

**Lee County Parks & Recreation / Conservation 20/20 Land Management
Americans with Disabilities Act (ADA) Compliance Policy
Including Rationale for Limited Areas of Non-Compliance in Natural Preserves
(Last Updated 5-16-17)**

Conservation 20/20 Background

Conservation 20/20 is Lee County's acquisition and management program for environmentally sensitive land. The program, which began in the 1990s, is designed to:

- Protect critical native plant communities and wildlife habitat;
- Preserve critically sensitive wetlands and uplands, natural flood plains, marshes and estuaries;
- Provide surface water management and drainage;
- Conserve potable water;
- Restore altered ecosystems;
- Enhance the quality of life for Lee County residents and visitors.

Within the Lee County Parks & Recreation Department, the primary function of the program is effective management of these natural areas with the added commitment to provide public access and recreation opportunities where appropriate and consistent not only with these objectives but also with the best interest of the public's current and future health, safety, and welfare.

Public access at Conservation 20/20 preserves is designed to offer visitors self-directed, passive nature-based recreational opportunities to experience a largely unaltered natural environment.

Accessibility

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990, Lee County will not discriminate against qualified individuals with disabilities on the basis of disability in the County's services, programs or activities. Lee County will make all reasonable modifications to policies and procedures to ensure that persons with a disability have an equal opportunity to enjoy all of its programs, services and activities, including the opportunity to visit Conservation 20/20 preserves.

Upon acquisition, a management plan is established for each Conservation 20/20 preserve. All management plans are reviewed and approved by the Management Sub Committee (MSC), the Conservation Lands Acquisition and Stewardship Advisory Committee (CLASAC) and the Lee County Board of County Commissioners. The management plan determines the extent of public access and recreation activities permitted at the preserve, consistent with management goals. Examples include:

- Hiking and equestrian trails
- Kayaking/canoeing
- Fishing
- Bicycling
- On-leash pet-walking

The Lee County Conservation 20/20 Program has two classes of preserves: primary-use preserves and limited-use preserves. Primary-use preserves provide easy public access and ADA-accessible paved

parking, restrooms, picnic areas, boardwalks and bicycle racks. Limited-use preserves, which have a higher proportion of unaltered natural space, do not provide the full range of amenities and recreation opportunities as primary-use preserves

Under the ADA, Title II entities must make all services, programs and activities “when viewed in its entirety” accessible to and useable by individuals with disabilities. When natural space or existing facilities are altered, these alterations are in accordance with ADA standards.

Rationale for Limited Inaccessibility

The ADA does not require Lee County’s Conservation 20/20 program to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

Management plans for Conservation 20/20 preserves may not provide complete accessibility to ADA standards because the development necessary for ADA accessibility would substantially impact the fundamental nature of the program to preserve the land in its natural state. For instance, the installation of concrete pavement to produce an ADA-accessible walking path will have the effect of permanently changing the natural landscape within a preserve and may impact the listed species the program is trying to protect.

All six Conservation 20/20 primary-use preserves have been altered in accordance with the Department of Justice’s ADA Standards for Accessible Design. However, primary-use preserves may also include limited inaccessible amenities, including primitive hiking trails, equestrian trails, natural canoe and kayak launches, natural fishing access points and inaccessible unaltered parking areas.

Accessibility may also be limited in some areas of the preserves due to Lee County’s adherence to other Federal or State laws, for example, the preservation of protected mangroves or sand dunes. The County will balance these legal requirements to optimize accessibility compliance when viewed in its entirety.

ADA Transition Plan and Self-Evaluation Objectives for Conservation 20/20 Land Management

Lee County continually evaluates its preserves to ensure their correct classification as primary- or limited-use. The County also updates its ADA transition plan to ensure that accessibility is implemented wherever possible. The following criteria will trigger reconsideration of accessibility status:

- **Facilities:** Whenever non-natural materials are brought in to construct new structures or amenities or alter any existing structures or amenities at a limited-use preserve, the new construction or alterations will be reviewed for impact on the nature of the location’s preservation objectives and the opportunity to meet the Department of Justice’s ADA Standards for Accessible Design, as well as the 2012 Florida Accessibility Code.
- **Programs:** As new programs are offered at a limited-use preserve, the new programs will be reviewed for impact on the nature of the location’s preservation objectives and the opportunity to meet the Department of Justice’s ADA Standards for Accessible Design.

Within limited-use locations, reasonable requests for accommodation are considered.

Lee County is confident that persons with disabilities have broad options to access and enjoy the County's primary-use Conservation 20/20 preserves. Primary-use Conservation 20/20 preserves are located within all four quadrants of Lee County, providing accessibility in areas both north and south of the Caloosahatchee River, and east and west of Interstate-75. These primary-use preserves are represented within the map below.

Primary-Use Conservation 20/20 Preserves Accessible to Persons with Disabilities

