

**Access and Public Use Plan for
John White Wildlife Management Area
2023-2028**



Division of Fish and Wildlife
Bureau of Wildlife

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Waterfowl hunting and photography blind on the west side of the WMA.

Photo: DEC

SUMMARY

John White Wildlife Management Area (WMA) provides public access for multiple wildlife-dependent recreational activities including hunting, trapping, and wildlife observation. Although this WMA is only 329 acres, the large managed grassland habitat that makes up most of the WMA provides recreational experiences that are not found on many state WMAs.

Hunting in the large open fields for stocked ring-necked pheasant is a popular activity at this WMA. For many years prior to the COVID-19 pandemic, the site hosted an annual organized pheasant youth hunt event enjoyed by many young hunters. DEC is currently looking at options to continue this valuable program in future years. The area is also a terrific destination for bird watchers due to the presence of a variety of grassland breeding and wintering bird species that depend on large grassland habitats.

Other habitats present on the WMA include a small woodlot and a few isolated emergent wetlands. Common wildlife species, such as white-tailed deer and wild turkey, provide opportunities for hunting and wildlife observation, and waterfowl are often present in the wetlands.

On the west side of the WMA, hunting is restricted to seniors and people with disabilities, and an accessible waterfowl hunting and photography blind is located adjacent to one of the wetlands. All trapping on the WMA is by permit only.

Multiple parking areas, laneways, and hiking trails provide access to the WMA, and the New York State Department of Environmental Conservation (DEC) will continue to promote and improve public access for wildlife-dependent activities on this small but popular WMA.

Management objectives for public use and access on John White WMA include:

- Continue to maintain all existing access infrastructure (parking areas, kiosk, waterfowl hunting blind, trails, etc.).
- Construct additional infrastructure items as needed to facilitate wildlife-dependent recreation (parking areas, pull-offs, kiosks, etc.).
- Specifically concentrate on maintaining and improving the grassland habitat with the intention to improve access opportunities for upland bird hunters and bird watchers.
- Aim to maintain quality hunting opportunities (including for deer, turkey, waterfowl, and pheasant) for permit holders on the west side of the WMA.
- Maintain and improve the trails through the forest area on the west side of the WMA.

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. BOW 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 John White 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 BOW 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, 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

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

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

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 was adopted by New York, effective 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

Route 77 in the Town of Alabama runs north and south through John White WMA and divides it into east and west sides. Both the east and the west sides are accessible from parking areas off Route 77. A route for the Motorized Access Program for People with Disabilities (MAPPWD) also begins on the west side of Route 77. Both sides of the WMA can also be accessed from Judge Road, which runs east to west along the WMA’s southern boundary. There is a parking lot with a kiosk at the southeast side of the WMA and a small pull-off on the southwest side of the area. For more detailed driving directions and a map showing access points, see Figure 1 of the preceding John White Habitat Management Plan (page 27).

CONNECTIVITY TO OTHER RECREATION AREAS

John White WMA does not border any other public lands, but it is approximately 2 miles south of the large (almost 19,000 acres) habitat complex composed of Tonawanda WMA (5,600 acres), Oak Orchard WMA (2,554 acres), and Iroquois National Wildlife Refuge (NWR). Iroquois NWR comprises 10,828 acres, is owned by the federal government, and is managed by the United States Fish and Wildlife Service. These three areas allow many of the same activities as

³ Additional information is available online at https://www.dec.ny.gov/docs/wildlife_pdf/p51expressterms.pdf.

John White WMA, but they have some additional opportunities related to the variety and juxtaposition of habitat types on the complex, including a large amount of wetland habitat. Visitors should be aware that Iroquois NWR has different access regulations than the WMAs - information related to Iroquois NWR can be found at <https://www.fws.gov/refuge/iroquois/>.

For a more detailed map of the surrounding public lands, please see Figure 1 towards the end of this document.

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 John White WMA.

Table 1. Summary of current and desired public use features on John White 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 | 4 | Improve |
| | Pull off | 1 | No Change |
| Roads | Public truck trail | 0 Miles | |
| | Administrative road | 3.8 Miles | No Change |
| | Gate | 1 | Improve |
| Trails | Foot trail | 0.6 Miles | Improve |
| | Interpretive nature trail | 0 Miles | No Change |
| | Accessible ATV/truck trail | 0.6 Miles ^b | No Change |
| Boat launch & fishing access | Launches/platforms/docks | 0 | No Change |
| Observation structures | Blind (hunting/observation) | 1 | No Change |
| | Observation platform | 0 | No Change |
| Structures and facilities | Building or shed | 0 ^a | No Change |
| | Informational kiosks | 1 | No Change |
| | Sign Tree | 1 | No Change |
| Accessible features | Blinds | 1 ^b | No Change |
| | Parking | 1 ^b | No Change |

^a All buildings currently on John White WMA are not open for public use and are minimally discussed in this plan.

^b Accessible features are included in the totals for other categories (i.e., blinds, parking, administrative roads).

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 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 3.

