

**Access and Public Use Plan for
Upper and Lower Lakes Wildlife Management
Area
2023-2025**



Sunrise at Upper and Lower Lakes WMA.

Photo: NYSDEC

Division of Fish and Wildlife
Bureau of Wildlife

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**Department of
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Conservation**

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SUMMARY

Approximately half of the acreage of Upper and Lower Lakes Wildlife Management Area (WMA) is a large wetland complex consisting of multiple wetland cover types. The wetlands are among the most extensive in St. Lawrence County and provide important habitat for marsh birds, waterfowl, and aquatic furbearers. The area is located on an important waterfowl migration route between eastern Canada and the Atlantic Coast. The upland portion of the WMA consists of deciduous woodlands, small blocks of conifers, shrubland, grassland, and fields used as agricultural land.

North Country Conservation-Education Associates, Inc., a non-profit organization, operates the Indian Creek Nature Center on the area under a Volunteer Stewardship Agreement with the DEC. The nature center provides 300 acres of habitat and trails to facilitate wildlife viewing and education.

Common activities on this WMA include hunting, trapping, wildlife observation, and fishing.

Management objectives for public use and access on Upper and Lower Lakes WMA include:

- Maintain the existing 20 small and 10 medium size parking areas,
- Maintain three car top boat launches, one trailer launch, and one floating dock,

- Maintain 7,774 feet of accessible trails and boardwalks, and one accessible hunting blind,
- Maintain 6.1 miles of unimproved foot trails and interpretative trails,
- Maintain three miles of public access roads and seven gates within the WMA,
- Maintain interpretative panels within the demonstration area.

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 in *Public Use of Wildlife Management Areas*.¹

SCOPE AND INTENT

This Access and Public Use Plan (APUP) complements the Habitat Management Plan (HMP) for Upper and Lower Lakes 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.

¹ Available online at https://www.dec.ny.gov/docs/wildlife_pdf/p51expressterms.pdf.

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 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. There are three distinct management zones with corresponding degrees of public use within the Upper and Lower Lakes WMA. The Refuge Area, where no unauthorized access is allowed, the Wetlands Restricted Area, which is open to the public between August 15 and May 31, (foot access only between April 15 and May 31) and the Public Hunting Area, which is open to the public year-round. Public access to the WMA is governed by special use regulation, 6NYCRR Part 54 (*Public Use of the Perch River, Wilson Hill, and Upper and Lower Lakes Wildlife Management Areas*⁴).

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

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

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

⁴ Part 54 regulations, <https://govt.westlaw.com/nycrr/>.

II. RECREATIONAL RESOURCES

POINTS OF ACCESS

Located in western St. Lawrence County three miles west of the village of Canton and east of the city of Ogdensburg. There are multiple parking locations listed below. All coordinates provided are in decimal degrees using NAD83/WGS84 datum.

- Route 14, large grass, to car top boat launch and floating dock (44.6012001°N, -75.266098°W) - Get [Google Map Driving Directions](#)
- DeKalb Jct Rensselaer Falls Road, large gravel; Lower Dam Parking Area Observation Tower Parking (44.5796013°N, -75.3090973°W) - Get [Google Map Driving Directions](#)
- DeKalb Jct Rensselaer Falls Road, gravel parking area and car top boat launch (44.5756989°N, -75.3061981°W) - Get [Google Map Driving Directions](#)
- Route 68, for boat launch, picnic area, and information kiosks (44.6213989°N, 75.226799°W) - Get [Google Map Driving Directions](#)
- Route 68, small, grass and parking area (44.6086998°N, -75.2123032°W) - Get [Google Map Driving Directions](#)
- Route 68, small grass area, 6+ car capacity and car top boat launch (44.6207008°N, -75.2338028°W) - Get [Google Map Driving Directions](#)
- Route 68, paved, large for operations building (44.6195984°N, -75.2269974°W) - Get [Google Map Driving Directions](#)
- Irish Settlement Road, large grass area with short trail to the marsh (44.5968018°N, -75.2329025°W) - Get [Google Map Driving Directions](#)
- Irish Settlement Road, small grass area (44.5946007°N, -75.2214966°W) - Get [Google Map Driving Directions](#)
- Route 14, gravel, north entrance to Indian Creek Nature Center foot trails (44.6040001°N, -75.2875977°W) - Get [Google Map Driving Directions](#)
- County Road 16, small grass area (44.5719986°N, 75.3117981°W) - Get [Google Map Driving Directions](#)



Accessible pad for Young Forest Initiative interpretation.

Photo: NYSDEC

- Route 15, very small grass, on old railroad (44.5634003°N, -75.2973022°W) - Get [Google Map Driving Directions](#)
- Irish Settlement Road, small grass area pull-off (44.5783997°N, -75.2556992°W) - Get [Google Map Driving Directions](#)
- Irish Settlement Road, small grass area (44.5726013°N, -75.2680969°W) - Get [Google Map Driving Directions](#)
- Route 68, small grass area (44.6133003°N, -75.2207031°W) - Get [Google Map Driving Directions](#)
- Route 14, in grass (44.6222°N, -75.2667007°W) - Get [Google Map Driving Directions](#)
- Route 14, large grass (44.6180992°N, -75.2714996°W) - Get [Google Map Driving Directions](#)
- DeKalb Jct Rensselaer Falls Road, universally accessible trail parking area. Trail leads to accessible waterfowl hunting blind (44.577301°N, -75.3079987°W) - Get [Google Map Driving Directions](#)
- Irish Settlement Road, unpaved parking lot (44.5658989°N, -75.2823029°W) - Get [Google Map Driving Directions](#)
- Route 14, along road length, unpaved (44.6304016°N, -75.2563019°W) - Get [Google Map Driving Directions](#)
- Route 14, Capacity 6+ (44.6146°N, -75.2755°W) - Get [Google Map Driving Directions](#)
- Route 14, parking area near restrooms, accessible trail, boardwalk, and southern entrance to 5+ miles of nature interpretive trails at Indian Creek Nature Center (44.5917°N, -75.2996°W) - [Get Google Map Driving Directions](#)
- An accessible parking area for a short accessible trail that leads to a Young Forest Initiative interpretive pad, with kiosks (44.594078° N, -75.231437° W) - [Get Google Map Driving Directions](#)
- A small parking area at the end of Tully Road, can hold 2-3 cars. Access for hunting on foot (44.619314° N, -75.243005° W) - [Get Google Map Driving Directions](#)



