

**STATE/TRIBAL AGREEMENT
FOR A
HIGHWAY IMPROVEMENT PROJECT**

DATE: October 14, 2010
PROJECT ID: 1180-00-03/73; 1180-47-00/71
HIGHWAY: USH 2
LIMITS: 36th Ave. E to Government Road
COUNTY: Ashland **LENGTH:** 7.5 Miles

The Bad River Band of Lake Superior Chippewa, hereinafter called the Tribe, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin, Department of Transportation, hereinafter called the State, to initiate and effect the highway or street improvement hereinafter described.

NEEDS AND ESTIMATE SUMMARY:

Existing Facility: USH 2 has deteriorating pavement through the Bad River Community.


Proposed Improvement: The pavement on USH 2 will be milled and overlaid with new asphaltic pavement from just east of the 36th Avenue E intersection to the Bad River Bridge Highway signing: Upgrade all permanent highway signing and posts. Some pavement widths on shoulders may be widened. All beam guard ends will be upgraded with energy absorbing terminals (EATs). Improvements to the deck of Bear Trap Bridge consisting of either a concrete overlay with traffic controlled by temporary signals or an asphaltic overlay with traffic controlled with flaggers. Several culverts may need to be replaced or lined. Locations will be forwarded to Bad River Tribe as soon as they can be determined

ESTIMATED COSTS

PHASE	Total Est. Cost	Federal/ State Funds	%	Tribal Funds	%
Preliminary Engineering:					
Project I.D. 1180-00-03	\$368,000	\$368,000	100%	0.00	0%
Project I.D. 1180-47-00	\$15,000	\$15,000	100%	0.00	0%
Participating Construction:					
Project I.D. 1180-00-73	\$3,000,000	\$3,000,000	100%	0.00	0%
Project I.D. 1180-47-71 (Bear Trap Bridge)	\$130,000	\$130,000	100%	0.00	0%
Total Cost Distribution	\$3,513,000	\$3,513,000		0.00	


This request is subject to the terms and conditions that follow on page 2 of this document and is made by the undersigned under proper authority to make such request for the designated Tribe and upon acceptance by the state shall constitute agreement between the Tribe and the State.

Signed for and in behalf of the Bad River Band of Lake Superior Chippewa:


 Michael Wiggins, Jr., Tribal Chair

11/22/10
 Date

Signed for and in behalf of the State:


 Donald Gutkowski, P.E., Regional Director

11/24/10
 Date

TERMS AND CONDITIONS:

1. The initiation and accomplishment of the improvement will be subject to the applicable Federal and State regulations.
2. Whereas the Bad River Tribe has enacted a Tribal Employment Rights Ordinance, and Whereas the Wisconsin Department of Transportation lacks the statutory authority to enforce said ordinance, The Department agrees to work with the Tribe for ways to maximize employment opportunities for Tribal Members, including having its consultant project manager hire a workforce equal to the number identified in Section 1, Paragraph 1.1 (4) of the Bad River TERC for this project (estimated to be 3-6 positions for one month).
3. WisDOT will make available, at the Tribe's request, a Transportation Alliance for New Solutions (TRANS) program on the Bad River Reservation. TRANS is a jobs partnership program that uses a public-private model for collaboration and success for preparing the underemployed with skills needed to gain access to the road-building industry as laborers and apprentices.
4. WisDOT will make available, at the Tribe's request, a workshop on how to become a Disadvantaged Business Enterprise (DBE).
5. WisDOT will fund a Road Safety Audit (RSA) to be completed on the Bad River Reservation following completion of this project
6. WisDOT will transfer ownership of the former wayside along USH 2 back to the Bad River Tribe. This transfer will be accomplished through a separate agreement (Project ID 1180-42-21).
7. Funding of each project phase is subject to inclusion in an approved program. Federal aid and/or State transportation fund financing will be limited to participation in the costs of the following items as specified in the estimate summary:
 - (a) Pavement, deck overlay.
 - (b) Culverts, inlets for surface water drainage of the improvement.
 - (c) Construction engineering incident to inspection and supervision of actual construction work.
 - (d) Signing and pavement marking, beam guard.
 - (e) Preliminary engineering and state review services.
8. A tribal monitor will be employed to observe all ground disturbing project activities.
9. A provision for inadvertent discovery will be included in the contract.
10. The contract will include provisions to restrict areas allowed for construction staging and material storage as necessary. The Tribe will predetermine acceptable/unacceptable sites.
11. The proposed project action fits the criteria for a Programmatic Environmental Report. A copy can be provided to the Tribe upon request.
12. Basis for local participation:
 - a. Projects 1180-00-03/73 and 1180-47-00/71 will be funded 100 % through State and Federal funds.

Project Contacts:

Ben Connors
Road Department
Bad River Band of Lake Superior Chippewa
P.O. Box 39
Odanah, WI 54861
(715) 682-7153

Mark Hughes
Project Development Section Chief
Wisconsin Department of Transportation- NW Region
1701 N. 4th Street
Superior, WI 54880
(715) 392-7957

BAD RIVER BAND OF LAKE SUPERIOR TRIBE OF CHIPPEWA INDIANS

CHIEF BLACKBIRD CENTER

P.O.Box 39 • Odanah, Wisconsin 54861

Resolution No. 11-18-10-310

Authorizing the execution of a State/Tribal Agreement for a Highway Improvement Project - US HWY 2 from 36th Avenue East to the Bad River Bridge Highway signing

WHEREAS: the Bad River Band of the Lake Superior Tribe of Chippewa Indians is a federally recognized Indian Tribe with a Constitution enacted pursuant to the Indian Reorganization Act of 1934, 25 U.S.C. Sec. 476; and

WHEREAS: the Bad River Band of the Lake Superior Tribe of Chippewa Indians requests the following highway improvements:

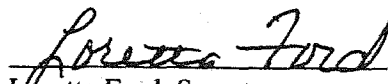
US HWY 2 mill and overlay from just East of the 36th Avenue East intersection to the Bad River Bridge Highway signing.

NOW, THEREFORE, BE IT RESOLVED by the Tribal Council as follows:

1. It is hereby found and determined that a true and very real need exists for the highway improvements provided by the US HWY 2 mill and overlay project described above.
2. The State/Tribal Agreement attached hereto as Exhibit 'A' is hereby approved. The Tribal Chairman is hereby authorized to execute the Agreement and any papers, certificates and other documents necessary to carry out this Resolution and the Agreement.

CERTIFICATION

I, the undersigned, as Secretary of the Bad River Band of the Lake Superior Tribe of Chippewa Indians, an Indian Tribe organized under Section 16 of the Indian Reorganization Act, hereby certify that the Tribal Council is composed of seven members, of whom 6 members, constituting a quorum, were present at a meeting hereof duly called, noticed, convened, and held on the 18 day of NOVEMBER, 2010; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 4 members; 0 against; and 1 abstaining; and that said resolution has not been rescinded or amended.


Loretta Ford, Secretary
Bad River Tribal Council

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Loretta Ford, Secretary
Bad River Tribal Council