

APPENDIX D-4
Beneficiary Eligible Mitigation Action Certification

BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION

Beneficiary Fort Independence Community of Paiutes of the Fort Independence Indian Reservation

Lead Agency Authorized to Act on Behalf of the Beneficiary Fort Independence Community of Paiutes of the Fort Independence Indian Reservation
(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)

Action Title:	Fort Independence Mitigation Action
Beneficiary's Project ID:	01
Funding Request No.	<i>(sequential) 01</i>
Request Type: (select one or more)	<input type="checkbox"/> Reimbursement <input checked="" type="checkbox"/> Advance <input type="checkbox"/> Other (specify): _____
Payment to be made to: (select one or more)	<input checked="" type="checkbox"/> Beneficiary <input type="checkbox"/> Other (specify): _____
Funding Request & Direction (Attachment A)	<input checked="" type="checkbox"/> Attached to this Certification <input type="checkbox"/> To be Provided Separately

SUMMARY

Eligible Mitigation Action	<input checked="" type="checkbox"/> Appendix D-2 item (specify): <u>Government Owned Eligible Class 8 Large Truck</u>
Action Type	<input type="checkbox"/> Item 10 - DERA Option (5.2.12) (specify and attach DERA Proposal): _____
Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits (5.2.2): Please refer to attachment addendum to Appendix D-4 Summary.	
Estimate of Anticipated NOx Reductions (5.2.3): Please refer to attachment addendum to Appendix D-4 Summary.	
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): An independent certified public account firm (third-Party Reviewer) will be retained to ensure compliance, in accordance to 5.2.7.1.	
Describe how the Beneficiary will make documentation publicly available (5.2.7.2). Will display information publicly at the Tribal Office, Tribal website and newsletter. Refer to attachment.	
Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8). The Tribe will cost share \$7,681.00.	
Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9). Please refer to attachment Addendum to Appendix D-4 Summary.	

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).

Not applicable.

ATTACHMENTS
(CHECK BOX IF ATTACHED)

- Attachment A Funding Request and Direction.
- Attachment B Eligible Mitigation Action Management Plan Including Detailed Budget and Implementation and Expenditures Timeline (5.2.4).
- Attachment C Detailed Plan for Reporting on Eligible Mitigation Action Implementation (5.2.11).
- Attachment D Detailed cost estimates from selected or potential vendors for each proposed expenditure exceeding \$25,000 (5.2.6). [Attach only if project involves vendor expenditures exceeding \$25,000.]
- Attachment E DERA Option (5.2.12). [Attach only if using DERA option.]
- Attachment F 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.]

CERTIFICATIONS

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

1. This application is submitted on behalf of Beneficiary Fort Independence Community of Paiutes of the Fort Independence Indian Reservation, 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

[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	March, 2019
Project Sponsor Submits Proposal to Lead Agency	March, 2019
Lead Agency Provides Written Approval of Project Sponsor's Proposal	April, 2019
Lead Agency Incorporates Project Sponsor's Proposal into Mitigation Plan	May, 2019
Trustee Acknowledges Receipt of Project Certification and Funding Direction	May, 2019
Trustee Allocates Share of Funds for Approved Project	May, 2019
Lead Agency Directs Funding (Advance Funded Projects)	May, 2019
Project Sponsor Obtains Cost Share, Notifies or Certifies to Lead Agency	May, 2019
Project Sponsor Enters into Contracts, Purchase Orders, etc. - Start	June, 2019
Project Sponsor Enters into Contracts, Purchase Orders, etc. - Complete	June, 2019
Project Installation(s) – Start	June, 2019
Project Installation(s) – Complete	August, 2019
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)	-
Lead Agency completes review and certifies payment direction to Trustee (Reimbursement)	N/A Requested Advance
Trustee Acknowledges Receipt of Direction for Payment(s) (Advance Funded, Reimbursement)	-
Project Sponsor Certifies Project Completion	November, 2019
Lead Agency Reports Project Completion	December, 2019

PROJECT BUDGET

Period of Performance: <u>05/2019-12/2019</u>				
Budget Category	Total Approved Budget	Share of Total Budget to be Funded by the Trust	Cost-Share, if applicable (Entity #1)	Cost-Share, if applicable (Entity #2)
1. Equipment Expenditure	\$ 124,500.00	\$ 116,819.00	\$ 7,681.00	\$ 0.00
2. Contractor Support <i>(Provide List of Approved Contractors as Attachment with approved funding ceilings)</i>	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
3. Subrecipient Support <i>(Provide List of Approved Subrecipients or Grant Awardees as Attachment with approved funding ceilings)</i>	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
4. Administrative ¹	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Project Totals	\$ 124,500.00	\$ 116,819.00	\$ 7,681.00	\$ 0.00
Percentage	100 %	100 %	100 %	100 %

