

**DNR'S DISABILITY ADVISORY COUNCIL  
COUNCIL PURPOSE/MISSION**

To advise the Department of Natural Resources on matters pertaining to the accessibility of all department programs and services by persons with disabilities.

- To draft recommendations to the Department for legislation, administrative rules, or department policy.
- To identify and evaluate needs of persons with disabilities and to communicate them to the Department.
- To help to increase public awareness and sensitivity to the needs of persons with disabilities.
- To communicate with individuals and other organizations dedicated to similar purposes.

**MEETING MINUTES  
DISABILITY ADVISORY COUNCIL MEETING  
FRIDAY, SEPTEMBER 25, 2020  
TELECONFERENCE**

Members Present via Teleconference: Cathryn Scott, Keith Pamperin, Jim Rutledge, Kirsten Engel, John Martinson, Calvin Richtig, John Mitchell, Patricia Ardovino, and Andrea Frisch

Others Present via Teleconference: Barry Gilbeck, Nick Zouski, and Julie Amakobe

Chair Martinson called the meeting to order at 10:05 am.

First, the Council reviewed the agenda.

Calvin said he wanted to add Potawatomi State Park observation tower to the agenda. Keith asked for accessible cabins to be added. Lastly, Jim asked to add Blackhawk Lake accessible boat mooring policy to the agenda.

**Kirsten made a motion to accept the agenda with the three additional items to be discussed. Keith seconded the motion and all were in favor.**

Next, the Council reviewed the meeting minutes from March 27, 2020.

**Jim made a motion to accept the minutes. Cathryn seconded the motion and all were in favor.**

Since the meeting was ahead of schedule, Nick went ahead with the Website/Accessible Features Update. He said the new website is on-going. There have been some issues along the way. Nick wants to add Accessibility to the top of the website where there is hunting, fishing, etc. John Martinson says currently "Open the Outdoors" is way at the bottom of the page and is difficult to find. Cathryn agrees this is not good for this icon to be located at the bottom of the

page. Kirsten asked if it is still proposed for the DNR webpage to have accessibility features listed under each state park? Nick said “Yes, but this will come later on in the development phase”.

The next item on the agenda was Service Animals with the discussion led by Brigit Brown from the Bureau of Parks. Brigit indicated there have been lots of Park visitors the last few months due to the Covid-19 pandemic. Lots of these visitors want to bring their pets with them. Most Parks do not allow pets, but do allow service animals.

Brigit asked, “What is a service animal, what is a support animal”? It is important to have clear language and definitions for these distinctions. There are three types of support animals; service animals, emotional support animals, and therapy animals. The Bureau of Parks wants to focus on services animals and emotional support animals. A service animal is trained to perform an individualized task in relation to a person’s disability. Examples include guiding, alerting, protecting and rescuing, pulling wheelchairs and fetching items.

Service animals under federal law and state law are defined differently. Under Federal law, a dog or miniature pony are defined as service animals and under Wisconsin law any animal can be a service animal. As stated earlier, the service animal must be trained for a specific or multiple tasks for a certain person. A service animal must be allowed in places that otherwise prohibit animals. Leashes are preferred, but not required since the animals respond to verbal commands. Only two questions can be asked about a service animal. These questions should only be asked if it is NOT evident from the circumstances. 1. Is the animal a service animal needed because of a disability? 2. What is the animal trained to do? For example, the animal is trained to detect diabetes complications, to get items for the disabled person, etc. Nick made the comment he would add language under question number 2; the person **cannot** ask to have the animal do that task. Nick would like to be involved in the Parks’ process of implementing this policy.

Emotional support animals are not trained for specific tasks, but rather provide comfort and support. Emotional support pets are not allowed in places that prohibit animals. These animals are only allowed in the individual residences, on public transportation, and on airplanes. Emotional support pets are not allowed on any Department (and other state agencies) lands if other pets are not allowed.

Therapy dogs provide general comfort and support to a variety of people. Nick indicated therapy dogs are not specifically denied access. These dogs are allowed in public places with the property owner’s permission and must adhere to the same standards as a service dog. They need to ask the park manager if they could have a therapy dog present during a special function at a park shelter for example.

