

Volkswagen Environmental Mitigation Trust: Eligible Mitigation Action Semi-Annual Report

May 2021

This report is hereby presented to Wilmington Trust, N.A., acting in its capacity as Trustee for the Indian Tribe Mitigation Trust (“Trust”) pursuant to the Environmental Mitigation Trust Agreement for Indian Tribe Beneficiaries entered into between the Settling Defendants, the United States, and the State of California. The Swinomish Indian Tribal Community (“Tribe”, or “Beneficiary”) submits this report in compliance with the reporting requirements described in Section 5.3 of the Modified Trust Agreement.

Beneficiary Name: Swinomish Indian Tribal Community

Funding Cycle: Second

Reporting Period: January 2021- May 2021

Lead Agency: Swinomish Indian Tribal Community, Office of Tribal Attorney

Lead Agency Contact: Weston LeMay

Summary of Eligible Mitigation Action (EMA) Expenditures

Funding Source	Amount	Description
VW Settlement Funds	\$101,726.25 \$445.61 \$16,891.50	<i>EMA 1: F-750 replacement</i> <i>EMA 1: F-750 Towing Charge</i> <i>EMA 2: ZEV chargers (permit, purchase, and installation)</i>
Tribal Funds	N/A	N/A
EPA DERA Funds	N/A	N/A

Eligible Mitigation Action Status (per Section 5.3 of Trust)

EMA Description and Status Summary:

Mitigation Action 1 – Medium Trucks: replace two diesel-powered Class 4-7 Local Freight Trucks (Medium Trucks) with two modern, low-emissions diesel trucks.

Status: Substantially complete. The Tribe requested and received updated quotes for both trucks in June 2020. Both revised quotes were substantially higher than the quotes relied upon by the Tribe when preparing the Round 2 D-4. Because of the increased cost, the Tribe’s allocated Round 2 funds could only support the replacement of one truck. Electing to replace the F-750, the Tribe filed the appropriate Budget modification with the Trustee in July 2020. The Tribe then proceeded with the purchase of one low-emission Medium Truck and retirement of the F-750 (proof of decommission attached to this report). Consistent with internal purchasing guidelines, the Tribe is currently collecting competitive quotes for equipping the replacement truck with a trailer, which is necessary to replicate the hauling capacity of the F-750 it replaced.

Projected date of completion: July 31, 2021 *(delayed due to COVID-19)*

Mitigation Action 2 – Light Duty ZEV: purchase, install, and operate Light Duty Zero Emission Vehicle (ZEV) Supply Equipment.

Status: Complete. The Tribe has successfully purchased and installed two Level II electric vehicle chargers. Both chargers are currently operational.

Mitigation Action 3 – Administrative Expenditures: partially fund Tribe’s administrative expenses.

Status: Substantially complete. Tribal staff have maintained records of time and eligible expenses. As the final stages of EMA 1 are completed, staff will work with the Tribe’s Accounting Department to reconcile final administrative costs and submit the necessary documentation with the Tribe’s final reporting.

Projected date of completion: July 31, 2021(*delayed due to COVID-19*)

EMA Development (planning work accomplished for the project):

Mitigation Action 1: The Tribe identified one Class 6 diesel truck (a 2008 Ford F-550 with attached snowplow) and one Class 7 diesel truck (a 2005 Ford F-750 Dump Truck) eligible for replacement under the terms of the Trust. While preparing the D-4, the Tribe obtained quotes for qualifying replacement vehicles (2019 or newer diesel F-550 and F-650 trucks). Due to the length of time between the date of the original quotes and receipt of Trust funds, it was necessary to obtain updated vehicle quotes. As discussed above, when the Tribe received updated quotes for the F-550 and F-650 vehicles it became clear that the Tribe could not replace both trucks with the funds allocated in Round 2. The Tribe chose to replace the F-750 dump truck and filed a modified Budget with the Trust reflecting this change. The Tribe also identified, contacted, and made arrangements with a local business capable of decommissioning the F-750 vehicle to the Trust’s specifications.

Mitigation Action 2: The Tribe first chose an appropriate make and model of EVSE charger (dual-plug Level II chargers manufactured by Clipper Creek), then identified ZEV charger sites and contracted with a local electrician to purchase and install Charger #1. The Tribe then reviewed and selected potential sites and completed purchase and installation of Charger #2. Both chargers are operational and providing benefit to the community.

