

June 26, 2007

2030008

SUBJECT: FSP – New Mexico Waiver Request – 7 CFR 273.24

TO: Judy K. Barron
Regional Director
Food Stamp Program
Southwest Region Office

This is in response to the New Mexico State agency's request to modify and extend its waiver of the work provisions of 7 CFR 273.24 for residents that live in all areas except Bernalillo, Sandoval, Santa Fe, Lea, Lincoln, and Los Alamos Counties. The State agency bases its determination of insufficient jobs on Bureau of Labor Statistics and 2000 Census data.

Our detailed response approving the State's request is attached. If there are any questions, please contact Vicky Robinson by email at vicky.robinson@fns.usda.gov or telephone at (703) 305-2476.

/S/

Harriet Kornegay
Assistant Chief
Certification Policy Branch
Program Development Division

Attachment

cc: Dan Wilucz, QCB, PAD
Barbara Hallman, SAB, PAD
Bob Dalrymple, OANE (w/attachments)
All Regions (except SWRO) w/attachments
FNS National Arbitrator
Civil Rights

WAIVER RESPONSE

1. **Waiver serial number:** 2030008
2. **Type of request:** Modification and Extension
3. **Primary regulation citation:** 7 CFR 273.24
4. **Secondary regulation citation:** None
5. **State:** New Mexico
6. **Region:** Southwest
7. **Regulatory requirements:** 7 CFR 273.24 provide 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; or did not participate in and comply with requirements of a program under Section 20 or a comparable program established by the State.
8. **Description of proposed alternative procedures:** The State agency wishes to extend its ABAWD waiver for 26 counties and the area known as Indian Country. The State modified its waiver by removing Sandoval County and adding Otero County. In addition, the state agency expanded the number of reservations or pueblos within Indian Country from 8 to 15. Due to overlap, some pueblos are listed in more than one county. The pueblos are within Bernalillo, Sandoval, and Santa Fe counties as follows:

| | |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Bernalillo County | Canoncito Chapter of the Navajo Nation, Isleta Pueblo, and Sandia Pueblo |
| Sandoval County | Canoncito Chapter, Cochiti Pueblo, Jemez Pueblo, San Felipe Pueblo, San Idelfonso Pueblo, Sandia Pueblo, Santa Ana Pueblo, Santa Clara Pueblo, Santa Domingo Pueblo, and Zia Pueblo |
| Santa Fe County | Nambe Pueblo, Pojoaque Pueblo, San Idelfonso Pueblo, Santa Clara Pueblo, and Tesuque Pueblo |

The State agency combined all of the counties and pueblos requested into one area. The combined area has an aggregate average unemployment rate of at least 20 percent above the national average of 5.3 percent, or 6.3 percent, for the 24-month period of February 2004 through January 2006 as follows:

| County | Labor Force | Unemployment | Area Unemployment Rate (UER) |
|---------------|-------------------|----------------|------------------------------|
| Catron | 36,504 | 2,503 | |
| Chaves | 634,274 | 40,328 | |
| Cibola | 294,692 | 17,122 | |
| Colfax | 170,762 | 9,562 | |
| Curry | 501,990 | 22,529 | |
| DeBaca | 22,665 | 1,387 | |
| Dona Ana | 2,045,164 | 122,892 | |
| Eddy | 595,522 | 31,123 | |
| Grant | 294,034 | 21,315 | |
| Guadalupe | 42,462 | 3,225 | |
| Harding | 9,886 | 428 | |
| Hildago | 61,374 | 3,581 | |
| Otero | 656,475 | 34,341 | |
| Luna | 306,080 | 43,193 | |
| McKinley | 659,346 | 49,254 | |
| Mora | 51,682 | 5,818 | |
| Quay | 100,668 | 5,889 | |
| Rio Arriba | 534,519 | 33,821 | |
| Roosevelt | 232,727 | 9,107 | |
| San Juan | 1,313,718 | 74,816 | |
| San Miguel | 330,729 | 21,837 | |
| Sierra | 131,977 | 7,095 | |
| Socorro | 224,761 | 10,770 | |
| Taos | 417,038 | 29,597 | |
| Torrance | 180,592 | 10,374 | |
| Valencia | 748,237 | 41,285 | |
| Indian County | 413,904 | 35,853 | |
| Total | 11,011,782 | 689,045 | 6.3% |

9. **Action and reason for approval or denial:** We are approving this waiver in full. Although we made some minor adjustments in the census share ratio for Canoncito Chapter of the Navajo nation that affected the labor force and unemployment totals for Indian Country, the adjustments made did not affect the overall outcome that the combined area has an aggregate unemployment rate of 6.3 percent, which is 20 percent above the national average of 5.3 percent, for the 24-month period of February 2004 through January 2006.
10. **Regulatory or legislative basis for action:** This waiver is approved under the authority in 7 CFR 273.24(f) which allows the FNS to waive the applicability of the work requirement provision in 7 CFR 273.24 for any group of individuals in the State if the FNS 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 affected individuals.

11. **Conditions and reasons:** Not applicable.
12. **Information required for extension:** To receive an extension the State agency must provide verifiable data indicating that there are insufficient jobs in the affected areas.
13. **Expiration date:** This waiver is effective from May 1, 2007 and will expire on April 30, 2008.
14. **Limitation, if any, on regional office approval of like requests:** This waiver is limited to the New Mexico State agency.
15. **Quality control procedures:** N/A
16. **Date of national office action:** June 6, 2007
17. **Date of State agency's request:** March 30, 2007
18. **Date of regional office transmittal of request to national office:** May 17, 2007
19. **Date of regional office transmittal of response to State agency:**
20. **Actual implementation date:**