

JUN 14 2005

2040058

SUBJECT: FSP- Nevada- Request to Waive 7 CFR 273.24

TO: Dennis Stewart, Regional Director
Food Stamp Program
Western Region

This is in response to your memorandum dated May 20, 2005, forwarding the Nevada Department of Human Services request for a waiver of the work requirements of 7 CFR 273.24, for certain jurisdictions. We have approved all of the requested areas; however, we modified the request to conform more completely to the regulations. The waiver is retroactively approved from April 1, 2005

First, tribal colonies or reservations which are based in a Labor Surplus Area (LSA) are readily approvable. Therefore, the Las Vegas Colony Tribal Reservation is automatically approved because it resides in LSA, North Las Vegas City.

Second, four reservations, Fallon, Ely, Washoe and Yomba are approved because their unemployment rate exceeded the national average by 20 percent for calendar years 2003/2004, a 24 month aggregate. The State used a 12 month guidepost, which is not approvable.

Our detailed response is attached. If you have any questions, please contact Dwight Ricker, (703) 305-2803.



Harriet Kornegay
Assistant Branch Chief
Certification Policy Branch
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FINAL: USDA:FNS:FSP:PDD:CPB:Dricker:6/10/05:je
DIR I:CPB:Waivers/FY 2005/2040058/2040058a

WAIVER RESPONSE

1. **Waiver serial number:** 2040058
2. **Type of Request:** Modification and Extension
3. **Primary regulation citation:** 7 U.S.C. 2015 and 7 CFR 273.24(f)
4. **Secondary regulation citation:** Not applicable
5. **State:** Nevada
6. **Region:** Western Region
7. **Regulatory requirements:** 7 CFR 273.24 (b) restricts Food Stamp program participation for able-bodied adults (ABAWD) to three full months during any three year period, unless the adult fulfills the employment or work program requirements, is exempt from these requirements as specified in 7 CFR 273.24(c), regains eligibility as specified in 7 CFR 273.24(d), or qualifies for an additional three month eligibility as specified in 7 CFR 273.24(c).

7 CFR. 273.24(f) permits state agencies to request FNS to waive the time limit for a group of individuals residing in an area that does not have a sufficient number of jobs to provide employment for the individuals. This includes areas that have a 24-month average unemployment rate that exceeds the national average for the same 24-month period by at least 20 percent and areas that have a recent 12-month average unemployment rate over 10 percent.

8. **Proposed alternative procedures:** The State of Nevada, Department of Human Resources, Welfare Division, requests a modification and extension of waiver 2040058 which is approved for the period of April 1, 2004 through March 31, 2005. Nevada proposes to continue to exempt all ABAWD participants residing in the following Labor Surplus Areas as designated by the Department of Labor for FY 2005: Lander County and North Las Vegas in Clark County, only. Nevada is not requesting an extension on the other counties listed in the previous waiver as they are no longer listed as Labor Surplus Areas.

In this waiver modification and extension, Nevada is requesting to continue the exemption for individuals residing on fourteen Nevada Indian Tribal Areas which each have an unemployment rate over 10 percent: Duck Valley Reservation, Elko Colony, Fallon Colony, Fort McDermitt Paiute Reservation, Pyramid Lake Reservation, Lovelock Colony, Moapa River Reservation, Reno-Sparks Colony, Duckwater Reservation, Goshute Reservation, Walker River Palute Reservation, Winnemnicca Colony, Carson Colony and Stewart Community. All of these Indian Reservations and Colonies are currently exempt under waiver 2040058. The unemployment data was supplied by the State of Nevada, Department of Employment, Training and Rehabilitation.

Nevada is requesting to continue the exemption for individuals residing on the Las Vegas Colony, which does not exceed the 10 percent unemployment rate~ but is located in the city of North Las Vegas which is designated as a Labor Surplus.

Nevada is requesting to continue the exemption for the following Nevada jurisdictions that do not exceed the 10 percent unemployment rate, but do exceed the 2004 national unemployment average of 5.5 percent by more than 20 percent. This includes the Fallon Reservation, Ely Reservation, Washoc Reservation (Carson City -Douglas County) and the Yomba Reservation only. The other jurisdictions previously listed no longer exceed the national average by 20 percent.

9. **Action and reason for approval or denial:** We are approving the State agency's request to extend and modify its waiver. The jurisdictions are approved based upon three criteria.

First, Lander County and North Las Vegas City, which includes the Las Vegas Colony Tribal Reservation in Clark County, have been designated as Labor Surplus Areas by the Bureau of Labor Statistics for Fiscal Year 2005.

Second, we are approving 14 reservations which had an unemployment rate exceeding 10 percent for calendar year 2004. The unemployment data was prepared by the State of Nevada, Department of Employment, Training and Rehabilitation. The reservations are:

Tribe	Labor Force	Unemployment	Rate
Duck Valley	512	92	18.0%
Elko	382	47	12.0
Fallon Colony	42	9	21.4
Fort McDermitt Colony	82	34	41.5
Pyramid Lake Reservation	906	118	13.0
Lovelock Colony	30	6	20.0
Moapa River	106	13	12.3
Reno-Sparks Colony	451	76	16.9
Duckwater Reservation	68	7	10.3
Goshute Reservation	45	17	37.8
Walker River Reservation	397	64	16.1
Winnemucca Colony	30	5	16.7
Carson Colony	148	15	10.1
Stewart Community	115	18	15.7

Third, we have approved three Tribal reservations because their unemployment rate exceeded the national average by 20 percent for calendar years 2003/2004. The national target rate that areas must exceed is 6.90 percent.

The State requested approval based on exceeding the national unemployment average by 20 percent for calendar year 2004. This is incorrect. Jurisdictions must exceed the average by 20 percent for 24 months, which the requested areas easily totaled.

	Calendar (yr) – 03/04 Labor Force	Calendar (yr) – 03/04 Unemployment	Rate
Fallon Reservation	520	40	7.7
Ely Reservation	156	12	7.7
Washoe Reservation	696	78	11.2
Yomba Reservation	90	7	7.8

10. **Regulatory or legislative basis for action:** This waiver is approved under 7 CFR 273.24(f), which allows FNS to waive the applicability of the work requirement provision for any group of individuals in the State if FNS determines that the area in which the individual resides does not have sufficient jobs.
11. **Conditions and reasons:** None
12. **Information required for extension:** Provide unemployment rate data for the affected areas, which is compiled by the Bureau of Labor Statistics, or a cooperating agency, which indicates an unemployment rate of 10 percent or a lack of sufficient jobs.
13. **Expiration date:** This waiver is retroactively approved April 1, 2005, and it will expire on March 31, 2006.
14. **Limitation, if any, on regional office approval of like requests:** This waiver is limited to the Nevada State agency.
15. **Quality Control procedures:** None
16. **Date of national office action:**
17. **Date of State agency's request:** May 3, 2005
18. **Dates of regional office transmittal of request to national office:**
19. **Date of regional office transmittal or response to State agency:**
20. **Actual implementation date:**