Date: August 1, 2006

Alaska Native Tribal Health Consortium
Division of Environmental Health and Engineering
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Division of Environmental Health and Engineering

Cooperative Project Agreement

H F C P A

A Health Facility Improvement Project Between:
The Alaska Native Tribal Health Consortium and
The Ekwok Village Council in
Ekwok, Alaska
Project No. AN 05-GG0
June 2006

COOPERATIVE PROJECT AGREEMENT
HEALTH FACILITY IMPROVEMENT PROJECT
EKWOK VILLAGE COUNCIL, EKWOK, ALASKA

PROJECT NO. AN 05-GG0

To complete this project, ANTHC and the Ekwok Village Council mutually agree to the terms and conditions contained in this Agreement.

PREPARED BY: 6/28/06 Date

Kelly Leseman, P.E.
Project Engineer
DEHE, ANTHC

RECOMMENDED BY: 7/10/06 Date

David Beveridge, P.E.
Regional Manager
DEHE, ANTHC

APPROVED BY: 7/12/06 Date

Paul Sherry
Chief Executive Officer
ANTHC

APPROVED BY: 7/24/06 Date

Luki Akelkok Sr., President
Ekwok Village Council

COOPERATIVE PROJECT AGREEMENT
HEALTH FACILITY IMPROVEMENT PROJECT
EKWOK VILLAGE COUNCIL, EKWOK, ALASKA

PROJECT NO. AN 05-GG0

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COOPERATIVE PROJECT AGREEMENT
HEALTH FACILITY IMPROVEMENT PROJECT
EKWOK VILLAGE COUNCIL, EKWOK, ALASKA

PROJECT NO. AN 05-GG0

DATE OF AGREEMENT:
June 2006

A. INTRODUCTION

Throughout this Cooperative Project Agreement (CPA) the following entities are referred to as follows:

Ekwok Village Council	=	Council
Alaska Native Tribal Health Consortium	=	ANTHC
Division of Environmental Health and Engineering	=	DEHE
Denali Commission	=	Commission

The ANTHC, DEHE, role is to provide lasting solutions to promote healthy communities.

This CPA contains information about the project scope of work, funding, costs, and administration, and is being performed under the provisions of the following agreements:

- Memorandum of Understanding Between the Denali Commission and the Alaska Native Tribal Health Consortium for Alaska Health, Sanitation, and Other Related Infrastructure, dated September 2004. This MOU defines the roles and responsibilities of each party.
- Denali Commission Financial Assistance Award Project No. 0146-DC-2004-I29, Addendum E, dated February 2006.

B. SCOPE OF PROJECT

This project will complete the conceptual design for a new health clinic in Ekwok, Alaska. No construction will be performed under this project phase.

C. PROJECT COST

C 1. Cost Estimate Table

Job Type	Scope of Work	Qty	Units	Unit Cost	Total Cost	Funding Source
						Denali FY04
M-DS	Conceptual design	1	LS	25,000	25,000	25,000
				Total Award	$25,000	$25,000

C 2. Project Funding

Contributor	Fiscal Year	Description	Amount
Denali Commission	Federal 2004	NA	$ 25,000
TOTAL PROJECT FUNDING			$ 25,000

Denali Commission funding for this health facility improvement project has been made available to ANTHC through a separate Financial Assistance Award (FAA), or amendment or addendum to an existing FAA, between the Denali Commission and ANTHC. It is understood that funding transfers will be made to ANTHC incrementally. Project activities should not proceed until funding for each increment of work is available to ANTHC.

By signing this Agreement, the Council is assuring that matching funds from other contributing agencies, if applicable, shall be made available to the project. If in-kind or other funding sources are unavailable, project activities will be curtailed.

D. PROJECT ADMINISTRATION

In conformance with the Commission's Financial Assistance Award, the following project management methodology has been selected by the Council:

The design shall be accomplished by ANTHC or its Contractor. ANTHC shall take responsibility for all project oversight, technical assistance, and management of the design process. It is anticipated that ANTHC will use one if its indefinite quantity architect and engineering contractors to complete site adaptation of the Denali Commission Prototype design for the provision of a primary care facility in Ekwok, Alaska.

