

WSR 13-06-013**PREPROPOSAL STATEMENT OF INQUIRY
FOREST PRACTICES BOARD**

[Filed February 25, 2013, 10:06 a.m.]

Subject of Possible Rule Making: Amend Title 222 WAC relating to the adaptive management program and harvest of forest biomass.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 76.09.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making will incorporate recommendations to reform the adaptive management program resulting from the 2012 settlement agreement regarding the forest practices habitat conservation plan. In addition, recommendations will be incorporated from the forest practices biomass working group that will include a definition and clarify the harvest of forest biomass.

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 board will coordinate with forests and fish policy on the adaptive management program rule making and seek agreement from the department of ecology to incorporate necessary changes from the settlement agreement.

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, P.O. Box 47012, Olympia, WA 98504-7012, fax (360) 902-1428, e-mail forest.practicesboard@dnr.wa.gov.

February 25, 2013

Aaron Everett

Chair

WSR 13-06-020**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Order 12-05—Filed February 27, 2013, 8:05 a.m.]

Subject of Possible Rule Making: The ambient air quality standards adopted in Washington state rules are outdated. Ecology is starting rule making to update them to match National Ambient Air Quality Standards (NAAQS) for criteria pollutants. These standards are required by the federal Clean Air Act (CAA). They protect sensitive populations including children, elderly, and people with heart and lung disease. The focus of this rule making is to:

- Align the rules with NAAQS by amending and possibly consolidating these chapters into a new chapter:
 - o Chapter 173-470 WAC, Ambient air quality standards for particulate matter (formerly chapter 18-40 WAC).

- o Chapter 173-474 WAC, Ambient air quality standards for sulfur oxides (formerly chapter 18-56 WAC).
- o Chapter 173-475 WAC, Ambient air quality standards for carbon monoxide, ozone, and nitrogen dioxide.
- Add a Lead (Pb) standard consistent with NAAQS to a new chapter.
- Meet Environmental Protection Agency (EPA) requirements.
- Include housekeeping-type changes to the rules identified during rule making.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.94 RCW provides sufficient authority to adopt rule changes.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In order to meet requirements of the CAA, states must have state implementation plans (SIP). These plans describe how the state implements, maintains, and enforces NAAQS. The CAA requires Washington to revise the SIPs under certain circumstances. Part of the SIP revision includes submitting updated rules to show we can implement, maintain, and enforce the NAAQS. The changes proposed in this rule making are necessary now because:

- EPA is requiring that ecology update the NAAQS in rule before they will approve SIPs for particulate matter, sulfur oxides, carbon monoxide, ozone, nitrogen dioxide, and lead.
- Ecology must submit SIPs for the different criteria pollutants in the NAAQS by the appropriate deadlines for each one. Ambient air quality standards must be updated in our rules to gain EPA approval of these plans. If we do not submit approvable SIPs in time, EPA will issue federal implementation plans. Ecology, local governments, and the business community prefer ecology maintain regulatory control rather than having EPA impose regulations through a federal plan.
- Under the CAA, EPA cannot approve the Tacoma-Pierce County maintenance plan or redesignate the area from nonattainment to attainment until ecology meets PM2.5 SIP requirements. We must change our rules to meet the requirements. Ecology needs to submit the maintenance plan and redesignation request in January 2014. EPA's denial would result in additional stricter requirements being imposed on the area and current economic constraints would continue longer than necessary.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of natural resources, department of health, EPA, Benton Clean Air Agency, Northwest Clean Air Agency, Olympic Region Clean Air Agency, Puget Sound Clean Air Agency, Southwest Clean Air Agency, Spokane Regional Clean Air Agency, Yakima Regional Clean Air Agency, and local governments. We will keep the agencies informed throughout our rule-development process through

e-mail notifications, public notices, web postings, and public meetings.

