

IDITAROD BOARD OF DIRECTORS
SPECIAL BOARD MEETING
September 19, 2003
Millennium Anchorage Hotel

The meeting was called order by President Rick Koch at 9:00 a.m.

Members present: Richard Burmeister, John Handeland (via telephone), Rick Koch, Lee Larsen, Sam Maxwell, Mark Moderow, Mike Owens, Dan Seavey, Rick Swenson.

Member absent: Joe Redington, Sr. The president noted that Redington's absence is excused and he is on the trail.

It was noted that a quorum was present.

Others present: Stan Hooley, Executive Director; Joanne Potts, Race Director/Recording Secretary; Mark Nordman, Race Marshal; Robert Stewart, Legal Counsel; Rachael Scdoris; Dan MacEachen; Gwen Holdman; Ian Rushing, KTVA; Christina Cotterman, KTVA; Mona McAleese, ADA; Al Grillo, AP; Margie Bauman, AP; Doug O'Hara, ADN; Fran Durner, ADN; Wes Peterson, KTUU; Phil Walczak, KTUU; Ed Russell, KMBQ; Jennifer Ertel, CTRS, Challenge Alaska; Mike Zechman, Disability Law Center; Chris Blankenship, Volunteer; Jim Beck, Access Alaska; Beth Bragg, ADN; Steve Kadel, Frontiersman; Jon Little, Cabela's; Christine King, UAA/CHD; Don LaVonne, Alaska Disabled Veterans Sport Program; Kristi Drury, Access Alaska; Taniesh Lue, CHD/UAA; Ken Lawrence, KIMO 13 News; Kelly Donnelly, CHO/UAA; Fran Box, Access Alaska; Will Peterson, Iditarod Rules Committee; Lori Townsend, APRN; Barbara Mayer; Autumn Brenton, KTUU News

Koch noted that this meeting was called to discuss Rachael Scdoris' Request for Special Accommodation to run the Iditarod in 2004. He stated that the agenda shows a public comment period. He said that generally the public comment period is one that anyone who wishes to address the board on a subject other than what is on the agenda has an opportunity to do so. He said that in that this is a special meeting, it is not necessarily appropriate to have a public comment period and whatever comments there are would be germane to this issue and would come under Old Business, number 4. He explained that that doesn't limit being able to talk, it just all happens at the same place, rather than a separate item.

Moderow said that he would like to add an agenda item. He said the notice that was sent out to the directors for the special meeting contains two agenda items, the second of which is consideration of Scdoris' request. The first was the applicability of the Americans with Disabilities Act of the Iditarod Trail Sled Dog Race. He asked to add that as 3(a) to conform to the notice that went out.

Moderow/Burmeister moved to change item 3 to Applicability of Americans with Disabilities Act. Motion passed.

Koch invited Moderow to begin the discussion on this. Moderow explained that he is a new director. He said the previous discussions all centered around either an accommodation requested by or a potential accommodation to Scdoris for the race. He said the one thing that appeared absent in his reading of the subsequent discussions both in the press and on the Iditarod Support Group and publicly discussing the matter was whether or not the ADA applies to the Iditarod at all. He said in his estimation, it's never been debated and never been decided, at least, by this Board.

He explained that before the Board moves on to whether we either have to grant or consider an accommodation, or want to grant an accommodation, we need to know whether we have to or we want to. And so there can't be a completely intelligent debate before the Board, and he said Board members have, in some cases, vastly different reasons why they might have to, or might want to.

Moderow said he thinks it is important that all Board members set the context for that debate. He said to do that we have to decide whether or not the ADA applies. He noted that Koch has consulted with Iditarod's lawyer who is here to give the Board advice. He suggested that we might hear from representatives of Scdoris. But Moderow said the issue should be – do we have to do this? Because he said if we don't have to do it, then we have to make a separate decision—do we want to? So that's why he thinks it is important to have it on the agenda and that's why he brought it forward.

Koch asked the Board if they would like to hear from counsel and his review of ADA and its applicability prior to having some discussion and hearing from folks that are here today to also address the board?

Moderow said he thought it might be valuable for this to be discussed prior to getting advice from our attorney.

Koch asked if there were any individuals present today that would like to give any testimony to the board that we will consider as we try and determine whether the ADA applies to the Iditarod.

