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Document Distribution

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Division of Environmental Health and Engineering

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Cooperative Project Agreement

A Health Facility Improvement Project Between:
The Alaska Native Tribal Health Consortium and
The Village of Kwigillingok, Alaska
Project No. AN 04-GC8
March 2005

**COOPERATIVE PROJECT AGREEMENT
HEALTH FACILITY IMPROVEMENT PROJECT
VILLAGE OF KWIGILLINGOK, ALASKA**

PROJECT NO. AN 04-GC8

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

RECOMMENDED BY:

3-28-05

Date

Matthew Dixon

Pierre Costello, P.E.
Project Manager
DEHE, ANTHC

RECOMMENDED BY:

3-28-05

Date

Matthew Dixon

Matthew Dixon, P.E.
Regional Manager
DEHE, ANTHC

APPROVED BY:

3/30/05

Date

Paul Sherry

Paul Sherry
Chief Executive Officer
ANTHC

APPROVED BY:

6/28/05

Date

Tommy J. Andrew

~~Stan Atti~~ Tommy J. Andrew
Vice President
Native Village of Kwigillingok

**COOPERATIVE PROJECT AGREEMENT
HEALTH FACILITY IMPROVEMENT PROJECT
VILLAGE OF KWIGILLINGOK, ALASKA**

PROJECT NO. AN 04-GC8

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**COOPERATIVE PROJECT AGREEMENT
HEALTH FACILITY IMPROVEMENT PROJECT
VILLAGE OF KWIGILLINGOK, ALASKA**

PROJECT NO. AN 04-GC8

DATE OF AGREEMENT:
March 2005

A. INTRODUCTION

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

Village of Kwigillingok	=	Village
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:

- Memorandum of Understanding Between the Denali Commission and the Alaska Native Tribal Health Consortium for Alaska Health, Sanitation, and Other Related Infrastructure, dated September 2004. This MOU defines the roles and responsibilities of each party.
- Denali Commission Financial Assistance Award Project No. 150-DC-2005, dated January 2005.

B. SCOPE OF PROJECT

This project will design and construct a 1,728-square foot washeteria in Kwigillingok, Alaska. The washeteria will contain six washers, four dryers, shower facilities, toilets, and a mechanical plant. It shall comply with the Americans with Disabilities Act, provide handicap access, and include a residential sprinkler system.

The scope of this project includes design and planning, professional cost estimation, 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	Central Oper. 8%*	Total Cost	Funding Sources
							Denali FY05
C-WA	Design and construct new washeteria	1	LS	974,299	77,944	1,052,243	1,052,243
Total Award						\$1,052,243	\$1,052,243

* Central operations services expenses pay for ANTHC engineering technicians, drafting services, surveying, financial support, shipping and receiving staff support, and those services in direct support of force account type construction or ANTHC contract management.

C 2. Project Funding

Contributor	Fiscal Year	Description	Amount
<u>Denali Commission</u>	<u>Federal 2005</u>	<u>NA</u>	<u>\$ 1,052,243</u>
TOTAL PROJECT FUNDING			<u>\$ 1,052,243</u>

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, the Village of Kwigillingok is assuring that \$243,105 from ANTHC Project No. AN 02-N12 shall be made available to this project. If such funds are not made available, project activities will be curtailed.

D. PROJECT ADMINISTRATION

The following Project Management Methodology option has been selected by the Village of Kwigillingok:

The design and construction shall be accomplished by ANTHC or its Contractor. ANTHC shall take responsibility for all project oversight, technical assistance, and management of the design and construction process. It is anticipated that ANTHC will use one if its indefinite quantity architect and engineering contractors to complete full design services for the provision of a new washeteria in Kwigillingok, Alaska. 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 amendment(s) or addendum(s).

E. SUSTAINED OPERATIONS CONSIDERATIONS

The Village of Kwigillingok will assume ownership and responsibility for operating and maintaining equipment or 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. 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 Native Village of Kwigillingok 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 Native Village of Kwigillingok 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 Native Village of Kwigillingok.
- Contacting local law enforcement officials 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 Native Village of Kwigillingok assumes full responsibility for any and all cultural items discovered during excavation on all but private lands.
- Acknowledging that the Native Village of Kwigillingok 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 Native Village of Kwigillingok 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 Native Village of Kwigillingok 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 the Village of Kwigillingok.

