

## Enrolled

# House Joint Memorial 22

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, WALKER, WHITSETT (at the request of Lincoln County)

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

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

Whereas wave energy is a renewable power source with a great potential to reduce our dependence on oil and other fossil fuels; and

Whereas the Oregon coast is particularly well suited for the development of wave energy development and generation; and

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

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

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

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

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

Whereas recent applications to the Federal Energy Regulatory Commission under the current process highlight these deficiencies with the regulatory process and the disagreements among federal agencies; and

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

Whereas that conflict will likely slow the process of developing this important and innovative technology; now, therefore,

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

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

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

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

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Adopted by House May 1, 2007

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Chief Clerk of House

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Speaker of House

Adopted by Senate May 16, 2007

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President of Senate