

**Access and Public Use Plan for
Utica Marsh Wildlife Management Area
2021-2026**



Division of Fish and Wildlife
Bureau of Wildlife

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**Department of
Environmental
Conservation**

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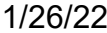
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SUMMARY

Utica Marsh Wildlife Management Area (WMA) is a unique urban wetland located on the Mohawk River floodplain and provides access for multiple outdoor recreation activities. Much of the property was formerly used for light industry and has since been rehabilitated into a 200+-acre wild area adjacent to the City of Utica. The mixture of cattail wetlands, wet meadows, open water pools, young forest and shrub uplands create a diverse marsh habitat that provides a great variety of plant and animal species in an otherwise urban landscape. The most common activities on the WMA include bird watching, biking, and walking on the developed trail system that is connected to the New York State Erie Canalway Trail that spans from Albany to Buffalo, which is part of the larger Empire State Trail.¹ A wildlife viewing tower is a popular destination allowing visitors to view the wetland pools on much of the WMA. Although hunting is prohibited via posted notice, fur trapping is permitted on the WMA.

Management objectives for public use and access on Utica Marsh WMA include:

- Maintain existing access infrastructure:
 - 0.8 miles of viewing trail
 - Observation tower
 - Trail head information kiosk
 - Area identification signage
 - Manage use of gates and stone barriers as necessary to reduce facility damage and misuse

I. BACKGROUND AND INTRODUCTION

¹ Information and maps available online at <https://empiretrail.ny.gov/map>.

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*.²

SCOPE AND INTENT

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

Primary purposes of this plan:

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

COMPLIANCE WITH STATE ENVIRONMENTAL QUALITY REVIEW

Activities described in this plan are included in the 1979 *Programmatic Environmental Impact Statement on Public Use Development Activities of the DEC Division of Fish and Wildlife*,³ 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.

² Available online at <https://www.dec.ny.gov/outdoor/7768.html>.

³ Available online at https://www.dec.ny.gov/docs/wildlife_pdf/eispublic.pdf.

WMA REGULATIONS

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 WMAs. Part 51 addresses restricted and prohibited uses of WMAs in order to prevent disturbance to wildlife and interference with wildlife-dependent recreation.⁴

II. RECREATIONAL RESOURCES

POINTS OF ACCESS

Utica Marsh is located on the border of the City of Utica and the Town of Marcy, and between the Mohawk River to the south and the New York State Barge Canal to the north. Access to the WMA requires a walk or bicycle ride along the Canalway Trail of between 1 and 1.5 miles. The closest access to the WMA via the Canalway Trail is located off North Genesee Street to the east of the WMA, and a second access point is located off Mohawk Street to the west. There is no motorized access to the property, so a minimum of a 1-mile walk or bicycle ride is required to access the WMA. The Adirondack Railroad Rights-of-Way (ROW) is not open to the public, so access is not permitted along the railroad at any point.

CONNECTIVITY TO OTHER RECREATION AREAS

Utica Marsh is connected to the Erie Canalway Trail, which is a network of approximately 300 miles of trails throughout upstate New York along active and historic sections of the canal system.⁵ This trail has multiple parking areas and access locations in the Mohawk Valley and users could visit Utica Marsh from any of these points.

Other publicly accessible land includes Oriskany Flats WMA (806 acres) and Plantation Island WMA (200 acres). The existing Canalway Trail allows opportunity for adventurous users to walk or bike between Utica Marsh and Oriskany Flats or Plantation Island (Figure 1).

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 Utica Marsh WMA.

⁴ Additional information is available online at <https://www.dec.ny.gov/regulations/regulations.html>.

⁵ Information and maps available online at <https://www.canals.ny.gov/trails/index.html>.

