

APPENDIX D-4
Beneficiary Eligible Mitigation Action Certification

BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION

Beneficiary Pueblo of Isleta

Lead Agency Authorized to Act on Behalf of the Beneficiary Pueblo of Isleta - General Counsel's Office
(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:	Pueblo of Isleta NOx Reduction Project
Beneficiary's Project ID:	2019-.01
Funding Request No.	<i>(sequential)</i> 02
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>Replacement of one (1) class 8 transport truck and one (1) class 6-7 dump 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): See attached D-4 Addendums and Attachments Document.	
Estimate of Anticipated NOx Reductions (5.2.3): See attached D-4 Addendums and Attachments Document.	
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): To ensure compliance, the Pueblo of Isleta Treasurer's Office will be responsible for reviewing and auditing expenditures of Eligible Mitigation Action Funds.	
Describe how the Beneficiary will make documentation publicly available (5.2.7.2). See attached D-4 Addendums and Attachments Document.	
Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8). The EMA Project total exceeded the Pueblo's allocation under the Second Funding Cycle, thus the Pueblo authorized a cost share to make up the difference in order to implement the EMA and purchase the replacement vehicles.	
Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9). See attached D-4 Addendums and Attachments Document.	

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).

N/A

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 Pueblo of Isleta, 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: August 26, 2019

SIGNATURE: 

Francine Jaramillo

[NAME]

[TITLE]

General Counsel, Pueblo of Isleta General Counsel's Office

[LEAD AGENCY]

for

Pueblo of Isleta

[BENEFICIARY]

[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	July 1, 2019
Project Sponsor Submits Proposal to Lead Agency	August 16, 2019
Lead Agency Provides Written Approval of Project Sponsor's Proposal	August 18, 2019
Lead Agency Incorporates Project Sponsor's Proposal into Mitigation Plan	August 20, 2019
Trustee Acknowledges Receipt of Project Certification and Funding Direction	October 29, 2019
Trustee Allocates Share of Funds for Approved Project	November 13, 2019
Lead Agency Directs Funding (Advance Funded Projects)	November 13, 2019
Project Sponsor Obtains Cost Share, Notifies or Certifies to Lead Agency	December 2, 2019
Project Sponsor Enters into Contracts, Purchase Orders, etc. - Start	December 9, 2019
Project Sponsor Enters into Contracts, Purchase Orders, etc. - Complete	December 30, 2019
Project Installation(s) – Start	N/A
Project Installation(s) – Complete	N/A
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	October 16, 2020
Lead Agency Reports Project Completion	October 30, 2020

PROJECT BUDGET

Period of Performance: <u>November 2019 - October 2020</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	\$ 256,609	\$ 251,245	\$ 5,364	\$
2. Contractor Support <i>(Provide List of Approved Contractors as Attachment with approved funding ceilings)</i>	\$ N/A	\$ N/A	\$ N/A	\$
3. Subrecipient Support <i>(Provide List of Approved Subrecipients or Grant Awardees as Attachment with approved funding ceilings)</i>	\$ N/A	\$ N/A	\$ N/A	\$
4. Administrative ¹	\$ 0	\$ 0	\$ 0	\$
Project Totals	\$ 256,609	\$ 251,245	\$ 5,364	\$
Percentage	100 %	98 %	2 %	%

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	\$	\$	\$ 251,245 +	\$	\$
2. Anticipated Annual Cost Share	\$	\$	\$ 5,364 +	\$	\$
3. Anticipated Total Project Funding by Year (line 1 plus line 2)	\$	\$	\$ 256,609 +	\$	\$
4. Cumulative Trustee Payments Made to Date Against Cumulative Approved Beneficiary Allocation	\$	\$	\$ 169,122 +	\$	\$
5. Current Beneficiary Project Funding to be paid through the Trust (line 1)	\$	\$	\$ 251,245 +	\$	\$
6. Total Funding Allocated to for Beneficiary, inclusive of Current Action by Year (line 4 plus line 5)	\$	\$	\$ 420,367 +	\$	\$
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)	\$	\$	\$	\$	\$

D-4 Addendums and Attachments for Wilmington Trust, N.A.

