

WSR 07-08-009
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 07-47—Filed March 22, 2007, 12:11 p.m., effective March 22, 2007,
12:11 p.m.]

Effective Date of Rule: Immediately.

Purpose: The purpose of this rule making is to allow fishing opportunity in the Columbia River while protecting salmon listed as threatened or endangered under the Endangered Species Act. This rule making implements federal court orders governing Washington's relationship with treaty Indian tribes, federal law governing Washington's relationship with Oregon, and Washington fish and wildlife commission policy guidance for Columbia River fisheries.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000E and 220-33-01000F; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 77.04.130, 77.12.045, and 77.12.047.

Other Authority: *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2005-2007 Interim Management Agreement for Upriver Chinook, Sockeye, Steelhead, Coho & White Sturgeon (May 11, 2005) (Doc. No. 2407); *Northwest Gillnetters Ass'n v. Sandison*, 95 Wn.2d 638, 628 P.2d 800 (1981); Washington fish and wildlife commission policies concerning Columbia River fisheries; 40 Stat. 515 (Columbia River compact).

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: Sets third winter salmon directed fishing period. Impacts to ESA-listed stocks in these fisheries are covered under the biological opinion for the 2005-2007 interim management agreement. This rule is consistent with actions of the Columbia River compact hearings of March 21, 2007, and conforms Washington and Oregon state rules. There is insufficient time to promulgate permanent rules.

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 federal court order sets the current parameters for sharing between treaty Indians and others. *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2005-2007 Interim Management Agreement For Upriver Chinook, Sockeye, Steelhead, Coho & White Sturgeon (May 11, 2005) (Doc. No. 2407).

Some Columbia River Basin salmon and steelhead stocks are listed as threatened or endangered under the federal Endangered Species Act. The National Marine Fisheries Service has issued biological opinions under 16 U.S.C. § 1536 that allow for some incidental take of these species in

treaty and nontreaty Columbia River fisheries. The Washington and Oregon fish and wildlife commissions have developed policies to guide the implementation of these biological opinions in the states' regulation of nontreaty fisheries.

Columbia River nontreaty fisheries are monitored very closely to ensure compliance with federal court orders, the Endangered Species Act, 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.

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

Number of Sections Adopted at 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 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: March 22, 2007.

J. P. Koenings
Director

NEW SECTION

WAC 220-33-01000F Columbia River seasons below Bonneville. Notwithstanding the provisions of WAC 220-33-010, WAC 220-33-020, and WAC 220-33-030, it is unlawful for a person to take or possess salmon, sturgeon, and shad taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except during the times and conditions listed:

1. Area: SMCRA 1A, 1B, 1C, and 1D upstream to Kelley Point.

a) Season: 10:00 p.m. Thursday March 22 through 6:00 a.m. Friday March 23, 2007 (8 hours).

b) Gear: Drift gill nets only, 4-1/4 inch maximum mesh. Mesh size is determined by placing three consecutive meshes under hand tension and taking the measurement from the inside of one vertical knot to the outside of the opposite vertical knot of the center mesh. Hand tension means sufficient linear tension to draw opposing knots of meshes into contact. Monofilament gill nets are not allowed for the 4-1/4 inch mesh. Gill nets that are fished at any time between official sunset and official sunrise must have lighted buoys on both ends of the net unless the net is attached to the boat. If the net is attached to the boat, then one lighted buoy on the opposite end of the net from the boat is required.

There are no restrictions on the use of slackers or stringers to slacken the net vertically. There are no restrictions on the hang ratio. The hang ratio is used to horizontally add slack to the net. The hang ratio is determined by the length of the web per length of the corkline.

Net length not to exceed 150 fathoms, except under the following conditions: An optional use of a steelhead excluder panel of mesh may be hung between the corkline and the 4-1/4 inch maximum mesh size tangle net. The excluder panel web must be a minimum mesh size of 12 inches when stretched taut under hand tension. Monofilament mesh is allowed for the excluder panel. The excluder panel must be a minimum of 5 feet in depth and must not exceed 10 feet in depth as measured from the corkline to the upper margin of the tangle net mesh as the net hangs naturally from a taut corkline. Weedlines or droppers (bobber type) may be used in place of the steelhead excluder panel. A weedline-type excluder means the net is suspended below the corkline by lines of no less than five feet in length between the corkline and the upper margin of the tangle net. A dropper-type excluder means the entire net is suspended below the surface of the water by lines of no less than five feet in length extending from individual surface floats to a submerged corkline. The corkline cannot be capable of floating the net in its entirety (including the leadline) independent of the attached floats. Weedlines or droppers, must extend a minimum of 5 feet above the 4 1/4-inch maximum mesh size tangle net. Tangle nets constructed with a steelhead excluder panel, weedlines, or droppers, may extend to a maximum length of 175 fathoms. Tangle nets constructed with a steelhead excluder panel, weedlines, or droppers must have two red corks at each end of the net, as well as the red corks under miscellaneous regulations.

