

# 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 or 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:** Third

**Reporting Period:** November 2020 – May 2021

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

**Lead Agency Contact:** Weston LeMay

## Summary of Eligible Mitigation Action (EMA) Expenditures

<b>Funding Source</b>	<b>Amount</b>	<b>Description</b>
VW Settlement Funds	\$6,903.50	<i>EMA 2:</i> ZEV charger (permit, purchase, and installation)
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:* Tribal vehicles selected; eligible replacement vehicles identified.

*Projected date of completion:* September 1, 2021 (*delayed due to changes in project proponents*)

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

*Status:* ZEV charger and supplier selected; Charger #1 purchased, installed, and operational; Charger #2 site selection in process.

*Actual date of completion (Charger #1):* 3/5/2021

*Projected date of completion (Charger #2):* September 1, 2021.

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

*Status:* The Tribe’s Air Quality Program Staff were brought on as Project Proponents to aid in project management and coordination (onboarding time not charged) in April 2021. Otherwise, work thus far has been under contract, requiring no significant staff time. Tribal staff are maintaining records of time and eligible expenses. This portion of the funds has not been charged yet.

*Projected date of completion:* September 15, 2021

**EMA Development (planning work accomplished for the project):**

**Mitigation Action 1:** The Tribe identified one Class 6 diesel truck (a 2005 Ford F550) and one Class 4 diesel truck (2005 GMC) eligible for replacement under the terms of the Trust. While preparing the D-4, the Tribe obtained quotes for qualifying replacement vehicles (2020 or newer diesel F550 trucks). Due to the length of time between the date of the original quotes and receipt of Trust funds, it is necessary to obtain updated vehicle quotes. Due to changes in project staff, obtaining updated quotes has been delayed.

**Mitigation Action 2:** The Tribe identified ZEV charger sites and contracted with a local electrician to purchase and install Charger #1, a dual-plug Level II Clipper Creek charger. Charger #1 is now fully installed and operational. Currently, the project proponents are developing a proposed location for Charger #2. This will be reviewed by the Tribe's Planning Department in order to maximize benefit for the community.

**Mitigation Action 3:** N/A.

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

**Mitigation Action 1:** Once the Tribe receives updated quotes requested for the 2005 F550 and GMC trucks, the Tribe will place orders for the replacement vehicles. The Tribe expects to complete this step by July 2021. Upon receipt of the replacement trucks, the Tribe will decommission the EMA vehicles per Trust requirements. As COVID-19 is still a factor, delays may occur.

**Mitigation Action 2:** Charger #1 has been purchased and installed, and is fully operational. Due to changes in financial management processes, the invoice and permit cost have yet to be processed. Purchase of Charger #2 will proceed when the Tribe completes site review, and updates will be included in the D-4 modification to be submitted by July 31, 2021. The Tribe expects to complete purchase and installation of Charger #2 by September 1, 2021.

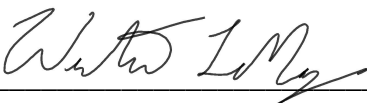
**Mitigation Action 3:** The Tribe did not expend Trust funds on eligible administrative costs and expenses during this reporting period.

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

The Tribe intends to submit a D-4 modification by July 31, 2021, which will reflect the updated quotes for the diesel replacement vehicles (EMA 1) and location of Charger #2 (EMA 2). 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, 2020, via the Intralinks online file sharing platform.

Signature:  \_\_\_\_\_

Weston LeMay, Staff Attorney, Lead Agency Contact