



**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 #:** \_\_\_\_\_

**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](mailto: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.

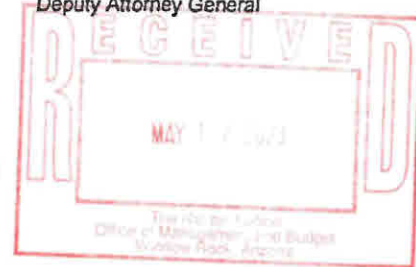


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INITIAL ELIGIBILITY DETERMINATION  
FOR NAVAJO NATION FISCAL RECOVERY FUNDS



RFS/HK Review #: HK 0430

Date & Time Received: 3/30/23 at 14:22

Date & Time of Response: 04/05/2023 at 1135

Entity Requesting FRF: Whippoorwill Chapter

Title of Project: New Home Waterline Project

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$48,000

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: \_\_\_\_\_

5.11, Drinking Water: Transmission and Distribution

☐ 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: \_\_\_\_\_

Name of DOJ Reviewer: Erika Pirotte

Signature of DOJ Reviewer: Erika Pirotte Digitally signed by Erika Pirotte  
Date: 2023.04.05 11:27:42 -0500

Digitally signed by Erika Pirovic  
Date: 2023.04.05 11:27:42 +05'00'

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](mailto: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.

Page 2 of 2

**THE NAVAJO NATION  
FISCAL RECOVERY FUNDS REQUEST FORM & EXPENDITURE PLAN  
FOR GOVERNANCE-CERTIFIED CHAPTERS**

**Part 1. Identification of parties.**

Governance-Certified Chapter requesting FRF: Whippoorwill Chapter Date prepared: Nov. 21, 2022  
 Chapter's P.O. Box 279 phone & email: (928) 725-3728  
 mailing address: Pinon, Az 86510 website (if any): whippoorwill@navajochapters.org  
 This Form prepared by: Mareita Denny phone/email: (928) 725-3728  
Chapter Manager whippoorwill@navajochapters.org  
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: New Home Waterline Project

Chapter President: Aaron Yazzie phone & email: (928) 383-2751  
 Chapter Vice-President: Gerald Ahasteen phone & email: (928) 781-7251  
 Chapter Secretary: Phillip Tom Jr. phone & email: (928) 675- 7343  
 Chapter Treasurer: Phillip Tom Jr. phone & email: (928) 675- 7343  
 Chapter Manager or CSC: Mareita Denny phone & email: (928) 725- 3756  
 DCD/Chapter ASO: Ella Kay phone & email: (928) 725- 3728

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): Chapter intends to contract this project out to local contractors using DCD Source List or Sole Source and Coordinate this project with NTUA or OEH. ☐ document attached

Amount of FRF requested: \$48,000.00 FRF funding period: May 01, 2023 to December 31, 2024  
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 New Home Waterline Project will be planned immediately as project is nearing completion due to NTUA's set schedule. Application for water connection for new home must be submitted earlier with NTUA Office to make it part of their job list. New Home are provided to families whom are vulnerable to contracting virus particular COVID who are the elderlies, handicapped, disable person and younger kids.

☐ document attached

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

New Home Project benefits the elderlies, handicaps, disabled Veterans and any families who lived in dilapidated shelters. Any Right of Ways for water lines to new home will first be studied if Right of Way can be waived. Discussion on Right of Way issue will be cleared by NTUA or BIA before completion of Home construction.

☐ 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

Waterline for New completed Home application must be submitted on January 2024 prior completion of New Home by December 2025. Local utility company NTUA or other local company may have full schedule for similar project.

☐ document attached

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

Whippoorwill Chapter will implement this project and coordinate waterline construction with NTUA or OEH.

☐ 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:

Home owners will be responsible for maintenance as required by NTUA from water meter to the house and NTUA is responsible from main waterline to home's water meter. This is a standard respective cost operation duties between the NTUA and homeowners.

☐ document attached

(f) State which of the 65 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:

Fiscal Recovery Fund expenditure categories- 5.15 Drinking Water: Other water Infrastructure

To complete New Home construction, basic utility connection budget is necessary.

☐ document attached

### Part 3. Additional documents.

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

Chapter Waterline Project Resolution will be attached.

