

WSR 24-01-007
EMERGENCY RULES
DEPARTMENT OF

CHILDREN, YOUTH, AND FAMILIES

[Filed December 6, 2023, 2:12 p.m., effective December 6, 2023, 2:12 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: This rule making will expand eligibility to people working in licensed child care centers and licensed family homes, specialty and therapeutic court participants, and undocumented children. This rule making will also establish eligibility for families with a parent participating in a state-registered apprenticeship with income less than 85 percent of the state median income who, within the last year, were approved for working connections child care.

Citation of Rules Affected by this Order: Amending WAC 110-15-0005, 110-15-0015, 110-15-0024, 110-15-0045, and 110-15-0075.

Statutory Authority for Adoption: 2SSB 5225, 2SHB 1525; chapter 43.216 RCW.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The new eligibility categories are necessary for the preservation of public health, safety, and general welfare through: Increasing the number of vulnerable children eligible for child care where they will receive supervision, nurturing, and care; allowing child care employees to use subsidy for their own children; and providing undocumented children subsidized child care with state dollars.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 5, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 6, 2023.

Brenda Villarreal
Rules Coordinator

OTS-5105.1

AMENDATORY SECTION (Amending WSR 22-05-007, filed 2/3/22, effective 3/6/22)

WAC 110-15-0005 Eligibility. (1) **Consumers.** At the time of application and reapplication, to be eligible for WCCC, consumers must:

- (a) Have parental control of one or more eligible children;
- (b) Live in the state of Washington;
- (c) Participate in an approved activity or meet the eligibility special circumstances requirements under WAC 110-15-0020, 110-15-0023, or 110-15-0024;
- (d) Have countable income at or below 60 percent of the state median income (SMI) at initial application or at or below 65 percent of the SMI at reapplication;
- (e) Not have assets that exceed \$1,000,000; ~~((and))~~
- (f) Have an agreed payment arrangement with any provider to whom any outstanding WCCC copayment is owed;
- (g) Within the first 12 months of a state-registered apprenticeship program, have a household annual income adjusted for family size that does not exceed 75 percent of the SMI; and
- (h) Be employed by a licensed or certified child care provider as confirmed or verified in the agency's electronic workforce registry and have a household annual income adjusted for family size that does not exceed 85 percent of the SMI.

(2) Parents currently attending high school or who are age 21 years or younger and completing a high school equivalency certificate are eligible for WCCC if their income does not exceed 85 percent of the SMI at the time of application.

(3) **Children.** To be eligible for WCCC, children must:

- (a) ~~((Belong to one of the following groups as defined in WAC 388-424-0001:~~
 - ~~(i) A U.S. citizen;~~
 - ~~(ii) A U.S. national;~~
 - ~~(iii) A qualified alien; or~~
 - ~~(iv) A nonqualified alien who meets the Washington state residency requirements as listed in WAC 388-468-0005.~~
- ~~(b) Legally))~~ Reside in Washington state ~~((, which will be determined by applying the criteria of WAC 388-424-0001 or 388-468-0005));~~ and
 - ~~((e))~~ (b) At the time of eligibility determination or redetermination, be less than age 13 years ~~((of age on the first day of eligibility));~~ or
 - ~~((d))~~ (c) Be less than age 19 years ~~((of age)), and:~~
 - (i) Have a verified special need, according to WAC 110-15-0020;
 - or
 - (ii) Be under court supervision.

AMENDATORY SECTION (Amending WSR 19-12-058, filed 5/31/19, effective 7/1/19)

WAC 110-15-0015 Determining family size. (1) DCYF determines a consumer's family size as follows:

- (a) For a single parent, including a minor parent living independently, DCYF counts the consumer and the consumer's children;

(b) For unmarried parents who have at least one mutual child, DCYF counts both parents and all of their children living in the household;

(c) ~~For unmarried parents who have no mutual children ((are counted as separate WCCC households)),~~ DCYF counts the unmarried parents and their respective children, although living in the same household, as separate WCCC households;

(d) For married parents, DCYF counts both parents and all of their children living in the household;

(e) ~~((For parents who are undocumented aliens as defined in WAC 388-424-0001, DCYF counts the parents and children, documented and undocumented, and all other family rules in this section apply. Children needing care must meet citizenship requirements described in WAC 110-15-0005;~~

~~(f))~~ For a legal guardian verified by a legal or court document, adult sibling or step-sibling, nephew, niece, aunt, uncle, grandparent, any of these relatives with the prefix "great," such as a "great-nephew," or an in loco parentis custodian who is not related to the child as described in WAC ~~((110-15-0005))~~ 110-15-0003, DCYF counts only the children and only the children's income is counted;

~~((g))~~ (f) For a parent who is out of the household because of employer requirements, such as training or military service, and expected to return to the household, DCYF counts the consumer, the absent parent, and the children;

~~((h))~~ (g) For a parent who is voluntarily out of the household for reasons other than requirements of the employer, such as unapproved schooling and visiting family members, and is expected to return to the household, DCYF counts the consumer, the absent parent, and the children. WAC 110-15-0020 and all other family and household rules in this section apply;

~~((i))~~ (h) For a parent who is out of the country and waiting for legal reentry ~~((in to))~~ into the United States, DCYF counts only the consumer and children residing in the United States ~~((and)).~~ All other family and household rules in this section apply;

~~((j))~~ (i) An incarcerated parent is not part of the household count for determining income and eligibility. DCYF counts the remaining household members using all other family rules in this section; and

~~((k))~~ (j) For a parent incarcerated at a Washington state correctional facility whose child lives with them at the facility, DCYF counts the parent and child as their own household.

(2) When the household consists of the consumer's own child and another child identified in subsection (1) ~~((f))~~ (e) of this section, the household may be combined into one household or kept as distinct households for the benefit of the consumer.

AMENDATORY SECTION (Amending WSR 23-23-082, filed 11/13/23, effective 12/14/23)

WAC 110-15-0024 Categorical eligibility for families receiving child protective, child welfare, or family assessment response services, or referred during specialty or therapeutic court proceedings.

(1) Families with children ~~((who have received))~~ are eligible for WCCC benefits for a 12-month period if the consumer is a Washington state

resident and the child or children are living with a biological parent or guardian and:

(a) In the six months prior to application or reapplication for WCCC benefits, the family received:

(i) Child protective services as defined and used by chapters 26.44 and 74.13 RCW((~~r~~));

(ii) Child welfare services as defined and used by chapter 74.13 RCW((~~r~~)); or

(iii) Services through a family assessment response, as defined and used by chapter 26.44 RCW ((in the six months previous to application or reapplication for working connections child care (WCCC) benefits are eligible for WCCC benefits for a 12-month period if, in addition the:

(a) Consumer is a Washington state resident;

(b) Family has been referred for child care as part of the family's case management as defined by RCW 74.13.020; and

(c) Child or children are residing with a biological parent or guardian); and

(b) The family has been referred for child care as part of the family's case management as defined by RCW 74.13.020; or

(c) The child's or children's parent or guardian:

(i) Is participating in a specialty or therapeutic court or is listed as a victim in a case in a specialty or therapeutic court; and

(ii) Was referred for child care as part of the specialty court or therapeutic court proceedings.

(2) Families eligible for WCCC under this section will:

(a) Have no copayment;

(b) Be authorized for full-time child care regardless of participation in an approved activity; and

(c) Be eligible to have benefits paid only to a provider that meets the requirements in WAC 110-15-0125.

