Date: January 5, 2006

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

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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 Yukon-Kuskokwim Health Corporation in
The Village of Kipnuk, Alaska
Project No. AN 05-GD7
December 2005

COOPERATIVE PROJECT AGREEMENT
HEALTH FACILITY IMPROVEMENT PROJECT
VILLAGE OF KIPNUK, ALASKA

PROJECT NO. AN 05-GD7

To complete this project, ANTHC and the Yukon-Kuskokwim Health Corporation mutually agree to the terms and conditions contained in this Agreement.

RECOMMENDED BY: 12/20/05 (Date) — Mark Stafford, P.E.
Regional Manager
DEHE, ANTHC

APPROVED BY: 12/23/05 (Date) — Paul Sherry
Chief Executive Officer
ANTHC

APPROVED BY: 1/3/06 (Date) — Gene Peltola
President/CEO
YKHC

COOPERATIVE PROJECT AGREEMENT
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COOPERATIVE PROJECT AGREEMENT
HEALTH FACILITY IMPROVEMENT PROJECT
VILLAGE OF KIPNUK, ALASKA

PROJECT NO. AN 05-GD7

DATE OF AGREEMENT:
December 2005

A. INTRODUCTION

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

Yukon-Kuskokwim Health Corporation	=	YKHC
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. 185-05, Addendum A, dated September 2005.

B. SCOPE OF PROJECT

This project will complete the design studies and construction planning for a new health clinic in Kipnuk, 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 FY05
M-DS	Design health clinic	1	LS	50,000	50,000	50,000
				Total Award	$50,000	$50,000

C 2. Project Funding

Contributor	Fiscal Year	Description	Amount
Denali Commission	Federal 2005	NA	$ 50,000
TOTAL PROJECT FUNDING			$ 50,000

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, YKHC is assuring that matching funds from other contributing agencies, if applicable, shall be made available to the project. It is understood that these matching funds will be contributed by YKHC directly to the project, and will not be received or managed by ANTHC.

YKHC shall not be obligated to continue performance that requires an expenditure of more funds than awarded under this CPA plus funding from other sources as specified in the funding application to the Denali Commission. If YKHC has reason to believe that the total amount required for performance will be greater than the amount of this CPA plus any other funding source amounts so specified as initially available, YKHC shall provide notice to ANTHC within ten (10) days of discovery. If the Commission (or any other funding source) does not increase the funding authorization for the project, YKHC may suspend performance until sufficient additional funds are awarded, or complete the project without additional funding assistance through this CPA.

D. PROJECT ADMINISTRATION

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

Project design shall be managed by YKHC, which has met standards for a "Pass Through" organization approved by ANTHC. ANTHC will only maintain program oversight of the project. No technical assistance or project management will be provided by ANTHC.

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) the Yukon-Kuskokwim Health Corporation will ensure that the Kipnuk Traditional 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 Kipnuk Traditional 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 Kipnuk Traditional 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 Kipnuk Traditional Council assumes full responsibility for any and all cultural items discovered during excavation on all but private lands.
- Acknowledging that the Kipnuk Traditional 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 Kipnuk Traditional 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 Kipnuk Traditional 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 YKHC.

- Section 1, "Provisions for All Cooperative Project Agreements"
- Section 4, "Provisions for Regional Health Organization Management of Force Account Labor for Pass Through Projects"
- 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

Environmental Review Concurrence

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

MEMORANDUM

DATE: December 2005

FROM: Heritage and Environmental Consultant

SUBJECT: Village of Kipnuk, Environmental Review
Project No. AN 05-GD7

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 design studies and construction planning for a new health clinic in Kipnuk, Alaska. No construction will be performed under this project phase.

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.

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
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November 28, 2005

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

Dear Ms. Campbell:

RE: Tuntutuliak, Kipnuk, Kwethluk, Mt. Village and Kasigluk Environmental Determinations

This letter is written by the Denali Commission (Commission) to indicate to the Alaska Native Tribal Health Consortium (ANTHC) that no further environmental review is required for the clinic projects in the communities of Tuntutliak, Kipnuk, Kwethluk, Mt. Village and Kasigluk.

The Commission is in receipt of the ANTHC Environmental Review Memorandum for each of the aforementioned communities and has included the documents in each of the community's project records.

Please contact Ms. Tessa Rinner of my staff, trinner@denali.gov, 271.1624, with any questions.

Sincerely,

Krag Johnsen
Chief of Staff

CC: Rick Boyce/Dan Reitz/David Beveridge/Kelley Leseman, ANTHC (via e-mail)

File: Chronological
185-05/Kokhanok/Correspondence
185-05/Kipnuk/Correspondence
185-05/Kwethluk/Correspondence
185-05/Mt. Village/Correspondence
185-05/Kasigluk/Correspondence