

**WSR 14-05-002****PREPROPOSAL STATEMENT OF INQUIRY  
STUDENT ACHIEVEMENT COUNCIL**

[Filed February 5, 2014, 3:01 p.m.]

Subject of Possible Rule Making: Interstate reciprocity agreements compliance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.85.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules will require change to reflect reciprocity agreements created between Washington and other states regarding the authorization of degree-granting institutions.

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 Michael Ball, Associate Director, Washington Student Achievement Council, P.O. Box 43430, Olympia, WA 98504-3430, (360) 753-7866, michealb@wsac.wa.gov. A public hearing will be planned on the subject and all known stakeholders will be notified of it.

February 5, 2014

Michael J. Ball

Associate Director

Degree Authorization

**WSR 14-05-006****WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

[Filed February 6, 2014, 10:32 a.m.]

This serves as notice of withdrawal for the preproposal statement of inquiry (CR-101) published as WSR 13-14-114 for chapter 246-310 WAC on July 3, 2013. This proposal considered revisions to address health care facility affiliations, corporate restructuring, mergers, and other arrangements, and the greater consumer transparency per the Governor Directive 13-12.

As a result of stakeholder work, the department needed to open chapter 246-320 WAC, Hospital licensing regulations, in addition to chapter 246-310 WAC, Certificate of need rules. These rules were adopted on December 23, 2013, and became effective on January 23, 2014. For this reason, the CR 101 for chapter 246-310 WAC is no longer necessary.

Individuals requiring information on this rule should contact Janis Sigman, certificate of need program manager at (360) 236-2321.

**WSR 14-05-018****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
EARLY LEARNING**

[Filed February 10, 2014, 8:21 a.m.]

Subject of Possible Rule Making: Chapter 170-295 WAC, Minimum licensing requirements for child care centers, regarding and relating to the definition of the terms "preschool age child" and "school-age child."

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.215 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updates to the definitions of "preschool age child" and "school-age child", including, but not limited to, the age ranges within these categories, are needed in order to allow flexibility for child care programs.

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

Process for Developing New Rule: To the extent practicable, the department of early learning (DEL) intends to seek public input during the rule drafting and development process. At a later date, DEL will file proposed rules (more than one proposed rule-making notice may be filed), hold a public hearing or hearings, and accept written comments before adopting permanent rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Individuals and organizations wishing to receive draft and proposed materials may join a DEL rules mailing list by contacting the DEL rules coordinator at Rules@del.wa.gov, fax (360) 586-0533, or by writing to the DEL Rules Coordinator, Department of Early Learning, P.O. Box 40970, Olympia, WA 98504-0970.

February 10, 2014

Matt Judge

Rules Coordinator

**WSR 14-05-019****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
EARLY LEARNING**

[Filed February 10, 2014, 8:22 a.m.]

Subject of Possible Rule Making: Chapter 170-296A WAC, Licensed family home child care standards, regarding and relating to the definition of the terms "preschool age child" and "school-age child."

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.215 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updates to the definitions of "preschool age child" and "school-age child," including, but not limited to, the age ranges within these categories, are needed in order to allow flexibility for child care programs.

February 10, 2014  
 Matt Judge  
 Rules Coordinator

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, as time permits and as appropriate the department of early learning (DEL) plans to circulate draft materials for input, including requirements in chapter 43.215 RCW. At a future date, DEL will file proposed rules (more than one proposed rule-making notice may be filed), schedule a public hearing or hearings, and accept written comments before adopting final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Individuals and organizations wishing to receive draft and proposed materials may join a DEL rules mailing list by contacting the DEL rules coordinator at Rules@del.wa.gov, fax (360) 586-0533, or by writing to the DEL Rules Coordinator, Department of Early Learning, P.O. Box 40970, Olympia, WA 98504-0970.

February 10, 2014  
 Matt Judge  
 Rules Coordinator

**WSR 14-05-020**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**EARLY LEARNING**

[Filed February 10, 2014, 8:24 a.m.]

Subject of Possible Rule Making: Chapter 170-297 WAC, Licensed school age child care standards, regarding and relating to the definition of the terms "preschool age child" and "school-age child."

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.215 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updates to the definitions of "preschool age child" and "school-age child," including, but not limited to, the age ranges within these categories, are needed in order to allow flexibility for child care programs.

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

Process for Developing New Rule: To the extent practicable, the department of early learning (DEL) intends to seek public input during the rule drafting and development process. At a later date, DEL will file proposed rules (more than one proposed rule-making notice may be filed), hold a public hearing or hearings, and accept written comments before adopting permanent rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Individuals and organizations wishing to receive draft and proposed materials may join a DEL rules mailing list by contacting the DEL rules coordinator at Rules@del.wa.gov, fax (360) 586-0533, or by writing to the DEL Rules Coordinator, Department of Early Learning, P.O. Box 40970, Olympia, WA 98504-0970.

**WSR 14-05-025**

**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
 (Veterinary Board of Governors)

[Filed February 10, 2014, 10:53 a.m.]

