

Questions 4 and 6

You will find a list of priority projects and Public Lands attempt to comply with ADA. Also please notice a letter from Baxter Park on how they are complying with ADA. In many ways, Public lands ADA challenges mimic those of Baxter.

As we go forward, it is likely our aging population will require the most attention just because of the demographics of Maine and our tourist constituencies.

I believe our biggest challenge will be to identify what locations will need attention. It seems logical that areas close to population centers will require our first attention.

I believe time and money is secondary to just knowing where to focus and what projects are priorities. With what we know now, our thrust will be making more campsites and boat launching areas accessible.

Public Lands is doing a number of projects that may not be clear to see in all the data. For example, we are installing accessible picnic tables, toilets and making space for recreational vehicles in various places like the Machias River corridor.

Doiron, Rondi

From: Denico, Doug
Sent: Friday, October 23, 2015 9:44 AM
To: Doiron, Rondi
Subject: FW: ADA in BSP

Doug Denico

Doug Denico, Director
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From: Jensen Bissell [<mailto:jensen.bissell@baxterstatepark.org>]
Sent: Thursday, October 22, 2015 9:49 PM
To: Denico, Doug
Cc: Theriault, Christine A. (Baxter)
Subject: ADA in BSP

Doug - as promised, here's some text providing an overview of the Park's history and implementation of accessibility within the Park. I've cc'd Christine Theriault, who serves as the Park's ADA coordinator. Chris can correct any inaccuracies in my text and answer any additional questions you might have. Chris can be reached at: 207-731-7172

Some text describing the Park's approach to ADA.

In the early-mid nineteen nineties, Park staff toured the Park with an official from the Department of the Interior to consider appropriate actions for the Park to implement to meet the requirements of the ADA within the wilderness managed areas of Baxter State Park.

As a result of this meeting and further considerations and review, the Park implemented the following actions: Areas within the Park such roadside as day-use picnic areas/shelters were made accessible.

One campsite in each Park Campground, or one cabin in each of the two Park Campgrounds with cabins, was made accessible. Reservations for accessible campsites are not available for reservation by the general public until 8am of each day, but may be reserved by persons with disabilities up to four months before the reservation date.

Accessible vault toilets were provided at all campsites and most day-use roadside picnic areas.

Accessible picnic tables were provided at all accessible day use shelters and the Park is gradually replacing all Park picnic tables with accessible tables.

A drive-in roadside viewpoint at Stump Pond was designated for ADA parking only.

Although pets are prohibited in Baxter State Park, service animals are allowed as defined by ADA guidelines.

I'll be back in contact after noon on Friday. I hope this is of some help.

Jensen

Jensen Bissell
Park Director
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Doiron, Rondi

From: Denico, Doug
Sent: Friday, October 23, 2015 9:43 AM
To: Doiron, Rondi
Subject: FW: Information requests: Accessibility Accommodations;
Attachments: BPL Public Reserved Lands- facilities with accessibility accommodations.pdf; BPL Unmet Legal Requirements-ADA.pdf; Priority Rec and ADA Projects Table.docx; IRP Provisions-ADA.pdf

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From: Eickenberg, Katherine
Sent: Friday, October 23, 2015 9:09 AM
To: Denico, Doug
Subject: FW: Information requests: Accessibility Accommodations;

Doug,

I previously provided the first 2 attachments: "BPL Public Reserved Lands-facilities with accessibility acc. " and "BPL Unmet Legal Requirements – ADA"

I renamed the recent Priority Rec project to indicate it also includes ADA projects. If you'd like I can put the ADA pieces all in one section of that table.

I am also including what our IRP says on ADA.

FYI - I recently sent information to the regional mgrs. on our legal requirements and the need (copied you) – from that email:

"As to level of use, I expect any site we improve for some accommodation for mobility impairment (and this is what we need to focus on, not strict compliance with ADA) will not have high use – we are talking about accommodations for a minority group – which is why there is a federal ADA. In the IRP, we are already past that conversation. Further, we are required under federal Title II of the ADA of 1990; and under the Maine Human Rights Act of 1971, to address accessibility of our facilities. In general, if we install a new facility we are required to make it ADA accessible; and if we modify/improve an existing facility, we also must make accommodations. I am researching what the applicable standards are with Tom Linscott in Boating Facilities, as within the Bureau, George Powell operated pro-actively on this and his research is most applicable to Lands. Note we are not required to provide toilet facilities, but if we do they must meet standards; we are not required to provide a dock, but if we do I am assuming you may already know more than I do about these standards, as you have been installing some of these facilities already. What makes sense to me, subject to compliance with certain

standards, is for us to consider how we can make accommodations where there is a reasonable opportunity for that – where the site can support it without extraordinary measures. For an example see the attached photos of a carry-in boat access in Hanover (provided by Tom Linscott). A gravel path with a meander to keep the slope down – already a pretty gentle slope.

On the Need - FYI – our recreating public is likely among the oldest in the country. For our recent SCORP we did an online survey from an email list obtained from IF&W, our own Parks email from reservations – both of these groups included non-residents), and a random general Maine population list. There were almost 16,000 respondents who fully completed the online survey. These are pretty much pre-sorted for recreationists except the random sample. The average (mean) age for each of the three primary survey segments was higher than the median age for residents of the state of Maine, which in 2010 was 43.5 years. Maine has the highest average age of any state in the country. The non-resident recreationists had a mean age of 53.47; the Maine resident/recreationists 49.57, and the Maine general population 55.78. Also worth noting that according to 2013 population estimates 17.3 percent of Maine residents are 65 years of age or older (13 percent nationally).

About 9,000 of the survey respondents were Maine resident/recreationists. Of those, 24.2 percent lived in the “Crown/Eastern counties”: Washington, Hancock, Penobscot, or Aroostook County; and 20.6 percent lived in the “Maine Mountains” counties: Oxford, Androscoggin, Franklin, Somerset, and Piscataquis. These percentages align pretty closely to the general population distribution in 2010.

