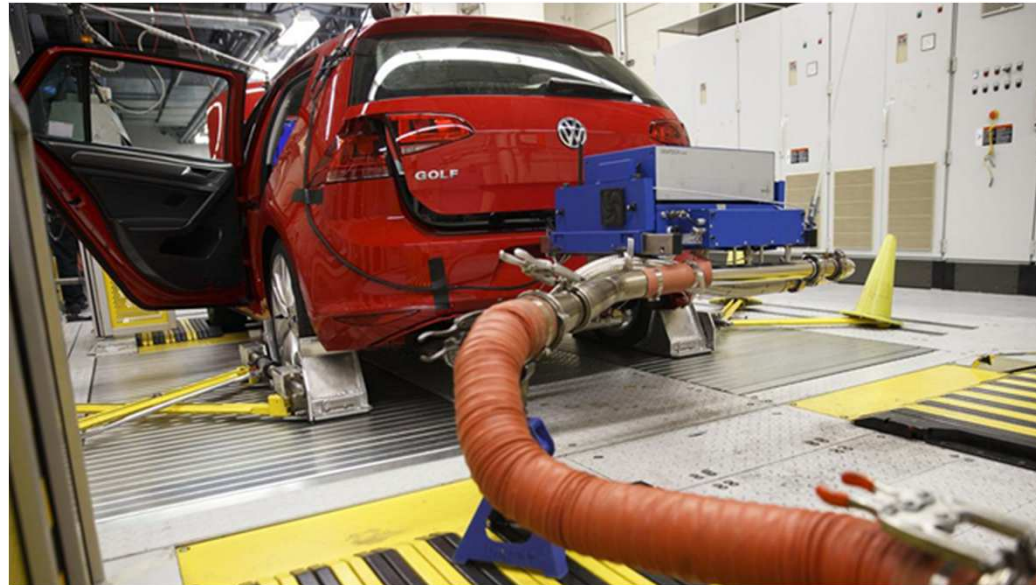


Technical Assistance

VW Environmental Mitigation Trust Agreement



**NORTHERN
ARIZONA**
UNIVERSITY



Mehrdad Khatibi
Director
Institute for Tribal
Environmental Professionals
Northern Arizona University



Overview of Presentation

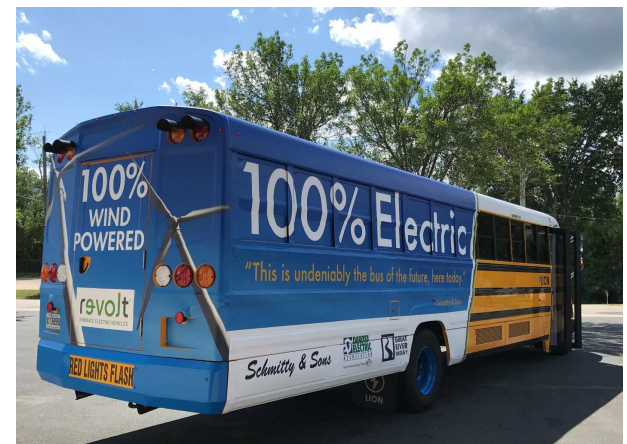
- * Role of ITEP as Technical Assistance Provider
- * Process for Tribal Beneficiaries
 - * Required forms and important documents
- * Lessons learned from First Round
- * Tribal Advisory Council
- * Questions



Technical Assistance Provider

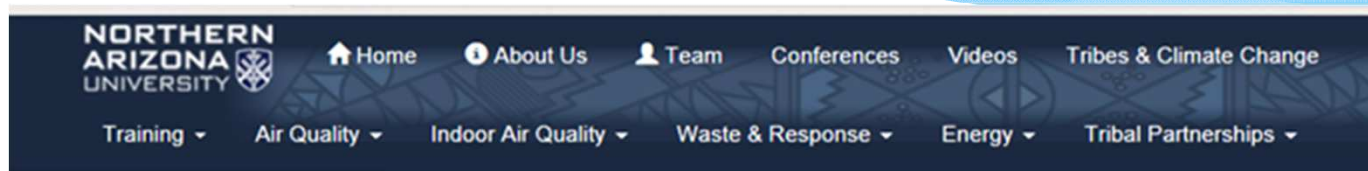
- * Section 2.1.1.1 Trust Agreement ITEP was named as the TAP to... *”assist Indian Tribes in preparing funding requests for Eligible Mitigation Actions.”*
- * Services include:
 - * Web-based Outreach & Education
 - * Monthly webinars
 - * In-Person Trainings
 - * One-on-one technical assistance

