

APPENDIX D-4
Beneficiary Eligible Mitigation Action Certification

If applicable, describe how the mitigation action will mitigate the impacts of NOx emissions on communities that have historically borne a disproportionate share of the adverse impacts of such emissions (5.2.10). NA

ATTACHMENTS
(CHECK BOX IF ATTACHED)

- | | | |
|-------------------------------------|---------------------|---|
| <input checked="" type="checkbox"/> | Attachment A | Funding Request and Direction. |
| <input checked="" type="checkbox"/> | Attachment B | Eligible Mitigation Action Management Plan Including Detailed Budget and Implementation and Expenditures Timeline (5.2.4). |
| <input checked="" type="checkbox"/> | Attachment C | Detailed Plan for Reporting on Eligible Mitigation Action Implementation (5.2.11). |
| <input checked="" type="checkbox"/> | Attachment D | Detailed cost estimates from selected or potential vendors for each proposed expenditure exceeding \$25,000 (5.2.6). [Attach only if project involves vendor expenditures exceeding \$25,000.] |
| <input type="checkbox"/> | Attachment E | DERA Option (5.2.12). [Attach only if using DERA option.] |
| <input type="checkbox"/> | Attachment F | Attachment specifying amount of requested funding to be debited against each beneficiary's allocation (5.2.13). [Attach only if this is a joint application involving multiple beneficiaries.] |

CERTIFICATIONS

By submitting this application, the Lead Agency makes the following certifications:

1. This application is submitted on behalf of Beneficiary Bishop Paiute Tribe, and the person executing this certification has authority to make this certification on behalf of the Lead Agency and Beneficiary, pursuant to the Certification for Beneficiary Status filed with the Court.
2. Beneficiary requests and directs that the Trustee make the payments described in this application and Attachment A to this Form.
3. This application contains all information and certifications required by Paragraph 5.2 of the Trust Agreement, and the Trustee may rely on this application, Attachment A, and related certifications in making disbursements of trust funds for the aforementioned Project ID.
4. Any vendors were or will be selected in accordance with a jurisdiction's public contracting law as applicable. (5.2.5)
5. Beneficiary will maintain and make publicly available all documentation submitted in

support of this funding request and all records supporting all expenditures of eligible mitigation action funds subject to applicable laws governing the publication of confidential business information and personally identifiable information. (5.2.7.2)

DATED: 5/29/2019

Peter Bernasconi, Public Works Dir.

SIGNATURE:  Bishop Paiute Tribal Public Works

for

Bishop Paiute Tribe

ATTACHMENT A

FUNDING REQUEST AND DIRECTION

(Attachment to Appendix D-4, Beneficiary Eligible Mitigation Action Certification, pursuant to Paragraph 5.2 of the Environmental Mitigation Trust Agreement)

Pursuant to the authority granted to BPT Public Works [*Lead Agency*] to act on behalf of Beneficiary Bishop Paiute Tribe under the Mitigation Trust, BPT Public Works directs the Trustee to make the following payments from its subaccount no. 123437-001 to the following payees, for the amounts specified on the dates specified below.

LEAD AGENCY INFORMATION

Beneficiary Name: <u>Bishop Paiute Tribe</u>	Lead Agency Contact Person: <u>Peter Bernasconi</u>
Lead Agency Name: <u>BPT Public Works</u>	Lead Agency Email Address: <u>peter.bernasconi@</u>
Lead Agency Address: <u>50 Tu Su Ln</u>	Lead Agency Fax: <u>bishoppaiute.org</u>
Lead Agency Phone: <u>760-873-3584</u>	<u>760-873-3584</u>
	Lead Agency TIN: <u>95-1905064</u>

Contact information entered above may correspond to Lead Agency or any authorized person with delegation of such authority to direct the Trustee delivered to the Trustee pursuant to a Delegation of Authority and Certificate of Incumbency

MITIGATION ACTION INFORMATION

Action Title: <u>BPT Diesel Vehicle Repla</u>	Funding Request No: <u>2019-1</u>
Beneficiary's Project ID: <u>PW-VW-2019-1</u>	

PAYMENTS REQUESTED

(attach additional pages if needed)

Amount	Requested Date	Payee	Request Type
76,811	5/29/19	Bishop Indian Tribal Council	Wire transfer

PAYEE CONTACT AND WIRE INFORMATION

(fill out both tables below for each payee and payment identified in "Payments Requested" table on p. 1; attach additional pages if needed)

PAYEE CONTACT INFORMATION


Action Title:	<u>BPT Diesel Vehicle Replacement</u>	Beneficiary Project ID:	<u>PW-VW-2019-1</u>
Payee Name:	<u>Bishop Indian Tribal Council</u>	Payee Contact Person:	<u>Shelley Mayhugh</u>
Payee Address:	<u>50 Tu Su Ln</u>	Payee Email Address:	<u>shelley.mayhugh@</u>
Payee Phone:	<u>760-873-3584</u>	Payee Fax:	<u>bishoppaiute.org</u>
Payee TIN:	<u>95-1905064</u>		<u>760-873-3584</u>

