

NNDOJ  
Initial Eligibility  
Determination



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 #: HK0208

Date & Time Received: 11/15/22 14:28

Date & Time of Response: 11/22/22 5:00 p.m.

Entity Requesting FRF: Chinle Chapter Government

Title of Project: Chinle Chapter Earth and Dam Project

Administrative Oversight: DCD

Amount of Funding Requested: \$1,997,153.38

**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: 2.22 Strong Healthy Communities: Neighborhood Features that Promote Health and Safety

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: Kristen A. Lowell

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.

Appendix A

Per

BFS-31-21

THE NAVAJO NATION  
FISCAL RECOVERY FUNDS REQUEST FORM & EXPENDITURE PLAN  
FOR GOVERNANCE-CERTIFIED CHAPTERS

Part 1. Identification of parties.

Governance-Certified Chapter requesting FRF: Chinle Chapter Government Date prepared: 10-19-2022

Chapter's mailing address: PO BOX 1809 Chinle, AZ 86503 phone & email: (928) 674-2052  
website (if any): chinle@navajochapters.org

This Form prepared by: Dr. Rosanna Jumbo-Fitch phone/email: (928) 225-1658  
Chinle Chapter President rosanna.jumbo@naataanii.org  
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Chinle Chapter Earth and Dam Project

Chapter President: Dr. Rosanna Jumbo-Fitch phone & email: (928) 225-1658/rosanna.jumbo@naataanii.org

Chapter Vice-President: Shawna Claw phone & email: (928) 674-2052/sclaw@navajochapters.org

Chapter Secretary: Roann Burbank phone & email: (928) 674-2052/rburbank@navajochapters.org

Chapter Treasurer: Roann Burbank phone & email: (928) 674-2052/rburbank@navajochapters.org

Chapter Manager or CSC: Walton Yazzie, Manager phone & email: (505)910-9473/wyazzie@navajochapters.org

DCD/Chapter ASC: \_\_\_\_\_ phone & email: \_\_\_\_\_

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): Not known

Amount of FRF requested: 1,997,153.<sup>00</sup>~~38~~ FRF funding period: 2023-2025  document attached  
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:

Chinle Chapter Government Earth and Dam Project includes design and construction of necessary earth berms, dikes, levees, and sediment removals in order to prevent future flooding and erosion across the Chinle community. The funds will be used to prepare the engineering design and complete construction. The earth and dam project will be located North of the Chinle Chapter, map is provided. The COVID-19 related needs of eliminating additional imminent threats to life and safety will be reduced and/or eliminated once project is completed.

document attached

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

The Chinle Chapter Government Earth and Dam Project would benefit the Navajo Nation, Chinle community, and our Navajo people by providing solutions for life and safety for the Chinle Chapter members that reside along the Chinle Wash. The construction of flood mitigation methods would help to provide safe living conditions for the people.

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:

Chinle Chapter Government Earth and Dam Project timeline: Chinle Chapter resolution 10/17/2022, Navajo Nation and DOJ review submissions Winter 2022, Proposals Spring 2023, Contract Award Summer 2023, Construction Fall 2023-Spring 2024. Challenges would include Navajo Nation review timeline.

document attached

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

Chinle Chapter Government will be responsible for implementing the project.

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:

Chinle Chapter Government will be responsible for operations and maintenance costs for the project once 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:

Strong Healthy Communities: Neighborhood Features that Promote Health and Safety^ 2.22

Chinle Chapter is seeking funding for earth and dam for the safety of our community residents. The infrastructure would prevent community members from being flooded; loss of homes, loss of household goods, loss of life, and overall provide safe living conditions for each community member living along the Chinle wash.

document attached

**Part 3. Additional documents.**

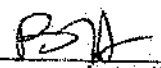
List here all additional supporting documents attached to this FRF Expenditure Plan (or indicate N/A):

Chapter Resolution is attached, 2021 application, emergency management document, Army Corps of Engineer report, and letters to Navajo Nation and monsoon season assistance.

