CHAPTER 4
Supply of Wetlands in Indiana

Chapter four examines the supply and types of wetlands in Indiana. Due to their rarity and threatened habitat status, wetlands are a priority of acquisition for outdoor recreation purposes, via the Land and Water Conservation Fund grant program. After decades of removal, neglect, drainage, development and destruction, wetland habitats have slowly undergone resurgence nationwide.

Each SCORP in the nation is required to have a chapter specifically addressing many aspects of wetlands: existing federal and State programs and initiatives, supply, types of wetlands commonly found in the state, and methods currently being undertaken to restore or conserve them. The information shared here is the latest available from these programs

Definition and Traits (from the Emergency Wetlands Resources Act)

There are many definitions of wetlands. The U.S. Fish and Wildlife Service uses the most commonly accepted scientific definition. In 1979, Cowardin, Carter, Golet and LaRoe published "Classification of Wetlands and Deepwater Habitats of the United States." This document was adopted by the U.S. Fish and Wildlife Service as its standard for wetlands classification. It defines wetlands as "... lands transitional between terrestrial and aquatic systems, where the water table is usually at or near the surface or the land is covered by shallow water." Wetlands in this standard must also have one or more of the following traits:

1. The vegetation of the site sometimes consists mainly of aquatic plants.
2. The underlying materials are mostly undrained, moist (wetland) soils.
3. The underlying materials are not actually soils and are saturated with water or covered by water at some point during the growing season of each year (examples include peat, sand, or muck).

This definition and set of traits are used in some form by most state agencies that have the authority to create wetland conservation initiatives. The State of Indiana uses them in an almost identical form.

INDIANA WETLANDS LEGISLATION, INITIATIVES, AND RESOURCES

Section 303 of the Emergency Wetlands Resources Act (EWRA) of 1986, (16 U.S.C. Sections 3901-3932, Nov. 10, 1986, as amended 1988 and 1992) requires all SCORPs to: "... address wetlands within that State as an important outdoor recreation resource ..." as part of the National Park Service SCORP review and approval process.

The Indiana Wetlands Conservation Plan

In 1996, the Indiana DNR created the "Indiana Wetlands Conservation Plan" (IWCP) as required by, and consistent with, the EWRA's National Wetlands Priority Conservation Plan. The IWCP contains much information about wetlands in Indiana and sets priorities for their identification and conservation. To view or download the IWCP, go to: IN.gov/dnr/fish-and-wildlife/about-us/indiana-wetlands-conservation-plan/.

Many of the wetlands conservation efforts in Indiana have begun shifting to similar programs and staff within the Indiana Department of Environmental Management. Its contact information is:

IDEM - Watershed Planning Branch
Wetlands, Lakes, and Streams Regulation
100 North Senate Avenue
MC65-42, WQS IGCN 1255
Indianapolis, IN 46204
317-233-8488

Hoosier Wetlands Conservation Initiative (HWCI)

The IWCP created the Hoosier Wetlands Conservation Initiative (HWCI) as the action component of the plan. The HWCI uses six tactics for conserving wetlands in Indiana:

1. Implementing the IWCP through local wetland conservation partnerships.
2. Obtaining scientific information about Indiana's wetland resources, with an emphasis on making conservation techniques effective and cost-efficient.
3. Providing positive incentives to motivate conservation and restoration of wetlands.
4. Providing educational opportunities for educational staff, landowners, schoolchildren, and other audiences to enhance community understanding of the functions and benefits of wetlands.
5. Acquisition (from willing owners) for the purpose of permanently protecting the highest priority wetlands.
6. Continuing the work of the IWCP's Wetlands Advisory Group and Technical Advisory Team as cooperative partners, led by the DNR.

IWCP wetland conservation priorities

The IWCP separates the priorities for wetland conservation into two types:

1. Water quality, flood control, and groundwater benefits.
2. Biological and ecological functions.

Priorities based on water quality, flood control and groundwater benefits are recommended to be made on the watershed or sub-watershed level. Criteria for identifying priorities based on these three aspects are given in Appendix E of the IWCP, while Appendix F of the IWCP has descriptions of the water management basins and watersheds of Indiana. According to the IWCP, priorities based on biological or ecological functions should be developed from these criteria:

- Rarity of wetland type
- Presence of endangered, threatened or rare species
- Presence of endangered, threatened or rare species habitat, but species not yet identified at the site
- Diversity of native species
- Proximity of other valued ecosystem types
- Natural quality (amount/degree of disturbance or degradation).
- "Irreplaceability" (Can the wetland type be re-created?)
- "Recoverability" (Can the wetland type recover from disturbance it has experienced?)
- Size
- Location

The IWCP also states that these priorities should be identified based on the natural regions used by the Indiana DNR and other agencies and organizations. Appendix F of the IWCP identifies natural regions and wetland ecology found in each watershed. Appendix G of the IWCP describes wetland ecological communities. Recreation and historical benefits of wetlands are also mentioned in the IWCP as items to be considered when identifying priorities. Planners trying to create priorities for wetlands conservation in their area are highly encouraged to use the IWCP as a primary guidance document. The entire text of the IWCP is available for free download at: IN.gov/dnr/fish-and-wildlife/about-us/indiana-wetlands-conservation-plan/

DNR and IDEM's most recent wetland-related publication is the "Indiana Wetland Program Plan,"

published in March of 2015. This nonbinding, non-regulatory plan is part of the U.S. Environmental Protection Agency's "Enhancing State and Tribal Wetland Programs (ESTP) Initiative." This voluntary plan was intended to act as a guide to wetland stakeholders statewide and offers public-input-informed goals to conserve and protect Indiana's remaining wetlands.