Pueblo of Isleta

Section 5.2.2 Addendum - Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits:

The Pueblo of Isleta’s Eligible Mitigation Action (EMA) Project consists of purchasing two (2) new lower emission vehicles to replace two (2) older vehicles currently owned by the Pueblo of Isleta. The Pueblo anticipates a variety of significant benefits from the Project. In particular, the new vehicles will provide much needed reliability as the old vehicles are unreliable and costly to maintain.

The first EMA item is to replace a 1996 International 4700 short haul dump truck (Class 6- 7). The 1996 truck is a critical part of the Irrigation Department’s maintenance operations, which include transporting fill material to repair washed out sections of roadways and make overbanking repairs. The truck is also heavily used for hauling concrete waste resulting from the replacement of irrigation gates, turnouts and culverts. Other tribal departments use the truck to haul gravel, sand and supplies for utility projects throughout the Pueblo. The truck is over 23 years old with approximately 80,000 miles. In addition to age and miles, the unit has become more and more costly to maintain and is currently in need of major repairs.

The second EMA item is to replace a 2004 freightliner truck (Class 8). This truck is crucial to the Pueblo’s Transportation Division’s maintenance operations. The Division utilizes the truck for a variety of functions, including the transport of large goods for transportation projects, delivery of heavy equipment during work on earth roadways, roadway prep work for various maintenance activities, including culvert and cattle guard installations, asphalt milling installations and roadway landscaping improvements. In addition to utilizing the unit to complete transportation work projects, the truck is utilized to facilitate structure demolition projects, wildland fire suppression and various other projects in support of other Pueblo Departments and Divisions. The existing truck is 16 years old with approximately 515,542 miles. In addition to age and miles, the unit has become more and more costly to maintain and is currently in need of significant repairs.

The following table includes the vehicles to be replaced and the cost estimates, which are based on vendor quotes received for a new equivalent replacement vehicle. The final purchase of the equipment will be conducted within the guidelines of the Pueblo’s Procurement Policies. Shipping costs of the new vehicle replacements are included in the quotes. We do not anticipate any costs associated with scrapping the old vehicles. Our research indicates that most scrapping businesses will not charge for this service as the metal from the old vehicles is of some value to them.

Vehicles to be Replaced	D-2 Item	VIN Numbers	Cost Estimate for New Vehicles	Attachment D
1996 International 4700	Class 6 - 7	1HTSCABM8TH249290	\$119,675	D-1
2004 Freightliner	Class 8	1FUJA6CV14LM04319	\$ 136,934	D-2

As mentioned below in Section 5.2.3, the Project will realize a significant reduction in air pollution from the vehicles the Pueblo will replace. Reducing the environmental impact of air pollution and improving air quality in our region is important for the Pueblo and the community.

Section 5.2.3 Addendum - Estimate of Anticipated NOx Reductions:

The following tables outline the annual reduction of NOx for the two subject vehicles to be replaced. This information was provided by the Project Coordinator from the Volkswagen Settlement Technical Assistance Program who used the EPA’s Diesel Emissions Quantifier (DEQ) to calculate the estimates.

Emission Results and Health Benefits for Project: Isleta 96 4700 to T270

Emission Results Health Benefits

Emission Results ¹

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

Annual Results (short tons)²	NO_x	PM2.5	HC	CO	CO₂	Fuel³
Baseline for Upgraded Vehicles/Engines	0.233	0.019	0.026	0.068	16.5	1,463
Amount Reduced After Upgrades	0.223	0.019	0.025	0.063	0.0	0
Percent Reduced After Upgrades	95.4%	99.1%	95.3%	93.0%	0.0%	0.0%
<u>Lifetime Results (short tons)²</u>						
Baseline for Upgraded Vehicles/Engines	0.233	0.019	0.026	0.068	16.5	1,463
Amount Reduced After Upgrades	0.223	0.019	0.025	0.063	0.0	0
Percent Reduced After Upgrades	95.4%	99.1%	95.3%	93.0%	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	
Total Cost Effectiveness ⁴ (includes all project costs)	\$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