(3) "Specialty court" and "therapeutic court," for the purpose of this section, are defined by RCW 2.30.020.

AMENDATORY SECTION (Amending WSR 22-05-007, filed 2/3/22, effective 3/6/22)

WAC 110-15-0045 Approved activities for applicants and consumers not participating in WorkFirst. (1) Applicants and consumers not participating in WorkFirst activities may be eligible for WCCC benefits for the following approved activities:

(a) Employment;

(b) Self-employment;

(c) Supplemental nutrition assistance program employment and training (SNAP E&T); or

(d) The following education programs:

(i) High school or working towards a high school equivalency certificate for consumers under age 22 years (~~(of age)~~);

(ii) Part-time enrollment in a vocational education, adult basic education (ABE), high school equivalency certificate for consumers age 22 years (~~(of age)~~) and older, or English as a second language (ESL) program combined with an average of 20 or more employment hours per week or 16 more work-study hours per week; or

(iii) For full-time students of a community, technical, or tribal college, enrollment in:

- (A) A vocational education program that leads to a degree or certificate in a specific occupation;
- (B) An associate degree program; or
- (C) A registered apprenticeship program.
- (iv) "Full-time student" for the purpose of this subsection means a consumer attends a community, technical, or tribal college and meets its definition of full-time student.
- (e) Applicants and consumers who meet the requirements of ~~((e))~~ (d) of this subsection are eligible to receive subsidy payment for up to 10 hours per week of study time for approved classes.
- (2) Applicants and consumers who are eligible for WCCC benefits under the terms of this section are eligible to receive subsidy payment for:
 - (a) Transportation time between the child care location and the consumer's place of employment or approved activity; and
 - (b) Up to eight hours of sleep time before or after a night shift.

AMENDATORY SECTION (Amending WSR 23-12-038, filed 5/30/23, effective 7/1/23)

WAC 110-15-0075 Determining income eligibility and copayment amounts. (1) DCYF takes the following steps to determine consumers' eligibility and copayments, when care is provided under a WCCC voucher or contract:

- (a) Determine their family size as described in WAC 110-15-0015; and
- (b) Determine their countable income as described in WAC 110-15-0065.

(2) DCYF calculates consumers' copayments as follows:

If the household's income is:	Then the household's maximum monthly copayment is:
At or below 20 percent of the SMI	Waived
Above 20 percent and at or below 36 percent of the SMI	\$65
Above 36 percent and at or below 50 percent of the SMI	\$90
Above 50 percent and at or below 60 percent of the SMI	\$165
At reapplication, above 60 percent and at or below 65 percent of the SMI	\$215
<u>An applicant between 60 percent and 75 percent of the SMI for families participating in a state-registered apprenticeship</u>	<u>\$215</u>

(3) DCYF does not prorate copayments when consumers use care for only part of a month.

(4) ~~((For parents))~~ DCYF waives copayments for:

(a) Eligible consumers age 21 years or younger who attend high school or are working towards completing a high school equivalency certificate (~~(, copayments are not required)~~);

(b) Eligible consumers employed by a licensed or certified child care provider as confirmed or verified in the agency's electronic workforce registry;

(c) Eligible consumers under WAC 110-15-0023; or

(d) Eligible consumers under WAC 110-15-0024.

**WSR 24-01-008
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 23-265—Filed December 6, 2023, 3:10 p.m., effective December 13, 2023]

Effective Date of Rule: December 13, 2023.

Purpose: The purpose of this emergency rule is to open recreational razor clam seasons.

Citation of Rules Affected by this Order: Repealing WAC 220-330-16000H; and amending WAC 220-330-160.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Survey results show that adequate clams are available for harvest in Razor Clam Areas 1, 3, 4, and 5 for recreational harvest. Washington department of health has certified clams from these Razor Clam Areas 1, 3, 4, and 5 to be safe for human consumption. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 6, 2023.

Kelly Susewind
Director

NEW SECTION

WAC 220-330-16000H Razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-330-160, it is unlawful to take, dig for or possess razor clams taken for personal use from any beaches in any razor clam area except as provided for in this section:

(1) Effective 12:01 p.m. December 13 through 11:59 p.m. December 17, 2023, razor clam digging is permissible in Razor Clam Areas defined in WAC 220-330-160 during tides on dates and times listed below:

Razor Clam Area	Date	Time
Area 1	December 13 through 17	From 12:01 p.m. to 11:59 p.m.
Area 2	Closed	Closed

Razor Clam Area	Date	Time
Area 3	December 13 through 17	From 12:01 p.m. to 11:59 p.m.
Area 4	December 14 and 16	From 12:01 p.m. to 11:59 p.m.
Area 5	December 13, 15, and 17	From 12:01 p.m. to 11:59 p.m.
Area 6	Closed	Closed
Area 7	Closed	Closed

(2) It is unlawful to dig for razor clams at any time in the Long Beach and Copalis Beach Clam sanctuaries defined in WAC 220-320-130.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. December 18, 2023:

WAC 220-330-16000H Razor clams—Areas and seasons.

WSR 24-01-010
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-266—Filed December 6, 2023, 4:03 p.m., effective December 8, 2023]

Effective Date of Rule: December 8, 2023.

Purpose: The purpose of this emergency rule is to require the release of wild coho in Naselle and Willapa rivers.

Citation of Rules Affected by this Order: Repealing WAC 220-312-02000H; and amending WAC 220-312-020.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency rule is necessary to require the release of wild coho salmon in Naselle and Willapa rivers. Spawner survey data collected to date indicates a lower-than-expected return to the Willapa and Naselle rivers. This action is necessary to ensure that escapement goals are met.

This rule also carries forward previously announced rules regarding gamefish seasons, gear restrictions, and wild rainbow trout release for Grays Harbor, Willapa Bay, and coastal tributaries in WSR 23-24-047, filed November 30, 2023.

There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 6, 2023.

Kelly Susewind
Director

NEW SECTION

WAC 220-312-02000I Freshwater exceptions to statewide rules—Coast. Effective December 8, 2023, until further notice, the following provisions of WAC 220-312-020, regarding gamefish and salmon seasons, fishing from a floating device, and gear and hook restrictions for coastal tributaries, including tributaries of Grays Harbor and Willapa Bay shall be modified as described below. All areas described

as Closed Waters in WAC 220-312-0202 remain Closed Waters. All other provisions of WAC 220-312-020 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

(1) Bear River (Pacific Co.):

(a) Effective immediately, through February 29, 2024:

(i) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(ii) Release wild rainbow trout.

(b) Effective March 1, 2023, until further notice: All species: Closed.

(2) Big River (Clallam Co.), outside Olympic National Park:

(a) Effective January 1 through February 29, 2024:

(i) All species: Fishing from a floating device is prohibited.

(ii) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(iii) Release wild rainbow trout.

(b) Effective March 1, 2024, until further notice: All species: Closed.

(3) Black River (Grays Harbor Co.), from the mouth to bridge on 128th Ave SW: Effective immediately through December 31, 2023: All species: Closed.

(4) Bogachiel River (Clallam Co.):

(a) From the mouth to Mill Creek:

(i) Effective immediately through December 15, 2023:

(A) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(B) Steelhead: Daily limit is 2 hatchery steelhead

(C) Salmon: Daily limit 1. Release sockeye.

