

APPENDIX D-4
Beneficiary Eligible Mitigation Action Certification

BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION

Beneficiary Swinomish Indian Tribal Community

Lead Agency Authorized to Act on Behalf of the Beneficiary Office of Tribal Attorney
 (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 Medium Trucks and ZEV Supply Equipment Acquisition
Beneficiary's Project ID:	VW-2020/2021
Funding Request No.	(sequential) 2
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 checked="" type="checkbox"/> Attached to this Certification <input type="checkbox"/> To be Provided Separately

SUMMARY

Eligible Mitigation Action <input checked="" type="checkbox"/> Appendix D-2 item (specify): <u>6, 9</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): See Addendum.
Estimate of Anticipated NOx Reductions (5.2.3): This project will result in NOx reduction of 87.5% (in short tons). See Addendum.
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): See Addendum.
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 U.S. Government Agency contacted Swinomish Indian Tribal Community in relation to the Trust.

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:

Swinomish Indian Tribal Community

- 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 22, 2020

Weston LeMay, Staff Attorney


DATED: _____

[NAME]

[TITLE]

Office of Tribal Attorney

SIGNATURE: _____



wlemay@swinomish.nsn.us

[LEAD AGENCY]

for

Swinomish Indian Tribal Community

[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	10/27/20
Trustee Allocates Share of Funds for Approved Project	11/12/20
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	1/01/21
Project Sponsor Enters into Contracts, Purchase Orders, etc. - Complete	
Project Installation(s) – Start	4/01/21
Project Installation(s) – Complete	09/30/21
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	09/30/21
Lead Agency Reports Project Completion	09/30/21

PROJECT BUDGET

Period of Performance: <u>November 2020-September 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	\$ 166,739	\$ 166,739	\$	\$
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	\$ 645	\$ 645	\$	\$
Project Totals	\$ 167,384	\$ 167,384	\$	\$
Percentage	100 %	100 %	%	%

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	\$	\$	\$	\$ 167,384	\$
2. Anticipated Annual Cost Share	\$	\$	\$	\$ 0	\$
3. Anticipated Total Project Funding by Year (line 1 plus line 2)	\$	\$	\$	\$ 167,384	\$
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 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 the Tribe receives its first disbursement of Trust Assets. Thereafter, semi-annual reporting will be done no later than six months after receipt of the first disbursement of Trust Assets and thereafter no later than January 30 (for the preceding six month period of July 1 through December 31) and July 30 (for the preceding six month period of January 1 through June 30) of each year will submit to the Trustee a semi-annual report describing the progress of implementing each EMA during the six month period leading up to the reporting date including a summary of all costs expended on the EMA through the reporting date. Such reports shall include a complete description of the status including actual or projected termination date, development, implementation and any modifications of each proposed EMA. The reports will be signed by an official with authority to submit the report 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 selected or potential vendors for each proposed expenditure exceeding \$25,000 (5.2.6)

Bickford Ford provided the replacement vehicle quote; the add on options are provided by Northend through Bickford Ford. The first vehicle comes with the flatbed, snow plow and spreader options, totaling **\$78,818**:

Truck Base Price	\$52,443
9' Flatbed Option	\$ 8,488
Snow Plow Option	\$ 7,692
Spreader Option	\$10,195

Added to this vehicle are the following features, to preserve the vehicle, equipment, and roadway while plowing, as well as line the bed of the truck to prevent salt and chemical rust, totaling **\$980**:

Cast Iron Plow Shoes	\$125
Rubber Snow Deflector	\$257
Boss Urethane Cutting Edge Bed Liner	\$ 598

The second vehicle comes with *just* the flatbed option, totaling **\$60,931**:

Truck Base Price	\$52,443
9' Flatbed Option	\$ 8,488

CNGP530

VEHICLE ORDER CONFIRMATION

08/25/20 19:00:33

Order No: D001 Priority: LI Ord FIN: ST999 Order Type: 60 Price Level: 115
Ord PEP: 660A Cust/Flt Name: STOCK PO Number:

F5H	F550 4X4 CHAS/C	\$43800	RETAIL	54K	TELE TT MIR-PWR	NC
	145" WHEELBASE				FRT LICENSE BKT	NC
Z1	OXFORD WHITE				LESS TPMS	
A	VNYL 40/20/40				18000# GVWR PKG	
S	MEDIUM EARTH GR			41H	ENG BLK HEATER	100
660A	PREF EQUIP PKG			41P	SKID PLATES	100
	.XL TRIM			425	50 STATE EMISS	NC
572	.AIR CONDITIONER	NC		473	SNOW PLOW PKG	250
	.AMFM/MP3/CLK				TOTAL BASE AND OPTIONS	58040
99T	6.7L V8 DIESEL	9325			TOTAL	58040
44G	10-SPD AUTOMATC	NC			*THIS IS NOT AN INVOICE*	
TGK	225 MAX TRAC	215			* MORE ORDER INFO NEXT PAGE *	
X4N	4.10 LTD SLIP	360			F8=Next	
41A	RAPID HEAT	250			F3/F12=Veh ord Menu	
90L	PWR EQUIP GROUP	865				

F1=Help F2=Return to Order
F4=Submit F5=Add to Library
S006 - MORE DATA IS AVAILABLE.

QC086801

CNGP530

VEHIC

Order No: D001 Priority: LI
Ord PEP: 660A Cust/Flt Name: STOCK

52B	BRAKE CONTRLLR	\$270	RETAIL
525	CRUISE CONTROL	235	
62R	TRANS PTO PROV	NC	
63A	UTLTY LIGHT SYS	160	
65Z	AFT AXLE TANK	NC	
67B	397 AMP ALTRNTR	NC	
872	RR CAM & PREP K	415	
	FUEL CHARGE		
	DEST AND DELIV	1695	

TOTAL BASE AND OPTIONS 58040
TOTAL 58040
THIS IS NOT AN INVOICE

F1=Help F2=Return to order
F4=Submit F5=Add to Library
S099 - PRESS F4 TO SUBMIT

F3/F12=Veh ord Menu

QC086801

TRUCK PRICE: \$52,443
9' FLAT BED: \$ 8,488
SNOW PLOW: \$ 7,692
SPREADER: \$ 10,195

TOTAL PRICE: \$78,818

*PLEASE REFER TO NORTHEAST QUOTE FOR ADDITIONAL OPTIONS

TO: DAN HUDSON
BICKFORD FORD

May 29, 2020

RE: SWINOMISH TRIBE

RE: PRICING ON ONE (1 EA.) NTE FLATBED BODY, BOSS VBX SPREADER AND 9' SUPER DUTY SNOW PLOW TO FIT A 2021 FORD F-550 4X4 FLATBED W/ DIESEL ENGINE. AND 60" CAB TO AXLE

AS FOLLOWS:

9' STRUCTURAL STEEL FLATBED
3" "C" CHANNEL CROSSMEMBERS ON 16" CENTERS
"C" CHANNELS LONG SILLS
3" X 5" X 1/4" ANGLE PERIMETER
2" X 6" T&G FIR DECKING - SEALED
FOUR (4) POST, 2" ABOVE CAB HEIGHT, 1/2 & 1/2 HEADBOARD
STAKEPOCKETS - 3" CHANNEL
HEADBOARD HIGH ALUMINUM SLATED SIDES AND REAR. TWO SECTIONS PER SIDE, AND TWO AT REAR.
2" RECEIVER HITH W/ D-RINGS AND PLUG-IN
ALL LEGAL LIGHTS, REFLECTORS, & MUDFLAPS PER DOT REG.S'
HEAVY DUTY ICC DOCK BUMPER
PRIMED PAINTED ONE COLOR -- BLACK

96" WIDE

PRICE F.O.B. BICKFORD FORD
PRICE DOES NOT INCLUDE ANY APPLICABLE TAXES.

\$ 8,488.00

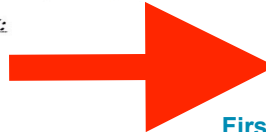
ONE (1 EA.) BOSS 9' SUPER DUTY STEEL STRAIGHT BLADE SNOW PLOW
ELECTRIC HYDRAULIC W/ SMART TOUCH CONTROLS
QUICK RELEASE W/ RT3, W SMART HITCH 2
HEATED / LED HEADLIGHTS W/ INTERGAL DIRECTIONAL LIGHTS
COMPLETE KIT INSTALLED AND OPERATIONAL

PRICE F.O.B. BICKFORD FORD
PRICE DOES NOT INCLUDE ANY APPLICABLE TAXES.

