



REEDSPORT WAVE ENERGY PROJECT COE 404 PERMIT

November 30, 2006

In attendance:

Steve Kopf, OPT
Therese Hampton, Oregon Solutions
Teena Monical, COE
Merina Christoffersen, COE
Kathy Roberts, USFWS
Cathy Tortorici, NOAA Fisheries
Greg McMurray, DLCD
Jim Hastreiter, FERC
Mikell O'Mealy, DEQ

Meeting Summary

The COE indicated that this project will require an individual project permit. There is a discharge associated with this project and the COE has jurisdiction under the Rivers and Harbors Act and delegated authority under the Clean Water Act.

The COE explored whether the buoy could be permitted under the national buoy permit. This permit applies only to navigational buoys and therefore is not appropriate. Further, the COE explored whether this project could be permitted under a regional permit. This project exceeds the size limit to be considered under a regional permit.

The COE reviewed the 404 permitting process and timeline. The COE permitting process should take no longer than 120 days. However, additional time may be required if ESA consultation is required. ESA consultation may take up to 135 days but can run concurrently with the rest of the COE review process. In addition, a DEQ certification and a consistency review with the Coastal Management Plan is required before a final 404 permit can be granted. Both the DEQ and the DLCD process can be completed within the COE's 120 day period.

The permitting process begins with receipt of a complete application. The COE has 15 days to determine if the application is complete. COE issues the application for public comment. Depending on public comment, the COE may ask the applicant for more information otherwise they will proceed to their own review.

The group did not talk in detail about the DEQ and DLCD processes, but both agencies have identified that there will be specific information in the application process that will be important for them. Both agencies will look for that in the draft and provide comment back as to what else is needed.

Consultation under ESA will be required for Southern Oregon/Northern California Coho. There are other listed species but it is not yet known whether they use the area and are affected. In addition, consultation under the Essential Fish Habitat and Marine Mammals Protection Act will be required. COE will be the lead agency responsible for initiating consultation. This is typically done at the same time the application is issued for public comment.

All federal agencies said consultation can be faster if the BA is provided at the time of application and is reviewed by NOAA Fisheries and US FWS in advance. Both agencies offered to provide review of the draft BA.

After discussion of the process, the group developed an overall schedule for achievement of the 404 permit. Due to both weather and financing issues, it was determined that it is best to have the buoy installed by September 30, 2007. Based on that and the 404 permitting process information, the group determined the following schedule was necessary:

Proposed Schedule:

January 15:	Draft application provided to workgroup
Wk of January 22:	Workgroup meeting to discuss additional information needs
January 31:	Application filed (BA included)
February:	COE public comment period begins, ESA consultation initiated, Coastal Management Program Certification process initiation, DEQ Certification process initiation
March	Additional information requests from COE, if needed
April	Consultation completed, DEQ certificate received, Consistency review received
May 1:	404 Permit Issued

Next Steps:

- Steve Kopf to work with OPT and Devine Tarbell to confirm the ability to get a draft application completed by January 15.
- Steve Kopf to identify any additional information that might be needed now to support development of the application.
- Therese to schedule next meeting once scheduled is tightened up.