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

Category	Feature	Current Amount (as of 2021)	Proposed Changes
Parking	Vehicle parking lot	N/A	No Change
	Pull off	N/A	No Change
Roads	Public roads	N/A	No Change
	Administrative road	0.3 Miles	No Change
	Vehicle bridge	N/A	No Change
	Gate	1	No Change
	Barrier	1	No Change
Trails	Foot trail	0.8 Miles	No Change
	Interpretive nature trail	N/A	No Change
	Accessible ATV trail	N/A	No Change
	Foot bridge	10 feet	No Change
	Boardwalk	N/A	No Change
	Dune cross over	N/A	No Change
Boat launch & fishing access	Car top	N/A	No Change
	Trailer/ramp	N/A	No Change
	Floating dock	N/A	No Change
	Fixed dock	N/A	No Change
	Access channel	N/A	No Change
	Fishing platform	N/A	No Change
Observation structures	Blind (hunting/observation)	N/A	No Change
	Observation platform	N/A	No Change
	Observation tower	1	No Change
Structures and facilities	Building or shed	N/A	No Change
	Pavilion	N/A	No Change
	Lean-to	N/A	No Change
	Informational kiosks	1	No Change
	Picnic area	N/A	No Change
	Sanitary facility	N/A	No Change
	Other	N/A	No Change
Accessible features	Trail	N/A	No change
	Viewing area	N/A	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:

There are no parking areas on the WMA and the public cannot access the area with a motorized vehicle. Access is by foot, bike, or boat. The closest access to the WMA is via the Erie Canalway Trail from the Department of Transportation (DOT) parking area located on the west side of North Genesee Street between the Mohawk River and the Barge Canal and requires a minimum of approximately 1-mile walk/bicycle ride. A parking area provided for users of the Canalway trail off Mohawk Street to the west may also be used and is approximately 2 miles from the WMA.

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

- None

ROADS

Current Conditions:

Utica Marsh has a small road network that is currently only available to DEC staff for administrative use. Vehicular access was lost with the closure of the Barnes Avenue bridge over the CSX railroad tracks and there currently is no legal public access to these roads. DEC maintains some of these interior roads to manage the area and maintain safe trails for the public.

Utica Marsh has 0.3 miles of DEC administrative gravel roads throughout the WMA. These roads provide access to much of the property allowing staff to perform habitat management improvements, maintain infrastructure and perform wildlife surveys. In some sections the access road and hiking trail are the same.

These roads/trails are maintained through annual mowing along the shoulders to eliminate encroaching vegetation. An additional 0.3-mile section of the former Barnes Avenue that borders the westernmost boundary of the WMA is also maintained by DEC with annual mowing.

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

- Maintain current DEC administrative roads through regular mowing and re-surfacing as necessary.

TRAILS



Current Conditions:

Utica Marsh has 0.8 miles of gravel foot and bike trail connecting to the Erie Canalway Trail. The trail on Utica Marsh provides access along the North and West pools all the way to the Mohawk River. Walking and biking on the trail is very popular and trail surfaces are maintained in excellent condition. The wildlife observation tower along the trail provides great opportunity for birding and general wildlife viewing in the surrounding wetlands. There is a gate that remains closed near the Erie Canalway Trail intersection to eliminate illegal motorized vehicle activity. There are no plans to expand the trail system at Utica Marsh.

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

- Maintain vegetative encroachment along the trails through annual mowing and clearing
- Maintain gravel surfaces to facilitate safe walking and biking opportunity

BOAT LAUNCHES AND FISHING ACCESS



Current Conditions:

DEC does not maintain any formal access to the Mohawk River due to the lack of vehicular access and getting a canoe or kayak to Utica Marsh is challenging and impractical in most situations. Boaters could access the WMA via the river, or the Barge Canal if they launched at other points and paddled to the WMA. There are no mooring facilities or docks available on the WMA.

Fishing is permitted on the WMA for those wishing to carry equipment from the directed parking areas. Fishing is permitted in the Barge Canal and Mohawk River, but users do not need to visit the WMA to use these waters, and other locations in the area have much easier access to fishing opportunity.

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

- None

OBSERVATION TOWERS AND VIEWING POINTS



Current Conditions:

Utica Marsh has one observation tower that was built to grant users a better view of both the East and West pools. The tower is located on the main hiking trail in the middle of the WMA and situated between both the East and West pools providing opportunity for bird watching and wildlife viewing in both wetlands. The current tower was erected in 2017 and is in excellent condition. Maintenance includes staining the wood as necessary and eliminating competing vegetation growth around the tower.

In proximity to the wooden viewing tower, DEC has created a rounded gravel pad surrounded by large boulders to provide additional viewing opportunities. This area provides closer access to the West Pool and wildlife is easily seen from this location.



Observation tower overlooking the wetland pools on Utica Marsh WMA

Users that do not wish to walk or bike all the way to the WMA from the Genesee Street parking area, may view large sections of the East Pool via an elevated section of the Erie Canalway Trail along State Route 12. There are two large boulders that users can sit on and view portions of the wetland complex (see cover page photo).