Subject of Possible Rule Making: WAC 246-933-xxx, the veterinary board of governors is considering rule making to define a veterinarian-client-patient relationship.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.92.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The veterinarian-client-patient relationship (VCPR) is a nationally recognized standard providing the basis for interaction between veterinarians and their clients and animal patients. The VCPR assumes an agreement for care between the veterinarian and client, the veterinarian's current knowledge of the condition of the animal patient, and ongoing medical records documenting diagnosis and treatment. Veterinary prescription drugs should only be used within the context of a VCPR. The veterinary board of governors believes rule making may be necessary to define the required elements of a VCPR to ensure the veterinarian has sufficient knowledge of the animal to initiate at least a preliminary diagnosis.

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 Judy Haenke, Program Manager, Department of Health, Veterinary Board of Governors, P.O. Box 47852, Olympia WA 98504-7852. Judy.haenke@doh.wa.gov, phone (360) 236-4947, fax (360) 236-2901. Stakeholders will be notified and invited to participate in an open public rules workshop and may submit written comments for consideration. Stakeholders will be notified through listserv and posting to the web site.

February 10, 2014  
 Kirby Putscher  
 Acting Executive Director

**WSR 14-05-027**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BOARD FOR VOLUNTEER**  
**FIREFIGHTERS AND RESERVE OFFICERS**

[Filed February 10, 2014, 2:50 p.m.]

Subject of Possible Rule Making: Adding a new chapter to Title 491 WAC to clarify the procedures necessary for pro-

viders and claimants to receive payment for services and materials provided to participants.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.24.209(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule is necessary to lay out a procedure for providers and claimants to receive payment for services and materials provided to participants. These rules will more closely match those rules already adopted by labor and industries, which will make it easier for providers and claimants to understand the process for receiving payment.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are no other state or federal agencies that regulate this subject.

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 Brigette K. Smith, Executive Secretary, P.O. Box 114, Olympia, WA 98507, (877) 753-7318, e-mail [bridgettes@bvff.wa.gov](mailto:bridgettes@bvff.wa.gov). Regular board meeting notifications are posted on our web site at <http://www.bvff.wa.gov>. A comment period is built into the beginning and the end of all our board meeting[s], the date of which are published both with the code reviser's office and at our web site at <http://www.bvff.wa.gov>.

February 10, 2014  
Brigette K. Smith  
Executive Secretary

#### WSR 14-05-029

#### PREPROPOSAL STATEMENT OF INQUIRY SECRETARY OF STATE

(Archives Division)

[Filed February 10, 2014, 3:50 p.m.]

Subject of Possible Rule Making: Notaries in the uniform real property electronic recording standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 65.24.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule changes allow electronically recorded documents that must be notarized to be notarized by any authorized notary, and eliminate the requirement that the notary be appointed by the Washington state department of licensing. This is consistent with chapter 42.44 RCW.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The electronic recording standards commission, authorized by RCW 65.24.040, requested these rule changes.

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 Katie Blinn, Director of Legislative Policy, Office of the Secretary of State, P.O. Box 40220,

Olympia, WA 98504-0220, (360) 902-4168, [katie.blinn@sos.wa.gov](mailto:katie.blinn@sos.wa.gov).

February 10, 2014

Kenneth Raske  
Assistant Secretary of State

#### WSR 14-05-033

#### PREPROPOSAL STATEMENT OF INQUIRY

#### DEPARTMENT OF HEALTH

[Filed February 12, 2014, 8:21 a.m.]

Subject of Possible Rule Making: WAC 246-205-541 Decontamination standards, considering a less stringent methamphetamine decontamination standard.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 64.44.070 Rules and standards—Chapter administration, property decontamination.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is in response to a petition received from the Clallam County Housing Authority. The sole purpose of this rule making is to consider establishing a less stringent methamphetamine decontamination standard. The current decontamination standard is based on a consistently achievable detection limit. Since the adoption of the original rule, advances in scientific understanding of the human health effects of methamphetamine indicate that a less stringent, health-based standard may be more appropriate as a decontamination standard.

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 of health will use a collaborative rule-making process to develop [the] proposed rule, and hold a public hearing to allow testimony and written comments on the proposed rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The department of health will provide opportunities to comment on the draft and proposed rule, and will notify interested parties of the informal and formal comment periods and public hearing. Questions and comments may be referred to Vicki M. Bouvier, Environmental Public Health Division Rules Coordinator, Washington State Department of Health, P.O. Box 47822, Olympia, WA 98504-7822, phone (360) 236-3011, fax (360) 236-2255, [vicki.bouvier@doh.wa.gov](mailto:vicki.bouvier@doh.wa.gov).

February 12, 2014

John Wiesman, DrPH, MPH  
Secretary

**WSR 14-05-036**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR CONTROL BOARD**

[Filed February 12, 2014, 11:03 a.m.]

Subject of Possible Rule Making: WAC 314-02-109 What are the quarterly reporting and payment requirements for a spirits retailer license?, 314-19-015 What are the reporting and tax payment requirements? (for wine and beer), 314-23-020 What are the reporting and tax payment requirements for a spirits distributor licensee?, 314-23-041 What are the monthly reporting and payment requirements for a spirits certificate of approval licensee?, and 314-28-080 What if a distillery or craft distillery licensee fails to report or pay, or reports or pays late?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.24.055, 66.24.160, 66.24.630, 66.24.640, and 66.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The United States Post Office doesn't use postmarks on mail that has a bar code. The current rules need to address how the board will assess penalties on late payments when there is no postmark on the envelope.