PARKING AREAS



Current Conditions: Currently, John White WMA has a total of four parking lots and one pull-off. One large, paved parking area is associated with the buildings on the east side of Route 77. The three other parking lots are smaller and are found as follows: (1) a gravel lot just north of Judge Road near the southeast corner of the WMA, (2) a dirt parking area just off the west side of Route 77 on top of the hill, and (3) a parking area at the very end of the MAPPWD route west of Route 77 (only accessible with a MAPPWD permit). The parking pull-off on the WMA is on the southwest side of the WMA just north of Judge Road. It is primarily a snowplow turnaround and should not be used during the winter. These parking features are located to provide access to all sections of the WMA for hunting, trapping, and wildlife observation. Parking lots are maintained by mowing/trimming around the edges, snow plowing in the winter, and filling holes and other repairs as needed.

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

- Maintain existing parking areas through periodic mowing, snowplowing, and filling holes as needed.
- Install signage within the large, paved parking lot on the east side of John White to indicate end of public parking area.
- Maintain/improve the parking area on the hill on the west side of Route 77 (possibly add gravel and some signage to better indicate it is a parking area).

ROADS

Current Conditions: John White WMA contains 3.8 miles of administrative roads that are located on both the east and west sides of the property (Figure 2). These administrative roads have controlled access and unauthorized vehicles are prohibited. Most of these administrative roads are mowed laneways through fields, but a 0.6-mile segment on the west side of Route 77 is a gravel road.

This 0.6-mile gravel road section is a designated route that allows motorized access only for individuals that possess a MAPPWD permit. This route provides access to the grasslands, forest area, and ponds on the west side and ends at a small parking area near the waterfowl hunting/photography blind.

At this time, all access roads owned and managed by DEC on this property are in decent condition, but the laneways through the grassland can be wet, especially during the spring. Typically, DEC avoids driving on these laneways during wet periods. Administrative roads are maintained in order to provide DEC with access to different parts of the WMA, and they also provide improved foot access for WMA users to various areas on the property for hunting, wildlife observation, and other activities. The laneways through the grasslands on the east side are mowed every year at least once, typically after the grassland bird breeding season, and ruts are repaired as needed. Stone is added to the administrative laneway/MAPPWD route west of Route 77 as needed and the sides are mowed annually.

There is one gate at the southeast corner of the property that restricts access to the administrative laneways through the grassland fields. This gate is maintained as needed through painting and repairs.

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

- Maintain current mileage of DEC-owned administrative roadways and the MAPPWD route through mowing, grading, and adding material when necessary.
- Maintain existing gate and culverts through routine maintenance as needed.
- Close administrative roads on the east side of Route 77 to bicycle use and horseback riding to avoid disturbance to grassland-dependent wildlife. Administrative roads west of Route 77 will remain open to both uses.

TRAILS



Current Conditions: Currently, John White WMA has an approximately 0.6-mile foot trail that loops through the forested area on the west side of the road. The trailhead is located along the administrative road at the edge of the forest near a sign tree, and this trail can be used to hike to the wetlands in the northwest corner of the WMA. The trail is maintained by removing branches and other debris as needed annually and maintaining trail markers. It is used to provide access for hunting (by permit only), trapping (by permit only), wildlife observation, and as a path to the wetland areas for fishing. As mentioned above, the administrative roads also function as trails to provide users access for bird watching, hunting, and trapping.

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

- Maintain current trail as needed by removing large sticks and debris and replacing trail markers as needed.
- Once planned forestry work is complete (see HMP for details), adjust and repair the trail as needed. This may require some rerouting of the trail.
- Provide information about the forestry work and the expected benefits for wildlife in the sign tree near the beginning of the trail.

BOAT LAUNCHES AND FISHING ACCESS



Current Conditions: The northwestern most wetland on the WMA has some deeper areas that provide an opportunity to fish for species including largemouth bass, bluegill, and bullhead. Fishing can occur from the dike and the pond banks, but no special features are available on the WMA for fishing or boating.

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

- Mow dike and area of bank to help provide access for fishing.

OBSERVATION/HUNTING BLINDS, TOWERS, AND PLATFORMS



Current Conditions: There is one observation/hunting blind on the WMA. This blind is located adjacent to the wetland in the northwest corner of the WMA and is wheelchair accessible and provides opportunities for waterfowl hunting and photography. This blind has a front cover with a camera hole that is put in place to facilitate photography during the spring and summer months and is removed prior to the September goose season for waterfowl hunting. The blind can be accessed along a short accessible path from the parking lot at the end of the MAPPWD route, and the blind features a bench and a dog door off the front of the blind. The blind is maintained and repaired as needed to make sure that it remains fully accessible. Waterfowl, such as wood ducks, mallards, and Canada geese, frequent the pond in front of the blind, and other wildlife such as great blue and green herons can also be observed and photographed from the blind.

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

- Maintain waterfowl hunt and photography blind as needed.
- Seasonally install and remove front cover of blind.

BUILDINGS AND OTHER PERMANENT STRUCTURES



Current Conditions: Near the southeast corner of the WMA is an informational kiosk with a bench that can be accessed from the parking lot off of Judge Road. This kiosk provides general information related to the WMA as well as information related to grassland birds. There is also an informational sign tree near the beginning of the foot trail along the MAPPWD Route/administrative road on the west side of Route 77.

