

APPENDIX D-4
Beneficiary Eligible Mitigation Action Certification

BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION

Beneficiary Fallon Paiute-Shoshone Tribe

Lead Agency Authorized to Act on Behalf of the Beneficiary Fallon Paiute-Shoshone Tribe Environmental Protection Department
(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)

Action Title:	Replacement of one Class 8 Dump Truck
Beneficiary's Project ID:	VW-2020
Funding Request No.	<i>(sequential)</i> 1
Request Type: (select one or more)	<input type="checkbox"/> Reimbursement <input checked="" type="checkbox"/> Advance <input type="checkbox"/> Other (specify): _____
Payment to be made to: (select one or more)	<input checked="" type="checkbox"/> Beneficiary <input type="checkbox"/> Other (specify): _____
Funding Request & Direction (Attachment A)	<input type="checkbox"/> Attached to this Certification <input checked="" type="checkbox"/> To be Provided Separately

SUMMARY

Eligible Mitigation Action	<input checked="" type="checkbox"/> Appendix D-2 item (specify): <u>EMA #1</u>
Action Type	<input type="checkbox"/> Item 10 - DERA Option (5.2.12) (specify and attach DERA Proposal):
Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits (5.2.2): Replacement of one Class 8 government-owned diesel 1998 Ford L9513 Dump Truck used by Fallon Paiute-Shoshone Tribal Land and Water Departments – see Addendum for details.	
Estimate of Anticipated NOx Reductions (5.2.3): This project will result in a 95.8% NOx reduction; see Addendum for details.	
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): Office of Legal Council and Finance Office of the Fallon Paiute-Shoshone Tribe (via Tribal Treasurer Daniel Allen)	
Describe how the Beneficiary will make documentation publicly available (5.2.7.2). See Addendum.	
Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8). Not applicable	
Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9). No government agency has contacted the Fallon Paiute-Shoshone Tribe regarding the Tribe's intent as 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"/> | 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 Fallon Paiute-Shoshone Tribe, 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: 9/24/2020

Ileana Henry, Environmental Specialist

[NAME]

[TITLE]

FPST Environmental Protection

SIGNATURE:  Digitally signed by Ileana Henry
DN: cn=Ileana Henry,
o=Environmental Protection, ou,
email=ileanaenviro@fpst.org, c=US
Date: 2020.09.28 11:47:19 -0700

[LEAD AGENCY]

for

Fallon Paiute-Shoshone Tribe

[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 ¹	\$	\$	\$	\$
Project Totals	\$	\$	\$	\$
Percentage	%	%	%	%

¹ 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	\$	\$	\$	\$	\$
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)	\$	\$	\$	\$	\$



Fallon Paiute-Shoshone Tribe VW Environmental Mitigation Trust Agreement

Attachment B

Eligible Mitigation Action Management Plan Including Detailed Budget and Implementation and Expenditures Timeline (5.2.4)

Milestone		Date
Trustee Notifies Fallon Paiute-Shoshone Tribe (FPST) of available mitigation funds		6/29/2020
FPST Environmental Protection Department, with approval of the FPST Tribal Council, submits mitigation proposal to Trustee		8/28/2020
Trustee acknowledges receipt of proposal and funding direction for payment advance		10/27/2020
FPST solicits bids for vehicle replacements		11/01/2020
Trustee allocates share of funds as payment advance for approval project		11/12/2020
Trustee disburses mitigation funds for Third Funding Cycle		11/12/2020
FPST issues purchase orders for replacement vehicle		12/15/2020
Replacement vehicle is delivered, registered, licensed		2/28/2021
FPST Environmental Protection Department provides detailed invoices for all claimed project costs and certification documents to for final accounting		5/12/2021
FPST Environmental Protection Department submits final report to Trustee		5/12/2021

Budget Category	Item	Calculation	Total Cost	Trust Share
Equipment	Peterbilt Dump Truck	Each	\$145,000	100%
	Disposal (of 1998 Ford)	Each	\$2,000	
	Subtotal			
Administrative Expenses	Environmental Protection Specialist	\$23.15/hour x 150 hours	\$3,472.50	
	Environmental Manager	\$30/hour x 100 hours	\$3,000	
	Fringe benefits	34.25% x \$6,472.50 (health insurance, workers' compensation, retirement, & other benefits for full-time staff, based upon their allocated project time)	\$2,216.83	
	Indirect costs	33.96% x \$6,472.50	\$2,198.06	
	Fuel for project-related trips (including in-state trainings)	Bundled	\$600	
	Office supplies	Bundled	\$527.61	
	Project laptop	Each	\$2,100	
	Project printer	Each	\$2,200	
	Printing and duplication of brochures and other materials	Bundled	\$400	
Subtotal			\$16,715	
TOTAL			\$163,715	



Fallon Paiute-Shoshone Tribe VW Environmental Mitigation Trust Agreement

Attachment C

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

The Fallon Paiute-Shoshone Tribe Environmental Protection Department will report to the Trustee in Eligible Mitigation Action implementation on a six-month basis by providing detailed written reports to the Trustee on or before the first six-month period ending by May 12, 2021. In the event the project closes all activities and expends all Trust funds prior to this date, then the May 2021 report will be submitted as the Final Report.

