

Joint Permit Application

This is a joint application, and must be sent to all agencies (Corps, DSL, and DEQ). Alternative forms of permit applications may be acceptable; contact the Corps and DSL for more information.

Date Stamp

	U.S. Army Corps of Engineers Portland District		Oregon Department of State Lands		Oregon Department of Environmental Quality
Action ID Number		Number			

(1) TYPE OF PERMIT(S) IF KNOWN (check all that apply)

Corps: ☐ Individual ☒ Nationwide No.: 5 ☐ Regional General Permit _____ ☐ Other (specify): _____

DSL: ☐ Individual ☐ GP Trans ☐ GP Min Wet ☐ GP Maint Dredge ☐ GP Ocean Energy ☐ No Permit ☐ Waiver

(2) APPLICANT AND LANDOWNER CONTACT INFORMATION

	Applicant	Property Owner (if different)	Authorized Agent (if applicable) ☐ Consultant ☐ Contractor
Name (Required)	Dan Hellin	Angel Rovira	
Business Name	OSU PacWave	Oregon DSL	
Mailing Address 1	Oregon State University	775 Summer St. NE	
Mailing Address 2	104 CEOAS Admin	Suite 100	
City, State, Zip	Corvallis. OR. 97331	Salem, OR 97301	
Business Phone	541-737-5452	971-707-0268	
Cell Phone	541-745-8337		
Fax	541-737-2064		
Email	dan.hellin@oregonstate.edu	Angel.c.rovira@dsl.oregon.gov	

(3) PROJECT INFORMATION

A. Provide the project location.

Project Name PacWave North	Latitude & Longitude* 44.6899 N 124.1339 W
Project Address / Location 2 miles off Yaquina Head	City (nearest) Newport
Township	Range
	Section
	Quarter / Quarter
	Tax Lot

Brief Directions to the Site:
The project site is located in the Pacific Ocean approximately 2 miles off the Oregon coast. The closest harbor is Newport, which is located approximately 4 miles (as the crow flies) away, or about 6 nautical miles (nm) by boat.

B. What types of waterbodies or wetlands are present in your project area? (Check all that apply.)

☐ River / Stream	☐ Non-Tidal Wetland	☐ Lake / Reservoir / Pond
☐ Estuary or Tidal Wetland	☐ Other	☒ Pacific Ocean

Waterbody or Wetland Name**	River Mile	6th Field HUC Name	6th Field HUC (12 digits)
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Pacific Ocean	N/A	N/A	N/A
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* In decimal format (e.g., 44.9399, -123.0283)

** If there is no official name for the wetland or waterbody, create a unique name (such as "Wetland 1" or "Tributary A").

C. Indicate the project category. (Check all that apply.)

☐ Commercial Development	☐ Industrial Development	☐ Residential Development
☐ Institutional Development	☐ Agricultural	☐ Recreational
☐ Transportation	☐ Restoration	☐ Bridge
☐ Dredging	☐ Utility lines	☐ Survey or Sampling
☐ In- or Over-Water Structure	☐ Maintenance	☒ Other:

(4) PROJECT DESCRIPTION

A. Summarize the overall project including work in areas both in and outside of waters or wetlands.

The proposed action would deploy, operate, maintain, recover, and decommission scientific monitoring equipment at PacWave North off the coast of Newport, Oregon. The primary deployment involves the Ocean Sentinel instrumentation buoy and its mooring system, which will support development of the site for future testing of marine energy technologies. The Ocean Sentinel buoy is capable of providing performance testing of a variety of remote power generation devices and is designed to analyze and record technical data from such devices once they are deployed and tested. Also included in the proposed action is the deployment of a Triaxys wave measurement buoy used to characterize and monitor a number of environmental conditions within and near the project site..

B. Describe work within waters and wetlands.

No project activities will occur within or near wetlands.

In-water work will consist of the deployment and recovery of anchors and mooring systems, the Ocean Sentinel, and various monitoring instruments. Anchors, moorings and instruments will generally be transported to site aboard a vessel and deployed on site. Recovery of assets will simply reverse this process. The Ocean Sentinel will be towed to and from the site for deployment and recovery.

Periodic maintenance of the Ocean Sentinel, Triaxys, and instrumentation buoys and associated deployed equipment would also be required and is included as part of the project. The Ocean Sentinel mooring system, environmental monitoring systems (e.g., Spotter buoys), wave data instrumentation, and aids to navigation would remain in place year-round with periodic maintenance occurring on site. If necessary, buoys and equipment would be retrieved, and maintenance would be conducted at a shoreside facility. The project includes both the maintenance of the buoys and equipment at sea at the PacWave North site and shoreside at a nearby facility, most likely OSU's Hatfield Marine Science Center.

C. Construction Methods. Describe how the removal and/or fill activities will be accomplished to minimize impacts to waters and wetlands.

No project activities will occur within or near wetlands.

