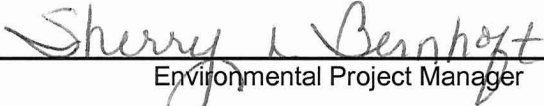
 <p>Fleet Procedure</p>	FP-RP-ENV-01	Revision: 0
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Approval:  Environmental Project Manager		

INFORMATION USE
<ul style="list-style-type: none"> • Procedure should be available, but not necessarily at the work location. • Procedure may be performed from memory. • User remains responsible for procedure adherence.

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1.0 PURPOSE

The legal power to protect historic buildings, structures, sites, and districts rests primarily with state governments. Each State Historic Preservation Office (SHPO) helps federal and state agencies and applicants identify historic properties listed in, or eligible for, the National Register of Historic Places, evaluate the impacts of the proposed projects on those sites, and avoid or minimize negative impacts.

This procedure provides direction for implementation of activities consistent with the National Historic Preservation Act of 1966 (NHPA), as amended. These guidelines support the protection of Archaeological, Cultural and Historic (AC&H) Resources discovered on sites operated by Nuclear Management Company, LLC (NMC) by raising awareness, when applicable, to federal and state laws which protect AC&H Resources. Avoidance, mitigation and protection of these resources are ensured by interface between NMC site Environmental Coordinators and plant owner representatives.

2.0 APPLICABILITY

1. This procedure is applicable to all ground-disturbing activities in the owner-controlled area of NMC operated nuclear facilities and to those activities including, but not limited to the construction or expansion of buildings, facilities, substations, parking lots, roads, or overhead or underground utility lines.
2. This procedure is applicable to activities performed by contracted personnel.
3. This procedure applies to AC&H Resources discovered on NMC sites as a result of natural (non man-made) topographical changes (i.e. wind erosion, flooding, or water erosion) and accidental discovery.

3.0 RESPONSIBILITIES

3.1 ENVIRONMENTAL COORDINATOR

1. Serves as knowledgeable contact for questions regarding value of potential AC&H Resources discovered on-site (implies awareness and understanding of federal, state and local laws and processes regarding AC&H Resources and the ability to recognize such resources and evaluate their potential importance).
2. Surveys areas for AC&H Resources where natural topographical changes due to wind erosion, flooding or water erosion have occurred.
3. Determines whether proposed activities will occur in the vicinity of any known historic properties listed in or eligible for the National Register of Historic Places.

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4. If site to be disturbed is previously undisturbed, contacts plant owner representative for direction.
5. Completes steps, reviews and approvals identified in FP-IH-EXC-01, Excavation & Trenching Controls.
6. Conducts initial assessment of potential AC&H Resources accidentally discovered during excavation and trenching activities, along with assessment of resources accidentally discovered during non ground-disturbing activities.
7. Coordinates communication between plant owner representative and qualified archaeological contractor and State Historic Preservation Officer/State Archaeologist as directed by plant owner representative.

3.2 PLANT OWNER REPRESENTATIVE

1. When the NMC Environmental Coordinator notifies plant owner representative that an AC&H Resource may be present on the property, plant owner representative should contract for or otherwise provide the services of a qualified archaeologist/cultural/historic resource specialist to undertake a Cultural Reconnaissance Survey.
2. If the Cultural Reconnaissance Survey confirms the presence of an AC&H Resource, plant owner representative should provide a copy of the survey results to the SHPO and confer with the SHPO to see if additional studies are required to further define the resource.
3. If the SHPO determines that the resource is significant, plant owner representatives should coordinate with the SHPO, Environmental Coordinator, and NMC contractors to assure the resource is avoided, mitigated, or otherwise protected.
4. A copy of all plant owner representative correspondence with the SHPO should be provided to the Environmental Coordinator for NMC files.

4.0 DEFINITIONS

1. **Archaeological, Cultural and Historic (AC&H) Resources:** Considered to be of cultural importance to the community, state or nation, including but not limited to:
 - Cemeteries, burial sites, funereal monuments, or other sites with human remains
 - Historic Buildings, structures, or other remains

- Ancient sites containing artifacts such as pottery, tools, weaponry, and other implements, ritual artifacts and discarded materials (i.e. mounds with shells and animal bones)
 - Sites of historical significance to the community, state or nation, such as battlegrounds, villages, etc
 - Traditional cultural properties
2. **Cultural Reconnaissance Survey:** A survey performed by owner personnel or a contracted resource which assesses the presence and/or value of cultural resources discovered within the owner-controlled area of an NMC-operated nuclear facility.
 3. **Excavation:** Any man-made cut, cavity, trench, hole or depression in an earth surface formed by earth removal or ground-piercing activities.
 4. **Mitigation:** Moderating or alleviating and adverse affect(s) that a project may have on prehistoric or historic resources.

