



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 #: HK 0611-2

Date & Time Received: 05/23/24 at 15:06

Date & Time of Response: 6/04/2024 at 10:30 am

Entity Requesting FRF: Nageezi Chapter

Title of Project: County Road 7900 Plan and Design Project

Administrative Oversight: Navajo Dept of Transportation

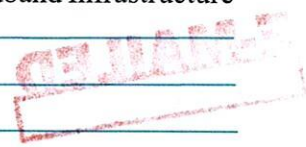
Amount of Funding Requested: \$400,292.00

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 Health Communities: Neighborhood Features that Promote Health and Safety

Filed: 6/7/24

**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: Lorenzo Curley

Signature of DOJ Reviewer: *Lorenzo Curley*

**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 NON-GOVERNANCE CERTIFIED CHAPTERS

**Part 1. Identification of parties.**

Non-Governance Certified Chapter requesting FRF: Nageezi Chapter Date prepared: 01/27/2023  
Chapter's Post Office Box 100 phone/email: (505) 960-7200 nageezi@navajochapters.org  
mailing address: Nageezi NM 87037 website (if any): \_\_\_\_\_  
This Form prepared by: Ervin Chavez, Chapter President phone/email: (505) 960-7200 Nageezi@navajochapters.org

CONTACT PERSON'S name and title

CONTACT PERSON'S info

Title and type of Project: County Road 7900 Plan and Design Project

Chapter President: Ervin Chavez phone & email: (505) 960-7200 nageezi@navajochapters.org  
Chapter Vice-President: Rory Jaquez phone & email: (505) 960-7200 nageezi@navajochapters.org  
Chapter Secretary: Jessica Platero phone & email: (505) 960-7200 nageezi@navajochapters.org  
Chapter Treasurer: Jessica Platero phone & email: (505) 960-7200 nageezi@navajochapters.org  
Chapter Manager or CSC: Ervin Chavez phone & email: (505) 960-7200 nageezi@navajochapters.org  
DCD/Chapter ASO: Casey Begay phone & email: (505) 786-2091 casey\_begay@nndcd.org

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

Amount of FRF requested: \$400,292.00 FRF funding period: 1/01/2023 - 9/30/2026  
*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:

Nageezi Chapter County Road 7900 Plan and Design Project. Chapter is requesting to allocate \$200,292.00 for plan and design for County road 7900 chip seal. This project will assist several Navajo citizens that travel county road 7900 daily. There are several adjacent communities that will also benefit. County road 7900 is one of the major through way that people travel to get to Farmington for shopping and doctor's appointments. Currently county road 7900 has approximately 7 miles of dirt road that needs to be chip sealed.  
 document attached

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

County Road 7900 Plan and Design Project will benefit numerous Navajo citizens that reside in Nageezi and surrounding areas, ie: Torreon, Tinian and Pueblo Pintado.  
 document attached

(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:  
In accordance to ARPA project timeline, the chapter coordinator will work with Navajo Department of Transportation. Project will be executed in accordance with the Navajo Nation laws and NN procurement by September 30, 2026

document attached

(d) Identify who will be responsible for implementing the Program or Project:  
Chapter coordinator and Navajo Department of Transportation will be responsible to implementing 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:  
County will be responsible for operating and maintenance cost once projected is 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:  
**2.13 Other Economic Support**  
This project will assist several Navajo citizens that travel county road 7900 daily. There are several adjacent communities that will also benefit. County road 7900 is one of the major through way that people travel to get to Farmington for shopping and doctor's appointments. Currently county road 7900 has approximately 7 miles of dirt road that needs to be chip sealed.

document attached

**Part 3. Additional documents.**

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

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: Chigah H.  
signature of Preparer/CONTACT PERSON

Approved by: E. D. ...  
signature of Chapter President (or Vice-President)

