

**WSR 10-06-004**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BOARD OF REGISTRATION**  
**FOR PROFESSIONAL ENGINEERS**  
**AND LAND SURVEYORS**

[Filed February 18, 2010, 10:18 a.m.]

The board of registration for professional engineers and land surveyors requests withdrawal of the preproposal statement of inquiry filed as WSR 10-01-137 on December 21, 2009, and appearing in issue 10-01 of the state register.

George A. Twiss  
 Executive Director

**WSR 10-06-016**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Disability Services Administration)

[Filed February 22, 2010, 10:33 a.m.]

Subject of Possible Rule Making: The department is considering amending and adding sections to chapter 388-76 WAC, Adult family home minimum licensing requirements: WAC 388-76-10585 Resident rights—Examination of inspection results, 388-76-10105 Application—Change of ownership, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.128.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amending these rules and adding new sections to give more notice to residents and their families when there is a change of ownership in the adult family home and to clarify that inspection and complaint investigation reports must be posted in the home for residents and families to view.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making; and DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to 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 Michael Tornquist, Program Manager, DSHS, Residential Care Services, Aging and Disability Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-3204, fax (360) 438-7903, TTY (877) 905-0454, e-mail tornqmj@dshs.wa.gov. Draft section language will be posted on ADSA professional internet web page for review and comment prior to filing the CR-102.

Anyone from the public can comment directly to the program manager listed above via phone, e-mail or fax.

February 3, 2010  
 Don Goldsby, Manager  
 Rules and Policies Assistance Unit

**WSR 10-06-017**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
 (Chiropractic Quality Assurance Commission)  
 [Filed February 22, 2010, 11:21 a.m.]

Subject of Possible Rule Making: WAC 246-808-550 Future care contracts prohibited—Chiropractic quality assurance commission (commission), revising the current rule to clarify the requirements for future care contracts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.25.0171 and 18.130.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission is considering amending the current rule to establish clear guidelines for future care contracts. Future care contracts require a patient to pay for care to be rendered in the future. The current language and title appear to conflict and cause confusion. The commission intends to clarify the requirements for future care contracts to allow chiropractors to proceed with services and to protect the public.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

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 Leann Yount, Department of Health, Chiropractic Quality Assurance Commission, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4856. Stakeholders will be notified and invited to participate in an open public workshop and may submit written comments for consideration. Stakeholders will be notified through listserv mailings, commission meetings, and posting to the web site.

February 22, 2010  
 Leann Yount  
 Program Manager

**WSR 10-06-022**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
 [Filed February 22, 2010, 11:49 a.m.]

The department of health, board of pharmacy is withdrawing the CR-101 for WAC 246-869-100, which was filed on October 6, 2009, and published in WSR 09-20-092.

The proposal was in response to a petition from a pharmacist. The original intent of the rule-making inquiry was to

consider extending the refill period for legend drug prescriptions from one year to two years and retaining the initial prescription number for every unchanged refill of that prescription.

Stakeholder feedback was solicited from all state boards of pharmacy and through the board of pharmacy listserv. Twenty states responded and eighty-five comments were received from individuals via the listserv. Sixty of the eighty-five individual stakeholders were not in favor of the rule. Seventeen of the twenty states that responded were not in favor of the rule because it extended the time for patients to see their providers between prescriptions.

The stakeholder information was presented at the board of pharmacy meeting December 10, 2009, with a recommendation to withdraw the CR-101. A majority of the board members voted in favor of the withdrawal based on the feedback received.

Individuals requiring information on this rule should contact Susan Teil Boyer, at (360) 236-4853.

Mary C. Selecky  
Secretary

### WSR 10-06-023

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Board of Osteopathic Medicine and Surgery)

[Filed February 22, 2010, 12:30 p.m.]

