

WSR 25-03-002
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed January 2, 2025, 1:16 p.m.]

Subject of Possible Rule Making: Uniform facility enforcement framework for behavioral health agencies (BHA).

The department of health (department) is considering amending rules and establishing a new section in chapter 246-341 WAC to implement a uniform enforcement tool for BHAs as provided by ESSB 5271 (chapter 121, Laws of 2024). Other amendments to sections in chapter 246-341 WAC to implement ESSB 5271 may also be considered.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.24.038; and ESSB 5271 (chapter 121, Laws of 2024).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 5271 was passed in 2024 with the intent of establishing uniform enforcement tools to protect patients in facilities regulated by the department. This includes BHAs. The law authorizes the department to assess a civil fine of up to \$3,000 per violation when a BHA is found to subsequently be in violation of the same or similar statute(s) or rule(s). Section 27 (7)(b)(iii) of ESSB 5271, codified as RCW 71.24.038, requires the department to adopt a rule to establish specific fine amounts in relation to the severity of a BHA's noncompliance and at an adequate level to deter future noncompliance.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michelle Weatherly, P.O. Box 47843, Olympia, WA 98504-7843, phone 360-236-2992, TTY 711, email michelle.weatherly@doh.wa.gov, website www.doh.wa.gov.

Additional comments: The department will use existing GovDelivery lists and other known contact information to inform interested parties of opportunities to provide input. To find out more information about our rule making, visit www.doh.wa.gov. To subscribe to GovDelivery, please visit www.doh.wa.gov, and select the "Sign up for Updates From DOH" button at the bottom of the page. After signing in, please click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Community Health Systems," and then click "Facilities Licensing and Certificate of Need" or "Behavioral Health Care Integration" or select the relevant facility type(s).

January 2, 2025
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary of Health

WSR 25-03-016
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed January 6, 2025, 2:15 p.m.]

Subject of Possible Rule Making: WAC 182-547-1000 Hearing aids—Prior authorization—Clients age twenty and younger; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021 and 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (agency) is amending this section to update early periodic screening diagnosis and treatment program language consistent with the rule making filed under WSR 25-02-069 on December 23, 2024. The agency is also amending this section to remove outdated language. During this review, the agency may identify additional related changes that improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Centers for Medicare and Medicaid Services.

Process for Developing New Rule: The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Melinda Froud, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1408, fax 360-586-9727, telecommunication relay service (TRS) 711, email melinda.froud@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Korrina Dalke, Program Questions, P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-2005, fax 360-586-9727, TRS 711, email Korrina.dalke@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

January 6, 2025
Wendy Barcus
Rules Coordinator

**WSR 25-03-025
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY**

[Filed January 7, 2025, 9:58 a.m.]

The health care authority requests withdrawal of the preproposal statement of inquiry filed as WSR 24-05-081 on February 21, 2024, and distributed in the 24-05 Washington State Register.

Wendy Barcus
Rules Coordinator

**WSR 25-03-034
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Filed January 8, 2025, 8:21 a.m.]

The department of ecology is withdrawing the CR-101 rule announcement notice filed on March 2, 2005, as WSR 05-06-113.

For more information, please contact Danielle Gallatin, Danielle.Gallatin@ecy.wa.gov.

Ria Berns
Water Resources Program Manager

**WSR 25-03-035
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Filed January 8, 2025, 8:25 a.m.]

The department of ecology is withdrawing the CR-101 rule announcement notice filed on February 15, 2005, as WSR 05-05-076.

For more information, please contact Danielle Gallatin, Danielle.Gallatin@ecy.wa.gov.

Ria Berns
Water Resources Program Manager

**WSR 25-03-036
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Filed January 8, 2025, 8:25 a.m.]

The department of ecology is withdrawing the CR-101 rule announcement notice filed on March 2, 2005, as WSR 05-06-114.

For more information, please contact Danielle Gallatin, Danielle.Gallatin@ecy.wa.gov.

