



Institute for Tribal Environmental Professionals

Technical Assistance Program in the VW Settlement Environmental Mitigation Trust Agreement for Indian Tribe Beneficiaries

Report of Activities for January 1 – June 30, 2020

Technical Assistance

Provider Information: Institute for Tribal Environmental Professionals
Office of Native American Initiatives
Arizona Board of Regents for and on behalf of
Northern Arizona University
Post Office Box 15004
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As per 2.1.1.5 of the Modified Environmental Mitigation Trust Agreement for Indian Tribe Beneficiaries (the “Indian Tribe Trust Agreement”) filed with the U.S. District Court for the Northern District of California on November 15, 2018 (Case 3:15-md-02672-CRB), Northern Arizona University’s Institute for Tribal Environmental Professionals (ITEP) submits the following semi-annual report. This report provides an overview of the progress of technical assistance activities provided by ITEP for the period of January 1 – June 30, 2019 (the “reporting period”) in support of the Volkswagen Diesel Emissions Environmental Mitigation Trust for Indian Tribe Beneficiaries (the “Indian Tribe Trust”).

Summary

ITEP’s Scope of Work to provide technical assistance to all federally-recognized tribes seeking to access the Indian Tribe Trust began on October 1, 2017.

Specific project tasks for ITEP consist of the following:

1. One-on-One Technical Assistance
2. Web-based Outreach and Education
3. Webinars
4. In-Person Trainings
5. Establishment of Tribal Advisory Council

Task 1: One-on-One Technical Assistance

ITEP staff provided email and phone-based technical assistance to tribes contacting ITEP directly. During the reporting period, ITEP provided technical assistance efforts to both Tribes designated as beneficiaries for the first and second funding cycles under the Indian Tribe Trust

Agreement, and Tribes interested in becoming beneficiaries for the third and future funding cycles under the Indian Tribe Trust Agreement.

In the first half of 2020 ITEP worked with Beneficiaries from the first and second funding cycles, to prepare, revise, and submit their semi-annual reports to the Trustee as required by the Modified Trust Agreement. ITEP also assisted a number of Tribes who were interested in becoming new Beneficiaries of the Tribal Trust to submit their Appendix D-3 documents by the March 16th deadline. Finally, ITEP worked with Beneficiaries designated in all three funding cycles to submit their Appendix D-6 documents if they wanted to participate in the third funding cycle.

As the program has grown, so too has the number of Tribes participating, along with the number to whom ITEP has provided technical assistance. In all ITEP worked with 107 Tribes seeking technical assistance during this reporting period, which represents a 73% increase over the number served during the previous reporting period. A complete listing of Tribes seeking technical assistance from ITEP is provided in Table 1.0 below.

Table 1.0 Tribes Provided with Technical Assistance

Arctic Village
Bad River Band of Lake Superior Chippewa Tribe
Bishop Paiute Tribe
Blue Lake Rancheria
Bois Forte Band of Chippewa
Cahto Tribe of the Laytonville Rancheria
Central Council of the Tlingit & Haida Indian Tribes of Alaska
Cherokee Nation
Chevak Native Village
Cheyenne River Sioux Tribe of the Cheyenne River Reservation
Chickaloon Native Village
Chickasaw Nation
Chuathbaluk
Citizen Potawatomi Nation
Colorado River Indian Tribes
Confederated Salish & Kootenai Tribes
Confederated Tribes and Bands of the Yakama Nation
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
Confederated Tribes of the Colville Reservation
Coquille Indian Tribe
Coushatta Tribe of Louisiana
Craig Tribal Association
Elk Valley Rancheria
Fallon Paiute-Shoshone Tribe
Forest County Potawatomi Community

Fort Independence Community of Paiutes of the Fort Independence Indian Reservation
Galena Village (aka Louden Village)
Gila River Indian Community of the Gila River Indian Reservation, Arizona
Grand Traverse Band of Ottawa & Chippewa Indians
Gulkana Village Council
Hoopa Valley Tribe
Huslia Village
Iqurmit Traditional Council
Kickapoo Tribe in Kansas
Knik Tribe
Kobuk Traditional Council
Kongiganak
Lower Brule Sioux Tribe
Maniilaq Association
Manley Hot Springs Village
Manokotak Village
Mashantucket Pequot Tribal Nation
Metlakatla Indian Community
Mille Lacs Band of Ojibwe
Minnesota Chippewa Tribe - Fond du Lac Band (of Lake Superior Chippewa)
Mohegan Tribe of Indians of Connecticut
Muscogee (Creek) Nation
Native Village of Brevig Mission
Native Village of Diomedea
Native Village of Elim
Native Village of Eyak
Native Village of Iliamna
Native Village of Kipnuk
Native Village of Kwigillingok
Native Village of Kwinhagak
Native Village of Mary's Igloo
Native Village of Port Heiden
Native Village of Savoonga
Native Village of Shaktoolik
Native Village of Shishmaref
Native Village of St. Michael
Native Village of Stebbins
Native Village of Tanacross
Native Village of Teller
Native Village of Unalakleet
Native Village of Wainwright