i. In the Columbia River downstream of Bonneville Dam and in the Select Areas (described in WAC 220-22-010(9)), it shall be lawful to have onboard a commercial fishing vessel more than one licensed net in excess of the lawful size or length prescribed for a single net as long as the net or nets are of legal size for the fishery, or the net has a minimum mesh size of 9 inches, and the length of any one net does not exceed 1,500 feet in length.

ii. Nets not lawful for use at that time and area may be onboard the boat if properly stored. A "properly stored" net is defined as a net on a drum that is fully covered by tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

c) Allowable Sale: Adipose fin-clipped salmon, white sturgeon, and shad. An adipose fin-clipped salmon is defined as a hatchery salmon with a clipped adipose fin and having a healed scar at the location of the fin. Green sturgeon retention is prohibited.

d) Sanctuaries: Grays River, Elokom-B, Abernathy Creek, Cowlitz River, Kalama-B, Lewis-

e) Miscellaneous Regulations:

i. At least one fisher on each boat must have tangle net certification.

ii. Soak times, defined as the time elapsed from when the first of the gill net web is deployed into the water until the gill net web is fully retrieved from the water, must not exceed 45 minutes.

iii. Red corks are required at 25 fathom intervals, and red corks must be in contrast to the corks used in the remainder of the net.

iv. Each boat will be required to have two operable recovery boxes or one box with two chambers, on board. Each box and chamber shall be operating during any time that the net is being retrieved or picked. The flow in the recovery box will be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute. Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39 1/2 inches to 48 inches, the inside width measurements must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches.

Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of the chamber and 1 3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is a least 1 1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to WDFW and ODFW employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river water into each chamber.

v. All non-legal sturgeon, non-adipose fin-clipped salmon, and steelhead must be released immediately to the river with care and with the least possible injury to the fish, or placed into an operating recovery box.

vi. Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released.

vii. All fish placed in recovery boxes must be released to the river prior to landing or docking.

viii. Quick reporting is required for Washington wholesale dealers, WAC 220-69-240.

ix. As a condition of fishing, owners or operators of commercial fishing vessels must cooperate with department observers or observers collecting data for the department, when notified by the observer of his or her intent to board the commercial vessel for observation and sampling during an open fishery.

x. Columbia River tangle net certification: This is any individual meeting the qualifications of RCW 77.65.040(2) and who obtained a tangle net certificate by attending and completing a WDFW/ODFW sponsored workshop concerning live captive commercial fishing techniques.

xi. Nothing in this section sets any precedent for any fishery after the 2007 spring Chinook fishery. The fact that an individual received a Columbia River tangle net certificate does not entitle the certificate holder to participate in any other fishery. If the department authorizes a tangle net fishery in any other time, WDFW may establish qualifications and requirements that are different from those established for 2007. In particular, the department may consider an individual's compliance with these rules in determining that individual's eligibility to participate in any future tangle net fisheries.

2. Blind Slough/Knappa Slough Select Area

a) Area: Open waters of Blind Slough extend from markers at the mouth of Gnat Creek located approximately 1/2 mile upstream of the county road bridge, and downstream to markers at the mouth of Blind Slough. Concurrent Washington/Oregon waters extend downstream of the railroad bridge.

Knappa Slough is open to fishing in all waters bounded by a line from the northerly most marker at the mouth of Blind Slough, westerly to a marker on Karlson Island, downstream to a north-south line defined by a marker on the eastern end of Minaker Island, to markers on Karlson Island and the Oregon shore.

b) Dates:

Spring Season: 7:00 p.m. Mondays to 7:00 a.m. Tuesdays and 7:00 p.m. Thursdays to 7:00 a.m. Fridays from April 19 until June 15, 2007.

