note

The guidebook does not meet certain accessibility requirements outlined in section 508 of the Rehabilitation Act of 1973, as amended. We are working diligently to resolve this issue and provide a 508 compliant document. In the meantime, if you need assistance with viewing this document, please contact the National Publications Editor, Sonja Beavers, by email at sbeavers@fs.fed.us.

USDA

United States Department of Agriculture

Photo Credit: Forest Service

Accessibility Guidebook for Outfitters & Guides

Operating on Public Lands

Forest Service FS-757 Revised September 2015

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Adopting a **learning attitude** that considers disability from a **functional** approach will help address your concerns.

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preface

Zip Line With Sierra Mountain Guides and Disabled Sports
Eastern Sierra on Inyo National Forest
Photo Credit: Sierra Mountain Guides

preface

The purpose of this guidebook is to **provide support** for outfitters/guides authorized, under a special-use permit from U.S. Department of Agriculture (USDA) Forest Service, to provide recreation opportunities on public lands. By working together, the agency and the outfitter/guide can ensure **equal opportunity for all people**, including people with disabilities. This can be accomplished while ensuring the participants safety and preserving the recreation experience provided by the outfitter/guide.

By working together, the agency and the outfitter/guide can ensure equal opportunity **for all people**, including people with disabilities.

Outfitters/guides operating under special-use authorization from USDA Forest Service are required to comply with both the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973 (Section 504). The ADA applies because the outfitters/guides operate as "public accommodation," that is they are open to the public. Section 504 applies because outfitters/guides operate under special-use permits authorized by a Federal agency—the USDA Forest Service. Implementation guidelines for Section 504, which apply to recreation special-use permit holders, are located in USDA 7 CFR 15b. By signing the special-use authorization, the outfitter/guide agrees to abide by these and all other laws, regulations, and policies of the Federal Government.

Disclaimer

This document contains a number of citations to legal requirements. However, apart from these legal references, the program information contained in this document is not, and should not be construed as, a legal standard. The document was developed as a resource only and is not intended to impose additional requirements on outdoor recreation service providers. Deviations from the guidelines contained herein may be dictated by the circumstances of each individual situation, and operations and procedures may vary from outfitter/guide to outfitter/guide. The information contained in this guidebook is intended to provide outdoor recreation service providers with a framework to better serve clients. This framework should be thought of as a new approach to customer service, an approach that seeks to provide the right fit between the clients and the services provided.

The general information and opinions expressed here are not intended as legal advice. The Forest Service assumes no responsibility for the inappropriate application of the information. Those who make use of this guidebook are responsible for the accessibility and the safety of the programs they plan, design, and manage. The outdoor recreation service should work with experienced legal counsel to advise them on legal issues relating to accessibility.

Hooking up Zip Lines
on Inyo National Forest
Photo Credit: Sierra Mountain Guides

Acknowledgments

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Paul Schilke and Jeanette Lucier
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introduction

Hiking on the Appalachian Trail With Northeast Passage

Photo Credit: Belson

introduction

The Americans with Disabilities Act of 1990 (ADA), and other accessibility legislation that came before it, has touched many lives, inspiring hope among many. The goal of this guidebook is to provide a positive and practical approach to serving all people, including people with disabilities, who wish to experience America's great outdoors. To this end, the guidebook explains legal mandates and provides helpful suggestions for meeting the needs of an important customer base.

This framework should be thought of as a **new approach** to customer service.

This guidebook is a framework to better serve clientele. This framework should be thought of as a new approach to customer service, an approach that seeks to provide the right fit between all of the clients and the services you provide.

The primary focus of the guidebook is accessibility to programs and activities, sometimes referred to simply as "program access," and includes all activities provided by authorized outfitters/guides. Facility accessibility will be referenced only briefly. This guidebook will provide guidelines and practical suggestions about how to provide equal opportunity required by the laws without fundamentally altering your programs. This guidance complies with the ADA; the Architectural Barriers Act (ABA); the Rehabilitation Act of 1973 (Section 504); and Title 7, Code of Federal Regulations (CFR), Part 15b. This guidebook does not, however, take a "compliance driven" approach. Instead, it provides suggestions to enable you to provide high-quality services for the broadest range of clients.

Facility Access versus Program Access

When most people think about a person with a disability, they think of a person who uses a mobility device, even though, according to the 2010 U.S. Census, only 8 percent of the 57 million people with disabilities use a wheelchair, crutches, or a walker. Just as people who use wheelchairs represent a very small percentage of people with disabilities, providing wheelchair ramps represents a very small percentage of what needs to be done to provide access. Nevertheless, facility accessibility is an important issue. Access to facilities is required under the ABA, through 7 CFR 15b, and under the ADA if the permit holder's facility has to be entered in order for clients to participate in the program being offered.

A primary basis of accessibility laws, including ABA, Section 504, 7 CFR 15b, and the ADA, is that access goes well beyond physical structures. Access needs to include the programs and services provided by an agency, company, or organization. While access to physical facilities represents a major leap forward, the need to provide access to programs and services is a more profound change—and can be more confusing.

Program access means that a person with a disability has an equal opportunity to participate and gain the same benefits from a program or service as anyone else. This is true whether the program or service is eating in a restaurant, visiting an historic site, or recreating outdoors. Perhaps the easiest way to think of program access is to think of the services that an authorized outfitter/guide provides (for example, fishing or hunting instruction, transporting participants, setting up camp,

Wilderness Inquiry Rafting
Photo Credit: T. Fredin, Forest Service

or guiding participants to the best opportunity areas) and ensure that those services are available to all qualified participants. Programs are not required to guarantee successful participation, but instead to offer equal opportunity for participation.

General Information

According to the 2010 U.S. Census, there are 57 million people with a disability living in the United States. This number is increasing by about 1 million each year. When you consider that most people, including those who have disabilities, recreate with family and friends, as much as 50 percent of the U.S. population will benefit from accessible programs and services. In addition, the U.S. Census Bureau estimates that, by the year 2030, more than 50 percent of the U.S. population will be more than 55 years of age. One thing is certain—with advances in medical technology and the aging of "baby boomers," the percent of the U.S. population living with a disability will increase significantly, and many of these people will remain active over the coming years. You probably know someone with a disability. It could be a family member, a friend, an acquaintance, or yourself. As you prepare to better serve people with disabilities, remember that you are also preparing to serve your current clients as they move into different stages of their lives.

Much is made about the differences between people with disabilities and people without disabilities. Certainly, there can be differences. The differences imposed by disability, however, are not usually what a nondisabled person thinks they are. People without disabilities tend to think of the loss of function such as the inability to walk, see, or hear. Sometimes, the biggest challenge a person with a disability faces is the change of attitude towards them by others. It is important to keep in mind that people who have disabilities are people first. Every person appreciates being treated with respect.

introduction

Tonto National Forest

Legal Definition of Disability

Accessibility laws use a definition that focuses on functional issues. It defines people with disabilities as individuals who have one or more of the following:

A physical or mental impairment that substantially limits one or more of the major life activities of such individual	A record of having such an impairment	Being regarded as having such an impairment

Examples of major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, and working.

Appropriate Language

The two terms most commonly used to describe a person who has a limitation are "handicapped" and "disabled." A "disability" is a medically defined condition that causes a limitation. A "handicap" is a barrier. The barrier may be environmental, such as stairs that handicap a person using a wheelchair, or it may be a negative attitude, either held by the person who has the disability or by the person who does not.

Always refer to the **person** before referring to a disability.

The 1990 passage of the ADA established only two terms: "accessible" and "person with a disability." The correct terms to use are a "person with a disability" or just "disability." The term "handicapped" is offensive to many people. The term "accessible" is to be used to refer to facilities, parking spaces, etc., that are in compliance with the applicable accessibility guidelines/standards at the time they were constructed or altered.

Since language forms the basis by which we perceive and communicate, carefully select the words you use in written and spoken communication. Do not use negative words like "cripple," "invalid," or "lame." These words suggest images that evoke pity, guilt, or lack of ability. Other terms that may be offensive to some people are "physically challenged," "differently abled," and "specially enabled." Use terminology that is based in the laws and that is the least offensive to the majority of people.

Don't forget that people with disabilities are people. Always refer to the person before referring to a disability. For example, speak about a person who uses a wheelchair rather than "the wheelchair." Refer to "people with disabilities" instead of "disabled people." Avoid words such as "normal" or "able-bodied" when comparing people who have disabilities with other clients. The basic rule is to treat everyone with respect. Tips for interacting with people with disabilities are included at the end of this guidebook.

As an authorized outfitter/guide, expand your working knowledge of disability issues by actively seeking more information than is provided in this guidebook. A good place to start is by talking directly to people with disabilities and people who are knowledgeable about the subject. See appendix B—Resources for a list of helpful contacts on page 54.

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laws

Northeast Passage Crosscountry Ski Group

Photo Credit: Northeast Passage

Relevant Laws and Legal Considerations

Significant legislation that preceded the Americans With Disabilities Act of 1990 (ADA) included the Architectural Barriers Act (ABA) and Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended.

Architectural Barriers Act of 1968 *(42 U.S.C. 4151 et seq.)*

The ABA was the first measure passed by Congress to ensure access to facilities. The ABA requires that all facilities built, bought, or leased by or for a Federal agency be accessible. The ABA also requires that all facilities leased by an entity operating under a permit from a Federal agency comply with the applicable accessibility guidelines and standards.

Rehabilitation Act of 1973 *(29 U.S.C. 794)*

Section 504 states: "No otherwise qualified individual with a disability in the United States shall, solely by reason of 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."

It should be noted that Section 504 seeks to ensure equal opportunity so that a person cannot be denied participation simply because he or she has a disability. A person with a disability, however, must follow the same regulations and meet the same eligibility criteria that are applied to all other people in order to participate. If the person with a disability does not meet the criteria, or abide by the regulations, that person can be denied participation in that program. Essential eligibility criteria will be discussed in more detail later in this guidebook.

