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Division of Environmental Health and Engineering
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LR: 05/24/06



Division of Environmental Health and Engineering

Cooperative Project Agreement

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A Health Facility Improvement Project Between:
The Alaska Native Tribal Health Consortium and
The Yukon-Kuskokwim Health Corporation in
The City of Kwethluk, Alaska
Project No. AN 06-GG9
September 2006

COOPERATIVE PROJECT AGREEMENT
HEALTH FACILITY IMPROVEMENT PROJECT
CITY OF KWETHLUK, ALASKA

PROJECT NO. AN 06-GG9

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

RECOMMENDED BY:

9/12/2006

Date

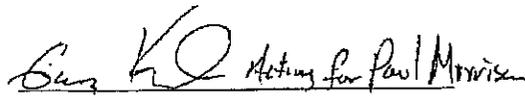


David Scherer, P.E.
Project Engineer
DEHE, ANTHC

RECOMMENDED BY:

9/12/06

Date



Paul C. Morrison, P.E.
Health Facilities Manager
DEHE, ANTHC

APPROVED BY:

9-13-06

Date



Paul Sherry
Chief Executive Officer
ANTHC

APPROVED BY:

9/14/06

Date



Gene Peltola
President/CEO
YKHC

**COOPERATIVE PROJECT AGREEMENT
HEALTH FACILITY IMPROVEMENT PROJECT
CITY OF KWETHLUK, ALASKA**

PROJECT NO. AN 06-GG9

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**COOPERATIVE PROJECT AGREEMENT
HEALTH FACILITY IMPROVEMENT PROJECT
CITY OF KWETHLUK, ALASKA**

PROJECT NO. AN 06-GG9

DATE OF AGREEMENT:
September 2006

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
Indian Community Development Block Grant	=	ICDBG
Indian Health Service	=	IHS
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, dated June 2006. This MOU defines the roles and responsibilities of each party.
- Denali Commission Financial Assistance Award Project No. 220-06, dated July 2006.

B. SCOPE OF PROJECT

This project will construct a new health clinic in Kwethluk, Alaska. Project activities include site preparation, materials and equipment, construction, and labor.

C. PROJECT COST

C 1. Cost Estimate Table

Job Type	Scope of Work	Qty	Units	Unit Cost	Total Cost	Funding Sources		
						Denali FY06	Matching Funds	
							ICDBG FY06	IHS FY06
M-CL	Construct new clinic	1	LS	2,153,624	2,153,624	1,651,842	196,479	305,303
Kwethluk Award					\$2,153,624	\$1,651,842	\$196,479	\$305,303
M-CB	ANTHC Support Services Charges				64,609	64,609		
Total Award					\$2,218,233	\$1,716,451	\$196,479	\$305,303

C 2. Project Funding

Contributor	Fiscal Year	Description	Amount
<u>Denali Commission</u>	<u>Federal 2006</u>	<u>NA</u>	<u>\$ 1,716,451</u>
<u>ICDBG</u>	<u>Federal 2006</u>	<u>NA</u>	<u>\$ 196,479</u>
<u>IHS</u>	<u>Federal 2006</u>	<u>NA</u>	<u>\$ 305,303</u>
TOTAL PROJECT FUNDING			\$ 2,218,233

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 agrees its matching funds 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 construction 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.

Construction activities are expected to begin by September 2006 and be finished by July 2007.

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. SUSTAINED OPERATIONS CONSIDERATIONS

YKHC will assume ownership and responsibility for operating and maintaining equipment and facilities provided by this project.

F. 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 Organized Village of Kwethluk 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 Organized Village of Kwethluk 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 Organized Village of Kwethluk.
- 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 Organized Village of Kwethluk assumes full responsibility for any and all cultural items discovered during excavation on all but private lands.
- Acknowledging that the Organized Village of Kwethluk 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 Organized Village of Kwethluk 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 Organized Village of Kwethluk alone.

G. 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.

H. 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

ANTHC Final Environmental Review Memorandum
Denali Commission Environmental Review Concurrence

Maps

- USGS Community Vicinity Map
- Project Activity Map



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

MEMORANDUM

DATE: September 2006

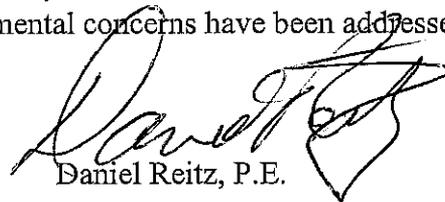
FROM: Director, EBS

SUBJECT: City of Kwethluk, Final Environmental Review
AN 06-GG9

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 the project in consultation with applicable Federal, State and local authorities. An Environmental Assessment (EA) was completed to HUD standards in March 6, 2006 with respect to this proposed health facility construction at Kwethluk, Alaska. The Kwethluk Traditional Council issued a Finding of No Significant Impact (FONSI) on March 2, 2006. This project will not change the scope of work outlined in the EA, and therefore no additional environmental review is necessary at this time.

