



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: _____

- ☐ 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

Name of DOJ Reviewer: _____

Disclaimers:

An NNDNJ Initial Eligibility Determination is based on the documents provided, which NNDNJ 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 NNDNJ. 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.



NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

DOREEN N. MCPAUL
Attorney General

KIMBERLY A. DUTCHER
Deputy Attorney General

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

RFS/HK Review #: HK0318

Date & Time Received: 12/17/22 10:27

Date & Time of Response: 12/28/22 4:20 p.m.

Entity Requesting FRF: Smith Lake Chapter

Title of Project: Home Renovation Assistance

Administrative Oversight: Div Comm Dev

Amount of Funding Requested: \$350,000.00

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: _____

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: This is likely an FRF eligible project, however further information is being requested to provide a full evaluation:

1. What is the eligibility criteria for households to seek assistance? For example, will it be limited to households physically located within the Chapter or households in need of certain kinds of assistance?
2. Will all those eligible receive assistance or will households or particular projects be prioritized given limited resources?
3. Is there a maximum amount or limit that households will receive in terms of goods and services?
4. Will households receive cash assistance or will the Chapter be responsible for providing goods and services?
5. Will all assistance be related to asbestos removal, preventing hazards, and similar repairs? Please describe any other assistance that may be eligible.

Name of DOJ Reviewer: Rodgerick Begay

Signature of DOJ Reviewer: *Rodgerick Begay*

Disclaimers: If you wish to provide the additional information requested 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 can only be reviewed twice, therefore it is critical that you include all the requested additional information for your second submission.



SMITH LAKE CHAPTER

The Navajo Nation

P.O. Box 60 Smith Lake, New Mexico 87365

Phone: 505.786.2141 Fax: 505.786.2143

Email: smithlake@navajochapters.org

Dr. Buu Nygren, NN President

Richelle Montoya, NN Vice President

Steven R. Arviso, Council Delegate

March 1, 2023

TO: DOJ Reviewer
Navajo Nation

FR: June Chavez, CSC
Smith Lake Chapter

SUBJECT: DOJ Response to Housing Renovation Assistance Packet

Here is Smith Lake Chapter's response to the questions from the Navajo Nation Department of Justice:

1. What is the eligibility criteria for households to seek assistance?

The first eligibility criteria for housing renovation assistance are that the applicants are Smith Lake Chapter registered voters and have lived physically in the community for more than six (6) months. The Chapter will then conduct home assessments through an intake form and checklist to determine their eligibility for minor or major home repair.

2. Will all those eligible receive assistance or will the households or particular projects be prioritized given limited resources?

All community members are encouraged to apply, and each will be thoroughly reviewed for eligibility. The Chapter Administration will use the housing assessments as references to determine prioritization of each applicant's request for housing renovation. The goal of the chapter is to assist as many applicants, if not all of the eligible applicants.

3. Is there a maximum amount or limit that households will receive in terms of goods and services?

The Chapter Administration will consider each household within Smith Lake community to request for housing renovation based on eligibility terms. Depending on each household the maximum amount for assistance is \$1,500 for housing materials, which will cover 233 applicants for housing renovation assistance. The Chapter will request for three quotes to seek assistance for their home repairs. The Chapter Administration will be responsible for housing renovation forms to be filled out by the applicants. The Chapter Administration will be responsible to deliver and purchasing housing materials to their house located within Smith Lake Community. The laborers will be Chapter PEP who will be tasked to work on the housing renovation.

4. Will household receive cash assistance, or will the Chapter be responsible for providing goods and services?

The Chapter will be responsible providing the goods and services. Home improvement meaning goods and services brought in connection with home renovation. Such home improvement good and services include walls, sheetrock, flooring, framing, roofing, doors, windows, and other goods which to improve homes by the PEP laborers from Smith Lake Chapter.

5. Will all assistance be related to asbestos removal, preventing hazards, and similar repairs? Please describe any other assistance that may be eligible.

