

Proposed Rule Revision Tracker

Changes made following the initial close of public comment on June 12, 2026, included in the revised Notice of Proposed Rulemaking.

Division 52 – DECOMMISSIONING RULES FOR NON-FERC PROJECTS

Rule	Issue	Response	Changes in Revised Notice
OAR 690-052- 0110(4)(f) Applicability 6/12/26	WW - Protest Fees: All rule provisions related to protest fees should be aligned with existing statute. For example, Div 52 and Div 53 only have a third-party protestant paying a protest fee. While the original rules were adopted before the state started requiring protest fees for applicants; since that time the state has updated Oregon’s statutes to require fees for applicant protests (albeit only ½ of a third-party protestant). The rules should reflect this.	Agreed. ORS 536.050(1)(j)(A) and (B) authorize protest fees for both third party protestants and project operators. <i>(f)For persons other than the applicant, the protest fee required under ORS 536.050(1)(j).</i> Rule and rule summary language have been updated.	Yes
OAR 690-052-0170 Final Orders on Default – Rule Summary	WRD Staff – recommend modifying the summary to clarify the timetable that triggers the automatic default to a final order following a protest period during which no protest was raised.	This rule implements ORS 183, which allows the agency to define when a proposed final order will become final. The rule states that the order will become final as a result of (1) no protest being filed, (2) the withdrawal of protests, (3) or default of protestants. The rule specifies that proposed final orders become final <u>33 days after the end of the time for filing protests</u> if no protest is <u>timely</u> filed within 33 days and that the Department may withdraw the <u>proposed</u> final order for reconsideration and issuance of a superseding proposed final order. This efficiency measure is consistent with changes made in other processes, which also makes for more efficiency in administration.	Yes

Division 53 – HYDROELECTRIC LICENSE, POWER CLAIM AND CERTIFICATE AMENDMENTS

Rule	Issue	Response	Changed in Revised Notice
<p>OAR 690-053-0040 (1)(f)</p> <p>Protests</p>	<p>WW (6/12/26) - Protest Fees: All rule provisions related to protest fees should be aligned with existing statute. For example, Div 52 and Div 53 only have a third-party protestant paying a protest fee. While the original rules were adopted before the state started requiring protest fees for applicants; since that time the state has updated Oregon’s statutes to require fees for applicant protests (albeit only ½ of a third-party protestant). The rules should reflect this.</p>	<p>Agreed. ORS 536.050(1)(j)(A) and (B) authorize protest fees for both third party protestants and project operators.</p> <p>The rule language has been revised:</p> <p><i>(f) For persons other than the applicant, the protest fee required under ORS 536.050.</i></p> <p>The rule summary also has been updated.</p>	<p>Yes</p>
<p>OAR 690-053-0049</p> <p>Exceptions to the Administrative Law Judge Proposed Final Order; Director’s Final Order – Rule Title</p>	<p>WRD staff (6/12/26)– Need to strike “Final” from ALJ’s “Proposed Final Order”; need to insert apostrophe “s” after “Judge.”</p>	<p>Corrections made:</p> <p>Exceptions to the Administrative Law Judge’s Proposed Final Order; Director’s Final Order</p>	<p>Yes</p>
<p>OAR 690-053-0050</p> <p>Final Order on Default - Rule Summary</p>	<p>WRD Staff (6/12/26) – recommend modifying the summary to clarify the timetable that triggers the automatic default to a final order following a protest period during which no protest was raised.</p>	<p>The rule summary has been revised for clarity:</p> <p>This rule implements ORS 183, which allows the agency to define when a proposed final order will become final. The rule states that the order will become final as a result of (1) no protest being filed, (2) the withdrawal of protests, (3) or default of protestants. The rule specifies that proposed final orders become final <u>33 days after the end of the time for filing protests</u> if no protest is <u>timely</u> filed within 33 days and that the Department may withdraw the <u>proposed</u> final order for reconsideration and issuance of a superseding proposed final</p>	<p>Yes</p>

		<p>order. This efficiency measure is consistent with changes made in other processes, which also makes for more efficiency in administration.</p>	
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Division 54 - CONVERSION OF A HYDROELECTRIC WATER RIGHT TO AN INSTREAM WATER RIGHT

Rule	Issue	Response	Changed in Revised Notice
<p>OAR 690-054-0075</p> <p>Final Orders on Default – Rule Summary</p>	<p>WRD Staff (6/12/26) – recommend modifying the summary to clarify the timetable that triggers the automatic default to a final order following a protest period during which no protest was raised.</p>	<p>The rule summary has been revised for clarity:</p> <p>This rule implements ORS 183, which allows the agency to define when a proposed final order will become final. The rule states that the order will become final as a result of (1) no protest being filed, (2) the withdrawal of protests, (3) or default of protestants. The rule specifies that proposed final orders become final <u>33 days after the end of the time for filing protests</u> if no protest is <u>timely</u> filed within 33 days and that the Department may withdraw the <u>proposed</u> final order for reconsideration and issuance of a superseding proposed final order. This efficiency measure is consistent with changes made in other processes, which also makes for more efficiency in administration.</p>	<p>Yes</p>

Division 330 – PROOF OF APPROPRIATION TO PERFECT A WATER RIGHT

Rule	Issue	Response	Changed in Revised Notice
OAR 690-330-0070 Incremental Perfection of a Municipal Water Right	Staff change (6/12/26)- update applicability date from July 1 to October 1 to reflect when rules will go into effect.	Applicability date revised to October1, 2026.	Yes

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