Section 504, as amended, requires Federal agencies to provide accessible programs and facilities. It also requires agencies to ensure that all programs and facilities operated on federally managed land be accessible, whether they are conducted by the Federal agency or by a private entity, such as an authorized outfitter/guide operating under a special-use permit, commercial-use license, concessions contract, or any other form of permit. Private organizations, such as youth camps, receiving any form of Federal assistance, including the use of federally managed land, are also subject to the provisions of Section 504.

Federal agencies are working to bring the programs and services they operate into compliance with the accessibility requirements. They are also working with permit holders to ensure their programs and facilities are in compliance with the laws.

Title 7, Code of Federal Regulations, Part 15b

Title 7, Code of Federal Regulations (CFR), Part 15b implements Section 504 and applies to all programs and activities that receive Federal financial assistance by the U.S. Department of

Agriculture (USDA). Per 7 CFR 15b.3(g)(4), Federal financial assistance includes a commercial recreational special-use permit to use Federal lands. This regulation addresses program accessibility; requirements for accessible programs in new, altered, and existing facilities; accessibility transition planning; accessible communication requirements; and compliance procedures.

The Americans with Disabilities Act of 1990

The ADA was modeled on the ABA and Section 504. The ADA applies to State and local government services and private businesses open to the public (public accommodations).

To understand the ADA, it is important to remember several key points. First, the ADA is essentially civil rights legislation, in that it is designed to protect the rights of people with disabilities.

An underlying concept of the ADA is that decisions for employment and program participation should not be based on stereotypes. Service providers must not base their decisions simply on the fact that an individual carries the label of a disability.
Instead, they must look to what that individual can do. If the individual can perform the basic functions of an activity, the essential eligibility requirements, he or she must be permitted to participate.

In addition, like Section 504, the ADA covers both facility access and access to programs and services. In other words, not only must buildings be accessible, but the activities that take place within and outside those buildings must also be accessible.

Five Titles of the ADA

1

Title I, Employment
Title I prohibits discrimination against any qualified individual with a disability with regard to job application procedures, hiring, advancement, job training, and other terms of employment. For more information regarding employment, contact the Equal Employment Opportunity Commission at http://www.eeoc.gov or 800-669-4000 (Voice) or 800-663-6820 (TTY).

2

Title II, Public Services
Title II requires that State and local governments, or agencies providing services on behalf of State or local governments, provide access to all of their programs, services, benefits, and activities.

3

Title III, Public Accommodations
Title III is the area of the ADA that affects most outfitters/guides. Private businesses that own, operate, lease, or sublease places of public accommodation are included under Title III. Public accommodations are, generally, any place that provides goods or services to the general public, such as hotels, golf courses, and stores. Nonprofit organizations are also generally included under this title of the ADA.

Title III requires the removal of architectural barriers in existing facilities where such removal is readily achievable. When removal of barriers is not readily achievable for existing facilities, alternative services must be provided. Under Title III, new facilities or altered facilities must be in compliance with the current accessibility guidelines.

Although private clubs and religious organizations are not covered by Title III, an organized camp authorized under a special-use authorization and operated by a private club or religious organization would be affected by the provisions of Section 504 because its programs are dependent on the use of Federal managed lands.

4

Title IV, Telecommunications
Title IV requires that phone companies provide telecommunications relay services for people who have hearing or speech impairments.

5

Title V provides miscellaneous instructions to Federal agencies that enforce the law.

Outfitting and Guiding Permit Requirements (Form FS-2700-4i and FS-2700-3f)

Special-use permits are legal instruments that authorize use and occupancy of National Forest System land. In signing a special-use permit, a holder agrees to comply with the terms and conditions of the authorization. Most outfitting and guiding uses are authorized under an "outfitting and guiding permit," using a standard form. With respect to accessibility, several outfitting and guiding permit conditions are important to note:

"The holder, in exercising the rights and privileges granted by this permit, the holder shall comply with all present and future federal laws and regulations and all present and future state, county, and municipal laws, regulations, and other legal requirements that apply to the permit area, to the extent they do not conflict with federal law, regulation, or policy. The Forest Service [an agency of the USDA] assumes no responsibility for enforcing laws, regulations, and other legal requirements that fall under the jurisdiction of other governmental entities" (Clause I.F)

"Nondiscrimination.
1. The holder and its employees shall not discriminate against any person on the basis of race, color, sex (in educational activities), national origin, age, or disability or by curtailing or refusing to furnish accommodations, facilities, services, or use privileges offered to the public generally. In addition, the holder and its employees shall comply with the provisions of Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments Act of 1972, as amended, and the Age Discrimination Act of 1975, as amended.

2. The holder shall include and require compliance with the above nondiscrimination provisions in any third-party agreement made with respect to the operations authorized under this permit.

3. The Forest Service shall furnish signs setting forth this policy of nondiscrimination. These signs shall be conspicuously displayed at the public entrance to the premises and at other exterior or interior locations, as directed by the Forest Service.

4. The Forest Service shall have the right to enforce the foregoing nondiscrimination provisions by suit for specific performance or by any other available remedy under the laws of the United States or the State in which the violation occurs" (Clause II.I.1-4).

"Equal Access to Federal Programs. In addition to the above nondiscrimination policy, the holder agrees to ensure that its programs and activities are open to the general public on an equal basis and without regard to any non-merit factor" (Clause II.J).

These provisions of the outfitting and guiding special-use permit serve to reinforce the requirements of the ABA, ADA, and applicable Federal regulations by making compliance a requirement of the authorization.

Dog Sledding in New Hampshire
Photo Credit: Northeast Passage

Summary of Accessibility Laws

Both Section 504 and the ADA state that organizations may not prohibit an individual with a disability from participating in or receiving the benefits of programs, services, and activities on the basis of disability. By operating on public lands, the services provided are covered by the ADA, Section 504, and 7 CFR 15b. You should, therefore, understand what is required and work toward providing it.

Facility Accessibility Guidelines

From a technical point of view, there are many similarities between the accessibility standards used for ABA compliance and the accessibility standards used for ADA compliance for buildings and facilities. The ABA accessibility standards are the Architectural Barriers Act Accessibility Standards (ABAAS). ADA standards are the Americans with Disabilities Act Accessibility Standards for Accessible Design (ADASAD). Under the ABA, the ADA, and 7 CFR 15b, any facilities newly constructed or altered must be made accessible in compliance with the current accessibility guidelines. The 7 CFR 15b.19 (c) requires businesses operating under a permit from a USDA agency to follow the ABA accessibility standards except when local or State codes have more stringent requirements that must be followed. Authorized outfitters/guides or any private business operating under a special-use permit from the Forest Service are therefore required to comply with the ABAAS for all new construction or alterations to buildings or facilities. The ABAAS is available on both the U.S. Access Board Web site at http://www.access-board.gov/ada-aba/aba-standards-gsa.cfm and the Forest Service Accessibility Web site at http://www.fs.fed.us/recreation/programs/accessibility.

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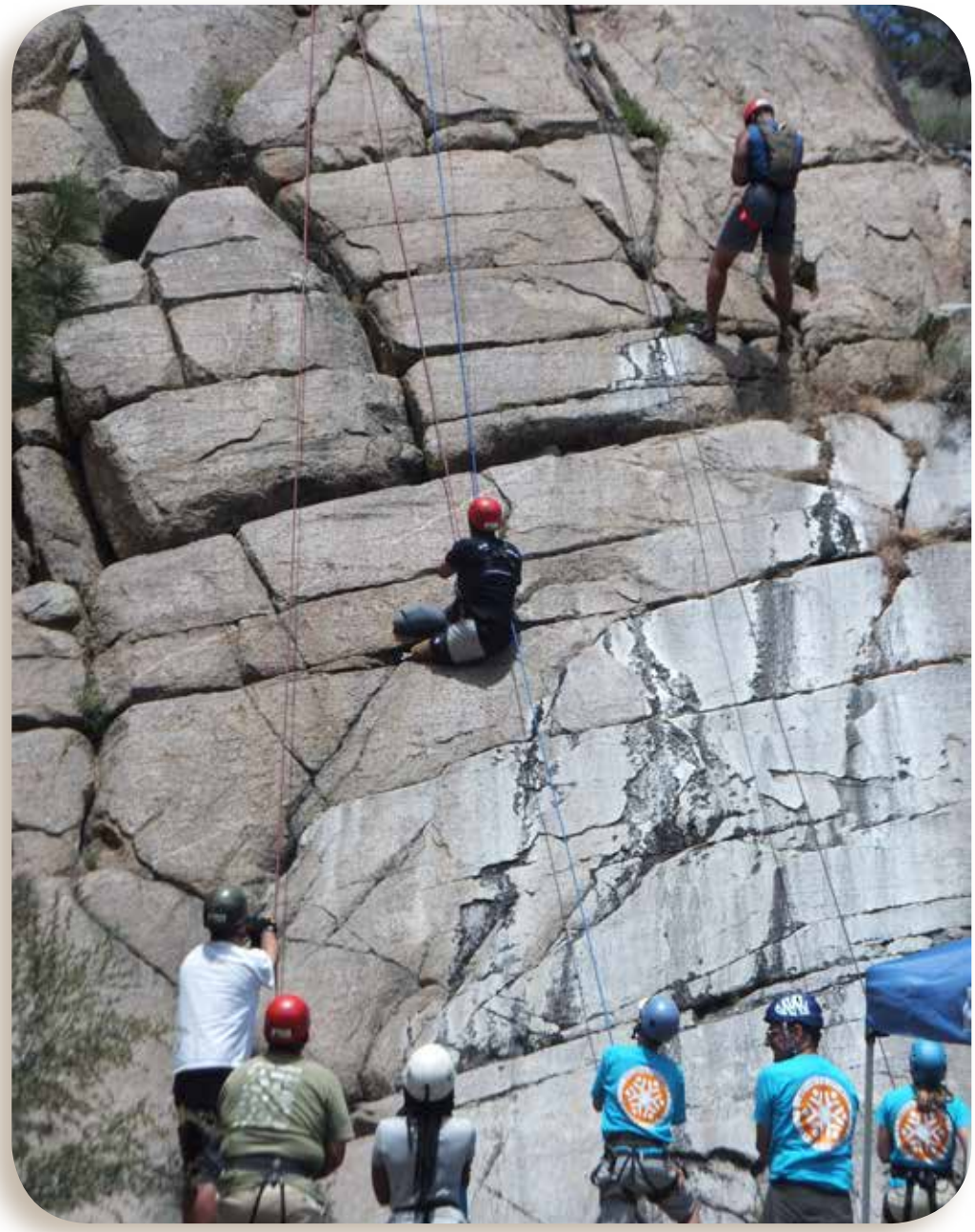
interpretation



Rock Climbing on Inyo National Forest

Photo Credit: Sierra Mountain Guides

Interpreting the Laws

Many business owners want hard and fast rules on how to implement the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973 (Section 504), and they are frustrated when they get the answer "it depends." Unfortunately, with laws as wide ranging as these, it can be difficult to provide a hard and fast rule that does not account for the different types of businesses that receive a special-use permit from Forest Service. While hearing "it depends" can be frustrating, it is important that you continue to seek to abide by the laws and provide equal opportunity for all.