Multiple buildings remain on site at John White WMA that were part of the former John A. White Memorial Pheasant Game Farm, which was decommissioned in 1999; however, none of these buildings are open to the public, except in limited situations by special permit. On the east side of Route 77, there is a house, 3 large storage buildings, and a small water pumphouse. On the west side, there is a house, an associated small garage, and a wooden storage barn. The house and garage on the west side are in fair condition structurally, but they have significant issues with asbestos and have no working water or sewer/septic. The house on the east side is currently in very bad condition and has both mold and asbestos issues. The houses are proposed for surplus and removal. The storage sheds and barns need repairs and maintenance, but they are actively functioning as storage for equipment and supplies for DEC's Bureau of Wildlife and Divisions of Operations and Law Enforcement. The main barn on the east side has some office space, a bathroom, and a space that is currently used as a Chronic Wasting Disease sample collection lab for regions 8 and 9.

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

- Maintain kiosk and sign tree as needed (e.g., update material, repair structure).
- Remove the house on the west side of Route 77. This will include a full hazardous materials assessment and abatement before anything is torn down and removed.
- Further assess the large house on the east side of Route 77. This will include a full hazardous materials assessment and abatement. If necessary, this house may need to be removed.
- Maintain and repair storage buildings and barns as needed. This may include hazardous materials assessments and abatements in the future.

MANAGING HABITAT TO PROVIDE RECREATIONAL OPPORTUNITIES

There are several habitat management projects specifically designed to improve public access for wildlife recreation. Please refer to the HMP for a detailed habitat management discussion.

Grassland is the primary habitat type on John White WMA, making up 82% or 268 acres of the WMA. The large contiguous grassland area not only provides exemplary habitat for grassland wildlife, but it also provides excellent opportunities for wildlife dependent recreation. Because of the presence of state listed and other grassland bird species with a range of habitat requirements during both the breeding and wintering seasons, there are timing restrictions for management actions, such as mowing, to avoid negative impacts to these species. With some careful planning, DEC aims to manage the grassland area each year to provide both quality habitat and optimal conditions for wildlife dependent recreation such as hunting and bird watching. For instance, mowing of some warm season fields is done prior to the breeding season, typically in early April. This provides the ideal conditions needed for certain breeding songbirds, while also allowing cover to grow back for ring-necked pheasant hunting, winter cover, and foraging habitat for upland game species and the state listed raptor species short-eared owl and northern harrier. Other fields are mowed after August 15th each year as needed to control woody brush and other undesirable species. When making plans for summer mowing, leaving cover for the hunting season, especially for pheasant stocking, is always a high priority. Spot mowing is a technique that is sometimes used to target woody vegetation, while maximizing remaining cover. The mowing of special laneways is also done to accommodate the

youth pheasant hunt and to provide easier access for hunters throughout the season. Pheasants are stocked on the WMA for the youth hunt and throughout the first part of the pheasant season. Additional grassland management that is planned for the future will have the goal of improving grassland quality for both habitat and access. Some of the grassland fields may be temporarily converted into agricultural crops for 2-3 years in order to control invasive species and then replanted with desirable grasses to provide higher quality grassland.

The small ponds and wetlands are also managed to improve access for recreation. The ponds are occasionally drawn down to improve cover and provide wetland food plants for migrating waterfowl and other wetland dependent species. Control of invasive species, especially common reed (*Phragmites australis*), will also improve access opportunities. A priority is maintaining quality habitat in front of the hunting and photography blind in the northwest corner of the WMA. Of note, the wetland in the southeast portion of the WMA is a waterfowl refuge area (no waterfowl hunting) due to the proximity of houses.

Finally, forest management planned for the west side of the WMA, such as establishing more understory and mid-story woody vegetation, will increase available deer browse and cover for wild turkey. Both deer and wild turkey hunting are popular activities on the west side of the WMA.

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

- Maintain and restore grassland habitat as needed to provide both habitat and wildlife dependent recreational opportunities. This will include any special mowing to improve access for activities such as pheasant hunting, trapping, and bird watching that doesn't interfere with habitat priorities.
- Implement forest habitat improvement project to promote understory growth which should increase food and cover for game species and improve hunting opportunities.
- Maintain wetland cover and habitat in ponds and wetlands, with the area in front of the waterfowl and observation blind a priority.

III. PUBLIC USE ACTIVITIES

RECREATION ON WMAS

WMAs are unique among 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 JOHN WHITE WMA

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

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 John White WMA. All statewide hunting, trapping, and fishing regulations apply.⁴



Hunting: Composed primarily of a large contiguous grassland area and located in Wildlife Management Unit (WMU) 8G, John White WMA provides a different hunting experience than many other WMAs. Pheasant hunting on stocked pheasants is a very popular activity on the WMA due to the abundant grassland habitat, which better simulates wild pheasant habitat. Hunters accompanied by their dogs can roam through the large fields for hours in anticipation of the excitement of a flushed bird. Pheasants are stocked prior to the youth pheasant hunt and opening day and then on one or more days a week during the first weeks of the season. Grassland management is performed, in part, to provide cover for stocked pheasants as well as other game species, and paths are typically mowed prior to pheasant season to improve access. This plan proposes closing pheasant hunting and dog training on this WMA on Tuesdays and Fridays (stocking days), beginning with the 2024 pheasant hunting season (see page 18, Management Challenges).

