

WSR 20-13-007
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed June 4, 2020, 5:50 p.m.]

This memo serves as notice that the department of health (department) is withdrawing the CR-101 for chapter 246-803 WAC, Acupuncture and Eastern medicine practitioner. The department was considering establishing a new section of rule for continuing education requirements, changing the reference of "East Asian" to "Acupuncture and Eastern medicine," and other housekeeping changes. The CR-101 was filed October 1, 2019, and published in WSR 19-20-095.

The department is withdrawing this CR-101 because a new CR-101 is being filed to incorporate additional legislation that was implemented during the 2020 legislative session. The new CR-101 will consider rule making to implement various legislative changes throughout the chapter, including: Adding continuing education; making title changes; repealing apprenticeship and tutorial requirements; repealing the AIDS education and training requirement; updating citations; and adding new rules for suicide prevention and education. This will include mandates from the following bills:

- SHB 1865 (chapter 308, Laws of 2019).
- ESHB 1551 (chapter 76, Laws of 2020).
- SHB 2378 (chapter 80, Laws of 2020).
- ESHB 2411 (chapter 229, Laws of 2020).

Individuals requiring information on this rule should contact Vicki Brown, program manager for the acupuncture and Eastern medicine practitioner program at 360-236-4865.

Tami M. Thompson
 Regulatory Affairs Manager

WSR 20-13-008
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed June 4, 2020, 5:50 p.m.]

Subject of Possible Rule Making: Chapter 246-803 WAC, Acupuncture and Eastern medicine practitioner, the department of health (department) is considering rule making necessary to implement various legislative changes throughout the chapter, including: Adding continuing education; making title changes; repealing apprenticeship and tutorial requirements; repealing the AIDS education and training requirement; updating citations; and adding new rules for suicide prevention and education. Housekeeping changes will be considered as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.06.160; SHB 1865 (chapter 308, Laws of 2019); ESHB 1551 (chapter 76, Laws of 2020); SHB 2378 (chapter 80, Laws of 2020); and ESHB 2411 (chapter 229, Laws of 2020).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is necessary to implement the following:

SHB 1865, chapter 308, Laws of 2019, the department is considering establishing new requirements for continuing education; changing the title "East Asian" to "acupuncture and Eastern medicine" throughout the chapter; and repealing the apprenticeship and tutorial requirements.

ESHB 1551, chapter 76, Laws of 2020, the bill removes the requirement for AIDS education and training. The department is considering amending existing rules to repeal the requirements for AIDS education and training.

SHB 2378, chapter 80, Laws of 2020, the bill eliminates the osteopathic physician assistant license on July 1, 2022, and converts the license to a physician assistant. The bill repeals chapter 18.57A RCW, the statutory authority for osteopathic physician assistant, and places the licensing authority under chapter 18.71A RCW, allopathic physician assistants. The department is considering amending the rules to repeal references to chapter 18.57A RCW to reflect changes in the statute.

ESHB 2411, chapter 229, Laws of 2020, the bill amends RCW 43.70.442 to require acupuncture and Eastern medicine practitioners take a one-time training in suicide assessment, treatment, and management. The department is considering establishing requirements for suicide prevention and education for acupuncture and Eastern medicine practitioners.

The department may make other housekeeping changes as necessary to implement these chapter amendments.

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 Vicki Brown, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4865, fax 360-236-2901, TTY 711, email vicki.brown@doh.wa.gov, website www.doh.wa.gov, <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

Additional comments: Interested parties may sign up to receive rule-making notices at www.doh.wa.gov, select the green Subscribe button at the bottom of the page.

June 4, 2020
 Jessica Todorovich
 Chief of Staff for
 John Weisman, DrPH, MPH
 Secretary

WSR 20-13-041
PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT

[Filed June 10, 2020, 12:07 p.m.]

Subject of Possible Rule Making: The employment security department (ESD) is engaging in rule making regarding whether the emergency rules adopted during the COVID-19 response should be made permanent. The emergency rules cover registration for work, certification of satisfactory progress for training programs, penalty waivers, updates to certain

definitions, WorkSource closures, shared work, lack of work, standby status, and suspected fraudulent claims.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010 and 50.12.040 provide general rule-making authority to ESD.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In February, Governor Inslee proclaimed a State of Emergency in Washington regarding COVID-19. The department filed a series of emergency rules in order to support the state's emergency response. The department is now seeking input from the public regarding which of those emergency rules should be made permanent.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor (USDOL) reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of the unemployment insurance laws so long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.