Subject of Possible Rule Making: Chapter 246-853 WAC, creating new section and amending WAC 246-853-070 and 246-853-080, to establish requirements for a retired active status license for osteopathic physicians and surgeons.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.130.250, 18.57.005, 18.130.050, 43.70-280.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board of osteopathic medicine and surgery (board) was petitioned by the Osteopathic Medical Association to implement rules regarding a retired active status license. The board granted the petition at their May 29, 2009, meeting. The board will consider implementing rules for a retired active status license, including continuing education requirements. The retired active status would allow volunteer osteopathic physicians to provide needed services.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons can participate in the rule process through meetings and by submitting written comments. Interested parties are encouraged to join our listserv which can be accessed at <http://www.doh.wa.gov/hsqa/Professions/Osteopath/default.htm> or by contacting Erin Obenland, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852,

phone (360) 236-4945, fax (360) 236-2406, e-mail [erin.obenland@doh.wa.gov](mailto:erin.obenland@doh.wa.gov).

February 22, 2010  
Blake T. Maresh  
Executive Director

### WSR 10-06-025

#### PREPROPOSAL STATEMENT OF INQUIRY FOREST PRACTICES BOARD

[Filed February 22, 2010, 3:17 p.m.]

Subject of Possible Rule Making: Northern spotted owl habitat development and improvement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: The forest practices board's authority to adopt forest practices rules is granted under RCW 76.09.040, [76.09].050, and [76.09].370. The pilot project process is authorized by RCW 34.05.313.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this proposed pilot is to explore the potential to improve or create habitat for the northern spotted owl in forest stands with high stem densities in the eastern Cascades physiographic province. There are operational, economic, and rule-based explorations involved in this pilot. In general, forest stands in the eastern Cascades of Washington may meet conditions where high stem density limits the functionality of spotted owl habitat and decreases its overall longevity due to increased water stress leading to susceptibility to insect and disease infestation, and higher risk of loss to fire. These stands may be amenable to management activities that result in stands that meet the definition of northern spotted owl habitat (WAC 222-16-085), have a higher proportion of larger trees, down wood and snags, and improved variable spacing, all of which can improve functionality for spotted owls and their prey. This pilot seeks to conduct management operations with the explicit goal of improving habitat quality without the deterrence of the time and expense of State Environmental Policy Act (SEPA) compliance or development of a long-term management plan. If the pilot is successful in improving habitat quality while streamlining operation costs, then one outcome may be recommendation to the forest practices board of a proposed new rule allowing beneficial management activities and providing a procedure that is less administrative work for landowners.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Personnel from the department of natural resources (DNR), the department of fish and wildlife (WDFW), and the United States Fish and Wildlife Service, along with volunteers from the Conservation Caucus, will participate in planning, field visits, and layout of management activities with staff from Longview Timber. The forest practices board will be briefed on the progress and results of the pilot.

Process for Developing New Rule: Pilot rule making.

Background: The purpose of this proposed pilot project is to explore the potential to improve or create habitat for the northern spotted owl in forest stands with high stem densities

in the eastern Cascades physiographic province. There are operational, economic, and rule-based explorations involved in this pilot.

In general, forest stands in the eastern Cascades of Washington may meet conditions where high stem density limits the functionality of spotted owl habitat and decreases its overall longevity due to increased water stress leading to susceptibility to insect and disease infestation, and higher risk of loss to fire. Changes in management regimes since pre-European settlement have produced stands with generally higher stem densities than in these prior regimes (e.g., Hessberg et al., 2007). While currently serving as spotted owl habitat, there is much concern about the susceptibility of these high density stands, to loss from insect outbreaks and catastrophic fire (see literature reviews in SEI 2004 and SEI 2008). In addition, habitat definitions in the forest practices rules for the eastern Cascades are based on a literature review of the characteristics of stands in which owl use was documented. Stands with stem densities above three hundred trees per acre tended not to have documented use (Hanson et al., 1993). A subsequent review of the literature found one study in which owls used stands with stem densities as high as three hundred seventy trees per acre, but most research done since 1993 found values within the range described by the rule definition (Buchanan and Swedeen, 2005). Thus, it is possible that stands near or above three hundred stems per acre could be thinned to improve or maintain function, while also reducing drought stress and thus susceptibility to insect outbreak and loss to fire. These stands may be amenable to thinning that results in stands that meet the definition of northern spotted owl habitat (WAC 222-16-085), (i.e., stem density is at or above one hundred trees per acre post-thinning) and have a higher proportion of larger trees, down wood and snags, and improved variable spacing, all of which can improve functionality for spotted owls and their prey such as northern flying squirrels (Lehmkuhl et al., 2006).