Safety Considerations

Some situations may present a potential conflict between accessibility needs and safety concerns. Some anticipated conflicts, however, may simply be based on misperceptions, stereotypes, or misinformation about access measures that are necessary. Evaluate the actual situation and make the decision accordingly. There is no legal requirement to compromise client safety to provide for accessibility. Safety must never be compromised.

The outfitter/guide may be required to pay a penalty up to **$50,000** for the first offense and a **$100,000** fine for any subsequent offense.

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Civil Penalties for Violating the ADA

Civil penalties for violating the ADA vary somewhat according to the different sections of the law.

1

Title I, Employment
This section has the most severe penalties for violation. Since this is not the emphasis of this guidebook, details are not provided here. Please note, however, that you may be liable for compensatory and punitive damages if you discriminate against people with disabilities in your employment practices.

2

Title II, Public Services
The penalty for publicly funded businesses is injunctive relief—which means they will have to "right the wrong." In some instances, a plaintiff may seek damages be able to get punitive damages if it was determined to be a serious violation.

3

Title III, Public Accommodations
This is the section that will affect most outfitters/guides. The primary penalty in this section is injunctive relief for righting the wrong. In other words, if an individual with a disability sues and wins, the outfitter/guide may have to provide the requested service. However, if the U.S. Department of Justice brings a lawsuit against an outfitter/guide and wins, the outfitter/guide may be required to pay a penalty up to $50,000 for the first offense and a $100,000 fine for any subsequent offense.

Title III of the ADA does not allow a private individual bringing a lawsuit to receive general, compensatory damages, including damages for pain and suffering, or punitive damages. The ADA, however, does not prevent an individual from suing under State law for emotional distress or other monetary damages. Therefore, your State human rights laws are much more likely to have an impact on you in the event of a lawsuit. Legal fees could be awarded to the prevailing party in a lawsuit.

Liabilities

Product Liability
Although there are few black-and-white rules, generally speaking, safety equipment or safety features should never be modified. If you are unsure about a modification, don't do it. For example, beware of modifications that inhibit dismounting from a horse or wet exiting out of a raft or canoe, hinder detachment of a person from a piece of equipment, increase the risk of entanglement, or provide a false sense of control or security.

Risks to Others
The ADA and Section 504 state that legitimate safety requirements necessary for safe operation may be imposed. Those requirements, however, must be based on actual risks and not on speculation or stereotypes about people with disabilities. Ensure your employees are aware of situations that may put them at risk and have them seek assistance from management if they have questions. The following are some situations that would pose a risk to employees.

The first example is related to physically assisting the client. There is no legal requirement for an authorized outfitter/guide to provide staff to transfer, lift, or carry a client. You are required, however, to inform each potential client—before he or she signs up for the program—what physical requirements must be met to participate, including if these requirements may be met with the assistance of a companion who accompanies the client. An appropriate place to identify these requirements is in the essential eligibility criteria for the program, per Title 7, Code of Federal Regulations (CFR), Part 15b.3.n (4).

Safely accomodate **everyone,** including people with disabilities

Another situation would be where there are individuals with easily communicable diseases, such as tuberculosis. Because employees and other clients would be at risk of catching the disease, you could deny participation in your outfitter/guide's program to a person with an easily communicable disease.

You may not, however, deny individuals with AIDS (acquired immune deficiency syndrome) or other blood-borne pathogens access to your program because these conditions are not easily transferred from one individual to another. These individuals are protected from discrimination, on the basis of that person's disability/disease, under the ADA. For more information, visit the U.S. Department of Justice ADA Web site at http://www.ada.gov.

Managing Risk
General suggestions for managing risk include the following:

1. Provide thorough employee training, especially on how to safely accommodate everyone, including people with disabilities. Trained instructors and employees are your best safety policy.

2. Pursue certification in adaptive instruction for your instructors through the national associations of the various activities your company provides.

3 Review your general risk management policies to ensure that they meet or exceed those for your field. A number of outdoor organizations have produced risk management guidance for specific activities. For a broad sample of such guidance, visit the Wilderness Risk Management Conference proceedings of previous years at http://www.nols.edu/wrmc/resources.shtml.

Medical Information

It is extremely important to obtain medical information from all participants, with and without disabilities.

Some outfitters/guides use medical release forms in lieu of any medical evaluation process before embarking on a trip or activity. In many cases, these forms do not collect enough information to allow the outfitter to manage safety risks. Obtaining useful information about a person's medical conditions and special needs, frequently referred to as medical screening, goes hand-in-hand with defining nondiscriminatory essential eligibility criteria and keeping an eye toward safety. This is not intended as an exclusionary process. Rather, it helps staff prepare for any potential special needs and gives them a heads-up about individuals who have medical conditions that may require special vigilance or be incompatible with the activity chosen. The actual collection process, filing, and interpretation can be done in a variety of ways, depending in part on the length and the location of the activity.

Questions pertaining to the process include:

1 What is the person's normal level of activity? Is this person aware of the essential eligibility criteria? Has this person ever done anything similar to the proposed program? If so, were any modifications necessary?

2 Does the person have any known medical conditions that may affect his or her ability to do the activity? If so, are those conditions stable?

3 Is the person on any medications that may affect his or her ability to do the activity? When appropriate, does the person have an adequate supply properly and safely containerized?

4 Is the person aware of any known or predictable problems with the medical condition and/or medications in the environment and/or activity?

5 Does the person require special appliances? If so, have they been used in an activity similar to the one proposed? What if any modifications were necessary?

6 If forms are to be used, are they accessible for an emergency and yet kept in a secure place so that the client's confidentiality is not compromised?

Medical conditions like asthma, diabetes, pregnancy, coronary artery disease, seizures, and chronic orthopedic conditions may be commonly encountered. In the end, safe and sound decisions are most likely to be derived from a combination of a clear understanding of the program, good information, and a level-headed and unbiased assessment.

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strategy

Tanglefoot Canyon, Pioneer, CA

Photo Credit: Kirkwood Sierra Outfitters

Guidelines for Developing an Accessibility Strategy

Essential Eligibility Criteria

Under Title 7, Code of Federal Regulations (CFR), Part 15b.3.n (4), and under the Americans with Disabilities Act (ADA), Title III, Sec. 301, a person with a disability cannot be denied participation in an outfitter/guide's program that is available to people who do not have disabilities, unless the person with a disability does not meet the nondiscriminatory "essential eligibility criteria" that are applied to all people prior to participation in that outfitter/guide's program.

An example of nondiscriminatory language in the criteria would be using the term "move up" instead of "walk." Rather than stating a person must be able to "walk up" a 10-percent grade, that criteria should be stated as "a person must be able to "move up" a 10-percent grade." The criteria should include whether the person must "move up" the grade alone (for example, in a situation where there will be a steep but narrow walkway) or if he or she could move up the grade with the assistance of a companion. A companion is a person who came to the program with the individual who has a disability.

Essential eligibility criteria are tools within the laws that are designed to state what the safety/risk management criteria is for every person who are interested in participating in that particular program or instruction. The purpose of essential eligibility criteria is to establish whether or not an individual can participate in an activity based on his or her ability to perform the basic safety/risk management functions of the activity. In order to participate in an activity, **all** potential clients must be able to meet the nondiscriminatory essential eligibility criteria established by you as the outfitter/guide for that specific activity.

The essential eligibility criteria for each program must be provided and applied to all potential clients. If the essential eligibility criteria are only applied to potential clients who have disabilities, the criteria would likely be considered to be discriminatory if put to a legal challenge.

Strategies for Developing Essential Eligibility Criteria

The purpose of developing essential eligibility criteria is to give both the outfitter/guide and the potential client the information needed to make an accurate, objective assessment when deciding if the client's abilities are appropriate for a specific program. This means that employees must be able to clearly explain the criteria for participation. The criteria must be based on risk management functional components and applied equally to every potential client. Instead of an outfitter guide disqualifying a person from registering for a program or trip because the potential client uses a wheelchair, the program provider must apply the criteria for participation in that activity.

In reality, the concept of essential eligibility criteria is something most outfitter/guide programs already apply to potential clients–that is, following your own goals, concepts, and guidelines in determining which potential clients are likely to be able to participate successfully in the program. The problem is that often outfitters/guides pass their program's traditions orally and do not have these criteria written down. If essential eligibility criteria are not written down, two mistakes may be made in applying the criteria to a potential client who has a disability.

Subjectivity

If an employee has only heard you discuss the importance of various criteria for participation, he or she is likely to pass along this information to potential clients as best he or she can recall using nonspecific terminology. As a result, the information conveyed may be incomplete, causing confusion or a safety issue that leads to a claim of discrimination. Document your eligibility criteria so that they are clear to employees and potential clients.

Stereotyping

Many program providers are forced to make quick assessments of a potential client's abilities without any real knowledge of the potential client's capabilities. Many people have some stereotypes about the abilities of people with disabilities. When these stereotypes shape the decision process, a potential client, who has a disability, may be discriminated against.