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.



Daniel Reitz, P.E.



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

907.271.1414 *tel*
907.271.1415 *fax*
888.480.4321 *toll free*
www.denali.gov

September 12, 2006

Mr. Dan Reitz
Director of Engineering Business Services
Alaska Native Tribal Health Consortium
1901 South Bragaw, Suite 200
Anchorage, AK 99508-3440

Dear Mr. Reitz:

RE: Kwethluk 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 Kwethluk clinic project.

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

Sincerely,

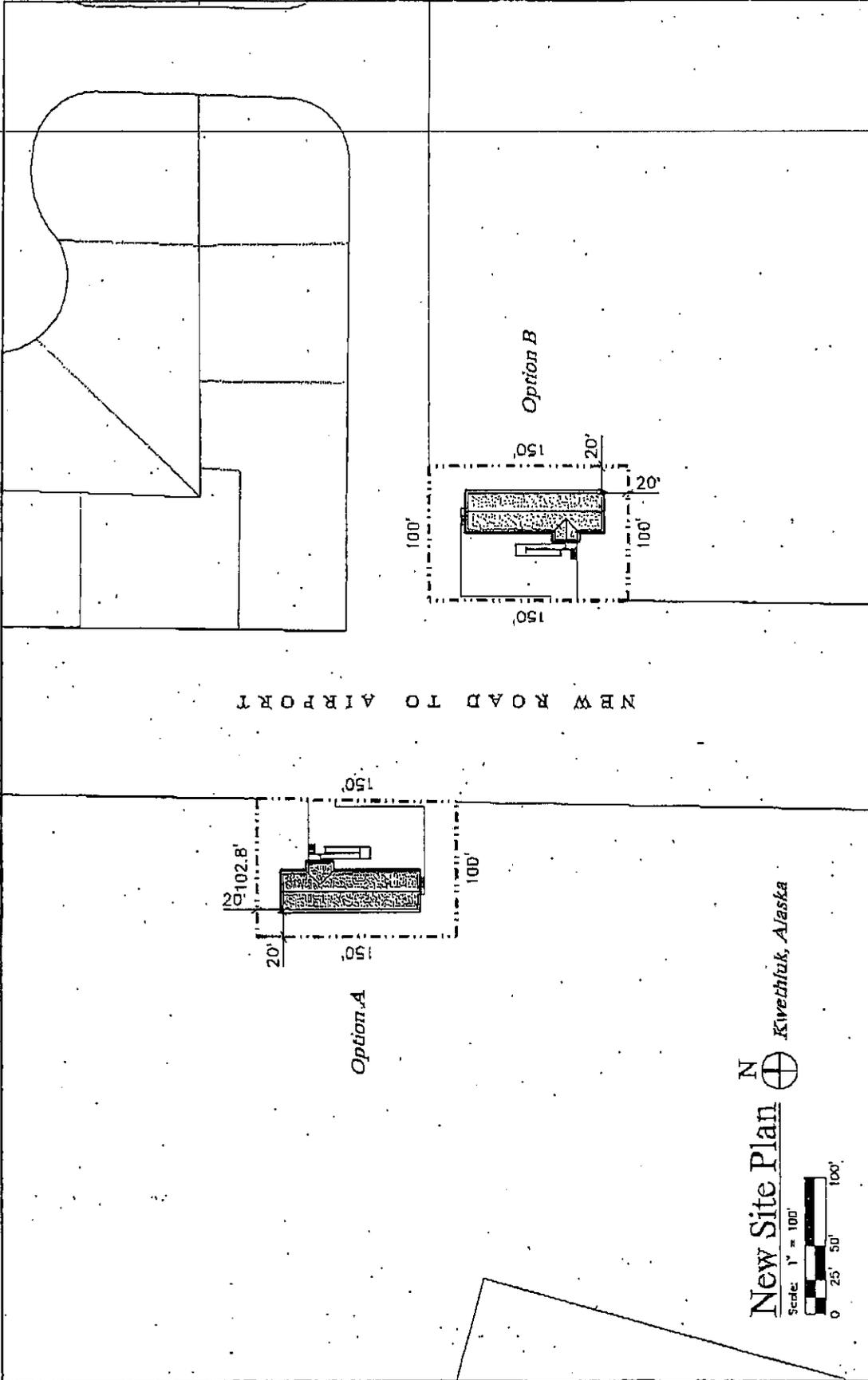
A handwritten signature in black ink, appearing to read "Tessa L. D. Rinner".