No on-site construction activities would be associated with this project. All project components would be assembled and made ready for deployment at existing shoreside facilities at OSU's Hatfield Marine Science Center or the Toledo Boatyard. The Ocean Sentinel, FLOATr, Spotter, and Triaxys buoys, as well as all mooring materials, would be staged at this site for the installation vessels to transport to the PacWave North test site. Once all equipment is received in full, the Ocean Sentinel would be outfitted with any final components and launched; it is anticipated that a crane would be employed to launch the Ocean Sentinel into the water pierside at the mobilization location.

Prior to deployment, pierside tests would be performed to verify the operation and integration of all Ocean Sentinel and instrumentation buoy systems to verify the readiness of systems for towing, mooring, power dissipation, backup storage, and shore communications.

At the site, anchors and mooring systems will be deployed for the Ocean Sentinel and instrumentation using standard marine operation procedures as described in Section 2.2.5 of the "Biological Assessment to Support Redeployment of Ocean Sentinel, Triaxys, and Instrumentation Buoys at the PacWave North Test Site" provided with this application.

(4) PROJECT DESCRIPTION (continued)

D. Describe source of fill material and disposal locations if known.

Fill material will consist of anchors used for the moorings systems for the Ocean Sentinel and related instrumentation. Anchors will be the same types commonly used in other marine deployments and maritime activities and will likely consist of gravity and/or embedment anchors. Anchors are generally made of steel, concrete, or a combination of the two. For this deployment, DorMor pyramid, Danforth, NavMorr, or similar embedment anchors will likely be used. See Section 2.2 of the "Biological Assessment to Support Redeployment of Ocean Sentinel, Triaxys, and Instrumentation Buoys at the PacWave North Test Site" provided with this application.

E. Construction timeline.

What is the estimated project start date?

11/01/2023

What is the estimated project completion date?

06/30/2036

Is any of the work underway or already complete?

If yes, please describe.

☐ Yes ☒ No

F. Removal Volumes and Dimensions (if more than 7 impact sites, include a summary table as an attachment)

Wetland / Waterbody Name *	Removal Dimensions					Time Removal is to remain**	Material***
	Length (ft.)	Width (ft.)	Depth (ft.)	Area (sq.ft. or ac.)	Volume (c.y.)		
N/A							

G. Total Removal Volumes and Dimensions							
Total Removal to Wetlands and Other Waters				Length (ft.)	Area (sq. ft or ac.)	Volume (c.y.)	
Total Removal to Wetlands				N/A		0	
Total Removal Below Ordinary High Water				N/A		0	
Total Removal Below <u>Highest Measured Tide</u>				N/A		0	
Total Removal Below <u>High Tide Line</u>				N/A		0	
Total Removal Below <u>Mean High Water Tidal Elevation</u>				N/A		0	
H. Fill Volumes and Dimensions (if more than 7 impact sites, include a summary table as an attachment)							
Wetland / Waterbody Name*	Fill Dimensions					Time Fill is to remain**	Material***
	Length (ft.)	Width (ft.)	Depth (ft.)	Area (sq. ft. or ac.)	Volume (c.y.)		
Pacific Ocean					4	~13 yrs	Steel/concrete
Pacific Ocean					1	~13 yrs	Steel/concrete
Pacific Ocean					1	~13 yrs	Steel/concrete
Pacific Ocean					1	~13 yrs	Steel/concrete
Pacific Ocean					1	~13 yrs	Steel/concrete
Pacific Ocean							
Pacific Ocean							
(4) PROJECT DESCRIPTION (CONTINUED)							
I. Total Fill Volumes and Dimensions							
Total Fill to Wetlands and Other Waters				Length (ft.)	Area (sq. ft or ac.)	Volume (c.y.)	
Total Fill to Wetlands						0	
Total Fill Below Ordinary High Water						8	
Total Fill Below <u>Highest Measured Tide</u>						8	
Total Fill Below <u>High Tide Line</u>						8	
Total Fill Below <u>Mean High Water Tidal Elevation</u>						8	
*If there is no official name for the wetland or waterbody, create a unique name (such as "Wetland 1" or "Tributary A"). **Indicate whether the proposed area of removal or fill is permanent or, if you are proposing temporary impacts, specify the days, months or years the fill or removal is to remain. *** Example: soil, gravel, wood, concrete, pilings, rock etc.							
(5) PROJECT PURPOSE AND NEED							
Provide a statement of the purpose and need for the overall project. The purpose of the project is to reestablish environmental monitoring and testing capabilities at the PacWave North site to support a mobile capability for testing the output of wave energy conversion (WEC) devices. As noted above, deployment of a WEC device is not part of this project. The need for the project is to have the ability to conduct long-term, scientific research at the PacWave North test site to (1) collect environmental, technical, and energy resource information that will inform the design, deployment, and testing of WEC devices and related technology; (2) support the market development of environmentally sustainable technologies that harness marine renewable energy; and (3) generate and store electricity and other forms of energy.							
(6) DESCRIPTION OF RESOURCES IN PROJECT AREA							
A. Describe the existing physical, chemical, and biological characteristics of each wetland or waterbody. Reference the wetland and waters delineation report if one is available. Include the list of items provided in the instructions.							

