

**Ocean Policy Advisory Council  
Wave Energy Work Group meeting  
Port of Umpqua Office, Reedsport - April 18, 2:30 p.m. – 5:30 p.m.**

**AGENDA**

2:30 - 2:40 - Introductions, review agenda

2:40 - 4:00 Update on almost everything including:

- Reedsport Project and Oregon Solutions Team effort
- Legislation, state funding for wave energy
- Oregon Consensus Project assessment
- Wave Energy Ecological Effects Workshop
- Other wave energy permits, permit applications
- County efforts
- OCZMA proposal
- FINE
- Federal efforts - FERC/MMS action

4:00- 4:15 Oregon's consistency review authority under the Coastal Zone Management Act - Greg

4:15 - 4:45 Review of policy issues generated at last WEWG mtg

4:45 - 5:30 Discussion of OPAC's role, next steps

**Participants:** Greg McMurray, DLCD; Greg Pettit, DEQ; Fred Sickler, OPAC; Steve Shipsey, DOJ; Cathy Tortorici, NMFS; Kathy Hildenbrand, Oregon Sea Grant; Steve Kopf, OPT; Lisa Mulcahy, PISCO; Cristen Don, ODFW; Laurel Hillmann, OPRD; Ephraim Temple, Oregon Sea Grant; Susan Chambers, World/Umpqua Post Newspapers; M. Kay Moxness, Central Lincoln, PUD; Paul Klarin, DLCD; Jolene Gezman, Umpqua Post; Keith Tymchuk, Reedsport; Onno Husing, OCZMA; Jack Brown, OPAC; Scott McMullen, OPAC; David Allen, OPAC, Robin Hartmann, OPAC.

The WEWG spent much of the meeting catching up on the recent wave energy project activities in Oregon, and nationally, as listed in the agenda.

The following points were made during the discussion:

- OPT has received approval of its preliminary permit applications on both its Reedsport and Coos Bay projects, which gives OPT a three-year priority over any other applicants, and an opportunity to study the impacts and feasibility of the projects. Steve Kopf indicated that OPT plans to pursue its projects at Reedsport, Coos Bay and at Newport, (which hasn't received a preliminary permit from FERC at this time), in "series," not as a large parallel effort.
- On the Reedsport project, OPT is working on a PAD, the Pre-Application Document, which identifies issues and ways to minimize impacts. This summer OPT plans to begin a settlement agreement process at the end of June so that it can submit a license application to FERC this fall. The Oregon Solutions Team is wrapping up its work on a Declaration of Cooperation and has been convening stakeholders in committees to prepare and agree on the Declaration, including committees on aquatic resources, recreation/ safety

and the FERC settlement process. OPT plans to have the 14 buoy array in the water by fall of 2008, with at least one year of study before seeking to amend the license to expand the project to 200 buoys (from a 2 MW project to a 50 MW project).

- For the other two projects, OPT will likely not build a test array of 14 buoy array, if the impacts are better understood because of the test array at Reedsport, unless species that are impacted are different, etc. For both the Coos Bay and the Newport Project, OPT has to file a preliminary application document with a PAD within one year of the preliminary permit approval date, so that OPT can show an intent to file a license. So, by March of 2008, OPT would have a PAD completed for the two other projects, then two more years until a license application would be approved.
- The footprint of the Newport and Coos Bay projects would be similar in size to the Reedsport project. All projects will be located in waters that are 27-32 fathoms in depth.
- After a settlement agreement is reached, there will be an EA or an EIS that is developed for the FERC application, and at that time people will be able to comment or file as interveners.
- Legislative Update:
- HB 2844 – Would allow for enterprise zones to extend out to the three mile so that counties would have the option to exempt property taxes for wave energy projects.
- HB 2924 – Would provide funding to DOGAMI to get seafloor mapping started in Oregon's TSP.
- HB 2925 – Would exempt wave energy projects from the need for a state permit if they are less than 5 MW and also do not require a FERC license.
- HJM 22 – Now asks Congress to declare that FERC has jurisdiction over wave energy.
- SB 875 – Would require the financial wherewithal to recover equipment if developer is asked to remove equipment by the state.
- SB 581 Oregon Innovation Council - \$3-5 million initiative for wave energy.
- Steve Kopf said it is hugely helpful for the state to put funding and energy into studying the cumulative effects on a coast-wide basis.
- In a few weeks, Therese Hampton will be working at the request of the Governor's office as a part of the National Policy Consensus Center to interview many stakeholders about what the key issues are with wave energy and about what forums would be best for conducting a statewide assessment and stakeholder involvement re: wave energy. Her goal is to get all issues identified from all players.
- It was suggested that a statewide assessment should consider not only wave energy projects, but other uses that might be zoned in the ocean including

marine reserves, fishing, navigation, aquaculture, LNG. It was suggested that Therese make the questions in her interview more general - not only about wave energy as an isolated development effort, but in the context of other ocean uses.