Accessible wildlife viewing and waterfowl hunting blind

CONNECTIVITY TO OTHER RECREATION AREAS

Upper and Lower Lakes WMA is nearby many other recreational properties including State Forests and one Wild Forest. Each of these properties are a few miles to the south of the WMA (Figure 1).

Beaver Creek State Forest is to the south and west of the WMA. This forest is 3,694 acres in size and is managed by the Division of Lands and Forests. Management goals of this area are

being developed through a Unit Management Plan⁵. Featured activities of this area include primitive camping, hiking, paddling, hunting, trapping, fishing, cross-country skiing, snowshoeing, and wildlife observation.

Downerville State Forest (DSF) is located to the south and east of the WMA. DSF is 1,442 acres in size and is managed by the Division of Lands and Forests. Management goals of this area are within the St. Lawrence Foothills Unit Management Plan (UMP)⁶. Common activities of this State Forest include mountain biking, hiking, primitive camping, hunting, trapping, and fishing. Frontage of this area is along the Grass River so many fish species can be caught.

Grass River Wild Forest is 14,000 acres in size and has many detached Forest Preserve parcels as shown in Figure 1. Management of this area is detailed within the Grass River Wild Forest UMP. There are a wide range of activities allowed on this land that include hiking on miles of trails, primitive camping, biking, a little horseback riding, paddling, fishing, hunting, trapping, cross-country skiing, snowshoeing, snowmobiling, and wildlife observation⁷.

Other nearby recreational opportunities can be found through the St. Lawrence County Chamber of Commerce⁸.

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 Upper and Lower Lakes WMA. In addition, Indian Creek flows through the area and was given its name by local settlers who observed Native Americans from St. Regis arriving each fall, remaining in the area throughout the winter months and leaving after making sugar in the spring. The 6-mile-long river, prior to impoundments, flowed into both the Oswegatchie and Grasse Rivers, depending on the elevation of the water. In 1823 it was referred to as the Oswegatchie Natural Canal. It is recorded in an 1875 historical account, as “a highway suitable for small boats traveling to the mill, navigable at high water for boats of 10 tons”. Around 1857 a \$6,000 project was undertaken to close the Oswegatchie outlet, cut a canal along the bank below the dam and lower the water level by 4 feet, draining the land adjacent to the canal for grazing and cultivation.

In 1963 the Fish and Game Division of the New York State Conservation Department acquired 6,000 acres along both sides of the canal as a State Waterfowl Preservation Project. All land, including 14 farms, in the 18 square mile parcel was bought by the state in order to establish a breeding area for wild geese, ducks and pheasants. Prior to state purchase, the land most recently had been a private hunting area leased to seven Ogdensburg men. Additional acreage has been added to the area between 1963 and 2006.

⁵ Beaver Creek State Forest - <https://www.dec.ny.gov/lands/97915.html>

⁶ Downerville State Forest - <https://www.dec.ny.gov/lands/97736.html>

⁷ Grass River Wild Forest - <https://www.dec.ny.gov/lands/75300.html>

⁸ St. Lawrence County Chamber of Commerce - <https://www.visitstlc.com/>

The impoundment was constructed on the area in 1974 allowing for water level management. The area has been used as a release site for purple loosestrife biological control agents and has long been used as a site for experiments and monitoring for a variety of research undertaken by local universities.

North Country Conservation-Education Associates, Inc. is a non-profit organization/corporation whose objective is to provide environmental and conservation education for groups and individuals in northern New York. Indian Creek Nature Center is located on 300 acres, in the northwest corner of the WMA, and was formed in 1973 via agreement between the DEC and North Country Conservation-Education Associates, Inc. Their purpose is to provide an outdoor environmental conservation learning center with an emphasis on supplementing and enhancing school classroom instruction in the subjects of natural resource conservation and ecology.

Table 1. Summary of current and desired public use features on Upper and Lower Lakes 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	30	No Change
Roads	Public access road	3 Miles	No Change
	Gate	8	No Change
Trails	Foot trail	0.5 Miles	No Change
	Interpretive nature trail	5.6 Miles	No Change
Boat launch & fishing access	Car top	3	No Change
	Trailer/ramp	1	No Change
	Floating dock	1	No Change
Observation structures	Blind (hunting/observation)	5	No Change
	Observation platform	2	No Change
	Observation tower	2	No Change
Structures and facilities	Building or shed	5	No Change
	Informational kiosks	6	No Change
	Pavilion	1	No Change
	Privies	6	No Change
	Lean to	1	No Change
	Other (monument)	1	No Change
	Other (benches)	3	No Change
	Other (Young Forest Demonstration Area)	1	No Change
	Other (Nature Center)	300 acres	No Change

Table 1 cont.			
Category	Feature	Current Amount (as of 2023)	Proposed Changes
Accessible features			
	Trails	0.4 Miles	No Change
	Blinds/Blind Platforms	5	No Change
	Parking	5	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 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: Upper and Lower Lakes WMA currently has a plethora of parking areas located throughout the WMA (Figure 2). The Points of Access section above describes the locations of each parking area on the WMA. There are a total of 30 parking areas of which 20 are 2-5 vehicle parking areas and 10 areas that can park more than six vehicles. Most parking areas are gravel/grass structures that receive routine maintenance from April until November each year. No winter access maintenance or plowing occurs on the WMA other than the Indian Creek Nature Center.

