

Special Award Conditions

Award Number: NT10BIX5570104

Amendment Number: 1

1) Compliance with Environmental Protocols and Measures

This BTOP Grant Special Award Condition establishes requirements applicable to implementation of the Contact Network, Inc. (Contact) Mississippi Delta Broadband Infrastructure Project. 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. Contact 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 fully comply with any requirement or recommendation listed below.

For each protocol or measure listed, Contact 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, Contact 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

Project-specific consultations were conducted with the U.S. Fish and Wildlife Service (USFWS) and the Mississippi Department of Wildlife, Fisheries, and Parks (MDWFP). In a letter dated January 3, 2011, the USFWS concurred with Contact's determination that the Project is not likely to adversely affect any federally protected species. In a letter dated January 8, 2011, the MDWFP also concurred that the Project likely poses no threat to listed species or their habitats. However, requirements and recommendations applicable to implementation of the Project and identified during these consultations include:

1. Contact will notify the USFWS if the project footprint changes, or if any evidence is found during Project construction or operation to indicate the presence of individuals or habitat associated with the Louisiana black bear (*Ursus a. luteolus*), pondberry (*Lindera melissifolia*), least tern (*Sterna antillarum*); fat pocketbook mussel (*Potamilus capax*), pallid sturgeon (*Scaphirhynchus albus*), rabbitsfoot mussel (*Quadrula cylindrica cylindrical*), or the bald eagle (*Haliaeetus*

leucocephalus). USFWS, January 3, 2011.

2. Contact will implement, monitor, and maintain best management practices to prevent suspended silt and contaminants from leaving the site in stormwater run-off, as this may negatively affect water quality and habitat conditions within nearby streams and waterbodies. MDWFP, January 8, 2011.

Historic and Cultural Resource Protection Protocols and Measures

Project-specific consultations were conducted with the Mississippi Department of Archives and History (MDAH). Interested tribes were also contacted via the Federal Communication Commission's automated Tower Construction Notification System (TCNS).

Requirements and recommendations applicable to implementation of the Project and identified during these consultations include:

1. Contact will not install telecommunications huts in the two alternate hut locations in Leflore and Washington counties. Submitted to MDAH, December 27, 2010.
2. Contact will avoid the 26 archaeological sites identified in the Project's area of potential effect. Methods to avoid these resources include, but are not necessarily limited to, placement of aerial fiber cable on existing telecommunication poles with a minimum 100-foot buffer around known archaeological sites to prevent earth disturbance from adversely affecting those sites. MDAH, March 21, 2011.
3. In the event of inadvertent discovery of human remains and/or archaeological artifacts, Contact will cease all activity in proximity to the discovery location and notify appropriate authorities and interested tribes. MDAH, March 21, 2011 and Alabama-Coushatta Tribe, March 17, 2011.
4. Should construction expose buried archaeological or building materials (e.g., chipped stone, tools, pottery, bone, historic crockery, glass or metal items) or evidence of buried historic building materials (e.g., rock foundations, brick, or hand poured concrete), Contact will notify appropriate authorities and interested tribes. Choctaw Nation of Oklahoma, March 9, 2011.
5. If the tribal nations notified of the project through TCNS respond to the recipient with any concerns, the recipient shall notify and consult with the NTIA and the tribal nation to resolve the identified concern.

Additional Protection Protocols and Measures

1. Contact will avoid wetlands to the extent feasible. If required by the U.S. Army Corps of Engineers (USACE), compensatory mitigation will be provided in one or more of the study area river basins. Specific compensation ratios and sites will be determined as part of the ongoing USACE coordination and permitting process.

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

None.