Next, Barry gave his Customer Service and Licensing updates to the Council.

#### Legislative Bills Passed

- 2019 SB 231 (AB 239) Placing, possessing, or transporting a bow or crossbow in or on a motorboat, vehicle, all-terrain vehicle, or utility terrain vehicle
  - o This bill adds that the restrictions on placing or possessing a bow or crossbow on a vehicle do not apply if the vehicle is stationary. This bill adds that the restrictions on possessing a crossbow while operating an ATV or UTV do not apply when the ATV or UTV is stationary. Also, under this bill, a cocked but unloaded crossbow may be outside a carrying case.
  
- 2019 SB 583 (AB 652) Regulation of all-terrain vehicles and utility terrain vehicles, all-terrain vehicle projects, and making an appropriation
  - o This bill makes numerous changes to the regulation of all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs), including all of the following:
    1. Eliminates the requirement that ATVs and UTVs have low-pressure or non-pneumatic tires.
    2. Provides that a measurement of the width of an ATV or UTV must be measured between the outermost wheel rim on each side of the vehicle exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation.
    3. Provides that an ATV or UTV owned or leased by a political subdivision is exempt from registration if the name of the political subdivision is prominently displayed on the exterior.
    4. Creates limitations on and requirements for the use of lights on ATVs and UTVs.
    5. Provides that certain limitations on ATV and UTV operation and equipment do not apply to an ATV or UTV owned or leased by a city, village, town, county, state agency, federal agency, federally recognized American Indian tribe, public safety corporation, or public utility while the operator is engaged in an emergency.
    6. Modifies certain existing requirements to apply to an ATV or UTV operated on an all-terrain vehicle route, all-terrain vehicle trail, or roadway.
      - Notable change – Passengers are limited to only what the machine was originally manufactured for. After market seating is no longer legal.
  
- 2019 SB 383 (AB 414) The fee for a first-time annual fishing license for residents who are 16 or 17 years old or who are 65 years old or older.
  - o This bill expands the fish and game approvals to which a reduced fee for first-time approvals applies. The bill adds an annual fishing license issued to a person who is 16 or 17 years old who is a resident of this state or an annual fishing license issued to a resident who is 65 years old or older to the list of licenses eligible for the first-time buyer fee of \$4.25 (\$4.25 base fee + \$0.75 issuance fee).

#### Disabled Permit Letters Updated

- Department issued Disability Permit letters have been updated to reflect the new law regarding transportation of a crossbow.

#### New Combined Hunting Regulations

- The Department has streamlined and created a new combined hunting regulation book for this year.
  - o There are several versions online including a smaller file size for easier downloading, Hmong, and Spanish.
  - o The Department inadvertently missed two items affecting disabled hunters. This is being updated on the online version.
    - The ability of a disabled hunter with a Class A or C permit to utilize their Gun buck authorization in any open unit during any open gun firearm season.
    - The use of one Farmland Zone 2 authorization in any unit for gun and bow/crossbow
  - o Weapon and ammunition language have been simplified as part of this streamlining of the regulations.
  - o Copies of the regulations can be obtained from Department License Agents or Online
    - If someone cannot get a copy any other way, copies can be requested to be mailed by calling the DNR Call Center – To minimize mailing costs this is not a preferred option.

#### Bear Applications for 2021

- These are now available with a deadline of December 10
  - o There are new zones for bear hunting for the upcoming season

#### State Owned Hunting Blinds

- Currently, the Department has not indicated them as closed and are first come, first served.
- Check with individual Property Manager for additional information

#### Wisconsin ID Use for License

- The Department has a proposal moving forward to enable the use of the Wisconsin ID.
- Legislative action is being pursued.

#### Department Service Center

- Service Centers remain closed due to continued concerns with the COVID-19 pandemic

#### Disabled Permit Applications

- Customer Service staff continue to process these as normal
  - o There are no delays in processing and same methods are being utilized
  - o Customers can FAX, Mail, or Email their applications for processing

#### Gun Hunt for Hunters with Disabilities

- Scheduled for October 3-11
- Further information can be found on the DNR website

## Deer Management

- Every three years the department conducts a unit boundary review.
  - o This year is the year for the review. Wildlife Management will be working with The County Deer Advisory Councils to review the DMU boundaries
- CWD testing – entry can now be done through the Go Wild system.
  - o Follow instructions at the Kiosk.

