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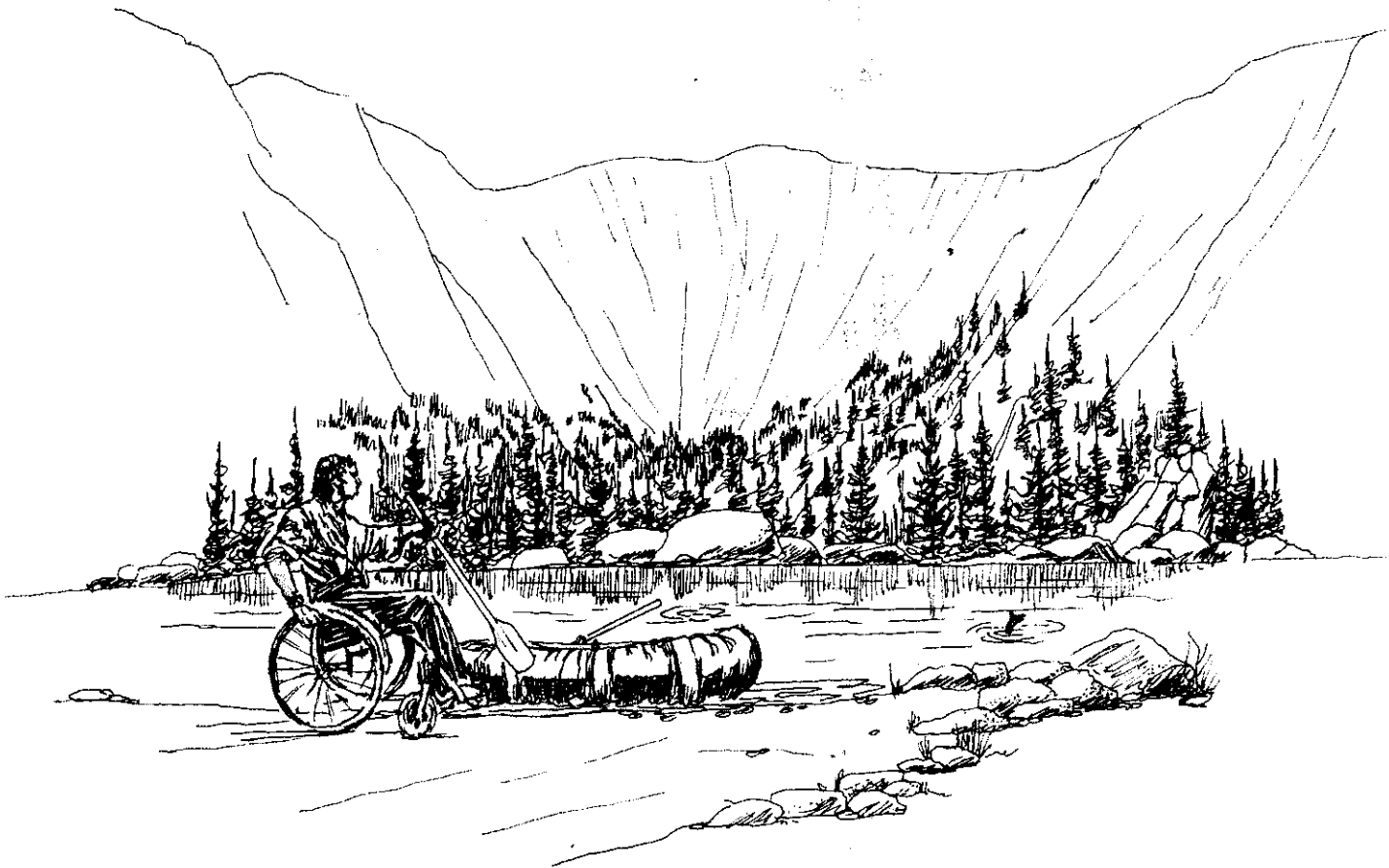


Forest
Service

Northern
Region

Wilderness Access Decision Tool

A resource to help federal managers of the National Wilderness Preservation System (NWPS) make appropriate, objective, and consistent decisions regarding use of the NWPS by persons with disabilities as defined by the Americans With Disabilities Act of 1990.



Acknowledgments



This tool was developed by Wilderness Inquiry, Inc., under an agreement with the USDA Forest Service and the USDI Bureau of Land Management. It was developed with input from each agency responsible for managing the National Wilderness Preservation System, and is designed to assist wilderness managers regardless of which federal wilderness management agency they work for.

