

DAC MEETING MINUTES
FRIDAY, November 6, 2009
Schmeeckle Reserve and Wisconsin Conservation Hall of Fame
STEVENS POINT, WISCONSIN

DAC members in attendance: Chair Werner Burkat, John Kocourek, Tom Zimmer and John Mitchell

DAC members excused absences: Joe Greene, Jim Rutledge, David Lato, Steve Johnson, David Stinson and Dale Petkovsek.

Others in attendance: Susan Cook, Andy Janicki, Carl Mesman, and Kelly Frawley

Chairman Burkat called the meeting to order at approximately 10:35 a.m.

For lack of quorum the Burkat indicated no formal action can be taken on agenda items.

Burkat commented that the DAC should consider meetings for calendar year 2010. Those in attendance discussed/set meeting dates for March 26th meeting (Green Bay) June 11th meeting (Minocqua or Northern Region), August 13th meeting and November 12th meeting (subject to change). Those in attendance requested polling of members for the locations. Potential sites for a meeting include Horicon Marsh and Interstate Park. The Council requested staff talk to David Stinson about one of his contacts regarding a northern location.

Assembly Bill 273 and Senate Bill 191

Susan Cook addressed members of the DAC regarding Assembly Bill 273 and Senate Bill 191.

Class B Permits for Visual Impairments/Letter from Senator Holperin's Office

Members reviewed a letter from Senator Holperin's Office.

John Mitchell commented whether we should comment that we support the proposal and have them keep in contact with their legislator. Mitchell asked Susan if the number of approved crossbow permits, applications approved and applicants denied.

Mesman commented that those denied are offered the option to contact the region's designated physician. Mesman commented that many do not wish to go through the process for approval once they have an initial denial.

Zimmer asked if the DNR issues a permit based on a physician's approval. Mesman commented that a physician approval does not guarantee issuance of a permit. Further,

there are applications that get approved even though a physician may not approve. Sue commented the DNR has discretion.

DAC Position Switch

Janicki commented that Steve Johnson stated that with his new position with La Crosse County may not be able to dedicate time full-time to the DAC. Johnson proposed switching positions with Dale Petkovsek as the alternate. Petkovsek stated he would accept the full-time role should the DAC approve. Janicki will get in touch with the Secretary's office and determine if action need to be taken to approve the switch.

Zimmer commented that is his understanding that the alternate does not vote. Zimmer asked to define the responsibilities of the alternate.

Cognitive Disability Permit

Mesman commented that with the mentorship rule that recently passed, there is essentially no need for the rule amendment. No need for passing hunter safety and lifetime mentorship.

Trolling for Non-Disabled Passengers in Boat

The consensus of the group was in support of Mesman's position. The passenger cannot troll and cannot fish. No change is necessary.

Comments on US Access Board Outdoor Areas Draft

Several changes can be noted in the 2009 Draft Final Guidelines from the **Notice of Proposed Rule** issued in 2007. The most significant change is the provision for trails. The Access Board has provided clarification of the definition of a trail for pedestrian use and the indication that shared use paths will be addressed separate from trails exclusively for pedestrian use. Addressed shared use paths for future rulemaking will also help to distinguish more appropriately and accurately between the different types of paths that could be found in outdoor recreation environments. Previously, if a trail met a condition for departure from the technical provisions, such as compliance would not be feasible due to the terrain, the trail would be required to be accessible up to the point of departure but not beyond that point. The Draft Final guidelines permit the trail a conditional exception at that segment of trail affected by the terrain, then beyond the segment it would be required to comply with the technical provisions once again. This change likely could have favorable positive affects in new trail construction where a section of the trail may be challenging or require some assistance, but the remainder of the trail is built accessible providing an exceptional recreation experience to a scenic vista, meadow, bird sanctuary, or even a waterfall.

In addition, there are new requirements for trailhead signage to provide users with more objective information on the trail conditions. The provisions require new signs provided at trailheads on newly constructed or altered trails to include information on the length of

the trail or trail segment; surface type; typical and minimum tread width; and typical and maximum running slope and cross slope. Communicating the trail conditions will give users the ability to make informed decisions on which trails and trail segments are appropriate in relation to their own individual ability.

While the revision provides greater access on trails and clarification of language for designers, the requirements for outdoor constructed features such as picnic tables, fire rings, grills, fireplaces, wood stoves, trash and recycling receptacles, water hydrants, utility and sewage hookups, outdoor rinsing showers, benches, telescopes, and periscopes are less stringent than the 2007 Notice of Proposed Rule. Scoping requirements for accessible picnic tables and grills are reduced from 50 percent to 20 percent. Benches will now only be required to have adjacent clear floor space for companion wheelchair seating, but no longer be required to have a back support and at least one arm rests. At least 20 percent of each type of outdoor constructed feature provided within a viewing area will be required to be accessible. There are technical provisions for outdoor rinsing showers and new requirements for routes over beach dunes.

Lastly, the Draft Guidelines distinguish between the use of various surface materials including asphalt, concrete, boards and other surfaces. This is the first time in the history of the accessibility standards that technical provisions are different or significantly less stringent based on the type of construction material that is used. NCA submitted critical comment to the Access Board on this provision with the rationale that if this approach were used in the standards, a steel-beam constructed building would have more stringent requirements than a wood-frame constructed building. If the new construction or alterations are planned accordingly and proper construction techniques are followed, deviation should not be greater than the industry construction tolerance when building outdoor recreation access routes or trails with different surface materials. The Draft Final technical provisions define an “accessible trail” to have a 30 ft section with a 10 percent slope and 5 percent cross slope. This additional allowance for slope and cross slope on surfaces that are not asphalt, concrete or board, and are already more difficult to traverse has an adverse and disparate impact on people with disabilities.

Burkat asked if there were any issues that need to be addressed by the DAC. Janicki commented that the legislation is complex and confusing. If anything, the response should be that the legislation is not user friendly.

Burkat commented it is an attempt to have uniform standards. Enforcement will be a critical aspect of the legislation. ADA is an equal rights bill versus an accessibility bill. ADA provides equal access and is more a rights bill and DOJ is the enforcement agency. ADA is drafted from the Uniform Federal Accessibility Standards (UFAS) code.

Members Updates

Burkat: Commented that March the DAC will need to do elections. Zimmer commented a paper ballot may be a way to do the elections. Burkat referenced that Roberts Rules should prevail in the determination of the slate.

Mitchell: Last event in Oxford, Wisconsin. It is a Pheasant hunt. 25 hunters are scheduled to attend. Dog goes on point and gun is handed to hunter.

Zimmer: No update.

Kocourek: No update.

Janicki: Read letter from Dan Davies. Zimmer commented it is something that should be addressed by the whole board. The sponsor must agree they have room.

Next meeting is scheduled for 10 a.m., Friday, March 26, 2010 in either in Green Bay or Minocqua.

Meeting adjourned by power of the chair.