¹ 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	\$ 0	\$ 0	\$ 116,819	\$ 0	\$ 0
2. Anticipated Annual Cost Share	\$ 0	\$ 0	\$ 7,681.00	\$ 0	\$ 0
3. Anticipated Total Project Funding by Year (line 1 plus line 2)	\$ 0	\$ 0	\$ 124,500	\$ 0	\$ 0
4. Cumulative Trustee Payments Made to Date Against Cumulative Approved Beneficiary Allocation	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
5. Current Beneficiary Project Funding to be paid through the Trust (line 1)	\$ 0	\$ 0	\$ 116,819	\$ 0	\$ 0
6. Total Funding Allocated to for Beneficiary, inclusive of Current Action by Year (line 4 plus line 5)	\$ 0	\$ 0	\$ 116,819	\$ 0	\$ 0
7. Beneficiary Share of Estimated Funds Remaining in Trust	\$ 0	\$ 0	\$ 116,819	\$ 0	\$ 0
8. Net Beneficiary Funds Remaining in Trust, net of cumulative Beneficiary Funding Actions (line 7 minus line 6)	\$ 0	\$ 0	\$ 0.00	\$ 0	\$ 0

**Volkswagen (VW) Environmental Mitigation
Trust Agreement
Attachment C & D**

The Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation are in Inyo County California with an estimated population of 18,144 people and an estimated base of 18,546 (U.S. Census Bureau, 2016). The Fort Independence Indian Reservation was established through Executive Order Numbers 2264 and 2375 in 1915 and 1916. This provided the tribal members with 360 acres of land adjacent to Oak Creek in Independence, California. In 2000, the Tribe received an additional 200 acres through the California Indian Land Transfer Act for a total of 560 acres.

By virtue, the Paiute are culturally bound to mother earth, and are the earliest known inhabitants and cultivators of the land. Today, descendants continue to depend upon the riparian habitat for clean water and clean air, abundant wildlife, and spiritual connection to our land. The Fort Independence Indian Reservation goal is to fund eligible mitigation actions to achieve reductions of nitrogen oxides NOx emissions on the reservation and in the United States.

For Government owned Eligible Class 8 Large Trucks, and for government owned Class4-7 Medium Trucks, Beneficiaries may draw funds from the Trust in the amount of: Up to 100% of the cost of a repower with a new diesel or Alternate fueled (e.g., CNG, propane, Hybrid) engine, including the cost of installation of such engine. Tribal Inventory:

- 1995 Freightliner Dump Truck-VIN: 1FUYDEDB5SP626274 (Class 8 Truck)

The Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, seeks to draw funds from the Trust in the amount of \$116,819.00 to replace equipment with a new diesel and alternate fueled engine for one eligible truck, in addition administrative costs associated with project management and completion, in accordance with the terms and conditions outlined in Appendix D-3 and Appendix D-4.

Publicly Available Information / Reporting

Reporting on EMAs will take place quarterly. Reports will be provided to the Tribal Council starting with the period from May 1, 2019 – December 31, 2019 and provided to the Trustee via Intralinks. Fort Independence Indian Reservation will oversee the proposed EMAs as follows:

- Will review and audit expenditures of EMAs to ensure compliance with applicable law.
- 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.

- Upon the termination or completion of any EMA, any unused EMA funds shall be returned by the Fort Independence Indian Reservation to the Trustee, to ultimately be returned to the Tribal Allocation Subaccount.

The Fort Independence Indian Reservation understands that for each EMA, the tribe shall submit a semiannual report to the Trustee (via Intralinks) describing the progress made on implementing each EMA during the project period. 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 four months, after receiving funds. Quarterly reports will be provided to the Trustee on April 25, 2019, July 25, 2019, and October 25, 2019, and an annual performance report and financial report will be provided December 31, 2019. VW Specialist will receive an evaluation of VW performance internally with Tribal Administrator and reports will include a complete description of the status (including actual or projected termination date), development, implementation, and any modification to EMA, activities, based on the project management plan and project schedule and milestones, proposed on pg. 7 of Appendix D-4. These reports will be signed by an official with the authority to submit the report for Fort Independence Indian Reservation and will contain an attestation that the information is true and correct, and that the submission is made under penalty of perjury.