Developing essential eligibility criteria is similar to developing a job description. Employers must identify the essential and nonessential functions of a job, and then determine whether the individual can perform those essential functions. Following this logic, identify the basic eligibility criteria of the experience your program is providing and then determine whether the individual can perform those essential safety/risk management functions.

In determining whether a person can successfully participate in your services, you must base your decision on what an individual can do—not subjective items or a stereotype. If they can perform the basic functions of an activity, they can participate.

Caution: the ADA Title III sec.302 (b)(2)(A)(i) states that it is discriminatory to impose essential eligibility criteria that screen out or tend to screen out individuals with disabilities from the full and equal enjoyment of the program being provided. Be sure to keep the focus of the essential eligibility criteria you develop on safety/risk management and not use discriminatory language.

Steps To Developing Essential Eligibility Criteria

Developing guidelines based on what you need your clients to be able to do for safe/risk managed participation in your programs should be an easy process. You may already know your guidelines—you just need to write them down. The following the steps will help you in this process.

1. Determine the physical and mental abilities necessary for participation in your programs and activities. What abilities are necessary to participate in the specific activities of your program, such as using a fishing rod or rifle or riding a horse or mountain bike? Do you have to have a specific type of physical strength? Do you have to understand directions? Do you have to understand any highly technical factors of equipment operation? Could you use adaptive equipment?

2. Break the activity into the basic stages of participation (for example, putting on equipment, using equipment, and returning equipment to a specific area). In effect, you need to separate the program into the discrete activities or variables that make up the program. Could a companion safely assist an individual in the completion of the task?

3. Consider the abilities necessary to remain safe. What are the most likely causes of death or injury involved with that activity, and what does someone need to do to avoid them?

4. Prioritize the stages described in number 2 into the critical abilities needed to be safer. For example, in the case of riding a bike, an essential ability would be to balance, steer, and stop the bike. This ability is a higher safety/risk management priority than the abilities to shift gears or read a map. Do not use limiting words like walk, climb, or see, instead describe the end result that must be accomplished in nondiscriminatory terms, such as access, ascend, or identify.

5. Consider basic rules or etiquette that the participant must follow. These include issues such as yielding to others who have the right of way or waiting for the rest of the group to catch up.

6. Determine if the guidelines may be satisfactorily met with the help of a companion. An individual may not be able to perform a function independently, but that same individual might easily do it with the help of a friend, family member, employee, or attendant.

7. Edit for simplicity. Stick to the basic physical or mental abilities necessary to participate—the fewer the better. Refer to an activity in terms of who can participate, rather than in terms of who can't.

Examples of Essential Eligibility

The following are examples of essential eligibility criteria that an outfitter/guide may have for determining whether a person can participate in an activity.

Guided/Rental White Water Float Trips
Each participant must have the ability to:

- Be able to tolerate water between X and X degrees and bright sunlight for X minutes or more.
- Have the ability to follow verbal and/or visual instructions.
- Wear all protective equipment recommended/required by industry standards.
- Enter and exit the watercraft (raft, boat, canoe, kayak) independently or with the assistance of a companion.
- Remain seated and balanced, using adaptive equipment if necessary.
- Get out from under the watercraft, remain face up in the water with the aid of a lifejacket, and make progress to the shoreline in the event the watercraft capsizes.
- Move about the camp independently or with the assistance of a companion on trips including overnight camping.
- Move the watercraft through the water in a stable manner and return it to the rental area independently or with the assistance of a companion.

Guided Non-Motorized Hunting Trip
Each participate must have the ability to:

- Meet qualifications to obtain the State hunting license.
- Enter, sit stably, and exit the transport vehicle independently or with the assistance of a companion.
- Move through (specific type of hunting terrain and vegetation) to the hunting sites, independently or with the assistance of a companion.
- Understand and apply safe hunting techniques.
- Identify the quarry independently or with the assistance of a companion.
- Safely shoot and reload a big-game weapon, using adaptive equipment if necessary.
- Implement outfitter/guide's emergency procedures in the event of an accident.
- Move about the campsite independently or with the assistance of a companion on trips including overnight camping.

Methods of Providing Essential Eligibility Criteria

Provide potential clients with the essential eligibility criteria by placing them on your Web site as a portion of the specific program's description, on any brochures or other materials provided to potential clients, and as part of the registration materials signed by the client.

Your attorney can advise you if the essential eligibility criteria you develop are appropriate and in compliance with nondiscriminatory practices, as well was where would be the most appropriate and prominent placement to ensure potential clients are aware of the criteria.

Providing Equal Opportunity in the Most Integrated Setting

The accessibility laws state that programs shall be provided in the most integrated setting possible. The most integrated setting is the one that enables interaction among people with and without disabilities as much as possible. People with disabilities who meet the essential eligibility criteria may not be denied the right to participate in any activity, as long as no fundamental changes would have to be made to the program for them to participate. The person with a disability who meets the essential eligibility criteria and wants to participate in your program can't be denied, even if a separate program for people who have disabilities is available. Separate programs specifically for people with disabilities are only acceptable when necessary to provide equally effective benefits and services. The laws require that programs offer equal opportunity for participation. The laws do not require that programs guarantee successful participation.

Integrated Clients With Disabilities

Use the Functional Approach

Once a client has met the essential eligibility criteria for one of your programs, he or she has agreed that he or she can participate at that level of function. If that client has a disability and you have not previously worked with a person who has a similar disability, you may have some concerns. Adopting a learning attitude that considers disability from a functional approach will help you address your concerns.

Because the functional approach is based on what people can actually do, the approach is a good fit with the essential eligibility criteria. Essential functions include things like being able to communicate and move around.

The simplified nature of the functional approach does have significant limitations. Because it is generalized, it's important to keep in mind that each person may be affected differently by his or her disability. For example, two individuals who use wheelchairs may appear to have very similar functional capabilities. However, one person uses a wheelchair because of a spinal cord injury, while the other one uses the wheelchair because of Multiple Sclerosis (MS). A spinal cord injury is a static injury, while MS is a progressive disease process.

On the Trail
Photo Credit: Kirkwood Sierra Outfitters

People with MS may also be susceptible to fatigue and exhaustion due to heat. Weather conditions can exacerbate their disability. Persons with spinal cord injuries, especially those with high-level injuries, face different problems from heat. In some cases a spinal cord injury inhibits the body's ability to sweat, greatly increasing the possibility of heat stroke. You will be better able to appropriately meet client's expectations if you know the needs of your client.

While it's not legal to ask a person about his or her disability, it is legal and appropriate to talk with your clients about any specific needs they will have in the context of the activities in which they are about to participate. Most people, including those with disabilities, will be eager to share the relevant information.

As a business strategy, develop ongoing contacts with resources that can provide disability and accessibility information and training. Examples of these resources include your local Center for Independent Living (CIL) or State Council on Disability. These nonprofit entities can also include your business in the information they share regarding local integrated recreation opportunities.

strategy

Steps To Developing Your Accessibility Strategy

1 Develop and implement essential eligibility criteria. See page 28.

2 Use proper language in brochures, Web sites, etc. Basic guidelines for proper language can be found on page 11.

3 Become familiar with the TTY (text telephone) relay system. For communicating by phone, people who are deaf or have difficulty speaking often have a teletypewriter or text telephone. A TTY is a simple, low-cost telecommunications device that allows a person to type the message they want to send, and it is transmitted across the telephone lines.

Each State provides a relay operator who can be reached by dialing 711. This operator has the equipment to connect a person using a TTY with a person using a voice phone. Through this relay process, a business that does not have a TTY can interact with a client who uses a TTY. Information about TTY's can be obtained from your local CIL.

4 Make your brochures and literature available to people with visual impairments or who are blind. There are four basic ways to make your literature more available to persons who have some level of blindness. They include:

- Large print. Using current technology, increase the point type size of the font to make it more readable. For all people, 12- to 14-point type makes print user friendly, 18 point type is the legal standard for large print.
- Color and contrast. Use colors that provide a sharp contrast.
- Audio cassette, compact disc, or other media. Provide an audio version of your literature for people who are blind. Although there are professional services that do this, you can also be do it inhouse with a tape machine or computer and a tone-indexing microphone.
- Personal reader. Inevitably, there may be some information people will need that is not in a user-friendly form. In these cases, offer to read it to the person directly.

5 Remove architectural barriers in existing facilities. Plan for accessibility when building new facilities or renovating existing facilities. Work with architects and contractors familiar with the Architectural Barriers Act Accessibility Standards (ABAAS).

6 Know your resources. In addition to this guidebook, your local Forest Service special uses administrator can connect you with the Forest Service accessibility coordinator who serves your area. There are also a number of nonprofit organizations that deal with a full range of disability related issues. See the "Resources" section of this guidebook for contact numbers and links.

7 Include disability awareness in your employee training. There are many issues your employees should be aware of when assisting people with disabilities. A brief list includes:

The increasing number of people with disabilities	Social integration	Proper language
Principles of adaptation	Functional issues	Disability specific issues

8 Use new advertising channels for outreach. Most people with disabilities recreate with family or friends who may not have disabilities. By including information about the accessibility of your business in your advertising, the potential clients, whose group includes a person with a disability, will be drawn to your business over another business that does not address accessibility up front. Several magazines in the United States focus on individuals who have disabilities, these are listed in the "Resources" section of this guidebook.

9 Develop community contacts for cooperative marketing and outreach. No matter where you are located, there are individuals and organizations that are willing to work with you to provide services for people with disabilities. Consider approaching the following types of organizations:

- Centers for Independent Living. As a national network of independent organizations, the CIL's work to promote independence among people with disabilities. This network is active in every State, and they should be able to answer your questions or steer you in the right direction. To locate the nearest CIL in your area, contact the National Council on Independent Living at http://www.ncil.org or 703-525-3406 (Voice), 703-525-4153 (TTY).

- Disability advocacy organizations. All significant disabilities have one or more advocacy groups associated with them. This includes organizations such as the Disability Sports USA and their local chapters, National Spinal Cord Injury Association, National Head Injury Association, the Federation of the Blind, and the Multiple Sclerosis Society. The Internet can connect you to a wide range of organizations through a quick Web search. In many cases, these organizations also have State and local affiliate groups listed. These groups can be excellent sources of information, networking, and employee training.

