

July 5, 2005

990047

SUBJECT: FSP-South Dakota-Request to Waive 7 CFR 273.24(f)

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

This is in response to your memorandum of May 17, 2005, forwarding the South Dakota State Agency's request to extend and modify waiver 990047. A separate reply was provided for the request to extend waiver 980062. In its request to extend waiver 990047, the State agency is requesting an exemption from the work requirements of 7 CFR 273.24 for residents of Corson and Moody Counties and certain Indian reservations and trust lands located in the counties of Bennett, Day, Gregory, Hyde, Lyman, Mellette, and Tripp based on insufficient jobs.

Our detailed response to the State's request is attached. 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  
Program Development Division

Attachments

cc: PAD  
All regions (except MPRO)

FINAL:USDA:FNS:FSP:PDD:CPB:SBurgess:703-305-2437:so  
FC:ABAWD Waivers – South Dakota  
FILE:I:PDD:CPB:Waivers:990047 SD ABAWD Extension for 2005

## Waiver Response

1. **Waiver serial numbers:** 990047
2. **Type of request:** Extension and modification
3. **Primary regulation citation:** 7 CFR 273.24(f)
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 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.

The Food Stamp Program Regulations at 7 CFR 273.24 (f) allow States the opportunity to request a waiver when it is determined that the area in which the individual resides has an unemployment rate over 10 percent; or there are not sufficient jobs to provide employment for the individuals. The regulations at 7 CFR 273.24(f) establish the procedures for approving such waivers.

8. **Proposed alternative procedures:** The South Dakota State Agency has requested a waiver of 7 CFR 273.24 for all individuals residing in Corson and Moody Counties and for all individuals who reside on reservation land and trust land in the counties of Bennett, Day, Gregory, Hyde, Lyman, Marshall, Mellette, and Tripp. The request is based on insufficient jobs as demonstrated by the areas requested having unemployment rates 20 percent above the national average for various 24-month periods. The State agency is also requesting that the requested exemption for these areas be made retroactive to May 1, 2005 and that the exemption be granted for more than one year because the areas requested have a long history of chronic high unemployment.
9. **Action and reason for approval or denial.** The State agency requested that the reservation portions of Bennett, Day, Gregory, Hyde, Lyman, Mellette and Tripp Counties be exempted. However, these counties were included in the approval granted on June 8, 2004 which does not expire until May 31, 2006. Therefore, we

are not including those counties in this modification. They are already covered under this waiver request. We will modify the waiver that was issued on June 8, 2004 to include Corson and Moody Counties and the reservation portion of Marshall County as these areas were not covered under the initial approval. This approval is based upon these areas having an unemployment rate that is 20 percent above the national average for the 24-month period of January 2003 through December 2004.

Reservation	County Employment 2003-2004	Census Share	County Unemployment 2003-2004	Census Share	Reservation Employment 2003-2004	Reservation Unemployment 2003-2004	Reservation Labor Force 2003-2004	Reservation Unemployment Rate
Lake Travers Reservation								
Marshall	47774	0.212487	2725	0.318681	10151.35394	868.405725	11019.75966	7.9%

County	Labor Force 2003-2004	Unemployment 2003-2004	Unemployment Rate 2003-2004
Corson	37891	2691	7.1%
Moody	85068	6208	7.3%

National Average Jan 2003-Dec 2004: 5.75%  
20% above National Average: 6.9%

10. **Regulatory or legislative basis for action:** This modification is approved pursuant to 7 CFR 273.24 (f) which allows the Secretary to waive the applicability of the work requirement provision in 7 CFR 273.24 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 over 10 percent or has insufficient jobs.
11. **Conditions and reasons:** None.
12. **Information required for extension:** Please submit information to verify the basis for an ABAWDS work exemption waiver in each county and Indian Reservation and Trust Lands.
13. **Expiration date:** Due to the historical record of chronic unemployment, with little prospect of change, on the Indian reservations and trust lands covered by this waiver, we originally granted approval for two years. The original waiver request was approved through May 31, 2006. This modification is approved retroactive to May 1, 2005 and expires on May 31, 2006.

14. **Limitation on regional office approval of like requests:** Approval of this waiver is limited to the South Dakota State agency.
15. **Quality control procedures:** None
16. **Date of national office action:**
17. **Date of State agency's request:** April 13, 2004
18. **Date of regional office transmittal of request to national office:** May 17, 2005
19. **Date of regional office transmittal of response to State agency:**
20. **Actual implementation date:**