

APPENDIX D-4
Beneficiary Eligible Mitigation Action Certification

BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION

Beneficiary _____

Lead Agency Authorized to Act on Behalf of the Beneficiary _____
(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:	
Beneficiary's Project ID:	
Funding Request No.	<i>(sequential)</i>
Request Type: (select one or more)	<input type="checkbox"/> Reimbursement <input type="checkbox"/> Advance <input type="checkbox"/> Other (specify): _____
Payment to be made to: (select one or more)	<input type="checkbox"/> Beneficiary <input type="checkbox"/> Other (specify): _____
Funding Request & Direction (Attachment A)	<input type="checkbox"/> Attached to this Certification <input type="checkbox"/> To be Provided Separately

SUMMARY

Eligible Mitigation Action	<input type="checkbox"/> Appendix D-2 item (specify): _____
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):	
Estimate of Anticipated NOx Reductions (5.2.3):	
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):	
Describe how the Beneficiary will make documentation publicly available (5.2.7.2).	
Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8).	
Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9).	

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).

ATTACHMENTS
(CHECK BOX IF ATTACHED)

- Attachment A Funding Request and Direction.
- Attachment B Eligible Mitigation Action Management Plan Including Detailed Budget and Implementation and Expenditures Timeline (5.2.4).
- Attachment C Detailed Plan for Reporting on Eligible Mitigation Action Implementation (5.2.11).
- 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.]
- Attachment E DERA Option (5.2.12). [Attach only if using DERA option.]
- 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 _____, 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: _____

[NAME]

[TITLE]

SIGNATURE: Bamy Heiss _____

[LEAD AGENCY]

for

[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)	\$	\$	\$	\$	\$

ADDENDUM

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

(continued)

This project will purchase a Class 8 2021 Peterbilt 389 or equivalent, replacing the 2005 farm truck, to provide a variety of benefits to the Lower Brule Sioux Tribe community, such as improved service to the community, employment opportunities, air quality, and cost savings. According to the Environmental Protection Agency's Diesel Emissions Quantifier, this mitigation action will yield an estimated annual diesel PM2.5 reduction of 0.025 short tons, which is further detailed in this table:

Health Benefits Results

County and State	Annual Diesel PM2.5 Reduction (short tons)	Annual Benefits	Annualized Unit & Labor Costs
Lyman, South Dakota	0.025	\$89	-
Total	0.025	\$89	\$66,000

This project will provide a variety of benefits to the Lower Brule Sioux Tribe community. These benefits include improved service to the community, employment opportunities, air quality, and cost savings.

- Current older trucks do not provide reliability that provides quality service to the community. Agriculture is also affected, as unreliable trucks delay crucial processes such as planting, harvest, and commodity hauling to markets where timing is always of the essence. The new trucks will significantly improve the reliability of critical functions within the tribal community.
- The new truck will provide significant improvements to features and functionality, such as automatic transmissions, accident mitigation, ease of operation and comfort features in the cab that make it easier for tribal members to learn truck driving skills, stay safe on the road, and as such attract a larger proportion of tribal members toward operation of the tribally-owned fleets. Lower Brule Sioux Tribe's single largest employer is its government and governmental operations. Employment opportunities outside of administrative work, such as transportation will provide a shot in the arm for the economic development of the community.
- As demonstrated in the emissions report provided, this project will result in significant reductions of NOx and other pollutants. Air quality and pollution is always of the utmost importance to the Lower Brule Sioux Tribe and its community members. The overall quality of life and health of tribal members must be held to a higher standard, and this project will be a significant step towards that end.
- The newer truck will reduce operating costs in regular maintenance, repairs, and fuel costs. Improved engine efficiencies improve fuel consumption and newer equipment requires less maintenance and repairs and many repairs are covered under warranty. Tying up resources and capital in operating trucks is a deterrent to investment in other community projects. The cost savings from this project will allow us to reallocate valuable and limited funds to other tribal programs.

Estimate of Anticipated NOx Reductions (5.2.3):

The number of annual short tons of nitrogen oxides expected to be reduced through this project was estimated using the Environmental Protection Agency's Diesel Emissions Quantifier. A comprehensive data summary follows, highlighting a plethora of air quality benefits that will be achieved through this mitigation action:

Project: Copy of 2005 Farm Semi Round 3

Emission Results

Health Benefits

Emission Results ?

