



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):

- 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: _____

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.** 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: To'Hajiilee Navajo Chapter Date prepared: 09/08/2022

Chapter's mailing address: P.O. Box 3398 To'Hajiilee, New Mexico 87026-3398 phone/email: (505) 908-2732 tohajiilee@navajochapters.org website (if any): tohajiilee.navajochapters.org

This Form prepared by: Jimmy R Secatero - Chapter President phone/email: 505-288-6525 / jsecatero@naataanii.org
Sherrilyn Apache / Community Services Coordinator phone/email: 505-908-2732/2730 sapache@nnchapters.org
CONTACT PERSON'S name and title *CONTACT PERSON'S info*

Title and type of Project: To'Hajiilee Chapter Wastewater Lagoon - ARPA 5.1 Clean Water: Centralized Wastewater Treatment

Chapter President: Jimmy R Secatero phone & email: 505-288-6525 jsecatero@naataanii.org
Chapter Vice-President: Nora J Morris phone & email: 505-415-2700 nmorris@naataanii.org
Chapter Secretary: Francesca Abeita phone & email: 505-321-2925 fabeita@navajochapters.org
Chapter Treasurer: Francesca Abeita phone & email: 505-321-2925 fabeita@navajochapters.org
Chapter Manager or CSC: Sherrilyn Apache phone & email: 505-908-2732 sapache@nnchapters.org
DCD/Chapter ASO: Gurena Adeky phone & email: 505-488-8476 gadeky@nndcd.org

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

Amount of FRF requested: \$ 434,113 FRF funding period: Start: Spring 2023; End Date: 12/31/2026

Indicate Project starting and ending/deadline date
11/23 - 12/31/26

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'Hajiilee Chapter requests funds for the planning and design of a wastewater lagoon to serve an area containing existing homes, government health service buildings and planned social/public service buildings to be constructed in the near future. A new convenience store/laundromat will also be served and construction of the building is planned to start soon. To'Hajiilee is an isolated Eastern Navajo community with limited services available to residents. As a result, COVID-19 damaged our community much more than other developed Chapters on the Nation. Completion of the lagoon will allow these new buildings to help relieve the hardships residents have been suffering with, particularly due to the pandemic, and provide critical services To'Hajiilee is presently unable to provide. document attached

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

The lagoon will serve homes, a health clinic and a new police station, new school and new c-store/laundromat. Staying clean prevents the spread of COVID-19 and community members must travel 40 miles to do their laundry, purchase necessities to survive and exposing themselves to greater risk of contracting the disease. This project will also allow new development to provide improved economic growth/jobs and attract other commercial businesses to the community. 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 sewer lagoon project is planned to begin with planning and design in the spring of 2023. Planning and design services will be provided by a professional civil engineering firm to design the lagoon. Planning and design of this project are anticipated to be completed by June 2025.

document attached

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

Jason John, Director, Navajo Department of Water Resources

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:

After the project is constructed, operation and maintenance will be provided by To'Hajiilee Chapter. Navajo Tribal Utility Authority (NTUA) has indicated they would provide assistance with the Chapter's wastewater operational program. They stated they would help to make this project successful and provide assistance when needed, especially if emergencies arise. The entities utilizing the wastewater infrastructure will contribute to the ongoing maintenance costs via water payments.

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:

To'Hajiilee's sewer lagoon comes under the Fiscal Recovery category 5.1 Clean Water: Centralized Wastewater Treatment. This endeavor comes under the wastewater classification because it is a new construction endeavor to replace dated septic tank systems and expand wastewater capacity for the area. The new sewer lagoon will help a typically overlooked Navajo community grow and prosper. As stated earlier, completion of this project will benefit To'Hajiilee not only by directly providing needed infrastructure to allow for critically needs services, but also by attracting other commercial industries and providing new jobs for the residents of To'Hajiilee.

document attached

Part 3. Additional documents.



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

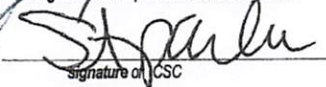

A budgetary cost estimate was completed by a professional engineering firm (Souder, Miller & Associates). Once funding is provided, planning, easement/land acquisitions, legal and topographical surveys and design of the lagoon will be completed, following the Nation's procurement process, as has been recently completed for the Chapter's water improvements project.


