

APPENDIX D-4
Beneficiary Eligible Mitigation Action Certification

BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION

Beneficiary Fond du Lac Band of Lake Superior Chippewa

Lead Agency Authorized to Act on Behalf of the Beneficiary Fond du Lac Air Quality Program
(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:	Diesel Vehicle Replacement and EV Charging Station Installation
Beneficiary's Project ID:	18VW
Funding Request No.	<i>(sequential)</i> 1
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>Replace two Class 8A vehicles, install four Level-2 EV stations</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): The Band proposes replacing two vehicles and installing four single-station Level-2 EV charging stations. See attached for details.	
Estimate of Anticipated NOx Reductions (5.2.3): NOx-0.496 tpy (PM2.5-0.027 tpy, CO2(e)-14.9 tpy). Reductions from EV charging over 10 years: NOx-1.4 tons, PM-0.011 tons, CO2(e)-569 tons	
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): <small>The Fond du Lac Reservation Business Committee (the governing body), Comptroller, and Program Acting Dir. will review and audit expenditures of EMAs to ensure compliance with applicable law.</small>	
Describe how the Beneficiary will make documentation publicly available (5.2.7.2). Documentation will be publicly available via the Band's website. Information will also be provided upon request. S	
Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8). While no direct cost share requirements will be placed on the sources to be mitigated, the staff time of all Band personnel involved will be considered as "in kind".	
Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9). The Band will notify the USDA and the DOI as required, as well as any other federal agencies who request this info	

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).
See Section 5.2.10 Addendum

ATTACHMENTS
(CHECK BOX IF ATTACHED)

- | | | |
|-------------------------------------|---------------------|---|
| <input checked="" type="checkbox"/> | Attachment A | Funding Request and Direction. |
| <input checked="" type="checkbox"/> | Attachment B | Eligible Mitigation Action Management Plan Including Detailed Budget and Implementation and Expenditures Timeline (5.2.4). |
| <input checked="" type="checkbox"/> | Attachment C | Detailed Plan for Reporting on Eligible Mitigation Action Implementation (5.2.11). |
| <input checked="" type="checkbox"/> | 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.] |
| <input type="checkbox"/> | Attachment E | DERA Option (5.2.12). [Attach only if using DERA option.] |
| <input type="checkbox"/> | 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 Fond du Lac Band of Lake Superior Chippewa, 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: April 9, 2019

Joy Wiecks, Air Coordinator

[NAME]

[TITLE]

Joy Wiecks

Fond du Lac Air Quality Program

[LEAD AGENCY]

for

Fond du Lac Band of Lake Superior Chippewa

[BENEFICIARY]

ISAMPLE 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	
Project Sponsor Submits Proposal to Lead Agency	
Lead Agency Provides Written Approval of Project Sponsor's Proposal	
Lead Agency Incorporates Project Sponsor's Proposal into Mitigation Plan	
Trustee Acknowledges Receipt of Project Certification and Funding Direction	
Trustee Allocates Share of Funds for Approved Project	
Lead Agency Directs Funding (Advance Funded Projects)	
Project Sponsor Obtains Cost Share, Notifies or Certifies to Lead Agency	
Project Sponsor Enters into Contracts, Purchase Orders, etc. - Start	
Project Sponsor Enters into Contracts, Purchase Orders, etc. - Complete	
Project Installation(s) – Start	
Project Installation(s) – Complete	
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)	
Trustee Acknowledges Receipt of Direction for Payment(s) (Advance Funded, Reimbursement)	-
Project Sponsor Certifies Project Completion	
Lead Agency Reports Project Completion	

PROJECT BUDGET

Period of Performance: _____				
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	\$ 338,853	\$ 338,853	\$	\$
2. Contractor Support <i>(Provide List of Approved Contractors as Attachment with approved funding ceilings)</i>	\$ 22,660	\$ 22,660	\$	\$
3. Subrecipient Support <i>(Provide List of Approved Subrecipients or Grant Awardees as Attachment with approved funding ceilings)</i>	\$	\$	\$	\$
4. Administrative ¹	\$ 2,000	\$ 2,000	\$	\$
Project Totals	\$ 363,513	\$ 363,513	\$	\$
Percentage	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	\$	\$	\$ 363,513 ■	\$	\$
2. Anticipated Annual Cost Share	\$	\$	\$	\$	\$
3. Anticipated Total Project Funding by Year (line 1 plus line 2)	\$	\$	\$ 363,513 ■	\$	\$
4. Cumulative Trustee Payments Made to Date Against Cumulative Approved Beneficiary Allocation	\$	\$	\$	\$	\$
5. Current Beneficiary Project Funding to be paid through the Trust (line 1)	\$	\$	\$	\$	\$
6. Total Funding Allocated to for Beneficiary, inclusive of Current Action by Year (line 4 plus line 5)	\$	\$	\$	\$	\$
7. Beneficiary Share of Estimated Funds Remaining in Trust	\$	\$	\$	\$	\$
8. Net Beneficiary Funds Remaining in Trust, net of cumulative Beneficiary Funding Actions (line 7 minus line 6)	\$	\$	\$	\$	\$



**FOND DU LAC RESERVATION
ENVIRONMENTAL PROGRAM**

**D-4 Addendums and Attachments for Wilmington Trust, LLC
Fond du Lac Tribal Air Program**

**Volkswagen Diesel Emission Environmental Mitigation Trust
Agreement for Indian Tribe Beneficiaries**

**Case 3:15-MD-2672 CRB
Document 51-2 Filed 10/02/2017**

**Submitted By
Joy Wiecks, Air Coordinator**

**Fond du Lac Band of Lake Superior Chippewa
1720 Big Lake Road
Cloquet, MN, 55720**

February 20, 2019

Section 5.2.9 Addendum

In accordance with the requirements of Section 4.2.8, the Fond du Lac Band (“the Band”) notify the US Department of the Interior and the US Department of Agriculture within 30 days of being deemed a Beneficiary pursuant to subparagraph 4.0.2.1 of the Environmental Mitigation Trust Agreement (“EMTA”). Also in accordance with the requirements of Section 4.2.8, the Band will provide notice to any other federal agencies who request this information.