(ii) Effective December 16, 2023, until further notice:

(A) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(B) Steelhead: Daily limit is 2 hatchery steelhead

(b) From Mill Creek to Hwy. 101 Bridge:

(i) Effective immediately through December 15, 2023:

(A) All species: Fishing from a floating device is prohibited.

(B) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(C) Steelhead: Daily limit is 2 hatchery steelhead

(D) Salmon: Daily limit 1. Release sockeye.

(ii) Effective December 16, 2023, until further notice:

(A) All species: Fishing from a floating device is prohibited.

(B) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(C) Steelhead: Daily limit is 2 hatchery steelhead

(c) From Hwy. 101 Bridge to Olympic National Park Boundary: Effective immediately, until further notice:

(i) All species: Fishing from a floating device is prohibited.

(ii) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(iii) Steelhead: Daily limit is 2 hatchery steelhead.

(5) Calawah River: (Clallam Co.):

(a) From the mouth to the Hwy. 101 Bridge:

(i) Effective immediately through December 15, 2023:

(A) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(B) Steelhead: Daily limit is 2 hatchery steelhead.

(C) Salmon: Daily limit 1. Release sockeye.

(ii) Effective December 16, 2023, until further notice:

(A) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(B) Steelhead: Daily limit is 2 hatchery steelhead.

(b) From the Hwy. 101 Bridge to the forks: Effective immediately, until further notice:

(i) All species: Fishing from a floating device is prohibited.

(ii) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(iii) Steelhead: Daily limit is 2 hatchery steelhead.

(6) Calawah, South Fork (Clallam Co.), from the mouth to Olympic National Park boundary: Effective immediately, through February 29, 2024:

(a) All species: Fishing from a floating device is prohibited.

(b) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(7) Cedar Creek (Jefferson Co.), outside Olympic National Park boundary: Effective immediately, through February 29, 2024:

(a) All species: Fishing from a floating device is prohibited.

(b) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(c) Release wild rainbow trout.

(8) Chehalis River (Grays Harbor Co.): From the mouth upstream, including all forks: Effective immediately, until further notice: All species: Closed.

(9) Clearwater River (Jefferson Co.), from the mouth to Snahapish River: Effective immediately, until further notice: All species: Closed.

(10) Cloquallum Creek (Grays Harbor/Mason Co.), from the mouth to the outlet at Stump Lake: Effective immediately, through February 29, 2024: All species: Closed.

(11) Copalis River (Grays Harbor Co.): Effective immediately, through February 29, 2024: All species: Closed.

(12) Dickey River (Clallam Co.), from the Olympic National Park boundary upstream:

(a) Effective immediately through December 15, 2023:

(i) All species: Fishing from a floating device is prohibited.

(ii) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(iii) Salmon: Salmon: Daily limit 1. Release sockeye.

(b) Effective December 16, 2023, until further notice:

(i) All species: Fishing from a floating device is prohibited.

(ii) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(13) Dickey River, East Fork and West Fork: Effective immediately, until further notice:

(a) All species: Fishing from a floating device is prohibited.

(b) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(14) Elk Creek (Lewis/Pacific Co.): Effective January 1, 2023, until further notice: All species: Closed.

(15) Elk River (Grays Harbor Co.): Effective immediately, through February 29, 2024: All species: Closed.

(16) Goodman Creek (Jefferson Co.), outside of Olympic National Park boundary: Effective immediately, through February 29, 2024:

(a) All species: Fishing from a floating device is prohibited.

(b) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(c) Release wild rainbow trout.

(17) Hoh River (Jefferson Co.):

(a) From Olympic National Park boundary upstream to DNR Oxbow Campground boat launch:

(i) Effective immediately through December 15, 2023:

(A) All species: Fishing from a floating device is prohibited Sundays through Tuesdays, each week.

(B) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(C) Steelhead: Daily limit is 2 hatchery steelhead.

(D) Salmon: Daily limit 1. Release all salmon other than coho.

(ii) Effective December 16, 2023, until further notice:

(A) All species: Fishing from a floating device is prohibited Sundays through Tuesdays, each week.

(B) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(C) Steelhead: Daily limit is 2 hatchery steelhead.

(b) From DNR Oxbow Campground boat launch to Morgans Crossing boat launch:

(i) Effective immediately through December 15, 2023:

(A) All species: Fishing from a floating device is prohibited Wednesdays through Saturdays, each week.

(B) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(C) Steelhead: Daily limit is 2 hatchery steelhead.

(D) Salmon: Daily limit 1. Release all salmon other than coho.

(ii) Effective December 16, 2023, until further notice:

(A) All species: Fishing from a floating device is prohibited Wednesdays through Saturdays, each week.

(B) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(C) Steelhead: Daily limit is 2 hatchery steelhead.

(c) From Morgans Crossing boat launch to Olympic National Park boundary below mouth of South Fork Hoh River: Effective Immediately, until further notice:

(i) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(ii) Steelhead: Daily limit is 2 hatchery steelhead.

(18) Hoh River, South Fork (Jefferson Co.), outside of Olympic National Park boundary: Effective immediately, until further notice:

(a) All species: Fishing from a floating device is prohibited.

(b) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(19) Hoquiam River including West and East forks (Grays Harbor Co.): Effective immediately, through February 29, 2024: All species: Closed.

(20) Humptulips River (Grays Harbor Co.): From the mouth to confluence of East and West forks and West Fork from mouth to Donkey Creek: Effective immediately, until further notice: All species: Closed.

(21) Joe Creek (Grays Harbor Co.), from the mouth to Ocean Beach Rd. Bridge: Effective immediately through December 31, 2023: All species: Closed.

(22) Johns River (Grays Harbor Co.), from the mouth (Hwy. 105 Bridge) to Ballon Creek: Effective immediately, through February 29, 2024: All species: Closed.

(23) Kalaloch Creek (Jefferson Co.), outside Olympic National Park boundary: Effective immediately, through February 29, 2024:

(a) All species: Fishing from a floating device is prohibited.

(b) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(c) Release wild rainbow trout.

(24) Moclips River (Grays Harbor Co.), from the mouth to Quinault Indian Reservation boundary: Effective immediately, through February 29, 2024: All species: Closed.

(25) Mosquito Creek (Jefferson Co.), from Olympic National Park boundary upstream to Goodman 3000 Mainline Bridge: Effective immediately, through February 29, 2024:

(a) All species: Fishing from a floating device is prohibited.

(b) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(c) Release wild rainbow trout.

(26) Naselle River (Pacific Co.):

(a) From the Hwy. 101 Bridge to Crown Mainline (Salme) Bridge:

(i) Effective December 8, 2023, through January 31, 2023:

(A) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(B) Release wild rainbow trout.

(C) Salmon: Daily limit 6 including no more than 2 adults. Release wild Chinook and wild coho.

(ii) Effective February 1, 2023, until further notice:

(A) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(B) Release wild rainbow trout.

(b) From Crown Mainline (Salme) Bridge to the North Fork: Effective immediately, until further notice:

(i) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(ii) Release wild rainbow trout.

(27) Naselle River, South (Pacific Co.), from the mouth to Bean Creek: Effective immediately, through February 29, 2024:

(a) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(b) Release wild rainbow trout.

