



**Federal Energy
Regulatory
Commission**

**Office of
Energy Projects**

January 2019

Midship Pipeline Company, LLC

Docket No. CP19-17-000

MIDSHIP Project Amendment

Environmental Assessment

Washington, DC 20426

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TECHNICAL ABBREVIATIONS AND ACRONYMS

| | |
|--------------------|--|
| ABB | American burying beetle |
| Amendment | MIDSHIP Project Amendment |
| APE | area of potential effects |
| Certificate | Certificate of Public Convenience and Necessity |
| Certificated Route | pipeline route certificated in Docket No. CP17-458-000 |
| CFR | Code of Federal Regulations |
| Commission | Federal Energy Regulatory Commission |
| EA | environmental assessment |
| EIS | environmental impact statement |
| FERC | Federal Energy Regulatory Commission |
| FWS | U.S. Fish and Wildlife Service |
| Midship Pipeline | Midship Pipeline Company, LLC |
| MIDSHIP Project | Midcontinent Supply Header Interstate Pipeline Project |
| MP | milepost |
| NEPA | National Environmental Policy Act |
| NOI | <i>Notice of Intent to Prepare an Environmental Assessment for a Proposed Amendment of the Midcontinent Supply Header Interstate Pipeline Project and Request for Comments on Environmental Issues</i> |
| OEP | Office of Energy Projects |
| Plan | <i>Upland Erosion Control, Revegetation, and Maintenance Plan</i> |
| Procedures | <i>Wetland and Waterbody Construction and Mitigation Procedures</i> |
| Secretary | Secretary of the Commission |

A. PROPOSED ACTION

1.0 Introduction

The Federal Energy Regulatory Commission (Commission or FERC) is the lead federal agency responsible for evaluating applications filed for authorization to construct, operate, or abandon interstate natural gas pipeline facilities. The FERC staff has prepared this environmental assessment (EA) to analyze the environmental effects of the natural gas pipeline facilities proposed for amendment by Midship Pipeline Company, LLC (Midship Pipeline). We¹ prepared this EA in compliance with the requirements of the National Environmental Policy Act of 1969 (NEPA) (Title 40 of the Code of Federal Regulations, Parts 1500-1508 [40 CFR 1500-1508]), and with the Commission's implementing regulations under 18 CFR 380.

The EA is an important and integral part of the Commission's decision on whether to issue Midship Pipeline an authorization to construct the proposed pipeline. Our principal purposes in preparing this EA are to:

- identify and assess potential impacts on the natural and human environment that could result from implementation of the proposed action;
- assess reasonable alternatives to the proposed action that would avoid or minimize adverse effects on the environment; and
- identify and recommend specific mitigation measures, as necessary, to minimize environmental impacts.

On November 14, 2018, Midship Pipeline filed an application under Docket No. CP19-17-000 to amend the previously certificated Midcontinent Supply Header Interstate Pipeline Project (MIDSHIP Project) in Bryan County, Oklahoma.² The proposed amendment to the MIDSHIP Project is referred to as the MIDSHIP Project Amendment (or Amendment). In this EA, we address the proposed amendment and incorporate by reference the final environmental impact statement (EIS) issued on June 21, 2018 for the MIDSHIP Project.

2.0 Project Purpose and Need

Under section 7 of the Natural Gas Act, the Commission determines whether interstate natural gas transportation facilities are in the public convenience and necessity and, if so, grants a Certificate of Public Convenience and Necessity (Certificate) to construct and operate them. The Commission bases its decisions on technical competence, financing, rates, market demand, gas supply, environmental impact (as described here), long-term feasibility, and other issues concerning a proposed project.

¹ "We," "us," and "our" refers to environmental staff of the Commission's Office of Energy Projects.

² The Commission approved the MIDSHIP Project on August 13, 2018 under Docket No. CP17-458-000.

The MIDSHIP Project Amendment would modify the route certificated in Docket No. CP17-458-000 (Certificated Route) along a 0.8-mile-long portion of the mainline in Bryan County, Oklahoma, from mileposts (MP) 195.2 to 195.9 to avoid impacts on a potentially sensitive cultural resource. The modification would shift the pipeline to the west and south of the Certificated Route and result in about 0.9 mile of new pipeline that was not reviewed in the final EIS.