During May 3 through June 15, the lower boundary of the Knappa Slough fishing area is extended downstream to boundary lines defined by markers on the west end of Minaker Island to markers on the Karlson Island and the Oregon Shore (fall-season boundary).

c) Gear: 8-inch maximum mesh. Monofilament nets are allowed. Nets restricted to 100 fathoms in length, with no weight restriction on leadline. Use of additional weights or anchors attached directly to the leadline is allowed.

d) Allowable Sales: Salmon, sturgeon, and shad. A maximum of three white sturgeon may be possessed or sold by each participating vessel during each open period.

3. Deep River Select Area

a) Area: From the markers at USCG navigation marker #16, upstream to the Highway 4 Bridge.

b) Dates: 7:00 p.m. Mondays to 7:00 a.m. Tuesdays and 7:00 p.m. Thursdays to 7:00 a.m. Fridays from April 19 through June 15, 2007.

c) Gear: 8-inch maximum mesh. Monofilament nets are allowed. Nets restricted to a maximum length of 100 fathoms, and no weight restriction on leadline. Use of additional weights or anchors attached directly to the leadline is allowed. Nets cannot be tied off of any stationary structures. Nets may not fully cross the navigation channel.

a) Allowable sale: salmon, white sturgeon, and shad. A maximum of three white sturgeon may be possessed or sold by each participating vessel during each open period.

b) Miscellaneous: Transportation or possession of fish outside the fishing area (except to the sampling station) is unlawful until department staff has biologically sampled individual catches. After sampling, fishers will be issued a transportation permit by agency staff.

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.

Reviser's note: The spelling 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 section of the Washington Administrative Code is repealed:

WAC 220-33-01000E Columbia River seasons below Bonneville. (07-44)

The following section of the Washington Administrative Code is repealed effective June 16, 2007:

WAC 220-33-01000F Columbia River seasons below Bonneville.

WSR 07-08-024 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 07-45—Filed March 27, 2007, 11:56 a.m., effective March 27, 2007, 11:56 a.m.]

Effective Date of Rule: Immediately.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900G and 232-28-61900T; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 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: ESA-listed steelhead stage in this area near the mouth of the Methow River, especially in March. Steelhead fishing was not open in the Methow River this year due to low numbers of returning wild fish. This emergency rule is consistent with our federal permit "special conditions" to manage recreational fisheries to minimize impacts on ESA-listed salmonids and necessary to eliminate potential impacts to these listed fish. This rule was adopted by the fish and wildlife commission during the 2007/2008 permanent fishing rule process and is interim until permanent rules take effect.

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 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 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: March 22, 2007.

J. P. Koenings
Director

NEW SECTION

WAC 232-28-61900T Exceptions to statewide rules—Methow River Notwithstanding the provisions of WAC 232-28-619, effective immediately through March 31, 2007, from mouth (Hwy. 97 Bridge) to Gold Creek, closed to all fishing.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-61900G Exceptions to statewide rules—Methow River. (06-291)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. April 1, 2007:

WAC 232-28-61900T Exceptions to statewide rules—Methow River.

WSR 07-08-045
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 07-46—Filed March 28, 2007, 2:43 p.m., effective March 29, 2007, 12:01 a.m.]

Effective Date of Rule: March 29, 2007, 12:01 a.m.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 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: The new Cowlitz Trout Hatchery outfall structure serves to release large numbers of hatchery smolts and will also be used to trap hatchery adult broodstock. To conserve these fish, an emergency rule is needed around this recently completed structure. 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; and Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at 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 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 0, Repealed 0.

Date Adopted: March 28, 2007.

J. P. Koenings
Director

NEW SECTION

WAC 232-28-61900U Exceptions to statewide rules—Cowlitz River (Lewis Co.) Notwithstanding the provisions of WAC 232-28-619, effective March 29, 2007, until further notice, those waters of the Cowlitz River within a 100' radius of the new Cowlitz Trout Hatchery outfall structure are closed to fishing.

WSR 07-08-046
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 07-48—Filed March 28, 2007, 2:44 p.m., effective March 29, 2007, 12:01 a.m.]

Effective Date of Rule: March 29, 2007, 12:01 a.m.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900M; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 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: The closure of the retention fishery is necessary because Washington and Oregon fish managers estimate that the harvest guideline of one hundred fish will be caught by March 29, 2007. 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; and Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at 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 Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: March 28, 2007.