Payment Amount	Requested Date	Request Type
76,811	5/29/19	Wire transfer

WIRE INFORMATION

Receiving Bank Name:	<u>NUFG Union Bank, N.A.</u>		
Receiving Bank Branch:	<u></u>		
Receiving Bank Address:	<u>1980 Saturn Street, Monterey Park, CA 91755-7417</u>		
Bank Swift ID:	<u></u>	National Routing No. / Bank ABA Number (Sort Code, BLZ)	<u>12200496</u>
Amount of Wire:	<u></u>		
Message to Payee:	<u>VW Mitigation Project Advance Funds Wired</u>		
Instructions to Receiving Bank:	<u></u>		
For Credit to:	<u>Bishop Paiute General Fund Account Number 7940000534</u>		
Other Special Instructions:	<u>Note: Funds from VW Mitigation Fund</u>		

[Signature Block]


Peter A. Bernasconi

[SAMPLE ATTACHMENT B - USE OF THIS FORMAT IS NOT MANDATORY]

PROJECT MANAGEMENT PLAN
PROJECT SCHEDULE AND MILESTONES

Milestone	Date
Lead Agency Provides Notice of Availability of Mitigation Action Funds	2/1/2019
Project Sponsor Submits Proposal to Lead Agency	3/1/2019
Lead Agency Provides Written Approval of Project Sponsor's Proposal	3/1/2019
Lead Agency Incorporates Project Sponsor's Proposal into Mitigation Plan	3/1/2019
Trustee Acknowledges Receipt of Project Certification and Funding Direction	6/1/2019
Trustee Allocates Share of State Funds for Approved Project	7/1/2019
Lead Agency Directs Funding (Advance Funded Projects)	7/15/2019
Project Sponsor Obtains Cost Share, Notifies or Certifies to Lead Agency	7/15/2019
Project Sponsor Enters into Contracts, Purchase Orders, etc. - Start	8/15/2019
Project Sponsor Enters into Contracts, Purchase Orders, etc. - Complete	9/15/2019
Project Installation(s) – Start	10/7/2019
Project Installation(s) – Complete	1/15/2020
Project Sponsor provides detailed invoices for all claimed project costs, documentation for emission reduction estimates, required certification documents to Lead Agency to support direction to Trustee for Payment (Reimbursement, Direct-to-Vendor) or final accounting (Forward Funded Projects)	2/28/2020
Lead Agency completes review and certifies payment direction to Trustee (Reimbursement)	3/15/2020
Trustee Acknowledges Receipt of Direction for Payment(s) (Advance Funded, Reimbursement)	3/30/2020
Project Sponsor Certifies Project Completion	4/15/2020
Lead Agency Reports Project Completion	5/1/2020

PROJECT BUDGET

Period of Performance: FEB 2019 - MAY 2020				
Budget Category	Total Approved Budget	Share of Total Budget to be Funded by the Trust	Local Tribal Funds Cost-Share, if applicable (Entity #1)	Cost-Share, if applicable (Entity #2)
1. Equipment Expenditure	\$ 75304	\$ 72,311	\$ 2993.30	\$
2. Contractor Support <i>(Provide List of Approved Contractors as Attachment with approved funding ceilings)</i>	\$	\$	\$	\$
3. Subrecipient Support <i>(Provide List of Approved Subrecipients or Grant Awardees as Attachment with approved funding ceilings)</i>	\$	\$	\$	\$
4. Administrative ¹	\$ 4500.30	\$ 4500.30	\$	\$
Project Totals	\$ 79,804.30	\$ 76,811.30	\$ 2993.30	\$
Percentage	100 %	96.2 %	3.7 %	%

¹ Subject to Appendix D-2 15% administrative cap.

PROJECTED TRUST ALLOCATIONS:

	2017	2018	2019	2020	2021
1. Anticipated Annual Project Funding Request to be paid through the Trust	\$	\$	\$76,811	\$	\$
2. Anticipated Annual Cost Share	\$	\$	\$2993.30	\$	\$
3. Anticipated Total Project Funding by Year (line 1 plus line 2)	\$	\$	\$79804.30	\$	\$
4. Cumulative Trustee Payments Made to Date Against Cumulative Approved Beneficiary Allocation	\$	\$	\$0	\$	\$
5. Current Beneficiary Project Funding to be paid through the Trust (line 1)	\$	\$	\$76,811	\$	\$
6. Total Funding Allocated to for Beneficiary, inclusive of Current Action by Year (line 4 plus line 5)	\$	\$	\$76,811	\$	\$
7. Beneficiary Share of Estimated Funds Remaining in Trust	\$	\$	\$76,811	\$	\$
8. Net Beneficiary Funds Remaining in Trust, net of cumulative Beneficiary Funding Actions (line 7 minus line 6)	\$	\$	\$0	\$	\$