Design activities are expected to begin by May 2006 and be finished by October 2006.

This Agreement shall take effect upon signature by all parties and remain in effect until the expiration of the "performance period" specified within the Commission's Financial Assistance Award, or subsequent Amendment(s) or Addendum(s).

E. NATIONAL HISTORIC PRESERVATION ACT REQUIREMENTS

The National Historic Preservation Act (NHPA) provides for cultural resources identification and protection through avoidance or mitigation to avoid unnecessary disturbance of reported or known human burials. NHPA also requires Tribes to be consulting parties if archeological discoveries are made during construction.

The Native American Graves Protection and Repatriation Act (NAGPRA) contains stipulations regarding the appropriate treatment and disposition of human burials, funerary, and associated items discovered on Federal lands or Indian Allotments. NAGPRA recognizes the inherent rights and claims of the Native people but often is inapplicable to ANTHC projects. For this reason, as a policy ANTHC recognizes the inherent rights and claims of the tribal entity when human remains and associated items are uncovered through construction projects.

Therefore, if construction for this project results in the discovery of ancient cultural items (i.e., human burials, associated items, and/or archaeological artifacts), ANTHC will ensure that the Ekwok Village Council will be a consulting party. In addition, the following responsibilities are assumed by the project participant in order to comply with NHPA, NAGPRA, and ANTHC policy recognizing inherent rights and claims:

- Identifying any known or reported archaeological site, artifact, or ancient human remains to avoid unnecessary damage to sensitive resources.
- Delaying construction in the vicinity of a discovery until procedures in conformance with 36 CFR 800 are complete.
- Determining appropriate mitigation measures and performing all mitigation in conformance with 36 CFR 800.
- Ensuring an archaeologist, retained or employed by any party to facilitate construction operations, will view and document any and all cultural items discovered during excavation if an adverse effect determination has been made.
- Ensuring that if removal of ancient human remains is necessary, the archaeologist will remove the entire body and that unless the Ekwok Village Council requests further study of the remains, tests upon or photographs of any ancient human remains will not occur unless specific, separate Agreements have been made with the Ekwok Village Council.
- Contacting the Village Public Safety Officer if a modern human burial is discovered to determine if a criminal act can be identified. If the burial is from an archaeological context, the burial will be treated as archaeological remains and need not be treated as a scene of crime.
- Acknowledging that the Ekwok Village Council assumes full responsibility for any and all cultural items discovered during excavation on all but private lands.
- Acknowledging that the Ekwok Village Council reserves the inherent right to determine the appropriate disposition of any and all cultural items discovered during excavation on all but private lands.

- Acknowledging that the inherent claims or rights of the Ekwok Village Council are not diminished by the fact that the land is under ownership by another party.
- Ensuring that if a discovery is made on Federal lands, Indian Allotment lands, or lands not yet conveyed to the Village or Regional Corporation, parties to facility construction operations shall comply with NAGPRA if appropriate.
- Acknowledging that all other inherent rights and claims regarding any and all cultural items discovered on any lands other than private lands during excavation for or in support of facility construction not expressly covered in these responsibilities are reserved to the Ekwok Village Council alone.

F. AUTHORITY FOR APPROVAL

Upon signing this document, the ANTHC Chief Executive Officer delegates authority to sign all subsequent agreements related to this project to the Director of Regional Facilities Services, DEHE.

G. PROVISIONS FOR PROJECT COMPLETION

The following sections from the ANTHC, DEHE, Cooperative Project Agreement Provisions Manual for Health Facilities Projects (Orange Book), dated June 2003, are incorporated into this Agreement by reference. For the purposes of this Agreement, all references to "Local Participant" shall mean the Council.

