

**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 Assets Program  
*(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 two Class 8 trucks
<b>Beneficiary's Project ID:</b>	Third Funding Cycle
<b>Funding Request No.</b>	<i>(sequential)</i> 003
<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>1</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> Three Affiliated Tribes will replace two tribally-owned Class 8 diesel trucks, with new trucks that contribute to improved air quality, and overall health. See Addendum for details.	
<b>Estimate of Anticipated NOx Reductions (5.2.3):</b> The estimated annual NOx reduction is 67.3%; see Addendum for more 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> Prairie Rose Chapin, Federal Programs Manager	
<b>Describe how the Beneficiary will make documentation publicly available (5.2.7.2).</b> See Addendum.	
<b>Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8).</b> Three Affiliated Tribes Tribal Roads Department will contribute \$4,419, a 1.5% cost share.	
<b>Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9).</b> Three Affiliated Tribes was not contacted by these agencies within 30 days of becoming a Beneficiary.	

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"/> | <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:

Three Affiliated Tribes

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)

September 30, 2020

DATED: \_\_\_\_\_

Brett Baker, Fixed Assets Specialist

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

[TITLE]

Fixed Assets Program

SIGNATURE: \_\_\_\_\_



\_\_\_\_\_  
[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	8/28/2020
Lead Agency Incorporates Project Sponsor's Proposal into Mitigation Plan	
Trustee Acknowledges Receipt of Project Certification and Funding Direction	10/27/2020
Trustee Allocates Share of Funds for Approved Project	11/12/2020
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	2022

**PROJECT BUDGET**

Period of Performance: <u>Third 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	\$ 295,000	\$ 290,581	\$ 4,419	\$
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>	\$ 295,000	\$ 290,581	\$	\$
<b>Percentage</b>	100 %	98.5 %	1.5 %	%

<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	\$	\$	\$	\$ 290,581	\$
2. Anticipated Annual Cost Share	\$	\$	\$	\$ 4,410	\$
3. Anticipated Total Project Funding by Year (line 1 plus line 2)	\$	\$	\$	\$ 295,000	\$
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)	\$	\$	\$	\$	\$

## Attachment D

Detailed cost estimates from selected or potential vendors for each proposed expenditure exceeding \$25,000 (5.2.6).

Nelson International of Bismarck NELSON LEASING, INC. PO Box 550 * 1716 Revere Drive * (701)-223-7676 Bismarck, ND 58502				
<b>SOLD TO</b>	THREE AFFILIATED TRIBES		<b>DATE</b>	<b>REFERENCE NO.</b>
<b>ADDRESS</b>			September 21, 2020	Quote
<b>CITY-STATE</b>	NEW TOWN, ND		<b>SALESMAN</b>	<b>NO.</b>
<b>ZIP</b>			Barry Wegner	323
<b>CONTROL NUMBER</b>	<b>QTY</b>	<b>DESCRIPTION (YEAR, MAKE, MODEL, ETC.)</b>	<b>SERIAL NUMBER</b>	<b>TOTAL PRICE</b>
	1	2022 INTERNATIONAL HV620 6X4 WITH A PUSHER AXLE		\$147,500.00
	1	2022 INTERNATIONAL HV620 6X4 WITH A PUSHER AXLE		\$147,500.00
		<b>All sales taxes are the responsibility of the buyer.....</b>		
Received above listed items in good condition.				
Customer Signature		Date		
Printed Name		Title		
<b>TOTAL AMOUNT DUE</b>				<b>\$295,000.00</b>

## **Attachment C**

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

The first semi-annual report will be submitted by May 12, 2021, no later than six months after Three Affiliated Tribes receives its first disbursement of Trust Assets. Thereafter, semi-annual reporting will be done no later than January 30 (for the preceding six-month period of July 1 to December 31) and July 30 (for the preceding six-month period of January 1 to June 30) of each year, we shall submit to the Trustee a semiannual report describing the progress implementing our project during the six-month period leading up to the reporting date (including a summary of all costs expended on the Eligible Mitigation Action through the reporting date). Reports will also be posted on our public-facing tribal webpage dedicated to the Volkswagen Settlement.



