



NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

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 #: HK0236 REISSUED

Date & Time Received: 11/28/2022 at 11:53

Date & Time of Response: 12/06/2022 at 14:11; Reissued 7/18/2023 at 17:00

Entity Requesting FRF: Nazlini Chapter

Title of Project: Leach Field

Administrative Oversight: Navajo Environmental Protection Agency

Amount of Funding Requested: \$120,000

Eligibility Determination:

- ☒ FRF eligible
☐ FRF ineligible
☐ Additional information requested

FRF Eligibility Category:

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

U.S. Department of Treasury Reporting Expenditure Category: 5.3; Clean Water:
Decentralized Wastewater

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:

DOJ is reissuing this Initial Eligibility Determination in order to correct an error with the identified Administrative Oversight entity. We recommend that the Administrative Oversight entity for this expenditure plan be the Navajo Environmental Protection Agency rather than the Division of Community Development.

Name of DOJ Reviewer: Mel M. Rodis, Assistant Attorney General, Tax & Finance Unit

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 **GOVERNANCE-CERTIFIED CHAPTERS**

Part 1. Identification of parties.

Governance-Certified Chapter requesting FRF: Nazlini Chapter Government Date prepared: Sept. 4, 2022

Chapter's mailing address: P.O. Box 7387, Nazlini, Arizona 86540-7387 phone & email: (928) 755-5900
website (if any): _____

This Form prepared by: Melissa Winney, Chapter Manager phone/email: (928) 755-5900

CONTACT PERSON'S name and title

CONTACT PERSON'S info

Title and type of Project: Leach Field (Infrastructure: Clean Water - Decentralized Wastewater)

Chapter President: Lee V. Bigwater phone & email: lbigwater@naataanii.org

Chapter Vice-President: Joseph Dedman phone & email: josephdedman32@gmail.com

Chapter Secretary: JoAnn Dedman phone & email: asdzaaltsui@hotmail.com

Chapter Treasurer: JoAnn Dedman phone & email: asdzaaltsui@hotmail.com

Chapter Manager or CSC: Melissa Winney, Chapter Mgr. phone & email: mwinney@nnchapter.org

DCD/Chapter ASO: Edgerton Gene, Sr. Prog./Proj. Sp. phone & email: (928) 674-2251 egene@nndcd.org

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): _____

☐ document attached

Amount of FRF requested: \$120,000.00 FRF funding period: September 2022 - December 2026

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:

This project consist of contracting for leach field replacement or installing for Nazlini community members to outlying homes. The project will do sewage removal &/or installing leach field systems to homes and the reason is that clean water needs to have a system to exit as waste water. Cleaning or Installation of leach field systems will directly address one of the major sanitation deficiencies that is connected to the high outbreak of COVID-19 on the Navajo Nation.

☐ document attached

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

A high number of homes on the Navajo Nation lack access to one or more of the following utilities; electricity, water, wastewater & broadband. Residents of the U.S. require these utilities to conduct their daily lives & live the healthiest lives possible. All projects will provide one or more utility services to a home that lacks it or will improve the water & wastewater systems to address the need for clean drinking water systems. All projects will assist in promoting public health & economic stimulus.

☐ 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:

APPENDIX A

Based on the funding, the project end date will be December 31, 2026 with all funds will be incurred before December 31, 2024. Navajo Nation Budget Form 2 are attached for phase goals per quarter of funding period.

☐ document attached

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

The Nazlini Chapter Government Chapter Manager will be implementing the NN ARPA Funding Act & Leach Field Decentralized Wastewater Project.

☐ 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:

Residents will be responsible for operation and maintenance of installed projects. No additional cost or recurring cost will be incurred by Nazlini Chapter Government once installed leach field systems are 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:

Categories: Infrastructure: 5.3 - Clean Water: Decentralized Wastewater

Pursuant to the U.S. Treasury guidelines and funding objectives this decentralized wastewater project address conditions that contributed to poor public health & economic outcomes during the pandemic. By concentrating in areas with limited economic opportunities & inadequate or poor housing quality. access to resources facilitates improved health outcomes including services that connect residents with health care resources & public assistance & build healthier environments such as: housing services to support healthy living environments & neighborhoods conducive to mental & physical wellness. The exacerbation of health disparities during pandemic & the role of pre-existing social vulnerabilities are presumed to be responsive to the public health impact of the pandemic. These leach field will build healthier environments. Access to utilities facilitates sustainable economic, social growth & can drastically increase the quality of healthcare provided.