Some questions in the survey asked about barriers to recreation. “Physical difficulty” was cited as a “Large” or “Very Large” barrier by 4.7 percent of Maine resident/recreationists; 3.1 percent of non-resident/recreationists, and 11.7 percent of the Maine general population.

As to accommodations, the survey showed:

- the #1 most needed non-motorized trail resources identified in the survey was “Easy trails in a natural setting” (71.1 percent of Maine General population; 59 percent of Maine resident/recreationists; and 43.8 percent of non-resident recreationists).
- Handicapped accessible trails rated as the #4 need by the Maine resident/recreationists (46.9 percent); the #5 need by the Maine general population (52.2 percent); and the #7 need by non-resident/recreationists (28.4 percent).”

From: Eickenberg, Katherine

Sent: Wednesday, September 23, 2015 11:54 AM

To: O'Brien, Michael

Cc: Denico, Doug; Lajoie, Marleen; Charles, Tom T.; Labbe, Vern; Simpson, Chuck; Wiley, Joe; Smith, Peter D.; Docherty, Molly; Doiron, Rondi; Whitcomb, Walt; Wells, Mari

Subject: RE: Information requests: Accessibility Accommodations; Education

Mr. O'Brien,

Attached are documents that address accessibility accommodations on public reserved lands, and use of BPL funds for public education, in response to the highlighted questions below.

Kathy Eickenberg

Chief of Planning

Bureau of Parks and Lands

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From: O'Brien, Michael <Michael.O'Brien@legislature.maine.gov>

Sent: Friday, September 18, 2015 8:43 AM

To: Denico, Doug

Cc: Eickenberg, Katherine; Wells, Mari; Bentley, Curtis; Whitcomb, Walt

Subject: Information requests from members of the Commission To Study the Public Reserved Lands Management Fund

Director Denico:

Members of the Commission To Study the Public Reserved Lands Management Fund respectfully request the following information for the next Commission meeting:

- *The most recent Integrated Resource Policy (IRP);*
- *Copy of FSC/SFI certifications;*

- *Example of a five year land management plan;*
- *Complete list of land management plans;*
- *Membership list of the constituencies involved in the Public Lands planning process;*
- *Description of how the harvest prescriptions encompass the multiple use mandate on Public Lands, along with an example of a prescription;*
- *Comparison of contract logging services versus stumpage (total volumes, acres, revenues and per ton margins) for 2013, 2014 and 2015 YTD;*
- *Detailed plan to provide an annual allowable harvest (incorporating expected growth/yield and desired outcomes) using a forest biometrician and sophisticated harvest modeling tools;*
- *Spreadsheet concerning silvicultural prescriptions (referenced by Director Denico at first meeting);*

- *Details about the current forest inventory;*
- *Details about the timber sustainability calculations in recent years;*
- *Summary of Silvicultural Advisory Committee tour (from Thomas Charles);*
- *Additional information regarding average profit per cord realized from Public Lands;*
- *What is the wood market doing now and what are the projections?;*

- *Current inventory of accessibility accommodations on Public Lands;*

- *Details about the current BPL budget;*
- *What is the exact amount of "surplus" in the BPL account?;*
- *Details about the annual BPL budget process (how does it work?);*
- *Is it true that BPL has an accounting system where the books never close, and, if so, is this standard practice for such an agency here or anywhere else in the nation that manages public lands in a similar way?;*
- *What is the base line amount of money needed to be retained by the Department to get started on management plans for the next year? Road building? Contingency?;*
- *On Director Denico's Powerpoint slide #29 from the first meeting, the \$9.097 M figure is higher than the budget number in the state budget. Why are those numbers different? Can you please provide a more complete budget breakdown of revenue in and expenses out for the last two years? The PP slide*

29 indicates about \$800K of “extra money.” This figure is lower than what was presented to the ACF Committee at the end of the session. Please explain;

- Plans for BPL contingency funds (are any funds held in reserve?);
- Summary of funding for state parks versus state lands (who gets which funds?);
- *Is any money from the Public Reserved Lands Management Fund currently being spent on education?;*
- Summary of conservation easements under BPL oversight (tract acres and available stewardship funds);
- *How are conservation easements on Public Lands currently being funded?;*
- Summary of hours and costs allocated to annual conservation easement oversight;
- How are specific recreation projects prioritized in the budget? What is the process for taking an exhaustive list of recreation projects in a given Unit and prioritizing which ones to fund? How is that decision made? Please provide an example of a one of these lists;
- Organizational chart for public lands (number of foresters working on public lands, etc.);
- Summary of BPL positions that are currently open, along with the plan to fill any openings (including Director of BPL);
- How are the state foresters helping with the management of the public lands?;
- Is the BPL planning to hire additional foresters? If yes, where would they be assigned? If no, why not and what alternatives do you propose?;
- How are fish and wildlife included in the development of management plans?;
- *How, specifically, is the Dept. of ACF managing riparian zones at a higher level than is required?*

This list includes the information requests and questions that were posed at the first Commission meeting and sent to you last Friday (indicated in italics).

Please let us know if you have questions about any of these requests.

Thank you,

Michael O'Brien and Curtis Bentley

Accessibility Accommodations for Recreationists on Public Reserved Lands -9/22/15

Public recreation facilities on public reserved lands are generally of types: boat access facilities; day use/picnic sites with privies or vault toilets; campsites with privies/vault toilets, fire rings, and picnic tables; and trails (both motorized and non-motorized). The following describes those facilities with accommodations for less-abled or disabled recreationists.

1. **Boat Access facilities:** There are 48 trailerable boat access facilities on BPL public reserved lands. Only 5 of these have hard ramps, and of these, 3 have some accessibility accommodation. In addition, one gravel boat ramp has some accommodation. Below is the data for those with accommodations. *Fully Accessible* means the facility has accessible parking, pathways, and docks. *Barrier Free* means that the surfaces and slopes of the paths and ramps are suitable for those with some mobility impairment, but it is not fully accessible to those requiring the most accommodation.