Process for Developing New Rule: This rule making is to amend existing rules. During the rule-making process, ecology will share draft language and seek input from stakeholders. Ecology will distribute rule-making information to mailing and e-mail distribution lists. Ecology expects to hold a stakeholder meeting in late spring or early summer where we will share our draft rule language. The air quality program rule-making web page will post details on the stakeholder meeting and opportunities for involvement. Ecology will hold at least one public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The interested parties can participate in the stakeholder meeting, contact ecology staff directly, and participate in the formal comment period. Interested parties can access more information on this rule making by contacting Margo Thompson, Department of Ecology Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, margo.thompson@ecy.wa.gov, and (360) 407-6827 or accessing the ecology web site at <http://www.ecy.wa.gov/laws-rules/index.html> or the air quality program web site at http://www.ecy.wa.gov/programs/air/rules/rules_laws.html.

February 26, 2013
Stu Clark
Air Quality
Program Manager

WSR 13-06-021

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY UTILITIES AND TRANSPORTATION COMMISSION

[Docket UG-120715—Filed February 27, 2013, 11:20 a.m.]

The Washington utilities and transportation commission (commission) filed a preproposal statement of inquiry (CR-101) regarding the safety of natural gas distribution systems on May 18, 2012, at WSR 12-11-090. The commission has decided not to proceed with this rule-making proceeding and requests that the CR-101 published in WSR 12-11-090 be withdrawn.

On December 31, 2012, the commission issued, to all interested persons in the rule-making docket, a commission policy on accelerated replacement of pipeline facilities with elevated risk. The commission filed on January 8, 2013, for publication in the state register, a notice regarding the policy statement.

Steven V. King
Acting Executive Director
and Secretary

WSR 13-06-028

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed February 28, 2013, 10:54 a.m.]

Subject of Possible Rule Making: Chapter 392-153 WAC, Traffic safety education.

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: The revision will modify the approval process for a school district's traffic safety education program.

The result will reduce school district and agency workload, while minimizing the duplication of interagency requirements.

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, Office of Superintendent of Public Instruction, Student Transportation and Traffic Safety Education, P.O. Box 47200, Olympia, WA 98504-7200, phone (360) 725-6120, fax (360) 586-6124, e-mail allan.jones@k12.wa.us.

February 28, 2013
Randy Dorn
State Superintendent
of Public Instruction

WSR 13-06-030

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed February 28, 2013, 1:33 p.m.]

Subject of Possible Rule Making: WAC 260-28-095 Retirement of a horse and 260-40-145 Prohibited entry of certain horses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington horse racing commission (WHRC) intends to repeal WAC 260-28-295 and subsection c [(6)(c)] of WAC 260-40-145 regarding declaring a horse retired. The Jockey Club Registry has adopted national rules to address the issue making the WAC unnecessary.

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 Douglas L. Moore, Deputy Executive Secretary, WHRC, 6326 Martin Way, Suite 209, Olympia,

WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, doug.moore@whrc.state.wa.us.

February 28, 2013
Douglas L. Moore
Executive Secretary

586-0247, e-mail spedced@k12.wa.us. Please put the words "2013 Rulemaking" in the subject line.

March 4, 2013
Randy Dorn
State Superintendent
of Public Instruction

WSR 13-06-043

**PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed March 4, 2013, 10:04 a.m.]

Subject of Possible Rule Making: Amending sections and/or adding sections to chapter 392-172A WAC to address: (1) The creation of charter schools in Washington state; (2) revising requirements for obtaining consent for use of medicaid benefits; (3) clarifying procedural safeguards for students who are not currently eligible for special education services, including disputes over private placement; (4) clarifying rules for nonpublic agency approval; (5) clarifying citizen complaint procedures; (6) clarifying due process hearing procedures; (7) clarifying that initiating a request for an evaluation is a referral; and (8) housekeeping changes to correct typographical errors or rule changes that are technical in nature.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.155.090; 20 U.S.C. § 1400 et seq., the Individuals with Disabilities Education Act (IDEA).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of superintendent of public instruction (OSPI) has the authority under state statute to develop administrative rules to implement federal regulations governing special education services to students. Based on comments to the federal regulations, state administrative decisions, policy letters from the United States Department of Education, and general use of these rules, OSPI identified several rules needing clarification and alignment with federal policy, in addition to making technical and typographical changes. Additionally, Initiative 1240 allows the creation of charter schools in Washington, requiring OSPI to amend its regulations. Finally, the Department of Education recently amended its federal regulations governing consent for use of medicaid benefits. Therefore OSPI will open specific rules and add new sections within chapter 392-172A WAC for public comment to address these changes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Education, Office of Special Education Programs.