The primary authors of this tool are Greg Lais, Wilderness Inquiry, and Joe Meade and Liz Close, USDA Forest Service. We wish to acknowledge the assistance of the following people in developing this tool:

Lynn Anderson, University of North Dakota; Peter Axelson, Beneficial Designs; Jim Bradley, U.S. House of Representatives Subcommittee on Natural Resources; Frank Ciesel, USDA Forest Service; Mabs Curtis, University of Minnesota; Keith Corrigan, Bureau of Land Management; John Davis, Ruth Doyle, USDA Forest Service; Kay Ellis, Bureau of Land Management; Carol Evans, Chuck Frayer, USDA Forest Service; John Galland, Ed Hamilton, National Center on Accessibility; Marian Helling, Rick Isom, USDA Forest Service; T. Destry Jarvis, National Park Service; Darrell Knuffke, The Wilderness Society; Leo McAvoy, University of Minnesota; Eric Olson, USDA Office of the General Counsel; Amy Owen, Dick Owen, Wilderness Inquiry; Mindy Pasternak, Beneficial Designs; Margaret Petersen, USDA Forest Service; Kevin Proescholdt, Friends of the Boundary Waters Wilderness; Mary Raether, National Council on Disability; Kathy Scholl, Nancy Simmet, Wilderness Inquiry; Morgan Sommerville, Appalachian Trail Conference; Ross Sublett, The Wilderness Society; Doug Troutman, Bureau of Land Management; Jay Watson, The Wilderness Society; Tom Widney, Wilderness Inquiry; Dave Willis, Little Foot Expeditions; Janet Zeller, USDA Forest Service.

For additional information about the *Wilderness Access Decision Tool*, refer to the resources listed on page 21.

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HOW TO USE THIS DECISION TOOL

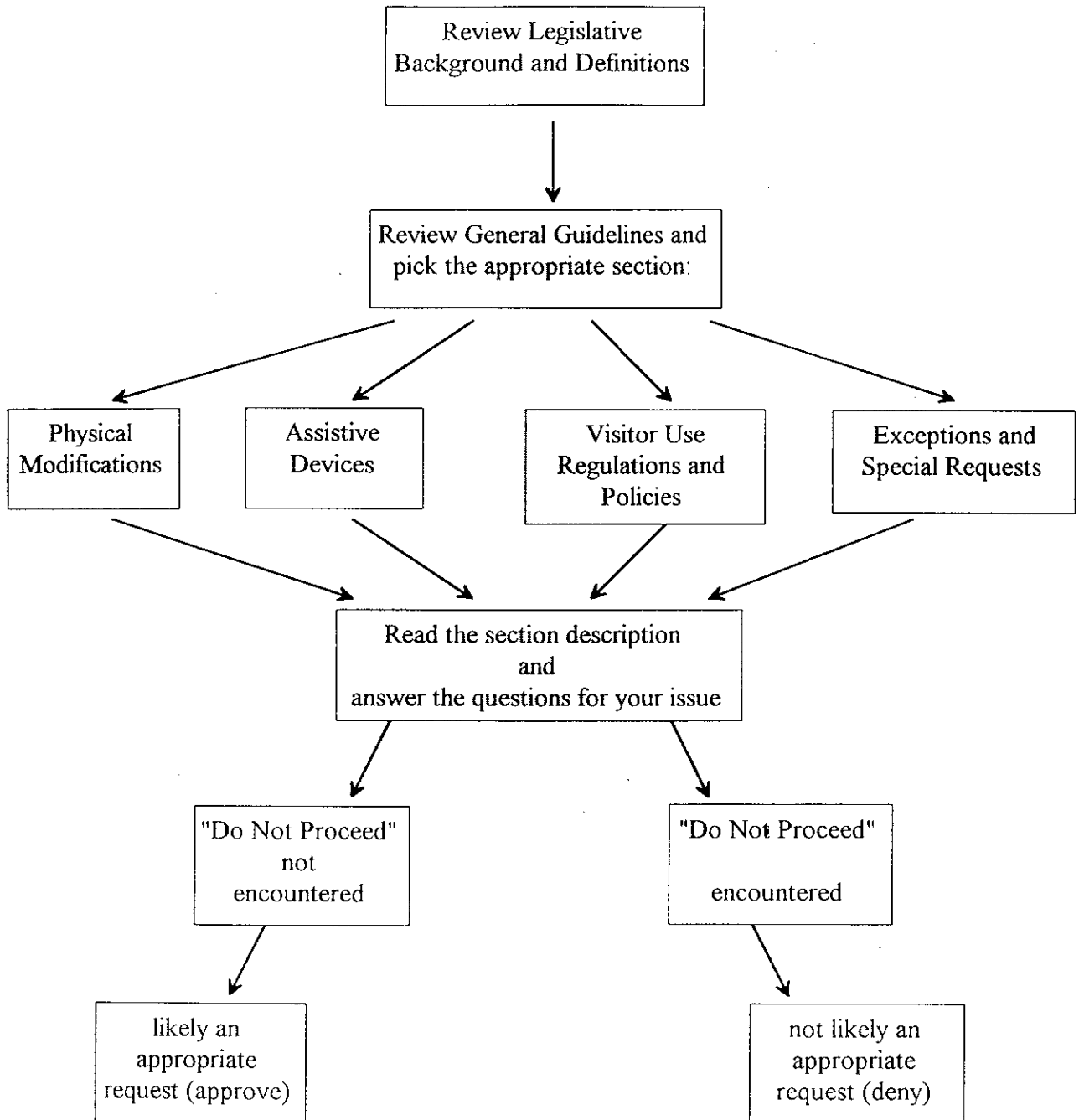
This tool was developed to help federal wilderness managers make consistent decisions on the use of the National Wilderness Preservation System (NWPS) by persons with disabilities. It is not designed to replace common sense and good judgment, but to remind managers of important legal issues, pertinent information and helpful considerations. For the decision tool to be most helpful, it is recommended that wilderness managers with an issue or request in hand:

