



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 792

Date & Time Received: 04/17/24 at 17:29

Date & Time of Response: 04/24/24 at 17:00

Entity Requesting FRF: LeChee Chapter

Title of Project: 5.5 Clean Water: Other Sewer Infrastructure

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$3,249,324.00

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:
5.5 Clean Water: Other Sewer Infrastructure

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: Project is a proposed wastewater extension/connection to off-Navajo wastewater treatment facilities. Recommend coordinating with NTUA and DWR to ensure agreements are in place for off-Navajo receipt of wastewater. Design, permitting, and construction will need to comply with Navajo Nation Domestic Wastewater Regulations, and there may be other applicable laws depending on project location.

Because LeChee is an LGA-Certified Chapter and services will likely need to be contracted out to engineer and construction services, DCD is the appropriate Administrative Oversight.

Name of DOJ Reviewer: Erika Pirotte

Signature of DOJ Reviewer: Erika R. Pirotte

Digitally signed by Erika R. Pirotte
Date: 2024.04.24 13:20:31 -06'00'

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: LeChee Chapter Date prepared: 03/18/2024

Chapter's mailing address: PO Box 4720 phone & email: 928-698-2805 lechee@navajochapters.org
Page, AZ 86040 website (if any): lechee.navajochapters.org

This Form prepared by: Renee Tsosie phone/email: rtsosie@nnchapters.org
Legislative District Assistant to Honorable Helena Nez-Begay

CHAPTER CONTACT PERSON'S name and title

Title and type of Project: 5.5 Clean Water: Other Sewer Infrastructure

Chapter President: JoAnn Yazzie-Pioche phone & email: 928-698-2805 jyazzie-pioche@naataanii.org

Chapter Vice-President: VACANT phone & email: NA

Chapter Secretary: Sharla Dale Hunt phone & email: 928-698-2805 sharla.hunt@navajochapters.org

Chapter Treasurer: Sharla Dale Hunt phone & email: 928-698-2805 sharla.hunt@navajochapters.org

Chapter Manager or CSC: Renee Tsosie phone & email: 928-698-2805 rtsosie@nnchapters.org

DCD/Chapter ASO: Milford Maloney phone & email: 928-283-3342 mmaloney@nndc.org

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

document attached

Amount of FRF requested: \$3,249,324.00 FRF funding period: March 18, 2024 - September 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:

To plan, design and construct for wastewater pipeline system. This project will is to replace the current sewage lagoons, and to connect to the nearby City of Page wastewater sewage system connected to the Water Treatment Plant.

document attached

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

The project will assit clients and their families with healthy and sanitary living by providing the needed service. This will enhance the health and well being of the Navajo people as the high number of homes within the community of LeChee Chapter, Navajo Nation. The residents will be provided with wastewater systems to address the needs of clean to promote public health and economic growth.

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:

03/18/2024 - 06/30/2024 To plan and design with the Contractor
06/28/2024 - 06/28/2024 Encumber funds
07/03/2024 - 09/30/2026 Construct and complete project

document attached

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

LeChee Chapter Administration and Chapter Officials will be responsible to identify clients that need this service.

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:

No additional cost or recurring cost will be incurred by LeChee Chapter once the wastewater pipeline sewer are installed.

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:

5.5 Clean Water and Sewer: Other

Pursuant to the U.S. Treasury guidelines and funding objectives this wastewater project addresses conditions that contributed to poor public health & economic outcomes during the pandemic. By concentrating in areas with limited economic opportunities and inadequate or poor housing quality access to resources facilitates improved health outcomes including services that connect resident with health care resources & public assistance & build healthier environments such as housing services to support health living environments & neighborhoods conducive to mental and physical wellness. Access to utilities facilitates sustainable economic, social growth & can drastically increase the quality of healthcare provided.

document attached

Part 3. Additional documents.