Where high stem density conditions occur in a currently occupied circle that has less than two thousand six hundred five acres of habitat within a 1.8 mile radius of the site center (WAC 222-10-041(4)), forest practices regulations may classify the proposed operations as Class IV-Special (WAC 222-16-080 (1)(h)) and thus require either compliance with SEPA (WAC 222-16-050 (1)(b)) or a long-term management plan (a landowner option plan or a habitat conservation plan) (WAC 222-16-080 (6)(a) or (e)).

This pilot seeks to explore the feasibility of thinning and other habitat enhancement operations with the explicit goal of improving habitat quality while avoiding the time and expense of SEPA compliance or development of a long-term management plan. If the pilot is successful in improving habitat quality while streamlining operational costs, then one outcome may be a recommendation to the forest practices board for a proposed rule allowing beneficial management activities and providing a procedure that is less costly for landowners.

**Pilot Proposal:** The proposed pilot project, on lands owned and managed by Longview Timber within the Entiat spotted owl special emphasis area, would explore whether thinning in overstocked stands to improve spotted owl habitat quality is operationally and economically feasible. It should

be noted that this is more of an operational and process pilot than it is a research pilot. We are seeking permission to depart from existing forest practices rules in order to determine whether a better planning process for habitat enhancement is possible, in addition to seeking answers to operational and economic feasibility questions. The project planning area comprises one thousand one hundred ninety-eight acres and is located in Township 25N Range 18E Sec 2&3. The thinning operations would occur on up to six hundred forty acres, conducted under one forest practices application. Barring any other requirement to classify the application as a Class IV Special, the application will be processed as a Class III (WAC 222-16-050(5)), which requires a waiver from the existing rules for Class IV special or general applications. WAC 222-16-050 (1), (2).

Some stands may not meet the definition of northern spotted owl habitat prior to thinning, and some likely will meet the definition. For stands that do not meet the young forest marginal owl habitat definition, prescriptions will be designed by the project team (Longview Timber, DNR, WDFW, tribes, and the Conservation Caucus) to ensure that management activities result in a trajectory to meet young forest marginal and submature as soon as is feasible given the growth potential of the stand and its starting conditions. In stands that meet at least young forest marginal habitat definitions, prescriptions will be designed to enhance habitat at a future date while still meeting the definition of suitable habitat and improving forest health.

Field visits and modeling exercises will be conducted during the planning stages of the pilot to determine whether prescriptions can be designed for the application area to meet the goals of the project. If it is determined that existing habitat stands cannot be thinned while maintaining young forest marginal or better habitat conditions, then those stands will not be treated. If the pilot contains habitat improvement prescriptions in nonhabitat stands, and funding has been secured to treat these stands, the pilot may proceed. Personnel from DNR, WDFW, and the United States Fish and Wildlife Service, and interested tribes along with volunteers from the Conservation Caucus, will participate in planning, field visits, and thinning layout with staff from Longview Timber.

This pilot will at a minimum involve monitoring stand conditions before and after operations to test assumptions about whether the prescriptions have the intended effects on structural attributes of spotted owl habitat. Monitoring will follow standard procedures for measuring habitat attributes in forests and will occur prior to treatments, and one, five, and ten years post-treatment. Sampling will be adequate to result in a sampling error of five percent or less at a ninety percent confidence interval. If funding is available, monitoring may be conducted on effects of thinning on spotted owl prey and on spotted owl use. Initial measurements would be taken on prey base prior to thinning. Being able to measure any effect on owl use will require that owls are actively using the site, and a determination from the United States Fish and Wildlife Service that tagging or banding the birds will not have a deleterious impact on their potential for survival.