- 1) Review the **Legislative Background** and **Key Definitions** sections.
- 2) Review the **General Guidelines** and determine which **Section** of the tool considers that issue. Most decisions will involve one of the following areas:
 - A. Physical Modifications: These include requests to modify trails, entry points, camp sites, etc.
 - B. Assistive Devices: Some people with disabilities require use of devices such as wheelchairs, respirators, or in some cases, service dogs.
 - C. Visitor Use Regulations and Policies: These issues include group size limitations, campsite and travel route selection, and other regulations initiated by the management unit.
 - D. Exceptions and Special Requests: Issues for consideration in this section may or may not include all of the above issues.
- 3) Read the descriptive paragraphs for the section. These paragraphs are intended to reflect the intent of The Wilderness Act, The Americans With Disabilities Act, and the reality that wilderness managers face.
- 4) Review the request or issue in the context of the questions for that section. If the request gets passed the "DO NOT PROCEED" statements, it is likely to be appropriate for consideration.

Some questions don't point to "yes" or "no" answers, or don't encounter the "Do not proceed" statement. These questions are intended to help steer the outcome in a way that maximizes both accommodation of persons with disabilities, and preservation of the wilderness resource.

The goal of this tool is to reach an appropriate decision after following these steps. But these issues and decisions aren't always clear! For more guidance, review the included **Case Studies** and/or contact the people listed in **Resources for More Information**.

Wilderness Access Decision Tool



Still have questions?

- review case studies
- ♦ contact resource people listed

I. Legislative Background

In 1964, Congress passed the **Wilderness Act** and established the **National Wilderness Preservation System (NWPS)**. Congress has sole authority to designate Wilderness; the USDI National Park Service, the Bureau of Land Management, Fish and Wildlife Service, and the USDA Forest Service, must manage these lands within the parameters specified by the Wilderness Act. As stated in Section 2(a), the purpose of the Wilderness Act is:

... to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to ... secure for the American people of present and future generations the benefits of an enduring resource of wilderness...

In the years since its passage, some people have claimed that the Wilderness Act discriminates against the rights of persons with disabilities because it prohibits the use of motor vehicles, mechanical transport, and other activities within Congressionally - designated wilderness areas -- the NWPS. Section 4(c) of the Wilderness Act states:

Except as specifically provided for in this Act ... there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.

The Wilderness Act was written before the rights of people with disabilities were a prominent national issue. Not surprisingly, there is no mention of people with disabilities in the Wilderness Act. So, as people with disabilities began to use Wilderness, the question was raised whether a wheelchair is mechanical transport and therefore prohibited from the NWPS.

In 1990, Congress passed the **Americans With Disabilities Act (ADA)**. The ADA addresses the issue of accessibility in the NWPS in Section 507(c):

"(1) In General -- Congress reaffirms that nothing in the Wilderness Act is to be construed as prohibiting the use of a wheelchair in a wilderness area by an individual whose disability requires use of a wheelchair, and consistent with the Wilderness Act, no agency is required to provide any form of special treatment or accommodation, or to construct any facilities or modify any conditions of lands within a wilderness area to facilitate such use.

(2) Definition -- For the purposes of paragraph (1), the term wheelchair means a device designed solely for use by a mobility - impaired person for locomotion, that is suitable for use in an indoor pedestrian area."

Also in Section 507 of the ADA, the National Council on Disability was directed to conduct a study on the ability of persons with disabilities to use and enjoy the NWPS. This decision tool has been completed to address one of the major findings of that study: that federal wilderness managers need training and assistance in making consistent decisions regarding use of auxiliary aids and other issues involving persons with disabilities in the NWPS.