Section 5.2.10 Addendum

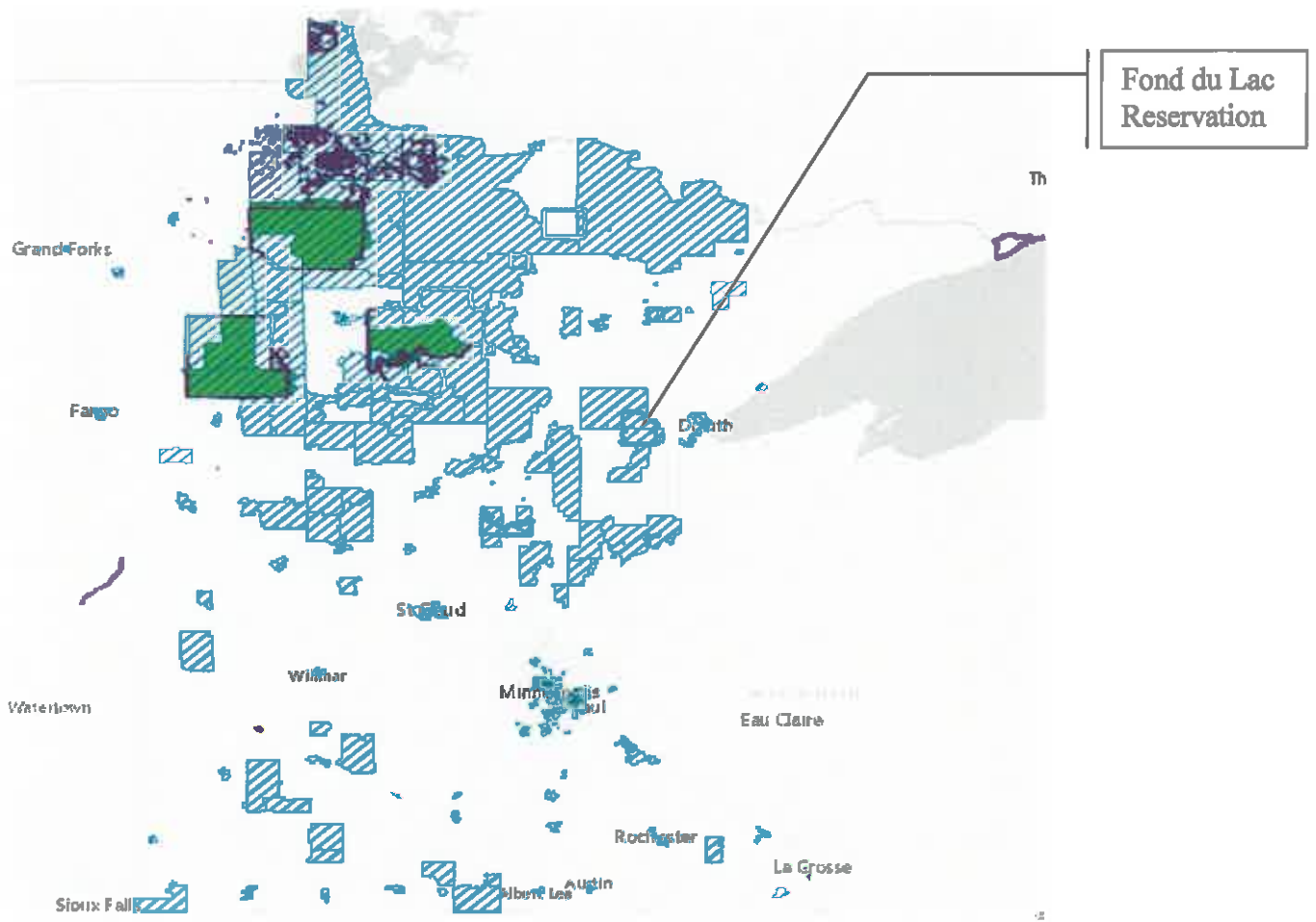
The Band believes that this project has the potential to impact a community that has historically borne a disproportionate share of the adverse impacts of emissions of nitrous oxides (“NOx”) by improving air quality on the Reservation. Native people have high rates of asthma, diabetes, and chronic obstructive pulmonary disease compared to the general population.




The 2017 Minnesota Statewide Health Assessment demonstrates the greater health burden borne by Native people. First, the report shows that 36% of all American Indian children in the state live in poverty. This rate is 4.5 times the poverty rate for white children. Other statistics from this report show:

- American Indian people in Minnesota are more likely to live in poverty (40%, as compared to 8% of white Minnesotans);
- American Indian youth are less likely to graduate from high school in four years (53%, as compared to 87% for white youth);
- American Indians are four times as likely to die of diabetes than white Minnesotans, and twice as likely to die of unintentional injury;
- Young American Indians are more likely to attempt suicide;
- American Indian people in Minnesota have lung cancer at a rate twice as high as the rate for black Minnesotans and three times the rate for Asian and white people in Minnesota;
- The lifespan of people living in higher-income areas of the Twin Cities metropolitan area can be more than 13 years longer than people living in low-income areas;
- People who worry about housing costs (American Indians are one of the groups most likely to have this problem) are more likely to report having chronic diseases such as cancer, arthritis, depression, diabetes, or asthma;
- American Indian people in Minnesota are three times more likely to be unemployed than people who are white;
- American Indian populations in Minnesota are far less likely than other groups to have health insurance.

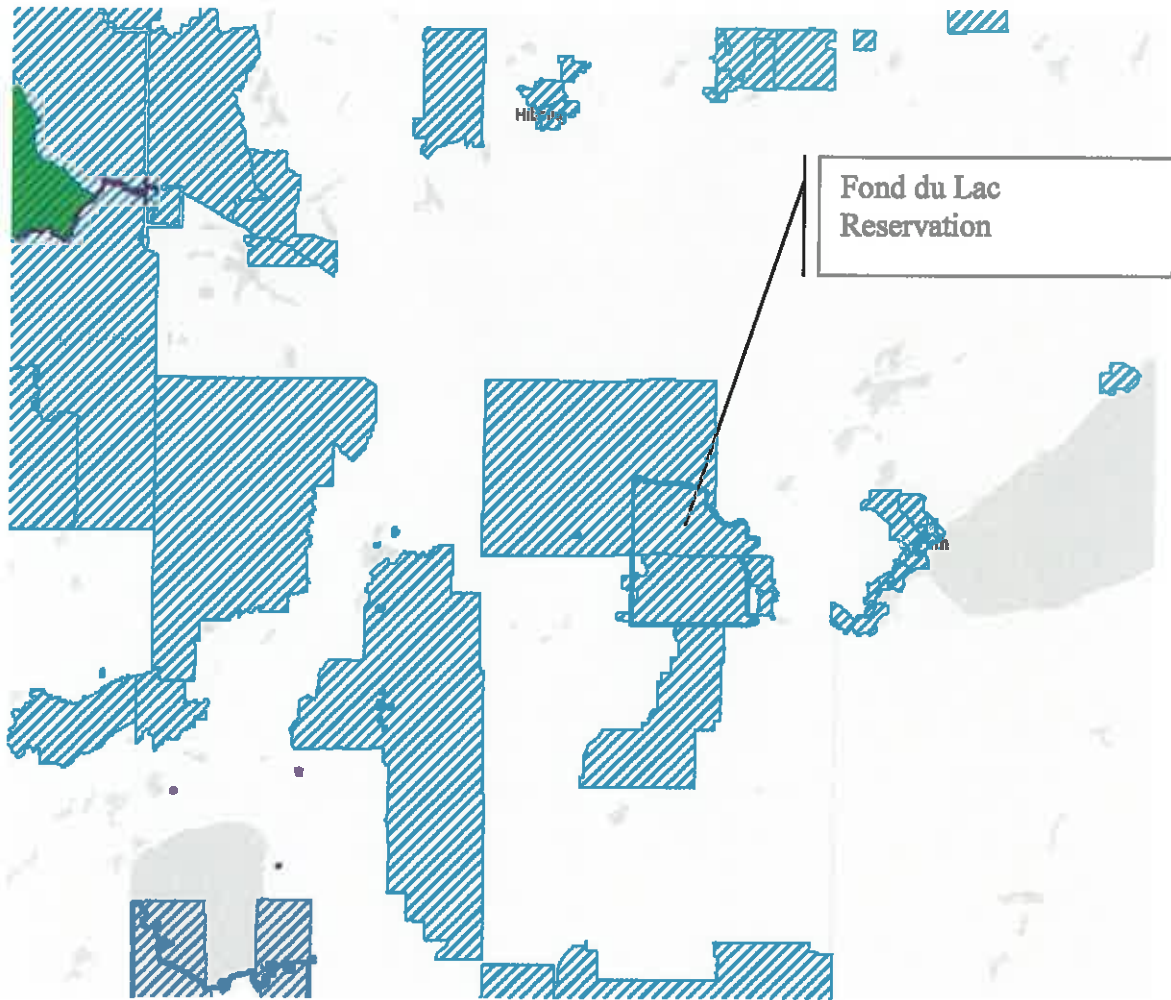
The Fond du Lac Reservation has been identified by the Minnesota Pollution Control Agency (“MPCA”) as an Environmental Justice community based on the percentage of residents reporting income less than 185% of the federal poverty level. Additionally, the population on non-whites on the Reservation is just below 50%.