John Mitchell asked Barry if there are different rules for butchers for deer processing in the upcoming season. Barry thought this was referring to CWD animals. For CWD testing, if one goes to a kiosk, he/she should follow guidelines at the kiosk.

Overnight Blinds/Stands by Nick. Nick indicated that he got pulled into a meeting last year with Forestry and Wildlife regarding overnight blinds. A customer with a disability had called someone in Wildlife or Law Enforcement inquiring about leaving a hunting blind overnight on state land in the Southern Zone. Nick told the group that he thinks it would be a *reasonable* accommodation to allow it. There is a road, Hwy. 64, which splits northern and southern hunting zones. Nick was contacted by a person who resides slightly below the northern line in the southern zone. The southern zone does not have a lot of public hunting land in this area. The person who called Nick has a disability. He told Nick he gets up very early and has a person help him put up his hunting blind. It would be beneficial if he could set it up the night before hunting and leave it there. Nick got another call a few days later with a similar request. Nick doesn't understand why the rules couldn't be changed to allow disabled hunters to put up a blind and leave it there. The only possible negative outcome with the rule change would be if the hunter would set up multiple stands at various places. Nick is willing to take this proposed rule change to Wildlife Management if the DAC supports his idea. The disabled hunter would need to post information that this blind belongs to a disabled hunter. Andrea said this is a reasonable accommodation. The DNR would likely limit the blind to one location.

Barry said this rule is under 45.09, Wisconsin Administrative Code. Nick asked, "What is the Council's opinion"? Cathryn indicated there has to be equity across the state for disabled hunters. Jim commented this issue has come up before and there wasn't a problem. Nick said this change would be restricted to Class A, B, C or D permit holders and not just a verbal approval of having a disability. Otherwise, someone could fill out an application and say he/she is disabled and get the approval. Nick said the terms of the rule change can be negotiated i.e., the blind could be set up only 2 days in advance of the hunting period and be kept up or 2-3 days. Cathryn wanted to Council to get the current language for northern Wisconsin hunters. Kirsten asked if the Council needs to pass a resolution. Keith wants to see the proposal in writing before the Council supports it. He said there was a heated conversation regarding this issue. He said the same thing occurred with the placing of waterfowl blinds on public waters and now this is no longer possible. Kirsten indicated the Council should still have a general stance on this.

**Keith made a motion the DAC request the Department to provide a reasonable accommodation for persons with disabilities possessing an A, B, C, or D permits to allow hunting blinds placed on public lands statewide to remain up overnight. Jim seconded the motion and all were in favor.**

Calvin suggested having the same overnight rules apply for the south as they do for the north for all hunters. Nick said this would NEVER pass. Nick will help draft a proposal and place it on the rule making process. Barry suggested that this could be an item on the Conservation

Congress hearings for a general vote. Andrea and Kirsten reiterated that this is a reasonable accommodation and should go through administrative code change process and not out for the general public at this time.

Next on the agenda was the Campsite Proposal. Nick said a year or year and a half ago, a DNR customer who has environmental sensitivities wanted to camp at one of the State Parks. Nick said this type of disability is important and should be addressed by the Bureau of Parks. He has an idea. This particular person had requested and was allowed to camp overnight in places where the Bureau of Parks would normally never allow a person to camp. Currently the DNR does not have any policy for these type of requests. Nick suggests the most remote site in the campground be saved for persons with environmental sensitivities. This site would be saved, but if not taken, it would become open to the public after a certain time of the day. Parks could have this site as part of a drop-down menu and persons with these sensitivities could choose this particular site. Cathryn asked if Parks gets a lot of these requests. The answer was "No". What if non-sensitive campers use the site other times and contaminate the site with chemicals? Then what happens when the chemical sensitive person comes to the site? Andrea is asking if sensitivity tasks (avoid using chemicals when clearing the camp site, etc.) also apply to the ADA sites because people with physical disabilities may have environmental sensitivities. Nick said the accessible sites are located near the restrooms and these likely have the most chemical smells. Keith said to ask Parks to see what would work best for them regarding providing campsites for with persons with environmental sensitivities. There was a lot of discussion on the topic. It was asked that a fact sheet be presented on what types of sensitivities are out there. Andrea asked if Nick has contacted the US Forest Service for any advice or recommendations? He had not. Kirsten wanted to have more specifics before the Council makes a recommendation. She suggested having one or two spots set apart for persons with sensitivities without guaranteeing how clean they are. Cathryn and Kirsten will work with Nick on the Council's recommendation. John Martinson said they should seek input from the property managers.

