## Draft Proposed Order on Application for Site Certificate for Yellow Rosebush Energy Center

**To:** Oregon Energy Facility Siting Council **From:** Kathleen Sloan, Senior Siting Analyst

Date: October 1, 2025

**Re:** Draft Proposed Order on Application for Site Certificate for the Yellow

Rosebush Energy Center

**Applicant:** Yellow Rosebush Energy Center, LLC, a wholly owned subsidiary of

Savion, LLC

**Proposed Facility:** 800 megawatt (MW) solar photovoltaic power generation facility and

related or supporting facilities that would permanently occupy up to

approximately 7,026 acres (11 sq. miles)

**Location:** Wasco and Sherman counties

Staff Recommendation: Applicant has demonstrated, based on a preponderance of evidence

in the application for site certificate, that, with mitigation as

applicable, it has the ability to comply with applicable requirements.

On September 5, 2025, Yellow Rosebush Energy Center, LLC (applicant) 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, local and tribal governments. This Draft Proposed Order (DPO) contains the Department's initial analysis of the ASC and includes recommended site certificate conditions necessary to ensure compliance with applicable Council standards and other rules and statutes. The analysis and recommendations contained in this DPO are not a final determination.

A public comment period on the DPO and ASC is now open. A public hearing will be held before the Council at 6:00 p.m. on Thursday October 23, 2025, at the Maupin Civic Center in Maupin, Oregon. Opportunities will be provided for the public to provide comments in person and via teleconference at the hearing. The Council will not consider any comments received after that 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.

# BEFORE THE ENERGY FACILITY SITING COUNCIL OF THE STATE OF OREGON

October 1, 2025

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#### **ATTACHMENTS**

Attachment A: Draft Site Certificate

Attachment B: Reviewing Agency Comments on pASC/ASC (relied upon in DPO)

Attachment C: Draft Proposed Order Index/Comments (placeholder)

Attachment I: Draft Fugitive Dust Control Plan

Attachment K-1: Farm Forest Easement Attachment K-2: Mediation Ordinance

Attachment P-1: Draft Revegetation and Reclamation Plan

Attachment P-2: Draft Noxious Weed Control Plan Attachment P-3: Draft Habitat Mitigation Plan

Attachment P-4: Draft Wildlife Minimization and Monitoring Plan

Attachment S-1: Draft Inadvertent Discovery Plan

Attachment S-2: Protected Historic, Cultural and Archeological Resources and Avoidance

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Attachment W-1: Draft Construction Wildfire Mitigation Plan Attachment W-2: Draft Operational Wildfire Mitigation Plan Attachment X-1: Retirement Unit Cost and Assumptions

#### **ACRONYMS AND ABBREVIATIONS**

ADT Average Daily Trip

Applicant Yellow Rosebush Energy Center, LLC

AR antireflective

ASC Application for Site Certificate
BESS Battery energy storage system
BLM Bureau of Land Management

BLA Big Lead Assembly

BMP Best Management Practice

CadnaA Computer Aided Noise Abatement

CAFE Corona and Fields Effect Program Model (BPA)

CGWA Critical Ground Water Area
CFR Code of Federal Regulations

Council Oregon Energy Facility Siting Council

CSZ Cascadia Subduction Zone

CTUIR Confederated Tribes of the Umatilla Indian Reservation

CTWSRO Confedered Tribes of the Warm Springs Reservation of Oregon

dBA A-weighted decibel

Department Oregon Department of Energy

DEQ Oregon Department of Environmental Quality

DC Direct current

DOGAMI Oregon Department of Geology and Mineral Industries

DPO Draft Proposed Order

DSL Oregon Department of State Lands
EFSC Oregon Energy Facility Siting Council

EFU Exclusive Farm Use

EPA United States Environmental Protection Agency

ESCP Erosion and Sediment Control Plan
FAA Federal Aviation Administration

FEMA Federal Emergency Management Agency

GW Gigawatt

GWh Gigawatt hours

GSU Generator-step up (transformer)

HMA Habitat Mitigation Area HMP Habitat Mitigation Plan

HPRCSITs Historic Properties of Religions and Cultural Significance to Indian Tribes

HRA Historic Research Associates

HVAC Heating, ventilation, and air conditioning

HVF High-value farmland

ISO International Organization for Standardization

ISU Inverter step-up (transformer)

#### ACRONYMS AND ABBREVIATIONS

km kilometers kV kilovolts

LCDC Land Conservation and Development Commission

Li-ion Lithium-Ion

LLC Limited liability company

LOS Level of Service

MGD Million gallons per day

MW Megawatt

MWh Megawatt hours NB Nonburnable

NIFC National Interagency Fire Center

NOI Notice of Intent

NFPA National Fire Protection Association

NPDES National Pollutant Discharge Elimination System

NPS National Park Service

NPS CMP National Park Service's Comprehensive Management

NRCS Natural Resources Conservation Service
NRHP National Register of Historic Places

NSR Noise Sensitive Receptor

O&M Operations and Maintenance

OAR Oregon Administrative Rule

ODAg Oregon Department of Agriculture

ODFW Oregon Department of Fish and Wildlife

ODOE Oregon Department of Energy

ODOT Oregon Department of Transportation
OPRD Oregon Parks and Recreation Department
ORBIC Oregon Biodiversity Information Center

Oregon CWPP Oregon Community Wildfire Protection Planning Tool

ORS Oregon Revised Statutes

OWRD Oregon Water Resources Department

Parent Company Savion, LLC

pASC Preliminary Application for Site Certificate

PILOT Payment in-lieu of Taxes

Proposed facility Yellow Rosebush Energy Center

PV Photovoltaic

RAI Request for Additional Information

ROW Right of way

RPS Renewable Portfolio Standard

RV Recreational vehicle
SAG Special Advisory Group

#### **ACRONYMS AND ABBREVIATIONS**

SCADA Supervisory Control and Data Acquisition system

SHPO State Historic Preservation Office

SLIDO Oregon Statewide Landslide Data Layer

SPCC Spill Prevention Control and Countermeasure Plan

TCP Traditional Cultural Property
T&E Threatened and Endangered

TIA Traffic Impact Analysis

USGS United States Geological Survey

USFWS United States Fish and Wildlife Service

U.S. United States

WEGS Wind Erodibility Groups
WUI Wildland-urban interface

#### I. INTRODUCTION

In accordance with Oregon Revised Statutes (ORS) 469.370(1), the Oregon Department of Energy (Department) issues this Draft Proposed Order (DPO) regarding the Yellow Rosebush Energy Center (proposed facility) Application for Site Certificate (ASC).

Yellow Rosebush Energy Center, LLC (applicant), a subsidiary of Savion, LLC (parent company), seeks authorization from the Energy Facility Siting Council (Council) to construct and operate an 800 megawatt (MW) solar photovoltaic power generation facility and related or supporting facilities, collectively called the Yellow Rosebush Energy Center (proposed facility).

The proposed facility would permanently occupy up to approximately 7,026 acres (10.9 sq. miles) of private, Exclusive Farm Use (EFU) zoned land, located within a site boundary of 8,075 acres. The site is comprised entirely of arable land, meaning lands that are cultivated or suitable for cultivation, in Wasco and Sherman counties.<sup>1</sup>

The Department's role is to review an application for a site certificate (or for an amendment to a site certificate) and assess whether the application meets the criteria established in statute for Council to approve the application and issue a site certificate. In a DPO, the Department provides a preliminary assessment and recommendations to Council. The Department subsequently will accept comments on the DPO and issue a Proposed Order. Ultimately, Council decides whether to approve an application and issue a site certificate in a Final Order. The Department bases this DPO on its review of the Application for Site Certificate (ASC) and comments and recommendations received during review of the preliminary and complete ASC from state agencies, local governments, and tribal governments. This DPO includes recommended conditions of approval for inclusion in the site certificate to ensure or maintain compliance with applicable rules and standards during proposed facility construction, operation and retirement. Based upon its review of the ASC, as presented in recommended findings of fact, conditions and conclusions of law, the Department recommends Council approve the ASC and issue a site certificate for the facility.

## II. PROCEDURAL HISTORY

#### II.A. Notice of Intent

The applicant submitted a Notice of Intent to File an Application for Site Certificate (NOI) on September 28, 2023. On October 10, 2023, the Department sent notice of the NOI to persons on the Council's general mailing list and to the owners of record for all tax lots located within 500 feet of properties that contain the site boundary. Public notice appeared in The Dalles Chronicle, a newspaper of general circulation for Wasco County, on October 18, 2023. Public notice also appeared in the East Oregonian, a newspaper of general circulation for Sherman County, on October 17, 2023. The Public Notice provided information regarding the proposed

<sup>&</sup>lt;sup>1</sup> OAR 660-033-0130(38)(a).

facility and the EFSC review process and announced that a public informational meeting on the NOI would be held in Maupin on November 2, 2023. The Public Notice requested public comment on the NOI and established December 1, 2023 as the comment deadline.

The Department held the public informational meeting on the NOI on November 2, 2023. The Department and the applicant appeared at the informational meeting and provided information about the siting process and the proposed facility and responded to questions from the public.

During the NOI comment period, the Department received 7 public comments and comments from both Special Advisory Groups, 2 federal agencies, 9 state agencies, 1 local government, 1 emergency fire services agency and 1 tribe.

ORS 469.480(1) requires the Council to designate the governing body of any local government within whose jurisdiction a facility is proposed to be located as a Special Advisory Group (SAG). On October 10, 2023, the Department sent letters notifying both Wasco and Sherman counties that through delegation by Council, the Department had appointed both the Wasco County Board of Commissioners and the Sherman County Court as SAGs for all EFSC proceedings associated with this proposed facility. The Department followed that notification with letters on October 13, 2023 requesting comments and recommendations on applicable local substantive criteria from both SAGs and requested to schedule conference calls with both county planning departments.

On October 10, 2023, the Department separately requested comments from the Tribal Councils of the Confederated Tribes of Warm Springs (CTWS), Confederated Tribes of the Umatilla Indian Reservation (CTUIR), Confederated Tribes of Grande Ronde, and Confederated Tribes of Siletz. Comments were received from CTUIR, confirming that the proposed facility is outside of their area of interest and that they deferred review to CTWS.

#### **II.B.** Project Order

On January 26, 2024, the Department issued a Project Order establishing the state statutes and administrative rules, and local and state regulations, ordinances and other requirements applicable to the siting of the facility as required by ORS 469.330(4) and OAR 345-015-0180.<sup>2</sup> The Project Order also describes what information under OAR 345-021-0010 must be included in the ASC and establishes the analysis areas for the proposed facility's impacts.<sup>3</sup> The Department or Council may amend the Project Order at any time and the Project Order is not a final order.<sup>4</sup> As indicated in the Project Order, if significant impacts associated with the applicable Council standards could occur beyond the analysis areas described in the Project

<sup>&</sup>lt;sup>2</sup> YRBNOIDoc42 Project Order 2024-01-2.

<sup>&</sup>lt;sup>3</sup> OAR 345-015-0160(1)(f) and OAR 345-001-0010(2).

<sup>&</sup>lt;sup>4</sup> ORS 469.330(3,) ORS 469.330(4) and OAR 345-015-0160(3).

Order, then the applicant must assess those impacts in the ASC and show how the facility would comply with the applicable standard with regard to the larger area where impacts could occur.

## **II.C.** Application for Site Certificate

The Department received the preliminary application for site certificate (pASC) on August 30, 2024. On September 9, 2024, the Department posted an announcement on its project website notifying the public that the pASC had been received.

On September 11, 2024, the Department distributed the pASC to reviewing agencies, Wasco County Board of Commissioners and Sherman County Court, as the appointed SAGs, and tribal governments, and requested pASC review and comment by October 15, 2024. The Department received responses from the Oregon Department of Agriculture (ODAg) Native Plant Conservation Program, the Oregon Department of Fish and Wildlife (ODFW), the Oregon Department of State Lands (DSL), Oregon Department of Environmental Quality (DEQ), Oregon Department of Geology and Mineral Industries (DOGAMI), Oregon State Historic Preservation Office (SHPO), the Bakeoven-Shaniko Rural Fire Protection Association, the Sherman County Special Advisory Group (SAG) and the Wasco County SAG. These comments are included in Attachment B of this order.

On October 29, 2024, the Department issued a determination that the pASC was incomplete and provided Requests for Additional Information (RAIs). The applicant provided initial responses to the RAI1 on February 24, 2025, March 20, 2025, April 3, 10, and 15, 2025, May 12, 2025, and July 3, 2025. On July 10 and 17, 2025 the Department issued a second set of RAIs (RAI2). The applicant provided responses to RAI2, and responses to outstanding requests from RAI1 on August 4, 14 and 21, 2025.

On Augst 28, 2025, the Department determined that the pASC, with the revisions to exhibits included in the RAI responses, was complete.<sup>5</sup> The applicant filed the complete on September 5, 2025

On September 10, 2025 Public Notice of the Complete ASC was mailed to property owners within 500-feet of the property on which the proposed facility site boundary would be located and sent via email to all individuals signed up to receive email notices from the Department regarding the proposed facility or all EFSC facilities. The Public Notice was also published in The Dalles Chronicle/The Columbia Gorge News on September 10, 2025. The Department held an in-person (Maupin) and remote public informational meeting on the complete ASC on Thursday September 25, 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.

<sup>&</sup>lt;sup>5</sup> Pursuant to OAR 345-015-0190(5), an ASC is complete when the Department finds that the applicant has submitted information adequate for the Council to make findings or impose conditions on all applicable Council standards.

Reviewing agency comments received on the pASC and ASC that are discussed in this order are included as Attachment B and briefly summarized in the table below.

Table 1: Summary of Reviewing Agency Comments on the pASC/ASC Relied Upon in DPO

Poto/s) Commentary of Reviewing Agency comments on the pase/ase Relied Opon in Dr o					
Date(s)	Commenter	Agency	Comment Summary	Related EFSC Standard/ASC	
Received	Name/Title	01	,	Exhibit/Section in DPO	
9/16/2025	Teara Farrow Ferman, Cultural Resources Program Manager	Confederated Tribes of the Umatilla Indian Reservation	CTUIR defers this matter to the Confederated Tribes of the Warm Springs Reservation of Oregon.	Historic, Cultural and Archaeological Resources Standard; Exhibit S: Historic, Cultural and Archaeological Resources; DPO Section IV.K	
9/26/2025	Jordan Brown, Lead Conservation Biologist	Oregon Department of Agriculture, Oregon Native Plant Conservation Program	ODAg reviewed and agreed with recommended site certificate condition to require the applicant survey unsurveyed areas in the transmission line corridor for T&E plants prior to construction.	Threatened & Endangered Species Standard; Exhibit Q: Threatened & Endangered Species; DPO Section IV.I	
9/26 and 9/30/2025	Blaine Carver, Chair	Bakeoven-Shaniko Rural Fire Protection Agency	Requests fire break outside the fenceline and encourages sheep grazing to manage vegetation. Satisfied with applicants' response for 50 foot defensible area within fenceline, however, still has concerns with site access and wildfire which will be worked through in finalizing the WMPs.	Land Use Standard; Exhibit K: Land Use; DPO Section IV.E  Public Services Standard; Exhibit U: Public Services; DPO Section IV.M  Wildfire Prevention and Risk Mitigation Standard; Wildfire Section IV.N	
9/26/2025 and 9/29/2025	Jessica Clark, Regional Habitat Biologist	Oregon Department of Fish and Wildlife	Review of ASC Exhibit and comments on draft Revegetation and Reclamation, Noxious Weed Control, and Habitat Mitigation Plans, ODFW mitigation ratios for HMP and temporary impacts.	Fish & Wildlife Habitat Standard; Exhibit P: Fish & Wildlife Habitat; DPO Section IV.H	

Table 1: Summary of Reviewing Agency Comments on the pASC/ASC Relied Upon in DPO

Table 1: Summary of Reviewing Agency Comments on the pasc/asc Relied Opon in DPO					
Date(s) Commenter		Agency	Comment Summary	Related EFSC Standard/ASC	
Received	Received Name/Title		,	Exhibit/Section in DPO	
	Jessica Salgado, Wetland Ecologist	Oregon Department of State Lands	DSL is reviewing final revisions to Wetland Delineation Report and is preparing concurrence letter.	Removal-Fill Law ORS chapter 196 and OAR chapter 141; Exhibit J: Wetlands; DPO Section IV.R	
	Sean Bailey,		Review of ASC and no additional comments on ASC. Requesting that applicant continue to coordinate with	Land Use Standard; Exhibit K: Land Use; DPO Section IV.E	
08-25 to 09-30- 2025	Planner; Daniel Dougherty, Planning Director; Arthur Smith, Public Works	Wasco County/ Special Advisory Group	Wasco County Sheriff's Office, Oregon State Fire Marshall, and Bakeoven-Shaniko RFPA on Police and Fire Public Services. Feedback on interpretation of WCLUDO	Public Services Standard; Exhibit U: Public Services; DPO Section IV.M	
	Director	ector	definition. Feedback on load restrictions for roads/bridges in Maupin addressed with third party permits and Road Use Agreement Conditions.	Wildfire Prevention and Risk Mitigation Standard; Wildfire Section IV.N	
9-25-2025	Lane Magill, Sheriff	Wasco County Sheriff's Office	Issues with increased traffic and infractions associated with construction which is addressed with Public Services Conditions requiring coordination with Sheriff's Office. Concerns about complaint notification systems and points of contact at the facility and emergency protocols area addressed in Emergency Response Plan in Land Use Condition.	Land Use Standard; Exhibit K: Land Use; DPO Section IV.E Public Services Standard; Exhibit U: Public Services; DPO Section IV.M	
03-31- 2025	Aspen Kemmerlin, Special Project Archaeologist	Oregon State Historic Preservation Office	Concurs with applicant's recommendations for not eligible resources. Requests additional evaluation for two historic properties and all	Historic, Cultural and Archaeological Resources Standard;	

Table 1: Summary of Reviewing Agency Comments on the pASC/ASC Relied Upon in DPO

Date(s) Received	Δσencv		Comment Summary	Related EFSC Standard/ASC Exhibit/Section in DPO
			unevaluated resources. Applicant consultant provides revised analysis and Department makes recommendations for methodologies and evaluation in Section IV.K. Condition recommended to ensure avoidance to unevaluated resources.	Exhibit S: Historic, Cultural and Archaeological Resources; DPO Section IV.K
9/26/2025	Eduardo Guerrero, Geology Hazard Specialist	Oregon Department of Geology and Mineral Industries	General approval of methods used, and sources used in Exhibit H. Provides additional recommendations for sources in the required site specific geotechnical study.	Structural Standard; Exhibit H: Geological Soil Stability; DPO Section IV.C

#### **II.D.** Council Review Process

## **II.D.1** <u>Draft Proposed Order</u>

The Department issued the DPO on October 1, 2025 and issued a Public Notice, initiating a 32-day comment period closing on Monday, November 3, 2025 at 5:00 pm Pacific Time. The Council will conduct a public hearing on the DPO starting at 6:00 pm PT on Thursday, October 23, 2025, at the Maupin Civic Center in Maupin, Oregon. The public may participate in the Public Hearing in-person or virtually via Webex (details are in the Public Notice). In addition to accepting oral comments at the public hearing, the Council will also accept written comments until the close of the Public Comment period on November 3, 2025, unless extended by Council upon request.<sup>6</sup> Following the close of the public comment period and Council review of the DPO at a future Council meeting, the Department will issue a Proposed Order, taking into consideration Council comments, any timely public comments received and agency consultation.

#### **II.D.2 Proposed Order**

Concurrent with the issuance of the Proposed Order, the Department will issue a Notice of Proposed Order and Contested Case. Only those persons who comment in writing, or in person/orally at the public hearing, prior to the close of the record of the DPO public comment period (i.e., during the 32-day comment period established in the Notice) may request to participate as a party or limited party in the contested case proceeding. Additionally, to raise an issue in a contested case, the issue must be within Council jurisdiction, and the person must have raised the issue on the record of the DPO with "sufficient specificity to afford the Council, the Department, and the applicant an adequate opportunity to respond." At the conclusion of the contested case proceeding, the Hearing Officer must issue a Proposed Contested Case Order stating the Hearing Officer's findings of fact, conclusions of law and recommended site certificate conditions on the issues in the contested case. The Council may adopt, modify or reject the Hearing Officer's Proposed Contested Case Order. If adopted or modified, the order would then be incorporated into the Proposed Order for Council's review.

#### **II.D.3 Contested Case Proceeding**

Following the contested case proceeding, the Council will issue a Final Order, either approving or rejecting the application based on the standards adopted under ORS 469.501 and any additional state statutes, rules, or local government regulations or ordinances determined to be applicable to the proposed facility in the Project Order.<sup>9</sup> The Council may base its Final Order on

<sup>&</sup>lt;sup>6</sup> ORS 469.370(2).

<sup>&</sup>lt;sup>7</sup> See ORS 469.370(4) and OAR 345-015-0014.

<sup>&</sup>lt;sup>8</sup> ORS 469.370(3).

<sup>&</sup>lt;sup>9</sup> ORS 469.370(7).

the Proposed Order, or it may amend or reject the Proposed Order. If in its Final Order Council approves the application, it will separately issue a site certificate for the facility.

#### III. DESCRIPTION OF THE PROPOSED FACILITY

Under the mandatory condition established under OAR 345-025-0006(3) (imposed under General Standard of Review Condition 1), if the applicant is granted a site certificate it must design, construct, operate, and retire the facility: (a) substantially as described in the site certificate; (b) in compliance with the requirements of ORS chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time the site certificate is issued; and (c) In compliance with all applicable permit requirements of other state agencies. The Department recommends that the Council incorporate the facility description presented below into the site certificate, as presented in Attachment A to this Order.

#### **III.A.** Proposed Facility Components

The proposed facility would have a generating capacity of 800 MW, with an 800 MW Battery Energy Storage System (BESS). Figure 1 below shows the facility location. Table 2 below summarizes major facility components of the energy facility and related or supporting facilities. The values and specifications provided in the table represent the highest-impact design scenario for the proposed facility, as proposed by the applicant. The design scenario used for the purposes of the evaluation is depicted in Figure 2 below. Additional details regarding specific components, and discussion of alternative designs or technologies under consideration are provided in the sections that follow.

<sup>&</sup>lt;sup>10</sup> YRBAPPDoc1-4 ASC Exhibit C. Project Location 2025-09-05, Figure C-1 and C-2

**Table 2: Facility Component Summary** 

Table 2: Facility Component		
Component and Design Standard	No.	Unit
Site Boundary		
Site Boundary	8,075	acres
Solar Micrositing Area	7,026	acres
Maximum Footprint <sup>1</sup>	7,026	acres
Solar Array Footprint	5,013	acres
Solar Components		
PV Solar Panels		
Approx. total number	2,037,360	panels
Max Height at full-tilt	12	feet
Posts		
Approx. total number (assumes 10% concrete	246 254	
foundation)	346,351	posts
Tracker System		<u>.</u>
Tracker Strings	20,622	each
Combiner Boxes	6,800	each
Inverters and Step Up Transformer Stations		
- L	10/00/0	LxWx
Foundations for Inverter/ISU Stations	10/20/3	Depth
Approx. total number of Inverters	199	each
Noise level	105	dBA
Approx. total number of Transformers	199	each
Noise level	105	dBA
Transformer ail containing conscitu		
Transformer oil-containing capacity:	562	Gallons/ea
Step Up Transformers		
Related or Supporting Facility Components		•
34.5 kV Collection System		
Collector line length, belowground	263	miles
Underground depth	3	feet
Collector line impact acreage; temporary	422, 200	Acres; foot
disturbance corridor (limit)	123; 300	corridor
Collector Substations		
Substations w SCADA	1	each
Site size	19.5	acres
substation fence	19.5 /8 ft	area/height
Generator step-up transformers	4	
Transformer oil-containing capacity	20,500	gallons/each
Transformer noise level	114	dBA
Max height of structures	50	feet
500 kV Point of Interconnect (POI) Two Options		
222 M. F. Chill St. Miter Connect (1 Oil) 1 Wo Options		

**Table 2: Facility Component Summary** 

Component and Design Standard	No.	Unit	
Component and Design Standard	INO.	Unit	
1. BPA Switchyard	1 000	C1	
Length of 500 kV gen-tie	1,000	feet	
Transmission line, temporary disturbance corridor	100	Width, feet	
(limit)	20		
Site size	20	acres	
Height of structure (steel monopole)	160-180	feet	
2. BPA Buckley Substation			
500 kV Transmission Line (Option 2 includes 500 kV T		T	
Length	4.5	miles	
Transmission line, temporary disturbance corridor (limit)	100	Width, feet	
Transmission Line Corridor	250	Width, feet	
Structures: Type (Steel monopoles, or other w/	25	each	
dead-end structures ); quantity	23	eacii	
Height of structures	160-180	feet	
Battery Energy Storage System (BESS)			
Lithium-ion			
BESS - Non additive, low-side AC coupled	2	units	
Approx. total batteries/containers on foundations	1,220	Per unit	
with HVAC and fire suppression systems; SCADA	1,220	rerunit	
Inverters	89	Per unit	
Site size	44.2	acres	
Approx. container dimensions	10 x 12 x	HxWxL;	
Approx. container aimensions	36	feet	
Noise level (broadband)	92	dBA	
O&M Building			
Quantity	1	each	
Site size	3.9	acres	
Building size	5,000	Sq. feet	
Structure dimensions	24 x 24 x	HxLxW;	
Structure difficultions	60	feet	
	On foundation, graveled		
Appurtenances	parking, On-site well,		
Appartenances	septic system, SCADA		
	System		
Facility Roads			
Length - includes new (33.3 mi) and modified	33.4	miles	
existing roads (2.1 mi)	55.7	mics	
Width	20	feet	
Temporary disturbance acreage; corridor	25.4; 20	Acres; foot	

**Table 2: Facility Component Summary** 

Component and Design Standard	No.	Unit		
Emergency Vehicle Turning Radius (new ro	48	feet		
Emergency Vehicle Grade Limit (new roads	5)	10	Percent	
		Gravel, compacted		
Road Material (new roads)		aggregate or surface		
		suitable for	75k lbs	
Perimeter Fence				
Length		49.7	miles	
Height		8	feet	
Drimary access description		From Wilson Road, 24		
Primary access description		foot wide gate(s)		
Vegetation/defensible space	50	feet		
maintenance area (from interior of				
perimeter fence)				
Temporary Construction Areas				
Quantity	2	each		
Site size	3.5/20	acres		
		Adjacent to O&M and in		
Description		other areas within		
	fenceline			

Acronyms: dBA = A-weighted decibels; HVAC = heating, ventilation and air conditioning; kV = kilovolt; OH = overhead; O&M = operations and maintenance; SCADA = supervisory, control and data acquisition

#### Notes:

 The proposed energy facility would occupy approximately 7,026 acres within fenced micro siting areas. The entire energy facility footprint is considered a permanent disturbance area for the purposes of evaluating Fish and Wildlife Habitat; however, facility components would not occupy the entire area and under Council's Soil Protection standard, impacts within the micrositing area are not considered permanent.

Source: YRBAPPDoc1-3 ASC Exhibit B. Project Description 2025-09-05

Figure 1: Proposed Facility Location

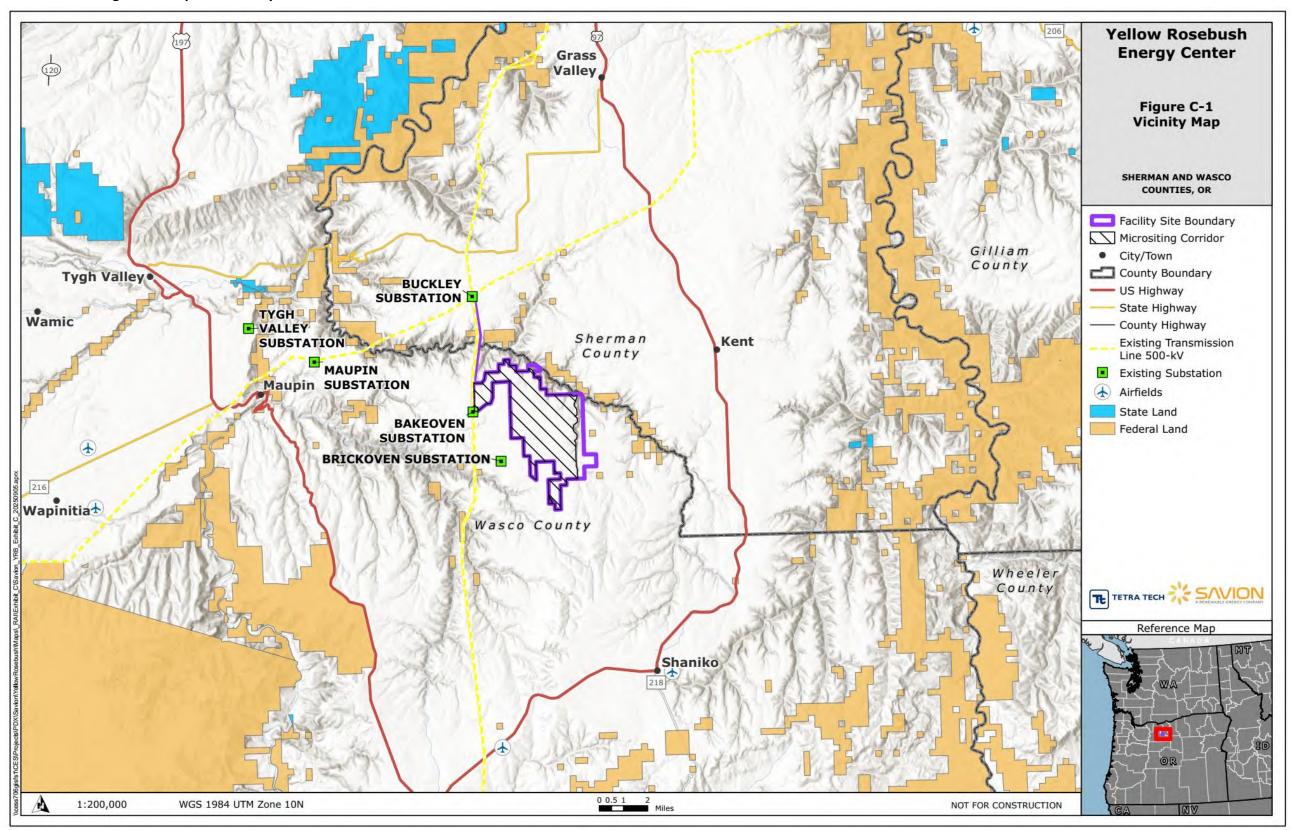
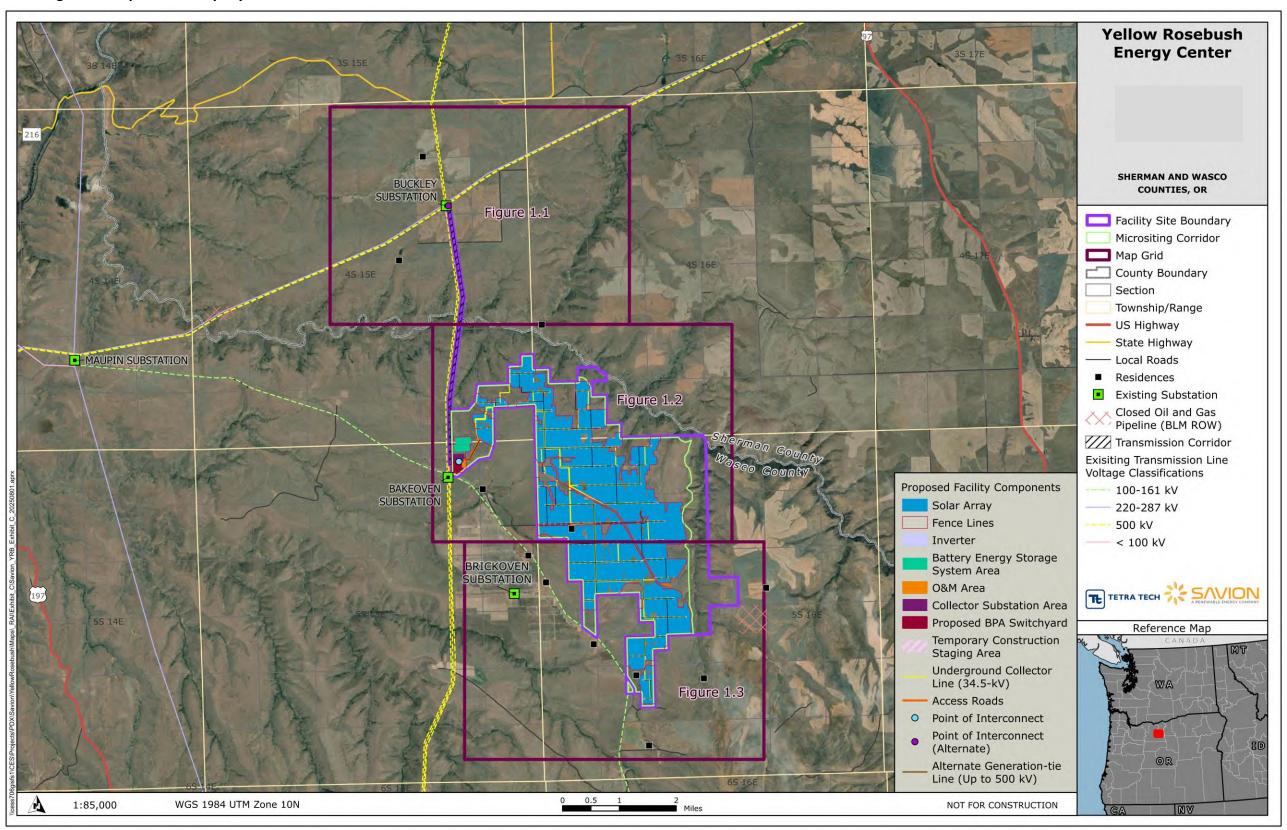


Figure 2: Proposed Facility Layout



#### III.A.1. Energy Facility

As proposed, the facility would include a solar photovoltaic (PV) power generation facility with up to 800 MW of electric generation capacity. ORS 469.300(14) defines "facility" as an "energy facility together with any related or supporting facilities." A related or supporting facility is defined as "any structure, proposed by the applicant, to be constructed or substantially modified in connection with the construction of an energy facility." The energy facility and its related or supporting facilities are described further below, with a similar description provided in Attachment A to this order, the draft site certificate. The solar micrositing area would occupy up to 7,026 acres (11 sq. miles) including all facility components, except the alternative 4.5-mile 500-kV transmission line corridor. The solar micrositing area, O&M building, BESS, and substation would be enclosed within a fenceline. The applicant will maintain a wildfire defensible space to at least 50 feet from the interior of the fenceline to all facility electrical components. See Section III.A.2.6, Security Fencing and Gates, IV.E.1.1 Land Use, and IV.N., Wildfire Prevention and Risk Mitigation, of this order.

#### *III.A.1.1* Photovoltaic Panels

The PV panels are constructed with heat strengthened glass and anti-reflective coating and electrically connected through medium-voltage 34.5-kilovolt (kV) underground wiring to associated power inverters that convert direct current (DC) electricity generated by PV panels to alternating current (AC) electricity used by the regional electrical grid, described further in this section. Approximately 2,037,360 panels would be configured into strings, and strings would be grouped into blocks, which will be further grouped into the solar arrays. The maximum height of the solar array will be 12 feet when the panels are fully tilted on the tracking system. The approximate separation distance of each string is between 20 and 30 feet. This spacing allows for adequate separation of solar blocks to provide first-responder access along interior roads as well as for operations and maintenance. The solar array includes shielded electrical cabling, as required by applicable code.

## III.A.1.2 Tracker and Racking System with Piles

The PV panels would be mounted on single-axis motorized trackers, a galvanized metal racking system that secures the panels to the installed foundations. PV panel and tracker installations will be constructed on driven steel piles (i.e., H-pile, C-pile, S-pile) using pneumatic techniques on tracked equipment. Pile locations will be determined by the final layout of the tracker system and geotechnical/soil investigations of the solar micrositing corridor. The ASC assumes approximately 346,351 piles would be needed and approximately 10 percent of piles would use concrete foundations where each concrete foundation would use approximately 0.3 cubic yards of concrete. After the piles are installed, tracker motors, torque tubes, and other components

<sup>&</sup>lt;sup>11</sup> ORS 469.300(24).

<sup>&</sup>lt;sup>12</sup> YRBAPPDoc1-3 ASC Exhibit B. Project Description 2025-09-05, Section 2.2.1.

<sup>&</sup>lt;sup>13</sup> YRBAPPDoc1-3 ASC Exhibit B. Project Description 2025-09-05, Section 2.2.1.

would be assembled. PV panels may be secured directly to the torque tubes using panel clamps, or for other single-axis tracking systems, a galvanized metal racking system that secures the panels to the installed foundations will then be field-assembled and attached.

## III.A.1.3 DC Cabling System

 Low-voltage cabling connects the solar panels of each tracker string in a series and combine multiple strings to a single combiner box. Cabling from multiple combiner boxes connect to a single inverter, which will convert the DC to AC and connect to the buried 34.5 kV collection system. Cabling can be mounted to the tracker system, placed in cable trays, or buried. The preliminary cabling system uses approximately 6,800 combiner boxes. Cabling can be mounted to the tracker system, placed in cable trays, or buried; but is assumed to be buried approximately 3 feet below grade. Cable associated with the solar array will be located within the solar micrositing corridor and the majority will be within the solar array perimeter fence. No overhead collector lines are proposed.

## III.A.1.4 Inverters and Inverter Step Up (ISU) Transformers

Inverter step-up (ISU) transformers increase the output voltage from the inverter to the voltage for the electrical collection system (i.e., 34.5-kV). The inverters and ISU transformers will be located together at stations dispersed throughout the solar array and there are up to 199 inverter/ISU transformer stations proposed. Inverters and ISU transformers will comply with the applicable requirements and standards of the National Electric Safety Code and Institute of Electrical and Electronics Engineers. <sup>15</sup> Concrete foundations for inverters are approximately 10 feet by 20 feet, between 2 to 3 feet in depth. Gravel base will extend a minimum of four feet beyond the concrete foundations and actual dimensions will be determined at final design. <sup>16</sup> Each step-up transformer has an oil capacity of 562 gallons. One substation transformer has an oil capacity of 20,500 gallons.

#### III.A.1.5 34.5 kV Electrical Collection System

From the inverters, medium-voltage 34.5-kV collector lines will be encased in conduit and buried approximately 3 feet below grade. Approximately 263 miles of underground 34.5 kV collector lines will be routed to the facility collector substation and stepped up to 500-kV.

#### **III.A.2.** Related or Supporting Facilities

Proposed related or supporting facilities include an 800-MW battery energy storage system (BESS), collector substation, operations and maintenance (O&M) building, gen-tie line, site

<sup>&</sup>lt;sup>14</sup> YRBAPPDoc1-3 ASC Exhibit B. Project Description 2025-09-05, Section 2.2.4.

<sup>&</sup>lt;sup>15</sup> YRBAPPDoc1-3 ASC Exhibit B. Project Description 2025-09-05, Section 2.2.3.

<sup>&</sup>lt;sup>16</sup> YRBAPPDoc1-3 ASC Exhibit B. Project Description 2025-09-05, Section 2.2.3.

access and service roads, perimeter fencing and gates and temporary construction staging areas.

#### III.A.2.1 Battery Energy Storage System

The battery energy storage system (BESS) will be designed to provide up to 800-MW of storage capacity and will be located on the west side of the facility, directly north of the collector substation, in an approximately 44.2 acre area fenced separately from the solar array, near the substation. The battery storage system would be located on land flatter than a 40 percent slope (WCLUDO Section 10.110(A)), and set back at least 50 feet from any slopes greater than 30 percent (WCLUDO Section 10.110(B)). A 50-foot fire fuel break will be cleared and maintained around the BESS (WCLUDO Section 10.120(A) and (B)). The BESS will be located within a separate fenceline and constructed on concrete slabs with gravel base extending from the structure; the fenced areas around the BESS will be graveled with no vegetation present.

The BESS will use up to 1,220 self-contained enclosures (steel container boxes), each that house the Lithium-ion (Li-ion) battery cells, modules, racks and containers, inverters, transformers, and switchboards. Design of the battery energy storage system will be in accordance with applicable UL Solutions (specifically, 1642, 1741, 1973, 9540A; UL Solutions 2023), National Electric Code, and National Fire Protection Association (specifically 855) standards, which require rigorous industry testing and certification related to fire safety and/or other regulatory requirements applicable to battery storage at the time of construction. A gravel base will extend a minimum of four feet beyond the container concrete pads and actual dimensions will be determined at final design. Additional elements the BESS will include, but not be limited to are:

 Balance of plant equipment and control instrumentation including medium voltage and low-voltage electrical systems, fire suppression, HVAC systems for cooling, building electrical systems, and SCADA systems.

 High-voltage (HV) equipment includes HV circuit breaker, HV current transformers and voltage transformers, a packaged control building for the HV breaker and transformer equipment, HV towers, structures, and HV cabling., a SCADA system, a fire prevention system, and cooling units placed either on top or along the side of the container.

Each enclosure will be approximately  $12 \times 36 \times 10$  (W x L x H, feet), and will be located on a concrete pad.

The LI-ion battery cells are expected to have a lifespan of 20 years, requiring a replacement of all the Li-ion cells at least once during facility operations. Used Li-ion batteries are generally considered to be hazardous waste by the EPA and must be transported and disposed of according to the most current guidelines at end of life. Transportation of Li-ion batteries is subject to 49 CFR 173.185 – Department of Transportation Pipeline and Hazardous Material Administration.

#### III.A.2.2 Collector Substation

The collector substation will be located near Bakeoven Road on the eastern part of the facility site boundary within an approximately 19.5-acre area enclosed and locked by a 6 to 8 foot tall chain-link fence; and will be fenced separately from the solar arrays. The substation will be located within a separate fenceline; the fenced areas around substation will be graveled with no vegetation present. Gravel base will extend a minimum of four feet beyond the collector substation and actual dimensions will be determined at final design. The collector substation will use up to four generator step-up transformers to step up power from 34.5-kV to 500-kV at the Point of Interconnect (POI) to the regional electrical grid. The substation also includes gentie line termination structures, a bus bar, circuit breakers and fuses, control systems, meters, and a control building. The tallest substation component is approximately 50 feet tall.

#### *III.A.2.3* 500-kV Transmission Lines

Two POI options are proposed and would have alternate 500 kV transmission line routes as described below. Both alternatives are shown in Figures 1 & 2 and are included in the site boundary.

 The primary POI would be located at the proposed BPA switchyard that is within the site boundary and solar micrositing area, and would be developed by BPA. The facility's collector substation would connect to the adjacent BPA switchyard and then the BPA switchyard would connect to the BPA 500-kV John Day to Grizzly transmission line located directly adjacent to the westernmost edge of the facility.

 • The alternate POI includes an up to 500-kV generation-tie (gen-tie) line of 4.5 miles (approximately 2.6 miles within Wasco County and approximately 1.9 miles within Sherman County) which would then connect to BPA's existing Buckley Substation located in Sherman County north of the site boundary. The alternate gen-tie line would start at the collector substation and run east of and parallel to the BPA's 500-kV transmission line corridor and connect to the Buckley Substation. 500-kV gen-tie will be supported by approximately 160 to 180-foot steel monopoles that would be spaced approximately 1,000 feet apart. Pulling and tensioning sites would be spaced approximately 10,000 feet apart and be 100- feet wide by 600-feet long and located within the gen-tie right of way. The applicant has requested this alternative be included in the site boundary and site certificate with the understanding that if selected for construction, additional review and approval per preconstruction conditions would apply.

Vegetation in the transmission corridor, and particularly around related infrastructure (e.g., poles), would be maintained pursuant to the Minimum Vegetation Clearance Distances defined under North American Electric Reliability Corporation and National Electric Code standards.

#### III.A.2.4 Operations and Maintenance Building

The O&M building will be located within an approximately 3.9-acre area south of the collector substation and within the same fenced area as the BESS and substation. The O&M building would be located on land flatter than a 40 percent slope (WCLUDO Section 10.110(A)), and set back at least 50 feet from any slopes greater than 30 percent (WCLUDO Section 10.110(B)). A 50-foot fire fuel break will be cleared and maintained around the O&M building (WCLUDO Section 10.120(A) and (B)). The proposed BESS, substation and O&M building will be located within a separate fenceline and constructed on concrete slabs with gravel base extending from the structure; the fenced areas around the O&M building will be graveled with no vegetation present.

The O&M building design is estimated to be 24 feet long, 60 feet wide, and approximately 24 feet. Gravel base will extend a minimum of four feet beyond the O&M building components and actual dimensions will be determined at final design. The O&M building includes a SCADA control room, a work area to perform minor repairs, and a storage area for spare parts, transformer oil, and other chemicals. The SCADA system collect operating and performance data from the solar array, substation and BESS and allows for remote operation and monitoring of the solar array, BESS, electrical components and collector substation components from a control room in the O&M building and by a remote operations center.<sup>17</sup> Fiber optic cables for the SCADA system will be installed with the collection system in the same trench where the collection system is buried. Off-site, 24-hour monitoring of the battery energy storage system will be implemented through use of the SCADA and will include shutdown capabilities.

#### III.A.2.5 Access and Service Roads

 Approximately 31.3 miles of new service roads will be constructed within the solar micrositing area to provide access to the solar arrays and related or supporting facility components. Approximately 2.1 miles of existing roads may need improvements or alterations to accommodate construction and operation of the facility for a total of 33.4 miles of service roads. The service roads within the solar array will be up to 20-feet wide with up to a 48-foot turning radius and less than 10 percent grade to provide access to emergency vehicles. Road surfaces will be gravel, compacted aggregate base, or another commercially available suitable surface and be able to support 75,000 pounds. Vegetation will be cleared and maintained along perimeter service roads to provide vegetation clearance for fire safety.

#### *III.A.2.6* Security Fencing and Gates

The solar facility and related or supporting facilities will be enclosed by approximately 49.7 miles of perimeter fencing. WCLUDO Section 10.120 defensible space standards will be applied

 $<sup>^{17}</sup>$  YRBAPPDoc1-3 ASC Exhibit B. Project Description 2025-09-05, Section 3.3.

<sup>&</sup>lt;sup>18</sup> Ibid., Section 3.5.

from at least 50 feet of the interior of the fenceline to all facility electrical components. The standards for maintaining the minimum 50 foot fuel break area include:<sup>19</sup>

- Ground cover maximum 4 inches tall;
- Trees limbed up approximately 8 feet from the ground,
  - Trees kept free from dead, dry, or flammable material;
  - Ladder fuels must be removed;
    - No shrubs or tall plants under trees;
    - Shrubs only in isolated groupings that maximize edges of ornamental beds to avoid continuous blocks of ground fuel;
    - Keep shrubs and ornamental beds 15 feet away from edge of buildings and drip line of tree canopy; and
    - Use well irrigated or flame resistant vegetation.

The solar arrays will be enclosed by fixed-knot (or a similar wildlife friendly option) or chain-link perimeter fencing up to 8 feet in height. The BESS, collector substation, O&M building and BPA's switchyard will have an additional separate fencing that will be up to 8 feet in height (6 to 7 feet of fence, crowned with 1 foot of barbed wire [three strands]), mounted on 45-degree extension arms facing outwards. The fence posts will be set in concrete and/or driven into the ground. Fencing may be raised off the ground approximately 6 to 8 inches to accommodate small animal movement under the fence.

All access points would be locked and gated. If first responders needed to access the site for any reason, a key would be available in a lock box or some other approved method as designated in the finalized Wildfire Mitigation Plans. The perimeter fence would have 24-footwide security gates installed at various locations for ingress and egress. Access through the main gates would require an electronic swipe card to prevent unaccompanied visitors from accessing the facility. Facility personnel, contractors, agency personnel, and visitors would be logged in and out during normal business hours. Visitors would be allowed entry only with approval from facility staff. Additional security may be provided by closed-circuit video surveillance cameras or other anti-intrusion systems.<sup>20</sup> Vegetation build up in the fence line(s), will be removed.

#### III.A.2.7 Facilities for Chemical Storage

During construction small quantities of chemical materials may be used in the temporary construction yards and stored at the operations and maintenance (O&M) building once constructed. Such materials may include cleaners, insecticides or herbicides, and paint or solvents. None will be present in substantial, reportable quantities and materials will be

<sup>&</sup>lt;sup>19</sup> The applicant will maintain a wildfire defensible space to at least 50 feet from the interior of the fenceline to all facility electrical components. See Section III.A.2.6, *Security Fencing and Gates*, IV.E.1.1 *Land Use*, and IV.N., *Wildfire Prevention and Risk Mitigation*, of this order. And YRBAPPDoc19 ASC Applicant Response to RFPA pASC Comments 2025-09-10.

<sup>&</sup>lt;sup>20</sup> YRBAPPDoc1-3 ASC Exhibit B. Project Description 2025-09-05, Section 3.6.

handled in accordance with state and federal standards. On-site fuel storage may be placed in designated areas within the temporary staging areas. If needed, the applicant or the applicant's contractor may use a maximum tank size of 1,000 gallons on-site for fuel storage. This tank will likely be on the back of a trailer. The estimated amount of diesel that may be stored on-site is approximately 3,000 gallons using three tanks. The estimated amount of gasoline that may be stored on-site is approximately 300 gallons using three 100-gallon tanks that will likely be on the back of a trailer.

During operations, primary chemical storage will occur in the transformers that use oil for cooling. The estimated oil capacity of one step-up transformer is 562 gallons. At 199 estimated total transformers, the total oil (mineral oil) is estimated to be 111,838 gallons. The estimated oil capacity of one substation transformer is 20,500 gallons.

Secondary containment and refueling procedures for on-site fuel storage, if needed, will follow the contractor's Spill Prevention, Control, and Countermeasures Plan (SPCC) Plan required for both construction and operations.

Small quantities of lubricants, degreasers, herbicides, or other chemicals may be stored in the O&M building during operations. Storage of these chemicals will follow label instructions. No underground storage tanks will be installed at the O&M building. No extremely hazardous materials identified under 40 Code of Federal Regulations (CFR) 355 are anticipated to be produced, used, stored, transported, or disposed of within the site boundary during facility construction or operation.

## III.A.2.8 Temporary Construction Areas

Temporary construction staging and equipment laydown will occur within the approximately 3.5-acre and 20-acre temporary construction staging areas in the solar micrositing corridor. Temporary construction staging areas are needed to facilitate construction, they include fenced parking areas, materials disposal facilities, construction trailers, a laydown area, mobile trailers for construction management, and portable toilets and potable water for construction staff. Temporary construction staging areas may move within the facility site boundary to support construction and also occur in the BESS, collector substation, and O&M areas during construction and prior to facility operations.

#### III.B. Proposed Facility Location, Site Boundary, and Micrositing Area

The proposed facility site boundary includes approximately 8,075 acres (approximately 12.6 sq. miles) within Wasco and Sherman counties, located approximately 9 miles east of Maupin,

- 1 Oregon.<sup>21</sup> Table 3 below provides the Township, Range, and Sections occupied wholly, or in
- 2 part, by the proposed site.

Table 3: Township, Range, and Section for Areas Occupied by the Site Boundary

Township	Range	Section	County	Tax Lot ID Number
5S	16E	0	Wasco	900
5S	16E	0	Wasco	1000
5S	16E	0	Wasco	1300
4S	16E	0	Wasco	300
4\$	15E	0	Wasco	100
4S	15E	0	Wasco	1500
5S	15E	0	Wasco	300
4S	15E	0	Sherman	300
4\$	15E	0	Sherman	301
4S	15E	0	Sherman	2100
4S	15E	0	Sherman	2200
4\$	15E	0	Sherman	3200
45	15E	0	Sherman	3400

Within the site boundary, there is a proposed transmission line corridor and solar micrositing

proposed solar micrositing area is 7,026 acres (approximately 11 sq. miles), located entirely

**Proposed Facility Construction, Operation and Retirement Activities** 

3 4

area.<sup>22</sup> The transmission line corridor applies to the alternate POI, a proposed 4.5 mile, 500 kV
 transmission line extending 2.6 miles within Wasco County and 1.9 miles in Sherman County.
 The alternate POI is presented in Figure 1 below, as "Transmission Line Corridor". The

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III.C.

III.C.1. <u>Proposed Construction Activities</u>

Construction activities will include:

within Wasco County (See Figures 1 and 2).

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<sup>&</sup>lt;sup>21</sup> OAR 345-001-0010(31) defines "site boundary" as "the perimeter of the site of a proposed energy facility, its related or supporting facilities, all temporary laydown and staging areas and all corridors and micrositing corridors proposed by the applicant".

<sup>&</sup>lt;sup>22</sup> OAR 345-001-0010(21) defines "micrositing corridor" as a continuous area of land within which construction of facility components may occur, subject to site certificate conditions. Council permits final siting flexibility within a micrositing corridor when an applicant demonstrates that requirements of all applicable standards have been satisfied by adequately evaluating the entire corridor and location of facility components anywhere within the micrositing area or corridor, subject to site certificate conditions, as discussed in the applicable sections of this order.

- Site preparation and grading of the site, staging areas and onsite service roads; existing vegetation will be maintained to the maximum extent practicable
- Installation of array piles, conductors, and O&M building
- Assembly of solar panels and electrical connection components
- Construction of inverter pads and battery pads, collector substation, BESS, cabling, terminations and transmission line;
- Commissioning of the solar area and interconnection, revegetation and waste removal and recycling

As discussed in Section IV.D., *Soil Protection*, the Department recommends that the applicant be required to submit a grading plan, for review and approval, that demonstrates minimal disturbance at any given time, adequate BMPs and a plan to preserve existing vegetation (e.g., crop stubble, fallow vegetation) and associated root systems to the maximum extent practicable.

The applicant proposes to commence construction on or after June 2027 and complete in two phases (400 MW each phase) by 2035. Under current planning, construction activities are anticipated to occur in 2 phases, totaling up to 6 years (36 months for each phase for a total of 72 months) of onsite activity until commencement of commercial operations. Phase 1 construction would begin in 2027 and be completed in 2030 and reach commercial operations in 2030. Phase 2 would begin construction in 2032 and be completed in 2035 and the full facility build-out would be complete and achieve commercial operations in 2035. The applicant has requested flexibility in construction phases and schedule based on final design and market demand but commits to completion by 2035, unless a deadline extension were to be requested.

 It is estimated that 870 trips (435 roundtrips) would be generated daily during the peak of construction. As described above, this estimate is conservative and based on the maximum peak workforce. The number of onsite workers would not exceed 400. Approximately 800 of these trips would be commuting trips by the workforce. The remaining 70 trips would be from truck traffic generated by material and equipment deliveries and water trucks. Main haul routes include Interstate 84 and US 97 from the North with access to the facility from Bakeoven Road (accessed from US-97). The facility can also be accessed from the South via US-97 to Bakeoven Road. The facility can also be accessed from the South via US-97 to Bakeoven Road. Haul trucks are precluded from accessing the site via Highway 197 through Maupin, unless approved by ODOT and/or City of Maupin, as discussed in this order.

The primary use of water during construction would be for dust control on access roads.<sup>23</sup> Water use estimates for dust control assume 100,000 gal per day, 6 days per week, will be

<sup>&</sup>lt;sup>23</sup> Note that other dust suppressants besides water may be used as necessary during extreme drought conditions (synthetic polymer emulsions, chemical suppressants, organic glues, and wood fiber materials) depending on site conditions (to be applied by trained and certified vendors familiar with applicable environmental regulations including the federal Endangered Species Act, the Clean Water Act, the Salmon Recovery Act, and state and local regulations).

needed during construction. Worst-case water use amounts may result from construction in particularly dry weather conditions with high temperatures, which are estimated to increase water use for dust control by approximately 50 percent over average conditions. Based on this assumption, a worst-case water estimate could increase the total construction water use total to approximately 54.5 million gallons. In addition to dust control, water will be required for road compaction, concrete mixing and sanitation/drinking water.

If needed during construction, the applicant or the applicant's contractor may use a maximum tank size of 1,000 gallons on-site for fuel storage. This tank will likely be on the back of a trailer. The estimated amount of diesel that may be stored on-site is approximately 3,000 gallons using three tanks. The estimated amount of gasoline that may be stored on-site is approximately 300 gallons using three 100-gallon tanks that will likely be on the back of a trailer.

#### **III.C.2.** Proposed Operational Activities

Operation and maintenance activities include:

Use of O&M Building

Total water consumption at the O&M building for up to 15 full-time equivalent staff is anticipated to be approximately 50 gal per day, for a total of up to 12,500 gal per year.

- Routine inspections and monitoring of equipment associated with solar array and BESS.
- Routine replacement/repairs of solar array equipment and BESS components.

Each type of electrical facility component would have routine inspections as designated in Section IV.N., Wildfire Prevention and Risk Mitigation and the operational Wildfire Mitigation Plan. Individual batteries associated with the BESS will be inspected according to the manufacturer's recommendations and will need to be replaced approximately every 20 years, and every battery will be replaced during the life of the facility.

• Periodic panel washing of solar panels.

The solar panels may require periodic washing during operations, and other incidental water use for sanitation and equipment washing. The applicant estimates that the facility will use approximately 512,000 gallons of water per year in total. For the purpose of this analysis, it is conservatively assumed that the solar array panels will be washed once a year. At an estimated 0.26 gal (1 liter) per panel for a total of 2,037,360 panels will use approximately 521,000 gal per year. The use of 521,000 gal per year for this purpose will result in an average daily consumption during operations of approximately 1,427 gal.

 Vegetation and weed management per the Revegetation and Reclamation Plan, and Noxious Weed Control Plan.

Vegetation will be cleared and maintained along access roads to provide a vegetation clearance area for fire safety. This will include mowing to a height of no more than 12 inches. Use of the

roads may continue after construction, or new roads may be removed, and the land reclaimed to pre-construction conditions.

Routine monitoring and maintenance of BMPs, erosion control measures, and internal facility access roads.

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To ensure that the facility will not result in increased erosion, the applicant will monitor and maintain BMPs within and along the fenceline and internal facility access roads.

• Above ground fuel/oil tank if applicable

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During facility operations primary chemical storage would occur in the transformers that use oil for cooling. The estimated oil capacity of one step-up transformer is 562 gallons and the estimated oil capacity of one substation transformer is 20,500 gallons.

Up to 15 permanent employees would operate and maintain the facility, with occasional delivery or contractor truck accessing the site during operations depending on the type of maintenance activity.

## **III.C.3. Proposed Retirement Activities**

 As discussed in Section IV.G., Retirement and Financial Assurance, the estimated useful life of the proposed facility is 40 years. Operational jobs would be eliminated after the facility ceased operating; however, some short-term contract jobs to monitor restored areas may be added to facilitate retirement activities. Decommissioning would require similar workforce numbers as required for the construction of the facility and is estimated to require a similar duration of up to 72 months of onsite work.

Final retirement activities would be designated in a retirement plan but would begin with disconnecting all electrical equipment disassembling equipment and components such as the battery storage units, solar panels and transformers. Larger containers and equipment would be removed, trucked off-site, and recycled and disposed of. Solar panels would be disconnected, and piles would be removed including the excavation of any concrete foundations. Gravel and foundations from the inverters and transformers, O&M building, substations, and battery units would be removed by trenching and excavation. Consistent with WCLUDO 19.030, all buried cables and transmission line buried less than three feet deep would be removed. The facility site would then be restored through grading, filling, and revegetation with plants or seed mix consistent with applicable plans and conditions discussed in this order or landowner(s) interests.

## IV. EVALUATION OF COUNCIL STANDARDS

To issue a site certificate for a proposed facility, the Council must determine that "the facility complies with the applicable standards adopted by the Council under OAR chapter 345 or the overall public benefits of the facility outweigh any adverse effects on a resource or interest

protected by the applicable standards that the facility does not meet."<sup>24</sup> The Council must also determine that the proposed facility complies with all other Oregon statutes and administrative rules applicable to the siting of the proposed facility, as identified in the Project Order.

This DPO includes the Department's initial analysis of whether the applicant has demonstrated an ability to satisfy each applicable Council Standard based on the information included in the ASC.

#### IV.A. General Standard of Review: OAR 345-022-0000

(1) To issue a site certificate for a proposed facility or to amend a site certificate, the Council shall determine that the preponderance of evidence on the record supports the following conclusions:

(a) The facility complies with the requirements of the Oregon Energy Facility Siting statutes, ORS 469.300 to 469.570 and 469.590 to 469.619, and the standards adopted by the Council pursuant to 469.501 or the overall public benefits of the facility outweigh any adverse effects on a resource or interest protected by the applicable standards the facility does not meet as described in section (2);

(b) Except as provided in OAR 345-022-0030 for land use compliance and except for those statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council, the facility complies with all other Oregon statutes and administrative rules identified in the project order, as amended, as applicable to the issuance of a site certificate for the proposed facility. If the Council finds that applicable Oregon statutes and rules, other than those involving federally delegated programs, would impose conflicting requirements, the Council shall resolve the conflict consistent with the public interest. In resolving the conflict, the Council cannot waive any applicable state statute.

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 (4) In making determinations regarding compliance with statutes, rules and ordinances normally administered by other agencies or compliance with requirements of the Council statutes if other agencies have special expertise,

<sup>&</sup>lt;sup>24</sup> ORS 469.503(1).

<sup>&</sup>lt;sup>25</sup> OAR 345-022-0000(2) and (3) apply to ASCs where an applicant has shown that the proposed facility cannot meet Council standards or has shown that there is no reasonable way to meet the Council standards through mitigation or avoidance of the damage to protected resources; and, for those instances, establish criteria for the Council to evaluate in making a balancing determination. The applicant does not assert that the proposed facility would not meet an applicable Council standard. Therefore, OAR 345-022-0000(2) and (3) do not apply to this review.

the Department of Energy shall consult with such other agencies during the notice of intent, site certificate application and site certificate amendment processes. Nothing in these rules is intended to interfere with the state's implementation of programs delegated to it by the federal government.<sup>26</sup>

## IV.A.1. Findings of Fact

OAR 345-022-0000 provides the Council's General Standard of Review and requires the Council to find that a preponderance of evidence on the record supports the conclusion that a proposed facility would comply with the requirements of EFSC statutes, and the siting standards adopted by the Council and that a proposed facility would comply with all other Oregon statutes and administrative rules applicable to the issuance of a site certificate for the facility.

The requirements of OAR 345-022-0000 are discussed in the sections that follow. The Department consulted with other state agencies, the Wasco County Board of Commissioners and Sherman County Court, as the appointed Special Advisory Groups (SAG) for the proposed facility, during review of the preliminary Application for Site Certificate (pASC) and ASC to aid in the evaluation of whether the proposed facility would satisfy the requirements of applicable statutes, rules and ordinances otherwise administered by other agencies. Additionally, in many circumstances the Department relies upon these reviewing agencies' special expertise in evaluating compliance with the requirements of Council standards.

#### IV.A.1.1 Council Standards for Siting Facilities: OAR Chapter 345, Div 22

OAR chapter 345, division 22 establishes the standards which apply to all energy facilities. As described in Section IV.B to IV.O, the Department recommends that, subject to compliance with recommended conditions of approval, the Council find that the preponderance of the evidence on the record supports the conclusion that the proposed facility complies with these standards.

## IV.A.1.2 Specific Standards for Siting Facilities: OAR Chapter 345, Div 24

 OAR Chapter 345, Division 24 established additional standards for specific types of facilities including, as relevant to this facility, standards for transmission lines under OAR 345-024-0090. As described in Section IV.P., *Siting Standards for Transmission Lines*, the Department recommends the Council find that subject to compliance with recommended conditions of approval, the Council find that the preponderance of the evidence on the record supports the conclusion that the proposed facility complies with these standards.

#### IV.A.1.3 Site Certificate Conditions: OAR Chapter 345, Div 25

<sup>&</sup>lt;sup>26</sup> Administrative Order EFSC 1-2017, effective March 8, 2017.

## Mandatory Conditions OAR 345-025-0006

OAR 345-025-0006 establishes mandatory conditions that must be included in all site certificates. The Department recommends the Council adopt conditions implementing sections (3) to (7) of the rule as General Standard Conditions, as shown below.

OAR 345-025-0006(3) requires the applicant to design, construct, and operate the facility substantially as described in the site certificate and in compliance with all applicable laws, rules, and ordinances. In accordance with these requirements, the Department recommends the Council impose General Standard Condition 1, as presented below. As noted in Section III., *Description of the Proposed Facility,* the project description in this order is the basis for the project description in the draft site certificate (see Attachment A).

**General Standard Condition 1 (GEN):** The certificate holder must design, construct, operate and retire the facility:

a. Substantially as described in the site certificate;

  In compliance with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time the site certificate was issued: and

c. In compliance with all applicable permit requirements of other state agencies. [Mandatory Condition OAR 345-025-0006(3); GEN-GS-01; Final Order on ASC]

OAR 345-025-0006(4) requires the Council to impose a condition requiring the applicant to begin and complete construction of the facility by the dates specified in the site certificate. The applicant has identified that the facility may be constructed in phases. Therefore, the Department recommends that a 6-year construction commencement deadline be established from the date of Council decision, consistent with HB 3681.<sup>27</sup> The construction commencement deadline applies to all phases. The Department recommends a construction completion deadline of 3 years from the actual commencement date be established, allowing for differing deadlines if the facility is constructed in phases, all of which would not allow more than 9 years total to complete construction.

As required under OAR 345-025-0006(4) and consistent with HB 3681, the Department recommends the Council impose General Standard Condition 2 and 3, as shown below.

**Recommended General Standard Condition 2 (GEN):** The certificate holder must begin construction on or before [ENTER DATE 6 YEARS FROM ISSUE DATE]. Within 7 days of construction commencement, the certificate holder must provide the Department with

<sup>&</sup>lt;sup>27</sup> During the 2025 Legislative Session, the legislature passed House Bill (HB) 3681 requiring that the Council establish a minimum of 6-years from the date the Council issues the site certificate, as the construction commencement deadline. While the bill has not yet taken effect, it will be in effect at the time of Council's final decision.

written verification that it has met the deadline by satisfying applicable preconstruction conditions and completing at least \$250,000 work at the site.

[Mandatory Condition OAR 345-025-0006(4), GEN-GS-02; Final Order on ASC]

**Recommended General Standard Condition 3 (GEN):** The certificate holder must complete construction within 3 years of the actual construction commencement date for the facility or applicable phase. Within 7 days after completing construction, the certificate holder shall provide the Department written verification that it has met the deadline.

[Mandatory Condition OAR 345-025-0006(4), GEN-GS-03; Final Order on ASC]

OAR 345-025-0006(6) and (7) require the Council to impose conditions requiring the applicant to report any significant environmental change or impact attributable to the facility and to prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent it can. Accordingly, the Department recommends the Council impose General Standard Conditions 4 and 5, as presented below.

 **General Standard Condition 4 (GEN):** If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility, the certificate holder must, as soon as possible, submit a written report to the Department describing the impact on the facility and any affected site certificate conditions.

[Mandatory Condition OAR 345-025-0006(6); GEN-GS-04; Final Order on ASC]

**General Standard Condition 5 (GEN):** The certificate holder must prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder.

[Mandatory Condition OAR 345-025-0006(7); GEN-GS-05; Final Order on ASC]

OAR 345-026-0006(5) provides that the Council must impose a condition requiring that the applicant have construction rights on the part of the site for which the facility or facility component is being constructed.<sup>28</sup> The Department recommends the Council impose General Standard Condition 6:

 **General Standard Condition 6 (PRE):** The certificate holder may begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and the certificate would construct and operate part of the energy facility on that part of the site even if other parts of the facility were modified by amendment of the site certificate or were not

<sup>&</sup>lt;sup>28</sup> Mandatory condition language has been modified by the Department based on proposed rule language currently under review through the modernization rulemaking, expected to conclude by December 2025 or January 2026.

built. "Construction rights" means the legal right to engage in construction activities. [Mandatory Condition OAR 345-025-0006(5); PRE-GS-01; Final Order on ASC]

OAR 345-025-0006(11) provides that the Council include a condition requiring the certificate holder to restore vegetation to the extent practicable. To satisfy this requirement, the Department recommends the Council impose General Standard Condition 7, as presented below:

**General Standard Condition 7 (GEN):** Upon completion of construction, the certificate holder must restore vegetation to the extent practicable and must landscape all areas disturbed by construction in a manner compatible with the surroundings and proposed use. Upon completion of construction, the certificate holder must remove all temporary structures not required for facility operation and dispose of all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility.

[Mandatory Condition OAR 345-025-0006(11); GEN-GS-06; Final Order on ASC]

 The Department further recommends the Council adopt conditions implementing sections (8), (9), and (16) of the rule as recommended Retirement and Financial Conditions 1 to 3, as described in Section IV.G., Retirement and Financial Assurance; adopt conditions implementing section (12) to (14) of the rule as recommended Structural Standard Conditions 1 to 3, as described in Section IV.C., Structural Standard, and adopt conditions implementing section (15) of the rule as recommended Organizational Expertise Condition 1, as described in Section IV.B., Organizational Expertise.

Site Specific Conditions: OAR 345-025-0010

OAR 345-025-0010 establishes "site specific" conditions Council may impose to address issues specific to certain types of facilities or facility components. Conditions under OAR 345-025-0010(4) and (5) apply to transmission lines. Because the proposed facility would include a 500-kV transmission line as a related or supporting facility, these conditions apply and should be imposed in the site certificate. The condition under OAR 345-025-0010(4) requires design compliance and grounding. The condition under OAR 345-025-0010(5) requires that Council specify the corridor for which the transmission line is approved to be located.

The proposed alternate POI (4.5-mile 500-kV transmission line) has been evaluated through a literature review, but was not included in pedestrian surveys for specific resources (wildlife, habitat, Threatened and Endangered Species, cultural resources, wetlands). Therefore, as presented in Section IV.H., Fish and Wildlife Habitat, Section IV.I Threatened and Endangered Species, Section IV.K Historic, Cultural and Archaeological Resources, and Section IV.R Removal-Fill, the Department recommends that the Council impose several conditions requiring that the applicant conduct preconstruction surveys to evaluate the presence of resources protected by applicable Council standards. The Department recommends the Council impose General Standard Condition 8, as presented below, to implement section (5) of the rule, subject to compliance with the preconstruction survey conditions:

Recommended General Standard Condition 8 (GEN): The certificate holder is authorized to construct a 4.5-mile 500 kV transmission line within a 250-foot wide corridor extending from the facility substation to the BPA Buckley Substation, as presented in Attachment 1 of the site certificate, subject to compliance with Conditions PRE-FW-01, PRE-TE-01, PRE-HC-01, PRE-RF-01. The transmission line must be sited the minimum distance (60 – 260 feet) necessary for safety from the BPA transmission line corridor.

To implement section (4) of the rule, the Department recommends the Council impose Siting Standards for Transmission Line Condition 1, as described in Section IV.P, Siting Standards for Transmission Lines.

[Site Specific Condition OAR 345-025-0010(5); GEN-GS-07; Final Order on ASC]

IV.A.1.4 Construction and Operation Rules for Facilities: OAR chapter 345, division 26

 OAR chapter 345, division 26 includes the ongoing compliance obligations, including requirements for compliance plans, inspections, reporting and notification of incidents that will apply to the facility if the Council issues a site certificate for the proposed facility. Note that, if a site certificate is issued, the applicant must also comply with additional construction- and operation-related regulations that may apply to the proposed facility but that may not be covered by the site certificate, as provided in ORS 469.401(4).

Under OAR 345-026-0048, the applicant must develop and implement a plan that verifies compliance with all site certificate terms and conditions and applicable statutes and rules. To ensure compliance with this requirement, the Department recommends the Council require that the plan be submitted at least 90-days prior to construction unless otherwise agreed to by the Department and authorize the Department to request additional information if needed to evaluate compliance, as presented below:

Recommended General Standard Condition 9 (PRE): At least 90 days prior to construction of the facility or phase, as applicable (unless otherwise agreed to by the Department), the certificate holder shall submit to the Department a compliance plan documenting and demonstrating actions completed or to be completed to satisfy the requirements of all site certificate terms and conditions and applicable statutes and rules. The plan shall be provided to the Department for review and compliance determination for each requirement. The Department may request additional information or evaluation deemed necessary to demonstrate compliance.

[OAR 345-026-0048, PRE-GS-02; Final Order on ASC]

Under OAR 345-025-0006(2) the Council must impose a condition requiring the applicant to submit a legal description of the site to the Department after the facility becomes operational. The Department recommends the Council adopt this condition as General Standard Condition 10, as presented below:

**General Standard Condition 10 (OPR):** The certificate holder must submit a legal description of the site to the Department within 90 days after beginning operation of the facility. The legal description must include a description of metes and bounds or a description of the site by reference to a map and geographic data that clearly and specifically identify the outer boundaries that contain all parts of the facility. [Mandatory Condition OAR 345-025-0006(2); OPR-GS-01; Final Order on ASC]

 Under OAR 345-026-0080(1)(b), each applicant must submit an annual report to the Department each year the facility is operational. To ensure compliance with this rule, the Department recommends the Council adopt General Standard Condition 11, as presented below:

**General Standard Condition 11 (OPR)**: After January 1 but no later than April 30 of each year after beginning operation of the facility, the certificate holder shall submit an annual report to the Department. The Council Secretary and the certificate holder may, by mutual agreement, change the reporting date.

1. The annual report must include the following information for the calendar year preceding the date of the report:

 a. Facility Status: An overview of site conditions, the status of facilities under construction and a summary of the operating experience of facilities that are in operation. The certificate holder shall describe any unusual events, such as earthquakes, extraordinary windstorms, major accidents or the like that

- occurred during the year and that had a significant adverse impact on the facility.
  - b. Reliability and Efficiency of Power Production: For electric power plants, the plant availability and capacity factors for the reporting year. The certificate holder shall describe any equipment failures or plant breakdowns that had a significant impact on those factors and shall describe any actions taken to prevent the recurrence of such problems.
  - c. Status of Surety Information: Documentation demonstrating that bonds or letters of credit as described in the site certificate are in full force and effect and will remain in full force and effect for the term of the next reporting period.
  - d. Monitoring Report: A list and description of all significant monitoring and mitigation activities performed during the previous year in accordance with site certificate terms and conditions, a summary of the results of those activities and a discussion of any significant changes to any monitoring or mitigation program, including the reason for any such changes.
  - e. Compliance Report: A report describing the certificate holder's compliance with all site certificate conditions that are applicable during the reporting period. For ease of review, the certificate holder shall, in this section of the report, use numbered subparagraphs corresponding to the applicable sections of the site certificate.
  - f. Facility Modification Report: A summary of changes to the facility that the certificate holder has made during the reporting period without an amendment of the site certificate in accordance with OAR 345-027-0350.
  - 2. To the extent that information required by this rule is contained in reports the certificate holder submits to other state, federal or local agencies, the certificate holder may submit excerpts from such other reports to satisfy this rule. The Council reserves the right to request full copies of such excerpted reports.

    [OAR 345-026-0080(1); OPR-GS-02; Final Order on ASC]

## IV.A.2. Conclusions of Law

Based on the facts and evidence provided on the record of the ASC, recommended findings of fact and conclusions of law presented in this DPO, subject to recommended, mandatory and site-specific conditions, the Department recommends Council find that the proposed facility would satisfy the requirements of ORS 469.300 to 469.570 and 469.590 to 469.619, the Council's standards in OAR chapter 345, and all other Oregon statutes and administrative rules applicable to the issuance of a site certificate.

## IV.B. Organizational Expertise: OAR 345-022-0010

(1) To issue a site certificate, the Council must find that the applicant has the organizational expertise to construct, operate and retire the proposed facility in compliance with Council standards and conditions of the site certificate. To

conclude that the applicant has this expertise, the Council must find that the applicant has demonstrated the ability to design, construct and operate the proposed facility in compliance with site certificate conditions and in a manner that protects public health and safety and has demonstrated the ability to restore the site to a useful, non-hazardous condition. The Council may consider the applicant's experience, the applicant's access to technical expertise and the applicant's past performance in constructing, operating and retiring other facilities, including, but not limited to, the number and severity of regulatory citations issued to the applicant.

(2) The Council may base its findings under section (1) on a rebuttable presumption that an applicant has organizational, managerial and technical expertise, if the applicant has an ISO 9000 or ISO 14000 certified program and proposes to design, construct and operate the facility according to that program.

(3) If the applicant does not itself obtain a state or local government permit or approval for which the Council would ordinarily determine compliance but instead relies on a permit or approval issued to a third party, the Council, to issue a site certificate, must find that the third party has, or has a reasonable likelihood of obtaining, the necessary permit or approval, and that the applicant has, or has a reasonable likelihood of entering into, a contractual or other arrangement with the third party for access to the resource or service secured by that permit or approval.

(4) If the applicant relies on a permit or approval issued to a third party and the third party does not have the necessary permit or approval at the time the Council issues the site certificate, the Council may issue the site certificate subject to the condition that the certificate holder shall not commence construction or operation as appropriate until the third party has obtained the necessary permit or approval and the applicant has a contract or other arrangement for access to the resource or service secured by that permit or approval.<sup>29</sup>

#### **IV.B.1. Findings of Fact**

## IV.B.1.1 Applicant Information

 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.

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<sup>&</sup>lt;sup>29</sup> Administrative Order EFSC 1-2002, effective April 3, 2002

The applicant is a wholly-owned subsidiary of Savion, LLC (Savion), which is a part of Shell Group.

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On April 4, 2025, the applicant submitted a letter affirming that Yellow Rosebush Energy Center LLC will have access to the expertise and personnel required to construct, operate and maintain the facility of Savion LLC or its affiliate.<sup>30</sup>

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Under OAR 345-025-0006(15), the Council must impose a condition in every site certificate requiring the applicant to inform the Department of any transfer of ownership of the facility or applicant prior to the transfer. The Department recommends the Council impose this mandatory condition as Organizational Expertise Condition 1, as presented below.

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Organizational Expertise Condition 1 (GEN): Before any transfer of ownership of the facility or ownership of the site certificate holder, the certificate holder must inform the Department of the proposed new owners. The requirements of OAR 345-027-0400 apply to any transfer of ownership that requires a transfer of the site certificate. [Mandatory Condition OAR 345-025-0006(15); GEN-OE-01; Final Order on ASC]

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> IV.B.1.2 Expertise to Construct, Operate and Retire the Proposed Facility.

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Under OAR 345-022-0010(1), to conclude that the applicant has adequate organizational expertise to construct, operate and retire the proposed facility, the Council must find the applicant has demonstrated the ability to design, construct and operate the proposed facility in compliance with site certificate conditions and in a manner that protects public health and safety, and has demonstrated the ability to restore the site to a useful, non-hazardous condition.

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# Experience Designing, Constructing, And Operating Solar Facilities

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35 36 Yellow Rosebush Energy Center, LLC, is a wholly-owned subsidiary of Savion, LLC (Savion), which is a subsidiary of Shell Energy, and the Shell Group portfolio that is focusing on renewable energy development. As noted above, Yellow Rosebush Energy Center LLC will have access to the expertise and resources of Savion for design, construction and operations of the facility. Savion was founded in 2019 and has over 175 employees working on projects across 28 states. Their headquarters is based in Kansas City, MO. 31 Yellow Rosebush Energy Center LLC and Savion LLC share technical staff in multiple areas including permitting and environmental and project development as primary contacts for the proposed facility.

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Key project and corporate staff include experience energy developers with many years of applied professional experience with Shell, Savion and renewable energy development.

<sup>&</sup>lt;sup>30</sup> YRBAPPDoc1-5 ASC Exhibit D. Organizational Expertise 2025-09-05, Attachment D-1. 2025-04-04. <sup>31</sup> Savion Energy webpage. Available at: <a href="https://savionenergy.com/about-us/">https://savionenergy.com/about-us/</a> Accessed by the Department 2025-07-30.

- 2 The applicant represents that Savion has a combined portfolio of 43.3 GW with 1,866 MW of
- developed "operating, in-construction, and contracted" solar energy, and a current solar and
- 4 storage development pipeline of 22,105 MW and 19,251 MW, respectively, as summarized
- 5 below.<sup>32</sup> Savion's website reports 3 GW of Solar and Energy Storage projects combined across
- 6 23 projects in 11 states as in operation, under construction and contracted. The same website
- 7 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.<sup>33</sup>

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# In Operation:

- Madison Fields Solar Project, PJM<sup>34</sup>, Ohio, 180 MW, 12/31/2023 COD
- Kiowa Solar Project, 100 MW, SPP<sup>35</sup>, Oklahoma, COD 12/31/2024
- Martin Solar Project, 111 MW, PJM, Kentucky, COD 12/31/2024

#### 14 Under Construction:

- Marion Solar Project, 100 MW, PJM, Ohio, COD 12/15/2025
- Elkhart Solar Project, 100 MW, PJM, Indiana, COD 12/31/2025
- Choctaw County Solar Project, 50 MW, SPP, Oklahoma, COD 9/1/2026

## Developed/Sold/Operational:

- Cass County Solar, 150 MW, MISO<sup>36</sup>, Illinois, COD 12/31/2024
- Calhoun County, 125 MW, MISO, Michigan, COD 9/30/2024

## Developed/Sold/Under Construction:

- Blacks Creek Energy Center, 400 MW, WECC<sup>37</sup>, Idaho, COD 9/30/2025
- Maricopa Energy Center, 550 MW Solar + 550 MW 4hr Storage, WECC, Arizona, COD 12/31/2026
- Milligan Energy Center, 315 MW, WECC, Arizona, COD 12/31/2026

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Savion reports that it has not incurred any regulatory citations during construction or operation of a similar facility.

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## Access to Technical Expertise

<sup>&</sup>lt;sup>32</sup> YRBAPP ASC, Exhibit D, Section 5.0

<sup>&</sup>lt;sup>33</sup> Savion LLC. Company Webpage. Available at: <a href="https://savionenergy.com/project-map/">https://savionenergy.com/project-map/</a> Accessed by the Department on July 30, 2025.

<sup>&</sup>lt;sup>34</sup> YRBAPPDoc1-5 ASC Exhibit D. Organizational Expertise 2025-09-08. PJM Interconnection LLC (PJM) serves all or parts of 13 mid-Atlantic states. Originally Pennsylvania-New Jersey-Maryland, it now serves states along the eastern seaboard from New Jersey south to North Carolina and extending as far west as Illinois, Ohio, Tennessee, West Virginia, and Kentucky.

<sup>&</sup>lt;sup>35</sup> Ibid. SPP is the Southwest Power Pool, which covers Oklahoma, Kansas, and parts of Arkansas, Missouri, Texas, and New Mexico.

<sup>&</sup>lt;sup>36</sup> Ibid. MISO is the Midcontinent Independent System Operator which serves 15 states in the Midwest, extending north to Manitoba, Canada, and south to include much of Arkansas, Mississippi, and Louisiana.

<sup>&</sup>lt;sup>37</sup> Ibid. WECC is the Western Electricity Coordinating Council, which oversees the entire Western interconnection system and includes all or part of the 14 westernmost U.S. states as well as Alberta and British Columbia in Canada.

- 1 As a subsidiary of Shell, Savion LLC and Yellow Rosebush Energy Facility, LLC have access to
- 2 technical skills and resources from the parent company. As previously noted, the applicant has
- 3 submitted Exhibit D, Attachment D-1 to affirm that the facility will have access the technical
- 4 expertise of the parent company. Once the facility is operational, Shell Renewable Asset
- 5 Management International (SRAMI) will provide asset management for the facility. SRAMI will
- 6 have over 20 years of experience in commercial, technical, and operational oversight of
- 7 renewable assets in joint venture and wholly owned contexts. SRAMI will maintain operational
- 8 hubs in Houston and The Hague, with staff in multiple locations within the Americas and the
- 9 Europe, Middle East and Africa regions. In addition to its dedicated organization, SRAMI can
- draw upon the expertise and resources of the global Shell Group.

During construction of the facility, the applicant would rely on third-party contractors for technical expertise in engineering, procurement, and construction. In addition to retaining qualified staff within the company and parent company, Savion maintains a close relationship with large Engineering Procurement Construction (EPC) providers to inform budget pricing and conducts a competitive Request for Proposals (RFP) process among several pre-qualified contractors to select the optimal contractor for the Facility. This EPC and procurement RFP includes a list of pre-qualified manufacturers for major components such as the tracker, main power transformer, inverters, and power cable to ensure that the contractor meets Savion quality standards.

The Department recommends that the Council find that Savion LLC's past experience in constructing and operating energy facilities demonstrates its ability to secure contracts with third-party contractors with the technical expertise needed to design, construct and operate the proposed facility in compliance with site certificate conditions and in a manner that protects public health and safety.

The Department recommends the Council impose Organizational Expertise Condition 2, as presented below, to ensure that the Department is notified of the identity and qualifications of the selected contractors prior to the beginning of construction.

Recommended Organizational Expertise Condition 2 (PRE): Prior to construction of the facility or phase, as applicable, the certificate holder shall notify the Department of the identity and qualifications of the major design, engineering and construction contractor(s). The certificate holder shall select contractors that have substantial experience in the design, engineering and construction of similar facilities. The certificate holder shall report to the Department any changes of major contractors. [PRE-OE-01; Final Order on ASC]

To ensure all work is performed in compliance with site certificate conditions and in a manner that protects public health and safety, the Department recommends the Council impose Organizational Expertise conditions as presented below.

Oregon Department of Energy Recommended Organizational Expertise Condition 3 (PRE): Prior to construction of the 1 2 facility or phase, as applicable, the certificate holder shall select a construction 3 contractor with a low rate of historic environmental and safety compliance citations. 4 Certificate holder shall provide the following documentation to the Department: 5 a. Qualifications and contact information of the major design, engineering and 6 construction contractor(s) and subcontractors, as applicable. 7 b. Construction contractor compliance history. c. Contract excerpt(s) identifying the parties to the contract and affirming that 8 9 contractors are required to comply with the terms and conditions of the site 10 certificate, including selecting design layout and construction materials that minimize impacts to resources protected under Council standards. 11 12 [PRE-OE-02; Final Order on ASC] 13 14 Recommended Organizational Expertise Condition 4 (PRE): Prior to construction of the 15 facility or phase, as applicable, the certificate holder shall provide the Department the qualifications and contact information of the certificate holder's construction manager. 16 [PRE-OE-03; Final Order on ASC] 17 18 19 20 certificate holder shall: 21 a. Maintain an onsite construction manager. 22 construction related site certificate conditions. 23 24 25

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Recommended Organizational Expertise Condition 5 (CON): During construction, the

- b. Require that the construction manager implement and monitor all applicable
- c. Within six months after beginning construction, and every six months thereafter during construction of the energy facility and related or supporting facilities, the certificate holder shall submit a semiannual construction progress report to the Department. In each construction progress report, the certificate holder shall describe any significant changes to major milestones for construction. The certificate holder shall report on the progress of construction and shall address the following:
  - Facility Status: An overview of site conditions, the status of facilities under construction and a summary of the operating experience of facilities that are in operation. The certificate holder shall describe any unusual events, such as earthquakes, extraordinary windstorms, major accidents or the like that occurred during the year and that had a significant adverse impact on the facility.
  - ii. Status of Surety Information: Documentation demonstrating that bonds or letters of credit as described in the site certificate are in full force and effect and will remain in full force and effect for the term of the next reporting period.
  - iii. Compliance Report: A report describing the certificate holder's compliance with all site certificate conditions that are applicable during the reporting period. For ease of review, the certificate holder shall, in this section of the report, use numbered subparagraphs corresponding to the applicable sections of the site certificate.

iv. Facility Modification Report: A summary of changes to the facility that the certificate holder has made during the reporting period without an amendment of the site certificate in accordance with OAR 345-027-0050.

[OAR 345-026-0080(1)(a), CON-OE-01; Final Order on ASC]

Recommended Organizational Expertise Condition 6 (CON): The certificate holder shall contractually require all contractors and subcontractors to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. The contractual obligation shall be required of each contractor and subcontractor prior to that firm working on the facility. Such contractual provisions shall not operate to relieve the certificate holder of responsibility under the site certificate.

[CON-OE-02; Final Order on ASC]

Recommended Organizational Expertise Condition 7 (PRO): Prior to operation, the certificate holder shall provide to the Department the qualifications and contact information of the individuals responsible for monitoring facility operations, including individuals or third-party entity responsible for onsite maintenance.

[PRO-OE-01; Final Order on ASC]

Recommended Organizational Expertise Condition 8 (OPR): During every year of operation, the certificate holder shall provide to the Department the qualifications and contact information of the individuals responsible for monitoring facility operations, including individuals or third-party entity responsible for onsite maintenance. [OPR-OE-01; Final Order on ASC]

Relevant Experience in Mitigation

 Savion also has extensive experience with developing and implementing mitigation plans, in coordination with various agencies, to offset impacts from project development. Some of the most recent examples include forested and emergent wetland conservation for its Calhoun County (Michigan) solar project, sand prairie and pollinator habitat restoration for its Cass County (Illinois) solar project, and Texas tortoise management at its Dove Run and Sun Cactus (Texas) solar projects. Savion has engaged directly with key stakeholder groups for this project (ODFW, Tribes, Wasco County, and more) to solicit feedback on its initial design plans. The applicant has retained TetraTech to assist in the completion of studies and surveys, preparation of reports, and to conduct required monitoring and the implementation of required mitigation plans for the facility.

Public Health and Safety

Facility components including the solar array, substation transformers, transmission line, and battery energy storage system could result in health and safety impacts from unanticipated fire and electrical hazards. Section IV.N., Wildfire Prevention and Risk Mitigation provides an evaluation of potential fire related risks from proposed facility design, construction and operation. Wildlife Prevention and Risk Mitigation Conditions 1 through 4 require the applicant to finalize Wildfire Mitigation Plans, to then be implemented during construction and for the operational life of the facility.

Further to minimize impacts to public health and safety, and as discussed in Section IV.E., Land Use, the Department recommends Council impose Land Use Conditions 8 through 11 which require development and implementation of Emergency Response Plans, to be implemented during construction and operation. The Department recommends Council impose the following conditions to ensure that the facility is designed, constructed, operated and retired in a manner that protects public health and safety.

**Recommended Organizational Expertise Condition 9 (GEN)**: Any matter of non-compliance under the site certificate is the responsibility of the certificate holder. Any notice of violation issued under the site certificate will be issued to the certificate holder. Any civil penalties under the site certificate will be levied on the certificate holder.

[GEN-OE-02; Final Order on ASC]

**Recommended Organizational Expertise Condition 10 (GEN):** The certificate holder must notify the Department within 72 hours of any occurrence of the following:

- a. There is an attempt by anyone to interfere with the facility's safe operation.
- b. There is a significant nature event such as a fire, earthquake, flood, tsunami or tornado, or human-caused events such as a fire or explosion.
- c. There is any fatal injury at the facility. [OAR 345-026-0170, GEN-OE-03; Final Order on ASC]

**Recommended Organizational Expertise Condition 11 (GEN):** The certificate holder shall, as soon as reasonably possible:

- a. Report incidents or circumstances that may violate the terms or conditions of the site certificate, terms or conditions of any order of the Council, to the Department. In the report to the Department, the certificate holder shall provide all pertinent facts including an estimate of how long the conditions or circumstances existed, how long they are expected to continue before they can be corrected, and whether the conditions or circumstances were discovered as a result of a regularly scheduled compliance audit;
- b. Initiate and complete appropriate action to correct the conditions or circumstances and to minimize the possibility of recurrence;
- c. Submit a written report within 30 days of discovery to the Department. The report must refer to the language in (d) of the condition and contain:
  - i. A discussion of the cause of the reported conditions or circumstances;

- ii. The date of discovery of the conditions or circumstances by the responsible party;
- iii. A description of immediate actions taken to correct the reported conditions or circumstances;
- iv. A description of actions taken or planned to minimize the possibility of recurrence; and
- v. For conditions or circumstances that may violate the terms or conditions of a site certificate, an assessment of the impact on the resources considered under the standards of OAR Chapter 345 Divisions 22 and 24 as a result of the reported conditions or circumstances.
- d. Upon receipt of the written report in sub(c) of this condition, the Department may review the facility record for incidents or circumstances reported or reportable under sub(a) related to public health and safety, the environment, or other resources protected under Council standards. If these incidences are determined by the Department to impact the adequacy of the facility decommissioning cost, the Department or Council may adjust the contingencies identified in Final Order on ASC Table 13 and shall request and receive an updated bond or letter of credit from certificate holder in the adjusted amount.

[OAR 345-029-0010, GEN-OE-04; Final Order on ASC]

## Ability to Restore the Site to a Useful, Non-Hazardous Condition

The applicant's ability to restore the facility site to a useful, non-hazardous condition is evaluated in Section IV.G., Retirement and Financial Assurance of this order.

As described above, the Department recommends the Council find that the applicant, through its parent company, has demonstrated that it has the experience needed to construct the proposed facility in compliance with site certificate conditions and in a manner that protects public health and safety, and has demonstrated the ability to secure contracts with third-party contractors that have the necessary technical expertise to meet that standard. Specific requirements and recommended conditions of approval related to retirement and financial assurance are discussed in more detail in Section IV.G.

### *IV.B.1.3* Third-Party Permits

The applicant or its contractors would obtain permits required during construction and operation of the facility, including but not limited to, coverage under the Oregon Department of Environmental Quality's (DEQ) National Pollutant Discharge Elimination System (NPDES) 1200-C and 1200-A Construction Stormwater permits, and the Onsite Sewage Disposal Construction-Installation Permit required for the O&M Buildings, and other permits. The construction contractor would also be required to obtain any required permits from the Oregon Department of Transportation (ODOT), and any required state and local and County building and electrical permits or road access permits.

- 1 As discussed in Sections IV.E., Land Use, and IV.M., Public Services, the applicant may need to
- 2 vacate Wilson Road and submit a Wasco County Petition to Vacate Public Lands template in the
- 3 ASC. Additionally, the applicant's contractor will need to coordinate with ODOT for access and
- 4 hauling permits and may need to coordinate with ODOT and the City of Maupin to understand
- 5 any limitations for access within Maupin. These permits would need to be provided to the
- 6 Department under the below recommended condition. The construction contractor would also
- 7 be responsible for obtaining any required permits for the use of stationary or portable concrete
  - batch plant at the facility, if such a plant is constructed or operated at the site.<sup>38</sup>

10 Under OAR 345-022-0010(4), if an applicant relies on a permit or approval issued to a third-11 party contractor, and the third party does not have the permit or, as in this case, has not yet

- been identified, the Council may issue a site certificate subject to the condition that the
- applicant shall not commence construction or operation as appropriate until the third party has
- obtained the necessary permits or approvals and the applicant has a contract or other
- arrangement for access to the resource or service secured by that permit or approval. The
- 16 Department recommends the Council impose Organizational Expertise Condition 12, as
- 17 presented below, to ensure that the applicant and its contractors obtain all necessary permits
- and approvals prior to the beginning of construction.

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**Recommended Organizational Expertise Condition 12 (PRE):** Prior to construction of the facility or phase, as applicable, the certificate holder shall:

- a. Provide the Department a list of federal, state and local permits, including any third-party permits; and a schedule for obtaining identified permits.
- b. Once obtained, provide copies of all permits, including third-party permits to the Department.

[PRE-OE-04; Final Order on ASC]

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## IV.B.2. Conclusions of Law

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Based on the foregoing analysis, and subject to compliance with the recommended conditions of approval as described above, the Department recommends Council find that the applicant has the organizational expertise to construct, operate and retire the proposed facility in compliance with Council standards and conditions of the site certificate.

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#### IV.C. Structural Standard: OAR 345-022-0020

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(1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that:

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(a) The applicant, through appropriate site-specific study, has adequately characterized the seismic hazard risk of the site; and

<sup>&</sup>lt;sup>38</sup> YRBAPPDoc1-6 ASC Exhibit E. Permits 2025-09-05

1	(b) The applicant can design, engineer, and construct the facility to avoid
2	dangers to human safety and the environment presented by seismic hazards
3	affecting the site, as identified in subsection (1)(a);
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5	(c) The applicant, through appropriate site-specific study, has adequately
6	characterized the potential geological and soils hazards of the site and its
7	vicinity that could, in the absence of a seismic event, adversely affect, or be
8	aggravated by, the construction and operation of the proposed facility; and
9	
LO	(d) The applicant can design, engineer and construct the facility to avoid
l1	dangers to human safety and the environment presented by the hazards
L2	identified in subsection (c).
L3	
L4	(2) The Council may not impose the Structural Standard in section (1) to
L5	approve or deny an application for an energy facility that would produce
L6	power from wind, solar or geothermal energy. However, the Council may, to
L7	the extent it determines appropriate, apply the requirements of section (1) to
L8	impose conditions on a site certificate issued for such a facility.
L9	
20	(3) The Council may not impose the Structural Standard in section (1) to deny
21	an application for a special criteria facility under OAR 345-015-0310. However,
22	the Council may, to the extent it determines appropriate, apply the
23	requirements of section (1) to impose conditions on a site certificate issued for
24	such a facility. <sup>39</sup>
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26	IV.C.1. Findings of Fact
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28	The analysis area for geologic conditions and soil stability, as established in the Project Order, is
29	the area within the proposed 8,075 acre site boundary. ASC Exhibit H also includes an
30	evaluation of historic seismicity and potentially active faults within 50-miles of the proposed
31	site boundary.
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The site is located in the Columbia Plateau, which is dominated by geologically young lava flows known as the Columbia River basalts. Most of the site boundary is mapped as the Wanapum Basalt, and a small amount of Grande Ronde basalt is mapped in the northeastern corner and eastern border along the Buck Hollow Creek valley and a tributary drainage. Slopes within the vicinity of the site boundary range from approximately zero to 95 percent, with an average slope of 7.6 percent.<sup>40</sup>

In July 2023, the applicant's geologist completed a preliminary geological site reconnaissance of the site boundary which included visual evaluation of existing exposures of soil and rock,

<sup>&</sup>lt;sup>39</sup> Administrative Order EFSC 2-2017, effective October 18, 2017.

<sup>&</sup>lt;sup>40</sup> YRBAPPDoc1-9 ASC Exhibit H. Geological Soil Stability 2025-09-05, Section 8.1.

observation of typical slopes, and to identify evidence of past or potential geologic hazards. Methods of desktop and literature review of seismic and nonseismic hazards are discussed in the following subsections. On January 11, 2024, the applicant team met with DOGAMI staff to discuss preliminary methods, sources and findings. Based on that meeting, additional sources were identified and incorporated into the Exhibit. DOGAMI staff noted in their comments on the exhibit that the existing analysis used the correct data and interpreted the data correctly and made additional recommendations for sources, which were also incorporated into the Exhibit for the ASC.<sup>41</sup>

#### IV.C.1.1 Potential Seismic Hazards

 Potential seismic hazards within the analysis area include damaging shaking, rupture of the ground along the surface trace of a fault, liquefaction of areas with particular sediment and groundwater characteristics, and earthquake-triggered landslides. Potential seismic hazards within the analysis area were evaluated through literature review, mapping and modeling. Literature and data sources evaluated include 2021-2023 USGS's National Geophysical Data Center, DOGAMI's HazVu Layers: Statewide Geohazards Viewer Cascadia Earthquake Expecting Shaking Layer; Floodplains, Earthquake Hazards and Landslide Hazards. <sup>42</sup> Regionally, seismicity has been attributed to crustal deformation from the Cascadia Subduction Zone and volcanism. Based on the DOGAMI HazVu mapping tool and USGS 2023 Unified Hazard Tool the Cascadia earthquake hazard is low to moderate, and the expected earthquake shaking is moderate.

At DOGAMI's recommendation, the applicant reviewed a 2011 study and data<sup>43</sup> related to active faulting in the Tygh Valley. The information reviewed refers to active faulting in an area of the Tygh Valley located approximately 10 miles southwest of the facility. Although a map and short abstract are available online, the entire corresponding publication is not publicly available. The latest DOGAMI Quaternary fault information was reviewed by the applicant and no faults were mapped in this area. DOGAMI reviewed the pASC Exh H, provided comments that were incorporated into the Exh H for the complete ASC and approved the methods proposed but noted that the most current national seismic hazard models should be used in the site-specific geotechnical analysis.<sup>44</sup>

<sup>&</sup>lt;sup>41</sup> YRBAPP pASC Exhibit H. Geological Soil Stability DOGAMI Review Email 2025-05-08.

<sup>&</sup>lt;sup>42</sup> YRBAPPDoc1-9 ASC Exhibit H. Geological Soil Stability 2025-09-05, Section 13 and Attachment H-1. Council rules at OAR 345-021-0010(1)(h)(B) require applicant consultation with DOGAMI on the appropriate methodology and scope for evaluating seismic hazards. Based on a January 11, 2024 meeting, DOGAMI reviewed the Exhibit materials and provided feedback on additional references to incorporate into Exhibit H specific to the Maupin area; and otherwise concurred with the methods utilized by the applicant to evaluate potential seismic hazards within the analysis area.

<sup>&</sup>lt;sup>43</sup> Johnson, Ajeet K. 2011. Publicly available map from Master of Science Thesis – Oregon State University. Available online: https://ir.library.oregonstate.edu/concern/graduate\_thesis\_or\_dissertations/3b591d89m Accessed May 2025.

<sup>&</sup>lt;sup>44</sup> YRBAPPDoc27-1 pASC Exhibit H. Geological Soil Stability DOGAMI Review Email 2025-05-08

- 1 United States Geological Survey (USGS) data reviewed shows no potentially active faults are
- 2 mapped within the site boundary (See Exh H, Figure H-2). A number of middle- and late-
- 3 Quaternary-age faults are mapped within 50 miles of the site boundary. The nearest potentially
- 4 active fault is a Class B fault located approximately 7 miles northwest of the site boundary. A
- 5 Class B fault indicates geologic evidence demonstrating the existence of a fault or suggesting
- 6 Quaternary deformation; however, the fault might not extend deeply enough to be a potential
- 7 source of significant earthquakes. From 1974 to 2023, 54 earthquakes were recorded from
- 8 within and extending 49 miles from the site boundary with magnitude from 3.0 to 4.6; which
- 9 are illustrated on Figure 3, below.<sup>45</sup>

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13 14 2021 International Building Code (IBC) information indicates that most areas within the proposed site boundary are mapped as "shallow basalt bedrock" and generally have characteristics that meet Site Class B. However, based on geotechnical and geological information reviewed for the ASC, the soil/bedrock in the site boundary is most conservatively categorized as Site Class C (very dense soil and soft rock)<sup>46</sup>.

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As part of review for the ASC, the applicant has characterized and evaluated the seismic and risks and hazards in the analysis area. The Department has reviewed this information and evaluated the general risk posed from seismic shaking and ground motion, fault rupture, liquefaction, landslides, and subsidence as summarized below:

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#### Seismic Shaking or Ground Motion

As part of the analysis, the certificate holder ran the USGS unified hazard tool analysis for the site boundary, and the design event has a 2 percent probability of exceedance in 50 years (or a 2,475-year return period). This event has a peak ground acceleration (PGA) of 0.2178 acceleration from gravity for the site boundary. The values of PGA on rock are an average representation of the acceleration most likely to occur at the site for all seismic events (crustal, intraplate, or subduction).

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#### Fault Rupture

There are no known active faults within the proposed site boundary. There are several Class B faults approximately 7 and 20 miles away (northwest and northeast respectively), and the nearest known or potentially active faults are approximately 30 miles away.<sup>47</sup> Therefore, fault rupture risk within the proposed site boundary is low/unlikely. Faults and seismic activity will be further evaluated during pre-construction geotechnical investigation as required under Recommended Structural Standard Condition 1, below.

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# <u>Liquefaction<sup>48</sup></u>

<sup>&</sup>lt;sup>45</sup> YRBAPPDoc1-9 ASC Exhibit H. Geological Soil Stability 2025-09-05, Table H-2.

<sup>&</sup>lt;sup>46</sup> YRBAPPDoc1-9 ASC Exhibit H. Geological Soil Stability 2025-09-05 Section 7.2.4.

<sup>&</sup>lt;sup>47</sup> YRBAPPDoc1-9 ASC Exhibit H. Geological Soil Stability 2025-09-05, Section 7.2.5.

<sup>&</sup>lt;sup>48</sup> Liquefaction is a phenomenon in which saturated, cohesionless soils temporarily lose their strength and liquefy when subjected to dynamic forces such as intense and prolonged ground shaking and seismic activity.

### Oregon Department of Energy

- 1 Soils in the site boundary are not saturated and are generally clastic (loess) in nature. Based on
- well logs in the vicinity of the site boundary, static groundwater levels range from 171 to 460
- 3 feet below ground surface with depths to bedrock range from 2 to 5 feet below ground surface,
- 4 and the basalt bedrock is shallow with average depths from 0.5 to 2.5 feet below ground
- 5 surface. Along with the relatively low significant seismic event potential, liquefaction of soils
- 6 within the site boundary is considered low/unlikely.

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- Seismically Induced Landslides
- 9 The general earthquake hazard within the proposed site boundary is rated low to moderate.
- 10 Landslide risk increases to high along drainages with steep sides such as Karlen Draw or Hauser
- 11 Canyon across the northern and eastern site boundary, therefore, seismically induced landslide
- risk is low within most of the site boundary and higher within the steeper areas. Facility
- construction and permanent infrastructure will avoid these steep drainages and steep slopes.

- 15 Subsidence
- 16 Bedrock within the proposed site boundary is relatively shallow and the overlying soils are
- unsaturated. Therefore, the risk of subsidence within the proposed site boundary is low.

Yellow Rosebush **Energy Center** Klickitat County Skamania County Figure H-2 Historical Seismicity and Clark County **Potentially Active Faults** SHERMAN AND WASCO COUNTIES, OR Facility Site Boundary Sherman County Analysis Area (50-mile Buffer) Multnomah Morrow County County Boundary State Boundary Gilliam County USGS Quaternary Fault Age Class B - Late Quaternary Latest Quaternary Middle and Late Quaternary Undifferentiated Wasco County Quaternary NEIC Earthquake Magnitude **2.5 - 3.0** 3.1 - 4.0 4.1 - 5.0 Wheeler County Marion County TETRA TECH SAVION Grant County Reference Map Jefferson County Crook County 1:700,000 WGS 1984 UTM Zone 10N NOT FOR CONSTRUCTION

Figure 3: Historic Seismicity and Potentially Active Faults within 50-mile of the Proposed Facility Site

## IV.C.1.2 Non-Seismic Geologic Hazards

 Non-seismic geologic hazards in the Columbia Plateau region include landslides, volcanic eruptions, erosion, shrinking and swelling soils, and collapsing soils.<sup>49</sup> Erosion risk, and recommended measures to reduce and mitigate impacts, are discussed in Section IV.D, *Soil Protection*, in this order; other non-seismic geologic hazards are discussed below.

## Landslides

The 2023 Oregon Statewide Landslide Data Layer (SLIDO Release 4.4) was used to overlay landslide areas or landslide-related features within the vicinity of the site boundary and indicate that the closest landslides were near the City of Maupin. DOGAMI HazVu mapping shows that landslide susceptibility within the proposed site boundary is generally relatively low while moderate and high landslide susceptibility hazard areas are indicated only along the steep drainages along the northern and eastern site boundary. No existing landslides were observed during the site reconnaissance. The alternative 4.5-mile transmission line would cross an area of moderate to high landslide susceptibility at the Buck Hollow Creek valley crossing; which would be spanned if constructed and informed by the geotechnical evaluation conducted prior to construction under Recommended Structural Standard Condition 1, below.

## **Volcanic Activity**

Volcanic activity in the Cascade Range is driven by the subduction of the Juan de Fuca Plate beneath the North American Plate. The closest volcano to the site boundary is Mount Hood approximately 40 miles away. Depending on the prevailing wind direction at the time of the eruption and the source of the eruption, ash fallout in the region surrounding the proposed facility may occur, however, because of the distance to the nearest volcano, risk of direct impacts from volcanic activity within the proposed site boundary is low. There is a potential of indirect effects if a nearby volcanic eruption led to basalt flows (lahars) that could impact area rivers and streams. While possible, the likelihood is considered low.

### Flooding

Using 2023 Federal Emergency Management Agency (FEMA) 100-year floodplain data, the areas within the proposed site boundary in a floodplain include Buck Hollow Creek and within the tributary located in the eastern portion of the site boundary and the alternative transmission line corridor crosses Buck Hollow Creek.<sup>51</sup> No temporary or permanent disturbance areas associated with the facility are located in areas of mapped floodplains. Seasonal thunderstorms can also result in concentrated stormwater runoff and localized flooding. As discussed in Section IV.E., *Land Use*, the facility will be designed and engineered to comply with zoning ordinances and building codes that establish flood protection standards for

 $<sup>^{49}</sup>$  YRBAPPDoc1-9 ASC Exhibit H. Geological Soil Stability 2025-09-05, Section 8.0.

<sup>&</sup>lt;sup>50</sup> YRBAPPDoc1-9 ASC Exhibit H. Geological Soil Stability 2025-09-05, Section 8.1.

<sup>&</sup>lt;sup>51</sup> YRBAPPDoc1-9 ASC Exhibit H. Geological Soil Stability 2025-09-05, Section 8.4; Figure H-3.

all construction to avoid dangers to the infrastructure, as well as human safety and the environment.

## Shrinking, Swelling, and Collapsing Soils

Potential risks from shrinking, swelling and collapsing soils within the proposed site boundary will be further evaluated during the preconstruction site-specific geotechnical investigation.

# IV.C.1.3 Design Measures for Seismic and Non-Seismic Hazards

The applicant is required to design, engineer, and construct the facility following the latest International Building Code, Oregon Structural Specialty Code, and building codes adopted by the State of Oregon at the time of construction. The site-specific geotechnical investigation that will be conducted prior to construction will include, as required, a description of any potentially active faults, their potential risk to the proposed facility, and any additional mitigation measures the applicant would employ to design, construct, and operate the proposed facility safely.

Under OAR 345-025-0006(12) to (14), the Council must impose conditions requiring the applicant to design, engineer and construct the facility to avoid dangers to human safety and the environment presented by seismic hazards affecting the site; and to notify the Department and other appropriate authorities if site specific geotechnical investigations reveal significantly different geologic conditions from those described in the application, or if certain geologic formations are identified in the vicinity of the site. Accordingly, the Department recommends the Council adopt these conditions as Structural Standard Conditions 1 to 3, as presented below:

 **Structural Standard Condition 1 (GEN):** The certificate holder must design, engineer and construct the facility to avoid dangers to human safety and the environment presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. "Seismic hazards" include ground shaking, ground failure, landslide, liquefaction triggering and consequences (including flow failure, settlement buoyancy, and lateral spreading), cyclic softening of clays and silts, fault rupture, directivity effects and soil-structure interaction.

[Mandatory Condition OAR 345-025-0006(12); GEN-SS-01; Final Order on ASC]

Structural Standard Condition 2 (GEN): The certificate holder must notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if site investigations or trenching reveal that conditions in the foundation rocks differ significantly from those described in the application for a site certificate. After the Department receives the notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division to propose and implement corrective or mitigation actions. [Mandatory Condition OAR 345-025-0006(13); GEN-SS-02; Final Order on ASC]

Structural Standard Condition 3 (GEN): The certificate holder must notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site. After the Department receives notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division to propose and implement corrective or mitigation actions.

[Mandatory Condition OAR 345-025-0006(14); GEN-SS-03; Final Order on ASC]

Under OAR 345-022-0020(1)(a) and (c), the Council must find that the applicant has, through appropriate site-specific study, adequately characterized the seismic and non-seismic geologic and soils hazards of the site. As discussed above, the information in this section is based on the applicant's site reconnaissance visit and desktop analysis of potential seismic, geologic, and soils hazards.

The applicant represents that it will conduct additional geotechnical investigation at the site to fully characterize site conditions and to allow the applicant to design, engineer, and construct the facility to the most current standards at the time of construction. The site-specific geological and geotechnical investigation will address subsurface exploration plans, and testing plans. The site-specific geotechnical investigation will be conducted by a qualified engineer using current code requirements and state-of-practice methods and will be used to determine the final location of facility components and the final design of the pile foundations, substation pads, inverter pads, battery energy storage system pads, operations and maintenance (O&M) building pads, and roads, the geotechnical investigation will:<sup>52</sup>

 Include an updated desktop/literature review, using current sources as designated in this order and ASC Exhibit H;

 Conduct a geotechnical field exploration, which includes but is not limited to soil borings, test pits, possibly geophysical testing; collecting additional soil samples for classification and laboratory testing;

The results of the investigation will be reported to DOGAMI and ODOE following the current Oregon State Board of Engineering Geology Reports guidelines in place at the time of the investigation.

The proposed facility will be designed, engineered, and constructed to meet or exceed the standards established in the latest International Building Code, Oregon Structural Specialty Code, and building codes adopted by the State of Oregon at the time of construction and that

<sup>&</sup>lt;sup>52</sup> YRBAPPDoc1-9 ASC Exhibit H. Geological Soil Stability 2025-09-05, Section 5.0. Geotechnical analyses will be used to calculate bearing capacity of the soils, conduct stability analyses, and provide engineering recommendations for construction of the structures.

final seismic design criteria will be determined by the structural engineer based on the final geotechnical report.<sup>53</sup> The facility will be designed based on Site Class C.

The Department recommends the Council impose the following conditions to ensure that the preconstruction, site specific geotechnical investigation is completed and submitted to the Department and DOGAMI, and that the evaluation demonstrates that facility design is based on applicable building and structural requirements at the time of construction, as presented below:

 **Recommended Structural Standard Condition 4 (PRE):** Prior to construction of the facility or phase, as applicable, the certificate holder shall submit a site-specific geotechnical investigation report, consistent with the Oregon State Board of Geologist Examiners Guideline for Preparing Engineering Geologic Reports, or newer guidelines if available to the Department, for review in consultation with its third-party consultant. [PRE-SS-01; Final Order on ASC]

 **Recommended Structural Standard Condition 5 (GEN):** The certificate holder shall design, engineer, and construct the facility in accordance with the versions of the International Building Code, Oregon Structural Specialty Code, and local building codes in effect at the time of construction.

[GEN-SS-04; Final Order on ASC]

## IV.C.2. Conclusions of Law

Based on the foregoing analysis, and subject to compliance with the recommended conditions of approval as described above, the Department recommends Council find that the applicant adequately characterized potential seismic and geologic hazards at the site and can design, engineer and construct the proposed facility to avoid dangers to human safety and the environment presented by those hazards.

<sup>&</sup>lt;sup>53</sup> YRBAPPDoc1-9 ASC Exhibit H. Geological Soil Stability 2025-09-05, Section 5.0

#### IV.D. Soil Protection: OAR 345-022-0022

To issue a site certificate, the Council must find that the design, construction and operation of the facility, taking into account mitigation, are not likely to result in a significant adverse impact to soils including, but not limited to, erosion and chemical factors such as salt deposition from cooling towers, land application of liquid effluent, and chemical spills.<sup>54</sup>

## IV.D.1. Findings of Fact

 The analysis area for the Soil Protection standard is the area within the proposed 8,075 acre site boundary. The proposed energy facility would be sited within a micrositing corridor occupying approximately 7,026 acres with a perimeter fence enclosing an estimated at 5,007.7 acres.

## IV.D.1.1 Existing Land Use and Soil Conditions

The proposed facility would be located on Exclusive Farm Use zoned land in both Wasco and Sherman counties. Agricultural uses include rangeland, fallow fields, and planted dryland grassland (See ASC Exhibit K, Figures K-2 and K-4). Based on the ASC, the facility will permanently impact approximately 4,670 acres of Category 2 wildlife habitat and 322 acres of Category 6, developed or agricultural lands (30.3 acres to other developed lands and 292 acres to agricultural), with an estimated 198 acres of temporary impacts to Category 2 wildlife habitat and 28.3 acres of temporary impacts to developed or agricultural lands (13.1 acres developed and 15.2 acres agricultural).

Approximately 52 percent of the site boundary includes silt loam soils with a depth to bedrock of 2.5 feet, approximately 34 percent of the site boundary soils have a depth to bedrock of 0.6 feet, and approximately 10 percent of the site boundary has a depth to bedrock of 1 foot. There are 14 major soil types found within the analysis area, as summarized in Table 4 and shown in Figures 4 and 5 below.<sup>57</sup> Of these, there are four dominant soil types:

 • Condon silt loam, 2 to 12 percent slopes (CnC): These are moderately deep, well drained soils formed in a loess mantle with an appreciable component of volcanic ash overlying basalt. The soil is a silt loam and makes up approximately 52 percent of the analysis area. Condon silt loam is typically in uplands and has 2 to 12 percent slopes. The

<sup>&</sup>lt;sup>54</sup> Administrative Order EFSC 1-2007, effective May 15, 2007.

<sup>&</sup>lt;sup>55</sup> YRBNOIDoc42 SIGNED Project Order w Attachments 2024-01-26

<sup>&</sup>lt;sup>56</sup> ASC Exhibit C, Table C-2 Temporary and Permanent Disturbance Areas.

<sup>&</sup>lt;sup>57</sup> U.S. Department of Agriculture, Natural Resources Conservation Service. 2024. Available at: <u>USDA-NRCS Official Soil Series Description View By List</u> Accessed by the Department 2024-11-12; Web Soil Survey Available at: <u>Web Soil Survey</u> Accessed by the Department 2024-11-12.

