

**Access and Public Use Plan for
Point Peninsula Wildlife Management Area
2023-2031**



Grassland habitat on Point Peninsula WMA

Photo: NYSDEC

Division of Fish and Wildlife
Bureau of Wildlife

317 Washington Street
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**Department of
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SUMMARY

Point Peninsula Wildlife Management Area (WMA) was acquired in 1979, 1980, and 2003 from Thompson Farms and included four private parcels. The parcels, at the time, qualified on New York State's priority list under the Open Space Plan in the Lake Ontario Shorelines and Island category. In 2017, two additional parcels contiguous to the WMA were acquired from Jennifer Lance resulting in 14 acres of WMA held in public ownership. The WMA is comprised predominantly of grasslands, followed by a natural wetland complex consisting of emergent marsh, shrub/scrub swamp, and floodplain forest.

Common recreational activities include upland gamebird hunting, deer hunting, trapping, and wildlife viewing. Ring-necked Pheasants are now being stocked on this WMA and provide bird hunters spectacular views and excellent opportunities. Much of the forest on the WMA is a forested wetland that provides many opportunities for furbearer trapping. Multiple impoundments were created through a Ducks Unlimited project and provide habitat for migratory waterfowl. It is common to see many grassland birds and winter raptors, including Snowy and Short-eared Owls on this WMA. Occasionally a Bald Eagle can be observed foraging on any carcasses they find.

Management objectives for public use and access on Point Peninsula WMA include:

- Install one accessible kiosk at the intersection of Pine Woods Road and South Shore Road.
- Upgrade parking area at the intersection of Pine Woods Road and South Shore Road to create an accessible parking spot.

I. BACKGROUND AND INTRODUCTION

PURPOSE OF ACCESS AND PUBLIC USE PLANS

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.¹

SCOPE AND INTENT

This Access and Public Use Plan (APUP) complements the Habitat Management Plan (HMP) for Point Peninsula 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*,² which addressed compliance with the State Environmental Quality Review Act, 6 NYCRR Part 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

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.³ 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

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

² Available online at www.dec.ny.gov/docs/wildlife_pdf/eispublic.pdf.

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

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

The WMA is located on Lake Ontario in Jefferson County on the western edge of Point Peninsula, 8.5 miles southwest of the village of Three Mile Bay. From Watertown, take NYS Route 12E north and turn left onto Jefferson County Route 57. Follow County Route 57 and cross over the Isthmus where there is the DEC Lake Ontario at the Isthmus Fishing Access Site. From there you can stay on County Route 57 or take Beach Road right to the WMA (Figures 1 and 3).

- Pine Woods Road (44.0042°N, 76.2350998°W) - Get [Google Map Driving Directions](#)
- Pine Woods Road (43.9976006°N, 76.2449036°W) - Get [Google Map Driving Directions](#)

CONNECTIVITY TO OTHER RECREATION AREAS

Point Peninsula WMA is located along the shore of Lake Ontario and with that comes a plethora of other public lands (Figure 1). Long Point State Park is on Point Peninsula and to the north and east of the WMA. This state park hosts boat docking, camping, picnicking, and swimming. The state park is managed by the Office of Parks, Recreation, and Historic Preservation (OPRHP)⁴. While still on Point Peninsula, there is a private marina to the south of the WMA called Hidden Harbor Campground and Marina⁵.

French Creek (town of Clayton) and Ashland Flats (towns of Lyme and Cape Vincent) WMAs are nearby Point Peninsula as well⁶. These WMAs are managed by the DEC Bureau of Wildlife.

⁴ Long Point State Park information can be found at <https://parks.ny.gov/parks/longpoint/details.aspx>.

⁵ Hidden Harbor Campground and Marina information can be found at <http://www.hiddenharborcamp.com/>.

⁶ French Creek and Ashland Flats WMAs information can be found at <https://www.dec.ny.gov/outdoor/8282.html>.

Other recreational opportunities can be found on the Greater Watertown – North Country Chamber of Commerce at <https://www.watertownny.com/>.

