



**NAVAJO NATION DEPARTMENT OF JUSTICE**  
**OFFICE OF THE ATTORNEY GENERAL**

DOREEN N. MCPAUL  
Attorney General

KIMBERLY A. DUTCHER  
Deputy Attorney General

**DEPARTMENT OF JUSTICE**  
**INITIAL ELIGIBILITY DETERMINATION**  
**FOR NAVAJO NATION FISCAL RECOVERY FUNDS**

RFS/HK Review #: HK0210

Date & Time Received: 11/15/22 14:34

Date & Time of Response: 11/28/22 5:00 PM

Entity Requesting FRF: Chinle Chapter Government

Title of Project: Chinle Chapter South Manuelito Well Traffic Study

Administrative Oversight: Navajo Division of Community Development

Amount of Funding Requested: \$15,000

**Eligibility Determination:**

- FRF eligible
- FRF ineligible
- Additional information requested

**FRF Eligibility Category:**

- (1) Public Health and Economic Impact
- (2) Premium Pay
- (3) Government Services/Lost Revenue
- (4) Water, Sewer, Broadband Infrastructure

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**U.S. Department of Treasury Reporting Expenditure Category:** 2.22 Strong Healthy Communities: Neighborhood Features that Promote Health and Safety

**Returned for the following reasons (Ineligibility Reasons / Paragraphs 5. E. (1) - (10) of FRF Procedures):**

- |  |  |
|--|--|
| <input type="checkbox"/> Missing Form  | <input type="checkbox"/> Expenditure Plan incomplete                     |
| <input type="checkbox"/> Supporting documentation missing  | <input type="checkbox"/> Funds will not be obligated by 12/31/2024       |
| <input type="checkbox"/> Project will not be completed by 12/31/2026                                     | <input type="checkbox"/> Incorrect Signatory                             |
| <input type="checkbox"/> Ineligible purpose  | <input type="checkbox"/> Inconsistent with applicable NN or federal laws |
| <input type="checkbox"/> Submitter failed to timely submit CARES reports                                 |  |
| <input type="checkbox"/> Additional information submitted is insufficient to make a proper determination |  |

Other Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of DOJ Reviewer: Kristen A. Lowell

Signature of DOJ Reviewer: 

Disclaimers: An NNDOJ Initial Eligibility Determination will be based on the documents provided, which NNDOJ will assume are true, correct, and complete. Should the Project or Program change in any material way after the initial determination, the requestor must seek the advice of NNDOJ. An initial determination is limited to review of the Project or Program as it relates to whether the Project or Program is a legally allowable use – it does not serve as an opinion as to whether or not the Project or Program should be funded, nor does it serve as an opinion as to whether or not the amount requested is reasonable or accurate.

THE NAVAJO NATION  
FISCAL RECOVERY FUNDS **REQUEST FORM & EXPENDITURE PLAN**  
FOR **GOVERNANCE-CERTIFIED CHAPTERS**

**Part 1. Identification of parties.**

Governance-Certified Chapter requesting FRF: Chinle Chapter Government Date prepared: 10-19-2022

Chapter's mailing address: PO BOX 1809 Chinle, AZ 86503 phone & email: (928) 674-2052  
website (if any): chinle@navajochapters.org

This Form prepared by: Dr. Rosanna Jumbo-Fitch phone/email: (928) 225-1658  
Chinle Chapter President rosanna.jumbo@naataanii.org  
*CONTACT PERSON'S name and title* *CONTACT PERSON'S info*

Title and type of Project: Chinle Chapter South Manuelito Well Traffic Study

Chapter President: Dr. Rosanna Jumbo-Fitch phone & email: (928) 225-1658/rosanna.jumbo@naataanii.org

Chapter Vice-President: Shawna Claw phone & email: (928) 674-2052/sclaw@navajochapters.org

Chapter Secretary: Roann Burbank phone & email: (928) 674-2052/rburbank@navajochapters.org

Chapter Treasurer: Roann Burbank phone & email: (928) 674-2052/rburbank@navajochapters.org

Chapter Manager or CSC: Walton Yazzie, Manager phone & email: (505)910-9473/wyazzie@navajochapters.org

