

Concise Explanatory Statement Disability Designation and Special Use Permits

Rules amended as part of this rulemaking:

WAC 220-200-160	Definition of a person with a disability.
WAC 220-200-170	Special use permit.
WAC 220-200-180	Suspension of a special use permit –Appeal hearing.
WAC 220-200-190	Disability designation.
WAC 220-305-120	Harvesting of shellfish, food fish or game fish by persons with a disability.

Rules repealed as part of this rulemaking:

None

Rules created as part of this rulemaking:

WAC 220-200-200	Crossbow special use permit – Eligibility – Terms and conditions.
WAC 220-200-210	Scope special use permit – Eligibility – Terms and conditions.
WAC 220-200-220	Shooting from a vehicle (blue placard) special use permit - Eligibility – Terms and conditions.
WAC 220-200-230	Alternate casting gear special use permit - Eligibility – Terms and conditions.
WAC 220-200-240	Accessibility special use permit for a person with a disability

1. Background/Summary of Project:

The department strives to enhance opportunities for persons with disabilities to engage in fish, shellfish, and wildlife-related recreational activities. Disability designation, also known as disability status, is an accommodation to ensure a person with a permanent disability has reasonable access to the department's programs, services, activities, lands, and facilities. It is awarded to a person whose permanent disability is certified by a medical professional on the disability status application as meeting the eligibility requirements in WAC 220-200-160. Disability designation benefits include the right to designate another licensed individual to assist with, or to actually perform, the function(s) the person with a disability is unable to perform. It also affords the opportunity to apply for special disability hunts, tags, and raffles, participate in programs such as the ADA Road Access Entry program, and utilize accessible hunting and fishing facilities.

The Special Use Permit (SUP) program is a unique level of service providing enhanced access opportunities for those awarded disability designation. A SUP allows for specific, limited equipment or program modifications and reasonable access permission. A SUP addresses permanent

limitations such as visual, mobility, or upper extremity impairments, or developmental disabilities, that commonly impact a person's ability to participate in hunting and fishing activities. Each SUP request is considered and processed individually. Over the past three years (2020-2022), the department has received, on average, almost 350 applications annually for SUPs. However, there are three specific types that have been the most commonly requested – a crossbow, a scope device, and shooting from a vehicle (aka the Blue Placard). Currently, there is a unique application with specific eligibility requirements outlined for disability designation and each of the three SUPs.

In the department's [25-year strategic plan](#), modeling operational excellence and engaging communities through participation are two of the four key strategies identified. When the department reviewed the processes of applying for disability designations and various SUPs, the need to simplify, reduce duplication of effort, and increase efficiency were apparent. The department also recognized an opportunity to ensure consistent and equitable application of SUP criteria for common SUP requests. Creating and codifying specific standards; clarifying definitions, terms, and conditions; formalizing and simplifying processes; and providing appeal rights will reduce barriers to persons with disabilities and enhance inclusion of diverse participants in our programs, activities, and services. The rules also allow for case-by-case consideration of unique SUP requests that do not fit the common criteria set forth elsewhere in rule.

2. Reasons for adopting the rule

a. WAC 220-200-160 – Definitions.

These adopted rule amendments were necessary to provide clarity around existing formatting errors in the definition of “a person with a disability”. In definition (1), the paragraphs are rearranged so that original paragraphs (a), lower extremity disability, and (b), upper extremity disability, fall under the original paragraph (c), which is broader than, and was intended to encompass, both (a) and (b). Paragraphs are relabeled accordingly such that original paragraph (c) is labeled (a), and original paragraphs (a) and (b) are labeled (i) and (ii).

Likewise for original paragraphs 2 and 3 of this WAC, the definitions of “blind” or “visually impaired”, and “developmental disability”. They are intended to be sub-definitions of the term “person with a disability” in paragraph (1). Therefore, original paragraphs 2 and 3 have been moved under paragraph (1) and relabeled as sub-paragraphs (b) and (c). Also adopted under this WAC (220-200-160) are two separate, new definitions for terms that are utilized in the adopted new rules, specifically “approved medical professional” and “in good standing”. These new definitions were adopted to clarify the use of the terms elsewhere in the SUP rules.

b. WAC 220-200-170 – Special use permits.

