



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

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ETHEL B. BRANCH  
Attorney General

HEATHER CLAH  
Deputy Attorney General

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

**RFS/HK Review #:** \_\_\_\_\_

**Date & Time Received:** \_\_\_\_\_

**Date & Time of Response:** \_\_\_\_\_

**Entity Requesting FRF:** \_\_\_\_\_

**Title of Project:** \_\_\_\_\_

**Administrative Oversight:** \_\_\_\_\_

**Amount of Funding Requested:** \_\_\_\_\_

**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

**U.S. Department of Treasury Reporting Expenditure Category:** \_\_\_\_\_

**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: \_\_\_\_\_  
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Name of DOJ Reviewer: \_\_\_\_\_

Signature of DOJ Reviewer: \_\_\_\_\_

**Disclaimers:**

If additional information has been requested and you wish to provide it, please resubmit all the required forms updated to include the additional information. Full resubmission will expedite the Initial Eligibility Determination process. Therefore, please include a new RFS form indicating resubmission, revised Appendix A, Budget Form 1, and other supporting documents. **Please email your resubmission to arpa@nndoj.org.** Please be aware that under Resolution BFS-31-21 a Project or Program can only be reviewed twice, therefore it is critical that you include all the requested additional information for your second submission.

An NNDOJ Initial Eligibility Determination is 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 NAVAJO NATION GOVERNMENT UNITS

**Part 1. Identification of parties.**

NN Government Unit requesting FRF: NNTRC and NN Broadband Office Date prepared: 03/18/24  
*indicate Department, Program, Office, Division, or Branch*

NN Government Unit's mailing address: NNTRC and NN Broadband Office phone/email: 928-810-9205/sonianez@navajo-nsn.gov  
P.O. Box 7440, Window Rock, AZ 86515 website (if any): www.broadband.navajo-nsn.gov

Form prepared by: Sonia Nez phone/email: 928-810-9205/sonianez@navajo-nsn.gov  
Department Manager I, Navajo Nation Broadband Office 928-810-9205/sonianez@navajo-nsn.gov  
*CONTACT PERSON'S name, title and Department, Program, Office, etc.* *CONTACT PERSON'S info*

Title & type of Project: 5.21 Broadband - Middle Mile

NN Government Unit's Director or Manager: Tico Charlee/Sonia Nez phone & email: 928-810-9205/sonianez@navajo-nsn.gov

Division Director (if any): \_\_\_\_\_ phone & email: \_\_\_\_\_

Branch Chief: Patrick J. Sandoval, Chief of Staff, Exec. Branch phone & email: 928-871-7000/pj.sandoval@navajo-nsn.gov

Funding Recipient will be working with: Office of the President and Vice President on the Project and  
*indicate Branch and/or Division*  
the same will be submitting the Funding Request Package for Initial Eligibility Determination Review, and will have Administrative Oversight over this FRF Expenditure Plan.

List names or types of Subcontractors or Subrecipients that will be paid with FRF (if known): \_\_\_\_\_  document attached

Amount of FRF requested: \$80,000,000 FRF funding period: FY2022-FY2026  
*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:

The NNTRC and the NN Broadband Office will oversee and administer \$80,000,000 in ARPA funds for Broadband Middle Mile projects by Eligible Telecommunications Carriers or those entities considered eligible by the NNBO. These projects will deploy high-speed broadband to improve connectivity; enable telework capabilities; provide access to data and information about healthcare and communications in support of Navajo COVID-19 mitigation related operations and services; reduce the time needed to deliver high quality telehealth; support Navajo educational institutions broadband requirements to deliver and support instruction that will help retain students and faculty; enable home schooling, online schooling and allow students to attend school from home rather than sitting in vehicles at the nearest community hot spots; reduce costs for access to high-speed networks; support chapter house communities; establish a diverse, and competitive broadband infrastructure that connects homes, schools, libraries, Navajo government, businesses, and other agencies (i.e. Indian Health Service, Bureau of Indian Affairs). The projects will be distributed as equally as possible among all NN delegate regions.

document attached

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

High quality and high-speed broadband enable the Navajo communities to communicate, access critical information, telework, participate in online learning, take advantage of telehealth services and reduce the time needed to collect and inform the community about pandemics and other health related issues. Oversight and governance of the Broadband Middle Mile projects by the NNTRC and the Navajo Nation Broadband Office establishes a collaboration with all Eligible Telecommunications carriers or those entities considered eligible by the NNBO to plan and implement projects that introduce service competition and cost-effective service options for the Navajo community.

document attached

**APPENDIX A**

(c) Provide 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:

NNTRC and NN Broadband Office will review Navajo Nation Broadband Middle Mile projects with prospective carriers to plan and implement services based on eligible service requirements for timeline deployment and scheduling. Barriers to deployment include: right of way authorization; supply chain interruptions for the delivery of fiber, network electronics, and other equipment needed to deploy services; power delivery on Navajo for ETCs or those entities considered eligible by the NNBO; tower use and authorization by ETCs or those entities considered eligible by the NNBO; federal and state authorizations for land use, tower placement/use, and regulations.

document attached

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

Tico Charlee, Executive Director, Navajo Nation Telecommunications and Regulatory Commission and Sonia Nez, Department Manager, Navajo Nation Broadband Office.