3.0 Public Review and Comment

On November 23, 2018, we issued a *Notice of Intent to Prepare an Environmental Assessment for a Proposed Amendment of the Midcontinent Supply Header Interstate Pipeline Project and Request for Comments on Environmental Issues* (NOI). The NOI was sent to federal, state, and local government representatives and agencies; elected officials; Native American Tribes; affected property owners; and other interested parties. In response to the NOI, the Commission received three comment letters. The Choctaw Nation of Oklahoma stated its support of the Amendment, the Bureau of Indian Affairs stated that any surveys for the Amendment on trust and/or restricted lands would require an Archaeological Resources Protection Act permit, and the Oklahoma Department of Environmental Quality stated that while its review of air, land, and water records for the Amendment is complete, any burning associated with land clearing operations must be conducted in accordance with Oklahoma Administrative Code 252:100, Subchapter 13. All substantive comments are addressed in the EA.

4.0 Proposed Facilities and Land Requirements

The Amendment deviates from the Certificated Route at MP 195.2 in Bryan County, and extends 0.9 mile before reconnecting with the Certificated Route at MP 195.9.³ The Amendment would affect 12.5 acres during construction and 5.3 acres during operation of the pipeline, resulting in an increase of 1.2 acres for construction and 0.5 acre for operation compared with the corresponding section of the Certificated Route. No new or modified aboveground facilities, contractor yards, or access roads are proposed. The additional temporary workspace associated with the Amendment would be the same size and configuration as the additional temporary workspace for the corresponding segment of the Certificated Route.

The construction right-of-way would be 100 feet wide. The Amendment would not be co-located with an existing right-of-way, while the corresponding section of Certificated Route would be co-located along a majority of its length.

The Amendment would cross land owned by the same landowners as the Certificated Route. However, Midship Pipeline has not been granted the rights to complete environmental

³ The 0.9-mile-long Amendment would replace a 0.8-mile-long segment of the existing Certificated Route.

surveys or to construct, operate, and maintain the pipeline.⁴ Midship Pipeline has not proposed any non-jurisdictional facilities with the Amendment.

The location of the MIDSHIP Project Amendment and the Certificated Route are depicted on figure 1.

5.0 Construction Procedures

Midship Pipeline would construct the Amendment in accordance with the methods described in the final EIS for the MIDSHIP Project, including implementing FERC's *Upland Erosion Control, Revegetation, and Maintenance Plan* (Plan) and *Wetland and Waterbody Construction and Mitigation Procedures* (Procedures). We have reviewed Midship Pipeline's other resource-specific plans that were developed for the MIDSHIP Project in the final EIS and found them to be acceptable.

6.0 Construction Schedule

Midship Pipeline states it would begin construction of the Amendment as soon as possible after receiving all necessary federal authorizations. On December 20, 2018, Midship Pipeline received approval to proceed with construction between Mainline MPs 0.0 to 186.3 and the Velma Lateral.

