

Date: December 14, 2006

Alaska Native Tribal Health Consortium  
Division of Environmental Health and Engineering  
1901 Bragaw Street, Suite 200  
Anchorage, Alaska 99508-3440

## Document Distribution

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Project No.: AN 06-GF9  
Project Location: Skagway, Alaska  
Execution Date: December 5, 2006

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Robert Ward Jr., City Manager, City of Skagway  
Andrew Beierly, Tribal Chair, Skaqua Traditional Council  
Environmental Health Director, SEARHC  
Joey Ausel, Denali Commission, Anchorage  
Denali Daniels, Denali Commission, Anchorage  
Paul Morrison, DEHE, Anchorage  
Simon Mawson, DEHE, Anchorage  
Jan Nofsinger, DEHE, Anchorage  
Ailene Valdez, DEHE, Anchorage  
Carolyn Hickey, DEHE, Anchorage  
Lola Ferguson, DEHE, Anchorage  
Kevin Braun, DEHE, Anchorage

cc: Program Services, DEHE, Anchorage

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For additional information, please contact:

Deanza Hjalseth  
1-800-560-8637, extension 3602

LR: 05/24/06



Division of Environmental Health and Engineering

# Cooperative Project Agreement

H  
E  
C  
P  
A

A Health Facility Improvement Project Between:  
The Alaska Native Tribal Health Consortium and  
The City of Skagway, Alaska  
Project No. AN 06-GF9  
October 2006

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

**PROJECT NO. AN 06-GF9**

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

RECOMMENDED BY:

10-30-2006

Date

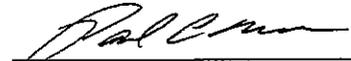


Simon J. Mawson, P.E.  
Health Facilities Project Coordinator  
DEHE, ANTHC

RECOMMENDED BY:

10/30/06

Date

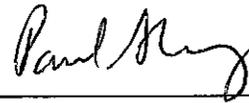


Paul C. Morrison, P.E.  
Health Facilities Manager  
DEHE, ANTHC

APPROVED BY:

11/1/06

Date

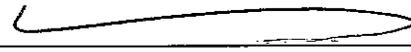


Paul Sherry  
Chief Executive Officer  
ANTHC

APPROVED BY THE  
CITY OF SKAGWAY:

12/5/06

Date



Robert W. Ward Jr., City Manager,  
City of Skagway

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

**PROJECT NO. AN 06-GF9**

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TABLE OF CONTENTS

A. INTRODUCTION.....	1
B. SCOPE OF PROJECT .....	1
C. PROJECT COST.....	2
C 1. Cost Estimate Table.....	2
C 2. Project Funding.....	2
D. PROJECT ADMINISTRATION .....	3
E. NATIONAL HISTORIC PRESERVATION ACT REQUIREMENTS .....	3
F. AUTHORITY FOR APPROVAL.....	4
G. PROVISIONS FOR PROJECT COMPLETION.....	5
APPENDIX	

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

**PROJECT NO. AN 06-GF9**

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DATE OF AGREEMENT:  
October 2006

**A. INTRODUCTION**

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

City of Skagway	=	City
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, dated June 2006. This MOU defines the roles and responsibilities of each party.
- Denali Commission Financial Assistance Award Project No. 220-06, Amendment No. 1, dated September 2006.

**B. SCOPE OF PROJECT**

This project will complete the design studies and construction planning for a new health clinic in Skagway, 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	Total Cost	Funding Source
						Denali FY06
M-DS	Design new health clinic	1	LS	300,000	300,000	300,000
<b>City of Skagway Award</b>					<b>\$300,000</b>	<b>\$300,000</b>
M-CB	ANTHC Support Services Charges				9,000	9,000
<b>Total Award</b>					<b>\$309,000</b>	<b>\$309,000</b>

C 2. Project Funding

Contributor	Fiscal Year	Description	Amount
<u>Denali Commission</u>	<u>Federal 2006</u>	<u>NA</u>	<u>\$ 309,000</u>
<b>TOTAL PROJECT FUNDING</b>			<b><u>\$ 309,000</u></b>

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 City of Skagway agrees its matching funds from other contributing agencies, if applicable, shall be made available to the project. If in-kind or other funding sources are unavailable, transfers to the City of Skagway will be curtailed.

The City of Skagway 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 City of Skagway 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 City of Skagway 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, the City of Skagway 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 the City of Skagway:

Project design shall be managed by the City of Skagway, 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 January 2007 and be finished by December 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. 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), the City of Skagway will ensure that the Skaqua 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 Skaqua 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 Skaqua 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 Skaqua Traditional Council assumes full responsibility for any and all cultural items discovered during excavation on all but private lands.
- Acknowledging that the Skaqua 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 Skaqua 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 Skaqua Traditional Council 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; 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 the City of Skagway.