5.0 REQUIREMENTS

5.1 EXCAVATION OR GROUND-DISTURBING ACTIVITY

1. All excavation activities should be planned and implemented by use of the Excavation Permit (Attachment 1 of FP-IH-EXC-01, Excavation and Trenching Controls), and are subject to the requirements of FP-IH-EXC-01.
2. A walk down and review of the excavation site SHALL be performed by the Environmental Coordinator to determine if the proposed activity will impact AC&H Resources (See guidance in Attachment 1).
 - a. Determine if project/undertaking may affect culturally sensitive areas and need for archeological survey. Contact plant owner representative if it is determined that activity will affect AC&H resources on the site.
 - b. If activities are scheduled to occur in areas of the site determined to be previously undisturbed, consultation with the plant owner representative is required.
 - c. If activities are restricted to areas of the site previously disturbed due to construction, consultation with the plant owner representative is not required.
3. The individual performing the excavation prior to the start of work SHALL review course of action in the event an item of AC&H significance is discovered (see Attachment 1 for guidance).

4. If an item of AC&H significance is discovered, work will be halted and the site Environmental Coordinator will be notified.
 - a. The site Environmental Coordinator SHALL evaluate the situation and SHALL initiate communication with plant owner representative.
 - b. The site Environmental Coordinator may allow work to resume only after the situation has been addressed, the disposition has been documented in the Corrective Action Program, and a course of action has been determined by the plant owner representative.
 - c. If it is determined that an AC&H Resource is discovered, the site Environmental Coordinator SHALL support a cultural reconnaissance survey by a qualified archaeological/cultural/historical resource specialist and follow direction from the plant owner representative.

5.2 NATURAL TOPOGRAPHICAL CHANGE AND ACCIDENTIAL DISCOVERY

1. When natural topographical changes occur due to wind erosion, flooding or water erosion, the Environmental Coordinator should survey the area for AC&H Resources.
2. Upon discovery of an artifact, the Environmental Coordinator should make a primary assessment of the item and its location, maintain the item/location of discovery in a secure state, and contact the plant owner representative for further direction.

5.3 REGULATIONS

5.3.1 FEDERAL

1. Section 106 of the National Historic Preservation Act of 1966 requires that historic properties are considered when federal agencies are involved in any aspect of permitting an activity. Federal agencies will consult with the SHPO and/or Tribal Preservation Office and give the Advisory Council on Historic Preservation and the public an opportunity to comment before projects are implemented.

5.3.2 MICHIGAN

1. The Michigan Natural Resources Environmental Protection Act (Act 451 of 1994) protects the environment and natural resources of the state.

5.3.3 MINNESOTA

1. Minnesota Statutes, Chapter 138 (HISTORICAL SOCIETIES; SITES; ARCHIVES; ARCHAEOLOGY; FOLKLIFE) designates the director of the Minnesota Historical

Society as the State Historic Preservation Officer (MS 138.081) and places responsibility for Minnesota's historic preservation program with the Minnesota Historical Society.

2. Minnesota Field Archaeology Act (MS 138.31-138.42) establishes the office of the State Archaeologist; requires licenses to engage in archaeology on nonfederal public land; establishes ownership, custody and use of objects and data recovered during survey; and requires state agencies to submit development plans to the State Archaeologist, the Minnesota Historical Society and the Minnesota Indian Affairs Council for review when there are known or suspected archaeological sites in the area.
3. Minnesota Historic Sites Act (MS 138.661-138.669) establishes the State Historic Sites Network and the State Register of Historic Places, and requires that state agencies consult with the Minnesota Historical Society before undertaking or licensing projects that may affect properties on the Network or on the State or National Registers of Historic Places.
4. Minnesota Historic Districts Act (MS 138.71-138.75) designates certain historic districts and enables local governing bodies to create commissions to provide architectural control in these areas.
5. Municipal Heritage Preservation (MS 471.193) enables local units of government to establish heritage preservation commissions. This provides perhaps the most comprehensive protection of historic properties because it is at the local government level where most decisions about land and buildings are made.
6. Minnesota Private Cemeteries Act (MS 307.08) a portion of this legislation protects all human burials or skeletal remains on public or private land.

