

July 13, 2007

990047

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

TO: Jody Cornwell, Regional Director
Food Stamp Program
Mountain Plains Region

This is in response to your South Dakota State Agency's request of June 5, 2007, to extend and modify its waiver 990047. In its request to extend waiver 990047, the State agency is requesting an exemption from the work requirements of 7 CFR 273.24 based on insufficient jobs.

South Dakota is requesting to waive individuals residing on reservations in three regions within the State. Although not mentioned in the State's waiver request, Walworth County has been removed. Also, the State agency requested an exemption for Day County, which was inadvertently left out of the waiver request. The State agency bases its determination of insufficient jobs on Bureau of Labor Statistics and 2000 Census data.

Our detailed response to the State's request is attached. If you have any questions, please contact Jennie Nelson of my staff at 703-305-2446.

/S/

Harriet Kornegay
Assistant Branch Chief
Certification Policy Branch
Program Development Division

Attachment

WAIVER RESPONSE

1. **Waiver serial number:** 990047
2. **Type of request:** Extension and Modification
3. **Primary regulation citation:** 7 CFR 273.24(f)
4. **Secondary regulation citation:**
5. **State:** South Dakota
6. **Region:** Mountain Plains
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 South Dakota State Agency is requesting to extend its ABAWD for individuals residing on reservations in three regions. The regions are a continuous part of an Economic Area as defined by the Bureau of Economic Analysis (BEA) of the U.S. Department of Commerce and are eligible based on having an aggregate average unemployment rate (UER) of at least 20 percent above the national average of 5.3, or 6.3 percent, for the period of February 2004 through January 2006 as follows:

Sub-region of Aberdeen Economic Area:

County	Labor Force	Unemployment	Area UER
Corson	34,884	2,451	
Walworth	65,644	3,526	
Ziebach	22,390	1,758	
Total for sub-region	122,918	7,735	6.3

Sub-region of Rapid City Economic Area:

County	Labor Force	Unemployment	Area UER
Bennett	34,649	1,874	
Custer	114,358	4,267	
Haakon	29,377	964	
Jackson	31,060	2,012	
Mellette	21,960	1,336	
Shannon	95,576	10,025	
Todd	83,649	5,291	
Total for sub-region	410,629	25,769	

Sub-region of Sioux Falls Economic Area:

County	Labor Force	Unemployment	Area UER
Buffalo	13,861	1,927	
Hyde	19,095	774	
Lyman	48,764	2,572	
Total for sub-region	81,720	5,273	6.5

In addition, the State agency is requesting to exempt residents in Day County based on having an average unemployment rate of at least 20 percent above the national average during February 2004 through January 2006.

County	Labor Force	Unemployment	UER
Day	73,254	4,608	6.3

- 9. Action and reason for approval or denial:** We are approving South Dakota's request in full. Able-bodied adults without dependents (ABAWDs) who reside within the preceding areas will be exempt from work requirements based on high unemployment.

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 verifiable data indicating that there are insufficient jobs in the affected areas.
13. **Expiration date:** The waiver is approved retroactively for one year from May 1, 2007 through April 30, 2008.
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:** N/A
16. **Date of national office action:** June 19, 2007
17. **Date of State agency's request:** May 21, 2007
18. **Date of regional office transmittal of request to national office:**
June 5, 2007
19. **Date of regional office transmittal of response to State agency:**
20. **Actual implementation date:**