- 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 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:

- 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**

ANTHC Environmental Review Memorandum  
Denali Commission Environmental Review Concurrence

### Maps

- USGS Community Vicinity Map
- Project Activity Map



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

## **MEMORANDUM**

**DATE:** October 2006

**FROM:** Environmental Coordinator

**SUBJECT:** City of Skagway – Preliminary Environmental Review  
Project No. AN 06-GF9

**TO:** FOR THE RECORD

An environmental review, in accordance with the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA), is required for this activity based upon proposed Federal funding for this project. The Alaska Native Tribal Health Consortium (ANTHC) has considered all potential environmental concerns (specific and cumulative effects) associated with this phase of the project in consultation with applicable federal, state, and local authorities. An Environmental Review has been completed with respect to the ANTHC pass-through of funds to the City of Skagway for the proposed health facilities planning project.

### **FINDINGS**

This environmental review finds that no further environmental investigation is necessary at this time. The Denali Commission should obtain a copy of the completed environmental document, as prepared by the City of Skagway, and approve the disbursement of funds to complete the project analyzed in that review. An Environmental Assessment will likely be needed for this project. The Environmental Assessment process to follow will depend on the federal funding source for match for the project.

## SCOPE OF WORK

The scope of this project will be the completion of design studies and construction planning for a new health clinic in Skagway, Alaska, by the City of Skagway. No construction work will be performed under this ANTHC activity.

The City of Skagway design effort may 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

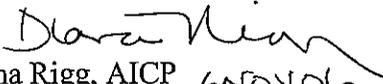
## FUTURE NEEDS

The Environmental Review shall include a Section 106 consultation with both the SHPO and the National Park Service due to the area's status as the Skagway Historic District and White Pass National Historic Landmark.

Compliance with all applicable federal, state and local environmental laws, regulations, and requirements during all phases of the project is required. All necessary permits will be acquired by the City of Skagway.

## SUMMARY

The 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 project scope changes.

  
Diana Rigg, AICP 6NOV06



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](http://www.denali.gov)

November 9, 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:

Akhiok	06-G10
Levelock	06-GE5
Craig	06-GF0
Skagway	06-GF9

Please contact Ms. Denali Daniels of my staff, [ddaniels@denali.gov](mailto:ddaniels@denali.gov), 271.1189, with any questions.

Sincerely,

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

Tessa L. D. Rinner, MPA  
Director of Programs

Attachments

CC: Paul Morrison/Simon Mawson/Dan Rietz, ANTHC (via e-mail)

