

(Pub. L. 93-627, § 5, Jan. 3, 1975, 88 Stat. 2131; Pub. L. 98-419, § 2(f), Sept. 25, 1984, 98 Stat. 1607; Pub. L. 104-324, title V, § 505, Oct. 19, 1996, 110 Stat. 3927; Pub. L. 107-295, title I, § 106(c), (f), (g), Nov. 25, 2002, 116 Stat. 2086-2088; Pub. L. 109-241, title III, § 304(c)(1), July 11, 2006, 120 Stat. 527; Pub. L. 111-281, title IX, § 903(d), Oct. 15, 2010, 124 Stat. 3011.)

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (f), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

AMENDMENTS

2010—Subsec. (c)(2)(K). Pub. L. 111-281 realigned margin.

2006—Subsec. (c)(2)(K) to (M). Pub. L. 109-241 added subpar. (K) and redesignated former subpars. (K) and (L) as (L) and (M), respectively.

2002—Subsec. (d)(4). Pub. L. 107-295, § 106(c)(1), added par. (4).

Subsec. (f). Pub. L. 107-295, § 106(f), substituted “NEPA compliance” for “Environmental impact statement for single application area; criteria” in heading and amended text generally. Prior to amendment, text read as follows: “For all timely applications covering a single application area, the Secretary, in cooperation with other involved Federal agencies and departments, shall, pursuant to section 4332(2)(C) of title 42, prepare a single, detailed environmental impact statement, which shall fulfill the requirement of all Federal agencies in carrying out their responsibilities pursuant to this chapter to prepare an environmental impact statement. In preparing such statement the Secretary shall consider the criteria established under section 1505 of this title.”

Subsec. (h)(2). Pub. L. 107-295, § 106(g), inserted “and unless prohibited by law,” after “Notwithstanding any other provision of this chapter.”

Subsec. (i)(4). Pub. L. 107-295, § 106(c)(2), added par. (4). 1996—Subsec. (c)(3). Pub. L. 104-324 added par. (3).

1984—Subsec. (g). Pub. L. 98-419 substituted “issued” for “issued, transferred, or renewed”.

REGULATIONS

Pub. L. 107-295, title I, § 106(e), Nov. 25, 2002, 116 Stat. 2087, provided that:

“(1) AGENCY AND DEPARTMENT EXPERTISE AND RESPONSIBILITIES.—Not later than 30 days after the date of the enactment of this Act [Nov. 25, 2002], the heads of Federal departments or agencies having expertise concerning, or jurisdiction over, any aspect of the construction or operation of deepwater ports for natural gas shall transmit to the Secretary of Transportation written comments as to such expertise or statutory responsibilities pursuant to the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.) or any other Federal law.

“(2) INTERIM FINAL RULE.—The Secretary may issue an interim final rule as a temporary regulation implementing this section [amending this section and sections 1501 to 1503, 1507, and 1520 of this title] (including the amendments made by this section) as soon as practicable after the date of enactment of this section, without regard to the provisions of chapter 5 of title 5, United States Code.

“(3) FINAL RULES.—As soon as practicable after the date of the enactment of this Act, the Secretary of Transportation shall issue additional final rules that, in the discretion of the Secretary, are determined to be necessary under the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.) for the application and issuance of licenses for a deepwater port for natural gas.”

INFORMATION TO BE PROVIDED

Pub. L. 109-241, title III, § 304(c)(2), July 11, 2006, 120 Stat. 527, provided that: “When the Coast Guard is op-

erating as a contributing agency in the Federal Energy Regulatory Commission’s shoreside licensing process for a liquefied natural gas or liquefied petroleum gas terminal located on shore or within State seaward boundaries, the Coast Guard shall provide to the Commission the information described in section 5(c)(2)(K) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(c)(2)(K)) with respect to vessels reasonably anticipated to be servicing that port.”

§ 1505. Environmental review criteria

(a) Establishment; evaluation of proposed deepwater ports

The Secretary, in accordance with the recommendations of the Administrator of the Environmental Protection Agency and the Administrator of the National Oceanic and Atmospheric Administration and after consultation with any other Federal departments and agencies having jurisdiction over any aspect of the construction or operation of a deepwater port, shall establish, as soon as practicable after January 3, 1975, environmental review criteria consistent with the National Environmental Policy Act [42 U.S.C. 4321 et seq.]. Such criteria shall be used to evaluate a deepwater port as proposed in an application, including—

- (1) the effect on the marine environment;
- (2) the effect on oceanographic currents and wave patterns;
- (3) the effect on alternate uses of the oceans and navigable waters, such as scientific study, fishing, and exploitation of other living and nonliving resources;
- (4) the potential dangers to a deepwater port from waves, winds, weather, and geological conditions, and the steps which can be taken to protect against or minimize such dangers;
- (5) effects of land-based developments related to deepwater port development;
- (6) the effect on human health and welfare; and
- (7) such other considerations as the Secretary deems necessary or appropriate.

(b) Review and revision

The Secretary shall periodically review and, whenever necessary, revise in the same manner as originally developed, criteria established pursuant to subsection (a) of this section.

(c) Concurrent development of criteria and regulations

Criteria established pursuant to this section shall be developed concurrently with the regulations in subsection (a) of section 1504 of this title and in accordance with the provisions of that subsection.

(Pub. L. 93-627, § 6, Jan. 3, 1975, 88 Stat. 2135.)

REFERENCES IN TEXT

The National Environmental Policy Act, referred to in subsec. (a), is Pub. L. 91-190, § 2, Jan. 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

§ 1506. Repealed. Pub. L. 104-324, title V, § 506, Oct. 19, 1996, 110 Stat. 3927

Section, Pub. L. 93-627, § 7, Jan. 3, 1975, 88 Stat. 2135; Pub. L. 98-419, § 2(g), (h), Sept. 25, 1984, 98 Stat. 1607,