



## **REEDSPORT WAVE ENERGY PROJECT FERC PROCESS**

**March 27, 2008**

***In attendance:***

Steve Kopf, Reedsport OPT Wave Park	Lucia Mack, US Coast Guard
Therese Hampton, Oregon Solutions	Mikell O'Mealy, DEQ
Merina Christoffersen, COE	Mike Murphy, Devine Tarbell & Assoc.
Kathy Roberts, USFWS	Ken Homolka, ODFW
Greg McMurray, DLCD	Patty Burke, ODFW

### **Meeting Summary**

***Why Settlement***

The meeting started with a review of the revised process map and schedule. We moved quickly into a discussion about why settlement was required for this project.

Oregon and Reedsport OPT Wave Park, LLC (OPT) both desire to be the leaders in the wave energy industry. Installation and monitoring of the 14 buoy array is key to achieving that goal. The 14 buoy array could be the first larger scale wave project in the world. Further, it provides the opportunity to study the impacts and support decisions about further wave energy developments.

In order for the 14 buoys to be commercially viable, they must have a FERC license. The FERC process time can be reduced by almost 1 year by securing a settlement. In addition, many of the agencies prefer settlement because it provides the ability to make decisions and have influence locally. Specifically, ODFW mentioned that they get to have direct input in settlement discussions whereas in the standard licensing processes they only make recommendations to FERC.

***Information Sources***

There was some discussion about what kind of information would be available to the Agencies at the start of settlement. Both the Declaration of Cooperation and the Preliminary Application Document will be available to support the settlement conversations.

Greg McMurray raised the issue of timing on the wave effects workshop. It had previously been planned for June-July, however, funding is not available from Oregon Wave Energy Trust at this time and the workshop needs to find other sources of funds. Greg asked if September would be too late for the workshop. He believes he may get

OWET funding by that time. Everyone in the room thought September timeframe was OK.

### ***Elements of Settlement***

The group brainstormed the different key elements of the settlement agreement:

- Modified project description. Capture the modifications from the preliminary application document (PAD) description that have been agreed to in settlement.
- Information Sources. Capture any new information sources used in the settlement process that were not identified in the PAD.
- Baseline. Include a plan and approach for how to establish baseline conditions.
- Study plan. Define the issues to be evaluated and the study design for the 14 buoy array.
- Adaptive Management Plan.
  - Defines roles and responsibilities of each entity related to receipt and review of study data.
  - Identify criteria for discussion and evaluation of modifying actions.
- Triggers for removal. Define the criteria that would trigger a request to FERC for a removal permit

### ***Outstanding Questions***

Will we have sufficient information to evaluate the 401 (and other regulatory) issues?

*Given the desire for all regulatory issues to be evaluated, will there be sufficient information to identify and work through all issues?*

As this project proceeds to the next phase, what type of FERC amendment and process is required?

*The question was asked whether the amendment process has a shortened or truncated NEPA process. By agreeing to the 14 buoys to parties give up any ability to challenge at a later point.*

How important is a removal trigger to the settlement?

*There is some concern that this will be very difficult to develop. In addition, it may not be something FERC can deal with easily. How important is this to parties?*

### ***Settlement Participants***

The group quickly brainstormed the key participants in settlement. The initial list is outline below with some questions to be followed up on:

Must Have: DSL, Parks, DLCD, DEQ, ODFW, NOAA, USFWS  
*WRD?, Fish and Crab Commissions?*

Good to Have: Douglas County, Coast Guard, Oregon Shores  
*COE?, Marine Board?, EPA? Oregon Oceans?*

It was noted at the early part of the discussion about settlement that the COE attorneys have advised that they not enter into a settlement agreement at this time. However, they would like to be available to answer questions and participate in the meetings.

There was discussion about whether the people in the room were the appropriate participants in settlement or whether it would be someone else. It was recognized the experts or specialists may need to be brought in based on the subject matter. We asked each agency representative to check back with their agency to regarding a settlement point of contact and report at the next meeting.

***Next Steps:***

- Next Meeting:
  - Monday, April 16<sup>th</sup>
  - 1:30-3:30
  - Oregon Solutions' office
- Mike Murphy will provide an outline of the Preliminary Application Document
- Each entity to define a settlement Point of Contact

*Proposed Agenda for Next Meeting*

1. Discuss PAD outline and information available for settlement
2. Discuss types of license amendments and the associated FERC process
3. Discuss the removal request trigger
4. Review a draft schedule for meetings
5. Review participant list and POCs for each entity
6. Outstanding issues to resolve in order for parties to commit