



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: _____

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: _____

Signature of DOJ Reviewer: Rodgerick Begay

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: Red Lake #18 Chapter Date prepared: 10/18/2021

Chapter's PO Box 130 phone/email: (505)777-2810
mailing address: Navajo, NM 87328 website (if any): redlake18 @navajochapter.org

This Form prepared by: Kathleen Shurley phone/email: kshurley@nnchapters.org
Community Services Coordinator (505)777-2814
CONTACT PERSON'S name and title CONTACT PERSON'S lab

Title and type of Project: Rural Residential Septic Tanks Install, Replacement & Waterline Extensions

Chapter President: Arval T. McCabe phone & email: (505)930-0911/arvaltmccabe@yahoo.com
Chapter Vice-President: Roger L. James phone & email: (928)255-9124/rjames@nastaanli.org
Chapter Secretary: Loberta Redhouse phone & email: (505)587-1117/lredhouse@navajochapters.org
Chapter Treasurer: Loberta Redhouse phone & email: (505)587-1117/lredhouse@navajochapters.org
Chapter Manager or CSC: Kathleen Shurley phone & email: (928)208-0685/kshurley@nnchapters.org
CCD/Chapter ASO: Derek Echohawk phone & email: (928)871-7515/pdbegay@nndod.org, ddechohawk@nndod.org

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

Amount of FRF requested: \$617,000.00 FRF funding period: October 01, 2022 - December 31, 2025
Indicate Project starting and ending/baseline 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:

The Red Lake Chapter has approximately 700 registered members that live both in the rural areas of the chapter and the community of Navajo, NM. Many rural residents are on the septic tank system for their sanitary/sewage needs and others continue to lack safe, potable water. There are approximately (19) community members who are in need of septic tank replacement and (02) community members for installation of waterline extension to their rural homes.

☐ document attached

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

Improve the health and safety for those community members who are in need of a new septic tank system or waterline extension to accommodate additional family members who return home due to the pandemic.

☐ 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:

Phase I—Identify community members for septic tank replacement and waterline extension. 12/31/2022
Phase II - Solicit a vendor/contractor to perform the installation and extensions 12/31/2023
Phase III—Begin construction/installation of new septic systems and extension of waterlines 12/31/2025
☐ document attached

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

Chapter officials, administrative staff, Council Delegate, and Navajo Nation Division of Community Development—CPMD.

☐ 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 operation and maintenance of septic tanks will be the responsibility of individual homeowners and the extension of the water line will be Navajo Tribal Utility Authority up to the meter (beyond the meter is the responsibility of the homeowner).

☐ 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: Other Sewer Infrastructures
5.11 Drinking Water: Transmission and Distribution

The Chapter will select a local contractor to purchase materials, supplies and equipment to install both septic tanks, drain fields, PVC waterline, interior plumbing fixtures, water meter installation, etc. The cost to replace (19) septic tank systems and the extend waterlines for (02) community members is reflected in the estimates.

☐ document attached

Part 3. Additional documents.

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

Cost Estimates (2021)
List of Potential Community Members
Support Letters

☒ 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. C/JY-41-21, the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulations, and policies:

Chapter's Preparer: [Signature] 10/20/21 Approved by: [Signature]
signature of Preparer/CONTACT PERSON signature of Chapter President (or Vice President)
Approved by: [Signature] 10/20/21 Approved by: [Signature]
signature of CSC signature of Chapter ASO
Approved to submit for Review: [Signature] 6.2.23
signature of DCO Director

FY 2023

**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

Page 1 of 4
BUDGET FORM 1

PART I. Business Unit No.: <u>NEW</u>		Program Title: <u>Red Lake - Septic Tank Replacement & Waterline Ext.</u>		Division/Branch: <u>Div. of Comm. Dev./Executive</u>	
Prepared By: <u>Kathleen Shurley</u>		Phone No.: <u>505-777-2810</u>		Email Address: <u>kshurley@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 FUNDS	10/1/22-9/30/25	617,000.00	100%	2001 Personnel Expenses				
				3000 Travel Expenses				
				3500 Meeting Expenses				
				4000 Supplies				
				5000 Lease and Rental				
				5500 Communications and Utilities				
				6000 Repairs and Maintenance				
				6500 Contractual Services	6	0	617,000.00	617,000.00
				7000 Special Transactions				
				8000 Public Assistance				
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
				TOTAL		\$0.00	617,000.00	617,000.00

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 Adakai, Deputy Director</u> <u>Program Manager's Printed Name</u> <u>06/02/2023</u> <u>Program Manager's Signature and Date</u>	APPROVED BY: <u>Calvin Castillo, Executive Director</u> <u>Division Director / Branch Chief's Printed Name</u> <u>6.2.23</u> <u>Division Director / Branch Chief's Signature and Date</u>

FY 2023

**THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA**

Page 2 of 4
BUDGET FORM 2

PART I. PROGRAM INFORMATION:Business Unit No.: NEW

Program Name/Title:

Red Lake - Septic Tank Replacement & Waterline Ext.

PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:

RESOLUTION NO. RLC-02-23-04

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 assist (19) community members with septic tank replacement and (2) for waterline ext.

Program Performance Measure/Objective:

Hire a contractor to initiate the Septic Tank Replacement and Waterline Ext. Project.

						21	
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2. Goal Statement:**Program Performance Measure/Objective:**

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3. Goal Statement:**Program Performance Measure/Objective:**

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4. Goal Statement:**Program Performance Measure/Objective:**

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5. Goal Statement:**Program Performance Measure/Objective:**

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

James Adakai, Deputy Director

Program Manager's Printed Name

06/02/2023

Program Manager's Signature and Date

Calvin Castillo, Executive Director

Division Director/Branch Chief's Printed Name

Division Director/Branch Chief's Signature and Date

FY 2023

THE NAVAJO NATION DETAILED BUDGET AND JUSTIFICATION

Page 3 of 4
BUDGET FORM 4

PART I. PROGRAM INFORMATION: Program Name/Title: <u>Red Lake - Septic Tank Replacement & Waterline Ext.</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)
6500	Contractual Service		617,000.00
6510	Professional Contract Service for septic tank installation, replacement and waterline extension for community members with needed services.	617,000.00	
TOTAL		617,000.00	617,000.00

Page 4 of 4
PROJECT FORM

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

Arval T. McCabe
PRESIDENT
Roger L James
VICE-PRESIDENT
Loberta Redhouse
SECRETARY/TREASURER
Dr. Andy Nez
COUNCIL DELEGATE



Kathleen Shurley
CHAPTER COORDINATOR

Florina Howard
GRAZING COMMITTEE
MEMBER

RED LAKE CHAPTER

RESOLUTION OF RED LAKE CHAPTER

Res. No. RLC-05-23-20

AMENDING THE FUNDING REQUEST FROM THE AMERICAN RESCUE PLAN ACT (ARPA) FUNDING FOR CHAPTER PROJECTS IN THE NEW REVISED AMOUNT OF \$ 1,954,699.00.

WHEREAS:

1. Pursuant to 26 N.N.C., Section 3 (A), the Red Lake Chapter is a duly recognized certified chapter of the Navajo Nation Government, as listed at 11 N.N.C. part 1, section 10; and
2. Pursuant to 26 N.N.C., Section 1 (B), Red Lake Chapter is vested with the authority to review all matters affecting the community and to make appropriate corrections when necessary and make recommendations to the Navajo Nation and other local agencies for appropriate actions; and
3. The Red Lake Chapter affirms that the Chapter "will only use the 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".
4. The Navajo Nation Fiscal Recovery Funding Office, Navajo Division of Community Development and the Navajo Department of Justice are jointly responsible for reviewing and determining the eligibility for chapter projects for ARPA funding; and
5. The initial amount approved for ARPA funding in the amount of \$4,271,000.00 was revised to reflect the new amount of \$1,954,699.00 due to updated ARPA chapter projects; and
6. The Red Lake Chapter has identified three (3) projects for the American Rescue Plan Act fund in the amount of \$ 1,954,699.00, as follows:
 - a. Rural Residential Septic Tanks Install, Replacement & Waterline Extension - \$ 617,000.00
 - b. New Chapter House Complex - \$1,187,699.00
 - c. Utility Infrastructure Upgrade Preliminary Engineering Study - \$ 150,000.00
7. The Red Lake Chapter requests the Navajo Nation Fiscal Recovery Funds Office, Navajo Division of Community Development and the Navajo Department of Justice to consider the three (3) projects for the Red Lake Chapter Community.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Red Lake Chapter hereby approves and request funding from the American Rescue Plan Act (ARPA) funding for chapter projects in the new revised amount of \$ 1,954,699.00.
2. The Red Lake Chapter has determined that the three (3) chapter projects are construction ready and meet the requirements pursuant to BFS-31-21.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by Red Lake Chapter at a duly called meeting at Red Lake, Navajo Nation, New Mexico, at which a quorum was present and that the same was passed by a Vote of 27 in Favor, ~~00~~ Opposed, and 01 Abstained on this 17th day of May 2023.