1996 International 4700: Short Haul - Single Unit | Class 6-7

1 years

Emission Results and Health Benefits for Project: Isleta 04 Freightliner to T880

Emission Results

Health Benefits

Emission Results ¹

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

Annual Results (short tons)²	NO_x	PM2.5	HC	CO	CO₂	Fuel³
Baseline for Upgraded Vehicles/Engines	0.097	0.010	0.012	0.044	16.5	1,463
Amount Reduced After Upgrades	0.086	0.009	0.011	0.039	0.0	0
Percent Reduced After Upgrades	88.6%	97.4%	89.7%	89.4%	0.0%	0.0%
Lifetime Results (short tons)²						
Baseline for Upgraded Vehicles/Engines	0.389	0.038	0.047	0.177	65.8	5,852
Amount Reduced After Upgrades	0.345	0.037	0.042	0.158	0.0	0
Percent Reduced After Upgrades	88.6%	97.4%	89.7%	89.4%	0.0%	0.0%
Lifetime Cost Effectiveness (\$/short ton reduced)						
Capital Cost Effectiveness ⁴ (unit & labor costs only)	\$0	\$0	\$0	\$0	\$0	
Total Cost Effectiveness ⁴ (includes all project costs)	\$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

2004 Freightliner: Short Haul - Single Unit | Class 8

4 years

Section 5.2.7.2 Addendum - Describe how the Beneficiary will make documentation publicly available

For purposes of participating in the Environmental Mitigation Trust, the Pueblo of Isleta will make information related to the VW Settlement publicly available at the following website: <http://isletapueblo.com/index.html>. The website will contain a link for the public to request additional information and documents related to the funding request and expenditure of trust funds. Requests for such information can also be made in person or by submitting a request by mail. The Pueblo of Isleta will exercise timeliness in providing a response to information requests and will inform individuals that it may take up to ten (10) working days for requests to be processed.

The Pueblo of Isleta laws and policies regarding access and distribution of information will govern the certification for publicly available information. The laws and policies outline the types of information deemed to be confidential and proprietary to the Pueblo of Isleta, its entities, businesses, and instrumentalities. The disclosure of confidential and proprietary information is prohibited.

Section 5.2.9 Addendum - Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies

The Pueblo of Isleta was designated a Beneficiary under the Indian Tribe Trust on January 29, 2018 and to date has not been notified by any federal agency of any interest in the Pueblo's beneficiary status.

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

Reporting on Eligible Mitigation Action (EMA) Implementation will be posted on the Pueblo of Isleta's website. The first report will be submitted six months after the Pueblo receives its first disbursement of Trust Assets. Thereafter, the Pueblo will submit semiannual reports no later than January 30 and July 30 of each year. Reports will also be provided to the Trustee via Intralinks.

The Pueblo of Isleta will oversee the proposed EMA as follows:

- The Pueblo of Isleta Treasurer's Office will review and audit expenditures of EMA to ensure compliance with applicable laws and policies.
- The Pueblo of Isleta will make information related to the VW Settlement publicly available at the following website: <http://isletapueblo.com/index.html>. The website will contain a link for the public to request additional information and documents related to the funding request and expenditure of trust funds. Requests for such information can also be made in person or by submitting a request by mail. The Pueblo of Isleta will exercise timeliness in providing a response to information requests and will inform individuals that it may take up to ten (10) working days for requests to be processed.
- The Pueblo of Isleta laws and policies regarding access and distribution of information will govern the certification for publicly available information. The laws and policies outline the types of information deemed to be confidential and proprietary to the Pueblo of Isleta, its entities, businesses, and instrumentalities. The disclosure of confidential and proprietary information is prohibited.
- The EMA Project total exceeded the Pueblo's allocation under the First Funding Cycle; thus, the Pueblo authorized a cost-share to make up the difference in order to implement the EMA and purchase the replacement vehicles. The Pueblo of Isleta owns the listed diesel vehicles and will own the replacement vehicles. Maintenance of the vehicles will be undertaken by appropriate employees as a part of their regular job duties.
- Upon the termination or completion of any EMA, any unused EMA funds shall be returned by the Pueblo of Isleta to the Trustee.
- The Pueblo of Isleta shall submit a semiannual report to the Trustee describing the progress made on implementing each EMA during the six-month period leading up to the reporting date. This report shall include all costs associated with the EMA through the reporting date. The first report shall be submitted no later than six (6) months after receiving the disbursement of Trust Assets in the Second Funding Cycle.
- 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 Pueblo of Isleta will group multiple EMAs into one report. These reports will be signed by an authorized official 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 Proposed Vendors (5.2.6)



**Inland Kenworth T270 Truck Cab/Chassis 26,000 lb.
GVWR spec'd for a Dump Body**

Following NM Statewide Price Agreement # 61-805-16-14415

Quote for James - Pueblo of Isleta – August 9, 2019

- Base Price – Item AG) **\$83,840**
- Base spec is: Wet sleeved 9L/230 HP engine, Automatic 6 speed transmission, air suspension, 10K front axle, 16K rear axle plus or minus options below
- G) Fender Mirrors delete **Ded <\$123>**
- I) Power mirrors delete **Ded <\$254>**
- AB) Rear spring suspension in lieu of air **Ded <\$645>**
- AN) Engine – Wet sleeved 9L 300 HP **\$1406**
- BD) Tires – 11R22.5 in lieu of low pro **Ded <\$58>**
- CD) Paint – Remove anti-glare flat black top of hood **Ded <\$703>**

- Sub-total price - cab & chassis **\$83,463**

- 10' dump body, 5-yard w/electric tarp, NM Price Agreement # 60-805-16-14425 **\$36,212**

Total cost for completed dump truck **\$119,675**

Direct replacement of 1996 International 4700 with VIN 1HTSCABM8TH249290

For a detailed listing and specs of the above New Mexico procurement contracts, please go to the website:

http://dot.state.nm.us/content/nmdot/en/Price_Agreements_Listings.html



**Inland Kenworth – Item # 4 - T880 64,000 lb. GVWR
Transport Truck**

Following NM Statewide Price Agreement # 61-805-16-14415

Quote for James - Pueblo of Isleta – August 6, 2019

- Base Price – Item AI) **\$122,760**
- Base spec: 435 HP engine, 13 speed manual transmission, air suspension, 14K front axle, 40K rear axle plus or minus options below
- G) Remove anti-glare black top of hood Ded <\$638>
- M) Fender Mirrors Ded <\$142>
- P) 120/150 gallon fuel capacity Ded <\$818>
- W) Stainless steel full fenders **\$2286**
- AA) Center under headache rack toolbox **\$590**
- AB) Two LED work lights on headboard **\$315**
- AO) 46,000 lb, capacity rear axle **\$2874**
- AP) All aluminum wheels front & rear **\$1276**
- BK) Frame mounted grease bank for clutch and cross shaft **\$65**
- BO) Factory dash mounted PTO controls **\$102**
- CI) Engine: Cummins X15/505 HP & 1850 torque in lieu of 435 HP **\$4280**
- CR) Transmission: Eaton 18-speed manual 1850 lb ft Torque **\$59**
- DE) Front Suspension/Axle: 18K capacity with all matching components **\$3925**

Total Price – Complete Transport Truck **\$136,934**

Direct replacement of 2004 Freightliner with VIN 1FUJA6CV14LM04319. For a detailed listing and specs of the above New Mexico procurement contracts, please go to the website http://dot.state.nm.us/content/nmdot/en/Price_Agreements_Listings.html