(28) Nemah River, Middle (Pacific Co.):

(a) Effective immediately, through February 29, 2024:

(i) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(ii) Release wild rainbow trout.

(b) Effective March 1, 2024, until further notice: All species: Closed

(29) Nemah River, North (Pacific Co.), from Hwy. 101 Bridge to Cruiser Creek:

(a) Effective Immediately, through February 29, 2024:

(i) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(ii) Release wild rainbow trout.

(b) Effective March 1, 2024, until further notice: All species: Closed

(30) Nemah River, South (Pacific Co.):

(a) Effective immediately, through February 29, 2024:

(i) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(ii) Release wild rainbow trout.

(b) Effective March 1, 2024, until further notice: All species: Closed

(31) Newaukum River, including South Fork (Lewis Co.), from mouth to Hwy. 508 Bridge near Kearny Creek: Effective immediately, until further notice: All species: Closed.

(32) Newaukum River, Middle Fork (Lewis Co.), from mouth to Taucher Rd. Bridge: Effective immediately, until further notice: All species: Closed.

(33) Newaukum River, North (Lewis Co.), from mouth to 400' below Chehalis City water intake: Effective immediately, until further notice: All species: Closed.

(34) North River (Grays Harbor/Pacific Co.), from the Hwy. 105 bridge to Raimie Creek: Effective immediately, through February 29, 2024:

(c) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(d) Release wild rainbow trout.

(35) Palix River (Pacific Co.):

(a) From Hwy. 101 Bridge to the mouth of the Middle Fork:

(i) Effective immediately, through February 29, 2024:

(A) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(B) Release wild rainbow trout.

(ii) Effective March 1, 2024, until further notice: All species: Closed

(b) From the confluence with the Middle Fork upstream and all forks (including South fork Palix River and Canon River):

(a) Effective December 16, 2023, through February 29, 2024:

(i) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(ii) Release wild rainbow trout.

(b) Effective March 1, 2024, until further notice: All species: Closed

(36) Quillayute River (Clallam Co.), from Olympic National Park boundary upstream to confluence of Sol Duc and Bogachiel rivers:

(a) Effective immediately through December 15, 2023:

(i) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(ii) Steelhead: Daily limit 2 hatchery steelhead.

(iii) Salmon: Daily limit 1. Release sockeye.

(b) Effective December 16, 2023, until further notice:

(i) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(ii) Steelhead: Daily limit 2 hatchery steelhead.

(37) Quinault River (Grays Harbor/Jefferson Co.), from the mouth at upper end of Quinault Lake upstream to Olympic National Park boundary: Effective immediately, until further notice: All species: Closed.

(38) Salmon Creek (Pacific/Wahkiakum Co.): Effective December 16, 2023, through February 29, 2024:

(a) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(b) Release wild rainbow trout.

- (39) **Salmon River (Jefferson Co.):** Effective immediately, through February 29, 2024: All species: Closed.
- (40) **Satsop River and East Fork (Grays Harbor Co.):** Effective immediately, until further notice: All species: Closed.
- (41) **Satsop River, Middle Fork (Grays Harbor Co.),** Effective immediately, through February 29, 2024: All species: Closed.
- (42) **Satsop River, West Fork (Grays Harbor Co.),** Effective immediately, through February 29, 2024: All species: Closed.
- (43) **Skookumchuck River (Lewis/Thurston Co.):** From mouth to 100' below outlet of TransAlta WDFW steelhead rearing pond located at the base of Skookumchuck Dam: Effective immediately, until further notice: Closed.
- (44) **Smith Creek (near North River) (Pacific Co.):** Effective immediately, through February 29, 2024:
- (a) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (b) Release wild rainbow trout.
- (45) **Sol Duc River (Clallam Co.):**
- (a) From mouth to the concrete pump station at Sol Duc Hatchery:
 - (i) Effective immediately through December 15, 2023:
 - (A) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (B) Salmon: Daily limit 1. Release sockeye.
 - (ii) Effective December 16, 2023, until further notice: All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (b) From the concrete pump station at Sol Duc Hatchery to Hwy. 101 Bridge upstream of Klahowya campground: Effective immediately, until further notice:
 - (i) All species: Fishing from a floating device is prohibited.
 - (ii) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
- (46) **Sooes River (Clallam Co.),** outside of Makah Indian Reservation: Effective immediately, through February 29, 2024:
- (a) All species: Fishing from a floating device is prohibited.
 - (b) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (c) Release wild rainbow trout.
- (47) **Stevens Creek (Grays Harbor Co.),** from mouth to Hwy 101 Bridge: Effective immediately, through February 29, 2024: All Species: Closed.
- (48) **Thunder Creek (Clallam Co.),** from mouth to D2400 Rd.: Effective immediately, until further notice:
- (a) All species: Fishing from a floating device is prohibited.
 - (b) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (c) Release wild rainbow trout.
- (49) **Van Winkle Creek (Grays Harbor Co.),** from mouth to 400 feet below outlet of Lake Aberdeen Hatchery: Effective immediately, until further notice: All species: Closed
- (50) **Willapa River (Pacific Co.):**
- (a) From mouth (City of South Bend boat launch) to WDFW access at mouth of Ward/Wilson Creek: Effective December 8, 2023, through January 31, 2024:
 - (i) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (ii) Release wild rainbow trout.

(iii) Salmon: Daily limit 6 including no more than 2 adults. Release wild Chinook and wild coho.

(b) From the WDFW access at mouth of Ward/Wilson Creek to Hwy. 6 Bridge (near the town of Lebam):

(a) Effective December 8, 2023, through January 31, 2024:

(A) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(B) Release wild rainbow trout.

(C) Salmon: Daily limit 6 including no more than 2 adults. Release wild Chinook and wild coho.

(b) Effective February 1, 2024, until further notice:

(i) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(ii) Release wild rainbow trout.

(51) Willapa River, South Fork (Pacific Co.): Effective immediately, through February 29, 2024:

(a) Effective December 8, 2023, through January 31, 2024:

(i) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(ii) Release wild rainbow trout.

(iii) Salmon: Daily limit 6 including no more than 2 adults. Release wild Chinook and wild coho.

(b) Effective February 1 through February 29, 2024:

(i) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(ii) Release wild rainbow trout.

(52) Wishkah River (Grays Harbor Co.), from the mouth to 200 feet below the weir at the Wishkah Rearing Ponds and from 150 feet upstream to 150 feet downstream of the Wishkah adult attraction channel/outfall structure (within the posted fishing boundary): Effective immediately, through February 29, 2024: All species: Closed.

(53) Wynoochee River (Grays Harbor Co.): From the mouth upstream: Effective immediately, until further notice: All species: Closed.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of Washington Administrative Code is repealed, effective December 8, 2023:

WAC 220-312-02000H Freshwater exceptions to statewide rules—Coast. (23-262)

WSR 24-01-011
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-264—Filed December 6, 2023, 4:57 p.m., effective December 7, 2023]

Effective Date of Rule: December 7, 2023.

Purpose: The purpose of this emergency rule is to return Elocho-man River salmon rules to permanent rules.

Citation of Rules Affected by this Order: Repealing WAC 220-312-03000H.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Salmon retention on the Elochoman River was closed below Beaver Creek Hatchery (BCH) in early November to help ensure that broodstock collection goals for hatchery coho programs would be achieved. Recent rainfall has recruited more coho to BCH and the broodstock collection goal is expected to be achieved; therefore, the salmon fishery closure is no longer needed.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 6, 2023.

