

Special Award Conditions

Award Number: NT10BIX5570067

Amendment Number: 1

1) Compliance with Environmental Protocols and Measures

Special Award Condition

Compliance with Environmental Protocols and Measures

Broadband Technology Opportunities Program Grant

OneCommunity Transforming Northeast Ohio Project

This BTOP Grant Special Award Condition establishes requirements applicable to implementation of the OneCommunity Transforming Northeast Ohio 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. OneCommunity 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, OneCommunity 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 h
- 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, OneCommunity 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

OneCommunity consulted with the U.S. Fish and Wildlife Service (USFWS) and Ohio Department of Natural Resources (ODNR) with regard to potential Project impacts on biological resources. These consultations resulted in identification of the following requirements and recommendations:

1. To avoid effects to the Indiana Bat (State and Federal Endangered), OneCommunity will not remove trees measuring greater than 3 inches in diameter at breast height (dbh). Should tree removal be required, OneCommunity will only remove such trees in the non-summer months, between 30 September and 1 April. USFWS; February 3, 2011
2. To avoid adverse effects to the Bald Eagle (State Threatened; Federal species of concern), OneCommunity will coordinate proposed construction activities in Tuscarawas and Portage Counties with the ODNR Division of Wildlife and the USFWS to ensure proposed work is conducted at least 1,220 feet (0.25 mile) from known bald eagle nests, and/or in a manner that minimizes potential effects to this species. USFWS; February 3, 2011
3. To avoid adverse effects to the Eastern Massasauga (Federal species of concern) and the Eastern Prairie Fringed Orchid (Federal Threatened), OneCommunity will implement mitigation measures to avoid effects to surface waters and wetlands, areas which could provide habitat for these species. USFWS; February 3, 2011
4. OneCommunity will implement the county-specific mitigation measures identified in the EA for State special status species potentially affected by the Project.

Historic and Cultural Resource Protection Protocols and Measures

OneCommunity consulted with the Ohio Historic Preservation Office (OHPO) on potential impacts to historic and cultural resources. Through the Tower Construction Notification System (TCNS), NTIA also provided information on the Project to seven tribes. Project stipulations resulting from these consultations include:

1. During all proposed ground-disturbing activities, OneCommunity would monitor all ground-disturbing activities for inadvertent discoveries of cultural resources. OHPO concurrence; February 23, 2011
2. During any proposed ground-disturbing activity in the vicinity of known historic properties or suspected or known burials, OneCommunity would ensure that an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards monitors ground disturbance. OHPO concurrence; February 23, 2011
3. OneCommunity will utilize existing defined entry points and mounting points for wiring and equipment on any Proposed Action-involved structure. OHPO concurrence; February 23, 2011
4. OneCommunity will utilize existing defined entry points and mounting points for wiring and equipment on any Proposed Action-involved structure. In areas where this is not possible, these points will be placed in locations that do not detract from the building's overall appearance. Should the equipment be visible on the structure, the equipment will be painted to match the color of the surrounding building materials. OHPO concurrence; February 23, 2011
5. OneCommunity will not anchor equipment directly into stone or brick on any structure; instead, OneCommunity will only use mortar joints for anchoring. OneCommunity will use rust-resistant mounts to prevent staining of the building materials, and reversible mounting techniques to avoid damage to building materials. OHPO concurrence; February 23, 2011
6. When installing fiber or conduit underground at or near a structure, OneCommunity will consider the structural and

foundation stability of the building, and will not conduct any new excavations adjacent to foundations that could undermine the structural stability of the building. OneCommunity will not alter the landscape and surrounding area of the structure in a way that could alter drainage patterns or cause water-related damage to the building. OHPO concurrence; February 23, 2011

7. Where interior work within a structure is required, OneCommunity will utilize space in existing chases, closets, or shafts; install equipment and systems so that they pose no alteration to the building's floor plan and no damage to the building material; and install the vertical runs of conduit and cables in closets, service rooms, and wall cavities. OneCommunity will design a system that will require the least intrusion into the fabric of the building and that can be updated or altered without intervention into the wall and floor systems of the structure. OHPO concurrence; February 23, 2011

8. As part of work in each structure involved with this Proposed Action (i.e., for work at each hub site), OneCommunity will provide to the OHPO after construction a brief report documenting the work that was performed, a statement that the mitigation measures were followed, and pre- and post-project interior and exterior photographs (with captions) documenting areas where all work was performed. This report shall be sent to the OHPO within 14 days after completion of all work in that structure. OHPO concurrence; February 23, 2011

9. OneCommunity will adopt the best management practices (BMPs) as written by NTIA as the basis for the mitigation measures. OneCommunity will follow these when connecting cable to building and extending internal wiring and when attaching cable to structures such as bridges. OHPO; February 23, 2011

10. When excavating trenches for buried cable, OneCommunity will exercise caution in the vicinity of known cemeteries, significant archaeological sites, and places specifically point out by interested parties that may contain sensitive below-ground cultural resources. OHPO; February 23, 2011

11. If circumstances require construction methods not specified in the mitigation measures, then OneCommunity will initiate consultation with the OHPO to develop plans and treatment measures designed to minimize effects on historic properties. OHPO; February 23, 2011

12. During consultation for a specific location, OHPO agrees that construction may continue throughout any remaining extent of the project that does not require consultation. OHPO; February 23, 2011

13. OneCommunity may initiate consultation with OHPO to consider ways to minimize effects at specific locations and/or OneCommunity may consult with OHPO concerning the NRHP eligibility of a specific property. OHPO will provide timely responses to proposals for alternative construction methods, but OneCommunity must submit complete and appropriate documentation with specific plans and recommendations. OHPO; February 23, 2011

14. When consulting with OHPO concerning NRHP eligibility, OneCommunity will provide a comprehensive packet of documentation including mapping, photographs, date of construction, dates of modifications, description of the property, and sufficient background and context so that OHPO may understand the application of the NRHP eligibility criteria. OHPO does not have unlimited authority to determine eligibility and there may be delays in reaching consensus findings for some properties. OHPO; February 23, 2011

15. The OHPO requests that OneCommunity provide documentation for OHPO acceptance at the completion of the project with before and after photographs showing external connections and internal wiring for any building older than 70 (seventy) years old (that is, built before World War II). The mapping should include appropriate data including mapping. OHPO; February 23, 2011

16. OHPO agrees that excavating narrow trenches for buried cable along severely disturbed ROWs does not require archaeological survey. If construction for buried cable is required that would extend outside of well-defined public ROWs for more than short sections, then OneCommunity should consult with its professional archaeologist on the need for archaeological survey. OHPO; February 23, 2011

17. OHPO agrees that extending aerial cable line along existing utility poles does not require further review by the OHPO for this undertaking. If new sections of aerial transmission lines are required that extend more than a short distance with placement of several new utility poles, then OneCommunity should consult with its Cultural Resource Management professional to determine if there are viewsheds and older buildings or structures that warrant further consideration. OHPO; February 23, 2011

Other Required Mitigation Measures

Per the Finding of No Significant Impact (FONSI), OneCommunity will implement specific, standard mitigation measures related to noise, air quality, geology and soils, water resources, infrastructure, and human health and safety.

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

None.