

First Amendment to the
Micron Semiconductor Manufacturing Project, Onondaga County, NY,
Programmatic Agreement

**This First Amendment to
the Programmatic Agreement (First Amendment)
among**

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

**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 Wetland and Stream Mitigation Sites
25PR01429 (Micron and National Grid Mitigation Sites)
25PR10312 (Onondaga County Department of Water Environment Protection
Mitigation Site)**

WHEREAS, the Programmatic Agreement (Agreement) was executed on December 16, 2025; and

WHEREAS, the Creating Helpful Incentives to Produce Semiconductors (CHIPS) Program Office (CPO), the U.S. Army Corps of Engineers (USACE), and the New York State Historic Preservation Office (NYSHPO) are signatories to the Agreement and the Onondaga Nation, the Onondaga County Industrial Development Agency (OCIDA), Micron, National Grid, Onondaga County Department of Water Environment Protection (OCDWEP), and the Onondaga County Water Authority (OCWA) are invited signatories to the Agreement (together, the Signatories). The New York State Department of Environmental Conservation is a concurring party to the Agreement; and

WHEREAS, the Signatories have identified a need to amend the Agreement to include an additional Wetland and Stream Mitigation Site, the Fish Creek Restoration Area (25PR10312), associated with the OCDWEP Industrial Wastewater Conveyance Connected Action (23PR08022); and

WHEREAS, the Signatories seek to clarify the requirements for cultural sensitivity training documentation in Stipulation III.D, clarify that work plan approval authorizes fieldwork in Stipulation IV.C, amend the review and comment period in Stipulation IV.C.4, clarify that the results of fieldwork shall be reported no later than six months following the

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completion of fieldwork in Stipulation IV.C.8, and add a provision for discoveries during construction that would not result in adverse effects in Stipulation VI; and

WHEREAS, CPO and USACE shall ensure a copy of this executed First Amendment is provided to the Advisory Council on Historic Preservation (ACHP). CPO shall submit the executed First Amendment to the ACHP on behalf of both agencies; and

NOW, THEREFORE, in accordance with Stipulation XI of the Agreement, the Signatories agree to amend the Agreement as follows:

1. Amend the title of the Agreement so it reads as follows:

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

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

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2. Amend the ninth WHEREAS clause of the Agreement so it reads as follows:

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

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mitigation activities across six mitigation sites within a nine-mile distance to the northwest of the WPCP (the Wetland and Stream Mitigation Sites under 25PR01429); and

3. Amend the tenth WHEREAS clause of the Agreement so it reads as follows:

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 (25PR01429); and

4. Amend the twelfth WHEREAS clause of the Agreement so it reads as follows:

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 (25PR01429 and 25PR10312), Micron is serving as a Project Sponsor for sites under 25PR01429, National Grid is serving as a Project Sponsor for a portion of the Buxton Creek Site under 25PR01429, and OCDWEP is serving as Project Sponsor for the Fish Creek Restoration Area under 25PR10312. The Project Sponsor for the Telecommunications Service is pending selection; and

5. Amend the eighteenth WHEREAS clause of the Agreement so it reads as follows:

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 (25PR01429) 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

6. Amend the twenty-eighth WHEREAS clause of the Agreement so it reads as follows:

WHEREAS, USACE, in consultation with NYSHPO, shall determine and document APEs in accordance with 36 C.F.R. § 800.4(a)(1) and Permit Areas as

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defined in 33 C.F.R. Part 325 Appendix C for the Wetland and Stream Mitigation Sites (Appendix 1); and

7. Amend the thirty-fourth WHEREAS clause of the Agreement so it reads as follows:

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 six of the Wetland and Stream Mitigation Sites (25PR01429) 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

8. Amend the preamble to include the following WHEREAS clause:

WHEREAS, USACE is evaluating, as part of OCDWEP's proposed Mitigation Plan for its Industrial Wastewater Conveyance Connected Action (23PR08022), OCDWEP'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 this Connected Action would occur, by undertaking mitigation activities at the Fish Creek Restoration Area within the Wetland and Stream Mitigation Sites (25PR10312); and

9. Amend the preamble to include the following WHEREAS clause:

WHEREAS, all reference to the Wetland and Stream Mitigation Sites herein shall include both the Micron and National Grid Mitigation Sites (25PR01429) and the OCDWEP Mitigation Site (25PR10312), except where a specific project number is explicitly identified; and

10. Amend Stipulation III.D so it reads as follows:

Cultural sensitivity trainings shall be required for employees and contractors who directly support ground-disturbing construction activities for the Proposed Project, Connected Actions, or Wetland and Stream Mitigation Sites prior to the commencement of their support on such ground-disturbing 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. The applicable Project Sponsor shall document completion of cultural sensitivity trainings for employees and contractors in biannual reports for the duration of the ground-disturbing construction activities.