Parking areas along Irish Settlement Road provide access to many forested stands including managed young forest projects. Many of the DEC pheasant stocking locations are located within the fields off Irish Settlement Road too. There is a young forest demonstration area and accessible parking area located on the eastern end of Irish Settlement Road where there are interpretive panels and trails to view the habitat work that is ongoing there. The nature trail is a known self-guided trail where golden-winged warblers, brown thrashers, willow flycatchers, eastern towhees, and other young forest birds can be observed.

Other parking areas along State Route 68 provides access to fishing resources, pheasant hunting, and intermediate forest wildlife viewing. This area has moist soils so American woodcock can be found along the wetland edges where many alders grow. There are pockets of aspen stands where some may find the occasional ruffed grouse. There is a trailer boat launch known as the Grass River Boat Launch located here.

St. Lawrence County Route 14 has multiple parking areas to access accessible hunting blinds and trails. Most of the parking is along Middle Access Road on the WMA. This area also has four accessible hunting pads where a temporary blind can be set up to hunt big and small game. There is a hand boat launch located at the end of Middle Access Road. Indian Creek Nature Center is located towards the western end of St. Lawrence County Route 14. There are two parking areas here that provide access to nearly five miles on nature trails. Hunting is not allowed within the limits of the nature center section.

There are four parking areas (one accessible) along the southwest end of the WMA along St. Lawrence County Route 15 which provide access to the main lower pool. A small dirt access road (Corning Access Road) leads to the by permit only camping section of the WMA. This area is the main waterfowl hunting access point to the WMA and is known for the diversity of waterfowl once the season opens. There is a hunting blind that is primarily for accessible waterfowl hunting, however other wildlife species can also be targeted there. An observation tower is also located in this section of the WMA just south of the refuge area.

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

- Maintain 30 parking areas (5 Accessible parking areas to accessible standards)

ROADS

Current Conditions: Many of the roads were mentioned in the previous section of this plan, however the roads on the WMA are all gravel. The public roads comprise town, county, and state roads with various paved conditions. Interior WMA roads have gates that open August 16th and are closed by April 15th each year (Figure 3). Every other year, the roads are graded to reduce the potholes throughout the access season. There are six culverts that receive annual inspections and are replaced as needed.

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

- Maintain three miles of WMA roads (Corning Access Road, Logging Access Road, Jones Pond Access Road, Canton Access Road, Middle Access Road, and Indian Creek Nature Center Road)
- Inspect and replace culverts as needed

TRAILS



Current Conditions: There are multiple accessible trails throughout Upper and Lower Lakes WMA. Two sections are located on Middle Access Road. These trails lead from the accessible parking area to hunting platforms and one blind. The trails are made of tightly packed stones and dust. Another accessible trail is found off the east side of County Route 15 and leads to a blind commonly used for hunting and wildlife observation. The last accessible trail segment is off the Irish Settlement Road at the young forest demonstration area. Again, these trails are made with small stones packed with stone dust to create a surface that is easily traversed. There are other trails within the WMA that are much more primitive and resemble a cow path. These trails are minimally maintained and will require proper apparel to hike. The boardwalks within the WMA traverse many of the wet areas the WMA is known for. Boardwalks are generally about 36 inches in width and have proper ramps on either end of the boardwalks. These are inspected annually and receive maintenance when necessary. The interpretive trails on the Indian Creek Nature Center are mostly mowed grass trails that weave throughout the nature center. DEC staff mow these trails repeatedly throughout the spring, summer, and fall seasons. These trails also provide winter cross-country skiing and snowshoeing for those looking to observe wildlife throughout the winter months. A section of a snowmobile trail skirts the edge of the WMA property along County Routes 14 & 15. This section of trail is maintained by the local snowmobile club through a Volunteer Stewardship Agreement (VSA).

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

- Maintain 2,350 feet of accessible trail to current accessible standards
 - Minimal maintenance is required on the Irish Settlement Road location to continue to provide the accessible feature.
- Maintain 2,671 feet of other foot trail
- Maintain 4,224 feet of boardwalk
- Maintain 29,568 feet of interpretive nature trail
- Continue the VSA with the local snowmobile club
-

BOAT LAUNCHES AND FISHING ACCESS



Current Conditions: There are a total of four boat launches on Upper and Lower Lakes WMA. Of the four launches, three are cartop hand launches and one is a trailer boat launch. The hand launches are located at the end of Middle Access Road, along County Route 15, and State Route 68. The hand launch at the end of Middle Access Road has an extensive eight-foot-wide floating dock to provide access to the water for waterfowl hunting, fishing, trapping, and wildlife observation. The carry is about 1,000 feet, however typical canoe/kayak wheels are usable for the majority of the trail. The trailer launch is a nice gravel parking area with a concrete ramp. The access point is located right on the Grass River a little north and west from the City of Canton on State Highway 68. Many fishing opportunities for panfish are available at these boat launch locations. Some anglers have reported catching muskellunge out of the Grass River as well.

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

- Maintain three cartop boat launches
- Maintain one trailer boat launch

OBSERVATION/HUNTING BLINDS, TOWERS, AND PLATFORMS



Current Conditions: The many structures at Upper and Lower Lakes WMA allow hunters and wildlife observers of all capabilities an opportunity to see wildlife. One of the two observation towers is located off County Route 15 towards the southwestern area of the WMA. The other is located on Indian Creek Nature Center, and both offer views of the wildlife refuge area. The Indian Creek Nature Center also had an observation platform that was removed due to damage but will be reconstructed in the future. Many waterfowl, marsh birds, and other wetland/pool wildlife species can be observed here. There are four accessible pads available for use located on Middle Access Road off St. Lawrence County Route 14. A permanent accessible waterfowl hunting blind is also located off St. Lawrence County Route 15, just a few hundred feet southeast from the observation tower. The young forest demonstration area on Irish Settlement Road has a small pad available to observe the abundance of wildlife using the demonstration area.



