

**Attachment 2: Reviewing Agency Comments Received
on Yellow Rosebush Energy Center Draft Proposed Order**

As of October 10, 2025

(Department will supplement if additional reviewing agency comments are received prior to
Public Hearing on October 23, 2025)

Comment Index:

Commenter	Agency	Date	EFSC Standard or Regulation
Melissa Pelton, Public Relations Specialist	Oregon Department of State Lands	10/6/2025	Removal-Fill Regulation
Sean Bailey, County Planner	Wasco County Planning Department	10/7/2025	Land Use


DSL's General Response to Notice for Yellow Rosebush Energy Center

From DSL Support Services * DSL <Support.SERVICES@dsl.oregon.gov>

Date Mon 10/6/2025 3:06 PM

To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Cc FITZGERALD Richard W * DSL <Richard.W.FITZGERALD@dsl.oregon.gov>; SALGADO Jessica * DSL <Jessica.SALGADO@dsl.oregon.gov>; ROVIRA Angel C * DSL <Angel.C.Rovira@dsl.oregon.gov>; ZUMWALT Shawn * DSL <Shawn.ZUMWALT@dsl.oregon.gov>; SERRA Erin * DSL <Erin.SERRA@dsl.oregon.gov>; BROWN Jevra * DSL <Jevra.BROWN@dsl.oregon.gov>

 1 attachment (5 MB)

WascoShermanCo ODE PublicHearingAndOppToComment20251006.pdf;

Attached: A copy of the local agency notice

Thank you for contacting Oregon Department of State Lands (DSL) regarding the Yellow Rosebush Energy Center Public Hearing & Request for Comments.

Department of State Lands (DSL) Requirements

A DSL removal-fill permit may be required for projects that add, remove, or move material to wetlands, streams, and other waters. In addition, DSL proprietary authorizations may be required for projects in [Oregon-owned Waterways](#).

DSL Wetland Land Use Notices (WLUN)

Did you check if this proposed project requires a DSL WLUN, and if required, did you submit a WLUN?

If Yes - Thank you! Please use DSL's response to the WLUN as the removal-fill program's comments for this public notice.

If No – When a local government receives an application for a land alteration project with wetlands, waters, or soils mapped on the Statewide Wetlands Inventory (SWI) and/or the Local Wetlands Inventory (LWI) within or near the project area, or if local knowledge indicates that there appears to be wetlands or waters near the project area, then please submit a WLUN to DSL. You may look here to [view LWI and SWI](#).

Local government WLUN submittal is required within five (5) days of receiving a complete and WLUN-eligible application, per Oregon law. DSL staff review and respond to WLUN within 30 days, providing clarification of removal-fill permit requirements for the project area. DSL responses are also sent to the applicant, and/or landowner, providing clarification of removal-fill permit requirements for the project area.

WLUN is the coordination process to get formal DSL comments regarding ground disturbing projects within or partially within potentially DSL jurisdictional resources.

Please take a moment to look at the [Oregon wetland land use notification laws](#) and the [Wetland land use notice guide](#) to determine the circumstances under which a WLUN submittal is required. Please submit the WLUN to DSL using the [online submittal form](#). SWI GIS may be brought into the local GIS (if you have GIS) via DSL services following directions found here: [Using the SWI web map tools and dataset directions](#).

Please know, the Statewide Wetlands Inventory (SWI) and Local Wetlands Inventory (LWI) maps only show if there are likely wetlands and other waters within or near an area. Only a non-expired wetland delineation report approved by the DSL accurately shows the location and boundaries of waters of this state.

