



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:

- | | |
|--|---|
| <input type="checkbox"/> (1) Public Health and Economic Impact | <input type="checkbox"/> (2) Premium Pay |
| <input type="checkbox"/> (3) Government Services/Lost Revenue | <input type="checkbox"/> (4) Water, Sewer, Broadband Infrastructure |

U.S. Department of Treasury Reporting Expenditure Category: _____

- ☐ 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

[illegible]

Name of DOJ Reviewer: _____

Signature of DOJ Reviewer: _____

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.

Page 2 of 2



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DEPARTMENT OF JUSTICE
INITIAL ELIGIBILITY DETERMINATION
FOR NAVAJO NATION FISCAL RECOVERY FUNDS



RFS/HK Review #: HK 0446

Date & Time Received: 4/5/23 at 11:36

Date & Time of Response: 04/12/2023 at 1650

Entity Requesting FRF: Tohatchi Chapter

Title of Project: Septic System and Leach Field

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$950,918.00

Eligibility Determination:

- ☒ FRF eligible
☐ FRF ineligible
☐ Additional information requested

FRF Eligibility Category:

- | | |
|--|--|
| <input type="checkbox"/> (1) Public Health and Economic Impact | <input type="checkbox"/> (2) Premium Pay |
| <input type="checkbox"/> (3) Government Services/Lost Revenue | <input checked="" type="checkbox"/> (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: Number of homes is 38 to be consistent with the Chapter Resolution.

Also note EC is different from Request Form to better reflect use of funds.

Name of DOJ Reviewer: Erika Pirotte

Signature of DOJ Reviewer: Erika Pirotte

Digitally signed by Erika Pirotte
Date: 2023.04.12 16:43:19 -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.

APPENDIX A

**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: Tohatchi Chapter Date prepared: 2/17/2023

Chapter's P.O. Box 287 phone/email: (505) 733-2845
mailing address: Tohatchi, NM 87325 website (if any): Tohatchi@navajochapters.org

This Form prepared by: Janice Begay phone/email: (505) 733-2845
Office Specialist mallison@nnchapter.org
CONTACT PERSON'S name and title CONTACT PERSON'S title

Title and type of Project: Septic System and Leach Field

Chapter President: Harry Moore, Jr. phone & email: (505) 870-8082 smcure@nsntribe.org
Chapter Vice-President: Mike Halona phone & email: (505) 797-1822 mhalona@nnid.org
Chapter Secretary: Jean Crawford phone & email: (505) 400-2838 jcrawford@navajochapters.org
Chapter Treasurer: Jean Crawford phone & email: (505) 400-2838 jcrawford@navajochapters.org
Chapter Manager or CSC: Maria Allison phone & email: (505) 733-2845 mallison@nnchapters.org
DCD/Chapter ASO: Dereck Echohawk phone & email: (505) 288-3153 ddechohawk@nncdc.org

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): Septic System Contractor
☐ document attached

Amount of FRF requested: \$950,918 FRF funding period: 05/01/2023 - 09/30/2026
Indicate Project starting and ending/budgetary 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 will repair or replace existing septic/leach field systems to 43 homes within the Tohatchi Community. Non-functioning bathrooms will be operational after replacement or repair of the septic/leach field systems. Providing indoor bathroom use prevents the spread of health-related illnesses that may cause increased vulnerability to COVID-19 complications.

☐ document attached

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

This project will benefit 43 Tohatchi Community members by providing septic/leach field repairs/replacement necessary for sanitation and hygiene safety. This project will promote public health and hygiene by addressing major sanitation needs to prevent and reduce COVID-19 infection and other illnesses by providing proper sanitation facilities.

☐ 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

APPENDIX A

Program(s) or Project(s) by December 31, 2026:

This project will benefit (38) septic system/leach field repair or replacement and will be fully expended by December 2026. Funds will be secured by 3rd quarter of FY 2023. Contractor will be end of FY 2023 and Project will be completed by September 30, 2026.

☐ document attached

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

The Tohatchi Chapter will provide oversight of the project until completed by working and collaboration with Office of Environmental Health, Indian Health Service and Navajo Tribal Utility Authority.

☐ 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:

The homeowners will be responsible for the operation and maintenance of the repair or replacement of septic/leach field following completion.

☐ 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:

Other Public Services: 1-14

Providing home septic system repairs for Tohatchi Community in need will help to address the public health and improving safe and secure bathroom as well as support healthy living environments.

☐ document attached

Part 3. Additional documents.


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

Tohatchi Community Chapter Resolution Number: TOH: 028-03-2023 is attached.

