

**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0257-21

**DATE:** November 24, 2021

**TITLE OF RESOLUTION:** RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; ALLOCATING \$1,166,003,000 OF NAVAJO NATION FISCAL RECOVERY FUNDS; APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND EXPENDITURE PLANS FOR WATER AND WASTEWATER PROJECTS, BROADBAND PROJECTS, HOME ELECTRICITY CONNECTION PROJECTS, HOUSING AND HOUSING RENOVATION PROJECTS, BATHROOM ADDITION PROJECTS, AND HARDSHIP ASSISTANCE

**PURPOSE:** This resolution, if approved, will allocate \$1,166,003,000 of Navajo Nation Fiscal Recovery Funds for Water and Wastewater projects, Broadband projects, Home Electricity Connection projects, Housing and Housing Renovation projects (including Veterans), Bathroom Addition projects, and Hardship Assistance.

**This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.**

5-DAY BILL HOLD PERIOD: Johnson  
Website Posting Time/Date: 6:16pm 11-24-21  
Posting End Date: 11-29-21  
Eligible for Action: 11-30-21

Naabik'íyáti' Committee  
Thence  
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

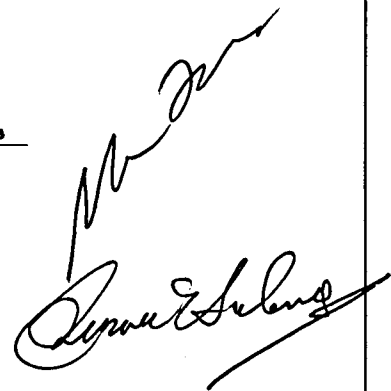
24<sup>th</sup> NAVAJO NATION COUNCIL – Third Year, 2021

INTRODUCED BY



Primary Sponsor

TRACKING NO. 0257-21



AN ACTION

RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION  
COUNCIL; ALLOCATING \$1,166,003,000 OF NAVAJO NATION FISCAL  
RECOVERY FUNDS; APPROVING THE NAVAJO NATION FISCAL RECOVERY  
FUND EXPENDITURE PLANS FOR WATER AND WASTEWATER PROJECTS,  
BROADBAND PROJECTS, HOME ELECTRICITY CONNECTION PROJECTS,  
HOUSING AND HOUSING RENOVATION PROJECTS, BATHROOM ADDITION  
PROJECTS, AND HARDSHIP ASSISTANCE

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A).
- B. Navajo Nation Council Resolution No. CJY-41-21, attached as **Exhibit A**, mandates that Navajo Nation Fiscal Recovery Fund ("NNFRF") Expenditure Plans be duly adopted by a two-thirds (2/3) vote of all members of the Navajo Nation Council and approved by the President of the Navajo Nation pursuant to 2 N.N.C. § 164 (A) and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).
- C. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council with the delegated responsibility to hear proposed resolution(s) that require final action by the Navajo Nation Council. 2 N.N.C. § 164(A)(9).

## SECTION TWO. FINDINGS

- A. The World Health Organization (“WHO”) declared a Public Health Emergency of International Concern related to the Coronavirus (“COVID-19”), a highly contagious and sometimes fatal respiratory virus, on January 30, 2020; the U.S. Department of Health and Human Services declared a Public Health Emergency related to the COVID-19 outbreak on January 31, 2020; and the WHO declared a global pandemic due to COVID-19 on March 11, 2020.
- B. The Navajo Nation Commission on Emergency Management, with the concurrence of Navajo Nation President Jonathan Nez, declared a Public Health State of Emergency on the Navajo Nation on March 11, 2020, due to the COVID-19 outbreak. *See* Resolution No. CEM 20-03-11, incorporated herein by reference. The Navajo Nation Department of Health has subsequently issued numerous Public Health Emergency Orders. Public Health Orders 2020-001 through 2021-020 are incorporated herein by reference. These Public Health Emergency Orders are available at [www.ndoh.navajo-nsn.gov](http://www.ndoh.navajo-nsn.gov).
- C. The coronavirus pandemic of 2019 has caused large scale infections and loss of life throughout the world, the United States, and the Navajo Nation. As of November 19, 2021, the Navajo Nation Health Command Operations Center has confirmed 38,742 COVID-19 cases and 1,518 COVID-related deaths on the Navajo Nation. COVID-19 variants have recently emerged that threaten to increase these numbers and continue the pandemic’s assault on the Navajo People.
- D. The devastating effects of COVID-19 continue throughout the Navajo Nation and extend beyond the health and life devastation to wide scale negative financial effects, such as employment losses, business closures, food and housing insecurity, and other economic disruptions.
- E. In response to the pandemic, on March 11, 2021, United States President Joseph Biden signed the American Rescue Plan Act (“ARPA”) into law. Section 9901 of ARPA amended Title VI of the Social Security Act to add section 602, which established the Coronavirus State Fiscal Recovery Fund, and section 603, which established the Coronavirus Local Fiscal Recovery Fund (together the “Fiscal Recovery Funds” or “FRF”) and provided \$362 billion for state, local, and tribal governments, including \$20 billion

1 specifically designated for tribal governments.

2 F. As of November 1, 2021, the United States Department of Treasury has allocated two  
3 billion seventy-nine million four hundred sixty-one thousand four hundred sixty-four  
4 dollars (\$2,079,461,464) to the Navajo Nation under the Fiscal Recovery Funds provisions  
5 of ARPA. The Fiscal Recovery Funds are designed to build on and expand the relief  
6 provided in the 2020 Coronavirus Aid, Relief, and Economic Security Act (CARES Act),  
7 Public Law 116–136, 134 Stat. 281 (2020), and are intended to mitigate and contain the  
8 spread of COVID-19, as well as to respond to the health, social and economic impacts of  
9 COVID-19 suffered by residents and businesses.

10 G. Pursuant to Section 9901 of ARPA, the Fiscal Recovery Funds are specifically intended  
11 to:

- 12 1. respond to the COVID-19 public health emergency and its negative economic  
13 impacts, including assistance to households, small businesses, and non-profits;  
14 and/or aid to impacted industries such as tourism, travel, and hospitality;
- 15 2. respond to workers performing essential work during the COVID-19 public  
16 health emergency by providing premium pay to eligible workers;
- 17 3. provide government services to the extent of the reduction in Navajo Nation  
18 revenue due to the COVID-19 public health emergency, relative to revenues  
19 collected in the most recent full fiscal year prior to the COVID-19 public health  
20 emergency; and
- 21 4. make necessary investments in water, sewer, and/or broadband infrastructure.

22 H. The U.S. Department of Treasury has issued guidance requiring that the use and  
23 expenditure of Fiscal Recovery Funds must fall under one of the four categories above and  
24 that funding recipients must report each expenditure under one of the sixty-six (66)  
25 “Expenditure Eligibility Categories” set forth in Appendix 1 to the U.S. Department of  
26 Treasury’s Compliance and Reporting Guidance for State and Local Fiscal Recovery  
27 Funds, attached herein as **Exhibit B**.

28 I. Pursuant to ARPA:

- 29 1. Fiscal Recovery Fund costs must be incurred by December 31, 2024, meaning  
30 that the Navajo Nation must obligate FRF funds by that date. Treasury’s



1 Interim Final Rule provides that “incurred” shall have the same meaning given  
2 to “financial obligation” under the Uniform Guidance at 2 CFR 200.1:  
3 “*Financial obligations*, when referencing a recipient's or sub-recipient's use  
4 of funds under a Federal award, means orders placed for property and  
5 services, contracts and sub-awards made, and similar transactions that  
6 require payment.”; and

- 7 2. The Fiscal Recovery Fund period of performance runs from March 3, 2021  
8 until December 31, 2026, meaning that all FRF-funded projects must be  
9 completed and funds must be fully expended by December 31, 2026.
- 10 3. Costs incurred by the Navajo Nation prior to March 3, 2021 are not eligible.
- 11 4. Any funds not obligated or expended for eligible uses by the dates above in  
12 sections I (1) and (2) must be returned to Treasury, including any unobligated  
13 or unexpended funds that have been provided to sub-recipients and contractors  
14 as part of the award closeout process.

15 J. While its acceptance of Fiscal Recovery Funds obligates the Navajo Nation to comply with  
16 ARPA and other federal laws and regulations, the Navajo Nation can and will fulfill these  
17 obligations while retaining and exercising its sovereignty in allocating and disbursing  
18 Fiscal Recovery Funds.

19 K. On July 23, 2021, the Navajo Nation Council adopted Resolution No. CJY-41-21, attached  
20 as **Exhibit A**, establishing the Navajo Nation Fiscal Recovery Fund (“NNFRF”) into  
21 which the Navajo Nation’s allocation of \$2,079,461,464 has been deposited. CJY-41-21  
22 also adopted an expenditure authorization and approval process for the allocation of funds  
23 from the NNFRF.

24 L. In Section Four of CJY-41-21, the Navajo Nation Council mandated the Budget and  
25 Finance Committee to adopt application and review procedures, as well as an expenditure  
26 plan template, to be used by entities requesting Navajo Nation Fiscal Recovery Funds. The  
27 Budget and Finance Committee approved Resolution No. BFS-31-21 which established  
28 mandatory Navajo Nation Fiscal Recovery Fund application procedures, forms, and an  
29 expenditure plan template. BFS-31-21 is incorporated herein by reference.

30 M. To ensure the Navajo Nation’s compliance with ARPA, Section Four of CJY-41-21 also

1 directed the Navajo Nation Department of Justice (“DOJ”) to perform “an initial  
2 determination of whether a NNFRF funding request satisfies the legal requirements of the  
3 Fiscal Recovery Funds provisions of ARPA and applicable Navajo Nation laws,  
4 regulations, and policies and procedures.” Resolution No. BFS-31-21 incorporated DOJ’s  
5 initial determination into the mandatory NNFRF application procedures, forms, and an  
6 expenditure plan template, which requires, among other things, identification of the entity  
7 with administrative oversight over the Funding Recipient. Administrative oversight means  
8 having the authority to monitor the implementation of an approved FRF Expenditure Plan  
9 and the expenditure of awarded funds. The duties of the entity with administrative  
10 oversight are set forth in Section Seven of the FRF Procedures in exhibits 1 through 5 of  
11 BFS-31-21.

- 12 N. The Office of the President and Vice-President, in coordination with the Division of  
13 Community Development (“DCD”), presented ARPA and Fiscal Recovery Fund  
14 information at each of the five (5) Agency Council Meetings to hear from the Navajo  
15 People concerning their needs and priorities for projects and/or services funded through  
16 the NNFRF. In addition, DCD has met with Navajo Nation Chapters, individually and  
17 collectively, on more than fifty (50) occasions to discuss NNFRF matters.
- 18 O. The Navajo Nation Council hosted twenty-six (26) Naabik’íyáti’ Committee Work  
19 Sessions, all open to the public, to hear from the Navajo People concerning their needs  
20 and priorities for projects and/or services funded through the Navajo Nation Fiscal  
21 Recovery Fund. In addition, Standing Committees of the Navajo Nation Council held  
22 more than twenty (20) committee meetings, all open to the public, that have included  
23 NNFRF reports and infrastructure specific discussions.
- 24 P. The Navajo Nation Council and Office of the President and Vice-President concur that,  
25 based on their respective public consultation efforts, it is in the best interest of the Navajo  
26 people and Navajo communities to first enact comprehensive Navajo Nation Fiscal  
27 Recovery Fund Expenditure Plans for Water and Wastewater projects, Broadband projects,  
28 Home Electricity Connections projects, Housing and Housing Renovations projects,  
29 Bathroom Addition projects, and Hardship Assistance in total amount of one billion one  
30 hundred sixty-six million three thousand dollars (\$1,166,003,000), as set forth in **Exhibits**

1 C through H which are incorporated herein.

2  
3 **SECTION THREE. APPROVAL OF WATER AND WASTEWATER PROJECTS**  
4 **EXPENDITURE PLANS**

5 A. The Navajo Nation hereby approves and adopts the Navajo Nation Fiscal Recovery  
6 Fund Water and Wastewater Projects Expenditure Plans set forth in **Exhibits C** and **C-**  
7 **1** through **C-10**.

8 B. The Navajo Nation hereby approves total funding for the NNFRF Water and  
9 Wastewater Projects Expenditure Plans from the Navajo Nation Fiscal Recovery Fund  
10 in the total amount of three hundred one million three thousand dollars (\$301,003,000)  
11 and allocates the funding as follows:

- 12 1. Thirty-eight million three hundred thousand dollars (\$38,300,000) to the  
13 Department of Water Resources for Drinking Water Transmission and  
14 Distribution Projects (Expenditure Eligibility Category 5.11), as set forth in  
15 **Exhibit C-1**, with administrative oversight by the Division of Natural  
16 Resources ("DNR") and legislative oversight by the Resources and  
17 Development Committee.
- 18 2. Ten million seven hundred thousand dollars (\$10,700,000) to the Department  
19 of Water Resources for Drinking Water Source Projects (Expenditure  
20 Eligibility Category 5.13), as set forth in **Exhibit C-2**, with administrative  
21 oversight by the Division of Natural Resources and legislative oversight by the  
22 Resources and Development Committee.
- 23 3. One million dollars (\$1,000,000) to the Department of Water Resources for  
24 Drinking Water Storage Projects (Expenditure Eligibility Category 5.14), as set  
25 forth in **Exhibit C-3**, with administrative oversight by the Division of Natural  
26 Resources and legislative oversight by the Resources and Development  
27 Committee.
- 28 4. Fifty-seven million seven hundred forty-five thousand three hundred fifteen  
29 dollars (\$57,745,315) to the Navajo Tribal Utility Authority for Centralized  
30 Wastewater Treatment Projects (Expenditure Eligibility Category 5.1) as set

1           forth in **Exhibit C-4**, with administrative oversight by the Division of  
2           Community Development (“DCD”) and legislative oversight by the Resources  
3           and Development Committee.

4           5. Forty-one million two hundred forty-two thousand six hundred eighty-five  
5           dollars (\$41,242,685) to the Navajo Tribal Utility Authority for Centralized  
6           Wastewater Collection and Conveyance Projects (Expenditure Eligibility  
7           Category 5.2) as set forth in **Exhibit C-5**, with administrative oversight by the  
8           Division of Natural Resources and legislative oversight by the Resources and  
9           Development Committee.

10          6. Ten million thirty thousand dollars (\$10,030,000) to the Navajo Tribal Utility  
11          Authority for Drinking Water Treatment Projects (Expenditure Eligibility  
12          Category 5.10), as set forth in **Exhibit C-6**, with administrative oversight by  
13          the Division of Natural Resources and legislative oversight by the Resources  
14          and Development Committee.

15          7. Ninety-seven million nine hundred forty thousand seven hundred sixty-one  
16          dollars (\$97,940,761) to the Navajo Tribal Utility Authority for Drinking Water  
17          Transmission and Distribution Projects (Expenditure Eligibility Category 5.11),  
18          as set forth in **Exhibit C-7**, with administrative oversight by the Division of  
19          Natural Resources and legislative oversight by the Resources and Development  
20          Committee.

21          8. Eighteen million nine hundred eighty-two thousand dollars (\$18,982,000) to the  
22          Navajo Tribal Utility Authority for Drinking Water Source Projects  
23          (Expenditure Eligibility Category 5.13), as set forth in **Exhibit C-8**, with  
24          administrative oversight by the Division of Natural Resources and legislative  
25          oversight by the Resources and Development Committee.

26          9. Fourteen million two hundred fifty thousand dollars (\$14,250,000) to the  
27          Navajo Tribal Utility Authority for Drinking Water Storage Projects  
28          (Expenditure Eligibility Category 5.14), as set forth in **Exhibit C-9**, with  
29          administrative oversight by the Division of Natural Resources and legislative  
30          oversight by the Resources and Development Committee.

1           10. Nine million eight hundred nine thousand two hundred thirty-nine dollars  
2           (\$9,809,239) to the Navajo Tribal Utility Authority for Drinking Water Cistern  
3           Projects (Expenditure Eligibility Category 5.15), as set forth in **Exhibit C-10**,  
4           with administrative oversight by the Division of Natural Resources and  
5           legislative oversight by the Resources and Development Committee.

- 6           C. The requirement in CJY-41-21, Section Three (F), to establish a contingency reserve  
7           for NNFRF Water and Wastewater construction projects shall be implemented on a  
8           case-by-case basis through resolution(s) approved by the Navajo Nation Council and  
9           enacted pursuant to 2 N.N.C. § 164 (A)(17) and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).

10  
11       **SECTION FOUR. APPROVAL OF BROADBAND PROJECTS EXPENDITURE**  
12       **PLANS**

- 13           A. The Navajo Nation hereby approves and adopts the Navajo Nation Fiscal Recovery Fund  
14           Broadband Projects Expenditure Plan set forth in **Exhibits D** and **D-1** through **D-6**.
- 15           B. The Navajo Nation hereby approves total funding for the NNFRF Broadband Projects  
16           Expenditure Plan from the Navajo Nation Fiscal Recovery Fund in the total amount of two  
17           hundred eight million dollars (\$208,000,000) and allocates the funding as follows:
- 18               1. Thirty-one million eight hundred fifty-two thousand six hundred forty-two dollars  
19               (\$31,852,642) to the Navajo Tribal Utility Authority for Broadband “Last Mile”  
20               projects (Expenditure Eligibility Category 5.16), as set forth in **Exhibit D-1**, with  
21               administrative oversight by the Division of General Services and joint legislative  
22               oversight by the Health Education Human Services and Resources and  
23               Development Committees.
- 24               2. Sixty-eight million one hundred forty-seven thousand three hundred fifty-eight  
25               dollars (\$68,147,358) to the Navajo Tribal Utility Authority for Broadband  
26               “Middle Mile” projects (Expenditure Eligibility Category 5.17), as set forth in  
27               **Exhibit D-2**, with administrative oversight by the Division of General Services and  
28               joint legislative oversight by the Health Education Human Services and Resources  
29               and Development Committees.
- 30               3. Twenty-five million (\$25,000,000) to the Navajo Tribal Utility Authority for

1 Broadband "Last Mile" Grants to Various Carriers (Not Including NTUA) projects  
2 (Expenditure Eligibility Category 5.16), as set forth in **Exhibit D-3**, with  
3 administrative oversight by the Division of General Services and joint legislative  
4 oversight by the Health Education Human Services and Resources and  
5 Development Committees.

6 4. Twenty million dollars (\$20,000,000) to the Navajo Tribal Utility Authority for  
7 Broadband Grants to Various Carriers (Not Including NTUA) projects  
8 (Expenditure Eligibility Category 5.17), as set forth in **Exhibit D-4**, with  
9 administrative oversight by the Division of General Services and joint legislative  
10 oversight by the Health Education Human Services and Resources and  
11 Development Committees.

12 5. Fifty-five million dollars (\$55,000,000) to the Division of Public Safety authority  
13 for Broadband Emergency Communication project(s) (Expenditure Eligibility  
14 Category 1.12), as set forth in **Exhibit D-5**, with administrative oversight by the  
15 Office of the President and Vice-President and joint legislative oversight by the  
16 Law and Order and Resources and Development Committees.

17 6. Eight million dollars (\$8,000,000) to the Department of Information Technology  
18 for Broadband CyberSecurity project(s) (Expenditure Eligibility Category 1.12),  
19 as set forth in **Exhibit D-6**, with administrative oversight by the Division of  
20 General Services and joint legislative oversight by the Health Education Human  
21 Services and Resources and Development Committees.

22 C. The eligibility criteria for Broadband "Last Mile" Grants to Various Carriers (Not  
23 Including NTUA) projects (Expenditure Eligibility Category 5.16) is included in **Exhibit**  
24 **D-3**. The eligibility criteria for Broadband Grants to Various Carriers (Not Including  
25 NTUA) (Expenditure Eligibility Category 5.17) is included in **Exhibit D-4**.

26 D. The requirement in CJY-41-21, Section Three (F), to establish a contingency reserve  
27 for NNFRF Broadband construction projects shall be implemented on a case-by-case  
28 basis through resolution(s) approved by the Navajo Nation Council and enacted  
29 pursuant to 2 N.N.C. § 164 (A)(17) and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).  
30

1 **SECTION FIVE. APPROVAL OF HOME ELECTRICITY CONNECTION PROJECTS**  
2 **EXPENDITURE PLAN**

- 3 A. The Navajo Nation hereby approves and adopts the Navajo Nation Fiscal Recovery Fund  
4 Home Electricity Connection Projects Expenditure Plan set forth in **Exhibits E and E-1**.
- 5 B. The Navajo Nation hereby approves total funding for the NNFRF Home Electricity  
6 Connection Projects Expenditure Plan from the Navajo Nation Fiscal Recovery Fund in  
7 the total amount of two hundred million dollars (\$200,000,000) and allocates the funding  
8 as follows:
- 9 1. Two hundred million dollars (\$200,000,000) to the Navajo Tribal Utility Authority  
10 for Housing Support Services – Connecting Homes to Electricity Projects  
11 (Expenditure Eligibility Category 3.12), as set forth in **Exhibit E-1**, with  
12 administrative oversight by the Division of Community Development and  
13 legislative oversight by the Resources and Development Committee.
- 14 C. The Home Electricity Connections Projects Expenditure Plan is need-based. The eligibility  
15 criteria for receiving services under the Expenditure Plan is included in **Exhibit E-1**.
- 16 D. The requirement in CJY-41-21, Section Three (F), to establish a contingency reserve  
17 for NNFRF Home Electricity Connections construction projects shall be implemented  
18 on a case-by-case basis through resolution(s) approved by the Navajo Nation Council  
19 and enacted pursuant to 2 N.N.C. § 164 (A)(17) and 2 N.N.C. §§ 1005 (C) (10), (11), and  
20 (12).

21  
22 **SECTION SIX. APPROVAL OF HOUSING AND HOUSING RENOVATION**  
23 **PROJECTS EXPENDITURE PLANS**

- 24 A. The Navajo Nation hereby approves and adopts the Navajo Nation Fiscal Recovery Fund  
25 Housing and House Renovations Expenditure Plans set forth in **Exhibits F and F-1 through**  
26 **F-3**.
- 27 B. The Navajo Nation hereby approves total funding for the NNFRF Housing and Housing  
28 Renovation Expenditure Plans from the Navajo Nation Fiscal Recovery Fund in the total  
29 amount of one hundred million dollars (\$100,000,000) and allocates the funding as  
30 follows:



- 1           1. Forty million dollars (\$40,000,000) to the Community Housing and Infrastructure  
2           Department for Housing Support Services – New Housing Projects (Expenditure  
3           Eligibility Category 3.11), as set forth in **Exhibit F-1**, with administrative oversight  
4           by the Division of Community Development and legislative oversight by the  
5           Resources and Development Committee.
- 6           2. Ten million dollars (\$10,000,000) to the Community Housing and Infrastructure  
7           Department for Housing Support Services – Housing Renovation Projects  
8           (Expenditure Eligibility Category 3.12), as set forth in **Exhibit F-2**, with  
9           administrative oversight by the Division of Community Development and  
10          legislative oversight by the Resources and Development Committee.
- 11          3. Fifty million dollars (\$50,000,000) to the Navajo Nation Veterans Administration  
12          Veterans Housing Program for Housing Support Services – New Housing Projects  
13          (Expenditure Eligibility Category 3.11) as set forth in **Exhibit F-3**, with  
14          administrative oversight by the Navajo Nation Veterans Administration and  
15          legislative oversight by the Health Education and Human Services Committee.
- 16   C. The Housing Projects Expenditure Plan and Housing Renovation Projects Expenditure  
17   Plan assigned to the Community Housing and Infrastructure Department are need-based.  
18   To the fullest extent possible, all new housing shall be accessible to persons with physical  
19   disabilities and shall meet the standards and specifications within the Americans with  
20   Disabilities Act. The eligibility criteria for receiving services under both Expenditure Plans  
21   shall be approved by the Resources and Development Committee through resolution.
- 22   D. The Housing Projects Expenditure Plan assigned to the Navajo Nation Veterans  
23   Administration Veterans Housing Program is need-based. To the fullest extent possible, all  
24   new housing shall be accessible to persons with physical disabilities and shall meet the  
25   standards and specifications within the Americans with Disabilities Act. The eligibility  
26   criteria for receiving services under that Expenditure Plan shall be approved by the Health  
27   Education and Human Services Committee through resolution, upon recommendation of  
28   the Navajo Nation Veterans Advisory Council.
- 29   E. The requirement in CJY-41-21, Section Three (F), to establish a contingency reserve  
30   for Housing and House Renovation construction projects shall be implemented on a



1 case-by-case basis through resolution(s) approved by the Navajo Nation Council and  
2 enacted pursuant to 2 N.N.C. § 164 (A)(17) and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).  
3

4 **SECTION SEVEN. APPROVAL OF NAVAJO NATION FISCAL RECOVERY FUND**  
5 **BATHROOM ADDITIONS EXPENDITURE PLAN**

- 6 A. The Navajo Nation hereby approves and adopts the Navajo Nation Fiscal Recovery Fund  
7 Bathroom Additions Expenditure Plan set forth in **Exhibits G and G-1**.  
8 B. The Navajo Nation hereby approves total funding for the NNFRF Bathroom Additions  
9 Plans from the Navajo Nation Fiscal Recovery Fund in the total amount of one hundred  
10 fifty million dollars (\$150,000,000) and allocates the funding as follows:  
11 1. One hundred fifty million dollars (\$150,000,000) to the Navajo Tribal Utility  
12 Authority for Public Health Services - Bathroom Additions (Expenditure  
13 Eligibility Category 1.12), as set forth in **Exhibit G-1**, with administrative  
14 oversight by the Division of Community Development and legislative oversight by  
15 the Resources and Development Committee.  
16 C. The Bathroom Additions Expenditure Plan assigned to the Navajo Tribal Utility Authority  
17 is need-based. The application process and criteria are included in **Exhibit G-1**.  
18 D. The requirement in CJY-41-21, Section Three (F), to establish a contingency reserve  
19 for NNFRF Bathroom Addition construction projects shall be implemented on a case-  
20 by-case basis through resolution(s) approved by the Navajo Nation Council and enacted  
21 pursuant to 2 N.N.C. § 164 (A)(17) and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).  
22

23 **SECTION EIGHT. APPROVAL OF NAVAJO NATION FISCAL RECOVERY FUND**  
24 **HARDSHIP ASSISTANCE EXPENDITURE PLAN**

- 25 A. The Navajo Nation hereby approves and adopts the Navajo Nation Fiscal Recovery Fund  
26 Hardship Assistance Expenditure Plan set forth in **Exhibit H**.  
27 B. The Navajo Nation hereby approves total funding for the NNFRF Hardship Assistance  
28 Expenditure Plan from the Navajo Nation Fiscal Recovery Fund in the total amount of two  
29 hundred seven million dollars (\$207,000,000) and allocates the funding as follows:  
30 1. Two hundred seven million dollars (\$207,000,000) to the Office of the Controller

1 for Household Assistance – Cash Transfers (Expenditure Eligibility Category 2.3),  
2 as set forth in **Exhibit H**, with administrative oversight by the Office of the  
3 President and Vice-President and legislative oversight by the Budget and Finance  
4 Committee.

5  
6 **SECTION NINE. ADMINISTRATION OF NAVAJO NATION FISCAL RECOVERY**  
7 **FUND EXPENDITURE PLANS**

- 8 A. All entities receiving Navajo Nation Fiscal Recovery Funds, whether through an  
9 immediate allocation under CJY-41-21 or subsequently approved NNFRF Expenditure  
10 Plan, shall comply with all Navajo Nation laws, policies, regulations, rules, and  
11 procedures, specifically including, but not limited to, those governing the NNFRF and  
12 the expenditure of such funds, and any additional terms set forth in a grant, sub-  
13 recipient, or similar agreement.
- 14 B. Fiscal Recovery Fund costs must be incurred by December 31, 2024, meaning that the  
15 Navajo Nation must obligate FRF funds by that date. For internal Navajo Nation purposes,  
16 the term “obligated” is defined in BFS-31-21, Section Three on page 3 of Exhibits 1  
17 through 5. Any NNFRF funds not obligated by the end of the third quarter of Fiscal Year  
18 2024 shall be reported to the Naabik’íyáti’ Committee and are subject to reversion to the  
19 NNFRF, by a resolution of the Naabik’íyáti’ Committee, and will then be available for  
20 reallocation to other NNFRF Expenditure Plans pursuant to resolution(s) of the Navajo  
21 Nation Council enacted pursuant to 2 N.N.C. § 164 (A)(17) and 2 N.N.C. §§ 1005 (C) (10),  
22 (11), and (12).
- 23 C. Projects and/or services funded with Navajo Nation Fiscal Recovery Funds must be  
24 completed and all NNFRF funds fully spent by December 31, 2026.
- 25 D. Navajo Nation Fiscal Recovery Fund Expenditure Plan funds shall be available for use by  
26 a funding recipient that is a branch, division, department, or other unit of the Navajo Nation  
27 central government as soon as a detailed budget has been administratively approved and  
28 the Office of Management and Budget has entered such budget into the Financial  
29 Management Information System.
- 30 E. The Office of the Controller shall release Navajo Nation Fiscal Recovery Fund

1 Expenditure Plan funds to a funding recipient that is external to the Navajo Nation central  
2 government, including Local Government Act certified chapters, Navajo Nation owned  
3 entities, and other external entities, pursuant to the fund distribution schedule  
4 recommended by the Navajo Nation government entity with administrative oversight and  
5 approved by the Office of the Controller and included in a fully executed grant, sub-  
6 recipient, or similar agreement deemed legally sufficient by the Navajo Nation Department  
7 of Justice.

8 F. Awarded Navajo Nation Fiscal Recovery Funds shall only be obligated and expended on  
9 projects and/or services, including need-based projects and services, that were included as  
10 an immediate allocation under CJY-41-21 or are included in a NNFRF Expenditure Plan  
11 approved and adopted by a Navajo Nation Council resolution enacted pursuant to 2 N.N.C.  
12 § 164 (A)(17) and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).

13 G. All proposed modifications to an approved FRF Expenditure Plan or an approved FRF  
14 Expenditure Plan budget shall comply with section 8 of exhibits 1 through 5 of BFS-31-  
15 21. Any increase in funding for an approved FRF Expenditure Plan shall require approval  
16 by a Navajo Nation Council resolution enacted pursuant to 2 N.N.C. § 164 (A)(17) and 2  
17 N.N.C. §§ 1005 (C) (10), (11), and (12). Proposed modifications of Expenditure Plans  
18 shall be submitted to the Navajo Nation Department of Justice (“DOJ”) for an eligibility  
19 determination review to ensure the proposed modification will be an eligible use of FRF.  
20 Modifications that change the purpose and intent of the Expenditure Plan or projects and  
21 services within the approved Expenditure Plan or that substantially change the scope of  
22 work of the Expenditure Plan shall require approval by the Navajo Nation Council. As set  
23 forth in BFS-31-21, DOJ shall make the determination whether Navajo Nation Council  
24 approval of the modification is required. After DOJ has reviewed the request for a  
25 modification of an approved Expenditure Plan and determined that legislative approval is  
26 not needed, or after the modification is approved by a Navajo Nation Council resolution  
27 enacted pursuant to 2 N.N.C. § 164 (A)(17) and 2 N.N.C. §§ 1005 (C) (10), (11), and (12),  
28 the Administrative Oversight entity acting on behalf of the Funding Recipient shall submit  
29 a budget revision request to OMB, if needed. The Budget Instruction Manual provisions  
30 regarding budget revision requests shall apply.

- 1 H. Awarded Navajo Nation Fiscal Recovery Funds, including cost savings, may be  
2 administratively moved between projects and/or services included within the same  
3 Expenditure Plan. DOJ shall verify that the projects and/or services share the same  
4 Expenditure Eligibility Category before any NNFRF funding is moved between projects  
5 and/or services.
- 6 I. Awarded Navajo Nation Fiscal Recovery Funds, including cost savings, cannot be moved  
7 between Expenditure Plans without approval by a Navajo Nation Council resolution  
8 enacted pursuant to 2 N.N.C. § 164 (A)(17) and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).
- 9 J. Approved Expenditure Plans for need-based projects and services, such as Bathroom  
10 Addition or Home Electricity Connection projects, may be administratively modified  
11 without Navajo Nation Council action as long as the total funding awarded for the  
12 Expenditure Plan is not increased and the new project or service is within the same  
13 Expenditure Eligibility Category.
- 14 K. To add projects or services to an approved Expenditure Plan when such projects and/or  
15 services are not need-based projects or services, shall require a DOJ initial eligibility  
16 determination pursuant to BFS-31-21 and the addition must be approved through  
17 resolution by the Standing Committee(s) having oversight over the Expenditure Plan and  
18 the Budget and Finance Committee. If the new project and/or service increases the total  
19 funding awarded for the Expenditure Plan or does not share the same Expenditure  
20 Eligibility Category as the Expenditure Plan, BFS-31-21 must be fully complied with and  
21 the addition can only be added through Navajo Nation Council resolution enacted pursuant  
22 to 2 N.N.C. § 164 (A)(17) and 2 N.N.C. §§ 1005 (C) (10), (11), and (12) is required.
- 23 L. The Emergency Procurement provisions set forth in CJY-41-21, Section Ten, shall apply  
24 to all NNFRF Expenditure Plans enacted herein, as well as to all American Rescue Plan  
25 Act and Fiscal Recovery Fund procurements by the Navajo Nation and its entities.
- 26 M. All entities receiving Navajo Nation Fiscal Recovery Funds shall follow and apply  
27 Generally Accepted Accounting Principles (GAAP), as established by the Governmental  
28 Accounting Standards Board (GASB) for governmental entities and by the  
29 Financial Accounting Standards Board (FASB) for public and private companies and non-  
30 profits, in reporting, recording, and accounting for such Funds.

1 N. Fraud, misuse of funds, violation of applicable Navajo Nation or federal laws and  
2 regulations, non-compliance with FRF agreements governing grants or sub-awards, and  
3 false statements or claims by any individual or entity receiving or administering Navajo  
4 Nation Fiscal Recovery Funds may result in administrative, civil, or criminal sanctions and  
5 penalties, debarment and suspension, ineligibility for future Navajo Nation awards or  
6 business opportunities, and the Navajo Nation may pursue any other legal action or remedy  
7 available by law.  
8

9 **SECTION TEN. FUTURE ALLOCATION OF UNALLOCATED NAVAJO NATION**  
10 **FISCAL RECOVERY FUNDS TO HARDSHIP ASSISTANCE EXPENDITURE PLAN**

- 11 A. Section Four of CJY-41-21 also mandates that “[u]ntil the third quarter of 2024, NNFRF  
12 Expenditure Plans for direct financial assistance to enrolled Navajo Nation members, not  
13 including business economic relief or similar programs, shall be limited to ten percent  
14 (10%) of the total Fiscal Recovery Funds received by the Navajo Nation. After the  
15 second quarter of 2024, unallocated or unexpended NNFRF funds can be allocated for  
16 direct financial assistance to enrolled members through resolution of the Navajo Nation  
17 Council and approval of the President pursuant to 2 N.N.C. § 164 (A) and 2 N.N.C. §§  
18 1005 (C) (10), (11) and (12).”
- 19 B. All Navajo Nation Fiscal Recovery Funds that have not been allocated to a NNFRF  
20 Expenditure Plan through a Navajo Nation Council resolution enacted pursuant to CJY-  
21 41-21 by the end of the second quarter of Fiscal Year 2024 may be re-allocated to the  
22 NNFRF Hardship Assistance Expenditure Plan through Navajo Nation Council resolution  
23 enacted pursuant to 2 N.N.C. § 164 (A)(17) and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).
- 24 C. The allocation of unallocated NNFRF funds to the NNFRF Hardship Assistance  
25 Expenditure Plan shall require a separate or revised expenditure plan be submitted to the  
26 Navajo Nation Department of Justice for an eligibility determination.  
27

28 **SECTION ELEVEN. REPORTING**

- 29 A. All entities receiving Navajo Nation Fiscal Recovery Funds shall keep and maintain  
30 accurate and complete financial data and records sufficient to demonstrate that the

1 Fiscal Recovery Funds appropriated by the U.S. Congress to the Navajo Nation have  
2 been used by the reporting entity in accordance with the provisions of ARPA and timely  
3 relay such reports and records to the administrative oversight, Office of Controller,  
4 Office of Management and Budget, FRF Office, and legislative oversight as directed  
5 in the grant or sub-recipient agreements if any, and when requested. Such reports and  
6 records shall be maintained for at least seven (7) years after the project and/or service  
7 has been completed. The Office of the Controller shall be responsible for compiling  
8 and providing any and all records and financial reports required by the U.S. Treasury.

9 B. All entities receiving Navajo Nation Fiscal Recovery Funds through an approved  
10 Expenditure Plan shall report the status of their NNFRF allocations to their respective  
11 oversight committees at the end of each Fiscal Year quarter. The entity with  
12 administrative oversight over the Expenditure Plan shall review the quarterly report  
13 prior to its presentation and shall participate in the presentation to the oversight  
14 committee(s).

15 C. The Executive Director of the NNFRF Office, with the assistance of the Office of the  
16 Controller and Office of Management and Budget, shall report the status of all allocated  
17 Navajo Nation Fiscal Recovery Funds and NNFRF Expenditure Plans to the Budget  
18 and Finance and Naabik'íyáti' Committees at the end of each Fiscal Year quarter.

## 19 20 **SECTION TWELVE. EFFECTIVE DATE**

21 This legislation shall be effective upon its approval pursuant to 2 N.N.C. § 164 (A)(17) and 2  
22 N.N.C. §§ 1005 (C) (10), (11), and (12).

## 23 24 **SECTION THIRTEEN. AMENDMENTS**

25 Amendments to this legislation shall only be adopted by a two-thirds (2/3) vote of all  
26 members of the Navajo Nation Council and approval of the President of the Navajo Nation  
27 pursuant to 2 N.N.C. § 164 (A)(17) and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).

## 28 29 **SECTION FOURTEEN. SAVING CLAUSE**

30 If any provision of this legislation is determined invalid by the Navajo Nation Supreme Court,

1 or by a Navajo Nation District Court without appeal to the Navajo Nation Supreme Court,  
2 those provisions of this legislation not determined invalid shall remain the law of the Navajo  
3 Nation.  
4

5 **SECTION FIFTEEN. DIRECTIVES**

6 All Navajo Nation government programs, offices, and divisions, as well as Navajo Nation  
7 owned entities, specifically including those programs, offices, divisions, and Navajo Nation  
8 owned entities receiving Navajo Nation Fiscal Recovery Funds, shall prioritize the  
9 implementation and completion of NNFRF projects and/or services.  
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# EXHIBIT A



# THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

August 2, 2021

Hon. Seth Damon  
Office of the Speaker  
Post Office Box 3390  
Window Rock, AZ 86515


RE: CJY-41-21, *An Action Relating to Budget and Finance and Naabik'iyáti' Committees, and Navajo Nation Council; Establishing the Navajo Nation Fiscal Recovery Fund and the Expenditure Authorization Process Thereunder; Waiving Certain Provisions of the Navajo Nation Appropriations Act; Amending 12 N.N.C. § 334 to Authorize Emergency Procurements; Authorizing Reimbursement of the Sihasin Fund and Undesignated Unreserved Fund Balance; Authorizing Central Support and Regulatory Cost Funding; Authorizing Funding to Complete Defunded Navajo Nation CARES Fund Expenditure Plans; Authorizing the Establishment of a Navajo Nation Fiscal Recovery Fund Office Within the Office of the President and Vice-President*

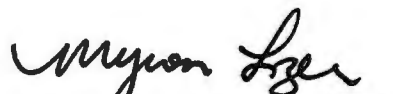
Dear Speaker Damon,

After decades of struggling with an unfinished infrastructure, a sagging economy, and an inadequate education system, the Navajo Nation is on the doorstep of changing our future for our elders, our children, and our families. Over the past year we had the financial means to respond to the coronavirus and improve the lives of our constituents; we laid the foundation for the Nation. This year, we again have the opportunity to build on what we started – water lines and wastewater systems for communities, powerlines to family homes, and an internet network to help our students, to name a few. Working together we can take a giant leap forward in giving the People the protective measures they need to continue fighting against the coronavirus and its variants.

Thank you to Delegate Carl Slater for his tenacious effort in bringing this resolution through the process. Thank you Speaker for your support and we appreciate the support of the 24<sup>th</sup> Navajo Nation Council. There is much to do over the next few years and we look forward to working with the Navajo Nation Council. We sign CJY-41-21 into law.

Sincerely,

  
Jonathan Nez, President  
THE NAVAJO NATION

  
Myron Lizer, Vice President  
THE NAVAJO NATION



RESOLUTION OF THE  
NAVAJO NATION COUNCIL  
24<sup>th</sup> NAVAJO NATION COUNCIL - THIRD YEAR, 2021

AN ACTION

RELATING TO BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; ESTABLISHING THE NAVAJO NATION FISCAL RECOVERY FUND AND THE EXPENDITURE AUTHORIZATION PROCESS THEREUNDER; WAIVING CERTAIN PROVISIONS OF THE NAVAJO NATION APPROPRIATIONS ACT; AMENDING 12 N.N.C. § 334 TO AUTHORIZE EMERGENCY PROCUREMENTS; AUTHORIZING REIMBURSEMENT OF THE SÍHASIN FUND AND UNDESIGNATED, UNRESERVED FUND BALANCE; AUTHORIZING CENTRAL SUPPORT AND REGULATORY COST FUNDING; AUTHORIZING FUNDING TO COMPLETE DEFUNDED NAVAJO NATION CARES FUND EXPENDITURE PLANS; AUTHORIZING THE ESTABLISHMENT OF A NAVAJO NATION FISCAL RECOVERY FUND OFFICE WITHIN THE OFFICE OF THE PRESIDENT AND VICE-PRESIDENT

BE IT ENACTED

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A).
- B. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council with the responsibility to hear proposed resolution(s) that require final action by the Navajo Nation Council. 2 N.N.C. § 164(A)(9).
- C. The Budget and Finance Committee is a standing committee of the Navajo Nation Council with the enumerated powers to review and recommend to the Navajo Nation Council the budgeting, appropriation, investment and management of all funds and to promulgate rules and regulations relative to contracting and financial matters. 2 N.N.C. §§ 300(B)(1) and (2).

SECTION TWO. FINDINGS

- A. The World Health Organization ("WHO") declared a Public Health Emergency of International Concern related to the outbreak of coronavirus ("COVID-19"), a highly contagious and sometimes fatal respiratory virus, on January 30, 2020; the U.S. Department of Health and Human Services declared a Public Health Emergency related to the COVID-19 outbreak on January 31, 2020; and the WHO declared a global pandemic due to COVID-19 on March 11, 2020.
- B. The Navajo Nation Commission on Emergency Management, with the concurrence of Navajo Nation President Jonathan Nez, declared

a Public Health State of Emergency on the Navajo Nation on March 11, 2020, due to the COVID-19 outbreak. See Resolution No. CEM 20-03-11 incorporated herein by reference. The Navajo Nation Department of Health has subsequently issued numerous Public Health Emergency Orders. Public Health Orders 2020-001 through 2021-014 are incorporated by reference. These Public Health Emergency Orders are available at [www.ndoh.navajonnsn.gov](http://www.ndoh.navajonnsn.gov).

- C. The coronavirus pandemic of 2019 has caused large scale infections and loss of life throughout the world, the United States and the Navajo Nation. As of July 7, 2021, the Navajo Nation Health Command Operations Center has confirmed 31,043 COVID-19 cases and 1,374 COVID-related deaths on the Navajo Nation. COVID-19 variants have emerged that threaten to increase these numbers and continue the pandemic's assault on the Navajo People.
- D. The devastating effects of COVID-19 continue throughout the Navajo Nation, including employment losses, business closures, food and housing insecurity, and other economic disruptions.
- E. On March 11, 2021, President Biden signed the American Rescue Plan Act ("ARPA") into law. Section 9901 of ARPA established the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund (together the "Fiscal Recovery Funds") by amending Title VI of the Social Security Act, which provided \$362 billion for state, local, and tribal governments, including \$20 billion designated for tribal governments.
- F. As of May 29, 2021, the United States Department of Treasury ("U.S. Treasury") allocated \$1,861,554,458.43 to the Navajo Nation under the Fiscal Recovery Funds provisions of ARPA. The Fiscal Recovery Funds are designed to build on and expand the relief provided in the Coronavirus Aid, Relief, and Economic Security Act or CARES Act.
- G. 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 residents and businesses.
- H. As set forth in Central Agency Council Resolution No. CAC 07/21-11, attached as **Exhibit A**, the Central Agency Council of the Navajo Nation supports the establishment of a Navajo Nation Fiscal Recovery Fund and the expenditure authorization process set forth herein.

I. Pursuant to Section 9901 of ARPA, the Fiscal Recovery Funds were specifically intended to:

1. Respond to the COVID-19 public health emergency and its negative economic impacts, including assistance to households, small businesses, and non-profits; and/or aid to impacted industries such as tourism, travel, and hospitality;
2. Respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the tribal government. Under this category, the Navajo Nation can provide premium pay to government workers performing essential work, and can provide grants to eligible employers that have eligible workers who perform essential work;
3. Provide government services to the extent of the reduction in Navajo Nation revenue due to the COVID-19 public health emergency, relative to revenues collected in the most recent full fiscal year prior to the emergency; and
4. Make necessary investments in water, sewer, or broadband infrastructure.

J. Pursuant to ARPA:

1. Fiscal Recovery Fund costs must be incurred by December 31, 2024, meaning the Navajo Nation must obligate funds by that date; and
2. The Fiscal Recovery Fund period of performance runs until December 31, 2026, meaning funded projects must be completed by that date.

K. While its acceptance of the Fiscal Recovery Funds obligates the Navajo Nation to comply with ARPA and other federal laws and regulations, the Navajo Nation can and will fulfill these obligations while retaining and exercising its tribal sovereignty.

### SECTION THREE. ESTABLISHMENT OF THE NAVAJO NATION FISCAL RECOVERY FUND

- A. There is hereby established the "Navajo Nation Fiscal Recovery Fund" ("NNFRF").
- B. The Navajo Nation hereby designates that the \$1,861,554,458.43 received by the Navajo Nation as of May 29, 2021 from the U.S.

Treasury under the Fiscal Recovery Funds provisions of ARPA, as well as any additional funds that the Navajo Nation may later receive from the United States under the Fiscal Recovery Funds provisions, shall be deposited into the NNFRF.

- C. The purpose of the NNFRF is to serve as a depository into which all Fiscal Recovery Funds and investment earnings therein are deposited, and from which the Navajo Nation shall disburse funds for approved Expenditure Plans which comply with the criteria set forth in the Fiscal Recovery Funds provisions of ARPA.
- D. The Fiscal Recovery Funds allocated to the Navajo Nation are limited emergency funds provided by the federal government and are not subject to the annual set-aside provisions set forth in the Navajo Nation Code.
- E. The Navajo Nation Office of the Controller ("OOC"), acting upon the recommendation of the Navajo Nation Investment Committee, shall oversee investment of the NNFRF in accordance with ARPA and Fiscal Recovery Funds requirements, U.S. Treasury regulations and guidance, and applicable Navajo Nation Investment Policies; investment earnings, when realized, shall be deposited into the NNFRF.
- F. Any funds deposited into the NNFRF shall only be used in compliance with ARPA and Fiscal Recovery Fund purposes and restrictions, U.S. Treasury guidance, applicable federal laws and regulations, Navajo Nation laws, regulations, and policies, and duly adopted procedures and agreements between the Navajo Nation and the federal government regarding the use of the Fiscal Recovery Funds.
- G. Except as set forth in Sections Five through Seven below, expenditures of the NNFRF shall only be authorized through Expenditure Plan(s) duly adopted by a two-thirds (2/3) vote of all members of the Navajo Nation Council and approved by the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A) and 2 N.N.C. §§ 1005(C)(10), (11) and (12).
- H. OOC and all entities receiving NNFRF shall keep records sufficient to demonstrate that the Fiscal Recovery Funds appropriated by the U.S. Congress to the Navajo Nation have been used in accordance with the provisions of ARPA. The NNFRF shall be subject to an annual audit by the Navajo Nation's independent auditor. Either the Navajo Nation Council or the Navajo Nation President may require an audit at any time. The Controller shall be responsible for providing any and all records and financial reports required by the U.S. Treasury.

- I. Within thirty (30) days of the effective date of this legislation, OOC shall set up an online accountability platform on the NNOOC website that will enable the public to observe the financial transactions conducted with NNFRF funds. To the maximum extent possible and consistent with applicable Navajo Nation and federal laws pertaining to confidential or proprietary information and documents, all checks, electronic deposits, funds transfers, contracts and contract amendments, and other documents supporting NNFRF expenditures shall be displayed on the platform and made available for public view.

**SECTION FOUR. NAVAJO NATION FISCAL RECOVERY FUND EXPENDITURE PLAN ELIGIBILITY DETERMINATIONS AND APPLICATION REQUIREMENTS**

- A. The Office of Management and Budget ("OMB"), in consultation with OOC and Navajo Nation Department of Justice ("NNDOJ"), shall develop NNFRF application and review procedures, which shall include an NNFRF Expenditure Plan template, for adoption by the Budget and Finance Committee. OMB and OOC shall post the approved NNFRF application procedures, including an NNFRF Expenditure Plan template, and instructions on their respective websites.
- B. The NNDOJ shall do an initial determination of whether a NNFRF funding request satisfies the legal requirements of the Fiscal Recovery Funds provisions of ARPA and applicable Navajo Nation laws, regulations, and policies and procedures.
- C. Navajo Nation Divisions and Offices, non-LGA-certified Chapters, LGA-certified Chapters, Navajo Nation-owned enterprises/authorities/corporations, non-profit corporations and external entities seeking NNFRF funds shall comply with the requirements set forth in this legislation and with the requirements set forth in the NNFRF application procedures adopted by resolution of the Budget and Finance Committee ("BFC").
- D. Each proposed NNFRF Expenditure Plan shall identify and designate a Responsible Entity who shall be held accountable for the compliance, implementation, monitoring, and accounting of the proposed projects, proposals, services and/or related assistance.
- E. Following NNFRF Expenditure Plan approval by the Navajo Nation Council and President, the Navajo Nation, with the assistance of NNDOJ, shall enter into a binding agreement, such as a, grant or sub-recipient agreement, with each Responsible Entity, other than Navajo Nation divisions and offices and non-



LGA-certified chapters, to ensure that all Navajo Nation laws and regulations are followed and complied with at all times.

- F. NNFRF Expenditure Plans involving construction activities shall include a contingency reserve consistent with industry standards adequate to cover projected inflation-based cost increases. The contingency reserve shall only be released by OOC to the Responsible Entity upon receipt of documented justification for the cost increase. After Expenditure Plan completion, any unused contingency funds shall be returned to the NNFRF.
- G. The total funds allocated in an approved NNFRF Expenditure Plan for a non-Navajo Nation government program or office, including Navajo Nation-owned enterprises/authorities/corporations, may include an allocation for administrative costs at a rate not to exceed two percent (2%) of service or project cost to defray the costs of implementing, administering and monitoring said Expenditure Plan and its underlying services and projects.
- H. Until the third quarter of 2024, NNFRF Expenditure Plans for direct financial assistance to enrolled Navajo Nation members, not including business economic relief or similar programs, shall be limited to ten percent (10%) of the total Fiscal Recovery Funds received by the Navajo Nation. After the second quarter of 2024, unallocated or unexpended NNFRF funds can be allocated for direct financial assistance to enrolled members through resolution of the Navajo Nation Council and approval of the President pursuant to 2 N.N.C. § 164(A) and 2 N.N.C. §§ 1005(C) (10), (11) and (12).

