State of Louisiana

EXECUTIVE DEPARTMENT
EXECUTIVE ORDER NUMBER 18-09

LOUISIANA OFFSHORE TERMINAL AUTHORITY TO ADMINISTER THE FEDERAL DEEPWATER PORT ACT FOR LOUISIANA

WHEREAS, the federal Deepwater Port Act, 33 U.S.C. Sec. 1501, et seq., provides for the application for, and the construction and operation of deepwater ports or offshore terminal facilities beyond the seaward boundaries of Louisiana, for the transportation, storage or further handling of oil or natural gas;

WHEREAS, the state of Louisiana, to the extent that it is considered an adjacent coastal state, has been granted certain rights, duties, and responsibilities by the Deepwater Port Act in connection with the application for, and construction and operation of, such deepwater ports;

WHEREAS, there is a need for a single state agency to supervise, coordinate, and direct the state's duties and responsibilities in connection with implementation of the Deepwater Port Act;

WHEREAS, the Louisiana Offshore Terminal Authority was created by La. R.S. 34:3101, et seq., to promote, plan, finance, develop, construct, control, license, regulate, supervise, operate, manage, maintain and modify offshore terminal facilities within its jurisdiction;

WHEREAS, the Deepwater Port Act has extended the jurisdiction of the state of Louisiana to adjacent offshore waters beyond state boundaries for the limited and exclusive purposes as stated in the Act; and

WHEREAS, the Louisiana Offshore Terminal Authority has continuously demonstrated its competence and expertise in operation, monitoring, and regulation of the Louisiana Offshore Oil Platform ("LOOP").

NOW, THEREFORE, I, JOHN BEL EDWARDS, Governor of the state of Louisiana, by virtue of the power vested in me by the Constitution and statutes of the state of Louisiana do, effective immediately, hereby order and direct as follows:

SECTION 1: The Louisiana Offshore Terminal Authority is hereby designated as the single state agency which, subject to the powers and duties reserved to the Governor, shall administer and supervise the rights, duties and responsibilities of the state of Louisiana under the federal Deepwater Port Act.

SECTION 2: The right, duties and responsibilities to be supervised and administered by the Louisiana Offshore Terminal Authority shall include, but are not necessarily limited to, those contained in 33 U.S.C. Sec. 1504(h)(2) and 33 U.S.C. Sec. 1508, except for those powers expressly reserved to the Governor under 33 U.S.C. 1502(10) and Sec. 1508(b)(1) relative to the Governor's authority to approve, disapprove, or conditionally approve pending applications. All required notices from the U.S. Coast Guard or the secretary of the U.S. Department of Transportation under the Deepwater Port Act, shall continue to be sent directly to the Governor, whose office shall provide same to the Louisiana Offshore Terminal Authority.

SECTION 3: The rights, duties and responsibilities to be administered and supervised by the Louisiana Offshore Terminal Authority in connection with the Deepwater Port Act shall include, but shall not necessarily be limited to, the following:

A. Upon receipt from the Governor of an application made under the Deepwater Port Act for the construction and operation of a deepwater port or offshore terminal facility, the Louisiana Offshore Terminal Authority shall coordinate and supervise the review by the state of such application, including coordination with other necessary state agencies, including the Department of Environmental Quality, the Department of Wildlife and Fisheries, and the Department of Natural Resources. The review shall include all environmental impact statements submitted, the impact on the coastal environment, the impact on the inshore and offshore waters and fisheries of the state, the impact on navigation, examination of monitoring plans, and such other reviews as the Louisiana Offshore Terminal Authority may deem necessary to assure the protection of the state and its resources.

B. Formulation and implementation of any necessary environmental monitoring and security plans, in cooperation with the operator, federal agencies, and state agencies.

C. Coordination with other adjacent coastal states and any other states impacted by the construction and operation of a deepwater port facility.

D. Letting of necessary contracts in connection with environmental monitoring, security and such other necessary services as may be required by the Louisiana Offshore Terminal Authority in connection with the application for, or construction and operation of, deepwater ports under the Deepwater Port Act. Such contracts shall be let in accordance with law, and specifically in accordance with the requirements of the Louisiana Offshore Terminal Authority implementing legislation, La. R.S. 34:3101, et seq.

E. Upon completing necessary reviews of an application for construction of a deepwater port facility, report its findings and recommendations to the Governor so as to allows the Governor adequate information upon which to exercise in a timely manner, the Governor's authority under 33 U.S.C. Sec. 1508(b)(1) to approve, disapprove, or conditionally approve a pending application.

F. In accordance with the provisions of 33 U.S.C. Sec. 1504(h)(2), obtain compensation for any economic cost incurred by the state of Louisiana in fulfilling its duties and responsibilities in connection with the construction and operation of any deepwater port facility, by fixing and collecting reasonable fees for the use of a deepwater port facility and for use of land-based facilities directly related to a deepwater port facility, subject to the approval of the secretary of the U.S. Department of Transportation.

SECTION 4: For the Louisiana Offshore Terminal Authority to carry out its responsibilities as ordered herein, subject to the availability of funding, the Louisiana Offshore Terminal Authority shall have the authority to establish an office with appropriate staff and facilities; to develop and implement an operational plan; to develop and implement a communications plan; to work with industry with regard to homeland security, safety, and hurricane-preparedness plans; to construct and implement a budget, including performance-based budgeting; to institute monitoring and reporting timelines and guidelines in compliance with the Deepwater Port Act and other applicable law; and generally to do and implement any other necessary and appropriate measures to allow the Louisiana Offshore Terminal Authority to function effectively, in accordance with law, and specifically in accordance with the provisions of La. R.S. 34:3102, et seq.

SECTION 5: All departments, commissions, boards, offices, entities, agencies, and officers of the State of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the Task Force in implementing the provisions of this Order.

SECTION 6: This Order is effective upon signature and shall continue in effect until amended, modified, terminated or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the City of Baton Rouge, on this 21st day of March, 2018.

GOVERNOR OF LOUISIANA

ATTEST BY THE
SECRETARY OF STATE

SECRETARY OF STATE