Kelly Susewind
Director

REPEALER

The following section of Washington Administrative Code is repealed, effective December 7, 2023:

WAC 220-312-03000H Freshwater exceptions to statewide rules—Southwest. (23-243)

WSR 24-01-021

EMERGENCY RULES

DEPARTMENT OF HEALTH

(Pharmacy Quality Assurance Commission)

[Filed December 8, 2023, 8:42 a.m., effective December 8, 2023, 8:42 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Naloxone nasal spray as over-the-counter status. In March 2023, the United States Food and Drug Administration (FDA) approved the first 4 mg naloxone hydrochloride nasal spray as an over-the-counter (OTC) drug and has approved other naloxone nasal sprays since that time. Naloxone is an opioid antagonist used for the emergency treatment of known or suspected opioid overdose. Currently, WAC 246-945-030 incorporates the 39th edition of the Approved Drug Products with Therapeutic Equivalence Evaluations, or "Orange Book," which has naloxone listed as a prescription drug. The pharmacy quality assurance commission (commission) considers the ongoing opioid epidemic to be a public health emergency in Washington state. In order to combat this epidemic in Washington, the commission is amending WAC 246-945-030 and adding new WAC 246-945-034, classifying the 3 mg and 4 mg naloxone hydrochloride nasal spray as approved by the FDA for OTC distribution as an OTC drug in Washington state.

The timeline for the availability of naloxone nasal spray is set by the manufacturers, although some are already available. This emergency rule prepares Washington state for the moment that the drug becomes available by manufacturers. The proposed new section of chapter 246-945 WAC would also allow for expansion of different formularies if the FDA makes further changes. This preparation would allow for a faster release of the drug throughout the state, meaning this life saving drug would be in the hands of Washingtonians faster. Increasing patient access to the drug is critical to reduce opioid overdoses.

This emergency rule filing allows for the 3 mg and 4 mg dosage versions of naloxone spray to be prescribed as over-the-counter products. The previous emergency rule filing on this topic, filed as WSR 23-17-059 on August 11, 2023, only allowed the 4 mg nasal spray under the brand name Narcan to be prescribed as an OTC product, but FDA broadened the classification of allowed naloxone products since that previous filing.

Citation of Rules Affected by this Order: New WAC 246-945-034; and amending WAC 246-945-030.

Statutory Authority for Adoption: RCW 18.64.005.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The immediate adoption of this rule is necessary for the preservation of public health, safety, and general welfare. The opioid epidemic is a public health emergency which requires the use of the emergency rule-making process. Observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest. This rule would increase access to this lifesaving drug faster, which would help relieve some stress on affected communities in Washington state and attempt to reduce opioid overdoses.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 1, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 1, Repealed 0.

Date Adopted: December 8, 2023.

Kenneth Kenyon, PharmD, BCPS, Chair
Pharmacy Quality Assurance Commission

OTS-4736.2

AMENDATORY SECTION (Amending WSR 20-12-072, filed 6/1/20, effective 7/1/20)

WAC 246-945-030 Identification of legend drugs for purposes of chapter 69.41 RCW. (1) Those drugs determined by the FDA to require a prescription under federal law should be classified as legend drugs under state law because their toxicity, potential for harmful effect, methods of use, or collateral measures necessary to their use indicate they are only safe for use under the supervision of a practitioner.

(2) The commission finds that under state law, legend drugs are those drugs designated as legend drugs under federal law, as of the date of adoption of this rule, and listed in at least one of the following publications unless the drug is identified as an over-the-counter drug by the commission in WAC 246-945-034:

(a) The 39th Edition, including supplements, of the *Approved Drug Products with Therapeutic Equivalence Evaluations "Orange Book"* (available at <https://www.fda.gov/drugs/drug-approvals-and-databases/approved-drug-products-therapeutic-equivalence-evaluations-orange-book>).

(b) The 2019 version, including monthly updates, of the *Approved Animal Drug Products "Green Book"* (available at <https://www.fda.gov/animal-veterinary/products/approved-animal-drug-products-green-book>).

(c) The 2019 *List of Licensed Biological Products with Reference Product Exclusivity and Biosimilarity or Interchangeability Evaluations "Purple Book"* (available at <https://www.fda.gov/drugs/therapeutic-biologics-applications-bla/purple-book-lists-licensed-biological-products-reference-product-exclusivity-and-biosimilarity-or>).

(3) Copies of the reference material listed in subsection (2) of this section are available for public inspection at the commission's office at Department of Health, Town Center 2, 111 Israel Road S.E., Tumwater, WA 98501.

(4) The commission also identifies those ephedrine products specified in WAC 246-945-031 as legend drugs under state law.

(5) There may be changes in the marketing status of drugs after the publication of the above references. Upon application of a manufacturer or distributor, the commission may grant authority for the over-the-counter distribution of certain drugs designated as legend drugs in these references. These determinations will be made after public hearing and will be published as an amendment to this chapter.

NEW SECTION

WAC 246-945-034 Identification of the over-the-counter drugs.

Although listed as a legend drug in publications that are incorporated by reference in WAC 246-945-030(2), the commission identifies the following as an over-the-counter drug in Washington:

(1) 4 mg naloxone hydrochloride nasal spray, approved by the FDA for marketing as an OTC drug product.

(2) 3 mg naloxone hydrochloride nasal spray, approved by the FDA for marketing as an OTC drug product.

WSR 24-01-029
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-267—Filed December 8, 2023, 2:48 p.m., effective December 11, 2023]

Effective Date of Rule: December 11, 2023.

Purpose: Opens commercial harvest of green sea urchin in District 2.

Citation of Rules Affected by this Order: Repealing WAC 220-340-75000Z; and amending WAC 220-340-750.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency rule opens harvest of green sea urchins in Sea Urchin District 2 on December 11, 2023. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 8, 2023.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-75000A Commercial sea urchin fisheries. Effective December 11, 2023, until further notice, the provisions of WAC 220-340-750 regarding commercial harvest of sea urchins shall be modified as described below. All other provisions of WAC 220-340-750 not addressed herein remain in effect unless otherwise amended by emergency rule:

(1) It is unlawful for any person to fish for, take, or possess for commercial purposes any green sea urchins less than 2.25 inches; or red sea urchins measuring less than 3.25 inches or greater than 5 inches. All measurements are caliper measurements of the largest shell (test) diameter, exclusive of the spines.

(2) The following areas are open for green sea urchin harvest only, seven days-per-week: Sea Urchin District 1, District 2, District 3, District 4.

(3) The maximum cumulative landings for green sea urchins for each weekly fishery opening period is 1,500 pounds per valid designated sea urchin harvest license.

REPEALER

The following section of the Washington Administrative Code is repealed effective December 11, 2023:

WAC 220-340-75000Z Commercial sea urchin fisheries.
(23-260)

WSR 24-01-082
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-268—Filed December 15, 2023, 3:42 p.m., effective December 19, 2023]

Effective Date of Rule: December 19, 2023.

Purpose: The purpose of this emergency rule is to open Crab Management Region 2E to commercial harvest effective 8:00 a.m. on December 19, 2023, with a pot limit of 25 pots per license.