DCD/Chapter ASO: \_\_\_\_\_ phone & email: \_\_\_\_\_

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): Not known

document attached

Amount of FRF requested: 15,000.00 FRF funding period: 2023-2026 10/1/22 - 9/30/2025  
*indicate Project starting and ending/deadline date*

**Part 2. Expenditure Plan details.**

(a) Describe the Program(s) and/or Project(s) to be funded, including how the funds will be used, for what purposes, the location(s) to be served, and what COVID-related needs will be addressed:

Chinle Chapter Government South Manuelito Well Traffic Study Project would allow the Chinle Chapter to conduct a study on a proposed entrance off highway 191. The funds will be used to conduct a traffic feasibility study that is required by the Arizona Department of Transportation. The South Manuelito Well is located at Chinle, AZ, map attached. The COVID-19 related needs will be met, as the well provides non-potable water to our community members for cleaning purposes.

document attached

(b) Explain how the Program or Project will benefit the Navajo Nation, Navajo communities, or the Navajo People:

The Chinle Chapter South Manuelito Well Traffic Student project would benefit the Navajo Nation, Chinle community, and our Navajo people by providing a designated turn off and access point on Highway 191. Currently, the community members have to travel through an unpaved business site, the newly proposed entry point would be developed to further provide accessible access to the watering point for our community members.

document attached

(c) A prospective timeline showing the estimated date of completion of the Project and/or each phase of the Project. Disclose any challenges that may prevent you from incurring costs for all funding by December 31, 2024 and/or fully expending funds and completing the Program(s) or Project(s) by December 31, 2026:

Chinle Chapter Government South Manuelito Well Project timeline: Chinle Chapter resolution 10/17/2022, Navajo Nation and DOJ review submissions Winter 2022, Contracting Spring 2023, Traffic Study Fall 2023. Challenges would include Navajo Nation review timeline.

document attached

(d) Identify who will be responsible for implementing the Program or Project:

Chinle Chapter Government will be responsible for implementing the project and assistance.

document attached

(e) Explain who will be responsible for operations and maintenance costs for the Project once completed, and how such costs will be funded prospectively:

The Chinle Chapter Government will be responsible for operations and maintenance costs for the project once completed.

document attached

(f) State which of the 66 Fiscal Recovery Fund expenditure categories in the attached U.S. Department of the Treasury Appendix 1 listing the proposed Program or Project falls under, and explain the reason why:

Drinking water: Other water infrastructure 5.15  
Chinle Chapter is seeking funding to complete a traffic feasibility study in order to complete the encroachment permit process with Arizona Department of Transportation requirements. The goal is to provide an designated entry point to the existing South Manuelito Well off Highway 191. The existing conditions are not paved or have adequate accessible access. The designated entry point will allow direct access to watering point for our community members and Chinle Chapter will be able to better monitor and secure all transactions.

document attached

**Part 3. Additional documents.**

List here all additional supporting documents attached to this FRF Expenditure Plan (or indicate N/A):

Chapter Resolution is attached, map, and ADOT supporting documents.

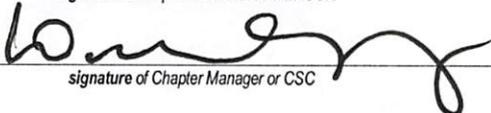
Chapter Resolution attached

**Part 4. Affirmation by Funding Recipient.**

Funding Recipient affirms that its receipt of Fiscal Recovery Funds and the implementation of this FRF Expenditure Plan shall be in accordance with Resolution No. CJY-41-21, the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulations, and policies:

Chapter's Preparer:   
*signature of Preparer/CONTACT PERSON*

Approved by:   
*signature of Chapter President (or Vice-President)*

Approved by:   
*signature of Chapter Manager or CSC*

Approved by: \_\_\_\_\_  
*signature of DCD/Chapter ASO*

Approved to submit for Review:   
*signature of DCD Director*

FY 2023

THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY

PART I. Business Unit No.:         New         Program Title:         Chinle South Manuelito Well         Division/Branch:         DCD / Executive Branch          
 Prepared By:         Walton Yazzie         Phone No.:         928.674.2052         Email Address:         wyazzie@nnchapters.org        