Observation tower overlooking the Lower "Lake".

Photo: NYSDEC

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

- Rebuild one observation platform
- Maintain two observation towers
- Maintain all accessible blinds (1) and platforms (4) to current ADA standards

BUILDINGS AND OTHER PERMANENT STRUCTURES



Current Conditions: Many structures are located on Upper and Lower Lakes WMA. There are five DEC buildings that are used for storage, maintenance, and various other administrative activities. There are six privies on the WMA: two on Corning Access Road, three at the Indian Creek Nature Center, and one at the terminus of the Middle Access Road. One of these stations is accessible and is located within the Nature Center area. The other is located near the camping area off Corning Access Road. There is a lean-to and pavilion area located on the Nature Center area of the WMA. These structures and picnic tables are in good condition and get inspected annually. There are many kiosks and interpretive panels located throughout the WMA (Figure 2). These items are inspected frequently and repaired as necessary.

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

- Clean, move, lime six privies
- Maintain lean-to and picnic area at Indian Creek Nature Center
- Maintain five buildings
- Maintain six kiosks

MANAGING HABITAT TO PROVIDE RECREATIONAL OPPORTUNITIES

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

- Rehabilitate water control structure with cooperation of Ducks Unlimited
- Maintain water control structure
- Mow 3,300' of dams and dikes
- Maintaining water levels at 306.5-307.0 feet above sea level
- Refurbish two potholes and maintain twelve other potholes
- Clear vegetation and rototill all turtle nesting areas
- Mow/brush hog 60 acres of shrubland habitat
- Maintain the young forest/golden-winged warbler demonstration area
- Contract commercial timber harvests on 100 acres of forest to create young forest habitat

III. PUBLIC USE ACTIVITIES

RECREATION ON WMAS

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

RECREATION ON UPPER AND LOWER LAKES WMA

All WMA visitors are responsible for complying with WMA regulations. See [Appendix C](#). In addition, certain locations have area-specific regulations that apply. Upper and Lower Lakes WMA does have specific area regulations known as Part 54⁹.

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 Upper and Lower Lakes WMA. All statewide hunting, trapping, and fishing regulations apply.¹⁰



Sunrise at Upper and Lower Lakes WMA.

Photo: NYSDEC



Hunting: The WMA is a popular waterfowl, other small game, and big game hunting destination. White-tailed deer are common on the area and black bear are occasionally seen, although in smaller numbers. Many species of migratory waterfowl can be harvested at this WMA including Canada goose, wood duck, mallard, black duck, and hooded merganser and can be found on the main impoundment and numerous beaver ponds. Teal, pintail, wigeon, scaup, goldeneye and ringneck ducks can also be found on the area during the migration periods. Other migratory species such as snipe, rails and gallinules may also be hunted on the area. Ringed-necked Pheasants are stocked on this WMA and offers upland game bird hunters many opportunities to harvest the birds. The pheasants are stocked in grassland areas along County Route 14, State Highway 68, Irish Settlement Road, and the public hunting area of McAdoo Road, also known as County Route 16.



Trapping: The area is popular among local sportsmen and women for the excellent trapping opportunities found here. The WMA is noted for muskrat trapping but also offers the opportunity to harvest species of upland furbearers such as bobcat, raccoon,

⁹ Upper and Lower Lakes WMA Part 54 Regulations – <https://govt.westlaw.com/nycrr/>

¹⁰ Available online at <https://www.dec.ny.gov/regs/2494.html>.

fox, coyote, weasel and fisher during the appropriate trapping seasons. Trapping permits are currently required to trap on the area and the number of trappers allowed on the Wetlands Restricted Area portion of the WMA is limited to 30.

Permits are available for both the spring and fall by contacting the Bureau of Wildlife at the Watertown office (315) 785-2263.



Wildlife observation/bird watching:

Upper and Lower Lakes WMA has been designated as a Bird Conservation Area and is home to many non-game species, some of which are state listed threatened species or are currently in decline. Bald eagles and northern harriers (state listed threatened species) can be found on the upland portions of the area and management is underway to improve habitat for golden-winged warblers (a species in decline). Other non-game marsh birds and state listed threatened species found on the area include the black tern, common tern, least bittern, pied-billed grebe, common loon, American bittern, great blue heron, green heron, sora and American coot. The area provides excellent birding opportunities, particularly along the trails and observation areas found on the Indian Creek Nature Center.



Boardwalk at the Indian Creek Nature Center

Photo: NYSDEC



Fishing: Limited fishing occurs on the area. Most common species of panfish are found within the waters of the WMA along with largemouth bass, northern pike, and muskellunge. Some anglers enjoy targeting bullheads along St. Lawrence County Route 15 in areas that have open access areas to the water's edge.

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 Upper and Lower Lakes 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 visibility. Please be mindful of hunters, trappers, and people observing or photographing wildlife. Hiking is allowed year-round at the Indian Creek Nature Center and elsewhere on the WMA other than those areas marked "refuge" between April 15 and May 31

and August 16 and August 31. Trails are designated to protect the diversity and richness of the plant communities found there.



Canoeing and kayaking: Non-motorized boating is generally allowed on open waterways other than those areas marked “refuge”. Boats with electric motors are also allowed. The majority of the 8,757 acres of property is dominated by wetland, with great opportunities for paddling and exploration. Access sites for launching canoe, kayak, or rowboat are found in several open water areas of the property. Paddling is not allowed from April 16 – August 15.



