



# NORTHERN ARIZONA UNIVERSITY

## Institute for Tribal Environmental Professionals

### Technical Assistance Program in the VW Settlement Environmental Mitigation Trust Agreement for Indian Tribe Beneficiaries

#### *Report of Activities for July 1 – December 31, 2018*

#### **Technical Assistance**

##### **Provider Information:**

Institute for Tribal Environmental Professionals  
Office of Native American Initiatives  
Arizona Board of Regents for and on behalf of  
Northern Arizona University  
Post Office Box 15004  
Flagstaff, AZ 86011

As per 2.1.1.5 of the Modified Environmental Mitigation Trust Agreement for Indian Tribe Beneficiaries (the “Indian Tribe Trust Agreement”) filed with the U.S. District Court for the Northern District of California on November 15, 2018 (Case 3:15-md-02672-CRB), Northern Arizona University’s Institute for Tribal Environmental Professionals (ITEP) submits the following semi-annual report. This report provides an overview of the progress of technical assistance activities provided by ITEP for the period of July 1 – December 31, 2018 (the “reporting period”) in support of the Volkswagen Diesel Emissions Environmental Mitigation Trust for Indian Tribe Beneficiaries (the “Indian Tribe Trust”).

#### **Summary**

ITEP’s Scope of Work to provide technical assistance to all federally-recognized tribes seeking to access the Indian Tribe Trust began on October 1, 2017. However, due to the March 2, 2018 Court Order issuance of a stay of the Trust Agreement, ITEP’s technical assistance activities became largely limited to outreach and a narrowed focus of technical assistance.

Specific project tasks for ITEP consist of the following:

1. One-on-One Technical Assistance
2. Web-based Outreach and Education
3. Monthly Webinars
4. In-Person Trainings

#### **Task 1: One-on-One Technical Assistance**

ITEP staff provided limited email and phone-based technical assistance to tribes contacting ITEP directly. During the reporting period, ITEP focused its technical assistance efforts primarily into

the two following categories: 1) Tribes designated as beneficiaries for the first funding cycle under the Indian Tribe Trust Agreement (“first funding cycle”); and 2) Tribes interested in becoming beneficiaries for the second funding cycle under the Indian Tribe Trust Agreement (“second funding cycle”).

**Technical assistance for First Funding Cycle:** Due to the Court ordered stay, technical assistance to the twenty-six (26) tribes that met the beneficiary requirements established by the Trust Agreement was limited. ITEP primarily provided these tribes and others with updates regarding the Court ordered stay and other information provided by the Department of Justice and the Courts as they became available.

**Technical Assistance for Second Funding Cycle:** Although the second funding cycle had not yet been formally announced by the Trustee, ITEP was contacted by 24 Tribes seeking information and technical assistance that would help them prepare for the second funding cycle. ITEP worked directly with tribal staff holding conference calls, reviewing vehicles and equipment eligibility, and providing instructions on the Beneficiary Incumbency process. A listing of Tribes seeking technical assistance from ITEP is provided in Table 1.0 below.

**Table 1.0 Tribes Provided with Technical Assistance**

Red Cliff Band of Lake Superior Chippewa
Sault Saint Marie Tribe of Chippewa Indians
Village of Chefnak
Yocha Dehe Wintun Nation
Saint Regis Mohawk Tribe
Morongo Band of Mission Indians
Miccosukee Tribe
White Earth Nation
Hopi Tribe
Gulkana Village Council
Mille Lacs Band of Ojibwe
Nez Perce Tribe
Aleutian Pribilof Islands Association
Chitina Corporation
Native Village of St. George
Native Village of Pt. Hope
Inupiat Community of the Arctic Slope
Levelock Village Council
Native Village of Nikolski
San Pasqual Band of Mission Indians
Chefnak Traditional Council
Village of Wainwright
Pueblo of Zuni
Yurok Tribe

**Task 2: Web-based Outreach and Education**

ITEP’s VW Settlement Technical Assistance Program website (<https://www7.nau.edu/itep/main/volkswagensettlement/>) was kept updated with new information and resources during the reporting period. During this reporting period ITEP staff focused on providing timely information and updates regarding the Court ordered stay. Notices from the Department of Justice and the Courts were posted on the ITEP website, along with information from the DOJ seeking tribal consultation regarding solutions to the allocation formula. Training materials such as recorded webinars, videos, and presentations continued to be maintained. The table below provides details of website traffic for the reporting period.

**Table 2.0 ITEP Website Traffic**

<b>Month and Year</b>	<b>Website Traffic Data</b>
July 2018	Page views: 310 Unique page views: 219
August 2018	Page views: 412 Unique page views: 284
September 2018	Page views: 336 Unique page views: 250
October 2018	Page views: 241 Unique page views: 200
November 2018	Page views: 184 Unique page views: 155
December 2018	Page views: 220 Unique page views: 185

**Task 3: Monthly Webinars**

Due to the Court order stay, monthly webinars for the reporting period were primarily halted. This decision was made in consultation with the Trustee. However, ITEP project staff continued to participate and conduct outreach to inform tribes of updates associated with the Court order stay and worked with Tribes that had general questions about the Trust Agreement and the requirements to become beneficiaries.

ITEP staff also organized monthly calls for Alaskan Native Tribes and participated in conference calls and webinars of tribal organizations such as the National Tribal Air Association (NTAA) to provide updates related to the Trust Agreement and ITEP’s technical assistance efforts. A summary of the webinars / calls ITEP staff participated in is provided below.