The next agenda item was the Accessibility Coordinator updates. Nick said the PDMD deadline for comments has passed and now the all-terrain chair is considered a wheelchair for access purposes. He will be working with Governor Dodge State Park to be the first park to host the all-terrain chair and the Park's Friends group will help with this. Access Ability Wisconsin (AAW) will leave the all-terrain chair at the Park. The person who wants to use the chair can call the Friends Group volunteer to help with the sign out of the chair. Blue Mound State Park was asking about getting a chair, too. DNR cannot buy these chairs, but possibly the AAW will purchase another one and place it there. DNR Parks will try to host as many all-terrain chairs as possible.

Nick said he was asked to be a guest on public radio to talk about accessibility features at DNR's state properties. The interview/talk was at 6:00 in the morning. Nick said DNR should be pushing its accessible features in the main-stream media. Advertising the accessible features should be part of DNR's marketing plan and strategy. For example, when a park has a candlelight walk, the accessibility features need to be made mainstream and the park should let the public know if it has an all-terrain chairs and/or interpreters, etc. This is a goal for Nick to get implemented. Andrea asked if DNR has screen readers for the times when DNR is marketing so they can reach all disabled communities. Nick said it did not. Julie asked if Nick followed up with DNR Communications and inquired if DNR has a legal obligation of captioning non-DNR

outlets. The answer is “Yes”. Everything needs to be captioned and pictures need to show persons with disabilities (not “photoshopped” persons). DNR has an obligation for captioning if for example it is hosting a site where someone is catching a large fish.

Nick said he checked the DNR license application and noticed the changes had not been made yet regarding the alternative way to apply without having a driver’s license (visually impaired hunters/anglers). Nick said he would follow up with the Section Chief in Customer Service. Since the Council was discussing this topic regarding the visually impaired, Nick said he had not heard back from the Council of the Blind regarding a candidate for the DAC alternate position. Nick said he has someone in mind to fill this position. He had met a visually impaired woman while out with some friends. She is not totally blind, but does have a service dog to help her. She has worked for Wisconsin’s PBS helping with accessible narrative for the shows. Nick let her know we were meeting today and he would discuss her interest with the Council. The Council let Nick know this is a good starting point and that he should contact her and have her fill out an application and have her send it in right away.

The next agenda item was the Eagle Tower update. Nick said the site is still under construction, but moving along.

Next the Council discussed the Potawatomi Tower. Nick sent two letters to the DAC on this topic. One of the letters was addressed to Secretary Cole from Senator Robert Cowles who is the Chair of the Senate Committee on Natural Resources and Energy and Rep. Joel Kitchens who is the Chair of the Assembly Committee on the Environment. The other letter was also addressed to Secretary Cole from a disabled constituent (woman) from Sturgeon Bay. Nick talked to the lady who sent the letter to Secretary Cole. She sent it to the Secretary since Nick said he could not address it. Two months ago Nick talked to Richard Kubicek the DNR’s Archeologist. He indicated even if the tower gets the historical designation, it won’t matter. There are two types of historical designations. The first is very important and must meet renovation standards for historical buildings. Potawatomi will never get that designation per the State Historical Society. Yes, it is historical based on its age, but it’s not unique. Nick said he thinks the biggest issue here is that in the letter it talks about the 50% rule. If you repair more than 50%, it is at that point the ADA kicks in. However, this rule doesn’t exist. Nick is going to follow up with Great Lakes ADA Center or the Access Board for guidance. The big question is “Can DNR repair it and keep it as it is”? If the answer is “Yes”, then DNR won’t need to make it ADA compliant is what the letter is saying.

