

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

## BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION

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Beneficiary \_\_\_\_\_

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

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

### SUMMARY

<b>Eligible Mitigation Action</b>	<input type="checkbox"/> Appendix D-2 item (specify): _____
<b>Action Type</b>	<input type="checkbox"/> Item 10 - DERA Option (5.2.12) (specify and attach DERA Proposal): _____
<b>Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits (5.2.2):</b>	
<b>Estimate of Anticipated NOx Reductions (5.2.3):</b>	
<b>Identification of Governmental Entity Responsible for Reviewing and Auditing Expenditures of Eligible Mitigation Action Funds to Ensure Compliance with Applicable Law (5.2.7.1):</b>	
<b>Describe how the Beneficiary will make documentation publicly available (5.2.7.2).</b>	
<b>Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8).</b>	
<b>Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9).</b>	

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).

**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 \_\_\_\_\_, 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:** \_\_\_\_\_

\_\_\_\_\_  
[NAME]

[TITLE]

**SIGNATURE:** Benny Hinds \_\_\_\_\_

\_\_\_\_\_  
[LEAD AGENCY]

**for**

\_\_\_\_\_  
[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: _____				
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	\$	\$	\$	\$
2. Contractor Support <i>(Provide List of Approved Contractors as Attachment with approved funding ceilings)</i>	\$	\$	\$	\$
3. Subrecipient Support <i>(Provide List of Approved Subrecipients or Grant Awardees as Attachment with approved funding ceilings)</i>	\$	\$	\$	\$
4. Administrative <sup>1</sup>	\$	\$	\$	\$
<b>Project Totals</b>	\$	\$	\$	\$
<b>Percentage</b>	%	%	%	%

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

**PROJECTED TRUST ALLOCATIONS:**

	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
1. Anticipated Annual Project Funding Request to be paid through the Trust	\$	\$	\$	\$	\$
2. Anticipated Annual Cost Share	\$	\$	\$	\$	\$
3. Anticipated Total Project Funding by Year (line 1 plus line 2)	\$	\$	\$	\$	\$
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)	\$	\$	\$	\$	\$

## ADDENDUMS- D-4 SUMMARY

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

(continued)

This project will provide a variety of benefits to the Lower Brule Sioux Tribe community, such as improved service to the community, employment opportunities, air quality, and cost savings. According to the Environmental Protection Agency's Diesel Emissions Quantifier, this mitigation action will yield an estimated annual diesel PM2.5 reduction of 0.025 short tons, which is further detailed in this table:

## Results

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

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

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

### Health Benefits Results

County and State	Annual Diesel PM2.5 Reduction (short tons)	Annual Benefits	Annualized Unit & Labor Costs
Lyman, South Dakota	0.025	\$89	-
<b>Total</b>	<b>0.025</b>	<b>\$89</b>	<b>\$62,000</b>

This project will provide a variety of benefits to the Lower Brule Sioux Tribe community. These benefits include improved service to the community, employment opportunities, air quality, and cost savings.

- Current older trucks do not provide reliability that provides quality service to the community. Agriculture is also affected, as unreliable trucks delay crucial processes such as planting, harvest, and commodity hauling to markets where timing is always of the essence. The new trucks will significantly improve the reliability of critical functions within the tribal community.
- The new truck will provide significant improvements to features and functionality, such as automatic transmissions, accident mitigation, ease of operation and comfort features in the cab that make it easier for tribal members to learn truck driving skills, stay safe on the road, and as such attract a larger proportion of tribal members toward operation of the tribally-owned fleets. Lower Brule Sioux Tribe's single largest employer is its government and governmental operations. Employment opportunities outside of administrative work, such as transportation will provide a shot in the arm for the economic development of the community.

- As demonstrated in the emissions report provided, this project will result in significant reductions of NOx and other pollutants. Air quality and pollution is always of the utmost importance to the Lower Brule Sioux Tribe and its community members. The overall quality of life and health of tribal members must be held to a higher standard, and this project will be a significant step towards that end.
- The newer truck will reduce operating costs in regular maintenance, repairs, and fuel costs. Improved engine efficiencies improve fuel consumption and newer equipment requires less maintenance and repairs and many repairs are covered under warranty. Tying up resources and capital in operating trucks is a deterrent to investment in other community projects. The cost savings from this project will allow us to reallocate valuable and limited funds to other tribal programs.

