

**APPENDIX D-4**  
**Beneficiary Eligible Mitigation Action Certification**

## BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION

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Beneficiary Bishop Paiute Tribe

Lead Agency Authorized to Act on Behalf of the Beneficiary Bishop Paiute Public Works  
*(Any authorized person with delegation of such authority to direct the Trustee delivered to the Trustee pursuant to a Delegation of Authority and Certificate of Incumbency)*

<b>Action Title:</b>	Bishop Paiute Diesel Vehicle Replacement
<b>Beneficiary's Project ID:</b>	PW-VW-2019-1
<b>Funding Request No.</b>	<i>(sequential)</i> 2019-1
<b>Request Type:</b> (select one or more)	<input type="checkbox"/> Reimbursement <span style="margin-left: 150px;"><input checked="" type="checkbox"/> Advance</span> <input type="checkbox"/> Other (specify): _____
<b>Payment to be made to:</b> (select one or more)	<input checked="" type="checkbox"/> Beneficiary <input type="checkbox"/> Other (specify): _____
<b>Funding Request &amp; Direction (Attachment A)</b>	<input checked="" type="checkbox"/> Attached to this Certification <input type="checkbox"/> To be Provided Separately

### SUMMARY

<b>Eligible Mitigation Action</b>	<input checked="" type="checkbox"/> Appendix D-2 item (specify): <u>category 6</u>
<b>Action Type</b>	<input type="checkbox"/> Item 10 - DERA Option (5.2.12) (specify and attach DERA Proposal): _____
<b>Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits (5.2.2):</b>	
Replace 1 class 4 truck in use (VIN JALC4B146227004822) on reservation serving tribal community <span style="float: right;">+</span>	
<b>Estimate of Anticipated NOx Reductions (5.2.3):</b>	
See attached EPA DEQ calculations. Class 4 truck est. 91.5% reduction NOx. See addendum.	
<b>Identification of Governmental Entity Responsible for Reviewing and Auditing Expenditures of Eligible Mitigation Action Funds to Ensure Compliance with Applicable Law (5.2.7.1):</b>	
Bishop Paiute Fiscal Dept. & annual 3rd party audit	
<b>Describe how the Beneficiary will make documentation publicly available (5.2.7.2).</b>	
Publish project information on Tribe's website; additionally via Trustee website. See Addendum.	
<b>Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8).</b>	
NA, however the Bishop Paiute Tribe will contribute at estimated \$2,993.30 toward purchase as show <span style="float: right;">+</span>	
<b>Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9).</b>	
Tribal Lead Agency will provide copies of project documents to DOI, DOA as specified in 4.2.8	

If applicable, describe how the mitigation action will mitigate the impacts of NOx emissions on communities that have historically borne a disproportionate share of the adverse impacts of such emissions (5.2.10). NA

**ATTACHMENTS**  
**(CHECK BOX IF ATTACHED)**

- |                                     |                     |   |
|-------------------------------------|---------------------|---|
| <input checked="" type="checkbox"/> | <b>Attachment A</b> | <b>Funding Request and Direction.</b>   |
| <input checked="" type="checkbox"/> | <b>Attachment B</b> | <b>Eligible Mitigation Action Management Plan Including Detailed Budget and Implementation and Expenditures Timeline (5.2.4).</b>   |
| <input checked="" type="checkbox"/> | <b>Attachment C</b> | <b>Detailed Plan for Reporting on Eligible Mitigation Action Implementation (5.2.11).</b>   |
| <input checked="" type="checkbox"/> | <b>Attachment D</b> | <b>Detailed cost estimates from selected or potential vendors for each proposed expenditure exceeding \$25,000 (5.2.6). [Attach only if project involves vendors with expenditures exceeding \$25,000.]</b> |
| <input type="checkbox"/>            | <b>Attachment E</b> | <b>DERA Option (5.2.12). [Attach only if using DERA option.]</b>  |
| <input type="checkbox"/>            | <b>Attachment F</b> | <b>Attachment specifying amount of requested funding to be debited against each beneficiary's allocation (5.2.13). [Attach only if this is a joint application involving multiple beneficiaries.]</b>       |

**CERTIFICATIONS**

By submitting this application, the Lead Agency makes the following certifications:

