

Special Award Condition

Compliance with Environmental Protocols and Measures

Broadband Technology Opportunities Program Plumas-Sierra Rural Electric Cooperative (PSREC) PSREC-PST Mid-Mile Fiber Project

This BTOP Grant Special Award Condition establishes requirements applicable to implementation of the Plumas-Sierra Rural Electric Cooperative (PSREC), PSREC-PST Mid-Mile Fiber 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. PSREC will 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, PSREC will 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, PSREC has questions or requires clarification regarding any of these protocols or measures, they will notify the FPO, who will coordinate with the appropriate regulatory authority to provide the necessary information.

Biological Resource Protection Protocols and Measures

PSREC consulted with the U.S. Fish and Wildlife Service (USFWS), Bureau of Land Management (BLM), the U.S. Department of Agriculture – Forest Service (USDA-FS), and appropriate state agencies regarding potential Project impacts on biological resources. Through these consultations, PSREC recommended best management practices (BMPs) and avoidance measures for fiber installation activities to avoid impacts to federally listed species potentially occurring along the Project route. As outlined in the Mitigation, Monitoring, and Reporting Plan (Appendix B of the EA), environmental protection measures will be implemented to ensure Section 7

compliance. Please refer to the Biological Resources BMPs outlined on pages B-14 through B-22 in this Plan. PSREC also will adhere to all environmental protection measures related to biological resources (Appendix B, Biological 1-27) as presented on pages 4-28 through 4-32 of the EA, as well as those related to vegetation (Appendix B, Vegetation 1-6) as presented on pages 4-47 and 4-48 of the EA. The USFWS concluded that, based on the information and protective measures provided by PSREC, the Project is not likely to adversely affect federally listed species known to occur within the Project area.

Historic and Cultural Resource Protection Protocols and Measures

NTIA and PSREC consulted with the California Department of Parks and Recreation, Office of Historic Preservation (State Historic Preservation Office [SHPO]), the Nevada State Historic Preservation Office (NV SHPO), and the Susanville Indian Rancheria Tribal Historic Preservation Office (SIR THPO). The following resource protection protocols and measures are required based on consultations with these agencies and organizations.

1. PSREC will follow the recommendations stipulated by comments outlined by the CA SHPO in their September 9, 2011 concurrence. These recommendations include:
 - Adherence to recommendations described in *A Class III Cultural Resource Inventory of Approximately Nine Miles of Fiber Optic Right-of-Way for Plumas Sierra Rural Electric Cooperative's Mid-Mile Fiber Project, Washoe County, Nevada and Sierra and Lassen Counties, California* (Steven Mehls et al., WCRM: June 2011).
 - Conduct all trenching around site CA-SIE-719H slowly, with an archaeological monitor present in case subsurface deposits are encountered.
 - Reroute the trench outside the boundaries of the historic Evans Ranch Complex (P-47-720).
 - Install orange ESA fencing around historic properties within APE that are to be avoided or bored under, including the segments of Old US Highway 395 (CA-LAS-2232H).
 - Locate the receiving pit between segments 6 and 7 of Old US Highway 397 as far as possible from the boundaries of both segments of the historic highway.
 - Modify trench routes and boring as described in report in order to avoid affecting the historic matrix of Old US Highway 395 (CA-LAS-2232H).
 - If possible, bore four feet or deeper to provide a larger buffer between the historic road matrix and the conduit route.
2. If buried or previously unidentified resources are located during project activities, the SHPO recommends that all work in the vicinity cease and that PSREC contact the SHPO for additional consultation in accordance with 36 CFR 800.13.b.3 and NRS 383.150-383.190. *NV SHPO letter, August 11, 2011.*
3. If during ground disturbing activities, any resources are uncovered, all work shall cease within the area of the find, pending an examination of the site and materials by a professional Archaeologist and Tribal Monitor. If any remains are uncovered, the Health and Safety Code (7050-550979) shall be enforced and adhered to. The Enterprise

Rancheria EPA Department will work with local authorities on the disposition of Cultural Resources. *Enterprise Rancheria (Estom Yumeka Maidu Tribe) letter, April 8, 2010.*

4. Contract a qualified tribal monitor through the Reno Sparks Tribal Historic Preservation Office to observe any construction of new underground fiber. *Agency meetings in person September 2011.*
5. Obtain and incorporate comments from the Reno Sparks THPO and Carson City BLM office into a final *Unanticipated Discovery Monitoring Plan*, and provide the final document to NTIA. Implement requirements inclusive of the *Unanticipated Discovery Monitoring Plan (June 24, 2011)* and any such revisions as detailed in the final document.
6. Archaeological Monitors will be present during construction in the vicinity of all NRHP eligible or unevaluated sites and all ground disturbing activities. *Unanticipated Discovery and Monitoring Plan, June 24, 2011*
7. Provide pre-construction training to contractors and relevant PSREC personnel to inform operators and supervisors of the implications of collecting artifacts and cultural materials, or damaging archaeological sites on public lands. *Unanticipated and Discovery Monitoring Plan, June 24, 2011*
8. Notify NTIA, the BLM Carson City Field Office Manager and Archaeologist, and CA and NV SHPOs, and other stakeholders of unanticipated discovery within one business day of the discovery. A method of integrating the discovery into a data recovery plan will be proposed and presented to NTIA. *Unanticipated Discovery and Monitoring Plan, June 24, 2011*