#### SECTION FIVE. IMMEDIATE ALLOCATION OF NAVAJO NATION FISCAL RECOVERY FUNDS TO REIMBURSE SÍHASIN FUND ALLOCATIONS AND UNRESERVED, UNDESIGNATED FUND BALANCE APPROPRIATIONS

OOC, in consultation with OMB, shall immediately reimburse the Síhasin Fund and Unreserved, Undesignated Fund Balance ("UUFB") from the NNFRF for any allocations or appropriations wherein the approving Navajo Nation Council resolution authorized such reimbursement and NNDOJ deems such reimbursement(s) legally defensible under the Fiscal Recovery Funds provisions of ARPA. OMB shall report the amount and status of such reimbursements to the Naabik'íyáti' Committee and the Office of President and Vice-President no later than sixty (60) days after the effective date of this legislation.

#### SECTION SIX. IMMEDIATE ALLOCATION OF NAVAJO NATION FISCAL RECOVERY FUNDS TO DEFUNDED NAVAJO NATION CARES FUND PROJECTS

The Navajo Nation hereby immediately allocates NNFRF funds to replace the Navajo Nation CARES Fund funds that were reallocated to the Navajo Nation Hardship Assistance Expenditure Plan pursuant to Navajo Nation Council Resolution No. CJY-67-20 and Naabik'íyáti' Committee Resolutions No. NABIO-49-20 and NABID-63-20, as well as any CARES Fund funding that was voluntarily returned to the Nation because the project approved by the Navajo Nation Council could not be completed by the federal CARES Act deadline(s). OMB, with the assistance of OOC, shall report the amount and status of such allocations to the Naabik'íyáti' Committee and the Office of President and Vice-President no later than sixty (60) days after the effective date of this legislation.

**SECTION SEVEN. IMMEDIATE ALLOCATION OF NAVAJO NATION FISCAL RECOVERY FUNDS TO FUND CENTRAL SUPPORT AND REGULATORY SERVICES**

- A. The Navajo Nation hereby immediately allocates ten percent (10%) of all Fiscal Recovery Funds received by the Navajo Nation to fund central support service and regulatory costs.
- B. The Office of the President and Vice-President shall be responsible for apportioning ninety percent (90%) of the ten percent (10%) amount amongst Executive Branch programs and offices providing central support and regulatory services, including, the Office of the President and Vice-President, Office of the Controller, Office of Management and Budget, Department of Justice, Navajo Nation Washington Office, Division of Human Resources, Division of Community Development, and other Divisions and offices providing central support and/or regulatory services.
- C. The Speaker of the Navajo Nation Council, after consultation with the Naabik'íyáti' Committee, shall be responsible for apportioning ten percent (10%) of the ten percent (10%) amount amongst Legislative Branch programs and offices providing central support services, including the Office of Legislative Services, Office of Legislative Counsel, Office of the Speaker, and Navajo Nation Council.
- D. The programs and offices receiving NNFRF for central support and/or regulatory services shall use such funding to develop the legal, financial, organizational, managerial, administrative, regulatory, and reporting framework necessary to support the expeditious completion of NNFRF funded projects and the provision of NNFRF funded services.
- E. The detailed budgets for the NNFRF funding allocated here for central support and regulatory services shall be processed through the executive or administrative review process



applicable to each Branch and shall not require further legislative action.

- F. Any central support and/or regulatory services funding unspent or unencumbered at the end of the second quarter of Fiscal Year 2024 shall be reallocated to the NNFRF and be available for allocation to other NNFRF projects and services.

**SECTION EIGHT. AUTHORIZING THE OFFICE OF THE CONTROLLER TO DISTRIBUTE FUNDS FROM THE NAVAJO NATION FISCAL RECOVERY FUND**

- A. After reimbursement of the Síhasin Fund and UUFb, allocations to the defunded Navajo Nation CARES Fund projects, and the release of the immediate disbursements provided for in this legislation, OOC shall only release and distribute NNFRF funds in conformance with duly adopted Expenditure Plans enacted by a two-thirds (2/3) vote of all members of the Navajo Nation Council and approved by the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A) and 2 N.N.C. §§ 1005(C)(10), (11) and (12).
- B. Expenditure Plan funds shall not be released to LGA-certified Chapters, Navajo Nation-owned enterprises/authorities/corporations, non-profit corporations and/or external entities until a binding agreement, e.g., grant or sub-recipient agreement, has been executed between the Navajo Nation and the respective Responsible Entity.
- C. OOC shall be responsible for ensuring that withdrawals from all invested NNFRF funds are timed to balance Expenditure Plan needs with maximum investment earnings.
- D. OOC shall coordinate and collaborate with each Responsible Entity to ensure that all applicable Navajo Nation and federal financial, accounting, and reporting laws and regulations are adhered to and strictly followed.
- E. OOC and the respective Responsible Entity shall provide a written and oral report to the Naabik'íyáti' Committee and the Office of President and Vice-President on or about thirty (30) days after the end of each fiscal year quarter; such report will present an overview and status of all NNFRF funded projects, recommended modifications or adjustments to projects, and compliance challenges, if any.

**SECTION NINE. APPLICABILITY AND WAIVER OF NAVAJO NATION APPROPRIATIONS ACT PROVISIONS TO NAVAJO NATION FISCAL RECOVERY FUNDS**

- A. The NNFRF are externally restricted funds awarded to the Navajo Nation solely for the purposes set forth in the Fiscal Recovery Funds provisions of ARPA. Accordingly, only those provisions of the Appropriations Act, 12 N.N.C. § 800 et seq., that are expressly applicable to externally restricted funds, and any future provisions in the Budget Instructions Manual(s) expressly applicable to NNFRF, as approved by the Budget and Finance Committee, shall apply to the NNFRF and all Expenditure Plan(s) funded thereunder.
- B. NNFRF shall not be a part of, and shall not be, included in the Navajo Nation Fiscal Year Comprehensive Budget and the Navajo Nation hereby waives the application of 12 N.N.C. § 820 [Overall Budget Policies], § 830 [Budget Planning and Preparation], § 840 [Budget Approval, Adoption and Certification], § 850 [Budget Implementation, Monitoring and Control], § 860 [Capital Improvement Process], and § 870 [Local Government Improvement Funds] to the NNFRF and all Expenditure Plan(s) funded thereunder.

**SECTION TEN. AMENDING 12 N.N.C. § 334 TO AUTHORIZE EMERGENCY PROCUREMENTS FOR NAVAJO NATION FISCAL RECOVERY FUND EXPENDITURES**

- A. Until such time as Navajo Nation procurement laws and regulations are amended to specifically support NNFRF procurements, the Navajo Nation hereby amends 12 N.N.C. § 334 as set forth below.

Title Twelve  
Fiscal Matters  
Chapter 3. Navajo Nation Procurement Act  
Subchapter 1. General Provisions

\*\*\*\*

**§ 334. Emergency Procurement**

- A. Notwithstanding any other provision of law, the Director, Division of Finance, Purchasing Department, the head of a purchasing agency, or a designee of either officer may make or authorize others to make emergency procurement when there exists a threat to public health, welfare, or safety under emergency conditions as defined in regulations promulgated by the Budget and Finance Committee; provided that such emergency procurement shall be made with such competition as is practicable under the circumstances. A written determination of emergency shall be made by the executive director of the affected division, in concert with the Director, Division of Finance, Purchasing Department or authorized designee, and a

representative of the Attorney General's Office (or the Office of Legislative Counsel for emergency procurements by the Legislative Branch). To the extent possible, certified entities under the Navajo Nation Business Opportunity Act, 5 N.N.C. § 201 et seq., shall receive preference in emergency procurement. The written determination and the selection of the particular contractor shall be included in the contract file. No oversight committee approval shall be required for these contracts.

- B. Notwithstanding any other provision of law, procurements using Navajo Nation Fiscal Recovery Funds may be authorized and executed as Emergency Procurements at the discretion of the Procuring Party without further justification; provided that such emergency procurement shall be made with such competition as is practicable under the circumstances. To the extent possible, certified entities under the Navajo Nation Business Opportunity Act, 5 N.N.C. § 201 et seq., that are able to complete the good or service within the Fiscal Recovery Fund's strict deadlines shall receive preference in emergency procurement. No oversight committee approval shall be required for these contracts.

\*\*\*\*

- B. Until such time as the Budget and Finance Committee amends the Navajo Nation Procurement Rules and Regulations ("Procurement Regulations") adopted by BFD-192-03, procurements using NNFRF funds shall be deemed to satisfy the definition of EMERGENCY CONDITION set forth at Section VII (B) of the Procurement Regulations without further justification; and the written application and concurrence requirements set forth at Section VII (C) of the Procurement Regulations shall not apply to such procurements.
- C. As set forth in the Navajo Business Opportunity Act, if there are no responsive and responsible Priority One or Priority Two vendors responding to the Nation's solicitation for NNFRF funded goods, services, or construction and construction related services, who are qualified and able to meet the requirements of the procurement, including the demonstrated ability to meet the ARPA and NNFRF time deadlines, the Procuring Party may contract with companies not included on the Business Source List maintained by the Business Regulatory Department, as long as such companies agree to comply with Navajo Nation laws, regulations, and policies, including the Navajo Preference in Employment Act and Navajo Business Opportunity Act.

- D. Navajo citizens, Navajo-owned businesses and non-profits, Navajo business-support organizations, such as the Dineh Chamber of Commerce, and Navajo Nation-owned enterprises/authorities/corporations shall be provided a meaningful opportunity to comment before amendments are made to Navajo Nation procurement laws and regulations.

**SECTION ELEVEN. AUTHORIZING THE ESTABLISHMENT OF A NAVAJO NATION FISCAL RECOVERY FUND OFFICE WITHIN THE OFFICE OF THE PRESIDENT AND VICE-PRESIDENT**

- A. The Office of the President and Vice-President ("OPVP") is authorized to establish a temporary NNFRF Office within OPVP by Executive Order pursuant to 2 N.N.C. §§ 1005(A) and (C) (14).
- B. The NNFRF Office shall be a clearinghouse that will, at a minimum, educate the public on NNFRF matters; coordinate, facilitate and implement NNFRF responsibilities assigned to OPVP or the Executive Branch; ensure expeditious review of NNFRF eligibility determinations and other NNFRF matters by Executive Branch programs and offices; ensure Navajo Nation compliance with Fiscal Recovery Funds provisions of ARPA and Navajo Nation laws and regulations by all entities receiving NNFRF funds; facilitate and expedite the expenditure of all NNFRF funds; ensure the completion and implementation of NNFRF authorized projects and services; and assist/support OOC in monitoring the expenditure of NNFRF funds and submitting timely and accurate ARPA reports to the federal government.
- C. Prior to its opening, OPVP shall present a plan of operation or similar structural document for the NNFRF Office to the Naabik'íyáti' Committee. On or about thirty (30) days after the end of each fiscal year quarter, OPVP shall present a report to the Naabik'íyáti' Committee on overall NNFRF Office operations, accomplishments, and challenges, along with recommended modifications or adjustments to projects and processes.
- D. OPVP and OOC shall only contract with qualified and experienced Navajo Nation-owned enterprises/authorities/corporation or Navajo-owned businesses to assist in the implementation, management, and monitoring of NNFRF funds.
- E. In order to support the purposes and intent of the Navajo Nation Business Opportunity Act and Navajo Nation Preference in Employment Act, within fifty (50) days after the enactment of this legislation, the NNFRF Office shall present a plan to the Budget and Finance and Naabik'íyáti' Committees to provide

bonding, insurance, and other needed support to grow the Navajo Nation economy through private sector contracting, using ARPA, NNFRF, and/or other Navajo Nation or external funding.

#### SECTION ELEVEN. EFFECTIVE DATE

This legislation shall be effective upon its approval pursuant to 2 N.N.C. § 221(B).

#### SECTION TWELVE. SAVING CLAUSE


Should any provision of this legislation be determined invalid by the Navajo Nation Supreme Court, or a District Court of the Navajo Nation without appeal to the Navajo Nation Supreme Court, those provisions of the legislation which are not determined invalid shall remain the law of the Navajo Nation.

#### SECTION THIRTEEN. DIRECTIVES

- A. OMB, in consultation with OOC and DOJ, shall present proposed NNFRF application and review procedures, including an NNFRF Expenditure Plan template, to the Budget and Finance Committee within twenty (20) days after the effective date of this legislation.
- B. The Division of Natural Resources and General Land Development Department shall present a proposed Plan of Operation for a "One-Stop Shop" to facilitate, review, and approval of rights-of-ways, temporary construction permits, mission site permits, leases, etc., to the Resources and Development Committee within forty-five (45) days after the effective date of this legislation.
- C. The Division of Human Resources and Department of Personnel Management shall present proposed amendments to the Navajo Nation Personnel Policies Manual to, at a minimum, facilitate the expeditious hiring of personnel with NNFRF funds to the Health, Education, and Human Services Committee within sixty (60) days after the effective date of this legislation.
- D. OPVP, with the assistance of the Business Regulatory Department and OOC Purchasing Section, shall present proposed amendments to the Navajo Nation's procurement and business opportunity laws and regulations to, at a minimum, expedite NNFRF procurements, to the Budget and Finance Committee within sixty (60) days after the effective date of this legislation.

## CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the 24<sup>th</sup> Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 21 in Favor, and 01 Opposed, on this 22<sup>nd</sup> day of July 2021.

  
Honorable Seth Damon, Speaker  
24<sup>th</sup> Navajo Nation Council

July 23, 2021  
DATE

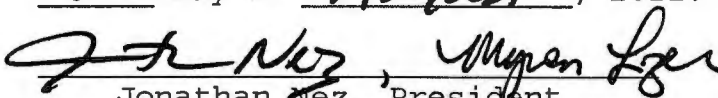
Motion: Honorable Paul Begay, Jr.

Second: Honorable Edison J. Wauneka

Speaker Seth Damon not voting

## ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this 02 day of August, 2021.

  
Jonathan Nez, President  
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this \_\_\_\_\_ day of \_\_\_\_\_, 2021 for the reason(s) expressed in the attached letter to the Speaker.

\_\_\_\_\_  
Jonathan Nez, President  
Navajo Nation



**RESOLUTION OF THE CENTRAL AGENCY COUNCIL  
NAVAJO NATION  
CAC 07/21-11**

**CENTRAL AGENCY COUNCIL SUPPORTS LEGISLATION #0110-21: ESTABLISHING THE  
NAVAJO NATION FISCAL RECOVERY FUND AND THE EXPENDITURE AUTHORIZATION  
PROCESS.**

**WHEREAS:**

1. The Central Agency Council is composed of 16 chapters.
2. The Navajo Nation Chapters are certified Chapters of the Navajo Nation pursuant to 2 N.N.C. § 4001 and 11 N.N.C. Part 1 § 10 having the authority to address and explore the local needs and concerns of chapter residents through participation in community planning; and
3. The Central Agency Council was established to address the needs, concerns, and general welfare of its constituents and advocate on their behalf for successful implementation of viable agency projects; and
4. The Central Agency Council supports legislation #0110-21; and
5. Legislation #0110-21 is hereby establishing the Navajo Nation Fiscal Recovery Fund; and
6. The expenditure authorization hereunder; waiving certain provisions of the Navajo Nation appropriations act; and
7. Amending 12 N.N.C § 334 to authorize emergency procurements; and
8. Authorizing reimbursements of the Sihasin Fund and undesignated unreserved fund balance; and
9. Authorizing funding to complete defunded Navajo Nation CARES fund expenditure plan; and
10. Authorizing the establishment of a Navajo Nation Fiscal Recovery Fund Office within the Office of the President and Vice President.

**NOW THEREFORE BE IT RESOLVED:**

1. The Central Agency Council supports Legislation #-0110-21 in establishing the Navajo Nation Fiscal Recovery Fund and process.

**CERTIFICATION**

We hereby certify that the foregoing resolution was duly considered by the Central Agency Council, Navajo Nation, at a duly called meeting at which time a quorum was present. A motion was made by Mae-Gillene Begay and seconded by Marcus Tulley and the same was passed by a vote of 28 in favor, 0 opposed, and 2 abstained, this 10th day of July, 2021.

\_\_\_\_\_  
Joseph Dedman Jr., President

\_\_\_\_\_  
Al Tsedah, Vice President

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



# NAVAJO NATION

846

Navajo Nation Council Summer Session

7/22/2021  
03:39:41 PM

Amd# to Amd#	Legislation 0110-21: Establish-	PASSED
MOT Begay, P	ing the Navajo Nation Fiscal	
SEC Wauneka, E	Rcovery Fund and the Expenditure	
	Authorization Process Thereunder	

**Yeas : 21**

**Nays : 1**

**Excused : 0**

**Not Voting : 1**

## **Yea : 21**

Begay, E	Freeland, M	Slater, C	Tso, E
Begay, K	Halona, P	Smith	Walker, T
Begay, P	Henio, J	Stewart, W	Wauneka, E
Brown	James, V	Tso	Yazzie
Crotty	Nez, R	Tso, D	Yellowhair
Daniels			

## **Nay : 1**

Charles-Newton

## **Excused : 0**

## **Not Voting : 1**

Tso, C

**Presiding Speaker: Damon**



# **EXHIBIT B**

**Appendix 1: Expenditure Categories**

The Expenditure Categories (EC) listed below must be used to categorize each project as noted in Part 2 above. The term "Expenditure Category" refers to the detailed level (e.g., 1.1 COVID-19 Vaccination). When referred to as a category (e.g., EC 1) it includes all Expenditure Categories within that level.

<b>1: Public Health</b>	
1.1	COVID-19 Vaccination ^
1.2	COVID-19 Testing ^
1.3	COVID-19 Contact Tracing
1.4	Prevention in Congregate Settings (Nursing Homes, Prisons/Jails, Dense Work Sites, Schools, etc.)*
1.5	Personal Protective Equipment
1.6	Medical Expenses (including Alternative Care Facilities)
1.7	Capital Investments or Physical Plant Changes to Public Facilities that respond to the COVID-19 public health emergency
1.8	Other COVID-19 Public Health Expenses (including Communications, Enforcement, Isolation/Quarantine)
1.9	Payroll Costs for Public Health, Safety, and Other Public Sector Staff Responding to COVID-19
1.10	Mental Health Services*
1.11	Substance Use Services*
1.12	Other Public Health Services
<b>2: Negative Economic Impacts</b>	
2.1	Household Assistance: Food Programs* ^
2.2	Household Assistance: Rent, Mortgage, and Utility Aid* ^
2.3	Household Assistance: Cash Transfers* ^
2.4	Household Assistance: Internet Access Programs* ^
2.5	Household Assistance: Eviction Prevention* ^
2.6	Unemployment Benefits or Cash Assistance to Unemployed Workers*
2.7	Job Training Assistance (e.g., Sectoral job-training, Subsidized Employment, Employment Supports or Incentives)* ^
2.8	Contributions to UI Trust Funds
2.9	Small Business Economic Assistance (General)* ^
2.10	Aid to Nonprofit Organizations*
2.11	Aid to Tourism, Travel, or Hospitality
2.12	Aid to Other Impacted Industries
2.13	Other Economic Support* ^
2.14	Rehiring Public Sector Staff
<b>3: Services to Disproportionately Impacted Communities</b>	
3.1	Education Assistance: Early Learning* ^
3.2	Education Assistance: Aid to High-Poverty Districts ^
3.3	Education Assistance: Academic Services* ^
3.4	Education Assistance: Social, Emotional, and Mental Health Services* ^
3.5	Education Assistance: Other* ^
3.6	Healthy Childhood Environments: Child Care* ^
3.7	Healthy Childhood Environments: Home Visiting* ^
3.8	Healthy Childhood Environments: Services to Foster Youth or Families Involved in Child Welfare System* ^





3.9	Healthy Childhood Environments: Other* ^
3.10	Housing Support: Affordable Housing* ^
3.11	Housing Support: Services for Unhoused Persons* ^
3.12	Housing Support: Other Housing Assistance* ^
3.13	Social Determinants of Health: Other* ^
3.14	Social Determinants of Health: Community Health Workers or Benefits Navigators* ^
3.15	Social Determinants of Health: Lead Remediation ^
3.16	Social Determinants of Health: Community Violence Interventions* ^
<b>4: Premium Pay</b>	
4.1	Public Sector Employees
4.2	Private Sector: Grants to Other Employers
<b>5: Infrastructure<sup>27</sup></b>	
5.1	Clean Water: Centralized Wastewater Treatment
5.2	Clean Water: Centralized Wastewater Collection and Conveyance
5.3	Clean Water: Decentralized Wastewater
5.4	Clean Water: Combined Sewer Overflows
5.5	Clean Water: Other Sewer Infrastructure
5.6	Clean Water: Stormwater
5.7	Clean Water: Energy Conservation
5.8	Clean Water: Water Conservation
5.9	Clean Water: Nonpoint Source
5.10	Drinking water: Treatment
5.11	Drinking water: Transmission & Distribution
5.12	Drinking water: Transmission & Distribution: Lead Remediation
5.13	Drinking water: Source
5.14	Drinking water: Storage
5.15	Drinking water: Other water infrastructure
5.16	Broadband: "Last Mile" projects
5.17	Broadband: Other projects
<b>6: Revenue Replacement</b>	
6.1	Provision of Government Services
<b>7: Administrative</b>	
7.1	Administrative Expenses
7.2	Evaluation and Data Analysis
7.3	Transfers to Other Units of Government
7.4	Transfers to Non-entitlement Units (States and territories only)

\*Denotes areas where recipients must identify the amount of the total funds that are allocated to evidence-based interventions (see Use of Evidence section above for details)

^Denotes areas where recipients must report on whether projects are primarily serving disadvantaged communities (see Project Demographic Distribution section above for details)

<sup>27</sup> Definitions for water and sewer Expenditure Categories can be found in the EPA's handbooks. For "clean water" expenditure category definitions, please see: <https://www.epa.gov/sites/production/files/2018-03/documents/cwdefinitions.pdf>. For "drinking water" expenditure category definitions, please see: <https://www.epa.gov/dwsrf/drinking-water-state-revolving-fund-national-information-management-system-reports>.

# **EXHIBITS**

**C through C-10**



Navajo Nation Fiscal Recovery Fund  
Water & Wastewater Projects Expenditure Plans

Description	Category	Requested \$
DWR DW: Transmission & Distribution	5.11	\$38,300,000
DWR DW: Source	5.13	\$10,700,000
DWR DW: Storage	5.14	\$1,000,000
NTUA WW: Centralized Wastewater Trea	5.1	\$57,745,315
NTUA WW: Collection and Conveyance	5.2	\$41,242,685
NTUA DW: Distribution and Transmission	5.10	\$10,030,000
NTUA DW: Transmission & Distribution	5.11	\$97,940,761
NTUA DW: Source	5.13	\$18,982,000
NTUA DW: Storage	5.14	\$14,250,000
NTUA DW: Cistern Systems	5.15	\$9,809,239





THE NAVAJO NATION  
FISCAL RECOVERY FUNDS REQUEST FORM & EXPENDITURE PLAN  
FOR NAVAJO NATION GOVERNMENT UNITS

**Part 1. Identification of parties.**

NN Government Unit requesting FRF: Department of Water Resources Date prepared: October 4, 2021  
Indicate Department, Program, Office, Division, or Branch

NN Government Unit's PO Box 678 phone/email: 928-729-4003  
mailing address: Fort Defiance, AZ 86504 website (if any): \_\_\_\_\_

Form prepared by: Jason John, Department Manager phone/email: jasonjohn@navajo-nsn.gov  
928-349-1198  
CONTACT PERSON'S name, title and Department, Program, Office, etc. CONTACT PERSON'S Info

Title & type of Project: \_\_\_\_\_

NN Government Unit's Director or Manager: Jason John phone & email: jasonjohn@navajo-nsn.gov

Division Director (if any): Rudy Shebala, PhD phone & email: rudyshebala@navajo-nsn.gov

Branch Chief: Paulson Chaco phone & email: paulsonchaco@navajo-nsn.gov

Funding Recipient will be working with: Division of Natural Resources on the Project and  
Indicate Branch and/or Division  
the same will be submitting the Funding Request Package for Initial Eligibility Determination Review, and will have Administrative Oversight over this FRF Expenditure Plan.

List names or types of Subcontractors or Subrecipients that will be paid with FRF (if known):  
construction contractors and engineers ☐ document attached

Amount of FRF requested: 38,300,000.00 FRF funding period: starting: when funding is received ending: December 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:

Projects include connection from the Navajo Gallup Water Supply Project (NGWSP) to existing community water systems (Naschitti), water distribution line extensions in chapters that will connect to NGWSP (Standing Rock, Chichiltah, and Coyote Canyon), upgrades to existing water distribution systems to receive NGWSP water (Huerfano and Burnham), watering point for water haulers to get easier access to water from NGWP (Cutter Lateral watering point), and water supply pipelines (Tohajiilee, Leupp, and Dilkon).

☐ document attached

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

The water distribution line extensions will provide first-time water service to Navajo families who currently haul water. The NGWSP connection and water supply pipelines will provide safe, reliable water supply for water-starved chapters. The distribution upgrades will improve water service to NTUA customers. The watering point will reduce the distance water haulers must drive to have access to water.

☐ document attached

## **APPENDIX A**

- (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:

Standing Rock, Cutter Ph 6f, Cutter Watering Point, and Naschitti - Encumber design funds by June 2022, Complete design by June 2024, Encumber construction funds by December 2024, Complete construction by December 2026.

Chichiltah and Leupp-Dilkon - Encumber construction funds by December 2023, Complete construction by December 2026.

Tohajiilee and Coyote Canyon - Encumber planning and design funds by June 2022, Complete planning and design by December 2024.

☐ document attached

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

Jason John

☐ 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:

Tohajiilee-ABQ pipeline will be operated and maintained by the ABQ-Bernalillo County Water Authority under MOU between the Navajo Nation and ABCWUA (see attached).

All other projects will be operated and maintained by NTUA using revenue from NTUA customers' water bills.

☒ 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:

### **5.11 - Drinking Water: Transmission and Distribution**

These projects will plan, design, and construct water transmission and distribution infrastructure to serve multiple chapters.

☐ document attached

### **Part 3. Additional documents.**

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

1. Table indicating NNFRF request for each specific project

2. MOU between Navajo Nation and ABCWUA for operation and maintenance of To'Hajiilee water supply project



## APPENDIX A

### 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:

NN Government Unit

Preparer: \_\_\_\_\_

*signature of Preparer/CONTACT PERSON*

Approved by: \_\_\_\_\_

*signature of NN Government Unit's Dept./Program/Office Director or Manager*

Approved to submit  
for Review: \_\_\_\_\_

*signature of Branch Chief or Division Director*

Print Name, Title,  
Branch or Division: \_\_\_\_\_

Rudy Shebala, Executive Director

*print name and indicate title or position*


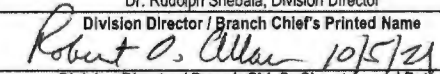
Natural Resources

*indicate Branch or Division*

**American Rescue Plan Act Funds - NDWR Listing - 5.11: Drinking Water Transmission & Distribution**

Expenditure Category			Budget Breakdown		
Code	Description	Project Name	Engineering	Construction	Total
5.11	Drinking Water: Transmission & Distribution	Leupp to Dilkon Water Supply Project (PTF/Sihasin replace)	\$ -	\$ 15,000,000	\$ 15,000,000
5.11	Drinking Water: Transmission & Distribution	Tohajiilee-ABQ waterline	\$ 1,800,000	\$ -	\$ 1,800,000
5.11	Drinking Water: Transmission & Distribution	Standing Rock Waterline Extensions	\$ 1,800,000	\$ 4,600,000	\$ 6,400,000
5.11	Drinking Water: Transmission & Distribution	Chichiltah Supply and Water System	\$ -	\$ 2,700,000	\$ 2,700,000
5.11	Drinking Water: Transmission & Distribution	Coyote Canyon (Planning/Design)	\$ 2,100,000	\$ -	\$ 2,100,000
5.11	Drinking Water: Transmission & Distribution	Cutter Ph 6f	\$ 2,300,000	\$ 5,000,000	\$ 7,300,000
5.11	Drinking Water: Transmission & Distribution	Naschitti Connection	\$ 250,000	\$ 2,600,000	\$ 2,850,000
5.11	Drinking Water: Transmission & Distribution	Cutter Lateral Watering Point	\$ -	\$ 150,000	\$ 150,000
		<b>TOTAL FOR 5.11- Drinking Water Transmission &amp; Distribution</b>	<b>\$ 8,250,000</b>	<b>\$ 30,050,000</b>	<b>\$ 38,300,000</b>

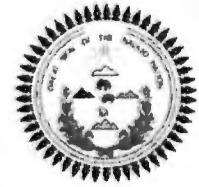
Page 1 of 1  
BUDGET FORM 1

<b>PART I. Business Unit No.: K - [New]</b>		<b>Program Title:</b> 5.11 Drinking Water; Transmission and Distribution		<b>Division/Branch:</b> Div. Natural Resources				
<b>Prepared By:</b> Jason John		<b>Phone No.:</b> (928) 729-4003	<b>Email Address:</b> jasonjohn@navajo-nsn.gov					
<b>PART II. FUNDING SOURCE(S)</b>	<b>Fiscal Year /Term</b>	<b>Amount</b>	<b>% of Total</b>	<b>PART III. BUDGET SUMMARY</b>	<b>Fund Type Code</b>	(A) <b>NNC Approved Original Budget</b>	(B) <b>Proposed Budget</b>	(C) <b>Difference or Total</b>
NN Fiscal Recovery Funds	10/1/21-9/30/26	38,300,000.00		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		8,250,000	8,250,000
				7000 Special Transactions				
				8000 Public Assistance	6		30,050,000	30,050,000
				9000 Capital Outlay				
				TOTAL		\$0.00	38,300,000	38,300,000
				<b>PART IV. POSITIONS AND VEHICLES</b>	(D)	(E)		
				Total # of Positions Budgeted:		0		
				Total # of Vehicles Budgeted:		0		
<b>TOTAL:</b>				\$38,300,000.00	0%			
<b>PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.</b>								
<b>SUBMITTED BY:</b> Jason John, Department Manager Program Manager's Printed Name				<b>APPROVED BY:</b> Dr. Rudolph Shebala, Division Director Division Director / Branch Chief's Printed Name				
 Program Manager's Signature and Date 10-5-21				 Division Director / Branch Chief's Signature and Date 10/5/21				

# THE NAVAJO NATION

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JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



October 1, 2021

## MEMORANDUM

TO: ALL DEPARTMENT MANAGERS  
DIVISION OF NATURAL RESOURCES

FROM:   
Rudolph R. Shebala, Executive Director  
Division of Natural Resources

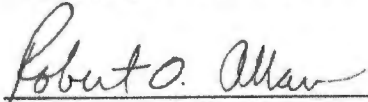
SUBJECT: Delegation of Authority for Fiscal Year 2022

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Please be advised that in the event that I, Division Director of the Division of Natural Resources, is not in the office or otherwise unavailable, Mr. Robert O. Allan, Principal Attorney, Division of Natural Resources, shall be delegated authority as Acting Division Director of the Division of Natural Resources. This is a standing authority until further notice.

Please cooperate with Mr. Allan in this standing delegation of authority. Should you have any questions, please contact me.

## ACKNOWLEDGED:

  
Robert O. Allan, Principal Attorney  
Division of Natural Resources



**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 #:** HK0055

**Date & Time Received:** 10/06/21 1:18pm

**Date & Time of Response:** 10/08/2021 11:15 MDT

**Entity Requesting FRF:** Department of Water Resources

**Title of Project:** Drinking Water Transmission and Distribution Projects

**Administrative Oversight:** Division of Natural Resources

**Amount of Funding Requested:** \$38,300,000

**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:** 5.11

**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: This Initial Eligibility Determination is based on the documents provided which we have assumed are true, correct, and complete. Should the Project or Program change in any material way after this initial determination, the requestor must seek the advice of NNDOJ. This 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 NAVAJO NATION GOVERNMENT UNITS

**Part 1. Identification of parties.**

NN Government Unit requesting FRF: Department of Water Resources Indicate Department, Program, Office, Division, or Branch Date prepared: October 4, 2021

NN Government Unit's mailing address: PO Box 678 Fort Defiance, AZ 86504 phone/email: 928-729-4003 website (if any): \_\_\_\_\_

Form prepared by: Jason John, Department Manager phone/email: jasonjohn@navajo-nsn.gov  
928-349-1198  
CONTACT PERSON'S name, title and Department, Program, Office, etc. CONTACT PERSON'S info

Title & type of Project: \_\_\_\_\_

NN Government Unit's Director or Manager: Jason John phone & email: jasonjohn@navajo-nsn.gov

Division Director (if any): Rudy Shebala, PhD phone & email: rudyshebala@navajo-nsn.gov

Branch Chief: Paulson Chaco phone & email: paulsonchaco@navajo-nsn.gov

Funding Recipient will be working with: Division of Natural Resources Indicate Branch and/or Division on the Project and the same will be submitting the Funding Request Package for Initial Eligibility Determination Review, and will have Administrative Oversight over this FRF Expenditure Plan.

List names or types of Subcontractors or Subrecipients that will be paid with FRF (if known):  
construction contractors and engineers ☐ document attached

Amount of FRF requested: 10,700,000.00 FRF funding period: starting: when funding is received ending: December 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:

Projects include water supply well for Oljato Chapter; a new well, well connection, and water treatment system for Alamo Chapter, and hydropanels for families living in remote areas throughout the Navajo Nation.

☐ document attached

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

All listed projects will provide sources of safe, reliable drinking water for Navajo families. The Oljato and Alamo projects will provide community water supplies from groundwater wells to their respective community water systems. The hydropanels will provide individual water supplies for families living in remote areas.

☐ document attached



## **APPENDIX A**

- (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 Oljato project will begin construction by December 2022 and will be completed by December 2024.

The Alamo projects will be fully encumbered by December 2024 and be completed by December 2026.

The hydropanels will be fully encumbered by December 2024 and be completed by December 2026.

☐ document attached

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

Jason John

☐ 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 Oljato project will be operated and maintained by NTUA using revenue from NTUA customers' water bills.

The Alamo projects will be operated and maintained by Alamo Chapter using revenue collected from chapter members for this purposed.

O&M of the source hydropanels will be the responsibility of the homeowners.

☐ 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:

### **5.13 - Drinking Water: Source**

These projects will plan, design, and construct water source infrastructure to serve Navajo families in multiple chapters.

☐ document attached

### **Part 3. Additional documents.**

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

Table indicating NNFRF request for each specific project

**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:

NN Government Unit

Preparer: \_\_\_\_\_

*signature of Preparer's CONTACT PERSON*

Approved by: \_\_\_\_\_

*signature of NN Government Unit's Dept./Program/Office Director or Manager*

Approved to submit  
for Review: \_\_\_\_\_

*signature of Branch Chief or Division Director*

Print Name, Title,  
Branch or Division: \_\_\_\_\_

**Rudy Shebala, Executive Director**

*print name and indicate title or position*



**Natural Resources**

*Indicate Branch or Division*

**American Rescue Plan Act Funds - NDWR Listing - 5.13: Drinking Water Source**

Expenditure Category		Project Name	Budget Breakdown		
Code	Description		Engineering	Construction	Total
5.13	Drinking Water: Source	Oljato Well WS Improvements	\$ -	\$ 1,450,000	\$ 1,450,000
5.13	Drinking Water: Source	Alamo Springs Well Connection	\$ 100,000	\$ 150,000	\$ 250,000
5.13	Drinking Water: Source	Alamo - New Well and Treatment System	\$ -	\$ 1,000,000	\$ 1,000,000
5.13	Drinking Water: Source	Source Hydropanels	\$ 800,000	\$ 7,200,000	\$ 8,000,000
		<b>TOTAL FOR 5.13- Drinking Water Source</b>	<b>\$ 900,000</b>	<b>\$ 9,800,000</b>	<b>\$ 10,700,000</b>

## THE NAVAJO NATION PROGRAM BUDGET SUMMARY

<b>PART I.</b> Business Unit No.: <u>K - [New]</u>		Program Title: <u>5.13 Drinking Water; Source</u>		Division/Branch: <u>Div. Natural Resources</u>				
Prepared By: <u>Jason John</u>		Phone No.: <u>(928) 729-4003</u>		Email Address: <u>jasonjohn@navajonnsn.gov</u>				
<b>PART II. FUNDING SOURCE(S)</b>	Fiscal Year /Term	Amount	% of Total	<b>PART III. BUDGET SUMMARY</b>	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
NN Fiscal Recovery Funds	10/1/21-9/30/26	10,700,000.00		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		900,000	900,000
				7000 Special Transactions				
				8000 Public Assistance	6		9,800,000	9,800,000
				9000 Capital Outlay				
				TOTAL		\$0.00	10,700,000	10,700,000
				<b>PART IV. POSITIONS AND VEHICLES</b>		(D)	(E)	
				Total # of Positions Budgeted:			0	
				Total # of Vehicles Budgeted:			0	
		TOTAL:	\$10,700,000.00    0%					
<b>PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.</b>								
SUBMITTED BY: Jason John, Department Manager			APPROVED BY: Dr. Rudolph Shebala, Division Director					
Program Manager's Printed Name			Division Director / Branch Chief's Printed Name					
 Program Manager's Signature and Date			 Division Director / Branch Chief's Signature and Date					

# THE NAVAJO NATION

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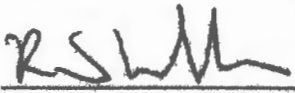
JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



October 1, 2021

## MEMORANDUM

TO: ALL DEPARTMENT MANAGERS  
DIVISION OF NATURAL RESOURCES

FROM:   
Rudolph R. Shebala, Executive Director  
Division of Natural Resources

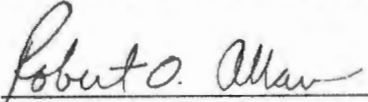
SUBJECT: Delegation of Authority for Fiscal Year 2022

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Please be advised that in the event that I, Division Director of the Division of Natural Resources, is not in the office or otherwise unavailable, Mr. Robert O. Allan, Principal Attorney, Division of Natural Resources, shall be delegated authority as Acting Division Director of the Division of Natural Resources. This is a standing authority until further notice.

Please cooperate with Mr. Allan in this standing delegation of authority. Should you have any questions, please contact me.

## ACKNOWLEDGED:

  
Robert O. Allan, Principal Attorney  
Division of Natural Resources



**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 #: HK0056

Date & Time Received: 10/6/2021 13:18 p.m.

Date & Time of Response: 10/11/2021 2:15 MDT

Entity Requesting FRF: Department of Water Resources

Title of Project: No Title or Type Provided

Administrative Oversight: Division of Natural Resources

Amount of Funding Requested: \$10,700,000

**Eligibility Determination:**

- ☒ FRF eligible  
☐ FRF ineligible  
☐ Additional information requested

**FRF Eligibility Category:**

- ☐ (1) Public Health and Economic Impact  
☐ (3) Government Services/Lost Revenue  
☐ (2) Premium Pay  
☒ (4) Water, Sewer, Broadband Infrastructure

U.S. Department of Treasury Reporting Expenditure Category: 5.13 Drinking Water: Source

**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.





THE NAVAJO NATION  
FISCAL RECOVERY FUNDS REQUEST FORM & EXPENDITURE PLAN  
FOR NAVAJO NATION GOVERNMENT UNITS

**Part 1. Identification of parties.**

NN Government Unit requesting FRF: Department of Water Resources Date prepared: October 4, 2021  
Indicate Department, Program, Office, Division, or Branch

NN Government Unit's PO Box 678 phone/email: 928-729-4003  
mailing address: Fort Defiance, AZ 86504 website (if any): \_\_\_\_\_

Form prepared by: Jason John, Department Manager phone/email: jasonjohn@navajo-nsn.gov  
928-349-1198  
CONTACT PERSON'S name, title and Department, Program, Office, etc. CONTACT PERSON'S info

Title & type of Project: \_\_\_\_\_

NN Government Unit's Director or Manager: Jason John phone & email: jasonjohn@navajo-nsn.gov

Division Director (if any): Rudy Shebala, PhD phone & email: rudyshebala@navajo-nsn.gov

Branch Chief: Paulson Chaco phone & email: paulsonchaco@navajo-nsn.gov

Funding Recipient will be working with: Division of Natural Resources on the Project and  
Indicate Branch and/or Division  
the same will be submitting the Funding Request Package for Initial Eligibility Determination Review, and will have Administrative Oversight over this FRF Expenditure Plan.

List names or types of Subcontractors or Subrecipients that will be paid with FRF (if known):  
construction contractor ☐ document attached

Amount of FRF requested: 1,000,000.00 FRF funding period: starting: when funding is received ending: December 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:

Project will construction a water storage tank at Ramah Chapter to provide water service to chapter members.

☐ document attached

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

Project will improve water service for Ramah Chapter members. The current system lacks adequate water storage, which leaves the community at increased risk of water service outages.

☐ document attached

## **APPENDIX A**

(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 requested construction funds will be encumbered by December 2024 and construction will be completed by December 2026.

☐ document attached

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

Jason John

☐ 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 project will be operated and maintained by the Ramah Navajo Utility Authority (RNA) using revenues from customers' water bills.

☐ 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:

### **5.14 - Drinking Water: Storage**

The project will construct a water storage tank to serve Ramah Chapter.

☐ document attached

### **Part 3. Additional documents.**

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

Table indicating NNFRF request for the project

## APPENDIX A

### 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:

NN Government Unit

Preparer: \_\_\_\_\_

*signature of Preparer/CONTACT PERSON*

Approved by: \_\_\_\_\_

*signature of NN Government Unit's Dept./Program/Office Director or Manager*

Approved to submit  
for Review: \_\_\_\_\_

*signature of Branch Chief or Division Director*

Print Name, Title,  
Branch or Division: \_\_\_\_\_

Rudy Shebala, Executive Director

*print name and indicate title or position*

Natural Resources

*Indicate Branch or Division*

**American Rescue Plan Act Funds - NDWR Listing - 5.14: Drinking Water Storage**

Expenditure Category		Project Name	Budget Breakdown		
Code	Description		Engineering	Construction	Total
5.14	Drinking Water: Storage	Ramah Water System Upgrades	\$ -	\$ 1,000,000	\$ 1,000,000
		<b>TOTAL FOR 5.14- Drinking Water Storage</b>	<b>\$ -</b>	<b>\$ 1,000,000</b>	<b>\$ 1,000,000</b>


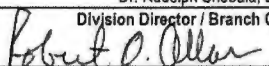
## THE NAVAJO NATION PROGRAM BUDGET SUMMARY

<b>PART I.</b>	<b>Business Unit No.: K - [New]</b>	<b>Program Title:</b> 5.14 Drinking Water - Storage	<b>Division/Branch:</b> Div. Natural Resources
<b>Prepared By:</b> Jason John		<b>Phone No.:</b> (928) 729-4003	<b>Email Address:</b> jasonjohn@navajo-nsn.gov

<b>PART II. FUNDING SOURCE(S)</b>	<b>Fiscal Year /Term</b>	<b>Amount</b>	<b>% of Total</b>	<b>PART III. BUDGET SUMMARY</b>	<b>Fund Type Code</b>	(A) <b>NNC Approved Original Budget</b>	(B) <b>Proposed Budget</b>	(C) <b>Difference or Total</b>
NN Fiscal Recovery Funds	10/1/21-9/30/26	1,000,000.00		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		1,000,000	1,000,000
				9000 Capital Outlay				
				TOTAL		\$0.00	1,000,000	1,000,000
				<b>PART IV. POSITIONS AND VEHICLES</b>		(D)	(E)	
				Total # of Positions Budgeted:			0	
				Total # of Vehicles Budgeted:			0	
		<b>TOTAL:</b>	\$1,000,000.00    0%					

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

<b>SUBMITTED BY:</b> _____ Jason John, Department Manager Program Manager's Printed Name  Program Manager's Signature and Date <span style="margin-left: 100px;"><b>10-5-21</b></span>	<b>APPROVED BY:</b> _____ Dr. Rudolph Shebala, Division Director Division Director / Branch Chief's Printed Name  <b>10/5/21</b> Division Director / Branch Chief's Signature and Date
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# THE NAVAJO NATION

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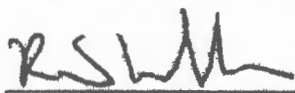
JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



October 1, 2021

## MEMORANDUM

TO: ALL DEPARTMENT MANAGERS  
DIVISION OF NATURAL RESOURCES

FROM:   
Rudolph R. Shebala, Executive Director  
Division of Natural Resources

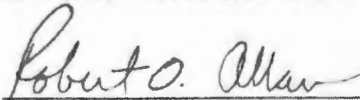
SUBJECT: Delegation of Authority for Fiscal Year 2022

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Please be advised that in the event that I, Division Director of the Division of Natural Resources, is not in the office or otherwise unavailable, Mr. Robert O. Allan, Principal Attorney, Division of Natural Resources, shall be delegated authority as Acting Division Director of the Division of Natural Resources. This is a standing authority until further notice.

Please cooperate with Mr. Allan in this standing delegation of authority. Should you have any questions, please contact me.

## ACKNOWLEDGED:

  
Robert O. Allan, Principal Attorney  
Division of Natural Resources



**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 #: HK0054

Date & Time Received: 10/06/21 13:19 EST

Date & Time of Response: 10/11/21 11:45 p.m. MT

Entity Requesting FRF: DWR / Department of Water Resources

Title of Project: - No Title or Type Provided-

Administrative Oversight: Division of Natural Resources

Amount of Funding Requested: \$1,000,000

**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: 5.14 Drinking Water: Storage



**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: Mel M. Rodis, Assistant Attorney General, Tax & Finance Unit

Signature of DOJ Reviewer: *MRodis*

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 NAVAJO NATION-OWNED ENTITIES

**Part 1. Identification of parties.**

NN-Owned Entity requesting FRF: Navajo Tribal Utility Authority Date prepared: October 1, 2021

NN-Owned Entity's PO Box 170 phone/email: 1-800-528-5011  
mailing address: Fort Defiance, AZ 86504 website (if any): www.ntua.com

This Form prepared by: Bidtah Becker, Associate Attorney phone/email: 928-729-6462 bidtahb@ntua.com  
Bidtah Becker, Associate Attorney

CONTACT PERSON'S name and title

CONTACT PERSON'S info

Title and type of Project: Clean Water: Centralized Wastewater Treatment; 5.1

NN-Owned Entity's CEO (or equivalent): Walter W. Haase phone & email: walterh@ntua.com 928-729-6202

Board President: Sydney Bob Dietz phone & email: sidneyd@ntua.com 928-729-6267

Board Treasurer or Financial Officer: Thomas Nelson phone & email: tomn@ntua.com 928-729-6211

Funding Recipient will be working with: Division of Community Development on the Project  
Indicate assisting Division and name of Division Director; if none, indicate "NN President and OPVP"  
and same will be submitting the Funding Request Package for Review, and will have Administrative Oversight over this FRF Expenditure Plan.

List types of Subcontractors or Subrecipients that will be paid with FRF (if known):  
NECA and other construction and engineering subcontractors ☐ document attached

Amount of FRF requested: \$57,745,315 FRF funding period: starting date: when funding is received; deadline date: December 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:

NTUA's projects will replace 3 cells at a wastewater treatment plant in Ganado, construct new wastewater treatment plants to replace old out of compliance wastewater plants in Kayenta, Chinle, Shiprock, and other sites, and improve wastewater treatment plants to address Administrative Orders of Compliance issued by US EPA ordering the Navajo Nation to bring wastewater treatment plants in Ganado, Tuba City, Kayenta, and Chinle into compliance.

☒ document attached

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

Improving wastewater treatment plants across the Navajo Nation improves public health of the community and allows for economic and population growth. The communities will have better sanitation services that are reliable and safe thus benefiting Navajo people, communities, and the Navajo Nation at large.

☐ 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:

## APPENDIX A

Document Attached with Timeline  
Document Attached Listing Challenges

☒ document attached

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

NTUA Water/Wastewater Construction Engineering Supervisor

☐ 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:

NTUA's customers are responsible for operations and maintenance costs. NTUA prioritizes the stabilization of rates and has not raised the electric rate in over 13 years. NTUA offers discounted rates for seniors and the disabled. Two federal programs, administered by the NN Division of Social Services, assist low income households with utility bills: LIHEAP and LIHWAP.

☐ 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:

This project title falls under Expenditure Category 5.1 Clean Water: Centralized Wastewater Treatment. NTUA has 8 projects that fall under 5.1: The Interim Final Rules state, "[t]he types of projects eligible for CWSRF assistance include projects to construct, improve, and repair wastewater treatment plants, control non-point sources of pollution, improve resilience of infrastructure to severe weather events, create green infrastructure, and protect waterbodies from pollution." NTUA's projects will replace cells at a wastewater treatment plant in Ganado, construct new wastewater treatment plants to replace old infrastructure in Kayenta, Chinle, Shiprock, and other sites, and improve wastewater treatment plants to address Administrative Orders of Compliance issued by US EPA ordering the Navajo Nation to bring wastewater treatment plants in Tuba City, Kayenta, Chinle into compliance. All proposed projects will either construct, improve, or repair wastewater treatment plants on the Navajo Nation and are allowed under SLFRF.

☐ document attached

### Part 3. Additional documents.

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

The ARPA W/WW Expenditure Plan Resolution will go in front of the NTUA Management Board on October 22, 2021. It will encompass 5.1, 5.2, 5.10, 5.11, 5.13, 5.14, and 5.15.