II. Key Definitions

Assistive Device: An assistive device is a piece of equipment used by a person with a disability on a daily basis to help in the accomplishment one of life's functions or activities. For example, a speech and communication board is an assistive device for a person who cannot speak.

Disability: The Americans with Disabilities Act definition focuses on functional issues. It defines persons with disabilities as those with:

- A) a physical or mental impairment that substantially limits one or more of the major life activities of such individual
- B) a record of such impairment, or
- C) being regarded as having such an impairment.

Major life activities include working, walking, talking, seeing, hearing, and independently caring for oneself (i.e. eating, dressing, personal hygiene).

Universal Design: Universal Design is a philosophical approach to accessible design that attempts to accommodate the broadest possible spectrum of people through a single, all - encompassing design, rather than the provision of multiple elements specially designed for use only by discrete groups.

Wheelchair: The term wheelchair means a device designed solely for use by a mobility - impaired person for locomotion that is suitable for use in an indoor pedestrian area.

Wilderness: A unit of the National Wilderness Preservation System (NWPS). Wilderness itself is not considered a facility; instead, Wilderness, as a Congressional land allocation, is considered a program. This is important from the context of the Americans With Disabilities Act, since the ADA does not require fundamental alterations of any program.

Wilderness resource; wilderness resource values: The wilderness resource is the combination of all values for which wilderness is established. This includes both the physical and biological character of wilderness, and the social values which wilderness should provide. Physical and biological resource values include a natural landscape, high water quality and similar considerations; social values include such things as solitude and, for some persons, freedom from observing those developments that might infringe on the primitive wilderness experience they desire.

III. General Guidelines for Decisions

Before reviewing the issue or request, it is important to consider the following:

- Determine if the person making the request has a disability as defined by the Americans with Disabilities Act.
- Determine if the request reflects a need directly related to that disability and the person's subsequent ability to safely utilize the National Wilderness Preservation System (NWPS), or if it is strictly a matter of convenience or comfort.
- Determine if granting the request will have a tangible effect on the wilderness resource. No law encourages negative impacts on the NWPS.
- Determine if there are other means of meeting the request which have less impact on the wilderness resource.

After reviewing these issues, determine which of the following four sections is most appropriate and proceed to assess the questions within each section. These areas are:

- A. Physical Modifications
- B. Assistive Devices
- C. Visitor Use Regulations and Policies
- D. Exceptions and Special Requests

IV. Topic Sections and Decision Questions

A. Physical Modifications

Wilderness resource preservation is the priority in the NWPS. Agencies are not required to construct any facilities or modify any conditions of lands within Wilderness to facilitate use by persons with disabilities. However, when modifications to protect the resource are made, wilderness managers are encouraged to assess the situation for potential application of Universal Design principles.

If the change or request will damage or diminish wilderness resource values, it should not be considered. If it enhances, maintains, or does not change wilderness resource values, it should be considered.

If a modification is made to accommodate some form of visitor use, the principles of Universal Design should be considered to provide the appropriate level of accessibility that does not diminish wilderness resource values. For example, NWPS managers must often determine issues in trail construction such as whether or not to install a bridge. Should a foot bridge be designed as a "stringer only," or should it accommodate

stock use? These decisions can affect public access, and, if a wilderness manager decides to construct a bridge for stock use, it is suggested that they consider the bridge width for standard wheelchair designs as well.

The need for a latrine is another example. If a latrine or toilet is necessary to protect the resource from the impact of many visitors, it is best to make that toilet as accessible as possible within its primitive design, while maintaining appropriate environmental considerations (distance from water, etc.).

No law requires that modifications solely for the purpose of accessibility be made in the National Wilderness Preservation System.

Decision Questions:

1) Will the proposed change or request maintain or enhance wilderness resource values?

- * Yes * No (If No, DO NOT PROCEED) * Not applicable

2) If visitor use is a consideration in the decision to provide modification, what type of visitor use is the modification intended to accommodate? (e.g. stock, foot path, contained fire area, toileting, etc.)

3) What forms of access to persons with disabilities does the current situation provide (e.g. with assistance from friends, travel by horse or watercraft)?

4) How can principles of Universal Design be applied to this modification without degrading the wilderness resource?

B. Assistive Devices

The Wilderness Act prohibits the use of mechanical transport, however, since the Wilderness Act was passed, many mechanical devices have been developed to assist persons with disabilities. Section 507 of the ADA specifically allows the use of wheelchairs provided that the wheelchair meets the definition (see key definitions). As assistive technology evolves, Wilderness managers are encouraged to use common sense in determining whether an assistive device is appropriate in the NWPS.

