



**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 #:** HK0817

**Date & Time Received:** 4/12/2024 @ 15:04

**Date & Time of Response:** April 23, 2024 at 10:30 am

**Entity Requesting FRF:** Shonto Community Governance

**Title of Project:** Black Mesa Shopping Center

**Administrative Oversight:** Division of Economic Development

**Amount of Funding Requested:** \$4,000,000

**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 checked="" type="checkbox"/> (3) Government Services/Lost Revenue | <input type="checkbox"/> (4) Water, Sewer, Broadband Infrastructure |

**U.S. Department of Treasury Reporting Expenditure Category:** \_\_\_\_\_

6.1 Provision of Government Services

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION



MEMORANDUM FOR THE DIRECTOR, FBI  
FROM: SAC, NEW YORK (100-100000)  
SUBJECT: [Illegible]

TO: DIRECTOR, FBI (100-100000)

FROM: SAC, NEW YORK (100-100000)

SUBJECT: [Illegible]

RE: [Illegible]

DATE: [Illegible]

BY: [Illegible]

FOR THE DIRECTOR: [Illegible]

ADMINISTRATIVE: [Illegible]

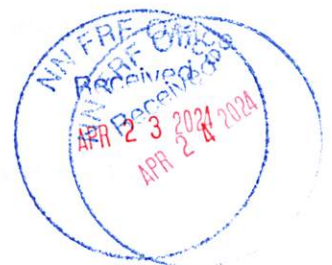
FILED: [Illegible]

DATE: [Illegible]

BY: [Illegible]

FOR THE DIRECTOR: [Illegible]

ADMINISTRATIVE: [Illegible]



**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: \_\_\_\_\_  
Please remember that all funds must be obligated by December 31, 2024 and expended by December 31, 2026.

Name of DOJ Reviewer: Lorenzo Curley

Signature of DOJ Reviewer: lorenzo Curley

**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](mailto: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 GOVERNANCE-CERTIFIED CHAPTERS

**Part 1. Identification of parties.**

Governance-Certified Chapter requesting FRF: Shonto Community Governance Date prepared: Feb 1, 2024

Chapter's mailing address: P.O. Box 7800, Shonto, Arizona 86540 phone & email: (928) 672-2910  
website (if any): \_\_\_\_\_

This Form prepared by: Elizabeth Whitethorne-Benally, Manager phone/email: (928) 672-2910  
ewbenally@nnchapters.org  
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Black Mesa Shopping Center (Revenue Replacement - Provision of Govt. Service)

Chapter President: Roland Smallcanyon phone & email: rsmallcanyon@nataanii.org

Chapter Vice-President: Marsha R. Greyeyes phone & email: mgreyeyes@naataanii.org

Chapter Secretary: Robert K. Black, Jr. phone & email: rblack@navajochapters.org

Chapter Treasurer: Robert K. Black, Jr. phone & email: rblack@navajochapters.org

Chapter Manager or CSC: Elizabeth Whitethorne-Benally phone & email: ewbenally@nnchapters.org

DCD/Chapter ASO: Milford Maloney, Sr. Prog./Proj. Sp. phone & email: (928) 283-3342 mm@nndcd.org

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): \_\_\_\_\_

☐ document attached

Amount of FRF requested: \$4,000,000.00 FRF funding period: February 1, 2024 - December 31, 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:

The Black Mesa Shopping Center project will consist of redeveloping of facilities & property capable of housing a convenience store, gas station, laundromat & RV park for service to the community & tourists. This project will provide opportunities for direct benefits to residents & guest for food, fuel, & cleaning of clothes for healthy living by expanding & improving community services. This project will directly address deficiencies connected to the high outbreak of COVID-19 on the Navajo Nation. Access to utilities & government services facilitates sustainable economic & social growth & can drastically increase the quality of healthcare provided.

☐ document attached

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

Most rural communities on the Navajo Nation lack access to govt. services & COVID-19 impeded these operations. This project will contribute & strengthens local access to water & sewer needs for the general welfare of the community. This project will assist in promoting public health & economic stimulus & the people directly benefit.

☐ document attached

(c) 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:





Based on the funding, the project end date will be December 31, 2026 with all funds being incurred before December 31, 2024. Navajo Nation Budget Form 2 are attached for phase goals per quarter of funding period.

☐ document attached

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

The Shonto Chapter Governance Chapter Manager will be implementing the NN ARPA Funding Act & Black Mesa Shopping Center project in coordination with the NN Division of Economic Development & the Regional Business Development Office.

☐ 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:

Shonto Chapter Governance will be responsible for operation and maintenance of the Black Mesa Shopping Center, no additional cost or recurring cost will be incurred by Shonto Chapter Governance when project is completed.

☐ 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:

Categories: Revenue Replacement: 6.1 - Provisions of Government Services

Pursuant to the U.S. Treasury guidelines and objectives, this project will address the conditions that contributed to poor public health & economic outcomes during the pandemic. By concentrating in areas with limited economic opportunities & inadequate or poor housing quality, the access to resources facilitates improved health outcomes including services connecting residents with healthcare resources, public assistance & build healthier environments to support healthy living environments & communities conducive to mental & physical wellness. The exacerbation of health disparities during the pandemic & pre-existing social vulnerabilities are responsive to the public health impact of the pandemic. This project will support access to services for healthy living.

