

Special Award Conditions

Award Number: NT10BIX5570084

Amendment Number: 3

1) Compliance with Environmental Protocols and Measures

This BTOP Grant Special Award Condition establishes requirements applicable to the Iowa Health System (IHS) implementation of the Iowa Healthcare Plus Broadband Extension 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. IHS 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, IHS 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, IHS 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

None - Although 14 federally threatened or endangered species may occur in the Project area, the U.S. Fish and Wildlife Service expressed no objection to or further stipulations on the IHS determination of "No Impact" on these species.

Historic and Cultural Resource Protection Protocols and Measures

NTIA initiated formal consultation with the Iowa State Historic Preservation Office (SHPO) on October 10, 2010. Because final route selection and engineering had not yet been completed, NTIA determined that a P A would be

necessary. Accordingly, on December 15, 2011, IRS, NTIA, and the Iowa SHPO entered into a PA to address timing of NHP A Section 106 reviews and document IHS' commitment to resolve any adverse effects identified during fiber installation along the route. The Iowa Office of the State Archaeologist also signed the PA as a concurring party. IHS will comply with all provisions and responsibilities listed in the executed PA, including the following stipulations:

" IHS will not initiate any phase of Project construction until all required NHP A Section 106 requirements and PA terms have been concluded for that phase.

" IHS will implement PA -specified procedures for identification and treatment of historic properties for the Middle Mile Extension phase of the project, once routes have been selected such that the Area of Potential Effects can be established.

After reviewing the Phase I Archaeological Investigation reports for each planned hut site location and lateral fiber optic cable route, the Iowa SHPO concurred with No Adverse Effect findings for hut locations and fiber optic cable lateral builds. Nine separate area-specific letters dated November 22, 2011, document the SHPO's stipulations on their approval of these elements. These stipulations include:

" The Project must avoid or minimize effects to the National Register eligible CRANDIC Railroad underpass (57-0546) which was identified near the Project alignment for the Cedar Rapids hut location and fiber optic cable lateral build.

" IHS must contact the SHPO if any design changes are made that involve undisturbed or new ROWs or easements.

" IRS must contact the SHPO if Project activities uncover items that might be of archaeological, historical, or architectural interest. IHS must also make reasonable efforts to avoid further impacts to the subject properties until an assessment can be made by a qualified archaeologist.

On July 15, 2011, NTIA notified 15 Native American tribal representatives of the Project through the Federal Communication Commission's Tower Construction Notification System (TCNS).

The Miami Tribe of Oklahoma and the Sisseton-Wahpeton Oyate (SWO) of the Lake Traverse Reservation requested additional information on the Project. IRS provided the Project description and archaeological reports to both tribes on November 30, 2011. On December 27, 2011, the SWO Tribal Historic Preservation Office (THPO) concurred with the determination that "no cultural resources will be affected" by the Project as planned. A description of the Project was provided to the Ottawa Tribe of Oklahoma on November 7, 2011. The Ottawa Tribe subsequently requested that they be sent a copy of all Project-related documents signed off by the Iowa SHPO, but that no other consultation is necessary.

As requested, and in accordance with the executed PA, NTIA will consult with the Miami Tribe of Oklahoma, the Omaha Tribe of Nebraska, the Citizen Potawatami Nation, the Sac and Fox Tribe of the Mississippi in Iowa, and the Keweenaw Bay Indian Community in the event of an unanticipated historical or cultural resource discovery.

No response has been received to date from the remaining eight Tribes, including the Lower Brule Sioux Tribe, the Flandreau Santee Sioux Tribe, the Ponca Tribe of Nebraska, the Winnebago Tribe of Nebraska, the Iowa Tribe of Kansas and Nebraska, the Sac and Fox Nation of Oklahoma, the Lower Sioux Indian Community of Minnesota, and the Upper

Sioux Community of Minnesota. IHS will continue to monitor TCNS for additional responses. If additional tribal nations respond to the recipient with any concerns, IHS will notify and consult with the NTIA and the Tribe to resolve the identified concern.

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

None