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Division of Environmental Health and Engineering

Cooperative Project Agreement

CPA

A Health Facility Improvement Project Between:
The Alaska Native Tribal Health Consortium and
The City of Shishmaref, Alaska
Project No. AN 11-GN1
September 2011

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

PROJECT NO. AN 11-GNI

To complete this project, the ANTHC and the City of Shishmaref mutually agree to the terms and conditions contained in this Agreement.

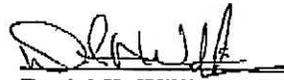
PREPARED BY:

14 SEP 11
Date


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DEHE, ANTHC

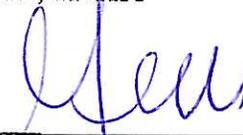
RECOMMENDED BY:

14 SEP 11
Date


Daniel H. Williams, P.E.
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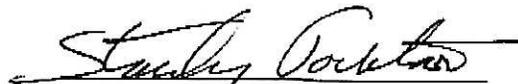
APPROVED BY:

10/18/11
Date


Garvin Federenko
Acting Chief Executive Officer
ANTHC

APPROVED BY:

9/20/2011
Date


Mayor, City of Shishmaref, Alaska

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

PROJECT NO. AN 11-GN1

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

PROJECT NO. AN 11-GN1

DATE OF AGREEMENT:
September 2011

A. INTRODUCTION

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

Native Village of Shishmaref	=	Tribe
City of Shishmaref	=	City
Alaska Native Tribal Health Consortium	=	ANTHC
Division of Environmental Health and Engineering	=	DEHE
Denali Commission	=	Commission
Department of Health and Social Services	=	DHSS

The mission of ANTHC, DEHE is to create safe and healthy communities through shared decision making with the people it serves. Through Public Laws 86-121, 93-638, and 105-83, the ANTHC has assumed from the IHS the management of the sanitation facilities construction program.

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 August 18, 2010. This MOU defines the roles and responsibilities of each party.
- DHSS Grant Agreement for Grant Number 65C-11-285 under Denali Commission Financial Assistance Award 352-07.

B. SCOPE OF PROJECT

This project will complete the design of renovations and repairs at the health clinic in the City of Shishmaref, 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*	Extended Cost	Funding Source
						DHSS
M-DS	Design	1	LS	\$109,413.00	\$109,413.00	\$109,413.00
M-CB	Support svcs direct charges	1	LS	\$9,086.00	\$9,086.00	\$9,086.00
Total					\$118,499.00	\$118,499.00

“Support services direct charges” includes project-related expenses e.g. salaries and travel.

C 2. Project Funding

Contributor	Fiscal Year	Description	Amount
<u>DHSS</u>	<u>Federal 2011</u>	<u>Grant#65C-11-285</u>	<u>\$ 118,499</u>
TOTAL PROJECT FUNDING			<u>\$ 118,499</u>

A comprehensive construction cost estimate will be prepared at the end of the design phase

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 City of Shishmaref 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.

D. PROJECT ADMINISTRATION

In conformance with DHSS Grant No. 65C-11-285, the following project management methodology option has been selected by the City of Shishmaref:

The Design and/or Construction Management shall be accomplished by ANTHC or its Contractor. ANTHC shall take responsibility for all project oversight, technical assistance, and management of the design and/or construction process. It is anticipated that ANTHC will use one if its indefinite quantity architect and engineering contractors to complete the clinic renovation design for Shishmaref. Project Construction shall be through ANTHC force account construction method.

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 City of Shishmaref will assume or retain ownership of and responsibility for all operation and maintenance of the improvements and facilities constructed under this project.

F. NATIONAL HISTORIC PRESERVATION ACT REQUIREMENTS

The National Historic Preservation Act (NHPA) provides for the identification and protection of cultural resources including avoiding unnecessary disturbance of reported or known human burials and for providing mitigation when appropriate. 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. Although NAGPRA often is inapplicable to ANTHC projects, ANTHC recognizes the inherent rights and claims of Tribes 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 ANTHC will notify the Native Village of Shishmaref and treat it as a consulting party.

The Native Village of Shishmaref will help ensure compliance with the NHPA, NAGPRA, and the ANTHC policy recognizing inherent rights and claims.

The Tribal Council will:

- Identify and help locate any known or reported archaeological site, artifact, or ancient human remains prior to the beginning of construction to avoid unnecessary damage to sensitive resources.