Mitigation Action 3: Tribal staff continue to maintain time and expense records in preparation for final accounting and budget reconciliation.

EMA Implementation (purchases, construction/installation of infrastructure, etc.):

Mitigation Action 1: The Tribe has completed purchase of the F-750 replacement vehicle, a lower-emission 2021 F-650 diesel truck. The Tribe has also decommissioned the F-750.

Mitigation Action 2: Both EVSE chargers have been purchased, installed, and are operational.

Mitigation Action 3: The Tribe will prepare a final accounting with administrative costs once EMA 1 is complete and administrative costs have been reconciled. The Tribe anticipates providing this accounting by July 31, 2021.

Modifications to Approved EMAs (including changes to equipment costs, tribal cost share, etc.):

The Tribe submitted a D-4 modification in July 2020, which reflected the updated quotes for the diesel replacement vehicles (EMA 1), a revised Budget, and updated the location of Charger #2 (EMA 2). The Tribe has substantially completed EMA 1 and completed EMA 2 based on that modification. The Tribe does not anticipate modifications to EMA 3 at this time.

I, Weston LeMay, attest that the information provided in this report is true and correct and that the submission of this report is made under penalty of perjury.

This report has been submitted to the Trustee on this day, May 20, 2021 via the Intralinks online file sharing platform.

Signature:  _____
Weston LeMay, Staff Attorney, Lead Agency Contact

Volkswagen Diesel Emissions Environmental Mitigation Tribal Trust

Certificate of Engine/Chassis Destruction


Beneficiary/Vehicle Owner Information

Beneficiary Name:	Swinomish Indian Tribal Community
Funding Cycle of Project:	Second Funding Cycle
Vehicle Owner Name (if different than Beneficiary):	Same

Old Vehicle/Chassis Information


Make:	Ford
Model:	F750 Dump Truck
Year:	2005
Vehicle ID Number (VIN):	3FRXF75X35V192088

Dismantler Information

Name:	Skagit River Steel and Recycling
Address:	1265 S. Anacortes Street, Burlington, WA 98233
Date of Disabling:	3-1-2021
Signature:	

Beneficiary Statement

I certify that the old engine and chassis (where applicable) have been permanently disabled according to the terms of the VW Environmental Mitigation Tribal Trust Modified Trust Agreement (punching a 3-inch hole in the engine block to disable the engine, and cutting the vehicle frame rails in half to disable the chassis).

Authorized Name:	Weston LeMay
Title:	Attorney, Lead Agency Contact
Date:	3/1/2021
Signature:	



**Skagit River
Steel & Recycling, Inc.**

Serving You Since 1958
1265 South Anacortes Street
P.O. Box 376
Burlington, WA 98233-0376
(360) 757-8096, FAX (360) 757-8820

**Scale Ticket
Receiving Ticket**

Receiving Ticket #: **175788**

Scale: RomBigScale1
Started At: 2/25/2021 9:09:07AM
Weighmaster: Ric Gonzalez
Completed At: 3/1/2021 1:42:11PM
Weighmaster: Ric Gonzalez

Received From:

SWINOMISH INDIAN TRIBAL COMMUNITY
11404 MOORAGE WAY
LA CONNER, WA 98257

Other ID 1: FORD F-750
Other ID: 3FRXF75X35V19088

Item Name	Packaging	Gross (lbs)	Tare (lbs)	Adj (lbs)	Net (lbs)
BULK APPLIANCES		39,220.0 S 1	25,320.0 S 1	0.00	13,900.0
		39,220.0	25,320.0		13,900.0

Ticket Notes:

FORD F-750 FOR SCRAP DEMO

Skagit River Steel & Recycling
Weigh-in

Skagit River Steel & Recycling
Complete

Deputy _____
Ric Gonzalez

Deputy _____
Ric Gonzalez

**** EDITED TICKET ** Edited by: Ric Gonzalez - 03/01/2021 01:42:42PM**



RECYCLING TODAY FOR TOMORROW'S FUTURE



8 TO 4:30 MONDAY THROUGH FRIDAY