

“GREEN SHEET”

Meeting: December 2-3, 2011, Commission Meeting in Olympia

Agenda Item #5: Advisory Committee for Persons with Disabilities – Briefing

Staff Contact: Dolores Noyes - WDFW
ADA Access Program Manager

Presenter: Bill Vincent, Chair, Commission’s Advisory Committee for Persons with Disabilities

Background:

In 2001, the Legislature passed Engrossed Substitute House Bill 1655 directing the Fish and Wildlife Commission to appoint seven volunteers with disabilities to serve on an advisory committee as a pilot program. Following the 2004 Commission recommendation that the committees be continued, the Legislature extended the program and made it permanent in 2009. The Commission has provided regular reports to the Legislature, which is required at least once every four years. Reports have been completed twice (December 2004 and 2007), and the next report is due on December 1, 2011.

The Advisory Committee for Persons with Disabilities generally represents the interests of disabled hunters and fishers on matters such as special hunts, modified sporting equipment, access to public lands, and hunting and fishing opportunities for persons with disabilities.

The Advisory Committee works closely with the Washington Department of Fish and Wildlife’s ADA Access Committee, which is chaired by Dolores Noyes; the Department’s ADA Access Program Manager and consists of one representative from each program and region with alternates assigned by the lead committee member. Also included on the ADA Access Committee are members from the Recreation and Conservation Office, the Department of Natural Resources, and the Parks and Recreation Commission.

The Advisory Committee differs in composition from the Department’s ADA Access Committee, because the Advisory Committee is comprised of constituents from each region who have disabilities. Working closely with the Department’s ADA Access Committee, the Advisory Committee has presented items of interest to the Fish and Wildlife Commission that eventually led to rule-making decisions beneficial to the state’s disabled hunting and fishing communities.

Policy issue(s) you are bringing to the Commission for consideration:

Committee statute: RCW 77.04.150, Disabled hunters and fishers – Commission’s Advisory Committee – Composition – Terms – Pilot project – Report to the legislature.

RCW 77.04.150

Hunters and fishers with disabilities — Advisory committee — Composition — Terms — Pilot project — Report to the legislature.

(1) The commission must appoint an advisory committee to generally represent the interests of hunters and fishers with disabilities on matters including, but not limited to, special hunts, modified sporting equipment, access to public land, and hunting and fishing opportunities. The advisory committee is composed of seven members, each being an individual with a disability. The advisory committee members must represent the entire state. The members must be appointed so that each of the six department administrative regions, as they existed on January 1, 2007, are represented with one resident on the advisory committee. One additional member must be appointed at large. The chair of the advisory committee must be a member of the advisory committee and shall be selected by the members of the advisory committee.

(2) For the purposes of this section, an individual with a disability includes but is not limited to:

(a) An individual with a permanent disability who is not ambulatory over natural terrain without a prosthesis or assistive device;

(b) An individual with a permanent disability who is unable to walk without the use of assistance from a brace, cane, crutch, wheelchair, scooter, walker, or other assistive device;

(c) An individual who has a cardiac condition to the extent that the individual's functional limitations are severe;

(d) An individual who is restricted by lung disease to the extent that the individual's functional limitations are severe;

(e) An individual who is totally blind or visually impaired; or

(f) An individual with a permanent disability with upper or lower extremity impairments who does not have the use of one or both upper or lower extremities.

(3) The members of the advisory committee are appointed for a four-year term. If a vacancy occurs on the advisory committee prior to the expiration of a term, the commission must appoint a replacement within sixty days to complete the term.

(4) The advisory committee must meet at least semiannually, and may meet at other times as requested by a majority of the advisory committee members for any express purpose that directly relates to the duties set forth in subsection (1) of this section. A majority of members currently serving on the advisory committee constitutes a quorum. The department must provide staff support for all official advisory committee meetings.

(5) Each member of the advisory committee shall serve without compensation but may be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060.

(6) The members of the advisory committee, or individuals acting on their behalf, are immune from civil liability for official acts performed in the course of their duties.