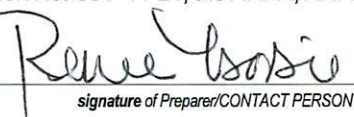
List here all additional supporting documents attached to this FRF Expenditure Plan (or indicate N/A):

Forth coming in the April 2024 Regular Chapter Meeting.

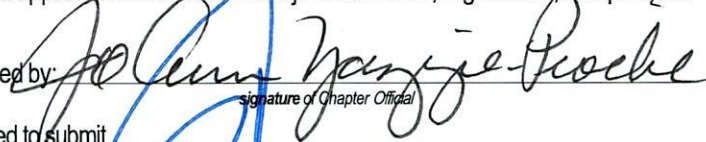
Part 4. Affirmation by Funding Recipient.

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:

Chapters Preparer:


signature of Preparer/CONTACT PERSON

Approved by:


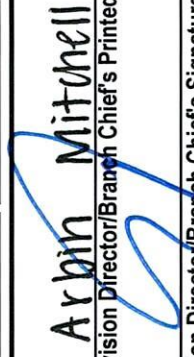

signature of Chapter Official

Approved to submit for Review:


signature of DCD or NNFRFO Director

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

PART I Business Unit No.: <u>NEW</u>		Program Title: <u>LeChee Chapter to Page Wastewater Connection</u>		Division/Branch: <u>DCD/Executive</u>				
Prepared By: <u>Renee Tsosie, Chapter Manager</u>		Phone No.: <u>928-698-2804</u>		Email Address: <u>rtosie@nnchapters.org</u>				
PART II. FUNDING SOURCE(S)		Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY			
NN Fiscal Recovery Fund		<u>2024-09/30/26</u>	<u>3,249,324.00</u>	<u>100%</u>	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
					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	<u>6</u>	<u>0</u>	<u>3,249,324.00</u>
					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
TOTAL:					TOTAL	\$0.00	3,249,324.00	3,249,324.00
					PART IV. POSITIONS AND VEHICLES			
					Total # of Positions Budgeted:		<u>0</u>	<u>0</u>
					Total # of Vehicles Budgeted:		<u>0</u>	<u>0</u>
					PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.			
SUBMITTED BY: <u>Renee Tsosie</u>					APPROVED BY: <u>Arbin Mitunel</u>			
Program Manager's Printed Name					Division Director / Branch Chief's Printed Name			
<u>Renee Tsosie</u>					<u>Arbin Mitunel</u>			
Program Manager's Signature and Date					Division Director / Branch Chief's Signature and Date			
<u>Renee Tsosie</u>					<u>Arbin Mitunel</u>			

PART I. PROGRAM INFORMATION:		LeChee Chapter to Page Wastewater Connection			
Business Unit No.:	NEW	Program Name/Title:			
PART II. PROGRAM PERFORMANCE CRITERIA:		1st QTR	2nd QTR	3rd QTR	4th QTR
		Goal	Goal	Goal	Goal
1. Program Performance Measure: Construction of Wastewater Connection to the City of Page					1
2. Program Performance Measure: New build start to be completed by 07/30/2024					
3. Program Performance Measure:					
4. Program Performance Measure:					
5. Program Performance Measure:					
PART III. CONCURRENCE/APPROVAL:					
 Renee Isosie Program Manager's Printed Name		 Arbin Mitchell Division Director/Branch Chief's Printed Name			
_____ Program Manager's Signature and Date		_____ Division Director/Branch Chief's Signature and Date			

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

FY 2024

PART I. PROGRAM INFORMATION:			
Program Name/Title: LeChee Chapter to Page Wastewater Connection		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	CONTRACTUAL SERVICES		3,249,324
	General Requirements	100,000	
	Mobilization	200,000	
	General Conditions		
	Collection Systems		
	8' HDPE Gravity Sewer Main with intail	765,000	
	48-inch Polymer Manholes	600,000	
	10'x10'x6' Concrete Meter Vault w/Appurtenances	175,000	
	Access Road - All Weather Gravel	40,000	
	NTUA Utility SS Manhole Connection	35,000	
	Page Utility SS Manhole Connection	50,000	
	Contingency 20%	393,000	
	Navajo Nation BAT Tax 6%	141,480	
	Engineering Design and Construction Assistance 30%	749,844	
TOTAL		3,249,324	3,249,324