U.S. Dept. of Agriculture – Natural Resources Conservation Service (NRCS), Agricultural Conservation Easement Program (ACEP) and the Wetland Reserve Easements Program (WRE)

One of the largest wetlands conservation efforts in the state is the USDA – Natural Resources Conservation Service Indiana Wetlands Reserve Easements Program (WRE). Indiana began participating in the program in 2014, after passage of the 2014 Farm Bill consolidated three former programs (Wetlands Reserve Program, Grasslands Reserve Program and Ranch Lands Reserve Program) into the new Agricultural Conservation Easement Program (ACEP). The ACEP is a voluntary landowner-participation program that encourages protection, restoration, and enhancement of wetlands on private property.

The Indiana NRCS ACEP 2025 website describes the benefits of the WRE program.

> "Wetlands Reserve Easements component of the Agricultural Conservation Easement Program provides habitat for migratory waterfowl and other wetland dependent wildlife, including threatened and endangered species, improve water quality by filtering sediments and chemicals, reduces flooding, recharges groundwater, protects biological diversity and provides opportunities for educational, scientific and limited recreational activities."
>
> www.nrcs.usda.gov/programs-initiatives/wetland-reserve-easements

Healthy Rivers INitiative

In June 2010, the governor announced the Healthy Rivers INitiative (HRI), the largest land conservation initiative to be undertaken in Indiana. The initiative included a partnership of resource agencies and organizations who worked with willing landowners to permanently protect 28,906 acres located in the floodplain of the Wabash River and Sugar Creek in west-central Indiana, as well as another 8,942 acres of the Muscatatuck River bottomlands in southeast Indiana. Through HRI, Indiana has permanently protected 37,848 acres of wetlands across the state. These projects involved protection, restoration and enhancement of riparian and aquatic habitats and the species that use them, particularly threatened or endangered migratory birds and waterfowl. This initiative also benefited the public and surrounding communities by providing flood protection to riparian landowners, increasing public access to recreational opportunities (such as hunting, fishing, trapping, hiking, boating, and bird watching), leaving a legacy for future generations and providing a major conservation destination for tourists.

Eight key objectives had been identified for HRI:

- Design an effective model for sustainability of natural resources.
- Connect fragmented parcels of public land on a broad scale to benefit wildlife diversity.
- Restore and enhance riparian habitat, including wetlands and bottomland hardwood forests.
- Protect essential habitat for threatened and endangered species.
- Open public access for recreational opportunities (fishing, hunting, trapping, hiking, canoeing, bird watching and boating).
- Preserve significant rest areas for migratory birds, especially waterfowl.
- Create a regionally significant conservation destination.
- Provide additional flood relief to current riparian landowners.

More details on the Healthy Rivers INitiative can be found at: IN.gov/dnr/healthy-rivers/project-info/accomplishments/

Benefits of Wetlands to Indiana's residents (from the IWCP)

For many reasons, it is vitally important for Indiana to conserve and restore wetlands whenever possible. Wetlands offer a significant set of financial, ecological, and recreational benefits to Hoosiers, including:

- Flood control – Wetlands can store large amounts of storm runoff, as seen with the constructed wetlands and settling ponds at Miller-Showers Park in Bloomington.

- Groundwater inlet and outlet – Aquifers can receive and expel water through wetlands as needed, such as the recharge taking place in Celery Bog Park in West Lafayette.
- Improved water quality – Wetlands can act as a biological filter for pollutants such as fertilizers, animal wastes, road runoff, sediments, pesticides and more; water filtered by wetlands costs less to treat and use as drinking water. This filtration process is used to treat acid coal mine drainage at the DNR's Interlake Off-road State Recreation Area in Pike and Warrick counties.
- Sewage disposal – Constructed wetlands are being used as highly effective disposal methods for treated sewage from livestock farms and municipal wastewater. Constructed wetlands are being used for treated sewage disposal at The Farm at Prophetstown and Prophetstown State Park in Tippecanoe County.
- Fish and wildlife habitat – Wetlands are one of the most biologically diverse ecosystems in Indiana. Many fish and wildlife species depend on wetlands for some or all of their food, shelter and water needs. Many species of plants also require the conditions found in wetlands to survive. Goose Pond Fish & Wildlife Area near Linton is being restored as a diverse wetland by a consortium of partners, including the DNR, the Natural Resources Conservation Service, and others. One reason for this project is to re-establish historically diverse plant and animal communities.
- Soil stabilization – Wetlands slow erosion by slowing the movement of water through a watershed and by holding down soil (especially on shorelines) with extensive aquatic root systems. IDEM has approved several projects on private property that use wetlands as part of a larger soil stabilization project.
- Food – Wetlands are an important source of food for both wildlife and humans, providing habitat for edible plants, fish, shellfish, waterfowl, deer and other animals.
- Timber production – If managed carefully, valuable timber and forest products can be harvested from wetlands in a sustainable manner without harming the resource.
- Fun – Wetland areas can be used for many popular forms of outdoor recreation such as canoeing, kayaking, fishing, hiking, nature photography, bird watching, swimming, boating and sightseeing. Pisgah Marsh Wildlife Management Area in Kosciusko County is an example of a multiple-use DNR area that actively supports many types of outdoor recreation.

