

# Special Award Conditions

**Award Number:** NT10BIX5570096

**Amendment Number:** 2

## 1) Compliance with Environmental Protocols and Measures

Broadband Technology Opportunities Program Grant

Virgin Islands Next Generation Network

Comprehensive Community Infrastructure Program Project

This BTOP Grant Special Award Condition establishes requirements applicable to implementation of the Virgin Islands Next Generation Network (viNGN) Comprehensive Community Infrastructure Program Project (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. The viNGN 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, the viNGN 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, the viNGN 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 National Marine Fisheries Service (NMFS). The USFWS was contacted regarding the installation of broadband service through the area of St. Thomas, which is known to be the primary habitat of the Virgin Islands Tree Boa. They concurred that there would be no impact to the Tree Boa and stated no objection to the project. The viNGN will, however, train workers to identify and properly handle snakes encountered during vegetation trimming. The NMFS has not responded to information sent to date.

## Historic and Cultural Resource Protection Protocols and Measures

On January 21, 2011, the viNGN entered into a Memorandum of Agreement (MOA) with the Department of Planning and Natural Resources and Virgin Island State Historic Preservation Officer (VISHPO), and the Division of Archaeology and Historic Preservation and VISHPO. The MOA stipulated that viNGN, through its consultants, would complete the ongoing Phase I Archaeological Survey as specified in the Cultural Resources Management Plan included in the Preliminary Phase I Archaeological Survey Report (prepared by Soltec International Inc. on behalf of The Maquire Group, Inc., and approved by the VISHPO). The MOA further stipulated that if potentially significant cultural resources are identified within the Area of Potential Effects (APE), the viNGN will complete a Phase II Archaeological Testing and Evaluation Study to determine whether the resources of concern meet criteria of eligibility to the National Register of Historic Places (NRHP). The MOA also stipulated that if NRHP listed or eligible sites are identified, viNGN will commission additional studies to avoid and preserve the listed or eligible cultural resources and mitigate adverse effects through the implementation of Phase III Archaeological Data Recovery Studies. The MOA also stipulated that viNGN and The Maquire Group, Inc. will pay the curation costs and the VISHPO may perform routine or special site visits to verify compliance with the terms of the MOA.

On March 7, 2011, viNGN, the VISHPO, and NTIA entered into a Programmatic Agreement (PA), which further defined the necessary stipulations to identify and mitigate impacts on cultural resources, which could occur from the Project. The PA establishes a review protocol for the studies required under the MOA, and specifies that viNGN seek VISHPO concurrence on the results of archaeological investigations of specific project segments in accordance with the terms of the MOA, and submit evidence of VISHPO concurrence to NTIA for review and approval before initiating construction on the segment. The PA also stipulates that NTIA shall ensure that the terms of the PA are executed prior to the start of any phase of construction of the Project. The PA also establishes professional standards; defines authorization of construction as a responsibility of NTIA; and provides specifications for confidentiality, a protocol for the inadvertent discovery of archaeological sites or human remains, dispute resolution, terms of the agreement, amendments, termination, points of contact, and administrative provisions.

Copies of the executed MOA and executed PA are provided as attachments to this Special Award Condition and the viNGN is expected to carry out all provisions of those documents, in accordance with their design, under this Special Award Condition.

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

None