

## **The Volkswagen Diesel Emissions Environmental Mitigation Trust for Indian Tribe Beneficiaries**

### **Fourth Funding Cycle: Trustee Opens Window for Accepting Participation Notices from Designated Beneficiaries of the Indian Tribe Trust**

Wilmington Trust, N.A., as Trustee (the “Trustee”) for the Volkswagen Diesel Emissions Environmental Mitigation Trust for Indian Tribe Beneficiaries (the “Indian Tribe Trust”) hereby gives notice that, in accordance with subparagraph 5.0.5.3.3 of the Indian Tribe Trust, any Designated Beneficiaries<sup>1</sup> that wish to participate in the **Fourth Funding Cycle** must file their Appendix D-6 Designated Beneficiary’s Participation Notice with the Trustee by the **June 16, 2021 deadline**, by which date the window for accepting Appendix D-6 filings from Beneficiaries will close.

**Filings of the Appendix D-6 Designated Beneficiary’s Participation Notice received by the Trustee after June 16, 2021 will be rejected and such Beneficiaries will not be eligible to participate in the Fourth Funding Cycle.**

**Designated Beneficiary Tribes should assume that the Fourth Funding Cycle will be the final Funding Cycle under the Indian Tribe Trust.**

Following the Fourth Funding Cycle, the Trustee, in conference with the United States, is required to make a determination in accordance with the terms of subparagraph 5.0.5.3.4 of the Indian Tribe Trust agreement as to whether there are sufficient funds remaining to hold a Fifth Funding Cycle. If there are sufficient funds to hold a Fifth Funding Cycle, then the Trustee will notify all Designated Beneficiaries of the Indian Tribe Trust of the deadlines relating to that funding cycle.

If the Trustee determines that there are insufficient funds remaining to hold a Fifth Funding Cycle, then the Trustee will commence the orderly termination of the Indian Tribe Trust in accordance with the terms of the Indian Tribe Trust agreement.

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<sup>1</sup> Only a Federally-recognized Indian Tribe that has been designated as a Beneficiary of the Indian Tribe Trust via a Trustee filing of a Notice of Beneficiary Designation (“NBD”) with the Court) may submit an Appendix D-6 to the Trustee. To date, the Trustee has filed three NBDs:

- January 29, 2018 - <https://www.vwenvironmentalmitigationtrust.com/TribeNBD1>;
- May 17, 2019 - <https://www.vwenvironmentalmitigationtrust.com/TribeNBD2>;
- May 15, 2020 - <https://www.vwenvironmentalmitigationtrust.com/TribeNBD3>; and
- May 17, 2021 - <https://www.vwenvironmentalmitigationtrust.com/TribeNBD4>.

Submitting the Appendix D-6 Designated Beneficiary's Participation Notice to the Trustee

Interested Designated Beneficiary Tribes may submit by deadline an executed Appendix D-6 to the Trustee **via the Intralinks portal**

A fillable copy of the D-6 is attached hereto and is also available for download by Beneficiary Tribes in the General Information folder in Intralinks.

The Institute for Tribal Environmental Professionals (ITEP) is providing technical assistance to Designated Beneficiaries in connection with completing and uploading the required documentation.

Contacts

For additional information or assistance, please contact the Trustee or ITEP.

**Trustee – trust inquiries**

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**BY:** Wilmington Trust, N.A., as Trustee for the Volkswagen Diesel Emissions Environmental Mitigation Trust for Indian Tribe Beneficiaries

**DATE:** May 24, 2021