☐ document attached

### Part 3. Additional documents.

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

☐ 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]*  
signature of Preparer/CONTACT PERSON

Approved by:

*[Signature]*  
signature of Chapter President (or Vice-President)

Approved by:

*[Signature]*  
signature of Chapter Manager or CSO

Approved by:

*[Signature]*  
signature of DCD/Chapter ASO

Approved to submit  
for Review:

*[Signature]*  
signature of DCD Director

FY 2024

## THE NAVAJO NATION PROGRAM BUDGET SUMMARY

Page 1 of 3  
BUDGET FORM 1

PART I. Business Unit No.: <u>NEW</u> Program Title: <u>Shonto Chapter Gov'n - Shopping Center (6.1 Revenue Rep</u> Division/Branch: <u>Executive</u>			
Prepared By: <u>Elizabeth Whitehorne-Benally, Manager</u> Ph. No.: <u>(928) 755-9500</u> Email Address: <u>ewbenally@nnchapters.org</u>			
PART II. FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total
NN Fiscal Recovery Funds	2/1/24-12/31/26	4,000,000.00	100%
PART III. BUDGET SUMMARY			
		Fund Type Code	(A) NNC Approved Original Budget
			(B) Proposed Budget
			(C) Difference or Total
		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	4,000,000.00
		7000 Special Transactions	
		8000 Public Assistance	
		9000 Capital Outlay	
		9500 Matching Funds	
		9500 Indirect Cost	
		TOTAL	\$0.00
			4,000,000.00
			4,000,000.00
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>Jaron M. Charley, Department Manager II</u>		APPROVED BY: <u>Arbin Mitchell, Executive Director - DCD</u>	
Program Manager's Printed Name		Division Director / Branch Chief's Printed Name	
<u>[Signature]</u>		<u>[Signature]</u>	
Program Manager's Signature and Date		Division Director / Branch Chief's Signature and Date	



FY 2024THE NAVAJO NATION  
PROGRAM PERFORMANCE CRITERIAPage 2 of 3  
BUDGET FORM 2

## PART I. PROGRAM INFORMATION:

Business Unit No.: NEWProgram Name/Title: Shonto Chapter Gov'n - Shopping Center (6.1 Revenue Repl.: Govt Svcs.)

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

The Navajo Nation Chapters Plan of Operations is reference in Title 26 of the Navajo Nation Code.

## 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 funds for the re-development & construction of the Black Mesa Shopping Center

Program Performance Measure:

Assist the community & surrounding area with services to facilitate economic & social growth

1		1		1		1	
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## 2. Goal Statement:

Program Performance Measure:

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## 3. Goal Statement:

Program Performance Measure:

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## 4. Goal Statement:

Program Performance Measure:

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## 5. Goal Statement:

Program Performance Measure:

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

Jaron Charley, Department Manager II

Program Manager's Printed Name

Program Manager's Signature and Date

Arbin Mitchell, Executive Director - DCD

Division Director/Branch Chief's Printed Name

Division Director/Branch Chief's Signature and Date

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DETAILED BUDGET AND JUSTIFICATIONPage 3 of 3  
BUDGET FORM 4

PART I. PROGRAM INFORMATION:			
Program Name/Title: <u>Shonto Chapter Gov'n - Shopping Center (6.1 Rev. Repl.: Provisions of Govt. Srv)</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)
6960	<b>Subcontracted Services</b>		4,000,000.00
6990	<b>Subcontracted Services</b> The Design Build firm must supply professional services necessary for planning and designing the Black Mesa Shopping Center project, including architectural, structural engineering, mechanical and electrical engineering, civil engineering, reports, preliminary cost estimating & other services required for the complete performance of the described Scope Of Work for a fully operational facility.  <b>Revenue Replacement: Provision of Government Services - ARPA Black Mesa Shopping Center Project.</b> This project consist of redeveloping of facilities & property capable of housing a convenience store, gas station, laundromat & RV park for service to the community & tourists. This project will provide opportunities for direct benefits to residents & guest for food, fuel & cleaning of clothes for healthy living by expanding & improving community services. This project will directly address deficiencies connected to the high outbreak of COVID-19 on the Navajo Nation. The redevelopment project will be capable of meeting the needs of the community.	4,000,000.00	
TOTAL		4,000,000.00	4,000,000.00

**THE NAVAJO NATION  
PROJECT BUDGET SCHEDULE**

**Page 1 of 1  
PROJECT FORM**

<b>PART I. Business Unit No.:</b> <u>NEW</u> Project Title: <u>Shonto Chapter Governance - Shopping Center (6.1 Revenue Replacement: Provisions of Government Services)</u> Project Description: <u>Project consist of redeveloping of facilities &amp; property capable of housing a convenience store, gas station, laundromat &amp; RV park for services to the community &amp; tourists. This project will provide opportunities for direct benefits to the residents.</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																		<b>PART II. Project Information</b> Project Type: <u>Black Mesa Shopping Center</u> Planned Start Date: <u>2/1/2024</u> Planned End Date: <u>12/31/2026</u> Project Manager: <u>Elizabeth Whitethorne-Benally</u>													
<b>PART III.</b> List Project Task separately; such as Plan, Design, Construct, Equip or Furnish.		<b>PART IV. Use Fiscal Year (FY) Quarters to complete the information below. O = Oct.; N = Nov.; D = Dec., etc.</b>																								Expected Completion Date if project exceeds 8 FY Qtrs.					
		FY 2024												FY 2025																	
		1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			Date 12/31/2026					
		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
Finance (Securing Funds)						XX	XX	XX																							
Planning & Design									XX	XX	XX																				
Contracting Procurement Proces											XX	XX	XX																		
Contract Completed														XX	XX																
Construction																	XX	XX	XX	XX	XX	XX	XX	XX	XX			XX			
<b>PART V.</b>		\$		\$		\$		\$		\$		\$		\$		\$		\$		\$		\$		PROJECT TOTAL							
Expected Quarterly Expenditures																										\$4,000,000.00					

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