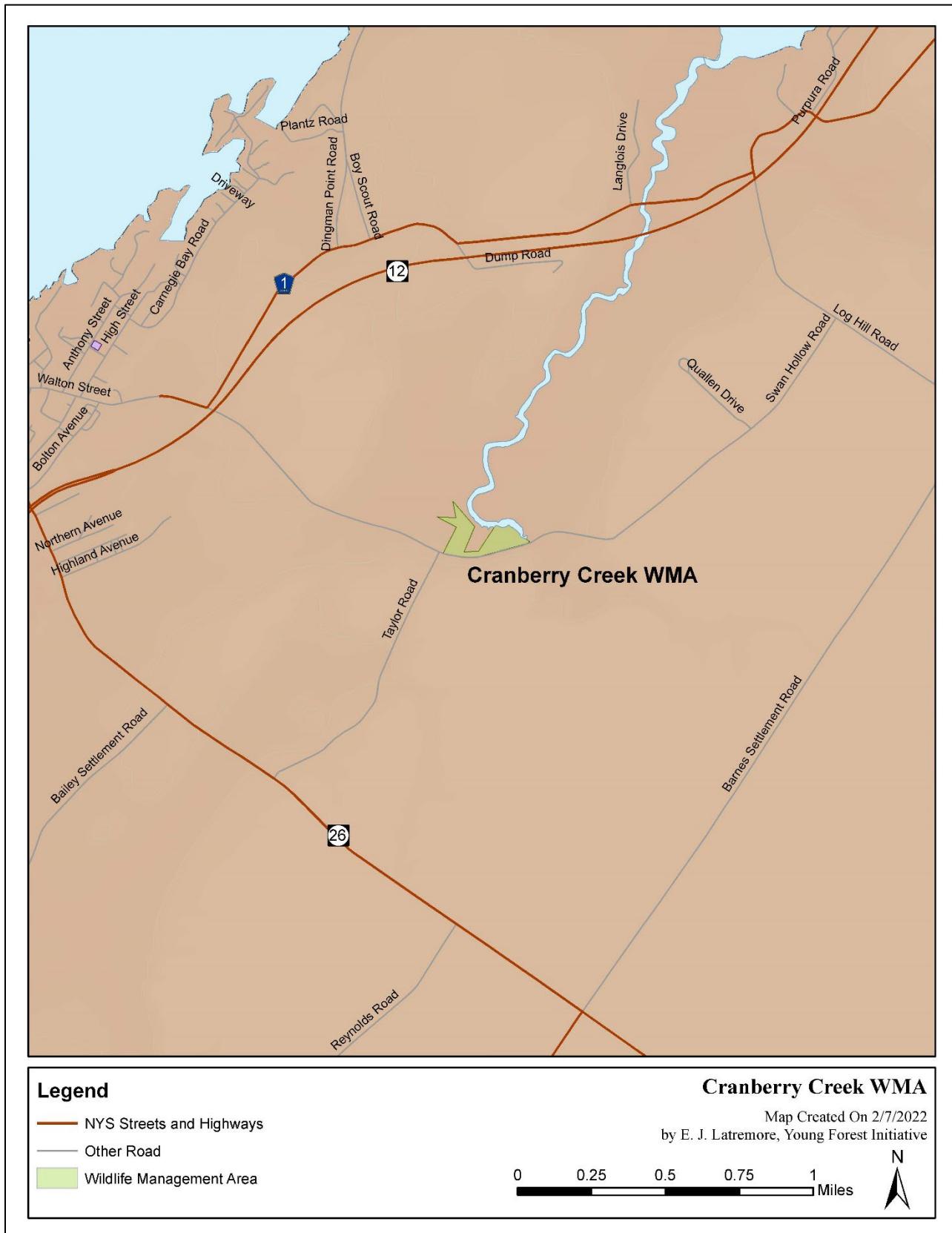