Handeland asked for a quick rundown of who is in the room. He said he wanted to know if Iditarod's legal counsel is present. Koch noted that Legal counsel is here. He said the room is probably evenly divided amongst press and interested parties.

Koch invited Mona McAleese to address the Board. McAleese noted that she works for ADA. She said to answer the question as to whether the ADA applies to this issue, she said the first question is to ask whether Scdoris is an eligible person with a disability. Then she said you have to define whether or not she has substantial limited ability to perform essential functions. If she is a person with a disability we have to define whether we are a public accommodation. There are 12 public accommodation pieces, hotels, motels, service organizations or clubs. The Iditarod is not a private club because it takes memberships from anybody who pays their money. She said reasonable accommodation

usually applies to the workplace. She explained that Scdoris is asking for modification of the rules. She suggested that within the 12 items, the ITC would be public. She said all programs and services are supposed to be accessible. She said it would be impractical to make the trail accessible

She explained that programmatic or service modifications could be for deaf or blind and need additional technology or need accommodation of policies and procedures.

Moderow asked if the BLM decided to have a foot race on the Iditarod Trail, to charge an entry fee and award prizes and a section of the trail does not meet accessibility standards, would they have to accommodate wheel chairs. McAleese noted that they would not but she said if the trail was renovated or a new trail put in, it would have to make accommodations.

Moderow asked where Iditarod fits in the 12 things for public accommodation.

McAleese noted that accessibility means more than accommodating wheel chairs. It may mean modification of rules and policies, whether the accommodations requested alter the event, whether it causes an undue burden or whether it is unreasonable.

Koch said he didn't remember seeing anything about modification of policies and procedures. McAleese explained that that is in Title 3.

Swenson asked why the Iditarod Trail Sled Dog Race is a program. McAleese said it was the same as the race in New York. It isn't a place. It's a thing. It's a public accommodation. .

Swenson asked about eligibility requirements. McAleese said there are eligibility requirements.

Swenson asked if a person weren't eligible, would we have to make accommodation. McAleese said that anyone asking for accommodation must be eligible. She said Iditarod's membership makes it a program.

McAleese introduced Jim Beck.

Koch said he understood when she talked about the programmatic and the physical he said he thought he understood it. And he said he thought he understood the program. He said our program is our event.

Beck said he wouldn't get hung up on the concept of the program. The questions was asked whether the race is a public accommodation or not. He said if the Board wants to spend time debating that questions, they have the list of 12 categories in front of them and they will need to decide which one of those the Iditarod falls under. He said it would probably be easier to decide if you would be able to take one of the exceptions, and he

said they are fairly limited. If we are a religious organization we're out and if we're a private club, we're out.

He said he thinks it would be pretty clear. He said he would assume the Iditarod is a public accommodation, He said Iditarod engages in commerce and runs an event that's open to the public. He suggested the Board not get hung up on the trail. He said we're not talking about the trail as a public accommodation, we're talking about the event. It's a race for the ITC, which are pretty closely intertwined, and he said he thinks there are a couple of different categories that the Iditarod falls under as a public accommodation.

Beck suggested that the Iditarod shouldn't get hung up on accessibility. He said he thinks we are a public accommodation. He said we really need to decide if modifying the policy would fundamentally alter the race.

Beck said there are worthwhile discussions for the Iditarod to have, but he suggested that the Board would muddle around in the technical stuff and in the end he said that's not necessarily what this is about. He said the Board needs to decide whether it's going to kick around in the dark and kind of lie in fear and make a decision that's going to undo a lot of the fine work Mr. Hooley has done in years of building this international event and he said Iditarod could find itself in an extremely uncomfortable international spotlight, or he said Iditarod can jump into the light and open up their heart and make a decision out of love and respect for their fellow being, because that's only going to boost the Iditarod's stature as a race as competitors, those who finish in the top ten regularly. It's only going to increase the ability to do that whether you're a public accommodation or not.

Jennifer Ertel asked to give an example. Ertel of Challenge Alaska, which puts on the Sadler's Midnight Sun Ultra Challenge, which is basically the Tour de France for people with disabilities. She noted that people without disabilities do compete in the wheel chair race. These people do have to qualify. She said in going the other way, the reasonable accommodation would be the equipment. She said that if someone does an event like the Boston Marathon and they need an adapted piece of equipment, that's a reasonable accommodation. If someone did an extreme mountain race and used adapted equipment, that would be the accommodation. If they make a request for a teammate, that would be an accommodation.

