



2017

**Memorandum of Understanding (MOU)  
Between the following Kinder Morgan Inc. Companies:  
Horizon Pipeline Company, L.L.C.  
Kinder Morgan Illinois Pipeline LLC  
Natural Gas Pipeline Company of America LLC and  
The State Historic Preservation Office of Illinois**

Horizon Pipeline Company, L.L.C., Kinder Morgan Illinois Pipeline LLC, and Natural Gas Pipeline Company of America LLC (PIPELINES) are interstate natural gas pipeline companies regulated by the Federal Energy Regulatory Commission (FERC) under the Natural Gas Act of 1938, as amended. All PIPELINES are operated by Kinder Morgan, Inc.

Certain activities of the PIPELINES require certificates of Public Convenience and Necessity from FERC prior to implementation. In order to reduce regulatory burden, FERC has implemented an Interstate Pipeline Blanket Certificate and Authorization Program for certain routine pipeline activities (18 CFR Part 157, Subpart F and 18 CFR Part 2.55). This program authorizes certain routine pipeline activities and transactions without FERC prior approval provided the projects comply with specific environmental conditions.

Compliance with terms of the Certificate(s) and with Section 106 of the National Historic Preservation Act requires that the PIPELINES consult with the appropriate State Historic Preservation Office (SHPO) to determine whether significant historic properties will be affected by the proposed undertakings.

Whereas, the PIPELINES and SHPO have consulted and concurred that certain construction activities occurring on existing, previously disturbed right-of-way (ROW) or existing appurtenant facilities where land-disturbing activities will be limited to previously disturbed areas or to areas which have previously been archaeologically surveyed, with no archaeological resources found near the project location, would have no potential to cause effects on historic properties in accordance with 36 CFR 800.3(a)(1). Types of projects having no potential to affect historic properties include:

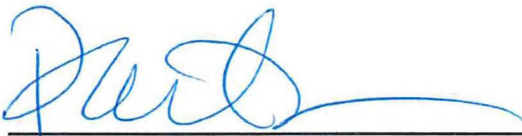
1. Changes/additions of gas delivery and/or receipt points (pipeline taps).
2. Meter setting installations and removal of meter settings.
3. Removal and/or replacement of existing pipelines — not to exceed 1,000 feet in length.
4. Construction, rearrangement, or modification of pipeline or plant facilities.
5. Replacement or installation of cathodic protection units along existing pipelines.
6. Abandonment of existing facilities either by abandonment in place or physical removal from the ground.

7. Construction activities where proposed work areas have been previously archaeologically surveyed with no archaeological resources found near the construction site, provided land disturbing activities are limited to the previously surveyed area.

Now, therefore, the PIPELINES and SHPO agree that the above types of construction activities may be implemented without consultation with the SHPO. If the SHPO or PIPELINES learn that a specific project, otherwise fitting the types of projects listed above, may affect a historical property, then the PIPELINES will consult with the SHPO in accordance with Section 106 of the National Historic Preservation Act to determine whether significant historic properties will be affected by the proposed undertaking.

It is agreed that the PIPELINES will continue to consult with the Illinois State Historic Preservation Office on all other types of projects that may affect historic properties, particularly projects that will involve new ROW. The PIPELINES will fulfill all other responsibilities as defined in Section 106 of the National Historic Preservation Act for all federal undertakings. It is also agreed that PIPELINES and SHPO will adhere to the processes and responsibilities described and provided in Exhibit A for Unanticipated Discoveries and Accidental Discovery of Human Remains if during construction any items are uncovered that may be of historical or archaeological interest or if human remains or burials are encountered.

This MOU will be in effect for a period of two (2) years from the date it is signed by the SHPO. The MOU will be renewed at the end of the period if mutually agreed to by the SHPO and PIPELINES. Any party to this MOU may propose to amend the MOU, SHPO and PIPELINES shall consult to consider such an amendment.



Rachel Leibowitz, Deputy State Historic Preservation Officer  
State Historic Preservation Office of Illinois

12/13/16  
Date



Gina B. Dorsey, Director – EHS Project Permitting  
Kinder Morgan Inc.

12/1/16  
Date



## Exhibit A

### I. Unanticipated Discoveries

1. In the event that previously unidentified archaeological resources are discovered during ground disturbing activities within the area of potential affect, PIPELINES shall halt all construction work involving subsurface disturbance in the areas of the resources and in the surrounding area where further subsurface remains can reasonably be expected to occur.
2. The SHPO, or an archaeologist retained by PIPELINES that meets the Secretary of the Interior's Standards for archaeology, will immediately inspect the work site and determine the extent of the affected archaeological resource as defined by the SHPO or by the SHPO in consultation with PIPELINES retained archaeologist.
3. Within 14 days of the original notification of discovery, PIPELINES, in consultation with the SHPO, will determine the National Registry eligibility of the resource. The SHPO or PIPELINES may extend this 14-day calendar period one time by an additional 7 days providing written notice to the SHPO prior to the expiration date of the said 14-day calendar period.
4. If the resource is determined eligible for the National Register, PIPELINES shall submit to the SHPO and the FERC a plan for its avoidance, protection, recovery of information, or destruction without data recovery. Such plan shall be approved by the SHPO and the FERC prior to implementation.
5. Work in the affected area may resume pending either:
  - i. development and implementation of an appropriate data recovery or other recommend mitigation procedures, or
  - ii. determination that the located remains are not eligible for inclusion on the National Register.
6. Any disputes concerning the evaluation or treatment of previously unidentified resources will be resolved.