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

- Maintain existing tower and viewing points to facilitate safe and clear wildlife viewing opportunities

BUILDINGS AND OTHER PERMANENT STRUCTURES



Current Conditions:

Utica Marsh WMA has few additional permanent structures. There is one informational kiosk along the Canalway trail near the North Genesee Street parking area and one water control structure and associated dike in the East Pool.

The 36-inch half-pipe riser water control structure is used to manipulate water levels through periodic drawdowns and allows for approximately 20 inches of water depth to be added or drained from the impoundment. Water depths within the wetland pool range from 0 – 4 feet deep and allow managers to control invasive species, promote desirable wetland plant species, or create mud flat habitat for migrating shorebirds. Water level manipulation does not occur annually, but typically water is drained from the marsh every 5-7 years depending on vegetative conditions. Under classic wet soil management, water is released for the growing season and then allowed to

refill during late summer and early fall. The soils can oxygenate, and organic matter is broken down further to be utilized by regenerating emergent vegetation such as cattail, arrow-arum, and various sedge species, all of which are beneficial to wetland dependent wildlife.

There are no streams or running water sources that feed the East Pool or the Marsh directly. Water sources are from rain or Mohawk River flood events. During flood events, water moves through the water control structure in both directions. Water comes into the Marsh with flood events and drains out the control structure once Mohawk River flows normalize. Remaining water levels in the pool are maintained according to the number of boards that are in the structure at a given time.

The dike and water control structure require various levels of annual maintenance including tree and shrub removal from the dike surface, preventing damage by beavers that can plug the control structure and ensuring that the structure is free from vandalism and continues to move water properly.

The public is allowed on the dike but cannot access the feature from the Adirondack Railroad ROW. Access to this feature would be from the Canalway Trail and then by either wading or using a boat through the wetland.

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

- Clear all woody vegetation from the dike to provide access for managers to better maintain the structure
- Ensure functional use of the water control structure
- Maintain existing informational kiosk
- Annually maintain vegetation on the dike.



Informational kiosk at Utica Marsh WMA.

MANAGING HABITAT TO PROVIDE RECREATIONAL OPPORTUNITIES

Habitat and vegetative management on the property is done to provide quality wildlife habitat, facilitate safe public access and suitable viewing opportunities. As stated previously, vegetation along trails and around viewing areas are routinely cleared. This work is done to aid in the maintenance of trail ROW's.

Due to the nature of the floodplain and the ownership footprint of Utica Marsh, there are no fields to maintain on the area nor any significant forested habitats to manage. DEC is currently engaged in creating small-scale timber cuts on the area to create young forest habitat (aspen and cottonwood regeneration) conditions to benefit species such as American woodcock. Three acres of aspen clear-cut, and invasive species control was completed in 2019 and an additional three acres are being managed starting in 2021.

DEC can manipulate water levels in the 60-acre East Pool only. This ability allows managers to raise or lower the water level to regenerate wetland vegetation within the pool. DEC lack's ability to directly manipulate water levels in other areas of the WMA, which limits the habitat management in those pools.

Utica Marsh has multiple invasive plants species, most of which are difficult to control. DEC has been active in removing or limiting several species including purple loosestrife and European water chestnut. Managers have had some success in controlling water chestnut and will continue to monitor the spread of the plant and remove as necessary. Other species like phragmites, Japanese knotweed, European alder, and buckthorn will be managed as opportunities arise.

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

- Continue with periodic wetland drawdowns in the East Pool (generally on a 5-year cycle)
- Continue vegetative management along the trail system to allow public access and viewing opportunities
- Conduct annual removal of water chestnut

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. Activities that are allowed, prohibited, or may require a permit are discussed in *Public Use of Wildlife Management Areas*.⁶

⁶ Available online at <https://www.dec.ny.gov/outdoor/7768.html>.

RECREATION ON UTICA MARSH WMA

PRIMARY ACTIVITIES

Primary activities include wildlife-dependent recreation that is compatible with the primary goals and purposes of WMAs. Wildlife watching, wildlife/nature photography, trapping, fishing, hiking, and biking are the primary uses of Utica Marsh WMA. All statewide trapping and fishing regulations apply.⁷



Hunting:

Hunting is not allowed on this property by posted notice.



