

Micron Semiconductor Manufacturing Project, Onondaga County, NY,  
Final Programmatic Agreement

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**Programmatic Agreement  
among  
The CHIPS Program Office,  
The U.S. Army Corps of Engineers, Buffalo District, and  
The New York State Historic Preservation Officer**

**Pursuant to 36 C.F.R. § 800.14(b)(1)(ii) for the  
Micron Semiconductor Manufacturing Project  
in the Towns of Clay and Cicero, Onondaga County, New York  
23PR05779 (Micron Campus, Rail Spur Site, and Childcare Site)**

**and Connected Actions  
23PR05061 (Electric Service)  
23PR08021 (Natural Gas Line)  
23PR08019 (Water Supply Improvements)  
23PR08020 (Industrial Wastewater Treatment Plant)  
23PR08022 (Industrial Wastewater Conveyance)  
(CRIS Number TBD) (Telecommunications Service)**

**and 25PR01429 (Proposed Wetland and Stream Mitigation Sites)**

**December 2025**

**WHEREAS**, the Creating Helpful Incentives to Produce Semiconductors (CHIPS) Program Office (CPO) within the U.S. Department of Commerce is considering a proposed action to provide direct funding to Micron New York Semiconductor Manufacturing, LLC (Micron) to support Micron's proposed semiconductor manufacturing project in the Towns of Clay and Cicero in Onondaga County, New York (the Proposed Project); and

**WHEREAS**, the purpose of CPO's proposed action is to incentivize investment in facilities and equipment in the United States for the manufacture of semiconductors necessary for the national security, manufacturing, critical infrastructure, and technology leadership of the United States and other essential elements of the economy of the United States; and

**WHEREAS**, CPO and the Onondaga County Industrial Development Agency (OCIDA) have prepared an Environmental Impact Statement (EIS) for the Proposed Project in accordance with the requirements of the National Environmental Policy Act (NEPA), 42 U.S.C. § 4321 *et seq.*, and the New York State Environmental Quality Review Act (SEQRA), as codified at N.Y. Env'tl. Conserv. Law § 8-0101 *et seq.* and its implementing regulations at 6 N.Y.C.R.R. Part 617; and

**WHEREAS**, the Proposed Project would involve the construction and operation of a semiconductor manufacturing facility with four semiconductor fabrication buildings (fabs) at the White Pine Commerce Park (WPCP), located at 5171 Route 31, Town of Clay, NY 13041, and would primarily consist of: (1) construction of the Micron Campus, including the four fabs, ancillary support facilities, ingress and egress roads, driveways, and parking, within a site totaling

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approximately 1,377 acres; (2) construction of a rail spur and construction material conveyance facility on approximately 38 acres west of 8625 Caughdenoy Road in the Town of Clay, to support construction of the Micron Campus (the Rail Spur Site); (3) construction of a childcare center, healthcare center, and recreational center on an approximately 31-acre parcel located at 9100 Caughdenoy Road, Brewerton, NY 13029, to support the estimated 9,300 employees who would ultimately work at the completed Micron Campus (the Childcare Site); and (4) leasing of 360,000-500,000 square feet of existing warehouse space in an industrially zoned area at a location to be determined within 20 miles of the Micron Campus (the Warehouse Site); and

**WHEREAS**, Proposed Project construction would take place in phases over approximately 16 years, with Micron anticipating construction of the Micron Campus to begin in the fourth quarter of 2025, with the first two fabs (Fabs 1 and 2) estimated to be operational by 2029 and 2030, respectively, and the remaining fabs (Fabs 3 and 4) estimated to be operational by 2035 and 2041, respectively; and

**WHEREAS**, implementing the Proposed Project would require the following utility and infrastructure improvements to meet its electricity, natural gas, water supply, wastewater, and telecommunications needs (the Connected Actions):

- Expansion of a National Grid electric substation and installation of new electric transmission lines (Electric Service) (23PR05061);
- Construction of a new National Grid natural gas distribution line (Natural Gas Line) (23PR08021);
- Upgrades to Onondaga County Water Authority (OCWA) water supply facilities and construction of new water transmission mains (Water Supply Improvements) (23PR08019);
- Construction of an Industrial Wastewater Treatment Plant (IWWTP) at the Onondaga County Department of Water Environment Protection (OCDWEP) Oak Orchard site (23PR08020) and construction of a new OCDWEP Industrial Wastewater Conveyance (23PR08022); and
- Installation of new fiber optic lines (Telecommunications Service) (CRIS number TBD); and

**WHEREAS**, CPO and OCIDA have identified the Proposed Project and Connected Actions as the Preferred Action Alternative in the EIS because it is the alternative that would best meet CPO's purpose and need under NEPA and Micron's purpose and need under SEQRA; and

**WHEREAS**, the U.S. Army Corps of Engineers (USACE), the New York State Department of Environmental Conservation (NYSDEC), and the New York State Department of Public Service (NYSDPS) are, or will be evaluating a joint permit application under Section 404 of the Clean Water Act (CWA), Section 10 of the Rivers and Harbors Act of 1899 (RHA), Article 24 of the New York Environmental Conservation Law (ECL), and other authorities for proposed discharges of dredged or fill material into waters of the United States in connection with the Proposed Project and Connected Actions, and mitigation would be required to address the

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anticipated permanent losses of wetlands and permanent conversion of forested wetlands that would occur during construction of the Proposed Project and Connected Actions; and

**WHEREAS**, USACE and NYSDEC are evaluating, as part of Micron's proposed Mitigation Plan for the Proposed Project, Micron's proposal to purchase 9 in-lieu fee program credits from The Wetland Trust, Oneida River Service Area, and to mitigate remaining wetland and surface water losses through in-kind permittee-responsible mitigation, which would involve a combination of activities to enhance, establish, or reestablish (restore) wetlands and surface waters within the same Oneida River watershed in which the jurisdictional wetland and surface water losses from construction of the Proposed Project would occur, by undertaking mitigation activities across six mitigation sites within a nine-mile distance to the northwest of the WPCP (the Wetland and Stream Mitigation Sites); and

**WHEREAS**, USACE is evaluating, as part of National Grid's proposed Mitigation Plan for its Electric Service Connected Action (23PR05061), National Grid's proposal to mitigate wetland losses through in-kind permittee-responsible mitigation, which would involve a combination of activities to enhance, establish, or reestablish (restore) wetlands within the same Oneida River watershed in which the jurisdictional wetland losses from construction of the Connected Action would occur, by undertaking mitigation activities at the Buxton Creek mitigation site within the Wetland and Stream Mitigation Sites (23PR01429); and

**WHEREAS**, the Proposed Project, Connected Actions, and Wetland and Stream Mitigation Sites constitute undertakings under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, and the Section 106 regulations at 36 C.F.R. Part 800; and

**WHEREAS**, Micron is serving as the Project Sponsor for the Proposed Project (23PR05779) . National Grid is the Project Sponsor for the Electric Service (23PR05061) and Natural Gas Line (23PR08021). Onondaga County Water Authority (OCWA) is the Project Sponsor for the Water Supply Improvements. The Onondaga County Department of Water Environment Protection (OCDWEP) is the Project Sponsor for the Industrial Wastewater Treatment Plant (IWWTP) at Oak Orchard (23PR08020) and the Industrial Wastewater Conveyance (23PR08022). For the Wetland and Stream Mitigation Sites (23PR01429), Micron is serving as a Project Sponsor, and National Grid is serving as a Project Sponsor for a portion of the Buxton Creek Site. The Project Sponsor for the Telecommunications Service is pending selection.; and

**WHEREAS**, CPO is serving as the lead Federal agency for the Section 106 process in accordance with 36 C.F.R. § 800.2(a)(2) for the Proposed Project and Connected Actions; and

**WHEREAS**, USACE is serving as the lead Federal agency for the Section 106 process in accordance with 36 C.F.R. § 800.2(a)(2) for the Wetland and Stream Mitigation Sites; and

**WHEREAS**, CPO and USACE, in accordance with their respective lead Federal agency roles, in consultation with the New York State Historic Preservation Office (NYSHPO), and with the assistance of the Advisory Council on Historic Preservation (ACHP), have prepared this Programmatic Agreement (PA) in accordance with 36 C.F.R. § 800.14(b)(1)(ii) because the effects

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of the Proposed Project, Connected Actions, and Wetland and Stream Mitigation Sites on historic properties cannot be fully determined prior to approvals of the undertakings; and

**WHEREAS**, although CPO and USACE invited the ACHP to participate in the Section 106 process for the Proposed Project, Connected Actions, and Wetland and Stream Mitigation Sites, the ACHP has elected not to participate, but has provided advice and guidance to CPO and USACE on the Section 106 process; and

**WHEREAS**, in accordance with 36 C.F.R. §§ 800.2(c)(2)(ii) and 800.14(f)(1), and in recognition of the government-to-government relationship between the Federal Government and Indigenous Nations, CPO has initiated Section 106 consultation for the Proposed Project and Connected Actions with the following Federally recognized Indigenous Nations that may attach religious and cultural significance to historic properties that may be affected by the undertakings: the Onondaga Nation; the Oneida Indian Nation; the Oneida Nation of Wisconsin; the Cayuga Nation; the Seneca-Cayuga Nation; the Tuscarora Nation; and the Wyandotte Nation; and

**WHEREAS**, in accordance with 36 C.F.R. §§ 800.2(c)(2)(ii) and 800.14(f)(1), as well as 33 C.F.R. Part 325 Appendix C, and in recognition of the government-to-government relationship between the Federal Government and Indigenous Nations, USACE has initiated Section 106 consultation for the Wetland and Stream Mitigation Sites with the Onondaga Nation and the Oneida Indian Nation, as Federally recognized Indigenous Nations that may attach religious and cultural significance to historic properties that may be affected by the undertaking; and

**WHEREAS**, the Onondaga Nation is participating in the Section 106 process for the undertakings as a consulting party in accordance with 36 C.F.R. §§ 800.2(c)(2)(ii) and 800.14(f)(1), and CPO and USACE have invited the Onondaga Nation to be an invited signatory to the PA in accordance with § 800.6(c)(2); and

**WHEREAS**, OCIDA is participating in the Section 106 process for the undertakings as a consulting party in accordance with 36 C.F.R. § 800.2(c)(3), including based on OCIDA's role as lead agency for the Proposed Project and Connected Actions under SEQRA and its role in coordinating input from National Grid, OCWA, and OCDWEP, and CPO and USACE have invited OCIDA to be an invited signatory to the PA in accordance with 36 C.F.R. § 800.6(c)(2); and

**WHEREAS**, Micron is participating in the Section 106 process for the undertakings as a consulting party in accordance with 36 C.F.R. § 800.2(c)(4), including based on its application to CPO for direct funding and its application to USACE for a permit under Section 404 of the CWA and CPO and USACE have invited Micron to be an invited signatory to the PA in accordance with 36 C.F.R. § 800.6(c)(2); and

**WHEREAS**, National Grid, OCWA, and OCDWEP are participating in the Section 106 process for the Proposed Project and Connected Actions as additional consulting parties in accordance with 36 C.F.R. § 800.2(c)(5) based on their roles and interests in connection with the Connected Actions and CPO has invited National Grid, OCWA, and OCDWEP to be invited signatories to the PA in accordance with 36 C.F.R. § 800.6(c)(3); and

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**WHEREAS**, NYSDEC is participating in the Section 106 process for the undertakings as an additional consulting party in accordance with 36 C.F.R. § 800.2(c)(5), including based on its role and responsibilities in connection with the undertakings, and CPO and USACE have invited NYSDEC to be a concurring party to the PA in accordance with § 36 C.F.R. 800.6(c)(3); and