The Project area is located off Newport, Oregon, in state water less than 3 NM from shore. The area is 1 NM (square) in size, and water depths at the site range from approximately 45 to 55 m.

The PacWave North test site was identified through discussion and cooperation with interested groups and individuals, including the OSU research team, Hatfield Marine Science Center (HMSC), Fishermen Involved in Natural Energy (FINE), and Oregon Sea Grant. From 2012 to 2014, OSU conducted a site selection process, which involved stakeholders and interested parties and resulted in a variety of site criteria. The area later established as the PacWave North test site was selected as the optimum site (U.S. Department of Energy, 2012).

See Section 4 of the "Biological Assessment to Support Redeployment of Ocean Sentinel, Triaxys, and Instrumentation Buoys at the PacWave North Test Site" provided with this application for more information.

B. Describe the existing navigation, fishing and recreational use of the waterbody or wetland.

The existing navigation, fishing and recreational uses of the area are described in detail in Sections 2 and 4 of the "Biological Assessment to Support Redeployment of Ocean Sentinel, Triaxys, and Instrumentation Buoys at the PacWave North Test Site" provided with this application.

(7) PROJECT SPECIFIC CRITERIA AND ALTERNATIVES ANALYSIS

Describe project-specific criteria necessary to achieve the project purpose. Describe alternative sites and project designs that were considered to avoid or minimize impacts to the waterbody or wetland.*

The PacWave North project site was initially identified through consultation and cooperation with interested groups and individuals, including the OSU research team, HMSC, FINE and Oregon Sea Grant. Over a 24-month period, OSU conducted a comprehensive site selection process to identify site criteria that represent stakeholder needs and interests and meet design parameters essential to the proposed project operations. OSU used those criteria to compare potential locations and select a site that minimizes potential project impacts. During the site selection process, OSU narrowed its consideration away from areas that did not meet the essential criteria for site selection, or would otherwise be infeasible based on the desirable established criteria. Some of the considerations heard during the outreach process were that it would be best not to have the site directly off of Yaquina Head for visual reasons and because fishing boats coming south to Newport generally turn towards the Newport jetties directly off of Yaquina Head so that a site south would be in a higher traffic area. The site selected meets all of the necessary criteria, including: water depth of approximately 180 ft; exposure to unobstructed ocean waves with high energy resources; comparatively low levels of marine traffic but highly visible to marine navigation; proximity to a port for device deployment, maintenance, and recovery; sufficiently distant from the Yaquina River mouth to avoid hydraulic sediment transport or other technical issues related to proximity to the river; and out of the direct westerly line-of-sight from Yaquina Head to avoid aesthetic impacts. Additional factors considered in selection of the project site were interest and support of the project from Federal, State, Tribal, non-governmental organizations, local fishing groups, and coastal industry and project partners.

Over the last several years, OSU has continued to coordinate with local stakeholders including FINE. A number of deployment activities occurred at PacWave North between 2012 and 2015 including: multi-year

* Not required by the Corps for a complete application, but is necessary for individual permits before a permit decision can be rendered.

deployment of the three Ocean Sentinel anchors (2012-2015); two deployments of the Ocean Sentinel and its mooring system (2012 and 2013); deployment of monitoring and site characterization instrumentation (2012-2015); and the testing of the WET-NZ wave energy converter (2012). Extensive monitoring was conducted throughout this time and no significant impacts were identified. It is therefore safe to assume that the similar activities at PacWave North, which are the focus of this Joint Permit Application will also not have significant impacts.

PacWave North is an area designated by the State of Oregon as a Renewable Energy Permit Area (REPA) in the Oregon Territorial Sea Plan. REPA's are delineated specifically for research and testing associated with marine renewable energy. The proposed project is directly related to marine energy testing.

(8) ADDITIONAL INFORMATION

Are there state or federally listed species on the project site?	☒ Yes	☐ No	☐ Unknown
Is the project site within designated or proposed critical habitat?	☒ Yes	☐ No	☐ Unknown
Is the project site within a national Wild and Scenic River ?	☐ Yes	☒ No	☐ Unknown
Is the project site within a State Scenic Waterway ?	☐ Yes	☒ No	☐ Unknown
Is the project site within the 100-year floodplain ?	☐ Yes	☒ No	☐ Unknown

If yes to any above, explain in Block 6 and describe measures to minimize adverse effects to those resources in Block 7.

Is the project site within the Territorial Sea Plan (TSP) Area ?	☒ Yes	☐ No	☐ Unknown
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If yes, attach TSP review as a separate document for DSL.

Is the project site within a designated Marine Reserve ?	☐ Yes	☒ No	☐ Unknown
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If yes, certain additional DSL restrictions will apply.

Will the overall project involve ground disturbance of one acre or more?	☐ Yes	☒ No	☐ Unknown
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If yes, you may need a 1200-C permit from the Oregon Department of Environmental Quality (DEQ).

