

June 6, 2008

2030008

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

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

This is in response to the New Mexico State agency's request of April 8, 2008 to modify and extend its waiver of the work provisions of 7 CFR 273.24 for residents that live in certain counties and tribal areas within the State. The State agency based its determination of insufficient jobs for the areas requested on Bureau of Labor Statistics and 2000 Census data.

Our detailed response approving the State's request is attached. Please contact Vicky Robinson by email at [vicky.robinson@fns.usda.gov](mailto:vicky.robinson@fns.usda.gov) or telephone at (703) 305-2476 if you have any questions.

Patrick Waldron  
*for*  
Harriet Kornegay  
Assistant Chief  
Certification Policy Branch  
Program Development Division

Attachment

cc: Dan Wilucz, PAD  
Bob Dalrymple, ORNA (w/attachments)  
All Regions (except SWRO) w/attachments  
FNS National Arbitrator  
Civil Rights

FINAL: FNS: FSP: PDD: CPB: VROBINSON:06/04/08:JRagan:06/05/08:305-2519  
DIR: I: CPB: WAIVERS: FY2008: FILE:2030008 NM ABAWD mod & ext

Symbol	Surname	Date	Symbol	Surname	Date

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## 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 has requested to extend its ABAWD waiver for 18 of the 26 counties previously approved and in the pueblo areas within Bernalillo, San Miguel, and Santa Fe counties, also known as Indian Country. Due to overlap, some pueblos are listed in more than one county as follows:

<b>Bernalillo County</b>	Canoncito Chapter of the Navajo Nation, Isleta Pueblo, and Sandia Pueblo
<b>Sandoval County</b>	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
<b>Santa Fe County</b>	Nambe Pueblo, Pojoaque Pueblo, San Idelfonso Pueblo, Santa Clara Pueblo, and Tesuque Pueblo

The State agency also added Lincoln County so that the total combined area requested is 22 (19 counties and 3 Indian areas). The combined area has an aggregate average unemployment rate of at least 20 percent above the national average of 4.8 percent, or 5.8 percent, for the 24-month period of January 2005 through December 2006 as follows:

**National Unemployment Rate (UER):**

<b>Labor Force</b>	<b>Unemployed</b>	<b>UER</b>
3,608,523,000	174,885,000	<b>4.8</b>

Area	Labor Force	Unemployment	Area Unemployment Rate (UER)
Bernalillo Indian Country	56,473	5,859	
Sandoval Indian Country	245,516	23,778	
Santa Fe Indian Country	178,536	8,700	
Catron County	36,078	2,173	
Chaves County	638,181	33,213	
Cibola County	285,065	15,151	
Colfax County	161,976	7,994	
Dona Ana County	2,049,320	108,232	
Grant County	293,488	15,375	
Guadalupe County	43,474	2,839	
Lincoln County	257,271	11,019	
Luna County	309,880	36,803	
McKinley County	644,835	40,222	
Mora County	49,334	5,015	
Quay County	98,168	4,905	
Rio Arriba County	524,570	28,438	
San Miguel County	322,672	18,110	
Sierra County	131,493	6,600	
Socorro County	224,900	9,370	
Taos County	417,210	26,100	
Torrance County	183,950	9,189	
Valencia County	743,124	36,446	
<b>Combined Area Total</b>	<b>7,895,513</b>	<b>455,531</b>	<b>5.8</b>

9. **Action and reason for approval or denial:** We are approving this waiver in full. Able-bodied adults without dependents residing in the aforementioned areas will be exempt from work requirements based on insufficient jobs. Although minor adjustments were made in the census share ratios for Canoncito Chapter that affected the labor force and unemployment totals for Bernalillo and Sandoval Indian Countries, the adjustments made did not affect the overall outcome that the combined area had an aggregate unemployment rate of 5.8 percent.
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, 2008 and will expire on April 30, 2009.
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:** Not applicable.
16. **Date of national office action:** June 4, 2008
17. **Date of State agency's request:** April 9, 2008
18. **Date of regional office transmittal of request to national office:** April 14, 2008
19. **Date of regional office transmittal of response to State agency:**
20. **Actual implementation date:**