- Chain of Ponds Unit, Natanis Pond, Franklin Co: *Barrier free*, hard surface
- Richardson Unit, Upper Richardson Lake, Oxford Co: *Fully Accessible*, hard surface
- Richardson Unit, Mooselookmeguntic Lake, Oxford Co: *Barrier free*, hard surface
- Donnell Pond Unit, Long Lake, Hancock Co.: *Barrier free*, gravel surface

2. **Trails, day use (picnic) and camping areas:** Across all regions there are a limited number of facilities that have accessibility accommodations. Some of the drive-to day use and camping sites have ADA accessible vault toilets, and some can be utilized with a Recreational Vehicle (RV), though no hook-ups or pump out facilities are provided. Specific sites are described below:

Western Region

- Bigelow Preserve, Round Barn camping/day use area, Flagstaff Lake Somerset Co: This facility has one ADA compliant vault toilet, designated parking area, and campsite.
- Little Moose Unit, near Greenville, Piscataquis Co: Small pond with an accessible fishing pier and perimeter trail (less than one-half mile).
- Kennebec Highlands, Belgrade, Kennebec Co: Accessible foot trails in development in partnership with Belgrade Region Conservation Alliance.

Eastern Region

- Cutler Unit, Washington County: ADA accessible vault toilet at trailhead.
- Duck Lake Unit, Washington Co:
 - Duck Lake- 2 campsites with accessible vault toilet (access to campsite for mobility impaired but not wheelchair accessible); 4 sites accessible by RVs
 - Unknown Ponds -2 campsites with accessible vault toilet (access to campsite for mobility impaired but not wheelchair accessible); 6 sites accessible by RVs
 - Gassabias Lake – 3 sites accessible by RVs
- Machias River Corridor, Washington Co:
 - 5 sites with ADA accessible vault toilets, all at vehicle accessible sites.
 - 4 sites that can accommodate RVs, (2 sites accommodate 1 RV, 1 accommodates 2, and the other, 5 RVs)

- Rocky Lake Unit, Washington Co: One drive-to camping area that can accommodate 2 RVs
- Seboeis Lake Unit, Piscataquis Co:
 - 3 sites that accommodate RVs (two sites accommodate 1 RV, one accommodates 3 RVs)
- Nahmakanta Unit, Piscataquis Co: RV accessible sites at 2 areas: 2 sites at Leavitt Pond; and 3 sites at Musquash Field.
- Donnell Pond Unit, Hancock Co:
 - Tunk Lake: 1 accessible vault toilet at the boat launch
 - Donnell Pond: 1 accessible vault toilet at the boat launch (west side); and one at the parking area for the Schoodic Beach/Trailhead area.
- Across various units, associated with ADA vault toilets, 15 picnic tables designed to accommodate wheelchairs.

Northern Region

- Deboullie Unit, Aroostook Co: ADA accessible vault toilet at the Perch Pond boat access
- Scraggly Unit, Penobscot Co: ADA accessible vault toilet at the boat launch/group campsite.

Unmet Legal Requirements for Compliance with March 15, 2011 Amendments to the Americans with Disabilities Act

Summary of the Amendment: This is a major amendment to the ADA requiring providers of facilities intended for public use to allow the use of any feasible and safe motorized vehicle to access and use public lands and trails, unless it can be demonstrated that such use would fundamentally alter the provider's programs, services, or activities, be unsafe for the user or create direct threat to the safety of others, or create environmental damage. If a person requests to use a motorized vehicle where they are not now allowed and states he or she has a disability, that disability cannot be questioned unless "contradicted by observable fact." It is the responsibility of the landowner/provider to define areas where motorized vehicles (of various types) can and cannot be used based on the considerations allowed by law, and to provide a credible analysis of how this was determined. The results must be made available to the public through publications and website materials.

Subject to these qualifiers, the amendment would require BPL to allow use of vehicles of any type on existing roads, if the user claims a disability, even if they are designated by the agency for management purposes only. In addition, BPL must allow a person with a disability to use vehicles off-road and on existing trails, unless it can be demonstrated such vehicles cannot be used safely or would cause environmental damage, or would fundamentally alter the "programs, services and activities" intended for the property.

BPL's Response: In March of 2011 the Bureau's Planning Division worked with both Parks and Lands managers to develop a proposed approach to address this mandate. That approach is attached. However, lack of available resources due to subsequent changes in staff and additional demands on staff precluded making any meaningful progress in implementing this approach.

DRAFT

Proposed Approach

**Compliance with Department of Justice ADA Rules
Effective March 15, 2011
Related to
Use of Other Power-Driven Mobility Devices (OPDMDs)
at Public Recreation Sites**

Status Report 09-21-2015: This Proposed Approach was never adopted by the Bureau. There was some partial progress in 2011; no progress thereafter due to staff limitations.



**Maine Department of Conservation
Bureau of Parks and Lands**

March 10, 2011

Background:

The Department of Justice (the Department) has amended its regulation implementing title II of the Americans with Disabilities Act (ADA), which applies to public entities. These revisions take effect on March 15, 2011. Title II applies to public agencies; Title III applies to private facilities open to the public.

DOJ Summary of new rules and related provisions :

Wheelchairs and Other Power-Driven Mobility Devices. The rule adopts a two-tiered approach to mobility devices, drawing distinctions between wheelchairs and "other power-driven mobility devices." "Other power-driven mobility devices" include a range of devices not designed for individuals with mobility impairments, such as the Segway® PT, but which are often used by individuals with disabilities as their mobility device of choice.

Wheelchairs (and other devices designed for use by people with mobility impairments) must be permitted in all areas open to pedestrian use.