Hunting on the 100-acre west side of the WMA is by permit only for seniors (70+) and people with disabilities. Permits can be obtained by contacting the NYSDEC Wildlife staff at the Iroquois sub-office at (585) 948-5182. The diverse set of habitats on the west side of the WMA combined with the MAPPWD route for easier access and the accessible waterfowl hunting blind makes this a good hunting choice for qualifying individuals and their companions. Hunting for white-tailed deer and wild turkey is especially popular on the west side of the WMA, and waterfowl hunting from the accessible blind is also an attraction for some hunters. Water levels in the ponds/wetlands are managed to facilitate waterfowl hunting, including drawdowns some years to improve cover and grow seed-producing plants. Species such as Canada geese, mallards, and wood ducks frequently use the area.

No permit is needed for hunting on the east side of the WMA where the larger open fields are found. Although not all of the same opportunities are available on the east side (waterfowl hunting, forest

⁴ Available online at <https://www.dec.ny.gov/regs/2494.html>.

cover), there are vast hunting opportunities for the general public on the nearby Oak Orchard and Tonawanda WMAs and Iroquois National Wildlife Refuge.

As mentioned previously, the wetland on the east side of Route 77 along Judge Road is a waterfowl refuge area (no waterfowl hunting) due to the proximity of houses on the south side of Judge Road.



Trapping: Many species of furbearers can be found on this WMA including muskrat, mink, red and grey fox, raccoon, opossum, coyote, and striped skunk. The ponds/wetlands provide opportunities for muskrat and mink trapping, and fox and raccoon are also commonly trapped in the upland habitats.

A permit is required to trap on this WMA, and a trapping report is required to be filled in and submitted to inform DEC about trapping effort and success. Trapping permit applications are available from the DEC sub-office located at the Iroquois National Wildlife Refuge Headquarters starting on October 1st of each year; this office can be contacted at (585) 948-5182.

Upland trapping at John White is delayed until November 1 to accommodate the popular early part of the pheasant season, including youth hunts, and to reduce conflicts with hunting dogs and traps. Wetland trapping for muskrat and mink on John White and the nearby Tonawanda and Oak Orchard WMAs also starts later than the regular trapping season: the first day for mink and muskrat trapping each year is the first Saturday of December. This later start is popular with local trappers due to optimal timing for pelt primeness. Beaver trapping dates will be the same as the applicable statewide season.



Wildlife observation/bird watching: Bird watching is a popular activity on this WMA due to the wonderful opportunities to see a variety of grassland bird species, some of which can only be found in large grassland areas.

During the breeding season, bobolinks, savannah sparrows, eastern meadowlarks, and grasshopper sparrows can commonly be seen on this WMA, and in some years, sedge wrens can also be found nesting. Birding is a year-round activity here, with a large variety of birds moving through during spring and fall migration, and in winter, birders can watch northern harriers and short-eared owls foraging in the large fields. Northern harriers can be seen throughout the day, and short-eared owls can typically be seen late afternoon and at dawn and dusk, often leaving their roost to forage shortly before the sun goes down. Birders can listen for their distinctive “barking” call as they fly with their mothlike irregular wing beat foraging low over grassland and emergent wetland habitat. Birders, photographers, and other WMA users should observe these birds from a distance to prevent disturbance to these state-listed species.

Birders can also enjoy viewing a variety of other species, including waterfowl and great-blue and green herons in the wetland habitats. A photography blind is in place by the northwest wetland area during the spring and summer months. The property can also be used to view a variety of other species such as white-tailed deer, wild turkey, mink, and muskrat, as well as reptiles and amphibians, such as painted turtles, garter snakes, green frogs, American toads, and spotted salamanders.



Fishing: Although John White WMA is not known for its fishing opportunities, the northwestern most wetland area on the WMA has some deeper areas that provide an

opportunity to fish for species including largemouth bass, bluegill, and bullhead. Fishing can be done from the banks of the pond and from the dike, but no special features are available on the WMA for fishing or boating.

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, cross country (Nordic) skiing, and snowshoeing are generally compatible with the goals of John White 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 WMA visitors wear orange or other bright colors for safety. Please be mindful of hunters, trappers, and people observing or photographing wildlife.

Due to the small size of the WMA, hiking is not a popular activity here, but there is a 0.6-mile trail that winds through the forested area. These trails are maintained by removal of large sticks and other debris and maintenance of trail markers. Hikers can also use the administrative roads, and this activity is most often done in conjunction with wildlife viewing, especially through the grassland portion of the WMA.



Bicycling: Bicycling is currently allowed on all administrative roads on the WMA, but the amount of bicycle use on the WMA is very minimal. Some administrative roads are proposed in this plan to be closed to bicycle use, see Page 9 and Figure 2.



Cross country (Nordic) skiing and snowshoeing: Cross country skiing and snowshoeing are allowed on administrative roads and the trail segments located on the property, but these activities are very minimal. Trails are not groomed or improved by DEC.

Dog walking: Although not a popular activity on this WMA, recreational dog walking is allowed, but dogs must be leashed and under immediate physical control at all times. Dogs are 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.

Horseback riding: Horseback riding is currently allowed on all administrative roads on the WMA, but the amount of horse use on the WMA is very minimal. Some administrative roads are proposed in this plan to be closed to horseback riding, see Page 9 and Figure 2.

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 John White WMA on a limited basis, with conditions and/or a permit:

Operating motorized vehicles, including ATVs: Motorized vehicles are only allowed on the designated MAPPWD route by valid permit holders; all other use is prohibited. See [Appendix C](#).