**WHEREAS**, CPO has invited Indigenous Nation consulting parties that may attach religious and cultural significance to historic properties that may be affected by the Proposed Project and Connected Actions including the Oneida Indian Nation, the Oneida Nation of Wisconsin, the Cayuga Nation, the Seneca-Cayuga Nation, the Tuscarora Nation, and the Wyandotte Nation to be concurring parties to the PA in accordance with 36 C.F.R. § 800.6(c)(3); and

**WHEREAS**, USACE, has invited Indigenous Nation consulting parties that may attach religious and cultural significance to historic properties that may be affected by the Wetland and Stream Mitigation Sites, including the Oneida Indian Nation, to be a concurring party to the PA in accordance with 36 C.F.R. § 800.6(c)(3); and

**WHEREAS**, CPO, in consultation with NYSHPO, has determined and documented Areas of Potential Effects (APEs) for the Proposed Project and Connected Actions (Appendix 1) (except for the Telecommunications Service), including the areas within which the Proposed Project and Connected Actions may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist, in accordance with 36 C.F.R. § 800.4(a)(1); and

**WHEREAS**, CPO is deferring determination of the APE and Section 106 consultation for the Telecommunications Service pending the selection of a telecommunications vendor and further scoping of that Connected Action, which is anticipated to take place in 2026; and

**WHEREAS**, USACE, in consultation with NYSHPO, has determined and documented APEs in accordance with 36 C.F.R. § 800.4(a)(1) and Permit Areas as defined in 33 C.F.R. Part 325 Appendix C for the Wetland and Stream Mitigation Sites [(Appendix 1)]; and

**WHEREAS**, in accordance with 36 C.F.R. § 800.4(b)(2), due to the phased construction schedules of the undertakings, CPO and USACE, in consultation with NYSHPO, are taking the steps necessary to identify historic properties within the APEs and Permit Areas, and have agreed to use a phased process to conduct identification and evaluation efforts for the undertakings and will defer final identification and evaluation of historic properties as specifically provided for in this PA; and

**WHEREAS**, on behalf of Project Sponsors, architectural historians meeting the relevant standards in the Secretary of the Interior's Professional Qualifications Standards for Architectural History have conducted architectural surveys and prepared reports for the Proposed Project and Connected Actions, and archaeologists meeting the relevant standards in the Professional Qualifications Standards for Archeology and Historic Preservation are conducting phased archaeological investigations for the undertakings; and

**WHEREAS**, the architectural surveys and reports prepared on behalf of the Project Sponsors for the Proposed Project and Connected Actions identified historic properties in the APEs

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for the Micron Campus, Water Supply Improvements, and IWWTP, but did not identify historic properties in the APEs for any other components of the Proposed Project or Connected Actions; and

**WHEREAS**, the archaeologists conducted Phase 1A Literature Search and Sensitivity Assessment Surveys to assess the archaeological sensitivity of the APEs for the Proposed Project and Connected Actions and to make recommendations regarding the potential need for Phase 1B subsurface archaeological testing, and the Phase 1A Studies concluded that certain portions of the direct APEs for the undertakings have varying degrees of sensitivity for Indigenous and Historic Period archaeological resources and recommended further archaeological analysis in the form of one or more Phase 1B Archaeological Investigations for the portions of the direct APEs identified as archaeologically sensitive and that would be disturbed by the undertakings; and

**WHEREAS**, the archaeologists prepared Phase 1B Archaeological Investigation Work Plans (Appendix 2) identifying portions of the APEs for the Proposed Project and Connected Actions to be investigated through archaeological testing prior to construction of the undertakings, and CPO, in consultation with NYSHPO, approved the Phase 1B Work Plans; and

**WHEREAS**, the archaeologists conducted Phase 1A Literature Search and Sensitivity Assessment Surveys to assess the archaeological sensitivity within the proposed APEs and Permit Areas for the six Wetland and Stream Mitigation Sites and to make recommendations regarding the potential need for Phase 1B subsurface archaeological testing. Phase 1B subsurface archaeological testing was recommended and completed at the Lower Caughdenoy Creek, Oneida River, and Sixmile Creek Wetland Restoration Sites. The Phase 1A Literature Search and Sensitivity Assessment Survey for Upper Caughdenoy, Buxton, and Fish Creek Sites concluded that no further archaeological investigation was recommended; and

**WHEREAS**, the Onondaga Nation did not concur with the Phase 1A report's recommendation at the Upper Caughdenoy, Buxton, and Fish Creek Sites and requested Phase 1B Archaeological Investigations for these three Sites, and Phase 1B surveys are ongoing at these three Sites; and

**WHEREAS**, because the locations of the undertakings fall within the traditional territory of the Onondaga Nation or, more particularly, within a general area known to the Onondaga Nation as historically, culturally, and spiritually sensitive, CPO and USACE in coordination with the Onondaga Nation, have identified the need for archaeological monitoring during archaeological testing and certain ground-disturbing construction activities for the Proposed Project, Connected Actions, and Wetland and Stream Mitigation sites; and

**WHEREAS**, Micron has agreed to provide for archaeological monitoring during pre-construction archaeological testing activities for the Proposed Project, Natural Gas Line, Water Supply Improvements, IWWTP, Industrial Wastewater Conveyance, Telecommunication Service, and Wetland and Stream Mitigation Sites, and such monitoring is ongoing; and

**WHEREAS**, Micron agreed to provide for archaeological monitoring during certain ground-disturbing construction activities, in accordance with Section 2.0 of Appendix 3, for the Proposed Project, Connected Actions, and the Wetland and Stream Mitigation Sites; and

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**WHEREAS**, archaeological testing in the APEs for the Rail Spur Site, Childcare Site, Industrial Wastewater Treatment Plant, Industrial Wastewater Conveyance, Natural Gas Line, and Electric Service has been completed, and the archaeologists have provided Phase 1B Reports that recommend no further archaeological testing; and

**WHEREAS**, archaeological testing for the Micron Campus, the Water Supply, and the Wetland and Stream Mitigation Sites is ongoing; and

**WHEREAS**, CPO, in consultation with NYSHPO, has reviewed the architectural surveys and reports for the Proposed Project and Connected Actions and the Phase 1B Reports for the Rail Spur Site, Childcare Site, and Electric Service; and

**WHEREAS**, in accordance with 36 C.F.R. § 800.5(b), CPO proposed a finding of no adverse effect on a historic property on Brewerton Road in the Town of Cicero within the indirect APE of the Micron Campus, NYSHPO concurred with the CPO finding, and, following a thirty-day review period, no consulting party objected to this finding; and

**WHEREAS**, CPO in accordance with 36 C.F.R. § 800.4(d)(1), proposed findings of no historic properties affected within the APEs for the Rail Spur Site and Childcare Site, and the NYSHPO concurred with the CPO findings. CPO notified all consulting parties of these findings, and, following a thirty-day review period, no consulting party objected to these findings; and

**WHEREAS**, in accordance with 36 C.F.R. § 800.5(b), CPO proposed a finding of no adverse effect on two historic properties within the Electric Service APE, the J. Young and J. Somers historic sites, NYSHPO concurred with the CPO finding, and, following a thirty-day review period, no consulting party objected to this finding; and

**NOW, THEREFORE**, CPO, USACE, and NYSHPO agree that the Proposed Project, Connected Actions, and Wetland and Stream Mitigation Sites shall be implemented in accordance with the following stipulations in order to take into account the effects of the undertakings on historic properties.

**Stipulations**

CPO, with respect to the Proposed Project and Connected Actions, USACE, with respect to the Wetland and Stream Mitigation Sites, and NYSHPO, as appropriate, shall ensure that the following measures are carried out.

**I. Roles and Responsibilities**

- A. CPO is the lead Federal agency responsible for the Section 106 process for the Proposed Project and Connected Actions, including the phased identification and evaluation of historic properties within the Proposed Project and Connected Action APEs, and shall ensure that the terms of this PA are carried out with respect to the Proposed Project and Connected Actions.
- B. USACE is the lead Federal agency responsible for the Section 106 process for the Wetland and Stream Mitigation Sites, including the phased identification and evaluation of historic properties within the Wetland and Stream Mitigation Site APEs and/or Permit Areas, and shall ensure that the terms of this PA are carried out with respect to the Wetland and Stream Mitigation Sites.
- C. For the purposes of this PA, the phrase “CPO or USACE, as appropriate” means CPO or USACE, in accordance with their lead Federal agency roles for their respective undertakings as defined in Stipulation I.A and I.B. For the purposes of this PA, the phrase “the applicable Project Sponsor” means the Project Sponsor for the applicable site.
- D. For purposes of this PA, the term “Indigenous Nation monitor” means an individual who is a member of or is sponsored by a Federally recognized Indigenous Nation that such Indigenous Nation has determined possesses the ability to identify historic properties, cultural materials, artifacts, remains, and archaeological resources of traditional, religious, cultural, or spiritual importance to such Indigenous Nation or multiple Indigenous Nations.
- E. For the Proposed Project, Connected Actions, and Wetland and Stream Mitigation Sites, the applicable Project Sponsor shall, in consultation with CPO or USACE, as appropriate, and NYSHPO, propose, implement, manage and supervise archaeologists and Indigenous Nation monitors conducting work under the terms of the PA, respond to requests for information or supporting documentation from CPO and NYSHPO, and coordinate with the Onondaga Nation and Indigenous Nation monitors in accordance with Stipulation III (Indigenous Nation Consultation and Monitoring) and Appendices 3 and 4.
- F. CPO or USACE, as appropriate, shall coordinate with the applicable Project Sponsor(s) and consulting parties, as listed in Appendix 5 (Contacts), to manage and oversee implementation of the Archaeological Investigation Work Plans through the ground-disturbing construction phases of the undertakings in accordance with Stipulation IV (Archaeological Investigations and Treatment Procedures),



Appendices 3 and 4, and with the assistance of archaeologists, selected by the applicable Project Sponsor, and Indigenous Nation monitors.

- G. CPO or USACE, as appropriate, shall consult with the Onondaga Nation through the Section 106 process to identify and evaluate Indigenous cultural materials, artifacts, or remains, including human remains or potential human remains that are identified as a result of archaeological investigations and archaeological monitoring during fieldwork and ground-disturbing construction in accordance with Stipulation III (Indigenous Nation Consultation and Monitoring) and Appendix 3.
- H. Indigenous Nations utilizing monitors should coordinate with CPO or USACE, the applicable Project Sponsor(s), and consulting parties (Appendix 5) as needed throughout the archaeological investigations for the undertakings, should select, manage, and oversee the work of Indigenous Nation monitors in accordance with Stipulation III (Indigenous Nation Consultation and Monitoring) and Appendix 3.
- I. NYSHPO shall advise and assist CPO and USACE in carrying out their Section 106 responsibilities and shall coordinate with CPO, USACE, and other consulting parties as defined in 36 C.F.R. § 800.2(c) to ensure that historic properties are taken into consideration at all levels of planning and development of the undertakings. NYSHPO shall provide comments or concurrence on proposed findings by the lead agencies in accordance with 36 C.F.R. §§ 800.4-800.5, including applicable review periods. If CPO or USACE find adverse effects on historic properties, NYSHPO shall consult with CPO or USACE and other consulting parties, as appropriate, to consider measures to avoid, minimize, or mitigate adverse effects.
- J. The ACHP may provide advice, guidance, and assistance to CPO and USACE on the Section 106 process, including the implementation of this PA and the resolution of disagreements among the consulting parties.
- K. OCIDA, as a local government representative in the Section 106 process and the lead agency for the review of the Proposed Project and Connected Actions under SEQRA, shall assist CPO and USACE in coordinating with State and local involved and interested agencies, including NYSDEC, and the applicable Project Sponsors as needed in connection with the undertakings.