Ria Berns
Water Resources Program Manager

**WSR 25-03-063
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed January 13, 2025, 4:45 p.m.]

The following is the Washington state gambling commission's (commission) notice to withdraw [preproposal] WSR 24-06-002, filed on February 21, 2024. The commissioners voted not to proceed with rule making on this topic at the January commission meeting on January 9, 2025.

Adam Amorine
Legal Manager

WSR 25-03-075

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)

[Filed January 14, 2025, 4:28 p.m.]

Subject of Possible Rule Making: Licensure requirements for expanded function dental auxiliaries. The dental quality assurance commission (commission) is considering amending WAC 246-817-195 Licensure requirements for expanded function dental auxiliaries (EFDA), to allow the amalgam clinical patient requirement to be optional. The commission may consider amendments to other relevant licensure requirement rule sections in chapter 246-817 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.32.002 and 18.32.0365.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission has received feedback from various EFDA programs in Washington state pertaining to the challenges students face finding clinical patients for amalgam restorations due to a reduction of amalgam procedures in the community.

On October 11, 2024, during the commission business meeting, the commission authorized rule making to consider amending WAC 246-817-195 making the amalgam clinical patient requirement optional. Updating this rule could modernize the requirements and remove barriers for EF-DAs pursuing licensure in Washington state.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Debbie Gardner, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4893, fax 360-236-2901, TTY 771 [711], email dental@doh.wa.gov, website www.doh.wa.gov.

Additional comments: Interested parties can participate in the drafting of the proposed rules. The commission will be conducting rules workshops with interested parties and subject matter experts. The commission will use existing GovDelivery lists and other known contact information to inform interested parties of opportunities to provide input on proposed rule language. To find out more information about our rule making, visit doh.wa.gov. To subscribe to GovDelivery, please visit doh.wa.gov and select the button titled "Sign up for Updates From DOH" button at the bottom of the page. After signing in, select "Health Systems Quality Assurance" and "Health Professions" and "Dental." You may also check the box next to one or more of the other professions listed to receive information related to that specific profession.

January 7, 2025

Bryan Swanson, DDS, Chair
Dental Quality Assurance Commission

WSR 25-03-076
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed January 15, 2025, 8:11 a.m.]

Subject of Possible Rule Making: WAC 182-531A-0800 Applied behavior analysis (ABA)—Provider requirements; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021 and 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (agency) is revising this section to: (1) Add psychiatric mental health nurse practitioners as a diagnosing and prescribing provider for ABA; (2) clarify that the providers listed in subsection (4)(a) may require additional center of excellence (COE) training for diagnosing and prescribing ABA for adults age 21 and over; and (3) clarify that providers in subsection (3)(a)(ii), (v), and (vi) do not require COE training for diagnosing/prescribing ABA for children age 20 and younger or adults age 21 and over. During this review, the agency may identify additional related changes that improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of social and health services.

Process for Developing New Rule: The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Valerie Freudenstein, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication relay services (TRS) 711, email valerie.freudenstein@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Alyssa Jennings, Program Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1194, fax 360-586-9727, TRS 711, email Alyssa.jennings@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

January 15, 2025
Wendy Barcus
Rules Coordinator

WSR 25-03-079
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR AND CANNABIS
BOARD

[Filed January 15, 2025, 10:25 a.m.]

Subject of Possible Rule Making: Title 314 WAC; the Washington state liquor and cannabis board (board) is considering repealing, amending, and creating rule sections as necessary to address the placement and advertising of alcohol products at retail premises of liquor licensees for off-premises consumption. Topics that may potentially be explored include, but are not limited to:

- The advertisement and placement of cross-over products with or next to their nonalcoholic counterparts.
- Placement of alcohol products next to toys or snacks with a youth-oriented focus.
- Placement of alcohol products on end caps of displays separate from the rest of the alcohol products.
- Distinct signage or markers indicating that products on shelf contain alcohol.
- Placement of spirits mini bottles.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.24.630, 66.28.350, and 66.98.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to and repeal of existing rules, as well as the creation of new rules in Title 314 WAC, may be necessary to address the placement and advertisement of alcohol products in retail liquor licensees for off-premises consumption. This has gained heightened relevance considering the increasing popularity of cross-over products, which are alcohol products that are cobranding by companies that also produce popular nonalcoholic beverages.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Daniel Jacobs, Acting Policy and Rules Manager, P.O. Box 43080, Olympia, WA 98504, phone 360-480-1238, fax 360-704-5027, email rules@lcb.wa.gov, website lcb.wa.gov.

