

APPENDIX D-4
Beneficiary Eligible Mitigation Action Certification

BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION

Beneficiary Three Affiliated Tribes

Lead Agency Authorized to Act on Behalf of the Beneficiary Fixed Asset Program of the Three Affiliated Tribes
(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:	Replacement Truck
Beneficiary's Project ID:	2018 New
Funding Request No.	<i>(sequential)</i> 00001
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 eligible Class 8 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 addendum.	
Estimate of Anticipated NOx Reductions (5.2.3): See addendum.	
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): See addendum.	
Describe how the Beneficiary will make documentation publicly available (5.2.7.2). See addendum.	
Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8). There will be no cost share.	
Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9). See addendum.	

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)

- | | | |
|-------------------------------------|---------------------|---|
| <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 Three Affiliated Tribes, 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: 4/02/2019

Brett Baker, Fixed Asset Specialist

[NAME]

[TITLE]

Fixed Asset Program of the Three Affiliated Tribes

[LEAD AGENCY]

for

Three Affiliated Tribes

[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	
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: February 2018–December 2019				
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	\$ 188,650	\$ 188,650	\$	\$
2. Contractor Support <i>(Provide List of Approved Contractors as Attachment with approved funding ceilings)</i>	\$ 0	\$ 0	\$	\$
3. Subrecipient Support <i>(Provide List of Approved Subrecipients or Grant Awardees as Attachment with approved funding ceilings)</i>	\$	\$	\$	\$
4. Administrative ¹	\$ 7,280	\$ 7,280	\$	\$
Project Totals	\$ 195,930	\$ 195,930	\$	\$
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	\$	\$	\$ 195,930 +	\$	\$
2. Anticipated Annual Cost Share	\$	\$	\$ 0 +	\$	\$
3. Anticipated Total Project Funding by Year (line 1 plus line 2)	\$	\$	\$ 195,930 +	\$	\$
4. Cumulative Trustee Payments Made to Date Against Cumulative Approved Beneficiary Allocation	\$	\$	\$ 0 +	\$	\$
5. Current Beneficiary Project Funding to be paid through the Trust (line 1)	\$	\$	\$ 195,930 +	\$	\$
6. Total Funding Allocated to for Beneficiary, inclusive of Current Action by Year (line 4 plus line 5)	\$	\$	\$ 195,930 +	\$	\$
7. Beneficiary Share of Estimated Funds Remaining in Trust	\$	\$	\$ 195,930 +	\$	\$
8. Net Beneficiary Funds Remaining in Trust, net of cumulative Beneficiary Funding Actions (line 7 minus line 6)	\$	\$	\$ 0 +	\$	\$

Three Affiliated Tribes Addendums

Mitigation Action Funds Documents Delivered and received.	Feb 23, 2018
Updates and Resubmittals to D-4 Docs, Attachments A, B and D resent, Modifications requested submission	Feb 23 2018
Deadline to Submit D-4 Updated and signed to IntraLinks	Mar 1 2019
Requested Funds Anticipated for VW Advance to arrive from Wilmington Trust	May 15 2019
Calendared quarterly announcements are made in newspapers and posted in an assessable web page portal at mhanation.com reporting job progress and achievements pertaining to VW Mitigation Action Settlement	Jun 5 2019
Class 8 Truck 2019 Diesel for Year 1 is Ordered	Jun 28 2019
Class 8 Truck 2019 Replacement Vehicle Arrives	July 17 2019
Existing 2009 International is Decommissioned and sent to be scrapped through drilling 3" hole into engine block	Aug 1 2019
Calendared quarterly progress announcements are made public in newspapers and posted in an assessable web page portal at mhanation.com.	Aug 21 2019
Period of Performance Ends for Year 1 Funding	Dec 31, 2019

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 Three Affiliated Tribes (TAT)'s website no more than 30 days after the end of each calendar quarter, starting with the period from *April 1 2019 Jun 30 2019* and provided to the Trustee via Intralinks. TAT will oversee the proposed EMAs as follows:

- TAT's Federal Program Manager will review and audit expenditures of EMAs to ensure compliance with applicable law.
- TAT 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. TAT will post such documentation on our website. The Federal Program Manager will work with Solid Waste in posting this documentation to ensure that all information is true, accurate, and easy to access.
- TAT is not proposing to place any cost-sharing requirements on any NOx sources to be mitigated. TAT owns all of the cited diesel vehicle(s) and will own any replacement vehicles.
- Upon the termination or completion of any EMA, any unused EMA funds shall be returned by TAT to the Trustee.
- TAT understands that for each EMA, TAT shall submit a quarterly report to the Trustee (via Intralinks) describing the progress made on implementing each EMA during the three-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 will be submitted no later than three months after receiving the first disbursement of Trust Assets.
- 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. TAT will group multiple EMA's into one report. These reports will be signed by an official with the authority to submit the report for TAT and will contain an attestation that the information is true and correct, and that the submission is made under penalty of perjury.



March 28, 2019

Attachment D

Three Affiliated Tribes
Attn: Patrick
404 Frontage Road
New Town, ND 58763
701-421-7674

Dear Patrick:

As we discussed here is the quote on the new 2019 Peterbilt 567, ISX12 Cummins, 475 HP, Allison 4500 RDS-P Transmission, 20,000lb Front, 44,000lb Air Ride Rear As Per Chassis Specifications With a Ampliroll Model (50K) Hooklift System, And Diablo Auto Tarper. Let us know if you have any questions. We look forward to working with you.

(1) New Peterbilt Chassis Model 567 With (50K) Ampliroll Hooklift System.

Options Include: *Hot Shift PTO *Steel Tandem Axle Fenders
 *Air Pintle Hitch *O'Brian Diablo Auto Tarper
 *Hooklift Painted Black

Price \$188,650.00

Sincerely,


Northland Truck Sales, Inc
Greg C. Krutsinger
701-281-8223

*Price Does Not Include Any Applicable Taxes.
*Any And All Discounts Are Applied.
*Unit Subject To Sale.

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Phone: 701-281-8223 | Fax: 701-277-9998 | Email: olympic@i29.net
www.northlandtrucksales.com