Trapping:

Many furbearing species are found on the WMA due to the variety of wetland habitats. They include beaver, muskrat, mink, raccoon, weasel, skunk, opossum, red and gray fox, and coyote. Water trapping is the primary activity due to the limited amount of upland habitat on the WMA, and the high recreational use in many of these areas. The variety of wetland areas hold numbers of wetland dependent furbearers, and the unique location between the Barge Canal and Mohawk River provide travel corridors for these species into the Marsh. Since the removal of vehicular access, access for trapping is more difficult, requiring a minimum of a 1-mile walk/bicycle ride to reach the WMA which may limit participation.



Wildlife observation/bird watching:

Wildlife observation and bird watching are the primary wildlife-related recreation activities on the WMA currently. The variety of open water pools and wetlands provide great habitat for wetland dependent bird species and a variety of mammals that are occasionally spotted. Waterfowl species are in abundance during migration in the spring and fall but can be seen anytime open water is available. Species include, but are not limited to wood ducks, mallards, American black ducks, Canada geese, snow geese, ring-neck ducks, northern pintails, American wigeon, green-winged teal, and both hooded and common mergansers. A variety of marsh bird species can also be found on the WMA including Virginia and sora rail, gallinule, pied-billed grebe, common egret, green and blue heron, and the State threatened least bittern among others. Snapping and painted turtles can be seen in abundance throughout the wetlands and occasionally along the trails. Other notable visitors to the WMA are ospreys and bald eagles, which are increasing in abundance throughout the Mohawk River floodplain.



Fishing:

⁷ Available online at <https://www.dec.ny.gov/regs/2494.html>.

Like trapping, fishing is permitted on the area, but reasonable access by someone with fishing equipment might be difficult due to the distance required to walk or bike onto the area. Individuals may fish in the Barge Canal along the Canalway trail or on the Mohawk River if they launched a boat from another location. The general Mohawk River corridor provides a variety of fish species for anglers to target, including catfish, walleye, northern pike, smallmouth bass, and tiger musky.



Hiking:

Hiking and walking on the trail system are among the most popular uses permitted on Utica Marsh WMA. The connectivity provided by the popular Canalway trail provides an excellent opportunity for recreators to visit the WMA. Despite the distance to the WMA from formal parking areas, the walking is easy on well-maintained trails and flat ground.



Canoeing and kayaking:

Canoeing is allowed on the WMA, but the lack of vehicle access to the area would preclude most people from accessing the wetland specifically for this activity. Canoeing and kayaking is legal on the Barge Canal and Mohawk Rivers and is a popular form of recreation on those bodies of water. DEC does not maintain any formal boat access sites, so users who access the WMA from these waters do so at their own discretion.



Bicycling:

Bicycling is a very popular use on the WMA trails. Due to the distance required to get to the WMA on the Erie Canalway Trail, and the high-quality of the trail system, bicycles provide a great method of accessing and enjoying the WMA.



CROSS COUNTRY (NORDIC) SKIING AND SNOWSHOEING:

Trails on and to the WMA are not maintained in the winter, however users can snowshoe or cross-country ski to the area via the Erie Canalway Trail if they wish.

RESTRICTED ACTIVITIES

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

The following activities are not allowed on Utica Marsh WMA:

- Horseback riding
- Snowmobiling
- Operating motorized vehicles, including ATVs and boats

- Camping
- Hunting
- Overnight mooring and or boat storage
- Swimming
- Fires
- Target shooting

The following restricted activities on Utica Marsh 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
- Scientific Research
- Drone use for legitimate commercial or research activities may be allowed via permit from the Department per 6NYCRR Part 51 and consistent with CP-71. Use of drones for recreational purposes is not allowed.

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.^{8,9} 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 special permits and reduced fee licenses through DEC's Special Licenses Unit.¹⁰
- Through the Motorized Access Program for People with Disabilities (MAPPWD), DEC has established vehicular routes on certain WMAs to facilitate access for wildlife-dependent activities. These mapped routes are accessible by permit only, available through DEC's regional offices.¹¹
- WMA visitors may apply for accommodation permits to request use of power-driven mobility devices on state lands beyond MAPPWD routes.¹² Applications for special accommodation are available through DEC's regional offices.
- To maintain and improve access for persons with disabilities, DEC employs a network of accessibility coordinators throughout the regions and in Central Office (Albany).
- Accessible destinations are shown on DEC's Accessible Recreation Destinations webpage. All WMA maps and webpages show available accessible features and how to get to them.