Additional comments: Interested persons can participate in the rule process through open public meetings and by submitting written comments, and are encouraged to sign up for the interested parties list (GovDelivery) at <https://public.govdelivery.com/accounts/WALCB/subscriber/new>. Rule-making notices and stakeholder engagement opportunities will be emailed via GovDelivery and posted to the board website at lcb.wa.gov.

January 15, 2025
Jim Vollandroff
Board Chair

WSR 25-03-082
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed January 15, 2025, 11:39 a.m.]

Subject of Possible Rule Making: WAC 182-531-0850 Laboratory and pathology physician-related services reimbursement; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (agency) is revising this section to update language in subsection (3)(d) allowing the agency to adjust fees using market research as necessary to align with other reimbursement WAC and the state plan amendment. During this review, the agency may identify additional related changes that improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Center for Medicare and Medicaid Services.

Process for Developing New Rule: The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Valerie Freudenstein, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication relay services (TRS) 711, email valerie.freudenstein@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Wendy Steffens, Program Questions, P.O. Box 42716, Olympia, WA 98504, phone 360-725-5145, fax 360-586-9727, TRS 711, email wendy.steffens@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

January 15, 2025
Wendy Barcus
Rules Coordinator

WSR 25-03-107

PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

(Public Employees Benefits Board)

[Admin #2025-01—Filed January 17, 2025, 3:34 p.m.]

Subject of Possible Rule Making: Enrollment, eligibility, and appeals rules in chapters 182-08, 182-12, and 182-16 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021 and 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (agency) is reviewing multiple sections within chapters 182-08, 182-12, and 182-16 WAC to support the public employees benefits board program.

Process for Developing New Rule: The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cade Walker, P.O. Box 42684, Olympia, WA 98504-2684, phone 360-725-0830, fax 360-586-9727, telecommunication relay services (TRS) 711, email Cade.Walker@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Stella Ng, P.O. Box 42684, Olympia, WA 98504-2684, phone 360-725-0883, fax 360-586-9727, TRS 711, email Stella.Ng@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

January 17, 2025
Wendy Barcus
Rules Coordinator

WSR 25-03-108

PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

(Public Employees Benefits Board)

[Admin #2025-02—Filed January 17, 2025, 3:36 p.m.]

Subject of Possible Rule Making: The purpose of this proposal is to implement public employees benefits board (PEBB) policy resolutions and make other technical amendments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.065, and 41.05.160; and PEBB policy resolutions.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (agency) is reviewing multiple sections within chapters 182-08, 182-12, and 182-16 WAC that may require PEBB policy resolutions to support the PEBB program.

Process for Developing New Rule: The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cade Walker, P.O. Box 42684, Olympia, WA 98504-2684, phone 360-725-0830, fax 360-586-9727, telecommunication relay services (TRS) 711, email Cade.Walker@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Stella Ng, P.O. Box 42684, Olympia, WA 98504-2684, phone 360-725-0883, fax 360-586-9727, TRS 711, email Stella.Ng@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

January 17, 2025
Wendy Barcus
Rules Coordinator

WSR 25-03-109

PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

(School Employees Benefits Board)

[Admin #2025-01—Filed January 17, 2025, 3:53 p.m.]

Subject of Possible Rule Making: Enrollment, eligibility, and appeals rules in chapters 182-30, 182-31, and 182-32 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021 and 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (agency) is reviewing multiple sections within chapters 182-30, 182-31, and 182-32 WAC to support the school employees benefits board (SEBB) program.

