



Oregon

Tina Kotek, Governor



550 Capitol St. NE
Salem, OR 97301
Phone: 503-378-4040
Toll Free: 1-800-221-8035
FAX: 503-373-7806
www.oregon.gov/energy

To: Energy Facility Siting Council

From: Kathleen Sloan, Senior Siting Analyst

Date: October 10, 2025

Subject: Agenda Item B (Public Hearing): Yellow Rosebush Energy Center Application for Site Certificate Draft Proposed Order Public Hearing for the October 23-24, 2025, EFSC Meeting

Attachments: Attachment 1: Draft Proposed Order (DPO)
Attachment 2: Reviewing Agency Comments Received as of Oct. 10, 2025.
Department will supplement if additional comments received prior to Public Hearing on October 23, 2025.

PUBLIC HEARING SUMMARY

On September 5, 2025, Yellow Rosebush Energy Center, LLC (applicant), a wholly owned subsidiary of Savion, LLC, which is a subsidiary of Shell Energy, submitted its Application for Site Certificate (ASC) for the Yellow Rosebush Energy Center (proposed facility). To issue a site certificate, the Energy Facility Siting Council (Council) must find that the preponderance of the evidence on the record demonstrates that the applicant can satisfy, or based on compliance with conditions can satisfy, each of the applicable standards set forth in Oregon Administrative Rule (OAR) 345 Divisions 22 through 24 as well as all other Oregon statutes and administrative rules identified in the Project Order as applicable to the siting of the proposed facility.

As staff to the Council, the Oregon Department of Energy (Department) reviewed the ASC, in consultation with state agencies, local governments and tribal governments. The Draft Proposed Order (DPO) contains the Department's initial analysis of the ASC and includes recommended findings of facts, conclusions of law and site certificate conditions necessary to ensure compliance with applicable Council standards and other rules and statutes. The analysis and recommendations contained in the DPO are not a final determination.

A public comment period on the DPO and ASC is now open. It opened on October 1, 2025 with the issuance of the Public Notice and the DPO and it will close at 5:00 p.m. Pacific Time (PT) on Monday November 3, 2025.

A public hearing will be held before the Council at 6:00 p.m (PT) on October 23, 2025, at the Maupin Civic Center, located in Maupin, Oregon. Opportunities will be provided for the public

to submit comments in person and via teleconference at the hearing. The Council will not consider any comments received after the November 3, 2025 deadline, unless extended by Council. Please note, interested persons must comment on the record, either at the public hearing or in writing during the comment period, in order to preserve their right to participate in the contested case hearing in this proceeding.

PROJECT OVERVIEW

The Yellow Rosebush Energy Center is a proposed 800 MW solar photovoltaic power generation facility with related or supporting facilities.

Energy Facility:

- 2,037,360 solar modules
- 364,351 piles/posts
- 20,622 single axis trackers
- 267.8 miles of 34.5 kilovolt (kV) Collection system
- 6,800 combiner boxes
- 199 inverters/transformers

Related or Supporting Facilities

- Up to 800 MW battery energy storage system
- Collection substation
- Operations and maintenance building
- Over 50 miles of perimeter fence (8-foot tall)
- 27 miles of new and improved access roads
- 23 acres of temporary staging areas
- 500 kV generation tie line (2 alternatives under review one on site and one 4.5 miles north extending into Sherman County)

The proposed facility would occupy up to 7,026 acres (11 sq. miles) within a 8,075 acre (12.6 sq. mile) proposed site boundary. The site consists entirely of private land zoned for Exclusive Farm Use in Wasco and Sherman counties located approximately 8 miles east of Maupin. The majority of the facility is sited in Wasco County. One alternative transmission line would extend north from the facility into Sherman County so that approximately 1.9 miles would be in Sherman County, if selected for construction. The facility is proposed to be constructed and operated by Yellow Rosebush Energy Center, LLC. (applicant), a wholly owned subsidiary of Savion, LLC, which is a subsidiary of Shell Energy.

PROCEDURAL HISTORY

- August 30, 2024 - The Department received the preliminary application for site certificate (pASC)
- September 11, 2024 - The Department distributed the pASC to state and local government reviewing agencies and tribal governments.
- October 29, 2024 - The Department issued a determination that the pASC was incomplete and provided Requests for Additional Information (RAIs).
- March 20, April 3, 10 and May 12, 2025 - The applicant provided initial responses to the RAIs.