"Other power-driven mobility devices" must be permitted to be used unless the covered entity can demonstrate that such use would fundamentally alter its programs, services, or activities, create a direct threat, or create a safety hazard. The rule also lists factors to consider in making this determination. This approach accommodates both the legitimate business interests in the safe operation of a facility and the growing use of the Segway® PT as a mobility device by returning veterans and others who are using the Segway® PT as their mobility aid of choice.

Provisions of the New Rule and Related Sections: The new rule applies to both public entities and private facilities open to the public. The language below is for public agencies, but parallel language exists in Title III:

§ 35.137 Mobility devices. (new language)

(a) Use of wheelchairs and manually-powered mobility aids. A public entity shall permit individuals with mobility disabilities to use wheelchairs and manually-powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use.

(b)

(1) Use of other power-driven mobility devices. A public entity shall make reasonable modifications in its policies, practices, or procedures to permit the use of other power-driven mobility devices by individuals with mobility disabilities, unless the public entity can demonstrate that the class of other power-driven mobility devices cannot be operated in accordance with legitimate safety requirements that the public entity has adopted pursuant to § 35.130(h).

(2) Assessment factors. In determining whether a particular other power-driven mobility device can be allowed in a specific facility as a reasonable modification under paragraph (b)(1) of this section, a public entity shall consider—

(i) The type, size, weight, dimensions, and speed of the device;

- (ii) The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
- (iii) The facility's design and operational characteristics (e.g., whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user);
- (iv) Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific facility; and
- (v) Whether the use of the other power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with Federal land management laws and regulations.

(c)

- (1) *Inquiry about disability.* A public entity shall not ask an individual using a wheelchair or other power-driven mobility device questions about the nature and extent of the individual's disability.
- (2) *Inquiry into use of other power-driven mobility device.* A public entity may ask a person using an other power-driven mobility device to provide a credible assurance that the mobility device is required because of the person's disability. A public entity that permits the use of an other power-driven mobility device by an individual with a mobility disability shall accept the presentation of a valid, State-issued, disability parking placard or card, or other State-issued proof of disability as a credible assurance that the use of the other power-driven mobility device is for the individual's mobility disability. In lieu of a valid, State-issued disability parking placard or card, or State-issued proof of disability, a public entity shall accept as a credible assurance a verbal representation, not contradicted by observable fact, that the other power-driven mobility device is being used for a mobility disability. A "valid" disability placard or card is one that is presented by the individual to whom it was issued and is otherwise in compliance with the State of issuance's requirements for disability placards or cards.

§ 35.130 General prohibitions against discrimination

- (b) (7) A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would *fundamentally alter the nature of the service, program, or activity.* (existing language)
- (h) A public entity may impose legitimate safety requirements necessary for the safe operation of its services, programs, or activities. However, the public entity must ensure that its *safety requirements* are based on actual risks, not on mere speculation, stereotypes, or generalizations about individuals with disabilities. (new language)

§ 35.139 Direct threat

- (a) This part does not require a public entity to permit an individual to participate in or benefit from the services, programs, or activities of that public entity when that individual poses a direct threat to the health or safety of others.
- (b) In determining whether an individual poses a direct threat to the health or safety of others, a public entity must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

§ 35.104 Definitions

Existing facility means a facility in existence on any given date, without regard to whether the facility may also be considered newly constructed or altered under this part.

Facility means all or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

Direct threat means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services, as provided in § 36.139.

Place of public accommodation; [note this applies to private facilities] means a facility operated by a private entity whose operations affect commerce and fall within at least one of the following categories – (9) A park, zoo, amusement park, or other place of recreation

Wheelchair means a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor locomotion. This definition does not apply to Federal wilderness areas ; wheelchairs in such areas are defined in section 508(c)(2) of the ADA, 42 U.S.C. 12207 (c)(2).

Proposed Approach:

1. Preliminary Trail Assessment: Areas Not Suitable

a. What areas should be set aside from any OPDMD use based on DOJ Rule §35.130 (b)(7) General Prohibitions?

(7) A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program or activity.

Proposed approach:

- (1) Identify all trails, Parks or Units that have a clear rationale documented in written policy or plans for designating uses on trails related to “fundamental alteration of the program or activity” (Backcountry Non-mechanized; special protection areas).
- (2) Identify all trails blocked from any motorized use, including management vehicles. (Work with Unit/Park managers for this).

b. What types of OPDMDs are categorically unsuitable for specific types of trails based on safety, or limiting trail characteristics?

- (1) Develop a generalized trails/lands suitability analysis *by class of OPDMD* (see Attachments A, and B) taking into account:

- > Limiting trail characteristics: trail surface, width, slope, natural barriers.
- > Safety concerns: Is the trail wide enough and does it have adequate sight clearance to safely accommodate OPDMDs and allow other uses? Are bridges designed for the weight load? Other safety issues?

Note the regulations ask whether legitimate safety requirements can be established to permit the safe and appropriate operation of OPDMDs (speed limits, limit use during wet trail conditions, other?).

Note that if service vehicles are allowed the rule has been interpreted to mean that similar vehicles must be allowed for the disabled.

This will provide a first level analysis of areas inherently not suitable for certain OPDMD classes.

- (2) Apply these criteria to trails using available data and manager knowledge.
- (3) Develop a list of trails off limits to specific classes of OPDMDs .

2. **Trail by Trail Assessment: Potential Trail Impact/Suitability Analysis (applying the DOJ Assessment Factors** : DOJ rule §35.137(b)(2)

This applies to all trails where all OPDMDs are not prohibited (1a. above), and to trails where some, but not all OPDMD's may be permitted (1b. above).

a. *Assessment factors. In determining whether a particular other power-driven mobility device can be allowed in a specific facility as a reasonable modification under paragraph (b)(1) of this section, a public entity shall consider—*

(i) The type, size, weight, dimensions, and speed of the device;

(ii) The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);

(iii) [related to buildings]

(iv) Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific facility; and

(v) Whether the use of the other power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with Federal land management laws and regulations.

b. **How can these criteria be used in an assessment?** A two-phased approach is proposed:

(1) Develop an assessment tool (to support Attachment C) and test it on one or two pilot areas. Review/document current data/information on trail characteristics and levels of pedestrian use using existing databases and reports. What information can be gathered from managers knowledgeable about the trails and uses? (not including those eliminated in Step 1).

