

# Special Award Conditions

**Award Number:** NT10BIX5570113

**Amendment Number:** 1

## 1) Compliance with Environmental Protocols and Measures SAC

This BTOP Grant Special Award Condition establishes requirements applicable to implementation of the Oklahoma Office of State Finance, Oklahoma Community Anchor Network (OCAN) 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. OSF 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, OSF 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, OSF 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

OSF consulted with the U.S. Fish and Wildlife Service (USFWS) with regard to potential Project impacts on biological resources. These Endangered Species Act Section 7 consultations resulted in identification of the following requirements and recommendations:

1. OSF will adhere to established standard specifications, best management practices, and permit requirements for storm water management and erosion control. USFWS; January 24, 2011
2. OSF will avoid or minimize impacts to wetlands/riparian areas to the greatest extent possible. USFWS; January 24,

2011

3. OSF will minimize impacts to karst areas. USFWS; January 24, 2011

4. OSF will avoid disturbance to any nesting bald eagles, and implement measures designated to avoid impacts to active migratory bird species nests. USFWS; January 24, 2011

#### Historic and Cultural Resource Protection Protocols and Measures

OSF consulted with the Oklahoma Historical Society State Historic Preservation Officer (SHPO) and the Oklahoma Archaeological Survey through the University of Oklahoma. Through the Tower Construction Notification System (TCNS), NTIA also provided information on the Project to tribes with interest in Oklahoma. Project stipulations resulting from these consultations include:

1. OSF will have fiber optic cable housed in conduit placed on the inside of the southern most steel beam of the NRHP eligible Roosevelt Bridge over Lake Texoma on US-70. OK SHPO; January 13, 2011

2. OSF will install underground fiber optic cable via a 4-inch wide trench, at the NRHP eligible Chaplin House, on US-412 in Enid, Garfield County, which will be filled and vegetated, with no potential impact to the property. OK SHPO; January 13, 2011

3. OSF will horizontally bore under the site for a length of 2,000 ft to avoid the known 1,200 ft extent of intact deposits at the Heerwald Site (prehistoric archaeological site) along I-40 in Cluster County. OK State Archaeologist; January 25, 2011

4. If any human skeletal remains or protected Native objects are uncovered during construction, construction will stop immediately, and all consulting parties will be contacted.

5. If the tribal nations notified of the project through TCNS respond to the recipient with any concerns, the recipient shall notify and consult with the NTIA and the tribal nation to resolve the identified concern.

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

None.