

August 24,2006

2040058

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

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

This is in response to your memorandum of March 14, 2006, forwarding the Nevada State agency's request to extend and modify its waiver which exempts certain individuals from the work requirements of 7 CFR 273.24.

Unfortunately the State agency's waiver request did not provide the necessary information to process, such as providing sufficient data to compute the census share ratios and the formulas used to compute each area's unemployment rate. Because of these issues, we reconstructed the State agency's computations to ensure accuracy. Note that we did make some mathematical adjustments to the final unemployment rate figures to reflect correct rounding. We also made adjustments to the Moapa River Reservation numbers to reflect current Department of Labor data. To avoid delay next year, we strongly urge the Nevada State agency to consult professional help with its spreadsheets and its supporting documentation.

Our response approving the State's waiver of the remaining areas requested is attached. If you have any questions, please contact Vicky Robinson at [vicky.robinson@fns.usda.gov](mailto:vicky.robinson@fns.usda.gov) or at (703) 305-2476.

/s/

Patrick Waldron  
Branch Chief  
Certification Policy Branch  
Program Development Division

Attachment

cc: All Regions (except WRO)  
Dan Wilucz, QCB, PAD  
Civil Rights

FINAL: USDA:FNS:FSP:PDD:CPB:VRobinson:08/24/06:je  
DIR I:CPB:Waivers/FY 2006/2040058-Nevada ABAWD mod & ext

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## WAIVER RESPONSE

1. **Waiver serial number:** 2040058
2. **Type of Request:** Modification and Extension
3. **Primary regulation citation:** 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 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. **Proposed alternative procedures:** The Nevada State agency requests a modification and extension of its waiver to exempt certain individuals from the work requirements of 7 CFR 273.24. Specifically the State agency is requesting to continue its exemption of individuals residing in the Stewart community, Fallon Colony, Duck Valley Reservation, Elko Colony, Fort McDermitt Reservation, Winnemucca Colony, Walker River Reservation, Lovelock Colony, Reno-Sparks Colony, and Goshute Reservation based on each having an unemployment rate over 10 percent for the 12-month period of January 2005 through December 2005.

The State agency is also requesting to modify its waiver and continue to exempt individuals residing in the areas of Carson Colony, Fallon Reservation, Moapa River Reservation, Duckwater Reservation, Dresslerville Colony, Ely Reservation, Yomba Reservation, and Washoe Reservation based on having an unemployment rate of at least 20 percent above the national unemployment rate of 5.3, or 6.3 percent, for the 24-month period of January 2004 through December 2005.

9. **Action and reason for approval or denial:** We are approving the State agency's request to extend and modify its waiver. We based our determination of insufficient jobs on U.S. Department of Labor and 2000 U.S. Census. The following areas are waived based on having an unemployment rate over 10 percent for the 12-month period of January 2005 through December 2005:

**Tribal Areas @10 percent:**

| Area                     | Whole County Employed | Census Share Ratio-Employed | #of Employed | Whole County Unemployed | Census Share Ratio-Unemployed | # of Unemployed | Total Labor Force | UER          |
|--------------------------|-----------------------|-----------------------------|--------------|-------------------------|-------------------------------|-----------------|-------------------|--------------|
| <b>Stewart Community</b> | 310,980               | .003679                     | 1,144        | 15,180                  | .009599                       | 146             | 1,290             | <b>11.3%</b> |
| <b>Fallon Colony</b>     | 142,790               | .002624                     | 375          | 6,220                   | .020281                       | 126             | 501               | <b>25.2%</b> |
| <b>Duck Valley</b>       | 271,640               | .012678                     | 3,444        | 11,000                  | .052874                       | 582             | 4,025             | <b>14.4%</b> |
| <b>Elko Colony</b>       | 271,640               | .012446                     | 3,381        | 11,000                  | .036015                       | 396             | 3,777             | <b>10.5%</b> |
| <b>Fort McDermitt</b>    | 89,550                | .007126                     | 638          | 3,660                   | .069182                       | 253             | 891               | <b>28.4%</b> |
| <b>Winnemucca</b>        | 89,550                | .003705                     | 332          | 3,660                   | .011006                       | 40              | 372               | <b>10.8%</b> |
| <b>Walker River</b>      | 23,410                | .128093                     | 2,999        | 1,480                   | .251634                       | 372             | 3,371             | <b>11.0%</b> |
| <b>Lovelock Colony</b>   | 24,380                | .010141                     | 247          | 1,150                   | .026738                       | 31              | 278               | <b>11.1%</b> |
| <b>Reno-Sparks</b>       | 2,394,940             | .001910                     | 4,574        | 98,980                  | .005806                       | 575             | 5,149             | <b>11.2%</b> |
| <b>Goshute</b>           | 49,460                | 0                           | 0            | 2,150                   | .025735                       | 55              | 55                | <b>100%</b>  |

The following areas are waived based on having an unemployment rate of at least 20 percent above the national unemployment rate of 5.3, or 6.3 percent, for the 24-month period of January 2004 through December 2005:

**Tribal Areas @20 percent:**

| Area                      | Whole County Employed | Census Share Ratio-Employed | #of Employed | Whole County Unemployed | Census Share Ratio-Unemployed | # of Unemployed | Total Labor Force | UER         |
|---------------------------|-----------------------|-----------------------------|--------------|-------------------------|-------------------------------|-----------------|-------------------|-------------|
| <b>Carson Colony</b>      | 617,580               | .005074                     | 3,134        | 31,440                  | .007853                       | 247             | 3,381             | <b>7.3%</b> |
| <b>Fallon Reservation</b> | 275,440               | .021093                     | 5,810        | 12,620                  | .045242                       | 571             | 6,381             | <b>8.9%</b> |
| <b>Moapa River</b>        | 19,439,884            | .000133                     | 2,593        | 831,960                 | .000246                       | 205             | 2,797             | <b>7.3%</b> |
| <b>Duckwater</b>          | 358,470               | .005275                     | 1,891        | 20,880                  | .007447                       | 155             | 2,046             | <b>7.6%</b> |
| <b>Pyramid Lake</b>       | 4,944,090             | .004012                     | 19,837       | 198,800                 | .009044                       | 1798            | 21,635            | <b>8.3%</b> |

The State withdrew its request to exempt individuals in the areas of Dresslerville Colony, Ely Reservation, Yomba Reservation, and Washoe Reservation.

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:** None
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. The State agency must provide the necessary data and computations to support its waiver request.
13. **Expiration date:** This waiver is approved April 1, 2006, and it will expire on March 31, 2007.
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:** August 21, 2006
17. **Date of State agency's request:** March 14, 2006
18. **Dates of regional office transmittal of request to national office:** March 14, 2006
19. **Date of regional office transmittal or response to State agency:**
20. **Actual implementation date:**