

**WAC 220-200-160 thru WAC 220-200-190,
WAC 220-305-120, WAC 220-413-140, and
WAC 220-413-210**

2018 ADA Rule Package



Washington Department of
FISH and WILDLIFE

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WDFW's ADA Services

- HUNTING – Road Access Program, Hunting Blinds, Permits for Special Hunts, and General Season Hunts
- FISHING – Ramps, Pods, and dock access; Special Disability Fisheries
- WILDLIFE VIEWING – Viewing Platforms, Blinds, Paths and Benches
- EQUIPMENT MODIFICATIONS
- REDUCED RATE LICENSING

ADA by the Numbers

- 136,607 Persons with disabilities registered with WDFW
- 54,000 Number currently active with WDFW license
- 32,000 Number currently active with WDFW license that are veterans
- 2,198 Number who have received special use permit

State and Federal Laws

- The Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act (ADA), and the Washington Law Against Discrimination (WLAD) govern treatment of individuals with disabilities. These laws provide civil rights protections to persons with disabilities, and require the state to provide an equal opportunity to participate in its programs, services, activities, and facilities.

New State Law: RCW 77.32.237

(enacted March 22, 2018)

- The Commission shall enhance the fish, shellfish, and wildlife-related recreational opportunities for a person with a disability. The Commission shall authorize the Director to grant a disability designation to a person with a disability who meets eligibility criteria established by the Commission by rule. The Commission shall adopt rules defining who is a person with a disability for purposes of eligibility for disability designation. A person granted a disability designation is eligible for reasonable accommodations, determined by the Director, to allow the person to participate in fish, shellfish, and wildlife-related recreational activities. The Commission shall adopt rules governing the conduct of a person with a disability participating in fish, shellfish, and wildlife-related recreational activities and the conduct of companions permitted, as a reasonable accommodation, to assist such a person in fish, shellfish, and wildlife-related recreational opportunities.
- (Repealed: RCWs 77.32.238 and 77.32.400)

Purpose

- RCW 77.32.237 became law on March 22, 2018. The statute grants the Commission authority, by rulemaking, to establish eligibility criteria for disability designation.
- The law instructs the Commission to adopt rules governing the conduct of persons with a disability, and their companions, while participating in fishing, shellfish, and wildlife-related recreational opportunities, giving rise to new regulations regarding suspension of special use permits, and establishing an appeals process.
- The law repealed RCW 77.32.238, thus requiring the Commission issue rulemaking as it regards shooting from a vehicle.
- Lastly, the Department is proposing a new accommodation for trapping.
- With these changes in mind, the Department undertook a complete review of the ADA-related regulation package to address issues of clarity, and to harmonize the ADA rules package with the rest of the Department's regulations and laws.

Proposed Rule Package

- WAC 220-200-190 Disability Designation (new)
 - Defines the process of acquiring a disability designation
 - Provides appeals process for adverse decision
- WAC 220-200-160 Definition of a person with disability (amended)
 - Clarifies terms
- WAC 220-200-170 Special use permits (amended)
 - Clarifies terms and harmonizes statutes
- WAC 220-200-180 Suspension of a special use permit – Appeal hearing (new)
 - Allows suspension of special use permits for violations related thereto
 - Creates immediate right to appeal suspension

Proposed Rule Package

- WAC 220-305-120 Harvesting of Shellfish, food fish, or game fish by persons with disabilities (amended)
 - Clarifies terms
 - Clarifies rules for designated harvester companions
- WAC 220-413-140 Hunting of game birds and animals by persons with a disability (amended)
 - Clarifies terms
 - Allows agency to issue new blue “shooting from a vehicle” placard through the special use permit process, and replaces the old orange placard.
- WAC 220-413-210 Trapping of furbearing animals by persons with a disability (new)
 - Creates new accommodation for trapping

Recommended Adjustments since filing of CR-102

For the following rules, department staff have made these additional minor changes:

- WAC 220-200-160 (1), adding “such as, but not limited to....”
- WAC 220-413-210 (1) (c), striking “patrolling” and inserting “checking the trap(s).”
- WAC 220-413-210 (4) (a), striking “patrolling” and inserting “checking the trap(s),” to end the sentence.
- WAC 220-413-210 (4) (b), striking section (b).

Public Comments

- Published CR-102 on March 6, 2018
- Public feedback included two (2) written comments – one comment was a question about the proposed rule regarding the placard and the other comment asked for more fishing access points for individuals with a disability
- Agency staff worked directly with the ADA Advisory Committee in reviewing and making changes to the proposed rules
- No public opposition to CR-102

Questions?

