

WSR 11-10-011**PREPROPOSAL STATEMENT OF INQUIRY
TRANSPORTATION COMMISSION**

[Filed April 25, 2011, 1:04 p.m.]

Subject of Possible Rule Making: WAC 468-300-010, 468-300-020, 468-300-040, and 468-300-220.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.56.030, 47.60.315, section 205(1), chapter 247, Laws of 2010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As required by law, the transportation commission is reviewing the need to adjust ferry fares for 2011-2012.

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 Mr. Ray Deardorf, Planning Director, WSDOT Ferries Division, 2901 Third Avenue, Suite 500, Seattle, WA 98121-3014, phone (206) 515-3491, fax (206) 515-3499.

April 25, 2011
Reema Griffith
Executive Director

WSR 11-10-018**PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

(Traffic Safety Education)

[Filed April 26, 2011, 9:27 a.m.]

Subject of Possible Rule Making: Chapter 392-151 WAC, School safety patrol.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.220 RCW and RCW 46.20.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions to this WAC will update the regulations to the current standards. New language regarding the student transportation allocation reporting system and walk routes need to be added to this chapter. In addition, some technical corrections need to be made.

Process for Developing New Rule: Other [no further information supplied by agency.]

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Allan J. Jones, Director, Student Transportation, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6120, or fax (360) 586-6124, allan.jones@k12.wa.us.

April 26, 2011
Randy Dorn
Superintendent of
Public Instruction

WSR 11-10-040**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed April 27, 2011, 2:50 p.m.]

The office of superintendent of public instruction would like to withdraw the filing of CR-101, WSR 11-08-007, dated March 28, 2011.

If there are any questions with the withdrawal of WSR 11-08-007, please contact Kim Kimbler, administrative program specialist with student transportation and traffic safety education, at (360) 725-6120, or e-mail kim.kimbler@k12.wa.us.

Randy Dorn
State Superintendent
of Public Instruction

WSR 11-10-041**PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed April 27, 2011, 3:45 p.m.]

Subject of Possible Rule Making: Chapter 392-501 WAC, Academic achievement, accountability and assessment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESSB 6604 (Laws of 2010) and ESSB 5889 (Laws of 2009).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 6604 removed all reference to student learning plans except for students in the eighth grade who did not meet standard on the seventh grade state assessment. References to the high school student learning plans, contained in WAC 392-501-201 and 392-501-310, need to be removed as they are no longer valid.

ESSB 5889 provided for flexibility in the assessment of students for purposes of graduation. Changes are being proposed that will provide greater flexibility in the assessment process for students.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Assessment division of the office of superintendent of public instruction (OSPI).

Process for Developing New Rule: Discussion with the assessment division.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dan Newell, Assistant Superintendent, Secondary Education and School Improvement, OSPI, P.O. Box 47200, 600 Washington Street S.E., Olympia, WA 98504-7200, (360) 725-4954, fax (360) 586-9321.

April 27, 2011
Randy Dorn
Superintendent of
Public Instruction

WSR 11-10-045**PREPROPOSAL STATEMENT OF INQUIRY
TREE FRUIT RESEARCH COMMISSION**

[Filed April 28, 2011, 11:14 a.m.]

Subject of Possible Rule Making: Establishment of an additional assessment for special projects on all commercial tree fruit produced in this state, pursuant to RCW 15.26.150. Establishment of the assessment requires approval by a majority of the tree fruit producers voting and will be conducted by the Washington state department of agriculture. The assessment will terminate after a total of \$32 million is collected, or after eight crop years, whichever occurs first.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW, RCW 15.26.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The assessment for special projects would provide funding for the establishment of contractual endowments with Washington State University to permanently expand and enhance the institution's capability to conduct research of specific interest to tree fruit producers in Washington state.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington tree fruit research commission will coordinate with the Washington apple commission and the Washington state fruit commission to collect the additional assessment if approved by referendum.

Process for Developing New Rule: The Washington tree fruit research commission will develop the rule proposal and will communicate with stakeholders regarding the proposal. Interested parties can participate in the public hearing/public comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting James R. McFerson, Manager, Washington Tree Fruit Research Commission, 1719 Springwater Avenue, Wenatchee, WA 98801, phone (509) 665-8271 x1, fax (509) 663-5827, e-mail mcferson@treefruitresearch.com.

April 28, 2011

James R. McFerson
Manager**WSR 11-10-060****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed May 2, 2011, 9:11 a.m.]

Subject of Possible Rule Making: Development of rules for the coastal commercial spot shrimp fishery.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SHB 1148 (2011), RCW 77.04.020, 77.12.047, and 77.65.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SHB 1148 establishes a coastal spot shrimp license limitation program. Rules are needed to implement the program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: SHB 1148 requires Washington department of fish and wildlife's (WDFW) director to prepare and deliver a report to the legislature by January 7, 2016, regarding the coastal spot shrimp fishery. The report must contain any recommended changes to the coastal spot shrimp licensing program that the director deems appropriate. It must take into consideration the status of the coastal spot shrimp population, the impact of the removal of these shrimp on the marine ecosystem, and the market for coastal spot shrimp.

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 Enforcement Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, or e-mail Lori.preuss@dfw.wa.gov. Contact by June 1, 2011. Expected proposal filing on or after June 7, 2011.

May 2, 2011

Lori Preuss
Rules Coordinator**WSR 11-10-069****PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2011-08—Filed May 3, 2011, 6:49 a.m.]