## **II. Professional Qualifications Standards**

- A. All research, survey, and investigation work carried out by architectural historians, archaeologists, or other individuals selected by or performing work on behalf of the Project Sponsors under the terms of this PA shall be conducted by or under the direct supervision of personnel meeting the Secretary of the Interior's Professional Qualifications Standards.
- B. Indigenous Nation monitors are not required to meet the Secretary of the Interior's Professional Qualification Standards.

### **III. Indigenous Nation Consultation and Monitoring**

- A. CPO or USACE, as appropriate, shall consult with the Onondaga Nation and other consulting Indigenous Nations, as appropriate, with respect to the identification and evaluation of any historic properties or archaeological resources of traditional, religious, cultural, or spiritual importance to Indigenous Nations, including any cultural materials, artifacts, or remains, including human remains or potential human remains, that may be encountered through archaeological investigations in identified areas of sensitivity within the APEs for the undertakings, or as unanticipated discoveries during ground-disturbing construction activities, as defined in Appendix 3
- B. CPO or USACE, as appropriate, in consultation with NYSHPO and the Onondaga Nation and other consulting Indigenous Nations, as appropriate, shall be responsible for ensuring that the Project Sponsors comply with the terms of this PA, including their role as defined in Stipulation I.E (role of Project Sponsors), Stipulations III through VII, and the procedures outlined within Appendices 3 and 4.
  - 1. The Project Sponsors shall take precautions to ensure that any cultural artifacts, evidence of burials, burial sites, human remains, or potential human remains that may be encountered during archaeological investigations or ground-disturbing construction activities are properly identified and protected from disturbance until appropriate further actions are determined by CPO or USACE, as appropriate, in consultation with NYSHPO and the Onondaga Nation and other consulting Nations, as appropriate.
  - 2. All cultural artifacts, evidence of burials, burial sites, human remains, or potential human remains encountered within the APEs for the undertakings during archaeological investigations or ground-disturbing construction, whether by the Project Sponsors, their archaeologists, Indigenous Nation monitors, or other persons, shall be treated with dignity and respect. All such discoveries are subject to the procedures in Stipulation V (Discoveries During Archaeological Investigations), Stipulation VI (Discoveries During Construction), and Appendices 3 and 4.
- C. The Onondaga Nation, at its exclusive discretion, may select and designate individuals to serve as Indigenous Nation monitors to monitor archaeological investigations and certain ground-disturbing construction activities, in accordance with Section 2.0 of Appendix 3, within the APEs for the undertakings.
  - 1. CPO or USACE, as appropriate, may approve a consulting Nation(s) request to participate in archaeological monitoring. The consulting Nation may select and designate individuals to serve as Indigenous Nation monitors to monitor archaeological investigations and certain ground-disturbing construction activities in accordance with Section 2.0 of Appendix 3.

2. CPO or USACE, as appropriate, shall coordinate the participation of other consulting Indigenous Nation monitors with the applicable Project Sponsor and the Onondaga Nation.
- D. Cultural sensitivity trainings for contractors and workers shall be required prior to ground-disturbing construction activities. These trainings and protocols should be coordinated by the applicable Project Sponsor with the Onondaga Nation, and other consulting Indigenous Nations, as appropriate, prior to the commencement of ground-disturbing construction activities. Cultural sensitivity trainings should be outlined in archaeological work plans. Verification of the completion of cultural sensitivity trainings should be documented in end-of-field (EOF) letters, archaeological treatment plans, or reports.
- E. Protocols for archaeological monitoring related to communication and coordination for archaeological investigations and certain ground-disturbing construction monitoring shall conform to the requirements in Appendix 3 prior to and during the commencement of the archaeological investigations and ground-disturbing construction activities.
- F. In the event that Indigenous Nation monitors are not present or declined to be present and the applicable Project Sponsor has notified the Indigenous Nation in accordance with the procedures outlined in Appendix 3, Project Sponsors may proceed with planned work activities by following the procedures outlined in Appendix 3.
- G. Indigenous Nation Monitor(s) will be compensated for their services through a separate contractual agreement between the Indigenous Nation and the applicable Project Sponsor and/or the Project Sponsor's designee.

#### **IV. Archaeological Investigation and Treatment Procedures**

- A. The signatories and concurring parties to this PA acknowledge that the Proposed Project, Connected Actions, and Wetland and Stream Mitigation Sites are proposed to be constructed in phases over multi-year timeframes. In accordance with 36 C.F.R. § 800.4(b)(2), CPO or USACE, as appropriate, and with assistance from OCIDA, as needed, shall be responsible for coordinating with and ensuring that the Project Sponsors comply with this Stipulation IV and the terms of this PA in the course of managing, supervising, or carrying out any phased archaeological site identification survey (Phase 1B), site evaluation testing (Phase 2), or data recovery investigation (Phase 3) fieldwork that CPO or USACE requires as part of the Section 106 process for their respective undertakings.
- B. The Project Sponsors and signatories to this PA agree that construction of an applicable portion of an undertaking may not commence until CPO or USACE, as appropriate, has fulfilled its Section 106 responsibilities for such portion of the undertaking.

- C. The signatories to this PA agree that all Phase 1B, Phase 2, and Phase 3 fieldwork for the undertakings shall be carried out in accordance with the applicable work plans as approved by CPO or USACE and the terms of this PA, including the following procedures:
1. Within 14 days following the completion of Phase 1B fieldwork required for an undertaking or a portion of an undertaking, the Project Sponsor shall submit an EOF letter, which may temporarily substitute for Phase 1B reporting, to CPO or USACE, as appropriate, that includes: (1) a summary of and comprehensive maps that illustrate the completed fieldwork; (2) a statement of any provisional results or interpretations that can be made; (3) recommendations for any additional Phase 1B, Phase 2, or Phase 3 fieldwork; and (4) a proposed timeframe for additional fieldwork and completion of a Phase 1B, Phase 2, or Phase 3 report. The EOF letter may recommend that construction be allowed to commence while a Phase 1B report is being prepared or while Phase 2 or Phase 3 fieldwork is ongoing where appropriate site protection measures are in place. If further fieldwork or changes to testing procedures or protocols are recommended, the EOF letter may include a proposed Phase 1B work plan addendum, Phase 2 work plan, or Phase 3 work plan, as applicable.
  2. CPO or USACE, as appropriate, shall verify the sufficiency of the EOF letter, document any preliminary findings or recommendation(s), as applicable, and share the EOF letter with the PA signatories and concurring parties for a 30-day review and comment period. CPO or USACE shall consider all comments received within the review period prior to issuing a decision on the EOF letter and whether construction may commence, subject to its determination that no changes to testing procedures or protocols are required, no PA signatory or concurring party has objected, and the applicable Project Sponsor has obtained any applicable permits or authorizations.
  3. If CPO or USACE, as appropriate, determines that additional fieldwork, changes to testing procedures or protocols, or submission of a Phase 1B work plan addendum, Phase 2 work plan, or Phase 3 work plan is required as a result of consultation with signatories and concurring parties, the Project Sponsor shall submit a revised EOF letter with the necessary information, and CPO or USACE shall share the revised EOF letter with the signatories and concurring parties for an additional 14-day review and comment period. CPO or USACE shall consider all comments received within the review period and issue a decision on the revised EOF letter consistent with Stipulation IV.C.2.
  4. Within 14 days following the completion of additional Phase 1B or Phase 2 or Phase 3 fieldwork, the applicable Project Sponsor shall submit an EOF letter consistent with the requirements of Stipulation IV.C.1. CPO or USACE, as appropriate, shall share the EOF letter with the signatories and concurring parties for a 30-day review and comment period. CPO or USACE shall

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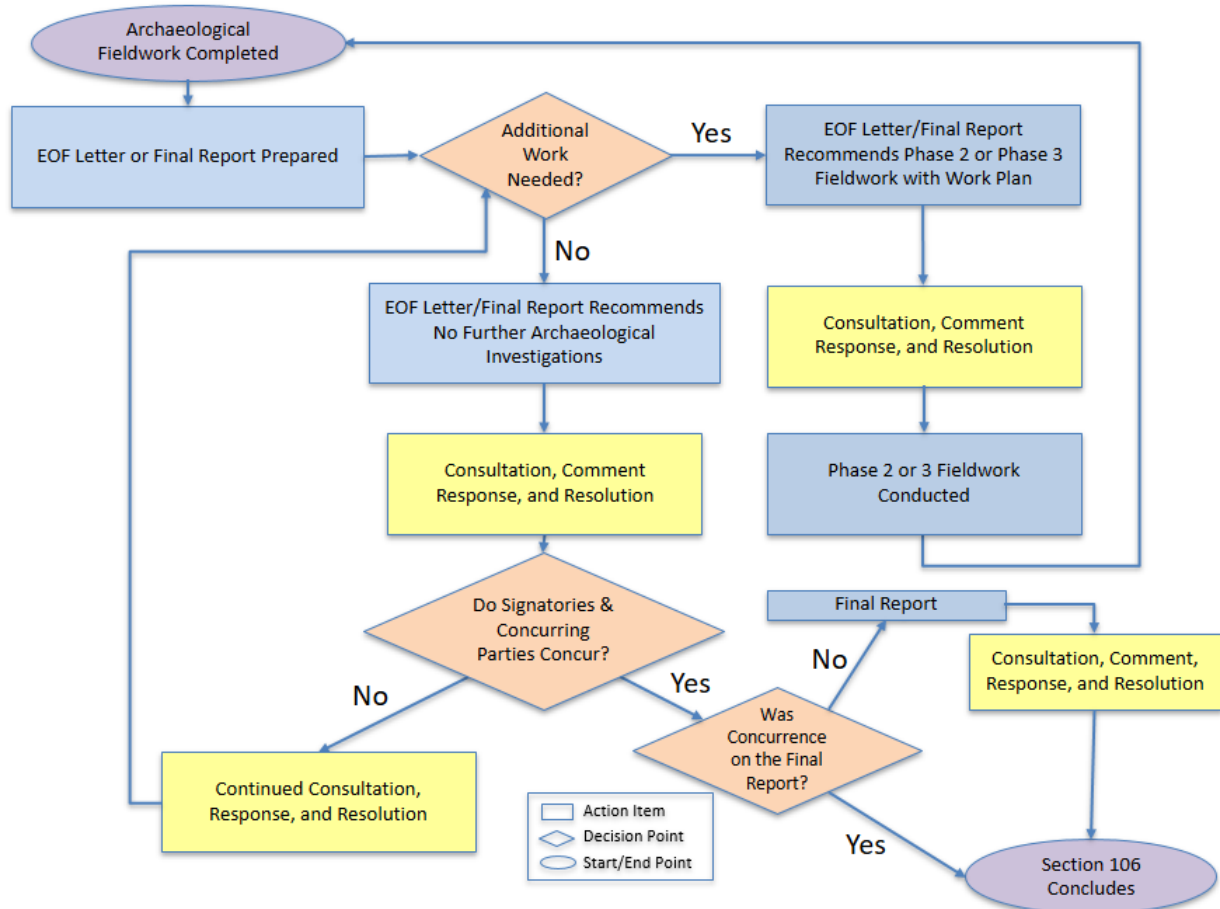
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consider all comments received within the review period and issue a decision on the EOF letter consistent with Stipulation IV.C.2.

