

Procedural Fact Sheet

Volkswagen Environmental Mitigation Trust for Indian Tribe Beneficiaries



Fourth Funding Cycle Timeline

- 1) Trustee posts a notice announcing the fourth funding cycle on the Indian Tribe Trust's public-facing website by **January 15, 2021**
- 2) *Beneficiary Status Certification Form (Appendix D-3)* is filed by Tribes with Trustee and Court by **March 16, 2021 deadline** (*only required of Tribes which have not yet been designated as a Beneficiary by the Trustee*)
- 3) Trustee files Notice of Beneficiary Designation by **May 17, 2021**
- 4) Tribes submit *Designated Beneficiary's Participation Notice (Appendix D-6)* by **June 16, 2021** if they wish to participate in the fourth funding cycle
- 5) Trustee applies allocation rules (see below) and transmits notices to each of the participating Beneficiaries regarding the allocation of funding available for each Beneficiary by **June 30, 2021**

Allocation Rules

Step 1: Apply **Per Capita Allocation** – allocate 50% of available funding equally among all participating Beneficiaries

Step 2: Apply **Pro Rata Population-based Allocation** – allocate remaining 50% of funds into three separate funding groups based on 2010 US Census data. Within each group, allocate amount based on proportion of Beneficiary's population to total population of all Beneficiaries in the group:

- 51.52% to *Group One – Tribes with population range of 0 to 16,906*
- 10.61% to *Group Two – Tribes with population of 16,907 to 47,649*
- 37.87% to *Group Three – Tribes with population of 47,650 and above*

Step 3: Procedures for Exception Variants – *Appendix D-8 (Alignment Table of Federally-recognized Indian Tribes to 2010 United States Geographic Census Areas Alignment Table)* describes 5 "Exception Variants" that apply to certain Indian Tribes, establishing specific procedures for allocations

- 6) Within 60 days after Trustee delivers its allocation determination (by **August 30, 2021**), Beneficiaries **either** submit to the Trustee an *Environmental Mitigation Action Certification Form (Appendix D-4)*, to implement environmental mitigation actions within the amount allocated, **or** elect to opt out of the fourth funding cycle by submitting *Beneficiary's Election to Opt Out Form (Appendix D-7)*. If a Beneficiary elects to opt out or fails to submit an *Appendix D-4* by the deadline, the allocation will remain in the Trust and be made available for future funding cycles
- 7) Within 60 days (by **October 29, 2021**) of receiving Tribe's *Appendix D-4*, Trustee either: approves request, denies request, requests modifications, or requests further information (see Trust Agreement paragraph 5.2.16)
- 8) Within 15 days of approval decision (by **November 15, 2021**), Trustee transmits payments to Beneficiaries

Important Documents from the Tribal Trust Agreement¹:

Appendix D-2 - Eligible Mitigation Actions

Appendix D-3 - Beneficiary Status Certification Form

Appendix D-4 - Environmental Mitigation Action Certification Form

Appendix D-6 - Beneficiary's Participation Notice

Appendix D-7 - Beneficiary's Election to Opt Out Form

Appendix D-8 - Alignment Table

ITEP Contacts

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¹ Modified Trust agreement available at https://www.vvenvironmentalmitigationtrust.com/modified_tribe_trust_agreement

Documents Required for Filing by Tribes

Documents	Reminders	Filing Locations	Due Dates
OFFICERS CERTIFICATE FOR INTRALINKS ACCESS	<u>ONLY</u> REQUIRED OF TRIBES WHICH HAVE NOT YET BEEN DESIGNATED AS BENEFICIARIES VIA A TRUSTEE'S NOTICE OF BENEFICIARY DESIGNATION FILED WITH THE COURT	EMAIL TO TRUSTEE AT: RCRANE@wilmingtontrust.com	MARCH 16, 2021
APPENDIX D-3 - BENEFICIARY STATUS CERTIFICATION FORM	<u>ONLY</u> REQUIRED OF TRIBES WHICH HAVE NOT YET BEEN DESIGNATED AS A BENEFICIARIES VIA A TRUSTEE'S NOTICE OF BENEFICIARY DESIGNATION FILED WITH THE COURT	COURT (PREFERRED METHOD): ELECTRONIC COURT FILING SYSTEM IF BY CERTIFIED MAIL ENSURE AMPLE TIME FOR DELIVERY PRIOR TO DUE DATE Court Clerk Case 3:15-MD-2672-CRB United States District Court, Northern District of California San Francisco Courthouse, Room 111 - 16th Floor 450 Golden Gate Avenue, San Francisco, CA 94102	MARCH 16, 2021
		INTRALINKS	MARCH 16, 2021
		HARD COPY TO: VW ENVIRONMENTAL MITIGATION TRUST FOR INDIAN TRIBE BENEFICIARIES C/O WILMINGTON TRUST, N.A., AS TRUSTEE 1100 NORTH MARKET STREET WILMINGTON, DE 19890 ATTN: RUSS CRANE, 5TH FLOOR	MARCH 16, 2021
INCUMBENCY AND EXHIBIT A INCUMBENCY: BENEFICIARY TRIBES DESIGNATE AUTHORIZED INDIVIDUALS WHO MANAGE THE RELATIONSHIP WITH THE TRUSTEE EXHIBIT A: BENEFICIARY TRIBES DESIGNATE INDIVIDUALS WHO ARE AUTHORIZED TO INSTRUCT/CONFIRM PAYMENTS ON APPROVED APPENDIX D-4	ONCE DESIGNATED AS BENEFICIARY, TRIBE MUST FILE THESE WITH TRUSTEE NEED TO BE FILED WITH TRUSTEE BEFORE TRIBE CAN BE PAID UNDER AN APPROVED APPENDIX D-4 SUBMISSION	INTRALINKS: FILLABLE PDF DOCUMENTS AVAILABLE IN "WT SECURITY PROCEDURES" FOLDER INSIDE "GENERAL INFORMATION" FOLDER - DOCUMENTS TITLED: <ul style="list-style-type: none"> • WT DELEGATION OF AUTHORITY AND INCUMBENCY CERTIFICATE – INDIAN TRIBE • WT DELEGATION EXHIBIT A (CCII) – INDIAN TRIBE MUST COMPLETE AND FILE VIA INTRALINKS	JUNE 16, 2021
APPENDIX D-6 - BENEFICIARY'S PARTICIPATION NOTICE	NEEDED BY ALL TRIBES PARTICIPATING IN THE FOURTH FUNDING CYCLE	INTRALINKS	JUNE 16, 2021
APPENDIX D-4 – ENVIRONMENTAL MITIGATION ACTION CERTIFICATION FORM	REQUIRED IF TRIBE WISHES TO RECEIVE FUNDING FOR AN ELIGIBLE MITIGATION ACTION IN THE FOURTH FUNDING CYCLE	INTRALINKS	AUGUST 30, 2021
		HARD COPY TO: VW ENVIRONMENTAL MITIGATION TRUST FOR INDIAN TRIBE BENEFICIARIES C/O WILMINGTON TRUST, N.A., AS TRUSTEE 1100 NORTH MARKET STREET WILMINGTON, DE 19890 ATTN: RUSS CRANE, 5TH FLOOR	AUGUST 30, 2021
APPENDIX D-7 - BENEFICIARY'S ELECTION TO OPT OUT FORM	<u>ONLY</u> NEEDED IF TRIBE IS OPTING OUT FOR THE FOURTH FUNDING CYCLE (I.E., Not SUBMITTING APPENDIX D-4)	INTRALINKS	AUGUST 30, 2021