

Enrolled
House Bill 2748

Sponsored by Representative BOONE; Senator VERGER (Presession filed.)

CHAPTER

AN ACT

Relating to wave energy; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2011 Act is added to and made a part of ORS chapter 543.

SECTION 2. (1) A wave energy project that does not qualify under ORS 543.014 is exempt from the minimum standards specified in ORS 543.017 if:

- (a) The project generates electricity from wave energy;
- (b) The project is located within Oregon’s territorial sea, as defined in ORS 196.405;
- (c) The nominal electric generating capacity, as defined in ORS 469.300, of the project does not exceed five megawatts;

(d) A license under the Federal Power Act, 16 U.S.C. 791a et seq., is required to either construct or operate the project and the license provides for adaptive management to prevent or mitigate unexpected adverse impacts on the environment, fish and wildlife resources, commercial fishing and recreation; and

(e) The project is constructed and operated subject to an agreement with the Water Resources Department, State Department of Fish and Wildlife, Department of State Lands, Department of Land Conservation and Development, Department of Environmental Quality, State Department of Energy and State Parks and Recreation Department.

(2) The agreement specified in subsection (1)(e) of this section:

(a) Must provide for the collection and analysis of information necessary or desirable to determine, and measures to prevent or mitigate, the impact of the project on the environment, fish and wildlife resources, commercial fishing and recreation; and

(b) May be developed with the assistance of an advisory group consisting of representatives of each local government and federally recognized Indian tribe that is affected by the wave energy project.

(3) The Water Resources Commission may adopt rules regarding projects described in this section to implement the policies of ORS 543.015, specify provisions for adaptive management and provide for the distribution of the information specified in subsection (2) of this section.

SECTION 3. Section 2 of this 2011 Act applies only to wave energy projects for which an application is made to the Department of State Lands on or before December 31, 2021.

SECTION 4. Section 2 of this 2011 Act is repealed January 2, 2022.

SECTION 5. This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.

Passed by House March 16, 2011

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Passed by Senate May 16, 2011

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2011

Approved:

.....M,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2011

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Kate Brown, Secretary of State