

1. U.S. Department of Transportation Maritime Administration (“MARAD”) issues Deepwater Port Application (“DPA”) license and identifies nearest adjacent coastal state(s).¹⁵ U.S. Coast Guard (“USCG”) processes license applications.
2. EPA is cooperating agency for NEPA. Review of Environmental Impact Statement is required under CAA Sec. 309.
3. Within 45 days after the final license application public hearing, the EPA Administrator is to provide recommendation on whether to approve or disapprove the application and to inform Transportation Secretary if the deepwater port will not conform to the requirements of the CAA, Clean Water Act (“CWA”), and Marine Protection, Research, and Sanctuaries Act (“MPRSA”).

The process for proposed projects located onshore or near shore (within state waters) begins with FERC. According to EPA (emphasis added):

*Onshore Projects and Projects in State Waters*¹⁶

*Under the Natural Gas Act (NGA) 15 U.S.C. § 717 et seq., the Federal Energy Regulatory Commission (FERC) has jurisdiction over the siting, construction and operation of facilities used to transport natural gas in interstate commerce and of facilities used for the export or import of natural gas, which includes LNG projects onshore and in state waters. FERC also has jurisdiction over the pipeline portion of a deepwater port that is located landward of the LNG Roadmap Technical Appendix high water mark and over interconnecting facilities, which are not part of the deepwater port.¹⁷ **With respect to approvals of these projects, the Energy Policy Act of 2005 designated FERC as the lead agency for purposes of coordinating all applicable federal authorizations and for the purposes of complying with NEPA. Under this authority, FERC establishes the schedule for all Federal authorizations, sets deadlines, and maintains a complete consolidated record of all administrative decisions made with respect to any federal authorization.**¹⁸*

¹⁷ See 33 U.S.C. 150(b)(9)(C).

¹⁸ Energy Policy Act of 2005, Pub. L. No. 109-58 Sec. 313 which amended 15 U.S.C. 717 n.

LNG project applicants must comply with FERC’s pre-filing procedures. 15 U.S.C. §717(b) 1(a) & 18 C.F.R.

157.21(a). This pre-filing process involves agencies working together to develop a single NEPA document to

¹⁵ Licensing Process, U.S. Department of Transportation Maritime Administration, Accessed September 29, 2022, <https://www.maritime.dot.gov/ports/deepwater-ports-and-licensing/licensing-process>

¹⁶ Onshore Projects and Projects in State Waters, Page 4, EPA’s Liquefied Natural Gas Regulatory Roadmap, EPA, November 2006, #EPA-230-B-06-001, https://www.epa.gov/sites/default/files/2015-08/documents/lng_regulatory_roadmap.pdf