ANTHC will:

- Delay construction in the vicinity of a discovery until procedures in conformance with 36 CFR Part 800, Subpart B are complete.
- Identify and perform appropriate mitigation measures in conformance with Part 36 CFR 800, Subpart B.
- Ensure an archaeologist has an opportunity to view and document any and all cultural items discovered during excavation if an adverse effect determination has been made.
- Ensure that, if removal of ancient human remains is necessary, the archaeologist will remove the entire body and that there will be no further study, tests or photographs of the remains without the consent of the Native Village of Shishmaref (which will be provided in a separate agreement).
- Contact the Village Public Safety Officer or State Troopers if a modern human burial is discovered and avoid any further disturbance of the scene until they have conducted any investigation that may be necessary. No police notification is needed for archaeological remains.
- Ensure the inherent and legally protected rights of the Native Village of Shishmaref are respected, including their right to take possession of, control, and /or determine the appropriate disposition of any and all cultural items discovered during excavation on all but private lands.
- Acknowledge that the inherent claims or rights of the Native Village of Shishmaref are not diminished by the fact that the land is under ownership by another party.
- Ensure that, if a discovery is made on Federal lands, Indian Allotment lands, or lands not yet conveyed to the Village or Regional Corporation, employees, contractors and subcontractors involved in construction operations shall comply with the NAGPRA if appropriate.

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 Vice President of Operations, 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 the City of Shishmaref.

- 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>
- OMB Circular A-87, Cost Principles for State and Local Governments and Indian Tribal Governments <www.whitehouse.gov/OMB/circulars/a087/a087-all.html >
- OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations <www.whitehouse.gov/OMB/circulars/a133/a133.html>

APPENDIX

Environmental Review Memorandum



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

MEMORANDUM

DATE: September 2011

FROM: ^{CV} ANTHC Environmental Staff

SUBJECT: Clinic Renovation Design – Shishmaref, Alaska
NEPA Environmental Review – Project No. AN 11-GN1

TO: NEPA Determination

Federal funding for this project requires an environmental review in accordance with the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA), the Endangered Species Act (ESA), the Clean Water Act, and various other state and federal approvals. The Alaska Native Tribal Health Consortium (ANTHC) has considered all potential environmental concern, both specific and cumulative effects, associated with the project design in consultation with applicable federal, state, and local authorities.

FINDINGS

ANTHC uses the Indian Health Service (IHS) environmental review procedures for conducting environmental analyses of all health and sanitation facilities projects, as outlined in the *Environmental Review Manual*, issued in January 2007. Current IHS policy (Federal Register, Vol. 58, No. 3, January 6, 1993, pp. 569-572) allows for categorical exclusion of health and sanitation facility projects that do not have a significant impact on the environment, as determined by the attached “Environmental Review and Documentation.”

This environmental review is for designing sanitation infrastructure and for that purpose finds that no further environmental investigation is needed. It is, therefore, recommended that the lead federal agency approve a determination of eligibility for categorical exclusion from further NEPA review for design activities.

BACKGROUND

Shishmaref is located on Sarichef Island, in the Chukchi Sea, just north of the Bering Strait. Shishmaref is 5 miles from the mainland, 126 miles north of Nome, and 100 miles southwest of Kotzebue. The village is surrounded by the 2.6 million-acre Bering Land Bridge National Reserve. It is part of the Beringian National Heritage Park, endorsed by Presidents Bush and Gorbachev in 1990. It lies at approximately 66.256670 North Latitude and -166.071940 West Longitude. (Sec. 23, T010N, R035W, Kateel River Meridian.) Shishmaref is located in the Cape Nome Recording District. The area encompasses 2.8 sq. miles of land and 4.5 sq. miles of water.

The original Inuit name for the island was "Kigiktaq." In 1816, Lt. Otto Von Kotzebue named the inlet "Shishmaref," after a member of his crew. Excavations at "Keekiktuk" by archaeologists around 1821 provided evidence of Inuit habitation from several centuries ago. Shishmaref has an excellent harbor, and around 1900 it became a supply center for gold mining activities to the south. The village was named after the inlet, and a post office was established in 1901. The city government was incorporated in 1969. During October 1997, a severe storm eroded over 30 feet of the north shore, requiring 14 homes and the National Guard Armory to be relocated. Five additional homes were relocated in 2002. Other storms have continued to erode the shoreline an average of three to five feet per year on the north shore. In July 2002 residents voted to relocate the community

Water is derived from a surface source, treated, and stored in a new tank. A flush/haul system provides services to some homes. Unserved homes continue to haul water. Honeybuckets and the flush tanks are hauled by the city. The school, clinic, Friendship Center, city hall, and fire hall are connected to a sewage lagoon.

SCOPE OF REVIEW

This project will complete the design of renovations and repairs at the health clinic in the City of Shishmaref, Alaska. No construction will be performed under this project phase.

PROPOSED MITIGATION MEASURES

The environmental review was for design purposes only. An environmental review for construction will be necessary for this project.

SUMMARY

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