5. If CPO or USACE, as appropriate, determines that an archaeological treatment plan is required prior to authorizing any ground-disturbing activities in the immediate vicinity of identified historic properties, the Project Sponsor shall develop the required plan in consultation with CPO or USACE and the signatories and concurring parties.
  6. Archaeological treatment plans may include Site Avoidance Plans, Data Recovery Plans, proposals for other mitigation measures to resolve adverse effects on specific archaeological sites or resources, or modifications to any such plans or measures based on archaeological materials encountered after fieldwork has commenced. Site Avoidance Plans shall include site grading and construction plans that clearly identify all areas containing archaeological sites to be avoided and fenced during ground-disturbing construction activities. Data Recovery Plans shall be prepared in accordance with the NYAC Standards for Cultural Resource Investigations and the Curation of Archaeological Collections in New York State (1994) (NYAC Standards) and include specific procedures to follow in the event that sensitive archaeological features of importance to Indigenous Nations are encountered. All archaeological treatment plans shall be developed and distributed consistent with the requirements of Stipulation VII (Confidentiality).
  7. CPO or USACE, as appropriate, shall share any archaeological treatment plans with the signatories and concurring parties for a 14-day review and comment period. CPO or USACE shall consult with the signatories and concurring parties and consider all comments received within the review period prior to approving a final plan.
  8. Following completion of Phase 1B, Phase 2, and Phase 3 fieldwork, the Project Sponsor shall submit a report of the results of the archaeological investigations and any treatment measures carried out to CPO or USACE, as appropriate, no later than six months following CPO's or USACE's authorization of the relevant Phase 1B, Phase 2, or Phase 3 work. CPO or USACE shall evaluate the historic significance of any identified properties (36 C.F.R. § 800.4(c)), include the results of identification and evaluation (36 C.F.R. § 800.4(d)), issue a proposed finding, and share the report with consulting parties for a 30-day review and comment period. CPO or USACE shall consider all comments received within the review period prior to approving a final report and finding.
- D. The consultation procedures described in Stipulation IV.C (archaeological investigation procedures) are illustrated in the following flow chart (Figure 1), which is intended as a visual aid. To the extent there is any difference between or disagreement regarding the flowchart and Stipulation IV.C, the terms of Stipulation IV.C shall supersede the flow chart and govern implementation of this PA. Disputes

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concerning the procedures in Stipulation IV.C or the terms of the PA are subject to Stipulation X (Dispute Resolution).



**Figure 1. Consultation Procedures for Archaeological Investigations**

- E. For any remaining phased archaeological site identification survey (Phase 1B), evaluation and testing (Phase 2), or data recovery investigation (Phase 3) fieldwork that CPO or USACE require as part of the Section 106 process the Project Sponsors shall provide weekly fieldwork summaries to CPO and USACE, as appropriate, who shall distribute summaries to signatories and concurring parties of this PA. Fieldwork summaries shall include an overview of work completed at all relevant sites, information on additional work to be carried out, any preliminary findings, and maps, figures, photographs, and other attachments, as needed. Weekly fieldwork summaries shall be developed and distributed consistent with the requirements of Stipulation VII (Confidentiality) and shall not include confidential or sensitive information.

**V. Discoveries During Archaeological Investigations**

- A. In the event that artifacts or other materials of historic, cultural, or spiritual importance to an Indigenous Nation consulting party, as determined by such Indigenous Nation consulting party, are encountered in the course of archaeological investigations in the APEs for the undertakings, whether by the archaeologists, Indigenous Nation monitors, or other persons, the archaeologists shall immediately notify CPO or USACE, as appropriate, of the discovery and follow the procedures of this Stipulation V and Appendices 3 and 4.
- B. In the event that evidence of burials, human remains, or potential human remains are discovered in the APE of an undertaking during archaeological investigations, the Project Sponsor shall immediately suspend all work in the immediate vicinity, protect the artifacts or remains from further disturbance, and immediately contact CPO or USACE, as appropriate, as well as NYSHPO, the Onondaga Nation, and other consulting Nations, as appropriate. The discovery of burial sites, human remains, or potential human remains shall be subject to the requirements of Stipulation III (Indigenous Nation Consultation and Monitoring), this Stipulation V, the procedures in Stipulation VI (Discoveries During Construction), Appendices 3 and 4, as well as all applicable procedures in the *NYSHPO Human Remains Discovery Protocol* and the *Haudenosaunee Policy on Human Remains*.
- C. CPO or USACE, as appropriate, shall coordinate with NYSHPO, the Onondaga Nation, and other consulting Nations, as appropriate, regarding documentation, reburial, and repatriation of any property or human remains described in Stipulation V.A (discovery of artifacts) or Stipulation V.B (discovery of burials or human remains) in accordance with Stipulation VI.A.4 (agency reburial coordination), NHPA Section 106, and any other applicable laws and regulations.
- D. A property described in Stipulation V.A (discovery of artifacts) that is discovered in the course of archaeological investigations may be the property of the relevant landowner at the time of discovery. An agreement with the landowner may be required to transfer ownership of such a property to an Indigenous Nation. The signatories and concurring parties acknowledge and agree that, subject to Stipulation V.C (applicable Federal repatriation requirements) coordination with landowners may be required before custody and ownership of such properties is offered to Indigenous Nations.
- E. Subject to Stipulation V.D (landowner coordination) and Stipulation V.G (significant archaeological sites), the applicable Project Sponsor shall provide the appropriate Indigenous Nation(s) the right of first refusal for any properties described in Stipulation V.A (discovery of artifacts) encountered or discovered in the course of the archaeological investigations.
- F. If an Indigenous Nation does not agree to accept properties described in Stipulation V.A (discovery of artifacts), the applicable Project Sponsor shall provide relevant landowners with the opportunity to donate artifacts and other material associated with

any archaeological investigations or data recovery efforts to approved permanent curation facilities that comply with the standards in 36 C.F.R. Part 79 (Curation of Federally Owned or Administered Archeological Collections) and the NYAC Standards.

- G. The applicable Project Sponsor shall ensure all artifacts or other materials associated with significant archaeological sites discovered or identified as part of any archaeological investigations or data recovery efforts that are not returned to the appropriate Indigenous Nation or retained by the relevant landowner be curated in accordance with 36 C.F.R. Part 79 within one year of discovery. The applicable Project Sponsor shall collect such materials and transfer them to an approved permanent curation facility that complies with the standards in 36 C.F.R. Part 79 and the NYAC Standards, and shall notify and submit documentation of this transfer to NYSHPO for its records

## **VI. Discoveries During Construction**

- A. In the event that artifacts or other materials of historic, cultural, or spiritual importance to a consulting Indigenous Nation, evidence of burials, human remains, or potential human remains are discovered in the APE of an undertaking after CPO or USACE has approved the undertaking and construction has commenced, the applicable Project Sponsor shall immediately suspend all work in the immediate vicinity, protect the artifacts or human remains from further disturbance, follow the procedures in Appendices 3 and 4, and immediately contact CPO or USACE, as appropriate, as well as NYSHPO, the Onondaga Nation, and other consulting Indigenous Nations.
1. In the event of any discovery described in Stipulation VI.A (discovery of artifacts during construction), the applicable Project Sponsor shall establish a 50-foot protective buffer around the discovery. The Project Sponsor shall immediately notify CPO or USACE, as appropriate, NYSHPO, and the Onondaga Nation and other consulting Indigenous Nations of the establishment of the protective buffer area.
  2. CPO or USACE, as appropriate, in consultation with NYSHPO, the Onondaga Nation, and other consulting Indigenous Nations as needed, shall ensure that the Project Sponsors adhere to the terms of this PA concerning the discovery, including any CPO or USACE determination made under Section 304 of the NHPA (see Stipulation VII [Confidentiality]), as well as all applicable procedures in the *NYSHPO Human Remains Discovery Protocol* and the *Haudenosaunee Policy on Human Remains*. CPO and USACE, as appropriate, shall consider any Indigenous Nation request to modify such protocols or procedures concerning the discovery determined or presumed to be Indigenous.
  3. CPO or USACE, as appropriate, shall consult with NYSHPO, the Onondaga Nation, other consulting Indigenous Nations, and the applicable Project



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Sponsor to determine an agreed-upon course of action in response to the discovery, including additional archaeological investigations to determine whether the material is an isolated find or is part of a larger archaeological site and any potential need to expand the 50-foot buffer to adequately investigate and protect the area from ongoing construction.

4. In the event that Indigenous or Non-Indigenous human remains are discovered during the course of archaeological investigations or ground-disturbing construction activities, CPO or USACE, as appropriate, shall coordinate the reburial, relocation, and reinternment of human remains if requested by an Indigenous Nation consulting party. The cost of assistance for the relocation and reinternment of human remains will be the responsibility of the applicable Project Sponsor.
- B. In accordance with 36 C.F.R. §§ 800.13(a) and 800.4(c), CPO or USACE, as appropriate, shall apply the NRHP criteria (36 C.F.R. Part 63) to evaluate any archaeological resource discovered in the APE of an undertaking after CPO or USACE has approved the undertaking and construction has commenced.
  - C. If CPO or USACE, as appropriate, finds that an undertaking would result in adverse effects on previously unidentified historic properties, CPO or USACE shall consult further with NYSHPO, the Onondaga Nation, and other relevant consulting parties to resolve the adverse effects in accordance with 36 C.F.R. § 800.6.

## **VII. Confidentiality**

- A. All signatories and concurring parties to this PA acknowledge that information about the location, character, or ownership of historic properties, including sacred sites, is or may be subject to the access to information and confidentiality provisions of Section 304 of the NHPA and the Section 106 regulations, 54 U.S.C. § 307103; 36 C.F.R. § 800.11(c). Section 304 allows CPO or USACE to withhold from disclosure to the public information about the location, character, or ownership of a historic property if CPO or USACE determines that disclosure may: (1) cause a significant invasion of privacy; (2) risk harm to the historic property; or (3) impede the use of a traditional religious site by practitioners. Having so acknowledged, all signatories and concurring parties to this PA shall ensure that all actions and documentation prescribed by the PA are, where applicable, consistent with the requirements of Section 304 of the NHPA and any CPO or USACE determination made under Section 304.

## **VIII. Changes in Scope**

- A. CPO or USACE, as appropriate, shall implement the following measures in the event of any changes to the scope of the Proposed Project, Connected Actions, or Wetland and Stream Mitigation Sites:

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1. CPO or USACE, as appropriate, in consultation with the Project Sponsors, signatories, and concurring parties, shall assess and revise any relevant APEs if and to the extent needed to incorporate any additional areas where an undertaking may have the potential to affect historic properties based on the changes in scope.
2. Following established standards and methodologies, the Project Sponsors, in consultation with CPO, USACE, and NYSHPO, shall manage and supervise additional investigations to identify historic properties that may be affected as a result of the changes in scope. Additional phased archaeological investigations shall be subject to the terms of this PA, including the procedures in Stipulation IV (Archaeological Investigation and Treatment Procedures).
3. CPO or USACE, as appropriate, shall document an updated assessment of effects of the undertakings on any newly identified historic properties as a result of the changes in scope and provide a copy of the assessment and any new or updated reports to the consulting parties for review and comment.
4. If a change in scope of an undertaking would result in adverse effects on previously unidentified historic properties, CPO or USACE, as appropriate, shall consult further with NYSHPO and other relevant consulting parties to resolve the adverse effects in accordance with 36 C.F.R. § 800.6 and shall coordinate to amend the PA as appropriate in accordance with Stipulation XI (Amendments).

**IX. Annual Reporting**

- A. Each year following the execution of this PA until it expires or is terminated, CPO and/or USACE shall provide a summary report to the signatories and concurring parties detailing work carried out pursuant to its terms. Such report shall include any scheduling changes proposed, any issues encountered, and any disputes and objections received in the course of the lead agencies' efforts to carry out the terms of this PA.