Areas of concern for environmental justice in Minnesota (MPCA)



-  At least 40% of people reported income less than 185% of the federal poverty level
-  50% or more people of color
-  Federally recognized Tribal areas

Areas of concern for environmental justice near Cloquet (MPCA)



-  At least 40% of people reported income less than 185% of the federal poverty level
-  50% or more people of color
-  Federally recognized Tribal areas

Additionally, a 2016 study performed by St. Louis County, Public Health and Human Services, looked at social determinants of health, such as education, income, and the chronic stress of racism. The study showed that residents living in the Central Hillside area of Duluth, Minnesota (located about 20 miles from the Reservation), had a life expectancy of roughly 11 years less than residents living in more affluent areas of the city. The study correlated this shorter expected lifespan with a low median household income, lower levels of education, and race. In the report, people of color had a life expectancy about 5-6 years less than white people.

Central Hillside has the highest concentration of persons of color in the city, including about 2,000 Native people, some of whom are Fond du Lac Band members and some of whom are members of other tribal nations. While the vehicles replaced in this action will not directly impact all of the residents of the Central Hillside area, there is overlap because some of these Native people travel to the Reservation to attend work or school, and because this population can be highly mobile, meaning that they move on or off the Reservation frequently.

While many of the factors impacting Environmental Justice populations are not directly due to air pollution, the impacts of pollutants can be more harmful on people whose health is already compromised, due to the impacts of racism and poverty, for those who are already in poor health. NOx emissions can irritate airways in the human respiratory system, aggravate respiratory diseases, leading to symptoms such as coughing, wheezing, or breathing difficulties. NOx pollutants react with other chemicals in the atmosphere to form fine particulate matter ("PM_{2.5}") and ozone, both of which are harmful when inhaled due to their effects on the respiratory system.

There is one major source of NOx on the Reservation, a natural gas pumping station owned by TransCanada. Two other major sources just off-Reservation also emit NOx. One, a pulp and paper mill, emitted 1,570 tons of NOx in 2015. The other, a ceiling tile manufacturer, emitted 65 tons of NOx in 2015. Highway 35 runs through the southeast corner of the Reservation, carrying thousands of vehicles per day and creating associated NOx emissions.

Attachment B

Eligible Mitigation Action Plan Including Detailed Budget and Implementation and Expenditures Timeline (5.2.4)

Introduction

On June 28, 2016, the United States lodged with the court (U.S. District Court for the Northern District of California) a settlement with automaker VW to resolve allegations that VW violated the Clean Air Act (“CAA”) by the sale of 2.0 and 3.0 liters diesel engines equipped with “defeat devices” (“CAA 2.0 Liter Partial Settlement”) meant to falsify air emission tests. The major excess pollutant at issue in this case is NOx, and is a serious public health concern.

The Fond du Lac Band is one of six Chippewa Indian Bands in the state of Minnesota. The Fond du Lac Reservation was established by the 1854 Treaty of La Pointe and is located in northeastern Minnesota, 20 miles from the Twin Ports of Duluth, Minnesota, and Superior, Wisconsin. The Reservation covers 101,000 acres of land and contains populations of white-tailed deer, black bear, ruffed grouse, and various species of waterfowl. It is also home to such animals as river otter, pine marten, fisher, moose, gray wolf, bald eagle, osprey, great gray owl, and northern boreal owl. There are over 4,200 enrolled tribal members, with a Band-member Reservation population of 1,850. A substantial number of non-tribal members also reside on the Reservation, bringing the total Reservation population to 4,090 persons.

The governing body of the Band is the Reservation Business Committee (“RBC”) and consists of three elected representatives who serve four-year terms on a staggered basis representing the three Reservation districts of Cloquet, Brookston, and Sawyer, respectively. The RBC Chairperson and Secretary-Treasurer are elected to staggered 4-year terms by the entire eligible population of the Band, encompassing all three districts.

Project Description

Clean air is important to the Reservation as a way to protect the health of its Band members and the quality of the natural environment. Band members often participate in subsistence fishing, hunting, and gathering activities that are critical to the cultural identity of the Band. Due to the large quantity of game, fish, and plants consumed by Band members, the Band needs to ensure that these items are not contaminated; maintaining clean air is an integral part of this goal.

One concern of the Fond du Lac Air Program is the Band’s own diesel-powered vehicle fleet. The vehicles proposed for replacement through Eligible Mitigation Actions (“EMAs”) are shown in Table 1. These vehicles were selected because of the magnitude of their diesel emissions on the Reservation, the age of the vehicles, and the cost effectiveness of replacing them versus other vehicles. Replacement vehicles are described briefly in Attachment D.

Methods

Our analysis was conducted using the Diesel Emissions Quantifier (“DEQ”) available on the EPA website, along with the help of diesel program staff at the MPCA. The DEQ requires some assumptions and estimates in order to obtain data. For example, in order to calculate estimated health benefits, one must determine exactly how much time the vehicles spend in the counties in which they operate. Considering the Fond du Lac Reservation is divided evenly between St. Louis and Carlton Counties, and having no data to the contrary, we estimated that each vehicle operates half of its time in each of the two counties.

Additionally, the estimates of idling hours were calculated starting with the total annual usage hours that were taken from public works time cards. Then average miles per hour per vehicle were estimated along with annual vehicle mileage, which was determined using total vehicle mileage divided by vehicle age. Miles per gallon estimates used to calculate annual fuel usage were based on experiential opinions of fleet managers, vendor dealers, and online forum discussions.

