

Special Award Conditions

Award Number: NT10BIX5570097

Amendment Number: 2

1) Revised EA Special Award Condition

The grantee may not expend any Federal funds other than Management and Administration (M&A) funds and limited, preliminary procurement funds prior to the following:

- " The completion of an environmental assessment (EA) that meets the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq);
- " The completion of any required consultations, to include consultations with the State Historic Preservation Office (SHPO) and the appropriate federally recognized Native American tribes, under Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq) (NHPA), and consultations with the U.S. Fish and Wildlife Service (USFWS) under Section 7 of the Endangered Species Act (16 U.S.C. 1531 et seq);
- " Demonstration of compliance with all other applicable federal, state, and local environmental laws and regulations. Project implementation (site preparation, demolition, construction, ground disturbance, or any other project implementation activities) may not begin prior to the completion of the above activities. The completion of a draft EA, and completion of any required consultations under Section 106 of the NHPA and Section 7 of the ESA, must be completed no later than six months after the award date unless a formal request for extension is submitted and approved by the Grants Officer. The grantee must comply with all conditions placed on the project as the result of consultation processes.

The allowable use of M&A funds prior to beginning project implementation includes, but is not limited to, activities necessary for the completion of the following:

- " Pre-construction project planning, including collecting environmentally-related information;
- " Applications for environmental permits;
- " Studies such as the EA, and any wetland delineations, biological assessments, archaeological surveys, or other required analyses; and
- " Required consultation activities

The allowable use of funds for limited, preliminary procurements prior to beginning project implementation includes, but is not limited to, the initiation of activities necessary to meet the project completion requirements as specified in the award, including the following:

- " Purchase or lease of equipment, or entering into binding contracts to do so;
- " Purchase of applicable or conditional insurance; and
- " Funds used to secure land or building leases, including right-of-way easements

The allowable use of preliminary procurement funds is limited; must not result in an irrevocable commitment of resources; and is only allowed after inclusion in and approval of a revised 6-month expenditure plan. The revised 6-month expenditure plan is due within 30 days of receipt of this Special Award Condition (SAC) and will be reviewed by the Environmental Program Officer, who will make recommendations to the Federal Program Officer and the Grants Officer (who has final approval authority) to ensure all proposed procurement funds are reasonable and necessary to ensure that the project completion deadline requirements are met. All contracts must contain early termination clauses with termination costs clearly specified. All equipment purchased or leased in advance of project implementation and before completion of the EA and applicable consultations must be stored in locations other than the proposed project site and where there will be no impact to the environment, human health, or cultural resources (in most cases, this means equipment must be stored in existing warehouses). Under no circumstances will grant funds be drawn down for clearing

or excavating land, or demolition or construction of buildings or towers, before all environmental SACs are completed and cleared. This limited, preliminary allowable use of funds for purposes and leases is designed for recipient flexibility and to streamline preparation for project implementation simultaneously during the development of the EA and conduct of consultations; the clause, and all applicable restrictions, is lifted once the EA, applicable consultations, and Finding of No Significant Impact (FONSI: if applicable) are complete and approved.

While this Special Award Condition is in effect, the recipient shall submit, in advance of any draw downs from Automated Standard Application for Payments (ASAP), a revised 6-month expenditure plan that presents the proposed M&A and limited, preliminary procurement activities and costs. The revised 6-month expenditure plan will be submitted electronically to the Environmental Program Officer, who will review it and provide recommendations to the Federal Program Officer and the Grants Officer for final approval to ensure that the proposed activities and expenditures are reasonable and necessary in the context of environmental compliance. The Environmental Program Officer and the Federal Program Officer must review and recommend and the Grants Officer must approve the revised 6-month expenditure plan prior to fund draw downs through ASAP.

Once the EA has been completed, NTIA will review all documentation and determine whether the EA sufficiently addresses all resource areas and whether the project may qualify for a FONSI. Projects found to have significant impacts to environmental or historic resources may face de-obligation of funding if impacts cannot be mitigated. The grantee is required to provide any information requested by NTIA to ensure both initial and ongoing compliance with environmental and historic preservation laws, regulations, and best practices. The grantee shall notify NTIA within twenty-four (24) hours upon receipt of any notices of foreclosure, notices for continuing consultation received from the SHPO, Tribal Historic Preservation Office (THPO), USFWS, or other consulting party; or notices of noncompliance received from consulting authorities or regulatory agencies.

Any change to the approved project scope that has the potential for altering the nature or extent of environmental or cultural resources impacts must be brought to the attention of NTIA and will be re-evaluated for compliance with applicable regulatory requirements.

For all ground disturbing activities that occur during project implementation in the vicinity of known archaeological sites or suspected or known burials, the grant recipient must ensure that an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards monitors ground disturbance, and if any potential archeological resources or buried human remains are discovered, then the grantee must immediately cease construction in that area and notify NTIA and the interested State Historic Preservation Offices, Tribal Historic Preservation Offices, and tribes. Such construction activities may then only continue with the written approval of NTIA.

Due Date: 02/01/2011