☐ document attached

Part 3. Additional documents.

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

☐ Chapter Resolution attached

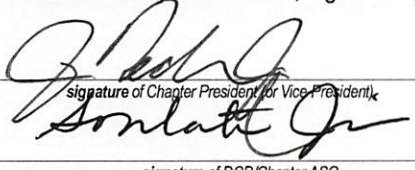
Part 4. Affirmation by Funding Recipient.

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

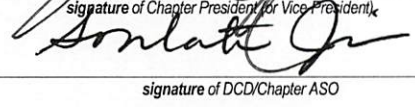
Approved by:


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**

Page 1 of 3
BUDGET FORM 1

PART I. Business Unit No.: NEW Program Title: Nazlini Chapter Gov't (5.3 Infrast.: Decen. Wastewater) Division/Branch: Executive
 Prepared By: Melissa Winney, Chapter Manager Phone No.: (928) 755-9500 Email Address: _____

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	10/1/22 - 12/31/26	120,000.00	100%	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	0	119,500	119,500
				7000 Special Transactions	6	0	500	500
				8000 Public Assistance				
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
				TOTAL		\$0.00	120,000.00	120,000
				PART IV. POSITIONS AND VEHICLES		(D)	(E)	
				Total # of Positions Budgeted:		0	0	
				Total # of Vehicles Budgeted:		0	0	
TOTAL:		\$120,000.00	100%					

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

SUBMITTED BY: Melissa Winney, Chapter Manager
Melissa Winney
 Program Manager's Printed Name
 Program Manager's Signature and Date

APPROVED BY: Dr. Pearl Yellowman, Director
Pearl Yellowman 11.22.22
 Division Director / Branch Chief's Printed Name
 Division Director / Branch Chief's Signature and Date

FY 2023

**THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA**

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BUDGET FORM 2

PART I. PROGRAM INFORMATION:Business Unit No.: NEWProgram Name/Title: Nazlini Chapter Gov't (5.3 Infrast.: Decen. Wastwater)**PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:**

The Navajo Nation Chapters Plan of Operations is reference in Title 26 of the Navajo Nation Code.

PART III. PROGRAM PERFORMANCE CRITERIA:

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

1. Goal Statement:To replace or upgrade 12 lecseptic systems at various Nazlini community member's homes**Program Performance Measure:**To install or upgrade 12 septic systems at various Nazlini community members homes

3		3		3		3	
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2. Goal Statement:**Program Performance Measure:**

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3. Goal Statement:**Program Performance Measure:**

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4. Goal Statement:**Program Performance Measure:**

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5. Goal Statement:**Program Performance Measure:**

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PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.Melissa Winney, Chapter Manager**Program Manager's Printed Name****Program Manager's Signature and Date**Dr. Pearl Yellowman, Director**Division Director/Branch Chief's Printed Name****Division Director/Branch Chief's Signature and Date**

FY 2023

**THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION**

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BUDGET FORM 4

PART I. PROGRAM INFORMATION:			
Program Name/Title: <u>Nazlini Chapter Gov't (5.3 Infrastructure: Decentralized Wastewater)</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)
	<p>Clean Water: Decentralized Wastewater - ARPA Septic System installation program. This project consists of contracting for leach field replacement or installing for Nazlini community members to outlying homes. This project will do replacement or installing of leach field systems to homes and the reason is that clean water needs to have a system to exit as wastewater. Cleaning or Installation of septic/leach field systems will directly address one of the major sanitation deficiencies that is connected to the high outbreak of COVID-19 on the Navajo Nation. A high number of homes on the Navajo Nation lack access to one or more of the following utilities: electricity, water, wastewater & broadband. Residents of the U.S. require these utilities to conduct their daily lives and live the healthiest lives possible. All projects will provide one or more utility services to a home that lacks it or will improve the water & wastewater systems to address the need for clean drinking water systems. All projects will assist in promoting public health and economic stimulus to communities.</p>		
6500	Contractual Services		
6510	Professional Services		
	Contract services for replacing and installing of leach field systems to homes for clean water to have a system to exit as wastewater.	119,500	119,500
7000	Special Transactions		
7440	Printing Advertising		
	Advertisement for potential vendors for project in accordance with Procurement Procedures	500	500
TOTAL		120,000	120,000