Citation of Rules Affected by this Order: Repealing WAC 220-340-45500C and 220-340-47000Y; and amending WAC 220-340-455 and 220-340-470.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Per comanager agreement, there is an abundance of harvestable crab present to warrant additional harvest in Commercial Crab Region 2E. Additionally, there is sufficient allocation remaining to accommodate harvest in the Puget Sound commercial crab fishery in Regions 1, 3-1, 3-2, 3-3, and 3-4 until further notice. Crab Management Regions 2-West will remain closed due to the attainment of the state share. These provisions are in conformity with agreed management plans with applicable tribes. Comanagement plans are entered into as required by court order. The Puget Sound commercial season is structured to meet harvest allocation objectives negotiated with applicable treaty tribes and outlined in the management plans. There is insufficient time to adopt permanent rules. Further adjustment of season structure may be made pending updated harvest data.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 15, 2023.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-45500D Commercial crab fishery—Seasons and areas—Puget Sound. Notwithstanding the provisions of WAC 220-340-455,

(1) Harvest of Dungeness crab in Puget Sound is permitted during the "Open period" indicated in the following table. On the opening date harvest will be permitted starting at 8:00 a.m. Harvest for these areas after the opening date is permitted starting one hour before official sunrise until further notice. Any closures will take effect one hour after official sunset unless otherwise indicated.

Geographical Management Unit (WAC 220-320-110)	Open Period
Region 1, MFSF Catch Areas 21A, 21B, and 22B	Immediately until further notice.
Region 1, Marine Fish-Shellfish Catch Areas 22A, 20A, and 20B	Immediately until further notice.
Region 2E, excluding Everett Flats CSMA (WAC 220-320-120(3))	8:00 am on December 19, 2023.
Region 2E, Everett Flats CSMA (WAC 220-320-120(3))	8:00 am on December 19, 2023, through December 31, 2023.
Region 2W, not including Port Townsend Bay CSMA (WAC 220-320-120(5))	Closed.
Region 2W, Port Townsend Bay CSMA (WAC 220-320-120(5))	Closed.
Subregion 3-1	Immediately until further notice.
Subregion 3-2, not including Discovery Bay CSMA (WAC 220-230-120 (1)(a)), Sequim Bay CSMA (WAC 220-320-120(6)), or the Port Angeles Harbor CSMA (WAC 220-320-120(4)).	Immediately until further notice.
Subregion 3-2, Discovery Bay CSMA (WAC 220-320-120 (1)(a))	Immediately until further notice.
Subregion 3-2, Sequim Bay CSMA (WAC 220-320-120(6))	Immediately until further notice.
Subregion 3-2, the Port Angeles Harbor CSMA (WAC 220-320-120(4)).	Closed, due to on-going public health concerns.
Subregion 3-3	Immediately until further notice.
Subregion 3-4	Immediately until further notice.

(2) The area closed to commercial harvest in WAC 220-340-455 (2)(c) is amended to be: Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21A in Bellingham Bay west of a line projected from the exposed boulder off the southeast portion of Point Francis (48.6973°, -122.6073°) to the old pilings at Stevie's Point (48.7765°, -122.5523°).

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 220-340-47000Z Commercial crab fishery—Gear limits—Puget Sound and Marine Fish-Shellfish Management and Catch Reporting Areas Notwithstanding the provisions of 220-340-470:

(1) Effective during the "Open period" listed in amended section of WAC 220-340-455 above it will be unlawful for any person to harvest crabs with more than the "Pot limit" per license per buoy tag number indicated within each "geographical management unit".

Geographical Management Unit (WAC 220-320-110)	Pot limit
Region 1, MFSF Catch Areas 21A, 21B, and 22B	45
Region 1, Marine Fish-Shellfish Catch Areas 22A, 20A, and 20B	45

Geographical Management Unit (WAC 220-320-110)	Pot limit
Region 2E, excluding Everett Flats CSMA (WAC 220-320-120(3))	25
Region 2E, Everett Flats CSMA (WAC 220-320-120(3))	25
Region 2W, not including Port Townsend Bay CSMA (WAC 220-320-120(5))	0
Region 2W, Port Townsend Bay CSMA (WAC 220-320-120(5))	0
Subregion 3-1	40
Subregion 3-2, not including Discovery Bay CSMA (WAC 220-230-120 (1)(a)), Sequim Bay CSMA (WAC 220-320-120(6)), or the Port Angeles Harbor CSMA (WAC 220-320-120(4)).	35
Subregion 3-2, Discovery Bay CSMA (WAC 220-320-120 (1)(a))	20
Subregion 3-2, Sequim Bay CSMA (WAC 220-320-120(6))	20
Subregion 3-2, the Port Angeles Harbor CSMA (WAC 220-320-120(4)).	0
Subregion 3-3	50
Subregion 3-4	50

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following sections of the Washington Administrative Code are repealed effective December 19, 2023:

- WAC 220-340-45500C Commercial crab fishery—Seasons and areas—Puget Sound. (23-263)
- WAC 220-340-47000Y Commercial crab fishery—Gear limits—Puget Sound and Marine Fish-Shellfish Management and Catch Reporting Areas. (23-263)

WSR 24-01-083
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-269—Filed December 15, 2023, 3:44 p.m., effective December 18, 2023]

Effective Date of Rule: December 18, 2023.

Purpose: Closes commercial harvest of green sea urchins in District 2.

Citation of Rules Affected by this Order: Repealing WAC 220-340-75000A; and amending WAC 220-340-750.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency rule closes harvest of green sea urchins in Sea Urchin District 2 on December 18, 2023. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 15, 2023.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-75000B Commercial sea urchin fisheries. Effective December 18, 2023, until further notice, the provisions of WAC 220-340-750 regarding commercial harvest of sea urchins shall be modified as described below. All other provisions of WAC 220-340-750 not addressed herein remain in effect unless otherwise amended by emergency rule:

1. It is unlawful for any person to fish for, take, or possess for commercial purposes any green sea urchins less than 2.25 inches; or red sea urchins measuring less than 3.25 inches or greater than 5 inches. All measurements are caliper measurements of the largest shell (test) diameter, exclusive of the spines.

2. The following areas are open for green sea urchin harvest only, seven days-per-week: Sea Urchin District 1, District 3, District 4.

3. The maximum cumulative landings for green sea urchins for each weekly fishery opening period is 1,500 pounds per valid designated sea urchin harvest license.

REPEALER

The following section of the Washington Administrative Code is repealed effective December 18, 2023:

WAC 220-340-75000A Commercial sea urchin fisheries.
(23-267)

WSR 24-01-090
EMERGENCY RULES
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed December 18, 2023, 8:33 a.m., effective December 18, 2023, 8:33 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The department is adopting emergency amendments to the following WAC sections to more accurately align pandemic EBT (P-EBT) program rules with federal regulations. WAC 388-439-0020 Eligibility for pandemic EBT benefits for children under age six and 388-439-0025 Eligibility for pandemic EBT benefits during the 2023 summer period.

Citation of Rules Affected by this Order: Amending WAC 388-439-0020 and 388-439-0025.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, 74.08A.120.

Other Authority: H.R. 6201, 8337, 133, and 1319.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: These amendments are necessary to address discrepancies between WAC and federal regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 2, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: December 18, 2023.