The adopted rule amendments create needed consistency across rules by establishing standard terms and conditions that apply to all special use permits. These amendments are intended to aid in the proper use of a SUP and ensure clarity as to the effect of the SUP, thereby also facilitating enforcement of applicable WDFW rules.

c. WAC 220-200-180 – Special use permit—Suspension, modification, revocation, or denial—Appeal hearing.

The department determined the need to have options for managing special use permits, including the ability to modify and revoke those permits. This may be necessary when the department must address issues related to conservation, safety, adaptive equipment or law changes, or other compelling issues. The adopted amendments to this rule provide that latitude to the department and commits the department to notify a person of the basis for a suspension, modification, revocation, or denial of a special use permit. In addition, the department wished to establish an applicant's right and ability to appeal a department decision to modify, revoke, or deny a special use permit. This adopted amendment provides the opportunity to appeal as well as timeframes for appeals.

d. WAC 220-200-190 – Disability designation – Suspension or denial – Appeal hearing.

The department recognized the inconsistency between WAC 220-200-180(1)(g), allowing suspension of a SUP for providing fraudulent information, and WAC-220-200-190, which did not address fraudulent use of a disability designation. The adopted rule amendment allows the department to suspend a person's disability designation and related benefits if the person submits fraudulent information in support of their disability designation application, creating alignment with WAC 220-200-180(1)(g). As in WAC 220-200-180(1)(g), the department committed to notifying a person of the basis for a suspension or denial of a person's disability designation, while also establishing appeal rights and timeframes.

e. WAC 220-305-120 – Harvesting of shellfish, food fish or game fish by persons with a disability.

The department determined a need to update and clarify terminology in paragraph (9) to ensure alignment with terms used in the department's adopted new rule, WAC 220-200-230 – Alternate casting gear special use permit – Eligibility – Terms and conditions. Specifically, the exclusive term "spin-casting" was removed and replaced by the broader term "alternate casting gear". This modification allows for the use of other types of casting equipment, such as bait-casting, within the constraints listed in WAC 220-305-120 (9).

New Rules 220-200-200 through 220-200-240 – These new rules were adopted to establish specific and consistent criteria for the standard special use permits provided to persons with disabilities under RCW 77.32.237.

The rules are intended to reduce barriers that may impede participation by persons with disabilities by streamlining the administrative processes associated with these common requests. The rules will also ensure consistent application of permit standards, allowing for increased equity and efficiency of department services to Washington communities.

The adopted rules at WAC 220-200-240 will ensure that WDFW appropriately considers requests for program modifications based on unique circumstances not covered by WAC 220-200-200 through WAC 220-200-230.

f. WAC 220-200-200 –Crossbow special use permit—Eligibility—Terms and conditions.

The department desired to continue allowing the use of a crossbow during archery or muzzleloader season by a person with a disability that impairs the person's ability to hold and

safely utilize a long bow, recurve bow, or compound bow. The adopted rule includes terms and conditions for use of a crossbow special use permit. For example, the crossbow must meet the requirements of WAC 220-414-100 (1)(b) through (f).

g. WAC 220-200-210 – Scope special use permit—Eligibility—Terms and conditions.

Allowing a person who is blind or visually impaired to utilize a scope device during archery or muzzleloader season has been supported by the department for many years, through informal agency guidance documents. This process codified that approach in rule.

h. WAC 220-200-220 – Shooting from a vehicle (blue placard) special use permit—Eligibility—Terms and conditions

This adopted rule sets criteria by which a person with a disability will be allowed to operate their hunting device from within a motorized vehicle. This rule includes requirements for utilizing this special use permit, such as compliance with related WACs 220-413-140 and 220-200-170, limiting use to the named SUP holder, and prohibiting travel in restricted areas.

i. WAC 220-200-230 – Alternate casting gear special use permit—Eligibility—Terms and conditions

The department desired to create a standardized SUP providing the option to utilize alternate casting gear in fly-fishing only seasons or waters to a person with a disability whose permanent impairment renders the person incapable of holding and safely operating conventional fly-fishing gear. This adopted rule includes requirements for utilizing this special use permit such as hook size and barb restrictions as specified in WAC 220-310-150.

j. WAC 220-200-240 – Accessibility special use permit for a person with a disability