WMA FEATURES

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 Point Peninsula WMA. In addition, Point Peninsula has four constructed impoundments. Each impoundment includes a dike and drop inlet structure, providing habitat for migratory waterfowl. The grasslands on the WMA make up the Point Peninsula Bird Conservation Area⁷, which is also part of an Important Bird Area of New York and Grassland Bird Focal Area.

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

Category	Feature	Current Amount (as of 2023)	Proposed Changes
Parking	Vehicle parking lot	1	No change
	Pull off	1	No change
Roads	Public road boundary	5 Miles	No change
Structures and facilities	Informational kiosks	0	Increase to 1
	Other (impoundments, dikes, drop inlets)	4	No change

MAINTAINING AND IMPROVING WMA FEATURES

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

⁷ Point Peninsula Bird Conservation Area was designated in 2006 and more information can be found at <https://www.dec.ny.gov/animals/30935.html>

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: There is currently one parking area for two to three vehicles off Pine Woods Rd and one pull off area at the intersection of Pine Woods Rd and South Shore Rd. This pull off is essentially a minimally maintained gravel area to pull off the public road. Both the parking area and pull off are used to provide access to popular hunting areas on the WMA.

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

- Maintain existing parking area through mowing the edges and adding gravel when needed.
- Upgrade the parking area at the intersection of Pine Woods Road and South Shore Road to include one accessible parking spot.

ROADS

Current Conditions: There are no roads or bridges on Point Peninsula WMA, however five miles of town and county roads skirt the boundaries of and intersect the WMA.

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

- None

TRAILS



Current Conditions: There currently are no trails on Point Peninsula WMA.

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

- None

BOAT LAUNCHES AND FISHING ACCESS



Current Conditions: There are no boat launches or fishing access sites on Point Peninsula WMA, however there is the DEC Lake Ontario at the Isthmus Fishing Access Site prior to arriving at the WMA where boats can be launched.

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 observation/hunting blinds, towers, or platforms on Point Peninsula 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: There are no buildings or other permanent structures on Point Peninsula WMA.

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

- Install one accessible kiosk at the parking area located at the intersection of Pine Woods Road and South Shore Road

MANAGING HABITAT TO PROVIDE RECREATIONAL OPPORTUNITIES

There are over 400 acres of managed grassland habitat on Point Peninsula WMA. The grasslands are mowed on a rotational basis to enhance the quality of breeding habitat for grassland birds as well as to provide increased opportunities for Ring-necked Pheasant hunting. Common grassland species found on the area include Savanna Sparrow, Bobolink and Eastern Meadowlark in addition to threatened and endangered species such as Northern Harrier and Short-eared Owl. The WMA is stocked with Ring-necked Pheasants allowing many hunting prospects throughout

the season. Small game hunters can enjoy pursuing cottontail rabbits and Wild Turkey. The diversity of grassland, shrubland, wetland, and forest habitat create many funnels for big game hunters to pursue white-tailed deer on this WMA. There are four manmade impoundments that provide valuable stopover and breeding habitat for several waterfowl and marsh bird species including American Green-winged Teal, Blue-winged Teal, American Bittern, Pied-billed Grebe, and



Extensive grassland habitat on Point Peninsula WMA

Photo: Irene Mazzocchi, NYSDEC

Marsh Wrens. Other uncommon wetland dependent species found on the area include chorus frogs, Blanding's turtle, and the occasional Black Tern. The spring is a great time to listen for amphibians calling and/or look for turtles on the move.

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

- Continue mowing large grassland fields, as described in the annual work plan, on an annual, biennial, or triennial basis depending on vegetation growth to allow for thatch and prevent woody growth.
- Continue routine annual maintenance and mowing on dikes and control structures so that they function to impound water.
- Continue stocking Ring-necked Pheasants

III. PUBLIC USE ACTIVITIES

RECREATION ON POINT PENINSULA WMA

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.