☐ Board 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:

NN-Owned Entity's  
Preparer:

  
signature of Preparer/CONTACT PERSON

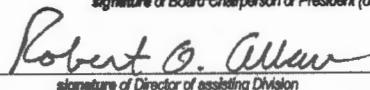
Approved by:

  
signature of Board Chairperson or President (or Vice-President)

Approved by:

signature of NN-Owned Entity's CEO (or equivalent)

Approved to submit  
for Review:

  
signature of Director of assisting Division

-OR- Approved to submit  
for Review:

signature of NN President

### 5.1 Clean Water: Centralized Wastewater Treatment

Department of Treasury Expenditure Category		Project Description		Chapter		Delegate Region		AZ	NM	UT	Total Projects	Total Project Cost
Wastewater Projects												
5.1	Clean Water: Centralized Wastewater Treatment	Ganado WWTP Replacement Project, new cells 1,2 & 3	Ganado	Wince James	2			2	\$		5,000,000	
5.1	Clean Water: Centralized Wastewater Treatment	Keyenta Wastewater Treatment Plant Replacement, Matching Contribution	Keyenta	Nathaniel Brown	1			1	\$		2,000,000	
5.1	Clean Water: Centralized Wastewater Treatment	AOC Regulatory Compliance Upgrades	Keyenta	Nathaniel Brown	1			1	\$		600,000	
5.1	Clean Water: Centralized Wastewater Treatment	Chinle Wastewater Treatment Plant Replacement, Matching Contribution	Chinle	Eugene Tso	1			1	\$		20,500,000	
5.1	Clean Water: Centralized Wastewater Treatment	AOC Regulatory Compliance Upgrades	Chinle	Eugene Tso	1			1	\$		600,000	
5.1	Clean Water: Centralized Wastewater Treatment	Shiprock Wastewater Treatment Plant Replacement, Matching Contribution	Shiprock	Eugenia Charles-Newton		1			\$		26,045,315	
5.1	Clean Water: Centralized Wastewater Treatment	AOC Regulatory Compliance Upgrades	Tuba City	Otto Tso	1			1	\$		600,000	
5.1	Clean Water: Centralized Wastewater Treatment	Various locations throughout the NM: Wastewater AOC Compliance Plans	locations to be identified	Navajo Nation Wide	TBD		TBD		\$		2,400,000	
Total											\$	57,745,315

5.1 Clean Water														
ID	Task Name	Start	Finish	H2	2022 H1	H2	2023 H1	H2	2024 H1	H2	2025 H1	H2	2026 H1	H2
1														
2	<b>5.1 Clean Water: Centralized Wastewater Treatment</b>													
3	Project Approval and Funding	Thu 9/30/21	Mon 1/3/22											
4	Evaluation Survey Design	Tue 12/7/21	Mon 10/24/22											
5	Right Of Way & Permitting	Tue 8/2/22	Mon 11/6/23											
6	Crew & Material Acquisition	Tue 9/26/23	Mon 11/18/24											
7	Construction	Tue 9/24/24	Mon 4/6/26											
8	Closeout	Tue 4/7/26	Mon 9/21/26											

FY 2022

**THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY**

Page 1 of 1  
BUDGET FORM 1

<b>PART I. Business Unit No.:</b> <u>K - [New]</u>		<b>Program Title:</b> <u>5.1 Clean Water; Centralized Wastewater</u>		<b>Division/Branch:</b> <u>Div. Natural Resources</u>			
<b>Prepared By:</b> <u>Jason John</u>		<b>Phone No.:</b> <u>(928) 729-4003</u>		<b>Email Address:</b> <u>jasonjohn@navajo-nsn.gov</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	10/1/21-9/30/2026	57,745,315.00		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				
				9000 Capital Outlay	6		57,745,315	57,745,315
				<b>TOTAL</b>		\$0.00	57,745,315.00	57,745,315

<b>PART IV. POSITIONS AND VEHICLES</b>		(D)	(E)
Total # of Positions Budgeted:			
Total # of Vehicles Budgeted:			

<b>PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.</b>			
<b>SUBMITTED BY:</b> <u>Jason John, Department Manager</u> <b>Program Manager's Printed Name</b> <u><i>[Signature]</i> 10-5-21</u> <b>Program Manager's Signature and Date</b>	<b>APPROVED BY:</b> <u>Dr. Rudolph Shebala, Division Director</u> <b>Division Director / Branch Chief's Printed Name</b> <u><i>Robert O. Allen</i> 10/5/21</u> <b>Division Director / Branch Chief's Signature and Date</b>		



**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 #: HK0047

Date & Time Received: 10/6/21 12:55 a.m. EST

Date & Time of Response: 10/11/21 7:15 p.m. MT

Entity Requesting FRF: NTUA

Title of Project: Centralized Wastewater Treatment

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$57,745,315

**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: 5.1 Clean Water: Centralized Wastewater Treatment

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: This review packet does not include a resolution from the NTUA Board. Appendix A states that the Administrative Oversight is DCD. However, the RFS was submitted by DWR. Clarification is needed on the correct Administrative Oversight entity.

Name of DOJ Reviewer: Mel M. Rodis, Assistant Attorney General, Tax & Finance Unit

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 NAVAJO NATION-OWNED ENTITIES

**Part 1. Identification of parties.**

NN-Owned Entity requesting FRF: Navajo Tribal Utility Authority Date prepared: October 1, 2021

NN-Owned Entity's PO Box 170 phone/email: 1-800-528-5011  
mailing address: Fort Defiance, AZ 86504 website (if any): www.ntua.com

This Form prepared by: Bidtah Becker, Associate Attorney phone/email: 928-729-6462 bidtahb@ntua.com  
Bidtah Becker, Associate Attorney 928-729-6462 bidtahb@ntua.com  
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Clean Water; Centralized Wastewater; Collection and Conveyance & 5.2

NN-Owned Entity's CEO (or equivalent): Walter W. Haase phone & email: walterh@ntua.com 928-729-6202

Board President: Sydney Bob Dietz phone & email: sidneyd@ntua.com 928-729-6267

Board Treasurer or Financial Officer: Thomas Nelson phone & email: tomn@ntua.com 928-729-6211

Funding Recipient will be working with: Division of Natural Resources / Department of Water Resources on the Project  
Indicate assisting Division and name of Division Director; if none, indicate "NN President and OPVP"  
and same will be submitting the Funding Request Package for Review, and will have Administrative Oversight over this FRF Expenditure Plan.

List types of Subcontractors or Subrecipients that will be paid with FRF (if known):  
NECA and other construction and engineering subcontractors ☐ document attached

Amount of FRF requested: \$41,242,685 FRF funding period: starting date: when funding is received; deadline date: December 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:

In Tuba City, a new wastewater treatment plant headworks and septage receiving station will be constructed, also in Tuba city the sewer bridge will be replaced to prevent sewage leaking into a wash, various sewer pipes will be rehabilitated with slip lining, in Ft. Defiance the sewer trunk line will be relocated because it is constantly exposed due to weather, and in Shiprock a sewer trunk line will be replaced due to the existing sewer trunk line being at the end of its usable life. There will also be approximately 175 wastewater manhole rehabilitations across the Navajo Nation. ☒ document attached

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

The ability to collect and convey wastewater for treatment directly address one of the major sanitation needs that is connected to the high outbreak of COVID-19 on the Navajo Nation. When drinking water is pumped into a home there needs to be provisions made for the resultant wastewater to safely exit the home. Homes are connected to a community wastewater system where available. ☐ 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:

## APPENDIX A

Document Attached with Timeline  
Document Attached Listing Challenges

☒ document attached

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

NTUA Water/Wastewater Construcion Engineering Supervisor

☐ 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:

NTUA's customers are responsible for operations and maintenance costs. NTUA prioritizes the stabilizaion of rates and has not raised the electric rate in over 13 years. NTUA offers discounted rates for seniors and the disabled. Two federal programs, administered by the NN Division of Social Services, assist low income households with utility bills: LIHEAP and LIHWAP.

☐ 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:

This project title falls under Expenditure Category 5.2 Clean Water: Centralized Wastewater Collection and Conveyance. The Interim Final Rules state, "[t]he types of projects eligible for CWSRF assistance include projects to construct, improve, and repair wastewater treatment plants, control non-point sources of pollution, improve resilience of infrastructure to severe weather events, create green infrastructure, and protect waterbodies from pollution." In Tuba City, a new wastewater treatment plant headworks and septage receiving station will be constructed, also in Tuba city the sewer bridge will be replaced to prevent sewage leaking into a wash, various sewer pipes will be rehabilitated with slip lining, in Ft. Defiance the sewer trunk line will be relocated because it is constantly exposed due to weather, and in Shiprock a sewer trunk line will be replaced due to the existing sewer trunk line being at the end of its usable life. All of the projects either construct, improve, or repair wastewater infrastructure.

☐ document attached

### Part 3. Additional documents.

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

The ARPA W/WW Expenditure Plan Resolution will go in front of the NTUA Management Board on October 22, 2021. It will encompass 5.1, 5.2, 5.10, 5.11, 5.13, 5.14, and 5.15.

☐ Board 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:

NN-Owned Entity's  
Preparer:

  
signature of Preparer/CONTACT PERSON

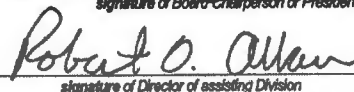
Approved by:

  
signature of Board Chairperson or President (or Vice-President)

Approved by:

signature of NN-Owned Entity's CEO (or equivalent)

Approved to submit  
for Review:

  
signature of Director of assisting Division

-OR- Approved to submit  
for Review:

signature of NN President

## THE NAVAJO NATION PROGRAM BUDGET SUMMARY

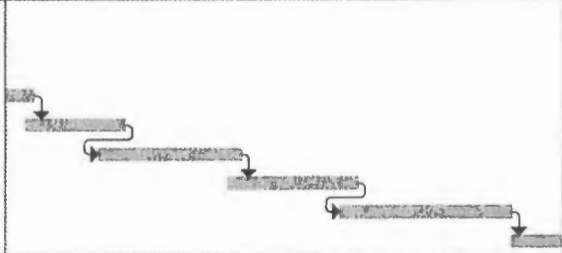
Page 1 of 1  
BUDGET FORM 1

<b>PART I.</b>		<b>Business Unit No.: K - [New]</b>	<b>Program Title:</b> 5.2 Clean Water; Collection and Conveyance	<b>Division/Branch:</b> Div. Natural Resources					
<b>Prepared By:</b> Jason John		<b>Phone No.:</b> (928) 729-4003	<b>Email Address:</b> jasonjohn@navajo-nsn.gov						
<b>PART II. FUNDING SOURCE(S)</b>		Fiscal Year /Term	Amount	% of Total	<b>PART III. BUDGET SUMMARY</b>				
					Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total	
NN Fiscal Recovery Funds		10/1/21-9/30/26	41,242,685.00		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				
					9000 Capital Outlay	6	41,242,685	41,242,685	
					TOTAL	\$0.00	41,242,685.00	41,242,685	
					(D)		(E)		
					Total # of Positions Budgeted:	0			
					Total # of Vehicles Budgeted:	0			
<b>TOTAL:</b>		\$41,242,685.00	0%						
<b>PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.</b>									
<b>SUBMITTED BY:</b> Jason John, Department Manager <u>                        Jason John, Department Manager                        </u> <u>                        Program Manager's Printed Name                        </u> <u>                        [Signature]      10-5-21                        </u> <u>                        Program Manager's Signature and Date                        </u>				<b>APPROVED BY:</b> Dr. Rudolph Shebala, Division Director <u>                        Dr. Rudolph Shebala, Division Director                        </u> <u>                        Division Director / Branch Chief's Printed Name                        </u> <u>                        Robert D. Olla      10/5/21                        </u> <u>                        Division Director / Branch Chief's Signature and Date                        </u>					

## 5.2 Clean Water: Centralized WW Collection and Conveyance

Department of Treasury Expenditure Category		Project Description		Chapter		Delegate Region		AZ	NM	UT	Total Projects	Total Project Cost
Wastewater Projects												
5.2 Clean Water: Centralized WYW Collection and Conveyance	Tuba City Wastewater Treatment Headworks and Septage Receiving Station	Tuba City	Otto Tso	1	\$	\$	5,500,000					
5.2 Clean Water: Centralized WYW Collection and Conveyance	Tuba City Wastewater Sewer Bridge Replacement	Tuba City	Otto Tso	1	\$	\$	2,200,000					
5.2 Clean Water: Centralized WYW Collection and Conveyance	Various locations throughout the NM: Wastewater Collection Slip Lining	Locations to be identified	Navajo Nation Wide	TBD	TBD							
5.2 Clean Water: Centralized WYW Collection and Conveyance	Window Rock/Pt. Delance Wastewater Trunk Relocation	St. Michaels	Eugenia Wauneka	1	\$	\$	10,000,000					
5.2 Clean Water: Centralized WYW Collection and Conveyance	Shiprock Wastewater Trunk Replacements	Shiprock	Cedonia Charles-Newton	1	\$	\$	15,000,000					
5.2 Clean Water: Centralized WYW Collection and Conveyance	Various locations throughout the NM: Emergency Sewer Line Repair/Rehab locations	Locations to be identified	Navajo Nation Wide	TBD	TBD							
5.2 Clean Water: Centralized WYW Collection and Conveyance	Various locations throughout the NM: Wastewater Mainline Rehab	Locations to be identified	Navajo Nation Wide	TBD	TBD							
											Total \$	41,242,685

5.2 Clean Water															
ID	Task Name	Start	Finish	H2	2022 H1	H2	2023 H1	H2	2024 H1	H2	2025 H1	H2	2026 H1	H2	
1	<b>5.2 Clean Water: Centralized WW Collection and Conveyance</b>														
2															
3		Project Approval and Funding	Thu 9/30/21	Mon 1/3/22											
4		Evaluation Survey Design	Tue 12/7/21	Mon 10/24/22											
5		Right Of Way & Permitting	Tue 8/2/22	Mon 11/6/23											
6		Crew & Material Acquisition	Tue 9/26/23	Mon 11/18/24											
7		Construction	Tue 9/24/24	Mon 4/6/26											
8		Closeout	Tue 4/7/26	Mon 9/21/26											





**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 #:** HK0048

**Date & Time Received:** 10/6/21 12:58 p.m.

**Date & Time of Response:** 10/9/21 12:30 p.m.

**Entity Requesting FRF:** DWR & Navajo Tribal Utility Authority (NTUA)

**Title of Project:** Centralized Wastewater Collection and Conveyance

**Administrative Oversight:** Division of Natural Resources

**Amount of Funding Requested:** \$41,242,685

**Eligibility Determination:**

- ☒ FRF eligible  
☐ FRF ineligible  
☐ Additional information requested

**FRF Eligibility Category:**

- ☐ (1) Public Health and Economic Impact  
☐ (3) Government Services/Lost Revenue  
☐ (2) Premium Pay  
☒ (4) Water, Sewer, Broadband Infrastructure

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**U.S. Department of Treasury Reporting Expenditure Category:** 5.2 Clean Water: Centralized Wastewater Collection and Conveyance

**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: DWR should review projects reviewed under HK0047 and HK0048 to confirm that there is no overlap in terms of construction of a new wastewater treatment plant in Tuba City. Also, please note that the NTUA Board resolution was not included in this review packet.

Name of DOJ Reviewer: Mel M. Rodis, Assistant Attorney General, Tax & Finance Unit

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.



EXHIBIT

C-6

THE NAVAJO NATION  
FISCAL RECOVERY FUNDS REQUEST FORM & EXPENDITURE PLAN  
FOR NAVAJO NATION-OWNED ENTITIES

**Part 1. Identification of parties.**

NN-Owned Entity requesting FRF: Navajo Tribal Utility Authority Date prepared: October 1, 2021

NN-Owned Entity's PO Box 170 phone/email: 1-800-528-5011  
mailing address: Fort Defiance, AZ 86504 website (if any): www.ntua.com

This Form prepared by: Bidtah Becker, Associate Attorney phone/email: 928-729-6462 bidtahb@ntua.com  
Bidtah Becker, Associate Attorney 928-729-6462 bidtahb@ntua.com  
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Drinking Water; Treatment; 5.10

NN-Owned Entity's CEO (or equivalent): Walter W. Haase phone & email: walterh@ntua.com 928-729-6202  
Board President: Sydney Bob Dietz phone & email: sidneyd@ntua.com 928-729-6267  
Board Treasurer or Financial Officer: Thomas Nelson phone & email: tomn@ntua.com 928-729-6211

Funding Recipient will be working with: Division of Natural Resources / Department of Water Resources on the Project  
Indicate assisting Division and name of Division Director; if none, indicate "NN President and OPVP"  
and same will be submitting the Funding Request Package for Review, and will have Administrative Oversight over this FRF Expenditure Plan.

List types of Subcontractors or Subrecipients that will be paid with FRF (if known):  
NECA and other construction and engineering subcontractors ☐ document attached

Amount of FRF requested: \$10,030,000 FRF funding period: starting date: when funding is received; deadline date: December 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:

NTUA has 3 projects categorized as drinking water; treatment. The three projects will be located on the Navajo Nation at Oljato, Aneth, and Chinle. In Chinle a new water treatment plant will be constructed. In Oljato the funds will be used to address H2S gas issues with the Halchita treatment plant. In Aneth a new arsenic removal water treatment plant and intertie will be constructed.

☒ document attached

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

These projects will improve the drinking water in the identified Navajo communities by constructing or finishing new water treatment plants. The Navajo people will directly benefit by having access to clean drinking water provided by water treatment plants.

☐ 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:

## APPENDIX A

Document Attached with Timeline  
Document Attached Listing Challenges

☒ document attached

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

NTUA Water/Wastewater Construction Engineering Supervisor

☐ 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:

NTUA's customers are responsible for operations and maintenance costs. NTUA prioritizes the stabilization of rates and has not raised the electric rate in over 13 years. NTUA offers discounted rates for seniors and the disabled. Two federal programs, administered by the NN Division of Social Services, assist low income households with utility bills: LIHEAP and LIHWAP.

☐ 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:

This project title falls under Expenditure Category 5.10 Drinking Water; Treatment. ARPA provides these funds to the Navajo Nation to make necessary investments in water and sewer infrastructure. This is a necessary investment in water infrastructure. The Interim Final Rule provides the Nation with wide latitude to identify investments in water and sewer infrastructure. An allowed use of the funds is to assist communities in making water infrastructure capital improvements, including the installation and replacement of failing treatment and distribution systems. NTUA's projects will construct new water treatment plants and address H2S gas issues with a new water treatment plant. These are investment in water infrastructure and are therefore allowable expenditures.

☐ document attached

### Part 3. Additional documents.

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

The ARPA W/WW Expenditure Plan Resolution will go in front of the NTUA Management Board on October 22, 2021. It will encompass 5.1, 5.2, 5.10, 5.11, 5.13, 5.14, and 5.15.

☐ Board 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:

NN-Owned Entity's  
Preparer:

  
signature of Preparer/CONTACT PERSON

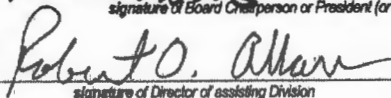
Approved by:

  
signature of Board Chairperson or President (or Vice-President)

Approved by:

signature of NN-Owned Entity's CEO (or equivalent)

Approved to submit  
for Review:

  
signature of Director of assisting Division

-OR- Approved to submit  
for Review:

signature of NN President

legislation CUY-41-21, BFS-31-21 & OPVP Guidance for CUY-41-21

### 5.10 Drinking water: Treatment

### 5.10 Drinking water: Treatment

Department of Treasury Expenditure Category			Project Description		Chapter	Delegate Region	AZ	NM	UT	Total Projects	Total Project Cost
Water Projects											
5.10 Drinking water Treatment	Hatchia WTP Expansion Pond & H2S Treatment					Oilato	Charlinee Tso	1		1	\$50,000
5.10 Drinking water Treatment	New direct Aesthetic Removal Water Treatment Plant and Intertie (Phase II)					Aareh	Charlinee Tso		1	1	\$500,000
5.10 Drinking water Treatment	New Chino Water Treatment Plant, Matching Contribution (Planned Completion 12/2023)					Chino	Eugene Tso	1		1	\$9,689,000
Total \$											10,039,000

FY 2022

**THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY**

Page 1 of 1  
BUDGET FORM 1

<b>PART I. Business Unit No.:</b> <u>K - [New]</u>		<b>Program Title:</b> <u>5.10 Drinking Water; Treatment</u>		<b>Division/Branch:</b> <u>Div. Natural Resources</u>	
<b>Prepared By:</b> <u>Jason John</u>		<b>Phone No.:</b> <u>(928) 729-4003</u>		<b>Email Address:</b> <u>jasonjohn@navajo-nsn.gov</u>	

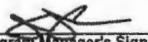
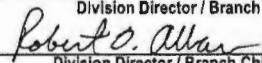
PART II. FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
NN Fiscal Recovery Funds	10/1/21-9/30/26	10,030,000.00		2001 Personnel Expenses				
				3000 Travel Expenses				
				3500 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				
				9000 Capital Outlay	6		10,030,000	10,030,000
				<b>TOTAL</b>		\$0.00	10,030,000	10,030,000

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.**

<b>SUBMITTED BY:</b> <u>Jason John, Department Manager</u> Program Manager's Printed Name <u> 10-5-21</u> Program Manager's Signature and Date	<b>APPROVED BY:</b> <u>Dr. Rudolph Shebala, Division Director</u> Division Director / Branch Chief's Printed Name <u> 10/5/21</u> Division Director / Branch Chief's Signature and Date
--	--

# 5.10 Drinking Water

ID	Task Name	Start	Finish																
				H2	2022	H1	H2	2023	H1	H2	2024	H1	H2	2025	H1	H2	2026	H1	H2
1																			
2	<b>5.10 Drinking water: Treatment</b>																		
3	Project Approval and Funding	Thu 9/30/21	Wed 12/22/21																
4	Evaluation Survey Design	Thu 11/11/21	Wed 9/14/22																
5	Right Of Way & Permitting	Thu 5/12/22	Wed 7/5/23																
6	Crew & Material Acquisition	Thu 5/25/23	Wed 7/17/24																
7	Construction	Thu 3/14/24	Wed 2/11/26																
8	Closeout	Thu 2/12/26	Wed 7/29/26																



**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 #:** HK0049

**Date & Time Received:** 10/6/21 1:00 p.m. ET

**Date & Time of Response:** 10/9/21 1:25 p.m. MT

**Entity Requesting FRF:** Navajo Tribal Utility Authority (NTUA)

**Title of Project:** Drinking Water Treatment

**Administrative Oversight:** Division of Natural Resources

**Amount of Funding Requested:** \$10,030,000

**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:** 5.10 Drinking Water Treatment

**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 note that the NTUA Board resolution was not included in the review packet.

Name of DOJ Reviewer: Mel M. Rodis, Assistant Attorney General, Tax & Finance Unit

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 NAVAJO NATION-OWNED ENTITIES



**Part 1. Identification of parties.**

NN-Owned Entity requesting FRF: Navajo Tribal Utility Authority Date prepared: October 4, 2021

NN-Owned Entity's PO Box 170 phone/email: 1-800-528-5011  
mailing address: Fort Defiance, AZ 86504 website (if any): www.ntua.com

This Form prepared by: Bidtah Becker, Associate Attorney phone/email: 928-729-6462  
Bidtah Becker, Associate Attorney bidtahb@ntua.com  
CONTACT PERSON'S name and title CONTACT PERSON'S Info

Title and type of Project: ARPA Drinking Water Transmission & Distribution Program and 5.11

NN-Owned Entity's CEO (or equivalent): Walter W. Haase phone & email: walterh@ntua.com 928-729-6202

Board President: Sidney Bob Dietz phone & email: sidneyd@ntua.com 928-729-6267

Board Treasurer or Financial Officer: Tom Nelson phone & email: tomn@ntua.com 928-729-6211

Funding Recipient will be working with: Division of Natural Resources / Department of Water Resources on the Project  
indicate assisting Division and name of Division Director; if none, indicate "NN President and OPVP"  
and same will be submitting the Funding Request Package for Review, and will have Administrative Oversight over this FRF Expenditure Plan.

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): NECA and other engineering and construction entities

Amount of FRF requested: \$97,940,761.62 FRF funding period: starting date: upon receipt of funding; deadline date: December 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 consists of twenty-four (25) project types as listed on the attached for a total of an anticipated two hundred fifty (250) projects through the Navajo Nation.

☒ document attached

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

This project consists of building new water loading stations that will serve clean drinking water, an intertie to Lybrook that will serve Navajo homes, and various equipment water related and electricity related upgrades to improve the transmission and distribution of clean drinking water across the Navajo Nation.

☐ 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:



## APPENDIX A

Document Attached with Timeline  
Document Attached Listing Challenges

☒ document attached

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

NTUA Water / Wastewater Construction Engineering Supervisor

☐ 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:

NTUA's customers are responsible for operations and maintenance costs. NTUA prioritizes the stabilization of rates and has not raised the electric rate in over 13 years. NTUA offers discounted rates for seniors and the disabled. Two federal programs, administered by the NN Division of Social Services, assist low income households with utility bills: LIHEAP and LIHWAP.

☐ 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:

This project title is covered under Expenditure Category 5.11. ARPA provides these funds to the Navajo Nation to make necessary investments in water and sewer infrastructure. This is a necessary investment in water infrastructure. The Interim Final Rule provides the Nation with wide latitude to identify investments in water and sewer infrastructure.

☐ document attached

### Part 3. Additional documents.

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

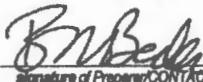
The ARPA W/WW Expenditure Plan Resolution will go in front of the NTUA Management Board on October 22, 2021. It will encompass 5.1, 5.2, 5.10, 5.11, 5.13, 5.14, and 5.15.

☐ Board 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:

NN-Owned Entity's  
Preparer:

  
signature of Preparer/CONTACT PERSON

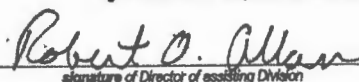
Approved by:

  
signature of Board Chairperson or President (or Vice-President)

Approved by:

signature of NN-Owned Entity's CEO (or equivalent)

Approved to submit  
for Review:

  
signature of Director of existing Division

-OR- Approved to submit  
for Review:

signature of NN President

### 5.1.1 Drinking water: Transmission & Distribution

## Total Project Cost

Total	\$	38,300,
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## NIDA Projects

**Total \$ 97,940**

5.11 Drinking Water														
ID	Task Name	Start	Finish	H2	2022 H1	H2	2023 H1	H2	2024 H1	H2	2025 H1	H2	2026 H1	H2
1														
2	<b>5.11 Drinking water: Transmission &amp; Distribution</b>													
3	Project Approval and Funding	Thu 9/30/21	Mon 1/3/22											
4	Evaluation Survey Design	Tue 12/7/21	Mon 10/24/22											
5	Right Of Way & Permitting	Tue 8/2/22	Mon 11/6/23											
6	Crew & Material Acquisition	Tue 9/26/23	Mon 11/4/24											
7	Construction	Tue 9/10/24	Mon 4/20/26											
8	Closeout	Tue 4/21/26	Mon 9/21/26											

## THE NAVAJO NATION PROGRAM BUDGET SUMMARY

<b>PART I.</b>	<b>Business Unit No.: K - [New]</b>	<b>Program Title:</b> 5.11 Drinking Water; Transmission and Distribution	<b>Division/Branch:</b> Div. Natural Resources					
<b>Prepared By:</b> Jason John	<b>Phone No.:</b> (928) 729-4003	<b>Email Address:</b> jasonjohn@navajo-nsn.gov						
<b>PART II. FUNDING SOURCE(S)</b>	Fiscal Year /Term	Amount	% of Total	<b>PART III. BUDGET SUMMARY</b>	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
NN Fiscal Recovery Funds	10/1/21-9/30/26	97,940,761.62		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				
				9000 Capital Outlay	6		97,940,762	97,940,762
				<b>TOTAL</b>		\$0.00	97,940,762	97,940,762
				<b>PART IV. POSITIONS AND VEHICLES</b>		(D)	(E)	
				Total # of Positions Budgeted:			0	
				Total # of Vehicles Budgeted:			0	
<b>TOTAL:</b>	\$97,940,761.62	0%						
<b>PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.</b>								
<b>SUBMITTED BY:</b>	Jason John, Department Manager <b>Program Manager's Printed Name</b>			<b>APPROVED BY:</b>	Dr. Rudolph Shebala, Division Director <b>Division Director / Branch Chief's Printed Name</b>			
	[Signature] 10-5-21 <b>Program Manager's Signature and Date</b>				Robert G. Allman 10/5/21 <b>Division Director / Branch Chief's Signature and Date</b>			



**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 #: HK0050-2

Date & Time Received: 10/13/21 15:27 EST

Date & Time of Response: 10/19/21 4:45 MDT

Entity Requesting FRF: Navajo Tribal Utility Authority (NTUA)

Title of Project: ARPA Drinking Water Transmission and Distribution Program

Administrative Oversight: Division of Natural Resources

Amount of Funding Requested: \$97,940,762

**Eligibility Determination:**

- ☒ FRF eligible  
☐ FRF ineligible  
☐ Additional information requested

**FRF Eligibility Category:**

- ☐ (1) Public Health and Economic Impact  
☐ (3) Government Services/Lost Revenue  
☐ (2) Premium Pay  
☒ (4) Water, Sewer, Broadband Infrastructure

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U.S. Department of Treasury Reporting Expenditure Category: 5.11 Drinking Water:  
Transmission and Distribution

**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     |
| <input type="checkbox"/> Project will not be completed by 12/31/2026  | 12/31/2024  |
| <input type="checkbox"/> Ineligible purpose   | <input type="checkbox"/> Incorrect Signatory                |
| <input type="checkbox"/> Submitter failed to timely submit CARES reports                                    | <input type="checkbox"/> Inconsistent with applicable NN or |
| <input type="checkbox"/> Additional information submitted is<br>insufficient to make a proper determination | federal laws  |

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.





THE NAVAJO NATION  
FISCAL RECOVERY FUNDS REQUEST FORM & EXPENDITURE PLAN  
FOR NAVAJO NATION-OWNED ENTITIES

Part 1. Identification of parties.

NN-Owned Entity requesting FRF: Navajo Tribal Utility Authority Date prepared: October 4, 2021  
NN-Owned Entity's PO Box 170 phone/email: 1-800-528-5011  
mailing address: Fort Defiance, AZ 86504 website (if any): www.ntua.com  
This Form prepared by: Bidtah Becker, Associate Attorney phone/email: 928-729-6462  
Bidtah Becker, Associate Attorney bidtahb@ntua.com  
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: ARPA Drinking Water Source Program and 5.13

NN-Owned Entity's CEO (or equivalent): Walter W. Haase phone & email: walterh@ntua.com 928-729-6202  
Board President: Sidney Bob Dietz phone & email: sidneyd@ntua.com 928-729-6267  
Board Treasurer or Financial Officer: Tom Nelson phone & email: tomn@ntua.com 928-729-6211

Funding Recipient will be working with: Division of Natural Resources / Department of Water Resources on the Project  
indicate assisting Division and name of Division Director; if none, indicate "NN President and OPVP"  
and same will be submitting the Funding Request Package for Review, and will have Administrative Oversight over this FRF Expenditure Plan.

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): NECA and other engineering and construction entities  
☐ document attached

Amount of FRF requested: \$18,982,000 FRF funding period: starting date: upon receipt of funding; deadline date: December 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 consists of four projects as listed on the attached document. Included in the list of construction of a new Ganado water supply well, a new replacement pump house at Houck, construction of additional water wells and pump houses throughout the Navajo Nation, and renovation of wells throughout the Navajo Nation.  
☒ document attached

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

This project consists of constructing new wells for additional water supplies and renovating wells and the pump houses that serve the wells. This project ensures that Navajo people have access to clean drinking water, either in their homes or by hauling from water loading stations. Clean drinking water is necessary for public health and ensuring habitable homes.  
☐ 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:

## APPENDIX A

Document Attached with Timeline  
Document Attached Listing Challenges

☒ document attached

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

NTUA Water / Wastewater Construction Engineering Supervisor

☐ 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:

NTUA's customers are responsible for operations and maintenance costs. NTUA prioritizes the stabilization of rates and has not raised the electric rate in over 13 years. NTUA offers discounted rates for seniors and the disabled. Two federal programs, administered by the NN Division of Social Services, assist low income households with utility bills: LIHEAP and LIHWAP.

☐ 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:

This project title is covered under Expenditure Category 5.13. ARPA provides these funds to the Navajo Nation to make necessary investments in water and sewer infrastructure. This is a necessary investment in water infrastructure. The Interim Final Rule provides the Nation with wide latitude to identify investments in water and sewer infrastructure.

☐ document attached

### Part 3. Additional documents.

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

The ARPA W/WW Expenditure Plan Resolution will go in front of the NTUA Management Board on October 22, 2021. It will encompass 5.1, 5.2, 5.10, 5.11, 5.13, 5.14, and 5.15.

☐ Board 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:

NN-Owned Entity's  
Preparer:

  
signature of Preparer/CONTACT PERSON

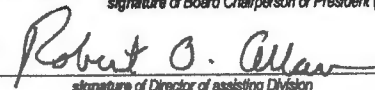
Approved by:

  
signature of Board Chairperson or President (or Vice-President)

Approved by:

signature of NN-Owned Entity's CEO (or equivalent)

Approved to submit  
for Review:

  
signature of Director of assisting Division

-OR- Approved to submit  
for Review:

signature of NN President

11.23.2021  
Legislation C14-21, B15-31-21 & OPVP Guidance for C14-41-21  
NN FRP  
5.13 Drinking water: Source

Department of Treasury Expenditure Category			Chapter	Delegate Region	AZ	NM	UT	Total Projects	Total Project Cost
<b>INN DWR Projects</b>									
5.13 Drinking water: Source	Ojito Well WS Improvements	Ojito	Charlaine Tso		1		1	\$	1,450,000
5.13 Drinking water: Source	Alamo Springs Well Connection	Alamo	Jamie Hemo		1		1	\$	250,000
5.13 Drinking water: Source	Alamo - New Well and Treatment System	Alamo	Jamie Hemo		1		1	\$	1,000,000
5.13 Drinking water: Source	Source Hydropanels	Multi-Chapter	Navajo Nation Wide		TBD		TBD	\$	8,000,000
								Total \$	10,700,000
<b>Water Projects</b>									
<b>NTUA Projects</b>									
5.13 Drinking water: Source	New Ganado Water Supply Well, Phase 2, Pumphouse, Electric Extension, and Water System Tie-in	Ganado	Vince James		1		1	\$	100,000
5.13 Drinking water: Source	New Houck Replacement Pumphouse	Houck	Raymond Smith Jr.		1		1	\$	500,000
5.13 Drinking water: Source	Various locations throughout the INN Additional Water Wells and Pump Houses	locations to be identified	Navajo Nation Wide		TBD		TBD	\$	18,000,000
5.13 Drinking water: Source	Various locations throughout the INN Well Renovation Projects	locations to be identified	Navajo Nation Wide		TBD		TBD	\$	22
								Total \$	18,982,000

5.13 Drinking Water														
ID	Task Name	Start	Finish	H2	2022 H1	H2	2023 H1	H2	2024 H1	H2	2025 H1	H2	2026 H1	H2
1														
2	<b>5.13 Drinking water: Source</b>													
3	Project Approval and Funding	Thu 9/30/21	Mon 1/3/22											
4	Evaluation Survey Design	Tue 12/7/21	Mon 10/24/22											
5	Right Of Way & Permitting	Tue 8/2/22	Mon 11/6/23											
6	Crew & Material Acquisition	Tue 9/26/23	Mon 12/2/24											
7	Construction	Tue 10/8/24	Mon 5/4/26											
8	Closeout	Tue 5/5/26	Mon 10/5/26											

**THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY**

<b>PART I.</b>		<b>Business Unit No.: K - [New]</b>	<b>Program Title:</b> 5.13 Drinking Water; Source	<b>Division/Branch:</b> Div. Natural Resources				
		<b>Prepared By:</b> Jason John	<b>Phone No.:</b> (928) 729-4003	<b>Email Address:</b> jasonjohn@navajo-nsn.gov				
<b>PART II. FUNDING SOURCE(S)</b>	Fiscal Year /Term	Amount	% of Total	<b>PART III. BUDGET SUMMARY</b>	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
NN Fiscal Recovery Funds	10/1/21-9/30/26	18,982,000.00		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				
				9000 Capital Outlay	6		18,982,000	18,982,000
				TOTAL		\$0.00	18,982,000	18,982,000
				<b>PART IV. POSITIONS AND VEHICLES</b>	(D)	(E)		
				Total # of Positions Budgeted:		0		
				Total # of Vehicles Budgeted:		0		
<b>TOTAL:</b>								
\$18,982,000.00								
0%								
<b>PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.</b>								
<b>SUBMITTED BY:</b>		Jason John, Department Manager <b>Program Manager's Printed Name</b>		<b>APPROVED BY:</b>		Dr. Rudolph Shebaia, Division Director <b>Division Director / Branch Chief's Printed Name</b>		
		10-5-21				10/5/21		
<b>Program Manager's Signature and Date</b>				<b>Division Director / Branch Chief's Signature and Date</b>				



**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 #: HK0051

Date & Time Received: 10/6/2021 13:03 EST

Date & Time of Response: 10/11/2021 10:20 p.m. MT

Entity Requesting FRF: Navajo Tribal Utility Authority (NTUA)

Title of Project: ARPA Drinking Water Source Program and 5.13

Administrative Oversight: DWR / Division of Natural Resources

Amount of Funding Requested: \$18,982,000

**Eligibility Determination:**

- ☒ FRF eligible  
☐ FRF ineligible  
☐ Additional information requested

**FRF Eligibility Category:**

- ☐ (1) Public Health and Economic Impact  
☐ (3) Government Services/Lost Revenue  
☐ (2) Premium Pay  
☒ (4) Water, Sewer, Broadband Infrastructure

U.S. Department of Treasury Reporting Expenditure Category: 5.13 Drinking Water: Source

**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: NTUA did not include a resolution from the NTUA Board in this review packet.

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Name of DOJ Reviewer: Mel M. Rodis, Assistant Attorney General, Tax & Finance Unit

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 NAVAJO NATION-OWNED ENTITIES

**Part 1. Identification of parties.**

NN-Owned Entity requesting FRF: Navajo Tribal Utility Authority Date prepared: October 4, 2021

NN-Owned Entity's PO Box 170 phone/email: 1-800-528-5011  
mailing address: Fort Defiance, AZ 86504 website (if any): www.ntua.com

This Form prepared by: Bidtah Becker, Associate Attorney phone/email: 928-729-6462  
Bidtah Becker, Associate Attorney bidtahb@ntua.com  
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: ARPA Drinking Water Storage Program; 5.14

NN-Owned Entity's CEO (or equivalent): Walter W. Haase phone & email: walterh@ntua.com 928-729-6202

Board President: Sidney Bob Dietz phone & email: sidneyd@ntua.com 928-729-6267

Board Treasurer or Financial Officer: Tom Nelson phone & email: tomn@ntua.com 928-729-6211

Funding Recipient will be working with: Division of Natural Resources / Department of Water Resources on the Project  
Indicate assisting Division and name of Division Director; if none, indicate "NN President and OPVP"  
and same will be submitting the Funding Request Package for Review, and will have Administrative Oversight over this FRF Expenditure Plan.

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): NECA and other engineering and construction entities

☒ document attached

Amount of FRF requested: \$14,250,000 FRF funding period: starting date: upon receipt of funding; deadline date: December 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 consists of four project as listed on the attached document. They are a new Shiprock / Cortez east water storage tank replacement, storage tank renovations throughout the Navajo Nation, constructing additional storage tanks through the Navajo Nation, and constructing the necessary electric connections to these storage tanks so water can be pumped into them.

☒ document attached

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

This project consists of renovating existing drinking water storage tanks and constructing new storage tanks. This project ensures that Navajo homes with plumbing and connections to community water systems will have water delivered to their homes. Clean drinking water is necessary for public health and ensuring habitable homes.

☐ 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:

## APPENDIX A

Document Attached with Timeline  
Document Attached Listing Challenges

☒ document attached

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

NTUA Water / Wastewater Construction Engineering Supervisor

☐ 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:

NTUA's customers are responsible for operations and maintenance costs. NTUA prioritizes the stabilization of rates and has not raised the electric rate in over 13 years. NTUA offers discounted rates for seniors and the disabled. Two federal programs, administered by the NN Division of Social Services, assist low income households with utility bills: LIHEAP and LIHWAP.

☐ 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:

This project title is covered under Expenditure Category 5.14. ARPA provides these funds to the Navajo Nation to make necessary investments in water and sewer infrastructure. This is a necessary investment in water infrastructure. The Interim Final Rule provides the Nation with wide latitude to identify investments in water and sewer infrastructure.

☐ document attached

### Part 3. Additional documents.

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

The ARPA W/WW Expenditure Plan Resolution will go in front of the NTUA Management Board on October 22, 2021. It will encompass 5.1, 5.2, 5.10, 5.11, 5.13, 5.14, and 5.15.

☐ Board 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:

NN-Owned Entity's  
Preparer:



signature of Preparer/CONTACT PERSON

Approved by:

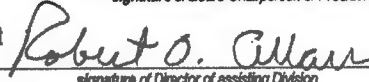


signature of Board Chairperson or President (or Vice-President)

Approved by:

signature of NN-Owned Entity's CEO (or equivalent)

Approved to submit  
for Review:



signature of Director of assisting Division

-OR- Approved to submit  
for Review:

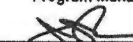
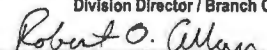
signature of NN President

11.23.2021  
Legislation C1Y-41-21, 8F5-31-21 & OPVP Guidance for C1Y-41-21  
NN FRP  
5.14 Drinking water: storage

Department of Treasury Expenditure Category						Project Description	Chapter	Delegate Region	AZ	NM	UT	Total Projects	Total Project Cost
<b>NH DWR Projects</b>													
5.14 Drinking Water Storage	Ramah Water System Upgrades	Ramah	Jamie Heno		1							1	\$ 51,000,000
												<b>Total \$</b>	<b>1,000,000</b>
<b>Water Projects</b>													
<b>ATUA Projects</b>													
5.14 Drinking Water Storage	New Shiprock / Cortez East Water Storage Tank Replacement (Planned Completion 12/2023)	Shiprock	Eugenia Charles-Newton		1							1	\$ 3,500,000
5.14 Drinking Water Storage	Various locations throughout the NM-Storage Tank Renovations	Locations to be identified	Navajo Nation Wide	TBD	TBD							35	\$ 7,500,000
5.14 Drinking Water Storage	Various locations throughout the NM- Additional Water Storage Tanks	Locations to be identified	Navajo Nation Wide	TBD	TBD							4	\$ 2,250,000
5.14 Drinking Water Storage	Various locations throughout the NM- Additional Water Storage Tanks - Electric extensions	Locations to be identified	Navajo Nation Wide	TBD	TBD							4	\$ 850,000
												<b>Total \$</b>	<b>14,250,000</b>

5.14 Drinking Water															
ID	Task Name	Start	Finish	H2	2022 H1	H2	2023 H1	H2	2024 H1	H2	2025 H1	H2	2026 H1	H2	
1															
2	<b>5.14 Drinking water: Storage</b>														
3	Project Approval and Funding	Thu 9/30/21	Wed 1/19/22												
4	Evaluation Survey Design	Thu 12/9/21	Wed 9/14/22												
5	Right Of Way & Permitting	Thu 6/23/22	Wed 8/2/23												
6	Crew & Material Acquisition	Thu 6/22/23	Wed 10/23/24												
7	Construction	Thu 8/29/24	Wed 3/25/26												
8	Closeout	Thu 3/26/26	Wed 9/9/26												

## THE NAVAJO NATION PROGRAM BUDGET SUMMARY

<b>PART I. Business Unit No.: K - [New]</b>		<b>Program Title: 5.15 Drinking Water; Other Water Infrastructure</b>		<b>Division/Branch: Div. Natural Resources</b>				
<b>Prepared By: Jason John</b>		<b>Phone No.: (928) 729-4003</b>		<b>Email Address: jasonjohn@navajo-nsn.gov</b>				
<b>PART II. FUNDING SOURCE(S)</b>	<b>Fiscal Year /Term</b>	<b>Amount</b>	<b>% of Total</b>	<b>PART III. BUDGET SUMMARY</b>	<b>Fund Type Code</b>	(A) <b>NNC Approved Original Budget</b>	(B) <b>Proposed Budget</b>	(C) <b>Difference or Total</b>
NN Fiscal Recovery Funds	10/1/21-9/30/26	14,250,000.00		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				
				9000 Capital Outlay	6		14,250,000	14,250,000
				<b>TOTAL</b>		\$0.00	14,250,000	14,250,000
				<b>PART IV. POSITIONS AND VEHICLES</b>		(D)	(E)	
				Total # of Positions Budgeted:			0	
				Total # of Vehicles Budgeted:			0	
<b>TOTAL:</b>			\$14,250,000.00    0%					
<b>PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.</b>								
<b>SUBMITTED BY:</b> Jason John, Department Manager Program Manager's Printed Name  10-5-21 Program Manager's Signature and Date				<b>APPROVED BY:</b> Dr. Rudolph Shebala, Division Director Division Director / Branch Chief's Printed Name  10/5/21 Division Director / Branch Chief's Signature and Date				



**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 #: HK0053

Date & Time Received: 10/6/21 13:04 EST

Date & Time of Response: 10/11/21 11:20 p.m. MT

Entity Requesting FRF: Navajo Tribal Utility Authority (NTUA)

Title of Project: ARPA Drinking Water Storage Program; 5.14

Administrative Oversight: DWR / Division of Natural Resources

Amount of Funding Requested: \$14,250,000

**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: 5.14 Drinking Water: Storage

**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: NTUA did not include a resolution of the NTUA Board in this review packet.

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Name of DOJ Reviewer: Mel M. Rodis, Assistant Attorney General, Tax & Finance Unit

Signature of DOJ Reviewer: *MRodis*

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 NAVAJO NATION-OWNED ENTITIES

**Part 1. Identification of parties.**

NN-Owned Entity requesting FRF: Navajo Tribal Utility Authority Date prepared: October 4, 2021

NN-Owned Entity's PO Box 170 phone/email: 1-800-528-5011  
mailing address: Fort Defiance, AZ 86504 website (if any): www.ntua.com

This Form prepared by: Bidtah Becker, Associate Attorney phone/email: 928-729-6462  
Bidtah Becker, Associate Attorney bidtahb@ntua.com  
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: NTAU ARPA Connecting Homes to Water Program; 5.15; Other Water Infrastructure

NN-Owned Entity's CEO (or equivalent): Walter W. Haase phone & email: walterh@ntua.com 928-729-6202

Board President: Sidney Bob Dietz phone & email: sidneyd@ntua.com 928-729-6267

Board Treasurer or Financial Officer: Tom Nelson phone & email: tomn@ntua.com 928-729-6211

Funding Recipient will be working with: Division of Natural Resources / Department of Water Resources on the Project  
indicate assisting Division and name of Division Director; if none, indicate "NN President and OPVP"  
and same will be submitting the Funding Request Package for Review, and will have Administrative Oversight over this FRF Expenditure Plan.

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): NECA and other engineering and construction entities

Amount of FRF requested: \$ 9,809,238.00 FRF funding period: starting date: upon receipt of funding; deadline date: December 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 consists of installing waterlines or cistern systems to homes located on the Navajo Nation, whichever is applicable. It also consists of installing a septic system or connecting to the local wastewater system for the same homes, whichever is applicable. In addition to this Expenditure Plan, there is funding in NTUA's Defunded CARES Act, NN DWR's Defunded CARES Act, and the Bathroom Additions Expenditure Plan for the construction of waterlines, cisterns, and septic systems.

☒ document attached

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

This program will ensure more Navajo homes have clean drinking water in their homes.

☐ 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:

## APPENDIX A

Document Attached with Timeline  
Document Attached Listing Challenges

☒ document attached

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

NTUA Water / Wastewater Construction Engineering Supervisor

☐ 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:

NTUA's customers are responsible for operations and maintenance costs. NTUA prioritizes the stabilization of rates and has not raised the electric rate in over 13 years. NTUA offers discounted rates for seniors and the disabled. Two federal programs, administered by the NN Division of Social Services, assist low income households with utility bills: LIHEAP and LIHWAP.

☐ 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:

This program is covered under Expenditure Category 5.15. ARPA provides these funds to the Navajo Nation to make necessary investments in water and sewer infrastructure. This is a necessary investment in water infrastructure. The Interim Final Rule provides the Nation with wide latitude to identify investments in water and sewer infrastructure. Because this program addresses both drinking water and wastewater, NTUA has identified 5.15 as the appropriate Expenditure Category. It is important to note that a home needs both, not just one. Water in, water out.

☐ document attached

### Part 3. Additional documents.

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

The ARPA W/WW Expenditure Plan Resolution will go in front of the NTUA Management Board on October 22, 2021. It will encompass 5.1, 5.2, 5.10, 5.11, 5.13, 5.14, and 5.15.

☐ Board 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:

NN-Owned Entity's  
Preparer:   
signature of Preparer/CONTACT PERSON

Approved by:   
signature of Board Chairperson or President (or Vice-President)

Approved by: \_\_\_\_\_  
signature of NN-Owned Entity's CEO (or equivalent)

Approved to submit  
for Review:   
signature of Director of assisting Division

-OR- Approved to submit  
for Review: \_\_\_\_\_  
signature of NN President

EPA Exp Cat	Chapter	Project Description	Total Projects	Total Project Cost
<b>Service Projects</b>				
5.15 Drinking Water: Other water infrastructure	Locations to be Identified	NN Cistern/Septic System/Water Line Extension Projects for Homes		17,809,238
Total			\$	9,809,238

5.15 Drinking Water																			
ID	Task Name	Start	Finish	H2	2022	H1	H2	2023	H1	H2	2024	H1	H2	2025	H1	H2	2026	H1	H2
1																			
2	5.15 Drinking water: Other																		
3	Project Approval and Funding	Thu 9/30/21	Wed 1/19/22																
4	Evaluation Survey Design	Thu 12/9/21	Wed 11/8/23																
5	Right Of Way & Permitting	Thu 9/15/22	Wed 12/18/24																
6	Crew & Material Acquisition	Thu 1/4/24	Wed 5/7/25																
7	Construction	Thu 11/21/24	Wed 6/17/26																
8	Closeout	Thu 6/18/26	Wed 12/2/26																

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## THE NAVAJO NATION PROGRAM BUDGET SUMMARY

PART I. Business Unit No.: <u>K - [New]</u>		Program Title: <u>5.15 Drinking Water; Other Water Infrastructure</u>		Division/Branch: <u>Div. Natural Resources</u>	
Prepared By: <u>Jason John</u>		Phone No.: <u>(928) 729-4003</u>		Email Address: <u>jasonjohn@navajonnsn.gov</u>	

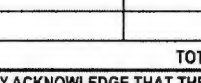
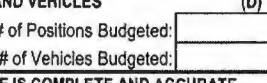
  

PART II. FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
NN Fiscal Recovery Funds	10/1/21-9/30/26	9,809,238.00		2001 Personnel Expenses				
				3000 Travel Expenses				
				3500 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				
				9000 Capital Outlay			9,809,238	9,809,238
				<b>TOTAL</b>		\$0.00	9,809,238	9,809,238

PART IV. POSITIONS AND VEHICLES	(D)	(E)
Total # of Positions Budgeted:		0
Total # of Vehicles Budgeted:		0

<b>PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.</b>		
SUBMITTED BY: <u>Jason John, Department Manager</u> <u>Program Manager's Printed Name</u>  <u>Program Manager's Signature and Date</u>	APPROVED BY: <u>Dr. Rudolph Shebala, Division Director</u> <u>Division Director / Branch Chief's Printed Name</u>  <u>Division Director / Branch Chief's Signature and Date</u>	

**Eligibility Criteria: NTUA ARPA Connecting Homes to Water Program; 5.15  
Other Water Infrastructure**

In order for an applicant to request ARPA funds for a waterline or cistern system with wastewater component under this legislation they must provide the following information:

1. Complete the NTUA Waterline or Cistern System and Septic/Wastewater Service application.
2. The applicant will have to provide their name, reliable phone number(s), email address, mailing and physical address, the latitude and longitude, and chapter affiliation.
3. They must submit a valid homesite lease or residential lease.
4. Proof of primary residency required.