Who to Contact at DSL

- **WLUN Process and Regulations.** If you have questions regarding the WLUN process, please contact Jevra Brown (Jevra.BROWN@dsl.oregon.gov, 503-580-3172). WLUN Oregon Revised Statute and guidance can be found [here](#).
- **WLUN Response.** For questions regarding DSL's response to a WLUN, please contact the [DSL staff](#) who signed the WLUN form.
- **Wetland Delineation/Determinations.** For questions regarding wetland delineation or determination reports, please contact the [DSL Wetland Ecologist](#) for your county.
- **Wetland or Waters Impacts.** For questions regarding removal-fill permit requirements for impacts to waters of this state, you may contact the [DSL Aquatic Resource Coordinator](#) for your county.
- **Proprietary Authorizations.** For questions regarding work within Oregon-owned waters, please contact the [DSL Proprietary Coordinator](#) for your county.
- **Real Property.** For questions regarding work within Oregon-owned uplands, please contact the [DSL Land Manager](#).

Melissa Pelton

Public Records Coordinator

Oregon Department of State Lands

775 Summer St NE Ste 100

Salem, OR 97301

971-599-9153 (cell)

www.Oregon.gov/DSL • [DSL Online Payment Portal](#)

Re: YRB - Legal Parcel Status Check

From Sean Bailey <seanb@co.wasco.or.us>

Date Tue 10/7/2025 3:57 PM

To ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>

Cc SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Good afternoon all,

After reviewing provided findings and mapping out the deeds, I agree with their findings that Acct# 12333 is a Legal Parcel, as the legal description is consistent from the 1961 Deed Bk 138 Pgs 190-192 to current deeds.

Thanks

On Wed, Oct 1, 2025 at 5:47 AM ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov> wrote:

Morning Sean,

We identified an additional parcel that had not been evaluated by the Yellow Rosebush applicant team. Could you confirm if the evaluation of legal parcel status is accurate?

Tax lot 04S15E00000100 ODOM, BETTY JEAN ETAL is located in Wasco County, will be crossed by the alternate gen-tie line and is subject to WCLUDO Section 1.030. Please see our updated deed history for this tax lot below:

Table K-1. Legal Status of Parcels within the Facility Site Boundary

Township, Range, Section, Tax Lot	Account #	Approximate Acres within Site Boundary	Legal Parcel	Deed History
4S 15E 0 0100	12333	3,575	Yes	Pre-1974 Deed #: Book 138, Pages 190-192, dated 10/23/1958 (with portion removed by Book 113, Page 50); Current Deeds #: 2006-001633,

Township, Range, Section, Tax Lot	Account #	Approximate Acres within Site Boundary	Legal Parcel	Deed History
				filed 03/20/2006 and 2024-002954, filed 12/06/2024 (multiple current deeds due to split ownership)

Thank you,
Sarah

Sarah T. Esterson
Senior Policy Advisor

550 Capitol St. NE | Salem, OR 97301
P: 503-385-6128
1-800-221-8035

From: McLaneGodwin, Linsey <LINSEY.MCLANEGODWIN@tetrattech.com>
Sent: Tuesday, September 30, 2025 2:12 PM
To: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
Cc: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>; TARDAEWETHER Kellen * ODOE <Kellen.TARDAEWETHER@energy.oregon.gov>; Watson, Jeff SAVI-DRN/X <jwatson@savionenergy.com>; Powers, Chris SAVI-DRN/X <cpowers@savionenergy.com>; Fossum, Linnea <Linnea.Fossum@tetrattech.com>
Subject: RE: YRB - Additional questions/info requests - Land use

Hi Kate,

In re-reading my response in my previous email on 9/24, I was incorrect about the tax lot I referenced being within Wasco County (See Table 1 in the DPO or Table C-1 in the fASC). Tax lot 04S15E00003200 is actually within Sherman County.