PSREC has confirmed that they understood the findings of the Class III report and are committed to implement recommendations required to avoid adverse effects on historic properties. *(June 15, 2011 letter to Jill Dowling, Federal Preservation Officer, U.S. Department of Commerce)*

In the event any project change increases the amount and/or area of ground disturbance, PSREC will seek approval from and coordinate with NTIA and the relevant SHPOs and THPOs.

As outlined in the Mitigation, Monitoring, and Reporting Program in Appendix B of the final EA, environmental protection measures will be implemented to ensure Section 106 compliance. These include the following:

1. As appropriate and required by the BLM, an *Unanticipated Discovery and Monitoring Plan (Plan)*, June 24, 2011, has been developed that identifies the protocol and treatment of inadvertent discoveries of cultural and historic properties.
2. If an area proposed to be disturbed by construction or other ancillary project activity has not been surveyed for cultural resources, an inventory will be conducted before construction activities begin. PSREC will retain qualified archaeologists that meet Secretary of the Interior standards to conduct the pre-construction inventories. A Tribal

and Archaeological monitoring program for the area of underground installation in Caltrans US395 ROW will be developed to ensure avoidance of known historic properties (NRHP-eligible cultural resources) and on landscapes with a potential for buried cultural resources.

3. Any cultural resources inadvertently discovered during construction by PSREC or any person working on PSREC's behalf on private, state, or federal land would be reported immediately to the authorized officer; the protocol of the Plan would be followed. If human remains are discovered, PSREC would suspend construction, notify the county coroner, notify the applicable landowner or land management agency, and follow the applicable Federal or California/Nevada state law. If Native American remains are suspected, the Native American Heritage Commission and local tribe(s) also would be notified and PSREC would suspend operations in the area until an evaluation is completed.
4. No surface disturbance or construction activity would be allowed within 100 feet of any NRHP-eligible cultural sites, as specified by the federal or state authorized officer. Installation of orange ESA fencing by a qualified archaeologist around historic properties within the APE that are to be avoided and or bored under, including the segments of old US 395. Any deviation from this requirement would be negotiated with the authorized officer per the terms of the proposed Plan.
5. Per CA SHPO recommendation, the receiving pit between specific segments 6 & 7 of Old US 395 is as far as possible from the boundaries of both segments.; boring would be at least four feet or deeper to provide a larger buffer between the historic road matrix and conduit route.

Additional Protection Protocols and Measures

1. PSREC will continue working with the California Department of the Interior (DOI) Bureau of Land Management (BLM), and USDA – Forest Service (USDA-FS) on the ROW permitting process for fiber installation activities on Federal land. The Mitigation, Monitoring, and Reporting Program (see appendix B of the final EA) includes stipulations to protect the lands and resources involved. BLM, PSREC, or designated third party monitoring contractors will monitor site conditions during and after construction. *Notice of Field Manager's Decision Mid-Mile Fiber Optic Project Doi-BLM-CA-N050-2011-45, September 21, 2011.*
2. PSREC will continue working with NTIA and BLM, as necessary, to comply with Section 106 of the National Historic Preservation Act (NHPA) in accordance with the signed Memorandum of Understanding Between NTIA and BLM California and Nevada Offices (May 10, 2011).
3. PSREC will follow permitting and regulatory requirements outlined and required by the USFWS, BLM, California State Parks, and California Department of Fish and Game (DFG) for all Project activities.

4. PSREC will adhere to all environmental protection measures related to air quality (Appendix B, Air Quality 1-5 and GHG 1-5) as presented on pages 4-10 and 4-11 of the EA.
5. PSREC will adhere to all environmental protection measures related to reclamation and soils (Appendix B, Reclamation 1-9 and Soils 1-5) on pages 4-18 through 4-20 of the EA.
6. PSREC will adhere to all environmental protection measures related to noise (Appendix B, Noise 1-2) on page 4-24 of the EA.
7. PSREC will adhere to all environmental protection measures related to hazardous materials and waste (Appendix B, Hazardous Materials 1-4) on pages 4-25 and 4-26 of the EA.
8. PSREC will adhere to all environmental protection measures related to water resources (Appendix B, Water 1-4) on page 4-34 of the EA.
9. PSREC and its contractors will follow and strictly adhere to all Environmental Protection Measures not specifically called out in this Special Award Condition and identified in the final EA; the Mitigation, Monitoring, and Reporting Program (Appendix B of the EA); and the Unanticipated Discovery Monitoring Plan (Appendix F of the EA).

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

None.

