

**PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES DEPARTMENT OF ENERGY, LOAN PROGRAMS OFFICE,
THE MICHIGAN STATE HISTORIC PRESERVATION OFFICER,
AND DTE GAS COMPANY
REGARDING COMPLIANCE WITH
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT
FOR THE
DTE GAS COMPANY GAS RENEWAL PROGRAM**

May 5, 2025

WHEREAS, Title XVII of the Energy Policy Act of 2005, 42 U.S.C. § 15801 et seq. (the “Energy Policy Act”), established a federal loan guarantee program for certain projects and authorizes the Secretary of Energy to make loan guarantees available for those projects, and under Title XVII, the Department of Energy (the “DOE”) Loan Programs Office (“LPO”) may provide loan guarantees for projects that support clean energy deployment and energy infrastructure reinvestment in the United States and U.S. territories; and

WHEREAS, DTE Gas Company (the “Applicant”) has applied for, and the DOE LPO is considering the issuance of, a loan guarantee (the “Loan Guarantee”) under Section 1706 of the Energy Policy Act for a specific portion of the Applicant’s Gas Renewal Program (the “Project”) involving multiple components dispersed throughout the state of Michigan to be implemented between 2025-2031; and

WHEREAS, the DOE LPO has determined the individual components of the Project that would be funded by the Loan Guarantee are undertakings (each individual Project component, an “Undertaking”) subject to review under Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations at 36 C.F.R. Part 800 (the “NHPA”), 54 U.S.C. § 306108 (“Section 106”); and

WHEREAS, the Undertakings involve three categories of work, hereafter referred to as Undertaking activities: 1) retirement of the Applicant’s “legacy” gas distribution infrastructure (e.g. abandonment in-place), 2) reinstallation of industry standard gas distribution infrastructure primarily using horizontal directional drilling (“HDD”) or traditional installation methods (e.g., trenching) when necessary, and 3) relocation of natural gas meters to the exterior of buildings. For the purposes of this Programmatic Agreement (the “PA”), “legacy” gas distribution infrastructure consists of unprotected steel, cast-iron, and/or non-modern plastic pipes which were installed before the issuance of the Federal Pipeline Safety Standards in 1970 and are prone to corrosion and leaks after decades of use due to the lack of protective coatings or cathodic protection; and

WHEREAS, the DOE LPO has determined that the Undertakings may adversely affect properties that are listed in or eligible for listing in the National Register of Historic Places (the “NRHP”) and are subject to the requirements of the NHPA; and

WHEREAS, 36 C.F.R. § 800.14(b) provides for developing a programmatic agreement when effects on historic properties are similar and repetitive or are regional in scope (36 C.F.R. § 800.14(b)(1)(i)), when effects on historic properties cannot be fully determined

prior to approval of an undertaking (36 C.F.R. § 800.14(b)(1)(ii)), or for complex or multiple undertakings (36 C.F.R. § 800.14(b)(3)); and

WHEREAS, 36 C.F.R. § 800.4(b)(2) provides for phased final identification of historic properties and assessment of effects when provided in a programmatic agreement executed pursuant to 36 C.F.R. § 800.14(b); and

WHEREAS, the DOE LPO and the Michigan State Historic Preservation Officer (the “SHPO”) have determined that the requirements of Section 106 can be more effectively and efficiently fulfilled if a programmatic approach is used to stipulate roles and responsibilities, establish tribal review protocols, facilitate processes for phased identification and evaluation of historic properties, establish standard treatment and mitigation measures, and streamline the resolution of adverse effects; and

WHEREAS, the DOE LPO has notified the Advisory Council on Historic Preservation (the “ACHP”) pursuant 36 C.F.R. § 800.2(b) and the ACHP has elected not to participate in consultation and is not a Signatory to the PA (36 C.F.R. § 800.6(a)(1)), but remains available to provide technical assistance as needed; and

WHEREAS, the DOE LPO is consulting with the SHPO in accordance with 36 C.F.R. § 800.2(c)(1); and

WHEREAS, the DOE LPO is consulting with the Applicant regarding the potential effects of the Undertakings on historic properties in accordance with 36 C.F.R. § 800.2(c)(4), and because the Applicant has responsibilities under this PA; and

WHEREAS, in accordance with 36 C.F.R. 800.2(c)(4) and the Stipulations of this PA, the Applicant is authorized to initiate Section 106 consultation for the Undertakings; and

WHEREAS, the DOE LPO invited representatives of local governments in accordance with 36 C.F.R. § 800.2(c)(3) and additional consulting parties in accordance with 36 C.F.R. § 800.2(c)(5) to participate in consultation on the development of this PA; and

WHEREAS, the DOE LPO recognizes its government-to-government obligation to consult with Federally-recognized Native American Indian Tribes (the “Tribes”) (36 C.F.R. § 800.16(m)) that may attach religious and cultural significance to historic properties that may be affected by the Undertakings and will continue to consult with affected Tribes regarding their concerns under Section 106; and

WHEREAS, the DOE LPO acknowledges that Tribes possess special expertise in assessing the NRHP eligibility of properties with religious and cultural significance to them and that Tribal leaders of the consulting Tribes, and, as appropriate, their representatives, which may include Tribal Historic Preservation Officers, may decide who meets the qualifications and standards as defined by their Tribes for review of the Undertakings on behalf of the Tribe; and

WHEREAS, the Undertakings are not located on Tribal lands (36 C.F.R. § 800.16(x)); and

WHEREAS, the DOE LPO invited the following thirty-one (31) Tribes to participate as consulting parties: Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community; Fond du Lac Band of the Minnesota Chippewa Tribe; Forest County Potawatomi Community, Wisconsin; Grand Portage Band of the Minnesota Chippewa Tribe; Grand Traverse Bay Band of Ottawa and

Chippewa Indians; Hannahville Indian Community, Michigan; Ho-Chunk Nation of Wisconsin; Keweenaw Bay Indian Community, Michigan; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Lac du Flambeau Tribe, Lac du Flambeau Band of Lake Superior Chippewa Indians; Leech Lake Band of the Minnesota Chippewa Tribe; Little River Band of Ottawa Indians, Michigan; Little Traverse Bay Bands of Odawa Indians, Michigan; Match-e-be-nash-she-wish Band of Potawatomi Indians of Michigan (Gun Lake); Menominee Indian Tribe of Wisconsin; Miami Tribe of Oklahoma; Mille Lacs Band of Ojibwe (The Mille Lacs Band of the Minnesota Chippewa Tribe Mille Lacs Band of Ojibwe); Minnesota Chippewa Tribe; Nottawaseppi Huron Band of the Potawatomi; Ottawa Tribe of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation; Prairie Island Indian Community in the State of Minnesota; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Saginaw Chippewa Indian Tribe of Michigan; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Seneca-Cayuga Nation; Sokaogon Chippewa Community, Wisconsin; and White Earth Band of Minnesota Chippewa; and

WHEREAS, the following Tribe has elected to consult on this PA and to consult on the Undertakings pursuant to 36 C.F.R. § 800.2(c)(ii): Forest County Potawatomi Community, Wisconsin (the “Participating Tribe”); and

WHEREAS, the entities the DOE LPO invited to serve as Section 106 consulting parties in accordance with 36 C.F.R. § 800.2(c), and those who accepted the invitation to participate as consulting parties are listed in Appendix A—List of Consulting Parties, attached hereto, and the participating entities listed in Appendix A will hereafter be referred to as the “Consulting Parties”, and the Consulting Parties may participate in the review processes outlined in the Stipulations of this PA; and

WHEREAS, the DOE LPO, the SHPO, and the Applicant are individually referred to as a “Signatory” and collectively referred to as the “Signatories.”

NOW, THEREFORE, the DOE LPO, the SHPO, and the Applicant agree that the Undertakings will be administered in accordance with the following stipulations to satisfy the DOE LPO’s Section 106 responsibilities for all individual Undertakings.

STIPULATIONS

The DOE LPO, the Applicant, and the SHPO will ensure that the following stipulations are carried out:

I. Roles and Responsibilities

- A. The DOE LPO will be responsible for providing oversight of the PA, executing Undertaking-specific Memoranda of Agreement (“MOA”) or programmatic agreements with the SHPO as necessary, participating in the resolution of disputes between the SHPO and the Applicant, and providing technical assistance and guidance as needed. The DOE LPO will be responsible for government-to-government consultation with Tribes as may be requested by the Participating Tribe. The Applicant’s responsibilities to coordinate with Tribes as outlined in Stipulation I.B and Stipulation II will not substitute for government-to-government consultation.

- B. The Applicant will be responsible for conducting its delegated Section 106 review tasks as outlined in this PA, which include preparing the required documentation for receiving SHPO concurrence, conducting pre-survey coordination with the SHPO and the Participating Tribe, facilitating consultation with the Consulting Parties regarding site-specific Undertakings in a timely manner, and maintaining records on the Undertakings.
- C. The Applicant will prepare an annual lookahead report (the “Lookahead Report”) that will include documentation for all individual Undertakings intended for completion in the following calendar year. The Lookahead Report will include information gleaned from desktop cultural resources review using sources of existing information. The Applicant will provide this documentation for the SHPO and Consulting Party review. Multiple Undertakings may be compiled in one or more batch submittal packages provided to the SHPO and Consulting Parties on a periodic basis (e.g., quarterly, semiannual, or annual) as determined most appropriate by the Applicant and the SHPO.
 - 1. Documentation in the Lookahead Report(s) for Undertakings that meet the criteria for exemption as outlined in Stipulation IV and Appendix C will consist of data tables or similarly formatted syntheses of relevant Undertaking activities and applicable exemption criteria. Data to be presented may include an identifier, location, and type(s) of Undertaking activities, applicable exemption criteria, and exemption rationale.
 - 2. Documentation in the Lookahead Report(s) for Undertakings that are not exempt will include:
 - a. a description of the proposed Undertaking activities;
 - b. a description and map(s) of the Area of Potential Effect (the “APE”);
 - c. a description of the methods used to identify historic properties (i.e., information sources utilized for desktop review);
 - d. a list and description of identified historical and archaeological resources and the known NRHP status or previously proposed NRHP eligibility recommendations for each resource;
 - e. proposed effects determinations for any previously identified historic properties that are listed, eligible for listing, or recommended eligible for listing in the NRHP;
 - f. proposed avoidance, minimization, and mitigation measures for known historic properties that may be adversely affected without application of such measures;
 - g. A characterization of the potential for the presence of unrecorded cultural resources;
 - h. a summary of consultation efforts; and
 - i. recommendations for additional work, as appropriate.

