

### 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 0631-2
<b>Date &amp; Time Received:</b> 04/23/24 at 11:57
Date & Time of Response: 04/30/24 at 17:00
Entity Requesting FRF: Tse' Ch'lzhi Chapter
Title of Project: Tse' Ch'Izhi Community Culvert Installation
Administrative Oversight: Navajo Division of Transportation
Amount of Funding Requested: \$105,118.00
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): Missing Form Expenditure Plan incomplete Supporting documentation missing Funds will not be obligated by Project will not be completed by 12/31/2026 12/31/2024 Ineligible purpose Incorrect Signatory Submitter failed to timely submit CARES reports Inconsistent with applicable NN or Additional information submitted is insufficient federal laws to make a proper determination Other Comments: Name of DOJ Reviewer: Erika Pirotte Signature of DOJ Reviewer: Erika R. Pirotte

#### 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.





Carl R. Slater, Council Delegate Round Rock, Lukachukai, Rock Point, Tsaile/Wheatfields & Tsé Ch'izhí

Date:

April 7, 2024

To:

Fiscal Recovery Office/ARPA Projects

From:

Council Delegate

funds to go to new project 4 89,882

Subject:

TSÉ CH'IZHÍ DECREASE AND DELETION OF PROJECTS

Let this serve as our notice of the following changes to Tsé Chi'zhí's approved and proposed Projects:

1- The Tsé Chi'zhí Home Weatherization & Rehab will be renamed to the Tsé Chi'zhí Home Roofing Weatherization Project, K2115454.

2- Tsé Chi'zhí Community Culvert Installation K2115455 \$195,000 will be decreased to \$105,118 and partially reallocated to the Tsé Chi'zhí Home Roofing Weatherization, K2115454 in the amount of \$89,882.

3- Tsé Chi'zhí Spiritual Wellness Center K2115456 \$99,194 will be deleted and the whole amount to be allocated to the Tsé Chi'zhí Home Roofing Weatherization Project, K2115454.

4- The proposed Tsé Chi'zhí Community Water Delivery K2115 will not be included in a legislation BUT the total amount of \$62,924 will be allocated to the Tsé Chi'zhí Home Roofing Weatherization.

5- The Tsé Chi'zhí Home Roofing Weatherization project will have a total of \$460,000 to use for a contractor that will complete as many shingled roofing weatherization as possible.

Tsé Chi'zhí Chapter will be submitting the revised Home Roofing Weatherization Project shortly. Please assist my Chapter in getting these processed through the system.

We sincerely appreciate all the assistance given to our Chapter and we look forward to seeing these projects completed. Should you have any questions, please feel free to contact

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 TSE CH'IZHI CHAPTER requesting FRF:		Date prepared: 3/18/23
		e/email: (928) 728-3361
Chapter's PO BOX 4344 mailing address: CHINLE, AZ 86503	pnone websi	te (if any): roughrock@navajochapters.org
This Form prepared by:		none/email: (928) 206-9356
SYLVIA HADLEY, SECRETARY/TREASURER	,	shadley@navajochapters.org
CONTACT PERSON'S name and title		CONTACT PERSON'S Info
Title and type of Project: TSE' CH'IZHI' COMMUNITY CULVE	ERT INSTAL	LATION
Chapter President: BETTY DAILEY	_ phone & email:	(505) 408-3292, daileyb628@gmail.com
Chapter Vice-President JAY R. NEZ	_ phone & email:	(505) 908-7773, jrnez@naataanii.org
Chapter Secretary: SYLVIA HADLEY	phone & email:	(928) 206-9356, shadley@navajochapters.org
Chapter Treasurer: SAME AS ABOVE	is .	
Chapter Manager or CSC: VACANT	_ phone & email:	
DCD/Chapter ASO: CHINLE/EDGERTON GENE	phone & email:	(928) 674-2251, egene@nndcd.org
Amount of FRF requested: _/05/1/8. FRF funding period: 4/1	/23 - 12/13/2	document attached
	indica	ate 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 that COVID-related needs will be addressed:	he funds will be u	used, for what purposes, the location(s) to be served,
The Tse Ch'izhi Chapter will use the funds to install control Apache County. During the pandemic, it was more apwere severely impacted and had to forego basic care, With these culverts installed in specific areas, the resist the ability to travel for appointments, schools, purchasensure they have adequate supplies on hand. The Chaddress public challenges that partly caused the unequality of the control of the control of the challenges that partly caused the unequality caused the unequality caused the control of	pparent that , needs and idents will be sing food, wo apter will er	the residents living on these routes daily activities away from the roads. e able to have access to basic needs, and other items needed to assure that the funds expended will
(b) Explain how the Program or Project will benefit the Navajo Nation, Nava	ajo communities.	
Within the Tse Ch'izhi Chapter, the residents had to we ensure safe roads to travel out; having the roads safe stress and students would attend school regularly. The benefit from the road improvements.	ait for heavy	y equipment machinery to clear and asier access to healthcare, less
(c) Provide a prospective timeline showing the estimated date of complet challenges that may prevent you from incurring costs for all funding by [	tion of the Project December 31, 20	ct and/or each phase of the Project Disclose any