(7) Beginning December 1, 2011, and again at least once every four years, the commission shall present a report to the appropriate legislative committees detailing the effectiveness of the advisory committee including, but not limited to, the participation levels, general interest, quality of advice, and recommendations as to the advisory committee's continuance or modification.

[2008 c 294 § 1; 2005 c 149 § 1; 2001 c 312 § 1.]



Washington
Department of
**FISH and
WILDLIFE**

**THE COMMISSIONS
ADVISORY COMMITTEE FOR PERSONS WITH
DISABILITIES
REPORT TO THE WASHINGTON STATE LEGISLATURE**

December 2011 □ Pursuant to RCW 77.04.150

Fish and Wildlife Commission

Miranda Wecker, Chair
Gary Douvia, Vice Chair
Conrad Mahnken
Rolland Schmitten
David Jennings
Chuck Perry
Bradley Smith

*ADVISORY COMMITTEE TO THE FISH AND WILDLIFE COMMISSION
FOR PERSONS WITH DISABILITIES*

MISSION STATEMENT

The Advisory Committee will provide accurate and meaningful information to the Washington State Fish and Wildlife Commission regarding the needs of persons with disabilities as they seek to enjoy equal opportunity to access all the programs provided by the Department of Fish and Wildlife.

Current Membership for this Advisory Committee

Jerry E. Woods
Region 1

Albert W. "Bill" Vincent, Jr., Chair
Region 4

Thomas Baskin
Region 2

Robert M. Vavla
Region 5

Region 3 – Vacant

Burt Dezihan, Vice Chair
Region 6

Michael I. Quimby
At-large

Department Staff Support: Dolores Noyes, ADA Program Manager

Commission Staff Support: Tami Lininger, Executive Assistant

Executive Summary

The 2001 Legislature, through the passage of Engrossed Substitute House Bill 1655, directed the Fish and Wildlife Commission to appoint seven volunteers with disabilities to serve on an advisory committee as a pilot program expiring on July 1, 2005. This committee was continued based on recommendations from the Commission.

Members of the Fish and Wildlife Advisory Committee for Persons with Disabilities were selected from a small pool of candidates in November 2002. Since that time the Advisory Committee has conducted fifteen meetings, six conference calls, and presented nine annual reports to the Fish and Wildlife Commission. Seven members have been replaced for various reasons but mainly due to health issues which caused their inability to fulfill obligations to this committee.

The Advisory Committee represents the interests of disabled hunters, fishers, and wildlife viewers on matters such as special hunts, modified sporting equipment, access to public land, and hunting and fishing opportunities for persons with disabilities per RCW 77.08.010. Pursuant to RCW 77.04.150, the Fish and Wildlife Commission was directed to submit a report to the appropriate legislative committees detailing the effectiveness of the Committee, including information on participation levels, general interest, quality of advice, and recommendations for the Advisory Committee's continuance or modification.

The Fish and Wildlife Advisory Committee for Persons with Disabilities works closely with the Washington Department of Fish and Wildlife's ADA Access Committee, which is chaired by Dolores Noyes, WDFW ADA Program Manager. The Department's ADA Committee consists of one representative from each program and region with alternates assigned by the lead committee member. Also serving are members from the Interagency Committee on Outdoor Recreation, Parks Department and the Department of Natural Resources. The Chairperson from The Fish and Wildlife Advisory Committee also participates in meetings and activities of the Department's ADA committee.

The Advisory Committee for Persons with Disabilities differs in composition from the Department's ADA committee in that members are state employees from natural resource agencies, while the Advisory Committee for Persons with Disabilities is comprised of constituents with disabilities from each region, plus one at-large member and none are Department employees. Working closely with the Department's ADA Committee, the Advisory Committee for Persons with Disabilities has presented items of interest to the Fish and Wildlife Commission, which led to rule making decisions that benefited the community of hunters, fishers, and wildlife viewers with disabilities.