The department will continue to appropriately consider requests for specific special use permits other than the standard criteria specified in WAC 220-200-200 through WAC 220-200-230. The adopted rule outlines criteria the department will consider in determining whether to grant unique requests not covered by the standard criteria

3. Differences between the text of the proposed rule and the rule as adopted:

- a.** There are no differences in the actual text of the rules as adopted. However, there were minor errors in the CR-102 document, consisting only of rule titles, which the department identifies here for clarity:
 - i.** For WAC 220-200-190 – the proposed title was listed on the CR-102 rather than the existing rule title, which is “Disability designation”. The proposed title in the CR-102, “Disability designation – Suspension or denial – Appeal hearing” was adopted with no changes and was set forth accurately in the rule text.
 - ii.** In WACs 220-200-200, 210, and 220 – the words “special use permit - Eligibility – Terms and conditions” are part of each title, as shown in rule text. The CR 102 document, pages 1 and 2, refers to the rules in an abbreviated format that did not include the full rule titles which are correctly set forth in the rule text.
 - iii.** WAC 220-200-230 – The proposed title on page one in the CR-102 was different than on page two. The final adopted WAC title now reads “Alternate casting gear

special use permit - Eligibility – Terms and conditions.” This title is likewise set forth accurately in the proposed rule language attached to the CR 102, which has been adopted without changes.

- iv. WAC 220-200-240 – The title in the CR-102 “Special use permits for persons with permanent disabilities” was in error. The final adopted title reads “Accessibility special use permit for a person with a disability” and is likewise set forth accurately in the proposed rule language attached to the CR 102, which has been adopted without changes.

In all four cases, the text of the proposed rule language attached to the CR-102 (including titles) has not been modified in the rule as adopted by this order.

4. Public comments, response to comments, and consideration of comments:

The department received a total of five emails during the public comment period. One of them applied to the rulemaking package as a whole. The subjects of the other four did not apply to any of the rules and were out of the scope and focus of this rulemaking package. One of those four, related to a common theme of reduced fees, is addressed in the response to WAC 220-200-160. The rest of the five are addressed below:

- Email comment: Dissatisfaction with the special hunt permit drawing and related points system. **Response:** In this rulemaking, the department made no changes in any rule related to the special hunt permit drawing and points system. Changes to that system would be outside the scope and focus of this rulemaking. Individuals desiring changes to the points system for the special hunt permit drawing are encouraged to participate in the next 3-year season-setting scoping process (summer of 2023)
- Email comment: Desire for more ADA-accessible blinds at the McNary National Wildlife Refuge. **Response:** McNary National Wildlife Refuge blinds are not the subject of this rulemaking. The U.S. Fish and Wildlife Service manages those blinds through a new advance mail-in application reservation process. For more information, see [this handout](#).
- Email comment: Desire to assist WDFW with disability access.....feel like Washington has a lot to improve on for access. **Response:** The department does appreciate hearing from members of the public and we value input and ideas on how we can improve our programs, activities, services, and facilities to be more accessible. Members of the public with suggestions are encouraged to contact the Americans with Disabilities Act (ADA) Advisory Committee member in their region. A list of members is on the [webpage](#). The ADA Advisory Committee represents the interests of disabled hunters, anglers, and wildlife viewers on matters pertaining to accessing public lands, WDFW managed lands, hunting and fishing opportunities, and barriers to these activities that may exist for persons with disabilities.

- Email comment: The commenter indicated that after a review of the proposed rules nothing appeared discriminatory, and these proposed rulemakings appear to still provide opportunities for persons with disabilities to access programs and activities offered by WDFW. **Response:** The department acknowledges and appreciates the review and support for this rulemaking package.

