

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

**BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION**

Beneficiary The Forest County Potawatomi Community

Lead Agency Authorized to Act on Behalf of the Beneficiary Forest County Potawatomi Community's Attorney Generals 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)*

<b>Action Title:</b>	Replacement of Diesel Logging Truck
<b>Beneficiary's Project ID:</b>	2019
<b>Funding Request No.</b>	<i>(sequential)</i> 2
<b>Request Type: (select one or more)</b>	<input type="checkbox"/> Reimbursement <span style="float: right;"><input checked="" type="checkbox"/> Advance</span> <input type="checkbox"/> Other (specify): _____
<b>Payment to be made to: (select one or more)</b>	<input checked="" type="checkbox"/> Beneficiary <input type="checkbox"/> Other (specify): _____
<b>Funding Request &amp; Direction (Attachment A)</b>	<input checked="" type="checkbox"/> Attached to this Certification <input type="checkbox"/> To be Provided Separately

**SUMMARY**

<b>Eligible Mitigation Action</b>	<input checked="" type="checkbox"/> Appendix D-2 item (specify): <u>One Class 8 Large Truck</u>
<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>	
The Tribe will replace its 2006 Mack Logging Truck (VIN# 1M2AD65C26M002120 ) with a 2020 Mack Logging Truck. The replacement of the truck will reduce unhealthy air emissions in the vicinity of the areas of the reservation where it is used. See addendum.	
<b>Estimate of Anticipated NOx Reductions (5.2.3):</b>	
There will be an 88.6% percent reduction of NOx emissions. See addendum for details.	
<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>	
The Forest County Potawatomi Community's Attorney Generals Office.	
<b>Describe how the Beneficiary will make documentation publicly available (5.2.7.2).</b>	
The Tribe will post on its public facing website. See addendum for details	
<b>Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8).</b>	
The Tribe will pay an estimated 19% cost share, totaling \$41,230.26	
<b>Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9).</b>	
Within 30 days after being deemed a beneficiary no notification was received from any Federal Agency regarding interest in the Trust Agreement.	

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"/> | <b>Attachment A</b> | <b>Funding Request and Direction.</b>   |
| <input checked="" type="checkbox"/> | <b>Attachment B</b> | <b>Eligible Mitigation Action Management Plan Including Detailed Budget and Implementation and Expenditures Timeline (5.2.4).</b>   |
| <input checked="" type="checkbox"/> | <b>Attachment C</b> | <b>Detailed Plan for Reporting on Eligible Mitigation Action Implementation (5.2.11).</b>   |
| <input checked="" type="checkbox"/> | <b>Attachment D</b> | <b>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.]</b> |
| <input type="checkbox"/>            | <b>Attachment E</b> | <b>DERA Option (5.2.12). [Attach only if using DERA option.]</b>  |
| <input type="checkbox"/>            | <b>Attachment F</b> | <b>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.]</b> |

**CERTIFICATIONS**

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

1. This application is submitted on behalf of Beneficiary The Forest County Potawatomi Community, 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: 8/19/19

SIGNATURE: 

Sara M. Drescher, FCPC Attorney

[NAME]

[TITLE]

The Forest County Potawatomi Community's Attorney Generals Office

[LEAD AGENCY]

for

The Forest County Potawatomi Community

[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	10-29-2019
Trustee Allocates Share of Funds for Approved Project	11-13-2019
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	12-1-2019
Project Sponsor Enters into Contracts, Purchase Orders, etc. - Complete	1-13-2020
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	5-13-2020

**PROJECT BUDGET**

Period of Performance: <u>Second Funding Cycle</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	\$ 214,213.26	\$ 172,983.00	\$ 41,230.26	\$
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>	\$ 214,213.26	\$ 172,983.00	\$ 41,230.26	\$
<b>Percentage</b>	100 %	81 %	19 %	%

<sup>1</sup> 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	\$	\$	\$ 172,983 +	\$	\$
2. Anticipated Annual Cost Share	\$	\$	\$ 41,230.26 +	\$	\$
3. Anticipated Total Project Funding by Year (line 1 plus line 2)	\$	\$	\$ 214,213.26	\$	\$
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)	\$	\$	\$ \$172,983 +	\$	\$
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

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

The logging truck replacement will reduce unhealthy air emissions. Fiscal results are estimated by the EPA's online Diesel Emissions Quantifier as follows:

## **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**

<b>County and State</b>	<b>Annual Diesel PM2.5 Reduction (short tons)</b>	<b>Annual Benefits</b>	<b>Annualized Unit &amp; Labor Costs</b>
<b>Forest, Wisconsin</b>	0.009	\$940	-
<b>Oconto, Wisconsin</b>	0.000	\$14	-
<b>Total</b>	0.009	\$950	\$47,000

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

The EPA's online Diesel Emissions Quantifier was also used to quantify NOx emissions reduced by replacing our tribal 2006 logging truck with a 2020 logging truck (an upgrade), as follows:

# Emission Results and Health Benefits for Project: Forest County Potawatomi

Emission Results

Health Benefits

## Emission Results <sup>7</sup>

Here are the combined results for all groups and upgrades entered for your project.<sup>1</sup>

<u>Annual Results (short tons)<sup>2</sup></u>	<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	0.097	0.010	0.012	0.044	16.5	1,463
Amount Reduced After Upgrades	0.086	0.009	0.011	0.039	-12.8	-1,137
Percent Reduced After Upgrades	88.6%	97.4%	89.7%	89.4%	-77.7%	-77.7%
 <u>Lifetime Results (short tons)<sup>2</sup></u>						
Baseline for Upgraded Vehicles/Engines	0.487	0.048	0.059	0.221	82.3	7,315
Amount Reduced After Upgrades	0.431	0.047	0.053	0.197	-64.0	-5,685
Percent Reduced After Upgrades	88.6%	97.4%	89.7%	89.4%	-77.7%	-77.7%
 <u>Lifetime Cost Effectiveness (\$/short ton reduced)</u>						
<b>Capital</b> Cost Effectiveness <sup>4</sup> (unit & labor costs only)	\$496,793	\$4,597,129	\$4,045,440	\$1,085,706	\$0	
<b>Total</b> Cost Effectiveness <sup>4</sup> (includes all project costs)	\$0	\$0	\$0	\$0	\$0	

<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.

Remaining Life

Logging truck: Short Haul - Single Unit | Class 8

5 years

### Describe How the Beneficiary Will Make Documentation Publicly Available (5.2.7.2)

The Forest County Potawatomi Community will include information on its established website dedicated to the funding received from the VW Settlement Trust, which will include a link for members of the public to request additional information and documents related to the funding request and expenditure of funds. The Forest County Potawatomi community will endeavor to respond to such requests within ten (10) business days and, when documents are requested, will advise the individual within that timeframe of the procedure for reviewing such documents.

As a general policy, Forest County Potawatomi Community complies with applicable Tribal and Federal law ( and other applicable rules, regulations, and/or policies incorporated therein by



reference ) for matters governing the publication of confidential business information and personally identifiable information, and exemptions thereto.

All documentation and records submitted by the Forest County Potawatomi Community for the purposes of supporting each funding request, and supporting all expenditures of Trust funds, shall be available by appointment for review at the FCPC Natural Resources Building, 5320 Wensaut Ln. Crandon, WI 54520. Notification of the availability of records will be posted on the Tribes publicly facing website. [www.fcpotawatomi.com](http://www.fcpotawatomi.com).

Documents will be reviewed by the FCPC Attorney Generals Office prior to being made available to the public, to ensure compliance with the FCPCs policies concerning the publication of confidential business information.

## Attachment C

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

The Forest County Potawatomi Community / Natural Resources Dept. will report to the Trustee and post on its public facing website, the progress of the eligible mitigation action item of ( Replacement of Diesel Logging Truck ) This shall be done within six (6) months after receiving its first disbursement of Trust Assets, and shall continue to report in such a manner ( semiannual ) until the project is complete.

Upon receiving the funds, a Diesel 2020 Mack GR-64-F Logging Truck will be purchased and registered with the DOT. The invoices for said truck will be reported , and the Diesel 2006 Mack Logging Truck shall be scrapped in a manner consistent with the definition proved in Appendix D-2 for "scrapped".