Approved by: Chigah H.  
signature of CSC

Approved by: Casey Boyay  
signature of Chapter ASU

Approved to submit for Review: [Signature]  
signature of DCD Director

THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY

| PART I. Business Unit No.: <u>NEW</u>               |  | Program Title: <u>Nageezi Chapter County Rd 7900- Plan/Design Project</u> |            | Division/Branch: <u>Executive</u>                |  |                              |                     |                         |         |
|---|--|---|------------|--|--|------------------------------|---------------------|-------------------------|---------|
| Prepared By: <u>Ervin Chavez, Chapter President</u> |  | Phone No.: <u>(505) 960-7200</u>  |            | Email Address: <u>nageezi@navajochapters.org</u> |  |                              |                     |                         |         |
| PART II. FUNDING SOURCE(S)                          |  | Fiscal Year /Term   | Amount     | % of Total                                       | PART III. BUDGET SUMMARY               |                              |                     |                         |         |
| NN Fiscal Recovery Funds                            |  | 1/1/2023-9/30/2026  | 400,292.00 | 100%   | Fund Type Code                         | NNC Approved Original Budget | (B) Proposed Budget | (C) Difference or Total |         |
|   |  |   |            |  | 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                            | 200,292.            | 400,292                 | 200,000 |
|   |  |   |            |  | 7000 Special Transactions              |                              |                     |                         |         |
|   |  |   |            |  | 8000 Public Assistance                 |                              |                     |                         |         |
|   |  |   |            |  | 9000 Capital Outlay                    |                              |                     |                         |         |
|   |  |   |            |  | 9500 Matching Funds                    |                              |                     |                         |         |
|   |  |   |            |  | 9500 Indirect Cost                     |                              |                     |                         |         |
|   |  |   |            |  | <b>TOTAL</b>                           |                              | 200,292.            | 400,292.00              | 200,000 |
|   |  |   |            |  | <b>PART IV. POSITIONS AND VEHICLES</b> |                              |                     |                         |         |
|   |  |   |            |  |  |                              | (D)                 | (E)                     |         |
|   |  |   |            |  | Total # of Positions Budgeted:         |                              | 0                   | 0                       | 0       |
|   |  |   |            |  | Total # of Vehicles Budgeted:          |                              | 0                   | 0                       | 0       |
|   |  |   |            |  | <b>TOTAL:</b>                          |                              | \$200,292.00        | 100%                    |         |

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

SUBMITTED BY: James Adakai, Deputy Director      APPROVED BY: Calvin Castillo, Division Director  
 Program Manager's Printed Name      Division Director / Branch Chief's Printed Name  
5-15-23      5/19/23  
 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: Nageezi Chapter County Rd 7900 Plan and Design Project


**PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:**  
CJN-29-22 Navajo Fiscal Recovery Fund On The Navajo Nation

**PART III. PROGRAM PERFORMANCE CRITERIA:**

|   | 1st QTR |        | 2nd QTR |        | 3rd QTR |        | 4th QTR |        |
|---|---------|--------|---------|--------|---------|--------|---------|--------|
|   | Goal    | Actual | Goal    | Actual | Goal    | Actual | Goal    | Actual |
| 1. Goal Statement:  |         |        |         |        |         |        |         |        |
| Provide Plan and Design for County Rd 7900 using ARPA Funds |         |        |         |        |         |        |         |        |
| Program Performance Measure/Objective:                      |         |        |         |        |         |        |         |        |
| Provide Plan and Design for County Rd 7900 for chipseal     | 1       |        | 1       |        | 1       |        | 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.**

Program Manager's Printed Name: James Adakai, Deputy Director  
 Program Manager's Signature and Date:  5-19-23

Division Director/Branch Chief's Printed Name: Calvin Castillo, Division Director  
 Division Director/Branch Chief's Signature and Date:  5/19/23

K2115427

|                                     |  |                                       |   |
|-------------------------------------|--|---------------------------------------|---|
| <b>PART I. PROGRAM INFORMATION:</b> |  |                                       |   |
| Program Name/Title:                 | Nageezi Chapter - County Rd 7900 Plan/Design Project | Business Unit No.:                    | New <input checked="" type="checkbox"/> |
| <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                                | Contractual Services                                 |                                       | 400,292                                 |
| 6520                                | Consulting   | 400,292                               |   |
|                                     | 6530 - Consulting-Fees 100,146 x 1 = 100,146         |                                       |   |
|                                     | 6540 - Consulting-Expenses 100,146 x 1 = 100,146     |                                       |   |
| <b>TOTAL</b>                        |  | <b>400,292.00</b>                     | <b>400,292.00</b>                       |

Reviewed 12/20/23  
A. H. H.

