

## “GREEN SHEET”

---

**Meeting:** June 21, 2013 Conference Call

**Agenda Item A:** Petition for a change to WAC 232-12-054 to allow scopes on crossbows for hunters with disabilities - Decision

**Prepared By:** Dave Ware, Game Division Manager, Wildlife Program

**Presented By:** Dave Ware, Game Division Manager, Wildlife Program

---

### **Background:**

The Commission will consider a petition for rulemaking, pursuant to RCW 34.05.330, received on May 16, 2013. The petition requests the Commission to change the rules and allow hunters with disabilities to use a crossbow equipped with a scope during the archery season. The petitioner cites the concern that most crossbows are made with a scope attached and that it is a significant burden to modify crossbows to fit them with open sights. Disabled archers who also have documented impaired vision can currently hunt with a crossbow fitted with a scope.

The Commission adopted rules several years ago that allowed hunters with disabilities who wished to hunt during archery seasons to use a crossbow. The intent was to provide an accommodation to hunters whose disability would not allow them to draw back and shoot standard archery equipment access to the archery hunting opportunity and season.

Since those rules were adopted, many hunters with disabilities have met the requirements for a special use permit and are authorized to use a crossbow during the archery season. Over time, the standards and technology in the crossbow industry have changed and few crossbows are currently produced that do not have a scope incorporated into the design.

The department receives many requests each year to change regulations and the number of formal petitions received by the Commission to change regulations is increasing. The department and Commission’s policy (as described in the 2009-15 Game Management Plan) is to make major changes to regulations on a three-year basis with annual adjustments to address game population changes due to weather or to address emergent damage issues. The main purpose for this policy is to be able to collect and analyze game population data over a few years to determine trends and regulation impacts; to allow for adequate public input on proposed changes; and to manage demands on staff time.

This is the second year of the current three year package (2012-14) with only minor changes scheduled to occur and the next three-year package will not be considered until spring 2015. Generally, department staff recommends that the Commission deny petitions to change regulations outside of the three-year season setting process. However in this case, the department recognizes the sensitivity of the issue and how long a delay in consideration of the issue might take if we wait for the next three-year package, therefore we recommend that the Commission accept the petition and begin the rule making process with the public hearing scheduled for March 2014 when annual hunting season adjustments are considered.

---

### **Policy Issue(s) you are bringing to the Commission for consideration:**

- Federal laws require that persons with disabilities be allowed access to agency programs,
-

such as archery hunting opportunities, by providing reasonable accommodations.

---

**Public involvement process used and what you learned:**

None recently, however in the past, the archery community has expressed significant concerns about allowing crossbow equipment to be used during the archery seasons, even for hunters with disabilities.

---

**Action requested (identify the specific Commission decisions you are seeking):**

The Department requests that the Commission accept the petition and begin the rule making process.

---

**Draft motion language:**

I move to accept the petition to revise the Washington Administrative Code and initiate the process to consider allowing hunters with disabilities, to use a crossbow equipped with a scope to hunt during archery seasons.

---

**Justification for Commission action:**

Determining the needs for reasonable accommodation for hunters with disabilities is a sensitive issue and accepting the petition will allow the issue to be considered more timely (before 2015).

---

**Communications plan:**

WDFW staff will contact the petitioner and we will respond formally in writing regarding the outcome of their petition. Staff will work with ADA committee and GMAC to develop WAC language to file in early winter in 2014.

---