An estimate of the NO_x reductions anticipated as a result of the proposed EMAs can be found below, along with estimated reductions of PM_{2.5} and greenhouse gases. Please note that emissions reductions from old diesel vehicles have been estimated in tons per year, over a one year period. This was advised by the MPCA diesel program experts, using the assumption that the old diesels have a life expectancy of just one year. In contrast, emissions reductions from the EV charging stations were calculated on a 10-year basis, also on MPCA advice, as it may take some time for the EV market to reach a stable level of operation. A detailed timeline is included on page 7 of Appendix D-4.

Expected Health Benefits from Diesel Replacement Emissions Reductions via Replacement Vehicles

Vehicle	VIN	NO_x reduced (tons per year)	PM_{2.5} reduced (tons per year)	CO₂ reduced (tons per year)	Annual Health Benefits
1998 Pump Truck	1HTSHADR4XH608621	0.273	0.011	3.0	\$ 2,200
2005 Freightliner Propane Truck	1FVACXC575HU08736	0.223	0.016	11.9	\$1,800
Total:		0.496	0.027	14.9	\$4,000

Timeline

Activity	Date
Submit application to Trustee	March 1, 2019
Trustee approves, denies application or requests more information	April 30, 2019
Trustee transmits payment to Band	May 15, 2019
Band approves quotes for final purchases	June 30, 2019
Vehicles delivered	December 31, 2019
Final payments made	February 28, 2020
Close-out with Trustee	April 15, 2020

Electric Vehicle Charging Stations:

The Band proposes installing four single-vehicle Level 2 charging stations on the Reservation. Two will be installed at the Black Bear Casino Resort, located just off Minnesota Highway 35 in Carlton. This location is desirable because it will serve as an important link in the State of Minnesota's plan to extend an EV charging network throughout the state, as seen below (maps were provided by the MPCA). A letter of support from the MPCA is attached. The Band will work to advertise and promote this charging availability through its marketing efforts and through inclusion in the state electric vehicle charging registry.

Installing EV at the Black Bear location is also desirable because roughly 8% of Black Bear's total energy use comes from its 1 mega-watt solar installation, which went online August 22, 2016. This means that the estimated emissions reductions from the EV installations are conservative.

The cost of this installation is estimated at \$10,170.

Material	\$2,400
Labor	\$4,560
Expense	\$210
Total	\$7,170
Add for 2 nd charger and wiring	\$3,000
Grand Total	\$10,170

The Band also proposes installing two single-vehicle Level 2 stations at the Band's Resource Management offices. The infrastructure for charging stations was included when this building was constructed in 2010 as part of LEED-certification green building practices. Because the Band's Environmental Program is housed in this building, it is likely that any electric vehicles operated on the Reservation would spend a significant amount of time at this building. Examples may include demonstration vehicles, vehicles driven by other environmental agencies that have business at this building, or vehicles

purchased by the Band in the future. The Resource Management Building also has 12 kW solar capacity.

The cost of this installation is estimated at \$12,490.

Materials	\$6,800
Labor	\$5,690
Total	\$12,490

Total EV costs are: \$10,170 + \$12,490 = \$22,660

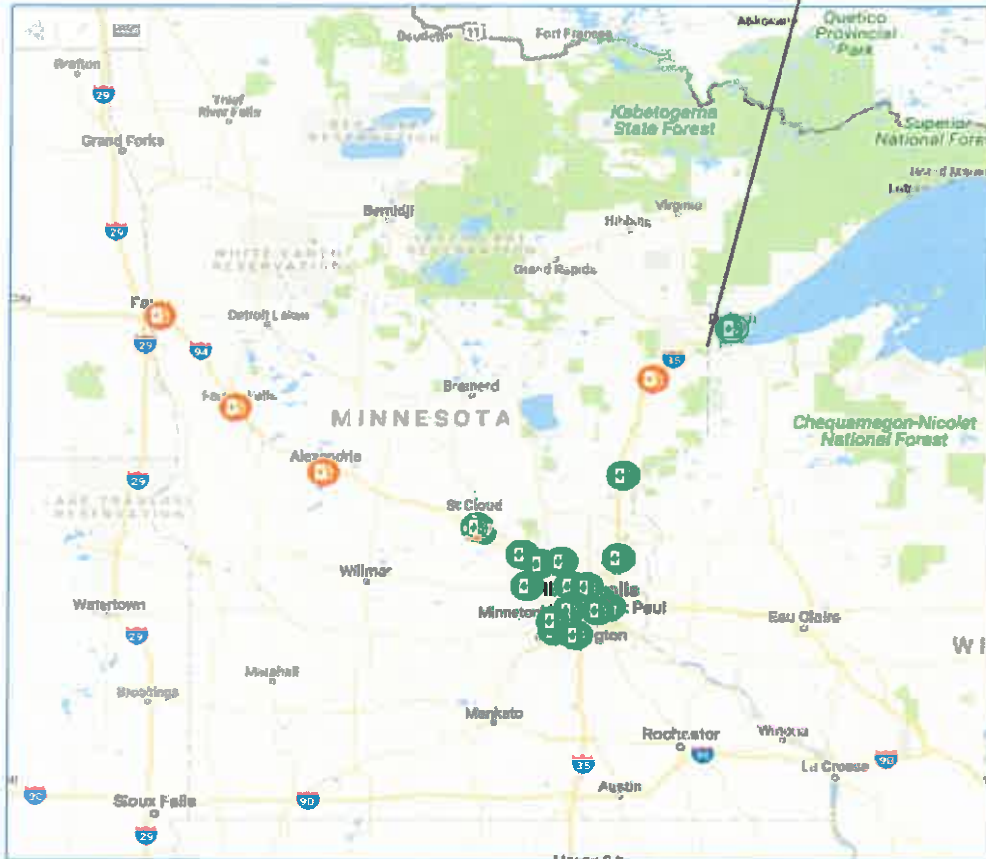
Timeline

Activity	Date
Submit application to Trustee	March 1, 2019
Trustee approves, denies application or requests more information	April 30, 2019
Trustee transmits payment to Band	May 15, 2019
Band approves quotes for final purchases	May 31, 2019
Installations completed	July 15, 2019
Final payments made	August 31, 2019
Close-out with Trustee	April 15, 2020

The Band also assumes costs of \$2,000 for signage and painting for the EV charging stations so these parking spaces can be reserved for electric vehicles. These are accounted for under “Administrative Costs” on Form D-4 under Project Budget.