- Section 1, "Provisions for All Cooperative Project Agreements"
- Section 2, "Provisions for ANTHC Management of Local Force Account Labor"
- Section 5, "Insurance and Indemnification Provisions for Force Account Labor Projects Managed by ANTHC or the Local Participant"
- Section 6, "Assurances for All Construction Programs" (Standard Form 424D)

The following federal provisions apply to this project:

- 15 CFR 24, Uniform Admin Requirements for Grants/Cooperative Agreements to State and Local Governments <www.access.gpo.gov/nara/cfr/waisidx_99/15cfr24_99.html> (applies to local or tribal government)
- OMB Circular A-87, Cost Principles for State and Local Governments and Indian Tribal Governments <www.whitehouse.gov/OMB/circulars/a087/a087-all.html > (applies to local or tribal government)

- OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations <www.whitehouse.gov/OMB/circulars/a133/a133.html> (applies to all Agreements)
- 15 CFR, Part 14, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Nonprofit, and Commercial Organizations <www.access.gpo.gov/nara/cfr/waisidx_99/15cfr14_99.html> (applies to non-profits)
- OMB Circular A-122, Cost Principles for Nonprofit Organizations <www.whitehouse.gov/OMB/circulars/a122/a122.html> (applies to non-profits)

APPENDIX

Environmental Review Memorandum

ALASKA NATIVE TRIBAL HEALTH CONSORTIUM
Division of Environmental Health & Engineering
1901 Bragaw Street, Suite 200
Anchorage, Alaska 99508

MEMORANDUM

DATE: June 2006

FROM: Heritage and Environmental Consultant

SUBJECT: Ekwok Village Council, Environmental Review
Project No. AN 05-GG0

TO: FOR THE RECORD

Based upon proposed Federal funding for this project, an environmental review in accordance with the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA) is required. The Alaska Native Tribal Health Consortium (ANTHC) has considered all potential environmental concerns (specific and cumulative effects) associated with this phase of the project in consultation with applicable federal, state, and local authorities. An Environmental Review has been completed with respect to the proposed health facilities planning project.

FINDINGS

This environmental review finds that no further environmental investigation is necessary. It is recommended that the Denali Commission approves a determination of eligibility for categorical exclusion from the Environmental Assessment process for this project. Current Indian Health Service (IHS) policy (Federal Register, Vol. 58, No. 3, January 6, 1993, pp. 569-572) allows for IHS categorical exclusions for certain projects. In particular, Section H, No. 4 allows for a categorical exclusion for projects to conduct "engineering studies and investigations including soil borings and test well drilling to gather data for the purpose of determining engineering feasibility and permit facility design." This project will complete such an investigation.

SCOPE OF WORK

This project will complete the conceptual design for a new health clinic in Ekwok, Alaska. No construction will be performed under this project phase. This project will include consideration of community needs, surveys, preliminary engineering evaluations, consideration of alternatives, and recommended facilities. The following field activities may be undertaken in order to complete the scope of this project:

- Site investigation by foot and through the use of locally available transportation (i.e. truck, ATV, snow machine, etc.)
- Ground and aerial surveying
- Soil boring and sampling of surface and subsurface soil
- Test well drilling and monitoring of test wells and existing wells
- Surface water testing and monitoring

The ANTHC agrees to comply with all applicable federal, state and local environmental laws, regulations, and requirements during all phases of the project, as well as obtain any necessary permits. This may entail an performing an archaeological survey or the completion of an environmental assessment prior to construction, depending upon where the project is located and its size and scale.

SUMMARY

With the scope of work outlined for this project, the ANTHC has completed the environmental review. If the scope of work is changed in the future, then the ANTHC will revisit this environmental review to determine if potential environmental concerns have been addressed.

Chris Campbell

Chris Campbell

Denali Commission
510 L Street, Suite 410
Anchorage, AK 99501

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June 26, 2006

Chris Campbell
Heritage and Environmental Consultant
Alaska Native Tribal Health Consortium
1901 South Bragaw, Suite 200
Anchorage, AK 99508-3440

Dear Ms. Campbell:

RE: Ekwok Environmental Determination

This letter is written by the Denali Commission (Commission) to indicate to the Alaska Native Tribal Health Consortium (ANTHC) that the course of action outlined in the environmental memoranda (attached) is appropriate for the Ekwok clinic project.

Please contact Ms. Denali Daniels of my staff, ddaniels@denali.gov, 271.1189, with any questions.

Sincerely,

Tessa L. D. Rinner, MPA
Director of Programs

Attachments

CC: Paul Morrison/Dan Reitz, ANTHC (via e-mail)

File: Chronological
Small Clinic/Ekwok/Correspondence