



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 #: HK442-2

Date & Time Received: 05/08/24 at 10:19

Date & Time of Response: 06/03/24 at 17:00

Entity Requesting FRF: Tohatchi Chapter

Title of Project: Waterline Extension (Waterline Hook-up)

Administrative Oversight: Department of Water Resources

Amount of Funding Requested: \$198,000

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



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: _____

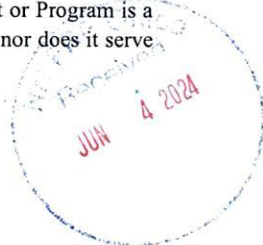
Name of DOJ Reviewer: Erika Pirotte

Signature of DOJ Reviewer: Erika R. Pirotte

Digitally signed by Erika R. Pirotte
Date: 2024.06.03 16:45:17 -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 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 CONTACT PERSON'S name and title mallison@nnchapters.org CONTACT PERSON'S info

Title and type of Project: Waterline Extension (Waterline Hook-up)

Chapter President: Harry Moore, Jr. phone & email: (505) 870-9082 smoore@naataani.org
Chapter Vice-President: Mike Halona phone & email: (505) 797-1822 mhalona@nnd.org
Chapter Secretary: Jean Crawford phone & email: (505) 400-2836 jcrawford@navajochapters.org
Chapter Treasurer: Jean Crawford phone & email: (505) 400-2836 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) ddechohawk@nndcd.org

List types of Subcontractors or Subrecipients that will be paid with FRF (if known):
Navajo Tribal Utility Authority (NTUA), Fort Defiance, AZ document attached

Amount of FRF requested \$198,000 FRF funding period: 05/01/2023 - 09/30/2026
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:

This project will extend waterlines to 27 homes within the Tohatchi Community. The project will allow waterline tie-in to improve basic quality of life, meet health care needs, and sanitation needs. Clean water is a basic utility service necessary in every home for everyday use, safe drinking water, and bathroom use. Providing running water for hygiene 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 27 Tohatchi Community members by providing access to potable water for consumption, sanitation, and hygiene. The project ensures a habitable, secure home for families to receive running water for indoor plumbing. This project will prevent and reduce COVID-19 infection and other illnesses by providing running water for proper hygiene 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

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

The Tohatchi Chapter in collaboration with Navajo Tribal Utility Authority (NTUA), Office of Environmental Health and Indian Health Service will obtain cost estimates and construction; the timeline for the project contracting by December 2024 and funds expended by September 2026.

document attached

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

The Tohatchi Chapter will provide oversight of the project through completion; Tohatchi Chapter will coordinate efforts 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 homeowner will be responsible for the operation, maintenance, and repair upon project completion. Tohatchi Chapter incurs no additional cost or recurring cost upon project 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:

Drinking Water: Other Water Infrastructure 5.15

Pursuant to the U.S. Treasury guidelines and funding objectives, this waterline extension project addresses conditions that contributed to poor public health and economic outcomes during the COVID-19 Pandemic. Providing access to running water for homes promotes good health and wellness; meets infrastructure and environmental health needs; prevents COVID-19 infection and other illnesses. Families will receive running water for consumption, sanitation, and hygiene needs.

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: 029-03-2023 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 PERSON

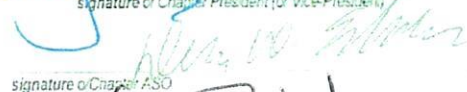
Approved by:


signature of Chapter President (or Vice-President)

Approved by:


signature of CSC

Approved by:


signature of Chapter ASO

Approved to submit for Review:


signature of BCD Director

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

PART I. Business Unit No.:		New		Program Title:		Tohatchi Chapter - Waterline Extension		Division/Branch:		DCD/Executive Branch	
Prepared By:		Maria Allison		Phone No.:		(505) 733-2845		Email Address:		mallison@nnchapters.org	
PART II. FUNDING SOURCE(S)		Fiscal Year /Term		Amount		PART III. BUDGET SUMMARY		Fund Type Code		(A) NNC Approved Original Budget	
NN Fiscal Recovery Funds		05/01/23-09/30/26		198,000		2001 Personnel Expenses				(B) Proposed Budget	
						3000 Travel Expenses				(C) Difference or Total	
						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		278,000	
						9000 Capital Outlay				198,000	
						9500 Matching Funds					
						9500 Indirect Cost					
						TOTAL		278,000		198,000	
						PART IV. POSITIONS AND VEHICLES		(D)		(E)	
						Total # of Positions Budgeted:		0		0	
						Total # of Vehicles Budgeted:		0		0	
						TOTAL:		198,000		100%	
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.											
SUBMITTED BY:						APPROVED BY:					
James Adakai, Deputy Director						Calvin Castillo, Executive Director					
Program Manager's Printed Name						Division Director / Branch Chiefs Printed Name					
4-4-23						4/4/23					
Program Manager's Signature and Date						Division Director / Branch Chief's Signature and Date					

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

FY 2023

PART I. PROGRAM INFORMATION:	Business Unit No.: <u>New</u>	Program Name/Title: <u>Tohatchi Chapter - Waterline Extension</u>				
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:						
PART III. PROGRAM PERFORMANCE CRITERIA:						
1. Goal Statement:						
To install (27) waterline extension by Contractor						
Program Performance Measure/Objective:						
Will complete (27) waterline line extension project by end of Quarter of FY 2026					27	
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 THOROL GHLIY REVIEWED.						
James Adakai, Deputy Director		Calvin Castillo, Executive Director				
Program Manager's Printed Name: <u>James Adakai</u>		Division Director/Branch Chief's Printed Name: <u>Calvin Castillo</u>				
Program Manager's Signature and Date: <u>[Signature] 4-4-23</u>		Division Director/Branch Chief's Signature and Date: <u>[Signature] 4/4/23</u>				

