

STATE WAIVER REQUEST

1. **Waiver Serial Number (if applicable):** 990047
2. **Type of request:** Initial
3. **Statutory citation:** Section 6(o) of the Food and Nutrition Act of 2008
4. **Regulatory citation:** 7 CFR 273.24
5. **State:** South Dakota
6. **Region:** MPRO
7. **Regulatory requirements:**

Under 7 CFR 273.24(b) individuals are not eligible to participate in the Supplemental Nutrition Assistance Program (SNAP) as a member of any household if the individual received program benefits for more than 3 months during any 3-year period in which the individual was subject to, but did not comply with, the SNAP work requirements. Regulations at 273.24(a) provide that fulfilling the work requirement means: working 20 hours or more per week, averaged monthly; participating in and complying with the requirements of a work program or a workfare program for at least 20 hours per week; or any combination of working and participating in a work program for a total of 20 hours per week.

Under 7 CFR 273.24(f), upon the request of a State agency, the Food and Nutrition Service (FNS) may waive the applicability of the time limit described above for any group of individuals in the State if FNS makes a determination that the area in which the individuals reside does not have a sufficient number of jobs to provide employment for the individuals.
8. **Description of alternative procedures:**

The State of South Dakota is requesting to exempt able-bodied adults without dependents (ABAWDs) in 4 counties and nine reservations from SNAP time limits at 7 CFR 273.24.
9. **Justification for request:**

Under SNAP regulations at 7 CFR 273.24(f)(2), areas may qualify for an ABAWD time limit waiver if they have insufficient jobs. To support this claim, states may submit evidence that an area has an average unemployment rate for a 24-month time period that is at least 20 percent above the national average for the same 24-month period. 7 CFR 273.24(f)(6) provides that States may define areas to be waived. 7 CFR 273.24(f)(2)(ii) also specifies that states can request a waiver for areas that can show low and declining employment-to-population ratios as evidence of insufficient jobs.

The State of South Dakota seeks a waiver for a region of 2 contiguous counties based on their average unemployment rates for the 24-month period of May 2021 through April 2023. The national average unemployment rate for this 24-month period was 4.0 percent; 20 percent above this was 4.8 percent. The unemployment rate for this region was 4.8 percent for the same period.

Bureau of Labor Statistics Local Area Unemployment Data May 2021 – April 2023		
County	Total Unemployed	Total Labor Force
Dewey County, SD	2,859	54,548
Ziebach County, SD	861	22,765
Total for Region	3,720	77,313
Combined Region Unemployment Rate	4.8%	
20% Above National Average Threshold	4.8%	

The State also seeks a waiver for a region of 2 contiguous counties based on their average unemployment rates for the 24-month period of May 2021 through April 2023. The national average unemployment rate for this 24-month period was 4.0 percent; 20 percent above this was 4.8 percent. The unemployment rate for this region was 5.0 percent for the same period.

Bureau of Labor Statistics Local Area Unemployment Data May 2021 – April 2023		
County	Total Unemployed	Total Labor Force
Bennett County, SD	842	25,611
Oglala Lakota County, SD	4,974	91,748
Total for Region	5,816	117,359
Combined Region Unemployment Rate	5.0%	
20% Above National Average Threshold	4.8%	

The State requests to waive the following reservations based on having an average unemployment rate exceeding the national average for a recent 24-month period. The national average unemployment rate for this 24-month period was 4.0 percent; 20 percent above this was 4.8 percent. The reservation unemployment rates were calculated by applying 2017-2021 American Community Survey¹ share ratios to county-level Bureau of Labor Statistics data from May 2021 – April 2023. The following table summarizes the calculations:

¹ These calculations are based on data from the 2017-2021 American Community Survey 5-Year Estimates.