**X. Dispute Resolution**

- A. If a signatory or concurring party to this PA objects at any time via electronic notification or telephone to CPO or USACE to any action proposed under the PA or to the manner in which the terms of the PA are implemented, CPO or USACE, as appropriate, shall immediately notify the other signatories and concurring parties of the objection and proceed to consult with the objecting party to resolve the objection. CPO or USACE shall honor the request of any signatory or concurring party to participate in the consultation and shall consider the comments of all such participants in the consultation process.

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- B. CPO or USACE shall determine whether the issue warrants a stop-work order. Any stop-work order developed by CPO or USACE, as appropriate, shall include a scope and a reasonable consultation timeframe. The applicable Project Sponsor shall comply with the stop-work order. If the objection is resolved through this consultation, CPO or USACE shall notify the signatories and concurring parties of the resolution in writing and may authorize the disputed action to proceed in accordance with the terms of such resolution.
- C. If CPO or USACE determines that the objection cannot be resolved by following the process in Stipulation X.A (objection to terms of the PA) and Stipulation X.B (resolution of disputes), it will forward all documentation relevant to the dispute, including the agency's proposed resolution, to the ACHP. The ACHP may provide CPO or USACE, as appropriate, with its advice on the resolution of the objection. After providing 30 days for ACHP comment, CPO or USACE, as appropriate, shall prepare and issue a final decision on the dispute in the form of a written response to the objecting party that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories, and concurring parties, and shall provide a copy of the written response to all such parties. CPO or USACE shall then proceed in accordance with its final decision.
- D. All signatory roles and responsibilities under the terms of this PA that are not the subject of the dispute shall remain unchanged.

## **XI. Amendments**

- A. This PA may be amended when such an amendment is agreed to in writing by all signatories. All signatories shall have 30 days to review a proposed amendment. The amendment will be effective on the date a copy signed by all signatories is filed with the ACHP.

## **XII. Termination**

- A. A signatory must consult with the other signatories to this PA in accordance with the Dispute Resolution and Amendment procedures in Stipulations X-XI prior to seeking termination of its participation in the Section 106 process for any or all of the undertakings covered by the PA. The signatories shall consider as part of the Dispute Resolution process whether the PA may be amended to exclude an individual undertaking. If the PA is amended to exclude an individual undertaking, CPO or USACE, as appropriate, shall comply with the requirements of 36 C.F.R. §§ 800.3-800.7 for the excluded individual undertaking.
- B. If, after following the Dispute Resolution and Amendment procedures as described in Stipulation XII.A, a signatory determines that further consultation under the PA will not be productive, the signatory may terminate its consultation and withdraw its signature to the PA by providing written notice to all other signatories and concurring parties that includes a statement of its reasons for terminating its consultation.

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- C. Upon receipt of a notice that meets the terms of Stipulation XII.B., CPO, USACE, and NYSHPO, as appropriate, shall immediately review the notice and determine whether to terminate the PA because its terms cannot be met or carried out.
- D. If the PA is terminated or expires without being extended by amendment, prior to work continuing on the Proposed Project, Connected Actions, or Wetland and Stream Mitigation Sites, CPO or USACE, as appropriate, must either: (1) execute another PA pursuant to 36 C.F.R. § 800.14(b); (2) proceed in accordance with any applicable alternative process under 36 C.F.R. § 800.14; (3) request, take into account, and respond to the comments of the ACHP under 36 C.F.R. § 800.7; or (4) comply with the requirements of 36 C.F.R. §§ 800.3-800.7 for individual undertakings, as applicable. CPO or USACE, as appropriate, shall notify the other signatories and concurring parties as to the course of action that it will pursue.

**XIII. Duration**

- A. This PA will be null and void if its terms are not carried out within 20 years from the date of its execution. Prior to such time, the signatories may consult to reconsider the terms of the PA and amend it in accordance with Stipulation XI (Amendments).

**XIV. Coordination with Other Federal Agency Reviews**

- A. In the event that another federal agency not initially a party to or subject to this Agreement receives an application for funding/license/permit for the undertaking as described in this Agreement, that agency may fulfill its Section 106 responsibilities by stating in writing it concurs with the terms of this Agreement and notifying CPO, USACE, the ACHP, NYSHPO, invited signatories, and concurring parties that it intends to do so. Such agreement shall be evidenced by implementation of the terms of this Agreement and its Appendices.

**XV. Execution in Counterparts**

- A. This Agreement may be executed in counterparts, with a separate page for each signatory and invited signatory. CPO shall ensure that each party is provided with a copy of the fully executed Agreement.

Micron Semiconductor Manufacturing Project, Onondaga County, NY,  
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**Appendices**

**Appendix 1:** Area of Potential Effects Figures

**Appendix 2:** Phase 1B Work Plans

**Appendix 3:** Protocols for Archaeological Monitoring, Indigenous Nation Coordination, and Communication

**Appendix 4:** Protocols for Human Remains

**Appendix 5:** Contacts

Micron Semiconductor Manufacturing Project, Onondaga County, NY,  
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**Signatures**

Execution of this Programmatic Agreement by CPO, USACE, NYSHPO, and the invited signatories and concurring parties as evidenced on the following signature pages, and implementation of its terms, is evidence that CPO and USACE, as appropriate, have taken into account the effects of the Proposed Project, Connected Actions, and Wetland and Stream Mitigation Sites on historic properties and have afforded the ACHP an opportunity to comment on the undertakings.

Micron Semiconductor Manufacturing Project, Onondaga County, NY,  
Final Programmatic Agreement

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**Programmatic Agreement  
among  
The CHIPS Program Office,  
The U.S. Army Corps of Engineers, Buffalo District, and  
The New York State Historic Preservation Officer**

**Pursuant to 36 C.F.R. § 800.14(b)(1)(ii) for the**

**Micron Semiconductor Manufacturing Project  
in the Towns of Clay and Cicero, Onondaga County, New York  
23PR05779 (Micron Campus, Rail Spur Site, and Childcare Site)**


**and Connected Actions  
23PR05061 (Electric Service)  
23PR08021 (Natural Gas Line)  
23PR08019 (Water Supply Improvements)  
23PR08020 (Industrial Wastewater Treatment Plant)  
23PR08022 (Industrial Wastewater Conveyance)  
(CRIS Number TBD) (Telecommunications Service)**

**and 25PR01429 (Proposed Wetland and Stream Mitigation Sites)**


**December 2025**

**Signatory:**

**CHIPS Program Office**

By:   
Bill Fraunhofer, Director, CHIPS Program Office

Date: 12/13/25

By:   
David Frenkel, Director, Environmental Division,  
CHIPS Program Office

Date: 12/12/25

U.S. Department of Commerce  
1401 Constitution Avenue NW  
Washington, D.C. 20230

Micron Semiconductor Manufacturing Project, Onondaga County, NY,  
Final Programmatic Agreement

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among  
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**December 2025**

**Signatory:**

**U.S. Army Corps of Engineers**

By:   
Martin P. Wargo, Chief, Regulatory Branch

Date: 12/16/2025

Buffalo District  
U.S. Army Corps of Engineers  
478 Main Street  
Buffalo, NY 14202



Micron Semiconductor Manufacturing Project, Onondaga County, NY,  
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**among**

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**and 25PR01429 (Proposed Wetland and Stream Mitigation Sites)**

**December 2025**

**Signatory:**

**New York State Historic Preservation Officer**

By:   
*R. Daniel Mackay, Deputy Commissioner for  
Historic Preservation*

Date: 12/15/25

Division for Historic Preservation  
New York State Office of Parks, Recreation and Historic Preservation  
PO Box 189, Peebles Island  
Waterford, NY 12188-0189

Programmatic Agreement  
among  
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(CRIS Number TBD) (Telecommunications Service)

and 25PR01429 (Proposed Wetland and Stream Mitigation Sites)

December 2025

Invited Signatory:

Micron New York Semiconductor Manufacturing, LLC

By: \_\_\_\_\_ Date: 12/17/25  
*[Signature]*  
Representative Signature

Sarah Gatzmeier  
Representative Name

CVP FRONT END VS EXPANSION  
Representative Title

Micron New York Semiconductor Manufacturing, LLC  
Agency/Entity

\_\_\_\_\_  
Office or District (if applicable)

Micron Semiconductor Manufacturing Project, Onondaga County, NY,  
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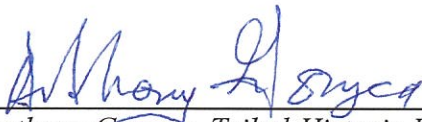
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**December 2025**

**Invited Signatory:**

**Onondaga Nation**

**By:**   
*Anthony Gonyea, Tribal Historic Preservation  
Officer*

**Date:** 12/19/25

Onondaga Nation  
4040 Route 11  
Nedrow, NY 13210

Micron Semiconductor Manufacturing Project, Onondaga County, NY,  
Final Programmatic Agreement

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**Programmatic Agreement**  
**among**  
**The CHIPS Program Office,**  
**The U.S. Army Corps of Engineers, Buffalo District, and**  
**The New York State Historic Preservation Officer**

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**and 25PR01429 (Proposed Wetland and Stream Mitigation Sites)**

**December 2025**

**Invited Signatory:**

**Onondaga County Water Authority**

By:   
*Representative Signature*

Date: 12-18-2025

Jeffrey D. Brown  
*Representative Name*

Executive Director  
*Representative Title*

Onondaga County Water Authority  
*Agency/Entity*

*Office or District (if applicable)*

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Micron Semiconductor Manufacturing Project, Onondaga County, NY,  
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**Programmatic Agreement**

among

**The CHIPS Program Office,  
The U.S. Army Corps of Engineers, Buffalo District, and  
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**Pursuant to 36 C.F.R. § 800.14(b)(1)(ii) for the**

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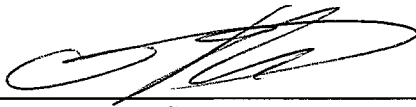
**(CRIS Number TBD) (Telecommunications Service)**

**and 25PR01429 (Proposed Wetland and Stream Mitigation Sites)**

**December 2025**

**Invited Signatory:**

**Onondaga County Department of Water Environment Protection**

By:   
*Representative Signature*

Date: 12.22.25

**Odean D. Dyer, PE**

*Representative Name*

**Commissioner**

*Representative Title*

**Onondaga County Department of Water  
Environment Protection**

*Agency/Entity*

**650 Hiawatha Blvd West Syracuse NY 13204**

*Office or District (if applicable)*

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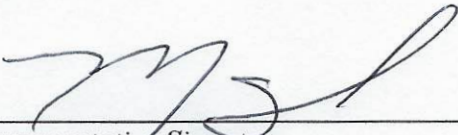
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December 2025

Invited Signatory:

National Grid

By:   
*Representative Signature*

Date: 12/23/2025

**Mark A Harbaugh**

*Representative Name*

Vice President, NY Electric Major Projects

*Representative Title*

National Grid

*Agency/Entity*

Office or District (if applicable)

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Micron Semiconductor Manufacturing Project, Onondaga County, NY,  
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**December 2025**

**Concurring Party:**

**New York State Department of Environmental Conservation**

By:   
*Representative Signature*

Date: 12/29/25

**Jennifer Betsworth**

*Representative Name*

**Agency Preservation Officer**

*Representative Title*

**New York State Department of**  
**Environmental Conservation**  
*Agency/Entity*

*Office or District (if applicable)*

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Micron Semiconductor Manufacturing Project, Onondaga County, NY,  
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**Programmatic Agreement**  
**among**  
**The CHIPS Program Office,**  
**The U.S. Army Corps of Engineers, Buffalo District, and**  
**The New York State Historic Preservation Officer**