- hazard for erosion is moderate. The soil has moderate permeability and moderately high runoff potential.
  - Bakeoven-Condon complex, 2 to 20 percent slopes (BcC): These are very shallow, well
    drained soils formed in mixed colluvium, loess, and residuum derived from basalt. The
    soil is a gravelly to cobbly loam and makes up approximately 23 percent of the analysis
    area. Bakeoven-Condon complex is typically in plateaus and has 2 to 20 percent slopes.
    The hazard for erosion is moderate. The soil has low permeability and high runoff
    potential.
  - Condon-Bakeoven complex, 2 to 20 percent slopes (CoC): These are moderately deep, well drained soils formed in loess over basalt. The soil is a silt loam and makes up approximately 11 percent of the analysis area. Condon-Bakeoven complex is typically in hillslopes and has 2 to 20 percent slopes. The hazard for erosion is severe. The soil has moderate permeability and moderately high runoff potential.
  - Lickskillet extremely stony loam, 40 to 70 percent slopes (LeF): These are shallow, well drained soils formed in stony colluvium consisting of loess, rock fragments and residuum weathered from basalt and rhyolite. The soil is a stony loam and makes up approximately 10 percent of the analysis area. Lickskillet extremely stony loam is typically in uplands and has 40 to 70 percent slopes. The hazard for erosion is severe. The soil has low permeability and high runoff potential.

In general, the soil within the analysis are 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. While most of the soils within the analysis area are rated to have slight to moderate hazard of erosion by water from unsurfaced roads and trails. (See Table 4 and Figure 4 below). These soils are also susceptible to dust propagation upon disturbance.

Table 4: Soil Types and Characteristics within Analysis Area<sup>58</sup>

NRCS Soil Unit/Soil Type ID	Est. Acres within site boundary <sup>59</sup>	Soil Erodibility (K-factor)	Wind Erosion Rating	Permeability
Areas within Wasco County				
Endersby fine sandy loam – 0 to 3 percent slopes/ 1	23	0.24	3	Very High
Endersby fine sandy loam – 0 to 3 percent slopes/ 11A	0.1	0.24	3	Very High
Bakeoven-Condon complex – 2 to 20 percent slopes/ BcC	1,841	0.1	8	Low

<sup>&</sup>lt;sup>58</sup> YRBAPPDoc1-10 ASC Exhibit I. Soil Conditions 2025-09-05, Table I-1 and I-2.

<sup>&</sup>lt;sup>59</sup> U.S. Department of Agriculture, Natural Resources Conservation Service. 2024. Web Soil Survey. Available at: <a href="https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx">https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx</a> Accessed by the Department 2024-11-12.

Table 4: Soil Types and Characteristics within Analysis Area<sup>58</sup>

	Est. Acres	Soil	Wind		
NRCS Soil Unit/Soil Type ID	within site boundary <sup>59</sup>	Erodibility (K-factor)	Erosion Rating	Permeability	
Areas within Wasco County					
Condon silt loam –	4,226	0.37	6	Moderate	
2 to 12 percent slopes/ CnC	7,220	0.57	O O	Moderate	
Condon-Bakeoven complex –	886	0.37	6	Moderate	
2 to 20 percent slopes/ CoC					
Lickskillet extremely stony loam - 40 to 70 percent slopes/ LeF	800	0.15	8	Low	
Playas/ Pa	78	Not Rated	4	Not Rated	
Wrentham-Rock outcrop complex - 35 to 70 percent slopes/ WrF	164	0.28	6	Moderate	
Are	as within Sher	man County			
Condon-Bakeoven complex,					
2 to 20 percent slopes	21.0	0.43	6	Moderate	
Endersby fine sandy loam,					
0 to 3 percent slopes	0.67	0.24	3	Very High	
Lickskillet very stony loam,					
7 to 40 percent south slopes	11.7	0.20	7	Low	
Rock outcrop- Rubble land-					
Lickskillet complex,					
50 to 80 percent south slopes	7.00	Niai Dai ad	N I D. I I	Nat Barad	
Bakeoven very stony loam,	7.03	Not Rated	Not Rated	Not Rated	
2 to 20 percent slopes					
2 to 20 percent slopes	1.61	0.1	8	Low	
Cantala silt loam,					
1 to 7 percent slopes	2.84	0.43	6	High	
Condon silt loam,					
1 to 7 percent slopes	14.5	0.43	6	Moderate	

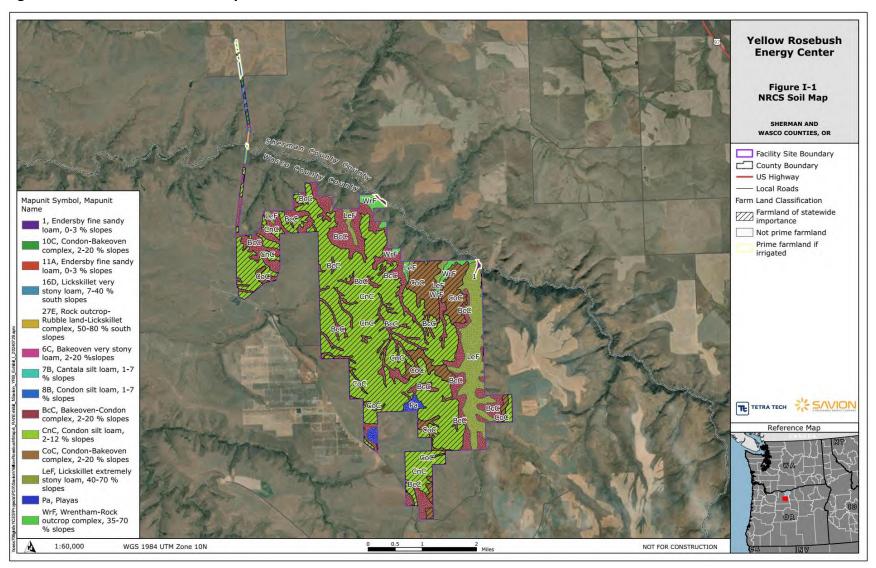
<sup>2</sup> The Department has reviewed the NRCS databases<sup>60</sup> and the information included in the ASC

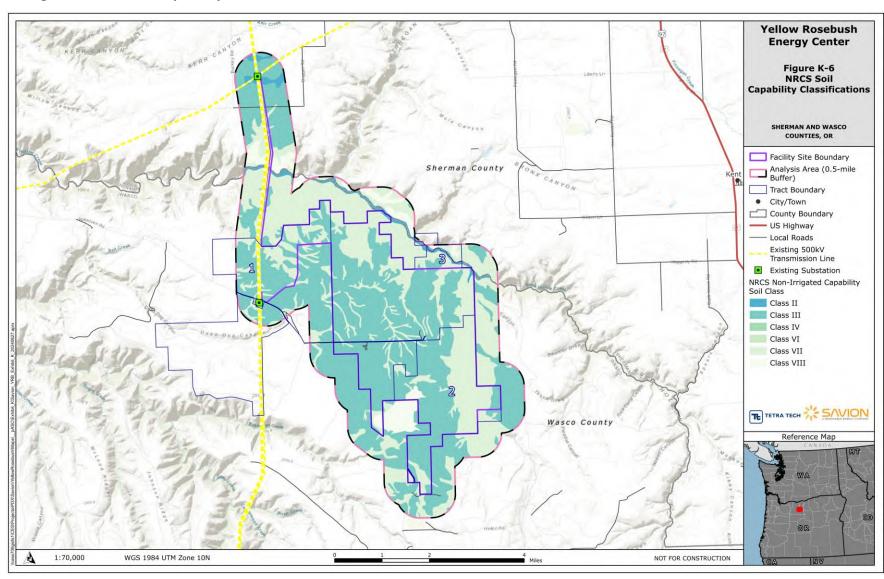
<sup>3</sup> Exhibit I and Exhibit K for soils and recommends that Council find that the applicant has

<sup>4</sup> adequately identified and characterized the soils within the analysis area

<sup>&</sup>lt;sup>60</sup> Ibid.

Figure 4: Soils within Site Boundary





**Figure 5: NRCS Soil Capability Classifications** 

## IV.D.1.1 Potential Adverse Impacts to Soil

Potential impacts to soils from construction-related activities include the disturbance of soils (grubbing, vegetation removal and grading), creation and maintenance of access roads and staging areas, and tracking from vehicles coming to and from the site with deliveries and personnel. All of these impacts have the potential to disturb soil, expose soil and lead to erosion or loss of soil as a result of wind (dust) and water (runoff). For these reasons, specific mitigation and minimization measures are required to reduce, prevent and minimize the impact to soils during and as a result of construction of the facility. Similarly, operational activities will have minimal but recurring impacts with the maintenance and repair of access roads, equipment and the need for on-going monitoring and best management practices.

For the purposes of estimating impacts and determining mitigation, all areas within the perimeter fence line are considered to be permanently impacted, and areas of temporary impact will be along areas outside and along the fence line, and also within the fence line in areas temporarily impacted by construction such as access roads to be decommissioned and restore upon completion of construction. Based upon current facility design, the estimated permanent and temporary impacts of facility components within the site boundary are described in Table 5 below.

Table 5: Estimated Temporary and Permanent Impacts of Facility Components<sup>61</sup>

Facility Component	Temporary Impact (Acres)	Permanent Impact (Acres)
Solar Array Area <sup>1</sup>		4,987
Collector Lines (overhead and underground) <sup>2</sup>	123	
Battery Energy Storage System <sup>3</sup>		44.2
Generation-tie Line (500 kV) <sup>4</sup>	54.1	0.9
Existing Road Improvements <sup>5</sup>	14.8	
New Site Access and Service Roads <sup>6</sup>	25.4	80.3
Collector Substation <sup>7</sup>		19.5
Temporary Construction Staging Areas <sup>8</sup>	-	-
Operations & Maintenance (O&M) Building <sup>9</sup>		3.9
erimeter Fence Line <sup>10</sup>	36.2	Included in the solar array
		area.
Total <sup>11</sup>	226	4,992

### Notes:

1. The area within the fence line includes all solar components (i.e., solar panels, tracking systems, piles, inverters, collector lines, and other associated equipment), as well as the following supporting facilities: collector substation, O&M building, site access and service roads, and battery energy storage system. The total eliminates overlap of features within the fence line.

<sup>&</sup>lt;sup>61</sup> YRBAPPDoc1-4 ASC Exhibit C. Project Location 2025-09-05, Table C-2.

Table 5: Estimated Temporary and Permanent Impacts of Facility Components<sup>61</sup>

	Temporary	Permanent
Facility Component	Impact	Impact
	(Acres)	(Acres)

- 2. Temporary impact assumes a 300-foot-wide temporary disturbance corridor in areas outside the fence line. Assumes a total of 263 miles of underground line both within and outside the fence line; however, temporary disturbance is only calculated for the portion outside the fence line.
- 3. Within the fence line, no temporary disturbance is applicable.
- 4. Overhead gen-tie line disturbance amounts include the support structures. Assumes a 100-foot temporary disturbance corridor plus pulling/tension areas, and 1,600 square foot (40'x40') permanent disturbance from each support structure. Approximately 4.5 miles long with support structures spaced approximately 1,000 feet apart. Located outside the fence line.
- 5. The existing county road within the site boundary will have a right of way of 60 feet based on the centerline and temporary impacts do not include the existing road width. Existing private roads will be widened to a maximum of 20 feet. Assumes a total of approximately 2.1 miles of existing roads to improve, located outside the fence line.
- 6. New service roads are assumed to be up to 20 feet in width. Assumes 31.3 miles of new permanent service roads, the majority of which are inside the fence line.
- 7. The collector substation is within the fence line and includes the surrounding gravel area and other associated components.
- 8. No temporary construction staging areas are proposed outside of the fence line. Staging disturbance inside the fence line is part of the permanent solar array area.
- 9. Assumes one O&M building (approximately 5,000 square feet) and the parking area, any adjacent storage, and surrounding graveled area (including an underground septic system) and is within the fence line.
- 10. This is the solar array perimeter fence and assumes a 6-foot temporary disturbance corridor on the outer side of the fence multiplied by the linear footage of fence for temporary workspace to install the fence. The narrow footprint of the fence is considered part of the permanently disturbed solar array area. Assumes an approximate total of 49.7 miles of fence.
- 11. Totals eliminate any overlap of features (e.g., overlapping temporary workspace, disturbance types within the fence line).

## Construction

- 3 Proposed facility construction has the potential to result in adverse impacts to soils from
- 4 activities such as grading and site preparation, vegetation removal, improving existing facility
- 5 access roads, hauling and staging heavy equipment and facility components, and onsite fuel
- 6 storage/fueling or maintaining construction equipment or vehicles. Additional impacts include
- 7 mass grading to result in a balanced cut-fill quantity of earthwork for the establishment of new
- 8 facility service roads, and construction of solar arrays, the BESS, the O&M building, the
- 9 temporary staging areas, and the collection system and transmission lines. Along the alternate
- 10 gen-tie line that extends into Sherman County, additional grading may be needed at pole
- 11 locations or portions of access routes.
- Due to these activities, soil erosion, soil compaction, and fugitive dust impacts are likely to
- occur. Areas that will be graded are included in the micrositing area and are expected to result

in a balanced cut-and-fill quantity of earthwork to maintain the existing conditions to the extent practicable for the protection of the equipment and facilities.<sup>62</sup>

In the ASC, the applicant commits to implementing measures to minimize impacts to soils from clearing and grubbing vegetation through limiting the extent of grading to the maximum extent practicable. By limiting the extent of grading to specific areas needed for construction and performing work during the dry season, construction can be implemented in a manner that would limit and minimize soil compaction. The applicant commits that whenever possible, construction activities will be scheduled in the dry season when soils are less susceptible to compaction. Similarly, soil disturbance is proposed be postponed when soils are excessively wet (e.g., following a precipitation event). Driving routes for construction vehicles will be limited to access roads and approved routes, and off-road travel outside the fence line will be prohibited. During construction, the applicant commits to measures to minimize soil loss or compaction through appropriate practices and the implementation of Best Management Practices (BMPs) including:

- Control any dust generated by construction activities, such as applying water to roads and disturbed soil areas. A Draft Fugitive Dust Control Plan (See Attachment I of this order) details measures to reduce fugitive dust emissions associated with constructionrelated activities;
- Conduct all construction work in compliance with an Erosion and Sediment Control Plan (See ASC Exhibit I, Attachment I-1) satisfactory to the Oregon Department of Environmental Quality (ODEQ) and as required under the National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge General Permit #1200-C. The ESCP shall include any procedures necessary to meet local erosion and sediment control requirements or stormwater management requirements;
- Implement appropriate site restoration practices following construction, including decompaction and revegetation, as described in the draft ESCP and the Draft Revegetation and Reclamation and Noxious Weed Control plans (See Attachments P-1 and P-2 of this order);
- Create and maintain a Spill Prevention, Control and Countermeasures (SPCC) Plan (this
  will be prepared at final design and prior to construction, in addition to one required for
  operations); and
- Avoid soil areas identified by NRCS as those prone to wind and water erosion whenever practical. Otherwise, minimize impacts to the extent possible through the implementation and monitoring/maintenance of BMPs.

The draft Fugitive Dust Control Plan includes monitoring for fugitive dust, training and other best management practices (BMPs), and mitigation/minimization measures including: applying dust suppressants (watering or approved tackifiers), restricting access to and traffic speeds onsite to prevent the disturbance and tracking or loss of soils.

<sup>&</sup>lt;sup>62</sup> YRBAPPDoc1-10 ASC Exhibit I. Soil Conditions 2025-09-05, Section 5.1

To ensure the applicant complies with the above-listed representations, and in order to prevent dust and potential loss of soil due to wind erosion, the Department recommends that Council impose the following conditions to require the finalization of the Fugitive Dust Control Plan similar to the one in Attachment I of this order.

**Recommended Soil Protection Condition 1 (PRE):** Prior to construction of the facility or phase, as applicable, the certificate holder shall finalize the Draft Fugitive Dust Control Plan, similar to the draft plan in Attachment I of this order. Finalization includes verification of names and contact information of individuals responsible for implementation, measures to be implemented and forms to be used for monitoring and reporting.

[PRE-SP-01; Final Order on ASC]

Because the applicant proposed grading as part of site preparation and construction, the Department recommended Fish & Wildlife Habitat Conditions 2, 3 and 4, requiring that, prior to and during construction, the applicant must develop and implement a final Revegetation and Reclamation Plan that ensures grading activities are limited to areas where the slope and gradient are outside of panel and racking tolerances (typically 10% maximum on North slopes and 15% maximum in other directions). These are limitations the applicant represents can be met.

 Revegetation and decompaction of soils will begin as soon as feasible following completion of construction. The draft Revegetation and Reclamation Plan proposes to restore temporarily disturbed areas by preparing the soil, followed by seeding using common application methods. Reestablishing vegetation is expected to be challenging given the local climate and site conditions. This will require that the final Revegetation and Reclamation Plan shall include the following measures that will also ensure protection of soils:

 Applicant shall quantify anticipated construction disturbance levels based on final layout and finalize the draft Revegetation and Reclamation Plan (Attachment P-1 of this order) based on impacts associated with the final design/layout by disturbance level.

• Applicant shall prepare a crosswalk outlining the construction measures of the draft Revegetation and Reclamation Plan, and a separate crosswalk outlining the revegetation measures of the plan to facilitate implementation by their contractors.

Applicant shall hold a kick-off call with their contractors and ODOE prior to start of
construction and again prior to start of revegetation to ensure all parties are prepared
to implement the Revegetation and Reclamation Plan as written and finalized.

 Applicant shall develop revegetation methods for each disturbance level in consultation with ODOE, Oregon Department of Agriculture (ODAg), Oregon Department of Fish & Wildlife (ODFW), Soil & Water Conservation District (SWCD), Natural Resources Conservation Service (NRCS), and the Wasco and Sherman Counties Weed Departments.

  Applicant shall provide the restoration and seeding contractor's qualifications and scope of work as a submittal to ODOE prior to construction.

- Applicant shall perform soil compaction testing prior to and after construction. If soil
  measurements demonstrate that the soils within the work areas are more than 10
  percent compacted than the baseline condition, then remediation activities must be
  completed prior to initiation of revegetation activities.
- Applicant shall prepare a long-term monitoring plan for both temporary and permanent impact areas after five years of revegetation monitoring are complete, in consultation with ODOE, ODAg, ODFW, SWCD, NRCS, and the Wasco and Sherman County Weed Departments.
- Applicant shall maintain the area within the fence line in a stabilized condition for the life of the facility. This will be demonstrated through submittal of regular monitoring reports and maintained through adaptive management actions if monitoring finds success criteria are not met.
- After the site has been prepared for installation of facility components (i.e., grading is complete), but prior to installation, the applicant will seed all areas with less than 70 percent vegetative cover with a non-invasive, non-persistent cover crop (e.g., triticale). Establishment of a cover crop at this stage of construction will serve to stabilize soil and suppress noxious weed infestations to reduce erosion and dust pollution, and facilitate final revegetation with desired plant species.

Because revegetation is also a requirement for restoration of temporarily impacted habitat, the supporting conditions that require preconstruction finalization and implementation of the plan during construction and operation are presented in Section IV.H., Fish and Wildlife Habitat (see recommended Fish and Wildlife Habitat Condition 2, 3 and 4) and the Draft Revegetation and Reclamation Plan is included as Attachment P-1.

A National Pollutant Discharge Elimination System (NPDES) 1200-C construction permit and an Erosion and Sediment Control Plan (ESCP) are required for construction. This federally delegated permit is not within Council's jurisdiction; however, the applicant relies on the ESCP and Best Management Practices (BMPs) required by the permit in part to minimize erosion impacts. A draft ESCP is provided in ASC, Exhibit I, Attachment I-1 and would be updated based on final facility design, prior to and during construction. A list of BMPs is included in Exhibit I, Section 6.1 Minimization and Best Practices. All of these are requirements for the final NPDES-1200-C permit.

The applicant will also be required to comply with the requirements of a final Fugitive Dust Control Plan to minimize wind-borne erosion impacts.

The Department recommends Council impose the following condition requiring that, prior to construction, the applicant obtain its NPDES 1200-C from DEQ, inclusive of a final ESCP, and that the applicant be required to finalize the draft Fugitive Dust Control Plan, as provided in Attachment I of this order, including verification of names and contact information of individuals responsible for implementation, measures to be implemented and forms to be used for monitoring and reporting.

**Recommended Soil Protection Condition 2 (PRE):** Prior to construction of the facility or phase, as applicable, the certificate holder shall obtain a NPDES 1200-C Permit from DEQ. A copy of the approved permit and attached Erosion and Sediment Control Plan (ESCP) must be submitted to the Department.

[PRE-SP-02; Final Order on ASC]

Under the 1200-C permit, an ESCP can be revised throughout construction to address numerous changes. Because the 1200-C permit is a permit regulated by DEQ, but the applicant relies in part on the BMPs under the 1200-C ESCP to minimize erosion impacts under the Council's standards, the Department recommends Council include language in the condition that provides the Department the authority to require that changes be implemented in an ESCP, as presented below:

**Recommended Soil Protection Condition 3 (GEN):** During construction of the facility or phase, as applicable, the certificate holder shall:

a. Conduct all work in compliance with the NPDES 1200-C Permit and Erosion and Sediment Control Plan (ESCP) or revised ESCP if applicable. The ESCP shall be revised if determined necessary by the certificate holder, certificate holder's contractor(s) or the Department. Any Department-required ESCP revisions shall be implemented within 14-days, unless otherwise agreed to by the Department based on a good faith effort to address erosion issues.

b. Conduct all work in compliance with the Fugitive Dust Control Plan. The Fugitive Dust Control Plan may be amended, as needed, to ensure that control measures are effective at the site.

[GEN-SP-01; Final Order on ASC]

Under DEQ's 1200-C permit, the applicant is required to stabilize the site in order to obtain authorization from DEQ to terminate the permit. If not terminated, the monitoring and control measures of the ESCP remain applicable to site actions. The Department recommends Council find that reliance on the 1200-C for site stabilization is reasonable, however, it is a point in time following construction and does not address long-term site stabilization or revegetation that may be needed as result of ongoing operations and maintenance activities at the site. For these reasons, the Department recommends that Council require the final Revegetation and Reclamation Plan under Fish and Wildlife Habitat conditions include measures to ensure long-term stabilization and revegetation of the site.

Proposed facility construction would include onsite storage of fuels, if needed. The applicant or the applicant's contractor may use a maximum tank size of 1,000 gallons on-site for fuel

<sup>&</sup>lt;sup>63</sup> DEQ Construction Stormwater Application and Forms Manual. 2022. Accessed November 12, 2024: wqp1200clnfo.pdf (oregon.gov), pg. 18-19. ESCP revisions under the 1200-C permit can be made for: emergency situations; registrant change of address; change in size of project; change in size or location of disturbed areas; changes to best management practices; changes in erosion and sediment control inspector; and changes in DEQ or agent requests.

storage. This tank would likely be on the back of a trailer. The estimated amount of diesel that may be stored on-site is approximately 3,000 gallons using three tanks. The estimated amount of gasoline that may be stored on-site is approximately 300 gallons using three 100-gallon tanks.

Secondary containment and refueling procedures for on-site fuel storage will follow a Spil Prevention Countermeasure and Control (SPCC) Plan. Other materials may include cleaners, insecticides or herbicides, and paint or solvents. In the ASC, the applicant states that any materials to be present in substantial, reportable quantities and materials will be handled in accordance with state and federal standards. On-site fuel storage may be placed in designated areas within the temporary staging areas. Secondary containment will be compliant with requirements in 40 CFR §112.7(c), which requires secondary containment for all above ground, buried, and partially buried containers.

The Department recommends Council adopt the following conditions, requiring the applicant to finalize and implement the SPCC Plan prior to and during facility construction.

**Recommended Soil Protection Condition 4 (PRE):** Prior to construction of the facility or phase, as applicable, the certificate holder must submit to the Department a Construction Spill Prevention Countermeasures and Control (SPCC) Plan. [PRE-SP-03; Final Order on ASC]

**Recommended Soil Protection Condition 5 (CON):** During construction, the certificate holder and all onsite contractors and personnel shall adhere to the requirements of the SPCC Plan. Any SPCC revisions and updates shall be reported to the Department. [CON-SP-01; Final Order on ASC]

## **Operation**

During operation, potential impacts to soils could include impacts and disturbance from ongoing operations and maintenance of facility components, access roads, and areas around, inside and outside the perimeter fence. During operations, the primary chemical storage be oil required for the transformers (199 step up transformers and one substation transformer) that use oil for cooling. The estimated oil capacity of one step-up transformer is 562 gallons, and the estimated oil capacity of one substation transformer is 20,500 gallons. Other operational activities that could result in negative impacts to soil include erosion, compaction and contamination from solar panel washing, routine service maintenance of the facility components, and inadvertent spills from facility components. For these reasons, the Department recommends Council impose the following operational conditions to limit and minimize erosion of soils and any potential impacts from solar panel washing:

**Recommended Soil Protection 6 (OPR):** During operation, the certificate holder shall monitor and implement necessary controls for any onsite wind or water-related erosion

issues. Certificate holder shall document such measures and include summaries in annual facility operations reports.

3 [OPR-SP-01]

Recommended Soil Protection Condition 7 (OPR): During operation, if solar panel washing is planned to occur, the use of chemicals, soaps, detergents and heated water is prohibited, unless Chemical Safety Data Sheets for low volatile organic compound/biodegradable cleaning chemicals and solvents are submitted to the Department for review and approval. Pressure washing is allowed, so long as it does not remove paint or other finishes.

[OPR-SP-02]

Transformers at the inverter stations and for the BESS and collector substation will be ground-mounted units constructed on concrete pads with secondary spill containment traps designed to minimize the possibility of accidental leakage. Transformers typically use mineral oil or seed oil that are biodegradable and considered nontoxic. Given the oil-containment capacity of the transformers, secondary containment and an SPCC are required for operations. For these reasons, the Department recommends Council impose conditions to ensure that an operational SPCC is developed and implemented to address potential spill-related incidents during operations.

 **Recommended Soil Protection Condition 8 (PRO):** Prior to operation, the certificate holder shall submit to the Department an Operational Spill Prevention Control and Countermeasures (SPCC) Plan.

[PRO-SP-01; Final Order on ASC]

Recommended Soil Protection Condition 9 (OPR): During operation, the certificate holder shall adhere to the requirements of the Operational SPCC Plan. Any SPCC updates shall be described and included in the Annual Report to the Department. Certificate holder shall report spill and cleanup activities to the Department within 72 hours and shall make inspection records available to the Department upon request. [OPR-SP-03; Final Order on ASC]

# IV.D.2. Conclusions of Law

Based on the foregoing analysis, and subject to compliance with the recommended conditions of approval as described above, the Department recommends Council find that the proposed facility is not likely to result in a significant adverse impact to soils.

IV.E. Land Use

ORS 469.503(4)

To issue a site certificate, the Council shall determine that the preponderance of the 1 2 evidence on the record supports a conclusion that the facility complies with the statewide 3 planning goals adopted by the Land Conservation and Development Commission. 4 5 OAR 345-022-0030 6 7 (1) To issue a site certificate, the Council must find that the proposed facility 8 complies with the statewide planning goals adopted by the Land Conservation 9 and Development Commission. 10 (2) The Council shall find that a proposed facility complies with section (1) if: 11 12 (a) The applicant elects to obtain local land use approvals under ORS 13 14 469.504(1)(a) and the Council finds that the facility has received local land use 15 approval under the acknowledged comprehensive plan and land use 16 regulations of the affected local government; or 17 (b) The applicant elects to obtain a Council determination under ORS 18 19 469.504(1)(b) and the Council determines that: 20 21 (A) The proposed facility complies with applicable substantive criteria as described in section (3) and the facility complies with any Land Conservation 22 and Development Commission administrative rules and goals and any land use 23 statutes directly applicable to the facility under ORS 197.646(3); 24 25 26 (B) For a proposed facility that does not comply with one or more of the 27 applicable substantive criteria as described in section (3), the facility otherwise complies with the statewide planning goals or an exception to any applicable 28 29 statewide planning goal is justified under section (4); or 30 (C) For a proposed facility that the Council decides, under sections (3) or (6), to 31 evaluate against the statewide planning goals, the proposed facility complies 32 33 with the applicable statewide planning goals or that an exception to any 34 applicable statewide planning goal is justified under section (4). 35 36 (3) As used in this rule, the "applicable substantive criteria" are criteria from 37 the affected local government's acknowledged comprehensive plan and land use ordinances that are required by the statewide planning goals and that are 38 39 in effect on the date the applicant submits the application. If the special advisory group recommends applicable substantive criteria, as described 40 under OAR 345-021-0050, the Council shall apply them. If the special advisory 41 group does not recommend applicable substantive criteria, the Council shall 42 decide either to make its own determination of the applicable substantive 43

1	criteria and apply them or to evaluate the proposed facility against the
2	statewide planning goals.
3	
4	(4) The Council may find goal compliance for a proposed facility that does not
5	otherwise comply with one or more statewide planning goals by taking an
6	exception to the applicable goal. Notwithstanding the requirements of ORS
7	197.732, the statewide planning goal pertaining to the exception process or
8	any rules of the Land Conservation and Development Commission pertaining
9	to the exception process, the Council may take an exception to a goal if the
10	Council finds:
11	
12	(a) The land subject to the exception is physically developed to the extent that
13	the land is no longer available for uses allowed by the applicable goal;
14	
15	(b) The land subject to the exception is irrevocably committed as described by
16	the rules of the Land Conservation and Development Commission to uses not
17	allowed by the applicable goal because existing adjacent uses and other
18	relevant factors make uses allowed by the applicable goal impracticable; or
19	
20	(c) The following standards are met:
21	
22	(A) Reasons justify why the state policy embodied in the applicable goal
23	should not apply;
24	
25	(B) The significant environmental, economic, social and energy consequences
26	anticipated as a result of the proposed facility have been identified and
27	adverse impacts will be mitigated in accordance with rules of the Council
28	applicable to the siting of the proposed facility; and
29	
30	(C) The proposed facility is compatible with other adjacent uses or will be
31	made compatible through measures designed to reduce adverse impacts.
32	
33	(5) If the Council finds that applicable substantive local criteria and applicable
34	statutes and state administrative rules would impose conflicting requirements,
35	the Council shall resolve the conflict consistent with the public interest. In
36	resolving the conflict, the Council cannot waive any applicable state statute.
37	
38	(6) If the special advisory group recommends applicable substantive criteria
39	for an energy facility described in ORS 469.300(11)(a)(C) to (E) or for a related
40	or supporting facility that does not pass through more than one local
41	government jurisdiction or more than three zones in any one jurisdiction, the
42	Council shall apply the criteria recommended by the special advisory group. If
43	the special advisory group recommends applicable substantive criteria for an
44	energy facility described in ORS 469.300(11)(a)(C) to (E) or a related or

1	supporting facility that passes through more than one jurisdiction or more
2	than three zones in any one jurisdiction, the Council shall review the
3	recommended criteria and decide whether to evaluate the proposed facility
4	against the applicable substantive criteria recommended by the special
5	advisory group, against the statewide planning goals or against a combination
6	of the applicable substantive criteria and statewide planning goals. In making
7	the decision, the Council shall consult with the special advisory group, and
8	shall consider:
9	
0	(a) The number of jurisdictions and zones in question;
1	

11 12

(b) The degree to which the applicable substantive criteria reflect local government consideration of energy facilities in the planning process; and

13 14 15

(c) The level of consistence of the applicable substantive criteria from the various zones and jurisdictions.64

16 17

# **IV.E.1.** Findings of Fact

18 19 20

The applicant elected a Council determination on whether the proposed facility complies with the statewide land use planning goals under ORS 469.504(1)(b).

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26 27 The Council's Land Use standard defines "applicable substantive criteria" as criteria from the affected local government's acknowledged comprehensive plan and land use ordinances that are required by the statewide planning goals and that are in effect on the date the applicant submits the application. The preliminary application was submitted to the Department on August 30, 2024; therefore, the applicable substantive criteria are based on those in effect on August 30, 2024.

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Compliance with applicable substantive criteria must be demonstrated for proposed facility components based on the appropriate land use category and zone. The proposed facility includes the following land uses and zones:

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#### Wasco County

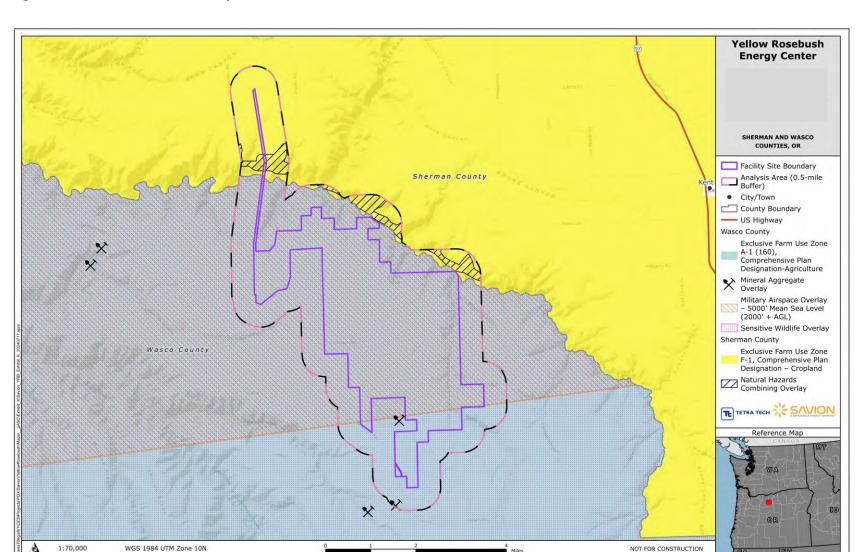
- Zone: Exclusive Farm Use (EFU) A-1 zone
- Use: Commercial Power Generating Facility (Utility Facility for the Purpose of Generating Power)
  - Up to 7,026 acres of solar PV power generation components
  - o Point of Interconnect (POI) 500 kV transmission line, less than one mile (estimated 1,000 feet)
- Use: Associated Transmission Line

<sup>&</sup>lt;sup>64</sup> Administrative Order EFSC 1-2003, effective September 3, 2003.

# Oregon Department of Energy

1	<ul> <li>Overlay zones: Geological Hazards, Sensitive Wildlife Habitat, Sensitive Bird Site, Military</li> </ul>
2	Airspace
3	
4	Sherman County
5	Zone: EFU F-1 zone
6	Use: Associated Transmission Line
7	<ul> <li>4.5 miles of 500 kV line (approximately 2.6 miles in Wasco County and 1.9 miles</li> </ul>
8	in Sherman County) – transmission line alternative and POI with Buckley
9	Substation.
LO	Overlay zone: Natural Hazards Combining
L1	
L2	The land use zone and zone overlays are presented in Figure 6 below.

Figure 6: Land Use Zones in Analysis Area



The applicable substantive criteria for portions of the proposed facility within Wasco County are presented in Table 6 below.

**Table 6: Wasco County Applicable Substantive Criteria** 

Wasco County Development Ordinance (WCLUDO) 65				
Chapter 1: Introductory Provisions				
Section 1.030 Severability (Legal Parcel Status)				
Chapter 3: Basic				
Section 3.210	Exclusive Farm Use (A-1) Zone			
3.214(N)	Uses Permitted Subject to Standards/Type I Review (A-1 Zone)			
3.215(M)	Uses Permitted Subject to Conditional Use Review/Type III (A-1 Zone)			
3.216	Property Development Standards (A-1 Zone)			
3.218	Agricultural Protection (A-1 Zone)			
Chapter 3: Overl	ay Zones			
Section 3.720	Geologic Hazards Overlay Zone (OZ-2)			
Section 3.800	Sensitive Wildlife Habitat Overlay Zone (OZ-8)			
Section 3.840	Sensitive Bird Site Overlay Zone (OZ-12)			
Section 3.870	Military Airspace Overlay Zone (OZ-15)			
Chapter 5: Condi	itional Use Review			
Section 5.020	Authorization to Grant or Deny Conditional Uses, and Standards and			
3ection 3.020	Criteria Used			
Chapter 10: Fire	Safety Standards			
Section 10.020	Fire Safety Standards			
Section 10.110	Siting Standards – Locating Structure for Good Defensibility			
Section 10.120	Defensible Space – Clearing and Maintaining a Fire Fuel Break			
Section 10.130	Construction Standards for Dwellings and Structures – Decreasing The			
50000110.150	Ignition Risks by Planning for A More Fire-Safe Structure			
Section 10.140	Access Standards – Providing safe access to and escape from your home			
Section 10.150	Fire Protection and On-site Water Required			
Chapter 19: Standards for Non-Commercial Energy Facility, Commercial Energy Facilities &				
Related Uses				
Section 19.030	Commercial Power Generating Facilities Review Process & Approval Standards			
С	General Standards			
D-1 Specific Standards, Solar Energy Facilities				
D-1	Specific Standards, Solar Effergy Facilities			

<sup>&</sup>lt;sup>65</sup> Wasco County Land Use and Development Ordinance. 2023. Available online: <a href="https://cms5.revize.com/revize/wascocounty/docs/Planning%20Ordinances/FULL\_LUDO\_12.05.22\_UPDATED\_05.">https://cms5.revize.com/revize/wascocounty/docs/Planning%20Ordinances/FULL\_LUDO\_12.05.22\_UPDATED\_05.</a>
15.23.pdf Accessed by the Department 2024-11-07.

**Table 6: Wasco County Applicable Substantive Criteria** 

Section 20.040	Site Plan Approval Standards			
Section 20.050 Off Street Parking				
Section 20.055	Bicycle Parking Requirements			
Section 20.070	Off Street Loading			
Section 20.080	General Provisions – Off Street Parking and Loading			
Wasco County Comprehensive Plan (WCCP)				
Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources – Policy 5				

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources – Policy 5 Goal 13: Energy Conservation – Policy 13

# 

# Wasco County Land Use and Development Ordinance (WCLUDO)

# 

# WCLUDO Chapter 1: Introductory Provisions

WCLUDO Section 1.030 Severability

"...The Director, the Director's designee or other Approving Authority shall not approve a development or use of land that has been previously divided or otherwise developed in violation of this Ordinance, regardless of whether the applicant created the violation, unless the violation can be rectified as part of the development proposal."

WCLUDO Section 1.030 specifies that development shall not be approved if located on land that has been previously divided or otherwise developed in violation of the WCLUDO.

The site boundary contains 9 parcels, as identified in Table 7 below by township, range, section and tax lot. Except for parcel with account #12333, Wasco County Planning Department confirmed that these parcels have not been previously divided or otherwise developed in violation of WCLUDO Section 1.030.66 Legal parcel status within the site boundary is summarized in Table 7 below:

**Table 7: Legal Status of Parcels within Facility Site Boundary** 

Township, Range, Section, Tax Lot	Account #	Landowner	Approximate Acres within Site Boundary	Legal Parcel	Deed History
5S 16E 0 0900, 5S 16E 0 1000 & 5S 16E 0 1100	12534, 12533 & 12532	Phillips Don W Et Al	2,723, 932 & 1.5	Yes	Pre-1974 Deed #: Book 145, Pages 348-349, dated 2/26/1962; Current Deed #: "Parcel I" 2024-001624, filed 7/1/2024

<sup>-</sup>

<sup>&</sup>lt;sup>66</sup> YRBAPPDoc19-5 ASC SAG Comment 2025-08-25.

**Table 7: Legal Status of Parcels within Facility Site Boundary** 

Table 7: Legal Status of Parcels Within Facility Site Boundary					
Township, Range, Section, Tax Lot	Account #	Landowner	Approximate Acres within Site Boundary	Legal Parcel	Deed History
4S 16E 0 0300	12341	Phillips Don W Et Al	928	Yes	Pre-1974 Deed #: 1973-911, dated 4/27/1973; Current Deed #: 2006-001445, filed 3/9/2006 (portion of Tract I)
5S 16E 0 1300 & 2600*	12536	Chrisman Levi Family LLC	2,468	Yes	Pre-1974 Deed #: 1950- 067232, 1950-067233 & 1950-067234, dated 5/15/1950; Current Deed #: 2011-004385, filed 12/21/2011
4S 15E 0 1500	12335	Steven L Ashley At El (aka A&K Ranch)	1,434	Yes	Pre-1974 Deed #: 67-1797, dated 6/28/1963; Current Deed #: 2023-001042, filed 5/8/2023
4S 15E 0 0100	12333	Betty Jean Et Al	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)
5S 15E 0 0100	12511	Richards Corporation	1,262	Yes	Pre-1974 Deed #: 83-2012, dated 10/25/1966; Current Deed #: 2020-5363, Parcel 1 of Plat 2020-0025, filed 12/17/2020

<sup>\*</sup>The land identified as TL 2600 was added to this parcel in 2011 as a correction from an omission in the 1950 deeds. This is described in the 2011 deed.

<sup>1</sup> Legal parcel status for account 12333 requires verification from the county. The Department

<sup>2</sup> recommends Council impose Land Use Condition 1 (below), to require, prior to construction of

the alternate 500 kV POI, the applicant obtain county concurrence on the legal parcel status for lands included in account 12333, as presented below.

**Recommended Land Use Condition 1 (PRE)**: Prior to construction of the alternate 500 kV POI, the certificate holder shall obtain concurrence from Wasco County Planning Department on the legal parcel status for Betty Jean Et Al (Account # 12333, 4S 15E 0 0100); any violations identified must be rectified.

[PRE-LU-01, Final Order on ASC]

# WCLUDO Chapter 3: Basic Provisions

Section 3.210 Exclusive Farm Use (A-1) Zone

Section 3.214 Uses Permitted Subject to Standards/Type II Review (A-1 Zone)

The following uses may be permitted on a legal parcel on lands designated Exclusive Farm Use (A-1) Zone subject to the Section 3.216 - Property Development Standards, Section 3.218 - Agricultural Protection, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards:

#### **UTILITY/ENERGY FACILITIES**

N. Utility facilities "necessary" for public service, including wetland waste treatment systems and Electrical Transmission Facilities under 200 feet in height, but not including commercial utility facilities for the purpose of generating electrical power for public use by sale, or Electrical Transmission Facilities over 200 feet in height, subject to Section 3.219 G below.

As defined above, both of the proposed facility's 500 kV transmission line alternatives are considered a "utility facility necessary for a public service" and as proposed, will be at maximum, no more than 180 feet tall and under the 200-foot height threshold. As provided in Section IV.E.1.3 below, Directly Applicable State Statutes and Administrative Rules, the proposed transmission line(s) would be an associated transmission line.

Notwithstanding the language in the county's code, the conditional use requirements beyond those that are consistent with ORS 215.274 are not applicable to the proposed 500 kV transmission lines because, as a utility facility necessary for public service under ORS 215.283(1)(c), the use is permitted subject only to the requirements of ORS 215.274 and the county cannot impose additional approval criteria. <sup>67</sup> Therefore, the conditional use requirements in WCLUDO Section 3.216 - Property Development Standards, Section 3.218 -

•

<sup>&</sup>lt;sup>67</sup> Brentmar v. Jackson County, 321 Or 481, 496 (1995).

Agricultural Protection, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review would not apply to either of the proposed transmission line alternatives.

Section 3.215 Uses Permitted Subject to Conditional Use Review/Type III (A-1 Zone)

The following uses may be permitted on a legal parcel designated Exclusive Farm Use (A-1) Zone subject to Section 3.216 - Property Development Standards, Section 3.218 - Agricultural Protection, ORS 215.296, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking or is a commercial event (home occupation or agritourism), as well as any other listed, referenced, or applicable standards:

#### ENERGY/UTILITY/SOLID WASTE DISPOSAL FACILITIES

M. Commercial Power Generating Facility (Utility Facility for the Purpose of Generating Power) subject to Section 19.030.

18 Ex 19 au 20 ac

Except for wind facilities, transmission lines or pipelines, unless otherwise allowed by state regulations, the energy facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR Chapter 660-004, or 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR Chapter 660-004 and ORS 197.732.

The proposed facility falls under this conditional use. WCLUDO Section 3.215(M) identifies "commercial power generating facility" (commercial utility facilities) as a permitted conditional use in an EFU A-1 zone. The section limits commercial utility facilities from precluding more than 12 acres of high-value farmland or more than 20 acres of arable land from use as a commercial agricultural enterprise, unless an exception to the statewide policy embodied in Goal 3 is taken.

The proposed facility, excluding the transmission line alternatives, is evaluated under the "commercial power generating facility" land use category. Because the proposed facility would preclude more than 20 acres of arable land from use as a commercial agricultural enterprise, it would not comply with this requirement and a Goal 3 exception to statewide planning goals per OAR Chapter 660-004 and ORS 197.732 would be required and is evaluated in Section IV.E.1.4 of this order.

WCLUDO Section 3.215(M) requires conditionally permitted uses to comply with WCLUDO Section 3.216 - Property Development Standards, Section 3.218 - Agricultural Protection, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review. The Department's evaluation is provided below.

Section 3.216 Property Development Standards (A-1 Zone)

Α.

 Property development standards are designed to preserve and protect the character and integrity of agricultural lands, and minimize potential conflicts between agricultural operations and adjoining property owners. A variance subject to WCLUDO Chapter 6 may be utilized to alleviate an exceptional or extraordinary circumstance that would otherwise preclude the parcel from being utilized. A variance to these standards is not to be used to achieve a preferential siting that could otherwise be achieved by adherence to these prescribed standards.

# 1. Property Line

Setbacks

- a. All dwellings and accessory structures not in conjunction with farm use except utility facilities necessary for public service, shall comply with the following property line setback requirements:
  - i. If adjacent land is being used for perennial or annual crops, the setback shall be a minimum of 200 feet from the property line.
  - ii. If adjacent land is being used for grazing, is zoned Exclusive Farm Use and has never been cultivated or is zoned F-1 or F-2, the setback shall be a minimum of 100 feet from the property line.
  - iii. If the adjacent land is not in agricultural production and not designated Exclusive Farm Use, F-1 or F-2, the setback shall be a minimum 25 Feet from the property line.
  - iv. If any of the setbacks listed above conflict with the Sensitive Wildlife Habitat Overlay the following shall apply and no variance shall be required:
    - (a) The structure shall be set back a minimum of 25 feet from the road right of way or easement;
    - (b) The structure shall be located within 300 feet of the road right of way or easement pursuant Section 3.920(F)(2), Siting Standards; and
    - (c) As part of the application the applicant shall document how they are siting the structure(s) to minimize impacts to adjacent agricultural uses to the greatest extent practicable.
- New dwellings or accessory structures to dwellings are not proposed. These setbacks are not applicable.
  - b. All dwellings in conjunction with farm use shall comply with the following property line setback requirements:
    - i. If adjacent land is being used for perennial or annual crops, grazing, zoned Exclusive Farm Use and has never been cultivated, or is zoned F-1 or F-2, the setback shall be a minimum of 100 feet from the property line.
    - ii. If the adjacent land is not in agricultural production and is not zoned for

1		exclusive farm use or forest use, the setback shall be a minimum 25 Feet
2		from the property line.
3	ı	iii. If any of the setbacks listed above conflict with the Sensitive Wildlife
4		Habitat Overlay the following shall apply and no variance shall be
5		required:
6		(a) The structure shall be set back a minimum of 25 feet from the road
7		right of way or easement;
8 9		(b) The structure shall be located within 300 feet of the road right of way or easement pursuant Section 3.920(F)(2), Siting Standards; and
10		(c) As part of the application the applicant shall document how they are
11		siting the structure(s) to minimize impacts to adjacent agricultural
12		uses to the greatest extent practicable.
13		uses to the greatest extent practicuble.
14	New dwellings in co	onjunction with farm use are not proposed. These setbacks are not
15	applicable.	onjunction with farm use are not proposed. These setbacks are not
16	аррисавіс.	
17	c. I	Farm structures shall be set back a minimum of 25 feet from the property
18		line.
19	,	
20	New farm structure	es are not proposed. These setbacks are not applicable.
21		
22	d. (	Utility facilities necessary for public service shall be set back a minimum of 25
23		feet from the property line.
24	,	
25	The primary and al	ternate gen-tie line are the only components of the facility that are
26		facilities necessary for public service'. However, as stated above the
27	conditional use req	juirements beyond those that are consistent with ORS 215.274 are not
28	applicable to the p	roposed 500 kV transmission lines because, as a utility facility necessary for
29	public service unde	er ORS 215.283(1)(c), the use is permitted subject only to the requirements of
30	ORS 215.274 and th	he county cannot impose additional approval criteria.68 Therefore, the
31	conditional use req	uirements in WCLUDO Section 3.216 - Property Development Standards do
32	not apply.	
33		
34	е. 7	Additions, modifications or relocation of existing structures shall comply with
35	(	all EFU setback standards.
36	:	***
37		
38	Additions, modifica	ations or relocations of existing structures are not proposed. These setbacks
39	are not applicable.	
40		
41	=	Property line setbacks do not apply to fences, signs, roads, or retaining walls
42	I	less than four (4) feet in height.

<sup>68</sup> Brentmar v. Jackson County, 321 Or 481, 496 (1995).

2.

**Waterways** 

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Front yard (road) property line setbacks do not apply to parking areas for farm related uses. However, parking areas for farm related uses must meet side and rear yard property line setbacks.

This provision excludes fences, signs, roads or retaining walls less than four feet in height from property line setbacks. Property line setbacks apply to the portions of the alternate POI extending outside of the facility perimeter fenceline. The transmission line would not be fenced. Therefore, the exclusions allowed in this provision are not applicable.

- a. Resource Buffers: All bottoms of foundations of permanent structures, or similar permanent fixtures shall be setback from the high water line or mark, along all streams, lakes, rivers, or wetlands.
  - i. A minimum distance of one hundred (100) feet when measured horizontally at a right angle for all water bodies designated as fish bearing by any federal, state or local inventory.
  - ii. A minimum distance of fifty (50) feet when measured horizontally at a right angle for all water bodies designated as non-fish bearing by any federal, state or local inventory.
  - iii. A minimum distance of twenty-five (25) feet when measured horizontally at a right angle for all water bodies (seasonal or permanent) not identified on any federal, state or local inventory.
  - iv. If the proposal does not meet these standards it shall be subject to Section 3.216 A1c Additions or Modifications to Existing Structures, above.
  - v. The following uses are not required to meet the waterway setbacks, however they must be sited, designed and constructed to minimize intrusion into the riparian area to the greatest extent possible:
    - (a) Fences;
    - (b) Streets, roads, and paths;
    - (c) Drainage facilities, utilities, and irrigation pumps;
    - (d) Water-related and water-dependent uses such as docks and bridges;
    - (e) Forest practices regulated by the Oregon Forest Practices Act;
    - (f) Agricultural activities and farming practices, not including the construction of buildings, structures or impervious surfaces; and
    - (g) Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.

ASC Exhibit J identifies 52 ephemeral waterways, 2 intermittent waterways and 2 ponds within the site boundary. These water bodies are considered non-fish bearing streams. The proposed

applicable.

facility is designed to avoid impacts to these waterways, however the setbacks referenced above still apply. The Department recommends that the Council impose Land Use Condition 2(a) requiring that foundation of permanent structures be setback a minimum of 50 feet from non-fish bearing streams identified in ASC Exhibit J.				
<ul> <li>Recommended Land Use Condition 2 (PRE): Prior to construction, certificate holder shall demonstrate that final facility site plan complies with the following setbacks:</li> <li>a. Foundations of permanent structures (solar array posts, substation, O&amp;M building, and battery energy storage system components) shall be setback a minimum of 50 feet from non-fish bearing streams (ephemeral, intermittent and ponds).</li> <li>[PRE-LU-02, Final Order on ASC]</li> </ul>				
Based upon compliance with the above recommended condition, the Department recommends Council find that the proposed facility would comply with WCLUDO 3.216(A)(2)(a).				
5. All development will be setback 25 feet from roads or access easements.				
The proposed facility layout and site are not within 25 feet of roads or access easement. Nonetheless, to ensure that final design complies with the setback requirement, the Department recommends the Council impose the following condition:				
Recommended Land Use Condition 2 (PRE): Prior to construction, certificate holder shall demonstrate that final facility site plan complies with the following setbacks:  a  b. All facility components, including fences but excluding the 500 kV transmission line,				
shall be setback a minimum of 25 feet from any road or access easement. [PRE-LU-02, Final Order on ASC]				
Based upon compliance with the above recommended condition, the Department recommends Council find that the proposed facility would comply with WCLUDO 3.216(A)(5).				
<b>B.</b> Height: Except for those uses allowed by Section 4.070 - General Exception to Building Height Requirements, no building or structure shall exceed a height of 35 feet. Height is measured from average grade.				
WCLUDO 3.216(B) is not applicable because the project includes two uses that are covered in Section 4.070 as exceptions to the building height requirements.				
C. Vision Clearance: Vision clearance on corner properties shall be a minimum of thirty (30) feet.				
There are no corner lots intersecting with a public road. Wilson Road provides access to the site; the only intersections present would be internal. Therefore, this provision is not				

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2	D.	Signs:
3		1. Permanent signs shall not project beyond the property line.
4		2. Signs shall not be illuminated or capable of movement.
5		3. Permanent signs shall describe only uses permitted and conducted on the
6		property on which the sign is located.
7		4. Size and Height of Permanent Signs:
8		a. Freestanding signs shall be limited to twelve square feet in area and 8 feet
9		in height measured from natural grade.
10		b. Signs on buildings are permitted in a ratio of one square foot of sign area to
11		each linear foot of building frontage but in no event shall exceed 32 square
12		feet and shall not project above the building.
13		5. Number of permanent signs:
14		a. Freestanding signs shall be limited to one at the entrance of the property.
15		Up to one additional sign may be placed in each direction of vehicular
16		traffic running parallel to the property if they are more than 750 feet from
17		the entrance of the property.
18		b. Signs on buildings shall be limited to one per building and only allowed on
19		buildings conducting the use being advertised.
20		
21	· · · · · · · · · · · · · · · · · · ·	vill include one permanent sign posted on the perimeter fence at the facility
22		at sign will include facility name and emergency contact information. Additional
23	=	ignage will be attached per (5) to mark facility building or structures, and along the
24		nce around the substation that include safety and warnings. The Department
25		s Council impose a preconstruction condition to ensure that signage selected at
26	final facility (	design complies with the above requirements.
27		
28		mmended Land Use Condition 3 (PRO): Prior to installation of permanent facility
29	_	ge, the certificate holder shall demonstrate that facility signage complies with
30		JDO Section 3.216(D).
31	[PRO	-LU-01, Final Order on ASC]
32		
33	•	compliance with the above recommended condition, the Department recommends
34	Council find	that the proposed facility would comply with WCLUDO 3.216(D).
35		
36		6. Temporary signs such as signs advertising the sale or rental of the premise are
37		permitted provided the sign is erected no closer than ten feet from the public
38		road right-of-way. Election signs are permitted but shall not be set in place more
39		than 45 days prior to an election and shall be removed within 45 days after an
40		election.
41	_,	
42	The applican	t proposes to use up to three temporary signs during facility construction to

identify the facility. The signs will be placed a minimum of 10-feet from a public road right-of-

1	way. The Department recommends Council impose a preconstruction condition to ensure that				
2	temporary signage selected at final facility design complies with the above requirements.				
3					
4	Recommended Land Use Condition 4 (PRE): Prior to installation of temporary facility				
5		ge, the certificate holder shall demonstrate that facility signage complies with			
6		DO Section 3.216(D)(6).			
7	[PRE-L	.U-03, Final Order on ASC]			
8					
9	Based upon c	ompliance with the above recommended condition, the Department recommends			
10	Council find t	hat the proposed facility would comply with WCLUDO 3.216(D)(6).			
11					
12	E.	<b>Lighting:</b> Outdoor lighting shall be sited, limited in intensity, shielded and hooded			
13		in a manner that prevents the lighting from projecting onto adjacent properties,			
14		roadways and waterways. Shielding and hooding materials shall be composed of			
15		non-reflective, opaque materials.			
16					
17		utdoor lighting is proposed at the BESS, collector substation, and O&M building.			
18		utdoor lighting will use LED, backlight-shielded, motion-activated lights with one			
19	installed at ea	ach entrance and one on each side with no entrance.			
20					
21		npliance with WCLUDO Section 3.216(E), the Department recommends the			
22	Council impose the following condition:				
23					
24		nmended Land Use Condition 5 (PRE): Prior to installation of infrastructure with			
25	outdoor lighting, the certificate holder shall demonstrate that final outdoor lighting is				
26	designed to be limited in intensity, is shielded and hooded using non-reflective, opaque				
27	mater				
28	[PRE-L	.U-04; Final Order on ASC]			
29					
30	•	ompliance with the above recommended condition, the Department recommends			
31	Council find t	hat the proposed facility would comply with WCLUDO 3.216(E).			
32					
33		<b>F. Parking:</b> Off street parking shall be provided in accordance with Chapter			
34		20.			
35					
36	_	ards for commercial and industrial uses are included in WCLUDO 20.05.			
37	Commercial energy facilities, utility facilities, and transportation facilities are not listed uses in				
38	this section. For this reason, the Department recommends that Council find this criterion is not				
39	applicable. Fu	orther evaluation of WCLUDO Chapter 20 is provided below.			
40		C. New Poinson Aller de la caracter			
41		<b>G. New Driveways:</b> All new driveways and increases or changes of use for			
42		existing driveways which access a public road shall obtain a Road			
43		Approach Permit from the appropriate jurisdiction, either the Wasco			
44		County Public Works Department or the Oregon Dept. of Transportation.			

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2	

The proposed facility would not create any new driveways, however, changes to existing driveways from Bakeoven Road to Wilson Road may be needed. Alterations to existing driveways require a County Road Approach Permit. This permit would be required prior to construction under recommended Organizational Expertise Condition 12, see Section IV.B, Organizational Expertise of this order.

Based upon compliance with recommended Organizational Expertise Condition 12, the Department recommends Council find that the proposed facility would comply with WCLUDO 3.216(G).

# Section 3.218 Agricultural Protection (A-1 Zone)

The uses listed in Section 3.214 - Uses Allowed Subject to Standards and Section 3.215 - Conditional Uses must meet the following standards:

- A. Farm-Forest Management Easement: The landowner is required to sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or case of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

B. Protection for Generally Accepted Farming and Forestry Practices - Complaint and Mediation Process: The landowner will receive a copy of this document.

The proposed solar photovoltaic power generation facility is a conditional use permitted under WCLUDO 3.214 and 3.215. WCLUDO Section 3.218 requires an applicant to sign and record a farm-forest management easement and establish a complaint and mediation process. To ensure compliance with the requirements of (A) and (B) of this provision, the Department recommends the Council impose the following condition:

**Recommended Land Use Condition 6 (PRE):** Prior to construction, the certificate holder shall provide copies or other documentation that demonstrates to the Department and Wasco County that the following actions have been completed:

 Sign and record with the Wasco County Clerk a completed Forest-Farm Management Easement (Attachment K-1 of this order) for each participating landowner for which facility components will be located.

 b. Provide a copy of the "Protection for Generally Accepted Farming and Forestry Practices – Complaint and Mediation Process" document (Attachment K-2 of this order) to participating landowners for which facility components will be located. [PRE-LU-05; Final Order on ASC]

Based upon demonstrated compliance with the above-recommended condition, the Department recommends that Council find that the proposed facility will satisfy the requirements of WCLUDO Section 3.218.

### WCLUDO Chapter 3: Overlay Zones

Wasco County has designated an Environmental Protection District that is evaluated in a series of designated overlay zones (OZ).

The purpose of the Environmental Protection District is to permit the regulation of environmental hazards, the qualification of lands for floodplain insurance programs and preferential taxation assessment, the preservation of sensitive wildlife habitats and unique areas of scientific or aesthetic value, and the protection of the health, safety and welfare of residents of Wasco County.

 There are 4 applicable overlay zones within the Environmental Protection District: Geologic Hazards, Sensitive Wildlife Habitat, Sensitive Bird Site, and Military Airspace. These overlay zones apply to the proposed solar PV power generation components. They are evaluated below:

Section 3.720: Geologic Hazards Overlay Zone (OZ-2)

The purpose of the Geologic Hazards Overlay District is to protect the public health, safety and welfare by assuring that development in hazardous or potential hazardous areas is appropriately planned to mitigate the threat to man's life and property.

# B. Approval Standards

Prior to development, the following measures shall be utilized:

1. Any proposed developments on slopes greater than 25% shall be reviewed to ensure site suitability. Such review shall be conducted in the process for building permit approval and, unless the site has been identified as a geologic hazard area, shall rely on provisions of the Uniform Building Code for the protection of the public health, safety and welfare.

The proposed solar micrositing area is not located on lands with slopes greater than 25%. Therefore, the Department recommends the Council find that site suitability review is not required.

 Site suitability review is not required for portions of the proposed alternate 500 kV transmission line within Wasco County because a transmission line in EFU zoned land is subject only to the requirements of ORS 215.274 and the county cannot impose additional approval criteria. Therefore, the Department recommends the Council find that site suitability review is not applicable.

2. Any proposed development in an identified geologic hazard area shall be preceded by a written report by an engineering geologist or an engineer who certifies he is qualified to evaluate soils for suitability. For purposes of this

1	section, development shall include any excavation or change in topography,
2	such as home construction, associated roads, driveways, septic tank disposal
3 4	fields, wells and water tanks. The written report of the engineering geologist or engineer shall certify that the development proposed may be completed
5	without threat to public safety or welfare and shall be used in ministerially
6	reviewing the development proposal.
7	
8	The proposed solar micrositing area is not within an identified geologic hazard area.
9	Nonetheless, a written report by an engineering geologist or engineer is required under the
10	Council's Structural Standard and through recommended Structural Standard Condition 4 (PRE-
11	SS-01).
12	
13	Because the requirements of WCLUDO 3.720(2) are addressed by Council's Structural Standard
14	and the Department's recommended condition, the Department recommends that Council find
15	that the proposed facility will comply with this requirement.
16	
17	3. In approval of a development permit, whether ministerial or through the
18	Administrative Action procedures of Chapter 2 of this Ordinance, the following
19	conditions may be imposed at the time of approval to ensure site and area
20	stability:
21	a. Maintain vegetation and eliminate widespread destruction of
22	vegetation.
23	b. Carefully design new roads and buildings with respect to:
24	i. Placement of roads and structures on the surface topography.
25	ii. Surface drainage on and around the site.
26	iii. Drainage from buildings and road surfaces.
27	iv. Placement of septic tank disposal fields.
28	c. Careful construction of roads and buildings.
29	i. Avoid cutting toeslopes of slump blocks.
30	ii. Careful grading around the site, especially avoiding over
31	steepened cut banks.
32	iii. Re-vegetating disturbed areas as soon as possible.
33	d. Other conditions may be imposed to reasonably assure that the
34	development is protected from damage by mass movement.
35	
36	The proposed solar micrositing area is not within an identified geologic hazard area. The
37	Department does not recommend Council impose the listed conditions to address geologic
38	hazards. However, many of the above conditions are already recommended conditions in this
39	order to address other environmental resources, particularly vegetation maintenance and
40	revegetation requirements (see recommended Fish and Wildlife Conditions 1, 2 and 3).
41	
42	Section 3.800: Sensitive Wildlife Habitat Overlay Zone (OZ-8)
43	
44	Section 3.805 — Siting Standards

1 2 A. Within [OZ-8], subject to standards uses permitted in the underlying zone are 3 subject to notice to and comment from the Oregon Department of Fish and 4 Wildlife. 5 B. Within [OZ-8], conditional uses permitted in the underlying zone are subject to 6 notice and comment from the Oregon Department of Fish and Wildlife. This 7 includes conditional use requirements per Section 5.020 F. 8 9 The Council's ASC process aligns with the OZ-8 criteria to notice and request comments from ODFW. ODFW has reviewed and commented on the Notice of Intent, <sup>69</sup> the preliminary ASC<sup>70</sup> 10 and ASC and has concurred with habitat assessment, impact assessment, and proposed 11 12 mitigation through the establishment of an off-site Habitat Mitigation Area (HMA) for 13 permanent impacts. 14 15 The Department has coordinated and consulted with ODFW on the identification and 16 assessment of wildlife habitat, potential facility impacts to wildlife habitat, and mitigation measures necessary to offset permanent loss of habitat from the facility. For these reasons, the 17 18 Department recommends that Council find that the facility will comply with this requirement. 19 20 Section 3.840: Sensitive Bird Site Overlay Zone (OZ-12) 21 22 Section 3.842 – Applicability 23 Sensitive bird site protection measures are applicable to all uses in the underlying 24 25 zone(s). 26 27 A. Any use permitted or permitted conditionally in the zone is subject to the sensitive resource review procedure if located within the sensitive habitat 28 29 protection area identified for the inventoried significant site. 30 B. The sensitive resource review requirement and resulting protection measures 31 are applicable in addition to and shall be applied concurrently with all other 32 applicable standards and criteria in the county WCLUDO. 33 34 If setbacks or buffers specified in this ordinance overlap or conflict, they should be varied 35 36 in a manner to achieve, to the greatest extent possible, the overall protection of affected 37 resources and public interest. 38 39 The proposed facility site is not located within the sensitive habitat protection area identified 40 for an inventoried significant site.

<sup>&</sup>lt;sup>69</sup> YRBNOIDoc32 Reviewing Agency Comment ODFW 2023-11-30

 $<sup>^{70}</sup>$  YRBAPPDoc22 pASC Reviewing Agency Comment ODFW 2024-10-15 ; YRBAPPDoc29 pASC Reviewing Agency Comment ODFW 2025-07-18

The Council's Fish and Wildlife Habitat standard evaluates potential impacts to wildlife species and habitat. Under this standard, 2023 avian surveys identified one Swainson's hawk (Buteo swainsoni) nest within the proposed micrositing corridor, and occurrences of Brewer's sparrow (Spizella breweri), ferruginous hawk (Buteo regalis), grasshopper sparrow (Ammodramus savannarum), and loggerhead shrike (Lanius Iudovicianus) were observed within the 0.5-mile analysis area. Recommended Fish and Wildlife Condition 13 requires that all active nest sites be avoided during sensitive nesting periods by implementing a no-disturbance buffer at a quarter mile distance.

#### Section 3.870: Military Airspace Overlay Zone (OZ-15)

## Section 3.873 – Notification

A. Any applicable development or use shall be required to submit a preapplication conference request at least one month ahead of submitting a complete application. The pre-application conference shall include:

- 1. Early notification to the Department of Defense about the proposed development or use;
- 2. Allow for a 15-day review by the NW Regional Coordination Team or local military representative of the proposed development or use;
- 3. Potential mitigation measures for a complete application recommended by the applicant, Department of Defense, or Planning Director.

#### Section 3.874 – Mitigation Measures

A. Proposed development or uses that have identified impacts shall be permitted conditionally with the mitigation measures agreed upon by the Department of Defense, Planning Department, and applicant or developer.

The Military Airspace Overlay Zone applies to structures over 400 feet in height. The tallest structures associated with the proposed facility are transmission poles, at 200 feet.

Nevertheless, Department of Defense reviewed the proposed facility site and component location and height details and confirmed that the proposed facility would not pose a risk of glare for pilots because they are not authorized to fly below 11,000 feet.<sup>71</sup> For these reasons, the Department recommends that Council find that the proposed facility will comply with these requirements and no mitigation would be required.

#### WCLUDO Chapter 5: Conditional Use Review

<sup>&</sup>lt;sup>71</sup> YRBAPPDoc1-11 pASC Exhibit K. Land Use 2024-08-30, p. 15-16. Citing: Kimberly Preacher, US Navy, pers. comm., e-mail message to Applicant, November 21, 2023.

Section 5.020 Authorization to Grant or Deny Conditional Uses, and Standards and Criteria Used

Conditional uses listed in this Ordinance shall be permitted, enlarged or otherwise altered or denied upon authorization by Administrative Action in accordance with the procedures set forth in Chapter 2 of this Ordinance. In judging whether or not a conditional use proposal shall be approved or denied, the Administrative Authority shall weigh the proposal's appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed, and to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable.

A. The proposal is consistent with the goals and objectives of the Comprehensive Plan and implementing Ordinances of the County.

WCLUDO Section 5.020(A) requires a conditionally permitted use to demonstrate consistency with goals and objectives of the Wasco County Comprehensive Plan and Wasco County zoning ordinance. Based on the evaluation presented in this section, the Department recommends the Council find that the proposed facility would satisfy WCLUDO Section 5.020(A).

B. Taking into account location, size, design and operational characteristics of the proposed use, the proposal is compatible with the surrounding area and development of abutting properties by outright permitted uses.

WCLUDO Section 5.020(B) requires proposed uses to demonstrate compatibility with the surrounding area and development of abutting properties.

As described in Section IV.E.1.3, under the evaluation of OAR 660-033-0130(5), like the site itself, the majority of lands surrounding the proposed site are not cultivated nor used for cattle grazing, and are primary drainage areas, creeks, tributaries and canyons where slopes are too steep for crop production or cattle grazing. There are approximately 605 acres of surrounding land used for dryland winter wheat production. Proposed facility construction and operation could potentially result in adverse impacts from erosion, dust, weeds, and traffic. The Department recommends Council impose conditions to minimize and mitigate these potential affects.

For these reasons, the Department recommends that Council find that the facility will satisfy the requirements of WCLUDO 5.020(B).

C. The proposed use will not exceed or significantly burden public facilities and services available to the area, including, but not limited to: roads, fire and police

1 2	protection, sewer and water facilities, telephone and electrical service, or solid waste disposal facilities.
3	
4 5	D. The proposed use will not unduly impair traffic flow or safety in the area.
6	WCLUDO Section 5.020(C) and (D) require a demonstration that impacts of a proposed use
7	would not significantly burden public facilities and services. Potential facility impacts to public
8 9	services are evaluated in detail in Section IV.M Public Services of this order. The recommended findings of fact and analysis are incorporated herein by reference.
9 10	initialings of fact and analysis are incorporated herein by reference.
11	Based on the recommended findings of fact and analysis presented in Section IV.M Public
12	Services of this order, and compliance with the recommended conditions, the Department
13	recommends that Council find that the proposed facility would minimize noise, dust and odor
14	to protect adjoining properties from such impacts and therefore would satisfy WCLUDO Section
15	5.020(C) and (D).
16	
17	E. The effects of noise, dust and odor will be minimized during all phases of
18	development and operation for the protection of adjoining properties.
19	
20	WCLUDO Section 5.020(E) requires a demonstration that, during construction and operation, a
21	proposed use would minimize noise, dust and odor to protect adjoining properties from such
22	impacts. Wasco County assesses adjoining properties as those lands which share a common
23	boundary line with the properties involved with the proposed use. Wasco County provides
24	guidance for commercial power generating facilities within Chapter 19 of the WCLUDO,
25	
26	Potential noise impacts from proposed facility construction and operation are evaluated in
27	detail in Section IV.Q Noise Control Regulation of this order. The recommended findings of fact
28	and analysis are incorporated herein by reference. Potential dust impacts from proposed facility
29	construction and operation are evaluated in detail in Section IV.D Soil Protection of this order.
30 31	The recommended findings of fact and analysis are incorporated herein by reference
32	Proposed facility construction would not generate air emissions (other than fugitive dust) and
33	no unusual odors are expected.
34	The diffusion of the expected.
35	Based on the recommended findings of fact and analysis presented in Section IV.D Soil
36	Protection and IV.Q Noise Control Regulation of this order, and compliance with the
37	recommended conditions, the Department recommends that Council find that the proposed
38	facility would minimize noise, dust and odor to protect adjoining properties from such impacts
39	and therefore would satisfy WCLUDO Section 5.020(E).
40	
41	F. The proposed use will not significantly reduce or impair sensitive wildlife
42	habitat, riparian vegetation along streambanks and will not subject areas to
43	excessive soil erosion.
11	

WCLUDO Section 5.020(F) requires a demonstration that the proposed use would not significantly reduce or impair sensitive wildlife habitat or riparian vegetation and would not create excessive soil erosion. Potential facility impacts to wildlife habitat and riparian vegetation are evaluated in detail in Section IV.H Fish and Wildlife Habitat and Section V.B Removal Fill of this order. Potential erosion impacts from proposed facility construction and

Removal Fill of this order. Potential erosion impacts from proposed facility construction and operation are evaluated in detail in Section IV.D Soil Protection of this order. The recommended

findings of fact and analysis presented in these sections are incorporated herein by reference.

Based on the recommended findings of fact and analysis presented in Section IV.D Soil Protection, Section IV.H Fish and Wildlife Habitat and Section V.B Removal Fill of this order, and compliance with the recommended conditions, the Department recommends that Council find that the proposed facility would satisfy WCLUDO Section 5.020(F).

G. The proposed use will not adversely affect the air, water, or land resource quality of the area.

WCLUDO Section 5.020(G) requires a demonstration that the proposed use would not adversely affect the air, water or land resource quality of the area.

# Air Quality and Fugitive Dust:

Construction-related activities would generate emissions, including dust, that would result in air quality impacts. During proposed facility operations, emissions would not be generated but ongoing road maintenance within the site boundary could occasionally result in increased dust. For these reasons, the applicant would be required to adhere to the requirements of a final Fugitive Dust Control Plan (see Attachment I of this order) per recommended Soil Protection Conditions 1 and 3. The plan will include measures for minimizing, mitigating and monitoring for fugitive dust. The Department recommends that Council find that based on compliance with the Fugitive Dust Control Plan through the recommended conditions, the proposed facility will not have an adverse impact on air quality.

# Water Quality and NPDES 1200-C and ESCP:

Construction-related activities could result in water quality impacts through erosion and stormwater run-off at the proposed site, specifically resulting from vegetation removal, road improvements and constructions within the site boundary. As described and evaluated under Section IV.D. Soil Protection and recommended Soil Protection conditions, the facility will require an approved NPDES-1200-C permit from Oregon Department of Environmental Quality (DEQ) with an accompanying Erosion and Sediment Control Plan that will include specific Best Management Practices (BMPs) to be implemented during construction to minimize and prevent erosion of soil and other impacts to water quality.

During operations, the applicant would be required to implement revegetation and weed control plans, on-going BMPs, operational spill prevention and control and countermeasures plan (SPCC), and dust control measures. If proposed facility operations includes solar panel washing, use of solvents or contaminants that could impact water quality if discharged on-site

are prohibited under recommended Soil Protection Condition 9. As described and evaluated under Section IV.D. Soil Protection and IV.H. Fish and Wildlife Habitat (see recommended Soil Protection Condition 11 and Fish and Wildlife Habitat Conditions 1, 2 and 3), based on compliance with the recommended conditions, the Department recommends that Council find the proposed facility will not result in an adverse impact to water quality.

#### Agricultural Lands:

Construction and operation of the proposed facility would result in impacts to EFU-zoned land If approved, the proposed facility would convert approximately 7,026 acres of land within the solar micrositing corridor that is currently zoned for agricultural use to use by the facility; however, no high-value farmland is included in the solar micrositing corridor. The applicant has estimated that up to 160 acres, or 2.3 percent, of land within the solar micrositing corridor is currently in active dryland crop production which is solely used for livestock feed and is not grown for commercial purposes.

The applicant commits to recording Farm-Forest Management Easements with each landowner with property within the proposed site boundary (see Recommended Land Use Condition 6), as required per WCLUDO Section 3.218. Upon retirement, the land within the facility site boundary would be regraded and restored to be used for agricultural purposes in accordance with landowner agreements and as discussed in ASC Exhibits I and X. With adherence to these requirements, the Department recommends that Council find that the facility will not adversely affect the land resource quality of the area.

Based on the information and evaluation presented above and included in associated Exhibits in the ASC, the Department recommends that Council find that the proposed facility would not adversely affect the air, water or land resource quality of the area and therefore would satisfy WCLUDO Section 5.020(G).

H. The location and design of the site and structures for the proposed use will not significantly detract from the visual character of the area.

The visual character of the area includes solar facilities and limited agricultural uses. The proposed site is relatively flat, marginal agricultural lands that is mostly undeveloped or used for limited livestock grazing or is in CRP status.

 Facility components would include building and structures. The proposed O&M building height will be up to 24 feet; the proposed substation will include components up to 50 feet in height, and the solar arrays would be up to 12 feet in height. The facility footprint and height would create visual contrast and added modifications to the natural landscape on the east side of Bakeoven Road. The proposed facility will not be visible from Buck Hollow Canyon

To ensure that the facility structures and buildings are designed to be consistent with the character of agricultural buildings in the area, minimizing impacts to the visual character of the area, the Department recommends Council impose the following condition:

**Recommended Land Use Condition 7 (PRE):** Prior to construction of the O&M building, substation or battery energy storage system, as applicable, the certificate holder shall select neutral color external finishes to blend with the surrounding landscape and other agricultural buildings in the area.

[PRE-LU-06, Final Order on ASC]

Based on the recommended findings of fact and compliance with the recommended condition, the Department recommends that Council find that the proposed facility would not adversely detract from the visual character of the area and therefore would satisfy WCLUDO Section 5.020(H).

I. The proposal will preserve areas of historic value, natural or cultural significance, including archaeological sites, or assets of particular interest to the community.

WCLUDO Section 5.020(I) requires a demonstration that the proposed facility would preserve areas of historic value, natural or cultural significance, or assets of particular interest to the community. This demonstration is presented in Section IV.K. Cultural, Historic and Archeological Resources of this order. The recommended findings of fact and analysis presented in this section are incorporated herein by reference.

 Based on the recommended findings of fact and analysis presented in Section IV.K. Cultural, Historic and Archeological Resources of this order, and compliance with the recommended conditions, the Department recommends that Council find that the proposed facility would satisfy WCLUDO Section 5.020(I).

J. The proposed use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to or available for farm and forest use. (Revised 1-92)

K. The proposed use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to or available for farm or forest use. (Revised 1-92)

WCLUDO Section 5.020(J) and (K) require a demonstration that a proposed use would not force a significant change in accepted farm or forest practices or significantly increase the cost of accepted farm or forest practices on surrounding lands. These two provisions mirrored LCDC's OAR 660-033-0130(5) until recently. LCDC adopted changes to OAR 660-033-0130(5) on December 5, 2024, which became effective on January 1, 2025. The local code is now inconsistent with the amended OAR 660-033-0130(5) rules. Accordingly, the Council is not required to apply both the county criteria and current OAR 660-033-0130(5) rules, and instead must only apply the OAR 660-033-0130(5) rules, as is evaluated in Section IV.E.1.3 Directly Applicable State Statutes and Administrative Rules of this order.

# WCLUDO Chapter 10: Fire Safety Standards

3 Find4 ar5 of

Fire risks and prevention measures are further discussed in this section, in ASC Exhibits U and V, and in Section IV.M. Public Services, and Section IV.N. Wildfire Prevention and Risk Mitigation of this order.

Section 10.020: Fire Safety Standards

 A. Applicability of Fire Safety Standards in Different Rural Zones: County Ordinances affect all rural zones (all zones outside an Urban Growth Boundary). All rural zones are subject to fire standards but the applicability of the specific standards varies by zone and by use type. Zoning terms used to classify groups of land use designations in the Fire Safety Standard Checklist, Sections 10.110 to 10.150, are defined in the following table (any more specific distinctions based on parcel shape or specific zoning designation are also called out in the checklist):

WCLUDO Section 10.020 establish applicability of the county's Fire Safety Standards, which includes commercial power generating facilities located in the resource zone outside of an Urban Growth Boundary (UGB). The proposed facility is outside the UGB and within the EFU A-1 Zone. Therefore, WCLUDO Chapter 10.110 to 10.150 requirements would apply to the proposed facility.

# B. Applicability of Fire Standards to Different Types of Land Uses

# 1. Zones affected by Fire Standards

Fire standards are applicable in all rural zones, but different standards may apply in different types of zones. The applicability of fire standards by zone is discussed in (A) above and noted in the fire safety standards checklist below, Sections 10.110 to 10.150. The checklist also highlights any specific differences in the applicability of the standard due to size of lot or specific zoning.

#### 2. Uses affected by Fire Standards

 Some fire standards are applicable only to new dwellings while others are applicable to all kinds of structures and alterations to structures. The following table lists the fire safety standards applicable to different types of development.

The proposed facility is outside the UGB and within the EFU A-1 Zone. Therefore, WCLUDO Chapter 10.110 to 10.150 requirements would apply and are evaluated below. WCLUDO Chapter 10.110 to 10.150 requirements also differ based what type of building or structure is under review. Under WCLUDO Section 1.090 – Definitions, Building is any structure built for the shelter, or enclosure of any persons, animals, chattels, or property of any kind. 72 Structure is

<sup>.</sup> 

<sup>&</sup>lt;sup>72</sup> https://cms5.revize.com/revize/wascocounty/document\_center/Planning/FullWCLUDO\_3\_2021.pdf, Section 1.090 – Definitions, Accessed by the Department 9-24-2025.

anything constructed, erected or air inflated, permanent or temporary, which requires location on the ground. Among other things, structure includes buildings, walls, fences, billboards, poster panels and parking lots.

The Department, in consultation with Wasco County, recommend that the Council apply the "buildings" definition to the O&M building and BESS because they are structures that shelter or enclose persons or property, and that the "structure" definition apply to the substation, solar arrays and transmission line.<sup>73</sup>

Section 10.110: Siting Standards – Locating Structure for Good Defensibility

A. Does your building avoid slopes steeper than 40% (more than 40-foot elevation gain over 100 feet horizontal distance)?

WCLUDO Section 10.110 establishes siting standards for buildings, which for the proposed facility include the O&M building and BESS. Slopes within the facility site boundary range from zero to 95 percent, with an average slope of 7.6 percent. ASC Exhibit C, Figure C 2.2 illustrate the location of the O&M building and BESS within the same vicinity, adjacent to the proposed substation. The O&M building, BESS, and substation would be contained within a separate fenceline, would be located next to the existing Bakeoven substation and Bakeoven Road, all of which are within areas that are relatively flat with low slopes.

The proposed O&M building and BESS would be developed on land flatter than a 40 percent slope, and as shown in ASC Exhibit V, Figure V-1 (Slope) the area where the substation, BESS and O&M are, as mapped as 0-025 percent slope. As discussed in Section IV.N., Wildfire Prevention and Risk Mitigation, this facility design feature that reduces wildfire risk is added in the facility description in the Construction and Operational Wildfire Mitigation Plans, as well as in the facility description in the draft site certificate, Attachment A to this order. Therefore, because compliance with this standard is met by the design feature described in the WMP's and the site certificate, the Department recommends Council find that this standard would be satisfied.

B. Is your building set back from the top of slopes greater than 30% by at least 50 feet? Or, is your building set back from the top of slopes greater than 30% at least 30 feet? And, no structures or other extensions closer than 30 feet from top of slope?

The O&M building would be set back at least 50 feet from slopes greater than 30 percent. The BESS would be located adjacent to the O&M building and would therefore also be set back at least 50 feet from slopes greater than 30 percent. As discussed in Section IV.N., Wildfire

<sup>&</sup>lt;sup>73</sup> YRBAPPDoc19-6 ASC SAG Comment WCLUDO Interpretation Building Def 2025-09-24.

<sup>&</sup>lt;sup>74</sup> YRBAPPDoc1-12 ASC Exhibit K. Land Use 2025-09-05, Section 4.1.2.13.

<sup>&</sup>lt;sup>75</sup> YRBAPPDoc1-23 ASC Exhibit V. Wildfire Risk and Mitigation 2025-09-05, Figure V-1.

Prevention and Risk Mitigation, this facility design feature that reduces wildfire risk is added in the facility description in the Construction and Operational Wildfire Mitigation Plans, as well as in the facility description in the draft site certificate, Attachment A to this order. Therefore, because compliance with this standard is met by the design feature described in the WMP's and the site certificate, the Department recommends Council find that WCLUDO Section 10.110 would be satisfied.

Section 10.120: Defensible Space – Clearing and Maintaining a Fire Fuel Break

A. Is your building surrounded by a 50-foot wide fire fuel break?

 B. Is dense unmanaged vegetation beyond 50 feet from the outer edges of your buildings, including any extensions such as decks or eaves, kept to a MINIMUM? If located on steeper ground, have you created and maintained some clearings beyond the 50 feet fire fuel break?

WCLUDO Section 10.120(A) and (B) establish a 50-foot minimum clearance distance and 50-foot vegetation maintenance requirement for buildings. As noted above, the Department recommends the Council find that proposed buildings include the O&M building and the BESS. The O&M building, BESS, substation and solar arrays would be fenced. The interior of all perimeter fencelines will be designed to have 50-feet of defensible space (fuel break). The fuel break would extend from the fenceline to solar arrays, the BESS and O&M (and substation area). Vegetation maintenance within the fuel break area would include maintaining maximum ground cover vegetation height of 4 inches, no shrubs or tall plants under trees (no trees are expected to be maintained on site), and well irrigated or flame resistance vegetation. The BESS, substation and O&M building would be constructed on concrete slabs with gravel base with no vegetation present.

As discussed in Section IV.N., Wildfire Prevention and Risk Mitigation, the above-described facility design features are binding and must be implemented. They are included in the facility description in the Construction and Operational Wildfire Mitigation Plans, as well as in the facility description in the draft site certificate, Attachment A to this order. Compliance with this standard is met by the design features and representations described in the WMP's and the site certificate; therefore, the Department recommends Council find that WCLUDO Section 10.120 would be satisfied.

<sup>&</sup>lt;sup>76</sup> During the review of the pASC, the Bakeoven-Shaniko Rangeland Fire Protection Association (RFPA) provided comments requesting that the facility should have a permanent fire barrier around it, preferably outside the perimeter fence that should be non-combustible and defendable to prevent the spread of wildfire. In response to the RFPA comments, the applicant commits to adopting WCLUDO Section 10.120 defensible space standards applicable to at least 50 feet from the interior of the fenceline to all facility electrical components.

<sup>&</sup>lt;sup>77</sup> https://cms5.revize.com/revize/wascocounty/document\_center/Planning/FullWCLUDO\_3\_2021.pdf, Chapter 10, Section 10.120, page 9.

<sup>&</sup>lt;sup>78</sup> YRBAPPDoc1-3 ASC Exhibit B. Project Description 2025-09-05, Section 2.5.

1	Section 10.130: Construction Standards for Dwellings and Structures – Decreasing The
2	Ignition Risks by Planning for A More Fire-Safe Structure
3	
4	A. Is your building designed, built, and maintained to include the following
5	features and materials necessary to make the structure more fire resistant?
6	1. Roof Materials: Do you or will you have fire resistant roofing installed
7	to the manufacturers specification and rated by Underwriter's Laboratory
8	as Class A, B, or its equivalent (includes but not limited to: slate, ceramic
9	tile, composition shingles, and metal)? NOTE: To give your structure the
10	best chance of surviving a wildfire, all structural projections such as
11	balconies, decks and roof gables should be built with fire resistant
12	materials equivalent to that specified in the uniform building code.
13	
14	WCLUDO Section 10.130 establishes roofing material requirements for dwellings and buildings.
15	Buildings include the proposed O&M building and BESS. The proposed O&M building would
16	include fire resistant roofing, such as metal roofing. "Structural projections" from the O&M
17	building are not proposed. The proposed BESS will be contained inside fireproof steel Conex
18	boxes.
19	
20	The Department has reviewed the additional standards under 10.130 and recommends that
21	Council find that none of the remaining standards apply to the proposed facility and require no
22	additional evaluation.
23	
24	Section 10.140: Access Standards – Providing safe access to and escape from your home.
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26	A. Does your residential driveway meet standards for improved, all weather
27	driveway surface and minimum driveway widths?
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29	ASC Exhibit K describes the possible need to improve existing private driveways along Bakeoven
30	Road or Wilson Road. If these road improvements are needed, a Road Approach Permit and a
31	Road Use Agreement with the County would be required, prior to construction. As presented in
32	Section IV.B. Organizational Expertise, the Department recommends Council impose
33	Organizational Expertise Condition 12 requiring that the applicant identify and obtain all local,
34	state and third-party permits needed for siting of this facility. Based on compliance with this
35	condition, the Department recommends that Council find the facility would comply with this
36	standard.
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38	Section 10.150: Fire Protection and On-site Water Required
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40	Ensuring dwellings have some fire protection available through manned or
41	unmanned response.
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43	A. Are you proposing to construct a dwelling inside a structural fire protection
44	district?

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<sup>79</sup> YRBAPPDoc1-12 ASC Exhibit K Land Use 2025-09-05, Section 4.2.1.18.

There are no dwellings proposed. These requirements would not apply to the facility. However, the O&M building will be equipped with a sprinkler system.

WCLUDO Chapter 19: Standards for Non-Commercial Energy Facility, Commercial Energy Facilities & Related Uses

Section 19.030: Commercial Power Generating Facilities Review Process & Approval Standards

C. General Standards - The following standards apply to energy facilities as outlined in Section A above, in addition to meeting the Conditional Use Standards listed in Chapter 5:

1. Air Safety - All structures that are more than 200 feet above grade or, exceed airport imaginary surfaces as defined in OAR 738-070, shall comply with the air hazard rules of the Oregon Department of Aviation and/or Federal Aviation Administration. The applicant shall notify the Oregon Department of Aviation and the Federal Aviation Administration of the proposed facility and shall promptly notify the planning department of the responses from the Oregon Department of Aviation and/or Federal Aviation Administration.

Aerial Sprayers and operators who have requested to be notified will receive all notifications associated with the energy facility as required by Chapter 2, Development Approval Procedures.

WCLUDO Section 19.030(C)(1) establishes air safety standards for commercial power generating facilities, when there are proposed structures greater than 200 feet in height, or that would exceed an airport imaginary surface, are proposed. There are no structures associated with the commercial power generating facility (solar photovoltaic power generation components) that would be 200 feet in height or greater. As a result, the Department recommends the Council find the provisions of WCLUDO Section 19.030(C)(1) are not applicable to the proposed facility.

2. Interference with Communications - The energy facility shall be designed, constructed and operated so as to avoid any material signal interference with communication systems such as, but not limited to, radio, telephone, television, satellite, microwave or emergency communication systems. Should any material interference occur, the permit holder must develop and implement a mitigation plan in consultation with the planning department.

Facility components are not expected to cause line-of-sight interference with communication systems, in part due to the limited height of solar arrays and transmission structures. 79 Coronainduced broadband electromagnetic radiation (EMR) produced by transmission lines has limited interaction with FM, digital, and satellite signals or wired communication systems, but may interfere with AM radio signals near the line. Radio noise from the proposed facility is calculated to be approximately 40 dB (dB-1 microvolt per meter  $[1 \,\mu\text{V/m}]$ ) at the edge of the right-of-way, which is acceptable under the guideline levels es by the Institute of Electrical and Electronics Engineers (IEEE).<sup>80</sup> Because line-of-sight interference is not expected and electromagnetic interference would be under acceptable levels, the Department recommends the Council find the requirements of WCLUDO Section 19.030(C)(2) are satisfied.

3. Noise - The energy facility shall comply with the noise regulations in OAR 340-035. The applicant may be required to submit a qualified expert's analysis and written report.

As described in more detail in Section IV.Q. Noise Control Regulations for Industry and Commerce: OAR 340-035-0035, the Department recommends the Council find that the information provided in ASC Exhibit Y demonstrates that, subject to the requirements of recommended Noise Control Condition 1, the design, construction, and operation of the proposed facility would comply with the requirements of OAR 340-035-0035. Accordingly, the Department recommends the Council find the requirements of WCLUDO Section 19.030(C)(3) are satisfied.

#### 4. Visual Impact

a. Scenic Resources – To issue a conditional use permit for an energy facility, the county must find that the design, construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to scenic resources or values identified as significant or important in the Wasco County Comprehensive Plan.

The Project Order established a two-mile analysis area for potential impacts to Scenic Resources based on the minimal potential for impacts beyond that distance given the topography and transportation routes near the site. <sup>81</sup> As described in Section IV.J., Scenic Resources, there are no scenic resources or values identified as significant or important identified within the Wasco County Comprehensive Plan located within the analysis area. Accordingly, the Department recommends the Council find the requirements of WCLUDO Section 19.030(C)(4)(a) are satisfied.

- b. Protected Areas Except as provided in subsections (b) and (c) below, an energy facility shall not be located in the areas listed below:
  - (2) National recreation and scenic areas, including but not limited to the Columbia River Gorge National Scenic Area;

or

<sup>80</sup> YRBAPPDoc1-28 ASC Exhibit AA 2025-09-05, Section 5.1.

<sup>81</sup> YRBNOIDoc42 Project Order 2024-01-26, Table 12.

1	(3) Scenic waterways designated pursuant to ORS 390.826, wild or scenic rivers
2	designated pursuant to 16 U.S.C. 1271 et seq., and those waterways and
3	rivers listed as potentials for designation;
4	(4) State parks and waysides as listed by the Oregon Department of Parks and
5	Recreation;
6	(5) State wildlife areas and management areas identified in OAR 635-008;
7	(6) National and state fish hatcheries or national and state wildlife refuges;
8	(7) State natural heritage areas listed in the Oregon Register of Natural
9	Heritage Areas pursuant to ORS 273.581;
10	(8) Wilderness areas established pursuant to The Wilderness Act, 16 U.S.C.
11	1131 et seq. and areas recommended for designation as wilderness areas
12	pursuant to 43 U.S.C. 1782; and
13	(a) Exceptions to Protected Areas - Except where the following uses are
14	regulated by federal, state or local laws, including but not limited to
15	the Columbia River Gorge National Scenic Area Act and implement land
16	use ordinances, the following may be approve in a protected area
17	identified in subsection b above if other alternative routes or sites have
18	been studied and been determined to have greater impacts
19	<ul> <li>An electrical transmission line;</li> </ul>
20	<ul> <li>A natural gas pipeline; or</li> </ul>
21	<ul> <li>An energy facility located outside a protected area that includes an</li> </ul>
22	electrical transmission line or natural gas or water pipeline as a
23	related or supporting facility located within a protected area.
24	(b) Transmission Line & Pipeline Exception - The provisions of subsection b
25	above do not apply to electrical transmission lines or natural gas
26	pipelines routed within 500 feet of an existing utility right-of-way
27	containing at least one transmission line or one natural gas pipeline.
28	(c) Additional Visual Mitigation Impacts for all Facilities - The design,
29	construction and operation of the energy facility, taking into account
30	mitigation, are not likely to result in significant adverse impact to
31	scenic resources and values identified in subsection (b) above. Methods
32	to mitigate adverse visual impacts could include but are not limited to:
33	(9) Building the energy facility near the edge of contiguous timber areas or
34	using the natural topography to obscure the energy facility;
35	(10) Using materials and colors that blend with the background unless
36	otherwise required by the Federal Aviation Administration or the Oregon
37	Department of Aviation; and
38	(11) Retaining or planting vegetation to obscure views of the energy facility.
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40	The Project Order established a two-mile analysis area for potential impacts to Protected Areas
41	based on the minimal potential for impacts beyond that distance given the topography and
42	transportation routes near the site. 82 As described in Section IV.F., Protected Areas, there are

<sup>82</sup> YRBNOIDoc43 Project Order 2024-01-26, Table 12.

no Protected Areas, as defined in OAR 345-001-0010, within the analysis area. The Council's definition includes all the designations listed under WCLUDO Section 19.030(C)(4)(b)(1) to (7). Accordingly, the Department recommends the Council find the requirements of WCLUDO Section 19.030(C)(4)(b) are satisfied.

5. Natural Resource/Wildlife Protection - Taking into account mitigation, siting, design, construction and operation the energy facility will not cause significant adverse impact to important or significant natural resources identified in the Wasco County Comprehensive Plan, Wasco County Land Use and Development Ordinance or by any jurisdictional wildlife agency resource management plan adopted and in effect on the date the application is submitted. As appropriate, the permit holder agrees to implement monitoring and mitigation actions that Wasco County determines appropriate after consultation with the Oregon Department of Fish and Wildlife, or other jurisdictional wildlife or natural resource agency. Measures to reduce significant impacts may include, but are not limited to the following:

- a. Providing information pertaining to the energy facility's potential impacts and measures to avoid impacts on:
  - Wildlife (all potential species of reasonable concern);
    - (2) Wildlife Habitat;
    - (3) Endangered Plants; and
    - (4) Wetlands & Other Water Resources.
- b. Conducting biologically appropriate baseline surveys in the areas affected by the proposed energy facility to determine natural resources present and patterns of habitat use.
- c. Selecting locations to reduce the likelihood of significant adverse impacts on natural resources based on expert analysis of baseline data.
- d. Utilizing turbine towers that are smooth steel structures that lack features that would allow avian perching. Where horizontal surfaces cannot be avoided, antiperching devices shall be installed where it is determined necessary to reduce bird mortality.
- e. Designing and installing all aboveground transmission line support structures following the current suggested practices for avian protection on power lines published by the Avian Power Line Interaction Committee.
- f. Utilizing towers and transmission line support structures designed so the foundation area and supports avoid the creation of artificial habitat or shelter for raptor prey.
- g. Controlling weeds to avoid the creation of artificial habitat suitable for raptor prey such as spreading gravel on turbine pad.
- h. Avoiding construction activities near raptor nesting locations during sensitive breeding periods and using appropriate no construction buffers around known nest sites.
- i. Locating transmission lines or associated transmission lines with the energy facility to minimize potential impacts (e.g., 50 feet from the edge of the nearest

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wetland or water body except where the line is required to cross the wetland or water body; or separating transmission lines or associated transmission lines with the energy facility from the nearest wetland or water body by topography or substantial vegetation to the extent practical, except where the line is required to cross the wetland or water body).

- j. Locating transmission towers or associated transmission towers outside of Class I or II streams unless:
  - (1) Adjoining towers and conductors cannot safely and economically support the line(s) that span the stream without an in stream tower; and
  - (2) The lines cannot be safely and economically placed under the water or streambed.
  - (3) Developing a plan for post-construction monitoring of the facility site using appropriate survey protocols to measure the impact of the project on identified natural resources in the area.

Section IV.H. Fish and Wildlife Habitat presents findings of fact and analysis of the surveys and studies used to identify habitats and species that could be affected by proposed facility construction and operation; and, the recommendations for avoidance, minimization and mitigation. Those findings and analysis are incorporated herein by reference.

The proposed facility site is within Wasco County's Sensitive Wildlife Habitat Overlay Zone (OZ-8) due to its location in Big Game Winter Range for Mule Deer. Except for developed land, which is considered Category 6 habitat, the entire site is considered Category 2 "essential" habitat due to its location in Big Game Winter Range. No federal or state-endangered or threatened species were documented at the site during surveys and no Category 1 habitat was identified within the site boundary, and while some waterways and wetlands exist within the proposed micrositing area, the proposed facility is designed to avoid adverse impacts to wetlands or other jurisdictional Waters of the State. As evaluated in this section under WCLUDO 3.216(A)(2), facility components with foundations are required to be setback from non-fish bearing streams by a minimum of 50-feet (see recommended Land Use Condition 2).

The Department further recommends the Council find that the conditions recommended in Section IV.H. Fish and Wildlife Habitat are adequate to ensure that the construction and operation of the proposed facility will not cause significant adverse impact to important or significant natural resources identified in the Wasco County Comprehensive Plan and Wasco County Land Use and Development Ordinance, and require appropriate monitoring and mitigation actions developed in consultation with ODFW. Accordingly, the Department recommends the Council find the requirements of WCLUDO 19.030(C)(5) are satisfied.

6. Protection of Historical and Cultural Resources - The applicant shall complete a cultural resources survey of areas where there will be temporary or permanent disturbance. During construction, cultural resources included in the Wasco County Comprehensive Plan shall be flagged and avoided in areas of potential temporary or

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permanent disturbance, and construction activities monitored to ensure all cultural resources in such areas are avoided, unless appropriate permits are obtained from the Oregon State Historic Preservation Office. Prior to construction an Inadvertent Discovery Plan (IDP) shall be developed that must outline the procedures to be followed in the case previously undiscovered archeological, historical or cultural artifacts are encountered during construction or operation of the energy facility, in compliance with ORS 358.905-358.955 and any other applicable local, state and federal law.

No cultural resources identified in the Wasco County Comprehensive Plan are located within the site boundary.

The evaluation of historical and cultural resources is presented in Section IV.K. Cultural, Historic and Archeological Resources of this order. The recommended findings of fact and analysis presented in this section are incorporated herein by reference.

Based on the recommended findings of fact and analysis presented in Section IV.K. Cultural, Historic and Archeological Resources of this order, and compliance with the recommended conditions, the Department recommends the Council find the requirements of WCLUDO 19.030(C)(6) are satisfied.

7. Fire Protection & Emergency Response - A fire protection and emergency response plan shall be developed and implemented in consultation with the applicable fire district or department and/or land management agency to minimize the risk of fire and respond appropriately to any fire or emergency that occurs onsite for all phases of the life of the facility. In developing the plan the applicant shall take into account, among other things, the terrain, dry nature of the region, address risks on a seasonal basis, and identify the locations of fire extinguishers, nearby hospitals, telephone numbers for emergency responders, and first aid techniques.

As discussed in Section IV.V., Wildfire Prevention and Risk Mitigation, compliance with Department-approved Wildfire Mitigation Plans (WMP) is required during proposed facility construction and operation. Draft Construction and Operational WMPs are attached to this order, Attachments W-1 and W-2.

 The WMPs are in draft form. Recommended Wildfire Prevention and Risk Mitigation Conditions 1 through 4 would require the applicant to finalize and implement the WMPs. To finalize the WMPs, the applicant is required to coordinate with the Bakeoven-Shaniko Rural Fire Protection Association and other emergency responders; and, update the evaluation of wildfire risk at the site.

Construction Safety and Emergency Response Plans are often contractor- specific (i.e., developed by the contractor); Operational Safety and Emergency Response Plans are often parent-company, or corporate, specific. To ensure that contractor specific or parent-company

1	specific emergency response measures are developed and implemented consistently with
2	WCLUDO 19.030(C)(7), which requires a list of hospitals, identification of first responders and
3	first aid techniques, the Department recommends the Council impose the following conditions:
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5	Recommended Land Use Condition 8 (PRE): Prior to construction, the certificate holder
6	shall submit a Construction Emergency Response Plan to the Department, for review
7	and approval. The plan shall, at a minimum, include safety protocols and:
8	<ol> <li>Location and travel routes to nearby hospitals</li> </ol>
۵	2 Talanhone numbers for americancy responders

- Telephone numbers for emergency responders,
- 3. First aid techniques;
- 4. Contractor and certificate holder emergency contact information.

[PRE-LU-07; Final Order on ASC]

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Recommended Land Use Condition 9 (CON): During construction, the certificate holder shall implement the Construction Emergency Response Plan approved under PRE-LU-07. The Construction Emergency Response Plan may be updated during construction to address changes in emergency contact information or appropriate emergency response measures.

[CON-LU-01; Final Order on ASC]

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Recommended Land Use Condition 10 (PRO): Prior to operation, the certificate holder shall submit an Operational Emergency Response Plan to the Department, for review and approval. The plan shall, at a minimum, include safety protocols and:

- 1. Location and travel routes to nearby hospitals
- 2. Telephone numbers for emergency responders,
- 3. First aid techniques;
- 4. Certificate holder emergency contact information.

[PRO-LU-02; Final Order on ASC]

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**Recommended Land Use Condition 11 (OPR):** During operation, the certificate holder shall implement the Operational Emergency Response Plan approved under PRO-LU-02. The Operational Emergency Response Plan may be updated during operations to address changes in emergency contact information or appropriate emergency response measures.

[OPR-LU-01; Final Order on ASC]

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Based on compliance with these recommended conditions, the Department recommends the Council find the requirements of WCLUDO 19.030(C)(7) are satisfied.

8. Public Safety - A public safety plan shall be developed and implemented to exclude members of the public from hazardous areas within the Energy Facility Project Area.

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As described in Section III.A.2.6, Related or Supporting Facilities - Security Fencing and Gates, and Section IV.V, Wildfire Prevention and Risk Mitigation, the proposed facility will be surrounded by security fencing. The solar perimeter fence will be up to 8 feet tall; the

substation, O&M building and BESS will also be separately fenced and gated. These security design features are binding and are included in the facility description of the draft Site Certificate (see Attachment A of this order). Recommended General Standard Condition 1 binds the applicant to the Site Certificate facility description by requiring that the design, construction and operation of the facility are substantially as described in the site certificate.

As described in Section IV.M., Public Services, recommended Public Services Condition 4 would require that, during proposed facility construction, the applicant provide onsite security and maintain communication with the Wasco County Sherriff's office to minimize and public safety issues.

Based the above recommended findings of fact and referenced conditions, the Department recommends the Council find that the requirements of WCLUDO 19.030(C)(8) are satisfied.

- 9. Transportation Plan A transportation plan shall be developed and implemented in consultation with the Wasco County Road Department and/or the Oregon Department of Transportation (ODOT). The plan shall be consistent with any applicable requirements from the Wasco County Transportation System Plan and shall also provide or address:
  - a. The size, number, and location of vehicle access points off of public roads.
  - b. Use of existing roads to the extent practical to minimize new access roads.
  - c. Restoring the natural grade and revegetating all temporary road cuts, used during construction of the energy facility. The applicant shall specify the type and amount of native seed or plants used to revegetate the disturbed areas and a timeline to complete this work.
  - d. A Road Impact Assessment/Geotechnical Report for roads to be used by the project. Said report should include an analysis of project-related traffic routes to be used during phases of construction, project operation and decommissioning. The report and any subsequent amendments shall be used as a discipline study and shall be incorporated into the Road Use Agreement between the Applicant and the County.

10. Road Use Agreement - Where applicable, the Wasco County Road Department shall require the applicant to enter into a Road Use Agreement with the County to ensure that project construction traffic is mitigated and any damage to county roads that is caused by the construction of the energy facility or its related or supporting facilities is repaired by the applicant, and such county roads are restored to pre-construction conditions or better (this includes a weed plan and providing for re-vegetation).

 General design standards for roads shall, in general, conform to policies set forth in Chapter 21.

  As part of the Road Use Agreement the applicant shall also obtain a utility permit for all project utility installation and approach permits for road approach access to county roads.

As discussed in Section IV.M.2.5, Traffic Safety, the Department recommends Council impose a condition requiring that, prior to construction, the applicant execute and adhere to the terms of a Road Use Agreement.<sup>83</sup> The Road Use Agreement will address the requirements of WCLUDO Section 19.030(C)(9) and (10).The Department recommends the Council find that, subject to compliance with these conditions, the proposed facility meets the requirements of WCLUDO Section 19.030(C)(9) and (10).

- 11. Onsite Access Roads and Staging Areas The impact of onsite access roads and staging areas within the Energy Facility Project Area shall be limited by:
  - a. Constructing and maintaining onsite access roads for all-weather use to assure adequate, safe and efficient emergency vehicle and maintenance vehicle access to the site;
  - b. Using existing onsite access roads to the extent practical and avoiding construction of new on-site access roads as much as possible; and
  - c. Restoring the natural grade and revegetating all temporary access roads, road cuts, equipment staging areas and field office sites used during construction of the energy facility. The applicant shall specify the type and amount of native seed or plants used to revegetate the disturbed areas and a timeline to complete this work.

As described in Section III.A.2.5, Access and Service Roads, the proposed facility includes approximately 24.8 miles of new service roads within the perimeter fenceline and approximately 2.1 miles of improvements to existing roads. The service roads within the solar array will be up to 20-feet wide with up to a 48-foot turning radius and less than 10 percent grade to provide access to emergency vehicles. Road surfaces will be gravel, compacted aggregate base, or another commercially available suitable surface and be able to support 75,000 pounds. Vegetation will be cleared and maintained along perimeter service roads to provide vegetation clearance for fire safety.

 These design features are binding and are included in the facility description of the draft Site Certificate (see Attachment A of this order). Recommended General Standard Condition 1 binds the applicant to the Site Certificate facility description by requiring that the design, construction and operation of the facility are substantially as described in the site certificate.

The Department recommends the Council find that, subject to compliance with General Standard Condition 1, the proposed facility meets the requirements of WCLUDO Section 19.030(C)(11).

<sup>&</sup>lt;sup>83</sup> YRBAPPDoc1-22 ASC Exhibit U. Public Services 2025-09-05, Attachment U-13 includes an email from Sherman County which indicates that the County does not have a boiler plate Road Use Agreement, but outlines the important measures that would be included in a future-executed Road Use Agreement. Also, note that is the transmission line alternative is not selected for construction, a Road Use Agreement with Serman County may not be necessary.

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12. Dust Control - All approved non-paved temporary or permanent roads and staging areas within the Energy Facility Project Area shall be constructed and maintained to minimize dust, which may be addressed through the Road Use Agreement. If roads and staging areas are not construct with material that would prevent dust, the permit holder must regularly water roads and staging areas as necessary or apply an approved dust suppression agent such as Earthbind 100 to minimize dust and wind erosion.

The applicant would be required to adhere to the requirements of a final Fugitive Dust Control Plan (see Attachment I of this order) per recommended Soil Protection Conditions 1 and 3. The plan will include measures for minimizing, mitigating and monitoring for fugitive dust. The Department recommends Council impose a condition requiring that, prior to construction, the applicant would also be required to execute and adhere to the terms of a Road Use Agreement, under recommended Public Services Conditions 1 and 2.84

The Department recommends that Council find that based on compliance with the above referenced conditions, the facility meets the requirements of WCLUDO Section 19.030(C)(12).

13. Erosion and Sediment Control - All ground disturbing activities shall be conducted in compliance with a National Pollutant Discharge Elimination System (NPDES) permit as may be required by Oregon Department of Environmental Quality. Where applicable, an NPDES permit must be obtained. The plan must include best management practices for erosion control during construction and operation and permanent drainage and erosion control measures to prevent damage to local roads or adjacent areas and to minimize sediment run-off into waterways.

As discussed in Section IV.D, Soil Protection, recommended Soil Protection Condition 2 requires the applicant to obtain a NPDES 1200-C Permit from DEQ prior to construction. The Department recommends the Council find that, subject to compliance with this condition, the facility meets the requirements of WCLUDO Section 19.030(C)(13).

14. Weed Control - A weed plan shall be developed in consultation with the Wasco County Weed Department and implemented during construction and operation of the energy facility.

As discussed in Section IV.H, Fish and Wildlife Habitat, the applicant provided a draft Noxious Weed Control Plan as attachment P-4 to ASC Exhibit P. Recommended Fish and Wildlife Habitat Condition 4, 5 and 6, require the applicant to finalize the plan in consultation with the

<sup>&</sup>lt;sup>84</sup> YRBAPPDoc1-22 ASC Exhibit U. Public Services 2025-09-05, Attachment U-13 includes an email from Sherman County which indicates that the County does not have a boiler plate Road Use Agreement, but outlines the important measures that would be included in a future-executed Road Use Agreement. Also, note that is the transmission line alternative is not selected for construction, a Road Use Agreement with Serman County may not be necessary.

Department and the Wasco County Weed Department prior to construction and implement the plan during construction and operation of the proposed facility. The Department recommends the Council find that, subject to compliance with this condition, the facility meets the requirements of WCLUDO Section 19.030(C)(14).

15. Signs - Outdoor displays, signs or billboards within the energy facility project boundary shall not be erected, except:

a. Signs required for public or employee safety or otherwise required by law; (e.g.,OSHA or compliance with the Manual of Uniform Traffic Control Devices (MUTCD) administered through the County Road Department); and

b. No more than two signs relating to the name and operation of the energy facility of a size and type to identify the property for potential visitors to the site, but not to advertise the product. No signs for advertising of other products are permitted.

The facility will include one permanent sign posted on the perimeter fence at the facility entrance. That sign will include facility name and emergency contact information. Additional permanent signage will mark facility building or structures, and be placed along the perimeter fence around the substation that include safety and warnings. As presented in the evaluation under WCLUDO Section 3.216, the Department recommends Council impose a preconstruction condition to ensure that signage selected at final facility design complies WCLUDO requirements. This condition would also ensure compliance with WCLUDO Section 19.030(C)(15).

The Department recommends the Council find that, subject to compliance with this condition, the facility meets the requirements of WCLUDO Section 19.030(C)(15).

16. Underground Systems - Where reasonably practicable, power collector and communication systems shall be installed underground, at a minimum depth of 3 feet. Shallower depths may be authorized where notification and safety measures are taken and wires are placed in schedule 40 conduit. The cable collector system shall be installed to prevent adverse impacts on agriculture operations and natural resources.

 Underground 34.5-kV collector lines will be buried at a depth of approximately 3 feet, consistent with the requirements of this section. This depth is reflected in the site certificate and is therefore binding on the applicant. Accordingly, the Department recommends the Council find the requirements of WCLUDO Section 19.030(C)(16) are satisfied.

17. Operation & Maintenance Buildings - Permanent maintenance/operations buildings shall be located in the same zone as the principal energy facility, except that such buildings may be constructed in a separate zone if:

 a. The building is designed and constructed generally consistent with the character of similar buildings used in the surrounding area; and

b. The building will be removed or converted to another approved use upon decommissioning of the energy facility consistent with the provisions of this ordinance.

The proposed O&M building would be located within Wasco County's A-1 Zone, the same zone as the proposed solar arrays. Accordingly, the Department recommends the Council find the requirements of WCLUDO Section 19.030.C.17 are satisfied.

18. Coordination and Documentation - Prior to commencement of any construction, all other necessary permits shall be obtained, e.g. building permit, rural address, road approach, utility and other permits from the Wasco County Public Works Department, and/or from ODOT as well as any other applicable local, state or federal permits or approvals.

Under recommended Organizational Expertise Condition 12, prior to construction, as applicable, the applicant must document and provide, to the Department, copies of all state, local and third-party permits necessary for facility construction. The Department recommends the Council find this condition is adequate to ensure compliance with the requirements of WCLUDE Section 19.030(C)(18).

- 19. Termination and Decommissioning. For an energy facility sited through EFSC, compliance with EFSC's financial assurance and decommissioning standards shall be deemed to be in compliance with these requirements.
  - a. The applicant shall prepare a decommissioning plan that describes the actions to restore the site to a useful, non-hazardous condition, including options for postdismantle or decommission land use, information on how impacts on fish, wildlife and the environment would be minimized during the dismantling or decommissioning process, and measures to protect the public against risk or danger resulting from post-decommissioning site conditions in compliance with the requirements of this section.
  - b. The applicant shall provide a detailed cost estimate, a comparison of that estimate with funds to be set aside, in the form of a financial assurance (bond, letter of credit, insurance policy other such form of guarantee acceptable to Wasco County), and a plan for assuring the availability of adequate funds for completion of dismantling or decommissioning. The cost estimate and financial assurance may take into account salvage value associated with the project, and can be requested for review and update by Wasco County at their discretion (e.g., every 5 years).
  - c. The following shall be required as conditions of the Wasco County approval:

     (1) If operation of the energy facility ceases or begins construction of the project, but does not complete it, the permit holder shall restore the site according to a plan approved by Wasco County. A plan shall be submitted that ensures the site will be restored to a useful, non-hazardous condition without significant delay, including but not limited to the following:

- (a) Removal of aboveground and underground equipment, structures and foundations to a depth of at least three feet below grade (four feet if cropland). Underground equipment, structures and foundations need not be removed if they are at least three feet below grade and do not constitute a hazard or interfere with agricultural use or other resource uses of the land. Restoration of the surface grade and soil after removal of aboveground structures and equipment.
- (b) Removal of graveled areas and access roads and restoration of surface grade and soil.
- (c) Revegetation of restored soil areas with native seed mixes, plant species suitable to the area, consistent with Wasco County's weed control plan
- (d) For any part of the energy facility on leased property, the plan may incorporate agreements with the landowner regarding leaving access roads, fences, gates or buildings in place or regarding restoration of agricultural crops or forest resource land. Said landowner will be responsible for maintaining said facilities for purposes permitted under applicable zoning.
- (e) The underground power collector and communication lines need not be removed if at a depth of three feet or greater. These cables can be abandoned in place if they are deemed not a hazard or interfering with agricultural use or other consistent resource uses of the land.
- (f) The plan must provide for the protection of public health and safety and for protection of the environment and natural resources during site restoration.
- (g) The plan must include a schedule for completion of site restoration work.
- (2) Before beginning construction of the energy facility, the permit holder must submit in a form and amount satisfactory to Wasco County, assuring the availability of adequate irrevocably committed funds to restore the site to a useful, non-hazardous condition naming Wasco County as beneficiary or payee. The form may include posting a bond, issuing an irrevocable letter of credit, purchasing a paid up insurance policy or by other means acceptable by Wasco County and shall ensure continuity between owners.
- (3) The amount of the financial assurance (bond or other such form of guarantee) shall be annually adjusted for inflation using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast," or by any successor agency (the "Index"). The permit holder (including possible successor if sold or transferred) shall increase the amount of the financial assurance annually by the percentage increase in the Index and shall pro-rate the amount within the year to the date of retirement. If at any time the Index is no longer published, Wasco County shall select a comparable index for adjusting the amount. The amount of the financial assurance shall be prorated within the year to the date of decommissioning.