Assistive devices or aids as accommodations for disability must be suitable for indoor pedestrian use. Wheelchairs are allowed in the NWPS, provided they are designed solely for use by a mobility - impaired person for locomotion, and are suitable for indoor

pedestrian use. Examples of accommodations other than wheelchairs include canes, walkers, service dogs, speech boards, respirators, etc.

Decision Questions:

1) Is the device suitable for indoor pedestrian use (i.e. use in an office, a home, or a restaurant without noise, emissions, or other unacceptable impacts to the indoor environment)?

- * Yes
- * No (If No, DO NOT PROCEED)
- * Not applicable

2) If the piece of equipment is a wheelchair, is it designed solely for use by a mobility - impaired person for locomotion?

- * Yes
- * No (if No, DO NOT PROCEED)
- * Not applicable

3) If the piece of equipment is an accommodation for maintenance of basic life functions, such as a respirator or an assistive speech device, is it prescribed by a physician and designed solely for use by a person with a disability?

- * Yes
- * No (If No, DO NOT PROCEED)
- * Not applicable

4) Will use of such a device negatively impact wilderness resource values?

- * Yes (If Yes, DO NOT PROCEED)
- * No
- * Not applicable

C. Visitor Use Regulations and Policies

Agencies are not required to provide any modifications or special treatments in the NWPS to accommodate accessibility by persons with disabilities. However, agencies are encouraged to explore solutions for reasonable accommodations when not in conflict with the Wilderness Act of 1964.

Federal land management agencies have developed many wilderness policies, such as group size limitations, that are not specifically addressed in the Wilderness Act of 1964. These policies have become necessary as Wilderness use patterns have evolved, however in some cases they may inadvertently inhibit use by persons with disabilities. Wilderness managers are encouraged to review visitor use regulations and policies to insure that they do not inadvertently discriminate against persons with disabilities.

* Yes (If Yes, DO NOT PROCEED) * No

* Not applicable

3) Does the individual or party making the request have an impairment in one or more of life's major functions as defined in the Americans With Disabilities Act (e.g. walking, talking, breathing, seeing, etc.)?

* Yes * No (If No, DO NOT PROCEED)

* Not applicable

4) Does the special request provides the accommodation with the minimum tool or modification (for example, is there an alternative appliance, equipment, or aid that has less impact on wilderness resources)?

* Yes * No (If No, DO NOT PROCEED)

* Not applicable

5) Are there nearby, equivalent areas outside the NWPS where request can be accommodated?

Practice Case Studies with Recommended Solutions

NOTE: These case studies are based on real situations, but may have been modified somewhat from what actually occurred to better illustrate the issue.

Case Study 1: Three - wheeled "wheelchair"

Central Issue: Technological advances are changing the traditional concept of a wheelchair. Wilderness managers must understand and consistently apply the definition of a wheelchair stated in Section 507(c)(2) of the Americans with Disabilities Act.

Situation: Douglas Polk was sifting through his morning mail when he came across a letter from a person with a disability. This person was asking to be allowed to use his "wheelchair" in the Organ Pipe Cactus Wilderness. Included with the letter was a photo of the man sitting on top of a three - wheeled device with big balloon tires. The machine has a gasoline - powered engine.

Issues for consideration: Does this device meet the definition of a wheelchair in Section 507(c)(2) of the ADA?

Recommended action: Deny request.

Explanation of decision: Since it has a gasoline - powered engine, the device is not suitable for indoor pedestrian use. Also, the device is probably not designed solely for use by a person with a mobility impairment.

Case Study 2: Amigo: Battery - powered cart

Central Issue: Technological advances are changing the traditional concept of a wheelchair. Wilderness managers must understand and consistently apply the definition of a wheelchair stated in Section 507(c)(2) of the Americans with Disabilities Act.

Situation: Lilly La Poudre uses a device called an "Amigo" for assistance ambulating. Ms. La Poudre can walk short distances (about 30 feet), but due to multiple sclerosis she relies on her Amigo whenever she travels outside her home. The Amigo is, essentially, a battery powered "golf cart" -like device commonly used by persons with disabilities who can walk for short distances. It is suitable for indoor pedestrian use. Ms. La Poudre's Amigo has 3 wheels and weighs 275 pounds. She has asked to take it into the Mount Zirkel Wilderness in Northern Colorado.

Issues for consideration: Does the Amigo meet the definition of a wheelchair in Section 507(b)(2) of the ADA? Should the wilderness manager of Mount Zirkel offer Ms. La Poudre any suggestions on whether her Amigo is appropriate for the terrain she is likely to encounter? What other suggestions might the wilderness manager make to Ms. La Poudre?