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, Agency Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689, e-mail rules@liq.wa.gov.

February 12, 2014  
 Sharon Foster  
 Chairman

**WSR 14-05-037**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR CONTROL BOARD**

[Filed February 12, 2014, 11:04 a.m.]

Subject of Possible Rule Making: WAC 314-42-110 Brief adjudicative proceedings and 314-42-115 Preliminary record in brief adjudicative proceedings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to revise the brief adjudicatory proceedings (BAP) rules to include marijuana application denials and suspensions in the BAP process.

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, Agency Rules Coordi-

nator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689, e-mail rules@liq.wa.gov.

February 12, 2104 [2014]

Sharon Foster  
 Chairman

**WSR 14-05-038**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF**  
**ADMINISTRATIVE HEARINGS**

[Filed February 12, 2014, 3:09 p.m.]

Subject of Possible Rule Making: Representation in administrative hearings and a new rule in chapter 10-08 WAC, the model rules of procedure for administrative hearings, adopted by the Washington state office of administrative hearings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.12.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule was requested by legal advocate groups. It is contained in "*Ensuring Equal Access for People with Disabilities: A Guide for Washington Administrative Proceedings*," endorsed by the Washington State Access to Justice Board. The rule is intended to address the barriers which some people with physical and/or mental impairments face, which may cause them to be unable to meaningfully participate in an administrative hearing.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Although this rule may have some very infrequent impact on all of the agencies whose decisions are reviewed in administrative hearings, we anticipate that the primary case-load impacted will be department of social and health services and health care authority public assistance hearings. We intend to share our draft rule with them and solicit their feedback.

Process for Developing New Rule: The negotiated and pilot rules process in RCW 34.05.310 do not apply to this rule under: (1) RCW 34.05.310 (4)(b) because the rule sought will not subject a nongovernmental party to a possible violation and (2) under RCW 34.05.310 (4)(g)(i) because the rule sought will apply to procedures and practice of agency hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Assistant Chief Administrative Law Judge Jane L. Habegger, P.O. Box 42489, Olympia, WA 98504-2489, (360) 407-2756, jane.habegger@oah.wa.gov.

February 10, 2014  
 Loraine Lee  
 Chief Administrative  
 Law Judge

**WSR 14-05-042**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**

[Filed February 13, 2014, 2:46 p.m.]

Subject of Possible Rule Making: Chapters 308-108 and 308-110 WAC, Driver training school program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 46.82 RCW and RCW 46.02.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of licensing (DOL) needs to update current rules for driver training schools (DTS) who teach traffic safety education and administer knowledge and driving examinations for licensure to provide more clarity in complying with requirements. Updating and clarifying rules will provide more understanding of the requirements to teach traffic safety education and administer examinations. Providing clarity in procedures for compliance with RCW and with the terms of the agreements between DOL/DTS and the office of superintendent of public instruction (OSPI) will be beneficial to stakeholders and the department.

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

Process for Developing New Rule: Internal review and 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 Tana Cochran, Department of Licensing, P.O. Box 435, Olympia, WA 98507-0435, (360) 664-6696, [tcocoran@dol.wa.gov](mailto:tcocoran@dol.wa.gov).

February 13, 2014  
 Damon Monroe  
 Rules Coordinator

**WSR 14-05-045**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BEEF COMMISSION**

[Filed February 14, 2014, 8:23 a.m.]

Subject of Possible Rule Making: The Washington beef commission is considering rules to implement the provisions of RCW 15.04.200 governing promotional hosting expenditures by agricultural commodity commission employees and board members.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.04.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed rules will identify those authorized to make expenditures for the Washington beef commission on promotional hosting and the objective for those expenditures.

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

Process for Developing New Rule: Members of the Washington beef commission will develop the rule proposal and will communicate with stakeholders regarding the pro-

posal. 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 Patti Brumbach, Executive Director, Washington Beef Commission, 14240 Interurban Avenue South, #224, Seattle, WA 98168, phone (206) 444-2902, fax (206) 444-2910.

February 14, 2014  
 Patti Brumbach  
 Executive Director

**WSR 14-05-046**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**EARLY LEARNING**

[Filed February 14, 2014, 8:43 a.m.]

Subject of Possible Rule Making: Title 170 WAC, including but not limited to, chapters 170-01, 170-03, 170-06, 170-12, 170-100, 170-290, 170-295, 170-296A, and 170-297 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.215 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of early learning (DEL) seeks to update, streamline, and improve efficiencies across all programs it administers, and to implement legislation as required by the 2014 legislature.

The department may file more than one proposed rule (CR-102) under this notice and may if appropriate adopt emergency rules on a temporary basis. To the extent practicable, DEL will circulate draft materials for informal public input during the rule development process. Draft materials, if available, and proposed rules will be posted for review and comment on the DEL web site "Rules Comment Page" at <http://apps.del.wa.gov/PolicyProposalComment/Detail.aspx>.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: As appropriate, DEL will coordinate development of these rules with the state department of social and health services, the state department of health, Washington state patrol, the office of superintendent of public instruction, state department of education, state fire marshal's office, and the United States Administration for Children and Families.

