

Maritime Administration and U.S. Coast Guard

MARAD-2019-0011

Deepwater Port Applications and the NEPA Process

WHAT IS NEPA?

The National Environmental Policy Act (NEPA) was passed in 1969 and has two major objectives:

1. To ensure that Federal agencies consider the potential environmental effects of proposed programs, projects, and actions before initiating them; and
2. To inform the public and to encourage and facilitate public involvement in Federal agency activities that may affect the quality of the human environment.

Guidelines for Federal agencies to implement NEPA were established in regulations by the President's Council on Environmental Quality (CEQ) in 40 CFR § 1500-1508. In addition, the Maritime Administration (MARAD) and the U.S. Coast Guard (USCG) have issued implementing procedures and policy for considering environmental impacts under NEPA and related laws.

Documents prepared under NEPA include a Categorical Exclusion, an Environmental Assessment, and an Environmental Impact Statement (EIS). When a proposed action has the potential for significant impacts, an EIS, the most detailed analysis conducted under NEPA, is prepared.

STEPS IN NEPA PROCESS

NEPA requires Federal agencies to assess the potential environmental impacts of their proposed actions. Throughout this process, agencies examine resource impacts, including, but not limited to, air and water quality, threatened and endangered species, cultural resources, and socioeconomic impacts. The NEPA EIS process includes the following steps:

1. Public Scoping:
 - The public scoping meeting provides opportunities for the public, Federal, State, and local agencies, any affected Indian tribes, and other interested parties to provide input on the range of actions, alternatives, and impacts to be considered in the EIS.
 - The Sea Port Oil Terminal (SPOT) Project scoping meeting took place in Lake Jackson, Texas on March 20, 2019.
2. Prepare a Draft EIS:
 - A Notice of Availability for the EIS was published in the Federal Register on February 7, 2020, announcing the availability of the Draft EIS for public review. The Notice of Availability included information on the public meeting and informational open house; requested public comments on the Draft EIS; and provided information on how the public could submit comments by mail, hand delivery, facsimile, or electronic means. The comment period ended on March 23, 2020. Subsequently, MARAD and the USCG issued a Notice of Extension in the Federal Register on May 1, 2020, announcing an extension of the public comment period through May 31, 2020, due to the COVID-19 pandemic limiting the capability of the public to provide feedback on the Draft EIS.
 - The SPOT Project Draft EIS public comment meeting took place in Lake Jackson, Texas on Feb. 26, 2020. The meeting and open house provided the public an opportunity to make oral comments and submit written comments on the Draft EIS.

3. Prepare the Final EIS:

- The Final EIS includes copies of all substantive comments received on the Draft EIS and Supplemental Draft EIS, and the agencies' responses to those comments.
- The Notice of Availability of the Final EIS will appear in the Federal Register and local newspapers.

4. Prepare a Supplemental EIS:

- A supplemental EIS can be prepared after the draft or final EIS to address substantial changes to the proposed action, significant new circumstances or information relevant to environmental concerns, or when the agency determines that the purpose of NEPA will be furthered by doing so.
- The Notice of Availability of the Supplemental Draft EIS was published in the Federal Register on October 29, 2021 announcing the availability of the Supplemental Draft EIS for public review. The Notice of Availability included information on the public meeting and informational open house; requested public comments on the Supplemental Draft EIS; and provided information on how the public could submit comments by mail, hand delivery, facsimile, or electronic means.

PUBLIC INVOLVEMENT

The National Environmental Policy Act (NEPA) mandates that local, State, and Federal agencies, Indian tribes, and private citizens be given the opportunity to comment on proposed actions throughout the environmental review process. The Maritime Administration (MARAD) has determined that additional public engagement of Environmental Justice (EJ) communities and Limited English Proficiency (LEP) persons in the environmental review process is warranted for the SPOT Project. The DEIS identified minority or low-income populations that meet one or more criteria for environmental justice analysis and the EJ communities along the pipeline route within Harris County would be disproportionately affected, at least temporarily, by construction impacts. Additionally, the Project's potential impacts include areas containing LEP populations sufficient to warrant translated/interpreted engagement. Therefore, a SDEIS was published that took into account comments received from the U.S. Environmental Protection Agency and the public regarding EJ communities and LEP persons to provide adequate opportunity for EJ communities and LEP persons to participate in the process.

AGENCY COORDINATION

The Deepwater Port Act (DWPA) requires the preparation of the EIS in a manner that fulfills the requirements of all Federal agencies in carrying out their responsibilities under NEPA. The EIS must analyze all connected actions that may affect local, State, and Indian tribe interests. The Final EIS includes copies of correspondence with these agencies.

PUBLIC COMMENTS

- Comments may be made verbally and/or in writing at the in-person or virtual open houses and public meetings or directly to the Federal Docket Management System.
- The Federal Docket Management System at www.regulations.gov is a public record and includes, or will include, the application, Draft EIS, Supplemental Draft EIS, and Final EIS, Federal Register notices, letters, consultations, public and agency comments, and other supporting information for the SPOT Project such as this informational material and meeting transcripts under Docket number MARAD-2019-0011.

There are several ways to provide comments:

- Electronically (preferred method) through the Federal Docket Management System (FDMS) Website: <http://www.regulations.gov> under Docket number MARAD-2019-0011.
- By Mail to the Federal Docket to the Federal Docket Management Facility, U.S. Department of Transportation, West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590-0001.
- By Fax to the Federal Docket Management Facility at 202-493-2251.

**PLEASE INCLUDE THE DOCKET NUMBER MARAD-2019-0011 ON YOUR COMMENTS.
COMMENTS ON THE FINAL EIS MUST BE SUBMITTED BY SEPTEMBER 12, 2022.**