\$ 7,692.00

OPTIONS AT TIME OF ORDERING ONLY:
CAST IRON PLOW SHOES
RUBBER SNOW DEFLECTOR
BOSS URETHANE CUTTING EDGE

ADD \$ 125.00
ADD \$ 257.00
ADD \$ 598.00



First vehicle (only) additional accessories

PAGE ONE

BOSS VBX 9000 HOPPER SPREADER WITH THE FOLLOWING:

- 9' LONG - 3.0 CUBIC YARD CAPACITY, POLY
- 3/4 H.P. STAINLESS STEEL FEED MOTOR
- Completely enclosed IN CAB LCD DISPLAY CONTROLLER
- DOUBLE WALL POLYETHELENE HOPPER
- 304 STAINLESS STEEL TROUGH
- ADJUSTABLE SPINNER HEIGHT.
- STANDARD W/ TIE-DOWNS
- AUGER SPREADER W/ AUTO REVERSING MOTORS.
INSTALLED & OPERATIONAL

APPROXIMATE WEIGHT 760 LBS.

PRICE F.O.B. BICKFORD FORD
PRICE DOES NOT INCLUDE ANY APPLICABLE TAXES.

\$ 10,195.00

OPTIONS AT TIME OF ORDERING ONLY:

BOSS VBS15135 HARD "PRO-LID" FOR HOPPER
PINTLE CHAIN IN LIEU OF AUGER
MSC20100 60 GALLON PRE-WET KIT

ADD \$ 1,465.00
ADD \$ N/C
ADD \$ 1,876.00

TOTAL PACKAGE PRICE LESS SALES TAX OR ADDITIONAL OPTIONS.
\$ 26,375.00

THANKS AGAIN,

CHAD LITTLE

CONFIRMING P.O. # _____

SIGNATURE _____

BICKFORD SWINOMISH FB AND BOSS PACKAGE 5 29 2020

PAGE TWO

ADDENDUM

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

Building on the successful implementation of Eligible Mitigation Actions (EMA) during the 2019/2020 funding cycle, Swinomish Indian Tribal Community (SITC) will continue this work by completing three related EMAs during the 2020/2021 cycle: (1) replace two diesel-powered tribally-owned Class 4-7 Local Freight Trucks with two modern, low-emissions diesel trucks, (2) purchase, install, and operate Light Duty Zero Emission Vehicle (ZEV) Supply Equipment, and (3) fund Administrative Expenditures.

Replacing two older, higher-emissions diesel vehicles that exclusively operate in and around the Swinomish community with new, lower-emission diesel vehicles reduces NOx exposure to Swinomish Reservation residents, both Tribal and non-Tribal. Due to its location in close proximity to a major federal freeway, state highway, and coastal shipping routes, SITC continues to bear a disproportionate share of the burden associated with transportation emissions.

Mitigation Action 1 - Medium Truck Replacement: SITC proposes replacement of two vehicles in the Public Works Department. The Public Works Department provides maintenance for roadways and streets in Swinomish Village, in addition to maintaining Swadabs Park, the Swinomish Casino & Lodge, Pull and Be Damned Road, the waste oil facility, and cemetery. The Department staff also assist with after- hour gatherings and special events, help with community cleanups, and assist at facilities in other areas when called upon. Replacing the two vehicles will result in improved ambient air quality conditions by limiting diesel air emission. The vehicles in the Tribal fleet that SITC proposes to replace are:

Original Vehicle	Class	VIN
2005 Ford 550	6	3FRNF65Y75V169035
2005 GMC	4	J8DC4B16857009090

The F-550 and GMC will be replaced with two Class 5 2021 F-550 diesel-powered vehicles. The newer technologies in these 2021 vehicles will reduce on-road and idling emissions from the Tribal fleet.

Eligible Mitigation Action	Cost	Quantity	Total
2020 F-550 (with 9' flatbed with lining/snow plow & spreader modifications)	\$79,798	1	\$79,798
2020 F-550 (with 9' flatbed modification)	\$60,931	1	\$60,931
Total			\$140,729

Mitigation Action 2 - Light Duty ZEV: Utilizing Trust funds from its 2019/2020 allocation, SITC successfully installed Light Duty ZEV chargers in close proximity to the cluster of buildings that includes SITC’s seat of government (Administrative Building), Planning Building, and Social Services Building. SITC’s first charger became operational in January 2020 and has remained in uninterrupted service since that time.

SITC now proposes to take the next step towards EVSE infrastructure development on the Swinomish Reservation. Building on the 2019/2020 EMA and incorporating lessons learned from the location identification and installation process, SITC will install additional Level 2 electric vehicle chargers at strategic locations on the Reservation. All installed EVSE will service publicly-accessible Tribal buildings or areas and be available to the general public.

SITC has obtained cost estimates from a qualified electrician with experience installing EVSE, and propose to use industry-standard Level 2 chargers (Clipper Creek brand or equivalent). Preference will be given to chargers with energy use metering capability and/or dual charging cables, allowing for simultaneous charging. Doubling the charging capacity for each installed charger allows for efficient utilization of Trust funds, as well as reducing the management burden on SITC and allowing for greater user convenience.