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 Chapter Manager or CSC

Approved by: \_\_\_\_\_  
signature of DCD/Chapter ASD

Approved to submit for Review:   
signature of BCD Director

Appendix J:  
Project Budget  
Summary  
Per  
CJN-29-22





Signed

Budget

Forms 1, 2 & 4

(Other budget forms if needed)

THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY

PART I. Business Unit No.: New Program Title: Chimle Earth and Dam Project Division/Branch: DCD / Executive Branch

Prepared By: Walton Yazzie Phone No.: 928.674.2052 Email Address: wyazzie@nncchapters.org

PART II. FUNDING SOURCE(S)	Fiscal Year / Term	Amount	% of Total	PART III. BUDGET SUMMARY			(C) Difference or Total
				Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	
NN Fiscal Recovery Funds	FY 23-FY25	1,997,153.00	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	1,997,153.00	1,997,153
				7000 Special Transactions			
				8000 Public Assistance			
				9000 Capital Outlay			
				9500 Matching Funds			
				9500 Indirect Cost			
<b>TOTAL</b>				<b>TOTAL</b>		<b>1,997,153.00</b>	<b>1,997,153</b>

PART IV. POSITIONS AND VEHICLES

(D)	(E)
Total # of Positions Budgeted:	0
Total # of Vehicles Budgeted:	0

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

SUBMITTED BY: Walton Yazzie APPROVED BY: Lisa Tymm

Program Manager's Printed Name: Walton Yazzie Division Director / Branch Chief's Printed Name: Lisa Tymm

Program Manager's Signature and Date: [Signature] 10.24.21 Division Director / Branch Chief's Signature and Date: [Signature] 2/9/2023



*v. n. j. 3/31/23*  
*\* split made by Cas. 10/13/21*

PART I. PROGRAM INFORMATION:		Business Unit No.:		New		Program Name/Title:		Chinle Earth and Dam Project											
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:																			
PART III. PROGRAM PERFORMANCE CRITERIA:												1st QTR		2nd QTR		3rd QTR		4th QTR	
1. Goal Statement:												Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
Planning, Predisign, & Engineering Program Performance Measure/Objective: Hire a Subcontracted															1				
2. Goal Statement:																			
Program Performance Measure/Objective:  Program Performance Measure/Objective:  Program Performance Measure/Objective:																			
3. Goal Statement:																			
Program Performance Measure/Objective:  Program Performance Measure/Objective:																			
4. Goal Statement:																			
Program Performance Measure/Objective:  Program Performance Measure/Objective:																			
5. Goal Statement:																			
Program Performance Measure/Objective:  Program Performance Measure/Objective:																			
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.												Wallon Yazzie		Lisa Jynn					
Program Manager's Printed Name Program Manager's Signature and Date												10.24.22		Lisa Jynn		Division Director/Branch Chief's Printed Name		Division Director/Branch Chief's Signature and Date	
Program Manager's Printed Name Program Manager's Signature and Date														Lisa Jynn		Division Director/Branch Chief's Printed Name		Division Director/Branch Chief's Signature and Date	

*Handwritten signature and date: Lisa Jynn 2/9/2023*

**PART I. PROGRAM INFORMATION:**  
 Program Name/Title: Chinle Earth and Dam Project Business Unit No.: New

**PART II. DETAILED BUDGET:**

(A) Object Code (LOD 6)	(B) Object Code Description and Justification (LOD 7)	(C) Total by DETAILED Object Code (LOD 6)	(D) Total by MAJOR Object Code (LOD 4)
6500 6960 5990	<p>Contractual Services (LOD 4)                      Subcontracted Services                      Subcontracted Services</p> <p><i>Chinle Chapter will hire a contractor for this project.</i></p>	1,997,153	1,997,153
<b>TOTAL</b>		1,997,153	1,997,153

