**VW Settlement Environmental Mitigation Trust**

**DERA Option for the 2021 DERA Tribal Grants**

**Notice of Intent to Participate**

**Information Page**

The U.S. government and Volkswagen (VW) resolved allegations that VW violated the Clean Air Act by selling approximately 590,000 vehicles equipped with defeat devices. As part of this settlement, VW will fund an Environmental Mitigation Trust to fully remediate the amount of excess NOx emissions from these illegal vehicles. Provisions of the trust may be found in the Environmental Mitigation Trust Agreement for Indian Tribe Beneficiaries[[1]](#footnote-1).

Under Eligible Mitigation Action (EMA) #10 (the DERA Option) of the trust agreement, federally recognized tribes and Alaska Native Villages[[2]](#footnote-2) may use trust funds as non-federal voluntary matching funds on EPA-awarded Diesel Emissions Reduction Act (DERA) Tribal Grants.

Tribal entities that select the DERA Option must certify as beneficiaries to the trust. The Beneficiary Eligible Mitigation Action Certification (Appendix D-4 of the trust agreement) allows a tribal entity to select “EMA Item 10 - The DERA Option” as an EMA for funding, and requires a DERA proposal to be submitted as Attachment E.

The tribal entity may use one of the following two options as the required Attachment E to the Beneficiary Eligible Mitigation Action Certification submitted to the trustee:

1. The tribal entity may submit a copy of the “Project Narrative” portion of its application package submitted to EPA under the most recent 2021 DERA Tribal and Insular Area Grant Program Request for Applications. The “Project Narrative” should be prepared as described in Section IV.D and Appendix B of the Request for Applications.
2. Alternately, the tribal entity may submit a *Notice of Intent to Participate* (Notice) using the template that follows this page.

Section 5.2.12 of the trust agreement also states that the DERA selection letter must be attached to the Beneficiary Eligible Mitigation Action Certification.

Allowable activities under EMA Item 10 – The DERA Option may be found in the 2021 DERA Tribal and Insular Area Grants Request for Applications under Section I. All projects funded with DERA funds and non-federal voluntary matching funds (such as trust funds) must meet all funding eligibility requirements described in the Request for Applications and the terms and conditions for awarded projects.

The template form for the Notice follows this page.

**VW Settlement Environmental Mitigation Trust**

**DERA Option for the 2021 DERA Tribal Grants**

**Notice of Intent to Participate**

Beneficiary\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Lead Agency Authorized to Act on Behalf of the Beneficiary\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

A tribal entity’s 2021 Tribal grant application must be selected by EPA in order to receive trust funds for the DERA Option. Please note that beneficiaries must submit their DERA selection letter with their Beneficiary Eligible Mitigation Action Certification.

**DERA funds requested**

Please indicate the total amount of DERA funds that were requested for the proposed project.

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**Source of Non-federal VOLUNTARy cost-share**

Please describe how the tribal entity will provide the non-federal voluntary cost-share amount for the proposed project.

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**Trust funds requested**

Please indicate the total amount of trust funds requested that will be used as the non-federal voluntary match for the proposed project.

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**TOTAL COST OF pROJECT**

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**Summary of Project**

Please write a summary of the proposed project, including the number and types of vehicles, engines, and technologies to be funded, and estimated emission reductions.

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The official from the lead agency who signs the Beneficiary Eligible Mitigation Action Certification form should fill out the information below.

|  |  |
| --- | --- |
| Signature |  |
| Name (Print) |  |
| Title |  |
| Department/Office |  |
| Phone |  |
| Email Address |  |
| Mailing Address |  |

**Please attach this form as Attachment E to the Beneficiary Eligible Mitigation Action Certification Form and return to Wilmington Trust.**

1. Referred to as “trust agreement” throughout this document. [↑](#footnote-ref-1)
2. Federally recognized Tribes and Alaska Native Villages will be referred to as “tribal entities” throughout this document. [↑](#footnote-ref-2)