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

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Project No.: **AN 09-GL5**  
Project Location: **Chignik Bay, Alaska**  
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LR: 09/19/07



Division of Environmental Health and Engineering

# Cooperative Project Agreement

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A**

A Health Facility Improvement Project Between:  
The Alaska Native Tribal Health Consortium and  
The Chignik Bay Tribal Council, Alaska  
Project No. AN 09-GL5  
September 2009

**COOPERATIVE PROJECT AGREEMENT  
HEALTH FACILITY IMPROVEMENT PROJECT  
CHIGNIK BAY TRIBAL COUNCIL, ALASKA**

**PROJECT NO. AN 09-GL5**

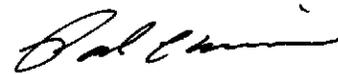
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To complete this project, the ANTHC and the Chignik Bay Tribal Council mutually agree to the terms and conditions contained in this Agreement.

PREPARED AND  
RECOMMENDED BY:

9/29/09

Date



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

APPROVED BY:

9/30/09

Date

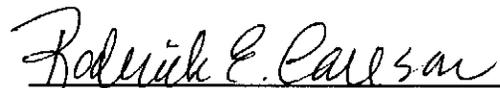


Don Kashevaroff  
Chief Executive Officer  
ANTHC

APPROVED BY:

10-22-09

Date



President, Chignik Bay Tribal  
Council, Alaska

**COOPERATIVE PROJECT AGREEMENT  
HEALTH FACILITY IMPROVEMENT PROJECT  
CHIGNIK BAY TRIBAL COUNCIL, ALASKA**

**PROJECT NO. AN 09-GL5**

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**COOPERATIVE PROJECT AGREEMENT  
HEALTH FACILITY IMPROVEMENT PROJECT  
CHIGNIK BAY TRIBAL COUNCIL, ALASKA**

**PROJECT NO. AN 09-GL5**

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DATE OF AGREEMENT:  
September 2009

**A. INTRODUCTION**

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

Chignik Bay Tribal Council	=	Tribe
Chignik Bay Tribal Council	=	Village
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 April 2008. This MOU defines the roles and responsibilities of each party.
- This Agreement defines the roles and responsibilities of each party.
- Denali Commission Financial Assistance Award 185-05 Amendments No. 9 and No. 10, both dated April 2009.

**B. SCOPE OF PROJECT**

This project will complete the Chignik Bay/Harrison Sub-Regional Health Clinic project. The additional funding was needed as a result of materials and transportation cost increases. The Commission has previously provided funding for this project through a direct award to Chignik Bay Tribal Council. The funding and project scope provided under this award shall comply with the grant conditions specified by Award 185-05.

**C. PROJECT COST**

**C 1. Cost Estimate Table**

Job Type	Scope of Work	Qty	Units			Funding Sources
				Unit Cost*	Extended Cost	Commission
M-CL	Clinic	1	LS	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00
<b>Total</b>				<b>\$ 100,000.00</b>	<b>\$ 100,000.00</b>	<b>\$ 100,000.00</b>

**C 2. Project Funding**

Contributor	Fiscal Year	Description	Amount
<u>Denali Commission</u>	<u>Federal 2005</u>	<u>185-05</u>	<u>\$ 100,000</u>
<b>TOTAL PROJECT FUNDING</b>			<b><u>\$ 100,000</u></b>

Commission funding for this health facility improvement project has been made available to the ANTHC through a separate Financial Assistance Award (FAA), or amendment or addendum to an FAA, between the Denali Commission and the ANTHC. The Denali Commission issued a Project Authorization to begin this work.

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 Chignik Bay Tribal Council is assuring that funding from other contributing agencies, if applicable, shall be made available to the project. If in-kind or other funding sources are unavailable, project activities may be curtailed.

The Chignik Bay Tribal Council 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 the Chignik Bay Tribal Council 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, the Chignik Bay Tribal Council shall provide notice to ANTHC within 10 days of discovery. If the Commission (or any other funding source) does not increase the funding authorization for the project, the Chignik Bay Tribal Council 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 185-05, Amendment 9, dated April 2009, the following project management methodology option has been selected by the Chignik Bay Tribal Council:

The project construction will be managed by Chignik Bay Tribal Council, which has met the requirements to assume the role of "Project Lead." The local participant shall retain the services of a professional project manager, engineer, and/or contractor for the services defined in the CPA. 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 Project Authorizations.