LOD 6

1.8.23 3/31/23

\* Edit made by Cons. 3/31/23

50

Chapter Resolutions  
and Other  
Supporting  
Documents

THE NAVAJO NATION

**Dr. Rosanna Jumbo-Fitch**  
PRESIDENT

**Shawna Claw**  
VICE PRESIDENT

**RoAnn Burbank**  
SECRETARY/TREASURER

**Eugene Tso**  
COUNCIL DELEGATE

**Oscar Bia**  
GRAZING COMMITTEE MEMBER

**RESOLUTION OF THE CHINLE CHAPTER  
NAVAJO NATION  
CHIN-OCT-22-077**

**APPROVING THE SELECTION OF THE EARTH AND DAM PROJECT FOR THE INCLUSION ON THE  
CHINLE CHAPTER DELEGATE REGION IN THE AMOUNT OF \$1,997,153.38.**

**WHEREAS:**

1. Pursuant to Navajo Nation Code, Section 4001 (d) and 4028 (2), (b) the Chinle Chapter is established and certified as a local government entity of the Navajo Nation with the authority to review all matters affecting the chapter and submit appropriate recommendations to the Navajo Nation government of other local agencies by resolutions; and
2. To support the efforts of the Navajo Nation to mitigate the effects of the COVID-19 Pandemic, the American Rescue Plan Act (ARPA) Fiscal Recovery Funds were allocated to develop the basic infrastructure to improve lives of people who have lived without water, electricity, and "basic services to support their daily activities, health, and welfare"; and
3. The Navajo Nation Council approved CJN-29-22, in response to the COVID-19 Pandemic in the best interest of the people: "An Action Relating to the Naabik'iyati Committee and Navajo Nation Council; Allocating \$1,070,298,867 of Navajo Nation Fiscal Recovery Funds; Approving the Navajo Nation Fiscal Recovery Fund Expenditure Plans for Chapter Assistance; Public Safety, Emergency Communications, E911, and Rural Addressing Projects; Cyber Security; Public Health Projects; Economic Development Projects; Hardship Assistance; Water and Wastewater Projects; Broadband Projects; Home Electrical Connection and Electricity Capacity Projects; Housing Projects and Manufactured Housing Facilities; Bathroom Addition Projects; Construction Contingency Funding; and Reduced Administrative Funding"; and
4. The Chinle Chapter Government has attended several meetings with Navajo Nation Division of Community Development, Navajo Tribal Utility Authority, and the Fiscal Recovery Fund Office; and
5. The eligible attached Exhibit: Chinle Chapter Earth and Dam was selected as a Project to be included on the Navajo Nation Council Delegate Eugene Tso Chapter Region in the amount of \$1,997,153.38 for the Chinle Chapter; and
6. The total amount for Chinle Chapter Delegate Regions is \$8,403,340.00.

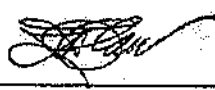
**VOW, THEREFORE BE IT RESOLVED THAT:**

1. The Chinle Chapter Government hereby approves the selection of Chinle Chapter Earth and Dam was a selected Project to be included on the Navajo Nation Council Delegate Eugene Tso Chapter Region in the amount of \$1,997,153.38.

**CERTIFICATION**

We hereby certify that the foregoing chapter resolution was duly considered by the Chinle Chapter at a duly called meeting at which time a quorum was present. A motion was made by Oscar Bia Sr. and seconded by Nelson Yazzie and the same was passed by a vote of 6 in favor, 2 opposed, and 1 abstained, this 7th day of October, 2022.

  
\_\_\_\_\_  
Dr. Rosanna Jumbo-Fitch, President

  
\_\_\_\_\_  
Shawna Claw, Vice President

\_\_\_\_\_  
RoAnn Burbank, Secretary/Treasurer

PO Box 1809 Chinle, Arizona  
86503

• P: (928) 674-2052 • F: (928) 674-2079 • chinle@navajochapters.org

**Project Estimate for Earth and Dam**

General Requirements	\$	436,926.93
Levee, Earth Berm	\$	560,000.00
Site work	\$	280,000.00
Culvert budget	\$	3,500.00
Sediment removal	\$	105,000.00
Equipment Costs	\$	133,000.00
Survey budget	\$	52,500.00
Concrete budget	\$	49,000.00
<u>Subtotal</u>		<u>1,619,926.93</u>
Insurance and GC's	\$	251,764.04
Tax	\$	125,462.41
		<u>\$1,997,153.38</u>