PART I. Business Unit No.: NEW		PART II. Project Information																	
Project Title: Lechee Chapter - Clean Water: Other Sewer Infrastructure		Project Type: New Construction																	
Project Description: Construction of wastewater system that contribute to poor public health, facilities, to improve a healthier environment, by connecting to the City of Page Wastewater system, and removing the old sewer lagoons located within the community of LeChee Chapter.		Planned Start Date: 3/18/2024																	
Check one box:		Planned End Date: 9/30/2026																	
		Project Manager: Renee Tsosie, GM <i>RT</i>																	
PART III.		PART IV. Use Fiscal Year (FY) Quarters to complete the information below. O = Oct., N = Nov.; D = Dec., etc.																	
List Project Task separately; such as Plan, Design, Construct, Equip or Furnish.		FY 2024						FY 2025						Date					
		1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.						
03/18/2024 - 04/02/2024 Resolution and Design		O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M
04/02/2024 - 06/28/2024 Submit project to NN Council for approval and awarding							x	x	x										
05/03/2024 - 09/30/2026 Construction and build of building including any challenges with timeline									x	x	x	x	x	x	x	x	x	x	x
PART V		\$						\$						PROJECT TOTAL					
Expected Quarterly Expenditures		0.00						0.00						\$3,249,324.00					
FOR OMB USE ONLY:		Resolution No:						FMS Set Up Date:						Company No:		OMB Analyst:			

RECEIVED
4-17-24 *RT*



eChee to Page City Wastewater Connection				
Description	Unit	Unit Cost	Qty	Total
General Requirements				
Mobilization	LS	\$ 100,000	1	\$ 100,000
General Conditions	LS	\$ 200,000	1	\$ 200,000
Subtotal				\$ 300,000
Collection System				
8" HDPE Gravity Sewer Main with Install	LF	\$ 100	7,650	\$ 765,000
48-inch Polymer Manholes	EA	\$ 30,000	20	\$ 600,000
10' x 10' x 6' Concrete Meter Vault w/Appurtenances	LS	\$ 175,000	1	\$ 175,000
Access Road - All Weather Gravel	CY	\$ 200	200	\$ 40,000
NTUA Utility SS Manhole Connection	LS	\$ 35,000	1	\$ 35,000
Page Utility SS Manhole Connection	LS	\$ 50,000	1	\$ 50,000
Subtotal				\$ 1,665,000
SUBTOTAL CONSTRUCTION COST				\$ 1,965,000
Contingency		20%	\$ 393,000	
SUBTOTAL WITH CONTINGENCY				\$ 2,358,000
Navajo Nation BAT Tax		6%	\$ 141,480	
TOTAL CONSTRUCTION COST				\$ 2,499,480
Engineering Design and Construction Assistance		30%	\$ 749,844	
ENGINEER'S ESTIMATE OF PROBABLE COST				\$ 3,249,324