- Funds are received from Trustee: 11-13-2019
- Forest County Potawatomi Fleet Dept purchases and receives new truck: 1-13-2020
- Forest County Potawatomi Natural Resource Dept reports to the Trustee via Intralinks, and on its public facing website, that the truck has been received : 1-31-2020
- The old truck is scrapped and certificate of destruction is obtained. 2-28-2020
- The completed project is reported to the Trustee via Intralinks and on its public facing website : 5-13-2020

# " Attachment D "

Potawatomi Band Specifications and pricing

07-31-2019

Dear Mike Collins:

The following is a specification and pricing of a Mack chassis assembled and to be used as a logging truck to replace the current CL-713 Mack that you have in service currently.

2020 Mack GR-64-F.....\$125,376.81

Incomplete spec:

505-C Mack MP-8 engine with wave piston technology

Fuller 18 speed Manual transmission

20,000 LBS front axle

46,000 LBS Tandem axles, with lock up feature

13,200 LBS Steerable pusher axle

All wheels are aluminum hub piloted

See attachment for full specifications.

Lift Axle with tires

Watson 13,200 Steering lift axle with aluminum wheels and tires.....\$7,134.22

Pull plate and pintle Hook

Scaffidi drop in Pintle plate with Holland 550- 50,000 LBS air cushioned  
pintle hook with alloy hardened hook

1- inch plate for cross member functionality

Safety chain stays welded to the pull plate

Cross bracing Huck bolted into the trucks parent dual frame.

Installed price.....\$2,355.61

Serco 7500 Extend – A – Boom log loader

Serco 7500 knuckle boom Loader

22 foot main and jib booms

3 foot telescopic feature

Aluminum side mounted hydraulic tank with clean out feature, 50 gallon capacity

Remote mounted oil filter

- Outboard joy stick controls
- Hydrocontrol valve banks
- Casappa direct coupled tandem hydraulic pump
- 572 degree mast rotation
- Seat belt on operators platform
- All weather folding operators seat
- All hoses are GH-493 Aeroquip 4 wire braid hoses
- Chain boxes built into the ladders of the loader
- 12- inch wide access ladders
- Globe style shut off valve
- LED Light package
- Single fan hi capacity cooler mounted at the platform opposite of the operator
- All parts grit blasted primed and painted gloss black

Installed working price will be.....\$56,061.34

Bunk system

Raptor self-contained bunk system by Great Lakes.....\$16,980.00

- 4 inch ride rails OA length to support Bunks
- Poly sheet between rails full length to enclose truck frame
- Raptor GL 9.00 1 piece hi strength steel bunks and stakes 8 foot tall clamp on style
- 5<sup>th</sup> bunk Raptor high strength steel log bunk removable stakes clamp on style (4)
- 6 foot GLT Alum a log stakes (2)
- Removable winches, one on each bunk with receiver (5)
- Front head board pockets and bucket carrier in front of the first bunk
- 9 foot aluminum head board with mounting hardware
- 10 foot alum-a-Log stakes to support the head boards
- Units UHMV Wear material on the stakes
- Bucket guards-1 behind each st of bunks
- Rubber belted belted fenders over the drive tires
- Installation on the new Mack chassis

P.T.O.

Muncie 82 Series air shifted Power Take Off unit.....\$3,765.63

Comer with 2 year industry warranty when installed by the truck dealer

Tool box

Lockable 36 X 24 X 24 inch steel tool box with heavy mounting brackets.....\$1,232.21

Tire chain rack

Shop made tire chain both side of pulp rack.....\$367.44

Programing

Dash operated pin lock switch and lines installed.....\$380.00

Under ladders back up lights (2) facing rearward with dash switch.....\$560.00

Road speed programing and PTO settings.....(N/C)

2- Hour pump burnishing procedure.....(N/C)

Prep for delivery.....(N/C)

X

Assembled truck price less extended coverage warranty.....\$214,213.26

Warranty

Base warranty is for 2 years or 250,000 miles, which ever occurs first. This covers the engine, transmission, carriers, and the DEF system in normal use.

Extended coverage is sold from the Mack factory based on miles traveled annually

Example:

Engine for 5 years, 250,000 miles.....\$3,83.00

EATS (Engine After Treatment System).....\$696.00

Towing warranty to 60 mo. ....\$800.00

All and any warranty coverage is in addition to the above listed pricing

Thank you for the opportunity to quote you on your transportation needs.

Respectfully yours:

Rick Lorenz BSE

Scaffidi Motors/Advanced Truck and Equipment/Scaffidi Leasing of Wisconsin