Process for Developing New Rule: Draft rules will be shared with the public and stakeholders. The department will solicit input from all parties and consider all comments in the development of final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Josh Dye, P.O. Box 9046, phone 360-890-3472, fax 844-652-7096, TTY relay 711, email Rules@esd.wa.gov, website <https://esd.wa.gov/newsroom/rulemaking/benefits>.

June 10, 2020
Dan Zeitlin
Policy Director

WSR 20-13-045
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2020-10—Filed June 11, 2020, 1:27 p.m.]

Subject of Possible Rule Making: Implementation of ESHB 2642 (chapter 345, Laws of 2020), removing health coverage barriers to accessing substance use disorder (SUD) treatment services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.20.460, 48.44.050, 48.46.200 (section 6, chapter 345, Laws of 2020).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 2642 establishes unique requirements related to carrier prior authorization for inpatient substance use disorder treatment services, bans balance billing by some out-of-network inpatient SUD treatment providers and directs the office of the insurance commissioner (OIC) to review its regulations related to medical necessity for substance use disorder treatment. Existing OIC rules related to carrier prior authorization processes and the

definition of medical necessity for behavioral health services may need to be amended to be consistent with the provisions of ESHB 2462 and new rules may need to be adopted. Such rules will facilitate implementation of the law by ensuring that all affected entities understand their rights and obligations under the new law.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state department of health licenses behavioral health agencies. The provisions of the law also apply to medicaid managed care organizations and the PEBB/SEBB programs, which are administered by the health care authority. OIC will be coordinating with these agencies with respect to this rule making, development of the action plan under section 5 of the law and adoption of a single set of criteria to determine medical necessity for substance use disorder treatment under section 6 of the law.

Process for Developing New Rule: Comments due by July 1, 2020.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jane Beyer, 302 Sid Snyder Avenue S.W., Olympia, WA 98504, phone 360-725-7043, fax 360-586-3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, website www.insurance.wa.gov.

June 11, 2020
Mike Kreidler
Insurance Commissioner

WSR 20-13-047
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed June 11, 2020, 2:16 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-454-0006 The department makes background checks on adults who are acting in place of a parent without court-ordered custody, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.12.290.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This filing is necessary to align the rule with changes in state law under 2SHB 1645 (chapter 270, Laws of 2020), effective January 1, 2021. Rule amendments will reflect that final founded findings of child abuse and neglect, and dependencies related to founded findings of child abuse and neglect, will not be considered when a background check is required and a certificate of parental improvement accompanies the finding. This filing will also update cross references to disqualifying crime lists that were recodified upon the creation of the department of children, youth, and families (DCYF).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agen-

cies: The department is engaged in ongoing consultation with DCYF to incorporate certificates of parental improvement into the background check process, as provided in 2SHB 1645 (chapter 270, Laws of 2020).

Process for Developing New Rule: The department of social and health services (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 Melissa Kenney, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-725-4589, fax 360-725-4905, email kennemg@dshs.wa.gov; or Olga Walker, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-725-4641, fax 360-725-4905, email walkeop@dshs.wa.gov.

June 11, 2020
Katherine I. Vasquez
Rules Coordinator

WSR 20-13-077

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed June 16, 2020, 10:06 a.m.]

Subject of Possible Rule Making: 2021 Industrial insurance premium rates. Chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for Washington workers' compensation insurance; and chapter 296-17B WAC, Retrospective rating for workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035, 51.04.020(1), and 51.18.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of labor and industries (L&I) is required by law to establish and maintain a workers' compensation classification plan, and to set premium rates that are: (1) The lowest necessary to maintain actuarial solvency of the accident and medical aid funds; and (2) designed to attempt to limit fluctuations in premium rates. The plan must be consistent with recognized principles of insurance. L&I is also required by law to offer retrospective rating plans to employers as a further incentive to encourage workplace safety and prevent employee injury.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state, local, or federal agency regulates this subject.

Process for Developing New Rule: Premium rates for each classification are developed in part from the past loss experience of employers subject to the classification, changes in benefit levels mandated by law or court decisions, medical inflation, economic and business trends and financial markets. L&I works with the workers' compensation advisory

committee (WCAC) and retrospective rating advisory committee (RAC) as changes are developed. The public can participate in these discussions by attending the WCAC or RAC meetings. A schedule of these meetings is available at www.lni.wa.gov/insurance/insurance-requirements/workers-compensation-advisory-committee#meeting-schedule.

