

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

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| Action: | Do Pass |
| Vote: | 5 - 0 - 0 |
| Yeas: | Atkinson, Boquist, Hass, Prozanski, Dingfelder |
| Nays: | 0 |
| Exc.: | 0 |
| Prepared By: | Beth Herzog, Administrator |
| Meeting Dates: | 2/12, 2/26 |

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

Sunsets on January 1, 2010. Contains an emergency clause and takes effect on passage.

ISSUES DISCUSSED:

- Allowance for testing of small pilot projects
- No fish injury statute
- Land use planning on a local level
- Public participation

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: The 2007 Legislature enacted HB 2925 which 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. This bill continues to include wave energy projects under the hydroelectric licensing statutes. It also exempts them from ORS 543.017, which 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.