Native Village of Wales
Native Village of White Mountain
Navajo Nation
New Koliganek Village Council
Nez Perce Tribe
Noorvik Native Community
Oglala Sioux Tribe
Oneida Nation
Organized Village of Grayling
Organized Village of Saxman
Pala Band of Mission Indians
Pedro Bay
Pilot Point Tribal Council
Prairie Band Potawatomi Nation
Pueblo of Cochiti
Pueblo of Isleta
Pueblo of Jemez
Pueblo of Laguna
Pyramid Lake Paiute Tribe
Quapaw Tribe of Indians
Quinault Indian Nation
Red Cliff Band of Lake Superior Chippewa
Red Lake Band of Chippewa Indians
Rincon Band of Luiseño Indians
Saint Regis Mohawk Tribe
Salt River Pima-Maricopa Indian Community
Sault Saint Marie Tribe of Chippewa Indians
Shoshone Paiute tribes of the Duck Valley Reservation
Shoshone-Bannock Tribes
Swinomish Indian Tribal Community
The Confederated Tribes of Warm Springs
Three Affiliated Tribes of the Fort Berthold Reservation, ND (MHA)
Tohono O'odham Nation
Tule River Tribe
Upper Sioux Community
Ute Indian Tribe
Ute Mountain Ute Tribe
Village of Solomon
White Mountain Apache Tribe
Yocha Dehe Wintun Nation
Yurok Tribe

Task 2: Web-based Outreach and Education

ITEP's VW Settlement Technical Assistance Program website (<https://nau.edu/itep-vw>) was kept updated with new information and resources during the reporting period. Training materials such as recorded webinars, videos, and presentations continued to be maintained. The table below provides details of website traffic for the reporting period.

Table 2.0 ITEP Website Traffic

Month and Year	Website Traffic Data
January 2020	Page views: 461 Unique page views: 385
February 2020	Page views: 449 Unique page views: 364
March 2020	Page views: 179 Unique page views: 156
April 2020	Page views: 121 Unique page views: 101
May 2020	Page views: 246 Unique page views: 127
June 2020	Page views: 275 Unique page views: 229
Total for Reporting Period	Page views: 1,731 Unique page views: 1,362

During the reporting period ITEP also hired a part-time Research Assistant, Wilda Anagal, to provide support for the Technical Assistance Program. Ms. Anagal will work on a variety of tasks such as summarizing all of the projects funded to date by the VW Trust, developing expertise in the EPA's Diesel Emissions Reduction Act (DERA) program, researching diesel emissions reduction technologies for applicability to the VW Settlement and DERA program, and researching state VW mitigation programs for applicability to Tribes. The results of these tasks may be added to ITEP's VW Settlement Technical Assistance Program website to assist Tribes in determining the types of projects they would like to pursue with their allocations, and to understand the technical details of the various options and funding mechanisms available to them.

Task 3: Webinars

During this reporting period ITEP conducted outreach and training to Tribes through periodic webinars. Timed to coincide with new developments or deadlines for the first and second funding cycles, ITEP used these webinars to present information on the overall process of becoming a Beneficiary of and seeking funds from the Tribal Trust, instruct Tribes in the requirements of specific forms and attachments to be submitted at various points in the process, and remind Tribes of upcoming deadlines.

ITEP staff also participated in conference calls and webinars of tribal organizations such as the National Tribal Air Association (NTAA) to provide updates related to the Trust Agreement and ITEP’s technical assistance efforts. A summary of the webinars / calls ITEP staff participated in is provided below.

DATE	Webinar / Conference Call	# Attendees
January 9, 2020	NTAA Mobile Sources Work Group Conference Call	24
January 22, 2020	VW Environmental Mitigation Trust Agreement Third Funding Cycle Information Webinar	17
January 29, 2020	VW Environmental Mitigation Trust Agreement Third Funding Cycle Information Webinar (Encore)	6
January 30, 2020	NTAA/EPA Air Policy Update Conference Call	56
February 6, 2020	NTAA Mobile Sources Work Group Conference Call	17
February 13, 2020	ITEP VW Settlement Technical Assistance Program’s How to Become a Beneficiary Webinar	7
February 20, 2020	ITEP VW Settlement Technical Assistance Program’s How to Become a Beneficiary Webinar (Encore)	4
February 27, 2020	NTAA/EPA Air Policy Update Conference Call	47
March 5, 2020	NTAA Mobile Sources Work Group Conference Call	13
March 26, 2020	NTAA/EPA Air Policy Update Conference Call	50
April 2, 2020	NTAA Mobile Sources Work Group Conference Call	15
April 30, 2019	NTAA/EPA Air Policy Update Conference Call	59
May 7, 2020	NTAA Mobile Sources Work Group Conference Call	28
May 11, 2020	NTAA EC Monthly Call with EPA and Partners	25
May 28, 2020	NTAA/EPA Air Policy Update Conference Call	48
June 3, 2020	ITEP VW Settlement Technical Assistance Program’s Third Funding Cycle Informational Webinar	17
June 4, 2020	NTAA Mobile Sources Work Group Conference Call	24
June 8, 2020	NTAA EC Monthly Call with EPA and Partners	24
June 9, 2020	ITEP VW Settlement Technical Assistance Program’s Third Funding Cycle Informational Webinar (Encore)	1
June 25,2020	NTAA/EPA Air Policy Update Conference Call	63
Total number of webinars & conference calls: 20		
Total number of participants: 545		