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1	(4) Per the request of Wasco County, the permit holder (including possible successor if sold or transferred) shall describe the status of the financial
3	assurance in a report (e.g., annual update report submitted to Wasco County).
4	(5) The financial assurance shall not be subject to revocation or reduction before
5	retirement of the energy facility site.
6	
7	WCLUDO 19.030(C)(19) requirements mirror the requirements of the Council's Retirement and
8	Financial Assurance standard. The applicant's compliance with the Council's Retirement and
9	Financial Assurance standard is presented in Section IV.G., Retirement and Financial Assurance.
10	The recommended findings of fact and analysis from that section are incorporated herein by
11	reference. Based on the analysis presented in Section IV.G. of this order, the Department
12	recommends the Council find the requirements of WCLUDO 19.030(C)(19) are satisfied.
13	
14	20. Final Location - The actual latitude and longitude location or Oregon State Plane
15	NAD83 HARN (international feet) coordinates of the energy facility and related or
16	supporting facilities shall be provided to the County GIS Department once commercial
17	electrical power production begins. Alternatively, this information could be provided in
18	GIS layer consistent with the datum referenced above or any other datum deemed
19	acceptable by the Wasco County GIS Department.
20	
21	The Department recommends the Council impose the following condition to ensure compliance
22	with WCLUDO 19.030(C)(20):
23	
24	Recommended Land Use Condition 11 (OPR): Within 90-days of commercial operation of
25	the facility or any phase of the facility, as applicable, the certificate holder shall provide to
26	the Department and Wasco County GIS Department the actual latitude and longitude
27	location or Oregon State Plane NDA83 HARN (international feet) coordinate of all facility
28	components. GIS layers may be provided consistent with the datum reference above or any
29	other datum deemed acceptable by the Department.
30	[OPR-LU-02; Final Order on ASC]
31	
32	Based on compliance with the above condition, the Department recommends the Council find
33	the requirements of WCLUDO 19.030(C)(20) are satisfied.
34	
35	21. Power Production Reporting - The County may require a report of
36	nonproprietary power production for any time frame after the energy facility
37	first begins production if permitted through the County. If requested, the
38	permit holder shall have 180 days to produce said report
39	
40	The proposed facility is not being permitted through the County, and the Wasco County Board
41	of Commissioners has not requested that Council impose a condition requiring that the

applicant submit a nonproprietary power production report. Accordingly, the Department

recommends the Council find that WCLUDO Section 19.030(C)(21) is not applicable.

1	D. Specific Standards - The following standards apply to specific types of energy facilities
2 3	as described, in addition to the General Standards in Section C above.
4	b) Solar Energy Facilities
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6	a. Ground Leveling — The solar energy facility shall be designed and
7	constructed to minimize ground leveling and to the extent reasonably
8	practicable, limit ground leveling to those areas needed for effective solar
9	energy collection.
10	
11	Slopes within the site boundary range from 0 to 95 percent. The site will require grading; the
12	draft Site Certificate Section 4.3 requires that existing vegetation be maintained to the
13	maximum extent practicable and that a grading plan be developed demonstrating that
14	disturbance will be minimized and appropriate BMPs will be onsite and available based on the
15	level of disturbance planned within a given area.
16	
17	All clearing and grading activities will follow the BMPs listed in the NPES 1200-C permit under
18	recommended Soil Protection Conditions 2 and 3.
19	
20	b. Misdirection of Solar Radiation - The solar energy facility shall be designed
21	constructed, and operated to prevent the misdirection of concentrated solar
22	radiation onto nearby properties, public roadways or other areas accessible
23	to the public, or mitigated accordingly.
24 25	The requirements of WCLUDO Section 19.030(D)(1)(b) are applicable to concentrating solar-
26	thermal power plants and are not applicable to the proposed photovoltaic power generation
27	facility.
28	Taomey.
29	c. Glare - The solar energy facility shall be designed, constructed and
30	operated such that any significant or prolonged glare is directed away from
31	any nearby properties or public roadways, or mitigated accordingly.
32	
33	As discussed in Section III. Description of the Proposed Facility, the proposed facility will utilize
34	photovoltaic modules with anti-reflective coating, which is expected to minimize glare. In
35	addition, the use of tracking systems will ensure that any glare that is produced will be directed
36	back towards the sun. Because the proposed facility is not expected to generate more than
37	minimal amounts of glare, the Department recommends the Council find the requirements of
38	WCLUDO Section 19.030(D)(1)(c) are satisfied.
39	
40	d. Cleaning Chemicals and Solvents - During operation of the solar energy
41	facility, all chemicals or solvents used to clean solar panels or heliostats shall
42	be low in volatile organic compounds and to the extent reasonably
43	practicable, the permit holder shall use recyclable or biodegradable products
44	

Recommended Soil Protection Condition 9 would prohibit the use of chemicals, soaps, detergents and heated water for solar panel washing during operations unless specific low volatile organic compound/biodegradable cleaning chemicals or solvents are approved by the Department. Subject to compliance with this condition, the Department recommends the requirements of WCLUDO Section 19.030(D)(1)(d) are satisfied.
e. Wildlife - Measures to reduce wildlife impact may include using suitable methods such as coloration or sound producing devices to discourage birds from entering areas of concentrated solar energy near solar-thermal mirrors or other devices that concentrate solar radiation.
The requirements of WCLUDO Section 19.030(D)(1)(e) are applicable to concentrating solar-thermal power plants and are not applicable to the proposed photovoltaic power generation facility.
WCLUDO Chapter 20: Site Plan Review
Section 20.040: Site Plan Approval Standards
<ul> <li>A. All provisions of this ordinance and other applicable ordinances are complied with.</li> <li>B. Elements of the site plan are arranged so that: <ol> <li>Traffic congestion is avoided.</li> <li>Pedestrian and vehicular safety and welfare are protected.</li> <li>Significant features and public amenities are preserved and maintained.</li> <li>There will be minimal adverse effect on surrounding property.</li> </ol> </li> <li>C. Proposed lighting is arranged to direct light away from adjoining properties.</li> <li>D. Proposed signs will not interfere with traffic or limit visibility by size, location or illumination.</li> </ul>
WCLUDO 20.040 provides the approval standards for the proposed facility site plan review. The standards under WCLUDO 20.040 are already addressed under WCLUDO 3.210 and 19.030 standards above. Specifically, the applicant demonstrated compliance with the applicable provisions of the WCLUDO, addressed traffic congestion and safety, public safety, and potential adverse impacts on surrounding properties. Proposed conditions of approval address lighting and signs. For these reasons, the Department recommends that Council find that the applicant can satisfy WCLUDO 20.040(A)-(D).
Section 20.050: Off Street Parking
*** The following are the uses and minimum standards provided for off street parking:

G. Industrial

- 2 1. Storage warehouse, manufacturing establishment, rail or trucking freight 3
  - terminal: One (1) space per employee. 2. Wholesale establishment: One (1) space per employee plus one (1) space per
  - seven hundred (700) square feet of patron serving area.

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WCLUDO Section 20.050 provides off-street parking requirements for industrial land uses, including one space per employee for various industrial uses including a storage warehouse. While the section does not appear to apply directly to a commercial power generating facility, the applicant confirms that the proposed O&M building would include parking space for 10-15 employees, which is the maximum number of permanent workers anticipated for proposed facility operation. This design representation is binding on the applicant and reflected in the draft Site Certificate (Attachment A Table 2). Therefore, based on the O&M parking lot design (20 spaces) and maximum number of workers (15), the Department recommends that Council find that the proposed facility would comply with WCLUDO Section 20.050(G).

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Section 20.055: Bicycle Parking Requirements

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At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure, bicycle parking shall be provided in accordance with the following standards:

21 22 23

A. Number of Bicycle Parking Spaces - A minimum of two bicycle parking spaces per use is required for all uses with greater than ten vehicle parking spaces.

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The applicant proposes to provide secure parking space for two bicycles inside the O&M building and for these reasons, the facility would not be required to meet the additional requirements under WCLUDO Section 20.055 for parking bicycles outdoors.

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Section 20.070: Off Street Loading

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I. Merchandise, materials or supplies: Buildings or structures to be built or substantially altered to receive and distribute materials or merchandise by truck shall provide and maintain off street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off street parking areas used to fulfill the requirements of this Ordinance shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

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WCLUDO Section 20.070 establishes off-street loading requirements.

As previously described, facility access roads are required to be 20-feet wide with an up to 48-foot turning radius to be consistent with Oregon Fire Code requirements and applicable standards (i.e., access for first-responder apparatus), which would conform to the 2018 International Fire Code. The surface would be composed of gravel, compacted aggregate base, or another commercially available suitable surface and be able to support 75,000 pounds.

Therefore, the proposed access roads would be able to accommodate off-street loading during proposed facility construction and operation. Based on the design and size of the O&M building yard (approximately 4 acres), the Department recommends that Council find that the proposed facility would comply with WCLUDO Section 20.070.

## Section 20.080: General Provisions – Off Street Parking and Loading

WCLUDO Section 20.080 establishes general off-street parking and loading provisions, which the applicant asserts would be satisfied through O&M building design, which includes sufficient space given the size of the O&M building (169,750 square feet), within an approximately 4-acre site, with parking spaces for up to 20 vehicles and internal parking provided for 2 bicycles. These design representation are binding on the applicant and reflected in the draft Site Certificate (Attachment A Table 2). Based on the proposed O&M building design, the Department recommends that Council find that the proposed facility would comply with WCLUDO Section 20.080.

## **Wasco County Comprehensive Plan (WCCP)**

The County recommends that County Policies related to Goal 5 (Open Spaces, Scenic and Historic Areas and Natural Resources) and Policy 13.1.7 (Energy Conservation) are applicable to the review of the proposed facility<sup>85</sup>, and the applicant provides evidence to support its compliance with a number of specific policies. The County has adopted specific standards in the WCLUDO to implement the policies for solar photovoltaic power generation systems, and the WCLUDO and Council Standards, require the applicant to evaluate the potential adverse impacts the construction and operation of the proposed facility would have on natural resources and to avoid, minimize, and mitigate impacts as needed.

As described in this section, the Department recommends that the Council find, with the exception of the acreage standards for solar photovoltaic power generation facilities under WCLUDO Section 3.215(M), the applicant has met the applicable standards and in doing so, has demonstrated that the proposed facility is consistent with the applicable goals and policies of the comprehensive plan.

## IV.E.1.2 Sherman County Local Applicable Substantive Criteria

<sup>&</sup>lt;sup>85</sup> YRBNOIDoc26 SAG NOI Comments Wasco County 2023-11-01.

- The proposed facility includes approximately 1.9 miles of a 500 kV transmission line that would extend into Sherman County, within EFU zoned land. The proposed alternate 500 kV
- 3 transmission line will be constructed on approximately 160 to 180-foot-tall steel structures that
- 4 will be spaced approximately 1,000 feet apart. As a result, the proposed alternate 500 kV
- 5 transmission line does not meet the SCZO definitions or use categories for a commercial utility
- facility (SCZO 3.1(3)(q)) or a transmission tower over 200 feet in height (SCZO 3.1(3)(x)). The
- 7 SCZO does not contain provisions adopting ORS 215.283(1)(c) for "utility facilities necessary for
- 8 public service". Given the lack of County code provisions implementing the statute, ORS
- 9 215.283(1)(c) and ORS 215.274 are directly applicable; directly applicable state statutes and administrative rules are evaluated in Section IV.E.1.3 of this order.

IV.E.1.3 Directly Applicable State Statutes and Administrative Rules – OAR 345-021-0010(1)(k)(C)(iii)

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Pursuant to OAR 660-033-0120, photovoltaic solar power generation facilities must comply with the standards set forth in OAR 660-033-0130(5) and (38). Because Wasco County has not amended WCLUDO 5.020 to align with LCDC's recent amendment of OAR 660-033-0130(5), OAR 660-033-0130(5) is evaluated in this section. Wasco County has also not adopted ORS 215.274 or OAR 660-033-0130(38) into the WCLUDO. Sherman County has not adopted ORS 215.274. These directly applicable administrative rules and statutes are evaluated in the section below.

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### **Oregon Revised Statutes (ORS)**

ORS 215.283(1)(c) and ORS 215.274

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28 29 Transmission lines that meet the definition of an "associated transmission line" must consider the requirements of ORS 215.274.86 If a utility facility necessary for public service is an "associated transmission line" as defined in ORS 215.274 and ORS 469.300, the use may be established in EFU-zoned land pursuant to ORS 215.283(c).

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As proposed, both the preferred POI and the 4.5-mile 500 kV gen-tie transmission line alternative are "associated transmission lines". Neither Wasco nor Sherman counties have adopted local code provisions to implement ORS 215.274. Therefore, the requirements of the statute apply directly to the proposed and alternative transmission line(s), as evaluated below.

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Associated transmission lines necessary for public service; criteria; mitigating impact of facility.

<sup>&</sup>lt;sup>86</sup> ORS 469.300(3) defines "associated transmission lines" as "new transmission lines constructed to connect an energy facility to the first point of junction of such transmission line or lines with either a power distribution system or an interconnected primary transmission system or both or to the Northwest Power Grid," and that definition is incorporated by reference in ORS 215.274.

1	(1) As used in this section, "associated transmission line" has the meaning given that term in
2	ORS 469.300.
3	ORS 469.300(3): "Associated transmission lines" means new transmission lines
4	constructed to connect an energy facility to the first point of junction of such
5	transmission line or lines with either a power distribution system or an interconnected
6	primary transmission system or both or to the Northwest Power Grid.
7	

(2) An associated transmission line is necessary for public service if an applicant for approval under ORS 215.213(1)(c)(B) or 215.283(1)(c)(B) demonstrates to the governing body of a county or its designee that the associated transmission line meets:

(a) At least one of the requirements listed in subsection (3) of this section; or

(b) The requirements described in subsection (4) of this section.

ORS 215.274(a) requires that the applicant demonstrate that the associated transmission line meets the requirements of either ORS 215.274(3) or (4). As discussed below, in ASC Exhibit K, the applicant provides evidence to support Council's review of the requirements of subsection (3); the applicant does not evaluate the requirements of subsection (4).

(3) The governing body of a county or its designee shall approve an application under this section if an applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:

(a) The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;

(b) The associated transmission line is co-located with an existing transmission line;

(c) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or

 (d) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground.

The proposed associated transmission line routes are not located on high-value farmland, but are located on arable land. ORS 215.274(3)(a) is not met.

The proposed associated transmission line routes are not co-located with an existing transmission line. ORS 215.274(3)(b) is not met.

The proposed associated transmission line routes are parallel to the existing BPA transmission corridor containing three 500-kV transmission lines, as demonstrated in ASC Exhibit C Figure C-2.1 and C.2-2. The centerline of the proposed associated transmission line routes would be between 60-250 feet from the easternmost existing BPA line. The Department recommends that Council find that this criterion is met.

The proposed associated transmission line routes are not located within an existing right of way for a linear facility. ORS 215.274(3)(d) is not met.

Because the proposed associated transmission line routes would be parallel to BPA's existing transmission line corridor, satisfying ORS 215.274(3)(c), the Department recommends Council find that the associated transmission line is a utility facility "necessary for public service."

# OAR 660-033-0130(5)

Under OAR 660-033-0130 Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses:

- (5) Approval requires review by the governing body or its designate under ORS 215.296. Uses may be approved only where such uses:
  - (a) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
  - (b) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
  - (c) For purposes of subsection (a) and (b), a determination of forcing a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use or a determination of whether the use will significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use requires:
    - (A) Identification and description of the surrounding lands, the farm and forest operations on those lands, and the accepted farm practices on each farm operation and the accepted forest practices on each forest operation;
    - (B) An assessment of the individual impacts to each farm and forest practice, and whether the proposed use is likely to have an important influence or effect on any of those practices; and

OAR 660-033-0130(5) applies to the proposed facility, with the exception of the proposed 500 kV transmission line routes, which are evaluated separately under OAR 215.274 above.

Landowners and current land management practices for lands surrounding the proposed site are presented in Table 8 below. Based on the assessment of farm practices on surrounding lands, some lands are used for cattle grazing and approximately 605 acres, or 8.1 percent, are used for dryland winter wheat cultivation.

**Table 8: Landowners within Surrounding Lands** 

Landowner	Map and Tax Lot (MTL)	MTL in Lease Agreement with Facility	Farm Operations within Surrounding Lands
Steven L Ashley et al. (aka A & K Ranches)	5S 15E 0 100 5S 15E 0 101 4S 15E 0 1500	Yes No Yes	Farm Operation: Cattle.  A portion of the surrounding lands within this tract (Tract 1 on Figure K-3) has been approved for the siting of the Sunset Solar Project. As provided by landowner testimony, cattle ranching may occur within portions of the surrounding land that have suitable slopes and vegetation and are not located within CRP. These cattle only graze on Tract 1 for five months during the year.  As provided by landowner testimony and as shown on Figure K-9 and 2023 aerial photography, the surrounding lands do not contain crop production. Irrigation water rights: Permit G17321.
United States of America	5S 15E 0 200	No	Farm Operation: None.  Bakeoven Substation, no crop production or cattle.  No irrigation water rights.
Betty J Odom et al.	4S 15E 0 100 4S 16E 0 100	No (both)	Farm Operation: None. Vacant, undeveloped. Primarily consists of steep slopes associated with Buck Hollow Canyon. No irrigation water rights.
Douglas Bibby	4S 16E 0 200	No	Farm Operation: None. Vacant, undeveloped. Primarily consists of steep slopes associated with Buck Hollow Canyon. Figure K-9 and 2023 aerial photography do not show crop production activity. Irrigation water rights: Certificate 42677.
Don Phillips et al. 4S 16E 0 900 N		Yes No Yes	Farm Operation: None. Ranching occurs within the Don Phillips tract within the site boundary but not within the surrounding lands due to slopes and CRP.

**Table 8: Landowners within Surrounding Lands** 

Landowner	Map and Tax Lot (MTL)	MTL in Lease Agreement with Facility	Farm Operations within Surrounding Lands
			No irrigation water rights.
United States of America	4S 16E 0 400	No	Farm Operation: None. Vacant, undeveloped. Primarily consists of steep slopes associated with Buck Hollow Canyon. No irrigation water rights.
Douglas Bibby 4S 16E 0 500		No	Farm Operation: None. Vacant, undeveloped. Primarily consists of steep slopes associated with Buck Hollow Canyon. Figure K-9 and 2023 aerial photography do not show crop production activity.  Irrigation water rights: Certificate 42677.
United States of America	4S 16E 0 700	No	Farm Operation: None. Vacant, undeveloped. Primarily consists of steep slopes associated with Buck Hollow Canyon. No irrigation water rights.
United States of America	4S 16E 0 600	No	Farm Operation: None. Vacant, undeveloped. Primarily consists of steep slopes associated with a tributary of Buck Hollow Canyon. No irrigation water rights.
A & K Ranches	5S 16E 0 800	No	Farm Operation: None. This tax lot is vacant and primarily consists of steep slopes associated with a tributary of Buck Hollow Canyon. Ranching occurs within A & K Ranches Tract 1 (see ASC Exhibit K Figure K-9). No irrigation water rights.
Levi Chrisman	5S 16E 0 1300	Yes	Farm Operation: Leased to Carver Family Ranches LLC for Cattle & Crop
Family LLC	5S 16E 0 2600	No	Production.

**Table 8: Landowners within Surrounding Lands** 

Landowner Map and Tax Lot Agreeme		MTL in Lease Agreement with Facility	Farm Operations within Surrounding Lands			
			As provided by landowner testimony, the landowner does not have a farm operation; 240 acres of these tax lots are leased by Carver Family Ranches LLC for their farming operation (see row below).  No irrigation water rights.			
Carver Family Ranches LLC	5S 16E 0 600 5S 16E 0 2800	No (both)	Farm Operation: Cattle & Crop Production.  As provided by landowner testimony and as shown on ASC Exhibit Figure K-9 and 2023 aerial photography, dryland wheat production and cattle ranching occur within the surrounding lands of these tax lots.  No irrigation water rights.			
United States of America	5S 16E 0 1400	No	Farm Operation: None.  Vacant and undeveloped. ASC Exhibit K Figure K-9 and 2023 aerial imagery indicate no crop cultivation.  No irrigation water rights.			
Bakeoven I LLC	5S 16E 0 2500 5S 16E 0 3200	No (both)	Farm Operation: None.  Vacant and undeveloped. Majority (61 percent) Class 7 soils. ASC Exhibit K  Figure K-9 and 2023 aerial imagery indicate no crop cultivation.  No irrigation water rights.			
Kenneth W Clark et al.	5S 16E 0 2501 5S 16E 0 2502	No (both)	Farm Operation: None.  Vacant and undeveloped. ASC Exhibit K Figure K-9 and 2023 aerial imagery indicate no crop cultivation.  No irrigation water rights.			
Blaine D Carver	5S 16E 0 3300	No	Farm Operation: Crop Production.  Active farming of irrigated and dryland wheat crops in surrounding lands.  Irrigation water rights: Certificate 68500 and Permit G12480.			
A & K Ranches 5S 16E 0 2000 No (bot)		No (both)	Farm Operation: None.			

**Table 8: Landowners within Surrounding Lands** 

Landowner	Map and Tax Lot (MTL)	MTL in Lease Agreement with Facility	Farm Operations within Surrounding Lands
	` ,		
			No agricultural activities. A majority of these tax lots are identified as containing Class 8 soils. They also contain a mineral aggregate site (#154). Cattle ranching occurs within a separate A & K Ranches tract (Tract 1 on Figure K-3). No irrigation water rights.
Vicki Ashley	5S 16E 0 1201 5S 16E 0 2200 5S 15E 0 1100	No (all)	Farm Operation: Leased for Crop Production.  The portion of these tax lots located within the surrounding lands is used for both the siting of solar energy facilities and crop production. ASC Exhibit K Figure K-9 and 2023 aerial imagery indicate dryland wheat cultivation alongside Bakeoven and Daybreak solar facilities.  No irrigation water rights.
Lawson Place Partners LLC	5S 15E 0 102	No	Farm Operation: None. The portion of this property located within the surrounding lands is used for a solar energy facility. ASC Exhibit K Figure K-9 and 2023 aerial imagery indicate no crop cultivation. No irrigation water rights.
A & K Ranches	5S 16E 0 1200	No	Farm Operation: Crop Production.  The portion of this property located within the surrounding lands has been approved for the siting of the Sunset Solar Project. ASC Exhibit K Figure K-9 and 2023 aerial imagery indicate a small area of dryland wheat cultivation within the Sunset Solar Project boundary.  No irrigation water rights.

 (C) An assessment of whether all identified impacts of the proposed use when considered together could have a significant impact to any farm or forest operation in the surrounding area in a manner that is likely to have an important influence or effect on that operation.

## **Impacts to Farm Operations on Surrounding Lands**

As presented in Table 8, farm practices on surrounding lands include cattle grazing and dryland winter wheat cultivation.

### **Cumulative Impacts to Farm Operations**

The surrounding lands evaluated consist of approximately 7,388 acres. There are cultivated portions of four farm operations within the surrounding lands totaling approximately 605 acres, or approximately 8.1 percent of the surrounding lands. Landowner letters and review of visual evidence of crops growing adjacent to solar facilities during construction indicate that existing farm operations will be able to continue to operate, if the facility is approved by Council. The applicant has not identified any unique crops being grown within the surrounding lands, the agricultural potential for these lands is marginal, and without an active irrigation water right, most lands are not commercially farmable. As a result, the minimal amount of agriculture on surrounding lands is not likely to be impacted significantly, either individually or cumulatively, as a result of facility construction or operations.

(D) For purposes of this subsection, examples of potential impacts for consideration may include but are not limited to traffic, water availability and delivery, introduction of weeds or pests, damage to crops or livestock, litter, trespass, reduction in crop yields, or flooding.

In addition to the detailed evaluation included in specific exhibits and sections of this order referenced below, potential impacts and minimization measures are presented below:

Traffic - (See Exhibit U, and Section IV.M Public Services). Applicant has coordinated
with Wasco County and Wasco County Sherrif on traffic management concerns and
prepared a draft Construction Traffic Management Plan (Exhibit U, Attachment U-7) to
minimize and prevent traffic impacts.

• Water availability and delivery - (See Exhibit U, and Section IV.M Public Services; Exhibit O, and Section IV.S. Water Rights). While there are no irrigation place of use water rights authorized for use on land within the facility site boundary, there are three that are located within the surrounding lands (see Figure K-5). Applicant intends to obtain water for construction from one or more of the municipal water sources using a bulk water agreement (see Attachments O-1, O-4, and O-5 in Exhibit O). In addition, two landowners (one participating, one adjacent) have also offered to provide water during construction using existing wells subject to any required approvals or permits. Thus, demonstrating the ability to acquire and deliver water needed for construction and operations.

- Introduction of weeds or pests (See Exhibit I, and Section IV.D Soil Protection; Exhibit P, and Section IV.H Fish and Wildlife Habitat). The potential introduction and spread of noxious weeds as a result of facility construction is addressed and mitigated through the Revegetation and Reclamation Plan and Noxious Weed Control Plan (Attachments P-1 and P-2).
- Damage to crops or livestock (See Goal 3 Exception, Section IV.E.1.3 below). Farming operations within the surrounding lands are not expected to experience a reduction in crop yields.
- Litter (See Exhibit W, and Section IV.O Waste Minimization) The applicant is required to minimize litter and solid waste as part of construction and operations, and is required to develop and implement Waste Management Plans with an emphasis on recycling where feasible. Because the facility will be protected by a perimeter fence, it is not anticipated that random litter will be an issue.
- Trespass (See Exhibit U and Section IV.M. Public Services, and Exhibit B, Section III
  Project Description). The facility will be enclosed in a perimeter fence, marked with
  signage excluding the public, monitored remotely through the SCADA system, and the
  presence of operational staff. For these reasons, it is unlikely that trespassing will be an
  issue.
- Reduction in crop yields (See Goal 3 Exception, Section IV.E.1.3 below). The proposed facility should not result in a reduction in crop yields. Crop yields are tied to viability of soils, availability of water for irrigation, and temperatures. Soil impacts onsite will be minimized and avoided and should not result in any off-site impacts. Soil management through erosion and sediment control will be implemented as discussed in Exhibit I and Section IV.D Soil Protection and through compliance with the NPDES-1200 C permit, Erosion and Sediment Control Plan and the Fugitive Dust Plan required for construction.
- Flooding (See Exhibit H and Section IV.C Structural Standard). The potential risk of non-seismic hazards such as flooding have been evaluated as part of the assessing non-seismic risks. Due to location and topography, the risk of flooding at the facility is considered to be low.
- Fire Risks (See Exhibit U and Section IV.M Public Services, and Exhibit W and Section
  IV.N Wildfire Prevention and Risk Mitigation). The potential risk of wildfire and fire are
  evaluated and mitigated through the implementation of an approved Wildfire
  Mitigation Plan for Construction and Operations. Additional fire prevention measures
  are part of Public Services and required emergency response plans.
- Litigation Prior to construction, a Farm-Forest Management Easement is required and
  will be signed and recorded by each landowner with property within the facility site
  boundary, as required per WCLUDO 3.218. This easement requires the landowners to
  acknowledge that farm and forest operations are allowed to occur on land located
  within the exclusive farm use zone and prevents them from requesting compensation
  from adjacent property owners due to damage resulting from accepted farm and forest
  practices. These agreements will minimize the potential for litigation over the facility
  with these landowners.

Oregon Department of Energy Based upon the recommended findings of fact and analysis included in the aforementioned exhibits and evaluations in relevant sections of this order, the Department recommends that Council find that the facility will be constructed in a manner that minimizes or avoids potential impacts to individual and cumulative farm practices on surrounding lands. (E) For purposes of subsection (a) and (b), potential impacts to farm and forest practices or the cost of farm and forest practices, impacts relating to the construction or installation of the proposed use shall be deemed part of the use itself for the purpose of conducting a review under subsections (a) and (b). The Department recommends that Council find that the proposed use will be compatible with adjacent agricultural uses because it will not limit or impact current or future farm activities on the surrounding land and will not diminish the opportunity for neighboring parcels to expand, purchase, or lease any vacant land available for agricultural uses. The Department recommends Council find that, based on conditions recommended in this order to address dust, erosion, noxious weeds, traffic and wildfire, proposed facility construction and operation will not limit or adversely impact existing farming operations within the surrounding lands or force a significant change in accepted farm or forest practices or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

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(F) In the consideration of potentially mitigating conditions of approval under ORS 215.296(2), the governing body may not impose such a condition upon the owner of the affected farm or forest land or on such land itself, nor compel said owner to accept payment to compensate for the significant changes or significant increases in costs described in subsection (a) and (b).

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The Department has not recommended any conditions that apply to the owners of affected farm land nor any conditions that would compel the landowner to accept payment for compensation of significant impacts.

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### OAR 660-033-0130(38)

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OAR 660-033-0130 Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses

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(38) A proposal to site a photovoltaic solar power generation facility shall be subject to the following definitions and provisions:

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(a) "Arable land" means land in a tract that is predominantly cultivated or, if not currently cultivated, predominantly comprised of arable soils.

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The proposed facility would be located on "arable land."

(b) "Arable soils" means soils that are suitable for cultivation as determined by the 1 2 governing body or its designate based on substantial evidence in the record of a local 3 land use application, but "arable soils" does not include high-value farmland soils 4 described at ORS 195.300(10) unless otherwise stated. 5 6 Each tract associated with the proposed site boundary is predominantly comprised of "arable 7 soils". Some currently cultivated lands are located within Tracts 2 and 3. The area within the site boundary is predominantly composed of arable soils (See Table 7 below). Per OAR 660-033-8 9 0130(38)(b), "'arable soils' means soils that are suitable for cultivation as determined by the governing body or its designate based on substantial evidence in the record of a local land use 10 application, but 'arable soils' does not include 'high-value farmland soils' described at ORS 11 12 195.300(10) unless otherwise stated." ORS 195.300(10)(a) and (c) are applicable to the facility. 13 14 (c) "Dual-use development" means developing the same area of land for both a 15 photovoltaic solar power generation facility and for farm use. 16 No dual-use development is proposed, therefore (c) is not applicable to the proposed facility. 17 18 19 (d) "Nonarable land" means land in a tract that is predominantly not cultivated and predominantly comprised of nonarable soils. 20 21 (e) "Nonarable soils" means soils that are not suitable for cultivation. Soils with an NRCS 22 agricultural capability class V-VIII and no history of irrigation shall be considered 23 nonarable in all cases. The governing body or its designate may determine other soils, 24 25 including soils with a past history of irrigation, to be nonarable based on substantial 26 evidence in the record of a local land use application. 27

Some "nonarable soils" exist within the site boundary, but there is no "nonarable land." Figure 7 below shows the distribution of arable/nonarable soils in the analysis area.

Figure 7: Arable and Non-Arable Soil within Analysis Area

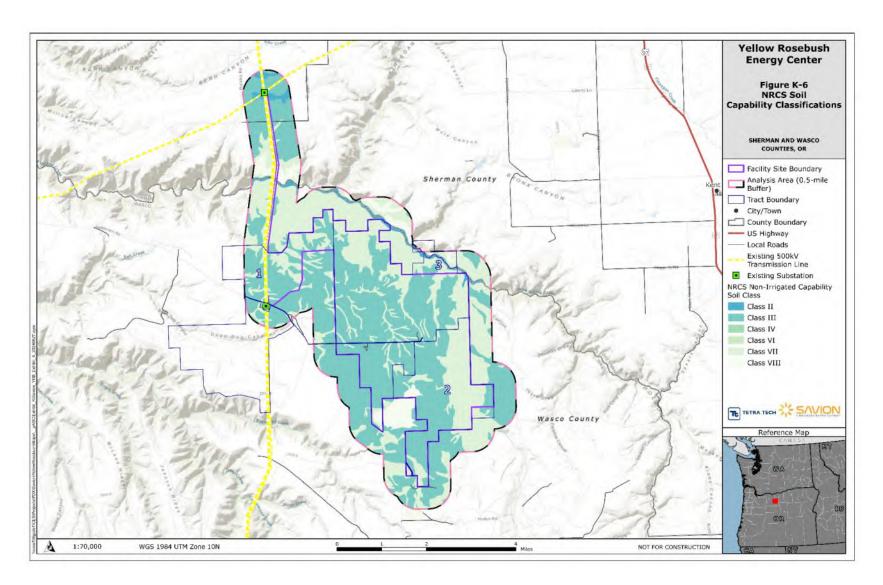


Table 9 below shows arable/non arable lands within the proposed site boundary and associated tracts. Based upon this information, the applicable provisions above are (a) "arable land", (b) "arable soils".

Table 9: Arable Lands by Tracts in Analysis Area

Tract	Owner	Total Tract Acreage	Acreage of Arable Soils <sup>1</sup>	Acreage of Cultivated Land and Arable Soils <sup>2</sup>	Percent of Tract Area
1	ASHLEY L STEVEN ET AL	4,985	3,548	3,548	71%
2	CHRISMAN LEVI FAMILY LLC	2,548	1,392	1,449	55%
3	PHILLIPS DON W ET AL	4,940	3,261	3,289	66%

<sup>1.</sup> Per the USDA Soil Conservation Service, NRCS Class I through IV soils are considered suitable for cultivation or arable soils while Class V and higher are considered non-arable soils (Helms 1992). As Class I and II soils are considered high-value farmland soils per ORS 195.300(10) and the definition of arable soils per OAR 660-033-0130(38)(b) excludes high-value farmland soils, the predominance test included only NRCS Class III and IV soils.

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(f) "Photovoltaic solar power generation facility" includes, but is not limited to, an assembly of equipment that converts sunlight into electricity and then stores, transfers, or both, that electricity. This includes photovoltaic modules, mounting and solar tracking equipment, foundations, inverters, wiring, storage devices and other components. Photovoltaic solar power generation facilities also include electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, all necessary grid integration equipment, new or expanded private roads constructed to serve the photovoltaic solar power generation facility, office, operation and maintenance buildings, staging areas and all other necessary appurtenances. For purposes of applying the acreage standards of this section, a photovoltaic solar power generation facility includes all existing and proposed facilities on a single tract, as well as any existing and proposed facilities determined to be under common ownership on lands

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The proposed solar array and associated components meet the definition of "photovoltaic solar power generation facility." This would include the BESS, collector substation and

with fewer than 1320 feet of separation from the tract on which the new facility is

be considered to be in common ownership, regardless of the operating business

proposed to be sited. Projects connected to the same parent company or individuals shall

structure. A photovoltaic solar power generation facility does not include a net metering

project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a

Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860,

<sup>2.</sup> OAR 660-033-0130(38)(a) defines arable land as "land in a tract that is predominantly cultivated, or if not cultivated, predominantly comprised of arable soils.

interconnection equipment (including overhead cables connecting the substation to the existing BPA switchyard or proposed alternate gen-tie line within the site boundary), and O&M building. The facility's aboveground components would be located within the fence line of the solar facility (with possible exception of interconnection cables extending over the collector substation fence line to the proposed BPA switchyard and the alternate gen-tie line) The 34.5-kV collector lines that would collect the energy from the solar panels and transfer it to the collector substation are also part of the facility.

(g) For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not use, occupy, or cover more than 12 acres unless:

(A) The provisions of paragraph (h)(H) are satisfied; or

(B) A county adopts, and an applicant satisfies, land use provisions authorizing projects subject to a dual-use development plan. Land use provisions adopted by a county pursuant to this paragraph may not allow a project in excess of 20 acres. Land use provisions adopted by the county must require sufficient assurances that the farm use element of the dual-use development plan is established and maintained so long as the photovoltaic solar power generation facility is operational or components of the facility remain on site. The provisions of this subsection are repealed on January 1, 2022.

OAR 660-033-0130(38)(g) restricts a photovoltaic solar power generation facility from using, occupying, or covering more than 12 acres of high value farmland unless the provisions of OAR 660-033-0130(38)(h)(H) are satisfied or the County adopts a dual-use development plan, which would then allow use, occupation or coverage on no more than 20 acres of high-value farmland as defined in ORS 195.300.

## High value farmland under ORS 195.300(10)(a):

High-value farmland as described in ORS 215.710 (High-value farmland description for ORS 215) that is land in an exclusive farm use zone or a mixed farm and forest zone, except that the dates specified in ORS 215.710 (High-value farmland description for ORS 215) (2), (4) and (6) are December 6, 2007.

As previously noted, the proposed facility is sited within an EFU zone. In order to determine whether the project site boundary contains high-value farmland based on the definition under ORS 195.300(10)(a), the Department evaluates the following:

Assess whether the soils within the tract are irrigated or not irrigated;

  Based on the irrigation status, assess whether the soils within each tract are classified as prime, unique, Class I or II; and

The proposed site boundary is not located in an irrigation district nor a diking district. As shown in Figure 8 and Table 10 below, only 1% of one of the tracts (Tract 3) contains highvalue soils (73 acres) with an associated water right, but also note that the high-value soils on that tract are not irrigated and per landowner, the water right for irrigation is used on a different tract. Similarly, the water right associated with Tract 1 is used on a different tract not associated with the site boundary.

is predominantly composed of soils that are prime, unique, Class I or II soils<sup>87</sup>.

Table 10: Facility Land Tracts, Water Rights, Acreages and High Value Soils

Based on soil capability classifications, assess whether the total area within each tract

	Owner		Total	Acreage of High Value Soils (HVS; NRCS Soils Class I, II, Prime, or Unique)				
Tract		Water Right <sup>1</sup>	Tract Acreage	Irrigated Acreage of Tract <sup>2</sup>	Non- Irrigated Acreage of Tract	Total	Percent of Tract Area	
1	ASHLEY L STEVEN ET AL	Permit: G 17321 * IR <sup>3</sup>	4,985	0	0	0	0%	
2	CHRISMAN LEVI FAMILY LLC		2,548	0	0	0	0%	
3	PHILLIPS DON W ET AL	Cert: 42677 OR * IR <sup>4</sup>	4,940	0	73	73	1%	

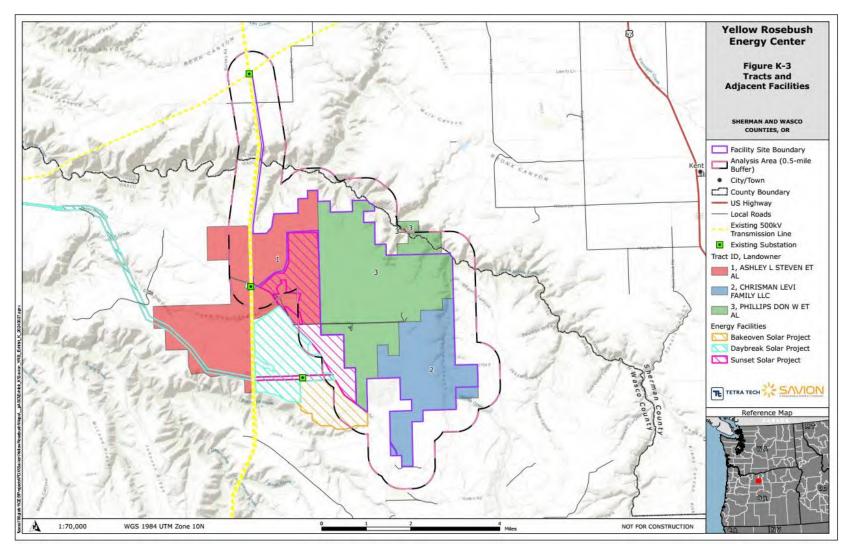
#### Notes:

- 1. The locations of the place of use of these water rights are not located within the facility site boundary (OWRD 2024b).
- 2. According to the definition of "irrigated" in OAR 660-033-0020(9).
- 3. This water right place of use is located outside the Facility site boundary. This is confirmed by the tract owner (Section 4.5.1.2, Table K-7).
- 4. This certificate is associated with the Estate of Joseph Bibby (OWRD 2024b). George Bibby owns land along Buck Hollow Creek adjacent to the Don Phillips tract. The OWRD water rights map shows overland between this water right and Tract 3; however, Mr. Phillips has confirmed that no portion of his property contains water rights (Section 4.5.1.2, Table K-7).

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<sup>&</sup>lt;sup>87</sup> Prime and unique soil designations are from the NRCS "Farmland classification" data set which identifies the following soil map units: prime farmland if irrigated, farmland of statewide importance, farmland of local importance, not prime farmland, or unique farmland. Class I and II soil designations are from the NRCS "Irrigated Capability Class" and "Nonirrigated Capability Class" data sets. Certain soils have different assigned soil capability classes depending on the irrigation status. The definition of "irrigated" under OAR 660-033-0020(9) shall apply to the NRCS capability class datasets.

Figure 8: Tracts and Adjacent Facilities within Analysis Area



- 1 The facility site avoid all high-value farmland. As shown in Tables 10 and 11, while there is high-
- 2 value farmland within the proposed tracts and within the Land Use analysis area, there is no
- 3 high-value farmland within the proposed site boundary per ORS 195.300.

Table 11: High Value Farmland in Analysis Area

Land Type	Analysis Area		Site Boundary		Estimated Permanent Disturbance of HVF within Site Boundary (Acres/%)	
	Acres	Percent	Acres	Percent	Acres	Percent
High-value farmland Per ORS 195.300(10)(a) (i.e., Class 1 or 2 soils) <sup>1</sup>	336.68	2%	0.00	0%	0.00	0%
High-value farmland Per ORS 195.300(10)(c) (i.e., within place of use water right or irrigation district)	111.44	1%	O <sup>2</sup>	0%	0.00	0%
High-value farmland Per ORS 195.300(10)(f) (i.e., within AVA and meets slope, elevation, aspect criteria.	0.00	0%	0.00	0%	0.00	0%
High-value farmland/high-value soils (merged all 3 HVFs) <sup>2</sup>	416.39	2%	0	0%	0.00	0%

#### Notes:

- ORS 195.300(10)(a) cites ORS 215.710, which defines high-value farmland as land within a tract comprised predominantly of soils that are irrigated or not irrigated, and classified as prime, unique, Class I, or Class II. This row shows high-value farmland as result of predominance test that examines soils across tracts that intersect the site boundary. Portions of the analysis area may not include the high-value farmland soils tract analysis per ORS 195.300(10)(a) if the tract boundary does not extend fully across the analysis area. In this case, the analysis area column accounts for the raw acreage of Class 1 and 2 soils present regardless of predominance throughout the tracts that extend further beyond the analysis area boundary.
- 2. This certificate is associated with the Estate of Joseph Bibby (OWRD 2024b). George Bibby owns land along Buck Hollow Creek adjacent to the Don Phillips tract. The OWRD water rights map shows overland between this water right and Tract 3, however, Mr. Phillips has confirmed that no portion of his property contains water rights (Section 4.5.1.2, Table K-5).
- 3. High-value farmland designations per ORS 195.300(10)(a), (c), and (f)

None of the portions of the tracts within the site boundary meet the definition of high-value farmland under ORS 195.300(10)(a). Based upon this information, the Department recommends that Council find the facility would not be located on high-value farmland per ORS 195.300(10).

Based upon the information provided in Exhibit K and the Department's evaluation of the provisions in OAR 660-033-0130(38), the Department recommends that Council find that the provisions of OAR 660-033-0130(38)(g) and (h) do not apply to the facility, but because the facility is sited on arable lands, OAR 660-033-0130(38)(i) is applicable and is evaluated below.

- (i) For arable lands, a photovoltaic solar power generation facility shall not use, occupy, or cover more than 20 acres. The governing body or its designate must find that the following criteria are satisfied in order to approve a photovoltaic solar power generation facility on arable land:
  - (A) Except for electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, the project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(a);

OAR 660-033-0020(8)(a) "High-Value Farmland" means land in a tract composed predominantly of soils that are:

- (A) Irrigated and classified prime, unique, Class I or II; or
- (B) Not irrigated and classified prime, unique, Class I or II.

- (B) The project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(b)-(e) or arable soils unless it can be demonstrated that:
  - (i) Nonarable soils are not available on the subject tract;
  - (ii) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or
  - (iii) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of nonarable soils;

(C) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10);

The proposed facility would use, occupy, or cover an estimated 7,026 acres of arable lands within an 8,075-acre site boundary, well over the 20-acre threshold established by OAR 660-033-0130(38)(i). 660-033-0130(38)(i)(A)-(C) restricts a photovoltaic solar power generation facility from occupying more than 20 acres of arable land and requires the above criteria per OAR 660-033-0020(8) to be met. To satisfy OAR 660-033-0130(38)(i)(A), the proposed facility must not be located on those high-value farmland soils listed in OAR 660-033-0020(8)(a). The proposed facility would not be located on high-value farmland soils listed in OAR 660-033-0020(8)(a), consistent with OAR 660-033-0130(38)(i)(A), and therefore would comply with the criteria in (A).

 OAR 660-033-0130(38)(i)(B) pertains to high-value farmland soils listed in OAR 660-033-0020(8)(b)-(e) or arable soils. As defined in OAR 660-033-0130(38)(b), "arable soils" means soils that are suitable for cultivation as determined by the governing body or its designate based on substantial evidence in the record of a local land use application, but "arable soils" does not include high-value farmland soils described at ORS 195.300(10) unless otherwise stated. The proposed facility does not contain high-value farmland soils listed in OAR 660-033-0020(8)(b)-(e). It does, however, contain arable soils; therefore, one of the three factors under OAR 660-033-0130(38)(i)(B) must be met. As shown in ASC Exhibit K Table K-7, the proposed facility will be located on both arable and nonarable soil. The proposed site boundary is predominantly composed of arable soil and therefore qualifies as arable land.

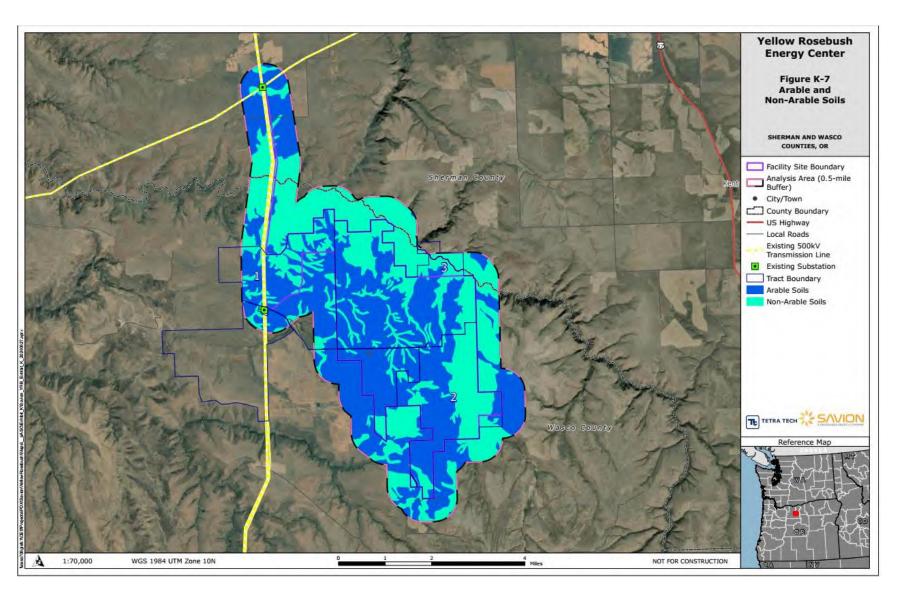
(i) Nonarable soils are not available on the subject tract;

Because nonarable soils are available on the subject tract, factor (B)(i) does not apply.

(ii) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or

Figure 9 below shows that the site boundary and proposed solar micrositing area are sited on both arable and nonarable soils. The primary differentiation between nonarable and arable soils is based on topography and the nonarable soils are generally located along the creeks, canyons, and drainages where the slopes are prone to landslides and are not suitable for solar panel placement (see slopes on ASC Exhibit H Figure H-3). ASC Exhibit P Figure P-4 shows the nonarable soils as either primarily shrub-steppe or cliffs, caves and talus, with some portions as eastside grasslands and all non-cultivated lands as ODFW designated habitat Category 2. Per the applicant's estimates, siting entirely on nonarable soils would reduce the size of the facility by over 50% and the nature of alternating arable/nonarable soils throughout the site boundary makes it nearly impossible to site the facility only on arable soils.

Figure 9: Arable and Non-arable Soil within Analysis Area



(iii) The proposed site is better suited to allow continuation of an existing commercial 1 2 farm or ranching operation on the subject tract than other possible sites also located on 3 the subject tract, including those comprised of nonarable soils; 4 5 As provided by the landowners (See ASC Exhibit K, Section 4.5.1.2, Table K-7 and Figure K-4), 6 only 230 acres of dryland crops are currently grown within the proposed site boundary and of 7 those acres, only 160 are grown within the solar micrositing area. 8 9 (C) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10); 10 11 12 As evaluated above, the proposed facility is not sited on any high-value farmland soils per ORS 195.300(10). Table 11 above shows the acreage and percentage of high value farmland in the 13 14 analysis area and site boundary. 15 16 As described above, the combined total of high-value farmland across all three tracts comprises 17 approximately 5% of the analysis area, but the proposed site boundary and solar micrositing 18 corridor have been sited so that they contain no high-value farmland under ORS 195.300(10). 19 Based on NRCS soil classification, there are no high-value soils present within the proposed 20 micrositing corridor. 21 22 Based upon the Department's evaluation of the information provided in the ASC Exhibits H, I, K, 23 and P, the Department recommends that Council find that the proposed solar facility would not 24 be sited on high-value farmland and would satisfy OAR 660-033-0130(i)(A)-(C). 25 26 (D) A study area consisting of lands zoned for exclusive farm use located within 27 one mile measured from the center of the proposed project shall be established 28 and: 29 (i) If fewer than 80 acres of photovoltaic solar power generation facilities 30 have been constructed or received land use approvals and obtained building permits within the study area, no further action is necessary. 31 32 33 (ii) When at least 80 acres of photovoltaic solar power generation 34 facilities have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple 35 36 facilities within the study area, the local government or its designate must 37 find that the photovoltaic solar power generation facility will not materially alter the stability of the overall land use pattern of the area. 38 39 The stability of the land use pattern will be materially altered if the overall 40 effect of existing and potential photovoltaic solar power generation facilities will make it more difficult for the existing farms and ranches in 41 42 the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number 43

of tracts or acreage in farm use in a manner that will destabilize the
overall character of the study area; and

OAR 660-033-0130(38)(i)(D) requires an evaluation of photovoltaic solar power generation
facility development within 1-mile from the center of the proposed project site. Portions of the
adjacent Sunset Solar Project facility are located within one mile of the center point of the
proposed facility, as shown in Figure 10 below.

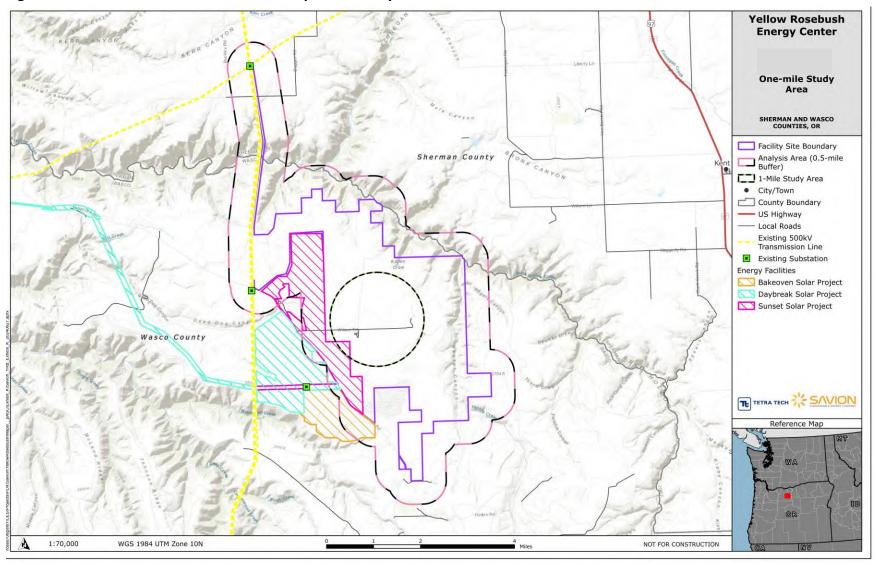


Figure 10: Solar Facilities within 1 mile of Proposed Facility Center Point

The location of the proposed facility in proximity to other existing or approved renewable energy facilities allows for efficient use of transmission infrastructure and potential sharing infrastructure, such as a BPA substation. Based on the distance from the center point of the proposed facility, less than 80 acres of other solar facilities are within one mile so that (i) applies and (ii) is not applicable. Based on these facts, the Department recommends Council find that the proposed facility will not materially alter the stability of the overall land use pattern of the area and would satisfy OAR 660-033-0130(38)(i)(D)(ii).

(E) The requirements of OAR 660-033-0130(38)(h)(A), (B), (C) and (D) are satisfied.

OAR 660-033-0130(38)(i)(E) requires Council to find that OAR 660-033-0130(38)(h)(A)-(D) are satisfied. In the ASC, the applicant does not evaluate under this provision, but rather incorporates by reference the applicable provisions in their evaluation of applicable provisions of the WCLUDO 5.020 *Authorization to Grant or Deny Conditional Uses, and Standards and Criteria Used* that are presented and evaluated in ASC Exhibit K, Section 4.2.1.11, and evaluated by the Department above in Section IV.E.1 Local Applicable Substantive Criteria, WCLUDO Section 5.020 of this order.

The Department provides its summary evaluation of OAR 660-033-0130(38)(h) below:

OAR 660-033-0130(38)(h):

(A) The proposed photovoltaic solar power generation facility will not create unnecessary negative impacts on agricultural operations conducted on any portion of the subject property not occupied by project components. Negative impacts could include, but are not limited to, the unnecessary construction of roads dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing photovoltaic solar power generation facility project components on lands in a manner that could disrupt common and accepted farming practices;

Potential impacts to agriculture are evaluated in detail as part of the Goal 3 Exception request in the following *Section IV.E.1.4. Goal 3 Exception* of this order.

(B) The presence of a photovoltaic solar power generation facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied. The approved plan shall be attached to the decision as a condition of approval;

Potential impacts to soil and erosion control measures are evaluated in Section IV.D. Soil Protection of this order. With recommended Soil Protection Conditions 3-4, the applicant will be required to implement specific measures, best management practices, and comply with the site-specific erosion control measures specified in the NPDES -1200-C permit, accompanying Erosion and Sediment Control Plan (ESCP) and the Fugitive Dust Control Plan for the construction of the facility, with additional requirements for operations to ensure protection of soils from erosion and soil loss that could occur as a result of the facility construction or operations. Further, site certificate conditions require that the certificate holder restore soils upon retirement of the facility. For these reasons, and with compliance with recommended site certificate conditions, the Department recommends the Council find that the facility will meet these requirements.

(C) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval;

During both construction and maintenance, soil compaction in agricultural areas outside the fence line would be avoided, or if they did occur, they would be remedied in a timely manner through deep soil decompaction or other appropriate practices as agreed upon with the landowner. By limiting the extent of grading during construction, to specific areas needed for construction and performing work during the dry season, construction impacts such as soil compaction would be minimized. Whenever possible, construction activities would be scheduled in the dry season when soils are less susceptible to compaction. Similarly, soil disturbance would be postponed when soils are excessively wet (e.g., following a precipitation event). Driving routes for construction vehicles will be limited to access roads and approved routes, and off-road travel outside the fence line will be prohibited. All of these are best management practices that will minimize and prevent soil compaction and will be included in the required NPDES 1200-C permit and ESCP. For these reasons, the Department recommends that Council find that with compliance with the recommended Soil Protection conditions in this order, the facility meet these requirements.

(D) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weed species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval;

Following construction and during operations, the applicant will be required to comply with the Noxious Weed Control Plan for areas within the perimeter fence and the Revegetation and Reclamation Plan (Attachment P-1) for areas temporarily impacted by facility construction. The Noxious Weed Control Plan is included as Attachment P-2 to this order and includes measures identifying, monitoring, and treating areas within the fenceline to prevent the introduction and spread of noxious weeds, and approved treatment for noxious and monitoring protocols for the life of the facility to ensure success. The plan was developed in consultation with Wasco County Weed Department for the facility and the Sherman County Weed District for the alternative transmission line corridor and is required under recommended Fish and Wildlife Habitat Condition 4 and will apply during the operational lifetime of the facility. For these reasons, and with recommended site certificate conditions, the Department recommends that Council find the facility will comply with these requirements.

Based upon the evaluation above, and in the above-referenced standards and sections of this order, and recommended site certificate conditions and associated plans, the Department recommends that Council find the requirements of OAR 660-033-0130(38)(h)(A)-(D) are satisfied.

Because the facility would use more than 20 acres of arable land for a commercial solar energy facility, the facility would not comply with OAR 660-033-0130(38)(i) and an exception to the thresholds is required. The Department's evaluation of the exception request is provided in Section IV.E.1.3 Goal 3 Exception below.

# IV.E.1.4 Goal 3 Exception

Statewide Planning Goal 3 (OAR 660-015-0000(3)) seeks to preserve and maintain agricultural land for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700. Because the proposed facility does not comply with the 20-acre maximum established for solar photovoltaic power generation facilities sited on agricultural (arable) lands under OAR 660-033-0130(38)(i), an exception to Goal 3 must be taken in order for the Council to approve the facility.

Under ORS 469.504(2) and OAR 345-022-0030(4) the Council may take an exception to a goal if it finds:

- (a) The land subject to the exception is physically developed to the extent that the land is no longer available for uses allowed by the applicable goal;
- (b) The land subject to the exception is irrevocably committed as described by the rules of the Land Conservation and Development Commission to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or

- (c) The following standards are met:
  - (A) Reasons justify why the state policy embodied in the applicable goal should not apply;
  - (B) The significant environmental, economic, social and energy consequences anticipated as a result of the proposed facility have been identified and adverse impacts will be mitigated in accordance with rules of the Council applicable to the siting of the proposed facility; and
  - (C) The proposed facility is compatible with other adjacent uses or will be made compatible through measures designed to reduce adverse impacts.

The provisions of ORS 469.504(2)(a) and (b) / OAR 345-022-0030(4)(a) and (b) are not applicable to the proposed facility. Under ORS 469.504(2)(c) and OAR 345-022-0030(4)(c), an exception can be granted if the above criteria in (A) through (C) are met. Under ORS 469.504(2)(c)(A) and OAR 345-022-0030(4)(c)(A), Council must find "reasons justify why the state policy embodied in the applicable goal should not apply."

# Proposed Reasons to Justify an Exception: ORS 469.504(2)(c)(A) and OAR 345-022-0030(4)(c)(A)

The applicant proposes that the following reasons justify taking an exception to Statewide Planning Goal 3:

- 1. The facility is locationally dependent (proximity to regional transmission grid, existing energy infrastructure, and major transportation corridors).
- 2. The facility does not impact high-value farmland or water availability and imposes minimal direct impacts to agricultural activities.
- 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.

The applicant's proposed reasons for justifying an exception to Goal 3, the Department's recommended findings of facts, followed by an analysis for each of the proposed "reasons", are presented below.

1. The facility does not impact high-value farmland or water availability and imposes minimal direct impacts to agricultural activities.

## ASC Exhibit K Facts Related to: Minimal Impacts to Agriculture

The applicant proposes that the use of the facility site for an energy facility rather than agricultural practices is justified because the proposed use would result in minimal impacts to agriculture. The proposed solar micrositing area includes 7,026 acres, which covers three

individual tracts owned by Steven Ashley (Tract 1), Levi Chrisman Family LLC (Tract 2) and Don Phillips (Tract 3).<sup>88</sup> Within these tracts, there is no high-value farmland, no lands with water rights and no lands that utilize irrigation.<sup>89, 90, 91</sup> Existing farm practices within each tract are summarized in Table 12 below.<sup>92</sup>

Lands within the proposed solar micrositing area in Tract 1 and 2 are not currently used for farm operations. Land owned by Steven Ashley (Tract 1), within the proposed solar micrositing area, consists almost entirely of unfarmable rock draws or land enrolled in CRP; the area is not used for cattle grazing and is not leased for use by tenant farmers. The land has not been used for agricultural practices in over 20 years. <sup>93</sup> Land owned by Levi Chrisman Family LLC (Tract 2), within the proposed solar micrositing area, is used for a recreational hunting operation and enrolled in CRP due to rocky, shallow soil depth. The landowners stated that using the land for dryland winter wheat is cost prohibitive given the low yields anticipated. <sup>94</sup>

A portion of the land owned by Don Phillips (Tract 3) is currently used for cattle operations. Agricultural practices include minimal cattle grazing (~217 head/year) and the cultivation of dryland wheat and other feed crops on approximately 160 acres. The applicant argues the direct impacts of discontinuing the cattle operation, which are estimated to be approximately \$80,000 in lost revenue, would be compensated for through lease payments to the participating landowners; however, indirect and induced impacts to the agricultural economy would still result from lost spending on agricultural inputs (feed, services, etc.) and decreased marketing of agricultural outputs (cattle) if cattle operations are discontinued.<sup>95</sup>

ASC Exhibit K Attachment K-2 provides an economic impact assessment prepared by ECONorthwest evaluating the potential indirect and induced impacts that would result from discontinuing the cattle operation.

ECONorthwest estimated that conversion of the land to an energy use would result in annual indirect impacts of:

- 0.04 jobs lost in the agriculture and forestry support sector
- \$800 in labor income associated with those jobs lost, and

<sup>&</sup>lt;sup>88</sup> OAR 660-033-0020(14) defines "tract" one or more contiguous lots or parcels under the same ownership.

<sup>&</sup>lt;sup>89</sup> High-value farmland as defined in ORS 195.300(10).

<sup>&</sup>lt;sup>90</sup> YRBAPPDoc1-12 ASC Exhibit K. Land Use 2025-09-05, Table K-8, Table K-9.

<sup>&</sup>lt;sup>91</sup> YRBAPPDoc1-12 ASC Exhibit K. Land Use 2025-09-05, Figure K-5.

 $<sup>^{92}</sup>$  YRBAPPDoc1-12 ASC Exhibit K. Land Use 2025-09-05, Attachment K-1 Landowner letter from Don Phillips on behalf of Don W Phillips et al.

<sup>&</sup>lt;sup>93</sup> YRBAPPDoc1-12 ASC Exhibit K. Land Use 2025-09-05, Attachment K-1 Landowner letter from Bob Krein, A&K Ranch.

<sup>&</sup>lt;sup>94</sup> YRBAPPDoc1-12 ASC Exhibit K. Land Use 2025-09-05, Attachment K-1 Landowner letter from Brad Chase of Levi Chrisman Family LLC.

<sup>95</sup> YRBAPPDoc1-12 ASC Exhibit K. Land Use 2025-09-05, Section 4.5.1.2.

• \$7,000 in lost economic output. 96,97

A potential reduction of 0.04 jobs represents approximately 0.0005 percent of existing employment in this sector and about 0.00005 percent of total agricultural jobs in Wasco County. 98

Induced impacts are generated by household spending associated with ongoing agricultural operations within the proposed site boundary. Assuming this income is no longer earned, it is not available to spend and would also represent lost economic activity when agricultural production stops. ECONorthwest estimates the following induced impacts:

- 0 jobs
- \$100 labor income
- \$400 in lost economic output

ECONorthwest estimates the total indirect and induced impacts to be \$900 per year in lost labor income and \$7,400 per year in lost economic output. This represents approximately 0.005 percent of total agricultural economic output in Wasco County.

The findings of the ECONorthwest Agricultural Impact Analysis suggest that the proposed facility's removing 160 acres of arable land from agricultural use and discontinuation of cattle operations at the site would have minimal direct, indirect, and induced impacts to agricultural activities and the overall agricultural economy in Wasco County.

<sup>&</sup>lt;sup>96</sup> YRBAPPDoc1-12 ASC Exhibit K. Land Use 2025-09-05, Attachment K-2, Table 9. Indirect impacts are impacts from the loss of economic activity supported by the agricultural production within the proposed facility site, including spending on goods such utilities and equipment repairs.

<sup>&</sup>lt;sup>97</sup> "Outputs" refers to the value of goods and services produced.

<sup>&</sup>lt;sup>98</sup> Id

Table 12: Current Agricultural Uses on Tracts within Solar Micrositing Area

Landowner & Tract Acreage	USDA Farmland and CRP/Marginal Pastureland (MPL) Acreage	Irrigation Water Rights	Crop Practices	Crop Schedule	Cattle Ranching & Grazing	Direct Jobs Currently Supported by Operations	Spending on Labor, Supplies, and Services for Agricultural Operations (estimated reductions)	Range of Crop Yields over the Past 5-10 Years	Plans for Land Outside of Site Boundary during Facility Operation
STEVEN L ASHLEY ET AL (aka A&K RANCHES) (Tract 1)  4,985 Total tract acres  881 acres inside micrositing corridor	Current Tract Land in  CRP: 2,037.75 acres  MPL: 240.4 acres  46% of land in  CRP/MPL	None	No crops are grown.  Approximately half of land is in CRP and 1,200 acres are in Sunset Solar Project.	None. CRP land is minimally mowed and sprayed infrequently as needed.	~100 head of livestock graze within Tract 1 for 5 months each year (area within solar micrositing siting area is not used for grazing). Grazing land is leased for the remainder of the year.	Two ranch employees	No reductions are expected.	None	Winter cattle grazing will continue on land outside the facility site boundary within Tract 1.
LEVI CHRISMAN FAMILY LLC (Tract 2)  2,548 Total tract acres  1,799 acres inside micrositing corridor	Current Tract Land in  CRP: 1,181.25  46% of land in CRP	None	None by the Levi Chrisman Family LLC and none have been grown since the early 1980s.  240 acres are subleased to the Carver Family Ranches LLC.  Approximately 70 acres of these acres grow dryland wheat/barley or support intermittent cattle grazing when vegetation is available (these lands are outside of the solar micrositing area)	None	None	One manager	None	None	Land currently being subleased will continue to be farmed by the Carver Family Ranches LLC.
DON W PHILLIPS ET AL (Tract 3)  4,940 Total tract acres  4,331 acres inside micrositing corridor	1989-2022 Tract Land in  CRP: 2,388.4 acres  48% of land in CRP  Current Tract Land in  CRP: 30.11 acres  (reduced due to Facility lease)  MPL: 51.62 acres	None	80 acres dryland wheat and triticale/barley (160 acres with 80 acres summer fallow rotation) to feed on-site cattle herd during winter.	Planted November Harvested June No fertilizer or spraying	~217 livestock grazing year- round	Family members only	No reductions are expected.	No crops have been grown for sale only for cattle operation feed. All tillable acreage has been in CRP since 1989.	Crop production will cease. Cattle grazing will be moved outside of facility site boundary or discontinued.

# Department's Evaluation of Facts Related to: Minimal Impacts to Agriculture

The Department recommends that the Council find that the applicant has adequately characterized the site and provided maps (ASC Exhibit K Figures K-5, K-6 and K-7) that demonstrate that land with the solar micrositing area are not high-value farmland and do not contain water rights. The applicant has shown that none of the lands have ever been used for irrigated agricultural practices. The Department recommends Council find that the proposed facility would therefore not impact high-value farmland or high value farmland soils and would not impact water availability, water rights or any irrigated agricultural practices.

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 inducted impacts on the local agricultural economy.

The Department, therefore, recommends 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 facility is locationally dependent (proximity to regional transmission grid, existing energy infrastructure, and major transportation corridors).

# ASC Exhibit K Facts Related to: Locational Dependency

The applicant contends the site is locationally dependent based on its proximity to: BPA's existing John Day to Grizzly 500-kV transmission line and transmission corridor, as presented in Figure 11 below; other utility-scale, EFSC solar PV facilities, which beneficially consolidate rather than disperse impacts to a specific area; and existing major transportation routes, I-84 and US-97.

1:85,000

WGS 1984 UTM Zone 10N

**Yellow Rosebush Energy Center** Figure C-2 **Facility Layout** SHERMAN AND WASCO BUCKLEY COUNTIES, OR Facility Site Boundary Micrositing Corridor Map Grid County Boundary Section Township/Range US Highway Figure C-2.2 State Highway MAUPIN SUBSTATION Local Roads Residence Demolished Prior to Facility Construction Existing Substation Closed Oil and Gas Pipeline (BLM ROW) Transmission Corridor Proposed Facility Components BAKEOVEN Exisiting Transmission Line Voltage Classifications Solar Array 100-161 kV Fence Lines 220-287 kV Inverter 500 kV Battery Energy Storage System Area < 100 kV O&M Area TETRA TECH S SAVION Collector Substation Area Proposed BPA Switchyard Reference Map Temporary Construction Staging Area Underground Collector Line (34.5-kV) Access Roads Point of Interconnect Point of Interconnect (Alternate) Alternate Generation-tie Line (Up to 500 kV)

Figure 11: Proximity of BPA's 500-kV Transmission Line and Buckley Substation to Proposed Facility Site

NOT FOR CONSTRUCTION

# 1 <u>Department's Evaluation of Facts Related to: Locational Dependency</u>

Certain locational dependency characteristics including proximity to the existing transmission grid, proximity to existing energy infrastructure, proximity to transportation corridors and proximity to unique geographic features have been determined by the Council to justify, in part, a reason to take an exception to Statewide Planning Goal 3. <sup>99, 100</sup>

## Proximity to BPA transmission line

The applicant suggests that the facility is locationally dependent on the site's proximity to the existing BPA's transmission line, which would allow power generated by the facility to be transmitted to the regional transmission grid at a Point of Interconnection adjacent to the site (primary POI). Siting the facility adjacent to BPA's existing transmission line could allow for efficient use of infrastructure by omitting the need to construct a new high-voltage line and minimizing impacts to surrounding agricultural lands and other resources; however, in order for the facility to utilize the primary POI, BPA would first have to construct a new switchyard (the "Proposed BPA Switchyard in Figure 11 above). The applicant has not provided evidence that BPA is planning or committed to constructing this switchyard, and whether or not this interconnection proposal is feasible remains uncertain. The uncertainty is further underscored by the applicant's request for approval for an alternate interconnection option that would require a new 4.5 mile, 500-kV transmission line to connect the energy facility site to BPA's Buckley Substation (alternate POI). The proposed alternate POI transmission line would be located adjacent to the existing transmission corridor, but would not be located within an existing right of way.

The Department recommends that, generally, locational dependence based on proximity to existing transmission infrastructure not be relied upon as a reason to justify an exception to Goal 3 when an applicant would need to construct and operate new associated transmission lines of significant length to connect to the grid. In this proceeding, although the applicant may need to construct and operate a new 4.5 mile 500-kV transmission line in order to interconnect with the grid, the new transmission line would still be adjacent to an existing transmission corridor, and in accordance with Recommended General Condition 8, would be sited the

Certificate for Nolin Hills Wind Power Project (2023).

Solar Project (2020); Final Order on Application for Site Certificate for Madras Solar Energy Facility (2021); Final Order on Application for Site Certificate for West End Solar Project (2023); and Final Order on Application for Site

<sup>&</sup>lt;sup>99</sup> Oregon Department of Energy. Final Order Application for Site Certificate on Boardman Solar Energy Facility (2018); Final Order on Request for Amendment 1 for Carty Generating Station (2018); Final Order on Montague Wind Project Request for Amendment 4 (Pachwaywit Fields and Oregon Trail) (2019); Final Order on Wheatridge Wind Energy Facility Request for Amendment 4 (2019); Final Order on Application for Site Certificate for Bakeoven

<sup>&</sup>lt;sup>100</sup> Oregon Department of Energy. Final Order on Application for Site Certificate for the Nolin Hills Wind Power Project (2023), Available at: <a href="https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2023-08-30-NHW-APP-Final-Order.pdf">https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2023-08-30-NHW-APP-Final-Order.pdf</a>; Final Order on Applicant for Site Certificate for Madras Solar Energy Facility (2021) available online at: <a href="https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-08-02-MSEF-Final-Order-SIGNED-Attachments.pdf">https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-08-02-MSEF-Final-Order-SIGNED-Attachments.pdf</a>; and Final Order on Application for Site Certificate Bakeoven Solar Project, Available at: <a href="https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2020-04-24-BSP-ASC-Final-Order.pdf">https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2020-04-24-BSP-ASC-Final-Order.pdf</a>

- 1 minimum distance necessary for safety from the BPA transmission line corridor (60 260 feet).
- 2 The alternate POI transmission line corridor would cross important habitat and other resource
- areas, and as described in Section IV.A, General Standard of Review, the applicant has not
- 4 completed resource surveys for the proposed transmission corridor, howevert the applicant
- 5 would be required to do so and address any impacts to resources protected by Council
- 6 standards prior to construction under Recommended Conditions PRE-FW-01, PRE-TE-01, PRE-
- 7 HC-01, and PRE-RF-01.

- The Department recommends the Council find that, subject to compliance with Recommended General Standard Condition 8, the site's proximity to the existing BPA corridor supports a locational dependence reason because it would allow the proposed facility to interconnect with the regional transmission grid at a POI adjacent to the site; or if that site is unavailable; would
- allow new transmission infrastructure to be located immediately adjacent to the existing
- 14 transmission corridor.

# Proximity to Existing Energy Infrastructure

The applicant contends proximity to other existing energy infrastructure, specifically three EFSC-approved solar energy generating facilities directly south of the proposed facility, is a basis to grant an exception to Goal 3 based on a locational dependence reason. Other than a brief narrative, the applicant provides no supporting facts or evidence for this position. The applicant hasn't asserted that there will be operational or resource benefits in siting the proposed facility adjacent to existing energy infrastructure or that locating close to existing infrastructure will reduce the impacts its facility would otherwise have. For example, the applicant hasn't stated that it will share infrastructure with an existing facility, thus reducing the footprint/impacts of its own facility. Given this lack of supporting facts or evidence, the Department recommends Council reject the applicant's proposed rationale that the site is locationally dependent because it would be close to existing energy infrastructure.

### Proximity to Major Transportation Corridors

Bakeoven Road runs alongside the site boundary and connects the site to US-97, which connects to I-84. Further, Wilson Road provides direct access from Bakeoven Road into the center of the proposed facility, as presented in ASC Exhibit C Figure C-2.2. <sup>101</sup> The Department recommends that the Council find that the facility site provides efficient use of existing major transportation corridors, I-84 and US-97, with facility access via Bakeoven Road and Wilson Road, and while some improvements of existing roads may be necessary, would not require new major road development, this is a reason to grant an exception to Goal 3 based on locational dependence.

Based on the above recommended findings of facts and analysis, the Department recommends the Council accept the applicant's argument that proximity to the existing BPA's existing John

<sup>&</sup>lt;sup>101</sup> YRBAPPDoc1-3 ASC Exhibit B. Project Description 2025-09-05, Section 3.5.

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.

3. The facility creates local economic benefits (landowners, local government and local agricultural economy).

# ASC Exhibit K: Facts related to Local Economic Benefits

The applicant proposes that the use of the facility site for an energy facility rather than agricultural practices is justified because the proposed use would result in local economic benefits to landowners, the local government and the local agricultural economy.

As previously identified, the proposed solar micrositing area includes 7,026 acres encompassing parts of three individual tracts owned by Steven Ashley (Tract 1), Levi Chrisman Family LLC (Tract 2) and Don Phillips (Tract 3). 102 The owners of A&K Ranch (Tract 1) own approximately 9,300 acres in Wasco County. Approximately 1,200 out of 9,300 acres, outside of the proposed solar micrositing area are used for cattle grazing. Bob Krein of A&K Ranch stated that lease payments would allow them to reinvest in their ranching operation for infrastructure and equipment and allow them to increase jobs or at least provide job security for current employees. 103 Brad Chase, on behalf of the Levi Chrisman Family LLC (Tract 2) stated the proposed facility would "provide a net economic benefit" but did not assert that the facility would have any benefit to the local agricultural economy. Don Phillips (Tract 3) stated that (lease payments) would provide a net economic benefit and "possible" new agricultural applications for their ranch operations. 104

Current annual property taxes paid to the County on the 7,206 acres within the solar micrositing corridor are estimated at \$12,000 per year. Cirrus Advisors, a consulting company specializing in state and local tax incentive services, estimated potential property tax payments to the County if the proposed solar photovoltaic power generation facility is approved and constructed. Using the Oregon Department of Revenue's solar valuation model, Cirrus Advisors estimated property taxes paid by the applicant to the County at \$4.4 million per year for the first 20 years, and \$11.1 million per year in year 20; totaling up to \$258 million over a forecasted 40-year operational lifetime.<sup>105</sup>

Facility construction is estimated to generate \$218.3 million in secondary (indirect and induced) economic output in the Wasco County economy over the entire construction period, or \$36.4

<sup>102</sup> OAR 660-033-0020(14) defines "tract" one or more contiguous lots or parcels under the same ownership.

 $<sup>^{103}</sup>$  YRBAPPDoc1-12 ASC Exhibit K. Land Use 2025-09-05, Attachment K-1 Landowner letter from Bob Krein, A&K Ranch.

<sup>&</sup>lt;sup>104</sup> YRBAPPDoc1-12 ASC Exhibit K. Land Use 2025-09-05, Attachment K-1 Landowner letter from Don Phillips on behalf of Don W Phillips et al.

<sup>&</sup>lt;sup>105</sup> YRBAPPDoc1-12 ASC Exhibit K. Land Use 2025-09-05. Attachment K-2 Economic and Agricultural Impacts Memorandum, p.10-11.

million annually. Facility operation will support between 10 and 15 employees, which in turn is estimated to support 33 indirect and induced jobs. The total average annual output of direct, indirect and induced economic benefits during operations is estimated at \$60.6 million.

As discussed under the minimal direct impacts to agricultural reason, within the approximately 7,206 acres proposed for siting of the solar photovoltaic power generation facility, there is one cattle operation where 160 acres are used for cultivation of cattle feed, and up to 100 head of cattle use the land for grazing. The estimated indirect and induced impact of the proposed facility on the agricultural economy is \$7,400 per year. <sup>106</sup> Landowner lease payments will be of equal or greater value. A reduction of \$7,400 per year in economic outputs represents approximately 0.02 percent of existing economic output in grain farming and agricultural support activities, and 0.005 percent of total agricultural economic output in Wasco County. <sup>107</sup>

The applicant proposes to offset the indirect impacts to the local agricultural economy through use of local services to support land management of the site including mowing, noxious weed treatment and equipment maintenance. To estimate potential land management costs within the proposed solar micrositing area, Wasco County Soil and Water District cost share reimbursement rates were relied upon. The cost share reimbursement rate for ground spraying in 2025-2026 is \$11/acre. If 1,000 acres per year require treatment, this would amount to \$11,000 per year. In addition, mowing will be required at least twice per season. The area to be mowed will be less than the full 5,000 fenced acres because roads and other obstructions will not require mowing, so a conservative estimate is that 4,500 acres would require mowing twice per season. At the cost share reimbursement rate of \$17 per acre for mowing or clipping, the estimated spend on this activity is \$150,000 per year.

 Department's Evaluation of Facts Related to: Facility Creates Local Economic Benefits

The Council has found that evidence demonstrating a proposed facility will benefit a local economy in *general* – e.g., creation of jobs constructing and operating a facility and generation of tax revenue is not sufficient to serve as an economic benefits reason for granting an exception to Goal 3.<sup>108</sup> Any development will result in some level of job creation and tax revenue. Rather, to justify an economic benefits reason for an exception to Goal 3, an applicant should provide evidence demonstrating how the local agricultural economy will benefit as a result of the proposed facility

Council has accepted landowner lease payments, as part of the evidence in support of the economic benefits reason, when the underlying landowner has affirmed that lease payments would be used to support agricultural operations. The owner of Tract 1 confirmed that lease

<sup>&</sup>lt;sup>106</sup> YRBAPPDoc1-12 ASC Exhibit K. Land Use 2025-09-05. Attachment K-2 Economic and Agricultural Impacts Memorandum, p.26

<sup>&</sup>lt;sup>107</sup> YRBAPPDoc1-12 ASC Exhibit K. Land Use 2025-09-05. Attachment K-2 Economic and Agricultural Impacts Memorandum, Table 6, p.19.

<sup>&</sup>lt;sup>108</sup> Madras Solar Energy Facility - Final Order on Application for Site Certificate; MSEFAPPDoc4-1 Final Order (SIGNED) with Attachments 2021-08-02, p. 104.

payments would be used to support their ranch operations on 1,200 acres. The owner of Tract 3 stated only that lease payments would allow for "possible" new agricultural applications for their ranch operations, while the owner of Tract 2 did not assert the lease payments would be used to benefit the agricultural economy in any way. Thus, only one of the three landowners clearly stated lease payments would be used for agricultural purposes. The Department recommends Council conclude this evidence is not enough to support a finding that the benefit lease payments represent for the local agricultural economy justifies taking an exception to Goal 3.

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When an applicant argues the local agricultural economy will benefit from a proposed facility, specificity is needed. The applicant notes that, as with land managed by local farm or ranch operations, land management within the proposed solar micrositing corridor will include mowing, noxious weed treatment and equipment maintenance and contends that spending on these activities would more than offset the facility's estimated minimal indirect impact to the local agricultural economy. However, there is no evidence that individuals or businesses within the local agricultural sector would be utilized for these services. The applicant states only that "where practicable" it would make these purchases from business and individuals within Wasco County. 109 The Department recommends Council find this representation is not sufficient for Council to find any direct benefit to the agricultural community and economy.

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For the reasons discussed above, the Department recommends Council find that the applicant has not provided sufficient evidence to support a finding that the proposed facility's purported benefits to the local agricultural economy are a reason justifying an exception to Goal 3.

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4. The Facility imposes minimal impacts to resources protected by Council standards.

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## <u>Facts related to Impacts to Other Resources Protected by Council Standards.</u>

The applicant proposes that the facility would have minimal impacts to non-agricultural resources protected by Council Standards, including soils, wetlands, fish and wildlife habitat, threatened and endangered species, scenic resources, and cultural resources. The applicant states that it "has paid particular attention to habitat and cultural resource protection, avoidance, and mitigation."110

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### Evaluation of Facts related to Impacts to Other Resources Protected by Council Standards.

As described in Section IV.F., Protected Areas; IV.J., Scenic Resources; and IV.L, Recreation, the proposed facility is not located near, or expected to impact any protected areas, significant or important scenic resources, or recreational opportunities. As described in Section IV.K, there are numerous historic, cultural, and archaeological sites present at the site, but the facility has been designed to avoid direct impacts to those resources. As described in Section IV.J, while wetlands and waters of the state are present at the proposed site and the proposed 500-kV transmission line would cross mapped Essential Salmonoid Habitat, the applicant has

<sup>&</sup>lt;sup>109</sup> YRBAPPDoc1-12 ASC Exhibit K. Land Use 2025-09-05, p. 94.

<sup>&</sup>lt;sup>110</sup> YRBAPPDoc1-12 ASC Exhibit K. Land Use 2025-09-05, Section 4.5.1.4.

committed to micrositing the facility to ensure that no wetlands or other jurisdictional will be impacted by facility construction or operations. As described in Section IV.I, no occurrences of threatened or endangered species where recorded during field surveys of the energy facility site, but surveys for Tygh Milkvetch, a listed plant with the potential to occur at the site, have not been completed for the proposed 230-kV transmission line corridor for the alternate POI.

In contrast, soils on site are susceptible to erosion from wind and water and impacts would be minimized through compliance with the terms of an approved NPDES 1200-C Permit and other measures. However, the NPDES 1200-C is not a no impact permit; erosion impacts and risk at the site are expected. In contrast, soils on site are susceptible to erosion from wind and water and impacts would be minimized through compliance with the terms of an approved NPDES 1200-C Permit and other measures. However, the NPDES 1200-C is not a no impact permit; erosion impacts and risk at the site are expected. More significantly, as described in Section IV.H., Fish and Wildlife Habitat, the facility would permanently impact approximately 4,670 acres of Category 2 wildlife habitat, and would temporarily impact an estimated additional 198 acres of Category 2 wildlife habitat. The applicant would be required to provide compensatory mitigation for these impacts to comply with the standard. The Department recommends the Council find that the siting of a facility on a significant amount of Category 2 habitat constitutes more than a minimal impact.

As described below, under OAR 345-022-0030(4)(c)(B) and ORS 469.504(2)(c)(B), when granting an exception the Council must also find that any significant environmental consequences of a proposed facility have been identified and appropriate mitigation has been provided. As a result, the Department recommends the Council find that a minimal impacts to resource reason is only appropriate to justify an exception when a facility avoids all potentially significant impacts to resources, and no additional mitigation is required to demonstrate compliance with the Council's standards.

Because the facility would have more than a minimal impact on important fish and wildlife habitat that must be mitigated, the Department recommends the Council reject the applicant's argument that the facility would have minimal impacts on resources protected by Council standards.

5. The Facility responds to important state and county goals and priorities.

# Facts related to: Important State and Council Goals and Priorities.

The applicant proposes that the use of the facility site for an energy facility rather than agricultural practices is justified because the proposed use responds to important state and county goals, and public and private greenhouse gas priorities. The applicant offers as evidence Wasco County's Comprehensive Plan Goal 13 and the State's Renewable Portfolio Standards.<sup>111</sup> The applicant also refers to private entity goals, such as PacifiCorp, that are geared towards greenhouse gas reduction through use of renewable energy sources.

<sup>&</sup>lt;sup>111</sup> YRBAPPDoc1-12 ASC Exhibit K Land Use 2025-09-05. Section 4.5.1.5, pg. 96-97.

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2 Evaluation of Facts related to: Important State and Council Goals and Priorities.

- 3 Statewide Planning Goal 13 is an energy conservation goal, and does not require, directly or
- 4 indirectly, the development of energy facilities on EFU land. 112 The Council has previously
- 5 rejected reliance on responsiveness to Statewide Planning Goal 13, and local policies
- 6 implementing the goal, as a reason to justify an exception from the requirement to preserve
- 7 agricultural land for farm use under Statewide Planning Goal 3. The Council has also previously
- 8 found that abstract consistency with the state's Renewable Portfolio Standard, without
- 9 evidence that power produced by the proposed facility will be used to meet Oregon's energy
- 10 goals, cannot be relied upon to justify an exception to Statewide Planning Goal 3.113

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Consistent with its previous findings, the Department recommends the Council find that responsiveness to state, county and private energy conservation goals is not an appropriate reason to justify an exception to Goal 3.

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# <u>Department's Recommendations on Reasons for Exception</u>

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In summary, the Department recommends Council find the following reasons justify taking an exception to Goal 3:

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- 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.
- 2. The facility site is locationally dependent on its proximity to an existing BPA transmission corridor and major transportation corridors.

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## Significant Environmental, Economic, Social and Energy Consequences

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30 31 Under OAR 345-022-0030(4)(c)(B) and ORS 469.504(2)(c)(B), for the Council to determine whether to grant an exception to a statewide planning goal, the applicant must show that "the significant environmental, economic, social and energy consequences" of the solar facility have been identified and will be mitigated in accordance with Council standards.

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### **Environmental Consequences**

- The facility must satisfy the requirements of all applicable EFSC standards, rules and statutes.
- 37 Applicable environmental EFSC standards include Soil Protection standard; Protected Areas
- 38 standard; Recreation Standard; Scenic Resources standard; Fish and Wildlife Habitat standard;
- 39 and the Threatened and Endangered Species standard, as evaluated in this order. Based on the

<sup>&</sup>lt;sup>112</sup> 1000 Friends of Oregon v. Jackson County, 292 Or App 173 (2018) at 192.

<sup>&</sup>lt;sup>113</sup> BSPAPPDoc2 Final Order 2020-04-24, p. 112-113; MSEFAPPDoc4 Final Order (CLEAN) 2021-06-25, p. 103-104; MWPAMD4Doc23 Final Order (Signed) with Attachments 2019-09-06, p. 99; OSCAPPDoc2 Final Order on ASC 2022-02-25, p. 87; WESAPPDoc2-2 Final Order on ASC Combined w Attachments Signed 2023-03-24, p. 82-83.

recommended findings of fact, conclusions of law, and conditions of approval presented in this order related to these EFSC standards, the Department recommends Council find that the facility, including mitigation, would not cause significant adverse environmental consequences or impacts.

## Social and Economic Consequences

 Social and economic consequences that could result from proposed facility construction and operation include potential impacts to providers of public services. As described in Section IV.M, the Department recommends the Council find that, subject to compliance with conditions, the proposed facility will not significantly impact sewers and sewage treatment, water, storm water drainage, solid waste management, housing, traffic safety, police and fire protection, health care or schools. As evaluated above, the Department recommends that the Council find that removal of up to 7,206 acres of arable land will have minimal impacts to the local agricultural economy.

The construction and operation of the proposed facility will also have positive effects on the availability of renewable energy for sale to the public and will promote the energy and economic development goals of Wasco County and could support utility efforts to meet Oregon's Renewable Portfolio Standard and clean energy targets.

 The Department recommends the Council find that the significant environmental, economic, social and energy consequences anticipated as a result of the proposed facility have been identified and adverse impacts will be mitigated in accordance with rules of the Council applicable to the siting of the proposed facility.

## **Energy Consequences**

The proposed facility would produce up to 800 MW of renewable, emissions-free energy. Therefore, the Department recommends Council concludes that the facility would not cause significant adverse energy consequences and would have a positive energy consequence by producing clean, renewable electricity.

# Compatibility With Adjacent Uses

Under OAR 345-022-0030(4)(c)(C) (and ORS 469.504(2)(c)(C)), in order for the Council to determine whether to grant an exception to a statewide planning goal, the applicant must show that the facility is compatible with other adjacent land uses or will be made compatible through mitigation measures.

As described in the section evaluating OAR 660-033-0130(5), like the site itself, the majority of land surrounding the proposed site are not cultivated nor used for cattle grazing, and are primary drainage areas, creeks, tributaries and canyons where slopes are too steep for crop production or cattle grazing. There are approximately 605 acres of surrounding land used for

dryland winter wheat production. Proposed facility construction and operation could potentially result in adverse impacts from erosion, dust, weeds, and traffic. The Department recommends Council impose conditions to minimize and mitigate these potential affects.

Subject to compliance with recommended conditions addressing the potential adverse impacts from erosion, dust, weeds, and traffic that may result from proposed facility construction and operation, the Department recommends that the Council find that the proposed facility will be compatible with accepted farm or forest practices on surrounding lands devoted to farm or forest use.

# IV.E.2. Conclusions of Law

Based on the foregoing findings and the evidence in the record, and subject to compliance with site certificate conditions, the Council finds that the construction and operation of the proposed facility would comply with all applicable land use criteria with the exception of the maximum acreage standards for solar photovoltaic power generation facilities sited on agricultural (arable) lands under OAR 660-033-0130(38)(i). Because these standards are directly tied to its implementation, the Department recommends Council find that the facility does not comply with the requirements of Statewide Planning Goal 3. However, after considering reasons presented by the applicant as discussed above, the Department recommends Council find that an exception to Statewide Planning Goal 3 is justified under OAR 345-022-0030(4)(c) and ORS 469.504(2)(c); and as such that Council find the proposed facility would comply with the Council's Land Use standard.

## IV.F. Protected Areas: OAR 345-022-0040

(1) To issue a site certificate, the Council must find:

(a) The proposed facility will not be located within the boundaries of a protected area designated on or before the date the application for site certificate or request for amendment was determined to be complete under OAR 345-015-0190 or 345-027-0363;

 (b) The design, construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to a protected area designated on or before the date the application for site certificate or request for amendment was determined to be complete under OAR 345-015-0190 or 345-027-0363.

\* \* \* \* \* 114

<sup>&</sup>lt;sup>114</sup> Administrative Order EFSC 5-2022, effective December 19, 2022. Sections (2) through (4) provide exceptions and applicability statements that are not relevant to this evaluation.

# **IV.F.1.** Findings of Fact

The analysis area for impacts to protected areas, as established in the Project Order, is the area within and extending 2-miles from the site boundary. 115

IV.F.1.1 Protected Areas in the Analysis Area and Potential Impacts

 Geographic Information System data, maps, and the most current information for the categories of protected areas; including data from the Bureau of Land Management, Oregon Department of State Lands, National Park Service, Oregon Parks and Recreation Department, Oregon State University, and the United States Forest Service, Geological Survey, and Fish and Wildlife Service were evaluated to identify the presence of protected areas within the analysis area. <sup>116</sup> Based on review of these sources and the Oregon Renewable Energy Siting Assessment Tool, the Department recommends that Council find that there are no protected areas within the analysis area. Therefore, the proposed facility would not impact any protected areas.

## **IV.F.2.** Conclusions of Law

Based on the foregoing recommended findings, the Department recommends the Council conclude that the design, construction and operation of the proposed facility would not be likely to result in significant adverse impacts to any protected areas, in compliance with the Council's Protected Area standard.

## IV.G. Retirement and Financial Assurance: OAR 345-022-0050

To issue a site certificate, the Council must find that:

(1) The site, taking into account mitigation, can be restored adequately to a useful, non-hazardous condition following permanent cessation of construction or operation of the facility.

(2) The applicant has a reasonable likelihood of obtaining a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition.<sup>117</sup>

# **IV.G.1.** Findings of Fact

<sup>&</sup>lt;sup>115</sup> YRBNOIDoc42 SIGNED Project Order w Attachments 2024-01-26.

<sup>&</sup>lt;sup>116</sup> YRBAPPDoc1-12 pASC Exhibit L. Protected Areas 2024-08-30, Section 6.0 References.

<sup>&</sup>lt;sup>117</sup> Administrative Order EFSC 1-2002, April 3, 2002.

The estimated useful life of the proposed facility is 40 years. While the life of the facility could be extended through routine maintenance and replacement of facility components, it is likely that the facility would either be repowered or decommissioned after 40 years of operation. <sup>118</sup>

# IV.G.1.1 Restoration of the Site Following Cessation of Construction or Operation

At the time of decommissioning, all aboveground facility components would be removed including solar and battery components, the O&M buildings, transmission line, poles and foundations, inverter pads, the substation, and perimeter fencing. Underground electrical cables would be removed to its lateral depth; buried lateral runs are assumed to be a minimum of 3 feet deep and would be abandoned in place. Concrete foundations for transformers, inverters, battery storage system, substations, O&M building, and switchyard will be removed to at least 4 feet below grade, then filled with soil or gravel as part of site restoration. Pace will be regraded to restore the surface soil to a useful condition consistent with site zoning. On private lands, roads will be restored at the request of the current landowner. All disturbance areas would be restored to a useful, non-hazardous condition suitable for agricultural use and revegetated in a manner compatible with surrounding uses. Vegetation would be restored to the maximum extent practicable in accordance with landowner wishes, and all areas disturbed by decommissioning construction may be regraded and reseeded with seed mixes, consistent with the Draft Reclamation and Revegetation Plan.

As described in Section IV.D, *Soil Protection*, the Department recommends the Council impose conditions of approval to minimize adverse impacts to soils from erosion or contamination by spills, and, subject to compliance with these conditions, significant remediation of soil conditions is not expected to be required to restore the site.

 The Department reviewed the above-summarized tasks and actions and compared the details against the information presented in ASC Exhibit B, C, X and G. The Department also verified that all tasks and action summaries involved in removing and restoring each type of facility components were represented in the ASC. Based on this review and comparison, the Department affirms that the information is consistent across relevant exhibits, and recommends Council find that the tasks and actions accurately represent facility decommissioning and site restoration.

Under OAR 345-025-0006(7), the Council must impose a condition in every site certificate that requires the applicant to prevent the development of any conditions that would preclude site restoration. Accordingly, the Department recommends the Council impose Retirement and Financial Assurance Condition 1, as presented below.

<sup>&</sup>lt;sup>118</sup> YRBAPPDoc1-25 ASC Exhibit X. Retirement and Financial Assurance 2025-09-05, Section 2.0.

<sup>&</sup>lt;sup>119</sup> YRBAPPDoc1-25 ASC Exhibit X. Retirement and Financial Assurance 2025-09-05, Section 3.0.

**Retirement and Financial Assurance Condition 1 (GEN):** The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder.

Under OAR 345-025-0006(9) the Council must impose a condition in each site certificate requiring the applicant retire the facility at the end of its useful life and restore the site to a useful, non-hazardous condition according to a Council-approved final retirement plan. The Council must also impose a condition establishing procedures for the retirement of the site if the applicant fails to meet these obligations, as provided under OAR 345-025-0006(16). Accordingly, the Department recommends the Council impose Retirement and Financial Assurance Condition 2 and 3, as presented below:

[Mandatory Condition OAR 345-025-0006(7); GEN-RF-01; Final Order on ASC]

Retirement and Financial Assurance Condition 2 (RET): The certificate holder must retire the facility if the certificate holder permanently ceases construction or operation of the facility. The certificate holder must retire the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0410. The certificate holder must pay the actual cost to restore the site to a useful, non-hazardous condition at the time of retirement, notwithstanding the Council's approval in the site certificate of an estimated amount required to restore the site.

[Mandatory Condition OAR 345-025-0006(9); RET-RF-01; Final Order on ASC]

Retirement and Financial Assurance Condition 3 (RET): If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0410, the Council must notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the Department within a reasonable time not to exceed 90 days. If the certificate holder does not submit a proposed final retirement plan by the specified date, the Council may direct the Department to prepare a proposed final retirement plan for the Council's approval. Upon the Council's approval of the final retirement plan, the Council may draw on the bond or letter of credit described in Condition PRE-RT-01 to restore the site to a useful, non-hazardous condition according to the final retirement plan, in addition to any penalties the Council may impose under OAR chapter 345, division 29. If the amount of the bond or letter of credit is insufficient to pay the actual cost of retirement, the certificate holder must pay any additional cost necessary to restore the site to a useful, non-hazardous condition. After completion of site restoration, the Council must issue an order to terminate the site certificate if the Council finds that the facility has been retired according to the approved final retirement plan. [Mandatory Condition OAR 345-025-0006(16); RET-RF-02; Final Order on ASC]

IV.G.1.2 Retirement Cost Estimate

The applicant estimates that the total cost of retirement and restoration of the facility would be approximately \$45.7 million. Based on the Department's review of the ASC, as described below, the Department recommends Council find that \$46.2 million is a sufficient estimate to restore the site to a useful nonhazardous condition.

The applicant prepared the retirement cost estimate based on its prior experience and consultation with engineering staff and contractors, and use of data and estimating software published by RS Means. The applicant's 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 methods and assumptions used to produce the estimate are summarized below:

- All costs were estimated in Q2 2024 dollars.
- Production rates, equipment and crew needs, and unit costs for individual tasks were developed using RS Means and the applicant's prior experience.
- Labor costs were based on U.S. Department of Labor wage determinations. The applicant estimated hourly wage rates for decommissioning activities based on an assumed 50-hour work week that included 40 hours of standard time and 10 hours of overtime pay. The total labor cost includes wages, benefits, and payroll tax liability.
- Equipment rates assume use of rental equipment and include fuel and maintenance costs.
- Mobilization and demobilization costs reflect the actual costs to mobilize equipment, provide facilities including an office trailer, storage units, and portable toilets, and to staff the site with workers and field management personnel. Mobilization costs do not include front loaded costs from other tasks.
- Unit costs include the estimated costs of labor and equipment, and miscellaneous costs including permits, engineering, signage, fencing, traffic control, and utility disconnects.
- Steel components, including conductors, transmission support structures, solar racking systems and posts will be removed and transported off site for sale as scrap. The costs of loadout and hauling are included in the estimate. No disposal fees or scrap value are included in the estimate.
- The alternate 500-kilovolt generation-tie line was assumed to be composed of steel tower structures and cables.
- Site restoration will include the placement of delivered topsoil on disturbed areas associated with the collector substation. With the exception of the collector substation area, it is assumed that topsoil required for other restoration activities is available onsite as a result of the original installation. Final seeding will use a mix of native grasses.

The applicant applied a 5 percent contractor markup for home office and project management to the total retirement and restoration cost estimate and a 15 percent markup for Overhead and Fees. The applicant also applied contingencies for costs that would be incurred by the state

<sup>&</sup>lt;sup>120</sup> YRBAPPDoc1-25 ASC Exhibit X. Retirement and Financial Assurance 2025-09-05, Section 4.1.

<sup>&</sup>lt;sup>121</sup> A production rate is used to determine the number of worker hours needed to complete individual tasks.

if the applicant defaults on its obligation to retire the facility and restore the site were applied to the total cost with contractor markups, this included a 1 percent contingency for the costs of performance bonding, a 10 percent contingency for administrative and project management costs, and a 10 percent contingency for adverse future development at the site. Department recommendations for applied contingencies are discussed directly below.

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The Department recommends the Council find that the applicant used reasonable methods and assumptions to develop the cost estimate, with the adjustments described below. An adjusted estimate is provided as Table 13, below.

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The Department made the following adjustments to the applicant's proposed cost estimate and recommends Council find that these items more accurately reflect the cost to restore the site:

- Increased the duration of decommissioning from 10 months to 12 months for site support and field management,
- Increased the substation transformers from 2 to 4 to be consistent with the project description,
- Added foundation removal for solar array posts, assumes that 10 percent of the posts would have concrete foundations,
- Increased the acreage for the site that would need to be graded and reseeded.

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The applicant's 1 percent performance bond contingency was applied to the total decommissioning cost before Contractor markup; however, Council typically imposes that cost on the total cost with markup, this is reflected in Table 13 below. The 10 percent contingency for administrative and management expenses would cover the anticipated direct costs borne by the State in the course of managing site restoration and would include the preparation and approval of a final retirement plan, obtaining legal permission to proceed with demolition of the facility, legal expenses for protecting the State's interest, preparing specification bid documents and contracts for demolition work, managing the bidding process, negotiations of contracts, and other tasks. The Council has previously imposed a 20% percent future development contingency on costs associated with battery energy storage system components given the additional uncertainty and potential environmental hazards associated with battery technologies. The Department recommends a similar contingency is justified for the BESS proposed to be included in this facility. Consistent with recommended conditions below, the Council reserves the right to adjust the contingencies, as appropriate and necessary to ensure that costs to restore the site are adequate to maintain health and safety of the public and environment, consistent with Council standards.

**Table 13: Proposed Facility Decommissioning Tasks and Cost Estimate** 

Task or Component	Quantity	Unit	Unit Cost (\$)	Estimate (\$)	
1.1 Mobilization / Demobilization					
1.1.1 Equipment Mob	1	Lump Sum	121,800.00	121,800.00	
1.1.2 Site Facilities	1	Lump Sum	5,600.00	5,600.00	
1.1.3 Crew - Mob & Site Setup	2	Day	36,347.12	72,694.23	

**Table 13: Proposed Facility Decommissioning Tasks and Cost Estimate** 

Quantity	Unit	Unit Cost (\$)	Estimate (\$)		
2	Day	26 247 12	72,694.23		
2	Day	30,347.12	72,034.23		
		Subtotal	272,788.46		
1.2 Project Site Support					
10	Month	3,255.00	32,550.00		
10	Month	53,947.28	539,472.80		
		Subtotal	572,022.80		
1	Day	1,354.33	1,354.33		
4	Each	102,049.58	408,198.32		
1	Each	2,508.66	2,508.66		
1	Day	1,354.33	1,354.33		
1,000	Cubic Yard	27.85	27,846.68		
1	Each	2,675.00	2,675.00		
1	Each	40,451.63	40,451.63		
		Subtotal	484,388.95		
1	Day	1,354.33	1,354.33		
1	Day	1,354.33	1,354.33		
1	Each	13,481.28	13,481.28		
284	Cubic Yard	27.85	7,908.46		
1	Each	2,675.00	2,675.00		
1	Each	31,608.04	31,608.04		
		Subtotal	58,381.43		
ment					
25	Each	5,391.45	134,786.25		
25	Each	4,946.85	123,671.25		
		Subtotal	258,457.50		
1.6 O&M Building Removal					
40	Ton	514.43	20,577.20		
56	Cubic Yard	35.74	2,001.31		
	10 10 11 1,000 11 1 1 1 1 1 1 1 1 1 284 1 1 1 284 1 1 1 4 0 1 4 0 4 0 40	10 Month 10 Month 11 Day 4 Each 1 Each 1 Day 1,000 Cubic Yard 1 Each 1 Each 1 Day 1 Day 1 Day 1 Day 1 Day 1 Day 1 Each 284 Cubic Yard 1 Each 1 Each 285 Each 286 Each	Subtotal         Subtotal         Subtotal         Subtotal         Subtotal         Subtotal         1 Day 1,354.33         4 Each 102,049.58         1 Day 1,354.33         1,000 Cubic Yard 27.85         1 Each 2,675.00         1 Day 1,354.33         1 Day 1,354.33         1 Day 1,354.33         1 Each 2,675.00         1 Each 31,608.04         Subtotal         Subtotal         Subtotal		

**Table 13: Proposed Facility Decommissioning Tasks and Cost Estimate** 

		I			
Task or Component	Quantity	Unit	Unit Cost (\$)	Estimate (\$)	
1.6.3 Remove Stone Base & Parking	1	Lump Sum	3,803.10	3,803.10	
1.6.4 Material T&D	40	Ton	95.00	3,800.00	
			Subtotal	30,181.61	
1.7 DC Storage Retirement					
1.7.1 Battery Removal & Disposal	800	MW	1,986.36	1,589,088.00	
1.7.2 Structure & Components Removal	800	MW	1,116.77	893,416.00	
			Subtotal	2,482,504.00	
1.8 Solar Array Retirement					
1.8.1 Fence Removal	268,418	Linear Feet	1.30	348,943.40	
1.8.2 Solar Panel Removal & Disposal	2,037,360	Each	8.58	17,480,548.80	
1.8.3.1 Solar Rack (Trackers) & Post Removal	20,622	Each	257.21	5,304,184.62	
1.8.3.2 Trucking Disposal for Trackers and Posts	917	Per Load	1,375.00	1,260,875.00	
1.8.3.3 Concrete Trucking Offsite	10,391	Cubic Yard	11.97	124,380.27	
			Subtotal	24,518,932.09	
1.9/1.10 Inverter/Transformer Ren	noval				
1.9.1 Disconnect Electrical	199	Each	401.02	79,802.98	
1.9.2 Loadout Inverter & Transformer	199	Each	709.74	141,238.26	
1.9.3 Trucking - Per Load	199	Each	1,375.00	273,625.00	
1.10.1 Excavate / Remove Foundation	1,474	Cubic Yard	15.87	23,392.38	
1.10.2 Concrete Transport Offsite	1,474	Cubic Yard	11.97	17,643.78	
			Subtotal	535,702.40	
1.11 Site Restoration					
1.11.1 Site Roads - Removal and Restoration	123,781	Linear Feet	1.71	212,066.18	
1.11.2 Spot Grade Disturbed Areas	1,757	Acre	287.72	505,525.58	
1.11.3 Re-Seed With Native Vegetation - Roads & Areas Disturbed By Construction	1,757	Acre	800.00	1,405,600.00	
			Subtotal	2,123,191.75	
Total Decommissioning Cost				31,336,550.99	

Table 13: Proposed Facility Decommissioning Tasks and Cost Estimate

Task or Component	Quantity	Unit	Unit Cost (\$)	Estimate (\$)
Contractor Markups				
Home Office, Project Management			0.05	1,566,827.55
Contractor OH & Fee			0.15	4,935,506.78
			Subtotal	6,502,334.33
Total Decommissioning Cost				37,838,885.32
Performance Bond			0.01	378,388.85
			Gross Cost	38,217,274.17
	Basis (% of Cost)	Basis (\$)	Contingency	Estimate (\$)
Administration and Project Management	100%	38,217,274.17	0.10	3,821,727.42
Future Development (Exclude Battery)	92%	35,189,674.36	0.10	3,518,967.44
Future Development (Battery Only)	8%	3,027,599.82	0.20	605,519.96
	7,946,214.82			
TOTAL ESTIMATED COST (\$Q2 202	46,163,488.99			

#### Notes:

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- 1. See ASC Exhibit X Attachment X-1 for detailed breakdown of tasks, actions and unit costs for the sum total costs presented in this Table.
- 2. To allow continued use of the land for agricultural or other purposes deemed appropriate at the time of decommissioning purposes, all subsurface features including underground collector lines and concrete foundations associated with the O&M, Substation, Solar, Battery, and Transmission Line will be removed as described in the Final Order on ASC, or as agreed with the landowner, in a final Retirement Plan.
- 3. Tasks associated with a Lump Sum unit cost may be calculated using a fraction (in decimal form) of the actual quantities constructed or by using the more detailed breakdown of unit costs associated with the Lump Sum task identified in the cost estimating worksheet in ASC Exhibit X, Attachment X-1.

## IV.G.1.3 Ability of the Applicant to Obtain a Bond or Letter of Credit

As shown in Table 13, above, 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, in Q2 2024 dollars.

In an August 29, 2024 letter, the Director of Citi Bank, describes that upon request from the applicant's parent company Shell USA, Inc, Citi Bank would issue a letter of credit during 2027 with a tenor of approximately 40 year(s), in an amount equal to the amount required to restore

the proposed energy facility site to a useful, non-hazardous condition. While the letter does not provide a binding commitment from the bank, it indicates that the bank would be comfortable with potentially providing a letter of credit in the amount of approximately \$46 million dollars to the applicant. Citi Bank N. A. is a Council-approved financial institution which the Council has previously approved to provide letters of credit. 123

Under OAR 345-25-0006(8), the Council must impose a condition in each site certificate requiring the applicant to submit and maintain a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition. As described above, based on maximum buildout of the proposed facility, facility retirement and site restoration are estimated to cost approximately \$46.2 million in Q2 2024 dollars, imposed under Recommended Retirement and Financial Assurance Condition 4 as follows:

# **Recommended Retirement and Financial Assurance Condition 4 (PRE)**: Prior to construction, the certificate holder shall:

a. Submit to the Department Table 13 (Retirement Table with tasks/unit/unit costs) of the Final Order on ASC, updated based on final design and phased construction, if applicable. Certificate holder may not make changes to the unit cost without review and approval by the Department. Certificate holder must also request that the Department confirm the present-day inflation adjusted decommissioning estimate, rounded to the nearest \$1,000, to be reflected in the bond or letter of credit in sub c of this condition.

determined by the Department not to require a site certificate amendment.

c. Submit to the Department a bond or letter of credit, in the amount affirmed by the Department under (a), based on the Council's current pre-approved financial institution list and form.

b. Incorporate any additional decommissioning costs for facility changes which have been

[PRE-RF-01; Final Order on ASC]

# **Recommended Retirement and Financial Assurance Condition 5 (CON)**: If construction extends more than 12 months, the certificate holder shall:

 a. Annually adjust the amount of the bond or letter of credit to present dollar value, as determined by the Department.
b. Incorporate any additional decommissioning costs for proposed facility changes which

have been determined by the Department not to require a site certificate amendment.

c. The Department and Council reserve the right to adjust the contingencies, as appropriate and necessary to ensure that costs to restore the site are adequate to

[CON-RF-01; Final Order on ASC]

**Recommended Retirement and Financial Assurance Condition 6 (OPR)**: During operation, the certificate holder shall:

maintain health and safety of the public and environment.

<sup>122</sup> YRBAPPDoc1-14 ASC Exhibit M. Financial Capability 2025-09-05, Attachment M-2.

<sup>&</sup>lt;sup>123</sup> Energy Facility Siting Council 2024 Financial Institution List.

- a. Annually adjust the amount of the bond or letter of credit to present dollar value, as determined by the Department.
- b. Incorporate any additional decommissioning costs for proposed facility changes which have been determined by the Department not to require a site certificate amendment.
- c. The Department and Council reserve the right to adjust the contingencies, as appropriate and necessary to protect public health and safety or the environment and ensure the certificate holder's bond or letter of credit is sufficient to restore the site to a useful, non-hazardous condition.

[OPR-RF-01; Final Order on ASC]

# IV.G.2. Conclusions of Law

Based on the foregoing recommended findings of fact, and subject to compliance with the recommended conditions, the Department recommends that the Council find that the site can be restored adequately to a useful, non-hazardous condition following permanent cessation of construction or operation of the facility and that the applicant has a reasonable likelihood of obtaining a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition.

#### IV.H. Fish and Wildlife Habitat: OAR 345-022-0060

To issue a site certificate, the Council must find that the design, construction and operation of the facility, taking into account mitigation, are consistent with:

(1) The general fish and wildlife habitat mitigation goals and standards of OAR 635-415-0025(1) through (6) in effect as of February 24, 2017\*\*\*<sup>124</sup>

This standard creates requirements for mitigating impacts to fish and wildlife habitat, based on the functional quantity and quality of the habitat impacted as well as the nature, extent, and duration of the impact. Functional quality is presented using a habitat classification system based on the function and value of the habitat it would provide to a species or group of species likely to use it. ODFW policy identifies six habitat categories, with Category 1 being the most valuable, and Category 6 the least valuable.

# **IV.H.1.** Findings of Fact

The analysis area for potential impacts to fish and wildlife habitat, as defined in the Project Order, is the area within and extending 0.5 miles from the site boundary (approximately 18,382 acres).

<sup>&</sup>lt;sup>124</sup> Administrative Order EFSC 1-2017, effective March 8, 2017.

- 1 Habitat Categories within the Analysis Area
- 2 Habitat categories within the analysis area include Category 2 and 6, as presented in Table 14
- 3 below. The entire analysis area is within ODFW's mapped Category 2 Big Game Winter Range
- 4 for Mule Deer habitat. Cultivated lands, even if within ODFW's mapped Category 2 Big Game
  - Winter Range, are considered Category 6.

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Table 14: ODFW Habitat Categories and Sub-Types in Analysis Area and Micrositing Corridor

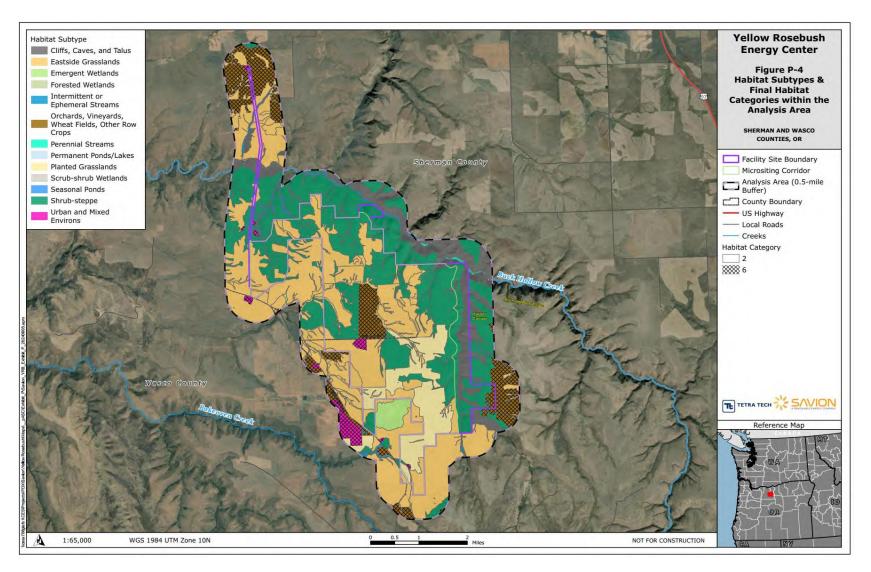
Final Habitat Category	Preliminary Habitat Category	Habitat Type-Subtype  Emergent Wetlands Forested Wetlands Intermittent or Ephemeral Streams Perennial Streams	Acres within Micrositing Corridor  - 0.4 -	Acres within Analysis Area  3.9 5.1 0.1 53.0
		Scrub-shrub Wetlands	_	2.9
	6.1	Shrub-steppe	71.9	72.3
	Category 2 T		72.3	137.3
		Cliffs, Caves, and Talus	19.7	1,399.4
		Eastside Grasslands	402.3	947.9
		Emergent Wetlands	0.3	4.4
_	3	Forested Wetlands	0.2	0.3
2		Intermittent or Ephemeral Streams	0.1	212.3
		Permanent Ponds/Lakes	_	4.1
		Scrub-shrub Wetlands	_	3.1
		Shrub-steppe	2,463.8	4,477.7
	Category 3 T		2,886.2	7,049.2
	4	Eastside Grasslands	1,362.0	4,447.8
		Intermittent or Ephemeral Streams	0.2	80.4
		Perennial Streams	_	0.6
2		Planted Grasslands	1,247.3	1,313.7
		Seasonal Ponds	_	1.7
		Shrub-steppe	149.2	1,425.1
	Category 4 T	otal	2,758.7	7,269.2
		Eastside Grasslands	949.4	1,672.8
		Emergent Wetlands	0.5	241.6
2	5	Intermittent or Ephemeral Streams	4.4	6.4
		Seasonal Ponds	1.4	5.2
		Shrub-steppe		107.9
	Category 5 T	otal	955.6	2,033.8
Category 2	Category 2 Final Total		6,672.9	16,489.5
6	6	Wheat Fields and Other Row Crops	303.2	1,605.1

Table 14: ODFW Habitat Categories and Sub-Types in Analysis Area and Micrositing Corridor

Final Habitat Category	Preliminary Habitat Category	Habitat Type-Subtype	Acres within Micrositing Corridor	Acres within Analysis Area
		Urban and Mixed Environs	49.7	287.6
Category 6 T		otal	352.9	1,892.7
Category 6	Final Total	352.9	1,892.7	
<b>Grand Tota</b>	I		7,025.8	18,382.2

<sup>2</sup> Habitat category and subtype within the analysis area are presented in Figure 12 below.

Figure 12: Habitat Categories and Subtypes within the Analysis Area



# Habitat Impacts and Mitigation

3 ODFW habitat mitigation goals are outlined by habitat categories as shown in Table 15 below:

Table 15: ODFW Mitigation Goals by Category

Habitat Category	Definition	Goal for Mitigation	Mitigation Strategy
1	Essential, limited, and irreplaceable habitat	No loss of habitat quantity or quality	Avoidance
2	Essential and limited habitat	No net loss of habitat quantity or quality and to provide a net benefit of habitat quantity or quality	In-kind, in-proximity mitigation
3	Essential habitat, or important and limited habitat	No net loss of habitat quantity or quality	In-kind, in-proximity mitigation
4	Important habitat	No net loss of habitat quantity or quality	In-kind or out-of- kind, in-proximity or off-proximity mitigation
5	Habitat having high potential to become either essential or important habitat	Net benefit in habitat quantity or quality	Actions that improve habitat conditions
6	Habitat that has low potential to become essential or important habitat	Minimize impacts	Minimize direct habitat loss and avoid off-site impacts

Habitat impacts can be temporary, temporal or permanent depending on whether the impact can be restored within 3-5 years, 5-10 years (temporal loss) or is not recoverable and therefore considered permanent due to siting of facility structures.

