



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 #: HK0302

Date & Time Received: 12/13/22 15:45

Date & Time of Response: 12/19/22 17:00

Entity Requesting FRF: Tselani-Cottonwood Chapter

Title of Project: Cell Tower Project

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$1,858,666

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: 1.14 Other Public Health Services

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: MacArthur Stant

Signature of DOJ Reviewer: 

Disclaimers: An NNDOJ Initial Eligibility Determination will be 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: Tselani-Cottonwood Chapter Date prepared: 10/18/2022

Chapter's mailing address: PO BOX 1139 phone/email: (928)725-3765
Chinle, Arizona 86503 website (if any): tselani@navajochapters.org

This Form prepared by: Charlene Wallace phone/email: (928) 725-3763
Charlene Wallace, Coordinator cwallace@nnchapters.org
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Cell Tower Project

Chapter President: Thomas Gorman phone & email: (928) 675-5881

Chapter Vice-President: Nelson Charley, Sr. phone & email: (928) 349-0064

Chapter Secretary: Elliot Bryant phone & email: (928) 383-1103

Chapter Treasurer: _____ phone & email: _____

Chapter Manager or CSC: Charlene Wallace phone & email: (928) 725-3763

DCD/Chapter ASO: Robert Jumbo phone & email: (928) 674-2320

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): 2 towers for Tselani-Cottonwood towers.
 document attached

Amount of FRF requested: 1,858,666 FRF funding period: 4/3/23 - 9/30/24
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 proposed project of Tselani-Cottonwood Chapter has identified 2 locations: Salina South and Fish Point area that is in dire need of cell services. This project will assist many people and commuters traveling through the community. Petitions from both area attached. The unpredictable virus Covid 19 has affected so many families: Students home schooling, elderlies home bound, and unable to connect during emergency cases.

document attached

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

The primary intent is to provide broad band services to the areas within the chapter boundaries. Cell phone services is a necessity to ensure the quality of life to our community. The concerns about not able to use their cell phones in times of emergencies or to contact the local elderlies.

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 funding not being incurred or release for construction to proceed.

document attached

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

Smith Bagley dba CellularOne of NE Arizona

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 Bagley dba CellularOne of NE Arizona

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:

5.19 & 5.21 Broadband

document attached

Part 3. Additional documents.

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

Updated Chapter Proposal and Chapter Resolution.

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: Wallace signature of Preparer/CONTACT PERSON

Approved by: [Signature] signature of Chapter President (or Vice-President)

Approved by: Wallace signature of CSC

Approved by: [Signature] signature of Chapter ASO

Approved to submit for Review: [Signature] signature of DCD Director

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

Tselani-Cottonwood Chapter

PART I. Business Unit No. NEW Program Title Cell Tower Project Division/Branch Community Development
 Prepared By Charlene Wallace Phone No. 928-725-3763 Email Address _____

PART II. FUNDING SOURCE(S)				PART III. BUDGET SUMMARY				
Funding Source	Fiscal Year Term	Amount	% of Total	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference (Column B - A)	
ARPA FUNDS	<i>10/1/22 - 9/30/24</i>	<i>1,858,666</i>	<i>100%</i>					
				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			
				7000	Special Transactions			
				8000	Public Assistance			
				8000	Public Assistance			
				9000	Capital Outlay	<i>6</i>	<i>1,858,666</i>	<i>1,858,666</i>
				9500	Matching Funds			
				9500	Indirect Cost			
TOTAL					9000	<i>1,858,666</i>	<i>1,858,666</i>	

PART IV. POSITIONS AND VEHICLES

(D)	(E)
Total # of Positions Budgeted:	
Total # of Permanently Assigned Vehicles:	

TOTAL: *1,858,666* *100%*

PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE

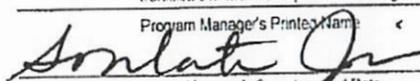
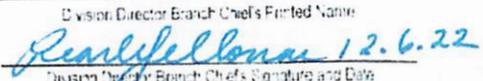
Submitted by: Sonlata Jim Martin Department Manager
 SUBMITTED BY: Sonlata Jim Martin Program Manager's Printed Name
 Signature: *Sonlata Jim Martin* Date: 12/06/2022
 SUBMITTED BY: Program Manager's Signature and Date

Approved by: Dr. Pearl Velizwan Executive Director
 APPROVED BY: Dr. Pearl Velizwan Division Director/Branch Chief's Printed Name
 Signature: *Dr. Pearl Velizwan* Date: 12.6.22
 APPROVED BY: 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. <u> </u> <u>NEW</u>			Program Name/Title <u>Cell Tower Project</u>					
PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE:								
CAP-34-98 To direct the Chapter Administration and Management control system, by promoting efficiency and accountability to the chapter membership and to effectuate plans of action to improve the standard of living for the chapter membership.								
PART III. PROGRAM PERFORMANCE CRITERIA:								
	1st QTR		2nd QTR		3rd QTR		4th QTR	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1. Program Performance Area								
<u>ARPA Fund for Capital Outlay</u>								
<u>Goal Statement</u>								
<u>Install 2 Cell Towers within the community</u>								
2. Program Performance Area								
<u>Goal Statement</u>								
3. Program Performance Area								
<u>Goal Statement</u>								
4. Program Performance Area								
<u>Goal Statement</u>								
5. Program Performance Area								
<u>Goal Statement</u>								
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.								
<u>Conlata Jim Martin, Department Manager II</u> Program Manager's Printed Name				<u>Pearl Yellowman, Executive Director</u> Division Director/Branch Chief's Printed Name				
 Program Manager's Signature and Date				 Division Director/Branch Chief's Signature and Date				

