

APPENDIX D-4
Beneficiary Eligible Mitigation Action Certification

BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION

Beneficiary Forest County Potawatomi Community

Lead Agency Authorized to Act on Behalf of the Beneficiary Forest County Potawatomi Community's Attorney Generals 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)

Action Title:	Replacement of Diesel Dump/Plow Truck
Beneficiary's Project ID:	2020
Funding Request No.	<i>(sequential)</i> 3
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>One Class 8 Large Truck</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): The Tribe will replace its 2007 Sterling Dump truck (VIN# 2FZHAZCV07AX64590) with a 2021 Western Star 4700SB Dump/Plow Truck. The replacement of the truck will reduce unhealthy air emissions in the vicinity of the areas of the reservation where it is used. See addendum.
Estimate of Anticipated NOx Reductions (5.2.3): There will be an 86% percent reduction of NOx emissions. 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): The Forest County Potawatomi Community's Attorney Generals Office.
Describe how the Beneficiary will make documentation publicly available (5.2.7.2). The Tribe will post on its public facing website. See addendum for details.
Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8). The Tribe will pay an estimated 30.8% cost share, totaling \$71,663.00 using allocated BIA Tribal Transportation Program Construction Funds.
Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9). Within 30 days after being deemed a beneficiary no notification was received from any Federal Agency regarding interest in the Trust Agreement.

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:

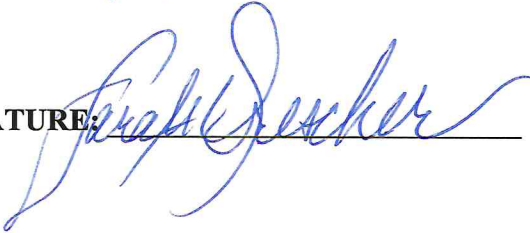
1. This application is submitted on behalf of Beneficiary Forest County Potawatomi Community, and the person executing this certification has authority to make this certification on behalf of the Lead Agency and Beneficiary, pursuant to the Certification for Beneficiary Status filed with the Court.
2. 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: 8/18/20

Sara M. Drescher, FCPC Attorney

[NAME]
[TITLE]

SIGNATURE: 

Forest County Potawatomi Community's Attorney Generals Office

[LEAD AGENCY]

for

Forest County Potawatomi 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	8-28-2020
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	12-1-2020
Project Sponsor Enters into Contracts, Purchase Orders, etc. - Complete	1-1-2021
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	5-1-2021

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	\$ 232,320.00	\$ 160,657.00	\$ 71,663.00	\$
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	\$ 232,320.00	\$ 160,657.00	\$ 71,663.00	\$
Percentage	100 %	69.2 %	30.8%	%

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	\$	\$	\$	\$ 160,657.00	\$
2. Anticipated Annual Cost Share	\$	\$	\$	\$ 71,663.00	\$
3. Anticipated Total Project Funding by Year (line 1 plus line 2)	\$	\$	\$	\$ 232,320.00	\$
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):

The Forest County Potawatomi Community is replacing a 2007 tribally-owned Class 8 Sterling dump truck/plow (VIN 2FZHAZCV07AX64590) with a 2021 dump truck/plow. This vehicle is essential to tribal road maintenance efforts, as it is used to spread salt and dirt. The cost of this new vehicle (with accessories) is \$232,320. Since our allocation is \$160, 657, BIA Tribal Transportation Program Construction Funds will provide a \$71,663 cost share. This new vehicle will reduce unhealthy air emissions, as described below.

Estimate of Anticipated NOx Reductions (5.2.3)

The EPA’s online Diesel Emissions Quantifier was used to quantify NOx reductions. Our dump truck/plow replacement will reduce NOx (short tons) by an estimated 86% in annually and over its lifetime. Details follow:

Emission Results and Health Benefits for Project: 2020 Third Funding Cycle Vehicle Replacement

Emission Results	Health Benefits					
Emission Results ¹						
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	0.079	0.000	0.002	0.009	16.5	1,463
Amount Reduced After Upgrades	0.068	0.000	0.001	0.004	-103.5	-9,204
Percent Reduced After Upgrades	86.0%	41.5%	46.4%	46.4%	-629.1%	-629.1%
<i>Lifetime Results (short tons)²</i>						
Baseline for Upgraded Vehicles/Engines	0.158	0.001	0.005	0.017	32.9	2,926
Amount Reduced After Upgrades	0.136	0.000	0.002	0.008	-207.1	-18,408
Percent Reduced After Upgrades	86.0%	41.5%	46.4%	46.4%	-629.1%	-629.1%
<i>Lifetime Cost Effectiveness (\$/short ton reduced)</i>						
Capital Cost Effectiveness⁴ (unit & labor costs only)	\$0	\$0	\$0	\$0	\$0	
Total Cost Effectiveness⁴ (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

Dump truck with plow: Municipal | Short Haul - Single Unit | Class 8 (Utility)
 Vehicle Replacement - ULSD (diesel) 2 years

Describe How the Beneficiary Will Make Documentation Publicly Available (5.2.7.2)

The Forest County Potawatomi Community will include information on its established website 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 expenditure of funds. The Forest County Potawatomi community 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.