In addition, information on general economic feasibility of thinning in owl habitat will be generated in a manner that

is useful to other landowners but does not compromise any proprietary data of Longview Timber.

Longview Timber, the Conservation Caucus, DNR, and WDFW will present periodic updates to the forest practices board on the progress of the pilot project. An initial report will be delivered after it is determined whether the thinning projects envisioned are feasible. If the project is feasible, this report will include a detailed operational plan of proposed harvest activities, monitoring, and economic assessment criteria. If the project is not feasible, the report will describe the reasons for lack of feasibility and any lessons that could be learned for future projects. Subsequent reports will be made on an annual basis unless there is no activity to report in a given year. A report will also be made when the group designing the project determines if lessons learned would lead to recommendations that a change in forest practices rules to accommodate similar projects is warranted.

Conditions: Carrying out this pilot is contingent on the following conditions:

(1) Funding is secured before operations to allow Longview Timber and its partners to carry out planning, marking, harvesting, and pre- and post-harvest stand measurements. Longview may terminate the pilot if funding is not available after [two] years from November 2009.

(2) The United States Fish and Wildlife Service evaluates the application and prescriptions and concludes that the proposed project will not likely result in a Section 9 "take" of spotted owls and issues a No Take Letter. If the United States Fish and Wildlife Services cannot issue a No Take Letter, or other appropriate federal assurances, Longview may terminate the pilot. The state or Conservation Caucus may also determine that the pilot should not proceed based on unacceptable impacts to the northern spotted owl.

(3) Longview determines that either there is adequate financing or economic conditions for selling the resulting products.

(4) DNR and WDFW, and the Conservation Caucus agree that the proposed prescriptions will improve northern spotted owl habitat quality.

(5) No operations will occur during northern spotted owl nesting season and limited operations will occur within habitat within 0.7 miles of a northern spotted owl site center.

(6) Longview maintains ownership of property for ten years after operations are conducted and if funds are available, either conducts agreed upon monitoring or allows other agencies or agreed upon groups to conduct monitoring.

(7) Longview may terminate its participation in the pilot if the pilot is challenged legally (including administrative appeals). Groups participating in the pilot agree not to challenge the project.

(8) Longview is released from any and all obligations regarding the pilot in the event of catastrophic loss due to insects and/or fire. Catastrophic means death of over eighty percent of standing live trees.

Literature Cited:

Buchanan, J. and P. Swedeen. 2005. Final Briefing Report to the Washington State Forest Practices Board Regarding Spotted Owl Status and Forest Practice Rules. Washington Department of Fish and Wildlife, Olympia, WA. August, 2005.

Courtney, S.P., J A Blakesley, R E Bigley, M L Cody, J P Dumbacher, R C Fleischer, A B Franklin, J F Franklin, R J Gutierrez, J M Marzluff, L Sztukowski. 2004. Scientific evaluation of the status of the Northern Spotted Owl. Sustainable Ecosystems Institute, Portland, OR.

Courtney, S.P., A.B. Carey, M.L. Cody, K. Engle, et al. 2008. Scientific Review of the Draft Northern Spotted Owl Recovery Plan and Reviewer Comments. Sustainable Ecosystems Institute, Portland, OR.

Hanson, E., D. Hays, L.L. Hicks, L. Young, and J. Buchanan. 1993. Spotted Owl Habitat in Washington. Report to the Washington State Forest Practices Board. Olympia, WA.

Hessburg, P.F., K.M. James, and R.B. Salter. 2007. Re-examining fire severity relations in pre-management era mixed conifer forests: Inferences from landscape patterns of forest structure. *Landscape Ecology*. Special feature. 22(1): 5-24.

Lehmkuhl, J.F., K.D. Kistler, J.S. Begley, and J. Boulanger. 2006. Demography of northern flying squirrels informs ecosystem management of western interior forests. *Ecological Applications* 16:584-600.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by mailing, faxing, or e-mailing comments to Patricia Anderson, Forest Practices Board Rules Coordinator, Department of Natural Resources, Forest Practices Division, 1111 Washington Street S.E., 4th Floor, P.O. Box 47012, Olympia, WA 98504-7012, fax (360) 902-1428, e-mail forest.practices.board@dnr.wa.gov.

