

July 5, 2005

980062

SUBJECT: FSP – South Dakota – Request to Extend ABAWD Waiver Based on
Labor Surplus Areas

TO: Ralph E. Anzur, Acting Regional Director
Food Stamp Program
Mountain Plains Region

Attached is our response to the South Dakota State Agency request to extend waiver
980062. A separate reply has been prepared for the request to extend waiver 990047.

If you have any questions, please contact Susan E. Burgess of my staff at (703) 305-2437.

/s/

Harriet Kornegay
Assistant Branch Chief
Certification Policy Branch

Attachment

cc: PAD
All Regions (except MPRO)

FINAL:USDA:FNS:FSP:PDD:CPB:SBurgess:703-305-2437:so
FC:ABAWD Waivers – South Dakota
FILE:I:CPB:Waivers:Fiscal Year 2005:980062-SD-ABAWD-LSA-Extension for 2005

WAIVER REQUEST

1. **Waiver serial number:** 980062
2. **Type of request:** Extension
3. **Primary regulation citation:** 273.24(f)(3)(ii).
4. **Secondary regulation citation:** None
5. **State:** South Dakota
6. **Region:** MPRO
7. **Regulatory Requirements:** The Food Stamp Program Regulations at 7 CFR 273.24(f)(3)(ii) provide that a readily approvable ABAWD waiver is one that is based on the current list of Labor Surplus Areas (LSA's) that the US Department of Labor publishes each year. This waiver is based on that provision.
8. **Description of proposed alternative procedures:** The South Dakota Department of Social Services (SDDSS) requests that the following counties receive a waiver based on their designations as LSA's: Dewey, Shannon, Todd, and Ziebach Counties. Additionally, the SDDSS requests that the reservation portions of Buffalo and Jackson Counties receive a waiver based on each county's designation as a labor surplus area. The State requested approval for a minimum of two years due to stable unemployment numbers for these counties.
9. **Action and reason for approval or denial:** We are approving the request for an exemption for the counties of Dewey, Jackson, Shannon, Todd, and Ziebach because of their designation as Labor Surplus Areas (LSAs) by the Employment and Training Administration of the Department of Labor for the period October 1, 2004 through September 30, 2005. Additionally, we are approving the request for an exemption for the reservation portions of Buffalo and Jackson counties because of each county's designation as an LSA. The Crow Creek Reservation is in Buffalo County and the Pine Ridge Reservation is in Jackson County.

Although the State agency is requesting approval for more than one year, we can only grant approval for one year because the approval is based upon the designation of these counties as Labor Surplus Areas in 2005. Since this is an annual declaration by the Department of Labor, approval for a waiver based upon this list is limited to the declaration period.
10. **Regulatory or legislative basis for action:** 7 CFR 273.24(f)(3)(ii).

11. **Conditions and reasons:** None
12. **Information required for extension:** The updated list of Labor Surplus Areas.
13. **Expiration date:** April 30, 2006.
14. **Limitation on regional office approval of like requests:** This waiver is limited to the South Dakota Department of Social Services.
15. **Quality Control Procedures:** There is no special quality control procedures needed in conjunction with this waiver.
16. **Date of national office action:**
17. **Date of State agency's request:** April 13, 2005
18. **Date of regional office transmittal to the national office:** May 17, 2005