

Special Award Conditions

Award Number: NT10BIX5570150

Amendment Number: 1

1) Re: NT10BIX5570150- Compliance with Environmental Protocols and Measures

This BTOP Grant Special Award Condition establishes requirements applicable to implementation of the Connecticut Department of Information Technology (DOIT), Statewide Fiber Optic Network. 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. DOIT 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, DOIT 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, DOIT 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

Project-specific consultations were conducted with the U.S. Fish and Wildlife Service (USFWS) and the Connecticut Department of Environmental Protection (CTDEP). In a letter dated January 3, 2011, the USFWS stated that, based on the information currently available, no federally-listed or proposed, threatened or endangered species or critical habitat are known to occur in the Project area(s). No further consultation is required by USFWS under Section 7 of the Endangered Species Act for a period of one year from the date of their letter, unless additional information on listed or proposed species becomes available (USFWS January 3, 2011).

In a letter dated February 8, 2011, the CTDEP provided information on listed rare, state threatened, or endangered species within the Project area. CTDEP has determined that there are records of state-listed plant and vertebrate species along segments of the proposed fiber optic routes. Requirements and recommendations applicable to implementation of the Project and identified during these consultations include:

1. DOIT will notify the appropriate regulating agency if the project plans change, including if new ground disturbance is required. The CTDEP Wildlife Division will be notified of any instance in which the project will be unable to rely exclusively upon existing aerial poles, rights of ways, and conduit or would otherwise require environmentally invasive activities. DOIT will notify the appropriate divisions within the CTDEP or municipal Inland Wetlands and Watercourses Agencies, the USFWS, and the U.S. Army Corps of Engineers (USACE). Further consultation with those agencies, including any recommended delineations or other studies, will be completed in advance of ground disturbance. Any required environmental permits will be sought and obtained prior to ground disturbance. T&E Species Report submitted to CTDEP; December 28, 2010
2. DOIT will perform work only during September through March in Sharon, Connecticut and avoid removal of roadside vegetation along the water's edge to minimize impacts to the American bittern (*Botaurus lentiginosus*). CTDEP, February 8, 2011
3. DOIT will perform a botanical survey for and flag populations of Chestnut-colored sedge (*Carex castanea*) and Canadian anemone (*Anemone canadensis*) prior to conducting work in the vicinity of the documented occurrences of these plant species in North Canaan, Salisbury, Sharon, Cornwall, and Warren, Connecticut. In areas identified as having populations of Chestnut-colored sedge and Canadian anemone, DOIT will incorporate roadway lane closures to perform work from the road surface and will not disturb or park vehicles within the road shoulders. If roadway lane closures are not possible, the construction crew shall walk to the utility poles and climb the poles to complete the installation to avoid disruption of identified populations of these species. DOIT will also flag a subpopulation of Handsome sedge (*Carex formosa*) documented to occur between telephone poles number 1319 and 1320 (along Route 7 near Housatonic State Forest/Robbins Swamp) if work activities cannot be conducted without disruption to roadside vegetation in this area. CTDEP, February 8, 2011
4. DOIT will only perform work from October 31 through April 1 in North Canaan, Salisbury, Sharon, Cornwall, Warren, Glastonbury, and Marlborough, Connecticut to minimize impacts to the timber rattlesnake (*Crotalus horridus*). If state permits or other similar involvement are required for the construction activity in these areas, additional evaluation of the proposed activity shall be requested by the CTDEP Wildlife Division. CTDEP, February 8, 2011
5. DOIT will incorporate roadway lane closures to perform work from the road surface to restrict vehicles, equipment, and foot traffic from roadside vegetation along River Road (Route 32), south of Stafford Springs to minimize impacts to the trailing tick-trefoil (*Desmodium humifusum*). If avoidance of roadside vegetation is not possible, further coordination with the CTDEP shall be required. CTDEP, February 8, 2011
6. DOIT will incorporate roadway lane closures to perform work from the road surface to restrict vehicles, equipment, and foot traffic from roadside vegetation along South Main Street (Route 25) in Newton, Connecticut to minimize impacts to the blazing star (*Liatris scariosa* var. *novae-angliae*). CTDEP, February 8, 2011
7. DOIT will perform work only during May through February in the Plainfield Cemetery area and Quinebaug River area in Plainfield, Connecticut to minimize impacts to the blue-spotted salamander (*Ambystoma laterale*). In areas identified as having favorable habitat for Blue-spotted salamanders, DOIT will incorporate roadway lane closures to perform work from the road surface. CTDEP, February 8, 2011
8. DOIT will perform work only during September through May in the Plainfield Cemetery area and Quinebaug River area in Plainfield, Connecticut to minimize impacts to the eastern spadefoot toad (*Scaphiopus holbrookii*). In areas identified as having favorable habitat for the eastern spadefoot toad, DOIT will incorporate roadway lane closures to perform work from the road surface. CTDEP, February 8, 2011

Project-specific consultations were conducted with the State Historic Preservation Officer (SHPO) at the Connecticut Commission on Culture and Tourism. Interested tribes were also contacted via the Federal Communication Commission's automated Tower Construction Notification System (TCNS). Requirements and recommendations applicable to implementation of the Project and identified during these consultations include:

1. DOIT will install the new fiber cable within the communications space on the utility poles within existing transportation rights-of-way. The new cabling that will carry the fiber optic lines will be of small diameter (0.51 to 0.73 inches) and black in color. The proposed new fiber optic lines that will cross bridges will be installed within existing utility conduits. SHPO, January 7, 2011
2. DOIT will notify the SHPO and consulting Tribal Historic Preservation Officers (THPOs) or potentially affected Native American tribes in cases of new ground disturbance that extends beyond a five-foot radius of existing utility poles or underground conduits. SHPO, January 7, 2011
3. DOIT will hire a qualified archaeological consultant that meets the Secretary of the Interior's Professional Qualification Standards to assess the affected area and prepare a written opinion for the SHPO and THPOs regarding the archaeological sensitivity of the proposed activities. The SHPO and applicable THPOs will review and comment on the submission and identify any additional recommended sensitivity assessments, related field surveys, and follow-up consultation prior to any disturbance of the ground. SHPO, January 7, 2011
4. In the event of inadvertent discovery of human remains and/or archaeological artifacts, DOIT will cease all activity in proximity to the discovery location and notify appropriate authorities and interested tribes.
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.

Additional Protection Protocols and Measures

1. DOIT will avoid impacts to groundwater quality within the Pawcatuck River and Pootatuck River sole source aquifer areas. If ground disturbance more substantial than the installation of a new pole is necessary within a Sole Source Aquifer area, such activity would require review and approval by the EPA.

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

None.