

**OPT's Reedsport Project
Summary of Licensing and Permitting
As of April 13, 2011**

Single PowerBuoy® and DOE Project

The scope of the DOE Reedsport Deployment and Ocean Test project (DE-EE0003646) is the installation of a single autonomous PowerBuoy at Reedsport, Oregon followed by two (2) years of operation in the Oregon Territorial Sea (TRL 7/8 Relevant Environment). Since the single PowerBuoy will not be grid connected, the lead Federal Agency for this effort is the U.S. Army Corps of Engineers. OPT filed a Joint Permit Application and draft Biological Assessment with the Corps and has secured the following permits and/or authorizations for the single PowerBuoy deployment which are posted on the DOE's NEPA EF1 website:

- Corps Permit NWP-2007-62, which includes conditions from National Marine Fisheries Services (NMFS), U.S. Fish & Wildlife Service (USFWS), and Pre-License Measures from the Reedsport OPT Wave Park (P-12713) Settlement Agreement. The single PowerBuoy is being installed under a Nationwide 5 Permit (NWP). Section C (17) (Endangered Species) indicates the conditions under which the Corps can issue a NWP where the Permittee has identified the presence of any listed species or designated critical habitat. The Corps issued a permit to OPT on 2/5/2010.
- Oregon Fill Permit Number 39254-FP
- Consistency Zone Management Consistency Determination from Oregon Department of State Lands

OPT is reviewing a draft Temporary Use Permit (43010-OE) from the Department of State Lands. OPT provided minor comments on this permit to the Department on April 5, 2011. The comments are mostly in the area of scheduling. In October 2009, OPT submitted an application to the US Coast Guard Private Aids to Navigation (PATON) for a permit for the single PowerBuoy deployment. Issue of the PATON is pending.

1.5 MW ten (10) PowerBuoy array

OPT is also working towards the necessary permitting and licensing activities for the installation of nine (9) additional and operation of ten (10) PowerBuoys as part of its 1.5 MW Reedsport OPT Wave Park (P-12713). The electricity supplied by the ten (10) PowerBuoy array will be fed into the Pacific Northwest electric grid. The lead Federal Agency for this proposed action is the Federal Energy Regulatory Commission (FERC). As part of this process, OPT consulted with all relevant agencies and non-governmental organizations, and in July 2010, entered into a Settlement Agreement (SA). This SA set forth all prevention, mitigation, and enhancement measures deemed required by the parties, as well as prescribing certain studies to gather information before and after the buoys are deployed. It is expected that the SA will be adopted by FERC in their final order. The following documents have been submitted by OPT (Applicant), generated by FERC, or filed with FERC by other Federal Agencies in support of the proposed action under FERC Docket P-12713:

- Final License Application for a Hydroelectric Project – Volumes 1 – IV (Filed with FERC 2/2010).
- Reedsport OPT Wave Park (P-12713) Draft Biological Assessment (Filed with FERC 6/2010)
- Reedsport OPT Wave Park (P-12713) Settlement Agreement (Filed with FERC 8/2010)
- SHPO Concurrence Letter dated 10/26/10 (Filed with FERC 11/1/2010)

- Environmental Assessment for Hydropower License – Reedsport OPT Wave Park FERC Project No. 12713-002 (Issued by FERC on 12/3/2010)
- Requests for Formal Consultation under the Endangered Species Act – FERC Letters to National Marine Fisheries Services and U.S. Fish & Wildlife Service (issued by FERC on 12/8/2010)
- U.S. Fish & Wildlife Service Letter to FERC Initiating Formal Consultation (Filed with FERC by USFWS on 1/12/2011).
- National Marine Fisheries Services Letter to FERC Initiating Formal Consultation (Filed with FERC by NMFS on 3/21/2011)

OPT is in the process of filing the relevant additional state and federal licenses and permits to support timely issue of the FERC Hydroelectric License for the Array. All of the documentation and filings referenced above are available in the public record or upon request from OPT.

The FERC Licensing Officer for Docket P-12713 is:

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Expanded Project – 50 MW

In addition, a Preliminary Permit for the Reedsport Expanded 50 MW Project (P-13666) was issued by FERC on March 15, 2011. The Reedsport Expanded Project plans to use PB500 PowerBuoys, OPT's next generation of utility grade buoys. OPT plans to file the 45 day report for the project by the end of April 2011. No relevant environmental information is yet available for this project.