WAC 220-200-160 – Definitions

Comments received = 9

- Comment: General support (yes). **Response:** WDFW acknowledges and appreciates the general support expressed.
- Comment: One commenter generally criticized WDFW but praised WDFW’s Enforcement program. However, the comment did not relate to the subject matter of the rule. **Response:** The department acknowledges and appreciates the support for the staff in the Enforcement program.
- Comments (2): 1 - Request to change qualifications for reduced fees, and 2 - desire for discounts on licenses, parking, and launching fees. **Response:** In this rulemaking, the department made no changes in WAC 220-200-160 related to fees. Changes to fees would be outside the scope and focus of this rulemaking. Members of the public interested in reduced fees are encouraged to participate in the [Fish and Wildlife Commission public meetings](#).
- Comment: Special hunts should indicate if excessive walking is necessary. **Response:** WDFW recently assessed the special permit hunts for hunters with disabilities. While those hunts are outside the scope of this rulemaking, the department is taking steps to increase public awareness of the importance of hunters investigating, in advance, whether a particular hunt and terrain type is appropriate for a particular hunter.
- Comments (3): Each commenter desired that their individual physical or developmental limitations and/or age (over 65) would qualify them for a disability designation and/or SUP. One of these commenters also had the impression that elective surgery is required to qualify. **Response:** No part of these rules would require elective surgery, and the department respectfully disagrees that a disability designation is appropriate for everyone over the age of 65. The department engages in various other efforts intended to encourage participation of seniors in our programs, services and activities, including reduced fees for those 70 or older, but those are not within the scope of this rulemaking. The department is dedicated to providing accessibility options for those with permanent disabilities who are unable to participate due to their limitations. The department does not decide whether a person’s disability-related limitations prevent them from participating in our programs, services, and activities. An approved medical provider is responsible to make that determination and attest to it on the individual’s application. Processes and documents are part of WDFW’s renovation of the disability designation and SUP programs.
- Comment: Request to accept existing disability documentation from the Veteran’s Administration. **Response:** Documentation of rated disability (i.e., 30%) from the VA is

adequate for the veteran's reduced fee applications. However, a general percentage rating of disability does not provide the necessary specificity for disability designation and SUPs to be awarded; the approved medical provider must attest that the applicant's disability-based limitations meet the definition in this WAC.

WAC 220-200-170 – Special Use Permits

Comments received = 6

- Comment: General support (yes). **Response:** WDFW acknowledges and appreciates the general support.
- Comment: Suggestion that an individual's age (over 65) should qualify for SUP without a requirement for elective surgery to be done; also agreement that fraudulent claims should have serious consequences. **Response:** No part of these rules would require elective surgery, and the department respectfully disagrees that a disability designation is appropriate for everyone over the age of 65. The department engages in various other efforts intended to encourage participation of seniors in our programs, services and activities, including reduced fees for those 70 and older, but those are not within the scope of this rulemaking. The department is dedicated to providing accessibility options for those with permanent disabilities who are currently unable to participate due to limitations. The department does not decide whether a person's disability-related limitations prevent them from participating in our programs, services, and activities. An approved medical provider is responsible to make that determination and attest to it on the individual's application. Submitting fraudulent information related to a special use permit or disability designation application is addressed in WACs 220-200-180 and 220-200-190.
- Comment: Simplify forms. **Response:** After this rulemaking is completed, processes and documents that are part of WDFW's renovation of the disability designation and SUP programs will be streamlined.
- Comment: Create rule allowing special hunt points to be passed to heir or charity. **Response:** The department made no rule changes to WAC 220-200-170 related to special hunt points, and special hunt points are not the subject of this rulemaking. Individuals that desire changes to the points system for special hunts are encouraged to participate in the next 3-year season-setting scoping process (summer 2023).
- Comment: Change qualifications for reduced fees. **Response:** WDFW acknowledges the requests to have broader fee reductions. However, the department made no changes in WAC 220-200-170 related to fees. Changes to fees would be outside the scope and focus of this rulemaking. Members of the public interested in reducing fees are encouraged to participate in the [Fish and Wildlife Commission public meetings](#).
- Comment: The department's ADA Coordinator or a committee should set terms and conditions instead of Director Susewind as that would be faster; also, that paragraph 2(c) is unnecessary

since paragraph 4 says to follow the rules. **Response:** The phrase “determined by the director” was added to be more reflective of [RCW 77.32.237](#), which stipulates that the Director determines the reasonable accommodation. The director may delegate certain functions for efficiency. In addition, the new standard SUPs were codified (WACs 220-200-200 through 220-200-230) in part to increase efficiency by eliminating the decision-making process for those four SUPs. Regarding paragraph 2(c), there may be occasions when another person (friend, family, companion hunter/harvester/trapper), may wish to utilize the equipment modification or access option for themselves which has been provided to the permit holder. Codifying these standard terms and conditions ensures accountability and improves enforcement success.

