



Director Rulemaking Presentation Summary Sheet

Meeting date:

4/10/2023

Agenda item:

Director Decision: Disability Status and Special Use Permit (SUP) Rulemaking
Briefing and Public Comment

Presenter(s):

Katherine Waldrop and Larry Delgado

Background summary:

As provided in RCW 77.32.237, a SUP allows for a limited, specific exception to a recreational activity, service, equipment, or regulation, providing equipment modifications and reasonable access accommodations. This facilitates and expands participation options for hunters and fishers awarded disability designation.

To create better alignment with related civil rights laws, RCWs, and WACs while also increasing efficiency, accessibility, and consistency, staff are restructuring the SUP program, guided by the following operational goals:

1. Streamline the application process and improve ease of use for all involved - constituents, physicians, and department staff
2. Reflect the department's commitment to Diversity, Equity, and Inclusion in the administration of the SUP program by establishing clear, consistent, equitable standards to identify and resolve barriers to participation.
3. Assess and address potential SUP-related operational issues and risk to the department

One crucial step to achieve the above goals is rulemaking - amending and clarifying existing SUP-related rules and establishing new rules with specific criteria for each SUP. The Fish and Wildlife Commission, on May 13, 2022, delegated rulemaking authority for the SUP program to the WDFW Director.

Staff recommendation:

Recommend approval of all WAC amendments and new WAC rules as written and presented by staff.

Policy issue(s) and expected outcome:

Department staff anticipate this rulemaking will result in reducing barriers to participation for people with disabilities, increasing the ease and efficiency of processing applications for all involved, creating consistency and equity in the SUP standards, and providing appeal rights. In addition, this rulemaking package is expected to: enhance inclusion of persons with disabilities in our programs, activities, and services; promote diversity of participants; recruit, retain, and reactivate not only hunters and fishers with disabilities, but their friends and family members, as well.

Fiscal impacts of agency implementation:

None

Public involvement process used and what you learned:

On May 3, 2022, the department filed the CR-101, indicating our intent to conduct rulemaking to amend and clarify existing rules and establish new rules associated with program modifications and accessibility permits (i.e. SUPs) for individuals with disabilities. The Americans with Disabilities Act (ADA) Advisory Committee to the WDFW Commission has been engaged since November of 2021 and has provided input. On March 1, 2023, WDFW filed the CR-102 proposed rulemaking, which initiated a public comment period that will run until 11:59 p.m. on April 10, 2023. The public hearing for this rulemaking occurs on April 10, 2023, at 1:00pm and will allow for verbal public testimony.

Action requested and/or proposed next steps:

Public hearing and briefing only on Monday, April 10, 2023. Staff will evaluate all public input and give a complete report with recommendations to the Fish and Wildlife Director on or after April 11, 2023.

Draft motion language:

Public hearing and briefing only on Monday April 10, 2023

Post decision communications plan:

The current communication plan will be employed including a news release, a letter to all persons with disability designation, updates to the applicable external and internal webpages, etc.

Form revised 1-20-21