Is the fill or dredged material a carrier of contaminants from on-site or off-site spills?	☐ Yes	☒ No	☐ Unknown
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Has the fill or dredged material been physically and/or chemically tested?	☐ Yes	☒ No	☐ Unknown
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If yes, explain in Block 6 and provide references to any physical/chemical testing report(s).

Has a cultural resource (archaeological and/or built environment) survey been performed on the project area?	☒ Yes	☐ No	☐ Unknown
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Do you have any additional archaeological or built environment documentation, or correspondence from tribes or the State Historic Preservation Office?	☐ Yes	☒ No	☐ Unknown
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If yes, provide a copy of the survey and/or documentation of correspondence with this application to the Corps only. Do not describe any resources in this document. Do not provide the survey or documentation to DSL.

Is the project part of a DEQ Cleanup Site? No ☒ Yes ☐ Permit number _____
DEQ contact. _____

Will the project result in new impervious surfaces or the redevelopment of existing surfaces? Yes ☐ No ☒

If yes, the applicant must submit a post-construction stormwater management plan as part of this application to DEQ's 401 WQC program for review and approval, see <https://www.oregon.gov/deq/FilterDocs/401wqcertPostCon.pdf>

Identify any other federal agency that is funding, authorizing or implementing the project.

Agency Name	Contact Name	Phone Number	Most Recent Date of Contact
US Navy Facilities (NAVFAC)	Deb McKay	805-982-6494	August 12, 2023
List other certificates or approvals/denials required or received from other federal, state or local agencies for work described in this application.			
Agency	Certificate / approval / denial description	Date Applied	
Other DSL and/or Corps Actions Associated with this Site (Check all that apply.) Work proposed on or over lands owned by or leased from the Corps (may require authorization ☐ pursuant to 33 USC 408). These could include the federal navigation channel, structures, levees, real estate, dikes, dams, and other Corps projects. ☐ State owned waterway DSL Waterway Lease #: ☒ Other Corps or DSL Permits Corps # NWP-2020- DSL # 53894-SU 278 ☐ Violation for Unauthorized Activity Corps # DSL # ☐ Wetland and Waters Delineation Corps # DSL # Submit the entire delineation report to the Corps; submit only the concurrence letter (if complete) and approved maps to DSL. If not previously submitted to DSL, send under a separate cover letter			
(9) IMPACTS, RESTORATION/REHABILITATION, AND COMPENSATORY MITIGATION			
A. Describe unavoidable environmental impacts that are likely to result from the proposed project. Include permanent, temporary, direct, and indirect impacts. OSU has conducted similar activities and deployments at PacWave North under previous authorizations. Between 2012 and 2015, OSU conducted extensive environmental monitoring in conjunction with these activities and no significant impacts were identified. Monitoring activities included: benthic species and habitat; derelict gear; marine mammals and entanglement; acoustics; and electromagnetic fields. Unavoidable impacts include: temporary disruption of the ocean floor during anchor placement including a small loss in benthic habitat from anchors; a small increase in noise levels during installation; temporary and localized avoidance of sea turtle and marine mammal species during installation, maintenance, and decommissioning activities when support vessels are fully underway; and impediments to navigation in the project area that may lead to a loss of access by vessels and a decrease in the amount of area where fishing activities are conducted. The impacts from installation noise and activity would be temporary. Overall, impacts of the project on the environment would be minimal. Given the small spatial scale of the proposed project and low probability of significant impacts, it is anticipated that site restoration/rehabilitation will not be necessary.			
B. For temporary removal or fill or disturbance of vegetation in waterbodies, wetlands or riparian (i.e., streamside) areas, discuss how the site will be restored after construction to include the timeline for restoration.			

No removal, fill or disturbance of vegetation will occur as part of this project.

Compensatory Mitigation

C. Proposed mitigation approach. Check all that apply:

☒ Permittee- responsible Onsite Mitigation	☐ Permittee- responsible Offsite mitigation	☐ Mitigation Bank or In-Lieu Fee Program	☐ Payment to Provide (not approved for use with Corps permits)
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D. Provide a brief description of proposed mitigation approach and the rationale for choosing that approach. If you believe mitigation should not be required, explain why.

No adverse effects are expected from this project. Non-toxic materials will be used in the construction and installation of all project components, and the mooring systems employed will be similar to those commonly used in the marine industry and maritime operations. Given the small spatial scale of the proposed project, it is anticipated that mitigation will not be necessary.

Mitigation Bank / In-Lieu Fee Information:

Name of mitigation bank or in-lieu fee project: N/A

Type and amount of credits to be purchased:

If you are proposing permittee-responsible mitigation, have you prepared a compensatory mitigation plan?

☐ Yes. Submit the plan with this application and complete the remainder of this section.