Temporary impacts will occur in association with the improvement of existing roads, as well as during the construction of collector and transmission lines, new roads, staging areas, and fences. The intensity of the construction impact will vary. In some areas, the impact will be relatively light; but in other areas, heavy construction activity will remove all vegetation, remove topsoil, and compact the remaining subsoil. Some areas of temporary disturbance, such as staging areas, will be graveled during construction, and will be reclaimed by removing the gravel surface, regrading to match adjacent contours, and reseeding.

Permanent impacts will occur within the perimeter fenceline, even if areas within the fenceline will be revegetated. These area are considered permanent impacts to fish and wildlife habitat

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- because the perimeter fence and energy facility operations will preclude use of the land by
   species for the life of the facility (estimated 30 years).
- 4 Table 16 below shows the estimated temporary and permanent impacts to habitat.
- 5 Minimization, avoidance, and mitigation measures are described and evaluated below.

Table 16: Estimated Habitat Impacts from Proposed Facility Construction and Operation

Habitat Type	Habitat Subtype	Estimated Potential Impacts (Acres)		
		Permanent	Temporary	
Category 2				
Agriculture, Pasture, and Mixed Environs	Planted Grasslands	1,144	14.6	
Cliffs, Caves, and Talus	Cliffs, Caves, and Talus	0.1	3.7	
Open Water – Lakes, Rivers, Streams	Intermittent or Ephemeral Streams	0.4*	0.3*	
Open Water – Lakes, Rivers, Streams	Perennial Streams	-	<0.1*	
Open Water – Lakes, Rivers, Streams	Seasonal Ponds	.2*	0.4*	
Upland Grassland, Shrub-steppe and Shrubland	Eastside Grasslands	2,198	87.5	
Upland Grassland, Shrub-steppe and Shrubland	Shrub-steppe	1,326.5	91.3	
Wetlands	Emergent Wetlands	0.4*	-	
Wetlands	Scrub-shrub Wetlands	-	<0.1*	
	Category 2 Total	4,670	198	
Category 6		,		
Agriculture, Pasture, and Mixed Environs	Orchards, Vineyards, Wheat Fields, Other Row Crops	292	15.2	
Urban and Mixed Environs	Urban and Mixed Environs	30.3	13.1	
	Category 6 Total	322	28.3	
Grand Total		4,992	226.3	

Note: Totals in this table may not be precise due to rounding.. "-" means no acres while "<0.1" means greater than zero but less than 0.05 acres. Rounded up to 0.1.

<sup>\*</sup> Impacts to wetlands and Waters of the State will be avoided during final design (see Exhibit J). Wetlands and Waters of the State within the fenced solar array area are considered permanently impacted for the purposes of habitat impacts, but will not be disturbed by the Facility.

Mitigation of Temporary Impacts to Habitat

 Proposed facility construction is estimated to result in up to 226 acres of temporary impacts to Category 2 and 6 habitat. Temporary impacts to Category 2 habitat would be mitigated through implementation of a Revegetation and Reclamation Plan and a Noxious Weed Control Plan. As described further below, the Department recommends that Council require that the applicant, through is Revegetation and Reclamation Plan, evaluate temporary disturbance impacts to determine whether the impacts are temporal/permanent or temporary. Disturbance impacts to shrub-steppe habitat from grading should be considered a temporal/permanent loss, given that the likelihood of recovery is greater than 10 years.

 The draft Revegetation and Reclamation Plan (see Attachment P-1 of this order) includes a range of measures to be implemented prior to, during and post construction. Prior to construction, the applicant will be required to establish paired monitoring and reference sites for each habitat subtype temporarily impacted.

 The draft plan requires that monitoring be conducted by a qualified botanist or revegetation specialist and will begin within 60 days of completion of the initial site restoration effort. Monitoring will be conducted annually for five years, with the first monitoring period to occur the first growing season following initial seeding. The draft plan requires reporting of the monitoring results. Each monitoring report will include an assessment of whether the revegetated areas are meeting or trending toward meeting the success criteria. An area will be deemed successfully revegetated when the following success criteria are met:

- Native Forbs: The average percent cover of desirable forbs (i.e., species included in seed mixes and/or native species that have naturally colonized) will be a minimum of 75 percent of the reference site within 5 years. Richness of native and desirable forbs on a reclaimed site will be at least equal to the richness measured on the reference site within 5 years (applicable to all revegetation areas).
- Native Shrubs: The average cover of the shrub component will be at least 50 percent of the reference site within 5 years. At least 15 percent of the shrub density will be the dominant species found on the reference site. The richness of shrub species and the shrub density within the revegetated areas will be at least equal to the shrub species richness and density measured on the reference site (only applicable to shrub-steppe revegetation areas).
- Native and Desirable Grasses: Cover and richness of native and desirable (i.e., species
  included in seed mixes and/or native species that have naturally colonized) grass species
  is at least 85 percent similar to reference sites. Native and/or desirable grasses are to be
  seeded at rates sufficient to achieve abundance and richness characteristics of the grass
  component at the reference site (applicable to all revegetation areas).
- **Noxious Weeds:** Presence and cover of noxious weeds is 75 percent or less than that of the reference site (applicable to all revegetation areas).

Final determination of whether the certificate holder has met the revegetation obligations will be made by ODOE, in consultation with ODFW.

The Department recommends Council impose the following condition requiring that, prior to construction, the applicant submit to the Department, for review and approval, a Final Revegetation and Reclamation Plan. The finalization of the Revegetation and Reclamation Plan will include determining final estimated temporary habitat disturbance based on final facility design or phase, by habitat type and category. Based on the final estimated temporary habitat impacts, plan finalization then includes establishing the number and location of reference sites to be utilized during short- and long-term monitoring and conducting preconstruction surveys for collection of baseline quantitative data (vascular plant species present, native/non-native species present, percent cover of dominant species, percent cover of state and county listed noxious weed, and evidence of disturbance) for the reference sites. The recommended condition is as follows:

 **Recommended Fish and Wildlife Habitat Condition 1 [PRE]:** Prior to construction of the facility, facility component or phase, the certificate holder shall finalize the Revegetation and Reclamation Plan, based on the draft provided in Attachment P-1 of this Order, and submit to the Department for review and approval.

[PRE-FW-01; Final Order on ASC]

The Department recommends Council impose the following two additional conditions requiring that the Revegetation and Reclamation Plan, as finalized per the recommended condition above, be implemented and adhered to during construction, as applicable, and during operations.

Recommended Fish and Wildlife Habitat Condition 2 [CON]: During construction, the certificate holder shall implement and adhere to the Revegetation and Reclamation Plan, as applicable, and included in reporting in the 6-month semi-annual construction report. The Revegetation and Reclamation Plan may be amended, as needed, to ensure that revegetation and monitoring methods are effective at the site.

[CON-FW-01; Final Order on ASC]

Recommended Fish and Wildlife Habitat Condition 3 [OPR]: During operation, the certificate holder shall implement and adhere to the Revegetation and Reclamation Plan, as applicable. The Revegetation and Reclamation Plan may be amended, as needed, to ensure that revegetation and monitoring methods are effective at the site. [OPR-FW-01; Final Order on ASC]

Noxious weed control measures are required prior to and during construction, and for the life of facility operations. The Noxious Weed Plan will require coordination with the County weed programs on both identification and the recommended methods for treatment and prevention. The goal of the Noxious Weed Control Pan is to prevent the introduction of new noxious weed

populations and the spread of existing noxious weed populations. The draft Noxious Weed Control Plan included in Attachment P-2 of this order and utilizes a three step approach:

 Prevention: Implementing measures to prevent the introduction of and/or spread of noxious weeds during construction, operation, and maintenance activities.

 Treatment: Treating noxious weed populations with County-approved appropriate
control methods, at appropriate time intervals using mechanical and herbicide or other
approved methods.

• Monitoring: Assessing noxious weed changes within the Facility site boundary over time and ensuring that legacy as well as new weed populations are not increasing their distributions. (If the applicant contracts with the Wasco County Weed Department Supervisor or Sherman County Weed District to perform weed control at the Facility, then no monitoring report will be provided except for a statement that the county agency performed the work).

The Department recommends Council impose the following condition requiring that, prior to construction, the applicant submit to the Department, for review and approval, a Final Noxious Weed Control Plan.

Recommended Fish and Wildlife Habitat Condition 4 [PRE]: Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall finalize the Noxious Weed Control Plan, based on the draft provided in Attachment P-2 of this Order, and submit to the Department for review and approval.

[PRE-FW-02; Final Order on ASC]

The Department recommends Council impose the following two additional conditions requiring that the Noxious Weed Control Plan, as finalized per the recommended condition above, be implemented and adhered to during construction, as applicable, and during operations.

Recommended Fish and Wildlife Habitat Condition 5 [CON]: During construction, the certificate holder shall implement and adhere to the Noxious Weed Control Plan, as applicable, and include measures taken during construction in reporting in the 6-month semi-annual construction report. The Noxious Weed Plan may be amended, as needed, to ensure that treatment and monitoring activities and schedule are effective at the site. [CON-FW-02; Final Order on ASC]

Recommended Fish and Wildlife Habitat Condition 6 [OPR]: During operation, the certificate holder shall implement and adhere to the Noxious Weed Control Plan, as applicable. The Noxious Weed Plan may be amended, as needed, to ensure that treatment and monitoring activities and schedule are effective at the site.

[OPR-FW-02; Final Order on ASC]

Based upon the Department's review and the recommended conditions listed above, and implementation of the required plans, the Department recommends that Council find the applicant has adequately identified mitigation measures for temporary impacts to fish and wildlife habitat.

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Mitigation of Permanent Impacts to Habitat

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Proposed facility construction will result in an estimated 4,992 acres of permanent impacts.

- Permanent impacts are mitigated through a final approved Habitat Mitigation Plan (HMP)
- within an approved Habitat Mitigation Area (HMA). To meet the mitigation goals for each
- habitat category, the applicant proposed a ratio approach, ranging from 0.5 acres to up to 2
- 12 Habitat category, the applicant proposed a ratio approach, ranging from 0.5 detect to ap to 2
- acres to be included in an HMA for every acre impacted. The applicant's proposed ratios are
- presented in Table 17 below.

Table 17: Estimated Habitat Impacts and ODFW Habitat Mitigation Ratios<sup>125</sup>

Final Habitat Category <sup>1</sup>	Preliminary Habitat Category <sup>2</sup>	Habitat Subtype	Impact (acres)	Mitigation Ratio	Mitigation Need (acres)
FiPermaner	nt Impacts <sup>3</sup>				
	2	Perennial Streams, Scrub- shrub wetlands	_	2:1	_
		Shrub-steppe	52.8	2:1	106
	3	Cliffs, Caves, Talus, Emergent Wetlands, Intermittent or Ephemeral Streams	0.3	2:1	0.6
		Eastside Grasslands	228	2:1	456
		Shrub-steppe	1,210	2:1	2,420
2	4	Eastside Grasslands	1,123	1.5:1	1,685
		Intermittent or Ephemeral Streams	0.1	2:1	0.2
		Planted Grasslands	1,144	1.2:1	1,373
		Shrub-steppe	63.7	2:1	127
	5	Eastside Grasslands, Emergent Wetlands, Intermittent or Ephemeral Streams, Seasonal Ponds	848	0.5:1	424
6	6	Wheat Fields and Other Row Crops, Urban and Mixed Environs	322	None	_
Temporal II	mpacts <sup>4</sup>				

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<sup>&</sup>lt;sup>125</sup> Source: Draft Habitat Mitigation Plan, Table 3: Compensatory Mitigation Calculation (See Attachment P-3 of this order).

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Table 17: Estimated Habitat Impacts and ODFW Habitat Mitigation Ratios<sup>125</sup>

Final Habitat Category <sup>1</sup>	Preliminary Habitat Category <sup>2</sup>	Habitat Subtype	Impact (acres)	Mitigation Ratio	Mitigation Need (acres)
		Shrub-steppe	4.2	0.5:1	2.1
	2	Perennial Streams, Scrub- shrub wetlands	0.2	None	1
	3	Cliffs, Caves, Talus, Emergent Wetlands, Intermittent or Ephemeral Streams	3.8	None	I
		Eastside Grasslands	28.8	0.5:1	14.4
2		Shrub-steppe	69.0	0.5:1	34.5
2	4	Eastside Grasslands	48.2	0.5:1	24.1
		Intermittent or Ephemeral Streams	0.1	None	_
		Planted Grasslands	14.6	None	_
		Shrub-steppe	18.1	0.5:1	9.1
	5	Eastside Grasslands, Emergent Wetlands, Intermittent or Ephemeral Streams, Seasonal Ponds	11.1 None		ı
6	6 Wheat Fields and Ot Crops, Urban and Mi Environs		28.3	None	_
Total			5,218		6,675

<sup>1.</sup> Final Category following application of ODFW Designated Mule Deer Winter Range overlay.

ODFW concurs with the mitigation ratios proposed by the applicant to establish the size of the HMA, with the exception that temporary impacts be reassessed prior to and post construction to determine whether the impacts are more appropriately considered a temporal/permanent impact.<sup>126, 127</sup>

<sup>2.</sup> Current habitat condition and category as mapped by the Applicant prior to construction.

<sup>3.</sup> Permanent impact areas based on final design and include the Facility's footprint. No mitigation offered for Category 6 habitat.

<sup>4.</sup> Compensatory mitigation for temporal habitat loss to current Category 2, 3, or 4 Upland Grassland, Shrub-Steppe and Shrubland – Shrub-Steppe and Eastside grasslands habitat subtypes (see Table 1) due to sagebrush component. Other habitat types will be restored following the methods described in the Revegetation Plan.

<sup>&</sup>lt;sup>126</sup> YRBAPPDoc29 pASC Reviewing Agency Comment ODFW 2025-07-18; YRBAPPDoc19-12 ASC Review Agency Comment ODFW 2025-09-29

<sup>&</sup>lt;sup>127</sup> YRBAPPDoc22 pASC Reviewing Agency Comment ODFW 2024-10-15; YRBAPPDoc29 pASC Reviewing Agency Comment ODFW 2025-07-18.

Based upon the mitigation ratios shown in the table above, and the acreage of impacts by habitat category and sub-type, and in consultation with ODFW, the HMA must include a maximum of 6,675 acres.

The applicant has prepared a draft HMP (see Attachment P-3 of this order) using an HMA identified in consultation with ODFW. Tygh Ridge Ranch as the primary potential site for the HMA, with additional HMA areas identified within the facility site boundary but outside of the perimeter fenceline, comprising 2 primary mitigation areas for to meet the HMA requirements in terms of acreage and suitable habitat with uplift potential. Between the two proposed HMA areas, approximately 6,675 acres of suitable HMA have been identified for mitigation. They have been identified in consultation with ODFW as suitable mitigation areas for potential impacts of the facility. 128

The proposed HMA areas have been selected because they are available, have intact high-value habitat desirable for conservation, and suitable habitat in need of enhancement and other management actions to restore its potential as high-quality Category 2 big game habitat. The draft HMP includes enhancement and uplift actions that may be implemented on this property to achieve the net-benefit requirements of ODFW Category 2 habitat mitigation goals including:

- Shrub Planting
  - Oregon White Oak Planting
  - Weed Control
  - Fence Removal
  - Fire Control
  - Monitoring of implementation measures

The HMP is in draft format because the project has not yet been approved. The finalization of the draft HMP includes determining final estimated permanent habitat disturbance based on final facility design or phase, by habitat type and category; finalization of the management plan to be implemented at the HMA; and execution of the legal instrument required to secure the HMA. The legal mechanism must provide assurance of durability for the life of the proposed facility to ensure the mitigation property will remain habitat if the landowner ceases to own or manage the land prior to facility decommissioning. The legal instrument shall also contain an assurance that the land covered under the agreement will not be used to satisfy any other mitigation obligations other than those pertaining to this facility.

The Department recommends Council impose the following conditions requiring that, prior to construction, the applicant secure the HMA based on execution of a legal instrument approved by the Department; and finalize the HMP, subject to review and approval by the Department, in consultation with ODFW.

**Recommended Fish and Wildlife Condition 7 (PRE)**: Prior to construction, the certificate holder shall submit the draft legal agreement for review and approval by the

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<sup>&</sup>lt;sup>128</sup> YRBAPPDoc19-12 ASC Review Agency Comment ODFW 2025-09-29

Department, in consultation with ODFW. The legal agreement shall ensure that payment provided for long-term management and enhancement of the mitigation area is adequate to cover the permanent habitat loss from the facility.

[PRE-FW-03; Final Order on ASC]

**Recommended Fish and Wildlife Condition 8 (PRE)**: Prior to construction, the certificate holder shall finalize the Habitat Mitigation Plan, as provided in Attachment P-3 of this Order, based on the impacts associated with the final facility design and the legal agreement, as approved by the Department.

[PRE-FW-04; Final Order on ASC]

**Recommended Fish and Wildlife Condition 9 (OPR)**: During operation, the certificate holder shall provide reports from the certificate holder on the status of long-term management and enhancement of the habitat mitigation area, consistent with the Habitat Mitigation Plan.

[OPR-FW-03; Final Order on ASC]

Based on this evidence and the evaluation of habitat, habitat categorization and applicable mitigation goals, and compliance with the above-proposed conditions, the Department recommends Council find that the applicant has demonstrated that permanent impacts to wildlife habitat will be mitigated in a manner consistent with ODFW's fish and wildlife habitat mitigation policy.

#### Wildlife Impacts and Mitigation

Based on a current literature review, as presented in ASC Exhibit P, 24 special status wildlife species with the potential to occur, including 6 mammals, 3 reptiles, 12 birds, and 3 fish were identified within the analysis area.

The applicant worked with ODFW on developing the field survey strategy for the micrositing corridor. During 2023 field surveys, biologists walked meandering transects within non-cultivated land in the field survey area, searching (scanning and listening) for wildlife species and recognizable signs of wildlife (e.g., scat, tracks, burrows, and nests).

Raptor nest surveys were conducted to document active and inactive raptor nests within the survey area plus a 0.5-mile buffer around them. The survey was performed in early June when most raptors in the region are typically engaged in mid-season reproductive activities (e.g., rearing young). Biologists systematically searched raptor nest habitat within the survey area by vehicle and on foot. Nesting substrate within the survey area was investigated from public and private roads and on foot when additional inspection was necessary.

 Areas outside the survey area but within the 0.5-mile analysis area was searched by scanning suitable nesting habitat from public roads or from the edge of the Facility boundary. Periodic stops were made to scan suitable habitat (e.g., trees, utility towers, power poles, and rock outcrops) and examine nests with the aid of binoculars. To determine the status of a nest,

biologists made observations on the behavior of adults, presence of young, signs of nest
 building, or whitewash. Due to the lack of publicly accessible areas within the 0.5-mile buffer,
 some areas were not visited in 2023 and will need to be surveyed prior to construction where
 possible. Following field surveys, the digitized data were downloaded and processed in a GIS
 program and were reviewed for quality control and assurance.

- The analysis area contains suitable habitat for five state sensitive bat species, ten state sensitive birds, two protected eagle species and two state sensitive reptiles, and three state sensitive fish. Of these species, six state sensitive species and one ODFW species of concern (white tailed jackrabbit is not a state sensitive species but was identified by ODFW as a species to include in field surveys) were detected within the analysis area during 2023 surveys. Field surveys documented observed habitat use by each of these species is as follows:
  - **Swainson's hawk:** This species was observed in four locations hunting primarily in open grasslands, and in one location nesting in a conifer tree.
    - Ferruginous hawk: This species was observed in one location hunting in open grassland.
    - **Brewer's sparrow:** This species was observed in two locations within grassland and shrub-steppe habitats.
    - **Grasshopper sparrow:** This species was observed in eight locations, primarily in grassland habitat.
    - **Loggerhead shrike:** This species was observed in two locations perched on power lines near developed areas.
    - **Northern sagebrush lizard:** Individuals observed in three locations sunning on rocks in grassland and shrub-steppe habitats.
    - White-tailed jackrabbit: (Not state sensitive but field observations documented at ODFW request) Characteristic scat observed in seven locations in grasslands and shrubsteppe habitats. All scat found was assumed to be white-tailed jackrabbit scat.

No bat species were observed during surveys, although no acoustic surveys targeting bats were performed. Based upon the raptor survey results, the applicant has identified one state sensitive bird species: Swainson's hawk (buteo swainsoni) with active nests observed and documented within the micrositing area. The other state sensitive species were observed using the area during field surveys (presumed habitat). Observations and field survey results were included in the field report submitted for review and comment to ODFW and are summarized in Table 18 below. ODFW has concurred with the methods and findings of the surveys conducted and submitted as part of ASC Exhibit P.

Table 18: State Sensitive Species with Observed or Known to Occur within the Analysis Area

	Table 16. State Sensitive Species with Observed of Known to Occur within the Analysis Area								
Common Name Scientific Name	Federal Status <sup>1/</sup>	ODFW Status in Columbia Plateau/ Columbia Basin <sup>2/</sup>	Habitat and Species Information	Sensitive Period(s) <sup>3</sup>	Observed or Expected Occurrence within Analysis Area	Potential Use of Habitat within Analysis Area			
				Mammals					
white–tailed jackrabbit <i>Lepus townsendii</i> <sup>4</sup>	_	-	Associated with open grasslands and desert sagebrush plains as well as open coniferous forest and alpine meadow habitats.	During reproductive periods which vary by climate, but generally occur in the spring.	Scat observed within grassland and shrub-steppe habitats.	Breeding, foraging, transient in shrub-steppe and grasslands.			
				Birds					
Brewer's sparrow Spizella breweri	ВСС	S	Closely associated with sagebrush steppe, generally with a canopy height of more than 5 feet. Often associated with big sagebrush ( <i>Artemisia tridentata</i> ). Nest in thick crowns or low in brush, or in clumps of grass.	During the reproductive and nesting periods which occur mid-April through late July.	Observed in grassland and shrub-steppe habitat.	Breeding, foraging, migrating in shrub-steppe and grasslands.			
ferruginous hawk Buteo regalis	BCC, SOC	SC	Open, grassy areas and shrub-steppe with scattered shrubs or trees for perching and nesting. Can nest in juniper or cottonwood trees near small streams, on rocky sites with an expansive view, on rimrock, or on undisturbed ground.	During the reproductive and nesting periods which occur mid-April through the spring.	Observed hunting in grassland habitat.	Hunting, migrating, breeding in all mapped habitats.			
golden eagle Aquila chrysaetos <sup>4</sup>	BCC, BGEPA	-	Usually nests on cliffs but also can nest in trees. Breeds in open and semi-open habitats at a variety of elevations, in tundra, shrublands, grasslands, woodland-brushlands, and coniferous forests, farmland and riparian areas. Typically forages in open habitats like grasslands, areas with steppe-like vegetation.	During the reproductive and nesting periods which occur February through mid-August.	Known nesting occurrences in Buck Hollow Canyon (ORBIC 2023a, Leal 2020)	Nests present along cliffs. The proposed alternate generation-tie line is approximately 1.2 miles from the nearest golden eagle nest, and the proposed micrositing corridor boundary is approximately 0.3 miles from the nearest nest. Migrant occurrence likely.			
grasshopper sparrow Ammodramus savannarum	-	S	Associated with medium height grassland and sagebrush- steppe, typically small vegetative clumps amongst bare ground. Often inhabits native grassland habitat with less than 35 percent shrub cover.	During the reproductive and nesting periods which occur April through September.	Observed within grassland and shrub-steppe habitat.	Breeding, foraging, migrating in shrub-steppe and grasslands.			
loggerhead shrike Lanius ludovicianus	ВСС	S	Associated with open areas containing occasional shrubs and trees for nesting, and elevated perch sites for hunting and singing. Commonly associated with sagebrush steppe, juniper woodlands, mountain shrublands, and open oak and pine woodlands.	During the reproductive and nesting periods which occur mid-March through mid-August.	Observed hunting on power lines.	Breeding, hunting, migrating in all mapped habitats.			
Swainson's hawk buteo swainsoni	-	S	Associated with open sagebrush steppe, grassland, juniper woodlands, agricultural areas with trees, and large meadows in forested mountains. Tumbleweed and twig nests are built in trees of various sizes, most often willow or juniper trees.  Forages over open grasslands and fertile irrigated agriculture fields for small mammals.	During the reproductive and nesting periods which occur mid-April to early August.	Observed nesting and hunting.	Breeding, hunting, migrating in all mapped habitats.			

Table 18: State Sensitive Species with Observed or Known to Occur within the Analysis Area

Common Name Scientific Name	Federal Status <sup>1/</sup>	ODFW Status in Columbia Plateau/ Columbia Basin <sup>2/</sup>	Habitat and Species Information	Sensitive Period(s) <sup>3</sup>	Observed or Expected Occurrence within Analysis Area	Potential Use of Habitat within Analysis Area
				Reptiles		
northern sagebrush lizard Sceloporus graciosus graciosus	SOC	S	Highly associated with desert shrub-steppe habitat containing open, sun-exposed basking areas with loose sand soils between rocks, shrubs, or trees for nearby refuge.  Little is known about winter hibernation sites, but it is expected that this species hibernates in rodent burrows, under rocks and in rock crevasses.	During the reproductive and nesting periods June through mid-August.  During winter hibernation months if hibernacula is disturbed.	Observed sunning on rocks in grassland and shrub-steppe habitat.	Breeding, foraging in shrub-steppe and grasslands.

Sources: Bechard et al. 2010; Brigham et al. 2011; Buehler 2000; Csuti et al. 2001; Dugger and Dugger 2002; Gervais et al. 2009; Kochert et al. 2009; Marshal et al. 2006; Martin and Carlson 1998; NatureServe 2023; Ng et al. 2017; OCS 2016; ODFW 2021a; ODFW 2021b; ORBIC 2019; ORBIC 2023a; OWE 2023; Poulin et al. 2011; Rotenberry 1990; Rotenberry et al. 1999; StreamNet 2021; Sullivan et al. 2009; USFWS 2022; USFWS 2023a; USFWS 2023b; Vickery 1996; Vierling et al. 2013; Yosef 1996.

¹ Federal Status: T = Threatened, SOC = Species of Concern, BCC = Bird of Conservation Concern, BGEPA = Bald and Golden Eagle Protection Act.

<sup>&</sup>lt;sup>2</sup> Oregon Department of Fish and Wildlife Status: SC = Sensitive-Critical Species, S = Sensitive Species.

<sup>&</sup>lt;sup>3</sup> Period in which species is most sensitive to disturbance, such as nesting, mating, migrating, or hibernating.

<sup>&</sup>lt;sup>4</sup> This species does not have a special status in the Columbia Plateau/Columbia Basin ecoregion as of October 2023 but is included in this table as recommended by ODFW.

#### 1 Potential Impacts to Wildlife

- 2 Potential impacts to state-sensitive species from proposed facility construction include injury to
- 3 or loss (fatality) due to collision with or crushing from construction equipment vehicles; and,
- 4 general disturbance (noise and visual), which can interrupt wildlife behavior. In addition, there
- 5 are risks to wildlife species during proposed facility operations from structure collision, vehicle
- 6 collisions, disturbance related to artificial lighting and introduction or spread of noxious weeds.

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#### Wildlife Minimization and Monitoring Plan

- 9 As noted above, the applicant has microsited the facility to avoid the most sensitive habitat in
- 10 the site boundary and did so in consultation with ODFW. To minimize impacts to habitat of
- state sensitive wildlife species, the applicant has proposed to implement numerous design
- 12 measures, construction restrictions and finalize a long-term Wildlife Minimization and
- 13 Monitoring Plan (WMMP) similar to the draft plan in Attachment P-4 that includes the following
- 14 measures to minimize and avoid impacts to wildlife. Some minimization and avoidance
- 15 measures include:
  - Spiral markers will be installed on the ground wire of the alternate generation-tie line in areas over canyons or within 2 miles of a known eagle nest.
  - Use facility-specific measures that follow Avian Powerline Interaction Committee
     (APLIC) guidelines for minimizing avian electrocutions (APLIC 2006). This is expected to
     minimize the risk of electrocution to raptors generally, and to bald eagles, golden
     eagles, Swainson's hawks, and ferruginous hawks in particular.
  - Implement down-shield lighting for permanent lighting at the substation and O&M building. Outdoor lighting will be sited, limited in intensity, shielded, and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. This is expected to minimize the risk of avian collision with facility infrastructure for all birds and bats in general, but to nocturnal migrant species (including Brewer's sparrows, sagebrush sparrows, grasshopper sparrows) and to the crepuscular, insectivorous common nighthawk in particular. Down-shield lighting will be in place year-round, mitigating impacts to birds and bats both during migration and while foraging for insects at any time of the year.
  - Cap or otherwise modify vertical pipes and piles to prevent cavity-dwelling and nesting birds from entering. This also prevents any perching bird from inadvertently falling into pipes. These caps are expected to minimize the risk of fatalities to all birds (including the cavity-nesting Lewis's woodpecker), as well as small mammals and lizards such as the northern sagebrush lizard.
  - Facility components will be fenced to exclude big game. The applicant has microsited the facility layout to set back from Buck Hollow and Hauser canyons where feasible to reduce impacts to Priority Wildlife Connectivity Areas and shrub-steppe Strategy Habitats as well as the higher quality habitats mapped in these areas.
  - Apply the buffers and seasonal restrictions during construction around raptor nests identified during pre-construction surveys to avoid disturbance to nesting raptors as

- practicable and consult with ODFW for prior approval for exceptions to nest buffers during construction if needed.
- Use of fixed-knot (or a similar wildlife-friendly option) or chain-link perimeter fencing up to 8 feet in height that may be raised off the ground approximately 6 to 8 inches to accommodate small animal movement under the fence.

In addition to the above-representations, the Department recommends Council impose the following conditions to minimize direct impacts to state-sensitive species and their habitat:

Recommended Fish and Wildlife Condition 10 (PRE): Prior to construction, streams, wetlands, and other sensitive habitat features (e.g., mature trees, intact sagebrush) that are not proposed to be impacted will be flagged for avoidance during construction. The certificate holder shall develop a map set showing these sensitive resources that will be kept on site during construction and updated if additional information on sensitive resources is obtained. These maps will show buffer zones and temporal restrictions of sensitive resources, as applicable.

[PRE-FW-05, Final Order on ASC]

[PRE-FW-06; Final Order on ASC]

Recommended Fish and Wildlife Condition 11 (PRE): Prior to construction of the facility or phase, as applicable, if construction is scheduled to overlap with the raptor nesting season (February 1 – August 31), the certificate holder shall conduct a raptor nest survey within 2 miles of the defined work area to identify the location of raptor nests, and eagle nests in particular, that could be affected by construction. The survey protocol will be approved by ODFW, and the surveys will occur no earlier than 2 years prior to construction and final reports submitted to ODFW for review and the Department for approval.

 Recommended Fish and Wildlife Condition 12 (PRE): Prior to construction, the certificate holder shall submit to the Department for final approval a Construction and Operations Wildlife Minimization and Monitoring Plan that includes the above-listed avoidance and minimization measures, monitoring and reporting methods (Similar to the draft Wildlife Minimization and Monitoring Plan included as Attachment P-4 of this order), to be prepared in consultation with ODFW.

[PRE-FW-07; Final Order on ASC]

Recommended Fish and Wildlife Condition 13 (CON): During construction within the time periods listed below, the certificate holder shall implement buffer zones around active or previously identified active nest sites. No ground-disturbing activities within the buffer zone of active or previously identified active nest sites shall occur during the seasonal restrictions unless a qualified biologist determines the nest site is unoccupied for the season on or after May 31 as shown in Table 19 below:

**Table 19: ODFW Raptor Nest Buffers and Seasonal Restrictions** 

Species	Spatial Buffer	Seasonal Restriction	Release Date if Unoccupied	
western burrowing owl	0.25 mile	April 1 to Aug 15	May 31	
golden eagle	0.5 mile	Feb 1- Aug 15	May 15	
red-tailed hawk	300-500 feet	Mar 1- Aug 15	May 31	
ferruginous hawk	0.25 mile	Mar 15- Aug 15	May 31	
Swainson's hawk	0.25 mile	April 1- Aug 15	May 31	
prairie falcon	0.25 mile	Mar 15- Jul 1	May 15	
peregrine falcon	peregrine falcon 0.25 mile		May 15	
American kestrel	0.25 mile	Mar 1- Jul 31	May 15	

[CON-FW-03; Final Order on ASC]

Recommended Fish and Wildlife Condition 14 (CON): During construction, certificate holder shall limit construction activities outside the fenced area (i.e., at the overhead collection line, transmission line, and roads) between December 1 and April 1 to minimize disturbance to wildlife, and wintering deer in particular. [CON-FW-04; Final Order on ASC]

**Recommended Fish and Wildlife Condition 15 (CON):** During construction, vehicles will be limited to 20 miles per hour on all facility access roads (excluding public roads). [CON-FW-05; Final Order on ASC]

**Recommended Fish and Wildlife Condition 16 (CON):** During construction, the certificate holder shall adhere to the requirements of the Construction Wildlife Minimization and Monitoring Plan (Attachment P-4). Monitoring records shall be maintained throughout operation and included in the semi-annual construction report submitted to the Department.

 [CON-FW-06; Final Order on ASC]

Recommended Fish and Wildlife Condition 17 (OPR): During operation, the certificate holder shall adhere to the requirements of the Operational Wildlife Minimization and Monitoring Plan (Attachment P-4). Monitoring records shall be maintained throughout operation and included in the annual report submitted to the Department pursuant to OAR 345-026-0080.

[OPR-FW-04; Final Order on ASC] 1 2 3 Recommended Fish and Wildlife Condition 18 (OPR): During operations, vehicles will be 4 limited to 20 miles per hour on all facility access roads (excluding public roads). 5 [OPR-FW-05; Final Order on ASC] 6 7 The Department has reviewed the information submitted in ASC Exhibit P, consulted with 8 ODFW on study findings, potential impacts and required and recommendations, and with 9 compliance with the above recommended conditions, impacts to state sensitive fish and 10 wildlife will be minimized, avoided and mitigated to meet this Council standard. 11 12 IV.H.2. Conclusions of Law 13 14 Based on the foregoing analysis, and subject to compliance with the recommended site certificate conditions described above, the Department recommends the Council find that the 15 16 design, construction and operation of the proposed facility are consistent with the mitigation goals and requirements of the Oregon Department of Fish and Wildlife's Fish and Wildlife 17 Habitat Mitigation Policy under OAR 635-415-0025. 18 19 20 IV.I. Threatened and Endangered Species: OAR 345-022-0070 21 22 To issue a site certificate, the Council, after consultation with appropriate state agencies, must find that: 23 24 (1) For plant species that the Oregon Department of Agriculture has listed as 25 26 threatened or endangered under ORS 564.105(2), the design, construction and 27 operation of the proposed facility, taking into account mitigation: 28 29 (a) Are consistent with the protection and conservation program, if any, that the Oregon Department of Agriculture has adopted under ORS 564.105(3); or 30 31 32 (b) If the Oregon Department of Agriculture has not adopted a protection and conservation program, are not likely to cause a significant reduction in the 33 likelihood of survival or recovery of the species; and 34 35 (2) For wildlife species that the Oregon Fish and Wildlife Commission has listed 36 as threatened or endangered under ORS 496.172(2), the design, construction 37 38 and operation of the proposed facility, taking into account mitigation, are not 39 likely to cause a significant reduction in the likelihood of survival or recovery of the species. 129 40

<sup>&</sup>lt;sup>129</sup> Administrative Order EFSC 1-2007, effective May 15, 2007.

#### **IV.I.1.** Findings of Fact

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The analysis area for threatened or endangered (T&E) plant and wildlife species includes two distances; for literature review, the search area includes the area within and extending 5-miles from the proposed site boundary. For pedestrian survey requirements, the analysis area is equivalent to the 8,075 acre site boundary.<sup>130</sup>

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Literature review identified no state listed T&E wildlife and one state-listed T&E plant species, Tygh Valley milkvetch (*Astragalus tyghensis*), <sup>131</sup> with the potential to occur within the analysis area. <sup>132</sup>

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Wildlife and botanical field surveys were conducted on 7,026 acres in June 2023.<sup>133</sup> There were no observations of Tygh Valley milkvetch (*Astragalus tyghensis*) during the June 2023 surveys. Surveys have not been conducted within the corridor associated with the proposed alternate POI due to access limitations, but this corridor contains potentially suitable habitat and must be surveyed, prior to construction, if the alternate POI is selected for final design.<sup>134</sup>

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To address this issue, the Department recommends Council impose the following condition requiring that, prior to construction, the applicant conduct botanical surveys in the unsurveyed portions of the alternate POI, if the alternate POI is selected as part of final design, and that if impacts cannot be avoided, that the applicant submit an Amendment Determination Request to allow the Department and Council the ability to evaluate impacts and mitigation and determine whether the changes must be reviewed through the Council's Site Certificate Amendment process.

<sup>&</sup>lt;sup>130</sup> Per OAR 345-001-0010(35)(a); YRBNOIDoc42 Project Order 2024-01-26, Table 12.

<sup>&</sup>lt;sup>131</sup> ORBIC. 2023. Element Occurrence Record Digital Data Set for rare, threatened or endangered species for the Yellow Rosebush Project in Wasco County. ORBIC, Institute for Natural Resources, Portland State University. Portland, OR. Report received May 2023.

Federally Listed, Proposed, Candidate, Delisted Species and Species of Concern under the Jurisdiction of the Fish and Wildlife Service which May Occur in Oregon. Available at:

https://www.fws.gov/media/oregonspeciesstatelistpdf Accessed by the Department 2024-11-27.

Oregon Department of Fish and Wildlife (ODFW) 2021. Threatened, endangered and candidate fish and wildlife species. Available online at:

https://www.dfw.state.or.us/wildlife/diversity/species/threatened endangered candidate list.asp Accessed by the Department 2024-11-27; ODFW Sensitive Species List.

https://www.dfw.state.or.us/wildlife/diversity/species/docs/Sensitive\_Species\_List.pdf Accessed by the Department 2024-11-27; US Fish and Wildlife Service (USFWS) 2023.

<sup>&</sup>lt;sup>132</sup> YRBAPPDoc22 pASC Reviewing Agency Comment ODFW 2024-10-15

<sup>&</sup>lt;sup>133</sup> YRBAPPDoc1-17 ASC Exhibit P Fish and Wildlife Habitat 2025-09-05. Attachment P-1 Biological Survey Reports. The survey area did not include the entirety of the site boundary because areas within slopes exceeding 30 percent were omitted. These areas were omitted due to safety concerns.

<sup>&</sup>lt;sup>134</sup> YRBAPPDoc18 pASC Reviewing Agency Comments ODAg\_Brown 2024-09-12; YRBAPPDoc18-1 pASC Reviewing Agency Comments Bot Survey ODAg\_Marshall 2024-09-17. In comments on the pASC, ODAg maintained their comments submitted on the NOI, requesting complete botanical surveys for any areas of potential disturbance given the potential presence of a state listed T&E plant species, Tygh Valley milkvetch (*Astragalus tyghensis*).

Oregon Department of Energy Recommended Threatened and Endangered Species Condition 1 (PRE): Prior to 1 2 construction activities associated with the alternate POI, if part of final facility design, 3 the certificate holder shall: a. Complete a botanical field survey within unsurveyed areas in the transmission line 4 5 corridor. 6 If any T&E plant species are identified and cannot be avoided, certificate holder 7 must submit an Amendment Determination Request to the Department for a 8 determination on whether the impacts and mitigation must be reviewed by 9 Council through the site certificate amendment process. ii. If the impacts and mitigation are determined by the Department not to require 10 review through the Council's site certificate amendment process, certificate 11 12 holder shall implement and adhere to the mitigation requirements approved by 13 the Department. 14 [PRE-TE-01; Final Order on ASC] 15 16 IV.I.2. Conclusions of Law 17 Based on the foregoing analysis, the Department recommends that with compliance with the 18 19 above recommended condition, the Council find that the design, construction and operation of 20 the proposed facility is not likely to cause a significant reduction in the likelihood of survival or 21 recovery of species listed as threatened or endangered by the Oregon Department of 22 Agriculture or Oregon Fish and Wildlife Commission and, therefore meets Council's Threatened and Endangered Species standard in OAR 345-022-0070. 23 24 25 IV.J. Scenic Resources: OAR 345-022-0080 26

27 28 29 (1) To issue a site certificate, the Council must find that the design, construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse visual impacts to significant or important scenic resources.

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(3) A scenic resource is considered to be significant or important if it is identified as significant or important in a current land use management plan adopted by one or more local, tribal, state, regional, or federal government or agency.

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<sup>&</sup>lt;sup>135</sup> Administrative Order EFSC 5-2022, effective December 19, 2022.

#### **IV.J.1.** Findings of Fact

In applying the standard set forth in OAR 345-022-0080(1), Council assesses the visual impacts of facility structures on significant or important scenic resources described in a current land use management plan adopted by a local, tribal, state, regional, or federal government agency. The analysis area for the Scenic Resources standard is the area within and extending 2 miles from the site boundary as established in the Project Order. The analysis area includes area within two counties; Sherman and Wasco counties.

- As summarized in Table 20 below, land management and other plans were evaluated to determine whether significant or important scenic resources are located within the analysis area. <sup>137</sup> The Department's recommendations for important or significant resources are
- reflected in Table 20, and discussed further in this section.

<sup>&</sup>lt;sup>136</sup> YRBNOIDoc42 SIGNED Project Order w Attachments 2024-01-26.

<sup>&</sup>lt;sup>137</sup> The evaluation for compliance under the Scenic Resources standard (OAR 345-022-0080) is informed by OAR 345-021-0010(1)(r), which establishes the information requirements for ASC Exhibit R. The terms "significant" and "important" (related to scenic resources) are not defined in Council rules or statutes, however, OAR 345-021-0010(1)(r) provides clarity including that scenic resources identified as "significant or important" in a land management plan should be 1) specifically identified as significant or important, with a description of the resource, and 2) have a portion of the management plan specific to the resource. These references are consistent with LCDC administrative rules that implement Statewide Planning Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces. B2HAPPDoc631 SR-1 OAH\_Ruling and Order on MSD\_2021-07-14. If a there is a potential adverse impact to a Council protected Scenic resource, the management or development measures or criteria for protection of the resource as designated in the management plan would be applied to avoid, minimize or mitigate impacts to the resource.

**Table 20: Management Plans Reviewed and Identified Scenic Resources** 

Jurisdiction	Applicable Management Plan	Scenic Resources Specified in Plan	Important or Significant Scenic Resources Identified in Analysis Area
Sherman County	Comprehensive Land Use Plan, Sherman County Oregon (2007)	Yes	No <sup>1</sup>
Wasco County	Wasco County 2040 Comprehensive Plan (Wasco County 2020)	Yes	No
City of Maupin	City of Maupin Comprehensive Land Use Plan	Yes	No
City of Shaniko	Shaniko Comprehensive Land Use Plan	Yes	No <sup>1</sup>
Oregon Department of Transportation	Journey Through Time Scenic Byway Tour Route Management Plan (1996); 2024 Scenic Byways Program	Yes	No
	Two Rivers Resource Management Plan Record of Decision (1986); Amendments (2001)	Yes	No
Bureau of Land Management	White River National Wild and Scenic River Management Plan (1994)	Yes	No
	Lower Deschutes River Management Plan Record of Decision (1997)	Yes	No
Confederated Tribes of the Grand	N/A	-	-

**Table 20: Management Plans Reviewed and Identified Scenic Resources** 

Jurisdiction	Applicable Management Plan	Scenic Resources Specified in Plan	Important or Significant Scenic Resources Identified in Analysis Area
Ronde Community of Oregon. 2024 <sup>2</sup>			
Confederated Tribes of Siletz Indians. 2024. <sup>3</sup>	N/A	-	-
Confederated Tribes of the Umatilla Indian Reservation. 2024. <sup>4</sup>	N/A	-	-
Confederate Tribes of Warm Springs. 2024. <sup>5</sup>	N/A	-	-

#### Notes:

1. The Department's review of the ODOT Scenic Byways Program and the Sherman County Comprehensive Land Use Plan (2007) confirmed that Oregon Hwy 216 is not a designated Scenic Byway, and as such does not have specific management criteria that supports its protection as scenic resource.

#### Sources:

- 2. <a href="https://www.grandronde.org/services/natural-resources/">https://www.grandronde.org/services/natural-resources/</a>
- 3. <a href="https://ctsi.nsn.us/">https://ctsi.nsn.us/</a>
- 4. <a href="https://ctuir.org/departments/natural-resources/">https://ctuir.org/departments/natural-resources/</a>
- 5. <a href="https://warmsprings-nsn.gov/tribal-programs/natural-resources/">https://warmsprings-nsn.gov/tribal-programs/natural-resources/</a>

# **IV.J.2.** Conclusion of Law

the analysis area.

Based on the foregoing findings of fact, the Department recommends the Council conclude that the design, construction, and operation of the proposed facility would not be likely to result in significant adverse impacts to any scenic resource identified as significant or important in a local, tribal, or federal land or resource management plan, in compliance with Council's Scenic Resources standard.

# IV.K. Historic, Cultural, and Archaeological Resources: OAR 345-022-0090

(1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that the construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impacts to:

(a) Historic, cultural or archaeological resources that have been listed on, or would likely be listed on the National Register of Historic Places;

(b) For a facility on private land, archaeological objects, as defined in ORS 358.905(1)(a), or archaeological sites, as defined in 358.905(1)(c); and

(c) For a facility on public land, archaeological sites, as defined in ORS 358.905(1)(c).

(2) The Council may issue a site certificate for a facility that would produce power from wind, solar or geothermal energy without making the findings described in section (1). However, the Council may apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.

(3) The Council may issue a site certificate for a special criteria facility under OAR 345-015-0310 without making the findings described in section (1). However, the Council may apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.

#### **IV.K.1.** Findings of Fact

Resources protected under the Historic, Cultural, and Archaeological Resources standard include archeological sites (ORS 358.905(1)(c)), archeological objects (ORS 358.905(1)(a)) and any historic,

cultural or archeological resource listed or likely eligible for listing on the National Register of Historic Places (NRHP). Information concerning the location of archaeological sites or objects may be exempt from public disclosure under ORS 192.355(4) or 192.345(11).<sup>138</sup>

The project order defines the analysis area for direct impacts to archeologic sites and objects is the area within the site boundary. As discussed in Section III.B., of this order, the applicant proposes a solar micrositing area which is the location where surveys were conducted, and facility components would be located; ASC Exhibit S refers to this area as the direct analysis area. For indirect impacts to historic aboveground resources, including Traditional Cultural Properties (TCPs) or Historic Properties of Religions and Cultural Significance to Indian Tribes (HPRCSITs), the analysis area is the area within and extending 1 mile from the site boundary. The entire area within the site boundary is located on private land. The Legislative Commission on Indian Services (LCIS) identified the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO), the Burns Paiute Tribe, the Confederated Tribes of Grand Ronde (CTGR); and the Confederated Tribes of Siletz Indians, as Tribes that could be potentially affected by the construction and operation of the proposed facility.

# Discovery Measures and Tribal Coordination

The applicant contracted with Historic Research Associates, Inc. (HRA) to conduct the literature review, archeological field surveys, above ground historic assessment, and prepare the associated technical reports. Different discovery measures apply to the investigation of archeological sites, archeological objects, aboveground historic resources and tribal resources. For all these resource types, an initial inventory was completed through literature/database review. The following databases and resources were reviewed to identify previous surveys and recorded resources within the analysis area:<sup>141</sup>

- SHPO's Oregon Archeological Records Remote Access
- SHPO's Oregon Historic Sites Database
- Wasco County tax assessor's office maps and data
- Historic maps and aerial photographs

<sup>&</sup>lt;sup>138</sup> On September 5, 2025, the applicant submitted the ASC with Exhibit S support materials identified under confidential cover letter. On September 22, 2025, the Department sent a cover letter to the applicant confirming receipt and handling of confidential materials. YRBAppDoc18 ASC Confidential Receipt Confirmation Letter 2025-09-22

<sup>&</sup>lt;sup>139</sup> YRBNOIDoc42 SIGNED Project Order w Attachments 2024-01-26.

<sup>&</sup>lt;sup>140</sup> OAR 345-022-0090(1)(c) is not applicable to this facility.

<sup>&</sup>lt;sup>141</sup> Applicant's analysis evaluated architectural resources that are 45 years of age or older, applying a timeframe buffer using the federal definition for archaeological sites (a resource 50 years or older), rather than Oregon guidelines for such resources (abandoned for 75 years). The federal definition is more conservative and encompasses sites that would meet the state definition.

- 1 On July 11, 2023 and August 28, 2023, the applicant initiated coordination with Tribes identified
- 2 by LCIS. HRA applied and obtained an Archaeological Permit (AP)-3738 from SHPO to delineate
- archaeological resources with shovel probes. When SHPO reviews an AP, it sends the AP to
- 4 affected Tribes to review, comment, and provide applicable conditions. On August 28, 2023, HRA
- 5 notified Grand Ronde, CTWS, CTUIR, Siletz, and Burns Paiute of the planned shovel probe
- 6 fieldwork to be conducted under AP-3738 and offered to host a field visit and/or the opportunity
- to monitor HRA's work or provide a paid field technician position; and on September 28, 2023,
- 8 HRA emailed the Tribes to notify them the fieldwork surveys were complete and to seek feedback.
- 9 The applicant received feedback from CTWSRO, Grande Ronde, and CTUIR. In its comments on the
- NOI, the CTUIR states that the project is outside the CTUIR's area of interest and that they will
- 11 defer to CTWSRO.<sup>142</sup>

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On July 12, 2023, HRA architectural historian used information gathered during the background and literature review to conduct a compliance level survey site visit to the analysis area to document historic resources. In July 2023 qualified archaeologists from HRA conducted cultural resource field surveys for 7,010 acres within the direct analysis area (only in the solar micrositing area). Surveys were conducted and recorded in accordance with SHPO's Guidelines for Conducting Field Archaeology in Oregon. Uring the surveys, shovel probes were excavated to determine the boundaries of archaeological sites and isolated finds to also ensure that subsurface deposits did not extend farther horizontally than the surface artifacts. Delineation probes were dug at resources that appeared to have potential to contain subsurface deposits, such as lithic scatters and certain historical debris scatters; this included previously recorded sites and newly identified resources. Probes were not dug at the periphery of precontact rock features, historic

24 25 period rock piles to avoid damage to resources as preferred by Tribes. 145

<sup>&</sup>lt;sup>142</sup> YRBNOIDoc22 CTUIR Response to NOI 2023-10-13.

<sup>&</sup>lt;sup>143</sup> The proposed alternative 4.5 mile transmission line corridor was not surveyed for cultural resources, Recommended Cultural and Archaeological Resources Condition 1, in this section addresses field surveys that would need to be conducted if the transmission line alternative is selected for construction.

<sup>&</sup>lt;sup>144</sup> Guidelines for Conducting Field Archaeology in Oregon 2013 (Minor Revision January 2016), states, "In general terms, an Archaeological Site is defined as:

A) Ten or more artifacts (including debitage) likely to have been generated by patterned cultural activity within a surface area reasonable to that activity.."

https://www.oregon.gov/oprd/OH/Documents/FieldGuidelines.pdf Page 9 of 153. Accessed by Department 10-18-2024. However, in 2023, SHPO added a "Updating the Archaeological Field Guidelines Placeholder," indicating their position that an area with two or more objects (artifacts), would be considered an archaeological site. As of the date of this order, SHPO has not formalized its Placeholder in the Guidelines, the applicant and its consultant nevertheless conducted their surveys and reporting consistent with the Placeholder interpretation.

<sup>&</sup>lt;sup>145</sup> Probes were not dug at the periphery of other features (such as structural remains or fence jacks) where no other artifacts were visible, locations of farm equipment, or at resource locations were the project determined there would be no nearby project impacts/ground disturbances due to existing conditions that are not suitable for construction, such as along drainages or slopes greater than 10 percent. (Confidential) Cultural Resources Investigations for the Yellow Rosebush Energy Facility, Wasco County, Oregon SHPO AP-3738 SHPO Case Number 23-1821, December 2023. Arch Blt Rpt\_3696\_Yellow\_Rosebush\_2023\_SHPO\_Reduced

As discussed in Section III.B., the applicant proposes an 8,075-acre site boundary and within the site boundary includes the 7,026 solar micrositing area and the proposed 4.5-mile alternative transmission line corridor to connect to the alternative POI. The applicant anticipates using the primary POI/transmission line, however, may need to use the alternative transmission line corridor, but did not complete field surveys for cultural and archeological resources. Therefore, if the applicant needs to construct and operate the alternative 4.5-mile transmission line, it 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. To require this step and review, the Department recommends the following condition:

Recommended Historic, Cultural, and Archaeological Resources Condition 1 (PRE): Prior to construction activities associated with the alternate POI, if part of final facility design, the certificate holder shall complete cultural and archeological field surveys within the direct analysis area. If any 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.

[PRE-HC-01; Final Order on ASC]

# IV.K.1.1 Historic and Cultural Resources in the Analysis Area

 Desktop and field surveys conducted within the micrositing area 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 built environment and potential historic built environment sites. These resources are presented in Table 21 below. 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.

Table 21 includes the resource description, the applicant's recommendations and SHPO concurrence for eligibility and management recommendations and the Department review of the materials. Resources SHPO concurred that are not eligible for listing on the NRHP are highlighted in grey. A discussion of the SHPO, applicant and Department review, eligibility determinations, impact assessment and management recommendations are provided below the table, however, Table 21 reflects the updated analysis and conclusions from the review of the pASC/ASC.

Table 21: Historic, Cultural and Archeological Resources within Analysis Area, NRHP Eligibility, and Management Recommendation

Resource ID	Description	NRHP Eligibility Recommendation (HRA)	Management Recommendation (HRA; SHPO; Department)	Impact Area	OAR 345- 022-0090: (A)/(B)	Intersects Facility Design Footprint (Yes/No)?	Nearest Distance to Facility Design (meters)	Nearest Distance to Facility Design (feet)
Archaeological Site	es							
35WS455	Pre-Contact Lithic Scatter	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	105	344
35WS782	Historic Homestead	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	32	105
3696-A1	Historic Rock Pile Complex	Not Eligible	No further work needed.	Direct	В	Yes	0	0
3696-A2	Historic Rock Pile Complex	Not Eligible	No further work needed.	Direct	В	Yes	0	0
3696-A3	Historic Rock Pile Complex	Not Eligible	No further work needed.	Direct	В	Yes	0	0
3696-A4	Historic Rock Pile Complex	Not Eligible	No further work needed.	Direct	В	Yes	0	0
3696-E100	Historic Homestead	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	11	37
3696-E103	Historic Fence Jacks	Not Eligible	No further work needed.	Direct	В	No	57	188
3696-E110	Pre-Contact Lithic Scatter	Unevaluated	Avoidance (30 meters)	Direct	А, В	No	29	96
3696-E125	Historic Debris Scatter	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	14	45
3696-E127	Historic Debris Scatter	Unevaluated	Avoidance (30 meters)	Direct	А, В	No	31	100
3696-E130	Pre-Contact Stacked Rock Feature	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	16	52
3696-E18	Pre-Contact Lithic Scatter	Unevaluated	Avoidance (30 meters)	Direct	А, В	No	241	790
3696-E24	Pre-Contact Stacked Rock Feature	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	17	54
3696-E27	Historic Fence Jacks	Not Eligible	No further work needed.	Direct	В	Yes	0	0
3696-E30	Historic Fence Jacks	Not Eligible	No further work needed.	Direct	В	No	36	119
3696-E32	Pre-Contact Lithic Scatter	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	17	57
3696-E41	Historic Debris Scatter	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	51	167
3696-E42	Historic Fence Jacks	Not Eligible	No further work needed.	Direct	В	Yes	0	0
3696-E5	Historic Collapsed Building Remains (likely an agricultural outbuilding)	Not Eligible	No further work needed.	Direct	В	Yes	0	0
3696-E7	Historic Debris Scatter	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	47	153
3696-E73	Historic Fence Jacks	Not Eligible	No further work needed.	Direct	В	No	9	30
3696-E86	Pre-Contact Lithic Scatter	Unevaluated	Avoidance (30 meters)	Direct	А, В	No	309	1,014
3696-E87	Pre-Contact Lithic Scatter & Stacked Rock Feature	Unevaluated	Avoidance (30 meters)	Direct	А, В	No	523	1,715
3696-E89	Pre-Contact Lithic Scatter	Unevaluated	Avoidance (30 meters)	Direct	А, В	No	715	2,347

Table 21: Historic, Cultural and Archeological Resources within Analysis Area, NRHP Eligibility, and Management Recommendation

Resource ID	Description	NRHP Eligibility	Management	Impact	OAR 345-	Intersects	Nearest	Nearest Distance
Resource 1D	Description	Recommendation (HRA)	Recommendation (HRA; SHPO; Department)	Area	022-0090: (A)/(B)	Facility Design Footprint (Yes/No)?	Distance to Facility Design (meters)	to Facility Design (feet)
3696-E90	Pre-Contact Lithic Scatter	Unevaluated	Avoidance (30 meters)	Direct	А, В	No	841	2,759
3696-E93	Historic Structural Remains & Debris Scatter	Unevaluated	Avoidance (30 meters)	Direct	А, В	No	306	1,005
3696-J112	Pre-Contact Stacked Rock Feature	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	12	38
3696-J118	Pre-Contact Lithic Scatter	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	564	1,850
3696-J129	Multicomponent Historic Debris Scatter & Pre-Contact Lithic Artifact	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	10	34
3696-J13	Historic Debris Scatter	Not Eligible	No further work needed.	Direct	В	Yes	0	0
3696-J133	Historic Fence Jacks and Farm Equipment	Not Eligible	No further work needed.	Direct	В	Yes	0	0
3696-J66	Historic Debris Scatter	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	13	43
3696-J76	Historic Fence Jacks	Not Eligible	No further work needed.	Direct	В	Yes	0	0
3696-J89	Historic Debris Scatter	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	10	34
3696-J93	Historic Fence Jacks	Not Eligible	No further work needed.	Direct	В	No	34	111
3696-S113	Pre-Contact Stacked Rock Feature	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	130	426
3696-S114	Historic Structural Remains	Unevaluated	Avoidance (30 meters)	Direct	А, В	No	103	337
3696-S123	Historic Fence Jacks	Not Eligible	No further work needed.	Direct	В	Yes	0	0
3696-S131	Pre-Contact Lithic Scatter	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	40	133
3696-S148	Historic Debris Scatter	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	11	35
3696-S15	Historic Debris Scatter	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	197	646
3696-S159	Historic Fence Jacks	Not Eligible	No further work needed.	Direct	В	Yes	0	0
3696-S16	Historic Homestead	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	43	140
3696-S168	Historic Farm Equipment	Not Eligible	No further work needed.	Direct	В	Yes	0	0
3696-S17	Historic Debris Scatter (5 artifacts)	Not Eligible	No further work needed.	Direct	В	No	139	455
3696-S170	Historic Fence Jacks	Not Eligible	No further work needed.	Direct	В	Yes	0	0
3696-S171	Historic Debris Scatter	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	11	35
3696-S18	Historic Rock Wall	Not Eligible	No further work needed.	Direct	В	No	125	409
3696-S186	Historic Fence Jacks	Not Eligible	No further work needed.	Direct	В	No	70	228
3696-S3	Historic Well & Debris Scatter	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	30	97

Table 21: Historic, Cultural and Archeological Resources within Analysis Area, NRHP Eligibility, and Management Recommendation

Resource ID	Description	NRHP Eligibility Recommendation (HRA)	Management Recommendation (HRA; SHPO; Department)	Impact Area	OAR 345- 022-0090: (A)/(B)	Intersects Facility Design Footprint (Yes/No)?	Nearest Distance to Facility Design (meters)	Nearest Distance to Facility Design (feet)
3696-S40	Historic Fence Jacks	Not Eligible	No further work needed.	Direct	В	Yes	0	0
3696-S47	Historic Earthen Berms/Dams	Not Eligible	No further work needed.	Direct	В	No	38	124
3696-S55	Pre-Contact Stacked Rock Feature	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	11	36
3696-S58	Historic Well	Not Eligible	No further work needed.	Direct	В	No	25	81
3696-S59	Historic Farm Equipment	Not Eligible	No further work needed.	Direct	В	Yes	0	0
3696-S67	Multicomponent Historic Debris Scatter & Pre-Contact Lithic Artifact	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	38	124
3696-S68	Pre-Contact Stacked Rock Feature	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	39	127
3696-S69	Pre-Contact Stacked Rock Feature	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	63	206
3696-S70	Pre-Contact Stacked Rock Feature	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	11	36
3696-S71	Pre-Contact Stacked Rock Feature	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	14	45
3696-S83	Historic Structural Remains	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	55	181
3696-S84	Historic Fence Jacks	Not Eligible	No further work needed.	Direct	В	Yes	0	0
3696-S86	Historic Fence Jacks	Not Eligible	No further work needed.	Direct	В	Yes	0	0
Built Environment S	ites					•	•	•
90800 Wilson Road (Parcel ID 05S16E000100000)	Historic Agricultural Complex	Not Eligible	No further work needed.	Direct	None	Yes	0	0
91171 Bakeoven Road (Parcel ID 05S16E000130000)	Historic Agricultural Complex	Not Eligible	No further work needed.	Direct	None	No	108	353
Ashe-Marion No. 2 Transmission Line	Historic Transmission Line	Unevaluated	No further work needed.	Indirect	А	No	129	424
Buckley-Grizzly No. 1 Transmission Line	Historic Transmission Line	Unevaluated	No further work needed.	Indirect	A	No	9	31

Table 21: Historic, Cultural and Archeological Resources within Analysis Area, NRHP Eligibility, and Management Recommendation

Resource ID	Description	NRHP Eligibility	Management	Impact	OAR 345-	Intersects	Nearest	Nearest Distance
		Recommendation (HRA)	Recommendation (HRA; SHPO; Department)	Area	022-0090: (A)/(B)	Facility Design Footprint (Yes/No)?	Distance to Facility Design (meters)	to Facility Design (feet)
Buckley-Marion No. 1 Transmission Line	Historic Transmission Line	Unevaluated	No further work needed.	Indirect	A	No	142	465
John Day-Grizzly No. 1 Transmission Line	Historic Transmission Line	Eligible	No adverse impact. No further work needed.	Indirect	A	No	86	281
John Day-Grizzly No. 2 Transmission Line	Historic Transmission Line	Eligible	No adverse impact. No further work needed.	Indirect	A	No	40	131
Jones Canyon- Santiam No. 1 Transmission Line	Historic Transmission Line	Unevaluated	No further work needed.	Indirect	A	No	156	510
Slatt-Buckley No. 1 Transmission Line	Historic Transmission Line	Unevaluated	No further work needed.	Indirect	А	No	98	321
Potential Built Envir	onment Sites							
89881 Bakeoven Road (Parcel ID 05S15E000010000)	Historic Building	Unevaluated	No further work needed.	Indirect	A	No	747	2,450
90380 Bakeoven Market Road (Parcel ID 05S15E01100)	Historic Building	Unevaluated/ potentially eligible under Criteria A and/or C	No further work needed.	Indirect	A	No	595	1,953
90440 Bakeoven Market Road (Parcel ID 05S15E01100)	Historic Building	Unevaluated/ potentially eligible under Criteria A and/or C	No further work needed.	Indirect	A	No	611	2,004
90530 Bakeoven Road (Parcel ID 05S16E000120100)	Historic Building	Unevaluated	No further work needed.	Indirect	A	No	626	2,053
90703-91443 Hinton Road (Parcel ID 05S16E03300)	Historic Building	Unevaluated	No further work needed.	Indirect	A	No	1,035	3,397
92775 Hinton Road (Parcel ID 05S16E00006000)	Historic Building	Unevaluated/ potentially eligible under Criteria A and/or C	No further work needed.	Indirect	A	No	1,225	4,019

Table 21: Historic, Cultural and Archeological Resources within Analysis Area, NRHP Eligibility, and Management Recommendation

Resource ID	Description	NRHP Eligibility Recommendation (HRA)	Management Recommendation (HRA; SHPO; Department)	Impact Area	OAR 345- 022-0090: (A)/(B)	Intersects Facility Design Footprint (Yes/No)?	Nearest Distance to Facility Design (meters)	Nearest Distance to Facility Design (feet)
No address found	Historic Building	Unevaluated	No further work needed.	Indirect	А	No	909	2,983
Archaeological & Bu	uilt Environment Sites							•
3696-E31	Historic Homestead & Building	Unevaluated (Archaeological Component)/Not Eligible (Built Environment Component)	Avoidance (30 meters)	Direct	А, В	No	151	495
3696-S9 and Brick Structure	Historic Brick Structure and Debris	Not Eligible	No further work needed.	Direct	В	Yes	0	0
Isolates	•	·		•		•	•	•
3696-E111i	Historic Farm Equipment	Not Eligible	No further work needed.	Direct	None	Yes	0	0
3696-E116i	Historic Farm Equipment	Not Eligible	No further work needed.	Direct	None	Yes	0	0
3696-E1i	Historic Farm Equipment	Not Eligible	No further work needed.	Direct	None	Yes	0	0
3696-E28i	Historic Farm Equipment	Not Eligible	No further work needed.	Direct	None	Yes	0	0
3696-E2i	Historic Farm Equipment	Not Eligible	No further work needed.	Direct	None	Yes	0	0
3696-E3i	Historic Farm Equipment	Not Eligible	No further work needed.	Direct	None	Yes	0	0
3696-E44i	Historic Glass Bottle	Not Eligible	No further work needed.	Direct	None	Yes	0	0
3696-E48i	Pre-Contact Flake	Not Eligible	No further work needed.	Direct	None	No	47	153
3696-E49i	Historic Metal Gear	Not Eligible	No further work needed.	Direct	None	No	54	178
3696-E64i	Historic Metal Can	Not Eligible	No further work needed.	Direct	None	Yes	0	0
3696-E88i	Pre-Contact Lithic Artifact	Unevaluated	Avoidance (30 meters)	Direct	А, В	No	662	2,170
3696-E8i	Historic Glass Bottle	Not Eligible	No further work needed.	Direct	None	Yes	0	0
3696-J110i	Historic Glass Liner	Not Eligible	No further work needed.	Direct	None	No	363	1,193
3696-J16i	Historic Glass Bottle	Not Eligible	No further work needed.	Direct	None	Yes	0	0
3696-J24i	Historic Glass Fragment	Not Eligible	No further work needed.	Direct	None	Yes	0	0
3696-J7i	Pre-Contact Flake	Not Eligible	No further work needed.	Direct	None	Yes	0	0
3696-J82i	Historic Glass Bottle	Not Eligible	No further work needed.	Direct	None	Yes	0	0
3696-S104i	Pre-Contact Flake	Not Eligible	No further work needed.	Direct	None	Yes	0	0
3696-S125i	Pre-Contact Flake	Not Eligible	No further work needed.	Direct	None	Yes	0	0
3696-S134i	Historic Metal Can	Not Eligible	No further work needed.	Direct	None	Yes	0	0
3696-S145i	Historic Farm Equipment	Not Eligible	No further work needed.	Direct	None	Yes	0	0

Table 21: Historic, Cultural and Archeological Resources within Analysis Area, NRHP Eligibility, and Management Recommendation

Resource ID	Description	NRHP Eligibility Recommendation (HRA)	Management Recommendation (HRA; SHPO; Department)	Impact Area	OAR 345- 022-0090: (A)/(B)	Intersects Facility Design Footprint (Yes/No)?	Nearest Distance to Facility Design (meters)	Nearest Distance to Facility Design (feet)
3696-S180i	Historic Glass Bottle	Not Eligible	No further work needed.	Direct	None	No	331	1,085

#### NRHP Eligibility and Impact Assessment under OAR 345-022-0090(1)(a)

The applicant submitted the December 2023 Archaeological Technical Report to SHPO during in advance of submitting the pASC to the Department and received the SHPO submission confirmation and case number. <sup>146</sup> In February 2025, the applicant indicated that the Architectural Survey (Above Ground Historic Assessment) was prepared and finalized. On February 26, 2025, the Department provided its review cover letter to HRA, for HRA to submit with the Above Ground Historic Assessment. In the cover letter the Department provided the contents in Table 21 above and requested SHPO review and concurrence or otherwise on resources that are recommended as not eligible (or not likely eligible), as these resources may be impacted by the facility. On March 31, 2025, SHPO provided a comment letter that: <sup>147</sup>

- Concurred with the determination that 49 of the archaeological resources identified are not eligible for listing in the NRHP;
- Of the ten built resources, concurred that the 3 transmission lines (Grizzly Nos 1, 2, and Jones Canyon-Santiam No 1) are eligible for listing in the NRHP, and there will be no adverse effect to the three transmission lines from the facility.
- Of the seven agricultural properties, concurred that five of those (89881 Bakeoven Rd, 90530 Bakeoven Rd, 91443 Hinton Rd, 90800 Wilson Road, and 91171 Bakeoven Road) are not eligible for listing in the NRHP and the undertaking will not have an effect to these resources.
- Did not concur that Parcel 05S15E01100 (90440 Bakeoven Market Road ) and Parcel 05S16E00006000 (92775 Hinton Road ) are not eligible for listing in the NRHP because there was not enough information to sufficiently evaluate the significance of these properties being eligible under Criterion A and/or Criterion C. SHPO indicated that both the parcels retain sufficient resources from the era of decline discussed in the local context and either could have significance as a historic district reflective of that period.
- Requested a visual effects assessment for all eligible and the 39 archaeological unevaluated cultural resources within the project area.

 On July 22, 2025, HRA provided a response memo that outlined the methods and limitations associated with providing a visual assessment for the identified historic properties and the 39 unevaluated archaeological resources. A summary and the Department's assessment of the regulatory nexus, methodologies and limitations of NRHP criteria evaluation are provided below.

Regulatory Nexus, Methods and Limitations:

 Council's standard under OAR 345-022-0090 applies to historic, cultural or archaeological resources that have been listed on, or would likely be listed on the NRHP. The standard does not describe which impacts are to be evaluated and it does not prescribe specific

<sup>&</sup>lt;sup>146</sup> SHPO Case No. 23-1821.

<sup>&</sup>lt;sup>147</sup> YRBAPPDoc26 pASC Reviewing Agency Comment SHPO Kemmerlin 2025-03-31.

<sup>&</sup>lt;sup>148</sup> YRBAPP pASC HRA 3696 Visual Impacts Memo 2025-07-22. Confidential.

- 1 methodologies for an impact assessment. However, because sub (a) of the standard cites to
- 2 listing or likelihood of listing (eligibility) on the NRHP, the Department, Council, consultants, and
- 3 SHPO rely on the National Register Bulletin: How to Apply the National Register Criteria for
- 4 Evaluation for the NRHP criteria and NRHP evaluation methodologies to evaluate eligibility of
- 5 resources potentially impacted by the facility. To determine which resources are protected
- 6 under the standard, the NRHP criteria and methodologies are applied to archaeological
- 7 resources within the site boundary and to above-ground historic properties within one mile of
- 8 the site boundary. 149 The Department and historic and archeological consultants understand
- 9 that SHPO requests and requires a full evaluation for each resource under each of the NRHP
- criteria. The following is a discussion of the limitations with the ability for applicants and their
- consultants to be able to provide a full evaluation for resources each NRHP criteria.

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For a property to qualify for the National Register it must meet one of the National Register Criteria for Evaluation by:

- Being associated with an important historic context and
- Retaining historic integrity of those features necessary to convey its significance.

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The NRHP criteria are applied to resources and properties that possess integrity of location, design, setting, materials, workmanship, feeling, and association, these are described as the seven aspects of integrity. Where setting often reflects the basic physical conditions under which a property was built and the functions it was intended to serve. Association is the direct link between an important historic event or person and a historic property. The aspects of integrity that are most important for any given resource depend on under which criteria the resource is significant. The steps in assessing integrity are:<sup>150</sup>

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 Define the essential physical features that must be present for a property to represent its significance.

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Determine whether the essential physical features are visible enough to convey their significance.
Determine whether the property needs to be compared with similar properties. And,

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• Determine, based on the significance and essential physical features, which aspects of integrity are particularly vital to the property being nominated and if they are present.

<sup>&</sup>lt;sup>149</sup> NRHP Criteria for Evaluation: The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

A. That are associated with events that have made a significant contribution to the broad patterns of our history; or

B. That are associated with the lives of persons significant in our past; or

C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

D. That have yielded or may be likely to yield, information important in prehistory or history. <a href="https://www.nps.gov/subjects/nationalregister/upload/NRB-15">https://www.nps.gov/subjects/nationalregister/upload/NRB-15</a> web508.pdf <a href="https://www.nps.gov/subjects/nationalregister/upload/NRB-15">https://www.nps.gov/subjects/nationalregister/upload/NRB-15</a> web508.pdf <a href="https://www.nps.gov/subjects/nationalregister/upload/NRB-15">https://www.nps.gov/subjects/nationalregister/upload/NRB-15</a> web508.pdf

Because all properties change over time, it is not necessary for a property to retain all its
historic physical features or characteristics, however, the property must retain essential
physical features that enable it to convey its historic identity. For properties eligible under
Criterion D (properties that yielded or may be likely to yield, information important in
prehistory or history), including archeological sites and standing structures studied for their
information potential, less attention is given to their overall condition, than it they were being
considered under Criteria A, B, or C. Archeological sites, in particular, do not exist today exactly
as they were formed. There are always cultural and natural processes that alter the deposited

as they were formed. There are always cultural and natural processes that alter the deposited materials and their special relationships. For properties eligible under Criterion D, integrity is based upon the property's potential to yield specific data that addresses important research

11 questions.<sup>151</sup>

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SHPO's 2016 guidelines for Conducting Field Archaeology in Oregon outline field methods for shovel probing and excavating archaeological sites to be able to gather sufficient information to establish the aspect of integrity and under which criteria the resource is significant.<sup>152</sup> However, the Department is aware that it is the preference of potentially-impacted Tribes that precontact sites are left intact, not excavated or disrupted. It is also common for there to be missing or information gaps for historic property or a TCP/ HPRCSIT, so that it is difficult to determine the aspect of integrity and under which criteria the resource is significant. In these scenarios, SHPO and Council have accepted a resource-designation of "unevaluated." Unevaluated resources are treated as "eligible," and are direct impacts are avoided or impacts are evaluated and mitigated. Unevaluated does not mean that the resource has not been evaluated, rather, it means that there isn't sufficient information available to fully evaluate each of the NRHP criteria, usually from lack of access, available information, or preferences of Tribes to not excavate sites. The Department emphasizes that the use of "unevaluated" is sufficient to make assumptions for resource eligibility, avoidance, or mitigation under NRHP criteria where additional information is not available, however, each criterion still must be evaluated which includes a discussion of limitations and assumptions for criteria where information is lacking or not available.

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In its March, 2025 comment letter, SHPO appears to rely upon 36 Code of Federal Regulations (CFR), 36 CFR Part 800.5(a)(1) which described the assessment of adverse effects and refers to *listed historic properties* and defines an adverse effect as one that alters a characteristic of a historic property in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. The subject properties and resources are not listed as "historic properties," nor is the proposed facility a federal undertaking (located on federal land). Further, Council's standard considers that taking into

 $<sup>\</sup>frac{151}{\text{https://www.nps.gov/subjects/nationalregister/upload/NRB-15}} \ \, \underline{\text{web508.pdf}} \ \, \text{VIII. HOW TO EVALUATE THE INTEGRITY OF A PROPERTY}$ 

<sup>152</sup> https://www.oregon.gov/oprd/OH/Documents/FieldGuidelines.pdf

<sup>&</sup>lt;sup>153</sup> The March, 2025 comment letter, SHPO does not cite applicable state or federal rules statutes, or codes. The Department and SHPO held calls on April 25 and August 22, 2025 to coordinate and better understand SHPOs comment letter and regulatory basis for its request. As of the date of this order, Department did not receive any additional feedback.

account mitigation, it is not likely that the facility would result in significant adverse impacts to resources protected under the standard. Where OAR 345-001-0010 defines mitigation and what is considered significant. Therefore, because of the lack of federal nexus and applicability of CFRs, and the existence of Council definitions, the Department relies upon Council's definitions and standard rather than federal CFRs and updated NPS National Bulletins to evaluate potential impacts of the facility and any necessary mitigation that is necessary to reduce a significant adverse impact, to less than significant.

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> On August 25, 2025 the Department provided a cover letter to HRA for HRA to submit to SHPO with its July response memo. The cover letter summarizes conclusions of the HRA response memo, mainly that the HRA response memo questions the regulatory basis for the request for a visual impact assessment but nevertheless provides a visual impact assessment based on an expanded discussion of each of the criterion for Parcel 05S15E01100 and Parcel 05S16E00006000 and the 39 unevaluated archeological features within the site. HRA concludes that there would not be significant adverse visual impacts to Parcel 05S15E01100 and Parcel 05S16E00006000 due to topography and proximity of the facility to the resources. Of the 39 unevaluated archeological features within the site, there are nine stacked rock features, which may experience a visual impact. HRA provides a discussion of the assumptions and limitations of available information and recommends that the Precontact Stacked Rock Feature Sites are eligible for listing in the NRHP under Criterion A, but not Criteria B, C, or D, because given their very nature, the sites cannot specifically be associated with an important person in history (Criterion B), and their limited form(s) do not demonstrate distinctive characteristics of a method of construction (or type/period of construction; Criterion C) or, other than their location, and because of the lack of available information, provide data or data potential (Criterion D). For the remaining 30 archeological resources, HRA recommends that finding of no adverse visual impact to these resources.

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The Department's cover letter to SHPO states that the proposal to avoid direct impacts to all unevaluated resources with a 10-30 meter buffer, is consistent with the Council's definition of mitigation and OAR 345-022-0090. The resources would be protected and preserved within the gated fence line for the facility, which limits access from the public and potential future adverse

<sup>&</sup>lt;sup>154</sup> (22) "Mitigation" means taking one or more of the following actions listed in order of priority:

<sup>(</sup>a) Avoiding the impact altogether by not taking a certain action or parts of an action;

<sup>(</sup>b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

<sup>(</sup>c) Partially or completely rectifying the impact by repairing, rehabilitating or restoring the affected environment;

<sup>(</sup>d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate corrective measures;

<sup>(</sup>e) Partially or completely compensating for the impact by replacing or providing comparable substitute resources or environments; or

<sup>(</sup>f) Implementing other measures approved by the Council.

<sup>&</sup>lt;sup>155</sup> (29) "Significant" means having an important consequence, either alone or in combination with other factors, based upon the magnitude and likelihood of the impact on the affected human population or natural resources, or on the importance of the natural resource affected, considering the context of the action or impact, its intensity and the degree to which possible impacts are caused by the proposed action. Nothing in this definition is intended to require a statistical analysis of the magnitude or likelihood of a particular impact.

impact and is consistent with SHPOs definitions of mitigation.<sup>156</sup> The Department and Council consider the recordation conducted for the evaluation of a facility (recordation within technical reports and SHPO databases), as additional mitigation for any potential adverse impacts from a facility.

On September 2, 2025, the same cover letter and HRA response memo was submitted to CTWS. The Department and HRA followed up with CTWS after the information was submitted and have not received any comment.<sup>157</sup>

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 to this order and recommends Council impose the following condition to ensure compliance with the avoidance areas during construction and operation of the facility:

Recommended Historic, Cultural and Archeological Condition 2 (GEN): During construction and operation of the facility, the certificate holder shall design the facility and require all onsite employees and contractors to implement and adhere to the resource avoidance buffers identified in Attachment S-2 to the Final Order on ASC. [GEN-HC-01; Final Order on ASC]

# Evaluation and Impact Assessment under OAR 345-022-0090(1)(b)

Under OAR 345-022-0090(1)(b), for a proposed facility located on private land, the Council must find that the construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impacts to archaeological objects, as defined in ORS 358.905(1)(a)<sup>158</sup>, or archaeological sites, as defined in 358.905(1)(c).<sup>159</sup>

NRHP-ineligible archaeological sites and objects are not considered significant archaeological resources as they do not meet the NRHP-eligibility criteria. The NRHP recordings and evaluations conclude and recommend that resources cannot be significantly associated with

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<sup>&</sup>lt;sup>156</sup> https://www.oregon.gov/oprd/OH/Documents/FieldGuidelines.pdf, page 58 of 153.

<sup>&</sup>lt;sup>157</sup> YRBAPP pASC ODOE CTWS Cover Letter Applicant Response to SHPO Comments 2025-08-29, and YRBAPPDoc12-2 ASC HRA Response Memo and ODOE Cover Letter Sent to CTWS 2025-08-29.

<sup>&</sup>lt;sup>158</sup> ORS 358.905(1)(a) states ""Archaeological object" means an object that: (A) Is at least 75 years old; (B) Is part of the physical record of an indigenous or other culture found in the state or waters of the state; and (C) Is material remains of past human life or activity that are of archaeological significance including, but not limited to, monuments, symbols, tools, facilities, technological by-products and dietary by-products."

<sup>&</sup>lt;sup>159</sup> ORS 358.905(1)(c) states "(A) "Archaeological site" means a geographic locality in Oregon, including but not limited to submerged and submersible lands and the bed of the sea within the state's jurisdiction, that contains archaeological objects and the contextual associations of the archaeological objects with: (i) Each other; or (ii) Biotic or geological remains or deposits. (B) Examples of archaeological sites described in subparagraph (A) of this paragraph include but are not limited to shipwrecks, lithic quarries, house pit villages, camps, burials, lithic scatters, homesteads and townsites.

the prominent historic themes, persons, or events that have been identified for the area, nor are they representative of a unique type, period, or method of construction. The evaluation conducted for NRHP eligibility supports the evaluation and conclusions under the state's definition of a "site of archaeological significance" under ORS 358.905(1)(b). 160 Because these resources are not eligible for listing on the NRHP and cannot provide significant information pertaining to national or local prehistory or history, beyond that already documented in the associated survey reports, the resources would not be considered of "archaeological significance," and thus not protected under Council's standard. The Department recommends that, based on this reasoning, impacts on NRHP-ineligible archaeological sites and objects protected by OAR 345-022-0090(1)(b) would not be considered significant impacts, no mitigation of these nonsignificant resources would be necessary, and the resources may be impacted. Further, if a resource was determined to be ineligible for listing on the NRHP but would be protected OAR 345-022-0090(1)(b), the recordation and evaluation of NRHP status is sufficient mitigation for potential impacts to resources under the Council's standard.

## **Inadvertent Discovery Plan**

The applicant includes a Draft Inadvertent Discovery Plan or IDP in ASC Exhibit S as Attachment S-2, and is also attached to this order as Attachment K. The IDP is a plan outlining the procedures for inadvertent discoveries during construction or operation. The Department recommends Council impose Historic, Cultural, and Archaeological Resources Condition 3 to require that, prior to construction, the applicant submit to the Department the final IDP with the most current agency and tribal government contacts at the time as well as using the most current version of the SHPO template at that time. Further, to ensure that the IDP is implemented during construction and during any ground disturbing operational activities, the Department recommends Council also impose Historic, Cultural, and Archaeological Resources Conditions 2 and 3.

 Recommended Historic, Cultural and Archeological Condition 3 (PRE): Prior to construction, the certificate holder shall update the contact information provided in the Final Order on ASC Attachment S, Inadvertent Discovery Plan.

[PRE-HC-02; Final Order on ASC]

Recommended Historic, Cultural and Archeological Condition 4 (CON): During construction, the certificate holder shall require all onsite employees and contractors to implement and adhere to the requirements of the Inadvertent Discovery Plan, as submitted to the Department under Condition PRE-HC-02.

[CON-HC-01; Final Order on ASC]

ORS 358.905(1)(b): Site of archaeological significance" means:

<sup>(</sup>A)Any archaeological site on, or eligible for inclusion on, the National Register of Historic Places as determined in writing by the State Historic Preservation Officer; or

<sup>(</sup>B)Any archaeological site that has been determined significant in writing by an Indian tribe.

IV.K.2. Conclusions of Law

under OAR 345-022-0090.

opportunities.

current contact information.

[OPR-HC-01; Final Order on ASC]

Recreation: OAR 345-022-0100

of a recreational opportunity:

(b) The degree of demand;

(d) Availability or rareness;

(c) Outstanding or unusual qualities;

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12 certificate conditions described above, the Department recommends the Council find 13 construction and operation of the facility, is not likely to result in significant adverse impacts to 14 historic, cultural or archaeological resources that have been listed on, or would likely be listed 15 on the National Register of Historic Places or other archaeological objects or sites identified

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**IV.L.1.** Findings of Fact

The Recreation standard requires the Council to find that the design, construction and operation of a facility are not likely to result in significant adverse impacts to 'important'

Recommended Historic, Cultural and Archeological Condition 5 (OPR): During

implement and adhere to the requirements of the Inadvertent Discovery Plan, as

Based on the foregoing analysis, and subject to compliance with the recommended site

(1) To issue a site certificate, the Council must find that the design,

(a) Any special designation or management of the location;

(e) Irreplaceability or irretrievability of the opportunity. 161

construction and operation of a facility, taking into account mitigation, are

not likely to result in a significant adverse impact to important recreational

(2) The Council must consider the following factors in judging the importance

operations, the certificate holder shall require all onsite employees and contractors to

provided for Condition PRE-HC-02. The IDP shall be reviewed and updated annually for

<sup>&</sup>lt;sup>161</sup> Administrative Order EFSC 5-2022, effective December 19, 2022.

recreational opportunities. Therefore, the Recreation standard applies to only those recreation areas that the Council finds "important" using the factors listed in the sub-paragraphs of section (2) of the standard. The assessment of potential impacts to important recreational opportunities from the construction or operation of the facility includes an evaluation of direct or indirect loss of recreational opportunities, noise, increased traffic; and visual impacts of facility structures including but not limited to, changes in landscape character or quality. 162

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The analysis area for impacts to recreational opportunities, as established in the Project Order, is the area within and extending 2-miles from the site boundary. 163

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#### Recreational Opportunities within the Analysis Area IV.L.1.1

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Recreational opportunities within the analysis area were evaluated by reviewing the following sources:

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- Geographic information system files documenting recreational resources obtained from key recreation provider agencies, e.g., the Bureau of Land Management (BLM), Oregon Department of Fish and Wildlife (ODFW), U.S. Forest Service, U.S. Geological Survey, and Oregon Parks and Recreation Department (OPRD);
- Land management agency planning documents;
- Comprehensive plans, park and recreation plans, and individual park master plans prepared by OPRD and by counties and municipal governments within the analysis area (Sherman County, Wasco County);
- Internet sites maintained by recreation provider agencies, including OPRD, ODFW, Oregon Department of Transportation (ODOT), and county and city park departments; and
- Internet sites maintained by various commercial entities, including sites providing general recreation and tourism information and sites applicable to specific privatesector recreation opportunities (Google Earth 2023).

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Based on review of these sources, one potential recreational opportunity was identified within the analysis area, the Sage Canyon Outfitters.

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#### **Importance Assessment**

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# Sage Canyon Outfitters

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Sage Canyon Outfitters are an upland bird hunting company located on 8,000 acres of private land, consisting of four hunting preserves. The company offers fee-based guided and nonguided hunting trips and lodging. Sage Canyon Outfitters are not managed under a state or local

<sup>&</sup>lt;sup>162</sup> OAR 345-021-0010(1)(t)(B).

<sup>&</sup>lt;sup>163</sup> YRBNOIDoc42 SIGNED Project Order w Attachments 2024-01-26.

plan, nor has a special designation. Demand for the recreational opportunity is low, and based on public hunting opportunities in the region, should not be considered rare and is replaceable.

Council previously evaluated the potential of Sage Country Outfitters and found that it did not meet the definition of an important recreational opportunity under this standard<sup>164</sup>. The Department recommends that the Council continue to find that the recreational opportunity not be considered "important" under Council's standard.

# Impact Assessment

There are no important recreational opportunities within the analysis area. Therefore, the proposed facility will not have any impacts under this standard.

#### IV.L.2. Conclusions of Law

 Based on the foregoing recommended findings of fact, the Department recommends that the Council find that the design, construction and operation of the proposed facility would not be likely to result in a significant adverse impact to any important recreational opportunities in the analysis area and therefore the proposed facility would comply with the Council's Recreation standard.

#### IV.M. Public Services: OAR 345-022-0110

(1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that the construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to the ability of public and private providers within the analysis area described in the project order to provide: sewers and sewage treatment, water, storm water drainage, solid waste management, housing, traffic safety, police and fire protection, health care and schools.

(2) The Council may issue a site certificate for a facility that would produce power from wind, solar or geothermal energy without making the findings described in section (1). However, the Council may apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility. \*\*\*165

#### IV.M.2. <u>Findings of Fact</u>

The Council's Public Services standard requires the Council to find that the proposed facility is not likely to result in significant adverse impacts on the ability of public and private service providers to supply sewer and sewage treatment, water, stormwater drainage, solid waste

<sup>&</sup>lt;sup>164</sup> BSPAPPDoc2 Final Order 2020-04-24

<sup>&</sup>lt;sup>165</sup> Administrative Order EFSC 1-2002, effective April 3, 2002

management, housing, traffic safety, police and fire protection, health care, and schools.

Pursuant to OAR 345-022-0110(2), the Council may issue a site certificate for a facility that would produce power from solar energy without making findings regarding the Public Services standard; however, the Council may impose site certificate conditions based upon the requirements of the standard.

The analysis area for the evaluation under the Public Services standard, as established in the Project Order, is the area within and extending 10-miles from the site boundary. 166

Impact Assessment Assumptions

# Construction Assumptions<sup>167</sup>

- Construction is anticipated to occur in approximately two phases, with each 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.

## **Operation Assumptions**

The operational life of the facility is estimated at 40 years.

- Approximately 10 to 15 full-time employees to work on-site for the life of the proposed facility; (up to 15 full-time equivalent staff)
- Periodic solar panel washing
- 5,000 gallons/day or less discharge capacity for onsite sewer/septic at O&M building.

#### IV.M.2.1 Sewers and Sewage Treatment

During construction, sanitary waste will be collected on-site in portable toilets that will be provided and maintained by a licensed subcontractor. During operation, sanitary waste will be limited to domestic wastewater from the O&M buildings, which will be discharged to licensed on-site septic systems located within the site boundary.

Because the proposed facility will not connect to a public sewer or sewage disposal system, the Department recommends the Council find that the construction and operation of the facility

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<sup>&</sup>lt;sup>166</sup> YRBNOIDoc42 SIGNED Project Order w Attachments 2024-01-26.

<sup>&</sup>lt;sup>167</sup> Applicant details assumptions about the labor force that includes its assessment under the Public Services standard. The Department notes that these assumptions do not guarantee the assumptions are correct.

are not likely to result in significant adverse impact to the ability of any public or private sewage providers to provide sewer and sewage treatment services.

#### IV.M.2.2 Water Service

 No developed public water system serves the site. During construction, water will be used for dust suppression, road compaction, site preparation, mixing concrete for foundations, fire prevention, and on-site worker drinking and sanitation use. 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. Table 22 below, summarizes the maximum, worst case water use for the construction and operation of the facility.

Table 22: Estimated Maximum Water Use from Proposed Facility

Construction and Operation

Water Use	Quantity
Construction	Gallons, Total
Dust control (average/worst case)	46.8 Mgal
Road Compaction	3.56 Mgal
Concrete Mixing	-
Battery pad foundations	653,250 gal
Solar array tracker post foundations <sup>1</sup>	311,715 gal
Transmission line support structure	78,000 gal
foundations	
Inverter/transformer pad foundations	283,530 gal
Collector substations/switchyard	62,400 gal
foundations	
O&M building foundation	7,800 gal
Drinking water/sanitation	280,000 gal
Total Estimated Construction Use	46.8 Mgal (worst- case)
Operation	Gallons/Year
O&M Building	12,500
Solar Panel Washing (once per year)	521,000
Average Annual Estimated Operational Use	533, 500

## Notes:

5. Approximately 10 percent of tracker piles are estimated to use concrete foundations.

Source: YRBAPPDoc1-16 ASC Exhibit O. Water Requirements 2025-09-05, Table O-1 and Section 2.2.

 During construction, up to 54.5 Mgal of water would be used for dust suppression, road compaction, site preparation, mixing concrete for foundations, fire prevention, and on-site worker drinking and sanitation use. Construction-related water use would be obtained from the

Deschutes Valley Water District (DVWD)<sup>168</sup>, the City of Maupin<sup>169</sup> and the City of Wasco<sup>170</sup> under an existing municipal water right.<sup>171</sup> Two landowners (one participating, one adjacent) may provide water during construction using existing wells, and they'd obtain all necessary authorizations, such as a limited license (third party permit), from the Oregon Water Resources Department (OWRD).

AS discussed in Section IV.S., *Water Rights*, the applicant does not propose a groundwater permit, surface water permit, or water right transfer, however, the applicant indicates that the sources for construction water would be obtained from a variety of potential sources, including municipal water providers. To ensure that impacts to public or private water sources are not impacted by construction of the facility, the Department recommends Public Services Condition 1, below. Public Services Condition 1 requires the applicant to confirm the final water demand based on final facility build out and that the applicant provide evidence that the final water sources for construction-related water are adequate, and have been legally secured under existing water rights or third-party permits:

**Recommended Public Services Condition 1 (PRE)**: Prior to and during facility construction, as applicable, the certificate holder shall:

a. Identify all water-related needs and estimate daily and annual water demand for facility construction.

 Provide evidence such as a contract or purchase agreement demonstrating that adequate water supply to meet facility construction demand has been secured and that water for all repower construction activities will be legally obtained by service providers or third-party permits.
 [PRE-PS-01; Final Order on ASC]

Water during operation would not be provided by a public or private service provider or through an approved on-site well. During operation and maintenance, up to 533,500 gallons of water per year will be required for drinking, sanitation, and solar panel washing. Water would be supplied via an exempt onsite well, with total use estimated for 15 people at 50 gallons per day, not to exceed 12,500 per year, or gallons per day. With the addition of water for periodic solar panel washing, it is estimated to need an additional 1,427 gallons per day average

consumption; which means total water usage for facility operations will fall well-below 5,000

supply water for construction. ASC Exhibit O, Attachment O-4.

<sup>168</sup> In February 2025, correspondence from DVWD, the General Manager indicates that DVWD has the capacity to

<sup>&</sup>lt;sup>169</sup> The City of Maupin indicates, that due to troubles with their water infrastructure, they are unable to provide bulk water sales at this time (2025(, and that they are working on funding to make the necessary repairs. ASC Exhibit O, Attachment O-1.

<sup>&</sup>lt;sup>170</sup> The City of Wasco states that it appears they would be able to provide water for facility construction, pending clarification of its water rights and confirmation of other potential projects within the area that may also need water from the City. ASC Exhibit O, Attachment O-5.

<sup>&</sup>lt;sup>171</sup> Under OWRD rules, water use for the construction and operation for a proposed solar facility qualifies under OAR 690-300-0010(25) as "industrial water use", which qualifies as a municipal use under OWRD rules.

gallons per day. Recommended Water Rights Conditions 1 and 2 address water use from an onsite well during facility operations.

Because the applicant has demonstrated that it can obtain adequate water supply for the construction and operation of the proposed facility, and subject to applicable Water Rights Conditions described in this order, the Department recommends the Council find that the construction and operation of the proposed facility are not likely to result in significant adverse impact to the ability of any public or private water providers to provide services.

### IV.M.2.3 Stormwater Drainage

No drainage district or developed stormwater drainage facilities serve the site except those associated with public roads maintained by Wasco and Sherman Counties. As discussed in Section IV.D, Soil Protection, recommended Soil Protection Conditions 2 and 3 would require all construction activities to be conducted in compliance with a National Pollutant Discharge Elimination System Construction Stormwater Discharge General Permit 1200-C which would require the applicant to prevent discharges of stormwater runoff into waters of the state. Recommended Soil Protection Condition 1, requires the implementation of a Fugitive Dust Control Plan which would reduce fugitive dust emissions associated with construction-related activities. Recommended Soil Protection Condition 7 would require the applicant to ensure that water from panel washing does not include chemicals, soaps or detergents.

Because the proposed facility will not connect to any developed stormwater drainage system, will not be located within the boundaries of a drainage district, and because no discharges of stormwater or other wastewater to drainage facilities or waters of the state are expected to occur during construction or operations, the Department recommends the Council find that the facility is not likely to result in adverse impacts on the ability of any community to provide stormwater drainage services.

#### IV.M.2.4 Solid Waste Management

During construction, up to approximately 8,000 cubic yards of nonhazardous solid waste will be generated; applicant estimates that approximately 4,000 cubic yards of solid waste would be generated per phase of construction. Construction-related soil waste includes discarded construction materials, packaging materials, wood forms from foundations, and spent erosion control materials. Under Recommended Waste Minimization Condition 1 and 2, construction-related solid waste would be recycled to the maximum extent practicable. The Dalles Disposal - Waste Connections serves both Wasco and Sherman counties and indicates that they'd be able to provide their services for facility construction.

<sup>&</sup>lt;sup>172</sup> YRBAPPDoc1-22 ASC Exhibit U. Public Services 2025-09-05, Section 3.3.2.3.

<sup>&</sup>lt;sup>173</sup> YRBAPPDoc1-24 ASC Exhibit W. Waste Minimization 2025-09-05, Section 2.1.1.

<sup>&</sup>lt;sup>174</sup> YRBAPPDoc1-22 ASC Exhibit U. Public Services 2025-09-05, Attachment U-2.

During operations, up to approximately 10-15 cubic yards of waste per month will be generated. The Dalles Disposal - Waste Connections has sufficient capacity to accommodate the facility's solid waste needs and has projected that 28 years are left in landfill's current footprint and that they have cover soil property to expand to when the time comes.<sup>175</sup>

Because the applicant has identified an appropriate provider with adequate capacity to accept solid waste and recyclable materials from the site, the Department recommends the Council find that the construction and operation of the proposed facility are not likely to result in significant adverse impact to the ability of any public or private solid waste providers to provide services.

## *IV.M.2.5* Traffic Safety

Construction related traffic is estimated to include up to 70 heavy duty one-way truck trips and up to 800 one-way light duty vehicle trips per day. Haul routes and roads used will include Interstate 84 (I-84) to exit southbound on US-97 (Sherman Highway) at Biggs Junction, southbound through the town of Shaniko, and continue west and north on Bakeoven Road to the facility site. ASC Exhibit U, Attachment U-7 states that facility construction traffic will be routed to minimize impacts on Maupin.<sup>176</sup>

 Light duty vehicles will use I-84 to US 197 (the Dalles – California Highway), through Maupin to Bakeoven Road and US-97 north/northeast to Bakeoven Road and then continue north to the facility. Wilson Road is a County-maintained road that runs east to west at about the center of the facility, and may also be impacted by facility construction. Bakeoven Road will experience the largest number of trips during proposed facility construction. Bakeoven Road is a two-lane County highway that runs parallel to and east of US 197 and is designated as a Major Collector road. The Wasco County Public Works Director states that there would be issues if large loads, material deliveries or construction vehicles from the North via Hwy 197 through Maupin plan to use the bridge over the Deschutes River in Maupin; it is a State-managed bridge and may be load limited. Additionally, the Public Works Director indicates that the City of Maupin may have limits on large equipment trucks driving through portions of the City and to coordinate with the City. Recommended Public Services Condition 2, below, requires that haul trucks are precluded from accessing the site via Highway 197 through Maupin, unless approved by ODOT and/or City of Maupin.

<sup>&</sup>lt;sup>175</sup> *Ibid*.

<sup>&</sup>lt;sup>176</sup> YRBAPPDoc1-22 ASC Exhibit U. Public Services 2025-09-05, Attachment U-7, Section 2.4.

<sup>&</sup>lt;sup>177</sup> 2009 Wasco County Wasco County Transportation System Plan https://www.oregon.gov/ODOT/Planning/TPOD/tsp/county/county of wasco tsp 2009.pdf Section 4.

<sup>&</sup>lt;sup>178</sup> YRBAPPDoc19-14 ASC Reviewing Agency Comment Wasco County Roads Public Works 2025-09-30.

To minimize construction-related traffic impacts, the applicant proposes to implement the following measures: 179

• From ODOT permits which would be submitted to the Department under Organizational Expertise Condition 12 and County Road Use Agreements (addressed below):

 Utilize traffic control devices on county roads that follow the Manual on Uniform Traffic Control Devices (MUTCD).

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 Install temporary signage, lighting, and traffic control devices on US-97 and Bakeoven Road to indicate the presence of heavy vehicles and construction traffic.

 Flaggers will be used when necessary, on a temporary basis such as a lane or full road closure, which would be coordinated with ODOT, the County and emergency services.

• As described in Section 4.1 of the draft site certificate, haul trucks are precluded from accessing the site via Highway 197 through Maupin.

• Execute a Road Use Agreement with the county which would include compensation for any necessary road repairs from construction related damage. 180

To ensure that the measures addressed in the County's Road Use Agreement are implemented, the Department recommends the Council impose Public Services Condition 2 and 3, as shown below:

Recommended Public Services Condition 2 (PRE): Prior to construction of the facility or phase, as applicable, the certificate holder shall execute local Road Use Agreement(s). Copies of executed Road Use Agreements and any modifications thereto shall be provided to the Department. Haul trucks are precluded from accessing the site via Highway 197 through Maupin, unless approved by ODOT and/or City of Maupin. [PRE-PS-02; Final Order on ASC]

**Recommended Public Services Condition 3 (CON):** During construction, the certificate holder shall adhere to the terms and conditions of Road Use Agreement(s) executed under Condition PRE-PS-02.

 The Department recommends the Council find that subject to compliance with recommended Public Services Conditions 2 and 3, and other recommended site certificate conditions of

[CON-PS-01; Final Order on ASC]

<sup>&</sup>lt;sup>179</sup> ASC Exbibit U includes Attachment U-7 Draft Construction Traffic Management Plan. The substantive measures identified in the Construction Traffic Management Plan are implemented via necessary ODOT Permits and within the Road Use Agreement executed with the County.

<sup>&</sup>lt;sup>180</sup> YRBAPPDoc1-22 ASC Exhibit U. Public Services 2025-09-05. Attachment U-12 includes a draft Road Use Agreement from Wasco County. Attachment U-13 includes an email from Sherman County which indicates that the County does not have a template Road Use Agreement, but outlines the important measures that would be included in a future-executed Road Use Agreement. Also, note that is the transmission line alternative is not selected for construction, a Road Use Agreement with Sherman County may not be necessary.

approval, proposed facility construction is not likely to have a significant adverse impact on traffic safety or local transportation infrastructure.

The primary and alternate routes used to access the site during operations will be the same as those used during construction. The approximately 15 operational personnel that would be on site regularly and periodic maintenance may require larger maintenance trucks. These vehicles and trips would use similar routes that are used for construction and would blend in with exiting traffic and would not create an impact to roads.

Because operational traffic volumes would be minimal, with only temporary or intermittent increases during significant maintenance activities or repairs, the Department recommends the Council find that proposed facility operations are not likely to have a significant adverse impact on traffic safety or local transportation infrastructure. to have a significant adverse impact on traffic safety or local transportation infrastructure.

## IV.M.2.6 Air Traffic

The tallest facility component would be the transmission poles for the proposed transmission line and alternative transmission line route extending from 160 to 180 feet in height. The airport nearest to the site is the Shaniko Ranch Airport, a private, operational airfield located approximately 8 miles SE of the site boundary.<sup>181</sup>

The proposed facility does not meet the first threshold for notice, which takes into account the maximum height of facility structures. The proposed facility does not meet the notice criteria based on FAA-identified impact areas, and therefore formal submission of a Form 7460-1 to the FAA under Code of Federal Regulations Title 14 Part 77.9 (Safe, Efficient Use, and Preservation of Navigable Airspace) is not anticipated. No public airports (or their adjoined runways) are within 3.8 miles of the site boundary (per the second threshold for notice to the FAA, 14 Code of Federal Regulations Subpart B Section 77.9).

The Department coordinated with the Oregon Department of Aviation and the Northwest Military Training Center on the proposed facility and neither agency identified any concerns with the location or height of proposed structures. 182

The Department recommends the Council find that the construction and operation of the proposed facility, is not likely to result in significant adverse impact to the ability of any public or private air navigation providers within the analysis area to provide air traffic safety.

#### IV.M.2.7 Police and Fire Protection

<sup>&</sup>lt;sup>181</sup> https://tools.oregonexplorer.info/OE\_HtmlViewer/index.html?viewer=renewable&efsc=Yellow%20Rosebush; data layer – EFSC Energy Facilities and Airports.

<sup>&</sup>lt;sup>182</sup> YRBNOIDoc28 Reviewing Agency Comment ODAv 2023-11-07; YRBNOIDoc30 DOD FAA Comment 2023-11-20;

Proposed facility construction could result in impacts to police protection providers due to the increased possibility of theft at the proposed site, safety issues associated with the increased population from temporary workers, and increased traffic and potential traffic violations on roads traveling to and from the facility. The Wasco County Sheriff's Office is the primary law enforcement agency for the site. Sheriff's Office partners with the Dalles Police Department and Oregon State Police to provide law enforcement to the entirety of the County. The Sheriff's Office is supported by five district volunteer organizations: the Reserve Deputy Program, Search and Rescue, Mounted Posse, Emergency Management Volunteers, and Wasco Amateur Radio Service. The Sherman County Sheriff's Office confirmed that it provides law enforcement services for Sherman County, where a portion of the alterative transmission line would be located, and it would take approximately 25 minutes to arrive at the site. 183

To deter theft and public access to the site, the facility will be fenced, locked and gated. The perimeter fence will have 24-foot-wide security gates installed at various locations for ingress and egress. If first responders needed to access the site for any reason, a key will be available in a lock box or some other approved method. Sherman County's Sheriff's office indicates that installing cameras for remote surveillance may be the most effective way to catch people trespassing or stealing construction materials particularly at night when fewer deputies are available. Additional security may be provided by closed-circuit video surveillance cameras and anti-intrusion systems, as required, for protection of the facility as well as for the safety of visitors.

The Wasco County Sheriff raised concerns of high volumes of workers on site and their ability to follow laws when they are on site and when leaving the site and within the community. The Sheriff documented issues with other energy facility construction like traffic crashes involving commercial motor vehicles to employees speeding on the roadway, causing dangerous situations for local residents. To address the Sheriff's concerns, the Department recommends Council impose Public Services Condition 4, which requires the certificate holder to provide onsite security during construction. The condition also requires the certificate holder to establish and maintain communication with the Sherriff 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. If the enhanced measures are not sufficient, and there continues to be traffic and safety issues for construction-related personnel, the certificate holder would be required to go to Council to discuss further mitigation options.

**Recommended Public Services Condition 4 (CON):** During construction of the facility or phase, as applicable, the certificate holder shall:

a. Provide onsite security through onsite security personnel and/or physical security system and maintain good communication between onsite security personnel and

<sup>&</sup>lt;sup>183</sup> YRBAPPDoc1-22 ASC Exhibit U. Public Services 2025-09-05, Attachment U-4.

<sup>184</sup> Ibid.

<sup>&</sup>lt;sup>185</sup> YRBAPPDoc19-7 ASC SAG Comment Wasco County Sheriff\_Magill 2025-09-25.

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<sup>187</sup> *Ibid.*, Attachment U-5.

- the Wasco County Sherriff Office. Communication must include an evaluation of the adequacy of onsite security measures in minimizing impacts to law enforcement resources in responding to the site.
- b. Monthly, request to the Sheriff's Office to obtain written public safety/law enforcement data related to facility construction. For any traffic or safety related incidents determined to be associated with facility construction, certificate holder shall report the incident to the Department within 72-hrs and shall include enhanced safety and security measures in the report.
- c. Every 6-months, invite both the Sheriff's Department and the Department to the site to discuss traffic and public safety impacts. This meeting may also occur remotely. If the traffic, safety and security measures implemented by the certificate holder, or its contractor, are determined ineffective by the Department, certificate holder must propose new measures to be reviewed and approved by the Council.

[CON-PS-02; Final Order on ASC]

The Sheriff also requests that a community complaint response protocol be developed and that consistent point of contacts for community complaints and the Sherrif be established and maintained. 186 As discussed in Section IV.E., Land Use, the Department recommends Council require that the applicant or its contractor finalize and submit a Construction Emergency Response Plan and adhere to the plan during construction of the facility. Under recommended Land Use Condition 10, the certificate holder would also provide and adhere to a finalized Operational Emergency Response Plan used by the parent company.

As discussed in following sub section, Wasco County does not allow temporary on site worker housing through a CUP or TUP and as discussed in the above subsection, the applicant would execute a Road Use Agreement which would include traffic and speed limit controls which may reduce worker traffic issues.

Most of the facility site is within the boundaries of the Bakeoven-Shaniko Rangeland Fire Protection Association (BS-RFPA), and South Sherman Fire & Rescue serves Sherman County. ASC Exhibit U Attachment U-5 includes applicant correspondence with the BS-RFPA<sup>187</sup> that indicates that they are the wild-land fire agency within the area that would service the facility, however, the facility is on land owned by members of their association and fire prevention is the job of the individual landowners, and or their guests (such as the applicant). In the event of a fire, BS-RFPA with their wildland fire partners would assist with wildland fire, if they are able to, however, they do not assume any liability from a fire incident. BS-RFPA indicates that they may request that the workers or the facility have fire extinguishers and that actions be limited during high fire risk events. The Department highlights that both these measures, and additional fire prevention and mitigation measures, including restrictions during fire season, are outlined in the proposed facility construction and operational wildfire mitigation plans discussed further in Section IV.N, Wildfire Prevention and Risk Mitigation.

<sup>&</sup>lt;sup>186</sup> YRBAPPDoc19-7 ASC SAG Comment Wasco County Sheriff Magill 2025-09-25.

The BS-RFPA also provided feedback that was included in the 2024 Wasco County Community Wildfire Protection Plan (CWPP). Specially, the BS-RFPA indicated that under *Training Needs* and *Goals to Become More Effective* they need to train new solar farm personnel and partners to prevent fires and effectively assist when a fire is started on solar farms. The BS-RFPA also identifies that a major hurdle they experience is that they have not yet been able to build partnerships with the local solar farms and that they would like to see the local solar farms become partners with the RFPA and implement fire prevention measures. 189

 As noted above and discussed in Section IV.N, *Wildfire Prevention and Risk Mitigation*, the facility would have multiple design measures that would reduce potential impacts to fire service providers from fires at the site. These include perimeter and service roads within the solar array which would be up to 20-feet wide with up to a 48-foot turning radius to be consistent with Oregon Fire Code requirements or other applicable county standards (i.e., access for first-responder apparatus). Fire protection best management practices BMPs designated in the construction and operational Wildfire Mitigation Plans (WMPs) include having fire protection equipment on-site, and a water truck with a hose, nozzle, and pump on site at all times during construction and in fire season during operation. The WMPs also include emergency protocols to follow during Red Flag Warnings and in the event of an emergency. Recommended Wildfire Prevention and Risk Mitigation Conditions 1, 2, 3, and 4 would require the applicant to finalize the Wildfire Mitigation Plans for construction and operation, as presented in Attachments W-1 and W-2 of this order.

 Because the WMPs required under the standard address fire hazards associated with the facility and outside the facility and that they were developed in coordination with the local fire departments and County to address their concerns the Department recommends the Council find that, subject to compliance with recommended conditions, the construction and operation of the proposed facility is not likely to result in significant adverse impact to the ability of any public or private policy or fire providers within the analysis area to provide fire or emergency services.

## IV.M.2.8 Housing

Temporary housing could be required for up to 400 workers during the peak construction period and up to about 200 workers on average during each of the 36-month phases of facility construction. Due to the rural nature of the facility site, the applicant anticipates that construction workers will travel up to 50 miles to the facility and expanded the area study to

<sup>&</sup>lt;sup>188</sup> https://cms5.revize.com/revize/wascocounty/docs/Planning%20Reference/CWPP%20--%20FINAL%2004-17-2024%20w%20signature%20page.pdf, Appendix C: Stakeholder and Public Engagement during CWPP Update Process.

<sup>&</sup>lt;sup>189</sup> Ibid.

<sup>&</sup>lt;sup>190</sup> YRBAPPDoc1-3 ASC Exhibit B. Project Description 2025-09-05, Section 3.5; and YRBAPPDoc1-23 ASC Exhibit V. Wildfire Risk and Mitigation 2025-09-05, Attachment V-1 and V-2, Section 3.1.

this distance. Therefore, for the purpose its analysis, the applicant defines a "commutable

- 2 distance" as communities within 50 miles of the facility site boundary. Since a portion of the
- 3 temporary workers will be hired locally, the applicant does not anticipate a significant impact
- 4 on housing within the analysis area. The housing analysis relied on Census and other online
- data for three housing types: rental housing, hotel/motel lodging, and RV parks. 191 Applicant
- 6 indicates that there would be approximately 731,000 rental units available within the
- 7 "commutable distance", however, the available units within Wasco and Sherman counties
- 8 would be approximately 13,000 rental units. The Department emphasizes that typical
- 9 construction working temporary housing is within RV parks or hotel/motels; which reduces the
- 10 availability of temporary housing. During its comments on the NOI, Wasco County raised
- 11 concerns about potential impacts of increased demand for housing generally, and RV parking
- facilities in particular. 192 However, the County later commented that Wasco County does not
- allow for temporary on site worker housing through a CUP or TUP. 193

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The applicant estimates that up to 15 workers would require permanent housing during operation of the proposed facility. The Department recommends the Council find that this level of housing demand is not likely to have a significant impact on housing availability.

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The Department recommends the Council find that the construction and operation of the proposed facility is not likely to result in significant adverse impact on the ability of any public or private housing providers within the analysis area to provide adequate housing.

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## IV.M.2.9 Healthcare and Schools

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Impacts on health care could occur if proposed facility construction activities or increases in temporary residents (during construction) and permanent residents (during operations) could result in an increase in the use of emergency and routine health care services. Potential impacts could include accidents on-site during construction or traffic-related incidents from the increased traffic.

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34 35 The closest hospital with 24 hour emergency medical care is Adventist Health Columbia Gorge, located in the Dalles, approximately 40 miles from the facility site. Deschutes Rim Health Clinic is a primary care clinic located 15 miles from the facility in Maupin, Oregon and the Sherman County Medical Clinic is located 25 miles from the site and offers same-day appointments and injury care. Wasco County provides ambulance service in the analysis area through contracts

<sup>&</sup>lt;sup>191</sup> Includes Wasco, Sherman, Gilliam, Hood River, Jefferson, Crook, Clackamas, Marion, Morrow, Multnomah, Klickitat Counties in Oregon, and Skamania County in Washington. YRBAPPDoc1-22 ASC Exhibit U. Public Services 2025-09-05Section 3.3.4.

<sup>&</sup>lt;sup>192</sup> YRBNOIDoc21-1 Public Information Meeting Recording 2023-11-02.

<sup>&</sup>lt;sup>193</sup> Wasco County allows accessory labor housing in conjunction with farm or forest use and allows for a limited number of Temporary Use Permits (TUP) in Chapter 8 of the LUDO. Specific allowed temporary uses provided for within most zones include Medical Hardship Dwellings. YRBAPPDoc25 pASC Wasco County SAG Comments 2025-01-21.

<sup>&</sup>lt;sup>194</sup> YRBAPPDoc1-22 ASC Exhibit U. Public Services 2025-09-05, Section 2.4.6.2.

with private service groups; they operate four ambulances stationed in Maupin, Wasco, and The Dalles. Providers offer basic, intermediate, and advanced life support, emergency medical care, and transportation. In the event of an emergency at the facility, ambulance services from Maupin, Wasco, or The Dalles would transport patients to Adventist Health Columbia Gorge.

As discussed in Section IV.N., *Wildfire Prevention and Risk Mitigation*, and as recommended Wildfire Prevention and Risk Mitigation Conditions 1 through 4, the applicant would submit and implement Wildfire Mitigation Plans, during construction and operation. The WMPs include training, emergency preparation and response procedures which would reduce emergency incidents related to construction and operation of the proposed facility. These measures would help avoid impacts to health care providers and responders. Due to the relatively small number of new temporary residents and new permanent residents, the Department recommends that the Council find that the proposed facility is not likely to cause significant adverse impact on the ability of communities to provide health care.

There are little to no anticipated construction-related impacts on schools because the proposed facility construction will be short-term and peak construction will take place over the summer, when typical schools are not in session. Due to the relatively small number of new temporary residents and new permanent residents, as well as the dispersed area in which new residents are likely to settle, significant new demands are not expected from schools that serve the area. Therefore, the Department recommends that Council find that the construction and operation of the proposed facility are not likely to impact the ability of communities to provide school services.

#### IV.M.3. Conclusions of Law

Based on the foregoing analysis, finding of facts, and recommended site certificate conditions, the Department recommends that the Council find that the construction and operation of the proposed facility, taking into account mitigation, are not likely to result in significant adverse impact to the ability of public and private providers within the analysis area to provide their services, the facility will therefore be constructed and operated consistent with the Public Services standard.