APPENDIX A

Program(s) or Project(s) by December 31, 2026:			AL F LINDIA
This project estimates successful installation the funds no later than December 31, 2024 2026.	n of the culver and will fully e	ls by September 30 xpend the funds no	, 2026 and will obligate later than December 13,
(d) Identify who will be responsible for implementing the Proc	gram or Project:		] document attached
DCD will be the oversight of the sub-recipier to complete the culvert installations.	The second	with Tse Ch'izhi Ch	apter and Apache County
(e) Explain who will be responsible for operations and maintenance prospectively:			
The maintenance will be done by the Chapte	er and the resp	onsible Agency tha	at these are installed in.
(f) State which of the 66 Fiscal Recovery Fund expenditure of proposed Program or Project falls under, and explain the reas	alegories in the aila	ched U.S. Department of t	[ ] document attached he Treasury Appendix 1 listing the
6.1 Provision of Government Services. The contributed to poor public health and econor areas with limited economic opportunity.	road improve	ments addresses the during the pandem	ne conditions that ic, namely concentrated
Fart 3. Additional documents.	de discommente um	eentorine (a) erine	[] document attached
List here all additional supporting documents attached to this a Resolution MOU with Apache County Pictures of areas needing culverts.	FRF Expenditure Pl	an (or indicate N/A):	
Part 4. Affirmation by Funding Recipient.	21 IS		Chapter Resolution attached
Funding Recipient affirms that its receipt of Fiscal Recovery Funding Resolution No. CJY-41-21, the ARPA, ARPA Regulations,	nds and the implem and with all applical	entation of this FRF Expen- ple federal and Navajo Nati	diture Plan shall be in accordance
Chapter's Preparer:  Signature of Prepare CONTROTE ERSON	_ Approved by:	Jay C. Y	e south the freshing
Approved by: VACANT significant of CSC	Approved by:	Eignature of hoper ASO	2000
	Approved to submitor Review:	ight ve co	5/1/2023

### Page 1 of 3 BUDGET FORM 1

# THE NAVAJO NATION PROGRAM BUDGET SUMMARY

FY 2023

PART I. Business Unit No.:	NEW	Program Title:		Tse Ch'izhi Chapter - Culvert Installation Project	lation Project	Division/Branch:	DCD/Executive	ø
1	Sylvia Newman	Phone No.:	No.:	(928) 206-9356	Email Address:		shadley@navajocnapters.org	
PART II FUNDING SOURCE(S)	Fiscal Year Term	Amount	% of Total	PART III. BUDGET SUMMARY	Fund Fund Iype	(A) NNC Approved	(B)	(C) Difference or
NN Fiscal Recovery Funds	4/1/23 - 12/13/26		100%		Code	Original Budget	Proposed Budget	Total
AN LISCELLACIONAL ALLON				2001 Personnel Expenses				
				3000 Travel Expenses				
				3500 Meeting Expenses				
				4000 Supplies				
AND THE REAL PROPERTY OF THE P				5000 Lease and Rental				
				5500 Communications and Utilities	Jt.lities			
				6000 Repairs and Maintenance	nce 6	195,000,	105,118.	89,882.
				6500 Contractual Services				
				7000 Special Transactions				
		en der ein de service de de service de de service de de service de service de service de service de service de		8000 Public Assistance				-
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
					TOTA	TOTAL 195,000.	105,118.	87, 882.
				PART IV. POSITIONS AND VEHICLES	/EHICLES	(a)	(E)	-
				_otal # of F	otal # of Positions Budgeted:	0	0	
	TOTAL		100%	Total # of	Total # of Venicles Budgeted:	0	0	
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.	GE THAT THE IN	FORMATION CO	NTAINED	IN THIS BUDGET PACKAGE IS	COMPLETE AND	ACCURATE.		
Patricia Patricia	Patricia <u>Begay. Delegated Program Manager</u>	ated Program	Manage	APPROVED BY:	Calvi	Calvin Castillo, Executive Director	sctor	1
	Program Manager's Printed Name	Printed Name			Division Dire	ef .	S Printed Name	
Jalues	Mes ( ) Boy an 08/02/2023	Sogar	8/02/2	523	Division Director	Division Director / Branch Chief's Signature and Date	ature and Date	
Prog	ram manager a o	guardic and Bu						