Process for Developing New Rule: The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cade Walker, P.O. Box 42720, Olympia, WA 98504-2720, phone 360-725-0830, fax 360-586-9727, telecommunication relay services (TRS) 711, email Cade.Walker@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Stella Ng, P.O. Box 42720, Olympia, WA 98504-2720, phone 360-725-0883, fax 360-586-9727, TRS 711, email Stella.Ng@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

January 17, 2025
Wendy Barcus
Rules Coordinator

WSR 25-03-110

PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

(School Employees Benefits Board)

[Admin #2025-02—Filed January 17, 2025, 3:55 p.m.]

Subject of Possible Rule Making: The purpose of this proposal is to implement school employees benefits board (SEBB) policy resolutions and make other technical amendments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, and 41.05.740; and SEBB policy resolutions.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (agency) is reviewing multiple sections within chapters 182-30, 182-31, and 182-32 WAC that may require SEBB policy resolutions to support the SEBB program.

Process for Developing New Rule: The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cade Walker, P.O. Box 42720, Olympia, WA 98504-2720, phone 360-725-0830, fax 360-586-9727, telecommunication relay services (TRS) 711, email Cade.Walker@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Stella Ng, P.O. Box 42720, Olympia, WA 98504-2720, phone 360-725-0883, fax 360-586-9727, TRS 711, email Stella.Ng@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

January 17, 2025
Wendy Barcus
Rules Coordinator

WSR 25-03-117
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed January 21, 2025, 9:02 a.m.]

Subject of Possible Rule Making: Permit requirements for tower cranes, chapter 296-155 WAC, Part L.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 49.17 RCW; RCW 49.17.400.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making will implement the requirements of sections 4 and 6 of 2SHB 2022 (chapter 311, Laws of 2024), codified under RCW 49.17.435 and 49.17.440. The department of labor and industries (L&I) must establish, by rule, a permit for the performance of any work involving the operation, assembly, disassembly, or reconfiguration of a tower crane. Some of the topics which will be addressed in this rule making include:

- Permit requirements related to tower cranes;
- Permit application and safety conference;
- Permit denials, suspensions, and revocations;
- Requirements of prime contractors; and
- Other housekeeping changes.

Process for Developing New Rule: Stakeholder meetings will be held to allow those affected by the rule to provide input prior to the rule proposal being filed. Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cynthia Ireland, Administrative Regulations Analyst, L&I, Division of Occupational Safety and Health, P.O. Box 44620, Olympia, WA 98504-4620, phone 360-791-5048, fax 360-902-5619, email Cynthia.Ireland@Lni.wa.gov.

Additional comments: For more information on L&I rule making, visit L&I's Rulemaking Activity web page at <https://www.Lni.wa.gov/rulemaking-activity/>.

January 21, 2025
Joel Sacks
Director

WSR 25-03-120
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Order 25-01—Filed January 21, 2025, 10:32 a.m.]

Subject of Possible Rule Making: The Washington department of fish and wildlife (WDFW) is considering amending current recreational fishing rules resulting from stakeholder recommendations made during the 2025 North of Falcon process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The recreational fishing rules based on North of Falcon recommendations change from year to year to reflect resource availability and to achieve conservation goals. Amendments to recreational fishing rules are needed to implement the agreed-upon changes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are several other agencies involved in this rule making in association with the Pacific Fisheries Management Council (PFMC) season setting process, including the National Oceanic and Atmospheric Agency, Fisheries Division (National Marine Fisheries Service). These agencies, as well as WDFW, all provide input and/or take part in the PFMC/North of Falcon season setting meeting.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting WDFW rules coordinator, phone 855-925-2801, project code 10972, email 2025_nof_recreational_fishing@publicinput.com, website https://publicinput.com/2025_nof_recreational_fishing, <https://wdfw.wa.gov/fishing/management/north-falcon>.