<b>DATE</b>	<b>Webinar / Conference Call</b>	<b># Attendees</b>
July 12, 2018	NTAA VW Settlement Work Group Conference Call	21
July 12, 2018	ITEP VW Settlement Technical Assistance Webinar for Alaskan Tribes	11

July 26, 2018	NTAA/EPA Air Policy Update Conference Call	39
August 2, 2018	NTAA VW Settlement Work Group Conference Call	28
August 2, 2018	ITEP VW Settlement Technical Assistance Webinar for Alaskan Tribes	3
August 30, 2018	NTAA/EPA Air Policy Update Conference Call	39
September 6, 2018	NTAA VW Settlement Work Group Conference Call	20
September 6, 2018	ITEP VW Settlement Technical Assistance Webinar for Alaskan Tribes	15
September 11, 2018	Quarterly Alaska Tribal Air Work Group Call	25
October 11, 2018	NTAA VW Settlement Work Group Conference Call	15
October 11, 2018	ITEP VW Settlement Technical Assistance Webinar for Alaskan Tribes	6
October 25, 2018	NTAA/EPA Air Policy Update Conference Call	56
November 8, 2018	NTAA VW Settlement Work Group Conference Call	20
November 29, 2018	NTAA/EPA Air Policy Update	53
December 6, 2018	NTAA VW Settlement Work Group Conference Call	25
December 6, 2018	ITEP VW Settlement Technical Assistance Webinar for Alaskan Tribes	10

#### Task 4: In-Person Trainings & Outreach Events

ITEP staff conducted two in-person trainings for 53 attendees during the reporting period. These trainings were held in Alaskan and at regional tribal environmental management conferences to leverage resources for the broadest possible application. In addition to trainings, outreach tables were set up to provide tribes with information about the VW Settlement and collect contact information to add to ITEP's growing contact list for outreach purposes. A summary of in-person trainings and outreach events conducted by ITEP project staff is provided below.

Date	Training and Outreach Events	# Attendees
August 13 – 16, 2018	Tribal Lands and Environment Forum, Spokane, WA	350 in attendance
October 23 – November 1, 2018	EPA Region 9 Tribal Environmental Management Conference, San Francisco, CA	250 in attendance
November 29 - December 2, 2018	Alaska Tribal Conference on Environmental Management	26 at training 300 in attendance
November 29 - December 2, 2018	U.S. Bureau of Indian Affairs Rural Providers' Conference, Anchorage, AK: Presentation made with State of Alaska	27 at presentation, 2100 in attendance

## ITEP Project Budget

The table below provides a summary of ITEP's project budget and expenditures to date.

**Table 3.0 Budget Summary - Transactions from: 10/01/2017 to 12/31/2018**

<b>Description</b>	<b>Project Budget</b>	<b>Transactions</b>	<b>Remaining Budget</b>
Salaries	\$178,387.00	\$100,925.77	\$77,461.23
Other Wages	\$9,520.00	\$1,365.50	\$8,154.50
ERE (Fringe Benefits)	\$72,586.00	\$36,726.70	\$35,859.30
Operations	\$45,000.00	\$16,246.80	\$28,753.20
Professional & Outside Service	\$100,000.00	\$66,058.25	\$33,941.75
Domestic Travel	\$17,004.00	\$9,630.41	\$7,373.59
Travel (Alaska)	\$10,360.00	\$8,241.62	\$2,118.38
Indirect Cost	\$133,753.00	\$73,911.43	\$59,841.57
<b>Total</b>	<b>\$566,610.00</b>	<b>\$313,106.48</b>	<b>\$132,028.49</b>

ITEP's original budget period for the first year of the project was October 1, 2017 to September 30, 2018. However, due to the stay issued by the Court, ITEP requested and received from the Trustee a 3-month no-cost extension. Therefore, the budget and project period for year one were extended to December 31, 2018. In addition, a budget modification was requested and approved to appropriate additional resources for contract services. This was an internal budget modification and therefore the total budget for year one was not changed.


### **Continuing Work and Future Activities**

ITEP will continue to provide outreach, training and technical assistance to tribes interested in becoming beneficiaries of the Volkswagen Environmental Mitigation Trust Agreement for Indian Tribe Beneficiaries. Future activities will include, but not be limited to, the following:

- Development of webinars providing instruction and guidance on the application process
- Outreach at Alaska Small Business Conference, Anchorage, AK February, 2019
- Outreach at Alaska Forum on the Environment, Anchorage, AK February, 2019
- EPA Region 5 Tribal Environmental Management Conference, Chicago, IL March 2019
- Outreach at the National Tribal Forum on Air Quality, Temecula, CA May, 2019
- Outreach at the Tribal Lands and Environment Forum, Palm Springs, CA August 2019
- Development of fact-sheets and brochures to federally recognized tribes
- Planning and development of the Tribal Advisory Council
- Hire additional project staff and contract support to further enhance technical support services

ITEP will also continue to seek feedback and comments from tribes on how to improve its services to better meet the training and technical assistance needs of tribes.

This report is submitted on January 31, 2019 to Wilmington Trust, N.A. as per Section 2.1.1.5 of the Environmental Mitigation Modified Trust Agreement for Indian Tribe Beneficiaries filed with the U.S. District Court for the Northern District of California on November 11, 2018 (Case 3:15-md-02672-CRB). We attest that the information is true and correct and that the submission is made under penalty of perjury.

 1/28/19

Mehrdad Khatibi  
Director  
Institute for Tribal Environmental Professionals

 1/28/19

Andy Bessler  
Project Director  
Institute for Tribal Environmental Professionals

END OF REPORT