Current MN Fast Charger Stations

Location of Fond du Lac Reservation



Existing Fast Charging Stations

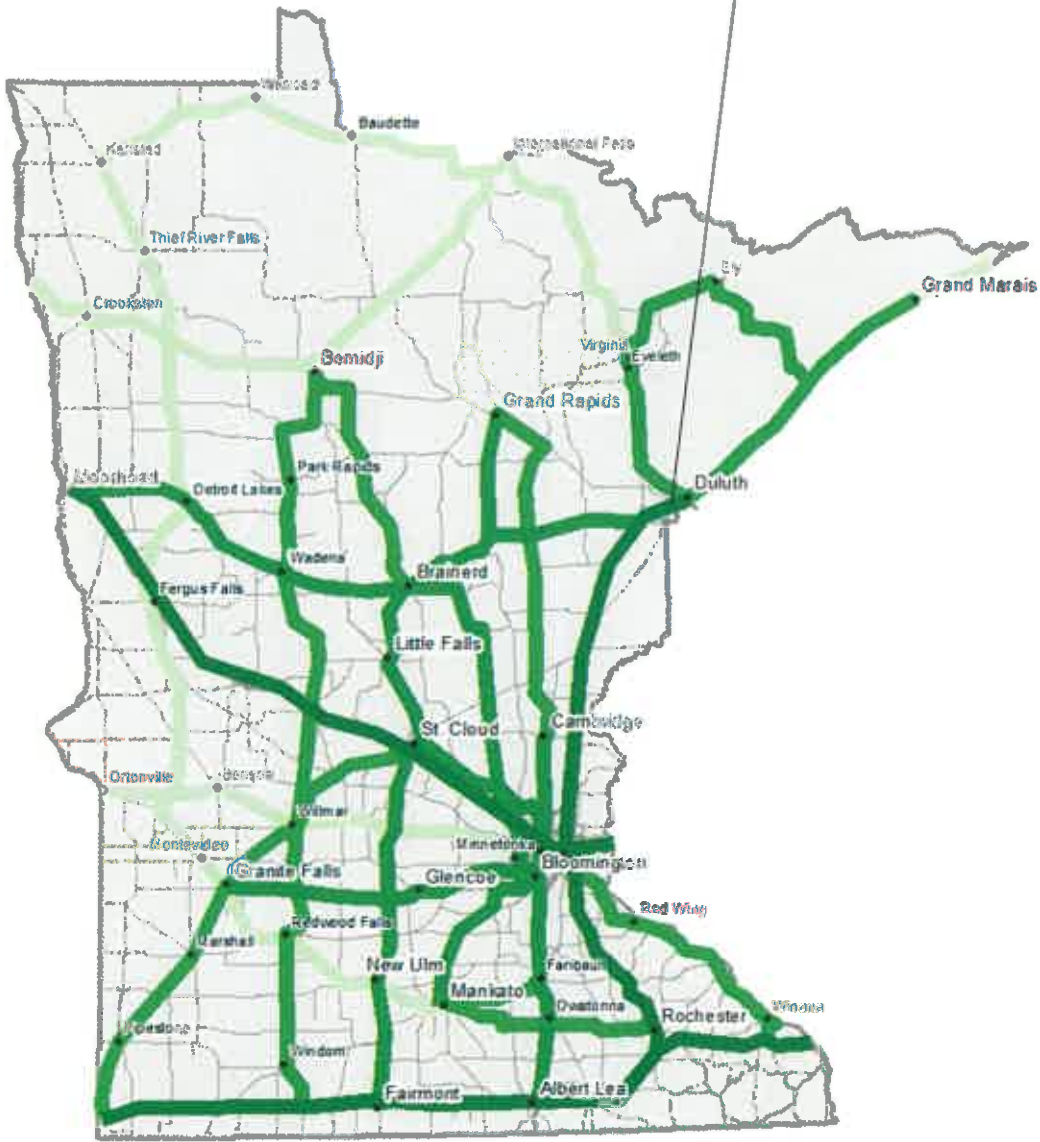


Existing Fast Charging Stations

This map does not include fast charger stations located at car dealerships and Tesla Supercharger stations

Vision for the future

Location of the Fond du Lac Reservation



All Minnesotans can drive by EV

The Fond du Lac location (at the Black Bear Casino Hotel) is highly desirable because it is located between existing charging stations in Hinckley (60 miles south of the Reservation) and Duluth (20 miles north of the Reservation). Highway 35 is a major tourist corridor, with residents of Minneapolis/St Paul traveling frequently to northern Minnesota to take advantage of outdoor recreational opportunities - roughly 3.5 million tourists visit Duluth each year. The Band also believes that the Black Bear Casino Hotel is a good location because the casino is open 24 hours a day, 7 days a week, meaning that travelers seeking to charge their cars would have access to a safe, indoor location where they can wait while they recharge their cars. They would also have access to food, bathrooms, and shelter from inclement weather.

The estimated cost of \$22,660 is well within the allowed 15% of the total budget of \$365,410.

Emissions reductions from installation of these charging stations were estimated by the MPCA. In making these estimates, it was necessary to make a number of assumptions, as we do not know for certain how many electric vehicles may be charged at these stations per year. Assumptions and final results can be found in Attachment B, and would result in the following emissions reductions over the next decade:

Air Pollutant	Reductions (lbs over 10 years)	Reductions (tons over 10 years)
NO _x	2,847	1.4
PM	21.9	0.011
CO ₂ (e)	1,138,800	569

Specific Environmental Outputs

The Band proposes to replace two older diesel vehicles with newer, cleaner models. The old vehicles will be scrapped. The Band also proposes to install four Level 2 single-car electric vehicle charging stations. Two of these stations will be installed at its Black Bear Casino Hotel. This location is very desirable as part of the State of Minnesota's growing network of charging stations. The other two stations will be installed at the Band's Resource Management building, where some of the required infrastructure is already in place. All required reports will be completed and made available as required.

Desired Environmental Outcomes

Desired outcomes from this grant are improved ambient air quality within the boundaries of the Reservation and throughout the state (due to the EV charging stations), decreased usage of limited fossil fuels on the Reservation, increased understanding of the performance impacts of EV, increased acceptance of the EV technology by equipment users, increased use of EV, and an increased awareness amidst the public regarding the impact that mobile sources have on pollution levels.

Collaborations or Partnerships

During this project, Wilmington Trust will serve as a technical and logistical resource for funding. The Fond du Lac Accounting Division will coordinate directly with the Trustee via Intralinks to upload required accounting documents.

The Fond du Lac Environmental Program has coordinated with the MPCA to ensure Fond du Lac's EV stations become part of the state network. The MPCA has provided technical advice to Fond du Lac in completing this application. Northern Arizona University's Institute for Tribal Environmental Professionals also provided technical assistance in understanding and completing application requirements.

The Fond du Lac Environmental Office has managed a significant number of federal Environmental Protection Agency grants, while adhering to all specified reporting requirements. The Band has been able to meet the reporting requirements for all its grants, as well as submitting required final technical reports for each grant.