Suggested areas: Bradbury-Pineland and Androscoggin Riverlands. Refine for general application.

Timeframe: next 6-9 months.

(2) Develop a plan to assess all other trails. Determine priorities, identify information gaps, and acquire needed information. Data should be collected using forms or technology that can be compiled in a database and is geo-referenced for GIS application of appropriate (locations of bridges, structures).

Timeframe: 1-2 years. [possible grant sources – RTP, MOHF]

3. **Interim Policy:** Until these analyses can be completed, the Bureau should adopt a policy to guide managers as requests are received for use of OPDMDs on State Parks and Public Reserved lands. Attachment D is an example from the State of Indiana, that could provide a model for this.

Attachment A: Characteristics and Classification of OPDMDs

(Hypothetical; note classification system to be determined based on this table)

Device	Gross Weight (GVW)	Width (inches)	Tire width/diameter	Track tread (LxW)	Electric or Internal Combustion	Max Speed mph	Ground Clearance (inches)	Safe grade (% slope)	
								longitudinal	lateral
Heavy duty vehicle, GVW > 8,500 lb									
Pickup Truck, GVW ≤ 6,000 lb									
Jeep, 4WD passenger vehicles, SUVs									
ATVs / UTVs									
2 wheeled tandem motorized; < X GVW (small motorcycles, mopeds, dirt bikes)									
2 wheeled motorized; > X GVW									
3-wheel motorized cycles ≤ 36" wide									
3-wheel motorized cycles > 36" wide									
Golf Carts, other low speed 4 wheel vehicles									
Electric personal assistive mobility devices (Segways)									
Other personal OPDMDs									
Wheelchairs									

Attachment B: Proposed Trail Suitability Matrix:

(S = Suitable; no = not suitable)

Note: Hypothetical, Device classifications not determined yet; trail types incomplete

Device/ Class of Device for Use by Disabled	Generalized Suitability							
	Rail Trail width 10 ft width	ATV Trail width 10 ft width	Mgt Road Width ≥XX feet	Gravel Rd Mgt Road Width <XX feet	Foot trail Width <24"	Footpath Width >24" <48"	Snowmobile Trail	Off-road on Open Fields or Woods
Class I: Wheelchairs (24" wide)					no		no	no
Class II: Electric personal assistive mobility devices 2 wheel non-tandem (Segways)							no	no
Class III: Electric powered 3-4 wheeled ≤ 48" wide (Golf carts, mobility scooters, etc)					no		no	no
Class IV: ATVs, UTV's <60 " wide					no	no	no	no
Class V: 2-3 wheeled motorized internal combustion; Any size (motorcycles, dirt bikes)							no	no
Class VI: Jeep, 4wd Passenger Car, GVW	no	no			no	no	no	no
Class VII: Pickup Truck, GVW	no	no			no	no	no	no
Class VIII: Heavy Duty Truck, GVW > X	no	no			no	no	no	no

Attachment C
Trail Assessment – ADA-OPDMD Suitability

Trail Name/ Location	Suitability Assessment for Wheelchairs and OPDMDs							
	Class I	Class II	Class III	Class IV	Class V	Class VI	Class VII	Class VIII
Trail Characteristics								
Length (mi)								
Width (ft)								
Grade (%)								
Surface type								
Trail base (soils)								
Drainage Structures								
Trail Structures								
Natural Barriers								
Mgt Barriers								
Bridges: width (in)								
load capacity (lbs)								
Level/Type of Use (low, mod, high)								
Pedestrian:								
Horses:								
Bicycle:								
Sensitive Resources near trails								
Wildlife habitat								
Rare, endangered plants								
<ul style="list-style-type: none"> > Surface Type: G=gravel or recycled pavement; N=Natural; B=Bark/mulch; P=paved, ADA compliant > Trail base: Nd=Natural well drained; Nw= natural wet/fine soils, G=gravel > Drainage Structures: B= box culverts; D= diversion berms or ditches; C = culverts; > Trail Structures: SS=stone steps, BB= bog bridges, L= ladders, BW=boardwalks > Natural barriers: B=boulders; L=ledge slope or drop; SC=Stream crossing/ford; O=Other > Mgt Barriers: G1=Gate without 32" passage; G2=Gate with 32" passage; B=Boulders; CR=Culverts Removed; O=other 								

Attachment D
Sample State Policy and Decision Matrix
MOBILITY DEVICES ON
INDIANA DEPARTMENT OF NATURAL RESOURCES PROPERTIES
Internal Policy 3/1/11

1. Purpose and Application

The purpose of this policy is to provide guidance for the operation of mobility devices by persons with disabilities on an Indiana Department of Natural Resources (DNR) property. All persons are subject to 312 IAC 8. A “mobility device” is defined below and does not require a license from DNR. The standard for monitoring and operating a mobility device is outlined by this policy.