Recommended action: Approve request, but suggest she consider alternatives to using her Amigo since its utility in the Wilderness is likely to be very limited. Alternatives may include another form of mobility such as riding a horse, or visiting an area with similar characteristics that better facilitates use of the Amigo.

Explanation of decision: An Amigo does fit the definition of a wheelchair as stated in the ADA, and it is prescribed by a physician. However, its low ground clearance likely limits its useability in a wilderness setting.

Case Study 3: Cobra Wheelchair

Central Issue: Technological advances are changing the traditional concept of a wheelchair. Wilderness managers must understand and consistently apply the definition of a wheelchair stated in Section 507(c)(2) of the Americans with Disabilities Act.

Situation: A paraplegic from Portland, Oregon, has asked to bring his new "Cobra" wheelchair into the Mount Jefferson Wilderness. The Cobra is a new wheelchair design that affords a much greater degree of mobility in rough terrain than a traditional wheelchair. It has no motorized components. Instead, it consists of a series of gears with a "push-pull" lever for torque.

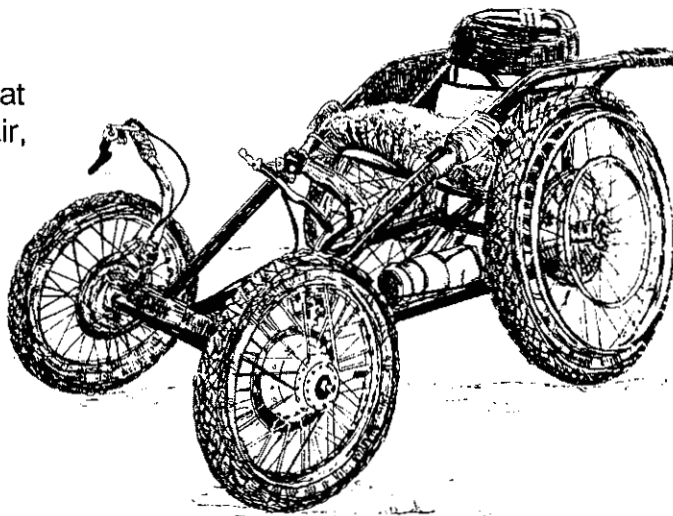
As of 1994, there were less than 25 Cobras in existence. It is unlikely that anyone using a wheelchair would use a Cobra as their primary means of locomotion, however it can be used indoors. Some have called the Cobra a "mountain bike for the disabled".

Issues for consideration: Does the Cobra meet the definition of a wheelchair in Section 507 (c)(2) of the ADA?

Recommended action: Approve request

Explanation of decision: The Cobra wheelchair is designed solely for locomotion of a person with a mobility impairment. The key issue here is whether the Cobra is suitable for indoor pedestrian use.

Although the Cobra is somewhat bigger than a regular wheelchair, it would be allowed in a shopping mall, courthouse, or other public place.



Case Study 4: Toilets in the NWPS

Central Issue: What accommodations, if any, should be made for persons with disabilities in the NWPS?

Situation: In 1980, 19% of the units of the NWPS had pit toilets, 15% had enclosed outhouses, 4% had vault toilets, and one used a composting toilet (Source: Wilderness Management, by Hendee, Stankey, and Lucas, 1990, pg. 435). Presumably, these modifications to Wilderness were motivated by a desire to protect the wilderness resource in response to heavy visitor use.

Minnesota's Boundary Waters Canoe Area Wilderness (BWCAW) provides pit toilets at campsites. In the early 1980's, the Forest Supervisor decided to replace the traditional wood box pit toilet with an easier to maintain fiberglass "cone" toilet. The cone toilet is also cheaper than the wood "box" toilets. However, the "box" toilet affords a much higher level of accessibility since it has a broad sitting platform and a lid that doubles as a backrest.

For environmental reasons, the toilets are placed at least 100 feet back from the water (most campsites are on lake shores), and usually up a hill or two. The new fiberglass cone toilets provide far less of a base to sit on, and they have no back rests; they are more difficult for persons with disabilities to use. A local group serving persons with disabilities has asked the Forest Supervisor to:

- 1) Move the toilets to more accessible sites at certain campsites that, by topography, were already considered somewhat accessible.
- 2) Replace the current cones with a slightly modified design that incorporates a "backrest" into the fiberglass mold design. The group says that this change would allow many persons with balance problems to use the toilets independently.
- 3) Modify the trails to the toilets to make them more accessible.

Issues for consideration: Should the special needs of persons with disabilities be considered when modifying wilderness for resource protection, and how?

Recommended action: Make changes to accommodate access (request #1 and #2 above) without modifying the natural environment.

Explanation of decision: The toilets may be moved provided there was a suitable location that was 100 feet from water. Modifications to the cone toilets would increase useability and, therefore, should be considered. The trail need not be modified in any significant way.