J. P. Koenings
Director

NEW SECTION

WAC 232-28-61900V Exceptions to statewide rules—Columbia River sturgeon. Notwithstanding the provisions of WAC 232-28-619:

(1) Effective immediately until further notice, it is unlawful to retain sturgeon caught in those waters of the Columbia River and tributaries from the Wauna powerlines upstream to Bonneville Dam, except Thursdays, Fridays, Saturdays and Sundays.

(2) Effective May 12, 2007, until further notice, it is lawful to retain sturgeon caught in those waters of the Columbia River and tributaries from the Wauna powerlines downstream to the mouth.

(3) Effective March 29, 2007, until further notice, it is unlawful to retain sturgeon caught in those waters of the Columbia River and tributaries from the The Dalles Dam upstream to John Day Dam.

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 section of the Washington Administrative Code is repealed effective 12:01 a.m. March 29, 2007:

WAC 232-28-61900M Exceptions to statewide rules—Columbia River sturgeon (07-13)

WSR 07-08-060

EMERGENCY RULES

UNIVERSITY OF WASHINGTON

[Filed March 29, 2007, 11:19 a.m., effective March 29, 2007, 11:19 a.m.]

Effective Date of Rule: Immediately.

Purpose: To extend tuition waivers to eligible veterans and children and spouses of veterans who seek their first graduate or professional degree at the University of Washington.

Citation of Existing Rules Affected by this Order: Amending WAC 478-160-163.

Statutory Authority for Adoption: RCW 28B.15.621 and 28B.20.130.

Other Authority: University of Washington Board of Regent's Standing Orders, Chapter 1, Section 2.

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: Specifically, the university finds that immediate extension of tuition waivers to eligible veterans in the university's graduate and professional programs will provide vital monetary support for these returning men and women who have served their country and the state of Washington in a time of war and will send a time-critical message of moral support to all of Washington's troops who are currently in harm's way. Providing the same waiver extension for the children and spouses of combat troops who were killed, became totally disabled, are missing in action or are being held as prisoners of war is also necessary to provide immediate, time-critical support for the families of our troops who have made such great sacrifices in service to their country.

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 Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

Date Adopted: March 28, 2007.

Rebecca Goodwin Dearthoff
UW Director of Rules Coordination

AMENDATORY SECTION (Amending WSR 06-12-008, filed 5/26/06, effective 6/26/06)

WAC 478-160-163 Waivers of tuition and fees. (1)

The board of regents is authorized to grant tuition and fee waivers to students pursuant to RCW 28B.15.910 and the laws identified therein. Each of these laws, with the exception of RCW 28B.15.543 and 28B.15.545, authorizes, but does not require, the board of regents to grant waivers for different categories of students and provides for waivers of different fees. The board of regents must affirmatively act to implement the legislature's grant of authority under each individual law. A list of waivers that the board has implemented can be found in the *University of Washington General Catalog*, which is published biennially. The most recent list may be found in the online version of the *General Catalog* at www.washington.edu/students/reg/tuition_exempt_reductions.html.

(2) Even when it has decided to implement a waiver listed in RCW 28B.15.910, the university, for specific reasons and a general need for flexibility in the management of its resources, may choose not to award waivers to all students who may be eligible under the terms of the laws. Where the university has chosen to impose specific limitations on a waiver listed in RCW 28B.15.910, those limitations are delineated in subsection (5) of this section. If the university

has not imposed specific limitations on a waiver listed in RCW 28B.15.910, the waiver is not mentioned in subsection (5) of this section. The university's description of the factors it may consider to adjust a waiver program to meet emergent or changing needs is found in subsection (7) of this section. All waivers are subject to subsection (7) of this section.

(3) The board of regents also has the authority under RCW 28B.15.915 to grant waivers of all or a portion of operating fees as defined in RCW 28B.15.031. Waiver programs adopted under RCW 28B.15.915 are described in the *General Catalog*. The most recent list may be found in the online version of the *General Catalog* at www.washington.edu/students/reg/tuition_exempt_reductions.html. Waivers granted under RCW 28B.15.915 are subject to subsection (7) of this section.

