

USE OF MOBILITY DEVICES BY PERSONS WITH MOBILITY DISABILITIES ON LANDS OWNED BY THE NATURE CONSERVANCY IN MAINE

BACKGROUND

We have completed an assessment of our natural areas in Maine in accordance with the Department of Justice's amended regulation implementing Title III of the 1990 Americans with Disabilities Act (ADA) regarding "Other Power-Driven Mobility Devices" (OPDMDs). While some types of OPDMDs can be accommodated at TNC natural areas, there are necessary restrictions on their use. The roads and trails assessment identifies which routes can be used by various classes of OPDMDs as further defined later in this document.

Please note that some of these areas will require access through a gate. Please arrange entry through locked gates by emailing julia.whitten@tnc.org.

OPDMD USE GUIDELINES

The Americans with Disabilities Act (ADA) regulations address the use of wheelchairs and "Other Power-Driven Mobility Devices" (OPDMDs) by persons with mobility disabilities. These rules apply to "public accommodations" which include The Nature Conservancy properties that are open to the public. The regulations provide that with regard to "public accommodations," persons with mobility disabilities are entitled to:

- Use wheelchairs and manually-powered mobility aids (canes, walkers, etc.) in areas that are open to pedestrian use. A "wheelchair" includes 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 both indoor and outdoor locomotion.
- Use OPDMDs if the landowner can make "reasonable modifications to its practices to accommodate them."

The natural areas most well-suited to quality nature experiences for those visitors who need to use OPDMDs for mobility are listed below. On those properties where OPDMDs are permitted, please note the following guidelines.

- **OPDMD Restrictions**
 - OPDMD speed shall not exceed 3mph (walking speed).

- OPDMD width shall not exceed 36inches and weight should not exceed 500lbs.
- All OPDMDs must be cleaned prior to visitation to ensure there is no mud or other material attached to the OPDMD to ensure that invasive weed seeds are not inadvertently transported to the natural area.
- **Proof of Allowed Use**
 - A person using an OPDMD on TNC property may be asked to provide credible assurance that the OPDMD is required because of the person's disability. TNC will 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 OPDMD is for the person's mobility disability. In lieu of such evidence, TNC shall accept as a credible assurance a verbal representation, not contradicted by observable fact, that the OPDMD is being used for a mobility disability.
 - A "valid" disability placard or card is one that is presented by the person to whom it was issued and is otherwise in compliance with the State of issuance's requirements for disability placards or cards.
- **Conditions of Use**
 - Seasonal conditions may apply to all areas where OPDMDs are permitted.
 - The use of an OPDMD is limited to the person(s) providing credible assurance of disability. OPDMDs may not be used to transport non-disabled passengers unless the passenger is needed for safe operation of the OPDMD.
- **TNC Responsibility and Liability**
 - TNC does not accept responsibility for storage of OPDMDs.
 - TNC does not accept liability for damage to OPDMDs or injury to the operator, whether caused by the operator, another visitor to the property, or any other circumstance.
 - TNC does not accept liability for damage caused by the operator of the OPDMD or injury to others caused by the operator of such device.
 - TNC does not represent that the TNC property is safe for use by an OPDMD. Certain risks are inherent in the use of natural areas, including rough surfaces and features such as snow, mud, vegetation, tree roots, and water crossings; all users must exercise reasonable care and judgment.
 - TNC reserves the right to suspend the use of OPDMDs or change, modify or amend its OPDMD policies at any time.