- 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 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 Environmental Review and Documentation

Maps

- USGS Community Vicinity Map
- Project Activity Map



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

MEMORANDUM

DATE: March 2005

FROM: Heritage and Environmental Consultant

SUBJECT: Village of Kwigillingok, Final Environmental Review
Project No. AN 04-GC8

TO: FOR THE RECORD

Based upon the scope for this project, an environmental review in accordance with the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA) has been completed. 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. The Environmental Review Report has been completed and reviewed with respect to the proposed sanitation facilities construction and is attached to this Memorandum.

FINDINGS

This environmental review finds that no further environmental investigation is necessary. All actions involving construction 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) 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."

BACKGROUND

Kwigillingok is on the western shore of Kuskokwim Bay near the mouth of the Kuskokwim River. It lies 77 miles southwest of Bethel and 388 miles west of Anchorage. The village of Kongiganak is nearby. The community lies at approximately 59.863930° North Latitude and -163.13322° (West) Longitude. (Sec. 01, T004S, R081W, Seward Meridian.)

ENVIRONMENTAL RESOURCES OF IMPORTANCE

This project will design and construct a 1,728-square foot washeteria in Kwigillingok. Kwigillingok is situated in a very wet tundra context, necessitating boardwalks and above ground systems. Because of this, and because the cost of hauling gravel to the community would be prohibitive, the structure will be supported by slender metal posts that will penetrate the ground to allow freeze-back for stabilization. Based on these considerations, the ANTHC has determined that this project will not affect historic properties and will seek concurrence from the State Historic Preservation Officer on this finding. Although there are Steller's eider in the vicinity of Kwigillingok, it is unlikely that the washeteria, which will be centrally located within the community, would adversely effect critical habitat for this threatened species. There are no other environmental resources of importance identified that might result in direct adverse effect.

SCOPE OF WORK

This project will design and construct a 1,728-square foot washeteria in Kwigillingok, Alaska. The washeteria will contain six washers, four dryers, shower facilities, toilets, and a mechanical plant. It shall comply with the Americans with Disabilities Act, provide handicap access, and include a residential sprinkler system.

The scope of this project includes design and planning, professional cost estimation, site preparation, materials and equipment, construction, and labor.

PROPOSED MITIGATION MEASURES

Given the environmental review performed by the ANTHC, no mitigation activities are proposed for this project.

SUMMARY

In the event that the ANTHC becomes aware of any other unforeseen discovery, which could change the environmental determination, the appropriate authority will be notified to develop an acceptable course of action prior to resuming construction activities in the impacted area. 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.

Su Ann C. Garrick
for
Chris Campbell

ENVIRONMENTAL REVIEW AND DOCUMENTATION

Last Revised Date - February 27, 2001

Alaska Native Tribal Health Consortium
Tribal Program Manager

Kwigillingok, Alaska
Project Location

AN 04-GC8
Project Number

Pierre Costello
Project Engineer

Considerations	Determination (Yes or No)	Basis for Determination (Documentation)
<p>1. <u>WETLANDS/WATER RESOURCES</u>: Will the project adversely affect wetlands/water resources or will there be construction in wetlands, except in conformance with a Corps of Engineers Section 404 Permit?</p> <p>REFERENCE: Executive Order 11990 and related Acts and Executive Orders/FR Vol. 58, No.3, K.5.</p>	No	<p>Reviewer's Experience - All construction will be done upon consultation with the U.S. Army Corps of Engineers (COE) and in conformance with any requisite COE permit.</p>
<p>2. <u>FLOODPLAINS</u>: Will the project involve construction in a floodplain (except for actions excluded as a class) or impact floodplain development?</p> <p>REFERENCE: Executive Order 11988 and related Acts and Executive Orders/FR Vol.58, No.3, K.5., K.9.</p>	No	<p>Reviewer's Experience - The construction of the washeteria project in Kwigillingok, Alaska is in a floodplain, and is the only practicable alternative consistent with the law. Hence, this project has been designed to minimize potential harm to or within the floodplain consistent with Executive Order 11988. Development will be conducted in accordance with class action requirements (IHS Environmental Review Manual 2.2.3:18) and work will not adversely affect floodplain development. There are no floodplain maps available for the community and the community does not participate in the National Flood Insurance Program.</p>
<p>3. <u>ENDANGERED SPECIES ACT</u>: Is the project likely to adversely affect a species listed on the Federal List of Endangered or Threatened Species or the specific critical habitat?</p> <p>REFERENCE: Endangered Species Act of 1973, as amended/FR Vol. 58, No.3, K.8.</p>	No	<p>Printed Materials - Endangered, Threatened and Candidate Species in Alaska, U.S. Fish and Wildlife Service, December 2000.</p> <p>Although the community of Kwigillingok will be in the vicinity of critical habitat for Stellar's eider species, which is endangered, all construction will take place within established community boundaries of Kwigillingok, Alaska and therefore work is not anticipated to adversely affect the noted threatened or endangered species.</p>

