

NTAA Volkswagen Settlement Work Group  
11/2/2017 Call Notes

1. Welcome and Introductions
2. NTAA Work Group Updates

Carolyn Kelly from Quinault no longer WG lead because she changed jobs and is now working for the state of Washington. NTAA EC will figure out new leadership for this WG.
3. VW Settlement Updates
  - a. Deadlines: TED October 2. Two checks sent by VW totaling \$900 million each. A third will also be sent. Tribes have until COB January 2, 2018, to seek funding in this first year. Tribes may submit anytime within the next 6 years (2023) before September 1 for each year. Funding allocated 60-90 days after. Over 25 tribes have begun the work of documentation for funding.
  - b. Website: NTAA website has many links, including a checklist/timeline for applying by Jan. 2 deadline.
  - c. Trustee webinars and Intralinks: Trustee's website is up ([vwenvironmentalmitigationtrust.com](http://vwenvironmentalmitigationtrust.com)), link to Tribal trust from there. ITEP's financial reports, Trustee's financial reports, and more will be posted there. Trustee been hosting webinars and instructions on Intralinks. Need to ensure that only federally recognized Tribes have access and apply. Legal gateway is the D3 form (certificate for beneficiary status). Intralinks is platform to communicate with Trustee. Want only verified tribes to be able to login. Instructions for who they want contact information for: only publicly available form right now is the D3. Submit that to start the process. More information and details on eligible projects? Appendix D2. 8 classes of vehicles.
4. ITEP Update: Andy to split time 50% NTAA, 50% Technical Assistance through ITEP. Working on plan with Trustee and ITEP. Will get out within the next couple weeks. Scope of Work includes specific tasks of:
  - a. Outreach. Providing trainings in person.
  - b. Training. Focusing on web-based materials. Will be hosting monthly webinars. In person trainings: in conjunction with AIAQTP; modules attached to existing trainings. Hiring media specialist to develop videos, web based materials.
  - c. Technical Assistance (1-1 assistance with Tribes to develop, submit, and report on plans). The need for TA is immediate, so working mostly on that.
  - d. Tribal Advisory Council
5. Common Questions so far in D2, D3 and D4.

- a. Govt. vs. Non Govt. vehicle: governmental vehicle is owned by Tribe, non-governmental vehicle is a vehicle owned by a contractor that works with the Tribe.
- b. D4 15% administrative limit vs. installation costs: staff time, office equipment, copy paper, etc. needed for drafting and implementing has to be 15% of total project. 15% also covers infrastructure costs of things such as solar charging, etc. but won't cover biodiesel Installations is covered under the 85% of total project. Explained in D2 "light duty vehicle emission vehicle supply equipment."
- c. D3 must go to courts and trustee to be eligible as beneficiary (suspending right to sue)
  - i. Electronic signatures. No fax, no email, only by mail or ECF filing system. Must be an attorney in the California system to do ECF. Looking into ITEP options. Best way is to sign a hard copy and mail to court. To be safe, get notarized.
- d. Oversubscription? First round: 1/6 of total funding is available (approx. \$9 million). 2010 census data used for allocating if oversubscribed. Similar to formula used by transportation department in highway bills. Language can be found in Attachment B 5.0.5.2.3.

Can request funds for several different years (project out per year what your allocation request is)? Can go back in year 2 to request again. **Will check with trustee on how this will work.** Still early in process, chance of over allocation is low right now.
- e. D4 help: when developing inventory, look at fleet and determine what is eligible and what isn't, then work back from there to determine 15% based on budget.
  - i. <https://vpic.nhtsa.dot.gov/decoder/>
  - ii. NACAA partnered with NASEO to develop VW Clearinghouse
  - iii. NTAA
  - iv. ITEP
- f. Taxing on profits from investment on corpus of trust: will be posting on website information about how trust will be taxed. Settlement funds to tribe is tax free, but if you use a 3<sup>rd</sup> party contractor, the payment can be taxed. Will spell out details on website.
- g. Re: splitting an application across 1-9 and DERA: can tribes split to include different vehicles? A: no restriction for a tribe submitting 1-9 or DERA; however 1-9 must be submitted separately and directly to trustee; EPA will look at DERA and will have a form for that (posting notice of intent to participate). Cannot have them in one package, must be submitted separately and to the separate organizations. Notice of intent to participate is submitted to both trustee and EPA.
  - i. EPA published fact sheets to help guide. Go to EPA's national clean diesel website. Read tribal DERA fact sheet; look at notice of intent to participate; look at tribal DERA FY17 Tribal RFP.
- h. Contact Andy Bessler for help
  - i. 928-526-0526

- ii. Russell Crane [RCrane@wilmingtontrust.com](mailto:RCrane@wilmingtontrust.com) 302-636-5170
- iii. Two webinars tomorrow: contact Russell Crane