AG Contract No. KR95 2061TRN
ADOT ECS File No. JPA 95-163
Project: F-060-1-225/H3667 01L
Section: SR-264 & SR-87
Archaeological Surveys

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE HOPI TRIBE

THIS AGREEMENT is entered into 1 May, 1996, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and THE HOPI TRIBE, acting by and through its Tribal Council (the "Tribe").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The Tribe is empowered by Hopi Tribal Council Resolution to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the Tribe.

3. Incident to future roadway reconstruction improvement projects to State Route 264 and State Route 87 contemplated by the State, the State and the Tribe desire to participate in archaeological surveys and cultural resource inventories from MP 384.2 and MP 403 on SR-264, and from MP 386.0 and MP 406.10 on SR-87, hereinafter referred to as the Project, at an estimated cost of $50,139.00.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. 20669
FILED WITH SECRETARY OF STATE
Date Filed 05/01/96
Jane Lee Hull
Secretary of State
By Vicky Groenewold

II. SCOPE

1. The Tribe will:

a. Accomplish the Project generally in accordance with Exhibit A, which is attached hereto and made a part hereof. Provide the State copies of progress reports as appropriate, and a final report.

b. No more often than monthly, invoice the State in the total amount estimated at $50,139.00 for work performed under this agreement.

c. Be reponsible for any claims arising from the performance or nonperformance of any work under this agreement attributable to the Tribe.

2. The State will:

a. Appoint a Project Manager to coordinate with and assist the Tribe as necessary and appropriate.

b. Reimburse the Tribe within 30 days after receipt and approval of monthly invoices, in a total amount estimated at $50,139.00.

c. Be responsible for any claims attributable to the State.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project and reimbursements; provided, however, that this agreement may be cancelled at any time prior to the commencement of performance, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. Applicable laws of the State, Federal and Tribal government shall govern the rights of the parties with respect to the performance of this agreement. The parties hereto shall select a process for the resolution of claims or disputes relating to this agreement, compliant with applicable laws and regulations of the State, Federal and Tribal government, and acceptable to the State and the Tribe.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

The Hopi Tribe
Tribal Chair
Box 123
Kykotsmovi, AZ 86039

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

THE HOPI TRIBE

By _____
FERELL H. SECAKUKU
Chairman

STATE OF ARIZONA
Department of Transportation

By _____
PETER L. ENO
Contract Administrator

607
29aug

JPA 95-163

RESOLUTION

BE IT RESOLVED on this 28th day of August 1995, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the Hopi Tribe for the purpose of defining responsibilities for an archaeological survey on SR-264 and SR-87.

Therefore, authorization is hereby granted to draft said agreements which, upon completion, shall be submitted to the Contract Administrator for approval and execution.

for LARRY S. BONINE
Director

HOPI TRIBAL COUNCIL
RESOLUTION
H-39-96

WHEREAS, the Arizona Department of Transportation is proposing to implement roadway reconstruction improvement projects to State Route 264 and State Route 87; and

WHEREAS, prior to the implementation of these road improvement projects the Arizona Department of Transportation is required to perform an archaeological survey and a cultural resources inventory to those portions of State Route 264 and State Route 87 that will be impacted by the proposed roadway reconstruction improvement projects; and

WHEREAS, the Constitution of the Hopi Tribe gives the tribal government the responsibility to manage, protect, and preserve its cultural legacy for the present and future generations of Hopis'; and

WHEREAS, the Cultural Preservation Office of the Hopi Tribe desires to perform the necessary archaeological surveys and cultural resource inventories, for the Arizona Department of Transportation, of that portion of State Route 264 from MP 384.2 to MP 403 and that portion of State Route 87 from MP 386.0 to MP 406.10 which are located within the boundaries of the Hopi Indian Reservation; and

WHEREAS, the Hopi Tribal Council is empowered to enter into a Intergovernmental Agreement between the State of Arizona and the Hopi Tribe for the sole purpose of permitting and funding the Cultural Preservation Office to perform these necessary archaeological surveys and cultural resource inventories.

HOPI TRIBAL COUNCIL
RESOLUTION
H-39-96

NOW THEREFORE BE IT RESOLVED by the Hopi Tribal Council that it authorizes the Chief Executive Officer to enter into the Intergovernmental Agreement between the State of Arizona and the Hopi Tribe (AG Contract No. KR95 2061TRN) at an estimated amount of $50,139.00.

BE IT FINALLY RESOLVED by the Hopi Tribal Council that it hereby authorizes the Cultural Preservation Office of the Hopi Tribal Council to place into effect all necessary legal documents, including any necessary amendments, to fulfill this intent and that the Treasurer is hereby authorized to receive and expend said funds in accordance with all applicable Tribal and State fiscal guidelines.