Additional comments: Assistance for language translation, alternate format, or reasonable accommodation, contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 1-800-833-6388 or 711, email Title6@dfw.wa.gov. For more information, see <https://wdfw.wa.gov/accessibility/requests-accommodation>.

January 20, 2025
Scott Bird
Rules Coordinator

WSR 25-03-121
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Order 25-02—Filed January 21, 2025, 10:32 a.m.]

Subject of Possible Rule Making: The Washington department of fish and wildlife (WDFW) is considering amending current Puget Sound commercial salmon fishing rules resulting from stakeholder recommendations made during the 2025 North of Falcon process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Puget Sound commercial salmon fishing rules based on North of Falcon recommendations that change from year to year to reflect resource availability and to achieve conservation goals. Amendments to Puget Sound commercial fishing rules are needed to implement the agreed-upon changes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: National Oceanic and Atmospheric Administration Fisheries and the National Marine Fisheries Service. These agencies, as well as WDFW, the Pacific Fisheries Management Council, and the Pacific Salmon Commission, all provide input and/or take part in the North of Falcon meetings and recommendations.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting WDFW rules coordinator, phone 855-925-2801 project code: 10745, email 2025_nof_ps_commercial_fishery@publicinput.com, website publicinput.com/2025_nof_ps_commercial_fishery, background <https://wdfw.wa.gov/fishing/management/north-falcon>.

Additional comments: Assistance for language translation, alternate format, or reasonable accommodation, contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 1-800-833-6388 or 711, email Title6@dfw.wa.gov. For more information, see <https://wdfw.wa.gov/accessibility/requests-accommodation>.

January 20, 2025
Scott Bird
Rules Coordinator

WSR 25-03-122
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Order 25-03—Filed January 21, 2025, 10:34 a.m.]

Subject of Possible Rule Making: The Washington department of fish and wildlife (WDFW) is considering amending current coastal commercial salmon fishing rules resulting from stakeholder recommendations made during the 2025 North of Falcon process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Coastal commercial salmon fishing rules are based on North of Falcon recommendations that change from year-to-year to reflect resource availability and to achieve conservation goals. Amendments to coastal commercial salmon fishing rules are needed to implement the agreed-upon changes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: National Oceanic and Atmospheric Administration Fisheries and the National Marine Fisheries Service. These agencies, as well as WDFW, the Pacific Fisheries Management Council, and the Pacific Salmon Commission, all provide input and take part in the North of Falcon meetings and recommendations.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting WDFW rules coordinator, phone 855-925-2801, project code 10973, email 2025_nof_coastal_commercial@publicinput.com, website https://publicinput.com/2025_nof_coastal_commercial, background <https://wdfw.wa.gov/fishing/management/north-falcon>.

Additional comments: Assistance for language translation, alternate format, or reasonable accommodation, contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 1-800-833-6388 or 711, email Title6@dfw.wa.gov. For more information, see <https://wdfw.wa.gov/accessibility/requests-accommodation>.

January 20, 2025
Scott Bird
Rules Coordinator

WSR 25-03-123

**PREPROPOSAL STATEMENT OF INQUIRY
BELLINGHAM TECHNICAL COLLEGE**

[Filed January 21, 2025, 10:42 a.m.]

Subject of Possible Rule Making: Revisions and updates to language in chapters 495B-121, 495B-140, and 495B-168 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To provide students, employees, and visitors clear direction on college processes.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ronda Laughlin, 3028 Lindbergh Avenue, phone 360-752-8334, fax 360-752-7134, TTY 360-752-8515, email rlaughlin@btc.edu, website www.btc.edu.

January 21, 2025
Ronda Laughlin
Executive Assistant
Rules Coordinator

WSR 25-03-134
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Order 25-05—Filed January 21, 2025, 4:07 p.m.]