☐ No. A mitigation plan will need to be submitted (for DSL, this plan is required for a complete

Mitigation Location Information (Fill out only if permittee-responsible mitigation is proposed)

Mitigation Site Name/Legal Description	Mitigation Site Address	Tax Lot #	
County	City	Latitude & Longitude (in DD.DDDD format)	
Township	Range	Section	Quarter/Quarter

(10) ADJACENT PROPERTY OWNERS FOR PROJECT AND MITIGATION SITE

☐ Pre-printed mailing labels of adjacent property owners attached separately (if more than 30).	Project Site Adjacent Property Owners	Mitigation Site Adjacent Property Owners
Contact Name Address 1 Address 2 City, ST ZIP Code	Ocean Shores Coordinator Oregon State Parks 725 Summer St. NE, Suite C Salem, OR 97301	
Contact Name Address 1 Address 2 City, ST ZIP Code		
Contact Name Address 1 Address 2 City, ST ZIP Code		

**(11) CITY/COUNTY PLANNING DEPARTMENT LAND USE AFFIDAVIT
(TO BE COMPLETED BY LOCAL PLANNING OFFICIAL)**

I have reviewed the project described in this application and have determined that:

- ☐ This project is not regulated by the comprehensive plan and land use regulations
☐ This project is consistent with the comprehensive plan and land use regulations
☒ This project is consistent with the comprehensive plan and land use regulations with the following:

- ☒ Conditional Use Approval *case file 09-C-PC-18*
☐ Development Permit
☐ Other Permit (explain in comment section below)

☐ This project is not currently consistent with the comprehensive plan and land use regulations. To be consistent requires:

- ☐ Plan Amendment
☐ Zone Change
☐ Other Approval or Review (explain in comment section below)

An application or variance request has ☐ has not ☐ been filed for the approvals required above.

Local planning official name (print) <i>Megan Hoff</i>	Title <i>Senior Planner</i>	City / <u>County</u> <i>Lincoln</i>
Signature <i>Megan Hoff</i>	Date <i>10/2/2023</i>	
Comments: <i>OK for conditional use permit case file 09-C-PC-18.</i>		

(12) COASTAL ZONE CERTIFICATION

If the proposed activity described in your permit application is within the [Oregon Coastal Zone](#), the following certification is required before your application can be processed. The signed statement will be forwarded to the Oregon Department of Land Conservation and Development (DLCD) for its concurrence or objection. For additional information on the Oregon Coastal Zone Management Program and consistency reviews of federally permitted projects, contact DLCD at 635 Capitol Street NE, Suite 150, Salem, Oregon 97301 or call 503-373-0050 or click [here](#).

CERTIFICATION STATEMENT

I certify that, to the best of my knowledge and belief, the proposed activity described in this application complies with the approved Oregon Coastal Zone Management Program and will be completed in a manner consistent with the program.

Print /Type Applicant Name Dan Hellin	Title Deputy Director, PacWave
Applicant Signature <i>D. C. Hellin</i>	Date 09/14/2023

BEFORE THE PLANNING COMMISSION
OF
LINCOLN COUNTY, OREGON

Applicant: Oregon State University, Land)
Use Planning Manager David Dodson)
Owners: Alvin & Bonnie Boldt)

Case File: 09-C-PC-18
Findings, Conclusions, and
Final Order

Nature of the Application

The applicant is requesting conditional use approval of a private utility facility to construct a Utility Connection and Monitoring Facility (UCMF) on property zoned Rural Residential. The UCMF will be part of the Pacific Marine Energy Center South Energy Test Site project. The ocean test site, located approximately seven miles offshore, will allow for the testing of up to 20 wave energy converters. The power generated at the ocean test site will run to shore through buried subsea transmission cables. The shore side cable landing site will be Driftwood Beach State Recreation Site (Driftwood), and the power will be transmitted through buried cables from Driftwood to the UCMF. At the UCMF, the power will be monitored and conditioned before being fed into the Central Lincoln People's Utility District distribution system.

The UCMF is proposed to be located on proposed Parcel 1 of the accompanying partition case file #01-PAR-PC-18.

Relevant Facts

1. The subject property is located at 939 NW Wenger Lane and is further identified on Lincoln County Assessor's map 13-11-07B as tax lot 2500. Highway 101 borders the property to the west.
2. The subject property is zoned Rural Residential RR-2.
3. The comprehensive plan designation is Dispersed Residential DR.
4. The subject property is 20.05 acres. Proposed Parcel 1, where the UCMF is to be sited, of the accompanying partition is to be 4.42 acres in size.
5. The topography of Parcel 1 rises to the east from its western boundary along Highway 101. The property is comprised of a mixture of vegetation/ habitat types, including wetlands, fragmented patches of early seral forest, and open areas.