Dog training: Training dogs on wild game during the training season (August 16 to April 15) does not require a permit. All other dog training, all dog trials, and any training outside these dates requires a permit from the Regional Wildlife Manager. For the purposes of this plan, “dog training” will be defined as a single dog owner(s) and his or her dog(s) under the direct control and supervision of the owner(s) while engaged in activities aimed at teaching the dog(s) how to pursue and retrieve wild game. During the time period mentioned above, August 16 to April 15, any dog training activities that involve a gathering or group of dogs and owners (more than one group of owners and their dogs together) will be considered a “dog trial” or an “organized training event” and will require a permit from the Regional Wildlife Manager to use WMA property. See [Appendix C](#).

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

The following restricted activities on John White WMA are authorized only under permits issued through the Regional Wildlife Manager:

- Dog trials and group training events
- Organized competitive races or group events
- Geocaching
- Drone flying (permits only issued for wildlife, research, or habitat management purposes)
- Camping

The following activities are not allowed on John White WMA:

- Mechanized boating (except with an electric motor)
- Snowmobiling
- 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.^{5,6} 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.

⁵ Information about accessible recreation on state lands is available at <https://www.dec.ny.gov/outdoor/34035.html>.

⁶ Information about public use of State Forests is available in the *Strategic Plan for State Forest Management* at <https://www.dec.ny.gov/lands/64567.html>.

- Hunters with disabilities can apply for various special permits and reduced fee licenses through DEC's Special Licenses Unit.⁷
- 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 Central Office in Albany.⁸
- 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.⁹ Applications for special accommodation 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 John White WMA: During the development of this plan, an inclusivity assessment was completed at John White 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 John White WMA:

- A MAPPWD route on the west side of the WMA between Route 77 and a small parking area that provides access to the accessible waterfowl hunting and photography blind.
- A waterfowl hunting and observation/photography blind next to the wetland in the northwest portion of the WMA. The blind can be accessed along a short accessible path from the parking lot at the end of the MAPPWD route, and the blind features a bench, and a dog door off the front of the blind.

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.

⁷ Information about permits for hunters with disabilities is available at <https://www.dec.ny.gov/permits/30419.html>.

⁸ Information about MAPPWD is available at <https://www.dec.ny.gov/outdoor/2574.html>.

⁹ Information about accommodation permits is available at <https://www.dec.ny.gov/outdoor/73029.html>.

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 this WMA, one of the challenges, as discussed earlier, is managing the grassland habitat for the variety of wildlife, including multiple listed species, while both avoiding sensitive breeding and wintering periods and managing for fall and winter cover and access for hunting. Although this is a challenge, DEC staff has learned to be flexible and time mowing and other management to benefit both habitat/species and access. However, depending on habitat conditions, necessary management (such as for invasive species), and the presence of Threatened/Endangered species, some years there will be more or less cover available during hunting season.

In the past there have been instances of illegal ATV and snowmobile use on the WMA, as well as vehicles without a MAPPWD permit driving on the designated route. Improved signage along the administrative route on the west side of the road has helped to address this issue.

The high number of pheasant hunters that congregate to hunt pheasants as soon as they are stocked poses a potential safety issue to staff and other hunters. Due to this conflict, it is proposed to close this WMA to pheasant hunting on Tuesdays and Fridays when stocking typically occurs, as has long been the case at the nearby Tonawanda and Oak Orchard WMAs. Improved signage by the buildings on the east side of Route 77 to restrict parking to the paved parking area and to inform hunters of safety issues may also help to improve this situation. If the site is closed to pheasant hunting, it will also be closed to dog training to avoid training activity pushing the stocked birds off of public lands and making them inaccessible to the hunters.

The following actions are proposed to address management challenges:

- Closing the WMA to pheasant hunting and dog training on Tuesdays and Fridays during the pheasant hunting season, beginning with the 2024 pheasant hunting season.

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.¹⁰ 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.

¹⁰ Information about TRPs is available at <https://www.dec.ny.gov/regulations/51387.html>.

VOLUNTEER STEWARDSHIP AGREEMENTS

Volunteer Stewardship Agreements (VSAs) are issued when an individual or organization engages in activities to provide positive benefits to state lands.¹¹ 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.

IV. MANAGEMENT SUMMARY

In summary, Table 2 lists facility maintenance and public access actions planned for John White WMA for the duration of this plan. Location of management actions are shown in Figure 3. Completion of actions are dependent on staff and funding availability.

Table 2. Summary of management actions recommended for John White WMA, 2023-2028.

| Description of Action | Priority | Estimated cost ^a |
|--|-----------------|------------------------------------|
| Maintain and restore grassland, wetland, and forest habitat as needed to provide both habitat and wildlife dependent recreational opportunities. | High | \$15,000/year |
| Maintain MAPPWD route in good condition. | High | \$500/year |
| Maintain hunting/observation blind in good condition, and make sure the path to the blind is fully accessible. | High | \$250/year |
| Close pheasant hunting and dog training on the WMA on Tuesdays and Fridays during the pheasant hunting season. | High | \$100 |
| Post administrative roads on the east side of Route 77 closed to bicycle use and horseback riding. | Medium | \$100 |
| Once planned forestry work is complete, adjust and repair the trail as needed. This may require some rerouting of the trail. | Medium | \$500 |
| Improve the parking area on the hill on the west side of Route 77 (better signage and possibly gravel). | Medium | \$2,500 |

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

¹¹ Information about VSAs is available at <https://www.dec.ny.gov/regulations/90822.html>.

