



# Deepwater Port Record of Decision, License Conditions and Post Licensing Requirements – Part I



## If a Deepwater Port is Approved

The following regulatory mechanisms will aid in the managing safety and environmental risks:

- The Maritime Administration will issue a Record of Decision (ROD) and may issue a subsequent License that may include any necessary conditions.

Conditions of Licensing may include:

### ***Management of Change***

- This requires 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***

These include, but are not limited to:

- U.S. Environmental Protection Agency (EPA), Clean Water Act (CWA), National Pollutant Discharge Elimination System (NPDES) Permits(s), Clean Air Act (CAA) Permits, and General Conformity Determination.
- U.S. Army Corps of Engineers Section 10 Rivers and Harbors Act/ Section 404 CWA Permit(s).
- Coastal Zone Management Act (CZMA) Consistency Certification.
- National Oceanic and Atmospheric Administration (NOAA) and U.S. Fish and Wildlife Service (USFWS) 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 Material Safety Administration (PHMSA) requirements.
- Bureau of Ocean Energy Management (BOEM) and Bureau of Safety and Environmental Enforcement (BSEE) requirements.
- National Historic Preservation Act compliance.
- Procedures for avoidance of geologic hazards and hazardous materials, and protection of cultural and archaeological resources.
- Texas state approvals for onshore/inshore storage, pipeline and other applied-for infrastructure.
- Other federal, state or local regulations, permits, and authorizations as applicable.

### ***Project Specific Requirements***

For the construction, operation, and decommissioning of the port including those that may be specified by MARAD, the Coast Guard, another federal or state agency, or an adjacent coastal state Governor.



## Deepwater Port Record of Decision, License Conditions and Post Licensing Requirements – Part II

### *Manuals, Programs and Measures*

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

- Coast Guard Approved Operations and Security Manual (OPSMAN):
  - Details all design and construction; operating and maintenance procedures; communications systems; personnel qualifications/ training; occupational safety and health; emergency response and security plans; etc.
- Prevention, Monitoring and Mitigation Program (PMMP):
  - Includes both the general regulatory and project-specific environmental requirements and mitigation measures that must be implemented during construction, operations, and decommissioning.
  - The PMMP is included within the OPSMAN.
- Risk Management:
  - Achieved through risk mitigation measures identified in the Coast Guard's Independent Risk Assessment (IRA).
- Additional Maritime Safety and Security Navigational Requirements:
  - Including safety zones, no-anchoring area, area to be avoided, regulated navigation areas, navigational aids, standoff from other structures and navigational procedures as applicable.
  - Vessels arriving at the port must conform to applicable federal regulations.
- Coast Guard Approval of Port Design, Fabrication, Installation, Operations, Maintenance and Inspection:
  - Additional requirements can be found in:
    - 33 Code of Federal Regulations (CFR) Subchapter NN Parts 148, 149, and 150 Deepwater Ports;
    - 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