American Community Survey and Bureau of Labor Statistics Data May 2021 through April 2023			
Reservations	Unemployed	Labor Force	Unemployment Rate
Dewey County (part); South Dakota (part); Cheyenne River Reservation and Off-Reservation Trust Land, SD	2,859	54,202	5.3%
Haakon County (part); South Dakota (part); Cheyenne River Reservation and Off-Reservation Trust Land, SD	-	-	-
Meade County (part); South Dakota (part); Cheyenne River Reservation and Off-Reservation Trust Land, SD	-	-	-
Stanley County (part); South Dakota (part); Cheyenne River Reservation and Off-Reservation Trust Land, SD	-	-	-
Sully County (part); South Dakota (part); Cheyenne River Reservation and Off-Reservation Trust Land, SD	-	-	-
Ziebach County (part); South Dakota (part); Cheyenne River Reservation and Off-Reservation Trust Land, SD	861	22,765	3.8%
Total Cheyenne River Reservation	3,720	76,967	4.8%
Moody County (part); South Dakota (part); Flandreau Reservation, SD	618	6,471	9.6%
Total Flandreau Reservation	618	6,471	9.6%
Lyman County (part); South Dakota (part); Lower Brule Reservation and Off-Reservation Trust Land, SD	978	12,185	8.0%
Stanley County (part); South Dakota (part); Lower Brule Reservation and Off-Reservation Trust Land, SD	0	26	0.0%
Total Lower Brule Reservation	978	12,212	8.0%
Bennett County; South Dakota (part); Pine Ridge Reservation, SD--NE	842	25,611	3.3%
Jackson County (part); South Dakota (part); Pine Ridge Reservation, SD--NE	846	14,041	6.0%
Oglala Lakota County; South Dakota (part); Pine Ridge Reservation, SD--NE	4,974	91,748	5.4%
Total Pine Ridge Reservation	6,662	131,400	5.1%

The State is also requesting to waive individuals in five reservations based on having low employment to population ratios. These ratios were calculated by dividing the estimated employed population over the estimated population aged 16 years and

older. The employed population was estimated by applying shares from the 2017-2021 5-year ACS to county-level annual employment averages from the BLS. The estimated population for the reservations was calculated by applying reservation county shares for the population ages 16 and up from the 2017-2021 5-year ACS series, to annual county population estimates for the population from the U.S. Census Bureau.

The trend in employment to population ratios indicate that Crow Creek, Rosebud, Standing Rock and Yankton reservations had employment-to-population ratios below that of the United States between 2018 and 2022. Lake Traverse reservation had employment-to-population ratios below that of the United States for all but one year in the past 5 years. In addition, Lake Traverse's reservation has been declining in 2021 and 2022. Data on unemployment rates from the 2017-2021 ACS series also show that Crow Creek, Rosebud, Standing Rock and Yankton reservations have unemployment rates below that of the United States.

Areas in South Dakota With Low Employment-Population Ratios					
Reservations	Annual Average Employment-Population Ratios				
	2018	2019	2020	2021	2022
Crow Creek Reservation	49.9%	48.2%	48.8%	51.6%	54.3%
Lake Traverse Reservation	59.8%	59.6%	60.4%	58.2%	58.0%
Rosebud Reservation	43.7%	44.0%	47.1%	48.1%	48.2%
Standing Rock Reservation	48.8%	47.4%	48.8%	49.1%	48.6%
Yankton Reservation	50.2%	49.2%	48.2%	51.0%	51.2%
U.S.	60.4%	60.8%	56.8%	58.4%	60.0%

Reservations	Unemployment Rate
Crow Creek Reservation	18.7%
Lake Traverse Reservation	5.4%
Rosebud Reservation	16.1%
Standing Rock Reservation	21.9%
Yankton Reservation	11.2%
U.S.	5.5%

10. Anticipated impact on households and State agency operations:

This waiver will provide consistency for households and State agency operations in areas where unemployment remains higher than the national average.

11. Caseload information, including percent, characteristics, and quality control error rate for affection portion (if applicable):

The caseload for these areas, as of May 2023, represent 27% of the caseload for the state. There are no quality control procedures involved.

12. Anticipated implementation date and time period for which waiver is needed:

The State is requesting a one-year waiver, from October 1, 2023, through September 30, 2024.

13. Proposed quality control review procedures:

There are no special quality control procedures needed in conjunction with this waiver.

14. State agency submitting waiver request and State contact person:

Department of Social Services, Economic Assistance: See contact information below.

15. Signature and title of requesting official:



Title: Amy Gorham, SNAP Administrator

Email for transmission of response: amy.gorham@state.sd.us

16. Date of request: 6.22.2023

17. State agency staff contact (name/email/telephone):

Virginia Hanson virginia.hanson@state.sd.us 605.773.4719

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18. Regional office contact person (to be completed by FNS regional office):