- Disabled veterans' organizations. These include Paralyzed Veterans of America and Disabled American Veterans, as well as the Veterans Administration.

- Health care professionals. Most health care professionals involved with rehabilitation recognize the importance of social integration. Some are also outdoor recreation enthusiasts. The following professionals may be especially helpful: recreation therapists, physical medicine and rehabilitation physicians, physical therapists, and occupational therapists.

Marketing Guidelines

Marketing your programs to better serve people with disabilities can be rewarding. Instead of marketing just to people with disabilities, keep in mind that people recreate with their friends and family. Take the more universal approach to marketing your services to the full range of potential customers, including people with disabilities, seniors, or families with small children. In short, market to whatever age group is appropriate to your programs. One of the most effective ways of doing this is through the photos you use in your outreach and advertising. By including photos representative of all ages and abilities, you help potential customers to see themselves in your programs.

Know Your Clients

Most authorized outfitters/guides know how well their services meet the needs of their traditional clients. You may not, however, know how your facilities and services will meet the needs of a client with a disability. To learn more—

1. Read this guidebook.
2. Remember that individuals with disabilities, like every other client, respond to your attitude. You are likely to win their business if you are friendly, open, and willing to look into new and unusual situations.
3. Invite people with various disabilities to visit your facilities and sample your services. Their feedback can help you identify what you need to do.

4 Visit with other authorized outfitters/guides that currently serve people with disabilities. Ask your local Forest Service permit administrator for names of authorized outfitters/guides who have accessible programs of this type.

5 Be sure that what you think is accessible really meets the legal criteria for accessibility under the guidelines. Advertising that a program or facility is accessible—only to have a person with a disability discover it is not—will not be good for your business. Check the accessibility with the local Forest Service permit administrator who can connect you with the Forest Service accessibility coordinator serving your area.

Planning Your Message

It is helpful to inform people with disabilities that you are interested in serving them.
At the same time, you need to avoid confusing or discouraging potential clients who do not have disabilities. The careful crafting of your outreach message can accomplish both goals.

People with disabilities are subject to many stereotypes. A nondisabled person planning to sign up with an authorized outfitter/guide may believe that he or she will not have the same experience if a person with a disability is included in the group. Therefore, in planning your message, it is critical that you convey to all potential clients that the inclusion of people with disabilities will not diminish their fun and adventure. In short, we recommend that people with disabilities be portrayed as people with the same interests and needs as anyone else. Including photographs of people with disabilities fully participating in something that's fun and adventurous can do this. You can also do this by stating that your programs are open to people with disabilities, but in a subtle manner. Advertising a program "for the disabled" will attract only a small proportion of people with disabilities and very few persons without disabilities. A program offered for people with a range of ability levels, however, would be attractive to many participants. If your facilities are accessible, say so.

Know What To Avoid

Sometimes, knowing what to avoid is just as important as knowing what to do. In all cases, avoid—

- Using inappropriate language. Most people recognize the need to avoid terms that patronize women, people of color, and other minority groups. The same is true for people with disabilities. Brochure copy that reads "Introducing tours for the able and the handicapped" is just as inappropriate as copy that reads "Introducing tours for housewives." Each program is for all people who meet the essential eligibility criteria for that program.

- Placing the disability term before the person. The correct terminology is a "person with a disability." Use person-first language, such as, a person who uses a wheelchair, not a wheelchair person, or a person who is deaf or who is hard of hearing, not a deaf person or a hard-of-hearing person. By placing the person before the disability, the importance is placed on the person not the disability.

- Using the term "handicapped." That term comes from "cap in hand" or begging. The term came into use after the Civil War when returning veterans who were unable to work due to their disabilities were forced to beg on the street. Do not use the term "handicapped."

- Using the term "accessible" to describe facilities that do not comply with the standards. Accessible is the term used to describe facilities that comply with the applicable accessibility guidelines/standards for that type of facility. If the facility complies with the applicable accessibility requirements, it is "accessible." If it does not comply, it is not "accessible."

- Employing patronizing approaches. Avoid references to people with disabilities as "less fortunate," "less capable," "challenged," "victim," or "special."

- Making promises that can't be delivered. Undeliverable promises are bad in any business. Do not state that your facilities are accessible if they are not. If you are not sure if your facilities are accessible, the Forest Service has experts who can help you determine what is actually accessible.

Existing Facilities and Transition Plans

Under 7 CFR 15b.18 (a), a program in an existing facility is required to be operated so that "when viewed in its entirety," it is "readily accessible to and usable by" a person with a disability. Can a person with a disability enter the facility in order to participate in the services offered; buy tickets; rent equipment; and access restroom facilities, food services, and so forth? Can a person with a disability enter and participate in all aspects of the services inside the facility with the other customers? It is helpful to evaluate the facility's accessibility to a person with a mobility, hearing, or visual impairment or learning disability. In addition, access should be in the most integrated setting possible.

This does not necessarily mean that every facility, or every part of an existing facility, must be accessible to and usable by a person with a disability. The goal, however, is to have the person

be able to obtain the services offered in the facility in the same ways as people who do not have disabilities. This can be done by moving services to accessible buildings, delivering services to alternate accessible sites, altering facilities to make them accessible, or by constructing new accessible facilities. You are not required to make structural changes to existing facilities if another effective method can be developed to make the program accessible.

In accordance with 7 CFR 15b.18 (b), however, the method of providing such alternate accessibility to the program is to be chosen based on offering that program "in the most integrated setting to obtain the full benefits of the program." For example, in an existing multistory building that does not have an elevator but has a restaurant on the top floor, a smaller dining area could be established on the first floor providing the same menu and services offered by the restaurant on the top floor. This alternative first floor restaurant, however, may not be segregated only for persons with disabilities because that would not meet the legal requirement for the most integrated setting. This first floor service must also available to people who do not have disabilities.

Transition Plans

For any inaccessible facility that has to be accessed to participate in the program offered, develop plans about how and when changes will be made to make the facility readily accessible to and useable by persons with disabilities. This plan is your transition plan.

Title 7 CFR 15 b.18 (g) details the steps required to develop a transition plan as follows:

1. Identify the physical obstacles that limit access to the program by people with disabilities.

1

2. Describe in detail the methods that will be used to remove those obstacles or to otherwise make those facilities accessible.

2

3. Specify the schedule for taking the steps necessary to achieve full program accessibility. If the steps will take longer than 1 year, identify the steps to be taken each year.

3

4. Identify the person responsible for implementation of the plan.

5. Involve people with disabilities in the development of the transition plan.

6. Make the plan available to the public for review.

The Forest Service permit administrator can connect you with a Forest Service accessibility coordinator who serves your area. This person can review your transition plans with you, including the appropriateness of the planned changes and the timeliness of the work planned. Your final transition plans will become part of your special-use authorization file and will be reviewed when your permit is reviewed.

The more developed and extensive your program is, and the more financial resources you have at your disposal, the more accessible your facilities are required to be. For example, a large, profitable business might be required to place an elevator in a multistoried building. Whereas, a small business with few profits would be required to have a plan ready to relocate the services provided on the upper story of their building to the first floor, as needed, when a customer with a disability can't climb the stairs to reach those upper story services.

If you own a small business with few financial resources and if providing accessibility to your facility would cause an undue financial burden for your business, you will need to identify ways to offer your outfitter/guide programs without depending on those inaccessible facilities. The key is to find a cheap and easy way to deliver your programs' services to all people, including people who have disabilities, and to do so in an integrated setting. A Forest Service accessibility coordinator can assist you in determining how you can most cost effectively provide access to your programs and services.

The Internal Revenue Service allows tax credits and deductions for dollars spent to improve the accessibility of your business (http://www.irs.gov). The U.S. Department of Justice (DOJ) publishes a Tax Incentives for Businesses booklet available from DOJ at http://www.ada.gov or by calling DOJ at 800-514-0301.

Title 7 CFR 15b.18 (c) provides for an exception in extreme cases where the business is small and does not have the resources to provide access to the facility and where no other alternative method can be developed to provide access to the program. There are specific steps, however, that must be followed. Each step must be documented and made available to the public.

If you have fewer than 15 employees—

1. Consult with people who have disabilities who are seeking to use your services.
2. If the people with disabilities agree that there is no method of providing your services that would not be an undue financial burden or that providing the services is too difficult to achieve, refer potential clients with disabilities who are unable to access your program due to that facility obstacle to other providers of the same service that are accessible.
3. Ensure that there is no additional cost to the person with the disability to use the alternate provider.
4. Document the completion of each of these steps and discuss the situation with your Forest Service permit administrator. Your permit administrator will refer you to the Forest Service accessibility coordinator who serves your area for further assistance.

New and Altered Facilities

When a permit holder constructs or alters a building or structure for the use by the business that they operate under their permit, 7 CFR 15b.19 requires that the structure, or the part of the structure that will have to be entered by those participating in their program, be designed and constructed so that it is readily accessible to and usable by persons with disabilities.

Under 7 CFR 15b.19(c), new construction or alteration of those facilities are to follow the ABAAS unless "substantially equivalent or greater access to and usability of the building is provided by other methods." There is no exception for elevators in new or altered multistory buildings under

the ABA standards. The only exception for a permit holder would be in the case of a permit holder being able to substantiate a claim of undue financial burden based on the bottom-line financial worth of that business. Otherwise, under the ABA, an elevator is required in a new or altered multistory building. In addition, Forest Service Outdoor Recreation Accessibility Guidelines apply to outdoor recreation facilities, including campgrounds, scenic overlooks, and picnic areas. Pedestrian hiking trails standards are in the Forest Service Trail Accessibility Guidelines.

The accessibility requirement in 7 CFR 15b for an existing facility is that the program offered inside that facility must be accessible to and usable by a person who has a disability. Access is to be in the most integrated setting.