FY 2023

Page 2 of 3 BUDGET FORM 2

THE NAVAJO NATION PROGRAM PERFORMANCE CRITERIA

PART I. PROGRAM INFORMATION:		400100	
Business Unit No.: NEW Program Name/Title:	Ise Chizhi Chapter - Culvert Installation Project	t installation Project	
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:			
AND PRICE OF THE P	1st OTR   2nd QTR	3rd QTR	S O
PART III. PROGRAM PERFORMANCE CRITERIA:	tual Goal Actual	Goal Actual	Goal Actual
<ol> <li>Goal Statement: Utilize ARPA funding to install culverts in specific areas within Tse Chizhi Chapter boundaries.</li> </ol>			
Program Performance Measure/Objective:			-
Successful installation of culverts.  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.  Program Manager's Printed Name  Program Manager's Signature and Date  Program Manager's Signature and Date	Calvin Castillo, Executive Division Director/Branch Chief	s Director s Printed Name // 2023 Signature and Date	

Page 3 of 3 BUDGET FORM 4

# THE NAVAJO NATION DETAILED BUDGET AND JUSTIFICATION

	(D)	Total by MAJOR Object Code	(05/1/8.		105,116.
NEW	(2)	Total by DETAILED Object Code		104/18.	165118.
Business Unit No.:					TOTAL
Tse Ch'izhi Chapter - Culvert Installation Project	(B)	Object Code Description and Justification (LOD 7)		ity to install culverts	
PART I. PROGRAM INFORMATION: Program Name/Title:	DETAILED BUDGET:		CONTRACTUAL SERVICES SUBCONTRACTED SERVICES	6990 Subcontracted Services- Apache County to install culverts	
PART I. P	PART II. (A)	Object Code (LOD 6)	0969		

Page 1 of 2 PROJECT FORM

## THE NAVAJO NATION PROJECT BUDGET SCHEDULE

PART I. Business Unit No.: NEW								PART II.		Project	Project Information	- E
Project Title: Tsé Ch'izhí Culvert Installations	ert Installations							Project Type:		Culve	Culvert Installations	Su
Project Description Purchase and have culverts installed in collaboration with Apache County	id have culverts ins	stalled in collab	oration with Apa	iche County				Planned Start Date:	ate:		4/1/2023	
								Planned End Date:	le:		12/13/2026	(0
Check one box:	✓ Original Budget		Budget Revision	Budget Reallocation	Ш	Budget Modification		Project Manager:		Syl	Sylvia Hadley	
Maria Carlos	PART IV. Use F	Use Fiscal Year (FY)		Quarters to complete the information below.	ation below. O = C	O = Oct.; N = Nov.; D = Dec., etc.	= Dec., etc.			botoon	i de Capitalama O potocas	1 2
List Project Task separately; such as Plan, Design, Construct, Fouring		FY ;	FY 2023			L	FY 2024			xpected t	expected Completion Date I project exceeds 8 FY Qtrs.	Date II Offrs.
or Furnish.	1st Otr.	2nd Qtr.	3rd Qtr.	4th Qtr.	1st Qtr.	2nd Qtr.	3rd Otr.	4th Qtr.		12	12/13/2026	
4/1/23 - 12/31/23 Complete agreement with Apache County for services 7/1/23 - 9/30/26 Start the road improvements & Reinforcements for Chapter 10/1/26 - 12/13/26 Site touchups from Apache County Closeout of financial documents		Σ μ	¬ ≥ <	δ × × × × × × × × × × × × × × × × × × ×		Σ × μ × ¬ ×	> × ≥ × ∢ ×	√ × × × × × × × × × × × × × × × × × × ×	O ×	z ×	× × ×	Σ × μ
PART V.	S	\$	\$	\$	\$	\$	\$	\$		PRO	PROJECT TOTAL	
Expected Quarterly Expenditures						27,857.00	27,857.00	27,857.00		83,5	83,571.00	