Estimated emissions benefits for the two single-vehicle Level-2 charging station installations at Black Bear Casino in Carlton, Minnesota, and two additional stations at the Band's Resource Management building are as follows:

Charging Station Vehicle Emission Benefits

Air Pollutant Emissions	Gasoline Vehicle (lbs/mile)	Electric Vehicle (lbs/mile)	No. of Miles (over 10 years)	Total EV Emissions Benefits (lbs over 10 years)
NOx	0.0017	0.0004	2,190,000	2,847
PM	0.0001	0.00009	2,190,000	21.9
CO ₂ (e)	0.77	0.25	2,190,000	1,138,800

Assumptions: Calculations are based upon a driver choosing to use an EV in place of a gas-powered car due to the availability of charging stations at the casino. An average occupancy rate of 75% is estimated, such that three of the four Level-2 charging stations are in use each day. A 200-mile range per EV charge would be achieved by obtaining a full charge overnight, since the stations are located at the casino hotel. Over 10 years, this results in 2,190,000 EV miles (in place of gas-powered car miles): 200 miles per station x 3 stations x 3,650 days (365 days/year for 10 years). (Data Source: Minnesota Pollution Control Agency, 2017, *The Air We Breathe: The State of Minnesota's Air Quality*, page 51 – accessed at pca.state.mn.us).

Attachment C
**Detailed Plan for Reporting on Eligible Mitigation Action
Implementation (5.2.11)**

Reporting on EMAs will take place quarterly. Reports will be posted on the Band's website no more than 30 days after the end of each calendar quarter, starting with the period from April 1, 2019–June 30, 2019, and also provided to the Trustee via Intralinks. The Band will oversee the proposed EMAs as follows:

- The Fond du Lac RBC, Comptroller, and Program Accounting Director will review and audit expenditures of EMAs to ensure compliance with applicable law.
- The Band 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 Band proposes posting such documentation on our website, under the Resource Management/Environmental/Air Quality tab. The Air Program will work with the Band's Comptroller and computer staff 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 Band shall make such documentation publicly available is: requests shall be made to the Band's Air Program, whereupon a representative from the Air Program will confer with the Band's Comptroller. Upon approval from the Comptroller, the Air Program 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 Band is not proposing to place any cost-sharing requirements on any NOx sources to be mitigated. The Band owns all of the cited diesel vehicles and will own any replacement vehicles. The Band will also own the EV charging stations. Support of these activities will be undertaken by appropriate Fond du Lac 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 Band to the Trustee, to ultimately be returned to the Tribal Allocation Subaccount.
- The Band understands that for each EMA, the Band 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 modification to each approved EMA. The Band 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 Band and will contain an attestation that the information is true and correct, and that the submission is made under penalty of perjury.

Attachment D

Detailed Cost Estimates from Selected or Potential Vendors for each Proposed Expenditure Exceeding \$25,000 (5.2.6)

A detailed budget and expenditures are included on pages 7–8 of Appendix D-4 and specified vendor quotes are attached to Appendix D-4. An overview of the proposed budget for our diesel retrofit project is:

Expenditure	Cost (\$)
EV Contractual (labor)	\$ 10,250
EV Materials	\$9,200
Costs	\$ 3,210
Total Cost	\$ 22,660

Replacement Vehicle Costs

Old Vehicle	VIN	New Vehicle	Cost
1998 Pump Truck	1HTSHADR4XH608621	2019 Granite 64FR Septic Truck	\$187,435
2005 Freightliner Propane Truck	1FVACXC575HU08736	Kenworth 2019 T370	\$151,418
		Total Cost	\$338,853

Administrative costs of \$2,000 are estimated for signage and painting for the EV charging stations.

The Band will ensure that the vehicles to be replaced will be scrapped. “Scrapped” shall render them inoperable and available for recycling, and, at a minimum, to cut a 3-inch hole in all engine blocks. If any Eligible Vehicle is replaced as part of an Eligible project, “scrapped” shall also include the disabling of the chassis by cutting the vehicle’s frame rails completely in half. Scrapping will be verified and performed as required.

The Band certifies that all vendors will be selected in accordance with tribal public contracting laws, as applicable.

Letter of Support from Minnesota Pollution
Control Agency



320 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-326-6900

800-657-3254 | Use your preferred relay service | info@mca.state.mn.us | Equal Opportunity Employer

December 20, 2017

Volkswagen Diesel Emissions Environmental Mitigation Trust for Tribal Beneficiaries
C/O Wilmington Trust, N.A. as Trustee
Wilmington Trust, N.A.
1100 North Market Street
Attn: Capital Markets & Agency Services
Wilmington, DE 19890

To whom it may concern:

I am writing on behalf of the Minnesota Pollution Control Agency (MPCA) in support of the Fond du Lac Band of Lake Superior Chippewa's application to the Volkswagen Environmental Mitigation Trust to fund electric vehicle charging stations at the Black Bear Casino on the Fond du Lac Reservation near Cloquet, Minnesota. The MPCA supports the development of electric vehicle infrastructure across the state and the addition of these charging facilities will bolster that effort.

The MPCA and Fond du Lac Band recently hosted a joint community listening session at the Fond du Lac Tribal and Community College in Cloquet. At that meeting and others the MPCA held across Minnesota, we heard strong support for building out electric vehicle infrastructure around the state and especially in smaller towns and cities, in tourist areas, along highway corridors, and in more rural parts of the state. Charging stations at the Black Bear Casino would align well with what we heard at those meetings.

The Black Bear Casino is a popular tourist and conference destination, attracting visitors from both the Twin Cities and Duluth areas, and is located along one of the busiest highways in the state. Providing electric vehicle charging in this location will help people not only in the immediate community to travel by electric vehicle, but will also support people traveling from other parts of the region for business or pleasure to do so by electric vehicle.

Electric vehicles provide a great opportunity to lower vehicle emissions and exposures to these emissions, while reducing people's vehicle operating and maintenance costs. Currently most of the public charging facilities in Minnesota are located in the Minneapolis-St. Paul metropolitan area, making it difficult for people living throughout Greater Minnesota to take advantage of the benefits of electric vehicles.

Minnesota has identified communities across the state as areas of concern for environmental justice as areas where there are high concentrations of people of color or lower income, as well as all Tribal lands. Identifying these areas helps us consider ways of focusing resources in communities that are disproportionately impacted by the effects of pollution and have historically been underserved by state programs. Many of the communities near the Fond du Lac Reservation, and the Reservation itself, are areas of concern for environmental justice. It is therefore especially important to bring charging

Wilmington Trust, N.A.

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December 30, 2017

opportunities to these communities so that they have access to electric vehicles along with their benefits to air quality and lower ownership costs.

MPCA is committed to working with the Tribes across Minnesota to develop electric vehicle charging infrastructure that allows all Minnesotans to travel by electric vehicle and access the benefits they bring. We are excited that the Fond du Lac Band is leading the way on bringing charging stations to their community and setting an example for other Tribes and communities across the state.

If you have any questions, please contact Amanda Jamett Smith of my staff at 612-757-2406 or amanda.smith@state.mn.us.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Thompson", followed by a long horizontal line extending to the right.