Process for Developing New Rule: To the extent practicable, DEL intends to seek public input during the rule drafting and development process. At a later date, DEL will file proposed rules (more than one proposed rule-making notice may be filed), hold a public hearing or hearings, and accept written comments before adopting permanent rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Individuals and organizations wishing to receive draft and proposed materials may join a DEL rules mailing list by contacting the DEL rules coordinator at [Rules@del.wa.gov](mailto:Rules@del.wa.gov), by fax (360) 586-0533, or by writing to the DEL

Rules Coordinator, Department of Early Learning, P.O. Box 40970, Olympia, WA 98504-0970.

February 14, 2014  
Matt Judge  
Rules Coordinator

**WSR 14-05-048**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF COMMERCE**

[Filed February 14, 2014, 11:19 a.m.]

Subject of Possible Rule Making: Chapter 365-196 WAC, Procedural criteria for adopting comprehensive plans and development regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 36.70A.050, 36.70A.190, and 36.70A.735.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To adopt new rules guiding implementation of the voluntary stewardship program (RCW 36.70A.735).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of commerce (commerce) will develop proposed rules with the Washington conservation commission and a legislatively created statewide advisory committee that includes other agencies and interested parties.

Process for Developing New Rule: Commerce will coordinate rule development with the Washington conservation commission and a statewide advisory committee established by the legislature. The public is encouraged to provide comments and recommendations on draft rules to be posted on the agency web site at [www.commerce.wa.gov/wacupdate](http://www.commerce.wa.gov/wacupdate) and distributed to the listserv mailing list. After the amendments are proposed, the public may also participate by providing written comments and/or testimony during the public hearing and comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tim Gates, growth management services unit, (360) 725-3058 or [tim.gates@commerce.wa.gov](mailto:tim.gates@commerce.wa.gov). The public can participate in rule development through participation in committee meetings. After the CR-102 is filed, the public can submit written comments by e-mail to [WACupdate@commerce.wa.gov](mailto:WACupdate@commerce.wa.gov), or standard mail to WAC Update, Growth Management Services, Washington Department of Commerce, P.O. Box 42525, Olympia, WA 98504-2525. The project web page is [www.commerce.wa.gov/wacupdate](http://www.commerce.wa.gov/wacupdate). Commerce maintains a listserv e-mail distribution list for those interested in receiving ongoing information about this process. Instructions to register for the listserv are available on the web page.

February 14, 2014  
Nick Demerice  
Assistant Director  
External Relations

**WSR 14-05-049**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF COMMERCE**

[Filed February 14, 2014, 11:19 a.m.]

Subject of Possible Rule Making: Chapter 365-190 WAC, Minimum guidelines to classify agricultural, forest and mineral lands and critical areas and chapter 365-196 WAC, Procedural criteria for adopting comprehensive plans and development regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 36.70A.050 and 36.70A.190.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To amend existing rules to reflect statutory changes adopted between 2011 and 2013 - amending three rules to clarify that "critical areas" do not include irrigation and drainage ditches; and amend ten rules to reflect new deadlines for counties and cities to comply with required reviews, revisions, and evaluations under the Growth Management Act (GMA).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of commerce (commerce) will use the inter-agency work group (IAWG) on growth management for ongoing coordination with agencies that work with local governments on GMA issues. The IAWG is a group of state agency representatives that meet regularly to coordinate state agency participation in local government GMA planning. It includes representatives from the departments of ecology, transportation, fish and wildlife, health, natural resources, agriculture, social and health services, and other state agency representatives as needed.

Process for Developing New Rule: The public is encouraged to provide comments and recommendations on draft rules to be posted on the agency web site at [www.commerce.wa.gov/wacupdate](http://www.commerce.wa.gov/wacupdate) and distributed to a listserv mailing list. Commerce will coordinate with local government agencies at quarterly planner forums and other venues at local request. After amendments are proposed, the public may also participate by providing written comments and/or testimony during the public hearing and comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tim Gates, growth management services unit, (360) 725-3058 or [tim.gates@commerce.wa.gov](mailto:tim.gates@commerce.wa.gov). The public can participate by submitting written comments by e-mail to [WACupdate@commerce.wa.gov](mailto:WACupdate@commerce.wa.gov), or standard mail to WAC Update, Growth Management Services, Washington Department of Commerce, P.O. Box 42525, Olympia, WA 98504-2525. The project web page is [www.commerce.wa.gov/wacupdate](http://www.commerce.wa.gov/wacupdate). Commerce maintains a listserv e-mail distribution list for those interested in receiving ongoing information about this process. Instructions to register for the listserv are available on the project web page.

February 14, 2014  
Nick Demerice  
Assistant Director  
External Relations

**WSR 14-05-057****PREPROPOSAL STATEMENT OF INQUIRY  
STATE BOARD FOR COMMUNITY  
AND TECHNICAL COLLEGES**

[Filed February 14, 2014, 3:46 p.m.]