MOTIONED: Kaden Begaye

SECONDED: Dondi Begay

Arval T. McCabe
Arval T. McCabe, Chapter President

Arval T. McCabe
PRESIDENT

Roger L. James
VICE-PRESIDENT

Loberta Redhouse
SECRETARY/TREASURER

Wilson Stewart, Jr.
COUNCIL DELEGATE



Kathleen Shurley
CHAPTER COORDINATOR

Florina Howard
GRAZING COMMITTEE
MEMBER

Red Lake Chapter

RLC-04-21-12

RESOLUTION OF RED LAKE CHAPTER # 18

Red Lake Chapter Community Requests Technical Assistance from the Fort Defiance Office of Environmental Health and Engineering (OEHE) Office to Conduct Community Members Assessment with Septic Tank Problems. Families Returning Are From Neighboring Communities During the COVID-19 Pandemic, Numbers of Household Members Have Increased and Has Overloaded the Capacities of Their Septic Systems. Backup and Overflow of Wastewater Increased and the Risk of Potential Health Hazards for Household Members. Moreover, it Has Also Caused the Septic Systems to Fail.

WHEREAS:

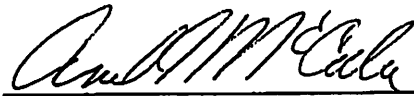
1. Pursuant to 26 N.N.C., Section 3 (A) the Red Lake Chapter is a duly recognized certified chapter of the Navajo Nation Government, as listed at 11 N.N.C. part 1, section 10, and
2. Pursuant to 26 N.N.C., Section 1 (B) Red Lake Chapter is vested with the authority to review all matters affecting the community and to make appropriate corrections when necessary and make recommendation to the Navajo Nation and other local agencies for appropriate actions, and
3. The Red Lake Chapter Community understands that human contact with sewage is a serious public health hazard and contaminated sewage can cause health problems such as diarrhea, nausea, cramps, dysentery and hepatitis. Exposure to sewer gases can also cause discomfort and illness; and
4. The Red Lake Chapter Community Requests Technical Assistance from the Fort Defiance OEHE office to Assess at-risk areas, connecting to an adequate septic tank system for disposing of domestic sewage from private residences, where access to a public sewer system is unfeasible or too expensive; and
5. The Red Lake Chapter Community requests that the Fort Defiance OEHE office in identify failing systems which should include those that you can see and smell and those seeping effluent, or waste liquids, into groundwater supplies before the soil can properly remove disease-causing pathogens.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Red Lake Chapter understands that the assistance being provided by the Fort Defiance OEHE office is only to assist with the assessment of the residential septic tank issues for community members identified in Exhibit "A" attached to this document. The assessment will help the chapter better address the needs for those community members needing help with septic tanks to reduce public health risks.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by Red Lake Chapter at a duly called meeting at Red Lake, Navajo Nation, New Mexico at which a quorum was present and that the same was passed by a vote of 08 in favor, -0- opposed, and 08 abstained on this 21st day of April, 2021.