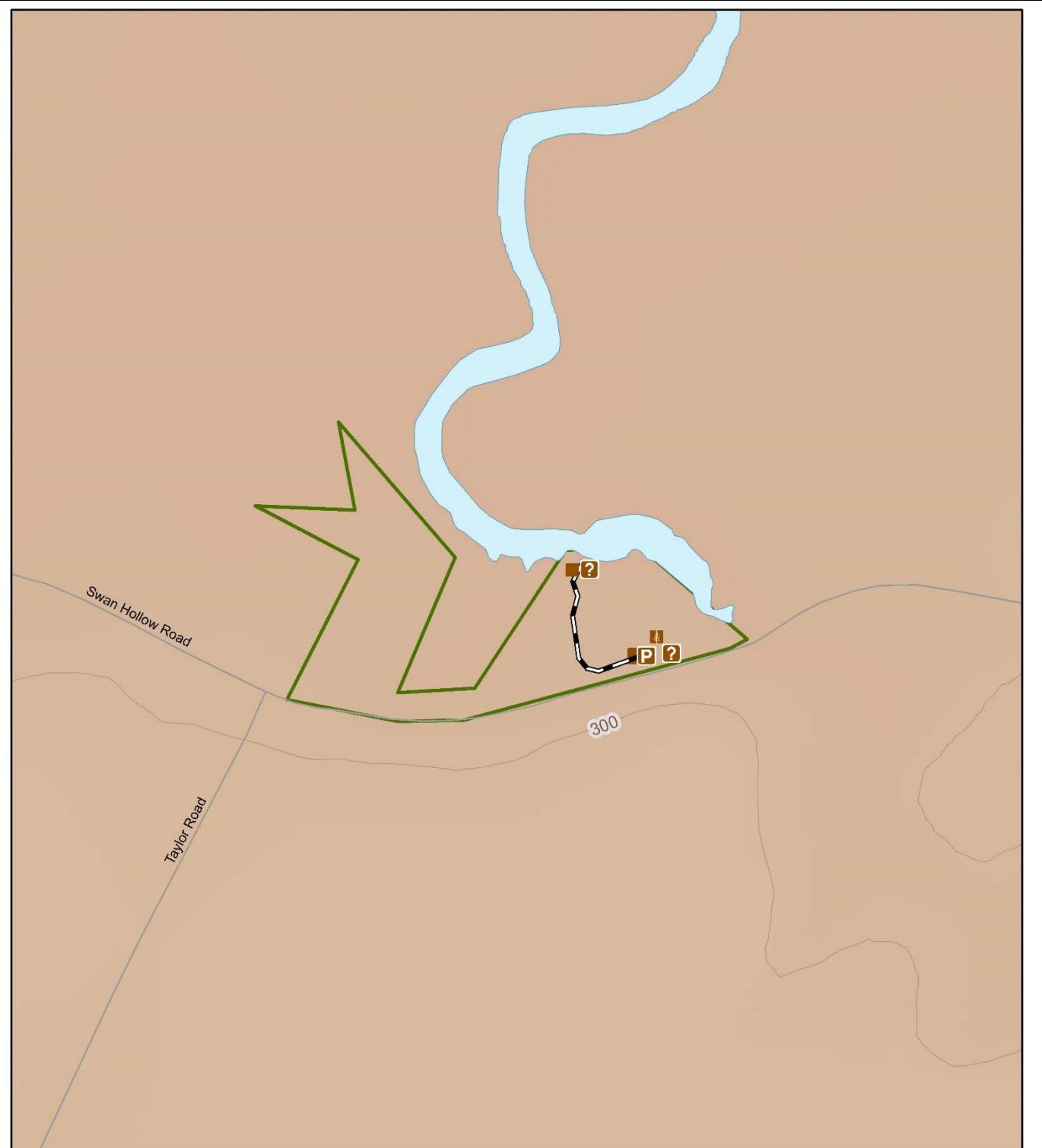


