

STAFF MEASURE SUMMARY

House Committee On Energy and Environment

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

Action Date: 05/21/15

Action: Do Pass.

Meeting Dates: 05/12, 05/21

Vote:

Yeas: 8 - Boone, Heard, Helm, Holvey, Johnson, Reardon, Vega Pederson, Weidner

Exc: 1 - Bentz

Prepared By: Beth Patrino, 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 issuance of 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 evaluation of whether to establish general permit or general authorization for removal/fill permits 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:

- Consistency with state's Territorial Sea Plan
- Removal of Water Resources Department hydroelectric permitting authority for ocean renewable energy facilities

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

Oregon's territorial sea is defined as the waters and seabed extending seaward three miles from the Pacific coastline. In 1994, the State of Oregon, through the Land Conservation and Development Commission (LCDC), adopted a Territorial Sea Plan as a detailed guide to evaluating uses of these waters consistent with state land use policy and other policies and statutes. The plan was amended in 2009 to provide state and federal agencies with specific standards for siting and regulating ocean renewable energy facilities in the territorial sea and in 2013 with the adoption of maps designating areas that are and are not appropriate for locating these facilities. Under current law, an ocean renewable energy facility must also obtain a water right and a hydroelectric license from the Water Resources Department.

Senate Bill 319A would exempt ocean renewable energy facilities from regulation as a hydroelectric project and require the Department of State Lands 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.