She noted that three people with spinal chord injuries summited Mt. McKinley and used their own adapted equipment. Their accommodation was their doctor and their adapted equipment.

Swenson asked what if the requested accommodation of equipment is not available.

Ertel noted that there has to be give and take on both sides. She said accommodations can be made for nearly everything.

Moderow asked if a handicapped person had to climb Mt. Everest alone, would it be fundamentally different if someone goes with you.

Moderow noted that we have to know whether we have to make this decision. He said we owe that to our membership.

Koch asked if anyone knew of an event that isn't an individual or team sport but one that involves animals where accommodations are made.

Moderow said he was aware of equestrian events being organized for visually impaired. But he said they're ring events. He said he isn't sure if they compete with sighted people.

Don LaVonne noted that the army makes accommodations. He said, for example, that if one can't do a two-mile run, he would be allowed to walk. He said one has two chances for the PT test. If the military sees that a physical disability will prohibit one event one way, they will allow one to modify it so he or she can do it.

He suggested that the accommodation Scdoris has asked for is not unreasonable, that it is applicable to ADA. He said he hopes she is allowed to meet her high goals and set an example for the younger ones so they'll know that just because they end up with they end up with some sort of restriction on their physical or mental capability, he or she can obtain any goal that is aspired to.

Moderow/Burmeister moved to go into Executive Session to get specific advice from council. Motion passed.

The board came back into regular session to consider the Request for Accommodation from Rachael Scdoris.

Holdman asked if the board had come to any decision during Executive Session. Koch noted that the board had heard from council during the Executive Session but had come to no conclusions. He pointed out that no votes can be taken in Executive Session.

Mark Moderow asked what specifically the request from Scdoris is. He said he wanted to make sure that we're still talking about the original request.

Dan MacEachen stated that she is requesting two snow machines and three two-way radios for communication between herself and the snow machines. He thanked the Board of Directors for having this special meeting and said he realized that the Board is in a difficult position. He explained that he is a professional musher, has been mushing 35 years, run seven Iditarods and had been a friend of the Scdoris' for seven years. He said that Rachael can do this, that she is an accomplished musher. He stated that in Wyoming, he was her visual interpreter. She didn't have any more problems than anyone else. He explained that she has 20-200 vision. She is near sighted, farsighted and colorblind. He explained if you take a pair of sunglasses and smear Vaseline on them, that's pretty much what she is looking through. He said he believes that the proposal is reasonable. He said it is cost effective for them. She is quite capable and she hopes to continue as a

professional musher the rest of her life. He said he is confident of its being safe for her, her dogs, the other competitors and will keep the integrity of the race together.

Rachael Scdoris thanked the Board for taking this time to consider her request for accommodation. She explained that she had grown up around sled dogs and has thousands of miles on the back of a sled. She said she is a professional sled dog racer. She said Iditarod has always been her goal. It is the pinnacle of sled dog racing. She explained that she is requesting that the blessing of Iditarod to allow her to qualify using snow machines and if she is successful, she requests that she be allowed to run the Iditarod.

She said she has been in communication with the Sweeney 300 and the UP 200 and they have both agreed to allow her to run with this accommodation.

Swenson asked if she had ever run dogs over an unfamiliar trail without snow machines or someone riding in the back with you. Scdoris noted that she has always had someone with her. She said it wouldn't be safe otherwise.

Koch noted that there are times when a split second decision needs to be made to render assistance to a dog. He agreed that her plan provides as much protection as possible. He said his main concern is dog safety and asked Scdoris if she believes that the risk of injury to dogs in her team is comparable to that in others' teams.

Scdoris noted that there is a huge level of risk. She said she can see the team but it is one-dimensional. She explained that the Visual Interpreters tell her if an obstacle is coming. They will tell her to stop and take care of her team. She said she can feel it if a dog goes down. She said she always stops and checks if she feels a problem.

Moderow asked Scdoris what races she has completed and what types of accommodations have been provided. She said she has completed the Wyoming Race and the AttaBoy twice. She's been in a handful of local races, using a double sled once in the 12-dog class and it worked. She said it added so much weight for the dogs to pull. She said that really doesn't work. She said that usually she has a person on a snow machine. They are just there to tell her what is coming up. She said they do not give her advice. She explained that they have requested two machines in case one of them breaks down.