C E R T I F I C A T I O N

The foregoing resolution was duly adopted by the Hopi Tribal Council on February 28, 1996, at a meeting at which a quorum was present with a vote of 13 in favor, 1 opposed, 1 abstaining (Chairman presiding and not voting) pursuant to the authority vested in the Hopi Tribal Council by SECTION 1 (a) of ARTICLE VI-POWERS OF THE TRIBAL COUNCIL of the Hopi Tribal Constitution and By-Laws of the Hopi Tribe of Arizona, as ratified by the Tribe on October 24, 1936, and approved by the Secretary of the Interior on December 19, 1936, pursuant to Section 16 of the Act of June 18, 1934. Said resolution is effective as of the date of adoption and does not require Secretarial approval.

Ferrell Secakuku, Chairman
Hopi Tribal Council

ATTEST:

Mary A. Velter, Tribal Secretary
Hopi Tribal Council

JPA 95-163

APPROVAL OF THE HOPI TRIBAL ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION and the HOPI TRIBE and declare this agreement to be in proper form and within the powers and authority granted to the Tribe.

DATED this 2nd day of January, 1996.

Franklin J. Hoover

Attorney

A PROPOSED WORK PLAN AND BUDGET FOR COMPLETION OF CULTURAL RESOURCES INVENTORIES FOR THOSE PORTIONS OF STATE ROUTES 264 AND 87 LOCATED ON THE HOPI INDIAN RESERVATION

Prepared by:

Cindy Dongoske, Staff Archaeologist

Prepared for and Submitted to:

Bettina Rosenburg
Cultural Resource Specialist
Arizona Department of Transportation

Submitted by:

Kurt E. Dongoske
Tribal Archaeologist
Cultural Preservation Office
P.O. Box 123
Kykotsmovi, Arizona 86039

Hopi Cultural Preservation Office Project Number 94-000

July 1995

A PROPOSED WORK PLAN AND BUDGET FOR COMPLETION OF CULTURAL RESOURCES INVENTORIES FOR THOSE PORTIONS OF STATE ROUTE 264 AND 87 LOCATED WITHIN THE HOPI INDIAN RESERVATION

INTRODUCTION

The Arizona Department of Transportation (ADOT) has requested that the Hopi Cultural Preservation Office (HCPO) complete the cultural resources inventory of that portion of State Route 264 between mileposts 384.20, at the junction of SR 264 and SR 87, and 403.00 at Keams Canyon, Arizona. In addition, it has been requested that all of the State Route 87 right-of-way which lies within the Hopi Indian Reservation be inventoried for cultural resources as part of this overall proposed scope of work. This would include inventorying the entire ADOT State Route 87 right-of-way (ROW) from milepost 384.20, at the junction of SR264 and SR87, to milepost 406.10 at the Hopi-Navajo Reservations boundary line.

A portion of State Route 264 which lies within the Hopi Indian Reservation was surveyed and inventoried by the HCPO in 1991. This portion of the highway begins at the Coconino and Navajo county line and extends east to the junction of SR 264 with SR 87. An additional survey and inventory of SR 264 was conducted by Archaeological Research Services, Inc., in 1991 between Keams Canyon, Arizona, and Steamboat, Arizona. This leaves a remaining, **18.8** ***singular side*** **miles** (x2=**37.60**) of the right-of-way (ROW) for SR 264 on the Hopi Reservation that still needs to be inventoried, as well as a total of **21.90** ***singular side*** **miles** (x2=**43.80**) of ROW for SR87 for a total of **81.40** ***both sides*** **of ROW miles** within which to identify and document all new cultural resources as well as previously identified archaeological sites. Additionally, as required by the recent amendments to the National Historic Preservation Act, this inventory will include the identification, documentation, and evaluation of traditional cultural properties, in consultation with the appropriate Hopi clans claiming land affiliation, within the highway's ROW's. This traditional cultural property consultation and assessment will also include that portion of land within the SR 264 ROW from Keams Canyon to the eastern boundary of the Hopi Indian Reservation, and the entire stretch of SR 87 ROW that lies within the Hopi Reservation from the juncture of SR 264 and SR 87 at Second Mesa, Arizona, to the Hopi-Navajo Reservations boundary line. This consultation and documentation was not performed during the previous archaeological inventory of SR 264; inventory of cultural resources and traditional cultural property consultation has not been conducted for the portion of SR 87 located on the Hopi Reservation. A complete archaeological survey and inventory with traditional cultural property consultation and documentation will be performed for this length of the highway. This is what is detailed in the following work plan.