V. FIGURES

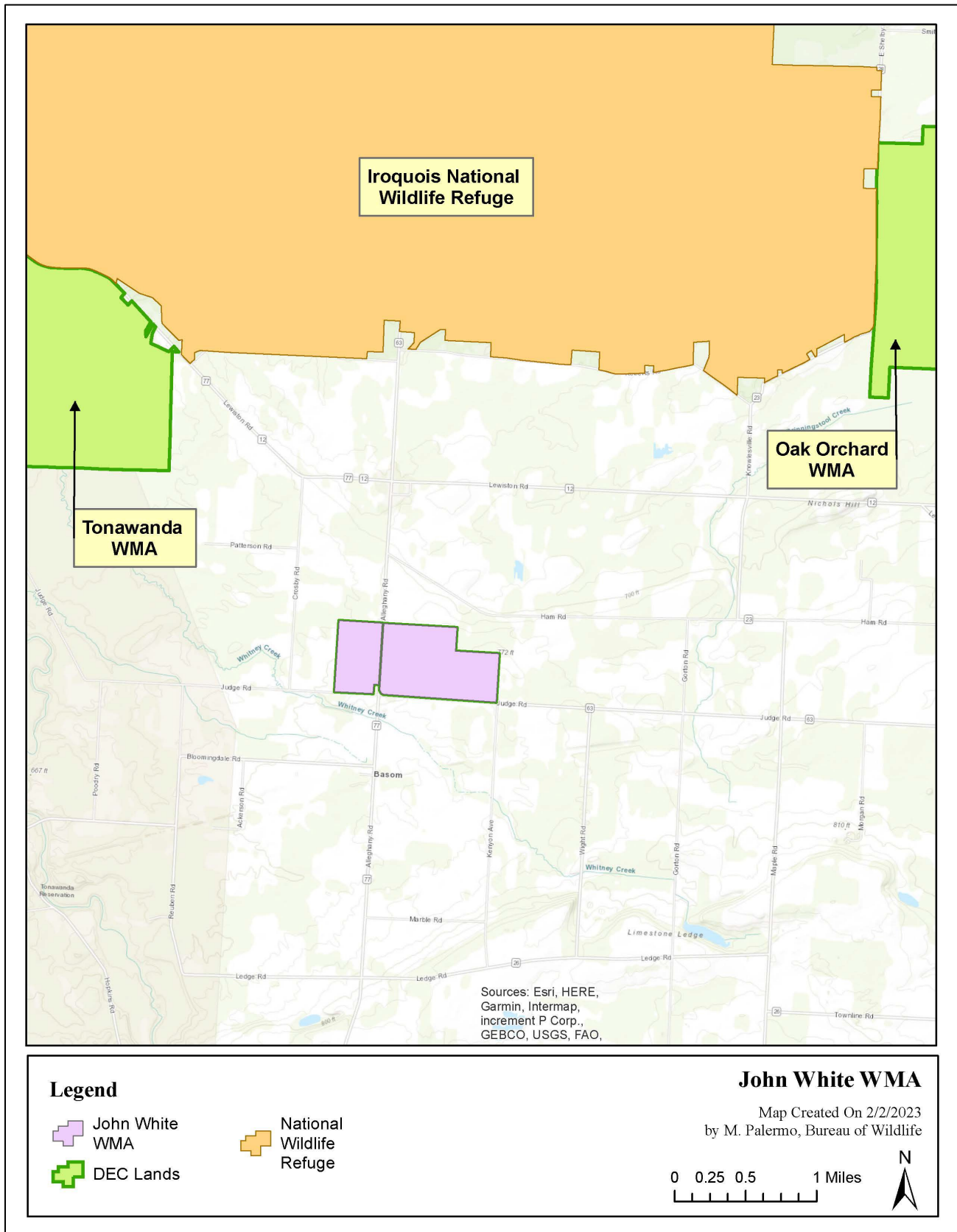


FIGURE 1. Connectivity to other public lands and recreation areas.