WAC 220-200-180 – Special Use Permit – Suspension, modification, revocation, or denial – Appeal hearing.

Comments received = 2

- Comment: General disagreement (No). **Response:** WDFW considered that some commenters expressed general disagreement. Without further explanation of the basis for the disagreement, no further response is possible.
- Comment: If fraudulent claims are made, revoke hunting privileges and prosecute. **Response:** The existing rule, prior to amendment, already authorizes suspension of a person’s special use permit based on a number of different criminal law violations, and some of those violations can lead to a lifetime suspension (very similar in effect to a revocation). This rulemaking did not make changes to that language, but instead added criteria to allow the department to flexibly respond to other concerns that might arise in the future (conservation, public safety, changes in adaptive equipment etc.). Suspension of hunting privileges is separately governed by other statutes and rules that are not within the scope of this rulemaking, which only relates to disability designations and special use permits. In addition, the changes to WAC 220-200-190 separately allow the department to suspend a person’s disability designation for 5 years in the event fraudulent information is submitted. The department believes this to be appropriate.

WAC 220-200-190 Disability designation—Suspension or denial—Appeal hearing.

Comments received = 3

- Comment: General support (yes). **Response:** WDFW acknowledges and appreciates the general support.
- Comment: Agree with proposed modifications – very upsetting when people pose as disabled for the benefits. **Response:** WDFW acknowledges and appreciates the support and agrees with the commenter’s sentiment. The adopted changes to WAC 220-200-190 allow the department to suspend a person’s disability designation for 5 years in the event fraudulent information is submitted. The department believes this to be appropriate.

- Comment: The commenter had several suggestions: 1. Disability designation should be amended such that an individual's age (over 65) should be considered, and 2. WDFW lacks authority to deny SUPs when the disability can be fixed with elective surgery, and 3. agreement that fraudulent claims should have serious consequences. **Response:** No part of these rules would require elective surgery, and the department respectfully disagrees that a disability designation is appropriate for everyone over the age of 65. The department engages in various other efforts intended to encourage participation of seniors in our programs, services and activities, including reduced fees for those 70 or older, but those are not within the scope of this rulemaking. The department is dedicated to providing accessibility options for those with permanent disabilities who are unable to participate due to limitations. The department does not decide whether a person's disability-related limitations prevent them from participating in our programs, services, and activities. An approved medical provider is responsible to make that determination based on the adopted rules and attest to it on the individual's application. The adopted changes to WAC 220-200-190 allow the department to suspend a person's disability designation for 5 years in the event fraudulent information is submitted. The department believes this to be appropriate.

WAC 220-305-120 Harvesting of shellfish, food fish or game fish by persons with a disability.

Comments received = 3

- Comment: General support (yes). **Response:** WDFW acknowledges and appreciates the general support.
- Comment: One commenter asked a number of questions about the meaning of "equivalent license" in paragraph (6) of WAC 220-305-120. The commenter appears to suggest that a designated harvester companion should not be required to have an equivalent harvesting license. **Response:** WDFW acknowledges and appreciates the detailed analysis of paragraph (6). However, no changes were made to WAC 220-305-120 (6), as this rulemaking was not intended to revise the requirements for designated harvester companions. Furthermore, WDFW believes that requiring licensure of harvester companions increases awareness of WDFW rules and regulations and increases likelihood of compliance with the same.
- Comment: Have disabled parking area closer to the clam digging on beaches. **Response:** The rules proposed in this rulemaking do not control the availability of disabled parking. Members of the public interested in parking issues are encouraged to contact the specific landowner of the location in question (WA State Parks, county, etc.) and be involved in the local processes. For WDFW locations, contact the WDFW [Title VI/ADA Coordinator](#). In addition, a harvester with disability status may be accompanied by another licensed harvester acting as a designated harvester companion, to assist the harvester with a disability in all aspects of taking shellfish under [WAC 220-305-120](#).