BACKGROUND

The Hopi Reservation has been the subject of extensive research, both ethnological and archaeological. Numerous institutions have been involved in this research, including the Smithsonian Institution, the Field Museum of Natural History in Chicago, the Museum of Northern Arizona, the National Geographic Society, and the Harvard Peabody Museum. Other research endeavors on the reservation were the result of non-research based projects such as the Hopi and Navajo land claims cases. Finally, much of the information on archaeological and traditional cultural property location has come from cultural resource inventories conducted in accordance with Section 106 of the National Historic Preservation Act. Of these, the Black Mesa Archaeological Project and the construction of the Hopi-Navajo Boundary fence contributed large amounts of information. A preparatory check of the Cultural Preservation Office's Project and Site Records file indicates that a total of six (6) archaeological sites have been previously recorded within close proximity of the SR 87 right-of-way. These six sites are clustered within the extreme southern portion, near the Hopi/Navajo boundary, of the proposed segment to be inventoried. These few archaeological sites recorded within the immediate area of the SR 87 right-of-way is probably not a reflection of expected site densities, but rather an indication of the paucity of archaeological inventories that have been conducted within this area.

The Cultural Preservation Office's Project and Site Records file indicates that within the proposed segment of SR 264 to be inventoried a total of 34 archaeological sites have been previously recorded within close proximity to the right-of-way. This portion of SR 264 is expected to yield a similar site density as the previously surveyed portion of SR 264, from the Navajo/Coconino county line to its junction with SR 87. Site density estimates utilized in this proposal's calculations are based on the previous archaeological inventory conducted by the Cultural Preservation Office.

FIELD METHODOLOGY

The cultural resource inventories will be undertaken by a crew of two, one professional archaeologist and a Hopi research assistant. The archaeologist and the research assistant will traverse each of the right-of-way corridors, parallel to the existing roadways, with a spacing between them of 15 meters (49 feet). This will be performed on both sides of the existing roadways in order to cover the 200 foot (61 meter) wide ROW's at a Class III level.

Recordation of all identified cultural resources will be accomplished following the completion of the cultural inventories for both highway SR 264 and SR 87, respectively. At this point, the crew of two will continue to be utilized. All sites will be assigned Arizona State Museum (ASM) site numbers and will be recorded on the Hopi Cultural Resources Site Form(s) (Appended). In addition to the completion of the site form, a detailed map of the site will be generated and a systematic sample of the surface artifact assemblage will be analyzed. The percent of artifacts on the site analyzed will be dependant on the overall number of artifacts on the site. A judgementally placed, measured unit will be established in that portion of the site

felt to contain the highest artifact density. A unit of suitable size to encompass approximately 100 artifacts will be established. The location of the artifact sample unit will be identified on the site map. In addition, the remainder of the site will be examined in order to identify artifact types and classes not represented in the sample unit.

During the course of each survey, Hopi cultural consultants familiar with a given portion of the ROW for either highway 264 or 87, will accompany the survey team to that portion in order to identify significant traditional cultural resources or sacred places. The appropriate Hopi cultural consultants will be identified and their participation in this project arranged by a Hopi research assistant from the Cultural Preservation Office.

In-use and sacred resources, particularly those identified through consultation and/or interviews, will not be recorded completely. Enough information will be obtained regarding them to allow for management planning and in order to assess their Register eligibility and their potential for consideration and/or protection under ARPA, AIRFA and NAGPRA. The amount of information recorded on sacred areas will be determined through consultation with the Hopi cultural consultant, the CPO Research Assistant, the CPO Director, the Project Director, and the Cultural Resources Advisory Task Team.

TIME FRAME

The following time frame is expected for each of the tasks that need to be accomplished . This includes completed inventories and report preparation for both highways 264 and 87. As follows:

Field Work:

Survey: 27 days (6.0 miles one side/ 3.0 miles both sides per day)

Site Recording: computed on the total mileage (40.70 miles) multiplied by 2 sites per mile[1]

80 potential new sites to record = 40 days for site recordation

Traditional Cultural Property consultation: 7 days

Additional Fieldwork: 5 days

Total Field Time: 67 Days. (Survey and TCP consultation will be conducted sequentially)

Report Preparation: **134 Days.**

Total Project: **201 Days.**

[1] based on the number of archaeological sites identified during the inventory of SR 264 performed by HCPO (Yeatts and Dongoske 1993).