The public can also participate in discussions of the RAC. A schedule of these meetings can be found at www.lni.wa.gov/insurance/rates-risk-classes/reducing-rates/retro-advisory-committee#schedule-of-meetings.

Employers covered by L&I will receive notice of the proposed changes and public hearings.

L&I is planning to hold formal public hearings in October and November, 2020, in Spokane, Tukwila, and Tumwater.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jo Anne Attwood, P.O. Box 44148, Olympia, WA 98504-4148, phone 360-902-4777, fax 360-902-4988, TTY 360-902-5797, email JoAnne.Attwood@Lni.wa.gov, website www.lni.wa.gov/rulemaking-activity/?query=premium.

June 16, 2020

Joel Sacks
Director

WSR 20-13-080

PREPROPOSAL STATEMENT OF INQUIRY BUILDING CODE COUNCIL

[Filed June 16, 2020, 10:40 a.m.]

Subject of Possible Rule Making: Chapter 51-56 WAC, amendment to the 2018 Uniform Plumbing Code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Aligning the water flow requirements of WAC 51-56-0400 with RCW 19.260.040, and making minor editorial corrections to the chapter.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: Stakeholders and subject expert technical advisory group review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Richard Brown, P.O. Box 41449, Olympia, WA 98504-1449, phone 360-407-9277, email sbcc@des.wa.gov, website sbcc.wa.gov.

June 16, 2020

Diane Glenn
Council Chair

WSR 20-13-081**PREPROPOSAL STATEMENT OF INQUIRY****SECRETARY OF STATE**

[Filed June 16, 2020, 12:07 p.m.]

Subject of Possible Rule Making: Elections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: It is necessary to update the WAC to reflect recent legislative changes and to update and clarify procedures.

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 Sheryl Moss, P.O. Box 40229, Olympia, WA 98504, phone 360-902-4146, fax 360-664-4619, email sheryl.moss@sos.wa.gov, website vote.wa.gov; or Lisa Tuerk, P.O. Box 40229, Olympia, WA 98504, phone 360-902-4167, fax 360-664-4619, email lisa.tuerk@sos.wa.gov, website vote.wa.gov.

June 16, 2020

Mark Neary

Assistant Secretary of State

WSR 20-13-082**PREPROPOSAL STATEMENT OF INQUIRY****SECRETARY OF STATE**

[Filed June 16, 2020, 12:07 p.m.]

Subject of Possible Rule Making: Elections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: It is necessary to update the WAC to reflect recent legislative changes and to update and clarify procedures.

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 Sheryl Moss, P.O. Box 40229, Olympia, WA 98504, phone 360-902-4146, fax 360-664-4619, email sheryl.moss@sos.wa.gov, website vote.wa.gov; or Lisa Tuerk, P.O. Box 40229, Olympia, WA 98504, phone 360-902-4167, fax 360-664-4619, email lisa.tuerk@sos.wa.gov, website vote.wa.gov.

June 16, 2020

Mark Neary

Assistant Secretary of State

WSR 20-13-085**PREPROPOSAL STATEMENT OF INQUIRY****HEALTH CARE AUTHORITY**

[Filed June 16, 2020, 1:05 p.m.]

Subject of Possible Rule Making: WAC 182-531-1550 Sterilization physician-related services; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending WAC 182-531-1550 to remove subsection (5), which describes the circumstances under which the agency waives the thirty-day consent waiting period for sterilization. The agency has determined this rule amendment is necessary to align with federal rule, specifically 42 C.F.R. sections 50.203 (d) and 50.204 (7)(e)(1). During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brian Jensen (Rulemaking Questions), P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1585, fax 360-586-9727, telecommunication[s] relay services (TRS) 711, email brian.jensen@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Melissa Kundur (Program Questions), P.O. Box 45506, Olympia, WA 98504-5506, phone 360-725-5297, fax 360-586-9727, TRS 711, email Melissa.kundur@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

June 16, 2020

Wendy Barcus

Rules Coordinator

WSR 20-13-087**PREPROPOSAL STATEMENT OF INQUIRY****DEPARTMENT OF****RETIREMENT SYSTEMS**

[Filed June 16, 2020, 2:21 p.m.]