3. The Section 106 process must include consultation with all participating parties confirmed in Appendix A—List of Consulting Parties, to identify any concerns regarding site-specific Undertakings and their potential to affect historic properties.
- D. The Applicant will use qualified professionals meeting the Secretary of the Interior’s Professional Qualification Standards (48 FR 44738-44739) (the “Professional Qualifications”) in conducting their Section 106 requirements. Ground-disturbing work must be reviewed by an archaeologist meeting the Professional Qualifications, and above-ground work must be reviewed by a historian or architectural historian that meets the Professional Qualifications.
- E. The Applicant will ensure that the provisions of this PA apply to its sub-contracts.
- F. The SHPO will be responsible for reviewing Undertaking documentation and participating in consultation as set forth in this PA.

II. Tribal Review

- A. Execution of this PA presumes that the DOE LPO will conduct its government-to-government responsibilities and Section 106 consultation requirements with federally recognized Tribes consistent with Federal laws and regulations. The Applicant will not substitute for the DOE LPO in matters related to potential effects on historic properties of cultural and religious significance to Tribes, except with the concurrence of the Tribe.
- B. The DOE LPO acknowledges that Tribes possess special expertise in assessing the NRHP eligibility of properties with tribal religious and cultural significance, and requires the Applicant to coordinate with Tribes, as appropriate, in identifying historic properties listed in or eligible for listing in the NRHP within the APE of all non-exempt Undertakings.
- C. The Applicant will notify the DOE LPO and the Participating Tribe if an Undertaking may result in an adverse effect on cultural resources with tribal religious and cultural significance. The Applicant will facilitate consultation with the DOE LPO, the SHPO, and the Participating Tribe to resolve such adverse effects.
- D. The Participating Tribe and the Applicant may develop a bi-party agreement that outlines their review procedures for the Undertakings. Such agreements will be submitted to the DOE LPO for review and approval, and a copy sent to the ACHP for its records.

III. Document Review Process

- A. *Standard Review:* The SHPO, the Participating Tribe, and Consulting Parties will have a standard review period of up to thirty (30) calendar days for commenting on all documents developed under this PA from the date they are sent by the Applicant.
 1. The Signatories recognize the time-sensitive nature of reviews related to the Undertakings and will endeavor to provide their comments to the Applicant as soon as possible within the standard 30-day review period. The SHPO,

the Participating Tribe, and the Consulting Parties, as appropriate, will provide comments to the Applicant within the 30-calendar-day standard review period, with the exception of emergency situations as defined in Stipulation VI of this PA.

2. If the SHPO, the Participating Tribe, and the Consulting Parties cannot meet the standard review period request, the party may notify the Applicant in writing before the end of the 30-calendar-day standard review period to request an extension of up to fifteen (15) additional calendar days. The Applicant will consider all such requests and may consult with requesting parties to attempt to rectify any potential schedule delays.
- B. *Expedited Review*: In certain circumstances the Applicant may request that the SHPO, the Participating Tribe, and the Consulting Parties provide their comments on an expedited timeline (e.g., in the case of a supplemental or “one-off” report submitted after and independently from the annual Lookahead Report described in Stipulation I.C). The expedited review and comment period for the SHPO, the Participating Tribe, and the Consulting Parties will not be less than fifteen (15) calendar days from the date the Applicant makes such a request.
1. If the SHPO, the Participating Tribe, and the Consulting Parties cannot accommodate the Applicant’s request for expedited review, the party will notify the Applicant in writing before the end of the 15-calendar-day expedited review period to request an extension of up to fifteen (15) additional calendar days.
- C. If the SHPO, the Participating Tribe, and the Consulting Parties fail to provide comments or to respond within the time frame requested by the Applicant (either standard or expedited and including any requested extensions), then the Applicant may proceed in accordance with 36 C.F.R. § 800.4(d)(1)(i). The Applicant will consider all comments received within the review period.
- D. All submittals to the SHPO, the Participating Tribe, and the Consulting Parties will be electronic unless a specific request is made for an alternate format. The Applicant must consult with the SHPO through their official channels, including required application form and submission methods. If the Applicant transmits the review materials by an alternate method as requested and identified by a Signatory or Consulting Party, the review period will begin on the date they are or would have otherwise been sent via electronic media.
- E. All reviews will be conducted in accordance with Stipulations IV and V of this PA. Refer to Appendix B—Section 106 Review Process Framework, attached hereto, for a summary of the process as outlined in these Stipulations.

IV. Exempted Activities

- A. The Applicant, assisted by professionals meeting the Professional Qualifications as defined in Stipulation I.D, shall determine whether individual Undertakings, or discrete Undertaking activities, are exempted from further Section 106 review (i.e., those with no potential to affect historic properties) based on the criteria for

Programmatically Exempted Activities under this PA as described in Appendix C attached hereto.

- B. For any individual Undertakings determined by the Applicant as meeting the criteria to be exempted from further review, the Applicant will provide this determination in the documentation prepared pursuant to Stipulation I.C of this PA. The Applicant will include the supporting documentation for the exemption in the Lookahead Report submittal to the SHPO. The Lookahead Report will summarize any individual Undertakings which the Applicant has deemed exempt and provide the qualifying criteria and/or rationale for exemption of the Undertaking as provided in Appendix C of the PA.
 - 1. The SHPO will review all Undertakings included in the Lookahead Report that have been recommended as exempted activities to ensure compliance with this PA. The SHPO may seek additional information from the Applicant or may recommend the review be elevated to the standard review procedure outlined in Stipulation V. Once the SHPO has signed off on the determination that an individual Undertaking is excluded from further review, this concludes the Applicant's responsibilities for complying with Section 106 and this PA for Undertakings determined exempt from review.
- C. If for any reason the Applicant cannot determine to exempt all activities of an individual Undertaking from review, the Applicant will submit the entire Undertaking to the SHPO for standard review as described in Stipulation V. The Lookahead Report should clearly document which Undertaking activities meet the criteria for exemption from further review (Appendix C) and which activities do not meet those criteria. Once the SHPO has reviewed the Lookahead Report and agreed with the exemption of any Undertaking activities, the Applicant may commence those activities. The review of non-exempt activities will follow the procedure outlined in Stipulation V and the Applicant will request SHPO comment on the portions of the Undertaking with the potential to affect historic properties.

V. Standard Review Procedure for Approval of Undertakings

For individual Undertakings or Undertaking activities that are not exempt from further review pursuant to Stipulation IV and Appendix C of this PA, the Applicant will document the Undertaking in the Lookahead Report in accordance with the procedures outlined in this Stipulation prior to proceeding with construction:

- A. Identification and Evaluation of Historic Properties
 - 1. The Applicant will establish the APE for all Undertakings defined in the DOE LPO loan guarantee agreement in accordance with 36 C.F.R. § 800.16(d). Within the APE, the Applicant will delineate the analysis areas for archaeological resources and for aboveground historic resources for each Undertaking as follows:
 - a. The archaeological analysis area will include all areas within the construction footprint of the Undertaking where ground-disturbing

activities may occur. This area is commonly referred to as the Limits of Disturbance (the “LOD”). The Applicant may apply a distance buffer to the LOD to account for potential minor design changes to the construction footprint.

- b. The aboveground analysis area will include the LOD, and the Applicant may apply a distance buffer from any aboveground Undertaking activity to include the area within which non-physical effects (e.g., visual effects) may occur.
2. The Applicant will identify known cultural resources within the APE, as well as within a 1-mile study area surrounding the defined APE, utilizing existing information including the NRHP, state surveys, and county and local surveys. In addition, the Applicant and the SHPO may use or develop protocols that are consistent with 36 C.F.R. § 800.4 for the review of consensus determinations of eligibility.
3. The Applicant will provide recommendations on the scope of any surveys that may be necessary to identify historic aboveground and archaeological resources that are not previously recorded and included in sources of existing information consulted pursuant to Stipulation V.A.2.
 - a. In order to avoid potential delays, prior to initiating the review procedure for the Undertakings, the Applicant and the SHPO may coordinate to develop standard scopes of work and/or methodologies for surveys that may be necessary to administer the Applicant’s Project and to implement the terms of this PA.
4. The Applicant will notify the Tribes to request their interest in consulting on the Undertakings and to determine if there are historic properties of religious or cultural significance that were not previously identified or considered in surveys or related Section 106 reviews, as appropriate.
5. In consultation with the SHPO and the Participating Tribe, the Applicant will determine an appropriate level of effort to document the identification of archaeological resources.
 - a. Pre-construction archaeological surveys are generally required for non-exempt Undertakings involving ground disturbance. The Applicant will evaluate the terrain and ground conditions of each Undertaking’s APE to determine whether pre-construction archaeological surveys are necessary and/or feasible for a given Undertaking.
 - b. Surveys may be limited in scope subject to the concurrence of the Participating Tribe should they attach religious or cultural significance to historic properties in the area of the Undertaking. Where pre-construction surveys are not feasible, archaeological monitoring during construction may be considered.