The Chapter will not provide assistance for asbestos removal due to extra cost and has to be determined

Anselm Morgan, President

Heather Yazzie-Kinlacheeny, Vice President
Anthony Begay, Land Board (Smith Lake & Mariano Lake)

Tyson Ramone, Secretary/Treasurer





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by Department of Health, if asbestos exist in the home. According to the Department of Health, asbestos category is health hazardous which can affect breathing and lead to serious health problems. An example is if a house has a mildew that exists from wet sheetrock, then it is dangerous to the health. Therefore, this household would need to have their sheetrock replaced for a safe home environment. The other assistance is renovation of household which is common is to reframe and rebuilt, all mechanicals are where they need to be and insulation is in place, drywall can go up. Once the walls are taped, mudded, sanded, smooth then complete with paint and other finishes. Other home renovation assistance each household request is for window replacement, doors, floors, walls, and roofing repairs.

Xc: Chapter File
Smith Lake Chapter Officials
Guarena Adeky, SPPS, ASC

Anselm Morgan, President

Heather Yazzie-Kinlacheeny, Vice President
Anthony Begay, Land Board (Smith Lake & Mariano Lake)

Tyson Ramone, Secretary/Treasurer



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: Smith Lake Chapter Date prepared: 11/28/2022

Chapter's Smith Lake Chapter phone/email: (505) 786-2141
mailing address: PO Box 60, Smith Lake, NM 87365 website (if any): smithlake.navajochapters.org

This Form prepared by: June Chavez phone/email: (505) 786-2141
Community Services Coordinator jchavez@nnchapters.org
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Home Renovation Assistance

Chapter President: Anselm Morgan phone & email: sky_horse007@yahoo.com
Chapter Vice-President: Heather Yazzie-Kinlecheeny phone & email: hyazziekinlecheeny@naataanii.org
Chapter Secretary: Tyson Ramone phone & email: tyson.ramone@navajochapters.org
Chapter Treasurer: Tyson Ramone phone & email: tyson.ramone@navajochapters.org
Chapter Manager or CSC: June Chavez phone & email: jchavez@nnchapters.org
DCD/Chapter ASO: Guarena Adeky phone & email: gadeky@nndcd.org

List types of Subcontractors or Subrecipients that will be paid with FRF (if known):
11/1/23 ☐ document attached

Amount of FRF requested: 350,000.00 FRF funding period: 07/15/2022 - 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:

Smith Lake Community Renovation while COVID-19 pandemic had caused (and continue to cause) stress, trauma, and devastation is among Smith Lake community members. The labor and housing materials shortage and increased costs for remodel home improvement projects have persisted. When renovating home and constructing community members will work with Smith Lake Chapter. Ensuring that existing houses are free from containments such as unhealthy building materials, hazardous, asbestos, and pathogens, to protect human health and environment. Home improvements would be interior, painting, remodeling a bathroom and installing new flooring.

☐ document attached

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

The benefits for renovating houses is reducing emissions to improving homes and lowering energy bills. The renovation incentives promote energy efficiency solutions to Smith Lake community members, the healthier indoor climate and protection to promote health protection and preventing hazards, asbestos, and insulating materials which is a risk to Smith Lake residents houses.

☐ 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:

The renovation project will be completed by September 30, 2026. When ARPA fund becomes available to spend, Smith Lake Chapter is tiering the projects into manageable portions to ensure completion. The progress will be reported by the administration on a quarterly basis.

☐ document attached

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

Smith Lake Chapter will be responsible for implementing the project for community members requesting for home renovations and cost of house materials. PEP workers will work in conjunction with the Chapter to ensure the safety environment of the home renovation project. The workers will report progress to Smith Lake Chapter on a weekly basis.

☐ 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:

Smith Lake will be responsible for operations and maintenance costs for the renovation project until completion. The housing materials for renovations cost will be funded through ARPA funds-CJN-29-22.

☐ 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:

2.18 - Housing Support: Other Housing Support

Smith Lake Chapter will be completing renovation projects at each of the community member owning a house locating within Smith Lake area. The Renovation project will include housing assistance - external and internal renovation, ensuring a longevity and safety environment. The completion of this project will provide renovating houses to over 800 families living in Smith Lake area.

☐ document attached

Part 3. Additional documents.