Subject of Possible Rule Making: Reportable compensation for the law enforcement officers' and firefighters' (LEOFF) retirement system Plan 2.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify whether certain payments to LEOFF Plan 2 members are considered basic

salary for the purpose of calculating retirement benefits, in accordance with RCW 41.26.030 (4)(b).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of retirement systems will consult with the LEOFF Plan 2 retirement board when drafting the proposed rule amendments.

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 Jilene Siegel, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, phone 360-664-7291, TTY 711, email Rules@drs.wa.gov, website www.drs.wa.gov/rules/.

June 16, 2020
Jilene Siegel
Rules Coordinator

WSR 20-13-093

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed June 17, 2020, 7:36 a.m.]

Subject of Possible Rule Making: Chapter 16-752 WAC, Noxious weed seed and plant quarantine. In response to petitions received from the Washington state noxious weed control board and the Washington state department of ecology, the department is considering adding additional species to the noxious weed seed and plant quarantine, which would prohibit their sale and distribution. These species include: Italian arum (*Arum italicum*), Ravenna grass (*Tripidium ravennae*), spurge laurel (*Daphne laureola*), myrtle spurge (*Euphorbia myrsinites*), annual bugloss (*Lycopsis arvensis*), yellow flag iris (*Iris pseudacorus*), hoary alyssum (*Berteroa incana*), small-flowered jewelweed (*Impatiensparviflora*), South American spongeplant (*Limnobiumpulmonifolium*), tree-of-heaven (*Ailanthus altissima*), and poison hemlock (*Conium maculatum*). The department is also considering adding American spongeplant (*Limnobiumpulmonifolium*) to the noxious weed seed and plant quarantine, updating the accepted scientific names of several plants that are currently quarantined and revising the language to increase clarity and readability and to conform with current industry practices or standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.10.074, 17.24.011, and 17.24.041.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The intrusion into this state of nonnative, invasive weed species continues to be a concern. The spread of these weeds presents a risk to the economic well-being of the agricultural, forest, horticultural, and floricultural industries, and the environmental quality and natural resources of the state. A number of these noxious weeds are transported and sold within the state of Washington both as nursery plants and as seeds in packets of flower seeds or "wildflower mixes." Subsequent "escape" of these plants has been a documented source of a number of infestations and has resulted in large public and private expenditures by landowners and land managers, weed boards, and weed

districts to control. Initiating quarantines forbidding entry or distribution of weed species may be critical for their exclusion or control.

Some of the candidate species being considered for quarantine are also listed in chapter 16-750 WAC, the state noxious weed list, as a Class A or a Class B noxious weed, requiring mandatory control by county weed boards. Other candidate species are listed as Class C. Designation as a Class C noxious weed allows counties to enforce control if it is beneficial to that county (for example to protect crops). Designation as a noxious weed on the state noxious weed list doesn't prohibit its sale, allowing consumers to buy a plant species that's prohibited by their county weed board. Prohibiting the sale of plants designated under the state noxious weed list for mandatory control will support the efforts of county weed boards to control noxious weeds. Weed species being considered for quarantine that are already listed on the state noxious weed list (Class A or B) include: Ravenna grass, spurge laurel, myrtle spurge, annual bugloss, hoary alyssum, small-flowered jewelweed, South American spongeplant, and poison hemlock. Weed species already listed as Class C include: Italian arum, yellow flag iris, and tree-of-heaven.

The addition of tree-of-heaven (*Ailanthus altissima*) is also being considered to proactively limit the possible spread of Spotted Lantern Fly (SLF) into the state. *Ailanthus* is the preferred plant species necessary for SLF to complete their mating cycle. Stopping further sale and spread of this species will reduce the ability for SLF to gain a foothold in Washington. The department conducts annual trapping for SLF and surveillance of established *Ailanthus* populations. This work will be supported and strengthened [strengthened] by excluding *Ailanthus* from sale.

American spongeplant is not currently listed on the state noxious weed list, however it is still being considered for quarantine because it is often confused with South American spongeplant. There is some literature which combines these two species into one species with two varieties. Neither species is native to Washington state. Quarantining both species will prevent taxonomic confusion which could result in one species being misnamed and sold.

The updating of scientific names will ensure consistency with national taxonomic standards and with the scientific names referenced in chapter 16-750 WAC, state noxious weed list.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state noxious weed control board.

