



**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 0446

**Date & Time Received:** 4/5/23 at 11:36

**Date & Time of Response:** 04/12/2023 at 1650

**Entity Requesting FRF:** Tohatchi Chapter

**Title of Project:** Septic System and Leach Field

**Administrative Oversight:** Division of Community Development

**Amount of Funding Requested:** \$950,918.00

**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 checked="" type="checkbox"/> (4) Water, Sewer, Broadband Infrastructure |

**U.S. Department of Treasury Reporting Expenditure Category:** \_\_\_\_\_  
5.5 Clean Water: Other Sewer Infrastructure



**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: Number of homes is 38 to be consistent with the Chapter Resolution.

Also note EC is different from Request Form to better reflect use of funds.

Name of DOJ Reviewer: Erika Pirotte

Signature of DOJ Reviewer: Erika Pirotte

Digitally signed by Erika Pirotte  
Date: 2023.04.12 16:43:19 -06'00'

**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 NON-GOVERNANCE CERTIFIED CHAPTERS**

**Part 1. Identification of parties.**

Non-Governance Certified Chapter requesting FRF: Tohatchi Chapter Date prepared: 2/17/2023

Chapter's P.O. Box 287 phone/email: (505) 733-2845  
mailing address: Tohatchi, NM 87325 website (if any): Tohatchi@navajochapters.org

This Form prepared by: Janice Begay phone/email: (505) 733-2845  
Office Specialist mallison@nnchapter.org

CONTACT PERSON'S name and title

CONTACT PERSON'S Info

Title and type of Project: Septic System and Leach Field

Chapter President: Harry Moore, Jr. phone & email: (505) 870-9082 smoore@naataani.org

Chapter Vice-President: Mike Halona phone & email: (505) 797-1822 mhalona@nnld.org

Chapter Secretary: Jean Crawford phone & email: (505) 400-2836 jcrawford@navajochapters.org

Chapter Treasurer: Jean Crawford phone & email: (505) 400-2836 jcrawford@navajochapters.org

Chapter Manager or CSC: Maria Allison phone & email: (505) 733-2845 mallison@nnchapters.org

DCD/Chapter ASO: Dereck Echohawk phone & email: (505) 266-3153 ddechohawk@nncdc.org

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): Septic System Contractor

☐ document attached

Amount of FRF requested: \$950,918 FRF funding period: 05/01/2023 - 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:

This project will repair or replace existing septic/leach field systems to 43 homes within the Tohatchi Community. Non-functioning bathrooms will be operational after replacement or repair of the septic/leach field systems. Providing indoor bathroom use prevents the spread of health-related illnesses that may cause increased vulnerability to COVID-19 complications.

☐ document attached

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

This project will benefit 43 Tohatchi Community members by providing septic/leach field repairs/replacement necessary for sanitation and hygiene safety. This project will promote public health and hygiene by addressing major sanitation needs to prevent and reduce COVID-19 infection and other illnesses by providing proper sanitation facilities.

☐ 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:

This project will benefit (38) septic system/leach field repair or replacement and will be fully expended by December 2026. Funds will be secured by 3rd quarter of FY 2023. Contractor will be end of FY 2023 and Project will be completed by September 30, 2026.

☐ document attached

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

The Tohatchi Chapter will provide oversight of the project until completed by working and collaboration with Office of Environmental Health, Indian Health Service and Navajo Tribal Utility Authority.

☐ 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 homeowners will be responsible for the operation and maintenance of the repair or replacement of septic/leach field following completion.

☐ 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:

Other Public Services: 1-14

Providing home septic system repairs for Tohatchi Community in need will help to address the public health and improving safe and secure bathroom as well as support healthy living environments.

☐ document attached

### Part 3. Additional documents.

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

Tohatchi Community Chapter Resolution Number: TOH: 028-03-2023 is attached.