The criteria to determine eligibility for applicants is based on successful submission of aforementioned documents request. NTUA will perform a feasibility study which includes the following criteria:

1. The home must be found to be physically feasible to lived in.
2. Whether the home is on a permanent foundation and is a sound structure (livable).
3. Home needs to have access to a power source (electric or solar).
4. Applicant is willing and able to pay for monthly services.
5. Applicant must have no outstanding balance on existing utility accounts.
6. If a home is located within ½ mile of a community water system they will be considered for a waterline connection.
7. If the home is located over ½ mile they will be considered a water cistern system.
8. If the applicant is to receive a cistern system, the applicant must be willing and able to own, operate and maintain the system (which includes hauling water to refill).
9. For either a waterline connection or a water cistern system, the applicant must be willing and able to own, operate and maintain the septic system.

Homes that meet the criteria above will enter the right-of-way process where NTUA will obtain the Biological Resources Clearance Form (BRCF), Cultural Resources Compliance Form (CRCF), Traditional Cultural Proper Record (TCP), Tribal Authorization Access (TAA), and Service Line Agreement (SLA), if applicable. If the applicant's home can get through this process, then it can be approved for construction.

The priority can be described as "first to complete the process will be first served" meaning, if an applicant is able to complete the application, has a valid homesite lease, the home passes a physical inspection, and obtain all the applicable land clearance requirements, then that applicant will be served. Homes will continue to receive services until all the funding is expended or the imposed time limit runs.



**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 #: HK0052

Date & Time Received: 10/6/21 13:06 EST

Date & Time of Response: 10/11/21 10:55 p.m. MT

Entity Requesting FRF: Navajo Tribal Utility Authority (NTUA)

Title of Project: ARPA Connecting Homes to Water Program; 5/15; Other Water Infrastructure

Administrative Oversight: DWR / Division of Natural Resources

Amount of Funding Requested: \$9,809,238

**Eligibility Determination:**

- ☒ FRF eligible  
☐ FRF ineligible  
☐ Additional information requested

**FRF Eligibility Category:**

- ☐ (1) Public Health and Economic Impact  
☐ (3) Government Services/Lost Revenue  
☐ (2) Premium Pay  
☒ (4) Water, Sewer, Broadband Infrastructure

The Project appears to have overlapping features with Project HK0046 as it relates to connecting homes to cistern systems and providing Navajo Nation Homes with septic systems. DWR and OPVP may want to review HK0046 to confirm that there is no overlap.



U.S. Department of Treasury Reporting Expenditure Category: 5.15 Drinking Water:  
Other Water 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     |
| <input type="checkbox"/> Project will not be completed by 12/31/2026     | 12/31/2024  |
| <input type="checkbox"/> Ineligible purpose                              | <input type="checkbox"/> Incorrect Signatory                |
| <input type="checkbox"/> Submitter failed to timely submit CARES reports | <input type="checkbox"/> Inconsistent with applicable NN or |
| <input type="checkbox"/> Additional information submitted is             | federal laws  |
| insufficient to make a proper determination                              |   |

Other Comments: NTUA did not include a resolution from the NTUA Board in this review packet.

Name of DOJ Reviewer: Mel M. Rodis, Assistant Attorney General, Tax & Finance Unit

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.

# **EXHIBITS**

**D through D-6**



Navajo Nation Fiscal Recovery Fund

Broadband Expenditure Plans

Description	Category	Requested \$
NTUA, Last mile	5.16	\$31,852,642
NTUA, Other	5.17	\$68,147,358
Other service providers, Last Mile	5.16	\$25,000,000
Other service providers, Other	5.17	\$20,000,000
DPS- Public Safety	1.12	\$55,000,000
Cybersecurity	1.12	\$8,000,000

THE NAVAJO NATION  
FISCAL RECOVERY FUNDS REQUEST FORM & EXPENDITURE PLAN  
FOR NAVAJO NATION-OWNED ENTITIES

**Part 1. Identification of parties.**

NN-Owned Entity requesting FRF: Navajo Tribal Utility Authority Date prepared: 10.05.2021

NN-Owned Entity's PO Box: 170 phone/email: 1-800-628-5011  
mailing address: Bidtah Becker, Associate Attorney website (if any): www.ntua.com

This Form prepared by: Bidtah Becker, Associate Attorney phone/email: 928-729-6462 bidtahb@ntua.com  
Bidtah Becker, Associate Attorney 928-729-6462 bidtahb@ntua.com  
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Broadband: Last Mile: 6, 18

NN-Owned Entity's CEO (or equivalent): Walter W. Harso phone & email: walterh@ntua.com 928-729-6202

Board President: Sydney Bob Dietz phone & email: sidneyd@ntua.com 928-729-6267

Board Treasurer or Financial Officer: Thomas Nelson phone & email: tomn@ntua.com 928-729-6211

Funding Recipient will be working with: Telecommunication Regulatory Commission on the Project  
Indicate whether Tribes and some of Division Director: If none, indicate "NN President and CEO"  
and same will be submitting the Funding Request Package for Review, and will have Administrative Oversight over this FRF Expenditure Plan.

List types of Subcontractors or Subrecipients that will be paid with FRF (if known):  
NTUAW and other telecommunications companies ☐ document attached

Amount of FRF requested: \$31,852,642 FRF funding period: starting date: when funding is received: deadline date: December 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:

NTUA's ARPA Broadband Last Mile projects will utilize ARPA funds to provide Navajo homes with broadband services. The funds will be used to pay for fiber lines that will run from the "backbone" directly to homes, equipment that will be in the home for customers, installation of the equipment, student WiFi Hot-spot operating, wireless broadband equipment on towers to broadcast broadband services directly to customers, and tower and equipment operating expenditures. The specific locations are on the attached document.

☒ document attached

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

Many homes on the Navajo Nation lack access to one or more of the following utilities: electricity, water, wastewater, and broadband. All of NTUA's ARPA Broadband Last Mile projects will provide broadband at a minimum of 25 Mbps download and 3 Mbps upload to homes that perhaps never had broadband service in their homes. The Navajo people will directly benefit and the community.

☐ 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:



☒ document attached

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

**Velena Tsosie, NTUAW**

☐ 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:

**Customers of NTUAW are responsible for operations and maintenance costs, which is the business model for all broadband providers.**

☐ 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:

**This project meets expenditure category 5.16 ; Broadband; Last Mile. The rule states, "[t]o meet the immediate needs of unserved and underserved households and businesses, recipients are encouraged to focus on projects that deliver a physical broadband connection by prioritizing projects that achieve last mile connections." NTUA's last mile projects aim to meet unserved and underserved households and businesses by delivering broadband connections to Navajo homes and people. This will be done by either fiber to the home and by utilizing broadband broadcast stations in more rural areas where fiber to the home is not cost feasible. Fiber projects could meet 100 Mbps down/ 20 Mbps up, and the broadcast stations will deliver 25 Mbps/3 Mbps up. The rule contemplates practicability and says that "there may be instances in which it would not be practicable for a project to deliver (100 Mbps symmetrical) speeds because of the geography, topography or excessive costs..." This is a reality of the Navajo Nation but delivering the service is vital to Navajo people.**

☒ document attached

**Part 3. Additional documents.**

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

**The ARPA Broadband Expenditure Plan Resolution will go in front of the NTUA Management Board on October 22, 2021. It will encompass 5.16 and 5.17.**

☐ Board 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:

NN-Owned Entity's  
Preparer:

signature of Preparer/CONTACT PERSON

Approved by:

signature of Board Chairperson or President (or Vice President)

Approved by:

signature of NN-Owned Entity's CEO (or equivalent)

Approved to submit  
for Review:

signature of Director of existing program

~~OR~~ Approved to submit  
for Review:

signature of NN President

# THE NAVAJO NATION PROGRAM BUDGET SUMMARY

PART I. Business Unit No.: K - (New)				Program Title: 5.16 Broadband; Last Mile				Division/Branch: Div. General Services			
Prepared By: Tom Platano				Phone No.: (928) 871-6311				Email Address: tom.platano@navajo-nsn.gov			
PART II. FUNDING SOURCE(S)		Fiscal Year / Term	Amount	% of Total	PART III. BUDGET SUMMARY						
NN Fiscal Recovery Funds			31,852,642.00			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					
					7000	Special Transactions					
					8000	Public Assistance					
					9000	Capital Outlay					
					TOTAL			\$0.00	31,852,642.00		0
					TOTAL:			\$31,852,642.00			
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.											
SUBMITTED BY:				APPROVED BY:							
Tom Platano, Division Director				Paulson Chases, OP/P/Chief of Staff							
Program Manager's Printed Name				Division Director / Branch Chief's Printed Name							
Program Manager's Signature and Date				Division Director / Branch Chief's Signature and Date							

11.23.2021  
 Legislation CY-41-21. BFS-31-21 & OPVP Guidance for CY-41-21  
 NN FRF  
 5.16 Broadband Last Mile Projects

Expenditure Category	Project Description	Chapter	Delegate Region	State	Total Project Amount	Total Projects
5.16	Nazlini Mobility (600mhz) & Fixed Wireless Broadband (EBS/2.5GHz)	Nazlini	Begay Jr., Kee Allen	Arizona	\$ 459,000	1
5.16	Diklon Hospital Housing - Fiber Access & Electronics	Diklon	Begay, Elmer	Arizona	\$ 367,200	1
5.16	Diklon Hospital Housing - CPE/Modem/Install	Diklon	Begay, Elmer	Arizona	\$ 122,400	1
5.16	Chilile Equipment Modification	Kayenta	Brown, Nathaniel	Arizona	\$ 1,530,000	1
5.16	Kayenta Hospital Employee Housing - Fiber Access & Electronics	Kayenta	Brown, Nathaniel	Arizona	\$ 367,200	1
5.16	Kayenta Hospital Employee Housing - CPE/Modem/Install	Kayenta	Brown, Nathaniel	Arizona	\$ 122,400	1
5.16	CCSD Teacher Housing / Mesa Elementary School - Fiber Access & Electronics	Shiprock	Charles-Newton, Eugenia	New Mexico	\$ 367,200	1
5.16	CCSD Teacher Housing / Mesa Elementary School - CPE/Modem/Install	Shiprock	Charles-Newton, Eugenia	New Mexico	\$ 122,400	1
5.16	Tec Nos Pos Mobility (600mhz) & Fixed Wireless Broadband (EBS/2.5GHz)	Tec Nos Pos	Tso, Charlene	Arizona	\$ 459,000	1
5.16	Black Rock Mobility (600mhz) & Fixed Wireless Broadband (EBS/2.5GHz)	Tec Nos Pos	Tso, Charlene	Arizona	\$ 459,000	1
5.16	Whitehorse Mobility (600mhz) & Fixed Wireless Broadband (CBRS/3.5GHz)	Whitehorse Lake	Tso, Daniel	New Mexico	\$ 459,000	1
5.16	Tuba City Regional Hospital Employee Housing - Fiber Access & Electronics	Tuba City	Tso, Ohio	Arizona	\$ 367,200	1
5.16	Tuba City Regional Hospital Employee Housing - CPE/Modem/Install	Tuba City	Tso, Ohio	Arizona	\$ 122,400	1
5.16	Pine Springs Mobility (600mhz) & Fixed Wireless Broadband (EBS/2.5GHz)	Oaksprings	Wauneka, Edison	Arizona	\$ 439,024	1
5.16	Kaigan Estates - Fiber Access & Electronics	St. Michaels	Wauneka, Edison	Arizona	\$ 367,200	1
5.16	Kaigan Estates - CPE/Modem/Install	St. Michaels	Wauneka, Edison	Arizona	\$ 122,400	1
5.16	WR Employee & OPVP Housing - Fiber Access & Electronics	Window Rock	Wauneka, Edison	Arizona	\$ 367,200	1
5.16	WR Employee & OPVP Housing - CPE/Modem/Install	Window Rock	Wauneka, Edison	Arizona	\$ 122,400	1
5.16	Oaksprings Mobility (600mhz) & Fixed Wireless Broadband (EBS/2.5GHz)	Oaksprings	Wauneka, Edison	Arizona	\$ 459,000	1
5.16	White Cone Mobility (600mhz) & Fixed Wireless Broadband (EBS/2.5GHz)	White Cone	Begay, Elmer	Arizona	\$ 459,000	1
5.16	Greasewood NHA Housing - Fiber Access & Electronics	Greasewood	Begay, Elmer	Arizona	\$ 367,200	1
5.16	Greasewood NHA Housing - CPE/Modem/Install	Greasewood	Begay, Elmer	Arizona	\$ 122,400	1
5.16	Indian Wells NHA Housing - Fiber Access & Electronics	Greasewood	Begay, Elmer	Arizona	\$ 367,200	1
5.16	Indian Wells NHA Housing - CPE/Modem/Install	Greasewood	Begay, Elmer	Arizona	\$ 122,400	1
5.16	Dennehoiso Community Housing - Fiber Access & Electronics	Dennehoiso	Brown, Nathaniel	Arizona	\$ 367,200	1
5.16	Dennehoiso Community Housing - CPE/Modem/Install	Dennehoiso	Brown, Nathaniel	Arizona	\$ 122,400	1
5.16	Kayenta Unified School Teacher Housing - Fiber Access & Electronics	Kayenta	Brown, Nathaniel	Arizona	\$ 367,200	1
5.16	Kayenta Unified School Teacher Housing - CPE/Modem/Install	Kayenta	Brown, Nathaniel	Arizona	\$ 122,400	1
5.16	Chilichinleto East Mobility (600mhz) & Fixed Wireless Broadband (EBS/2.5GHz)	Chilichinleto	Brown, Nathaniel	Arizona	\$ 459,000	1
5.16	Treadlana Mobility (600mhz) & Fixed Wireless Broadband (CBRS/3.5GHz)	Treadlana	Crotty, Amber K.	Arizona	\$ 459,000	1
5.16	Shonto Preparatory Teacher Housing - Fiber Access & Electronics	Shonto	Daniels Jr., Herman	Arizona	\$ 367,200	1
5.16	Shonto Preparatory Teacher Housing - CPE/Modem/Install	Shonto	Daniels Jr., Herman	Arizona	\$ 122,400	1



5.16	Tohatchi NHA Housing - Fiber Access & Electronics	Tohatchi	Halona, Pernell	New Mexico	\$	367,200	1
5.16	Tohatchi NHA Housing - CPE/Modem/Install	Tohatchi	Halona, Pernell	New Mexico	\$	122,400	1
5.16	Jeddito Mobility (600mhz) & Fixed Wireless Broadband (EBS/2.5GHz)	Jeddito	James, Vince	Arizona	\$	459,000	1
5.16	Conflicts Mobility (600mhz) & Fixed Wireless Broadband (EBS/2.5GHz)	Conflicts	James, Vince	Arizona	\$	459,000	1
5.16	Lukachukai NHA Housing - Fiber Access & Electronics	Lukachukai	Slater, Carl	Arizona	\$	367,200	1
5.16	Lukachukai NHA Housing - CPE/Modem/Install	Lukachukai	Slater, Carl	Arizona	\$	122,400	1
5.16	Rock Point Community School Teacher Housing - Fiber Access & Electronics	Rock Point	Slater, Carl	Arizona	\$	367,200	1
5.16	Rock Point Community School Teacher Housing - CPE/Modem/Install	Rock Point	Slater, Carl	Arizona	\$	122,400	1
5.16	Rough Rock North Mobility (600mhz) & Fixed Wireless Broadband (EBS/2.5GHz)	Rough Rock	Slater, Carl	Arizona	\$	459,000	1
5.16	Lupton Mobility (600mhz) & Fixed Wireless Broadband (EBS/2.5GHz)	Lupton	Smith Jr., Raymond	Arizona	\$	459,000	1
5.16	Sanders E Mobility (600mhz) & Fixed Wireless Broadband (EBS/2.5GHz)	Sanders	Smith Jr., Raymond	Arizona	\$	459,000	1
5.16	FD Indian Medical Center Employee Housing - Fiber Access & Electronics	FT. Defiance	Stewart, Wilson	Arizona	\$	367,200	1
5.16	FD Indian Medical Center Employee Housing - CPE/Modem/Install	FT. Defiance	Stewart, Wilson	Arizona	\$	122,400	1
5.16	Montezuma Creek Mobility (600mhz) & Fixed Wireless Broadband (EBS/2.5GHz)	Anehi	Tso, Charlene	Utah	\$	459,000	1
5.16	Torreon Mobility (600mhz) & Fixed Wireless Broadband (CBRS/3.5GHz)	Torreon	Tso, Daniel	New Mexico	\$	459,000	1
5.16	Pueblo Pinaldo Mobility (600mhz) & Fixed Wireless Broadband (CBRS/3.5GHz)	Pueblo Pinaldo	Tso, Daniel	Arizona	\$	459,000	1
5.16	Chinle NHA Housing - Fiber Access & Electronics	Chinle	Tso, Eugene	Arizona	\$	367,200	1
5.16	Chinle NHA Housing - CPE/Modem/Install	Chinle	Tso, Eugene	Arizona	\$	122,400	1
5.16	Rams Pasture Mobility (600mhz) & Fixed Wireless Broadband (EBS/2.5GHz)	Chinle	Tso, Eugene	Arizona	\$	459,000	1
5.16	Spider Rock Mobility (600mhz) & Fixed Wireless Broadband (EBS/2.5GHz)	Chinle	Tso, Eugene	Arizona	\$	459,000	1
5.16	Del Muerto Mobility (600mhz) & Fixed Wireless Broadband (EBS/2.5GHz)	Chinle	Tso, Eugene	Arizona	\$	459,000	1
5.16	Mariano Lake Mobility (600mhz) & Fixed Wireless Broadband (CBRS/3.5GHz)	Mariano Lake	Yazzie, Edmund	Arizona	\$	459,000	1
5.16	White Cone South Mobility (600mhz) & Fixed Wireless Broadband (EBS/2.5GHz)	White Cone	Begay, Elmer	Arizona	\$	459,000	1
5.16	Many Farms NHA Housing - Fiber Access & Electronics	Many Farms	Begay Jr., Kee Allen	Arizona	\$	367,200	1
5.16	Many Farms NHA Housing - CPE/Modem/Install	Many Farms	Begay Jr., Kee Allen	Arizona	\$	122,400	1
5.16	Bitter Springs Mobility (600mhz) & Fixed Wireless Broadband (EBS/2.5GHz)	Bodaway-Gap	Begay Jr., Kee Allen	Arizona	\$	459,000	1
5.16	Kalibeto NHA Housing - Fiber Access & Electronics	Kalibeto	Begay, Paul	Arizona	\$	367,200	1
5.16	Kalibeto NHA Housing - CPE/Modem/Install	Kalibeto	Begay, Paul	Arizona	\$	122,400	1
5.16	Lechee NHA Housing - Fiber Access & Electronics	Lechee	Begay, Paul	Arizona	\$	367,200	1
5.16	Lechee NHA Housing - CPE/Modem/Install	Lechee	Begay, Paul	Arizona	\$	122,400	1
5.16	Tonalea NHA Housing - Fiber Access & Electronics	Tonalea	Begay, Paul	Arizona	\$	367,200	1
5.16	Tonalea NHA Housing - CPE/Modem/Install	Tonalea	Begay, Paul	Arizona	\$	122,400	1
5.16	Smith Lake Mobility (600mhz) & Fixed Wireless Broadband (CBRS/3.5GHz)	Smith Lake	Yazzie, Edmund	New Mexico	\$	459,000	1
5.16	Whippoorwill Mobility (600mhz) & Fixed Wireless Broadband (EBS/2.5GHz)	Bodaway-Gap	Begay, Paul	Arizona	\$	459,000	1
5.16	Sanostee Mobility (600mhz) & Fixed Wireless Broadband (CBRS/3.5GHz)	Sanostee	Crotty, Amber K.	New Mexico	\$	459,000	1
5.16	Sanostee Community Housing - Fiber Access & Electronics	Sanostee	Crotty, Amber K.	New Mexico	\$	367,200	1
5.16	Sanostee Community Housing - CPE/Modem/Install	Sanostee	Crotty, Amber K.	New Mexico	\$	122,400	1
5.16	Navajo Mountain Community Housing - Fiber Access & Electronics	Navajo Mountain	Croty, Amber K.	Utah	\$	367,200	1
5.16	Navajo Mountain Community Housing - CPE/Modem/Install	Navajo Mountain	Daniels Jr., Herman	Utah	\$	122,400	1
5.16	Round Rock NHA Housing - Fiber Access & Electronics	Round Rock	Daniels Jr., Herman	Arizona	\$	367,200	1
5.16	Round Rock NHA Housing - CPE/Modem/Install	Round Rock	Slater, Carl	Arizona	\$	122,400	1
5.16	Klagetoh NHA Housing - Fiber Access & Electronics	Klagetoh	Smith Jr., Raymond	Arizona	\$	367,200	1

5.16	Klagetoh NHA Housing - CPE/Modem/Install	Klagetoh	Smith Jr., Raymond	Arizona	\$	122,400	1
5.16	Sanders Community Housing - Fiber Access & Electronics	Sanders	Smith Jr., Raymond	Arizona	\$	367,200	1
5.16	Sanders Community Housing - CPE/Modem/Install	Sanders	Smith Jr., Raymond	Arizona	\$	122,400	1
5.16	Red Mesa Hospital Employee Housing - Fiber Access & Electronics	Red Mesa	Tso, Charlene	Arizona	\$	367,200	1
5.16	Red Mesa Hospital Employee Housing - CPE/Modem/Install	Red Mesa	Tso, Charlene	Arizona	\$	122,400	1
5.16	Ojito Mobility (600mhz) & Fixed Wireless Broadband (EBS/2.5GHz)	Ojito	Daniels Jr., Herman	Arizona	\$	459,000	1
5.16	Forest Lake NHA Housing - Fiber Access & Electronics	Forest Lake	Yellowhair, Jimmy	Arizona	\$	367,200	1
5.16	Forest Lake NHA Housing - Fiber Access & Electronics	Forest Lake	Yellowhair, Jimmy	Arizona	\$	122,400	1
5.16	Pinon NHA Housing - Fiber Access & Electronics	Pinon	Yellowhair, Jimmy	Arizona	\$	367,200	1
5.16	Pinon NHA Housing - CPE/Modem/Install	Pinon	Yellowhair, Jimmy	Arizona	\$	122,400	1
5.16	Customer Premise Equipment for Wireless Broadband Service	Navajo Nation Wide	Navajo Nation	LOT	\$	2,295,000	1
5.16	Student WiFi Hotspot Operating Expenditures	Navajo Nation Wide	Navajo Nation	LOT	\$	903,893	1
5.16	Towers Operating Expenditures	Navajo Nation Wide	Navajo Nation	LOT	\$	1,041,925	1
<b>TOTAL</b>					\$	<b>31,852,642</b>	<b>87</b>

50 Month Project Timeline - Project Timeline – NTUA Last Mile Program																							
Task Name	Duration	Start	End	2022				2023				2024				2025				2026			
				Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
5.16 Last Mile Program with Collocation																							
Project Approval & Funding																							
Project Design/Survey	3-6 months																						
ROW and permitting	24 months																						
Crew and Material Acquisition	6-8 months																						
Construction	6 -10 months																						
Close Out	3-6 months																						
Timeline is contingent upon funding acquisition, material lead time, procurement, and project scheduling. The Timeline does not account for weather delays.																							



**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 #:** HK0089

**Date & Time Received:** 10/12/2021 21:26 MDT

**Date & Time of Response:** 10/16/2021 17:38 MDT

**Entity Requesting FRF:** Navajo Tribal Utility Authority (NTUA)

**Title of Project:** Broadband; Last Mile

**Administrative Oversight:** Telecommunication Regulatory Commission

**Amount of Funding Requested:** \$31,852,642

**Eligibility Determination:**

- ☒ FRF eligible  
☐ FRF ineligible  
☐ Additional information requested

**FRF Eligibility Category:**

- ☐ (1) Public Health and Economic Impact  
☐ (3) Government Services/Lost Revenue  
☐ (2) Premium Pay  
☒ (4) Water, Sewer, Broadband Infrastructure

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U.S. Department of Treasury Reporting Expenditure Category: 5.16 Broadband: "Last Mile" Projects

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: No NTUA Board resolution was included in the review request packet.  
Should the Administrative Oversight entity be DGS instead of Telecommunications Regulatory Commission?

Name of DOJ Reviewer: Mel M. Rodis, Assistant Attorney General, Tax & Finance Unit

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 NAVAJO NATION-OWNED ENTITIES

### Part 1. Identification of parties.

NN-Owned Entity requesting FRF: Navajo Tribal Utility Authority Date prepared: 10.05.2021

NN-Owned Entity's PO Box 170 phone/email: 1-800-528-5011  
mailing address: Bidtah Becker, Associate Attorney website (if any): www.ntua.com

This Form prepared by: Bidtah Becker, Associate Attorney phone/email: 928-729-6462 bidtahb@ntua.com  
Bidtah Becker, Associate Attorney 928-729-6462 bidtahb@ntua.com  
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: NTUA's Middle Mile Program, 5.17; Broadband; Other.

NN-Owned Entity's CEO (or equivalent): Walter W. Haase phone & email: walterh@ntua.com 928-729-6202

Board President: Sydney Bob Dietz phone & email: sidneyd@ntua.com 928-729-6267

Board Treasurer or Financial Officer: Thomas Nelson phone & email: tomn@ntua.com 928-729-6211

Funding Recipient will be working with: Telecommunication Regulatory Commission on the Project  
Indicate existing Division and name of Division Director. If none, indicate TNA President and OPMF  
and same will be submitting the Funding Request Package for Review, and will have Administrative Oversight over this FRF Expenditure Plan.

List types of Subcontractors or Subrecipients that will be paid with FRF (if known):  
NTUAW and other telecommunications companies ☐ document attached

Amount of FRF requested: \$68,147,358 FRF funding period: starting date: when funding is received; deadline date: December 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:

NTUA's Middle Mile Program will focus on building the infrastructure that will deliver broadband services to Navajo people and communities. The funds will be used to build towers across the Navajo Nation, laying fiber optic lines, and making electrical upgrades to the system to accommodate fiber and towers. Building the "middle mile" of broadband infrastructure is imperative to providing broadband service. Without the middle mile Navajo communities will be left with sub-par or no services. This will allow adults and children to either work or school from home.

☒ document attached

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

Broadband is necessary for telecommuting, telemedicine, in home schooling, and generally to ensure that one can safely shelter in place due to COVID-19 related quarantine, stay at home community orders, and generally for those who prefer to stay at home, rather than risking exposure to the virus that causes COVID-19. This project will benefit Navajo people, communities, and the Nation at large.

☐ 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:

☒ document attached

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

Mujtaba Ansari, NTUA Project Manager

☐ 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:

Customers of NTUAW are responsible for operations and maintenance costs, which is the business model for all broadband providers.

☐ 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:

This project meets expenditure category 5.17; Broadband; other. Under the interim final rule, ARPA provides funds to State, territorial, local, and Tribal governments to make necessary investments in broadband infrastructure. Eligible projects are expected to focus on locations that are unserved or underserved. NTUA's Middle Mile Program makes necessary investments in broadband infrastructure across the Navajo Nation which has many people that are underserved and unserved. Many of NTUA's projects in the Middle Mile Program are running fiber optic lines in Navajo communities that are designed to meet the minimum download and upload speeds specified in the rule. The tower projects are crucial for the Navajo Nation's broadband infrastructure for it's most vulnerable populations where it is unfeasible to run physical fiber optic lines to their homes. It provides them with wireless broadband services that are designed to meet the minimum speeds but won't due to the rural nature of where the homes are and the costs associated with it.

☐ document attached**Part 3. Additional documents.**

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

The ARPA Broadband Expenditure Plan Resolution will go in front of the NTUA Management Board on October 22, 2021. It will encompass 5.16 and 5.17.


☐ Board 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:

 NN-Owned Entity's  
Preparer:

  
signature of Preparer/CONTACT PERSON

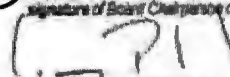
Approved by:

  
signature of Board Chairperson or President (or Vice-President)

Approved by:

  
signature of NN-Owned Entity's CEO (or equivalent)

 Approved to submit  
for Review

  
signature of Director of assisting Division

 -OR- Approved to submit  
for Review



11.23.2021  
 Legislation CIY-41-21, BFS-31-21 & OPVP Guidance for CIY-41-21  
 NN FRF  
 5.17 Broadband: Other Projects

Expenditure Category	Project Description	Chapter	Delegate Region	State	Total Project Amount	Total Projects
5.17	Jedeezah Fiber Buildout	Low Mountain	Begay Jr., Kee Allen	Arizona	\$ 209,756	1
5.17	Nazlini New Tower Build	Nazlini	Begay Jr., Kee Allen	Arizona	\$ 531,318	1
5.17	Nazlini Fiber Buildout	Nazlini	Begay Jr., Kee Allen	Arizona	\$ 2,254,745	1
5.17	Nazlini Head Start and Nazlini Chapter House	Nazlini	Begay Jr., Kee Allen	Arizona	\$ 226,502	1
5.17	Diklon Hospital Housing - Fiber Distribution	Diklon	Begay, Elmer	Arizona	\$ 734,400	1
5.17	AC Unit for Tower Shelter	The Gap CW	Begay, Paul	Arizona	\$ 4,080	1
5.17	Lechee WT Fiber Buildout	Lechee	Begay, Paul	Arizona	\$ 870,044	1
5.17	Coppermine Tower Site A (35Kv Gen)	Coppermine	Begay, Paul	Arizona	\$ 63,240	1
5.17	Kaibeto Water Tank Tower Upgrade (Shelter)	Kaibeto	Begay, Paul	Arizona	\$ 178,500	1
5.17	Tonalas Chapter House Tower Power Upgrade	Tonalas Chapter House	Begay, Paul	Arizona	\$ 8,670	1
5.17	Lechee Chapter House Fiber Drop	Lechee	Begay, Paul	Arizona	\$ 12,387	1
5.17	Kayenta Hospital Employee Housing - Fiber Distribution	Kayenta	Brown, Nathaniel	Arizona	\$ 734,400	1
5.17	AC Unit for Tower Shelter	Shiprock NTUA DO Tower	Charles-Newton, Eugenia	New Mexico	\$ 6,630	1
5.17	CCSD Teacher Housing / Mesa Elementary School - Fiber Distribution	Shiprock	Charles-Newton, Eugenia	New Mexico	\$ 734,400	1
5.17	Monument Valley High School	Kayenta	Brown, Nathaniel	Arizona	\$ 2,940,241	1
5.17	Navajo Mountain Chapter House Fiber Buildout	Navajo Mountain	Daniels Jr., Herman	Utah	\$ 95,347	1
5.17	Navajo Mountain Cradleboard Tower	Navajo Mountain	Daniels Jr., Herman	Utah	\$ 3,623,027	1
5.17	Navajo Mountain High School Fiber Buildout	Navajo Mountain	Daniels Jr., Herman	Utah	\$ 179,914	1
5.17	Navajo Mountain Cradleboard Tower Generator	Navajo Mountain	Daniels Jr., Herman	Utah	\$ 700,331	1
5.17	Navajo Mountain Cradleboard Tower Generator	Navajo Mountain	Daniels Jr., Herman	Utah	\$ 783,503	1
5.17	Shonto Tower Shelter	Shonto South	Daniels Jr., Herman	Utah	\$ 63,240	1
5.17	Little Water Tower Shelter	Little Water	Tso, Daniel	Arizona	\$ 185,640	1
5.17	Burnside Tower Power Upgrade	Burnside	James, Vince	Arizona	\$ 178,500	1
5.17	Escrito Mesa Tower Power Upgrade	Escrito Mesa	Freeland, Mark	New Mexico	\$ 7,140	1
5.17	Tsalie Shelter Power Upgrade	Tsalie, Dine College Shelter	Slater, Carl	Arizona	\$ 8,670	1
5.17	Crystal Tower Backup Power Upgrade	Crystal	Stewart, Wilson	Arizona	\$ 7,140	1
5.17	Red Mesa to Teec Nos Pos	Red Mesa	Tso, Charlene	Arizona	\$ 4,027,918	1
5.17	Teec Nos Pos to Black Rock	Red Mesa	Tso, Charlene	Arizona	\$ 3,735,571	1
5.17	Black Rock to Cudei	Red Mesa	Tso, Charlene	Arizona	\$ 291,403	1
5.17	Teec Nos Pos New Tower Build	Teec Nos Pos	Tso, Charlene	Arizona	\$ 632,400	1
5.17	Black Rock New Tower Build	Teec Nos Pos	Tso, Charlene	Arizona	\$ 531,318	1

5.17	Tollkan Tower Shelter	Tollkan	Tso, Charlaïne	Arizona	\$ 185,640	1
5.17	Mexican Water WT Fiber Buildout	Mexican Water	Tso, Charlaïne	Arizona	\$ 936,867	1
5.17	Whitehorse New Tower Build	Whitehorse Lake	Tso, Daniel	New Mexico	\$ 531,318	1
5.17	Fiber Build to Tuba City Chapter House (UGD Construction)	Tuba City	Tso, Otto	Arizona	\$ 81,861	1
5.17	Fiber Build to Tuba City Court House (UGD Construction)	Tuba City	Tso, Otto	Arizona	\$ 83,073	1
5.17	Fiber Build to Tuba City Boarding School	Tuba City	Tso, Otto	Arizona	\$ 23,391	1
5.17	Tuba City Regional Hospital Employee Housing - Fiber Distribution	Tuba City	Tso, Otto	Arizona	\$ 734,400	1
5.17	Tuba City Legacy Tower Power Upgrade	Tuba City Legacy	Tso, Otto	Arizona	\$ 8,670	1
5.17	Cameron Water Tank Tower Upgrade	Cameron	Walker, Thomas	Arizona	\$ 67,320	1
5.17	Coalmine Canyon Tower Power Upgrade	Coalmine Canyon MW site	Walker, Thomas	Arizona	\$ 8,670	1
5.17	Coalmine Substation Tower Power Upgrade	Coalmine Substation	Walker, Thomas	Arizona	\$ 734,400	1
5.17	Kangyan Estates - Fiber Distribution	St. Michaels	Wauneka, Edison	Arizona	\$ 954,679	1
5.17	Pine Springs New Tower Build	Oaksprings	Wauneka, Edison	Arizona	\$ 2,214,664	1
5.17	Pine Springs Fiber Buildout	Oaksprings	Wauneka, Edison	Arizona	\$ 734,400	1
5.17	WFR Employee & OPVP Housing - Fiber Distribution	Window Rock	Wauneka, Edison	Arizona	\$ 531,318	1
5.17	Oaksprings New Tower Build	Oaksprings	Wauneka, Edison	Arizona	\$ 78,733	1
5.17	Fort Defiance West Chapter House Fiber Buildout (0.2 Miles)	Fort Defiance	Stewart, Wilson	Arizona	\$ 204,047	1
5.17	White Cone New Tower Build	White Cone	Begay, Elmer	Arizona	\$ 531,318	1
5.17	Greasewood NHA Housing - Fiber Distribution	Greasewood	Begay, Elmer	Arizona	\$ 734,400	1
5.17	Indian Wells NHA Housing - Fiber Distribution	Greasewood	Begay, Elmer	Arizona	\$ 734,400	1
5.17	Dennehotso Community Housing - Fiber Distribution	Dennehotso	Brown, Nathaniel	Arizona	\$ 734,400	1
5.17	Kayenta Unified School Teacher Housing - Fiber Distribution	Kayenta	Brown, Nathaniel	Arizona	\$ 175,436	1
5.17	Chilichibeto East New Tower Build	Chilichibeto	Croft, Amber K.	Arizona	\$ 531,318	1
5.17	Toadlena New Tower Build	Toadlena	Croft, Amber K.	Arizona	\$ 2,131,406	1
5.17	Toadlena Fiber Buildout	Toadlena	Daniels Jr., Herman	Arizona	\$ 734,400	1
5.17	Shonto Preparatory Teacher Housing - Fiber Distribution	Shonto	Halona, Pernell	New Mexico	\$ 531,318	1
5.17	Tohatchi NHA Housing - Fiber Distribution	Tohatchi	James, Vince	Arizona	\$ 167,980	1
5.17	Jeddito New Tower Build	Jeddito	James, Vince	Arizona	\$ 734,400	1
5.17	Comfields Fiber Buildout	Comfields	Slater, Carl	Arizona	\$ 734,400	1
5.17	Lukachukai NHA Housing - Fiber Distribution	Lukachukai	Slater, Carl	Arizona	\$ 531,318	1
5.17	Rock Point Community School Teacher Housing - Fiber Distribution	Rock Point	Slater, Carl	Arizona	\$ 734,400	1
5.17	Rough Rock North New Tower Build	Rough Rock	Stewart, Wilson	Arizona	\$ 734,400	1
5.17	FD Indian Medical Center Employee Housing - Fiber Distribution	FT. Defiance	Tso, Daniel	New Mexico	\$ 531,318	1
5.17	Pueblo Pintado New Tower	Pueblo Pintado	Tso, Eugene	Arizona	\$ 734,400	1
5.17	Chinle NHA Housing - Fiber Distribution	Chinle	Tso, Eugene	Arizona	\$ 531,318	1
5.17	Rams Pasture New Tower Build	Chinle	Tso, Eugene	Arizona	\$ 531,318	1
5.17	Spider Rock New Tower Build	Chinle	Tso, Eugene	Arizona	\$ 531,318	1
5.17	Del Muerto New Tower Build	Chinle	Tso, Eugene	Arizona	\$ 1,198,551	1
5.17	Del Muerto Fiber Buildout	Chinle	Tso, Eugene	Arizona		1

5.17	Manano Lake New Tower	Manano Lake	Yazzie, Edmund	New Mexico	\$	530,400	1
5.17	Many Farms NHA Housing - Fiber Distribution	Many Farms	Begay Jr., Kee Allen	Arizona	\$	734,400	1
5.17	Bitter Springs New Tower Build	Bodaway-Gap	Begay, Paul	Arizona	\$	531,318	1
5.17	Kaibeto NHA Housing - Fiber Distribution	Kaibeto	Begay, Paul	Arizona	\$	734,400	1
5.17	Lechee NHA Housing - Fiber Distribution	Lechee	Begay, Paul	Arizona	\$	734,400	1
5.17	Tonalea NHA Housing - Fiber Distribution	Tonalea	Begay, Paul	Arizona	\$	734,400	1
5.17	Smith Lake New Tower	Smith Lake	Yazzie, Edmund	New Mexico	\$	531,318	1
5.17	Whippoorwill New Tower Build	Bodaway-Gap	Begay, Paul	Arizona	\$	531,318	1
5.17	White Cone South Fiber Buildout	Kayenta	Brown, Nathaniel	Arizona	\$	111,485	1
5.17	Sanostee New Tower	Sanostee	Croty, Amber K.	New Mexico	\$	531,318	1
5.17	Kaibeto Fiber Buildout	Sheep Springs	Croty, Amber K.	New Mexico	\$	168,300	1
5.17	Sanostee Community Housing - Fiber Distribution	Sanostee	Croty, Amber K.	New Mexico	\$	734,400	1
5.17	Red Valley Water Tank	Ojito	Daniels Jr., Herman	Arizona	\$	311,734	1
5.17	Red Valley Chapter House	Shonto	Daniels Jr., Herman	Arizona	\$	91,155	1
5.17	Navajo Mountain Community Housing - Fiber Distribution	Navajo Mountain	Daniels Jr., Herman	Utah	\$	734,400	1
5.17	Mitten Rock	Crowpoint	Freeland, Mark	New Mexico	\$	14,810	1
5.17	Shonto Fiber Build	Tohatchi	Halona, Pennell	New Mexico	\$	198,054	1
5.17	Ganado WT F(Lookantsee)	Ganado	James, Vince	Arizona	\$	135,997	1
5.17	Round Rock NHA Housing - Fiber Distribution	Round Rock	Slater, Carl	Arizona	\$	734,400	1
5.17	Chinle East Fiber Buildout	Sanders	Smith Jr., Raymond	Arizona	\$	17,824	1
5.17	Tolani Lake Chapter House	Sanders	Smith Jr., Raymond	Arizona	\$	749,964	1
5.17	Whippoorwill Fiber Buildout	Sanders	Smith Jr., Raymond	Arizona	\$	68,423	1
5.17	Klagetoh NHA Housing - Fiber Distribution	Klagetoh	Smith Jr., Raymond	Arizona	\$	734,400	1
5.17	Sanders Community Housing - Fiber Distribution	Sanders	Smith Jr., Raymond	Arizona	\$	734,400	1
5.17	Red Mesa Hospital Employee Housing - Fiber Distribution	Red Mesa	Tso, Charlaire	Arizona	\$	734,400	1
5.17	White Cone South New Tower Build	White Cone	Elmer Begay	Arizona	\$	531,318	1
5.17	Castle Butte New Tower Build	Castle Butte	Elmer Begay	Arizona	\$	531,318	1
5.17	Ojito Tower	Ojito	Daniels Jr., Herman	Arizona	\$	531,318	1
5.17	Generator for Round Rock Shelter	Black Mesa	Yellowhair, Jimmy	Arizona	\$	63,240	1
5.17	Forest Lake NHA Housing - Fiber Distribution	Forest Lake	Yellowhair, Jimmy	Arizona	\$	734,400	1
5.17	Piron NHA Housing - Fiber Distribution	Piron	Yellowhair, Jimmy	Arizona	\$	734,400	1
5.17	(Broadband Capacity Upgrade) Network Upgrades 100 Gbps to 800 Gbps	Navajo Nation	Navajo Nation	Arizona, New Mexico, Utah	\$	5,194,860	1
TOTAL		Navajo Nation Wide	Navajo Nation	Arizona, New Mexico, Utah	\$	68,147,358	104

## 60 Month Project Timeline - NTUA Other

Task Name	Duration	Start	End	2022				2023				2024				2025				2026			
				Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
5.17 Other Program with ROW/Permitting																							
Project Approval & Funding																							
Project Design/Survey	3-6 months																						
ROW and permitting	24 months																						
Crew and Material Acquisition	6-8 months																						
Construction	6-10 months																						
Close Out	3-6 months																						
Timeline is contingent upon funding acquisition, material lead time, procurement, and project scheduling. This timeline is for projects without approval ROWs, easements or TAAs. The Timeline does not account for weather delays																							

FY \_\_\_\_\_

# THE NAVAJO NATION PROGRAM BUDGET SUMMARY

Page 1 of 1  
BUDGET FORM 1

PART I. Business Unit No.: <u>K - (New)</u>		Program Title: <u>5.18 Broadband; Last Mile</u>		Division/Branch: <u>Div. General Services</u>	
Prepared By: <u>Tom Platano</u>		Phone No.: <u>(928) 871-6311</u>		Email Address: <u>tom.platano@navajo-nsn.gov</u>	
PART II. FUNDING SOURCE(S)	Fiscal Year / Term	Amount	% of Total	PART III. BUDGET SUMMARY	
NN Fiscal Recovery Funds		68,147,358.00		2001 Personnel Expenses	Fund Type Code (A) NNC Approved Original Budget (B) Proposed Budget (C) Difference or Total
				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	
				9000 Capital Outlay	
				TOTAL	\$0.00 68,147,358.00 0
PART IV. POSITIONS AND VEHICLES				(D) (E)	
Total # of Positions Budgeted:					
Total # of Vehicles Budgeted:					
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.					
SUBMITTED BY: <u>Tom Platano, Division Director</u>		APPROVED BY: <u>Paulson Chaco, OPVP/Chief of Staff</u>			
Program Manager's Printed Name		Division Director / Branch Chief's Printed Name			
Program Manager's Signature and Date <u>10/12/2009</u>		Division Director / Branch Chief's Signature and Date			



**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 #: HK0088

Date & Time Received: 10/12/21 at 21:27 EST

Date & Time of Response: 10/12/2021 4:30 p.m. MDT

Entity Requesting FRF: Navajo Tribal Utility Authority (NTUA)

Title of Project: NTUA's Middle Mile Program

Administrative Oversight: Division of General Services

Amount of Funding Requested: \$68,147,358

**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: 5.17 Broadband: Other Projects

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: The Documents claim that the Project will “meet the minimum download and upload speeds specifies in the rule.” Clearance is conditional on the understanding that Treasury rules specify that the Project must deliver a minimum 100 Mbps download speed and 20 Mbps upload speed, and be scalable to a minimum of 100 Mbps download speed and 100 Mbps upload speed.

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.





THE NAVAJO NATION  
FISCAL RECOVERY FUNDS REQUEST FORM & EXPENDITURE PLAN  
FOR NAVAJO NATION-OWNED ENTITIES

**Part 1. Identification of parties.**

NN-Owned Entity requesting FRF: Navajo Tribal Utility Authority Date prepared: 10.05.2021

NN-Owned Entity's PO Box 170 phone/email: 1-800-528-5011  
mailing address: Bidtah Becker, Associate Attorney website (if any): www.ntua.com

This Form prepared by: Bidtah Becker, Associate Attorney phone/email: 928-729-6462 bidtahb@ntua.com  
Bidtah Becker, Associate Attorney 928-729-6462 bidtahb@ntua.com  
CONTACT PERSON'S name and title CONTACT PERSON'S Info

Title and type of Project: ARPA Broadband Grant Funding for Various Carriers (not including NTUA/NTUAW)

NN-Owned Entity's CEO (or equivalent): Walter W. Haase phone & email: walterh@ntua.com 928-729-6202

Board President: Sydney Bob Dietz phone & email: sidneyd@ntua.com 928-729-6267

Board Treasurer or Financial Officer: Thomas Nelson phone & email: tomn@ntua.com 928-729-6211

Funding Recipient will be working with: Division of General Services on the Project  
Indicate assisting Division and name of Division Director; if none, indicate "NN President and OPVP"  
and same will be submitting the Funding Request Package for Review, and will have Administrative Oversight over this FRF Expenditure Plan.

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): AT&T, Cellular One, Frontier, NUMU, T-Mobile  
Sacred Wind, Verizon, Western NM ☐ document attached

Amount of FRF requested: \$25Million FRF funding period: starting date: when funding is received; deadline date: December 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 Various Carriers Project will provide the carriers other than NTUA and NTUAW the opportunity to obtain funding for projects that fall under the ARPA Expenditure Category 5.16 Broadband: "Last Mile" projects. NTUA will receive the ARPA funds and will distribute it to carriers seeking a grant to build "Last Mile" projects.

☐ document attached

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

Broadband is necessary for telecommuting, telemedicine, in home schooling, and generally to ensure that one can safely shelter in place due to COVID-19 related quarantine, stay at home community orders, and generally for those who prefer to stay at home, rather than risking exposure to the virus that causes COVID-19. This project will benefit Navajo people, communities, and the Nation at large.

☐ 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:

## APPENDIX A

Depending on receipt of funding, the projects will need to be submitted for consideration by March 31, 2022. Acceptance or rejection of projects will need be completed by October 31, 2022. Grant funds will be disbursed by December 31, 2022. The Various Carriers will need to obligate grant funds no later than December 31, 2024. Projects will need to be completed by December 31, 2026.

☐ document attached

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

NTUA Deputy General Manager for Communications

☐ 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 customers of the Various Carriers receiving grant funds will be responsible for operations and maintenance costs.

☐ 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:

This project meets expenditure category 5.16. Under the interim final rule, ARPA provides funds to State, territorial, local, and Tribal governments to make necessary investments in broadband infrastructure. This program could make necessary investments in broadband infrastructure across the Navajo Nation which has many people that are underserved and unserved. Projects could include last mile projects and middle mile projects.

☐ document attached

### Part 3. Additional documents.

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

The Various Carriers (not including NTUA/NTUAW) ARPA Broadband Grant Funding will go in front of the NTUA Management Board on October 22, 2021.

☐ Board 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:

NN-Owned Entity's  
Preparer:

  
signature of Preparer/CONTACT PERSON

Approved by:

  
signature of Board Chairperson or President (or Vice-President)

Approved by:

  
signature of NN-Owned Entity's CEO (or equivalent)

Approved to submit  
for Review:

  
signature of Director of assisting Division

-OR- Approved to submit  
for Review:

signature of NN President

**Eligibility Criteria: 5.16 and 5.17 ARPA Broadband Grant Funding for Various Carriers  
(Not including NTUA/NTUAW)**

**Requirements for Applicants**

In order for a proposed broadband project to be eligible it must meet the requirements specified by the U.S. Department of Treasury in the Interim Final Rule which states that projects must at a minimum reliably meet or exceed 100 Mbps download and between at least 20 Mbps and 100 Mbps upload speeds and be scalable to a minimum of 100 Mbps symmetrical for download and upload speeds.

In order for a carrier/applicant to request Broadband ARPA funds under this legislation, carriers/applicants must provide the following documents:

1. Statement of Qualifications
  - a. Services provided
  - b. Key Points of Contact
  - c. Organizational Chart
  - d. References
2. Financial Pro Forma
3. Project Plan (Timeline)
4. Resources Management Plan
5. Post Construction - Sustainability Plan including Operations and Maintenance Plan
6. Geographical and Logical Network Design
7. Letter certifying adherence to Navajo labor and contractor hiring standards
8. List of proposed projects including the following for each project:
  - a. Scope of proposed project
  - b. Associated costs
  - c. Proposed technology
  - d. Service area, documenting it is not an overbuild of comparable technology
  - e. Demographic information of area to be served
  - f. Community Need and how the project will alleviate or mitigate a need(s)
  - g. Environmental Assessment - Rights of Way Documents including Biological Resources Clearance Form (BRCF), Cultural Resources Compliance Form (CRCF), Traditional Cultural Proper Record (TCP), Tribal Authorization Access (TAA), and Service Line Agreement (SLA), if applicable.

The Criteria to determine eligibility for applicants is based on successful submission of aforementioned documents request. If an applicant is deemed eligible to receive funding, the applicant's proposed projects will be added to a master list of potential projects. After review of all applicant's documents have concluded, the master list of potential projects will be reviewed to determine the priority and need. The criteria to determine priority of projects will be based on the following:

1. Level of Need - the most remote areas with difficult terrain will get priority (Unserved populations will take precedence over Underserved populations)
2. Proposed number of homes covered
3. Proposed number of businesses covered

4. Proposed number of community anchor institutions connected
5. Proposed bandwidth speeds and pricing offered
6. Proposed technology (Futureproofing)
7. Successful completion of Environmental Assessment
8. Economic Development – number of jobs created by proposed project
9. Feasibility to complete proposed project within timeframe allotted

[End of Document]

FY \_\_\_\_\_

**THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY**

Page \_\_\_\_ of \_\_\_\_  
BUDGET FORM 1

PART I. Business Unit No.: <u>K - [New]</u>		Program Title: <u>ARPA Broadband Various Carriers 5.16</u>		Division/Branch: <u>Div. General Services</u>	
Prepared By: <u>Tom Platero</u>		Phone No.: <u>(928) 871-6311</u>		Email Address: <u>tom.platero@navajo-nsn.gov</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		25,000,000.00		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				
				9000 Capital Outlay			25,000,000.00	
				TOTAL		\$0.00	25,000,000.00	0

PART IV. POSITIONS AND VEHICLES		(D)	(E)
Total # of Positions Budgeted:			
Total # of Vehicles Budgeted:			

PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.			
SUBMITTED BY: <u>Tom Platero, Division Director</u>	APPROVED BY: <u>Paulson Chaco, COS, OPVP</u>		
<u>Program Manager's Printed Name</u>	<u>Division Director / Branch Chief's Printed Name</u>		
<u>10/21/2021</u> Program Manager's Signature and Date	<u>Division Director / Branch Chief's Signature and Date</u>		

# THE NAVAJO NATION

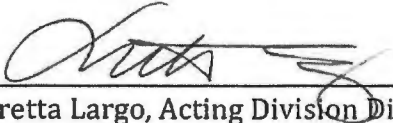
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JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

## MEMORANDUM

TO : Mel M. Rodis, Assistant Attorney General  
Tax and Finance Unit/NNDOJ

FROM :   
Loretta Largo, Acting Division Director  
Division of General Services

DATE : November 16, 2021

SUBJECT : FRF Expenditure Plan for 5.16 Broadband  
Additional Information Request  
HK0096-02

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The Division of General Services (DGS) in coordination with the Navajo Tribal Utility Authority (NTUA) is submitting additional justification for the ARPA 5.16 Broadband Grant Funding Request for Various Carriers in the amount of \$25 Million per the Department of Justice's Initial Eligibility Determination and information request.