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 Point Peninsula WMA. All statewide hunting, trapping, and fishing regulations apply.⁸



Hunting: Located in Wildlife Management Unit (WMU) 6G, Point Peninsula WMA offers opportunities for both small and big game hunting. The WMA is a popular white-

⁸ Available online at www.dec.ny.gov/regs/2494.html.

tailed deer hunting destination. Ring-necked Pheasants are stocked along South Shore Road and Beach Road making this an increasingly popular upland bird hunting destination. Fields are mowed on a rotational basis leaving some fields unmowed each year to provide opportunities for pheasant hunting as well as habitat for other small game. Limited waterfowl hunting opportunities exist on the small impoundments and forested wetlands.



Trapping: There are limited trapping opportunities on Point Peninsula WMA. Muskrat, mink, and beaver may be found in the manmade impoundments or in the forested wetland. Other furbearer species found in the forested wetland and grassland areas of the WMA include raccoon, coyote, red and grey fox, and striped skunk.



Wildlife observation/bird watching: Point Peninsula provides many different habitat types that are conducive to wildlife watching, specifically bird watching. The abundance of grassland habitat offers viewers ample opportunities to see and hear many different species of birds including Savannah Sparrows, Bobolinks, Eastern Meadowlarks, Sedge Wrens, Short-eared Owls, and Northern Harriers. The surrounding shrubland and forests also makes this a popular area for Red-tailed Hawks, Great-horned Owls, and American Kestrels. During the winter months, this area is especially popular for viewers looking to find Snowy Owls, Short-eared Owls, and Rough-legged Hawks.

The manmade impoundments on the property provide habitat for a variety of waterfowl and marsh bird species as well. Species such as American Green-winged Teal, Pied-billed Grebes, and Marsh Wrens have all been documented on the WMA.

This property also provides access for viewing and/or photographing other types of wildlife including white-tailed deer, raccoon, and fox. Amphibians and reptiles that can be found on the WMA include green frogs, garter snakes, and painted turtles.



Bobolink enjoying the grassland at Point Peninsula WMA.

Photo: Elizabeth Truskowski, NYSDEC



Fishing: Fishing in Lake Ontario is possible from the shoreline of the WMA; however, it is not known to be a common practice.

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 Point Peninsula 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.



Canoeing and kayaking: [Non-motorized boating](#) is allowed on open waterways.



Bicycling: [Bicycling](#) is allowed on open WMA roads but not allowed on most trails. Only trails specifically posted and designated by DEC are open to bike use.



Cross country (Nordic) skiing and snowshoeing: There are currently no cross-country skiing or snowshoeing trails on the WMA, however this activity can be performed on Point Peninsula WMA.

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 Point Peninsula 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](#).

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

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

- Organized competitive races or group events
- [Geocaching](#)

- Drone flying is not allowed unless it is a permitted wildlife, research, or habitat management flight

The following activities are not allowed on Point Peninsula WMA:

- Horseback riding
- Overnight mooring or boat storage
- Swimming
- Off road use of motorized vehicles
- Fires, except for cooking or warmth
- Use of metal detectors, searching for or removing historic or cultural artifacts without a permit
- Camping
- Dog trials and group training events
- 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.^{9,10} 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.
- Hunters with disabilities can apply for various permits and reduced fee licenses through DEC's Special Licenses Unit.¹¹
- 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.¹²
- WMA visitors may apply for accommodation permits to request use of power-driven mobility devices on state lands beyond MAPPWD routes.¹³ Applications for accommodation are available through DEC's 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 (Albany).
- 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

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

¹⁰ Information about public use of State Forests is available in the *Strategic Plan for State Forest Management* at www.dec.ny.gov/docs/lands_forests_pdf/spsfmfinal.pdf.

¹¹ Information about permits is available at www.dec.ny.gov/permits/30419.html.

¹² Information about MAPPWD is available at www.dec.ny.gov/outdoor/2574.html.

¹³ Information about accommodation permits is available at www.dec.ny.gov/outdoor/73029.html.

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 Point Peninsula WMA: During the development of this plan, an inclusivity assessment was completed at Point Peninsula WMA to determine the current accessible features, determine their condition, and identify appropriate actions such as updating existing facilities or installing new ones. Currently there are no accessible recreational opportunities available at Point Peninsula WMA. Our goal is to upgrade the parking area at the intersection of Pine Woods Road and South Shore Road to include one accessible parking area and install an accessible kiosk at this location.