- c. The Applicant will provide any archaeological or architectural history survey reports prepared for Undertakings requiring ground disturbance to the SHPO and the Participating Tribe and Consulting Parties, as appropriate, concurrently for review.
 - d. All archaeological and architectural history survey reports will meet the reporting requirements of the SHPO as published in the *Michigan Above Ground Survey Manual* and the *Michigan Archaeological Standards*, current at the time of preparation of a report. Any deviations from these standard reporting requirements will require mutual agreement between the Applicant and the SHPO.
6. The Applicant will apply the NRHP criteria to evaluate the historic significance of all identified cultural resources within the APE and make preliminary eligibility recommendations in the survey reports in accordance with 36 C.F.R. § 800.4(c). The SHPO, the Participating Tribe, and Consulting Parties will review the reports concurrently and consult on the eligibility recommendations. The Applicant will consider any views concerning the eligibility of historic properties provided by these parties and revise the technical reports as determined necessary through consultation.
- a. If an archaeological site is identified during preconstruction surveys, and if that initial survey does not furnish sufficient information to definitively make an eligibility recommendation (i.e., a “potentially eligible” or “unevaluated” site), the Applicant will consult with the SHPO and the Participating Tribe and Consulting Parties, as appropriate, to determine an appropriate plan for additional field investigations to evaluate NRHP eligibility. This consultation will provide the Applicant’s proposed plan for evaluation, with the objective of obtaining verbal approval of the evaluation plan from the SHPO, the Participating Tribe, and the Consulting Parties, as appropriate. The evaluation plan will then be memorialized in a written memo shared with the SHPO, the Participating Tribe, and the Consulting Parties, as appropriate, within three days of the verbal consultation.
 - b. If an archaeological site is identified during construction monitoring, the Applicant will follow the procedures outlined in Appendix E—Unanticipated Discovery Plan, attached hereto, to consult on methods to address the discovery.
7. Should any Consulting Party object to an eligibility recommendation, the Applicant will consult such party to attempt to remove the basis for the objection within 30 days. If the objection cannot be withdrawn after additional consultation, dispute resolution regarding the eligibility determination will proceed according to Stipulation X.A.1.
8. *No Historic Properties Affected:* If the Applicant determines that there are no archaeological and aboveground historic resources present within the APE, or that all identified archaeological and aboveground historic

resources within the APE are not eligible for inclusion in the NRHP, or that all historic properties can be avoided such that there would be no effect on them, and the SHPO concurs with this finding, and the Participating Tribe and Consulting Parties offer no objection, the Applicant will document a finding of *No Historic Properties Affected* for the Undertaking, consistent with 36 C.F.R. § 800.4(d)(1).

- a. The Applicant will notify the SHPO, the Participating Tribe, and Consulting Parties about the finding of *No Historic Properties Affected* and provide supporting documentation. The Applicant will document in the Retrospective Report as defined and described in Stipulation XI.B of this PA any findings of *No Historic Properties Affected* made pursuant to this Stipulation.

B. Assessment of Effects

1. The Applicant will apply the criteria of adverse effect to historic properties within the APE pursuant to 36 C.F.R. § 800.5 and make preliminary effect recommendations within the technical reports prepared in accordance with Stipulations I.C and V.A. The SHPO, the Participating Tribe, and Consulting Parties will review the reports and consult on the determination of effects. The Applicant will consider any views concerning effects on historic properties provided by these parties and revise the technical reports as determined necessary through consultation.
2. *No Adverse Effect*: If the Applicant determines that no historic properties will be adversely affected, the Applicant will document a finding of *No Adverse Effect* for the Undertaking.
 - a. The Applicant will notify the SHPO, the Participating Tribe, and Consulting Parties about the finding of *No Adverse Effect* and provide supporting documentation for review. The Applicant will document in the Retrospective Report as defined and described in Stipulation XI.B of this PA any findings of *No Adverse Effect* made pursuant to this Stipulation.
3. *Adverse Effect*: If the Applicant determines there will be adverse effects on historic properties, the Applicant will document a finding of *Adverse Effect* for the Undertaking.
 - a. The Applicant will notify the DOE LPO, the SHPO, the Participating Tribe and Consulting Parties of the finding of *Adverse Effect* and will proceed to consultation to resolve adverse effects in accordance with Stipulation V.C below. The Applicant will document in the Retrospective Report as defined and described in Stipulation XI.B of this PA any findings of *Adverse Effect* made pursuant to this Stipulation.
 - b. Additionally, the DOE LPO will invite the ACHP to consult on the resolution of adverse effects, pursuant to 36 C.F.R. § 800.6(a)(1). If the ACHP has previously been notified and has elected to participate

earlier in consultation, then the Applicant will notify the ACHP of the finding of *Adverse Effect* and invite them to consult.

4. Should any Consulting Party object to an effect determination, the Applicant will consult such party to attempt to remove the basis for the objection within 30 days. If the objection cannot be withdrawn after additional consultation, dispute resolution regarding the effect determination will proceed according to Stipulation X.A.2.

C. Resolution of Adverse Effects

1. The Applicant will consult with the DOE LPO, the SHPO, the ACHP (if participating), the Participating Tribe, and Consulting Parties, as appropriate, to develop measures to resolve adverse effects. The DOE LPO will resolve adverse effects for each Undertaking by documenting avoidance, minimization, and mitigation measures in a MOA, in accordance with 36 C.F.R. § 800.6(c).
2. *Avoidance*: Where practicable, the DOE LPO and the Applicant will resolve adverse effects by avoiding historic properties sufficiently to then record a finding of *No Historic Properties Affected* or *No Adverse Effect* consistent with 36 C.F.R. §§ 800.4(d) or 800.5(b), respectively, and pursuant to Stipulation V.A.8 or V.B.2 of this PA, respectively, as applicable.
3. *Minimization and Mitigation Measures*: If all adverse effects to historic properties cannot be avoided, then consultation will proceed to developing minimization or mitigation measures applicable to individual historic properties.
 - a. The Applicant may use standard resolution measures negotiated as part of this PA included in Appendix D, attached hereto, or develop novel resolution measures through consultation.
4. Consultation on the resolution of adverse effects and development of an MOA will be coordinated to be concluded in sixty (60) calendar days or less.
 - a. During the 60-day consultation window, the Consulting Parties may collectively agree to extend the duration of the MOA consultation period should the terms of the consultation necessitate additional time to develop the MOA.
 - b. In the event the consultation extends beyond this period, the DOE LPO will formally invite the ACHP to participate in consultation. The ACHP will consult with the DOE LPO regarding the issues and the opportunity to negotiate a MOA. Within seven (7) days after notification, the ACHP will enter consultation and provide its recommendation for either concluding the Section 106 review through an MOA or ACHP Chairman's comment from the ACHP to the Secretary of the DOE within 21 days.

- c. In the case of an ACHP Chairman comment, the DOE LPO may proceed once the DOE LPO provides its response to the ACHP.
- 5. The Applicant will document the agreed-upon measures to resolve adverse effects in resource-specific Historic Property Treatment Plans (“HPTPs”), or, if multiple historic properties are adversely affected by one Undertaking, in Undertaking-specific HPTPs. All HPTPs developed for Undertakings will be subject to review by the SHPO, the Participating Tribe, and Consulting Parties, as appropriate.

VI. Emergency Situations

- A. Emergencies exist when there is a need to eliminate an imminent threat to health and safety of residents and/or property as identified by local or county building inspectors, police or fire department officials, the Michigan Public Service Commission (MPSC), corporate natural gas subject matter experts, or other local or county officials. When an emergency situation associated with the Project may affect historic properties, or when actions required to address an emergency situation associated with the Project may affect historic properties, consultation with the Consulting Parties shall be waived in lieu of the expedited SHPO consultation process outlined below.
- B. The Applicant will forward documentation to the SHPO for review immediately upon notification that an emergency exists. Documentation should include a) the nature of the emergency; b) the address of the historic property involved; c) photographs showing the current condition of the historic property, as appropriate; and d) the timeframe allowed by local officials to respond to, or correct, the emergency situation.
- C. The Applicant will immediately take action to ensure public safety as a priority and will then allow the SHPO 48 hours to respond to the notification of the emergency situation, if feasible. If the emergency situation results in adverse effects on historic properties, the Applicant will consider mitigation measures recommended by the SHPO and implement them, if feasible. Upon conclusion of this process, the Applicant will provide the Consulting Parties a summary of the emergency situation and resulting SHPO consultation. All emergency undertakings will be documented in the Retrospective Report as defined and described in Stipulation XI.B of this PA.

VII. Public and Consulting Party Involvement

- A. The Applicant will notify the DOE LPO and the SHPO if it is notified of other consulting parties or public interest in any Undertakings. The Applicant will coordinate with the DOE LPO to invite interested parties to participate as consulting parties in accordance with Stipulation XIII.A. This may include interested persons such as property owners of adversely affected historic properties who may be invited to participate in the process for resolving adverse effects in accordance with Stipulation V.C.
- B. The Applicant will maintain a list of Undertakings and associated results of SHPO review and consultation and will make this documentation available to the public

upon request. The Applicant will coordinate with the DOE LPO to make information on Undertakings documented in the Retrospective Report as defined and described in Stipulation XI.B of this PA available to the public via the DOE LPO website.

VIII. Administrative Coordination

- A. If the Applicant, in consultation with the SHPO, determines that an Undertaking has already been reviewed under an existing Section 106 effect determination or agreement document, then no further Section 106 review under this PA is required.
- B. The Applicant will advise sub-grantees in writing of the provisions in Section 110(k) of the NHPA and will advise the sub-grantees that Section 106 reviews may be compromised when Undertakings are initiated prematurely.

IX. Post-Review Discoveries

- A. If historic properties are discovered or unanticipated effects on historic properties located within an Undertaking's APE occur after the Undertaking has been initiated, the Applicant will implement the following procedures in accordance with the Applicant's Unanticipated Discovery Plan (Appendix E):
 - 1. The Applicant will immediately cease all operations within a minimum of 100 feet of the discovery and will secure the site of the discovery against further damage.
 - 2. The Applicant will inspect the site of the discovery to determine if the discovery is a cultural resource. If so, the Applicant will evaluate the NRHP eligibility of the discovery and, if determined to be an historic property, the potential of the Undertaking to adversely affect its qualifying characteristics.
 - 3. If the discovery is determined to consist of human remains, the Applicant will notify the appropriate local law enforcement, county coroner, and/or medical examiner's office to investigate the scene of the discovery. Law enforcement will retain jurisdiction over the site of the discovery until the scene is determined to not be associated with a crime, at which time the SHPO will assist in determining the age and cultural affiliation of the human remains.
 - 4. The Applicant will notify the DOE LPO, the SHPO, the Participating Tribe, and Consulting Parties regarding the evaluation of the discovery, request agency concurrence, and as appropriate, will provide a proposed avoidance, minimization, or mitigation plan for their review and comment.
 - 5. The Applicant will notify the DOE LPO, the SHPO, and the Participating Tribes of any discoveries that have the potential to adversely affect sites or buildings of Tribal religious or cultural significance. After reviewing such discoveries, the Participating Tribe can request further consultation on the Undertaking by notifying the DOE LPO, the ACHP, and the SHPO in writing.

