

# Special Award Conditions

**Award Number:** NT10BIX5570158

**Amendment Number:** 10

## 1) Corrective Action Plan Final Addendum No. 2

Recipient must adhere to this Corrective Action Plan, which is the revised Project Plan for this award. This document can be found under the Grants File page for this award, Associated Documents, Task ID No. 2535267.

## 2) Environmental SAC - LA Regional Interoperable Communication System, Revised Project Plan PROHIBITION ON PROJECT IMPLEMENTATION ACTIVITIES

For those sites listed in Appendix A, the grantee may not expend any Federal funds other than Management and Administration (M&A) funds for sites not included in the original Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) dated October 15, 2014 or subsequent FONSI prior to the following:

- The completion of a Supplemental EA that meets the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);
- The completion of any required consultations, to include consultations with the State Historic Preservation Office (SHPO) and the appropriate federally recognized Native American tribes, under Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.) (NHPA), and consultations with the U.S. Fish and Wildlife Service (USFWS) under Section 7 of the Endangered Species Act (16 U.S.C. 1531 et seq.);
- Demonstration of compliance with all other applicable federal, state, and local environmental laws and regulations.

Project implementation (site preparation, demolition, construction, ground disturbance, or any other project implementation activities) may not begin prior to the completion of the above activities. The grantee must comply with all conditions placed on the project as the result of consultation processes.

## MANAGEMENT & ADMINISTRATION (M&A)

The allowable use of M&A funds prior to beginning project implementation at these sites includes, but is not limited to, activities necessary for the completion of the following:

- Pre-construction project planning, including collecting environmentally-related information;
- Applications for environmental permits;
- Studies such as the Supplemental EA, and any wetland delineations, biological assessments, archaeological surveys, or other required analyses, and;
- Required consultation activities.

The allowable use of funds for limited, preliminary procurements prior to beginning project implementation includes, but

is not limited to, the initiation of activities necessary to meet the project completion requirements as specified in the award, including the following:

- Purchase or lease of equipment, or entering into binding contracts to do so;
- Purchase of applicable or conditional insurance;
- Funds used to secure land or building leases, including right-of-way easements.

The allowable use of preliminary procurement funds for sites under consideration in the supplemental EA is limited; must not result in an irrevocable commitment of resources; and is only allowed with prior authorization from NTIA. All contracts must contain early termination clauses with termination costs clearly specified. All equipment purchased or leased in advance of project implementation and before completion of the Supplemental EA and applicable consultations must be stored in locations other than the proposed project site and where there will be no impact to the environment, human health, or cultural resources (in most cases, this means equipment must be stored in existing warehouses). Under no circumstances will grant funds be drawn down for clearing or excavating land, or demolition or construction of buildings or towers, before all environmental Special Award Conditions (SACs) are completed and cleared. This limited, preliminary allowable use of funds for purchases and leases is designed for grantee flexibility and to streamline preparation for project implementation simultaneously during development of the Supplemental EA and conduct of consultations; the clause, and all applicable restrictions, is lifted once the Supplemental EA, applicable consultations, and FONSI are complete and approved.

#### NTIA Review

Once the Supplemental EA has been completed, NTIA will review all documentation and determine whether the Supplemental EA sufficiently addresses all resource areas and whether the project may qualify for a FONSI. Projects found to have significant impacts to environmental or historic resources may face de-obligation of funding if impacts cannot be mitigated. The grantee is required to provide any information requested by NTIA to ensure both initial and ongoing compliance with environmental and historic preservation laws, regulations, and best practices. The grantee shall notify NTIA within twenty-four (24) hours upon receipt of any notices of foreclosure; notices for continuing consultation received from the SHPO, Tribal Historic Preservation Office (THPO), USFWS, or other consulting party; or notices of noncompliance received from consulting authorities or regulatory agencies.

Any change to the approved project scope that has the potential for altering the nature or extent of environmental or cultural resources impacts must be brought to the attention of NTIA and will be re-evaluated for compliance with applicable regulatory requirements.

For all ground disturbing activities that occur during project implementation in the vicinity of known archaeological sites or suspected or known burials, the grantee must ensure that an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards monitors ground disturbance, and if any potential archeological resources or buried human remains are discovered, then the grantee must immediately cease construction in that area and notify NTIA and the interested State Historic Preservation Offices, Tribal Historic Preservation Offices, and tribes. Such construction activities may then only continue with the written approval of NTIA.

### **3) Required New Corretive Action Plan**

While the suspension of the LA-RICS BTOP award will be lifted to enable project construction to be completed, NTIA and the NOAA Grants Office are imposing an additional CAP to ensure timely construction and enable continuing robust grant oversight. If LA-RICS does not sufficiently comply with these requirements, as determined by NTIA and the NOAA Grants Office, this may result in additional enforcement action, including termination of the award:

- LA-RICS must provide a revised budget for NTIA's review and approval by May 31, 2015.
- LA-RICS must submit a three-year operating budget with revenue projections by May 31, 2015.
- LA-RICS must immediately require Motorola Solutions to assign personnel with cellular deployment experience to assist in the operations of the LA-RICS project.
- LA-RICS must provide additional environmental information and documentation, including filing a supplemental Environmental Assessment if necessary, for all sites not covered under LA-RICS's Finding of No Significant Impact before it can expend Federal funds with respect to those sites, other than funds for management and administration costs, or start any construction activities on those sites.
- LA-RICS, in consultation with NTIA staff, must develop a plan for identifying and implementing opportunities for reducing project costs or increasing assessed in-kind contribution values in order to reduce the federal share of the project.
- LA-RICS must provide bi-weekly updates on its outreach efforts to both communities and its future user base of public safety agencies.
- LA-RICS must provide a budget and plan for decommissioning previously built sites that are not part of the revised project plan. This plan must be provided by May 31, 2015.