2. Definitions

- A. “All terrain vehicle” (ATV) means a motorized, off-highway vehicle as defined in IC 15-12-3-2.
- B. “Department” refers to the Indiana Department of Natural Resources.
- C. “DNR property” has the meaning set forth in 312 IAC 8-1-4(3).
- D. “Electronic personal assistive mobility device” (EPAMD) is solely a Segway®. (IC 9-13-2-49.3)
- E. “Equal opportunity” means that a person with a disability cannot be denied the opportunity to participate in a program that is open to everyone. To participate, any person with or without a disability, must meet the criteria for the program and abide by any restrictions for that program in that area.
- F. “Motorized Cart” is defined in IC 14-19-1-0.5 as a mini-truck or golf cart-type conveyance.
- G. “Off-road vehicle” (ORV) means a motor driven vehicle capable of cross-country travel (as defined in IC 14-8-2-185) and does not include a power or manual wheelchair or a golf cart.
- H. “Other power-driven mobility device” is any mobility device powered by batteries, fuel, or other engines—whether or not designed primarily for use by individuals with mobility disabilities—that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair.
- I. “Person with a disability” has the meaning set forth in the federal Americans with Disabilities Act. (42 U.S.C. 12102)

- J. "Program Access" means that a public entity shall permit individuals with mobility impairments to use wheelchairs, scooters, walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility impairments in any areas open to pedestrian use.
- K. "Wheelchair" is defined as a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor locomotion.

3. Application Process (There is no application process.)

- A. A person does not need to obtain a permit or undergo an application process simply to operate a wheelchair on any property. If other participants are required to obtain permits (such as running dogs under 312 IAC 8-2-3), people with disabilities must do so as well.
- B. A person using a mobility device MAY be asked:
 - (1) if the device is being used due to a mobility disability. (Documentation and further conversation establishing the nature and/or extent of the disability cannot be required and shall not take place.), and
 - (2) to provide "credible assurance" that the mobility device is necessary because of the person's mobility disability. ("Credible assurance" can be the person's State issued placard or ID or can be a verbal statement not contradicted by observable fact.)
- C. The property manager is authorized to issue, condition, or deny permission for program access as long as the determination is based upon non-disability related factors. Such reasons may include documentable safety, protection of the environment and/or maintenance reasons.
- D. A person who is aggrieved by a determination by the property manager may seek a review as outlined in 6. C. of this policy.

4. General Provisions and Requirements The following provisions apply to the operation of any wheelchair and to any activity wherein a person with a disability uses a wheelchair or other power-driven mobility device:

- A. A person must not violate 312 IAC 8 or another state or a federal law.
- B. A person with a mobility disability using a wheelchair, walker, crutches, canes, braces and similar devices is permitted in all areas open to pedestrian use.
- C. A person with a mobility disability using any other power-driven mobility device is permitted in all areas open to pedestrian use, UNLESS:
 - (1) The device is covered under other operational restrictions, or
 - (2) The device type (gas or electric), size (width, height, length), weight, dimensions (tire size, ground clearance), speed, precludes the safe and/or non-hazardous operation, or
 - (3) The environmental conditions (volume of pedestrians, design, operational characteristics – indoors, square footage, stationary barriers) precludes safe and/or non-hazardous operation, or

- (4) The operation of the device will reasonably be expected to damage the environmental, natural or cultural resources, or
 - (5) The operation of the device conflicts with federal laws or regulations.
 - (6) The property has no ability to store the device, if requested.
- D. A person may be asked to leave the property if the device is being operated in an unsafe or disruptive manner.

5. Review Standards

The property manager shall exercise reasonable discretion in applying this policy.

