

**PRELIMINARY STAFF MEASURE SUMMARY****CARRIER:**

Senate Committee on Environment and Natural Resources

**REVENUE:** Revenue statement issued (-3)**FISCAL:** Minimal fiscal impact (-3)**SUBSEQUENT REFERRAL TO:** None**Action:****Vote:**

Yeas:

Nays:

Exc.:

**Prepared By:** Beth Reiley, Administrator**Meeting Dates:** 3/4, 3/16

**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 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. Exempts ocean renewable energy facilities from regulation as hydroelectric projects under certain conditions. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

**EFFECT OF COMMITTEE AMENDMENT:** (Proposed -3 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.

**BACKGROUND:**

Within three nautical miles of the state coastline is the Oregon Territorial Sea. The territorial sea and seafloor are considered under the jurisdiction of the state. Beyond the territorial sea boundary is the Outer Continental Shelf, which is under federal jurisdiction. Oregon's territorial sea has been identified as a favorable location for siting renewable energy facilities for research, demonstration and commercial power development. Regulation of marine renewable energy depends on whether the project is in Oregon's waters or federal waters. If the project is located in Oregon's Territorial Sea, it must follow the regulatory structure laid out in Part 5 of the Territorial Sea Plan, adopted by the state in January 2013.

Senate Bill 319 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 ocean renewable energy facility.