## IV.N. Wildfire Prevention and Risk Mitigation: OAR 345-022-0115

(1) To issue a site certificate, the Council must find that:

 (a) The applicant has adequately characterized wildfire risk within the analysis area using current data from reputable sources, by identifying:

(A) Baseline wildfire risk, based on factors that are expected to remain fixed for multiple years, including but not limited to topography, vegetation, existing infrastructure, and climate;

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2 (B) Seasonal wildfire risk, based on factors that are expected to re-	
3 fixed for multiple months but may be dynamic throughout the yea	
4 including but not limited to, cumulative precipitation and fuel mois	sture
5 content;	
6	
7 (C) Areas subject to a heightened risk of wildfire, based on the	
8 information provided under paragraphs (A) and (B) of this subsect	ion;
9	
10 (D) High-fire consequence areas, including but not limited to areas	
containing residences, critical infrastructure, recreation opportunit	
timber and agricultural resources, and fire-sensitive wildlife habita	it; and
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14 (E) All data sources and methods used to model and identify risks (	and
areas under paragraphs (A) through (D) of this subsection.	
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17 (b) That the proposed facility will be designed, constructed, and operated	
compliance with a Wildfire Mitigation Plan approved by the Council. The V	<i>Wildfire</i>
19 Mitigation Plan must, at a minimum:	
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21 (A) Identify areas within the site boundary that are subject to a	
22 heightened risk of wildfire, using current data from reputable sour	ces,
and discuss data and methods used in the analysis;	
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25 (B) Describe the procedures, standards, and time frames that the	
26 applicant will use to inspect facility components and manage vege	rtation
in the areas identified under subsection (a) of this section;	
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29 (C) Identify preventative actions and programs that the applicant v	
carry out to minimize the risk of facility components causing wildfi	
including procedures that will be used to adjust operations during	periods
of heightened wildfire risk;	
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34 (D) Identify procedures to minimize risks to public health and safet	•
health and safety of responders, and damages to resources protect	•
36 Council standards in the event that a wildfire occurs at the facility	site,
37 regardless of ignition source; and	
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39 <i>(E) Describe methods the applicant will use to ensure that updates</i>	-
40 plan incorporate best practices and emerging technologies to mini	imize
41 and mitigate wildfire risk.	
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3 (2) The Council may issue
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(2) The Council may issue a site certificate without making the findings under section (1) if it finds that the facility is subject to a Wildfire Protection Plan that has been approved in compliance with OAR chapter 860, division 300.

(3) This Standard does not apply to the review of any Application for Site Certificate or Request for Amendment that was determined to be complete under OAR 345-015-0190 or 345-027-0363 on or before the effective date of this rule.

## **IV.N.1.** Findings of Fact

Results;

 The Wildfire Prevention and Risk Mitigation standard requires the Council to find the applicant has adequately characterized wildfire risk associated with a proposed facility using reputable data sources; and under OAR 345-022-0115(1)(b), that the proposed facility would be operated in compliance with a Council-approved wildfire mitigation plan. The analysis area to evaluate potential wildfire risks is the site boundary and one-half mile from the site boundary. <sup>196</sup>

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.

## IV.N.1.1 Wildfire Risk Analysis

Under OAR 345-022-0115(1)(a), an applicant must adequately characterize the wildfire risk within the analysis area using reputable sources to describe Baseline Wildfire Risk, Seasonal Wildfire Risk, Areas Subject to Heightened Risk of Wildfire, and High-fire Consequence Areas. Each of these are discussed in detail in this section with a description of the data source, as necessary to support the findings and recommended conclusions. The data sources used to evaluate wildfire risk are listed in ASC Exhibit V and include but are not limited to:

- Community Wildfire Protection Plan Planning (CWPP), 2025b Tool Oregon Explorer;
   2018 USFS, Pacific Northwest Quantitative Wildfire Risk Assessment: Methods and
- Conservation Biology Institute 2020 data;
- Wasco County 2024 Community Wildfire Protection Plan;<sup>197</sup>
   Oregon Department of Forestry 2024 Wildfire Risk Explorer.

 $<sup>^{195}</sup>$  Administrative Order EFSC 2-2022, effective July 29, 2022.

<sup>&</sup>lt;sup>196</sup> OAR 345-001-0010(35)(c) and YRBNOIDoc42 SIGNED Project Order w Attachments 2024-01-26.

<sup>&</sup>lt;sup>197</sup> https://cms5.revize.com/revize/wascocounty/docs/Planning%20Reference/CWPP%20--%20FINAL%2004-17-2024%20w%20signature%20page.pdf and YRBAPPDoc1-23 ASC Exhibit V. Wildfire Risk and Mitigation 2025-09-05, Section 2.6.

#### Baseline and Seasonal Wildfire Risk 1

2 Baseline wildfire risk within the analysis area is evaluated based on factors expected to remain

3 fixed for multiple years, including topography of the site, vegetation, existing infrastructure,

4 regional climate, and burn probability. These are discussed in ASC Exhibit V, Section 2.1,

incorporated herein and summarized, in part, below.

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Depending on wind, wildfires tend to travel quicker up steeper slopes and slower on the flatter portions of land. The majority (97 percent) of the site boundary has slopes that range from 0 to 25 degrees. The site boundary borders and crosses Bronx Canyon where slopes increase in range from 25 to 50 degrees. The area within the site boundary is primarily composed of eastside grasslands, shrub-steppe, and planted grasslands which are best represented by Fuel Model 122 which makes up 65 percent of the site boundary area and is categorized as moderate load dry climate grass-shrub. 198 The primary carrier of fire in FM 122 is grass and shrubs; which have an overall high spread rate. 199 Thirty-three percent of the site boundary is

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represented by Fuel Model 102 described as low load, dry climate grasses. Ninety seven percent (7,810 acres) of the site boundary has an average flame length of 4-8 feet, which 16

indicates a potentially quick rate of fire spread. 17

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Based on NOAA climate data between 1991 to 2020 for Antelope, the driest months on average are July, August, and September, typical for this region.

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Existing infrastructure within the site boundary includes Wilson Road which is a two-lane paved road that runs east to west approximately though the center of the facility site. Existing infrastructure within the site boundary includes the Buckley Substation, sub-transmission lines, 500-kilovolt Bonneville Power Administration John Day to Grizzly Transmission Line, farming operations, various businesses, residences, and paved roads.<sup>200</sup>

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Areas Subject to Heightened Risk of Wildfire and High-Fire Consequence Areas

High-fire consequence areas include areas containing residences, critical infrastructure, recreation opportunities, timber and agricultural resources, and fire-sensitive wildlife habitat.

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Existing infrastructure within the wildfire analysis area includes Buckley Substation,

- transmission lines, the 500-kilovolt Bonneville Power Administration John Day to Grizzly 33
- Transmission Line, farming operations, and various businesses such as a hunting preserve. 34
- Three energy facilities are located outside the wildfire analysis area, but within 10 miles of the 35
- 36 site boundary: the Bakeoven Solar Project, Daybreak Solar Project, and Sunset Solar Project.
- 37 Paved roads within the wildfire analysis area include Bakeoven Road, Wilson Road, and Hinton
- 38 Road. Wilson Road, which is a two-lane paved road that runs east to west approximately
- 39 though the center of the facility site. There are several unnamed graveled roads within the

<sup>&</sup>lt;sup>198</sup> YRBAPPDoc1-23 ASC Exhibit V. Wildfire Risk and Mitigation 2025-09-05, Section 2.1.2.

<sup>&</sup>lt;sup>199</sup> YRBAPPDoc1-23 ASC Exhibit V. Wildfire Risk and Mitigation 2025-09-05, Section 2.2.3.

<sup>&</sup>lt;sup>200</sup> There are four homesites within the analysis area and one homesite within the site boundary, however, the homesite located within the site boundary would be removed prior to construction.

vicinity of the site boundary. ASC Exhibit V indicates that there are four homesites within the analysis area and two homesites within the site boundary, with one homesite within the proposed solar micrositing area that would be removed prior to construction.<sup>201</sup> However, As discussed in Section IV.Q., *Noise Control Regulations*, of this order, there appears to be seven "noise sensitive properties" within the site boundary and 0.5-mile analysis area.<sup>202</sup>

The 2018 CWPP Mapping tool provides Overall Fire Risk Ratings, which measures vulnerability of assets by the presence of the assets within the fire's path, and the likelihood of that asset being harmed. This data layer maps highly valued resources and assets combined: critical infrastructure, developed recreation, housing unit density, seed orchards, sawmills, historic structures, timber, municipal watersheds, vegetation condition, and terrestrial and aquatic wildlife habitat and is shown below in Figure 13.<sup>203</sup> The majority of the site boundary (97 percent) does not have any mapping data for this metric, however, the areas that do have high overall risk are associated with locations

<sup>&</sup>lt;sup>201</sup> YRBAPPDoc1-26 ASC Exhibit Y. Noise Regulations 2025-09-05, Figure Y-3 and YRBAPPDoc1-23 ASC Exhibit V. Wildfire Risk and Mitigation 2025-09-05, Section 2.1.3.

<sup>&</sup>lt;sup>202</sup> Noise sensitive properties are defined as real property normally used for sleeping, or normally used as schools, churches, hospitals or public libraries. Property used in industrial or agricultural activities is not Noise Sensitive Property unless it meets the above criteria in more than an incidental manner. For this facility, these properties appear to be all potential residences.

<sup>&</sup>lt;sup>203</sup> This data layer contains all the resources required under OAR 345-022-0115(1)(D); High-fire consequence areas, including but not limited to areas containing residences, critical infrastructure, recreation opportunities, timber and agricultural resources, and fire-sensitive wildlife habitat.

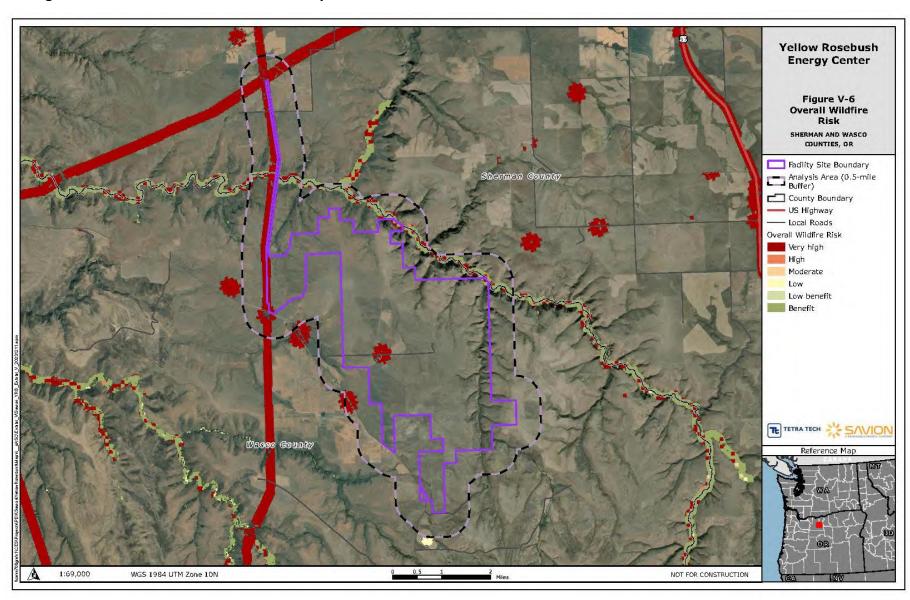


Figure 13: Overall Wildfire Risk within Analysis Area

#### Oregon Department of Energy

1 The Wasco County 2024 Community Wildfire Protection Plan (Wasco County CWPP) is a 2 planning tool for the fire and land managers of Wasco County, and provides a framework for 3 local agencies associated with wildfire suppression and protection services to assess the risks 4 and hazards associated with wildland urban interface areas (WUIs) and to identify strategies for reducing those risks. The Wasco County CWPP defines WUIs as any area where the combination 5 of human development and vegetation have potential to result in negative impacts from 6 7 wildfire on the community. 204 Figure 14 below shows WUIs in Wasco County with the 8 approximate facility location detailed in blue outline. Most of the facility site boundary and 9 analysis area are in the Vegetated/uninhabited designation with sparse areas in the orange Intermix areas which are defined as areas with structure density > 0, and ≥ 50% cover of 10 wildland vegetation within a 40-acre radius. These are places where structures and wildland 11 12 vegetation are interspersed.

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The Sherman County CWPP is a result of a county-wide effort initiated to identify and prioritize wildfire hazards and to develop a strategy to reduce those hazards.<sup>205</sup> There are no WUIs in the south county near the proposed transmission line alternative.

https://cms5.revize.com/revize/wascocounty/docs/Planning%20Reference/CWPP%20--%20FINAL%2004-17-2024%20w%20signature%20page.pdf, Pp. 15-17.

https://storage.googleapis.com/proudcity/shermancountyor/2017/10/Sherman-County-CWPP-2024.pdf

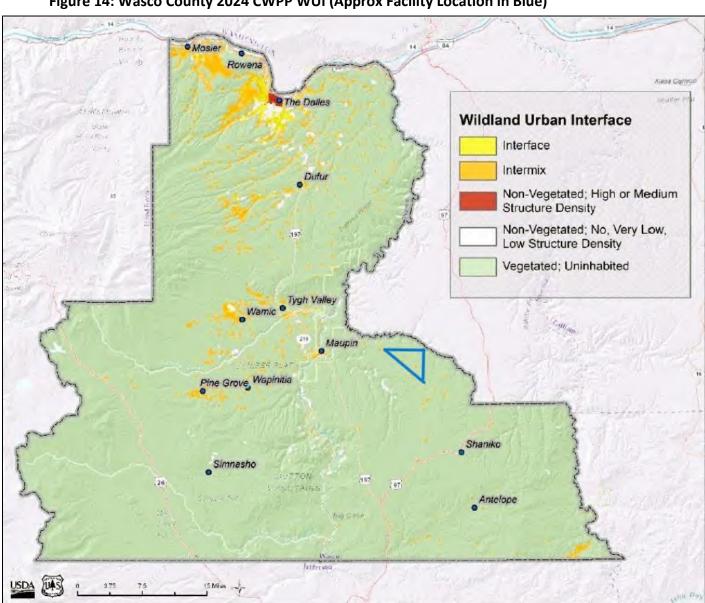


Figure 14: Wasco County 2024 CWPP WUI (Approx Facility Location in Blue)

## IV.N.1.2 Wildfire Mitigation Plan

Under OAR 345-022-0115(1)(b), Council must find that the facility will be designed, constructed, and operated in compliance with a Wildfire Mitigation Plan (WMP) approved by Council. During the review of the pASC the Department provided the applicant with Council-reviewed Construction and Operational WMP templates which the applicant filled out with facility-specific information and are included in the ASC as ASC Attachments V-1 and V-2; attached to this order with the same names. The Council-reviewed templates are based on:

Ongoing coordination with ODF, local fire departments and emergency managers;

 Council's feedback from other energy facilities, and review of the standard and WMP's during the September 2024 EFSC Meeting;

Review of ODF Fire Season Requirements;

 Feedback from local fire Departments;

 Review of Oregon Emergency Response System (OERS) and utilization of county emergency notifications and incident response.

## IV.N.1.3 Facility Design

As described in ASC Exhibit B, K, V and in Section III.A., *Description of the Proposed Facility* and in Section III.E.1.1, *Land Use*; *Local Applicable Substantive Criteria*, the below-listed facility fire-mitigation design features and maintenance protocols are added to the Construction and Operational WMP's as well as added to the facility description in the draft site certificate, Attachments W-1 and W-2 to this order. Under General Standard of Review Condition 1, the applicant is required to design, construct and operate the facility substantially as described in the site certificate, which includes the facility design feature descriptions.

The applicant-presented design features and maintenance standards that would avoid and reduce the wildfire risk at the facility site include:

 The separation distance between each solar array string is approximately 20 and 30 feet, which allows for adequate separation of solar blocks to provide first-responder access along interior roads as well as for operational inspections, equipment and vegetation maintenance.

The solar array includes shielded electrical cabling, as required by applicable code, to prevent electrical fires.
 Inverters will be placed on concrete foundations approximately 10 feet by 20 feet; a

gravel base will extend a minimum of four feet beyond the concrete foundation.

The BESS will be contained within self-contained enclosures in accordance with

applicable UL Solutions, National Electric Code, and National Fire Protection
Association standards, and will be placed on concrete foundations. A gravel base will extend a minimum of four feet beyond the container concrete pads.

• The perimeter and service roads within the solar array will be up to 20 feet wide with up to a 48-foot turning radius.

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- Vegetation will be cleared and maintained along perimeter service roads to provide vegetation clearance for fire safety.<sup>206</sup>
  - The O&M building and battery storage system would be located on land flatter than a 40 percent slope (WCLUDO Section 10.110(A)).
  - The O&M building and BESS would be set back at least 50 feet from any slopes greater than 30 percent (WCLUDO Section 10.110(B)).
  - A 50-foot fire fuel break will be cleared and maintained around the O&M building and BESS (WCLUDO Section 10.120(A) and (B)). The BESS, substation and O&M building would be located within a separate fenceline and constructed on concrete slabs with gravel base extending from the structure; the fenced areas around the BESS, collector substation, and O&M building will be graveled with no vegetation present.<sup>207</sup>
  - Vegetation in the transmission corridor, and particularly around related infrastructure (e.g., poles), would be maintained pursuant to the Minimum Vegetation Clearance Distances defined under North American Electric Reliability Corporation and National Electric Code standards.
- Facility components will meet National Electrical Code and Institute of Electrical and Electronics Engineers standards.
- The SCADA system provides remote operation, including shut off, and monitoring of the facility's solar array, BESS, and collector substation components.

During the review of the pASC, the Bakeoven-Shaniko Rangeland Fire Protection Association (RFPA) provided comments requesting that the facility should have a permanent fire barrier around it, preferably outside the perimeter fence that should be non-combustible and defendable to prevent the spread of wildfire.<sup>208</sup> In response to the RFPA comments, the applicant commits to adopting WCLUDO Section 10.120 defensible space standards applicable to at least 50 feet from the interior of the fenceline to all facility electrical components.<sup>209</sup> The standards for maintaining the minimum 50 foot fuel break area include:<sup>210</sup>

- Ground cover maximum 4 inches tall;
- Trees limbed up approximately 8 feet from the ground,
- Trees kept free from dead, dry, or flammable material;
- Ladder fuels must be removed;
- No shrubs or tall plants under trees;
- Shrubs only in isolated groupings that maximize edges of ornamental beds to avoid continuous
- blocks of ground fuel;
- Keep shrubs and ornamental beds 15 feet away from edge of buildings and drip line of tree canopy; and

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<sup>&</sup>lt;sup>207</sup> YRBAPPDoc1-3 ASC Exhibit B. Project Description 2025-09-05, Section 2.5.

<sup>&</sup>lt;sup>208</sup> YRBAPPDoc19 pASC Bakeoven-Shaniko RFPA Comments 2024-10-04.

<sup>&</sup>lt;sup>209</sup> YRBAPPDoc19 ASC Applicant Response to RFPA pASC Comments 2025-09-10.

https://cms5.revize.com/revize/wascocounty/document\_center/Planning/FullWCLUDO\_3\_2021.pdf, Chapter 10, Section 10.120, page 9.

• Use well irrigated or flame-resistant vegetation

 Blaine Carver, the BS-RFPA chairperson, reviewed the applicant's responses and proposal for the 50 foot vegetation management area within the fenceline as well as the WMP's, discussed further below. Mr. Carver indicates that The 50 foot fuel break containing a 20' road on the perimeter would work on calm weather days, however, on windy days or under red flag warnings, the vegetation would slow the intensity of fires but not avoid them. The Department highlights, as addressed below, that the Construction and Operational WMP's would be finalized prior to construction and operation, in conjunction with the RFPA, to further address site-specific fire reduction measures.

To ensure the above-described facility wildfire mitigation design features are described in the Construction and Operational WMP's, the Department adds these to the facility description (in redline) in both plans as well as to the facility description in the draft site certificate.

# IV.N.1.4 Construction and Operational WMP Finalization, Wildfire Risk Minimization Preventative Actions, Programs, and Procedures

 The following measures are the same for both the Construction and Operational WMPs, and therefore are discussed together in this subsection. Construction and operational-specific measures are provided below this section, in advance of their respective recommended conditions. The Construction and Operational WMP are attached to this order as Attachamnt-W-1 and Attachamnt-W-2 and the areas that are highlighted in yellow are the areas that would be updated prior to construction and operation.

The draft Construction and Operational WMPs would be finalized prior to construction and operation. Pinalization of the WMPs includes receiving input from the Bakeoven-Shaniko Rural Pire Protection Agency, updating wildfire risk at the site, and submitting site maps that identify access details and the location of fire protection equipment, and updated emergency contact information to emergency agencies. Both of the Construction and Operational WMPs include pre-construction/pre-operational onsite trainings with contractors, the Department, emergency service professionals, and the certificate holder. The WMP's include emergency contact information for fire and emergency service providers as well as the certificate holder and its contractors. Additionally, prior to construction and operation, the certificate holder must mail a letter to residences within the 0.5-mile wildfire analysis area which would provide the facility contact information and encourage individuals to sign up for the county's emergency notification system.

<sup>&</sup>lt;sup>211</sup> YRBAPPDoc19-15 ASC Reviewing Agency Comment RFPA w ODOE Response\_Carver 2025-09-30.

<sup>&</sup>lt;sup>212</sup> Although both the construction and operational WMPs must be finalized prior to construction and operation, the Recommended Wildfire Prevention and Risk Mitigation Conditions do not label the WMPs as "Final". This is because, as designated in the WMP's, the WMP's may be updated and amended to address changes in wildfire risk at the site over time, therefore, they may be several iterations of the WMPs during construction and the life of the facility.

Section 3.6 of the Construction WMP and Section 3.5 of the Operational WMP include definitions for fire precaution levels and associated restrictions during fire season. The fire precaution levels include non-fire season, fire season, fire weather watch, and red flag weather warning, where the red flag weather warning would be the most restrictive for activities that may increase the risk of wildfire. Examples of fire season restrictions include maintaining a fire watch, driving and parking only on gravel surfaces, and limitations on hot work. The applicant will maintain a log of when construction and operational activities are impacted by the fire season restrictions.

Section 3.3 of the Construction and Operational WMP outline the specifications for fire protection equipment that is maintained on site, which include fire extinguishers, hand tools, pails and drip cans. During fire season, on site water source(s), such as water trucks mist be on site and equipment with a pump, hose and nozzle. All internal combustion engines must be equipped with exhaust systems, mufflers and screens, or include an appropriate spark arrestor.

## Construction

The preventative actions, programs and procedures that manage vegetation and minimize wildfire risk during construction activities in the draft WMP include:

• Fire season, Red Flag Warnings and weather conditions that produce an increased risk of fire danger will be monitored and communicated to staff.

 Best management practices (BMPs) that minimize fire risk from vehicle travel, equipment use, and fueling activities will be implemented such as vegetation wetting, no idling vehicles and limited off-road travel.

 Vegetation will be limited to a height of 10-12 inches and will be mowed in advance of fire season or accordance to any fire restrictions.

Vegetation buildup in the fence line(s), shall be removed.

  Personnel will be trained on the RACE (Remove, Alarm, Confine and Extinguish or Evacuate) and the use of fire protection equipment.

During facility construction, in the semi-annual construction progress report, the certificate holder will provide updates of the performance of the WMP including any changes of wildfire risk at the site, facility contact information, and training logs. The log of any changes in construction activities due to Fire Season Restrictions, as designated in Section 4.0, will be provided to the Department during onsite or remote inspections, or upon request.

The Department recommends Council impose the two conditions below to require the draft WMP be finalized prior to facility construction and be implemented during construction activities.

**Recommended Wildfire Prevention and Risk Mitigation Condition 1 (PRE):** Prior to facility construction, the certificate holder shall finalize and submit a Construction

Wildfire Mitigation Plan (WMP), Attachment W-1 to the Final Order on ASC to the Department for review and approval.

[PRE-WF-01; Final Order on ASC]

Recommended Wildfire Prevention and Risk Mitigation Condition 2 (CON): During facility construction, the certificate holder shall require onsite contractors and employees to adhere to the Construction Wildfire Mitigation Plan (WMP) approved under PRE-WF-01.

[CON-WF-01; Final Order on ASC]

#### Operation

The procedures, standards, timeframes for facility component inspections and vegetation management in the operational WMP will be finalized based on the final facility design and based on manufacture recommendations the applicant will provide an updated Table 2: Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results. Table 2 of the operational WMP is a template that will be filled out including details about the facility components, inspection procedures, inspection frequency, the standard of inspection/maintenance, and the maintenance schedule. As described in the WMP Section 4.0, this table, or a version with similar information would be provided annually during operations and would also include the date and personnel who competed the inspection and maintenance, inspection/maintenance results.

During operations, the certificate holder or its contractor will conduct vegetation management inspections twice a year; once prior to the summer months when fire risk is heightened. During these inspections, the technician will ensure vegetation setbacks from installed equipment are adequate and will enact vegetation control measures if needed. Vegetation control must be consistent with the WMP, Revegetation Plan, Soil Reclamation Plan and Noxious Weed Plan and must:

- Vegetation will be limited to a height of 10-12 inches, with a minimum clearance of 12 inches from electrical equipment;
- At no point shall vegetation come in contact with electrical equipment;
- Vegetation buildup in the fence line(s), shall be removed;
- Any vegetation removed from the site will be disposed of and not stored onsite.
   Certificate holder and contractors will prevent the accumulation of combustible "burn piles" on site.

Annually, vegetation beneath overhead electrical lines will be mowed to achieve clearance requirements between conductor and ground.

Annual reporting requirements and amendments to the WMP are addressed in Section 4.0 of the WMP. Reporting requirements listed above will be provided in the annual report submitted to the Department. This information may be used by the Department and applicant to establish the performance of the WMP. The applicant will also evaluate the WMP annually to determine

if updates to the WMP are necessary to address wildfire risk. To require that the Operational
WMP is finalized prior to operation and implemented during operation, the Department
recommends Council impose the following conditions:

**Recommended Wildfire Prevention and Risk Mitigation Condition 3 (PRO-):** Prior to facility operation, the certificate holder shall finalize and submit an Operational Wildfire Mitigation Plan (WMP), Attachment W-2 to the Final Order on ASC to the Department for review and approval.

[PRO-WF-01; Final Order on ASC]

 Recommended Wildfire Prevention and Risk Mitigation Condition 4 (OPR): During facility operation, the certificate holder shall require onsite contractors and employees to adhere to the Operational Wildfire Mitigation Plan (WMP) approved under PRO-WF-01.

[OPR-WF-01; Final Order on ASC]

The Department recommends Council find that the Construction and Operational WMP identify areas subject to heighted wildfire risk, contain sufficient procedures to minimize wildfire risk, identify procedures to minimize risks to public health and safety as well as first responders, contains procedures for inspections, maintenance and vegetation management, and contain measures to ensure the plan is updated.

## IV.N.2. Conclusions of Law

Based on the foregoing analysis, and subject to compliance with the recommended site certificate conditions described above, the Department recommends the Council find that the applicant has adequately characterized wildfire risk within the analysis area using current data from reputable sources, and that, subject to Council approval, the facility will be designed, constructed, and operated in compliance with Wildfire Mitigation Plans.

#### IV.O. Waste Minimization: OAR 345-022-0120

(1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that, to the extent reasonably practicable:

(a) The applicant's solid waste and wastewater plans are likely to minimize generation of solid waste and wastewater in the construction and operation of the facility, and when solid waste or wastewater is generated, to result in recycling and reuse of such wastes;

(b) The applicant's plans to manage the accumulation, storage, disposal and transportation of waste generated by the construction and operation of the

facility are likely to result in minimal adverse impact on surrounding and adjacent areas.

(2) The Council may issue a site certificate for a facility that would produce power from wind, solar or geothermal energy without making the findings described in section (1). However, the Council may apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.\*\*\*<sup>213</sup>

## IV.O.1. Findings of Fact

#### IV.O.1.1 Construction

## Solid Waste

During construction, up to approximately 8,000 cubic yards of nonhazardous solid waste will be generated; applicant estimates that approximately 4,000 cubic yards of solid waste would be generated per phase of construction.<sup>214</sup> Construction-related soil waste includes discarded construction materials, packaging materials, wood forms from foundations, and spent erosion control materials. Nonhazardous solid waste will be recycled, when feasible; or will be disposed of at the Dalles Disposal – Waste Connections, which operates in Wasco and Sherman counties and is anticipated to provide debris hauling and removal for the facility during both construction and operation. Much of the construction waste consists of recyclable materials, which will be collected and diverted from waste facilities by using one or more 30-cubic-yard recycling dumpsters regularly collected during the construction period.

As presented below, the Department recommends Council impose Waste Minimization Conditions 1, 2 and 3 to ensure that construction-related waste is properly managed and minimized to the extent practicable.

#### Wastewater

Proposed facility construction would generate wastewater during washdown of concrete trucks after concrete loads have been emptied. Concrete truck chutes will be washed down at each foundation site to prevent the concrete from hardening within the chutes. Washdown methods will be determined by the contractor and may occur at contractor-owned batch plants or a designated concrete washout.<sup>215</sup>

Wastewater generated from facility construction will result from construction personnel using portable toilets, and from the washdown of concrete trucks. The construction contractor will

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<sup>&</sup>lt;sup>213</sup> Administrative Order EFSC 1-2007, effective May 15, 2007.

<sup>&</sup>lt;sup>214</sup> YRBAPPDoc1-24 ASC Exhibit W. Waste Minimization 2025-09-05, Section 2.1.1.

<sup>&</sup>lt;sup>215</sup> YRBAPPDoc1-24 ASC Exhibit W. Waste Minimization 2025-09-05

provide an adequate number of portable toilets to accommodate construction staff on site and will be responsible for servicing the toilets at regular intervals and disposing of wastewater in accordance with local jurisdictional regulations.<sup>216</sup>

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> Wastewater associated with concrete truck washdown will either be emptied and washed down at each foundation site, or may occur at a contractor-owned batch plant, or a designated concrete washout.<sup>217</sup> The applicant will implement erosion control measures required by its NPDES Construction Stormwater Discharge General Permit 1200-C and its associated ESCP to control stormwater runoff, to ensure that no water used for construction will be discharged into wetlands, streams, or other waterway.<sup>218</sup>

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In addition, construction-related wastewater would be generated from portable toilets, which would be serviced by a local contractor for offsite disposal in accordance with applicable regulations.<sup>219</sup> The construction contractor will provide an adequate number of portable toilets to accommodate construction staff on site. These would be serviced a minimum of once per week, and wastewater generated during construction would be transported via trucks by a local licensed subcontractor to a treatment facility. Portable handwashing stations would also be used during construction and would be hauled off site as well.

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22 23 The Department recommends Council find that construction waste and wastewater sources and management methods have been adequately addressed, emphasizing that recycling of materials during construction should be prioritized and well organized. The Department recommends Council impose the following conditions to ensure the construction-related waste and wastewater impacts are minimized, via recycling and proper disposal:

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Recommended Waste Minimization Condition 1 (PRE): Prior to construction of the facility, or phase, as applicable, the certificate holder or its contractor(s) shall develop and submit to the Department for review and approval, a Construction Waste Management Plan(s) that, at a minimum, includes the following:

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a. All sources and estimated quantities of construction waste and wastewater, including damaged or dysfunctional energy facility components, and where feasible, estimated quantities that can be recycled.

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b. Process for disposal and recycling, including the use of licensed haulers and disposal/recycling facilities; names and locations of licensed recycling and disposal facilities; collection, and hauling requirements.

36 37 c. Identify how often employees will be trained on waste and recycling management protocols identified in this plan.

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[PRE-WM-01; Final Order on ASC]

<sup>&</sup>lt;sup>216</sup> YRBAPPDoc1-24 ASC Exhibit W. Waste Minimization 2025-09-05

<sup>&</sup>lt;sup>217</sup> Id.

<sup>&</sup>lt;sup>218</sup> Id.

<sup>&</sup>lt;sup>219</sup> YRBAPPDoc1-22 ASC Exhibit U. Public Services 2025-09-05

Recommended Waste Minimization Condition 2 (CON): During construction, the certificate holder shall require that its contractor(s) adhere to the requirements of the Construction Waste Management Plan(s) approved in PRE-WM-01, and maintain records of employee training made available upon Department request.

[CON-WM-01; Final Order on ASC]

## IV.O.1.2 *Operations*

## Solid Waste

 During operations, up to approximately 10-15 cubic yards of waste per month will be generated. Waste may include equipment and components that are replaced, packing materials for replacement components, and waste associated with personnel at the O&M building. Repair or replacement of the solar array and associated electrical equipment would generate incidental solid waste because the panels typically last more than 30 years without significant degradation in function and will be replaced infrequently. Battery components would be replaced on a 20-year cycle. The replacement of lithium-ion (Li-ion) batteries (if selected) during operation, will follow the handling guidelines of 49 Code of Federal Regulations 173.185 — Department of Transportation Pipeline and Hazardous Material Administration related to the shipment of Li-ion batteries. Licensed third-party battery suppliers will be responsible for transporting batteries to and from the Facility in accordance with applicable regulations, as required through their licensure.

 Batteries included in the BESS would also need to be replaced. Each battery included in the facility would need to be replaced twice during the 40-year expected operational lifetime, and the battery containers will require periodic replacement because the modules lose their effectiveness through repeated charge/discharge cycles. Proposed facility operations and maintenance would generate nonhazardous solid wastes including solar modules and other general wastes, and potentially hazardous wastes such as spent lithium-ion batteries. The Department assumes that the routine replacement of solar modules will generate solid waste during operations over the life of the facility.

During operations, up to approximately 10-15 cubic yards of waste per month will be generated. The Dalles Disposal - Waste Connections has sufficient capacity to accommodate the facility's solid waste needs and has projected that 28 years are left in landfill's current footprint and that they have cover soil property to expand to when the time comes.<sup>221</sup>

 To ensure the applicant establishes a plan or protocol that will minimize waste associated with replaced solar panels and BESS batteries and to support to the maximum extent practicable, recycling or reuse of solar panels based on available licensed facilities or programs at the time of replacement, the Department recommends Council impose the following conditions:

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<sup>&</sup>lt;sup>220</sup> YRBAPPDoc1-22 ASC Exhibit U. Public Services 2025-09-05

<sup>&</sup>lt;sup>221</sup> YRBAPPDoc1-22 ASC Exhibit U. Public Services 2025-09-05, Attachment U-2.

 Recommended Waste Minimization Condition 3 (PRO): Prior to operation, the certificate holder shall develop an Operational Recycling Plan or protocol requiring that damaged or nonfunctional solar panels and lithium-ion batteries be recycled to the extent practicable. The certificate holder shall report in its annual report to the Department the quantities of panels and lithium-ion batteries recycled, reused or disposed of in a landfill. Requirements for lithium-ion battery recycling do not apply if the BESS is not constructed.

[PRO-WM-01; Final Order on ASC]

**Recommended Waste Minimization Condition 4 (OPR):** During operations, the certificate holder shall adhere to the requirements of the Operational Recycling Plan or protocol developed under Condition PRO-WM-01.

[OPR-WM-01; Final Order on ASC]

## <u>Wastewater</u>

Facility operations will produce washwater from solar panel washing, if necessary. The water used for array cleaning is not anticipated to require off-site disposal due to the high evaporation rate and expected infiltration at the site. No acids, bases or metal brighteners will be used; biodegradable, phosphate cleaners may be used sparingly.

## IV.O.2. Conclusions of Law

Based on the foregoing analysis, and in compliance the recommended site certificate conditions the Department recommends that Council find that the facility will be constructed and operated consistent with solid waste and wastewater plans that will minimize generation of solid waste and wastewater, recycling materials will be used to the maximum extent available, and the construction and operation of the facility are not likely to result in minimal adverse impact on surrounding and adjacent areas, therefore the facility will be constructed and operated consistent with the Council's Waste Minimization Standard.

## IV.P. Siting Standards for Transmission Lines: OAR 345-024-0090

To issue a site certificate for a facility that includes any transmission line under Council jurisdiction, the Council must find that the applicant:

(1) Can design, construct and operate the proposed transmission line so that alternating current electric fields do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public;

(2) Can design, construct and operate the proposed transmission line so that induced currents resulting from the transmission line and related or supporting facilities will be as low as reasonably achievable.<sup>222</sup>

## **IV.P.1.** Findings of Fact

Transmission lines must comply with the electric field standard found in OAR 345-024-0090, which requires that the applicant design, construct, and operate a proposed transmission line so that AC electric fields do not exceed 9 kV/m at 1 meter above the ground surface in areas accessible to the public. There is no similar Oregon design standard for magnetic fields.

 As described in Section III.A.2., the proposed facility includes an approximate 1,000 foot long, primary 500-kV transmission line that would connect the facility to the point of interconnect (POI) at a Bonneville Power Administration (BPA)-owned switchyard, located south of the facility collector substation. The alternate 500-kV transmission line POI would connect to BPA's Buckley Substation approximately 4.5 miles north of the facility. The transmission line routes would not be fenced and could be accessible to the public.

 Both proposed 500-kV gen-tie lines would be located adjacent to existing and operating BPA 500-kV transmission lines and right-of-way (ROW). The applicant indicates that there are no occupied buildings or residences within 200 feet of the center line of the proposed gen-tie line, and that the areas within 200 feet of the primary segment of the proposed 500-kV gen-tie line are all associated with the facility.<sup>223</sup> The ROW for the proposed 4.5 mile alterative would be 200 feet wide and would run parallel to the existing John Day to Grizzly transmission line, and would not necessitate a new ROW.

## IV.P.1.1 Electric and Magnetic Fields

The presence of an electric charge on an energized conductor produces an electric field. The strength of the electric field is measured in kilovolts per meter (kV/m). Electric field strength is directly proportional to the line's voltage; increased voltage produces a stronger electric field. The strength of the electric field is inversely proportional to the distance from the conductors; the electric field declines as the distance from the conductor increases.

Bonneville Power Administration Corona and Fields Effect Program, Version 3 (CAFE) model was used to estimate the electric fields that would be generated within a 200-ft right of way by the transmission lines at 1 meter above ground level. Assumptions inputted into the modeling include environmental parameters – 1 inch of precipitation per hour, 2.0 miles per hour wind speed and elevation; overhead pole height, line amperage and voltage, and conductor type.<sup>224</sup>

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<sup>&</sup>lt;sup>222</sup> Administrative Order EFSC 1-2007, effective May 15, 2007

<sup>&</sup>lt;sup>223</sup> YRBAPPDoc1-28 ASC Exhibit AA. EMF 2025-09-05, Section 2.1.

<sup>&</sup>lt;sup>224</sup> All assumptions used for modeling the primary 1,000 foot gen tie line and the 4.5 mile alternative gen tie line are provided in ASC Exhibit AA, Section 2.3.

Table 23: Electrical Field Modeling Results for the Proposed 500 kV

Transmission Line

	Electric Field (kV/m)		
Line Description	200 feet Left	Peak Value	200 feet Right
Primary		3.796, 20 feet	
Transmission	0.155 (west)	right (east) of	0.086 (east)
Line		centerline	
Alternative 4.5 Mile Transmission Line	0.34 (west)	4.014, 186-192 feet right (east) of centerline	0.276 (east)
Source: YRBAPPDoc1-28 ASC Exhibit AA. EMF 2025-09-05, Table AA-3			

The modeling results for magnetic fields generated by the 500-kV transmission line for each of the transmission line configurations are provided in the following table:

Table 24: Magnetic Field Modeling Results for the Proposed 500 kV Transmission Line

		Magnetic Field (mG)			
Line Description	Exh AA Figure	200 feet Left	Peak Value	200 feet Right	
Northern Transmission Line	AA-3 AA-5	3.21 (west)	60.93, 4 feet right (east) of centerline	3.33 (east)	
Southern Transmission Line	AA-3 AA-5	24.33 (west)	106.5, 60 feet right (east) of centerline	20.41 (east)	
Source: YRBAPPDoc1-28 ASC Exhibit AA. EMF 2025-09-05, Table AA-4					

 Modeling results showed that peak (maximum) electric field strength on a 500-kV line, in the rights-of-way would be approximately 3.8 kV/m for the primary transmission line, and 4.0 kV/m for the 4.5 mile alternative transmission line. All of these measurements fall below the 9 kV/m threshold. Therefore, the Department recommends that Council find that the applicant can design, construct and operate the proposed transmission lines in accordance with OAR 345-024-0090(1).

IV.P.1.2 Induced Voltage and Current

- 1 Electric currents can be induced by electric and magnetic fields in conductive objects near
- transmission lines. In particular, the concern is for very long objects parallel and close to the
- 3 line. The primary concern is the potential for small electric currents to be induced by electric
- 4 fields in metallic objects close to transmission lines. Metallic roofs, farming equipment and
  - large vehicles, vineyard trellises, and fences are examples of objects that can develop a small
- 6 electric charge in proximity to high-voltage transmission lines. Object characteristics, degree of
- 7 grounding, and electric field strength affects the amount of induced charge. An electric current
  - can flow when an object has an induced charge and a path to ground is presented.

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- A current-carrying conductor will induce a current to flow in another conductor that is parallel to it. Induced currents result from the net alternating current magnetic field. In the common
- case of grounded fences, electrical loops can be created in which induced currents can flow.
- 13 The value of the induced current will depend on the magnetic field strength; the size, shape,
- and location of the conducting object; and the object-to-ground resistance.

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17 18 Based on the modeling results, the calculated maximum magnetic field for the primary transmission line is approximately 61 milligauss (mG), four feet from the centerline and approximately 107 mG 60 feet from the centerline, which are sufficiently low that induced current in a metallic object should not occur.

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The Siting Standards for Transmission Lines requires the Council to find that the applicant "can design, construct and operate the proposed transmission line so that induced currents resulting from the transmission line and related or supporting facilities will be as low as reasonably achievable." Recommended Siting Standards for Transmission Lines Condition 1, below, requires, in part, the applicant to develop and implement a program that provides reasonable assurance that all fences, gates, cattle guards, trailers, or other objects or structures of a permanent nature that could become inadvertently charged with electricity are grounded or bonded throughout the life of the line. This includes both existing infrastructure as well as other facility components such as perimeter fencing. To ensure that induced currents are minimized based on applicant's representations, consistent with Council's Site-Specific Condition under OAR 345-025-0010(4), the Council imposes the following condition:

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**Recommended Siting Standards for Transmission Lines Condition 1 (GEN):** The certificate holder shall:

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a. Design, construct and operate the transmission lines in accordance with the requirements of the National Electrical Safety Code as approved by the American National Standards Institute; and

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b. Develop and implement a program that provides reasonable assurance that all fences, gates, cattle guards, trailers, or other objects or structures of a permanent nature that could become inadvertently charged with electricity are grounded or bonded throughout the life of the line. [GEN-TL-01, Final Order on ASC]

## IV.P.2. Conclusions of Law

Based on the foregoing analysis, and subject to compliance with the proposed site certificate condition described above, the Department recommends the Council find that the applicant can design, construct, and operate the facility so that alternating current electric fields do not exceed 9-kV per meter at one meter above the ground surface in areas accessible to the public and that induced currents resulting from the transmission line and related or supporting facilities will be as low as reasonably achievable.

## **Evaluation of Other Applicable Regulatory Requirements**

Under ORS 469.503(3) and under the Council's General Standard of Review (OAR 345-022-0000), the Council must determine whether the proposed facility complies with "all other Oregon statutes and administrative rules...as applicable to the issuance of a site certificate for the proposed facility." This section addresses the applicable Oregon statutes and administrative rules that are not otherwise addressed in Council standards, including noise control regulations, regulations for removal or fill of material affecting waters of the state, and regulations for water rights.

## IV.Q. Noise Control Regulations for Industry and Commerce: OAR 340-035-0035

(B) New Sources Located on Previously Unused Site:

(1) Standards and Regulations:

\* \* \* \* \*

 (b) New Noise Sources

 (i) No person owning or controlling a new industrial or commercial noise source located on a previously unused industrial or commercial site shall cause or permit the operation of that noise source if the noise levels generated or indirectly caused by that noise source increase the ambient statistical noise levels, L10 or L50, by more than 10 dBA in any one hour, or exceed the levels specified in Table 8, as measured at an appropriate measurement point, as specified in subsection (3)(b) of this rule, except as specified in subparagraph (1)(b)(B)(iii).

(ii) The ambient statistical noise level of a new industrial or commercial noise source on a previously unused industrial or commercial site shall include all noises generated or indirectly caused by or attributable to that source including all of its related activities. Sources exempted from the requirements of section (1) of this rule, which are identified in subsections (5)(b) - (f), (j), and (k) of this rule, shall not be excluded from this ambient measurement.

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1 2	(iii) For noise levels generated or caused by a wind or solar energy facility:
3 4	(I) The increase in ambient statistical noise levels is based on an assumed background L50 ambient noise level of 26 dBA or the actual ambient background level. The person
5 6	owning the wind or solar energy facility may conduct measurements to determine the actual ambient L10 and L50 background level.
7	actual ambient L10 and L50 background level.
8	(II) The "actual ambient background level" is the measured noise level at the appropriate
9	measurement point as specified in subsection (3)(b) of this rule using generally accepted
10	noise engineering measurement practices. Background noise measurements shall be
11	obtained at the appropriate measurement point, and for wind energy facilities
L2	synchronized with wind speed measurements of hub height conditions at the nearest
L3	wind turbine location. "Actual ambient background level" does not include noise
L4	generated or caused by the proposed wind or solar energy facility.
L5	
L6	(III) The noise levels from a wind or solar energy facility may increase the ambient
L7	statistical noise levels L10 and L50 by more than 10 dBA (but not above the limits
L8	specified in Table 8), if the person who owns the noise sensitive property executes a
L9	legally effective easement or real covenant that benefits the property on which the wind
20	or solar energy facility is located. The easement or covenant must authorize the wind or
21	solar energy facility to increase the ambient statistical noise levels, L10 or L50 on the
22	sensitive property by more than 10 dBA at the appropriate measurement point.***
23	
24	(3) Measurement:
25	
26	(a) Sound measurements procedures shall conform to those procedures which
27	are adopted by the Commission and set forth in Sound Measurement
28	Procedures Manual (NPCS-1), or to such other procedures as are approved in
29	writing by the Department;
30	(b) Halon otherwise consisted the managinate management as into by all be
31	(b) Unless otherwise specified, the appropriate measurement point shall be
32	that point on the noise sensitive property, described below, which is further
33	from the noise source:
34	A. 25 feet (7.6 meters) toward the noise source from that point on the noise
35 36	sensitive building nearest the noise source;
30 37	sensitive building hedrest the hoise source,
38	B. That point on the noise sensitive property line nearest the noise source.
39	b. That point on the hoise sensitive property line nearest the hoise source.
10	* * * * *
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12	(5) Exemptions: Except as otherwise provided in subparagraph (1)(b)(B)(ii) of
13	this rule, the rules in section (1) of this rule shall not apply to:
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3	(c) Sounds created by the tires or motor used to propel any road vehicle
4	complying with the noise standards for road vehicles;
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6	* * *
7	(g) Sounds that originate on construction sites.
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9	***
10	
11	(k) Sounds created by the operation of road vehicle auxiliary equipment
12	complying with the noise rules for such equipment as specified in OAR 340-
13	035-0030(1)(e);
14	
15	* * *

Council has the authority to interpret and implement other state agency and Commission rules and statutes that are relevant to the siting of an energy facility,<sup>225</sup> including noise rules adopted by the Environmental Quality Commission and previously administered by the Department of Environmental Quality (DEQ).<sup>226, 227</sup>

## **IV.Q.1. Findings of Fact**

The analysis area for the Noise Control Regulation includes the area within and extending 1-mile from the proposed site boundary.

#### IV.Q.1.1 Exempt Construction Noise

Under OAR 340-035-0035(5), noise generated during construction is exempt from the requirement to meet DEQ's noise standards. Nonetheless, construction-related noise impacts are evaluated under the Council's Protected Area, Scenic Resources, and Recreation standards, as provided in Sections IV.F., IV.J., and IV.L of this order. To support the evaluation required

<sup>&</sup>lt;sup>225</sup> See ORS 469.310 (stating that the legislative policy behind EFSC was to establish "a comprehensive system for the siting, monitoring and regulating of the location, construction and operation of all energy facilities in this state") and ORS 469.401(3) (giving EFSC the authority to bind other state agencies as to the approval of a facility). <sup>226</sup> The Environmental Quality Commission and the DEQ suspended their own administration of the noise program because in 1991 the state legislature withdrew all funding for implementing and administering the program. A July 2003 DEQ Management Directive provides information on DEQ's former Noise Control Program and how DEQ staff should respond to noise inquiries and complaints. The Directive states (among other items) that the Energy Facility Siting Council (EFSC), under the Department of Energy, is authorized to approve the siting of large energy facilities in the State and that EFSC staff review applications to ensure that proposed facilities meet the State noise regulations.

<sup>&</sup>lt;sup>227</sup> "We (the Oregon Supreme Court) conclude that EFSC had the authority to grant (1) an exception to the noise standards under OAR 340-035-0035(6)(a), and (2) a variance under OAR 340-035-0100 and ORS 467.060." B2HAPPDoc7 Supreme Court Decision Stop B2H Coalition v. Dept, of Energy 2023-03-09, pp 805-807.

under those standards, the approach and results of predicted construction-noise impacts is evaluated in this section.

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Construction noise levels are predicted using a semi-qualitative approach based on equipment sound levels for common construction equipment used in the 2006 Federal Highway

6 Administration Roadway Construction Noise Model.<sup>228</sup> Table 25, below, lists the typical sound

7 levels associated with common construction equipment at various distances. For reference,

8 classroom chatter has an approximate dBA of 70 and a soft whisper is a dBA of approximately

9 40.229

**Table 25: Estimated Construction Noise Levels** 

Construction Facility and	Expected Sound Level by Distance (dBA)			
Construction Equipment	50 feet	1,000 feet	2,500 feet	5,000 feet
Bulldozer (250 to 700 horsepower [hp])	88	62	54	43
Front-end loader (6 to 15 cubic yards)	88	62	54	43
Truck (200 to 400 hp)	86	60	52	41
Grader (13- to 16-foot blade)	85	59	51	40
Shovel (2 to 5 cubic yards)	84	58	50	39
Portable generators (50 to 200 kilowatts)	84	58	50	39
Mobile crane (11 to 20 tons)	83	57	49	38
Concrete pumps (30 to 150 cubic yards)	81	55	47	36
Tractor (0.75 to 2 cubic yards)	80	54	46	35
Source: Adapted from Beranek (1988); FHWA 2006				

dBA = A-weighted decibel

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Construction noise would occur during daytime hours, would be temporary, and attenuates with distance from the facility. As discussed below, there are 12 noise sensitive properties within the noise analysis area, however, as noted above, construction noise is exempt from the noise standards pursuant to OAR 340-035-0035(5)(g) and (h). Therefore, the ability of construction-related noise to comply with DEQ noise control regulations is not evaluated further.

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#### IV.Q.1.2 Operational Noise

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The proposed facility would be a new industrial or commercial noise source located on a previously unused industrial or commercial site subject to the noise standards established under OAR 340-035-0035(1)(b)(B). The standards prohibit noise generated from a new

<sup>2</sup> 

<sup>&</sup>lt;sup>228</sup> Federal Highway Administration Roadway Construction Noise Model User's Guide, FHWA-HEP-05-054, January 2006.

https://www.osha.gov/noise.

industrial or commercial source from exceeding the limits in Table 26 below, or from increasing the  $L_{10}$  or  $L_{50}$  ambient statistical noise levels by more than 10 dBA in any one hour.

Table 26: Statistical Noise Limits for New Industrial and Commercial Noise Sources

Statistical Descriptor <sup>1</sup>	Maximum Permissible Hourly Statistical Noise Levels (dBA)		
Statistical Descriptor	Daytime (7:00 AM - 10:00 PM)	Nighttime (10:00 PM - 7:00 AM)	
L50	55	50	
L10	60	55	
L1	75	60	

#### Notes:

Source: OAR 340-035-0035, Table 8

The noise limits apply at an appropriate measurement point on noise sensitive properties or Noise Sensitive Receptors (NSRs), such as dwellings, schools, churches, hospitals, or public libraries. <sup>230</sup> There are twelve (12) NSRs within the 1-mile analysis area. Two of the NSRs (NSR-8 and NSR-12) are located inside the site boundary and are participating landowners. The appropriate measurement point is defined as the farther from the noise source of 25 feet toward the noise source from that NSR, or the point on the noise sensitive property line nearest the noise source using the DEQ Commission approved Sound Measurement Procedures Manual, NPCS-1 (Manual), unless other measurement points are specified or other measurement procedures are approved in writing by the Department, respectively. <sup>231</sup> However, for solar energy facilities, an applicant may elect to use an assumed ambient noise level of 26 dBA or measure the actual ambient background level, the applicant assumed ambient noise level of 26 dBA for this noise analysis.

Noise-generating equipment associated with proposed facility operation would include substation transformers, inverters and transformers for the solar arrays, cooling systems necessary for the battery storage systems, and transmission line corona noise. The projected operational noise levels are based on applicant-supplied manufacturer sound power level data. The BESS unit sound power information is based on manufacturer data testing in accordance with ISO 3744: 2011-02. The sound power level data used as inputs to the acoustic modeling analysis by the applicant and reviewed by the Department, assumed the maximum number of noise-generating equipment, as listed below:

<sup>1.</sup> The hourly L50, L10 and L1 noise levels are defined as the noise levels equaled or exceeded 50 percent, 10 percent, and 1 percent of the hour, respectively.

<sup>&</sup>lt;sup>230</sup> "Noise sensitive property" is defined in OAR 340-035-0015(38) as "real property normally used for sleeping, or normally used as schools, churches, hospitals or public libraries. Property used in industrial or agricultural activities is not Noise Sensitive Property unless it meets the above criteria in more than an incidental manner."

<sup>&</sup>lt;sup>231</sup> As previously described, because DEQ does not fund, administer, or enforce the noise control requirements established in OAR 345-035-0035, yet they are applicable OARs to the facility, the Council assumes authority to review, interpret, and apply the rules. Therefore, the Council has authority to review and approve sound measurement procedures that differ from the Sound Measurement Procedures Manual (NPCS-1).

- 199 Solar Array inverter/inverter step-up transformers, 83 dBA per inverter
- 1,220 Battery energy storage system units, 92 dBA per unit
- Medium voltage transformers, 105 dBA per unit
- 4 Substation generator step-up transformers (240 megavolt ampere Transformer), 104
   dBA per transformer
- Primary (less than 1000 feet) 500 kV gen-tie transmission line, 83.7 to 84.2 dBA at 50 feet<sup>232</sup>

The 2023 DataKustik GmbH's Computer-aided Noise Abatement (CadnaA) program and the Bonneville Power Administration's 1991 Corona and Field Effects Program v3 (Corona 3) were used to estimate expected noise levels during proposed facility operation. The assumed background sound level of 26 dBA is given as well as the sound contribution from the proposed facility.

In addition, the applicant modeled potential corona noise from both transmission line alternatives. Audible noise levels associated with the transmission line are dependent upon the configuration of the transmission line. Corona noise was modeled using fair and foul weather. Foul weather is when rain levels are enough to dampen the transmission line which increases corona noise, but rain that isn't heavy enough to be louder than the actual corona. Based on the modeling results for operation noise, the applicant evaluated the potential impacts on the 12 Nose Sensitive Receptors within the analysis area.

Modeling results are provided in Table 27, below, and indicate that the facility can comply with the 50 dBA L<sub>50</sub> nighttime maximum permissible noise level prescribed by ODEQ because the loudest modeled noise levels at a NSR is 46 dBA, less than the 50 dBA threshold. Therefore, the Department recommends Council find that because the maximum L50 sound levels would be less than the "Table 8" maximum allowable sound level, the proposed facility would be in compliance with the maximum allowable sound level standard identified in OAR 340-035-0035(1)(b)(B)(i).

 There are six predicted exceedances of the 10 dBA ambient degradation standard at NSR IDs 1, 2, 3, 4, 5, and 12; however, NSR IDs 4, 8 and 12 are identified as project participants, therefore under OAR 340-035-0035(1)(b)(B)(iii)(III), the applicant may execute a legally effective easement or real covenant (or a "noise waiver") for the property on which the solar energy facility would be located, which authorizes the solar energy facility to increase the ambient statistical noise levels L10 and L50 by more than 10 dBA. The applicant does not have draft agreements in place at this time and to demonstrate that the applicant can secure the appropriate noise wavers to demonstrate compliance with OAR 340-035-0035(1)(b), the Department recommends Council impose the following conditions requiring the submission of the noise wavers prior to construction of the facility.

<sup>&</sup>lt;sup>232</sup> YRBAPP ASC Exhibit Y. Noise Regulations 2025-09-05, Figure Y-2

### Oregon Department of Energy

Recommended Noise Control Condition 1 (PRE): Prior to construction of solar arrays, substation or battery energy storage system, the certificate holder must submit to the Department copies of executed legally effective easement(s) or real covenant(s). The easement or covenant must authorize the solar energy facility to increase the ambient statistical noise levels, L10 or L50, on the sensitive property by more than 10 dBA at the appropriate measurement point.

[PRE-NC-01; OAR 340-035-0035(1)(b)(B)(iii)(III); Final Order on ASC]

**Table 27: Acoustic Modeling Results on Noise Sensitive Receptors** 

NSR ID	Participation Status	Ambient (Background dBA)	Facility Noise (Inverters, BESS Units, Transform ers) (dBA)	Facility Noise (Alternativ e Generation -tie Line) (dBA)	Combined Noise (Background + Facility) (dBA)	Change in Noise (dBA)	Compliance with OAR 340-035- 0035
1	Not Participating	26	21	39	39	14	No
2	Not Participating	26	27	42	42	16	No
3	Not Participating	26	23	38	39	13	No
4	Participating	26	44	42	46	20	Yes*
5	Not Participating	26	36	31	37	11	No
6	Not Participating	26	33	27	34	9	Yes
7	Not Participating	26	24	14	25	2	Yes
8	Participating	26	26	11	26	3	Yes*
9	Not Participating	26	20	10	21	1	Yes
10	Not Participating	26	18	8	18	1	Yes
11	Not Participating	26	18	7	19	1	Yes
12	Participating	26	40	32	40	14	Yes*
* With a noise w	* With a noise waiver						

NSRs 1, 2, and 3 are within the one-mile analysis area for the alternative transmission line. The applicant explains that if primary gen-tie line is selected, which is significantly shorter than the 4.5 mile alternative, it would be routed within the confines of the onsite switchyard and collector substation areas. In this facility design scenario, the facility would comply with the DEQ noise regulations at all non-participating NSRs. If the alternate gen-tie line is selected, the applicant is committed to resolving the remaining exceedances at the four non-participating NSR IDs 1, 2, 3, and 5 by revisiting and modifying its route, as necessary.

To ensure that the final facility design would comply with OAR 340-035-0035, the Department recommends the Council impose Noise Control Condition 2 requiring that, prior to construction, the applicant provide an updated acoustic modeling analysis and associated maps based on final facility design, equipment specifications, and noise warranty data that demonstrates compliance with the anti-ambient degradation standard.

 **Recommended Noise Control Condition 2 (PRE):** Prior to construction of solar arrays, substation or battery energy storage system, the certificate holder shall demonstrate that the facility operational noise levels comply with OAR 345-035-0035(1)(b), based on an updated acoustic modeling analysis using final design/layout and equipment specifications.

[PRE-NC-02; Final Order on ASC]

### IV.Q.2. Conclusions of Law

Based on the recommended findings of fact and compliance with the recommended conditions of approval, the Department recommends the Council find that the design, construction, and operation of the proposed facility would comply with the requirements of OAR 340-035-0035.

### IV.R. Removal-Fill Law: ORS chapter 196 and OAR chapter 141

Under ORS 196.795 through 196.990 and OAR chapter 141, division 085, no person may remove, fill, or alter 50 cubic yards or more of material within any state jurisdictional waters, or any amount of material within state-designated Essential Salmonid Habitat, State Scenic Waterways or compensatory mitigation sites, without a permit from the Department of State

Lands (DSL).<sup>233</sup> State jurisdictional waters include among other types of waterways, wetlands, rivers, and intermittent and perennial streams, lakes, and ponds.<sup>234</sup>

### **IV.R.1.** Findings of Fact

The applicant has not identified that a removal fill permit is required for the facility, nor requested that if such permit were required, that it be governed by the site certificate.

To support the evaluation of whether a removal-fill permit is needed for facility construction, a wetland delineation study was completed on 7,026 acres in 2023. Field delineations were conducted utilizing techniques published in the 1987 United States Army Corps of Engineers Wetlands Manual 2008 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region, and OAR 141-090-0005 through 141-090-0055. DSL concurrence on the wetland delineation (referred to as a jurisdictional determination), once received, will expire within 5 years unless renewed.

 The results of the wetland delineation identified 11 palustrine emergent wetlands, one desktop delineated riverine wetland, 49 ephemeral waterways, two intermittent waterways, and four livestock ponds in the study area as shown in Table 28 below:

Table 28: Wetlands and Water of the State within the Analysis Area

Feature	Number of Features	Acres
Palustrine Emergent Wetlands, including Vernal Pools	11	0.95
Riverine Wetland	1	0.45
Wetland Total	12	1.40
Ephemeral Waterway	49	4.45
Intermittent Waterway	2	0.31
Livestock Ponds	4	1.39
Other WOS Total	55	6.15

The facility site is designed to avoid wetlands or other WOS. In addition, as evaluated in Section IV.E.1.1. Land Use, Wasco County Local Applicable Substantive Criteria, WCLUDO 3.216(A)(2) requires that facility components with foundations be setback from non-fish bearing streams by a minimum of 50-feet (see recommended Land Use Condition 2).

Based on the DSL's pending concurrence, and the applicant's commitment to microsite the facility to avoid any impacts to wetlands and WOS, the Department recommends the Council find that no removal-fill permit is needed for the proposed facility. To ensure that a valid

<sup>&</sup>lt;sup>233</sup> ORS 196.800(15) defines "Waters of this state." The term includes wetlands and certain other waterbodies.
<sup>234</sup> See definitions for "waters of this state" and the jurisdictional limits of the term under ORS 196.800 and OAR 141-085-0510, and 141-085-0515.

jurisdictional determination<sup>235</sup> is in place during construction of the proposed facility, the Department recommends the Council impose Removal-Fill Condition 1, as presented below.

**Recommended Removal-Fill Condition 1 (PRE):** Prior to construction, the certificate holder must obtain a jurisdictional determination renewal for WD2024-0071 Wetland Delineation Report from DSL or a new DSL concurrence to ensure that the boundaries of state jurisdictional wetlands and waterways are accurately delineated for purposes of establishing the required setback and avoidance measures.

[PRE-WL-01; Final Order on ASC]

### IV.R.2. Conclusions of Law

Based on the recommended findings of fact and compliance with the recommended condition of approval, the Department recommends the Council conclude that the design, construction, and operation of the proposed facility would not require a removal fill permit because of the avoidance of impacts to wetlands and WOS, therefore the facility complies with the applicable portions of the requirements of ORS 196.795 through 196.990 and OAR chapter 141, division 085.

### IV.S. Water Rights

Under ORS Chapters 537 and 540 and OAR Chapter 690, the Oregon Water Resources Department (OWRD) administers water rights for appropriation and use of the water resources of the state. Under OAR 345-022-0000(1)(b), the Council must determine whether the proposed facility would comply with statutes and administrative rules identified in the Project Order. As presented in the Project Order, Section III (E), OAR 345-021-0010(1)(o)(F) requires that if a proposed facility needs a groundwater permit, surface water permit, or water right transfer, that a decision on authorizing such a permit rests with the Council.

### **IV.S.1. Findings of Fact**

 Proposed facility construction and operations will not rely upon a groundwater permit, surface water permit, or water right transfer. During construction, a maximum of 54.5 million gallons (Mgal) of water would be used for dust suppression, road compaction, site preparation, mixing concrete for foundations, fire prevention, and on-site worker drinking and sanitation use.

Jurisdictional determination may include letter of concurrence issued by DSL, see OAR 141-090-0020 (20) "Jurisdictional Determination" (JD) means a written decision by the Department that waters of this state subject to regulation and authorization requirements of OAR 141-085, 141-089, 141-0100 and 141-0102 are present or not present within a study area. The JD may include a delineation of the geographic boundaries of the area subject to state jurisdiction. For example, a JD may include the location of a wetland boundary or the location of the ordinary high water line (ordinary high water mark) of a waterway. A JD may, but does not necessarily, include a determination that a particular activity in a water of this state is subject to authorization requirements. The decision record includes the basis of the jurisdictional determination and is a final order subject to reconsideration according to the provisions in 141-090-0050.

Construction-related water is expected to be obtained from the Deschutes Valley Water District (DVWD), the City of Maupin and the City of Wasco<sup>236</sup> under an existing municipal water right.<sup>237</sup>

Alternatively, construction related water may also be obtained through a limited water use license, from the Oregon Water Resources Department (OWRD) from one or both underlying landowners with existing wells. As discussed in Section IV.M.2.2, *Water Service*, under the Public Services standard, Recommended Public Services Condition 1 recommends Council require that prior to construction, the applicant confirm the final water demand based on final facility build out, and provide evidence that the final water sources for construction-related water are adequate and have been legally secured under existing water rights or third-party permits.

Operational water use is estimated to be 581,000 gallons per year: 521,000 gallons would be used for periodic solar module washing and an additional 60,000 gallons for sanitary uses at the facility O&M building. Water necessary for operations would be obtained from one or more of the municipal water providers that are expected to be used for construction related water, or from an onsite, permit-exempt well located at the O&M building. Operational water provided by the municipal water providers would be obtained through a bulk water agreement. Further discussed below, Recommended Water Rights Conditions 1 and 2, would require the use of onsite wells during operation to be maintained in compliance with OWRD rules.

Under OAR 690-340-0010(1)(d), a commercial or industrial operation (in this case the operation of a solar facility) shall be allowed only one well system and exemption under the exemptions defined in ORS 537.545(1)(f) on each ownership or tax lot, whichever is larger. The proposed facility would be located on separate tax lots, with land under ownership of different landowners. Under ORS 537.545(1)(f), an exempt use of ground water includes any single industrial or commercial purpose in an amount not exceeding 5,000 gallons a day. The "purpose" is the construction and operation of the proposed solar facility; therefore, the proposed facility may not exceed 5,000 gallons per day use water from the well system. In the ASC, the applicant states that water use at the O&M building would be less than 5,000 gal/day. The applicant's proposal for use of groundwater from groundwater wells qualifies for an exemption under ORS 537.545(1)(f), therefore no registration, certificate of registration, application for a permit, permit, certificate of completion or ground water right certificate is required.

<sup>&</sup>lt;sup>236</sup> Applicant has provided letters from the Deschutes Valley Water District, City of Wasco and City of Maupin.
<sup>237</sup> Under OWRD rules, examples of municipal water use include but are not limited to domestic water use, irrigation of lawns and gardens, commercial water use, industrial water use, fire protection, irrigation, and other water uses. Council has previously found, and affirmed by OWRD that water use for the construction and operation for the proposed facility qualifies under OAR 690-300-0010(25) as "industrial water use", which includes the use of water associated with the processing or manufacture of a product, such as the construction, operation, and maintenance of an industrial site like a solar facility. The Department recommends Council continue to find that the proposed solar facility, as an industrial or commercial use, qualifies as a municipal use under OWRD rules.

Under ORS 537.545(5) through (7), the landowner where an exempt well is constructed must file a record of the well, with appropriate fee, with the OWRD.<sup>238</sup> The provisions of ORS 537.765 outline water log requirements and apply to any person who constructs, alters, abandons or converts a well, which would apply to bonded contractors installing the wells, and not the applicant. Under OWRD rules, wells that use less than 5,000 gallons of water per day for a single industrial or commercial purpose are exempt from registration, permits, or ground water right certificates.<sup>239</sup> The provisions of ORS 537.545 require the owner of the land on which an exempt well is drilled provide to the OWRD a map showing the exact location of the well, as well as pay a recording fee to OWRD. ORS 537.765 requires a well log containing specific information described in ORS 537.765 to be filed with the Water Resources Commission when a new exempt well is drilled, or an existing well is altered, converted, or abandoned.

To verify that applicant's ongoing qualification for exempt use of groundwater during operations, the Department recommends Council impose the following conditions:

**Recommended Water Rights Condition 1 [PRO]:** Prior to operation, the certificate holder shall provide the Department a copy of the map, well log and all other information it provided to OWRD pursuant to ORS 537.545 and ORS 537.765 to qualify for an exempt ground water use for any onsite exempt wells. [PRO-WR-01; Final Order on ASC]

**Recommended Water Rights Condition 2 [OPR]:** During operation, the certificate holder shall verify that any onsite exempt wells do not use more than 5,000 gallons of ground water a day, collectively, and shall monitor the volume of groundwater used on a daily basis, maintain a record of such use and make the monitoring records available to the Department upon request.

[OPR-WR-01; Final Order on ASC]

The Department recommends Council find that because the applicant has estimated maximum water use during facility construction and operation, and demonstrated that with conditions, it has an ability to obtain an adequate supply of water, that neither the applicant nor a third-party contractor will require a groundwater permit, surface water permit, or water right transfer for construction or operation of the facility.

### IV.S.2. Conclusions of Law

Based on the foregoing findings of facts and recommended conditions, the Department recommends that the Council conclude that the proposed facility does not need a groundwater permit, surface water permit, or water right transfer.

<sup>&</sup>lt;sup>238</sup> See OAR 690-190-0005 for exempt groundwater use recording requirements in rule.

<sup>&</sup>lt;sup>239</sup> ORS 537.545(1)(f).

### V. PROPOSED CONCLUSIONS

The applicant, Yellow Rosebush Energy Center, LLC, a subsidiary of Savion, LLC, submitted an application for site certificate (ASC) to the Energy Facility Siting Council (Council) requesting authorization to construct and operate a solar photovoltaic energy generation facility including, related or supporting facilities, within Wasco and Sherman counties. Subject to compliance with the recommended site certificate conditions and based on the preponderance of evidence on the record, the Department recommends Council find that:

1. The proposed Yellow Rosebush Energy Center complies with the requirements of the Oregon Energy Facility Siting Statutes, ORS 469.300 to 469.520.

2. The proposed Yellow Rosebush Energy Center complies with the standards adopted by the Council pursuant to ORS 469.501.

3. The proposed Yellow Rosebush Energy Center complies 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.

Based on the recommended findings of fact, reasoning, recommended conditions and conclusions of law in this draft proposed order, the Department recommends that Council conclude that the applicant has satisfied the requirements for issuance of a site certificate. The Department further recommends that, pursuant to ORS 469.401, the Chairperson execute the site certificate authorizing the applicant to construct, operate and retire the facility subject to the conditions set forth in the site certificate.

Issued October 1, 2025

The OREGON DEPARTMENT OF ENERGY

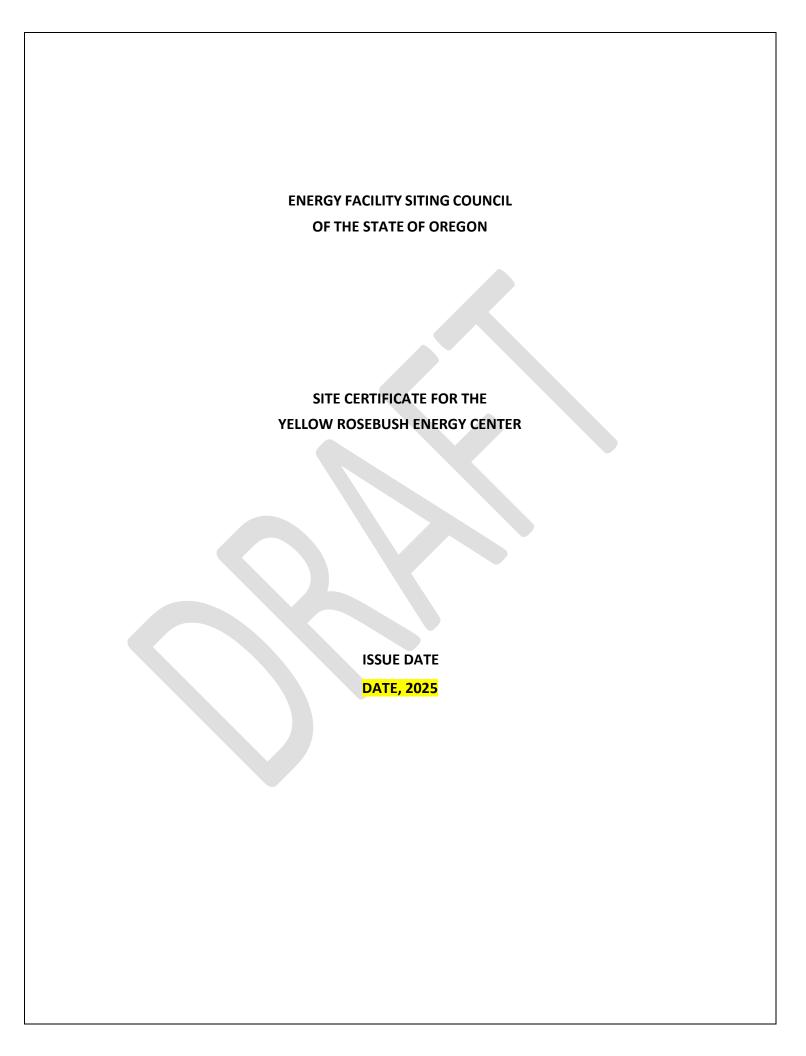
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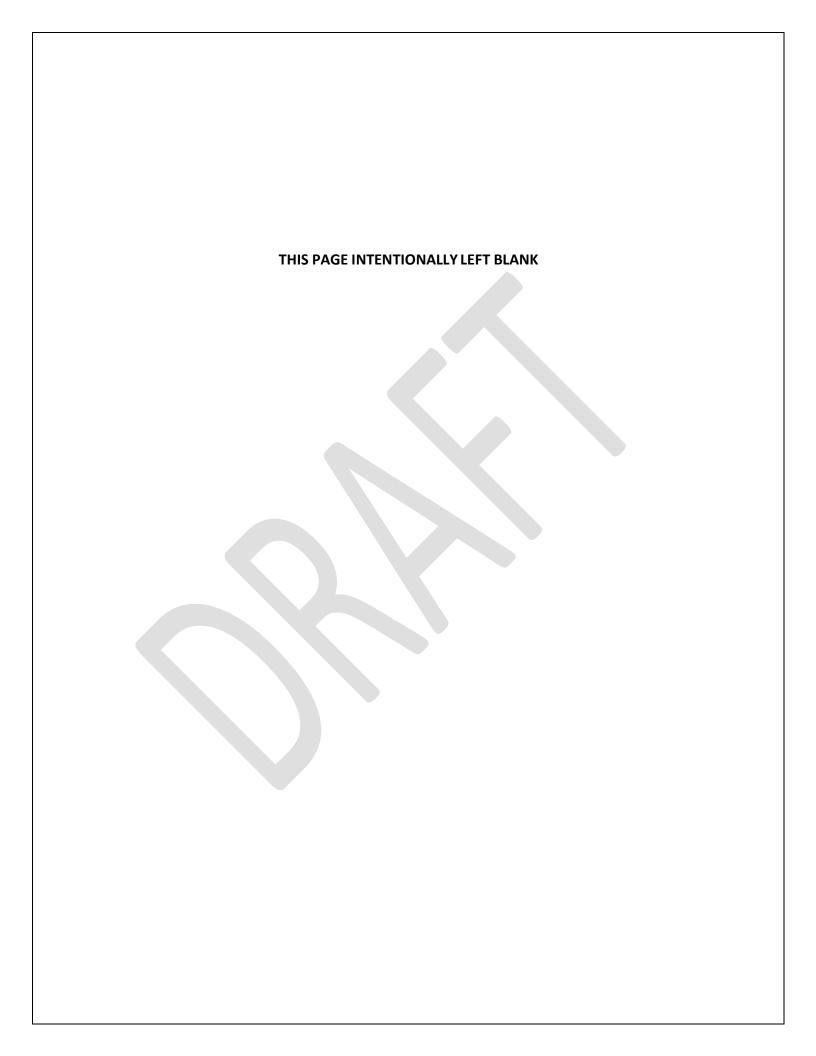
Bv:

Todd Cornett, Assistant Director of Siting

### **Attachments:** Attachment C: Draft Proposed Order Index/Comments (placeholder) Attachment I: Draft Fugitive Dust Control Plan Attachment K-1: Farm Forest Easement Attachment K-2: Mediation Ordinance Attachment P-1: Draft Revegetation and Reclamation Plan Attachment P-2: Draft Noxious Weed Control Plan Attachment P-3: Draft Habitat Mitigation Plan Attachment P-4: Draft Wildlife Minimization and Monitoring Plan Attachment S-1: Draft Inadvertent Discovery Plan Attachment S-2: Protected Historic, Cultural and Archeological Resources and Avoidance Measures Attachment W-1: Draft Construction Wildfire Mitigation Plan Attachment W-2: Draft Operational Wildfire Mitigation Plan Attachment X-1: Retirement Unit Cost and Assumptions

# **Attachment A: Draft Site Certificate**





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### 1.0 Introduction and Site Certification

This site certificate is a binding agreement between the State of Oregon (State), acting through the Energy Facility Siting Council (EFSC or Council), and Yellow Rosebush Energy Center, LLC (certificate holder), a wholly-owned subsidiary of Savion, LLC (parent company). Both the State and certificate holder must abide by local ordinances, state law, and the rules of the Council in effect on the date this site certificate is executed. However, upon a clear showing of a significant threat to public health, safety, or the environment that requires application of later-adopted laws or rules, the Council may require compliance with such later-adopted laws or rules (ORS 469.401(2)).

This site certificate binds the State and all counties, cities and political subdivisions in Oregon as to the approval of the site and the construction, operation, and retirement of the facility as to matters that are addressed in and governed by this site certificate (ORS 469.401(3)). Each affected state agency, county, city, and political subdivision in Oregon with authority to issue a permit, license, or other approval addressed in or governed by this site certificate, shall upon submission of the proper application and payment of the proper fees, but without hearings or other proceedings, issue such permit, license or other approval subject only to conditions set forth in this site certificate. In addition, each state agency or local government agency that issues a permit, license or other approval for this facility shall continue to exercise enforcement authority over such permit, license or other approval (ORS 469.401(3)). For those permits, licenses, or other approvals addressed in and governed by this site certificate, the certificate holder shall comply with applicable state and federal laws adopted in the future to the extent that such compliance is required under the respective state agency statutes and rules (ORS 469.401(2)).

This site certificate does not address, and is not binding with respect to, matters that are not included in and governed by this site certificate, and such matters include, but are not limited to: employee health and safety; building code compliance; wage and hour or other labor regulations; local government fees and charges; other design or operational issues that do not relate to siting the facility (ORS 469.401(4)); and permits issued under statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council (ORS 469.503(3)).

The obligation of the certificate holder to report information to the Department or the Council under the conditions listed in this site certificate is subject to the provisions of ORS 192.502 *et seq.* and ORS 469.560. To the extent permitted by law, the Department and the Council will not publicly disclose information that may be exempt from public disclosure if the certificate holder has clearly labeled such information and stated the basis for the exemption at the time of submitting the information to the Department or the Council. If the Council or the Department receives a request for the disclosure of the information, the Council or the Department, as appropriate, will make a reasonable attempt to notify the

certificate holder and will refer the matter to the Attorney General for a determination of whether the exemption is applicable, pursuant to ORS 192.450.

Council shall have continuing authority over the site and may inspect, or direct the Oregon Department of Energy (Department) to inspect, or request another state agency or local government to inspect, the site at any time in order to ensure that the facility is being operated consistently with the terms and conditions of this site certificate (ORS 469.430).

The duration of this site certificate shall be the life of the facility, subject to termination pursuant to OAR 345-027-0110 or the rules in effect on the date that termination is sought, or revocation under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered. The Council shall not change the conditions of this site certificate except as provided for in OAR Chapter 345, Division 27.

In interpreting this site certificate, any ambiguity will be clarified by reference to the following, in order, incorporated herein by this reference: 1) *Final Order on the Application for Site Certificate for the Yellow Rosebush Energy Center* issued on DATE, 2025 (hereafter, *Final Order on the ASC*); 2) the record of the proceedings that led to the Final Order on the ASC.

The definitions in ORS 469.300 and OAR 345-001-0010 apply to the terms used in this site certificate, except where otherwise stated, or where the context clearly indicates otherwise.

# 2.0 Facility Location, Site Boundary, and Micrositing Area

The facility site boundary includes approximately 8,075 acres (approximately 12.6 sq. miles) in Wasco and Sherman counties, and is approximately 9 miles east of Maupin, Oregon. Within the site boundary there is a 7,026 acre (approximately 11 sq. miles) solar micrositing area located entirely within Wasco County. Also within the site boundary is a "Transmission Line Corridor" which applies to the alternate POI, and includes a 4.5 mile, 500 kV transmission line extending 2.6 miles within Wasco County and 1.9 miles in Sherman County. A micrositing corridor is a continuous area of land within which construction of facility components may occur, subject to site certificate conditions (OAR 345-001-0010(21)).

Table 1 below provides the Township, Range, and Sections occupied wholly, or in part, by the site. Up to 7,026 acres (approximately 10.9 sq. miles) of land within the site boundary would be occupied by facility components. The regional location and facility layout of the facility is provided as Attachment 1.

**Table 1: Legal Description of the Site Boundary** 

Township	Range	Section	County	Tax Lot ID Number
5S	16E	0	Wasco	900

**Table 1: Legal Description of the Site Boundary** 

Township	Range	Section	County	Tax Lot ID Number
5\$	16E	0	Wasco	1000
5\$	16E	0	Wasco	1300
4S	16E	0	Wasco	300
4S	15E	0	Wasco	100
4S	15E	0	Wasco	1500
5\$	15E	0	Wasco	300
4S	15E	0	Sherman	300
4S	15E	0	Sherman	301
4S	15E	0	Sherman	2100
4S	15E	0	Sherman	2200
4\$	15E	0	Sherman	3200
4S	15E	0	Sherman	3400
Source: YRBAPPDoc1-4 ASC Exhibit C. Project Location 2025-09-05				

# 3.0 Facility Description

The power generation facility is approved to include the components presented in Table 2 below. Additional details regarding specific components, and discussion of alternative designs or technologies under consideration are provided in the sections that follow.

**Table 2: Facility Component Summary** 

Component and Design Standard	No.	Unit			
Site Boundary					
Site Boundary	8,075	acres			
Solar Micrositing Area	7,026	acres			
Maximum Footprint <sup>1</sup>	7,026	acres			
Solar Array Footprint	5,013	acres			
Solar Components					
PV Solar Panels					
Approx. total number	2,037,360	panels			
Max Height at full-tilt	12	feet			
Posts	Posts				
Approx. total number (assumes 10% concrete foundation)	346,351	posts			
Tracker System					
Tracker Strings	20,622	each			
Combiner Boxes	6,800	each			
Inverters and Step Up Transformer Stations					

**Table 2: Facility Component Summary** 

Table 2. Facility Component	· · · · · · · · · · · · · · · · · · ·		
Component and Design Standard	No.	Unit	
Foundations for Inverter/ISU Stations	10/20/3	L x W x Depth	
Approx. total number of Inverters	199	each	
Noise level	105	dBA	
Approx. total number of Transformers	199	each	
Noise level	105	dBA	
Transformer oil-containing capacity:	563	Callanata	
Step Up Transformers	562	Gallons/ea	
Related or Supporting Facility Components			
34.5 kV Collection System			
Collector line length, belowground	263	miles	
Underground depth	3	feet	
Collector line impact acreage; temporary	122, 200	Acres; foot	
disturbance corridor (limit)	123; 300	corridor	
Collector Substations			
Substations w SCADA	1	each	
Site size	19.5	acres	
substation fence	19.5 /8 ft	area/height	
Generator step-up transformers	4		
Transformer oil-containing capacity	20,500	gallons/each	
Transformer noise level	114	dBA	
Max height of structures	50	feet	
500 kV Point of Interconnect (POI) Two Options			
1. BPA Switchyard			
Length of 500 kV gen-tie	1,000	feet	
Transmission line, temporary disturbance corridor (limit)	100	Width, feet	
Site size	20	acres	
Height of structure (steel monopole)	160-180	feet	
2. BPA Buckley Substation	1	1 1 2 2 2	
500 kV Transmission Line (Option 2 includes 500	kV T-Line)		
Length	4.5	miles	
Transmission line, temporary disturbance			
corridor (limit)	100	Width, feet	
Transmission Line Corridor	250	Width, feet	
Structures: Type (Steel monopoles, or other w/	25	each	
dead-end structures ); quantity	160-180	foot	
Height of structures	100-190	feet	
Battery Energy Storage System (BESS)			
Lithium-ion			

**Table 2: Facility Component Summary** 

Component and Design Standard	No.	Unit		
BESS - Non additive, low-side AC coupled	2	units		
Approx. total batteries/containers on				
foundations with HVAC and fire suppression	1,220	Per unit		
systems; SCADA				
Inverters	89	Per unit		
Site size	44.2	acres		
Approx. container dimensions	10 x 12 x 36	H x W x L; feet		
Noise level (broadband)	92	dBA		
O&M Building				
Quantity	1	each		
Site size	3.9	acres		
Building size	5,000	Sq. feet		
Structure dimensions	24 x 24 x 60	H x L x W; feet		
Parking	20	spaces		
	On foundation	n, graveled		
Appurtenances	parking, On-si	parking, On-site well, septic		
	system, SCADA System			
Facility Roads				
Length - includes new (33.3 mi) and modified	33.4	miles		
existing roads (2.1 mi)	33.4	IIIIes		
Width	20	feet		
Temporary disturbance acreage; corridor	25.4; 20	Acres; foot		
Emergency Vehicle Turning Radius (new roads)	48	feet		
Emergency Vehicle Grade Limit (new roads)	10	Percent		
Road Material (new roads)	Gravel, compacted aggregate			
Noad Waterial (New Youds)	or surface suitable for 75k lbs			
Perimeter Fence				
Length	49.7	miles		
Height	8	feet		
Primary access description	From Wilson Road, 24 foot wide gate(s)			
Vegetation/defensible space maintenance area				
(from interior of perimeter fence)	50	feet		
Temporary Construction Areas				
	2	each		
Temporary Construction Areas	2 3.5/20	each acres		
Temporary Construction Areas Quantity	3.5/20			

**Table 2: Facility Component Summary** 

Unit

### Component and Design Standard No.

Acronyms: dBA = A-weighted decibels; HVAC = heating, ventilation and air conditioning; kV = kilovolt; OH = overhead; O&M = operations and maintenance; SCADA = supervisory, control and data acquisition

### Notes:

The energy facility would occupy approximately 7,026 acres within fenced micro siting areas.
 The entire energy facility footprint is considered a permanent disturbance area for the purposes of evaluating Fish and Wildlife Habitat; however, facility components would not occupy the entire area and under Council's Soil Protection standard, impacts within the micrositing area are not considered permanent.

Source: YRBAPPDoc1-3 ASC Exhibit B. Project Description 2025-09-05

### 3.1 Energy Facility

The solar photovoltaic (PV) power generation facility includes up to 800 MW of electric generation capacity. The facility and its related or supporting facilities are further described below, and the design scenario used for the purposes of the facility description is depicted in Attachment 1, Figure 1.

### Photovoltaic Panels

The PV panels are constructed with heat strengthened glass and anti-reflective coating and electrically connected through medium-voltage 34.5-kilovolt (kV) underground wiring to associated power inverters that convert direct current (DC) electricity generated by PV panels to alternating current (AC) electricity used by the regional electrical grid, described further in this section. Approximately 2,037,360 panels would be configured into strings, and strings would be grouped into blocks, which will be further grouped into the solar arrays. The maximum height of the solar array will be 12 feet when the panels are fully tilted on the tracking system. The solar array includes shielded electrical cabling, as required by applicable code.

### Tracker and Racking System with Piles

The PV panels would be mounted on single-axis motorized trackers, a galvanized metal racking system that secures the panels to the installed foundations. PV panel and tracker installations will be constructed on driven steel piles (i.e., H-pile, C-pile, S-pile) using pneumatic techniques on tracked equipment. Pile locations will be determined by the final layout of the tracker system and geotechnical/soil investigations of the solar micrositing corridor. The ASC assumes approximately 346,351 piles would be needed and approximately 10 percent of piles would use concrete foundations where each concrete foundation would use approximately 0.3 cubic yards of concrete. After the piles are installed, tracker motors, torque tubes, and other components would be assembled. PV panels may be secured directly to the torque tubes using panel

<sup>&</sup>lt;sup>1</sup> YRBAPPDoc1-3 ASC Exhibit B. Project Description 2025-09-05, Section 2.2.1.

clamps, or for other single-axis tracking systems, a galvanized metal racking system that secures the panels to the installed foundations will then be field-assembled and attached.

### DC Cabling System

Low-voltage cabling connects the solar panels of each tracker string in a series and combine multiple strings to a single combiner box. Cabling from multiple combiner boxes connect to a single inverter, which will convert the DC to AC and connect to the buried 34.5 kV collection system. Cabling can be mounted to the tracker system, placed in cable trays, or buried. The preliminary cabling system uses approximately 6,800 combiner boxes. Cabling can be mounted to the tracker system, placed in cable trays, or buried; but is assumed to be buried approximately 3 feet below grade.<sup>2</sup> Cable associated with the solar array will be located within the solar micrositing corridor and the majority will be within the solar array perimeter fence.

### Inverters and Inverter Step Up (ISU) Transformers

Inverter step-up (ISU) transformers increase the output voltage from the inverter to the voltage for the electrical collection system (i.e., 34.5-kV). The inverters and ISU transformers will be located together at stations dispersed throughout the solar array and there are up to 199 inverter/ISU transformer stations. Inverters and ISU transformers will comply with the applicable requirements and standards of the National Electric Safety Code and Institute of Electrical and Electronics Engineers.<sup>3</sup> Concrete foundations for inverters are approximately 10 feet by 20 feet, between 2 to 3 feet in depth. Gravel base will extend a minimum of four feet beyond the concrete foundations and actual dimensions will be determined at final design. Each step-up transformer has an oil capacity of 562 gallons. One substation transformer has an oil capacity of 20,500 gallons.

### 34.5 kV Electrical Collection System

From the inverters, medium-voltage 34.5-kV collector lines will be encased in conduit and buried approximately 3 feet below grade. Approximately 263 miles of underground 34.5 kV collector lines will be routed to the facility collector substation and stepped up to 500-kV.

### 3.2 Related or Supporting Facilities

Related or supporting facilities include an 800-MW battery energy storage system (BESS), collector substation, operations and maintenance (O&M) building, gen-tie line, site access and service roads, perimeter fencing and gates and, temporary construction staging areas.

### Battery Energy Storage System

<sup>&</sup>lt;sup>2</sup> YRBAPPDoc1-3 ASC Exhibit B. Project Description 2025-09-05, Section 2.2.4.

<sup>&</sup>lt;sup>3</sup> YRBAPPDoc1-3 ASC Exhibit B. Project Description 2025-09-05, Section 2.2.3.

The battery energy storage system (BESS) is designed to provide up to 800-MW of storage capacity, and will be located on the west side of the facility, directly north of the collector substation, in an approximately 44.2 acre area fenced separately from the solar array. The battery storage system will be located on land flatter than a 40 percent slope (WCLUDO Section 10.110(A)), and set back at least 50 feet from any slopes greater than 30 percent (WCLUDO Section 10.110(B)). A 50-foot fire fuel break will be cleared and maintained around the BESS (WCLUDO Section 10.120(A) and (B)). The BESS will be located within a separate fenceline and constructed on concrete slabs with gravel base extending from the structures; the fenced areas around the BESS will be graveled with no vegetation present.

The BESS will use up to 1,220 self-contained enclosures, each that house the Lithium-ion (Li-ion) battery cells, modules, racks and containers, inverters, transformers, and switchboards. Additional elements the BESS will include, but not be limited to are:

- Balance of plant equipment and control instrumentation including medium voltage and low-voltage electrical systems, fire suppression, HVAC systems for cooling, building electrical systems, and SCADA systems.
- High-voltage (HV) equipment includes HV circuit breaker, HV current transformers and voltage transformers, a packaged control building for the HV breaker and transformer equipment, HV towers, structures, and HV cabling., a SCADA system, a fire prevention system, and cooling units placed either on top or along the side of the container.

Each enclosure is approximately 12 x 36 x 10 (W x L x H, feet), and will be located on a concrete pad.

The LI-ion battery cells are expected to have a lifespan of 20 years, requiring a replacement of all the Li-ion cells at least once during facility operations. Used Li-ion batteries are generally considered to be hazardous waste by the EPA and must be transported and disposed of according to the most current guidelines at end of life. Transportation of Li-ion batteries is subject to 49 CFR 173.185 – Department of Transportation Pipeline and Hazardous Material Administration.

### **Collector Substation**

The collector substation will be located near Bakeoven Road on the eastern part of the facility site boundary within an approximately 19.5-acre area enclosed and locked by a 6 to 8 foot tall chain-link fence; and will be fenced separately from the solar arrays. The substation will be located within a separate fenceline; the fenced areas around substation will be graveled with no vegetation present. Gravel base will extend a minimum of four feet beyond the collector substation and actual dimensions will be determined at final design. The collector substation will use up to four generator step-up transformers to step up power from 34.5-kV to 500-kV at the Point of Interconnect (POI) to the regional electrical grid. The substation also includes gentie line termination structures, a bus bar, circuit breakers and fuses, control systems, meters, and a control building. The tallest substation component is approximately 50 feet tall.

### 500-kV Transmission Lines

Two POI options are approved and would have alternate 500 kV transmission line routes as described below. Both alternatives are shown in Figures 1 & 2 and are included in the site boundary.

- The primary POI would be located at the BPA switchyard that is within the site boundary
  and solar micrositing area, and would be developed by BPA. The facility's collector
  substation would connect to the adjacent BPA switchyard and then the BPA switchyard
  would connect to the BPA 500-kV John Day to Grizzly transmission line located directly
  adjacent to the westernmost edge of the facility.
- The alternate POI includes an up to 500-kV generation-tie (gen-tie) line of 4.5 miles (approximately 2.6 miles within Wasco County and approximately 1.9 miles within Sherman County) which would then connect to BPA's existing Buckley Substation located in Sherman County north of the site boundary. The alternate gen-tie line would start at the collector substation and run east of and parallel to the BPA's 500-kV transmission line corridor and connect to the Buckley Substation. 500-kV gen-tie will be supported by approximately 160 to 180-foot steel monopoles that would be spaced approximately 1,000 feet apart. Pulling and tensioning sites would be spaced approximately 10,000 feet apart and be 100- feet wide by 600-feet long and located within the gen-tie right of way. The applicant has requested this alternative be included in the site boundary and site certificate with the understanding that if selected for construction, additional review and approval per preconstruction conditions would apply.

Vegetation in the transmission corridor, and particularly around related infrastructure (e.g., poles), would be maintained pursuant to the Minimum Vegetation Clearance Distances defined under North American Electric Reliability Corporation and National Electric Code standards.

### Operations and Maintenance Building

The O&M building will be located within an approximately 3.9-acre area south of the collector substation and within the same fenced area as the BESS and substation. The O&M building would be located on land flatter than a 40 percent slope (WCLUDO Section 10.110(A)), and set back at least 50 feet from any slopes greater than 30 percent (WCLUDO Section 10.110(B)). A 50-foot fire fuel break will be cleared and maintained around the O&M building (WCLUDO Section 10.120(A) and (B)). The BESS, substation and O&M building would located within a separate fenceline and constructed on concrete slabs with gravel base extending from the structure; the fenced areas around the O&M building will be graveled with no vegetation present.

The O&M building design is estimated to be 24 feet long, 60 feet wide, and approximately 24 feet. Gravel base will extend a minimum of four feet beyond the O&M building components and actual dimensions will be determined at final design. The O&M building includes a SCADA control room, a work area to perform minor repairs, and a storage area for spare parts, transformer oil, and other chemicals. The SCADA system collect operating and performance data from the solar array, substation and BESS and allows for remote operation and monitoring of the solar array, BESS, electrical components and collector substation components from a control room in the O&M building and by a remote operations center. Fiber optic cables for the SCADA system will be installed with the collection system in the same trench where the collection system is buried. Off-site, 24-hour monitoring of the battery energy storage system will be implemented through use of the SCADA and will include shutdown capabilities.

### Access and Service Roads

Approximately 31.3 miles of new service roads will be constructed within the solar micrositing area to provide access to the solar arrays and related or supporting facility components. Approximately 2.1 miles of existing roads may need improvements or alterations to accommodate construction and operation of the facility for a total of 33.4 miles of service roads. The service roads within the solar array will be up to 20-feet wide with up to a 48-foot turning radius and less than 10 percent grade to provide access to emergency vehicles. Road surfaces will be gravel, compacted aggregate base, or another commercially available suitable surface and be able to support 75,000 pounds. Vegetation will be cleared and maintained along perimeter service roads to provide vegetation clearance for fire safety.

### Security Fencing and Gates

The solar facility and related or supporting facilities will be enclosed by approximately 49.7 miles of perimeter fencing. WCLUDO Section 10.120 defensible space standards will be applied from at least 50 feet of the interior of the fenceline to all facility electrical components. The standards for maintaining the minimum 50 foot fuel break area include:

- Ground cover maximum 4 inches tall;
- Trees limbed up approximately 8 feet from the ground,
- Trees kept free from dead, dry, or flammable material;
- Ladder fuels must be removed:
- No shrubs or tall plants under trees;
- Shrubs only in isolated groupings that maximize edges of ornamental beds to avoid continuous blocks of ground fuel;
- Keep shrubs and ornamental beds 15 feet away from edge of buildings and drip line of tree canopy; and
- Use well irrigated or flame resistant vegetation.

The solar arrays will be enclosed by fixed-knot (or a similar wildlife friendly option) or chain-link perimeter fencing up to 8 feet in height. The BESS, collector substation, O&M building and

BPA's switchyard will have an additional separate fencing that will be up to 8 feet in height (6 to 7 feet of fence, crowned with 1 foot of barbed wire [three strands]), mounted on 45-degree extension arms facing outwards. The fence posts will be set in concrete and/or driven into the ground. Fencing may be raised off the ground approximately 6 to 8 inches to accommodate small animal movement under the fence.

All access points would be locked and gated. If first responders needed to access the site for any reason, a key would be available in a lock box or some other approved method. The perimeter fence would have 24-foot-wide security gates installed at various locations for ingress and egress. Access through the main gates would require an electronic swipe card to prevent unaccompanied visitors from accessing the facility. Facility personnel, contractors, agency personnel, and visitors would be logged in and out during normal business hours. Visitors would be allowed entry only with approval from facility staff. Additional security may be provided by closed-circuit video surveillance cameras or other anti-intrusion systems. Vegetation buildup in the fence line(s), will be removed.

### Facilities for Chemical Storage

During construction small quantities of chemical materials may be used in the temporary construction yards and stored at the operations and maintenance (O&M) building once constructed. Such materials may include cleaners, insecticides or herbicides, and paint or solvents. None will be present in substantial, reportable quantities and materials will be handled in accordance with state and federal standards. On-site fuel storage may be placed in designated areas within the temporary staging areas. If needed, the applicant or the applicant's contractor may use a maximum tank size of 1,000 gallons on-site for fuel storage. This tank will likely be on the back of a trailer. The estimated amount of diesel that may be stored on-site is approximately 3,000 gallons using three tanks. The estimated amount of gasoline that may be stored on-site is approximately 300 gallons using three 100-gallon tanks that will likely be on the back of a trailer.

During operations, the primary chemical storage will occur in the transformers that use oil for cooling. The estimated oil capacity of one step-up transformer is 562 gallons. At 199 estimated total transformers, the total oil (mineral oil) is estimated to be 111,838 gallons. The estimated oil capacity of one substation transformer is 20,500 gallons.

Secondary containment and refueling procedures for on-site fuel storage, if needed, will follow the contractor's Spill Prevention, Control, and Countermeasures Plan (SPCC) Plan required for both construction and operations.

Small quantities of lubricants, degreasers, herbicides, or other chemicals may be stored in the O&M building during operations. Storage of these chemicals will follow label instructions. No underground storage tanks will be installed at the O&M building. No extremely hazardous materials identified under 40 Code of Federal Regulations (CFR) 355 are anticipated to be

produced, used, stored, transported, or disposed of within the site boundary during facility construction or operation.

### Temporary Construction Areas

Temporary construction staging and equipment laydown will occur within the approximately 3.5-acre and 20-acre temporary construction staging areas in the solar micrositing corridor. Temporary construction staging areas are be needed to facilitate construction, they include fenced parking areas, materials disposal facilities, construction trailers, a laydown area, mobile trailers for construction management, and portable toilets and potable water for construction staff. Temporary construction staging areas may move within the facility site boundary to support construction and also occur in the BESS, collector substation, and O&M areas during construction and prior to facility operations.

If needed during construction, the applicant or the applicant's contractor may use a maximum tank size of 1,000 gallons on-site for fuel storage. This tank will likely be on the back of a trailer. The estimated amount of diesel that may be stored on-site is approximately 3,000 gallons using three tanks. The estimated amount of gasoline that may be stored on-site is approximately 300 gallons using three 100-gallon tanks that will likely be on the back of a trailer.

### 4.0 Facility Development

### 4.1 Construction

Construction activities are approved to occur in phases. Construction activities will include:

- Site preparation and grading of the site, staging areas and onsite service roads; existing vegetation will be maintained to the maximum extent practicable. A grading plan is required to demonstrate minimum disturbance at any given time and adequate BMPs to address level of grading and to preserve existing vegetation.
- Installation of array piles, conductors, and O&M building
- Assembly of solar panels and electrical connection components
- Construction of inverter pads and battery pads, collector substation, BESS, cabling, terminations and transmission line;
- Commissioning of the solar area and interconnection, revegetation and waste removal and recycling

Construction activities will result in approximately 400 temporary onsite workers. Construction related traffic is authorized to generate up to 870 trips (435 roundtrips) per day. Main haul routes include Interstate 84 and US 97 from the North with access to the facility from Bakeoven Road (accessed from US-97). The facility can also be accessed from the South via US-97 to Bakeoven Road. Haul trucks are precluded from accessing the site via Highway 197 through Maupin, unless approved by ODOT and/or City of Maupin.

### 4.2 Operations and Maintenance

Operation and maintenance activities include:

• Use of O&M Building

Total water consumption at the O&M building for up to 15 full-time equivalent staff is anticipated to be approximately 50 gal per day, for a total of up to 12,500 gal per year.

- Routine inspections and monitoring of equipment associated with solar array and BESS.
- Routine replacement/repairs of solar array equipment and BESS components.

Each type of electrical facility component would have routine inspections as designated in the operational Wildfire Mitigation Plan. Individual batteries associated with the BESS will be inspected according to the manufacturer's recommendations and would need to be replaced approximately every 20 years, and every battery will be replaced during the life of the facility.

Periodic panel washing of solar panels.

The solar panels may require periodic washing during operations, and other incidental water use for sanitation and equipment washing. The applicant estimates that the facility will use approximately 512,000 gallons of water per year in total. For the purpose of this analysis, it is conservatively assumed that the solar array panels will be washed once a year. At an estimated 0.26 gal (1 liter) per panel for a total of 2,037,360 panels will use approximately 521,000 gal per year. The use of 521,000 gal per year for this purpose will result in an average daily consumption during operations of approximately 1,427 gal.

 Vegetation and weed management per the Revegetation and Reclamation Plan, and Noxious Weed Control Plan.

Vegetation will be cleared and maintained along access roads to provide a vegetation clearance area for fire safety. This will include mowing to a height of no more than 12 inches. Use of the roads may continue after construction, or new roads may be removed, and the land reclaimed to pre-construction conditions.

 Routine monitoring and maintenance of BMPs, erosion control measures, and internal facility access roads.

To ensure that the facility will not result in increased erosion, the applicant will monitor and maintain BMPs within and along the fenceline and internal facility access roads.

• Above ground fuel/oil tank if applicable

During facility operations the primary chemical storage would occur in the transformers that use oil for cooling. The estimated oil capacity of one step-up transformer is 562 gallons and the estimated oil capacity of one substation transformer is 20,500 gallons.

Up to 15 permanent employees would operate and maintain the facility, with occasional delivery or contractor truck accessing the site during operations depending on the type of maintenance activity.

### 4.3 Retirement

Final retirement activities would be designated in a retirement plan but would begin with disconnecting all electrical equipment disassembling equipment and components such as the battery storage units, solar panels and transformers. Larger containers and equipment would be removed, trucked off-site, and recycled and disposed of. Solar panels would be disconnected, and piles would be removed including the excavation of any concrete foundations. Gravel and foundations from the inverters and transformers, O&M building, substations, and battery units would be removed by trenching and excavation. Consistent with WCLUDO 19.030, all buried cables and transmission line buried less than three feet deep would be removed. The facility site would then be restored through grading, filling, and revegetation with plants or seed mix consistent with applicable plans and conditions discussed in this order or landowner(s) interests.

### **5.0 Site Certificate Conditions**

The conditions of this Site Certificate are organized and coded to indicate the phase of implementation, the standard the condition is required to satisfy, and an identification number (1, 2, 3, etc.). The table below presents a "key" for phase of implementation:

Key	Type of Conditions/Phase of Implementation
GEN	General Conditions: Design, Construction and Operation
PRE	Pre-Construction Conditions
CON	Construction Conditions
PRO	Pre-Operational Conditions
OPR	Operational Conditions
RET	Retirement Conditions

<sup>&</sup>lt;sup>4</sup> The identification number is not representative of an order that conditions must be implemented; it is intended only to represent a numerical value for identifying the condition.

To align with the phased construction approach, preconditions requiring applicant actions prior to construction allow for phased compliance. These apply specifically to the area in which the phased activities would occur, rather than the entirety of the site.

# 5.1 General (GEN) Conditions: Design, Construction and Operations

Condition Number	General (GEN) Conditions			
STANDARD: G	STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]			
GEN-GS-01	<ul> <li>The certificate holder must design, construct, operate and retire the facility:</li> <li>a. Substantially as described in the site certificate;</li> <li>b. In compliance with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time the site certificate was issued;</li> <li>c. In compliance with all applicable permit requirements of other state agencies.</li> <li>[General Standard Condition 1; Mandatory Condition OAR 345-025-0006(3); Final Order on ASC]</li> </ul>			
GEN-GS-02	The certificate holder must begin construction on or before [ENTER DATE 6 YEARS FROM ISSUE DATE]. Within 7 days of construction commencement, the certificate holder must provide the Department with written verification that it has met the deadline by satisfying applicable preconstruction conditions and completing at least \$250,000 work at the site.  [General Standard Condition 2; Mandatory Condition OAR 345-025-0006(4), Final Order on ASC]			
GEN-GS-03	The certificate holder must complete construction within 3 years of the actual construction commencement date for the facility or applicable phase. Within 7 days after completing construction, the certificate holder shall provide the Department written verification that it has met the deadline.  [General Standard Condition 3; Mandatory Condition OAR 345-025-0006(4), Final Order on ASC]			
GEN-GS-04	If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility, the certificate holder must, as soon as possible, submit a written report to the Department describing the impact on the facility and any affected site certificate conditions.  [General Standard Condition 4; Mandatory Condition OAR 345-025-0006(6); Final Order on ASC]			
GEN-GS-05	The certificate holder must prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder.  [General Standard Condition 5; Mandatory Condition OAR 345-025-0006(7); Final Order on ASC]			
GEN-GS-06	Upon completion of construction, the certificate holder must restore vegetation to the extent practicable and must landscape all areas disturbed by construction in a manner compatible with the surroundings and proposed use. Upon completion of construction, the certificate holder must remove all temporary structures not required for facility operation and dispose of all timber, brush, refuse and flammable			

Condition Number	General (GEN) Conditions
	or combustible material resulting from clearing of land and construction of the
	facility.
	[General Standard Condition 7; Mandatory Condition OAR 345-025-0006(11); Final Order on ASC]
	The certificate holder is authorized to construct a 4.5-mile 500 kV transmission line
	within a 250-foot wide corridor extending from the facility substation to the BPA
	Buckley Substation, as presented in Attachment 1 of the site certificate, subject to
GEN-GS-07	compliance with Conditions PRE-FW-01, PRE-TE-01, PRE-HC-01, PRE-RF-01. The
GEN G5 07	transmission line must be sited the minimum distance (60 – 260 feet) necessary for
	safety from the BPA transmission line corridor.
	[General Standard Condition 8; Site Specific Condition OAR 345-025-0010(5); Final
CTANDARD: O	Order on ASC]
STANDARD: U	rganizational Expertise (OE) [OAR 345-022-0010]  Before any transfer of ownership of the facility or ownership of the site certificate
	holder, the certificate holder must inform the Department of the proposed new
	owners. The requirements of OAR 345-027-0400 apply to any transfer of ownership
GEN-OE-01	that requires a transfer of the site certificate.
	[Organizational Expertise Condition 1; Mandatory Condition OAR 345-025-0006(15);
	Final Order on ASC]
	Any matter of non-compliance under the site certificate is the responsibility of the
	certificate holder. Any notice of violation issued under the site certificate will be
GEN-OE-02	issued to the certificate holder. Any civil penalties under the site certificate will be
	levied on the certificate holder.
	[Organizational Expertise Condition 9; Final Order on ASC]
	The certificate holder must notify the Department within 72 hours of any occurrence
	of the following:
CEN OF 03	a. There is an attempt by anyone to interfere with the facility's safe operation.
GEN-OE-03	b. There is a significant nature event such as a fire, earthquake, flood, tsunami or tornado, or human-caused events such as a fire or explosion.
	c. There is any fatal injury at the facility.
	[Organizational Expertise Condition 10; OAR 345-026-0170; Final Order on ASC]
	The certificate holder shall, as soon as reasonably possible:
GEN-OE-04	a. Report incidents or circumstances that may violate the terms or conditions of
	the site certificate, terms or conditions of any order of the Council, to the
	Department. In the report to the Department, the certificate holder shall provide
	all pertinent facts including an estimate of how long the conditions or
	circumstances existed, how long they are expected to continue before they can
	be corrected, and whether the conditions or circumstances were discovered as a
	result of a regularly scheduled compliance audit;
	b. Initiate and complete appropriate action to correct the conditions or
	circumstances and to minimize the possibility of recurrence;

### Condition Number

### **General (GEN) Conditions**

- c. Submit a written report within 30 days of discovery to the Department. The report must refer to the language in (d) of the condition and contain:
  - i. A discussion of the cause of the reported conditions or circumstances;
  - ii. The date of discovery of the conditions or circumstances by the responsible party;
  - iii. A description of immediate actions taken to correct the reported conditions or circumstances;
  - iv. A description of actions taken or planned to minimize the possibility of recurrence; and
  - v. For conditions or circumstances that may violate the terms or conditions of a site certificate, an assessment of the impact on the resources considered under the standards of OAR Chapter 345 Divisions 22 and 24 as a result of the reported conditions or circumstances.
- d. Upon receipt of the written report in sub(c) of this condition, the Department may review the facility record for incidents or circumstances reported or reportable under sub(a) related to public health and safety, the environment, or other resources protected under Council standards. If these incidences are determined by the Department to impact the adequacy of the facility decommissioning cost, the Department or Council may adjust the contingencies identified in Final Order on ASC Table 13 and shall request and receive an updated bond or letter of credit from certificate holder in the adjusted amount.

[Organizational Expertise Condition 11; OAR 345-029-0010; Final Order on ASC]

### STANDARD: Structural Standard (SS) [OAR 345-022-0020]

## GEN-SS-01

The certificate holder must design, engineer and construct the facility to avoid dangers to human safety and the environment presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. "Seismic hazards" include ground shaking, ground failure, landslide, liquefaction triggering and consequences (including flow failure, settlement buoyancy, and lateral spreading), cyclic softening of clays and silts, fault rupture, directivity effects and soil-structure interaction.

[Structural Standard Condition 1; Mandatory Condition OAR 345-025-0006(12); Final Order on ASC]

# GEN-SS-02

The certificate holder must notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if site investigations or trenching reveal that conditions in the foundation rocks differ significantly from those described in the application for a site certificate. After the Department receives the notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division to propose and implement corrective or mitigation actions.

