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TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #03-27(E)

DIGEST

Temporarily modifies 312 IAC 11-5-1 governing licenses within public freshwater lakes, innovative practices, and public use facilities to allow for an exception to shoreline classifications to comply with federal Americans with Disabilities Act (ADA) where an alternative design is not feasible. Effective February 14, 2003.

SECTION 1. In addition to the nonconforming uses under 312 IAC 11-5, the director or a delegate may issue a license under IC 14-26-2 and 312 IAC 11 to a government entity where the government entity demonstrates to the department's satisfaction the licensed activities would provide public access to the water, if both of the following apply:

- (1) The resulting nonconforming use would comply with Title II of the Americans with Disabilities Act (ADA) of 1990 under 42 U.S.C. §§ 12101 et seq. and 28 CFR Part 36 governing the construction of facilities by government entities with public funds.**
- (2) A design that conforms to 312 IAC 11-4 would not provide equivalent accessibility.**

SECTION 2. SECTION 1 of this document expires December 31, 2003.

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Filed with Secretary of State: February 4, 2003, 5:00 p.m.