FIGURE 1. Connectivity to other public lands and recreation areas.

**Legend**

- |                            |                       |                            |
|----------------------------|-----------------------|----------------------------|
| ■ Existing Feature         | ✖ Gate                | — Trail                    |
| ■ Proposed Feature         | ❓ Kiosk               | ■ Fields on WMA's          |
| ■ NYS Streets and Highways | ■ Parking Area        | ■ Wildlife Management Area |
| — Other Road               | ■ WMA Sign            |                            |
| — 100 Foot Contour         | ■ Other Feature       |                            |
|                            | — Administrative Road |                            |

**Cranberry Creek WMA**

Map Created On 2/8/2022  
by E. J. Latremore, Young Forest Initiative

FIGURE 2. Location of existing and proposed access features at Cranberry Creek WMA.

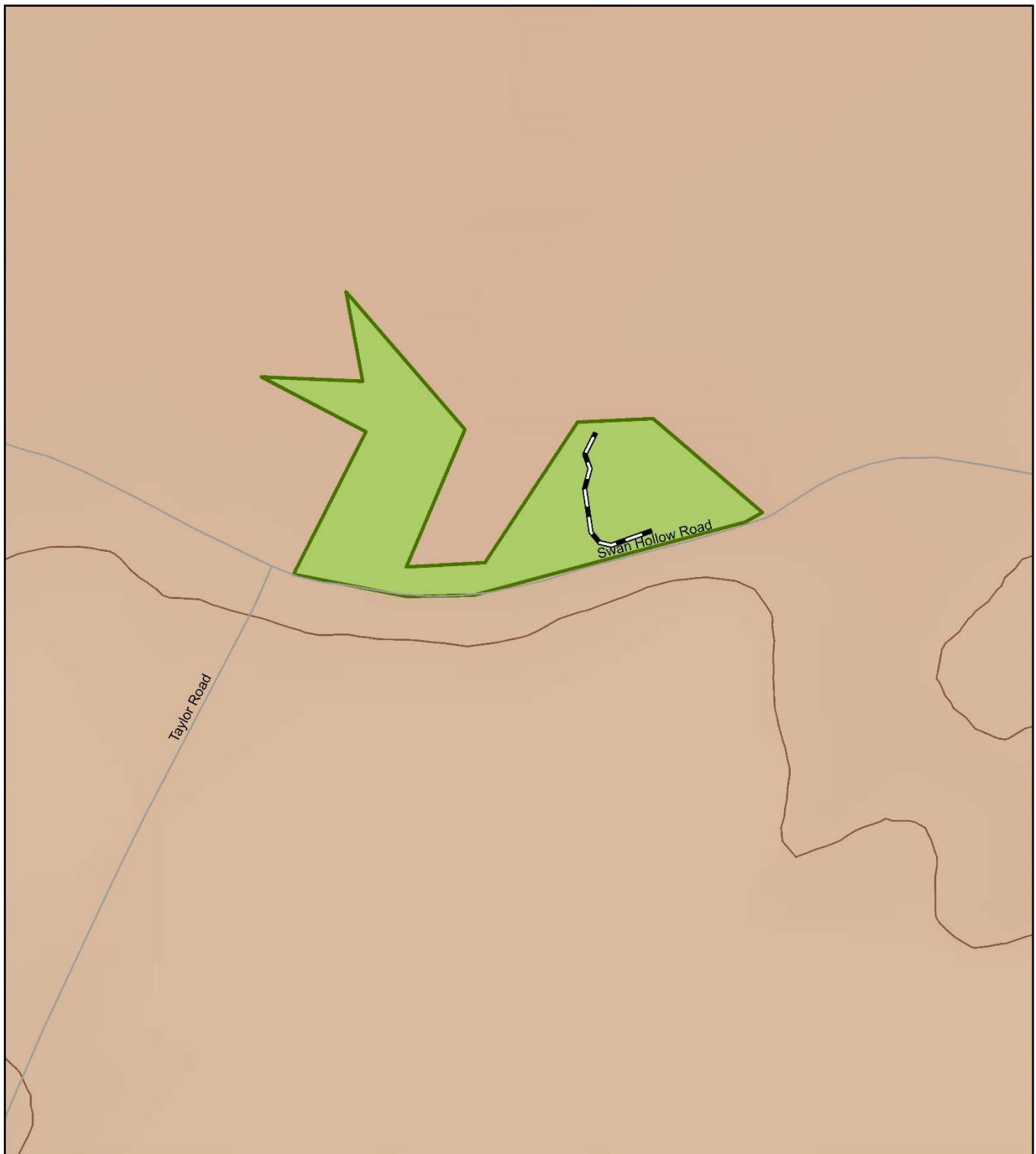


FIGURE 3. Roads and trails on Cranberry Creek WMA.