Attached you will find NTUA's response to the delivery speeds and how this project will respond to the pandemic. DGS agrees with NTUA's position, and as the administering Division for these funds will ensure NTUA is meeting the requirements outlined in Treasury's Guidance in collaboration with FRF Office.

This on-going public health emergency has demonstrated how critical broadband infrastructure is for our rural tribal communities that need access to work, health care, and school activities commonly available online and through the internet.

If you have any questions, please don't hesitate to contact me at [llargo@navajo-nsn.gov](mailto:llargo@navajo-nsn.gov).



**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 #:** HK0096-2

**Date & Time Received:** 11/16/2021 22:56

**Date & Time of Response:** 11/20/2021 14:55

**Entity Requesting FRF:** Navajo Tribal Utility Authority (NTUA)

**Title of Project:** ARPA Broadband Grant Funding for Various Carriers (not including NTUA/NTUAW)

**Administrative Oversight:** Division of General Services

**Amount of Funding Requested:** \$25,000,000

**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

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U.S. Department of Treasury Reporting Expenditure Category: 5.16 Broadband: "Last Mile"

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: Mel M. Rodis, Assistant Attorney General, Tax & Finance Unit

Signature of DOJ Reviewer: *MRodis*

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 NAVAJO NATION-OWNED ENTITIES



**Part 1. Identification of parties.**

NN-Owned Entity requesting FRF: Navajo Tribal Utility Authority Date prepared: 10.05.2021

NN-Owned Entity's PO Box 170 phone/email: 1-800-528-5011  
mailing address: Bidtah Becker, Associate Attorney website (if any): www.ntua.com

This Form prepared by: Bidtah Becker, Associate Attorney phone/email: 928-729-6462 bidtahb@ntua.com  
Bidtah Becker, Associate Attorney 928-729-6462 bidtahb@ntua.com  
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: ARPA Broadband Grant Funding for Various Carriers (not including NTUA/NTUAW)

NN-Owned Entity's CEO (or equivalent): Walter W. Haase phone & email: walterh@ntua.com 928-729-6202

Board President: Sydney Bob Dietz phone & email: sidneyd@ntua.com 928-729-6267

Board Treasurer or Financial Officer: Thomas Nelson phone & email: tomn@ntua.com 928-729-6211

Funding Recipient will be working with: Division of General Services on the Project  
Indicate assisting Division and name of Division Director; if none, indicate "NN President and OPVP"  
and same will be submitting the Funding Request Package for Review, and will have Administrative Oversight over this FRF Expenditure Plan.

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): AT&T, Cellular One, Frontier, NUMU, T-Mobile  
Sacred Wind, Verizon, Western NM ☐ document attached

Amount of FRF requested: \$20Million FRF funding period: starting date: when funding is received; deadline date: December 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 Various Carriers Project will provide the carriers other than NTUA and NTUAW the opportunity to obtain funding for projects that fall under the ARPA Expenditure Category 5.17 Broadband: Other projects. NTUA will receive the ARPA funds and will distribute it to carriers seeking a grant to build broadband projects that are not considered "Last Mile."

☐ document attached

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

Broadband is necessary for telecommuting, telemedicine, in home schooling, and generally to ensure that one can safely shelter in place due to COVID-19 related quarantine, stay at home community orders, and generally for those who prefer to stay at home, rather than risking exposure to the virus that causes COVID-19. This project will benefit Navajo people, communities, and the Nation at large.

☐ 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:

## APPENDIX A

Depending on receipt of funding, the projects will need to be submitted for consideration by March 31, 2022. Acceptance or rejection of projects will need be completed by October 31, 2022. Grant funds will be disbursed by December 31, 2022. The Various Carriers will need to obligate grant funds no later than December 31, 2024. Projects will need to be completed by December 31, 2026.

☐ document attached

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

NTUA Deputy General Manager for Communications

☐ 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 customers of the Various Carriers receiving grant funds will be responsible for operations and maintenance costs.

☐ 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:

This project meets expenditure category 5.17/ Under the interim final rule, ARPA provides funds to State, territorial, local, and Tribal governments to make necessary investments in broadband infrastructure. This program could make necessary investments in broadband infrastructure across the Navajo Nation which has many people that are underserved and unserved. Projects could include last mile projects and middle mile projects.

☐ document attached

### Part 3. Additional documents.

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

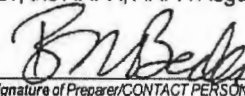
The Various Carriers (not including NTUA/NTUAW) ARPA Broadband Grant Funding will go in front of the NTUA Management Board on October 22, 2021.

☐ Board 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:

NN-Owned Entity's  
Preparer:

  
signature of Preparer/CONTACT PERSON

Approved by:

  
signature of Board Chairperson or President (or Vice-President)

Approved by:

  
signature of NN-Owned Entity's CEO (or equivalent)

Approved to submit  
for Review:

  
signature of Director of assisting Division

-OR- Approved to submit  
for Review:

  
signature of NN President

**Eligibility Criteria: 5.16 and 5.17 ARPA Broadband Grant Funding for Various Carriers  
(Not including NTUA/NTUAW)**

**Requirements for Applicants**

In order for a proposed broadband project to be eligible it must meet the requirements specified by the U.S. Department of Treasury in the Interim Final Rule which states that projects must at a minimum reliably meet or exceed 100 Mbps download and between at least 20 Mbps and 100 Mbps upload speeds and be scalable to a minimum of 100 Mbps symmetrical for download and upload speeds.

In order for a carrier/applicant to request Broadband ARPA funds under this legislation, carriers/applicants must provide the following documents:

1. Statement of Qualifications
  - a. Services provided
  - b. Key Points of Contact
  - c. Organizational Chart
  - d. References
2. Financial Pro Forma
3. Project Plan (Timeline)
4. Resources Management Plan
5. Post Construction - Sustainability Plan including Operations and Maintenance Plan
6. Geographical and Logical Network Design
7. Letter certifying adherence to Navajo labor and contractor hiring standards
8. List of proposed projects including the following for each project:
  - a. Scope of proposed project
  - b. Associated costs
  - c. Proposed technology
  - d. Service area, documenting it is not an overbuild of comparable technology
  - e. Demographic information of area to be served
  - f. Community Need and how the project will alleviate or mitigate a need(s)
  - g. Environmental Assessment - Rights of Way Documents including Biological Resources Clearance Form (BRCF), Cultural Resources Compliance Form (CRCF), Traditional Cultural Proper Record (TCP), Tribal Authorization Access (TAA), and Service Line Agreement (SLA), if applicable.

The Criteria to determine eligibility for applicants is based on successful submission of aforementioned documents request. If an applicant is deemed eligible to receive funding, the applicant's proposed projects will be added to a master list of potential projects. After review of all applicant's documents have concluded, the master list of potential projects will be reviewed to determine the priority and need. The criteria to determine priority of projects will be based on the following:

1. Level of Need - the most remote areas with difficult terrain will get priority (Unserved populations will take precedence over Underserved populations)
2. Proposed number of homes covered
3. Proposed number of businesses covered

4. Proposed number of community anchor institutions connected
5. Proposed bandwidth speeds and pricing offered
6. Proposed technology (Futureproofing)
7. Successful completion of Environmental Assessment
8. Economic Development – number of jobs created by proposed project
9. Feasibility to complete proposed project within timeframe allotted

[End of Document]

Page \_\_\_\_ of \_\_\_\_  
BUDGET FORM 1

<b>PART I. Business Unit No.: K - [New]</b>		<b>Program Title:</b> ARPA Broadband Various Carriers 5.17		<b>Division/Branch:</b> Div. General Services				
<b>Prepared By:</b> Tom Platero		<b>Phone No.:</b> (928) 871-6311		<b>Email Address:</b> tom.platero@navajo-nsn.gov				
<b>PART II. FUNDING SOURCE(S)</b>	<b>Fiscal Year /Term</b>	<b>Amount</b>	<b>% of Total</b>	<b>PART III. BUDGET SUMMARY</b>	<b>Fund Type Code</b>	(A) <b>NNC Approved Original Budget</b>	(B) <b>Proposed Budget</b>	(C) <b>Difference or Total</b>
NN Fiscal Recovery Funds		20,000,000.00		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				
				9000 Capital Outlay			20,000,000.00	
				<b>TOTAL</b>		\$0.00	20,000,000.00	0
				<b>PART IV. POSITIONS AND VEHICLES</b>		(D)	(E)	
				Total # of Positions Budgeted:				
				Total # of Vehicles Budgeted:				
<b>TOTAL:</b>		\$20,000,000.00	0%					
<b>PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.</b>								
<b>SUBMITTED BY:</b> Tom Platero, Division Director _____ Program Manager's Printed Name 10/21/2022 _____ Program Manager's Signature and Date				<b>APPROVED BY:</b> Paulson Chaco, COS, OPVP _____ Division Director / Branch Chief's Printed Name _____ Division Director / Branch Chief's Signature and Date				



**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 #:** HK0097-2

**Date & Time Received:** 11/16/2021 22:59

**Date & Time of Response:** 11/20/2021 14:00

**Entity Requesting FRF:** Navajo Tribal Utility Authority (NTUA)

**Title of Project:** ARPA Broadband Grant Funding for Various Carriers (not including NTUA/NTUAW)

**Administrative Oversight:** Division of General Services

**Amount of Funding Requested:** \$20,000,000

**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

Treasury's guidance does not require a broadband infrastructure project to be connected to the COVID-19 pandemic. A broadband infrastructure project simply must be a "necessary investment," which Treasury defines as one that meets the minimum speed requirements.




U.S. Department of Treasury Reporting Expenditure Category: 5.17 Broadband: Other Projects

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: Mel M. Rodis, Assistant Attorney General, Tax & Finance Unit

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 NAVAJO NATION GOVERNMENT UNITS

Part 1. Identification of parties.

NN Government Unit requesting FRF: Navajo Nation Division of Public Safety (DPS) Date prepared: 10/06/2021  
Indicate Department, Program, Office, Division, or Branch

NN Government Unit's mailing address: \_\_\_\_\_ phone/email: \_\_\_\_\_  
website (if any): https://www.navajonationdps.navajo-nsn.gov/

Form prepared by: Jesse Delmar phone/email: 928-871-7087/jdelmar@navajo-nsn.gov  
Jesse Delmar, Executive Director, NN DPS same as above  
CONTACT PERSON'S name, title and Department, Program, Office, etc. CONTACT PERSON'S info

Title & type of Project: Emergency Communication Updates for COVID Response

NN Government Unit's Director or Manager: Jesse Delmar phone & email: 928-871-7087/jdelmar@navajo-nsn.gov  
Division Director (if any): Jesse Delmar phone & email: 928-871-7087/jdelmar@navajo-nsn.gov  
Branch Chief: Jonathan Nez phone & email: 928 871-7000/jonathannez@navajo-nsn.gov

Funding Recipient will be working with: Executive Branch on the Project and  
Indicate Branch and/or Division  
the same will be submitting the Funding Request Package for Initial Eligibility Determination Review, and will have Administrative Oversight over this FRF Expenditure Plan.

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

☐ document attached

Amount of FRF requested: \$55,000,000 FRF funding period: 10/01/2021 - 12/31/2026

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:

Throughout the COVID-19 pandemic, police officers, fire fighters, and emergency medical services personnel have responded to COVID-19 patients in need of help. Due to the rural nature of many home in the Navajo Nation, the first responders had difficulty locating the homes sent to dispatch. The funding for this project will address emergency communication and response for COVID support. The project will include rural addressing and updates to the public safety Internet connection in vehicles. By adding rural addressing for homes currently without and providing updates to the public safety vehicles, DPS will be able to increase efficiency in response times and help DPS prepare for additional COVID-19 emergency needs.

☐ document attached

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

This project will provide benefit to the Navajo Nation across all five agencies, by addressing the needs of the under served communities through home addressing and expansion of the Internet to public safety vehicles. Providing emergency services to the Navajo communities is essential and this project will improve communication and allow for more efficiency in emergency response.

☐ document attached

## **APPENDIX A**

- (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:

Sole source procurement: est. 6 months, completed by 5/01/2022  
Deploy personnel for GPS locating and addressing/updates to 911 vehicle systems: est. 1.5 years, completed by 12/31/2024.

☐ document attached

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

DPS will be responsible for the implementation for this 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:

DPS will be responsible for operation and maintenance of the rural addressing and the updated vehicle systems.

☐ 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:

**1.8 Other COVID-19 Public Health Expenses (including communications, enforcement, isolation/quarantine)**

This project will increase public communication efforts and support rural populations gain access to medical or public health services.

☐ document attached

### **Part 3. Additional documents.**

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

## APPENDIX A

### 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:

NN Government Unit

Preparer: \_\_\_\_\_

signature of Preparer/CONTACT PERSON

Approved by: \_\_\_\_\_

signature of NN Government Unit's Dept./Program/Office Director or Manager

Approved to submit  
for Review: \_\_\_\_\_

signature of Branch Chief or Division Director

Print Name, Title,  
Branch or Division: \_\_\_\_\_

*Jesse Delmar*  
print name and indicate title or position  
*Division of Public Safety*  
indicate Branch or Division

Page \_\_\_\_ of \_\_\_\_  
BUDGET FORM 1

Program Manager's Printed Name  
Jesse Delma 10/3/21  
Program Manager's Signature and Date



**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 #: HK0093

Date & Time Received: 10/15/2021 15:16

Date & Time of Response: 22 October, 2021; 10:12 am

Entity Requesting FRF: Navajo Nation Division of Public Safety

Title of Project: Emergency Communication Updates for COVID Response

Administrative Oversight: Executive Branch

Amount of Funding Requested: \$55,000,000

**Eligibility Determination:**

- ☒ FRF eligible  
☐ FRF ineligible  
☐ Additional information requested

**FRF Eligibility Category:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> (1) Public Health and Economic Impact | <input type="checkbox"/> (2) Premium Pay                            |
| <input type="checkbox"/> (3) Government Services/Lost Revenue             | <input type="checkbox"/> (4) Water, Sewer, Broadband Infrastructure |
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

U.S. Department of Treasury Reporting Expenditure Category: 1.12 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: please note that DOJ is recommending use of eligibility category 1.12, rather than 1.8 as requested, since category 1.12 is broader and therefore more appropriate for this project.

Name of DOJ Reviewer: Adjua Adjei-Danso

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 NAVAJO NATION GOVERNMENT UNITS**



**Part 1. Identification of parties.**

NN Government Unit requesting FRF: Navajo Nation Department of Information Technology Date prepared: 10/14/2021  
Indicate Department, Program, Office, Division, or Branch

NN Government Unit's mailing address: P.O. Box 5970 Window Rock, AZ phone/email: 928-871-6520  
website (if any): www.dit.navajo-nsn.gov

Form prepared by: Alex Largie phone/email: 928-871-6004/ alexl@navajo-nsn.gov  
Interim Director of Information Technology Navajo Nation - Dept of IT  
CONTACT PERSON'S name, title and Department, Program, Office, etc. CONTACT PERSON'S info

Title & type of Project: NN - CyberSecurity

NN Government Unit's Director or Manager: Alex Largie phone & email: 928-871-6004/ alexl@navajo-nsn.gov

Division Director (if any): Tom Platero, DGS-Director phone & email: 928-871-6319/ tom.platero@navajo-nsn.gov

Branch Chief: Paulson Chaco, Chief of Staff- Exec.Branch phone & email: 928-871-7244/ paulsonchaco@navajo-nsn.gov

Funding Recipient will be working with: Division of General Services Executive Director Tom Platero on the Project and

Indicate Branch and/or Division  
the same will be submitting the Funding Request Package for Initial Eligibility Determination Review, and will have Administrative Oversight over this FRF Expenditure Plan.

List names or types of Subcontractors or Subrecipients that will be paid with FRF (if known):  
☐ document attached

Amount of FRF requested: \$8,000,000 FRF funding period: FY2022 - FY2026  
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 Navajo Nation's network security is more critical more than ever due to the ongoing pandemic and the need to ensure business continuity for every day network communication. DIT will implement layered security measures to improve the security posture. Measures such as email encryption, multi-factor authentication, email filtering/phishing protect and network access control. DIT procured 695 laptops from the CARES funds act for NN employees to use to telecommute resulting in approximately over 20% of NN employees with the capability to telecommute. Many other NN employees have laptops and other mobile devices that can be used for telework. Due to this fact, communications need to be secured. Securing communications to transport sensitive data for NN employees and will streamline processes within NDOH regarding COVID data processing. The NN Government as a whole is sending more confidential data over the internet to outside stakeholders. As an example, Division of Behavioral and Mental Health Services, the Health Command Operations Center, Insurance Services, Department of Personnel Management and the Office of the Controller have sensitive COVID data that needs protection. These departments need to share this data with other parties like IHS and regional health care facilities which is imperative to the decision-making process by NN Leadership and OPVP to mitigate COVID.

☒ document attached

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

Securing all confidential data transported via the NN network. Save insurance premium cost by being in compliancy. Securing communications to transport sensitive data which will streamline processes within NDOH regarding COVID data processing. For Navajo communities and the Navajo People, distribute more access points at tribal offices with access control (guest accounts for a limited period and limited throughput).

☒ document attached

## **APPENDIX A**

- (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:

Proposed timeline is outlined in the " Proposed ARPA Funding Plan for NN Cybersecurity " document. The major challenge to incurring costs is the 164 Review process (DOJ, OPVP, OOC) sign off and contract award. Expending funds challenges may be federal guidelines and projects excluded because they do not qualify.

☒ document attached

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

Alex Largie, Interim DIT Director

☐ 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:

Alex Largie, Interim DIT Director. Operations and maintenance costs will be maintained by fixed costs funds. Once the ARPA funding is expended, the Navajo Nation would needs to fund this with fixed costs.

☐ 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:

5.17 Broadband: Other projects. Projects deal with cybersecurity which encompasses network connectivity and internet access.

☐ document attached

### **Part 3. Additional documents.**

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

**APPENDIX A**

**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:

NN Government Unit  
Preparer:

*[Signature]*  
signature of Preparer/CONTACT PERSON

Approved by:

*[Signature]* 10/14/21  
signature of NN Government Unit Dept./Program/Office Director or Manager

Approved to submit  
for Review:

\_\_\_\_\_  
signature of Branch Chief or Division Director

Print Name, Title,  
Branch or Division:

*[Signature]* 10/15/2021  
print name and indicate title or position

Tom Platero, Division of General Services

## Proposed ARPA Funding Plan for NN Cybersecurity

### SUMMARY

The Navajo Nation's network security is more critical more than ever due to the ongoing pandemic and the need to ensure business continuity for every day network communication. DIT will implement layered security measures to improve the security posture. Measures such as email encryption, multi-factor authentication, email filtering/phishing protect and network access control.

DIT procured 695 laptops from the CARES funds act for NN employees to use to telecommute resulting in approximately over 20% of NN employees with the capability to telecommute. Many other NN employees have laptops and other mobile devices that can be used for telework. Due to this fact, communications need to be secured. Securing communications to transport sensitive data for NN employees and will streamline processes within NDOH regarding COVID data processing.

The NN Government as a whole is sending more confidential data over the internet to outside stakeholders. As an example, Division of Behavioral and Mental Health Services, the Health Command Operations Center, Insurance Services, Department of Personnel Management and the Office of the Controller have sensitive COVID data that needs protection. These departments need to share this data with other parties like IHS and regional health care facilities which is imperative to the decision-making process by NN Leadership and OPVP to mitigate COVID.

The following cybersecurity measures are applicable only to systems maintained by the Navajo Nation Department of Information Technology (DIT). Those listed in the "Out of Scope" column in Table 1 are excluded.

DIT will use a risk-based approach to cybersecurity. DIT will find and classify confidential and sensitive data on the Navajo Nation network. DIT will implement security standards on workstations and networks. DIT will implement security measures to improve security posture by ensuring the Navajo Nation network resources are used for Navajo Nation business purposes only.

Then a risk assessment of each department/program's security measures will be performed by DIT. Departments will benefit from centralized administration and management of their systems. The Navajo Nation's security posture will improve greatly as we progress through this plan.

### TO IMMEDIATELY IMPROVE THE NAVAJO NATION'S SECURITY POSTURE AND HAVE A NOTICEABLE AND POSITIVE EFFECT

DIT will purchase and implement Email Encryption, Email Filtering/Phishing Protection, Multifactor Authentication, and Network Access Control.

**Email Encryption** has long been on the table for DIT. This will ensure that only the intended recipient will be about to read the contents of an email. Policies can also be put in place to scan for PII and other sensitive information. The overall confidence of third-parties doing business with the Navajo Nation will increase regarding security.

**Email Filtering/Phishing Protecting** will analyze incoming emails for red flags that signal spam/phishing content and automatically move those emails to quarantine.

**Multifactor Authentication** eliminates the threat of brute-force and social-engineering attacks by requiring two pieces of information for authentication, something you know (username/password) and

**Navajo Nation DIT - Proposed ARPA Funding Plan**  
**10/13/21**

something you have (temporary passcode). When implemented, a login to OWA or SharePoint will require a username/password combination PLUS and one-time code provided to the end-user via email, SMS or phone call.

**Network Access Control** will ensure that only Navajo Nation employees are able to connect to the Navajo Nation's production network. Guest access will be limited by time and can only access the internet. End device will also be scanned to ensure compliance with policies that have been set in place, ie. Must have Anti-Virus installed and running.

The implementation of the proposed Navajo Nation Cybersecurity plan is wholly dependent on acquiring funding in the amount of \$8,000,000.00. Below is a prioritization of tools and services required.

## Cybersecurity tools & services required

Total cost: \$8,000,000.00

NOTE 1: Unfortunately, those in the "Out of Scope" column will not benefit from these cybersecurity measures.

**TABLE 1**

Priority	Solution	Cost	Out of Scope	Timeline
1	<b>Email Security Premium with AMP –</b> Protecting confidential data in email  Installation cost	\$317,750.00 \$15,104.00	Depts/programs with their own email system: i.e. OOC, DOJ, DCD, TANF	73 days
2	<b>Cisco Advanced Phishing Protect –</b> Analyze incoming emails for red flags that signal spam/phishing content and automatically move those emails to quarantine.  Installation cost	\$327,166.67 \$8,189.00	Depts/programs with their own email system: i.e. OOC, DOJ, DCD, TANF	57 days
3	<b>Enterprise Cisco Umbrella DNS Security –</b> It checks to make the site you are attempting to open is a good site. If it is not a good site, it will prevent you from opening that site.  Installation cost	\$400,746.28 \$11,101.00	NN siloed networks	62 days
4	<b>Multi-factor Authentication Services – Cisco Duo</b> Require users to provide two or more pieces of evidence to verify their identity when logging into anything connected to the Navajo Nation Network.  Installation cost	\$645,832.23 \$10,190.00	Depts/programs with their own email system: i.e. OOC, DOJ, DCD, TANF	106 days



**Navajo Nation DIT - Proposed ARPA Funding Plan**  
**10/13/21**

<b>Priority</b>	<b>Solution</b>	<b>Cost</b>	<b>Out of Scope</b>	<b>Timeline</b>
5	<b>Security Operations Center –</b> A team of consultants who monitor the NN Network 24x7, 365 days a year for security	\$1,515,979.30	NN siloed networks	57 days
6	<b>Data Classification – Varonis</b> Classify sensitive data. Gives <b>context</b> around sensitive data, so that you can easily identify and lock down overexposed data, stale data, and remediate security vulnerabilities.	\$514,256.67	NN siloed networks	73 days
7	<b>ClearPass Network Access Control –</b> increase license count for devices. Anytime a device connects to the NN Network, scan for compliance to the security policies applied. If not in compliance, users are notified to take action for 3,000 users.	\$383,517.20	Anyone who does not have an active directory account	153 days
8	<b>Managed Services -</b> Network monitoring and incident response for NN DIT Network. for NN DIT Network. A virtual environment (core functioning servers) that operates 24x7, 365 days a year.	\$1,642,617.89	NN siloed networks	66 days
9	<b>Enterprise Mobility Device – Cisco Meraki Systems Manager, 500 devices</b> Manage the entire mobile device through its lifecycle in an organization. It includes enforcing security policies on the devices, the ability to remotely control devices, tracking the real-time device location, and wiping the data and device when lost or stolen. (iPhones, Android & (laptops, Surface, MacPros) Installation cost	\$139,906.65 \$10,191.00	<ul style="list-style-type: none"> <li>• Anyone who does not have an active directory account?</li> <li>• Users, who opt out?</li> </ul>	213 days
10	<b>Consultant services -</b> Will be utilized for consultant services. DIT is resource-challenged with personnel. Consultants are required to assist in the installation, configuration, and deployment of the new IT solutions listed. Plan for paperless technology for the Navajo Nation Government. Critical solution needed during the time of the pandemic. Plan for one domain IT transformation.	\$700,000.00	NN siloed networks	N/A
11	<b>Security Awareness Online Interactive Training -</b> Online training for 5,000 users to educate them on cybersecurity	\$250,000.00	Anyone who does not have an active directory account	N/A
12	<b>Internet Services -</b> Create a larger pipe (bandwidth) to increase the internet speed. Due to the pandemic and telecommuting it is crucial to have high capacity internet for the Navajo Nation Government business continuity.	\$582,000.00	NN siloed networks	66 days

**Navajo Nation DIT - Proposed ARPA Funding Plan**  
**10/13/21**

<b>Priority</b>	<b>Solution</b>	<b>Cost</b>	<b>Out of Scope</b>	<b>Timeline</b>
13	<b>Wireless Deployment</b> - Increase internal Wi-Fi coverage inside Tribal buildings.	\$375,452.11	<ul style="list-style-type: none"> <li>• NN siloed networks</li> <li>• After ClearPass deployment, anyone who does not have an active directory account</li> </ul>	150 days
14	<b>Patch cables for MFD, IDF &amp; ofc</b> - Cables for workstations, network closet and end users.	\$150,000.00	N/A	N/A



# THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



## MEMORANDUM

TO : Adjua Adjei-Danso, Attorney Candidate  
Tax and Finance Unit  
Navajo Nation Department of Justice  
*(Signature)*

THRU : Tom Platero, Division Director  
Division of General Services  
*(Signature)*

FROM : Alexander Largie, Interim Director Information Technology  
Department of Information Technology (DIT)  
Division of General Services

Date : October 21, 2021

SUBJECT : NN - Cybersecurity - \$8,000,000.00

In response to your "Department of Justice Initial Eligibility Determination for Navajo Nation Fiscal Recovery Funds" form dated October 19, 2021, 5:25 pm, DIT is providing additional information as requested.

1. The Navajo Nation's network security is more critical than ever due to the ongoing pandemic. More employees are telecommuting due to COVID-19 and in the event, the Nation shuts down again, this will be even more critical. These security measures will ensure business continuity and data loss prevention for everyday communication (i.e. email, email encryption, Virtual Private Network, SharePoint, teleconferencing, telecommuting) and provide a secure Identity Management. Cybersecurity will cover the 695 laptops purchased from CARES Act Funding and any mobile device (i.e. laptops, iPads, tablets, Surface, phones) connecting to the NN network. The proposal stops the spread of COVID-19 by reducing the movement of individuals and promoting social distancing, enhancing telework capabilities and improving cybersecurity.
2. This project will benefit NN Government agencies and all stakeholders. NN employees will benefit as the NN Insurance premiums will decrease as soon as multi-factor authentication is implemented. The cybersecurity technologies in this project support public health, emergency management, health command center, telehealth services, emergency medical responses, including emergency medical transportation, law enforcement, and town hall meetings. Cybersecurity technologies protect Navajo Nation data whether it is in transit or at rest. From email communication to data stored in a database to data sharing to video conferencing. Cybersecurity attacks are on the rise for all Government entities and the Nation strives to mitigate attacks by nefarious entities taking advantage of a Nation

NAVAJO NATION DEPARTMENT OF INFORMATION TECHNOLOGY  
POST OFFICE BOX 5970 • WINDOW ROCK, AZ 86515  
PHONE: (928) 871-6520 • FAX: (928) 871-7737

dealing with the pandemic. Secure access (internally and externally) and faster access to critical data and services are of paramount importance. Furthermore, the Navajo Nation government will be able to mitigate COVID-19 related threats to public health and safety, assist individuals that are quarantining including telework capabilities.

Your understanding in this matter is greatly appreciated. Should you have any questions or concerns please feel free to contact me at (928)871-6520 ext. 6004.

FY 2022

**THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY**

Page 1 of 4  
BUDGET FORM 1

PART I. Business Unit No.: <u>NEW</u>		Program Title: <u>Department of Information Technology</u>		Division/Branch: <u>Division of General Services</u>	
Prepared By: <u>Royetta T. Woodie</u>		Phone No.: <u>928-871-6520/6010</u>		Email Address: <u>rwoodie@navajo-nsn.gov</u>	

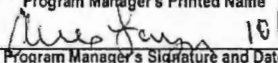
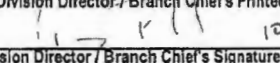
  

PART II. FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
ARPA Cybersecurity	10/01/21-09/30/22	8,000,000	100%	2001 Personnel Expenses				
				3000 Travel Expenses				
				3500 Meeting Expenses				
				4000 Supplies	1		1,236,096	1,236,096
				5000 Lease and Rental				
				5500 Communications and Utilities				
				6000 Repairs and Maintenance	1		5,373,516	5,373,516
				6500 Contractual Services	1		1,140,388	1,140,388
				7000 Special Transactions	1		250,000	250,000
				8000 Public Assistance				
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
				TOTAL		\$0.00	8,000,000	8,000,000

PART IV. POSITIONS AND VEHICLES	(D)	(E)
Total # of Positions Budgeted:		
Total # of Vehicles Budgeted:		

PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.			
SUBMITTED BY: <u>Alexander Largie, Interim DIT Director</u>	APPROVED BY: <u>Tom Platero, Division of General Services Director</u>		
Program Manager's Printed Name	Division Director / Branch Chief's Printed Name		
 10/13/21	 10/13/2021		
Program Manager's Signature and Date	Division Director / Branch Chief's Signature and Date		



**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 #:** HK0092-2

**Date & Time Received:** 10/25/2021 at 11:12 EST

**Date & Time of Response:** 1 November, 2021; 7:26 pm

**Entity Requesting FRF:** Navajo Nation Department of Information Technology

**Title of Project:** NN Cybersecurity

**Administrative Oversight:** Division of General Services

**Amount of Funding Requested:** \$8,000,000

**Eligibility Determination:**

- ☒ FRF eligible  
☐ FRF ineligible  
☐ Additional information requested

**FRF Eligibility Category:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> (1) Public Health and Economic Impact | <input type="checkbox"/> (2) Premium Pay                            |
| <input type="checkbox"/> (3) Government Services/Lost Revenue             | <input type="checkbox"/> (4) Water, Sewer, Broadband Infrastructure |
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

U.S. Department of Treasury Reporting Expenditure Category: 1.12 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: Please note that this proposed project is being categorized under expenditure category 1.12, rather than 5.17.

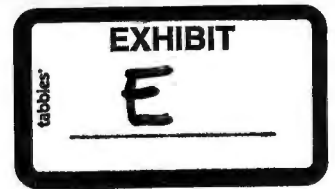
Name of DOJ Reviewer: Adjua Adjei-Danso

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.

# **EXHIBITS**

**E through E-1**



Navajo Nation Fiscal Recovery Fund  
Home Electricity Connection Projects Expenditure Plan

Description	Category	Requested \$
Home Electricity Connection	3.12	\$200,000,000



11.23.2021

Legislation CJY-41-21, BFS-31-21 & OPVP Guidance for CJY-41-21

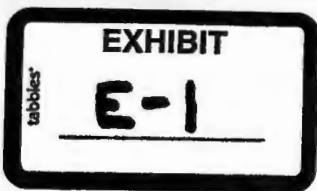
NN FRF - Navajo Tribal Utility Authority

Connecting Homes to Electricity & Housewiring Projects

ARPA Expenditure Category	Project Description	Delegate Region	Total Customers	Total Project Cost
3.12 Housing Support: Other Housing Assistance	Electric Connections	Locations to be Identified	3977	\$ 160,000,000.00
3.12 Housing Support: Other Housing Assistance	Solar Systems	Locations to be Identified	800	\$ 40,000,000.00
TOTAL				\$ 200,000,000.00

The supplemental pages and the information presented in this document is for planning purposes and subject to change based on the needs of the communities and their constituents.

**THE NAVAJO NATION  
FISCAL RECOVERY FUNDS REQUEST FORM & EXPENDITURE PLAN  
FOR NAVAJO NATION-OWNED ENTITIES**



**Part 1. Identification of parties.**

NN-Owned Entity requesting FRF: Navajo Tribal Utility Authority Date prepared: October 1, 2021  
NN-Owned Entity's PO Box 170 phone/email: 1-800-528-5011  
mailing address: Fort Defiance, AZ 86504 website (if any): www.ntua.com  
This Form prepared by: Bidtah Becker phone/email: 928-729-6462  
bidtahb@ntua.com  
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: ARPA Connecting Homes to Electricity & 3.12; Housing Support; Other Housing Assistance

NN-Owned Entity's CEO (or equivalent): Walter W. Haase phone & email: walterh@ntua.com 928-729-6202  
Board President: Sidney Bob Dietz phone & email: sidneyd@ntua.com 928-729-6267  
Board Treasurer or Financial Officer: Tom Nelson phone & email: tomn@ntua.com 928-729-6211

Funding Recipient will be working with: Division of Community Development on the Project  
Indicate assisting Division and name of Division Director; if none, indicate "NN President and OPVP"  
and same will be submitting the Funding Request Package for Review, and will have Administrative Oversight over this FRF Expenditure Plan.

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): APS, CDEC, JMEC, CDEC, SEC, City of Farmington, electricians, archaeologists, biologists, engineers, surveyors, tree cutters, and others ☒ document attached

Amount of FRF requested: \$200,000,000.00 FRF funding period: starting date: upon receipt of funding; deadline date: December 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:

NTUA's ARPA Connecting Navajo Nation (NN) Homes to Electricity Program will connect Navajo families located on the Navajo Nation to electricity either by connecting homes to the electric grid through powerlines or to an off-grid solar system. Funds will be used to pay for obtaining land access as necessary (AKA right-of-way acquisition), house wiring as necessary, solar units, materials for powerline connections, labor cost, main powerline as necessary, clearing land as necessary, necessary permits, engineering, survey, design, archaeology and biology consulting services. ☒ document attached

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

Electricity is required to access broadband and for certain water and wastewater needs. Electricity ensures a habitable homes and ensures housing security. ☐ 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:

Document Attached with Timeline  
Document Attached Listing Challenges

☒ document attached

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

NTUA Deputy Manager, EISD

☐ 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:

NTUA's customers are responsible for operations and maintenance costs, and to the best of our understanding this applies to other electric service providers who serve Navajo. NTUA prioritizes the stabilization of rates and has not raised the electric rate in over 13 years. NTUA offers discounted rates for seniors and the disabled. Two federal programs, administered by the NN Division of Social Services, assist low income households with utility bills: LIHEAP and LIHWAP.

☐ 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:

This project title is covered under Expenditure Category 3.12. By providing electricity to homes without, the NN will be using the NNFRF to address poor public health outcomes due to inadequate or poor housing quality. Under the Interim Final Rule, the Navajo Nation is permitted to use these funds to address the economic impacts of COVID-19 by building stronger communities and by investing in housing and neighborhoods. Specifically, the Interim Final Rule provides that these funds can be used to alleviate "the immediate economic impacts of the COVID-19 pandemic on housing insecurity, while addressing conditions that contribute to poor public health and economic outcomes during the pandemic, namely concentrated areas with limited economic opportunity and inadequate or poor-quality housing."

☐ document attached

### Part 3. Additional documents.

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

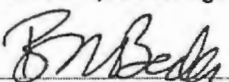
A resolution for the ARPA Power Expenditure Plan will go in front of the NTUA Management Board on October 22, 2021

☐ Board 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:

NN-Owned Entity's  
Preparer:

  
signature of Preparer/CONTACT PERSON

Approved by:

  
signature of Board Chairperson or President (or Vice-President)

Approved by:

signature of NN-Owned Entity's CEO (or equivalent)

Approved to submit  
for Review:

  
signature of Director of assisting Division

-OR- Approved to submit  
for Review:

signature of NN President

11.23.2021

**Legislation CJY-41-21. BFS-31-21 & OPVP Guidance for CJY-41-21**

NN FRF - Navajo Tribal Utility Authority

Connecting Homes to Electricity & Housewiring Projects

ARPA Expenditure Category	Project Description	Delegate Region	Total Customers	Total Project Cost
3.12 Housing Support: Other Housing Assistance	Electric Connections	Locations to be Identified	3977	\$ 160,000,000.00
3.12 Housing Support: Other Housing Assistance	Solar Systems	Locations to be Identified	800	\$ 40,000,000.00
TOTAL				\$ 200,000,000.00

The supplemental pages and the information presented in this document is for planning purposes and subject to change based on the needs of the communities and their constituents.

### **Eligibility Criteria: ARPA Connecting Homes to Electricity 3.12;**

#### **Housing Support; Other Housing Assistance**

The information that Utility providers will require or obtain from applicants for the Connecting Navajo Nation Homes to Electricity Program includes, but is not limited to:

1. Complete the appropriate electric service providers' application.
2. The applicant will have to provide their name, reliable phone number(s), email address, mailing and physical address, the latitude and longitude, and chapter affiliation.
3. They must submit a valid homesite lease or residential lease.
4. Proof of primary residency required.

The criteria to determine eligibility for applicants is based on successful submission of aforementioned documents request. The Utility provider will perform a feasibility study which includes the following criteria:

1. The home must be found to be physically feasible to live in.
2. Whether the home is on a permanent foundation and is a sound structure (livable).
3. Applicant is willing and able to pay for monthly services.
4. Applicant must have no outstanding balance on existing utility accounts.
5. If a home is located within 1 mile of an existing powerline they will be considered for a powerline connection.
6. Homes located more than 1 mile from an existing powerline may be considered for a powerline connection if rights-of-ways can be obtained prior to funding deadline or exhaustion of funds.
7. If the home is located over 1 mile they may be considered for a solar system.
8. If a home does not have a homesite lease or residential lease, the home may be considered for a solar system.
9. If an applicant is to receive house wiring assistance, the applicant must agree to own, operate and maintain the house wiring system.

Community Power Line Projects must meet the following criteria to be eligible to receive NN Fiscal Recovery Funds for construction:

1. Community Power Line Projects must be supported by a Chapter Resolution which identifies the project participants that they wish to be connected.
2. Electric Service Provider must be able to acquire the necessary land approvals/consents and permits timely to ensure construction is completed in time to meet the funding deadline or exhaustion of funds.
3. Homes must be feasible to receive electric service, if structures are deemed unfeasible prior to construction, then the Chapter will need to provide an updated Chapter Resolution reflecting this change prior to construction.
4. House wiring must be completed and approved prior to electric service connection.

5. If an applicant is to receive house wiring assistance, the applicant must agree to own, operate and maintain the house wiring system.

Homes that meet the criteria above will enter the right-of-way process where Utility Provider will obtain permit holder consent, chapter resolution (if applicable), Biological Resources Clearance Form (BRCF), Cultural Resources Compliance Form (CRCF), Traditional Cultural Proper Record (TCP), Tribal Authorization Access (TAA), and Service Line Agreement (SLA), if applicable. If the applicant's home is able to get through this process then it may be approved for construction.

The priority can be described as "first to complete the process will be first served" meaning, if an applicant is able to complete the application, has a valid homesite lease, the home passes a physical inspection, and obtain all the applicable land clearance requirements, then that applicant will be served. Homes will continue to receive services until all the funding is expended or the imposed time limit runs.

#### **Eligibility Criteria (Solar Systems)**

Single home connections must meet the following criteria to be eligible to receive NN Fiscal Recovery Funds for Solar Systems:

1. Customers/Applicants must complete 'NTUA ARPA Off-Grid Residential Solar Program Feasibility Application'.
2. Customers/Applicants must provide all necessary documents.
3. Homes must be feasible for Solar System.
4. Location of residence shall be located on the Navajo Nation.
5. House wiring must be completed and approved for connection.

The criteria to determine eligibility for applicants is based on successful submission of aforementioned documents request. NTUA will perform a feasibility study which includes the following criteria:

1. The home must be found to be physically feasible to live in.
2. Whether the home is on a permanent foundation and is a sound structure (livable).
3. Applicant is willing and able to pay for monthly services.
4. Applicant must have no outstanding balance on existing utility accounts.
5. If an applicant is to receive house wiring assistance, the applicant must agree to own, operate and maintain the house wiring system.

#### **Prioritization of Applicants (Solar Systems)**

Prioritization of applicants will be based on the needs of the communities and their constituents and Veterans that reside within the Navajo Nation.

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Legislation CJY-41-21, BFS-31-21 & OPVP Guidance for CJY-41-21

3.12 Housing Support: Other Housing Assistance

Expenditure Category	Project Description	Chapter	Delegate Region	Electric Grid Connections*	Arizona	New Mexico	Utah	Total Customers	Total Project Amount**
3.12	Electric Connections	Beclabito	Amber K. Crotty	TBD		X		TBD	
3.12	Electric Connections	Cove	Amber K. Crotty	TBD		X		TBD	
3.12	Electric Connections	Cudeil (Gadil'ahi/To'Koi)	Amber K. Crotty	TBD		X		TBD	
3.12	Electric Connections	Red Valley	Amber K. Crotty	TBD	X	X		TBD	
3.12	Electric Connections	Sanostee	Amber K. Crotty	TBD		X		TBD	
3.12	Electric Connections	Sheepsprings	Amber K. Crotty	TBD		X		TBD	
3.12	Electric Connections	Toadlena/Two Grey Hills	Amber K. Crotty	TBD		X		TBD	
3.12	Electric Connections	Lukachukai	Carl Slater	TBD	X			TBD	
3.12	Electric Connections	Rough Rock (Tsechizhi)	Carl Slater	TBD	X			TBD	
3.12	Electric Connections	Round Rock	Carl Slater	TBD	X			TBD	
3.12	Electric Connections	Tsalle/Wheatfields	Carl Slater	TBD	X			TBD	
3.12	Electric Connections	Rock Point	Carl Slater	TBD	X			TBD	
3.12	Electric Connections	Aneth	Charlaine Tso	TBD			X	TBD	
3.12	Electric Connections	Red Mesa	Charlaine Tso	TBD	X		X	TBD	
3.12	Electric Connections	Mexican Water	Charlaine Tso	TBD	X		X	TBD	
3.12	Electric Connections	Sweetwater (Tolikan)	Charlaine Tso	TBD	X			TBD	
3.12	Electric Connections	Teec Nos Pos	Charlaine Tso	TBD	X	X	X	TBD	
3.12	Electric Connections	Baca/Prewitt (CDEC)*	Daniel Tso	TBD		X		TBD	
3.12	Electric Connections	Casamero Lake	Daniel Tso	TBD		X		TBD	
3.12	Electric Connections	Counselor (JMEC)*	Daniel Tso	TBD		X		TBD	
3.12	Electric Connections	Littlewater (CDEC)*	Daniel Tso	TBD		X		TBD	
3.12	Electric Connections	Ojo Encino (JMEC)*	Daniel Tso	TBD		X		TBD	
3.12	Electric Connections	Pueblo Pintado (JMEC)*	Daniel Tso	TBD		X		TBD	
3.12	Electric Connections	Torreón (JMEC)*	Daniel Tso	TBD		X		TBD	
3.12	Electric Connections	Whitehorse Lake	Daniel Tso	TBD		X		TBD	
3.12	Electric Connections	Oaksprings	Edison Wauneka	TBD	X			TBD	
3.12	Electric Connections	St. Michaels	Edison Wauneka	TBD	X			TBD	
3.12	Electric Connections	Churchrock (CDEC)*	Edmund Yazzie	TBD		X		TBD	
3.12	Electric Connections	Iyanbito (CDEC)*	Edmund Yazzie	TBD		X		TBD	
3.12	Electric Connections	Mariano Lake (CDEC)*	Edmund Yazzie	TBD		X		TBD	
3.12	Electric Connections	Pinedale (CDEC)*	Edmund Yazzie	TBD		X		TBD	
3.12	Electric Connections	Smith Lake (CDEC)*	Edmund Yazzie	TBD		X		TBD	
3.12	Electric Connections	Thoreau (CDEC)*	Edmund Yazzie	TBD		X		TBD	
3.12	Electric Connections	Diklon	Elmer Begay	TBD	X			TBD	



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3.12 Housing Support: Other Housing Assistance

Expenditure Category	Project Description	Chapter	Delegate Region	Electric Grid Connections <sup>a</sup>	Arizona	New Mexico	Utah	Total Customers	Total Project Amount <sup>**</sup>
3.12	Electric Connections	Greasewood Springs	Elmer Begay	TBD	X			TBD	
3.12	Electric Connections	Teesto	Elmer Begay	TBD	X			TBD	
3.12	Electric Connections	Indian Wells	Elmer Begay	TBD	X			TBD	
3.12	Electric Connections	Whitecone	Elmer Begay	TBD	X			TBD	
3.12	Electric Connections	Chinle	Eugene Tso	TBD	X			TBD	
3.12	Electric Connections	Shiprock	Eugenia Charles-Newton	TBD		X		TBD	
3.12	Electric Connections	Inscription House (Ts'ah bii' Kin)	Herman Daniels Jr.	TBD	X			TBD	
3.12	Electric Connections	Oljato	Herman Daniels Jr.	TBD			X	TBD	
3.12	Electric Connections	Shonto	Herman Daniels Jr.	TBD	X			TBD	
3.12	Electric Connections	Navajo Mountain	Herman Daniels Jr.	TBD	X		X	TBD	
3.12	Electric Connections	Ramah (CDEC)*	Jamie Henio	TBD		X		TBD	
3.12	Electric Connections	Alamo	Jamie Henio	TBD		X		TBD	
3.12	Electric Connections	Tohajilee (CDEC)*	Jamie Henio	TBD		X		TBD	
3.12	Electric Connections	Black Mesa	Jimmy Yellowhair	TBD	X			TBD	
3.12	Electric Connections	Pinon	Jimmy Yellowhair	TBD	X			TBD	
3.12	Electric Connections	Whippoorwill	Jimmy Yellowhair	TBD	X			TBD	
3.12	Electric Connections	Forest Lake	Jimmy Yellowhair	TBD	X			TBD	
3.12	Electric Connections	Hard Rock	Jimmy Yellowhair	TBD	X			TBD	
3.12	Electric Connections	Low Mountain	Kee Allen Begay Jr.	TBD	X			TBD	
3.12	Electric Connections	Nazlini	Kee Allen Begay Jr.	TBD	X			TBD	
3.12	Electric Connections	Blue Gap (Tachee)	Kee Allen Begay Jr.	TBD	X			TBD	
3.12	Electric Connections	Tselani/Cottonwood	Kee Allen Begay Jr.	TBD	X			TBD	
3.12	Electric Connections	Many Farms	Kee Allen Begay Jr.	TBD	X			TBD	
3.12	Electric Connections	Crownpoint	Mark Freeland	TBD		X		TBD	
3.12	Electric Connections	Standing Rock	Mark Freeland	TBD		X		TBD	
3.12	Electric Connections	Becenti	Mark Freeland	TBD		X		TBD	
3.12	Electric Connections	Dalton Pass (Nahodishgish)	Mark Freeland	TBD		X		TBD	
3.12	Electric Connections	Huerfano (JMEC)*	Mark Freeland	TBD		X		TBD	
3.12	Electric Connections	Lake Valley	Mark Freeland	TBD		X		TBD	
3.12	Electric Connections	Nageezi (JMEC)*	Mark Freeland	TBD		X		TBD	
3.12	Electric Connections	Whiterock	Mark Freeland	TBD		X		TBD	
3.12	Electric Connections	Dennehotso	Nathaniel Brown	TBD	X			TBD	
3.12	Electric Connections	Chilchinbeto	Nathaniel Brown	TBD	X			TBD	
3.12	Electric Connections	Kayenta	Nathaniel Brown	TBD	X			TBD	

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Legislation CJY-41-21, BFS-31-21 & OPVP Guidance for CJY-41-21

3.12 Housing Support: Other Housing Assistance

Expenditure Category	Project Description	Chapter	Delegate Region	Electric Grid Connections*	Arizona	New Mexico	Utah	Total Customers	Total Project Amount**
3.12	Electric Connections	Tuba City (To'Nanees'Dizi)	Otto Tso	TBD	X			TBD	
3.12	Electric Connections	Tuba City (To'Nanees'Dizi) (APS)*	Otto Tso	TBD	X			TBD	
3.12	Electric Connections	Coppermine	Paul Begay	TBD	X			TBD	
3.12	Electric Connections	Bodaway/Gap	Paul Begay	TBD	X			TBD	
3.12	Electric Connections	LeChee	Paul Begay	TBD	X			TBD	
3.12	Electric Connections	K'aibil'to	Paul Begay	TBD	X			TBD	
3.12	Electric Connections	Tonalea/Red Lake	Paul Begay	TBD	X			TBD	
3.12	Electric Connections	Coyote Canyon	Pernell Halona	TBD		X		TBD	
3.12	Electric Connections	Mexican Springs	Pernell Halona	TBD		X		TBD	
3.12	Electric Connections	Naschitti	Pernell Halona	TBD		X		TBD	
3.12	Electric Connections	Twain Lakes (Báhást'ah)	Pernell Halona	TBD		X		TBD	
3.12	Electric Connections	Tohatchi	Pernell Halona	TBD		X		TBD	
3.12	Electric Connections	Houck	Raymond Smith Jr.	TBD	X			TBD	
3.12	Electric Connections	Lupton (Tsé Si'áni)	Raymond Smith Jr.	TBD	X			TBD	
3.12	Electric Connections	Klagetoh	Raymond Smith Jr.	TBD	X			TBD	
3.12	Electric Connections	Sanders (Nahatahdzil)	Raymond Smith Jr.	TBD	X			TBD	
3.12	Electric Connections	Wide Ruins	Raymond Smith Jr.	TBD	X			TBD	
3.12	Electric Connections	Burnham (T'iistoh Silkaad)	Rickie Nez	TBD		X		TBD	
3.12	Electric Connections	Hogback (Tse Daa K'aan)	Rickie Nez	TBD		X		TBD	
3.12	Electric Connections	Nenahnezad	Rickie Nez	TBD		X		TBD	
3.12	Electric Connections	Newcomb	Rickie Nez	TBD		X		TBD	
3.12	Electric Connections	San Juan	Rickie Nez	TBD		X		TBD	
3.12	Electric Connections	Upper Fruitland	Rickie Nez	TBD		X		TBD	
3.12	Electric Connections	Manuelito (CDEC)*	Seth Damon	TBD		X		TBD	
3.12	Electric Connections	Rock Springs	Seth Damon	TBD		X		TBD	
3.12	Electric Connections	Rock Springs (CDEC)*	Seth Damon	TBD		X		TBD	
3.12	Electric Connections	Tsayatoh (CDEC)*	Seth Damon	TBD		X		TBD	
3.12	Electric Connections	Chichiltah (CDEC)*	Seth Damon	TBD		X		TBD	
3.12	Electric Connections	Breadsprings (Baahaali)(CDEC)*	Seth Damon	TBD		X		TBD	
3.12	Electric Connections	Red Rock (CDEC)*	Seth Damon	TBD		X		TBD	
3.12	Electric Connections	Birdsprings	Thomas Walker Jr.	TBD	X			TBD	

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3.12 Housing Support: Other Housing Assistance

Expenditure Category	Project Description	Chapter	Delegate Region	Electric Grid Connections <sup>4</sup>	Arizona	New Mexico	Utah	Total Customers	Total Project Amount <sup>**</sup>
3.12	Electric Connections	Cameron	Thomas Walker Jr.	TBD	X			TBD	
3.12	Electric Connections	Cameron (APS)*	Thomas Walker Jr.	TBD	X			TBD	
3.12	Electric Connections	Leupp	Thomas Walker Jr.	TBD	X			TBD	
3.12	Electric Connections	Tolani Lake	Thomas Walker Jr.	TBD	X			TBD	
3.12	Electric Connections	Coalmine Canyon	Thomas Walker Jr.	TBD	X			TBD	
3.12	Electric Connections	Kinlichee	Vince James	TBD	X			TBD	
3.12	Electric Connections	Jeddito	Vince James	TBD	X			TBD	
3.12	Electric Connections	Cornfields	Vince James	TBD	X			TBD	
3.12	Electric Connections	Ganado	Vince James	TBD	X			TBD	
3.12	Electric Connections	Steamboat	Vince James	TBD	X			TBD	
3.12	Electric Connections	Fort Defiance	Wilson Stewart Jr.	TBD	X	X		TBD	
3.12	Electric Connections	Crystal	Wilson Stewart Jr.	TBD		X		TBD	
3.12	Electric Connections	Red Lake/Navajo	Wilson Stewart Jr.	TBD		X		TBD	
3.12	Electric Connections	Sawmill	Wilson Stewart Jr.	TBD	X			TBD	
<b>Total</b>				<b>3,977</b>	<b>X</b>			<b>3,977</b>	<b>\$160,000,000</b>

Category	Description	Total Project Amount
3.12 House Support: Other House Assistance	Electric Connections	\$ 95,717,707
	Housewiring for Electric Connections	\$ 24,203,162
3.12 House Support: Other House Assistance	System Improvements to support these customer connections	\$ 40,079,131
<b>TOTAL</b>		<b>\$ 160,000,000</b>

The Navajo Nation consist of approximately 27,413 square miles, of which 17,939 square miles are in Arizona (65%), 7,493 square miles are in New Mexico (27%) and 1,981 square miles are in Utah (8%). According to the 2010 U.S. Census 172,813 Navajos live on the Navajo Nation.