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1. The biannual cultural sensitivity training report shall include a copy of the training materials provided to the employees and contractors, and evidence that the trainings occurred.
 2. The applicable Project Sponsor shall provide biannual cultural sensitivity training reports to CPO or USACE, as appropriate, beginning no later than six months following the commencement of ground-disturbing construction activities for the Proposed Project, Connected Actions, and Wetland and Stream Mitigation Sites, respectively. CPO or USACE, as appropriate, shall maintain biannual cultural sensitivity training reports. PA signatories and concurring parties may request copies of these reports.
11. Amend Stipulation IV.C so it reads as follows:
- 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. Unless otherwise directed by CPO or USACE, approval of a Phase 1B, Phase 2, and Phase 3 work plan authorizes implementation of the approved fieldwork and does not require prior completion of the end-of-field (EOF) letter review process. The following procedures shall apply following completion of fieldwork:
12. Amend Stipulation IV.C.2 so it reads as follows:
- 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 14-day review and comment period. CPO or USACE, as appropriate, 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. If all signatories and concurring parties respond and provide no objection before the review period ends, then CPO or USACE may consider the review period complete.
13. Amend Stipulation IV.C.4 so it reads as follows:
- 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 14-day review and comment period. CPO or USACE shall consider all comments received within the review period and issue a decision on the EOF letter consistent with Stipulation IV.C.2. If all signatories and concurring parties respond

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and provide no objection before the review period ends, then CPO or USACE may consider the review period complete.

14. Amend Stipulation IV.C.8 so it reads as follows:

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 the completion of fieldwork. 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.

15. Amend Stipulation VI.C so it reads as follows:

If CPO or USACE, as appropriate, finds that an undertaking would not result in adverse effects on previously unidentified historic properties, CPO or USACE shall prepare a finding or determination and shall share the document with the signatories and concurring parties for a 14-day review and comment period. CPO and USACE shall consult with the signatories and concurring parties and consider all comments received within the review period.

16. Amend Stipulation VI to include the following:

- D. 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.

Except as specifically amended above, the Agreement remains unchanged and in full force and effect and is hereby ratified and confirmed.

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Signatures

Execution of this First Amendment to the Agreement by the 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. This Amendment may be executed in counterparts, in accordance with Stipulation XV of the Agreement, with a separate page for each Signatory and concurring party. CPO shall ensure that each party is provided with a copy of the fully executed Amendment.

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**and Wetland and Stream Mitigation Sites
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Site)**

Signatory:

CHIPS Program Office

By:


*Bill Fraunhofer, Executive Director for
Semiconductor Innovation and Investment,
U.S. Department of Commerce*

Date:

8.28.26

By:


*David Frenkel, Director, Environmental Division,
CHIPS Program Office*

Date:

8.28.26

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

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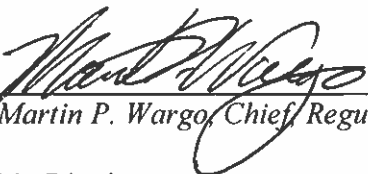
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Site)**

Signatory:

U.S. Army Corps of Engineers

By: 
Martin P. Wargo, Chief, Regulatory Branch

Date: 4 SEPT 2026

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

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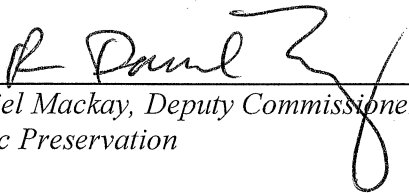
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Signatory:

New York State Historic Preservation Officer

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

Date: 9/3/2026

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

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Invited Signatory:

Micron New York Semiconductor Manufacturing, LLC

By: 
Representative Signature

Date: 9/02/26

Scott Gatzemeier
Representative Name

CVP, FE US Expansion
Representative Title

Micron New York Semiconductor Manufacturing, LLC
Agency/Entity

Office or District (if applicable)

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Invited Signatory:

Onondaga Nation

By: 
Anthony Gonyea, Section 106 Representative

Date: 9/3/26

Onondaga Nation
4040 Route 11
Nedrow, NY 13210

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Invited Signatory:

Onondaga County Water Authority

By: 
Representative Signature

Date: September 3, 2026

Jeffrey D. Brown
Representative Name

Executive Director
Representative Title

Onondaga County Water Authority
Agency/Entity

Office or District (if applicable)

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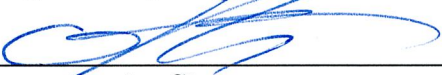
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Invited Signatory:

Onondaga County Department of Water Environment Protection

By: 

Representative Signature

Date: 9/28/2026

Odean D. Dyer, P.E.
Representative Name

Commissioner
Representative Title

Onondaga County Department of Water
Environment Protection
Agency/Entity

Office or District (if applicable)

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Invited Signatory:

National Grid

By: Mark Harbaugh
Representative Signature

Date: September 23, 2026

Mark Harbaugh
Representative Name

VP, NYE Major Projects
Representative Title

National Grid
Agency/Entity

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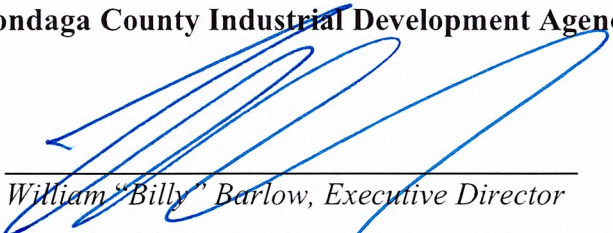
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Invited Signatory:

Onondaga County Industrial Development Agency

By:


William "Billy" Barlow, Executive Director

Date:

9/8/2026

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

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Concurring Party:

New York State Department of Environmental Conservation

By: Jennifer Betsworth
Representative Signature

Date: 9/8/26

Jennifer Betsworth
Representative Name

Agency Preservation Officer
Representative Title

New York State Department of
Environmental Conservation
Agency/Entity

Office or District (if applicable)