



PERMANENT ADMINISTRATIVE ORDER

WRD 1-2022

CHAPTER 690

WATER RESOURCES DEPARTMENT

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ARCHIVES DIVISION
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& LEGISLATIVE COUNSEL

FILING CAPTION: Removes language relating to hydroelectric project annual fees to conform rule with statute

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AMEND: 690-051-0400

REPEAL: Temporary 690-051-0400 from WRD 1-2021

NOTICE FILED DATE: 12/29/2021

RULE SUMMARY: Removes language relating to hydroelectric project annual fees to conform rule with statute

CHANGES TO RULE:

690-051-0400

~~Fees: Filing and Annual~~ Application Filing Fees

(1) An applicant for a Preliminary Permit or License for a project or for a Permit to appropriate water for power purposes shall pay to the state a project fee based on the capacity of the project to cover costs of recording, publishing notices, conducting the hearing required by ORS 543.225 and making investigations necessary to determine whether a Permit should be granted.

(2) The amount of the total project fee required under section (1) of this rule shall be:

(a) For a project of less than 100 theoretical horsepower, \$1,000;

(b) For any project of 100 theoretical horsepower or more, an amount equal to \$5,000 plus \$1,000 per megawatt for each megawatt of capacity in excess of five megawatts, up to a maximum of \$100,000;

(3) The project fee shall be payable in advance of each of four stages of project review as described in OAR 690 051 0095 as follows:

(a) For minor projects less than 100 theoretical horsepower, fifty percent of the fee at the time the application is filed and the fifty percent remaining fee charge when the License is issued;

(b) For major projects, the fee shall be collected as follows:

(A) Stage One 20 percent; not to exceed \$2,500;

(B) Stage Two 30 percent;

(C) Stage Three 30 percent;

(D) Stage Four 20 percent.

(c) If any stage is skipped, the fee at the time of submittal shall be the total application fee due up to and including the stage of current application review.

(4) In addition to the project fee required under this section, any applicant for a project to be sited at a location where anadromous fish or threatened or endangered species are present shall pay a surcharge of 30 percent of the total project fee. The surcharge shall be collected in conjunction with the project fee at each stage of the project review.

(5) An annual fee as described in ORS 543.710 shall be required for each Permit issued under ORS Chapter 537.¶¶

(6) Each License issued shall be conditioned to require the payment of an annual fee as follows:¶¶

(a) For the first 25 THP or fraction thereof, \$1 per THP; and¶¶

(b) For each THP in excess of 25, 20 cents.¶¶

(7) (a) For fees assessed under ORS 543.078(2) each holder of a hydroelectric right shall pay an amount, in 1998 dollars, equal to \$0.405 per theoretical horsepower covered by the water right for the project. The annual fee shall be adjusted annually for inflation according to (c) below.¶¶

(b) For fees assessed under ORS 543.088 each holder of a hydroelectric right shall pay an amount, in 1998 dollars, equal to \$0.125 per theoretical horsepower covered by the water right for the project. The annual fee shall be adjusted annually for inflation according to (c) below.¶¶

(c) Fees shall be adjusted using the "GDP-IPD", Gross Domestic Product—Implicit Price Deflator published by the U.S. Department of Commerce, Bureau of Economic Analysis in the publication Survey of Current Business (See Table 1.1.9 line 1.) for September of each year prior to the January due date for the fees. If this index ceases to be published, any reasonably equivalent index published by the Bureau of Economic Analysis may be substituted. If the base year for GDP-IPD is changed or if publication of the index is discontinued, the Department shall make adjustments or, if necessary, select an appropriate alternative index to achieve the same economic effect.

Statutory/Other Authority: ORS 536.025, 536.027, 537, 543, ORS 543.078

Statutes/Other Implemented: ORS 543.078