PART II. FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY					
				Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total		
NN Fiscal Recovery Funds	FY 23-FY25	15,000.00	100%						
	<i>10/1/23-9/30/25</i>			2001	Personnel Expenses				
				3000	Travel Expenses				
				3500	Meeting Expenses				
				4000	Supplies				
				5000	Lease and Rental				
				5500	Communications and Utilities				
				6000	Repairs and Maintenance				
				6500	Contractual Services	6	15,000	15,000	
				7000	Special Transactions				
				8000	Public Assistance				
				9000	Capital Outlay				
				9500	Matching Funds				
				9500	Indirect Cost				
				TOTAL			\$0.00	15,000.00	15,000
				PART IV. POSITIONS AND VEHICLES					
				Total # of Positions Budgeted:		(D)	0	(E)	0
				Total # of Vehicles Budgeted:		(D)	0	(E)	0
				TOTAL:			\$15,000.00		100%

PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.

SUBMITTED BY:         Walton Yazzie         APPROVED BY:         Lisa Jymm          
 Program Manager's Printed Name Division Director / Branch Chief's Printed Name  
*Walton Yazzie 10/24/22* *Lisa Jymm, MNFCFO*  
 Program Manager's Signature and Date Division Director / Branch Chief's Signature and Date

FY 2023

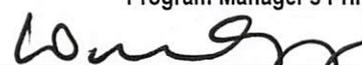
THE NAVAJO NATION  
PROGRAM PERFORMANCE CRITERIA

PART I. PROGRAM INFORMATION:  
Business Unit No.:           New           Program Name/Title: Chinle South Manuelito Well

PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:

PART III. PROGRAM PERFORMANCE CRITERIA:	1st QTR		2nd QTR		3rd QTR		4th QTR	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1. Goal Statement: <u>Provide an access point to the well</u> Program Performance Measure/Objective: <u>Designated a turn off on HWY 191</u>					1			
2. Goal Statement:  Program Performance Measure/Objective:  								
3. Goal Statement:  Program Performance Measure/Objective:  								
4. Goal Statement:  Program Performance Measure/Objective:  								
5. Goal Statement:  Program Performance Measure/Objective:  								

PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.

<u>Walton Yazzie</u> Program Manager's Printed Name	<u>Lisa Jymm</u> Division Director/Branch Chief's Printed Name
<u> 10.24.22</u> Program Manager's Signature and Date	<u> NNTAFD</u> Division Director/Branch Chief's Signature and Date

FY 2023

THE NAVAJO NATION  
DETAILED BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION:			
Program Name/Title: <u>Chinle South Manuelito Well</u>		Business Unit No.: <u>New</u>	
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
6500	Contractual Services		15,000
6960	Consulting	15,000	
6990	Consulting-Fee		
<i>Chinle Chapter to contract out construction of well.</i>			
TOTAL		15,000	15,000

**THE NAVAJO NATION  
PROJECT BUDGET SCHEDULE**

<b>PART I.</b> Business Unit No.: <u>New</u> Project Title: <u>Chinle South Manuelito Well</u> Project Description: <u>Get an access point to the well</u> Check one box: <input checked="" type="checkbox"/> Original Budget <input type="checkbox"/> Budget Revision <input type="checkbox"/> Budget Reallocation <input type="checkbox"/> Budget Modification															<b>PART II.</b> Project Information Project Type: <u>Chinle South Manuelito Well</u> Planned Start Date: <u>10/1/2022</u> Planned End Date: <u>9/30/2025</u> Project Manager: <u>Walton Yazzie</u>																																			
<b>PART III.</b> List Project Task separately; such as Plan, Design, Construct, Equip or Furnish.															<b>PART IV.</b> Use Fiscal Year (FY) Quarters to complete the information below. O = Oct.; N = Nov.; D = Dec., etc.															Expected Completion Date if project exceeds 8 FY Qtrs.																				
															FY <u>2023</u>										FY ____																									
															1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			Date											
															O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M						
Hire a Consulting																							X																											
<b>PART V.</b>															\$			\$			\$			\$			\$			\$			\$			PROJECT TOTAL														
Expected Quarterly Expenditures																					15,000.00															\$15,000.00														

