

**OPAC Territorial Sea Plan Working Group Meeting  
Meeting Summary**

Friday, April 21, 2009, 12:30 -4:30 pm  
Board of Commissioners Meeting Room  
Lincoln County Courthouse  
225 West Olive Street, Room 108  
Newport, Oregon 97365

**Members Present:**

Kaety Hildenbrand	Paul Klarin	Fred Sickler
David Allen	Terry Thompson	Cristen Don
Laurel Hillmann	Jeff Kroft	Brad Pettinger
Onno Husing	Susan Morgan	Scott McMullen

**By Teleconference:** Steve Shipsey (DOJ)

**Audience:**

Neal Coenen	Gus Gates	Juna Hickner
Walter Chuck	Paul Engelmeyer	Greg Pettit
Meleah Ashford	Lorinda De Haan	

**Welcome and Introductions:**

Co-Chair David Allen brought the meeting to order at 12:40 pm and began by welcoming everyone. Work Group members introduced themselves to the audience and the members in the audience introduced themselves.

**Review and Approval of March 19, 2009 TSPWG Meeting Summary:**

A copy of the March 19, 2009 meeting summary was distributed to the work group members, who were then asked to review and, if needed, to suggest any changes. There were some suggested edits, a motion to approve the summary as revised was made and duly seconded. Hearing no objections the motion to accept the revised TSPWG meeting summary of the March 19, 2009 meeting was approved. (Attachment A)

**Update on Recent Topics:**

Paul Klarin: OCMP staff member, Greg McMurray, has announced his retirement from the State of Oregon effective April 30, 2009. In the interim, Paul will be handling the ocean side of resources and other OCMP staff will be shifting their duties around to help out. Please contact Bob Bailey, OCMP Manager or Paul if you have any questions.

Paul Klarin: In response to some questions over our budget, OCMP is funded 100% by NOAA grant funds and our division should be able to continue our current level of grant funding. NOAA's 2010 budget has already passed through Congress and it appears that OCMP will receive a slight increase in grant monies. At this point in time, it appears that funding on coastal issues will be held harmless, although we don't know what impact the mandated DLCD budget reductions will cause our Division.

Paul Klarin: The Legislature is starting to get active, all bills should be in committee and scheduled to be heard, or there is a good likelihood they will not make it out of committee. A lot of department budgets and other legislation will depend on the economic reports that are due to come out the end of May. Based on our current budget climate, if there are any requests for monies attached to implementing legislation, etc. it is unlikely they will be approved. I have not seen the new amendments to HB 3013, and I understand it still has to go through Legislative Counsel before the amendments can be reviewed. Discussion continued on HB 3013.

### **Update on Spatial Mapping of Fishing Effort:**

Paul Klarin: OCMP recently had a meeting with Ecotrust and OWET and others. OWET has allocated \$200,000 to the fish mapping effort. It now appears we will be able to get enough money together to continue the surveys and have the entire coast mapped. Money is now in the pipeline to start working with the local groups, FINE and FACT, and we are hopeful we can begin implementing the recreational survey part of it as well.

Onno Husing: At this time, Ecotrust has completed 58 interviews in both the fleet and charter industries with SOORC. Overall, Ecotrust is reporting good participation from the fishing groups and is receiving good information.

### **Northwest National Marine Renewable Energy Center:**

Paul Klarin introduced Meleah Ashford, Program Manager of The Northwest National Marine Renewable Energy Center (NNMREC). The NNMREC is a U.S. Department of Energy (DoE)-funded center at Oregon State University (OSU) and the University of Washington (UW). OSU houses the center headquarters and director and specializes in wave energy, while UW houses the center co-director and specializes in instream tidal energy. The DoE established funding for the center and announced the award in mid-September 2008 as part of its Advanced Water Power program. Grant funding is over five years, receiving about \$1.25 million each year in addition to other monies from Oregon. The main effort will be to build a floating "berth" to test wave energy technology off the Oregon coast near Newport, as well as fund extensive environmental impact studies, community outreach, and other initiatives. OSU has put out an RFP for the test berth and bids are due in next month.