FY 2023

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

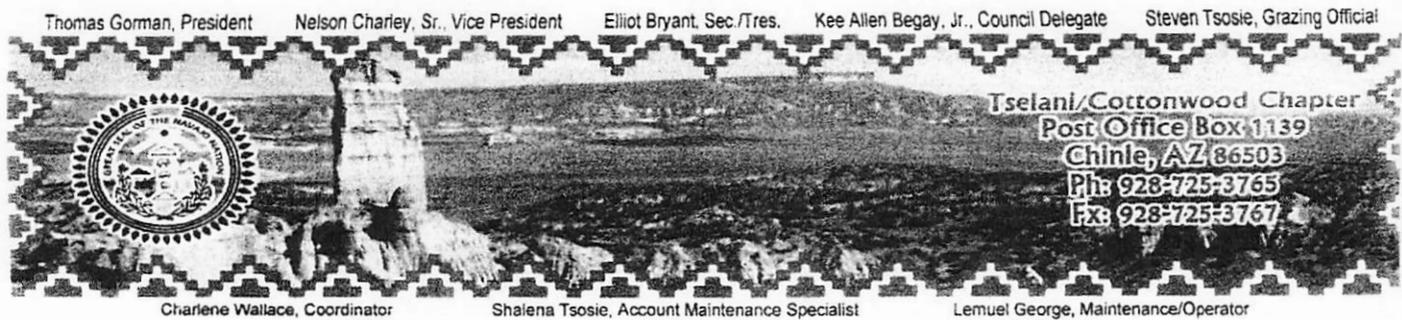
Page 3 of 3
BUDGET FORM 4

PART I. PROGRAM INFORMATION:			
Program Name/Title: <u>Cell Tower Project</u>		Business Unit No.: <u>NEW</u>	
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification	Total by DETAILED Object Code	Total by MAJOR Object Code
7	9000 Capital Outlay 9036 communication Install two Cell Towers: Identified Salina South and Fish Point Area (\$929,333.00 X 2)	1,958,666	1,958,666
TOTAL		1,958,666	1,958,666

**THE NAVAJO NATION
PROJECT BUDGET SCHEDULE**

PART I. Business Unit No.: <u>NEW</u> Project Title: <u>5.19 & 6.1 Broadband and Chapter and Regional Projects</u> Project Description: <u>Install Two Cell Towers in the remote area of the Community area.</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>Broadband/Chapter & Reg Proj</u> Planned Start Date: <u>4/3/2023</u> Planned End Date: <u>9/30/2026</u> Project Manager: _____																																			
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.																									
										FY 2023				FY 2024																															
										1st Qtr.		2nd Qtr.		3rd Qtr.		4th Qtr.		1st Qtr.		2nd Qtr.		3rd Qtr.		4th Qtr.		Date																			
										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						
01/01/2023 - 06/01/2023 Cell One land survey & clearances													x	x	x	x	x	x																											
06/01/2023 - 09/01/2023 Pre Construction Site Work																			x	x	x																								
06/01/2023-12/31/2026 Construction of projects																						x	x	x	x	x	x	x	x	x	x	x	x	x	x	x									
PART V. Expected Quarterly Expenditures										\$			\$			\$			\$			\$			\$			\$			\$			\$			PROJECT TOTAL								
																																					1,858,666 -								

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



RESOLUTION OF THE TSELANI-COTTONWOOD CHAPTER

TSEL-22-728

REQUESTING THE SUPPORT AND APPROVAL OF THE NAVAJO NATION FOR THE CONSTRUCTION OF A TELECOMMUNICATIONS TOWER IN THE COMMUNITY OF TSELANI-COTTONWOOD FISH POINT(LOHALI) AREA, RECOMMENDING AND APPROVING THE WITHDRAWAL OF A 50' x 50' ACRES TRACT OF LAND AND A UTILITY CORRIDOR FOR SAME

WHEREAS:

1. Tselani-Cottonwood is governed by the Navajo Nation established and recognized by the Navajo Nation Council as a foundation of the Navajo Nation government vested with the authority to plan and implement projects in the best interest of the community. See generally 2 N.N.C. §4021 et seq. And 26 N.N.C. S103; AND
2. Pursuant to 2 N.N.C. §102 (A), the Navajo Nation Council is governing body of the Navajo Nation and by the Navajo Nation Code Title 26 Local Governance Act as a unit of government with delegated authority to make decision over local matters that are consistent with the existing with the Navajo Nation; AND
3. By resolution CAP-34-98, the Navajo Nation Council approved the "Local Governance Act" wherein the Navajo Nation Council delegated governmental authority to the Chapters of the Navajo Nation to address matters of local concern with Navajo law, custom and tradition; AND
4. By the community of Tselani-Cottonwood Chapter is seeking expanded telecommunications services for the improvement of education, health, social services and other local community needs of Cottonwood Chapter; AND
5. Smith Bagley, Inc. dba CellularOne of NE Arizona is licensed franchise providing wireless services on the Navajo Nation and has successfully expanded its services to include low-cost subsidized services to the Navajo Nation tribal members. Smith Bagley, Inc. dba CellularOne of NE Arizona so desire to continue its commitment to development a state-of -the-art wireless infrastructure on the Navajo Nation and to support the adoption of technologies applicable in business, governmental, healthcare, and education; AND
6. The need for more internet requirements on virtual learning and work from home, due to the Covid pandemic has been a high priority for the communities of Tselani-Cottonwood Chapter.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Tselani-Cottonwood Chapter supports and approves of the installation of wireless telecommunications equipment by Smith Bagley, Inc., dba CellularOne of NE Arizona.

CERTIFICATION

I, hereby, certify that the foregoing resolution was considered by Tselani-Cottonwood Chapter at a duly called meeting at Cottonwood, Navajo Nation (Apache, County, Arizona) at which a quorum was present and that same was passed by a vote of 12 in favor, 0 opposed and 1 abstained on this 14th day of September, 2022.

Motioned by Steven Tsasie

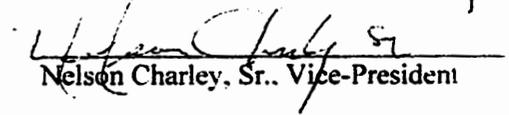


Thomas Gorman, Chapter President

Elliot K. Bryant

Elliot Bryant, Secretary/Treasurer

Seconded by Anderson Harvey



Nelson Charley, Sr., Vice-President

Kee Allen Begay, Jr. Council Delegate

Area	Latitude	Longitude	Tower Type	Height	Administrative & Legal Expenses	Land, Structure, ROW, Appraisals, etc.	Relocation Expenses & Payments	Architectural & Engineering Fees	Other Architectural & Engineering Fees	Project Inspection Fees
Fishpoint	36.1294444	-109.8744444	SST	TBD	\$ 1,400.00	\$ 26,400.00	\$ -	\$ 14,080.00	\$ -	\$ 1,430.00
Tsalina Springs	36.01313611	-109.8358528	SST	TBD	\$ 1,400.00	\$ 26,400.00	\$ -	\$ 14,080.00	\$ -	\$ 1,430.00
					\$ 2,800.00	\$ 52,800.00	\$ -	\$ 28,160.00	\$ -	\$ 2,860.00

Site Work	Demolition & Removal	Construction	Equipment	Miscellaneous	Subtotal	Contingencies	Subtotal	Project Income	Total Project Costs
\$ 146,680.90		\$ 205,880.00	\$ 446,824.65	\$ 16,529.01	\$ 859,224.56	\$ 70,108.44	\$ 929,333.00	\$ -	\$ 929,333.00
\$ 146,680.90	\$ -	\$ 205,880.00	\$ 446,824.65	\$ 16,529.01	\$ 859,224.56	\$ 70,108.44	\$ 929,333.00	\$ -	\$ 929,333.00
\$ 293,361.80	\$ -	\$ 411,760.00	\$ 893,649.30	\$ 33,058.02	\$ 1,718,449.12	\$ 140,216.89	\$ 1,858,666.01	\$ -	\$ 1,858,666.01



Fishpoint

Lat - 36.1294444
Long - -109.8358528
Budget - \$929,333



Blue Gap
Blue Gap



Cottonwood
Cottonwood
Navajo Nation
Reservation and
Off-Reservation Trust Land



Tsalina
Springs

Lat - 36.01313611
Long - -109.8358528
Budget - \$929,333

Chapter Name: Tselani-Cottonwood Chapter Chapter Email: tselani@navajochapters.org

Chapter Manager: Charlene Wallace, CSC Chapter Phone: (928) 725-3763/65

Title	Content
Project Details	Install two(2) cell towers: One in Salina Springs area and one in the Fish Point area for the community.
Project Description	Two areas of the community has been identified that would be feasible to install the cell towers for the community to receive cell services.
Project Objective	Cell phone services is a necessity to ensure the quality of life to our community. There are many elderlies that need some medical attention and would need to contact the emergency services.
Project Cost	Cellular One cost estimate: \$929,333.00 per tower X 2 =\$1,858,666.00
Impact to the Community	The community needs of the telecommunications services for improvement of education, health, social services and other needs of communicating with family members.