FOR OMB USE ONLY:    Resolution No: \_\_\_\_\_    FMIS Set Up Date: \_\_\_\_\_    Company No: \_\_\_\_\_    OMB Analyst: \_\_\_\_\_

# Chinle Chapter Government

THE NAVAJO NATION

**Dr. Rosanna Jumbo-Fitch**  
PRESIDENT

**Shawna Claw**  
VICE PRESIDENT

**RoAnn Burbank**  
SECRETARY/TREASURER

**Eugene Tso**  
COUNCIL DELEGATE

**Oscar Bia**  
GRAZING COMMITTEE MEMBER

## RESOLUTION OF THE CHINLE CHAPTER NAVAJO NATION CHIN-OCT-22-080

### APPROVING THE SELECTION OF THE CHAPTER SOUTH MANUELITO WELL TRAFFIC STUDY PROJECT FOR THE INCLUSION ON THE CHINLE CHAPTER DELEGATE REGION IN THE AMOUNT OF \$15,000.00.

#### WHEREAS:

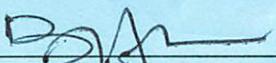
1. Pursuant to Navajo Nation Code, Section 4001 (d) and 4028 (2), (b) the Chinle Chapter is established and certified as a local government entity of the Navajo Nation vested with the authority to review all matters affecting the chapter and submit appropriate recommendations to the Navajo Nation government of other local agencies by resolutions; and
2. To support the efforts of the Navajo Nation to mitigate the effects of the COVID-19 Pandemic, the American Rescue Plan Act (ARPA) Fiscal Recovery Funds were allocated to develop the basic infrastructure to improve lives of people who have lived without water, electricity and "basic services to support their daily activities, health, and welfare"; and
3. The Navajo Nation Council approved CJN-29-22, in response to the COVID-19 Pandemic in the best interest of the people: "An Action Relating to the Naabik'iyati' Committee and Navajo Nation Council; Allocating \$1,070,298,867 of Navajo Nation Fiscal Recovery Funds; Approving the Navajo Nation Fiscal Recovery Fund Expenditure Plans for: Chapter Assistance; Public Safety Emergency Communications, E911, and Rural Addressing Projects; Cyber Security; Public Health Projects; Economic Development Projects; Hardship Assistance; Water and Wastewater Projects; Broadband Projects; Home Electricity Connection and Electricity Capacity Projects; Housing Projects and Manufactured Housing Facilities; Bathroom Addition Projects; Construction Contingency Funding; and Reduced Administrative Funding"; and
4. The Chinle Chapter Government has attended several meetings with Navajo Nation Division of Community Development, Navajo Tribal Utility Authority, and the Fiscal Recovery Fund Office; and
5. The eligible attached Exhibit: Chinle Chapter South Manuelito Well Traffic Study was selected as a Project to be included on the Navajo Nation Council Delegate Eugene Tso Chapter Region in the amount of \$15,000.00 for the Chinle Chapter; and
6. The total amount for Chinle Chapter Delegate Region is \$ 8,802,340.00.

#### NOW, THEREFORE BE IT RESOLVED THAT:

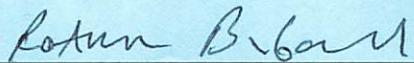
1. The Chinle Chapter Government hereby approves the selection of Chinle Chapter South Manuelito Well Traffic Study was a selected Project to be included on the Navajo Nation Council Delegate Eugene Tso Chapter Region in the amount of \$15,000.00.

#### CERTIFICATION

We hereby certify that the foregoing chapter resolution was duly considered by the Chinle Chapter at a duly called meeting at which time a quorum was present. A motion was made by Oscar Bia Sr. and seconded by Myron McLaughlin and the same was passed by a vote of 5 in favor, 2 opposed, and 2 abstained, this 17th day of October, 2022.

