

U.S. Coast Guard and Maritime Administration

MARAD-2020-0127

Deepwater Port Record of Decision, License Conditions and Post Licensing Requirements

RECORD OF DECISION

- The Maritime Administration (MARAD) will issue a Record of Decision (ROD) reflecting the Secretary's decision to approve, deny, or approve with conditions. Approval with conditions means that the ROD contains conditions identified in the Environmental Impact Statement (EIS) or by the adjacent coastal state(s)' Governor(s) to manage safety risks, reduce adverse environmental impacts, as well as requiring management of change.
- Environmental and safety conditions may include specific procedures to reduce or eliminate adverse impacts on natural resources or public safety concerns identified during the National Environmental Policy Act (NEPA) review, monitoring and/or reporting requirements.
- Management of change may require additional evaluation for any substantive design, equipment, and/or operational changes that may have unanticipated effects on or changes in the environment that are not consistent with the environmental analysis, permits, Operations/Security Manual, or ROD/ License conditions.

FEDERAL AND STATE PERMITS, AUTHORIZATIONS AND REGULATORY REQUIREMENTS

The Federal and state permits, authorizations, and regulatory requirements include, but are not limited to:

- U.S. Environmental Protection Agency Clean Water Act, National Pollutant Discharge Elimination System Permit(s), Clean Air Act Permits, and General Conformity Determination.
- U.S. Army Corps of Engineers Section 10 Rivers and Harbors Act/Section 404 Clean Water Act Permit(s).
- Coastal Zone Management Act Consistency Certification.
- National Oceanic and Atmospheric Administration and U.S. Fish and Wildlife Service Endangered Species Act, National Marine Sanctuaries Act, Magnuson-Stevens Fishery Conservation and Management Act, Marine Mammal Protection Act, and associated consultations and authorizations.
- Pipeline and Hazardous Materials Safety Administration requirements.
- Bureau of Ocean Energy Management and Bureau of Safety and Environmental Enforcement requirements.
- National Historic Preservation Act compliance.
- Procedures for avoidance of geologic hazards and hazardous materials, and protection of cultural and archaeological resources.
- Louisiana state approvals for onshore facilities, pipeline, and other applied-for infrastructure.
- Texas state approvals for onshore facilities, pipeline, and other applied-for infrastructure.
- Other Federal, state or local regulations, permits, and authorizations as applicable.



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PROJECT-SPECIFIC REQUIREMENTS

Project-specific requirements for the construction, operation, and decommissioning of the deepwater port including those that may be specified by MARAD, the U.S. Coast Guard, another Federal or state agency, or the adjacent coastal state Governors.

MANUALS, PROGRAMS AND MEASURES

The following manuals, programs and measures must be developed and approved prior to deepwater port operations:

U.S. COAST GUARD APPROVED OPERATIONS AND SECURITY MANUAL

- Details all design and construction; operating and maintenance procedures; communication systems; personnel qualifications/training; occupational safety and health; emergency response and security plans.

PREVENTION, MONITORING AND MITIGATION PLAN

- Includes both the general regulatory and project-specific environmental requirements and mitigation measures that must be implemented during construction, operations, and decommissioning.
- The Prevention, Monitoring, and Mitigation Plan (PMMP) is included in the Port Operations Manual (OPSMAN).

RISK MANAGEMENT

- Achieved through risk mitigation measures identified in the U.S. Coast Guard's Independent Risk Assessment.

ADDITIONAL MARITIME SAFETY AND SECURITY NAVIGATIONAL REQUIREMENTS:

- Including safety zones, no-anchoring areas, areas to be avoided, regulated navigation areas, navigational aids, standoff from other structures, and navigational procedures as applicable.
- Vessels arriving at the deepwater port must conform to applicable federal regulations.

U.S. COAST GUARD APPROVAL OF PORT DESIGN, FABRICATION, INSTALLATION, OPERATIONS, MAINTENANCE AND INSPECTION:

- Additional requirements can be found in:
 - 33 Code of Federal Regulations Subchapter NN Parts 148, 149 and 150 Deepwater Ports ;
 - U.S. Coast Guard Navigation and Vessel Inspection Circular (NVIC) 03-05: Guidance for Oversight of Post Licensing Activities Associated with Development of Deepwater Ports; and
 - Classification Society Requirements



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