

Hunters with Disabilities

Special Use Permits

WACs, 232-12-047, 232-12-051,
232-12-054, 232-12-819, 232-12-825,
and 232-12-828

Briefing

Hunters with Disabilities

Purpose of Changes

- Address a petition to the Commission to modify rules for hunters with disabilities and their ability to use crossbows equipped with scopes during archery seasons
- Delegate to the Department the authority to condition equipment modifications through Special Use Permits

Hunters with Disabilities

Overview

- Legal ramifications regarding opportunities for hunters with disabilities
 - Federal Americans with Disabilities Act
 - Federal Rehabilitation Act
 - Statutes that encourage the Department to provide enhanced opportunities to hunters with disabilities

Hunters with Disabilities Overview

- Federal ADA and the Rehabilitation Act
- Dana Perez with the USFWS
 - Overview and Intent of Federal Laws
 - Process for addressing complaints
 - WDFW history and perspective with hunters with disabilities
- State Law Regarding Hunters with Disabilities

Hunters with Disabilities

Federal Overview

- ADA and the Rehabilitation Act
 - Intent
 - Requirements
- Process for addressing complaints
- Washington's Score Card

Access for Individuals with Disabilities To Programs of State and Local Entities

Assurances

Each recipient of a grant from WSFR, as a condition for receiving that grant, has to sign an assurance that it will not discriminate against public participants in their programs and activities—that means nondiscrimination on the basis of race, color, national origin, age, disability, and sex (in education programs).

Assurances (cont.)

All sub-grantees and subcontractors of the agency must sign an assurance that they will abide by the covered Federal civil rights laws. The laws are to be listed in the assurance, and reflect the same assurances that the agency signs with FWS. This assures accountability at all levels of program operations.

Basic Authorities

- Rehabilitation Act of 1973, as amended
- Civil Rights Act of 1964
- Architectural Barriers Act of 1968
- Title XI of the Education Amendments of 1972
- Civil Rights Restoration Act of 1987
- Americans with Disabilities Act of 1990 (Title II: State and Local Entities)
- Nondiscrimination on the Basis of Disability in State and Local Government Services (28 CFR Part 42)
- Nondiscrimination; Equal Employment Opportunity - DOJ Regulations (28 CFR Part 42)

Basic Authorities (cont.)

- Leadership and Coordination of Nondiscrimination Laws (E.O. 12250)
- Nondiscrimination in Federally Assisted Programs of DOI; and Nondiscrimination on the Basis of Sex in Education Programs; DOI Regulations (43 CFR Part 17, Subparts A, B, C and E, and Part 41)
- Environmental Justice (E.O. 12898)
- Limited English Proficiency (E.O. 13166)
- Nondiscrimination Contracts, Permits, and Use of Facilities (50 CFR Part 3, Section 3.1)

All programs, activities, services and facilities of a recipient are covered – not just those receiving the direct federal funding.

Basic Authorities Required (with exceptions)

- Integrated programs access in both Structural (architectural) and
- Non-Structural (policies and effective communication)

Exceptions

All programs and activities must be accessible to persons with disabilities.

- Undue burden
- Fundamentally alters the nature of the program
- Viewing program in its entirety

Accessible Recreation

- A current lack of scoping requirements for certain recreation programs and facilities leave room for interpretation by Federal agency with jurisdiction (i.e. hunting and fishing programs, boat slips, trails, campsites, beach access, boat launches, fishing areas, etc.)

Reasonable Modification Consideration

- Non-Structural
 - Policies and procedures to obtain services
 - Hunting and fishing equipment
 - Interpreters and readers
 - Large print materials
 - Personal services for child care programs
 - Assistive devices (i.e. TTY's, Audio tapes, Captioning, Braille Signage)
 - Staff Training
 - Chemical Sensitivity
 - Service animals

Accessibility vs. Conservation

- Wilderness areas/closed
- Equivalent facilitation (equal experience at alternative location)
- Permit to hunt from a stationary vehicle
- Off-road vehicle (limited use)
- Accessible hunting blinds, fishing piers, boat ramps
- Case-by-case: recreational access is evolving
- Use of spin casting rods and reels vs. traditional fly fishing rods and reels

Public Civil Rights Complaint Process

- Who can file a civil rights complaint
- Are there time limits for filing complaints
- Where should I send my complaint
- What happens after I file a complaint
- Am I protected from retaliation if I file a civil rights complaint

WDFW Accomplishments

- Archery hunting program rules allow for use of crossbows for persons with disabilities
- Special use Permits to hunt from motor vehicles
- Accessible hunting blinds
- Hunter companion card allow companion to shoot game for persons who are blind
- Manage the Becoming an Outdoor Woman Program
- Annual Kids Fishing days include wheelchair accessible waters at hatcheries (i.e. Merwin FH)
- Develop with Stakeholders Tribal/Non Tribal school curriculum

WDFW Accomplishments (cont.)