☒ 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

Approved by:

  
signature of Chapter President (or Vice-President)

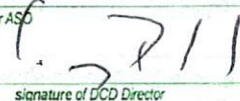
Approved by:

  
signature of CSC

Approved by:

  
signature of Chapter ASD

Approved to submit  
for Review:

  
signature of DCD Director

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Chapter's  
Preparer:

  
signature of Preparer/CONTACT PERSON

Approved by:

  
signature of Chapter President (or Vice-President)

Approved by:

  
signature of CSC

Approved by:

  
signature of Chapter ASO

Approved to submit  
for Review:

  
signature of DCD Director  
4/4/2023

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THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY

FY 2023

PART I. Business Unit No.: <u>          </u>		New		Program Title: <u>          </u>		Tohatchi Chapter - Septic System/Leach Field		Division/Branch: <u>DCD/Executive Branch</u>	
Prepared By: <u>Maria Allison</u>		Phone No.: <u>          </u>		(505) 733-2845		Email Address: <u>mallison@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 Fiscal Recovery Funds		05/01/23-09/30/26	\$950,918	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				
					7000	Special Transactions				
					8000	Public Assistance	6	0	\$950,918	\$950,918
					9000	Capital Outlay				
					9500	Matching Funds				
					9500	Indirect Cost				
					TOTAL			\$0.00	\$950,918	\$950,918

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 Addakai, Deputy Director</u>	APPROVED BY: <u>Calvin Castillo, Executive Director</u>
Program Manager's Printed Name <u>James Addakai</u>	Division Director / Branch Chief's Printed Name <u>Calvin Castillo</u>
Program Manager's Signature and Date <u>3-24-23</u>	Division Director / Branch Chief's Signature and Date <u>3/24/2023</u>

PART I. PROGRAM INFORMATION:		Tohatchi Chapter - Septic System/Leach Field									
Business Unit No.:	New	Program Name/Title:									
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:											
PART III. PROGRAM PERFORMANCE CRITERIA:											
1. Goal Statement:		1st QTR		2nd QTR		3rd QTR		4th QTR			
To install (38) septic/leach line by Contractor		Goal		Goal		Goal		Goal			
Program Performance Measure/Objective:		Actual		Actual		Actual		Actual			
Will complete (38) septic/leach project by end of Quarter of FY 2026										38	
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.											
James Addakai, Deputy Director		Calvin Castillo, Executive Director									
Program Manager's Printed Name		Division: Director/Branch Chief's Printed Name									
3-24-23		3/24/2023									
Program Manager's Signature and Date		Division: Director/Branch Chief's Signature and Date									



THE NAVAJO NATION  
DETAILED BUDGET AND JUSTIFICATION

FY 2023

PART I. PROGRAM INFORMATION:		Tohatchi Chapter - Septic System/Leach Field		Business Unit No.: <u>    </u>	New
Program Name/Title: <u>    </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)		
<del>6000</del>	<del>Subcontracted Services</del>		\$850,918		
8500	<del>6060 - To install (38) septic/leach line by Contractor</del> Infrastructure (non-corp) 8550 - Water/Wastewater level detail 4 level detail 6	\$850,918	\$850,918		
TOTAL		\$850,918	\$850,918		







## THE NAVAJO NATION TOHATCHI COMMUNITY CHAPTER

Post Office Box 287 Tohatchi, New Mexico 87325 Tel: (505) 733-2845/2846 FAX: (505) 733-2847

Harry "Sonny" Moore, Jr.  
Chapter President

W. Mike Halona  
Chapter Vice-President

Jean Crawford  
Chapter Secretary/Treasurer

Gerald Moore  
Grazing Official

Nathan Notah  
Council Delegate

### **RESOLUTION OF THE TOHATCHI CHAPTER** **SUPPORTING AND APPROVING TOHATCHI CHAPTER'S EXPENDITURE** **PLANS FOR PROJECTS LISTED UTILIZING THE NAVAJO NATION FISCAL** **RECOVERY FUND FOR SEPTIC AND LEACH FIELD INSTALLATIONS IN** **THE TOTAL AMOUNT OF \$950,918.**