6. The Applicant will implement the avoidance, treatment or mitigation plan and advise the DOE LPO, the SHPO, the Participating Tribe, and the Consulting Parties, as appropriate, of the satisfactory completion of the approved work. Once the approved work is complete, the Applicant may resume the activities that were halted to address the discovery situation.

X. Dispute Resolution

- A. Should the SHPO, the Participating Tribe, or a Consulting Party object (the “Objection”) within the time frames outlined in this PA to any Undertakings, the Applicant will consult further with such party within 30 days to attempt to remove the basis for the Objection. In the event that the Objection is not withdrawn, then the Applicant will refer the matter to the DOE LPO and will forward all relevant documentation to the DOE LPO. The DOE LPO will proceed as follows:
 1. For Objections regarding NRHP eligibility determinations, the DOE LPO will review all relevant documentation and notify the Secretary of the Interior in accordance with 36 C.F.R. § 800.4(c)(2) to seek a formal determination of eligibility from the Keeper of the NRHP (the “Keeper”). The Keeper will have 45 days to issue a formal determination of eligibility in accordance with 36 C.F.R. § 63.2(e).
 2. For Objections regarding findings of effect, the DOE LPO will review all relevant documentation and notify the ACHP in accordance with 36 C.F.R. § 800.4(d)(1)(ii) or 36 C.F.R. § 800.5(c)(2)(i), as applicable. The ACHP will provide its opinion to the DOE LPO within 30 days in accordance with 36 C.F.R. § 800.4(d)(1)(iv)(A). The DOE LPO will take into account the ACHP’s recommendations or formal comments in reaching a final decision regarding the Objection.
 3. For other Objections requiring technical assistance, the DOE LPO will notify and consult with the ACHP. The ACHP will provide its recommendations, if any, within 21 days following receipt of relevant documentation. The DOE LPO will take into account the ACHP’s recommendations or formal comments in reaching a final decision regarding the Objection.
- B. The DOE LPO’s responsibility to carry out all other actions pursuant to the terms of this PA that not the subject of the Objection remains unchanged.

XI. Reporting and Monitoring

- A. The DOE LPO, the ACHP, and the SHPO may monitor any Undertakings. The ACHP may review Undertakings, if requested by the DOE LPO. The DOE LPO will be entitled to address and make determinations on overall policy or administrative issues related to the implementation of the PA. The Applicant will adhere to the DOE LPO’s established protocols for reporting Undertakings.
- B. The Applicant will submit an annual retrospective report (the “Retrospective Report”) to the DOE LPO summarizing the Undertakings for the prior calendar year by January 31 for each year of the duration of this PA. The Retrospective

Report will include data on the number and nature of Undertakings and reviews conducted under this PA.

XII. Amendments

- A. The DOE LPO, the SHPO, or the Applicant may request that this PA be amended, whereupon the DOE LPO and the SHPO, and the ACHP, if involved, will consult to consider such an amendment. Any such amendments will be developed and executed among the DOE LPO, the SHPO, the Applicant, and the Participating Tribe and Consulting Parties, in the same manner as the original PA, and pertain only to this PA. The amendment will be effective on the date a signed copy is filed with the ACHP.

XIII. Adding Parties

- A. If the DOE LPO receives a written request from an individual or organization with a demonstrated interest in the Undertakings, the DOE LPO will determine if it will invite the party to participate as a consulting party for reviews of this PA or individual Undertakings, as appropriate, and will notify the party of its decision. The DOE LPO will notify the Signatories and Consulting Parties of this request, and the Applicant will include the DOE LPO's decision in the Retrospective Report as described in Stipulation XI.B of this PA. This PA will not require an amendment if the DOE LPO invites an additional consulting party to participate.
- B. If the DOE LPO receives a written request from another consulting party to sign this Agreement as a Concurring Party, the DOE LPO will determine if it will invite the party to sign as a Concurring Party and will notify the party of its decision. The DOE LPO will notify the Signatories and Consulting Parties of this request, and the Applicant will include the DOE LPO's decision in the Retrospective Report as described in Stipulation XI.B of this PA. This PA will not require an amendment if the DOE LPO invites an additional consulting party to sign as a Concurring Party.
- C. In the event that an additional Federal agency receives an application for a license or permit for an undertaking that falls under the scope of this PA, this additional Federal agency may comply with Section 106 by agreeing in writing to the terms of this PA. The DOE LPO will notify the Signatories and Consulting Parties and maintain a record of these notifications for inclusion in the Retrospective Report. Such use of this PA by an additional Federal agency will not require an amendment to the PA or the addition of that agency as a Signatory to the PA unless the Signatories determine such action is necessary.

XIV. Duration of Agreement

- A. This PA will be valid for seven (7) years from the date this PA is signed by all the Signatories, as verified with the DOE LPO's filing of the PA with the ACHP.
- B. The term of this PA may be extended by mutual written agreement of all Signatories following the process for amendment provided in Stipulation XII.

XV. Termination of Agreement

- A. Any Signatory may terminate this PA, provided that the Signatory proposing termination notifies the other Signatories and the ACHP in writing explaining the reasons for termination and affording the other Signatories at least sixty (60) days to consult and seek alternatives to termination.

Execution of this PA by the DOE LPO, the SHPO, and the Applicant, and the implementation of its terms, are evidence that the DOE LPO has fulfilled its responsibilities pursuant to Section 106 of the NHPA.

Signatures. In witness whereof, the parties to this PA through their duly authorized representatives have executed this PA on the dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this PA as set forth herein.

FINAL

**PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES DEPARTMENT OF ENERGY, LOAN PROGRAMS OFFICE,
THE MICHIGAN STATE HISTORIC PRESERVATION OFFICER,
AND DTE GAS COMPANY
REGARDING COMPLIANCE WITH
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT
FOR THE
DTE GAS COMPANY GAS RENEWAL PROGRAM**

Signatory:

Department of Energy, Loan Programs Office

TODD STRIBLEY Digitally signed by TODD STRIBLEY
Date: 2025.04.22 10:57:10 -06'00'

April 22, 2025

Name: Todd Stribley

Date

Title: Director, Environmental Compliance

FINAL

**PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES DEPARTMENT OF ENERGY, LOAN PROGRAMS OFFICE,
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REGARDING COMPLIANCE WITH
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT
FOR THE
DTE GAS COMPANY GAS RENEWAL PROGRAM**

Signatory:

Michigan State Historic Preservation Office

DocuSigned by:

Ryan Schumaker

5/5/2025

Name: Ryan M. Schumaker

Date

Title: State Historic Preservation Officer

FINAL

**PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES DEPARTMENT OF ENERGY, LOAN PROGRAMS OFFICE,
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AND DTE GAS COMPANY
REGARDING COMPLIANCE WITH
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT
FOR THE
DTE GAS COMPANY GAS RENEWAL PROGRAM**

Invited Signatory:

DTE Gas Company



05/02/2025

Name: Fadi Mourad, P.E.

Date

Title: Director, Environmental Strategy

FINAL

LIST OF APPENDICES

APPENDIX A: LIST OF CONSULTING PARTIES

APPENDIX B: SECTION 106 REVIEW PROCESS FRAMEWORK

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APPENDIX D: STANDARD RESOLUTION MEASURES FOR ADVERSE EFFECTS

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APPENDIX A
LIST OF CONSULTING PARTIES

LIST OF PARTICIPATING SECTION 106 CONSULTING PARTIES

The following entities accepted the DOE LPO invitation to be a consulting party to the NHPA Section 106 review of the DTE Gas Renewal Program.

Entity, Government, or Organization	Level of Participation
City of Ann Arbor	Consulting Party (with option to sign as Concurring Party)
City of Escanaba	Consulting Party (with option to sign as Concurring Party)
City of Grand Rapids	Consulting Party (with option to sign as Concurring Party)
City of Muskegon	Consulting Party (with option to sign as Concurring Party)
City of Ypsilanti	Consulting Party (with option to sign as Concurring Party)
DTE Gas Company (Applicant)	Invited Signatory
Forest County Potawatomi Community, Wisconsin	Consulting Party (with option to sign as Concurring Party)
Michigan State Historic Preservation Officer (SHPO)	Signatory

Only the lead federal agency, the affected SHPO (and/or THPO if on Tribal Lands), and the ACHP (if participating) may be *Signatories* to a PA. For this PA, the Signatories include the DOE LPO and the SHPO.

Certain parties that assume additional responsibilities under the PA in addition to the standard consultative role may be invited to sign the PA as *Invited Signatories*. For this PA, the Applicant (DTE Gas Company) is an Invited Signatory.

All other consulting parties have the option to sign the PA as a *Concurring Party*, but doing so is not an obligation of any consulting party, nor is it required to execute the PA. Concurring Parties have only agreed to the terms outlined in the PA; it is understood that their participation does not necessarily imply an endorsement of the Undertaking. The Participating Tribe and other parties consulting under Section 106 may decline to sign the PA; however, the decision not to sign shall not preclude their continued or future participation as Consulting Parties to this Undertaking in accordance with the Stipulations of this PA.

LIST OF INVITED SECTION 106 CONSULTING PARTIES

The following is a list of entities that the DOE LPO contacted in October 2024, inviting them to be a consulting party to the NHPA Section 106 review of the DTE Gas Renewal Program.