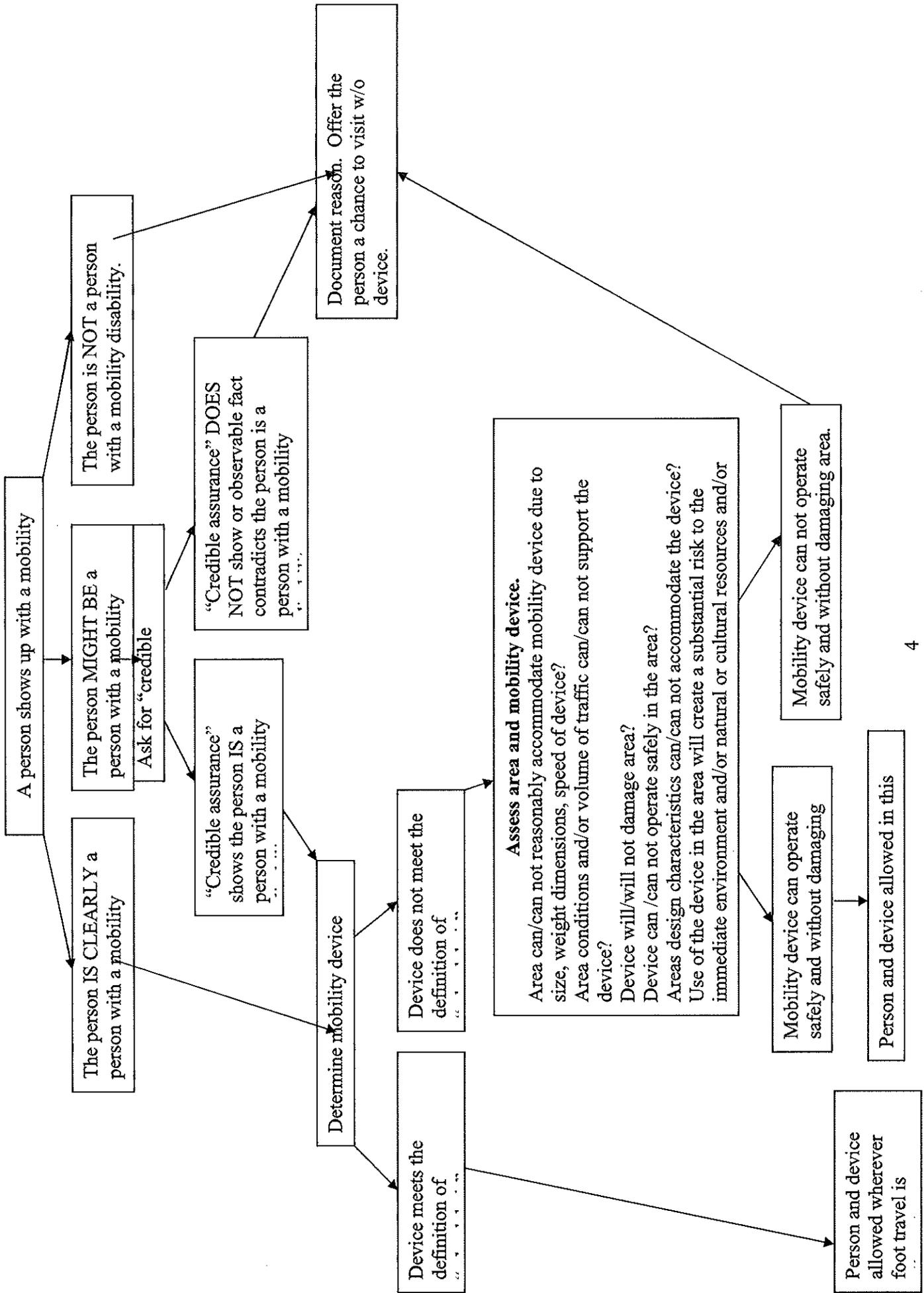
6. Suspension or Revocation of Use

- A. The property manager may suspend or revoke use if a term of this policy is violated, or if the use is found to pose a hazard to safety or the environment. In such event, the property manager shall make a reasonable attempt to allow the person with the disability an opportunity to access the property without the mobility device. The reasons for the property manager's action shall be recorded with the notification. If the person with a disability elects to utilize a different mobility device, a new review process is required.
- B. Upon the suspension, revocation, or termination of permission, the person with a disability is responsible for removal of the device, for site restoration, and for any associated expenses.
- C. A person who is aggrieved by a determination by the property manager may seek informal review to the DNR's Director of ADA and Safety Compliance ("ADA Director"). A decision by the ADA Director is subject to administrative review under 312 IAC 3-1. In order to obtain administrative review, a written petition must be filed with the Division of Hearings within eighteen (18) days of the decision of the ADA Director. The petition should be addressed to:

Natural Resources Commission
Hearings

Center North
100 North Senate Avenue, Room N501
Indianapolis, Indiana 46204-2200
(317) 233-2977 Fax

Division of
Indiana Government



Priority Recreation Projects – Public Lands FY 16 and 17

Region/Project Description	FY 16 Costs Lands	FY 17 Costs Lands	Other Source of Funds
Eastern Region:			
1. Nahmakanta Unit (Piscataquis County): <ul style="list-style-type: none"> • FY 16 – 18 Great circle trail, connecting Turtle Ridge loop trail and Debsconeag Wilderness loop trail: bid documents prepared; project could be started in FY 16; 2-3 year project; 	\$30,000	\$30,000	
2. Seboies Lake (Piscataquis County): <ul style="list-style-type: none"> • FY 16 and 17 Add two campsites to south end of Seboies Lake and build a hand carry boat launch with parking lot. Permitting in process. Initiate in FY 16 and complete in FY 17 • FY 17: Enlarge Seboies Lake boat launch parking lot and add two campsites at north end; consider ADA improvements; 	\$15,000	\$15,000	
3. Cutler Bold Coast (Washington County) <ul style="list-style-type: none"> • FY 16 and 17: Add two campsites (done) and replace 2,000' of bog bridging; 	\$35,000	\$35,000	
4. Region-wide: <ul style="list-style-type: none"> • Public access roads improvements 	\$100,000	\$100,000	
Subtotal	\$180,000	\$205,000 - \$215,000	
Northern Region:			
1. Deboullie Unit (Aroostook County): <ul style="list-style-type: none"> • FY 16: Hiking trails completed with MCC • FY 17: Hiking trails (proposed) 			\$45,000 RTP (federal)
2. Scopan Unit (Aroostook County): <ul style="list-style-type: none"> • FY 16: Hiking trail - completed (MCC); 	\$25,000		\$45,000 RTP (federal)
3. Round Pond Unit (Aroostook County): <ul style="list-style-type: none"> • FY 16 & 17: Fire tower - access trail just completed, may be contract for tower repairs in FY 17 	\$100,000		

Priority Recreation Projects – Public Lands FY 16 and 17

Region/Project Description	FY 16 Costs Lands	FY 17 Costs Lands	Other Source of Funds
<p>4. ADA:</p> <ul style="list-style-type: none"> • FY 16: Deboullie Unit (Aroostook County), Perch Pond group campsite cover campsite, parking, path with “legal” material; • FY 17: Scraggly Lake Unit (Penobscot County): group site (proposed) ; cover campsite, parking, path with “legal” material; <p style="text-align: right;">Subtotal</p>	<p style="text-align: center;">\$5,000 – 10,000</p> <p style="text-align: right;">\$175,000- 185,000</p>	<p style="text-align: right;">\$10,000</p> <p style="text-align: right;">\$35,000</p>	<p style="text-align: right;">FY 17 Est \$45,000 RTP</p>
Western Region:			
1. Big Spencer Mountain (Piscataquis Co)			
• FY 17 trail relocation and construction			\$40,000 RTP
2. Little Moose Unit ((Piscataquis Co)			
• FY 16-17 Big Moose Mt – rehab. existing trails	\$40,000		
• FY 17 Big Moose Mt – plow trailhead		\$2,000	
3. Moosehead Shoreline (Piscataquis Co)			
• FY 16 Jewett Cove campsite access			\$15,000 Brookfield Power
• FY 16 Moosehead Shoreline campsite signage			\$2,500 Brookfield Power
4. Spring Lake Lot – Dead River (Somerset Co)			
• FY 17 Big Eddy Campsite host			\$2,000 Brookfield Power
• FY 17 Flagstaff shoreline campsite mtc contract			\$2,500 Brookfield Power
5. Holeb Unit – Moose River Bow Trip (Somerset Co)			
• FY17 Maintenance contract and improvements		\$8,500	
6. Seboomook Unit (Somerset Co)			
• FY 17: Relocate snowmobile trail		\$25,000	Plus ORV funds?
7. East Outlet of Moosehead Lake– CE recreation sites			
• FY 17; Contract mtc			\$2,000 Brookfield Power
8. Tumbledown Mt (Franklin Co)			
• FY 17 and 18 Trails rehabilitation		\$30,000	
9. Mount Abraham (Franklin Co)			
• FY 16 Recreation access – bridge materials	\$25,000		