5.2.3 Addendum



United States Environmental Protection Agency

Diesel Emissions Quantifier Data

Emission Results and Health Benefits for Project: Bishop Paiute Tribe

Emission Results

Health Benefits

Emission Results ⁰

Here are the combined results for all groups and upgrades entered for your project.¹

<u>Annual Results (short tons)²</u>	NO_x	PM2.5	HC	CO	CO₂	Fuel³
Baseline for Upgraded Vehicles/Engines	0.121	0.009	0.026	0.068	16.5	1,463
Amount Reduced After Upgrades	0.111	0.009	0.025	0.063	0.0	0
Percent Reduced After Upgrades	91.5%	98.3%	95.4%	93.1%	0.0%	0.0%
 <u>Lifetime Results (short tons)²</u>						
Baseline for Upgraded Vehicles/Engines	0.242	0.018	0.053	0.135	32.9	2,926
Amount Reduced After Upgrades	0.221	0.017	0.050	0.126	0.0	0
Percent Reduced After Upgrades	91.5%	98.3%	95.4%	93.1%	0.0%	0.0%
 <u>Lifetime Cost Effectiveness (\$/short ton reduced)</u>						
Capital Cost Effectiveness⁴ (unit & labor costs only)	\$0	\$0	\$0	\$0	\$0	
Total Cost Effectiveness⁴ (includes all project costs)	\$0	\$0	\$0	\$0	\$0	

¹ Emissions from the electrical grid are not included in the results.

² 1 short ton = 2000 lbs.

³ In gallons, fuels other than ULSD have been converted to ULSD equivalent gallons.

⁴ Cost effectiveness estimates include only the costs which you have entered.

Remaining Life

Isuzu Utility Truck: Short Haul - Single Unit | Class 4-5

2 years

Results

The table below shows the estimated PM2.5 reductions and health benefits by county and as a total for your project. Results are based on the inputs you have entered.

Annual Benefits represent the dollar value of health benefits resulting from reduced exposure to PM2.5. These benefits include the reduction of premature mortality, chronic bronchitis, asthma attacks, non-fatal heart attacks, and other health problems. The dollar values are based on studies used by EPA when estimating the health benefits of environmental rules.

Annualized Costs are based on the unit and labor costs you have entered. They have been annualized over the remaining life of the upgraded project.

Health Benefits Results

County and State	Annual Diesel PM2.5 Reduction (short tons)	Annual Benefits	Annualized Unit & Labor Costs
Inyo**, California	0.009	\$770	-
Total	0.009	\$770	\$0

**The Benefits Module may be overestimating the benefits for emissions reduction projects in this county because it has relatively few emissions compared to surrounding areas. As a result, this county is likely to be a net importer of diesel emissions, and air quality is significantly affected by emissions in upwind counties. Please take this increased uncertainty into account when interpreting your results.



BISHOP PAIUTE TRIBE
PUBLIC WORKS DEPARTMENT

630 BROCKMAN LANE
BISHOP, CA 93514
PHONE 760-873-6638
FAX 760-873-0018
peter.bernasconi@bishoppaiute.org

May 29, 2019

RE: Bishop Paiute Tribe
Case No. 3:18-MD-2672-CRB
Detailed Plan for Reporting Eligible Mitigation Actions

7. Publicly Available Information.

(i)

The Tribe maintains several web sites that provide public information about projects the Tribe is working on.

The Tribal Environmental Office will post all documents and maintain the documents so the public can view or print documents as needed.

These documents will be posted and available on the Web located at:

<http://www.bishoptribeemo.com/library.htm>

You may also navigate there though: http://www.bishoptribeemo.com/index_air.htm

(ii)

The Bishop Paiute Tribe does have a process to request Tribal records for criminal cases in the **BISHOP TRIBAL RECORDS ORDINANCE, ADOPTED APRIL 18, 2004, NO. T2004-01.**

Ordinance T2004-01 has specific procedures and details how requests are made and how documents disseminated including Tribal Court procedures.

Documents related to this environmental mitigation project would not be subject to ordinance unless there were criminal proceedings. Personal records and specific financial records are not public except as required by specific grants. The documents related to this project including financial expenditures will be posted at the Web address above.

Should you have any questions please contact me at 760-873-6638.

Respectfully,

A handwritten signature in blue ink that reads "Peter Bernasconi".