WAC 220-200-200 Crossbow special use permit—Eligibility—Terms and conditions

Comments received = 14

- Comments (2): 1. General agreement (yes); and, 2. please approve; and, 3. this is reasonable. Crossbows don't shoot further than muzzleloaders and a scope doesn't make it more accurate. Accuracy is improved only by practicing. **Response:** The department acknowledges and appreciates the analysis and general support for this rule.
- Comments (3): 1. General disagreement (No); and, 2. crossbows should never be allowed; **Response:** WDFW considered that some commenters expressed general and strong disagreement. A crossbow is a reasonable modification allowed by the department during the primitive weapon seasons (archery/muzzleloader). It provides an opportunity to participate in hunting, including hunting that season, to a person with a disability who cannot use other types of bows due to a permanent disability. Ensuring participation options for those with disabilities is a key component of WDFW's Strategic Plan, which calls for the department to "engage communities through recreation...." as we work toward our vision - one aspect of which is "Abundant recreation..... opportunities available to diverse populations." For those reasons, WDFW continues to support the rule, and cannot further respond absent further explanation of the basis for the commenters' general opposition.
- Comment: Crossbows should not have scopes. **Response:** Archery and muzzleloader seasons are considered primitive weapon seasons, so crossbows are only allowed for those who are otherwise unable to participate. The department previously required scopes to be removed from crossbows used during archery and muzzleloader seasons. However, removing a manufacturer-installed scope created a barrier to participation, prompting the department to allow scopes on crossbows utilized under a crossbow special use permit.
- Comments (5): Several commenters requested that qualifications for a crossbow SUP be broadened, specifically allowing the use of a crossbow for persons with limitations due to: 1. Age (over 70), 2. back conditions, 3. cancer, and 4. lower body/extremity conditions, and 5. being unable to draw and shoot any other bow safely. **Response** – The department acknowledges the desire many people with a disability have to utilize a crossbow. When the crossbow program was initially researched and established, an upper extremity limitation was determined to be the most restrictive and common barrier to a person's ability to participate in archery hunting. For a person with a disability that does not technically qualify under this newly adopted rule (WAC 220-200-200) but is unable to utilize other types of bows and adaptive equipment due to a permanent disability, WAC 220-200-140 provides an option to request an accessibility special use permit.
- Comment: Change qualifications for reduced fees. **Response:** WDFW acknowledges the requests to have broader fee reductions. However, the newly adopted rule (WAC 220-200-200) does not address fees. Changes to fees would be outside the scope and focus of this rulemaking. Members of the public interested in reducing fees are encouraged to submit comments participate in the [Fish and Wildlife Commission public meetings](#).
- Comment: Change rules so new permit application is required annually because people are stretching the rule. **Response:** WDFW appreciates the concern and need for accurate

applications. However, because SUPs are available to those who have received a disability designation based on permanent conditions, the department does not believe ongoing applications are necessary.

- Comment: Don't want to bother doctor with annual renewal – can it be permanent? **Response:** Currently, SUP permits are approved for permanent conditions as determined by an approved medical provider and are issued on a lifetime basis.

WAC 220-200-210 Scope special use permit—Eligibility—Terms and conditions.

Comments received = 7

- Comments (2): General support, 1. Yes; and, 2. anyone should get scope. **Response:** WDFW acknowledges and appreciates the general support. Muzzleloader season is considered primitive weapon only, so scopes are only allowed for those who are otherwise unable to participate. Modern firearm season allows anyone to use a scope.
- Comment: General disagreement (No). **Response:** WDFW considered that some commenters expressed general disagreement. Without further explanation of the basis for the disagreement, no further response is possible.
- Comment: We need to do a better job for disabled hunters.....in the coastal region. **Response:** WDFW acknowledges and appreciates the input regarding desired improvements in Region 6. However, the department's adopted rules in WAC 220-200-210 are not limited to specific geographic areas. The department encourages members of the public who wish to provide input on regionally based opportunities to contact the applicable [regional office](#). The Americans with Disabilities (ADA) [Advisory Committee members](#) are volunteers appointed from each of the department's six geographic regions. They are the conduit for the public to the Fish and Wildlife Commission, specifically regarding participation challenges people with disabilities may have. All members of the public are also welcomed to participate in the [Fish and Wildlife Commission public meetings](#).
- Comment: Opposed - A blind person should not be shooting and many conditions listed are fixable. **Response:** The department appreciates the concern for safety and for potential abuse of benefits but is dedicated to providing opportunities to participate for those with significant challenges. Adaptive equipment options exist which allow for safe shooting with assistance from a sighted person. The conditions listed as examples in the definition of "blind or visually impaired" [WAC 220-200-160 (b)(iii)] are inoperable, so cannot be fixed. The conditions listed in this rule [WAC 220-200-210 (2)(b)(i)] are fixable, therefore, they are excluded from qualifying a person under this rule.
- Comment: Require them to have the hunter companion present at all times. **Response:** The companion hunter must accompany (be physically present with) the disabled hunter and while stalking/shooting, must have reliable communication. Full rules prescribing hunter companion conduct can be found in WAC 220-413-140.