[Structural Standard Condition 2; Mandatory Condition OAR 345-025-0006(13); Final Order on ASC]

Condition Number	General (GEN) Conditions
GEN-SS-03	The certificate holder must notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site. After the Department receives notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division to propose and implement corrective or mitigation actions. [Structural Standard Condition 3; Mandatory Condition OAR 345-025-0006(14); Final Order on ASC]
GEN-SS-04	The certificate holder shall design, engineer, and construct the facility in accordance with the versions of the International Building Code, Oregon Structural Specialty Code, and local building codes in effect at the time of construction.  [Structural Standard Condition 5; Final Order on ASC]
STANDARD: So	pil Protection (SP) [OAR 345-022-0022]
GEN-SP-01	During construction of the facility, or any phase of the facility, as applicable, the certificate holder shall:  a. Conduct all work in compliance with the NPDES 1200-C Permit and Erosion and Sediment Control Plan (ESCP) or revised ESCP if applicable. The ESCP shall be revised if determined necessary by the certificate holder, certificate holder's contractor(s) or the Department. Any Department-required ESCP revisions shall be implemented within 14-days, unless otherwise agreed to by the Department based on a good faith effort to address erosion issues.  b. Conduct all work in compliance with the Fugitive Dust Control Plan. The Fugitive Dust Control Plan may be amended, as needed, to ensure that control measures are effective at the site.  [Soil Protection Condition 3; Final Order on ASC]
GEN-RF-01	The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder.  [Retirement and Financial Assurance Condition 1; Mandatory Condition OAR 345-025-0006(7); Final Order on ASC]
STANDARD: His	storic, Cultural and Archaeological Resources (HC) [OAR 345-022-0090]
GEN-HC-01	During construction and operation of the facility, the certificate holder shall design the facility and require all onsite employees and contractors to implement and adhere to the resource avoidance buffers identified in Attachment S-2 to the Final Order on ASC.  [Historic, Cultural and Archaeological Condition 2, Final Order on ASC]
STANDARD: Si	ting Standards for Transmission Lines (TL) [OAR 345-024-0090]
GEN-TL-01	The certificate holder shall:

Condition Number	General (GEN) Conditions
	<ul> <li>a. Design, construct and operate the transmission lines in accordance with the requirements of the National Electrical Safety Code as approved by the American National Standards Institute; and</li> <li>b. Develop and implement a program that provides reasonable assurance that all fences, gates, cattle guards, trailers, or other objects or structures of a permanent nature that could become inadvertently charged with electricity are grounded or bonded throughout the life of the line.</li> <li>[Siting Standards for Transmission Lines Condition 1; Final Order on ASC]</li> </ul>

# 5.3 Pre-Construction (PRE) Conditions

Condition	Due construction (DDF) Conditions		
Number	Preconstruction (PRE) Conditions		
STANDARD: General Standard of Review (GS) [OAR 345-022-0000]			
PRE-GS-01	The certificate holder may begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and the certificate would construct and operate part of the energy facility on that part of the site even if other parts of the facility were modified by amendment of the site certificate or were not built. "Construction rights" means the legal right to engage in construction activities.  [General Standard Condition 6; Mandatory Condition OAR 345-025-0006(5); Final Order on ASC]		
PRE-GS-02	At least 90 days prior to construction of the facility or phase, as applicable (unless otherwise agreed to by the Department), the certificate holder shall submit to the Department a compliance plan documenting and demonstrating actions completed or to be completed to satisfy the requirements of all site certificate terms and conditions and applicable statutes and rules. The plan shall be provided to the Department for review and compliance determination for each requirement. The Department may request additional information or evaluation deemed necessary to demonstrate compliance.  [General Standard Condition 9; OAR 345-026-0048, Final Order on ASC]		
STANDARD: Organizational Expertise (OE) [OAR 345-022-0010]			
PRE-OE-01	Prior to construction of the facility or phase, as applicable, the certificate holder shall notify the Department of the identity and qualifications of the major design, engineering and construction contractor(s). The certificate holder shall select contractors that have substantial experience in the design, engineering and construction of similar facilities. The certificate holder shall report to the Department any changes of major contractors.  [Organizational Expertise Condition 2; Final Order on ASC]		
PRE-OE-02	<ul> <li>Prior to construction of the facility or phase, as applicable, the certificate holder shall select a construction contractor with a low rate of historic environmental and safety compliance citations. Certificate holder shall provide the following documentation to the Department: <ol> <li>Qualifications and contact information of the major design, engineering and construction contractor(s) and subcontractors, as applicable.</li> <li>Construction contractor compliance history.</li> <li>Contract excerpt(s) identifying the parties to the contract and affirming that contractors are required to comply with the terms and conditions of the site certificate, including selecting design layout and construction materials that minimize impacts to resources protected under Council standards.</li> </ol> </li> <li>[Organizational Expertise Condition 3; Final Order on ASC]</li> </ul>		

Condition Number	Preconstruction (PRE) Conditions
PRE-OE-03	Prior to construction of the facility or phase, as applicable, the certificate holder shall provide the Department the qualifications and contact information of the certificate holder's construction manager.
	[Organizational Expertise Condition 4; Final Order on ASC]
PRE-OE-04	<ul> <li>Prior to construction of the facility or phase, as applicable, the certificate holder shall:</li> <li>a. Provide the Department a list of federal, state and local permits, including any third-party permits; and a schedule for obtaining identified permits.</li> <li>b. Once obtained, provide copies of all permits, including third-party permits to the Department.</li> <li>[Organizational Expertise Condition 12; Final Order on ASC]</li> </ul>
STANDARD: St	tructural (SS) [OAR 345-022-0020]
PRE-SS-01	Prior to construction of the facility or phase, as applicable, the certificate holder shall submit a site-specific geotechnical investigation report, consistent with the Oregon State Board of Geologist Examiners Guideline for Preparing Engineering Geologic Reports, or newer guidelines if available to the Department, for review in consultation with its third-party consultant.  [Structural Standard Condition 4; Final Order on ASC]
STANDARD: S	oil Protection (SP) [OAR 345-022-0020]
PRE-SP-01	Prior to construction of the facility or phase, as applicable, the certificate holder shall finalize the Draft Fugitive Dust Control Plan, similar to the draft plan in Attachment I of this order. Finalization includes verification of names and contact information of individuals responsible for implementation, measures to be implemented and forms to be used for monitoring and reporting.  [Soil Protection Condition 1; Final Order on ASC]
PRE-SP-02	Prior to construction of the facility or phase, as applicable, the certificate holder shall obtain a NPDES 1200-C Permit from DEQ. A copy of the approved permit and attached Erosion and Sediment Control Plan (ESCP) must be submitted to the Department.  [Soil Protection Condition 2; Final Order on ASC]
PRE-SP-03	Prior to construction of the facility or phase, as applicable, the certificate holder must submit to the Department a Construction Spill Prevention Countermeasures and Control (SPCC) Plan. [Soil Protection Condition 4; Final Order on ASC]
STANDARD: Lo	and Use (LU) [OAR 345-022-0030]
PRE-LU-01	Prior to construction of the alternate 500 kV POI, the certificate holder shall obtain concurrence from Wasco County Planning Department on the legal parcel status for Betty Jean Et Al (Account # 12333, 4S 15E 0 0100); any violations identified must be rectified.  [Land Use Condition 1; Final Order on ASC]
PRE-LU-02	Prior to construction, final facility site plan shall comply with the following setbacks:  a. Foundations of permanent structures (solar array posts, substation, O&M building, and battery energy storage system components) shall be setback a

Condition Number	Preconstruction (PRE) Conditions	
	minimum of 50 feet from non-fish bearing streams (ephemeral, intermittent and	
	ponds). b. All facility components, including fences but excluding the 500 kV transmission	
	line, shall be setback a minimum of 25 feet from any road or access easement.	
	[Land Use Condition 2; Final Order on ASC]	
	Prior to installation of temporary facility signage, the certificate holder shall	
PRE-LU-03	demonstrate that facility signage complies with WCLUDO Section 3.216(D)(6).	
	[Land Use Condition 4, Final Order on ASC]	
	Prior to installation of infrastructure with outdoor lighting, the certificate holder shall	
PRE-LU-04	demonstrate that final outdoor lighting is designed to be limited in intensity, is	
	shielded and hooded using non-reflective, opaque materials.  [Land Use Condition 5; Final Order on ASC]	
	Prior to construction, the certificate holder shall provide copies or other	
	documentation that demonstrates to the Department and Wasco County that the	
	following actions have been completed:	
	a. Sign and record with the Wasco County Clerk a completed Forest-Farm	
DDE 111.05	Management Easement (Attachment K-1 of this order) for each participating	
PRE-LU-05	landowner for which facility components will be located.	
	b. Provide a copy of the "Protection for Generally Accepted Farming and Forestry	
	Practices – Complaint and Mediation Process" document (Attachment K-2 of this	
	order) to participating landowners for which facility components will be located.	
	[Land Use Condition 6; Final Order on ASC]	
	Prior to construction of the O&M building, substation or battery energy storage	
PRE-LU-06	system, as applicable, the certificate holder shall select neutral color external finishes	
	to blend with the surrounding landscape and other agricultural buildings in the area.	
	[Land Use Condition 7; Final Order on ASC]	
	Prior to construction, the certificate holder shall submit to the Department, for review	
	and approval, a Construction Emergency Response Plan including but not limited to safety protocols and:	
	Location and travel routes to nearby hospitals	
PRE-LU-07	Telephone numbers for emergency responders,	
	3. First aid techniques;	
	Contractor and certificate holder emergency contact information.	
	[Land Use Condition 8; Final Order on ASC]	
STANDARD: Retirement and Financial Assurance (RF) [OAR 345-022-0050]		
PRE-RF-01	Prior to construction, the certificate holder shall:	
	a. Submit to the Department Table 13 (Retirement Table with tasks/unit/unit costs)	
	of the Final Order on ASC, updated based on final design and phased	
	construction, if applicable. Certificate holder may not make changes to the unit	
	cost without review and approval by the Department. Certificate holder must also	
	request that the Department confirm the present-day inflation adjusted	

Condition Number	Preconstruction (PRE) Conditions
	<ul> <li>decommissioning estimate, rounded to the nearest \$1,000, to be reflected in the bond or letter of credit in sub c of this condition.</li> <li>b. Incorporate any additional decommissioning costs for facility changes which have</li> </ul>
	been determined by the Department not to require a site certificate amendment.  c. Submit to the Department a bond or letter of credit, in the amount affirmed by the Department under (a), based on the Council's current pre-approved financial institution list and form.
	[Retirement and Financial Assurance Condition 4; Final Order on ASC]
STANDARD: Fi	ish and Wildlife Habitat (FW) [OAR 345-022-0060]
PRE-FW-01	Prior to construction of the facility, facility component or phase, the certificate holder shall finalize the Revegetation and Reclamation Plan, based on the draft provided in Attachment P-1 of this Order, and submit to the Department for review and approval. [Fish & Wildlife Habitat Condition 1; Final Order on ASC]
PRE-FW-02	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall finalize the Noxious Weed Control Plan, based on the draft provided in Attachment P-2 of this Order, and submit to the Department for review and approval.  [Fish & Wildlife Habitat Condition 4; Final Order on ASC]
PRE-FW-03	Prior to construction, the certificate holder shall submit the draft legal agreement for review and approval by the Department, in consultation with ODFW. The legal agreement shall ensure that payment provided for long-term management and enhancement of the mitigation area is adequate to cover the permanent habitat loss from the facility.  [Fish & Wildlife Habitat Condition 7; Final Order on ASC]
PRE-FW-04	Prior to construction, the certificate holder shall finalize the Habitat Mitigation Plan, as provided in Attachment P-3 of this Order, based on the impacts associated with the final facility design and the legal agreement, as approved by the Department.  [Fish & Wildlife Habitat Condition 8; Final Order on ASC]
PRE-FW-05	Prior to construction, streams, wetlands, and other sensitive habitat features (e.g., mature trees, intact sagebrush) that are not proposed to be impacted will be flagged for avoidance during construction. The certificate holder shall develop a map set showing these sensitive resources that will be kept on site during construction and updated if additional information on sensitive resources is obtained. These maps will show buffer zones and temporal restrictions of sensitive resources, as applicable. [Fish & Wildlife Habitat Condition 10, Final Order on ASC]
PRE-FW-06	Prior to construction of the facility or phase, as applicable, if construction is scheduled to overlap with the raptor nesting season (February 1 – August 31), the certificate holder shall conduct a raptor nest survey within 2 miles of the defined work area to identify the location of raptor nests, and eagle nests in particular, that could be affected by construction. The survey protocol will be approved by ODFW, and the

Condition Number	Preconstruction (PRE) Conditions	
	surveys will occur no earlier than 2 years prior to construction and final reports submitted to ODFW for review and the Department for approval.  [Fish & Wildlife Habitat Condition 11; Final Order on ASC]	
PRE-FW-07	Prior to construction, the certificate holder shall submit to the Department for final approval a Construction and Operations Wildlife Minimization and Monitoring Plan that includes the above-listed avoidance and minimization measures, monitoring and reporting methods (Similar to the draft Wildlife Minimization and Monitoring Plan included as Attachment P-4 of this order), to be prepared in consultation with ODFW. [Fish & Wildlife Habitat Condition 12; Final Order on ASC]	
STANDARD: Th	nreatened and Endangered Species (TE) [OAR 345-022-0070]	
PRE-TE-01	Prior to construction activities associated with the alternate POI, if part of final facility design, the certificate holder shall:  a. Complete a botanical field survey within unsurveyed areas in the transmission line corridor.  i. If any T&E plant species 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.  ii. If the impacts and mitigation are determined by the Department not to require review through the Council's site certificate amendment process, certificate holder shall implement and adhere to the mitigation requirements approved by the Department.  [Threatened and Endangered Species Condition 1; Final Order on ASC]	
STANDARD: H	istoric, Cultural and Archeological (HC) [OAR 345-022-0090]	
PRE-HC-01	Prior to construction activities associated with the alternate POI, if part of final facility design, the certificate holder shall complete cultural and archeological field surveys within the direct analysis area. If any 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.  [Historic, Cultural and Archaeological Condition 1; Final Order on ASC]	
PRE-HC-02	Prior to construction, the certificate holder shall update the contact information provided in the Final Order on ASC Attachment S, Inadvertent Discovery Plan.  [Historic, Cultural and Archaeological Condition 3, Final Order on ASC]	
STANDARD: Public Services (PS) [OAR 345-022-0100]		
PRE-PS-01	<ul> <li>Prior to and during facility construction, as applicable, the certificate holder shall:</li> <li>a. Identify all water-related needs and estimate daily and annual water demand for facility construction.</li> <li>b. Provide evidence such as a contract or purchase agreement demonstrating that adequate water supply to meet facility construction demand has been secured</li> </ul>	

Condition Number	Preconstruction (PRE) Conditions	
	and that water for all repower construction activities will be legally obtained by service providers or third-party permits.  [Public Services Condition 1; Final Order on ASC]	
PRE-PS-02	Prior to construction of the facility or phase, as applicable, the certificate holder shall execute local Road Use Agreement(s). Copies of executed Road Use Agreements and any modifications thereto shall be provided to the Department. Haul trucks are precluded from accessing the site via Highway 197 through Maupin, unless approved by ODOT and/or City of Maupin.  [Public Services Condition 2; Final Order on ASC]	
STANDARD: W	ildfire Prevention and Risk Mitigation (WF) [OAR 345-022-0115]	
PRE-WF-01	Prior to facility construction, the certificate holder shall finalize and submit a Construction Wildfire Mitigation Plan (WMP), Attachment W-1 to the Final Order on ASC to the Department for review and approval.  [Wildfire Prevention and Risk Mitigation Condition 1; Final Order on ASC]	
STANDARD: W	Vaste Minimization (WM) [OAR 345-022-0120]	
PRE-WM-01	Prior to construction of the facility, or phase, as applicable, the certificate holder or its contractor(s) shall develop and submit to the Department for review and approval, a Construction Waste Management Plan(s) that, at a minimum, includes the following:  a. All sources and estimated quantities of construction waste and wastewater, including damaged or dysfunctional energy facility components, and where feasible, estimated quantities that can be recycled.  b. Process for disposal and recycling, including the use of licensed haulers and disposal/recycling facilities; names and locations of licensed recycling and disposal facilities; collection, and hauling requirements.  c. Identify how often employees will be trained on waste and recycling management protocols identified in this plan.  [Waste Minimization Condition 1; Final Order on ASC]	
STANDARD: No	oise Control Regulations (NC) [OAR 340-035-0035]	
PRE-NC-01	Prior to construction of solar arrays, substation or battery energy storage system, the certificate holder must submit to the Department copies of executed legally effective easement(s) or real covenant(s). The easement or covenant must authorize the solar energy facility to increase the ambient statistical noise levels, L10 or L50, on the sensitive property by more than 10 dBA at the appropriate measurement point. [Noise Control Condition 1; OAR 340-035-0035(1)(b)(B)(iii)(III); Final Order on ASC]	
STANDARD: Other – Removal-Fill (WL)		
PRE-WL-01	Prior to construction, the certificate holder must obtain a jurisdictional determination renewal for WD2024-0071 Wetland Delineation Report from DSL or a new DSL concurrence to ensure that the boundaries of state jurisdictional wetlands and waterways are accurately delineated for purposes of establishing the required setback and avoidance measures.  [Removal Fill Condition 1; Final Order on ASC]	

## 5.4 Construction (CON) Conditions

Condition	
Number	

CON-OE-01

#### **Construction (CON) Conditions**

## STANDARD: Organizational Expertise (OE) [OAR 345-022-0010]

During construction, the certificate holder shall:

- a. Maintain an onsite construction manager.
- b. Require that the construction manager implement and monitor all applicable construction related site certificate conditions.
- c. Within six months after beginning construction, and every six months thereafter during construction of the energy facility and related or supporting facilities, the certificate holder shall submit a semiannual construction progress report to the Department. In each construction progress report, the certificate holder shall describe any significant changes to major milestones for construction. The certificate holder shall report on the progress of construction and shall address the following:
  - i. Facility Status: An overview of site conditions, the status of facilities under construction and a summary of the operating experience of facilities that are in operation. The certificate holder shall describe any unusual events, such as earthquakes, extraordinary windstorms, major accidents or the like that occurred during the year and that had a significant adverse impact on the facility.
  - ii. Status of Surety Information: Documentation demonstrating that bonds or letters of credit as described in the site certificate are in full force and effect and will remain in full force and effect for the term of the next reporting period.
  - iii. Compliance Report: A report describing the certificate holder's compliance with all site certificate conditions that are applicable during the reporting period. For ease of review, the certificate holder shall, in this section of the report, use numbered subparagraphs corresponding to the applicable sections of the site certificate.
  - iv. Facility Modification Report: A summary of changes to the facility that the certificate holder has made during the reporting period without an amendment of the site certificate in accordance with OAR 345-027-0050.

[Organizational Expertise Condition 5; OAR 345-026-0080(1)(a); Final Order on ASC]

# CON-OE-02

The certificate holder shall contractually require all contractors and subcontractors to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. The contractual obligation shall be required of each contractor and subcontractor prior to that firm working on the facility. Such contractual provisions shall not operate to relieve the certificate holder of responsibility under the site certificate.

[Organizational Expertise Condition 6; Final Order on ASC]

#### Yellow Rosebush Energy Center DRAFT Site Certificate - DATE, 2025

Condition Number	Construction (CON) Conditions		
STANDARD: So	STANDARD: Soil Protection (SP) [OAR 345-022-0020]		
CON-SP-01	During construction, the certificate holder and all onsite contractors and personnel shall adhere to the requirements of the SPCC Plan. Any SPCC revisions and updates shall be reported to the Department.  [Soil Protection Condition 5; Final Order on ASC]		
STANDARD: Lai	nd Use (LU) [OAR 345-022-0030]		
CON-LU-01	During construction, the certificate holder shall implement the Construction Emergency Response Plan approved under PRE-LU-07. The Construction Emergency Response Plan may be updated during construction to address changes in emergency contact information or appropriate emergency response measures.  [Land Use Condition 9; Final Order on ASC]		
STANDARD: Re	tirement and Financial Assurance (RF) [OAR 345-022-0050]		
CON-RF-01	<ul> <li>If construction extends more than 12 months, the certificate holder shall:</li> <li>a. Annually adjust the amount of the bond or letter of credit to present dollar value, as determined by the Department.</li> <li>b. Incorporate any additional decommissioning costs for proposed facility changes which have been determined by the Department not to require a site certificate amendment.</li> <li>c. The Department and Council reserve the right to adjust the contingencies, as appropriate and necessary to ensure that costs to restore the site are adequate to maintain health and safety of the public and environment.</li> <li>[Retirement and Financial Assurance Condition 5; Final Order on ASC]</li> </ul>		
STANDARD: Fis	h and Wildlife Habitat (FW) [OAR 345-022-0060]		
CON-FW-01	During construction, the certificate holder shall implement and adhere to the Revegetation and Reclamation Plan, as applicable, and included in reporting in the 6-month semi-annual construction report. The Revegetation and Reclamation Plan may be amended, as needed, to ensure that revegetation and monitoring methods are effective at the site.  [Fish & Wildlife Habitat Condition 2; Final Order on ASC]		
CON-FW-02	During construction, the certificate holder shall implement and adhere to the Noxious Weed Control Plan, as applicable, and include measures taken during construction in reporting in the 6-month semi-annual construction report. The Noxious Weed Plan may be amended, as needed, to ensure that treatment and monitoring activities and schedule are effective at the site.  [Fish & Wildlife Habitat Condition 5; Final Order on ASC]		
CON-FW-03	During construction within the time periods listed below, the certificate holder shall implement buffer zones around active or previously identified active nest sites. No ground-disturbing activities within the buffer zone of active or previously identified active nest sites shall occur during the seasonal restrictions unless a qualified biologist determines the nest site is unoccupied for the season on or after May 31 as shown in the table below:		

#### Condition Number

### **Construction (CON) Conditions**

### **ODFW Raptor Nest Buffers and Seasonal Restrictions**

Species	Spatial Buffer	Seasonal Restriction	Release Date if Unoccupied
western burrowing owl	0.25 mile	April 1 to Aug 15	May 31
golden eagle	0.5 mile	Feb 1- Aug 15	May 15
red-tailed hawk	300-500 feet	Mar 1- Aug 15	May 31
ferruginous hawk	0.25 mile	Mar 15- Aug 15	May 31
Swainson's hawk	0.25 mile	April 1- Aug 15	May 31
prairie falcon	0.25 mile	Mar 15- Jul 1	May 15
peregrine falcon	0.25 mile	Jan 1- Jul 1	May 15
American kestrel	0.25 mile	Mar 1- Jul 31	May 15

#### [Fish & Wildlife Habitat Condition 13; Final Order on ASC]

# CON-FW-04

During construction, certificate holder shall limit construction activities outside the fenced area (i.e., at the overhead collection line, transmission line, and roads) between December 1 and April 1 to minimize disturbance to wildlife, and wintering deer in particular.

[Fish & Wildlife Habitat Condition 14; Final Order on ASC]

# CON-FW-05

During construction, vehicles will be limited to 20 miles per hour on all facility access roads (excluding public roads).

[Fish & Wildlife Habitat Condition 15; Final Order on ASC]

# CON-FW-06

During construction, the certificate holder shall adhere to the requirements of the Construction Wildlife Minimization and Monitoring Plan (Attachment P-4). Monitoring records shall be maintained throughout operation and included in the semi-annual construction report submitted to the Department.

[Fish & Wildlife Condition 16; Final Order on ASC]

## STANDARD: Historic, Cultural and Archeological (HC) [OAR 345-022-0090]

# CON-HC-01

During construction, the certificate holder shall require all onsite employees and contractors to implement and adhere to the requirements of the Inadvertent Discovery Plan, as submitted to the Department under Condition PRE-HC-02. [Historic, Cultural and Archaeological Condition 4, Final Order on ASC]

## STANDARD: Public Services (PS) [OAR 345-022-0100]

# CON-PS-01

During construction of the facility or phase, as applicable, the certificate holder shall adhere to the terms and conditions of Road Use Agreement(s) executed under Condition PRE-PS-02

Condition Number	Construction (CON) Conditions		
	[Public Services Condition 3; Final Order on ASC]		
CON-PS-02	<ul> <li>During construction of the facility or phase, as applicable, the certificate holder shall:</li> <li>a. Provide onsite security through onsite security personnel and/or physical security system and maintain good communication between onsite security personnel and the Wasco County Sherriff Office. Communication must include an evaluation of the adequacy of onsite security measures in minimizing impacts to law enforcement resources in responding to the site.</li> <li>b. Monthly, request to the Sheriff's Office to obtain written public safety/law enforcement data related to facility construction. For any traffic or safety related incidents determined to be associated with facility construction, certificate holder shall report the incident to the Department within 72-hrs and shall include enhanced safety and security measures in the report.</li> <li>c. Every 6-months, invite both the Sheriff's Department and the Department to the site to discuss traffic and public safety impacts. This meeting may also occur remotely. If the traffic, safety and security measures implemented by the certificate holder, or its contractor, are determined ineffective by the Department, certificate holder must propose new measures to be reviewed and approved by the Council.</li> <li>[Public Services Condition 4; Final Order on ASC]</li> </ul>		
STANDARD: WI	ildfire Prevention and Risk Mitigation (WF) [OAR 345-022-0115]		
CON-WF-01	During facility construction, the certificate holder shall require onsite contractors and employees to adhere to the Construction Wildfire Mitigation Plan (WMP) approved under PRE-WF-01.  [Wildfire Prevention and Risk Mitigation Condition 2; Final Order on ASC]		
STANDARD: Waste Minimization (WM) [OAR 345-022-0120]			
CON-WM-01	During construction, the certificate holder shall require that its contractor(s) adhere to the requirements of the Construction Waste Management Plan(s) approved in PRE-WM-01, and maintain records of employee training made available upon Department request.  [Waste Minimization Condition 2; Final Order on ASC]		

# 5.5 Pre-Operational (PRO) Conditions

Condition Number	Pre-Operational (PRO) Conditions
STANDARD: O	rganizational Expertise (OE) [OAR 345-022-0010]
	Prior to operation, the certificate holder shall provide to the Department the
	qualifications and contact information of the individuals responsible for monitoring
PRO-OE-01	facility operations, including individuals or third-party entity responsible for onsite
	maintenance.
	[Organizational Expertise Condition 7; Final Order on ASC]
STANDARD: S	oil Protection (SP) [OAR 345-022-0020]
	Prior to operation, the certificate holder shall submit to the Department an
PRO-SP-01	Operational Spill Prevention Control and Countermeasures (SPCC) Plan.
	Soil Protection Condition 8; Final Order on ASC
STANDARD: L	and Use (LU) [OAR 345-022-0030]
	Prior to installation of permanent facility signage, the certificate holder shall
PRO-LU-01	demonstrate that facility signage complies with WCLUDO Section 3.216(D).
	[Land Use Condition 3; Final Order on ASC]
	Prior to operation, the certificate holder shall submit an Operational Emergency
	Response Plan to the Department, for review and approval. The plan shall, at a
	minimum, include safety protocols and:
PRO-LU-02	Location and travel routes to nearby hospitals
	2. Telephone numbers for emergency responders,
	3. First aid techniques;
	4. Certificate holder emergency contact information.
	[Land Use Condition 10; Final Order on ASC]
STANDARD: W	/ildfire Prevention and Risk Mitigation (WF) [OAR 345-022-0115]
	Prior to facility operation, the certificate holder shall finalize and submit an
PRO-WF-01	Operational Wildfire Mitigation Plan (WMP), Attachment W-2 to the Final Order on
01	ASC to the Department for review and approval.
	[Wildfire Prevention and Risk Mitigation Condition 3; Final Order on ASC]
STANDARD: W	/aste Minimization (WM) [OAR 345-022-0120]
	Prior to operation, the certificate holder shall develop an Operational Recycling Plan
	or protocol requiring that damaged or nonfunctional solar panels and lithium-ion
PRO-WM-01	batteries be recycled to the extent practicable. The certificate holder shall report in its
	annual report to the Department the quantities of panels and lithium-ion batteries
	recycled, reused or disposed of in a landfill. Requirements for lithium-ion battery
	recycling do not apply if the BESS is not constructed.
	[Waste Minimization Condition 3; Final Order on ASC]
STANDARD: O	ther - Water Rights (WR)
PRO-WR-01	Prior to operation, the certificate holder shall provide the Department a copy of the
	map, well log and all other information it provided to OWRD pursuant to ORS 537.545

Condition Number	Pre-Operational (PRO) Conditions
	and ORS 537.765 to qualify for an exempt ground water use for any onsite exempt wells.
	[Water Rights Condition 1; Final Order on ASC]

# 5.6 Operational (OPR) Conditions

5.0	operational (of h) conditions
Condition Number	Operational (OPR) Conditions
STANDARD: Ge	neral Standard of Review (GS) [OAR 345-022-0000]
OPR-GS-01	The certificate holder must submit a legal description of the site to the Department within 90 days after beginning operation of the facility. The legal description must include a description of metes and bounds or a description of the site by reference to a map and geographic data that clearly and specifically identify the outer boundaries that contain all parts of the facility.  [General Standard Condition 10; Mandatory Condition OAR 345-025-0006(2); Final Order on ASC]
OPR-GS-02	<ul> <li>After January 1 but no later than April 30 of each year after beginning operation of the facility, the certificate holder shall submit an annual report to the Department. The Council Secretary and the certificate holder may, by mutual agreement, change the reporting date.</li> <li>1. The annual report must include the following information for the calendar year preceding the date of the report: <ul> <li>a. Facility Status: An overview of site conditions, the status of facilities under construction and a summary of the operating experience of facilities that are in operation. The certificate holder shall describe any unusual events, such as earthquakes, extraordinary windstorms, major accidents or the like that occurred during the year and that had a significant adverse impact on the facility.</li> <li>b. Reliability and Efficiency of Power Production: For electric power plants, the plant availability and capacity factors for the reporting year. The certificate holder shall describe any equipment failures or plant breakdowns that had a significant impact on those factors and shall describe any actions taken to prevent the recurrence of such problems.</li> <li>c. Status of Surety Information: Documentation demonstrating that bonds or letters of credit as described in the site certificate are in full force and effect and will remain in full force and effect for the term of the next reporting period.</li> <li>d. Monitoring Report: A list and description of all significant monitoring and mitigation activities performed during the previous year in accordance with site certificate terms and conditions, a summary of the results of those</li> </ul> </li> </ul>

Condition Number	Operational (OPR) Conditions		
	activities and a discussion of any significant changes to any monitoring or mitigation program, including the reason for any such changes.  e. Compliance Report: A report describing the certificate holder's compliance with all site certificate conditions that are applicable during the reporting period. For ease of review, the certificate holder shall, in this section of the report, use numbered subparagraphs corresponding to the applicable sections of the site certificate.  f. Facility Modification Report: A summary of changes to the facility that the certificate holder has made during the reporting period without an amendment of the site certificate in accordance with OAR 345-027-0350.  2. To the extent that information required by this rule is contained in reports the certificate holder submits to other state, federal or local agencies, the certificate holder may submit excerpts from such other reports to satisfy this rule. The Council reserves the right to request full copies of such excerpted reports.  [General Standard Condition 11; OAR 345-026-0080(1); Final Order on ASC]		
STANDARD: Or	ganizational Expertise (OE) [OAR 345-022-0010]		
OPR-OE-01	During every year of operation, the certificate holder shall provide to the Department the qualifications and contact information of the individuals responsible for monitoring facility operations, including individuals or third-party entity responsible for onsite maintenance.  [Organizational Expertise 8: Final Order on ASC]		
STANDARD: So	[Organizational Expertise 8; Final Order on ASC]  STANDARD: Soil Protection (SP) [OAR 345-022-0020]		
OPR-SP-01	During operation, the certificate holder shall monitor and implement necessary controls for any onsite wind or water-related erosion issues. Certificate holder shall document such measures and include summaries in annual facility operations reports.  [Soil Protection Condition 6; Final Order on ASC]		
OPR-SP-02	During operation, if solar panel washing is planned to occur, the use of chemicals, soaps, detergents and heated water is prohibited, unless Chemical Safety Data Sheets for low volatile organic compound/biodegradable cleaning chemicals and solvents are submitted to the Department for review and approval. Pressure washing is allowed, so long as it does not remove paint or other finishes.  [Soil Protection Condition 7; Final Order on ASC]		
OPR-SP-03	During operation, the certificate holder shall adhere to the requirements of the Operational SPCC Plan. Any SPCC updates shall be described and included in the Annual Report to the Department. Certificate holder shall report spill and cleanup activities to the Department within 72 hours and shall make inspection records available to the Department upon request.  [Soil Protection Condition 9; Final Order on ASC]		
STANDARD: Lai	nd Use (LU) [OAR 345-022-0030]		
OPR-LU-01	During operation, the certificate holder shall implement the Operational Emergency Response Plan approved under PRO-LU-02. The Operational Emergency Response Plan		

33

Condition Number	Operational (OPR) Conditions				
	may be updated during operations to address changes in emergency contact				
	information or appropriate emergency response measures.				
	[Land Use Condition 11; Final Order on ASC]				
	Within 90-days of commercial operation of the facility or any phase of the facility, as applicable, the certificate holder shall provide to the Department and Wasco County GIS Department the actual latitude and longitude location or Oregon State Plane				
OPR-LU-02	NDA83 HARN (international feet) coordinate of all facility components. GIS layers may				
	be provided consistent with the datum reference above or any other datum deemed				
	acceptable by the Department.				
	[Land Use Condition 11; Final Order on ASC]				
STANDARD: Re	tirement and Financial Assurance (RF) [OAR 345-022-0050]				
	During operation, the certificate holder shall:				
	a. Annually adjust the amount of the bond or letter of credit to present dollar value, as determined by the Department.				
	b. Incorporate any additional decommissioning costs for proposed facility changes				
	which have been determined by the Department not to require a site certificate				
OPR-RF-01	amendment.				
	c. The Department and Council reserve the right to adjust the contingencies, as				
	appropriate and necessary to protect public health and safety or the environment				
	and ensure the certificate holder's bond or letter of credit is sufficient to restore				
	the site to a useful, non-hazardous condition.				
	[Retirement and Financial Assurance Condition 6; Final Order on ASC]				
STANDARD: Fish and Wildlife Habitat (FW) [OAR 345-022-0060]					
	During operation, the certificate holder shall implement and adhere to the				
	Revegetation and Reclamation Plan, as applicable. The Revegetation and Reclamation				
OPR-FW-01	Plan may be amended, as needed, to ensure that revegetation and monitoring				
	methods are effective at the site.				
	[Fish & Wildlife Habitat Condition 3; Final Order on ASC]				
	During operation, the certificate holder shall implement and adhere to the Noxious				
	Weed Control Plan, as applicable. The Noxious Weed Plan may be amended, as				
OPR-FW-02	needed, to ensure that treatment and monitoring activities and schedule are effective				
	at the site.				
	[Fish & Wildlife Habitat Condition 6; Final Order on ASC]				
	During operation, the certificate holder shall provide reports from the certificate				
OPR-FW-03	holder on the status of long-term management and enhancement of the habitat				
	mitigation area, consistent with the Habitat Mitigation Plan.				
	[Fish & Wildlife Habitat Condition 9; Final Order on ASC]				
	During operation, the certificate holder shall adhere to the requirements of the				
	Operational Wildlife Minimization and Monitoring Plan (Attachment P-4). Monitoring				
OPR-FW-04	records shall be maintained throughout operation and included in the annual report				
	submitted to the Department pursuant to OAR 345-026-0080.				
•	1 ' '				

Condition Number	Operational (OPR) Conditions			
	[Fish & Wildlife Habitat Condition 17; Final Order on ASC]			
	During operations, vehicles will be limited to 20 miles per hour on all facility access			
OPR-FW-05	roads (excluding public roads).			
	[Fish & Wildlife Habitat Condition 18; Final Order on ASC]			
STANDARD: His	storic, Cultural and Archeological (HC) [OAR 345-022-0090]			
	During operations, the certificate holder shall require all onsite employees and			
	contractors to implement and adhere to the requirements of the Inadvertent			
OPR-HC-01	Discovery Plan, as provided for Condition PRE-HC-02. The IDP shall be reviewed and			
	updated annually for current contact information.			
	[Historic, Cultural and Archaeological Condition 5; Final Order on ASC]			
STANDARD: Wildfire Prevention and Risk Mitigation (WF) [OAR 345-022-0115]				
	During facility operation, the certificate holder shall require onsite contractors and			
OPR-WF-01	employees to adhere to the Operational Wildfire Mitigation Plan (WMP) approved			
OPK-WF-UI	under PRO-WF-01.			
	[Wildfire Prevention and Risk Mitigation Condition 4; Final Order on ASC]			
STANDARD: Waste Minimization (WM) [OAR 345-022-0120]				
	During operations, the certificate holder shall adhere to the requirements of the			
OPR-WM-01	Operational Recycling Plan or protocol developed under Condition PRO-WM-01.			
	[Waste Minimization Condition 4; Final Order on ASC]			
STANDARD: Other – Water Rights (WR)				
	During operation, the certificate holder shall verify that any onsite exempt wells do			
OPR-WR-01	not use more than 5,000 gallons of ground water a day, collectively, and shall monitor			
	the volume of groundwater used on a daily basis, maintain a record of such use and			
	make the monitoring records available to the Department upon request.			
	[Water Rights Condition 2; Final Order on ASC]			

# 5.7 Retirement (RET) Conditions

Condition Number	Retirement (RET) Conditions		
STANDARD: Retirement and Financial Assurance (RF) [OAR 345-022-0050]			
RET-RF-01	The certificate holder must retire the facility if the certificate holder permanently ceases construction or operation of the facility. The certificate holder must retire the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0410. The certificate holder must pay the actual cost to restore the site to a useful, non-hazardous condition at the time of retirement, notwithstanding the Council's approval in the site certificate of an estimated amount required to restore the site.  [Retirement and Financial Assurance Condition 2; Mandatory Condition OAR 345-025-0006(9); Final Order on ASC]		

## Condition Number

#### **Retirement (RET) Conditions**

## STANDARD: Retirement and Financial Assurance (RF) [OAR 345-022-0050]

If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0410, the Council must notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the Department within a reasonable time not to exceed 90 days. If the certificate holder does not submit a proposed final retirement plan by the specified date, the Council may direct the Department to prepare a proposed final retirement plan for the Council's approval. Upon the Council's approval of the final retirement plan, the Council may draw on the bond or letter of credit described in Condition PRE-RT-01 to restore the site to a useful, non-hazardous condition according to the final retirement plan, in addition to any penalties the Council may impose under OAR chapter 345, division 29. If the amount of the bond or letter of credit is insufficient to pay the actual cost of retirement, the certificate holder must pay any additional cost necessary to restore the site to a useful, nonhazardous condition. After completion of site restoration, the Council must issue an order to terminate the site certificate if the Council finds that the facility has been retired according to the approved final retirement plan.

RET-RF-02

[Retirement and Financial Assurance Condition 3; Mandatory Condition OAR 345-025-0006(16); Final Order on ASC]

## 6.0 Successors and Assigns

To transfer this site certificate or any portion thereof or to assign or dispose of it in any other manner, directly or indirectly, the certificate holder shall comply with OAR 345-027-0400.

## 7.0 Severability and Construction

If any provision of this agreement and certificate is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and conditions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the agreement and certificate did not contain the particular provision held to be invalid.

#### 8.0 Execution

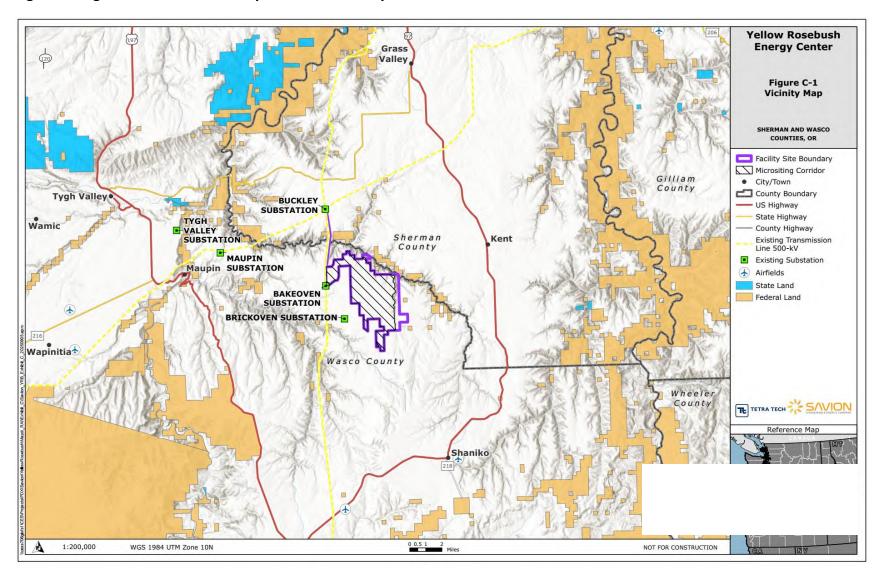
This site certificate may be executed in counterparts and will become effective upon signature by the Chair of the Energy Facility Siting Council and the authorized representative of the certificate holder.

**IN WITNESS THEREOF**, this site certificate has been executed by the State of Oregon, acting by and through the Energy Facility Siting Council and Yellow Rosebush Energy Center, LLC (certificate holder).

ENERGY FACILITY SITING COUNCIL	YELLOW ROSEBUSH ENERGY CENTER, LLC
Ву:	Ву:
Kent Howe, Chair	, Authorized Representative
Date:	Date:

## **ATTACHMENT 1: FIGURES**

Figure 1: Regional Location of Facility and Site Boundary



# **DPO Reviewing Agency pASC/ASC Comment Index**

Commenter Name/Title	Agency	Date(s) Received	Related EFSC Standard/ASC Exhibit/Section in DPO
Teara Farrow Ferman, Cultural Resources Program Manager	Confederated Tribes of the Umatilla Indian Reservation	9/16/2025	Historic, Cultural and Archaeological Resources Standard; Exhibit S: Historic, Cultural and Archaeological Resources; DPO Section IV.K
Jordan Brown, Lead Conservation Biologist	Oregon Department of Agriculture, Oregon Native Plant Conservation Program	9/26/2025	Threatened & Endangered Species Standard; Exhibit Q: Threatened & Endangered Species; DPO Section IV.I
Blaine Carver, Chair	Bakeoven- Shaniko Rural Fire Protection Agency	9/20/2025	Land Use Standard; Exhibit K: Land Use; DPO Section IV.E  Public Services Standard; Exhibit U: Public Services; DPO Section IV.M
Amy Phelps, Planning Director	Sherman County/ Special Advisory Group	9/17/2025	Land Use Standard; Exhibit K: Land Use; DPO Section IV.E  Public Services Standard; Exhibit U: Public Services; DPO Section IV.M
Jessica Clark, Regional Habitat Biologist	Oregon Department of Fish and Wildlife	9/26/2025 and 9/30/2025	Fish & Wildlife Habitat Standard; Exhibit P: Fish & Wildlife Habitat; DPO Section IV.H
Jessica Salgado, Wetland Ecologist	Oregon Department of State Lands	9/26/2025 and 9/29/2025	Removal-Fill Law ORS chapter 196 and OAR chapter 141; Exhibit J: Wetlands; DPO Section IV.R
Sean Bailey, Planner	Wasco County/ Special Advisory Group	9/26/2025	Land Use Standard; Exhibit K: Land Use; DPO Section IV.E  Public Services Standard; Exhibit U: Public Services; DPO Section IV.M
Lane Magill, Sheriff	Wasco County Sheriff's Office	9/25/2025	Public Services Standard; Exhibit U: Public Services; DPO Section IV.M
Aspen Kemmerlin, Special Project Archaeologist	Oregon State Historic Preservation Office	3/31/2025	Historic, Cultural and Archaeological Resources Standard;

Commenter Name/Title	Agency	Date(s) Received	Related EFSC Standard/ASC Exhibit/Section in DPO
			Exhibit S: Historic, Cultural and Archaeological Resources; DPO Section
			IV.K
	Oregon		
Eduardo Guerrero,	Department of		Structural Standard;
Geology Hazard	Geology and	9/26/2025	Exhibit H: Geological Soil Stability; DPO
Specialist	Mineral		Section IV.C
	Industries		



#### RE: Requesting RFPA Review of Complete ASC for the Yellow Rosebush Energy Center

From Fossum, Linnea < linnea.fossum@tetratech.com>

Date Tue 9/16/2025 11:43 AM

- TARDAEWETHER Kellen \* ODOE <Kellen.TARDAEWETHER@energy.oregon.gov>; Watson, Jeff SAVI-DRN/X <jwatson@savionenergy.com>
- Powers, Chris SAVI-DRN/X < cpowers@savionenergy.com>; SLOAN Kathleen \* ODOE < Kathleen.SLOAN@energy.oregon.gov>; McLaneGodwin, Linsey < Company of the Stathleen \* ODOE < Kathleen.SLOAN@energy.oregon.gov>; McLaneGodwin, Linsey < Company of the Stathleen.SLOAN@energy.oregon.gov>; McLaneGodwin, Linsey < Company of the Stathleen.SLOAN@energy.or<LINSEY.MCLANEGODWIN@tetratech.com>

1 attachment (388 KB)

YREC\_pASCcomments\_Letter-RFPA\_09092025.pdf;

#### Kellen

I dropped the ball on this - Jeff signed the response letter last week. Please see attached and let us know if you want to discuss further.

#### Linnea Fossum, PE | she/her

VP, Senior Project Manager

Direct +1 (503) 727-8062 | Main +1 (425) 482-7600 | Mobile +1 (425) 765-3043 | linnea.fossum@tetratech.com

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From: TARDAEWETHER Kellen \* ODOE < Kellen. TARDAEWETHER@energy.oregon.gov>

Sent: Tuesday, September 16, 2025 11:39 AM

To: Watson, Jeff SAVI-DRN/X < jwatson@savionenergy.com>

Cc: Fossum, Linnea < linnea.fossum@tetratech.com>; Powers, Chris SAVI-DRN/X < cpowers@savionenergy.com>; SLOAN Kathleen \* ODOE

<Kathleen.SLOAN@energy.oregon.gov>

Subject: Re: Requesting RFPA Review of Complete ASC for the Yellow Rosebush Energy Center



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Hey Jeff!

We have a call tomorrow for you to coord with Kate about the info meeting. Can we carve out time to discuss the fire depts comments (below) and current status of your conversations before I respond back to them?

Can you also see if there has been any response back to you from any of the Tribes, especially CTWS? Thanks!

#### Kellen



#### Kellen Tardaewether Senior Siting Analyst

550 Capitol St. NE Salem, OR 97301

C: 503-586-6551

P (In Oregon): 800-221-8035



Stay connected!

From: Blaine Carver < carvermag@yahoo.com >

Sent: Tuesday, September 16, 2025 9:19 AM

To: SLOAN Kathleen \* ODOE < kathleen.sloan@energy.oregon.gov >

Cc: TARDAEWETHER Kellen \* ODOE < kellen.tardaewether@energy.oregon.gov>; ESTERSON Sarah \* ODOE < sarah.esterson@energy.oregon.gov>; Jeff Watson

<jwatson@savionenergy.com>

Subject: Re: Requesting RFPA Review of Complete ASC for the Yellow Rosebush Energy Center



September 10, 2025

Via Email

Kathleen Sloan Kellen Tardaewether Oregon Department of Energy 550 Capitol St. NE, 1<sup>st</sup> Floor Salem, OR 97301

Re: Yellow Rosebush Energy Center - Preliminary Application for Site Certificate (pASC)

Dear Kathleen and Kellen:

This letter responds to the Bakeoven-Shaniko Rangeland Fire Protection Association (RFPA) comments to the Oregon Department of Energy (ODOE) dated October 2, 2024, regarding the Yellow Rosebush Energy Center (Facility) preliminary Application for Site Certificate (ASC).

Please see responses from Yellow Rosebush Energy Center, LLC (Applicant) below each comment provided by the RFPA.

1) Yellow Rosebush is within our Rangeland Fire Associations boundary. We are a volunteer-based organization that is not tax payer funded. Within the lifetime of this project there will be range fires that affect this project from within, or from the outside. The 2024 fire season proved that no one in the desertscapes of Oregon is immune to the fire risks. We plan on working with Savion to mitigate as much risk as possible. Due to the heightened risk of having this development in our area, and the burden of attempting to protect it, we expect monetary compensation/donation. We also expect Savion and contractors to work with us and our requests.

<u>Applicant Response</u>: Savion understands the RFPA's concern and has been working closely with them to mitigate fire risk. Savion will continue to work with the RFPA throughout the development process to address fire risk in the area, including but not limited to coordinating with the RFPA in finalizing the Facility's draft Construction (CON) and Operational (OPR) Wildfire Mitigation Plans (WMPs) that are included with our ASC.

2) This project should have a permanent fire barrier around it, preferably outside the perimeter fence. It needs to be non-combustible and defendable. This can be gravel, permanent dirt, less combustible plants, etc. The barrier needs to be at least 100' with 20' of that being an access road. The entire width needs to be maintained for the life of the project to minimize the fuel load. Anything less will jeopardies this project and the neighboring lands.

<u>Applicant Response</u>: The Applicant is committed to providing an effective fire prevention barrier, while balancing the needs of multiple stakeholders. Many areas outside of the fence line contain cultural or



archaeological resources, steep slopes, drainages, wetlands and wildlife habitat. Maintenance of a 100-foot permanent fire barrier outside the fence line would negatively impact many of these resources. To reduce permanent impacts to the landscape, avoid sensitive resources, and stay consistent with wildlife habitat mitigation calculations agreed upon with the Oregon Department of Fish and Wildlife (see Exhibit P, Attachment P-2 Habitat Mitigation Plan), the Applicant will keep fire barrier measures within the perimeter fence.

Wasco County Land Use Development Ordinance (LUDO), Section 10.120 provides standards for a 50-foot fire fuel break around dwellings, accessory buildings and agricultural buildings in all zones. While the Facility does not fit within these categories, it is comprised of buildings and structures. The Applicant agrees to maintain a 50-foot fire fuel break inside the Project fence line free from all buildings and structures and will follow the LUDO maintenance standards for the fire fuel break area:

- Ground cover maximum 4 inches tall;
- Trees limbed up approximately 8 feet from the ground,
- Trees kept free from dead, dry, or flammable material;
- Ladder fuels must be removed;
- No shrubs or tall plants under trees;
- Shrubs only in isolated groupings that maximize edges of ornamental beds to avoid continuous blocks of ground fuel;
- Keep shrubs and ornamental beds 15 feet away from edge of buildings and drip line of tree canopy; and
- Use well irrigated or flame-resistant vegetation

In order to further reduce fire risk associated with mowing and vegetation maintenance, the Applicant proposes to follow the mowing and vegetation management schedule described in the CON and OPR WMPs in relation to the fire season and fire danger levels provided by the Oregon Department of Forestry (ODF):

- Non-Fire Season (Approx. October to May): Allowed at all times
- Fire Season (Approx. June to September or as designated by ODF): Allowed before 1pm and after 8pm
- Fire Weather Watch: Allowed before 10am or after 8pm
- Red Flag Weather Warning: Prohibited at all times

During fire season, fire weather watch and red flag weather warning designations, fire watch personnel will be on duty when power driven machinery is in use and for one hour afterward as described in the WMPs. Further, as discussed below, the perimeter fence will be maintained multiple times each year to clear vegetation and debris. The following measures to further support those described above are included in the Draft OPR WMP that has been filed with ODOE as part of the ASC:





Vegetation within the fence line, interior to the 50-foot fire fuel break area, and below the solar arrays will be maintained in accordance with the approved Revegetation and Reclamation Plan and Noxious Weed Plan<sup>1</sup> for the facility:

- Vegetation will be limited to a height of 10-12 inches, with a minimum clearance of 12 inches from electrical equipment. Vegetation near, at, or taller than the maximum height shall be removed or mowed.
- Mowing must be done in advance of fire season or accordance to any fire restrictions.
- At no point shall vegetation come in contact with electrical equipment.
- Vegetation buildup in the fence line(s) shall be removed.
- Any vegetation removed from the site will be disposed of and not stored onsite. Certificate holder and contractors will prevent the accumulation of combustible "burn piles" on site.

The following areas will be managed to be vegetation-free, noncombustible space, or gravel surface:

- 20-foot-wide service roads within solar fence line, composed of gravel, compacted aggregate base, or another commercially available suitable surface and able to support 75,000 pounds.
- Vegetation will be cleared by mowing and maintained along service roads to provide a vegetation clearance area for fire safety.
- The fenced areas around the collector substation, O&M building, and BESS will be graveled, with no vegetation present.

Vegetation in these areas will be managed by the following techniques:

- Low-height native vegetation planted and maintained inside the fenced area;
- Mowing; and
- Chemical (herbicide) application as directed by the Noxious Weed Control Plan.

The draft CON and OPR WMPs included with the ASC will be finalized prior to construction in consultation with the following local fire departments:

- Bakeoven-Shaniko Rural Fire Protection Association
- South Sherman Rural Fire Protection District
- Shaniko Volunteer Fire Department
- Maupin Volunteer Fire Department

3) Inside the perimeter fence should be kept clear of combustible plants and shrubs. The fence should be kept clear of tumbleweeds etc. We highly recommend the use of grazing animals to do this. Mechanical mowers start fires, sheep don't. This has been done successfully in many areas, including locally.

<u>Applicant Response</u>: The Applicant appreciates the risk of fire that could be started by mowing equipment. To minimize this risk, as described in the draft CON and OPR WMPs, mowing would be done in advance of fire season and in accordance with any fire restrictions. The Applicant would follow a



<sup>&</sup>lt;sup>1</sup> see Exhibit P, Attachments P-3 and P-4



mowing/cutting of dried and cured grasses and vegetation based on fire danger level provided by the Oregon Department of Forestry for the region:

Fire Danger Level Low: Allowed at all times

• Fire Danger Level Moderate: Allowed before 1pm and after 8pm

• Fire Danger Level High: Allowed before 10am or after 8pm

Fire Danger Level Extreme: Prohibited at all times

The option of using domestic sheep as vegetation management was discussed on multiple occasions with the Oregon Department of Fish and Wildlife (ODFW). ODFW identified a high risk of disease transmission from domestic sheep to the wild bighorn sheep herds in the vicinity and recommended against having domestic sheep on site. As a result, using grazing animals for vegetation control at this site, is not included in the CON or OPR WMPs. If ODFW approves a method to allow grazing by domestic sheep without risking the health of the wild bighorn sheep herds, the Applicant would consider incorporating domestic sheep grazing for vegetation management.

We look forward to working with the RFPA and ODOE during this process. If you have any questions, or require further information, please contact me at:

Jeffrey Watson
Development Manager
Yellow Rosebush Energy Center, LLC
422 Admiral Blvd
Kansas City, MO 64106
jwatson@savionenergy.com
(410) 349-7679

Sincerely,



Jeffrey Watson

Development Manager, Yellow Rosebush Energy Center, LLC

C: Christopher Powers, Savion, LLC
Sarah Stauffer Curtiss, Stoel Rives LLP
Linnea Fossum, Tetra Tech, Inc.





# RE: ODOE Request for Review and Comments on Yellow Rosebush Energy Center Application for Site Certificate

From Teara Farrow Ferman < TearaFarrowFerman@ctuir.org >

Date Mon 9/15/2025 10:26 AM

- **To** SLOAN Kathleen \* ODOE < Kathleen.SLOAN@energy.oregon.gov>; Eric Quaempts < EricQuaempts@ctuir.org>; Audie Huber < AudieHuber@ctuir.org>
- Cc 106review@ctwsbnr.org <106review@ctwsbnr.org>; lawrence.squiemphen@ctwsbnr.org <lawrence.squiemphen@ctwsbnr.org>

#### Hi Kate.

The CTUIR will defer to the Confederated Tribes of the Warm Springs Reservation of Oregon on this project.

#### **Teara Farrow Ferman**

R Logo (Vertical

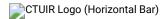
Bar)

Cultural Resources Protection Program Manager

Department of Natural Resources

Assistant General Manager, Átaw Consulting, LLC

Confederated Tribes of the Umatilla Indian Reservation



541-429-7230

46411 Timíne Way, Pendleton, Oregon, 97801

TearaFarrowFerman@ctuir.org

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

Sent: Friday, September 12, 2025 1:32 PM

**To:** Eric Quaempts < Eric Quaempts @ctuir.org>; Teara Farrow Ferman < TearaFarrowFerman @ctuir.org>; Audie

Huber < Audie Huber @ctuir.org>

Subject: ODOE Request for Review and Comments on Yellow Rosebush Energy Center Application for Site

Certificate

EXTERNAL EMAIL: Please use caution when clicking links or opening attachments.

#### Good Afternoon,

As a follow up to the Public Notice on the Application for Site Certificate for the proposed Yellow Rosebush Energy Center (ASC) sent to you via email on 9/10/2025.

The attached review request memo includes additional information on the proposed facility and the Department's request for tribal review of the ASC and any comments on the ASC by September 26, 2025.

ASC documents are available for review and download on the project webpage:

## State of Oregon: Facilities - Yellow Rosebush Energy Center

We are available for a call or meeting, at your request, to discuss this proposed facility.		
Please feel free to contact me if you have any questions.		
Thank you,		
Kathleen Sloan		
Senior Siting Analyst		
ODOE Siting Division		
Ph: 971.701.4913		
State of Oregon: Facilities - Energy Facility Siting		

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The opinions expressed by the author are his or her own and are not necessarily those of the Confederated Tribes of the Umatilla Indian Reservation. The information, contents and attachments in this email are Confidential and Private.

#### **ESTERSON Sarah \* ODOE**

From: Sarah.ESTERSON@energy.oregon.gov

**Subject:** Request review of parcel status for Yellow Rosebush ASC

From: Sean Bailey <seanb@co.wasco.or.us> Sent: Monday, August 25, 2025 3:54 PM

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

Cc: Daniel Dougherty <danield@co.wasco.or.us>; ESTERSON Sarah \* ODOE <Sarah.ESTERSON@energy.oregon.gov>

Subject: Re: Request review of parcel status for Yellow Rosebush ASC

Good afternoon,

After looking over the properties listed, their finds appear to be correct, I don't have any notes.

#### **Thanks**

On Tue, Aug 12, 2025 at 11:09 AM SLOAN Kathleen \* ODOE < Kathleen.SLOAN@energy.oregon.gov > wrote:

Hi Daniel and Sean,

We have received additional information from the Yellow Rosebush application team on the parcels requested for approval for the proposed facility. We asked them to identify the parcels, legal addresses, and status with the County. I would like to request your review/comments on the information provided in the table below, specifically per *WCLUDO Section 1.030 Severability* 

Township, **Approximate** Range, Account Acres within **Legal Parcel Deed History** Section, Tax Site Boundary Lot 5S 16E 0 0900, Pre-1974 Deed #: Book 145, Pages 12534, 5S 16E 0 1000 2,723, 932 & 348-349, dated 2/26/1962; Current 12533 & Yes & 5S 16E 0 Deed #: "Parcel I" 2024-001624, filed 1.5 12532 1100 7/1/2024 Pre-1974 Deed #: 1973-911, dated 4/27/1973; Current Deed #: 2006-4S 16E 0 0300 12341 928 Yes 001445, filed 3/9/2006 (portion of Tract I)

5S 16E 0 1300 & 2600*	12536	2,468	Yes	Pre-1974 Deed #: 1950-067232, 1950-067233 & 1950-067234, dated 5/15/1950; Current Deed #: 2011-004385, filed 12/21/2011
4S 15E 0 1500	12335	1,434	Yes	Pre-1974 Deed #: 67-1797, dated 6/28/1963; Current Deed #: 2023-001042, filed 5/8/2023
5S 15E 0 0100	12511	1,262	Yes	Pre-1974 Deed #: 83-2012, dated 10/25/1966; Current Deed #: 2020-5363, Parcel 1 of Plat 2020-0025, filed 12/17/2020

<sup>\*</sup>The land identified as TL 2600 was added to this parcel in 2011 as a correction from an omission in the 1950 deeds. This is described in the 2011 deed.

Can you review and confirm? Or correct if necessary?

Let me know if you have any questions,

Thanks!

Kathleen Sloan Senior Siting Analyst ODOE Siting Division Ph: 971.701.4913

State of Oregon: Facilities - Energy Facility Siting



2



# Sean Bailey | Senior Planner Planning Division

seanb@co.wasco.or.us | www.co.wasco.or.us 541-506-2544 | Fax 541-506-2561 2705 E 2nd St. | The Dalles, OR 97058



#### Re: YRB Quick WCLUDO Interpretation Question

From TARDAEWETHER Kellen \* ODOE < Kellen.TARDAEWETHER@energy.oregon.gov>

Date Wed 9/24/2025 2:23 PM

Daniel Dougherty <danield@co.wasco.or.us> To

Cc Sean Bailey <seanb@co.wasco.or.us>; SLOAN Kathleen \* ODOE <kathleen.sloan@energy.oregon.gov>; ESTERSON Sarah \* ODOE <Sarah.ESTERSON@energy.oregon.gov>

Great, that makes sense Daniel. Since the Batteries are enclosed, I'd think those would be considered buildings and that the substation would be a structure. Thanks again!

Kellen

## <u> Logo</u> Kellen Tardaewether

<u>for</u>

Senior Siting Analyst

New

550 Capitol St. NE Salem, OR 97301

Sig.png

C: 503-586-6551

P (In Oregon): 800-221-8035

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From: Daniel Dougherty <danield@co.wasco.or.us> Sent: Wednesday, September 24, 2025 1:37 PM

To: TARDAEWETHER Kellen \* ODOE < Kellen. TARDAEWETHER@energy.oregon.gov>

Cc: Sean Bailey <seanb@co.wasco.or.us>; SLOAN Kathleen \* ODOE <kathleen.sloan@energy.oregon.gov>;

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

Subject: Re: YRB Quick WCLUDO Interpretation Question

Hi Kellen,

Per the Wasco County Land Use and Development Ordinance, Chapter 1 Section 1.090

**Building** - Any structure built for the shelter, or enclosure of any persons, animals, chattels, or property of any kind.

If the Battery Energy Storage System or Substation are built for shelter or to enclose (I think the Battery Storage System might fall into that category) then they would be classified as a building. Otherwise, they would be

structures.

Respectfully,

Daniel

On Wed, Sep 24, 2025 at 12:29 PM TARDAEWETHER Kellen \* ODOE

< <u>Kellen.TARDAEWETHER@energy.oregon.gov</u> > wrote:

Hey Sean and Daniel,

This should be a quick question. Does the County interpret the following facility components as a building or structure under WCLUDO Section 1.090 - Definitions?

O&M building - building Solar array - structure Transmission line poles - structure Battery Energy Storage System - ? Substation - ?

Applicants and the Department have interpreted these differently and I'm wanting your feedback. For Yellow Rosebush defensible space, it doesn't impact fire safety standards much because of facility design features already proposed by the applicant, but just want to make sure we are being consistent with the County. Thanks!

#### Kellen



## 

for New Senior Siting Analyst

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# Daniel Dougherty | Planning Director PLANNING DIVISION

## danield@co.wasco.or.us http://www.co.wasco.or.usdepartments/planning/index.php



541-506-2560 | Fax 541-506-2561 2705 E Second Street | The Dalles, OR 97058

## **Office Hours**

Office hours are Monday through Thursday, 10am to 4pm with a lunchtime closure. Appointments can be accommodated on Fridays.

#### Email is still the best way to reach me!

This correspondence does not constitute a Land Use Decision per ORS 197.015.

It is informational only and a matter of public record.

**Notice:** This email is a public record under the Oregon Public Records Law (ORS 192). It may be retained and disclosed in accordance with state law. Additionally, this message may contain confidential information. If you are not the intended recipient, please delete it immediately and notify the sender. Any unauthorized use or disclosure is strictly prohibited.



## Re: Follow Up Comments Yellow Rosebush Energy Center on ASC

From Lane Magill <lanem@co.wasco.or.us>

Date Thu 9/25/2025 1:23 PM

To TARDAEWETHER Kellen \* ODOE <Kellen.TARDAEWETHER@energy.oregon.gov>

Cc ESTERSON Sarah \* ODOE <Sarah.ESTERSON@energy.oregon.gov>; SLOAN Kathleen \* ODOE <Kathleen.SLOAN@energy.oregon.gov>; Daniel Dougherty <danield@co.wasco.or.us>; Sean Bailey <seanb@co.wasco.or.us>

1 attachment (307 KB)

Letterhead Yellow Rosebush letter.docx;

Okay that makes sense. I have also attached what would be an updated letter for the project that has much more detail that will aid your organization with any response(s) moving forward.

Again I apologize for my frustration.

Sheriff Magill

On Thu, Sep 25, 2025 at 12:29 PM TARDAEWETHER Kellen \* ODOE

<Kellen.TARDAEWETHER@energy.oregon.gov> wrote:

Well, maybe we need to apologize! I don't actually have a record of that July 2024 letter, so it very well may be that we missed saving it. I think this letter is sufficient to understand your comments for this project. We'll review it and address your concerns with conditions of approval, where appropriate. If we have time before we issue the draft proposed order, we'll send the conditions over to you and the County for review. I appreciate you taking the time to dig this up and re send it. Thanks and we'll be in touch,

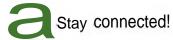
Kellen



#### Kellen Tardaewether

Senior Siting Analyst 550 Capitol St. NE Salem, OR 97301

C: 503-586-6551 P (In Oregon): 800-221-8035





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Pioneering pathways to prosperity.

To: Yellow Rosebush Project Representatives

Date: September 25, 2025

#### Re: Law Enforcement Services and Public Safety Requirements for the Yellow Rosebush Project

The Wasco County Sheriff's Office is aware of the proposed Yellow Rosebush project. This summary outlines the law enforcement services our agency can provide and details the critical public safety impacts from the recent Bakeoven Solar Project, which must be addressed to ensure these issues are not repeated.

While the Sheriff's Office will respond to criminal incidents at the project site, our service is contingent on the existing county-wide call load. Our role is limited to investigating criminal offenses and does not include providing on-site security.

To understand the potential impacts of your project, it is imperative to review the public safety outcomes of the recent Bakeoven Solar Project.

#### **Summary of Bakeoven Solar Project Impacts**

- Increased Traffic Violations and Accidents: During the Bakeoven project, there was a significant
  increase in complaints about project-related traffic, including DUIs, speeding, and trespassing.
  This resulted in six motor vehicle accidents directly caused by project traffic.
- Strain on Law Enforcement Resources: The surge in issues placed a considerable strain on our
  minimally staffed agency, requiring targeted traffic patrols and diverting resources from other
  community needs. We received 23 separate requests for extra patrols due to citizen complaints
  about speeding and trespassing.
- Negative Impact on Community Livability: The project significantly disrupted the community's
  quality of life. Many citizens were hesitant to file formal reports due to a fear of potential
  retaliation, which means the official data likely underrepresents the full scope of the problems.
  The issues were severe enough that I personally intervened and arrested a highly intoxicated
  project employee for a domestic disturbance.
- Lack of Improvement: Despite direct communication with project supervisors and the Oregon Department of Energy about these problems, there was no evidence of improvement while construction was active. The issues suggest a pattern of disregard among some project employees for the local community.

Given this recent experience, the Wasco County Sheriff's Office requires a proactive and enforceable plan from the Yellow Rosebrush project to ensure these significant public safety and community livability issues are not repeated. It is our recommendation that this construction project be placed on hold until drastic measures can be taken to resolve and mitigate the potential impacts on our community and county resources.





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July 1st 2024

Re: Yellow Rosebush Solar Project

To whom it may concern:

The above proposed project is a large scale solar project that encompasses 8000+ acres of private property within Wasco and Sherman Counties. This letter is to address the direct concerns of the Wasco County Sheriff's Office and the project's potential impacts on the services this office provides. Below, you find the listed concerns the Sheriff's Office will need to have addressed.

#### Traffic Plan

As one can imagine, when these types of projects are developed certain considerations must be taken into account as it relates to an up to date and adequate traffic plan. The Sheriff's Office has experienced numerous traffic complaints on Bakeoven Road with the current Bakeoven Solar Project. These complaints range in traffic crashes involving commercial motor vehicles to employees speeding on the roadway, causing dangerous situations for local residents.

In order to mitigate the impacts of traffic complaints for the work site, Yellow Rosebush leadership needs to address this topic specific to private contractors, employees as well as local citizens. We recommend a public information plan where citizens can make complaints directly to the company in conjunction with the Sheriff's Office. Furthermore, planned education for all staff must be considered on a regular basis due to the fact there is a significant number of staff turnover during the construction phase.

#### **Site Security Plan**

Due to the large geographic scale of this project, it is strongly recommended a site security protocol be implemented by Yellow Rosebush management. This plan shall ensure effective security measures for the entire site and there needs to be "one point of contact" during the entirety of the project. Having one point of contact will ensure the Sheriff's Office can effectively engage with the project representatives giving this agency the ability to conduct professional criminal investigations. Furthermore, there shall be a protocol for who has authority to impose criminal penalties/complaints at the site and can be listed as a victim.



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The site security plan shall outline emergency protocols for law enforcement, fire and medical services. It is recommended that the plan describe how communications will work, designate landing zones for life flight, and illustrate fire evacuations routes, etc. These protocols will give the mentioned organizations the edge if/when an emergency occurs at the site.

## **Employee Education**

Due to previous experience with the Bakeoven Solar Project, we have noticed a general disrespect by some employees within our local communities. These instances are generally few and far between; however it only takes a few individuals to ruin it for the others. Furthermore, most contract employees are in the area for only a short time and the local citizens continue to live here on a day to day basis.

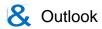
The Sheriff's Office strongly urges Yellow Rosebush management to implement an education program for current and incoming staff. This education program needs to include proper driving habits, activity while off duty, and general civility training so employees know how to address local citizens. It is important employees understand the rural community, the limitations of where they are living, and the resources they are utilizing, which includes the good will of our citizens.

Thank you for your time and consideration in this matter and we strongly urge consideration for the above recommendations.

Sincerely

Lane Magill

**Wasco County Sheriff** 



## Re: Follow Up Comments Yellow Rosebush Energy Center on ASC

From TARDAEWETHER Kellen \* ODOE <Kellen.TARDAEWETHER@energy.oregon.gov>

Date Thu 9/25/2025 12:29 PM

To Lane Magill <lanem@co.wasco.or.us>

Cc ESTERSON Sarah \* ODOE <Sarah.ESTERSON@energy.oregon.gov>; SLOAN Kathleen \* ODOE <Kathleen.SLOAN@energy.oregon.gov>; Daniel Dougherty <danield@co.wasco.or.us>; Sean Bailey <seanb@co.wasco.or.us>

Well, maybe we need to apologize! I don't actually have a record of that July 2024 letter, so it very well may be that we missed saving it. I think this letter is sufficient to understand your comments for this project. We'll review it and address your concerns with conditions of approval, where appropriate. If we have time before we issue the draft proposed order, we'll send the conditions over to you and the County for review. I appreciate you taking the time to dig this up and re send it. Thanks and we'll be in touch,

#### Kellen



## Logo Kellen Tardaewether

New Sig.png Senior Siting Analyst

550 Capitol St. NE Salem, OR 97301

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P (In Oregon): 800-221-8035

L^Stay Connected.png

From: Lane Magill <lanem@co.wasco.or.us> Sent: Thursday, September 25, 2025 12:10 PM

To: TARDAEWETHER Kellen \* ODOE < Kellen. TARDAEWETHER @energy.oregon.gov>

Cc: ESTERSON Sarah \* ODOE <Sarah.ESTERSON@energy.oregon.gov>; SLOAN Kathleen \* ODOE

<Kathleen.SLOAN@energy.oregon.gov>; Daniel Dougherty <danield@co.wasco.or.us>; Sean Bailey

<seanb@co.wasco.or.us>

Subject: Re: Follow Up Comments Yellow Rosebush Energy Center on ASC

I apologize to drag this out as I'm still sorting through the documents we have/have not sent. Upon review of my records for this project I sent the attached letter. I guess the question is do you need another letter giving more details, as I have one to go, or will the 2024 letter work?

I guess I just want to make sure my point about public safety is made very clear. I won't have another Bakeoven project debacle like we did in the past.

Please advise me so I can make this happen.

Sheriff Magill

On Wed, Sep 24, 2025 at 1:03 PM TARDAEWETHER Kellen \* ODOE

<Kellen.TARDAEWETHER(g)energy.oregon.gov> wrote:

Great! Thank you so much. We absolutely understand the confusion. Not only are there many projects in various phases of permitting and construction but they are also in same proximity and then many of them have similar names, so that doesn't help! Looking forward to the letter and thank you again for taking the time to respond.

Kellen

Logo Kellen Tardaewether

for.

Senior Siting Analyst

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From: Lane Magill <lanem(a)co.wasco.or.us>

Sent: Wednesday, September 24, 2025 12:59 PM

To: TARDAEWETHER Kellen \* ODOE < Kellen.TARDAEWETHER(aenergy.oregon.gov>

Cc: ESTERSON Sarah \* ODOE <Sarah.ESTERSON(a)energy.oregon.gov>; SLOAN Kathleen \* ODOE <Kathleen.SLOAN(a)energv.oregon.gov>; Daniel Dougherty <danield(5)co.wasco.or.us>; Sean Bailey <seanb(5)co.wasco.or.us>

Subject: Re: Follow Up Comments Yellow Rosebush Energy Center on ASC

I apologize for the letter being incorrect, as I continually get these requests from upcoming projects. There is a ton of confusion on my part because of this.

With that being said, I will edit the attached letter to include Yellow Rosebrush language as I will require the same from your organization as all the others. As you can see we have major issues with all of these projects and based on our experience this project will cause the same issues.

I should have something to you by the end of today.

Sheriff Magill

On Wed, Sep 24, 2025 at 11:51 AM TARDAEWETHER Kellen \* ODOE < Kellen. TARDAEWETHER @ energy.oregon.gov> wrote:

Hi Lane,

Sorry for the delay! So, the comments you provided (attached) in May were for the Sunset Solar Project (previously part of the Bakeoven Solar Project), both have Avangrid as the parent company. The project we're requesting your comments on is the Yellow Rosebush Energy Center, which is directly adjacent to Sunset and Bakeoven, and is proposed by Yellow Rosebush Energy Center, LLC., a wholly owned subsidiary of Savion, LLC.

We understand that the concerns raised in the Sunset letter may be similar for the Yellow Rosebush Energy Center, however, could you provide an updated letter that addresses any concerns you have that are specific to Yellow Rosebush?

We also understand that Avangrid coordinated with you and provided a response letter for the Sunset Solar Project. We reviewed your comment letter and their responses and recommended a Condition of approval in the Sunset draft proposed order similar to the one below:

During construction the certificate holder shall:

- 1. Provide onsite security through onsite security personnel and/or physical security system and maintain good communication between onsite security personnel and the Wasco County Sherriff Office. Communication must include an evaluation of the adequacy of onsite security measures in minimizing impacts to law enforcement resources in responding to the site.
- 2. Monthly, request to the Sheriff's Office to obtain written public safety/law enforcement data related to facility construction. For any traffic or safety related incidents determined to be associated with facility construction, certificate holder shall report the incident to the Department within 72-hrs and shall include enhanced safety and security measures in the report.
- 3. Every 6-months, invite both the Sheriff's Department and the Department to the site to discuss traffic and public safety impacts. This meeting may also occur remotely. If the traffic, safety and security measures implemented by the certificate holder, or its contractor, are determined ineffective by the Department, certificate holder must propose new measures to be reviewed and approved by the Council.

If you have similar concerns about potential impacts to your Department during construction of the Yellow Rosebush Energy Center, would the above condition help mitigate those potential impacts? We spoke with the County today, and they are we are fine with you submitting the updated letter directly to us and copying them if that works for you. You can also send it to Sean to submit to us.

We appreciate you taking the time to coordinate with us and the County!

#### Kellen

Logo Kellen Tardaewether

for Senior Siting Analyst

550 Capitol St. NE Salem, OR 97301

<u>New</u> Sig.png

C: 503-586-6551

P (In Oregon): 800-221-8035

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From: Sean Bailey < seanb(S)co.wasco.or.us > Sent: Tuesday, September 23, 2025 4:05 PM

To: TARDAEWETHER Kellen \* ODOE < Kellen. TARDAEWETHER(a) energy.oregon.gov>

**Cc:** Lane Magill < lanem(a>co.wasco.or.us>; ESTERSON Sarah \* ODOE < Sarah.ESTERSON(a)energy.oregon.gov>: SLOAN Kathleen \* ODOE

<Kathleen.SLOAN(a)energv.oregon.gov>

Subject: Re: Follow Up Comments Yellow Rosebush Energy Center on ASC

Good afternoon all,

Here was the most recent letter from Sheriff Magill (attached), we submitted back on June 11.

**Thanks** 

On Tue, Sep 23, 2025 at 2:58 PM TARDAEWETHER Kellen \* ODOE

<Kellen.TARDAEWETHER@energy.oregon.gov> wrote:

Thanks for the quick response Sheriff Magill!

In the memos we sent out on the ASC, the agency comment deadline is this Friday September 26th, so maybe I'm getting ahead of myself. I just wanted to make sure we get your comments.

Sean, can you confirm that you received and are submitting Sheriff Magill's comments? And will you be able to get your comments over by Friday? Thank you both!

Kellen

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Kellen Tardaewether

Senior Siting Analyst 550 Capitol St. NE Salem, OR 97301

C: 503-586-6551

P (In Oregon): 800-221-8035

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From: Lane Magill < lanem@co.wasco.or.us>
Sent: Tuesday, September 23, 2025 2:45 PM

To: TARDAEWETHER Kellen \* ODOE <Kellen.TARDAEWETHER@energy.oregon.gov>

Cc: Sean Bailey <seanb@co.wasco.or.us>; ESTERSON Sarah \* ODOE <Sarah.ESTERSON@energy.oregon.gov>; SLOAN Kathleen \* ODOE <Kathleen.SLOAN@energy.oregon.gov>

Subject: Re: Follow Up Comments Yellow Rosebush Energy Center on ASC

Thanks for reaching out. I thought my comments had already been submitted in the packet.

Sean,

Can you confirm any information I submitted regarding this project? I have a large number of concerns that will need to be addressed but I thought this had been hashed out.

Thanks Sheriff Magill

On Tue, Sep 23, 2025 at 2:33 PM TARDAEWETHER Kellen \* ODOE <Kellen.TARDAEWETHER@energy.oregon.gov> wrote: Hi Sheriff Magill,

I'm working with Kate Sloan at Oregon Department of Energy (Department), staff to the Energy Facility Siting Council (EFSC) on reviewing the application for site certificate (ASC) for the proposed Yellow Rosebush Energy Center located primarily in Wasco County. On August 28, 2025, the Department determined the ASC to be complete. The Notice for the ASC and the info meeting there this week is attached. We use the information in the ASC to complete drafting the Draft Proposed Order (DPO), which will be issued next month, will be open for comment, and we'll also return to have an in-person hearing on the DPO.

In the ASC, there is correspondence from you indicating that you'd work with the County to provide your comments for this project. We'd like to reach out and ask if you have any comments for this project based on your experience with energy projects and knowledge of this area?

Wasco County does not allow temporary on site worker housing through a CUP or TUP and the applicant would execute a Road Use Agreement which would include traffic and speed limit controls which may reduce worker traffic issues. There are also construction and operational wildfire mitigation plans that have been provided t the fire department. We're happy to send over any materials, have a call, and get your feedback. Thanks!

#### Kellen

CX0g0 Kellen Tardaewether for Senior Siting Analyst New

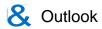
C: 503-586-6551

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P (In Oregon): 800-221-8035

KiStay Connected.png



## Re: Follow Up Comments Yellow Rosebush Energy Center on ASC

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

Date Fri 9/26/2025 2:40 PM

To TARDAEWETHER Kellen \* ODOE <Kellen.TARDAEWETHER@energy.oregon.gov>

Cc Lane Magill <a href="magill-claim-equation-color: blue-color: b

1 attachment (522 KB)

MEMO\_Review\_of\_Yellow\_Rosebush.pdf;

Good afternoon all,

I have attached Wasco County Planning's response to the Application.

**Thanks** 

On Thu, Sep 25, 2025 at 1:23 PM TARDAEWETHER Kellen \* ODOE

<Kellen.TARDAEWETHER(5)energy.oregon.gov> wrote:

Okay, great. I'll save this as well. Thanks again!

Kellen

Kellen Tardaewether

Senior Siting Analyst 550 Capitol St. NE Salem, OR 97301

C: 503-586-6551 P (In Oregon): 800-221-8035

From: Lane Magill < lanem(5)co.wasco.or.us>
Sent: Thursday, September 25, 2025 1:18 PM



## **MEMORANDUM**

SUBJECT: Wasco County Planning Review of Complete ASC for the Yellow Rosebush Energy

TO: OREGON DEPARTMENT OF ENERGY, KATHLEEN SLOAN

FROM: SEAN BAILEY, SENIOR PLANNER

DATE: SEPTEMBER 26, 2025

After reviewing the Applicant's responses and corresponding updates regarding Wasco County's original Comment Letter reviewing the Preliminary Application for the Site Certificate for the Yellow Rosebush Project, we have no additional comments at this time. We would ask the Applicants continue to coordinate and work with the Wasco County Sheriff's Department, Oregon State Fire Marshall's Office, and the Bakeoven-Shaniko Rangeland Fire Protection District, regarding Police and Fire Safety Services in the area of the proposed project.



## **Department of Geology and Mineral Industries**

Administrative Offices 800 NE Oregon Street, Suite 965 Portland, OR 97232-2162 (971) 673-1555 Fax: (971) 673-1562

www.oregon.gov/dogami

**MEMORANDUM** 

**To:** Kathleen Sloan.

Senior Siting Analyst, ODOE Siting Division

From: Jason McClaughry,

Program Manager, Geological Survey and Services Program

**Date:** 09-26-2025

**Subject:** Comment on Yellow Rosebush Energy Center ASC

## Greetings,

Thank you for the opportunity to review and comment on the Application for Site Certificate for the proposed Yellow Rosebush Energy Center, which you transmitted to DOGAMI on September 12, 2025.

The documents reviewed include:

- Exhibit B- Project Description and Schedule
- Exhibit H- Geologic and Soil Stability; including attachments H-1, H-2, H-3, H-4, H-5.
- Exhibit I- Soil Conditions

As noted in Section 4.0 of Exhibit H, Jason McClaughry participated in a consultation meeting with representatives from Savion and Tetra Tech. We consider that the suggestions and questions raised during the consultation are included in this ASC and are outlined in Attachment H-1.

We do have some general feedback relating to some of the data, references, and interpretations presented in the ASC:

- We note that the faults included in the HazVu online hazards viewer, which was cited in Section 7.2.1, come from the USGS Quaternary Fault and Fold database, which is included in the 20223 National Seismic Hazard model. This means that the reports included as attachments H-2 and H-3 are the best publicly available estimates for earthquake hazards.
- The ASC cites the 2013 Oregon Resilience Plan to describe the impact of a Cascadia Subduction Zone M9.0 earthquake on the project site, and while the result might not change for this particular location, to update future state-wide CSZ M9.0 references to the Oregon Seismic Hazard Database (OSHD v1.0), which is available as a downloadable geodatabase via the URL listed below:
  - https://d3itl75cn7661p.cloudfront.net/dogami/dds/p-OSHD-1.htm
- The M.S. Thesis related to a fault study in the Tygh Valley area is freely available from the Oregon State University Library, and was accessed on 09-18-25 via the citable URL: https://ir.library.oregonstate.edu/concern/graduate thesis or dissertations/c534ft276



## **Department of Geology and Mineral Industries**

Administrative Offices 800 NE Oregon Street, Suite 965 Portland, OR 97232-2162 (971) 673-1555 Fax: (971) 673-1562 www.oregon.gov/dogami

- We also mention that Open-File Report O-23-02 "Landslide Inventory and Risk Reduction of the North and Central Portions of Wasco County, Oregon", available at the URL listed below, might be a useful reference. While it does not include the area covered by the ASC, it provides details regarding the prevalence of landslide activity that was mapped in high detail in a similar landscape.
- The description of earthquakes in Oregon being divided into four regional seismicity zones is not cited and is not entirely accurate, as included in Section 7.2.1 ASC. The section would benefit from including updated references and definitions, many of which are publicly available through the USGS Earthquake Hazards Program: <a href="https://earthquake.usgs.gov/education/">https://earthquake.usgs.gov/education/</a>

We conclude by requesting that the project team reach out to DOGAMI if evidence of fault activity or active landslides is observed during future geotechnical investigations related to this effort.

Comment on Yellow Rosebush Energy Center ASC CC: Lalo Guerrero, Ph.D., G.I.T. Geology Hazard Specialist Geological Survey and Services Program



## Re: Requesting ODAg Review of Complete ASC for the Yellow Rosebush Energy Center

From BROWN Jordan A \* ODA < Jordan.A.BROWN@oda.oregon.gov>

Date Fri 9/26/2025 12:33 PM

**To** SLOAN Kathleen \* ODOE < Kathleen.SLOAN@energy.oregon.gov>; ODA\_listedplants < listedplants@oda.oregon.gov>

Cc ESTERSON Sarah \* ODOE <Sarah.ESTERSON@energy.oregon.gov>

#### Kate.

Thanks for checking back in about this. I think the draft condition language addresses the issue and I can't think of anything else of concern at this point. Cheers

Jordan Brown, Program Lead Conservation Biologist

Oregon Department of Agriculture – Native Plant Conservation
635 Capitol St NE, Salem, OR 97301-2532

CELL: 541.224.2245 | WEB: <u>Oregon.gov/ODA/Plant-Conservation</u>

Pronouns: he, him, his

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

**Date:** Wednesday, September 24, 2025 at 2:48 PM **To:** ODA listedplants <a href="mailto:listedplants@oda.oregon.gov">listedplants@oda.oregon.gov</a>

Cc: ESTERSON Sarah \* ODOE <Sarah.ESTERSON@energy.oregon.gov>

Subject: Re: Requesting ODAg Review of Complete ASC for the Yellow Rosebush Energy

Center

Hi Jordan and Danielle,

I am doing a comment roundup and I know I have comments you sent on the preliminary ASC that noted the applicant needs to do the T&E surveys for the alternative transmission line. We included it as a recommended conditions under T&E in the draft proposed order.

Attaching your prior comment letter and draft condition language from the the DPO.

#### Recommended Threatened and Endangered Species Condition 1 (PRE):

Prior to construction of the facility, the certificate holder shall complete a field survey for Threatened and Endangered Species within the micrositing area of the alternative transmission line. If any T&E species are identified, an amendment will be required. [PRE-TE-XX; Final Order on ASC]

I am hoping this resolves your comment on the application, but wanted to see if you had any additional comments on the application. You will also have a chance to review and comment on the DPO when it is issued.

Thanks!

Kate

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

Sent: Friday, September 12, 2025 1:59 PM

To: ODA listedplants < listedplants@oda.oregon.gov>

Cc: ESTERSON Sarah \* ODOE <Sarah.ESTERSON@energy.oregon.gov>

Subject: Requesting ODAg Review of Complete ASC for the Yellow Rosebush Energy Center

Good Afternoon Jordan and Leanne,

As a follow up to the Public Notice on the Application for Site Certificate for the proposed Yellow Rosebush Energy Center (ASC) sent to you via email on 9/10/2025.

The attached review request memo includes additional information on the proposed facility and the Department's request for agency review of the ASC and any comments on the ASC by September 26, 2025.

ASC documents are available for review and download on the project webpage:

## State of Oregon: Facilities - Yellow Rosebush Energy Center

We have your comments on the preliminary ASC and the applicant has submitted the attached responses which should be incorporated into the final exhibits for the ASC. The Department will include preconstruction survey and ODAg coordination requirements as recommended site certificate conditions.

You will have future opportunities to review and comment on the Draft Proposed Order (DPO), once issued.

We are available for a call or meeting, at your request, to discuss this proposed facility.

Please feel free to contact me if you have any questions.

Thank you,

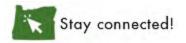
Kathleen Sloan

**Senior Siting Analyst** 

**ODOE Siting Division** 

Ph: 971.701.4913

State of Oregon: Facilities - Energy Facility Siting







**Department of Fish and Wildlife** 

East Region 61374 Parrell Road Bend, Oregon 97702 (541) 388-6363 FAX (541) 388-6281

September 26, 2025

Kathleen Sloan Oregon Department of Energy 550 Capitol St. NE Salem, OR 97301

RE: Request for comments on the Application for Site Certificate (ASC) submitted by Yellow Rosebush Energy, LLC, subsidiary of Savion, LLC for the Yellow Rosebush Energy Center Project in Wasco and Sherman Counties

Dear Ms. Sloan:

Oregon Department of Energy (ODOE) has requested comments from the Oregon Department of Fish and Wildlife (ODFW) on the ASC for Yellow Rosebush Energy Center Project outside of Maupin. This Letter contains: (1) ODFW contact information for the project; and (2) ODFW's comments on the ASC.

## A. Contacts

I will be the main contact person for ODFW for the Energy Facility Siting Council (EFSC) permitting process and my contact information is: Jessica Wilkes, 61374 Parrell Road, Bend, OR 97702. My phone number is (541) 388-6099, <a href="Jessica.S.Wilkes@odfw.oregon.gov">Jessica.S.Wilkes@odfw.oregon.gov</a>. In addition, please copy Andrew Meyers, District Wildlife Biologist, 3561 Klindt Dr, The Dalles, OR 97058. Phone number (541) 296-8026, andrew.r.meyers@odfw.oregon.gov. ODFW requests that as applicable, all correspondence for this project be conveyed electronically.

## B. Comments on the Preliminary Application for Site Certificate

## **General Comments**

Please find below a listing of the most applicable statutes, administrative rules and policies administered by ODFW that would pertain to the siting of this proposed facility. ODFW will review and make recommendations for the proposed project based on the following applicable statutes and rules.

## **Oregon Revised Statutes (ORS)**

- ORS 496.012 Wildlife Policy
- ORS 506.036 Protection and Propagation of Fish

- ORS 496.171 through 496.192 Threatened and Endangered Wildlife and Fish Species. A listing of State and Federal threatened, endangered and candidate species can be found on ODFW's website at:
   <a href="http://www.dfw.state.or.us/wildlife/diversity/species/threatened\_endangered\_candidate\_list.asp">http://www.dfw.state.or.us/wildlife/diversity/species/threatened\_endangered\_candidate\_list.asp</a>
- ORS 498.301 through 498.346 Screening and By-pass devices for Water Diversions or Obstructions
- ORS 506.109 Food Fish Management Policy
- ORS 509-140 Placing Explosives in Water
- ORS 509.580 through 509.910 Fish Passage; Fishways: Screening Devices- a listing of requirements under ODFW's Fish Passage Program can be found on ODFW's website at <a href="http://www.dfw.state.or.us/fish/passage/">http://www.dfw.state.or.us/fish/passage/</a>

## **Oregon Administrative Rules (OAR)**

- OAR Chapter 635, Division 100 provides authority for adoption of the State sensitive species list and the Wildlife Diversity Plan, and contains the State list of threatened and endangered wildlife and fish species. A current list of State sensitive species can be found on ODFW's website at:

  http://www.dfw.state.or.us/wildlife/diversity/species/docs/SSL by category.pdf
- OAR Chapter 635, Division 415 (ODFW's Fish and Wildlife Mitigation Policy found on ODFW's website at: <a href="http://www.dfw.state.or.us/lands/mitigation\_policy.asp">http://www.dfw.state.or.us/lands/mitigation\_policy.asp</a> describes six habitat categories and establishes mitigation goals and standards for each wildlife habitat ranging from Category 1 (irreplaceable, essential, limited) to Category 6 (non-habitat)
- The Policy goal for Category 1 habitat is no loss of either habitat quantity or quality via avoidance of impacts through development alternatives, or an ODFW recommendation of denial of the proposed development action if impacts cannot be avoided. Categories 2-4 are essential or important but not irreplaceable habitats. Category 5 habitat is not essential or important habitat but has a high restoration potential. The application for a site certificate must identify the appropriate habitat category for all affected areas of the proposed project on mapping; provide basis for each habitat category selection; and provide an appropriate mitigation plan; all subject to ODOE and ODFW review and comment. ODOE has adopted this rule into OAR 345-022-0060 as an energy facility siting standard for Applicants to meet in order to obtain a site certificate.
- ODFW also provides technical review and recommendations on compliance with Oregon EFSC rules, particularly OAR 345-02100010(1) (p) and (q) and 345-22-040, 060 and 070.
- ODFW also advocates for project proponents to site solar facilities in a manner consistent with the Oregon Columbia Plateau Ecoregion (CPE) Wind Energy Siting and Permitting Guidelines that were established in conjunction with multiple state, federal and industry partners. The intent of these guidelines were to create a balance between the development of renewable energy and environmental protection. While

these guidelines were developed for wind facilities, they are also applicable to solar projects within the CPE.

## **Specific Comments**

ODFW appreciates the applicant's communication and efforts to address fish and wildlife concerns related to the application, including modifications to the proposed site boundary in response to comments and site visits to date.

ODFW continues to advocate for avoidance of Priority Wildlife Connectivity Areas (PWCAs) located on the edge of the facility, and rare vegetative communities within the CPE. To prevent losing the function of this habitat, utilization of setbacks sufficient to facilitate wildlife movement along the edges of major drainages adjacent to the facility (including both the project boundary, and micrositing) and avoiding important habitat types will be key.

Yellow Rosebush Solar Project Comments on the Application for Site Certificate (ASC); Exhibit P From ODFW	
Pg. / Para. / Sentence Reference (as needed)	Comment or Information Request
Section 9.0 (Measures to Avoid, Reduce, or Mitigate Impacts)	<ul> <li>ODFW appreciates avoiding direct impacts to nesting raptors by adopting the recommended seasonal and spatial activity restrictions for raptor species (Table P-6).</li> <li>ODFW appreciates the avoidance of disturbing wintering wildlife during December 1 – April 1 by limiting construction outside the fenced area during this time period (pg. 38).</li> </ul>
Table P-3; (Acres of Habitat Categories and Types within the Micrositing Corridor and the Analysis Area)	• ODFW considers all habitats within winter range, with the exception of areas designated as Category 6 in the CPE, to be Category 2 as per the Oregon Habitat Mitigation Policy. For Category 2 habitats, ODFW's policy is to have "no net loss of habitat quantity or quality," and asks for "in-kind, in-proximity mitigation" (OAR Chapter 635, Division 415).
Attachment P-2; Draft Habitat Mitigation Plan; Section 4.1 – 4.2 (Tygh Ridge HMA and Facility HMA)	<ul> <li>ODFW appreciates the applicant's efforts to locate a mitigation area to move towards a "no net loss" approach. We recommend a 2:1 mitigation ask for functioning, intact Category 2 habitats (i.e., sagebrush steppe, grasslands, wetlands) that would be impacted by this project, as well as intact Category 3 and 4 habitats that are within the Eastern Oregon Mule Deer Winter range overlay.</li> <li>ODFW has conferred with the applicant and continues to affirm that the Tygh Ridge Ranch and land controlled by the Applicant but outside of the fence boundary (Facility Habitat Mitigation Area) are both acceptable areas for habitat conservation. They have adequate opportunities</li> </ul>

<b>Comments on</b>	Yellow Rosebush Solar Project the Application for Site Certificate (ASC); Exhibit P From ODFW
Pg. / Para. / Sentence Reference (as needed)	Comment or Information Request
Attachment P-2: Draft	<ul> <li>for uplift to benefit impacted species from the proposed facility location.</li> <li>We recommend developing more clarification on what will occur if a wildfire occurs on the HMA. For example, "damaged" lands may be defined as invasive annual grasses exceeding a certain threshold, or shrub cover reduced by a specific amount as a result of the fire.</li> <li>We recommend defining when weed control treatments are needed. For example, action is required when invasive plants occur in a new location, or if invasive plant cover exceeds a specific threshold.</li> <li>In addition to the enhancement actions listed on pages 9-12, ODFW recommends adding seeding as a potential uplift action to provide additional ungulate forage and pollinator habitat.</li> <li>We request to see a draft or example document that is</li> </ul>
Attachment P-2; Draft Habitat Mitigation Plan; Section 4.1 (Tygh Ridge HMA)	<ul> <li>We request to see a draft or example document that is being considered for the durability of the proposed parcel (i.e., draft conservation easement deed).</li> <li>The 2024 Larch Creek fire has impacted Tygh Ridge to varying degrees throughout the planned mitigation area. ODFW has already been working with the landowner to implement reseeding efforts in order to effectively and efficiently protect and restore this habitat for wildlife. These prior efforts will not be permitted to be used by the applicant as habitat uplift.</li> <li>Baseline habitat categorization of the property will need to be conducted prior to construction to effectively capture the condition of the property and identify uplift actions.</li> <li>ODFW agrees with the plan to remove unused boundary and internal fencing, and the implementation of 'wildlife-friendly' fencing when building any new fence. We request a spatial inventory of all fencing so that habitat improvements can be quantitively measured (i.e., how much fencing is being removed, and how much is being modified to wildlife-friendly fencing).</li> <li>There is no mention of the use of livestock on the habitat mitigation area (HMA). ODFW would like the HMP to address any plans to include or exclude livestock from the property, with the exception of the landowner's personal recreational horseback riding. It is ODFW's preference to exclude livestock grazing from the HMA to ensure that the area is being managed solely for the purpose of wildlife habitat.</li> </ul>
Attachment P-2; Draft Habitat Mitigation Plan;	Monitoring and success criteria will need to be defined and established prior to construction. ODFW is available

Yellow Rosebush Solar Project Comments on the Application for Site Certificate (ASC); Exhibit P		
Pg. / Para. / Sentence Reference (as needed)	From ODFW  Comment or Information Request	
Section 5.0 – 6.0 (Monitoring and Success Criteria)	<ul> <li>to provide assistance when developing protocols and criteria.</li> <li>ODFW recommends the Applicant record and share observations of State Sensitive species or Oregon Species of Greatest Conservation Need occurring within the project boundary. The sharing of species observation data (including date, species, location, indication of breeding activity, age/sex if known) allows ODFW the opportunity to fill in data gaps for these species.</li> </ul>	
Attachment P-3; Draft Revegetation and Reclamation Plan; Section 1.0 (Introduction)	<ul> <li>ODFW commends the collaborative effort to work with multiple agencies to develop and incorporate revegetation methods (ODOE, ODA, ODFW, County weed department). Other agencies that may be able to offer local expertise include Soil and Water Conservation Districts (SWCDs) and Oregon State University Extension Service.</li> <li>Although not specifically mentioned in the application, a common method for vegetation management within solar facilities includes domestic livestock grazing. This project is within approximately six miles of mapped occupied bighorn sheep habitat and there is a high possibility of spreading a deadly disease (<i>Mycoplasma ovipneumoniae</i>) from domestic livestock to bighorn sheep. Therefore, we discourage the use of vegetation control via domestic sheep or goats to ensure the integrity of the bighorn sheep population. If domestic livestock must be used, we ask for consultation with ODFW prior to introducing the livestock and that proper preventative measures and best management practices are implemented.</li> <li>ODFW commends the inclusion of having adaptive management built into the revegetation plan to allow for flexibility in case conditions or treatment methods change.</li> </ul>	
Attachment P-3; Draft Revegetation and Reclamation Plan; Section 3.0 (Description of Temporary and Permanent Impacts)	<ul> <li>The description of temporary impacts includes varying levels of ground disturbance. ODFW concurs with the mitigation ratios listed of 0.5:1 in most cases listed in this section.</li> <li>Sage-steppe communities are rare and declining in the CPE and impacts to shrub vegetation often take a long time to recover, especially in more arid regions such as the Columbia Plateau. Impacts that take longer than 3-5 years to recover are no longer considered temporary and should be mitigated as a permanent impact due to temporal loss.</li> <li>Depending on the type of activity and impact, there may be a need for a higher mitigation ratio for impacts to</li> </ul>	

Yellow Rosebush Solar Project		
Comments on the Application for Site Certificate (ASC); Exhibit P		
From ODFW		
Pg. / Para. / Sentence Reference (as needed)	Comment or Information Request	
	shrub-steppe cover included as "temporary" impacts in Attachment P-3, Table 1 (pg. 4). For example, if the temporary impacts will necessarily remove the topsoil or pull up shrubs, the mitigation ratio included for shrub-steppe habitats (0.5:1) is less than what ODFW typically requests for this habitat type. However, higher mitigation ratios are not needed if the temporary impacts only include occasionally driving over the ground and shrub cover.	

ODFW appreciates the opportunity to comment on this ASC and the actions taken to consider fish and wildlife impacts. ODFW looks forward to working with ODOE and the Applicant on this proposed project.

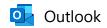
Respectfully,

In Wine

Jessica Wilkes, Acting Regional Habitat Biologist, Deschutes District

Cc:

Andrew Meyers, The Dalles Sara Gregory, Bend Jeremy Thompson, Salem Applicant



#### RE: WD2024-0071 Yellow Rosebush Delineation - Additional Information

From SALGADO Jessica \* DSL < Jessica.SALGADO@dsl.oregon.gov>

Date Tue 9/16/2025 11:22 AM

To 'Stebbins, Lauren' < lauren.stebbins@tetratech.com>

Cc 'Taylor, Jess1' <jessica.taylor@tetratech.com>; 'jwatson@savionenergy.com' <jwatson@savionenergy.com>; 'awilliams@savionenergy.com' <awilliams@savionenergy.com>; SLOAN Kathleen \* ODOE <Kathleen.SLOAN@energy.oregon.gov>

Hi Lauren,

Sorry, I sat with this a bit longer yesterday and came up with a few more questions.

- 1. Could you add notes for which features are completely contained within the study area to the delineation map set? I started to do it myself, but found that I should confirm those with you anyway.
- 2. There are two stream reaches labeled as ST-125 on Figure 5.1.15. Please revise.
- 3. Also, I counted 54 different streams on the delineation map set (with 207a & 207b as separate). Please confirm that this is correct.

Thanks,

Jessica Salgado, PWS (she/her)
Wetland Ecologist | Central & Eastern Oregon
Department of State Lands | 541-408-1892

From: SALGADO Jessica \* DSL

Sent: Friday, September 12, 2025 1:48 PM

To: Stebbins, Lauren < lauren.stebbins@tetratech.com>

**Cc:** Taylor, Jess1 < jessica.taylor@tetratech.com>; 'jwatson@savionenergy.com' < jwatson@savionenergy.com' ;

'awilliams@savionenergy.com' <awilliams@savionenergy.com>; SLOAN Kathleen \* ODOE

<Kathleen.SLOAN@energy.oregon.gov>

**Subject:** WD2024-0071 Yellow Rosebush Delineation - Additional Information

Hi Lauren,

I have the concurrence letter for this review drafted, but I have some requests for the packet and clarifying questions (see below).

- 1. Figures 5.1.16 & 5.1.39 show two different WT501s. Please revise the maps and Table 4 for clarity.
- 2. Please also add a column for corresponding figure numbers to Table 4, and include the wetlands added during review (WT500-504).
- 3. Can you clarify where the break is between ST407a (intermittent) & ST407b (ephemeral) on Figure 5.1.16 (attached)? I will add waters length (743.8') and max width (4') to the label.
- 4. Please clarify the waters length of ST447. I will update this map label as well (3' max width).
- 5. Please clarify if WT434 meets DSL's criteria for a vernal pool ARSC (Appendix F of the RFG). Table 4 was not clear about that.

Thanks,

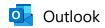
## Jessica Salgado, PWS (she/her)

Wetland Ecologist

Central & Eastern Oregon

Oregon Department of State Lands, Bend Office
541-408-1892

<u>Jessica.salgado@dsl.oregon.gov</u> <u>https://www.oregon.gov/dsl</u>



## RE: ODOE:ODFW Coordination on Yellow Rosebush Energy Center Comments

From WILKES Jessica S \* ODFW < Jessica.S.Wilkes@odfw.oregon.gov>

Date Tue 9/30/2025 1:44 PM

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

Cc SLOAN Kathleen \* ODOE < Kathleen.SLOAN@energy.oregon.gov>; TARDAEWETHER Kellen \* ODOE

<Kellen.TARDAEWETHER@energy.oregon.gov>; MEYERS Andrew R \* ODFW

<Andrew.R.MEYERS@odfw.oregon.gov>; THOMPSON Jeremy L \* ODFW

<Jeremy.L.THOMPSON@odfw.oregon.gov>

Thanks for explaining that in further detail, Sarah! That is a good point that you bring up- habitat immediately adjacent to infrastructure (like right along a fence line) aren't exactly high functioning, intact habitat. The question then becomes- how do we define the buffer of when is the habitat deemed functional?

And after rereading my response below, I realized I may not have been super clear on the first bullet point. So I wanted to rephrase:

• In the attached ODFW comment letter, page 1, 3<sup>rd</sup> row in the table states, "We recommend a 2:1 mitigation ask for functioning intact Category 2 habitats (i.e., sagebrush steppe, grasslands, wetlands) that would be impacted by this project, as well as intact Category 3 and 4 habitats that are within the Eastern Oregon Mule Deer Winter range overlay." This comment does not suggest that there are concerns with the ratio proposed to address permanent habitat impacts in the draft Habitat Mitigation Plan submitted for Yellow Rosebush Energy Center, it is a general comment on ODFWs position regarding the mitigation obligation for mapped Cat 2 habitat. Please confirm.

Yes this was intended as a general comment, we are in agreement with Savion on the permanent ratios proposed in Table 3 page 6 of P-2. Sorry for the confusion!

As discussed, depending on levels of disturbance and habitat type, we are not in agreement on the ratios proposed for <u>temporary</u> impacts. But are fine with the permanent ratios.

Thanks.

## Jessica Wilkes

Regional Habitat Biologist- Deschutes Watershed Oregon Department of Fish and Wildlife 61374 Parrell Rd Bend, OR 97702 Office: 541-388-6099

Cell: 541-640-1420 Fax: 541-388-6281

From: ESTERSON Sarah \* ODOE <Sarah.ESTERSON@energy.oregon.gov>

Sent: Tuesday, September 30, 2025 6:28 AM

To: WILKES Jessica S \* ODFW < Jessica.S.Wilkes@odfw.oregon.gov>

Cc: SLOAN Kathleen \* ODOE <Kathleen.SLOAN@energy.oregon.gov>; TARDAEWETHER Kellen \* ODOE

<Kellen.TARDAEWETHER@energy.oregon.gov>; MEYERS Andrew R \* ODFW

<Andrew.R.MEYERS@odfw.oregon.gov>; THOMPSON Jeremy L \* ODFW

<Jeremy.L.THOMPSON@odfw.oregon.gov>

Subject: RE: ODOE:ODFW Coordination on Yellow Rosebush Energy Center Comments

Thanks so much for your response!

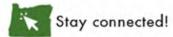
Clarification on question raised below:

Note, that I would also like to propose that, prior to construction, habitat category for temporary impacts be re-evaluated based on habitat function particularly where the impact is within the margins of existing or new infrastructure. Revegetation would still be required, but habitat restoration may not be the metric. Can you please clarify what you mean by this last sentence? The metric of what? Metric, or approach. Habitat restoration through a Reveg Plan may not be the right approach for habitat that is along the margins of infrastructure, providing limited value/function. Revegetation would still be required, but the impact would otherwise be treated as a permanent impact or recategorized to a lower category. For example, for some recent solar projects, the temporary impacts have been less than 5 acres and in areas along the fenceline, on the margins of existing roads and around the perimeter of transmission poles. The acreage totals/category and plan requirements don't contemplate the location and value of the habitat being disturbed. We would like for this to be considered when asking the question of whether a Habitat Restoration Reveg Plan is needed, versus simply revegetation consistent with surrounding area or perm impact.



#### Sarah T. Esterson

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



From: WILKES Jessica S \* ODFW < Jessica.S.Wilkes@odfw.oregon.gov >

Sent: Monday, September 29, 2025 4:47 PM

**To:** ESTERSON Sarah \* ODOE < <u>Sarah.ESTERSON@energy.oregon.gov</u>>

Cc: SLOAN Kathleen \* ODOE < Kathleen.SLOAN@energy.oregon.gov >; TARDAEWETHER Kellen \* ODOE

< Kellen.TARDAEWETHER@energy.oregon.gov >; MEYERS Andrew R \* ODFW

<a href="mailto:</a><a href="mailto:Andrew.R.MEYERS@odfw.oregon.gov">
THOMPSON Jeremy L \* ODFW

ODFW

<Jeremy.L.THOMPSON@odfw.oregon.gov>

Subject: RE: ODOE:ODFW Coordination on Yellow Rosebush Energy Center Comments

Hi Sarah!

Please see my responses below in red. Thanks for reaching out and clarifying!

Jeremy and Andrew- please chime in if you have anything to add.

I pasted the table in question just for easy reference.

**Table 3. Compensatory Mitigation Calculation** 

Final Habitat Category <sup>1</sup>	Preliminary Habitat Category <sup>2</sup>	Habitat Subtype	Impact (acres)	Mitigation Ratio	Mitigation Need (acres)
Permanent	Impacts <sup>3</sup>				
2	Perennial Streams, Scrub-shrub wetlands	_	2:01	_	
	2	Shrub-steppe	52.8	2:01	106
	_	Cliffs, Caves, Talus, Emergent Wetlands, Intermittent or Ephemeral Streams	0.3	2:01	0.6
	3	Eastside Grasslands	228	2:01	456
		Shrub-steppe	1,210	2:01	2,420
2		Eastside Grasslands	1,123	1.5:1	1,685
	4	Intermittent or Ephemeral Streams	0.1	2:01	0.2
	*	Planted Grasslands	1,144	1.2:1	1,373
		Shrub-steppe	63.7	2:01	127
5	Eastside Grasslands, Emergent Wetlands, Intermittent or Ephemeral Streams, Seasonal Ponds	848	0.5:1	424	
6	6	Wheat Fields and Other Row Crops, Urban and Mixed Environs	322	None	-
Temporary Impacts <sup>4</sup>					
2	Shrub-steppe	4.2	0.5:1	2.1	
		Perennial Streams, Scrub-shrub wetlands	0.2	None	_
	Cliffs, Caves, Talus, Emergent Wetlands, Intermittent or Ephemeral Streams	3.8	None	_	
	3	Eastside Grasslands	28.8	0.5:1	14.4
	Shrub-steppe	69.0	0.5:1	34.5	
2		Eastside Grasslands	48.2	0.5:1	24.1
5	4	Intermittent or Ephemeral Streams	0.1	None	_
	•	Planted Grasslands	14.6	None	_
		Shrub-steppe	18.1	0.5:1	9.1
	5	Eastside Grasslands, Emergent Wetlands, Intermittent or Ephemeral Streams, Seasonal Ponds	11.1	None	_
6	6	Wheat Fields and Other Row Crops, Urban and Mixed Environs	28.3	None	_
		Total	5,218		6,675

<sup>1.</sup> Final Category following application of ODFW Designated Mule Deer Winter Range overlay.

## Jessica Wilkes

Regional Habitat Biologist- Deschutes Watershed Oregon Department of Fish and Wildlife 61374 Parrell Rd Bend, OR 97702

Office: 541-388-6099 Cell: 541-640-1420 Fax: 541-388-6281

From: ESTERSON Sarah \* ODOE <Sarah.ESTERSON@energy.oregon.gov>

Sent: Monday, September 29, 2025 3:33 PM

To: WILKES Jessica S \* ODFW < <u>Jessica.S.Wilkes@odfw.oregon.gov</u>>

Cc: SLOAN Kathleen \* ODOE < Kathleen.SLOAN@energy.oregon.gov >; TARDAEWETHER Kellen \* ODOE

<sup>2.</sup> Current habitat condition and category as mapped by the Applicant prior to construction.

<sup>3.</sup> Permanent impact areas based on final design and include the Facility's footprint. No mitigation offered for Category 6 habitat.

<sup>4.</sup> Compensatory mitigation for temporal habitat loss to current Category 2, 3, or 4 Upland Grassland, Shrub-Steppe and Shrubland - Shrub-Steppe and Eastside grasslands habitat subtypes (see Table 1) due to sagebrush component. Other habitat types will be restored following the methods described in the Revegetation Plan.

Subject: ODOE:ODFW Coordination on Yellow Rosebush Energy Center Comments

Hi Jessica,

Per our discussion today, I wanted to confirm if the following is accurate.

• In the attached ODFW comment letter, page 1, 3<sup>rd</sup> row in the table states, "We recommend a 2:1 mitigation ask for functioning intact Category 2 habitats (i.e., sagebrush steppe, grasslands, wetlands) that would be impacted by this project, as well as intact Category 3 and 4 habitats that are within the Eastern Oregon Mule Deer Winter range overlay." This comment does not suggest that there are concerns with the ratio proposed to address permanent habitat impacts in the draft Habitat Mitigation Plan submitted for Yellow Rosebush Energy Center, it is a general comment on ODFWs position regarding the mitigation obligation for mapped Cat 2 habitat. Please confirm.

Yes this was intended as a general comment, we are in agreement with Savion on the ratios proposed in Table 3 page 6 of P-2. Sorry for the confusion!

- In the attached ODFW comment letter, page 5, 3<sup>rd</sup> row in the table states, "ODFW concurs with the mitigation ratios listed of 0.5:1 in most cases.." and clarifies that temporary impacts to shrub-steppe habitat warrant a higher ratio if construction activities include grading, where topsoil is removed and shrubs are pulled. Could you confirm if this is an accurate summary of the comment? yes
  - Note, if all temporary impacts to shrub-steppe are from grading like activities, this would increase
    the mitigation obligation by approx. 136 acres (from 45 to 183 acres). Yes, a 2:1 ratio would result in
    any shrub steppe "temp" impacts in ~183 acres.
  - o If the above summary is accurate, we intend to build in a requirement that, prior to construction, temporary impacts be re-evaluated based on disturbance level. This would result in either maintaining the ratio or treating the impact as a permanent impact. I think this is a good way of rephrasing our concern- there are some activities that we are concerned are currently classified as Temporary, when they should really be treated as Permanent, depending on the disturbance level and habitat type. We realize that if disturbance levels are actually low in a vegetation type that recovers quickly, then that means the ratio will not change.
    - Note, that I would also like to propose that, prior to construction, habitat category for temporary impacts be re-evaluated based on habitat function particularly where the impact is within the margins of existing or new infrastructure. Revegetation would still be required, but habitat restoration may not be the metric. Can you please clarify what you mean by this last sentence? The metric of what?

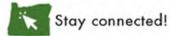
Let us know what you think.

Thanks, Sarah



## Sarah T. Esterson

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





## Re: Requesting RFPA Review of Complete ASC for the Yellow Rosebush Energy Center

From TARDAEWETHER Kellen \* ODOE <Kellen.TARDAEWETHER@energy.oregon.gov>

Date Tue 9/30/2025 1:58 PM

To Blaine Carver <carvermag@yahoo.com>

Hi Blaine,

Thanks for the additional review and discussion with your Board. Thank you for the examples of locating the fencing to avoid building it on bluffs and "death traps" so vehicles can get around the facility. There are water sources, with pumps and hoses that will be on-site, but I understand the RFPA position of not accessing the site. There are also fire season restrictions in the Wildfire Mitigation Plans (WMPs) that limited certain types of construction and operational activities that can occur onsite during fire season and especially during red flag warnings.

As you note, there are advantages with grazing, but the applicant isn't proposing that at this time. They have expressed interest in reviewing and adding this as a vegetation and fire management measures at a later date.

I think looking at it as creating a plan together is exactly what we are trying to achieve. I'll pass this along to Savion and also keep in mind that the Constuction and Operational WMP's will be finalized prior to construction and operation, if approved, which allows more opportunities for coordination and addressing concerns. Thanks again for taking the time to get back to us!

## Kellen



## Kellen Tardaewether

Senior Siting Analyst 550 Capitol St. NE Salem, OR 97301

C: 503-586-6551

P (In Oregon): 800-221-8035

Stay connected!

From: Blaine Carver <carvermag@yahoo.com> Sent: Tuesday, September 30, 2025 1:49 PM

To: TARDAEWETHER Kellen \* ODOE <kellen.tardaewether@energy.oregon.gov>

Subject: Re: Requesting RFPA Review of Complete ASC for the Yellow Rosebush Energy Center

Hi Kellen,

I reviewed Savion's response with some of my board members. We have no major issues with it. We do want them to pursue using grazing as the fuels reduction tool; and understand that it isn't possible at this moment. The 50' fuel break containing a 20' road on the perimeter sounds fine, and will work on non-windy days. The fact that we can't use water near it kind of limits it's effectiveness.

I also want Savion and ODOE to understand that these measures by no means eliminate the huge wildfire liability that is being created. It is not a matter of if there is a fire, it is a matter of how bad it is. The fuel reduction will hopefully slow the intensity when it happens. Grazing would eliminate much of the fuel while mowing etc only lowers it to the ground. The perimeter road and fuel break will allow access and can stop a fire in good weather; but it will only be a hiccup on windy red flag days.

It is of note that the perimeter fence should be built in a way to allow off-road-vehicle access on the outside of the fence. We can use water and dozers etc on the outside of the fence to help combat fire. This will only work if the perimeter fence layout allows it; i.e. isn't built into bluffs, canyons, lots of corners etc. I would be happy to meet with Savion to discuss and give input on this. We want to eliminate "death traps" and to have the ability to fire line the perimeter on the outside in an actual fire situation.

Overall I think we are making a decent plan together. Thanks, Blaine Carver BS-RFPA chairperson

On Friday, September 26, 2025 at 08:21:22 AM PDT, TARDAEWETHER Kellen \* ODOE < kellen.tardaewether@energy.oregon.gov> wrote:

Thanks Blaine,

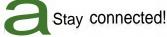
I hope the days out of service were good! Yes, just get your comments over to us when you can. If you need two weeks to provide them, they will come in on the comment period for the draft proposed order (DPO), which is anticipated to be issued next week. So, ODOE and the applicant would address the comments in the next document, which is the proposed order. Let me know if you have questions and we'll be in touch. Thanks!

#### Kellen



# **Kellen Tardaewether**Senior Siting Analyst 550 Capitol St. NE Salem, OR 97301

C: 503-586-6551 P (In Oregon): 800-221-8035



From: Blaine Carver <carvermag@yahoo.com> Sent: Thursday, September 25, 2025 8:44 PM

To: TARDAEWETHER Kellen \* ODOE < kellen.tardaewether@energy.oregon.gov>

Subject: Re: Requesting RFPA Review of Complete ASC for the Yellow Rosebush Energy Center

Hi Kellen,

I have been out of service for 10 days, which is awesome but makes my responses tardy. I read savion's response. Since it is not an agreement to our asks, but an alternate plan; I plan to share it with my board members and respond accordingly. I will give a response once we have time to address it. I anticipate within the next couple of weeks. If it is more time sensitive than that please let me know.

Blaine Carver BS-RFPA

On Thursday, September 25, 2025 at 11:27:56 AM PDT, TARDAEWETHER Kellen \* ODOE <kellen.tardaewether@energy.oregon.gov> wrote:

Hi Blaine,

Did you have time to review this email at the applicant responses? Thanks in advance!

#### Kellen

//

We understand that Savion has been in communication with you and working through your concerns. Thank you for taking a look at the Wildfire Mitigation Plans (WMP) that will apply to construction and operation of the facility as well. Attached is a response letter from Savion that was sent to us to address your comments for the facility.

We understand the advantages of sheep grazing to control weeds, vegetation and for fire risk management. As the applicant indicates in its response letter, the applicant is not at this time proposing sheep grazing for this facility. However, there remains the possibility of the applicant adding it in to it's weed or vegetation management plan at a later date, in consultation with ODFW, the RFPA, and the Department.

As provided in the letter, the applicant commits to a 50-foot fire fuel break inside the fence line. Below is a summary of the vegetation management in these areas as well as other facility design features that mitigate wildfire risk. The Department will address these commitments (representations) by recommending Council impose these as design requirements for the facility. The facility design features (setbacks, gravel/non combustion base, etc.) will be described in the WMPs attached to the DPO and they will also be described in the site certificate (the binding state permit).

Please keep in mind that during construction and during fire season during operations, water sources and fire equipment will be maintained on site and there will be emergency access to the site, although I understand limitations with the RFPA wanting to access the site. These items will be finalized with the Department and RFPA prior to construction and operation of the facility, if approved.

The 50-foot fire fuel break inside the fence line would act as a fire break between facility components and the outside fenceline and would be free from all buildings and structures (including solar arrays) and will follow the Wasco County Land Use Development Ordinance maintenance standards for the fire fuel break area (Section 10.120). This includes:

• Ground cover maximum 4 inches tall;

- Trees limbed up approximately 8 feet from the ground,
- Trees kept free from dead, dry, or flammable material;
- Ladder fuels must be removed:
- No shrubs or tall plants under trees;
- Shrubs only in isolated groupings that maximize edges of ornamental beds to avoid continuous
- blocks of ground fuel;
- Keep shrubs and ornamental beds 15 feet away from edge of buildings and drip line of tree
- canopy; and
- Use well irrigated or flame-resistant vegetation

The following areas will be managed to be vegetation-free, noncombustible space, or gravel surface:

- 20-foot-wide service roads within solar fence line, composed of gravel, compacted aggregate base, or another commercially available suitable surface.
- Vegetation will be cleared by mowing and maintained along service roads to provide a vegetation clearance area for fire safety.
- Fenceline will be vegetation free with no build up.
- The fenced areas around the collector substation, O&M building, and BESS will be graveled, with no vegetation present.

Please let us know if you have additional concerns or comments. Thank youl

#### Kellen

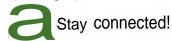


## Kellen Tardaewether

Senior Siting Analyst 550 Capitol St. NE Salem, OR 97301

C: 503-586-6551

P (In Oregon): 800-221-8035



From: Blaine Carver <carvermag@yahoo.com> Sent: Tuesday, September 16, 2025 9:19 AM

To: SLOAN Kathleen \* ODOE <kathleen.sloan@energy.oregon.gov>

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

ODOE <sarah.esterson@energy.oregon.gov>; Jeff Watson <jwatson@savionenergy.com>

Subject: Re: Requesting RFPA Review of Complete ASC for the Yellow Rosebush Energy Center

You don't often get email from carvermag@yahoo.com. Learn why this is important

Good morning, Kathleen and team.