### Estimate of Anticipated NOx Reductions (5.2.3):

The number of annual short tons of nitrogen oxides expected to be reduced through this project was estimated using the Environmental Protection Agency's Diesel Emissions Quantifier. A comprehensive data summary follows, highlighting a plethora of air quality benefits that will be achieved through this mitigation action:

## Emission Results and Health Benefits for Project: 2005 Farm Semi Round 2

Emission Results

Health Benefits

### Emission Results <sup>?</sup>

Here are the combined results for all groups and upgrades entered for your project.<sup>4</sup>

<b>Annual Results (short tons)<sup>2</sup></b>	<b>NO<sub>x</sub></b>	<b>PM2.5</b>	<b>HC</b>	<b>CO</b>	<b>CO<sub>2</sub></b>	<b>Fuel<sup>3</sup></b>
Baseline for Upgraded Vehicles/Engines	0.332	0.025	0.024	0.100	60.9	5,415
Amount Reduced After Upgrades	0.295	0.025	0.021	0.089	4.7	415
Percent Reduced After Upgrades	88.9%	97.1%	89.6%	89.5%	7.7%	7.7%

  

<b>Lifetime Results (short tons)<sup>2</sup></b>	<b>NO<sub>x</sub></b>	<b>PM2.5</b>	<b>HC</b>	<b>CO</b>	<b>CO<sub>2</sub></b>	<b>Fuel<sup>3</sup></b>
Baseline for Upgraded Vehicles/Engines	0.996	0.076	0.071	0.299	182.8	16,245
Amount Reduced After Upgrades	0.885	0.074	0.064	0.268	14.0	1,245
Percent Reduced After Upgrades	88.9%	97.1%	89.6%	89.5%	7.7%	7.7%

  

<b>Lifetime Cost Effectiveness (\$/short ton reduced)</b>	<b>NO<sub>x</sub></b>	<b>PM2.5</b>	<b>HC</b>	<b>CO</b>	<b>CO<sub>2</sub></b>
<b>Capital Cost Effectiveness<sup>4</sup></b> (unit & labor costs only)	\$197,710	\$2,376,453	\$2,738,739	\$652,965	\$12,494
<b>Total Cost Effectiveness<sup>4</sup></b> (includes all project costs)	\$197,710	\$2,376,453	\$2,738,739	\$652,965	\$12,494

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

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

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

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

<b>Remaining Life</b>	<b>Class 8: Short Haul - Combination   Class 8</b>	<b>3 years</b>
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**Describe how the Beneficiary will make documentation publicly available (5.2.7.2).**

For purposes of participating in the Environmental Mitigation Trust, the Lower Brule Sioux Tribe will make information related to the VW Settlement publicly available at the following website: [www.lowerbrulesiouxtribe.com](http://www.lowerbrulesiouxtribe.com) . 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 Lower Brule Sioux Tribe 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 Lower Brule Sioux Tribal 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 Lower Brule Sioux Tribe, its entities, businesses, and instrumentalities. The disclosure of confidential and proprietary information is prohibited.

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

All equipment is 100% owned by the Lower Brule Sioux Tribe and qualifies for government owned 100% funding, therefore it is our understanding there is no cost share requirement.

**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).**

*(continued)*

Due to the rural nature of the community and lack of on-site services, tribal members are greatly affected by air pollution-related health issues have had to travel long distances to receive quality healthcare, making them more vulnerable to any health issues arising from air pollution. Reducing air pollution in the area is a high priority for the Tribe; this mitigation project is a step in that direction.