1. This application is submitted on behalf of Beneficiary Bishop Paiute Tribe, and the person executing this certification has authority to make this certification on behalf of the Lead Agency and Beneficiary, pursuant to the Certification for Beneficiary Status filed with the Court.
2. Beneficiary requests and directs that the Trustee make the payments described in this application and Attachment A to this Form.
3. This application contains all information and certifications required by Paragraph 5.2 of the Trust Agreement, and the Trustee may rely on this application, Attachment A, and related certifications in making disbursements of trust funds for the aforementioned Project ID.
4. Any vendors were or will be selected in accordance with a jurisdiction's public contracting law as applicable. (5.2.5)
5. Beneficiary will maintain and make publicly available all documentation submitted in

**support of this funding request and all records supporting all expenditures of eligible mitigation action funds subject to applicable laws governing the publication of confidential business information and personally identifiable information. (5.2.7.2)**

**DATED:** 5/29/2019

Peter Bernasconi, Public Works Dir.

**SIGNATURE:**  Bishop Paiute Tribal Public Works

**for**

Bishop Paiute Tribe

**[SAMPLE ATTACHMENT B - USE OF THIS FORMAT IS NOT MANDATORY]**

**PROJECT MANAGEMENT PLAN**  
**PROJECT SCHEDULE AND MILESTONES**

Milestone	Date
Lead Agency Provides Notice of Availability of Mitigation Action Funds	2/1/2019
Project Sponsor Submits Proposal to Lead Agency	3/1/2019
Lead Agency Provides Written Approval of Project Sponsor's Proposal	3/1/2019
Lead Agency Incorporates Project Sponsor's Proposal into Mitigation Plan	3/1/2019
Trustee Acknowledges Receipt of Project Certification and Funding Direction	6/1/2019
Trustee Allocates Share of State Funds for Approved Project	7/1/2019
Lead Agency Directs Funding (Advance Funded Projects)	7/15/2019
Project Sponsor Obtains Cost Share, Notifies or Certifies to Lead Agency	7/15/2019
Project Sponsor Enters into Contracts, Purchase Orders, etc. - Start	8/15/2019
Project Sponsor Enters into Contracts, Purchase Orders, etc. - Complete	9/15/2019
Project Installation(s) – Start	10/7/2019
Project Installation(s) – Complete	1/15/2020
Project Sponsor provides detailed invoices for all claimed project costs, documentation for emission reduction estimates, required certification documents to Lead Agency to support direction to Trustee for Payment (Reimbursement, Direct-to-Vendor) or final accounting (Forward Funded Projects)	2/28/2020
Lead Agency completes review and certifies payment direction to Trustee (Reimbursement)	3/15/2020
Trustee Acknowledges Receipt of Direction for Payment(s) (Advance Funded, Reimbursement)	3/30/2020
Project Sponsor Certifies Project Completion	4/15/2020
Lead Agency Reports Project Completion	5/1/2020

**PROJECT BUDGET**

Period of Performance: FEB 2019 - MAY 2020				
Budget Category	Total Approved Budget	Share of Total Budget to be Funded by the Trust	Local Tribal Funds Cost-Share, if applicable (Entity #1)	Cost-Share, if applicable (Entity #2)
1. Equipment Expenditure	\$ 75304	\$ 72,311	\$ 2993.30	\$
2. Contractor Support <i>(Provide List of Approved Contractors as Attachment with approved funding ceilings)</i>	\$	\$	\$	\$
3. Subrecipient Support <i>(Provide List of Approved Subrecipients or Grant Awardees as Attachment with approved funding ceilings)</i>	\$	\$	\$	\$
4. Administrative <sup>1</sup>	\$ 4500.30	\$ 4500.30	\$	\$
<b>Project Totals</b>	\$ 79,804.30	\$ 76,811.30	\$ 2993.30	\$
<b>Percentage</b>	100 %	96.2 %	3.7 %	%

<sup>1</sup> Subject to Appendix D-2 15% administrative cap.

