

December 4, 2007

970170

SUBJECT: FSP - Minnesota – Request to Extend Waiver of the Requirements of 7 CFR 273.24

TO: Tim English
Midwest Regional Director
Food Stamp Program

This is in response to your memorandum of September 28, 2007 requesting to extend Minnesota's State Agency's request to exempt residents of ten Indian Reservations from the work requirements of 7 CFR 273.24. The State based its determination of insufficient jobs on Bureau of Labor Statistics and 2000 Census data.

Because the State agency's 36-month period provided in its computations mistakenly included a 37th month (from August 2004 through August 2007 instead of through July 2007), we made adjustments to the State agency's computations and are approving the State agency's request based on those adjustments.

To avoid delay in the future, the State agency should submit its request for renewal timely. To prevent further delay our additional concerns with the submission of this request will be addressed at a later date with regional staff.

Our response to the State Agency's request is attached. Please contact Vicky Robinson at vicky.robinson@fns.usda.gov or at (703) 305-2476 if you have any questions.

/s/

Harriet Kornegay
Assistant Chief
Certification Policy Branch
Program Development Division

Attachment

970170
Page 2

FINAL: USDA: FNS: FSP: PDD: CPB: VROBINSON: 10/04/07: LAJ: 12/04/07
DIR: I: CPB/WAIVERS/2008:970170 MN INDIAN ABAWD MOD & EXT: 970170
MN ABAWD MOD & EXT.

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WAIVER RESPONSE

1. **Waiver serial numbers:** 970170
2. **Type of request:** Extension and modification
3. **Primary regulation citation:** 7 CFR 273.24
4. **Secondary regulation citation:**
5. **State:** Minnesota
6. **Region:** MWRO
7. **Regulatory Requirements:** 7 CFR 273.24 provides that no individual shall be eligible to participate in the Food Stamp Program as a member of any household if, during the preceding 36-month period, the individual received food stamp benefits for not less than 3 months (consecutive or otherwise), during which the individual did not work 20 hours or more per week, averaged monthly; did not participate in and comply with the requirements of a work program for 20 hours or more per week; did not participate in and comply with requirements of a program under Section 20 or a comparable program established by the State; or was exempt from these requirements.

7 CFR 273.24(f) also provides that, upon the request of a State agency, the Secretary may waive the applicability of the above provision for any group of individuals in the State if the Secretary makes a determination that the area in which the individuals reside has an unemployment rate of over 10 percent, or does not have a sufficient number of jobs to provide employment for the individuals.
8. **Description of proposed alternative procedures:** The State Agency is requesting to extend its current ABAWD waiver for two years exempting individuals residing on ten reservations from the work requirements of 7 CFR 273.24 based on having an unemployment rate of 20 percent above the national average of 4.9 percent for the 36-month period of August 2004 through July 2007, or 5.9 percent.

The State agency modified it's waiver by combining, under the Bois Forte Reservation, the areas of Deer Creek in Itasca County, Nett Lake in Koochiching County, and the balance of St. Louis that includes Vermillion Lake and Nett Lake.

9. **Action and reason for approval or denial:** We are approving the state agency's request based on our adjustments of the State agency's 36-month period. The following figures have been rounded. Able-bodied adults without dependents (ABAWDs) who reside on the following Indian reservations will be exempt from work requirements.