Subject of Possible Rule Making: Tuition and fees charged to students enrolled in competency-based degree programs, WAC 131-28-025 Method of assessing tuition and fee charges.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.15.067.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The community and technical colleges are piloting competency-based degree programs in which students will earn academic credits based on demonstration of meeting course competencies rather than on seat time. Tuition will be charged based on a flat rate per term rather than on credits. The state board for community and technical colleges is responsible for setting tuition rates for the community and technical college system. Under current rules, tuition must be charged on a per credit rate. A rule change is needed to allow the state board to adopt a flat tuition rate for competency-based programs.

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

Process for Developing New Rule: Normal rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Denise Graham, 1300 Quince Street S.E., P.O. Box 42495, Olympia, WA 98504, phone (360) 704-4350, e-mail [dgraham@sbctc.edu](mailto:dgraham@sbctc.edu).

February 14, 2014

Beth Gordon

Executive Assistant  
and Rules Coordinator**WSR 14-05-076****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed February 18, 2014, 11:33 a.m.]

Subject of Possible Rule Making: The board of boiler rules is considering amending chapter 296-104 WAC, Board of boiler rules—Substantive, for technical and housekeeping changes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.79 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board of boiler rules is considering amending chapter 296-104 WAC, Board of boiler rules—Substantive, for technical and housekeeping changes. The board of boiler rules promulgates rules and regulations for the safe and proper construction, installation, repair, use, and operation of boilers and safe and proper construction, installation and repair of unfired pressure vessels in

the state of Washington. The boiler rules are reviewed on a regular basis to ensure the rules are consistent with national boiler and unfired pressure vessel safety standards and industry practice. Amendments to this chapter are necessary to:

- Adopt the 2013 (current edition) National Board Inspection Code (NBIC) requirements for boilers and unfired pressure vessels in the state of Washington;
- Adopt the current revision of the National Board NB-263 standards, rules for national board in-service and new construction inspectors; and
- Remove an obsolete reference to provide rule clarity and consistency in the rules.

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

Process for Developing New Rule: Interested parties can participate in the decision to adopt the new rules and formulation of the rules before publication by contacting the individual listed below. The public can also participate, after amendments are proposed by providing written comments and/or testimony during the public hearing and comment period. All rule proposals will be reviewed by the board of boiler rules.

For more information on this rule making, visit L&I's laws and rules web site at <http://www.lni.wa.gov/LawRule/> or contact the individual below. Interested parties can sign up for e-mail updates at <http://www.lni.wa.gov/Main/Listservs/Boilers.asp>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Alicia Curry, Rules Coordinator, Department of Labor and Industries, Field Services and Public Safety Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6244, fax (360) 902-5292, e-mail [Alicia.Curry@Lni.wa.gov](mailto:Alicia.Curry@Lni.wa.gov).

February 18, 2014

Robert E. Olsen, Chair  
Board of Boiler Rules**WSR 14-05-087****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF AGRICULTURE**

[Filed February 19, 2014, 7:45 a.m.]

Subject of Possible Rule Making: Chapters 16-301 and 16-302 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 15.49, 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule review will establish into WAC certification standards for new seed crops being certified in Washington, align other standards with nationally established certification standards, bring the labeling and certification standards up to date as recommended in a recent audit as well as several housekeeping items.

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

Process for Developing New Rule: Washington state department of agriculture (WSDA) staff will develop the specific rule proposal in consultation with a special committee made up of members of the seed industry. This committee will be structured such that the various seed program user groups are represented. In addition the seed program advisory committee will be kept informed of this proposal. Interested parties can participate in the public hearing/public comment process, the dates of which will be announced when the department files the rule proposal with the code reviser.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Victor Shaul, WSDA Seed Program, 21 North 1st Avenue, Suite 203, Yakima, WA 98902, (509) 249-6950, e-mail [Vshaul@agr.wa.gov](mailto:Vshaul@agr.wa.gov).

February 17, 2014  
Brad J. Avy  
Assistant Director

#### WSR 14-05-089

#### PREPROPOSAL STATEMENT OF INQUIRY UTILITIES AND TRANSPORTATION COMMISSION

[Docket PL-140104—Filed February 19, 2014, 8:37 a.m.]

Subject of Possible Rule Making: The Washington utilities and transportation commission (commission) initiates this rule making to consider changes to WAC 480-75-250, a rule relating to "Hazardous liquids companies—Safety." Specifically, the rules setting the maximum civil penalties for violations of the gas pipeline safety laws and regulations could increase the maximum civil penalty from \$100,000 to \$200,000 per violation, and the maximum penalty for a related series of violations from \$1,000,000 to \$2,000,000. These changes would reflect amendments to federal rules by the Pipeline and Hazardous Material Safety Administration (PHMSA), 49 C.F.R. 190.223 effective October 25, 2013, that increased maximum administrative civil penalties in conformance with the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Pub. L. 112-90).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040(4), 81.04.160, and 81.88.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules of the state agency must provide for the enforcement of pipeline safety standards by injunctive and monetary sanctions that are at a minimum, as stringent as those set out at the federal level under the Code of Federal Regulations. State agency participation in the federal pipeline safety program requires the agency to adopt each federal safety standard applicable to intrastate pipelines under its jurisdiction.

