



Food and  
Nutrition  
Service

1320 Braddock Place  
Alexandria, VA  
22314

August 31, 2023

Amy Gorham  
SNAP Administrator  
Department of Social Services  
Division of Economic Assistance  
700 Governors Drive  
Pierre, South Dakota 57501-2291

RE: SNAP – South Dakota Request to Waive Able-Bodied Adults Without  
Dependents Time Limit – Initial – Partial Approval

Dear Administrator Gorham:

This is in response to the South Dakota State agency's June 22, 2023, request to waive the SNAP time limit for able-bodied adults without dependents (ABAWDs) in four counties and nine reservation areas. The attached waiver response includes the approved areas, denied areas, the supporting evidence used, and the conditions of approval.

States must submit data that relies on standard Bureau of Labor Statistics (BLS) data or methods to support waiver requests based on unemployment rates or labor force data. Although, the U.S. Bureau of Labor Statistics (BLS) produces robust unemployment and labor force data for all U.S. counties and county-equivalents, BLS does not produce that data specific to reservation areas or other tribal lands. While other data sources exist for tribal lands, they are limited and published relatively infrequently. Based on these factors, the State agency provided available unemployment data from the U.S. Census Bureau's American Community Survey (ACS), which produces a limited data for the requested areas. The State also provided and employment-to-population ratios using a combination of BLS and ACS datasets. Additionally, the State agency provided numerous articles and publications on the lack of sufficient jobs in South Dakota reservation areas. FNS reviewed the multiple datasets provided by the State carefully and holistically.

FNS has determined that the supporting data provided by the State agency demonstrates a lack of sufficient jobs in Dewey County, Ziebach County, Bennet County, Oglala Lakota County, Cheyenne River Reservation, Flandreau Reservation, Lower Brule Reservation, Pine Ridge Reservation, Crow Creek Reservation, Rosebud Reservation, Standing Rock Reservation, and Yankton Reservation. FNS approves the State's request to waive the time limit in those four counties and eight reservation areas.

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FNS has determined that the supporting data provided by the State agency does not demonstrate a lack of sufficient jobs in Lake Traverse Reservation. FNS denies the State agency's request to waive the time limit in Lake Traverse Reservation.

In addition, FNS reminds the State agency that it must measure the 3-year period and track ABAWDs on a continuous basis, even in areas under a waiver. The State must continue tracking so that the State will be ready to transition off the waiver when it expires and reintroduce the time limit. Please contact your Regional Office representative with any questions.

Sincerely,

DocuSigned by:  
  
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for

Catrina Kamau

Chief

Certification Policy Branch

Program Development Division

Enclosure

## ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWD) WAIVER RESPONSE

1. **Request Type:** Initial
2. **Statutory Citation:** Section 6(o) of the Food and Nutrition Act of 2008
3. **Regulatory Citation:** 7 CFR 273.24
4. **State:** South Dakota
5. **Food and Nutrition Service (FNS) Region:** Mountain Plains
6. **Requirement:** Section 6(o) of the Food and Nutrition Act of 2008 and regulations at 7 CFR 273.24 provide that no individual shall be 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 ABAWD work requirement. Section 6(o) and 7 CFR 273.24 also provide that, upon the request of the State agency, the Secretary may waive the applicability of the 3-month ABAWD time limit 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.
7. **Requested Area(s) and Support:** The State agency requested to waive the ABAWD time limit in four counties and nine reservation areas from October 1, 2023, to September 30, 2024.

The State agency supported its request for 2 contiguous counties based upon the areas having an aggregate average unemployment rate 20 percent above the national average for the 24-month period of May 2021 through April 2023. During this period, the national average unemployment rate was 4.0 percent; 20 percent above that rate is 4.8 percent. The aggregate average unemployment rate for the requested combined area was 4.8 percent during the 24-month period. See Table 1.

**Table 1: Combined Area 1 (American Community Survey and Bureau of Labor Statistics Data, May 2021 – April 2023)**

|                                              |
|----------------------------------------------|
| <b>Combined Area 1</b>                       |
| 1. Dewey County                              |
| 2. Ziebach County                            |
| <b>Combined Area Unemployment Rate: 4.8%</b> |

Data extracted from <http://www.bls.gov> on July 5, 2023.

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The State agency supported its request for 2 contiguous counties based upon the areas having an aggregate average unemployment rate 20 percent above the national average for the 24-month period of May 2021 through April 2023. During this period, the national average unemployment rate was 4.0 percent; 20 percent above that rate is 4.8 percent. The aggregate average unemployment rate for the requested combined area was 5.0 percent during the 24-month period. See Table 2.

**Table 2: Combined Area 2 (American Community Survey and Bureau of Labor Statistics Data, May 2021 – April 2023)**

|                                              |
|----------------------------------------------|
| <b>Combined Area 2</b>                       |
| 1. Bennett County                            |
| 2. Oglala Lakota County                      |
| <b>Combined Area Unemployment Rate: 5.0%</b> |

Data extracted from <http://www.bls.gov> on July 5, 2023.