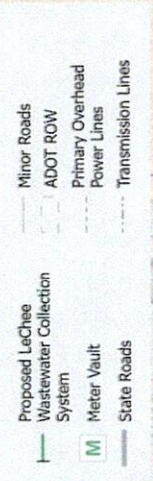
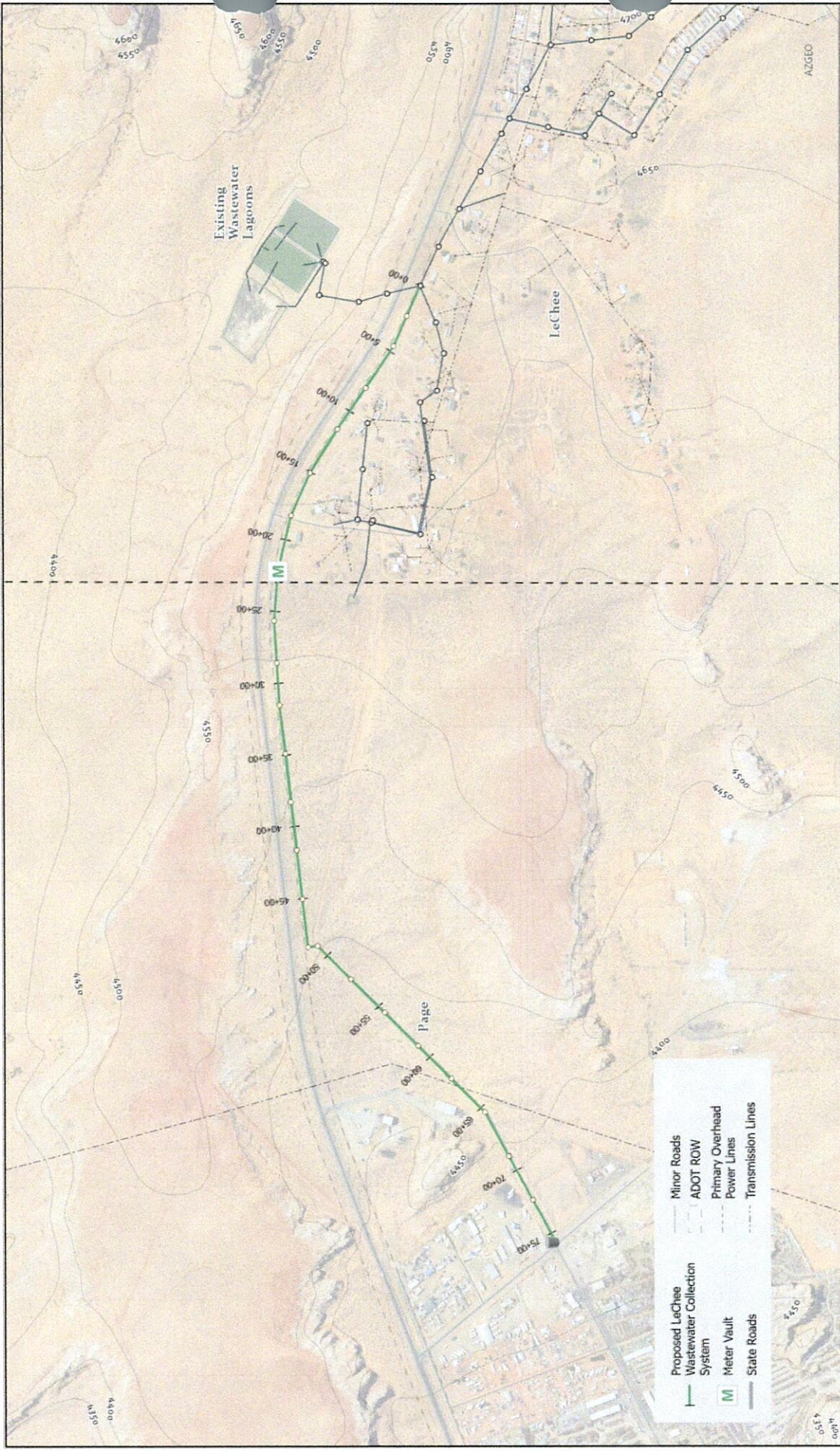


Figure 8
 LeChee Wastewater Collection System - Sheet 1
 Antelope Canyon Development Project
 Coconino County, AZ



Basemap: TIAIP 2017

Date: 4/17/2023
 Project No: 1529654
 Client: Havahejo Nation



LeChee Chapter to Page Wastewater Connection

LeChee Chapter

Amounts of Funds Requested

\$3,249,324.00

Submitted by:

A handwritten signature in black ink, appearing to read "Helena Nez Begay".