- July 10, 17 and August 4, 2025 - The Department issued a second set of RAIs.
- March 6, March 29, April 16, April 19, and April 24, 2024 - The applicant provided responses to the second set of RAIs, and responses to outstanding requests from the first set.
- August 28, 2025 - The Department determined that the pASC, with the revisions to exhibits included in the RAI responses, was complete.
- September 5, 2025 - The applicant filed the complete ASC
- September 10, 2025 - The Department mailed Public Notice of the Complete ASC to property owners within 500-feet of the property on which the proposed facility site boundary would be located and emailed it to all individuals signed up to receive email notices from regarding the proposed facility or all EFSC facilities. The Public Notice was also published in The Dalles Chronicle and Columbia Gorge News.
- September 10, 2025 - Pursuant to OAR 345-015-0200, the Department distributed electronic copies of the complete ASC to reviewing agencies, along with a request for agency reports on the complete ASC by September 26, 2025.
- September 25, 2025 - The Department held an in-person and remote public informational meeting on the complete ASC in Maupin.
- October 1, 2025 - The Department issued the DPO initiating a 32-day comment period closing at 5:00 p.m. on November 3, 2025. Public Notice of the DPO was issued on the same day.
- October 23, 2025 – Public Hearing on the ASC and DPO at EFSC meeting.

Comments Received to Date

As of October 10, 2024, the Department had received no public comments on the Yellow Rosebush Energy Center DPO or ASC. Any public comments received will be provided to Council in a supplemental attachment prior to the Public Hearing.

As of October 10, the Department received two reviewing agency comments on the DPO. These are included in Attachment 2. If additional reviewing agency comments are received, they will be provided to Council in a supplemental attachment prior to the Public Hearing. A general comment letter was received from Oregon Department of State Lands (DSL), Public Relations Office in response to the Public Notice on the DPO. Because the applicant is actively working with DSL on finalizing their wetland delineation and obtaining DSL concurrence (per DSL comments on the ASC), the Department recommends that Council find these comments are general and non-specific in nature. A comment email from Sean Bailey is also included, in which the Wasco County planner confirms the land status of the transmission line corridor in response to a request for review by the Department.

EVALUATION OF COUNCIL STANDARDS

While all standards are evaluated and have recommended findings and many recommended conditions, this section provides a summary of select issues addressed in the DPO.

GENERAL STANDARD OF REVIEW: OAR 345-022-0000 (DPO section IV.A., pg. 19-26)

The applicant seeks authorization to construct the proposed facility in two phases, with a build out of approximately 400 MW each phase. Under the applicant's projected schedule, construction of each phase would take approximately 36 months to complete. To accommodate the phased approach, the applicant requests a deadline for construction

completion of three years later than the deadline for beginning construction of each phase. The Department recommends the council impose General Standard Condition 2, which requires construction of the facility to begin within six years, and General Standard Condition 3, requiring the completion of each phase within 3 years of construction start of that phase.

The applicant proposes to construct one of two transmission line alternatives to interconnect with a substation. The first, and preferred alternative, would span less than 1,000 feet to connect to the adjacent substation and point of interconnect (POI). The second alternative is a 4.5 mile 500 kV transmission line from the facility north into Sherman County (approx. 1.9 miles) to a POI at the Bonneville Power Administration's Buckley Substation. Because the 4.5 mile transmission line alternative has not been physically surveyed, but evaluated at a desktop level, the Department recommends Council impose the following Recommended General Standard Condition 8 to require it be fully evaluated under applicable standards and subject to related recommended conditions for Fish & Wildlife Habitat, Threatened & Endangered Species, Historic, Cultural and Archaeological Resources and Removal-Fill Regulations, all with preconstruction survey and compliance requirements if this alternative route were selected for construction in final design.

ORGANIZATIONAL EXPERTISE: OAR: 345-022-0010 (DPO Section IV.C., pg. 26-35)