  
\_\_\_\_\_  
Dr. Rosanna Jumbo-Fitch, President

  
\_\_\_\_\_  
Shawna Claw, Vice President

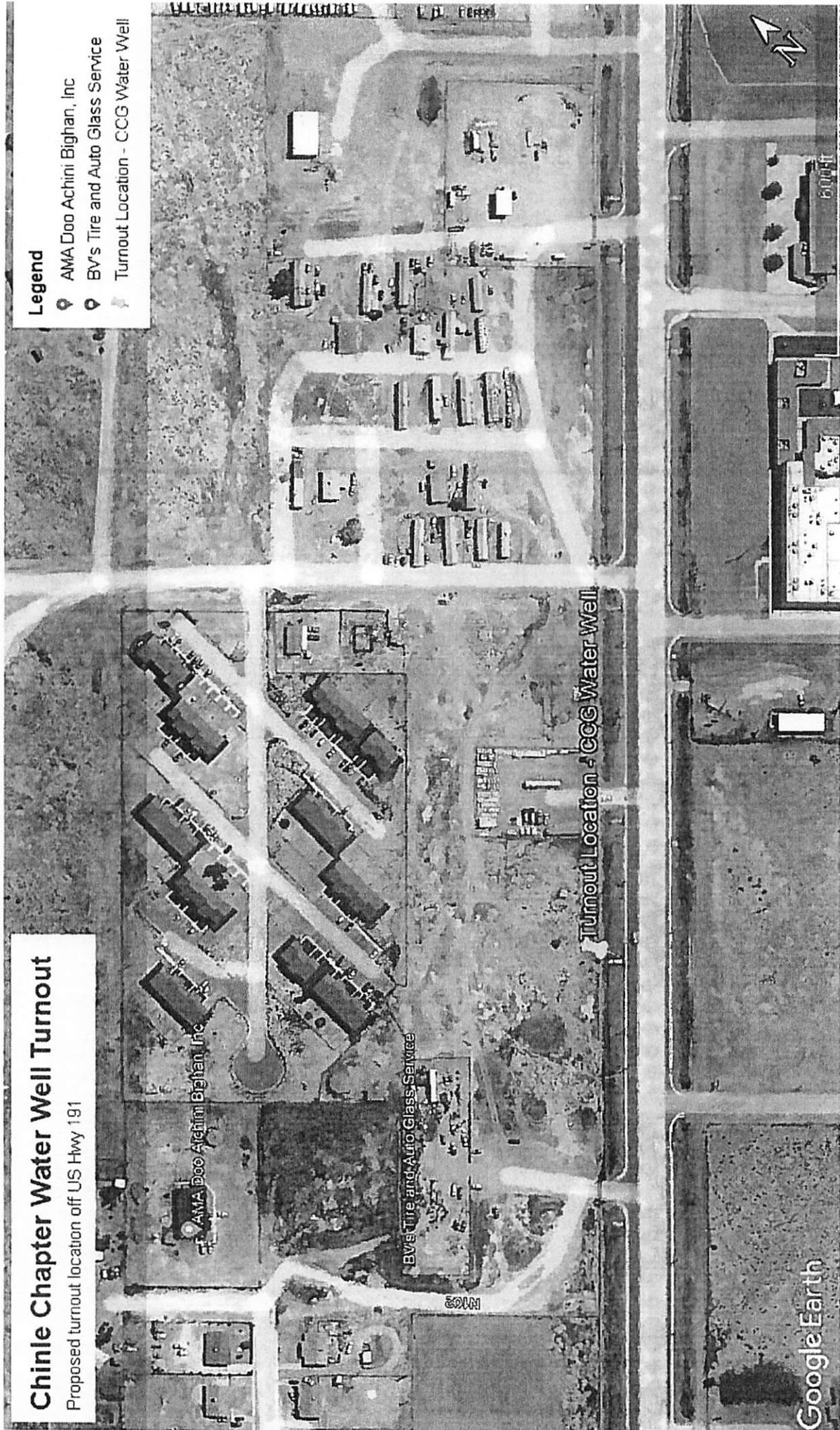
  
\_\_\_\_\_  
RoAnn Burbank, Secretary/Treasurer

# Chinle Chapter Water Well Turnout

Proposed turnout location off US Hwy 191

## Legend

- AMA Doo Achini Bighan, Inc
- BV's Tire and Auto Glass Service
- Turnout Location - CCG Water Well





ARIZONA DEPARTMENT OF TRANSPORTATION

Infrastructure Delivery and Operations Division

www.azdot.gov

ENCROACHMENT PERMIT APPLICATION

FOR ADOT USE:

ADOT Agreement Number: \_\_\_\_\_ ECS  JPA  OTHER:

PERMIT NUMBER: \_\_\_\_\_ ROUTE: \_\_\_\_\_ MILEPOST: \_\_\_\_\_

ADOT PROJECT NUMBER: \_\_\_\_\_ ADOT ENGINEERING STATION: \_\_\_\_\_

NAME OF ENCROACHMENT OWNER:

CHINLE CHAPTER GOVERNMENT

Mailing Address of Owner:

PO BOX 1809

City:

CHINLE

State:

ARIZONA

Zip:

86503

Phone:

928-674-2052

E-mail address:

CHINLE@NAVAJOCHAPTERS.ORG

Name of Local Point of Contact:

DR. ROSANNA JUMBO-FITCH, CHAPTER PRESIDENT

Phone Number for Local Point of Contact:

928-674-2052

NAME OF AUTHORIZED AGENT/APPLICANT: If other than Encroachment Owner

CHINLE CHAPTER GOVERNMENT

Mailing Address of Authorized Agent:

PO BOX 1809

City:

CHINLE

State:

ARIZONA

Zip:

86503

Phone:

928-674-2052

E-mail Address:

CHINLE@NAVAJOCHAPTERS.ORG

Legal Relationship to Owner:

- Contractor  Sub Contractor  Authorized Employee  Engineer  Attorney  Other: LGA CHAPTER

TRAFFIC CONTROL COMPANY: TBD

CONTACT NAME AND PHONE NUMBER: DR. ROSANNA JUMBO-FITCH

HIGHWAY/ROUTE: US HWY 191 Approximately: 10 Feet: N  S  E  W  of Milepost # or Cross Street: MAP ATTACHED

Side of Highway: (check one) N  S  E  W  City (in or near): CHINLE, ARIZONA

Encroachment Owner's Project or Parcel Number: NONE Project Duration: 6 MONTHS

DESCRIPTION OF PROPOSED WORK OR ACTIVITY TO OCCUR IN RIGHT-OF-WAY:

CREATE AN ACCESS ROAD OFF HIGHWAY 191 INTO THE CHINLE CHAPTER, SOUTH MANUELITO WELL SITE, FOR ENTERING/EXITING THE WATER WELL SITE FOR CUSTOMER USAGE. THE ACCESS ROAD WILL CONSIST OF: AN INSTALLATION OF ADOT CURB AND GUTTER, CATTLE GUARD, CONCRETE APRON, FENCING, AND PAVEMENT; PER ADOT SPECIFICATIONS AND STANDARDS, AS WELL AS ANY OTHER MODIFICATIONS NEEDED FOR ACCESS ROAD.

The Encroachment Owner will be the Permittee. By signing this application, the Encroachment Owner and the Owner's Agent acknowledge that the information given and statements made in this application are true and correct to the best of his/her knowledge. THE ENCROACHMENT OWNER MUST ALSO SIGN ON PAGE TWO TO AGREE TO ACCEPT THE GENERAL OBLIGATIONS AND RESPONSIBILITIES AS DESCRIBED ON PAGE TWO OF THIS APPLICATION. By accepting an approved encroachment permit ONCE ISSUED the Permittee agrees to the requirements described in the permit, to be responsible for all permit requirements, and to comply with ADOT's requirements as set out in the permit. An approved permit consists of, but is not limited, to this application and final supporting documentation approved by ADOT, and any requirements set by ADOT. NO WORK SHALL TAKE PLACE INSIDE THE RIGHT OF WAY WITHOUT AN ADOT APPROVED PERMIT ON SITE. \*\*\*\*\*NOTE: UTILITY APPLICANTS MUST ALSO CERTIFY #19 & #20 ON PAGE TWO AS APPLICABLE.\*\*\*\*\*

DR. ROSANNA JUMBO-FITCH Rosanna Jumbo-Fitch Digitally signed by Rosanna Jumbo-Fitch Date: 2021.10.13 16:38:26 -06'00' 10/13/21

Encroachment Owner (Print Name and Sign) DR. ROSANNA JUMBO-FITCH Rosanna Jumbo-Fitch Digitally signed by Rosanna Jumbo-Fitch Date: 2021.10.13 16:38:51 -06'00' 10/13/21

Authorized Agent or Applicant: If other than the Encroachment Owner (Print Name and Sign) \_\_\_\_\_ Date \_\_\_\_\_

Traffic Control Company Representative (Print Name and Sign) \_\_\_\_\_ Date \_\_\_\_\_

FOR ADOT USE:

PERMIT TO USE STATE HIGHWAY RIGHT-OF-WAY

This application is approved as a permit and a permit is issued to the Permittee. Construction is authorized only for the period indicated below.