Considerations	Determination (Yes or No)	Basis for Determination (Documentation)
<p>4. <u>HISTORIC PRESERVATION ACT AND RELATED ACTS AND EXECUTIVE ORDERS:</u> Will the project adversely affect properties listed, or eligible for listing on the National Register of Historic places (buildings, archaeological sites & objects of significance)?</p> <p>REFERENCE: National Historic Preservation Act of 1966 and related Acts and Executive Orders/FR Vol. 58, No.3, K.5, K.7.</p>	<p>No</p>	<p>Reviewer's Experience - All work will occur in previously disturbed ground or in an area of low potential, therefore this project has no potential to affect historic properties on or eligible for the National Register of Historic Places. The State Historic Preservation Officer will be provided with a timely opportunity to review these findings for concurrence.</p>
<p>5. <u>WILD AND SCENIC RIVERS</u> <u>ACT:</u> Is the project a "Water Resources Project" which will impact a wild, scenic or recreational river area and create conditions inconsistent with the character of the river?</p> <p>REFERENCE: Wild and Scenic Rivers Act of 1968 and related Executive Actions/FR Vol. 58, No.3, K.5.</p>	<p>No</p>	<p>Printed Materials – Wild and Scenic Rivers (Alaska) List, National Wild and Scenic Rivers System, National Parks Service.</p> <p>This project is not a "Water Resource Project" that will impact a wild, scenic, or recreational river, hence will not create conditions that are inconsistent with the character of the river.</p>

Considerations	Determination (Yes or No)	Basis for Determination (Documentation)
<p>6. <u>COASTAL ZONE MANAGEMENT ACT</u>: Will the project directly affect a coastal zone in a manner inconsistent with the Coastal Zone Management Plan?</p> <p>REFERENCE: Coastal Zone Management Act/FR Vol. 58, No.3, K.5.</p>	No	<p>Printed Materials – Alaska Coastal Zone and Coastal District boundaries, National Oceanic and Atmospheric Administration, December 2000.</p> <p>The community of Kwigillingok, Alaska is located within the Cenaliuhrit CRSA Coastal Zone area therefore a coastal zone questionnaire will be submitted to the State of Alaska Department of Natural Resources</p>
<p>7. <u>WILDERNESS ACT</u>: Will the project adversely impact a wilderness area?</p> <p>REFERENCE: Wilderness Act of 1964/FR Vol. 58, No.3, K.5.</p>	No	<p>Printed Materials – Great Outdoor Recreation Pages, Alaska Wilderness Area List.</p> <p>There are no communities located in wilderness areas in Alaska.</p>
<p>8. <u>FARM LAND PROTECTION ACT</u>: Will the project convert significant agricultural lands to non-agricultural uses?</p> <p>REFERENCE: Farmland Protection Policy Act of 1981 and related Acts and Executive Orders/FR Vol. 58, No.3, K.5.</p>	No	<p>Personal Contact – Letter on file from Steve Tickett, Alaska Department of Natural Resources, July 1999.</p> <p>The community of Kwigillingok, Alaska is not located within an identified significant agricultural area.</p>
<p>9. <u>SAFE DRINKING WATER ACT</u>: Will the project impact a sole source aquifer?</p> <p>REFERENCE: Safe Drinking Water Act of 1974/FR Vol. 58, No.3, K.5.</p>	No	<p>Personal Contact – Letter on file from Michael Crotteau, Alaska Department of Environmental Conservation, August 1999.</p> <p>There are no designated sole source aquifers in Alaska.</p>