These taxlots are in Sherman County and are not subject to WCLUDO Section 1.030:

04S15E00000300

04S15E00000301

04S15E00002100

04S15E00002200

04S15E00003200

04S15E00003400

However, tax lot 04S15E00000100 ODOM, BETTY JEAN ETAL is located in Wasco County, will be crossed by the alternate gen-tie line and is subject to WCLUDO Section 1.030. Please see our updated deed history for this tax lot below:

Table K-1. Legal Status of Parcels within the Facility Site Boundary

Township, Range, Section, Tax Lot	Account #	Approximate Acres within Site Boundary	Legal Parcel	Deed History
4S 15E 0 0100	12333	3,575	Yes	Pre-1974 Deed #: Book 138, Pages 190-192, dated 10/23/1958 (with portion removed by Book 113, Page 50); Current Deeds #: 2006-001633, filed 03/20/2006 and 2024-002954, filed 12/06/2024 (multiple current deeds due to split ownership)

Thanks,

Linsey McLane-Godwin (she/her) | Environmental Planner | **Part-Time Remote: Hours 9AM to 4PM (Pacific Time)**

Office **+1 (503) 721-7215** | Mobile **+1 (541) 714-3060** | linsey.mclanegodwin@tetrattech.com

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From: McLaneGodwin, Linsey

Sent: Wednesday, September 24, 2025 2:32 PM

To: 'SLOAN Kathleen * ODOE' <Kathleen.SLOAN@energy.oregon.gov>

Cc: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>; TARDAEWETHER Kellen * ODOE <Kellen.TARDAEWETHER@energy.oregon.gov>; Watson, Jeff SAVI-DRN/X <jwatson@savionenergy.com>; Powers, Chris SAVI-DRN/X <cpowers@savionenergy.com>; Fossum, Linnea <Linnea.Fossum@tetrattech.com>

Subject: RE: YRB - Additional questions/info requests - Land use

Hi Kate,

Just to confirm - Section 1.030 is specific to the Wasco County LUDO and doesn't apply to land within Sherman County. In looking at the map, the 04S15E00003200 ODOM, BETTY JEAN ETAL property is within Wasco County. We'll get that legal parcel status for you soon.

Thanks,

Linsey McLane-Godwin (she/her) | Environmental Planner | **Part-Time Remote: Hours 9AM to 4PM (Pacific Time)**

Office +1 (503) 721-7215 | Mobile +1 (541) 714-3060 | linsey.mclanegodwin@tetrattech.com

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From: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Sent: Wednesday, September 24, 2025 1:46 PM

To: Powers, Chris SAVI-DRN/X <cpowers@savionenergy.com>; Watson, Jeff SAVI-DRN/X <jwatson@savionenergy.com>; McLaneGodwin, Linsey <linsey.mclanegodwin@tetrattech.com>; Fossum, Linnea <linnea.fossum@tetrattech.com>

Cc: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>; TARDAEWETHER Kellen * ODOE <Kellen.TARDAEWETHER@energy.oregon.gov>

Subject: YRB - Additional questions/info requests - Land use

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Hi All,

Per Linnea, as we encounter a few RAIs and loose ends in the DPO, we are going to send them over. I am not anticipating many, but we are going to have a few.

- ASC Exhibit K evaluates Section 1.030 severability and presents the parcel status for landowners within the site boundary of the solar facility. But, it appears that parcels crossed by the transmission line have been omitted from the table and eval. The ordinance specifically requires that the evaluation of compliance be completed before approval, but should not be punted to a precon condition.
 - Examples of taxlots along the trans line that are omitted: 04S15E00003200 ODOM, BETTY JEAN ETAL; 04S15E00002200 SKORO RANCH, LLC

Basically, maps F 1.1 and 1.3, but they should check to see that all parcels within the site boundary where facility components are proposed are included in the eval for Section 1.030, unless there is a reason to omit the trans line from the evaluation...which we need to confirm.

Can you confirm?

Thanks

Kate

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Sean Bailey | Senior Planner
Planning Division

seanb@co.wasco.or.us | www.co.wasco.or.us

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2705 E 2nd St. | The Dalles, OR 97058

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Important: Our email address is changing to @wascocountyor.gov on November 29th, 2025. Please update your contacts to ensure you continue to receive our communications.