☐ 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:

Approved by:

Approved by:

Approved by:

Approved to submit  
for Review:



FY 2023

**THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY**

Page 1 of 1  
BUDGET FORM 1

K2115204

<b>PART I. Business Unit No.:</b> <u>NEW</u>		<b>Program Title:</b> <u>Whippoorwill Chapter - Waterline Infrastructure Project</u>		<b>Division/Branch:</b> <u>DCD/Executive</u>	
<b>Prepared By:</b> <u>Mareita Denny, Chapter Manager</u>		<b>Phone No.:</b> <u>928-725-3727</u>		<b>Email Address:</b> <u>whippoorwill@navajochapters.org</u>	



  

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 ARPA FUNDS	5-01-2023 12-31-2026	48,000.00	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				
				7000 Special Transactions				
				8000 Public Assistance	6	0	48,000.00	48,000.00
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
				<b>TOTAL</b>		\$0.00	48,000.00	48,000.00

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

<b>PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.</b>			
<b>SUBMITTED BY:</b> <u>James Adakai, Deputy Director</u> <div style="text-align: center;">Program Manager's Printed Name</div> <div style="text-align: center;">             Program Manager's Signature and Date         </div>	<b>APPROVED BY:</b> <u>Calvin Castillo</u> <div style="text-align: center;">Division Director / Branch Chief's Printed Name</div> <div style="text-align: center;">             Division Director / Branch Chief's Signature and Date         </div>		

AB 5/22/23

FY 2023

**THE NAVAJO NATION  
PROGRAM PERFORMANCE CRITERIA**

Page 2 of 3  
BUDGET FORM 2

K215204

<b>PART I. PROGRAM INFORMATION:</b>									
Business Unit No.: <u>NEW</u>			Program Name/Title: <u>WHIPPOORWILL CHAPTER - WATERLINE EXTENSION PROJECT</u>						
<b>PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:</b>									
<b>PART III. PROGRAM PERFORMANCE CRITERIA:</b>									
		1st QTR		2nd QTR		3rd QTR		4th QTR	
		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1. Goal Statement:									
To assist community members with Waterline Infrastructure and Connections.									
Program Performance Measure/Objective:									
Assist 3-Clients with Waterline Extension Infrastructure and connection.								3	
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:									
<b>PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.</b>									
<u>James Adakei, Deputy Director</u>				<u>Calvin Castillo</u>					
Program Manager's Printed Name				Division Director/Branch Chief's Printed Name					
<u>[Signature]</u> 3-30-23				<u>[Signature]</u> 3/28/2023					
Program Manager's Signature and Date				Division Director/Branch Chief's Signature and Date					

AB 5/22/23



FY 2023

**THE NAVAJO NATION  
DETAILED BUDGET AND JUSTIFICATION**

Page 3 of 3  
BUDGET FORM 4

K2115204 AB

<b>PART I. PROGRAM INFORMATION:</b>			
Program Name/Title: <u>WHIPPOORWILL CHAPTER - WATERLINE INFRASTRUCTURE PROJECT</u>		Business Unit No.: <u>NEW</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)
8000 <sup>att</sup>	Public Assistance <sup>att</sup>		48,000.00
8500 <sup>att</sup>	Infrastructure (non cap) <sup>att</sup>	48,000.00	
	8545 Waterline Extension <sup>att</sup>		
	Assist 3-Community members with Waterline Extension. <sup>att</sup>		
<b>TOTAL</b>		48,000.00	48,000.00

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FY 2023

**THE NAVAJO NATION  
PROJECT BUDGET SCHEDULE**

Page 1 of 2  
**PROJECT FORM:**

<b>PART I.</b> Business Unit No.: <u>NEW</u> Project Title: <u>Whippoorwill Chapter Waterline Extension Project</u> Project Description: <u>Waterline Extension for new unit houses.</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>Waterline Extension Project</u> Planned Start Date: <u>May 01, 2023</u> Planned End Date: <u>December 31, 2026</u> Project Manager: <u>Mareita Derry</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.								
		FY 2023				FY 2024				Expected Completion Date if project exceeds 8 FY Qtrs. <u>Dec. 31, 2026</u> Date
		1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	
1) Assessment/Eligibility - New Homes			X X							
2) Utility/Clearances - ROW				X X						
3) Draw Sole Source Contract - Submit Sole Source Contract to DOJ - Award Contract with Drawdown @ 50%				X	X					
5) Construction - Inspection						X	X	X	X	X
6) Completion - Final Inspection								X	X	X
7) Close Out - Compile Reports/Expenditures - Final Payout										X X X
<b>PART V.</b>		\$	\$	\$	\$	\$	\$	\$	\$	PROJECT TOTAL
Expected Quarterly Expenditures		0.00		0.00	24,000.00	0.00	0.00	0.00	24,000.00	\$48,000.00

FOR OMB USE ONLY:

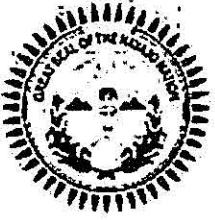
Resolution No: \_\_\_\_\_

FMIS Set Up Date: \_\_\_\_\_

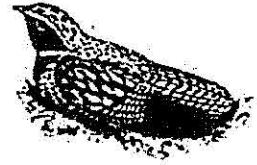
Company No: \_\_\_\_\_

OMB Analyst: \_\_\_\_\_

AB 5/22/23



# Whippoorwill Chapter



P.O. Box 279  
Pinon, AZ 86510  
Phone #: (928)725-3727/3728  
Fax #: (928)725-3745