Authorized ADOT Name and Signature \_\_\_\_\_

Authorized ADOT Name and Signature \_\_\_\_\_

PERMIT ISSUED (Date): \_\_\_\_\_ PERMIT WORK TO BE COMPLETED BY (Date): \_\_\_\_\_

**THE PERMITTEE SHALL:**

1. Assume all legal liability and financial responsibility for the encroachment activity for the duration of the encroachment, including indemnify, defend, and save harmless ADOT and the State of Arizona and any of its departments, agencies, boards, commissions, universities, officers, officials, agents and employees from and against any and all claims, demands, suits, actions, proceedings, loss, costs, damages of every kind, or expenses, including court costs, reasonable attorney's fees and/or litigation expenses, and costs of claim processing and investigation, arising out of bodily injury or death of any person, or tangible or intangible property damage, caused, or alleged to be caused, in whole or in part, by the negligent or willful acts, or omissions of the Permittee, any of its directors, officers, agents, employees, or volunteers, or its contractor or subcontractors. This indemnity includes any claim or amount arising out of or recovered under the Workers' Compensation Law or arising out of the contractor's failure to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree. Permittee and Contractor agree to provide ADOT with certificate(s) of insurance (COI) consistent with the requirements stated in the ADOT Permit Insurance Matrix and to provide the State of Arizona/ADOT with endorsements or evidence to satisfy the Additional Insured, Waiver of Subrogation and Primary/Non-Contributory coverage requirements. The required insurance shall be kept in force by the Permittee and its contractors/subcontractors for the term of the permit and shall not expire, be cancelled or materially changed to affect coverage available to the State without thirty (30) days written notice to the State. Automobile and Worker's Compensation coverage requirements are dependent upon the use of employees and autos for the encroachment activity. Permittee agrees to maintain and make available to ADOT all contractors/subcontractors' certificates upon demand. ADOT reserves the right to require an increase or allow a decrease in insurance limits or coverage based on the risks and financial exposure arising out of the event or activity proposed in the permit application.
2. Comply with Environmental Laws.
  - A. Environmental Laws refer collectively to any and all federal, state, or local statute, law, ordinance, code, rule, regulation, permit, order or decree regulating, relating to, or imposing liability or standards of conduct on a person discharging, releasing or threatening to discharge or release or causing the discharge or release of any hazardous or solid waste or any hazardous substance, pollutant, contaminant, water, wastewater or storm water, and specifically includes, but is not limited to: The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act; the Comprehensive Environmental Response, Compensation and Liability Act, as amended; the Toxic Substances Control Act; the Clean Water Act (CWA); the Clean Air Act; the Occupational Safety and Health Act; the Arizona Water Quality Act Revolving Fund Act, the Arizona Hazardous Waste Management Act, any applicable National Pollutant Discharge Elimination System (NPDES) or Arizona Pollution Discharge Elimination System (AZPDES) permit, any applicable CWA Section 404 permit, or any local pretreatment or environmental nuisance ordinance.
  - B. The Permittee (and/or their agent) specifically agree that in the course of performing any activity for which this Permit is necessary:
    - i. Shall comply with any and all Environmental Laws;
    - ii. Ensure that no activity under this Permit shall cause ADOT to be in violation of any Environmental Laws;
    - iii. Indemnify ADOT for any losses, damages, expenses, penalties, liabilities or claims of any nature whatsoever suffered by or asserted against ADOT
  - C. If the Permittee fails or refuses to comply with any Environmental Laws, or causes ADOT to be in violation of any Environmental Laws; ADOT may at its sole and unreviewable discretion, (1) revoke this Permit; (2) require the Permittee to undertake corrective or remedial action to address any release or threatened release or discharge of the hazardous substance, pollutant or contaminant, water, wastewater or storm water; and (3) expressly consents to entry of injunctive relief to enforce any listed remedies.