Scdoris said she generally runs a 10-dog team and plans to start the Iditarod with a 12-dog team. She said she has done night runs. She says it's easier at night because she doesn't have to deal with the glare of the sun.

Moderow asked MacEachen if he would run in front with a headlamp or would he run with the light of the snow machine. MacEachen explained he'd be running with the light of the snow machine most of the time but would have a headlamp available.

Rick Swenson suggested that if she has a snow machine with a powerful headlight, MacEachen's ability to see down the trail would be much greater than other mushers with

their headlamps. Swenson suggested that even though she is blind she still has the ability for much forewarning because you're in front of her.

MacEachen pointed out that he would wait and tell her when her lead dogs were right there. He said it wouldn't do any good to tell her half a mile away.

Koch asked if MacEachen is ahead and he comes to a steep drop or some other obstacle, will you wait there until Rachael gets to the point that a sighted person would see it. Would your snow machine illuminate the hazard where another musher wouldn't have the snow machine?

Scdoris noted that her depth perception doesn't get any better with light.

Owens asked what is the purpose of the radios? If MacEachen is going to tell her when she is approaching a hazard, what would be the purpose of the radios.

MacEachen stated that he would be on the radio to tell her, for example, that she had a hard turn to the left.

Burmeister noted that on the coast there is often no distinct trail and said the sometimes people can't find the trail. He asked what MacEachen would do in that case.

MacEachen noted that if he gets lost, it doesn't help Rachael.

Swenson asked them to be more specific about the radios, the type and quality and how they are operated. He said he knows from personal experience that not all radios are going to work that good in some of these situations where you're going down through the Dalzell Gorge for example, places where you have limited signals. He asked about the reliability of the radios, if they are going to be headsets, voice activated, etc.

MacEachen explained that Scdoris will leave the radio on in her pocket. He said he would tell her if a hazard is coming. She will not ask anything. He said he would have to be in sight to use them.

Swenson asked about the glare ice in Unalakleet. He said it is difficult for normal competitors. They don't have the aid of a snow machine in front of their dogs. He said by the time they are 800 miles into the race, the dogs will be pretty well trained to following the snow machine. He asked if that wouldn't be an alteration of the event for one team to always have that snow machine out there for their dogs. MacEachen commented that he does not pace her. Swenson said in Unalakleet if he got more than 150 feet in front of her, he would be of no use. He wouldn't have an option not to pace her there.

Seavey asked Scdoris what she sees with her headlight on at night. She explained that she can always see where they are. She said she can't see the detail. She said she always knows where they are and if there are problems or if she thinks there are problems, she said she'd stop and check them.

Seavey asked if she could run a short team without accommodation. She said she didn't think that would be possible. She said what she really needs help with is knowing where obstacles in the trail are.

Seavey asked if in Wyoming they do reflective markers like we use. Scdoris said she didn't know.

Seavey asked if the snow machines will have motion cameras on them, if there would be any motion pictures taken. Scdoris said she didn't think so, that that wasn't in the plan.

Burmeister noted that if her VI was ahead of her and if all of a sudden a moose was in the middle of her team, he asked how she would protect her dogs. Scdoris said the VI would be staying close in an area where she had to worry about that and would be on the lookout. She said that is why she would have a radio.

Moderow asked Scdoris if she had run any continuous races. She said she hasn't yet but that will change when she runs her qualifiers and hopefully some other continuous races in Alaska.

Moderow noted that it's the musher's decision when to camp, when a storm is too big to go on, when the storm is impassable and asked her to describe the types of things she feels the VI should tell her when she is making these types of decisions. Scdoris said they won't participate in the decisions.

Moderow asked her if she'd be running her own dogs. She said she probably will borrow dogs from other mushers but she intends to run her own dogs.

Moderow asked her if she would describe her ability to see gaits. She explained that in good lighting she can see, in absolutely perfect lighting. In bad lighting she said she can only see the wheel dogs. She explained that what she does is take a dog off and walk it for a hundred yards if she suspects something is wrong.

Moderow asked her if she could see a change in gait. MacEachen stated that that is what he would do.

