Institute for Tribal Environmental Professionals

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

Report of Activities for January 1 – June 30, 2020

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 86001

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 January 1 – June 30, 2019 (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.

Specific project tasks for ITEP consist of the following:

1. One-on-One Technical Assistance
2. Web-based Outreach and Education
3. Webinars
4. In-Person Trainings
5. Establishment of Tribal Advisory Council

Task 1: One-on-One Technical Assistance

ITEP staff provided email and phone-based technical assistance to tribes contacting ITEP directly. During the reporting period, ITEP provided technical assistance efforts to both Tribes designated as beneficiaries for the first and second funding cycles under the Indian Tribe Trust.
Agreement, and Tribes interested in becoming beneficiaries for the third and future funding cycles under the Indian Tribe Trust Agreement.

In the first half of 2020 ITEP worked with Beneficiaries from the first and second funding cycles, to prepare, revise, and submit their semi-annual reports to the Trustee as required by the Modified Trust Agreement. ITEP also assisted a number of Tribes who were interested in becoming new Beneficiaries of the Tribal Trust to submit their Appendix D-3 documents by the March 16th deadline. Finally, ITEP worked with Beneficiaries designated in all three funding cycles to submit their Appendix D-6 documents if they wanted to participate in the third funding cycle.

As the program has grown, so too has the number of Tribes participating, along with the number to whom ITEP has provided technical assistance. In all ITEP worked with 107 Tribes seeking technical assistance during this reporting period, which represents a 73% increase over the number served during the previous reporting period. A complete listing of Tribes seeking technical assistance from ITEP is provided in Table 1.0 below.

**Table 1.0 Tribes Provided with Technical Assistance**

<table>
<thead>
<tr>
<th>Tribe Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arctic Village</td>
</tr>
<tr>
<td>Bad River Band of Lake Superior Chippewa Tribe</td>
</tr>
<tr>
<td>Bishop Paiute Tribe</td>
</tr>
<tr>
<td>Blue Lake Rancheria</td>
</tr>
<tr>
<td>Bois Forte Band of Chippewa</td>
</tr>
<tr>
<td>Cahto Tribe of the Laytonville Rancheria</td>
</tr>
<tr>
<td>Central Council of the Tlingit &amp; Haida Indian Tribes of Alaska</td>
</tr>
<tr>
<td>Cherokee Nation</td>
</tr>
<tr>
<td>Chevak Native Village</td>
</tr>
<tr>
<td>Cheyenne River Sioux Tribe of the Cheyenne River Reservation</td>
</tr>
<tr>
<td>Chickaloon Native Village</td>
</tr>
<tr>
<td>Chickasaw Nation</td>
</tr>
<tr>
<td>Chuathbaluk</td>
</tr>
<tr>
<td>Citizen Potawatomi Nation</td>
</tr>
<tr>
<td>Colorado River Indian Tribes</td>
</tr>
<tr>
<td>Confederated Salish &amp; Kootenai Tribes</td>
</tr>
<tr>
<td>Confederated Tribes and Bands of the Yakama Nation</td>
</tr>
<tr>
<td>Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians</td>
</tr>
<tr>
<td>Confederated Tribes of the Colville Reservation</td>
</tr>
<tr>
<td>Coquille Indian Tribe</td>
</tr>
<tr>
<td>Coushatta Tribe of Louisiana</td>
</tr>
<tr>
<td>Craig Tribal Association</td>
</tr>
<tr>
<td>Elk Valley Rancheria</td>
</tr>
<tr>
<td>Fallon Paiute-Shoshone Tribe</td>
</tr>
<tr>
<td>Forest County Potawatomi Community</td>
</tr>
</tbody>
</table>