I have been in contact with Jeff Watson of Savion through this process, and we have an open healthy communication. For the most part the fire mitigation plan looks good.

My ask of having a permanent 25'+ road/fire break on the perimeter of the project is still important to our community. Savion is interested in this, but they haven't committed to it yet. To my knowledge it is still being discussed by their different teams. It was mentioned in the mitigation plan but the actual permit app on the ODOE website left it pretty vague, and not committed to.

My fuels reduction ask, of using grazing animals to reduce the fuel load, is being worked through. ODFW originally said no to this proposal even though they allow Avangrid to do it in the same location. Currently it sounds like this may be back on the table, as there are potentially ways to graze and satisfy ODFW at the same time. This is still very important to us. Yes mechanical and chemical treatments could also work; however, they are less effective and start fires on their own.

Avangrid had two fires within it's solar arrays this summer (that I know of). Both were started within, from the unmanned solar installation itself. I personally responded to one of them. They were both slow burning and extinguished fairly efficiently, due to the sheep grazing and the access roads on the perimeter. Had it not been grazed, and had there not been a firebreak, they almost certainly would have escalated to 10's of thousands of acres. This also proved that solar installations start fires. We can't be within the array itself, and we can't use water near the solar farms, so we need every advantage we can get.

These two asks will not eliminate the fire risk, but will substantially minimize it and we feel are nearly mandatory. After two solar fires this summer, If these can't be built in a way that is safe for the community and the array itself then perhaps they don't belong here. We will continue working with Savion, and hope for a mutually satisfactory outcome.

Sincerely, Blaine Carver BS-RFPA chair, and neighboring landowner

On Friday, September 12, 2025 at 02:23:17 PM PDT, SLOAN Kathleen \* ODOE <a href="mailto:ckathleen.sloan@energy.oregon.gov">ckathleen.sloan@energy.oregon.gov</a> wrote:

Good Afternoon Blaine.

As a follow up to the Public Notice on the Application for Site Certificate for the proposed Yellow Rosebush Energy Center (ASC) sent to you via email on 9/10/2025. In October 2024, you provided the Department a comment letter for the proposed facility indicating the following items:

- The proposed facility in their service area and they are a volunteer-based organization and are not taxpaver funded.
- The organization expects monetary compensation to provide services.
- Recommendations for facility design to minimize fire risk, including non-combustible area outside the perimeter fence.
- Recommendations that vegetation be maintained and fence kept clear of tumbleweeds etc. and recommend the use of grazing animals for vegetation management.

Since the Fire Department provided d these comments, the Department has worked with the applicant and the applicant is using Department-recommended construction and operational wildfire mitigation plans (see attached). Please review the plans (they will be updated prior to construction and operation with additional details), and let us know if they address your concerns or if you have other comments. These draft plans are provided in word version for your review - please use track changes and make any recommended edits in redline, if you would like to submit comments directly in the draft plans.

The attached review request memo includes additional information on the proposed facility and the Department's request for the RFPA's review of the ASC and any comments on the ASC by September

26, 2025. We are including the

ASC documents are available for review and download on the project webpage:

State of Oregon: Facilities - Yellow Rosebush Energy Center

You will have future opportunities to review and comment on the Draft Proposed Order (DPO), once issued.

We are available for a call or meeting, at your reguest, to discuss this proposed facility.

Please feel free to contact me if you have any guestions.

Thank you,

Kathleen Sloan Senior Siting Analyst ODOE Siting Division Ph: 971.701.4913

State of Oregon: Facilities - Energy Facility Siting



## **TARDAEWETHER Kellen \* ODOE**

From: KEMMERLIN Aspen \* OPRD

Sent:Monday, March 31, 2025 3:44 PMTo:TARDAEWETHER Kellen \* ODOE

**Cc:** eragsdale@hrassoc.com

**Subject:** SHPO Case No.: 23-1821, Savion Energy, Yellow Rosebush Energy Center, 3696

**Attachments:** SHPO Response Letter Case Nbr SHPO Case No.\_ 23-1821.pdf

Please find the SHPO's response to your request for comment on cultural resources at the above-identified project. This attachment serves as your file copy. If you have any questions, please feel free to contact me.

Aspen Kemmerlin (she, her, hers) | Special Projects Archaeologist

\_\_\_\_\_

Oregon Heritage, Oregon Parks and Recreation Department 725 Summer St NE, Suite C, Salem, Oregon 97301

Cell: (503) 507 -3656



Parks and Recreation Department

Oregon Heritage/
State Historic Preservation Office
725 Summer St. NE, Suite C
Salem, OR 97301-1266
(503) 986-0690
Fax (503) 986-0793
oregonheritage.org



March 31, 2025

Ms. Kellen Tardaewether Oregon Department of Energy 550 Capitol St N.E., 1st Floor Salem, OR 97301

RE: SHPO Case No. 23-1821
Savion Energy, Yellow Rosebush Energy Center, 3696
Solar energy development
multiple legals, Maupin, Wasco County

#### Dear Kellen Tardaewether:

Thank you for submitting information for the undertaking referenced above. We concur with the determination that 49 of the archaeological resources identified are not eligible for listing in the National Register of Historic Places (NRHP); however, 39 archaeological resources remain unevaluated within the project area.

Regarding the identified ten built resources, we concur that the 3 transmission lines (Grizzly Nos 1, 2, and Jones Canyon-Santiam No 1) are eligible for listing in the NRHP. We also concur that there will be no adverse effect to the three transmission lines for this undertaking. Regarding the seven agricultural properties, we concur that five of those (89881 Bakeoven Rd, 90530 Bakeoven Rd, 91443 Hinton Rd, 90800 Wilson Road, and 91171 Bakeoven Road) are not eligible for listing in the NRHP and the undertaking will not have an effect to these resources.

Based on the provided context in the report and the inability to survey all properties, we do not concur that Parcel 05S15E01100 and Parcel 05S16E00006000 are not eligible for listing in the NRHP. From the written descriptions and photos, both of these parcels retain sufficient resources from the era of decline discussed in the local context and either could have significance as a historic district reflective of that period. The submitted report does not include enough information to sufficiently evaluate the significance of these properties being eligible under Criterion A and/or Criterion C as farmsteads reflective of that period and without additional information we are not able to concur on eligibility. Additionally, since the survey team could not fully assess all the properties to complete a full survey we are not able to concur on whether or not the historic properties retain integrity.

Finally, our office recommends that an assessment of visual effects be conducted for all eligible and unevaluated cultural resources within the project area. While the proposed avoidance buffers will address physical impacts, there needs to be greater consideration for potential adverse effects to the viewshed of eligible and unevaluated resources. In addition, be sure to consult with all appropriate Native American tribes and interested parties regarding the proposed undertaking.

Our office has assigned the report SHPO biblio number 35846 to the 2023 archaeological survey report. Details will be available in the bibliographic database.

If the undertaking design or effect changes or if additional historic properties are identified, further consultation with our office will be necessary before proceeding with the proposed undertaking. Additional consultation regarding this case must be sent through Go Digital. In order to help us track the undertaking

accurately, reference the SHPO case number above in all correspondence.

Please contact our office if you have any questions, comments or need additional assistance. For questions regarding the built resources, please contact Robert Olguin, Review and Compliance Historian, at Robert.Olguin@oprd.oregon.gov.

Sincerely,

Aspen Kemmerlin

Special Projects Archaeologist

Aspen.Kemmerlin@oprd.oregon.gov

cc: Emily Ragsdale, Historical Research Associates, Inc.

Attachment C: Draft Proposed Order Index/Comments (placeholder)



# Yellow Rosebush Energy Center Draft Fugitive Dust Control Plan

# Yellow Rosebush Energy Center September 2025

Prepared for Yellow Rosebush Energy Center, LLC

Prepared by





# **Table of Contents**

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# **List of Appendices**

Appendix 1: Fugitive Dust Sources and Reasonable Available Control Measures

Appendix 2: EPA Method 22



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### 1.0 Introduction

This Fugitive Dust Control Plan (Plan) has been developed by Yellow Rosebush Energy Center, LLC (Applicant) for the proposed Yellow Rosebush Energy Center (Facility) in Wasco and Sherman counties, Oregon (Figure 1). The only portion of the Facility located within Sherman County is the alternate generation-tie line. The purpose of this Plan is to reduce fugitive dust emissions associated with construction-related activities of a solar photovoltaic power generation facility with up to 800 megawatts (MW) alternating current and related or supporting facilities, as well as a 800-MW battery energy storage system. The majority of the site consists of a mix of mainly fallow fields and grazing with a small area in dryland small grain production; no farmlands within the site boundary receive irrigation (the application of water to land for purposes of growing agricultural products; YREC 2024a). This Plan summarizes the sources of, and regulatory issues that relate to, fugitive dust emissions; identifies responsibilities, monitoring, and training; and provides reasonable available control methods for fugitive dust in a table for easy field reference (Appendix 1).

The performance criteria and suggested measures identified in this Plan are minimums, and the contractor is expected to identify and implement additional measures as needed to fully meet all regulatory and public safety performance criteria. The contractor may propose alternative approaches for consideration by the owner where indicated in this Plan.

### 1.1 Fugitive Dust Sources

The Natural Resources Conservation Service (NRCS) Web Soil Survey (NRCS 2024) describes the 14 major soil types found within the analysis area (NRCS 2024; see YREC 2024b).

Four soil units each make up 5 percent or more of the analysis area. These are:

- Condon silt loam, 2 to 12 percent slopes (CnC);
- Bakeoven-Condon complex, 2 to 20 percent slopes (BcC);
- Condon-Bakeoven complex, 2 to 20 percent slopes (CoC); and
- Lickskillet extremely stony loam, 40 to 70 percent slopes (LeF).

The soils composing the majority of the analysis area, including the four major soil units, are rated to have a moderate to low susceptibility to wind erosion. Approximately 1.25 percent of the analysis area is composed of soils that are rated as most susceptible to wind erosion. These are:

- Endersby fine sandy loam, 0 to 3 percent slopes (1);
- Endersby fine sandy loam, 0 to 3 percent slopes (11A); and
- Playas (Pa).

These soils are therefore more susceptible to susceptible to erosion and dust propagation from ground disturbance, wind, and vehicle traffic on unpaved roads.

Fugitive dust can arise from a variety of construction and operational activities associated with solar development. The sources can be grouped into three general categories: dust created from ground-disturbing activities such as clearing and grading, dust created from wind action on bare soils and stockpiles such as those not fully stabilized post-construction with either vegetation or a tackifier; and dust created from traffic on unpaved roads. Sediment is the basis for fugitive dust, meaning that sediment particles can become fugitive dust if they are windborne. Therefore, the thresholds for treating sediment and erosion on the site will be similar if not the same as the thresholds for treating fugitive dust. Maintaining existing vegetation and root systems is the single most effective method for avoiding fugitive dust and sediment. Where existing vegetation and root systems are disturbed, quickly re-establishing vegetation is critical.

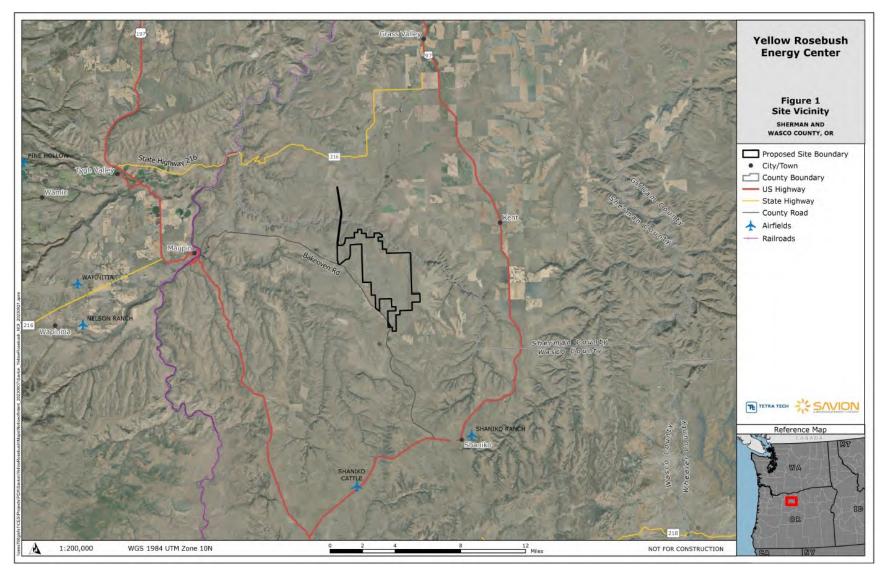


Figure 1. Site Vicinity

### 1.2 Regulatory Compliance

Fugitive dust is a source of particulate matter with a mean diameter less than 10 microns ( $PM_{10}$ ), which is one of the seven air pollutants the U.S. Environmental Protection Agency (EPA) regulates under the National Ambient Air Quality Standards (NAAQS). To a lesser extent, fugitive dust is a source of particulate matter with a mean diameter less than 2.5 microns ( $PM_{2.5}$ ), which has proposed regulations pending under NAAQS. These soil particles are very small, can remain suspended in the air for long periods of time, and are easily inhaled into the lungs. Increased risks of death and disease have been linked to periods of high outdoor  $PM_{10}$  and  $PM_{2.5}$  concentrations. These fine particles can potentially be lifted thousands of feet into the atmosphere and transported across continents and oceans creating global health, ecological, and climate change impacts.

The EPA shares responsibility with the Oregon Department of Environmental Quality (ODEQ) for the implementation of Clean Air Act (CAA) criteria in Oregon. ODEQ implements the CAA rules under the EPA-approved Oregon Administrative Rules (Chapter 340, Division 21 – General Emission Standards for Particulate Matter). Fugitive dust is the primary concern related to the CAA at the Project. Fugitive dust is defined by ODEQ as dust that visibly leaves the project site for a period of more than 18 seconds in a 6-minute period, determined by the attached EPA Method 22 (Appendix 2; ODEQ 2019) at the downwind property boundary (Oregon Administrative Rules [OAR] 340-208-0210 (2)-a and -b).

The ODEQ Rule 340-208-0210 contains the following requirements for fugitive dust:

- Reasonable precautions must be taken to prevent particulate matter from becoming
  airborne. This includes, but is not limited to, the use of water or other chemicals to control
  dust during construction, on unpaved roads, and during the transport of materials;
  enclosure of materials stockpiles and covering of open-body trucks; and prompt removal
  from paved streets of earth or other material.
- If fugitive dust is discovered, ODEQ may require the Facility to cease work until the fugitive dust emissions are controlled. Emissions are considered controlled when fugitive dust is no longer leaving the Facility site for more than 18 seconds in a 6-minute period.

Further, ODEQ Rule 340-208-0300 specifies that it is prohibited to cause or allow any air contaminants (e.g., fugitive dust) to create a nuisance. If ODEQ determines that a nuisance has been created, the agency may pursue informal or formal enforcement actions to abate the nuisance.

A National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Discharge Permit (Oregon 1200-C Construction Stormwater Permit), pursuant to Oregon Revised Statutes (ORS) 468.050 and Section 402 of the federal Clean Water Act, will be obtained from ODEQ. Section 2.2.9 of this permit requires the permit holder to "Prevent wind-blown soil and dust from areas with exposed soil through the appropriate application of water or other dust suppression techniques to control the generation of pollutants that could be discharged in stormwater from the

site" and requires permit holders to implement measures including monitoring, record keeping, reporting of exceedances, and installation, maintenance, and adaptive management of best management practices (BMPs) to control both stormwater and fugitive dust discharges. Implementation of these measures is intended to reduce fugitive dust to a negligible impact and ensure compliance with applicable air quality regulations.

The Wasco County Land Use and Development Ordinance regulates fugitive dust through the implementation of Sections 3.715, 5.02(E) and 19.030(C)(12) (Wasco County 2022). Controlling fugitive dust emissions is required to avoid creating a nuisance, which is defined in Section 3.715(C) as "the construction, erection, location, maintenance, repair, alteration, enlargement or change in use of any structure, or the initiation of any development in violation of this Ordinance or those conditions and limitations approved pursuant to the provisions of this Ordinance" and is subject to the provisions of the Wasco County Code Compliance and Nuisance Abatement Ordinance (Wasco County 2022).

The Sherman County Code regulates nuisances through ORS Chapter 203 and through the implementation of the Sherman County Zoning Ordinance (SCZO) Section 9.7(5), which states that "a permit may be revoked on the basis that the use for which the approval was granted is so exercised as to be detrimental to the public health, safety or general welfare, or in such a manner as to constitute a nuisance" (Sherman County 2003).

# 2.0 Fugitive Dust Control Plan

# 2.1 Responsibility

As described in Section 1.2 above, the holder of the Oregon 1200-C permit is required to control fugitive dust emissions, including ensuring compliance by all subcontractors and outside service providers. The Applicant will require the construction contractor to implement and adaptively manage this Plan, control fugitive dust emissions, and meet all regulatory and public safety performance criteria throughout completion of construction activities. Construction activities will occur in two phases to further minimize exposed soil with dust suppressants or polymers applied as necessary to stabilize exposed sensitive soils. Post construction and throughout the operational lifespan of the Facility, the Applicant shall assume the responsibility to implement and adaptively manage this Plan. This will include ensuring continued application of appropriate measures and standards aimed at minimizing short-term and long-term disturbances to soils within the Facility as well as conducting regular monitoring and maintenance.

If the Applicant identifies that the regulatory and public safety performance criteria are not being met, Applicant will implement enforcement measures, including but not limited to:

• Issuance of a Non-Conformance and/or Non-Compliance Report.

<sup>&</sup>lt;sup>1</sup>https://www.oregon.gov/deq/filterpermitsdocs/1200cpermit.pdf

- Contractor to prepare and submit a corrective action plan.
- Contractor to document corrective actions taken and performance criteria met.
- Partial or full stoppage of work on site through activation of shut-down clause in contract.
- At the Applicant's sole discretion, an outside contractor may be contracted to implement corrective actions, to be reimbursed by the contractor.

### 2.2 Monitoring

As required by the 1200-C permit, the permit holder will perform visual monitoring and recordkeeping by a Certified Erosion and Sediment Control or Storm Water Quality Inspector (inspector). The contractor's construction site manager and inspector will be responsible during construction for ensuring that the measures in this Plan are implemented, monitored, and adaptively managed, and that any exceedances are immediately reported to the Applicant. The visual monitoring required by the 1200-C permit must occur at least once every 14 calendar days.

Monitoring for fugitive dust emissions shall include:

- Use of EPA Method 22 (ODEQ 2019; see Appendix 2) as specified in OAR 340-208-0210, at least once a day.
- The observation shall be performed during times of peak construction activity at the downwind property boundary.
- Recording of observations in a fugitive dust inspection log that is kept on site and will be
  available digitally to the Applicant. This log will include all information required in EPA
  Method 22 and will also include photos and/or video taken during the observation period
  to document conditions.
- Installation and operation of a weather station, recording (at a minimum) wind speed and direction.

Triggers for additional, more frequent monitoring will include:

- Observation of visible fugitive dust emissions by contractor, agency, or the Applicant's staff.
- Wind speeds greater than 15 miles per hour.
- Receipt of complaints or concerns through the Project Dust Control Hotline.

Applicant shall include summaries of monitoring and any actions taken in the six-month Facility semi-annual construction report,

During Facility operations, the Applicant and onsite O&M staff will be responsible for routine inspection of all Facility components and maintain dust control measures as necessary. The Facility speed limits will be reduced, roadways will be gravel, and vegetated cover will be established and routinely maintained to mitigate dust production. Additional dust control mitigation may be implemented, as needed, from time to time. Applicant shall include summaries of inspections and any actions taken in the Facility's annual operations report.

### 2.3 Training

EPA Method 22 (ODEQ 2019; Appendix 2) does not require a specific certification, but it is necessary that the person responsible for completing observations for this method be knowledgeable with respect to the general procedures for determining the presence of visible emissions. At a minimum, the observer must be trained and knowledgeable regarding the effects of background contrast, ambient lighting, observer position relative to lighting, wind, and the presence of uncombined water (condensing water vapor) on the visibility of emissions. This training is to be obtained from written materials found in the references cited in Method 22 or from the lecture portion of the EPA Method 9 certification course. The contractor shall document in the inspection log how the person responsible for observations meets this requirement.

Construction workers will attend a Worker Environmental Awareness Program training prior to conducting construction activities. This training will include a summary of fugitive dust control measures included in this Plan and the responsibilities of personnel working on the Facility related to fugitive dust control.

Post construction, the Facility manager and operations team will receive training on the Fugitive Dust Control Plan and the associated monitoring and maintenance measures.

### 2.4 Fugitive Dust Prevention and Management

This document and the attached table (Appendix 1) are intended to provide guidance to construction personnel on measures intended to minimize impacts and control fugitive dust emissions during construction. It is the responsibility of the contractor to monitor and adaptively manage the site to maintain compliance with all local, state, and federal requirements. Additionally, this Plan is supplemental to the contractor's Erosion and Sediment Control Plan and does not substitute for any requirements of ODEQ or other agencies.

This Plan is performance-based. As shown in the flow chart in Figure 2, if fugitive dust emissions in excess of the ODEQ criteria of 18 seconds in a 6-minute period occur, the contractor shall:

- Implement adaptive management actions, including watering, tackifiers, altering work operations and/or pause work until the fugitive dust emissions are controlled.
- Document that fugitive dust emissions have been controlled, including monitoring with EPA Method 22.
- In addition to any reporting requirements required in the 1200-C permit, report noncompliance incidents and adaptive management actions taken by the Applicant. The contractor shall maintain and implement this Plan during all phases of construction. The table in Appendix 1 provides suggested Reasonable Available Control Measures (RACMs) for anticipated fugitive dust sources based on industry-standard BMPs and reasonable precautions specified in the Oregon 1200-C permit, ODEQ's Construction Stormwater Best Management Practices Manual (Manual) (ODEQ 2021), and OAR 340-208-0210. Supplemental RACMs are identified in the table in case initial RACMs are not effective in controlling fugitive dust or are not feasible to implement (Appendix 1).

The contractor shall identify and implement additional RACMs as needed to control fugitive dust emissions. Additionally, the contractor may propose alternative approaches and RACMs for controlling fugitive dust. This proposal shall be made in writing and is subject to the approval of the Applicant.

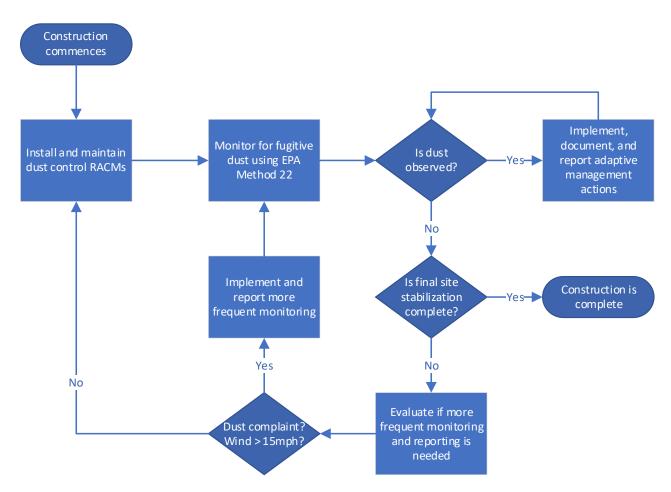


Figure 2. Dust Control Plan Flow Chart

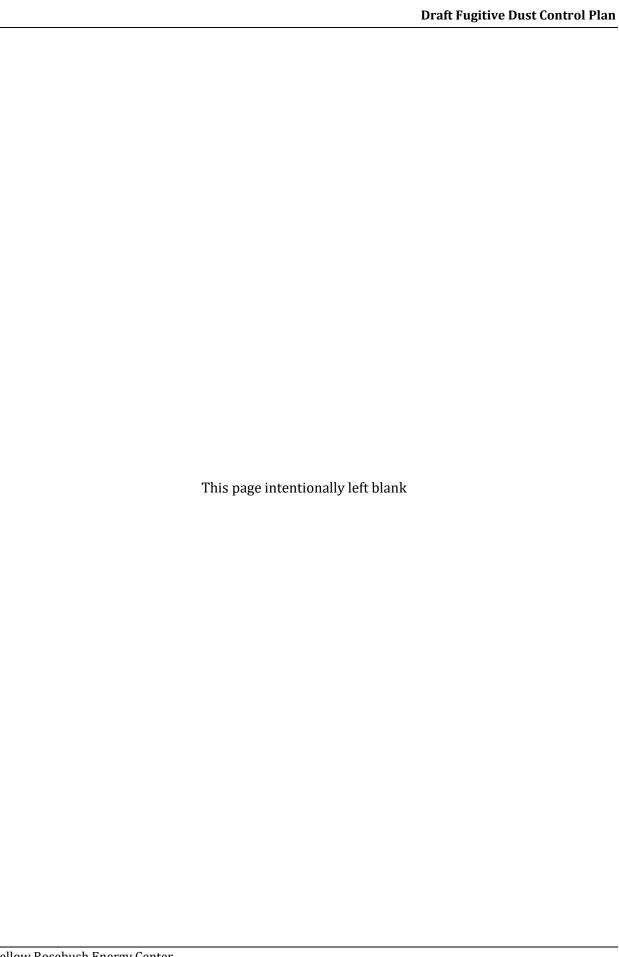
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- YREC. 2024b. Preliminary Application for Site Certificate, Exhibit I Soil Conditions. Prepared for Yellow Rosebush Energy Center, LLC by Tetra Tech, Inc. https://www.oregon.gov/energy/facilities-safety/facilities/Pages/YRB.aspx



Draft Fugitive	Dust Control Plan
<b>Appendix 1: Fugitive Dust Sources and Rea</b>	asonable
<b>Available Control Measures</b>	



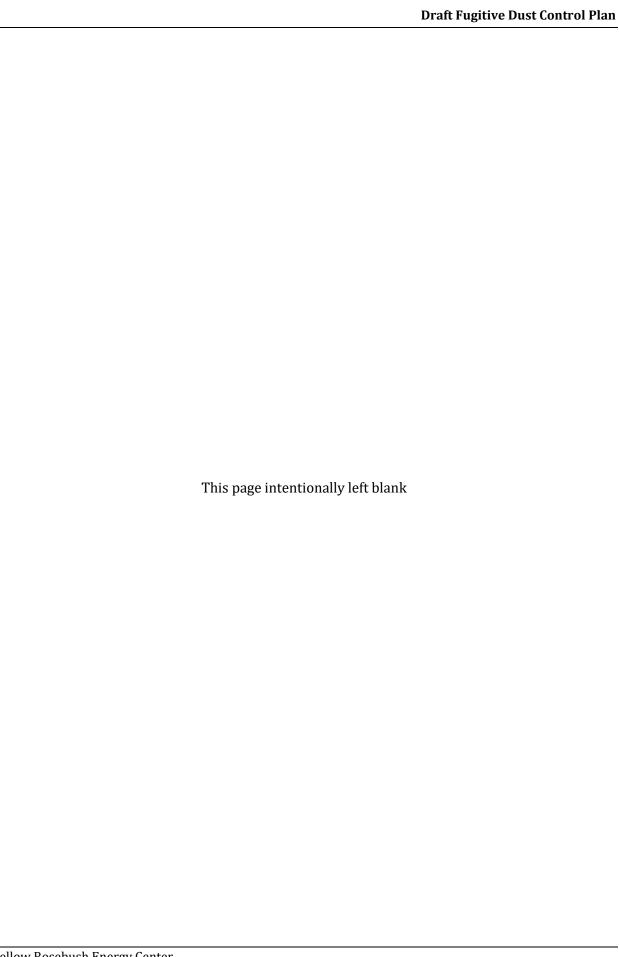
# Yellow Rosebush Energy Center: Fugitive Dust Sources and Reasonable Available Control Measures (RACMs)

Construction Phase	RACM(s)	Supplemental RACM(s)			
	Daily fugitive dust monitoring and record keeping.	Increase frequency of monitoring.			
	Prominent display of Dust Control Hotline signs, providing direct access to the Contractor's site manager or inspector.	Proactive engagement with community.			
All Phases of	If established, Worker Environmental Awareness Program training for all construction employees.	Additional trainings and refreshers for employees.			
Construction	Maintain stockpile of BMPs on site, including sufficient palliatives for a single treatment of all site access roads and sufficient palliatives, mulch, and/or hydromulch for a minimum of 25 percent of the total disturbed area, and machinery for application.	Increase stockpile of palliatives, mulch, and/or hydromulch and add additional BMPs.			
	Documentation and reporting of adaptive management actions.	Development and submittal of revised Fugitive Dust Control Plan.			
	Install and maintain stabilized construction entrances at ingress/egress locations and restrict traffic to these locations.	Add additional construction entrance BMPs (e.g., wheel wash).			
	Daily sweeping up of sediment from paved surfaces utilizing vacuum sweeper with HEPA filtration.	Increase sweeper frequency.			
	Access roads shall be graveled.	Road maintenance and reapplication of gravel.			
Site Access	Access roads will be stabilized with water or palliative sufficient to eliminate visible and sustained dust from vehicular travel and wind erosion. Reapply stabilization as necessary to maintain dust-free condition.	If water is unavailable or ineffective, or if water use is limited by any agency or regulation, access roads will be stabilized with longer-lasting palliatives.			
	Restrict construction traffic to established and stabilized access routes.	Install fencing or barricades to prevent traffic outside of established routes.			
	Limit traffic speeds to 15 miles per hour on stabilized unpaved roads within the site as long as such speeds do not create significant visible dust emissions. Traffic	Limit traffic speeds within the site to 5 or 10 miles per hour.			

Construction Phase	RACM(s)	Supplemental RACM(s)
	speed signs shall be displayed prominently at all site entrances and exits.	
	Maintain the natural topography and vegetation of the site to the extent possible, including by limited grading and limited establishment of temporary access roads.	Reduce area being actively worked and stabilize unworked areas.
	Phase construction to expose the minimum amount of soil necessary.	Construction activities will occur in two phases to further minimize exposed soil with dust suppressants or polymers applied as necessary to stabilize exposed sensitive soils.
	Leave existing vegetation intact to the extent possible.	Utilize mowing and rolling techniques to maintain plant root systems for soil stabilization.
	Minimize disturbance areas and soil exposure to the maximum extent feasible.	Limit work to a portion of the disturbed area until all disturbed areas receive temporary or final stabilization.
Clearing, Grading, and Unstable Surfaces	When wind speeds exceed 15 miles per hour, minimize new disturbances to the extent possible and/or mobilize additional water trucks or palliatives to minimize fugitive dust from exposed surfaces.	Stop all ground-disturbing activities and apply additional dust control measures until measures are effective or wind speeds slow and fugitive emissions stop.
	Separate and cover topsoil.	Increase maintenance frequency for topsoil cover. Combine methods, such as mulch plus tackifier.
	Stabilize exposed soils within the timeframes established in the 1200-C permit. Stabilize exposed soils in stages based on site conditions and weather.	Stabilize exposed soils more frequently, even if additional work is anticipated within the timeframe established in the 1200-C permit. Reapply stabilization measures following any additional disturbances.
	Temporarily stabilize exposed surfaces to prohibit significant and sustained visible fugitive dust from wind erosion. Utilize BMPs such as mulch, hydromulch with or without seeds, tackifier, spreading stone or gravel, and track-walking.	Combine stabilization methods, such as mulch plus tackifier, or track-walking plus hydromulch. Increase frequency of maintenance of stabilization.
	Seed exposed surfaces during the appropriate season with approved temporary or permanent seed mixes.	Reapply seed to newly disturbed areas or areas with poor germination. Use temporary seeding even if additional work is anticipated before final stabilization. Use irrigation to enhance seeding success.

Construction Phase	RACM(s)	Supplemental RACM(s)
	Gate seals should be tight on dump trucks. Soil load shall be kept below 6 inches of the freeboard of the truck. Drop heights shall be minimized when loaders dump soil into trucks.	Cover haul trucks with a tarp or other suitable cover.
Operations and Maintenance	<ul> <li>Water roads when dust is observed</li> <li>Ensuring success of revegetation and replacing as needed</li> <li>Road maintenance</li> </ul>	Add gravel as needed

	<b>Draft Fugitive Dust Control Plan</b>
	1.00
Appendix 2: EPA Meth	od 22



### **Attachment K-1: Farm Forest Easement**

# **ATTACHMENT F - FOREST-FARM MANAGEMENT EASEMENT**

Owner	Name:						
Mailing Address:							
	(s), called the Grant	 :or(s), is/are t	he owner(s)s of rea	al property	described	as follows:	·
			, W.M., Section_				
Month above of grants	n, Day, Year}, ap <sub>l</sub> described prope	proving a Con rty in the site	et forth in the decis nditional Use Permi boundary of a win adjacent to the abo	t (File #XXX d energy ge	-XX-XXXX eneration	XX-XXXX) to inc facility, Granto	lude the r hereby
l <b>.</b>	The Grantors, t	heir heirs, su	ccessors, and assig	ns hereby a	cknowled	ge by granting	of this
	easement that	the above de	scribed property is	situated in	an Exclus	ive Farm Use/	Forest/Forest-
	Farm zone in Wasco County, Oregon, and may be subjected to conditions resulting from farm or				from farm or		
	forest operations on adjacent lands. Farm operations include, but are not limited to, the raising,				to, the raising,		
	harvesting and	selling of cro	ps or the feeding, b	oreeding, m	anageme	nt and sale of li	ivestock or
	poultry, applica	ation of chem	icals, road construc	ction and m	aintenand	ce, and other a	ccepted and
	customary farn	n managemer	nt activities conduc	ted in acco	rdance wi	th Federal and	State laws.
	Forest operation	ons include, b	ut are not limited t	o reforesta	tion of for	est land, road	construction
	and						
	After recording	g, please retu	rn				
	original to: Wa	asco County					
	Planning Depa	rtment.					

maintenance, harvesting of forest tree species, application of chemicals and disposal of slash, and other accepted and customary forest management activities conducted in accordance with Federal and State laws. Said farm or forest management activities ordinarily and necessarily produce noise, dust, odor, and other conditions, which may conflict with Grantors' use of Grantors' property for residential purposes. Grantors hereby waive all common law rights to object to normal and necessary farm or forest management activities legally conducted on adjacent lands which may conflict with grantors' use of grantors' property for residential purposes and grantors hereby give an easement to adjacent property owners for such activities.

2. Grantors shall comply with all restrictions and conditions for maintaining residences in the Exclusive Farm Use/Forest/Forest-Farm zone that may be required by State and local land use laws and regulations.

This easement is appurtenant to all property adjacent to the above described property and shall bind to the heirs, successors and assigns of Grantors and shall endure for the benefit of the adjoining landowners, their heirs, successors and assigns.

IN WITNESS WHEREOF, the Grantors have	executed this easement on
201	
	Titleholder Signature
STATE OF OREGON ) COUNTY OF WASCO)	
Personally appeared the above named	and
, and ac	cknowledged the above easement to be their
voluntary act and deed.	
	Notary Public for Oregon

# **Attachment K-2: Mediation Ordinance**

### ATTACHMENT G - MEDIATION ORDINANCE

IN THE COUNTY COURT OF THE STATE OF OREGON COUNTY

IN AND FOR THE COUNTY OF WASCO

2003 SEP 12 P 3: 15

IN THE MATTER OF THE ADOPTION OF AN AMENDED ORDINANCE PROVIDING PROTECTION FOR GENERALLY ACCEPTED FARMING AND FORESTRY PRACTICES AND ESTABLISHING A COMPLAINT MEDIATION PROCESS.

AMENDED SET

THE WASCO COUNTY COURT ORDAINS AS FOLLOWS

Section 1. SHORT TITLE. This Ordinance may be cited as the Wasco

County Farming and Forestry Practices Protection and Complaint Mediation

Ordinance.

### Section 2. PURPOSE.

- (1) Wasco County recognizes that complaints about faming and forestry practices will sometimes occur because these practices create odors, smoke, dust and noise and there is a close proximity of agricultural and forest lands to expanding urban and rural residential development.
- (2) Wasco County recognizes that all resource use complaints have the potential of requiring immediate shutdowns or interruptions of farming and forestry practices which could result in significant economic consequences for resource users.
- (3) The purpose of this Ordinance is therefore to provide a rapid complaint response and mediation process for resource use complaints by Wasco County residents in order to protect farming and forestry operations to the greatest extent possible from immediate shutdowns or interruptions.

### Section 3. DEFINITIONS. As used in this Ordinance:

- (1) "FACILITY" means any real or personal property, including appurtenances thereto and fixtures thereon, associated with a given use.
- (2) "FARMING PRACTICE" means the cultivation, growing, harvesting, processing or selling of plants or animals of any kind, which lawfully may be grown, possessed and sold, including but not limited to fish, livestock, poultry, grapes, cherries, apples, pears, wheat, barley, Christmas trees and nursery stock.
- (3) "FORESTRY PRACTICE" means any operation conducted on or pertaining to forest land, including but not limited to:
  - (a) Reforestation of forest land;
  - (b) Road construction and maintenance;
  - (c) Harvesting of forest tree species;
  - (d) Application of chemicals; and
  - (e) Disposal of slash.
- (4) "NONRESOURCE USE" means any facility, activity or other use of land which does not constitute a resource use, including but not limited to residential use.
   (5) "RESOURCE USE" means any current or future generally accepted farming or forestry practice or facility conducted in compliance with applicable Wasco County
   Ordinances and Federal and State laws.
- (6) "RESOURCE USE NUISANCE" means any current or future generally accepted farming or forestry practice or facility conducted in

compliance with applicable Wasco County Ordinances and Federal and State laws, which may be considered offensive, annoying, or interferes with or otherwise affects the urban and rural residents of Wasco County.

- (7) "RESOURCE USE" does not include:
  - (a) Any unlawful act;
  - (b) The willful growing of infested, infected or diseased plants or animals;
  - (c) Trespass which involves actual physical intrusion onto the property of another by a person or by a person's animals;
- (8) "DESIGNEE" means a Case Developer, appointed by the Six Rivers Community Mediation Services Director.
  - (9) "COMPLAINT MEDIATION PROCESS"
    - (a) Means a procedure established by the Wasco County Court to provide a forum for the mediation of Wasco County residents complaints regarding farming or forestry practices or facilities, including, but not limited to: odors from domestic livestock operations; blowing smoke from heaters, smokers and slash burning; noise from machines, including those devices producing sounds designed for agricultural purposes in order to frighten predacious birds or animals away from agricultural crops; drift or contamination from chemical and fertilizer applications; hours of operation; and littering of County roads; and
- 3 AMENDED ORDINANCE

(b) Shall consist of at least two (2) mediators, working cooperatively in a co-mediation role. Both mediators shall maintain a neutrality and confidentiality throughout and beyond the process. The Six Rivers Community Mediation Services Director or Designee shall serve as a consultant to the Complaint Mediation Process. Consultation may come prior to, during or after the actual mediation, as appropriate.

(10) "PEER REVIEW BOARD" is a Board appointed, as needed, by the Wasco County Court to advise the Six Rivers Community Mediation Services on whether a disputed resource use activity is a generally accepted farming or forest practice or facility. The Board shall consist of 5 persons who regularly are involved in a resource use within the County, at least 3 of whom are regularly involved in the same type of disputed resource use being heard through the Complaint Mediation Process.

### Section 4. PROTECTING RESOURCE USES.

- (1) Wasco County shall not support a resource use nuisance complaint or claim for relief by nonresource uses or any persons or property associated therewith unless the resource use complaint response and mediation procedure of Section 5 of this Ordinance has been utilized.
- (2) This Section applies regardless of:
  - (a) The location of the purportedly affected nonresource use;
  - (b) Whether the nonresource use purportedly affected existed before or after the occurrence of the resource use;

- (c) Whether the resource use or nonresource use has undergone any change or interruption; and
- (d) Whether the resource use is inside or outside an urban growth boundary to the extent permissible under State law.

# Section 5. RESOURCE USE COMPLAINT RESPONSE AND MEDIATION PROCEDURE.

- (1) Initial resource use complaints involving farming or forestry practices or facilities shall:
  - (a) Be referred to the Six Rivers Community Mediation Services during regular operating hours or the Wasco County Sheriff's Office after hours and on weekends; and
  - (b) Be responded to as soon as possible.
- (2) The responding Six Rivers Community Mediation Services Agent or Designee shall:
  - (a) Use Six Rivers Community Mediation Services'

procedures to respond to a complaint;

- (b) Notify the Wasco County Court about the documented complaint as soon as possible and report on the effort and/or success in resolving the complaint.
- (3) If the initial contact is through the Wasco County Sheriff's

  Department, or any other law enforcement agency, the responding officer should:

- (a) Contact the complainant and document the complaint; and
- (b) Encourage the complainant to call or meet with the resource user and attempt a one-on-one resolution of the complaint; and
- (c) Provide both complainant and resource user with written documentation of the complaint, including, but not limited to the name and address of complainant, the name and address of the resource user, and a description of the nature of the complaint; and
- (d) Inform both parties that the complaint will be referred to Six Rivers Community

  Mediation Services and that they will be contacted by that agency; and
- (e) Deliver a copy of the complaint to the Six Rivers Community Mediation Services as soon as possible.
- (4) If the complainant and resource user that are principles in a documented resource use complaint within Wasco County request assistance beyond that provided by the Case Developer, the Case Developer shall implement the Complaint Mediation Process.
- (5) The Complaint Mediation Process shall:
- (a) Set a date to hear the complaint from both complainant and resource user within a reasonable amount of time; and

Work with both complainant and resource user in an attempt to resolve the complaint.

- (6) The Complaint Mediation Process may:
  - (a) Request the Wasco County Court to set up a Peer Review Board for assistance in determining whether an activity or facility is a generally accepted farming or forestry practice or facility;
  - (b) Suggest recommendations for Peer Review Board members to the Wasco CountyCourt; and
  - (c) Meet with the complainant and resource user any number of times if theMediators determine that progress is being made toward a resolution of the complaint.
- (7) If the Complaint Mediation Process is unable to resolve the complaint, the complainant and resource user shall be advised by the Six Rivers Community Mediation Services of their additional options including, but not limited to, seeking advice from private counsel.

<u>Section 6.</u> <u>LAND USE DECISIONS.</u> The fact that Wasco County's Comprehensive Plan, Zoning Ordinances and land use decisions allow the siting, development or support of any particular use does not negate the provisions of this Ordinance intended to protect a resource use.

<u>Section 7.</u> <u>EFFECT ON OTHER REMEDIES.</u> The provisions of this Ordinance shall not impair the right of any Wasco County resident to pursue any remedy authorized by applicable Wasco County Ordinances or Federal and State laws that:

(1) Concerns matters other than a resource use nuisance;

(2) Does not expressly purport to prohibit or regulate a farming or forestry practice

as a resource use nuisance; or

(3) Prohibits or regulates the use or physical condition of resource use activities or

facilities that adversely affect public health or safety.

Section 8. SEVERABILITY CLAUSE. If any portion of this Ordinance is held

invalid by a Court of competent jurisdiction, such decision shall apply only with respect to the

specific portion held invalid by the decision. It is the intent of Wasco County that the remaining

portions of this Ordinance continue in full force and effect.

Section 9. EMERGENCY CLAUSE. This Ordinance being immediately necessary for the

preservation of the public well being, an emergency is declared to exist and this Ordinance

shall take effect immediately upon adoption.

Regularly passed and adopted by the unanimous vote of all members of the County Court

of the County of Wasco, State of Oregon, present on this day.

11111

11111 /// 11111

////

# DONE AND DATED this 3rd day of September, 2003

WASCO COUNTY COURT

Dan Ericksen, Gounty Judge

Scott McKay, County Commissioner

Sherry Holliday, County Commissioner

APPROYED AS TO FORM:

Erie J. Nisley

Wasco County District Attorney

# Attachment P-1: Draft Revegetation and Reclamation Plan

## Draft Revegetation and Reclamation Plan

## Prepared for Yellow Rosebush Energy Center, LLC

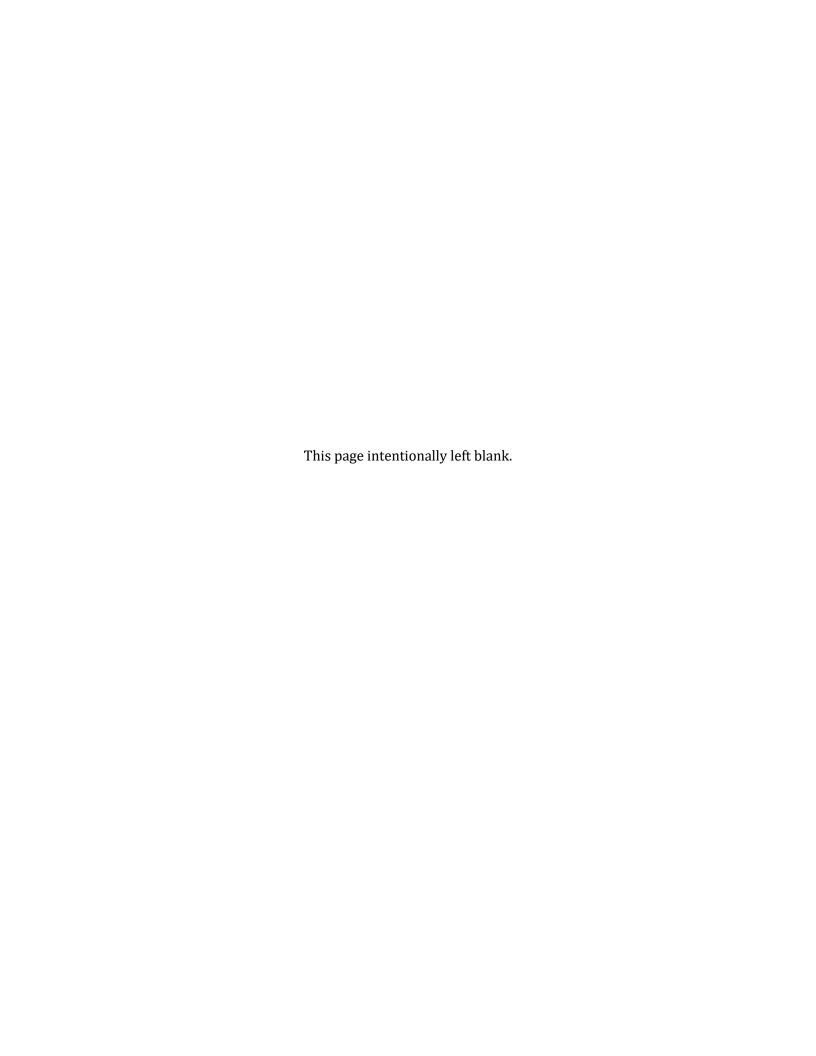
ODOE edits for DPO in redline/track changes

Prepared by



Tetra Tech, Inc.

September 2025



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Appendix A. Revegetation Monitoring Datasheet

#### 1.0 Introduction

Yellow Rosebush Energy Center, LLC (Applicant) seeks to develop the Yellow Rosebush Energy Center (Facility), a solar energy generation facility and battery storage project and related or supporting facilities in Wasco and Sherman counties, Oregon. This Draft Revegetation and Reclamation Plan (Plan) describes methods, success criteria, and monitoring and reporting requirements for the restoration and revegetation of areas temporarily disturbed during the construction of the Facility, as well as areas within the solar array fence that are considered permanently disturbed. This Plan will be updated, as necessary, in coordination with the Oregon Department of Energy (ODOE), the Oregon Department of Fish and Wildlife (ODFW), the Oregon Department of Agriculture (ODA), the Wasco County Weed and Pest Division, and the Sherman County Weed District, and will be updated as needed prior to construction to reflect the final layout of the Facility. The Applicant will additionally work with Oregon State University Extension, as recommended by ODFW in their comments on the Facility Notice of Intent,¹ to update this Plan as needed for revegetation success given the challenges realized within this ecoregion with revegetation projects.

Prior to construction, this Plan shall be finalized based on the following:

- 1. Applicant shall finalize the Plan based on impacts associated with the final design/layout by disturbance level, habitat type, and category. Plan finalization for revegetation requirements in Section 4.4.2 shall not apply if temporary disturbance impacts are limited to marginal areas (i.e. perimeter fenceline, along existing roadways and around transmission poles).
- 1.2. With the exception of impacts in marginal areas, plan finalization shall include updating the ratio applied to shrub-steppe habitat if impacted by grading activities or similar levels of disturbance. The ratio must be 2:1, unless otherwise agreed to by the Department and ODFW.
- 2.3. Applicant shall develop and incorporate maps showing anticipated construction disturbance levels along with the total acreage and major activities associated with each level.
- 3.4. Applicant shall update Table 1 prior to construction to reflect the final impact acreage by habitat subtype for the final layout.
- **4.5.** Applicant shall provide the number and location of reference sites to be utilized during short- and long-term monitoring of temporary impact areas for review and approval by ODOE in consultation with ODFW.
- **5.6.** Applicant shall develop and incorporate revegetation methods for each disturbance level in consultation with ODOE, ODA, ODFW, and the county weed departments.

<sup>&</sup>lt;sup>1</sup> Oregon Department of Energy, Project Order for Yellow Rosebush Energy Center (January 2024)

6.7. Applicant shall develop and incorporate monitoring methods for permanent impact areas in consultation with ODOE.

Prior to construction, the following shall be completed:

- 1. Applicant shall provide shapefiles showing anticipated construction disturbance levels at the site as a submittal to ODOE.
- 2. Applicant shall provide the restoration and seeding contractor's qualifications and scope of work as a submittal to ODOE.
- 3. Applicant shall conduct pre-construction habitat surveys at the approved reference sites for the purpose of collecting baseline quantitative data (vascular plant species present, native/non-native species present, percent cover of dominant species, percent cover of state and county listed noxious weed, and evidence of disturbance).
- 4. Applicant shall submit baseline soil compaction sample locations and baseline compaction results to ODOE.
- 5. Applicant shall hold a kick-off meeting with their construction compliance contractor, construction contractor, and ODOE at least 14 days prior to initiation of construction.
- 6. Applicant shall prepare a crosswalk of the final version of this Plan for use by the construction contractor. A copy of the Plan crosswalk will be provided to all participating parties prior to the kick-off meeting date.

Prior to initiation of revegetation, the following shall be completed:

- 1. The plan may be updated to reflect the quantity (in acres) and type of actual impacts following disturbance (marginal or broadscale), during any given year.
- 1.2. Applicant shall hold a kick-off meeting with their construction compliance contractor, restoration and seeding contractor, and ODOE at least 14 days prior to initiation of restoration activities.
- **2.3**. Applicant shall prepare a crosswalk of the final version of this Plan for use by the restoration contractor. A copy of the Plan crosswalk will be provided to all participating parties prior to the kick-off meeting date.
- 3.4. Applicant shall complete post-construction soil compaction testing and submit results for review and approval to ODOE.

Throughout construction, revegetation, and operation activities, the Applicant will take appropriate actions to prevent the spread of state and county listed noxious weeds as noxious weed control is vital to revegetation success. A stand-alone Draft Noxious Weed Control Plan has also been prepared (see Exhibit P, Attachment P-4), which contains information on state, Wasco, and Sherman County listed noxious weeds, noxious weeds observed during surveys, and treatment and monitoring of noxious weeds.

#### 2.0 Site Description

The Facility site boundary encompasses 8,075 acres approximately 9 miles east of Maupin, and approximately 6 miles west of Kent, in unincorporated Wasco County and Sherman County, Oregon (See Exhibit C). The Facility lies within the Columbia Basin Ecoregion at elevations from 1,395 ft to 2,757 feet. The Facility is located on private land, the vast majority of which is primarily used for hunting tours, rangeland/grazing, and some limited areas used for cultivation of agricultural crops.

Habitat mapping and categorization of the site were conducted for the Facility in 2023. Major habitat types included upland grassland, shrub-steppe, and shrubland (with habitat subtypes of eastside grasslands and shrub-steppe), agriculture, pasture, and mixed environs (with habitat subtypes of planted grasslands and orchards, vineyards, wheat fields, or other row crops), cliffs, caves, and talus slopes, urban and mixed environs and several types of wetlands and waters. Additional details regarding the Facility's habitat types, subtypes, and categories can be found in Exhibit P of the Facility's Application for Site Certificate (ASC), especially Attachment P-1 (2023 Wildlife, Habitat, and Raptor Nest Survey Report). Details on potential impacts to habitat and special-status species from construction and operation of the Facility, as well as avoidance and minimization measures, can be found in the ASC Exhibits P and Q.

### 3.0 Description of Temporary and Permanent Impacts

Construction of the Facility will result in up to approximately 226 acres of temporary impacts and 4,992 acres of permanent impacts (Table 1; see Exhibits C and P). Although actual impacts may change depending on the final layout, solar panels, and other associated facilities, this value represents the estimated maximum acreage of impact. Temporary impact areas are those that will be disturbed during construction activities, but which will not become permanent parts of the Facility. All temporary impact areas are outside the fenced solar arrays. Permanent impact areas include all areas within the solar array fence and will be mitigated as such in the Habitat Mitigation Plan (HMP; Exhibit P, Attachment P-2). This Plan addresses impact areas that will be revegetated and monitored following construction.

Temporary impacts will occur in association with the improvement of existing roads, as well as during the construction of collector and transmission lines, new roads, staging areas, and fences. The intensity of the construction impact will vary: in some areas, the impact will be relatively light; but in other areas, heavy construction activity will remove all vegetation, remove topsoil, and compact the remaining subsoil. Some areas of temporary disturbance, such as staging areas, will be graveled during construction, and will be reclaimed by removing the gravel surface, regrading to match adjacent contours, and reseeding. The specific extent of each component's temporary impact is detailed in ASC Exhibit C, and is described in terms of a total, worst-case scenario impact for the full duration of phased construction.

All areas within the solar array fence are considered a permanent impact and will be revegetated for the purposes of site stabilization to reduce erosion, dust pollution, and topsoil depletion, and to reduce potential for invasion by noxious and invasive plants. As noted above, this area is considered permanently impacted; however, vegetation within the solar array fence will be retained and/or revegetated, and this area would be reclaimed upon retirement.

Table 1 presents the estimated maximum acreage of permanent and temporary impacts to habitat subtypes associated with Facility construction and operation. Table 1 will be updated prior to construction to reflect the final impact acreage by habitat subtype for the final layout. Figures depicting the location of Facility infrastructure are included in Exhibit C, and Exhibit P includes a figure depicting these habitat subtypes within the site boundary (Exhibit P, Figure P-4).

Table 1. Potential Permanent and Temporary Impacts by Habitat Category, Type, and Subtype

Final	Preliminary			Impacts	(Acres)
Habitat Category	Habitat Category	Habitat Type	Habitat Subtype	Permanent	Temporary
	2	Upland Grassland, Shrub- steppe and Shrubland	Shrub-steppe	52.8	4.2
2		Open Water – Lakes, Rivers, Streams	Perennial Streams	-	<0.1*
		Wetlands	Scrub-shrub Wetlands	-	<0.1*
	Category 2 To	tal		-	4.3
		Cliffs, Caves, and Talus	Cliffs, Caves, and Talus	0.1	3.7
		Open Water – Lakes, Rivers, Streams	Intermittent or Ephemeral Streams	<0.1*	<0.1*
2	3	Upland Grassland, Shrub- steppe and Shrubland	Eastside Grasslands	228	28.8
		Upland Grassland, Shrub- steppe and Shrubland	Shrub-steppe	1,210	69.0
		Wetlands	Emergent Wetlands	<0.1*	=
	Category 3 To	tal		1,438	102
		Agriculture, Pasture, and Mixed Environs	Planted Grasslands	1,144	14.6
		Open Water – Lakes, Rivers, Streams	Intermittent or Ephemeral Streams	<0.1*	<0.1*
2	4	Upland Grassland, Shrub- steppe and Shrubland	Eastside Grasslands	1,123	48.2
2 2 2 Category 2  Category 2		Upland Grassland, Shrub- steppe and Shrubland	Shrub-steppe	63.7	18.1
	Category 4 Total			2,331	80.9
	5	Open Water – Lakes, Rivers, Streams	Intermittent or Ephemeral Streams	0.3*	0.2*
		Open Water – Lakes, Rivers, Streams	Seasonal Ponds	0.2*	0.4*
2		Upland Grassland, Shrub- steppe and Shrubland	Eastside Grasslands	847	10.5
		Wetlands	Emergent Wetlands	0.3*	-
	Category 5 To	tal		848	11.1
Category	2 Final Total			4,670	198
	6	Agriculture, Pasture, and Mixed Environs	Orchards, Vineyards, Wheat Fields, Other Row Crops	292	15.2
6		Urban and Mixed Environs	Urban and Mixed Environs	30.3	13.1
	Category 6 Total			322	28.3
Category	6 Final Total			322	28.3
Grand To	tal			4,992	226

Note: Totals in this table may not be precise due to rounding.. "-" means no acres while" < 0.1" means greater than zero but less than 0.05 acres.

\* Impacts to wetlands and Waters of the State will be avoided during final design (see Exhibit J). Wetlands and Waters of the State within the fenced solar array area are considered permanently impacted for the purposes of habitat impacts but will not be disturbed by the Facility.

#### 3.1 Disturbance Levels

Revegetation needs will be determined by a combination of disturbance level and existing vegetative cover. Disturbance levels will primarily be determined by site conditions such as slope, gradient, and existing vegetation. Disturbance levels are defined as follows:

<u>Level 1 - Mowing:</u> Mowing is used to conserve vegetative resources within a facility while mitigating risk of fire and facilitating construction activities. Vegetation is mowed to a height of generally 12 inches, but no less than 6 inches, during construction. Depending on Facility objectives, vegetation can be allowed to reach a normal height or kept trimmed to a height between 6 inches and the plant's full height potential. Crushing of vegetation will be minimal and this disturbance level is designed to have a minimal impact on existing vegetation. This method is least likely to result in invasions of undesirable plant species.

<u>Level 2 – Overland Drive and Crush:</u> Disturbance caused by accessing a facility without significantly modifying the landscape. Vegetation is crushed to the ground, but no surface soil is removed so root structures are left intact. Even though vegetation may be damaged or destroyed, the surface soil and seed bank remain in place. Some crushed vegetation will likely sprout after disturbance ceases. These activities would result in minimal to moderate disturbance. This type of disturbance will result in a faster recovery time for vegetation compared to Levels 3 and 4. Soil seed banks remain largely in place, perennial vegetation can grow back, and minimal external efforts are necessary. This method is less likely to result in invasions of undesirable plant species compared to Levels 3 and 4.

<u>Level 3 – Clear and Cut:</u> Disturbance caused by accessing a facility including having to remove all vegetation in order to improve or provide suitable access for other equipment. All vegetation is removed, soils are compacted, and the root zone or soil A-horizon may be disturbed, but no subsurface soil is removed. Clear and cut activities would result in moderate disturbance. This type of disturbance will result in moderate recovery times for vegetation. This method has a moderate risk for invasion of undesirable plant species. An example is imprinting to crush vegetation down into the soil or incidental grading and smoothing of surface soils.

<u>Level 4 – Clear and Cut with Soil Removal</u>: Disturbance is caused by removing all vegetation in the impact zone, soils are compacted, and surface soil and subsoil are displaced. These activities result in heavy disturbance. This type of disturbance results in an extensive recovery time for vegetation and is most likely to lead to invasions of undesirable plant species, which can result in lengthy and expensive control efforts. Includes disc-and-roll construction and other traditional construction methods where soils are disturbed and no vegetation is left intact. This category includes all work requiring the segregation and replacement of topsoils.

Prior to construction, a crosswalk of the final version of this Plan will be prepared for use by the construction contractor to facilitate Plan implementation and ensure ground disturbance is minimized to the extent practicable. A kick-off meeting with the Applicant, their construction compliance contractor, construction contractor, and ODOE will be held at least 14 days prior to construction. A copy of the Plan crosswalk will be provided to ODOE staff prior to the kick-off meeting date. Staff from either the Applicant or their construction compliance contractor will field-verify that anticipated disturbance levels are followed to the extent possible and will document any variances and the justifications for those variances for ODOE review.

#### 3.1.1 Facility Disturbance

To the maximum extent practicable, Level 1 and Level 2 disturbance will be used during Facility construction. Existing vegetation root systems will be left intact during construction to the extent possible, although construction vehicles driving across the site may affect these existing root systems by compacting soils. Grading within solar arrays (Level 3 and 4) will be limited to areas where the slope and gradient are outside of panel and racking tolerances. Areas where the slope and gradient are within panel and racking tolerances will be graded in road, inverter, and energy storage footprints only. Preservation of existing root systems will minimize soil erosion, providing both improved compliance with stormwater and dust management requirements, facilitate revegetation success, and preserve soil productivity for future agricultural use. Construction will be coordinated and sequenced to the extent practicable with landowners to maintain land in current production and weed control until just prior to construction. This will avoid land being left unmanaged and minimize weed issues that can complicate revegetation.

Prior to construction, the Applicant will provide maps and shapefiles showing anticipated construction disturbance levels at the Facility, along with total acreage and major activities associated with each level. This will serve to demonstrate the Applicant's avoidance and minimization of ground-disturbing activities to the extent practicable.

### 4.0 Reclamation and Revegetation Methods

This Plan addresses revegetation methods for temporary impacts to agricultural lands and wildlife habitat, as well as revegetation and management of lands within the solar array fence. Revegetation will begin as soon as feasible following completion of construction. The Applicant will restore temporarily disturbed areas by preparing the soil, followed by seeding using common application methods, as described in Section 4.4 of this Plan. Seeding and planting will be done in timely manner and in the appropriate season to facilitate germination and establishment of seeded species. The Applicant will restore temporarily disturbed areas by re-establishing slope, surface stability, and drainage features, as needed, followed by soil preparation, and seeding. Soil reclamation, site preparation and seeding techniques are described in the sections below.

The Applicant will seed all temporarily impacted lands within non-agriculture and non-developed habitat types. Restoration of temporarily disturbed developed habitat (i.e., Urban and Mixed Environs habitat subtype) will be determined on a case-by-case basis and is not covered further in this Plan. Temporary disturbances to agricultural habitat (i.e., Orchards, Vineyards, Wheat Fields, Other Row Crops habitat subtype) will be restored with the landowner's direction, as described in Section 4.4.1.

#### 4.1 Soil Reclamation

Soil scientists use a soil penetrometer to field measure subsurface compaction in soil. This tool measures resistance (pressure) to the advance of a cone-tipped rod with a T-handle, vertically through the soil column. The metric intends to measure soil compaction that can inhibit the ability of plants to penetrate the soil. An operator pushes the penetrometer rod with a cone base into the ground with consistent force. A pressure gauge records pressure in pounds per square inch (psi), equaling levels of resistance at differing soil layers. Resistance is measured at 3-inch intervals until the meter goes above 300 psi, which is a level of soil compaction most roots cannot penetrate. For this test compaction would be measured at 3, 6, 9, and 12 inches if the soils allowed. Soil compaction testing must be completed in spring or late fall when soils are damp but not frozen. Baseline soil compaction sample locations and baseline compaction results will be submitted to ODOE prior to construction.

- 1. Baseline and post-construction soil compaction measurements and testing must be done in conditions favorable to soil testing (e.g. non-saturated or frozen soils).
- 2. Baseline soil compaction measurements will be documented and established by using the above protocol, or other protocol as approved by ODOE, to establish baseline soil conditions within temporary impact areas.
- 3. Recordation of baseline soil plots must be represented on a map based on final Facility design.
- 4. Post-construction soil compaction testing following the above protocols must be completed in spring or late fall when soils are damp but not frozen. Compaction testing will occur after soil stockpiles are replaced and grading is complete but prior to initiation of revegetation activities.
- 5. If soil monitoring demonstrates that soils are compacted more than 300 psi, then remediation activities must be completed prior to initiation of revegetation activities. See Section 4.2 below, the Facility National Pollutant Discharge Elimination System (NPDES) 1200-C permit, and applicable site certificate conditions.

In addition, in areas where soil is removed during construction, the following measures will be taken where appropriate:

- During construction, excavated soils will be stockpiled by soil horizon, so that they can be
  replaced in proper order with the topsoil on the surface, preventing mixing of topsoil and
  subsoils and maintaining soil productivity. The conserved soil will be put back in place as
  topsoil prior to revegetation activities.
- Soils will be stabilized during construction using the appropriate best management practices (BMPs) as determined by the anticipated NPDES 1200-C permit.
- Soil preparation will involve standard, commonly used methods (i.e. tracking, decompaction, and tilling), and will consider all relevant site-specific factors, including slope, size of area, and erosion potential. Soils will be de-compacted if necessary to create a uniform seedbed using an agricultural disc, soil ripper, or similar equipment. Additional details regarding soil preparation are in Section 4.2.
- Topsoil and other soils from noxious weed infested areas will not be moved outside of the
  infested areas and will be returned to their previous location during reclamation activities
  to eliminate the transport of weed seeds, roots, or rhizomes. With the exception of
  medusahead, which is pervasive throughout the Facility, noxious weed populations will be
  flagged and monitored for compliance.
- Soils from weed-infested areas will be treated with a non-persistent, pre-emergent herbicide prior to initiation of revegetation efforts, depending on site-specific conditions.
- Prior to final regrade and revegetation efforts, any weeds that have grown during periods of construction dormancy should be treated as described in the Facility Noxious Weed Control Plan.
- The construction contractor will use appropriate erosion and sediment control practices (i.e., seeded or unseeded hydromulch, tackifier, weed-free erosion control blankets, weed-free or locally sourced straw mulch) to maintain topsoil during construction in both temporary and permanent impact areas.

#### 4.2 Site Preparation

When preparing the site for revegetation, soils will be optimized for seed growth. Soil preparation will involve standard, commonly used methods, and will take into account relevant site-specific factors, including topography, size of area, soil type, plant communities, and erosion potential. As noted above, existing vegetation root systems (e.g., crop stubble, fallow vegetation) will be left intact during construction to the maximum extent practicable. Areas where the slope and gradient are within the solar panel and racking tolerances will receive minimal grading, with grading in those areas limited to the roads, inverter, and energy storage footprints only. In areas where soil is removed during construction, the following measures will be taken where appropriate:

Excavated soils will be stockpiled by soil horizon, so that they can be replaced in proper
order with the topsoil on the surface, preventing the mixing of topsoil and subsoils and
maintaining soil productivity. The conserved soil will be returned as topsoil prior to
revegetation activities.

- Topsoil and other soils from noxious weed infested areas will not be moved outside of the infested areas and will be returned to their previous location during reclamation activities.
- Movement of topsoil and other soils from non-infested areas will be limited to eliminate the transport of hidden weed seeds, roots, or rhizomes.
- Areas of severe machine or vehicle tracking that would hinder seeding success and are unnecessary for soil stabilization will be regraded.
- Where soil compaction testing demonstrates that soils are compacted greater than 300 psi, soils will be mechanically scarified (e.g., tilling or ripping the soil) to an appropriate depth to reduce the potential effects of compaction, to maintain soil productivity, and reduce the potential for erosion on compacted soils. Dry soils should be de-compacted using an agricultural disc, soil ripper, or similar equipment.
- The Applicant or a designated construction contractor will use mulching and other appropriate practices, as required by the anticipated NPDES 1200-C permit, to control erosion and sediment during construction and revegetation work.
- Soils will be prepared into a firm, fine-textured seedbed that is relatively free of debris before seeding or planting. Shallow tilling with a disc, followed by a harrow or drag if necessary, can typically achieve this. If replaced soil is too soft, then seeds may be buried too deep to properly germinate; a roller or culti-packer should be used to pack down the soil.

In non-cropland areas, site complexity will be considered during soil preparation. For instance, it may be desirable to purposely create an uneven, patchy site that allows for depressions and other microsites that result in small variations in aspect and moisture holding to promote complexity. Soil preparation, as well as seeding techniques described in the following section, will be determined in consultation with a qualified contractor.

#### 4.3 Revegetation of Permanent Impact Areas

During construction, the Applicant will implement site stabilization measures, including seeding of all disturbed areas according to the Applicant's anticipated NPDES 1200-C permit. Approximately six months prior to commercial operation of each phase of construction, the Applicant will meet with ODFW, ODOE, and Wasco County Weed Department and Sherman County Weed District personnel to review the actual extent and conditions of impacted areas and confirm the revegetation methods to be implemented.

As portions of the Facility are prepared for installation of Facility components (i.e., grading is complete), but prior to installation, all areas with less than 70 percent vegetative cover should be seeded with a non-invasive, non-persistent cover crop. The cover crop will be selected based on the time of year and site conditions; for example, wheat (triticale) can be seeded from fall to early spring while peas, tillage radish, or sunflowers should be seeded in spring. Irrigation is required to

establish a cover crop in the summer. Establishment of a cover crop will stabilize soils and suppress noxious weed infestations to reduce erosion and facilitate revegetation of desired plant species.

Following completion of each construction phase, permanent impact areas will be reseeded with a mix of native or non-invasive, non-native grasses and forbs as appropriate based on disturbance level and actual site conditions. Seed will be obtained from a reputable supplier in compliance with the Oregon Seed Law (OAR 603-056). The final seed mix for areas within the solar array fence will include low growing grasses and pollinator-friendly forbs compatible with desired vegetation conditions under the solar arrays (i.e., species whose mature height would not interfere with or shade the solar array).

#### 4.4 Restoration of Temporary Disturbance Areas

#### 4.4.1 Agricultural Lands

Temporarily disturbed agricultural lands will be reseeded with the appropriate crop or maintained as fallow in consultation with the landowner or farm operator, as soon as reasonably possible following disturbace. The Applicant will also consult with the landowner or farm operator to determine the seed mix, application methods, and rates for seed and fertilizer. Success of cropland revegetation will have been achieved when production of the revegetated area is comparable to that of adjacent, non-disturbed croplands of the same type.

Dryland croplands will be reseeded to match the timing of the crop rotation on adjacent cropland to facilitate easy harvest and re-establish the appropriate crop rotation. Dryland cropland that will be seeded in the year that construction is complete can be temporarily hydromulched or otherwise stabilized until seeding can occur in the fall; dryland cropland that will be fallow for a year (i.e., fallow rather than reseeded the year construction is complete) will be planted with a cover crop (dependent on timing of construction closeout) or have continued stabilization with hydromulch or other BMPs through the fallow year.

Soil compaction as a result of construction activity is a concern for restoring agricultural soils to their pre-construction productivity. Within temporary disturbance areas, the Applicant will excavate and store topsoil separately from subsoil, so that topsoil is replaced and restored appropriately. During post-construction restoration of temporary impacts to agricultural areas, the Applicant will loosen agricultural soil by mechanical scarification (tilling or ripping the soil) to an appropriate depth to reduce the potential effects of compaction. Soil amendment, by addition of organic matter (e.g., compost), may also be necessary to alleviate compaction.

Success determination will involve consultation with the landowner or farm operator, and the Applicant will report to ODOE on the success of cropland restoration efforts. Noxious weed control is necessary for successful revegetation of croplands and will be implemented per the methods described in the Draft Noxious Weed Control Plan (Exhibit P, Attachment P-4).

#### 4.4.2 Wildlife Habitat

During construction, the Applicant will implement site stabilization measures, including seeding of temporarily disturbed areas according to the Applicant's anticipated NPDES 1200-C permit, and to ensure that temporarily disturbed areas are restored as soon as practicable. Approximately 6 months prior to commercial operation of the completion of each phase of construction, the Applicant will meet with ODFW, ODOE, ODA, Wasco County Weed Department Supervisor, and the Sherman County Weed District Supervisor, as applicable, to review the actual extent and conditions of temporarily impacted areas and confirm the revegetation methods to be implemented.

#### 4.5 Seeding Techniques

Following each construction phase, all impact areas, with the exception of temporarily disturbed developed and agricultural lands, will be reseeded with a mix of native or non-invasive, non-native grasses and forbs (see Section 4.6). Seed mixes will be obtained from a reputable supplier in compliance with ODA's Oregon Seed Laws (Oregon Administrative Rule 603-056). Final seed mix selection will be subject to ODFW, ODA and County consultation and ODOE approval.

The seeding methods and timing of planting will be appropriate to the seed mixes, weather conditions (e.g., precipitation, wind speed, temperature, etc.), and site conditions (including area size, slope, and erosion potential) based upon consultation with ODFW, Oregon State University Extension, and the seed supplier. Seeding between late-fall and late-winter/early-spring is typically recommended; however, the Applicant will consult with ODFW, Wasco and Sherman County Weed Supervisors, Oregon State University Extension, and/or the seed supplier to determine the optimal timing for seed application based on climatic conditions of the particular year when construction and revegetation efforts are implemented. Three common seed application methods that may be used are broadcast seeding, drill seeding, and hydroseeding; each of these are discussed further below. Other seeding methods may be proposed for review and approval prior to revegetation efforts.

#### 4.5.1 Broadcast Seeding

Broadcast seeding is the manual or mechanical application of seed directly on the ground surface. This method may be chosen for areas with shallow and rocky soils, and the type of broadcast spreader will depend on the size of the area to be seeded and the terrain.

In this method, the seed mix would be applied using at least the application rate specified by the seed supplier for broadcast seeding. Where feasible, half of the total mix would be applied in one direction and the remaining half in a direction perpendicular to the first to ensure a more uniform spread of seeds across the target area. A tracking dye may be added to facilitate uniform seed application. Broadcasting will not be used if winds exceed 5 miles per hour.

Unsuccessful broadcast seeding is often due to lack of seed-to-soil contact. Therefore, broadcast seeding will be applied to the surface of the soil and then covered by 0.5 to 1 inch of soil by raking or harrowing to ensure soil-to-seed contact and improve success (Pyke et al. 2018).

#### 4.5.2 Drill Seeding

Drill seeding will be used on areas of sufficient size and moderate or favorable terrain to accommodate mechanical equipment. This method, which is more successful in areas with deeper soils, provides the advantage of planting the seed at a uniform depth and may provide better soil to seed contact.

Using a range seed drill, seeds will be sown according to the rates recommended by the seed supplier for drill seeding. Where feasible, half of the total mix will be applied in one direction and the second half of mix in the direction perpendicular to first half. If mulch has been applied before, it is acceptable to use a drill to plant the seeds through the mulch, as long as the drill can effectively penetrate the straw and create adequate seed-to-soil contact for germination. Drill seeding will be difficult after Facility components have been installed, so it will primarily be used if seeding occurs after grading is complete but before components are installed or in areas that were temporarily disturbed during construction that do not have any permanent infrastructure (e.g., temporary access roads, laydown areas).

#### 4.5.3 Hydroseeding

Hydroseeding is most applicable for areas where drill or broadcast seeding machinery cannot access; this usually includes steeper sloped or narrow terrain, but can be used in all terrains. Soil bed preparation is also crucial for growth success and frequently includes tracking perpendicular to the slope to create micro conditions for seed. Flat grading and compaction are not recommended. Seeding rates increase by 30 to 50 percent of broadcast seeding rates or single applications per consultation with the seed supplier and ODFW. Prior to hydroseeding the tackifier and fertilizer, if included, will be reviewed and approved in consultation with ODFW.

#### 4.6 Seed Mix and Shrub Plantings

One seed mix is proposed for revegetation efforts as shown in Table 2. All temporarily disturbed land will be revegetated with either: 1) a mix of native grasses and forbs; 2) a mix of native grasses, forbs, and shrubs; or 3) a mix of seeds designed by the Natural Resources Conservation Service (NRCS) for areas enrolled in the Conservation Reserve Program (CRP), as appropriate. Composition of the final seed mix will be determined following pre-construction baseline surveys (see Section 7.2.2.27.2.2.2) and in consultation with ODOE and ODFW.

The Applicant will make all attempts to procure the approved seed mix. However, if the species included in the seed mix are not available at the time of procurement, the Applicant will obtain approval from ODOE prior to making substitutions to the approved seed mix.

The proposed Grass and Forb Seed Mix presented in Table 2 will be used for revegetation of all temporarily disturbed areas, except for areas enrolled in the CRP that have specific seeding requirements, if present at the time of revegetation. Those areas, if applicable, will be seeded with a seed mix that meets the requirements of the CRP contract and be paired with an appropriate reference site (see Section 7.2.2.17.2.17.2.1). The seed mixes will be planted in late fall to early spring unless an alternate timing is approved in consultation with ODOE.

In addition to the Grass and Forb Seed Mix, basin big sagebrush (*Artemisia tridentata* ssp. *tridentata*) shrubs are proposed for planting during revegetation of temporarily disturbed shrubsteppe habitat. ODFW has indicated a preference for planting shrub seedlings instead of including them in seed mixes; therefore, the Applicant will prioritize planting container or bare root basin big sagebrush shrubs in temporarily disturbed areas of shrub-steppe habitat. In general, shrubs will be planted using approximately 12 foot spacing. However, shrubs can be planted "in random patterns or in clusters or islands, using mixtures of species to create natural-appearing stands" (Shaw et al. 2015). If plantings are not feasible due to availability of plant stock or cost, the Applicant will notify ODOE, and basin big sagebrush seeds will be added to the Grass and Forb Seed Mix at a rate of 0.1 to 0.2 pounds of pure live seed (PLS) per acre.

Table 2. Grass and Forb Seed Mix

Scientific Name	Common Name	Туре	Percent Composition <sup>1</sup>
Festuca idahoensis	Idaho fescue	Grass	25
Pseudoroegneria spicata	Bluebunch wheatgrass	Grass	20
Elymus elymoides	Squirreltail	Grass	20
Poa secunda	Sandberg bluegrass	Grass	20
Achillea millefolium	Common yarrow	Forb	5
Eriogonum heracleoides	Parsnipflower buckwheat; Wyeth buckwheat	Forb	5
Linum lewisii var. lewisii	Wild blue flax	Forb	5

<sup>1.</sup> If planting of sagebrush seedlings within areas of temporarily disturbed shrub-steppe habitat is not feasible, basin big sagebrush seed will be added to the seed mix at the rate of 0.15 to 0.2 pounds of PLS per acre.

## 5.0 Noxious Weed Prevention and Control

The Applicant will implement weed prevention and control measures during construction and revegetation efforts, as described in the Noxious Weed Control Plan developed for the Facility (Attachment P-4).

## 6.0 Revegetation Documentation

The Applicant will maintain documentation of revegetation work conducted at the Facility. Documentation will include:

- Date that construction was completed;
- Acreage of each disturbance level;
- Description and photos of the affected area prior to revegetation efforts;
- Date revegetation work was initiated;
- Description of the work implemented within the revegetation area, including methods and timing;
- Supporting figures representing the location, acres affected, and pre-disturbance condition of the revegetation area; and
- Confirmation from the landowner that temporary disturbances in cropland have been satisfactorily restored.

The Applicant will meet with ODOE at least 14 days prior to initiation of revegetation efforts. The Applicant will update ODOE with these records monthly as revegetation work occurs and will provide ODOE with copies of these records along with submission of the monitoring report that is required by the anticipated site certificate. Revegetation efforts undertaken during construction are to be reported on in the six-month semi-annual construction reports during all phases of construction, and the annual report for operations once the facility is in operations status.

## 7.0 Monitoring

#### 7.1 Construction Compliance Monitoring

The Applicant or a third-party contractor will conduct compliance monitoring during the construction phase to ensure that contractors are complying with reclamation and revegetation methods outlined in Section 4.0. The construction compliance monitor will facilitate coordination meetings with the counties and ODOE, maintain compliance tracking sheets, and conduct routine check-in calls with the construction team. The compliance monitor will update compliance records periodically as reclamation and revegetation work occurs and will assistant the Applicant in reporting compliance to ODOE.

#### 7.2 Vegetation Monitoring

#### 7.2.1 Monitoring of Permanent Impact Areas

In accordance with the Applicant's anticipated NPDES 1200-C permit, areas within the solar array fence will be revegetated to stabilize soils for the purposes of erosion and dust pollution control. Pursuant to OAR 345-022-0022, construction and operation of the Facility must not result in

significant adverse impacts to soils, including but not limited to, erosion. In addition, the Wasco County Land Use Development Ordinance (WCLUDO) 19.030(C)(14) requires a weed plan be developed in consultation with the Wasco County Weed Department and implemented during construction and operation of the Facility.

Monitoring is required to demonstrate compliance with the above site stabilization and weed control requirements. The Applicant will conduct monitoring within permanent impact areas to assess the following:

- Dominant species composition;
- Relative cover of desirable and undesirable forbs and grasses;
- Percent cover of bare soil:
- Degree of erosion;
- Presence of noxious weeds; and
- Qualitative assessment of overall vigor of vegetation within revegetated areas.

Monitoring methods will be determined in consultation with ODOE prior to construction and will be incorporated as an amendment to this plan upon ODOE approval. Monitoring will be conducted by a qualified botanist or revegetation specialist and will begin within 60 days of completion of the initial site restoration efforts for each phase during construction. Once in operations, Mm onitoring will be conducted annually for five years, with the first monitoring period to occur the first growing season following initial seeding. After five years of monitoring, the Applicant will design a long-term monitoring plan in consultation with ODOE.

#### 7.2.1.1 Success Criteria

The success criterion outlined below will demonstrate compliance with the soil protection standard (OAR 345-022-0022) and NPDES 1200-C permit requirements:

• Establish uniform (i.e., evenly distributed, without large bare areas) perennial, non-invasive vegetation that provides 70 percent or more cover on all exposed areas.

Requirements of the soil protection standard apply to the construction and operation of the Facility. Therefore, the Applicant shall maintain compliance with revegetation success criteria for all areas within the solar array fence for the life of the Facility. In each monitoring report, the Applicant will include an assessment of whether the area within the solar array fence is meeting or trending toward meeting the revegetation success criteria. Final determination of whether the Applicant is in compliance with revegetation obligations will be made by ODOE. Remedial actions and/or additional monitoring may be required in areas that are determined by ODOE not to meet the success criteria.

#### 7.2.1.2 Reporting

During construction, restoration and revegetation efforts implemented at each phase will be reported on in the 6-month, semi-annual construction report, Once construction is complete, mMonitoring reports will be prepared and submitted annually to ODOE for the first five years. The first monitoring report will include a detailed description and timeline of site restoration methods that were implemented including species, amounts, and locations of the seed applications and dates restoration work was performed. Each monitoring report will include:

- GIS maps of revegetation areas and disturbance levels;
- Monitoring methods;
- Local climatic data (i.e., precipitation, temperature) for the monitoring month and year and percent deviation from the historical average;
- The results of the monitoring efforts;
- The investigator's assessment of whether the revegetated areas are trending toward meeting the success criteria;
- Assessments of factors impacting the ability of the revegetated area to trend towards meeting the success criteria; and
- Recommendations of remedial actions, if any.

#### 7.2.2 Monitoring of Temporary Disturbance Areas

Following implementation of revegetation efforts at each phase, the Applicant will monitor revegetation areas as described in this section, unless the landowner has converted an area to a use that precludes meeting revegetation success criteria. Once in operations, revegetation areas will be monitored by a qualified investigator annually for five years, with the first monitoring period to occur the first growing season following initial seeding.

Based on the fifth annual assessment, a long-term monitoring plan will be developed in coordination with ODOE and ODFW. This may include remedial actions, additional monitoring, and/or additional mitigation for areas that have been determined by ODOE, in consultation with ODFW, not to have met the success criteria. If it is determined, in consultation with ODOE and ODFW, that revegetated areas have met the success criteria prior to the fifth annual assessment, annual monitoring will be deemed complete, and a long-term monitoring plan will be developed in coordination with ODOE and ODFW.

#### 7.2.2.1 Reference and Monitoring Sites

To determine if revegetation efforts are meeting the success criteria outlined in Section 7.2.2.57.2.5, paired monitoring (i.e., treatment) and reference (i.e., control) sites will be established in each of the habitat subtypes that will be temporarily disturbed by construction, with the exception of agricultural lands (i.e., habitat subtype Orchards, Vineyards, Wheat Fields,

Other Row Crops), cliffs/talus habitat (i.e., habitat subtype: Cliffs, Caves, and Talus), and habitat/category combinations with less than 1 acre of temporary disturbance. Reference sites are intended to represent target conditions for the revegetation effort. Vegetation within monitoring sites in revegetation areas will be compared with those in the associated reference sites to measure success of the revegetation activities.

Fifteen monitoring and seven reference sites (22 total sites) will be established and monitored. The reference sites will be selected in consultation with ODFW and ODA and subject to ODOE approval. Table 3 presents the number of monitoring and reference sites that will be established within each habitat subtype anticipated to be temporarily disturbed. The number of monitoring sites was based on the extent of anticipated temporary disturbance as follows:

- Less than 1 acre of temporary disturbance = 0 sites
- 1 to 10 acres of temporary disturbance = 1 site
- 11 to 35 acres of temporary disturbance = 2 sites
- For each additional 25 acres of impacts, one additional site will be added (e.g., 36-60 acres of impact = 3 sites, 61-85 acres = 4 sites, etc.)

One reference site per habitat subtype and preliminary habitat category anticipated to be temporarily disturbed will be established. Locations will be randomly selected using existing habitat mapping. Once selected, the applicant will provide ODOE with a map showing the location of each reference site.

Table 3. Number of Monitoring Sites to be Established within Each Habitat Subtype

Preliminary Habitat Category	Habitat Subtype <sup>1</sup>	Acres of Temporary Disturbance	Number of Monitoring Sites	Number of Reference Sites
2	Shrub-steppe	4.2	1	1
3	Eastside Grasslands	28.8	2	1
3	Shrub-steppe	69.0	4	1
	Eastside Grasslands	48.2	3	1
4	Shrub-steppe	18.1	2	1
	Planted Grasslands	14.6	2	1
5	Eastside Grasslands	10.5	1	1
		Total	15	7

<sup>1.</sup> No monitoring is proposed for the 3.7 acres of Cliffs, Caves, and Talus habitat anticipated to be impacted because these areas consist of cliffs and talus slopes that are not vegetated.

#### 7.2.2.2 Pre-Construction Baseline Surveys

Prior to the start of construction, surveys will be conducted during the growing season to evaluate baseline conditions within the proposed monitoring and reference sites. Both quantitative and qualitative data will be collected during the pre-construction baseline surveys as described in Section <u>7.2.2.37.2.3</u>. Selection of appropriate sites and collection of pre-construction data will ensure that monitoring and reference sites are located in areas of similar habitat type and quality prior to disturbance. This will help ensure that comparison between monitoring and reference sites is appropriate for determining successful revegetation.

#### 7.2.2.3 Monitoring Methods

Monitoring will be conducted by qualified biologists following methods to be finalized in consultation with ODFW and subject to ODOE approval in a final Revegetation and Reclamation Plan The following methods are proposed by the applicant have been developed in consultation with ODFW.

#### **Data Collection**

Both quantitative and qualitative data will be collected during pre-construction baseline surveys and post-construction annual monitoring. Quantitative data will be collected along one 150-foot long transect located within each selected monitoring and reference site. During pre-construction baseline surveys, the exact locations of these transects will be established and the ends of each transect line will be recorded using a global positioning system unit capable of submeter accuracy. During post-construction monitoring, the transect locations within the monitoring sites may need to be adjusted if the actual disturbance footprint is smaller than the anticipated construction footprint and does not accommodate a transect. These detailed considerations for monitoring methods will be determined in consultation with ODOE and ODFW, and subject to ODOE final approval, prior to implementation of monitoring.

A modified version of the Daubenmire method (NRCS and BLM 1999) tailored to address the Facility's monitoring goals will be used to assess vegetative cover and species composition along each transect. A 1.5-foot by 3-foot quadrat will be placed every 15 feet along the transect, and the percent cover of each plant species, as well as bare soil, litter, and biotic crust within each quadrat, will be recorded using Daubenmire cover classes. Site characteristics including slope, aspect, elevation, soil type, and habitat type will also be recorded. The datasheet for recording data is provided in Appendix A. In addition, photographs will also be taken at the end of each transect, and the compass bearing will be recorded for each photograph taken.

Qualitative monitoring will supplement quantitative data and help to describe overall site conditions and assess the need for remedial actions to ensure sites are progressing toward the success criteria outlined in Section 7.2.2.57.2.5. Qualitative data that will be collected during pre-construction baseline surveys and annual monitoring will include the following:

• Evidence of ongoing, recent, or past disturbance;

- Evidence of wildlife use:
- Degree of erosion (high, moderate, or low); and
- Overall plant vigor.

#### **Data Analysis**

Based on data collected, the following parameters will be assessed for each reference and monitoring site:

- Total vegetative cover;
- Cover of native and desirable grass and forb species;
- Cover of shrubs:
- Percent cover of invasive species and state and county-designated noxious weeds;
- Proportion of native and desirable plant species; and
- Species richness (number of plant species observed).

These results will then be compared for each monitoring site and paired reference site to determine if the revegetated areas are trending toward meeting or have met the success criteria as described in Section 7.2.2.57.2.57.2.5.

#### 7.2.2.4 Reporting

During construction, at the completion of each phase of constructions, revegetation effots undertaken at the completion of each phase, where practicable will be reported on in the six-month semi annual report. During operations, mMonitoring reports will be prepared and submitted to ODFW and ODOE annually for the first five years. The first operational monitoring report will include a detailed description and timeline of site restoration methods that were implemented during construction and the first year of operations, including species, amounts, and locations of the seed applications and dates restoration work was performed. Each monitoring report will include:

- GIS maps of revegetation areas and disturbance levels;
- Monitoring methods;
- Local climatic data (i.e., precipitation, temperature) for the monitoring month and year and percent deviation from the historical average;
- The results of the monitoring efforts;
- The investigator's assessment of whether the revegetated areas are trending toward meeting the success criteria;
- Assessments of factors impacting the ability of the revegetated area to trend towards meeting the success criteria; and

• Recommendations of remedial actions, if any.

<u>Findings from Copies of</u> the annual revegetation monitoring report for temporary disturbance areas will be included as part of the Applicant's <u>semi-annual and</u> annual report to ODOE and ODFW.

#### 7.2.2.5 Success Criteria

Each monitoring report will include an assessment of whether the temporarily disturbed revegetated areas are meeting or trending toward meeting the success criteria. An area will be deemed successfully revegetated when the following success criteria are met:

- **Native Forbs:** The average percent cover of desirable forbs (i.e., species included in seed mixes and/or native species that have naturally colonized) will be a minimum of 75 percent of the reference site within 5 years. Richness of native and desirable forbs on a reclaimed site will be at least equal to the richness measured on the reference site within 5 years (applicable to all revegetation areas).
- Native Shrubs: The average cover of the shrub component will be at least 50 percent of the reference site within 5 years. At least 15 percent of the shrub density will be the dominant species found on the reference site. The richness of shrub species and the shrub density within the revegetated areas will be at least equal to the shrub species richness and density measured on the reference site (only applicable to shrub-steppe revegetation areas).
- Native and Desirable Grasses: Cover and richness of native and desirable (i.e., species included in seed mixes and/or native species that have naturally colonized) grass species is at least 85 percent similar to reference sites. Native and/or desirable grasses are to be seeded at rates sufficient to achieve abundance and richness characteristics of the grass component at the reference site (applicable to all revegetation areas).
- **Noxious Weeds:** Presence and cover of noxious weeds is 75 percent or less than that of the reference site (applicable to all revegetation areas).

Final determination of whether the Certificate Holder has met the revegetation obligations will be made by ODOE, in consultation with ODFW.

#### 7.2.3 Adaptive Management

After each monitoring visit, the Applicant's qualified investigator will report to the Applicant regarding the revegetation progress of each revegetation area. If applicable, the investigator will make recommendations to the Applicant for reseeding, weed control, or other remedial measures for areas that are not showing progress toward achieving revegetation success. The investigator will provide a description of factors that may be contributing to the lack of revegetation success. The Applicant will include the investigator's recommendations for adaptive management and the measures taken in that year's monitoring report. ODOE may require reseeding, weed control, or other remedial measures in cases where success criteria have not been met.

If a revegetation area is damaged by wildfire during the first 5 years following initial seeding, the Applicant will work to restore the damaged area. The Applicant will continue to report on revegetation progress during the remainder of the 5-year period. The Applicant will report to ODOE and ODFW the area impacted by the fire (with a map or figure).

#### 7.3 Cropland Revegetation Monitoring

Records will be kept of revegetation efforts in cropland. Records will include:

- Date construction was completed;
- Description of the affected area;
- Date revegetation was initiated;
- Description of the revegetation effort; and
- Confirmation from the landowner that temporary disturbances in cropland have been satisfactorily restored.

The Applicant will update these records periodically as revegetation work occurs and will provide ODOE with copies of these records along with submission of a summary in the first annual report following construction.

#### 7.4 Soil Reclamation Monitoring

Soil measurements conducted per Section 4.1 shall be evaluated to determine whether soils within disturbance areas have compaction readings of more than 300 psi. If results show soils have compaction readings of greater than 300 psi, then remediation activities must be completed before revegetation activities can begin. Prior to initiation of revegetation, the Applicant will provide the results of soil compaction testing to ODOE and plans for remediation. Remediation activities may include de-compacting soil with an agricultural disc, soil ripper, or similar equipment as described in Section 4.2.

## 8.0 Roles and Responsibilities

The Applicant is responsible for the construction and operations of the Facility and implementation of the revegetation and reclamation plan activities described in this document. However, the Applicant may use contractors to complete tasks associated with their revegetation goals and monitoring needs. The Applicant will be responsible for ensuring that all contractors perform work in accordance with permit requirements and all agreed-upon methods for revegetation.

Example responsible parties and their roles may include:

#### 8.1 The Applicant's Site Manager

- Communicate findings and recommendations from Monitoring Contractor to ODOE and ODFW.
- Maintain landowner communications and provide guidance to Monitoring Contractor and Restoration and Seeding Contractor regarding landowner restrictions/requests for accessing, monitoring, and seeding on their properties.
- Attend quarterly calls with Monitoring Contractor and Restoration and Seeding Contractor.
- Attend calls with ODOE and ODFW as needed.

#### 8.2 Construction Compliance Contractor

- Prior to reclamation and revegetation, facilitate coordination meetings with the Site Manager, restoration and seeding contractor, ODFW, and ODOE.
- Perform site visits as needed to document compliance.
- Maintain compliance tracking records and assist Applicant in reporting compliance to ODOE.
- Conduct routine check-in calls with the Site Manager and restoration and seeding contractors.
- Attend calls with the Applicant, ODFW, and ODOE as needed.

#### 8.3 Monitoring Contractor(s)

- Monitoring will be conducted during pre-construction, construction, and post-construction
  phases. This may be done by a single qualified contractor or multiple at the Applicant's
  discretion.
- Communicate directly with restoration and seeding contractor. Provide maps and photos of reference and monitoring sites.
- Ensure that seeding efforts completed by the restoration and seeding contractor are occurring at an appropriate seasonal time, according to site-specific weather windows, and when soil moisture is at the appropriate level to support seedling growth.
- Perform site visits (annually and as needed) to document revegetation progress.
- Provide summary memo after each visit to the Applicant's Site Manager and restoration and seeding contractor outlining findings, recommendations, and progress on success criteria (see Sections 7.2.1.17.1.1 and 7.2.2.57.2.5).
- Communicate and attend calls with ODOE and ODFW and ODA about revegetation success as needed.

- Prepare annual monitoring reports for the Facility describing revegetation progress, as outlined in Sections 7.2.1.27.1.2 and 7.2.2.47.2.4.
- Organize and attend quarterly calls with the Applicant's Site Manager and restoration and seeding contractor.

#### 8.4 Restoration and Seeding Contractor

- Communicate seeding plan to Applicant's Site Manager, notifying the Applicant's Site Manager of any changes to seed availability prior to seeding.
- Maintain records of when, where, how, and what type of seeds are being planted, and provide a copy of these records to the Applicant's Site Manager and the monitoring contractor.
- Review summary memos prepared by monitoring contractor following site visits and implement supplemental seeding recommendations, as applicable.
- Attend quarterly calls with monitoring contractor and Applicant's Site Manager.

Options for contracting and managing restoration and seeding work include:

- Having the construction contractor subcontract the revegetation work out to a qualified restoration and seeding contractor. The contract will stipulate the Applicant's right to dictate the timing, methods, and management of seeding.
- Contracting directly with the qualified restoration and seeding contractor, with the power to contractually enforce seed timing and methods.
- Having the construction compliance contractor contract with the qualified restoration and seeding contractor, with the power to contractually enforce seed timing and methods.

The restoration and seeding contractor's qualifications and scope of work will be provided as a submittal to ODOE prior to construction. Additionally, a crosswalk of the final version of this Plan will be prepared for use by the restoration contractor prior to initiation of revegetation to facilitate Plan implementation. A kick-off meeting with the Applicant, their construction compliance contractor, restoration and seeding contractor, and ODOE will be held at least 14 days prior to initiation of restoration activities. A copy of the Plan crosswalk will be provided to ODOE staff prior to the kick-off meeting date. Staff from either the Applicant or their construction compliance contractor will field-verify seeding methods and timing requirements are followed appropriately and will document any variances and the justifications for those variances. Monitoring and follow-up will be provided as described in Section 7.0 to ensure oversight and increase the probability of revegetation success.

#### 9.0 Plan Amendment

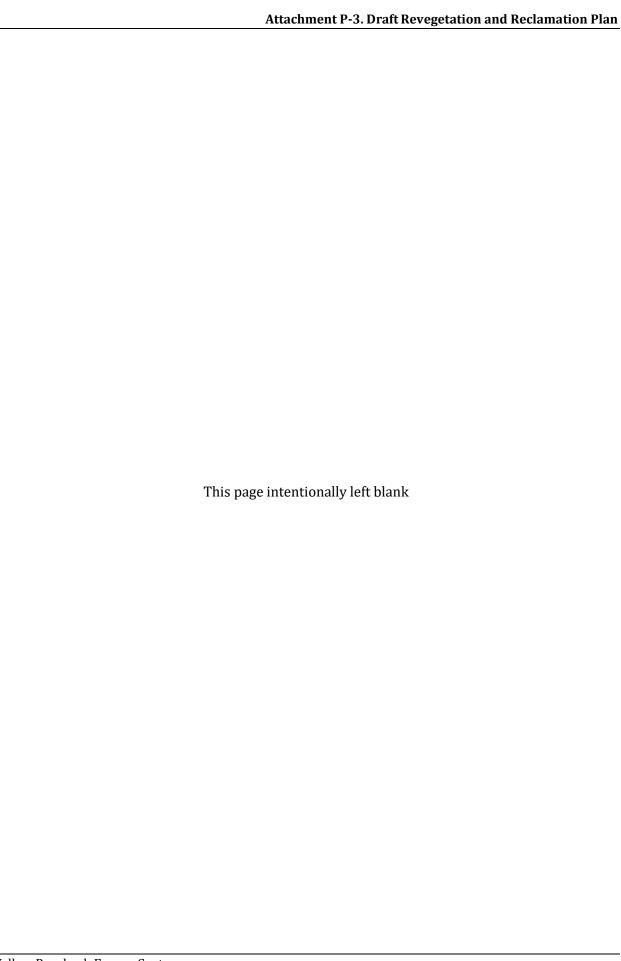
This Plan may be amended by agreement of the Applicant and the Energy Facility Siting Council (EFSC). Such amendments may be made without amendment of the site certificate. EFSC authorizes ODOE to agree to amendments to this Plan. ODOE shall notify EFSC of all amendments, and EFSC retains the authority to approve, reject, or modify any amendment of this Plan agreed to by ODOE.

#### 10.0 References

- NRCS and BLM (Natural Resources Conservation Service and Bureau of Land Management). 1996.
  Revised in 1997 and 1999. Sampling Vegetation Attributes. Interagency Technical Reference 1734-4. Denver, CO.
- Pyke, D., J. Chambers, M. Pellant, R. Miller, J. Beck, P. Doescher, and B. Roundy. 2018. Restoration Handbook for Sagebrush Steppe Ecosystems with Emphasis on Greater Sage-Grouse Habitat—Part 1. Concepts for Understanding and Applying Restoration. Circular 1416. Prepared in Cooperation with U.S. Joint Fire Science Program and National Interagency Fire Center, Bureau of Land Management, Great Northern Landscape Conservation, and Western Association of Fish and Wildlife Agencies. U.S. Geological Survey. <a href="http://dx.doi.org/10.3133/cir1416">http://dx.doi.org/10.3133/cir1416</a>.
- Shaw, N., A. Halford, and J.K. McAdoo. 2015. Great Basin Factsheet Series: Information and tools to conserve and restore Great Basin ecosystems. Sage Grouse Initiative, USDA-Natural Resources Conservation Service. http://www.sagegrouseinitiative.com/wp-content/uploads/2015/07/8\_GBFS\_transplanting-seedlings.pdf. Accessed November 2023.
- Tetra Tech (Tetra Tech, Inc). 2023. Wildlife, Habitat, and Raptor Nest Survey Report. Yellow Rosebush Energy Center. Prepared for Yellow Rosebush Energy Center, LLC. November.

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## Appendix A. Revegetation Monitoring Datasheet



#### **Attachment P-2: Draft Noxious Weed Control Plan**

# Draft Noxious Weed Control Plan

## Yellow Rosebush Energy Center September 2025

## Prepared for Yellow Rosebush Energy Center, LLC

ODOE Edits for Draft Proposed Order

Prepared by



Tetra Tech, Inc.



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Appendix A. 2024 Oregon Department of Agriculture Noxious Weed List

Appendix B. 2008 Wasco County Noxious Weed List

Appendix C. 2024 Sherman County Noxious Weed List

Appendix D. Recommended Treatment and Timing for Noxious Weeds Observed within the Project Area

#### **Acronyms and Abbreviations**

Applicant Yellow Rosebush Energy Center, LLC

BMP best management practices

EPA U.S. Environmental Protection Agency

Facility Yellow Rosebush Energy Center

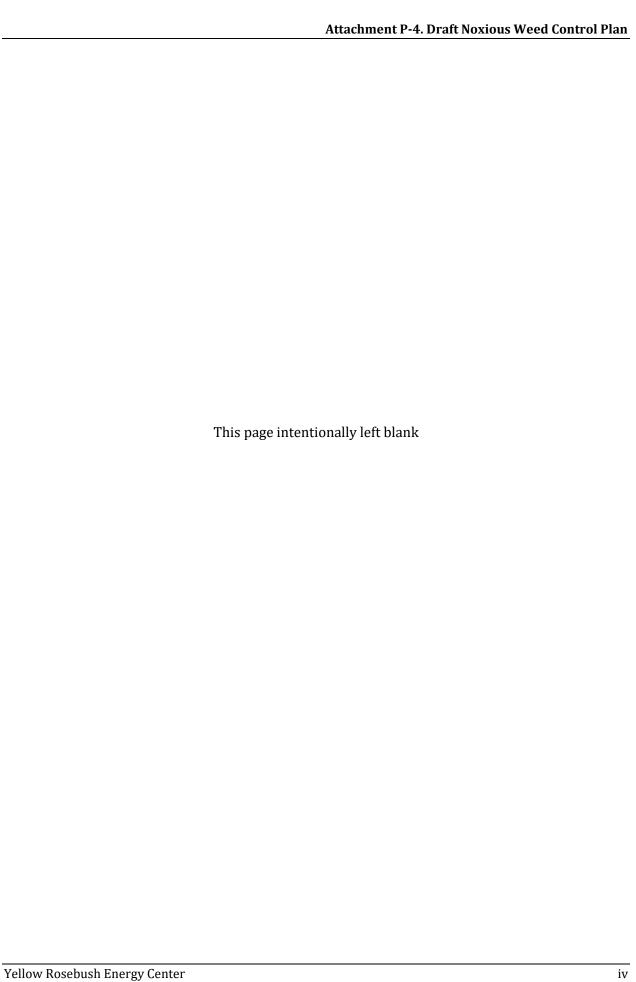
ODA Oregon Department of Agriculture

ODFW Oregon Department of Fish and Wildlife

ODOE Oregon Department of Energy

ORS Oregon Revised Statutes

OSWB Oregon State Weed Board



#### 1.0 Introduction

Yellow Rosebush Energy Center, LLC (Applicant) seeks to develop the Yellow Rosebush Energy Center (Facility) in Wasco and Sherman counties, near Maupin, Oregon. This Draft Noxious Weed Control Plan was prepared to comply with Oregon Administrative Rule (OAR) 660-033-0130 (38)(h)(D) and describes the noxious weed control measures that will be implemented during construction and operation of the Facility. The intent of this plan is to provide clear methods to minimize the introduction and spread of designated noxious weeds from construction and operation of the Facility, control existing populations of noxious weeds within construction areas, and monitor the success of efforts to prevent and control noxious weeds for the life of the Facility. The Applicant and its contractors will be responsible for implementing the methods detailed in this plan.

#### 2.0 Regulatory Framework

The Oregon Department of Agriculture (ODA) lists 46 Class A noxious weed species and 98 Class B noxious weed species within the state of Oregon, 47 of which are T-designated (Appendix A). Wasco County lists 45 species of noxious weeds (Appendix B) and Sherman County lists 54 weed species (Appendix C). Many of the weed species listed in Sherman County are also listed in Wasco County. Although not all of the listed noxious weeds in Wasco and Sherman counties and noted in Appendices A and B occur in the vicinity of the Facility, the Applicant and its contractors should be aware of the entire list while monitoring and controlling weeds. Noxious weeds known to occur in the vicinity of the site boundary are discussed in Section 3.0.

#### 2.1 State of Oregon

In Oregon, a noxious weed is defined under Oregon Revised Statutes (ORS) 569.175 as "a terrestrial, aquatic, or marine plant designated by the State Weed Board under ORS 569.615 as among those representing the greatest public menace and as a top priority for action by weed control programs." Noxious weeds have been declared by ORS 569.350 as a menace to public welfare, and control of these plants is the responsibility of private landowners and operators, as well as county, state, and federal governments.

The Oregon State Weed Board (OSWB) was created by ODA under ORS 569.600. OSWB provides recommendations for noxious weed control at the state level and is responsible for updating the State Noxious Weed List. The OSWB and the ODA classify noxious weeds in Oregon in accordance with the ODA Noxious Weed Classification System; there are three designations under the State's system (Appendix A):

A-Listed Weed: A weed of known economic importance which occurs in the state in small
enough infestations to make eradication or containment possible; or is not known to occur,
but its presence in neighboring states makes future occurrence in Oregon seem imminent.

- Recommended Action: Focus on prevention of new infestations through vector control, certification programs, education, outreach and surveys. New and existing infestations are prioritized for eradication or intensive control when and where found. Regionally focused, species-specific Statewide Management Strategies for A-listed weeds may be developed as necessary.
- **B-Listed Weed:** A weed of economic importance that is regionally abundant but may have limited distribution in some counties.
  - **Recommended Action:** Limited to intensive control at the state, county, or regional level as determined on a site-specific, case-by-case basis. Where implementation of a fully integrated statewide management plan is not feasible, biological control (when available) shall be the primary control method.
- **T-Designated Weed:** A designated group of weed species selected from the B list as a focus for prevention and control by the Noxious Weed Control Program. T-designated noxious weeds are determined by the Oregon State Weed Board and management actions are prioritized and informed by species-specific T-List Statewide Management Strategies created and maintained by the ODA. Action against these weeds will receive priority in accordance with the recommendations of the Statewide Management Strategy.

Additionally, Oregon sometimes implements biological control, or "biocontrol", as part of its integrated pest management approach to managing noxious weeds. This is the practice of using host-specific natural enemies such as insects or pathogens to control noxious weeds. The ODA Noxious Weed Program has adopted the International Code of Best Practices for biological control of weeds, and several species found at the Facility may be subject to biocontrol (Appendix A). These biocontrol species are noted below (Section 3).

#### 2.2 Wasco County

In Wasco County, control of noxious weeds is overseen by the Wasco County Weed and Pest Department. Wasco County has its own weed classification system that differs from the state, defining four classifications of weeds (Appendix B):

- A Pests: A weed of known economic importance known to occur in the county in small enough infestations to make eradication practical.
- **B Pests:** A weed of known economic importance and of limited distribution within the county and is subject to intensive control or eradication, where feasible, at the county level.
- **C Pests:** A weed that also has economic importance but is more widely spread. Control of these weeds will be limited by conditions that warrant special attention.
- Q Pests: A weed that exists in the county, but is of little, no, or undetermined economic
  importance. However, they are to be monitored and subject to control if they begin to
  appear threatening.

#### 2.3 Sherman County

The vast majority of the proposed Facility falls within Wasco County; however, the northern section of the gen-tie line extends into Sherman County, Oregon. Sherman County follows a different noxious weed list and protocol, developed by the Sherman County Weed District. Sherman County has developed six weed classes to define weeds of significance (Appendix C):

- **A Class:** High priority. Any noxious weed which greatly endangers the overall economic well-being of the County and has a small enough distribution where eradication is possible.
- **B Class:** Moderate priority. A noxious weed which is well established in the County and has known negative impacts, but due to its distribution, eradication is not feasible.
- **C Class:** Low priority. A noxious weed which is widespread throughout the County and has known economic impacts.
- **Q Class:** Questionable list. A newly detected weed which may have some importance, but more information is needed to determine its impact on agriculture. There is only one Q Class weed currently (*Epilobium hirsutum*).
- **T Class:** Targeted list. A noxious weed from any Class that the Weed Advisory Board wishes to focus efforts and resources on. This List is reviewed annually.
- W Class: Watch list. Any noxious weed that may occur in neighboring counties, the State or similar environments as the County, and could potentially endanger the overall economic well-being of the County. Once detected, these weeds shall be moved to the appropriate List.

#### 3.0 Noxious Weeds Identified at the Facility

Based on botanical surveys conducted by Tetra Tech biologists in June 2023, seven listed noxious weed species were observed within the Facility micrositing corridor¹ (Table 1). Although these seven species will specifically be targeted for control, if any additional listed target weeds are identified in the treatment areas, they will also be flagged and treated. Table 1 lists the noxious weed species observed, their prevalence within the Facility, and their noxious weed designation (i.e., status). Locations of these noxious weeds documented during surveys are included in the Facility's Botanical Survey Report, included in Attachment P-1 of the Application for Site Certificate. Six of the seven species observed were ODA "B" listed weeds, and all seven species were listed in at least one of the two counties (Table 1; Appendices A, B, and C).

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<sup>&</sup>lt;sup>1</sup> The micrositing corridor is where solar arrays and all other related and supporting facilities may be located; see Exhibit P of the Facility's Application for Site Certificate.

Table 1. Noxious Weeds Identified within the Facility Micrositing Corridor

Scientific Name	Common Name	ODA Status	Wasco County Status	Sherman County Status	Prevalence
Centaurea diffusa <sup>1</sup>	Diffuse knapweed	В*	В	A/B (depending on county region)	Two observed patches, one of which is expansive.
Cirsium arvense	Canada thistle	В	B/C <sup>2</sup>	A/B (depending on county region)	Infrequent small patches observed.
Cirsium vulgare	Bull thistle	B <sub>3</sub>	Not listed	С	Infrequent small patches observed.
Convolvulus arvensis	Field bindweed	B3	С	В	Infrequently found along two-track roads within the Survey Area.
Onopordum acanthium	Scotch thistle	В	Not listed	В/Т	Rare; occurrences consisted of small to medium patches.
Teaniatherum caput-medusae	Medusahead	В	Not listed	С	Dominant ground cover. Near ubiquitous throughout Survey Area. Extremely common.
Verbascum thapsus	Common mullein	Not listed	Q	Not listed	Common alongside Hauser Canyon and in the westernmost Survey Area.

<sup>1.</sup> Per the Wasco County Weed List, the Bakeoven/Maupin area is a knapweed control zone and control efforts are mandatory under ORS 570.510 and 570.515. The entire Facility on the Wasco County side lies within the knapweed control zone.

Diffuse knapweed (*Centaura diffusa*), designated as a "B" Listed Weed in Wasco County, is present within the Facility. The broader area of the Facility is classified as a knapweed control zone according to the Wasco County Weed List, necessitating mandatory control measures under ORS 570.510 and 570.515 (Appendix B). The entire Wasco County section of the Facility falls within this control zone. Diffuse knapweed was predominately found on a two-track road alongside an agricultural field in the center of the site. Only two patches were observed, though one extended several hundred feet along the road.

Canada thistle (*Cirsium arvense*) and bull thistle (*Cirsium vulgare*) were both found in small, infrequent patches. Field bindweed (*Convolvulus arvensis*) was found in small populations in highly disturbed areas with bare ground, typically along two-track roads running throughout the Survey Area. Scotch thistle (*Onopordum acanthium*) is rare site-wide, with only three small to medium-sized populations observed. Common mullein (*Verbascum thapsus*) was common within the Survey Area, particularly on the slopes of Hauser Canyon and on the western boundary of the Survey Area. Common mullein was also very common along Bakeoven Road outside of the Survey Area, suggesting that it has high potential for additional spread within the Facility. Lastly, medusahead

<sup>2.</sup> Canada thistle is listed as "B" pest outside of forests and a "C" pest inside forests in Wasco County. The Facility lies outside the forest; therefore, this species is considered a "B" listed weed within the Facility.

<sup>3.</sup> Weeds which could be targeted for biocontrol as part of their integrated pest management.

(*Taeniatherum caput-medusae*) was ubiquitous throughout the Survey Area. Medusahead is a dominant ground-cover species Facility-wide and eradication is unlikely. Species treatment recommendations are summarized in Appendix D.

The Applicant will conduct an additional pre-construction noxious weed survey and coordinate with landowners and Counties to identify noxious weeds present at the Facility at the time of construction to better inform subsequent management actions.

#### 4.0 Noxious Weed Management

This section describes the steps the Applicant will take to prevent, minimize, and control the establishment and spread of noxious weed species during both construction and operation of the Facility. The management of noxious weeds will be considered throughout all stages of construction and operation of the Facility and will include the following:

- **Prevention:** Implementing measures to prevent the introduction of and/or spread of noxious weeds during construction, operation, and maintenance activities.
- **Treatment:** Treating noxious weed populations with County-approved appropriate control methods, at appropriate time intervals.
- Monitoring: Assessing noxious weed changes within the Facility site boundary over time
  and ensuring that legacy as well as new weed populations are not increasing their
  distributions.

The Applicant's primary goal is to prevent the introduction of new noxious weed populations and the spread of existing noxious weed populations. Early detection and management of small weed populations are crucial for successful control efforts. New noxious weeds detected during post-construction revegetation will be considered a result of construction activities and will be controlled accordingly. If it is determined that noxious weeds have invaded areas immediately adjacent to the Facility (e.g., areas visible just beyond the outer limits of construction disturbances associated with the Facility or along access roads) as a result of construction, the Applicant will contact the landowner and seek approval to treat those noxious weed populations.

Long-term weed control methods will be described in a long-term monitoring plan as described in Section 5. Long-term weed control will be accomplished in conjunction with successful revegetation with non-weedy species as described in the Draft Revegetation and Reclamation Plan (see Exhibit P, Attachment P-3). Initial short-term weed control will be achieved either through mechanical methods (Section 4.2.1) or herbicide use (Section 4.2.2). However, it is crucial to ensure that short-term herbicide use does not impede the establishment of native perennial grass cover, which will help provide long-term control at the Facility.

#### 4.1 Prevention

Prior to the start of construction, all personnel will be trained on the importance of noxious weed control. The Applicant or their construction contractor will provide information and training to all construction personnel regarding noxious weed identification and prevention strategies.

Operations and maintenance personnel will be similarly informed. The importance of preventing the introduction and/or spread of noxious weeds in areas not currently infested and controlling the proliferation of noxious weeds already present within or near the Facility will be emphasized.

The Applicant and their contractors will implement preventative best management practices (BMPs) during Facility construction and operation to help minimize invasion and spread of noxious weeds onsite. The Applicant will assess and report compliance with the BMPs as described in Section 5.1. These BMPs include, but are not limited to:

- Flagging areas of noxious weed infestations prior to construction to alert construction personnel;
- Limiting vehicle access to designated routes, whether existing roads or newly constructed roads, and the outer limits of construction disturbances per the final design for the Facility;
- Limiting vehicle traffic in noxious weed-infested areas;
- Cleaning construction vehicles at a wash station located at an onsite location prior to entering the Facility for the first time and upon leaving the Facility, or at a public car wash in the vicinity of the Facility to prevent tracking on to or off-site;
- Where feasible, not moving topsoil and other soils from noxious weed-infested areas outside of the infested areas and returning them to their previous location during reclamation activities;
- Conducting ongoing inspections of areas of temporary and permanent disturbance for noxious weeds during and after grading and construction (See Section 5);
- Displaying fact sheets describing target noxious weed species at the operations and maintenance building;
- Ensuring that seed and straw mulch used for site rehabilitation, BMPs such as straw wattles
  or matting, and revegetation are certified free of weed seeds and propagules;
- Preventing conditions that favor noxious weed establishment by revegetating temporarily disturbed areas as soon as possible following grading and construction;
- Completing revegetation using native seed and/or native plants. In instances where these are unavailable, non-invasive and non-persistent non-native species will be utilized instead.

#### 4.2 Control Planning

Noxious weeds will be controlled using chemical or mechanical methods. The control method used will depend on the weed species and size of infestation, time of year, proximity to intact native

habitats, and resources available (Tu et al. 2001). Generally, mechanical control is best suited for small infestations of tap-rooted weeds that can be hand pulled or large occurrences in areas where mowing or soil disturbance is acceptable. Chemical control is used for most occurrences of perennial weeds with rhizomes or stolons and large occurrences of any weed in areas where mowing or soil disturbance are not recommended. Successful noxious weed control programs typically combine mechanical and chemical treatment strategies (USEPA 2008).