Tessa L. D. Rinner, MPA
Director of Programs

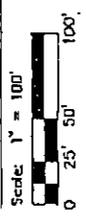
Attachments

CC: Paul Morrison/Simon Mawson/, ANTHC (via e-mail)
David Murray, YKHC (via e-mail)

File: Chronological
Award file/220-06/Kwethluk/Correspondence



New Site Plan  Kivethluk, Alaska



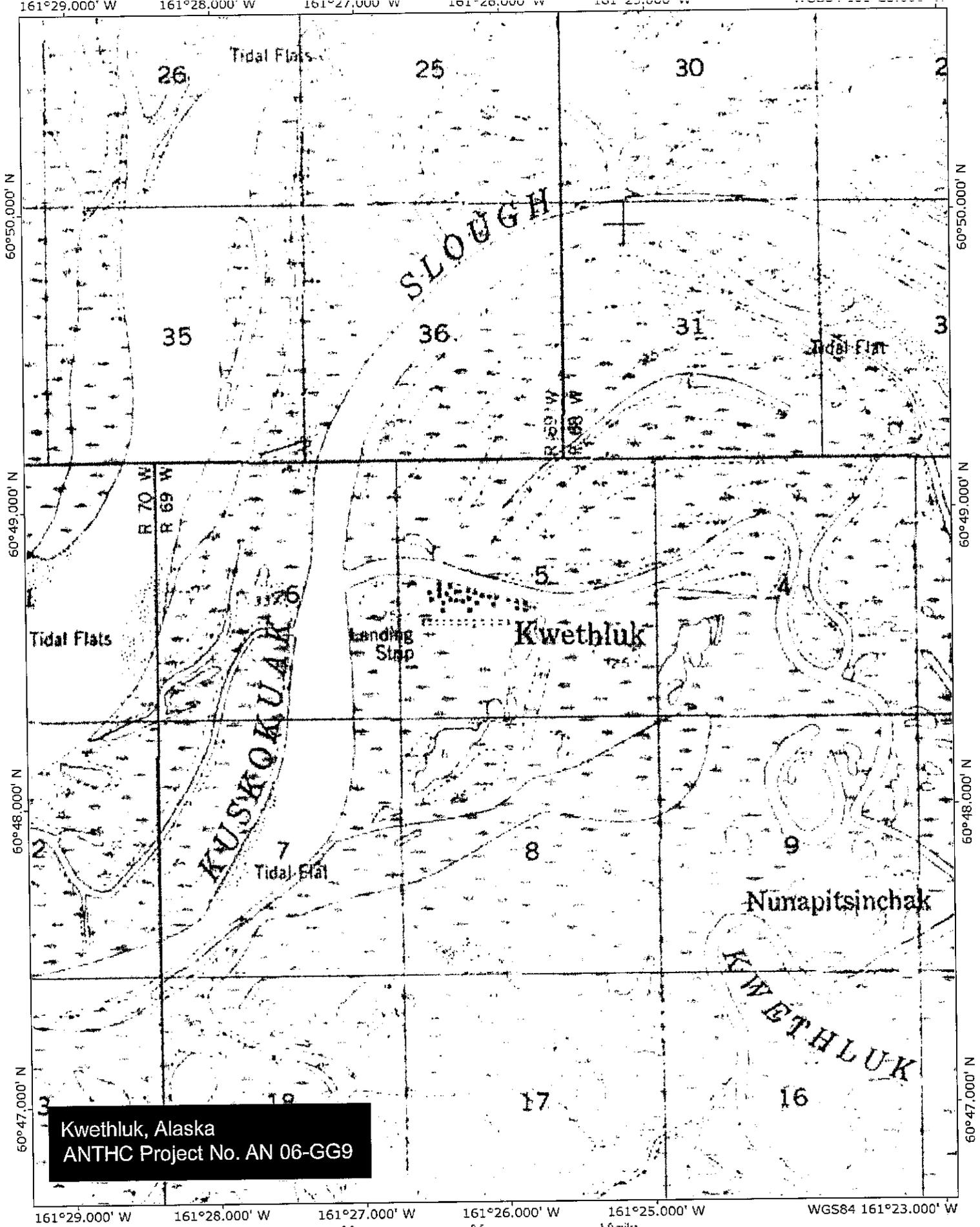
Sheet Content		Sheet #:	
NEW KWETHLUK CLINIC SITE PLAN		A3.1	
Drawn By	Date	Checked By	Job No.
IT Company	7/11/2004	GLW	030902

**ALASKA PRIMARY CARE FACILITY
CODE & CONDITION SURVEYS**
Kwethluk, Alaska
ANTHC Project No. AN 06-GG9



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http://www.winchester.com/





Kwethluk, Alaska
 ANTHC Project No. AN 06-GG9