**PROJECTED TRUST ALLOCATIONS:**

	2017	2018	2019	2020	2021
1. Anticipated Annual Project Funding Request to be paid through the Trust	\$	\$	\$76,811	\$	\$
2. Anticipated Annual Cost Share	\$	\$	\$2993.30	\$	\$
3. Anticipated Total Project Funding by Year (line 1 plus line 2)	\$	\$	\$79804.30	\$	\$
4. Cumulative Trustee Payments Made to Date Against Cumulative Approved Beneficiary Allocation	\$	\$	\$0	\$	\$
5. Current Beneficiary Project Funding to be paid through the Trust (line 1)	\$	\$	\$76,811	\$	\$
6. Total Funding Allocated to for Beneficiary, inclusive of Current Action by Year (line 4 plus line 5)	\$	\$	\$76,811	\$	\$
7. Beneficiary Share of Estimated Funds Remaining in Trust	\$	\$	\$76,811	\$	\$
8. Net Beneficiary Funds Remaining in Trust, net of cumulative Beneficiary Funding Actions (line 7 minus line 6)	\$	\$	\$0	\$	\$

# " 5.2.3 Addendum "



United States Environmental Protection Agency

## Diesel Emissions Quantifier Data

# Emission Results and Health Benefits for Project: Bishop Paiute Tribe

Emission Results

Health Benefits

## Emission Results <sup>0</sup>

Here are the combined results for all groups and upgrades entered for your project.<sup>1</sup>

<u>Annual Results (short tons)<sup>2</sup></u>	<b>NO<sub>x</sub></b>	<b>PM2.5</b>	<b>HC</b>	<b>CO</b>	<b>CO<sub>2</sub></b>	<b>Fuel<sup>3</sup></b>
Baseline for Upgraded Vehicles/Engines	0.121	0.009	0.026	0.068	16.5	1,463
Amount Reduced After Upgrades	0.111	0.009	0.025	0.063	0.0	0
Percent Reduced After Upgrades	91.5%	98.3%	95.4%	93.1%	0.0%	0.0%
<u>Lifetime Results (short tons)<sup>2</sup></u>						
Baseline for Upgraded Vehicles/Engines	0.242	0.018	0.053	0.135	32.9	2,926
Amount Reduced After Upgrades	0.221	0.017	0.050	0.126	0.0	0
Percent Reduced After Upgrades	91.5%	98.3%	95.4%	93.1%	0.0%	0.0%
<u>Lifetime Cost Effectiveness (\$/short ton reduced)</u>						
<b>Capital Cost Effectiveness<sup>4</sup></b> (unit & labor costs only)	\$0	\$0	\$0	\$0	\$0	
<b>Total Cost Effectiveness<sup>4</sup></b> (includes all project costs)	\$0	\$0	\$0	\$0	\$0	

<sup>1</sup> Emissions from the electrical grid are not included in the results.

<sup>2</sup> 1 short ton = 2000 lbs.

<sup>3</sup> In gallons, fuels other than ULSD have been converted to ULSD equivalent gallons.

<sup>4</sup> Cost effectiveness estimates include only the costs which you have entered.

Remaining Life

Isuzu Utility Truck: Short Haul - Single Unit | Class 4-5

2 years

# Results

The table below shows the estimated PM2.5 reductions and health benefits by county and as a total for your project. Results are based on the inputs you have entered.

Annual Benefits represent the dollar value of health benefits resulting from reduced exposure to PM2.5. These benefits include the reduction of premature mortality, chronic bronchitis, asthma attacks, non-fatal heart attacks, and other health problems. The dollar values are based on studies used by EPA when estimating the health benefits of environmental rules.

Annualized Costs are based on the unit and labor costs you have entered. They have been annualized over the remaining life of the upgraded project.

## Health Benefits Results

County and State	Annual Diesel PM2.5 Reduction (short tons)	Annual Benefits	Annualized Unit & Labor Costs
Inyo**, California	0.009	\$770	-
<b>Total</b>	0.009	\$770	\$0

\*\*The Benefits Module may be overestimating the benefits for emissions reduction projects in this county because it has relatively few emissions compared to surrounding areas. As a result, this county is likely to be a net importer of diesel emissions, and air quality is significantly affected by emissions in upwind counties. Please take this increased uncertainty into account when interpreting your results.