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

<i>Annual Results (short tons)²</i>	NO_x	PM2.5	HC	CO	CO₂	Fuel³
Baseline for Upgraded Vehicles/Engines	0.332	0.025	0.024	0.100	60.9	5,415
Amount Reduced After Upgrades	0.295	0.025	0.021	0.089	4.7	415
Percent Reduced After Upgrades	88.9%	97.1%	89.6%	89.5%	7.7%	7.7%

<i>Lifetime Results (short tons)²</i>						
Baseline for Upgraded Vehicles/Engines	0.996	0.076	0.071	0.299	182.8	16,245
Amount Reduced After Upgrades	0.885	0.074	0.064	0.268	14.0	1,245
Percent Reduced After Upgrades	88.9%	97.1%	89.6%	89.5%	7.7%	7.7%

<i>Lifetime Cost Effectiveness (\$/short ton reduced)</i>						
Capital Cost Effectiveness ⁴ (unit & labor costs only)	\$209,943	\$2,523,494	\$2,908,196	\$693,366	\$13,268	
Total Cost Effectiveness ⁴ (includes all project costs)	\$209,943	\$2,523,494	\$2,908,196	\$693,366	\$13,268	

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

For purposes of participating in the Environmental Mitigation Trust, the Lower Brule Sioux Tribe will make information related to the VW Settlement publicly available at the following website: www.lowerbrulesiouxtribe.com. 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 Lower Brule Sioux Tribe 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 Lower Brule Sioux Tribal 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 Lower Brule Sioux Tribe, its entities, businesses, and instrumentalities. The disclosure of confidential and proprietary information is prohibited.

Lower Brule Sioux Tribe of South Dakota

Attachment C

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

The first semi-annual report will be submitted by May 12, 2021, no later than 6 months after the Lower Brule Sioux Tribe receives its first disbursement of trust assets, and thereafter 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, the Lower Brule Sioux Tribe shall submit to the trustee a semiannual report describing the progress implementing the Lower Brule Sioux Tribe's 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).

The Lower Brule Sioux Tribe's reports shall include a complete description of the status (including actual or projected termination date), development, implementation, and any modification of the tribal project. If necessary, the Lower Brule Sioux Tribe will engage the services of external vendors to review and/or audit these reports. These reports shall be signed by an official with the authority to submit the report for the Lower Brule Sioux tribe and will contain an attestation that the information is true and correct and that the submission is made under penalty of perjury.

The old engine and chassis will be permanently disabled. Disabling the engine consists of cutting or punching a three inch by three-inch (3" x 3") hole in the engine block. Disabling the chassis entails cutting completely through the frame/frame rails on each side of the vehicle/equipment at a point located between the front and rear axles. If other, pre-approved scrapping methods were used, details and documentation will be included, including photos of the disabled engine/chassis and a certificate of vehicle/engine destruction.

Attachment D

Class 8 Tractor

2005 Peterbilt Farm Truck

VIN:1XP5DB9X85N838226

Replaced by Class 8 2021 Peterbilt 389 or equivalent

Included Within:

- Current Registration
- Quote for new truck

SOUTH DAKOTA REGISTRATION **KEEP IN VEHICLE**

PLATE/DECAL # 58E922		ODOMETER	TITLE # 180990477	BOAT #	WGT/CC/TYPER 16500	CLASS/POWER F VC	COLORS D T RED
YEAR 2005	MAKE PETERBILT	VIN/HULL 1XP5DB9X85N838226	TONS 50	CD 58	EXPIRATION DATE 06-30-2020	ISSUE DATE 05-28-2019	FEES
OWNERS LOWER BRULE FARM CORP			TRU	MODEL/LENGTH CONVENTIONA	REG TRANS. ID # 35754657	Solid Waste 1.00 Wheel Tax 16.00 Noncommercial Moto 0.00 Highway Patrol Fee 1.00 State License Plat 0.00 Noncommercial Gros 1039.92 TOTAL 1057.92	

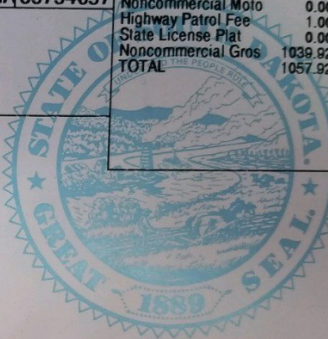
INSTRUCTIONS: 1) Remove decal by loosening paper along dotted line
2) Lift edge of decal and slowly peel
3) See back side for instructions

