Date: November 9, 2006

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

Document Type:	Cooperative Project Agreement
Project No.:	AN 06-GH3
Project Location:	Ninilchik, Alaska
Execution Date:	November 8, 2006

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Division of Environmental Health and Engineering

Cooperative Project Agreement

HFCPA

A Health Facility Improvement Project Between:
Alaska Native Tribal Health Consortium and
Southcentral Foundation, for the clinic located in
Ninilchik, Alaska
Project No. AN 06-GH3
September 2006

COOPERATIVE PROJECT AGREEMENT
HEALTH FACILITY IMPROVEMENT PROJECT
NINILCHIK, ALASKA

PROJECT NO. AN 06-GH3

To complete this project, ANTHC and Southcentral Foundation mutually agree to the terms and conditions contained in this Agreement.

RECOMMENDED BY: 9/29/06
Date

Simon J. Mawson, P.E.
Health Facilities Project Coordinator
DEHE, ANTHC

RECOMMENDED BY: 10/2/06
Date

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

APPROVED BY: 10/5/06
Date

Paul Sherry
Chief Executive Officer
ANTHC

APPROVED BY: 11/8/06
Date

Katherine Gottlieb
President/CEO
Southcentral Foundation

COOPERATIVE PROJECT AGREEMENT
HEALTH FACILITY IMPROVEMENT PROJECT
NINILCHIK, ALASKA

PROJECT NO. AN 06-GH3

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COOPERATIVE PROJECT AGREEMENT
HEALTH FACILITY IMPROVEMENT PROJECT
NINILCHIK, ALASKA

PROJECT NO. AN 06-GH3

DATE OF AGREEMENT:
September 2006

A. INTRODUCTION

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

Southcentral Foundation	=	SCF
Alaska Native Tribal Health Consortium	=	ANTHC
Division of Environmental Health and Engineering	=	DEHE
Rasmuson Foundation	=	Rasmuson Foundation
Rural Anchorage Service Unit	=	RASU
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 purchases and installs telepharmacy equipment in the existing health clinic located in Ninilchik, Alaska. Project activities include materials and equipment, purchases and labor.

This project does not involve ground disturbance.

C. PROJECT COST

C 1. Cost Estimate Table

Job Type	Scope of Work	Qty	Units	Unit Cost	Total Cost Denali FY06
M-CL	Purchase and install telepharmacy equipment	1	LS	42,840	42,840
				Ninilchik Award	**$42,840**
M-CB	ANTHC Support Services Charges				1,607
	Total Commission Award				$44,447

C 2. Project Funding

Contributor	Fiscal Year	Description	Amount
Denali Commission	Federal 2006	NA	$ 44,447
Matching Funds			
Rasmuson Foundation	NA	NA	$ 5,355
RASU	NA	NA	$ 5,355
TOTAL PROJECT FUNDING			$ 55,157

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, SCF agrees its Rasmuson Foundation and Rural Anchorage Service Unit matching funds shall be made available to the project. It is understood that these matching funds will be contributed by SCF directly to the project, and will not be received or managed by ANTHC.

SCF 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 SCF 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, SCF

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, SCF 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 was selected by SCF:

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

Project activities are expected to begin by December 2006 and be finished by June 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

SCF will assume ownership of the equipment provided by this project, and be responsible for equipment operation and maintenance. However SCF may, via a written agreement, assign operation and maintenance responsibility to the owner of the Ninilchik clinic; if such an agreement is made, a copy must be submitted to ANTHC, DEHE.

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), Southcentral Foundation will ensure that the Ninilchik 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 Ninilchik 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 Ninilchik 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 Ninilchik Traditional Council assumes full responsibility for any and all cultural items discovered during excavation on all but private lands.
- Acknowledging that the Ninilchik 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 Ninilchik 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 Ninilchik Traditional Council 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; the manual is electronically available at http://www.anthc.org/cs/dehe/vilctct/. For the purposes of this Agreement, all references to "Local Participant" shall mean SCF.

- 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:

- 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

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

MEMORANDUM

DATE: September 2006

FROM: Tribal Certified Officer

SUBJECT: Ninilchik, Final Environmental Review
Project No. AN 06-GH3

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 project.

FINDINGS

The ANTHC uses the Indian Health Service (IHS) environmental review procedures for conducting environmental analyses of all health facilities projects, as outlined in the *Environmental Review Manual*, the second edition of which was issued in January 2000. This environmental review finds that no further environmental investigation is needed because it includes only equipment not requiring permits. No construction is involved. All actions have been reviewed and no extraordinary or exceptional circumstances were found to exist. It is therefore recommended that the Denali Commission approves a determination of eligibility for categorical exclusion from the requirement to conduct further environmental evaluation for this project. Current IHS policy (Federal Register, Vol. 58, No. 3, January 6, 1993, pp. 569-572, I [2] and [3) allows for categorical exclusion of health and sanitation facility projects that do not have a significant impact on the environment. I (2) provides for the acquisition of equipment, provided that all requirements for permits, registrations, and licenses are met, and provided that the equipment involves the use of generally accepted technology. I (3) provides for building alterations or renovation that does not substantially change the function or general appearance of the building.

SCOPE OF WORK

This project purchases and installs telepharmacy equipment in the existing health clinic located in Mentasta Lake, Alaska. Project activities include materials and equipment, purchases and labor.

This project does not involve ground disturbance.

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.

for 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

November 6, 2006

Ms. Diana Rigg
Alaska Native Tribal Health Consortium
1901 South Bragaw, Suite 200
Anchorage, AK 99508-3440

Dear Ms. Rigg:

RE: Environmental Determinations

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 memorandum (attached) is appropriate for the following clinic projects:

Ambler	02-G45
Atka	06-GD6
Chistochina	AN-GD8
Gakona	06-GH9
Kiana	01-G08
Mentasta L.	06-GH0
Nikolai	06-GH1
Nikolski	06-GH2
Ninilchik	06-GH3
Noatak	02-G48
Saint George	06-GH7
Selawik	05-GG3
Shungnak	02-G49
Takotna	06-GH6
Tyonek	06-GH7
Unalaska	06-GH8

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

Sincerely,

Tessa L. D. Rinner, MPA
Director of Programs

Attachments

CC: Paul Morrison/Dan Reitz, ANTHC (via e-mail)

File: Chronological
Small Clinic/Community/Correspondence