Name	Location	Restrictions
Appleton Bog Preserve	Appleton	Limited to OPDMDs with non-combustible engines on established trail from Guinea Ridge Road.
Bradley-Sunkhaze Preserve	Milford	Limited to open roads and OPDMDs with non-combustible engines.
Debsconeag Lakes Wilderness Area	Northwest of Millinocket	Limited to registered over-the-road vehicles on designated roads.
Flying Point Preserve	Georgetown	Limited to OPDMDs with non-combustible engines. No use on unpaved trails within 24 hours of rain event.
Indian Point-Blagden Preserve	Bar Harbor	Limited to OPDMDs with non-combustible engines on Higgins Farm Road and entrance of Shore Trail to cleared viewing area above the shoreline.
Ledgewood Preserve	Georgetown	Limited to OPDMDs with non-combustible engines on paved road and short trail to beach.
Leuthold Forest Preserve	Jackman	Limited to OPDMDs with non-combustible engines on Tobey Road, the Spencer Rips Road, and the Mining Road.
Spring River Narraguagus Forest	Hancock County	Limited to OPDMDs with non-combustible engines. OPDMD users should be advised that some of the roads are used by large commercial vehicles.
St. John River Forest	Aroostook and Somerset County	Limited to registered over-the-road vehicles, subject to access granted by North Maine Woods Inc.
Waterboro Barrens Preserve	Waterboro, Shapleigh	Limited to OPDMDs with non-combustible engines on designated sand roads. OPDMDs are not allowed during active management activities such as prescribed fires, mechanical forestry, mowing, and logging operations.

NATURAL AREAS WHERE OPDMDS ARE PROHIBITED

Name	Location
Alley Island Preserve	Trenton
Bald Head Preserve	Arrowsic
Basin Preserve	Phippsburg
Berry Woods Preserve	Georgetown
Big Garden and Big White Islands Preserve	Vinalhaven
Big Reed Forest Reserve	Piscataquis County
Black Island Preserve	Jonesport
Boundary Mountains Preserve	Franklin County
Bufflehead Corner Preserve	Arrowsic
Bull Ring Preserve	Denmark
Cold Stream/Ayers Brook Preserve	Passadumkeag
Corner Pond Preserve	Somerset and Piscataquis County
Crumple Island Preserve	Beals
Crystal Bog Preserve	Crystal
Dram Island Preserve	Sorrento
East Plummer Island Preserve	Addison
Falls Island Preserve	Washington County
Flint Island Preserve	Harrington
Great Duck Island Preserve	Frenchboro
Great Wass Island Preserve	Beals
Head Harbor Island Preserve	Jonesport
Heron Islands Preserve	Phippsburg
Hersey Cove Preserve	Pembroke
Inner And Outer Man Islands Preserve	Jonesport
Kennebunk Plains Preserve	Kennebunk
Knight Island Preserve	Jonesport
Larrabee Heath Preserve	Larrabee
Little Hardwood Island Preserve	Jonesport
Long/Hog Islands Preserve	Lubec
Loring Conant Preserve	Georgetown
Marble Fen Preserve	Penobscot County
Margot Domizi Freeman Preserve	Arrowsic
Mark Island Preserve	Jonesport
Mill Pond Preserve	Arrowsic
Mistake Island Preserve	Jonesport
Morse Mountain Preserve	Phippsburg
Mount Tom Preserve	Fryeburg
Mt Agamenticus Preserve	South Berwick
Newbold Preserve (Aka Squid Island)	Mt. Desert Island
Outer Scott Island Preserve	Deer Isle
Perham Bog Preserve	Perham

Placentia Island Preserve	Frenchboro
Preble Island Preserve	Sorrento
Rachel Carson Salt Pond Preserve	Bristol
Rocky Island Preserve	Aroostook County
Saco Heath Preserve	Saco
Shapleigh Woods Preserve	Shapleigh
Shipstern Island Preserve	Harrington
Smith Island Preserve	Vinalhaven
Steele Harbor Island	Jonesport
Tatnic Hills Preserve	Wells
Trout Mountain Preserve	Piscataquis County
Turtle Island Preserve	Winter Harbor
Upper Birch Island Preserve	Addison
Upper Goose Island Preserve	Harpwell
Wells Barrens Preserve	Wells
Woodland Bog Preserve	Woodland