Task 4: In-Person Trainings & Outreach Events

Due to the widespread cancellation of conferences and other in-person events caused by the Covid-19 pandemic, ITEP staff was not able to conduct any in-person trainings or outreach events during the reporting period. Instead, ITEP focused on direct outreach by phone and email to ensure we had good contacts at each Beneficiary Tribe, who were still working despite the

various shutdowns, and that they had the information and assistance they needed to participate in the VW program during this funding cycle.

Task 5: Establishment of Tribal Advisory Council

As part of the Modified Trust Agreement, ITEP was tasked with establishing a Tribal Advisory Council (TAC). The purpose of the TAC is to advise the technical assistance provider (ITEP) on its outreach and training efforts to ensure that Indian Tribes are aware of the Indian Tribe Trust, and to provide a forum for Indian Tribes to raise general questions relating to the Indian Tribe Trust Agreement.

In March, 2019, ITEP solicited applications for membership in the TAC, and in April the TAC was formally established with seven members from Tribes across the country, including Alaska. Members of the TAC are listed below.

- Amy Mignella: White Mountain Apache Tribe (Arizona)
- Carter Thomas: Confederated Tribes of Coos, Lower Umpqua, Siuslaw Indians (Oregon)
- Dave Messier: Tanana Chiefs Conference (Alaska)
- David Wagner: Mashantucket Pequot Tribal Nation (Connecticut)
- Joe Cebe: Forest County Potawatomi Tribe (Wisconsin)
- Shain Heiss: contractor to Lower Brule Sioux Tribe (South Dakota)
- Stephen Kullmann: Blue Lake Rancheria (California)*

The TAC has met monthly since May of 2019, to address questions from Tribes as they came up and provide feedback to ITEP and the Trustee about the process. Meeting notes were developed by ITEP staff at the conclusion of all monthly meetings and shared with TAC members.

The TAC and ITEP were invited to attend and participate in the 2020 Green Transportation Summit and Expo originally scheduled for March 2020. However, due to the Covid-19 pandemic the Expo was postponed and has been rescheduled to May 24-26, 2021.

* Stephen Kullmann left the employment of Blue Lake Rancheria at the end of May, 2020, and is no longer serving on the TAC.

ITEP Project Budget

The table below provides a summary of ITEP’s project budget and expenditures to date.

Table 3.0 Budget Summary – Transactions from: 10/01/2017 to 06/30/2020

Description	Project Budget	Transactions	Remaining Budget
Salaries & Wages	\$421,346.00	\$330,045.74	\$91,300.26
Fringe Benefits	\$152,849.00	\$122,195.77	\$30,653.23
Supplies & Communications	\$36,109.00	\$28,185.10	\$7,923.90

Professional & Outside Service	\$243,512.00	\$149,078.62	\$94,433.38
TAC Member Travel	\$11,312.00	\$0.00	\$11,312.00
Staff Travel	\$37,683.00	\$24,420.97	\$13,262.03
Indirect Cost	\$275,473.00	\$202,063.48	\$73,409.52
Total	\$1,178,284.00	\$855,989.68	\$322,294.32

ITEP has managed the budget resources of this program prudently since its inception, ensuring that expenditures are aligned with work plan tasks and necessary to serve the technical assistance needs of tribes.

Continuing Work and Future Activities

ITEP will continue to provide outreach, training and technical assistance to tribes interested in becoming beneficiaries of the Volkswagen Environmental Mitigation Trust Agreement for Indian Tribe Beneficiaries. Future activities will include, but not be limited to, the following:

- Development of webinars providing instruction and guidance on the application process
- Outreach at the Tribal Lands and Environment Forum virtual event, August 2020
- Development of fact-sheets and brochures to federally recognized tribes
- Continued support of and work with the Tribal Advisory Council

ITEP will also continue to seek feedback and comments from tribes on how to improve its services to better meet the training and technical assistance needs of tribes.

This report is submitted on July 31, 2020 to Wilmington Trust, N.A. as per Section 2.1.1.5 of the Environmental Mitigation Modified Trust Agreement for Indian Tribe Beneficiaries filed with the U.S. District Court for the Northern District of California on November 11, 2018 (Case 3:15-md-02672-CRB). We attest that the information is true and correct and that the submission is made under penalty of perjury.

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 Director
 Institute for Tribal Environmental Professionals

Mark Daniels
 Program Coordinator

Institute for Tribal Environmental Professionals

END OF REPORT