Marcita Denny, Chapter Manager

Ella M. Kay, Administrative Assistant

Germaine Simonson, Council Delegate Aaron Yazzie, President Gerald Abasteen, Vice-President Phillip Tom Jr., Secretary/Treasurer

## RESOLUTION OF WHIPPOORWILL CHAPTER

Resolution No. WC-23-26

**REQUESTING THE DEPARTMENT OF JUSTICE AND DIVISION OF COMMUNITY DEVELOPMENT TO ACCEPT OUR COMPLETED FISCAL RECOVERY FUND REQUEST FORM AND EXPENDITURE PLAN FOR OUR CHAPTER'S NEW HOME WATERLINE PROJECT SUBJECT TO BE FUND IN THE AMOUNT OF \$48,000.00 BY AMERICAN RESCUE PLAN ACT**

### WHEREAS:

1. The Resources and Development Committee, pursuant to Legislation RD CD-83-14 certified Whippoorwill Chapter's Five Management System Policies and Procedures and pursuant to 2 N.N.C., §501 (B) (2) (d), 26 N.N.C. §102 and CO-45-12 Section 5(B), upon recommendation by Auditor General's office, further supported the certification, and
2. Pursuant to Local Governance Act, 26, N.N.C. §101, et seq. to properly administer, to provide accountability in the five personnel and property management, and consistent with Auditor General's Memorandum dated September 9, 2014, AUDIT REPORT No. 14-24, and
3. The funding from American Rescue Plan Act was received to combat and mitigate COVID-19, thereby; this project meets the criteria and eligible under Treasury Expenditure Categories final rule, Drinking Water: Other water infrastructure, AND
4. Whippoorwill Chapter has prepared project under American Rescue Plan Act to construct to new homes with waterline connection that would complement the newly constructed house, in addition septic system with leach field will be included in construction, AND
5. Most selected families house will be built near existing powerline and waterline to qualify for a waiver of Right of Way by NTUA that will avoid a lengthy process, these type of cooperation between the agencies have always been in the best interest of the people.

### NOW THEREFORE IT BE RESOLVE THAT:


1. The Whippoorwill Chapter hereby requests the Department of Justice and Division of Community Development to accept our completed Fiscal Recovery Fund Form and Expenditure Plan for New Home Waterline Project subject to be funded in amount of \$48,000.00 by American Rescue Plan Act.
2. Whippoorwill Chapter hereby affirms that the chapter will only use awarded Fiscal Funds and implement this FRF Expenditure Plan in compliance with the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulation, and policies.

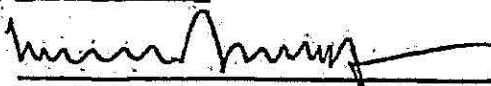
## CERTIFICATION


We, the undersigned hereby certify that the foregoing resolution was considered by the Whippoorwill Chapter at a duly called meeting at Whippoorwill, Arizona, Navajo Nation, at which a quorum was present and the same was passed by a Vote 04 in FAVOR, 0 OPPOSED, and 02 ABSTAINED on the November 4<sup>th</sup>, 2022.

Motioned by Raymond Joe

Second by Johnny Naize

  
\_\_\_\_\_  
Aaron Yazzie, Chapter President

  
\_\_\_\_\_  
Gerald Ahasteen, Chapter Vice President

  
\_\_\_\_\_  
Phillip Tom Jr., Chapter Secretary/Treasurer

\_\_\_\_\_  
Jimmy Yellowhair, NN Council Delegate

\_\_\_\_\_  
Albert Wartz, Grazing Official



Job K2115204 US TREASURY-WHIPPOORWILL NH WL

Thru Date 5/31/2023

Project

Cost Code	Cost Type	Description	L P M D E C U M	Original Budget Amt	Revised Budget Amt	Actual Amount	Open Commit Amount	Budget Balance	% Revised Spent	% Revised Remaining
1710	Program Revenue	6 B N		48,000.00-	48,000.00-			48,000.00-		1.00
1710	Program Revenue	6 T		48,000.00-	48,000.00-			48,000.00-		1.00
1705	CG Revenue	5 T		48,000.00-	48,000.00-			48,000.00-		1.00
1700	External C/G Revenue Source	4 T		48,000.00-	48,000.00-			48,000.00-		1.00
1000	Revenues	3 T		48,000.00-	48,000.00-			48,000.00-		1.00
8500	Infrastrure (non cap)	6 B N		48,000.00	48,000.00			48,000.00		1.00
8500	Infrastrure (non cap)	6 T		48,000.00	48,000.00			48,000.00		1.00
8010	Public	5 T		48,000.00	48,000.00			48,000.00		1.00
8000	Assistance	4 T		48,000.00	48,000.00			48,000.00		1.00
2000	Expenses	3 T		48,000.00	48,000.00			48,000.00		1.00