Katherine I. Vasquez
Rules Coordinator

SHS-5008.1

AMENDATORY SECTION (Amending WSR 23-20-014, filed 9/22/23, effective 10/23/23)

WAC 388-439-0020 Eligibility for pandemic EBT benefits for children under age six. (1) To be eligible for federally funded pandemic electronic benefits transfer (P-EBT) benefits for children under age six, a child must be:

- (a) A member of a household that received supplemental nutrition assistance program (SNAP) between September 1, 2022, and May 11, 2023;
- (b) Under age of six during the specified time period.

(2) Children who do not qualify for federally funded P-EBT benefits because they receive state-funded food assistance program (FAP) may be eligible for state-funded P-EBT.

(a) State-funded P-EBT follows the same eligibility rules as subsection (1) of this section, except that the child must be a member of a household that received FAP, instead of SNAP, between September 1, 2022, and May 11, 2023.

(b) State-funded P-EBT benefits are contingent on the availability of state funds.

(3) We calculate a standard benefit level for each month of P-EBT eligibility by:

(a) Using the full daily meal reimbursement rate of \$8.18 for breakfast, lunch, and snack;

(b) For September 2022, through April 2023, multiplied by the statewide average operating days of 18 days per month;

(c) For the partial prorated month of May 2023, multiplied by the nine operating days prior to the May 11 expiration of the PHE;

(d) Multiplied using a percentage of benefit reimbursement based on statewide child and adult care food program (CACFP) reported meal service prior to the COVID-19 PHE compared to the current school year, a 29.8 percent reduction, as follows:

Child Care Months	Daily Reimbursement Rate	Average Operating Days	Reduction in CACFP Claims	Average Monthly Benefits
September 2022 - April 2023	\$8.18	18	29.8%	\$43.88
May 1 - May 11, 2023	\$8.18	9	29.8%	\$28.94

(e) P-EBT benefits are issued for each month that the household receives a SNAP or FAP benefit more than zero dollars.

(4) P-EBT benefits are issued for a child under age six for a retroactive period of time as ~~((follows:))~~ a lump sum one-time payment covering eligible months from September 2022, through May 2023.

~~((a) A lump sum one-time P-EBT allotment is issued for eligible months from September 2022, through May 2023;~~

~~(b) P-EBT during the summer period benefits are disbursed under WAC 388-439-0025.)~~

(5) Benefits for a child under age six will be placed on a P-EBT card under WAC 388-439-0015.

(6) USDA requires all issuances of P-EBT benefits to be complete by December 31, 2023, as federal funding will be exhausted. Any and all P-EBT benefits issued beyond this date will be subject to additional USDA approval and funding.

AMENDATORY SECTION (Amending WSR 23-20-014, filed 9/22/23, effective 10/23/23)

WAC 388-439-0025 Eligibility for pandemic EBT benefits during the 2023 summer period. (1) During the summer period of July and August 2023, schools ~~((and covered childcare centers))~~ will be deemed as closed.

(2) To be eligible for the pandemic electronic benefits transfer (P-EBT) benefit during the summer period after the 2022-2023 school year, prior to August 31, 2023, a child must be ~~((+))~~ an eligible student as defined under WAC 388-439-0005 (2) (d) in June 2023.

~~((a) An eligible student as defined under WAC 388-439-0005
(2)(d) in June 2023; or~~

~~(b) A child under age six, as defined under WAC 388-439-0020(1),
between July 1, 2023, and August 31, 2023.)~~

(3) Children under the age of six as defined in WAC 388-439-0020
are not eligible for Summer P-EBT benefits following the expiration of
the federal public health emergency declaration.

(4) A child determined eligible in subsection (2) of this section
will receive a one-time, lump sum payment of \$120 for the 2023 summer
period.

~~((4))~~ (5) Summer P-EBT benefits for an eligible student or a
child under age six will be placed on a P-EBT card under WAC
388-439-0015.

~~((5))~~ (6) USDA requires all issuances of P-EBT benefits to be
complete by December 31, 2023, as federal funding will be exhausted.
Any and all P-EBT benefits issued beyond this date will be subject to
additional USDA approval and funding.

WSR 24-01-105
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-270—Filed December 18, 2023, 2:52 p.m., effective December 18, 2023, 2:52 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule is to open hatchery steelhead retention from the Dalles Dam upstream to the Washington/Oregon (WA/OR) border.

Citation of Rules Affected by this Order: Repealing WAC 220-312-06000Y; and amending WAC 220-312-060.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency rule is necessary because the Columbia River technical advisory committee's (TAC) most recent runsize update of the 2023 upriver summer steelhead (A-, B- Index) total return was 112,500 at Bonneville Dam which is greater than the preseason forecast of 67,800. Current stock abundances, nontreaty harvest, and projections indicate that sufficient steelhead Endangered Species Act (ESA) impacts remain available which allows for recreational hatchery steelhead retention in this area (The Dalles Dam to WA/OR border) from January 1 through March 31, 2024. Staff will continue to assess the fisheries, with an expectation to manage within the allowable ESA impact rate. This rule conforms Washington state rules with Oregon state rules and is consistent with compact and joint state action on September 7, September 13, September 20, October 4, and December 15, 2023.

Washington and Oregon jointly regulate Columbia River fisheries under the congressionally ratified Columbia River Compact. Four Indian tribes have treaty fishing rights in the Columbia River. The treaties preempt state regulations that fail to allow the tribes an opportunity to take a fair share of the available fish, and the states must manage other fisheries accordingly. *Sohappy v. Smith*, 302 F. Supp. 899 (D. Or. 1969). A court order sets the current parameters. *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2018-2027 *United States v. Oregon* Management Agreement (February 26, 2018) (Doc. No. 2607-1). Some salmon and steelhead stocks in the Columbia River are listed as threatened or endangered under ESA. On February 23, 2018, the National Marine Fisheries Service issued a biological opinion under 16 U.S.C. § 1536 that allows for some incidental take of these species in the fisheries as described in the 2018-2027 *U.S. v. Oregon* Management Agreement. The Washington and Oregon fish and wildlife commissions have developed policies to guide the implementation of such biological opinions in the states' regulation of nontreaty fisheries.

Columbia River nontreaty fisheries are monitored very closely to ensure compliance with federal court orders, ESA, and commission guidelines. Because conditions change rapidly, the fisheries are managed almost exclusively by emergency rule. Representatives from the Washington (WDFW) and Oregon (ODFW) departments of fish and wildlife convene public hearings and take public testimony when considering

proposals for new emergency rules. WDFW and ODFW then adopt regulations reflecting agreements reached.

There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 18, 2023.

Kelly Susewind
Director

NEW SECTION

WAC 220-312-06000B Freshwater exceptions to statewide rules—Columbia River. Effective immediately through March 31, 2024, the provisions of WAC 220-312-060 regarding recreational salmon and steelhead seasons from a true north-south line through Buoy 10 upstream to Highway 395 Bridge at Pasco, shall be modified during the dates listed and as described below. All year-round Closed Waters areas remain in effect. Other provisions of WAC 220-312-060 not addressed herein remain in effect unless otherwise amended by emergency rule:

From a true north-south line through Buoy 10 upstream to a line at the west end of Puget Island projected from green navigation marker 39 on the Washington bank to green navigation marker 41, then to red navigation marker 42, and terminating at red navigation marker 44A on the Oregon bank:

Immediately through December 31, 2023: Salmon and steelhead: Daily limit 6. Up to 3 adults including no more than 1 Chinook and no more than 2 hatchery steelhead may be retained. Release all salmon and steelhead other than Chinook, hatchery coho and hatchery steelhead.