Pursuant to 36 C.F.R. § 800.14(b)(1)(ii) for the

**Micron Semiconductor Manufacturing Project**  
**in the Towns of Clay and Cicero, Onondaga County, New York**  
**23PR05779 (Micron Campus, Rail Spur Site, and Childcare Site)**


**and Connected Actions**  
**23PR05061 (Electric Service)**  
**23PR08021 (Natural Gas Line)**  
**23PR08019 (Water Supply Improvements)**  
**23PR08020 (Industrial Wastewater Treatment Plant)**  
**23PR08022 (Industrial Wastewater Conveyance)**  
**(CRIS Number TBD) (Telecommunications Service)**

**and 25PR01429 (Proposed Wetland and Stream Mitigation Sites)**

**December 2025**

**Invited Signatory:**

**Onondaga County Industrial Development Agency**

By:   
Robert M. Petrovich, Director, ~~Economic Development~~ *Executive Director*

Date: 1/5/26

Onondaga County Industrial Development Agency  
335 Montgomery Street, 2nd Floor  
Syracuse, NY 13202



**APPENDIX 1:**  
**Area of Potential Effects Figures**

**APPENDIX 2:**  
**Phase 1B Work Plans**

**APPENDIX 3:**  
**Protocols for Archaeological Monitoring,**  
**Indigenous Nation Coordination, and**  
**Communication**

### **APPENDIX 3**

## **PROTOCOLS FOR ARCHAEOLOGICAL MONITORING, INDIGENOUS NATION COORDINATION, AND COMMUNICATION**

### **1.0 Purpose**

The purpose of this Appendix is to establish the procedures necessary to ensure that the Onondaga Nation and other consulting Indigenous Nations, as appropriate, are provided meaningful opportunities to fully engage in pre-construction archaeological investigations, archaeological monitoring during certain ground-disturbing construction activities, as defined in Section 2.0, Scope, and the investigation of and response to any inadvertent discoveries of artifacts, evidence of burials, cultural, spiritual, or historical material, or human remains. Indigenous Nation engagement includes active monitoring of archaeological investigations and of certain ground-disturbing construction activities within the Proposed Project, Connected Actions, and Wetland and Stream Mitigation Sites in accordance with PA Stipulations III through VI.

### **2.0 Scope**

This protocol applies to all archaeological monitoring activities during archaeological investigations, including archaeological testing, data recovery, and other subsurface investigations, and ground-disturbing construction activities conducted within the direct areas of potential effects (APEs) for the Proposed Project and Connected Actions, as defined in Appendix 1, that have the potential to affect archaeological or cultural resources including:

- Vegetation clearing and grading
- Trenching and augering
- Utility or infrastructure installation
- Other construction activities that may excavate, or alter the ground surface and/or subsurface

This protocol also applies to all archaeological monitoring activities during archaeological investigations, including archaeological testing, data recovery, and other subsurface investigations, and certain ground-disturbing construction activities, limited to grubbing, grading, and other construction activities that utilize heavy equipment to excavate or alter the subsurface, conducted within the direct APEs for the Wetland and Stream Mitigation Sites, as defined in Appendix 1, that have the potential to affect archaeological or cultural resources.

### **3.0 Roles and Responsibilities for Archaeological Monitoring**

**Undertaking:** The Proposed Project, Connected Actions, or Wetland and Stream Mitigation Sites that are subject to the terms of this Programmatic Agreement (PA).

**Lead Federal Agency:** The Federal agency responsible for the Section 106 process for their respective undertaking(s). CPO is the lead Federal agency for the Proposed Project and Connected Actions. USACE is the lead Federal agency for the Wetland and Stream Mitigation Sites.

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**Project Sponsor:** The entity that is responsible for proposing, managing, and implementing archaeological investigations and construction of the proposed undertaking. The Project Sponsor or their designee shall be responsible for ensuring that construction work is stopped or slowed promptly upon request by the Archaeologist in the event of a discovery as described in Stipulation V (Discoveries During Archaeological Investigations) and VI (Discoveries During Construction). Micron is the Project Sponsor for the Proposed Project (23PR05779). National Grid is the Project Sponsor for the Electric Service (23PR05061) and Natural Gas Line (23PR08021). Onondaga County Water Authority (OCWA) is the Project Sponsor for the Water Supply Improvement. The Onondaga County Department of Water Environment Protection (OCDWEP) is the Project Sponsor for the Industrial Wastewater Treatment Plant (IWWTP) at Oak Orchard (23PR08020) and the Industrial Wastewater Conveyance (23PR08022). For the Wetland and Stream Mitigation Sites (23PR01429), Micron is a Project Sponsor, and National Grid is a Project Sponsor for a portion of the Buxton Creek site. The Project Sponsor for the Telecommunications Service is pending selection. The phrase “the applicable Project Sponsor” means the Project Sponsor for the applicable undertaking.

**Archaeologist:** The individual(s), firm, or corporation selected by or performing work on behalf of the applicable Project Sponsor. The applicable Project Sponsor shall ensure that the individual(s) fulfilling this role shall meet the Secretary of the Interior’s Professional Qualification Standards as required by Stipulation II of the PA and follow the protocols and procedures of this PA and Appendix throughout archaeological investigations and applicable ground-disturbing construction activities. Archaeologist tasks include archaeological research, preparing and submitting of archaeological reports, implementation of approved work plans, and coordinating the fieldwork and monitoring activities of Field Technician(s) and Indigenous Nation monitor(s). Additionally, the Archaeologist should promptly notify the Project Sponsor of any request for a stop work order in the event of a discovery as described in Stipulation V (Discoveries During Archaeological Investigations) and VI (Discoveries During Construction).

**Field Technician:** A qualified designee of the Archaeologist who serves as an onsite liaison between the Archaeologist and Indigenous Nation monitor(s). The Field Technician should have a background in archaeology and knowledge of archaeological testing methods and procedures, though they are not required to meet the Secretary of the Interior’s Professional Qualification Standards as required by Stipulation II of the PA. The Field Technician(s) under the direction of the Archaeologist shall work alongside Indigenous Nation monitor(s) to identify cultural materials and artifacts that may be discovered during the course of archaeological investigations or the ground-disturbing construction activities specified in Section 2.0 of Appendix 3, and shall be responsible for promptly notifying the Archaeologist of a potential discovery. Under certain circumstances, a Field Technician(s) may substitute for Indigenous Nation monitor(s) as outlined within this Appendix.

**Indigenous Nation monitor:** An individual who is a member of or is sponsored by a Federally recognized Indigenous Nation that such Indigenous Nation has determined possesses the ability to identify historic properties, cultural materials, artifacts, remains, and archaeological resources of traditional, religious, cultural, or spiritual importance to such Indigenous Nation or multiple Indigenous Nations in accordance with Stipulation I.D (role of Indigenous Nation monitors) in the PA. Indigenous Nation monitor(s) may communicate any requests to the Field Technician(s) and

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the Archaeologist for a temporary halt in construction to examine potential cultural materials, features, or human remains.

**Participating Indigenous Nation(s):** Indigenous Nations which have elected to utilize Indigenous Nation monitor(s) during archaeological investigations or certain ground-disturbing construction activities, as specified in Section 2.0 of Appendix 3.

**Construction Manager (CM):** The individual, firm, corporation, or their designated representative who leads contracted construction activities, including overall construction oversight, assignment of the construction workforces, and coordination of construction workforces.

#### **4.0 Indigenous Nation Coordination and Communication Protocols**

This section establishes protocols for coordination and communication among the Project Sponsor, Archaeologist, Field Technician(s), Indigenous Nation monitor(s), and the CM during archaeological testing and archaeological monitoring during applicable ground-disturbing construction activities. The Proposed Project, Connected Actions, and Wetland and Stream Mitigation Sites will be constructed under multiple construction contracts with the potential for ongoing construction activities in multiple locations at any given time.

To ensure that commitments made in the PA are met, the Archaeologist and Indigenous Nation monitor(s) will work in cooperation with the applicable Project Sponsor and the applicable CM to develop effective communication protocols and implement such protocols during the work performed under the PA.

##### ***4.1 Prior Notification and Confirmation of Participation for Indigenous Nations***

The lead Federal agency will ensure that Project Sponsors provide reasonable advance notice of monitoring opportunities for the undertaking(s) and coordinate with the Onondaga Nation and any participating Indigenous Nation(s).

##### **4.1.1 Advance Notice**

The applicable Project Sponsor, in coordination with the Archaeologist and the CM, shall provide advance notice to the Onondaga Nation and other participating Indigenous Nation(s) of planned archaeological investigations or applicable ground-disturbing construction activities. This advance notice should include the general location of the work, the maximum number of simultaneous open work sites anticipated, the planned start date, and the estimated duration of the work. Advance notice of these activities should generally be provided two (2) weeks prior to the planned start date, but no less than ten (10) days prior. Advance notice of archaeological and/or construction plans should be provided to the participating Indigenous Nation(s) in writing and shall be subject to the confidentiality provisions contained in Stipulation VII (Confidentiality) of the PA. The participating Indigenous Nation monitor(s) shall confirm attendance in writing within four (4) business days of receiving the advance notice.

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#### **4.1.2 Pre-field Notification**

The Archaeologist shall send a pre-field notification to the Indigenous Nation monitor(s) for each participating Nation. The pre-field notification should include the daily work plan, including the specific work location, the reporting location, the planned start time, and the number of open work sites anticipated. Pre-field notification should occur twelve (12) to twenty-four (24) hours prior to the planned start time. The Archaeologist or their designee(s) may provide pre-field notification through electronic communication, including text messaging, as appropriate.

If the Project Sponsor provides the requisite advance notice and pre-field notification outlined above and the participating Indigenous Nation(s) chooses not to provide Indigenous Nation monitor(s) for monitoring activities, or if Indigenous Nation monitor(s) are unavailable to perform monitoring activities at any/all locations, the planned investigation or construction activities may continue through the utilization of a qualified Field Technician(s) working under the supervision of the Archaeologist. The Archaeologist and Field Technician(s) filling in for Indigenous Nation monitor(s) shall follow the protocols listed herein.

#### **4.1.3 Construction Milestone Updates**

The applicable Project Sponsor will reasonably provide updates regarding construction milestones to the lead Federal agency, the Onondaga Nation, and other participating Indigenous Nation(s), as the information becomes available. Milestones may include, but are not limited to, the geographical division of construction contracts, planned progression of construction phasing, estimated timeframe for each construction contract, award of construction contracts, and construction start dates. Estimated timelines for construction will be subject to change depending on the construction start date(s) and conditions during the construction period.

#### **4.2 *Selection of Indigenous Nation monitor(s)***

The applicable Project Sponsor and Archaeologist will make reasonable efforts to coordinate the timing and scope of the applicable archeological investigations and construction monitoring to ensure that the Onondaga Nation and other participating Indigenous Nations are able to provide sufficient monitoring for the planned work activities. This includes notifying the participating Indigenous Nation(s) of all training requirements, required safety equipment, and similar requirements for Indigenous Nation monitor(s) to access an archaeological investigation site or construction site.