## **VI. APPENDICES**

### **APPENDIX A. SUMMARY OF PUBLIC COMMENTS AND RESPONSES**

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The following is a summary of the public comments that were received during the creation of the Cranberry Creek WMA and Plantation Island WMA Access and Public Use Plans and subsequent changes to the plan. Comments are in **bold** text, with DEC responses in *italics*.

#### **COMMENTS RECEIVED**

**I am in favor of the Draft Access and Public Use Plans for Plantation Island Wildlife Management area (WMA) (PDF) and Cranberry Creek WMA (PDF).** I support the draft Access and Public Use Plans (APUP) which contain objectives for maintaining existing features—such as trail, parking areas, and kiosks—and wildlife-dependent recreation—including fishing, and wildlife observation.

**Cranberry Creek WMA contains 13 acres of primarily forest in Jefferson County near the St. Lawrence River. The WMA also has a memorial grave site dedicated to the American soldiers that died during the War of 1812 Battle of Cranberry Creek.**

**Plantation Island WMA is located in Herkimer County and contains 200 acres of island riparian habitat in the Mohawk Valley that is bounded to the north by the Mohawk River and to the south by the New York State Barge Canal. The island is co-owned by the DEC and the New York State Canal Corporation. The island itself, which was created by the construction of the 1913 Barge Canal, is a mixture of open marshes, wet meadows, scrub/shrub habitats, vernal pools, and floodplain forests. It provides habitats for a variety of plant and animal species in the area.**

**Thank you for reviewing my comment on these Plans.**

*DEC Response:*

*Thank you for your comment and support for these Access and Public Use Plans.*

**I receive your weekly updates and am always happy to read about responsible activities like food scrap recycling and evolving farming methods and the park rescue missions. DEC seems to be heading in a good direction with all of this good activity. And, as a taxpayer I feel good about knowing my money goes toward this.**

**However, it is noticeable that DEC is also very promotive of hunting and trapping. These are not responsible activities. To open land to hunting and trapping is even more irresponsible and abuses taxpayer funds. The hunting community is small and male-oriented, and potentially promotes toxic-masculinity. It is a thing of the past. Let's move**

**on and do something all genders are good with and feel good about--something most New Yorkers support, rather than not support.**

I see you try to send a picture that women are hunters too....that photo in this week's mailing was faker than my hair coloring--and to sexualize it, too, was just gross. Women in hunting are not even close to being a tipping point and they likely aren't catwalk models. Women may hunt but they are a very small group.

Hunting and trapping may still be something a small group of people wish to do but the taxpayer should not be flipping the bill for it. They need to stay off public lands and stop creating "animal-oriented recreation"....so deceitful. Call it what it is... DEC can't stop using taxpayer money to create more hunting and trapping opportunities for a small group of people. For money? Why? Now DEC is promoting 4-wheeling activities in our parks too? How grotesque an abuse of money and supporting a niche of men with bad-behavior. What about horse riding and bird watching and actually walking and enjoying the silence from cars and listening to nature? "*But those machines are so fun in the mud and we get to kill something.....*"

Please stop..... It's just another thing that makes New York seem undesirable. We need people to stay.... not leave. Stop making New York look like a bunch of cro-magnum-men and neanderthals 4-wheeling around in the bush! Stop using our money to support a bunch of hillbilly attitudes with toxic-masculine tendencies. It's a reflection of an immature society.