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; and the commission will ask for initial comments, and will provide the opportunity to provide additional comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may file comments with the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1174, fax (360) 586-1150, e-mail [records@utc.wa.gov](mailto:records@utc.wa.gov), or through the UTC web portal <http://www.utc.wa.gov>/e-filing by **5:00 p.m., Monday, March 24, 2014**.

**WRITTEN COMMENTS:** Written comments on the proposal to consider increases in the maximum penalties for hazardous liquids pipeline safety laws and regulations for intrastate pipeline operators may be submitted to the commission at the address given above and should be filed with the commission no later than **5:00 p.m., Monday, March 24, 2014**.

Electronic copies. The commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted via the commission's web portal at [www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing) or by electronic mail to the commission's records center at [records@utc.wa.gov](mailto:records@utc.wa.gov). Please include:

- The docket number of this proceeding (PL-140104).
- The commenting party's name.
- The title and date of the comment or comments.

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a flash drive, compact disk, or 3 1/2 inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The commission will post on the commission's web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/140104>. If you are unable to file your comments electronically or to submit them on a disk, the commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's web site as it becomes available. If you wish to receive further information on this rule making you may (1) call the commission's records center at (360) 664-1234, (2) e-mail the commission at [records@utc.wa.gov](mailto:records@utc.wa.gov), or (3) mail written comments to the address above to the attention of Steven V. King, executive director and secretary. When contacting the commission, please refer to Docket PL-140104 to ensure that you are placed on the appropriate service list. Questions may be addressed to Anthony Dorrough, (360) 664-1318, e-mail [adorrough@utc.wa.gov](mailto:adorrough@utc.wa.gov), or Joe Subsits, (360) 664-1322, e-mail [jsubsits@utc.wa.gov](mailto:jsubsits@utc.wa.gov).

#### NOTICE

**TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING** — The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON



WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket PL-140104, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket PL-140104, and the words "Please keep me on the mailing list" to <records@utc.wa.gov>. Please note that all information in the mailings will be accessible through the commission's internet web site at <<http://www.utc.wa.gov/140104>>. **THOSE INTERESTED PERSONS WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

February 19, 2014  
Steven V. King  
Executive Director  
and Secretary

#### WSR 14-05-090

#### PREPROPOSAL STATEMENT OF INQUIRY UTILITIES AND TRANSPORTATION COMMISSION

[Docket PG-140105—Filed February 19, 2014, 8:38 a.m.]

**Subject of Possible Rule Making:** The Washington utilities and transportation commission (commission) initiates this rule making to consider changes to WAC 480-93-223, a rule relating to "Gas companies—Safety." Specifically the rule setting the maximum civil penalties for violations of the gas pipeline safety laws and regulations could increase the maximum civil penalty from \$100,000 to \$200,000 per violation, and the maximum penalty for a related series of violations from \$1,000,000 to \$2,000,000. These changes would reflect amendments to federal rules by the Pipeline and Hazardous Material Safety Administration (PHMSA), 49 C.F.R. 190.223 effective October 25, 2013, that increased maximum administrative civil penalties in conformance with the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Pub. L. 112-90).

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 80.01.040(4), 80.04.160 and 81.88.040.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The rules of the state agency must provide for the enforcement of pipeline safety standards by injunctive and monetary sanctions that are at a minimum, as stringent as those set out at the federal level under the Code of Federal Regulations. State agency participation in the federal pipeline safety program requires the agency to adopt each federal safety standard applicable to intrastate pipelines under its jurisdiction.

**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; and the commission will ask for initial comments, and will provide the opportunity to provide additional comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may file comments with the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1174, fax (360) 586-1150, e-mail records@utc.wa.gov, or through the UTC web portal <http://www.utc.wa.gov/> e-filing by **5:00 p.m., Monday, March 24, 2014.**

**WRITTEN COMMENTS:** Written comments on the proposal to consider increases in the maximum penalties for violations of gas pipeline safety laws and regulations for intrastate pipeline operators may be submitted to the commission at the address given above and should be filed with the commission no later than **5:00 p.m., Monday, March 24, 2014.**

**Electronic copies.** The commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted via the commission's web portal at [www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing) or by electronic mail to the commission's records center at records@utc.wa.gov. Please include:

- The docket number of this proceeding (PG-140105).
- The commenting party's name.
- The title and date of the comment or comments.

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a flash drive, compact disk, or 3 1/2 inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The commission will post on the commission's web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/140105>. If you are unable to file your comments electronically or to submit them on a disk, the commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's web site as it becomes available. If you wish to receive further information on this rule making you may (1) call the commission's records center at (360) 664-1234, (2) e-mail the commission at <records@utc.wa.gov>, or (3) mail written comments to the address above to the attention of Steven V. King, executive director and secretary. When contacting the commission, please refer to Docket PG-140105 to ensure that you are placed on the appropriate service list. Questions may be addressed to Anthony Dorrough, (360) 664-1318, e-mail adorroug@utc.wa.gov, or Joe Subsits, (360) 664-1322, e-mail jsubsits@utc.wa.gov.