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: 
signature of Preparer/CONTACT PERSON signature of Chapter President (or Vice-President)

Approved by:  Approved by: 
signature of CSC signature of Chapter ASO

Approved to submit for Review: 
signature of DCD Director

FY 2023

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

Page 1 of 3
BUDGET FORM 1

PART I. Business Unit No.: <u>new</u>		Program Title: <u>To'Hajiilee Chapter <i>Waste Water Lagoons</i></u>		Division/Branch: <u>DCD/ASC</u>				
Prepared By: <u>Jimmy Secatero</u>		Phone No.: <u>505-908-2732</u>		Email Address: <u>jsecatero@naataanii.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
<u>CJY-41-21-ARPA NNFRF</u> <i>CSW 21-22</i>	<u>11/23-12/31/24</u>	434,113.00	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	6		434,113	434,113
				7000 Special Transactions				
				8000 Public Assistance				
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
				TOTAL		\$0.00	434,113.00	434,113
				PART IV. POSITIONS AND VEHICLES		(D)	(E)	
				Total # of Positions Budgeted:		0	0	
				Total # of Vehicles Budgeted:		0	0	
TOTAL:		\$434,113.00	100%					
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.								
SUBMITTED BY: <u>Sonlatsa Jim-Martin</u>			APPROVED BY: <u>Bidah Becker, Director, DNR</u>					
Program Manager's Printed Name			Division Director / Branch Chief's Printed Name					
<i>Sonlatsa Jim-Martin</i>			<i>Bidah Becker</i>					
Program Manager's Signature and Date			Division Director / Branch Chief's Signature and Date					
12/05/2022			5 December 2022					

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

PART I. PROGRAM INFORMATION:							
Business Unit No.: <u>new</u>		Program Name/Title: <u>To'Hajiilee Chapter Waste Water Lagoon</u>					
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:							
Pursuant to RDCO-79-16: A) The Department of Water Resources shall provide stewardship to manage, provide comprehensive water planning, compile information on existing surface and groundwater resources, coordination of the development and utilization of the Navajo Nation's waters to manage existing uses and to plan for future adequate water resources for domestic, industrial, agricultural, recreation, wildlife, aquatic life and other beneficial uses for maximum beneficial use to enhance the natural and human environment and exercise the sovereignty of the Navajo Nation over its waters; etc.							
PART III. PROGRAM PERFORMANCE CRITERIA:							
	FY2023		FY2024				
	Goal	Actual	Goal	Actual	Goal	Actual	Goal
1. Goal Statement:							
<u>To construct a new sewer lagoon for To'Hajiilee</u>							
Program Performance Measure/Objective:							
<u>To construct a new sewer lagoon for To'Hajiilee</u>							
	X		X				
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.							
Sonlatsa Jim-Martin				Bidtah Becker, Director, DNR			
Program Manager's Printed Name				Division Director/Branch Chief's Printed Name			
<u>Sonlatsa Jim</u> 12/05/2022				<u>Bidtah Becker 5 Dec 2022</u>			
Program Manager's Signature and Date				Division Director/Branch Chief's Signature and Date			

THE NAVAJO NATION
 DETAILED BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION:			
Program Name/Title: _____		To'Hajiilee Chapter <u>Wastewater lagoon</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)
6500	Contractual Services Project management and design of sewer lagoon	434,113	\$ 434,113
TOTAL		\$ 434,113	\$ 434,113

THE NAVAJO NATION
PROJECT BUDGET SCHEDULE

PART I. Business Unit No.: <u>new</u> Project Title: <u>To'Hajilee Sewer Lagoon Project - ARPA 5.1 Clean Water: Centralized Wastewater Treatment</u> Project Description <u>New Sewer Lagoon for To'Hajilee's Wastewater System</u> Check one box: <input 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>water/wastewater</u> Planned Start Date: <u>1/1/2023</u> Planned End Date: <u>12/31/26</u> Project Manager: <u>Jason John</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. Date <u>12/31/26</u>													
	FY <u>2023</u>										FY <u>2024</u>																							
	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				
Design of Lagoon				x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x							
PART V.	\$			\$			\$			\$				\$			\$			\$				PROJECT TOTAL										
Expected Quarterly Expenditures				60,000.00			60,000.00			60,000.00				60,000.00			60,000.00			60,000.00				74,113.00				\$434,113.00						