## **Lower Brule Sioux Tribe of South Dakota**

### **Attachment C**

Detailed Plan for Reporting on Eligible Mitigation Action Implementation (5.2.11): Reporting Obligations. No later than six months after receiving its first disbursement of Trust Assets, and thereafter no later than July 30th and January 30th of each year, Lower Brule Farm Corporation on behalf of Lower Brule Sioux Tribe shall provide a semiannual report to the Trustee describing the progress in purchasing new equipment and administrative functions detailing the expenditure of trust funds during the period leading up to the reporting date and including a summary of all costs expended on the services through the reporting date. Such reports shall include a complete description of the status, development, and implementation of the goods and services. These reports shall be signed by Barry Heiss, who has authority to submit the report for Lower Brule Sioux Tribe and must contain an attestation that the information is true and correct and that the submission is made under penalty of perjury. The Trustee shall post each semiannual report on the Indian Tribe Trust's public-facing website upon receipt.

**SALES ORDER AGREEMENT**

**PETERBILT OF SIOUX CITY**

4135 HARBOR DRIVE

SIOUX CITY, IA 51111

712-252-4566

FAX 712-252-2466

Customer # 105531 Vehicle Order # PROPOSAL Date: 8/6/19  
Name: LOWER BRULE FARM CORP. Phone: 605-280-6031  
Address: BOX 208  
City: FT. PIERRE State: SD Zip: 57532

**DESCRIPTION OF UNIT SOLD:**

Quantity: 1  
Vehicle ID # ORDER Vin: ORDER Wholesale: YES  NO   
Make: PETERBILT Model: 389/58 FT Model Year: 2020 Run-Thru: YES  NO   
Quotation # \_\_\_\_\_ List Price: \_\_\_\_\_ Price Level: \_\_\_\_\_

Dealer Additions:

PRICING INCLUDES: NUTCOVERS, HUBCAPS, FLOORMATS DROP VISOR, HORN UNDER SLEEPER DECKPLATE, AND MINIMZER FENDERS ON PUSHER & DRIVE AXLE. SAME AS PREVIOUS UNIT

#4816 for Herd bumper

**DESCRIPTION OF TRADE-IN:**

Quantity: \_\_\_\_\_ XX NO TRADE  
Vehicle ID # \_\_\_\_\_ Vin: \_\_\_\_\_ Run-Thru: YES  NO   
Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_ Mileage: \_\_\_\_\_  
Balance Owed: \_\_\_\_\_ Date: \_\_\_\_\_ Finance Company: \_\_\_\_\_

Trade Terms:

Sale Price as described: \$186,562 each. Including Federal Excise Tax.  
Trade-In Allowance as described: 0.00 each. R/T FEE WAIVED BY: \_\_\_\_\_  
Deposit with Order: 2,000.00 each. DEPOSIT WAIVED BY: \_\_\_\_\_  
Amount Due at Delivery: \$184,562 each.

*revised proposal 8/7/19*

Estimated Delivery Date: LATE NOV. 2019

I agree to the terms of the above described purchase and understand I may cancel this order within three business days of the signing date below. I agree to take delivery within 10 days after being notified that the unit(s) are ready for delivery or I will forfeit my deposit. **This is not a valid agreement until signed by Sales Manager.**

Buyer's name: LOWER BRULE FARM CORP. Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Salesperson: JERRY CRONIN Signature: Jerry Cronin Date: 8/6/19  
Sales Manager: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

		Administrative Costs											
Administrative Function		July	August	September	October	November	December	2019 Total					
	<b>Application/Documentation/Review/Approval</b>												
2 hours @ \$50/hr	Gather information/quotes		\$ 100					\$ 100					
	<b>Office Support/Admin</b>							\$ -					
	Taxes & Fees							\$ 6,448				\$ 6,448	
	Licensing/Registration							\$ 1,605				\$ 1,605	
	<b>Scrap/Disassembly</b>												
2 hours @ \$25/hr	Scrap Truck Delivery							\$ 50				\$ 50	
	<b>Office Supplies/Services</b>							\$ -				\$ -	
	Printing		\$ 25					\$ 25				\$ 25	
	Shipping-		\$ 25					\$ 25				\$ 25	
	Software- Adobe		\$ 300					\$ 300				\$ 300	
	<b>Total</b>		\$ 450	\$ -	\$ -	\$ -	\$ -	\$ 8,103	\$ -			\$ 8,553	