



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • 360-725-4000
www.commerce.wa.gov

Low Income Home Energy Assistance Program (LIHEAP) Agreement

Between

Lower Elwha Klallam Tribe

3080 Lower Elwha Road
Port Angeles, WA 98363

(360) 461-7033

Becca.Weed@elwha.org

<https://www.elwha.org/>



And

Washington State Department of Commerce

1011 Plum Street SE
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Olympia, WA 98504

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1. Purpose

Title XXVI of the Omnibus Budget Reconciliation Act of 1981 states under section 2604(d) (2) of the LIHEAP statute provides that the LIHEAP allocations of reservation-based Native American Tribes applying for direct federal LIHEAP funding are to be based on the ratio of the number of eligible Native American households living within a state on the Tribe's reservation or adjacent trust land, to the total number of eligible households in the state, with the resulting percentage multiplied by the state's gross LIHEAP allocation—or on a larger amount agreed on by the Tribe and the State.

The Washington State Department of Commerce (Commerce) agrees to apply to the United States Department of Health and Human Services (HHS), for LIHEAP funds allocated to the State of Washington.

The Lower Elwha Klallam Tribe agrees to deliver LIHEAP services in its service area.

2. Length of Agreement

We intend the agreement to be reviewed every three years. If the agreement cannot be reviewed in this time period, the agreement will remain in effect. The agreement can be extended or renegotiated at any time with consent of both parties.

3. Service Territory

The Lower Elwha Klallam Tribe shall provide benefits to:

- Eligible Native American households residing on the Lower Elwha Klallam reservation in Clallam County.
- Eligible Native American households within a 15-mile radius of the Lower Elwha Klallam Reservation.
- Eligible Lower Elwha Klallam Tribal Households residing beyond the 15-mile radius in zip codes 98382, 98362, and 98363, who haven't accessed services through another LIHEAP Agency.

For the purposes of LIHEAP, a Native American household is one in which a member is Native American. For the purposes of LIHEAP, a Lower Elwha Klallam Tribe household is one in which a member is enrolled with the Lower Elwha Klallam Tribe. Tribal members may seek services from a non-Tribal LIHEAP servicer when the household has moved outside of the Tribe's geographical service area, if the household is closer to a non-Tribal LIHEAP provider and chooses to be served closer to home, or if the Lower Elwha Klallam Tribe runs out of LIHEAP funds.

4. Funding Allocation

The Lower Elwha Klallam Tribe will receive \$56,545 from the US Department of Health and Human Services for each fiscal year of this agreement. The total Tribal distribution is based on a percentage of households with income at or below 150% of the Federal Poverty Guidelines.

5. Data sovereignty, data sharing and non-duplication of payments

The Lower Elwha Klallam Tribe and Commerce will take the necessary steps to prevent duplicate payments to eligible households. The Lower Elwha Klallam Tribe and Commerce will identify procedures

to prevent duplicate payments to eligible households and will identify procedures to prevent duplicate payments in the separate funding plans serving separate geographic areas. In order for Commerce and the Lower Elwha Klallam Tribe to prevent duplicate payments, the following is agreed to when necessary.

- A. Name and social security number of household members.
- B. Amount of assistance received in the case of persons moving on or off Tribal service territory.

Referral of applicant households will be made by the Lower Elwha Klallam Tribe and Commerce when appropriate.

6. Hold Harmless

The Lower Elwha Klallam Tribe holds Commerce harmless for any violations of federal regulations by the said Tribe. The Lower Elwha Klallam Tribe further holds Commerce harmless for any audit exceptions of the Lower Elwha Klallam Tribe administration of LIHEAP. The Lower Elwha Klallam Tribe further holds Commerce harmless for any liability, loss, or damage that may be suffered directly or indirectly by any third party as the result of any claims, demands, or actions arising from the performance of this agreement by the Lower Elwha Klallam Tribe.

Lower Elwha Klallam Tribe

Francis J. Charles

Signature

08-01-2024

Date

Chairwoman

Position Title

Commerce

DocuSigned by:

Cindy Austin-Anderson

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Signature

8/13/2024 | 7:24 PM PDT

Date

Assistant Director, Commerce

Position Title