Priority Recreation Projects – Public Lands FY 16 and 17

Region/Project Description	FY 16 Costs Lands	FY 17 Costs Lands	Other Source of Funds
10. Kennebec Highlands (Kennebec County) <ul style="list-style-type: none"> • FY 16 and 17 Bicycle trail work 	\$2,000	\$2,000	
11. Dodge Point (Lincoln Co) <ul style="list-style-type: none"> • FY 16 Dock Repairs 	\$4,000		
12. Region-wide <ul style="list-style-type: none"> • FY 17 Signage/Kiosk upgrades • Public Use Roads - upgrades 	\$75,000	\$10,000 \$75,000	Est FY 17 \$40,000 RTP FY 16-17 \$24,000 Brookfield Power*
Subtotal	\$146,000	\$192,500	
* Does not include improvements at Flagstaff Lake Undertaken by Brookfield at their cost, from FERC license requirements			
Totals All Regions	\$506,000	\$437,500	

B. ACCESS BY PERSONS WITH DISABILITIES

Background

The Bureau of Parks and Lands is committed to ensuring that the types of recreational, educational, and cultural opportunities available at State Parks, State Historic Sites, and Public Reserved and Nonreserved Lands are accessible to all people, including those with disabilities. In this commitment, the Bureau is guided by existing state and federal laws relating to access and nondiscrimination: Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, the Architectural Barriers Act, and the Maine Human Rights Act.

In providing access for those with disabilities, the Bureau affirms existing requirements of law that facilities and programs be accessible to the maximum extent providing that there is not undue financial or administrative burden. The Bureau also affirms that access for those with disabilities applies to structures, other aspects of the system's physical plant, communications, programs, and making reasonable accommodations, on an individualized basis, when such accommodations are requested.

Access to facilities owned and managed by the Bureau of Parks and Lands affects two groups of people - those who visit State Parks, State Historic Sites, and Public Reserved and Nonreserved Lands, and those who are employed at these facilities. For visitors, the Bureau's first priority will be to provide accessible parking, rest rooms, and paths of travel at all existing State Parks, State Historic Sites, and Public Reserved and Nonreserved Lands; new facilities will be constructed according to applicable access standards. In addition, the Bureau will make printed materials available in alternative formats, maintain a TTY in the Augusta office, provide thorough information about specific accessible facilities, and develop a policy, procedures, and training for responding to requests for accommodations by people with disabilities. For employees, the Bureau will not discriminate on the basis of disability and will provide reasonable accommodations requested by qualified employees with disabilities.

Policy

Day Use Areas. At day use areas, the Bureau will ensure that all individuals with disabilities have access to parking, rest rooms, and paths of travel to important features and the area's significant resources. At a beach park, for example, access for those with disabilities will be provided to the beach as well as to picnic tables near the beach. Full accessibility of all day use areas may not be financially possible, but the Bureau will explore all available alternatives for providing access to as many features as possible. When programs, such as nature walks, are offered, every effort will be made to conduct as many of them as possible in accessible locations and to make reasonable accommodations for people with disabilities who attend these programs.

Campgrounds. Developed campgrounds will follow the same guidelines as presented for day use areas for accessible parking, rest rooms, and paths of travel. Accessible campsites will be distributed throughout the campground area. Facilities and programs associated with developed campgrounds such as beach access, amphitheaters, boat ramps, and interpretive programs will also be accessible to those with disabilities.

Historic Sites. State Historic Sites and other historic features will follow the same guidelines as presented for day use areas for accessible parking, rest rooms, and paths of travel. In instances where access for those with disabilities can be achieved only by a physical alteration to a historic property that would threaten or destroy its historic significance, alternative methods of achieving accessibility that do not result in undue financial or administrative burden to the Bureau (e.g., audio/visual presentations) will be implemented.

Backcountry and Remote Recreation Areas. As stewards for Backcountry and Remote Recreation Areas, such as the Allagash Wilderness Waterway and designated areas within Public Reserved and Nonreserved Land units, the Bureau is committed to protection of resources and features for the enjoyment of future generations. All individuals, including those with disabilities, have the right to have access to similar opportunities. Accessible campsites will be developed and information made available regarding accessible areas. The Bureau will make reasonable accommodations to facilitate the use of wilderness areas by people with disabilities without altering the unique qualities of the area.

Undeveloped Areas. Most undeveloped state park and historic site parcels are not staffed. The provision of access and facilities for the disabled to these areas will not be a priority until they are developed.

C. TRANSPORTATION

Background

The Bureau provides vehicular access to many of the lands it manages for public recreational use and to facilitate a wide range of management activities and needs. Planning for transportation and access include consideration of public access and recreation requirements, commercial harvesting and reentry schedules, wildlife habitat, and fire suppression.

Policy

The Bureau will incorporate the following types of roads into its transportation system: (1) public use roads, (2) forest management roads, and (3) service roads.

Public Use Roads. These are roads specifically designed for public use, and will be either gravel or paved. Travel routes will be designated in park or unit plans for general access for such things as sightseeing and wildlife observation, as well as for access to developed campgrounds and day use areas, bodies of water with facilities for launching trailer-drawn boats and other watercraft, major trailheads, and parking areas servicing any facilities on Bureau lands.

Forest Management Roads. These roads are designed for timber management and/or administrative use that may also be used by the public as long as they remain in service. Management roads may not be available for general use in areas containing special resources, where there are issues of public safety, or in the interest of environmental protection.