



Oregon

John A. Kitzhaber, MD, Governor

Department of State Lands

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CERTIFIED MAIL & VIA E-MAIL

30 August 2013

CC410/43010-OE
REEDSPORT OPT WAVE PARK LLC
CHARLES F DUNLEAVY
CHIEF EXECUTIVE OFFICER
1590 REED ROAD
PENNINGTON NJ 08534

RE: **43010-OE**
Extension of time

Dear Mr. Dunleavy:

This letter is to notify you that the Oregon Department of State Lands (Department) has agreed to grant you an extension to **30 September 2013**, to perform the following item:

- Recover the auxiliary subsurface buoy and tendon line from the authorized use area.

The Department has agreed to grant you an extension to **15 October 2013**, to provide the following:

- A cost estimate and recovery plan (with detailed schedule) for the removal of the floating gravity-based anchor.
- The required financial assurance for the cost of removal of the floating gravity-based anchor.

You are currently out of compliance with the following statute, rule divisions, and conditions of your authorization (43010-OE):

- ORS 274.867 – wave energy; financial assurance; rules
- OAR 141-140-0080(5)(a) through (e).
- Condition 4, Prevention of Waste, Damage and Injury.
- Condition 10, Repairs and Maintenance.
- Condition 12, Financial Assurance.

If you fail to meet the requirements listed above within the given extension timelines, the Department will put you in default on your authorization. If this occurs, you will be given twenty (20) days to correct the default. Failure to do so will result in the termination of your authorization; and/or referral of this matter to the Oregon Department of Justice.

State Land Board

John A. Kitzhaber, MD
Governor

Kate Brown
Secretary of State

Ted Wheeler
State Treasurer

Under state law, you may be subject to a civil penalty of up to \$1,000 per day of violation.

Finally, to protect the public's interest in state owned lands, including those subject to the referenced authorization, the State reserves all other remedies afforded to it under the terms of the authorization, and otherwise by law, in addressing a default or any other violation of law in connection with the subject premises.

Sincerely,



Mary M. Abrams, Ph.D.
Director

Reference:

Oregon Revised Statutes and Oregon Administrative Rules

ORS 273.185 – investigation of trespasses

ORS 274.040 – leasing of submerged and submersible lands

ORS 274.867 – wave energy; financial assurance; rules

ORS 274.992 – civil penalties

OAR 141-140-0080 – general terms and conditions

OAR 141-140-0100 – termination of a temporary use authorization or energy facility lease

OAR 141-140-0130 – enforcement actions; civil penalties; and other remedies

cc: FERC-Docket # 12713
DSL Files 43817-RF & 39254-FP
Gabriela Goldfarb, Governor's Office
Mark Schumock, Oregon Department of Justice
Steve Shipsey, Oregon Department of Justice
Tim Wood, OPRD
Roy Elicker, ODFW
Jim Rue, DLCD
Lisa Schwartz, ODOE
Scott Brewen, OSMB
Phil Ward, OWRD
Dick Pederson, ODEQ