Pursuant to Paragraph 6.8 of the Trust Agreement, the Tribe will make documents publicly available by publishing documents which can be viewed at the Tribal Office and Environmental Office and a link on our website. Information will also be provided upon request. The procedure by which Fort Independence Indian Reservation shall make such documentation publicly available is: requests shall be made to the Tribal Administrator. Upon approval from the Tribal Administrator, the Tribal Administrator 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 local newspaper and our Tribal newsletter will also be an outlet for making public documentation and mitigation efforts and during our annual Earth Day. At Earth Day we will have a booth to cover information on the VW settlement and the purpose of reducing NOx emissions.

Attachment D

Detailed cost estimates from vendors:

Description	Estimated Cost	Vendor
Ford F650 Dump Truck	\$124,500.00	Peterson Trucks
Trust Allocation	\$116,819.00	
Share Cost Tribe	\$7,681.00	
Total Beneficiary Funding Amount:	\$116,819.00	

In accordance with the certifications. This application is submitted on behalf of the Fort Independence Indian Reservation, and the person executing this certification has authority to make this certification on behalf of the Fort Independence Indian Reservation. This application contains all information and certifications required by paragraph 5.2 of the Trust Agreement. All vendors will be selected in accordance with jurisdiction's public contracting law as applicable. (5.2.5) As mentioned above the Fort Independence Indian Reservation 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 as referenced in (5.2.7.2).

Ultimately, we consider this request for funds an initial step towards sustainable stewardship of this unique and culturally important habitat. Our success as a human race depend upon our ability to have clean air and water for the future generations.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carl Dahlberg".

Carl Dahlberg
Tribal Chairman

Addendum to APPENDIX D-4

Summary

Detailed Description of Mitigation Action Items Including Community and Air Quality Benefits (5.2.2):

The funds from the trust will be used for environmental mitigation projects that reduce emissions of nitrogen oxides. The Tribe will replace one vehicle, thus helping the air quality and health of citizens. The following are the vehicles that will be replaced.

- 1995 Freightliner Dump Truck-VIN: 1FUYPEDB5SP626274

Estimate of Anticipated NOx Reductions (5.2.3)

Emission Results and Health Benefits for Project: FortIndependenceClass8Truck

Emission Results

Here are the combined results for all groups and upgrades entered for your project.¹

<u>Annual Results (short tons)²</u>	NO _x	PM2.5	HC	CO	CO ₂	Fuel ³
Baseline for Upgraded Vehicles	0.233	0.013	0.014	0.079	16.5	1,463
Amount Reduced After Upgrades	0.222	0.013	0.013	0.075	0.0	0
Percent Reduced After Upgrades	95.2%	98.1%	91.4%	94.1%	0.0%	0.0%
<u>Lifetime Results (short tons)²</u>	NO _x	PM2.5	HC	CO	CO ₂	Fuel ³
Baseline for Upgraded Vehicles	0.233	0.013	0.014	0.079	16.5	1,463
Amount Reduced After Upgrades	0.222	0.013	0.013	0.075	0.0	0
Percent Reduced After Upgrades	95.2%	98.1%	91.4%	94.1%	0.0%	0.0%
<u>Lifetime Cost Effectiveness (\$/short ton reduced)</u>						
Capital Cost Effectiveness ⁴ (unit & labor costs only)	\$0	\$0	\$0	\$0	\$0	\$0
Total Cost Effectiveness ⁴ (includes all project costs)	\$0	\$0	\$0	\$0	\$0	\$0

¹ Emissions from the electrical grid are not included in the results.

² 1 short ton = 2000 lbs.

³ In gallons; fuels other than ULSD have been converted to ULSD-equivalent gallons.

⁴ Cost effectiveness estimates include only the costs which you have entered.

Remaining Life 1995 Freightliner: Short Haul - Single Unit | Class 8 1 years

Describe how the Beneficiary will make documentation publicly available (5.2.7.2).

Quarterly reports will be provided to the Trustee or as requested in accordance with the reporting for the eligible mitigation action (5.2.11). Pursuant to Paragraph 6.8 of the Trust Agreement, the Tribe will make documents publicly available by publishing documents which can be viewed at the Tribal Office and Environmental Office and a link on our website. The Tribe will establish a webpage dedicated to the funding received from the VW Settlement Trust, which will include a link for members of the public to request additional information documents related to the funding request and expenditure of funds. The Tribe will endeavor to respond to such request within ten (10) business days and, when documents are requested, will advise the individual within that timeframe of the procedure for reviewing such documents. The local newspaper and our Tribal newsletter will also be an outlet for making public documentation and mitigation efforts. During our annual Earth Day the Tribe will have a booth to cover information on the VW settlement and the purpose of reducing NOx emissions.