Estimated cost for each station is roughly \$6,500, including installation and equipment. Costs can vary depending on installation location, for example depending on whether trenching is required and the distance to the nearest breaker box. In the event of unexpected cost overruns, Tribal funds can be requested.

Item	Cost	Quantity	Total
Level 2 EV charger	\$6,502.50	4	\$ 26,010

Mitigation Action 3 – Administrative Expenditures: The administrative costs to implement these projects include personnel, fringe, and indirect expenses for the Planning Department Project Manager and the Air Quality Analyst. The Project Manager will coordinate the purchase of new vehicles, disposal of the vehicles that are being replaced, and installation of EVSE infrastructure. The Air Quality Analyst will assist with reporting responsibilities and public disclosure requirements.

Category	Description	Calculation	Quantity	Total
Personnel	Project Manager	\$35.68/hour	6 hours	\$214.08
	Air Quality Analyst	\$28.04/hour	5 hours	\$140.20
			Subtotal	\$354.28
Fringe	45%	\$354.28	Each	\$159.43
Indirect	2020 Approved Rate - 37.04%	\$354.28	Each	\$131.23
			Total	\$645

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 87.5%; the NOx reduction over the replacement vehicle’s lifetime is also 87.5%.

Our estimated annual NOx emissions of the original fleet is 0.138 short tons. The estimated lifetime NOx emissions of this fleet is 0.691 short tons NOx. After vehicle fleet replacement with MY 2020 vehicles, annual NOx emissions are estimated to be 0.121 short tons NOx and lifetime NOx emission are estimated to be 0.604 short tons NOx. The estimated lifetime NOx emission reduction, based on default usage, is 0.976 short tons NOx.

Details follow.

Emission Results and Health Benefits for Project: VW Settlement 2020 V2

Emission Results

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

<i>Annual Results</i> <i>(short tons)²</i>	NO_x	PM2.5	HC	CO	CO₂	Fuel³
Baseline for Upgraded Vehicles/Engines	0.138	0.008	0.016	0.061	33.6	2,984
Amount Reduced After Upgrades	0.121	0.008	0.014	0.053	0.0	4
Percent Reduced After Upgrades	87.5%	96.9%	87.4%	87.2%	0.1%	0.1%

<i>Lifetime Results (short tons)²</i>						
Baseline for Upgraded Vehicles/Engines	0.691	0.041	0.082	0.306	167.9	14,920
Amount Reduced After Upgrades	0.604	0.039	0.071	0.267	0.2	20
Percent Reduced After Upgrades	87.5%	96.9%	87.4%	87.2%	0.1%	0.1%

<i>Lifetime Cost Effectiveness (\$/short ton reduced)</i>					
Capital Cost Effectiveness⁴ (unit & labor costs only)	\$176,552	\$2,709,786	\$1,495,607	\$399,815	\$474,231
Total Cost Effectiveness⁴ (includes all project costs)	\$140,643	\$2,158,646	\$1,191,418	\$318,497	\$377,778

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

F550 - 2008: Municipal Short Haul - Single Unit Class 4-5 (Utility) Vehicle Replacement - ULSD (diesel)	5 years
GMC - 2005: Municipal Short Haul - Single Unit Class 4-5 (Utility) Vehicle Replacement - ULSD (diesel)	5 years

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)

The Swinomish Grants Department, with support from the Swinomish Accounting Department and the Office of Tribal Attorney, will monitor the expenditure of EMA funds to ensure compliance with the applicable Federal and Tribal laws and requirements. The Swinomish Indian Tribal Community is a federally-recognized Indian Tribe organized pursuant to Section 16 of the Indian Reorganization Act of 1935 (25 U.S.C. § 5123) and is located in Skagit County, Washington. SITC is organized under a constitution and bylaws originally drafted by the Tribe on November 16, 1935, and approved by the Secretary of the Interior on January 27, 1936, and as most recently amended and ratified by the Tribe on May 23, 2017 and approved by the Secretary of the Interior on July 7, 2017.

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

Swinomish Indian Tribal Community has established a webpage dedicated to the funding received from the VW Settlement Trust, which includes a link for members of the public to request additional information and documents related to the funding request and expenditure of funds. The Swinomish 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 Swinomish Tribe follows the Constitution and Bylaws of the Swinomish Indian Tribal Community for matters governing the publication of confidential business information and personally identifiable information, and exemptions thereto.