ITEP’s TAP work plan can be found on the Trustee website: https://www.vwenvironmentalmitigationtrust.com/pdfs/12.1.17 ITEP_Public_Tech_Assistance_%20Plan_for_the_VW_Settlement_Environm....pdf



Technical Assistance Web-based Outreach & Education

Website: <http://www7.nau.edu/itep/main/volkswagensettlement/>



Volkswagen Settlement:

Volkswagen Settlement Home

Introductory Trainings

Helpful Web Links

Court Documents

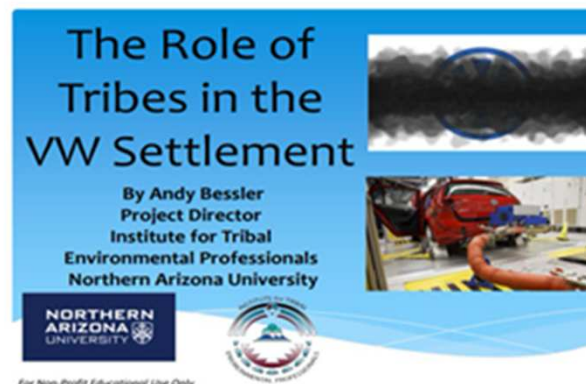
Tribal Advisory Committee

EPA and DERA Resources

Indian Country Projects

Introductory Trainings

- > [2017 Recording of the ITEP Introductory Webinar](#)
- > [ITEP Introductory presentation on the VW Settlement](#)



Technical Assistance - Outreach

Other Outreach Resources

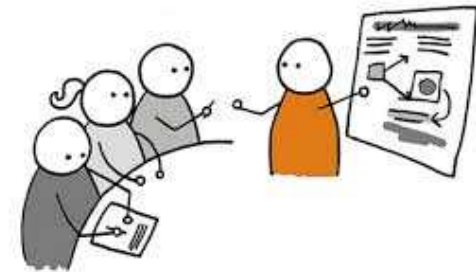
- * Monthly webinars
- * Factsheets
- * Presentations at regional and national tribal environmental meetings / conferences
 - * NTF, RTOC meetings, and others.
- * Tribal VW Outreach Listserv



Outreach at Alaska Forum on the Environment (AFE) February 2018

Technical Assistance - Trainings

- * Regional Tribal Environmental Conferences
 - * Alaska Tribal Forum on the Environment – February 2018
 - * Region 5 Tribal Environmental Managers Conference – March 2018
- * National Tribal Environmental Conferences
 - * National Tribal Forum on Air Quality – May 2018



Technical Assistance with Appendix D-3 and D-4 Forms

* **One-on-one Technical Assistance**

- * Eligible Mitigation Actions (EMAs) 1-9 and DERA option
- * Appendix D-3 forms
- * Appendix D-4 forms

Andy Bessler – Project Director: Outreach, and Alaska engagement

Mehrdad Khatibi – Director: Technical Assistance, and outreach

Sara Wagner – Contractor: Technical Assistance

Pilar Thomas – Contractor: Alaska outreach and engagement

Ondrea Barber – Contractor: Technical Assistance

Overview of the VW Environmental Mitigation Trust Agreement

* Critical Settlement Documents for Tribes:

- * <https://www.epa.gov/sites/production/files/2017-10/documents/tribebeneficiarytrustagreement.pdf>
- * **Appendix D-2:** Eligible Mitigation Actions 1-9 and DERA Option
- * **Appendix D-3:** Certification for Beneficiary Status Under Environmental Mitigation Trust Agreement
- * **Appendix D-4:** Beneficiary Eligible Mitigation Action Certification

* Trustee requires:

- * Beneficiary Incumbency Certificate
- * Tribes use IntraLinks for document sharing

Appendix D-2

Eligible Mitigation Actions

* EMAs 1 – 10

1. Class 8 Freight Trucks (Large Trucks)
2. Class 4 – 8 School, Shuttle and Transit Buses
3. Freight Switcher (Locomotives)
4. Ferries and Tugs Engines
5. Ocean Going Vessels Shorepower
6. Class 4 – 7 Freight Trucks (Medium Trucks)
7. Airport Ground Support Equipment
8. Forklifts & Port Cargo Equipment
9. Light Duty Zero Emissions Vehicle Supply Equipment
10. Diesel Emissions Reduction Act (DERA) Option
 - * Requires separate proposal to EPA Tribal DERA program