Tribal Areas waived @20% for 36-month period 8/2004 through 07/2007									
Tribal Area	Whole County Employed	Census Share Ratio-Employed	# of Employed	Whole County Unemployed	Census Share Ratio-Unemployed	# of Unemployed	Total Labor Force	Unemployment Rate	UER Percentage
Itasca County	769,147	0.004370	3,361	51,828	0.002899	150	3,511		
Koochiching County	232,689	0.005394	1,255	15,955	0.002625	42	1,297		
Balance of St. Louis County	1,967,354	0.003272	6,436	113,046	0.005749	650	7,086		
Bois Forte						842	11,895	0.070786	7.1
Carlton County	585,525	0.08191	47,960	34,825	0.10860	3,782	51,742		
Balance of St. Louis	1,967,354	0.00767	15,093	113,046	0.01638	1,852	16,945		
Fond du Lac						5,634	68,688	0.082023	8.2
Cook County	113,236	0.109445	12,393	5,289	0.20000	1,058	13,451		
Grand Portage						1,058	13,451	0.078656	7.9
Beltrami County	736,191	0.033564	24,710	41,937	0.054608	2,290	27,000		
Cass County	498,687	0.199605	99,540	34,426	0.330598	11,381	110,921		
Hubbard County	332,899	0.008496	2,828	19,730	0.010657	210	3,038		
Itasca County	769,147	0.045573	35,052	51,828	0.010657	552	35,604		
Leech Lake						14,434	176,565	0.081749	8.2
Redwood County	285,331	0.009174	2,618	12,397	0.0343510	426	3,044		
Lower Sioux						426	3,044	0.139947	14.0
Aitkin County	266,920	0.002884	770	17,660	0.003824	68	838		
Crow Wing County	1,123,763	0.000000	0	59,286	0.000000	0	0		
Mille Lacs County	409,639	0.162101	66,403	30,518	0.304132	9,282	75,685		
Pine County	474,522	0.004708	2,234	34,104	0.014960	510	2,744		
Mille Lacs						9,859	79,266	0.124379	12.4

Tribal Areas waived @20% for 36-month period 8/2004 through 07/2007

Tribal Area	Whole County Employed	Census Share Ratio-Employed	# of Employed	Whole County Unemployed	Census Share Ratio-Unemployed	# of Unemployed	Total Labor Force	Unemployment Rate	UER Percentage
Beltrami County	736,191	0.072546	53,408	41,937	0.281911	11,823	65,231		
Clearwater County	126,484	0.005596	708	14,267	0.000000	0	708		
Koochiching County	232,689	0.000000	0	15,955	0.000000	0	0		
Lake of the Woods County	83,650	0.000000	0	4,079	0.000000	0	0		
Marshall County	181,869	0.000000	0	13,940	0.000000	0	0		
Pennington County	286,994	0.000000	0	17,778	0.000000	0	0		
Polk County	589,419	0.000000	0	28,543	0.000000	0	0		
Red Lake County	75,673	0.000000	0	5,900	0.000000	0	0		
Roseau County	351,963	0.000000	0	21,453	0.000000	0	0		
Red Lake						11,823	65,939	0.179302	17.9
Scott County	1,240,977	0.004209	5,223	49,789	0.010417	519	5,742		
Shakopee						519	5,742	0.090387	9.0
Yellow Medicine	195,382	0.004992	975	8,675	0.013072	113	1,088		
Upper Sioux						113	1,088	0.103860	10.4
Becker County	582,144	0.087539	50,960	32,786	0.139635	4,578	55,538		
Clearwater County	126,484	0.058758	7,432	14,267	0.088020	1,256	8,688		
Mahnomen County	87,421	1.000000	87,421	5,403	1.000000	5,403	92,824		
White Earth						11,237	157,050	0.071550	7.2

10. **Regulatory or legislative basis for action:** The waiver is approved pursuant to 7 CFR 273.24(f), which allows the Secretary to waive the applicability of the work requirement provision for any group of individuals in the State if the Secretary makes a determination that the area in which the individuals reside has insufficient jobs.

11. **Conditions and reasons:** Not applicable.

12. **Information required for extension.** To receive an extension the State agency must provide data for the affected areas indicating that there continue to be insufficient jobs for individuals subject to 7 CFR 273.24.

13. **Expiration date:** This waiver is approved for two years from October 1, 2007 through September 30, 2009.

970170

Page 4

14. **Limitation on regional office approval of like requests:** Approval of this waiver is limited to the Minnesota State Agency.
15. **Quality Control Procedures:** Not applicable.
16. **Date of national office action:** November 19, 2007
17. **Date of State agency's request:** September 28, 2007
18. **Date of regional office transmittal of request to national office:** October 3, 2007
19. **Actual Implementation Date:**