## **ADDENDUM**

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

Three Affiliated Tribes will reduce diesel emissions on Tribal lands by replacing two tribally-owned Class 8 trucks. These vehicles are used by the Tribal Rural Water and Roads Departments, for installing water lines and road construction (to new homes):

<b>Year</b>	<b>Make</b>	<b>Model</b>	<b>VIN</b>
2009	Peterbilt	367	1XPTDBEX29D768344
2004	Freightliner	Columbia	1FUJA6CG54LM63567

The trucks will be replaced with two new 2020 Class 8 diesel trucks (see Attachment D for further details):

<b>Category</b>	<b>Item</b>	<b>Quantity</b>	<b>Item Cost</b>	<b>Total</b>
Vehicles	International	2	\$147,500	\$295,000
<b>Allocation</b>				<b>\$290,581</b>
<b>Tribal Cost Share</b>				<b>\$4,419</b>

Services provided by these new vehicles are vital to the health and welfare of tribal members, as they enable them to receive water, and reliable roads to their homes, thereby improving access to all health-sustaining services away from their residences, as well as a sufficient water supply.

The original vehicles (being replaced) will be scrapped. "Scrapped" shall mean to render inoperable and available for recycle, and, at a minimum, to specifically cut a 3-inch hole in the engine block for all engines. If any Eligible Vehicle will be replaced as part of an Eligible project, Scrapped shall also include the disabling of the chassis by cutting the vehicle's frame rails completely in half.

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

NOx and reduction of other pollutants were estimated by utilizing the Environmental Protection Agency's Diesel Emissions Quantifier at <https://cfpub.epa.gov/quantifier>. The estimated annual NOx reduction (in short tons) is 67.3%; the NOx reduction over the replacement vehicle's lifetime is also 64.6%. Details follow in the tables on the next page:

# Emission Results and Health Benefits for Project: Three Affiliated Tribes THIRD FUNDING CYCLE PROJECT

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><i>Annual Results (short tons)<sup>2</sup></i></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	2.260	0.087	0.217	0.570	390.4	34,698
Amount Reduced After Upgrades	1.521	0.081	0.074	0.286	0.0	0
Percent Reduced After Upgrades	67.3%	93.9%	33.8%	50.3%	0.0%	0.0%
<b><i>Lifetime Results (short tons)<sup>2</sup></i></b>						
Baseline for Upgraded Vehicles/Engines	9.384	0.195	0.825	1.981	1,756.6	156,141
Amount Reduced After Upgrades	6.057	0.171	0.177	0.707	0.0	0
Percent Reduced After Upgrades	64.6%	87.8%	21.5%	35.7%	0.0%	0.0%
<b><i>Lifetime Cost Effectiveness (\$/short ton reduced)</i></b>						
<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

**Peterbilt:** Municipal | Long Haul - Combination | Class 8

Vehicle Replacement - ULSD (diesel)

7 years

**Freightliner:** Construction | Long Haul - Combination | Class 8

Vehicle Replacement - ULSD (diesel)

2 years

### **Describe how the Beneficiary will make documentation publicly available (5.2.7.2)**

The general public will find information through quarterly VW Settlement Trust announcements made in newspapers and posted on a publicly-accessible webpage at <https://www.mhanation.com>, which includes a link for members of the public to request additional information and documents related to the funding request and expenditure of funds. Three Affiliated Tribes endeavors to respond to such requests within ten (10) business days and, when documents are requested, advises individuals within that timeframe of the procedure for reviewing such documents.

Three Affiliated Tribes follows all laws applicable to the state of North Dakota and its Federal jurisdiction, as mandated for all matters governing the publication of confidential business information and personally-identifiable information, and exemptions thereto.