\* These 3,977 projects consist of either single powerline projects or a community power line project.

\* Currently 625 of the 3,977 families are on a NTUA community powerline project.

\* Currently 55 families on the single powerline projects are located more than one mile from an existing powerline.

\* The funding in this category allows NTUA and neighboring utilities (CDEC, JMEC, Socorro, APS, PNM, City of Farmington, City of Gallup, City of Page, etc.) to connect Navajo families to their electric grid. NTUA or the neighboring utilities will retain ownership of the utility assets that were constructed using the awarded funds.

\* The customer will retain ownership of the house wiring assets and house wiring improvements installed.

\*\* The cost to connect 3,977 families to the electric grid includes funding to complete house wiring (if applicable), pole mounted meter loops (if applicable), certification & recertification of wiring (if applicable), and inspection.

All known customers in Utah will be connected to the electric grid by the end of year 3.

This project summary is active and subject to change as projects are added or taken off.

Funds may be moved between project types (single family powerline projects or community powerline projects) to meet actual costs without exceeding the total NTUA award for electric projects.

This document and the information presented in this document is for planning purposes and subject to change based on the needs of the communities and their constituents.

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Legislation CJY-41-21, BFS-31-21 & OPVP Guidance for CJY-41-21

3.12 Housing Support: Other Housing Assistance

Expenditure Category	Project Description	Chapter	Delegate Region	AZ	NM	UT	Total Customers*	Total Project Amount
3.12	Mexican Water (Scattered Phase III) Powerline Project	Mexican Water	Charlaine Tso	7			7	
3.12	Red Mesa Scattered Powerline Project	Red Mesa	Charlaine Tso	3			3	
3.12	Teec Nos Pos (Four Corners) Powerline Project	Teec Nos Pos	Charlaine Tso	11			11	
3.12	Teec Nos Pos (Scattered Phase II) Powerline Project	Teec Nos Pos	Charlaine Tso	11			11	
3.12	Tolikan Scattered Powerline Project	Tolikan (Sweetwater)	Charlaine Tso	2			2	
3.12	Dilkon (Scattered South) Powerline Project	Dilkon	Elmer Begay	13			13	
3.12	Dilkon (North East & South East Scattered) Powerline Project	Dilkon	Elmer Begay	9			9	
3.12	Dilkon (North Scattered) Powerline Project	Dilkon	Elmer Begay	13			13	
3.12	Teesto Scattered Powerline Project	Teesto	Elmer Begay	5			5	
3.12	Navajo Mountain Scattered Powerline Project	Navajo Mountain	Herman Daniels Jr.	32			32	
3.12	Oljato (Halgaitho Phase I) Powerline Project	Oljato	Herman Daniels Jr.			11	11	
3.12	Oljato (Halgaitho Phase II) Powerline Project	Oljato	Herman Daniels Jr.			11	11	
3.12	Oljato (Douglas Phase VI) Powerline Project	Oljato	Herman Daniels Jr.			16	16	
3.12	Oljato (Narrow Canyon) Powerline Project	Oljato	Herman Daniels Jr.			13	13	
3.12	Ts'ah Bii Kin (Inscription House Delmars Extension) Powerline Project	Ts'ah Bii Kin	Herman Daniels Jr.	1			1	
3.12	Ts'ah Bii Kin (Inscription House) Scattered Powerline Project	Ts'ah Bii Kin	Herman Daniels Jr.	33			33	
3.12	Pinon (Standing Goat & Thorn Valley) Powerline Project	Pinon	Jimmy Yellowhair	17			17	
3.12	Blue Gap Scattered Powerline Project	Blue Gap	Kee Allen Begay Jr.	4			4	
3.12	Chilchinbeto (Cowboy Extension) Powerline Project	Chilchinbeto	Nathaniel Brown	1			1	
3.12	Chilchinbeto (Gambie Extension) Powerline Project	Chilchinbeto	Nathaniel Brown	1			1	
3.12	Kayenta (Comb Ridge/ El Capitan) Powerline Project	Kayenta	Nathaniel Brown	24			24	
3.12	Bodaway/Gap (East of the Chapter) Powerline Project	Bodaway/Gap	Paul Begay	13			13	
3.12	Kaibeto (Rabbit Hill) Powerline Project	Kaibeto	Paul Begay	25			25	
3.12	Kaibeto (No. 2) Powerline Project	Kaibeto	Paul Begay	10			10	
3.12	Tonalea (Sour Wash) Power Line Project	Tonalea	Paul Begay	37			37	
3.12	Mexican Springs (Scattered Phase II) Powerline Project	Mexican Springs	Pernell Halona		12		12	
3.12	Mexican Springs (West Extension) Powerline Project	Mexican Springs	Pernell Halona		14		14	
3.12	Naschitti (Cedar Hill Road) Powerline Project	Naschitti	Pernell Halona		4		4	
3.12	Naschitti (Forest Lake) Powerline Project	Naschitti	Pernell Halona		13		13	
3.12	Naschitti (Little Badger) Powerline Project	Naschitti	Pernell Halona		5		5	
3.12	Naschitti (White Hills Sand) Powerline Project	Naschitti	Pernell Halona		7		7	
3.12	Klagetoh Powerline Project	Klagetoh	Raymond Smith Jr.	7			7	

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3.12 Housing Support: Other Housing Assistance

Expenditure Category	Project Description	Chapter	Delegate Region	AZ	NM	UT	Total Customers*	Total Project Amount
3.12	Manuelito (White Scattered) Powerline Project	Manuelito	Seth Damon		4		4	
3.12	Birdsprings (Phase IV) Powerline Project	Birdsprings	Thomas Walker Jr.	5			5	
3.12	Cameron (Shadow Mountain) Powerline Project	Cameron	Thomas Walker Jr.	39			39	
3.12	Coalmine Canyon (16 customers) Powerline Project	Coalmine Mesa	Thomas Walker Jr.	16			16	
3.12	Coalmine Canyon (18 customers) Powerline Project	Coalmine Mesa	Thomas Walker Jr.	18			18	
3.12	Coalmine Canyon (7 customers) Powerline Project	Coalmine Mesa	Thomas Walker Jr.	7			7	
3.12	Coalmine Canyon (Scattered Phase II) Powerline Project	Coalmine Mesa	Thomas Walker Jr.	6			6	
3.12	Leupp (East Canyon Diablo) Powerline Project	Leupp	Thomas Walker Jr.	19			19	
3.12	Leupp (North) Powerline Project	Leupp	Thomas Walker Jr.	9			9	
3.12	Leupp (South Grand Falls) Powerline Project	Leupp	Thomas Walker Jr.	28			28	
3.12	Leupp (South) Powerline Project	Leupp	Thomas Walker Jr.	14			14	
3.12	Leupp (West Loop - S of El Paso Station) Powerline Project	Leupp	Thomas Walker Jr.	5			5	
3.12	Tolani Lake (Former Bennett Freeze) Powerline Project	Tolani Lake	Thomas Walker Jr.	7			7	
3.12	Cornfields (Scattered Phase IV) Powerline Project	Cornfields	Vince James	6			6	
3.12	Ganado Scattered Powerline Project	Ganado	Vince James	14			14	
3.12	Jeddito (Scattered Phase II) Powerline Project	Jeddito	Vince James	30			30	
3.12	Steamboat Scattered Powerline Project	Steamboat	Vince James	13			13	
TOTAL				111	4	22	625	

The Navajo Nation consist of approximately 27,413 square miles, of which 17,939 square miles are in Arizona (65%), 7,493 square miles are in New Mexico (27%) and 1,981 square miles are in Utah (8%). According to the 2010 U.S. Census 172,813 Navajos live on the Navajo Nation.

\* Currently 625 of the 3,977 families are on a NTUA community powerline project.

\* The funding in this category allows NTUA to connect Navajo families to their electric grid. NTUA will retain ownership of the utility assets that were constructed using the awarded funds.

\* The customer will retain ownership of the house wiring assets and house wiring improvements installed.

The cost to connect 3,977 families to the electric grid includes funding to complete house wiring (if applicable), pole mounted meter loops (if applicable), certification & recertification of wiring (if applicable), and inspection.

This project summary is active and subject to change as projects are added or taken off.

Funds may be moved between project types (single family powerline projects or community powerline projects) to meet actual costs without exceeding the total NTUA funding award for electric projects.

This document and the information presented on this document is for planning purposes and subject to change based on the needs of the communities and their constituents.

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Legislation CJY-41-21. BFS-31-21 & OPVP Guidance for CJY-41-21

3.12 Housing Support: Other Housing Assistance

Expenditure Category	Project Description	Chapter	Delegate Region	AZ	NM	UT	Total Customers	Total Project Amount
3.12	Powerline Extension	Rock Point	Carl Slater	20			20	
3.12	Community Powerline Extension	Red Mesa	Charlaine Tso	X		X	TBD	
3.12	Badger Spring Powerline Project	Pueblo Pintado (JMEC)	Daniel Tso		X		TBD	
3.12	Buzzard Canyon Powerline Project	Pueblo Pintado (JMEC)	Daniel Tso		X		TBD	
3.12	Torreón Scattered Powerline Project	Torreón/Star Lake (JMEC)	Daniel Tso		80		80	
3.12	Powerline Extension	St. Michaels	Edison Wauneka	X			50	
3.12	Pine Hill Schools' Electrical System Replacement	Ramah (CDEC)	Jamie Henio		X		TBD	
3.12	Construction Powerline Extensions-All Units	Ramah (CDEC)	Jamie Henio		50		50	
3.12	Powerline Extension	Crownpoint (CDEC)	Mark Freeland		X		TBD	
3.12	Huerfano New Adobe Scattered Powerline Project	Huerfano (JMEC)	Mark Freeland		X		TBD	
3.12	Powerline Extension	Tse' Ii'Ahi/Standing Rock	Mark Freeland		X		TBD	
3.12	Powerline Extension	Tohatchi	Pernell Halona		2		2	
3.12	Powerline Extension	Tse Lichii/Red Rock (CDEC)	Seth Damon		X		TBD	
3.12	Powerline Extension w/ House Wiring	Ganado	Vince James	66			66	
				X	X	X	TBD	

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This list of Chapter proposed projects was derived from the NN DCD project list. These project cost, if deemed feasible could sufficiently be covered by this funding proposal.

\* The funding in this category allows NTUA and neighboring utilities (CDEC, JMEC, Socorro, APS, PNM, City of Farmington, City of Gallup, City of Page, etc.) to connect Navajo families to their electric grid. NTUA or the neighboring utilities will retain ownership of the utility assets that were constructed using the awarded funds.

\* The customer will retain ownership of the house wiring assets and house wiring improvements installed.

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Legislation CJY-41-21. BFS-31-21 & OPVP Guidance for CJY-41-21

3.12 Housing Support: Other Housing Assistance

Expenditure Category	Project Description	Chapter	Delegate Region	AZ	NM	UT	Total Projects	Estimate Cost	Total Project Amount
3.12	System Improvements To Support New Customer Connections	Beclabito, Cove, Gadliah/To'koi, Red Valley	Amber Kanazbah Crotty		9		9		\$ 334,520.90
3.12	IA19: Hwy 64, Beclabito: 2 PL Change Out - SR	Beclabito	Amber Kanazbah Crotty					\$ 24,135.06	
3.12	UPG R262 Cove North Feeder - Spear	Cove	Amber Kanazbah Crotty					\$ 17,086.16	
3.12	ARPA Cudei Sub-Raptor Protection	Gadliah/To'koi	Amber Kanazbah Crotty					\$ 38,000.00	
3.12	R275 - Red Valley Recloser Replace	Red Valley	Amber Kanazbah Crotty					\$ 43,179.53	
3.12	Red Valley/Cove Spear Pole Replacement	Red Valley	Amber Kanazbah Crotty					\$ 19,181.99	
3.12	UPG R222 Oak Springs/Red Valley - Spear	Red Valley	Amber Kanazbah Crotty					\$ 16,252.16	
3.12	UPG R223 Cove Elem 3PH Tap - NOVA 3PH	Red Valley	Amber Kanazbah Crotty					\$ 53,300.00	
3.12	UPG R265 Red Valley/Cove HS Tap - NOVA 3PH	Red Valley	Amber Kanazbah Crotty					\$ 53,300.00	
3.12	Voltage Regulator 203 (Upgrade 50a To 100a)	Red Valley	Amber Kanazbah Crotty					\$ 70,086.00	
3.12	System Improvements To Support New Customer Connections	Lukachukai, Rock Point, Rough Rock	Carl Slater	3			3		\$ 303,606.63
3.12	ARPA Rock Point Sub-Raptor Protection	Rock Point	Carl Slater					\$ 38,000.00	
3.12	Rock Point Regulator Bypass Switch	Rock Point	Carl Slater					\$ 227,606.63	
3.12	Round Rock Sub-Raptor Protection	Round Rock	Carl Slater					\$ 38,000.00	
3.12	System Improvements To Support New Customer Connections	Aneth, Red Mesa, Mexican Water	Charlaine Tso	4	1	14	19		\$ 19,238,097.55
3.12	IA20: Osmose Aneth East, 5 Poles Replc	Aneth	Charlaine Tso					\$ 21,691.96	
3.12	Montezuma Substation Mobile Expansion	Aneth	Charlaine Tso					\$ 80,000.00	
3.12	Superior Sub Recloser Upgrade	Aneth	Charlaine Tso					\$ 43,179.53	
3.12	White Mesa - SCADA	Aneth	Charlaine Tso					\$ 25,000.00	
3.12	White Mesa Substation Voltage Regulator Upgrade	Aneth	Charlaine Tso					\$ 43,179.53	
3.12	Red Mesa Substation Interconnect	Aneth, Red Mesa	Charlaine Tso					\$ 8,231,000.00	
3.12	Red Mesa Sub Office	Aneth, Red Mesa	Charlaine Tso					\$ 100,000.00	
3.12	Red Mesa To Aneth Transmission Upgrade	Aneth, Red Mesa	Charlaine Tso					\$ 9,062,026.18	



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3.12 Housing Support: Other Housing Assistance

Expenditure Category	Project Description	Chapter	Delegate Region	AZ	NM	UT	Total Projects	Estimate Cost	Total Project Amount
3.12	Mexican Water 3-Way Switch	Mexican Water	Charlaine Tso					\$ 250,000.00	
3.12	Mexican Water Substation To Chapter 3PH Upgrade	Mexican Water	Charlaine Tso					\$ 905,398.13	
3.12	Voltage Regulator 709 - Mexican Water	Mexican Water	Charlaine Tso					\$ 5,000.00	
3.12	Tesnezhah Distribution Feeder For System Reliability	Mexican Water	Charlaine Tso					\$ 267,422.00	
3.12	ARPA Red Mesa Sub-Raptor Protection	Red Mesa	Charlaine Tso					\$ 38,000.00	
3.12	Feeder R706 Pole Inserts	Red Mesa	Charlaine Tso					\$ 31,231.83	
3.12	Feeder R706 Sectionalizing Equipment Inserts	Red Mesa	Charlaine Tso					\$ 33,023.18	
3.12	RM Sub Tie In, Mexican Water Feeder	Red Mesa	Charlaine Tso					\$ 17,478.68	
3.12	IA20: Osmose Superior Sub, 2 Poles Replc	Red Mesa	Charlaine Tso					\$ 16,428.02	
3.12	IA20: Osmose Whitehorse, 4 Poles Replc	Red Mesa	Charlaine Tso					\$ 25,856.98	
3.12	R274- Teec Nos Pos Recloser Upgrade	Teec Nos Pos	Charlaine Tso					\$ 43,179.53	
3.12	System Improvements To Support New Customer Connections	Fort Defiance, St. Michaels, Window Rock	Edison Wauneka	9	1		10		\$ 527,123.69
3.12	Ft. Defiance Sub LTC Upgrade	Fort Defiance	Edison Wauneka					\$ 10,000.00	
3.12	UPG R115 Black Rock OCR To Spear	Fort Defiance	Edison Wauneka					\$ 23,000.00	
3.12	UPG S124a Goatsprings - R191 NOVA Nxt	Fort Defiance	Edison Wauneka					\$ 58,000.00	
3.12	ARPA Coalmine Sub-Raptor Protection	St. Michaels	Edison Wauneka					\$ 25,000.00	
3.12	St Michaels To Hunters Point 3PH Upgrade	St. Michaels	Edison Wauneka					\$ 182,000.00	
3.12	Upgrade Recloser R114 WR Admin Area To NOVA	St. Michaels	Edison Wauneka					\$ 42,504.38	
3.12	Upgrade Recloser R138 WR Police Dept. To NOVA	St. Michaels	Edison Wauneka					\$ 42,504.38	
3.12	Viper-ST R117 Upgrade	St. Michaels	Edison Wauneka					\$ 42,504.38	
3.12	IA20: Coalmine To Dine Bi Olta	Window Rock	Edison Wauneka					\$ 76,610.55	
3.12	IA21-Window Rock	Window Rock	Edison Wauneka					\$ 25,000.00	
3.12	System Improvements To Support New Customer Connections	Churchrock	Edmund Yazzie		2				\$ 304,000.00

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Legislation CJY-41-21, BFS-31-21 & OPVP Guidance for CJY-41-21

3.12 Housing Support: Other Housing Assistance

Expenditure Category	Project Description	Chapter	Delegate Region	AZ	NM	UT	Total Projects	Estimate Cost	Total Project Amount
3.12	Church Rock Distribution Feeder Tie Line	Churchrock	Edmund Yazzie					\$ 270,000.00	
3.12	Church Rock Distribution Recloser (PNM)	Churchrock	Edmund Yazzie					\$ 34,000.00	
3.12	System Improvements To Support New Customer Connections	Dilkon, Indian Wells, Greasewood Springs	Elmer Begay	14			14		\$ 6,941,975.53
3.12	Dilkon Substation 115x69:24.94kv	Dilkon	Elmer Begay					\$ 2,166,700.00	
3.12	Dilkon NORTH - VR (50 AMP) - 3 Phase	Dilkon	Elmer Begay					\$ 39,000.00	
3.12	Dilkon South - VR (50amp)	Dilkon	Elmer Begay					\$ 21,000.00	
3.12	Dilkon WEST - VR (100 AMP) 3 Phase	Dilkon	Elmer Begay					\$ 45,000.00	
3.12	Double Circuit Dilkon HC	Dilkon	Elmer Begay					\$ 100,000.00	
3.12	R849 Dilkon 1mi W	Dilkon	Elmer Begay					\$ 43,180.00	
3.12	R850 Dilkon 14mi W	Dilkon	Elmer Begay					\$ 43,180.00	
3.12	Bitahoechee To Dilkon 115kv Transmission Line	Dilkon, Indian Wells	Elmer Begay					\$ 4,213,375.00	
3.12	ARPA LGW Sub-Raptor Protection	Greasewood Springs	Elmer Begay					\$ 38,000.00	
3.12	Lower Greasewood - Feeder R810 - Install 1PH 50 Amp Recloser	Greasewood Springs	Elmer Begay					\$ 14,150.00	
3.12	Lower Greasewood South (NOVA)	Greasewood Springs	Elmer Begay					\$ 43,179.53	
3.12	Recloser R817 - SCADA	Greasewood Springs	Elmer Begay					\$ 25,000.00	
3.12	Sunrise Distribution Feeder Tie Line	Greasewood Springs	Elmer Begay					\$ 112,211.00	
3.12	ARPA Bitahoechee Sub-Raptor Protection	Indian Wells	Elmer Begay					\$ 38,000.00	
3.12	System Improvements To Support New Customer Connections	Chinle	Eugene Tso	4			4		\$ 1,529,126.00
3.12	Burnside 115:24.94kv Station Upgrade 12/16/20 MVA	Chinle	Eugene Tso					\$ 1,400,000.00	
3.12	Chinle SCADA Cooper Switch	Chinle	Eugene Tso					\$ 63,128.00	
3.12	Chinle Sub-Raptor Protection	Chinle	Eugene Tso					\$ 38,000.00	
3.12	Chinle Substation - Feeder R355 - Install 3PH 900 KVAR Regulators	Chinle	Eugene Tso					\$ 22,000.00	
3.12	System Improvements To Support New Customer Connections	Shiprock	Eugenia Charles-Newton		7		7		\$ 173,960.00

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Legislation CJY-41-21, BFS-31-21 & OPVP Guidance for CJY-41-21

3.12 Housing Support: Other Housing Assistance

Expenditure Category	Project Description	Chapter	Delegate Region	AZ	NM	UT	Total Projects	Estimate Cost	Total Project Amount
3.12	ARPA Shiprock#3 Sub-Raptor Protection	Shiprock	Eugenia Charles-Newton					\$ 38,000.00	
3.12	Cudel Substation - Feeder R304 - Install 3PH 150 KVAR Regulator	Shiprock	Eugenia Charles-Newton					\$ 14,400.00	
3.12	R299 Cheil Yaazh Insert - NOVA 3 Phase	Shiprock	Eugenia Charles-Newton					\$ 33,314.00	
3.12	SR#3 Feeder R271 - Fault Indicators Isnt	Shiprock	Eugenia Charles-Newton					\$ 10,000.00	
3.12	UPG R206 S/R Farm A - NOVA 3 Phase	Shiprock	Eugenia Charles-Newton					\$ 21,314.00	
3.12	UPG R214 OCR Farm A Tap To Cudel - Spear	Shiprock	Eugenia Charles-Newton					\$ 33,314.00	
3.12	UPG R239 OCR Bank Farm A North - OCR V4E	Shiprock	Eugenia Charles-Newton					\$ 23,618.00	
3.12	System Improvements To Support New Customer Connections	Ojato	Herman Daniels, Jr.	2			2		\$ 45,800.00
3.12	ARPA Mexican Hat Sub-Raptor Protection	Ojato	Herman Daniels, Jr.					\$ 38,000.00	
3.12	Holiday Tap In Ojato, Relocate 3 Poles, Relocate 100'	Ojato	Herman Daniels, Jr.					\$ 7,800.00	
3.12	System Improvements To Support New Customer Connections	Black Mesa, Hardrock, Pinon	Jimmy Yellowhair	2			2		\$ 113,795.25
3.12	ARPA Pinon Sub-Raptor Protection	Pinon	Jimmy Yellowhair					\$ 38,000.00	
3.12	Pinon Substation To Clinic New Feeder	Pinon	Jimmy Yellowhair					\$ 75,795.25	
3.12	System Improvements To Support New Customer Connections	Many Farms, Nazlini	Kee Allen Begay, Jr.	3			3		\$ 115,505.00
3.12	ARPA Many Farms Sub-Raptor Protection	Many Farms	Kee Allen Begay, Jr.					\$ 38,000.00	
3.12	Many Farms Substation - Feeder R304 - Install 3PH 300 KVAR Regulator	Many Farms	Kee Allen Begay, Jr.					\$ 15,255.00	
3.12	Many Farms Substation - Feeder R305 - Install 3-100 Amp Reclosers	Many Farms	Kee Allen Begay, Jr.					\$ 62,250.00	
3.12	System Improvements To Support New Customer Connections	Dennehotso, Kayenta	Nathaniel Brown	16			16		\$ 7,033,897.50
3.12	Dennehotso Relocate Line, 1-PH, 1/0, Move 200-300'	Dennehotso	Nathaniel Brown					\$ 3,685.00	
3.12	ARPA Dennehotso Sub-Raptor Protection	Kayenta	Nathaniel Brown					\$ 38,000.00	
3.12	ARPA Kayenta Solar Sub-Raptor Protection	Kayenta	Nathaniel Brown					\$ 38,000.00	
3.12	ARPA Kayenta Town site Sub-Raptor Protection	Kayenta	Nathaniel Brown					\$ 11,000.00	
3.12	ARPA Tsegi Sub-Raptor Protection	Kayenta	Nathaniel Brown					\$ 38,000.00	

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3.12 Housing Support: Other Housing Assistance

Expenditure Category	Project Description	Chapter	Delegate Region	AZ	NM	UT	Total Projects	Estimate Cost	Total Project Amount
3.12	Diversion Dam Distribution Feeder Tie Line	Kayenta	Nathaniel Brown					\$ 100,000.00	
3.12	Kayenta Substation - Feeder R605 - Install 1PH 50 Amp Recloser	Kayenta	Nathaniel Brown					\$ 14,150.00	
3.12	KUSD-R606 Feeder Upgrade	Kayenta	Nathaniel Brown					\$ 100,000.00	
3.12	KUSD-Underground Upgrade Phase II	Kayenta	Nathaniel Brown					\$ 350,000.00	
3.12	Laguna Creek Motor Operator	Kayenta	Nathaniel Brown					\$ 81,741.50	
3.12	Replace Poles @ Snake Rock	Kayenta	Nathaniel Brown					\$ 288,500.00	
3.12	S6422-23-24 Switch Upgrade Snake Rock	Kayenta	Nathaniel Brown					\$ 288,000.00	
3.12	S6614 - Tsegi - KY230 Transmission Switch Upgrade	Kayenta	Nathaniel Brown					\$ 227,607.00	
3.12	S6621 - Tsegi To BM Transmission Switch Upgrade	Kayenta	Nathaniel Brown					\$ 227,607.00	
3.12	S6620 - Tsegi 69 Kv To LHV Transmission Switch Upgrade	Kayenta	Nathaniel Brown					\$ 227,607.00	
3.12	System Improvements To Support New Customer Connections	Bodaway/Gap, Coppermine, Lechee	Paul Begay	3					\$ 114,000.00
3.12	ARPA Gap Sub-Raptor Protection	Bodaway/Gap	Paul Begay					\$ 38,000.00	
3.12	ARPA Coppermine Sub-Raptor Protection	Coppermine	Paul Begay					\$ 38,000.00	
3.12	ARPA Lechee Sub-Raptor Protection	Lechee	Paul Begay					\$ 38,000.00	
3.12	System Improvements To Support New Customer Connections	Nenahnezad, Upper Fruitland	Rickie Nez		11		11		\$ 2,364,951.48
3.12	69KV ATS Back Up Switch (Four Corners)	Nenahnezad	Rickie Nez					\$ 350,000.00	
3.12	ARPA Nenahnezad Sub-Raptor Protection	Nenahnezad	Rickie Nez					\$ 38,000.00	
3.12	ARPA Ojo Amarillo Sub-Raptor Protection	Nenahnezad	Rickie Nez					\$ 38,000.00	
3.12	Ojo Sub - Transformer Replacement	Nenahnezad	Rickie Nez					\$ 755,000.00	
3.12	Ojo Sub Bushing Replacement	Nenahnezad	Rickie Nez					\$ 72,000.00	
3.12	SR Nenahnezad School Line Upgrade, 3-PH Energized Work	Nenahnezad	Rickie Nez					\$ 1,009,071.95	
3.12	UPG R234 Napi Experimental Farm-NOVA 3PH	Nenahnezad	Rickie Nez					\$ 30,300.00	
3.12	Ojo Amarillo (Recloser)	Upper Fruitland	Rickie Nez					\$ 43,179.53	

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Legislation CJY-41-21, BFS-31-21 & OPVP Guidance for CJY-41-21

3.12 Housing Support: Other Housing Assistance

Expenditure Category	Project Description	Chapter	Delegate Region	AZ	NM	UT	Total Projects	Estimate Cost	Total Project Amount
3.12	Ojo Amarillo Substation - Feeder R218 - Install Regulators	Upper Fruitland	Rickie Nez					\$ 14,400.00	
3.12	Ojo Substation Bushing Replacement	Upper Fruitland	Rickie Nez					\$ 10,000.00	
3.12	Upper Fruitland Substation Regulator Control Upgrade	Upper Fruitland	Rickie Nez					\$ 5,000.00	
3.12	System Improvements To Support New Customer Connections	Cameron, Leupp	Thomas Walker, Jr.	2			2		\$ 52,150.00
3.12	ARPA Twin Arrows Sub-Raptor Protection	Leupp	Thomas Walker, Jr.					\$ 38,000.00	
3.12	Leupp Substation - Feeder R800 - Install 1PH 50 Amp Recloser	Leupp	Thomas Walker, Jr.					\$ 14,150.00	
3.12	System Improvements To Support New Customer Connections	Ganado, Steamboat	Vince R. James	7			7		\$ 1,126,412.53
3.12	Burnside 115kv Tie Line Upgrade (2 Miles)	Ganado	Vince R. James					\$ 770,626.00	
3.12	Burnside Switch Upgrade S6350	Ganado	Vince R. James					\$ 227,607.00	
3.12	Cross Canyon R386 Spear	Ganado	Vince R. James					\$ 10,000.00	
3.12	Recloser R375 - SCADA	Ganado	Vince R. James					\$ 25,000.00	
3.12	Recloser R384 - SCADA	Ganado	Vince R. James					\$ 25,000.00	
3.12	Recloser R828 - SCADA	Ganado	Vince R. James					\$ 25,000.00	
3.12	Toyey (New Recloser)	Steamboat	Vince R. James					\$ 43,179.53	
3.12	System Improvements To Support New Customer Connections	Fort Defiance, Red Lake, Crystal	Wilson Stewart, Jr.	5			5		\$ 443,153.00
3.12	Blue Canyon, Fort Defiance, 3PH, 4/0 Acsr, Upgrade 1-PH To 3-PH	Fort Defiance	Wilson Stewart, Jr.					\$ 291,631.00	
3.12	Fort Defiance Sub-Raptor Protection	Fort Defiance	Wilson Stewart, Jr.					\$ 38,000.00	
3.12	ARPA Navajo Sub-Raptor Protection	Red Lake	Wilson Stewart, Jr.					\$ 38,000.00	
3.12	Upgrade R187 Red Lake - NOVA Nxt	Red Lake	Wilson Stewart, Jr.					\$ 58,000.00	
3.12	Change Out Primary Poles (Narbona Pass), 3-Phase	Crystal	Wilson Stewart, Jr.					\$ 17,522.00	
3.12	System Improvements To Support New Customer Connections	Houck, Klagetoh, Wide Ruins	Raymond Smith, Jr.	5			5		\$ 125,012.00
3.12	ARPA Houck Sub-Raptor Protection	Houck	Raymond Smith, Jr.					\$ 25,000.00	
3.12	Houck Substation - Feeder R147 - Install 3-100 Amp Line Reclosers	Houck	Raymond Smith, Jr.					\$ 70,012.00	

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3.12 Housing Support: Other Housing Assistance

Expenditure Category	Project Description	Chapter	Delegate Region	AZ	NM	LT	Total Projects	Estimate Cost	Total Project Amount
3.12	Navajo Station Tap Recloser Installation (OCR)	Klagetoh	Raymond Smith, Jr.					\$ 15,000.00	
3.12	Wide Ruins - Banana Wash Tap Recloser Installation (Ocr)	Wide Ruins	Raymond Smith, Jr.					\$ 15,000.00	
3.12	System Improvements To Support New Customer Connections	System Wide	System Wide				LOT		\$ 1,334,032.70
3.12	AMI Repeaters & Gate Keepers (Utility Wide)	System Wide	System Wide					\$ 354,866.00	
3.12	Supervisory Control And Data Acquisition (Utility Wide)	System Wide	System Wide					\$ 979,166.70	
3.12	System Improvements To Support New Customer Connections (Neighboring Utilities)	Navajo Nation	Neighboring Utilities				LOT		\$ 2,863,010.88
3.12	Torreon 3 Phase Conversion 28 Miles	Navajo Nation	Neighboring Utilities					\$ 1,363,010.88	
3.12	Torreon Substation Improvement	Navajo Nation	Neighboring Utilities					\$ 750,000.00	
3.12	SCADA for 3 Substations	Navajo Nation	Neighboring Utilities					\$ 750,000.00	
TOTAL				79	31	14	124		\$ 6,079,130.64

The Navajo Nation consist of approximately 27,413 square miles, of which 17,939 square miles are in Arizona (65%), 7,493 square miles are in New Mexico (27%) and 1,981 square miles are in Utah (8%). According to the 2010 U.S. Census 172,813 Navajos live on the Navajo Nation.

These projects described above are necessary for NTUA and/or Neighboring Utilities to construct in order to support the electrical connections for homes described in this planning document. This document and the information presented in this document is for planning purposes and subject to change based on the needs of the communities and their constituents.

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Legislation CJY-41-21. BFS-31-21 & OPVP Guidance for CJY-41-21

3.12 Housing Support: Other Housing Assistance

Expenditure Category	Project Description	Chapter	Delegate Region	AZ	NM	UT	Total Customer*	Total Project Amount (Solar)
3.12	Solar Systems	Blue Gap/Tachee, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain	Kee Allen Begay Jr.	X			30	
3.12	Solar Systems	Dilkon, Greasewood Springs, Indian Wells, Teesto, Whitecone	Elmer Begay	X			30	
3.12	Solar Systems	Bodawy-Gap, Coppermine, Kai'Bii To, LeChee, Tonalea/Red Lake	Paul Begay	X			30	
3.12	Solar Systems	Chilchinbeto, Dennehotso, Kayenta	Nathaniel Brown	X			30	
3.12	Solar Systems	Shiprock	Eugenia Charles-Newton		X		30	
3.12	Solar Systems	Beclabito, Cove, Gahii Ahi/To' Koi, Red Valley, Sanostee, Sheepsprings, Toadlena/Two Grey Hills	Amber K. Crotty	X	X		30	
3.12	Solar Systems	Breadsprings, Rock Springs, Tsayato, Chichiltah, Manuelito, Red Rock	Seth Damon		X		30	
3.12	Solar Systems	Ts'ah Bii Kin, Navajo Mountain, Oljato, Shonto	Herman Daniels Jr.	X		X	30	
3.12	Solar Systems	Becenti, Crownpoint, Huerfano, Lake Valley, Nageezi, Nohodishgish, Standing Rock	Mark Freeland		X		30	
3.12	Solar Systems	Coyote Canyon, Mexican Springs, Naschitti, Tohatchi, Twin Lakes	Pernell Halona		X		30	
3.12	Solar Systems	Alamo, Ramah, Tohajilee	Jamie Henio		X		30	
3.12	Solar Systems	Cornfields, Ganado, Jeddito, Kinlichee, Steamboat	Vince James	X			30	
3.12	Solar Systems	Tiistoh Sikaad, Hogback, Nenahnezad, Newcomb, San Juan, Upper Fruitland	Rickie Nez		X		30	
3.12	Solar Systems	Rock Point, Lukachukai, Rough Rock, Round Rock, Tsailie/Wheatfields	Carl Slater	X			30	
3.12	Solar Systems	Houck, Klagetoh, Lupton, Nahata Dzill, Wide Ruins	Raymond Smith Jr.	X			30	
3.12	Solar Systems	Crystal, Fort Defiance, Red Lake, Sawmill	Wilson Stewart Jr.	X	X		30	
3.12	Solar Systems	Aneth, Mexican Water, Red Mesa, Sweetwater, Teenospos	Charlaine Tso	X	X	X	30	



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3.12 Housing Support: Other Housing Assistance

Expenditure Category	Project Description	Chapter	Delegate Region	AZ	NM	UT	Total Customer*	Total Project Amount (Solar)
3.12	Solar Systems	Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake	Daniel Tso		X		30	
3.12	Solar Systems	Chinle	Eugene Tso	X			30	
3.12	Solar Systems	To Nanees Dizi	Otto Tso	X			30	
3.12	Solar Systems	Birdsprings, Cameron, Coalmine Canyon, Leupp, Tolani Lake	Thomas Walker Jr.	X			30	
3.12	Solar Systems	Oak Springs, St. Michael	Edison Wauneka	X			30	
3.12	Solar Systems	Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau	Edmund Yazzie		X		30	
3.12	Solar Systems	Black Mesa, Forest Lake, Hardrock, Pinon, Whippoorwill	Jimmy Yellowhair	X			30	
3.12	Solar Systems	Reservation Wide	Navajo Nation (Veterans)				80	
Total				X	X	X	800	\$ 40,000,000

Category	Description	Unit Price	Quantity	Total Project Amount
3.12 House Support: Other House Assistance	Solar Systems	\$ 41,798.27	800	\$ 33,438,400
	Refrigerators	\$ 636.39	800	\$ 509,440
	Generator+ATS*	\$ 2,826.73	160	\$ 452,160
3.12 House Support: Other House Assistance	House wiring for Solar Systems	\$ 7,000.00	800	\$ 5,600,000
TOTAL				\$ 40,000,000

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**Legislation CJY-41-21. BFS-31-21 & OPVP Guidance for CJY-41-21**

**3.12 Housing Support: Other Housing Assistance**

Expenditure Category	Project Description	Chapter	Delegate Region	AZ	NM	UT	Total Customer*	Total Project Amount (Solar)
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The Navajo Nation consist of approximately 27,413 square miles, of which 17,939 square miles are in Arizona (65%), 7,493 square miles are in New Mexico (27%) and 1,981 square miles are in Utah (8%). According to the 2010 U.S. Census 172,813 Navajos live on the Navajo Nation.

The cost for solar systems includes funding to complete the interior house wiring (if applicable), certification & re-certification of house wiring (if applicable), inspection, generators (if applicable), ATS switch (if applicable), and an energy efficient refrigerator.

The customer will retain ownership and maintenance of the house wiring assets, house wiring improvements installed, refrigerator, and generator with ATS switch (if applicable). Funds may be moved between projects to meet actual costs without exceeding the total NTUA award.

The goal is to distribute 30 solar systems to each of the 24 Navajo Nation Delegate's Districts and 80 solar systems to Veterans. The distribution of units as described within this document is subject to change and determined based on the needs of the communities and their constituents.

\*Estimate of 160 will need supplemental connections to critical life support customers with a generator and automatic transfer switch (ATS).

The quantity of solar systems has decreased in the first 12-month period from the original proposal (04/15/2021) due to submittal of 150 solar systems included in Legislation 0113-21 and Legislation CJY-41-21 Section 6.

**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: K.A. Lowell

**DOJ Note:** Resolution will go in front of NTUA Board for approval on 10/22/2021.

Disclaimers: This Initial Eligibility Determination is based on the documents provided which we have assumed are true, correct, and complete. Should the Project or Program change in any material way after this initial determination, the requestor must seek the advice of NNDOJ. This 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.



**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 #: HK0044

Date & Time Received: 10/5/21 23:55  
10/12/2021 1:15 p.m. MDT

Date & Time of Response: \_\_\_\_\_

Entity Requesting FRF: Navajo Tribal Utility Authority

Title of Project: ARPA Connecting Navajo Nation Homes to Electricity

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$200,000,000

**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: 3.12 (Housing Support: Other Housing Assistance)

# **EXHIBITS**

**F through F-3**



Navajo Nation Fiscal Recovery Fund  
Housing and Housing Renovation Expenditure Plans

Description	Category	Requested \$
DCD New Housing	3.11	\$40,000,000
DCD Renovation	3.12	\$10,000,000
VA New Housing	3.11	\$50,000,000





THE NAVAJO NATION  
FISCAL RECOVERY FUNDS REQUEST FORM & EXPENDITURE PLAN  
FOR NAVAJO NATION GOVERNMENT UNITS

Part 1. Identification of parties.

NN Government Unit requesting FRF: Community Housing & Infrastructure Department (CHID) Date prepared: 10/01/2021  
Indicate Department, Program, Office, Division, or Branch

NN Government Unit's mailing address: PO Box 2389 phone/email: 928-871-6468/pat\_dalgai@nnchid.org  
Window Rock, Arizona 86515 website (if any): www.nnchid.org

Form prepared by: Patrick Dalgai, Department Manager II, CHID phone/email: 928-871-6468/pat\_dalgai@nnchid.org  
(same as above)

CONTACT PERSON'S name, title and Department, Program, Office, etc.

CONTACT PERSON'S info

Title & type of Project: New Housing Construction, 3.11 Housing Support: Services for Unhoused Persons

NN Government Unit's Director or Manager: Patrick Dalgai phone & email: 928-871-6468/pat\_dalgai@nnchid.org

Division Director (if any): Pearl Yellowman phone & email: 928-871-7172/pyellowman@nndcd.org

Branch Chief: Jonathan Nez, President phone & email: 928-871-7000/jonathannez@navajo-nsn.gov

Funding Recipient will be working with: Division of Community Development/Executive Branch on the Project and  
Indicate Branch and/or Division  
the same will be submitting the Funding Request Package for Initial Eligibility Determination Review, and will have Administrative Oversight over this FRF Expenditure Plan.

List names or types of Subcontractors or Subrecipients that will be paid with FRF (if known):  
Unknown at this time ☐ document attached

Amount of FRF requested: \$40,000,000 FRF funding period: 11/01/21 to 10/31/2026  
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 Community Housing & Infrastructure Department (CHID) is requesting \$40 million to construct new housing and/or purchase Modular/Mobile homes to assist Navajo families throughout the Navajo Nation (110 Chapters). Providing stable housing for those in need will help eliminate the spread of the COVID-19 among families living in multi-generational homes and provide new homes for homeless families and individuals, which will provide sanitary infrastructure (water/wastewater and electricity) to help combat the COVID-19 pandemic. The \$40 million for new housing will be divided equally among the 110 chapters, allowing CHID to improve living conditions across the Navajo Nation.

☐ document attached

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

This project will benefit the needs of the Navajo Nation, the communities, and the Navajo people by providing stable housing for those in need. The CHID strives to provide affordable housing for individuals with limited economic opportunities. During this COVID pandemic, stable housing will improve the living conditions for families living in multi-generational homes and help to provide needed sanitary infrastructure.

☐ document attached



## **APPENDIX A**

- (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:

Advertisement by CHID for new housing throughout Navajo Nation: 11/2021 - 5/2022  
Design for homes across 110 chapters: 05/2022 - 04/2023  
Advertisement, contracting, and begin construction: 04/2023 - 12/2023  
Construction: 01/2024 - 12/2026

Challenges: receipt of funding, land availability and clearances, local labor availability, and material shortages.

☐ document attached

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

The Community Housing & Infrastructure Department.

☐ 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:

Homeowners are responsible for the operation and maintenance of new homes following a 1-year warranty period.

☐ 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:

### **3.11 Housing Support: Services for Unhoused Persons**

Providing new homes for Navajo people/families in need will help to address homelessness by offering supporting housing, and improving access to stable, affordable housing.

These housing projects will be administered in the Navajo Nation, which qualifies as a disadvantaged community.

☐ document attached

### **Part 3. Additional documents.**

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

**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:

NN Government Unit  
Preparer:

  
signature of Preparer/CONTACT PERSON

Approved by:

  
signature of NN Government Unit's Director/Program/Office Director or Manager

Approved to submit  
for Review:

  
signature of Branch Chief or Division Director

Print Name, Title,  
Branch or Division:

Pearl Yellowman, Executive Director

print name and indicate title or position

Executive

indicate Branch or Division

FY \_\_\_\_\_

**THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY**

Page \_\_\_\_ of \_\_\_\_  
**BUDGET FORM 1**

PART I. Business Unit No.: <u>K - [New]</u>		Program Title: <u>New Housing Construction, 3.11 Housing Support</u>		Division/Branch: <u>Community Development</u>	
Prepared By: <u>Patrick Dalgai</u>		Phone No.: <u>928-871-6468</u>		Email Address: <u>pat_dalgai@nnchid.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		40,000,000.00		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		2,800,000		
				7000 Special Transactions				
				8000 Public Assistance				
				9000 Capital Outlay		37,200,000		
				TOTAL		\$40,000,000.00	0.00	0

PART IV. POSITIONS AND VEHICLES	(D)	(E)
Total # of Positions Budgeted:		
Total # of Vehicles Budgeted:		

TOTAL: \$40,000,000.00    0%	
------------------------------	--

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

SUBMITTED BY: <u>Patrick Dalgai</u> Program Manager's Printed Name <u><i>Patrick Dalgai</i></u> 10.5.21 Program Manager's Signature and Date	APPROVED BY: <u>Pearl Yellowman</u> Division Director / Branch Chief's Printed Name <u><i>Pearl Yellowman</i></u> 10.5.21 Division Director / Branch Chief's Signature and Date
---	--



**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 #:** HK0038

**Date & Time Received:** 10/5/2021 19:33 EST

**Date & Time of Response:** 10/07/2021 11:00 p.m. MDT

**Entity Requesting FRF:** DCD Community Housing & Infrastructure Department

**Title of Project:** New Housing Construction, 3.11 Housing Support: Services for Unhoused Persons

**Administrative Oversight:** \_\_\_\_\_

**Amount of Funding Requested:** \$40 million

**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:** 3.11

**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: It is critical that to be eligible, costs must be obligated by the end of 2024, and the project complete by the end of 2026.

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.



THE NAVAJO NATION  
FISCAL RECOVERY FUNDS REQUEST FORM & EXPENDITURE PLAN  
FOR NAVAJO NATION GOVERNMENT UNITS

Part 1. Identification of parties.

NN Government Unit requesting FRF: Community Housing & Infrastructure Department (CHID) Date prepared: 10/01/2021  
Indicate Department, Program, Office, Division, or Branch

NN Government Unit's mailing address: PO Box 2389 phone/email: 928-871-6468/pat\_dalgai@nnchid.org  
Window Rock, Arizona 86515 website (if any): www.nnchid.org

Form prepared by: Patrick Dalgai phone/email: 928-871-6468  
Department Manager II, CHID  
CONTACT PERSON'S name, title and Department, Program, Office, etc. CONTACT PERSON'S info

Title & type of Project: Home Renovations, 3.12 Housing Support: Other Housing Assistance

NN Government Unit's Director or Manager: Patrick Dalgai phone & email: 928-871-6468/pat\_dalgai@nnchid.org

Division Director (if any): Pearl Yellowman phone & email: 928-871-7172/pyellowman@nndcd.org

Branch Chief: Jonathan Nez, President phone & email: 928-871-7000/jonathannez@navajo-nsn.gov

Funding Recipient will be working with: Division of Community Development/Executive Branch on the Project and  
Indicate Branch and/or Division  
the same will be submitting the Funding Request Package for Initial Eligibility Determination Review, and will have Administrative Oversight over this FRF Expenditure Plan.

List names or types of Subcontractors or Subrecipients that will be paid with FRF (if known):  
Unknown at this time, a combination of contractors and labor force. ☐ document attached

Amount of FRF requested: \$10,000,000 FRF funding period: 11/01/21 to 10/31/2026  
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 Community Housing & Infrastructure Department (CHID) is requesting \$10 million to provide home renovations to assist Navajo families throughout the Navajo Nation (110 Chapters). Providing stable housing through renovations for those in need will help eliminate the spread of the COVID-19 among families living in multi-generational homes and will help provide renovated/additional sanitary infrastructure (water/wastewater and electricity) to help combat the COVID-19 pandemic. The \$10 million home renovations will be divided equally among the 110 chapters, allowing CHID to improve living conditions across the Navajo Nation. This funding will also be used to obtain additional DCD personnel to administer the renovations.

☐ document attached

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

The project will benefit the needs of the Navajo Nation, the communities, and the Navajo people by providing stable housing for those in need. Stable housing could include new construction, or for this project, renovation on existing homes that are in dire need of repair and upgrades. The CHID strives to provide affordable housing and renovations for individuals with limited economic opportunities. During this COVID pandemic, stable housing will improve living conditions for families in multi-generational homes and help to provide needed upgrades to sanitary infrastructure.

☐ document attached

## **APPENDIX A**

(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:

Advertisement by CHID for housing renovation need throughout Navajo Nation: 11/2021 - 5/2022  
Renovation design for homes across 110 chapters: 05/2022 - 04/2023  
Advertisement, contracting, and begin construction: 04/2023 - 12/2023  
Construction: 01/2024 - 12/2026

Challenges: receipt of funding, land availability and clearances, local labor availability, and material shortages.

