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| U. S. DEPARTMENT OF COMMERCE Award Action Request | Award Number NT10BIX5570031 |
| Recipient Name Executive Office State of West Virginia | Request Type Satisfied Special Award Conditions Document ID: 2209653 |
| Street Address 1900 Kanawha Blvd East | Award Period 02/01/2010 - 01/31/2013 |
| City, State, Zip Code Charleston WV 25305-0009 USA | Total Award Funding Federal: \$126,323,296.00 Non-Federal: \$33,500,000.00 |
| Program Office Broadband Infrastructure (BI) | Program Officer Douglas Kinkoph 202-482-4186 dkinkoph@ntia.doc.gov |
| CFDA Number and Project Title 11.557: Recovery Act - West Virginia Statewide Broadband Infrastructure Project-"Middle Mile" | |

Special Award Condition

2762 Environmental SAC

The grantee may not expend any Federal funds other than Management and Administration (M&A) funds prior to the following:

- The completion of an Environmental Assessment (EA) in order to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Review of the application indicates that proposed activities may impact historic and cultural resources, migratory birds, critical habitat, and wetlands. These potential impact areas should be fully evaluated in the EA;
- The completion of consultation with the State Historic Preservation Office (SHPO) and with the appropriate federally recognized Native American tribes with ancestral lands in the state of West Virginia, as required under Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.) (NHPA), and with the U.S. Fish and Wildlife Service (USFWS) under Section 7 of the Endangered Species Act (16 U.S.C. 1531 et seq.);
- Consultation with the USFWS regarding the impact of towers on migratory birds, under the Migratory Bird Treaty Act of 1918;
- The acquisition of all required permits from the U.S. Army Corps of Engineers to address potential impacts to wetlands, and;
- The compliance with all other applicable federal, state, and local environmental and historic preservation laws.

Project implementation (procurements, demolition, construction, ground disturbance, etc.) may not begin prior to the completion of the above activities. The grantee must comply with all conditions placed on the project as the result of consultation processes.

The allowable use of M&A funds prior to beginning project implementation includes, but is not limited to, activities necessary for the completion of the following:

- Pre-construction project planning, including collecting environmentally related information;
- Applications for environmental permits;
- Studies such as the EA, and any wetland delineations, Biological Assessments (BAs), archaeological surveys, or other required analyses, and;
- Required consultation activities.

While this Special Award Condition is in effect, the Recipient shall submit, in advance of any draw downs from the Automated Standard Application for Payments (ASAP), documentation that details all M&A expenditures to be covered with the requested disbursement of funds. This documentation will be submitted electronically to the Grant Office and reviewed and approved by the Program Officer prior to funds being approved for disbursement through ASAP.

Once the EA is completed, NTIA will review all documentation and determine whether the EA sufficiently addresses all resource areas and whether the project may qualify for a Finding of No Significant Impact (FONSI). Projects found to have significant impacts to environmental or historic resources may face de-obligation of funding if impacts cannot be mitigated. The grantee is required to provide any information requested by NTIA to ensure both initial and ongoing compliance with environmental and historic preservation laws, regulations, and best practices. The grantee shall notify NTIA within twenty-four (24) hours upon receipt of any notices of foreclosure, notices for continuing consultation received from the SHPO, Tribal Historic Preservation Office (THPO), USFWS, or other consulting party, or notices of noncompliance received from consulting authorities or regulatory agencies.

Any change to the approved project scope that has the potential for altering the nature or extent of environmental or cultural resources impacts must be brought to the attention of NTIA and will be re-evaluated for compliance with applicable regulatory requirements.

For all ground disturbing activities that occur during project implementation, the recipient must ensure that an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards monitors ground disturbance, and if any potential archeological resources are discovered, then the grantee will immediately cease construction in that area and notify NTIA and the appropriate SHPO or THPO.

Justification

WV EA Draft Report justification to be uploaded into GOL/PAM along with this message. See list of reports attached below.

Attachments/uploads 07/30/2010:

- NT10BIX5570031 Grant BTOP WV EA Draft (1-34 pgs)
- Williamson 911 ESA Report_Part 1 (pgs 1-56 of 111)
- Williamson 911 ESA Report_Part 2 (pgs 1-55 of 111)
- Williamson 911 NEPA Report_Part 1 (pgs 1-60 of 119)
- Williamson 911 NEPA Report_Part 2 (pgs 1-59 of 119)

Award Action Request Status

Approved

SUBMITTED BY

Kelley M Goes

DATE

08/03/2010

APPROVED BY

Alan Conway

DATE

03/10/2011

Smith, Joan CIV NGWV

Subject: FW: NT10BIX5570031 - Satisfied Special Award Conditions

-----Original Message-----

From: Douglas Kinkoph [<mailto:DKinkoph@ntia.doc.gov>]
Sent: Thursday, March 10, 2011 2:44 PM
To: Todorovich, Michael; Gianato, Jimmy J
Subject: FW: NT10BIX5570031 - Satisfied Special Award Conditions

Grants Office approval officially lifting your EA SAC.

-----Original Message-----

From: alan.p.conway@noaa.gov [<mailto:alan.p.conway@noaa.gov>]
Sent: Thursday, March 10, 2011 2:08 PM
To: alan.p.conway@noaa.gov; Douglas Kinkoph; Michael.Teske@noaa.gov; kelley.m.goes@wv.gov
Subject: NT10BIX5570031 - Satisfied Special Award Conditions

An Award Action Request has been approved.

Sent From: Alan Conway Phone: 301-713-0922 134
Role: GrantsOfficer
Action: ApproveRequest
Workflow Comments: None

Award Number: NT10BIX5570031
Project Title: Recovery Act - West Virginia Statewide Broadband Infrastructure Project-"Middle Mile"
Recipient: Executive Office State of West Virginia
Description: Satisfied Special Award Conditions
Request Date: July 30, 2010
Award File ID: 2209653
Program Office: Broadband Infrastructure (BI)
Program Officer: Douglas Kinkoph
Grants Specialist: Sonja Wyatt
Task Id: 2355541
Document Id: AAR 2209653