As a general policy, Forest County Potawatomi Community complies with applicable Tribal and Federal law (and other applicable rules, regulations, and/or policies incorporated therein by reference) for matters governing the publication of confidential business information and personally identifiable information, and exemptions thereto.

All documentation and records submitted by the Forest County Potawatomi Community for the purposes of supporting each funding request, and supporting all expenditures of Trust funds, shall be available by appointment for review at the Forest County Potawatomi Community Natural Resources Building, 5320 Wensaut Lane, Crandon, Wisconsin 54520. Notification of the availability of records will be posted on the Tribes publicly facing website: *www.fcpotawatomi.com*.

Documents will be reviewed by the Forest County Potawatomi Community Attorney General's Office prior to being made available to the public, to ensure compliance with the Forest County Potawatomi Community's policies concerning the publication of confidential business information.

Attachment C

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

The Forest County Potawatomi Community / Natural Resources Dept. will report to the Trustee and post on its public facing website, the progress of the eligible mitigation action item of (Replacement of Diesel Dump Truck) This shall be done within six (6) months after receiving its first disbursement of Trust Assets, and shall continue to report in such a manner (semiannual) until the project is complete.

Upon receiving the funds, a Diesel 2021 Western Star 4700SB Dump Truck will be purchased and registered with the DOT. The invoices for said truck will be reported , and the Diesel 2007 Sterling Dump Truck shall be scrapped in a manner consistent with the definition proved in Appendix D-2 for “scrapped”.

- Funds are received from Trustee: 11-12-2020
- Forest County Potawatomi Fleet Dept purchases and receives new truck: 1-30-2021
- Forest County Potawatomi Natural Resource Dept reports to the Trustee via Intralinks, and on its public facing website, that the truck has been received : 1-31-2021
- The old truck is scrapped and certificate of destruction is obtained. 2-28-2021
- The completed project is reported to the Trustee via Intralinks and on its public facing website : 5-12-2021

Attachment D

U.P. TRUCK CENTER, INC.

P.O BOX 261 HIGHWAY US-2
QUINNESEC MI. 49876
www.uptruckcenter.com

PROPOSAL

Forest County Potawatomi Community
Wade DeVerney- Fleet Manager
8855 Mish Ko Swen Drive
Crandon, WI 54520

REVISED: Proposal # 2:

Tandem Chassis, Ground Clearance Package and Long enough to accommodate a lift axle install And/Or an Underbody scraper Install. Also includes a 15 ft. Box.

One 2021 Western Star 4700SB Tandem Axle Plow Chassis \$118,995.00

As Specified in Quote 8/11/2020

Casper Body Package (Per 8/11 Revision) \$113,325.00
Hydraulics
Behind the cab 100 Gallon Fuel/30 Gallon Hyd. Tank
15 Foot Henderson Stainless Steel Dump Box
Henderson 12' Reversible Front Plow
Universal 9' Rear Mount Wing
Universal Underbody Scraper
30 Ton Pintle Hitch
Lighting & Electrical
Hendrickson 13.5K Steerable Lift axle

Completed Tandem axle Truck as specified \$232,320.00

Estimated Delivery Time of chassis: Approx. 90 days ARO
Body Package would be later

Warranty Options- Other Options available upon request

Engine:

2 Year/200,000 miles **INCLUDED**
5 Year/100,000 miles **ADD \$2,450.00**
7 Year/100,000 miles **ADD \$4,315.00**

Please Initial If Wanted

Transmission 3 Year **INCLUDED**
 5 Year **ADD \$ 936.00**

Front and Rear Axles 2 Year **INCLUDED**
 5 Year **Add \$240.00**

Towing (550.00 Max) 1 Year included
 5 Years **ADD \$800.00**
 6 Years **Add \$950.00**

Wiring 5 Years **\$ 703.00**

Acceptance:

Signed: _____
on Behalf of Forest County Potawatomi Community

Date: _____

Chassis will be ordered upon receipt of this signed document.