

## CURRENT HABITAT ISSUES

The Habitat Committee (HC) will meet on Monday, April 7, 2008, to discuss National Marine Sanctuary issues, ecosystem-based management, wave energy, the Council's Research and Data Needs document, and other matters.

### **Council Action:**

**Consider comments and recommendations developed by the HC at its April 2008 meeting.**

### **Reference Materials:**

1. Agenda Item E.1.a, Supplemental HC Report.

### **Agenda Order:**

- a. Agenda Item Overview
- b. Report of the Habitat Committee
- c. Reports and Comments of Advisory Bodies
- d. Public Comment
- e. **Council Action:** Consider Habitat Committee Recommendations

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PFMC  
03/19/08

## HABITAT COMMITTEE REPORT

### Research and Data Needs

This document was discussed and informal comments were provided to Council staff to review with the Scientific and Statistical Committee. The Habitat Committee (HC) plans to review this document further in June.

### Wave energy

The HC received an update on the status of wave energy in Washington, Oregon and California. The report is summarized below. The information was compiled from a variety of sources.

### WASHINGTON

#### Re-hearing of Makah Bay Project

On March 20, 2008, the Federal Energy Regulatory Commission (FERC) issued its “*Order on rehearing and clarification and amending license*” for the Finavera wave energy project in Makah Bay. While FERC upheld most of the license provisions generated from comments of the Olympia Coast National Marine Sanctuary, FERC determined that the Sanctuary does not have authority to condition this project. Comments and conditions from Washington Departments of Ecology, Natural Resources and Fish and Wildlife were incorporated into the license. Finavera was given authorizations necessary to allow it to commence on-site construction and installation, provided that all required permits are obtained. (<http://www.ferc.gov/whats-new/comm-meet/2008/032008/H-2.pdf>)

Other Washington projects are listed below:

FERC No.	Project Name	Location	Applicant	Status	Type	Number of units
P-12751	Makah Bay project	Makah Bay	Finavera	Licensed; rehearing requested	Wave	4
P-12612	Tacoma Narrows	Puget Sound	Tacoma Power		Tidal Current	NA
P-12688	Rich Passage	Puget Sound	PUD No. 1 Snohomish	PAD filed	Tidal Current	62
P-12689	Spieden Channel	Puget Sound	PUD No. 1 Snohomish	PAD filed	Tidal Current	168
P-12691	Agate Passage	Puget Sound	PUD No. 1 Snohomish	PAD filed	Tidal Current	130
P-12692	San Juan Channel	Puget Sound	PUD No. 1 Snohomish	PAD filed	Tidal Current	116
P-12698	Guemes Channel	Puget Sound	PUD No. 1 Snohomish	PAD filed	Tidal Current	166
P-12687	Deception Pass	Puget Sound	PUD No. 1 Snohomish	PAD filed	Tidal Current	4
P-12690	Admiralty Inlet	Puget Sound	PUD No. 1	PAD filed	Tidal Current	450
P-12729	Willapa Bay	Willapa Bay	Natural Currents LLC		Tidal	NA

					Current	
P-13058	Grays Harbor Ocean Energy and Coastal Protection	Grays Harbor	Washington Wave Company, LLC	Preliminary permit pending	Wave	NA

## **OREGON**

### **Ocean Power Technologies (OPT) Coos Bay Wave Project**

On March 7, 2008 OPT filed a Notice of Intent and Preliminary Application Document (PAD) with FERC for the traditional licensing process. This is for the full build-out 100 megawatt project and 200 buoy array totaling 2400 acres. This deviates from their original intent of a 20 buoy array. OPT is interested in using the traditional licensing process because this is the only opportunity to use the settlement process, in which they work towards a settlement agreement with parties who filed as interveners. This is similar to the process currently being used in the Reedsport OPT project. The comment period for the request to use the traditional licensing process has been extended from 30 to 120 days; the deadline for comments is July 7. The Southern Oregon Ocean Resource Coalition, a local citizen group, recently formed in response to OPT's new proposal.

Recent events, including the March 26 memorandum of understanding between Oregon and FERC, and two subsequent letters, are thought to affect OPT's current proposal. The first letter (March 26), from Governor Kulongoski to FERC and OPT, supports the use of Oregon waters for wave energy, specifically for testing, research, and small demonstration projects to better understand the technology and environmental impacts of hydrokinetic energy. The Governor also asked FERC to not process any future application by OPT for large-scale commercial development until Oregon has completed an amendment to its Coastal Zone Management Plan. In addition, FERC's March 28 letter to OPT informs the company that FERC has established a pilot licensing process and that FERC believes smaller pilot projects are better suited for development, given the limited information available on the environmental effects of large-scale projects. The letter suggests that OPT consider modifying the full scale project proposal to a smaller pilot project with substantially fewer buoys. OPT is still interested in pursuing a full license and is considering proposing a "phased in" approach for the 200 buoy array. It is not yet known when OPT will share their new proposal, but it will likely be before the end of the 120-day public comment period.

