

1 **BEFORE THE BOARD OF COMMISSIONERS**

2 **FOR LINCOLN COUNTY, OREGON**

3 **ORDINANCE # 446**

4 \_\_\_\_\_  
5  
6 **Relating to siting of ocean wave energy facilities; creating new provisions; and declaring**  
7 **an emergency.**  
8 \_\_\_\_\_  
9

10       Whereas ocean wave energy is a renewable power source with a great potential to  
11 reduce our dependence on oil and other fossil fuels; and

12       Whereas the Oregon Coast is particularly well-suited for the development of ocean  
13 wave energy; and

14       Whereas the technology for harnessing ocean wave energy is rapidly evolving in  
15 many locations, including Scotland, Portugal, and here in Oregon; and

16       Whereas the Lincoln County Board of Commissioners strongly supports the  
17 development of this technology for its global benefits, as well as its potential for local  
18 economic development; and

19       Whereas, however, the siting of wave energy facilities in the ocean has a potential  
20 for direct conflict with other important uses of ocean resources; and

21       Whereas, unfortunately, the only current process for the siting of wave energy  
22 generators in the ocean is Part 1 of the Federal Power Act, which is primarily designed for  
23 the siting of dams on rivers; and

24       Whereas that process does not require advance local planning to avoid unnecessary  
25 conflict with other ocean uses; and

26       Whereas agencies of the federal government are themselves in disagreement  
27 regarding who has jurisdiction and control over the siting of ocean wave energy facilities in  
28 the outer continental shelf; and

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1           Whereas recent applications to the Federal Regulatory Energy Commission under the  
2 current process highlight these deficiencies and disagreements; and

3           Whereas it appears the use of the current process is destined for conflict; and

4           Whereas that conflict may slow the process of developing this important and  
5 innovative technology; and

6           Whereas providing for advance planning for the siting of ocean wave energy  
7 facilities in order to mitigate and minimize adverse impacts on other important uses of ocean  
8 resources is therefore a matter of critically important local concern; and

9           Whereas the Lincoln County Board of Commissioners previously established an *ad*  
10 *hoc* Committee (entitled "Fisherman Involved in Natural Energy," or FINE) to assist  
11 Lincoln County with the siting of ocean wave energy facilities under Lincoln County's own  
12 application to the Federal Energy Regulatory Commission (FERC) for a preliminary permit;  
13 and

14           Whereas the FINE Committee can assist in developing a comprehensive plan for  
15 siting ocean wave energy parks to avoid or mitigate adverse impacts on other important uses  
16 of ocean resources, as well as reviewing individual ocean wave energy permit applications  
17 for mitigation of adverse impacts on other important ocean uses; now, therefore,

18           The Lincoln County Board of Commissioners ordains as follows:

19           **SECTION 1.**

20           Sections 2 through 4 of this Ordinance are added to and made a part of LCC Chapter  
21 2, as indicated.

22           **SECTION 2.**

23           **2.4105 Establishment of FINE Committee**

24           **(1) There is hereby established a Fishermen Involved in Natural Energy (FINE)**  
25 **Committee, consisting of between 7 and 19 members appointed by order of the Lincoln**  
26 **County Board of Commissioners.**

27           **(2) Committee members shall be appointed to represent the spectrum of**  
28 **fisheries potentially impacted by the siting of ocean wave energy facilities.**

Page 2 -- ORDINANCE # 446

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1           (3) Committee members serve at the discretion of the Board, or until a member  
2 resigns, or until the Committee is disbanded by the Board as having completed it  
3 purposes.

4           (4) In addition to the duties set forth in LCC 2.4110 to 2.4115, the FINE  
5 Committee shall carry out other duties as identified by order of the Board.

6           **SECTION 3.**

7           **2.4110 Duties of FINE Committee Relating to Review of Ocean Wave Energy**  
8 **Facility Permit Applications**

9           (1) The FINE Committee shall review all applications for a permit or  
10 preliminary permit or similar applications, licenses or other approvals for the siting of  
11 ocean wave energy facilities in the territorial sea or outer continental shelf adjacent to  
12 Lincoln County. Permits or preliminary permits include, but are not limited, any  
13 similar actions before federal or state agencies claiming jurisdiction over siting of  
14 ocean wave energy facilities.

15           (2) The Committee shall make recommendations to the Board of  
16 Commissioners relating to whether the Board should support, support with  
17 modifications, oppose, or take other action relating to each ocean wave energy facility  
18 application reviewed by the Committee.

19           **SECTION 4.**

20           **2.4115 Duties of FINE Committee Relating to Comprehensive Planning for the**  
21 **Siting of Ocean Wave Energy Facilities**

22           (1) The FINE Committee shall develop a comprehensive siting plan for ocean  
23 wave energy facilities in the territorial sea and outer continental shelf adjacent to  
24 Lincoln County. The comprehensive siting plan shall establish areas for wave ready  
25 parks that are sited to avoid or mitigate potential adverse impacts on other important  
26 uses of ocean resources.

27           (2) The plan shall be submitted to the Lincoln County Board of Commissioners for  
28 review and approval.

Page 3 -- ORDINANCE # 446

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1 (3) Once approved by the Board, the plan shall help guide the Board in making a  
2 determination to support, support with modifications, oppose, or take other action  
3 relating to all ocean wave energy facility siting applications for areas of the ocean  
4 adjacent to Lincoln County.

5 (4) At the request of the Board, or on its own initiative, the Committee may  
6 recommend modifications or updates to the plan.

7 (5) Upon a recommendation of the Committee, or on its own initiative, the  
8 Board may modify or update the plan.

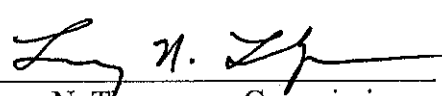
9 **SECTION 5.**

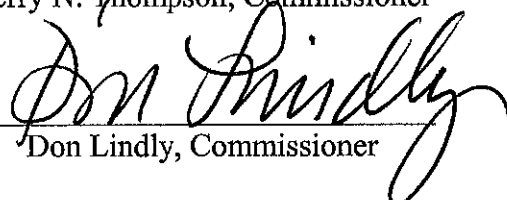
10 This Ordinance being necessary for the immediate preservation of the public peace,  
11 health and safety, an emergency is declared to exist and this Ordinance shall take effect upon its  
12 passage.

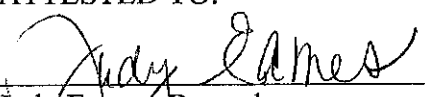
DATED this 28<sup>th</sup> day of February, 2007.

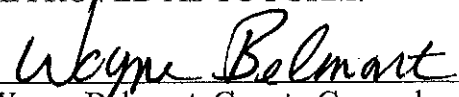
LINCOLN COUNTY BOARD OF COMMISSIONERS

  
Bill Hall, Chair

  
Terry N. Thompson, Commissioner

  
Don Lindly, Commissioner

ATTESTED TO:  
  
Judy Eames, Recorder

APPROVED AS TO FORM:  
  
Wayne Belmont, County Counsel

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