

Special Award Conditions

Award Number: NT10BIX5570004

Amendment Number: 2

1) NEPA/Section 106 Environmental- Revised 05/05/2010

NEPA/Section 106 Environmental

The grantee may not expend any Federal funds other than Management and Administration (M&A) funds or begin any procurement activities prior to completion of the following:

- the completion of an Environmental Assessment (EA) in order to comply with the National Environmental Policy Act of 1969 (42 U.S.C. Section 4321 et seq.). Review of the application indicates that further information is needed regarding sensitive resources which may be adversely affected, including wetlands, critical habitats, and sites eligible for the National Register of Historic Places. These potential impact areas should be fully evaluated in the Environmental Assessment;
- the completion of consultation with the State Historic Preservation Office (SHPO) and with the appropriate Federally-recognized Native American tribes as required under Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. Section 470 et seq.) (NHPA), and with the U.S. Fish and Wildlife Service (USFWS) under Section 7 of the Endangered Species Act (16 U.S.C. Section 1531 et seq.), and "obtaining all required permits from the U.S. Army Corps of Engineers to address potential impacts to wetlands" compliance with all other applicable Federal, State, and local environmental and historic preservation laws.

Project implementation (procurements, demolition, construction, ground disturbance, etc.) may not begin prior to the completion of the above activities.

The grantee must comply with all conditions placed on the project as the result of consultation processes.

The use of M&A funds prior to construction includes, but is not limited to, activities necessary for the completion of:

- pre-construction project planning, including collecting environmentally related information;
- applications for environmental permits;
- studies such as the Environmental Assessment (EA), and any wetland delineations, Biological Assessments (BAs), archaeological surveys, or other required analyses; and
- required consultation activities.

Please refer to grant guidance for the complete list of allowable M&A expenditures.

Once such activities have 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 Finding of No Significant Impact (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 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, the recipient must ensure monitoring of ground disturbance by an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards, and if any potential archeological resources are discovered, the grantee will immediately cease construction in that area and notify NTIA and the appropriate SHPO or THPO.

Due Date: 06/01/2010

Satisfied Date: 08/17/2010

2) Accounting System Verification - Revised 5/05/2010

Accounting System Verification

The recipient shall submit a signed statement from a licensed public accountant, certifying the ability of the recipient's financial management system to appropriately track and account for federal grants funds and expenditures associated with the funded project. This statement must be received within 60 days of the award start date and the recipient is not allowed to obligate, expend, or draw down any funds until this statement is received and accepted by the Grants Officer.

Due Date: 02/01/2010

3) 506 Project Specific SAC - Revised 05/05/2010

Project-Specific Special Award Conditions:

Construction related requirements

- Maintenance. The recipient agrees that, for the estimated useful life of the facility funded with this award, the project will be properly and efficiently administered, operated, and maintained for the purpose authorized by this award and in accordance with the terms, conditions, requirements, and provisions of the award. If the NTIA determines at any time during the estimated useful life of the project, that the project and any project property is not being properly and efficiently administered, operated, and maintained, the NTIA shall have the right to terminate this award for cause and pursue any other remedies allowed by law.

- Compliance. The recipient shall comply, and must require each contractor or subcontractor to comply, with all applicable Federal, state, and local laws and regulations.

- Energy Efficiency. The recipient shall apply, where feasible, sustainable, and energy efficient, design principles for the purpose of reducing pollution and energy costs and optimizing lifecycle costs associated with the construction.

- Signs. The recipient is responsible for constructing, erecting, and maintaining in good condition throughout the construction period a sign(s) satisfactory to the NTIA that identifies the project and indicates that the project is Federally funded. The NTIA also may require that the recipient maintain a permanent plaque or sign at the project site with the same or similar information.

- Land, Easements, and Rights of Way. The recipient must disclose all encumbrances to the operating unit. The operating unit will not accept any encumbrance that interferes with the construction, intended use, operation, or maintenance of the project during its estimated useful life. Unless otherwise provided for in the award, prior to grant of the award and commencement of construction, or when requested by the operating unit, the recipient must furnish evidence, satisfactory in form and substance to the operating unit, that title to real property is vested in the recipient, and that it has obtained any rights-of-way, easements, State and local government permits, long-term leases, or other property interests.

- Relocation Assistance. The provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (Pub. L. No. 91-646; 42 U.S.C. Section 4601 et seq.), are applicable to each recipient of assistance from an operating unit. This Act provides assistance to persons, businesses, or farm operations affected by the acquisition, rehabilitation or demolition of real property acquired for a project financed wholly or in part with Federal assistance funds. It also requires compliance with specific guidelines pertaining to reimbursable costs incidental to such land acquisition.

- Tribal Employment Rights Ordinances. In accordance with Departmental policy, all operating units must recognize Tribal Employment Rights Ordinances (TEROs), which may provide for preferences in contracting and employment, in connection with its financial assistance awards. Tribal ordinances requiring preference in contracting, hiring, and firing and the payment of a TERO fee are allowable provisions under Federal awards and should be incorporated by the operating unit under its grants and contracts with American Indian and Alaska Native tribal governments. The payment of the TERO fee, which supports the tribal employment rights office to administer the preferences, should generally be allowable as an expense that is necessary and reasonable for proper and efficient performance and administration of an award, as provided under the applicable cost principles set out in 2 C.F.R. Part 225.