

GCA 6637

TASK ORDER A-1

This Task Order is entered into between the Washington State Department of Transportation, hereinafter the "WSDOT", and the Quinault Indian Nation, hereinafter the "NATION", collectively "PARTIES" and individually "PARTY".

WHEREAS, Agreement GCA 6637, was entered into and between the WSDOT and the NATION on February 14, 2011; and

WHEREAS, Agreement GCA 6637 allows the WSDOT to assign specific tasks to the NATION which are necessary to ensure the conservation, preservation, and protection of sensitive resources; and

WHEREAS, the PARTIES wish to enter into a Task Order detailing the mutual responsibilities required to ensure said conservation, preservation, and protection; and

NOW, THEREFORE, by virtue of RCW 39.34 and in consideration of the terms, conditions, covenants, and performances contained herein, or attached an incorporated and made a part hereof, IT IS MUTUALLY AGREED AS FOLLOWS:

**Section 1
General**

1.1 Agreement GCA 6637 is incorporated and by this reference made part of this Task Order A-1 as if fully set forth herein.

**Section 2
Scope of Work**

2.1 The NATION agrees to perform the work and provide any deliverables described in Attachment A, Scope of Work, of this Task Order.

**Section 3
Payment**

3.1 The STATE, in recognition of the faithful performance of the work by the NATION, agrees to reimburse the NATION in accordance with Section 6 of GCA 6637. The maximum amount payable under this Task Order is \$158,000.

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3.2 An estimate of costs for the work, marked Attachment B, is attached hereto and by this reference made a part of this Task Order.

3.3 The NATION shall submit requests for and make payment to the STATE in accordance with Section 6 of GCA 6637.

3.4 The STATE agrees to make payment for Services completed by the NATION within thirty (30) calendar days from the date the invoice is received by the STATE.

3.5 The NATION agrees to submit a final invoice to the STATE within ninety (90) calendar days after the NATION has completed the work or this Task Order is terminated, whichever comes first.

Section 4 Effectiveness and Duration

4.1 This Task Order is effective upon execution by both PARTIES and will remain in effect until March 31, 2012, unless otherwise amended or terminated.

Section 5 Termination


5.1 This Task Order may be terminated by either PARTY upon 30 days advanced written notice. In the event of termination, payment will be made to the NATION for work completed and billed as of the effective date of termination.

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IN WITNESS WHEREOF, the PARTIES hereto have executed this Task Order as of the latest date written below.

QUINAULT INDIAN NATION

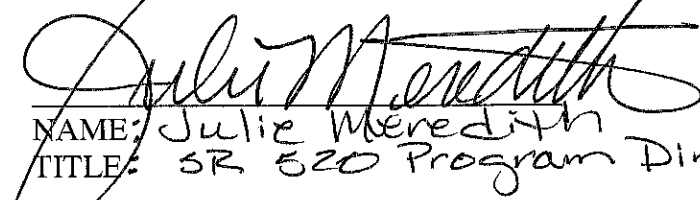
**STATE OF WASHINGTON
DEPARTMENT OF TRANSPORTATION**



NAME: Fawn Sharp
TITLE: President

4/19/11

Date



NAME: Julie Meredith
TITLE: SR 520 Program Director

4/25/11

Date

APPROVED AS TO FORM:

N/A

NAME
TITLE

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ATTACHMENT A

QUINULT INDIAN NATION TRIBAL CULTURAL MONITORING – SCOPE OF WORK

DESCRIPTION

The NATION will provide tribal monitoring services to WSDOT during on-site construction of the SR 520 Pontoon Construction Project that will ensure cultural expectations and concerns are being addressed through the cultural resources monitoring process. WSDOT archaeological monitoring commitments are described in the October, 2010 Archaeological Monitoring and Unanticipated Discovery Protocol (Plan) Plan for the SR 520 Pontoon Construction Project, which was developed in consultation with, and has been agreed to by, the NATION. As specified in the Plan, WSDOT archaeological monitors are required on site only when construction activities expose the buried historic and tideflat surfaces where there is identified potential for buried cultural resources to exist.

A preliminary communications and scheduling approach is outlined in the Plan. The NATION's Tribal Monitor(s) will be included in communications regarding schedule, and notified of all times when archaeological monitoring is scheduled to occur. WSDOT will provide the NATION with 24 hours' notice before archaeological monitoring is scheduled to begin; the NATION will provide a confirmed response upon receipt of notice. The notice will convey the approximate location where monitoring will occur and an anticipated start time for the work.

Archaeological monitors are specified in the Plan to oversee construction activities affecting historic and native surfaces during construction of the Casting Basin, Support Structures and Utility Trenches. Upon completion of these ground-disturbing construction activities, services provided by the NATION's Tribal Monitor(s) will no longer be required.