2
<table>
<thead>
<tr>
<th>Fort Independence Community of Paiutes of the Fort Independence Indian Reservation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Galena Village (aka Louden Village)</td>
</tr>
<tr>
<td>Gila River Indian Community of the Gila River Indian Reservation, Arizona</td>
</tr>
<tr>
<td>Grand Traverse Band of Ottawa &amp; Chippewa Indians</td>
</tr>
<tr>
<td>Gulkana Village Council</td>
</tr>
<tr>
<td>Hoopa Valley Tribe</td>
</tr>
<tr>
<td>Huslia Village</td>
</tr>
<tr>
<td>Iqurmuit Traditional Council</td>
</tr>
<tr>
<td>Kickapoo Tribe in Kansas</td>
</tr>
<tr>
<td>Knik Tribe</td>
</tr>
<tr>
<td>Kobuk Traditional Council</td>
</tr>
<tr>
<td>Kongiganak</td>
</tr>
<tr>
<td>Lower Brule Sioux Tribe</td>
</tr>
<tr>
<td>Maniilaq Association</td>
</tr>
<tr>
<td>Manley Hot Springs Village</td>
</tr>
<tr>
<td>Manokotak Village</td>
</tr>
<tr>
<td>Mashantucket Pequot Tribal Nation</td>
</tr>
<tr>
<td>Metlakatla Indian Community</td>
</tr>
<tr>
<td>Mille Lacs Band of Ojibwe</td>
</tr>
<tr>
<td>Minnesota Chippewa Tribe - Fond du Lac Band (of Lake Superior Chippewa)</td>
</tr>
<tr>
<td>Mohegan Tribe of Indians of Connecticut</td>
</tr>
<tr>
<td>Muscogee (Creek) Nation</td>
</tr>
<tr>
<td>Native Village of Brevig Mission</td>
</tr>
<tr>
<td>Native Village of Diomede</td>
</tr>
<tr>
<td>Native Village of Elim</td>
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<tr>
<td>Native Village of Eyak</td>
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<tr>
<td>Native Village of Iliamna</td>
</tr>
<tr>
<td>Native Village of Kipnuk</td>
</tr>
<tr>
<td>Native Village of Kwigillingok</td>
</tr>
<tr>
<td>Native Village of Kwinhagak</td>
</tr>
<tr>
<td>Native Village of Mary's Igloo</td>
</tr>
<tr>
<td>Native Village of Port Heiden</td>
</tr>
<tr>
<td>Native Village of Savoonga</td>
</tr>
<tr>
<td>Native Village of Shaktoolik</td>
</tr>
<tr>
<td>Native Village of Shishmaref</td>
</tr>
<tr>
<td>Native Village of St. Michael</td>
</tr>
<tr>
<td>Native Village of Stebbins</td>
</tr>
<tr>
<td>Native Village of Tanacross</td>
</tr>
<tr>
<td>Native Village of Teller</td>
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<tr>
<td>Native Village of Unalakleet</td>
</tr>
<tr>
<td>Native Village of Wainwright</td>
</tr>
<tr>
<td>Native Village of Wales</td>
</tr>
<tr>
<td>Native Village of White Mountain</td>
</tr>
<tr>
<td>Navajo Nation</td>
</tr>
<tr>
<td>New Koliganek Village Council</td>
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<tr>
<td>Nez Perce Tribe</td>
</tr>
<tr>
<td>Noorvik Native Community</td>
</tr>
<tr>
<td>Oglala Sioux Tribe</td>
</tr>
<tr>
<td>Oneida Nation</td>
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<tr>
<td>Organized Village of Grayling</td>
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<tr>
<td>Organized Village of Saxman</td>
</tr>
<tr>
<td>Pala Band of Mission Indians</td>
</tr>
<tr>
<td>Pedro Bay</td>
</tr>
<tr>
<td>Pilot Point Tribal Council</td>
</tr>
<tr>
<td>Prairie Band Potawatomi Nation</td>
</tr>
<tr>
<td>Pueblo of Cochiti</td>
</tr>
<tr>
<td>Pueblo of Isleta</td>
</tr>
<tr>
<td>Pueblo of Jemez</td>
</tr>
<tr>
<td>Pueblo of Laguna</td>
</tr>
<tr>
<td>Pyramid Lake Paiute Tribe</td>
</tr>
<tr>
<td>Quapaw Tribe of Indians</td>
</tr>
<tr>
<td>Quinault Indian Nation</td>
</tr>
<tr>
<td>Red Cliff Band of Lake Superior Chippewa</td>
</tr>
<tr>
<td>Red Lake Band of Chippewa Indians</td>
</tr>
<tr>
<td>Rincon Band of Luiseño Indians</td>
</tr>
<tr>
<td>Saint Regis Mohawk Tribe</td>
</tr>
<tr>
<td>Salt River Pima-Maricopa Indian Community</td>
</tr>
<tr>
<td>Sault Saint Marie Tribe of Chippewa Indians</td>
</tr>
<tr>
<td>Shoshone Paiute tribes of the Duck Valley Reservation</td>
</tr>
<tr>
<td>Shoshone-Bannock Tribes</td>
</tr>
<tr>
<td>Swinomish Indian Tribal Community</td>
</tr>
<tr>
<td>The Confederated Tribes of Warm Springs</td>
</tr>
<tr>
<td>Three Affiliated Tribes of the Fort Berthold Reservation, ND (MHA)</td>
</tr>
<tr>
<td>Tohono O'odham Nation</td>
</tr>
<tr>
<td>Tule River Tribe</td>
</tr>
<tr>
<td>Upper Sioux Community</td>
</tr>
<tr>
<td>Ute Indian Tribe</td>
</tr>
<tr>
<td>Ute Mountain Ute Tribe</td>
</tr>
<tr>
<td>Village of Solomon</td>
</tr>
<tr>
<td>White Mountain Apache Tribe</td>
</tr>
<tr>
<td>Yocha Dehe Wintun Nation</td>
</tr>
<tr>
<td>Yurok Tribe</td>
</tr>
</tbody>
</table>
Task 2: Web-based Outreach and Education