February 10, 2010

Peter Goldmark

Chair

**Reviser's note:** The brackets and enclosed material in the text of the conditions paragraph occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 10-06-031**

**PREPROPOSAL STATEMENT OF INQUIRY**

**DEPARTMENT OF**

**RETIREMENT SYSTEMS**

[Filed February 23, 2010, 9:08 a.m.]

Subject of Possible Rule Making: Rules related to Internal Revenue Code requirements, such as WAC 415-106-050 How does the department comply with Internal Revenue Code distribution rules?, 415-106-060 What are the IRS limitations on maximum benefits and maximum contributions?, 415-106-070 Assets for exclusive benefit of members and beneficiaries, and others.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will update, rewrite, and create rules as necessary in plain English.

Process for Developing New Rule: The department of retirement systems (DRS) will develop the draft rule(s) with the assistance of the attorney general's office. The public is invited and encouraged to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. DRS encourages your active participation in the rule-making process. After the rule(s) is drafted, DRS will file a copy with the office of the code reviser with a notice of proposed rule making. The notice will include the time and date of a public rules hearing. DRS will send a copy of the notice and the proposed rule(s) to everyone currently on the mailing list and anyone else who requests a copy. To request a copy or for more information on how to participate, please contact Ken Goolsby, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, fax (360) 753-5397, e-mail Rules@drs.wa.gov.

February 23, 2010  
Ken Goolsby  
Rules Coordinator

### WSR 10-06-038

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Board of Optometry)

[Filed February 23, 2010, 10:22 a.m.]

Subject of Possible Rule Making: Chapter 246-851 WAC, Prescription of therapeutic contact lenses used as a medication delivery.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.54.070, 18.53.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Contact lenses are now being developed that contain and release antibiotics and other drugs needed to treat a wide variety of eye disorders such as glaucoma, dry eye, infections, allergic conjunctivitis and eye pain. The board is considering rules to clarify prescription of these contact lenses by optometrists.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

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. Interested persons can participate in the development of new rules by attending stakeholder meetings, providing comments on proposed language which will be sent to interested persons through listserv and by regular mail. Send written comments to Judy Haenke, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4947, fax (360) 236-2901 or e-mail judy.haenke@doh.wa.gov.

February 22, 2010  
Bart Eggen  
Executive Director

### WSR 10-06-039

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed February 23, 2010, 11:22 a.m.]

Subject of Possible Rule Making: WAC 220-110-200 through 220-110-206 establish the rules under which mineral prospecting and placer mining activities may be conducted pursuant to RCW 77.55.091. The Washington department of fish and wildlife (WDFW) anticipates amending the current rules to address concerns that recent amendments to the rules may result in harm to fish listed under the federal Endangered Species Act (ESA).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.55.091.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Recent amendments to the mineral prospecting rules, effective April 3, 2009, made changes to the previous rules in several areas, including expanding the range of activities that may be conducted outside authorized work windows established to protect fish. Since the adoption of these changes, the National Marine Fisheries Service (NMFS) has expressed concern that certain activities conducted under the rules may cause harm to fish listed under the federal ESA. The WDFW anticipates proposing amendments to the rules to address these concerns.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The NMFS manages and protects Pacific salmon and other species listed under the ESA. The WDFW will coordinate with the NMFS to identify the specific changes to the rules that are necessary to avoid harm to listed species.

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 Lori Preuss, WDFW Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail Lori.preuss@dfw.wa.gov. Contact by April 6, 2010. Expected proposal filing on or after April 21, 2010.

February 23, 2010  
Lori Preuss  
Rules Coordinator

### WSR 10-06-061

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed February 25, 2010, 10:20 a.m.]