Entity, Government, or Organization
<i>Federally Recognized Tribes (31)</i>
Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin
Bay Mills Indian Community
Fond du Lac Band of the Minnesota Chippewa Tribe
Forest County Potawatomi Community, Wisconsin
Grand Portage Band of the Minnesota Chippewa Tribe
Grand Traverse Bay Band of Ottawa and Chippewa Indians
Hannahville Indian Community, Michigan
Ho-Chunk Nation of Wisconsin
Keweenaw Bay Indian Community, Michigan
Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan
Lac du Flambeau Tribe, Lac du Flambeau Band of Lake Superior Chippewa Indians
Leech Lake Band of the Minnesota Chippewa Tribe
Little River Band of Ottawa Indians, Michigan
Little Traverse Bay Bands of Odawa Indians, Michigan
Match-e-be-nash-she-wish Band of Potawatomi Indians of Michigan (Gun Lake)
Menominee Indian Tribe of Wisconsin
Miami Tribe of Oklahoma
Mille Lacs Band of Ojibwe (The Mille Lacs Band of the Minnesota Chippewa Tribe Mille Lacs Band of Ojibwe)
Minnesota Chippewa Tribe
Nottawaseppi Huron Band of the Potawatomi
Ottawa Tribe of Oklahoma
Pokagon Band of Potawatomi Indians, Michigan and Indiana
Prairie Band Potawatomi Nation
Prairie Island Indian Community in the State of Minnesota
Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin
Red Lake Band of Chippewa Indians, Minnesota
Saginaw Chippewa Indian Tribe of Michigan
Sault Ste. Marie Tribe of Chippewa Indians, Michigan
Seneca-Cayuga Nation
Sokaogon Chippewa Community, Wisconsin
White Earth Band of Minnesota Chippewa
<i>Federal Agencies (1)</i>
U.S. Advisory Council on Historic Preservation
<i>State Agencies (1)</i>
Michigan State Historic Preservation Officer

Entity, Government, or Organization
<i>Certified Local Governments (16)</i>
Canton Township
City of Ann Arbor
City of Charlevoix
City of Detroit
City of Escanaba
City of Evart
City of Flat Rock
City of Franklin
City of Grand Rapids
City of Highland Park
City of Livonia
City of Manistee
City of Muskegon
City of Saline
City of Ypsilanti
Washtenaw County
<i>Non-Governmental Organizations (4)</i>
Conference on Michigan Archaeology
Historical Society of Michigan
Inter-Tribal Council of Michigan, Inc.
Michigan Historic Preservation Network

APPENDIX B

SECTION 106 REVIEW PROCESS FRAMEWORK

Step One: Data Transfer

The Applicant will provide Atwell, LLC (“Atwell”), whom the Applicant contracted with to provide Cultural Resources consulting services, data for all Undertakings anticipated for an upcoming year. Data to include, at a minimum, addresses, Undertaking scopes, and spatial data for relevant Undertaking infrastructure (including mains, service lines, and gas meters to be replaced or moved out).

Step Two: Exemptions Review

Atwell will review the upcoming year's Undertakings to determine if any meet the qualifying criteria for exemption from review under the PA. Exempted Undertakings will not carry forward for more detailed background research in the next step, but will be enumerated in the Lookahead Report and will be recorded for year-end reporting to the DOE LPO.

Step Three: Desktop Study – Draft Lookahead Report

The draft Lookahead Report will be a consolidated report that summarizes each Undertaking planned for the following year, to be prepared by the Applicant and submitted to the SHPO and Consulting Parties on a periodic basis (e.g., quarterly, semiannual, or annual) in accordance with Stipulation I.C of the PA.

Documentation in the Lookahead Report for Undertakings that meet the criteria for exemption will consist of data tables or similarly formatted syntheses of relevant Undertaking activities and applicable exemption criteria. Data to be presented may include an identifier, location, and type(s) of Undertaking activities, applicable exemption criteria, and exemption rationale.

Atwell will conduct desktop research and prepare documentation in the Lookahead Report for Undertakings that are not exempt, to include:

- a. A description of the proposed Undertaking activities;
- b. A description and maps of the APE (including direct and indirect effects) as defined in accordance with 36 C.F.R. § 800.16(d) and pursuant to Stipulation V of the PA;
- c. A description of the methods used to identify historic properties (i.e., information sources utilized for desktop review);
- d. A list and description of previously recorded cultural resources and cultural resource surveys within a 1-mile radius of the APE and within or immediately adjacent to the APE using data available from the SHPO, the NRHP, and other repositories as appropriate;
- e. The known NRHP status or previously proposed NRHP eligibility recommendations for each resource identified;
- f. Proposed avoidance, minimization, and mitigation measures for known historic properties in the APE that may be adversely affected without application of such measures;
- g. A characterization of the potential for the presence of unrecorded cultural resources;

- h. A summary of consultation efforts to identify other cultural resources or consulting party concerns; and
- i. Recommendations for additional cultural resources work, as appropriate.

Step Four: Consulting Party Review Period

Atwell will submit the draft Lookahead Report to the SHPO and Consulting Parties for review. In accordance with Stipulation III of the PA, a *Standard Review* period is 30 calendar days. Stipulation III allows for optional requests for *Expedited Review* (15 days) and allows for the SHPO and Consulting Parties to request extensions if necessary (up to 15 additional days).

Step Five: Desktop Study - Final Lookahead Report

Atwell will produce a final Lookahead Report revised in accordance with SHPO comments on the APE, sufficiency of the research, recommendations for additional work, etc. Other Consulting Parties' comments would be taken under advisement and incorporated as appropriate. Consultations will be summarized in the consultation efforts section of the document. The final study will be distributed to the SHPO and Consulting Parties.

Contingency 1: New Undertakings

- If a new Undertaking is put forward for consideration after the Lookahead Report is finalized, Atwell will prepare a memo that includes all of the information included in Step 3. Atwell will then submit the draft memo to the SHPO and Consulting Parties for a 30-day review period, with the option for a shorter timeframe if an expedited review can be achieved in accordance with Stipulation III of the PA. Atwell will finalize the memo in accordance with Step 5. Depending on the volume of new Undertakings and as suits the Applicant's workflow and construction timelines, new Undertakings may be consolidated in a larger report submitted to the SHPO and Consulting Parties on a quarterly or other basis, rather than as "one off" memos.

Contingency 2: Significant Redesigns

- If there are any changes to an APE, potential cultural resource impacts, and/or recommendations for further work after the Lookahead Report is finalized, Atwell will prepare a memo that summarizes the changes and impacts. That memo will then be submitted and finalized in accordance with the process outlined in Contingency 1, above.

Step Six: Annual Retrospective Report

In accordance with Stipulation XI of the PA, by January 31 for each year of the duration of this PA, the Applicant will submit the Retrospective Report for Undertakings completed during the prior calendar year. The Retrospective Report will summarize the number of Undertakings, the reviews conducted under the PA, the findings of effect, consultation to resolve adverse effects and implementation of any measures to resolve adverse effects, and any additional consulting parties.

APPENDIX C

PROGRAMMATICALLY EXEMPTED ACTIVITIES

The Signatories agree that the certain Undertaking activities do not have the potential to affect historic properties or have limited potential to cause adverse effects to historic properties, assuming such historic properties are present. Therefore, in accordance with Stipulation IV of the PA, no further Section 106 review is required for these activities once the qualifying criteria for exemption, as outlined in this Appendix C (the “Qualifying Criteria for Exemption”), have been appropriately documented by the Applicant and submitted to and approved by the SHPO. The Applicant will document how an Undertaking, or certain Undertaking activities, meets the Qualifying Criteria for Exemption in the Lookahead Reports submitted to the SHPO and Consulting Parties pursuant to Stipulation I.C and Stipulation V of the PA.

The exemption criteria outlined in this Appendix C shall not apply to any Undertaking activities requiring ground disturbance occurring within a half-mile (0.5-mile) of the Grand River in Grand Rapids and which intersect a previously recorded archaeological site. Such Undertakings will at a minimum require an archaeological desktop review be submitted to the SHPO in accordance with Stipulation I.C and Stipulation V of the PA.

Qualifying Criteria for Exemption

The prior installation of legacy infrastructure through traditional trench excavation methods would have entailed ground disturbance of a six (6)-foot-wide trench to depths typically ranging three (3) to six (6) feet below grade. Therefore, the **zone of prior disturbance** resulting from the installation of legacy infrastructure is considered to be the horizontal area within a six (6)-foot-wide corridor centered on the legacy pipeline (i.e., within three [3] feet on either side of the location of legacy pipeline), and the vertical area between the ground surface and the legacy pipeline, which is typically three (3) to six (6) feet below grade, within the six (6)-foot-wide corridor centered on the legacy pipeline. If the Applicant utilizes any criteria below that cite the **zone of prior disturbance** to exempt an Undertaking, they will include documentation in the Lookahead Report to support the application of the exemption criteria to the Undertaking that may include maps of the relevant legacy infrastructure and tabular data on legacy infrastructure's location, depth, and dimensions, if known.

The majority of Undertaking activities involve Horizontal Directional Drilling (“HDD”) that will entail disturbances ranging from four (4) to fourteen (14) inches in diameter along routes designed to be located as close to legacy infrastructure as possible. Undertaking activities restricted to the **zone of prior disturbance** are exempt from further Section 106 review as outlined below.

I. Retirement of Legacy Natural Gas Distribution Infrastructure

- A. Legacy infrastructure that will be abandoned in-place will not require ground disturbance or the addition of new above-ground infrastructure. Abandonment in-place has no potential to affect historic properties, and therefore this Undertaking activity is exempt from further review under this PA.

- B. Removal of legacy infrastructure requiring trench excavation is exempt from further review under this PA only when the limits of disturbance (the “LOD”) necessary for the extraction of the legacy pipeline are restricted to the **zone of prior disturbance**.