From a line at the west end of Puget Island projected from green navigation marker 39 on the Washington bank to green navigation marker 41, then to red navigation marker 42, and terminating at red navigation marker 44A on the Oregon bank upstream to Beacon Rock:

Immediately through December 31, 2023: Salmon and steelhead: Daily limit 6. Up to 2 adults including no more than 1 Chinook and no more than 2 hatchery steelhead may be retained. Release all salmon and steelhead other than Chinook, hatchery coho and hatchery steelhead.

From a line from the Hamilton Island boat ramp to an Oregon boundary marker on the westernmost point of Robins Island to a marker on the Oregon mainland shore upstream to a point 600 feet below the new Bonneville Dam Powerhouse:

Immediately through December 31, 2023: Salmon and steelhead: Daily limit 6. Up to 2 adults including no more than 1 Chinook and no

more than 2 hatchery steelhead may be retained. Release all salmon and steelhead other than Chinook, hatchery coho and hatchery steelhead.

From Bonneville Dam upstream to Hood River Bridge:

Immediately through December 31, 2023: Salmon and steelhead: Daily limit 6. Up to 2 adults including no more than 1 Chinook and no more than 2 hatchery steelhead may be retained. Release all salmon and steelhead other than Chinook, hatchery coho and hatchery steelhead.

From Hood River Bridge upstream to The Dalles Dam:

Immediately through December 31, 2023: Salmon and steelhead: Daily limit 6. Up to 2 adults including no more than 1 Chinook and no more than 2 hatchery steelhead may be retained. Release all salmon and steelhead other than Chinook, coho and hatchery steelhead.

From The Dalles Dam upstream to Highway 730 at the Washington/Oregon Border:

(a) Immediately through December 31, 2023: Salmon and steelhead: Daily limit 6. Up to 2 adults including no more than 1 Chinook may be retained. Release all salmon and steelhead other than Chinook and coho.

(b) Effective January 1 through March 31, 2024: Salmon and steelhead: Daily limit 2 hatchery steelhead. Release all salmon and steelhead other than hatchery steelhead.

From Highway 730 at the Washington/Oregon Border upstream to Highway 395 Bridge at Pasco:

Immediately through December 31, 2023: Salmon and steelhead: Daily limit 6. Up to 2 adults including no more than 1 Chinook may be retained. Release all salmon and steelhead other than Chinook and coho.

REPEALER

The following section of the Washington Administrative Code is repealed, effective immediately:

WAC 220-312-06000Y Freshwater exceptions to statewide rules—Columbia River. (23-222)

WSR 24-01-133
EMERGENCY RULES
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed December 19, 2023, 4:50 p.m., effective December 19, 2023, 4:50 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The department of social and health services (department) is extending emergency amendments to WAC 388-444-0030 Are able-bodied adults without dependents (ABAWD) subject to additional work requirements and time limits to be eligible for basic food? and 388-444-0035 Who is exempt from ABAWD time limits and minimum work requirements? These amendments are necessary to comply with federal regulatory changes under the Fiscal Responsibility Act of 2023, effective September 1, 2023.

Citation of Rules Affected by this Order: Amending WAC 388-444-0030 and 388-444-0035.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, 74.08A.120.

Other Authority: H.R. 3746, H.R. 6201.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: These amendments are necessary to comply with federal regulatory changes under the Fiscal Responsibility Act of 2023, effective September 1, 2023. The department is concurrently proceeding with the permanent rule change process. Refer to CR-101 filed as WSR 23-18-018 on August 25, 2023.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 2, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: December 19, 2023.

Katherine I. Vasquez
Rules Coordinator

SHS-4998.2

AMENDATORY SECTION (Amending WSR 21-07-132, filed 3/23/21, effective 4/23/21)

WAC 388-444-0030 Are able-bodied adults without dependents (ABAWD) subject to additional work requirements and time limits to be eligible for basic food? (1) An able-bodied adult without dependents (ABAWD) is a person who:

- (a) Is age ~~((eighteen))~~ 18 through:
 - (i) ~~((forty-nine))~~ 50 from September 1, 2023, to September 30, 2023;
 - (ii) 52 from October 1, 2023, to September 30, 2024;
 - (iii) 54 beginning October 1, 2024; and
- (b) Is fit for work and not exempted under WAC 388-444-0035.
- (2) ~~((If you are an ABAWD, you must participate in work activities under subsection (3) of this section. (3-))~~ A nonexempt ABAWD is not eligible to receive food assistance for more than three full months (which do not have to be consecutive months), not including any partial benefit months in a ~~((thirty-six))~~ 36 month period, unless the ABAWD:
 - (a) Works an average of ~~((eighty))~~ 80 hours per month, including:
 - (i) Work in exchange for money;
 - (ii) Work in exchange for goods or services ("in kind" work);
 - (iii) Unpaid work that is verified according to department requirements; or
 - (iv) Any combination of (a)(i) through (iii) of this subsection;
 - (b) Participates in one of the following work programs and is meeting the requirements of that work program:
 - (i) The Workforce Innovation and Opportunity Act of 2014;
 - (ii) Section 236 of the Trade Act of 1974;
 - (iii) A state-approved employment and training program at least an average of ~~((eighty))~~ 80 hours per month; or
 - (c) Participates in an unpaid work program as provided in WAC 388-444-0040.

AMENDATORY SECTION (Amending WSR 21-07-132, filed 3/23/21, effective 4/23/21)

WAC 388-444-0035 Who is exempt from ABAWD time limits and minimum work requirements? Some people who receive basic food are exempt from able-bodied adult without dependents (ABAWD) time limits and minimum work requirements. You are exempt from ABAWD time limits and work requirements under WAC 388-444-0030 if you meet any one or more of the following:

- (1) You are exempt from work requirements under WAC 388-444-0010;
- (2) You are under age ~~((eighteen))~~ 18 or are age:
 - (a) ~~((fifty))~~ 51 or older from September 1, 2023, to September 30, 2023;
 - (b) 53 or older beginning October 1, 2023, through September 30, 2024; and
 - (c) 55 or older beginning October 1, 2024.
- (3) You receive temporary or permanent disability benefits issued by a governmental or private source;
- (4) You are obviously mentally or physically unfit for employment as determined by the department; however, if the unfitness is not obvious, you must provide a statement that you are physically or mental-

ly unfit for employment from a physician, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, licensed or certified psychologist, social worker, or any other medical personnel the department determines appropriate;

(5) You are an adult in a basic food assistance unit that has a family member who is under the age of ~~((eighteen))~~ 18;

(6) You are pregnant;

(7) You are homeless;

(8) You are a veteran as defined under the James M. Inhofe National Defense Authorization Act of 2023;

(9) You are 24 or younger, and were:

(a) In foster care as defined in RCW 74.13.020 at the time of your 18th birthday; or

(b) Under extended foster care services as defined in RCW 74.13.336;

(10) You live in an area approved as exempt by U.S. Department of Agriculture (USDA); or

~~((8))~~ (11) You are eligible for one of the approved exemption slots under the ~~((U.S. Department of Agriculture ()))~~ USDA ~~((fifteen percent exemption))~~ discretionary exemptions rule.