

Maritime Administration and U.S. Coast Guard

MARAD-2019-0011

Deepwater Port Act Criteria for Issuance Of License to Own, Construct, and Operate a Deepwater Port

The Maritime Administration (MARAD) issues a Record of Decision (ROD) for each deepwater port license application. MARAD's decision to approve, approve with conditions, or deny the license will be based on the nine criteria contained in 33 U.S.C. § 1503(c).

1. The applicant must be financially responsible and able to meet the requirements of Section 1016 of the Oil Pollution Act of 1990 (33 U.S.C. § 2716 [2018]).
2. It must be determined that the applicant can and will comply with applicable laws, regulations, and license conditions.
3. The construction and operation of the deepwater port must be in the national interest and consistent with national security and other national policy goals and objectives, including energy sufficiency and environmental quality.
4. The deepwater port will not unreasonably interfere with international navigation or other reasonable uses of the high seas, as defined by treaty, convention, or customary international law.
5. In accordance with the environmental review criteria, it must be determined that the applicant would construct and operate the deepwater port using the best available technology, so as to prevent or minimize adverse impact on the marine environment.
6. The application must properly address all applicable provisions of the Clean Air Act, as amended, the Federal Water Pollution Control Act, as amended, and the Marine Protection, Research and Sanctuaries Act, as amended.
7. The Secretary of the Army, the Secretary of State, and the Secretary of Defense may convey their views on the adequacy of the application, and its effect on programs within their respective jurisdictions.
8. The Governor(s) of the Adjacent Coastal State(s), pursuant to 33 U.S.C. § 1508 (2018), must approve the issuance of a deepwater port license. Silence on this issue denotes approval.
9. The Adjacent Coastal State(s) to which the deepwater port is to be directly connected by pipeline has developed or is making reasonable progress on developing an approved coastal zone management program pursuant to the Coastal Zone Management Act of 1972.