INDIANA WETLANDS ACREAGE

As of the creation date of the 2026-2030 SCORP, there is not a current inventory count of wetlands acres in Indiana. The current best available dataset for Indiana wetlands acres was created in 1991, by R.E. Rolley, as part of the DNR "Indiana's Wetland Inventory" project. According to the 1996 IWCP, the most recent analysis of the acreage of wetlands in Indiana by habitat type was the 1991 Rolley dataset. At the time, Indiana had approximately 813,000 acres of wetlands, divided into seven basic types (see Table 4.1 "Rolley Data Table").

For comparison, it has been estimated that in the 1780s, as the first settlers arrived, Indiana had approximately 5.6 million acres of wetlands. This indicates Indiana has lost approximately 85% of its wetlands to agriculture, roads, community development, pollution, vegetation clearing, and other land uses. There have been some significant additions to the State's wetlands portfolio since 1991. The 8,064-acre Goose Pond Fish & Wildlife Area and more than ¾ of a mile of fen at Prophetstown State Park in Tippecanoe County are two examples. If the acreage from HRI is added to these examples, along with other new piecemeal wetland acreage statewide, gains in the total wetland inventory in Indiana are likely, but not yet provable with expert-verified data on a statewide basis.

Table 4.1 **Indiana Wetland Acres (Rolley, R.E., 1991)**

Wetlands Habitats	Acres	% of Total
Scrub-Shrub	42,131	5.2
Forested	504,336	62.0
Wet Meadow	55,071	6.8
Shallow Marsh	67,564	8.3
Deep Marsh	20,730	2.5
Open Water	98,565	12.1
Other	24,633	3.0
Total	**813,032**	**100**

RECENT INDIANA WETLANDS-RELATED LEGISLATIVE ACTIVITY

In April of 2021, the governor signed Public Law 160 (formerly 2021 Senate Bill 389) into law. According to the Indiana General Assembly 2021 Session, this law "Amends the law requiring a permit and compensatory mitigation for "wetland activity" (the discharge of dredged or fill material) in a state regulated wetland: (1) by changing the definition of "Class II wetland"; (2) by providing that wetland activity may be conducted without a permit: (A) in a Class I wetland; (B) in a Class II wetland with an area of not more than three-eighths acre; (C) in an ephemeral stream; and (D) in a Class II wetland that is located within the boundaries of a municipality and has an area of not more than three-fourths acre; (3) by providing that a permit is not needed for the development of cropland that has been used for agricultural purposes: (A) in the five years immediately preceding the development; or (B) in the 10 years immediately preceding the development if the United States Army Corps of Engineers has issued a jurisdictional determination confirming that the cropland does not contain wetlands subject to federal jurisdiction; (4) by providing that wetland activity in a Class II wetland with an area of more than three-eighths acre requires an individual permit; (5) by providing that: (A) maintenance of a field tile in a Class II wetland can be conducted with a general permit if certain conditions are met; and (B) maintenance of a field tile in a Class III wetland can be conducted with a general permit if certain conditions are met and the applicant obtains a site-specific approval; (6) by establishing conditions for obtaining a site-specific approval; (7) by eliminating the compensatory mitigation requirements for wetland activity in a Class I wetland; and (8) by requiring the department of environmental management (department) to make a decision to issue or deny an individual permit for wetland activity not later than 90 days (instead of 120 days) after receiving the completed application. Amends the law concerning a certification under Section 401 of the federal Clean Water Act for dredge and fill activity in a federally regulated wetland to require the department to make a final determination not later than 90 days (instead of 120 days) after receiving a completed application if the applicant requests a pre-coordination meeting. Establishes the Indiana wetlands task force, a 14

member body that: (1) is required to study and make recommendations concerning a number of wetlands issues; and (2) not later than November 1, 2022, issue a report to the general assembly and the governor setting forth its recommendations. Requires the department of natural resources to provide staff support to the task force."

The full text of the law and details can be found here: iga.in.gov/legislative/2021/bills/senate/389/details

The Indiana Wetlands Task Force, created under Public Law 160, unanimously voted to approve its final report at its final meeting on September 14, 2022. According to the report: "The Indiana Wetlands Task Force met a total of five times in 2022 with broad participation by the task force members as well as strong public participation. Each meeting was held live at Fort Benjamin Harrison State Park and was available for observation via Zoom. The Indiana Department of Environmental Management (IDEM) provided technical support for each meeting. The report details each of these meetings, the presenters invited, and the findings and recommendations in each of the areas the task force was charged with. All presentations as well as meeting minutes are available upon request as noted in the Appendix…" "…The charges handed down via Senate Enrolled Act 389 are addressed in the Legislative Directives. Task force members opted to prioritize four areas that are a blend of these directives and reflect the most critical charges identified via members. The priority areas as voted on and established by the task force members are as follows:

(1) Review existing state isolated permitting processes including wetland classifications and mitigation ratios and recommend improvements, efficiencies, and alignment with the United States Army Corps of Engineers. (2) Strategies to incentivize the avoidance of isolated wetland impacts during development. (3) Strategies to incentivize the preservation of existing isolated wetlands and the voluntary restoration and creation of wetlands to offset historical losses and replace functions and values. (4) Review the current Indiana Stream and Wetland Mitigation Program (In Lieu Fee) compensatory mitigation program and make recommendations on how to reduce the costs and improve the effectiveness of the program."