THE NAVAJO NATION  
PROJECT BUDGET SCHEDULE

**PART I.** Business Unit No.: NEW  
 Project Title: ARPA Funds - NAGEEZI CHAPTER - RD 7900 Plan/Design Project  
 Project Description: Nageezi Chapter County Road 7900 Plan/Design Project

Check one box:  
 Original Budget     Budget Revision     Budget Reallocation     Budget Modification

**PART II.** Project Information  
 Project Type: ROAD  
 Planned Start Date: January 01, 2023  
 Planned End Date: 30-Sep-26  
 Project Manager: Ervin Chavez, Chapter President

**PART III.** List Project Task separately, such as Plan, Design, Construct, Equip or Furnish.

|   | FY 2024          |                  |                  |                  | FY 2025          |                  |                  |                  | Date: 9/30/2026 |
|---|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|-----------------|
|   | 1st Qtr<br>O N D | 2nd Qtr<br>J F M | 3rd Qtr<br>A M J | 4th Qtr<br>J A S | 1st Qtr<br>O N D | 2nd Qtr<br>J F M | 3rd Qtr<br>A M J | 4th Qtr<br>J A S |                 |
| Copunty Road 7900 Plan/ Design/ Chip Seal Request for Bid | █                | █                | █                | █                | █                | █                | █                | █                |                 |
| Service Contract Agreement                                |                  |                  |                  |                  |                  |                  |                  |                  |                 |
| Close Out   |                  |                  |                  |                  |                  |                  |                  |                  |                 |

**PART IV.** 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.

|                                 | 1st Qtr       | 2nd Qtr     | 3rd Qtr | 4th Qtr | 1st Qtr | 2nd Qtr | 3rd Qtr | 4th Qtr | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | PROJECT TOTAL |
|---------------------------------|---------------|-------------|---------|---------|---------|---------|---------|---------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|---------------|
| Expected Quarterly Expenditures | \$ 200,000.00 | \$ 200,292. | \$      | \$      | \$      | \$      | \$      | \$      | \$  | \$  | \$  | \$  | \$  | \$  | \$  | \$  | \$  | \$  | \$  | \$  | \$ 400,292.   |





**NAGEEZI CHAPTER**  
**Eastern Agency**

Buu Nygren., Navajo Nation President

Richelle Montoya, Navajo Nation Vice President

**RESOLUTION OF NAGEEZI CHAPTER**

**EASTERN AGENCY, DISTRICT 19**

**RESOLUTION # NC 23-045**

**APPROVING THE PROPOSED BUDGET OF \$200,292.00 FOR AND TOWARDS THE CHIPSEAL OF COUNTY ROAD 7900 THROUGH THE \$8.8 MILLION COUNCIL DELEGATE REGIONAL PROJECTS.**

**WHEREAS:**

Pursuant to 26 N.N.C. 1(B), the Nageezi Chapter is delegated to the governmental authority to make decision over local matters consistent with Navajo Law, Custom and Tradition and under 11 N.N.C. Part 10 also delegated authority to make local decisions in the best interest and welfare of the community members; and,

Nageezi Chapter with the population of 2500 to 3000 residents, registered and non-registered, is made up of (09) sub-communities including and not limited to Nageezi, Lybrook, Twin Pines, Blanco, Kimbeto, Chaco Canyon, Escavada, Betoni Wash, Kinnadiz and Dzilh-na-o-dith-hle, being one of the largest land based Navajo Chapter in Eastern Navajo Agency of the Navajo Nation; and,

Nageezi Chapter continues dealing with pandemic of COVID 19 and requesting practice of COVID 19 illness, asking families to stay in place at their residence as much as possible.

Nageezi Chapter has families who are living without infrastructure utilities and passable road, making it unhealthy and unsafe in the pandemic era. Families need to get to medical facilities and emergency vehicles need to get to these families when needed. All weather road are a must in these unimproved areas.