(4) Waivers will not be awarded to students participating in self-sustaining courses or programs because they do not pay "tuition," "operating fees," "services and activities fees," or "technology fees" as defined in RCW 28B.15.020, 28B.15.031, 28B.15.041, or 28B.15.051, respectively.

(5) Specific limitations on waivers are as follows:

(a) Waivers authorized by RCW 28B.15.621 (2)(a) for eligible veterans and National Guard members, shall be awarded only to:

(i) Undergraduate students pursuing their first bachelor's degree to a maximum of 225 college-level credits, including credits transferred from other institutions of higher education; and

(ii) Full-time graduate or professional degree students pursuing their first advanced degree (including advanced degrees earned at other institutions), provided however, that graduate and professional degree students who received a waiver authorized by RCW 28B.15.621 (2)(a) as undergraduates at any Washington state institution of higher education shall not be eligible for this waiver.

(b) Waivers authorized by RCW 28B.15.621 (2)(b) and (c) for children or spouses of eligible veterans and National Guard members who became totally disabled, or lost their lives, while engaged in active federal military or naval service, or who are prisoners of war or missing in action, shall be awarded only to:

(i) Undergraduate students pursuing their first bachelor's degree to a maximum of 225 college-level credits, including credits transferred from other institutions of higher education; and

(ii) Full-time graduate or professional degree students pursuing their first advanced degree (including advanced degrees earned at other institutions), provided however, that graduate and professional degree students who received a waiver authorized by RCW 28B.15.621 (2)(b) or (c) as undergraduates at any Washington state institution of higher education shall not be eligible for this waiver.

(c) Waivers of nonresident tuition authorized by RCW 28B.15.014 for university faculty and classified or professional staff shall be restricted to four consecutive quarters from their date of employment with the University of Washington. The recipient of the waiver must be employed by the first day of the quarter for which the waiver is awarded. Waivers awarded to immigrant refugees, or the spouses or dependent children of such refugees, shall be restricted to

persons who reside in Washington state and to four consecutive quarters from their arrival in Washington state.

(d) Waivers authorized by RCW 28B.15.380 for children of police officers or fire fighters who are deceased or permanently disabled, shall be awarded only to undergraduate students pursuing their first bachelor's degree to a maximum of 225 college-level credits, including credits transferred from other institutions of higher education.

(e) Waivers authorized by RCW 28B.15.558 shall be awarded only to:

(i) University of Washington employees who are employed half-time or more, hold qualifying appointments as of the first day of the quarter for which the waivers are requested, are paid monthly, and, for classified staff new to the university, have completed their probationary periods prior to the first day of the quarter; or

(ii) State of Washington permanent employees who are employed half-time or more, are not University of Washington permanent classified employees, are permanent classified or exempt technical college paraprofessional employees, or are permanent faculty members, counselors, librarians or exempt employees at other state of Washington public higher education institutions.

(6) To qualify an individual as an "eligible veteran or National Guard member," the person seeking the waiver must present proof of domicile in Washington state and a DD form 214 (Report of Separation) indicating their service related to specific United States military operations or campaigns fought on foreign soil or in international waters.

(7) The university may modify its restrictions or requirements pursuant to changes in state or federal law, changes in programmatic requirements, or in response to financial or other considerations, which may include, but are not limited to, the need to adopt fiscally responsible budgets, the management of the overall levels and mix of enrollments, management initiatives to modify enrollment demand for specific programs and management decisions to eliminate or modify academic programs. The university may choose not to exercise the full funding authority granted under RCW 28B.15.910 and may limit the total funding available under RCW 28B.15.915.

WSR 07-08-061

EMERGENCY RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 07-51—Filed March 29, 2007, 11:32 a.m., effective April 1, 2007]

Effective Date of Rule: April 1, 2007.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-88C-03000F; and amending WAC 220-88C-030.

Statutory Authority for Adoption: RCW 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: Permanent rules were filed on March 27, 2007, and will not become effective until after the season opens on April 1, 2007. This emergency rule is interim until permanent rules take effect on April 26, 2007.

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 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: March 28, 2007.

J. P. Koenings
Director

NEW SECTION

WAC 220-88C-03000F Eligibility to participate in the coastal pilchard fishery. Notwithstanding the provisions of WAC 220-88C-030:

(1) Effective April 1, 2007, until further notice, a coastal pilchard experimental fishery permit will be issued only to a natural person who:

(a) Held such a permit or held a replacement permit the pervious year.