☐ document attached

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

The Community Housing & Infrastructure Department.

☐ 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:

Homeowners are responsible for the operation and maintenance of home renovations following a 1-year warranty period.

☐ 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:

### **3.12 Housing Support: Other Housing Assistance**

Providing home renovations will address the needs of areas with limited economic opportunity and inadequate or poor-quality housing.

The renovation projects will be administered on the Navajo Nation, which qualifies as a disadvantaged community.

☐ document attached

### **Part 3. Additional documents.**

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



**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:

NN Government Unit  
Preparer: *Pth Of* Approved by: *Pth Of*  
signature of Preparer/CONTACT PERSON signature of NN Government Unit's Dept. Program/Office Director or Manager

Approved to submit  
for Review: *Pearl Yellowman* Print Name, Title, Branch or Division: Pearl Yellowman, Executive Director  
signature of Branch Chief or Division Director print name and indicate title or position  
Executive  
indicate Branch or Division

# THE NAVAJO NATION

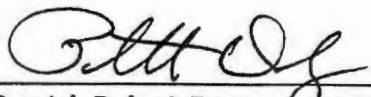
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JONATHAN NEZ | PRESIDENT   MYRON LIZER | VICE PRESIDENT



## MEMORANDUM

TO : Kristen A. Lowell, Principal Attorney  
Tax and Finance Unit/DOJ

FROM :   
Patrick Dalgai, Department Manager II  
Community Housing & Infrastructure Dept./DCD

DATE : October 8, 2021

SUBJECT : DCD/CHID ARPA RENOVATION  
Re: Additional Information Request

---

At your request, per the Department of Justice Initial Eligibility Determination, the Division of Community Development (DCD) is submitting this memo to provide additional information on the Home Renovation Funding Request in the amount of \$10 million.

Community Housing & Infrastructure Department (CHID) within DCD, along with the OPVP, have issued out DCD ARPA In-take Applications to the public for home renovation assistance request. Due to the number of applications received, DCD set aside \$10 million for renovation repairs that may not exceed \$50,000 per home (unless special circumstances apply), which includes material cost & manpower. The Scope of Work determined for each home will be based on a full eligibility and feasibility assessment report and will have detailed information from CHID to the general contractors/subcontractors tasked with deliverables to include the required material list, supplemental design services if required and home renovations construction requirements anywhere from the floor up to the roof system, while following the current International Residential Building Codes. Without renovations to existing homes, the living standards decrease and potentially puts low-income individuals at risk of severe health concerns, and possibly homelessness leaving them prone to COVID-19 due to lack of sanitation facilities. Based on the current applications we have received, renovations may include, but will not be limited, to the following:

- ADA Ramp New or Upgrades / New ADA Accessory Installations
- Plumbing Upgrades
- Electrical Home Wiring Upgrades

Memo/Kristen A. Lowell  
Re: Additional Information Request  
October 8, 2021  
Page 2

- Roof Repair/Replacements
- Floor Replacement
- Wall or Roof Insulation
- Heating Source Upgrades/New Installation (wood or pellet stove)

DCD is committed to carrying-out the tasks of developing the Scope of Work, budget and developing contracts for the Nation's administrative review and implementing the projects. Renovations will not be issued through grants or through cash assistance payments and will be managed by CHID either through General Contractors or Forced Labor Account Crews (or both depending on resources available).

If you have any questions, please give me a call (928) 871-6468 or email [pat\\_dalgai@nnchid.org](mailto:pat_dalgai@nnchid.org).

cc: CHID File  
Pearl Yellowman, Executive Director, Division of Community Development

Page \_\_\_\_ of \_\_\_\_  
BUDGET FORM 1[illegible]

# THE NAVAJO NATION

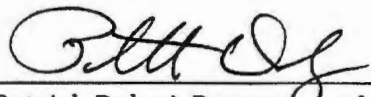
---

JONATHAN NEZ | PRESIDENT   MYRON LIZER | VICE PRESIDENT



## MEMORANDUM

TO : Kristen A. Lowell, Principal Attorney  
Tax and Finance Unit/DOJ

FROM :   
Patrick Dalgai, Department Manager II  
Community Housing & Infrastructure Dept./DCD

DATE : October 8, 2021

SUBJECT : DCD/CHID ARPA RENOVATION  
Re: Additional Information Request

---

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Community Housing & Infrastructure Department (CHID) within DCD, along with the OPVP, have issued out DCD ARPA In-take Applications to the public for home renovation assistance request. Due to the number of applications received, DCD set aside \$10 million for renovation repairs that may not exceed \$50,000 per home (unless special circumstances apply), which includes material cost & manpower. The Scope of Work determined for each home will be based on a full eligibility and feasibility assessment report and will have detailed information from CHID to the general contractors/subcontractors tasked with deliverables to include the required material list, supplemental design services if required and home renovations construction requirements anywhere from the floor up to the roof system, while following the current International Residential Building Codes. Without renovations to existing homes, the living standards decrease and potentially puts low-income individuals at risk of severe health concerns, and possibly homelessness leaving them prone to COVID-19 due to lack of sanitation facilities. Based on the current applications we have received, renovations may include, but will not be limited, to the following:

- ADA Ramp New or Upgrades / New ADA Accessory Installations
- Plumbing Upgrades
- Electrical Home Wiring Upgrades

Memo/Kristen A. Lowell  
Re: Additional Information Request  
October 8, 2021  
Page 2

- Roof Repair/Replacements
- Floor Replacement
- Wall or Roof Insulation
- Heating Source Upgrades/New Installation (wood or pellet stove)

DCD is committed to carrying-out the tasks of developing the Scope of Work, budget and developing contracts for the Nation's administrative review and implementing the projects. Renovations will not be issued through grants or through cash assistance payments and will be managed by CHID either through General Contractors or Forced Labor Account Crews (or both depending on resources available).

If you have any questions, please give me a call (928) 871-6468 or email [pat\\_dalgai@nnchid.org](mailto:pat_dalgai@nnchid.org).

cc: CHID File  
Pearl Yellowman, Executive Director, Division of Community Development



**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 #: HK0036

Date & Time Received: 10/5/2021 7:30 p.m.

Date & Time of Response: 10/07/2021 10:00p.m. MDT

Entity Requesting FRF: Division of Community Development/CHID

Title of Project: Home Renovations

Administrative Oversight: \_\_\_\_\_

Amount of Funding Requested: \$10,000,000

**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 type="checkbox"/> (3) Government Services/Lost Revenue  | <input type="checkbox"/> (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):**

- |   |  |
|---|--|
| <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 checked="" type="checkbox"/> Additional information submitted is insufficient to make a proper determination |  |

Other Comments: As currently described, the Project is not a legally allowable use pursuant to Category 1 – responding to COVID-19 public health emergency or its negative economic impacts without further information on eligibility of eligible households and scope of renovations as they pertain to the pandemic. Said in other terms, will the renovations be provided through the form of cash or a grant? What are the criteria for eligible households? What types of renovations will be provided?

Name of DOJ Reviewer: Kristen A. Lowell

Signature of DOJ Reviewer: KALowell

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 NAVAJO NATION GOVERNMENT UNITS

Part 1. Identification of parties.

NN Government Unit requesting FRF: Navajo Nation Veterans Administration Date prepared: 09/15/2021  
Indicate Department, Program, Office, Division, or Branch

NN Government Unit's mailing address: \_\_\_\_\_ phone/email: 9289553947  
website (if any): \_\_\_\_\_

Form prepared by: James Zwierlein phone/email: 9289553947  
Navajo Nation Veterans Administration Executive Director  
CONTACT PERSON'S name, title and Department, Program, Office, etc. CONTACT PERSON'S info

Title & type of Project: Veterans Housing Program

NN Government Unit's Director or Manager: James Zwierlein phone & email: 9289553947

Division Director (if any): \_\_\_\_\_ phone & email: \_\_\_\_\_

Branch Chief: Jonathan Nez phone & email: 9288717000

Funding Recipient will be working with: Executive Branch on the Project and  
Indicate Branch and/or Division  
the same will be submitting the Funding Request Package for Initial Eligibility Determination Review, and will have Administrative Oversight over this FRF Expenditure Plan.

List names or types of Subcontractors or Subrecipients that will be paid with FRF (if known):  
The Sparrow Group, Priority 1 General Contractor ☐ document attached

Amount of FRF requested: \$50,000,000 FRF funding period: 11/01/2021 - 12/31/2026  
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:

This funding will provide operational funds for the Navajo Nation Veterans Administration Veterans Housing Program to provide newly constructed homes to Navajo veterans who lack a permanent place to live in accordance with the approved program policies.

☐ document attached

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

This program is intended to provide new homes to Navajo veterans to help reduce the substandard, unsafe, and overcrowded living conditions of our Navajo veterans. It will benefit the Navajo Nation, the communities, and the people by finally producing the homes for veterans that have been promised by two different administrations.

☐ document attached

## **APPENDIX A**

- (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 program currently has a waiting list of 1,400 potential applicants, and the program is currently in the process of reviewing and vetting the applications. With a final list of applicants, we expect to begin construction of 1/3rd of the new homes each year. Issues and challenges we expect to encounter are site accessibility for certain applicants, and the ability of the general contractor to hire sufficient Navajo labor force to maintain pace with the projected timeline.

☐ document attached

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

The NNVA Executive Director will have the ultimate responsibility for this program, but will be aided by, or delegate authority to the Veterans Housing Program staff currently being on-boarded to operate the program under the supervision of the Executive Director.

This project will fall under category 3.11

☐ 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:

Once the project is complete, the individual homes will belong to the qualified applicants who were screened and selected under the guidelines of the Veterans Housing Program.

☐ 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:

The NNVA Executive Director will have the ultimate responsibility for this program, but will be aided by, or delegate authority to the Veterans Housing Program staff currently being on-boarded to operate the program under the supervision of the Executive Director.

This project will fall under category 3.11

☐ document attached

### **Part 3. Additional documents.**

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

N/A

**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:

NN Government Unit

Preparer: \_\_\_\_\_ Approved by: \_\_\_\_\_  
*signature of Preparer/CONTACT PERSON* *signature of NN Government Unit's Dept./Program/Office Director or Manager*

Approved to submit  
for Review: \_\_\_\_\_ Print Name, Title,  
Branch or Division: \_\_\_\_\_  
*signature of Branch Chief or Division Director* *print name and indicate title or position*

\_\_\_\_\_  
*Indicate Branch or Division*

Page \_\_\_\_ of \_\_\_\_  
BUDGET FORM 1

<b>PART I. Business Unit No.: K - [New]</b>		<b>Program Title:</b> Veterans Housing Program	<b>Division/Branch:</b> Executive
<b>Prepared By:</b> James Zwierlein		<b>Phone No.:</b> (928) 955-3947	<b>Email Address:</b> jameszwierlein@navajo-nsn.gov

<b>PART II. FUNDING SOURCE(S)</b>	<b>Fiscal Year /Term</b>	<b>Amount</b>	<b>% of Total</b>	<b>PART III. BUDGET SUMMARY</b>	<b>Fund Type Code</b>	(A) <b>NNC Approved Original Budget</b>	(B) <b>Proposed Budget</b>	(C) <b>Difference or Total</b>
NN Fiscal Recovery Funds		50,000,000.00	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				
				7000 Special Transactions				
				8000 Public Assistance				
				9000 Capital Outlay			50,000,000	
				<b>TOTAL</b>		\$0.00	50,000,000.00	0
				<b>PART IV. POSITIONS AND VEHICLES</b>		(D)	(E)	
				Total # of Positions Budgeted:			0	
				Total # of Vehicles Budgeted:			0	
<b>TOTAL:</b>			\$50,000,000.00	100%				

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

**SUBMITTED BY:** \_\_\_\_\_  
 James Zwierlein - Executive Director  
                James Zwierlein        
*[Signature]*  
 Program Manager's Signature and Date

**APPROVED BY:** \_\_\_\_\_  
 Paulson Chaco - Chief of Staff  
                Paulson Chaco           
*[Signature]*  
 Division Director / Branch Chief's Signature and Date



**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 #: HK0043

Date & Time Received: 10/5/2021 19:37 EST

Date & Time of Response: 10/11/2021 6:40 p.m. MT

Entity Requesting FRF: Navajo Nation Veterans Administration

Title of Project: Veterans Housing Program

Administrative Oversight: \_\_\_\_\_

Amount of Funding Requested: \$50 million

**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:** 3.11 – Housing Support: Services for Unhoused Persons

**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: It is critical that to be eligible, costs must be obligated by the end of 2024, and the project complete by the end of 2026.

Name of DOJ Reviewer: Mel M. Rodis, Assistant Attorney General, Tax & Finance Unit

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.



# **EXHIBITS**

## **G through G-1**



Navajo Nation Fiscal Recovery Fund  
Bathroom Additions Expenditure Plan

Description	Category	Requested \$
Bathroom Additions	1.12	\$150,000,000

**THE NAVAJO NATION  
FISCAL RECOVERY FUNDS REQUEST FORM & EXPENDITURE PLAN  
FOR NAVAJO NATION-OWNED ENTITIES**



**Part 1. Identification of parties.**

NN-Owned Entity requesting FRF: Navajo Tribal Utility Authority Date prepared: October 4, 2021

NN-Owned Entity's PO Box 170 phone/email: 1-800-528-5011  
mailing address: Fort Defiance, AZ 86504 website (if any): www.ntua.com

This Form prepared by: Bidtah Becker, Associate Attorney phone/email: 928-729-6462 bidtahb@ntua.com  
Bidtah Becker, Associate Attorney 928-729-6462 bidtahb@ntua.com  
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: NTUA ARPA Bathroom Additions; expenditure category 1.12: Public Health: Other

NN-Owned Entity's CEO (or equivalent): Walter W. Haase phone & email: walterh@ntua.com 928-729-6202

Board President: Sydney Bob Dietz phone & email: sidneyd@ntua.com 928-729-6267

Board Treasurer or Financial Officer: Thomas Nelson phone & email: tomn@ntua.com 928-729-6211

Funding Recipient will be working with: Division of Community Development on the Project  
Indicate assisting Division and name of Division Director; if none, indicate "NN President and OPVP"  
and same will be submitting the Funding Request Package for Review, and will have Administrative Oversight over this FRF Expenditure Plan.

List types of Subcontractors or Subrecipients that will be paid with FRF (if known):  
NECA and other construction and engineering subcontractors ☐ document attached

Amount of FRF requested: \$150 million FRF funding period: starting date: when funding is received; deadline date: December 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:

NTUA's ARPA Bathroom Additions program will use the funds to build ADA compliant bathrooms, connect the home to electricity, provide the home with drinking water through a water cistern or connection to a waterline, and provide the home with a septic tank or connect to a sewer system. Homes will also be provided with a refrigerator, water heater, wall heater, toilet, bathroom sink, and utility sink. Homes across the Navajo Nation will receive the services. This program addresses public health challenges that partly caused the unequal impact of the impact on the Navajo Nation. ☒ document attached

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

A shockingly high number of homes on the Navajo Nation lack access to one or more of the following utilities: electricity, water, wastewater, and broadband. NTUA's ARPA Bathroom Additions projects will provide one or more utilities to a home that lacks them and will assist in promoting public health and economic stimulus. The Navajo people receiving the utilities will directly benefit from the program. ☐ 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:

Document Attached with Timeline  
Document Attached Listing Challenges

☒ document attached

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

NTUA Project Manager.

☐ 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:

NTUA's customers are responsible for operations and maintenance costs. NTUA prioritizes the stabilization of rates and has not raised the electric rate in over 13 years. NTUA offers discounted rates for seniors and the disabled. Two federal programs, administered by the NN Division of Social Services, assist low income households with utility bills: LIHEAP and LIHWAP.

☐ 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:

NTUA's Bathroom Additions program is covered under Expenditure Category 1.12 Other Public Health Services. The Interim Final Rule states that "[g]iven the exacerbation of health disparities during the pandemic and the role of pre-existing social vulnerabilities in driving these disparate outcomes, services to address health disparities are presumed to be responsive to the public health impacts of the pandemic. Specifically, recipients may... facilitate access to resources that improve health outcomes including services that connect residents with health care resources and public assistance programs and build healthier environments such as: housing services to support healthy living environments and neighborhoods conducive to mental and physical wellness." Bathroom additions addresses the conditions that contributed to poor public health and economic outcomes during the pandemic, namely concentrated areas with limited economic opportunity and inadequate or poor housing quality. The program will build healthier environments.

☐ document attached

**Part 3. Additional documents.**

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

- (1) Resolutions will go in front of the NTUA Management Board on October 22, 2021
- (2) Cost Per Unit Spreadsheet

☐ Board 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:

NN-Owned Entity's  
Preparer:

  
signature of Preparer/CONTACT PERSON

Approved by:

  
signature of Board Chairperson or President (or Vice-President)

Approved by:

signature of NN-Owned Entity's CEO (or equivalent)

Approved to submit  
for Review:

  
signature of Director of assisting Division

-OR- Approved to submit  
for Review:

signature of NN President

**Bathroom Addition Cost / Cistern Option**

Structure - ADA Compliant	\$	58,000.00
Cistern	\$	16,000.00
Septic	\$	26,000.00
House Wiring Contingency (50% of Homes)	\$	7,000.00
NTUA ROW	\$	7,500.00
NTUA Evaluations / Design Work	\$	16,000.00
<b>Total</b>	<b>\$</b>	<b>133,110.00</b>

ARP Funding Available	\$	75,000,000.00
-----------------------	----	---------------

Possible Number of Bathroom Additions with Cisterns	563
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**Bathroom Addition Cost / Waterline Option**

Structure - ADA Compliant	\$	58,000.00
Waterline up to 2,500'	\$	53,500.00
Septic	\$	26,000.00
House Wiring Contingency (50% of Homes)	\$	7,000.00
NTUA ROW	\$	7,500.00
NTUA Evaluations / Design Work	\$	16,000.00
<b>Total</b>	<b>\$</b>	<b>171,360.00</b>

ARP Funding Available	\$	75,000,000.00
-----------------------	----	---------------

Possible Number of Bathroom Additions with Waterline	438
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<b>Total Units to Complete To Include Water &amp; Cistern</b>	<b>1001</b>
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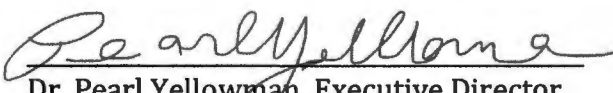
# THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT      MYRON LIZER | VICE PRESIDENT



## MEMORANDUM

TO : Mel M. Rodis, Assistant Attorney General  
Tax and Finance Unit  
Navajo Nation Department of Justice

FROM :   
Dr. Pearl Yellowman, Executive Director  
Division of Community Development

DATE : October 13, 2021

SUBJECT : **FRF Expenditure Plan for Bathroom Additions**  
**Additional Information Request**  
**HK0046-02**

The Division of Community Development (DCD) is submitting this memo to provide additional information on the Bathroom Addition Funding Request in the amount of \$150 million per the Department of Justice's Initial Eligibility Determination and additional information request.

The Division of Community Development solicited all 110 Chapters for a list of their respective community members who need bathroom additions. DCD has accumulated all the Chapter requests, and has over 3,400 recipients in a master database that contains over 15 columns of preliminary information to include the recipient's name, geographic coordination locations, type of structure they live in, type of assistance being requested, whether or not the home is currently wired, whether or not there is an existing homesite lease, etc.

### **Supporting Healthy Living Environments**

It is estimated that between 30 – 40% of Navajo households live without running water and indoor plumbing, use outhouses in inclement weather, and haul water from designated watering points throughout the Nation and surrounding communities that are both sparse and often unreliable (often from windmills or other water sources that are not connected to public water systems) only to end up storing the water in small 5 – 50-gallon temporary water storage containers. Access to a dependable, on-demand water system and a sanitary facility will improve a family's daily ability to wash their hands and bath.

The Navajo Nation has had one of the highest national fatality rates per capita due to this ongoing COVID-19 pandemic that is mostly due to overcrowding in homes and families not having direct access to running water and bathroom facilities. This project will directly impact the health and safety of the Nation's community members.

### **Assistance Method and Selection Criteria**

All bathroom additions will be built by qualified general contractors utilizing pre-designed standard drawings that will include either a fully equipped ADA bathroom or a fully equipped standard bathroom. No part of this expenditure plan will be provided in the format of a cash payment.

DCD and NTUA are currently working to establish the application and selection procedures for determining final eligibility for a family / resident to receive a bathroom, but the following criteria will be part of the evaluation:

- 1) If a recipient is on a funded Indian Health Service (I.H.S.) Project, I.H.S. only provides the water and septic service to the home and requires the recipient or the Nation to provide the bathroom addition when indoor plumbing is not available;
- 2) If a recipient has an existing homesite lease;
- 3) If a recipient is an elder or has a medical condition (letter from I.H.S. or a doctor may be required to receive a fully accessible ADA bathroom); and
- 4) If the recipient lives in the home 12 months out of the year.

There will be a team of qualified, dedicated staff that will be responsible for reviewing all bathroom addition applications that will also conduct in-person assessments of the homes to ensure the structure is physically able to receive a bathroom addition.

### **Bathroom Amenities**

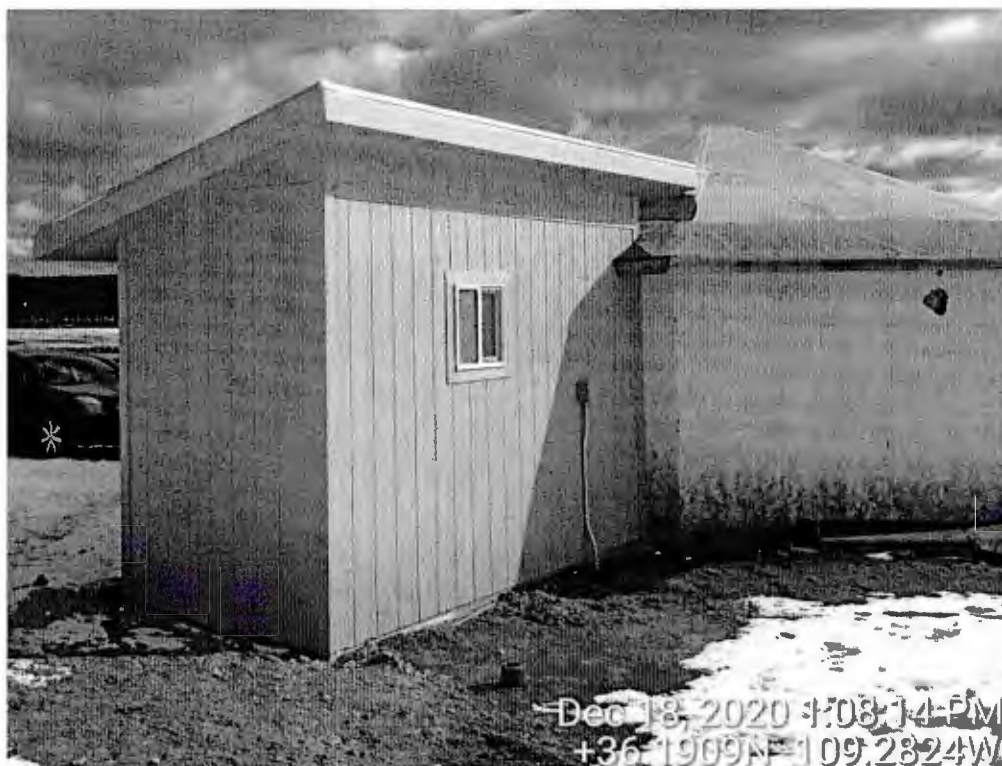
Each bathroom that is constructed will include amenities like wall heaters, hot water heaters, standard plumbing fixtures (toilet, sink, utility sink, and bathtub/shower) as shown in the pictures below. Homes that will be receiving a new bathroom addition will likely not have any existing plumbing (see the traditional Hogan shown in one of the images below) and will require all new equipment and fixtures to facilitate the homes with a fully functional bathroom.

- Wall heater: Most homes are not traditional homes that have centralized heating and cooling and rely on pellet stoves for heating during the winter. A lot of the families live in higher elevations where the temperatures during the winter drop below freezing. The stoves often can't produce the heat that is necessary to properly maintain the temperature in the bathroom to ensure the plumbing doesn't freeze.
- Hot water heater: As already indicated, most of the homes do not have any running



water or if they have any existing water, the chances are they do not have hot water.

- **Plumbing fixtures:** Homes that will be selected to receive a bathroom addition will, in nearly all cases, not have any plumbing fixtures to facilitate the functionality of the bathroom addition. In order for a bathroom to be utilized, the structure will require the installation of a sink for washing hands, a toilet, and a bathtub or shower for bathing.
- **Refrigerator:** Under CARES , the Nation provided refrigerators to homes that were receiving power to bathroom additions for the first time as a means for families to have the ability to store medicine and other perishable goods without the need to haul ice or keep perishables in ice chests.
- **House Wiring:** Some homes will not have any existing house wiring. In these cases the unit will have the bathroom addition wired and an additional cost will be associated to add the necessary panel and riser to the home for an electrical connection.

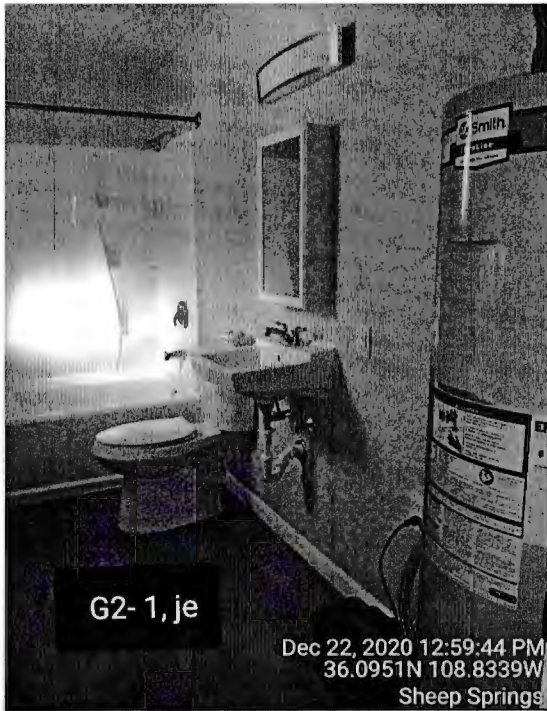


Dec 18, 2020 4:08:14 PM  
+36 1969 109.2824 W



Traditional Hogan with CARES funded Bathroom Addition (2020)





### **Similar Request Clarification**

This request does not duplicate other services being provided for cisterns, septic tanks, waterline connections, and house wiring under other expenditure plans and is being treated as a standalone project. These homes may require supplemental cisterns, septic tanks/leach fields, or waterlines, but these projects are being treated as standalone, independent systems to be constructed conclusively in order to ensure the family has an operable bathroom at the end of construction.

I.H.S, NTUA, and DWR are all working together on addressing the needs of other recipient lists that have specifically been identified for water or wastewater services only for homes that already have indoor plumbing. DCD will work with all the Departments / Programs to ensure there isn't any duplication or repetitive services provided to the bathroom recipients.

If you have any questions, please don't hesitate to contact me at [pyellowman@nndcd.org](mailto:pyellowman@nndcd.org).

c.



### **Eligibility Criteria: 1.12 Public Health: Bathroom Additions**

In order for an applicant to request ARPA funds for a bathroom addition under this legislation they must provide the following information:

1. Complete the NTUA Bathroom Addition with Waterline or Cistern System and Septic/Wastewater Service application.
2. The applicant will have to provide their name, reliable phone number(s), email address, mailing and physical address, the latitude and longitude, and chapter affiliation.
3. They must submit a valid homesite lease or residential lease.
4. Proof of primary residency required.

The criteria to determine eligibility for applicants is based on successful submission of aforementioned documents request. NTUA will perform a feasibility study which includes the following criteria:

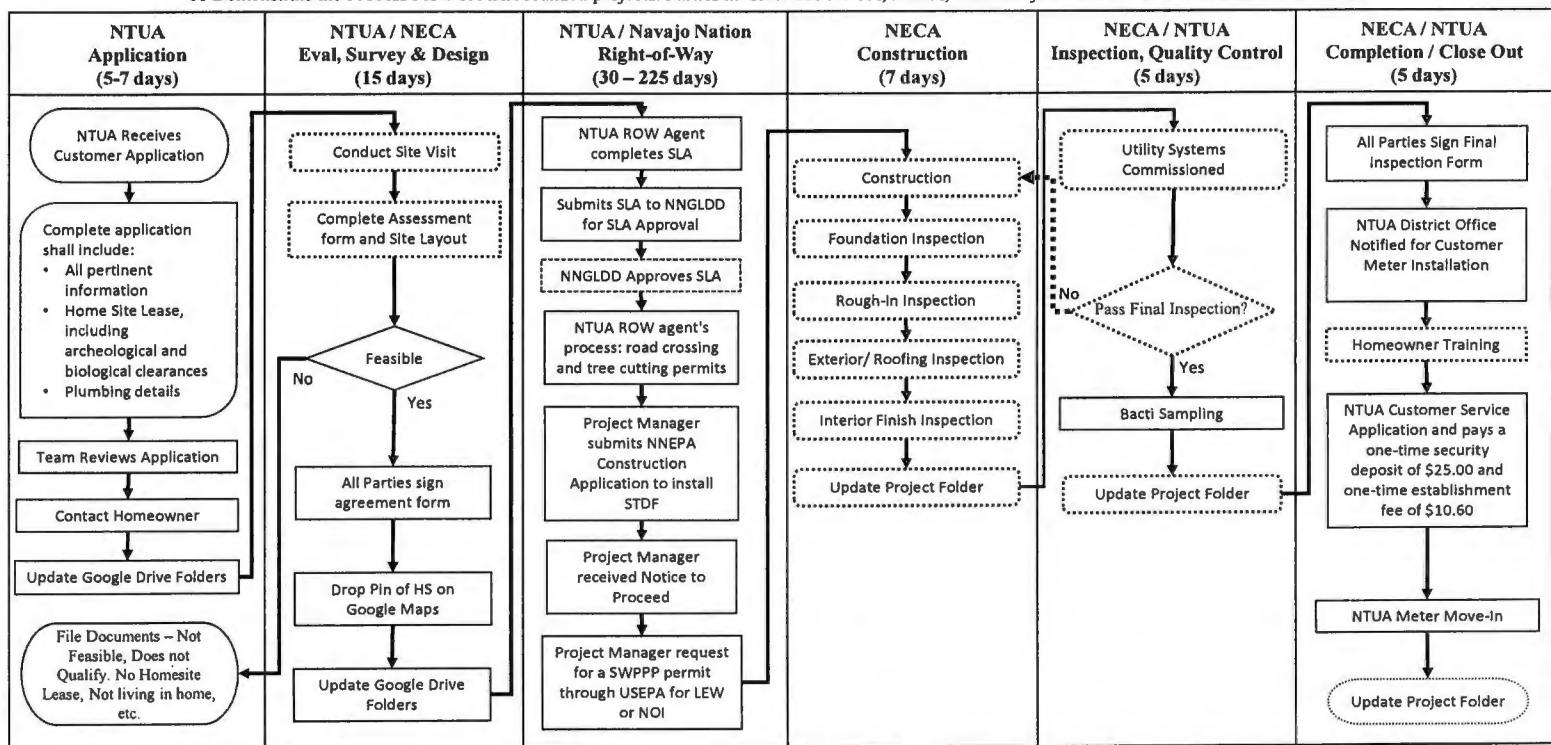
1. The home must be found to be physically feasible to lived in.
2. Whether the home is on a permanent foundation and is a sound structure (livable).
3. Home needs to have access to a power source (electric or solar).
4. Applicant is willing and able to pay for monthly services.
5. Applicant must have no outstanding balance on existing utility accounts.
6. If a home is located within ½ mile of a community water system they will be considered for a waterline connection.
7. If the home is located over ½ mile they will be considered a water cistern system.
8. If the applicant is to receive a cistern system, the applicant must be willing and able to own, operate and maintain the system (which includes hauling water to refill).
9. For either a waterline connection or a water cistern system, the applicant must be willing and able to own, operate and maintain the septic system.

Homes that meet the criteria above will enter the right-of-way process where NTUA will obtain the Biological Resources Clearance Form (BRCF), Cultural Resources Compliance Form (CRCF), Traditional Cultural Proper Record (TCP), Tribal Authorization Access (TAA), and Service Line Agreement (SLA), if applicable. If the applicant's home can get through this process, then it can be approved for construction.

The priority can be described as "first to complete the process will be first served" meaning, if an applicant is able to complete the application, has a valid homesite lease, the home passes a physical inspection, and obtain all the applicable land clearance requirements, then that applicant will be served. Homes will continue to receive services until all the funding is expended or the imposed time limit runs.

## ARPA Project Process – Water Cistern, Septic Service, Bathroom Additions

To Demonstrate the Process Flow of ARPA funded projects. Parties involved are NTUA, NECA, The Navajo Nation & Tribal Residents / Customers.



Water Cistern, Septic Sewer, Drain field,  
Bathroom Additions Process Flow

70 to 265 day timeline

Nov. 2021 Bryan Taylor, Work Management Admin.  
Deputy General Manager's Office - NTUA



# NAVAJO TRIBAL UTILITY AUTHORITY

## Request for Bathroom Addition with Waterline OR Cistern Application

*I am applying for Bathroom Addition with Waterline or Cistern Application*

*I understand that this is only an application and does not guarantee that I will receive services.*

### Applicant Information

Chapter House Location:  Name of Council Delegate:

Are you a Veteran? ☐ Yes ☐ No Do you have a Medical Condition? ☐ Yes ☐ No

Do you have a Physician Statement? ☐ Yes ☐ No

Name:  Date:   
Last First MI Suffix

Email:  Phone #1:  Phone #2:

Mailing Address:  City:  State:  Zip Code:

Physical Address

### Describe your home

Lat/Long coordinates of residency(if known): Latitude:  Longitude:

- Do you have an Approved Homesite Lease or Residential Lease with supporting documents?.... ☐ Yes ☐ No
- If you do not have a Homesite Lease or Residential Lease, have you applied for one?..... ☐ Yes ☐ No
- If you already applied for a Homesite Lease or Residential Lease, when?

Type of land ownership:

- ☐ Homesite Lease  
☐ Private  
☐ Other (explain):

Type of Structure

- ☐ House  
☐ Hogan  
☐ Mobile Home: ☐ Double ☐ Triple  
☐ Other (explain):

House color:  # of Bedrooms:  # of Occupants:  Adults :  Children:

- Is this a Permanent year-round residency?(12 months a year)..... ☐ Yes ☐ No
- Is the home on a permanent foundation?..... ☐ Yes ☐ No
- Is the home structurally sound? ..... ☐ Yes ☐ No
- Can a bathroom addition be attached to the home? ..... ☐ Yes ☐ No
- Do you have Electricity?..... ☐ Yes ☐ No
  - If no, did you apply for Light up Navajo?..... ☐ Yes ☐ No
- May we schedule a Home visit?..... ☐ Yes ☐ No

How far do you live to the nearest NTUA waterline? Distance (miles):

Please Continue to Second Page

DRAFT

11.18.2021 - DGM



**If you live LESS than 1/2 mile from a NTUA waterline, please complete this section for WATERLINE service**

- Is your home equipped with complete interior plumbing fixtures?..... ☐ Yes ☐ No
- Do you have a clothing washer installed?..... ☐ Yes ☐ No
- Can you pay a one-time NTUA account establishment fee of \$10.60?..... ☐ Yes ☐ No
- Can you pay a one-time security deposit of \$25.00?..... ☐ Yes ☐ No
- Do you have an outstanding balance with NTUA?..... ☐ Yes ☐ No
- If yes, and you are selected for this program, you will need to have a zero balance with NTUA, or arrange to reach a zero balance. Are you willing to meet the stated requirements about an outstanding balance?..... ☐ Yes ☐ No

**If you live MORE than 1/2 mile from a NTUA waterline, please complete this section for CISTERN service**

- Is your home equipped with complete interior plumbing fixtures?..... ☐ Yes ☐ No
- If you are selected for this program, you will own the cistern system and all fixtures, which will be operated and maintained by you. Are you willing to accept this requirement?..... ☐ Yes ☐ No
- If you are selected for this program, you will be responsible for hauling water to refill your cistern tank. Are you willing to accept this requirement?..... ☐ Yes ☐ No
- Can you pay a one-time NTUA account establishment fee of \$10.60?..... ☐ Yes ☐ No
- Can you pay a one-time security deposit of \$25.00?..... ☐ Yes ☐ No
- Do you have an outstanding balance with NTUA?..... ☐ Yes ☐ No
- If yes, and you are selected for this program, you will need to have a zero balance with NTUA, or arrange to reach a zero balance. Are you willing to meet the stated requirements about an outstanding balance?..... ☐ Yes ☐ No

**Please draw a map of your location:**



A large empty rectangular box for drawing a map of the location.

Please use additional paper if needed.

**DRAFT**

11.18.2021 - DGM



**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 #:** HK0046-2

**Date & Time Received:** 10/14/21 08:34

**Date & Time of Response:** 10/16/21 16:15

**Entity Requesting FRF:** NTUA

**Title of Project:** NTUA ARPA Bathroom Additions

**Administrative Oversight:** Division of Community Development

**Amount of Funding Requested:** \$150,000,000

**Eligibility Determination:**

- ☒ FRF eligible  
☐ FRF ineligible  
☐ Additional information requested

**FRF Eligibility Category:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> (1) Public Health and Economic Impact | <input type="checkbox"/> (2) Premium Pay                            |
| <input type="checkbox"/> (3) Government Services/Lost Revenue             | <input type="checkbox"/> (4) Water, Sewer, Broadband Infrastructure |
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_


**U.S. Department of Treasury Reporting Expenditure Category:** 1:12 (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 |  |

**Comments:** No NTUA Board resolution was included in the review packet.

**Name of DOJ Reviewer:** Mel M. Rodis, Assistant Attorney General, Tax & Finance Unit

**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.

# EXHIBIT H

THE NAVAJO NATION  
FISCAL RECOVERY FUNDS **REQUEST FORM & EXPENDITURE PLAN**  
FOR NAVAJO NATION GOVERNMENT UNITS



**Part 1. Identification of parties.**

NN Government Unit requesting FRF: Office of the Controller Date prepared: 10/20/2021  
Indicate Department, Program, Office, Division, or Branch

NN Government Unit's mailing address: P.O. Box 7440, Window Rock, AZ 86515 phone/email: (928) 871-6173/elizabeth.begay@nnooc.org  
website (if any): \_\_\_\_\_

Form prepared by: Elizabeth Begay phone/email: (928) 871-6173/elizabeth.begay@nnooc.org  
Controller, Office of the Controller same as above  
CONTACT PERSON'S name, title and Department, Program, Office, etc. CONTACT PERSON'S info

Title & type of Project: Hardship Assistance

NN Government Unit's Director or Manager: Elizabeth Begay phone & email: (928) 871-6173/elizabeth.begay@nnooc.org

Division Director (if any): same as above phone & email: \_\_\_\_\_

Branch Chief: Jonathan Nez, Navajo Nation President phone & email: (928) 871-7000/jonathannez@navajo-nsn.gov

Funding Recipient will be working with: \_\_\_\_\_ on the Project and  
Indicate Branch and/or Division  
the same will be submitting the Funding Request Package for Initial Eligibility Determination Review, and will have Administrative Oversight over this FRF Expenditure Plan.

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

☐ document attached

Amount of FRF requested: \$207,000,000 FRF funding period: 10/01/2021 - 12/31/2024  
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 Office of the Controller (OOC) will provide financial hardship assistance, directly related to the COVID-19 pandemic, for eligible Navajo People for up to \$600 per applicant for up to 345,000 qualifying individuals. Eligibility includes individuals hospitalized for COVID-19, those still in isolation or quarantine who cannot work, families who lost loved ones, wage earners who gave up their job to stay home to take care of family members, or those members of the Nation that have been adversely affected by the COVID-19 pandemic. Eligible costs include purchasing PPE; paying utility bills, rent, mortgage, isolation expenses, livestock-related expenses, and education related expenses; and other financial burdens due to the pandemic and public health emergency orders.

☐ document attached

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

The Navajo Nation continues to endure hardships due to this pandemic. As of October 27, 2021, the Navajo Nation DOH reported 119 new COVID-19 cases and nine recent deaths. The total number of deaths is 1,484 and 36,409 confirmed positive cases. In addition, the current unemployment rate is at an all-time high at 48.5% and the average household income is \$8,240, well below the federal poverty guidelines. This program will provide much needed assistance as the Nation continues to face the effects and financial hardship due to the pandemic.

☐ 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:

Advertisement by OOC for eligible applications for financial hardship assistance:  
10/01/2021 - 10/31/2022

Execution of funding distribution: 10/2021 - 12/31/2024

The Office of the Controller does not foresee any challenges preventing them from meeting the December 31, 2024 deadline to incur all costs.

☐ document attached

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

Elizabeth Begay, Controller, Navajo Nation Office of the Controller

☐ 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:

There will be no O&M costs. Once the funding is distributed, there will be no additional costs.

☐ 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:

### 2.3 Negative Economic Impacts, Household Assistance: Cash Transfers

This program will focus on individuals experiencing financial hardship directly related to the COVID-19 pandemic. The Executive Branch programs, including the Division of Social Services and Department of Health will provide data, combined with statistics from the Division of Community Development, to the OCC to ensure those that have true hardship receive the immediate help needed. The cash transfer amount of up to \$600 per person for all members of the Nation is reasonable, and not an excessive amount, to address the financial hardship experienced by the pandemic. In comparison, the Navajo Nation CARES fund for Hardship Assistance provided \$1500 per the age of 18 years as of March 1, 2020 and \$500 per person under the age of 18 years as of March 1, 2020.

☒ document attached

### Part 3. Additional documents.

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

1. Sample application for FRF hardship assistance.
2. Sample letter to accompany hardship assistance payment stating return of excess financial assistance in entire amount if not used to support eligible costs or is distributed to an individual who has not suffered economic hardship due to the COVID-19 pandemic.

## APPENDIX A

### Part 4. Affirmation by Funding Recipient.

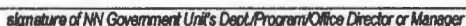
Funding Recipient affirms that its receipt of Fiscal Recovery Funds and the implementation of this FRF Expenditure Plan shall be in accordance with Resolution No. CJY-41-21, the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulations, and policies:

NN Government Unit/  
Preparer:


  
signature of Preparer/CONTACT PERSON

Approved by:

Elizabeth Begay, Controller

  
signature of NN Government Unit's Dept./Program/Office Director or Manager

Approved to submit  
for Review:

  
signature of Branch Chief or Division Director

Print Name, Title,  
Branch or Division:

Paulson Chaco, Chief of Staff

  
print name and indicate title or position

Executive Branch

  
Indicate Branch or Division



## Part 2. Expenditure Plan Details

### (a) Continued

Hardship assistance beneficiaries should use funds received from the Hardship Assistance Program to cover the costs of expenses or lost income that resulted from the COVID-19 pandemic. Funds should be used to reimburse or pay reasonable and necessary personal, family, living, or funeral expenses incurred, including, but not limited to, rent, utilities, childcare, healthcare costs, purchase of personal protect equipment, and cost of food and fuel.

The OOC will not require an application for beneficiaries to receive funding from the Hardship Assistance Program if they previously received assistance under the CARES Act. Beneficiaries will be identified based on previous CARES Act Hardship Assistance Program, Phase 1 and Phase 2. A letter will accompany the hardship assistance payment, and will include the following elements:

- If an individual receives the hardship assistance and has not suffered economic harm due to the COVID-19 pandemic, they will be asked to return the money to the OOC.
- If an individual receives the hardship assistance and does not use the full amount, they will be asked to return the money to the OOC.
- If an individual receives the hardship assistance and this person is deceased, a responsible party will be asked to return the money to the OOC.
- A note restating that the check is only valid for 90 days after the print date and will be void and null at any time past the 90 days.

New recipients that did not receive funding under the CARES Act will be required to complete an application. The application process will be the same as the CARES Act Hardship Assistance, Phase 2.

There was a total of 224,637 adults and 83,570 minors that received hardship assistance under the CARES funding. The total number of adults and minors combined was 308,207.

A total of 180,449 (59%) of the CARES hardship recipients lived on-reservation and 127,758 (41%) lived off-reservation.

### (b) Continued

The COVID-19 pandemic has changed the world and affected communities throughout. However, in communities, such as the Navajo Nation that have large areas with low-income and are socially vulnerable, they have been disproportionately affected. Hardship assistance is needed to support the people of the Navajo Nation to help them recover from and continue to endure the pandemic. The Navajo Nation suffers from many factors that are contributing to the continued spread of COVID-19 and the higher mortality rates.

**COVID-19 cases.** From October 27, 2021, to November 10, 2021, the Navajo Nation DOH reported 1,328 new COVID-19 confirmed cases and 23 recent deaths. The total number of deaths since the start of the pandemic is 1,507 and 37,737 confirmed positive cases. The Navajo Nation has aggressively deployed the vaccine, and approximately 70% of the eligible population has been vaccinated [1]; however, positive cases continue, as can be seen in **Figure 1**. With a positive case comes many negative variables, such as quarantine and missed work or school, caring for a sick family member, and medical expenses. Often, these families are already struggling

financially, and the hardship felt to endure the negative effects of COVID exacerbates an already dire financial situation.

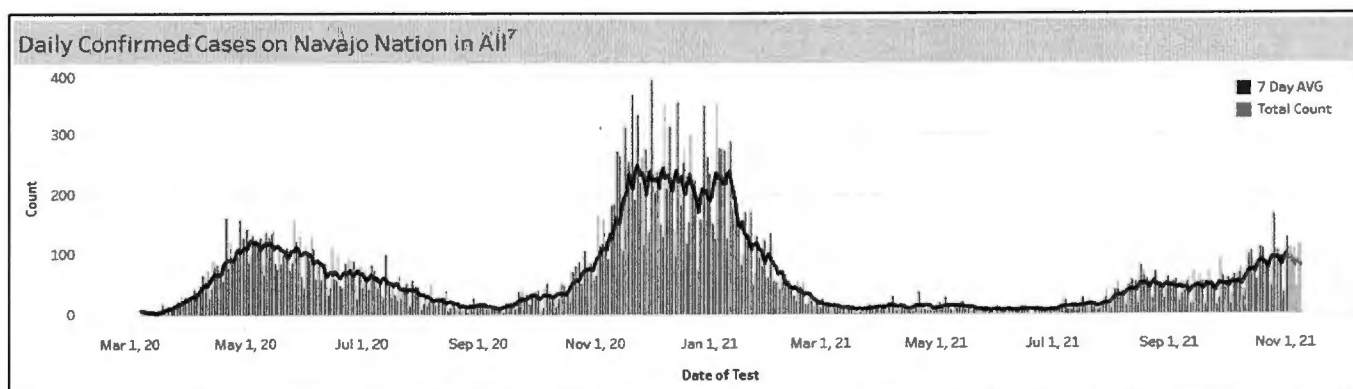


Figure 1 - Daily Confirmed Cases on Navajo Nation in All [1]

**Lack of resources.** The Navajo Nation is one of the largest Native American tribes in the United States, and it encompasses more than 27,000 square miles. The Nation is situated within three different states, Arizona, New Mexico, and Utah. The total population is ever increasing, and the Navajo Nation has more than 400,000 enrolled members, with more than 47 percent living either within the reservation or off the reservation on trust land [9].

The vast geographic scope and widespread population densities through the Nation contributes to a lack of infrastructure and economic development and is closely connected to sustained poverty. Approximately 30 percent of the Navajo Nation population does not have access to clean and reliable drinking water. This lack of access to an adequate water supply can increase the COVID-19 transmission rate as personal hygiene and hand washing are limited. Families on the Navajo Nation drive 1-1.5 hours once or twice a week to reach watering points where they can fill 250-gallon plastic tanks with water for cooking, cleaning, and drinking water [9].

There are approximately 55,000 households located on Navajo lands. Approximately 15,000 of these homes are without electricity. Not having access to electricity has many repercussions for Navajo families: lack of access to running water, reliable lighting, modern forms of home heating and cooling, and appliances such as refrigerators and microwaves. To keep food from perishing, families often must use portable coolers filled with ice to preserve their food. During colder weather, they cannot rely on heaters for warmth and must gather wood to use as a heat source [9].

**Poverty.** The socio-economic conditions on the Navajo Nation are highlighted by limited employment opportunities; the current unemployment rate is 48.5 percent, and average household income is \$8,240 [2]. The U.S. Department of Health and Human Services 2021 poverty guidelines is shown in **Figure 2** below. As can be seen, the average household income of \$8,240 on the Navajo Nation is well below the federal poverty guidelines.

2021 POVERTY GUIDELINES FOR THE 48 CONTIGUOUS STATES AND THE DISTRICT OF COLUMBIA	
Persons in family/household	Poverty guideline
1 .....	\$12,880
2 .....	17,420
3 .....	21,960
4 .....	26,500
5 .....	31,040
6 .....	35,580
7 .....	40,120
8 .....	44,660
For families/households with more than 8 persons, add \$4,540 for each additional person.	

Figure 2 - Department of Health and Human Services -  
Office of the Secretary - Annual Update  
of the Health and Human Services Poverty Guidelines [3]

**Housing.** The high level of unemployment creates a high level of poverty and contributes to sub-standard housing conditions. According to the Office of Policy Development and Research and the Department of Housing and Urban Development (HUD) Low-Income Housing Tax Credit Qualified Census Tracts must have 50 percent of households with incomes below 60 percent of the Area Median Gross Income (AMGI) or have a poverty rate of 25 percent or more [4]. Below, **Figure 3** shows the overall boundaries of the Navajo Nation.