**DEC figured it out with the farming, right? Time to do it with our public lands and parks.**

**Try doing what DEC does best....what we pay you to do.....protect our environment, and our air, and our water, and our animals. Create good space, not killing fields.**

*DEC Response:*

*Thank you for your comment. Wildlife Management Areas (WMAs) are acquired and managed to provide quality habitat for numerous wildlife species, both rare and common, and to provide opportunities for the public to observe and enjoy those species. The priority public use activity on WMAs is wildlife-dependent recreation such as hunting, trapping, fishing, and wildlife observation. Other public use activities may be appropriate if they are compatible with both wildlife conservation and the primary public use activities.*

*Contrary to popular belief, the funds that are used to acquire and manage WMAs do not come from taxes paid by all residents of New York. The majority of DEC Bureau of Wildlife funding is derived from excise taxes on the sale of firearms, ammunition, and other outdoor equipment and from the sale of hunting, trapping, and fishing licenses. Some improvements on WMAs are funded with monies from the state Environmental Protection Fund such as kiosks, benches, and wildlife observation towers that appeal to a wide array of wildlife enthusiasts, not just hunters and trappers.*

*The increase in female participation in hunting is undeniable. The “2022 Special Report on Hunting and the Shooting Sports” demonstrated that 27 percent of participants are female, up from 16% over the last ten years.*

**SUMMARY OF CHANGES MADE TO THE PLAN**

None.

## **APPENDIX B. APPLICATION OF THE AMERICANS WITH DISABILITIES ACT**

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The Americans with Disabilities Act (ADA), along with the Architectural Barriers Act of 1968 (ABA) and the Rehabilitation Act of 1973; Title V, Section 504, have had a profound effect on the manner by which people with disabilities are afforded equality in their recreational pursuits. The ADA is a comprehensive law prohibiting discrimination against people with disabilities in employment practices, use of public transportation, use of telecommunication facilities and use of public accommodations.

Consistent with ADA requirements, the Department incorporates accessibility for people with disabilities into the siting, planning, construction and alteration of recreational facilities and assets supporting them.

In addition, Title II of the ADA requires in part, that services, programs and activities of the Department, when viewed in their entirety, are readily accessible to and usable by people with disabilities. The Department is not required to take any action which would result in a fundamental alteration to the nature of the service, program or activity or would present an undue financial or administrative burden. When accommodating access to a program, the Department is not necessarily required to make each existing facility and asset accessible, as long as the program is accessible by other means or at a different facility.

This plan incorporates an inventory of all the recreational facilities and assets on the unit or area, and an assessment of the programs, services and facilities provided to determine the level of accessibility. In conducting this assessment, DEC employs guidelines which ensure that programs are accessible, including buildings, facilities, and vehicles, in terms of architecture and design, transportation and communication to individuals with disabilities.

For outdoor recreation facilities not covered under the current ADA standards, the Department will use standards provided under the Architectural Barriers Act, to lend credibility to the assessment result and to offer protection to the natural resource.

All new facilities, and parts of facilities that are constructed for public use, are to be accessible to people with disabilities. Full compliance is not required where DEC can demonstrate that it is structurally impracticable to meet the requirements. Compliance is considered structurally impracticable only in those rare circumstances where the unique characteristics of terrain prevent the incorporation of accessibility features. Compliance is still required for parts of the facility that can be made accessible to the extent that it is not structurally impracticable, and for people with various types of disabilities.

A record of accessibility determination is kept with the work planning record. Any new facilities, assets and accessibility improvements to existing facilities or assets proposed in this plan are identified in the section containing proposed management actions.

For further information contact the ADA Coordinator at [accessibility@dec.ny.gov](mailto:accessibility@dec.ny.gov)

## **APPENDIX C. TEXT OF 6 NYCRR PART 51: PUBLIC USE OF STATE WILDLIFE MANAGEMENT AREAS**

Parts 51, 61, 75 and 84 are repealed. A new Part 51 is added as follows:

EFFECTIVE January 1, 2022.

