



PERMANENT ADMINISTRATIVE ORDER

WRD 1-2022

CHAPTER 690

WATER RESOURCES DEPARTMENT

FILED

03/22/2022 4:01 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

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

EFFECTIVE DATE: 03/23/2022

AGENCY APPROVED DATE: 03/18/2022

CONTACT: Breeze Potter

971-720-0963

breeze.k.potter@water.oregon.gov

725 Summer Street NE

Suite A

Salem, OR 97301

Filed By:

Breeze Potter

Rules Coordinator

AMEND: 690-051-0400

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

RULE TITLE: Application Filing Fees

NOTICE FILED DATE: 12/29/2021

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

RULE TEXT:

(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.

STATUTORY/OTHER AUTHORITY: ORS 536.025, 536.027, 537, 543, ORS 543.078

STATUTES/OTHER IMPLEMENTED: ORS 543.078