In accordance with the certifications. This application is submitted on behalf of the Fort Independence Indian Reservation, and the person executing this certification has authority to make this certification on behalf of the Fort Independence Indian Reservation. This application contains all information and certifications required by paragraph 5.2 of the Trust Agreement. All vendors will be selected in accordance with jurisdiction's public contracting law as applicable. (5.2.5) and as mentioned above the Fort Independence Indian Reservation 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 as referenced in (5.2.7.2).

The Fort Independence Indian Reservation is a Federally Recognized Indian Tribe and follows underling the jurisdiction of the Indian Reorganization Act of 1934, the legislation tribes are granted with the authority to control their territories, and self-government law. In accordance with the Articles of Association of the Fort Independence Indian Community, California pursuant to Paragraph 7, (i) procedures by which public records may be accessed in accordance with the Tribal Records Management Procedure, through completion of a Records Request Form that govern the Tribe's confidentiality records policies and procedure.

Pursuant to Paragraph 7 (ii) The Fort Independence Indian Reservation follows the Indian Reorganization Act of 1934 and Public Law 280 Act of 1953 and other applicable laws incorporated therein by reference for matters governing the publication of confidential business information and personally identifiable information, and exemptions thereto and the extent to which the certification in Paragraph 7 is subject to the Beneficiary's applicable laws governing the publication of confidential business information and personally identifiable information.

Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8).

Cost Share \$7,681.00

Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9).

The Fort Independence Indian Reservation will certify that, not later than 30 Days after being deemed a Beneficiary pursuant to subparagraph 4.0.2.1 hereof, will provide a copy of this Indian Tribe Trust Agreement with Attachments to the U.S. Department of the Interior, the U.S. Department of Agriculture, and any other Federal Agency that has custody, control, or management of land within or contiguous to the territorial boundaries of the Certifying Entity and has by then notified the Tribe of its interest hereunder, explaining that the Certifying Entity may request Eligible Mitigation Action funds for use on lands within that Federal Agency's custody, control, or management (including, but not limited to, Clean Air Act Class I and II areas), and setting forth the procedures by which the Certifying Entity will review, consider, and make a written determination upon each such request. For the U.S. Department of the Interior and the U.S. Department of Agriculture, Beneficiaries may provide notice as required by this subparagraph to the following:

Department of the Interior:
National Park Service, Air Resources Division
VW Settlement
P.O. Box 25287
Denver, CO 80225-0287
Or via email to: vwsettlement@nps.gov.

Tim Allen or other designated representative
U.S Fish and Wildlife Service
National Wildlife Refuge System
Branch of Air Quality
Re: VW Settlement
7333 W. Jefferson Ave., Suite 375
Lakewood, CO 80235-2017
Or via email to: VW_Settlement@fws.gov

Department of Agriculture:
Linda Geiser or other designated representative
National Air Program Manager
lgeiser@fs.fed.us
(202) 756-0068

Bret Anderson or other designated representative
National Air Modeling Coordinator
baanderson02@fs.fed.us
(970) 295-5981
Administrative Cost: None.

Budget Breakdown:

Description	Estimated Cost	Vendor
Ford F650 Dump Truck	\$124,500.00	Peterson Trucks
Trust Allocation	\$116,819.00	
Share Cost Tribe	\$7,681.00	
Total Beneficiary Funding Amount:	116,819.00	

Total Amount Requested for Administrative Cost \$ 0.00

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2019 HV 15ft Square Dump

[REQUEST A QUOTE](#)



SPECIFICATIONS

OVERVIEW

Stock No
I-407389

Price
\$124,500

Year
2019

Location
California

4/5/2019

2019 HV 15ft Square Dump | Peterson Trucks

Miles
0

Make
International

Model
HV607 SBA Dump

Condition
New

Body Style
Dump

Horse Power
350

Transmission
Automatic

GVWR
56,000

Details

2019 HV 15ft Dump

Stock #- I-407389

Year- 2019

Manufacturer- International

Model- Hv607 SBA

Condition- New

Body- Enoven 15' Square Dump

Body Accessories- Manual Pull Tarp, 48" Tool Box , 5/8" Buck Plate with Hitch

Engine Manufacturer- Cummins

Engine Type- L9

Horsepower / Torque- 350 Hp / 1000 lb-ft Torque

Transmission- Allison XMSN 3000 RDS 6-SP

PTO- Yes

Air Brakes- Yes

Suspension- Spring Suspension

Wheelbase(inches)- 201 in

Front Axle Weight- 16,000 lb

Rear Axle Weight- 40,000 lb

GVWR- 56,000 lb

Options

Air Brakes

Prices do not include government fees and taxes, any finance charge, any dealer document processing charge, any electronic filing charge and any emissions testing charge.

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