THE DECALS MUST BE ADHERED TO THE REGISTRATION CARD AT THE TIME OF A REFUND REQUEST

LOWER BRULE FARM CORP
PO BOX 208
FT PIERRE, SD 57532

19438141 1/1

x *William Rose*
YOUR SIGNATURE



SALES ORDER AGREEMENT

Sioux City Truck Sales, Inc. dba PETERBILT OF SIOUX CITY
4135 HARBOR DRIVE
SIOUX CITY IA, 51111
7122524566

Customer # 105531 Vehicle Order # DE-05488 - 2020-06300 Date: 08/13/2020
Name: LOWER BRULE FARM CORP. Phone: (605)280-6031
Address: Box 208
City: Ft. Pierre State: SD Zip: 57532

DESCRIPTION OF UNIT SOLD:

Quantity: 1
Vehicle ID # 191215 Vin: 1XPXP49XXMD707153 Wholesale: YES NO
Make: Peterbilt Model: 389 Model Year: 2021 Run-Thru: YES NO
Quotation # _____ List Price: _____ Price Level: \$158,669.00

Dealer Additions:

sale price includes: nut covers, hubcaps, floor mats, pusher fenders, double hump minimizers, horn under bunk, swap stacks to 48", license plate holder
deposit required to start add-on list

DESCRIPTION OF TRADE-IN:

xx **NO TRADE**

Quantity: _____
Vehicle ID # _____ Vin: _____ Run-Thru: YES NO
Make: _____ Model: _____ Year: _____ Mileage: _____
Balance Owed: _____ Date: _____ Finance Company: _____

Trade Terms:

Sale Price as described: \$158,669.00 each. Including Federal Excise Tax.
Trade-In Allowance as described: _____ each. R/T FEE WAIVED BY: _____
Deposit with Order: \$2,000.00 each. DEPOSIT WAIVED BY: _____
Amount Due at Delivery: \$156,669.00 each.

Estimated Delivery Date: 08/31/20

I agree to the terms of the above described purchase and understand I may cancel this order within three business days of the signing date below. I agree to take delivery within 10 days after being notified that the unit(s) are ready for delivery or I will forfeit my deposit. **This is not a valid agreement until signed by Sales Manager.**

Buyer's name: LOWER BRULE FARM CORP. Signature: _____ Date: 08/13/20
Salesperson: Jerry Cronin Signature: _____ Date: _____
Sales Manager: _____ Signature: Jerry Cronin Date: 08/13/20



PETERBILT OF SIOUX CITY

4135 HARBOR DRIVE
PO BOX 386
SIOUX CITY, IA 51111
Phone: (712) 252-4566 Fax: (712) 252-2466



S270

TruckCare Roadside Assistance Call: 800-473-8372



Bill-To
LOWER BRULE FARM CORP.

CusId# 105531

Date

Estimate

PE111030778

Ship-To
LOWER BRULE FARM CORP.
BOX 208
FT. PIERRE, SD 57532
(605) 280-6031

CusId# 105531

Purchase Order #	Ship Via	Date Ordered	Reference	Terms	Unit ID#	Salesperson	Writer
	WILL CALL	8/18/2020		CASH			JIMPURU

Ship	B/O	Item	Description	Bin1	Bin2	List Price	Unit Price	Extended
1	0	111M/17058	389 MAGNUM BMPR	ZOUT	ZOUT	6,444.00	4,349.70	4,349.70

MAKE SURE TO ASK ABOUT OUR BRAND NAMED PARTS..

ESTIMATE

Subtotal	4,349.70
Freight	0.00
Taxes	304.48
Total:	4,654.18

Administrative Expenses

Item	Description	Calculation	Cost
Tribal Farm Staff	Manager	\$40/hour x 20 hours	\$800
	Office Manager	\$25/hour x 10 hours	\$250
	Accountant	\$250/hour x 2 hours	\$500
Contractor	Taurus Management	See attached quote	\$2,696.82
Office support	Printing and binding application	Each	\$25
	Adobe software	Each	\$327
Scrapping	Vehicle delivery to scrapping yard	Each	\$250
Tax	State Sales Tax	Each	\$6,448
Registration	5 Years of Operation	Each	\$8,026
Insurance	5-Year policy	Each	\$4,980
TOTAL			\$24,302.82