#### NOTICE

**TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING** — The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records

center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket PG-140105, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket PG-140105, and the words "Please keep me on the mailing list" to <records@utc.wa.gov>. Please note that all information in the mailings will be accessible through the commission's internet web site at <http://www.utc.wa.gov/140105>. **THOSE INTERESTED PERSONS WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

February 19, 2014  
Steven V. King  
Executive Director  
and Secretary

### WSR 14-05-093

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed February 19, 2014, 9:24 a.m.]

Subject of Possible Rule Making: Chapter 16-462 WAC, Grape planting stock—Registration and certification, the department is considering adopting changes to the grape planting stock rule to better align with the National Clean Plant Network (NCPN) as a result of a petition submitted by the Washington Association of Wine Grape Growers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.14.015 and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The NCPN was created to protect specialty crops from the spread of economically harmful plant pests and diseases. Their mission is to provide healthy planting stock that is easier to propagate, requires fewer chemical inputs, and produces higher crop yields and better crop quality. They do this through programs which screen plant selections for viruses and other diseases that can be spread by contaminated planting stock. Modifying our certification program is necessary to continue to reduce the chance of introduction of exotic pests that can be difficult and costly to control and to further standardize our program with the NCPN model.

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

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brad White, Acting Assistant Director, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1907, fax (360) 902-2094, e-mail bwhite@

agr.wa.gov; or Tom Wessels, Plant Services Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1984, fax (360) 902-2094, e-mail twessels@agr.wa.gov.

February 19, 2014  
Brad White  
Acting Assistant Director

### WSR 14-05-094

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed February 19, 2014, 9:28 a.m.]

Subject of Possible Rule Making: Chapter 16-483 WAC, Grape virus quarantine and chapter 16-481 WAC, Grape insect pests. The department is considering:

(1) Combining the grape virus quarantine and the grape insect pests rules into one chapter under chapter 16-483 WAC;

(2) Adding additional virus pests to the quarantine;

(3) Adding additional insect pests to the quarantine; and

(4) Repealing chapter 16-481 WAC, Grape insect pests.

Adding additional pests to the quarantine is the result of a petition submitted by the Washington association of wine grape growers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.24.011, 17.24.041, and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Introduction of pests into the state of Washington through infested grape plants, rootstock, and plant cuttings or on contaminated grape cultivation or harvesting equipment could have a severe economic impact on the Washington grape industry. Modifications to the grape virus quarantine are necessary to standardize Washington's quarantine with Oregon and Idaho and continue to be effective in excluding harmful viruses and insects.

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

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brad White, Acting Assistant Director, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1907, fax (360) 902-2094, e-mail bwhite@agr.wa.gov; or Tom Wessels, Plant Services Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1984, fax (360) 902-2094, e-mail twessels@agr.wa.gov.

February 19, 2014  
Brad White  
Acting Assistant Director

**WSR 14-05-096****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF AGRICULTURE**

[Filed February 19, 2014, 9:36 a.m.]

Subject of Possible Rule Making: Chapter 16-401 WAC, Nursery inspection fees. The department is considering adopting a ten cent per vine annual assessment limit on grapevines as a result of a petition submitted by the Washington association of wine grape growers. This is not a fee increase.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.13.310, 15.14.015, and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The grapevine assessment was initially implemented in 2004 to provide funding for improving the foundation vineyard at Washington State University and to support grapevine improvement projects. The current assessment is five percent on the gross sale price of the wholesale market value for all grapevine propagation material. Currently, grapevines sold are self-rooted. If the industry changes to grafted grapevines, the five percent assessment collected could increase because grafted grapevines sell for a higher price. This could put Washington stock at a competitive disadvantage. Putting a ten cent per vine cap on the assessment amount should ensure the industry remains competitive and provide adequate income to support grapevine related improvement projects.

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

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brad White, Acting Assistant Director, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1907, fax (360) 902-2094, e-mail [bwhite@agr.wa.gov](mailto:bwhite@agr.wa.gov); or Tom Wessels, Plant Services Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1984, fax (360) 902-2094, e-mail [twessels@agr.wa.gov](mailto:twessels@agr.wa.gov).

February 19, 2014  
Brad White  
Acting Assistant Director

**WSR 14-05-097****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed February 19, 2014, 9:37 a.m.]

Subject of Possible Rule Making: Aquaculture disease control rules (chapter 220-77 WAC) and oyster diseases and pests rules (chapter 220-72 WAC).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.12.047, and 77.115.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amending the rules related to shellfish aquaculture disease and pest control to provide additional protection against the spread of aquatic invasive species (AIS). Rule changes will embody the principles of prevention as the highest priority, integrated management of pathways, clean and drain principles, and rapid response capabilities.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: RCW 77.115.010 requires the Washington department of fish and wildlife (WDFW) and the Washington department of agriculture (WSDA) jointly develop rules related to disease inspection control for aquatic farmers. WDFW will work with WSDA to develop these rule changes.

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 Joanna Eide, WDFW Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2403, fax (360) 902-2155, e-mail [Joanna.Eide@dfw.wa.gov](mailto:Joanna.Eide@dfw.wa.gov). Contact by April 16, 2014. Expected proposal filing on or after April 23, 2014.