II. Installation of New Gas Distribution Infrastructure

- A. New infrastructure installation activities involving ground disturbance are exempt from further review under this PA when the LOD is entirely restricted to the **zone of prior disturbance**. This includes:
 - 1. HDD routes that are within three (3) feet horizontally of legacy infrastructure and will not exceed the depth of the legacy infrastructure.
 - 2. Surface bore pit locations for HDD entrance and exit holes that are within three (3) feet horizontally of legacy infrastructure.
 - 3. Installations requiring traditional trench excavation in lieu of HDD that are within three (3) feet horizontally of legacy infrastructure and will not exceed the depth of the legacy infrastructure.
 - 4. Service line to mainline tie-ins and mainline-to-mainline connections requiring traditional excavation that are located within three (3) feet horizontally of legacy infrastructure and will not exceed the depth of the legacy infrastructure.
- B. Surface bore pit or shallow hand-excavation locations for HDD exit holes necessary for service line to meter tie-ins are exempt from further review.
- C. HDD depths exceeding three (3) feet below grade are considered physically below the depth of preservation for most intact cultural deposits and below the depth achieved through conventional archaeological investigative methods. Therefore, HDD routes greater than three (3) feet below grade are exempt from further review under this PA, unless the routes are within an alluvial setting where cultural deposits could be encountered below a depth of three (3) feet.
- D. “Potholing” to expose other existing subsurface utilities during construction in order to maintain clearance and avoid damage to underground facilities during HDD installation activities is exempt from further review under this PA.
 - 1. HDD installation of new infrastructure that occurs within the vicinity of other existing subsurface utilities require that the existing utilities be periodically exposed via excavation to ensure the new infrastructure does not conflict with existing utilities. The method of exposure is referred to as “potholing.” Potholing is required by code whenever new infrastructure is within forty-eight (48) inches plus half the diameter of an existing utility. Potholing involves removing an approximately nine (9)-inch-diameter soil column from the ground surface to the top of the existing utility via a vacuum truck. Potholing intervals are determined in the field and are conducted to the minimum extent necessary to ensure that new infrastructure maintains proper clearance from existing utilities. Potholing will typically occur within previously disturbed soils overlying the existing utilities, as most of the existing utilities requiring exposure are large enough to have required installation via mechanical trenching (e.g., water and sewer mains). Because potholing requires minimal ground disturbance and occurs only above existing

utilities, there is minimal potential for this activity to adversely affect historic properties. Furthermore, areas to be potholed could not be archaeologically surveyed safely, and archaeological monitoring would be ineffective because the soil is vacuumed into a truck and the resulting hole is too small for adequate archaeological inspection. Therefore, potholing is exempt from further review under this PA.

- E. If an Undertaking activity involving ground disturbance (HDD or trench excavation) occurs within a known historic district that is significant for historic streetscapes with features such as mature trees, original curbs, brick streets, or other distinctive objects or landscape features, and the district is subject to local historic preservation commission (or similar) guidelines and/or review boards, the Applicant commits to conduct the activity in accordance with commission rulings, design guidelines to avoid or minimize impacts, and/or any agreements the Applicant may enter into, or may have already entered into, with local municipalities (e.g., Memoranda of Understanding) regarding adherence to local historic preservation requirements. In the absence of such local historic preservation commission requirements, the Applicant commits to implementing the following measures to avoid or minimize potential adverse effects, and the activity will be exempt from further review:
1. In-kind repair or replacement of rights-of-way, streets, private property, or landscape features is conducted; and,
 2. Any trees that will be removed as part of an Undertaking will be replaced with trees that are at least two and one half (2.5) inches in diameter, and that consist of varieties chosen because of their survival rate, growth rate, and their ability to create a canopy over the roadway.

III. Additional Exemption Criteria for Undertakings Involving Ground Disturbance

If an Undertaking involving ground-disturbing activities does not meet the Qualifying Criteria for Exemptions I or II above (e.g., if the LOD extends beyond the **zone of prior disturbance**), the Undertaking will be slated for standard review and included in the Lookahead Report for submittal to the SHPO and Consulting Parties pursuant to Stipulation I.C and Stipulation V of the PA. However, if the following conditions are met as a result of the desktop research included in the Lookahead Report, the Applicant will note in the Lookahead Report the conditions that apply and include a recommendation that no further review is required for the archaeological portion of an Undertaking:

- A. If there are no known historic properties within the APE (i.e., buildings, districts, objects, structures, defined sites, or cultural landscapes that are 50 years of age or older, or that will not become 50 years of age by the completion of the Undertaking, and that are not listed in or previously determined eligible for inclusion in the NRHP);

AND

- B. Previously Surveyed - The archaeological portion of the APE (as defined in Stipulation V.A.1.a of this PA) was intensively surveyed within ten (10) years prior to the current Undertaking using modern techniques meeting SHPO standards for the purposes of a previous Section 106 review, and was determined by the federal agency not to contain

archaeological sites that are NRHP-listed, eligible, or unevaluated, and this finding was accepted by the SHPO.

OR

- C. Profoundly Disturbed - The APE outside of the legacy infrastructure's zone of prior disturbance has been profoundly disturbed. Profound disturbance as it relates to the APE means when a past activity or activities has/have physically altered the three-dimensional APE of an Undertaking in its entirety to the point where there is no potential for an archaeologically significant property (including precontact, post Euro-American contact sites, and historical archaeological sites in both rural and urban areas) to remain intact. This may include prior disturbance related to other existing subsurface utilities as described below:
1. Areas outside of the legacy infrastructure's **zone of prior disturbance** where the APE overlaps or intersects other existing subsurface utilities may be considered profoundly disturbed and are exempt from further review under this PA. The **existing utilities buffer** is defined as a horizontal area measuring eighteen (18) inches to either side of the marked location of an existing utility—with a total width of no less than thirty-six (36) inches—and extending from the ground surface to the depth of the existing utility.
 - a. The installation of existing utilities would have entailed prior ground disturbance, and the dimensions of the **existing utility buffer** defined above reference Section 460.723 of Michigan Public Act 174 of 2013, the "MISS DIG Underground Facility Damage Prevention and Safety Act". This statute defines the "approximate location of underground facilities" as "a strip of land at least 36 inches wide but not wider than the width of the facility plus 18 inches on either side of the facility marks."
 - b. The locations of existing subsurface utilities would typically be excluded from archaeological surveys due to safety reasons, and archaeological monitoring would be ineffective since the activities near existing facilities would not entail visible ground disturbance (e.g., HDD). Visible ground disturbance near existing facilities will likely be limited to potholing as discussed in Exemption II.D above, in which a vacuum truck is used to remove an approximately nine (9)-inch-diameter soil column from the ground surface to the top of the existing utility to verify the location of the existing underground facility. Archaeological monitoring in such cases would be ineffective as the soil is vacuumed into a truck and the resulting hole is too small for adequate archaeological inspection.
 2. Documentation required to demonstrate profound disturbance must include a description of the cause of the disturbance (i.e., construction of a gas line, road, etc.), the method for disturbance (e.g., trenching, grading), and the extent of disturbance (e.g., depth, square footage), if known.

IV. Meter Move-outs Involving Historic Architectural Resources

When conducting meter move-outs, the Applicant will abide by all applicable Federal, state, and local code requirements, including those provided in [49 CFR Part 192, "Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards"](#), and those governing

meter placement on the exterior of buildings in Section R 460.20308 of the [Michigan Gas Safety Standards Guide](#). Where it does not conflict with the foregoing requirements or any other codes relating to this infrastructure, the Applicant will commit to the following measures to mitigate potential adverse effects to historic properties. If the following conditions are met, the meter move-out Undertaking activity will be considered exempt, and no further review is required for the architectural portion of an Undertaking:

- A. The Undertaking will involve a building of any type that is less than 50 years old and that is not listed in or previously determined eligible for the NRHP, and all work conducted as part of the Undertaking will be completed before the building becomes 50 years old.
- B. The APE has been surveyed by a qualified professional architectural historian within the ten (10) years prior to the current Undertaking, was determined not to contain historic properties, and the finding was accepted by the SHPO.
- C. The Undertaking will involve a building that is at least 50 years old, and the Applicant commits to placing the new meter on the rear or side elevation of the building.
- D. Meters will only be placed on a building's façade if there are no feasible alternatives. If a meter must be placed on the façade or street-facing elevation of a building that is at least 50 years old, the Applicant will implement the following measures to avoid or minimize potential adverse effects, and the activity will be exempt from further review:
 - 1. The Applicant commits to placing meters so as to avoid covering windows or other distinguishing or character-defining architectural details (e.g., decorative masonry, lintels, sills, surrounds).
 - 2. The Applicant will minimize or negate meters' visibility from the public right-of-way by placing them in areas out of view (e.g., side or rear elevations, window wells, under stairs, behind vegetation) and/or below the public line-of-sight (e.g., below a building's belt course, within a basement areaway) to the extent feasible and in accordance with code, maintenance, and operational requirements.
- E. In circumstances when the Undertaking does not meet the criteria for Exemption IV.A, IV.B. or IV.C above, and the Applicant cannot implement the avoidance and minimization measures required to meet Exemption IV.D above, the SHPO will conduct a standard review of a meter move-out if:
 - 1. The Undertaking involves placement of a new meter on the façade or street-facing elevation of any individual historic property or unevaluated building that is at least 50 years old,
 - 2. The Undertaking involves placement of a new meter on the façade or street-facing elevation of any unevaluated buildings within a previously established historic district that date to the district's period of significance.
 - 3. The Undertaking occurs within a previously listed or determined NRHP-eligible historic district and results in new meters being placed on the façades of fifty (50) percent or more of buildings sharing the same street frontage on a contiguous block.
- F. If the Undertaking will involve meter move-outs within a known historic district subject to local historic preservation commission (or similar) guidelines and/or review

boards, the Applicant commits to conduct the meter move-outs in accordance with commission rulings, design guidelines to avoid or minimize any visual impacts, and/or any agreements the Applicant may enter into, or may have already entered into, with local municipalities (e.g., Memoranda of Understanding) regarding the meter move-out program and local historic preservation requirements. Such Undertakings may also meet the exemption criteria outlined above; however, local historic preservation commission guidelines and/or agreements do not supersede the SHPO's role in Section 106, and an Undertaking will undergo standard review if it does not meet the criteria for Exemptions IV.A, IV.B., IV.C. or IV.D above, or if the Undertaking presents a circumstance for standard review outlined in Section IV.E above.

