

# Special Award Conditions

**Award Number:** NT10BIX5570157

**Amendment Number:** 2

## 1) Compliance with Environmental Protocols and Measures

Special Award Condition

Compliance with Environmental Protocols and Measures

Broadband Technology Opportunities Program Grant

Adams County Communications Center, Inc.,

Long Term Evolution Broadband Network

This BTOP Grant Special Award Condition establishes requirements applicable to implementation of the Adams County Communications Center, Inc. (ADCOM911), Long Term Evolution Broadband Network. The funding of the Grant is dependent on compliance with the provisions of this Special Award Condition.

Post-award environmental reviews of the Project included consultation with regulatory agencies related to the protection of biological and historic and cultural resources. These consultations identified specific protocols or environmental protection measures. These protocols or protective measures may be either required or recommended to be included in the implementation of the Project to minimize potential impacts to biological resources and effects on historic and cultural resources. The protocols and measures are listed below.

Note that this Special Award Condition does not distinguish requirements identified during the consultations from recommendations that were also provided. ADCOM911 shall implement the identified protocols and measures without regard to this distinction and advise the Federal Project Officer (FPO) immediately if any issues arise related to the ability to comply fully with any requirement or recommendation listed below.

For each protocol or measure listed, ADCOM911 shall include the following information in its periodic report to the FPO administering the grant:

- a. Specifically where and when the protocol has been used or a measure has been implemented during the reporting period, and
- b. Whether full compliance with the protocol or measure was achieved.

The FPO may, if they determine necessary, require additional information to ensure compliance with the protocol or measure. If, at any time, ADCOM911 has questions or requires clarification regarding any of these protocols or measures, they shall notify the FPO, who will coordinate with the appropriate regulatory authority to provide the necessary information.

Biological Resource Protection Protocols and Measures

ADCOM911 consulted with the U.S. Fish and Wildlife Service (USFWS) regarding potential Project impacts on biological resources. These Endangered Species Act Section 7 consultations resulted in identification of the following requirements and recommendations:

1. ADCOM 911 will not remove or impact migratory bird nests. Any vegetation removal associated with the Project will occur during the winter outside of the normal breeding season for migratory birds. Any disturbed areas will be reseeded with a native seed mixture. USFWS letter dated March 16, 2011
  2. ADCOM911 will conduct surveys for State-threatened burrowing owls (*Athene cunicularia*) prior to any anticipated ground disturbance in black-tailed prairie dog colonies to avoid possible impacts to the burrowing owl. USFWS letter dated March 16, 2011
  3. ADCOM911 will follow USFWS guidance when designing and constructing the new tower to minimize potential impacts on migratory birds. USFWS letter dated January 5, 2011 and per USFWS Guidance on the Siting, Construction, Operation and Decommissioning of Communication Towers
  4. ADCOM911 will prepare a stormwater pollution prevention plan (SWPPP) and file a notice of intent with the Environmental Protection Agency (EPA) for coverage under EPA's National Pollutant Discharge Elimination System (NPDES) general permit for stormwater discharges from construction activities.
- Historic and Cultural Resource Protection Protocols and Measures

ADCOM 911 consulted with the Colorado Historical Society (State Historic Preservation Office [SHPO]). Through the Tower Construction Notification System (TCNS), NTIA also provided information on the Project to nine tribes. Project stipulations resulting from these consultations include:

1. ADCOM911 will notify NTIA, the SHPO, and potentially affected Tribes (including the Ute and Southern Comanche) in the event any fiber is proposed for installation outside ROWs on open farmland or vacant land and consultations will resume. SHPO letter dated December 21, 2010
2. If any cultural material is discovered during construction, the SHPO will be notified immediately and all activities halted until a qualified archaeologist assesses the cultural remains.
3. If any human skeletal remains or protected Native objects are uncovered during construction, construction will stop immediately, and appropriate authorities, including law enforcement agencies, the SHPO, and interested Tribes, are informed.

Mitigation Measures identified in the Environmental Assessment as being required to avoid potential significant environmental impacts:

None