

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY
Senate Committee On Environment and Natural Resources

MEASURE: SB 319 A
CARRIER: Sen. Roblan

Fiscal: Has minimal fiscal impact
Revenue: No revenue impact, statement issued (Indeterminate Impact)

Action Date: 03/16/15

Action: Do Pass With Amendments. (Printed A-Eng.)

Meeting Dates: 03/04, 03/16

Vote:

Yeas: 5 - Dembrow, Edwards, Olsen, Prozanski, Thomsen

Prepared By: Beth Reiley, Committee Administrator

WHAT THE MEASURE DOES:

Requires proprietary authorization from Department of State Lands (DSL) to construct or operate ocean renewable energy facility in Oregon's territorial sea. Requires Director of DSL (Director) to adopt rules necessary to implement proprietary authorization program for ocean renewable energy facilities, including requirements for construction and operation; maximum period proprietary authorization could be issued; and provisions to coordinate with removal or fill permit. Authorizes Director to adopt by rule certain fees. Requires permit for removal or fill activities in territorial sea related to ocean renewable energy facility. Requires DSL to coordinate issuance of proprietary authorization decision and removal or fill permit decision for ocean renewable energy facility. Imposes civil penalties for violation of authorization requirements. Requires DSL to convene committee to assist evaluating whether to establish general permit or general authorization for ocean renewable energy facilities used as components of research projects or demonstration projects that produce ocean renewable energy. Exempts ocean renewable energy facilities from regulation as hydroelectric projects under certain conditions. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Territorial Sea Plan acknowledged Department of State Lands as appropriate lead agency in 2013
- Previous process required wave energy device to obtain permit from Water Resources Department
- More expedited process for testing buoys to facilitate research

EFFECT OF COMMITTEE AMENDMENT:

Removes section establishing policy of State of Oregon. Requires Department of State Lands (DSL) to convene committee to assist evaluating whether to establish general permit or general authorization for ocean renewable energy facilities used as components of research projects or demonstration projects that produce ocean renewable energy. Requires DSL to convene advisory committee to assist DSL in drafting rules prior to establishing general permit allowing removal of certain amount of material (ORS 196.816) or general authority (ORS 196.850) for ocean renewable energy facility.

BACKGROUND:

The State of Oregon, through the Land Conservation and Development Commission (LCDC), adopted its Territorial Sea Plan (TSP) in 1994 as a detailed guide to evaluating uses of the state territorial waters (0 to 3 miles offshore), consistent with state land use policy Goal 19 Ocean Resources, among other policies and statutes. The TSP has been amended over the years to address emerging issues. TSP Part Five, adopted in 2009, provides state and federal agencies with specific standards for siting and regulating ocean renewable energy facilities in the territorial sea. In 2013, LCDC further amended TSP Part Five to detail the siting of ocean renewable energy facilities with the adoption of maps designating areas that are and are not appropriate for locating these facilities. At present, an ocean renewable energy facility must also obtain from the Water Resources Department (WRD) a water right and a hydroelectric license.

Senate Bill 319A would exempt ocean renewable energy facilities from regulation as a hydroelectric project and require the Department of State Lands (DSL) to develop a proprietary authorization to construct or operate an ocean renewable energy facility in Oregon's territorial sea. The Act would also require a permit for removal or fill activities in the territorial sea related to an ocean renewable energy facility.