

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action: Do Pass and Rescind the Subsequent Referral to the Committee on Ways and Means

Vote: 8 - 0 - 0

Yeas: Bailey, Barnhart, Bentz, Boone, Gilliam, Jenson, Smith J., Cannon

Nays: 0

Exc.: 0

Prepared By: Beth Patrino, Administrator

Meeting Dates: 5/5, 5/19

WHAT THE MEASURE DOES: Exempts wave energy projects from minimum standards of development if project generates less than five megawatts of electricity, is within Oregon's Territorial Sea, and has had an application submitted to Department of State Lands by December 31, 2009. Requires that project have license under Federal Power Act that provides for adaptive management to prevent or mitigate unexpected adverse impacts. Requires that project is constructed and operated under agreement with multiple state agencies. Allows for assistance in developing agreement by task force consisting of representatives of each local government and federally recognized Indian tribe affected by wave energy project. Authorizes Water Resource Commission to adopt rules regarding wave energy projects.

ISSUES DISCUSSED:

- Wave energy projects subject to hydroelectric licensing statutes
- Brief time period for testing pilot projects authorized by measure
- Projects currently in permitting stage

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: The 2007 Legislative Assembly enacted House Bill 2925 that exempted wave energy projects from provisions regulating hydroelectric projects if the projects generated five megawatts or less, were located in Oregon's Territorial Sea, and did not require a license under the Federal Power Act. Senate Bill 195 continues to include wave energy projects under the hydroelectric licensing statutes. It also exempts them from ORS 543.017, that places standards on any action the Water Resource Commission takes on the development of hydroelectric power. This includes a requirement that the commission not approve any action that would result in a net loss of wild game, fish or recreational opportunities.