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION: Program Name/Title: <u>Tohatchi Chapter - Waterline Extension</u>		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)
6000 8500	Subcontracted Services 6960 - To provide waterline extension to (05) homes to improve the basic quality of life <i>Infrastructure non-cap</i> <i>85145- Waterline Extension</i>	\$278,000	\$278,000
TOTAL		\$278,000	\$278,000

THE NAVAJO NATION
PROJECT BUDGET SCHEDULE

PART I. Business Unit No.: New
 Project Title: Tohatchi Chapter - Waterline Extension (Waterline Hook-Up)
 Project Description: To install (27) waterline extension to Tohatchi Community members home
 Check one box:
 Original Budget Budget Revision Budget Reallocation Budget Modification

PART II. Project Information
 Project Type: Waterline Extension (Waterline Hc
 Planned Start Date: 05/01/23
 Planned End Date: 12/31/26
 Project Manager: Maria Allison

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

Project Task	FY 2023												FY 2024				Expected Completion Date if project exceeds 8 FY Qtrs. <i>Sept 30, 2026</i>																																			
	1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			1st Qtr.			2nd Qtr.		3rd Qtr.	4th Qtr.																																	
	O	N	D	J	F	M	A	M	A	J	Jul	A	S	O	N	A		M	J	O	N	D	J	F	M																											
Finance (Securing Funds)										X						X																																				
Planning																																																				
Construction																												X																								
PART V. Expected Quarterly Expenditures																									\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	PROJECT TOTAL	198,000-



THE NAVAJO NATION
TOHATCHI COMMUNITY CHAPTER

Post Office Box 287 Tohatchi, New Mexico 87325 Tel: (505) 733-2845/2846 FAX: (505) 733-2847

Harry "Sonny" Moore, Jr. Chapter President W. Mike Halona Chapter Vice-President Jean Crawford 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 WATERLINE EXTENSIONS IN THE TOTAL
AMOUNT OF \$278,000.

WHEREAS:

TOH: 029-03-2023

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 polices.

NOW, THEREFORE, BE IT RESOLVED, THAT:


The Tohatchi Chapter hereby supports and approves the expenditures for **Waterline Extensions** in the total amount of \$278,000.00 for the **Twenty-Seven (27)** 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 11 in favor, 0 opposed, 5 abstained, this 15th day of March 2023.

Motion: Carol Tom

Second: Sarah Tom


Mr. Harry "Sonny" Moore Jr, President

March 15, 2023
Date



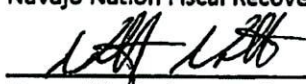
Nathan Notah

25th Navajo Nation Council Delegate
P.O. Box 3390
Window Rock, Arizona 86515
Tel: 505-422-9425
Email: nathan.notah@navajo-nsn.gov

Coyote Canyon - Mexican Springs - Naschitti - Tohatchi - Twin Lakes

MEMORANDUM

To: Lisa Jymm, Executive Director
Navajo Nation Fiscal Recovery Fund Office

From: 
Honorable Nathan Notah, Delegate
25th Navajo Nation Council

Date: March 15, 2024

Subject: Requesting Expenditure Plan Amendment

This memorandum is to notify your office that Tohatchi Chapter is changing their expenditure plans for ARPA funds that have been previously legislated and approved with CAP-20-23. Tohatchi Chapter, working with Division of Community Development and LAM, Corp., requires an amendment to the funding amounts for the projects listed below.

The following projects will be amended:

<u>Project Name</u>	<u>Approved Amount</u>	<u>Amended Amount</u>	<u>Business Unit</u>
1. Powerline Extension	\$105,320.00	\$ 79,000.00	K2115363
2. Bathroom Addition	\$250,610.00	\$320,000.00	K2115149
3. House Wiring	\$ 91,445.00	\$204,800.00	K2115150
4. Septic System	\$950,918.00	\$751,900.00	K2115151
5. Waterline Extension	\$278,000.00	\$198,000.00	K2155152
6. Cemetery Expansion	\$ 84,178.00	\$146,300.00	K2115367

The projects identified in the packets were legislated and only require a change in the amounts of funding. No changes in the scopes of work on Appendix A are required. Please consider expediting the approval of these changes if possible.

Your consideration and approval are greatly appreciated. If you have any questions, please contact me directly at (505)422-9425 or nathan.notah@navajo-nsn.gov.

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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 0442

Date & Time Received: 4/5/23 at 11:30

Date & Time of Response: 04/12/2023 at 16:35

Entity Requesting FRF: Tohatchi Chapter

Title of Project: Waterline Extension (Waterline Hook-up)

Administrative Oversight: Department of Water Resources

Amount of Funding Requested: \$278,000.00

Eligibility Determination:

- FRF eligible
FRF ineligible
Additional information requested

FRF Eligibility Category:

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- | | |
|--|--|
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| <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: Erika Pirotte

Signature of DOJ Reviewer: Erika Pirotte

Digitally signed by Erika Pirotte
Date: 2023.04.12 15:59:48 -06'00'

Disclaimers:

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