**BISHOP PAIUTE TRIBE**  
**PUBLIC WORKS DEPARTMENT**

630 BROCKMAN LANE  
BISHOP, CA 93514  
PHONE 760-873-6638  
FAX 760-873-0018  
peter.bernasconi@bishoppaiute.org

May 29, 2019

**RE: Bishop Paiute Tribe**  
**Case No. 3:18-MD-2672-CRB**  
**Detailed Plan for Reporting Eligible Mitigation Actions**

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7. Publicly Available Information.

(i)

The Tribe maintains several web sites that provide public information about projects the Tribe is working on.

The Tribal Environmental Office will post all documents and maintain the documents so the public can view or print documents as needed.

These documents will be posted and available on the Web located at:

<http://www.bishoptribeemo.com/library.htm>

You may also navigate there though: [http://www.bishoptribeemo.com/index\\_air.htm](http://www.bishoptribeemo.com/index_air.htm)

(ii)

The Bishop Paiute Tribe does have a process to request Tribal records for criminal cases in the **BISHOP TRIBAL RECORDS ORDINANCE, ADOPTED APRIL 18, 2004, NO. T2004-01.**

Ordinance T2004-01 has specific procedures and details how requests are made and how documents disseminated including Tribal Court procedures.

Documents related to this environmental mitigation project would not be subject to ordinance unless there were criminal proceedings. Personal records and specific financial records are not public except as required by specific grants. The documents related to this project including financial expenditures will be posted at the Web address above.

Should you have any questions please contact me at 760-873-6638.

Respectfully,

A handwritten signature in blue ink that reads "Peter Bernasconi".

Peter Bernasconi, PE  
Public Works Director



**BISHOP PAIUTE TRIBE  
PUBLIC WORKS DEPARTMENT**

630 BROCKMAN LANE  
BISHOP, CA 93514  
PHONE 760-873-6638  
FAX 760-873-0018  
peter.bernasconi@bishoppaiute.org

January 15, 2019

**RE: Bishop Paiute Tribe  
Case No. 3:18-MD-2672-CRB  
D-4 Attachment C Detailed Plan for Reporting to Trustee Eligible Mitigation Actions**

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Reporting on EMAs will take place quarterly. Reports will be posted on the Bishop Paiute Tribe's website no more than 30 days after the end of each calendar quarter, starting with the period from January 2, 2018–March 31, 2018, or the beginning of the project and also provided to the Trustee via Intralinks. The Bishop Paiute Tribe Public Works Director will oversee the proposed EMAs as follows:

- The Bishop Paiute Tribe Public Works Director and CFO will review and audit expenditures of EMAs to ensure compliance with applicable law.
- The Bishop Paiute Tribe Public Works Director will maintain and make publicly available all documentation submitted in support of the funding request, as well as records supporting all expenditures of EMA funds, subject to applicable laws governing the publication of confidential business information and personally-identifiable information. The Bishop Paiute Tribe proposes posting such documentation on our website, under the Bishop tab. The Public Works Director will work with the Trustee/intralinks in posting this documentation to ensure that all information is true, accurate, and easy to access. Information will also be provided upon request. The procedure by which the Public Works Director shall make such documentation publicly available is: requests shall be made to the Tribal Chairman, whereupon a representative from the Public Works Department will confer with the Tribal Chairman. Upon approval from the Tribal Chairman, the Public Works Director will provide the available documents or provide an explanation as to why they will not be released within 20 days of receipt of the request.
- The Bishop Paiute Tribe not proposing to place any cost-sharing requirements on any NOx sources to be mitigated. The Bishop Paiute Tribe owns all of the cited diesel vehicles and will own any replacement vehicles. The Bishop Paiute Tribe will also own the EV charging stations. Support of these activities will be undertaken by appropriate Bishop Paiute Tribe employees as a part of their regular job duties. Such job duties can be quantified and reported upon, if needed.
- Upon the termination or completion of any EMA, any unused EMA funds shall be returned by the Bishop Paiute Tribe to the Trustee, to ultimately be returned to the Tribal Allocation Subaccount.
- The Bishop Paiute Tribe understands that for each EMA, The Public Works Director shall submit a semiannual report to the Trustee (via Intralinks) describing the progress made on

implementing each EMA during the six-month period leading up to the reporting date. This report shall include a summary of all costs expended on the EMA through the reporting date. The first report shall be submitted no later than six months after receiving the first disbursement of Trust Assets, and thereafter no later than January 30 (for the preceding six-month period of July 1 to December 31) and July 30 (for the preceding six-month period of January 1 to June 30).

