

# Maritime Administration and U.S. Coast Guard

MARAD-2019-0011

## Deepwater Port Act and Licensing Process

### WHAT IS THE DEEPWATER PORT ACT?

- The Deepwater Port Act (DWPA) establishes a licensing system for ownership, construction, operation, and eventual decommissioning of deepwater ports located beyond State seaward boundaries that are used to import or export oil or natural gas to or from the U.S.
- Deepwater ports are licensed by the Maritime Administration (MARAD).
- The DWPA mandates compliance with the National Environmental Policy Act (NEPA).

### WHAT IS THE DEEPWATER PORT LICENSING PROCESS?

The Secretary of Transportation delegated the responsibility for processing deepwater port applications to the Maritime Administration (MARAD) and the U.S. Coast Guard. The Secretary of Transportation delegated to the Maritime Administrator the authority to issue, transfer, amend, or reinstate a license for the construction and operation of a deepwater port.

- The Administrator may approve, approve with conditions, or deny a deepwater port license application.
- License review process includes a series of statutory deadlines, totaling a maximum of 356 days, from the date the application is filed.
- Necessary information and analyses to meet Federal and State environmental requirements are incorporated into one NEPA document.
- The DWPA requires at least one public license application hearing in each Adjacent Coastal State for each application.
- The final public license application hearing must occur no later than 240 days after the publication of the Notice of Application in the Federal Register.
- Federal agencies and the Governor(s) of the Adjacent Coastal State(s) have 45 days after the final public license application hearing to make their final comments on the application. Governor(s) may approve, approve with conditions, or deny the application.
- The Maritime Administrator has a total of 90 days to issue a Record of Decision after the final public license application hearing.

### WHAT IS THE INDEPENDENT RISK ASSESSMENT?

- The U.S. Coast Guard works with local stakeholders and the applicant to conduct an independent risk assessment (IRA).
- The purpose of the IRA is to identify credible accidental and intentional scenarios that could lead to the release of oil during port operations, determine consequences, and identify any other maritime safety/security issues that should be addressed.