

Date: February 2, 2005

Alaska Native Tribal Health Consortium
Division of Environmental Health and Engineering
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Document Type: Health Facilities Cooperative Project Agreement
Project No.: AN 04-GC3
Project Location: Hoonah, Alaska
Execution Date: January 26, 2005

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Division of Environmental Health and Engineering

Cooperative Project Agreement

A Health Facility Improvement Project Between:
The Alaska Native Tribal Health Consortium and
The Hoonah Indian Association in
The City of Hoonah, Alaska
Project No. AN 04-GC3
December 2004

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

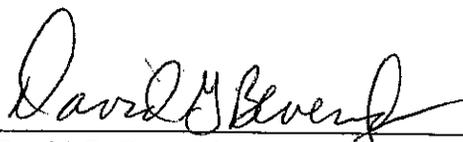
PROJECT NO. AN 04-GC3

To complete this project, ANTHC and the Hoonah Indian Association mutually agree to the terms and conditions contained in this Agreement.

RECOMMENDED BY:

12/27/04

Date

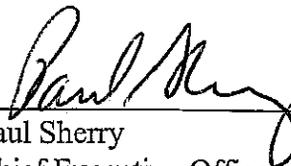


David G. Beveridge, P.E.
Regional Manager
DEHE, ANTHC

APPROVED BY:

1-26-05

Date

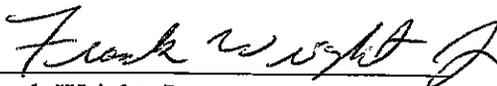


Paul Sherry
Chief Executive Officer
ANTHC

APPROVED BY:

1/17/05

Date



Frank Wright, Jr.
President
Hoonah Indian Association

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

PROJECT NO. AN 04-GC3

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

PROJECT NO. AN 04-GC3

DATE OF AGREEMENT:
December 2004

A. INTRODUCTION

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

Hoonah Indian Association	=	HIA
Alaska Native Tribal Health Consortium	=	ANTHC
Division of Environmental Health and Engineering	=	DEHE
Denali Commission	=	Commission

The ANTHC, DEHE, role is to provide sustainable environmental health solutions in partnership with the people it serves to create healthy and safe Native 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:

- Joint Project Agreement Between the Alaska Native Tribal Health Consortium the Hoonah Indian Association and the Denali Commission. Hoonah Clinic Replacement — Planning & Design, dated August 2004. This Agreement defines the roles and responsibilities of each party.
- Denali Commission Financial Assistance Award Project No. 0059-DC-2002-I12, Amendment No. 1, dated August 2004.

B. SCOPE OF PROJECT

ANTHC will provide design management services to the Hoonah Indian Association to design a new community health center, and to identify improvements to the existing health clinic's delivery of health and social services.

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
						Hoonah Indian Assoc.
M-DS	Design new health center/identify improvements to existing clinic	1	LS	300,000	300,000	300,000
M-PP	ANTHC design management services	1	LS	15,000	15,000	15,000
Total Award					\$315,000	\$315,000

C 2. Project Funding

Contributor	Fiscal Year	Description	Amount
<u>Hoonah Indian Assoc.</u>	<u>NA</u>	<u>NA</u>	<u>\$ 315,000</u>
TOTAL PROJECT FUNDING			<u>\$ 315,000</u>

The Commission provided HIA with \$315,000 for this project. HIA will transfer these funds to ANTHC for the contract of design services, and for ANTHC design management services.

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.

D. PROJECT ADMINISTRATION

In conformance with the Commission's Financial Assistance Award, Amendment No. 1, dated August 2004, the following Project Management Methodology option has been selected by the Hoonah Indian Association:

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 for the design of a new health center and to identify improvements to the existing clinic in the City of Hoonah.

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. 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 (i.e., human burials, associated items, and/or archaeological artifacts) ANTHC will ensure that the Hoonah Indian Association 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 Hoonah Indian Association 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 Hoonah Indian Association.
- 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 Hoonah Indian Association assumes full responsibility for any and all cultural items discovered during excavation on all but private lands.
- Acknowledging that the Hoonah Indian Association 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 Hoonah Indian Association 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 Hoonah Indian Association 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 Hoonah Indian Association.

- 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 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>
(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

Final Environmental Review Memorandum



ALASKA NATIVE TRIBAL HEALTH CONSORTIUM
Division of Environmental Health & Engineering
1901 South Bragaw, Suite 200
Anchorage, Alaska 99508-3440

MEMORANDUM

DATE: December 2004

FROM: Heritage and Environmental Consultant

SUBJECT: City of Hoonah - Environmental Review
Project No. AN 04-GC3

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 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 approve 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 provide design management services to the Hoonah Indian Association to design a new community health center, and to identify improvements to the existing health clinic's delivery of health and social services. No construction work will be performed under this project. 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.

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