5.3.4 WISCONSIN

1. Wisconsin Statute 44.40 requires that each state agency shall consider whether any proposed action of the state agency will affect any historic property that is a listed property, on the inventory or on the list of locally designated historic places, available at WS 44.45. If the state agency determines that its proposed action will affect any historic property, it shall notify the SHPO. The historical society and a state agency notified under WS 44.39 (2) jointly shall identify actions of the state agency that may cause or permit an adverse effect on historic property including, but not limited to, any state agency action that involves the exercise of state agency authority in the issuance of a permit, license, authorization, variance or exception or in any grant of financial assistance and any state agency action related to property owned by the state agency or related to its long-range planning and facilities development
2. Wisconsin Statute 157.70, Burial Sites Preservation, protects all burial sites, including cemeteries and Indian mounds, located on public or private lands.

3. Wisconsin Statutes 44.47, Field archaeology, protects archaeological remains by requiring persons practicing field archaeology on privately owned land to pursue their field archaeology in accordance with this section, and that the looting of all archaeological remains be strongly discouraged. Persons having knowledge of the location of archaeological sites are encouraged to communicate such information to the state archaeologist.

6.0 RECORDS

1. All Excavation Permits (Attachment 1 of FP-IH-EXC-01, Excavation & Trenching Controls) will be retained with applicable work documents.
2. Correspondence records between plant owner representative and SHPO regarding AC&H Resources believed or confirmed to be in existence on an NMC site.

7.0 REFERENCES

7.1 SOURCE DOCUMENTS

1. FP-IH-EXC-01, Excavation & Trenching Controls
2. Consumers Energy: LM-330, Archaeological/Cultural/Historic Resources

7.2 REFERENCE DOCUMENTS

7.2.1 COMPANY/OWNER UTILITY

1. FP-IH-EXC-01, Excavation & Trenching Controls
2. Consumers Energy: LM-330, Archaeological/Cultural/Historic Resources

7.2.2 FEDERAL

1. National Historic Preservation Act of 1966, As Amended (Public Law 89-665; 16 U.S.C. 470 et seq.)
2. Section 101, 16 U.S.C. 470a(b) State Historic Preservation Programs and Section 106, U.S.C. 470f Federal Undertakings, comments of the Advisory Council on Historic Preservation

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7.2.3 MICHIGAN

1. Michigan Act 451 of 1994, Michigan Natural Resources Environmental Protection Act

7.2.4 MINNESOTA

1. Minnesota Statutes
 - a. 138.081: Historical Societies, Sites, Archives, Archaeology & Folk life
 - b. 138.31-138.42: Minnesota Field Archaeology Act
 - c. 138.661-138.669: Minnesota Historic Sites Act
 - d. 138.71-138.75 Minnesota Historic Districts Act
 - e. MS 471.193 Municipal Heritage Preservation
 - f. 307.08 Minnesota Private Cemeteries Act

7.2.5 WISCONSIN

1. Wisconsin Statute
 - a. 44.40
 - b. 44.47, Field Archaeology
 - c. 157.70, Burial Sites Preservation

7.3 COMMITMENTS

NONE

8.0 REVISION SUMMARY

NONE

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9.0 ATTACHMENTS

- 9.1** Attachment 1, Archaeology and Section 106 Assessment Guidelines for Excavation Permits

ATTACHMENT 1

ARCHAEOLOGY AND SECTION 106 ASSESSMENT GUIDELINES FOR EXCAVATION PERMITS

An archaeological survey is not required for an initial project assessment; however, surveys and other materials may be required for completing Part 3, Radiological Protection/Environmental review of the Excavation Permit review under FP-IH-EXC-01.

1.0 INITIAL DOCUMENTATION

When preparing a project for a Section 106 review that involves any ground-disturbing activity, ensure the following information is included:

- A description of the proposed ground disturbance, including the type of activity, length, width, and depth.
- A portion of a USGS topographic map with the map name, site location and boundaries clearly marked. Portions, photocopies of portions, and electronic USGS maps are acceptable.
- Information regarding previous land use and ground disturbances.
- Information on current land use and conditions.
- Photographs of the site.

Conduct a document review to determine if artifacts or remains of structures have been found on the property.

2.0 PROJECT SITE WALK DOWN

NOTE: If you do see anything that may be an archaeological find, take a picture of it and leave it where you found it. Unless you are a professional archaeologist performing an archaeological survey do not excavate any soil.

Walk the area of proposed ground disturbance. Identify any artifacts, foundations, square depressions, non-native plants and trees or anything else unusual that does not appear to be a natural occurrence. The following are items that you may find on the surface while you are walking the area of proposed ground disturbance. You do not need to know what each one of these items is; the key is to be aware of something that looks unusual.