David Thompson
Assistant Commissioner

JST/AS:js



Prepared By:
Tim Schweppe
 General Manager/Project Director
 8850 Evergreen Blvd
 Minneapolis, MN 55439
 O 800-533-8832 C 612-617-6002
 tim@arrows tank.com

Submitted To:
Ford du Lac Propane Co.
 The Myhre
 1022 Northdale Rd.
 Cloquet, MN 55720
 218-878-4888

Date:
1/20/2019
 Quote #: **18-135**
 Chassis VIN: **808774**

8400 Gallon - 50" Diameter Arrow Tank with Internal Pump Discharge - SA 512 Material ** 10 Year P-Test Interval **

Vessels 100% X-Rayed and fabricated in accordance to DOT MC331 Specification & ASME Code

Decline II Siding - Stainless Steel (50" OD Single Axle)

50" OD, Single Axle Open Deck with 3-piece integrated rear deck and full platform fenders. Fully reinforced with dual acting supports and debris deflectors. 10 and 12 gauge material thickness for rear deck and fenders respectively. Seamless finish along all joints.

Decline Ultimate Trim Package

Stainless Motor Cover (Driver Side), SS Hose Reel Vizer, and Stainless Steel Rear Bumper

Decline II LED Lighting System - (4) LED Stadium Work Lights (2) LED Docking Lights

Recessed LED System with molded harness and High Mount Stop/Turn lamps. Two Back-Up lamps activated in reverse gear, cabinet light and (4) Stadium Type LED Work Lights. LED docking lights flush mounted each side. Work/docking lights activated by dash mounted switches.

Daboll Electrical System

Daboll Electrical Center with fused circuits and system relays for electronic controls installed. Present electronic engine RPM control with remote switch. Molded cable for hose reel power supply. Labeled circuits and ID tags. Wiring protected in blue poly slit loam.

MDPFD High Performance Piping Package

- PTO and Valve Control, Pneumatic
- Vessel Outlet and Internal Valve, 3"
- Internal Pump Discharge, 2" (IFD)
- Tank Viscer Not Required
- Bypass Return, 2"
- 1/2" Meter Vapor Return
- Motor Inlet, 2"
- Meter and Register, 2" (Driver Side)
- Printer Mount in Cab, Steel
- 2" Meter Discharge
- Hose Reel, 4-Roll (Curb Side)
- Peter Flex Liquid Hose, 150 FT
- Vapor Hose Quick Connect, Decline
- Vapor Hose Not Required
- Rear Fill Connections
- Single 3" x 2" Spray Fill
- Fill Blowdown, Single Fill
- 1 1/2" Vapor Return, 1-8/4" ACME
- Vessel Fittings - 2" Relief Valve(s)
- Float Gauge, 75" Surface Flange
- Pump Drive, Shaft 2-Piece
- Vessel Mount and Rear Bumper
- DSSDASDZAHM - (LCR2)
- 12/24 volt Charger
- 1 Color Paint - Single Axle
- Paint Vessel - Apply Rockguard
- No Additional Decals
- Pump Test & Calibrate
- Reel Assembly

- Air Stroke Actuators, Rear Fill/Rear Delivery, Under 8500 Gallons
- 3-inch, DN Flg, Marshall Excelsior MESS05-SDP (ME Chamber Actuator)
- 3" Corken Z3200 with Mandrel Bend Piping for DOL Flange Valve
- Omit Pump suction connection to transfer propane
- Angle Valve, Back Check, Press Gauge, H-static Relief (MEC, Corken)
- with excess flow valve, shutoff valve, and flex connector (MEC)
- Angle Valve, Flex Connector, Union Adapter, Smooth Bend Elbow (MEC)
- Liquid Controls (All), LectroCount LCR2, Printer in Cab, EVTC, Present
- Flat top, 18.5" lower mount bolted to rest frame, steel
- 2" piping, coupled flex connector, shut-off valve (MEC Relief)
- Stainless, 2/3 HP Motor, #40 Chain, EPD-22-SD-51LT (Decline)
- 250' with Hose End Valve and Seal, Brass couplings (Rozga, MEC)
- w/ Transfer Valve, H-Relief, 1 1/2" M.Acme w/ Cap, Hose Cplg 1 1/2" F.Acme (MEC)
- Omit vapor hose for purging and/or pressure equalizing
- Spray Fill, Vapor Return, 85% Outage
- 3" Back Check, 2" Standpipe, Ball Valve and 3/4" ACME (MEC)
- Spray Fill with ball valve, vents high near manway
- with 1 1/2" Internal Valve and 1 1/2" ACME Adapter (MEC)
- Relief Valves, Withdrawal Fittings/Adapters, Press Gauge, Therm (MEC)
- Reel: MEC - Glow Background
- Muncie PTO, Solenoid Activated, with Shift and Protective Shield
- Single Axle - 8 TD's, Full Width Rear Bumper and 2 Tow Hooks
- RF System: 8-Step, Throttle, PTO, Reel Out, Meter Display (Pulse Conversion)
- 80 hour rechargeable Lithium Ion battery with low battery indicator
- Single Stage Tank Color White (Tank Frame/Underbody Black) Standard Colors
- Apply rockguard and print vessel as specified
- Install placards and markings only
- Meter Calibrated to MN Weights/Measures Standards
- Mudflaps, Checklocks, Fire Ext, Triangles, Markings/Placards (Front 1075 Mounted to Bumper)

Additional Equipment, Options, and Notes:

- Single Underbody Toolbox
- Diesel Fuel and DOT Inspection
- (OMIT) On-Spot Tire Chains
- (OMIT) Rearview Camera System
- Brazed Plate Heat Exchanger
- Interlock - Parking Brake

- (18 X 24 X 48) Frame Mount, Smooth Finish Al Box w/ SS Door
- Approx 40 Gallons of Fuel and DOT Vehicle Inspection
- In Cab Activated Automatic Tire Chains not selected
- Rearview camera system not selected
- GBM Series for Sulfidation, ASME Certified & UL Listed, Piping & Shut-Off Valves (MEC)
- Park brake must be set to activate valves, PTO, and RF system

Your Cost: **\$78,593.00**
 No Additional Options: **\$0.00**
 2019 Kenworth T370 (325 HP): **\$72,657.00**
\$151,418.00

Prepared By: _____
 Account Representative

Accepted By: _____
 Authorized agent of purchaser described above

TERMS: Net on delivery, quote good for 45 days. Federal, State, & Local Taxes not included. FOB: Cambridge, MN. 20% Deposit Required. Time & material charges apply for modifications needed to resolve PTO and pump interference.

Black Bear

BENSON ELECTRIC COMPANY

CONTRACTORS, MANUFACTURERS AND ENGINEERS

1102 NORTH THIRD STREET
SUPERIOR, WISCONSIN 54800

PHONE 715/394-5547

FAX: 715/394-5718

Nate@becotm.com

License # EA000255



**Everything
Electrical**

MEMO From the Desk of Nathan Sapik

August 23, 2018

Revised 08/30/2018

Updated 01/28/2019

To: FDL

Attn: Bruno Zagar, Steven Douglas

RE: Electric Vehicle Charging Station

We propose the following electrical scope:

- Provide single port electric vehicle charging station per RFP requirements
- Charger requires a 40 amp circuit which will be fed from existing panel in main electrical room
- Please see attached product data sheets for the product included in our quote
- Lift to be provided by FDL

NOTES

Work is assumed to be during normal working hours, no overtime is included unless stated above

Taxes and permit, if required, are included

Utility company charges, if any, are not included

Material:	\$ 2,400
Labor:	\$ 4,560
Expense:	\$ 210
Total:	\$ 7,170

Cost for 2 nd charger and related wiring:	\$ 3,000
Grand Total:	\$10,170

If you should have any questions or concerns, please do not hesitate to call.