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general

Hikers Enjoy a Trail on Gallatin National Forest

Photo Credit: Forest Service

General Considerations

Competency Requirements

All people participating in your programs should meet the essential eligibility criteria before starting a program. You cannot require a separate competency exam for a person with a disability. If you require a competency exam for participation, all participants in your program must take the same competency exam. For programs, such as advanced rock climbing, hunting, etc., testing skills before entering the program is acceptable if all participants are tested.

Equipment Safety

You cannot require persons with disabilities to follow safety/risk management procedures not followed by all other participants. For example, you cannot require a person with a disability to wear a helmet, lifejacket, etc., unless all other participants are also required to wear that safety equipment. Similarly, a person with a disability cannot require that you adapt equipment or procedures in such a manner as to impede or lessen the effectiveness of the safety/risk management procedures or equipment. Safety/risk management is a priority for all participants.

Discounts

You do not need to provide a discount in the participation fee solely because a person has a disability.

Personal Assistants

Some individuals with disabilities have a personal assistant to help them perform their daily functions. If that assistant accompanies the person with a disability on an outfitted or guided trip and is a full participant in the trip (for example, hunts, fishes, climbs, rides, etc.) with all other participants, you may charge the assistant the same fee as all other participants are charged. That individual is receiving the same benefits and experiences of the trip as are all the other participants. If the assistant is only partially involved, that is, eats all meals with the group but does not fish, hunt, etc., and only assists the person with the disability to do so, you might consider charging a comparable pro-rated fee for the assistant. Providing a pro-rated fee is not a requirement.

The individual who has the disability, not the outfitter/guide, is responsible for paying for the services of any personal assistant.

Rental of Standardized Adaptive Equipment

Some standardized outdoor recreation adaptive equipment is available through specialty companies, a number of which are listed in the "Resources" section of this publication. You do not have to maintain a stock of such equipment for rental. If you have some standardized adaptive equipment available, however, and advertise that fact, the equipment could serve as draw to increase participation by persons with disabilities. In the same manner, if some of your staff has received specialized training and/or certification in adaptive aspects of your program, including related risk management, advertising that information could be a draw for individuals and groups that include a person who has a disability.

Proof of Disability

Proof of Disability
Medical information is confidential. Such information can only be required by an outfitter/guide when the same information is required of all potential clients prior to acceptance in the program. The outfitter/guide must inform the potential client how the information will be used and with whom it will be shared. See Medical Information on page 25.

Related Services—If Provided

Day Care

Children with disabilities must be accepted unless they would fundamentally alter the nature of the program or they do not meet the essential eligibility criteria of the program. The daycare facility must be readily accessible so that a parent or guardian with a disability can use the facility. The document entitled "Child Care Centers and the ADA [Americans with Disabilities Act of 1990]" is available from the U.S. Department of Justice (DOJ) Web site at http://www.ada.gov/childqanda.htm or by calling the DOJ ADA information line at 800–514–0301.

Food Service

All food services provided by the outfitter/guide must also be accessible to people with disabilities. The Architectural Barriers Act Accessibility Standards provide specific information about accessibility, including table dimensions and reach ranges. For those who have food allergies or sensitivities, you should work with them to find a solution. Answer their questions about ingredients, to the extent you know them. Omit or substitute ingredients or provide an alternative known not to include the problematic ingredient.

Transportation

When provided to clients as part of the program, transportation must be accessible. Information about accessible public transportation can be obtained from the Federal Transit Administration on their Web site at http://www.fta.dot.gov or by calling 888–446–4511.

If the cost of providing specialized accessible over-the-road transportation would be an undue financial burden for the outfitter/guide, there may be opportunities to provide alternative transportation. For example, if transportation is provided by the rock climbing school or a rafting company from the company's store to the site where the activity is to begin, the individual who is physically unable to step up into the van or bus used to transport the other clients could be offered a discount in the cost of the trip in return for providing his or her transportation in his or her own vehicle.

Lodging

When provided to clients as part of the program, lodging must be accessible. Where permanent campsites are provided by the outfitter/guide, those campsites are to comply with the Forest Service Outdoor Recreation Accessibility Guidelines (FSORAG) for campgrounds and related constructed features. The FSORAG is available on the Forest Service Accessibility Webpage at http://www.fs.fed.us/recreation/programs/accessibility.

Hotel, motel, and other types of transient lodging accessibility requirements are detailed in the 2010 ADA Standards for Accessible Design or "2010 Standards." Existing lodging provided by businesses, including permit holders, is required to be readily accessible to and usable by individuals with disabilities. The 2010 Standards set minimum requirements for both the scoping of how many units are required to be accessible and the technical specifications for those units that are newly designed and constructed or altered.

Lodging reservation policies are also included in the 2010 Standards. The reservations staff for the lodging is required to identify accessible features in guest rooms (e.g., guest room door widths and availability of roll-in showers), as well as other hotel amenities, in sufficient detail so that an individual with a disability can make an independent assessment about whether the lodging meets his or her accessibility needs. For more information on these and other ADA requirements, visit http://www.ada.gov/ and click on the 2010 ADA Standards for Accessible Design.

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appendixes

The Freedom of Paddling

Photo Credit: N. Menschel

appendix A

FAQs—Frequently Asked Questions

1. What do I have to do to reduce the risk of a lawsuit?

There is no certain way to avoid a lawsuit. If you make a good faith effort, however, your odds of being successfully sued should be reduced.

The bottom line in avoiding an accessibility-related lawsuit is to not deny services or accommodations to anyone solely because that person has a disability. You may decide that you cannot safely and effectively serve someone, but this decision must be based on an objective process that is equally applied to everyone through the essential eligibility criteria. Also, you may need to change to a problematic policy or business practice if that policy or practice is preventing you from providing equitable service and the change is both reasonable and doesn't fundamentally alter the program for the rest of the participants.

Most importantly, you should realize that people with disabilities are, above all else, people. If you or your employees are hostile, unwilling to listen, and prone to react based on stereotypes, you are much more likely to be sued than when you treat people with disabilities with dignity and respect. As a business owner, your attitude towards your clients is perhaps the most important contributing factor in their evaluation of your services.

2. Do I have to remodel or build new facilities to meet accessibility requirements?

Please see EXISTING FACILITIES on page 38 and also NEW and ALTERED FACILITIES on page 40.

3. What if I can't make my program accessible because I can't make my facilities accessible or develop an alternative program access?

Please see page 39.

4. Do I have to let people with disabilities participate?

Yes. An underlying concept of accessibility laws is that decisions about participation are not made based on stereotypes. You cannot refuse to allow a person to participate simply because that person has a disability.

The only time you can refuse to allow a person to participate is if that person does not meet the activity's essential eligibility criteria that are applied to all your potential clients.

5. What are essential eligibility criteria?

Essential eligibility criteria are the basic functions required to participate in an activity.

Develop essential eligibility criteria and apply them to ALL participants. See page 30 for how-to instructions on developing essential eligibility criteria.

6. Does inclusion of people with disabilities affect liability insurance coverage?

There are two issues here—coverage and premium. Carefully review your policies to confirm limits, exceptions, and exclusions to your liability coverage. On the question of premiums, your insurance company can charge for service and coverage as it chooses. However, you can ask to see the actuarial tables—the factual information used to support the insurance companies increased premium—to determine if the insurance company is basing its decision on fact or on assumption.

7. What's the balance between personal responsibility of a participant with a disability and outfitter/guide responsibility?

The responsibilities of the individual participant and the authorized outfitter/guide are the same whether the participant has a disability or does not. Participant responsibilities should be described in the essential eligibility criteria for the program. Please see page 28 above.

8. Is there really a market for this?

Yes. The 2010 Census identified 57 million people with significant disabilities; and this number is increasing by about 1 million people each year. This is the largest minority in the United States, and it cuts across age, race, and gender.

People with disabilities recreate with their families and friends. These groups will go to places that provide good accessibility, so all can participate. According to Forest Service statistics, approximately 8 percent (12 million) of the 160 million people that recreate outdoors each year on National Forest System lands have a disability.

In addition, our population is aging. The U.S. Census Bureau estimates that by the year 2025 more than 50 percent of the U.S. population will be over 55 years of age. Many of these people are currently your customers. As they age, these customers will want to continue to pursue the same types of outdoor recreation. With advances in medical technology and the aging of "baby boomers," the percentage of the U.S. population living with a disability will increase significantly over the next 25 years. Any improvements to accessibility will also benefit this segment of society.

9. My outfitter/guide business offers lessons in the sport. Do I also have to offer adaptive lessons?

Yes, you must be prepared to provide services and facilities to anyone who meets the essential eligibility criteria developed by your business.

10. If I don't permit animals in my business, do I have to allow a person to bring in their "service animal"?

Yes, as provided in the Service Animals Rule issues by the U.S. Department of Justice in 2010, service animals must be allowed to accompany the person they assist in most cases. For more information about the Service Animals Rule, see the section on Service Animals on page __ and visit the U.S. Department of Justice's Web site at http://www.ada.gov/service_animals_2010.htm.

FAQs—Frequently Asked Questions

11. What do my employees need to know?

All employees should know enough about people with disabilities to make informed decisions about how to best serve your clients. Educating employees about people with disabilities can eliminate many negative stereotypes and perceptions. Appropriate disability awareness training should be made available to all employees as part of the orientation process. Many local disability advocacy groups will provide this training to your employees for a small fee.

12. How can I help my employees be interested in also serving clients with disabilities?

Most often, programs serving people with disabilities fail because of a problem many outfitters/guides face in seasonal operations—rapid employee turnover. All the training and facility modifications will be wasted if the employees are not enthusiastic or interested in serving all people, including people with disabilities. The following are some practical methods of improving employee attitudes and minimizing the problem of rapid employee turnover—

- Evaluate the interest of employees and select one interested person who is likely to remain employed with you to act as coordinator of these new integration efforts.
- Provide that individual with the initial training to integrate people with disabilities, and then get that person to train and assist other employees.
- Involve employees in planning and setting up outreach plans and making accessibility improvements at facilities.
- Revise job descriptions to include working with nontraditional clients.
- Form a network with agencies that serve people with disabilities.