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

TO'HAJIILEE NAVAJO CHAPTER

Canoncito Band of Navajos

PO Box 3398 To'Hajiilee, New Mexico 87026

Phone: (505) 908-2732/2730 Email: Tohajiilee@Navajochapters.org

Jimmy R. Secatero, President
Nora J. Morris, Vice-President
Francesca Abeita, Secretary/Treasurer
Evangeline Willie, Land Board
Jamie Henio, Council Delegate
Sherrilyn Apache, Community Service Coordinator

RESOLUTION: TNC-22-11-055

RESOLUTION OF THE TO'HAJIILEE NAVAJO CHAPTER/CANONCITO BAND OF NAVAJOS TO APPROVE AND SUPPORT ARPA FUNDING FOR TO'HAJIILEE WASTEWATER LAGOON PROJECT AND AFFIRMING COMPLIANCE WITH ARPA AND OTHER APPLICABLE LAWS AND REGULATIONS

WHEREAS:

1. To'Hajiilee Navajo Chapter/Canoncito Band of Navajos is a certified government, pursuant to 26 N.N.C., Section 3 (A) of the Navajo Nation Government, as listed as 11 N.N.C., Part 1, section 10, and delegated government authority with respect to local matters consistent with Navajo Law, including customs, traditions and fiscal matter; and
2. The To'Hajiilee Navajo Chapter/Canoncito Band of Navajos is empowered, pursuant to 26 N.N.C., Section 1 (B) is vested with authority to review all matters affecting the community and to make favorable decision when necessary and make recommendation(s) to Navajo Nation and other in the best interest of the community membership for appropriate actions; and
3. The To'Hajiilee Navajo Chapter/Canoncito Band of Navajos currently manages and protects 77,899 acres of Canoncito Band Land and provides services to 2,832 enrolled members of the Canoncito Band, who are experiencing significant hardship due to COVID-19 pandemic; and
4. The To'Hajiilee Navajo Chapter/Canoncito Band of Navajos finds that one the most critical needs facing our community is to build a new wastewater lagoon to serve existing homes, government health service buildings, and planned developments; and
5. The Navajo Nation has received funds from the American Rescue Plan Act (ARPA) which may be used for wastewater infrastructure that meets the urgent public health and safety needs of the community; and
6. The ARPA funds come with strict rules and regulations that must be complied with.

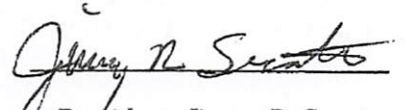
NOW, THEREFORE, BE IT RESOLVED THAT:

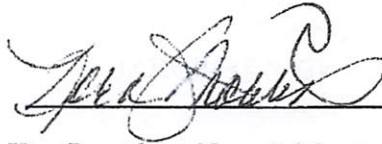
1. The To'Hajiilee Navajo Chapter/Canoncito Band of Navajos supports and requests ARPA funding for the To'Hajiilee Wastewater Lagoon Project to mitigate the impact of COVID -19 in the community.
2. The To'Hajiilee Navajo Chapter/Canoncito Band of Navajos affirms that the Chapter will only use awarded funds in compliance with the ARPA, the ARPA regulations, and all other applicable Navajo Nation and Federal laws and regulations.

RESOLUTION: TNC-22-11-055

CERTIFICATION

We hereby certify that this forgoing resolution was duly considered by the To'Hajiilee Chapter Membership at a duly called virtual meeting at which a quorum was present and that an approval was passed with a vote of 11 IN FAVOR, 00 OPPOSED and 01 ABSTENTION this 15th day of November 2022, Motion by: Nora J. Morris Second by: Evangeline Willie


President, Jimmy R. Secatero


Vice President, Nora J. Morris

Secretary/Treasurer Francesca Abeita

RESOLUTION: TNC-22-11-055