Considerations	Determination (Yes or No)	Basis for Determination (Documentation)
<p>10. <u>CLEAN AIR ACT</u>: Will the project result in a violation of the conformity rule (i.e. air quality goals and purposes of applicable or appropriate State Implementation Plan)</p> <p>REFERENCE: Clean Air Act of 1970 as amended in 1990.</p>	No	<p>Printed Materials – 18AAC50, Air Quality Control, Alaska Department of Environmental Conservation, December 30, 2000.</p> <p>This project will not result in a violation of the conformity rule per the State of Alaska Implementation Plan.</p>
<p>11. Will the project result in a known violation or continuance of a violation of applicable (Federal, Tribal, State or Local) law or requirements imposed for protection of the environment or public health and safety?</p> <p>REFERENCE: National Environmental Policy Act of 1969/FR Vol. 58, No.3, K.1., K.2.</p>	No	<p>Reviewer's Experience – The project will be in compliance with all applicable laws and requirements and will have the appropriate regulatory approvals.</p>
<p>12. Is there a controversy with respect to environmental effects of the project based on reasonable and substantial issues?</p> <p>REFERENCE: National Environmental Policy Act of 1969/FR Vol. 58, No.3, K.3.</p>	No	<p>Printed Materials—The CPA for this project, which is signed, afforded the Village the opportunity to address controversies with respect to environmental effects of the construction of washeteria.</p>

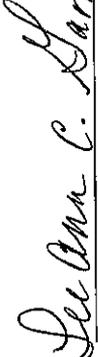
Considerations	Determination (Yes or No)	Basis for Determination (Documentation)
13. Is the project significantly greater in scope than normal projects for the area or does the project have significant unusual characteristics? REFERENCE: National Environmental Policy Act of 1969/FR Vol. 58, No.3, K.11.	No	Reviewer's Experience – The construction of the washeteria project in Kwigillingok, Alaska is typical in scope in comparison with other ANTHC sanitation improvement projects in rural Alaska and has no unusual, significant characteristics.
14. Does the project establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects? (cumulative impact based on current information) REFERENCE: National Environmental Policy Act of 1969/FR Vol. 58, No.3, K.6.	No	Reviewer's Experience – The construction of the washeteria project in Kwigillingok, Alaska is not anticipated to result in any cumulative impacts that will result in degradation of environmental concerns as outlined in NEPA.
15. Does the project have significant adverse direct or indirect effects on parklands, other public lands, or areas of recognized scenic or recreational value? REFERENCE: National Environmental Policy Act of 1969/FR Vol. 58, No.3, K.5.	No	Printed Materials – Alaska Wildlife Refuges, U.S. Fish and Wildlife Service. Although the community of Kwigillingok, Alaska lies within the Yukon Kuskokwim Delta National Wildlife Refuge, legislation recognizes the communities lying within the refuge boundary are compatible with this Federal designation. This project will occur within the established community boundaries and therefore work is not anticipated to adversely affect the noted National Wildlife Refuge.

Considerations	Determination (Yes or No)	Basis for Determination (Documentation)
16. Will the project provide for the construction of a sanitary landfill at a new solid waste disposal site? REFERENCE: National Environmental Policy Act of 1969/FR Vol. 58, No.3, J.1.	No	
17. Will the project include construction of a new wastewater treatment facility with direct discharge of treated sewage to surface waters? REFERENCE: National Environmental Policy Act of 1969/FR Vol. 58, No.3, J.2.	No	
18. Does the project involve the use, transfer or lease of real property which has been used as a storage for hazardous waste and/or petroleum products or their derivatives for more than one year? REFERENCE: Comprehensive Environmental Response, Compensation and Liability Act of 1980/FR Vol. 58, No.3, K.10.	No	Personal Contact – Based on Project Engineer consultation with the local authorities, specifically the Tribal Entity real property associated with the washeteria project in Kwigillingok, Alaska has not been associated with the use, transfer, or lease as storage for hazardous waste for more than one year. If hazardous waste/or petroleum products or their derivatives are uncovered through the course of construction, the Project Engineer will contact the Alaska Department of Environmental Conservation and follow their recommendations to ensure full legal compliance.

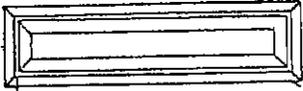
Considerations	Determination (Yes or No)	Basis for Determination (Documentation)
19. Is an Environmental Assessment required for other known reasons?	No	

I certify that to the best of my knowledge and ability the information presented above is true and correct.


