



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 #: HK0208

Date & Time Received: 11/15/22 14:28

Date & Time of Response: 11/22/22 5:00 p.m.

Entity Requesting FRF: Chinle Chapter Government

Title of Project: Chinle Chapter Earth and Dam Project

Administrative Oversight: DCD

Amount of Funding Requested: \$1,997,153.38

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: 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 phone & email: (928) 674-2052
Chinle, AZ 86503 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 Earth and Dam Project

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: 1,997,153.⁰⁰₃₈ FRF funding period: 2023-2025
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 Earth and Dam Project includes design and construction of necessary earth berms, dikes, levees, and sediment removals in order to prevent future flooding and erosion across the Chinle community. The funds will be used to prepare the engineering design and complete construction. The earth and dam project will be located North of the Chinle Chapter, map is provided. The COVID-19 related needs of eliminating additional imminent threats to life and safety will be reduced and/or eliminated once project is completed.

☐ document attached

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

The Chinle Chapter Government Earth and Dam Project would benefit the Navajo Nation, Chinle community, and our Navajo people by providing solutions for life and safety for the Chinle Chapter members that reside along the Chinle Wash. The construction of flood mitigation methods would help to provide safe living conditions for the people.

☐ 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 Earth and Dam Project timeline: Chinle Chapter resolution 10/17/2022, Navajo Nation and DOJ review submissions Winter 2022, Proposals Spring 2023, Contract Award Summer 2023, Construction Fall 2023-Spring 2024. 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.

☐ 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:

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:

Strong Healthy Communities: Neighborhood Features that Promote Health and Safety^ 2.22

Chinle Chapter is seeking funding for earth and dam for the safety of our community residents. The infrastructure would prevent community members from being flooded; loss of homes, loss of household goods, loss of life, and overall provide safe living conditions for each community member living along the Chinle wash.

☐ 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, 2021 application, emergency management document, Army Corps of Engineer report, and letters to Navajo Nation and monsoon season assistance.

☒ 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

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

FY 2023

PART I. Business Unit No.: _____		New		Program Title: _____		Chinle Earth and Dam Project		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	1,997,153.00	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		1,997,153	1,997,153	
					7000	Special Transactions					
					8000	Public Assistance					
					9000	Capital Outlay					
					9500	Matching Funds					
					9500	Indirect Cost					
					TOTAL			\$0.00	1,997,153.00	1,997,153	

PART IV. POSITIONS AND VEHICLES		(D)	(E)
Total # of Positions Budgeted:		0	0
Total # of Vehicles Budgeted:		0	0

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

SUBMITTED BY: _____	Walton Yazzie	APPROVED BY: _____	Lisa Tymn
Program Manager's Printed Name	Walton Yazzie	Division Director / Branch Chief's Printed Name	Lisa Tymn
Signature _____	10.24.21	Signature _____	Lisa Tymn, NTF20
Program Manager's Signature and Date		Division Director / Branch Chief's Signature and Date	

PART I. PROGRAM INFORMATION:											
Business Unit No.:	New	Program Name/Title:				Chinle Earth and Dam Project					
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	Goal	Actual
1. Goal Statement:											
Planning, Pre-design, & Engineering											
Program Performance Measure/Objective:											
Hire a Subcontracted						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.											
		Walton Yazzie		Lisa Jynn							
Program Manager's Printed Name		Walton Yazzie		Division Director/Branch Chief's Printed Name							
10/24/22		10.24.22		Lisa Jynn, MEd							
Program Manager's Signature and Date		Program Manager's Signature and Date		Division Director/Branch Chief's Signature and Date							

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION: Program Name/Title: _____ Chinle Earth and Dam Project Business Unit No.: _____ New			
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	<i>(LOD 4)</i> Chinle Chapter will hire a contractor for this project.	1,997,153	1,997,153
6960			
6990			
TOTAL		1,997,153	1,997,153

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-22-077

APPROVING THE SELECTION OF THE EARTH AND DAM PROJECT FOR THE INCLUSION ON THE CHINLE CHAPTER DELEGATE REGION IN THE AMOUNT OF \$1,997,153.38.

WHEREAS:

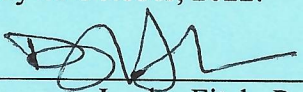
1. Pursuant to Navajo Nation Code, Section 4001 (d) and 4028 (2), (b) the Chinle Chapter is established and certified as a local government entity of the Navajo Nation, vested with the authority to review all matters affecting the chapter and submit appropriate recommendations to the Navajo Nation government 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 Earth and Dam was selected as a Project to be included on the Navajo Nation Council Delegate Eugene Tso Chapter Region in the amount of \$1,997,153.38 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:

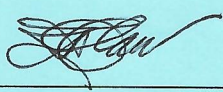
1. The Chinle Chapter Government hereby approves the selection of Chinle Chapter Earth and Dam was a selected Project to be included on the Navajo Nation Council Delegate Eugene Tso Chapter Region in the amount of \$1,997,153.38.

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 Walter Yazzie and the same was passed by a vote of 6 in favor, 2 opposed, and 1 abstained, this 17th day of October, 2022.



Dr. Rosanna Jumbo-Fitch, President



Shawna Claw, Vice President

RoAnn Burbank, Secretary/Treasurer

PO Box 1809 Chinle, Arizona
86503

• P: (928) 674-2052 • F: (928) 674-2079 • chinle@navajochapters.org

Project Estimate for Earth and Dam

General Requirements	\$	436,926.93
Levee, Earth Berm	\$	560,000.00
Site work	\$	280,000.00
Culvert budget	\$	3,500.00
Sediment removal	\$	105,000.00
Equipment Costs	\$	133,000.00
Survey budget	\$	52,500.00
Concrete budget	\$	49,000.00
<u>Subtotal</u>		<u>1,619,926.93</u>
Insurance and GC's	\$	251,764.04
Tax	\$	125,462.41
		<u>\$1,997,153.38</u>