Nick indicated DNR has said “No, we cannot repair it and keep it safe”. Calvin asked to intervene in the conversation and add more information. He said there was more mud in the conversation than Nick said.

In February 2018, there was an annual inspection by DNR that forced the tower to close down (decommission of tower). The inspection results revealed the tower was beyond repair and needed to be torn down. An outside party asked for a 3<sup>rd</sup> entity to do provide a second opinion with an engineering evaluation. The engineering firm concluded that the tower could be repaired by replacing the compromised structural components with new wood elements and suggested that a repair in place was possible. Outside parties began to suggest that if under a certain percentage of repairs were completed, it would not fall under ADA requirements. In 2019 the DNR hired an independent consultant to review both reports and provide a third opinion. The department received their report in January 2020. The report outlined the following possible

options to address the existing Potawatomi Tower: Repair the tower by taking it down and putting it back together with new wood; repair the tower in place; or replace the tower with a new tower. The Sturgeon Bay Historical Society filed a nomination to get the tower listed as a National Register of Historic Places on June 29, 2020 in an effort to save it from being deconstructed. Ben Bergey, then Bureau Director of Parks, commented in an interview "Decisions such as this are not easy. The science tells us the tower needs to come down; however, we are working with our partners to explore future opportunities." Causing some concern among residents that the DNR may be reconsidering deconstruction. Missy Vanlanduyt, Bureau of Parks Section Chief of Operations, said Parks will continue to look at all the options. Reasonable accommodations have been discussed as well. The DNR and the DAC need to be clear; they can't dance around this. Nick said the precedent is on DNR's side. Nick will follow up with Great Lakes and have them write a letter. Nick reminded the Council Members that as a private citizen, they can write the DNR Secretary with their concerns. Calvin wants to make sure DNR is holding its stance on the ADA requirements as it did with Peninsula. Julie will try to find the language DAC used for the Peninsula Tower and send out to DAC to make a motion. Meanwhile, John Mitchell looked it up. It said "*Cathryn made a motion that the construction of Eagle Tower follow the ADA standards for new construction. If questions arise regarding ADA compliance regarding new construction, contact the Federal Department of Justice in D.C. or the United States Access Board. Steve seconded the motion and all were in favor*".

Some Members asked if the DAC should make a recommendation at this time or wait for the Access Board to reply. There were a couple of suggestions including "The Council made a motion for DNR to follow its recommendation on February 12, 2020 to tear down the structure. Any new structure will require ADA requirements". This did not pass. There was much more discussion. Then another motion was proposed and voted on.

**Calvin made a motion the DAC support the original DNR statement made on February 12, 2020 regarding the decommissioning of the Potawatomi tower structure. If, however the tower is repaired, it must in accordance with the ADA. If DNR opts to reconstruct, this too, must be in accordance with the ADA. Kirsten seconded the motion and all were in favor.**

*DNR statement made on February 12, 2020: "The department legal team determined that all three options outlined in the report would require the tower to be physically accessible in accord with the Americans with Disabilities Act. As such, the department has made the decision to deconstruct the existing tower and work with partners, including the Sturgeon Bay Historical Society, and the public, to explore a future, accessible observation opportunity at the park according to the park's existing master plan."*

The next agenda item included public input from a gentleman named Henry who had called into the meeting. Henry is retired and came to Wisconsin some 15 years ago from Indiana. His son has cerebral palsy. His son likes to go fishing. The two of them went to buy a disabled fishing license at Walmart. She (Walmart employee) said he needed proof of his disability from a doctor. The son had gotten a disabled fishing license last year and showed proof then. Henry asked, "Why does he need to show proof of his disability again"? Once more there was a lot of discussion on this topic. Barry explained the reduced fishing license is based on income and not on the disability. One does however need to show the financial need every year. The SSI



card/letter is the important document that needs to be shown every year. Barry will follow up with the Walmart clerk.