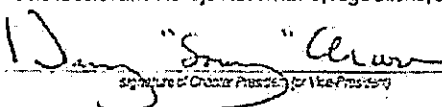
☒ Chapter Resolution attached

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: 
signature of Preparer/CONTACT (JRSO)

Approved by:

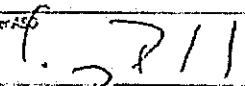

signature of Chapter President (or Vice-President)

Approved by: 
signature of CSC

Approved by:


signature of Chapter ASG

Approved to submit
for Review:


signature of DCD Director

APPENDIX A

Program(s) or Project(s) by December 31, 2026:

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☐ document attached

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Chapter's
Preparer: [Signature]
signature of Preparer/CONTACT PERSON

Approved by: [Signature]

signature of Chapter President (or Vice President)

Approved by: [Signature]
signature of CSC

Approved by: [Signature]

signature of Chapter ASD

Approved to submit
for Review: [Signature]

signature of CCO Director

4/14/2025

FY 2023


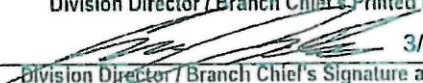
**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

Page ____ of ____
BUDGET FORM 1

PART I. Business Unit No.: <u>New</u>		Program Title: <u>Tohatchi Chapter - Septic System/Leach Field</u>		Division/Branch: <u>DCD/Executive Branch</u>	
Prepared By: <u>Maria Allison</u>		Phone No.: <u>(505) 733-2845</u>		Email Address: <u>mallison@nnchapters.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 Fiscal Recovery Funds	05/01/23-09/30/26	\$950,918	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	\$950,918	\$950,918
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
				TOTAL		\$0.00	\$950,918	\$950,918

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: <u>James Addakai, Deputy Director</u> Program Manager's Printed Name  Program Manager's Signature and Date	APPROVED BY: <u>Calvin Castillo, Executive Director</u> Division Director / Branch Chief's Printed Name  Division Director / Branch Chief's Signature and Date <u>3/24/2023</u>

1.07/3/23

FY 2023

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIAPage ___ of ___
BUDGET FORM 2

PART I. PROGRAM INFORMATION:

Business Unit No.: New

Program Name/Title:

Tohatchi Chapter - Septic System/Leach Field

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

1. Goal Statement:

To install (38) septic/leach line by Contractor

Program Performance Measure/Objective:

Will complete (38) septic/leach project by end of Quarter of FY 2026

						38	
--	--	--	--	--	--	----	--

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.

James Addekei, Deputy Director

Program Manager's Printed Name

James Addekei

Program Manager's Signature and Date

Calvin Castillo, Executive Director

Division Director/Branch Chief's Printed Name

Calvin Castillo 3/24/2023

Division Director/Branch Chief's Signature and Date

James Addekei

FY 2023

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

Page ____ of ____
BUDGET FORM 4

PART I. PROGRAM INFORMATION:			
Program Name/Title: <u>Tohatchi Chapter - Septic System/Leach Field</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)
			\$950,918
8000 ^{AM} Public Assistance AM		\$950,918	
8500 ^{AM} Infrastructure (non-corp)			
8550 - Water/Wastewater			
	level detail 4		
	level detail 6		
TOTAL		\$950,918	\$950,918

v.m. 5/17/23

**THE NAVAJO NATION
PROJECT BUDGET SCHEDULE**

Page ____ of ____
PROJECT FORM

PART I. Business Unit No.: <u>New</u> Project Title: <u>Tohatchi Chapter - Septic System / Leach Field</u> Project Description: <u>To replace or upgrade (38) septic system at various Tohatchi Community members homes</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														PART II. Project Information Project Type: <u>Septic System / Leach Field</u> Planned Start Date: <u>05/01/23</u> Planned End Date: <u>12/01/26-9/30/24</u> Project Manager: <u>Maria Allison</u>																																	
PART III. List Project Task separately; such as Plan, Design, Construct, Equip or Furnish.	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. <u>Sept 30, 2026</u> <u>Dec 28</u>																		
	FY 2023														FY 2024																																
	1st Qtr.				2nd Qtr.				3rd Qtr.				4th Qtr.				1st Qtr.				2nd Qtr.				3rd Qtr.				4th Qtr.																		
	O	N	D		J	F	M	A	M	J	Jul	A	S		O	N	D		J	F	M	A	M	J	Jul	A	S		O	N	D	J	F	M													
Finance (Securing Funds)																																															
Planning & Design																																															
Construction																																															
\$														\$														\$														\$					
Expected Quarterly Expenditures																																										PROJECT TOTAL					
950,918.00																																										\$950,918.00					

FOR OMB USE ONLY: Resolution No: _____ FMIS Set Up Date: _____ Company No: _____ OMB Analyst: _____



THE NAVAJO NATION TOHATCHI COMMUNITY CHAPTER

Post Office Box 287 Tohatchi, New Mexico 87325 Tel: (505) 733-2645/2846 FAX: (505) 733-2847

Harry "Sonny" Moore, Jr.
Chapter President

W. Mike Halona
Chapter Vice-President

Jean Crayford
Chapter Secretary/Treasurer

Gerald Moore
Grazing Official

Nathan Notah
Council Delegate

RESOLUTION OF THE TOHATCHI CHAPTER

SUPPORTING AND APPROVING TOHATCHI CHAPTER'S EXPENDITURE PLANS FOR PROJECTS LISTED UTILIZING THE NAVAJO NATION FISCAL RECOVERY FUND FOR SEPTIC AND LEACH FIELD INSTALLATIONS IN THE TOTAL AMOUNT OF \$950,918.