Appendix C – Programmatically Exempted Activities Reference Table

Activity	Exemption Status (Criteria if applicable)
Section I. Retirement of Legacy Gas Distribution Infrastructure	
Abandonment in place of legacy infrastructure with no ground disturbance	Exempt (Criterion I.A)
Removal of legacy infrastructure via excavation with LOD restricted to the zone of prior disturbance	Exempt (Criterion I.B)
Removal of legacy pipe via excavation with LOD outside of zone of prior disturbance	Not Exempt
Section II. Installation of New Gas Distribution Infrastructure	
HDD routes within the zone of prior disturbance (located within 3 feet horizontally of legacy infrastructure and not exceeding the depth of legacy infrastructure)	Exempt (Criterion II.A)
Surface bore pit locations for HDD entrance and exit holes that are within the zone of prior disturbance (located within 3 feet horizontally of legacy infrastructure)	Exempt (Criterion II.A)
Installations requiring traditional trench excavation in lieu of HDD that are restricted to the zone of prior disturbance (located within 3 feet horizontally of legacy infrastructure and will not exceed the depth of the legacy infrastructure)	Exempt (Criterion II.A)
Service line to mainline tie-ins and mainline-to-mainline connections requiring traditional excavation that are restricted to the zone of prior disturbance (located within 3 feet horizontally of legacy infrastructure and will not exceed the depth of the legacy infrastructure)	Exempt (Criterion II.A)
Surface bore pit of shallow hand-excavation locations for HDD exit holes necessary for service line to meter tie-ins	Exempt (Criterion II.B)
HDD depths exceeding three (3) feet below grade	Exempt (Criterion II.C)
“Potholing” to expose the location of other existing subsurface utilities during HDD installation of new infrastructure in order to maintain clearance and avoid damage to existing underground facilities during construction	Exempt (Criterion II.D)
Undertaking activities involving ground disturbance (HDD or trench excavation) within a known historic district with significant streetscape features and the Applicant commits to in-kind repair or replacement of distinctive historic features such as original curbs, brick streets, etc., and replacing mature trees with trees that are at	Exempt (Criterion II.E)

Activity	Exemption Status (Criteria if applicable)
least two and one half (2.5) inches in diameter, and that consist of varieties chosen because of their survival rate, growth rate, and their ability to create a canopy over the roadway	
Undertaking activities involving ground disturbance when the LOD includes area outside of the zone of prior disturbance	Not Exempt (proceed to evaluation of Exemption Criteria III)
Section III. Additional Exemption Criteria for Undertakings Involving Ground Disturbance	
<p>If Exemptions I or II do not apply and an Undertaking proceeds to desktop review, and that review reveals:</p> <p>A. There are no known historic properties within the APE; and</p> <p>B. The archaeological portion of the APE was intensively surveyed within ten (10) years prior to the current Undertaking for the purposes of a previous Section 106 review, and was determined by the federal agency not to contain archaeological historic properties, and this finding was accepted by the SHPO.</p>	Exempt (Criteria III.A and III.B)
<p>If Exemptions I or II do not apply and an Undertaking proceeds to desktop review, and that review reveals:</p> <p>C. the APE is profoundly disturbed to the point where there is no potential for an archaeologically significant historic property to remain intact, and appropriate documentation of such disturbance is provided to the SHPO</p>	Exempt (Criterion III.C)
Section IV. Meter Move-outs Involving Historic Architectural Resources	
The Undertaking will involve a building of any type that is less than 50 years old and that is not listed in or previously determined eligible for the NRHP, and all work conducted as part of the Undertaking will be completed before the building becomes 50 years old	Exempt (Criterion IV.A)
The APE has been surveyed by an architectural historian meeting the Professional Qualifications within ten (10) years prior to the current Undertaking, was determined not to contain historic properties, and the finding was accepted by the SHPO	Exempt (Criterion IV.B)

Activity	Exemption Status (Criteria if applicable)
The Undertaking will involve a building that is at least 50 years old, and the Applicant commits to placing the new meter on the rear or side elevation of the building	Exempt (Criterion IV.C)
The Undertaking will involve a building that is at least 50 years old, and the Applicant <u>must</u> place the new meter on the building's façade or street-facing elevation, and the Applicant commits to placing meters so as to avoid covering windows or other distinguishing or character-defining architectural details (e.g., decorative masonry, lintels, sills, surrounds) and minimizing or negating meters' visibility from the public right-of-way by placing them in areas out of view (e.g., side or rear elevations, window wells, under stairs, behind vegetation) and/or below the public line-of-sight (e.g., below a building's belt course, within a basement areaway) to the extent feasible and in accordance with code, maintenance, and operational requirements	Exempt (Criterion IV.D)
The Applicant cannot implement the avoidance and minimization measures required to meet Exemption IV.D and the Undertaking involves placement of a new meter on a façade or street-facing elevation of any individual historic property or unevaluated building that is at least 50 years old	Not Exempt
The Applicant cannot implement the avoidance and minimization measures required to meet Exemption IV.D and the Undertaking involves placement of a new meter on the façade or street-facing elevation of an unevaluated building within a previously established historic district that dates to the district's period of significance	Not Exempt
The Applicant cannot implement the avoidance and minimization measures required to meet Exemption IV.D and the Undertaking involves meter move-outs that occur within a previously listed or determined NRHP-eligible historic district and the Undertaking results in new meters being placed on the façades of fifty (50) percent or more of buildings on a contiguous block	Not Exempt

APPENDIX D

STANDARD RESOLUTION MEASURES FOR ADVERSE EFFECTS

To resolve adverse effects, the DOE LPO, the SHPO, and the Applicant may develop and execute a Memorandum of Agreement (“MOA”) that includes one or more of the following Standard Resolution Measures, as may be modified to a particular activity, with the concurrence of all parties, for Undertakings determined to have an adverse effect on listed or eligible historic properties. The ACHP will not be a party to these MOAs. However, the Applicant must submit a copy of each signed MOA to the SHPO and the ACHP within thirty (30) days after it is signed by the Applicant and the SHPO.

1. Architectural Recordation

- a. Individual Historic Property: the Applicant will ensure that the historic property is recorded prior to its alteration in accordance with methods or standards established in consultation with the SHPO. The SHPO will identify appropriate archive locations for the deposit of recordation materials and the Applicant will be responsible for submitting required documentation to identified archive locations. The Applicant and the SHPO may mutually agree to waive the recordation requirement in situations where the integrity of the building has been compromised or other representative samples of a similar historic resources has been previously recorded.
- b. Historic District and/or Multiple Historic Properties: the Applicant will conduct architectural reconnaissance survey of the affected neighborhood or historic district. The scope of such survey will be determined in consultation with the SHPO and applicable Consulting Parties.

2. Architectural Rehabilitation

The Applicant will ensure that the treatment of historic properties meets the Secretary of the Interior’s Standards for Rehabilitation or SHPO approved design guidelines, and is carried out in accordance with treatment plans agreed upon by the Applicant, the SHPO, and Consulting Parties, and are incorporated in the final plans and specifications. The final plans and specifications will be approved by the SHPO prior to initiating the Undertaking.

3. Archaeological Mitigation

In cases where the Undertaking will cause unavoidable adverse effects to NRHP eligible archaeological properties, the Applicant will consult with the SHPO and the Participating Tribe, as appropriate, to determine whether data recovery or another mitigation measure is in the public interest. If data recovery is the agreed upon mitigation measure, the Applicant will consult further with the SHPO and the Participating Tribe, as appropriate, to develop and implement a data recovery plan for those portions of the historic property that will be adversely affected. The data recovery plan will:

- be based on firm background data, sound planning, and accepted archaeological methods;

- be consistent with applicable State laws and regulations;
- be accomplished in a thorough, efficient manner, using the most cost- effective techniques practicable;
- provide for appropriate curation of archeological materials and records;
- provide for reporting and interpretation of what has been learned in a format understandable and accessible to the public; and,
- be consistent with the National Park Service's Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines (at: http://www.nps.gov/history/local-law/arch_stnds_7.htm), and will take into account the ACHP's publications, Recommended Approach for Consultation on Recovery of Significant Information from Archeological Sites (1999), ACHP Section 106 Archaeology Guidance (at: <http://www.achp.gov/archguide/>), and any archaeological guidance issued by the SHPO.

4. Alternative Mitigation Measures

The measures provided in this section are examples of supplemental or alternative strategies for mitigation, to be developed for specific historic properties in consultation with the SHPO, the Participating Tribe, and the Consulting Parties. Details of the content of any mitigation measures described will be developed in consultation. In addition to any example measures documented in this Appendix D, other measures may be considered that would be specifically outlined in each Undertaking's MOA to minimize the adverse effect where possible, reasonable, and appropriate. The following describes other potential mitigation approaches for adverse effects on historic properties:

A. Public Education Measures include the development of information designed to educate the public about the cultural resource in question or developing broader measures that include a creative approach to educating the community about aboveground cultural resources affected via a landscape approach. When deemed appropriate through consultation, public education measures addressing multiple cultural resources may be developed using a thematic perspective that may address historic properties in the context of a broader historic built environment landscape in addition to providing information on individual properties. The scope of these efforts will be developed in consultation with the SHPO, the Participating Tribe, and the Consulting Parties. These may include the following:

- Interpretive Displays or Signage
- Presentations or Public Outreach Programs
- Books or Periodicals
- Storyboards or Story Maps
- Websites or Mobile Applications
- Heritage Trails or Walking Tours
- Events

B. Community-Focused Measures include efforts to provide community access to cultural resources or to assist in preserving or restoring historic communities and landscape features. The scope of these efforts will be developed in consultation with the SHPO, the Participating Tribe, and the Consulting Parties. These may include the following:

- Ethnobotanical/First Foods Plant Survey and Revegetation
- Restoration of Traditional Fishing Habitats
- Plant Gathering or Field Trips
- Youth Opportunities, such as funding elder-youth engagement programs or culture camps to facilitate the transmission of cultural information
- Site Accessibility for Non-Public Lands
 - This pertains to arranging site access agreements between Tribal Nations and private landowners for the purposes of Tribal education and fostering of traditional cultural and/or ecological practices.
- Coastal Resiliency/Climate Action
- Support for certification and training in related fields for community members

C. Documentation and Other Measures include efforts to document historic properties, landscapes, communities, or other features. The scope of these efforts will be developed in consultation with the SHPO, the Participating Tribe, and the Consulting Parties. These may include the following:

- Digital Modeling
- Historical Context Statements/Narratives
- Oral History and Ethnographic Recordation
- National Register of Historic Places or National Historic Landmark Nominations
- Cultural Landscape Inventory or Reports
- Articles for Publication in Peer-Reviewed Journals
- Site Patrol to Prevent Vandalism and Looting and Monitor Recreational Use

APPENDIX E

UNANTICIPATED DISCOVERIES PLAN

(See following pages, in which Section 5: Key Contacts in the Event of an Unanticipated Discovery will be updated to reflect all applicable county contacts.)