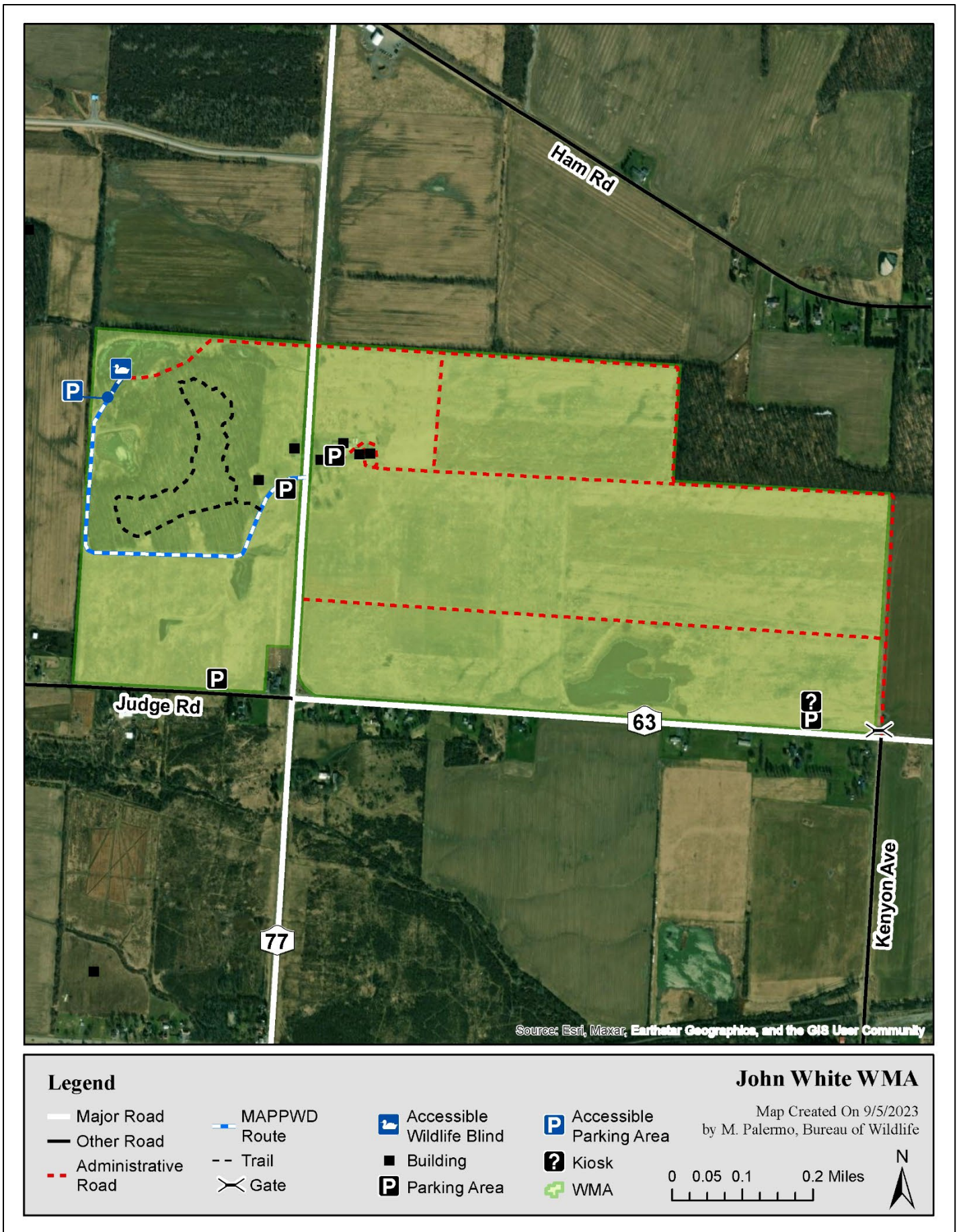


FIGURE 2. Location of existing features at John White WMA.