Case Study 5: Access in the South Warner Wilderness

Central Issue: Should "improvements" be made to Wilderness to facilitate use by people with disabilities?

Situation: Well - meaning local citizens have urged the Forest Supervisor of the Modoc National Forest to construct a 3/4 mile "wheelchair trail" to a lake in the South Warner Wilderness. These citizens want such a trail to comply with the Americans with Disabilities Act Architectural Guidelines (ADAAG).

The current trail goes through a wooded area, with the standard 2 foot width for an easy hiker trail as referenced in FS Trails Management Handbook, FSH 2309.18. The current trail has a couple of short pitches (greater than 15%) with approximately 160 foot gain in elevation from the trailhead to the lake. Current use of the trail is moderate (based on national criteria), however, it is the most popular destination in this Wilderness -- primarily for day use since it is so close to the trailhead.

Issues for consideration: Should the Forest Supervisor approve or deny this request? On what basis? What other alternatives exist?

Recommended action: Deny request to make trail comply with ADAAG standards, however, work with citizens to meet their needs in other ways. ,

Explanation of decision: Complying with ADAAG standards would involve significant modification of the existing trail and surrounding area. Since this trail leads to the most popular destination in the Wilderness, "improvements" likely to lead to an increase of number of visitors may create overuse and resource degradation. Instead, managers could work with the citizens to find a suitable site outside the Wilderness to construct a more accessible trail.

Case Study 6: Accessible trail to a Wilderness lake

Central Issue: Should "improvements" be made to Wilderness to facilitate use by people with disabilities?

Situation: The Willamette National Forest has modified a trail in the Three Systems Wilderness to accommodate wheelchair use. Trail crews did some tread leveling and other "minor improvements" but some obstructions, such as rocks, still remain and must be negotiated. The trail is not recommended for persons using electric wheelchairs. There are some "primitive accessible" camp sites available at Lower Erma Bell Lake, but there is no wheelchair access to the lake.

Prior to consideration as a "wheelchair accessible" trail, this trail had been scheduled for maintenance due to problems with erosion. Originally, this was a horse trail with a minimum width of 32 to 36 inches. The trail had some very steep slopes and seriously eroded cross slopes. The "re-design" of the trail included more water bars for better erosion control.

Issues for consideration: Should "improvements" have been made to this trail? Should this trail have been turned into an "accessible" trail?

Recommended action(s): Work on the trail was necessary to address an erosion problem and existing stock use. In conjunction with these improvements, some primitive levels of accessibility has been implemented. However, the trail should not be considered "wheelchair accessible".

Explanation of decision: The trail needed maintenance to control erosion. During maintenance, it is desirable to improve the potential use of the trail by persons who use wheelchairs, provided the modifications do not compromise the resource. However, labeling a trail as "wheelchair accessible" could be misleading to some people as it is unlikely that the trail meets ADAAG standards. It is probably better simply to state that the trail offers a primitive level of access and, when asked, state the conditions present -- trail width, percent slope, barriers encountered, etc..

Case Study 7: Respirators in the Wilderness

Central Issue: What level of accommodation should be permitted in the NWPS for a person who is dependent on an assistive device for activities of daily living?

Situation: Little Joe's Outfitters, specializing in elk hunts in Shoshone National Forest, requested special approval to better serve a customer with a disability who wanted to hunt elk in the Wilderness. This customer requires the use of a respirator while he sleeps. The request includes:

- Allowing use of the individual's breathing apparatus in the NWPS.
- Allowing use of a gasoline - powered generator in the NWPS to refill the oxygen bottles when depleted.

The Forest Supervisor desires to provide access to an individual with a disability, but she does not want to compromise the wilderness resource.

Issues for consideration: Should the Forest Supervisor approve or deny this request? On what basis? What other alternatives exist?

Recommended action: Approve respirator; seek alternatives for the generator.

Explanation of decision: A respirator is a personal device, prescribed by a physician, that is unlikely to have any effect on the wilderness resource. Operation of a generator, however, could have significant impact on the wilderness experience of others. The individual should be encouraged to explore other options, such as taking extra oxygen bottles that are already filled.

Case Study 8: Group Size in the NWPS

Central Issue: What accommodations, if any, should be made for persons with disabilities in the NWPS?

Situation: Located in Lake Superior, Isle Royale National Park is considering lowering group size in the backcountry wilderness from 10 to 8 persons, to reduce social impacts. One group that sponsors sea kayak trips to Isle Royale has complained that reducing the group size limit would severely restrict its ability to serve persons with disabilities. Currently, this group conducts three kayak trips per year to Isle Royale -- each trip involves persons with disabilities.