Process for Developing New Rule: OSPI will hold a public hearing for comment and seek written input from stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dr. Doug Gill, Director of Special Education, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, phone (360) 725-6075, TTY (360) 586-0126, fax (360)

WSR 13-06-045

**PREPROPOSAL STATEMENT OF INQUIRY
UNIVERSITY OF WASHINGTON**

[Filed March 4, 2013, 10:43 a.m.]

Subject of Possible Rule Making: WAC 378-136-041 Alcoholic beverage policy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.20.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently, the University of Washington's alcoholic beverage policy does not provide for licensing under a sports entertainment facility license. The proposed WAC rule amendment will make it clear that alcohol sales, service, and consumption in Husky Stadium will be governed by and must be in compliance with such a license issued by the Washington state liquor control board. The operating plan required to obtain the annual sports entertainment facility license will limit alcohol sale, service, and consumption to suite and club areas, approximately five percent of the available seating in the renovated Husky Stadium.

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

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. Written comments or inquiries may be directed to Rebecca Goodwin Deardorff, Director of Rules Coordination by one of the following routes: Mail University of Washington, Rules Coordination Office, Box 351210, Seattle, WA 98195-1210, e-mail rules@uw.edu, or fax (206) 685-3825.

March 4, 2013
Rebecca Goodwin Deardorff
Director of Rules Coordination

WSR 13-06-047

**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed March 5, 2013, 8:34 a.m.]

The department of labor and industries is withdrawing WSR 10-14-103 filed on July 6, 2010. The agency will be filing a new proposal, which will expand the scope of the rule making.

Please call (360) 902-6411 if you have any questions.

Jose Rodriguez
Assistant Director for
Specialty Compliance Services

WSR 13-06-048
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed March 5, 2013, 8:41 a.m.]

The department of labor and industries is withdrawing WSR 10-15-102 filed on July 20, 2010. The agency has filed a new proposal, which expanded the scope of the rule making.

Please call (360) 902-6411 if you have any questions.

Jose Rodriguez
Assistant Director for
Specialty Compliance Services

WSR 13-06-053
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed March 5, 2013, 1:39 p.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 2013.

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 mark.bohe@dor.wa.gov, phone (360) 534-1574.

Public Meeting Location: Capital Plaza Building, 4th Floor, Executive Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on April 16, 2013, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Mary Carol LaPalm, (360) 725-7499 or Renee Cosare, (360) 725-7514, no later than ten days before the meeting date. For hearing impaired please contact us via the Washington relay operator at (800) 833-6384.

March 5, 2013

Alan R. Lynn
Rules Coordinator

WSR 13-06-054
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

(Medicaid Program)

[Filed March 5, 2013, 2:07 p.m.]

Subject of Possible Rule Making: Eligibility rules for institutional medical assistance programs, including chapters 182-513, 182-515, 182-516 WAC and WAC 182-507-0125 and possibly other related rules, along with the creation of new regulations to support the implementation of the Patient Protection and Affordable Care Act (PPACA), changes made due to HB [2E2SHB] 1738 and adding language from Section 1917 of the Social Security Act.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021; chapter 74.39 RCW; Patient Protection and Affordable Care Act established under Public Law 111-148; and Code of Federal Regulations at 42 C.F.R. § 431, 435, and 457, and at 45 C.F.R. § 155. Section 1917 of the Social Security Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (HCA) needs to amend rules, create new rules in order to implement new federal regulations under PPACA and:

- Adding language in chapter 182-561 WAC from Section 1917 of the Social Security Act regarding the purchase of a life estate, promissory notes and loans.
- Clarify language from Section 1917 of the Social Security Act regarding otherwise eligible.
- Clarify language regarding countable assets for institutional services.
- Update links and references and changing language for readability and clarity.
- Other necessary changes on these subjects may be incorporated into this rule making. Other WAC chapters may need to be updated as a result of this rule making.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of social and health services, economic services administration, aging and disability supports administration, developmental disability services administration, behavioral health and service integration administration.