Moderow asked if MacEachen I he would tell Scdoris to go around overflow or would he tell her to go through it. MacEachen said he'd tell her she as coming up on overflow and she could decide what she'd do.

Moderow asked if MacEachen got lost, would he make her get lost with him, Or would he tell her to stay put until he finds the trail. MacEachen said that if he knows he is lost, he'd probably radio back to Scdoris that he is lost.

Seavey asked if Scdoris uses any equipment variations. Scdoris said she uses totally standard equipment.

Burmeister asked if going down Dalzell Gorge and there is three feet of overflow and a dog can go through it and a machine can't, what would MacEachen do. MacEachen said he guessed he'd have to find a way around it.

Larsen asked what Gwen Holdman's role would be as a VI? Holdman said she has her own racing schedule this winter and MacEachen would help her in the preliminary races and on the Iditarod. She said she'd be there to haul gear for MacEachen and herself.

Burmeister asked if Scdoris were going to stop and rest, would both snow machines stop too or would she be on her own. MacEachen said that he would make sure she was totally off the trail and then he'd go on down the trail.

Nordman asked who the VI would be in Scdoris' preliminary races? MacEachen said he would be there with her.

Nordman asked how many machines would they want to use in the preliminary races. MacEachen explained that they are not that far into the plan yet.

Scdoris said they had made contact with other qualifiers. She said the Copper Basin said she could take another person in her sled.

Moderow asked who would be responsible for fuel and parts for the snow machines. MacEachen said they would take that responsibility.

Koch said that one thing that has been discussed a lot has to do with musher's being alone on the trail. He said that some feel that it is a fundamental component of the race. He said that the argument is that if she has VIs there, then that is removed from your race and other competitors have to deal with being alone. Scdoris said that she thought the basic fundamental of the race is dog care and speed – not who can see the best. She said a lot of teams travel together.

MacEachen noted that it is a matter of choice for other mushers as to whether they want to travel alone or with others. Scdoris will not have that choice.

Holdman said she was surprised at how many snow machines are associated with different sleds out there. She said Scdoris won't be the only one with a friend out there.

Swenson asked what sort of mileage plan they had worked out. He asked if they can do 50 – 60 miles a day. Scdoris said she felt she could do that but she may not get as much sleep as she'd like. MacEachen said they were looking at a 13-½ day race.

Swenson asked if they think there are already so many snow machines out there that it won't matter if they have two more. Holdman said she thinks there could be a competitive advantage for teams that have snow machines out there. Swenson pointed out that every year we make attempts and we changed the rules this last year to allow for

penalties. Holdman commented that this is an ongoing problem and for Scdoris to have maybe a small bit of advantage wouldn't be different than many other teams out there.

Swenson said he was afraid their presence would negatively affect Scdoris. He said when three snow machines passed him on the river, it really slowed him down.

Swenson said his last issue was getting lost. He said he felt MacEachen was downplaying that. He said in all the years he's been racing sled dogs, he said he finished more races where someone getting lost affected the outcome than probably any other aspect of the race. So he said he didn't know how he could say if he gets lost and tells Scdoris to stay there that it wouldn't affect the competition. MacEachen said if he knows he's lost he has to tell Scdoris for her own safety. He said if he didn't know he was lost, he would be saying anything.

Swenson asked if he got lost and told Scdoris he was lost would he feel that he should tell the race official in the next checkpoint that he had been lost but I managed to get Scdoris back on the trail or would you feel you had wasted enough time already that you would feel you wouldn't want to take a penalty. MacEachen said he would tell the race officials.

Holdman said that if she or Dan helped Scdoris in a way that wasn't intended, we would definitely tell the race marshal.

Moderow noted that Scdoris had said the essentials are dog care and speed. He said that is fine for a stage race. But there is a lot of decision-making and wilderness risk assessment in a distance race. Everyone else is going to make those decisions by themselves. Scdoris will not be doing that. Moderow said that is fundamentally different than for other mushers. He said a handicapped climber is not telling the world that he did it alone. He asked if Scdoris feels support from the snow machines?

Scdoris said she doesn't lean on their support. She said she wants to do it herself and she said she knows the decision-making is a big part of it.

MacEachen said that when he ran the Iditarod, he asked others, vets etc. what was going on on the trail with other teams.