The full text of the report may be found at: iga.in.gov/publications/agency_report/2022-indiana-wetlands-task-force-final-report.pdf

In February of 2024, the governor signed Public Law 1 (formerly 2024 House Bill 1383) into law. According to the Indiana General Assembly 2024 Session, this law "Clarifies various wetland definitions. Eliminates certain wetland rulemaking requirements. Provides that certain wetland activity requires state authorization. Clarifies the compensatory mitigation that must be offered to offset certain wetland activity. Makes conforming changes and technical corrections."

The full text of the law and details can be found here: iga.in.gov/legislative/2024/bills/house/1383/details

CHAPTER 5
Accessibility and Outdoor Recreation

This chapter addresses some of the common challenges and issues park professionals and other interested people face when trying to make their programs, services, and activities accessible to people with disabilities. Included is information about the requirements involved, pertinent legislation, guidelines to follow, and even potential resources to help succeed in the effort.

WHO BENEFITS FROM ACCESSIBILITY?

There are few recreational programs that have not felt the challenge of doing more with less. Fewer financial resources, fewer personnel, less time ... It might be tempting to argue that accessibility costs too much. Have you thought about the cost of not providing access to people and not just "people with disabilities?"

Accessibility benefits many with disabilities, but there is a significant number of people who end up being helped who are not technically "disabled." For example, a ramp benefits the:

- Family with large, heavy gear and folding chairs
- Person pushing a child in a stroller
- Older person with bad knees
- Person on crutches coming back from a skiing holiday
- Park employees taking equipment from a boat
- Young artists with heavy paints and easel
- School group on a field trip (less likely to stumble)
- Couple carrying a heavy lunch basket
- Emergency personnel responding with equipment

It is estimated there are more than 54 million people in our country today who meet the legal definition of a person with a disability. This includes those who have significant degrees of mobility, sensory, or cognitive limitations. In Indiana, there are about 900,000 people 5 years of age and older who reported having a disability. These numbers make people with disabilities the largest minority group in the nation. Many of these people have spouses, children, relatives, and friends. They belong to churches, support groups, and social organizations.

Further, when we consider the growing percentage of our population that is age 65 or older, those with invisible disabilities such as cardiac and respiratory problems, returning veterans, those who have temporary disabilities such as broken arms or legs, parents with strollers and wheeled devices, and the families and friends who travel with these individuals, it takes little effort to see that virtually everyone benefits from accessibility.

And these people with disabilities (according to

the U.S. Census Bureau) have $220 billion in discretionary spending power. Open Doors Organization released a 2015 Market Study that showed American adults with disabilities spend $17.3 billion annually on just their own travel. When facilities and programs are "universally designed" to serve all people, access is generally enhanced for everyone.

This is not the case with non-accessible design. In addition, research has shown that if accessibility is provided at the design stage, the extra cost is negligible. Studies show that the additional cost of making a building accessible costs an average of 0.5% more, and rarely more than 1.0% of the total cost. This incremental cost is modest, especially relative to the large percentage of the population who benefits.

We believe that the best way to approach the issue of accessibility is in a comprehensive, organized way rather than on a project-by-project basis. The primary goal is to develop and coordinate a systemwide, comprehensive approach to achieving the highest level of accessibility that is reasonable while ensuring consistency with other legal mandates as well as the conservation and protection of the resources we manage.

Since at least 1993, the DNR has worked with an accessibility coordinator to:

1. assess the level of accessibility of various properties;
2. identify the barriers to accessibility;
3. develop policies and guidelines regarding appropriate methods and techniques for improving access; and
4. provide technical assistance and in-service training on effective approaches and program implementation.

There are many reasons for initiating accessibility efforts:

Legal benefits

- Meeting the legal mandates
- Avoid arbitrations/mediations
- Avoid court cases

Technical benefits

- Ramps are easier to manage/clean
- Accessibility features require little if any extra effort
- Good for all, not just people with disabilities
- Improve use

Economic benefits

- Increase productivity—spend less time defending complaints
- Reduce costs (maintenance/support)
- Decrease injury claims (public and worker)
- Increase profits (from greater participation)

PR benefits

- Property seen as inclusive and forward-looking
- Avoid complaints
- Avoid negative media coverage

It simply makes good sense to employ principles of "universal design" in providing facilities for everyone rather than for only a portion of the population.

While there are sanctions that can be brought for noncompliance with legal requirements, it is the fact that it simply makes sense that, in the long term, is the most significant reason for providing accessibility.

DEFINE YOUR TERMS

We refer to legal terms and other concepts that are critical to understanding our responsibilities. Most of the following definitions are taken from the laws, rules, regulations, and standards that have been promulgated in connection with disability rights legislation in this country. That includes the authorities, implementation regulations, and official standards developed by the Department of Justice and the U.S. Access Board.