3. Be responsible for any repair or maintenance work and repair any aspect or condition of the encroachment that causes danger or hazard to the traveling public, for the duration of the encroachment and must perform such work under the appropriate encroachment permit authorization.
4. Comply with ADOT's traffic control standards with an ADOT approved traffic control plan.
5. In any case and at the Department's discretion; ADOT may require written approval from the abutting property owner prior to issuance of the encroachment permit. If the encroachment encroaches on abutting property owned by someone other than the permittee (and/or on underlying fee land owned by someone other than the permittee where ADOT owns its right of way by easement), the Permittee must obtain written approval from the abutting property owner (and/or underlying fee owner where ADOT owns its right of way by easement).
6. ADOT reserves the right to require the permittee to perform any repairs necessary to address damages caused by the encroachment throughout the life of the encroachment.
7. Remove the encroachment and restore repair the portions of the right-of-way that were damaged as a result of the encroachment to substantially the same condition as existed prior to the damage if ADOT cancels the encroachment permit, and terminates all rights under the permit, or if the project terminates for any reason beyond ADOT's control.
8. Reimburse ADOT for costs incurred or deposit with ADOT money necessary to cover all costs incurred for activities related to the encroachment, such as inspections, restoring and/or repairing portions of the right-of-way damaged by the encroachment to substantially the same condition as existed prior to the damage, removing the encroachment, or repair encroachment to originally permitted condition and comply with ADOT's bond policy as applicable.
9. Notify new owner of property or encroachment to apply for an ADOT encroachment permit, as required by Arizona Administrative Rule R17-3-502(D).
10. Apply for a new encroachment permit if the use of the permitted encroachment or the use of adjoining property changes.
11. Keep a copy of the encroachment permit at the work site or site of encroachment activity.
12. Construct the encroachment according to attached Specifications, Standards and the plans approved by ADOT as part of the final permit; any field changes shall be approved by ADOT prior to implementation.
13. Obtain all required permits from other government agencies or political subdivisions.
14. Remove any defective materials, or materials that fail to pass ADOT's final inspection, and replace with materials ADOT specifies.
15. Have the right to a hearing as prescribed in Arizona Administrative Code, R17-3-509 if the permit application is denied.
16. Understand that once issued, the permit is revocable and subject to modification or abrogation by ADOT at any time, without prejudice.
17. In accordance with Arizona Administrative Code, R17-3-508, if ADOT requires the relocation or removal of the encroachment or parts of the encroachment due to project construction or other ADOT related operation, the permittee agrees to remove or relocate the encroachment by the date agreed to in the Utility Clearance Letter. If the encroachment is not removed by the agreed date, fines will be imposed at a minimum rate of \$5,000/day until the encroachment is no longer in ADOT's path of work.
18. Following the installation or relocation of utilities within ADOT Rights-of-Way, utility companies are required to provide x,y,z coordinates utilizing NAD 83 State Plane AZ Central Feet International and in Geo-database file format.
19. Certify that the Permittee has overlash approval on existing poles from the utility company pole owner. Initial Rosanna Jumbo-Fitch Digitally signed by Rosanna Jumbo-Fitch Date: 2021.10.13 16:42:44 -0600 (If applicable)
20. Certify that the Permittee has written approval from the abutting property owners if encroachment impacts abutting property; and or underlying fee owner where ADOT is within an easement. Initial Rosanna Jumbo-Fitch Digitally signed by Rosanna Jumbo-Fitch Date: 2021.10.13 16:42:44 -0600 (If applicable)

By accepting an ADOT approved Encroachment permit, the Permittee agrees to the requirements described in the permit, to be responsible for all permit requirements, and to comply with ADOT's requirements as set out in the permit. **NO WORK SHALL TAKE PLACE INSIDE THE RIGHT OF WAY WITHOUT AN ADOT APPROVED PERMIT ON SITE.**

I have read, understand and shall comply with the requirements as stated above:  
 Name: DR. ROSANNA JUMBO-FITCH Date: 10/13/21 Signature: Rosanna Jumbo-Fitch Digitally signed by Rosanna Jumbo-Fitch Date: 2021.10.13 16:42:44 -06'00'