Truck Classifications



CFR 49, 2000-0653541g0

CLASS 1
6,000 lb & less

Minivan Utility van
Multi-purpose Full-size pickup

CLASS 5
16,001 to 19,500 lb

Bucket
City delivery Large walk-in

CLASS 2
6,001 to 10,000 lb

Minivan Utility van
Full-size pickup Step van

CLASS 6
19,501 to 26,000 lb

Beverage Single-axle van
School bus Rack

CLASS 3
10,001 to 14,000 lb

Walk-in Conventional van
City delivery

CLASS 7
26,001 to 33,000 lb

Refuse Furniture
City transit bus Medium conventional

CLASS 4
14,001 to 16,000 lb

Conventional van City delivery
Large walk-in

CLASS 8
33,001 lb & over

Dump Cement
Heavy conventional COE sleeper

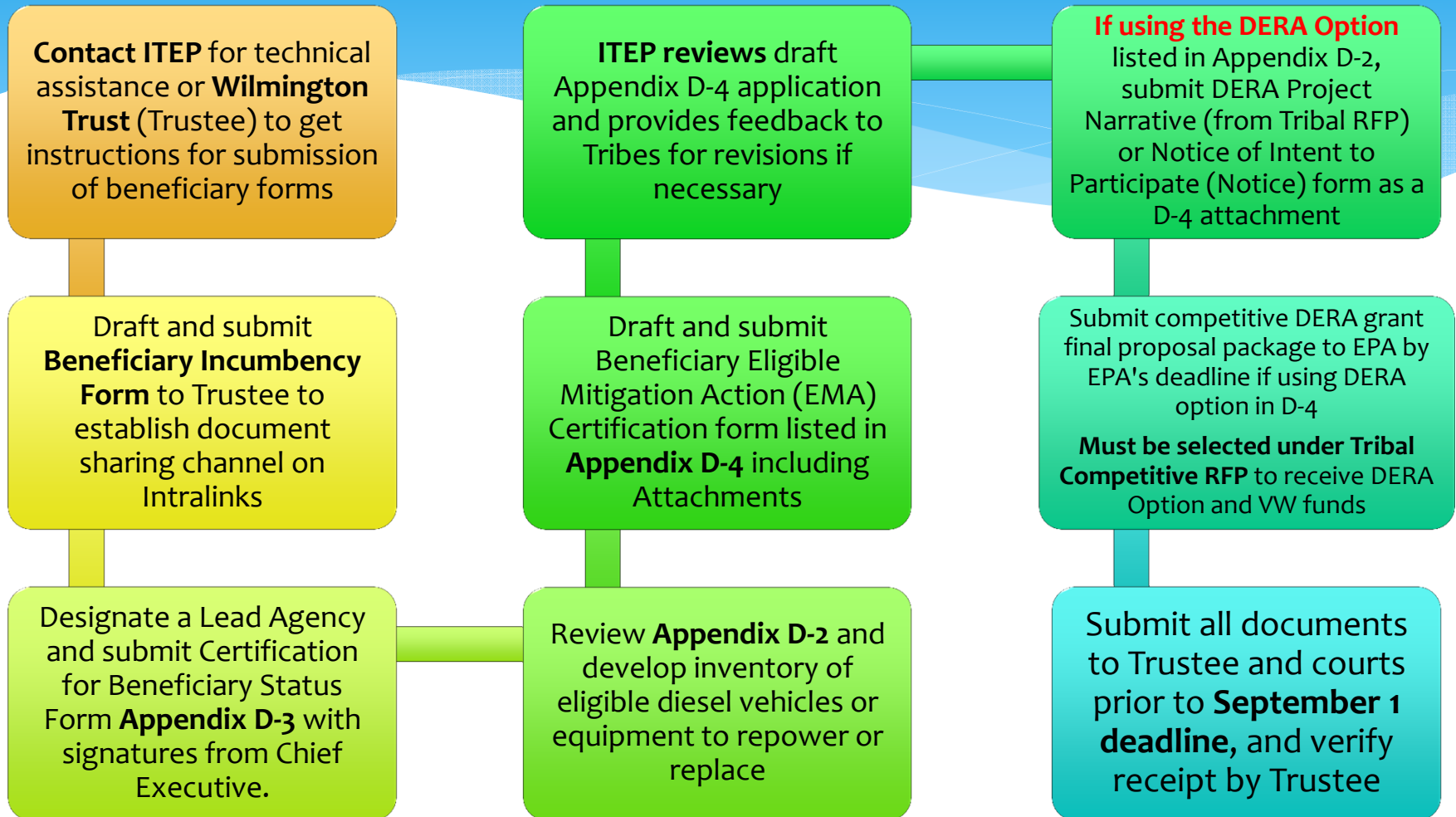
Certification for Beneficiary Status: Appendix D-3