ITEP’s VW Settlement Technical Assistance Program website ([https://nau.edu/itep-vw](https://nau.edu/itep-vw)) was kept updated with new information and resources during the reporting period. 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**

<table>
<thead>
<tr>
<th>Month and Year</th>
<th>Website Traffic Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 2020</td>
<td>Page views: 461</td>
</tr>
<tr>
<td></td>
<td>Unique page views: 385</td>
</tr>
<tr>
<td>February 2020</td>
<td>Page views: 449</td>
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<tr>
<td></td>
<td>Unique page views: 364</td>
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<tr>
<td>March 2020</td>
<td>Page views: 179</td>
</tr>
<tr>
<td></td>
<td>Unique page views: 156</td>
</tr>
<tr>
<td>April 2020</td>
<td>Page views: 121</td>
</tr>
<tr>
<td></td>
<td>Unique page views: 101</td>
</tr>
<tr>
<td>May 2020</td>
<td>Page views: 246</td>
</tr>
<tr>
<td></td>
<td>Unique page views: 127</td>
</tr>
<tr>
<td>June 2020</td>
<td>Page views: 275</td>
</tr>
<tr>
<td></td>
<td>Unique page views: 229</td>
</tr>
<tr>
<td><strong>Total for Reporting Period</strong></td>
<td>Page views: 1,731</td>
</tr>
<tr>
<td></td>
<td>Unique page views: 1,362</td>
</tr>
</tbody>
</table>

During the reporting period ITEP also hired a part-time Research Assistant, Wilda Anagal, to provide support for the Technical Assistance Program. Ms. Anagal will work on a variety of tasks such as summarizing all of the projects funded to date by the VW Trust, developing expertise in the EPA’s Diesel Emissions Reduction Act (DERA) program, researching diesel emissions reduction technologies for applicability to the VW Settlement and DERA program, and researching state VW mitigation programs for applicability to Tribes. The results of these tasks may be added to ITEP’s VW Settlement Technical Assistance Program website to assist Tribes in determining the types of projects they would like to pursue with their allocations, and to understand the technical details of the various options and funding mechanisms available to them.

Task 3: Webinars

During this reporting period ITEP conducted outreach and training to Tribes through periodic webinars. Timed to coincide with new developments or deadlines for the first and second funding cycles, ITEP used these webinars to present information on the overall process of becoming a Beneficiary of and seeking funds from the Tribal Trust, instruct Tribes in the requirements of specific forms and attachments to be submitted at various points in the process, and remind Tribes of upcoming deadlines.
ITEP staff also 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.

<table>
<thead>
<tr>
<th>DATE</th>
<th>Webinar / Conference Call</th>
<th># Attendees</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 9, 2020</td>
<td>NTAA Mobile Sources Work Group Conference Call</td>
<td>24</td>
</tr>
<tr>
<td>January 22, 2020</td>
<td>VW Environmental Mitigation Trust Agreement Third Funding Cycle Information Webinar</td>
<td>17</td>
</tr>
<tr>
<td>January 29, 2020</td>
<td>VW Environmental Mitigation Trust Agreement Third Funding Cycle Information Webinar (Encore)</td>
<td>6</td>
</tr>
<tr>
<td>January 30, 2020</td>
<td>NTAA/EPA Air Policy Update Conference Call</td>
<td>56</td>
</tr>
<tr>
<td>February 6, 2020</td>
<td>NTAA Mobile Sources Work Group Conference Call</td>
<td>17</td>
</tr>
<tr>
<td>February 13, 2020</td>
<td>ITEP VW Settlement Technical Assistance Program’s How to Become a Beneficiary Webinar</td>
<td>7</td>
</tr>
<tr>
<td>February 20, 2020</td>
<td>ITEP VW Settlement Technical Assistance Program’s How to Become a Beneficiary Webinar (Encore)</td>
<td>4</td>
</tr>
<tr>
<td>February 27, 2020</td>
<td>NTAA/EPA Air Policy Update Conference Call</td>
<td>47</td>
</tr>
<tr>
<td>March 5, 2020</td>
<td>NTAA Mobile Sources Work Group Conference Call</td>
<td>13</td>
</tr>
<tr>
<td>March 26, 2020</td>
<td>NTAA/EPA Air Policy Update Conference Call</td>
<td>50</td>
</tr>
<tr>
<td>April 2, 2020</td>
<td>NTAA Mobile Sources Work Group Conference Call</td>
<td>15</td>
</tr>
<tr>
<td>April 30, 2019</td>
<td>NTAA/EPA Air Policy Update Conference Call</td>
<td>59</td>
</tr>
<tr>
<td>May 7, 2020</td>
<td>NTAA Mobile Sources Work Group Conference Call</td>
<td>28</td>
</tr>
<tr>
<td>May 11, 2020</td>
<td>NTAA EC Monthly Call with EPA and Partners</td>
<td>25</td>
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<tr>
<td>May 28, 2020</td>
<td>NTAA/EPA Air Policy Update Conference Call</td>
<td>48</td>
</tr>
<tr>
<td>June 3, 2020</td>
<td>ITEP VW Settlement Technical Assistance Program’s Third Funding Cycle Informational Webinar</td>
<td>17</td>
</tr>
<tr>
<td>June 4, 2020</td>
<td>NTAA Mobile Sources Work Group Conference Call</td>
<td>24</td>
</tr>
<tr>
<td>June 8, 2020</td>
<td>NTAA EC Monthly Call with EPA and Partners</td>
<td>24</td>
</tr>
<tr>
<td>June 9, 2020</td>
<td>ITEP VW Settlement Technical Assistance Program’s Third Funding Cycle Informational Webinar (Encore)</td>
<td>1</td>
</tr>
<tr>
<td>June 25, 2020</td>
<td>NTAA/EPA Air Policy Update Conference Call</td>
<td>63</td>
</tr>
</tbody>
</table>