Subject of Possible Rule Making: Long-term care partnership.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 and 48.85.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 48.85.030, the long-term care partnership statute [statute], was amended during the 2011 legislative session. Under this rule making, chapter 284-85 WAC will be amended to align with the recently amended statute. This rule making will make necessary changes to allow long-term care partnership policies to be issued in Washington state.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state department of social and health services is in the process of adopting rules regarding asset transfer "disregard" exemptions for determining medicaid eligibility. The federal secretary of Department of Health and Human Services, Centers for Medicare and Medicaid Services must approve an amendment to this state's medicaid plan. The insurance commissioner is working closely with the department of social and health services staff to assure coordination of the rule-making process.

Process for Developing New Rule: Submit written comments by June 20, 2011, to Kacy Scott, P.O. Box 48258, Olympia, WA 98504-0258, (360) 725-7041, kacys@oic.wa.gov.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 48258, Olympia, WA 98504-0258, (360) 725-7041, kacys@oic.wa.gov.

May 3, 2011
Mike Kreidler
Insurance Commissioner

WSR 11-10-083
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed May 3, 2011, 3:41 p.m.]

Subject of Possible Rule Making: Migratory waterfowl seasons and regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, 77.32.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Provides recreational opportunity and resource conservation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Fish and Wildlife Service, per C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. 10-18-012 (Order 10-214).

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 Nate Pamplin, Wildlife Program Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2515. Contact by June 13, 2011. Expected proposal filing on or after June 22, 2011.

May 3, 2011
Lori Preuss
Rules Coordinator

WSR 11-10-087
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 11-04—Filed May 4, 2011, 9:03 a.m.]

Subject of Possible Rule Making: Amendments to general regulations for air pollution sources, chapter 173-400 WAC and operating permit regulation, chapter 173-401 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Washington Clean Air Act, RCW 70.94.510.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The United States Environmental Protection Agency (EPA) established thresholds for greenhouse gas emissions in June 2010 that ecology implemented through amendments to chapter 173-400 WAC, General regulations for air pollution sources and chapter 173-401 WAC, Operating permit regulation. The EPA is working on

amendments that will defer greenhouse gas permitting requirements for carbon dioxide emissions from biomass-fired and other biogenic sources. The state rules need to be revised to assure the consistency of the provisions between the federal and state clean air acts.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: We will maintain an active dialog with EPA and local clean air agencies to ensure that the proposals are consistent with federal requirements.

Process for Developing New Rule: Ecology is incorporating the new federal language into the existing rule without making any material changes. As such, we will notify existing air operating permit sources, ecology's greenhouse gas listserv, energy facility site evaluation council, and Washington local air agencies of our intent to adopt the federal requirements. The public will have the opportunity to comment on the proposed rule. Ecology will hold at least one public hearing. The proposed amendments will be posted on the agency web site and provided to interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Linda Whitcher, Air Quality Program, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, (360) 407-6875, fax (360) 407-7534, Linda.Whitcher@ecy.wa.gov, ecology web page <http://www.ecy.wa.gov/laws-rules/currentactivity.html>.

April 28, 2011
Stuart A. Clark
Program Manager

WSR 11-10-089
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 11-03—Filed May 4, 2011, 9:33 a.m.]

Subject of Possible Rule Making: Develop rule to implement requirements of RCW 90.03.665 for certified water rights examiners (CWRE). The CWRE rule proposes to address: (1) Defining terms used in the certification process; (2) establishing fees for the certification; (3) testing standards; (4) addressing suspension and revocation criterion; (5) scope of authorities; (6) requirements for a water user prior to hiring a CWRE; (7) ecology's review of the CWRE's proof report of examination form; (8) ecology's compliance investigations; and (9) other issues that arise during the rule proposal.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.03.665(11) Water code, 43.27A.090(11) Water resources, 43.21.A.064(9) [43.21A.064(9)] Department of ecology.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 90.03.665 authorizes ecology to set fees and revoke or suspend certification of a CWRE under certain conditions. Rule making is required to set fees and identify due process for implementing revocation or suspension of certification. In addition, there are other authorities within the statute including bonds, continuing

education, and general process issues critical to clear implementation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state department of licensing, the Washington state geologist licensing board and the Washington state board of registration for professional engineers and land surveyors. Ecology staff has spoken with the three entities and will request their assistance in reviewing drafted language and for suggestions on making this rule consistent with state rules for certification and licensing.

Process for Developing New Rule: Ecology will hold public hearings on the certified water rights examiner rule. Two workshops are planned for interested and prospective CWRE applicants to provide information on the draft rule language and receive feedback from the actual users of the rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Janet Rajala, Department of Ecology, 4601 North Monroe Street, Spokane, WA 99205-1295, phone (509) 329-3421, e-mail janet.rajala@ecy.wa.gov.

April 28, 2011
Kenneth O. Slattery
Program Manager

WSR 11-10-090
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed May 4, 2011, 11:52 a.m.]

Subject of Possible Rule Making: Development of rules regarding recreational access to department lands.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.055, 77.32.050, 77.32.090, 77.32.380.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New rules are needed to implement

2SSB 5622, the discover Washington pass bill, to provide recreational access to department lands.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Coordinate with the Washington state parks department and the Washington department of natural resources to achieve the highest level of consistency in implementing the discover Washington pass in accordance with 2SSB 5622.

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 Nate Pamplin, Wildlife Program Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2515. Contact by June 13, 2011. Expected proposal filing on or after June 22, 2011.

May 4, 2011
Lori Preuss
Rules Coordinator