Architectural Accessibility means the design, construction and/or alteration of a building or facility that follows officially sanctioned design standards. Because of the creation of the official design standards for accessibility, this term carries a legal definition. Buildings or facilities that are not in compliance with official standards are not considered to be "accessible." This term is used in concert with the concept of "program accessibility." (28 CFR 35 Subpart D)

Auxiliary Aids means services or devices that enable people to have an equal opportunity to participate in and enjoy the benefits of programs, services, or activities. Some examples of auxiliary aids and services include:

- Qualified Interpreters
- Qualified Readers for people with vision limitations
- Brailled materials
- Audio recordings

- Assistive listening devices
- Telephone handset amplifiers
- Telephones compatible with telecommunication devices for deaf
- Written materials

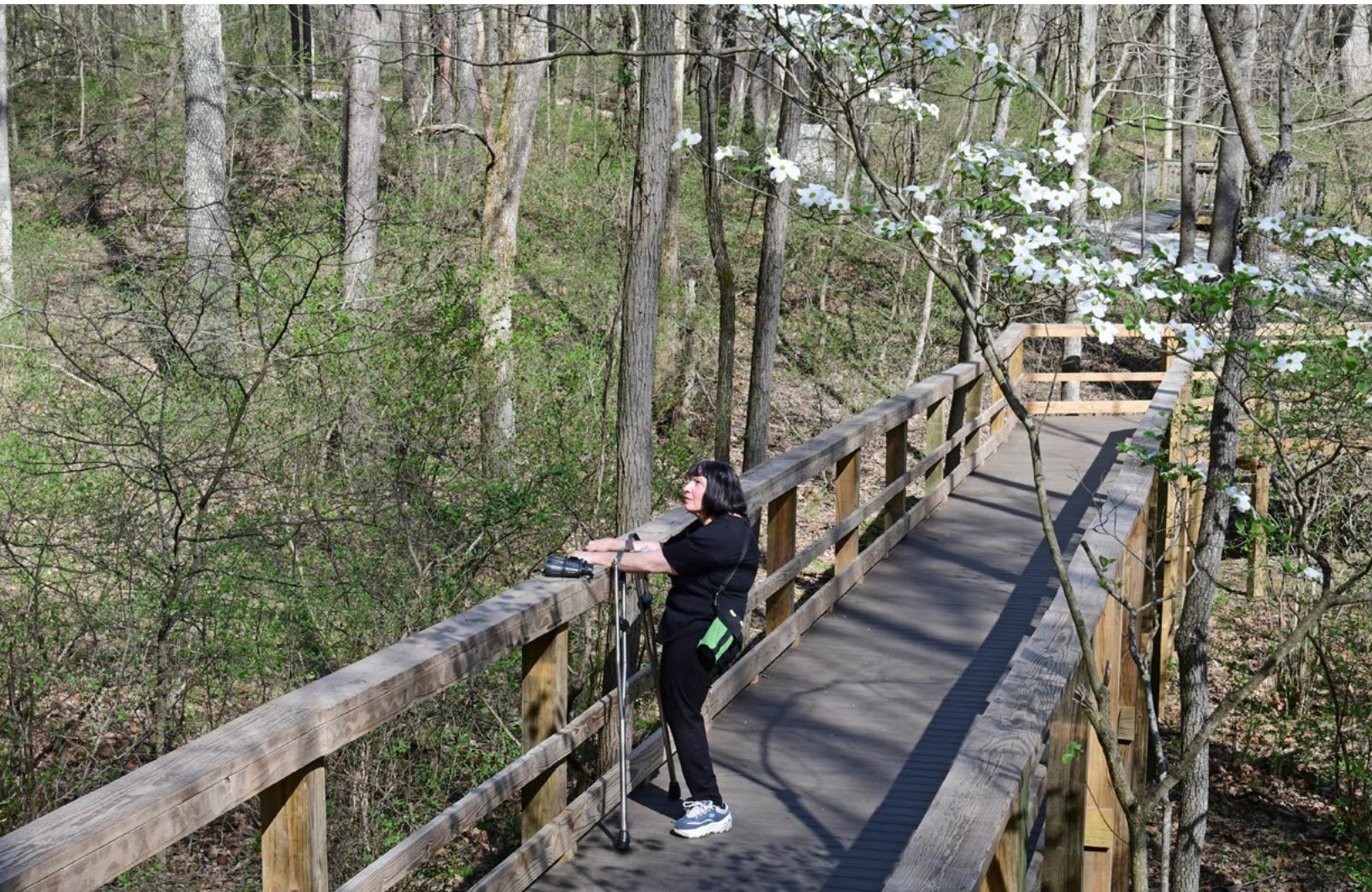
Qualified Individual with a Disability means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs, services or activities provided by a public entity. (The definition of "disability" can be found at § 35.108.)

Program Accessibility means that the programs, services, and activities provided to visitors and/or employees will be provided in conformance with 28 CFR Part 35. This means they will be provided in such a way that individuals with disabilities are not excluded from nor denied the benefits of that program, service, or activity. This term is used in concert with the concept of "architectural accessibility."