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



Chapter Resolution
Client listing

☒ 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

signature of CSC

Approved by:


signature of Chapter President (or Vice President)

signature of Chapter ASO

Approved by:

Approved by:

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>K - (New)</u>				Program Title: <u>Smith Lake Chapter <i>Home Renovations</i></u>				Division/Branch: <u>DCD/ASC</u>			
Prepared By: <u>June Chavez, CSC</u>				Phone No.: <u>505-786-2141</u>				Email Address: <u>ichavez@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 ARPA Funding - CJN-29-22	1/1/23-9/30/26	350,000.00	100%	2001 Personnel Expenses				
				3000 Travel Expenses				
				3500 Meeting Expenses				
				4000 Supplies				
				5000 Lease and Rental				
				5500 Communications and Utilities				
				6000 Repairs and Maintenance	6	<i>0</i>	350,000	<i>350,000</i>
				6500 Contractual Services				
				7000 Special Transactions				
				8000 Public Assistance				
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
				TOTAL		\$0.00	350,000.00	<i>350,000</i>

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

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>Pearl Yellowman</u>	
Program Manager's Printed Name		Division Director / Branch Chief's Printed Name	
<i>Sonlatsa Jim-Martin</i>		<i>Pearl Yellowman 12.2.22</i>	
Program Manager's Signature and Date		Division Director / Branch Chief's Signature and Date	

FY 2023

**THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA**

Page 2 of 3
BUDGET FORM 2

PART I. PROGRAM INFORMATION:Business Unit No.: K - (New)

Program Name/Title:

Smith Lake Chapter

*Home
Renovations***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:

Provide assistance to community members in need of repairs to their homes.

Program Performance Measure/Objective:

Assist at least twenty-five (25) homes each quarter

		25		25		25	
--	--	----	--	----	--	----	--

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:**

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PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.

Sonlatsa Jim-Martin

Program Manager's Printed Name

Sonlatsa Jim

Program Manager's Signature and Date

Pearl Yellowman

Division Director/Branch Chief's Printed Name

Pearl Yellowman 12.2.22

Division Director/Branch Chief's Signature and Date

FY 2023

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATIONPage 3 of 3
BUDGET FORM 4

PART I. PROGRAM INFORMATION:			
Program Name/Title: <u>Smith Lake Chapter</u>		Business Unit No.: <u>K - (New)</u>	
<i>Home Renovations</i>			
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)
6	6020: Repairs and Maintenance Supplies Housing renovation, repairs & maintenance for Smith Lake Community Members in need	350,000	350,000
TOTAL		350,000	350,000

**THE NAVAJO NATION
PROJECT BUDGET SCHEDULE**

**Page 1 of 1
PROJECT FORM**

PART I. Business Unit No.: <u>K - (New)</u> Project Title: <u>Housing Support - Other Housing Assistance</u> Smith Lake Chapter Home Renovations Project Description <u>Housing Renovation/Repair</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>Construction</u> Planned Start Date: <u>1/1/2023</u> Planned End Date: <u>9/30/2026</u> Project Manager: <u>June Chavez</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.																															
		FY 2023												FY 2024												Expected Completion Date if project exceeds 8 FY Qtrs.							
		1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			Date 09/30/2026							
		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		
Home Assessment					X	X	X																										
Interior & Exterior demolition											X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Frame Out new structure walls, floor, windows, doors, etc.											X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Site Ready											X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Renovation complete																										X	X	X	X	X	X		
PART V. Expected Quarterly Expenditures		\$			\$			\$			\$			\$			\$			\$			\$			PROJECT TOTAL							
																										\$350,000.00							

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



SMITH LAKE CHAPTER

The Navajo Nation

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Email: smithlake@navajochapters.org

Dr. Buu Nygren, NN President

Richelle Montoya, NN Vice President

Steven R. Arviso, Council Delegate

RESOLUTION OF SMITH LAKE CHAPTER SLC-03/2023-005

ACCEPTING AND APPROVING THE UTILIZATION OF THE AMERICAN RESCUE PLAN ACT (ARPA) DELEGATE REGIONAL CHAPTER FUNDING ALLOCATION TO SMITH LAKE CHAPTER IN THE AMOUNT OF \$1,467,056.67 FOR FOUR (4) COMMUNITY-CENTERED PROJECTS AND EXPENDITURE PLANS

WHEREAS:

1. Smith Lake Chapter is a duly recognized and certified local government of the Navajo Nation Government, pursuant to 26 N.N.C. Local Governance Act, under Section 1, whereas the Navajo Nation Council Delegates to Chapters governmental authority with respect to local matters consistent with Navajo law, including custom and tradition, and other enactments stated within this law.
2. The Smith Lake Chapter membership recognizes the requested amendments from the Navajo Nation Department of Justice (DOJ) and Navajo Nation Fiscal Recovery Fund Office (NNFRF) to the previously approved ARPA Resolution No. SLC-10/2022-001 REQUESTING THE NAVAJO NATION COUNCIL RESOURCES & DEVELOPMENT COMMITTEE (RDC) TO APPROVE & ENACT LEGISLATION TO AUTHORIZE CONSENT FOR INFRASTRUCTURE PROJECTS FUNDED BY ARPA/NNFRF & OTHER FUNDING SOURCES THAT WILL BENEFIT & MEET THE BASIC NECESSITIES OF HOUSING, WATER, POWER & TELECOMMUNICATIONS FOR NAVAJO PEOPLE. On October 21st, 2022, this resolution passed by a vote of 17 in favor, 0 opposed, and 2 abstained.
3. Smith Lake Chapter was allocated \$1,467,056.67 under the Navajo Nation Council Legislation CJN-29-22 for Chapter and Regional Projects; and
4. Smith Lake Chapter established and prioritized four (4) Delegate Regional Expenditure Plans in accordance with the NNFRFO and the Division of Community Development (DCD) policies; and
5. The Smith Lake Chapter membership discussed and agreed to propose the following community-centered projects and budgets:
 - A. Assistance for Community Members in Need - \$467,056.67
 - B. Home Renovation Assistance - \$350,000.00
 - C. Long Term Security – Services for Unhoused Persons - \$350,000.00
 - D. Public Sector Workforce – Other - \$300,000.00
6. Smith Lake Chapter recognized the need for these projects to improve the quality of life for its residents while combating and recovering from the COVID-19 pandemic; and
7. Smith Lake 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:

1. The Smith Lake Chapter, hereby, accepts and approves the utilization of the American Rescue Plan Act (ARPA) Delegate Regional Chapter Funding allocation to the Smith Lake Chapter in the amount of \$1,567,056.67 for four (4) community-centered projects and expenditure plans.





SMITH LAKE CHAPTER

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Dr. Buu Nygren, NN President

Richelle Montoya, NN Vice President

Steven R. Arviso, Council Delegate

RESOLUTION OF SMITH LAKE CHAPTER

SLC-03/2023-005

**ACCEPTING & APPROVING THE UTILIZATION OF THE AMERICAN RESCUE PLAN ACT (ARPA)
DELEGATE REGIONAL CHAPTER FUNDING ALLOCATION TO SMITH LAKE CHAPTER IN THE
AMOUNT OF \$1,467,056.67 FOR FOUR (4) COMMUNITY-CENTERED PROJECTS & EXPENDITURE
PLANS**

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Smith Lake Chapter at a duly called Chapter Meeting at the Smith Lake Chapter (Navajo Nation), at which a quorum was present and that same was passed by a vote of 16 in favor, 0 opposed, and 3 abstained on the 21st day of March 2023 in Smith Lake, Navajo Nation.

Anselm Morgan, President

Motioned by: JD Kinlacheeny

Seconded by: Edmund Henry

Heather Yazzie-Kinlacheeny, Vice President

Tyson Ramone, Secretary/Treasurer





SMITH LAKE CHAPTER

The Navajo Nation

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Email: smithlake@navajochapters.org

Jonathan Nez, NN President

Myron Lizer, NN Vice President

Edmund Yazzie, Council Delegate

RESOLUTION OF SMITH LAKE CHAPTER SLC-10/2022-001

REQUESTING THE NAVAJO NATION COUNCIL RESOURCES & DEVELOPMENT COMMITTEE (RDC) TO APPROVE & ENACT LEGISLATION TO AUTHORIZE CONSENT FOR INFRASTRUCTURE PROJECTS FUNDED BY ARPA/NNFRF & OTHER FUNDING SOURCES THAT WILL BENEFIT & MEET THE BASIC NECESSITIES OF HOUSING, WATER, POWER, & TELECOMMUNICATIONS FOR NAVAJO PEOPLE