⁸ Information about accessible recreation on state lands is available at <https://www.dec.ny.gov/outdoor/34035.html>.

⁹ 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.

¹⁰ Information about special permits is available at <https://www.dec.ny.gov/permits/30419.html>.

¹¹ Information about MAPPWD is available at <https://www.dec.ny.gov/outdoor/2574.html>.

¹² 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 WMA:

- None

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.

The Barge Canal, Mohawk River, State Route 12, and the Adirondack Railroad ROW all contribute to the challenge of providing easy public access to the property. While the Erie Canalway Trail is an exceptional asset for visiting Utica Marsh, these larger barriers prevent long term planning for vehicle access to the WMA. This area provides a unique opportunity for the public to experience wildlife viewing recreation in an otherwise urban area but will prove difficult for some user groups to gain access if they have mobility constraints.

Limiting illegal motor vehicle use, garbage dumping, vandalism, and camping has proved to be a challenge at times in the past, but increased staff and law enforcement presence on the property has helped minimize these issues.

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.¹³ 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.

¹³ Information about TRPs is available at <https://www.dec.ny.gov/regulations/51387.html>.

DEC has granted TRPs for activities associated with scientific research.

VOLUNTEER STEWARDSHIP AGREEMENTS

Volunteer Stewardship Agreements (VSAs) are issued when an individual or organization engages in activities to provide positive benefits to state lands.¹⁴ 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.

There is one current VSA that has been issued for Utica Marsh WMA allowing an individual to conduct periodic clean-ups of the property. This VSA expires in 2023.

¹⁴ 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 Utica Marsh 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 Utica Marsh WMA, 2021-2026.

Description of Action	Priority	Estimated cost ^a
Maintain condition of administrative roads, walking/biking trails and barriers	Routine	\$2500 - 3500 annually
Maintain the observation tower	Routine	\$200 annually
Maintain proper area ID and rule signs	Routine	\$500 annually
Maintain water control structure and associated dam face	High	\$1000 annually