Subject of Possible Rule Making: The department of fish and wildlife (department) seeks to amend rules concerning the permanent closure of fishing areas near Washington state ferry terminals that would prohibit either commercial or recreational purse seine fishing, crabbing, shrimping, and gillnetting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department seeks to improve public and worker safety by prohibiting either commercial or recreational crabbing, shrimping, purse seine fishing, and gillnetting near all ferry terminals managed by the Washington state department of transportation (WSDOT). In addition to safety and worker safety concerns, the commercial and recreational fishing equipment associated with these activities has historically caused significant and costly annual damage to WSDOT ferries. WSDOT has been unsuccessful in discouraging the public from commercially or recreationally fishing in these areas with public announcements, radio notices, and other outreach.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: WSDOT.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Scott Bird, Rules Coordinator, P.O. Box 43200, Olympia, WA 98504-3200, phone 855-925-2801, project code 10992, email ferriesandfishinggear@publicinput.com, website <http://publicinput.com/ferriesandfishinggear>; or Lt. Erik Olson, Region 4, 16018 Mill Creek Boulevard, Mill Creek, WA 98012-1541, phone 425-775-1311.

Additional comments: Assistance for language translation, alternate format, or reasonable accommodation, contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 1-800-833-6388 or 711, email Title6@dfw.wa.gov. For more information, see <https://wdfw.wa.gov/accessibility/requests-accommodation>.

January 20, 2025
Scott Bird
Rules Coordinator

WSR 25-03-135

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION

[Filed January 21, 2025, 4:17 p.m.]

Subject of Possible Rule Making: Chapter 468-100 WAC, Uniform relocation assistance and real property acquisition. The Federal Highway Administration (FHWA) published a new final rule in the Federal Register, amending the government-wide Uniform Relocation Assistance and Real Property Acquisition Policy Act (Uniform Act) regulations. The Uniform Act, as amended, 42 U.S.C. 4601 *et seq.*, provides important protections and assistance for people affected by federal and federally assisted projects. Congress enacted this law to ensure that people whose real property is acquired, or who move as a result of federal projects or projects receiving federal funds, are treated fairly and equitably and receive just compensation for, and assistance in moving from, the property they own or occupy. The government-wide regulation implementing the Uniform Act is 49 C.F.R. Part 24. The Washington state department of transportation (WSDOT), as the lead agency to chapter 468-100 WAC, must now update our regulations to reflect the provisions of the final rule and remove conflicting provisions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 8.26.085.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: FHWA amended the Uniform Act regulations. The revisions were prompted by enactment of the Moving Ahead for Progress in the 21st Century Act (MAP-21), which increased statutory relocation benefits and reduced length of occupancy requirements. FHWA also updated the Uniform Act regulations in response to comments received during a rule making's public comment period and to reflect their experience with the Federal-aid Highway Program since the last comprehensive rule making for the Uniform Act, which occurred in 2005. The updates include streamlining processes to better meet current Uniform Act implementation needs, adding new benefit categories, updating monetary limits, and eliminating duplicative and outdated regulatory language.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: FHWA is the federal lead agency for the Uniform Act. Their duties include developing, issuing, and maintaining the government-wide regulation, providing assistance to other federal agencies, and reporting to congress on Uniform Act implementation issues. FHWA published a notice of proposed rule making, which included a public comment period, in 2019. The updated rules went into effect on June 3, 2024. Since that time, FHWA has held many webinars on the final rule for state, local, and federal agencies.

WAC 468-100-002(16) establishes WSDOT as the "lead agency" for the Uniform Act in Washington acting through FHWA. WSDOT will consult with the department of enterprise services (DES) and FHWA before adopting amended rules on this subject. FHWA's Washington division realty officer will be included in this process, along with DES project management and professional services.

Process for Developing New Rule: FHWA has already created the new rules in 49 C.F.R. Part 24. WSDOT must now mirror the updated regulations in chapter 468-100 WAC.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by

contacting Danny Johnson, P.O. Box 47338, Tumwater, WA 98504-7338,
phone 360-705-7317, TTY 711, email danny.johnson@wsdot.wa.gov.

January 21, 2025
Sam Wilson, Director
Business Support Services