

**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)*

<b>Action Title:</b>	Pueblo of Isleta NOx Reduction Project
<b>Beneficiary's Project ID:</b>	2020-01
<b>Funding Request No.</b>	<i>(sequential)</i> 03
<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>Replacement of one (1) Class 8 truck and one (1) Class 6-7 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> See attached D-4 Addendums and Attachments Document.	
<b>Estimate of Anticipated NOx Reductions (5.2.3):</b> See attached D-4 Addendums and Attachments Document.	
<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> To ensure compliance, the Pueblo of Isleta Treasurer's Office will be responsible for reviewing and auditing expenditures of Eligible Mitigation Action Funds.	
<b>Describe how the Beneficiary will make documentation publicly available (5.2.7.2).</b> See attached D-4 Addendums and Attachments Document.	
<b>Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8).</b> The EMA Project total exceeds the Pueblo's allocation under this Third Funding Cycle, thus the Pueblo approved a cost share to cover the balance.	
<b>Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9).</b> 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 24, 2020

Francine Jaramillo

[NAME]

[TITLE]

General Counsel, Pueblo of Isleta General Counsel's Office

SIGNATURE: 

[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, 2020
Project Sponsor Submits Proposal to Lead Agency	July 30, 2020
Lead Agency Provides Written Approval of Project Sponsor's Proposal	August 20, 2020
Lead Agency Incorporates Project Sponsor's Proposal into Mitigation Plan	August 24, 2020
Trustee Acknowledges Receipt of Project Certification and Funding Direction	October 27,2020
Trustee Allocates Share of Funds for Approved Project	November 12, 2020
Lead Agency Directs Funding (Advance Funded Projects)	November 12, 2020
Project Sponsor Obtains Cost Share, Notifies or Certifies to Lead Agency	November 16, 2020
Project Sponsor Enters into Contracts, Purchase Orders, etc. - Start	November 23, 2020
Project Sponsor Enters into Contracts, Purchase Orders, etc. - Complete	November 30, 2020
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 11, 2021
Lead Agency Reports Project Completion	October 25, 2021

**PROJECT BUDGET**

Period of Performance: <u>November 2020 - October 2021</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	\$ 299,891	\$ 241,871	\$ 58,020	\$ N/A
2. Contractor Support <i>(Provide List of Approved Contractors as Attachment with approved funding ceilings)</i>	\$ N/A	\$ 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	\$ N/A
4. Administrative <sup>1</sup>	\$ 0	\$ 0	\$ 0	\$ N/A
<b>Project Totals</b>	\$ 299,891	\$ 241,871	\$ 58,020	\$ N/A
<b>Percentage</b>	100 %	81 %	19 %	N/A %

<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	\$	\$	\$	\$ 241,871 +	\$
2. Anticipated Annual Cost Share	\$	\$	\$	\$ <sup>58,020</sup>	\$
3. Anticipated Total Project Funding by Year (line 1 plus line 2)	\$	\$	\$	\$ <sup>299,891</sup>	\$
4. Cumulative Trustee Payments Made to Date Against Cumulative Approved Beneficiary Allocation	\$	\$	\$	\$ <sup>0</sup>	\$
5. Current Beneficiary Project Funding to be paid through the Trust (line 1)	\$	\$	\$	\$ <sup>241,871</sup>	\$
6. Total Funding Allocated to for Beneficiary, inclusive of Current Action by Year (line 4 plus line 5)	\$	\$	\$	\$ <sup>241,871</sup>	\$
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. Replacing these vehicles will provide the Pueblo Government the ability to continue performing critical services for the benefit of the community.

The first EMA item is to replace a 2004 Freightliner water truck (Class 8). This truck has been a critical part of the Pueblo’s Transportation Services maintenance operations including providing dust suppressant of all roadways throughout the Pueblo, grading operations, roadway improvement projects, construction projects, and installation of cattle guards and assisting in filling water tanks in the rangelands during drought periods when pumps fail. The truck has been used on several wild land fire responses to support and transport water for brush trucks. It has also been utilized to assist other departments on various support projects, as needed. The truck is 16 years old and has approximately 123,000 miles with 9,500 hours on the engine. In addition to age and miles/hours, the unit has become more costly to maintain and operate.

