

Special Award Conditions

Award Number: NT10BIX5570158

Amendment Number: 8

1) Special Award Condition- Compliance with Environmental Protocols and Measures

This BTOP Grant Special Award Condition establishes requirements applicable to implementation of the Los Angeles Regional Interoperable Communication System Joint Powers Authority (LA-RICS), LA-RICS Long Term Evolution 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, including the U.S. Forest Service (USFS), which is as a Cooperating Agency for this Project. 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 LA-RICS 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 comply fully with any requirement or recommendation listed below.

For each protocol or measure listed, LA-RICS 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, LA-RICS 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

LA-RICS consulted with the U.S. Fish and Wildlife Service (USFWS) regarding potential Project impacts on biological resources. Informal consultation with the USFWS resulted in the agency's concurrence in a letter dated July 18, 2014 stating that the Project would not likely adversely affect the Palos Verdes blue butterfly (*Glaucopsyche lygdamus palosverdesensis*), Arroyo toad (*Anaxyrus californicus*), Desert tortoise (*Gopherus agassizii*), California condor (*Gymnogyps californianus*), coastal California gnatcatcher (*Polioptila californica*), least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), and western snowy plover (*Charadrius nivosus nivosus*), or their designated critical habitat, assuming that the construction management requirements (CMRs) found in

Appendix A of the EA are implemented.

A series of biological CMRs (see attached) have been developed to minimize or avoid potential effects to biological resources, including federally protected species, during construction and operation of the LTE system and are included in the project design for each site. The construction contractor will be required to provide biologists with appropriate expertise to perform pre-construction surveys and monitor construction activities, and supervise implementation of the biological CMRs. The biologists provided by the construction contractor will be approved by LA-RICS.

Historic and Cultural Resource Protection Protocols and Measures

LA-RICS consulted with the California State Historic Preservation Office (SHPO) which resulted in a programmatic agreement (PA) being implemented to govern Section 106 consultation for the project. Through the Tower Construction Notification System (TCNS), NTIA also provided information on the Project to 12 tribes. Furthermore, LA-RICS notified tribes identified through the California Native American Heritage Commission (NAHC) of the undertaking, provided Project descriptions and maps, and invited the tribes to comment on the Project. Formal consultation was initiated with one federal tribe, the Soboba Band of Luiseño Indians. In letters dated September 3 and 5, 2014, the Tribe concluded that they have no concerns about the LTE sites. However, the Tribe requested that a qualified archaeologist be present at Blue Rock and LA County Fire Station 78, 81, and 114 during initial ground disturbing activities, and that they be notified in the event that inadvertent discoveries are encountered during construction activities.

Project stipulations resulting from the consultation with the SHPO include:

1. LA-RICS shall complete all stipulations and conditions as described in the Programmatic Agreement. See attached PROGRAMMATIC AGREEMENT AMONG THE NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION AND THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER, REGARDING THE LOS ANGELES REGIONAL INTEROPERABLE COMMUNICATION SYSTEM AUTHORITY UNDER THE BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM (October 3, 2014)

Additional Protection Protocols and Measures

1. LA-RICS will continue working with the Bureau of Land Management (BLM) Ridgecrest Field Office, USFS, and U.S. Army Corps of Engineers (USACE) on the permitting process for construction activities on Federal land. LA-RICS must receive concurrence from these federal agencies before construction activities may begin at the respective project sites.
2. LA-RICS must pass all USFS screening criteria for sites on National Forest Service lands, and for the USFS to complete its NEPA decision and issue a Special Use Permit for construction and operation. The USFS will not complete a NEPA decision until all legally required consultations, including with the FWS and the SHPO, are complete and documented.
3. LA-RICS will follow permitting and regulatory requirements outlined and required by the USFWS, BLM, USFS, USACE, Federal Aviation Administration (FAA), Federal Communications Commission (FCC), California Coastal Commission (CCC), and other applicable state and local agencies for all Project activities.
4. LA-RICS will continue working with the NPS on the design of the San Vicente Peak (SVP) tower site to preserve the

visual quality of the scenic corridor.

5. LA-RICS will adhere to all mitigation measures related to noise in the EA.
6. LA-RICS will adhere to all mitigation measures related to air quality in the EA (AIR MM 1).
7. LA-RICS will adhere to all mitigation measures related to geology and soils in the EA (GEO MM 1, GEO MM 2).
8. LA-RICS will adhere to all mitigation measures and CMRs related to biological resources in the EA and Appendix A: BIO CMR 1- 18.
9. LA-RICS will adhere to all mitigation measures and CMRs related to cultural resources in the EA and Appendix A: CRM CMR 1- 6.
10. LA-RICS will adhere to all mitigation measures related to aesthetic and visual resources in the EA (AES MM 1- 3).
11. LA-RICS will adhere to all mitigation measures related to infrastructure in the EA (TRANS MM 1).
12. LA-RICS will adhere to all mitigation measures related to human health and safety in the EA (HS MM 1- 3).

Additional mitigation measures identified in the Environmental Assessment as being required to avoid potential significant environmental impacts:

None.