Arval T. McCabe, Chapter President

MOTIONED: Loberta Redhouse

SECONDED: Richard Tsosie

	Name	Phone#	Address	GPS
	Septic Services			
1	Arval T. McCabe	505-930-0911	PO Box 3963 Window Rock AZ 86515	35 50 28.10 N 109 00 57.09 W
2	Julius E. Howard	928-797-1742	po box 753 Navajo NM 87328	35 50 36 n 109 0 38 W
3	Dennis G Howard	505-567-4642	po box 753 Navajo NM 87328	35 50 36 N 109 0 38 W
4	Edmund/Elsie Ciccarello	928-551-0433	PO Box 170 Navajo NM 87328	35°50'39.4"N 109°00'59.0"W
5	Alanzo Roanhorse	505 713 1928	PO Box 145 Navajo nm 87328	35°50'31.2"N 109°01'09.3"W
6	Beulah M Hardy	928-206-5525	PO Box 546 Ft Defiance AZ	35 50 32.65 N 109 00 39.59 W
7	Loretta Lee	505-777-2178	PO Box 2213 Fort Defiance AZ 86504	35 50 55.26 N 109 2 52.15W
8	Tim Yazzie	928-206-6321	PO Box 7 Navajo NM 87328	35 50 45.37 N 109 2 51.49 W
9	Felicia A Begay	505-485-3592	PO Box 770 Navajo, NM 87328	35°51'09.1"N 109°02'54.9"W
10	Pauline Garnenez	505-777-2757	PO Box 16 Navajo NM 87328	35°55'04.1"N 109°01'51.2"W
11	Vera Shurley	505-777-2156	PO Box 1382 Fort Defiance, AZ 86504	35°51'30.8"N 109°03'12.0"W
12	Florina Howard	505-713-2655	PO Box 354 Navajo NM 87328	35.839143, - 109.022561
13	Marie Howard	505-713-1742	PO Box 354 Navajo NM 87328	35.837623, - 109.038457
14	Josephine Mark	505-567-4241	PO Box 730 Navajo NM 87328	35.834838, - 109.040222
15	Marian Blackgoat	928-205-8575 mess	PO Box 2820 Window Rock Az 86515	35.825095, - 109.043971
16	Nellie Damon	928-729-5354	PO Box 591 Fort Defiance AZ 86504	35.189734, - 109.037042
17	Alonso Roanhorse	505-713-1298		
18	Lillian Ben	928-814-4595		

19	Valencia Zah	505-907-5041		
20	Leanne Allen	602-518-2827		
Water Line Extention				
1	Pasqualita Waseta	505-910-5596	PO Box 65 Fort Defiance AZ 86504	35°51'35.0"N 109°03'13.9"W
2	Bernice Silversmith	505-339-5082	PO Box 53 Navajo NM 87328	35°54'38.7"N 109°03'24.0"W
3	Dondi Begay	928-814-5177	PO Box 464 Navajo NM 87328	
4	Kathleen Shurley	928-206-0685	PO Box 737 Fort Defiance, AZ 86504	35°51'27.5"N 109°03'09.8"W
Power Line Extention				



Arval T. McCabe, Chapter Preseident

4/26/2021

Date

TABLE I.
Cost Estimated of Recommended Facilities
RED LAKE CHAPTER RESOLUTION
4/28/2021

Item	Quantity	Unit	Unit Cost	Total Cost
WATER SUPPLY FACILITIES				
ROW Survey & Plan Prep	2,400	LF	\$0.42	\$1,008
Archaeological Survey	104	AC	\$307.00	\$31,928
Endangered Species Survey	1	LS	\$4,305.00	\$4,305
Stormwater Prevention Plan	1	LS	\$6,370.00	\$6,370
2" PVC Waterline	2,400	LF	\$9.85	\$23,640
Right of Way Clearing	2,400	LF	\$2.00	\$4,800
Pressure Testing	2,400	LF	\$0.70	\$1,680
Waterline Disinfection	2,400	LF	\$0.35	\$840
1" House Service	4	EA	\$1,760.00	\$7,040
NECA Mgmt. & Crew Support	1	LS	\$39,238.32	\$39,238
TOTAL - WATER SUPPLY FACILITIES				\$120,849
SEWAGE DISPOSAL FACILITIES				
Septic Tank (1,000 gal)	20	EA	\$2,294.00	\$45,880
Drainfield (Infiltrator)	7,500	LF	\$15.10	\$113,250
Individual Lagoon	5	EA	\$12,360.00	\$61,800
Septic Tank Pumping	20	EA	\$310.00	\$6,200
NECA Mgmt. and Crew Support	1	LS	\$91,514.35	\$91,514
TOTAL - SEWAGE DISPOSAL FACILITIES				\$318,644
INTERIOR PLUMBING FACILITIES				
Interior Plumbing	3	EA	\$5,215.00	\$15,645
TOTAL - INTERIOR PLUMBING FACILITIES				\$15,645
COST SUMMARY				
TOTAL - WATER SUPPLY FACILITIES				\$120,849
TOTAL - SEWAGE DISPOSAL FACILITIES				\$318,644
TOTAL - INTERIOR PLUMBING FACILITIES				\$15,645
Construction SUBTOTAL				\$455,139
CONTINGENCIES				
+10% Contingencies				\$45,514
SUBTOTAL				\$500,653
FEES AND TAXES				
+15% Support Services				\$75,098
+Navajo Nation Tax (6% of Construction Subtotal Only)				\$27,308
+Regulatory Reviews (3% of Construction Subtotal)				\$13,654
SUBTOTAL				\$116,060
TOTAL PROJECT COST				\$616,713
TOTAL PROJECT COST (ROUNDED)				\$617,000