The Fish and Wildlife Advisory Committee for Persons with Disabilities reviewed the Goals and Objectives and noted that the recommended Objectives as stated in that plan could not be fulfilled due to the restrictions placed on travel.

Committee Recommendations to the Commission from 2002 -- 2010

Since the establishment of the Fish and Wildlife Advisory Committee for Persons with Disabilities, many changes have been accomplished through committee involvement with different programs within the Department of Fish and Wildlife (DFW). The recommendations listed below are some major accomplishments on the part of many individuals within DFW.

Accomplished Recommendations:

- Working with the Department's ADA Committee members and staff, the Advisory Committee proposed amendments to WAC 232-12-828, Hunting of Game Birds and Animals by Persons with Disabilities, and supported Fish and Wildlife Commission rule action amending the following:
 - Definition of "accompany"
 - Definition of "hunter companion"
 - Definition of "tagging requirements"
 - Expand definition of "person with a disability"
 - Definition of "special use permit"
- Supported the adoption of additional deer, elk and moose permits for persons with disabilities.
- Provided needed criteria for persons with disabilities to access lands and harvest big game animals.
- Supported the adoption of a crossbow special use permit for persons with disabilities who are unable to use the adaptive archery equipment special use permit.
- Supported changes to Hunter Education programs as related to persons with disabilities regarding reasonable accommodation requirements.
- Developed criteria utilized by the ADA Program Manager regarding special use permits not specifically provided for under the WAC (232-12-828).
- Recommended changes to fishing rules regarding electric motors on lakes and rivers.
- Recommended changes for the use of telescopic sights on muzzleloaders and crossbows, ie: sight impairment issues. (WAC 323-12-828)
- Developed Goals and Objective that became part of the overall ADA program.
- Provided onsite evaluations of DFW sites within members region regarding access parking, boat launch facilities and made recommendations for upgrades.
- Recommended upgrading fishing access points on the Lewis and Cowlitz Rivers.
- Provided support for three US Fish and Wildlife Audits on DFW performance regarding ADA.
- Developed criteria for the use of motorized vehicles on lands managed by Parks, Department of Natural Resources and DFW that meets US Fish and Wildlife standards. The goal is to develop a State wide uniform process for use by Persons with Disabilities.

New Recommendations:

- The Department of Fish and Wildlife has received grant money from the Federal Government for access to private lands. This Advisory Committee requests copies of the criteria to be used in evaluating access onto private lands for persons with disabilities. In addition the Advisory Committee requests to be part of the process evaluating these properties and setting criteria.

- The Fish and Wildlife Advisory Committee for Persons with Disabilities recommends committee participation in the Departments tag permitting process establishing permit levels for deer, elk, and moose to meet the requirements of section 504 of the Rehabilitation Act of 1973. This will ensure a sufficient number of permits provide reasonable accommodations to Disabled Hunters who meet the State's requirements in WAC 232-12-828. The committee recommends Persons with Disabilities not be recognized as a "User Group" and therefore not compete with other user groups for permits.
- The Fish and Wildlife Advisory Committee for Persons with Disabilities recommends changes to the Discover Pass to allow persons with a disability to receive access on State lands at no cost and/or at a reduce fee. In addition, this committee requests each member to receive the Discover Pass to access State lands for the purpose of Committee work. This volunteer group has donated a total of 12,525 volunteer hours since 2002.

Participation Levels of the Advisory Committee Membership

Since 2002 the Advisory Committee submitted travel reimbursement totaling \$36,315. The number of volunteer hours during this period is about 12,525 hours. The average number of hours donated per year is about 1,400 hours. The total cost per year for this committee is about \$4,000 for seven members.

Statistical Data

NOTE: Since 2001 there have been three different computer programs, therefore, data collected for past reports may be different than the data presented in the report. The Committee was advised that due to cost reductions, program data collection would be limited to specific searches. This data presented illustrates the major changes from 2001 through 2010 in the number of Disabled Hunters and Fishers.