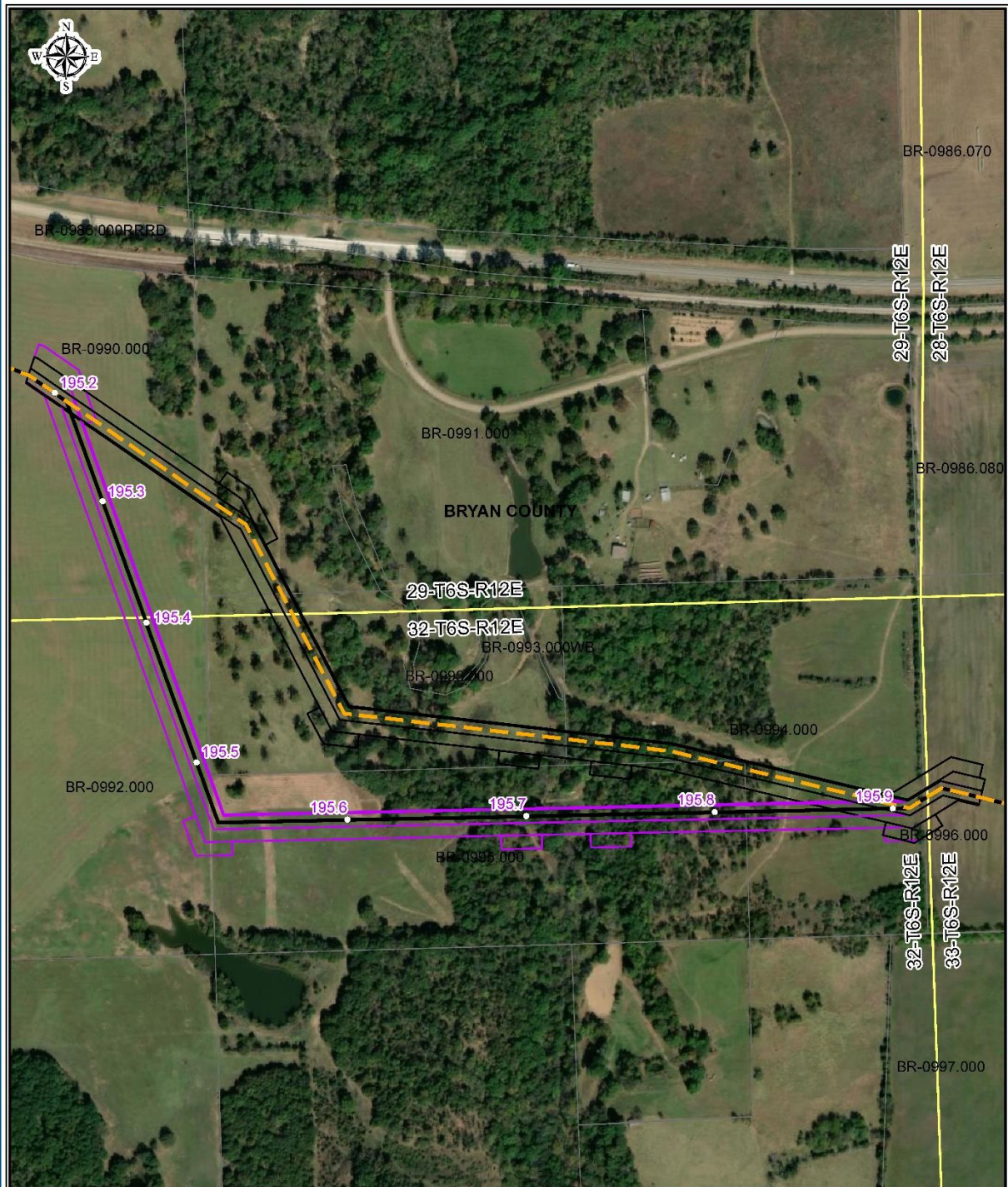
The Amendment would be designed, operated, and maintained in accordance with the U.S. Department of Transportation pipeline safety regulations, 49 CFR 192 and all applicable permits, as would the Certificated Route as identified in the final EIS.

7.0 Permits and Approvals

Midship Pipeline would obtain all necessary permits, licenses, clearances, and approvals related to construction of the proposed project regardless of whether they appear in the table below. Table 1 lists the status of the federal, state, and local permits and approvals Midship Pipeline would obtain for the MIDSHIP Project and Amendment.

⁴ Midship Pipeline was previously allowed to complete Phase I surveys of the Amendment route and was subsequently denied access for Phase II deep testing.

MIDSHIP PIPELINE COMPANY, LLC - MIDSHIP PROJECT



- Certified Route
- - - Proposed Reroute
- Certified Workspace
- Proposed Workspace
- Sections (PLSS)
- Parcels