### **§51.0 Applicability and Definitions**

- (a) Except as otherwise provided, the provisions of this Part shall apply to all persons entering upon or using State lands under the Department's jurisdiction that are administered by the Division of Fish and Wildlife, including but not limited to wildlife management areas, fish and wildlife management areas, and the following unique areas and multiple use areas: Bog Brook Unique Area, Seward's Island Unique Area, Junius Ponds Unique Area, Harwood Lake Multiple Use Area, and Carlton Hill Multiple Use Area. Additional area-specific regulations may also apply and will supersede the general regulations found in this Part in case of conflict.
- (b) Definitions.
  1. *Bicycle* shall mean a non-motorized vehicle with two or more wheels, a steering handle, a seat, or seats and is propelled solely by muscle power and/or gravity.
  2. *Camping* shall mean using any form of temporary shelter, including but not limited to a tent, motor home, travel trailer, mobile home, or any vehicle used for overnight shelter or sleeping.
  3. *Department* means the New York State Department of Environmental Conservation.
  4. *Motorized vehicle* shall mean a device for transporting persons, supplies or material incorporating a motor or an engine of any type for propulsion, and with wheels, tracks, skids, skis, air cushion or other contrivance for traveling on or adjacent to land, water or ice. It shall include such vehicles as automobiles, trucks, jeeps, off-road vehicles, all-terrain vehicles, utility vehicles, golf carts, motorcycles, electric powered bicycles (e-bikes), snowmobiles, snowcats, bulldozers and other earth-moving equipment.
  5. *Motorized equipment* shall mean machines not designed for transporting people, supplies or material, or for earth moving but incorporating a motor, engine or other nonliving power source to accomplish a task, such as, but not limited to, chain saws, brush saws, rotary or other mowers, rock drills, cement mixers, and generators.
  6. *Off-road* shall mean on a trail, road or terrain other than a public road or parking area.
  7. *Regional Manager* shall mean the Regional Wildlife Manager.

8. *Written Permission* shall mean a written permit (including but not limited to a Temporary Revocable Permit for Use of State Lands, abbreviated as TRP) issued at the sole discretion of the Department and signed by the Regional Manager authorizing temporary public use of applicable lands pursuant to the conditions cited in the document. Permits will only be issued for activities in compliance with all constitutional, statutory, and regulatory requirements.
9. *Watercraft* includes every motorized or non-motorized boat or vehicle capable of being used or operated as a means of transportation or recreation in or on water.

## **§51.1 Hunting, trapping and fishing**

Hunting, trapping and fishing are permitted on wildlife management areas and other lands subject to Subchapter A of this Part, except as specifically restricted by posted notice.

## **§51.2 Boating**

- (a) No person shall operate a watercraft under mechanical power other than electric motor, except as specifically permitted by posted notice or under written permit by the Department.
- (b) No person shall moor, anchor or store a boat overnight.
- (c) No person shall transport or cause to be transported any aquatic invasive species.
  1. No person shall launch, or attempt to launch a watercraft into any waterbody, or depart from a waterbody with any plant or animal, or parts thereof, visible to the human eye, in, on, or attached to any part of the watercraft, including live wells and bilges, the motor, rudder, anchor, or other appurtenances; any equipment or gear; or the trailer or any other device used to transport or launch a watercraft that may come into contact with the water, except under the written permission of the Regional Manager.
  2. No person shall launch, or attempt to launch a watercraft into any waterbody, or depart from such waterbody without draining the watercraft, including bilge areas, live wells, bait wells, and ballast tanks, except under the written permission of the Regional Manager.
  3. Exceptions.

The provisions of Part 51.2 shall not apply to:

- i. Plants not otherwise defined in law or regulation as invasive species or suspected of being or becoming invasive affixed to or transported in watercraft for use as camouflage for hunting or wildlife viewing purposes.
- ii. Bait, including baitfish, that can legally be used on a waterbody and is possessed consistent with Department regulations.
- iii. Legally taken game as defined in section 11-0103(2) of Environmental Conservation Law or fish as defined in section 11-0103(1)(a).

### **§51.3 Camping**

No person shall camp on lands subject to this Part except under the written permission of the Regional Manager.