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholder groups. 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, 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, TTY 800-833-6388, email bwhite@agr.wa.gov, website <https://agr.wa.gov/services/rule>

making/wac16-752-noxious-weed-seed-plant-quarantine-102418; or Cindy Cooper, Plant Services Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-2062, fax 360-902-2094, TTY 800-833-6388, email ccooper@agr.wa.gov, website <https://agr.wa.gov/services/rulemaking/wac16-752-noxious-weed-seed-plant-quarantine-102418>.

June 12, 2020
Brad White
Assistant Director

WSR 20-13-094
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed June 17, 2020, 8:11 a.m.]

Subject of Possible Rule Making: The department is considering new rules to implement the fishway, flow and screening statute (chapter 77.57 RCW), and ESHB 1109 (chapter 415, Laws of 2019), which became effective on May 21, 2019.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.12.047, 77.57.010, 77.57.030, 77.57.040, 77.57.050, 77.57.060, 77.57.070, 43.05.100, and 43.05.120; ESHB 1109 (chapter 415, Laws of 2019).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New rules are necessary to fully implement chapter 77.57 RCW, consistent with recommendations of the southern resident orca task force. The ultimate goal of the new rules is to increase the availability of salmon for southern resident orcas.

In November 2018, the southern resident orca task force published its report identifying lack of prey as a key threat to southern resident orcas. Contributing to this threat are development activities and fish passage barriers like impassable dams, tide gates, screens, and culverts that have reduced habitat available for salmon and forage fish.

Recommendation three of the report endorsed agencies to apply and enforce laws that protect habitat. Specifically, the task force noted that the governor should direct the Washington department of fish and wildlife (WDFW) to develop rules to fully implement chapter 77.57 RCW.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: WDFW is the sole authority regulating fishways and screening under chapter 77.57 RCW, and the only state agency that regulates fishways and screening solely for the protection of all fish life.

The United States Army Corps of Engineers, Washington department of ecology, Washington department of natural resources, Washington state parks, and local governments also regulate certain aspects of fishways and screening under their own authorities.

The National Marine Fisheries Service and United States Fish and Wildlife Service regulate the "take" of threatened or

endangered species listed under the federal Endangered Species Act.

Tribes regulate fisheries and certain aspects of construction projects on tribal lands. State, federal, and local government entities will be invited to comment on draft rules during the rule-making process.

WDFW will conduct government-to-government consultation with tribes.

Process for Developing New Rule: Agency study; and 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 Gabrielle Stilwater, P.O. Box 43200, Olympia, WA 98504, phone 564-999-0768, fax 360-902-2946, TTY 800-833-6388, email FishPassageRules@dfw.wa.gov, website <https://wdfw.wa.gov/species-habitats/habitat-recovery/fish-passage>.

June 17, 2020
Michele K. Culver
Rules Coordinator

WSR 20-13-097
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed June 17, 2020, 9:26 a.m.]

Subject of Possible Rule Making: The department is considering new rules to govern the management of its rule-making files.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.17.060, 34.05.220, and 77.04.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New rules are necessary to clarify the department's implementation of chapter 34.05 RCW, the Administrative Procedures [Procedure] Act. The purpose of these rules is to identify a point of contact for the department's rule-making files and clarify the department's procedures relative to requests for public access to its rule-making files.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None - these rules are intended to clarify administrative procedures specific to the Washington department of fish and wildlife.

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 Michele K. Culver, P.O. Box 43200, Olympia, WA 98504-3200, phone 360-902-2196, TTY 800-833-6388, email Rules.Coordinator@dfw.wa.gov, website <https://wdfw.wa.gov/about/regulations>.

June 17, 2020
Michele K. Culver
Rules Coordinator

WSR 20-13-098
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed June 17, 2020, 10:02 a.m.]

Subject of Possible Rule Making: Chapters 181-01 and 181-02 WAC, case-by-case exceptions process and policy regarding the content knowledge assessment required for teacher certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.410 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This would clarify the policy regarding content knowledge assessments, and would allow a process for granting case-by-case exceptions to candidates for the content knowledge assessment. This would help ensure equitable access to the teaching profession.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

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 Maren Johnson, 600 Washington Street S.E., Olympia, WA 98504, phone 360-725-6264, email maren.johnson@k12.wa.us, website www.pesb.wa.gov.

June 15, 2020
Maren Johnson
Rules Coordinator