

Specific Award Conditions

Award Number: NT10BIX5570158

Amendment Number: 26

1) Compliance with Environmental Protocols and Measures

This BTOP Grant Special Award Condition establishes requirements applicable to implementation of the Los Angeles Regional Interoperable Communications System Joint Powers Authority (LA-RICS) Long Term Evolution Project. The funding of the Grant is dependent on compliance with the provisions of this Special Award Condition (SAC). This SAC is based on the Final Environmental Assessment (EA), Supplemental EA #1 (SEA1), Supplemental EA #2 (SEA2), Supplemental EA #3 (SEA3), and Supplemental EA #4 (SEA4) documentation and supersedes the previous SAC issued May 15, 2019.

Post-award environmental reviews of the Proposed Action 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 Proposed Action to minimize potential impacts to biological resources and effects on historic and cultural resources. The protocols and measures are listed below.

Note that this SAC does not distinguish requirements identified during the consultations from recommendations that were also provided. LA-RICS shall implement the identified protocols and measures without regard to this distinction and advise the Federal Program 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

As discussed throughout SEA4, seven of the eight sites included in the Proposed Action have been previously subjected to federal agency review under NEPA by the National Telecommunications and Information Administration (NTIA) (sites CLRMPD1, DWNYPD1, and IRWDPD); FEMA (sites CCB2, CRN2, and POM2); and the USFS (Site BLKMT). NTIA has reviewed the analysis and adopted/incorporated by reference the prior reviews completed for these sites. NTIA has

reviewed all seven sites for any changes that may have taken place since the previous analyses and determined that there were no changes for biological resources. Furthermore, based on the environmental analysis completed of Site CLMML and implementation of the recommended protective measures and construction management requirements (CMRs), no significant impacts from construction, operation, or maintenance of installation equipment are anticipated.

A series of biological CMRs, found in Appendix A-1 of the SEA4, have been developed to minimize or avoid potential effects to biological resources (BIO), including federally protected species, during construction and operation of the LTE system and are included in the project design for each site (BIO CMR 1 and 18). 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

As discussed throughout SEA4, seven of the eight sites included in the Proposed Action have been previously subjected to federal agency review under NEPA by NTIA (sites CLRMPD1, DWNYPD1, and IRWDPD); FEMA (sites CCB2, CRN2, and POM2); and the USFS (Site BLKMT). NTIA has reviewed the analysis and consultations and adopted/incorporated by reference the prior reviews completed for these sites. NTIA has reviewed all seven sites for any changes that may have taken place since the previous analyses and determined that two historic resources that were previously identified within the indirect APE of Site CLRMPD1 have turned 50 years old since the time they were originally analyzed. NTIA's review of these structures showed that the viewshed to the tower is partially blocked, they are not currently listed in or eligible for listing in the NRHP, and they do not display characteristics that would indicate they are eligible for listing in the NRHP. Therefore, NTIA determined that there would not be adverse effects to these historic architectural resources. There were no other changes for historic or cultural resources at the other sites. Furthermore, Site CLMML was determined to be exempt from Section 106 of the National Historic Preservation Act due to the Federal Communications Commission's First Amendment to Nationwide Programmatic Agreement for the Collocation of Wireless Antennas. No significant direct or indirect impacts are anticipated; therefore, no further review is required.

In addition, a record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed on August 8, 2019 to determine if sacred lands or other resources of significance to the Native American community were known to exist in proximity to the Proposed Action. No tribal resources were identified as part of this record search; however, NAHC provided additional contact information for California non-federally recognized tribes/groups potentially interested in the Proposed Action areas. These tribes/groups were contacted and no information regarding additional tribal resources was received.

A series of cultural resource management (CRM) CMRs have been developed to minimize or avoid potential effects to cultural resources, including archaeological and architectural resources, 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 qualified archaeologists with appropriate expertise to monitor construction activities and implement the CRM CMRs (CRM CMRs 3 and 4). The archaeologists provided by the construction contractor will be approved by LA-RICS.