MEMORANDUM

To: DTE Gas Company

From: Atwell, LLC

Date: August 15, 2024

Re: DTE Gas Renewal Program – Cultural Resources Unanticipated Discoveries Plan

1 INTRODUCTION

Atwell, LLC (Atwell) was contracted by DTE Gas Company (DTE) to provide a Cultural Resources Unanticipated Discoveries Plan (UDP). The UDP outlines the procedures that DTE and their contractors will follow in the event that previously undocumented cultural resources, including archaeological sites and possible human remains, are located during construction activities.

Adherence to the UDP will assist DTE in complying with applicable state and federal statutes and policies regarding the protection and treatment of historic properties and human remains. Historic properties are any precontact or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places. The UDP complies with industry best practices and Michigan law, including Michigan Compiled Laws Chapter 750 Act 328 Sections 750.160 and 750.387 as well as Michigan Administrative Code R325.8051 Rule 1.

2 TRAINING AND ORIENTATION

Construction supervisors and construction compliance monitors will be trained in the basic recognition of human remains and evidence of cultural material that may be encountered during construction, and the procedure to follow in the event that an unanticipated discovery is made.

A contact list of individuals and telephone numbers for communication with DTE and Atwell when a potential unanticipated discovery is encountered is provided in Sections 5 of this UDP. Implementation of this UDP is the responsibility of the construction supervisor and construction compliance monitor until the arrival of Atwell on-site personnel or until case specific instructions are received from DTE. The construction compliance monitor will provide UDP training to foremen and all operators of equipment involved in grading, stripping, and trenching activities. Specifically,

the construction supervisor and construction compliance monitor will direct all operators of equipment involved in grading, stripping, or trenching activities to:

1. Stop work immediately and contact the construction supervisor if they observe any cultural materials including artifacts or other human-made features, animal bone, or human bone.
2. Contact DTE as soon as possible if the construction supervisor or construction compliance monitor is not available.
3. Comply with unanticipated discovery procedures.
4. Treat human remains with dignity and respect.

3 PROCEDURE WHEN CULTURAL MATERIAL IS OBSERVED

Examples of pre-historic period cultural materials that may be encountered include human-made objects such as prehistoric pottery, chipped stone tools and waste flakes, or other remains or human activity. Historic period cultural materials may include bottle or can dumps, old farm equipment, walls, water wells, cisterns, paved surfaces, or other remains of human activity that are 50 years old or older.

The following procedures shall be followed if potential cultural resources are encountered during Project construction.

1. Personnel will stop work in the immediate vicinity of the observed cultural material.
 - a. The construction supervisor or construction compliance monitor will be notified immediately of the observation.
 - b. If the construction supervisor or construction compliance monitor believes that an unanticipated discovery has been made, the following steps will be taken:
 - i. All ground disturbing activities within a minimum of 100 feet of the discovery (stop-work zone) will be immediately suspended by the construction supervisor.
 - ii. The boundaries of the stop-work zone will be clearly marked with flagging or fencing and secured against further damage or removal of cultural materials.
 - iii. Movement of equipment or vehicles will be minimized within the stop-work zone.
2. The construction supervisor will immediately notify DTE within 4 hours of the discovery. See Section 5 for contact details. If possible, photographs of the discovery and location information (i.e., GPS coordinates) should be provided as part of notification.

3. DTE will immediately notify Atwell within 4 hours of the discovery. See Section 5 for contact details. If possible, photographs of the discovery and location information (i.e., GPS coordinates) should be provided as part of notification. Atwell will verify the find and initiate agency contact.
 - a. Atwell will be provided the opportunity to inspect any exposed or displaced materials at the location of the discovery, and any material removed from the location immediately before the discovery was noted, within 24 to 48 hours of the find.
 - b. If Atwell determines that the discovery is not a cultural resource, Atwell will immediately notify DTE and the construction supervisor who has authority to remove the stop-work order. Atwell will submit an internal letter report including photographs of the discovery site to DTE within 30 business days.
 - c. If Atwell determines that the discovery is a cultural resource, Atwell will immediately notify DTE and the construction supervisor and begin the process of evaluating the significance of the resource.
4. Notification to Michigan State Historic Preservation Office (SHPO) and Determination of Significance:
 - a. If the discovery is a cultural resource that qualifies as a historic property or a potential historic property, Atwell will document the discovery following the State of Michigan documentation standards. Atwell will also assist DTE in notifying the SHPO of the discovery by telephone. The telephone conversation will include a description of the discovery and discussion regarding the plan for evaluating the significance of the resource. A formal written plan memorializing the results of the telephone discussion will be submitted to the SHPO within (2) two to (3) three business days of the telephone conversation. The plan will include a description of the materials found, methods of evaluation, and an invitation for the SHPO to observe the implementation of any proposed work.
 - b. Following telephone approval of the plan by the SHPO, Atwell will complete the evaluation per the agreed upon scope of work.
 - c. Atwell will prepare a written report of the evaluation as soon as possible following completion of the fieldwork. The written report will be provided to DTE for review prior to submission to the SHPO. If the discovery is not significant, the report will request concurrence by the SHPO for construction to recommence. If the discovery is determined to be significant and cannot be avoided by the Project, Atwell will include a proposal for further treatment as part of the report. If construction will not impede implementation of the proposed treatment measures, the proposal for further treatment will be accompanied by a request for concurrence that construction in the area of the discovery may resume.

5. Request Agency Concurrence:

- a. Upon submission of the report, the DTE or Atwell will schedule a meeting in person or by telephone with the SHPO to discuss the potential significance of the resource, and potential effects on the resource resulting from Project activities.
- b. Upon review of the findings, the SHPO will either concur with the determination of "not significant" or evaluate the recommendation for further treatment.

4 PROCEDURE WHEN HUMAN REMAINS AND/OR POTENTIALLY HUMAN SKELETAL MATERIAL ARE OBSERVED

The term "human remains" refers to any piece or component of a human body, including any amount of human bone, hair, or teeth, as well as soft tissues of any kind. It is important to remember that any human remains and the context in which they are found could be evidence in a criminal investigation. Additionally, Michigan Compiled Laws Chapter 750 Act 328 Section 750.160 states that any person, not being lawfully authorized so to do, who shall willfully dig up, disinter, remove, or convey away a human body, or the remains thereof, from the place where the body may be interred or deposited, or who shall knowingly aid in such activities, shall be guilty of a felony, punishable by imprisonment for not more than 10 years, or by fine of not more than \$5,000.00.

If any human remains or suspected human remains are found during construction, the following procedures must be observed:

1. All employees and contractors are to treat the remains with respect.
2. Work within the vicinity of the discovery involving potentially human remains will stop immediately.
 - a. The construction supervisor or construction compliance monitor will be notified immediately of the observation.
3. If the construction supervisor or construction compliance monitor believes that human remains have been discovered, the following steps will be taken:
 - a. All work within 100 feet of the discovery (stop-work zone) will be immediately suspended by the construction supervisor.
 - b. The boundaries of the stop-work zone will be clearly marked with flagging or fencing and secured against further disturbance or damage to the potential human remains.
 - c. Movement of all equipment or vehicles will be rerouted away from the stop-work zone.

4. The construction supervisor will immediately notify DTE within 4 hours of the discovery. *See Section 5 for contact details.* If possible, photographs of the discovery and location information (i.e., GPS coordinates) should be provided as part of notification.
5. DTE will immediately notify Atwell within 4 hours of the discovery. *See Section 5 for contact details.* If possible, photographs of the discovery and location information (i.e., GPS coordinates) should be provided as part of notification.
6. Atwell will be provided the opportunity to inspect any exposed or displaced materials at the location of the discovery, and any material removed from the location immediately before the discovery was noted, within 24 hours of the discovery.
 - a. If the discovery is determined to be non-human and there is not a cultural resource, Atwell will immediately notify DTE and the construction supervisor and construction may resume. Atwell will submit a letter report including photographs of the discovery site to DTE within 30 business days.
 - b. If the discovery is determined to be non-human and to be a cultural resource, follow the procedures set forth in Section 3.
 - c. If the discovery is determined to potentially be human remains, DTE will immediately notify the respective county sheriff's department within 48 hours from the time of the discovery. *See Section 5 for contact details.*
7. The County Sheriff will do the following:
 - a. Contact the County Coroner/Medical Examiner's Office.
 - b. Contact the SHPO.
8. The county attorney will determine if the human remains are associated with a crime.
9. The SHPO will assist in determining the age and cultural affiliation of the human remains in consultation with the appropriate Tribal representative(s).
 - a. Depending upon the cultural affiliation of the human remains and wishes of known relatives or Native American ancestors (tribal liaisons), the SHPO and the appropriate Tribal representative(s) will determine how the remains are reburied.
10. If the human remains are removed by the County Sheriff, County Coroner, or SHPO, construction will not resume at the site of discovery (within the stop-work zone) until written permission to resume construction is granted by the appropriate agency.

5 KEY CONTACTS IN THE EVENT OF AN UNANTICIPATED DISCOVERY

1. DTE

Matthew Goddard
Principal Environmental Engineer: Environmental Strategy
(313) 235-8892

2. Atwell, LLC

Peter Regan
Atwell Associate Director
(410) 504-3473

Matthew Chouest
Atwell Senior Environmental Consultant
(517) 231-2053

3. County Sheriff(s)

[Name]
[Applicable County Name] County Sheriff
[Phone Number]

[Applicant to include additional law enforcement contact information for specific Counties included in a given Undertaking]

4. Forest County Potawatomi Community, Wisconsin (Participating Tribe)

Luke Heider
Tribal Historic Preservation Officer
715-478-7354

5. Michigan State Historic Preservation Office (SHPO)

Sarah Surface-Evans, Ph.D., RPA
Senior Archaeologist
(517)282-7959
surfaceevanss1@michigan.gov