The State agency supported its request for four of the reservation areas based upon the areas having an average unemployment rate 20 percent above the national average for the 24-month period of May 2021 through April 2023. During this period, the national average unemployment rate was 4.0 percent; 20 percent above that rate is 4.8 percent. The average unemployment rate for the requested areas was 4.8 percent or greater during the 24-month period. See Table 3.

**Table 3: Reservation Areas (American Community Survey and Bureau of Labor Statistics Data, May 2021 – April 2023)**

| <b>Reservations</b>           | <b>Unemployment Rate</b> |
|-------------------------------|--------------------------|
| 1. Cheyenne River Reservation | 4.8%                     |
| 2. Flandreau Reservation      | 9.6%                     |
| 3. Lower Brule Reservation    | 8.0%                     |
| 4. Pine Ridge Reservation     | 5.1%                     |

Data extracted from <http://www.bls.gov> and <https://data.census.gov> on July 5, 2023.

For the other five requested reservation areas, the State agency leveraged the regulations at 273.24(f)(2)(ii), which allow the State agency to support a claim of lack of sufficient jobs with an array of evidence including, but not limited to, employment-to-population ratios; lack of jobs in declining occupations or industries; descriptions in academic studies or other publications; and unemployment rate data. The State agency provided employment-to-population ratios which are consistently lower than the national average for each year in the 2018 through 2022 period for four of the reservation areas, excluding Lake Traverse Reservation. The State agency also provided the latest U.S. Census Bureau's American Community Survey (ACS) 5-year unemployment rates estimates which are over two times higher than the national average for four of the reservation areas, excluding Lake Traverse Reservation. The

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State agency also provided numerous articles and publications on the lack of sufficient jobs in the reservation areas and the impact of the COVID-19 pandemic on reservation areas. FNS has determined that the supporting data provided by the State agency demonstrates a lack of sufficient jobs in four of the reservation areas, Crow Creek Reservation, Rosebud Reservation, Standing Rock Reservation, and Yankton Reservation. FNS denies the State agency's request to waive the time limit in Lake Traverse Reservation because the supporting data provided by the State does not demonstrate a lack of sufficient jobs in that area. See Tables 4 and 5.

**Table 4: Reservation Areas (American Community Survey and Bureau of Labor Statistics Data, 2018-2022)**

| Reservations                            | Annual Average Employment-to-Population Ratios |              |              |              |              |
|-----------------------------------------|------------------------------------------------|--------------|--------------|--------------|--------------|
|                                         | 2018                                           | 2019         | 2020         | 2021         | 2022         |
| 1. Crow Creek Reservation               | 49.9%                                          | 48.2%        | 48.8%        | 51.6%        | 54.3%        |
| 2. Rosebud Reservation                  | 43.7%                                          | 44.0%        | 47.1%        | 48.1%        | 48.2%        |
| 3. Standing Rock Reservation            | 48.8%                                          | 47.4%        | 48.8%        | 49.1%        | 48.6%        |
| 4. Yankton Reservation                  | 50.2%                                          | 49.2%        | 48.2%        | 51.0%        | 51.2%        |
| 5. Lake Traverse Reservation            | 59.8%                                          | 59.6%        | 60.4%        | 58.2%        | 58.0%        |
| <i>United States (National Average)</i> | <i>60.4%</i>                                   | <i>60.8%</i> | <i>56.8%</i> | <i>58.4%</i> | <i>60.0%</i> |

**Table 5: Reservation Areas (American Community Survey, 2018 – 2022)**

| Reservations                            | Unemployment Rate |
|-----------------------------------------|-------------------|
| 1. Crow Creek Reservation               | 18.7%             |
| 2. Rosebud Reservation                  | 16.1%             |
| 3. Standing Rock Reservation            | 21.9%             |
| 4. Yankton Reservation                  | 11.2%             |
| 5. Lake Traverse Reservation            | 5.4%              |
| <i>United States (National Average)</i> | <i>5.5%</i>       |

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- 8. FNS Action and Justification:** FNS is approving the State agency's request to waive the ABAWD time limit. The State agency's request meets the requirements for approval provided at 7 CFR 273.24(f) and relevant FNS guidance.
- 9. Authority:** The waiver is approved pursuant to section 6(o) of the Food and Nutrition Act of 2008 and 7 CFR 273.24(f).
- 10. Implementation Date:** October 1, 2023
- 11. Expiration Date:** September 30, 2024
- 12. Information Required to Submit a Modification, Extension, or New Waiver:** To receive a modification, extension, or submit a new waiver to replace the current waiver, the State agency must provide FNS with a formal request supported by data or other information as described in 7 CFR 273.24(f). Any request based upon unemployment rates must include data spreadsheets and supporting documentation.
- 13. State Agency Contact Information:**
  - Name: Virginia Hanson
  - Phone Number: 605-773-4719
  - Email: [Virginia.Hanson@state.sd.us](mailto:Virginia.Hanson@state.sd.us)
  
  - Name: Amy Briggs
  - Phone Number: 605-367-5444 ext. 1000197
  - Email: [Amy.Briggs@state.sd.us](mailto:Amy.Briggs@state.sd.us)
- 14. FNS Regional Office Contact Information:**
  - Name: Danita Martinez
  - Phone Number: 303-844-5270
  - Email: [danita.martinez@usda.gov](mailto:danita.martinez@usda.gov)