Discussion about additional language in Part 5 recognizing the Northwest National Marine Renewable Energy Center Mobile Test Berth Site as well as the size, configuration, location, and testing ability of the test berth continued among work group members.

### **Discussion of new TSP Part 5 for Ocean Energy Conversion and Development:**

Work group members began discussion and edits on latest TSP Part 5 (Attachment B) as well as reviewing comments from ODFW and OWET (Attachment C). Kaety Hildenbrand handed out her personal notes from the FACT meeting on March 16, 2009 (Attachment D) in which two potential ocean energy projects were discussed. One was a wave energy project from Columbia Energy Partners and the other was an offshore wind project from Principle Power. Both projects are scheduled to be out of the Tillamook area.

Kaety Hildenbrand: Columbia Energy will be holding a demonstration project at the University of California at Berkley in May. They have invited several participants from the Tillamook area to view the demonstration. Also, they have asked FACT members to deliver a site selection by July 1, 2009. Discussion among work group members continued about these two projects.

Cristen Don asked about the logistics in the project review process and the FERC settlement process -- would some staff be doing double duty.

It is up to the regulations of DSL or OPRD and maybe other agencies that may also have standards and the applicant would have to apply. We are trying to cover a lot of bases in Part 5 that may or may not exist or that may or may not be regulated.

Onno Husing: I believe it is up to the applicant to show us where they met the standards in the application, or use a cross walk to show the state agencies.

Cristen Don: What is the process for the inventory contents and how does that work? Is it up to the regulating agencies? We (ODFW) don't change or create new regulations.

The applicant needs to deliver as a condition of approval for the permit. DSL has incomplete sections of authority in its statutes, we need to work around that in the future and make sure those issues are addressed.

Susan Morgan: It needs to be clearly stated by the state agencies that they need more information that shows a clear expectation of what the agency needs. There needs to be a responsibility from the agency to show the applicant what needs are to be addressed. Discussion of language continued among the work group members.

Paul Klarin: This would depend on DSL language and their ability to get the information up front before the start of the official calendar. If the application was insufficient, FERC

liked the idea of doing a pilot project. Their preference would be to work out a pilot project if they don't have a complete application. Work group continued discussions.

Scott McMullen: What about an exclusive use area? Instead of an exclusive area of only one use, I think the cumulative issues should be addressed: Marine reserves, aquaculture, and now wind energy -- now it becomes a big deal. This chapter needs to be comprehensive and that includes all the uses of the ocean. Discussion among members continued.

David Allen: I understand that it would be the cumulative effects of all the wave energy projects in the ocean. We account for all the other uses in the environment, fisheries, and other areas when we talk about cumulative effects. At this point, are we using it for siting this one particular use or does it cross a threshold?

Scott McMullen: It should be a consideration. If the U S Navy shuts down a lot of area used for crabbing and then more wave energy facilities are developed and shut down even more area that is a cumulative effect. Wouldn't you use the local economies as a placeholder to address those issues to the applicant? You have to look at the entire picture, both wave energy and marine reserves which locks up a lot of ocean.

Paul Klarin: There is a consultant, Gareth Davies of Aquatera (Scotland), that has been working under a contract from OWET to provide a model for addressing cumulative impacts. He has a model measuring effects of energy development from the ocean to the shore and into the communities. It was quite impressive and I believe it is an ongoing study. There is a methodology of his model on how to measure the cumulative effects. This consultant will be back in Oregon sometime in mid-May and I will see if we can get him to review his model with the work group.

David Allen: The work group needs to meet in May and finish up this report, and then it will forward recommendations to OPAC for review. We need to schedule a meeting in May and then a final meeting in June before we forward the TSP Part 5 policy recommendations to OPAC and then on to LCDC. Currently, OPAC has scheduled a meeting for June.

Respectfully Submitted,

Lorinda De Haan

Attachment A – March 19, 2009 TSPWG Meeting Summary (2 pages)

Attachment B – TSP Part 5.4.1, dated 4/17/09 (12 pages)

Attachment C – Comments on Part 5.3 from ODFW and OWET (3 pages)

Attachment D – FACT 3/16/09 meeting notes by Kaety Hildenbrand (2 pages)