Reasonable means not only capable of being accomplished but also staying within the bounds of common sense and sound judgment when considering other factors such as costs, benefits, the nature of the environment, and the responsibilities toward protecting park resources and values.

Universal Design is the design of products and environments to be usable by all people to the greatest extent possible without the need for adaptation or specialized design. The universal design concept simplifies life for everyone by making products, communications and the built environment more usable by more people at little or no extra cost. The universal design concept targets all people of all ages, sizes and abilities. (The Center for Universal Design, North Carolina State University)

The Architectural Barriers Act of 1968 (P.L. 90-480) requires all buildings and facilities built or renovated in whole or in part with federal funds to



be accessible to and usable by physically disabled persons. Since 1968, official standards for making buildings accessible have been developed and the U.S. Architectural and Transportation Barriers Compliance Board has been created to monitor and enforce compliance with the law.

Section 504 of the Rehabilitation Act of 1973 (P.L. 93-112), as amended, is more encompassing than the Architectural Barriers Act. While the act requires physical access to buildings and facilities, Section 504 requires program accessibility in all services provided with federal dollars. The act itself is brief. It states:

> "No otherwise qualified individual with a disability in the United States shall, solely by reason of disability, be excluded from the participation in, be denied the benefits of, or be subject to discrimination under any program or activity conducted by Federal Financial Assistance or by any Executive Agency."

This means we not only have to be concerned with enabling people with disabilities to have access to parks and facilities but, once achieved, we must do everything feasible to enable them to receive as close to the same benefits as those received by other visitors.

Americans with Disabilities Act of 1990 (P.L. 101-336), as amended, provides a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.

NOTHING NEW

One of everyone's goals is to ensure that all people, including the estimated 54 million with disabilities, have the highest level of accessibility that is reasonable to our programs, services and activities in conformance with applicable regulations and standards.

This is one reason we seek to provide that level in the planning, construction, and renovation of buildings and facilities and in the provision of programs, services, and activities for the public and our employees. In conforming to the appropriate standards, the level of accessibility will be largely determined by the nature of the area and program and will be consistent with our obligation to conserve State resources and preserve the quality of the experience.

For about 57 years, as required by the Architectural Barriers Act of 1968 and the Rehabilitation Act of 1973, federal agencies and entities receiving federal funds had to make their facilities and programs accessible to people with disabilities.

In 1990, more than 35 years ago, Congress enacted the Americans with Disabilities Act (ADA), which extended accessibility and nondiscrimination requirements in five areas: employment, public services, public accommodations, telecommunications, and miscellaneous provisions.

How does this translate to park and recreation providers? State and local governments, including counties, cities, towns and townships, are covered by Title II of the ADA (public services). Likewise, commercial and nonprofit park and recreation providers are covered by the ADA Title III (public accommodations) because they provide services to the public. These include nonprofit groups such as "friends of the parks" and trail groups, YMCAs and Boys and Girls clubs, as well as commercial entities providing canoe rentals,

fitness facilities, go-cart racing, amusement parks, ski resorts, rafting companies, bowling alleys, etc. As a rule of thumb, if you are involved with the public, whether via government or private business, you have had to provide accessible facilities, programs, and services for quite a while.

STANDARDS AND GUIDELINES

In determining what standard to use or how to comply, a good rule is to start with the best, most current information. There are basically two standards to look at, the **2010 ADA Standards for Accessible Design** and **Architectural Barriers Act (ABA) Accessibility Standards**. Detailing various laws and how they apply is unnecessary. For our purposes, following these standards will satisfy all your requirements.

These standards give detailed guidance based on the minimum requirements set forth in laws, rules, and regulations. Please don't miss this: "... based on the minimum requirements ... ." One fundamental, guiding principle is that we will seek to provide the highest level of accessibility that is reasonable and not simply provide the minimum level that is required by law. Consequently, managers are encouraged to exceed the requirements for visitor accessibility through innovative techniques and partnerships whenever possible and reasonable. The five objectives of this are to:

1. Incorporate the long-range goal of providing the highest level of accessibility that is reasonable for people of all abilities in all programs, services, and activities instead of providing "separate" or "special" programs.
2. Implement this goal within the daily operation of the DNR, its policies, organizational relationships, and implementation strategies.
3. Provide further guidance and direction regarding the DNR interpretation of laws and policies.
4. Establish a framework for the effective implementation of actions necessary to achieve the highest level of accessibility that is reasonable; and,
5. Ensure the implementation of "universal design" principles within the DNR.

The ADA is a comprehensive civil rights law that prohibits discrimination on the basis of disability. The ADA requires that newly constructed and altered state and local government facilities, places of public accommodation, and commercial facilities be readily accessible to and usable by individuals with disabilities. To continue to guide this process, the 2010 ADA Standards for Accessible Design went into effect on March 15, 2012. The Justice Department adopted the 2010 ADA Standards for Accessible Design (2010 Standards or Standards) as part of the revised regulations for Title II and Title III of the ADA. The standards can be found at: ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm.

As mentioned earlier, the standards set minimum requirements—both scoping and technical—for new construction and alterations of the facilities of more than 80,000 state and local governments and more than 7 million businesses.