ROLES AND RESPONSIBILITIES

1. WSDOT Cultural Resources Specialist
 - Oversight of archaeological monitoring work for WSDOT
 - Point of contact / coordination for issues relating to monitoring for the NATION WSDOT Archaeological Monitor(s)
 - Observe excavation activities that expose buried historic and tideflat surfaces where there is an identified potential for buried cultural resources. The Archaeological Monitor(s) will be supervised by an archaeologist meeting the Secretary of Interior's Professional Qualification Standards. Supervision need not be direct on-site supervision.

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- Document, recover, and temporarily curate any objects, samples, or other cultural materials recovered from the site for analytical purposes and documentation under Section 106 of the National Historic Preservation Act.
 - Determination of significance of cultural resources related to 36CFR800 regulations in accordance with procedures outlined in the Plan.
2. NATION Tribal Monitor(s)
- Ensure the NATION's cultural concerns are addressed during the archaeological monitoring process
 - Provide input to WSDOT's Archaeological Monitor(s) on such concerns. The NATION's Tribal Monitor(s) may be present at all times when WSDOT archaeological monitoring is occurring on site, but is not required to be present for construction to proceed. Construction scheduled for archaeological monitoring may proceed in the absence of a tribal monitor so long as WSDOT Archaeological Monitor(s) are present. In the absence of the NATION's Tribal Monitor(s), notification shall be made according to the procedure outlined in the Plan.
 - Attend the Environmental Preconstruction Meeting.
 - Prior to providing monitoring services, attend a preconstruction safety meeting arranged by the WSDOT Contractor.
 - Wear appropriate safety gear while performing monitoring activities at the construction site(s). Safety gear includes a hard hat, vest, steel-toed boots, gloves, and safety glasses. WSDOT will provide all safety gear except steel-toed boots.

If the NATION Tribal Monitor(s) has concerns about observed possible artifacts or deposits of interest, the NATION Tribal Monitor(s) shall request that WSDOT's Archaeological Monitor(s) pause construction to more closely examine exposed sediments and/ or artifacts as described in the Plan. WSDOT's Archaeological Monitor(s) will accommodate all such reasonable requests and work cooperatively and in close coordination with the NATION's Tribal Monitor(s). Stop work authority resides with the WSDOT Environmental Compliance Specialist. The WSDOT Archeological Monitor(s) may pause work for closer examination of artifacts but does not have the authority to stop work over widespread areas for extended periods. The NATION's Tribal Monitor(s) are not granted the authority to pause or stop construction activities. The NATION's Tribal Monitor(s) can request the WSDOT Archaeological Monitor(s) to pause work per the WSDOT Archaeological Monitor(s) authority.

The NATION Tribal Monitor(s) may have concerns over cultural propriety, respectful behaviors, or other protocols related to traditional uses of the land and its original inhabitants. The NATION Tribal Monitor(s) may wish to provide WSDOT with information or guidance to inform on-site workers at the pre-construction contractor training (as specified in the Plan) and/or regular "tailgate" meetings and briefings coordinated with WSDOT Archaeological Monitor(s) and WSDOT's Contractor.

A WSDOT on-site staff person appointed by the WSDOT Construction Project Engineer will be the designated point of contact for the NATION Tribal Monitor(s) on issues of cultural concern and will be tasked with resolving any issues of the NATION's cultural concern with WSDOT's Contractor. The

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WSDOT Cultural Resource Specialist will provide additional support to the NATION Tribal Monitor(s) on any such issues.

As specified in Section 11.2.3 of the Memorandum of Agreement between the NATION, WSDOT, and the Federal Highway Administration (GCA 6658), WSDOT will consult on a government-to-government basis with the NATION regarding requests to repatriate artifacts following completion of analysis and documentation. Culturally appropriate accommodations regarding treatment of recovered objects that do not affect the physical integrity of the resource will be made to the fullest extent possible.

ESTIMATED LEVEL OF EFFORT FOR MONITORING

Construction activities requiring oversight by WSDOT Archaeological Monitor(s) are anticipated to occur approximately 196 days over a 9.5 month period, two eight-hour shifts per day, for an estimated total of 3,136 hours, as shown in Exhibit B, Estimate of Cost. The NATION Tribal Monitor(s) may be present during all of this time or any part thereof, at the NATION's discretion. WSDOT will pay for only one NATION Tribal Monitor(s) on a construction site at any one time, and only for those hours the NATION Tribal Monitor(s) is on the construction site. The NATION may bring additional tribal representatives on-site to observe work at the NATION's expense.

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 ATTACHMENT B
 ESTIMATE OF COSTS

	NUMBER OF HOURS	COST PER HOUR	TOTAL
LABOR			
Nation Tribal Monitor	3136	28.84	\$ 90,442.24
DIRECT EXPENSES			
<i>Mileage</i>			\$ 17,992.80
180 miles per day (45 miles from Taholah to the site, two shifts) @ 0.51 per mile * 196 days			
<i>Sub-total</i>			\$ 108,435.04
Indirect cost rate (45.47%)			\$ 49,305.41
TOTAL			\$ 157,740.45

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