Jim said he and his wife recently visited the Blackhawk Lake Recreational Area in Iowa County, near Governor Dodge State Park. Jim asked his wife to go and inquire about pontoon mooring facilities. It was asked if there is a fee to enter the County recreational area and the answer was "Yes". Back in the 1990's Jim had an argument with the manager at Blackhawk Lake. Back then Jim had to be there in line January 2<sup>nd</sup> or 3<sup>rd</sup> early in the morning in order to reserve a mooring spot. Jim talked to the park manager to see if he could make an accommodation. The park manager said "No". Jim talked to a DNR representative a few days later. He was doing a site tour. Jim believes there should be 2 to 3 most accessible sites saved for disabled anglers and boaters. If not taken by a certain time, two or three days, then the general public could use it. The park manager finally gave in. But currently they send out letters to people who used the pier during the previous year in order to reserve the spots. How can they do this if they are still getting funding from the DNR? Iowa County should be following ADA requirements. Julie will check if they get DNR funding, but she thought Blackhawk Lake was a DNR property. Calvin says Iowa county needs to follow Title II requirements anyway for public access. Calvin said if there are between 1-24 sites, one spot needs to be accessible which is the same as ADA parking. Cathryn looked it up and Blackhawk Lake Recreational area is owned by DNR, but has an operational easement granted to Iowa County. The Wisconsin DNR has jurisdiction of the lake and designated wildlife areas. The Cobb-Highland Recreation Commission, which is made up of 5 board members from Cobb and 5 members from Highland, oversees the operations of the recreational area. Nick needs to contact Iowa County and/or the Commission and let them know they need to comply with ADA in regard to having an accessible mooring spot(s) which is based on the same ADA parking standards. Calvin offered to go with Jim to go educate the Commission. Blackhawk Lake Recreation Area is not part of the Wisconsin State Park System, and therefore, does not receive any funding from State or County tax dollars. However, it still needs to follow ADA because the lake and pier are considered public property.

Next the Council discussed the Disabled Cabins with Keith Pamperin leading the discussion. Keith wanted to tell the Council something. Keith said two years ago he stayed at the accessible cabin at Mirror Lake. He was very disappointed with his stay with the fire pit area, the sun porch area, and the ramp as having the most problems. Keith recently went back to stay at the Mirror Lake cabin and the fire pit area was improved, the sun porch was fixed with good flooring and weatherproof windows and the ramp was fixed too. He said it looked perfect now!! Keith wants some of the State's Covid-19 funding to upgrade the other older cabins. Julie said there is a capital development fund account which is to be used for the accessible cabins and Nick is the administrator of these funds. Keith will follow up with Nick regarding the available funding.

The last agenda item was the Members' updates.

John Martinson: John said he was on Spectrum TV talking about the disabled deer hunts. John indicated Matthew Gross, Wisconsin Department of Natural Resources (DNR) Assistant Big Game Ecologist, is trying to get more people outdoors. John also informed the Council Adaptive Sportsmen will have an event called the Feather Ridge Game Farm Disabled Pheasant Hunt. The event will take place on Saturday, September 26<sup>th</sup> (tomorrow).

Calvin – Calvin told the Council the Green Bay Independent Living Center is still closed to the public due to the pandemic. Calvin is still trying to help with accommodations remotely. He has taken over the role as the Center's IT support. Calvin said the Center's Executive Director is ill, but is now home. Sandy Popp is the Interim Director.

Patricia: No updates at this time.

John Mitchell: All events concerning Challenge the Outdoors were cancelled for the year due to Covid-19. Hopefully there will be events for 2021.

Jim: Jim talked about DNR's Cadiz Springs Recreational area. This recreational area has a couple of nice piers to go fishing, although it is very weedy in the lake and is difficult to fish. Jim also indicated the blacktopped pavement between the two lakes is in very bad shape. It would be good to get the lake cleaned again. Cadiz Springs has a good Friends Group. The parking lot at the first boat launch is not in good shape and it is difficult to get to the accessible picnic table which is at this site.

Cathryn: No updates at this time.

Keith: Keith reiterated what John had said earlier that Challenge the Outdoors cancelled all of its events this year including the disabled deer hunt and its big fundraiser. Keith said he thinks there is still a way to have the fundraiser happen.

Kirsten: No updates at this time.

Andrea: No updates at this time.

**Jim made a motion to adjourn the meeting. Keith seconded the motion and all were in favor.**

John Martinson adjourned the meeting at 3:30.