Indigenous Nation monitor(s) will be selected in accordance with Stipulation III.C (selection of monitors by Onondaga Nation), provided by the Onondaga Nation and other participating Indigenous Nations, as appropriate, and work in coordination with the Archaeologist and their designee(s) as part of the team responsible for the archaeological investigations or ground-disturbing construction monitoring. At least one (1) Indigenous Nation monitor shall be required for each planned work site under archaeological investigation or with the ground-disturbing construction activities specified in Section 2.0 of Appendix 3, as applicable. The Field Technician(s) shall accompany the Indigenous Nation monitor(s) in the field. The Archaeologist

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shall ensure that an adequate number of Field Technicians are deployed to cover each planned work site and promptly respond to any discoveries.

***4.3 Coordination and Communication Prior to Archaeological Investigations and Construction***

The advance notice and/or pre-field notification may include a request to check in at the field office at a specified time. If the Indigenous Nation monitor(s) are not present at the reporting location by the time specified, the CM or their designee(s) may proceed with the day's planned construction activities without the presence of the Indigenous Nation monitor(s), provided the following two (2) requirements have been met: (1) the Archaeologist or their designee(s) has contacted the Onondaga Nation and other participating Indigenous Nation(s) in accordance with the notification procedures in Section 4.1; and (2) the Field Technician(s) under the direction of the Archaeologist is utilized in place of the Indigenous Nation monitor(s).

Prior to the start of archaeological investigations or ground-disturbing construction activities specified in Section 2.0 of Appendix 3, the applicable Project Sponsor, in coordination with the Archaeologist and/or the CM, will implement standard practices, including holding a pre-construction and/or pre-fieldwork meeting with Indigenous Nation monitor(s).

Pre-construction and/or pre-fieldwork meetings should inform the field crew and/or the CM and their designee(s) of environmentally sensitive areas, including potential cultural resources that may be encountered. Information provided at pre-construction and/or pre-fieldwork meetings may include details such as the proposed schedule, safety and training requirements, methods of construction, sequence of operations, materials, equipment, excavation support systems, and other relevant information that allows the Archaeologist to plan for implementation of the approved work plans and monitoring by Indigenous Nation monitor(s). Pre-construction and/or pre-fieldwork meetings shall also include a discussion of the requirements and considerations for archaeological monitoring as described in Section 5.0 and a discussion of procedures during the inadvertent discovery of human remains as described in Section 8.0. A list of names and contact information (see Appendix 5) in the event of inadvertent discovery of human remains should be kept onsite at all times.

***4.4 Coordination and Communication During Archaeological Investigations and Construction***

Monitoring during archaeological investigations and applicable ground-disturbing construction activities requires the Indigenous Nation monitor(s) to work in close coordination with the Archaeologist, Field Technician(s), and the CM, who will have oversight of the testing area(s) and/or construction site(s) and will ensure compliance with onsite safety protocols and any required cultural sensitivity trainings.

The CM or their designee(s) may direct the movement and actions of the Archaeologist, Field Technician(s), and Indigenous Nation monitor(s) to ensure that safety standards and protocols are maintained while observing construction excavations and entering trenches to inspect potential archaeological resources.



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The applicable Project Sponsor shall ensure that the Archaeologist and/or Field Technician(s) will coordinate, collaborate, and exchange views with the Indigenous Nation monitors as part of the team. The Indigenous Nation monitor(s) should provide input to the Archaeologist and/or Field Technician(s) on the identification of potential cultural artifacts, features, or potential human remains encountered and may also make recommendations for the Archaeologist to request a temporary halt in construction activities.

The Archaeologist will serve as the point-of-contact with the Project Sponsor, the CM, and their designee(s) for the purpose of communicating requests to halt or slow construction in a specific location to allow for the inspection of potential archaeological resources or cultural materials, further investigations, or documentation of identified archaeological features or sites. The Onondaga Nation and other participating Indigenous Nation(s) will designate a single point-of-contact for coordination with the Archaeologist for the purpose of communicating requests to halt or slow construction in specific locations to allow for the inspection of potential archaeological resources or cultural materials.

The Archaeologist will ensure that the applicable Project Sponsor, the CM, and their designee(s) are fully informed and approve any request for a temporary halt in construction, to allow the Archaeologist and Indigenous Nation monitor(s) to examine potential cultural materials and features.

The Archaeologist will clearly communicate to the applicable Project Sponsor, the CM, and their designee(s) when work may resume or if further delay is anticipated pending coordination with the lead Federal agency, NYSHPO, the Onondaga Nation, and the other participating Indigenous Nations, as appropriate.

## **5.0 Protocols for Archaeological Monitoring and Investigation**

Archaeological monitoring, including monitoring by Indigenous Nation monitor(s), will be required for all pre-construction archaeological investigations, certain ground-disturbing construction activities, as specified in Section 2.0 of Appendix 3, and all investigations of any potential cultural artifacts, burial sites, or evidence of human remains discovered during such archaeological investigations or ground-disturbing construction activities. The timing of archaeological investigations or archaeological monitoring during such ground-disturbing construction will be determined by schedules for each stage of the Proposed Project, Connected Actions, and Wetland and Stream Mitigation Sites.

Archaeological investigations prior to ground-disturbing construction activities and archaeological responses to pre-construction discoveries will be conducted in compliance with the PA and work plans developed by the Archaeologist and Project Sponsor, after review and approval by the lead Federal agency. Draft work plans will be shared with the NYSHPO, the Onondaga Nation, and signatories and concurring parties to the PA. Work plans must incorporate Indigenous Nation monitor(s) and specific protocols for testing and monitoring in the field for all pre-construction archaeological investigations.

### **5.1 *Monitoring in the Absence of Indigenous Nation Monitors***

In the event that Indigenous Nation monitor(s) are not able to be present or decline to be present for archaeological investigations and the ground-disturbing construction activities specified in Section 2.0 of Appendix 3, the applicable Project Sponsor shall ensure that the Field Technician(s) under the direction of the Archaeologist is utilized for monitoring and that the following protocols are followed:

- The Archaeologist will share with the Indigenous Nation monitor(s) the results of archaeological monitoring at any location for which the Indigenous Nation monitor(s) are not present on site, unless the Indigenous Nation has indicated that they do not wish to receive communication of the monitoring. The method of communication (phone call, texting, email) will be determined through mutual agreement by the Archaeologist and Indigenous Nation monitor(s) prior to the start of fieldwork or construction.
- The protocols for monitoring during the archaeological investigations and certain ground-disturbing construction activities, as specified in Section 2.0 of Appendix 3, in the absence of Indigenous Nation monitor(s) shall be followed by the Archaeologist and the Field Technician(s) as outlined in the PA and any applicable work plans.

### **5.2 *Daily and Weekly Field Summaries***

The following protocols should be followed regarding the compilation of daily and weekly field summaries for archaeological investigations conducted prior to construction and any Phase 2 or Phase 3 studies:

- At the close of business each workday, the Archaeologist and Indigenous Nation monitor(s) will compile a daily work report following a format specified in the terms of their contractual agreement. Information included in daily work reports should include, but is not limited to, a description of the work conducted each day, hours worked, tasks performed, the location monitored, and the presence or absence of any culture materials.
- At the conclusion of each work week, the Archaeologist will compile daily work reports into a weekly field summary. The weekly field summary shall follow the protocols outlined in Stipulation IV.E (protocols for fieldwork summaries) of the PA for content and distribution.

### **5.3 *Archaeological Monitoring Protocols During Ground-Disturbing Construction***

The applicable Project Sponsor shall ensure that archaeological monitoring conducted during the ground-disturbing construction activities specified in Section 2.0 of Appendix 3 must conform to the following protocols:

- The Archaeologist, Field Technician(s), and Indigenous Nation monitor(s) will have access to areas that are deemed by the CM or their designee(s) to be safe locations for non-construction personnel.

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- The Indigenous Nation monitor(s) will work in coordination with the Archaeologist and/or Field Technician(s) to identify any Indigenous cultural artifacts.
- The Indigenous Nation monitor(s) will inform the Archaeologist and/or Field Technician(s) on site of any request for the Project Sponsor and the CM to halt or slow work for closer inspection of potential cultural artifacts or human remains. The Archaeologist will promptly convey the Indigenous Nation monitors' request to the applicable Project Sponsor, the CM, or their designee(s), who will ensure that the requested action is taken.
- The Indigenous Nation monitor(s) will also inform the Archaeologist when coordination with the Onondaga Nation and other participating Indigenous Nations may be needed before recommending further investigation of intact archaeological deposits or upon the discovery of a potential burial site or evidence of human remains.

### **5.3.1 Investigation During Construction**

If the Archaeologist and/or Field Technician(s), in coordination with the Indigenous Nation monitor(s), identifies or is notified by the Indigenous Nation monitor(s) of potential cultural artifacts or features exposed by construction activity, the Archaeologist shall immediately notify the CM and applicable Project Sponsor. The Project Sponsor shall establish a 50-foot protective buffer at the site of the discovery, immediately notify CPO or USACE, as appropriate, NYSHPO, and the Onondaga Nation and other consulting Indigenous Nations of the establishment of the protective buffer area, and implement a temporary suspension of work within the protective buffer. The initial suspension of work shall last one (1) hour and commence once the Archaeologist has begun their inspection of the discovery.

- Following initial inspection, if the Archaeologist and/or Indigenous Nation monitor(s) identifies the potential cultural artifact(s) or feature(s) to be modern or to be historic with no potential to meet the criteria for National Register eligibility, the Archaeologist will notify the Project Sponsor and the CM that work can continue.
- If the cultural material is identified as potentially National Register eligible, the Archaeologist in coordination with the Indigenous Nation monitor(s) will request an extension of the work stoppage to further evaluate the cultural material in accordance with Stipulation VI (Discoveries During Construction) of the PA. The extension may last up to, but no longer than twenty-four (24) hours, not including the one (1) hour for initial inspection. Immediately upon completing this evaluation of the cultural material, the Archaeologist will notify the lead Federal agency and applicable Project Sponsor with a preliminary assessment of National Register eligibility or the need for further investigation.
- If the Archaeologist, in coordination with the Indigenous Nation monitor(s), recommends additional investigations to determine National Register eligibility, all work in the protective buffer around the discovery shall not proceed, the site shall be protected from further disturbance, and the protocols and procedures outlined in Stipulation IV (Archaeological Investigation and Treatment Procedures) through Stipulation VI (Discoveries During Construction) of the PA shall be followed.

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- The timeframe outlined above would not apply if the Archaeologist and/or Field Technician(s), in coordination with the Indigenous Nation monitor(s), identifies the presence of human remains, potential remains, evidence of burials, or a National Register eligible site. In that case, the temporary work stoppage may last substantially longer to allow time for consultation among the lead Federal agency, NYSHPO, the Onondaga Nation, participating Indigenous Nations, and the signatories to the PA to determine appropriate next steps. The discovery of remains or potential human remains should follow the procedures outlined in Section 8.0 of this Appendix and Appendix 4.

## **6.0 On-Site Safety Requirements for Indigenous Nation Monitors**

The applicable Project Sponsor shall ensure that Indigenous Nation monitor(s), Archaeologist, and Field Technician(s) are required to follow the following procedures and protocols during ground-disturbing construction:

- The Indigenous Nation monitor(s), Archaeologist, and Field Technician(s) will follow the health and safety plan for the Proposed Project, Connected Actions, and Wetland and Stream Mitigation Sites under the oversight of the CM or their designee(s) of the construction site.
- If the Indigenous Nation monitor(s) fail to report to the construction site on time as specified by the CM or their designee(s), construction activities may progress as scheduled with the presence of the Archaeologist or Field Technician(s). Indigenous Nation monitor(s) may be restricted from accessing the construction site until the CM or their designee(s) determines it is safe to do so.