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: These activities are allowed but practitioners should not remove or destroy vegetation. Trails are generally not groomed or improved by DEC. Cross country skiing and snowshoeing are popular activities during the winter months as a means of facilitating wildlife viewing.

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 Upper and Lower Lakes WMA on a limited basis, with conditions and/or a permit:

Snowmobiling: Snowmobiling is only allowed during a restricted period on snow-covered routes posted and designated by DEC. See [Appendix C](#) for all conditions. A snowmobile trail has been established along a portion of the power line corridor and abandoned railroad bed passing through the WMA, utilizing a VSA with Heuvelton Punchlock Travelers Inc. The route links up in part with other trail corridors.

Operating motorized vehicles: Motorized vehicles are only allowed on WMA roads. They are prohibited off road, including on trails. See [Appendix C](#).

Dog walking and training: While walking dogs on leash is allowed, training is restricted for specific purposes and during specific seasons. See [Appendix C](#). Training dogs on wild game during the training season (August 16 to April 15) does not require a permit.

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

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

The following restricted activities on Upper and Lower Lakes WMA are authorized only under permits issued through the Regional DEC office:

- Dog trials and group training events
- Organized competitive races or group events
- Geocaching
- Camping is permitted along the Corning access road in the southeast corner of the WMA.

The following activities are not allowed on Upper and Lower Lakes WMA:

- Gas powered boating
- Overnight mooring or boat storage
- Swimming
- 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.^{11,12} 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.¹³
- 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.¹⁴
- 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.¹⁵ Applications for accommodation permits are available through DEC's Central Office (Albany) or regional offices.
- To maintain and improve access for persons with disabilities, DEC employs a network of accessibility coordinators throughout the regions and in Central Office.
- Accessible destinations are shown on DEC's Accessible Recreation Destinations webpage. All WMA maps and webpages show available accessible features and how to get to them.

¹¹ Information about accessible recreation on state lands is available at <https://www.dec.ny.gov/outdoor/34035.html>.

¹² Information about public use of State Forests is available in the *Strategic Plan for State Forest Management* at https://www.dec.ny.gov/docs/lands_forests_pdf/spsfmfinal.pdf.

¹³ Information about permits for hunters with disabilities is available at <https://www.dec.ny.gov/permits/30419.html>.

¹⁴ Information about MAPPWD is available at <https://www.dec.ny.gov/outdoor/2574.html>.

¹⁵ Information about accommodation permits is available at <https://www.dec.ny.gov/outdoor/73029.html>.

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 Upper and Lower Lakes WMA: During the development of this plan, an inclusivity assessment was completed at Upper and Lower Lakes 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 Upper and Lower Lakes WMA:

- Four accessible trails (suitable for mobility devices).
 - One trail leads to a permanent blind for waterfowl hunting, while the other two trails each feature two pads suitable for use with portable blinds.
 - The trail and hunting blind off County Route 15 need complete rehabilitation to restore the accessible features. Erosion and vegetation growing in this area needs to be addressed.
 - Areas on the Middle access road need vegetation control on all accessible surfaces.
 - Minimal maintenance is required on the Irish Settlement Road location to continue to provide the accessible feature.
- An accessible privy is located on Middle Access Road.
 - The privy area needs vegetation maintenance of all accessible surfaces.
- Accessible parking is provided at each trail head and at the Nature Center.
- An accessible privy is located at the Nature Center area.
- The accessible waterway access site requires significant maintenance to restore the accessible features. The timber crib abutment needs to be reconstructed and docks re-anchored to allow for safer accessibility with changing water levels.

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 Upper and Lower Lakes WMA, an annual challenge is maintaining waterway access at several points of the property. There are a myriad of floating mats of vegetation (i.e. cattails, wild rice, etc.) that are mobile in the wind and fluctuating water levels. Sometimes these masses of vegetation close off waterway access, making it difficult or impossible to proceed by canoe or kayak. These issues are remediated by hand, however sometimes this proves futile, posing challenges to waterfowl hunters, trappers, birdwatchers, and other paddlers.

Due to its massive size and many points of access, Upper and Lower Lakes WMA at times is a popular destination for non-wildlife related human activity, particularly after sunset. This poses a problem not only for nocturnal wildlife, but for the physical management of the property, as trash is often deposited, and off-road areas are frequently vandalized. Law enforcement has been successful at apprehending individuals associated with these activities. However, complete determent of mis-using the WMA is difficult to achieve, as these problems persist annually.



Vegetation choking the waterway access at Upper and Lower Lakes floating dock

Photo: NYSDEC

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.¹⁶ 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

¹⁶ Information about TRPs is available at <https://www.dec.ny.gov/regulations/51387.html>.

Volunteer Stewardship Agreements (VSAs) are issued when an individual or organization engages in activities to provide positive benefits to state lands.¹⁷ 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.

Two VSAs occur at Upper and Lower Lakes WMA. One is with Heuvelton Punchlock Travelers Inc. and the other is with North Country Conservation Education Associates. The Punchlock Travelers maintains snowmobile trails on the WMA. The 300 acres of Indian Creek Nature Center provides public access to over five miles of walking trails, which includes a nature interpretive trail, boardwalks, as well as an observation deck and tower.

AGRICULTURAL AGREEMENTS/CONTRACTS

Agricultural practices, including maintaining and haying grasses and the growing of certain agricultural grains, are sometimes used to help meet management goals on WMAs. These practices can benefit wildlife by managing grassland habitat for wildlife, providing supplemental food, cover, and habitat for wildlife, helping to restore grasslands and other early- succession habitats, and improving public opportunities for hunting and wildlife observation. In some cases, DEC enters into agricultural agreements with local farmers to help manage habitat on WMAs.

