

## **Deepwater Port Act**

**Agencies:** U.S. Department of Transportation and U.S. Coast Guard

**Citation:** [33 U.S.C. §§ 1501 et seq.](#)

**Enacted as:** the “Deepwater Port Act of 1974”, on January 3, 1975

### **Summary:**

The [Deepwater Port Act of 1974 \(DWPA\)](#), as amended by the [Maritime Transportation Security Act of 2002](#), establishes a licensing system for the ownership, construction, operation and decommissioning of deepwater port structures located beyond the U.S. territorial sea. The DWPA sets out conditions applicants for licenses must meet, including minimization of adverse impacts on the marine environment and submission of detailed plans for construction, operation and decommissioning of deepwater ports. The DWPA also sets forth detailed procedures for the issuance of licenses by the Secretary of Transportation and prohibits the issuance of a license without the approval of the Governors of the adjacent coastal states. The Secretary is required to establish environmental review criteria consistent with the National Environmental Policy Act (NEPA). The National Oceanic and Atmospheric Administration advises the Department of Transportation on the environmental review criteria for deepwater port applications, the site evaluation and preconstruction testing at potential locations, and the designation of “adjacent coastal state” status.

On June 18, 2003, the Secretary delegated to the Maritime Administrator, the "authority to issue, transfer, amend, or reinstate a license for the construction and operation of a deepwater port." As such, the [Maritime Administration](#) is responsible for determining the financial capability of potential licenses, citizenship, and is responsible for preparing the project Record of Decision (which includes the decommissioning analysis) and finally, for issuing or denying the deepwater port license. The various other duties under the DWPA, including consultation, are shared with the U.S. Coast Guard.

**Source:** [33 U.S.C. §§ 1501 et seq.](#) and

[http://www.marad.dot.gov/ports\\_landing\\_page/deepwater\\_port\\_licensing/dwp\\_port\\_act/dwp\\_port\\_act.htm](http://www.marad.dot.gov/ports_landing_page/deepwater_port_licensing/dwp_port_act/dwp_port_act.htm)

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