- Comment: If they walked to vehicle, they can get out to shoot. Commenter appears to be addressing Shoot from a Vehicle (Blue Placard) WAC 220-200-220. **Response:** The WDFW appreciates the comment related to other WAC changes and incorporated those comments in the appropriate WAC public comment section.

WAC 220-200-220 Shooting from a vehicle (blue placard) special use permit—Eligibility—Terms and conditions.

Comments received = 11

- Comments (6): Multiple commenters expressed general support for the rule, with some explaining how the rule would relate to their personal circumstances. In addition, one supportive commenter expressed an opinion that a person should have a letter from a doctor to allow them to use this SUP. **Response:** The department acknowledges and appreciates the support. Individuals with a disability impacting their ability to exit a vehicle as described in the adopted rule, may qualify for this SUP. The applicant's approved medical professional must attest on the application that the person with a disability meets all the qualifications laid out in WAC 220-200-220 (2).
- Comment: Commenter questioned whether Washington residents were able to obtain this SUP, or only those with a parking placard from another state. **Response:** Yes, Washington residents may apply if they have a blue disabled placard from WA State Department of Licensing. WDFW does accept equivalent disabled parking placards from other states.
- Comment: Commenter appeared to believe that only a Washington State Department of Licensing blue disabled parking placard was required to qualify to receive this SUP, Shoot from a Vehicle (blue placard). **Response:** Applicants must meet all requirements in the adopted rule (WAC 220-200-220), specifically under paragraph (2). The qualifications include 2(a) AND 2(b) AND 2(c)(i)(ii) AND either 2(c)(i)(ii)(A) OR 2(c)(i)(ii)(B).
- Comment: Change qualifications for reduced fees. **Response:** WDFW acknowledges the requests to have broader fee reductions. However, the newly adopted rule (WAC 220-200-220) does not address fees. Changes to fees would be outside the scope and focus of this rulemaking. Members of the public interested in reducing fees are encouraged to participate in the [Fish and Wildlife Commission public meetings](#).
- Comment: If they walked to vehicle, they can get out to shoot. **Response:** The WDFW acknowledges and appreciates the commenter's clarifying viewpoint. The adopted rule (WAC 220-200-220) allows for a person whose disability prevents them from entering or exiting the vehicle in a timely or independent manner, specifically in paragraph (2)(c). While a person's ability to walk to the vehicle is admittedly related, it is not included in the specific requirements to qualify for this SUP, as the intent is to address the individual's ability to exit the vehicle independently, quietly, and generally in time to take a shot.

- Comment: Shouldn't the (blue) placard be placed on dashboard, not vehicle (3)(a)? **Response:** The department appreciates the clarifying question. Various types of vehicles may be used, and the blue placard may be placed wherever it is most visible.

WAC 220-200-230 Alternate casting gear special use permit—Eligibility—Terms and conditions.

Comments received = 3

- Comment: General disagreement (No). **Response:** WDFW considered that some commenters expressed general disagreement. Without further explanation of the basis for the disagreement, no further response is possible.
- Comment: General agreement (yes). **Response:** The department acknowledges and appreciates the general support for this rule.
- Comment: Change qualifications for reduced fees. **Response:** WDFW acknowledges the requests to have broader fee reductions. However, the newly adopted rule (WAC 220-200-230) does not address fees. Changes to fees would be outside the scope and focus of this rulemaking. Members of the public interested in reducing fees are encouraged to submit comments participate in the [Fish and Wildlife Commission public meetings](#).
- Comment: The disabled rules are pretty much useless on the west side, coastal area. **Response:** WDFW acknowledges and appreciates the input regarding options in Region 6. However, the department's adopted rules in WAC 220-200-230 are not limited to, and do not address, specific geographic areas, which would be outside the scope and focus of this rulemaking. The department encourages members of the public who wish to provide input on regionally based opportunities to contact the applicable [regional office](#). The Americans with Disabilities (ADA) [Advisory Committee members](#) are volunteers appointed from each of the department's six geographic regions. They are the conduit for the public to the Fish and Wildlife Commission, specifically regarding participation challenges people with disabilities may have. All members of the public are also welcomed to participate in the [Fish and Wildlife Commission public meetings](#)