OMB Analyst:

Company No:

FMIS Set Up Date:

Resolution No:

FOR OMB USE ONLY:

Page 2 of 2 PROJECT FORM

## THE NAVAJO NATION PROJECT BUDGET SCHEDULE

OMB Analyst:

Company No:

FMIS Set Up Date:

Resolution No:

FOR OMB USE ONLY:



### Tse'chi'zhi' Chapter

Chinle, AZ 86503 Navajo Route 59 Betty Dailey, President
Jay R. Nez, Vice-President
Lorene Yazzle, Grazing Representative
Carl R. Slater, Council Delegate

Resolution # RRCH 2022-

0911-05

#### RESOUTION OF THE TSE'CH'I'ZHI' (ROUGH ROCK) CHAPTER OF THE NAVAJO NATION

Rough Rock Chapter hereby requesting and approving Apache County District One to establish a Low Water Crossing structure on C579 Arrow Loop Bus Route thru cost-sharing partnership project with Rough Rock Chapter Government to improve the transportation mobility for Rough Rock Community.

#### WHEREAS:

- Pursuant to the "Local Governance Act" 26 NNC Chapter 1., Section 3 (A) the Tse'Chi'l'Zih' (Rough Rock) Chapter would like to follow Navajo Nation Infrastructure & Capital Improvement Policies and Procedures; AND
- 2. Pursuant to Chapter 1, Subchapter 1 Section, (3), (1), (2) of the same "Act" the Chapter has the responsibility and authority to promote, protest. Preserve the interest and general welfare including the safety of its community people, programs, property; AND
- Pursuant to the Intergovernmental Agreement (IGA) between the three separate entities; Apache County, the Navajo
  Nation and Bureau of Indian Affairs, Apache County has a continuous, ongoing commitment to roadway maintenance
  of school bus routes; AND
- 4. Rough Rock Chapter has a responsibility to its constituents to address concerns of safety and wellbeing that impacts the safe transportation mobility of Apache County District One, C579 Arrow Loop Bus Route which daily serves Rough Rock Community School, Many Farms Community School, Chinle and Kayenta Unified School District students and numerous service providers; AND
- 5. Rough Rock Chapter will utilize some of their Chapter funds and any available funds to cost share on C579 Low Water Crossing structure project through Chinle Agency Administration Service Center's technical assistance and support and with procurement process as it is codified in the Navajo Nation Local Governance Act; AND
- The Rough Rock Chapter funds will be utilized for archeological clearance, environmental assessment, culvert pipes
  and structure material cost and Apache County District One will provide the equipment machinery, personnel cost and
  hydrology/hydraulic study, EPA Clean Water Act permit on C579 project.

NOW, THEREFORE, BE IT RESOLVED THAT: Tse'Chi 1'Zhi' (Rough Rock) Chapter hereby approves Apache County District One to establish a Low Water Crossing structure on C579 Arrow Loop Bus Route thru cost-sharing partnership project with Rough Rock Chapter Government to improve the transportation mobility for Rough Rock Community.

meeting held at Tse'Chi'l'Zih', Navajo Nation	by certify that the foregoing resolution was duly considered at a duly called author (Arizona) at which a quorum was present and that the same was passed by a v	ate of
n rayor, and opposed	and abstaining this 11th day of September, 2022.Motioned	Bv-
Lingue Y wone	Seconded By: Shirin Hadley	. 25.
15At 10 Co	Jan R Den	
Betty Dailey, Chapter President	ay R. Nez, Vice President	
=11-02		
Sylvia Hadley, Secretary/Treasurer	Lorene S. Yazzie, Grazing Official	