13. What can I do to get started?

Making a small investment in planning, training, facilities, and outreach can greatly benefit your business.

- Develop the essential eligibility criteria for your program.
- Evaluate the accessibility of your facilities that must be entered to participate in your program and develop a transition plan for those existing facilities that aren't accessible.
- Develop a catalog of all of your services and facilities so you can give everyone, including people with disabilities, accurate information about your services. Include the essential eligibility criteria for your programs. Provide this information in printed brochures and on your Web page.

- Develop or review registration procedures to learn more about all of your clients up front, without invading their privacy. For example, in your application, you can ask: "Do you have any special needs?"

- Provide disability awareness and customer service training for all employees. Include training in the use of the TTY (text telephone) Relay System in your training programs.

The most important thing you can do is to make sure that you and your employees have a positive attitude toward serving people with disabilities. You can also accept the accessibility laws as a persuasive argument to get you moving in the direction; the market is moving.

14. Where can I get more information about accessibility laws?

Ask your Forest Service permit administrator to put you in
contact with the Forest Service accessibility coordinator who serves your area.
Also, be sure to contact your tax professional to get information about tax credits and deductions available to businesses making changes in order to comply with the accessibility requirements.

15. How can the Forest Service help me?

In addition to this guidebook, the Forest Service has accessibility coordinators who can provide information in response to accessibility questions. Contact your Forest Service permit administrator for more information.

appendix B

Resources

The following resources are information and publications that you may find useful in your efforts to comply with the Americans with Disabilities Act of 1990 (ADA) and to serve people with disabilities, as well as to enhance your overall customer service.

ADA Information at U.S. Department of Justice (http://www.ada.gov):
For technical assistance on the ADA provisions that apply to businesses and many other resources call the ADA Information Line at 800–514–0301.

ADA Network (Disability and Business Technical Assistance Center):
The number 800–949–4232 will automatically connect you to the regional information center closest to your phone's location to help you with your accessibility business-related questions. The ADA Network only deals with the ADA. This network does not deal with issues related to the Architectural Barrier Act (ABA) or the Rehabilitation Act (Section 504) that also apply to your business as a Federal special-use permit holder. The ADA Network, however, is a good business focused accessibility resource. The Web site is http://www.adata.org. For ABA or Section 504 issues, contact your forest's permit administration or accessibility coordinator.

Architectural and Transportation Barriers Compliance Board, also known as the Access Board (http://www.access-board.gov): For technical assistance on Architectural Barriers Act Accessibility Standards (ABAAS) and the Americans with Disabilities Act Standards for Accessible Design (ADASAD), call 800–872–2253.

Disabled Sports Eastern Sierra (www.disabledsportseasternsierra.org)
Disabled Sports is a year-round adaptive sports school dedicated to getting everybody outdoors and participating in sports in the Eastern Sierra…no matter what their disability is…physical, cognitive or both. We provide adaptive equipment and proficient, caring instructors who will customize each experience to the specific needs of each individual. Skiing, snowboarding, kayaking, fishing, climbing, cycling, biathlons, triathlons…you name it…we do it! Call 760.934.0791

Disabled Sports USA (DSUSA) (http://www.disabledsportsusa.org):
DSUSA works with wounded warriors, youth, and adults with disabilities by providing sports and recreation opportunities through 100 DSUSA Chapters across the United States. To locate a chapter near you, go to the DSUSA Web site or call 301–217–0960.

Federal Transit Administration (http://www.fta.dot.gov):
For questions about public transportation for people with disabilities, call the ADA Assistance Line at 888–446–4511.

Internal Revenue Service (http://www.irs.gov):
For information about tax credits and deductions that can assist businesses in complying with accessibility standards and guidelines, call 800–829–1040.

Kirkwood Sierra Outfitters (http://www.kirkwoodsierraoutfitters.com/):
Through a Forest Service special-use outfitter/guide permit, Kirkwood Sierra Outfitters provides guided horse rides, historical tours, and pack trips throughout the Mokelumne Wilderness and the El Dorado National Forest. For more information, call 209-785-7066.

National Council on Independent Living (http://www.ncil.org):
For information about this membership organization of independent living centers, call 703–525–3406.

Northeast Passage (http://www.nepassage.org):
Northeast Passage is a self-funded program of the University of New Hampshire serving individuals with disabilities through recreation and health promotion.
For more information, call 603–862–0070 or send email to Northeast Passage at northeast.passage@unh.edu.

Sierra Mountain Guides (http://www.sierramtnguides.com):
Sierra Mountain Guides provides high-quality mountain experiences in the Sierra Nevada, as well as mountain destinations worldwide. They specialize in ski mountaineering, backcountry skiing and snowboarding, rock climbing, ice climbing, alpine mountaineering, avalanche education, backpacking, and mountain running. For more information, call 760-648-1122.

Sundog Expeditions (http://www.sundogexpeditions.com):
Sundog Expeditions is an Idaho-based company providing adventure travel rafting and dory trips on Alaska's Copper River, Idaho's Salmon River, and Oregon's Owyhee River and Grande Ronde Rivers. Their trips are designed to meet the individual needs of each guest from the novice camper to the experienced rafter. Call 208–877–7104.

Wilderness Inquiry (http://www.wildernessinquiry.org):
Wilderness Inquiry is a nonprofit organization dedicated to providing backcountry experiences for people of all ages, backgrounds, and abilities. Call 800–728–0719 or visit the Web site.

Wilderness Medical Associates (http://www.wildmed.com):
Wilderness Medical Associates is committed to supplying the highest quality medical training to outdoor enthusiasts and professionals. Call 888–WILDMED (888–945–3633).

Training, Adaptive Resources, and More
Canoeing and Kayaking: For information, resources, and adaptive paddling instructor training schedules, visit http://www.americancanoe.org and click the ADAPTIVE tab.

If you would like to recommend additional resources, including any adaptive instructor training for this section, please contact Janet Zeller, Forest Service accessibility program manager, at jzeller@fs.fed.us.

appendix C

Glossary

A

ABA (Architectural Barriers Act of 1968). Law that requires any facility that is constructed, altered, purchased, rented, or leased by, for, or on behalf of a Federal agency to comply with the applicable accessibility standards and guidelines.

Under this law, business owners operating under a permit from a Federal agency are required to ensure their facilities are readily accessible to and useable by people with disabilities if the facility or portion of the facility has to be entered in order to participate in the permit holder's program.

ABAAS (Architectural Barriers Act Accessibility Standards). The applicable accessibility standards for many types of facilities constructed or altered by, for, or on behalf of a Federal agency.

ADA (Americans with Disabilities Act of 1990). Law that prohibits discrimination on the basis of disability. The ADA applies to State and local government services, public accommodations (private businesses open to the public), and public transportation.

Adaptive equipment. For the purposes of this guidebook, equipment designed for use by a person with a disability to compensate for a specific loss of function.

Authorized officer. The forest officer that has the delegated authority to issue, suspend, terminate, revoke, or amend permits, operating plans, or other applicable documents.

C

Camp or camping unit. A location where people temporarily stay or congregate in the outdoors.

Compliance. The holder's actions are in conformance with permit terms and conditions, operating plan, regulations, and agreements.

D

Duration of outfitted or guided trip. The period of time that begins when the client first comes under the care and supervision of the outfitter or guide, including arrival at the holder's headquarters or local community, and ends when the client is released from the outfitter/guide's care and supervision.

E

Essential eligibility criteria. A listing of the basic functions required to participate in an activity. Essential eligibility criteria may not be designed to screen out or be inclined to screen out individuals with disabilities (paraphrased from Title 7, Code of Federal Regulations, Part 15b.3.n (4).).

G

Guiding. Providing services or assistance (such as supervision, protection, education, training, packing, touring, subsistence, and interpretation) to individuals or groups in their pursuit of a natural resource-based outdoor activity for financial compensation or other gain. The term "guide" includes the outfitter/guide's employees, agents, and instructors.

Photo Credit: G. Lais

Photo Credit: N. Burden

Photo Credit: Corey Kelley

H

Holder. An applicant who has received a special-use permit to conduct outfitter/guide activities.

I

Illegal outfitter/guide. An unlicensed and/or unpermitted individual who operates as a commercial outfitter/guide or a properly licensed/permitted commercial outfitter/guide who operates outside the scope of the license or permit.

O

Operating plan. A plan mutually formulated by the holder and the authorized officer that describes how an outfitter will conduct operations and manage camps while occupying National Forest System lands. The plan is for the period of the permit and becomes a part of the permit holder's operating plan.

Outfitting. Providing through rental or livery any saddle or pack animal, vehicle or boat, tents, camp gear, or similar supplies or equipment for financial compensation or other gain. The term "outfitter" includes the holder's employees, agents, and instructors.

R

Readily achievable. Readily achievable means easily accomplishable and able to be carried out without much difficulty or expense. In determining whether an action is readily achievable, factors to be considered include the nature and cost of the action needed and the overall financial resources of the business involved (paraphrased from Title 28 Code of Federal Regulations, Ch. 1 §36.401).

S

Section 504. Portion of the Rehabilitation Act of 1973 that requires Federal agencies, and those holding permits under Federal agencies, to provide accessible programs and facilities.

Special-use authorization. A permit, term permit, lease, or easement that allows occupancy, use, rights, or privileges of National Forest System land.

Special-use permit. A special-use authorization that provides permission, without conveying an interest in land, to occupy and use National Forest System land or facilities for a specified purpose and that is revocable, terminable, and non-compensable.

T

TTY (teletypewriter or text telephone). A device for communicating with people who are deaf or non-voice by typing messages back and forth. The 711 Relay System is available from any phone to connect with a person using a TTY.

