

June 8, 2006

990047 & 2060050

SUBJECT: FSP – South Dakota – ABAWD Waivers

TO: Jody Cornwell
Regional Director
Food Stamp Program
Mountain Plains Regional Office

This is in response to your May 16, 2006, memorandum forwarding a request from the State of South Dakota to modify and to extend waivers 980062 and 990047. We are approving this request.

Because the request and approval for waiver 980062 involves a new 2-year approval period, we are assigning a new waiver number 2060050 to the areas falling under this request. Both modifications and extensions are retroactively effective May 1, 2006. Waiver 2060050 will expire on April 30, 2008, and waiver 990047 will expire on April 30, 2007.

Although your office requested that we approve the State's request through May 31 of each year rather than April 30, this time would go beyond the permissible 1-year and 2-year time periods. Additionally, most State agencies who have submitted requests based upon data from the Bureau of Labor Statistics (BLS) have been able to meet deadlines similar to those imposed upon the State of South Dakota. Therefore, we will not grant such an extension.

Please find attached our detailed response. Please contact Susan Burgess if you have questions or need additional information.

/s/

Harriet Kornegay
Assistant Chief
Certification Policy Branch
Program Development Division

Attachment(s)

cc: All Regions (except MPRO) w/Attachment
Dan Wilusz, QC, PAD w/Attachment
Bob Dalrymple, OANE w/Attachment

FINAL:FNS:FSP:PDD:CPB:SBurgess:6/2/06:je

DIR:I:CPB:Waivers:FY2006:980062 SD ABAWD 2006 ext: final approval:SBurgess

Symbol	Surname	Date	Symbol	Surname	Date

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
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 (<i>Pine Ridge Res</i>) (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 (<i>Pine Ridge Res</i>) (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 (<i>Rosebud Res</i>) (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 (<i>Rosebud & Lwr Brule Res</i>) (part of Sub-area of Sioux Falls Economic Area which includes: Buffalo County and Lyman County)	6.8
Reservation Land Portion of Buffalo County (<i>Crow Creek Res</i>) (part of Sub-area of Sioux Falls Economic Area which includes: Buffalo County and Lyman County)	6.8

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:**
20. **Actual implementation date:**