Revised Budget (new IDC rate) - March 21, 1996

CULTURAL PRESERVATION OFFICE
SR 264 & SR 87 Archaeological Surveys
(ADOT) Arizona Dept. of Transportation
Agreement No. JPA 95-163
BUDGET CATEGORY

LINE ACCT.	ACCOUNT TITLE	AMOUNT
- 4000 -	Salaries & Wages	$ 32,490.00
- 4101 -	Fringe Benefits @ 19%	6,173.00
- 5550 -	General Operating Supplies	548.00
- 5600 -	Gas, Oil & Lube	1,098.00
- 6700 -	Consulting Services	2,000.00
- 7900 -	Indirect Cost @ 24.1%	7,830.00
	TOTAL BUDGET:	**$ 50,139.00**

CULTURAL PRESERVATION OFFICE
SR 264 & SR 87 Archaeological Surveys
(ADOT) Arizona Dept. of Transportation
Agreement No. JPA 95-163
BUDGET JUSTIFICATION

- 4000 -	SALARIES & WAGES	**$ 32.490.00**
	1 - Archaeologist (calculated time incorporates both field work and report preparation and is estimated to be 201 days or approximately 9.5 - 10 months). $18,291.00	
	1 - Research Assistant (calculated time incorporates field work and limited report preparation and is estimated to be 8 months. $14,199.00	
- 4101 -	FRINGE BENEFITS	**6,173.00**
	Computed @ 19% of salaries	
-5550 -	GENERAL OPERATING SUPPLIES & EXPENSES	**548.00**
	To purchase expendable supplies such as pin flags, mapping materials, drafting supplies, and general office supplies, etc.	
-5600 -	GAS, OIL & LUBE	**1,098.00**
	To share expenses on gasoline, oil, and lube in utilizing Cultural Preservation Office vehicles.	
- 6700 -	CONSULTING SERVICES	**2,000.00**
	For assistance of Hopi Cultural Advisors in traditional cultural property and sacred site identification. 5 advisors @ $100/day x 4 days.	
- 7900 -	INDIRECT COSTS	**7,830.00**
	Computed @ 24.1% of salaries only. For period December 01, 1995 to November 30, 1996 (Tribe' s fiscal year 1996)	
	TOTAL BUDGET:	**$50,139.00**

Cultural Preservation Office's
SR 264 and SR 87 Cultural Resources Inventory
Operating Line Item Support
Budget

	Categories	Budget Amount
4000 -	Salaries and Wages	
	1 - Archaeologist (calculated time incorporates both field work and report preparation and is estimated to be 201 days or approximately 9.5 months)	17,398.00
	1 - Research Assistant (calculated time incorporates field work and limited report preparation and is estimated to be 134 days)	10,130.00
	Total Personnel:	27,498.00
4101 -	Fringe Benefits computed @ 19% of salaries	
	Total Fringe Benefits:	5,224.00
	Total Salaries/Wages and Fringe Benefits:	32,722.00
5550 -	General Operating Supplies includes expendable supplies such as pin flags, mapping materials, drafting supplies, and general office supplies.	
	Total Office Supplies:	500.00

5600 - Gas, Oil, & Lube[2]
to share expenses on gasoline, oil,
and lube in utilizing Cultural Preservation
Office vehicles.

Total Gas, Oil, & Lube: 1,098.00

~~6400 - Vehicle Maintenance~~
~~to share expense of utilizing Cultural Preservation~~
~~Office's vehicle(s) in conjunction with gas and oil.~~

~~**Total Vehicle:** 800.00~~

6700 - Consultant
For the assistance of Hopi cultural advisors
in traditional cultural property identification.
6 advisors @ $100/day x 4 days.

Total Consultant: 2,400.00

7900 - Indirect Costs
computed @ 48.8% of salaries only

Total Indirect Costs: 13,419.00

TOTAL COST: ~~50,939.00~~ 50,139.00

[2] The Gas,Oil,& Lube and the Vehicle Maintenance line items for this project were calculated on a total of 67 field days x an average mileage of 95 miles/day x .30/mile which equals $1,909.50. The mileage per day is estimated on the distance that is necessary to travel to and from the Cultural Preservation Office in Kykotsmovi to the project area.

RE: A Proposed Work Plan and Budget for Completion of Cultural Resources Inventories for those portions of State Routes 264 and 87 Located on the Hopi Indian Reservation

REVIEWED AND APPROVED BY:

Leigh Jenkins, Director
Cultural Preservation Office

8/10/95
Date

SUBMITTED BY:

Ferrell Secakuku, Chairman
Chief Executive Officer
The Hopi Tribe

8-12-95
Date