

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

**Notice Of The Second Funding Cycle Under The Modified Volkswagen Diesel Emissions
Environmental Mitigation Trust For Indian Tribe Beneficiaries In Accordance With
Subparagraph 5.0.5.1 (b)**

To: The 29 Indian Tribes previously designated as Beneficiaries of the Indian Tribe Trust *and* any Federally-Recognized Indian Tribes seeking to qualify as designated Beneficiaries

Via: Intralinks and the Indian Tribe Trust's public-facing website
www.vwenvironmentalmitigationtrust.com/tribe-trust (on January 15, 2019)

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 of the **Second Funding Cycle** in accordance with Subparagraph 5.0.5.3.2 of the Environmental Mitigation Trust Agreement for Indian Tribe Trust Beneficiaries (as modified on November 15, 2018) (the "Modified Indian Tribe Trust Agreement") as filed with the United States District Judge for the Northern District of California on November 30, 2018¹.

Available Funds for the Second Funding Cycle

The amount of available funds for the Second Funding Cycle is \$15,468,050.

Eligibility for the Second Funding Cycle and Beneficiary Designation

According to subparagraph 2.1.2.1 of the Modified Indian Tribe Trust Agreement, "**prior to receiving any funds, each Indian Tribe must establish Beneficiary status** pursuant to Paragraph 4.0 by filing with the Court a Beneficiary Status Certification Form (Appendix D-3) containing each of the certifications required by subparagraphs 4.2.1 through 4.2.9."

In order to be eligible to participate in the second (or any subsequent) funding cycle of the Indian Tribe Trust, a federally-recognized Indian Tribe must:

- Have been previously designated as a Beneficiary; or,
- Elect to become a Beneficiary of the Modified Indian Tribe Trust and then be designated as a Beneficiary by the Trustee.

Previously Designated Beneficiaries

The Trustee filed a Notice of Beneficiary Designation (NBD)² with the Court on January 29, 2018, which designated 29 Indian Tribes as Beneficiaries pursuant to the terms of the Indian

¹ A searchable copy of the executed, Modified Indian Tribe Trust Agreement can be accessed online at https://www.vwenvironmentalmitigationtrust.com/modified_tribe_trust_agreement.

² This Notice can be accessed online at <https://www.vwenvironmentalmitigationtrust.com/TribeNBD1>.

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Tribe Trust Agreement. The 29 Tribes previously designated as a Beneficiaries via NBD do not need to file another Appendix D-3 – unless the lead agency has changed. If so, please contact the Trustee.

Electing to Become a Beneficiary

In accordance with subparagraph 5.0.5.1 b (Other Funding Cycles), each Indian Tribe, which has not yet been designated a Beneficiary by the Trustee, may seek to become a Beneficiary hereunder by filing with the Court a **Beneficiary Status Certification Form (Appendix D-3)** by the deadline for that funding cycle. The second funding cycle Appendix D-3 deadline is **March 18, 2019**.

NOTE: In order to meet this deadline your **Beneficiary Status Certification Form** (Appendix D-3) *must be docket-stamped by the Court* with the date of **March 18, 2019**.

At the time of filing the Beneficiary Status Certification Form with the Court, each Indian Tribe must also **concurrently provide a copy of the Beneficiary Status Certification Form** to the Trustee in *electronic format* [Intralinks] and by *mail* pursuant to Paragraph 6.0 and subparagraph 6.0.1 (subparagraph 2.1.2.1).

Each Indian Tribe that timely files such certifications shall be a “Certifying Entity.” Once a Certifying Entity has been deemed a Beneficiary hereunder via a NBD filed by the Trustee with the Court, it remains a Beneficiary for all future funding cycles.

NOTE: Tribes that filed an Appendix D-3 during the period after the original deadline for the First Funding Cycle (**January 2, 2018**) and prior to the Trust Modification Effective Date for the Modified Indian Tribe Trust (**November 30, 2018**) are eligible to participate in the Second Funding Cycle. These Tribes must submit a docket-stamped copy of their filing to the Trustee by or before **March 18, 2019** and they will be included in the Notice of Beneficiary Designation filed by the Trustee for the Second Funding Cycle.

Designation of Beneficiaries

Notice of Beneficiary Designation for the Second Funding Cycle

The Trustee will determine and post a **Notice of Beneficiary Designation** (NBD) of each certifying Indian Tribe by the deadline set in subparagraph 4.0.2 for the second funding cycle, which is **May 17, 2019**.

The NBD determination shall be made in a manner consistent with the procedures set forth in subparagraphs 4.0.2, 4.0.2.1, and 4.0.2.3.

As provided in subparagraph 4.0.2.4, once a Certifying Entity has been deemed a Beneficiary (via a NBD), it remains a Beneficiary for all future funding cycles.

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Designated Beneficiaries may participate in this second (and any future) funding cycle by submitting a **Designated Beneficiary’s Participation Notice** (Appendix D-6) and an **EMA Certification Form** (Appendix D-4) *by the deadline* for each respective funding cycle as set forth in subparagraphs 5.0.5.3.3 and 5.0.5.3.5.

Second Funding Cycle Key Dates

For your convenience, here are some of the key deadlines for the Second Funding Cycle (which are subject to the full terms of the Modified Indian Tribe Trust):

Date	Action
1/8/2019	Determination of available funds for the Second Funding Cycle. In accordance with subparagraph 5.0.5.2, the amount of available for the funds for the Second Funding Cycle is \$15,468,050 .
3/18/2019	Deadline to file Appendix D-3 with Court and Trustee (subparagraph 5.0.5.1 b).
5/17/2019	Trustee files and provides Notice of Beneficiary Designation (subparagraph 4.0.2)
5/24/2019	Trustee posts notice on website re submittal of Designated Beneficiary’s Participation Notice (D-6).
6/17/2019	Deadline for Beneficiaries to submit Designated Beneficiary’s Participation Notice (Appendix D-6).
7/1/2019	<ul style="list-style-type: none"> • Trustee applies per capita and pro rata Allocation (subparagraph 5.0.5.3.3). • Trustee posts Notice of Allocation Determination to Beneficiaries via Intralinks (5.0.5.3.3).
8/30/2019	Deadline for Beneficiary submission (via Intralinks and hard copy) to Trustee of: <ul style="list-style-type: none"> • Either: an Appendix D-4 Beneficiary EMA Certification • Or: an Appendix D-7 Beneficiary’s Election to Opt Out Form <p style="text-align: right;">(paragraph 5.2 and subparagraph 5.0.5.3.3)</p>
10/29/2019	Trustee transmits written determination of each Beneficiary’s EMA Certification form either: (i) approving the request; (ii) denying the request; (iii) requesting modifications to the request; or (iv) requesting further information (subparagraph 5.2.16).
11/13/2019	Disbursement of Funds to Beneficiaries begins (subparagraph 5.2.16.1) - subject to receipt by the Trustee of all required documentation and Trustee approval of revised EMA Certification Form (Appendix D-4).
11/20/2019	Trustee posts the final Allocation amounts for all participating Beneficiaries in the First Funding cycle on the Indian Tribe Trust’s public-facing website (subparagraph 5.0.5.3.2).
5/13/2020	First Semi Annual Report from Beneficiaries due (paragraph 5.3).

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

DATE: January 15, 2019