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

V. FIGURES

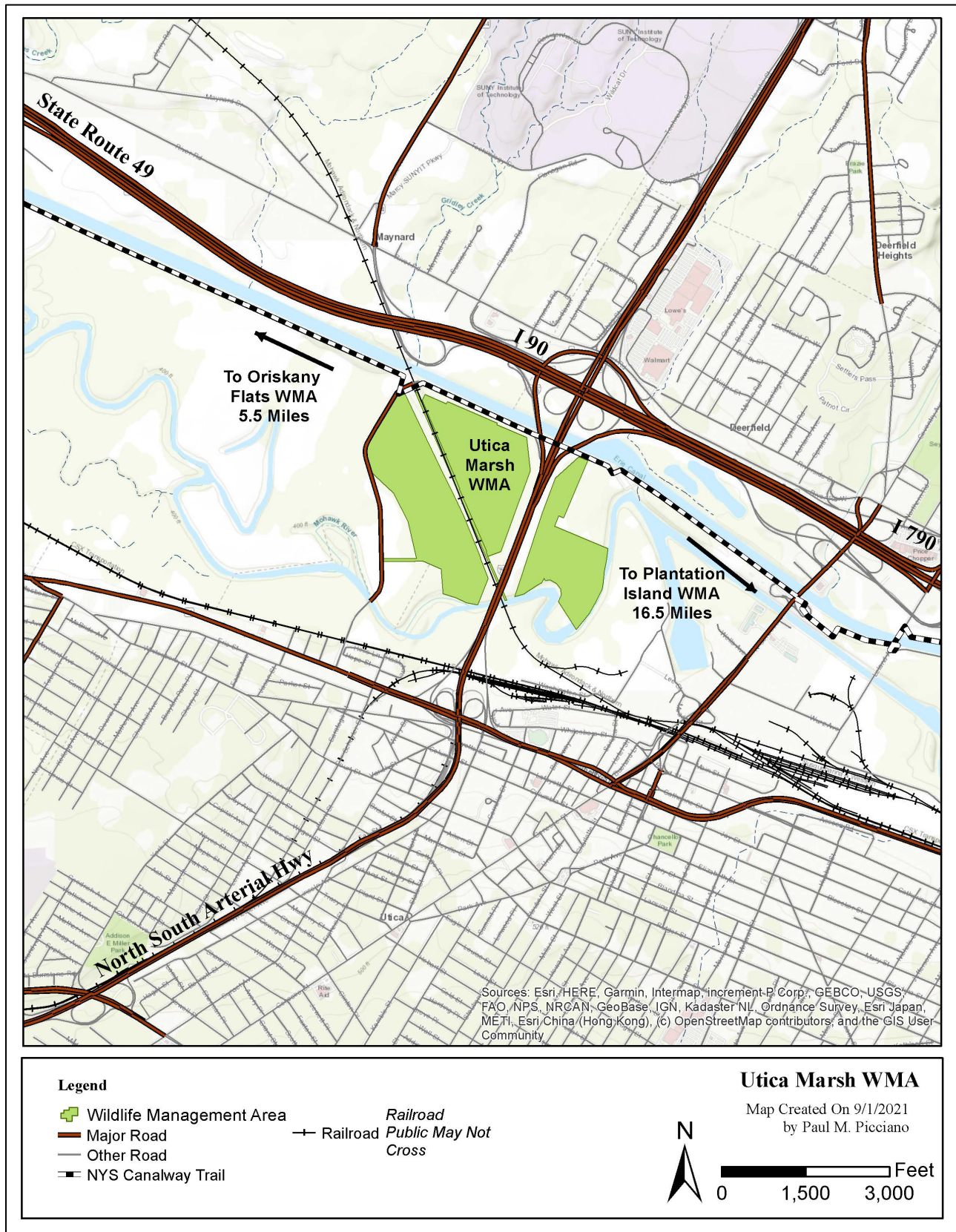


FIGURE 1. Connectivity to other public lands and recreation areas.

