

543A.085 Public scoping meeting. (1) Not less than 30 days but not more than 60 days after submitting the preliminary application information as required under ORS 543A.080, the applicant, in conjunction with the Hydroelectric Application Review Team, shall convene a public scoping meeting. To the extent practicable, the applicant shall conduct the public scoping meeting at the first stage of the Federal Energy Regulatory Commission review of the federal license for the project.

(2) The applicant is responsible for conducting the public scoping meeting and shall invite the team, federal agencies, federally recognized Indian tribes and members of the public to participate. The purpose of the public scoping meeting is to allow an opportunity for the participants to review the information available and to:

(a) Discuss a proposed schedule for completion of the reauthorization process;

(b) Discuss studies and additional information that may be needed; and

(c) Identify other resources and other health and safety issues of the state that must be considered in the reauthorization process.

(3) At the public scoping meeting, the team shall:

(a) Explain to the public the process for reauthorizing the project; and

(b) Identify to the public the members of the team.

(4) Following the public scoping meeting, the team shall allow 60 days for public comment on the preliminary application information, the proposed schedule, proposed studies and other resources and other health and safety issues to be considered in the reauthorization process.

(5) Within 90 days after the public scoping meeting, the applicant shall develop and submit study proposals to the team. Upon receipt of the proposals, the team and the applicant shall publish notice of the availability of the proposals and allow 30 days for the public to provide comments on the proposals.

(6) Based on its review of the comments and recommendations on the study proposals from the Hydroelectric Application Review Team, other state agencies and local governments, federally recognized Indian tribes and members of the public, the applicant shall prepare final study proposals and methodology and submit the final study proposals and methodology to the team. Upon receipt of the final study proposals and methodology, the team shall make the applicant's study pro-

posals and methodology available to the public.

(7) The study proposals shall allow at least two years for completing the studies. [1997 c.449 §17; 2001 c.369 §1]

543A.090 Mid-study status report; public meeting; period for comment on status report. (1) Upon completion of the first year of studies, the applicant shall prepare a mid-study status report and present the mid-study status report to all interested persons at a public meeting. Following the public meeting, the Hydroelectric Application Review Team, other state agencies and local governments, federally recognized Indian tribes, federal agencies and members of the public shall have 30 days to comment on the status report and suggest changes to the studies.

(2) The applicant shall consider any comments received in response to the mid-study status report and make any necessary changes prior to completing the second year of studies. [1997 c.449 §18; 2001 c.369 §2]

543A.095 Draft application. (1) Not later than one year before the applicant files a final application with the Federal Energy Regulatory Commission to reauthorize the federal license for the hydroelectric project, the applicant shall file with the Hydroelectric Application Review Team:

(a) A draft application for a water right for the project, which shall be the Federal Energy Regulatory Commission draft application; and

(b) Information regarding potential water quality impacts of the project.

(2) The applicant shall provide the team with copies of any agency and public comment submitted to the applicant in the Federal Energy Regulatory Commission proceedings or in the state reauthorization proceedings.

(3) The applicant shall include with the application required under subsection (1) of this section the final report on the studies conducted pursuant to ORS 543A.085.

(4) Upon receipt of the draft application, the team shall identify in writing to the applicant any informational and analytical deficiencies. Subject to any identified deficiencies, the team shall prepare a provisional state position on:

(a) Whether, and under what conditions, the Water Resources Department should issue the water right;

(b) Whether the project would comply with ORS 468B.040 and water quality standards adopted by the Environmental Quality Commission, and what conditions might be appropriate under 33 U.S.C. 1341(d); and