The second EMA item is to replace a 1995 Freightliner truck (Class 6-7). This truck is crucial to the Pueblo’s Public Works Department maintenance operations. The Department utilizes the truck for a variety of functions, including the transport of materials and hauling waste, and transporting heavy equipment to and from job sites. Other departments also utilize the truck to support their operations. The truck is 25 years old and has excessive 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 replacement vehicles and the cost estimates based on vendor quotes. The final purchase of the equipment will be in accordance with the Pueblo’s Procurement Policies. Shipping costs of the new replacement vehicles 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
2004 Freightliner	Class 8	1FVHCYAK94HM37984	\$176,728	D-1
1995 Freightliner fl70	Class 6-7	1FV6HFAA2SL617838	\$123,163	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\_2004Freightliner-KenworthT880

Emission Results    Health Benefits

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

Here are the combined results for all groups and upgrades entered for your project.<sup>1</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	0.097	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%
<b>Lifetime Results (short tons)<sup>2</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	0.0	0
Percent Reduced After Upgrades	88.6%	97.4%	89.7%	89.4%	0.0%	0.0%
<b>Lifetime Cost Effectiveness (\$/short ton reduced)</b>						
<b>Capital Cost Effectiveness<sup>4</sup></b> (unit & labor costs only)	\$0	\$0	\$0	\$0	\$0	
<b>Total Cost Effectiveness<sup>4</sup></b> (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

**2004 Freightliner:** Construction | Short Haul - Single Unit | Class 8 (Utility)  
Vehicle Replacement - ULSD (diesel)

1 year



# Emission Results and Health Benefits for Project: Isleta\_1995Freightliner-KenworthT270

Emission Results

Health Benefits

## Emission Results <sup>1</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	0.233	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)<sup>2</sup></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>						
<b>Capital</b> Cost Effectiveness <sup>4</sup> (unit & labor costs only)	\$0	\$0	\$0	\$0	\$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

**Kenworth T270:** Construction | Short Haul - Single Unit | Class 6-7 (Delivery)  
Vehicle Replacement - ULSD (diesel)

1 year

### 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 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 Third Funding Cycle; thus, the Pueblo approved 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 Third 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 T880 Truck Cab/Chassis – Item #3**  
**58,000 lb. GVWR spec'd for a 4,000 Gallon Water Tank**

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

**Quote for James - Pueblo of Isleta – June 17, 2020**

- Base Price – Item AI) **\$131,212**
- Base spec: 435 HP engine, 13 speed manual transmission, vocational suspension, 18K front axle, 40K rear axle, +/- options below
- I) Remove anti-glare black top of hood **Ded <\$635>**
- M) Straight truck air brake system **Ded <\$454>**
- O) Fender mirrors - delete **Ded <\$173>**
- R) 120 gal. fuel cap. in lieu of 150 **Ded <\$120>**
- AW) Factory dash mounted PTO controls **\$471**
- AZ) Set back front axle **Ded <\$2015>**
- CE) Transmission: Eaton automated 10-Speed vocational in lieu of manual trans. **\$7766**
- CH) Tires & Wheels: 11R22.5 16 ply on rear, steel wheels in lieu of 12R22.5 **Ded <\$965>**
- CN) Front Suspension/Axle – 20,000 lb. capacity w/matching tires & components **\$180**
- DA) Other: Delete rear engine PTO **Ded <\$1900>**

**Sub-Total Price – Cab & Chassis **\$133,367****

- 4000 Gallon water tank w/six spray heads, Hyd. pump, suction plumbing and hose reel **\$43,361**

**Total Price – Complete Water Truck **\$176,728****

**Direct replacement of 2004 Freightliner with VIN 1FVHCYAK94HM37984**

**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\\_Lis](http://dot.state.nm.us/content/nmdot/en/Price_Agreements_Lis)**





**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 21, 2020**

- Base Price – Item AG) **\$85,340**
- 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 **\$84,963**
  
- 10' dump body, 6-yard w/electric tarp, Buck plate & pintle hitch, following NM Price Agreement # 60-805-16-14425 **\$38,200**

**Total cost for completed dump truck **\$123,163****

**Direct replacement of 1995 Freightliner FL70 with VIN  
1FV6HFAA2SL617838**