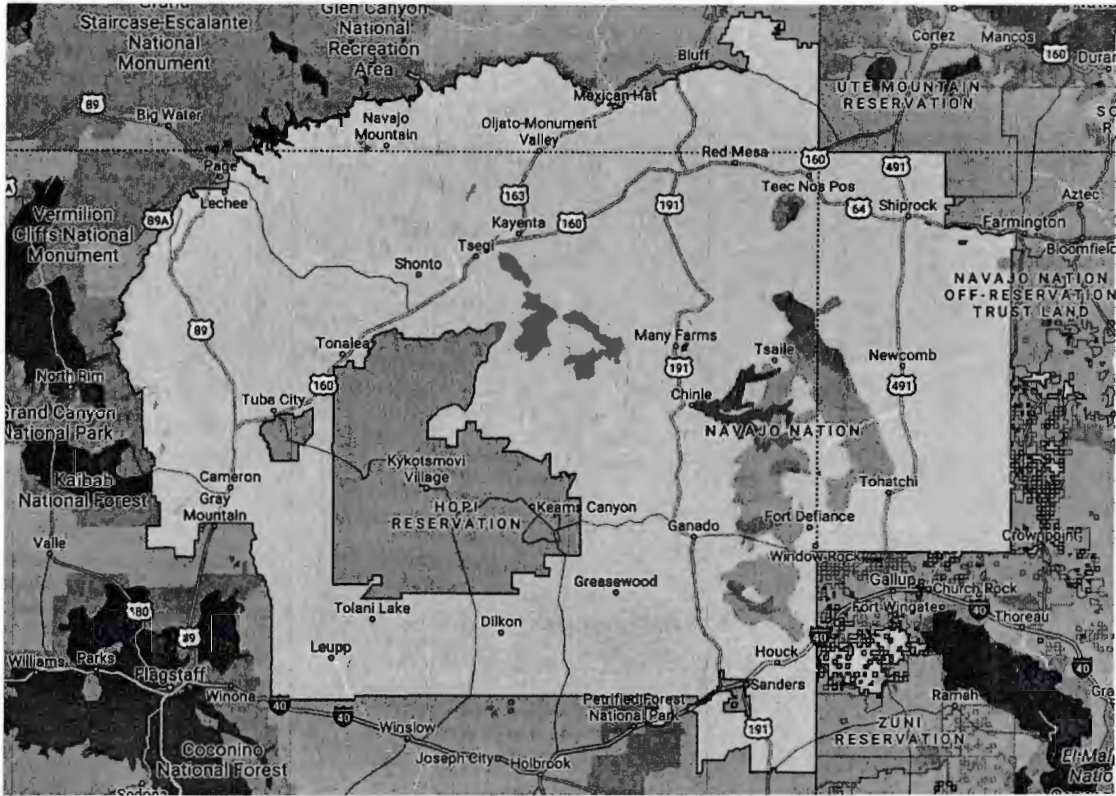


Figure 3 - Map of Navajo Nation Boundaries [5]

This is a detailed map of New Mexico, showing its geographical features, major cities, and transportation routes. The map includes labels for various national monuments and reservations, such as Grand Staircase-Escalante National Monument, Glen Canyon National Recreation Area, and the Four Corners National Monument. Major cities like Albuquerque, Santa Fe, and Las Cruces are marked. The map also shows the state's borders with Arizona, Texas, and Colorado, and the Gulf of Mexico to the south.

4 | Page

**Mental health.** The Navajo Nation has felt the effects of the pandemic through rising cases of mental health, such as depression, anxiety, and individuals turning to substance abuse. According to the U.S. Census Household Pulse Survey [7], the reports primary findings are as follows:

- Moderate to severe anxiety peaked at 37.3 percent of the adult population during the pandemic, up from 6.9 percent in 2019.
- Moderate to severe depression among adults jumped from 7.0 percent to 30.2 percent over the pandemic.
- The greatest concern is anxiety among young adults: during the pandemic, 43.5 percent reported moderate to severe anxiety.
- Income is a key indicator of mental health. Households with income less than \$25,000 are 20.1 percentage points more likely to report moderate to severe anxiety than a household with income that is \$200,000 or more.

In a community already facing many social and economic disparities, the COVID-19 pandemic has exacerbated many of the underlying issues, such as poverty and lack of access to health care.

**Inflation of goods and fuel.** The availability and affordability of food is also a challenge the Navajo Nation faces. The geographic location and population densities make it challenging for Navajo People to easily access affordable food. They often must travel long distances to get to a grocery store. The U.S. is seeing a rise on the price of goods. The Labor Department reported that food costs at the wholesale level rose 2 percent in September while energy prices were up 2.8 percent [8]. The increase in food and energy costs creates challenges for Navajo people to afford healthy food during this time, when they are already facing so many other challenges due to the pandemic.

**Hardship urgency and uses.** The urgency of the hardship assistance is felt across the Nation as the pandemic continues to reveal the social disparities of the Navajo Nation and its members. According to the CARES Hardship Assistance Program application [10], beneficiaries were most often affected by the following instances and needed hardship assistance:

- Loss of income or other financial hardship resulting from unemployment, furlough, or layoff due to the COVID-19 pandemic.
- Reduction in income resulting from loss of hours worked or a decrease in the rate of pay due to the COVID-19 pandemic.
- Purchase of personal protective equipment to help prevent the spread of COVID-19.
- Unable to pay past due utility bills because of economic hardship due to the COVID-19 pandemic.
- Unable to pay some or all my rent or mortgage payments because of economic hardship due to the COVID-19 pandemic.
- Expenses related to isolation related to the COVID-19 pandemic.
- Livestock-related expenses that were incurred due to the COVID-19 pandemic.
- Education related expenses that were incurred due to the COVID-19 pandemic.

The immediate hardship assistance for the Navajo Nation will help alleviate some of the economic hardship experienced by the Navajo People and exacerbated by the COVID-19 pandemic.

## References

- [1] Navajo Nation COVID-19 Dashboard. Last updated November 10, 2021. <https://www.ndoh.navajo-nsn.gov/COVID-19/Data>. Accessed November 11, 2021.
- [2] Navajo Nation Department of Agriculture. Welcome. N.d. <https://www.agriculture.navajo-nsn.gov>. Accessed November 11, 2021.
- [3] Federal Register, Vol. 86, No. 19, Monday, February 1, 2021, Notices. Department of Health and Human Services, Office of the Secretary, Annual Update of the HHS Poverty Guidelines. Page 7732. <https://www.govinfo.gov/content/pkg/FR-2021-02-01/pdf/2021-01969.pdf>. Accessed November 11, 2021.
- [4] Office of Policy Development and Research. Qualified Census Tracts and Difficult Development Areas. N.d. <https://www.huduser.gov/portal/datasets/qct.html>. Accessed November 11, 2021.
- [5] Navajo Nation Washington Office. Home. N.d. <https://www.nnwo.org>. Accessed November 11, 2021.
- [6] Office of Policy Development and Research, 2021 and 2022 Small DDAs and QCTs. N.d. [https://www.huduser.gov/portal/sadda/sadda\\_qct.html](https://www.huduser.gov/portal/sadda/sadda_qct.html). Accessed November 11, 2021.
- [7] United States Census Bureau, Household Pulse Survey: Measuring Social and Economic Impacts During the Coronavirus Pandemic. Revised October 29, 2021. <https://www.census.gov/programs-surveys/household-pulse-survey.html>. Accessed November 11, 2021.
- [8] Navajo-Hopi Observer. U.S. Wholesale Prices Rose Record 8.6% over 12 Months. October 14, 2021. <https://www.nhnews.com/news/2021/oct/14/us-wholesale-prices-rose-record-86-over-12-months>. Accessed November 11, 2021.
- [9] Navajo Nation. *Project for the American Rescue Plan*. May 20, 2021.
- [10] Hardship 1 Application. Received November 10, 2021. Elizabeth Begay. Navajo Nation Office of the Controller.



Page \_\_\_\_ of \_\_\_\_  
BUDGET FORM 1

<b>PART I. Business Unit No.: K - [New]</b>		<b>Program Title:</b> Hardship Assistance	<b>Division/Branch:</b> Executive Branch					
<b>Prepared By:</b> Paulson Chaco		<b>Phone No.:</b> (928) 871-7246	<b>Email Address:</b> paulsonchaco@navajo-nsn.gov					
<b>PART II. FUNDING SOURCE(S)</b>	Fiscal Year /Term	Amount	% of Total	<b>PART III. BUDGET SUMMARY</b>	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
NN Fiscal Recovery Funds		207,000,000.00		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			207,000,000	
				9000 Capital Outlay				
				TOTAL		\$0.00	207,000,000.00	0
				<b>PART IV. POSITIONS AND VEHICLES</b>				
				Total # of Positions Budgeted:	(D)	(E)		
				Total # of Vehicles Budgeted:				
<b>TOTAL:</b>		\$207,000,000.00	0%					
<b>PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.</b>								
<b>SUBMITTED BY:</b> Tom Platero				<b>APPROVED BY:</b> Paulson Chaco				
<b>Program Manager's Printed Name</b>				<b>Division Director / Branch Chief's Printed Name</b>				
11/15/2021				11/15/2021				
<b>Program Manager's Signature and Date</b>				<b>Division Director / Branch Chief's Signature and Date</b>				





**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**

**REISSUED 11/23/2021**

RFS/HK Review #: HK0123

Date & Time Received: 11/15/2021

Date & Time of Response: 11/17/2021 4:45 p.m. MST

Entity Requesting FRF: Office of the Controller

Title of Project: Hardship Assistance

Administrative Oversight: \_\_\_\_\_

Amount of Funding Requested: \$207,000,000

**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:** 2.3 Negative Economic Impacts,  
Household Assistance: Cash Transfers.

**Returned for the following reasons (Ineligibility Reasons / Paragraphs 5. E. (1) - (10) of FRF Procedures):**

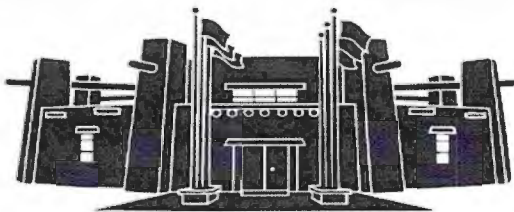
- |   |   |
|---|---|
| <input type="checkbox"/> Missing Form   | <input type="checkbox"/> Expenditure Plan incomplete        |
| <input type="checkbox"/> Supporting documentation missing   | <input type="checkbox"/> Funds will not be obligated by     |
| <input type="checkbox"/> Project will not be completed by 12/31/2026  | 12/31/2024  |
| <input type="checkbox"/> Ineligible purpose   | <input type="checkbox"/> Incorrect Signatory                |
| <input type="checkbox"/> Submitter failed to timely submit CARES reports                                    | <input type="checkbox"/> Inconsistent with applicable NN or |
| <input type="checkbox"/> Additional information submitted is<br>insufficient to make a proper determination | federal laws  |

Other Comments: \_\_\_\_\_

Name of DOJ Reviewer: Kristen A. Lowell

Signature of DOJ Reviewer: 

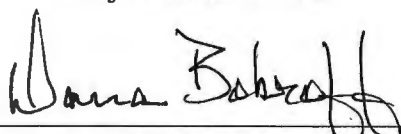
Disclaimers: An NNDOJ Initial Eligibility Determination will be based on the documents provided, which NNDOJ will assume are true, correct, and complete. Should the Project or Program change in any material way after the initial determination, the requestor must seek the advice of NNDOJ. An initial determination 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.



## MEMORANDUM

TO: Honorable Seth Damon  
Speaker  
24<sup>th</sup> Navajo Nation Council

FROM:

  
Dana L. Bobroff, Chief Legislative Counsel  
Office of Legislative Counsel

DATE: November 24, 2021

SUBJECT: **AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; ALLOCATING \$1,166,003,000 OF NAVAJO NATION FISCAL RECOVERY FUNDS; APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND EXPENDITURE PLANS FOR WATER AND WASTEWATER PROJECTS, BROADBAND PROJECTS, HOME ELECTRICITY CONNECTION PROJECTS, HOUSING AND HOUSING RENOVATION PROJECTS, BATHROOM ADDITION PROJECTS, AND HARDSHIP ASSISTANCE**

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

**THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION**



**LEGISLATION NO: \_0257-21\_**

**SPONSOR: Seth Damon**

**TITLE: An Action Relating to the Naabik'iyáti' Committee and Navajo Nation Council; Allocating \$1,166,003,000 of Navajo Nation Fiscal Recovery Funds; Approving the Navajo Nation Fiscal Recovery Fund Expenditure Plans for Water and Wastewater Projects, Broadband Projects, Home Electricity Connection Projects, Housing and Housing Renovation Projects, Bathroom Addition Projects, and Hardship Assistance**

***Date posted:* November 24, 2021 at 6:16PM**

**Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto:comments@navajo-nsn.gov)**

**Written comments may be mailed to:**

**Executive Director  
Office of Legislative Services  
P.O. Box 3390  
Window Rock, AZ 86515  
(928) 871-7586**

**Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.**

**Please note:** This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY**

**LEGISLATION NO.: 0257-21**

**SPONSOR: Honorable Seth Damon**

**TITLE: An Action Relating to the Naabik'íyáti' Committee and Navajo Nation Council; Allocating \$1,166,003,000 of Navajo Nation Fiscal Recovery Funds; Approving the Navajo Nation Fiscal Recovery Fund Expenditure Plans for Water and Wastewater Projects, Broadband Projects, Home Electricity Connection Projects, Housing and Housing Renovation Projects, Bathroom Addition Projects, and Hardship Assistance**

**Posted: November 24, 2021 at 6:16 PM**

**5 DAY Comment Period Ended: November 29, 2021**

**Digital Comments received:**

<b>Comments Supporting</b>	1) Bidtah N. Becker, NTUA 2) Gilbert Roger, Whiterock Chapter
<b>Comments Opposing</b>	<i>None</i>
<b>Comments/Recommendations</b>	1) Jordan Bramble, Frontier Business 2) Rita Capitan 3) Justin E. Hinkle, Cellular One

  
**Legislative Tracking Secretary  
Office of Legislative Services**

11/30/21 8:20AM

**Date/Time**



## NAVAJO TRIBAL UTILITY AUTHORITY

AN ENTERPRISE OF THE NAVAJO NATION

November 29, 2021

[Comments@navajo-nsn.gov](mailto:Comments@navajo-nsn.gov)

Honorable 24<sup>th</sup> Navajo Nation Council  
Post Office Box 3390  
Window Rock, Arizona 86515

The Navajo Tribal Utility Authority (NTUA) respectfully submits this comment on Legislation 0257-21. NTUA is the Navajo Nation's wholly owned not for profit enterprise providing six different utility services to the Navajo Nation.

NTUA supports Legislation 0257-21. NTUA also respectfully requests that the Navajo Nation Council include language in the Legislation clarifying that the Navajo Nation should enter into a total of five (5) subrecipient agreements with NTUA as described below and that Navajo Nation Fiscal Recover Funds within a single subrecipient agreement may be moved from Expenditure Category to Expenditure Category when a single subrecipient agreement includes more than one Expenditure Category.

In Legislation 0257-21, it is stated that "The Navajo Nation Council and the Office of the President and Vice-President [(OPVP)] concur that it is in the best interest of the Navajo people and the Navajo communities to first enact comprehensive Navajo Nation Fiscal Recovery Expenditure Plans for Water and Wastewater projects, Broadband projects, Home Electricity Connections projects, Housing and Housing Renovation projects, Bathroom Addition projects, and Hardship Assistance in the total amount one billion one hundred sixty-six million three thousand dollars (\$1,166,003,000)."

NTUA is honored that the Council and OPVP are considering providing a significant amount of Navajo Nation Fiscal Recovery Funds (NNFRF) to NTUA for Water and Wastewater projects, Broadband projects, Home Electricity Connections projects, and Bathroom Addition projects.

To maximize the use of NNFRF, NTUA respectfully requests that the Navajo Nation clarify in legislation 0257-21 that the Navajo Nation enter a single subrecipient agreement with NTUA for each of the following subject areas and their associated exhibits and Expenditure Categories:

- o **Water and Wastewater:** Exhibit C-4 (Expenditure Category 5.1), Exhibit C-5 (Expenditure Category 5.2), Exhibit C-6 (Expenditure Category 5.10), Exhibit C-7 (Expenditure Category 5.11), Exhibit C-8 (Expenditure Category 5.13), Exhibit C-9 (Expenditure Category 5.14), and Exhibit C-10 (Expenditure Category 5.15).
- o **NTUA Broadband:** Exhibit D-1 (Expenditure Category 5.16) and Exhibit D-2 (Expenditure Category 5.17)
- o **Non-NTUA Various Providers Broadband:** Exhibit D-3 (Expenditure Category 5.16) and Exhibit D-4 (Expenditure Category 5.17)
- o **Home Electricity Connections:** Exhibits E and E-1 (Expenditure Category 3.12)
- o **Bathroom Additions:** Exhibits G and G-1 (Expenditure Category 1.12).

Home Office:  
P.O. BOX 170  
FT DEFANCE, AZ 86504

KAYENTA  
P.O. BOX 37  
KAYENTA, AZ 86033

TUBA CITY  
P.O. BOX 398  
TUBA CITY, AZ 86045

SHIPROCK  
P.O. BOX 1748  
SHIPROCK, NM 87420

CHINLE  
P.O. BOX 549  
CHINLE, AZ 86503

FORT DEFANCE  
P.O. BOX 587  
FT DEFANCE, AZ 86504

DILCON  
HC 63 BOX D  
WINSLOW, AZ 86047

CROWNPOINT  
P.O. BOX 1825  
CROWNPOINT, NM 87313

CALL 800-528-5011 OR 928-729-5721 FOR ALL OFFICES.

\*This institution is an equal opportunity provider and employer.

Honorable 24<sup>th</sup> Navajo Nation Council  
Page 2  
November 29, 2021

This would be for a total of five subrecipient agreements between the Navajo Nation and NTUA. NTUA also requests that the Council clarify that NNFRF can be moved within a single Subrecipient Agreement from Expenditure Category to Expenditure Category when a Subrecipient Agreement includes more than one Expenditure Category.

NTUA seeks this clarity to maximize the use of NNFRF.

Thank you for the Council's kind consideration of this request. NTUA stands ready to serve the Navajo Nation people by connecting unserved homes to water, wastewater, electricity, and broadband.

Sincerely,

**NAVAJO TRIBAL UTILITY AUTHORITY**

A handwritten signature in black ink, appearing to read "B. Becker", written over the printed name.

**Bidtah N. Becker**  
Associate Attorney

BB/tt



## Legislation 0257-21

Gilbert Roger <groger@navajochapters.org>

Mon 11/29/2021 7:31 PM

To:comments <comments@navajo-nsn.gov>;

Honorable Navajo Nation Council Delegates and Honorable Delegate, M. Freeland, S. Damon, P. Halona thank you for sponsoring such an important hogan level much needed project where communities of all ages will greatly benefit from this proposed legislation that you are sponsoring. I greatly support this legislation. Thank you

Gilbert Roger, Council Vice-President

Whiterock Chapter

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# Public Comments Regarding Resolution 0257-21

Bramble, Jordan <jordan.bramble@FTR.com>

Mon 11/29/2021 6:07 PM

To: comments <comments@navajo-nsn.gov>;

Cc: McColgan, Matthew <matthew.mccolgan@FTR.com>;

November 29, 2021

**Via Email Only [comments@navajo-nsn.gov](mailto:comments@navajo-nsn.gov)**

Navajo Nation Office of Legislative Services

200 Parkway, Building 3

Window Rock, AZ 86515

**Re: Public Comments Regarding Resolution 0257-21**

Dear Honorable Speaker and Delegates of the Navajo Nation Council:

Frontier has reviewed proposed Resolution 0257-21 (0257-21) and wanted to take a moment to respectfully provide comments regarding this resolution. the telecommunications industry as well as the general public and perhaps, most importantly, the Navajo Nation Telecommunications Regulatory Commission (NNTRC). It is hoped that these comments are reviewed prior to the deliberation of Resolution 0257-21. The comments are meant to drive openness and fairness for those providing services to the people of the Navajo Nation. The items are outlined below.

1. There are several Eligible Telecommunications Carriers (ETC's), including Cellular One, NTUA W, Frontier, and Sacred Wind Communications, whom all support and maintain local broadband customers. ETC's can leverage federal funding to subsidize local services to the Navajo people. This could be their homes, schools, private or public business. Selecting a single entity may stifle the spirit of competition amongst these entities and be a detriment to the people needing these services.
2. Creating more open competition would positively impact the Navajo Nation and its people through delivering broadband to ensure more reliability of the network. This will impact security of the people, allow more access to telemedicine, as well as remote learning
3. We are hoping to understand the role that this council and specifically the NNTRC will play in the decision making for the Navajo People. The concern is that Resolution 0257-21 will provide decision making authority to one entity, limiting the ETCs, Higher Education, and private and public entities from collaborating for the best plans for the Navajo People.

Kind regards,

**Jordan Bramble**

Enterprise IT & Connectivity Solutions

Frontier Business

[enterprise.frontier.com](http://enterprise.frontier.com)



# Hardship

Rita Capitan <rcapitan@navajochapters.org>

Tue 11/30/2021 8:11 AM

To:comments <comments@navajo-nsn.gov>;

The amount of the hardship money that the President suggests will be controversial. The amount is very low, which has been announced to be around \$500 per person. The amount should be determined on how much is left over after all the other projects are done. We all know that all the projects will not be done due to the slow processes of even the smallest projects. Why not do the same amount as what was given out during the Cares Act distribution.

Rita Capitan

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Author's Direct Contact Information:  
(928) 537-0690 Ext. 2246  
[jhinkle@cellularoneaz.com](mailto:jhinkle@cellularoneaz.com)

November 29, 2021

**Via Email Only [comments@navajo-nsn.gov](mailto:comments@navajo-nsn.gov)**

Navajo Nation Office of Legislative Services  
200 Parkway, Building 3  
Window Rock, AZ 86515

**Re: Public Comments Regarding Resolution 0257-21  
From Smith Bagley, Inc.**

Dear Honorable Speaker and Delegates of the Navajo Nation Council:

Cellular One has reviewed proposed Resolution 0257-21 (0257-21) and has some concerns that the Resolution is being rushed through the legislative process without adequate review by the telecommunications industry as well as the general public and perhaps, most importantly, the Navajo Nation Telecommunications Regulatory Commission (NNTRC). Respectfully, Cellular One offers the following comments in the spirit of constructive critique and policy development. It is hoped that 0257-21 be amended to allow a revision of Section Four referring the approval of Broadband Expenditure Plans to the Resources and Development Committee (RDC) before deliberation of the full Navajo Nation Council.

- Broadband services are unique because they are primarily delivered by private telecom providers either by fixed and/or wireless networks, as opposed to water, sewer, and power generally provided by public utilities.
- On the Navajo Nation, broadband is provided by several Eligible Telecommunications Carriers (ETC's), including Cellular One, Frontier, Sacred Wind Communications, and NTUA Wireless, which all support local broadband customers. ETC's are allowed to leverage federal funding to subsidize local services to Navajo households. NTUA is a network operator but not an ETC and NTUA does not sell local broadband services to the public.
- History has shown throughout the world that consumers are best served when competition occurs among many providers, leading to a better quality of service and pricing. Monopolies encourage price-fixing, low-quality products, and lack of incentive for innovation. The current award structure proposed by 0257-21 is tantamount to establishing a monopoly for the provision of broadband on the Navajo Nation.

- Greater competition is needed on the Navajo Nation because it will help drive expanded broadband coverage and capacity to unserved and underserved areas. It also will increase network redundancy and reliability, as well as enhance security for the public.
- If 0257-21 is adopted without revisions, it will suppress competition and allow NTUA to unfairly control funding over its competitors. This means limiting consumer's choice and eliminating competition among ETC's rather than allowing Navajo consumers to determine what providers and products they prefer.
- The legislation outlines \$100M for NTUA and \$45M to be distributed to all other carriers other than NTUA/NTUAW. The issue is that there is no explanation of how this allocation was arrived at or the rationale for circumventing standard procurement laws and regulations.
- Also, 0257-21 does not justify why NTUA is a more qualified and non-partial entity to control and direct broadband funding. Instead, it assumes that the priority should be increasing NTUA's financial interest. Clearly, this is not the most effective use of ARPA funding to increase broadband access and affordability for the public.
- The ETC's have been asked to cooperate with each other to provide better services for the Navajo people, and many have done so. This resolution will stifle that cooperation by putting decision-making power into the hands of one carrier, and that carrier does not directly provide broadband services to the individual Navajo customer.
- This resolution all but bypasses the Navajo Nation Telecommunications Regulatory Commission (NNTRC), established by the Navajo government to provide guidance on broadband expansion, and puts telecommunications decisions in the hands of NTUA. While NTUA provides general utility services to the Navajo people it is hardly a body set up to oversee the telecommunications needs of the Navajo people.
- The ARPA funding is a great opportunity for the Navajo Nation to close the digital divide permanently. The Nation should not waste such an unprecedented opportunity by rushing to pass legislation that has not received adequate public review. Filing any legislation on Thanksgiving eve can be considered an indication of the lack of transparency in the legislative process.
- Instead, the Navajo Nation Council (NNC) should utilize every potential resource and partner to resolve the digital divide by reaching out and collaborating with ALL ETC's in order to develop a truly comprehensive broadband plan that puts public needs first.

Navajo Nation Office of Legislative Services

**Re: Public Comments Regarding Resolution 0257-21 - From Smith Bagley, Inc.**

November 29, 2021

Page 3 of 3

- Proposed Resolution 0257-21 should be amended by changing Section Four to refer all broadband funding through the RDC for further consideration before it is voted upon by the full Navajo Nation Council.

Thank you for the opportunity for Cellular One to submit its concerns. We look forward to any improved legislative funding package for Broadband that the telecommunications industry can support.

Sincerely,

**Smith Bagley Inc., dba Cellular One of North East Arizona**



Justin E. Hinkle

Chief Executive Officer

cc: **Via Email Only** [tshaffery@cellularoneaz.com](mailto:tshaffery@cellularoneaz.com)  
Timothy B. Shaffery, Chief Legal Officer

**Via Email Only** [bgilbert@cellularoneaz.com](mailto:bgilbert@cellularoneaz.com)  
Brian Gilbert, Regulatory and Tribal Liaison

**THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY**

**LEGISLATION NO.: 0257-21**

**SPONSOR: Honorable Seth Damon**

**TITLE: An Action Relating to the Naabik'iyáti' Committee and Navajo Nation Council; Allocating \$1,166,003,000 of Navajo Nation Fiscal Recovery Funds; Approving the Navajo Nation Fiscal Recovery Fund Expenditure Plans for Water and Wastewater Projects, Broadband Projects, Home Electricity Connection Projects, Housing and Housing Renovation Projects, Bathroom Addition Projects, and Hardship Assistance**

**Posted: November 24, 2021 at 6:16 PM**

**5 DAY Comment Period Ended: November 29, 2021**

**Digital Comments received:**

<b>Comments Supporting</b>	<b>1) Lydelle Davies, DINEH Chamber of Commerce</b>
<b>Comments Opposing</b>	<i>None</i>
<b>Comments/Recommendations</b>	<b>1) Viola Fowler</b>

*VSRedhorse*

**Legislative Tracking Secretary  
Office of Legislative Services**

**December 10, 2021; 1:10 PM**

**Date/Time**





P.O. Box 4920, Window Rock, Arizona 86515

November 29, 2021

Executive Director  
Office of Legislative Services  
THE NAVAJO NATION COUNCIL  
P.O. Box 3390  
Window Rock, AZ 86515

**Re: Legislation No: 0257-21 IN SUPPORT (WITH AMENDMENTS)**

Summary

The Dineh Chamber of Commerce continues to remain confident with respect to use of Navajo owned businesses as contractors, professional service providers, vendors, suppliers and such in the expenditure of \$2,079,461,464 from the federal American Rescue Plan Act funds and recently from the \$1,661,003,000 proposed expenditure.

With respect to proposed Legislation No. 0257, the Dineh Chamber of Commerce supports this particular bill as it addresses the enormous infrastructure deficit needs including water, wastewater, electricity (conventional and renewable), broadband (internet), housing (new and renovations), veteran housing, bathroom editions and cash assistance for Navajo households.

The Chamber, however, strongly encourages several amendments to the legislation that would address long-term job creation, Buy Navajo-Use Navajo, and retention of profits at the local level.

Proposed Amendments

Add a New Section 10 and renumber subsequent Sections accordingly.

**SECTION TEN. BUY NAVAJO-USE NAVAJO**

**A. Recipients and Subrecipients shall only contract with qualified and experienced Navajo-owned businesses to assist in the implementation, management, and expenditure of NNFRF funds.**

**B. Fifty percent (50%) set-aside of expenditures of NNFRF funds shall be through qualified, qualified and registered Navajo owned businesses.**

**C. For Larger projects beyond the capacity of Navajo owned businesses, a joint venture arrangement will be allowed with Navajo owned business have a 50% interest in the venture and the non-Navajo owned businesses a 50% interest. Both companies must jointly own, manage and operate the venture.**

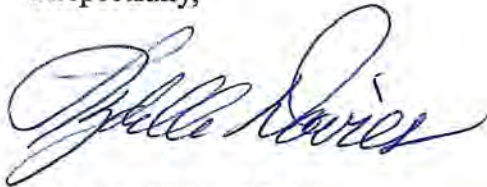
Other Concerns

The Legislation No. 0257-21 proposes significant expenditure of dollars; however, the document does not address nor highlights the following questions:

1. How many short-term jobs will be created?
2. How many long-term jobs will be created?
3. How much tax revenues will the Navajo Nation generate?
4. What are the overhead/Indirect Cost rates/amounts for projects?
5. How many Navajo businesses will be used for each project?

The Chamber stands ready to serve and like our Navajo businesses needs support from our Navajo Nation and our leadership to serve a viable part of our Nation -- our Navajo business owners.

Respectfully,

A handwritten signature in blue ink, appearing to read "Lydelle Davies", written in a cursive style.

Lydelle Davies, Chair  
Dineh Chamber of Commerce Board of Directors

cc: Chamber Officers  
NNC Delegates

# Legislation 0257-21

Viola Fowler <[vifowler1020@gmail.com](mailto:vifowler1020@gmail.com)>

Wed 12/8/2021 3:03 PM

To: comments <[comments@navajo-nsn.gov](mailto:comments@navajo-nsn.gov)>;

Navajo Nation,

Regarding Legislation 0257-21 for the hardship assistance which needs to be increased to \$2000. Today our people are struggling through this pandemic. Many are still without Water and Electricity plus many still tend to Livestock.

This hardship could be use to

1. haul water for themselves and cost of gas is increasing. Cost haul water for month is \$150.
2. haul water for livestock and cost of gas is increasing. Cost haul water for month is \$150.
3. Buy food for family and cost is increasing. Average expense for family of 9 is \$500 weekly.
4. Buy feed/hay for livestock and cost is increasing. Cost to feed sheep daily for month is around \$600.
5. Pay electricity bill and cost increase during the winter so families can heat their homes. Cost to heat home is \$700.
6. Purchase wood to cover their heat even if some elders get assist with small amount of wood but that won't last all winter. Cost for truck load of wood to last 1 month is \$350.

With hardship our people would make it last for months. Thank you for your consideration to reevaluate the need for our people.

Sincerely  
Viola Fowler  
Coppermine

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# **24<sup>th</sup> NAVAJO NATION COUNCIL NAABIK'ÍYÁTI' COMMITTEE REPORT Fourth Year 2022**

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

## **NAVAJO LEGISLATIVE BILL #0257-21**

An Action Relating to the Naabik'íyáti' Committee and Navajo Nation Council; Allocating \$1,166,003,000 of Navajo Nation Fiscal Recovery Funds; Approving the Navajo Nation Fiscal Recovery Fund Expenditure Plans for Water and Wastewater Projects, Broadband Projects, Home Electricity Connection Projects, Housing and Housing Renovation Projects, Bathroom Addition Projects, and Hardship Assistance

*Sponsored by: Honorable Seth Damon*

*Co-Sponsored by: Honorable Mark A. Freeland*

*Co-Sponsored by: Honorable Pernell Halona*

Has had it under consideration and reports the same that the legislation **WAS REFERRED TO A NAABIK'ÍYÁTI' COMMITTEE WORK SESSION AND REMAINS WITH THE NAABIK'ÍYÁTI' COMMITTEE.**

Respectfully Submitted,



*Honorable Seth Damon, Chairperson  
NAABIK'ÍYÁTI' COMMITTEE*

**20 January 2022**

### **REFERRAL MOTION**

Motion to refer legislation 0257-21 to a Naabik'íyáti' Committee Work Session for no more than 60 days to discuss an amendment that equally distributes initially allocated Navajo Nation Federal Recovery Funds.

*Motioned by: Honorable Jamie Henio*

*Seconded by: Honorable Eugenia Charles-Newton*

*Vote: 17 In Favor, 04 Opposed (Chairman Damon Not Voting)*

### **AMENDMENT #1**

1. On page 1, line 12, delete ~~\$1,166,003,000~~ and insert \$979,003,000

2. On page 1, line 17, delete ~~HARDSHIP ASSISTANCE~~ after "PROJECT, AND" insert FACILITIES SAFETY AND DECONTAMINATION PROJECTS
3. On page 5, line 24, amend paragraph P and add new paragraph O as follows:
  - P. The Navajo Nation Council and Office of the President and Vice-President concur that, based on their respective public consultation efforts, it is in the best interest of the Navajo people and Navajo communities to first enact comprehensive a Navajo Nation Fiscal Recovery Fund Hardship Assistance Expenditure Plans. To that end, the Navajo Nation Council adopted Resolution No. CD-62-21 providing \$557,000,000 in Hardship Assistance for Navajo members to mitigate the financial devastation caused by the COVID-19 pandemic. The President agreed with the Council and signed CD-62-21 into law on January 4, 2022, for Water and Wastewater projects, Broadband projects, Home Electricity Connections projects, Housing and Housing Renovations projects, Bathroom Addition projects, and Hardship Assistance in total amount of one billion one hundred sixty-six million three thousand dollars (\$1,166,003,000), as set forth in Exhibits C through H which are incorporated herein.
  - O. The Navajo Nation Council and Office of the President and Vice-President also concur that, based on their respective public consultation efforts, it is in the best interest of the Navajo people and Navajo communities to next enact comprehensive Navajo Nation Fiscal Recovery Fund Expenditure Plans for Water and Wastewater projects, Broadband projects, Home Electricity Connections projects, Housing and Housing Renovations projects, and Bathroom Addition projects in total amount of nine hundred fifty-nine million three thousand dollars (\$959,003,000), as set forth in Exhibits C through G which are incorporated herein.
4. On page 5, line 29, delete ~~one billion one hundred sixty-six million three thousand dollars (\$1,166,003,000)~~ and insert nine hundred seventy-nine million three thousand dollars (\$979,003,000)
5. On page 5, line 29, after "project, and" insert Facilities Safety Assurance and Decontamination projects
6. On page 12, line 23, delete Section Eight as follows:

**~~SECTION EIGHT. APPROVAL OF NAVAJO NATION FISCAL RECOVERY FUND HARDSHIP ASSISTANCE EXPENDITURE PLAN~~**

  - A. ~~The Navajo Nation hereby approves and adopts the Navajo Nation Fiscal Recovery Fund Hardship Assistance Expenditure Plan set forth in **Exhibit H**.~~
  - B. ~~The Navajo Nation hereby approves total funding for the NNFRF Hardship Assistance Expenditure Plan from the Navajo Nation Fiscal Recovery Fund in the total amount of two hundred seven million dollars (\$207,000,000) and allocates the funding as follows:~~
    1. ~~Two hundred seven million dollars (\$207,000,000) to the Office of the Controller for Household Assistance — Cash Transfers (Expenditure Eligibility Category 2.3), as set forth in **Exhibit H**, with administrative oversight by the Office of the President and Vice-President and legislative oversight by the Budget and Finance Committee.~~
7. On page 16, line 21, delete ~~re-allocated~~ and insert allocated
8. On page 12, line 23, insert new section as follows:

**SECTION EIGHT. APPROVAL OF FACILITIES SAFETY ASSURANCE AND DECONTAMINATION EXPENDITURE PLAN**

- A. The Navajo Nation hereby approves and adopts the Navajo Nation Fiscal Recovery Fund Facilities Safety Assurance and Decontamination Expenditure Plan set forth in **Exhibits H and H-1**.
  - B. The Navajo Nation hereby approves total funding for the NNFRF Facilities Safety Assurance and Decontamination Expenditure Plan from the Navajo Nation Fiscal Recovery Fund in the total amount of twenty million dollars (\$20,000,000) and allocates the funding as follows:
    1. Twenty million dollars (\$20,000,000) to the Navajo Nation Facilities Maintenance Department for Public Health – Prevention in Congregate Settings and Mitigation (Expenditure Eligibility Categories 1.4), as set forth in **Exhibit H-1**, with administrative oversight by the Division of General Services and legislative oversight by the Health Education and Human Services Committee.
9. Add Exhibits H and H-1.
  10. Renumber or re-letter succeeding paragraphs, sections, and exhibits, as necessary and appropriate. The Council and Committee hereby authorize Office of Legislative Services and Office of Legislative Counsel to correct technical errors, including adjustment of comprehensive dollar amounts, consistent with the intent of this amendment. This Amendment supersedes all inconsistent language in any other Committee or Council amendment.

*Motioned by: Honorable Edison J. Wauneka*

*Seconded by: Honorable Paul Begay*

*Vote: 12 In Favor, 11 Opposed (Chairman Damon Not Voting)*

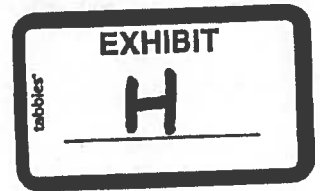
#### **MAIN MOTION**

*Motioned by: Honorable Jimmy Yellowhair*

*Seconded by: Honorable Wilson C. Stewart, Jr.*

*Vote: VOTE PENDING*

Navajo Nation Fiscal Recovery Fund  
Facilities Safety Assurance and Decontamination Expenditure Plan

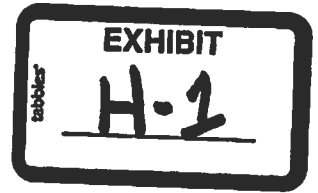


Description	Category	Requested \$
Facility Safety and Decontamination	1.14	\$20,000,000
Total		\$20,000,000





**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 #:** HK0136

**Date & Time Received:** 1/12/22 08:55

**Date & Time of Response:** 13 January, 2022; 8:11 pm

**Entity Requesting FRF:** NN Facilities Maintenance Department

**Title of Project:** NN Facilities Safety Assurance (Decontamination)

**Administrative Oversight:** Division of General Services

**Amount of Funding Requested:** \$20,000,000

**Eligibility Determination:**

- ☒ FRF eligible  
☐ FRF ineligible  
☐ Additional information requested

**FRF Eligibility Category:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> (1) Public Health and Economic Impact | <input type="checkbox"/> (2) Premium Pay                            |
| <input type="checkbox"/> (3) Government Services/Lost Revenue             | <input type="checkbox"/> (4) Water, Sewer, Broadband Infrastructure |

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**U.S. Department of Treasury Reporting Expenditure Category: 1.4 (Prevention in Congregate Settings)**

**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 |  |

---

Name of DOJ Reviewer: Adjua Adjei-Danso

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**

**THE NAVAJO NATION  
FISCAL RECOVERY FUNDS REQUEST FORM & EXPENDITURE PLAN  
FOR NAVAJO NATION GOVERNMENT UNITS**

**Part 1. Identification of parties.**

NN Government Unit requesting FRF: NN Facilities Maintenance Department Date prepared: 1/11/2022  
Indicate Department, Program, Office, Division, or Branch

NN Government Unit's mailing address: P.O. Box 528 phone/email: 928-729-4258  
Fort Defiance, AZ 86504 website (if any): www.fmd.navajo-nsn.gov

Form prepared by: Marcus C. Tulley phone/email: marcustulley@navajo-nsn.gov

CONTACT PERSON'S name, title and Department, Program, Office, etc.

CONTACT PERSON'S info

Title & type of Project: NN Facilities Safety Assurance (Decontamination)

NN Government Unit's Director or Manager: Marcus C. Tulley, Department Manager III phone & email: 729-4258 / marcustulley@navajo-nsn.gov

Division Director (if any): Loretta Largo, Acting Division Director phone & email: 871-6311 / llargo@navajo-nsn.gov

Branch Chief: Jonathan Nez, NN President phone & email: 928-871-7000

Funding Recipient will be working with: Division of General Services / Executive Branch on the Project and  
Indicate Branch and/or Division  
the same will be submitting the Funding Request Package for Initial Eligibility Determination Review, and will have Administrative Oversight over this FRF Expenditure Plan.

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

Decontamination Services Companies ☐ document attached

Amount of FRF requested: \$20,000,000.00 FRF funding period: January 2022 - December 2023  
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:

**Decontamination Services: Covid-19 Preventative and Mitigation Efforts.**

These funds will be used to ensure the Navajo Nation facilities are decontaminated & safe for the Navajo Nation employees and the general public seeking governmental services. The Facilities Maintenance Department's (FMD) ultimate responsibility is to provide a safe, healthy, optimum work environment for all employees and their well-being in the delivery of uninterrupted government services. FMD is in charged with getting the Navajo Nation to continue safe operations with decontamination services to all 400+ facilities and properties across the Navajo Nation.

☐ document attached

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

Through decontamination of Navajo Nation facilities and properties the employees and general public benefit from clean, sanitized and disinfected buildings and work spaces. Per the Centers of Disease Control (CDC), Covid-19 is transmitted through person-to-person direct contact, airborne respiratory droplets and surfaces to person-to-person via contact with surfaces or objects holding objects holding the virus.

☐ document attached

## **APPENDIX A**

(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:

Based on the funding, the project end date will be December 31, 2023. 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 Facilities Maintenance Department Manager III will be implementing the NN APRA Fund Act Facility Safety Assurance 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:

No, additional cost or recurring cost will be incurred once project for preventative and mitigation activities through decontamination efforts are 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: Public Health; 1.4 Prevention in congregate settings.  
1.12 Other Public Health Services (Mitigation)

Pursuant to the U.S. Treasury guidelines and funding objectives these layered preventative and mitigation efforts support the urgent Covid-19 response efforts to continue to decrease and minimize spread of the coronavirus in the work place.

☐ document attached

### **Part 3. Additional documents.**

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

N/A

**APPENDIX A**

**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:

NN Government Unit  
Preparer:

  
signature of Preparer/CONTACT PERSON

1/11/22

Approved by:

  
signature of NN Government Unit's Dept. Program Office Director or Manager

1/11/22

Approved to submit  
for Review:

  
signature of Branch Chief or Division Director

Print Name, Title,  
Branch or Division:

Loretta Largo, Acting Division Director

print name and indicate title or position

Executive Branch

Indicate Branch or Division

FY 2022

**THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY**

Page 1 of 5  
BUDGET FORM 1

<b>PART I. Business Unit No.:</b> <u>Now</u>		<b>Program Title:</b> <u>Facilities Maintenance Department</u>		<b>Division/Branch:</b> <u>General Services/Executive</u>			
<b>Prepared By:</b> <u>Kayla L. Wilson, Sr. Office Spec.</u>		<b>Phone No.:</b> <u>(928)729-4258</u>		<b>Email Address:</b> <u>kaylawilson@navajo-nsn.gov</u>			

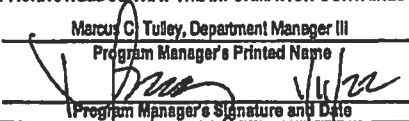

  

PART II. FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
NN Facility Safety Assurance (Decon)	01/2022-12/2023	20,000,000.00	100%	2001 Personnel Expenses				
				3000 Travel Expenses				
				3500 Meeting Expenses				
				4000 Supplies				
				5000 Lease and Rental				
				5500 Communications and Utilities				
				6000 Repairs and Maintenance				
				6500 Contractual Services			20,000,000	20,000,000
				7000 Special Transactions				
				8000 Public Assistance				
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
				<b>TOTAL</b>		\$0.00	20,000,000.00	20,000,000

PART IV. POSITIONS AND VEHICLES	(D)	(E)
Total # of Positions Budgeted:	0	0
Total # of Vehicles Budgeted:	0	0

<b>PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.</b>			
<b>SUBMITTED BY:</b> <u>Marcus C. Tukey, Department Manager III</u> <div style="text-align: center;">   Program Manager's Printed Name  Program Manager's Signature and Date </div>	<b>APPROVED BY:</b> <u>Loreita Largo, Deputy Division Director</u> <div style="text-align: center;">   Division Director / Branch Chief's Printed Name  Division Director / Branch Chief's Signature and Date </div>		

## **NAVAJO NATION ARPA FUND ACT FACILITY SAFETY ASSURANCE EXPENDITURE PLAN**

The Navajo Nation Council approved the Navajo Nation ARPA Fund Act and established the Navajo Nation ARPA fund in the Navajo Nation Council Resolution CJY-41-21, as signed into law by the Navajo Nation President, on August 2, 2021.

### **1. PURPOSE**

The purpose of this Facility Safety Assurance Expenditure Plan is to allow for the use and expenditure of Twenty Million Dollars (\$20,000,000) to ensure that the facilities operated by the Navajo Nation are disinfected and otherwise safe for returning employees and the public seeking governmental services; the expenditures set forth in the Facility Safety Assurance Expenditure Plan are necessary to ensure that the spread of COVID-19 is mitigated to the greatest extent possible.

Per the Center for Disease Control (CDC) guidance, COVID-19 is transmitted through person-to-person direct contact, airborne respiratory droplets produced through coughs or sneezes, and surface-to-person via contact with surfaces or objects holding the virus. To mitigate exposure, barriers, e.g., plexi-glass has been placed in common areas of public buildings and businesses. To mitigate the spread of COVID-19, these types of barriers, as well as other measures, are necessary for all Navajo Nation reception and shared office spaces.

In addition, because COVID-19 is transmitted surface-to-person via contact with surfaces or objects. Navajo Nation offices and public buildings who have had employees or visitors test positive for COVID-19 require remediation, including, but not limited to, through cleaning and sanitizing shared workspaces and all commonly touched hard surfaces.

The American Rescue Plan Act of 2021, also called the COVID-19 Stimulus Package or American Rescue Plan, Public Law No. 117-12 was approved on March 11, 2021 is a U.S. \$1.9 trillion economic stimulus bill passed by the United States Congress and signed into law by President Joe Biden on March 11, 2021, to speed up the country's recovery from the economic and health effects of the COVID-19 pandemic and the ongoing recession. The American Rescue Plan builds upon many of the measures in the CARES Act from March 2020 and in the Consolidated Appropriations Act. Per the U.S. Department of Treasury's (Treasury) Guidance, support urgent COVID-19 response efforts to continue to decrease spread of the virus and bring the pandemic under control. The eligible expenditures include expenses for disinfection of public areas in response to the COVID-19 public health emergency, as well as COVID-19 driven expenses reasonably necessary to the function of government that otherwise satisfy the American Rescue Plan's eligibility criteria.

### **2. AFFIRMATION OF FUND USE**

The Facilities Maintenance Department, Division of General Services, affirms it will use these funds in accordance with the purposes set forth in CJY-44-21, BFS-31-21 and the American Rescue Plan Act of 2021, also called the COVID-19 Stimulus Package or American Rescue Plan as enacted by the United States Congress and found in Public Law No. 117-12 (2021).



**3. ALLOCATION ASSIGNMENT**

The funds are allocated to the Facilities Maintenance Department to be used for building modifications, sanitizing, etc. to ensure that the Navajo Nation's facilities are safe for returning employees and the public.

**4. IMPLEMENTATION AND MONITORING**

The Facilities Maintenance Department, Program Manager, and the Division of General Services, Executive Director, is responsible for implementing the Expenditure Plan and monitoring the expenditure of these funds.

**5. ADMINISTRATOR OF FUNDS**

The Facilities Maintenance Department, program Manager is responsible for administering the Expenditure Plan and overseeing the allocated funds.

**6. MEANS OF FUNDING**

The Expenditure Plan funds shall be released directly to the Facilities Maintenance Department once the Expenditure Plan is duly adopted and expedited budgets are implemented.

**7. ACCOUNTING AND REPORTING REQUIREMENTS**

The American Rescue Plan Act of 2021, as appropriated by Congress and received by the Nation, are considered Federal financial assistance received by the Navajo Nation for specified uses; and are subject to the restrictions outlined in the Treasury Guidance and as set forth in Section 601(d) of the Social Security Act, as added by the American Rescue Plan Act of 2021. The American Rescue Plan Act funding received by the Nation is subject to GASB, Uniform Guidance/Super Circular guidelines and the Single Audit Act and any other applicable rules, regulations and guidance.

**8. OVERSIGHT COMMITTEE**

The Health Education and Human Services (HEHSC) and Budget and Finance Committee (BFC) shall share oversight as HEHSC has oversight over the Division of General Services and BFC has oversight over externally restricted funding.

**9. AFFIRMATION OF ADMINISTRATION AND MANAGEMENT**

The Facilities Maintenance Department affirms it will administer, manager, and implement the funds allocated to it in this Expenditure Plan consistent with CJY-44-21, BFS-31-21and the American Rescue Plan Act of 2021, the Treasury Guidance, as well as other applicable laws and regulations of the Navajo Nation.

# THE NAVAJO NATION

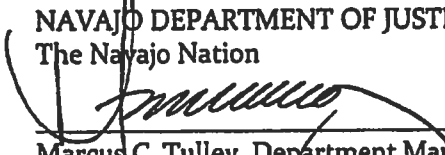
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JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



## MEMORANDUM

TO: NAVAJO DEPARTMENT OF JUSTICE  
The Navajo Nation

FROM:   
Marcus C. Tulley, Department Manager III  
Facilities Maintenance Department  
Division of General Services

DATE: January 12, 2022

SUBJECT: FACILITY SAFETY ASSURANCE EXPENDITURE PLAN REVIEW

The Facilities Maintenance Department is respectfully requesting review of the attached Facility Safety Assurance Expenditure Plan for Fiscal Year 2022 and 2023 utilizing the ARPA Fund Act as established in the Navajo Nation Council Resolution CJY-41-21. This resolution was signed into law by Navajo Nation President on August 02, 2021.

The purpose of the expenditure plan is to ensure that the Navajo Nation workforce have a safe environment during this pandemic. These funds will be utilized for prevention of the spread of COVID-19, its variants and other possible strains of contingents. This will also serve as a precautionary measure for employees who are unable to telecommute. The Facility Safety Assurance Expenditure Plan is necessary to ensure that the spread of COVID-19 is mitigated to the greatest extent feasible in the workplace and the decontamination services are necessary especially during the rise in COVID-19 cases.

We respectfully request your expeditious review and approval. Should you have any questions you may contact me at 928-729-4258. Thank you.

ATTACHMENT: (1)  
CC: DGS  
FRF/TPeralto  
File

# NAVAJO NATION

1176

Naa'bik'iyati' Committee Special Meeting

1/20/2022

05:47:08 PM

Amd#1 to Amd#

1.) On Page 1, Line 12

PASSED

MOT Wauneka, E

delete \$1,166,003,000 & insert

SEC Begay, P

\$979,003,000 2.) Page 1, Line 17

delete HARSHIP ASSISTANCE ...

Yeas : 12

Nays : 11

Excused : 0

Not Voting : 1

## Yea : 12

Begay, P

James, V

Stewart, W

Walker, T

Halona, P

Nez, R

Tso, D

Wauneka, E

Henio, J

Smith

Tso, E

Yellowhair

## Nay : 11

Begay, E

Charles-Newton

Freeland, M

Tso, O

Begay, K

Crotty

Slater, C

Yazzie

Brown

Daniels

Tso, C

Excused : 0

Not Voting : 1

Damon

Presiding Speaker: Damon

**NAVAJO NATION**

1178

Naa'bik'iyati' Committee Special Meeting

1/20/2022

08:29:57 PM

Amd# to Amd#	Motion to Refer	PASSED
MOT Henio, J	Legislation 0257-21	
SEC Charles-Newton	For No More Than 60 Days	

**Yeas : 17**

**Nays : 4**

**Excused : 1**

**Not Voting : 1**

**Yea : 17**

Begay, E	Daniels	Smith	Walker, T
Begay, P	Halona, P	Tso, C	Wauneka, E
Brown	Henio, J	Tso, D	Yazzie
Charles-Newton	James, V	Tso, O	Yellowhair
Crotty			

**Nay : 4**

Tso, E	Stewart, W	Begay, K	Freeland, M
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**Excused : 1**

Slater, C

**Not Voting : 1**

Nez, R

**Presiding Speaker: Damon**