In a letter to the Park Superintendent, the group states that, "Many of the people we serve are dependent upon personal care attendants, sign language interpreters, or other assistants. Lowering group size limits will severely restrict our ability to serve these people in anything resembling a 'normalized' context. We do not charge these assistants any fee to participate, but once they start taking up space that could go to full paying customers, you can guess who will be chosen to participate."

The group is requesting that any plan to reduce group size specifically exempt personal care attendants, sign language interpreters, and other assistants from being counted in the total group size number.

Issues for consideration: Can or should exceptions to group size limitations be made to accommodate people with disabilities? Should the special needs of persons with disabilities be considered when establishing group size limitations in the land management plan?

Recommended action: Adopt the group size limit which will best maintain Wilderness resource values. Consider exceptions on a case-by-case basis.

Explanation of decision: Group size limits are based on the managers best knowledge of what best contributes to the preservation of the wilderness resource and wilderness experience for visitors. Yet some people with disabilities do require special assistance to maintain their daily functions such as dressing, toileting, and communicating. Exceptions could be considered, since the frequency of groups that include persons with disabilities is relatively rare, if it is found that the occasional larger party does not have a significant impact.

Case Study 9: Deer Carts in Wilderness

Central Issue: What accommodations, if any, should be made for persons with disabilities in the NWPS?

Situation: A manager of the Anaconda-Pintler Wilderness in SW Montana has had numerous requests to use two - wheeled "deer carts" during hunting season. These requests have been routinely denied since a deer cart is a mechanical transport. The manager recently received a request for a special permit from a local "disabled" hunting club stating that their members should be allowed use of deer carts in the Wilderness according to the ADA. The author of the letter claimed that a deer cart to transport an animal carcass was every bit as essential as a wheelchair for disabled hunters.

Issues for consideration: Should deer carts be allowed for use by persons with disabilities in Wilderness?

Recommended action: Deny request

Explanation of decision: A deer cart does not meet the definition of a wheelchair, nor is it a medically prescribed assistive device.

Case Study 10: Disabled Visitors Guide to the Boundary Waters Canoe Area Wilderness (BWCAW)

Central Issue: Should wilderness management agencies make changes in procedures and visitor use policies to accommodate persons with disabilities?

Situation: In 1984, the Recreation Staff Officer of the Superior National Forest collaborated with Wilderness Inquiry to produce a pamphlet called the *Disabled Visitors Guide to the BWCAW*. The intent of this pamphlet was simply to provide visitors with disabilities a better understanding of which sites in the BWCAW would be more accommodating in terms of accessibility (everyone camping in the BWCAW must stay at one of 2,200 designated sites). There was no effort to modify sites in any way.

Since publication of the pamphlet, the BWCAW wilderness manager has received several inquiries from persons with disabilities about whether they can "reserve" these more accessible sites for use only by persons with disabilities. Currently, there is no reservation system in place for campsites in the BWCAW, however visitors must obtain an entry permit for a designated entry point. Some persons with disabilities are concerned that they will get to an area and the more accessible sites will be taken by someone who does not need them.

Issues for consideration: Should an exception be granted to allow persons with disabilities to reserve certain sites in the BWCAW?

Recommended action: No, do not grant an exception allowing special reservations.

Explanation of decision: Creating a special reservation system would be difficult and expensive. Also, persons with disabilities who wish to visit the Wilderness must be prepared to visit the Wilderness on its own terms.

Case Study 11: Trailhead Barrier in the Sipsey Wilderness

Central Issue: Should current practices to discourage mountain bikes and off-road vehicles at trailheads be changed to facilitate use of Wilderness by people with disabilities?

Situation: The Supervisor of the William B. Bankhead National Forest received a petition from a group called "Access Alabama" to remove a barrier at a popular trail head in the Sipsey Wilderness. Formerly a logging road, the trail is 2 miles in length and leads to beautiful Martha's Lake. Because the terrain in the area is flat, the trail is considered very accessible. This trail had received significant illegal use by off-road vehicles. Since putting in the barrier eight years ago, illegal use had dropped considerably. Recently, however, there has been growing concern about mountain bike use. The existing barrier consists of two, 8 inch pipes spaced about 20 inches apart. Large boulders have been piled on either side of the barrier. In their petition, Access Alabama is asking that the barrier be widened to 36 inches to allow passage by a person using a wheelchair.

Issues for consideration: Should the Forest Supervisor approve or deny the request by Access Alabama?

Recommended action: Approve request with modifications.

Explanation of decision: Minimum ADAAG Standard for door passage for a wheelchair is 32 inches. This will adequately address the request. Widening the barrier by 12 inches will not permit passage of motorized off-road vehicles, and not increase the threat to the wilderness resource.

Resources for More Information

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