Figure 1

**MIDSHIP Project
Amendment
Proposed Reroute
(mileposts 195.2 to 195.9)**

DRAWN AND CHECKED BY
TRC SOLUTIONS G/S

DATA SOURCES: OK Maps, ESRI
BASE MAP: ESRI Aerial

MIDSHIP
PIPELINE

0 100 200 400
Feet

SHEET: 1 of 1

DATE: Nov. 2018

| TABLE 1 | | |
|---|---|---|
| Major Permits, Approvals, and Consultations for the MIDSHIP Project and Amendment | | |
| Agency | Permit/Approval/Consultation | Status |
| FERC | Certificate under section 7(c) of the Natural Gas Act | Received August 13, 2018 |
| | Certificate Amendment under section 7(c) of Natural Gas Act | <i>Pending</i> |
| U.S. Army Corps of Engineers, Tulsa District | Department of the Army permit under section 404 of the Clean Water Act and section 10 of the Rivers and Harbors Act | Received July 20, 2018 |
| U.S. Fish and Wildlife Service, Oklahoma Ecological Services Field Office | Section 7 Endangered Species Act consultation, Biological Opinion | Received October 16, 2018 |
| | Migratory Bird Treaty Act and section 3 of Executive Order 13186 | Received October 16, 2018 |
| | Bald and Golden Eagle Protection Act | Received October 16, 2018 |
| | Incidental Take Permit | Received Incidental Take Permit (TE84779C-0) on September 21, 2018; executed and returned to U.S Fish and Wildlife Service on September 28, 2018 |
| U.S. Environmental Protection Agency | National Pollutant Discharge Elimination System Hydrostatic Test Water Discharge Permit/Approval | Mainline, Chisholm Lateral, Velma Lateral, and Iron Horse Meter Station permits anticipated January 11, 2019; Uncle Johns Creek Horizontal Directional Drill permit anticipated on January 21, 2019 <i>**Required prior to discharge of hydrostatic test water</i> |
| Bureau of Indian Affairs, Eastern Oklahoma Region | Tribal lands consultation/ coordination and Archaeological Resources Protection Act Permit | Consultation initiated October 25, 2016 and ongoing; ARPA permit application submitted February 5, 2018; ARPA permit received on July 30, 2018 |
| Bureau of Indian Affairs, Southern Plains Region | Tribal lands consultation/ coordination | Consultation initiated October 25, 2016, and ongoing <i>**No concurrence or approval required, informational only</i> |
| U.S. Department of Agriculture, Farm Service Agency, Oklahoma State Office | Conservation Reserve, Emergency Forest Restoration, and other programs consultation | Consultation initiated October 25, 2016 <i>**No concurrence or approval required, informational only</i> |
| U.S. Department of Agriculture, Natural Resources Conservation Service, Oklahoma State Office | Prime and other important farmland consultation | Consultation initiated October 25, 2016 and ongoing <i>**No concurrence or approval required, informational only.</i> |
| Oklahoma Department of Environmental Quality | 401 Water Quality Certification | Mainline, Chisholm Lateral, Velma Lateral, and Iron Horse Meter Station Water Quality Certification received on December 7, 2018 Uncle Johns Creek Horizontal Directional Drill Water Quality Certification anticipated on January 21, 2019 |

| TABLE 1 (cont'd) | | |
|---|--|--|
| Major Permits, Approvals, and Consultations for the MIDSHIP Project and Amendment | | |
| Agency | Permit/Approval/Consultation | Status |
| Oklahoma Water Resources Board | 90-day Water Appropriation Permit for the purposes of hydrostatic testing | Because of limited permit period, to be filed in January 2019 before withdrawals are needed |
| Oklahoma Water Resources Board | 90-day Water Appropriation Permit for the purposes of dust control | Because of limited permit period, to be filed in January 2019 before withdrawals are needed |
| Oklahoma Historical Society – State Historic Preservation Office | Section 106 consultation and coordination (historic-period archaeological sites and the built environment) | Phase I surveys conducted for reroute; deep testing required for MIDSHIP Project Amendment (pending access) |
| Oklahoma Archeological Survey | Section 106 consultation and coordination (prehistoric archaeological resources) | Phase I surveys conducted for reroute; deep testing required for MIDSHIP Project Amendment (pending access) |
| Oklahoma Department of Wildlife Conservation | Rare species consultation | Consultation initiated October 25, 2016; reroute within the scope of approval of the MIDSHIP Project by the U.S. Fish and Wildlife Service, dated October 16, 2018 <i>**No concurrence or approval required, informational only</i> |
| Bryan County | Floodplain development permits | Approved November 27, 2018 |

B. ENVIRONMENTAL ANALYSIS

The MIDSHIP Project Amendment would not result in any changes to the following resources that were analyzed in the final EIS and certificated by FERC in the Order for the MIDSHIP Project (Docket No. CP17-458-000), and therefore are not discussed further:

- geological hazards (i.e., earthquake or landslide potential);
- mineral resources;
- hazardous waste sites;
- soils;
- wellhead protection areas, sole source aquifers, springs, or public surface water intakes;
- wetlands;
- fisheries, wildlife, and vegetation;
- federally owned or managed lands;
- National or state wild or scenic rivers, national trails, nature preserves, wilderness areas, registered natural landmarks, or Native American reservations;
- coastal zone management areas;
- recreational and visual resources;
- socioeconomics and transportation/traffic;
- air quality and noise; and
- reliability and safety.

1.0 Water Resources

The Amendment would cross Sulphur Creek at a different location than described for the Certificated Route, but within 250 feet, using a dry-crossing method (flume or dam-and-pump). Dry-crossing methods are described in the final EIS.

