

# Procedural Fact Sheet

## Volkswagen Environmental Mitigation Trust for Indian Tribe Beneficiaries



### Second Funding Cycle

- 1) Trustee posts a notice pertaining to the second funding cycle on the Indian Tribe Trust's public-facing website by **January 15, 2019**
- 2) *Beneficiary Status Certification Form (Appendix D-3)* is filed by Tribes with Trustee and Court by **March 18, 2019 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, 2019**
- 4) Trustee posts a notice on the Indian Tribe Trust's public-facing website and Intralinks (Trustee's online documentation platform) regarding the submittal of *Designated Beneficiary's Participation Notice (Appendix D-6)* by **May 24, 2019**
- 5) Tribes submit *Appendix D-6* by **June 17, 2019** if they wish to participate
- 6) Trustee applies allocation rules delineated below and transmits notices to each of the participating Beneficiaries via Intralinks, regarding the Trustee's allocation determination of the amount of funding available for each Beneficiary by **July 1, 2019**:

#### Allocation Rules

**Step 1: Apply Per Capita Allocation** – allocate 50% of available funding equally among 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 pro rata share of Beneficiary's population to total population of all Beneficiaries:

- 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 allocations

- 7) Within 60 days after Trustee delivers its allocation determination (or by **August 30, 2019**), Beneficiaries **either** submit to 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 second funding cycle by submitting *Beneficiary's Election to Opt Out Form (Appendix D-7)*; if Beneficiary elects to opt out or fails to timely submit an *Appendix D-4*, Beneficiary has no right or entitlement to those funds – rather, amount allocated will be returned and made available for allocation to future funding cycles
- 8) Within 60 days (or by **October 29, 2019**) of receiving Tribe's *Appendix D-4*, Trustee either: approves request; denies request; requests modifications; or requests further information (see Trust para. 5.2.16)
- 9) Within 15 days of approval decision (or by **November 13, 2019**), Trustee transmits payments to Beneficiaries
- 10) Within 5 business days after distribution of all funds (or by **November 20, 2019**), Trustee posts final allocation amounts on the Indian Tribe Trust's public-facing website at [www.vwenvironmentalmitigationtrust.com](http://www.vwenvironmentalmitigationtrust.com)

#### Appendices that are part of the Indian Tribe Trust<sup>1</sup> Agreement:

Appendix D-1 - Initial Allocation

Appendix D-1A - Initial 3.0 Liter Allocation

Appendix D-1B - Weighted Average Allocation Formula

Appendix D-2 - Eligible Mitigation Actions

Appendix D-3 - Beneficiary Status Certification Form

Appendix D-4 – Environmental Mitigation Action Certification Form

Appendix D-5 - Certificate of Trust

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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## Documents Required for Filing by Tribes

Documents	Reminders	Filing Locations	Due Dates
INTRALINKS INCUMBENCY CERTIFICATE	<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 18, 2019
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 ( <b>PREFERRED METHOD:</b> ELECTRONIC COURT FILING SYSTEM.  <b>IF BY CERTIFIED MAIL ENSURE AMPLE TIME FOR DELIVERY PRIOR TO DUE DATE</b> 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 18, 2019
		INTRALINKS	MARCH 18, 2019
		HARD COPY TO: WILMINGTON TRUST, N.A. ATTEN: CAPITAL MARKETS & AGENCY SERVICES RODNEY SQUARE NORTH 1100 NORTH MARKET STREET WILMINGTON, DE 19890	MARCH 18, 2019
INCUMBENCY AND EXHIBIT A  <b>INCUMBENCY<sup>2</sup>:</b> BENEFICIARY TRIBES DESIGNATE AUTHORIZED INDIVIDUALS WHO MANAGE THE RELATIONSHIP WITH THE TRUSTEE  <b>EXHIBIT A:</b> 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  NEEDS 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"> <li>• WT DELEGATION OF AUTHORITY AND INCUMBENCY CERTIFICATE – INDIAN TRIBE</li> <li>• WT DELEGATION EXHIBIT A (CCII) – INDIAN TRIBE</li> </ul> MUST COMPLETE AND FILE IN TRIBE'S "INCUMBENCY AND EXHIBIT A" FOLDER	JUNE 17, 2019
APPENDIX D-6 - BENEFICIARY'S PARTICIPATION NOTICE	NEEDED BY ALL TRIBES PARTICIPATING IN THE SECOND FUNDING CYCLE	INTRALINKS	JUNE 17, 2019
APPENDIX D-4 – ENVIRONMENTAL MITIGATION ACTION CERTIFICATION FORM	<u>ONLY</u> NEEDED IF TRIBE IS <b>NOT</b> SUBMITTING APPENDIX D-7	INTRALINKS	AUGUST 30, 2019
APPENDIX D-7 - BENEFICIARY'S ELECTION TO OPT OUT FORM	<u>ONLY</u> NEEDED IF TRIBE IS <b>NOT</b> SUBMITTING A REVISED APPENDIX D-4	INTRALINKS	AUGUST 30, 2019

<sup>1</sup> Modified Trust agreement available at [https://www.vvenvironmentalmitigationtrust.com/modified\\_tribe\\_trust\\_agreement](https://www.vvenvironmentalmitigationtrust.com/modified_tribe_trust_agreement)

<sup>2</sup> Note: This Incumbency is not the same document your Tribe would have filed to gain access to Intralinks.