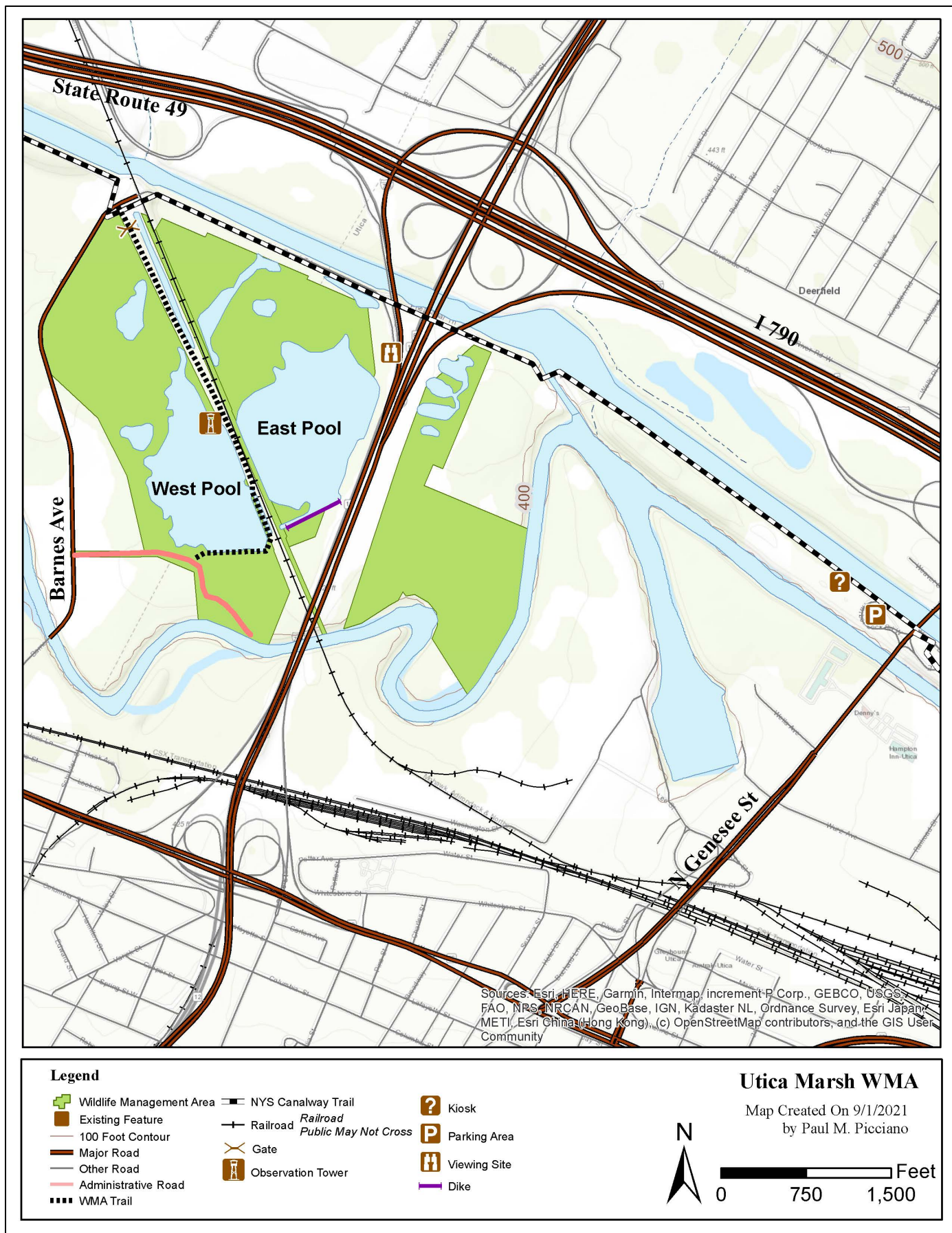


FIGURE 2. Location of existing access features, roads, and trails at Utica Marsh WMA.

VI. APPENDICES

APPENDIX A. SUMMARY OF PUBLIC COMMENTS AND RESPONSES

The following is a summary of the public comments that were received during the public comment period of November 22 thru December 22, 2021 for the Utica Marsh Access and Public Use Plan and any changes made to the plan as result of comments. Comments are in **bold** text, with DEC responses in *italics*.

COMMENTS RECEIVED

Comment 1: One comment suggested support for a more ambitious access plan by providing additional amenities and services such as creation of more informational kiosks, build restroom facilities, provide picnic tables, create vehicular access, and consider the construction of a boardwalk out into the Marsh so users could access the marsh area better. The reader suggested great public use and access would create more support for WMAs like Utica Marsh.

DEC Response: DEC appreciates the suggested additions to the opportunities and amenities available at Utica Marsh WMA. The proposed plan was written in acknowledgment that the creation of new infrastructure would be limited. The reason for that approach was because DEC had already provided and removed many of the features presented in the comment.

DEC had created boardwalks, fishing access sites, parking areas and multiple viewing towers when the WMA was developed in the 1980s. Since that time, repeated flood damage, vandalism, the Barnes Avenue bridge closure, and changes in staff capacity have reduced the number of features that can reasonably be managed at the WMA. Public access by vehicle will not be possible given the physical and legal impediments to creating such access.

The approach of the plan is to maintain less, but durable features that provide clear, safe access to Utica Marsh visitors using the New York State Canalway trail and highlighting the features of the WMA most important for the public to enjoy.

Comment 2: One comment supported the access plan to the Utica Marsh WMA.

DEC Response: DEC appreciates the supportive comments and encourages the public to visit the WMA.

Comment 3: One comment supported allowing hunting on Utica Marsh WMA, especially if the property was purchased with Pittman-Roberson funds.

DEC Response: Acquisition of the lands that make up the WMA was completed using funds from the Environmental Quality Bond Act, not Federal Aid in Wildlife Restoration (Pittman-Robertson) funds. However, DEC supports hunting on all WMAs across New York where appropriate. The decision to prohibit hunting on this WMA is due to several factors:

- 1) The City of Utica maintains an ordinance against discharge of firearms which prevents hunters from shooting on the WMA property that falls within the City's boundaries,*
- 2) The remainder of the WMA in the Town of Marcy that could be open to hunting is too small to provide reasonable hunting opportunity, and*
- 3) DEC interest in maintaining some properties as refuge areas for wildlife.*

Comment 4: One comment indicated interest in DEC reestablishing a former access using the Barnes Avenue bridge.

DEC Response: The Barnes Avenue bridge was closed in 2012 and deemed unsafe for vehicular traffic. The City of Utica owns the bridge and DEC was one of many landowners whose public access was eliminated by the closure. DEC does not have any recourse to re-open the bridge and can only encourage access via the routes outlined in the proposed plan.

SUMMARY OF CHANGES MADE TO THE PLAN

None

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.