Other Oregon projects are summarized below.

<b>FERC No.</b>	<b>Project Name</b>	<b>Applicant</b>	<b>Status</b>	<b>Type</b>	<b>Number of Units</b>
P-12713	Reedsport OPT Wave Park	OPT, Inc.	PAD filed	Wave	14-200
P-12749	Coos Bay	Oregon Wave Energy	PAD filed	Wave	200-400
P-12743	Douglas County W&TEP	Douglas County	PAD filed	Wave	NA
P-12752	Coos County Wave Project	AquaEnergy	PAD filed	Wave	200-300
P-12727	Lincoln County Wave Energy	Lincoln County	Preliminary permit pending	Wave	NA
P-12750	Newport OPT Wave Park	Oregon Wave Energy Partners	Cancelled	Wave	200-400
P-12793	Florence WEP	Oceanlinx	Preliminary permit	Wave	10

P-13047	Oregon Coastal Wave Energy Project	Tillamook Intergovernmental Development Entity	pending Preliminary permit pending	Wave	30-540
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**Oregon Governor and FERC Memorandum of Understanding**

On March 26, Governor Kulongoski and FERC signed a memorandum of understanding supporting the use of FERC’s new pilot licensing process and discouraging use of the traditional licensing process. It is not known if FERC incorporated any of the comments submitted by agencies, including the Council, or the public in their proposed pilot licensing process.

**Oregon Governor’s Executive Order (EO) No. 08-97 Addressing Marine Reserves and Wave Energy**

Regarding wave energy, the EO directs the Oregon Department of Land Conservation and Development (LCDC) and the Ocean Policy Advisory Council to develop amendments to Oregon’s Territorial Sea Plan for siting wave energy projects. The process is to begin no later than July 31, 2009 with final recommendations to LCDC by Dec. 1, 2009.

**Cumulative Effects Study**

Oregon Wave Energy Trust (OWET) is funding Phase 1 of a two-phase study to examine the cumulative effects of wave energy. Phase 1 will develop a study framework and synthesize existing information. Funds for Phase 2 are not secured at this time. A draft of the proposal can be found at: [http://www.oregon.gov/LCD/OPAC/docs/workinggroups/WEWG\\_Cumulative\\_Effects\\_Summary.pdf](http://www.oregon.gov/LCD/OPAC/docs/workinggroups/WEWG_Cumulative_Effects_Summary.pdf).

**Newport OPT Wave Energy Project**

OPT is cancelling this project (the preliminary permit has run out of time). This is separate from the Lincoln County project nearby.

**Oregon State University (OSU) Newport Project**

OSU has applied for a Temporary Use Permit with the Oregon Department of State Lands for testing and researching small scale offshore wave energy buoys off Newport. OSU is seeking temporary use authorization for a five-year period beginning August 1, 2008. The application calls for testing one buoy at a time, and may involve an array of buoys closer to the end of the permit period. Comments are due by April 25<sup>th</sup>. The permit application can be found on-line at <http://statelandsonline.com/index.cfm?fuseaction=Comments.AppDetail&id=38393>.

**Finavera and Newport Test Buoy**

The test buoy that sank off Newport has not yet been removed by Finavera.

## California

The table below summarizes the hydrokinetic energy projects being planned for California.

<b>Project Number</b>	<b>Project Name</b>	<b>Applicant</b>	<b>Type</b>	<b>Status</b>	<b>Location</b>
P-12585	San Francisco Bay	Golden Gate Energy	Tidal	Preliminary permit issued	San Francisco Bay
P-12753	Humboldt County Wave Project	Finavera Renewables	Wave	Preliminary permit issued	Humboldt
P-12779	Humboldt County WaveConnect	PG&E	Wave	Preliminary permit issued	Humboldt
P-12780	Fairhaven Wave Power Station	Fairhaven Ocean Power Technologies	Wave	Preliminary permit denied 3/13/08	Humboldt
P-12781	Mendocino County WaveConnect	PG&E	Wave	Preliminary permit issued	Mendocino
P-13052	Green Wave San Luis Obispo Wave Park	Green Wave Energy Solutions	Wave	Pending – sent back to applicant	San Luis Obispo
P-13053	Green Wave Mendocino Wave Park	Green Wave Energy Solutions	Wave	Pending – sent back to applicant	Mendocino
P-13075	Centerville OPT Wave Energy Park	California Wave Energy Partners	Wave	Pending	Humboldt
P-13076	Sonoma Coast Hydrokinetic Energy	Sonoma County Water Agency	Wave	Pending – sent back to applicant	Sonoma

### NMFS-National Ocean Service Marine Spatial Planning Tool for Hydrokinetics

NMFS Southwest Region, in cooperation with NOAA Coastal Services Center, is creating a web-based marine spatial planning tool to assist with hydrokinetic project tracking, identification of hydrokinetic project impacts and siting issues. The product will be web-based and available to the public.

PFMC  
04/08/08