Currently, one agricultural contract exists on Upper and Lower Lakes WMA, totaling 171 acres. The terms of the contract are for three (3) years beginning on May 1, 2022, and ending on April 30, 2025 with the possibility of extension. DEC may amend this contract to include an additional 84 acres or may seek a second contract if interested parties come forward.

¹⁷ Information about VSAs is available at <https://www.dec.ny.gov/regulations/90822.html>.

IV. MANAGEMENT SUMMARY

In summary, Table 2 lists facility maintenance and public access actions planned for Upper and Lower Lakes 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 Upper and Lower Lakes WMA, 2023-2025.

Description of Action	Priority	Estimated cost ^a
Maintain 3+ miles of roads	Routine	\$1,000
Maintain all parking areas	Routine	\$1,000
Maintain 6 privies	Routine	\$1,000
Maintain accessible hunting blind	Routine	\$500
Maintain accessible trails	Routine	\$500
Maintain 3 cartop boat launches	Routine	\$1,000
Maintain 5.6+ miles of interpretive trail	Routine	\$1,500
Maintain lean-to at Indian Creek Nature Center	Routine	\$500
Maintain floating dock	Routine	\$100
Mowing/brush-hogging of fields	Routine	\$1,000
Rehabilitate water control structure	High	TBD
Rebuild boardwalk	Medium	\$60,000
Rebuild observation platform	High	\$15,000
Accessible waterway access site rebuild abutments and anchor docks	High	\$7,500
Accessible hunting blind and trail off County Route 15 rehab	High	\$2,500

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

V. FIGURES

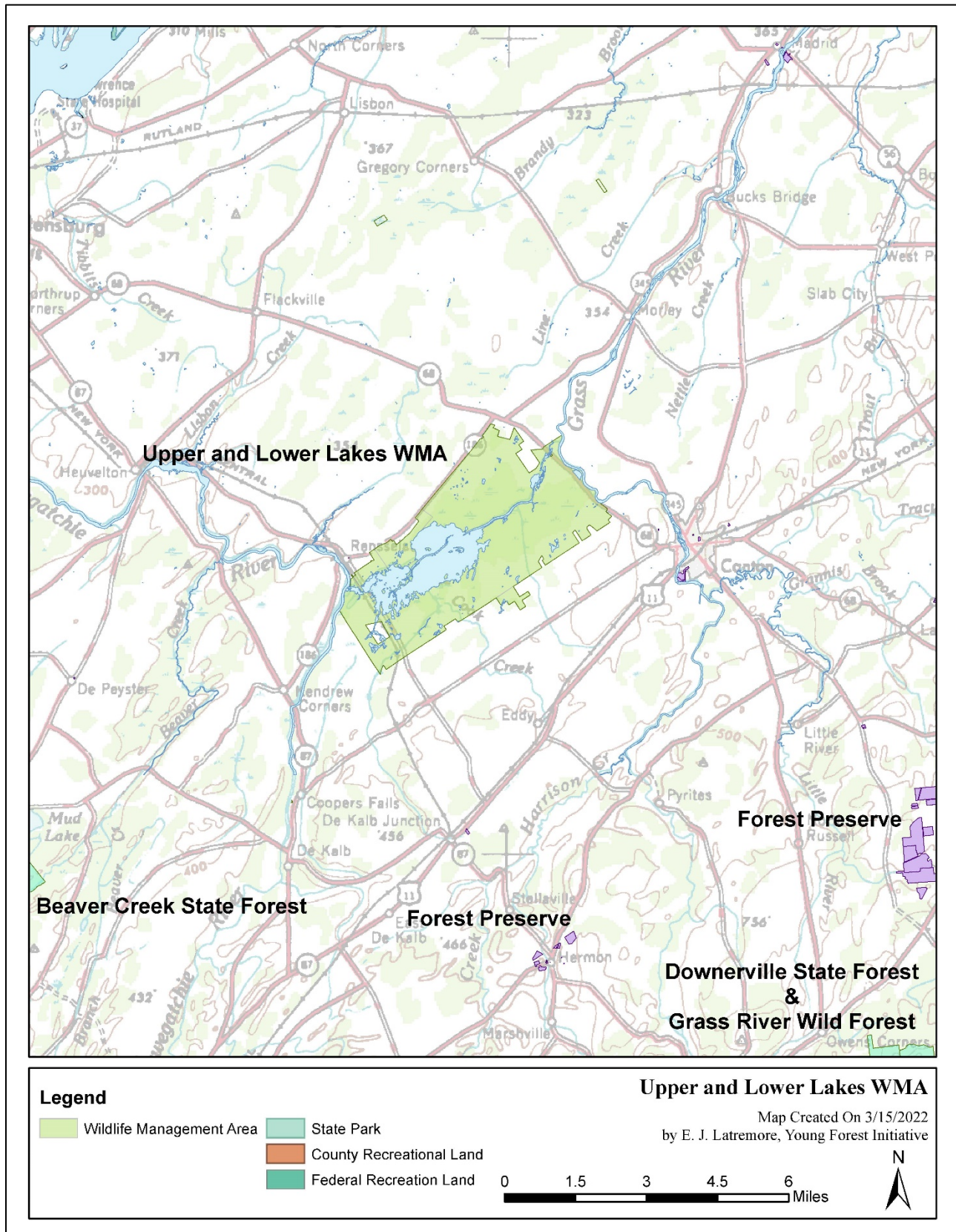


FIGURE 1. Connectivity to other public lands and recreation areas.