DATA for 2001 through 2010

2001 Licenses purchased by Disabled Hunter - 2924	& Disabled Fisher	No Data
2008 Licenses purchased by Disabled Hunter - 5468	Fisher	12469
2009 Licenses purchased by Disabled Hunter - 5972	Fisher	14355
2010 Licenses purchased by Disabled Hunter - 6256	Fisher	13629

Hunting Licenses Breakdown: 2001 Data

Persons with Disabilities purchased 2924 big game licenses and 800 small game licenses.

Persons with Disabilities purchased Deer Tags Modern:	2507
Persons with Disabilities purchased Deer Tags Muzzleloader:	127
Persons with Disabilities purchased Deer Tags Archery:	112
Persons with Disabilities purchased Elk Tags Modern:	1594
Persons with Disabilities purchased Elk Tags Muzzleloader:	219
Persons with Disabilities purchased Elk Tags Archery:	91

Hunting Licenses Breakdown: 2008 Data

Persons with Disabilities purchased 5468 big game licenses and 1735 small game licenses.

Persons with Disabilities purchased Deer Tags Modern:	4640
Persons with Disabilities purchased Deer Tags Muzzleloader:	333
Persons with Disabilities purchased Deer Tags Archery:	495
Persons with Disabilities purchased Elk Tags Modern:	3042
Persons with Disabilities purchased Elk Tags Muzzleloader:	490
Persons with Disabilities purchased Elk Tags Archery:	473

Hunting Licenses Breakdown: 2009 Data

Persons with Disabilities purchased 4978 big game licenses and 1875 small game licenses.

Persons with Disabilities purchased Deer Tags Modern:	4978
Persons with Disabilities purchased Deer Tags Muzzleloader:	397
Persons with Disabilities purchased Deer Tags Archery:	597
Persons with Disabilities purchased Elk Tags Modern:	3291
Persons with Disabilities purchased Elk Tags Muzzleloader:	568
Persons with Disabilities purchased Elk Tags Archery:	

Hunting Licenses Breakdown: 2010 Data

Persons with Disabilities purchased 6256 big game licenses and 1875 small game licenses.

Persons with Disabilities purchased Deer Tags Modern:	5183
Persons with Disabilities purchased Deer Tags Muzzleloader:	412
Persons with Disabilities purchased Deer Tags Archery:	661
Persons with Disabilities purchased Elk Tags Modern firearm:	3523
Persons with Disabilities purchased Elk Tags Muzzleloader:	563
Persons with Disabilities purchased Elk Tags Archery:	601

In 2002 there were approximately 5000 disabled hunting placards issued by DFW to hunters with a qualifying disability under WAC 232-12-828. Today that number has increased to 11,506 disabled placards. Companion cards are used to validate the number of fishers which has risen to about 13,000 to 14,000 per year. With this additional Harvester Card data the number of fishers can be tracked which has not been collected in the past

Final Summary:

The data presented was provided by DFW Wildlife and Licensing Programs. Without that support there would be no way of establishing the need for this Advisory Committee. The data illustrates the need for this committee to make recommendations regarding access, reasonable accommodations, and permit availability for persons with disabilities. Members of the committee have continued to review hunting and fishing areas throughout the State of Washington without the benefit of reimbursement because of their commitment to meet the needs of the disabled in Washington State.

Goals and Objectives:

Goals:

- Provide advice to the Fish and Wildlife Commission regarding ADA issues brought forth by the Department, Constituents, and/or Commission members.
- Provide advice to Department Staff regarding ADA issues in the Regions.
- Provide advice to the ADA Access Committee regarding on-going ADA issues.

Objectives:

- Proactively work with DFW on the ADA Advisory Committee's Management Plan.
- Develop a working relationship with the Regional Biologists and Land Managers in each Region in order to achieve access to Fish and Wildlife lands for persons with disabilities to hunt, fish, and view wildlife.
- Serve as a Liaison between WDFW ADA Access Committee and the Commission.

The Goals and Objectives have been suspended due to funding issues.