14. We need a bold solution to allow critical infrastructure projects that benefit the Navajo people to move forward and meet funding deadlines, while still respecting the rights and concerns of the Grazing Permittees; and
15. The most effective solution to this problem is to enact legislation that allows the Navajo Nation to approve TAAs and/or ROW consents in a timely manner to benefit Navajo people and chapters; and
16. A potential legislative solution for the Resources and Development Committee (RDC) to consider by enactment of legislation is a situation, where Grazing Permittees cannot be found or are unwilling to give consents under the following conditions:
 - A. The project must provide a public benefit to the Navajo people, such as water and power supply and distribution, service line extensions, or economic/community development; and
 - B. The Project Sponsor(s) shall document their efforts to reach out to the Grazing Permittee(s) prior to construction to give them the opportunity to ask questions and voice their concerns, how contact/notification was made, why consent was not obtained, and what effort was made to mediate peacemaking efforts; and
 - C. Reasonable efforts typically consist, at the minimum, of at least three (3) attempt to contact permittees by phone, email, mail and/or person; and
 - D. The Grazing Permittee shall have thirty (30) days to respond to the project sponsor and, in the absence of such a response, they shall be deemed to have waived any objection to the project.
 - E. A Grazing Permittee not having an updated tally count or who is otherwise out of compliance with the grazing lease cannot raise objection; and
 - F. There shall be at least one (1) peacemaking session with an elected official to allow the Grazing Permittee to state his/her grounds for the objection or to reach an agreement; and
 - G. If an infrastructure project traverses more than one (1) grazing permit, obtaining consent from 50% or more of the grazing permittees affected by the overall project shall be deemed sufficient for project approval. Consent for every single grazing permit shall not be required. If an infrastructure project traverses only one (1) grazing permit, consent from the grazing permittee(s) shall not be required; and
 - H. The Project Sponsor(s), Chapter officials and their designees shall be authorized to obtain consent signatures; and
 - I. This option/waiver is only for infrastructure projects, such as water, wastewater, electric, telecommunications, that benefit the Navajo people, and shall apply regardless of project funding source; and
 - J. This policy shall not apply to projects such as oil and gas or other projects that do not benefit the Navajo people.
 - K. This streamline policy shall "sunset" on December 31st, 2026, unless extended by RDC.
17. This option would provide the following benefits:
 - A. Expedite delivery of basic and life-essential services to the Navajo people; and
 - B. Meet stringent funding deadlines to avoid loss of funding; and
 - C. Streamline administrative processes for a specific time to achieve completion of necessary and essential basic infrastructure to the Navajo people; and
 - D. Create jobs for Navajo people by getting projects into construction; and
 - E. Respecting rights of Grazing Permittee(s) by employing appropriate communication and attempts to obtain consent for the delivery of basic infrastructure to existing homesteads, with the understanding that certain waivers may result due to non-consent.

Anselm Morgan, President

Heather Yazzie-Kinlacheeny, Vice President
Anthony Begay, Land Board (Smith Lake & Mariano Lake)

Tyson Ramone, Secretary/Treasurer





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Email: smithlake@navajochapters.org

Jonathan Nez, NN President

Myron Liser, NN Vice President

Edmund Yazzie, Council Delegate

RESOLUTION OF SMITH LAKE CHAPTER SLC-10/2022-001

**REQUESTING THE NAVAJO NATION COUNCIL RESOURCES & DEVELOPMENT COMMITTEE (RDC)
TO APPROVE & ENACT LEGISLATION TO AUTHORIZE CONSENT FOR INFRASTRUCTURE
PROJECTS FUNDED BY ARPA/NNFRF & OTHER FUNDING SOURCES THAT WILL BENEFIT & MEET
THE BASIC NECESSITIES OF HOUSING, WATER, POWER, & TELECOMMUNICATIONS FOR NAVAJO
PEOPLE**

NOW THEREFORE BE IT RESOLVED THAT:

1. The Smith Lake Chapter membership hereby requests that the Navajo Nation 24th Council Resources & Development Committee (RDC) approve and enact legislation to authorize consent for infrastructure projects funded by ARPA-NNFRF & other funding sources that will benefit and meet the basic necessities of water, power, and telecommunications for Navajo people.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Smith Lake Chapter at a duly called Chapter Meeting at the Smith Lake Chapter (Navajo Nation), at which a quorum was present and that same was passed by a vote of 17 in favor, 0 opposed, and 2 abstained on the 21st day of October 2022 in Smith Lake, Navajo Nation.

Anselm Morgan, President

Heather Yazzie-Kinlacheeny, Vice President

Tyson Ramone, Secretary/Treasurer

Motioned by: JD Kinlacheeny

Seconded by: Esther House

Anselm Morgan, President

Heather Yazzie-Kinlacheeny, Vice President
Anthony Begay, Land Board (Smith Lake & Mariano Lake)

Tyson Ramone, Secretary/Treasurer