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

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 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 Point Peninsula WMA, there are a few challenges to maintaining and managing habitat on the property. One being that many of the grassland fields can become very wet throughout the summer season and into the fall which can make mowing and other field maintenance challenging. Mowing is under contract and can only occur between August and October to avoid disturbance of nesting grassland bird species, leaving a very short window to complete the work. If conditions are not favorable, some fields may not be accessible during that time.

Point Peninsula WMA has been managed to maintain and improve nesting and wintering habitat for grassland birds. The area currently operates under a contract agreement established with a local farmer who will be mowing and removing hay from the grassland fields. As previously mentioned, this process is time sensitive, and the contract will not allow the farmer to be on the area until after peak nesting season. It will be important to keep a balance between providing public access to the WMA while also protecting vulnerable grassland habitat that is crucial for the nesting success of threatened and endangered bird species that are utilizing the area.

There have also been instances of encroachment on this WMA. There are private properties that border the area and many times have been found storing their belongings on the WMA. Forest Rangers have been notified of these issues and have been working to resolve them.

PERMITS AND USER AGREEMENTS

TEMPORARY REVOCABLE PERMITS

Temporary Revocable Permits (TRPs) are short-term permits for certain individual or group activities or events on DEC-managed public lands.¹⁴ 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.¹⁵ 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.

AGRICULTURAL AGREEMENTS/CONTRACTS

Point Peninsula WMA currently operates under an agricultural contract agreement which allows a local farmer to mow and remove hay from the grassland fields. These agreements typically have a term of three years and can be extended up to two additional years. More information is above in the Management Challenges section.

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

¹⁵ Information about VSAs is available at www.dec.ny.gov/regulations/90822.html.

IV. MANAGEMENT SUMMARY

In summary, Table 2 lists facility maintenance and public access actions planned for Point Peninsula 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 Point Peninsula WMA, 2023-2031.

Description of Action	Priority	Estimated cost ^a
Upgrade parking are to include one accessible parking spot	High	\$1,500.00
Install one accessible kiosk at the upgraded parking area	High	\$500.00
Maintain all existing parking areas/pull offs and add new parking areas/pull offs as needed	Low	\$250.00
Maintain all interior (every four years) and roadside (annual) boundaries	Low	\$250.00

^a Cost estimate provided for planning purposes only and is subject to change.