### II. Accidental Discovery of Human Remains

All human burials in the state of Illinois are protected by law. In the event that human remains or burials are encountered during additional archaeological investigations or construction activities, PIPELINES or its designated representative shall cease work in the area and take appropriate actions to secure the site. PIPELINES will promptly notify the local county coroner in accordance with 20 ILCS 3440/3. If human skeletal remains appear to be from an unregistered grave, the coroner shall promptly notify the SHPO.



**HORIZON PIPELINE  
COMPANY, L.L.C.**

**Natural Gas Pipeline Company  
of America LLC**

**RECEIVED**

**DEC - 5 2016**

**PRESERVATION SERVICES**

**IHPA REVIEW**  
H/A \_\_\_\_\_  
AG \_\_\_\_\_  
AR \_\_\_\_\_  
File \_\_\_\_\_

December 1, 2016

Rachel Leibowitz  
Deputy State Historic Preservation Officer  
Illinois Historic Preservation Agency  
1 Old State Capitol Plaza  
Springfield, IL 62701-1507

RE: Renewal of Memorandum of Understanding for Pipeline Projects along the  
Kinder Morgan Inc. Pipeline System

Dear Ms. Leibowitz:

Kinder Morgan Inc., and its subsidiaries, (KMI) is hereby requesting renewal of our Memorandum of Understanding (MOU) for pipeline projects along the KMI pipeline system in the state of Illinois. KMI last contacted your office in December 2014 requesting renewal of the existing MOU. As you may recall, KMI routinely conducts minor pipeline projects which involve small-scale construction, as well as maintenance and operational activities along their natural gas pipeline systems in Illinois.

KMI, in accordance with the Federal Energy Regulatory Commission (FERC) Interstate Pipeline Blanket Certificate and Authorization Program (18 CFR Part 157, Subpart F of the Natural Gas Act), and FERC Rule 234, is required to ensure that all activities are consistent with all applicable laws, including compliance with the National Historic Preservation Act of 1966, as amended.

The proposed 2017 MOU is intended to provide KMI, the Federal Energy Regulatory Commission (FERC), as well as other federal agencies that regulate KMI's activities, with the following documentation:

- cultural resources potentially eligible, eligible for, or listed on the National Register of Historic Places (NRHP) do not occur in the area of potential effect of a project; or
- certain minor construction, maintenance and operational activities, as categorized, are not likely to adversely affect cultural resources.

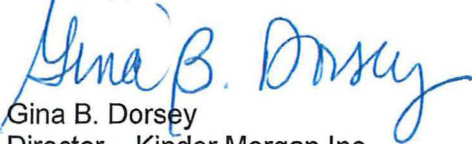
In both of these cases, no further consultation with your office for the categorized activities would be necessary.

The enclosed "2017 Memorandum of Understanding (MOU) between the following Kinder Morgan Inc. Companies: Horizon Pipeline Company, L.L.C. Kinder Morgan Illinois Pipeline LLC Natural Gas Pipeline Company of America LLC and The State Historic Preservation Office of Illinois" proposes various project activities to be covered by this agreement.

KMI will continue to consult the SHPO for other types of projects or project activities that are not included in this agreement and other situations that warrant additional input from the SHPO as determined by professional, KMI environmental staff and/or contract archaeologists. In the unlikely event that unanticipated cultural resources are discovered during construction, KMI will continue to implement its policy of halting construction in the area, notifying your office, and following procedures outlined in the Unanticipated Discovery Plan, found in Exhibit A of the attached MOU.

If you find the proposed MOU acceptable, please sign or provide a written concurrence and return to my attention. If you find that the document or a portion of the document could be improved, KMI would be pleased to consider your comments or proposed changes. If you have any questions or comments, please contact me at (713) 369-8975 or [gina\\_dorsey@kindermorgan.com](mailto:gina_dorsey@kindermorgan.com). Thank you for your assistance with this request.

Sincerely,



Gina B. Dorsey  
Director – Kinder Morgan Inc.  
EHS Project Permitting Group

Attachments:

- A. 2015 Memorandum of Understanding Between Kinder Morgan Inc. and the Illinois State Historic Preservation Office
- B. 2017 Memorandum of Understanding Between Kinder Morgan Inc. and the Illinois State Historic Preservation Office