Honorable Delegate Helena Nez Begay
25th Navajo Nation





P.O. Box 4720 LeChee AZ, 86040 P: (928)698-2805 F: (928)698-2803 E: lechee@navajochapters.org W: lechee.navajochapters.org

**RESOLUTION OF THE LECHEE CHAPTER
RESOLUTION: LC 03242024B**

APPROVING THE NAVAJO NATION FISCAL RECOVER FUND EXPENDITURE PLANS FOR CHAPTER AND REGIONAL PROJECT IN THE AMOUNT OF \$3,249,324.00 TO LECHEE CHAPTER TO PAGE WASTEWATER CONNECTION.

WHEREAS:

1. The LeChee Chapter Pursuant to: 26 N.N.C. (Navajo Nation Council) ss 3(A), the LeChee Chapter is a certified Chapter of the Navajo Nation Government, as listed as 11 N.N.C. ss 10 as amended which has also been certified pursuant to the Navajo Nation Local Governance Act, 26 N.N.C. ss 1 et seq., as Amended and possesses the authority and responsibility to promote local projects that benefit the local community and its economic development; and,
2. Pursuant to: 26 N.N.C. ss 1(B), the LeChee Chapter is vested with authority to review all matters affecting the community and make appropriate recommendations to the Navajo Nation, federal, state and local agencies for appropriate actions, and is also empowered by the Navajo Council to review all matters affecting the local community and to make favorable decisions in the best interest of all the community to protect and promote the general health, safety, and welfare of the Chapter's Membership and all Navajos; and,
3. The LeChee Chapter and Honorable Helena Nez-Begay recognizes that the LeChee Chapter and its communities lack the inadequate wastewater infrastructure within the community. Current status the community has been utilizing NTUA Lagoon System which has had breakage due to over capacity of the solid waste to the system; and
4. The wastewater connection will accommodate the needs of our growing community, during the COVID-19 Pandemic the community was impacted with multi generational families moving home due to lack of work in the metropolitan communities, this impact has caused the current sewage system to be at its capacity usage; and
5. The LeChee Chapter and Regional Projects Expenditure Plan allows Honorable Helena Nez Begay to select projects for his region and aid in expediting the process needed to obligate, encumber, expend funds, and execute construction contracts.
6. The LeChee Chapter shall provide the Navajo Nation Fiscal Recover Fund Documents used in this plan as Exhibit A:

- a. Appendix A – Request Form & Expenditure Plan
- b. Appendix B – Navajo Nation Budget Forms
- c. Approving Chapter Resolution

NOW; THEREFORE, BE IT RESOLVED THAT:

1. The LeChee Chapter; hereby, recognizes and approves the Navajo Nation Fiscal Recovery Fund in the amount of: \$3,249,324.00 for LeChee Chapter to Page Wastewater Connection and Regional Projects.

CERTIFICATION:

We; hereby, certify that the foregoing Resolution of the LeChee Chapter was duly considered by the LeChee Chapter and the membership of the LeChee Chapter of the Navajo Nation at a duly-called special meeting at LeChee, Navajo Nation, at which a quorum was present, and which was conducted in accordance with the laws of the Navajo Nation and the: Ordinances, Resolutions, Rules, and Policies of the LeChee Chapter, and that the same was passed by a vote of: 21 in favor, 0 opposed, 04 abstained on this 24th day of: March, 2024.

Motioned by: Irene Whitekiller

Seconded by: Michelle Aley

JoAnn Yazzie-Pioche
JoAnn Yazzie-Pioche, President

Vacant, Vice-President

Sharla Hunt
Sharla Hunt, Secretary and Treasurer

Tyler Manson
Tyler Manson, Grazing Official

Helena Nez Begay, Council Delegate