In addition to the 2010 standards, the DOJ has also posted on its website important guidance about the standards compiled from material in the Title II and Title III regulations. This guidance provides detailed information about their adoption of the 2010 standards, including changes to the standards, the reasoning behind those changes, and response to public comments received on these topics.

The 2010 Standards for Accessible Design contains codified specifications for these recreational facilities:

- Amusement Rides
- Recreational Boating Facilities
- Exercise Machines and Equipment
- Fishing Piers and Platforms
- Golf Facilities
- Miniature Golf Facilities
- Play Areas
- Saunas and Steam Rooms
- Swimming Pools, Wading Pools and Spas
- Shooting Facilities with Firing Positions

Achieving accessibility in outdoor environments has long been a source of inquiry due to challenges and constraints posed by terrain, the degree of development, construction practices and materials, and other factors.

The U.S. Access Board has issued requirements that are now part of the Architectural Barriers Act (ABA) Accessibility Standards and apply to national parks and other outdoor areas developed by the federal government. They do not apply to outdoor areas developed with federal grants or loans; however, they offer "best practices" as entities determine the

proper way to provide access. A guide that explains these requirements is available here: access-board.gov/guidelines-and-standards/recreation-facilities/outdoor-developed-areas/a-summary-of-accessibility-standards-for-federal-outdoor-developed-areas.
The newest provisions address access to:

- trails,
- picnic and camping areas,
- viewing areas,
- beach access routes,
- and other components of outdoor developed areas on federal sites when newly built or altered.

They also provide exceptions for situations where terrain and other factors make compliance impracticable. These requirements are in sections F201.4, F216.3, F244 to F248, and 1011 to 1019 of the ABA Standards.

The U. S. Access Board intends to develop guidelines for nonfederal outdoor sites covered by the ADA and areas developed with federal grants and loans covered by the ABA through subsequent rulemaking.

As noted above, accessibility specifications for these recreational facilities are not yet adopted by standard-setting agencies but are considered "best available information" and should be used when constructing new or altering existing facilities.

Remember, there is no grandfather clause written into accessibility legislation or standards.

It is a common misconception of facility managers and building owners to believe that facilities built before accessibility standards do not need accessibility modifications. As noted in the following section, this is not the case. According to accessibility standards, altering a facility triggers using the current accessibility standards. Furthermore, each state and local government entity is required by Title II to conduct a self-evaluation of the accessibility of programs and facilities and create a corresponding Transition Plan to correct identified accessibility deficiencies. Because many facilities built before accessibility standards are often not compliant, the Transition Plan will include ways to remove barriers from these facilities.

PROGRAM ACCESS

Program accessibility was first legislated in Section 504 of the Rehabilitation Act of 1973, which states:

"No otherwise qualified individual with a disability in the United States, as defined in section 7 (20), shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service."

This important principle was also written into the ADA legislation: "A public entity may not deny the benefits of its programs, activities, and services to individuals with disabilities because its facilities are inaccessible.

"A public entity's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as 'program accessibility,' applies to all existing facilities of a public entity. Public entities, however, are not necessarily required to make each of their existing facilities accessible." (US DOJ, ADA Title II; 1990) In essence, program accessibility applies to almost anything. Although you may not be constructing new or altered facilities, program access may or may not require you to make physical changes to your facilities. Program access may also require modifications to your policies, practices and/or procedures. Consider the following scenarios:

- A property's main office is located in an inaccessible building built in the 1950s. The property retrofits the building so that the parking, route to the building, public offices, and support facilities such as public restrooms are accessible to the public.
- Signs interpreting the natural and cultural history of the area are provided on a trail.
- Audio tours may be used to effectively communicate to a person with low or no vision the information contained in the interpretive displays.
- Commission board meetings usually are held in an inaccessible historic building. The new commission members have decided to officially move the meeting location to an accessible location that allows all interested public, regardless of ability, to attend without prior notification.
- A property offers movie nights each Friday in September. Staff ensure captions are turned on during each movie so people who are hard of

hearing or deaf can also enjoy the show without having to ask or attend a particular show.

Staff training is a key component to ensuring programs and services are accessible. Disability awareness and accessibility training should be provided for all staff and volunteers. This helps ensure visitors with disabilities are treated with respect and requests for accommodation are responded to appropriately.

MEASURE, MARK AND MEASURE AGAIN

You have probably heard this rule of thumb. It refers to making sure the cut is made correctly the first time. But it can extend to the philosophy of doing things correctly. Throughout the process, you will be in the best shape if you design to exceed the minimum. For example, the range for the height of grab bars in a restroom is 33-36 inches from the floor to the top of the gripping surface. Shooting for 34 or so will give you plenty of wiggle room. Doing will not cost more, but even if a contractor makes a small adjustment, you will still be safe.

In addition, you should understand that the ADA/ABA Standards were developed by several individuals with a variety of interests and perspectives. Building to the standards will accommodate many but not all people with disabilities. Exceeding the standards where possible will provide increased accessibility and opportunities for even greater numbers of people. For example, incorporating Universal Design concepts will provide greater access for those in your community with more severe disabilities.

The term Universal Design was coined by architect Ronald L. Mace to describe the concept of designing all products and the built environment to be aesthetic and usable to the greatest extent possible by everyone regardless of age, ability, or status in life. In most instances, the increased cost is negligible while the benefits are significant.