V. FIGURES

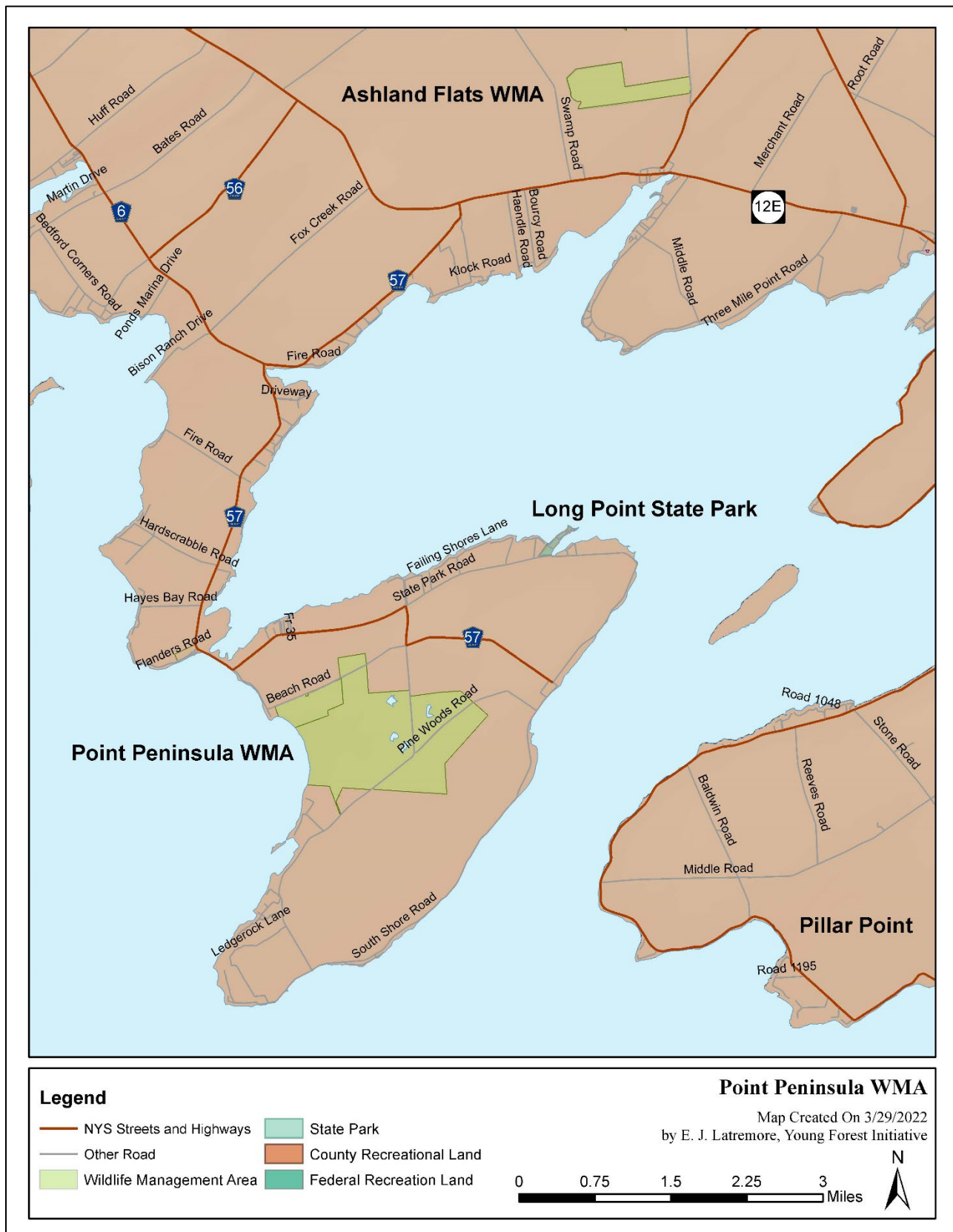


FIGURE 1. Connectivity to other public lands and recreation areas.