WAC 220-200-240 Accessibility special use permit for a person with a disability

Comments received = 9

- Comment: General disagreement (No). **Response:** WDFW considered that some commenters expressed general disagreement. Without further explanation of the basis for the disagreement, no further response is possible.
- Comments (2): Commenters expressed general agreement 1. Yes; and, 2. Good idea. It's not possible to foresee all special needs.....a process to review needs and rule accordingly is needed. **Response:** The department acknowledges and appreciates the general support for this rule.

- Comment: Please approve for those needed and address the use of e-bikes for them as well.
Response: WDFW acknowledges the request on behalf of those who may seek an accessibility permit under this adopted rule (WAC 220-200-240) involving an e-bike. This rule addresses each request on a case-by-case basis and the department will not make an assumption regarding the need for an E-bike.
- Comment: Would like to see non-resident with a disability allowed to hunt with this rule.
Response: All those with a permanent disability that prevents participation in the department's programs, services, and activities are provided the option to seek a SUP under this rule and potentially the others in this rulemaking package. The approved medical professional must attest that the individual is unable to participate in the activity without the specific accommodation requested.
- Comment: I agree. Seniors 65 and above, military disability, debilitating but not enough to prevent daily function. IE I have 40% disability that does not allow full range of motion in my left arm but by current criteria it's doesn't meet requirements. **Response:** All those with a permanent disability that prevents participation in the department's programs, services, and activities are provided the option to seek a SUP under this rule and potentially others in this rulemaking package. The approved medical professional must attest that the individual is unable to participate in the activity without the specific accommodation requested.
- Comment: Ability to drive into vehicle-restricted area to retrieve downed game for the person with a disabled license. **Response:** It is unclear exactly what the commenter is suggesting or requesting in this comment. WDFW is not deciding individual requests via public comment. However, individual requests from a person with a permanent disability will be considered and responded to through this newly adopted rule (WAC 220-200-240) and related process.
- Comment: Change qualifications for reduced fees. **Response:** WDFW acknowledges the requests to have broader fee reductions. However, the newly adopted rule (WAC 220-200-240) does not address fees. Changes to fees would be outside the scope and focus of this rulemaking. Members of the public interested in reducing fees are encouraged to participate in the [Fish and Wildlife Commission public meetings](#).
- Comment: Commenter appeared to be suggesting there's a need for more areas that are accessible for disabled persons in the 600 units, feeling that they basically have none.
Response: WDFW acknowledges and appreciates the input regarding access options for the GMUs in Region 6. However, the department's adopted rules in WAC 220-200-240 are not limited to specific geographic areas, nor to specific access issues. Issues related to specific geographic areas and access would be outside the scope and focus of this rulemaking. The department encourages members of the public who wish to provide input on regionally based opportunities to contact the applicable [regional office](#). The Americans with Disabilities (ADA) [Advisory Committee members](#) are volunteers appointed from each of the department's six geographic regions. They are the conduit for the public to the Fish and Wildlife Commission,

specifically regarding participation challenges people with disabilities may have. All members of the public are also welcomed to participate in the [Fish and Wildlife Commission public meetings](#)

One individual in the public hearing on 4/10/23 provided verbal comments. Those verbal comments mirrored the written comments submitted by the same individual under the CR-102 public comment period. Those written comments were addressed above in the applicable WAC sections, specifically WAC 220-200-220 and WAC 220-305-120

WDFW appreciates, values, and considers all public input from those who participated in this rulemaking. Comments addressing rules and topics that were not part of the scope and focus of this rulemaking packet will be provided to the applicable WDFW program staff for their information and possible future consideration.