6. The subject property contains an existing yellow barn on proposed Parcel 1 and is slated for removal. A single-family residence and accessory structures are located on proposed Parcel 2 of the accompanying partition.
7. Subject property is served by the following utilities:
 - a. Sewer: On-site septic system for the existing single-family residence
 - b. Water: Seal Rock Water District
 - c. Electricity: Central Lincoln PUD
8. Proposed Parcel 1 contains two freshwater wetlands delineated in the November 30, 2017 Wetlands and Waterbodies Delineation Report prepared by HDR. No FEMA Special Flood Hazard Area exists on proposed Parcel 1.
9. Details of the applicant's proposal can be found in staff report and evidence submitted by the applicant, which is incorporated into the record herein.
10. Agency comments contained in staff report and related correspondence are by reference incorporated into the record herein.
11. A public hearing was held before the Lincoln County Planning Commission on Monday, May 14, 2018. All interested parties were given an opportunity to testify.
12. Lincoln County Planning Commission Chairperson Richard Johnson opened the hearing and described the hearing procedure for the hearing, including the order of testimony, a call for ex-parte contact or conflicts of interest, and a recital of the "Raise-it-or-waive-it" statement as required under ORS 197.763.
13. Chairperson Richard Johnson asked for any ex-parte contacts, and Commissioner Andra Bobbitt replied that she is employed by Oregon State University, and personnel in her research institute have worked on the testing, but her employment would not influence her decision. Commissioner Judith Pelletier stated that she is employed by Oregon State University, but her employment would not influence her decision.
14. Senior Planner Hui Rodomsky presented the staff report on behalf of Lincoln County.
15. Planning Commission Chair Johnson invited the applicant to testify at the conclusion of Rodomsky's staff report.
16. The Applicants, David Dodson, Justin Klure, and Dan Hellin signed in and introduced themselves. Dan Hellin provided background information on the entire wave energy project including the ocean test site with four berths 7 miles offshore, the sub-sea cables running to shore at Driftwood Beach State Recreation Site, and the underground cables running from Driftwood to the UCMF site. David Dodson distinguished the proposed 4.42-acre Parcel 1 under consideration from the larger parent parcel. He referred to the proposed site plan as containing three 1-story buildings, parking, and surrounded with an 8-foot-tall black vinyl chain link fence with green slats and perimeter evergreen

landscaping. Wenger Lane is currently a 12-foot wide gravel road, and the applicant is proposing to pave the first 700 feet of the road from Highway 101 with asphalt. The UCMF facility has been designed to avoid impacts to the wetlands.

17. Various questions were raised by the Commissioners and answered by the Applicants, including questions about existing shrubs, height of the foliage, physical characteristics, road access, Department of Environmental Quality recommendations and regulations, wetlands, and the zoning north of the site.
18. Chair Johnson invited testimony in support of the application, of which there were two.
19. Tim Couch, a neighboring property owner, stated that he wanted to come and say he and his partner are in full support of the project. His view out back will be less enchanting, but he feels that this scientific research deserves pursuit and that it is an opportunity to lead in wave energy research.
20. Phil Bertholl, a neighboring property owner, stated that he submitted 3 letters of opposition. He wanted to ensure there was written. He asked to rescind his letters of opposition and stated that he is now in support.
21. Chair Johnson asked what shifted his position, and Phil Bertholl replied that a former neighbor was a chainsaw artist, and if this application is approved, it guarantees that he has a silent neighbor.
22. Chair Johnson invited further testimony in support of the application and there was none. Chair Johnson invited testimony in opposition of the application, of which there was one.
23. Cindy George, a member of the public, stated that she listened to the presentation and is concerned. She elaborated on testing being performed by other countries, giving away the land to foreign entities and access to the ocean. Ms. George asked where the funding was coming from to pay for the project.
24. Director Onno Husing stated that the bulk of the money is coming from the United States Department of Energy. It is strictly a science-based research project with federal funds. There was collaboration with the fishing industry. The Goal 19 finding was that there was collaboration with the community leading up to the hearing.
25. Chair Johnson invited further testimony in opposition to the application, and there was none. Chair Johnson invited the applicants to provide testimony in rebuttal to opposition to the application.
26. Dan Hellin stated that the funding is largely from the US Department of Energy, the State of Oregon, and money that the applicant is raising. Additional funding could come from whoever wants to test a device. There are a number of United States companies, and some European companies are interested in testing.

27. Following the rebuttal testimony, Chairman Johnson asked if there was a request to keep the record open, and there was none. He then closed the hearing.
28. Commissioners discussed concerns about site lighting and recommended modifications to condition of approval #7 to direct all exterior lighting downward. They also discussed concerns raised in the written testimony from Oregon Department of Fish and Wildlife (ODFW) regarding storm water and motioned to add a new condition of approval #9 to address their concerns.
29. The Commissioners then deliberated the various conditions that should be applied to the approval. Amendments to condition of approval #7 to address exterior lighting and a new condition of approval #9 to address ODFW stormwater concerns were all supported by the Commission. Following deliberations, the Commissioners voted unanimously to approve the application.