#### **WHEREAS:**

**TOH: 028-03-2023**

1. Pursuant to NNC Section 3(A), the Tohatchi Chapter is a duly recognized certified Chapter of the Navajo Nation Government as listed as 11 NNC. Part 1, Section 10.
2. Pursuant to 26 NNC Section 1(B), the Tohatchi Chapter is vested with the authority to review all matters affecting community to make appropriate corrections when necessary and to make recommendations to the Navajo Nation and other local agencies for appropriate actions.
3. The American Rescue Plan Act (ARPA) of 2021 was passed by the US Senate on March 6, 2021 and signed into law by President Biden on March 11, 2021.
4. Executive Order No. 008-2021, establishing the Navajo Nation Fiscal Recovery Fund (NNFRF) Office dedicated to overseeing and implementing the Coronavirus State and Local Fiscal Recovery Funds program authorized by the American Rescue Plan Act (ARPA). The establishment of the office was authorized through Resolution CJY-41-21, which was approved by the 24th Navajo Nation Council and signed into law in August.
5. The devastating effects of COVID-19 on the Navajo Nation, including employment losses, business closures, food and housing insecurity, and other economic disparities.
6. The Fiscal Recovery Funds are intended to support governmental efforts to mitigate and contain the spread of COVID-19, as well as to respond to the health, social and economic impacts of COVID-19 suffered by community members, schools, clinic, and businesses.
7. The Navajo Nation Fiscal Recovery Fund Office (NNFRF Office) shall be a clearinghouse that will coordinate, facilitate and implement Fiscal Recovery Fund (FRF) responsibilities. The NNFRF ensures expenditure reviews of FRF eligibility determination.
8. The allocation in the amount of \$1.7 million is the largest allocation made in history to the Tohatchi Chapter which will begin the constructions of waterline extension, powerline extension, solar systems, Navajo Nation Cistern/Septic System, House Wiring, and two (2) homes will be built for (2) community members.
9. The Tohatchi Chapter ("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:**

The Tohatchi Chapter hereby supports and approves the expenditures for **Septic and Leach Field Installations** in the total amount of **\$950,918.00** for the **Thirty-Eight (38)** recipients as shown in the attach spreadsheet.

**CERTIFICATION**

We hereby certify that the foregoing resolution was approved by the Tohatchi Chapter at a duly called meeting held at Tohatchi Chapter (Navajo Nation), NM at which a temporary authorized reduced quorum was present and the same was passed by a vote of 9 in favor, 0 opposed, 4 abstained, this **15th day of March 2023**.

**Motion:** Carol Tom

**Second:** Sarah Tom

  
Mr. Harry "Sonny" Moore Jr, President

March 15, 2023  
Date



**Tohatchi Community Chapter  
American Rescue Plan Act (ARPA)**

**Septic Tank/Leach Field Replacement**

To replace or upgrade (38) septic systems at various Tohatchi community members homes

Slumr	Names	Telephone	Homeside	GPS Readings	ROW	Cost
1	Tommy Badonie		Pending			\$9,500
2	Lucinda Barney					\$9,500
3	Janice Begay		Yes			\$9,500
4	Mike Begay					\$9,500
5	Benson BadonieN					\$9,500
6	Alice Benallie		Pending			\$9,500
7	Angelo Benallie					\$9,500
8	Ickes Benallie					\$9,500
9	Arlene Bia					\$9,500
10	Allen Burbank		Yes			\$9,500
11	Alice Burbank					\$9,500
12	Jerry Burbank		Yes			\$9,500
13	Ira Burbank					\$9,500
14	Louise Capitan					\$9,500
15	Amber Clinton					\$9,500
16	Eddie CrankN		Yes			\$9,500
17	Joan Crosby					\$9,500
18	Bertha Deste					\$9,500
19	Mae Fern Dennison					\$9,500
20	Priscilla Duncan					\$9,500
21	Ronald Etsitty		Yes			\$9,500
22	Ted EtsittyN		Yes			\$9,500
23	Larry Francisco					\$9,500
24	April James					\$9,500
25	Monica Lee					\$9,500

26	Ronda LewisN		Yes			\$9,500
27	Marcus KinseIn		Yes			\$9,500
28	Gerald Moore					\$9,500
29	Mildred Moore					\$9,500
30	Millie Morris					\$9,500
31	Charlene RoanhorseN		Yes			\$9,500
32	Manual ShirlesonN					\$9,500
33	Alberta Silago					\$9,500
34	Hardy Thompson					\$9,500
35	Charlene Tom		Yes			\$9,500
36	Sarah TomN		Yes			\$9,500
37	Cecelia/Benson YazzieN		Yes			\$9,500
38	Herman Yazzie					\$9,500
		<b>Sub Total (Materials Only)</b>				<b>\$361,000</b>
	Labor	\$6,000 x 38				\$228,000
	Equipment/Transportation/Trash	\$4,000 x 38				\$152,000
	Taxes	\$5,511 x 38				\$209,418
	Advertise					\$500
		<b>Sub Total (Labor/Equipment/Taxes/Advertise)</b>				<b>\$589,918</b>
	<b>Total</b>	<b>Septic Tank Service</b>				<b>\$950,918</b>