

Special Award Condition

Compliance with Environmental Protocols and Measures

University of Arkansas System Arkansas Healthcare, Higher Education, Public Safety, and Research Integrated Broadband Initiative Project

This BTOP Grant Special Award Condition establishes requirements applicable to the University of Arkansas System (U of A System) implementation of the Arkansas Healthcare, Higher Education, Public Safety, and Research Integrated Broadband Initiative 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. The U of A System 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, the U of A System 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, the U of A System 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

None – On May 4, 2011, the U.S. Fish and Wildlife Service (USFWS) determined that the Project would have no effect on listed species found to occur or potentially occur in portions of the Project area: the Florida panther (*Puma concolor*) and the interior least tern (*Sterna antillarum athalassos*). Moreover, the USFWS determined that the Project is not likely to have significant adverse impacts on non-listed fish and wildlife resources.

Historic and Cultural Resource Protection Protocols and Measures

Per concurrence by the Arkansas State Historic Preservation Office (SHPO) (May 11, 2011), University of Arkansas will ensure that the Project has No Adverse Effect on Historic Properties by:

1. Providing a qualified archaeologist to monitor construction activities near the West Cemetery on Poor Farm Road near Morrilton, the Stuckey Cemetery near Fayetteville Route 3, and the Cavalry Cemetery on Fort Smith Route 1, and installing fiber on the opposite side of the road from these resources; and
2. Flagging Site 3HE68 for avoidance during construction, and providing a qualified archaeologist to monitor construction in the vicinity.

On October 1, 2010, NTIA notified 13 Native American tribes of the Project through the Tower Construction Notification System (TCNS). As of May 16, 2011, no objections to the Project have been registered. Nevertheless, the following conditions apply to this Project:

1. If construction-related ground-disturbing activities uncover cultural materials (i.e., structural remains, historic artifacts, or prehistoric artifacts), all work will cease and interested Tribes, the SHPO, and NTIA will be notified immediately.
2. If ground-disturbing activities uncover human remains, all work will cease immediately, the area around the discovery will be secured, and the relevant law enforcement personnel (e.g., local police or county coroner) and NTIA will be notified immediately.
3. If tribal nations respond to the recipient with any concerns, the recipient shall notify NTIA and participate in consultation to resolve the identified issues.

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

None