Relevant Criteria

1. Lincoln County Code 1.1345(2)(j): Rural Residential Zone RR-2, Conditional Use Permitted
2. Lincoln County Code 1.1630(1): Standards and Procedures Governing Conditional Uses, General Standards
3. Lincoln County Code 1.1630(4): Standards for public utility facilities
4. Lincoln County Code 1.1415: Off-Street Parking and Off-Street Loading Requirements
5. Lincoln County Code 1.1615: Building Permit for an Approved Conditional Use

Findings

The Commission finds:

1. The proposed Parcel 1 is a 4.42-acre site that is zoned RR-2 rural residential, which is part of a 20.05-acre parent parcel.
2. The owners of the 20.05-acre parcel have submitted a partition application to partition Parcel 1 (4.42-acres) from the parent parcel, resulting in the remaining Parcel 2 being 15.63 acres in size.
3. The applicant has provided sufficient evidence and testimony to support the determination that the proposed Utility Connection and Monitoring Facility (UCMF) is compatible with the surrounding land uses.
4. The UCMF will consist of three single story buildings constructed of concrete masonry units with pitched, green metal roofs. The compound will be paved and surrounded by an 8-foot-

tall chain link fence with green slats on all sides. Evergreen landscaping will be installed along the south and west fence line to minimize visibility from the nearby residences. The first 700-feet of Wenger Lane will be paved in asphalt, and all utilities serving the facility will be installed below ground level.

5. The subject property is comprised of a mixture of vegetation/habitat types, including wetlands, fragmented patches of early seral forest, and open areas. Two freshwater wetlands have been identified on the site as part of a 2017 Wetlands and Waterbodies Delineation Report. No FEMA Special Flood Hazard Area exists on the subject property.
6. All facilities and structures associated with the UCMF will be permitted as required.

Conclusion:

The record and findings suggest the conclusion that:

1. Substantial evidence in the record demonstrates that the site is suitable for the proposed use.
2. Substantial evidence in the record demonstrates that the proposed use is compatible with existing and projected surrounding land uses.

Order:

It is ORDERED by the Lincoln County Planning Commission that Case File #09-C-PC-18 be APPROVED subject to the following conditions:

1. Approval is based upon the submitted plans. Any substantial change in the approved plans shall be submitted to the Planning Division or the Planning Commission as a new application for a conditional use.
2. The applicant shall obtain valid building permits, which shall be issued only on the basis of the plan as approved by the Planning Commission and from the Lincoln County Building Division prior to commencement of construction.
3. Case file #01-PAR-PC-18 must be finalized prior to the issuance of building permits.
4. No outside storage shall be permitted.
5. No workshops shall be permitted.
6. The applicant shall provide the number of off-street parking spaces shown in the submitted site plan.

7. Lighting for parking areas or on the exterior of buildings shall be directed downward and not create or reflect substantial glare in a residential zone or on any adjacent dwelling.
8. The applicant is advised to obtain all necessary approvals from affected state and federal agencies for the PMEC-SETS project.
9. The applicant shall obtain a NPDES 1200-C construction stormwater permit from the Department of Environmental Quality, if required. The applicant shall implement a method of post-construction stormwater water management that complies with DEQ requirements.

This ORDER was presented to and approved by the Lincoln County Planning Commission on June 11, 2018.



Richard Johnson, Chair
Lincoln County Planning Commission

(13) SIGNATURES

Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and, to the best of my knowledge and belief, this information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities. By signing this application I consent to allow Corps or DSL staff to enter into the above-described property to inspect the project location and to determine compliance with an authorization, if granted. I hereby authorize the person identified in the authorized agent block below to act in my behalf as my agent in the processing of this application and to furnish supplemental information in support of this permit application. I understand that the granting of other permits by local, county, state or federal agencies does not release me from the requirement of obtaining the permits requested before commencing the project. I understand that payment of the required state processing [fee](#) does not guarantee permit issuance.

To be considered complete, the fee must accompany the application to DSL. The fee is not required for submittal of an application to the Corps.

Fee Amount Enclosed

\$

Applicant Signature (required) must match the name in Block 2

Print Name

Dan Hellin

Title

Deputy Director, PacWave

Signature

D. C. Hellin

Date

09/14/2023

Authorized Agent Signature

Print Name

Title

Signature

Date

Landowner Signature(s)*

Landowner of the Project Site (if different from applicant)

Print Name

Title

Signature

Date

Landowner of the Mitigation Site (if different from applicant)

Print Name

Title

Signature

Date

Department of State Lands, Property Manager (to be completed by DSL)

If the project is located on [state-owned submerged and submersible lands](#), DSL staff will obtain a signature from the Land Management Division of DSL. A signature by DSL for activities proposed on state-owned submerged/submersible lands only grants the applicant consent to apply for a removal-fill permit. A signature for activities on state-owned submerged and submersible lands grants no other authority, express or implied and a separate proprietary authorization may be required.

