

Before the Oregon Water Resources Department

Notice of Proposed Final Order Reedsport OPT Wave Park, LLC - HE 591

Proposed Final Order on the Potential for Cumulative Impacts
with other Existing, Approved or Proposed Hydroelectric Projects
(ORS 543.255)

This matter comes before the Director on application of Reedsport OPT Wave Park, LLC (Applicant) for a hydroelectric project. The issue before the Director is whether the proposed project may contribute to cumulative impacts with other existing, approved or proposed hydroelectric projects in the same river basin. ORS 543.255. It is presumed that if there are other existing, approved or proposed projects, in the same river basin, there is a potential for cumulative impacts. OAR 690-051-0290(1). This presumption may be rebutted by showing the impacts of the proposed project are so small in extent, short-termed or localized that there is no reasonable likelihood of cumulative impacts. *Id.*

A contested case hearing shall be scheduled concerning the public interest issues of the Project according to ORS 543.230.

The Project as proposed by OPT is for 10 PowerBuoys to be deployed off the coast of Reedsport Oregon. Each buoy is capable of producing 150 KW of electricity. Total installed capacity will be 1.5 MW.

The Proposed Order presents findings of facts and conclusions of law to find that this project is the first of its kind off of the coast of Oregon. There are no other existing, approved or proposed hydroelectric projects in the Pacific Ocean at this time. A consolidated review of all pending hydroelectric projects in the basin is not required. A contested case hearing on the issue of whether the proposed project might impair or be detrimental to the public interest shall be scheduled within a few months.

Any person may protest this proposed order and request a hearing as provided by the Administrative Procedures Act, Oregon Revised Statutes Chapter 183 by filing a protest and request for hearing by **May 19, 2011**. A protest must be in writing, accompanied by a fee of \$600, and received at the Oregon Water Resources Department by **5 p.m. on May 19, 2011**. ORS 536.050(1)(j). Persons may mail or deliver protests and requests for hearing to:

Mary Grainey
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

The proposed final order, application and supporting documents can be viewed at the Water Resources Department, 725 Summer Street NE, Salem, Oregon 97301. The project is also filed with the Federal Energy Regulatory Commission (FERC) as docket p-12713.

Any person requesting a contested case hearing will be notified of the time and place of the hearing. Any person may be represented by legal counsel at the hearing. Any person requesting a hearing will be notified of the time and place of the hearing and given information on the procedures, right of representation and other rights of parties relating to the conduct of the hearing before the commencement of the hearing. Any hearing will be held by an administrative law judge from the Office of Administrative Hearings.

If you do not request a hearing within the time specified in this notice, or if you withdraw a request for hearing, notify the Division or the administrative law judge that you will not appear or fail to appear at a scheduled hearing, the Director may issue a final order. If the Director issues a final order by default, the Director will designate the Department's file on this matter as the record for the purpose of proving a prima facie case upon default.

For Further Information Contact: Mary Grainey 503-986-0833,
Mary.S.Grainey@ wrd.state.or.us .