Yellow Rosebush Energy Center, LLC is the applicant. Yellow Rosebush Energy Center, LLC was registered in Delaware on July 13, 2022 and was acknowledged and registered to do business in Oregon by the Secretary of State on July 25, 2022. The applicant's LLC Agreement and organizing documents are included in ASC Attachment A-1 of Exhibit A: Applicant Information. The applicant is a wholly-owned subsidiary of Savion, LLC (Savion), which is a part of Shell Group. In Attachment D-1 of the Organizational Expertise Exhibit (exhibit D), the applicant included a letter from Savion LLC attesting that Yellow Rosebush Energy Center LLC will have access to the expertise and personnel required to build and operate the proposed facility, under their parent company, Shell Energy. Savion's website reports 3 GW of Solar and Energy Storage projects combined across 23 projects in 11 states as in operation, under construction and contracted. The same website shows 18 GW of solar energy development across 73 projects in 26 states and 14.8 GW of battery storage combined across 60 projects in 24 states. Recommended Organizational Expertise Condition 4 and 5 require the certificate holder to identify a qualified on-site construction manager and maintain that construction manager for the entire construction period and include in semi-annual construction reporting required under the site certificate. Recommended Organizational Expertise Condition 6 requires the certificate holder to hold all contractors responsible for adherence to all applicable site certificate conditions. Recommended Organizational Expertise Conditions 7 and 8 require the certificate holder to identify the qualified onsite Operations Manager for the operations of the facility.

SOIL PROTECTION: OAR 345-022-0022 (DPO Section IV.D., pg. 45-57)

In general, the soil within the analysis is primarily formed from loess and alluvium which make them susceptible to erosion from wind and water. These soils are rated to have a slight to moderate hazard of erosion by water in off-road and off-trail areas. These soils are also susceptible to dust propagation upon disturbance. For these reasons, in addition to the required National Pollutant Discharge Elimination System (NPDES) 1200-C permit for

construction in Recommended Soil Protection Condition's 1 and 2, the Department also recommends Council impose Soil Protection Condition 3, requiring the applicant to finalize the and adhere to the Draft Fugitive Dust Control Plan for construction. In addition to construction requirements, the Department recommends Council impose Soil Protection Condition 6, to require the certificate holder to continue to monitor and implement erosion prevention measures for the operational life of the facility.

LAND USE: OAR 345-022-0030 (DPO Section IV.E., pg. 57-146)

Under the applicant's preferred alternative, the entire facility would be sited within Wasco County. If the alternative transmission line were to be selected, then 1.9 miles of that transmission line would extend into Sherman County. The proposed facility would occupy up to 7,026 acres of land zoned for Exclusive Farm Use (EFU), and as such, the applicant has requested that the Council take an exception to Statewide Land Use Planning Goal 3, based on the following reasons:

1. The facility does not impact high-value farmland or water availability and imposes minimal direct impacts to agricultural activities.
2. The facility is locationally dependent (proximity to regional transmission grid, existing energy infrastructure, and major transportation corridors).
3. The facility creates local economic benefits (landowners, local government and local agricultural economy).
4. The Facility imposes minimal impacts to resources protected by Council standards.
5. The Facility responds to important state and county goals and priorities.

In this case, the Department recommends that based upon the evidence submitted in the ASC, and evaluated by the Department, that Council find the reasons that justify taking an exception to Goal 3 are:

1. The facility does not impact high-value farmland or water availability and would have minimal direct, indirect, and induced impacts to agricultural activities at the site and the overall agricultural economy in Wasco County. The construction and operation of the proposed facility would directly impact cattle raising operations, including grazing and cultivating crops for supplemental feed, but the applicant has provided an economic analysis demonstrating that discontinuing these practices would have minimal indirect or induced impacts on the local agricultural economy. Based on the Department's evaluation of this information, the Department recommends that the Council find that use of the site would have minimal impacts to high value farmland, water availability and any direct impacts to agricultural practices. The Department recommends that the Council find, based on these facts, that this is a reason that justifies an exception to Goal 3 for the proposed site.
2. The site of the facility is locationally dependent on existing transmission and transportation infrastructure and is collocated with other nearby energy facilities in a manner that allows for efficient use of existing infrastructure. The facility site is locationally dependent on its proximity to an existing BPA transmission corridor and major transportation corridors. The Department recommends Council accept the

applicant's argument that proximity to the existing BPA's existing John Day to Grizzly 500-kV transmission line and proximity to existing major transportation corridors supports a locational dependence reason that would, in part, justify an exception to Statewide Planning Goal 3.

The Department recommends the Council reject the other reasons provided by applicant to support their exception request.

