

**HYDROELECTRIC APPLICATION
REVIEW TEAM**

543A.400 Duties of Hydroelectric Application Review Team. (1) The duties of a Hydroelectric Application Review Team shall be determined on the basis of the operating authority of the project that the team is responsible for reviewing.

(2) A team responsible for reviewing a state project shall:

(a) Make an initial determination of whether the state project may proceed under an expedited reauthorization process under ORS 543A.040 and, if so, develop a proposed final order under ORS 543A.040.

(b) If a state project does not qualify for the expedited process under ORS 543A.040:

(A) Convene a public scoping meeting under ORS 543A.045;

(B) Review the application report and prepare a draft proposed final order under ORS 543A.055;

(C) Revise the draft proposed final order and submit the proposed final order to the Water Resources Department for further processing as set forth in ORS 543A.120 to 543A.300; and

(D) Review protests received and recommended responses to the protests as required under ORS 543A.120.

(3) A team responsible for reviewing a federally licensed project shall:

(a) Represent the state in any federal proceeding to reauthorize the federal license for the project;

(b) Participate in the state process in accordance with ORS 543A.085, 543A.090, 543A.105, 543A.110 and 543A.115;

(c) Recommend a state response to a request for certification for reauthorization of a federally licensed project under ORS 468B.040; and

(d) Develop a state position as required under 16 U.S.C. 803(j).

(4) The Water Resources Department may also convene a team to:

(a) Coordinate the activities of all state agencies involved in decommissioning a project.

(b) Develop a unified state position for a project that is subject to federal relicensing but that operates under a water right that does not expire. The unified state position developed under this paragraph shall include the elements set forth in ORS 543A.105 except for the reauthorization of the state water right. In developing the unified state position under this paragraph the team shall participate to the fullest extent possible in

all proceedings conducted pursuant to the Federal Energy Regulatory Commission relicensing process for the project. [1997 c.449 §32]

FEES AND EXPENSES

543A.405 Application fees. (1) Subject to the provisions of ORS 543A.410, any person submitting a notice of intent to seek reauthorization, a preliminary application or an application for reauthorization of a project under ORS 543A.030, 543A.035, 543A.075, 543A.080 or 543A.095 shall pay all expenses related to the review and decision of the Hydroelectric Application Review Team that are incurred by the team and any agency participating as part of the team, and that are not otherwise covered by the reauthorization fee paid under ORS 543A.415.

(2) Every person submitting a notice of intent to seek reauthorization of a project shall submit the fee required under ORS 536.050 (1)(r) to the Water Resources Department when the notice of intent is submitted.

(3) Before submitting an application to reauthorize a state project under ORS 543A.035, the applicant shall request from the team an estimate of the costs expected to be incurred in processing the application. The team shall inform the applicant of that amount and require the applicant to make periodic payments of such costs pursuant to a cost reimbursement agreement. The cost reimbursement agreement shall provide for payment of 25 percent of the estimated costs when the applicant submits an application under ORS 543A.035.

(4) Before the close of public comment on study proposals developed by the applicant for a federally licensed project under ORS 543A.085, the team shall estimate the costs expected to be incurred in evaluating the project. The team shall inform the applicant of that amount and require the applicant to make periodic payments of such costs pursuant to a cost reimbursement agreement. The cost reimbursement agreement shall provide for a first payment of 25 percent of the estimated costs on a schedule established in the agreement.

(5) If costs of the team's evaluation of a project exceed the estimate in the cost reimbursement agreement, the applicant shall pay any excess costs shown in an itemized statement prepared by the team. In no event shall the team and its participating agencies incur evaluation expenses in excess of 110 percent of the fee initially estimated unless the team provided prior notification to the applicant and a detailed projected budget the team believes is necessary to complete evaluation of the application. If costs are less