If the project is not closed out within the first six-month period, then the next reports will be submitted to the Trust on or before July 30, 2021 and January 30, 2022. Interim or final reports will include all actions taken by the Environmental Protection Department as the Lead Agency, all claimed project costs, documentation for emission reduction estimates, and required certification documents to the Trustee.



**Fallon Paiute-Shoshone Tribe
VW Environmental Mitigation Trust Agreement**

Attachment D

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



Custom Truck One Source

Fontana, CA

Phone: (909) 356-6899

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OX BODIES 16' Stampede 2020 Peterbilt 348

Stock NT31404 VIN 1NP3LJ0X8LD702791

\$ 145,000

Vehicle TOTAL



Detailed Specification

Engine Make	Paccar	Engine HP	370
Engine Model	PX9 D	Transmission	Automatic
Axle Config	6x4	Meter Reading	662.0
FA Capacity	20000	Characteristic Type	Dump Truck 11'+
RA Capacity	40000		
Rear End Ratio	5.29		

Cab Type	Regular Cab
Attached Body	16' Stampede
Wheelbase	212



16' Ox Stampede Dump 48" Sides

Peterbilt 348 6x4 370HP

CHASSIS SPECS

ENGINE

Paccar PX-9 370 HP,
18.7 CFM Air Compressor
VGT Exhaust Brake
120 Volt Block Heater
(2) Alliance Batteries

TRANSMISSION

Allison 3000 RDS A/T

BRAKE SYSTEM

Air Brake Package
Brake Line Air Dryer w Heater
Steel Air Reservoirs

FUEL TANK(S)

90 Gal. Aluminum LH
Def Tank Small

FRONT AXLE

Paccar 20,000 Lb 4" Drop
FAWR: 20,000 lbs
Tires: 315/80R22.5
Aluminum Wheels
Taperleaf Springs w/ 20,000 Lb. Shocks

REAR AXLE(S)

Dana Spicer DSP41 Tandem
RAWR: 40,000 lbs
Diff Lock Tandem Axles
Synthetic Axle Lubricant - All Axles
Tires: 11R22.5
Aluminum Wheels
5.29 Ratio
Hendrickson HMX400 40,000 Lb

CHASSIS FEATURES

Aluminum Cab 110" BBC
Metton Hood - Bright Finish Crown
Chromed Hood Mounted Air Intake Grille
2" Wide Fender Extensions
Daycab Rear Window
Exterior Aero Bright Sun Visor SS
(5) Amber Marker Lights
(2) West Coast SS Mirrors
(2) 8" Convex Mirrors
Dual Electric Horns
(1) 15" Air Horn U/C
Steel Styled Aero Bumper Chrome
(2) Tow Pins

INTERIOR FEATURES

Interior Gray/Black
AC / Heater / Defroster
Concertclass W/O CD, Includes BT Phone
& Audio, AM/FM, WB, USB And MP3
Adjustable Tilt and Telescopic Steering
Column
Driver Seat: Peterbilt Ultraride
High Back, Air Suspension,
Dual Armrests
Passenger Seat: Peterbilt Ultraride

GVWR

60,000 Lbs.

EQUIPMENT SPECS

FEATURES

Yardage	13/14
Body Style:	Stampede
Body Id:	85
Body Length:	16'
Hoist Model:	74133
Frame Style:	Standard 2X8 Rt
Front Style:	Straight
Rear Style:	Straight
Front Exhaust Notch:	No
Front Height:	56
Side Height Front:	48
Side Height Rear:	48
Rear Height:	54
Side Material:	Plate-1/4-AR450
Front Material:	Plate-1/4-AR450
Tailgate Material:	Plate-1/4-AR450
Floor Material:	Plate-1/4-AR450
Skirt Material:	Sheet-7GA-A36
Cabshield Style:	Standard
Cabshield Projection:	24
Cabshield Width:	85
Tarp Style:	Ox Electric
Tailgate Type:	Air High Lift
Coal Chutes:	0
Tailgate Bracing Style:	1 Horizontal
Horizontal Side Brace:	No
Side Top Rail Style:	3X4X.188 (Standard)
Lineposts:	No
Dump Apron:	Heavy Duty
Dump Apron Size:	10
Side Light Cutouts:	Lower Front
Metro Light Quantity:	1

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DISCLAIMER: Specifications are believed to be correct, but may contain errors and/or omissions. Pictures are representative and may not be identical.

PRICE: \$129,464.29

Please note price is based off FET Exemption
FET Exemption must be provided by customer
Ex Works: Kansas City, MO

QUOTE NUMBER: MTT1.14-H_20

EXPIRATION DATE: 09/14/2020

**This amount was ALREADY
incorporated into vehicle total.**



Fallon Paiute-Shoshone Tribe VW Settlement

Addendum

September 2020

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

During the third funding cycle of the Volkswagen Settlement Environmental Mitigation Trust for Indian Tribes, the Fallon Paiute-Shoshone Tribe will replace one Class 8 government-owned diesel vehicle, a 1998 Ford L9513 Dump Truck (VIN 1FDYS92K0WVA33698) that is used by Fallon Paiute-Shoshone Tribal Land and Water Department.

