

## A-Engrossed House Joint Memorial 22

Ordered by the House April 23  
Including House Amendments dated April 23

Sponsored by Representative COWAN; Representatives BEYER, BOONE, CANNON, DINGFELDER, JENSON, KRIEGER, MACPHERSON, MORGAN, NELSON, READ, ROBLAN, SCHAUFLEER, G SMITH, WITT, Senators G GEORGE, L GEORGE, JOHNSON, KRUSE, MORRISSETTE, VERGER, WHITSETT (at the request of Lincoln County)

### SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Urges Congress to amend Federal Power Act [*to specifically address and encourage development of wave energy*] **to grant jurisdiction over ocean wave energy conversion devices to Federal Energy Regulatory Commission and to require commission to adopt rules specific to ocean wave energy conversion devices.**

### JOINT MEMORIAL

1  
2 To the President of the United States and the Senate and the House of Representatives of the United  
3 States of America, in Congress assembled:

4 We, your memorialists, the Seventy-fourth Legislative Assembly of the State of Oregon, in leg-  
5 islative session assembled, respectfully represent as follows:

6 Whereas wave energy is a renewable power source with a great potential to reduce our de-  
7 pendence on oil and other fossil fuels; and

8 Whereas the Oregon coast is particularly well suited for the development of wave energy de-  
9 velopment and generation; and

10 Whereas the technology for harnessing wave energy is rapidly evolving in many locations, in-  
11 cluding Scotland, Portugal and here in Oregon; and

12 Whereas the Legislative Assembly of the State of Oregon strongly supports the development of  
13 this technology for its global benefits, as well as its potential for economic development; and

14 Whereas the siting of wave energy facilities in the ocean has the potential for direct conflict  
15 with other important uses of ocean resources; and

16 Whereas the only current process for the siting of wave energy facilities in the ocean is, un-  
17 fortunately, Part 1 of the Federal Power Act, 16 U.S.C. 791a et seq., which is primarily designed for  
18 the siting of dams on rivers; and

19 Whereas agencies of the federal government are themselves in disagreement as to which agency  
20 has jurisdiction over the siting of wave energy facilities within the outer continental shelf; and

21 Whereas recent applications to the Federal Energy Regulatory Commission under the current  
22 process highlight these deficiencies with the regulatory process and the disagreements among fed-  
23 eral agencies; and

24 Whereas it appears that the use of the current regulatory process is destined for conflict; and

25 Whereas that conflict will likely slow the process of developing this important and innovative

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 technology; now, therefore,

2 **Be It Resolved by the Legislative Assembly of the State of Oregon:**

3 (1) The Congress of the United States of America is respectfully urged to include the following  
4 proposed language in an amendment to the Federal Power Act, 16 U.S.C. 791a et seq.:

5 The Federal Energy Regulatory Commission is granted jurisdiction over ocean wave energy  
6 conversion devices located in the territorial waters of the United States from the shoreline to 12  
7 nautical miles out to sea. Jurisdiction shall be exercised pursuant to Part 1 of the Federal Power  
8 Act, except that the commission shall adopt rules specific to ocean wave energy conversion devices.  
9 Those rules shall include, but are not limited to, provisions that provide for expedited processing for  
10 a preliminary permit or a license for such devices and for state and local government input re-  
11 garding location and anchoring of, and electric transmission from, devices prior to the filing of an  
12 application for a preliminary permit or a license.

13 (2) A copy of this memorial shall be sent to the President of the United States, to the Senate  
14 Majority Leader, to the Speaker of the House of Representatives and to each member of the Oregon  
15 Congressional Delegation.

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