Additional Protection Protocols and Measures (as applicable)

1. LA-RICS will follow permitting and regulatory requirements outlined and required by the Federal Aviation Administration, Federal Communications Commission, and other applicable state and local agencies for all Proposed Action activities.
2. LA-RICS will adhere to all mitigation measures related to noise in the Final EA, SEA1, SEA2, SEA3, and SEA4.
3. LA-RICS will adhere to all mitigation measures related to air quality (AIR MM 1) in the Final EA, SEA1, SEA2, SEA3, and SEA4.
4. LA-RICS will adhere to all mitigation measures related to geology and soils (GEO MM 1-2) in the Final EA, SEA1, SEA2, SEA3, and SEA4.
5. LA-RICS will adhere to all mitigation measures and CMRs (BIO CMR 1-19) related to biological resources in the Final EA, SEA1, SEA2, SEA3, and SEA4.
6. LA-RICS will adhere to all mitigation measures and CMRs (CRM CMR 1-6) related to cultural resources in the Final EA, SEA1, SEA2, SEA3, and SEA4.
7. LA-RICS will adhere to all mitigation measures related to aesthetic and visual resources (AES MM 1-3) in the Final EA, SEA1, SEA2, SEA3, and SEA4.
8. LA-RICS will adhere to all mitigation measures related to infrastructure (TRANS MM 1) in the Final EA, SEA1, SEA2, SEA3, and SEA4.
9. LA-RICS will adhere to all mitigation measures related to human health and safety (HAZ MM 1-3 and 5) in the Final EA, SEA1, SEA2, SEA3, and SEA4.

Additional mitigation measures identified in the SEA4 as being required to avoid potential significant environmental impacts:

None.

2) Compliance with Environmental Protocols and Measures

This BTOP Grant Special Award Condition establishes requirements applicable to implementation of the Los Angeles Regional Interoperable Communications System Joint Powers Authority (LA-RICS) Long Term Evolution Project. The funding of the Grant is dependent on compliance with the provisions of this Special Award Condition (SAC). This SAC is based on the Final Environmental Assessment (EA), Supplemental EA #1 (SEA1), Supplemental EA #2 (SEA2), Supplemental EA #3 (SEA3), and Supplemental EA #4 (SEA4) documentation and supersedes the previous SAC issued May 15, 2019.

Post-award environmental reviews of the Proposed Action 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 Proposed Action to minimize potential impacts to biological resources and effects on historic and cultural resources. The protocols and measures are listed below.

Note that this SAC does not distinguish requirements identified during the consultations from recommendations that were also provided. LA-RICS shall implement the identified protocols and measures without regard to this distinction and advise the Federal Program 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

As discussed throughout SEA4, seven of the eight sites included in the Proposed Action have been previously subjected to federal agency review under NEPA by the National Telecommunications and Information Administration (NTIA) (sites CLRMPD1, DWNYPD1, and IRWDPD); FEMA (sites CCB2, CRN2, and POM2); and the USFS (Site BLKMT). NTIA has reviewed the analysis and adopted/incorporated by reference the prior reviews completed for these sites. NTIA has reviewed all seven sites for any changes that may have taken place since the previous analyses and determined that there were no changes for biological resources. Furthermore, based on the environmental analysis completed of Site CLMML and implementation of the recommended protective measures and construction management requirements (CMRs), no significant impacts from construction, operation, or maintenance of installation equipment are anticipated.

