

Chugach National Forest - Recreation Special Uses Program Accessibility Transition Plan

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There are about 150 recreation special use permits on the Chugach National Forest. Permit types range from a lodge with a large building to an outfitter/guide who guides people on a day hike. Permit holders 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. Implementing regulations for Section 504 applicable to recreation special-use permit holders are located in 7 CFR 15. The regulation basically states that permittees may not discriminate against qualified persons with disabilities who want to make use of their services and/or facilities.

The regulations at 7 CFR 15b describe a variety of methods a permittee may use to comply with the regulation. If a permittee needs to retrofit facilities based on the regulation, then the permittee would develop a written transition plan to make the facilities usable. Accessibility is to be provided unless the cost to do so would be an undue financial burden for the permittee, based on the cost of the retrofit in comparison with the profit generated by the business.

Under the ADA and Section 504, a person with a disability cannot be denied participation in a permittee's program that is available to people who do not have disabilities, unless the person with a disability is not qualified to participate. The concept of being qualified applies to all people, with or without a disability. After defining the 'essential eligibility criteria' to qualify people to participate in the program, the permittee must apply those criteria to all people prior to participation in that permittee's program. The essential eligibility criteria must be based on functional requirements of the activity that the permittee offers. The Accessibility Guidebook for Outfitters/Guides Operation on Public Lands displays steps that outfitters/guides can use to identify essential eligibility criteria.

The Forest Service intends to work with permittees to ensure they understand their responsibilities to provide accessible programs and facilities. Forest staff will provide an overview of the Accessibility Guidebook for Outfitters/Guides Operation on Public Lands, as well as an overview of the various laws and regulations that apply to them. Compliance with these requirements will be monitored through on-going administration of special use permits. As appropriate, transition plans will be included as a component of the annual operating instructions for permittees. Our target date for implementing these actions is 2010.

I concur with the strategy outlined in this accessibility transition plan.

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