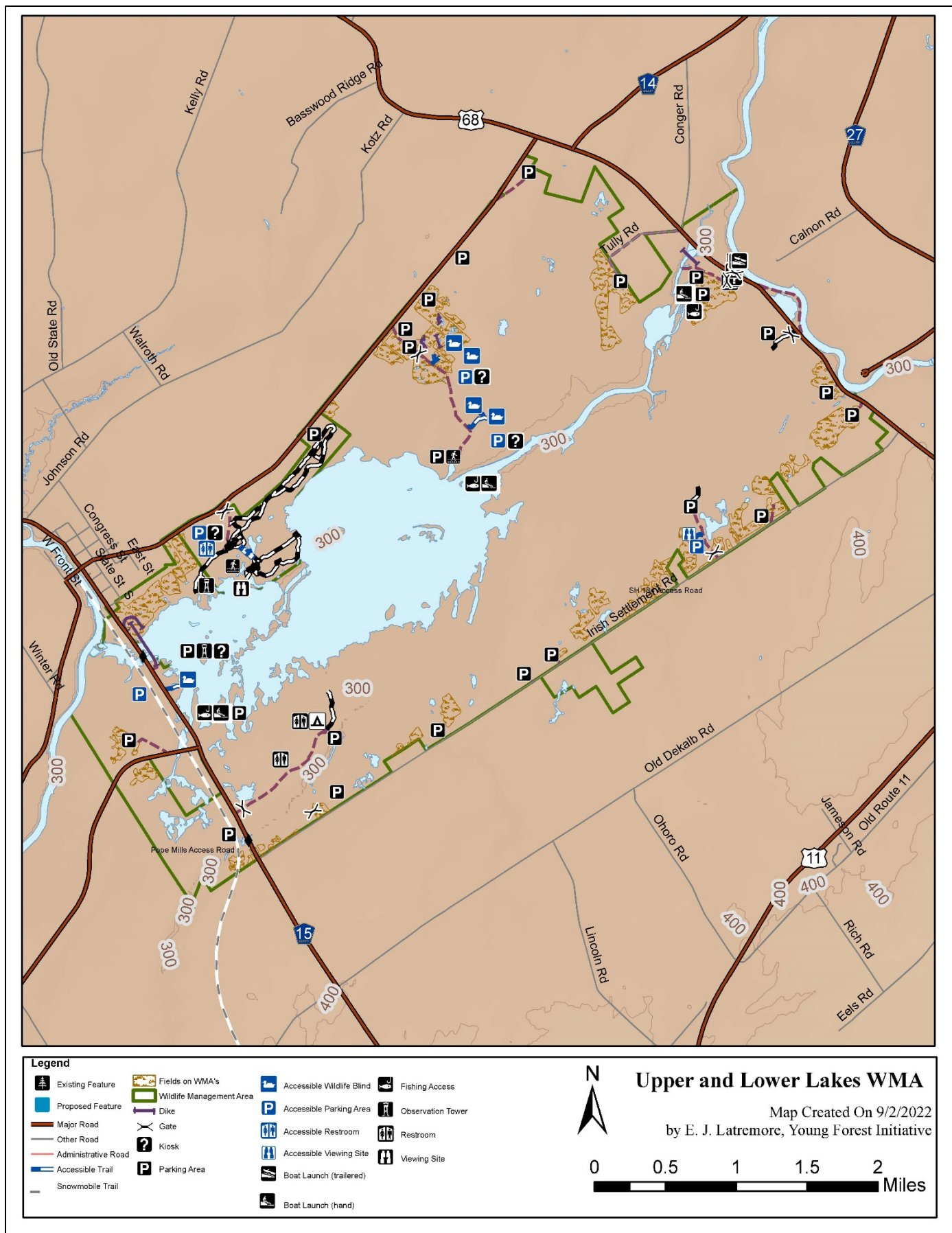


FIGURE 2. Location of existing and proposed access features at Upper and Lower Lakes WMA.