Peter Bernasconi, PE
Public Works Director



**BISHOP PAIUTE TRIBE
PUBLIC WORKS DEPARTMENT**

630 BROCKMAN LANE
BISHOP, CA 93514
PHONE 760-873-6638
FAX 760-873-0018
peter.bernasconi@bishoppaiute.org

January 15, 2019

**RE: Bishop Paiute Tribe
Case No. 3:18-MD-2672-CRB
D-4 Attachment C Detailed Plan for Reporting to Trustee Eligible Mitigation Actions**

Reporting on EMAs will take place quarterly. Reports will be posted on the Bishop Paiute Tribe's website no more than 30 days after the end of each calendar quarter, starting with the period from January 2, 2018–March 31, 2018, or the beginning of the project and also provided to the Trustee via Intralinks. The Bishop Paiute Tribe Public Works Director will oversee the proposed EMAs as follows:

- The Bishop Paiute Tribe Public Works Director and CFO will review and audit expenditures of EMAs to ensure compliance with applicable law.
- The Bishop Paiute Tribe Public Works Director will maintain and make publicly available all documentation submitted in support of the funding request, as well as records supporting all expenditures of EMA funds, subject to applicable laws governing the publication of confidential business information and personally-identifiable information. The Bishop Paiute Tribe proposes posting such documentation on our website, under the Bishop tab. The Public Works Director will work with the Trustee/intralinks in posting this documentation to ensure that all information is true, accurate, and easy to access. Information will also be provided upon request. The procedure by which the Public Works Director shall make such documentation publicly available is: requests shall be made to the Tribal Chairman, whereupon a representative from the Public Works Department will confer with the Tribal Chairman. Upon approval from the Tribal Chairman, the Public Works Director will provide the available documents or provide an explanation as to why they will not be released within 20 days of receipt of the request.
- The Bishop Paiute Tribe not proposing to place any cost-sharing requirements on any NOx sources to be mitigated. The Bishop Paiute Tribe owns all of the cited diesel vehicles and will own any replacement vehicles. The Bishop Paiute Tribe will also own the EV charging stations. Support of these activities will be undertaken by appropriate Bishop Paiute Tribe employees as a part of their regular job duties. Such job duties can be quantified and reported upon, if needed.
- Upon the termination or completion of any EMA, any unused EMA funds shall be returned by the Bishop Paiute Tribe to the Trustee, to ultimately be returned to the Tribal Allocation Subaccount.
- The Bishop Paiute Tribe understands that for each EMA, The Public Works Director shall submit a semiannual report to the Trustee (via Intralinks) describing the progress made on

implementing each EMA during the six-month period leading up to the reporting date. This report shall include a summary of all costs expended on the EMA through the reporting date. The first report shall be submitted no later than six months after receiving the first disbursement of Trust Assets, and thereafter no later than January 30 (for the preceding six-month period of July 1 to December 31) and July 30 (for the preceding six-month period of January 1 to June 30).

These reports will include a complete description of the status (including actual or projected termination date), development, implementation, and any modifications to each approved EMA. The Public Works Director will group multiple EMA's into one report. These reports will be signed by an official with the authority to submit the report for the Bishop Paiute Tribe and will contain an attestation that the information is true and correct, and that the submission is made under penalty of perjury.

Should you have any questions please contact me at 760-873-6638.

Respectfully,



Peter Bernasconi, PE
Public Works Director



2019 FORD F550 Contractor Truck

SCELZI Contractor Flatbed Bodies CTFB-8/12 In Merced, CA 95340 - 112 Miles Away

[Get Directions](#)

[Visit Dealer Website](#)

\$72,804

 Est. **Payment**

Incentive: **\$2,500** / MSRP: **\$72,804**

Condition:	New
Year:	2019
Make:	FORD
Model:	F550
Class:	CLASS 5 (GVW 16001 - 19500)

Cab Type:	CREW CAB
Location:	Merced, CA
Max Horse Power:	330-330
Max Torque:	750-750
Fuel Type:	Diesel
Rear Axles:	DRW
Wheelbase:	179.8-203.8
Brake Type:	Hydraulic
Stock Number:	50784
VIN:	1FD0W5HT9KEC25481
Drivetrain:	4X4
Engine Manufacture:	Power Stroke
Engine Size:	6.7L cc
Weight:	16001-19500
Transmission Speed:	6
Transmission Type:	Automatic
Color:	Oxford White
Interior Color:	Med Earth Gray
Upfit Body Type:	Flatbed Bodies
Upfit Make:	SCELZI
Upfit Model:	CTFB-8/12
Mileage:	85
Options:	Air Conditioning, Cruise Control, AM/FM Radio, Power Windows, Power Mirrors, Power Locks, Trip Odometer, Anti-Lock Braking System, 4x4, Dually, Electric Brake Controller, Heated Mirrors, Telescopic Steering Wheel, Hitch, Bluetooth

Description & Comments