Sincerely,

Nathan J. Sapik

Sign as Acceptance of Proposal: _____

Date: _____

Manufacturers of Electric Controls and Electro-Mechanical Equipment for Marine and Industrial Application Including:

Draft-O-Meter

Electric Winch Controls

Electric Steer-O-Motor

Constant Tension Electric Mooring Winches

List-O-Meter

Misc-O-Winch

Electric Capstans

Resource Mgmt Bldg

BENSON ELECTRIC COMPANY

CONTRACTORS, MANUFACTURERS AND ENGINEERS

1102 NORTH THIRD STREET
SUPERIOR, WISCONSIN 54880

PHONE 715/394-5547

FAX: 715/394-5718

Bill@becotr.com

*Everything
Electrical*



Proposal from the Desk of Bill Slattengren

February 13, 2019

To: Bruno Zagar

RE: Electric Vehicle Charging Station-Natural Resource Bldg

As discussed with our Zac Zuk, we offer the following scope of work:

- We will provide 2 single port electric vehicle stations-Siemens Versaport 30 Amp
- We will provide 2-40 amp 208 volt circuit to charger through existing conduit in parking lot island-we assume conduit is usable to building and not damaged
- We will include a 5" concrete slab for mounting of chargers and 2 bollards -3"x36" high
- Please see attached data sheets for charger information

Materials : \$ 6,800

Labor: \$ 5,690

Total: \$ 12,490

NOTES

- Work is assumed to be during normal business hours, overtime is not included.
- Permit and taxes, if required, are included.

If you should have any questions or concerns, please do not hesitate to call.

Sincerely,

Bill Slattengren

Acceptance of Proposal _____

Date: _____

Manufacturers of Electric Controls and Electro-Mechanical Equipment for Marine and Industrial Application Including:

Draft-O-Meter

Electric Whistle Controls

Electric Stair-O-Meter

Constant Tension Electric Moving Winches

List-O-Meter

Mix-O-Winch

Electric Capstans



9403 Westgate Blvd.
Duluth, MN 55810
218-628-0333 / 800-835-6225
Fax 218-628-1822
www.nussgrp.com

February 13, 2019

Mr. Philip DeFoe
Fond Du Lac Bend of Lake Superior Chippewa
1720 Big Lake Road
Cloquet, MN 55720

Aanlin Philip,

As Minnesota's premiere Mack Trucks and largest Volvo dealer, thank you for the opportunity to quote the Mack Granite and Septic Body. Please find a current specification for the truck and body enclosed. We are still waiting on a final engineering sign-off but for today, the budgetary pricing is below. I will be able to finalize pricing for you in the next few days. Once engineering finalizes one last change in design.

1) Mack Granite 64BR Cab and Chassis
1) Imperial Industries Septic Truck Body
per specification dated February 13, 2019
\$187,435.00 - does not include FET

FET \$22,651.00 (please provide documentation if FET is to be waived)

Please also see the standard warranty certificates for truck and engine. If you desire, I can add an extended warranty on engine and after treatment systems to 60 months or 500,000 miles for an additional \$6,300.

No other tax or license fees are included. Pricing is good for 30 days.

We at Nuss Truck and Equipment value your continued commitment to us and our products. Thank you for the opportunity to work for you.

Steven Waller

A handwritten signature in black ink, appearing to read 'S. Waller', written over a horizontal line.

Nuss Truck and Equipment



9403 Westgate Blvd.
Duluth, MN 55810
218-628-0333 / 800-835-6225
Fax 218-628-1822
www.nussgrp.com

About Nuss Truck & Equipment

Founded in 1959 by Charlie Nuss, our organization has grown from a few employees to over 250 employees today. Over the last 20 years we were nominated three times as *American Truck Dealer of the Year* by the American Trucking Association, and in 1997 we were awarded Mack Truck Dealer of the Year. And in 2017 we were awarded American Truck Dealer of the Year. In 2008 we acquired the Volvo Construction Equipment, Bomag and Liebherr franchises. And have expanded these lines to all of our Minnesota locations. Today Nuss Truck and Equipment has an expanded fleet of on-road full service trucks, and dedicated offices in Roseville, Rochester, St. Cloud, Burnsville, Duluth, Sauk Rapids, and Eau Claire, WI.

DATE

2/13/2019

QUOTE INFORMATION

LAK2019000J140ULU

GRANITE 64BR

Qty: 1

PREPARED BY

LAKE SUPERIOR TRUCK
SALES & SERVICE

9403 WESTGATE BLVD

DULUTH

MN 558102136

PREPARED FOR

FOND DU LAC BAND OF
LAKE SUPERIOR
CHIPPEWA HIGHWAY
DEPARTMENT

1720 BIG LAKE RD

CLOQUET

MN 557209702

QUOTE



MACK



DATE

2/13/2019

QUOTE INFORMATION

LAK2019000014DULU

GRANITE 64BR

Qty: 1

PREPARED BY

LAKE SUPERIOR TRUCK
SALES & SERVICE

8403 WESTGATE BLVD

DULUTH

MN 558102136

PREPARED FOR

FOND DU LAC BAND OF
LAKE SUPERIOR
CHIPPEWA HIGH WAY
DEPARTMENT

1720 BIG LAKE RD

CLOQUET

MN 557209702

Thank you for giving us this opportunity to provide a quote.

This proposal contains the complete specification and performance details of the Mack model configured for your application. Every proposed spec from Mack is prepared with lowest total cost of ownership and highest return on investment as the key objectives for our customers.

This reflects Mack's focus on application excellence to deliver uptime and fuel economy, reduced maintenance, driver satisfaction, productivity and high resale value. The enclosed spec and recommendations have been carefully designed to meet all these objectives.

Beyond the technical specifications contained in this proposal, it's important to remember that each Mack truck is backed by Mack Connect, the industry's leading uptime and productivity solution, plus a coast-to-coast network of dealer service locations. I think that after reviewing this proposal you will realize why Mack is "The American Truck You Can Count On."

I look forward to meeting with you and to discuss any questions you might have regarding this proposal.

Yours sincerely

STEVEN WALLER

EAU CLAIRE MACK SALES, INC.

**FIDELITY
DATE**
20180803

QUOTATION
LAK2019000014DULU

DATE
2/13/2019

PAGE
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CUSTOMER NAME
FOND DU LAC BAND OF LAKE
SUPERIOR CHIPPEWA HIGH WAY
DEPARTMENT

DEALER NAME
EAU CLAIRE MACK SALES, INC.