Page 1 of 1
PROJECT FORM

[illegible]



NAZLINI CHAPTER GOVERNMENT



LEE V. BIGWATER
CHAPTER PRESIDENT

JOSEPH DEDMAN
CHAPTER VICE-PRESIDENT

JOANN DEDMAN
SECRETARY/TREASURER

KEE ALLEN BEGAY, JR.
COUNCIL DELEGATE

IRVIN SHIRLEY
GRAZING REPRESENTATIVE

NAZLINI CHAPTER RESOLUTION NAZL-OCT-22-008

APPROVING THE REVISED NAZLINI CHAPTER AMERICAN RESCUE PLAN ACT PROJECTS AND BUDGET IN ACCORDANCE WITH DELEGATE REGION EQUAL DISTRIBUTION OF \$1,760,468.00

WHEREAS:

1. Pursuant to N.N.C., Title 26, Section 101, and the Navajo Nation Council Resources and Development Committee Legislation #RDCF-0052-15 dated February 17, 2015, Nazlini Chapter Government was recognized as an LGA Certified Chapter and delegated with the responsibility and authority to make decisions over local chapter matters; AND
2. 24TH Navajo Nation Council Delegate Kee Allen Begay Jr. confirmed that his five chapters will equally distribute the \$8,802,340.00, with Nazlini Chapter allocation of \$1,760,468.00 for projects using the American Rescue Plan Act funds with budget amounts as follows; AND

	PROJECT DESCRIPTION	CATEGORY	AMOUNT
01	Cemetery Repair & Maintenance	6.1	\$150,000.00
02	Water Conservation- Dozer, Front End Loader, Trailer, Diesel Truck	6.1	\$590,468.00
03	Chapter Warehouse	6.1	\$400,000.00
04	Office Building 30x36	6.1	\$350,000.00
05	Septic leach field Replacement 12 @ \$10,000 ea	5.3	\$120,000.00
06	Consultant 3 years @ \$50,000 per year	6.1	\$150,000.00
	GRAND TOTALS		\$1,760,468.00

3. Nazlini Chapter has resubmitted their proposed projects to the Navajo Nation Fiscal Recovery Fund Office, Division of Community Development and Navajo Department of Justice to determine project eligibility.

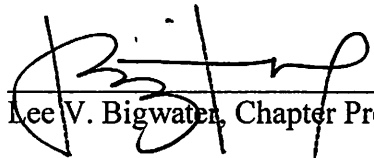
NOW THEREFORE BE IT RESOLVED THAT:

1. The Nazlini Chapter hereby approves the revised American Rescue Plan Act (ARPA) Projects and Budget of \$1,760,468.00 in accordance with Delegate Region Equal Distribution among Delegate Kee Allen Begay Jr.'s five chapters.

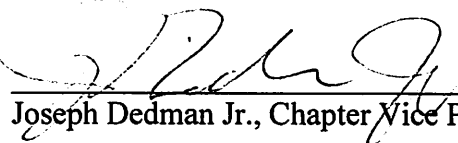
Page Two
NAZL-OCT-22-008
October 21, 2022

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered and moved for adoption by Joseph Dedman Jr., seconded by JoAnn Dedman and passed by a vote of 3 in favor, 0 opposed, 0 abstained, this 21st day of October 2022.



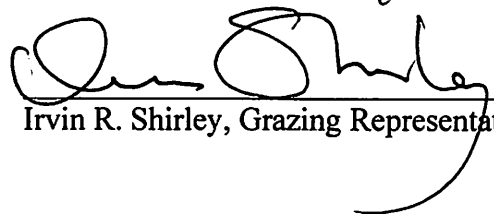
Lee V. Bigwater, Chapter President



Joseph Dedman Jr., Chapter Vice President



JoAnn Dedman, Chapter Secretary/Treasurer



Irvin R. Shirley, Grazing Representative