

HOW TO STOP AN LNG PROJECT – CABRILLO PORT CASE STUDY

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RACE Coalition Meeting – Nov. 8, 2007



DEEPWATER PORT ACT

- Federal license required for offshore facility (regasification, possible storage)
- Onshore laws and rules apply
- Other federal, state and local permits may be required
- Governor of adjacent state can approve or disapprove



DEEPWATER PORT ACT

- Federal Lead Agencies
 - U.S. Coast Guard
 - U.S. Maritime Administration (MARAD)
 - *Responsible for environmental review (NEPA)*
 - *MARAD must act on application for license*



DEEPWATER PORT ACT

- Other Permitting Agencies
 - U.S. EPA (Air, Water Permits)
 - State and Local Agencies (3 miles from shore, onshore: pipelines, support facilities)



DEEPWATER PORT ACT

- Consulting Agencies
 - U.S. Fish and Wildlife Service: Endangered Species Act
 - U.S. National Marine Fisheries Service (NOAA): Endangered Species Act, Marine Mammal Protection Act



DPA TIMELINE

- 240 days to complete envt. review
- 285 days for federal agencies to provide input; final federal hearing; Governor action
- 330 days to act on license application
- *Clock may be stopped if additional information is necessary to complete review*



PUBLIC PARTICIPATION

- Environmental Review
 - Hearings and comment on scope of review
 - Hearings and comment on Draft EIS/EIR
 - Hearings and comment on Final EIS/EIR (as part of decision on project)



PUBLIC PARTICIPATION

- CA State Lands Commission
 - Hearing and decision re: certification of EIR, lease for pipeline through state waters
 - *Denial by CSLC stops project because the gas cannot be shipped to shore*



PUBLIC PARTICIPATION

- CA Coastal Commission
 - Hearing and decision re: consistency review of federal portions of project; coastal development permit for pipeline through state waters; appeal(s) of local coastal development permits
 - *Objection by CCC may be appealed to Secretary of Commerce; denial of permit stops project*



PUBLIC PARTICIPATION

- Governor decision
 - Approve, disapprove, or notify the federal lead agencies of any inconsistency with State environmental programs
 - *Governor disapproval stops project (federal license may not be approved)*



PUBLIC PARTICIPATION

- U.S. Coast Guard, MARAD
 - Public hearing and decision on EIS, license
 - *Denial by MARAD stops project*



PUBLIC PARTICIPATION

- U.S. Coast Guard, MARAD
 - Public hearing and decision on EIS, license
 - *Denial by MARAD stops project*



PUBLIC PARTICIPATION

- Freedom of Information Act (Federal)
- Public Records Act (CA)



HOW TO BE EFFECTIVE

- Engage early and often!
- Hire experts; don't rely on the agencies to analyze all impacts of the project
- Present expert technical, scientific and legal testimony in a timely manner
- Work with environmental protection agencies
- Outreach to local communities, govt.
- Educate decision-makers