Print Name

Title

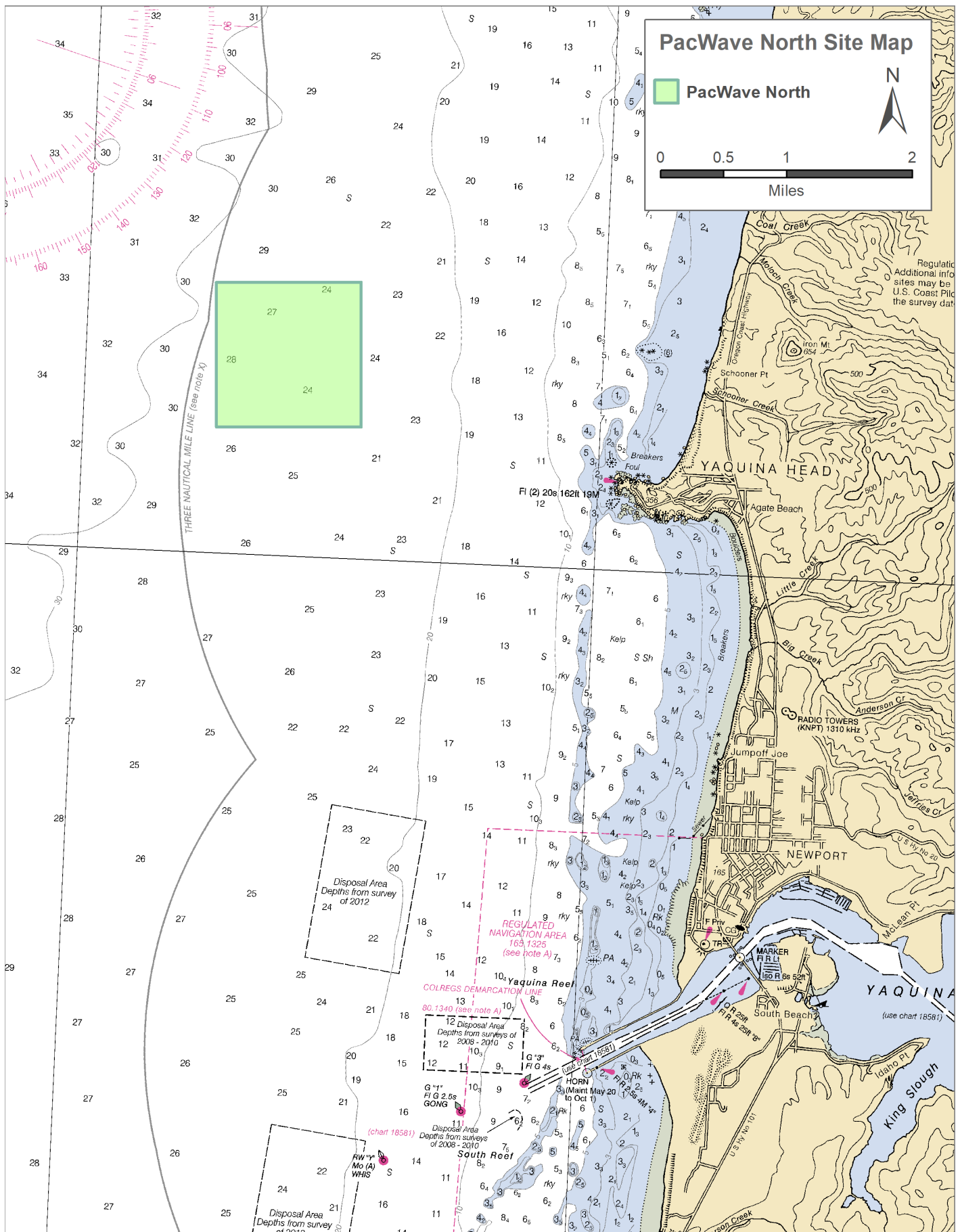
Signature

Date

* Not required by the Corps.

(14) ATTACHMENTS

- ☒ Drawings
 - ☒ Location map with roads identified
 - ☐ U.S.G.S topographic map
 - ☐ Tax lot map
 - ☐ Site plan(s)
 - ☐ Plan view and cross section drawing(s)
 - ☐ Recent aerial photo
 - ☐ Project photos
 - ☐ Erosion and Pollution Control Plan(s), if applicable
 - ☐ DSL / Corps Wetland Concurrence letter and map, if approved and applicable
- ☐ Pre-printed labels for adjacent property owners (Required if more than 30)
- ☐ Incumbency Certificate if applicant is a partnership or corporation
- ☐ Restoration plan or rehabilitation plan for temporary impacts
- ☐ Mitigation plan
- ☐ Wetland functional assessments, if applicable
 - ☐ Cover Page
 - ☐ Score Sheets
 - ☐ ORWAP OR, F, T, & S forms
 - ☐ ORWAP Reports
 - ☐ Assessment Maps
 - ☐ ORWAP Reports: Soils, Topo, Assessment area, Contributing area
- ☐ Stream Functional Assessments, if applicable
 - ☐ Cover Page
 - ☐ Score Sheets
 - ☐ SFAM PA, PAA, & EAA forms
 - ☐ SFAM Report
 - ☐ Assessment Maps
 - ☐ Aerial Photo Site Map and Topo Site Map (Both maps should document the PA, PAA, & EAA)
- ☐ Compensatory Mitigation (CM) Eligibility & Accounting [Worksheet](#)
 - ☐ Matching Quickguide sheet(s)
 - ☐ CM Eligibility & Accounting sheet
- ☐ Alternatives analysis
- ☒ Biological assessment (if requested by the Corps project manager during pre-application coordination)
- ☐ Stormwater management plan (may be required by the Corps or DEQ)
- ☐ Other
 - ☐ Please describe:



PacWave North Location Map