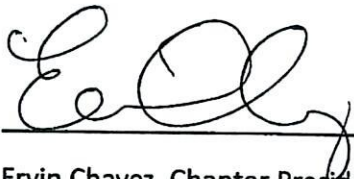
**NOW THEREFORE BE IT RESOLVED THAT** Nageezi Chapter approves the proposed budget of \$200,292.00 for and towards the chipseal construction of County Road 7900 creating an all weather road for medical access and families to get daily necessities from Regional Council Delegate Projects.

Nageezi Chapter ("Chapter") affirms that the Chapter will only use awarded Fiscal Recovery Funds and implement this FRF Expenditure Plan in compliance with the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nations laws, regulations and policies.

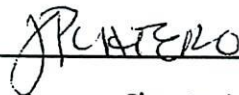
## C E R T I F I C A T I O N

**WE HEREBY CERTIFY THAT THE FOREGOING RESOLUTION NC 23-045** was duly presented and discussed at duly called meeting of Nageezi Chapter, Navajo Nation, (New Mexico), at which a quorum was present, motioned by Loreen Rafael seconded by Wallace Castillo , was voted on with 14 in favor, 00 opposed and 01 abstained, this 06<sup>th</sup> day of February, 2023

ATTEST: **NC 23-045**



Ervin Chavez, Chapter President



Rory Jaques, Chapter Vice President or  
Jessica Platero Chapter Secretary



**NAGEEZI CHAPTER  
EASTERN NAVAJO AGENCY  
District 19**

*Buu Nygren  
Navajo Nation President*

*Richelle Montoya  
Navajo Nation Vice-President*

March 3, 2023

RE: Delegation of Authority

Nageezi Chapter does not have a Community Services Coordinator employed, so I hereby Delegate Chiffon Harrison's Accounts Maintenance Specialist's signature on the ARPA Appendix A and the Expenditure Plans to indicate the validity and to make documentation official.

A handwritten signature in cursive script, appearing to read "Ervin Chavez", written over a horizontal line.

Ervin Chavez

*Nageezi Chapter President*



**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 #:** HK 0611

**Date & Time Received:** 06/30/23 at 11:05

**Date & Time of Response:** July 7, 2023 at 9:00 am

**Entity Requesting FRF:** Nageezi Chapter

**Title of Project:** County Road 7900 Plan and Design Project

**Administrative Oversight:** Division of Community Development

**Amount of Funding Requested:** \$200,292.00

**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 Health Communities: Neighborhood Features that Promote Health and Safety

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

- Missing Form
- Supporting documentation missing
- Project will not be completed by 12/31/2026
- Ineligible purpose
- Submitter failed to timely submit CARES reports
- Additional information submitted is insufficient to make a proper determination

- Expenditure Plan incomplete
- Funds will not be obligated by 12/31/2024
- Incorrect Signatory
- Inconsistent with applicable NN or federal laws

Other Comments: \_\_\_\_\_  
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Name of DOJ Reviewer: Lorenzo Curley

Signature of DOJ Reviewer: *Lorenzo Curley*

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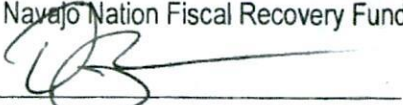
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Danny Simpson, Council Delegate  
25<sup>TH</sup> NAVAJO NATION COUNCIL

*Huerfano, Nageezi, Lake Valley, White Rock, Becenti, Crownpoint, Nahodishgish & Tsé ii'ahí*

TO: Leonora Henderson, MBA  
Senior Programs and Projects Specialist  
Navajo Nation Fiscal Recovery Fund Office

FROM:   
\_\_\_\_\_  
Danny Simpson, Council Delegate  
25<sup>th</sup> Navajo Nation Council

DATE: May 9, 2024

SUBJECT: **Change of Nageezi Chapter Project - ARPA**

Please allow this memorandum to serve as an official request to increase project funding for Nageezi Chapter County Road 7900 Plan and Design Project from \$200,292.00 to \$400,292.00. Additional funding will be allocated from delegate's region allocation.

Your Approval to my request will be appreciated. If you have any questions, please contact me at (505) 422-9429.