#### E. SUSTAINED OPERATIONS CONSIDERATIONS

The Chignik Bay Tribal Council will assume ownership and responsibility for all operation and maintenance of facilities constructed under 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. The 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 (e.g., human burials, associated items, and/or archaeological artifacts), Chignik Bay Tribal Council will ensure that the Chignik Bay Tribal Council will be a consulting party. In addition, the following responsibilities are assumed by the project participant in order to comply with the 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 Chignik Bay Tribal 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 Chignik Bay Tribal 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 Chignik Bay Tribal Council assumes full responsibility for any and all cultural items discovered during excavation on all but private lands.
- Acknowledging that the Chignik Bay Tribal 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 Chignik Bay Tribal 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 the 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 Chignik Bay Tribal Council alone.

#### G. ENVIRONMENTAL REVIEW REQUIREMENTS

The environmental review and determination for this project has been completed.

#### H. 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 Operations, DEHE.

#### I. 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 Chignik Bay Tribal Council.

- Section 1, "Provisions for All Cooperative Project Agreements"
- Section 3, "Provisions for Local Participant Management of Force Account Labor and Local Procurement of Force Account Management"
- Section 5, "Insurance and Indemnification Provisions for Force Account Labor Projects Managed by the 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](http://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](http://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](http://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](http://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](http://www.whitehouse.gov/OMB/circulars/a122/a122.html)> (applies to non-profits)

## **APPENDIX**

Environmental Review Memorandum  
Denali Commission NEPA Determination



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

## MEMORANDUM

DATE: July 6, 2009

FROM: Riki Lebman, Environmental Coordinator Supervisor 

SUBJECT: Supplemental Funds Chignik Bay Health Clinic – Environmental Consideration  
Project No. AN 09-GL5

TO: Denali Commission for NEPA Determination

An environmental review, in accordance with the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA), is required based upon proposed Federal funding for this project. The Alaska Native Tribal Health Consortium (ANTHC) has considered potential environmental concerns associated with supplemental funding for the Chignik Bay Health Clinic in Chignik Bay, Alaska.

### FINDINGS

The design and construction of the Chignik Bay Health Clinic received a Finding of No Significant Impact (FONSI) from U.S. Department of Housing and Urban Development (HUD) on March 18, 2008. This environmental review recommends that the Denali Commission (DC) approve a determination of eligibility for categorical exclusion (CE) from the environmental review process for this project based on Indian Health Service (IHS) policy (Federal Register, Vol. 58, No. 3, January 6, 1993, pp. 569-572). This policy allows for categorical exclusions for certain projects. In particular, Section E, No. 2 allows for a categorical exclusion for technical assistance to Alaska Native tribes and groups for “the purpose of developing capabilities in the area(s) of operation and maintenance of sanitation facilities.” In Section I Part 4(c) for IHS Owned and Leased Facilities allows for “construction or lease of new facilities for buildings of less than 12,000 square feet”. This supplemental funding would qualify for categorical exclusion under IHS policy.

## SCOPE OF WORK

The proposed supplemental funding will be to provide additional funding to complete a 4,400 square foot clinic with x-ray, dental, optometry, emergency, laboratory and pharmacy facilities. The clinic was built on a parcel transferred to the Chignik Bay Tribal Council for this purpose. The Alaska Native Health Consortium (ANTHC) is building a new water and sewer system for the community that includes a hook up for the clinic and the Alaska Industrial Development and Export Authority is building a new 575 power system for the community that will be complete when the clinic is ready to come on-line

No extraordinary or exceptional circumstances have been found to exist with this project.

## SUMMARY

ANTHC has completed the environmental review with the scope of work outlined for this project. ANTHC will revisit this environmental review to determine if potential environmental concerns have been addressed if the scope changes.



**Denali Commission**  
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September 23, 2009

Ms. Riki Lebman  
Environmental Coordinator  
Alaska Native Tribal Health Consortium  
1901 Bragaw Street, Suite 200  
Anchorage, AK 99508-3440

RE: Chignik Bay Environmental Review

Dear Ms. Lebman:

This letter is written by the Denali Commission (Commission) to indicate to the Alaska Native Tribal Health Consortium (ANTHC) that the clinic project (AN09-GL5) in the community of Chignik Bay be categorically excluded from further National Environmental Policy Act (NEPA) review.

The Commission is in receipt of the ANTHC Environmental Review Memorandum for the aforementioned community and has included the document in the community's project record.

Please contact Ms. Nancy Merriman of my staff, at [nmerriman@denali.gov](mailto:nmerriman@denali.gov) or at 271-1779.

Sincerely,

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

for Tessa L.D. Rinner, MPA  
Director of Programs

File Chronological  
Chignik Bay Health Clinic – AN09-GL5