Midship Pipeline would minimize impacts on the waterbody by implementing the dry-crossing method (which would minimize sedimentation during construction to when the upstream and downstream dams are installed and immediately after their removal) and adhering to the construction procedures described in section 4.3.2.6 of the final EIS resulting in only temporary impacts. Midship Pipeline would restore the stream bed and banks to preconstruction contours following construction. With implementation of the Procedures, we conclude that incorporation of the Amendment would not significantly affect the waterbody.

Hydrostatic testing procedures for the Amendment would be the same as described in section 4.3.2.5 of the final EIS and Implementation Plans for the MIDSHIP Project. Approximately 26,180 additional gallons of water would be necessary to test the pipeline

segment; however, the withdrawal and discharge locations would remain the same as those previously discussed in the final EIS. Therefore, we conclude no significant impacts would occur from hydrostatic test water withdrawal or discharge. In addition, all permits and approvals would be in place prior to commencing hydrostatic water testing, including withdrawals and discharges.

2.0 Threatened and Endangered Species

Midship Pipeline completed American burying beetle (ABB) surveys for the 2018 active season in July and August 2018. As described in the survey report submitted to the U.S. Fish and Wildlife Service (FWS) on August 31, 2018, Bryan County is within the southern range of the ABB. However, no ABBs were identified within Bryan County during the 2018 surveys. The FWS issued an Endangered Species Act – Incidental Take Permit (Permit Number TE84779C-0) for the ABB to Midship Pipeline on September 21, 2018, effective September 25, 2018. In email correspondence between the FWS and FERC, dated December 11 to 13, 2018, the FWS concurred there would be no additional impacts on ABB from implementation of the Amendment.⁵

No additional impacts or other changes to impacts on endangered or threatened species would occur as a result of implementation of the Amendment. On October 16, 2018, the FWS issued its determination for the MIDSHIP Project, as well as its Biological Opinion for the ABB mitigation. In its letter, the FWS concurred with FERC's determination that the MIDSHIP Project *is not likely to adversely affect* the federally listed species described in the final EIS. Midship Pipeline states that the FWS concurrence applies to the MIDSHIP Project Amendment because the Amendment involves a shift of approximately 400 feet from the certificated pipeline route, which would not change the impacts described in the final EIS for endangered, threatened, or other sensitive species or their habitat. We concur. Therefore, Endangered Species Act consultation for the Amendment is complete.

3.0 Cultural Resources

The Certificated Route was expected to have an adverse effect on a potentially sensitive cultural resource, which is recommended potentially eligible for listing in the National Register of Historic Places. The Amendment would avoid the sensitive portions of this site.

In June and August 2018, Midship Pipeline conducted surveys along the Amendment route through the site to avoid the potentially sensitive resource identified along the Certificated Route's area of potential effects (APE). Midship Pipeline provided the addendum cultural resources report to the Oklahoma Archaeological Survey and Oklahoma Historical Society for comments, which included surface and shovel test survey results of the APE along the Amendment. No cultural resources were identified during the surface survey or shovel testing; however, additional deep testing is necessary to complete the survey. No historic structures were identified during the surveys of the Amendment route.

⁵ The FWS/FERC email correspondence associated with potential impacts of the Amendment on ABB is available on the FERC website at http://elibrary.ferc.gov/idmws/file_list.asp?accession_num=20181217-3027.

In letters dated November 19 and December 3, 2018, the Oklahoma Archaeological Society and the Oklahoma Historical Society respectively agreed with Midship Pipeline's assessment that there are no historic properties on or near the surface within the Amendment's APE through the potentially sensitive resource.

Midship Pipeline has contacted the 18 Indian tribes identified in Docket No. CP17-458-000 to request their comments on the MIDSHP Project and the Amendment. On November 23, 2018, FERC sent the NOI for the MIDSHP Project Amendment (Docket No. CP19-17-000) to the same tribes. In a letter to FERC dated November 21, 2018, the Choctaw Nation of Oklahoma supported the Amendment and the avoidance of resources of concern to the Choctaw Nation.

On December 18, 2018, the Bureau of Indian Affairs sent a letter to FERC stating any surveys for the Amendment on trust and/or restricted lands would require an Archaeological Resources Protection Act permit. There are no trust and/or restricted lands along the Amendment.