Process for Developing New Rule: HCA welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, HCA will file a notice of proposed rule making (CR-102) with the office of the code reviser. 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 Lori Rolley, Home and Community Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2271, fax (360) 407-758 [407-7582], e-mail Lori.Rolley@dshs.wa.gov.

March 5, 2013
Kevin M. Sullivan
Rules Coordinator

WSR 13-06-055
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed March 5, 2013, 2:21 p.m.]

Subject of Possible Rule Making: Chapter 296-45 WAC, Safety standards for electrical workers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is working to update and clarify safety requirements in chapter 296-45 WAC, Safety standards for electrical workers, that relate to electrical work with helicopter assistance. Stakeholders asked the department to work with them to update the safety standard. The department intends to work closely with stakeholders to ensure electrical worker safety when they are working with the assistance of helicopters.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Occupational Safety and Health Administration (OSHA) regulates helicopter safety. The department will coordinate with OSHA to ensure our rules are as-effective-as OSHA's. The Federal Aviation Administration (FAA) also regulates helicopter safety; however, the FAA's focus is on pilot safety and operation of the aircraft. The department's rule will primarily focus on electrical workers who work on high voltage wires with the assistance of helicopters.

Process for Developing New Rule: 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 Devin Proctor, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5541, e-mail devin.proctor@lni.wa.gov, fax (360) 902-5619.

March 5, 2013
Joel Sacks
Director

WSR 13-06-061
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

(Medicaid Program)

[Filed March 5, 2013, 3:36 p.m.]

Subject of Possible Rule Making: WAC 182-531-1600 Bariatric surgery.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revision to this rule is necessary to add coverage for clients eighteen through twenty years of age for laparoscopic adjustable gastric banding (LAGB) when the criteria in WAC 182-531-1600 is met.

Process for Developing New Rule: The health care authority (HCA) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, HCA will file a notice of proposed rule making (CR-102) with the office of the code reviser. 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 Wendy L. Boedigheimer, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1306, fax (360) 586-9727, TTY 1-800-848-5429, e-mail wendy.boedigheimer@hca.wa.gov.

March 5, 2013
Kevin M. Sullivan
Rules Coordinator

WSR 13-06-063
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed March 5, 2013, 4:49 p.m.]

Subject of Possible Rule Making: Recreational fishing rules, including rules for giant Pacific octopus.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington department of fish and wildlife has been asked by the Washington fish and wildlife commission to consider amending fishing rules to respond to fish and wildlife commission assignments, con-

servations issues, and recommendations by the newly formed Giant Pacific Octopus Ad Hoc Advisory Group. The department is considering several rule amendments relating to harvest seasons, locations, and species.

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

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, 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 19, 2013. Expected proposal filing on or after May 1, 2013. Updates will be added to the agency's rule-making page at <http://wdfw.wa.gov/about/regulations/development.html>. The Giant Pacific Octopus Ad Hoc Advisory Group will meet throughout 2013. The commission's agenda, which will reflect public meeting dates and locations, can be found at <http://wdfw.wa.gov/commission/minutes.html>.

March 5, 2013
Lori Preuss
Rules Coordinator

WSR 13-06-064
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed March 6, 2013, 8:59 a.m.]

Subject of Possible Rule Making: This rule project will propose to:

- (1) Change the date that the agency will accept offers to sell commercial sea urchin licenses;
- (2) Change the date of availability of funds under the sea urchin license reduction program (WAC 220-95-100);
- (3) Change the date that the agency will accept offers to sell commercial sea cucumber licenses;
- (4) Changes the date of availability of funds under the sea cucumber license reduction program (WAC 220-95-110); and
- (5) Change the maximum purchase price for commercial sea urchin and commercial sea cucumber licenses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.020, 77.12.047, 77.70.150, and 77.70.190.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commercial sea urchin and sea cucumber license reduction programs are scheduled to discontinue on December 31, 2013. In order to promote program participation (i.e., the sale of licenses back to the state), optimize incoming funds to the buyback accounts, and align the department buyback period with the programs' terminus, the department will amend the start date to December 1 for accepting license-sales offers. The department will purchase licenses based on the funds available on the following January 31. Statutory goals have not been met for reducing

to twenty the total number of licenses in each of these fisheries. Current maximum bid prices have not generated sufficient offers to sell these licenses and may need to be revised upwards.