Subject of Possible Rule Making: The department will amend rules [in] Title 388 WAC related to eligibility and benefit level for the supplemental nutrition assistance program (SNAP) administered in Washington as the Washington Basic Food program, Washington combined application program (WASHCAP) and transitional food assistance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.04.515, 74.08.090, 74.08A.010, 74.08A.903.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On January 29, 2010, the United States Department of Agriculture, Food and Nutrition Service (FNS) published final rules related to the Farm Security and Rural Investment Act of 2002 (FSRIA) under Volume 75, No. 19 of the Federal Register. This final rule implements eleven provisions of FSRIA that establish new eligibility and certification requirements for the receipt of food assistance benefits under SNAP.

Rules under this filing will amend rules related to eligibility and certification provisions for food assistance to be consistent with requirements of FSRIA.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DSHS incorporates regulations from federal agencies, exercises state options, and implements approved waivers and demonstration projects by adopting administrative rules for food assistance administered as the Washington Basic Food program, WASHCAP, and transitional food assistance.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to 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 Holly St. John, SNAP Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4895, fax (360) 725-4904, e-mail holly.st.john@dshs.wa.gov.

February 23, 2010

Don Goldsby, Manager  
Rules and Policies Assistance Unit

#### WSR 10-06-067

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF TRANSPORTATION

[Filed February 25, 2010, 1:17 p.m.]

Subject of Possible Rule Making: Minor revision to chapter 468-70 WAC, Motorist information signs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.36.030 Traffic control devices—Specifications to counties and cities—Signs, banners over highways.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule would incorporate curb service eligibility requirements, to reflect national trends and other states' practices with signing to food service activities. Compliance requirements with business sign standards would be reinforced to improve business sign quality and statewide consistency.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The department reviewed national food service user trends and the signing practices of other states. The revisions to the business sign standards compliance requirements are for clarification purposes only and do not alter current procedures.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Mowlds, Signing Engineer, WSDOT Headquarters Traffic Operations Office, P.O. Box 47344, Olympia, WA 98504-7344, phone (360) 705-7988, fax (360) 705-6826, or e-mail mowldsr@wsdot.wa.gov.

February 25, 2010

Stephen T. Reinmuth  
Chief of Staff

#### WSR 10-06-076

##### PREPROPOSAL STATEMENT OF INQUIRY BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

[Filed February 26, 2010, 3:17 p.m.]

Subject of Possible Rule Making: New chapter 196-13 WAC, Professional engineer licensure by comity.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.43.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This new section will be created to address issues to applicants that are seeking licensure in Washington that are currently licensed in non-United States jurisdictions and the United States without an examination.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

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 George A. Twiss, Executive Director, Board of Registration for Professional Engineers and Land Surveyors, P.O. Box 9025, Olympia, WA 98507-9025, phone (360) 664-1565, fax (360) 664-2551, e-mail engineers@dol.wa.gov. Comments may be submitted through regular mail, fax or e-mail. Draft language of rule amendments will be distributed to the board's list of interested persons (listserv).

February 26, 2010

George A. Twiss  
Executive Director

**WSR 10-06-082**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF**  
**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2010-02—Filed March 1, 2010,  
 9:06 a.m.]

Subject of Possible Rule Making: Joint Underwriting Association (JUA) for midwifery and birthing centers malpractice insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 and 48.87.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current rule limits the entity that may act as the administrator for the midwife JUA to an authorized insurer. Under this rule making, the commissioner will consider options that will: Amend the existing rule to allow other entities to act as the administrator for the JUA, to allow the JUA board the discretion to indemnify the servicing company for acting on its behalf, to change the composition of the board of directors, to change the reporting requirements of the JUA, to change the circumstances under which the board may refuse or cancel coverage for a licensee, update citations and terms which have changed as [a] result of statutory amendments, set forth the order of distribution of the assets of the JUA upon dissolution, and allow the JUA to distribute excess reserves.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Submit written comments by April 16, 2010, to Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, e-mail jimt@oic.wa.gov, fax (360) 586-3109.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, e-mail jimt@oic.wa.gov, fax (360) 586-3109.

