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State Land Board

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To: Oregon Ocean Policy Advisory Council

Subject: 2013 Legislative Update

Date: October 3, 2013 Regular Meeting

Legislative Item: House Bill 2694

Status: Signed into law on May 22, 2013; effective immediately.

Summary: This bill requires a holder of an ocean energy authorization with the Department of State Lands (DSL) to share any geophysical data generated pertaining to Oregon's territorial sea with the Oregon territorial sea mapping project at Oregon State University.

DSL action: Add as a condition to DSL ocean energy proprietary authorizations. Add language to OAR 141-140 when these rules are revised.

Legislative Item: Senate Bill 606

Status: Signed into law on June 6, 2013; effective immediately.

Summary: Requires owners or operators of wave energy facilities and devices to demonstrate evidence of financial assurance for costs of closure and post-closure maintenance of facilities or devices through:

- Insurance;
- Establishment of a trust fund;
- A surety bond; or
- A letter of credit.

This bill removes "qualification as a self-insurer" and "Any other method set forth in rules adopted by the director" as options for meeting the financial assurance requirement.

This bill requires a decommissioning cost estimate to be "prepared by a person qualified by experience and knowledge to prepare such cost estimates."

This bill defines specific items that must be included in the decommissioning plan, and sets deadlines for beginning and completing decommissioning after the permanent cessation (closing) of the facility.

This bill states that all facility structures buried greater than 1 meter below the seafloor are not subject to decommissioning. However, the director has discretion to require the removal of all structures if deemed necessary.

This bill provides that a violation of ORS 274.867 (Wave energy; financial assurance; rules) is subject to a civil penalty of up to $1,000 per day of violation under ORS 274.992.

DSL action: Add additional conditions to DSL ocean energy proprietary authorizations. Add language to OAR 141-140 when these rules are revised.

Legislative Item: Senate Bill 737

Status: Signed into law on August 14, 2013; effective immediately.

Summary: Establishes Oregon Ocean Science Trust and Fund.

DSL action: The State Land Board is responsible for appointing the five member trust. DSL is responsible for providing a meeting venue for the trust, and administrative support for trust meetings. DSL will ask the State Land Board to initiate a search for candidates to serve on the trust at their October 8th meeting.