

Special Award Conditions

Award Number: NT10BIX5570146

Amendment Number: 1

1) NEW Environmental Assessment SAC

Compliance with Environmental Protocols and Measures

Broadband Technology Opportunities Program Grant

Sho-Me Technologies, LLC, MoBroadbandNow Sho-Me MO Middle Mile Project

This BTOP Grant Special Award Condition establishes requirements applicable to Sho-Me Technologies, LLC (Sho-Me) implementation of the MoBroadbandNow Sho-Me MO Middle Mile 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. Sho-Me 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, Sho-Me 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 require, if they determine necessary, additional information to ensure compliance with the protocol or measure. If, at any time, Sho-Me 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

On October 28, 2010, the U.S. Fish and Wildlife Service determined that no federally listed species, candidate species, or designated critical habitat is located within the Project area. The USFWS also determined that the Project will have negligible impact on wetlands, migratory birds, or other priority fish and wildlife species.

On November 23, 2011, the Missouri Department of Conservation (MDC) determined that Sho-Me must implement the following best management practices (BMPs) to avoid adverse impacts on biological resources in the Project area:

1. Minimize erosion and sedimentation/runoff to nearby streams and lakes.
2. Revegetate areas in which the natural cover is disturbed using native plant species compatible with the local landscape and wildlife needs.
3. Use silt fences and/or vegetative filter strips to buffer streams and drainages, and monitor those after rain events until a well-rooted ground cover is reestablished.
4. Avoid construction of POP facilities on known Greater prairie chicken (*Tympanuchus cupido*) nesting or booming sites in Versailles (Twin Lakes Community), and avoid clearing during the nesting season.
5. Avoid degrading stream quality and, where possible, leave snags standing and preserve mature forest canopy for Indiana bat (*Myotis sodalis*) habitat. If large trees with nesting cavities or loose bark need to be removed, such activity will be done between October and March.
6. Avoid entry or disturbance of any cave inhabited by gray bats (*Myotis grisescens*) and, when possible, retain forest vegetation between the cave opening and adjacent streams.
7. Native prairies and igneous glades should be surveyed for Mead's milkweed (*Asclepias meadii*) in early June. Avoid use of herbicides next to prairies, and route the Project to avoid known populations of species of concern.
8. Avoid introduction of non-native exotic species into the Project area.

Specific BMP fact sheets are provided in the final Environmental Assessment and on MDC's website at <http://mdc.mo.gov>.

Historic and Cultural Resource Protection Protocols and Measures

1. Sho-Me will resume consultation with the SHPO in the event that project plans change. Missouri State Historic Preservation Office (SHPO) letter dated February 15, 2011
2. Sho-Me will provide sufficient funding for any archaeological study required as a result of such changes to project plans. Cultural Resource Investigations for MOBROADBANDNOW Sho-Me Middle Mile Project Missouri (Report Recommendations) February 2011
3. Sho-Me will conduct an archaeological survey in the event that Project modifications fall within areas of high cultural resource potential identified in the report, and submit the results of such survey to SHPO for concurrence. Missouri State Historic Preservation Office (SHPO) letter dated February 15, 2011

4. If notified by the Osage Nation of any known cultural resources in the Project area, Sho-Me will take all necessary and appropriate steps to protect the resources of the Osage Nation. NTIA letter dated April 5, 2011

5. If earth-disturbing activities during Project construction uncover cultural materials (e.g., structural remains, historic artifacts, or prehistoric artifacts), all work will cease and interested Tribes, the SHPO, and NTIA shall be notified immediately.

6. If earth-disturbing activities during any area of the Project uncover human remains, all work will cease immediately in accordance with the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) and relevant State statutes. The area around the discovery will be secured and appropriate law enforcement personnel and NTIA will be notified immediately.

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

None