



REEDSPORT WAVE ENERGY PROJECT FERC PROCESS

December 18, 2006

In attendance:

Steve Kopf, OPT

Therese Hampton, Oregon Solutions

Teena Monical, COE

Kathy Roberts, USFWS

Bridgette Lohrman, NOAA Fisheries

Mike Murphy, Devine Tarbell

Justin Klure, ODOE

Chris Castelli, Dept. of State Lands

Jim Hastreiter, FERC

Ken Homolka, ODFW

Greg McMurray, DLCD

Paul Szewczykowski, Devine Tarbell

Meeting Summary

*Facilitator's Note: The following meeting summary focuses a lot on discussion around a potential settlement agreement. It is important to note that this concept was offered as something to be explored **in addition to** the Declaration of Cooperation. Further, this concept was offered for discussion to understand benefits/drawbacks of this approach. Based on feedback from this meeting, one-on-one conversations, follow-up, and discussion at the next meeting, the group will determine the appropriate next steps.*

Steve Kopf provided feedback on the FERC hearing and a meeting OPT had with Ann Miles and Mark Robinson. FERC was very encouraging of the work this group has been doing over the last few months. In addition, Ann Miles encouraged OPT to move forward with a license application.

There has been a lot of experience under hydro relicensing with settlement agreements and the benefit they provide in expediting the FERC process. Given OPT's interest in achieving a license by summer 2008, the idea of a settlement agreement to support the installation of the additional 13 buoys was explored.

Key Elements of a potential settlement agreement:

- Agreement on the sources and analysis of existing information to support the review of the existing environment.
- Agreement on the studies to be completed once installation of the additional 13 buoys was completed.
- Agreement on triggers/impacts that would necessitate removal of the 13 buoys.

We went around the room to get feedback from each agency on the subject. Most people in the room had not given serious consideration to a settlement agreement and there were many questions about what it would include or not include. There was a general concern about the ability to achieve a settlement in the timeframe in a 6-month timeframe.

There was further discussion about whether a settlement agreement would require involvement of other individuals from the agencies. There was the suggestion that attorney review and potential involvement would be needed. In addition to attorneys, there may be value to including some NGO representation to a settlement discussion.

Kathy Roberts from USFWS suggested some specific information that would be important to USFWS: what would be the schedule for the settlement agreement, what are the key elements of the agreement, and what is the expected time commitment. There was discussion that a presentation from OPT to USFWS might be helpful (see next steps below).

The initial thinking at this point is that the Preliminary Application Document would be filed in March. A goal would be to have a Final License Application with a settlement agreement completed by June-July, 2007.

Steve Kopf did identify a couple of key buoy design issues that require input in the near-term. They include: a lattice work piece of the spar design, the buoy design as it relates to seals, and the mooring system design. We did not identify a specific approach for follow-up on that issue.

The meeting focused on exploration of the settlement concept. There was definitely a lot of questions and concern in the room. We agreed to continue to explore and address questions with the goal for next meeting being: To define clearly the focus/purpose of this group and develop an agenda for the coming months.

Prior to the Next meeting:

- Development of a draft scoping document
- A draft schedule for meetings with topic areas identified
- A meeting with USFWS to discuss the project/settlement concept
- An information sheet on settlement—what is the purpose, value, timeline, expected time commitment
- Draft settlement outline—what would a settlement look like, what would it cover?

Next meeting is likely to be late January.