Midship Pipeline would implement the same Unanticipated Discoveries Plan that was filed for the MIDSHP Project (Docket No. CP17-458-000) in the event any unanticipated cultural resources or human remains are encountered during construction.

Because surveys and consultation for the Amendment are not complete, to ensure that FERC's responsibilities under the National Historic Preservation Act and its implementing regulations are met, **we recommend that:**

- **Midship Pipeline should not begin construction of the Amendment or associated temporary work areas until:**
 - a. **Midship Pipeline files with the Secretary of the Commission (Secretary):**
 - i. **additional testing reports and plans for the Amendment; and**
 - ii. **comments on the cultural resources reports and plans from the Oklahoma Historical Society and Oklahoma Archaeological Survey and interested Indian tribes;**
 - b. **the Advisory Council on Historic Preservation is afforded an opportunity to comment if historic properties would be adversely affected; and**
 - c. **the FERC staff reviews and the Director of the Office of Energy Projects (OEP) approves the cultural resources reports and plans, and notifies Midship Pipeline in writing that treatment plans/mitigation measures (including archaeological data recovery) may be implemented and/or construction may proceed.**

All materials filed with the Commission containing location, character, and ownership information about cultural resources must have the cover and any

relevant pages therein clearly labeled in bold lettering “**CUI//PRIV – DO NOT RELEASE.**”

4.0 Land Use

Table 2 summarizes the land uses that would be affected by construction and operation of the Amendment compared to the Certificated Route. The Amendment would affect 1.0 acre of agricultural land, which is 0.5 acre less than the Certificated Route. While the Amendment would affect 3.2 acres of forested land during construction, which would be 0.2 acre less than the Certificated Route, it would permanently affect 0.1 acre more during operation. Construction of the Amendment would affect 2.0 and 0.6 acres more open land during construction and operation, respectively, than the Certificated Route. Impacts on other land uses would be similar for the two routes.

| TABLE 2 Land Uses Affected By Construction and Operation of the MIDSHIP Project Certificated Route Versus the MIDSHIP Project Amendment | | | | |
|---|-------------------------|----------------------|-------------------------|----------------------|
| Land Use | Certificated Route | | Amendment | |
| | Construction (acres) | Operation (acres) | Construction (acres) | Operation (acres) |
| Agricultural | 1.5 | 0.5 | 1.0 | 0.3 |
| Forested | 3.4 | 1.4 | 3.2 | 1.5 |
| Open land | 6.3 | 2.9 | 8.3 | 3.5 |
| Open water | 0.1 | <0.1 | <0.1 | <0.1 |
| Total | 11.3 | 4.8 | 12.5 | 5.3 |

There are no residences, commercial buildings, or public structures within 50 feet of the Certificated Route or Amendment between MPs 195.2 to 195.9.⁶

The Amendment would affect the same landowners as the Certificated Route.

With implementation of the Plan and Procedures, most impacts on land uses resulting from incorporation of the Amendment would be temporary. Additionally, the permanent right-of-way would not preclude agricultural and open land from reverting to previous use. Further, impacts of the Amendment on forested areas would be minor. Therefore, we conclude that incorporation of the Amendment would not have a significant impact on land uses.

5.0 Cumulative Impacts

Potential cumulative impacts associated with construction and operation of the MIDSHIP Project were evaluated in the final EIS prepared for Docket No. CP17-458-000. The Amendment would not change the cumulative impacts analysis findings in the final EIS.

⁶ A commercial building is within 50 feet of the Certificated Route at about MP 196.4 but not within the milepost range of the Amendment.

C. ALTERNATIVES

In accordance with NEPA and Commission policy, we evaluated alternatives to the MIDSHIP Project Amendment to determine whether they would be reasonable and environmentally preferable to the proposed action. These alternatives included the no-action alternative and pipeline route alternatives. Because the Amendment would involve only a minor pipeline reroute to avoid a potentially sensitive feature and no aboveground facilities would be affected, no site alternatives or system alternatives were identified. The evaluation criteria used for developing and reviewing alternatives were:

- ability to meet the MIDSHIP Project Amendment's stated objective;
- technical and economic feasibility and practicality; and
- significant environmental advantage over the proposed action.