### **§51.4 Roads, trails and parking areas**

- (a) No person shall operate a bicycle or motorized vehicle on roads posted by the Department against such uses.
- (b) No person shall operate a motorcycle, motor scooter, moped, e-bike, snowmobile or any other motorized vehicle off-road except as specifically permitted by posted notice or as otherwise permitted in writing by the Regional Manager.
- (c) No person shall operate a motorized vehicle on any road, trail or parking area maintained by the Department at a speed in excess of 25 miles per hour.
- (d) Where required by posted notice, parking shall be confined to designated parking areas or spaces
- (e) No person shall operate a bicycle or ride, drive, or lead a horse on lands subject to this Part except:
  1. on roads and parking areas, and those trails designated and posted by the Department as open to the activity. ;
  2. on other areas posted or otherwise designated as open; or
  3. with written permission of the Regional Manager.
- (f) No person shall possess or operate a snowmobile except:
  1. on routes designated and posted by the Department ; and
  2. following the close of the regular big game hunting season until March 31 of the following year; and

3. when the route is covered with a minimum of three inches of snow and/or ice.

## **§51.5 Reserved.**

## **§51.6 Structures**

- (a) No person shall erect, construct, occupy or maintain a permanent structure, blind, stand or platform without the written permission of the Regional Manager.
- (b) No person shall erect, construct, occupy or maintain any structure that is affixed to a tree by nails, screws, or other means that injure or damage the tree without the written permission of the Regional Manager.

## **§51.7 Dogs**

Pursuant to Environmental Conservation Law sections 11-0529 and 11-0923, no owner or trainer of a dog shall allow that dog to enter lands subject to this Part without being leashed and under immediate physical control at all times except:

1. dogs may be allowed off-leash during open hunting seasons when legally used for hunting and accompanied by an appropriately licensed hunter and under the control of the hunter or handler;
2. when being legally trained for hunting in a designated dog training area or during designated training seasons as governed by Part 66 of this Chapter and accompanied by an appropriately licensed hunter;
3. when participating in a licensed field trial permitted in writing by the Regional Manager, or;
4. with written permission of the Regional Manager.

## **§51.8 General provisions**

- (a) Fires
  - (1) No person shall ignite or maintain a fire except for cooking or warmth.
  - (2) No wood, except from dead and down trees, shall be used for fuel
  - (3) No person shall ignite a fire until all flammable material surrounding it has been removed to the extent necessary to prevent its spread.
  - (4) No person shall leave a fire unattended.

- (b) No person shall swim in waters subject to this Part.
- (c) No person shall possess or operate any motorized equipment while afield without the written permission of the Department except for equipment commonly employed in hunting, trapping, or fishing when being used for these activities. These exceptions are limited to:
  - 1. Drills or augers used for ice fishing.
  - 2. Battery-powered drills used for setting traps.
  - 3. Any motorized decoys legally permitted for hunting.
- (d) No person shall deface, remove, cut or willfully damage, destroy or otherwise injure in any manner whatsoever any tree, flower, shrub, fern, moss, fungus or other plant organism, or other living or dead vegetation of any kind, found or growing on State lands, except for immediate personal consumption, or with the written permission of the Regional Manager.
  - 1. No person shall erect, construct, maintain, occupy or use any tree stand that is used, operated, accessed or reached by methods or means which injure or damage a tree, and no person shall gain access to any structure in a tree by means that injure or damage the tree.
- (e) No person shall deface, remove, destroy or otherwise injure in any manner whatsoever any rock, soil, fossil or mineral except under written permit from the Department.
- (f) No person shall deface, remove, or damage, destroy or otherwise injure in any manner whatsoever any object of archaeological or paleontological interest found on State land, except under written permit from the Department and the Commissioner of Education, pursuant to section 233 of the Education Law.
  - 1. No person shall use or possess a metal detector afield, except under written permit from the Department. Licensed surveyors using a metal detector to locate survey markers shall not be prohibited.
- (g) All personal property shall be removed from the area at the time of leaving the area. No person shall erect, construct, install, maintain, store, discard or abandon any structure or any other property or subsequently use such structure or property, except under the written permission of the Regional Manager. This subdivision shall not apply to:
  - 1. a legally placed trap or appurtenance that is placed and used during the appropriate trapping season;
  - 2. a tree stand or hunting blind that does not injure a tree, is properly marked or tagged with the owner's name and address or valid hunting license identification number and is placed and used for the duration of the big game season, migratory gamebird season or turkey season; or
  - 3. a wildlife viewing blind that is placed for a duration not to exceed ten (10) days in one location per calendar year, does not injure a tree, and is properly

