



U.S. Department of Justice

Office of Tribal Justice

Room 2318, RFK Main Justice Building
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

(202) 514-8812
FAX (202) 514-9078

July 7, 2016

Dear Tribal Leader:

The Department of Justice and the Environmental Protection Agency invite you to a consultation on the process for distribution of the Tribal Allocation Subaccount of the Environmental Mitigation Trust to be established under a partial settlement of *In re Volkswagen "Clean Diesel" Marketing, Sales Practices and Products Liability Litigation*. Under the partial settlement of EPA's Clean Air Act claims in *In re Volkswagen "Clean Diesel" Marketing, Sales Practices and Products Liability Litigation*, Case No. 15-md-2672 CRB (JSC) (N.D. Cal.), the Settling Defendants are required to establish an Environmental Mitigation Trust (Trust) to fund specific actions to mitigate excess emissions of nitrogen oxides (NOx) from the cars subject to the lawsuit by reducing NOx emissions from other sources (Eligible Mitigation Actions).

The Trust will be administered by a Trustee, and the Eligible Mitigation Actions will be implemented by the Trust Beneficiaries. The Trust provides an allocation for federally-recognized tribes that become Trust Beneficiaries (Tribal Allocation Subaccount), as well as an allocation to cover the Trustee's administrative costs associated with the Tribal Allocation Subaccount. Further information regarding the general terms of the consent decree are available at <https://www.epa.gov/enforcement/volkswagen-clean-air-act-partial-settlement>. Only the listed projects in Appendix D-2 of the consent decree are Eligible Mitigation Actions. Specific portions relevant to Tribes can be found at pages 13 through 16 of the consent decree and in Appendices C and D to the consent decree.

The Department of Justice and the Environmental Protection Agency invite you to consult on a method for allocating annual funding in the Tribal Allocation Subaccount for Eligible Mitigation Actions, for providing technical assistance to tribes, and for recommending candidates to serve as the Trustee. A framing paper detailing the issues will be distributed prior to the consultation.

The schedule for the telephonic consultations is as follows:

Monday, August 8, 2016: Consultation Session 3:00 – 4:00 p.m. Eastern

Link to register for the call and receive the call-in information: <http://dpreister.com/10088759>

Wednesday, August 10, 2016: Consultation Session 3:00 – 4:00 p.m. Eastern

Link to register for the call and receive the call-in information: <http://dpreister.com/10088775>

Monday, August 15, 2016: Consultation Session 3:00 – 4:00 p.m. Eastern

Link to register for the call and receive the call-in information: <http://dpreregister.com/10088779>

Please note that you will be asked to provide your name and Tribal affiliation when you register. In addition, we will accept written comments until the close of business on Wednesday, August 27, 2016, the end of the 60 day consultation period established in the consent decree. Please submit any written comments via email to OTJ@usdoj.gov or (if necessary) via regular mail to:

Office of Tribal Justice
Department of Justice
950 Pennsylvania Avenue NW, Room 2318
Washington, DC 20530

If you have questions or have trouble using the links to register, please contact the Office of Tribal Justice at OTJ@usdoj.gov. We hope you will be able to participate in this important government-to-government consultation and look forward to working with you on this important issue.

Sincerely,



Tracy Toulou
Director
Office of Tribal Justice
U.S. Department of Justice