



MPFS-300:FS 10-1-1

Judy Toelle, Administrator
Office of Food Stamps
Department of Social Services
700 Governors Drive
Pierre, South Dakota 57501-2291

AUG 03 2006

Dear Ms. Toelle:

Please refer to your May 15, 2006 request to extend Waiver Nos. 980062 and 990047. Under these waivers, individuals in certain areas of the State are exempt from the Able-Bodied Adults Without Dependents (ABAWD) provisions of Section 273.24 of the Regulations. We notified you electronically on June 9, 2006, that a modified version of your request had been approved. This letter is to provide you with the approval in writing.

Enclosed is the response to your request. Waiver number 2060050, which replaces Waiver No. 980062, includes Dewey County and is approved retroactively effective May 1, 2006 and will expire on April 30, 2008. Therefore, Waiver No. 980062 has been rescinded. Waiver No. 990047, which includes the areas listed in the table below, is approved retroactively effective May 1, 2006 and will expire on April 30, 2007.

Region & Counties	Average Unemployment Rate January 2004 – December 2005
Corson County	6.8
Zeibach County	7.7
Shannon County (part of Sub-Area of Rapid City Economic Area which includes: Bennett County, Custer County, Jackson County, Mellette County, Shannon County, Todd County)	6.3
Reservation Land Portion of Bennett County (Pine Ridge Res) (part of Sub-Area of Rapid City Economic Area which includes: Bennett County, Custer County, Jackson County, Mellette County, Shannon County, Todd County)	6.3
Reservation Land Portion of Jackson County (Pine Ridge Res) (part of Sub-Area of Rapid City Economic Area which includes: Bennett County, Custer County, Jackson County, Mellette County, Shannon County, Todd County)	6.3
Reservation Land Portion of Mellette County (Rosebud Res) (part of Sub-Area of Rapid City Economic Area which includes: Bennett County, Custer County, Jackson County, Mellette County, Shannon County, Todd County)	6.3
Todd County (part of Sub-Area of Rapid City Economic Area which includes: Bennett County, Custer County, Jackson County, Mellette County, Shannon County, Todd County)	6.3
Reservation Land Portion of Lyman County (Rosebud & Lwr Brule Res) (part of Sub-area of Sioux Falls Economic Area which includes: Buffalo County and Lyman County)	6.8
Reservation Land Portion of Buffalo County (Crow Creek Res) (part of Sub-area of Sioux Falls Economic Area which includes: Buffalo County and Lyman County)	6.8

Judy Toelle

2

Please submit any request for extension no later than January 31, 2007 for Waiver No. 990047 and no later than January 31, 2008 for Waiver No. 2060050. Ensure that data requested in Item 12 of the waiver response outline accompanies your request.

If you have any questions concerning this approval or if we may be of any assistance, Kathie Herrman may be contacted at (303) 844-0347 or by e-mail at kathie.herrman@fns.usda.gov.

Sincerely,

Original Signed by
Jody Cornwell

JODY CORNWELL
Regional Director
Food Stamp Program

Enclosure

cc/enc: Mary Davis, Program Specialist, Quality Control, Department of Social Services,
20 Cliff Street, P.O. Box 607, Deadwood, South Dakota 57732-0607

bcc/enc: Art Foley, Director, Program Development Division, Food Stamp Program,
Food and Nutrition Service, USDA, Alexandria, Virginia
Sara May, OIC, FNS Field Office, Pierre, South Dakota
Thomas Tinnin, Senior Program Specialist, Quality Control Unit, FSP, MPRO
Martha Prince, Program Technician, FSP, MPRO

WAIVER RESPONSE

1. **Waiver Serial Number:** 990047 & 2060050
2. **Type of Request:** Extension and Modification
3. **Primary regulation citation:** 7 CFR 273.24
4. **Secondary regulation citation:** N/A
5. **State:** South Dakota
6. **Region:** Mountain Plains
7. **Regulatory Requirement:** 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 received benefits because they were 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. **Description of proposed alternative procedures:** The State is requesting a 2-year waiver of the regulatory requirements listed in paragraph 7 for Dewey County. The Department of Labor's Employment and Training Administration (DOLETA) has designated this county as a labor surplus area (LSA) for both FY 2005 and FY 2006.

Additionally, the State is requesting a 1-year waiver for the following counties and reservation lands, based upon the inclusion of these areas alone or in a region that has a combined aggregate average unemployment rate that is at least 20 percent above the national average during a recent 24-month period.

Region & Counties	Average Unemployment Rate January 2004 – December 2005
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Zeibach County	7.7
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National Average January 2004-December 2005: 5.3%
20% above National Average: 6.3%

9. **Action and reason for approval or denial:** We are approving the waiver for the jurisdictions listed in paragraph 8 in accordance with the request submitted by the State. All of the data submitted by the State meets the requirements of approval pursuant to 7 CFR 273.24(f)(3) and additional FNS guidance.
10. **Regulatory or legislative basis for action:** This waiver is approved pursuant to 7 CFR 273.24(f)(3)(i), 273.24(f)(3)(ii), and 273.24(f)(3)(iii).
11. **Conditions and reasons:** None.
12. **Information required for extension:** To receive an extension the State agency must provide data or other information as described in 7 CFR 273.24(f)(2) and 273.24(f)(3). If South Dakota wishes to receive an extension based on unemployment rates, they must provide us with all supporting documentation, including spreadsheets in digital form.

13. **Expiration date:** Waiver number 2060050, which includes Dewey County, is retroactively effective May 1, 2006 and will expire on April 30, 2008. Waiver number 990047, which includes the areas listed in the above table, is retroactively effective May 1, 2006 and will expire on April 30, 2007.
14. **Limitation, if any, on regional office approval of like requests:** These waivers are 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:** May 15, 2006
18. **Date of regional office transmittal of request:** May 16, 2006
19. **Date of regional office transmittal of response to State agency:** AUG 03 2006
20. **Actual implementation date:**