- Special use permit for fly fishing only waters
- Target schools with minorities
- Hunter Education manuals and tests provided (LEP – Spanish, Vietnamese)
- Construction of accessible fishing platforms (i.e. Blue Creek/Cowlitz Trout Hatchery)
- Creation of Disability Regional Advisory
- Developed Accessible Recreation Guide
- Special access to designated road by persons with disabilities

Hunters with Disabilities

State Overview

- Summary of statutes and rules
- Demographics of Washington hunters
- Opportunities for hunters with disabilities
- Game management plan priorities
 - Hunter recruitment and retention
- What's next?

Hunters with Disabilities Statutes

RCW 77.04.012

Mandate of department and commission.

- The commission, director, and the department shall preserve, protect, perpetuate, and manage the wildlife...
- The commission shall attempt to maximize the public recreational ...hunting opportunities of all citizens, including juvenile, disabled, and senior citizens.

Hunters with Disabilities Statutes

RCW 77.04.150

Hunters and fishers with disabilities — Advisory committee...

- 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...

Hunters with Disabilities Statutes

RCW 77.32.237

Disabled hunter permits for persons with a disability.

- The commission shall attempt to enhance the hunting opportunities for persons with a disability
- ...to issue disabled hunter permits to persons with a disability.
- ...shall adopt rules governing the conduct of persons with a disability who hunt and their designated licensed hunter.

Hunters with Disabilities Statutes

RCW 77.32.238

Adoption of rules defining a person with a disability —
Shooting from a motor vehicle — Assistance from
licensed hunter.

- The commission shall adopt rules defining who is a person with a disability and governing the conduct of persons with a disability who hunt and their designated licensed hunters...

Hunters with Disabilities Statutes

RCW 77.32.480

Reduced rate licenses.

- ...all hunting licenses shall be issued at the reduced rate of a youth hunting license fee for the following individuals:
 - (a) A resident sixty-five years old or older who is an honorably discharged veteran of the United States armed forces having a service-connected disability;
 - (b) A resident who is an honorably discharged veteran of the United States armed forces with a thirty percent or more service-connected disability;

Hunters with Disabilities Statutes

RCW 77.32.480

Reduced rate licenses.

- ...all hunting licenses shall be issued at the reduced rate of a youth hunting license fee for the following individuals:
 - (c) A resident with a disability who permanently uses a wheelchair;
 - (d) A resident who is blind or visually impaired; and
 - (e) A resident with a developmental disability as defined in RCW 71A.10.020 ...

Hunters with Disabilities Rules

- WAC 232-12-819 Special Use Permits
- WAC 232-12-825 Definition of a Person with a Disability
- WAC 232-12-828 Hunting...by persons with a disability
 - Definitions
 - Disabled hunter permit
 - Designated hunter companion

Hunters with Disabilities

Hunter Demographics

- Active disabled hunter permits – 18,916
- Number who hunted deer in 2012 – 7,455
- Number who hunted elk in 2012 – 5,535
- Number who purchased archery tags – 1394
- Number of active Special Use Permits for using a crossbow - 1045

Hunters with Disabilities

Hunter Demographics

- Number who harvested deer in 2012 – 1,953
- Number who harvested elk in 2012 – 588
- 2492 applied for a deer permit and 1055 were drawn or 42%
- 3211 applied for an elk permit and 799 were drawn or 25%

Hunters with Disabilities Options and Opportunities

- Shoot from a vehicle/hunter companion
- Special Use Permits
- Road Access Program
- Accessible blinds for waterfowl hunting
- Any whitetail or antler restricted plus antlerless general season dates in E. Wash.
- Antlerless deer and elk permits throughout the rest of the state
- A few antlerless moose permits

Hunters with Disabilities

Game Management Plan Priorities

- Hunter recruitment and retention
- First time hunter recruitment
 - Locavores, women, baby boomer's kids
- Retention of current hunters
 - Lapsed or periodic hunters,
 - Senior hunters,
 - Hunters with disabilities

Hunters with Disabilities

What's Next???

- Expand motorized access to private lands
- Ask landowners experiencing damage if they have harvest opportunities for those with disabilities
- Next three year package:
 - Increase the number of deer and elk permits consistent with the growth in hunters with disabilities
 - Consider “any” deer or elk opportunities in areas with antler restrictions if appropriate
- Other ideas ???

Hunters with Disabilities

Special Use Permits Proposal

- Special Use Permits to address needs such as crossbows for disabled archers; scopes for muzzleloaders; other adaptive equipment
- Delegate development of criteria and issuance to the Department
- In concert with the Commission's Fishers and Hunters with Disabilities Advisory Group

Questions???