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

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 Rich Childers, WDFW Fish Program, 600 Capitol Way North, Olympia, WA 98501, phone (360) 301-2626, e-mail rich.childers@dfw.wa.gov. Contact by April 19, 2013. Expected proposal filing on or after May 1, 2013.

March 6, 2013
Joanna M. Eide
Administrative Regulations Analyst

WSR 13-06-065
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed March 6, 2013, 8:59 a.m.]

Subject of Possible Rule Making: The department will consider rule changes associated with the validation of charter stamps.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.013, 77.04.055, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department needs a rule to prohibit fishing guides and charter-boat operators from reusing charter stamps rather than issuing a new stamp to each customer who needs a fishing license. There currently is no penalty for reusing charter stamps, even though the practice defrauds the state of license revenue. The legislature is considering a bill on the subject, and this rule project will supplement the bill if it passes. The proposed rule will: (1) Lay out the process for validating charter stamps so the stamps cannot be reused; and (2) ensure that charter-stamp-validation violations and the reuse of stamps are penalized appropriately.

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

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, Administrative Regulations Coordinator, WDFW Enforcement Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2156, e-mail Lori.Preuss@dfw.wa.gov.

Contact by April 19, 2013. Expected proposal filing on or after May 1, 2013.

March 6, 2013
Lori Preuss
Administrative
Regulations Coordinator

WSR 13-06-066
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed March 6, 2013, 8:59 a.m.]

Subject of Possible Rule Making: The department proposes to:

- (1) Amend commercial shellfish dive fishery rules in an effort to reduce the illegal harvest of geoduck clams;
- (2) Create new gear definitions for clarity and change season-opening and closing dates to make them more uniform;
- (3) Amend rules to provide a mechanism to set sea urchin size limits by emergency rule of the director; and
- (4) Make technical changes to rules to improve rule clarity.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.04.130, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: People are illegally harvesting geoduck clams. Changes to commercial shellfish dive fishery rules to prohibit certain gear types on commercial shellfish harvest vessels will make it more difficult for people to illegally harvest geoducks under the guise of participating in lawful shellfish dive fisheries. Improved definitions for gear types and more uniform season-opening and closing dates will increase rule clarity and facilitate resource management. Allowing the director to set sea urchin size limits by emergency rule will facilitate resource management. Technical changes to rule language will increase the rules' intelligibility, functionality, and efficiency.

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

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 Rich Childers, WDFW Fish Program, 600 Capitol Way North, Olympia, WA 98501, phone (360) 301-2626, e-mail rich.childers@dfw.wa.gov. Contact by April 19, 2013. Expected proposal filing on or after May 1, 2013.

March 6, 2013
Joanna M. Eide
Administrative Regulations Analyst

WSR 13-06-068
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed March 6, 2013, 9:33 a.m.]

Subject of Possible Rule Making: The department is considering initiating rule-making activities regarding cougar hunting seasons and regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Proposed rule amendments or rule development would provide clarification and recreational opportunity.

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

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, fax (360) 902-2162, e-mail Wildthing@dfw.wa.gov. Contact by April 5, 2013. Expected proposal filing on or after May 1, 2013.

March 6, 2013
Lori Preuss
Rules Coordinator

WSR 13-06-069
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed March 6, 2013, 9:36 a.m.]

Subject of Possible Rule Making: The department is considering initiating rule-making activities regarding game reserves and waterfowl closures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Proposed rule amendments or rule development would provide clarification and recreational opportunity.

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

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, fax (360) 902-2162, e-mail Wildthing@dfw.wa.gov. Contact by April 5, 2013. Expected proposal filing on or after May 1, 2013.

March 6, 2013
Lori Preuss
Rules Coordinator