



United States
Department of
Agriculture

SEP 16 2010

990047

Food and
Nutrition
Service

SUBJECT: South Dakota – ABAWD Request to Waive 7 CFR 273.24

3101 Park
Center Drive

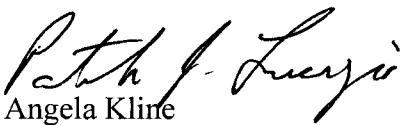
TO: Jody Cornwell, Regional Director
Supplemental Nutrition Assistance Program
Mountain Plains Region

Alexandria, VA
22302-1500

Food and Nutrition Service (FNS) has reviewed South Dakota's July 2, 2010, request to extend and modify waiver #990047 to exempt individuals who reside in Corson, Dewey, Walworth, Ziebach, Bennett, Haakon, Jackson, Mellette, Shannon, Todd, Buffalo and Lyman Counties as well as the Crow Creek, Flandreau, Lower Brule, and Rosebud Reservations for one year based on a 24-month average unemployment rate 20 percent above the national unemployment average for the areas.

Based on our review of a sample of the data provided with the waiver request, FNS finds that the request is consistent with Department of Labor Bureau of Labor Statistics data and that those areas will not be subject to the ABAWD time limit for the effective dates described further herein. The waiver is applicable to the following areas: Corson, Dewey, Walworth, Ziebach, Bennett, Haakon, Jackson, Mellette, Shannon, Todd, Buffalo and Lyman Counties, and the Crow Creek, Flandreau, Lower Brule, Rosebud and Pine Ridge Reservations. FNS is approving the waiver request for one year, from October 1, 2010 to September 30, 2011, as described in the attachment.

If you have any questions, please contact Jessica Becker at jessica.becker@fns.usda.gov or at (703) 305-2446.

for 
Angela Kline
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:** N/A
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 Supplemental Nutrition Assistance Program (SNAP) 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 of the Food and Nutrition Act 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 waiver for individuals residing in a combined area of the State. This combined area is a contiguous part of an Economic Area defined by the Bureau of Economic Analysis (BEA) of the U.S. Department of Commerce or a contiguous combination of those sub-regions. The State seeks a waiver for contiguous areas that are eligible based on aggregate average unemployment rates (UER) of at least 20 percent above the national average during January 2007 through December 2008, when the national average unemployment rate plus 20 percent was 6.2.

Combined Regions:

County	Unemployment Rate, Jan 2007 – Dec 2008
Sub-Region of Aberdeen Economic Area	
Corson County	5.5
Dewey County	9.6
Walworth County	4.2
Ziebach County	6.1
Sub-Region of Rapid City Economic Area	
Bannett County	4.1
Haakon County	2.6
Jackson County	5.6
Mellette County	4.5
Shannon County	8.3
Todd County	6.2
Sub-Region of Sioux Falls Economic Area	
Buffalo County	10.7
Lyman County	4.5
Total for Combined Economic Areas	6.2

Reservations:

Indian Reservation Areas*	Jan 2007 – Dec 2008 Unemployment Rate Calculation
Crow Creek Reservation	
Crow Creek Reservation, Hughes County Part	6.4
Crow Creek Reservation, Hyde County Part	9.3
Total Crow Creek Reservation	7.7
Flandreau Reservation	
Flandreau Reservation, Moody County Part	18.6
Total Flandreau Reservation	18.6
Lower Brule Reservation	
Lower Brule Reservation, Stanley Part	32.6
Total Lower Brule Reservation	32.6
Rosebud Reservation	
Rosebud Reservation, Gregory County Part	21.3
Rosebud Reservation, Tripp County Part	38.2
Total Rosebud Reservation	33.8

* Pine Creek Reservation was not included in this table because the counties in the Pine Ridge Indian Reservation (Bennett, Jackson, and Shannon) are included

in the Combined Region Table.

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The reservation unemployment rates were calculated by applying 2000 Census share ratios to county-level BLS data for January 2007 through December 2008.

9. **Action and reason for approval or denial:** Due to the unemployment rate exceeding an average of 20 percent from January 2007 through December 2008, FNS agrees that for the Counties and Reservations requested the State agency may waive the ABAWD time limit. A review of a sample of the data submitted by the State agency shows that the areas listed in the request meet the requirements of approval pursuant to 7 CFR 273.24(f)(3) and relevant FNS guidance.
10. **Regulatory or legislative basis for action:** The waiver is approved pursuant to 7 CFR 273.24(f).
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 273.24(f)(2) and (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:** The waiver is effective beginning on October 1, 2010 and will expire on September 30, 2011.
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:** September 8, 2010
17. **Date of State agency's request:** July 2, 2010
18. **Date of regional office transmittal of request to national office:** July 6, 2010
19. **Date of regional office transmittal of response to State agency:**
20. **Actual implementation date:** October 1, 2010