File: Chronological  
Small Clinic/Community/Correspondence

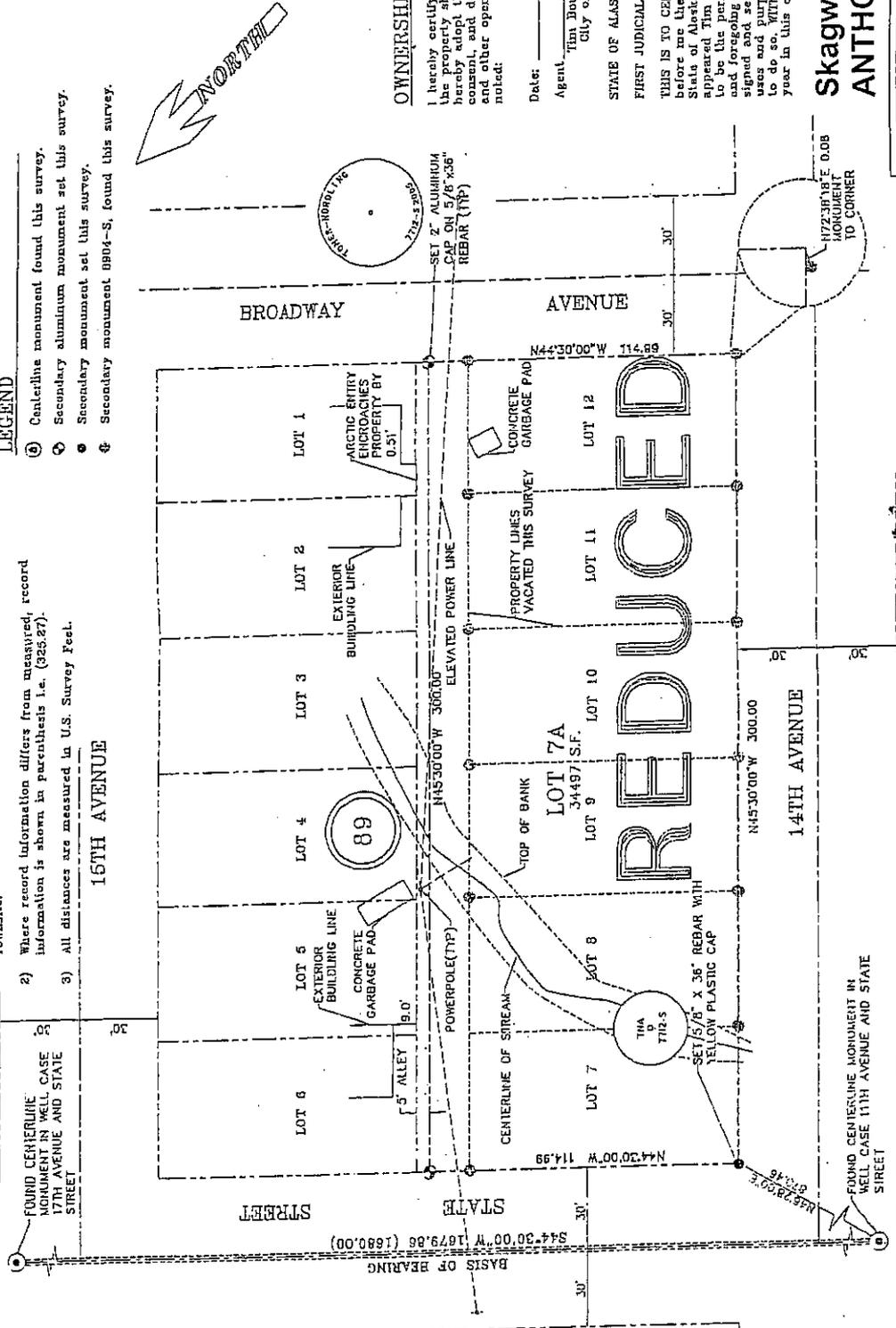
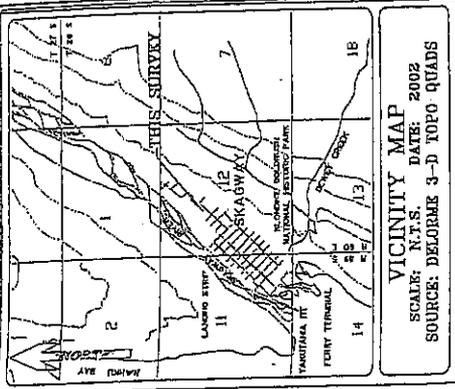
**NOTES**

- 1) Record information derived from plat of A.S.L.S. 98-2, within Section 12, T. 28 S., R. 59 E., C.R.M. Alaska, Plat No. 98-4 (Skagway, Alaska) and U.S.S. 435 Skagway Townsite.
- 2) Where record information differs from measured, record information is shown in parenthesis i.e. (323.27).
- 3) All distances are measured in U.S. Survey Feet.

**BASIS OF BEARING**  
The Basis of Bearing for this plat is the record bearing of N44°30'00"E, between found State of Alaska DOT/PP centerline monuments as noted.

**LEGEND**

- ⊙ Centerline monument found this survey.
- ⊙ Secondary aluminum monument set this survey.
- ⊙ Secondary monument set this survey.
- ⊙ Secondary monument 8904-S, found this survey.



**OWNERSHIP CERTIFICATE**

I hereby certify that I am the agent of the owner of the property shown and described herein and that I hereby adopt this plat of subdivision and that I, as agent, and declare all streets, alleys, walks, paths and other open spaces to public or private use as noted.

Date: 2005  
Agent: Tim Bourcy, Mayor  
City of Skagway  
Morticia Harris, City Clerk  
City of Skagway

STATE OF ALASKA  
FIRST JUDICIAL DISTRICT

THIS IS TO CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 2005, before me the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared Tim Bourcy Mayor, City of Skagway, to me known to be the person described in and who executed the above and foregoing instrument, and acknowledged to me that he signed and sealed the same freely and voluntarily for the uses and purposes therein mentioned being fully authorized to do so. WITNESS my hand and official seal the day and year in this certificate first above written.

**Skagway, Alaska**  
**ANTHC Project No. AN 06-GF9**

A RESUBDIVISION OF  
**LOTS 7-12, BLOCK 89**  
**U.S.S 435 SKAGWAY TOWNSITE**  
INTO LOT 7A  
CITY OF SKAGWAY, ALASKA  
Skagway Recording District

APPLICANT  
City of Skagway  
City Hall  
Skagway, AK 99840

DATE: OCT 2005  
PROJECT NO: 05-4133  
FILE NO:

SCALE: 1" = 30'  
SHEET NO: 1 OF 1

TONER-NORDLING & ASSOCIATES INC.  
CIVIL ENGINEERING-LAND SURVEYING-CONSTRUCTION MANAGEMENT  
5386 COMMERCIAL BOULEVARD  
JUNEAU ALASKA 99801 907-780-3533



**SURVEYOR'S CERTIFICATE**

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska and that this plat represents the survey made by me or under my direct supervision, and the monuments shown thereon actually exist as described and that all other details and dimensions are correct.

