

# DISABILITY STATUS AND SPECIAL USE PERMITS

## Proposed Rule Amendments and Proposed New Rules

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# Presentation Outline

- Program overview
- Variances
- Proposed amendments to current rules
- Proposed new rules
- Rulemaking process
- Summary of public comments received
- Public testimony



# Disability Designation Program Overview



- WDFW provides reasonable access through the disability designation
- Awarded when medical professional certifies the person's permanent disability meets the eligibility requirements (WAC 220-200-160)
- Provides reasonable accessibility benefits such as the right to:
  - designate a companion hunter/harvester/trapper
  - apply for special disability hunts/tags, raffles, and programs
  - use disability-designated hunting/fishing amenities (i.e. blinds, platforms, docks)
  - apply for **special use permits (SUPs)** for specific equipment or program modifications and reasonable access permits



# Special Use Permit (SUP) Program Overview



- WDFW considers accessibility requests on a case-by-case basis
- Top SUPs: Crossbow, Scope, Shooting from a Vehicle (Blue Placard)
- Each SUP has unique eligibility requirements, a specific application which must be completed by an appropriate medical professional

SUP types by year	Crossbow	Blue Placard	Scope	Subtotal	Denials	TOTAL RCV'D	Renewals- Included in TOTAL
2020	131	40	3	174	47	221	22
2021	314	36	11	361	82	443	156
2022	283	32	11	326	54	380	138



# Rulemaking Overview

This rulemaking is intended to improve the disability designation and SUP applications experience for our customers. It will allow WDFW to:

- renovate and simplify the application processes
- reduce redundancy and some current barriers to participation
- increase operational efficiency
- provide appeal rights and ensure consistent and equitable application of standards

Public rulemaking page –  
[www.wdfw.wa.gov/about/regulations](http://www.wdfw.wa.gov/about/regulations)



# Variances

These versions are corrected or updated from the CR-102:

- WAC 220-200-190 – Disability designation.
- 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.





# **Proposed Rule Amendments – WAC 220-200-160 to 220-200-190 WAC 220-305-120**

# Proposed Amendments

- WAC 220-200-160 – **Definition of a person with a disability.** Addresses formatting issues and creates new definitions
  - Under paragraph (1), original paragraph (c) becomes (a), and original paragraphs (a) and (b) become (a)(i) and a(ii)
- WAC 220-200-170 – **Special use permits.** Adds standard terms and conditions
- WAC 220-200-180 – **Suspension of a special use permit – Appeal hearing.** Allows WDFW to modify or revoke SUPs; requires that WDFW inform the permit holder of the basis for actions, and grants appeal rights





# Proposed Amendments cont.

- WAC 220-200-190 - **Disability designation** - Allows suspension of a disability designation, requires that WDFW inform permit holder of basis for actions, and establishes appeal rights
- WAC 220-305-120 – **Harvesting of shellfish, food fish or game fish by persons with a disability.** Updates and clarifies terminology





# **Proposed New Rules WAC 220-200-200 to 240**

# Proposed New Rules

- WAC 220-200-200 – **Crossbow special use permit—Eligibility—Terms and conditions.** Allows use of crossbow during archery or muzzleloader season by a person whose disability permanently limits the person's ability to hold and safely operate a long bow, recurve bow, or compound bow; includes requirements for use.
- WAC 220-200-210 – **Scope special use permit – Eligibility – Terms and conditions.** Allows use of a scope during archery or muzzleloader season by a person whose blindness or visual impairment renders the person unable to safely operate an archery device or muzzleloader without a scope.



# Proposed New Rules cont.

- WAC 220-200-220 - **Shooting from a vehicle (blue placard) special use permit—Eligibility—Terms and conditions.** Sets criteria to allow a qualifying person with a disability to shoot from inside a vehicle; includes requirements for use
- WAC 220-200-230 - **Alternate casting gear special use permit—Eligibility—Terms and conditions.** Allows a qualifying person with a disability to utilize alternate casting gear in fly-fishing only seasons or waters if their impairment prevents them from using fly fishing gear



# Proposed New Rules cont.

- WAC 200-200-240 - **Accessibility special use permit for a person with a disability.** Allows the department to consider requests by a person with a disability for non-standard special use permits. Includes criteria that WDFW will consider.



# Rulemaking Timeline

- CR-101 – May 3, 2022
- Delegation of Authority - May 13, 2022
- CR-102 – Mar 1, 2023
- Public Comment Period – Mar 8, 2023 to April 10, 2023 at 11:59pm
- Public Hearing, including verbal public testimony April 10, 2023



# Public Comments Summary

## General Trends

- More than 60 comments received via on-line public input system
- Most trending positive for all proposed rules
  - particular support for WACs 220-200-200 (crossbow SUP) and 220-200-240 (accessibility SUP)
- Opposing comments were comparatively quite limited
- Many comments were not in the scope of the rule
  - Mostly suggesting less restrictive rules for disability designation and SUP qualifications





# Public Testimony





# Questions?

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