This vehicle will be scrapped and replaced with new, low-emission diesel truck. The Fallon Paiute-Shoshone Tribe understands the term "scrapped" means to render inoperable and available for recycle and at minimum, to specifically cut a 3" or larger hole in the engine block of the vehicle, to disassemble the chassis by cutting the vehicle frame rails completely in half.

To replace it, Fallon Paiute-Shoshone Tribe will acquire a 2020 Class 8 diesel OX BODIES 16' Stampede 2020 Peterbilt 348 Heavy Dump Truck (a Paccar, with an PX9 D Engine), at a cost of \$145,000. This cost has been obtained by a qualified dealer and reflects delivery to Fallon, Nevada, on the Fallon Paiute-Shoshone Reservation and represents a tax-exempt rate.

This replacement vehicle will improve quality of life for all tribal members, as this dump truck ensures clear safe roads in the winter, and supports in road construction projects. Further health benefits involve a reduction in PM2.5 exposure within Churchill County, as noted:

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
Churchill**, Nevada	0.027	\$2,000	-
Total	0.027	\$2,000	\$0

**The Benefits Module may be overestimating the benefits for emissions reduction projects in this county because it has relatively few emissions compared to surrounding areas. As a result, this county is likely to be a net importer of diesel emissions, and air quality is significantly affected by emissions in upwind counties. Please take this increased uncertainty into account when interpreting your results.

Enhanced air quality, by replacing this 22-year-old dump truck, is further quantified in 5.2.3.

Our project also includes administrative costs, as detailed in Attachment B. The bulk of these consist of personnel services. The hours listed for each represent the amount of time the employees will devote to this project, expressed as the number of hours per wage of each employee, including standard governmental fringe benefits per allocated wages.

The *Environmental Protection Specialist* and *Environmental Manager* will be responsible for the following activities to implement the Eligible Mitigation Actions:

- 1) Issuing requests for bids for new vehicle; evaluating proposals; procuring purchase order to acquire new vehicle; registering, titling, and inventorying new vehicle.
- 2) Contracting with a qualified firm to disable and dispose of the vehicle to be replaced.
- 3) Implementing all other aspects of the Eligible Mitigation Actions, including providing detailed invoices for all claimed project costs and providing certification documents to the Trustee for final accounting.

Estimate of Anticipated NOx Reductions (5.2.3):

The Eligible Mitigation Action to be undertaken by the Fallon Paiute-Shoshone Tribe will result in a 95.8% reduction of NOx emissions (in short tons), both annually and over the vehicle’s lifetime, as well as a reduction in other pollutants and fuel consumption. Detailed data from the *Diesel Emissions Quantifier*, which incorporates standards of the U.S. Environmental Protection Agency, our vehicle replacement are as follows:

Emission Results and Health Benefits for Project: Fallon Paiute–Shoshone Tribe Third Funding Cycle Project

Emission Results

Health Benefits

Emission Results [?]

Here are the combined results for all groups and upgrades entered for your project.¹

Annual Results (short tons)²	NO_x	PM2.5	HC	CO	CO₂	Fuel³
Baseline for Upgraded Vehicles/Engines	0.878	0.028	0.032	0.219	60.9	5,415
Amount Reduced After Upgrades	0.841	0.027	0.029	0.208	0.0	0
Percent Reduced After Upgrades	95.8%	97.3%	92.3%	95.2%	0.0%	0.0%

Lifetime Results (short tons)²	NO_x	PM2.5	HC	CO	CO₂	Fuel³
Baseline for Upgraded Vehicles/Engines	5.270	0.168	0.191	1.313	365.5	32,490
Amount Reduced After Upgrades	5.048	0.163	0.176	1.250	0.0	0
Percent Reduced After Upgrades	95.8%	97.3%	92.3%	95.2%	0.0%	0.0%

Lifetime Cost Effectiveness (\$/short ton reduced)	NO_x	PM2.5	HC	CO	CO₂	Fuel³
Capital Cost Effectiveness ⁴ (unit & labor costs only)	\$0	\$0	\$0	\$0	\$0	
Total Cost Effectiveness ⁴ (includes all project costs)	\$0	\$0	\$0	\$0	\$0	

¹ Emissions from the electrical grid are not included in the results.

² 1 short ton = 2000 lbs.

³ In gallons; fuels other than ULSD have been converted to ULSD-equivalent gallons.

⁴ Cost effectiveness estimates include only the costs which you have entered.

Remaining Life

1998 Ford Dump Truck: Municipal Short Haul - Combination Class 8 (Other) Vehicle Replacement - ULSD (diesel)	6 years
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Describe how the Beneficiary will make documentation publicly available (5.2.7.2)

As stated in Appendix D-3, the Fallon Paiute-Shoshone Tribe will establish a webpage 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 expenditures of funds. The Fallon Paiute-Shoshone Tribe 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.

The Fallon Paiute-Shoshone Tribe is committed to maintaining and making publicly available all documentation submitted in support of the 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.