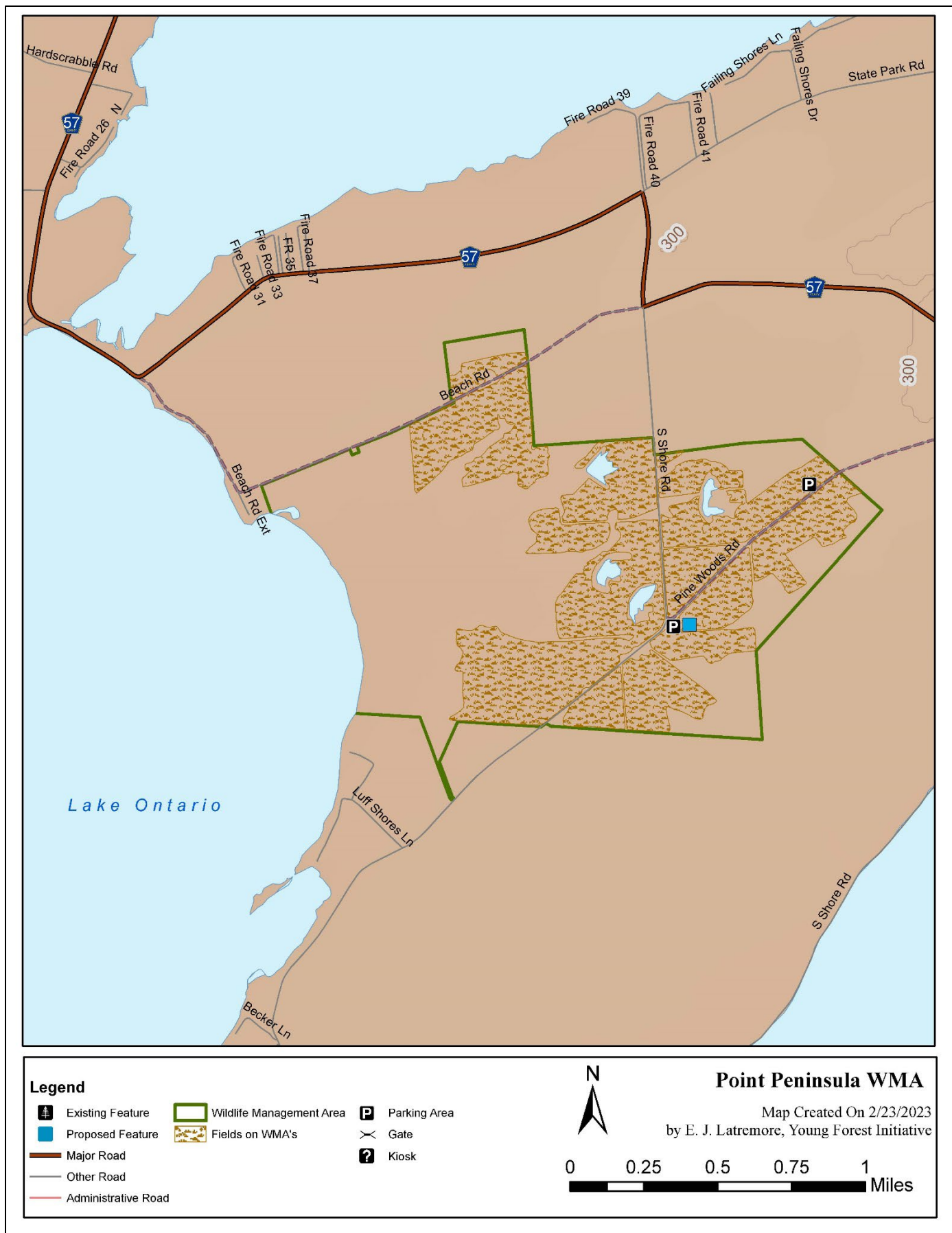


FIGURE 2. Location of existing and proposed access features at Point Peninsula WMA.

VI. APPENDICES

APPENDIX A. SUMMARY OF PUBLIC COMMENTS AND RESPONSES

The following is a summary of the public comments that were received during the creation of the Point Peninsula Access and Public Use Plan and subsequent changes to the plan. Comments are in **bold** text, with DEC responses in *italics*.

COMMENTS RECEIVED

SUMMARY OF CHANGES MADE TO THE PLAN

APPENDIX B. APPLICATION OF THE AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act of 1990 (ADA), along with the Architectural Barriers Act of 1968 (ABA) and the Rehabilitation Act of 1973, Title V, Section 504, has 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, DEC incorporates accessibility for people with disabilities into 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 DEC, when viewed in their entirety, are readily accessible to and usable by people with disabilities. DEC 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, DEC 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, and the transportation of and communication with individuals with disabilities.

In accordance with the US Department of Justice's ADA Title II regulations, all new DEC facilities, or 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 [28 CFR § 35.151 (a)]. 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. In addition, all alterations to facilities, or part of facilities, that affect or could affect the usability of the facility will be made in a manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities [28 CFR § 35.151 (b:1-4)].

DEC uses the Department of Justice's 2010 Standards for Accessible Design in designing, constructing, and altering buildings and sites. For outdoor recreational facilities not covered under the current ADA standards, DEC uses the standards provided under the ABA to lend credibility to the assessment results and to offer protection to the natural resource (ABA Standards for Outdoor Developed Areas; Sections F201.4, F216.3, F244 to F248, and 1011 to 1019).

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. A record of accessibility determination is kept with the work planning record.

For further information, please contact Leah Akins, DEC Statewide ADA Accessibility Coordinator, at 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.