ATTACHMENT 1

ARCHAEOLOGY AND SECTION 106 ASSESSMENT GUIDELINES FOR EXCAVATION PERMITS

Prehistoric items include: fire-cracked rock (angular, blocky pieces of granite or granite-like rock); flint chips; pottery fragments; chipped stone tools such as projectile points, arrowheads, knives and drills; bones or bone fragments; and bumps, hollows or rings in the soil.

Historic items include: bottles, cans, tools and other debris, foundations, structures or remains of structures, somewhat square depressions or a series of depressions, clearings, non-native plant and tree species such as lilacs, roses, and fruit trees, pairs or lines of trees different from the surrounding environment, quarries, mines and kilns.

3.0 AREAS OF POSSIBLE ARCHAEOLOGICAL SENSITIVITY

Although one cannot exactly predict the location of archaeological sites, there are some patterns to be aware of. Examples of these patterns include:

- Prehistoric sites can often be found in upland areas immediately adjacent to waterways and/or lakes and at the junction of waterways and/or lakes (both interior and the Great Lakes).
- Prehistoric sites can also be found on ancient beach ridges - the former shoreline - as well as in areas away from water but associated with trail or food gathering activities.
- Historic homesteads are often located along section lines or major historic roads.
- Logging sites are located in forested or formerly forested areas often, but not always, along waterways.
- Mines, quarries and industrial sites usually leave behind traces that are easily found.

Be aware of the names of roads and bodies of water. For example, names such as Mound Street, Indian Cemetery Road, and Mill Pond may indicate the presence of archaeological sites.

ATTACHMENT 1
ARCHAEOLOGY AND SECTION 106 ASSESSMENT GUIDELINES FOR
EXCAVATION PERMITS

4.0 ARCHAEOLOGICAL SURVEYS

If the project site walk down reveals a potential archaeological find, contact the parent utility archaeological representative to substantiate the finding and determine if an archaeological survey is necessary. If directed contact a qualified archaeologist to perform the survey. The SHPO has a consultant contact list available that lists some, but certainly not all, qualified archaeologists. It is often helpful, but not required, to hire an archaeologist who works primarily familiar with the state requirements. The

knowledge of archaeologists familiar with a state's archaeology and the project area is very helpful in completing a thorough and timely survey.

Unfortunately, there is not a set of rules for survey that applies to the each state or regions in each state. Survey requirements depend on the type of project, project location, topography, history of the area, surface visibility, etc. A qualified archaeologist will know the proper survey method to employ. It is recommended that you receive three or more estimates before choosing an archaeologist. Comparing the work descriptions and prices will help you determine what is most appropriate for your project.

5.0 DISCOVERY OF AC&H RESOURCES DURING CONSTRUCTION

Even the best archaeological survey will not always discover an isolated burial or a deeply buried site. If bones or artifacts are discovered during construction, stop the construction activities and contact plant owner representative and State Archaeologist or State Historic Preservation Officer as directed by parent utility immediately. In the case of skeletal remains, you must contact the local police authority as well. A find made during construction will be regarded as an emergency and every effort will be made to avoid delay or inconvenience to the project.

6.0 DISCOVERY OF AN ARCHAEOLOGICAL SITE

Many surveys reveal that no archaeological sites are within NMC site boundaries. If an archaeological site is discovered, it will be evaluated to determine if it is eligible for listing in the National Register of Historic Places. Many sites that are found are either too small or too badly damaged to require mitigation. If an archaeological site is found to be National Register eligible, mitigation will be necessary.

ATTACHMENT 1
ARCHAEOLOGY AND SECTION 106 ASSESSMENT GUIDELINES FOR
EXCAVATION PERMITS

7.0 MITIGATION

Mitigation can be defined as moderating or alleviating an adverse effect(s) that a project may have on prehistoric or historic resources. In the case of archaeological mitigation, it is best to address issues that may require mitigation before construction begins.

However, even with the most careful planning, unforeseen situations can occur in the field that may require mitigation. Archaeological mitigation often necessitates only minor changes to the scope of a project and may not entail a Memorandum of Agreement (MOA) as is frequently the case for an adverse effect(s) on above-ground historic resources.

Archaeological mitigation often involves only minor changes to a project or the presence of an archaeologist during excavation activity. In very rare cases, a full-scale excavation may be necessary to retrieve information that would be lost if the project were to continue as planned.