RETIREMENT AND FINANCIAL ASSURANCE: OAR 345-022-0050 (DPO Section IV.G, pg. 147-156)

The applicant estimates that the total cost of retirement and restoration of the facility would be approximately \$45.7 million US. The estimate includes the costs of the labor and equipment needed for removal of facility components and restoration activities as well as site mobilization and demobilization, site support, contractor markups, and contingencies. The Department recommends the Council find that the applicant used reasonable methods and assumptions to develop the cost estimate, but recommends the Council add amounts needed for spare solar panel disposal and adjust applied contingencies for battery components to reflect the additional uncertainty and potential environmental hazards associated with battery technologies. With the adjustments, the Department recommends the Council find that the cost that would be incurred by the state if the applicant defaulted on its obligation to retire the facility and restore the site following the permanent cessation of construction or operation of the facility is estimated to be approximately \$46.2 million US, in Q2 2024 dollars. The applicant has provided a comfort letter from Citi Bank, stating that upon request of Shell USA Citi Bank would issue a letter of credit in 2027 for approximately \$46 million US for a period of up to 40 years. The Department has recommended Retirement and Financial Assurance Conditions 4,5 and 6, to require the bond/letter of credit to be provided prior to the beginning of construction and maintained for the life of the facility.

FISH AND WILDLIFE HABITAT: OAR 345-022-0060 (DPO Section IV.H., pg. 156-175)

Habitat categories within the analysis area include Category 2 and 6, and within the proposed 7,026-acre microsite corridor. The entire analysis area and microsite corridor are within Oregon Department of Fish & Wildlife (ODFW) mapped Category 2 Big Game Winter Range for Mule Deer habitat. Cultivated lands, even if within ODFW's mapped Category 2 Big Game Winter Range, are considered Category 6. The applicant has consulted with ODFW to categorize and identify fish & wildlife habitat and identify and assess facility impacts in ASC Exhibit P: Fish & Wildlife Habitat. Based on the surveys and ODFW consultation, the applicant has identified an estimate 6,673 acres of ODFW Category 2: Big Game Winter Range habitat and 353 acres of Category 6 cultivated or developed lands, which require no mitigation under ODFW mitigation goals. Based on those categories and assessment of facility impacts, the applicant has estimated and ODFW has concurred, with approximately 4,670 acres of permanent and 198 acres of temporary impacts to Category 2: Big Game Winter Range habitat that requires mitigation. Permanent impacts are mitigated through the implementation of an approved Habitat Mitigation Plan (HMP) similar to the Draft HMP provided in Attachment P-3 of the DPO. Temporary impacts to habitat will be mitigated through the implementation of an approved Revegetation and Reclamation Plan and Noxious Weed Control Plan similar to the drafts provided in Attachments P-1 and P-2 of the DPO. The Department has recommended that Council impose Fish and Wildlife Conditions 1 through 9, to require finalization and approval of

the draft plans prior to construction and their implementation of the final approved plans, as applicable during construction and operations.

HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES: OAR 345-022-0090 (DPO Section IV.K., pg. 181-197)

The entire solar array and analysis area was surveyed for cultural resources as part of the ASC, except for the alternative 4.5-mile transmission line. For these reasons, the Department recommends Council impose Recommended Historic, Cultural and Archaeological Resources Condition 1, requiring that the certificate holder must conduct cultural and archeological resource surveys and generate applicable technical reports for that area and submit them to SHPO, Tribes and the Department prior to construction. If any National Register of Historic Places (NRHP) eligible or unevaluated resources are identified and cannot be avoided, certificate holder must submit an Amendment Determination Request to the Department for a determination on whether the impacts and mitigation must be reviewed by Council through the site certificate amendment process.

The facility is located within the ceded lands of the Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO) and the Department has requested review and comments from CTWSRO and other Oregon Tribes but to-date have received no comments, other than Confederated Tribes of Umatilla Indian Reservation submitting a letter deferring to CTWSRO for this proposed facility.

The applicant retained qualified archaeological consultants to conduct desktop and field surveys within the microsite area. These studies identified a total of 90 cultural resources, including 64 archaeological sites, two historic built environment sites, two sites with both archaeological and historic built environment components, and 22 isolates. Records review and site visits of the area within 1 mile of the site boundary identified 14 known built environment and potential historic built environment sites. A total of 51 resources in the direct analysis area (27 archaeological sites, 1 archaeological/built environment site, 2 built environment sites, and 21 isolates) have been recommended not eligible for listing on the NRHP. The remaining 39 resources in the direct analysis area (38 archaeological sites and 1 isolate) have been left unevaluated for NRHP-listing. To ensure that the unevaluated resources listed above in Table 22 are avoided and protected during construction operation of the facility, the Department compiled the resources with avoidance buffers in Attachments S-2 of the DPO and recommends Council impose Historic, Cultural and Archaeological Resources Condition 2 requiring the certificate holder implement the avoidance buffers identified in Attachment S-2 during construction and, and Recommended Historic, Cultural and Archaeological Resources Condition 5 for the operations of the facility.