Moderow said that an essential element is wilderness decision making. It's intensely different than climbing mountains with others. He said we are looking at accommodations that will take that element out of her race.

Holdman said it is sad that Scdoris can't have that. She also pointed out that some mushers travel by themselves and others have entourages. How alone are they, she asked.

MacEachen asked Scdoris if she would give up the help from snow machines for eyesight and she said absolutely.

Moderow asked if she were running to compete or racing for the experience. Scdoris said that the first time it will be just to finish. After that she will want to be competitive.

Nordman commented that we're trying to address the issue of entourages in the rules. He said that even if you have someone out there on the trail you are still traveling alone.

Owens said he struggles with the role of the VI on the trail. He said in the case of a lead dog going off the trail, the VI won't help if she is two miles behind. He said there is no way around the position of pacing, which is a distinct violation of the rules.

Holdman said the VIs would not be two miles ahead at all times. She said they have no intention to pace. It might happen because of how close the obstacles are.

Scdoris said she wants to spend as much time in Alaska as she can but time and money and the Board's decision might have something to do with that. Holdman said they have invited her to spend time at their kennel this winter.

Moderow said Scdoris has successfully run stage races with accommodations. But she has not attempted a continuous race. He asked if she felt it fair for the Board to make a decision about something that has never been done. He asked about waiting to see how she does in her qualifiers.

MacEachen said he thinks the Board would need to say that if she is successful in her preliminary races, she will be accepted in the Iditarod.

Holdman pointed out that there are the rules and there is the Iditarod spirit. She said if someone had told Joe Sr. that "this has never been done"She said it's all about overcoming adversity. Scdoris' is trying to overcome her hurdles. It's the spirit of what the Iditarod is all about. She said Iditarod was founded on being an inclusionary event.

Swenson stated that he was offended, that this is not an exclusionary group. He said that every year there are more and more people on the trail with less and less knowledge. He said one of the Board's duties is to protect the dogs. He suggested that maybe Scdoris would want to wait a couple of years and get more experience and show us that her plan will work.

MacEachen said if she doesn't complete her qualifiers then the Iditarod is off the hook. If she does, then she should be able to go.

Swenson asked if this doesn't work, will they ask for more accommodations. MacEachen said they would not.

Moderow pointed out that it isn't always true that if one completes their qualifiers, they can run the Iditarod. Nordman explained that there has been an instance where a person completed a qualifier but the race didn't sign him off to run the Iditarod.

Koch noted that there has been discussion of a drag sled, then a single machine and then two machines. He asked if she had considered going with two dog teams. Scdoris said she'd love to do that. She said it's expensive to put two teams out there.

Koch asked if it is a simple matter of economics that keeps her from using a dog team or is there technically a reason a snow machine would be better. Scdoris noted that she'd have to have 26 identical dogs.

Holdman noted that it's hard enough to get down Dalzell with a team without having to tell Scdoris what to do. She said it would also be easier to watch her dogs with a snow machine.

Burmeister commented that there are places where a snow machine would have to go all the way to the bottom of a place in front of the sled or chain the snow machine to the team.

Jim said he was impressed with the questions that had been discussed. He stated that we're at the pinnacle of about 30 years of disability rights. He said he has done a lot of dog mushing and made a lot of stupid decisions but he has never hurt a dog. He said the VIs would be her eyeballs but for Scdoris they may be more of a pain in the neck. He said a lot will fall to the ethics of the VIs. He said probably 70% of the questions should go to every individual. If the Board puts restrictions on Scdoris that won't be on others, he said the Board could be in legal hot water. He said she deserves a chance to do this. He said it's a bummer to have to explain why we just want to be normal people. He commended the Board for thinking about this issue and not pushing it aside.

Burmeister/Moderow moved to go into Executive Session. Motion passed.

The Board came out of Executive Session.

Seavey/Larsen moved that the Board accept the race plan of Scdoris as amended June of 2003.

Swenson offered a friendly amendment that provides for modifying rule #36 on two way radios and substituting a qualified musher and dog team for the two snow machines and VIs and that the entry fee for the VI dog team be waived. Qualifiers run under these conditions will count.

The amendment was accepted by Seavey and Larsen.

Motion as amended, passed unanimously.

Handeland/Burmeister moved to adjourn. Motion passed.

Meeting adjourned at 2:35 p.m.