February 19, 2014  
Joanna M. Eide  
Rules Coordinator

**WSR 14-05-098****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
NATURAL RESOURCES**

[Filed February 19, 2014, 9:49 a.m.]

Subject of Possible Rule Making: Establishing a geoduck diver safety program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.30.560.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 2SHB 1764, section 5, effective July 28, 2013, directs the department of natural resources (DNR) to adopt rules creating a geoduck diver safety program for geoduck divers licensed under RCW 77.65.410. The rules are intended to establish minimum diver safety requirements that are consistent with commercial diving safety standards and federal Occupational Safety and Health Act (OSHA) regulations. Proposed rules will be based on the rec-

ommendations of the geoduck harvest safety committee established by RCW 43.30.555.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of fish and wildlife (WDFW) (RCW 77.65.410); Department of labor and industries (L&I) division of occupational safety and health (chapter 296-37 WAC). DNR will coordinate the rule making with the individual agencies to ensure the proposed rules (1) do not conflict with OSHA commercial diving safety standards; and (2) are integrated into the WDFW geoduck diver licensing program. DNR invited WDFW and L&I to participate in the geoduck harvest safety committee. DNR will also invite the agencies to attend a public meeting(s).

Process for Developing New Rule: Full rule-making process, DNR will contact stakeholders, and affected parties and entities to solicit their participation in the rule development process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the DNR aquatic resources division, Matthew Goehring, Policy Unit, Aquatic Resources Division, (360) 902-1090, fax (360) 902-1786, matt.goehring@dnr.wa.gov, P.O. Box 47027, Olympia, WA 98504-7027; or Blain Reeves, Assistant Division Manager, Operations, Aquatic Resources Division, (360) 902-1731, fax (360) 902-1786, blain.reeves@dnr.wa.gov, P.O. Box 47027, Olympia, WA 98504-7027. DNR anticipates filing a proposed rule making in April 2014. DNR will conduct a formal public hearing following development of the draft rule.

February 18, 2014  
 Megan Duffy  
 Deputy Supervisor  
 Aquatics and  
 Environmental Protection

Changes are expected to impact eligibility and benefits for the Washington Basic Food program and the state-funded food assistance program (FAP) for legal immigrants. Under RCW 74.08A.120, rules for FAP shall follow exactly the rules of the federal food stamp program (SNAP) except for the provisions pertaining to immigrant status.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) enforces the provisions of the federal SNAP as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. 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, the Washington combined application program, 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 Bob Thibodeau, Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4634, fax (360) 725-4904, e-mail thiborl@dshs.wa.gov.

February 19, 2014  
 Katherine I. Vasquez  
 Rules Coordinator

**WSR 14-05-100**

**PREPROPOSAL STATEMENT OF INQUIRY  
 DEPARTMENT OF  
 SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration))  
 ((Community Services Division))  
 [Filed February 19, 2014, 9:52 a.m.]

Subject of Possible Rule Making: The department is proposing to amend and create rules under Title 388 WAC to implement certain mandatory provisions of 2014 farm bill signed into law on February 7, 2014.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.510, 74.04.515, 74.08.090, 74.04.500, 74.08A.010, 74.08A.903, Food and Nutrition Act of 2008 (P.L. 110-246, 7 U.S.C.).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes proposed under this filing are intended to implement the supplemental nutrition assistance program (SNAP) provisions of Title IV of the Federal Agriculture Reform and Risk Management Act of 2014 (farm bill) (H.R. 2642; 113th Congress).

**WSR 14-05-101**

**PREPROPOSAL STATEMENT OF INQUIRY  
 DEPARTMENT OF  
 SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration))  
 ((Community Services Division))  
 [Filed February 19, 2014, 9:53 a.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-414-0001 Do I have to meet all eligibility requirements for Basic Food?, and other related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.510, 74.04.515, 74.08.090, 74.04.500, 74.08A.120, 7 C.F.R. 273.2.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department proposes to amend WAC 388-414-0001 to fully incorporate requirements under Title 7 of the Code of Federal Regulations (C.F.R.) §273.2(j) related to categorical eligibility for the federal supplemental nutrition assistance program (SNAP).

This department is proposing to amend the rule to clarify when households are considered categorically eligible (CE) based on the receipt of cash assistance benefits.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) enforces the provisions of the federal SNAP as enacted in the 2008 Food and Nutrition Act and codified in the C.F.R. The department will propose amendments to CE rules that are consistent with the act, federal regulations, FNS administrative notices and interim guidance.

The state legislature authorizes the department to administer the food stamp program (SNAP) and food assistance program for legal immigrants under RCW 74.04.500, 74.04.-510, and 74.08A.120.

DSHS incorporates regulations from the federal agencies, exercises state options, and implements approved waivers of federal regulatory requirements by adopting administrative rules for food assistance programs administered under the Washington Basic Food program.

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 Jason Turner, Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4640, fax (360) 725-4905, e-mail [turnejm@dshs.wa.gov](mailto:turnejm@dshs.wa.gov).

February 19, 2014  
Katherine I. Vasquez  
Rules Coordinator