(b) Has purchased an emerging commercial fisheries license by April 1st.

(c) Has an ownership interest of at least fifty percent in the vessel designated on the emerging commercial fishery license.

(2) A coastal pilchard replacement permit will only be issued to a natural person who:

(a) Has an ownership interest of at least fifty percent in a vessel that was designated on a Washington coastal pilchard experimental fishery permit in 2004 or 2005.

(b) Has purchased an emerging commercial fisheries license by August 1, 2006.

REPEALER

The following section of the Washington Administrative Code is repealed effective April 26, 2007:

WAC 220-88C-03000F Eligibility to participate in the coastal pilchard fishery.

WSR 07-08-067

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed March 29, 2007, 4:30 p.m., effective April 1, 2007]

Effective Date of Rule: April 1, 2007.

Purpose: The department inadvertently omitted repealing WAC 388-535-1265 when replacing this section with WAC 388-535-1271. To correct this oversight, the department is filing an emergency CR-103 to repeal WAC 388-535-1265 effective April 1, 2007. (WAC 388-535-1271, filed on March 1, 2007, under WSR 07-06-041, is effective on April 1, 2007.) The emergency repeal of this section will be in place until a permanent repeal of WAC 388-535-1265 takes effect.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-535-1265.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.500, 74.09.520.

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: Repealing WAC 388-535-1271 effective April 1, 2007, will avoid confusion and ensure consistency in the approval, billing, and payment of dental-related services.

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 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 1.

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 1.

Date Adopted: March 27, 2007.

Jim Schnellman, Chief
Office of Administrative Resources

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-535-1265 Dental-related services not covered—Adults.

WSR 07-08-068
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)
 [Filed March 29, 2007, 4:34 p.m., effective April 1, 2007]

Effective Date of Rule: April 1, 2007.

Purpose: The purpose of this of this amendment is to increase the federal poverty level effective April 1, 2007, to conform to the federal poverty level issued by the federal Office of Management and Budget.

Citation of Existing Rules Affected by this Order: Amending WAC 388-825-534.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.12.040.

Other Authority: Section 205 (1)(e), chapter 518, Laws of 2005, Title 71A 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: Emergency rules are needed to implement the legislature's directive in section 205 (1)(e), chapter 518, Laws of 2005, to preserve and improve the welfare of families of persons with developmental disabilities by providing family support pilot program services. These services are linked to the federal poverty level as determined by the federal Office of Management and Budget.

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

Number of Sections Adopted at 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 1, Repealed 0.

Date Adopted: March 27, 2007.

Jim Schnellman, Chief
Office of Administrative Resources

AMENDATORY SECTION (Amending WSR 06-06-040, filed 2/23/06, effective 3/26/06)

WAC 388-825-534 What are the annual federal poverty levels? (1) The annual federal poverty levels (FPL) are based on household size and established by the federal Office of Management and Budget.

(2) Effective April 2005, the annual federal poverty levels are:

Household Size	100% FPL	200% FPL	300% FPL	400% FPL
One	\$9,570	\$19,140	\$28,710	\$38,280
Two	\$12,830	\$25,660	\$38,490	\$51,320
Three	\$16,090	\$32,180	\$48,270	\$64,360
Four	\$19,350	\$38,700	\$58,050	\$77,400
Five	\$22,610	\$45,220	\$67,830	\$90,440
Six	\$25,870	\$51,740	\$77,610	\$103,480
Seven	\$29,130	\$58,260	\$87,390	\$116,520
Eight	\$32,390	\$64,780	\$97,170	\$129,560
Nine	\$35,650	\$71,300	\$106,950	\$142,600
Ten	\$38,910	\$77,820	\$116,730	\$155,640

For each household member over ten, add the following amounts to the ten-person standard:

100% FPL	200% FPL	300% FPL	400% FPL
\$3,260	\$6,520	\$9,780	\$13,040

(3) Effective April 2006, the annual federal poverty levels are:

Household Size	100% FPL	200% FPL	300% FPL	400% FPL
One	\$9,800	\$19,600	\$29,400	\$39,200
Two	\$13,200	\$26,400	\$39,600	\$52,800
Three	\$16,600	\$33,200	\$49,800	\$66,400
Four	\$20,000	\$40,000	\$60,000	\$80,000
Five	\$23,400	\$46,800	\$70,200	\$93,600
Six	\$26,800	\$53,600	\$80,400	\$107,200
Seven	\$30,200	\$60,400	\$90,600	\$120,800
Eight	\$33,600	\$67,200	\$100,800	\$134,400
Nine	\$37,000	\$74,000	\$111,000	\$148,000
Ten	\$40,400	\$80,800	\$121,200	\$161,600

For each household member over ten, add the following amounts to the ten-person standard:

100% FPL	200% FPL	300% FPL	400% FPL
\$3,400	\$6,800	\$10,200	\$13,600

(4) Effective April 2007, the annual federal poverty levels are:

Household Size	100% FPL	200% FPL	300% FPL	400% FPL
One	\$10,210	\$20,420	\$30,630	\$40,840
Two	\$13,690	\$27,380	\$41,070	\$54,760
Three	\$17,170	\$34,340	\$51,510	\$68,680
Four	\$20,650	\$41,300	\$61,950	\$82,600
Five	\$24,130	\$48,260	\$72,390	\$96,520
Six	\$27,610	\$55,220	\$82,830	\$110,440
Seven	\$31,090	\$62,180	\$93,270	\$124,360
Eight	\$34,570	\$69,140	\$103,710	\$138,280
Nine	\$38,050	\$76,100	\$114,150	\$152,200
Ten	\$41,530	\$83,060	\$124,590	\$166,120

For each household member over ten, add the following amounts to the ten-person standard:

100% FPL	200% FPL	300% FPL	400% FPL
\$3,480	\$6,960	\$10,440	\$13,920

WSR 07-08-084
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 07-53—Filed April 2, 2007, 1:55 p.m., effective April 9, 2007]

Effective Date of Rule: April 9, 2007.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-20-010 and 220-56-255.

Statutory Authority for Adoption: RCW 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 rule conforms to federal action taken by the Pacific Fisheries Management Council. The Puget Sound recreational halibut quota is sufficient to cover these dates. 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 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 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 0, Repealed 0.

Date Adopted: March 30, 2007.

J. P. Koenings
 Director

NEW SECTION

WAC 220-20-01000D General provisions—Lawful and unlawful acts. Notwithstanding the provisions of WAC 220-20-010, effective immediately until further notice, it is lawful to use a harpoon in the landing of halibut in all catch record card areas.

NEW SECTION

WAC 220-56-25500I Halibut—Seasons—Daily and possession limits. Notwithstanding the provisions of WAC 220-56-255, effective immediately until further notice, it is unlawful to fish for or possess halibut taken for personal use except from the areas or in excess of the amounts provided for in this section:

(1) Catch Record Card Areas 6 through 11 and Catch Record Area 13 - Open 12:01 a.m. April 9 through 11:59 p.m.

June 16, 2007; except closed to fishing for halibut 12:01 a.m. of each Tuesday through 11:59 p.m. of each Wednesday.

(2) Daily limit one halibut. The possession limit is two daily limits of halibut in any form, except the possession limit aboard the fishing vessel is one daily limit.

WSR 07-08-085
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 07-50—Filed April 2, 2007, 1:55 p.m., effective April 28, 2007]

Effective Date of Rule: April 28, 2007.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 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: An embankment at the power canal collapsed on April 21, 2002, and the fishery had to be closed. The necessary repairs and reconstruction have just been completed and the canal can be reopened to fishing. This rule will allow anglers to fish on opening day of lowland lake season. This emergency rule is interim until permanent rules take effect.

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 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 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 0, Repealed 0.

Date Adopted: April 5 [2], 2007.

J. P. Koenings
 Director

NEW SECTION

WAC 232-28-61900W Exceptions to statewide rules—Lewis River (Swift Power Canal). Notwithstanding the provisions of WAC 232-28-619, effective April 28, 2007, until further notice, it is lawful to fish in those waters of the Swift Power Canal from the fishing pier, upstream to access road at Swift Dam. Waters downstream of the fishing pier,

upstream of the access road at Swift Dam and the Old Lewis River streambed between Swift No. 1 Powerhouse and Swift No. 2 Powerhouse are closed. Trout: daily limit five, no minimum size limit. No fishing from floating devices.