- * Official notice to court and trustee to participate in the Trust Agreement
- * D-3 must be submitted to Trustee and US District Court in Northern California
- * Creates official authority to act on behalf of Tribe and report back to trustee – **Lead Agency**
- * Agree that all information provided will be publicly available and make a plan to do so

Beneficiary Eligible Mitigation Action Certification: Appendix D-4

- * Plan to replace older diesel large trucks/buses/equipment based on D-2 requirements for new and cleaner vehicles/equipment
- * Budget, Project Timeline, Vendor Quotes
- * Need to estimate NOx reductions of project
- * **Vehicles to be replaced must be scrapped**
- * 15% of total cost for administrative costs
- * 15% for Zero Emission Vehicle Infrastructure (Such as electric vehicle charging station)

Tribal Beneficiary Application Process



Lessons Learned in the 1st round

- * Don't wait until the last minute
- * Work with tribal leadership to put a team together
 - * Environmental, Vehicle Managers, Attorneys, Accounting
- * Do an inventory of eligible vehicles / equipment
 - * ITEP can review your inventory to determine eligibility
- * Get informed about the details of the settlement
 - * Appendix D-2: Eligible Mitigation Actions
- * Have ITEP review your draft D3 and D4 before you submit

Tribal Advisory Council

What is in the Trust Agreement?

- * **2.1.4 Tribal Advisory Council.** In comments received during the consultation process referenced in subparagraph 2.1.1, Indian Tribes expressed a preference that a portion of the funds in the Tribal Administration Cost Subaccount be used to establish and fund a Tribal Advisory Council **to advise the Trustee in evaluating tribal funding requests** for Case 3:16-cv-00295-CRB Document 51-2 Filed 10/02/17 Page 9 of 80.
- * The Trustee agrees to select the Institute for Tribal Environmental Professionals to **coordinate the establishment** of a Tribal Advisory Council.
- * **The Trustee shall set aside \$30,000** of the Tribal Administrative Cost Subaccount into a separate subaccount, the Tribal Advisory Council Subaccount, for record keeping purposes only, to fund a Tribal Advisory Council to advise the Trustee in evaluating tribal funding requests.

Tribal Advisory Council

Draft Roles, Responsibilities, and Function

- * **Function of the TAC:** is to advise the Trustee in evaluating tribal funding requests for Eligible Mitigation Actions.
 - * Identifying evolving issues and barriers to access, coverage, and delivery of forms to Trust Agreement;
 - * Propose clarifications, recommendations, and solutions to address issues raised by Tribes; and
 - * Serve as a forum for Tribes and the Trustee to discuss issues and proposals for changes to improve the implementation of the Trust Agreement

Tribal Advisory Council

Draft Roles, Responsibilities, and Function

- * **Membership:** Up to 11 members
- * **Broad representation:** large tribes, small tribes, Alaskan Native Villages, urban tribes, rural tribes, regional representation.
- * **Eligibility:** Federally recognized tribal employees and Tribal Consortia employees

Tribal Advisory Council

Draft Roles, Responsibilities, and Function

- * Knowledgeable of the Trust Agreement and application process
- * Ability to attend a minimum of 6 meetings / calls per year.
- * Provide Trustee with constructive input, guidance, and recommendations
- * Outreach to regional tribes
- * Application deadline: **To Be Determined**

ITEP Contact Information

THANK YOU! Questions?

More information on the VW Settlement can be found on
<http://www7.nau.edu/itep/main/Home/>

928-856-0391 mehrdad.khatibi@nau.edu

928-523-0526 andy.bessler@nau.edu