Some examples:

- Smooth, ground-level entrances without stairs
- Surface textures that require less force to travel across
- Wide interior doors, hallways, and alcoves with 60 inch x 60 inch turning space
- Single-hand operation with closed fist for operable components like door and faucet handles
- Light switches with large flat panels rather than small toggle switches
- Buttons and other controls that can be distinguished by touch
- Bright and appropriate lighting, particularly task lighting
- Instruction that presents material both orally and visually

Consider your own preferences and desires. Would you be more inclined to take your family to a well-kept, clean park or, when seeing trash or unmowed areas, just move on? The same idea holds for exceeding requirements. Clearly, an area that the community can be proud of will be less likely to be defaced or vandalized. Having a model will draw in people and support from a wider area.

This is a major reason why we do what we do.

A WORD ABOUT PRODUCTS, DESIGNERS AND CONSULTANTS

At one time or another (perhaps daily) most park and recreation professionals are responsible for choosing products for use in their facilities. Whether additions or replacements, there are many products for which the professional must know how to determine accessibility.

Picnic tables, benches, play structures and surfacing, sinks, lockers, and drinking fountains are among the many products that must be accessible. It is important for the buyer to investigate potential products and not rely solely on a vendor's claim of accessibility or "ADA Approved."

In addition to purchasing products, recreation practitioners also work with designers and consultants during capital improvement projects. Before hiring a specific company, recreation practitioners should ask how much accessibility experience their staff has. While many architects, landscape architects, and engineers are aware of accessibility, it is often not their focus while designing and constructing new facilities or during rehabilitation projects. Before hiring a designer or consultant, requests for qualifications (RFQ) may be posted. If RFQs are used, be sure to ask for information regarding accessibility compliance.

After hiring a company, be sure to have a knowledgeable person on park staff review plans for accessibility as well as other concerns before bidding. Work with the person (consultant or in-house) preparing the bid document to include language regarding the liability of the contractor regarding accessibility. Include people with disabilities in the process. Asking for this input/perspective not only provides a "new set of eyes," but also helps spread the word about your program.

WRAP-UP AND RESOURCES

The primary reason for making programs, services, and activities accessible is it is the right thing to do. It makes sense to employ the principles of "universal design" in providing facilities and programs that are accessible to and usable by everyone. Failure to do so denies the opportunity for more than 54 million citizens with disabilities to have an equal opportunity to enjoy their properties. Penalties for noncompliance can be significant in terms of the cost associated with having to remove features that have been constructed inappropriately and replacing them. The costs in terms of denying people with disabilities the opportunity to enjoy the grandeur and educational values of these experiences is also significant, though not easily measured. The laws and regulations contain compliance enforcement procedures. In the final analysis, the ultimate measure of accountability will be the degree to which people with disabilities can visit, receive the same services, and access the same opportunities as other visitors.

Our intent is to provide the tools necessary to ensure that whatever program you develop will be the best it can be for all. No one, including people with disabilities, wants to be unnecessarily singled out or treated differently. We all want to enjoy our natural resources in as natural an environment as possible, but we also want to make sure we do not create barriers that could be avoided. Please contact the following resources for free and anonymous accessibility information and/or technical assistance.

U.S Department of Justice:

Find out more about the ADA or the 2010 ADA Standards for Accessible Design using the toll free ADA Information Line at 800-514-0301 (voice) or 833-610-1264 (TTY) or go to ada.gov.

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
4CON, 9th Floor
Washington, DC 20530
Phone (voice): (202) 307-0663

The U.S. Access Board

The Access Board is an independent federal agency devoted to accessibility for people with disabilities. Created in 1973 to ensure access to federally funded facilities, the board is a leading source of information on accessible design. The board develops and maintains design criteria for the built environment, transit vehicles, telecommunications equipment, and electronic and information technology. It also provides technical assistance and training on these requirements and on accessible design and continues to enforce accessibility standards that cover federally funded facilities.

United States Access Board
1331 F Street, NW, Suite 1000
Washington, DC 20004-1111
Phone (voice): (202) 272-0080
Phone (TTY): (202) 272-0082
Fax: (202) 272-0081
access-board.gov
Email: info@access-board.gov

Great Lakes ADA Center

The DBTAC-Great Lakes ADA Center provides information, materials, technical assistance, and training on the ADA. Topics addressed include the nondiscrimination requirements in employment, the obligations of state and local governments and business to ensure programs, services, and activities are readily accessible to and usable by people with disabilities. This includes access to the information technology used by these entities including but not limited to websites, software, kiosks, etc.

DBTAC—Great Lakes ADA Center (MC 728)
1640 W. Roosevelt Road, Room 405
Chicago, IL 60608
(312) 413-1407 (V/TTY) or
800-949-4232 (V/TTY)
(312) 413-1856 (Fax)
adagreatlakes.org

National Center on Accessibility

The National Center on Accessibility is a nonprofit center operating under Indiana University in Bloomington. The center offers information, training, research, technical assistance, and consultation on issues related to accessibility to parks, recreation programs, activities, and services.

National Center on Accessibility
2805 E. 10th Street, Suite 170
Bloomington, IN 47408
(812) 855-3095
ncaonline.org