WSR 07-08-091
EMERGENCY RULES
DEPARTMENT OF REVENUE

[Filed April 3, 2007, 11:17 a.m., effective April 3, 2007, 11:17 a.m.]

Effective Date of Rule: Immediately.

Purpose: WAC 458-18-060 explains how equity value is determined relative to the deferral of property taxes on residences of qualifying (senior or disabled) claimants. Equity value takes the interest on the deferred taxes into account. In 2006, the legislature amended the statute (RCW 84.38.100) to change the interest rate on deferred taxes from 8% to 5%. This amendment to the rule implements the legislative change (chapter 275, Laws of 2006).

Citation of Existing Rules Affected by this Order: Amending WAC 458-18-060 Deferral of special assessments and/or property taxes—Limitations of deferral—Interest.

Statutory Authority for Adoption: RCW 84.38.180.

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 change to this rule is needed to recognize a statutory amendment.

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 1, Repealed 0.

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

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

Date Adopted: April 3, 2007.

Janis P. Bianchi
Assistant Director
Interpretations and
Technical Advice Division

AMENDATORY SECTION (Amending Order PT 88-9, filed 6/9/88)

WAC 458-18-060 Deferral of special assessments and/or property taxes—Limitations of deferral—Inter-

est. No deferral shall be granted if the liens created by the deferrals of special assessments and/or real property taxes equal or exceed eighty percent of the claimant's equity value in said property. Equity value will be determined as of January 1 in the year the taxes are to be deferred.

The liens shall include:

(1) The total amount of special assessments and/or real property taxes deferred, plus

(2) Interest on the amount deferred. For deferrals granted before June 7, 2006, the interest accrues at the rate of eight percent per year, from the time it could have been paid before delinquency until ((said)) the lien is paid. For deferrals granted after June 7, 2006, involving special assessments or taxes due prior to January 1, 2007, the interest accrues at the rate of eight percent per year, from the time it could have been paid before delinquency until the lien is paid. For deferrals granted after June 7, 2006, involving special assessments or taxes to be collected in 2007 and thereafter, the interest accrues at the rate of five percent per year, from the time it could have been paid before delinquency until the lien is paid. When a declaration is filed ((after the taxes are delinquent, interest at the rate of eight percent per year on the amount deferred will begin accruing on)) as a result of the requirement under RCW 84.64.050 related to a treasurer's foreclosure action, the interest accrues from the date the declaration is filed and ((will)) continues until the obligation is paid, at the appropriate rate as set forth above.

WSR 07-08-096
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed April 3, 2007, 12:45 p.m., effective April 3, 2007, 12:45 p.m.]

Effective Date of Rule: Immediately.

Purpose: The department is proposing the amendment of WAC 388-444-0025 Food stamp employment and training (FS E&T)—Payments for FS E&T related expenses, to allow participants in FS E&T programs to be eligible for dependent care payments for dependent children age 0 to 6 years of age as allowed under Title 7 C.F.R. 273.7 (d)(4)(i). Under the current rule, only participants with a dependent child age 6-12 qualifies for dependent care payments.

Citation of Existing Rules Affected by this Order: Amending WAC 388-444-0025.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

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 amendment will allow participants in food stamp employment and training programs to have their dependent care costs paid by the department for children up to six years of age. Without this change,

participants with children under age six would not be able to receive child care support services for participation. This would prevent them from meeting their participation requirements and place the entire family in imminent danger of being unable to seek employment and achieve self-sufficiency. This change will encourage participation in food stamp employment and training programs with the goal of helping families achieve self-sufficiency.

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 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 1, 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 1, Repealed 0.

Date Adopted: March 30, 2007.

Jim Schnellman, Chief
Office of Administrative Resources

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-444-0025 Payments for FS E&T related expenses. (1) Some of a client's actual expenses needed to participate in the FS E&T program may be paid by the department. Allowable expenses are:

- (a) Transportation related costs; and
- (b) Dependent care costs for each dependent (~~six~~)

through twelve years of age.

- (2) Dependent care payments are not paid if:

(a) The child is thirteen years of age or older unless the child is:

- (i) Physically and/or mentally incapable of self-care; or
- (ii) Under court order requiring adult supervision; or
- (b) Any member in the food assistance unit provides the dependent care.

(3) Dependent care payments paid by the department cannot be claimed as an expense and used in calculating the dependent care deduction as provided in WAC 388-450-0185.