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:

Eligible telecommunications carriers or those entities considered eligible by the NNBO or Higher Learning Institutions will develop and implement business plans to establish sustainable financial models and maintenance of services. Fund allocations and grants will require sustainability plans and other operational and maintenance deliverables.

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:

5.21 - Broadband Middle Mile. Broadband services in support of Navajo Nation projects and initiatives identified in this request comply with service, deliverable, and outcomes to improve middle mile and network services (e.g., aggregation, management, and operations) that deliver connectivity to Navajo homes and service locations between (fiber) 100 Mbps/100 Mbps and the FCC minimum of (broadcast) 25 Mbps/ 3 Mbps of effective service. NNTRC and NN Broadband Office will coordinate the deployment of broadband projects and grants with ETCs or those entities considered eligible by the NNBO to deliver and establish competitive and cost-effective broadband services for the Navajo community.

document attached

**Part 3. Additional documents.**


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

[Empty box for listing additional supporting documents]

**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:

NN Government Unit Preparer:  signature of Preparer/CONTACT PERSON Approved by:  signature of NN Government Unit's Dept./Program/Office Director or Manager

Approved to submit for Review:  signature of Branch Chief or Division Director Print Name, Title, Branch or Division: Patrick Sandoval, Chief of Staff print name and indicate title or position  
Office of the President and Vice President indicate Branch or Division

**THE NAVAJO NATION  
PROJECT BUDGET SCHEDULE**

<b>PART I.</b> Business Unit No.: <u>K211549</u> Project Title: <u>Navajo Nation Broadband Office - 5.21 "Middle Mile"</u> Project Description <u>Broadband "Middle Mile" projects</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>Broadband</u> Planned Start Date: <u>10/1/2022</u> Planned End Date: <u>9/30/2026</u> Project Manager: <u>Sonia Nez</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 2024												FY 2025								Date <u>09/30/202</u>									
	1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.								
	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
Assess, design, build and deploy Middle Mile broadband infrastructure				XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX
Deliver 25/3 Mbps for wireless Deployment				XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX
Deliver 100/100 Mbps for fiber deployment				XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX
<b>PART V.</b>	\$			\$			\$			\$			\$			\$			\$			<b>PROJECT TOTAL</b>								
Expected Quarterly Expenditures				3,750,000.00			7,000,000.00			7,000,000.00			7,000,000.00			7,000,000.00			7,000,000.00			7,000,000.00			\$80,000,000.00					

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

FY \_\_\_\_\_

**THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY**

Page \_\_\_ of \_\_\_  
**BUDGET FORM 1**

PART I. Business Unit No.:     K211549     Program Title:     Navajo Nation Broadband Office - 5.21 "Middle Mile"     Division/Branch:     OPVP/Executive      
 Prepared By:     Sonia Nez     Phone No.:     928-810-9205     Email Address:     sonianez@navajo-nsn.gov    

PART II. FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY		(A)	(B)	(C)
				Fund Type Code	NCN Approved Original Budget	Proposed Budget	Difference or Total	
NN Fiscal Recovery Fund	10/01/22-09/30/26	80,000,000.00	100%	2001	Personnel Expenses			0.00
				3000	Travel Expenses			0.00
				3500	Meeting Expenses			0.00
				4000	Supplies			0.00
				5000	Lease and Rental			0.00
				5500	Communications and Utilities			0.00
				6000	Repairs and Maintenance			0.00
				6500	Contractual Services	6	80,000,000	80,000,000.00
				7000	Special Transactions			0.00
				8000	Public Assistance			0.00
				9000	Capital Outlay			0.00
				9500	Matching Funds			0.00
				9500	Indirect Cost			0.00
				<b>TOTAL</b>		\$0.00	80,000,000.00	80,000,000.00
<b>TOTAL:</b>				\$80,000,000.00	100%	PART IV. POSITIONS AND VEHICLES		
						(D)	(E)	
						Total # of Positions Budgeted:		
						Total # of Vehicles Budgeted:		

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

SUBMITTED BY:     Sonia Nez, Department Manager I      
    Sonia Nez      
 Program Manager's Printed Name  
    03/18/24      
 Program Manager's Signature and Date

APPROVED BY:     Patrick Sandoval, Chief of Staff      
    Patrick Sandoval      
 Division Director / Branch Chief's Printed Name  
 Division Director / Branch Chief's Signature and Date