## **7.0 Indigenous Nation Monitor(s) Compensation**

Indigenous Nation monitor(s) selected by the Onondaga Nation and participating Indigenous Nations will be compensated for their services through a separate contractual agreement and will receive payment under the terms of that agreement in accordance with Stipulation III.G (compensation of Indigenous Nation monitors) of the PA.

## **8.0 Inadvertent Discovery of Human Remains**

Based on the results of research conducted for the *Phase IA Archaeological Documentary Studies* and through consultation with the Onondaga Nation, the approved *Phase IB Work Plans* include protocols for the discovery of Indigenous human remains within the Proposed Project, Connected Action, and Wetland and Stream Mitigation Site APEs.

With the assistance of the Archaeologist and Indigenous Nation monitor(s), the Project Sponsor and the CM, at the direction of the Project Sponsor, will take precautions to ensure that any human remains that may be encountered during archaeological investigations and ground-disturbing construction activities are properly identified and protected from further disturbance until appropriate actions are determined by the lead Federal agency in consultation with NYSHPO, the Onondaga Nation, and consulting Indigenous Nations, as appropriate. A list of names and contact information is included within Appendix 5.

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- Any human burial site, evidence of burials, human remains, or potential human remains discovered during archaeological testing, archaeological monitoring, or during construction will be treated with dignity and respect.
- Upon the discovery of human remains or potential human remains, the applicable Project Sponsor Archaeologist, Field Technician(s), and/or the CM have an obligation to report the discovery to the appropriate legal authorities. The Project Sponsor has no jurisdiction over the burial site until those legal authorities have determined that the remains do not warrant further investigation on their part.
- If the Archaeologist, in coordination with the Indigenous Nation monitor(s), reports the discovery of human remains, or potential human remains, to the Project Sponsor during archaeological testing or archaeological monitoring during construction, the applicable Project Sponsor will immediately notify the lead Federal agency and NYSHPO of the discovery.
- The applicable Project Sponsor will also contact the lead Federal agency, NYSHPO, the Onondaga Nation, and participating Indigenous Nations if the CM or their designee(s) inadvertently discover evidence of human remains, or potential human remains, during construction in any location where there is no Archaeologist, Field Technician(s), or Indigenous Nation monitor(s) present.
- The lead Federal agency shall ensure that the Project Sponsor adheres to any applicable procedures in the PA, the *NYSHPO Human Remains Discovery Protocol*, and the *Haudenosaunee Policy on Human Remains*. In coordination with NYSHPO, the lead Federal agency shall consider any Indigenous Nation request to modify such protocols or procedures concerning the discovery.
- The cost associated with the relocation, reinterment, or reburial of Indigenous and Non-Indigenous human remains shall be the responsibility of the applicable Project Sponsor.

**APPENDIX 4:**  
**Protocols for Human Remains**

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**1.0 SHPO HUMAN REMAINS DISCOVERY PROTOCOL (JANUARY 2025)**

If human remains are encountered during construction or archaeological investigations for projects being reviewed under Section 14.09 of the State Historic Preservation Act or Section 106 of the National Historic Preservation Act, the New York State Historic Preservation Office (“SHPO”) recommends that the following protocol be implemented.

- Human remains shall be treated with dignity and respect. Should human remains or suspected human remains be encountered, work in the general area of the discovery shall stop immediately and the location shall be secured and protected from damage and disturbance
- If skeletal remains are identified and the archaeologist is not able to conclusively determine if they are human, the remains and any associated materials shall be left in place. A qualified forensic anthropologist, bioarchaeologist, or physical anthropologist shall assess the remains in situ to help determine if they are human.
- If the remains are determined to be human, law enforcement, the SHPO, the appropriate Indigenous Nations, and the involved state and federal agencies shall be notified immediately. If law enforcement determines that the burial site is not a criminal matter, no skeletal remains or associated materials shall be removed until appropriate consultation has concluded.
- If human remains are determined to be Indigenous, they shall be left in place and protected from further disturbance until a plan for their avoidance or removal is fully implemented. Please note that avoidance is the preferred option of the SHPO and the Indigenous Nations. The involved agency shall consult SHPO and the appropriate Indigenous Nations to develop a plan of action. Photographs of Indigenous human remains and associated materials should not be taken without consulting with the involved Indigenous Nations.
- If human remains are determined to be non-Indigenous, the remains shall be left in place and protected from further disturbance until a plan for their avoidance or removal is fully implemented. Please note that avoidance is the preferred option of the SHPO. The involved agency shall consult SHPO and other appropriate parties to develop a plan of action.
- The SHPO recommends that burial information is not released to the public to protect burial sites from possible looting.

## **2.0 HAUDENOSAUNEE POLICY ON HUMAN REMAINS**

Section 101(d)(6)(B) of the National Historic Preservation Act (NHPA) requires Federal agencies, in carrying out their Section 106 responsibilities, to consult with any Indian tribe that attaches religious and cultural significance to historic properties that may be affected by an undertaking, regardless of the location of the historic property. To comply with the lead Federal agency's Section 106 commitments and responsibilities, the lead Federal Agency, as applicable, shall implement the *Haudenosaunee Policy on Human Remains*, in the event that human remains or suspected human remains are encountered within an APE of the undertaking. The *Haudenosaunee Policy on Human Remains* can be found in *Polishing the Silver Covenant Chain: Building Relationships Between Federal, State Agencies and the Haudenosaunee* as issued by the Grand Council of the Haudenosaunee in 2002 (see Parts 4.1, 4.2, and 4.7).



**APPENDIX 5:**  
**Contacts**

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**Table 1.** List of Consulting Parties by Lead Agency and Undertaking

<b>Lead Federal Agencies for the Section 106 Process</b>	
CHIPS Program Office (CPO)	United States Army Corps of Engineers (USACE)
<b>Undertaking(s)</b>	
Proposed Project and Connected Actions	Wetland and Stream Mitigation Sites
<b>Consulting Parties</b>	
<ul style="list-style-type: none"> <li>• New York State Department of Environmental Conservation</li> <li>• New York State Historic Preservation Officer (NYSHPO)</li> <li>• Oneida Indian Nation</li> <li>• Oneida Nation of Wisconsin</li> <li>• Onondaga Nation</li> <li>• USACE</li> <li>• Wyandotte Nation</li> <li>• Seneca-Cayuga Nation</li> <li>• Cayuga Nation (for Water Supply Area of Potential Effect)</li> <li>• Tuscarora Nation</li> <li>• Onondaga County Industrial Development Agency</li> </ul>	<ul style="list-style-type: none"> <li>• NYSHPO</li> <li>• Oneida Indian Nation</li> <li>• Onondaga Nation</li> <li>• CPO</li> </ul>

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**Table 2.** Micron Semiconductor Manufacturing Project Programmatic Agreement Contact List

Contact Name/Title	Address	Email Address	Phone Number
<b>CPO</b>			
David Frenkel Environmental Division Director	ATTN: CPO Environmental Division 1401 Constitution Avenue NW, Washington, D.C. 20230	david.frenkel@chips.gov	240-204-1960
<b>USACE</b>			
Margaret Crawford U.S. Army Corps of Engineers	U.S. Army Corps of Engineers, Buffalo District, 7413 County House Road Auburn, New York 13021	Margaret.a.crawford@usac e.army.mil	315-255-8090
<b>NYSHPO</b>			
Nancy Herter, Ph.D. Director, Technical Preservation Bureau Division for Historic Preservation	New York State Office of Parks, Recreation and Historic Preservation PO Box 189, Peebles Island Waterford, NY 12188-0189	Nancy.Herter@parks.ny.g ov	N/A
<b>Onondaga Nation</b>			
Anthony Gonyea, DYODIHWASNYE'NHA Tribal Historic Preservation Officer, Faithkeeper	Administration Building 4040 Route 11, Nedrow, NY 13120 (Note: contact for preferred mailing address)	tony61gonyea@gmail.com	315-952-3109
Alma Lowry, Of Counsel General Counsel to the Onondaga Nation	Law Office of Joseph Heath 512 Jamesville Ave, Syracuse, NY 13210	alma.lowry@gmail.com	315-475-2559
<b>Oneida Indian Nation</b>			
Jesse Bergevin Oneida Indian Nation Historian	5218 Patrick Road, Verona, NY 13421	jbergevin@oneida- nation.org	315-829-8900
<b>Micron</b>			
Ashley Kunz Senior Director, Front End US Expansion, Environmental Health and Safety	8000 S Federal Way, Boise, Idaho 83716	akunz@micron.com	208-368- 4478
<b>National Grid</b>			
Jeremy Hawa National Grid	N/A	Jeremy.Hawa@nationalgri d.com	N/A
Ronald Russo National Grid	N/A	Ronald.Russo@nationalgri d.com	N/A
<b>Onondaga County</b>			
Onondaga County Sheriff's Office	407 S State Street Syracuse, NY 13202	N/A	315-435-3044
Town of Cicero Police Department	6200 New York Highway 31 Cicero, NY 13039	srotunno@ciceropd.us	315-699-3677

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Contact Name/Title	Address	Email Address	Phone Number
Onondaga County Medical Examiner	100 Elizabeth Blackwell Street Syracuse, NY 13210	N/A	315-435-3800
Robert M. Petrovich Director, Economic Development, OCIDA	335 Montgomery Street, 2nd Floor, Syracuse, NY 13202	RobertPetrovich@ongov.net	N/A
Jeffrey D. Brown, Esq. Executive Director OCWA	<b>Physical Address:</b> 200 Northern Concourse Syracuse, NY 13212 <b>Mailing Address:</b> 200 Northern Concourse PO Box 4949 Syracuse, NY 13221-4949	jbrown@ocwa.org	315-455-7061
Odean Dyer Interim Head OCDWEP	Onondaga County 1100 Civic Ctr, 421 Montgomery St Syracuse, NY 13202	OdeanDyer@ongov.net	N/A
<b>Oswego County</b>			
Oswego County Sheriff's Office	39 Churchill Road, Oswego, NY 13126	ocsd.sheriff@oswegocounty.com	315-349-3302
Oswego County District Attorney also serves as the Oswego County Coroner	39 Churchill Road, Oswego, NY 13126	districtattorney@oswegocounty.com	315-349-3200

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**Table 3. Project Field Information Sheet**

<b>Date:</b>				
<b>Prepared by:</b>				
<b>Project Name:</b>				
<b>Lead Federal Agency Contact:</b>				
<b><i>Project Sponsor</i></b>				
<b>Organization/Entity:</b>				
<b>Primary Contact Name:</b>				
<b>Primary Contact Title:</b>				
<b>Primary Contact Phone:</b>				
<b>Primary Contact Email:</b>				
<b><i>Archaeological Field Lead</i></b>				
<b>Organization/Entity:</b>				
<b>Name:</b>				
<b>Title:</b>				
<b>Phone:</b>				
<b>Email:</b>				
<b><i>Construction Manager (CM)</i></b>				
<b>Company:</b>				
<b>Name:</b>				
<b>Title/Role:</b>				
<b>Phone:</b>				
<b><i>CM Designee (optional)</i></b>				
<b>Company:</b>				
<b>Name:</b>				
<b>Title/Role:</b>				
<b>Phone:</b>				
<b><i>Indigenous Nation Monitor(s) (add additional rows as needed)</i></b>				
<b>Indigenous Nation</b>	<b>Contact Name</b>	<b>Role</b>	<b>Phone/Email</b>	<b>Communication Preference</b>
<b><i>Indigenous Nation Coordination and Communication Protocols</i></b>				
<b>Protocol Type</b>	<b>Description/Notes</b>			<b>Responsible Party</b>
Information Sharing				
Decision Notification				
Cultural or Heritage Site Procedures				
Emergency Contacts/Response				
Communication Frequency				