**Total number of webinars & conference calls: 20**

**Total number of participants: 545**

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

Due to the widespread cancellation of conferences and other in-person events caused by the Covid-19 pandemic, ITEP staff was not able to conduct any in-person trainings or outreach events during the reporting period. Instead, ITEP focused on direct outreach by phone and email to ensure we had good contacts at each Beneficiary Tribe, who were still working despite the
various shutdowns, and that they had the information and assistance they needed to participate in the VW program during this funding cycle.

**Task 5: Establishment of Tribal Advisory Council**

As part of the Modified Trust Agreement, ITEP was tasked with establishing a Tribal Advisory Council (TAC). The purpose of the TAC is to advise the technical assistance provider (ITEP) on its outreach and training efforts to ensure that Indian Tribes are aware of the Indian Tribe Trust, and to provide a forum for Indian Tribes to raise general questions relating to the Indian Tribe Trust Agreement.

In March, 2019, ITEP solicited applications for membership in the TAC, and in April the TAC was formally established with seven members from Tribes across the country, including Alaska. Members of the TAC are listed below.

- Amy Mignella: White Mountain Apache Tribe (Arizona)
- Carter Thomas: Confederated Tribes of Coos, Lower Umpqua, Siuslaw Indians (Oregon)
- Dave Messier: Tanana Chiefs Conference (Alaska)
- David Wagner: Mashantucket Pequot Tribal Nation (Connecticut)
- Joe Cebe: Forest County Potawatomi Tribe (Wisconsin)
- Shain Heiss: contractor to Lower Brule Sioux Tribe (South Dakota)
- Stephen Kullmann: Blue Lake Rancheria (California)*

The TAC has met monthly since May of 2019, to address questions from Tribes as they came up and provide feedback to ITEP and the Trustee about the process. Meeting notes were developed by ITEP staff at the conclusion of all monthly meetings and shared with TAC members.

The TAC and ITEP were invited to attend and participate in the 2020 Green Transportation Summit and Expo originally scheduled for March 2020. However, due to the Covid-19 pandemic the Expo was postponed and has been rescheduled to May 24-26, 2021.

* Stephen Kullmann left the employment of Blue Lake Rancheria at the end of May, 2020, and is no longer serving on the TAC.

**ITEP Project Budget**

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

<table>
<thead>
<tr>
<th>Table 3.0 Budget Summary – Transactions from: 10/01/2017 to 06/30/2020</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Description</strong></td>
</tr>
<tr>
<td>-----------------</td>
</tr>
<tr>
<td>Salaries &amp; Wages</td>
</tr>
<tr>
<td>Fringe Benefits</td>
</tr>
<tr>
<td>Supplies &amp; Communications</td>
</tr>
</tbody>
</table>
ITEP has managed the budget resources of this program prudently since its inception, ensuring that expenditures are aligned with work plan tasks and necessary to serve the technical assistance needs of tribes.

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 the Tribal Lands and Environment Forum virtual event, August 2020
- Development of fact-sheets and brochures to federally recognized tribes
- Continued support of and work with the Tribal Advisory Council

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 July 31, 2020 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.

______________________
Mehrdad Khatibi
Director
Institute for Tribal Environmental Professionals

______________________
Mark Daniels
Program Coordinator