A series of biological CMRs, found in Appendix A-1 of the SEA4, have been developed to minimize or avoid potential effects to biological resources (BIO), including federally protected species, during construction and operation of the LTE system and are included in the project design for each site (BIO CMR 1 and 18). 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

As discussed throughout SEA4, seven of the eight sites included in the Proposed Action have been previously subjected to federal agency review under NEPA by NTIA (sites CLRMPD1, DWNYPD1, and IRWDPD); FEMA (sites CCB2, CRN2, and POM2); and the USFS (Site BLKMT). NTIA has reviewed the analysis and consultations and adopted/incorporated by reference the prior reviews completed for these sites. NTIA has reviewed all seven sites for any changes that may have taken place since the previous analyses and determined that two historic resources that were previously identified within the indirect APE of Site CLRMPD1 have turned 50 years old since the time they were originally analyzed. NTIA's review of these structures showed that the viewshed to the tower is partially blocked, they are not currently listed in or eligible for listing in the NRHP, and they do not display characteristics that would indicate they are eligible for listing in the NRHP. Therefore, NTIA determined that there would not be adverse effects to these historic architectural resources. There were no other changes for historic or cultural resources at the other sites. Furthermore, Site CLMML was determined to be exempt from Section 106 of the National Historic Preservation Act due to the Federal Communications Commission's First Amendment to Nationwide Programmatic Agreement for the Collocation of Wireless Antennas. No significant direct or indirect impacts are anticipated; therefore, no further review is required.

In addition, a record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed on August 8, 2019 to determine if sacred lands or other resources of significance to the Native American community were known to exist in proximity to the Proposed Action. No tribal resources were identified as part of this record search; however, NAHC provided additional contact information for California non-federally recognized tribes/groups potentially interested in the Proposed Action areas. These tribes/groups were contacted and no information regarding additional tribal resources was received.

A series of cultural resource management (CRM) CMRs have been developed to minimize or avoid potential effects to

cultural resources, including archaeological and architectural resources, 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 qualified archaeologists with appropriate expertise to monitor construction activities and implement the CRM CMRs (CRM CMRs 3 and 4). The archaeologists provided by the construction contractor will be approved by LA-RICS.

Additional Protection Protocols and Measures (as applicable)

1. LA-RICS will follow permitting and regulatory requirements outlined and required by the Federal Aviation Administration, Federal Communications Commission, and other applicable state and local agencies for all Proposed Action activities.
2. LA-RICS will adhere to all mitigation measures related to noise in the Final EA, SEA1, SEA2, SEA3, and SEA4.
3. LA-RICS will adhere to all mitigation measures related to air quality (AIR MM 1) in the Final EA, SEA1, SEA2, SEA3, and SEA4.
4. LA-RICS will adhere to all mitigation measures related to geology and soils (GEO MM 1-2) in the Final EA, SEA1, SEA2, SEA3, and SEA4.
5. LA-RICS will adhere to all mitigation measures and CMRs (BIO CMR 1-19) related to biological resources in the Final EA, SEA1, SEA2, SEA3, and SEA4.
6. LA-RICS will adhere to all mitigation measures and CMRs (CRM CMR 1-6) related to cultural resources in the Final EA, SEA1, SEA2, SEA3, and SEA4.
7. LA-RICS will adhere to all mitigation measures related to aesthetic and visual resources (AES MM 1-3) in the Final EA, SEA1, SEA2, SEA3, and SEA4.
8. LA-RICS will adhere to all mitigation measures related to infrastructure (TRANS MM 1) in the Final EA, SEA1, SEA2, SEA3, and SEA4.
9. LA-RICS will adhere to all mitigation measures related to human health and safety (HAZ MM 1-3 and 5) in the Final EA, SEA1, SEA2, SEA3, and SEA4.[1]

Additional mitigation measures identified in the SEA4 as being required to avoid potential significant environmental impacts:

None.

[1] Mitigation measures related to human health and safety had been previously referred to using the nomenclature HS in the Final EA. In SEA1 and with the inclusion of HAZ MM 5, the nomenclature was switched to HAZ for all human health and safety mitigation measures. Therefore, HS and HAZ should be considered synonymous, and HAZ should be used going forward for all human health and safety mitigation measures.