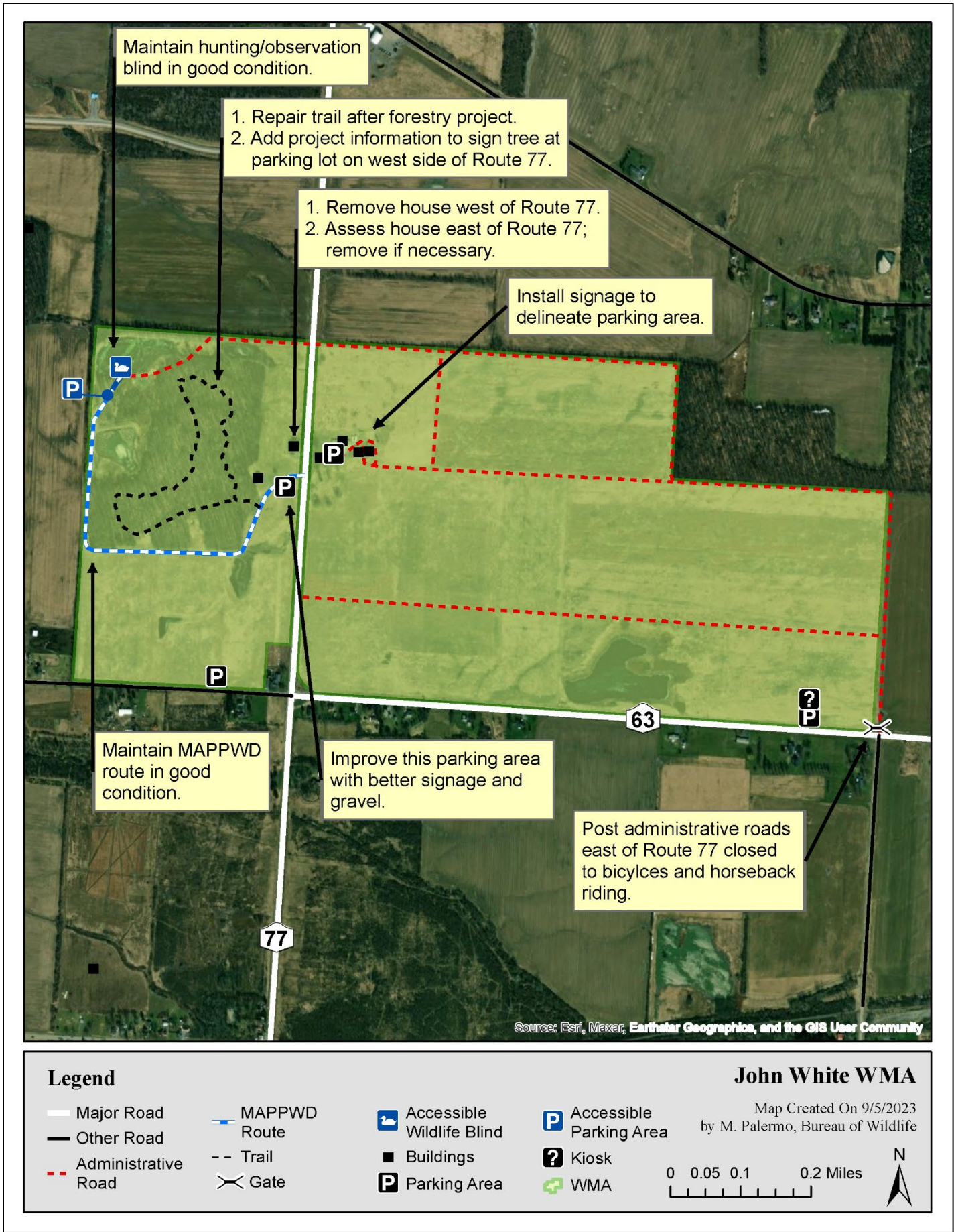


FIGURE 3. Location of proposed management and new access features on John White WMA.

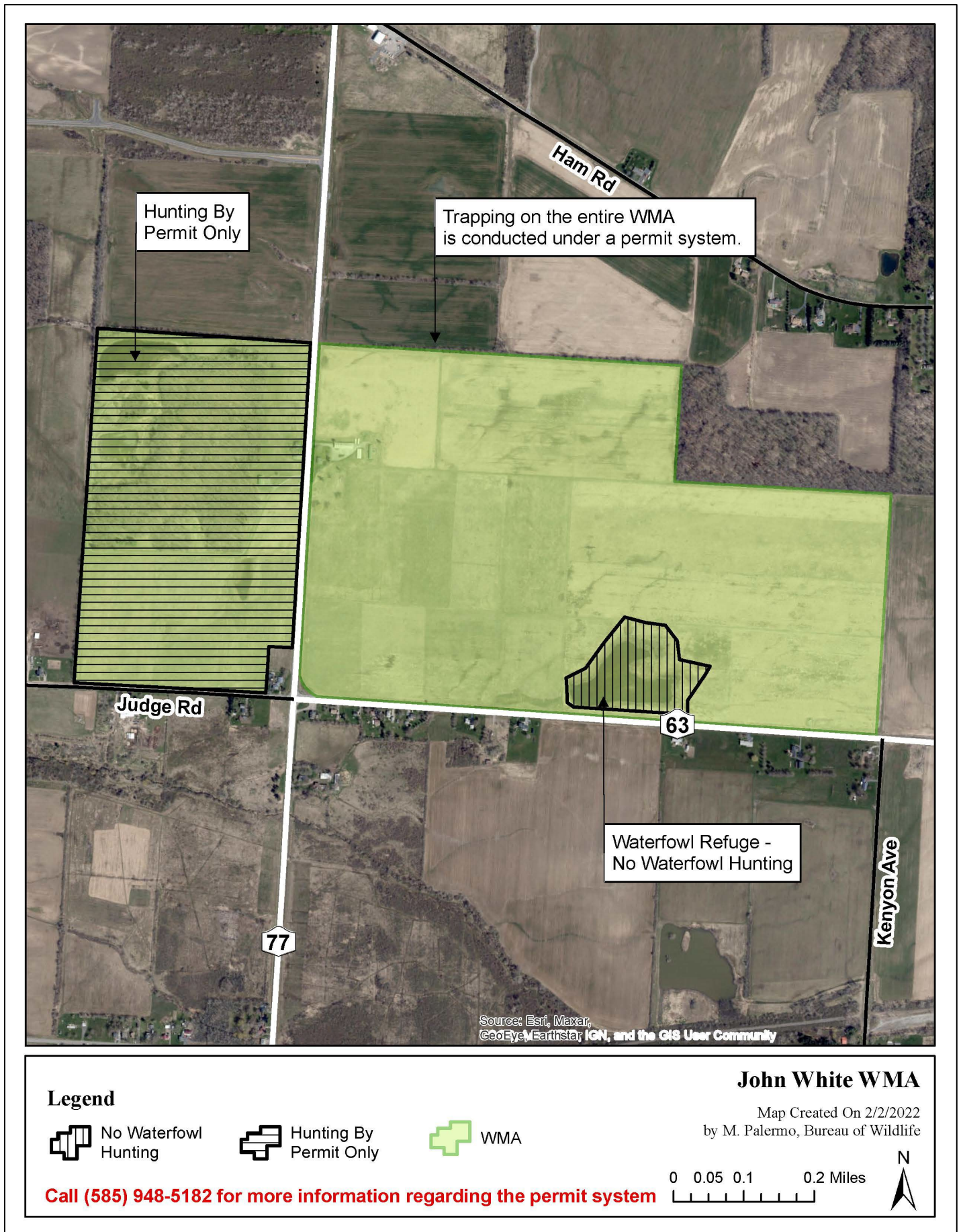


FIGURE 4. Restricted access areas on John White WMA.

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 John White Wildlife Management Area 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 (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

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.