marked with the owner's name and address or valid hunting or fishing license identification number.

- (h) No person shall enter, remain upon, or use any access road, truck trail, road, trail, facility or any other area that is posted or designated by the Department as closed to public use, except under the written permission of the Regional Manager.
- (i) No person shall discard or deposit any trash, waste or litter on lands or waters, except in waste receptacles provided for such purpose.
- (j) No person shall use any lands for agricultural purposes, including but not limited to growing crops or grazing by domestic animals, except with the written permission of the Department.
- (k) No person under 21 years of age shall possess alcoholic beverages, unless accompanied by a parent or guardian. All persons who possess alcoholic beverages must produce adequate identification and proof of age upon demand of any peace or police officer.
- (l) No person shall fail to comply with the instructions contained on a sign of the Department.
- (m) No person shall remove, deface, mutilate or destroy any Department sign, structure, barrier or object.
- (n) No person shall:
  - 1. intentionally obstruct, prevent or attempt to prevent any officers or employees of the Department from performing their legal duties, by means of intimidation, physical force, interference or disobedience of any lawful order or by means of any independently unlawful act;
  - 2. engage in any activity which violates the Penal Law.
- (o) No person shall discharge firearms unless legally engaged in the act of hunting or trapping.
  - 1. Except that target shooting may occur in areas designated and posted by the Department as open to such use, and;
  - 2. No person shall possess or use breakable targets, including but not limited to clay pigeons, and
  - 3. No person shall target shoot at objects other than paper targets with a safe and sufficient earthen or other suitable backstop.
- (p) No person shall possess paint balls or paint ball guns, and no person shall sponsor, conduct or participate in any activities associated with the discharging of paint balls.
- (q) No person shall sponsor, conduct or participate in any organized event of more than twenty people without the written authorization of the Regional Manager. Examples of organized events include but are not limited to sponsored hikes; archery and fishing

tournaments; dog trials or training events; bicycle, horse and orienteering races, runs, races, rides or competitions; encampments; re-enactments. weddings, funerals and other ceremonies.

- (r) No person shall sponsor, conduct or participate in any research project except under written permit from the Department. Examples of research include, but are not limited to, population studies, collection of scientific samples, placement of scientific instruments, seismic exploration and archaeological studies. This subdivision shall not apply to observation-only population data collection such as, but not limited to, Audubon's Christmas Bird Count, the USGS Breeding Bird Survey and Cornell Lab of Ornithology's e-Bird database or other studies where animals or specimens are not caught or handled; nor shall it apply to any other research exempted by the Department in writing on a case by case basis.
- (s) No person shall sponsor, conduct or participate in: advertising, weddings, funerals, commercial film making activities or film making activities that exclude other public use of the area, and other similar events, except under the written permission of the Regional Manager.
- (t) No person shall conduct any business, buy, sell, offer or expose for sale, hire, lease, or vend any article or merchandise of any kind without a written permit from the Department. This subdivision shall not apply to recreational activities undertaken in connection with the services of a licensed outdoor guide, to landscape or wildlife photography (products not offered for sale on-site), or wildlife observation activities that do not otherwise violate any subdivisions in this Part.

## **§51.9 Severability**

If a provision of this Part or its application to any person or circumstance is determined to be contrary to law by a court of competent jurisdiction, such determination shall not affect or impair the validity of the other provisions of this Part or the application to other persons and circumstances.