

GENERAL PROVISIONS

543A.005 Definitions. As used in ORS 543A.005 to 543A.415:

(1) "Commission" means the Water Resources Commission.

(2) "Department" means the Water Resources Department.

(3) "Director" means the Water Resources Director.

(4) "Federally licensed project" means an existing project licensed under ORS 543.260 that is also licensed by and has been or will be reviewed by the Federal Energy Regulatory Commission under the Federal Power Act, as amended.

(5) "Project" has the meaning given in ORS 543.010.

(6) "State project" means an existing project for which the authority to operate is a time-limited water right for the use of water for hydroelectric purposes and that is not licensed by the Federal Energy Regulatory Commission. "State project" includes a project granted an exemption by the Federal Energy Regulatory Commission.

(7) "Team" means a Hydroelectric Application Review Team established pursuant to ORS 543A.035, 543A.075 or 543A.300.

(8) "Water right" includes the use of water for hydroelectric purposes pursuant to a license issued under ORS 543.260. [1997 c.449 §1]

543A.010 Findings. The Legislative Assembly finds that many hydroelectric projects within the state hold water rights for hydroelectric purposes for a limited time period, and that those water rights will expire. State law does not currently prescribe a means for reauthorizing the use of water for hydroelectric purposes. Therefore, the Sixty-eighth Legislative Assembly created a hydroelectric task force to recommend a process and standards for a coordinated state review of existing facilities. The hydroelectric task force was composed of representatives of interested state agencies, investor-owned utilities, publicly owned utilities, municipalities, environmental organizations, agricultural organizations and nonutility owners of hydroelectric projects. In its report to the Sixty-ninth Legislative Assembly, the hydroelectric task force included legislative recommendations that served as the foundation for the provisions of this chapter and ORS 468.065, 468B.040, 468B.045, 468B.046, 536.015, 536.050, 543.012 and 543.710. [1997 c.449 §2]

543A.015 Purpose. It is the purpose of this chapter and ORS 468.065, 468B.040, 468B.045, 468B.046, 536.015, 536.050, 543.012 and 543.710 to establish a process for devel-

oping a coordinated state position to be reflected in governmental proceedings related to the reauthorization of existing hydroelectric facilities. The coordinated state position shall be reflected in state decisions, including but not limited to decisions relating to the allocation of water, certification of water quality and other state regulatory actions, as well as in state comments on federal actions, including relicensing by the Federal Energy Regulatory Commission. [1997 c.449 §3]

543A.020 Policy. The Legislative Assembly declares that it is the policy of the State of Oregon:

(1) To reauthorize the use of water by existing projects provided that such projects meet the standards established in ORS 543A.025, are consistent with other applicable state laws and will not impair or be detrimental to the public interest.

(2) To recognize that existing projects have resulted in both benefits and costs to society, and that the opportunity exists on reauthorization to promote the public benefits while minimizing the public costs.

(3) To maintain or enhance the natural resources of the state and to protect the natural resources of the state from adverse impacts caused by the continued existence of a project.

(4) To protect the health and safety of the residents of the state.

(5) To require the Water Resources Department and other affected state agencies to conduct a coordinated review of projects seeking reauthorization in order to develop a unified state position in any local, state or federal proceedings related to the reauthorization of hydroelectric projects. [1997 c.449 §4]

543A.025 Minimum standards for decision on reauthorization of water right; rules. (1) Following the process set forth in ORS 543A.005 to 543A.410, the Water Resources Director shall issue a water right for continued operation of an existing hydroelectric project upon a finding that the proposed use will not impair or be detrimental to the public interest, considering:

(a) Conserving the highest use of the water for all purposes, including irrigation, domestic use, municipal water supply, power development, public recreation, protection of commercial and game fishing and wildlife, fire protection, mining, industrial purposes, navigation, scenic attraction or any other beneficial use to which the water may be applied for which it may have a special value to the public.

(b) The maximum economic development of the waters involved.