- McMurray reported on the Wave Energy Ecological Effects Science Workshop. A committee has been formed that includes George Boehlert of the Hatfield Marine Science Center, John Meyer of PISCO, Maurice Hill of MMS, Justin Klure of ODOE, Kathy Tortorici of NMFS; Hartmann of Oregon Shores; McMurray of DLCD. The workshop is tentatively planned for either the first or second week of September. It will involve a day and a half of scientists gathering and working in small groups focusing on ecological impacts, then reporting out to the policy arena, including the OPAC, sometime later. Also, MMS is having a similar national workshop that is scheduled for June 26-28.
- There was discussion about having the WEWG and the OPAC including tidal energy projects in tandem with wave projects, though tidal projects would be located within the estuaries (from the ocean to the head of the saltwater – where salt content is greater than 1%) and in rivers.
- The group was informed that Douglas County's preliminary permit has been narrowed down to a site located just off the north jetty at Winchester Bay. The county is in informal discussions with WaveGen about its technology which is different than OPT's buoy technology, and is located mostly above water and in the very nearshore environment. Similar technology has been used at Ft. Bragg, CA, where they had to modify their jetty. The equipment fills with water, and there could be less "ocean zoning" issues, though recreational opportunities, including surfing, could be impacted by installation and use of such nearshore equipment.
- Kaety Hildenbrand told the group about FINE – Fishermen Involved in Natural Energy FINE, which was formally approved as a committee by the Lincoln County Commissioners. The group began to meet in January and serves to bring together a number of fishing interests. The group obtained a grant from the Port Liaison Project as well as funding from NOAA. Some funds are used to pay fishermen for their time on the project.
- Onno has developed a grant proposal that would build stakeholder groups at key locations where wave energy projects have proposed. It would be modeled after the FINE process.
- Greg McMurray provided a brief summary of what he would present at the full OPAC meeting on April 19<sup>th</sup> regarding consistency review authority of the state on wave energy projects.

The group reviewed the list of policy issues that it generated at its last meeting, moved the discussion forward on what the OPAC's role should be, what was to be reported out to the full OPAC on Thursday, and what should be the next step. The following ideas were presented related to these topics:

- OPAC should be involved in the statewide planning process for wave energy – possibly as an extension of the state land use planning system, but in this case for Goal 19.

- OPAC could serve as a coordinating body; OPAC could hear from users and provide a forum for exchange of information, helping to coordinating conflicting uses.
- OPAC could help the state with recommendations on siting criteria and framework on how best to plan for wave energy plants across the whole Territorial Sea.
- OPAC could help with consideration of cumulative impacts; it was recognized that could be difficult work. It was also pointed out that cumulative effects are required to be considered under Part Two of the TSP. Cathy Tortorici suggested such a study didn't have to be difficult, that there were ways to look at "tradeoffs" ... to do a "trade-offs analysis" that could be narrowed to, say, just the 2.5-3 mile area of the coast, and in other ways. She recommended a UN report that used this methodology for considering the trade-offs of aquaculture – what was gained and lost if aquaculture projects were approved. Regardless of the methodology, it would be better to have something done sooner rather than later.
- Scott suggested that, absent complete information, OPAC could recommend the Governor set a cap on expansion of wave energy sites to some percentage (say 3 percent) of the Territorial Sea until we know more. He suggested that by "limiting the footprint" crabbers and others would have more assurance that wave energy plants wouldn't be placed all up and down the coast and become a "run away" system.
- Discussing was held about the need to have some understanding what the natural limits might be before picking a percentage cap, and that it shouldn't be arbitrary without having some basis. Also, a cap wouldn't address the key issue of "location, location, location."
- Concern was indicated about obtaining baseline information at each site before it becomes locked up with the wave energy equipment. OPAC could advise the Governor and agencies to immediately gather baseline information at sites where OPT's one and 14 buoys would be sited. OPT indicated that the baseline information (in particular the bathymetric layer) may or may not be proprietary. It was discussed that the state should have access to as much information as possible and should get ahead of the curve on the baseline and have that knowledge before the full-scale build out.