U

Undue Burden. Undue burden means significant difficulty or expense. In determining whether an action would result in an undue burden, consider factors such as the nature and cost of the action needed and the overall financial resources of the business involved (paraphrased from Title 28, Code of Federal Regulations, Ch. 1 §36.401).

appendix D

Tips for Interacting With Persons with Disabilities

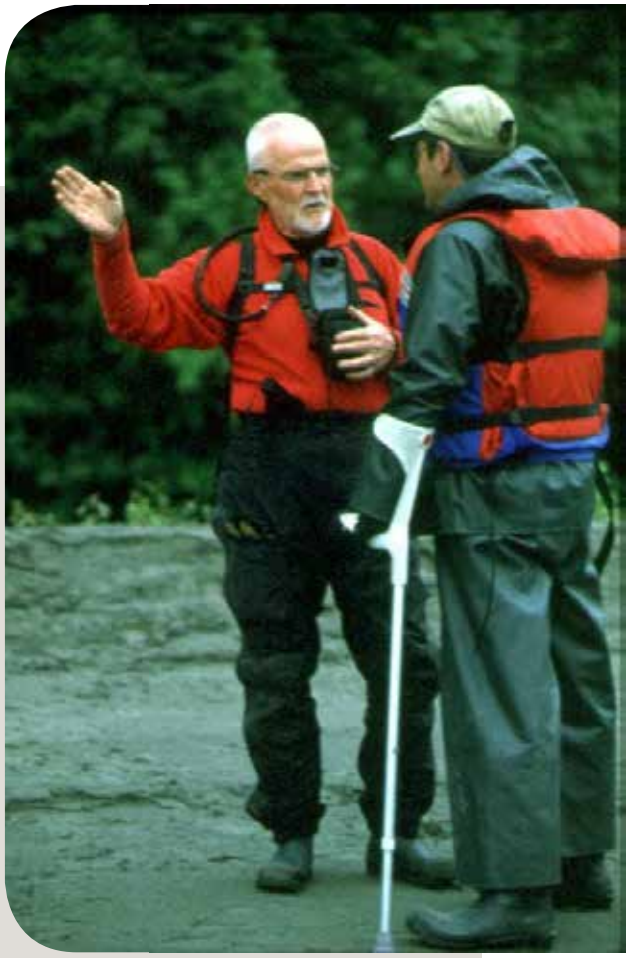

Photo Credit: Sundog Expeditions

- Remember that people are still people, despite disabilities.
- Relax.
- Look directly at the person, maintain eye contact.
- When having a long conversation with a person who is in a wheelchair, crouch down or sit nearby so that you are closer to the same eye level.
- Do not lean on or use a person's wheelchair, crutches, etc., without his or her permission.
- Ask first if assistance is needed, do not assume that assistance is needed or wanted.
- Speak as you would normally. If you are speaking to a person who has a mobility impairment, you do not need to avoid words like run, walk, etc.
- When speaking to a person who is deaf or hard of hearing, be sure she or he has a clear view of your mouth. Keep hands, food, etc., away from your mouth while you are speaking. Ideally, mustaches should be cut short in order for the upper lip to be seen clearly.
- If your conversation is being interpreted by a sign language interpreter, speak to and look at the person to whom you are speaking—not the interpreter.
- When speaking to a person who has a visual impairment, be sure to introduce yourself by name. Use the clock method to assist the person in locating or avoiding something. The clock method uses the numbers of the clock for reference points: straight in front of the person is 12:00, directly behind is 6:00.
- Don't shout!

From Canoeing and Kayaking for Persons with Disabilities,
© Zeller, Janet, 2009, Canoeing and Kayaking for People with Disabilities, Human Kinetics Press, 150 pages.

appendix E

Service Animals in Places of Business

1. What are the laws that apply to my business?

Under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, Federal agencies, those operating businesses under a permit from a Federal agency, and privately owned businesses that serve the public, such as restaurants, hotels, retail stores, taxicabs, theaters, concert halls, and sports facilities, are prohibited from discriminating against individuals with disabilities. These businesses are required to allow people with disabilities to bring their service animals onto business premises in whatever areas clients are generally allowed.

2. What is a service animal?

A service animal is defined as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability (U.S. Department of Justice Service Animal Rule 2010).

Service animals perform some of the functions and tasks that the individual with a disability cannot or has difficulty performing for him or herself. "Guide dogs" are one type of service animal, used by some individuals who are blind. This is the type of service animal that most people are familiar with. There are other service animals, however, that assist individuals with other kinds of disabilities in their day-to-day activities. Some examples include:

- Alerting an individual with hearing impairments to sounds.
- Pulling a wheelchair or carrying and picking up things for a person with mobility impairments.
- Assisting a person with mobility impairments with balance.
- Protecting a person who is having a seizure.
- Reminding a person with mental illness to take prescribed medications.
- Calming a person with Post Traumatic Stress Disorder during an anxiety attack.

A service animal is not a pet.

3. How can I tell if an animal is really a service animal and not just a pet?

There is NO requirement for any type of service animal certification, registration, identifying vest, or other standardized identification. Service animals are only required to be "individually trained to do work or perform tasks for the benefit of an individual with a disability." An individual with a disability may train his or her own service animal. Also, it is against the law for you to ask a person if he or she has a disability or anything about their disability.

4. Are service animals required to have special identification leashes or jackets?

No, however, a service animal is required to have a harness, leash, or other tether, unless either the individual is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal´s safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler´s control (e.g., voice control, signals, or other effective means).

appendix E

Service Animals in Places of Business

5. What must I do when an individual with a service animal comes to my business?

The service animal must be permitted to accompany the individual with a disability to all areas of the facility where clients and or the public are normally allowed to go. An individual with a service animal may not be segregated from other customers.

6. I have always had a clearly posted "no pets" policy at my establishment. Do I still have to allow service animals in?

Yes. A service animal is not a pet. The legal requirement is to modify your "no pets" policy and signs to allow the use of a service animal by a person with a disability. This does not mean you must abandon your "no pets" policy, but simply that you must make an exception to your general rule for service animals.

7. My county health department has told me that only a seeing eye or guide dog has to be admitted. If I follow those regulations, am I violating the ADA and Section 504?

Yes, you are violating those Federal laws if you refuse to admit a dog that has been identified as a service animal on the basis of local health department regulations or other State or local laws. The Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 provide greater protection for individuals with disabilities and, therefore, take priority over the local or State laws or regulations.

8. Can I charge a maintenance or cleaning fee for customers who bring service animals into my business?

No. Neither a deposit nor a surcharge may be imposed on an individual with a disability as a condition for allowing a service animal to accompany the individual with a disability, even if deposits are routinely required for pets. A business may charge its clients with disabilities, however, if a service animal causes damage and it is the regular practice of the business to charge nondisabled customers for the same types of damages. For example, a hotel can charge a guest with a disability for the cost of repairing or cleaning furniture damaged by a service animal if, as part of the hotel's policy, it would charge guests who don't have disabilities for repairing or cleaning damaged furniture.

9. I operate a private shuttle, and I don't want animals in my vehicle; they smell, shed hair, and sometimes have "accidents." Am I violating the ADA and Section 504 if I refuse to pick up or transport someone with a service animal?

Yes. Taxicab, shuttle, and similar service companies and portions of companies may not refuse to provide services to individuals with disabilities. Private transport companies are also prohibited from charging higher fares or fees for transporting individuals with disabilities and their service animals than they charge other people for the same or equivalent service who don't have a service animal.

10. Am I responsible for the animal while the person with a disability is in my business?

No. The care or supervision of a service animal is solely the responsibility of his or her handler. You are not required to provide care or food or a special location for the animal.

11. What if a service animal barks or growls at other people or otherwise acts out of control?

If the person the dog assists and who is handling the service animal, or the person handling it for that individual as its handler, is not in control of the service animal, you may exclude it from your facility or you may tell the service animal's handler to immediately remove it from the premises. For example, if the animal barks once the handler must bring it immediately under control. If the service animal is not brought and kept under control, you may tell the handler to remove the animal. This is also the case if the service animal demonstrates that it is not housebroken. You may not make assumptions, however, about how a particular animal is likely to behave based on your past experience with other animals. Each situation must be considered individually.

If you exclude a service animal that is not in control or is not housebroken in providing a business open to the public, you are required to give the individual with a disability who uses the service animal the option of continuing to enjoy the goods and services offered without having the service animal on the premises. The handler is responsible for removing the animal and securing it humanly in another area. The business is not responsible for providing a location for the animal's appropriate securement.

appendix F

Wheelchairs and Other Mobility Devices—What's Allowed Where

The most common portrayal of a wheelchair is a device that has two large wheels in the back and two small front wheels and is used by someone who has limited ability to walk.

Despite this depiction, there is, actually, a wide range of devices that people refer to as their wheelchair or mobility device. The only way to sort out which devices are allowed where is to apply the legal definition of a wheelchair/mobility device.

In accordance with Title 36, Code of Federal Regulations (CFR), Part 212.1, Forest Service Manual 2353.05, and the Americans with Disabilities Act Title V, Section 508c, a wheelchair is defined as "A device, including one that is battery-powered, that is designed solely for use by a mobility-impaired person for locomotion, and that is suitable for use in an indoor pedestrian area."

That's a two-part definition

"Designed solely for use by a mobility-impaired person" means that the original design and manufacture of the device was only for the purpose of mobility by a person who has a limitation on his or her ability to walk.

"Suitable for indoor pedestrian use" means that the device would be acceptable to be used inside (e.g., in the food court of a mall after entering through the doors from the sidewalk outdoors). A wheelchair or mobility device, even one that is a battery powered, that meets both parts of this definition is allowed anywhere foot travel is allowed.

A person whose disability requires use of a wheelchair or mobility device may use a wheelchair or mobility device that meets this definition anywhere, including in federally designated wilderness areas where foot travel is allowed.

Any motorized device (motor vehicle), used by anyone, that does not meet this definition is not allowed on National Forest System lands where that class of motor vehicle use is not authorized. All authorized motor vehicle use is specified on each Forest Service unit's Motor Vehicle Use Map. These maps are available on each Forest Service unit's Web site and, also, at any of the Forest Service's offices.

If you or any of your clients have any questions about this Forest Service requirement, contact your Forest Service permit administrator and ask to be connected to one of the Forest Service accessibility coordinators.

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Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

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Mission

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Photo Credit: Corey Kelly