March 1, 2010  
 Mike Kreidler  
 Insurance Commissioner

**WSR 10-06-088**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GAMBLING COMMISSION**

[Filed March 1, 2010, 3:23 p.m.]

Subject of Possible Rule Making: Amusement games.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed change would allow cards issued by operators to be used to track amusement game tickets won by players. Prizes would not be allowed to be credited to cards to be used for additional plays.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by

attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov, fax (360) 486-3625.

[Meetings on] March 11, 2010, at the Lacey Community Center, 6729 Pacific Avenue S.E., Lacey, WA 98503, (360) 491-0857; on April 9, 2010, at the Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000; and on May 14, 2010, at the Red Lion Hotel, 2525 North 20th Avenue, Pasco, WA 99301, (509) 547-0701.

March 1, 2010  
 Susan Arland  
 Rules Coordinator

**WSR 10-06-089**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GAMBLING COMMISSION**

[Filed March 1, 2010, 3:25 p.m.]

Subject of Possible Rule Making: Licensing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed change would bring agency rules current with Washington state laws that allow the agency director to temporarily approve licenses.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov, fax (360) 486-3625.

[Meetings on] March 11, 2010, at the Lacey Community Center, 6729 Pacific Avenue S.E., Lacey, WA 98503, (360) 491-0857; on April 9, 2010, at the Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000; and on May 14, 2010, at the Red Lion Hotel, 2525 North 20th Avenue, Pasco, WA 99301, (509) 547-0701.

March 1, 2010  
 Susan Arland  
 Rules Coordinator

**WSR 10-06-106**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF REVENUE**

[Filed March 3, 2010, 8:41 a.m.]

Subject of Possible Rule Making: WAC 458-40-660 Timber excise tax—Stumpage value tables.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.33.096, 82.32.300, and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 84.33.091 requires the department of revenue to revise the stumpage value tables every six months. The department establishes stumpage value tables to appraise timber harvesters of the timber values used to calculate the timber excise tax. The department anticipates amending WAC 458-40-660 to provide valuations for the second half of 2010.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Although the United States Forest Service and Washington state department of natural resources both regulate forest practices, neither is involved in valuation for taxation purposes. The nontax processes and definitions are coordinated with these agencies to avoid conflict, but there should be no need to involve them in the valuation revisions provided in this rule.

Process for Developing New Rule: Parties interested in this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or giving oral testimony at the public meeting or public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of anticipated changes will be available upon request shortly before the public meeting. Written comments on and/or requests for copies of the rule may be directed to Mark E. Bohe, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98504-7453, e-mail markbohe@dor.wa.gov, phone (360) 570-6133.

Public Meeting Location: Capital Plaza Building, 4th Floor, L&P Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on April 13, 2010, at 10:00 a.m.

March 3, 2010

Alan R. Lynn  
Rules Coordinator

the operating budget for fiscal years 2010 and 2011. The changes include, for clients through age twenty, reducing coverage of restorative services (crowns) and reducing coverage for repairs to partial dentures; for clients age twenty-one and older, reducing coverage for endodontic treatment and oral and maxillofacial surgery; and for all clients, reducing coverage for partial dentures. The department is also updating and clarifying language in this chapter.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to 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 Kathy Sayre, Rules Program Manager, P.O. Box 45504, Olympia, WA 98504-45504 [98504-5504], phone (360) 725-1342, fax (360) 586-9727, TTY 1-800-848-5429, e-mail sayrek@dshs.wa.gov.

February 24, 2010

Don Goldsby, Manager  
Rules and Policies Assistance Unit

## WSR 10-06-116

### PREPROPOSAL STATEMENT OF INQUIRY

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed March 3, 2010, 9:22 a.m.]

Subject of Possible Rule Making: The department is amending and updating sections in chapter 388-535 WAC, Dental-related services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.800, section 1109, chapter 564, Laws of 2009 (ESHB 1244).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules are necessary to meet the legislative requirements of sections 201 and 209 of