WHEREAS:

TOH: 028-03-2023

1. Pursuant to NNC Section 3(A), the Tohatchi Chapter is a duly recognized certified Chapter of the Navajo Nation Government as listed as 11 NNC Part 1, Section 10.
2. Pursuant to 26 NNC Section 1(B), the Tohatchi Chapter is vested with the authority to review all matters affecting community to make appropriate corrections when necessary and to make recommendations to the Navajo Nation and other local agencies for appropriate actions.
3. The American Rescue Plan Act (ARPA) of 2021 was passed by the US Senate on March 6, 2021 and signed into law by President Biden on March 11, 2021.
4. Executive Order No. 008-2021, establishing the Navajo Nation Fiscal Recovery Fund (NNFRF) Office dedicated to overseeing and implementing the Coronavirus State and Local Fiscal Recovery Funds program authorized by the American Rescue Plan Act (ARPA). The establishment of the office was authorized through Resolution CJY-41-21, which was approved by the 24th Navajo Nation Council and signed into law in August.
5. The devastating effects of COVID-19 on the Navajo Nation, including employment losses, business closures, food and housing insecurity, and other economic disparities.
6. The Fiscal Recovery Funds are intended to support governmental efforts to mitigate and contain the spread of COVID-19, as well as to respond to the health, social and economic impacts of COVID-19 suffered by community members, schools, clinic, and businesses.
7. The Navajo Nation Fiscal Recovery Fund Office (NNFRF Office) shall be a clearinghouse that will coordinate, facilitate and implement Fiscal Recovery Fund (FRF) responsibilities. The NNFRF ensures expenditure reviews of FRF eligibility determination.
8. The allocation in the amount of \$1.7 million is the largest allocation made in history to the Tohatchi Chapter which will begin the constructions of waterline extension, powerline extension, solar systems, Navajo Nation Cistern/Septic System, House Wiring, and two (2) homes will be built for (2) community members.
9. The Tohatchi 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 Nation laws, regulations, and policies.

NOW, THEREFORE, BE IT RESOLVED, THAT:


The Tohatchi Chapter hereby supports and approves the expenditures for Septic and Leach Field Installations in the total amount of \$950,918.00 for the Thirty-Eight (38) recipients as shown in the attach spreadsheet.

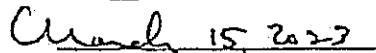
CERTIFICATION

We hereby certify that the foregoing resolution was approved by the Tohatchi Chapter at a duly called meeting held at Tohatchi Chapter (Navajo Nation), NM at which a temporary authorized reduced quorum was present and the same was passed by a vote of 9 in favor, 0 opposed, 4 abstained, this 15th day of March 2023.

Motion: Carol Tom

Second: Sarah Tom


Mr. Harry "Sunny" Moore Jr, President


Date

**Tohatchi Community Chapter
American Rescue Plan Act (ARPA)**

Septic Tank/Leach Field Replacement

To replace or upgrade (38) septic systems at various Tohatchi community members homes

Num	Names	Telephone	Homeside	GPS Readings	ROW	Cost
1			Pending			\$9,500
2						\$9,500
3			Yes			\$9,500
4						\$9,500
5						\$9,500
6			Pending			\$9,500
7						\$9,500
8						\$9,500
9						\$9,500
10			Yes			\$9,500
11						\$9,500
12			Yes			\$9,500
13						\$9,500
14						\$9,500
15						\$9,500
16			Yes			\$9,500
17						\$9,500
18						\$9,500
19						\$9,500
20						\$9,500
21			Yes			\$9,500
22			Yes			\$9,500
23						\$9,500
24						\$9,500
25						\$9,500

26			Yes			\$9,500
27			Yes			\$9,500
28						\$9,500
29						\$9,500
30						\$9,500
31			Yes			\$9,500
32						\$9,500
33						\$9,500
34						\$9,500
35			Yes			\$9,500
36			Yes			\$9,500
37			Yes			\$9,500
38						\$9,500
	Sub Total (Materials Only)					\$361,800
	Labor	\$6,000 x 38				\$228,000
	Equipment/Transportation/Trash	\$4,000 x 38				\$152,000
	Taxes	\$5,511 x 38				\$209,418
	Advertise					\$500
	Sub Total (Labor/Equipment/Taxes/Advertise)					\$590,918
	Total		Cost	Bank Service		\$590,918