FY \_\_\_\_\_

**THE NAVAJO NATION  
PROGRAM PERFORMANCE MEASURES**

Page \_\_\_ of \_\_\_  
**BUDGET FORM 2**

**PART I. PROGRAM INFORMATION:**

Business Unit No.:     K211549    

Program Name/Title:     Navajo Nation Broadband Office - 5.21 "Middle Mile"    

**PART II. PROGRAM PERFORMANCE CRITERIA:**

1st QTR Goal	2nd QTR Goal	3rd QTR Goal	4th QTR Goal
-----------------	-----------------	-----------------	-----------------

**1. Program Performance Measure:**

Assess, Design, build and deploy middle mile broadband infrastructure

Broadband contracts awarded to broadband service providers

2	2	2	
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**2. Program Performance Measure:**

Deliver 25/3 mbps for wireless deployment

Anchor institutions and homes

1	2	2	2
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**3. Program Performance Measure:**

Deliver 100/100 mbps for fiber deployment

Anchor institutions and homes

1	2	2	2
---	---	---	---

**4. Program Performance Measure:**

\_\_\_\_\_


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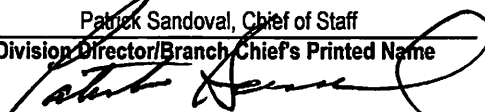
**5. Program Performance Measure:**

\_\_\_\_\_

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**PART III. CONCURRENCE/APPROVAL:**

Sonia Nez, Department Manager I  
 \_\_\_\_\_  
 Program Manager's Printed Name  
  
 \_\_\_\_\_  
 Program Manager's Signature and Date  
 3/18/24

Patrick Sandoval, Chief of Staff  
 \_\_\_\_\_  
 Division Director/Branch Chief's Printed Name  
  
 \_\_\_\_\_  
 Division Director/Branch Chief's Signature and Date



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**THE NAVAJO NATION  
DETAILED BUDGET AND JUSTIFICATION**

Page \_\_\_ of \_\_\_  
**BUDGET FORM 4**

<b>PART I. PROGRAM INFORMATION:</b>	
Program Name/Title: <u>Navajo Nation Broadband Office - 5.21 "Middle Mile"</u>	Business Unit No.: <u>K211549</u>

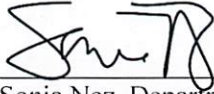
<b>PART II. DETAILED BUDGET:</b>			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
6500	- Contracted Services Deploy high-speed broadband to improve connectivity.		80,000,000
6960	Subcontracted Services 6990            Subcontracted Services            \$80,000,000 Depending on receipt of additional funds Navajo Nation Broadband Office plans to provide services to 50% of the Navajo Nation communities. Year 1: \$27,000,000 Year 2: \$27,000,000 Year 3: \$26,000,000	80,000,000	
<b>TOTAL</b>		<b>80,000,000</b>	<b>80,000,000</b>



**BROADBAND OFFICE**  
**Office of the President and Vice President**

**MEMORANDUM**

**TO** : Navajo Nation Department of Justice

**FROM** :   
 Sonia Nez, Department Manager I  
 Navajo Nation Broadband Office

**SUBJECT** : Reallocate \$20M – 5.20 Match to 5.21 Broadband - Middle Mile

**DATE** : 03/18/2024


The purpose of this memorandum is to request a reallocation of the \$20M – 5.20 Broadband Match funding to 5.21 Broadband – Middle Mile as follows:

FROM:	TO:	Amount:
K2115134	K211549 – Middle Mile	\$20,000,000.00

To date, the Navajo Nation Broadband Office has not secured additional grant funding that necessitates match funding. As the American Rescue Plan Act (ARPA) encumbrance window is set to close on June 30, 2024, it is crucial for the Nation to allocate this funding to the Middle Mile account promptly. Doing so not only ensures the optimization of these resources for middle mile broadband projects but also aligns with the leadership team's vision for broadband deployment, particularly in preparation for the Broadband Equity and Adoption Development (BEAD) program. Additionally, it's important to highlight that the Digital Equity Initiative (DEI) team is in agreement with the requested change.

If you should have any questions, please contact me at (928) 810-9205 or [sonianez@navajo-nsn.gov](mailto:sonianez@navajo-nsn.gov). Thank you.

Concurrence.

  
 Patrick J. Sandoval, Chief of Staff  
 Office of the President and Vice President  
 The Navajo Nation

3/28/24  
 Date



**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 #:** HK0174

**Date & Time Received:** 04/12/2022 at 11:09

**Date & Time of Response:** 12 April, 2022; 11:59 pm MST

**Entity Requesting FRF:** NNTRC and NN Broadband Office

**Title of Project:** 5.21 Broadband - Middle Mile

**Administrative Oversight:** Division of General Services

**Amount of Funding Requested:** \$60,000,000

**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

**U.S. Department of Treasury Reporting Expenditure Category:** 5.21 Broadband: Other Projects

Returned for the following reasons (Ineligibility Reasons / Paragraphs 3, 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: Adius Adjai-Danso

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.