PUBLIC SERVICES: OAR 345-022-0110 (DPO Section IV.M., pg. 199-211)

Construction is anticipated to occur in approximately two phases, with each phase expected to take up to 36 months (three years) to complete, for a maximum construction timeframe of 6 years. On average there would be 200-300 workers on site with a maximum of 400 workers on site when multiple disciplines of contractors will be working simultaneously. Traffic estimates assume 70 percent of the workforce traffic will come from the north along US-97 and 30 percent will come from the south along US-97 to Bakeoven Road. Approximately 10 to 15 full-

time employees to work on-site for the operational life of the proposed facility. The Department recommends the Council find the influx of workers, and other construction related traffic, could potentially affect traffic safety and housing supply in the vicinity of the site. Recommended Public Services Conditions 2 and 3 require development and implementation of a Road Use Agreement with the County.

Facility construction is anticipated to require up to 54.5 million gallons (Mgal) of water if the entire facility is constructed under worst case dry conditions. Operational water use would include for the O&M building and potential solar panel washing. Construction-related water use would be obtained from the Deschutes Valley Water District (DVWD) , the City of Maupin and the City of Wasco under an existing municipal water right. Two landowners (one participating, one adjacent) may provide water during construction using existing wells, and they would obtain all necessary authorizations, such as a limited license (third party permit), from the Oregon Water Resources Department. For these reasons, the Department recommends Council impose Public Services Condition 1 to require the certificate holder to submit proof of water obtained through a legally authorized permit or provider.

Wasco County Sheriff submitted written comments on public safety concerns and recommendations based upon past experience with other similar facilities in the area (unrelated to the applicant). To address the Sheriff's concerns, the Department recommends Council impose Public Services Condition 4, which requires the certificate holder to provide on-site security during construction. The condition also requires the certificate holder to establish and maintain communication with the Sheriff's Office; requesting monthly data on public safety/law enforcement data related to facility construction and proposing enhanced safety policies and mitigation measures if the data indicates that facility personnel are contributing the legal infractions.

WILDFIRE PREVENTION AND RISK MITIGATION: OAR 345-022-0115 (DPO Section IV.N., pg. 211-224)

Based on the certificate holder and Department assessment of wildfire risk at the site and within the analysis area, as described in the ASC and this order, the Department recommends Council find that wildfire fire is moderate during winter (seasonally wetter) months and high during the summer months, during fire season. The Department has recommended Council impose Wildfire Prevention and Risk Mitigation Conditions 1 through 4, requiring the Draft Wildfire Mitigation Plans (Attachments W-1 and W2 of the DPO) to be finalized and implemented during construction and operation of the proposed facility.

DRAFT PROPOSED ORDER RECOMMENDATIONS

The Draft Proposed Order recommends Council find that the proposed facility complies with the requirements of the Oregon Energy Facility Siting Statutes, ORS 469.300 to 469.520; with the standards adopted by the Council pursuant to ORS 469.501; and with all other Oregon statutes and administrative rules identified in the Project Order as applicable to the issuance of a site certificate for the facility.

PUBLIC COMMENT PERIOD AND NEXT STEPS

The Council will hold a public hearing on the DPO on October 23, 2025. During the hearing there will first be a brief overview by ODOE on the siting process and proposed facility, followed by an overview of the hearing format provided by the presiding officer and followed by an opportunity to provide oral comments on the ASC and the DPO. The duration of the time for individual commenters will be 5 minutes, but that may be lengthened or shortened based on the number of people who comment.

To raise an issue on the record of the DPO public hearing, a person must raise an issue either in person at the public hearing, or in a written comment submitted after the date of this notice and received by ODOE before the record closes at the close of the Public Comment Period on Monday, November 3, 2025 at 5:00 p.m. PT, unless extended by Council. A person's failure to raise an issue in person or in writing prior to the close of the record, with sufficient specificity to afford the decision maker an opportunity to respond to the issue, will preclude consideration of the issue by the Council in a contested case proceeding or by a court on judicial review of the Council's final decision. To raise an issue with sufficient specificity, a person must present facts that support the person's position on the issue.