These reports will include a complete description of the status (including actual or projected termination date), development, implementation, and any modifications to each approved EMA. The Public Works Director will group multiple EMA's into one report. These reports will be signed by an official with the authority to submit the report for the Bishop Paiute Tribe and will contain an attestation that the information is true and correct, and that the submission is made under penalty of perjury.


Should you have any questions please contact me at 760-873-6638.

Respectfully,



Peter Bernasconi, PE  
Public Works Director

"Attachment D"

Case No. 3:18-MD-2672-CRB				
<b>Attachment D</b>				
<b>Appendix D-4 5.2.6</b>				
		<b>BISHOP PAIUTE TRIBE</b>		
		<b>PUBLIC WORKS DEPARTMENT</b>		
		630 BROCKMAN LANE		
		BISHOP, CA 93514		
		PHONE: 760-873-6638		
		FAX: 760-873-0018		
<b>VW Beneficiary Cost Estimate</b>		updated 05/15/2019		
Class 4 Utility Truck				
Item Description	Quantity	Unit	Unit Price	Amount
New Truck - 2019 Ford 550 (see Appendix G)	1	EA	\$ 72,804.00	\$ 72,804.00
Delivery Estimated	1	EA	\$ 1,500.00	\$ 1,500.00
Demolition and Engine Destruction / disposal estimated	1	Job	\$ 1,000.00	\$ 1,000.00
<b>Equipment Cost Subtotal</b>				<b>\$ 75,304.00</b>
<b>Demolition and Engine Destruction Subtotal</b>				
<i>Administration Costs</i>		<i>Sub Total =</i>		<b>\$ 4,500.30</b>
Environmental Specialist	40	hr	\$ 29.48	\$ 1,179.20
Admin Assistant	24	hr	\$ 36.03	\$ 864.72
PW Director	32	hr	\$ 58.30	\$ 1,865.60
Fiscal Grants Manager	5	hr	\$ 58.30	\$ 291.50
Mileage	516	mile	\$ 0.58	\$ 299.28
<b>Total</b>				<b>\$ 79,804.30</b>
Local Tribal Funds				\$ 2,993.30
VW Trust Fund Grant				\$ 76,811.00



## 2019 FORD F550 Contractor Truck

SCELZI Contractor Flatbed Bodies CTFB-8/12 In Merced, CA 95340 - 112 Miles Away

[Get Directions](#)

[Visit Dealer Website](#)

**\$72,804**

 Est. **Payment**

Incentive: **\$2,500** / MSRP: **\$72,804**

<b>Condition:</b>	New
<b>Year:</b>	2019
<b>Make:</b>	FORD
<b>Model:</b>	F550
<b>Class:</b>	CLASS 5 (GVW 16001 - 19500)

<b>Cab Type:</b>	CREW CAB
<b>Location:</b>	Merced, CA
<b>Max Horse Power:</b>	330-330
<b>Max Torque:</b>	750-750
<b>Fuel Type:</b>	Diesel
<b>Rear Axles:</b>	DRW
<b>Wheelbase:</b>	179.8-203.8
<b>Brake Type:</b>	Hydraulic
<b>Stock Number:</b>	50784
<b>VIN:</b>	1FD0W5HT9KEC25481
<b>Drivetrain:</b>	4X4
<b>Engine Manufacture:</b>	Power Stroke
<b>Engine Size:</b>	6.7L cc
<b>Weight:</b>	16001-19500
<b>Transmission Speed:</b>	6
<b>Transmission Type:</b>	Automatic
<b>Color:</b>	Oxford White
<b>Interior Color:</b>	Med Earth Gray
<b>Upfit Body Type:</b>	Flatbed Bodies
<b>Upfit Make:</b>	SCELZI
<b>Upfit Model:</b>	CTFB-8/12
<b>Mileage:</b>	85
<b>Options:</b>	Air Conditioning, Cruise Control, AM/FM Radio, Power Windows, Power Mirrors, Power Locks, Trip Odometer, Anti-Lock Braking System, 4x4, Dually, Electric Brake Controller, Heated Mirrors, Telescopic Steering Wheel, Hitch, Bluetooth

## Description & Comments