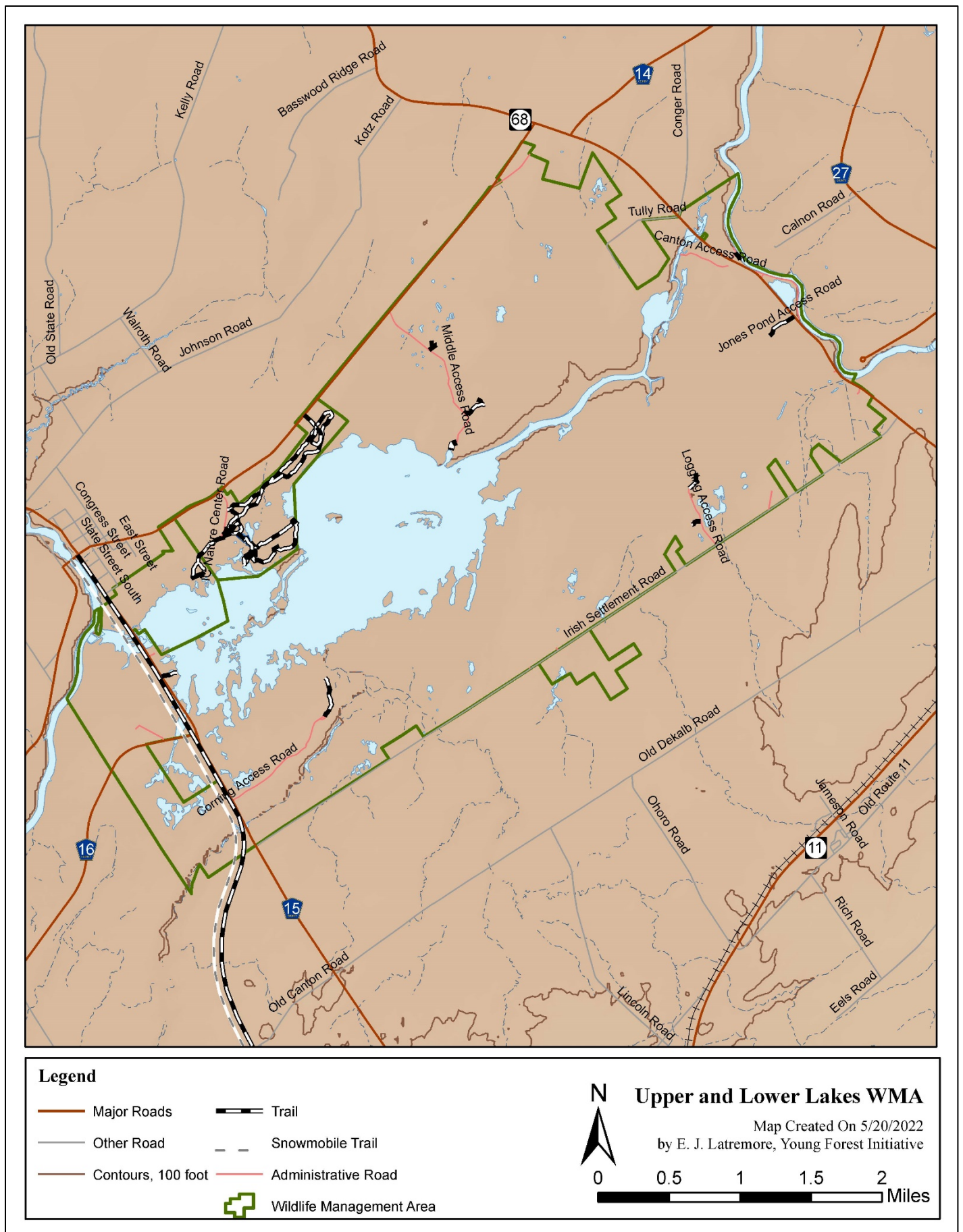


FIGURE 3. Roads and trails on Upper and Lower Lakes WMA

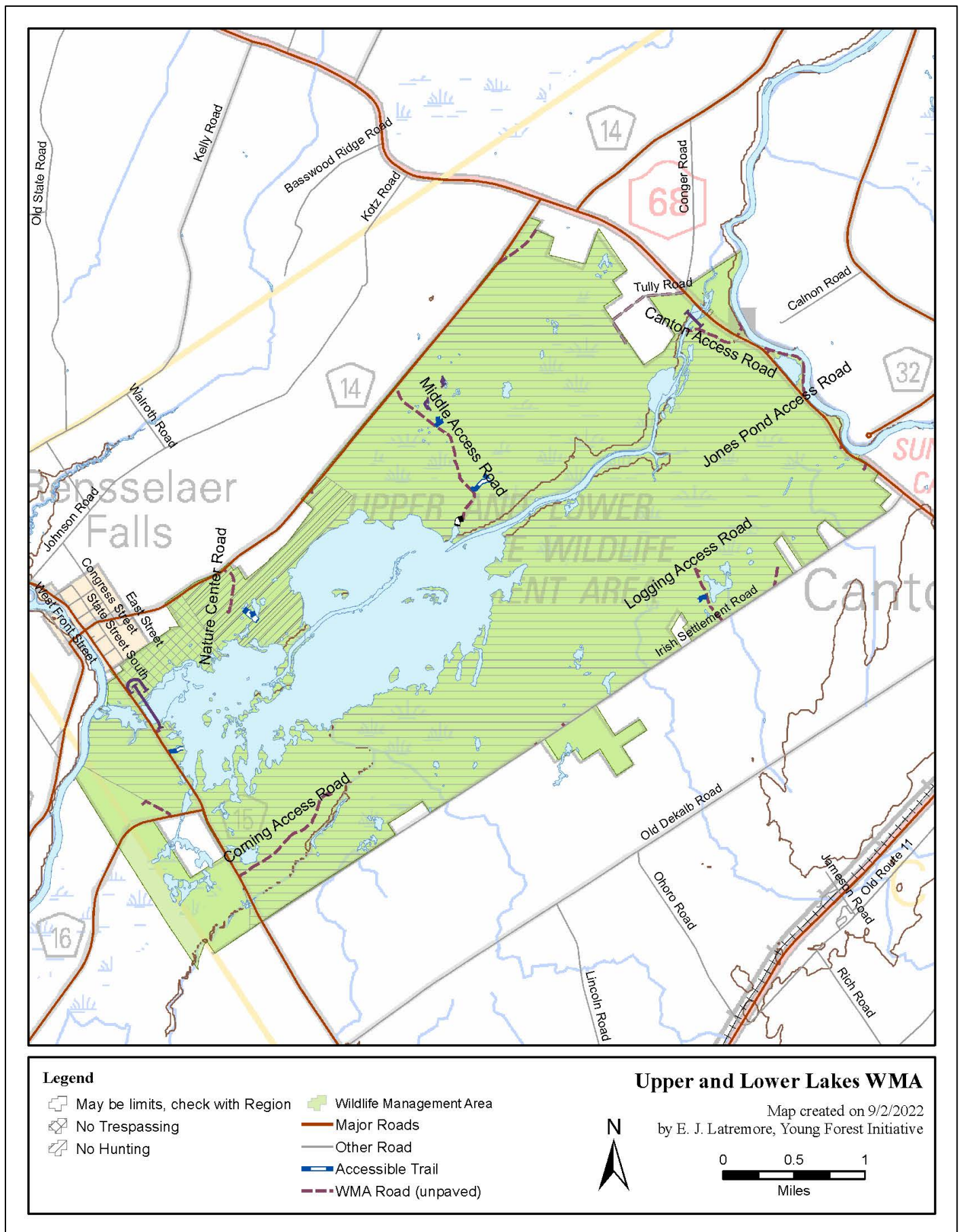


FIGURE 4. Restricted access areas on Upper and Lower Lakes WMA.

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 Upper and Lower Lakes WMA 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.