Under the No-Action Alternative, Midship Pipeline would not modify the previously approved MIDSHIP Project and construction would proceed along the corresponding segment of the Certificated Route. In this EA, we compared the potential environmental impacts associated with the Amendment and Certificated Route. Figure 1 provides a map of the two routes. Although both the Certificated Route and the Amendment are environmentally acceptable actions, the Amendment would avoid a potential adverse impact on sensitive cultural resources of concern to the State Historic Preservation Office and the tribes (see section B.3). Therefore, we have dismissed the no action alternative as it could not meet the MIDSHIP Project Amendment's objectives and does not present a significant environmental advantage over the proposed action.

The Amendment would not have a significant impact on any sensitive resources. We did not identify any unresolved resource conflicts, which would present a need to examine alternatives to the proposed Amendment. Further, no comments were received regarding resources that would be affected by the Amendment. Lastly, this proposed route was selected to avoid impacts on cultural resources to the extent practicable. Therefore, because the impacts associated with the propose Amendment are not significant, we did not evaluate route alternatives further.

We conclude that Midship Pipeline's proposed Amendment is the preferred alternative that can meet the project objectives.

D. STAFF CONCLUSIONS AND RECOMMENDATIONS

We conclude that approval of the Amendment would not constitute a major federal action significantly affecting the quality of the human environment. This finding is based on the above environmental analysis, Midship Pipeline's application and supplements, and implementation of Midship Pipeline's proposed and our recommended mitigation measures. We recommend that the Commission Order contain a finding of no significant impact and that the following mitigation measures be included as conditions of any Certificate the Commission may issue.

1. Midship Pipeline shall follow the construction procedures and mitigation measures described in its application and as identified in the EA, unless modified by the Order. Midship Pipeline must:
 - a. request any modification to these procedures, measures, or conditions in a filing with the Secretary;
 - b. justify each modification relative to site-specific conditions;
 - c. explain how that modification provides an equal or greater level of environmental protection than the original measure; and
 - d. receive approval in writing from the Director of OEP **before using that modification.**
2. The Director of OEP, or the Director's designee, has delegated authority to address any requests for approvals or authorizations necessary to carry out the conditions of the Order, and take whatever steps are necessary to ensure the protection of environmental resources during construction and operation of the project. This authority shall allow:
 - a. the modification of conditions of the Order;
 - b. stop-work authority; and
 - c. the imposition of any additional measures deemed necessary to ensure continued compliance with the intent of the conditions of the Order as well as the avoidance or mitigation of adverse environmental impact resulting from project construction and operation.
3. Midship Pipeline shall continue to comply with environmental conditions set forth in the appendix to the August 13, 2018 Order Issuing Certificate in Docket No. CP17-458-000.
4. Midship Pipeline must receive written authorization from the Director of OEP **before commencing construction** of the MIDSHIP Project Amendment. To obtain such authorization, Midship Pipeline must file with the Secretary documentation that it has received all applicable authorizations required under federal law (or evidence of waiver thereof).

5. Midship Pipeline shall **not begin** construction of the MIDSHP Project Amendment or associated temporary work areas **until**:
- a. Midship Pipeline files with the Secretary:
 - i. additional testing reports and plans for the Amendment; and
 - ii. comments on the cultural resources reports and plans from the Oklahoma Historical Society and Oklahoma Archaeological Survey and interested Indian tribes;
 - b. the Advisory Council on Historic Preservation is afforded an opportunity to comment if historic properties would be adversely affected; and
 - c. the FERC staff reviews and the Director of the OEP approves the cultural resources reports and plans, and notifies Midship Pipeline in writing that treatment plans/mitigation measures (including archaeological data recovery) may be implemented and/or construction may proceed.

All materials filed with the Commission containing **location, character, and ownership** information about cultural resources must have the cover and any relevant pages therein clearly labeled in bold lettering “**CUI//PRIV – DO NOT RELEASE.**”

E. LIST OF PREPARERS

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Environmental Resources Management, Inc. is a third-party contractor assisting the Commission staff in reviewing the environmental aspects of the project application and preparing the environmental documents required by the National Environmental Policy Act. Third-party contractors are selected by Commission staff and funded by project applicants. Per the procedures in Title 40 Code of Federal Regulations Part 1506.5(c), third-party contractors execute a disclosure statement specifying that they have no financial or other conflicting interest in the outcome of the project. Third-party contractors are required to self-report any changes in financial situation and to refresh their disclosure statements annually. The Commission staff solely directs the scope, content, quality, and schedule of the contractor's work. The Commission staff independently evaluates the results of the third-party contractor's work and the Commission, through its staff, bears ultimate responsibility for full compliance with the requirements of the National Environmental Policy Act.