

## **Special Award Condition**

### *Compliance with Environmental Protocols and Measures*

**Broadband Technology Opportunities Program Grant  
Los Angeles Regional Interoperable Communication System Joint Powers Authority  
LA-RICS Long Term Evolution Project**

**MAY 2019**

**This BTOP Grant Special Award Condition establishes requirements applicable to implementation of the Los Angeles Regional Interoperable Communication System Joint Powers Authority (LA-RICS) Long Term Evolution Project. The funding of the Grant is dependent on compliance with the provisions of this Special Award Condition (SAC). This SAC is based on the Final Environmental Assessment (EA), Supplemental EA #1 (SEA1), Supplemental EA #2 (SEA2), and Supplemental EA #3 (SEA3) documentation and supersedes the previous SAC issued September 2, 2015.**

Post-award environmental reviews of the Proposed Action 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 Proposed Action to minimize potential impacts to biological resources and effects on historic and cultural resources. The protocols and measures are listed below.

Note that this SAC does not distinguish requirements identified during the consultations from recommendations that were also provided. The LA-RICS 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 comply fully with any requirement or recommendation listed below.

For each protocol or measure listed, LA-RICS 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, LA-RICS 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**

LA-RICS consulted with the U.S. Fish and Wildlife Service (USFWS) regarding potential impacts on biological resources. Informal consultation with the USFWS resulted in the agency's concurrence in letters dated February 28, 2019 stating that the Proposed Action may affect, but is not likely to adversely affect the southwestern willow flycatcher (*Empidonax traillii extimus*), least Bell's Vireo (*Vireo bellii pusillus*), and coastal California gnatcatcher (*Polioptila californica californica*), and no effect on their designated critical habitat, assuming that the construction management requirements (CMRs) found in Appendix A-1 of the SEA3 are implemented.

A series of biological CMRs have been developed to minimize or avoid potential effects to biological resources, including federally protected species, during construction and operation of the LTE system and are included in the project design for each site.<sup>1</sup> The construction contractor will be required to provide biologists with appropriate expertise to perform pre-construction surveys and monitor construction activities, and supervise implementation of the biological CMRs. The biologists provided by the construction contractor will be approved by LA-RICS.

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

On December 4, 2018, NTIA provided information about the Proposed Action, a description of the direct and indirect areas of potential affect, maps, photos, and descriptions of any historic properties identified and evaluation efforts, through the Federal Communication Commission's (FCC) Tower Construction Notification System (TCNS), to nine federally recognized tribes interested in the Proposed Action's geographical location in California. Consultation was completed on February 15, 2019 with no additional requests for information nor information regarding additional tribal resources was received; however, several tribes requested that if cultural resources are inadvertently identified during construction that the tribes are contacted for further consultation regarding the discovery.

In addition, a record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed on November 5, 2018 to determine if sacred lands or other resources of significance to the Native American community were known to exist in proximity to the Proposed Action. No additional tribal resources were identified as part of this record search; however, NAHC provided additional contact information for California non-federally recognized tribes/groups potentially interested in the Proposed Action areas. These tribes/groups were contacted and no information regarding additional tribal resources was received.

Project stipulations resulting from the consultation with the tribes include:

1. In the event that cultural artifacts are encountered during ground disturbing activities, LA-RICS shall halt all work until a qualified archaeologist can be consulted on the nature

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<sup>1</sup> Minor changes have been made to the CMRs included in the SEA3 from the previous version in the SEA2 and Revised Finding of No Significant Impact issued September 2, 2015. A copy of the revised CMRs are attached.

and significance of such artifacts, and the tribes are notified and consulted on the discovery, consistent with cultural resource management (CRM) CMR 3 and 4.

As part of local government outreach, various municipalities were also contacted for the LTE sites on November 2, 2018. Some additional information regarding historic structures was provided and incorporated as part of the cultural resources review and analysis, as applicable with regard to the areas of impact.

In a submittal dated February 18, 2019, NTIA initiated consultation with the California State Historic Preservation Officer (SHPO) for the Proposed Action. This submittal included detailed information about the Proposed Action, a description of the direct and indirect areas of potential affect, maps, photos, descriptions of any historic properties identified and evaluation efforts, tribal and public consultation efforts and results, and determinations of effects for each LTE site.

No National Register of Historic Places (NRHP)-listed or -eligible archaeological or architectural resources were identified within the direct areas of potential effect at any of the LTE sites. NRHP-listed or -eligible archaeological and architectural resources were identified within the indirect areas of potential effect at seven of the LTE sites. Based on previous disturbance, existing visual disturbances, and/or overall minimal visual effects, it was determined that there would not be adverse effects to these resources. SHPO concurred with this determination by letters on March 26 and March 28, 2019.

Project stipulations resulting from the consultation with the SHPO include:

1. In the event that cultural artifacts are encountered during ground disturbing activities, LA-RICS shall halt all work until a qualified archaeologist can be consulted on the nature and significance of such artifacts, consistent with CRM CMR 3 and 4.

A series of CRM CMRs have been developed to minimize or avoid potential effects to cultural resources, including archaeological and architectural resources, during construction and operation of the LTE system and are included in the project design for each site. The construction contractor will be required to provide qualified archaeologists with appropriate expertise to monitor construction activities and implement the CRM CMRs. The archaeologists provided by the construction contractor will be approved by LA-RICS.

#### **Additional Protection Protocols and Measures**

1. LA-RICS will follow permitting and regulatory requirements outlined and required by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), and other applicable state and local agencies for all Proposed Action activities.
2. LA-RICS will adhere to all mitigation measures related to noise in the Final EA, SEA1, SEA2, and SEA3.

3. LA-RICS will adhere to all mitigation measures related to air quality (AIR MM 1) in the Final EA, SEA1, SEA2, and SEA3.
4. LA-RICS will adhere to all mitigation measures related to geology and soils (GEO MM 1-2) in the Final EA, SEA1, SEA2, and SEA3.
5. LA-RICS will adhere to all mitigation measures and CMRs (BIO CMR 1-19) related to biological resources in the Final EA, SEA1, SEA2, and SEA3.
6. LA-RICS will adhere to all mitigation measures and CMRs (CRM CMR 1-6) related to cultural resources in the Final EA, SEA1, SEA2, and SEA3.
7. LA-RICS will adhere to all mitigation measures related to aesthetic and visual resources (AES MM 1-3) in the Final EA, SEA1, SEA2, and SEA3.
8. LA-RICS will adhere to all mitigation measures related to infrastructure (TRANS MM 1) in the Final EA, SEA1, SEA2, and SEA3.
9. LA-RICS will adhere to all mitigation measures related to human health and safety (HS MM 1-3) in the Final EA, SEA1, SEA2, and SEA3.

**Additional mitigation measures identified in the SEA3 as being required to avoid potential significant environmental impacts:**

None.