 ANTHC Project Engineer 3-28-05 Date


 ANTHC Environmental Review Officer 07/20/05 Date

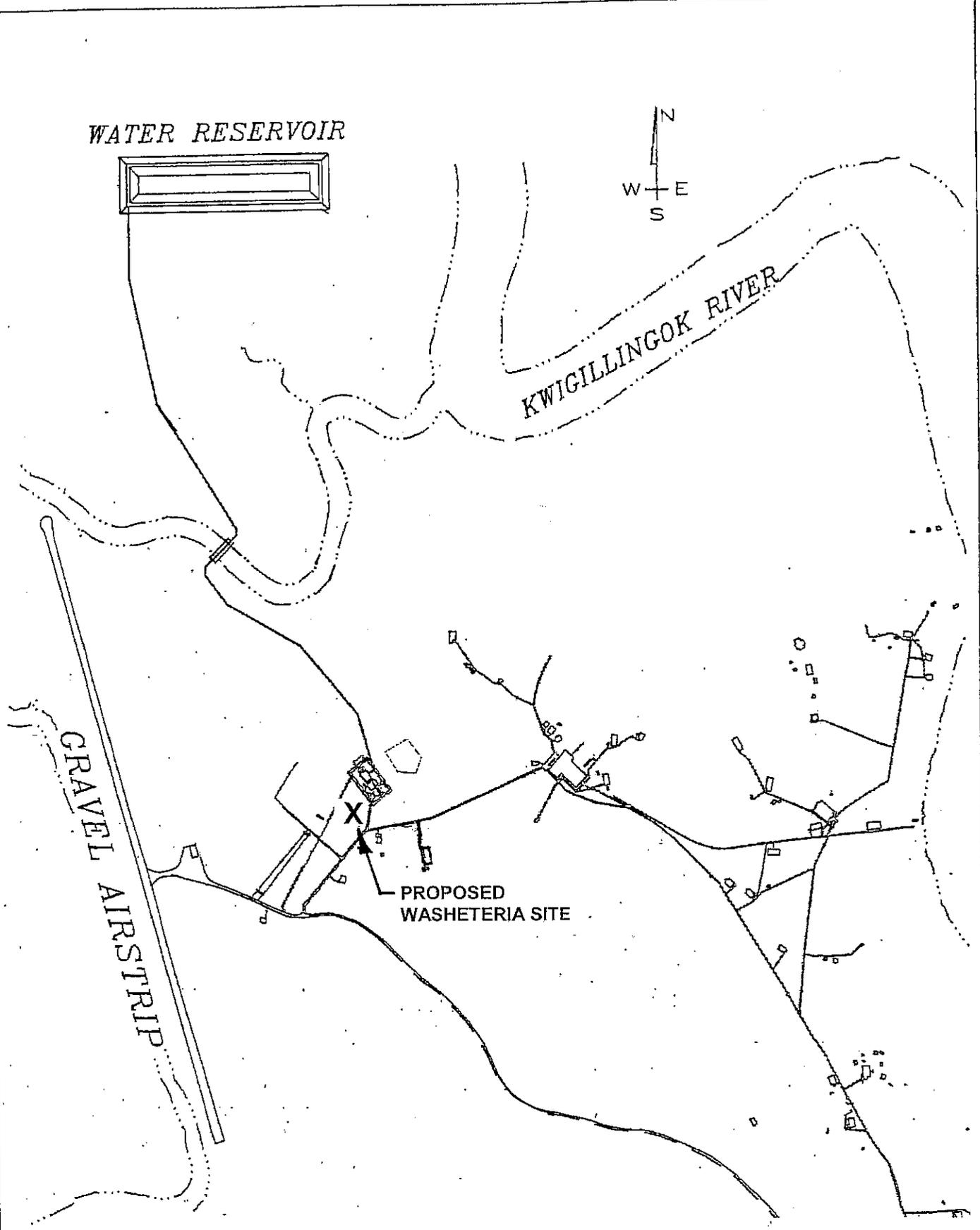
WATER RESERVOIR



KWIGILLINGOK RIVER

GRAVEL AIRSTRIP

PROPOSED WASHETERIA SITE



DATE	REVISIONS	INITIALS

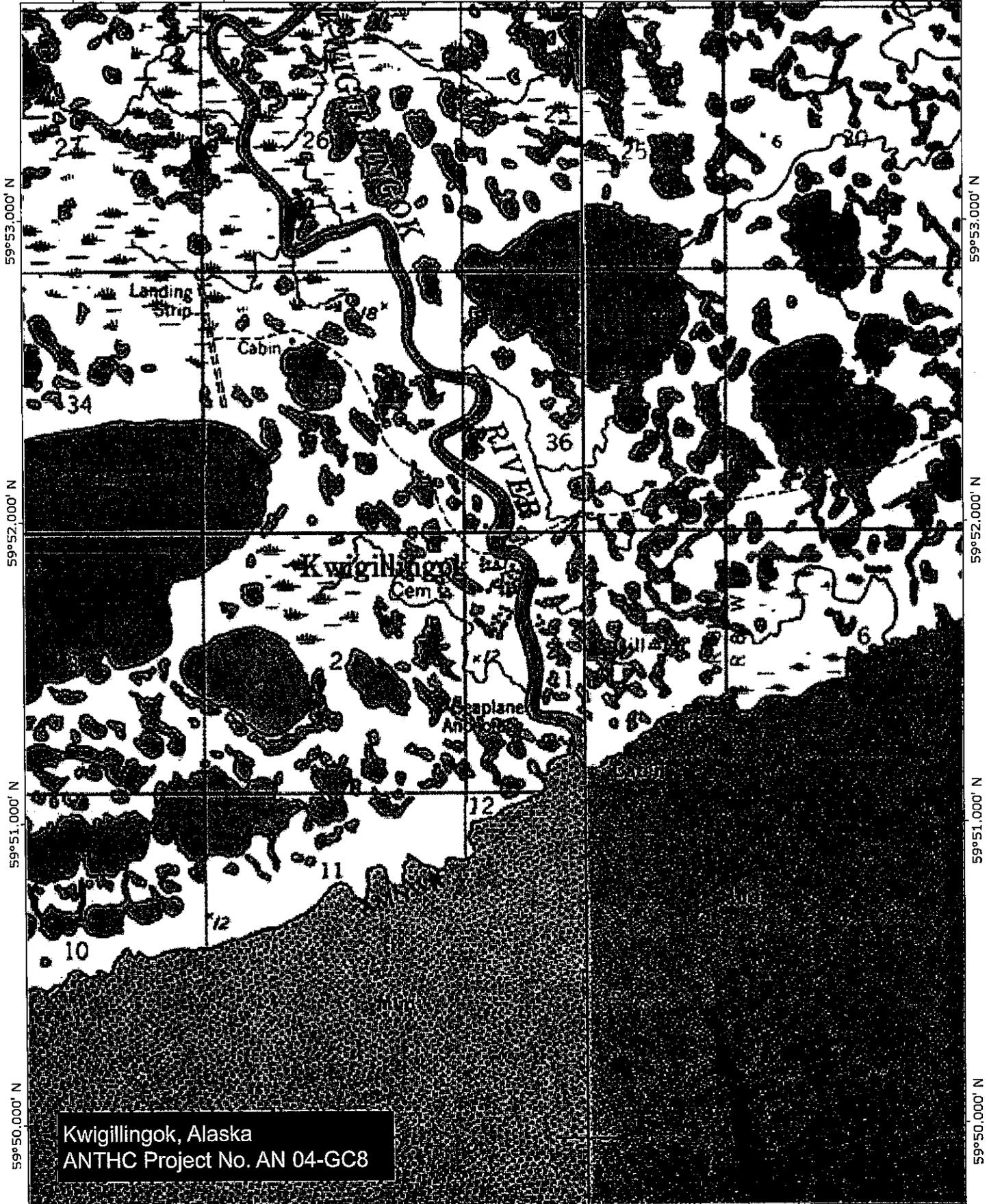


ALASKA NATIVE
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ANCHORAGE, ALASKA, 99508-3440
(807) 729-3500

Kwigillingok, Alaska
ANTHC Project No. AN 04-GC8

DATE: _____
SCALE: 1"=1000'
DRAWN BY: PVH

FILE NAME: .DWG
LAYOUT NAME: PLOT
PROJ ENG: _____



Kwigillingok, Alaska
 ANTHC Project No. AN 04-GC8

TN
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