Dated: October, 2005

William T. Pence, L.S. No. 7712

**CERTIFICATE OF APPROVAL BY THE BOARD**

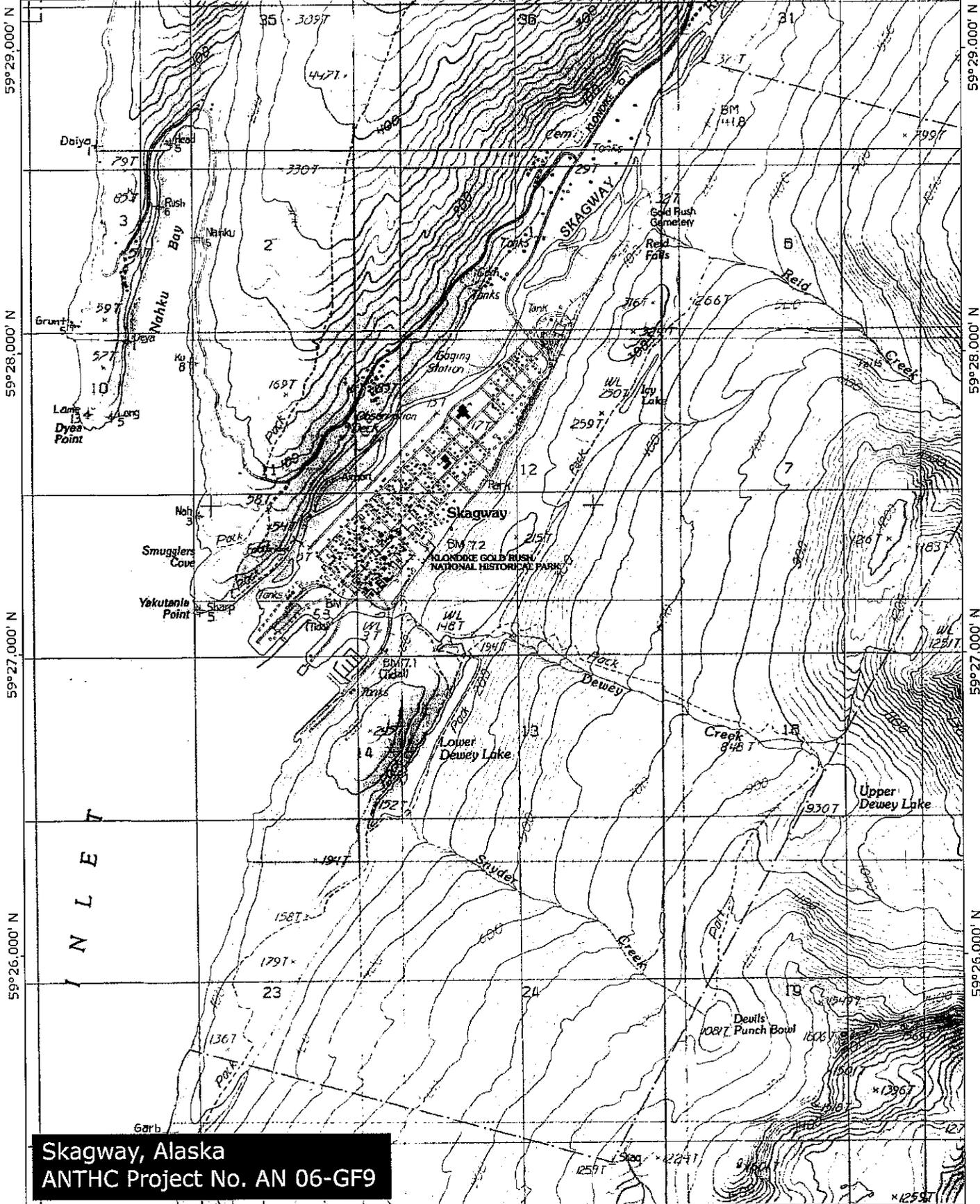
I hereby certify that the subdivision plat shown herein has been found to comply with the land subdivision practices of the City and Borough of Skagway, Alaska, and that said plat has been approved.

Commission Chairman, City of Skagway, Alaska

Date: 2005

**PRELIMINARY**





**Skagway, Alaska**  
**ANTHC Project No. AN 06-GF9**