The Applicant will be responsible for hiring a qualified contractor, as approved by ODOE, to implement the treatment of noxious weeds. The Applicant will ensure that noxious weed management actions will be conducted by specialists with the following qualifications:

- Experience in native plant, non-native and invasive plants, and noxious weed identification;
- Experience in noxious weed mapping;
- If chemical control is used, specialists must possess a Commercial or Public Pesticide
  Applicator License from the ODA or possess an Immediately Supervised Pesticide Trainee
  License and be supervised by a licensed applicator;
- Training in noxious weed management or Integrated Pest Management with an emphasis in noxious weeds;
- Experience in coordination with agencies and private landowners; and
- No recent (within one year) violations on the contractor's record.

Recommended treatment methods for noxious weeds identified at the Facility are provided in Appendix D. The applicant and their contractors shall coordinate with County Weed Managers on selection of final control methods and species of concern.

#### 4.3 Mechanical Treatment

Mechanical treatment will be the preferred method of treatment for existing noxious weed populations where appropriate within the boundaries of the Facility. Mechanical methods may include hand pulling, mowing, tilling, discing, harrowing, or rod-weeding (Benson et al. 2011). Hand pulling whole plants or removing seed heads is effective for controlling small, isolated populations of noxious weeds in areas with sensitive habitats or occurrences that need to be treated outside the appropriate time for chemical control. Hand removal can minimize soil disturbance, preserving desirable species and limiting conditions favorable for noxious weed establishment and spread.

For some large noxious weed occurrences, mowing, tilling, discing, or other mechanical techniques may be used to reduce thatch prior to chemical application so that herbicide can more effectively make contact with the target species. However, some rhizomatous plants found within the Facility, such as field bindweed and Canada thistle, can be spread through discing or tillage; therefore, the use of these methods will be species-specific. If tilling or discing is employed in areas slated for revegetation, subsequent seeding will be conducted to re-establish desirable vegetative cover, stabilize the soil, and prevent re-invasion of noxious weeds. Previously unbroken ground or fallow

areas should not be tilled or rod-weeded to maintain native biocrusts and prevent exposing weed seeds.

#### 4.4 Chemical Treatment

Chemical control can effectively remove noxious weeds through use of selective herbicide when mechanical control is not feasible. The herbicide used and the timing of application will differ depending on whether the species are (1) perennial, broad-leaved, or dicot weeds (e.g., thistles and knapweeds, field bindweed) or (2) annual grasses or monocots (e.g., medusahead), as appropriate herbicides differ substantially between dicots and monocots (NRCS 2020). Recommended treatment methods and treatment timings for noxious weeds identified within the Facility micrositing corridor are provided in Appendix D, subject to approval by ODA prior to implementation.

Only herbicides approved by the U.S. Environmental Protection Agency (EPA) and ODA will be applied, and appropriate BMPs will be implemented during application. The status of herbicide approval (e.g., confirming herbicides are approved for use by the EPA and ODA) will be checked annually. In addition, prior to construction and every fall season during facility operation, the Applicant or its contractor will consult with the Wasco County Weed Department and Sherman County Weed District on timing, method, and application rates for each identified weed species of concern, to allow for adaptive weed management given changes in weed control effectiveness from noxious weed species tolerance to herbicide treatment over time. Results of the consultation shall be reported to ODOE within 30 days and records of implementation shall be included in the Applicant's annual monitoring report. Any alternative control methods can be proposed by the Applicant or its contractors, subject to approval by the Wasco County Weed Department and Sherman County Weed District.

Herbicides will be applied to identified, treatable, noxious weed infestations. The Applicant or their contractors will coordinate with the Wasco County Weed Department and Sherman County Weed District to determine which populations are treatable and will notify landowners of proposed herbicide use on their lands prior to application. If a noxious weed population is deemed to be untreatable (e.g., too widespread and established in an area to successfully control), the Applicant will implement the applicable prevention measures discussed in Section 4.1, subject to approval by ODOE and county weed departments.

#### 4.4.1.1 Herbicide Application and Handling

Herbicide application will occur within the appropriate season and during the appropriate timeframe to achieve desired results, as approved by ODOE and the county weed departments. Herbicide application will adhere to EPA and ODA standards. In general, application of herbicides will not occur when the following conditions exists:

- Wind velocity exceeds 15 miles per hour for granular application, or exceeds 10 miles per hour for liquid applications;
- Snow or ice covers the foliage of target species; or

Adverse weather conditions are forecasted within the next few days.

Hand application methods (e.g., backpack spraying) may be used in roadless areas or in rough terrain. Vehicle-mounted sprayers (e.g., handgun, boom, and injector) will be used mainly in open areas that are readily accessible by vehicle. Calibration checks of equipment will be conducted prior to spraying activities, as well as periodically throughout use, to ensure that appropriate application rates are achieved.

Herbicides will be transported to the Facility daily with the following stipulations:

- Only the quantity needed for that day's work will be transported.
- Concentrate will be transported in approved containers only, and in a manner that will prevent spilling, stored separately from food, clothing, and safety equipment.
- Mixing will be done off site and at a distance greater than 200 feet from open or flowing
  water, wetlands, or other sensitive species' habitat. No herbicides will be applied at these
  areas unless authorized by the appropriate regulatory agencies.
- All herbicide equipment and containers will be inspected daily for leaks.

Herbicides use will be in accordance with all manufacturer's label recommendations and warnings.

#### 4.4.1.2 Herbicide Spills and Cleanups

All appropriate precautions will be taken to avoid herbicide spills. In the event of a spill, cleanup will be immediate. Contractors will keep spill kits in their vehicles and in an appropriate storage shed to allow for quick and effective response to spills. Items included in the spill kit will be:

- Protective clothing and gloves;
- Adsorptive clay, "kitty litter," or other commercial adsorbent;
- Plastic bags and a bucket;
- A shovel:
- A fiber brush and screw-in handle:
- A dustpan;
- Caution tape;
- Highway flares (use on existing hard-top roads only); and
- Detergent.

Response to an herbicide spill will vary with the size and location of the spill, but general procedures include:

- Stopping the leak;
- Containing the spilled material;

- Traffic control;
- Dressing the clean-up team in protective clothing;
- Cleaning up and removing the spilled herbicide, as well as the contaminated adsorptive material and soil; and
- Transporting the spilled herbicide and contaminated material to an authorized disposal site.

#### 4.4.1.3 Herbicide Spill Reporting

All herbicide contractors will have readily available copies of the appropriate material safety data sheets for the herbicides used at their disposal and will keep copies of the material safety data sheets in the application vehicle. If an herbicide spill of any size occurs, the appropriate agency and spill coordinators will be notified promptly. In case of a spill into wetlands and waterbodies, the appropriate federal, state, and county agencies will be notified immediately. All herbicide spills equal to or greater than 200 pounds or 25 gallons of pesticide residue will be reported to the Oregon Emergency Response System in accordance with applicable laws and requirements (OAR 340-142-0050; ODEQ 2024). The Applicant will report all herbicide spills to ODOE by phone or email within 24 hours with follow-up reporting as appropriate. Incidents will also be summarized in the annual operations report.

#### 4.4.1.4 Special Considerations

Special consideration will be provided to perennial, intermittent, and ephemeral streams/draws during treatment activities. No herbicide will be sprayed where the drift can enter standing water or saturated soil. It will be the herbicide applicators' responsibility to ensure that no herbicide or drift enters standing water, regardless of the season when the herbicide is applied. Similar considerations will be made when in proximity to agricultural fields.

#### 5.0 Monitoring

#### 5.1 Construction Compliance Monitoring

The Applicant or a qualified third-party contractor will conduct compliance monitoring during the construction phase to ensure that contractors are complying with prevention BMPs outlined in Section 4.1. The construction compliance monitor will:

- facilitate coordination meetings with the counties and ODOE,
- maintain compliance tracking sheets, verification of construction personnel training regarding noxious weed identification and prevention strategies,
- conduct routine check-in calls with the construction team, and document communication with landowners prior to chemical application. If construction extends into a growing season prior to the commercial date of operations and formal post-construction weed

- monitoring, the construction compliance monitor will conduct informal but comprehensive weed surveys to inform adaptive management, and
- update compliance records periodically as work occurs and will provide the Applicant with copies of these records for submission to ODOE.

Applicant will submit copies of documentation (attendance sheets, tracking sheets, training materials, monitoring records) with the required six-month semi-annual construction reports during the construction phase.

#### 5.2 Noxious Weed Monitoring

In addition to monitoring during construction, during operations, mMonitoring for noxious weeds will be conducted for the life of the Facility to assess weed growth and inform noxious weed control measures. Monitoring for noxious weed infestations will also enable the Applicant to respond to new noxious weeds infestations in a timely manner and ensure the success of the site's revegetation. Noxious weed inspections will be conducted by qualified monitors and occur across the entire Facility through visual inspection of the site while driving or walking. These inspections will be used to inform ongoing noxious weed control efforts.

Monitoring will assess the success of noxious weed treatments and document any new noxious weed infestations observed. <u>Based on the monitoring of effectiveness of treatments each year, the applicant will consult with ODOE, ODFW, ODA and respective County Weed Department to identify any new findings or infestations that might require additional treatment methods. If necessary, additional treatments may be required in subsequent years.</u>

During the first five years of <u>operations</u> monitoring, these results will be summarized in seasonal monitoring reports that describe the noxious weeds identified, treatments implemented, and treatment success (e.g., weed frequency trending towards reduction), and will make recommendations to improve treatment success (if necessary), and note any new noxious weed species or emergence. Reports will be submitted to the ODOE, ODA, Oregon Department of Fish and Wildlife (ODFW), Wasco County, and Sherman County annually. If the Applicant contracts with the Wasco County Weed Department Supervisor or Sherman County Weed District to perform weed control at the Facility, then no monitoring report will be provided except for a statement that the county agency successfully performed the work.

Based on the success of control efforts after the fifth year of annual monitoring, the Applicant will consult with ODOE and ODFW to design a long-term weed control plan. The Applicant will maintain ongoing communication with individual landowners, the Wasco County Weed Department, and the Sherman County Weed District regarding noxious weeds at the Facility. Landowners may also contact the Applicant to report the presence of noxious weeds. The Applicant will control the reported noxious weeds on a case-by-case basis and prepare a summary of measures taken for that landowner. Otherwise, during the operational period of the Facility, the Applicant will control noxious weeds as described in the long-term weed control plan.

An example monitoring schedule is presented in Table 2. This monitoring schedule will be revised, as applicable, based on conditions observed on site (e.g., if noxious weeds are being successfully controlled, monitoring frequency will be reduced), as approved by ODOE and county weed departments.

**Table 2. Example Monitoring Schedule** 

Monitoring Type	Timing	Focus
Construction Compliance	Pre-construction	<ul> <li>Map noxious weed infestations and flag where appropriate.</li> <li>Verify construction personnel training on the importance of noxious weed control.</li> <li>Coordinate with County Weed Managers</li> <li>Obtain written approval for treatment methods from the counties and ODOE.</li> </ul>
Monitoring	During construction	<ul> <li>Notify landowners of proposed herbicide use on their lands prior to application.</li> <li>Document compliance with prevention BMPs. Report compliance to ODOE.</li> <li>Conduct informal but comprehensive weed surveys during the growing season to inform adaptive management.</li> </ul>
	Post-construction and annually for the life of the Facility	<ul> <li>Conduct a site-wide noxious weed survey to identify areas for treatment.</li> <li>Work with Weed Management Contractor on a post-emergent chemical treatment, mechanical, or other treatment plan to manage small populations.</li> <li>Report on previous treatments' effectiveness, as applicable.</li> </ul>
	Prior to weed treatment	Obtain written approval for treatment methods from the counties and ODOE.  Obtain proof of advance notice to landowners ahead of weed treatments.
Operations Monitoring	During weed treatment	Track where herbicide applications occur and rates of chemicals used.
	Seasonally for the first five years	<ul> <li>Monitor treated areas for effectiveness and to identify new noxious weed populations.</li> <li>Make recommendations for chemical retreatment or mechanical or other controls to manage new or existing small noxious weed populations.</li> <li>Summarize results of monitoring in seasonal monitoring reports that describe the noxious weeds identified, treatments implemented, and treatment success, make recommendations for adaptive management, and note any new noxious weed species or emergence.</li> </ul>

Monitoring Type	Timing	Focus
	Annually for the first five years	Submit seasonal monitoring reports to ODOE, ODA, ODFW, Wasco County, and Sherman County.
	After fifth year of monitoring	Consult with ODOE and ODFW to design a long-term weed control plan.
	Seasonally for the life of the Facility	<ul> <li>Monitor treated areas for effectiveness and to identify new noxious weed populations.</li> <li>Make recommendations for chemical retreatment or mechanical or other controls to manage new or existing small noxious weed populations.</li> </ul>
		Maintain ongoing communication with individual landowners, the Wasco County Weed Department, and the Sherman County Weed District regarding noxious weeds at the Facility.

#### 6.0 Roles and Responsibilities

The Applicant is the overall responsible party for construction and operation of the Facility repower and implementation of the noxious weed management activities described in this document. However, the Applicant may use contractors to complete tasks associated with noxious weed management and monitoring. Example responsible parties and their roles may include the following:

#### **6.1 Construction Compliance Contractor**

- Prior to weed treatment, facilitate coordination meetings with the counties and ODOE.
   Assist in obtaining written approval for treatment methods including which herbicides will be used and application timing.
- Flag areas of noxious weed infestations prior to construction to alert construction personnel.
- Verify personnel training on the importance of noxious weed control. Provide information and training to construction contractor regarding noxious weed identification and prevention strategies.
- Perform site visits as needed to document compliance with BMPs.
- Maintain compliance tracking records and assist Applicant in reporting compliance to ODOE.
- Conduct routine check-in calls with the construction team.
- Confirm Applicant communication with landowners prior to chemical application.
- Attend calls with ODOE, ODA, and Wasco and Sherman counties as needed.

#### 6.2 Operations Noxious Weed Monitoring Contractor

- Perform site visits (annually as needed) to document noxious weed occurrences.
- Provide summary memo after each visit to the Applicant's operations manager outlining findings and treatment recommendations.
- Communicate directly with Weed Management Contractor and provide maps and photos of noxious weed species locations to Weed Management Contractor.
- Communicate with ODA, Wasco County, and Sherman County about noxious weed survey findings and treatment plans.
- Prepare reports for the Facility describing noxious weed monitoring findings and treatments.
- Organize and attend quarterly calls with the Applicant and Weed Management Contractor.
- Attend calls with ODOE, ODA, and Wasco and Sherman counties as needed.
- Applicant will also include summary and supporting documentation of actions taken by contractor and any contractor trainings in operational annual reports for the Facility.

#### 6.3 Facility Site Manager

- Communicate findings and recommendations from Monitoring Contractor to the Weed Management Contractor.
- Review monitoring reports to ensure all treatments performed by Weed Management Contractor are documented.
- Maintain landowner communications, providing guidance to Monitoring Contractor and Weed Management Contractor regarding landowner restrictions/requests for performing noxious weed monitoring and treatment on their properties.
- Attend quarterly calls with Monitoring Contractor and Weed Management Contractor.
- Attend calls with ODA and Wasco and Sherman counties as needed.

#### 6.4 Weed Management Contractor

- Review Monitoring Contractor memos describing noxious weed occurrences and recommendations and plan appropriate treatment to address those issues.
- Communicate treatment plan to Applicant.
- Maintain records of when, where, and what type of noxious weed treatments are being performed and provides documentation of work being performed to the Facility Site Manager.
- Maintain all appropriate documentation of chemicals applied. Share documentation during quarterly calls with the Applicant and Monitoring Contractor, and prior to monitoring

report preparation. Documentation should include type and quantity of herbicides applied, dates applied, and any associated EPA/Oregon Department of Environmental Quality licensing/documentation of chemicals used.

• Attend quarterly calls with the Monitoring Contractor and the Applicant.

#### 7.0 County Weed Department Review

The Weed Department Supervisor for Wasco County and Weed District Supervisor for Sherman County will be provided with a copy of this plan for review. This plan will be updated, as necessary, based on their comments.

The following contact information for the Wasco County Weed Department and Sherman County Weed District will be used and updated as needed:

Merle A. Keys, Wasco County Weed Department Supervisor

Wasco County Public Works Building

2705 E. 2nd Street

The Dalles, OR 97058

(541) 506-2653

merlek@co.wasco.or.us

Rod Asher, Sherman County Weed District Supervisor

66143 Lone Rock Road

Moro, OR 97039

(541) 565-3655

#### 8.0 References

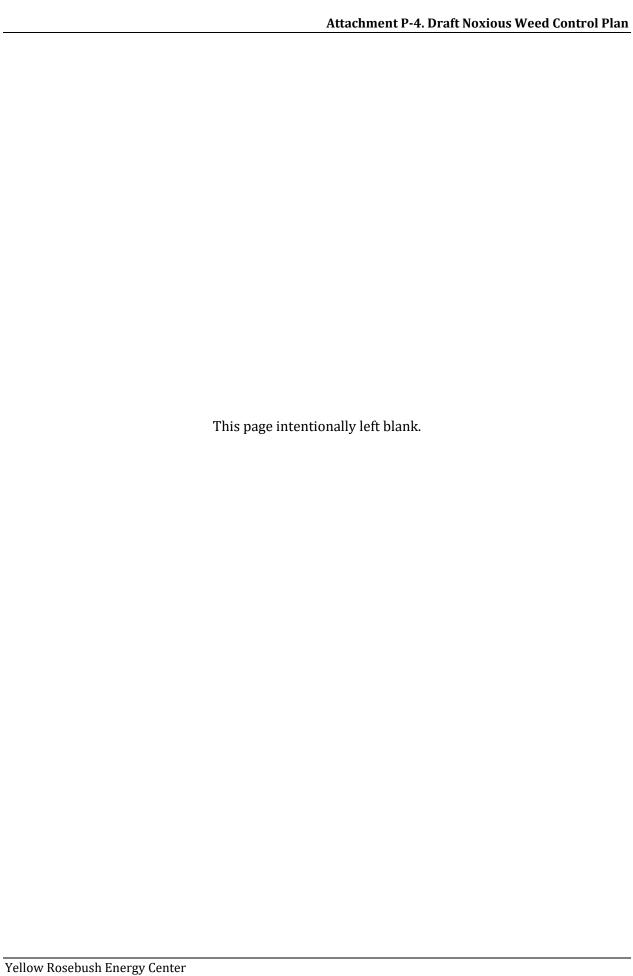
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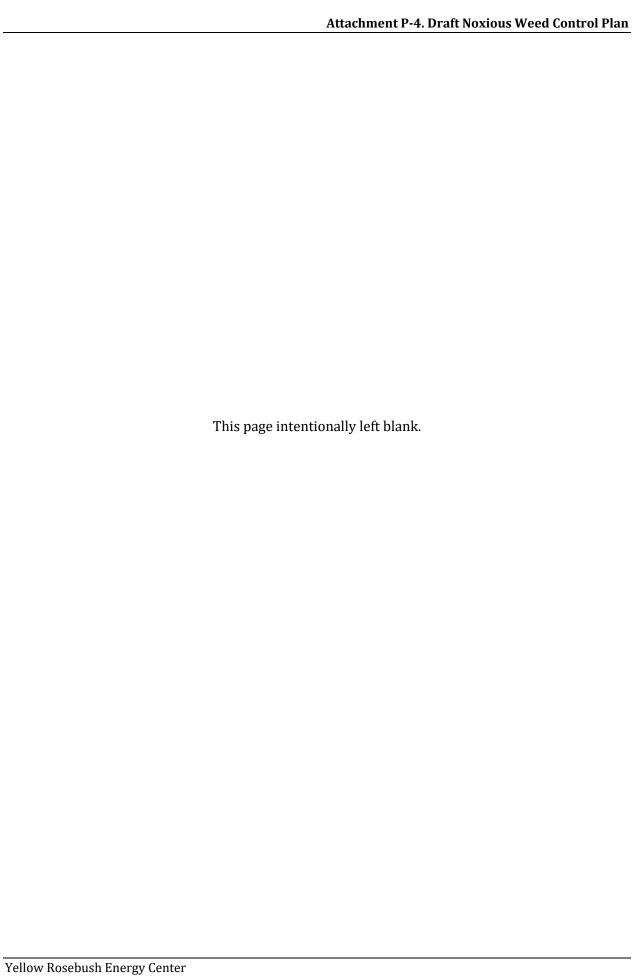
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## Appendix A. 2024 Oregon Department of Agriculture Noxious Weed List



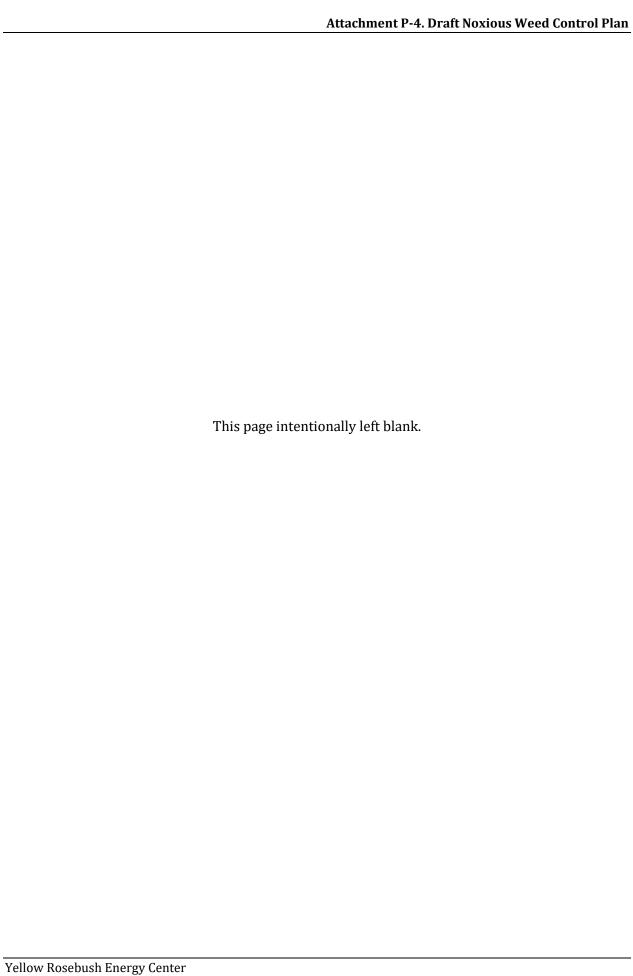
Attachment P-4. Draft Noxious Weed Control Plan

### Appendix B. 2008 Wasco County Noxious Weed List



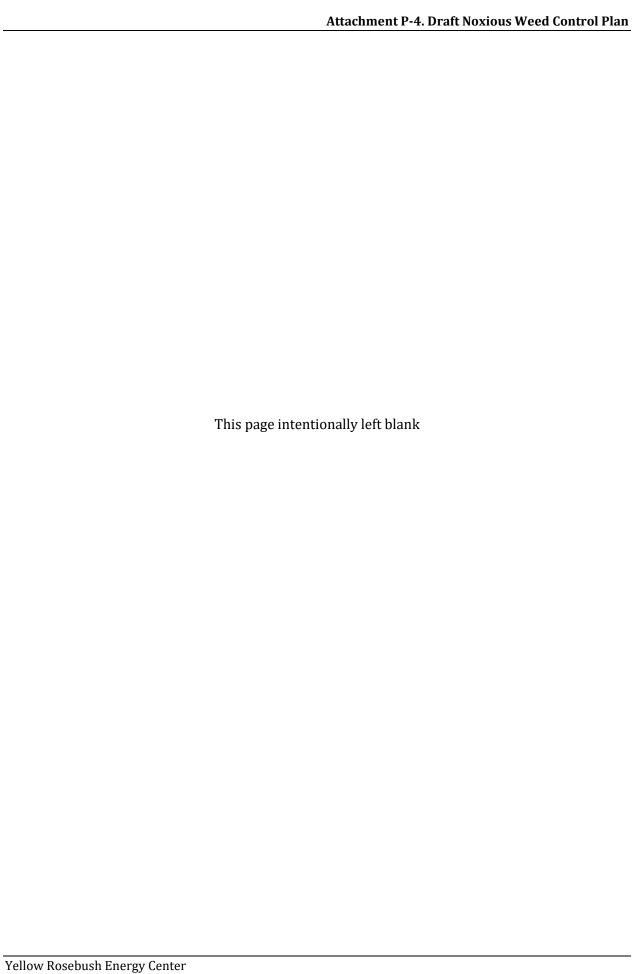
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#### Appendix C. 2024 Sherman County Noxious Weed List



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# Appendix D. Recommended Treatment and Timing for Noxious Weeds Observed within the Project Area



#### Recommended Treatment and Timing for Noxious Weeds Observed within the Project Area

Noxious Weed: Diffuse knapweed (Centaurea diffusa)

**Recommended Treatment:** Post-emergent spot application with species-specific herbicide once per year for several years. Control of regrowth and of new seedlings is much better if a competitive crop or sod is established (WSNWCB).

**Noxious Weed:** Canada thistle (*Cirsium arvense*)

**Recommended Treatment:** Post-emergent spot application with species-specific herbicide once per year.

**Noxious Weed:** Bull thistle (*Cirsium vulgare*)

**Recommended Treatment:** Post-emergent spot application with species-specific herbicide once per year.

**Noxious Weed:** Field bindweed (*Convolvulus arvensis*)

**Recommended Treatment:** Post-emergent spot application with species-specific herbicide. Tilling, repeatedly over 1 to 5 years. Herbicide timings vary; mechanical control (tilling) most effective 8-12 days after emergence (Ditomaso et al., 2013).

**Noxious Weed:** Scotch thistle (*Onopordum acanthium*)

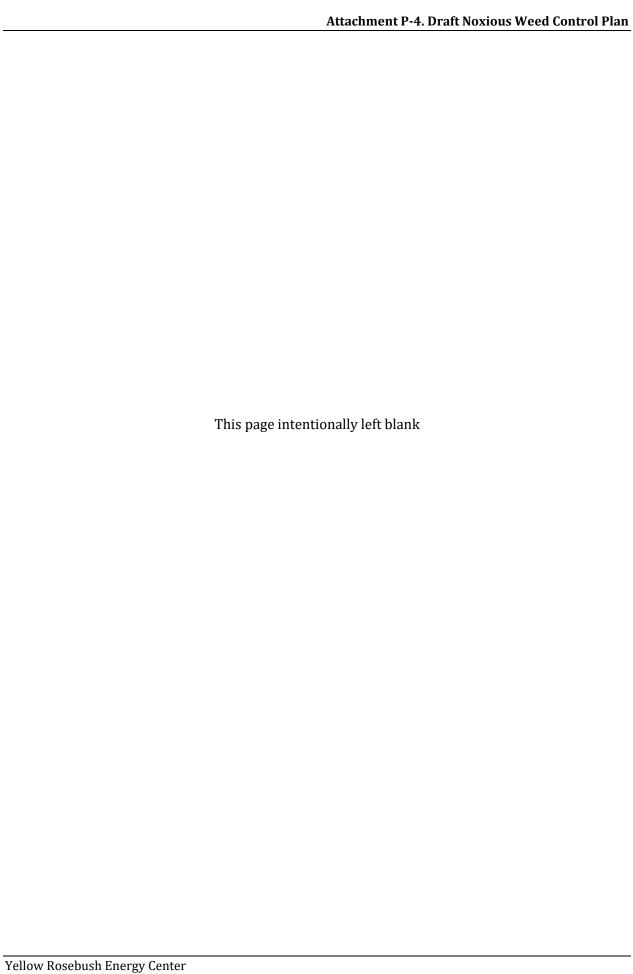
**Recommended Treatment:** Post-emergent spot application with species-specific herbicide once per year.

**Noxious Weed:** Medusahead (*Teaniatherum caput-medusae*)

**Recommended Treatment:** Revegetation site-wide and herbicide application in dominant areas. Species likely too widespread to be eradicated.

**Noxious Weed:** Common mullein (*Verbascum thapsus*)

**Recommended Treatment:** Hand-pulling recommended; wooly leaves do not absorb herbicide easily such that mechanical treatments become more efficient. Complete prior to seed production (control in May-June) (UNL 2021).



# Attachment P-3: Draft Habitat Mitigation Plan

#### **Draft Habitat Mitigation Plan**

#### Yellow Rosebush Energy Center September 2025

#### Prepared for Yellow Rosebush Energy Center, LLC

ODOE Edits for Draft Proposed Order

Prepared by





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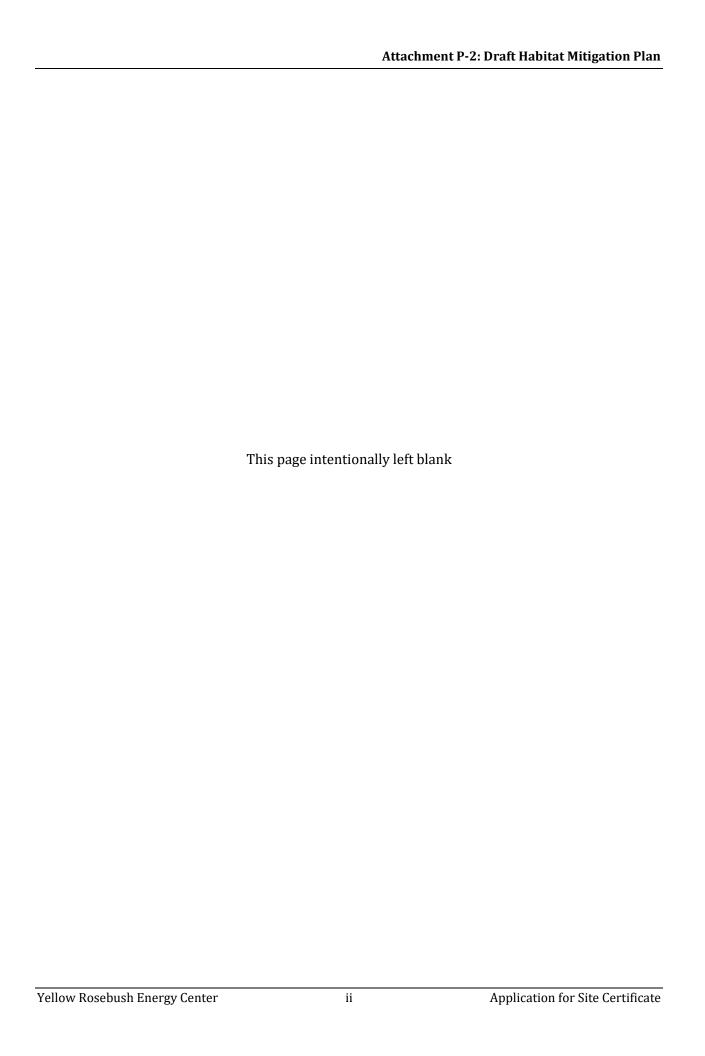
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Figure 1. Tygh Ridge Ranch Mitigation Area

Figure 2. Facility Habitat Mitigation Area

#### **List of Appendices**

Appendix A. Draft Habitat Mitigation Area Fire Control Plan



#### 1.0 Introduction

This Habitat Mitigation Plan (HMP) describes how Yellow Rosebush Energy Center, LLC (Applicant) will mitigate for the unavoidable wildlife habitat impacts of the Yellow Rosebush Energy Center (Facility). Specifically, this HMP¹ outlines how the Applicant will construct and operate the Facility consistent with the Oregon Department of Fish and Wildlife (ODFW) Habitat Mitigation Policy. This plan addresses mitigation for both the permanent impacts of Facility components (permanent impacts) and the temporal impacts associated with the Facility construction (select temporary impacts). The Applicant proposes to protect and enhance a habitat mitigation area (HMA) and/or provide commensurate funding for a third party to enhance and monitor an HMA. In addition, the Applicant reserves the right to pursue alternative mitigation pathways if available in the future by pursuing an amendment to this HMP, as provided under Section 7.0 below. This HMP specifies preliminary habitat enhancement actions and example monitoring procedures to evaluate the success of those actions, as applicable. The Applicant identified a mitigation option for the Facility in this HMP. If it is determined at final design of any phase of Facility development that additional mitigation is needed, mitigation would be developed in a like manner as the mitigation approach identified in this HMP, subject to ODFW review and approval by Oregon Department of Energy (ODOE).

#### 1.1 Pre-construction HMP Finalization

Prior to construction, this Draft HMP will be finalized based on the following:

- 1. Conduct a field habitat characterization of the Tygh Ridge Ranch HMA;
- 2. Designate specific locations for habitat enhancement actions;
- 3. Develop monitoring protocol in coordination with ODFW and ODOE; and
- 4. Develop success criteria for habitat enhancement actions.

#### 2.0 Description of the Impacts Addressed by the HMP

The Facility is located entirely within the ODFW Designated Mule Deer Winter Range. ODFW (2013) describes winter range in eastern Oregon as limited and essential habitat for big game; therefore, should be considered as Category 2 under ODFW's Habitat Mitigation Policy. It is not possible to site the Facility outside of the designated winter range because the Facility is location-dependent on its interconnection point at Bakeoven or Buckley substations, which are also in the winter range.

<sup>&</sup>lt;sup>1</sup> This HMP will be incorporated by reference in the site certificate for the Yellow Rosebush Energy Center and must be understood in that context. It is not a "stand-alone" document.

Therefore, impacts to Category 2 are unavoidable due to the Facility's interconnection location and the overlapping mule deer winter range.

Notwithstanding the overarching habitat categorization, the area within the Facility micrositing corridor is primarily composed of eastside grasslands (habitat type Upland Grassland, Shrub-Steppe and Shrubland; subtype Eastside Grasslands), shrub-steppe (habitat type Upland Grassland, Shrub-Steppe and Shrubland; subtype Shrub-Steppe), and planted grasslands (habitat type Agriculture, Pasture, and Mixed Environs; subtype Planted Grasslands) (Exhibit P, Tables P-2 and P-3). Essential habitat values for quality big game winter range—such as thermal cover, security from predation and harassment, quality forage, and limited disturbance—are present throughout shrub-steppe and eastside grassland habitat within the Facility micrositing corridor, but generally lacking in planted grasslands (Exhibit P, Section 8.1.1). Approximately 72 acres of Category 2 and 2,464 acres of Category 3 shrub-steppe habitat were field-characterized within the Facility micrositing corridor. Approximately 402 acres of Category 3 eastside grasslands habitat were field-characterized within the Facility micrositing corridor. Category 4 planted grasslands account for 1,247 acres (18 percent) of the Facility micrositing corridor. Areas of eastside grasslands and shrub-steppe habitat dominated by non-native plant species (Categories 4 and 5) comprise 2,460 acres (35 percent) of the Facility micrositing corridor (see Exhibit P, Table P-3).

Permanent impact areas are those that would be converted from the existing condition to a different condition for the life of the Facility including all areas within the fenced perimeter. Fenced areas include all solar arrays, the collector substation, the operations and maintenance (O&M) building, and the battery storage area, as required by electrical code or security needs (see Exhibits B and C). Temporary impacts include a 6-foot buffer around all fenced areas that will be mitigated through successful implementation of the Revegetation Plan (Attachment P-3 to Exhibit P). However, some areas of shrub-steppe within temporary impact areas include sagebrush stands that could take longer than five years to be restored. Even where restoration of this habitat subtype is successful, there is a loss of habitat function during the restoration period. Therefore, this HMP includes mitigation for both permanently impacted habitat and select areas of temporarily impacted shrub-steppe and eastside grasslands habitat that result in a temporal loss of habitat quality.

The Facility will not impact Category 1 habitat. No mitigation is required for impacts to Category 6 areas. Remaining Category 2, 3, 4, and 5 habitat is considered Category 2 habitat because the Facility is within ODFW's Designated Mule Deer Winter Range, which overlaps the areas of temporary and permanent impact (ODFW 2013). Based on this definition, Table 1 presents anticipated impact acres for Category 2 habitat present at the Facility, in addition to the preliminary habitat categorization.

Table 1. Potential Impacts by Habitat Category, Type and Subtype

Final	Preliminary	Habitat Type Habitat Subtype	Impacts (Acres)		
Habitat Category	Habitat Category		Habitat Subtype	Permanent	Temporary
2		Upland Grassland, Shrub-steppe and Shrubland	Shrub-steppe	52.8	4.2
	2	Open Water – Lakes, Rivers, Streams	Perennial Streams		<0.1*
		Wetlands	Scrub-shrub Wetlands	_	<0.1*
	Category 2 Total	al	52.8	4.3	
		Cliffs, Caves, and Talus	Cliffs, Caves, and Talus	0.1	3.7
		Open Water – Lakes, Rivers, Streams	Intermittent or Ephemeral Streams	<0.1*	<0.1*
2	3	Upland Grassland, Shrub-steppe and Shrubland	Eastside Grasslands	228	28.8
		Upland Grassland, Shrub-steppe and Shrubland	Shrub-steppe	1,210	69.0
		Wetlands	Emergent Wetlands	<0.1*	_
	Category 3 Total	al	1,438	102	
	4	Agriculture, Pasture, and Mixed Environs	Planted Grasslands	1,144	14.6
		Open Water – Lakes, Rivers, Streams	Intermittent or Ephemeral Streams	<0.1*	<0.1*
2		Upland Grassland, Shrub-steppe and Shrubland	Eastside Grasslands	1,123	48.2
		Upland Grassland, Shrub-steppe and Shrubland	Shrub-steppe	63.7	18.1
	Category 4 Tota	al		2,331	80.9
	5 -	Open Water – Lakes, Rivers, Streams	Intermittent or Ephemeral Streams	0.3*	0.2*
2		Open Water – Lakes, Rivers, Streams	Seasonal Ponds	0.2*	0.4*
		Upland Grassland, Shrub-steppe and Shrubland	Eastside Grasslands	847	10.5
		Wetlands	Emergent Wetlands	0.3*	_
	Category 5 Total	al		848	11.1
Category 2 Fi	nal Total			4,670	198

Final	Preliminary	W 1 1 1 1 m	W 1 % + G 1 +	Impacts (Acres)	
Habitat Category	Habitat Category	Habitat Type	Habitat Subtype	Permanent	Temporary
	6	Agriculture, Pasture, and Mixed Environs	Orchards, Vineyards, Wheat Fields, Other Row Crops	292	15.2
6		Urban and Mixed Environs	Urban and Mixed Environs	30.3	13.1
	Category 6 Total			322	28.3
Category 6 Final Total			322	28.3	
Grand Total				4,992	226

Note: Totals in this table may not be precise due to rounding. "-" means no acres while <0.1 means greater than zero but less than 0.05 acres.

The Applicant proposes to begin construction as soon as June 2027 and to construct the Facility in phases. The size and construction schedule for each phase will be based on market demand, but the entire Facility, including all phases, will be completed by 2035 unless the Applicant seeks an amendment to extend the construction deadline. Table 2 provides an example phased Facility schedule. The impact analysis presented in the Application for Site Certificate and mitigation outlined in this HMP represents the fully built-out scenario of 800 megawatts (MW).

**Table 2. Example Facility Schedule** 

Year	Activity
2025	Issuance of Yellow Rosebush Energy Center site certificate.
2027	Final engineering and begin construction.
2027 - 2035	Phased construction to operation.
2027 - 2035	Phased construction to operation.
2027 - 2030	Phase 1 construction; approximately 36 months (400 MW).
2027	Mitigation actions commence with the start of Phase 1 construction.
2030	Anticipated Phase 1 construction completion deadline; commence Phase 1 commercial operation.
2032 - 2035	Phase 2 construction; approximately 36 months (400 MW).
2032	Mitigation actions commence with the start of Phase 2 construction.
2035	Anticipated Phase 2 construction completion deadline; commence Phase 2 commercial operation for full buildout.
2030-2075	Facility operating life (anticipated to be 40 years from start of commercial operations).
2075	Facility decommissioning, site restoration, and completion of habitat mitigation requirements.

<sup>\*</sup> Impacts to wetlands and Waters of the State will be avoided during final design (see Exhibit J). Wetlands and Waters of the State within the fenced solar array area are considered permanently impacted for the purposes of habitat impacts but will not be disturbed by the Facility.

### 3.0 Methods for Calculating the Size of the Mitigation Area

The acreage required for mitigation was determined based on the Facility design and actual habitat impacts (i.e., Category 2 vs. Category 6 habitat). Before beginning construction of each phase of the Facility, the Applicant will provide ODOE with a map showing the final design configuration for that phase of the Facility and a table with estimated acres of permanent and temporary impacts by habitat category (Table 1). Mitigation ratios vary depending on the preliminary habitat category and habitat subtype (Table 3). With the exception of preliminary Category 4 planted grasslands and preliminary Category 4 eastside grasslands, a mitigation ratio of 2 acres for every 1 acre of preliminary Category 2, 3, and 4 habitat affected will be used to ensure that the HMA will be large enough to achieve "no net loss" of final Category 2 habitat quantity or quality and a "net benefit." A "net benefit" in habitat quantity or quality for impacts to habitat in Category 2 may also be achieved through habitat enhancement actions or by other means approved by ODFW. Preliminary Category 4 eastside grasslands will be mitigated at a 1.5:1 ratio, preliminary Category 4 planted grasslands will be mitigated at a 1.2:1 ratio, and preliminary Category 5 habitats will be mitigated at a ratio of 0.5:1 (Table 3Table 3). No mitigation will be implemented for impacts to Category 6 habitat.

For temporary impacts that require mitigation (i.e., temporal impacts), the HMA will include up to 0.5 acres for every 1 acre of eastside grassland and shrub-steppe habitat affected. The size of this portion of the HMA assumes that restoration of disturbed eastside grasslands and shrub-steppe habitat is successful, as determined under the Revegetation Plan (Attachment P-3 to Exhibit P).

**Table 3. Compensatory Mitigation Calculation** 

Final Habitat Category <sup>1</sup>	Preliminary Habitat Category <sup>2</sup>	Habitat Subtype	Impact (acres)	Mitigation Ratio	Mitigation Need (acres)
Permanent Impacts <sup>3</sup>					
	2	Perennial Streams, Scrub-shrub wetlands	_	2: <del>0</del> 1	_
	2	Shrub-steppe	52.8	2: <mark>0</mark> 1	106
		Cliffs, Caves, Talus, Emergent Wetlands, Intermittent or Ephemeral Streams	0.3	2: <mark>0</mark> 1	0.6
	3	Eastside Grasslands	228	2: <mark>0</mark> 1	456
		Shrub-steppe	1,210	2: <mark>0</mark> 1	2,420
2		Eastside Grasslands	1,123	1.5:1	1,685
	4	Intermittent or Ephemeral Streams	0.1	2: <mark>0</mark> 1	0.2
	4	Planted Grasslands	1,144	1.2:1	1,373
		Shrub-steppe	63.7	2: <mark>0</mark> 1	127
	5	Eastside Grasslands, Emergent Wetlands, Intermittent or Ephemeral Streams, Seasonal Ponds	848	0.5:1	424
6	6	Wheat Fields and Other Row Crops, Urban and Mixed Environs	322	None	_
Temporary Impacts <sup>4</sup>					
	2	Shrub-steppe	4.2	0.5:1	2.1
	Z	Perennial Streams, Scrub-shrub wetlands	0.2	None	_
		Cliffs, Caves, Talus, Emergent Wetlands, Intermittent or Ephemeral Streams	3.8	None	_
	3	Eastside Grasslands	28.8	0.5:1	14.4
		Shrub-steppe	69.0	0.5:1	34.5
2		Eastside Grasslands	48.2	0.5:1	24.1
	4	Intermittent or Ephemeral Streams	0.1	None	_
	4	Planted Grasslands	14.6	None	_
		Shrub-steppe	18.1	0.5:1	9.1
	5	Eastside Grasslands, Emergent Wetlands, Intermittent or Ephemeral Streams, Seasonal Ponds	11.1	None	_
6	6	Wheat Fields and Other Row Crops, Urban and Mixed Environs	28.3	None	_
	Total 5,218 6,675				

<sup>1.</sup> Final Category following application of ODFW Designated Mule Deer Winter Range overlay.

<sup>2.</sup> Current habitat condition and category as mapped by the Applicant prior to construction.

<sup>3.</sup> Permanent impact areas based on final design and include the Facility's footprint. No mitigation offered for Category 6 habitat.

<sup>4.</sup> Compensatory mitigation for temporal habitat loss to current Category 2, 3, or 4 Upland Grassland, Shrub-Steppe and Shrubland – Shrub-Steppe and Eastside grasslands habitat subtypes (see Table 1) due to sagebrush component. Other habitat types will be restored following the methods described in the Revegetation Plan.

### 4.0 Mitigation

The mitigation obligation for the Facility is 6,675 acres based on the ratios and calculations in Table 3. Through coordination with ODFW, the Applicant preliminarily identified two potential mitigation areas for addressing the mitigation obligation where habitat protection and enhancement is feasible and consistent with this HMP. The HMAs are on the Columbia Plateau and "in proximity" to the Facility. If it is determined at final design of any phase of Facility development that additional mitigation is needed, mitigation would be developed in a like manner as the mitigation approach identified in this HMP, subject to ODFW review and approval by ODOE. The Applicant has not eliminated the possibility for alternative mitigation options (i.e., using another potential HMA or payment to a mitigation bank) should additional suitable options be identified. The final mitigation approach will offer enough suitable habitat to achieve the ODFW goal of no net loss of habitat quantity or quality. A net benefit in habitat quantity will be achieved through a 2:1 ratio for key habitats and a net benefit in quality will be achieved through appropriate enhancement actions.

As the HMAs are largely within ODFW-mapped Mule Deer Winter Range, acquisition of these areas constitutes acquisition of primarily Category 2 habitat regardless of the habitat condition (excluding Category 6 habitat, such as cultivated cropland and developed land), and thus meets the ODFW goal of no net loss of habitat quantity (Figure 1). Successful enhancement actions (including on a subset of the acquired areas or at other in-proximity locations) would result in a net benefit in habitat quality. Prior to operation of the Facility, the Applicant will acquire the legal right to create, maintain, and protect the HMAs for the estimated 40-year life of the Facility<sup>2</sup> by means of an outright purchase, conservation easement, or similar conveyance.

#### 4.1 Tygh Ridge Ranch Habitat Mitigation Area

Through coordination with ODFW, the Applicant identified parcels at Tygh Ridge Ranch available for establishing conservation easements in-proximity to the Facility (Figure 1). The identified parcels consist of 5,020 acres on Tygh Ridge Ranch near the town of Tygh Valley, approximately 15 miles northwest of the Facility. Tygh Ridge Ranch is within the Columbia Plateau ecoregion and is composed of similar habitat types suitable for in-kind mitigation. All but the southernmost portion of Tygh Ridge Ranch is within ODFW Designated Elk and Mule Deer Winter Range and therefore most of the mitigation area is Category 2 habitat. The majority of the Tygh Ridge Ranch HMA is currently enrolled in year 2 of a 15-year contract with the Grassland Conservation Reserve Program (CRP). ODFW confirmed during a site visit on January 29, 2025, that the objectives of the Grassland CRP are compatible with joint use as a HMA as long as CRP funds are not used to implement enhancement actions described in this Plan.

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<sup>&</sup>lt;sup>2</sup> As used in this Plan, "life of the facility" means continuously until the Facility site is restored and the site certificate is terminated in accordance with Oregon Administrative Rules 345-027-0110.

The Applicant performed a desktop analysis of the Tygh Ridge Ranch HMA. The property contains Flowing Water and Riparian, Grassland, and Sagebrush ODFW Conservation Strategy Habitats (ODFW 2016). The primary habitat type on the property is grassland/herbaceous (i.e., upland grasslands), followed by shrub/scrub (i.e., shrub-steppe) (Table 4; Figure 1). Oregon white oak (Quercus garryana) is present in Bonnie Canyon and Big Canyon along Highway 197. The presence of these habitats will allow for enhancements beneficial to wildlife in general, and big game, grassland birds, and white-tailed jackrabbits (Lepus townsendii) in particular. Tygh Ridge Ranch is adjacent to the White River Wildlife Management Area near Mount Hood and approximately 3.5 miles from the Lower Deschutes Wildlife Management Area. The property is known by ODFW to be used for seasonal elk migration between the Deschutes River and higher elevation forests of the Hood River National Forest. Tygh Ridge Ranch extends into one ODFW-designated Priority Wildlife Connectivity Area (PWCA) Region and two Connectors. PWCA Regions are large, contiguous areas and represent the highest-value habitat for facilitating species movement throughout the state, while Connectors represent the best available habitat for facilitating movement from region to region. Placing a conservation easement on Tygh Ridge Ranch will protect wildlife connectivity in these PWCAs for the life of the Facility. The Applicant may partner with a third-party for long-term enhancement and monitoring of the mitigation parcels.

In 2024, the Larch Creek Fire burned the western third of the Tygh Ridge Ranch HMA. The fire burned quickly through the area and destroyed an internet tower on the property. The burned area provides an opportunity for uplift, as described in Section 4.1.1.

The Applicant will continue to work with ODFW to identify opportunities to protect and enhance habitats in this area, and to define the appropriate monitoring of mitigation parcels. A preliminary list of habitat enhancement actions is described below.

Table 4. Land Cover Types within the Tygh Ridge Ranch Habitat Mitigation Area

Land Cover Type	Acres	Percent of Tygh Ridge Ranch Mitigation Area	
Cultivated Crops	0.1	0.0	
Deciduous Forest	3.4	0.1	
Developed, High Intensity	<0.1	<0.1	
Developed, Low Intensity	1.9	<0.1	
Developed, Medium Intensity	1.3	<0.1	
Developed, Open Space	105	2.1	
Emergent Herbaceous Wetlands	1.6	<0.1	
Evergreen Forest	80.0	1.6	
Grassland/Herbaceous	2,840	56.4	
Mixed Forest	6.7	0.1	
Shrub/Scrub	1,990	39.5	
Woody Wetlands	8.3	0.2	
Total	5,0401	100	
Note: Totals in this table may not be precise due to rounding of 1 means greater than gove but less than 0.05 agree			

Note: Totals in this table may not be precise due to rounding. <0.1 means greater than zero but less than 0.05 acres. 1. Total excluding cultivated crops and developed land cover types is 4,930 acres.

#### 4.1.1 Tygh Ridge Ranch Habitat Enhancement Actions

The Applicant or a third party will address habitat enhancement at Tygh Ridge Ranch as described in this section. The objectives of habitat enhancement are to protect habitat within the Tygh Ridge Ranch HMA from degradation and to improve the quality of ODFW-designated Mule Deer Winter Range. By achieving these objectives, the Applicant can address the permanent and temporary habitat impacts of the Facility and meet the ODFW goals of no net loss of habitat quantity or quality and a net benefit in habitat quantity or quality for impacts to Category 2 habitat. The following enhancement actions were selected in consultation with ODFW and the landowner to improve habitat conditions at the Tygh Ridge Ranch HMA:

- 1. Shrub Planting. The Applicant will plant sagebrush and/or bitterbrush shrubs, as recommended by ODFW, on hillsides where existing sagebrush and bitterbrush were burned in the Larch Creek Fire. The Applicant will complete the initial shrub planting within 1 year after beginning construction of the Facility. The Applicant will obtain shrubs from a qualified nursery and will identify specific planting areas after consultation with ODFW, subject to final approval by ODOE. The Applicant will mark planted shrub clusters at the time of planting for later monitoring purposes and will keep a record of the number of shrubs planted.
- 2. Oregon White Oak Planting. The Applicant will plant Oregon white oak seedlings, as recommended by ODFW, in portions of Big Canyon that were burned in the Larch Creek Fire. Oak woodlands are an Oregon Strategy Habitat in the adjacent East Cascades ecoregion and provide habitat for many wildlife species (ODFW 2016). The Tygh Ridge Ranch HMA is on the eastern edge of the Oregon white oak range, and planting seedlings will facilitate expansion of oak woodland habitat.
- 3. Weed Control. The Applicant will implement a weed control program including working with the landowner to locate and treat noxious weed infestations and invasive annual grasses. Three noxious weeds have been observed within the Tygh Ridge Ranch HMA: diffuse knapweed (Centaurea diffusa), yellow starthistle (Centaurea solstitialis), and rush skeletonweed (Chondrilla juncea). Weeds may be controlled through mechanical or chemical treatment. The Applicant will notify the landowner and ODOE of specific chemicals to be used and when treatment will occur. When necessary to protect desirable plants, spotspraying may be used instead of broadcast spraying. The Applicant will continue weed control monitoring at the Tygh Ridge Ranch HMA, as needed, for the life of the Facility.
- 4. <u>Fire Control</u>. The Applicant will implement a fire control plan (Draft Habitat Mitigation Area Fire Control Plan included as Appendix A) for wildfire minimization when Facility staff are working within the Tygh Ridge Ranch HMA. The fire control plan includes appropriate fire prevention measures and a protocol for fire response if a fire were to occur when Facility staff were present at the Tygh Ridge Ranch HMA. If any part of the Tygh Ridge Ranch HMA is damaged by future wildfire, the Applicant will assess the extent of the damage and implement appropriate actions to restore habitat quality in the damaged area.

- 5. <u>Fence Maintenance and Removal</u>. Fencing will be repaired or improved along the eastern boundary with private landowners to prevent encroachment by grazing cattle. The Applicant will remove unused boundary and internal fencing to promote big game movement through the Tygh Ridge Ranch HMA.
- 6. <u>Habitat Protection</u>. The Applicant will restrict uses of the Tygh Ridge Ranch HMA that are inconsistent with the goals of no net loss of habitat quantity or quality and a net benefit in Category 2 habitat quantity or quality. The landowner will retain the right to the following uses of the Tygh Ridge Ranch HMA:
  - a. Hiking, hunting, horseback riding, and driving for personal recreation. Driving will be limited to existing roads except in certain cases for hunting and land management conducted by the landowner.
  - b. Existing contracts for two internet antennas: one in the northern part and one on a central ridgeline within the Tygh Ridge Ranch HMA. The contract includes access to the antennas along existing roads in the Tygh Ridge Ranch HMA for maintenance twice a year.
  - c. Existing contracts for research and testing. The landowner owns a drone company and uses the research and testing area to conduct research on drone applications for agriculture (Figure 1). The research and testing area is zoned Industrial/Commercial and was not included in the Tygh Ridge Ranch HMA; however, the landowner will allow for use of the research and testing area to access the southern part of Tygh Ridge Ranch off of Highway 197, including staging trees or shrubs for planting and parking or storage of equipment as needed.
- 7. Spring/water maintenance and improvement as required for wildlife and domestic water use. There are multiple springs within the Tygh Ridge Ranch HMA. The landowner maintains the spring closest to the house for domestic water use. He installed water troughs at several other springs throughout the Tygh Ridge Ranch HMA and maintains them for wildlife use.

Table 5 outlines the anticipated benefits of various enhancement actions to Mule Deer Winter Range.

**Table 5. Enhancement Actions and Benefits to Mule Deer Winter Range** 

Action	Benefit
Shrub Planting	Provide access to nutritious woody vegetation during winter, especially severe winters when snow covers grass forage, in order to improve over-winter survival. Deer on winter ranges without a shrub component often have high rates of over-winter mortality (ODFW 2011).
Weed Control	Reduce competition with desirable forage species to improve or maintain mule deer forage quality and quantity. Impacts of invasive species on Oregon's fish and wildlife resources are one of the seven most pressing conservation issues identified in the Oregon Conservation Strategy (ODFW 2016).
Oregon White Oak Planting	Provide acorns and foliage for forage by mule deer and other wildlife (ODFW 2016).
Fence Removal	Remove unused boundary and internal fencing to promote big game movement through the Tygh Ridge Ranch HMA (ODFW 2016).

#### 4.2 Facility Habitat Mitigation Area

In addition to the Tygh Ridge Ranch HMA, the Applicant identified 1,655 acres within the Facility boundary to designate as mitigation areas (Figure 2). The Facility HMA, which borders Buck Hollow and Hauser Canyons, is designated as Mule Deer Winter Range, and extends into a PWCA Region. Designating mitigation areas within the Facility boundary will support wildlife movement in adjacent canyons. Habitat in the Facility HMA is predominantly shrub-steppe with patches of eastside grasslands. Additional mitigation areas will be identified within the Facility boundary in a like manner if additional mitigation is needed based on final Facility design.

#### 4.2.1 Facility Habitat Enhancement Actions

The Applicant or a third party will implement the following habitat enhancement actions within the Facility HMA to improve wildlife habitat.

- 1. Shrub Planting. The Applicant will plant sagebrush and/or bitterbrush shrubs, as recommended by ODFW, on slopes above Buck Hollow and Hauser Canyons within the Facility HMA. The Applicant will complete initial shrub planting within 1 year after beginning construction of the Facility. The Applicant will obtain shrubs from a qualified nursery and will identify specific planting areas after consultation with ODFW, subject to final approval by ODOE. The Applicant will mark planted shrub clusters at the time of planting for later monitoring purposes and will keep a record of the number of shrubs planted.
- 2. <u>Weed Control</u>. The Applicant will implement a weed control program to locate and treat noxious weed infestations and invasive annual grasses within the Facility HMA. Weeds may be controlled through mechanical or chemical treatment. The Applicant will notify the

landowner and ODOE of specific chemicals to be used and when treatment will occur. When necessary to protect desirable plants, spot-spraying may be used instead of broadcast spraying. The Applicant will continue weed control monitoring, as needed, for the life of the Facility.

3. <u>Fire Control</u>. The Applicant will implement a fire control plan (Appendix A) for wildfire minimization when Facility staff are working within the Facility HMA. The fire control plan includes appropriate fire prevention measures and a protocol for fire response if a fire were to occur when Facility staff were present at the Facility HMA. If any part of the Facility HMA is damaged by future wildfire, the Applicant will assess the extent of the damage and implement appropriate actions to restore habitat quality in the damaged area.

#### 4.3 Other Mitigation Options

The Applicant has not eliminated the possibility for alternative mitigation options (i.e., using another potential HMA or payment-to-provide) should additional suitable options be identified, subject to ODFW consultation and ODOE approval. If the above HMAs are not able to be secured prior to construction, the Applicant will pursue other options for mitigation. Other mitigation options may include securing an alternate HMA location or payment to an ODFW mitigation bank or other third party to protect land that is in-kind and in-proximity to habitats impacted by the Facility. If ODFW implements a payment-to-provide program to mitigate habitat impacts related to energy facilities, the Applicant could use the payment-to-provide mitigation option with the approval of ODOE and ODFW.

Regardless of the final mitigation option selected, the applicant will be required to submit proof of the acquisition of the HMA through conservation easement, or other legal instrument, that commits the land to HMA purposes for the life of the facility.

### 5.0 Monitoring

The Applicant will develop a monitoring <u>and reporting</u> protocol in coordination with ODFW and subject to ODOE review and approval. The monitoring objectives and intervals will be developed in consultation with ODOE and ODFW and could include an assessment of the following. Monitoring of the HMA will be required for the life of the Facility <u>and monitoring will be conducted by qualified biologists and monitoring reports will be submitted to the Department annually with the annual <u>operations report and will include</u>:</u>

- Quantification of habitat types and ODFW habitat categories present at the HMA;
- Description of the amount and quality of vegetation at the HMA;
- Description of the year-to-date climate data;
- Success of weed control measures through monitoring of infestation extents and recommend remedial action, if needed;

- Success of shrub plantings quantitatively through belt monitoring transects as well as qualitatively through an overall assessment of the treated area;
- Documentation of fence removal;
- Wildlife observed and notes on special status species (wildlife and plants) encountered onsite during routine monitoring;
- Observations of wintering mule deer will be recorded as observed from a distance (so disturbance is kept at a minimum); and
- Record any wildfire that occurs within the HMA and any remedial actions taken to restore habitat quality in the damaged area, if applicable.

#### 6.0 Success Criteria

Mitigation of permanent and temporary habitat impacts of the Facility may be considered successful if the Applicant protects and enhances sufficient habitat to meet the ODFW goals of no net loss of habitat quantity or quality and a net benefit in habitat quantity or quality for impacts to Category 2 habitat or provides commensurate funding for a third party to perform enhancement and monitoring. The Applicant must ensure protection of the required quantity and quality of habitat within the HMA for the life of the Facility, including providing commensurate funding for ODFW or a third party to do so.

The Applicant must protect a sufficient quantity of habitat to meet HMA requirements based on the final design configuration of the Facility. The Applicant will determine the actual HMA requirements for each phase of the Facility, subject to ODFW review and ODOE approval, before beginning construction. The Applicant, ODFW, or a third party may demonstrate improvement of habitat quality based on habitat categorization surveys and evidence of indicators such as survival of planted shrubs, natural recruitment of sagebrush, and successful weed control. The mitigation goal for Category 2 habitat is "no net loss" and "net benefit." Accordingly, mitigation for temporary impacts on Category 2 habitat needs to demonstrate a net benefit in quality or quantity. Mitigation will be an equal or greater amount of acreage than what is impacted by the Facility for areas with longer recovery periods (i.e., shrub-steppe). Most of the Category 2 habitat impacted by the Facility was preliminarily identified as Category 3, 4, and 5 habitat based on vegetative characteristics such as presence of non-native species and was designated as Category 2 habitat because it falls within ODFW-designated Mule Deer Winter Range. Category 4 planted grasslands and Category 5 habitats will be mitigated at a lower ratio than other Category 2, 3, and 4 habitats within the Facility. If the Applicant cannot demonstrate that the HMA is trending toward habitat quality goals described above within five years after initial shrub plantings, then the Applicant will propose remedial action. ODOE may require supplemental planting or other corrective measures.

### 7.0 Amendment of the HMP

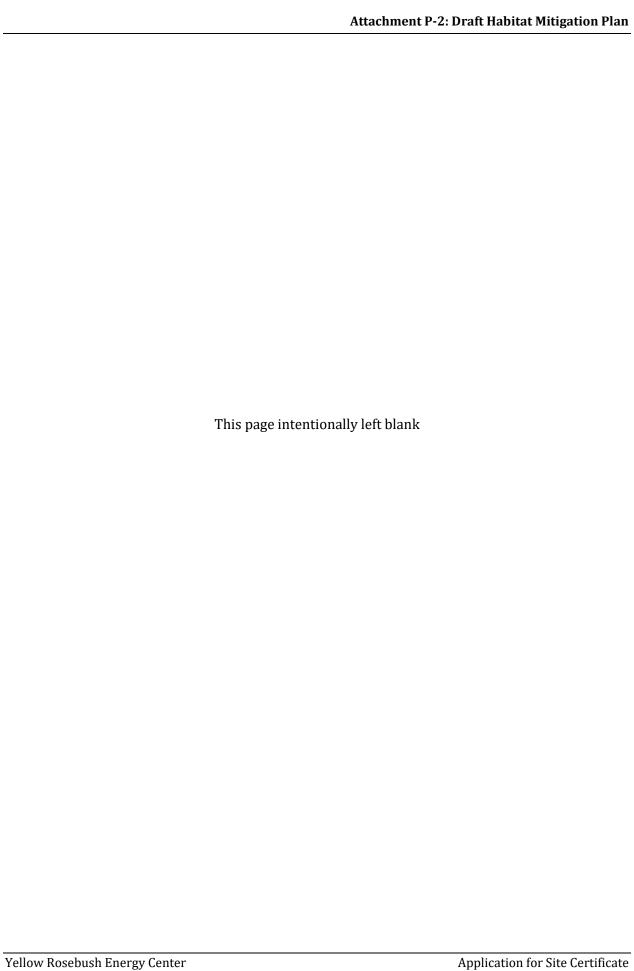
This HMP may be amended from time to time by agreement of the Applicant and ODOE, on behalf of the Oregon Energy Facility Siting Council (EFSC). Such amendments may be made without amendment of the site certificate. EFSC authorizes ODOE to agree to amendments to this HMP. ODOE shall notify EFSC of all amendments, and EFSC retains the authority to approve, reject, or modify any amendment of this HMP agreed to by ODOE.

#### 8.0 References

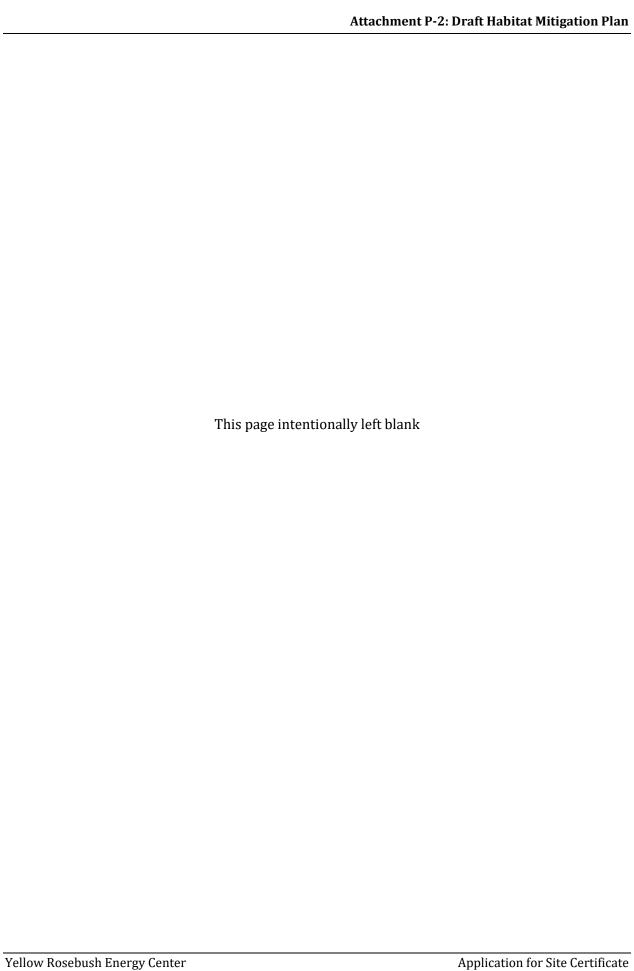
- Oregon Department of Fish and Wildlife (ODFW). 2011. Oregon Mule Deer Initiative. January 7, 2011.
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 Att	achment P-2: Draft	<b>Habitat Mitigation</b>

# **Figures**



# Appendix A. Draft Habitat Mitigation Area Fire Control Plan



# Draft Habitat Mitigation Area Fire Control Plan

# Yellow Rosebush Energy Center August 2025

ODOE edits for DPO in redline/track changes

Prepared for Yellow Rosebush Energy Center, LLC

Prepared by



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Table	1: Fire Prevention Measures During Fire Season Summary

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Figure 1. Tygh Ridge Ranch Mitigation Area Access Roads and Springs

#### 1.0 Introduction

The Yellow Rosebush Energy Center, LLC (Applicant) identified parcels at Tygh Ridge Ranch available for establishing conservation easements in-proximity to the Yellow Rosebush Energy Center (Facility) in partial fulfillment of mitigation requirements for the Facility. This Fire Control Plan (FCP) was developed to identify appropriate fire prevention measures and a protocol for fire response if a fire were to occur when Facility staff are present at the Tygh Ridge Ranch Habitat Mitigation Area (HMA). If any part of the HMA is damaged by future wildfire, the Applicant will assess the extent of damage and implement appropriate actions to restore habitat quality in the damaged area. This draft plan is subject to completion and final approval by the Department prior to construction.

#### 1.1 Enhancement Action and Monitoring Timing

The Applicant proposes to begin construction of the Facility on or after June 2027 and to begin implementation of enhancement actions described in the Habitat Mitigation Plan (HMP) after the start of Facility construction. The Applicant will complete initial shrub planting within 1 year after beginning construction of the Facility. Fence removal and Oregon white oak planting will be conducted during appropriate seasonal windows after the start of construction. The Applicant will treat and monitor noxious weeds within the HMA for the life of the Facility. Monitoring will be conducted within the HMA during the growing season (April through July) for the life of the Facility on a schedule to be determined in coordination with the Oregon Department of Fish and Wildlife.

### 1.2 Habitat Mitigation Area Map

This FCP includes an HMA map (Figure 1) that identifies the following:

- The location of HMA access roads with primary access points at the southern end of the HMA off Highway 216 and at the northern end of the HMA off Hulse Road; and
- The location of water sources (springs) within the HMA.

# 2.0 Specifications for Fire Protection Equipment

The following fire suppression equipment will be carried in vehicles conducting enhancement actions and monitoring at the HMA:

- Fire Extinguisher: Dry chemical. 2A:10BC (5 pound), properly mounted or secured;
- Hand Shovel: Round point, "D" Handle 26 to 28 inches long with blade 12 inches long and 10 inches wide; and
- Water Container: 5-gallon capacity.

Water is available from multiple springs within the HMA (Figure 1). The landowner installed water troughs at several springs throughout the HMA and maintains them for wildlife use.

All internal combustion engines must be equipped with exhaust systems, mufflers and screens, or include an appropriate spark arrester, and must be kept in good operating condition. This requirement applies to all combustion engines (including but not limited to off-road vehicles, chainsaws, and generators) which must be equipped with a spark arrester that meets U.S. Forest Service Standard 5100-1.

All power-driven machinery will be kept clean and free of excess flammable material which may create a risk of fire.

# 3.0 Contact Information and Emergency Response Procedures

Facility staff will report wildfire incidents to the landowner and local firefighting services in the event of a fire of any size within the HMA. In the event that a fire outside the HMA is visible to Facility staff, they will notify the local fire department.

Local fire district contact(s):

- Tygh Valley Rural Fire Protection District
  - 0 (541) 993-4266
  - 0 911
- Juniper Flat Rural Fire Protection District
  - o (541) 328-6388 Eugene Walters, District Fire Chief
  - 0 911

Fire department response times to the site:

• The Applicant will complete this information in coordination with the above listed fire responders prior to construction.

Applicant primary contacts:

- Jeffrey Watson, Development Manager
  - o Savion, LLC, 422 Admiral Blvd, Kansas City, MO 64106
  - o jwatson@savionenergy.com
  - 0 (410) 349-7679

- Christopher Powers, Senior Director, Permitting & Environmental
  - o Savion, LLC, 422 Admiral Blvd, Kansas City, MO 64106
  - o cpowers@savionenergy.com
  - o (760) 522-7563

#### Contact 911 in the event of:

- A fire or emergency on-site that cannot be addressed by Facility staff and requires the assistance of fire or emergency medical personnel;
- A fire ignition within the HMA that cannot be immediately extinguished;
- Any fire off-site that does not have emergency responders on-site.

## 4.0 Use of Vehicles and Power Driven Machinery at HMA

The following best management practices (BMPs) will be used to minimize fire risk from vehicle travel, equipment use, and fueling activities that will be implemented at the HMA during enhancement actions and monitoring:

- The movement of vehicles will be planned and managed to minimize fire risk.
- Facility staff and contractors, in coordination with the landowner, will be responsible for
  identifying paths for all off-road vehicle travel. All off-road vehicle travel will be required to
  stay on the identified paths, and no off-road vehicle travel will be permitted while working
  alone.
- Parking will occur on non-combustible surfaces. If Facility staff or contractors must park in dry vegetation, they will wet down vegetation under the vehicle and maintain a fire watch for 10 minutes after parking to monitor for potential ignition.
- Traveling off-road or parking in vegetated areas will be restricted during fire season as designated in this FCP.
- Fuel containers, if used, shall remain in the vehicle or equipment trailer, parked at a designated location alongside a county right-of-way. No fuel containers shall be in vehicles that exit the right-of-way.
- All power-driven machinery will be kept free of excess flammable material which may create a risk of fire.
- In the event of a stuck vehicle, workers will be instructed to shut off the engine and periodically inspect the area adjacent to the exhaust system for evidence of ignition of vegetation. Stuck vehicles will be pulled out rather than "rocked" free and the area will be inspected again after the vehicle has been moved.

# 5.0 Fire Precaution Levels and Restrictions During Fire Season

#### **Definitions:**

Non-Fire Season - Approximately October - May

Fire Season - Approximately June-September, formally designated by the Oregon Department of Forestry (ODF). Under ORS 478.960 (4), a Fire Chief can establish Fire Season within a Fire District when ODF, under ORS 477.505, declares Fire Season. This begins seasonal restrictions for the public and industry.

Fire Weather Watch - A fire weather watch is issued when there is a high potential for the development of a red flag event. A watch is issued 18 to 96 hours in advance of the expected onset of the criteria. The intent of a fire weather watch is to alert forecast users at least a day in advance for the purposes of resource allocation and fire fighter safety. A watch means critical fire weather conditions are possible but not imminent or occurring.

Red Flag Weather Warning - A red flag warning is used to warn of impending or occurring red flag conditions. Its issuance denotes a high degree of confidence that weather and fuel conditions consistent with local red flag event criteria will occur in 48 hours or less. Specific Red Flag criteria differ for each situation and district in Oregon. Be extremely careful with open flames and other activities that emit sparks.

Hot Work - Any cutting, grinding, welding, or other activity that creates spark or open flame.

#### Fire Watch Service -

Fire watch shall:

- Be physically capable and experienced to operate firefighting equipment.
- Have facilities for transportation and communications to summon assistance.
- Observe portions of the HMA where equipment activity occurred during the day.

Upon discovery of a fire, fire watch personnel must: First report the fire, summon any necessary firefighting assistance, describe intended fire suppression activities; then, after determining a safety zone and an escape route that will not be cut off if the fire increases or changes direction, immediately proceed to control and extinguish the fire, consistent with firefighting training and safety.

# 6.0 Fire-Prevention Measures and Restrictions Associated with Fire Season

HMA activities for Facility staff are impacted by Fire Restrictions during Fire Season as designed below:

#### Non-Fire Season

- All hot work (any cutting, welding, or other activity that creates spark or open flame) must be conducted on roads or on non-combustible surfaces.
- No smoking within the HMA.

# Fire Season

- Before the start of each daily shift a designated individual will check the fire danger posting by the National Weather Service for any Red Flag Warnings for that day.
- All hot work must be conducted on roads or on non-combustible surfaces.
- Vehicles will be equipped with fire protection equipment as described in Section 2.0.
- Following the completion of hot work, Facility staff or contractors must maintain a fire watch for 60 minutes to monitor for potential ignition.
- Fire watch shall be on duty during any breaks and for one hour after all power-driven machinery used by the operator has been shut down for the day.
- No smoking within the HMA.

# Fire Weather Watch

- No hot work permitted.
- Driving and parking will only occur on permitted access roads.
- No smoking within the HMA.

# Red Flag Weather Warning

- No hot work permitted.
- On-site personnel must be aware of Red Flag Warning.
- Driving and parking will only occur on permitted access roads.
- No smoking within the HMA.

**Table 1: Fire Prevention Measures During Fire Season Summary** 

Requirement	Non-Fire Season	Fire Season	Fire Weather Watch	Red Flag Warning
Fire weather advisory	Not required	Check for fire weather advisory daily before work begins.	Check for fire weather advisory daily before work begins.	Check for fire weather advisory daily before work begins. On-site personnel must be aware of Red Flag Warning.
On-site water source	N/A	As specified in Section 2.0	As specified in Section 2.0	As specified in Section 2.0
Hot work	Only permitted on roads or on non- combustible surfaces.	Only permitted on roads or on non-combustible surfaces; fire watch required for 60 minutes after completion	Not Permitted	Not Permitted
Fire Watch Service	Not required	During breaks and for 60 minutes after all power-driven machinery has been shut down for the day.	During breaks and for 60 minutes after all power-driven machinery has been shut down for the day.	During breaks and for 60 minutes after all power-driven machinery has been shut down for the day.
Driving and Parking	As described in Section 4.0.	As described in Section 4.0.	Only permitted on roads or on non-combustible surfaces and Section 4.0.	Only permitted on roads or on non-combustible surfaces and Section 4.0.
Smoking	Not permitted	Not permitted	Not permitted	Not permitted

# 7.0 Vegetation Management

According to mitigation requirements described in the HMP, vegetation within the HMA will be maintained for wildlife use for the life of the Facility. Fire suppression efforts would be tailored to habitat subtypes within the HMA, such as allowing grass fires to burn as long as there is not risk to people, structures, or HMA assets including planted shrubs and trees. Fire suppression efforts will be focused on existing sagebrush as well as shrub and tree plantings. If any part of the Tygh Ridge Ranch HMA is damaged by wildfire, the Applicant will assess the extent of damage and implement appropriate actions to monitor and restore habitat quality in damaged areas.

# 8.0 Monitoring

Monitoring of management actions taken on the HMA under this plan will be conducted to measure effectiveness. Final monitoring protocols will be determined with ODOE approval with the final approval of the HMP.

### 9.0 Reporting

The applicant will report on any actions taken per this plan during each reporting year in the operational annual report submitted to the Department for the HMP. Any incidents will be reported to the Department as required by site certificate.

### 8.010.0 Amendments

This Plan may be amended by agreement of the Applicant and the Oregon Energy Facility Siting Council (EFSC) or Oregon Department of Energy (ODOE), acting within its delegated authority of EFSC. Such amendments may be made without amendment of the Site Certificate or HMP. EFSC authorizes ODOE to agree to amendments to this Plan. ODOE will notify EFSC of all amendments, and EFSC retains the authority to approve, reject, or modify any amendment of this Plan agreed to by ODOE.

<b>Draft Habitat Mitigation</b>	Aroa Firo	Control Plan
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# **Figure**

# Attachment P-4: Draft Wildlife Minimization and Monitoring Plan

Yellow Rosebush Energy Center
Draft Proposed Order
DRAFT Wildlife Minimization and Monitoring Plan (taken from applicant representations in Exhibit P: Fish & Wildlife Habitat)

#### Wildlife Avoidance and Minimization (From Exhibit P) Section 9.1

#### **During Facility Design and Micrositing**

Measures employed during Facility design and micrositing to avoid and minimize impacts to fish and wildlife habitat, state sensitive species, and eagles included the following:

- Spiral markers will be installed on the ground wire of the alternate generation-tie line in areas over canyons or within 2 miles of a known eagle nest.
- The Applicant will use Facility-specific measures that follow Avian Powerline Interaction Committee (APLIC) guidelines for minimizing avian electrocutions (APLIC 2006). This is expected to minimize the risk of electrocution to raptors generally, and to bald eagles, golden eagles, Swainson's hawks, and ferruginous hawks in particular.
- The Applicant will implement down-shield lighting for permanent lighting at the substation and O&M building. Outdoor lighting will be sited, limited in intensity, shielded, and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. This is expected to minimize the risk of avian collision with Facility infrastructure for all birds and bats in general, but to nocturnal migrant species (including Brewer's sparrows, sagebrush sparrows, grasshopper sparrows) and to the crepuscular, insectivorous common nighthawk in particular. Down-shield lighting will be in place year- round, mitigating impacts to birds and bats both during migration and while foraging for insects at any time of the year.
- The Applicant will cap or otherwise modify vertical pipes and piles to prevent cavity-dwelling and nesting birds from entering. This also prevents any perching bird from inadvertently falling into pipes. These caps are expected to minimize the risk of fatalities to all birds (including the cavity-nesting Lewis's woodpecker), as well as small mammals and lizards such as the northern sagebrush lizard.
- Facility components will be fenced to exclude big game.
- The Applicant has microsited the Facility layout to set back from Buck Hollow and Hauser canyons where feasible to reduce impacts to Priority Wildlife Connectivity Areas and shrub- steppe Strategy Habitats as well as the higher quality habitats mapped in these areas.

#### Prior to Construction

Measures for avoiding and minimizing impacts to state sensitive species and other wildlife will be implemented prior to construction as follows:

 As recommended by ODFW, if construction is scheduled to overlap with the raptor nesting season (February 1 – August 31), the Applicant will conduct a raptor nest survey within 2 miles of the defined work area to identify the location of raptor nests, and eagle nests in particular, that could be affected by construction. The survey protocol will be approved by ODFW, and the surveys will occur no earlier than 2 years prior to construction.

#### **During Construction**

Measures for avoiding and minimizing impacts to fish and wildlife habitat and to state sensitive and other wildlife species will be implemented during construction as follows:

 As recommended by ODFW, the Applicant will apply the buffers and seasonal restrictions in Table P-6 around raptor nests identified during pre-construction surveys to avoid disturbance to nesting raptors as practicable. The Applicant will consult with ODFW for prior approval for exceptions to nest buffers during construction if needed.

**Table P-6. ODFW Raptor Nest Buffers and Seasonal Restrictions** 

Species	Spatial Buffer	Seasonal Restriction	Release Date if Unoccupied
western burrowing	0.25 mile	April 1 to Aug	May
owl		15	31
golden eagle	0.5 mile	Feb 1- Aug 15	May
			15
red-tailed hawk	300-500	Mar 1- Aug	May
	feet	15	31
ferruginous hawk	0.25 mile	Mar 15- Aug	May
		15	31
Swainson's hawk	0.25 mile	April 1- Aug	May
		15	31
prairie falcon	0.25 mile	Mar 15- Jul 1	May
			15
peregrine falcon	0.25 mile	Jan 1- Jul 1	May
			15
American kestrel	0.25 mile	Mar 1- Jul 31	May
			15

• As recommended by ODFW, the Applicant will clear vegetation prior to the critical period for ground-nesting birds (April 15 – September 1) to avoid disturbing active nests. Removal of vegetation outside the breeding season will also eliminate the potential for ferruginous hawks and Swainson's hawks to establish new nests within the fenced areas. Should ground disturbance occur during this period, vegetative removal will occur prior to the critical nesting period. If vegetation removal is necessary between April 15 and September 1, a biologist will conduct a clearance survey for nesting birds prior to vegetation removal. Active nests will be flagged for avoidance.

- Prior to construction, streams, wetlands, and other sensitive habitat features (e.g., mature trees, intact sagebrush) that are not proposed to be impacted will be flagged for avoidance during construction. The Applicant will develop a map set showing these sensitive resources that will be kept on site during construction, and updated if additional information on sensitive resources is obtained. These maps will show buffer zones and temporal restrictions of sensitive resources, as applicable. As described below, construction personnel will be instructed to work outside the flagged and mapped sensitive resources.
- The Applicant will limit construction activities outside the fenced area (i.e., at the overhead collection line, transmission line, and roads) between December 1 and April 1 to minimize disturbance to wildlife, and wintering deer in particular.
- Construction vehicles will be limited to 20 miles per hour on all Facility access roads (excluding public roads). This is expected to limit impacts specifically to common nighthawks, long-billed curlews, white-tailed jackrabbits, and big game, and to wildlife in general.

#### **During Operation**

Following construction, measures for avoiding and minimizing impacts to fish and wildlife habitat and to state sensitive and other wildlife species will be implemented as follows:

- After Facility construction, areas where habitat was temporarily disturbed outside the fenced area will be restored to their original conditions and monitored as necessary according to provisions in the Revegetation and Reclamation Plan (Attachment P-3). Measures to minimize the spread of noxious weeds are described in the Noxious Weed Control Plan (Attachment P-4). The Noxious Weed Control Plan specifically addresses noxious weeds along solar fence lines. Revegetation and noxious weed control will minimize impact to the quality of available deer and white-tailed jackrabbit forage.
- The Applicant intends to manage low-height native vegetation inside the fenced area. Weed control measures would follow the Applicant's Noxious Weed Control Plan (Attachment P- 4).
- The Applicant will contact licensed local wildlife rehabilitators capable of responding to the Facility in the event of injured wildlife, such as Think Wild in Bend, Oregon, and Blue Mountain Wildlife in Pendleton, Oregon.
- Operations and maintenance vehicles will be limited to 20 miles per hour on all Facility access roads (excluding public roads). This is expected to limit impacts specifically to burrowing owls, common nighthawks, long-billed curlews, white-tailed jackrabbits, and big game, and to all wildlife in general.
- The Applicant will use fixed-knot (or a similar wildlife-friendly option) or chain-link perimeter fencing up to 8 feet in height that may be raised off the ground approximately 6 to 8 inches to accommodate small animal movement under the fence.

#### **Monitoring**

The Applicant will conduct revegetation monitoring and noxious weed monitoring as

described in the Revegetation and Reclamation Plan (Attachment P-1) and Noxious Weed Control Plan (Attachment P-2), respectively. The Applicant will coordinate with ODFW to determine the need for post-construction wildlife monitoring. If recommended by ODFW, the Applicant will conduct post- construction monitoring as described in a final WMMP with Wildlife Post-construction Monitoring Plan, which will be provided at final design prior to construction and subject to ODOE approval.

#### Mitigation

After avoidance and minimization measures have been implemented, some impacts to wildlife habitat and sensitive species may remain. Temporal and permanent habitat loss will be mitigated for according to ODFW Habitat Mitigation Policy goals and standards, as described in the Habitat Mitigation Plan (Attachment P-3). Included in this plan are measures for conserving and enhancing sufficient acreages of wildlife habitat to compensate for those acreages temporarily and permanently impacted by the Facility. This protection will be—at a minimum—for the duration of the Facility. As recommended by ODFW during consultation, the Applicant is developing mitigation to offset the footprint of the fenced area at the Facility to provide for "no net loss, net benefit" as outlined in the Mitigation Policy. The Habitat Mitigation Plan includes success criteria and provisions for monitoring whether mitigation goals are achieved, and this plan has mitigation provisions for both temporary habitat disturbance associated with construction activities and permanent habitat loss.

#### Reporting

The applicant will provide summary reports on any WMMP monitoring or actions taken during construction in the six-month semi-annual construction reports. During operations, any required monitoring or mitigation measures will be included in reporting requirements with the annual operations reports.

# Attachment S-1: Draft Inadvertent Discovery Plan

# ARCHAEOLOGICAL AND HUMAN REMAINS INADVERTENT DISCOVERY PLAN (IDP)

Yellow Rosebush Energy Center Savion, LLC; Christopher Powers (Project Manager) August 2024 SHPO case number 23-1821

This document outlines procedures and protocols to be followed if archaeological objects or features, or human remains are encountered in the course of work. These procedures are intended for circumstances where there is not an expectation or anticipation of encountering cultural resources or human remains. **This is not a replacement for due diligence, robust project design, and consultation with appropriate Native American Tribes.**¹ Prior to undertaking project work, an assessment of the likelihood for disturbance to cultural resources and tribal heritage should be completed. All personnel will be briefed on all procedures and reporting structures before the start of any work.

### CONTENTS OF THIS DOCUMENT

- A. Procedures for archaeological features and materials
- B. Procedures for human remains, burials, funerary objects, sacred objects, and objects of cultural patrimony
- C. Roles and responsibilities
- D. Contact information
- E. Confidentiality statement
- F. Procedure flow chart
- G. Visual reference guide for archaeology and tribal heritage items

# A. <u>Procedures for Inadvertent Discovery of Archaeological Features and Materials</u>

(DOES **NOT** INCLUDE HUMAN REMAINS, BURIALS, FUNERARY OBJECTS, OBJECTS OF CULTURAL PATRIMONY, OR SPIRITUAL OBJECTS)

It is expected that ALL artifacts, features, structural elements, and other cultural items that are identified will be reported to required project, agency, and Tribal contacts, and accounted for as soon as possible. It is understood that there will be a single project point of contact to coordinate with the project archaeologist, SHPO, LCIS, and appropriate Native American Tribes.

**Step 1. Stop work** (immediately after discovery)

<sup>&</sup>lt;sup>1</sup> Appropriate Native American Tribes will be identified by LCIS

If any person believes that t stop immediately.	they have located an arch	aeological object² c	or site³, all work must
Discovery made in field	(date/time)	(initials of di	scoverer)
Step 2. Secure and protect the Establish a minimum 30 m find(s). Exclude all vehicle t may continue outside of the qualified archaeologist. <sup>4</sup>	eter/100-foot area of protraffic and non-essential (	otection, or more as foot traffic. Non-gro	und-disturbing work
Buffer established	(time)	(initials of pe	erson responsible)
Step 3. Notify (within first hou Notify the project manager, not an archaeologist on-site Oregon Qualified Archaeolo find.	agency official (if applicate, or on retainer for the pa	roject, the project n	nanager will contact an
Project Manager contacted Agency Official contacted Project Archaeologist conta	(time)(time) acted(time)	(initi	als of contactor) als of contactor) als of contactor)
Step 4. Identify and Follow Gu If the archaeologist determine item or feature, OR if no quadiscovery, the State History Tribes must be contacted. Tribes, and project and agence continue at the site. If the discovery may continue work. The manager and agency official	ines the find is an archae alified archaeologist can ic Preservation Office (), and their guidance must ncy personnel will determiscovery is determined to is determination should be alificated as a second control of the control of	ological feature or of the contacted within SHPO) and approper the followed. SHPO mine in consultation on the archaeological point be archaeological.	object, or other cultural the first hour of <b>Oriate Native American</b> , Native American how or if work may ical or a cultural item,
SHPO contacted	(t	time)	(initials of contactor)
<sup>2</sup> "Archaeological object" means an	object that is at least 75 ye	ears old (or 50 years i	f there is a federal nexus),

<sup>&</sup>lt;sup>2</sup> "Archaeological object" means an object that is at least 75 years old (or 50 years if there is a federal nexus), is part of the physical record of an indigenous or other culture found in the state or waters of the state, and is material remains of past human life or activity that are of archaeological significance including, but not limited to, monuments, symbols, tools, facilities, technological by-products and dietary by-products (ORS 358.905).

<sup>&</sup>lt;sup>3</sup> "Archaeological site" means a geographic locality in Oregon that contains archaeological objects and the contextual associations of the archaeological objects with each other or biotic or geological remains or deposits (ORS 358.905).

<sup>&</sup>lt;sup>4</sup> Ground-disturbing work on different landforms distant from the find and outside of the buffer may continue.

	Appropriate Native American Tribes <sup>5</sup>	(time)	(initials of contactor)
((II AN It is pat und	PROCEDURES FOR INADVERTENT DISCONDINGUIDES HUMAN REMAINS, BURIALS, FUND SPIRITUAL OBJECTS) sexpected that ALL potential human remainment that are identified will be reported derstood that there will be a single project haeologist, SHPO, LCIS, OSP and appropria	ins, burials, funerary of and accounted for wit point of contact to coo	bjects, or objects of cultural thin 3 hours of discovery. It is rdinate with the project
Ste	<b>p 1: Stop work</b> (immediately after discovered from the person believes that they have located Any human remains, regardless of antiquity respect.	ted human remains <sup>7</sup> , A	-
Ste	<b>p 2. Secure and protect the area</b> (as soon Secure and protect the area of inadvertent buffer, or more as necessary. The location treated as confidential and shared on a <b>ne</b> unauthorized foot traffic from entry.	t discovery with a min and other information	imum of 100 meter/300 foot about the find should be
	Block remains from view and protect ther disturbing the remains, and leave them in the appropriate Native American Tribes a (LCIS), and only for the purpose of identifany information about the find on social routside of the buffer with caution. <sup>8</sup>	place. <b>Do not take ph</b> and Oregon Legislative fication. <b>Do not speak</b>	otographs unless approved by Commission on Indian Services to the media or public or post
	Buffer established (time)	(initia	als of person responsible)
Ste	<b>p 3. Notify</b> (within first hour after discove	ery) – see contact list be	elow (section D)
	<ol> <li>Project Manager</li> <li>Agency Official</li> </ol>	(time	·

 $<sup>^{5}</sup>$  ALL Tribes designated by LCIS must be notified. Contacting one or some of the Tribes does not fulfill the obligation to notify.

<sup>&</sup>lt;sup>6</sup> Modifications to reporting timelines can be made in consultation with SHPO and Tribes.

<sup>&</sup>lt;sup>7</sup> Bone may be fragmented, weathered, or otherwise modified to make it difficult to identify, so when in doubt, stop work and call it in.

 $<sup>^8</sup>$  Ground-disturbing work on different landforms distant from the find and outside of the buffer may continue.

3.	Oregon State Police DO NOT CALL 911		(time)		(initials)	
4.	State Historic Preservation Office (SHPO)		(time)		(initials)	
5.	Commission on Indian Services (LCIS)		(time)		(initials)	
6.	Appropriate Native American Tribes <sup>10</sup>		(ti	ime)		
	(initials)					
	Name of Tribe(s) Contacted and Individual(s):					
				_		
				_		

#### **Step 4. Follow guidance** (timeline variable, may be up to several days)

If the site is determined not to be a crime scene by the Oregon State Police, **do not move anything!** The remains will continue to be *secured in place* along with any associated funerary objects, and protected from weather, water runoff, and shielded from view. Follow all guidance provided by OSP, LCIS, SHPO, and appropriate Native American Tribes.

Continue to maintain the work stoppage within the buffer until a plan is developed and carried out between the Oregon State Police, SHPO, LCIS, and appropriate Native American Tribes and you are directed in writing by the project manager that work may proceed.

#### C. ROLES AND RESPONSIBILITIES

Person Responsible	Responsibility		
[Name TBD]: [555-555-555]	Notify the Savion Project Manager		
[Name TBD]: [555-555-5555]	Notify the Energy Facility Siting Council Agency Official		
[Name TBD]: [555-555-5555]	Notify the Contracted Archaeologist (Historical Research Associates, Inc.) Notify the State Agencies (OSP, LCIS, SHPO)		
	Notify the Native American Tribes identified by LCIS		
[Name TBD]: [555-555-5555]	Enforce the work stoppage and buffer		

 $<sup>^{9}</sup>$  OSP will be responsible for contacting the county or state medical examiner's office as appropriate.  $^{10}$  ALL Tribes designated by LCIS must be notified. Contacting one or some of the Tribes does not fulfill the obligation to notify.

#### D. CONTACT INFORMATION<sup>11</sup>

Agency	Position/Contact	Contact Information
Savion Project Manager	Christopher Powers, Senior Director, Permitting & Environmental	760-522-7563
Energy Facility Siting Council Agency Official	Kathleen Sloan, Senior Siting Analyst	971-701-4913
Contracted Archaeologist (Historical Research Associates, Inc.)	Emily Ragsdale, Principal Archaeologist	503-956-5673
Legislative Commission on Indian Services	Primary Contact: Dr. Elissa Bullion, State Physical Anthropologist	971-707-1372
(LCIS)	Secondary Contact: LCIS Office	503-986-1067
Oregon State Police	Primary Contact: Sgt. Ryan Tague	541-576-4393
(OSP)	Secondary Contact: Dispatch	503-731-3030
State Historic Preservation Office (SHPO)	[SHPO archaeologist who reviewed submission TBD]	[555-555-5555]
	Primary Contact: John Pouley, State Archaeologist	503-480-9164
	Secondary Contact: Jamie French, Asst. State Archaeologist	503-979-7580
	Bobby Brunoe or Mars Galloway, Confederated Tribes of Warm Springs Reservation of Oregon	541-553-2026, 541-553-3583
	Teara Farrow Ferman, Confederated Tribes of the Umatilla Indian Reservation	541-276-3447
Native American Tribes	Diane Teeman, Burns Paiute Tribe	541-413-9910
	Briece Edwards, Confederated Tribes of Grand Ronde	503-879-2084
	Buddy Lane, Confederated Tribes of Siletz Indians	541-444-8230

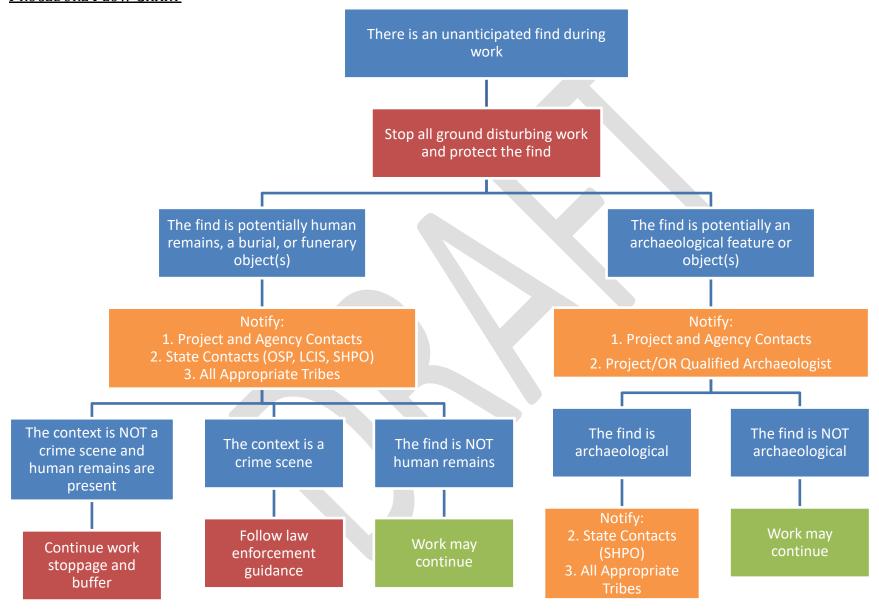
<sup>&</sup>lt;sup>11</sup> \*\*\*Contact information should be regularly updated for all individuals. Up to date contacts for LCIS, OSP, SHPO, and Native American Tribes can be found on the LCIS cultural resources page: <a href="Commission on Indian Services archaeology">Commission on Indian Services archaeology</a> (oregonlegislature.gov)

#### E. CONFIDENTIALITY

Yellow Rosebush Energy Center Project and employees shall make their best efforts, in accordance with federal and state law, to ensure that its personnel and contractors keep the discovery confidential. The media, or any third-party member or members of the public are not to be contacted or have information regarding the discovery, and any public or media inquiry is to be reported to Energy Facility Siting Council. Photos shall not be taken except for when authorized by LCIS, SHPO, and Native American Tribes for identification purposes, and no photos will be circulated publicly or on social media. Prior to any release, the responsible agencies and Tribes shall concur on the amount of information, if any, to be released to the public.

To protect fragile, vulnerable, or threatened sites, the National Historic Preservation Act, as amended (Section 304 [16 U.S.C. 470s-3]), and Oregon State law (ORS 192.345(11)) establishes that the location of archaeological sites, both on land and underwater, shall be confidential.

#### F. PROCEDURE FLOW CHART



#### G. Visual Reference Guide for Archaeology in Oregon (Modify based on region/context)

#### Lithics and stone tools



Figure 1. Stone flakes



Figure 2. Stone projectile points



Figure 3. Ground stone tools: (left) pestle, (right) net weights,

#### Basketry/Cordage



Figure 4. Open diagonal twine basket fragments from Fort Rock Cave (UOMNCH).



Figure 5. Three-strand braid, sagebrush bark from Paisley Caves (UOMNCH).

#### Shell Middens



Figure 6.



Figure 7. Dentalium shell beads (UOMNCH).



Figure 8. Glass trade beads, Upper Columbia River (UOMNCH).



Figure 9. Wooden fish weir (Scott Byram, 2010)



Figure 10. Stone fish weir (Brown and Brown, 2009)



Figure 11. Example of peeled pine.



Figure 12. Arborglyph on aspen tree



Figure 13. Historical glass



Figure 14. Historical metal artifacts

# Attachment S-2: Protected Historic, Cultural and Archeological Resources and Avoidance Measures

Eligible or Unevaluated Historic, Cultural and Archeological Resources with NRHP Eligibility and Management (Avoidance)

Resource ID	Description	NRHP Eligibility Recommendation (HRA)	Management Recommendation (HRA; SHPO; Department)	Impact Area	OAR 345-022- 0090: (A)/(B)	Intersects Facility Design Footprint (Yes/No)?	Nearest Distance to Facility Design (meters)	Nearest Distance to Facility Design (feet)
Archaeological Sites								
35WS455	Pre-Contact Lithic Scatter	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	105	344
35WS782	Historic Homestead	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	32	105
3696-E100	Historic Homestead	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	11	37
3696-E110	Pre-Contact Lithic Scatter	Unevaluated	Avoidance (30 meters)	Direct	A, B	No	29	96
3696-E125	Historic Debris Scatter	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	14	45
3696-E127	Historic Debris Scatter	Unevaluated	Avoidance (30 meters)	Direct	A, B	No	31	100
3696-E130	Pre-Contact Stacked Rock Feature	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	16	52
3696-E18	Pre-Contact Lithic Scatter	Unevaluated	Avoidance (30 meters)	Direct	А, В	No	241	790
3696-E24	Pre-Contact Stacked Rock Feature	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	17	54
3696-E32	Pre-Contact Lithic Scatter	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	17	57
3696-E41	Historic Debris Scatter	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	51	167
3696-E7	Historic Debris Scatter	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	47	153
3696-E86	Pre-Contact Lithic Scatter	Unevaluated	Avoidance (30 meters)	Direct	А, В	No	309	1,014
3696-E87	Pre-Contact Lithic Scatter & Stacked Rock Feature	Unevaluated	Avoidance (30 meters)	Direct	А, В	No	523	1,715
3696-E89	Pre-Contact Lithic Scatter	Unevaluated	Avoidance (30 meters)	Direct	A, B	No	715	2,347
3696-E90	Pre-Contact Lithic Scatter	Unevaluated	Avoidance (30 meters)	Direct	A, B	No	841	2,759
3696-E93	Historic Structural Remains & Debris Scatter	Unevaluated	Avoidance (30 meters)	Direct	А, В	No	306	1,005
3696-J112	Pre-Contact Stacked Rock Feature	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	12	38
3696-J118	Pre-Contact Lithic Scatter	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	564	1,850
3696-J129	Multicomponent Historic Debris Scatter & Pre-Contact Lithic Artifact	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	10	34
3696-J66	Historic Debris Scatter	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	13	43
3696-J89	Historic Debris Scatter	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	10	34
3696-S113	Pre-Contact Stacked Rock Feature	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	130	426
3696-S114	Historic Structural Remains	Unevaluated	Avoidance (30 meters)	Direct	А, В	No	103	337
3696-S131	Pre-Contact Lithic Scatter	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	40	133
3696-S148	Historic Debris Scatter	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	11	35
3696-S15	Historic Debris Scatter	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	197	646
3696-S16	Historic Homestead	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	43	140
3696-S171	Historic Debris Scatter	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	11	35
3696-S3	Historic Well & Debris Scatter	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	30	97
3696-S55	Pre-Contact Stacked Rock Feature	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	11	36
3090-333	Multicomponent Historic Debris	Onevaluateu	Avoidance (10 meters)	Direct	Λ, υ	NO .	11	30
3696-S67	Scatter & Pre-Contact Lithic Artifact	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	38	124
3696-S68	Pre-Contact Stacked Rock Feature	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	39	127
3696-S69	Pre-Contact Stacked Rock Feature	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	63	206
3696-S70	Pre-Contact Stacked Rock Feature	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	11	36
3696-S71	Pre-Contact Stacked Rock Feature	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	14	45
3696-S83	Historic Structural Remains	Unevaluated	Avoidance (10 meters)	Direct	А, В	No	55	181
Archaeological & Built Environment Sites								
3696-E31	Historic Homestead & Building	Unevaluated (Archaeological Component)/Not Eligible (Built Environment Component)	Avoidance (30 meters)	Direct	А, В	No	151	495

# Attachment W-1: Draft Construction Wildfire Mitigation Plan

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#### **Draft Construction Wildfire Mitigation Plan**

Prepared for the Yellow Rosebush Energy Center

Amended by the Department October 2025

#### **Applicable EFSC Site Certificate Conditions**

<u>Wildfire Prevention and Risk Mitigation Condition 1 (PRE-WF-01):</u> Prior to facility construction, the certificate holder shall finalize and submit a Construction Wildfire Mitigation Plan (WMP), Attachment W-1 to the Final Order on ASC to the Department for review and approval.

[Final Order on ASC; PRE-WF-01]

Wildfire Prevention and Risk Mitigation Condition 2 (CON-WF-01): During facility construction, the certificate holder shall require onsite contractors and employees to adhere to the Construction Wildfire Mitigation Plan (WMP) approved under Wildfire Prevention and Risk Mitigation Condition 1.

[Final Order on ASC; CON-WF-01]

Wildfire Prevention and Risk Mitigation Condition 1 (PRE): Prior to construction of the facility or phase, as applicable, the certificate holder shall:

- a. Finalize the Construction Wildfire Mitigation Plan, as provided in Attachment XX to the Final Order on ASC. The final Construction Wildfire Mitigation Plan shall be submitted to the Department for review and approval.
- b. Complete pre-construction tasks and actions designated in the Construction Wildfire
   Mitigation Plan approved under sub a of PRE-WF-01.
   [PRE-WF-01, Final Order on ASC]

Wildfire Prevention and Risk Mitigation Condition 2 (CON): During construction of the facility or phase, as applicable, the certificate holder shall:

- a. Implement and require all onsite contractors and employees to adhere to, the Construction Wildfire Mitigation Plan required under PRE-WF-01.
- b. After the first six months of construction; and then semi-annually during construction, review and update Construction Wildfire Mitigation Plan as designated in the Plan, and submit the results in the semi-annual construction report.
- c. Updates to the Wildfire Mitigation Plan may be required if determined necessary by the certificate holder, certificate holder's contractor(s) or the Department to address wildfire hazard to public health and safety. Any Department required updates shall be implemented within 14 days, unless otherwise agreed to by the Department based on a good faith effort to address wildfire hazard.

[CON-WF-01, Final Order on ASC]

# 1.0 Finalizing Wildfire Mitigation Plan Prior to Construction (PRE)

#### 1.1 Update Applicable Sections of WMP

To finalize this WMP prior to construction of the facility:

Update Section 3.1 with a summary of construction phasing including vegetation removal and grading based on areas of construction work or facility component.

Update Section 3.2 and include in this WMP the facility site maps described in Section 3.2.

Update Section 3.4 with fire department, certificate holder, and operational manager contact information and emergency response procedures. Update Section 3.4 with analysis area residence contact information and confirm analysis area residence contact letter sent to residences within site boundary and 0.5 miles from the facility.

Update section 3.7 to describe vegetation management and areas that will be managed to be vegetation-free, noncombustible space, or gravel surface.

## 2.0 Prior to Construction Task List (PRE)

Prior to construction of the facility, complete the activities in Sections 2.1 and 2.2.

#### 2.1 Training (PRE):

Before beginning construction, the certificate holder will hold an on-site training for contractors and construction personnel, inviting specialty contractors, local fire department(s), participating and adjacent landowners, emergency management office personnel, ODOE, and any other emergency management agency. The training will cover:

- Description of construction phasing;
- The type, location, and proper use of fire protection equipment;
- Fire protection equipment usage and maintenance requirements;
- The location(s) of water source(s) and proper usage, storing and maintenance for the pump, hose nozzle; and water hose;
- Overview of smoking policy and locations;
- Overview of procedures and restrictions of construction maintenance activities during Fire Season and Red Flag Warnings designated in this Plan;
  - Designation of individual(s) responsible for Fire Watch Service:
  - Designation of individual(s) responsible for checking fire danger/designations for the day.
- Rescue, Alarm, Contain and Extinguish RACE procedures including:
  - Rescue anyone in danger (if safe to do so);
  - o Alarm call the control room, who will then determine if 911 should be alerted;
  - o Contain the fire (if safe to do so); and
  - Extinguish the incipient fire stage (if safe to do so).

• Provide information and encourage attendees to sign up for the County's emergency management notification system.

Training attendee list and training materials must be provided to the Department to demonstrate compliance.

The certificate holder will fill out and submit to the Department the template residence outreach letter provided as Attachment 1 of this WMP. Once Department confirms the letter to be sufficient, the certificate holder will mail to each residence within the 0.5 mile analysis area. Certificate holder will confirm mailing and submit to Department.

#### 2.2 Facility Site Map(s) Submission (PRE):

Submit updated site maps from Section 3.2 concurrently to local fire department(s), County emergency management office, and the Department.

## 3.0 Construction Wildfire Mitigation Plan (CON)

#### 3.1 Summary of Construction Phasing

The Applicant proposes to begin construction on or after June 2027 and to construct the Facility in phases. The Applicant requests flexibility to tailor the number of phases and the size and construction schedule for each phase to meet market demand. The entire Facility, including all phases, will be completed by 2035, unless the Applicant seeks an amendment to extend the construction deadline. The current phasing estimate is two phases of approximately three years each.

Information regarding phased vegetation removal and grading based on areas of construction work/facility component will be provided in a revised final Construction WMP prior to construction.

#### 3.2 Facility Site Map(s):

This Construction WMP includes facility site maps. Figure 1 identifies the following:

- The location of facility access points as shown on Figure 1. The primary access point is located at Wilson Road at the western portion of the facility; and
- The perimeter and service roads within the solar array will be up to 20 feet wide with up to a 48-foot turning radius.

#### Figure 2 identifies the following:

Wildfire risk at the site.

#### Figure 3 identifies the following:

 High-fire consequence areas/resources (includes existing infrastructure, residences, sensitive habitat, or cultural resources).

The following information will be verified and provided on a figure included in a revised final Construction WMP prior to construction:

- Location of vegetation free, noncombustible, defensible spaces;
- Location and dimensions of facility roads.
- A description and the location of emergency access procedures, including how emergency responders and/or adjacent landowners may access site for fire protection equipment or to extinguish an on-site fire when personnel will not be onsite (e.g. The facility will be gated and accessible by key available in a lock box or some other approved method at each entrance. Local fire departments and emergency officials will receive codes to access the facility in the event of a fire.);
- The type and location of fire protection equipment onsite;
- The location(s) of water source(s) that will be onsite during construction. (e.g. Water trucks onsite during construction will be staged at the O&M building and moved to locations where construction/hot work will be conducted); and
- The phasing for construction, including location of vegetation removal and grading, for Facility features and components.

#### 3.2.1 Facility Design Features that Reduce Wildfire Risk

- The separation distance between each solar array string is approximately 20 and 30 feet, which allows for adequate separation of solar blocks to provide first-responder access along interior roads as well as for operational inspections, equipment and vegetation maintenance.
- The solar array includes shielded electrical cabling, as required by applicable code.
- Inverters will be placed on concrete foundations approximately 10 feet by 20 feet; a gravel base will extend a minimum of four feet beyond the concrete foundation.
- The BESS will be contained within self-contained enclosures in accordance with applicable UL Solutions, National Electric Code, and National Fire Protection Association standards, and will be placed on concrete foundations. A gravel base will extend a minimum of four feet beyond the container concrete pads.
- The perimeter and service roads within the solar array will be up to 20 feet wide with up to a 48-foot turning radius.
- Vegetation will be cleared and maintained along perimeter service roads to provide vegetation clearance for fire safety.
- The O&M building and battery storage system would be located on land flatter than a 40 percent slope (WCLUDO Section 10.110(A)).
- The O&M building and BESS would be set back at least 50 feet from any slopes greater than 30 percent (WCLUDO Section 10.110(B)).
- A 50-foot fire fuel break will be cleared and maintained around the O&M building and BESS (WCLUDO Section 10.120(A) and (B)). The BESS, substation and O&M building would located within a separate fenceline and constructed on concrete slabs with gravel base extending from the structure; the fenced areas around the BESS, collector substation, and O&M building will be graveled with no vegetation present.
- Vegetation in the transmission corridor, and particularly around related infrastructure (e.g., poles), would be maintained pursuant to the Minimum Vegetation Clearance
   Distances defined under North American Electric Reliability Corporation and National Electric Code standards.
- Facility components will meet National Electrical Code and Institute of Electrical and Electronics Engineers standards.

- The SCADA system provides remote operation, including shut off, and monitoring of the facility's solar array, BESS, and collector substation components.
- WCLUDO Section 10.120 defensible space standards applicable to at least 50 feet from the interior of the fenceline to all facility electrical components. The standards for maintaining the minimum 50 foot fuel break area include: 2
  - Ground cover maximum 4 inches tall:
  - Trees limbed up approximately 8 feet from the ground,
  - Trees kept free from dead, dry, or flammable material;
  - Ladder fuels must be removed:
  - No shrubs or tall plants under trees;
  - Shrubs only in isolated groupings that maximize edges of ornamental beds to avoid continuous blocks of ground fuel;
  - Keep shrubs and ornamental beds 15 feet away from edge of buildings and drip line of tree canopy; and
  - Use well irrigated or flame resistant vegetation

#### 3.3 Specifications for Fire Protection Equipment

The following fire suppression equipment will be carried in vehicles conducting maintenance activities and stored on-site at the O&M building at all times:

- Fire Extinguisher: Dry chemical. 2A:10BC (5 pound), properly mounted or secured;
- Pulaski:
- Hand Shovel: Round point. 26 to 28 in "D" Handle, blade 12 inches long and 10 inches wide;
- Collapsible Pail or Backpack Pump: 5-gallon capacity; and
- Drip Can: 5-gallon capacity.

During fire season (as designated in this Plan) water truck(s)/water source, water buffalo, or tank with minimum 500-gallon capacity must be on site. The water truck or water supply shall include the following, unless approved by the Department:

- Pump should be maintained ready to operate and capable to provide a discharge of not less than 20 gallons per minute at 115 psi at pump level. Note: Volume pumps will not produce the necessary pressure to effectively attack a fire start. Pressure pumps are recommended.
- Provide enough hose (500 feet minimum) not less than 3/4" inside diameter to reach areas where power driven machinery has worked.
- Water supply, pump, and at least 250' of hose with nozzle must be maintained as a connected, operating unit ready for immediate use.

All internal combustion engines must be equipped with exhaust systems, mufflers and screens, or include an appropriate spark arrestor; and must be kept in good operating condition. All combustion engines (including but not limited to off road vehicles, chainsaws, and generators) will be equipped with a spark arrester that meets U.S. Forest Service Standard 5100-1.

All power driven machinery will be kept free of excess flammable material which may create a risk

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<sup>&</sup>lt;sup>1</sup> YRBAPPDoc19 ASC Applicant Response to RFPA pASC Comments 2025-09-10.

<sup>&</sup>lt;sup>2</sup> https://cms5.revize.com/revize/wascocounty/document\_center/Planning/FullWCLUDO\_3\_2021.pdf, Chapter 10, Section 10.120, page 9.

of fire.

#### 3.4 Facility Contact Information and Emergency Response Procedures

Smoke/fire detectors will be placed in the collector substation control room where the supervisory control and data acquisition (SCADA) system is located. Smoke/fire detectors are also integrated components within each battery energy storage system (BESS) container. The detectors send a signal to the SCADA system which notifies both onsite staff and a Remote Operating Center (ROC), an off-site support center staffed 24/7, of the potential event. Onsite staff and staff at the ROC will confirm the accuracy of the incident to avoid potential false alarms and alert local firefighting services in the event of a fire of any size. There will be onsite Facility staff seven days a week during regular working hours. In the event an offsite fire is visible to Facility staff, they will notify the local fire department.

The O&M building will have basic firefighting equipment for use onsite during maintenance activities, such as shovels, beaters, portable water for hand sprayers, fire extinguishers, and other equipment.

Local fire department and county emergency management contact information:

- Bakeoven-Shaniko Rural Fire Protection Association
  - 541-910-0675 BS-RFPA Chairperson
  - o 9-1-1
- South Sherman Rural Fire Protection District
  - o (541) 993-2929 District Administrator
  - o (541) 705-5211 District Fire Chief
  - 0 9-1-1
- Shaniko Volunteer Fire Department
  - (503) 508-4688 Scott Marrs (Fire Chief)
  - 0 9-1-1
- Maupin Volunteer Fire Department
  - o (541) 993-4730 Tom Troutman (Fire Chief)
  - o 9-1-1

#### Fire department response times to the site:

• The Applicant will complete this information in coordination with the above listed fire responders prior to construction.

Certificate holder primary contact and contact of construction contractor manager(s):

- Jeffrey Watson, Development Manager
  - Savion, LLC
  - 422 Admiral Blvd, Kansas City, MO 64106
  - jwatson@savionenergy.com
  - (410) 349-7679
- Christopher Powers, Senior Director, Permitting & Environmental
  - Savion, LLC
  - 422 Admiral Blvd, Kansas City, MO 64106
  - cpowers@savionenergy.com
  - o (760) 522-7563
- Construction contractor manager(s) contact information will be provided in the Final Construction WMP.

Provide list of residence addresses within the site	

Map Tax Lot	<b>Property Owner</b>	Site Address
5S 15E 0 100	ASHLEY L STEVEN ET AL	PO BOX 158, Maupin OR 97037
		90530 Bakeoven Rd, Maupin OR
5S 15E 0 1100	ASHLEY VICKI	<mark>97037</mark>
		90530 Bakeoven Rd, Maupin OR
5S 16E 0 1201	ASHLEY VICKI	<mark>97037</mark>
		90530 Bakeoven Rd, Maupin OR
5S 16E 0 2200	ASHLEY VICKI	<mark>97037</mark>
		62261 Deer Trial Rd, Bend OR
5S 16E 0 1300	CHRISMAN LEVI FAMILY LLC	<mark>97701</mark>
	<b>CARVER FAMILY RANCHES</b>	91443 Hinton Rd, Maupin OR
5S 16E 0 600	LLC .	97037
5S 16E 0 1000	PHILLIPS DON W ET AL	PO BOX 689, Beavercreek OR
		<mark>97004-0689</mark>

Residence/landowner outreach letter is provided as Attachment 1 of this WMP. Use this letter to provide to new or updated residences with the analysis area as designated in Section 4.0, Plan Updates and Reporting Requirements.

#### Contact 911 in the event of:

- A fire or emergency on-site that cannot be addressed by personnel on-site and requires the assistance of fire or emergency medical personnel;
- A fire ignition on-site that spreads out of the fence line;
- Any fire off-site that does not have emergency responders on site.
  - To the extent that construction personnel can safely assist and/or provide equipment to help extinguish off-site fires until emergency responders are on site, it is encouraged to do so to assist in the spread of the fire, loss of life, property and damage to the environment.

#### 3.5 Use of Vehicles and Power Driven Machinery at Site

The following best management practices (BMPs) to minimize fire risk from vehicle travel, equipment use, and fueling activities will be implemented at the site during construction:

- The movement of vehicles will be planned and managed to minimize fire risk.
- The contractor(s) will be responsible for identifying and marking paths for all off-road vehicle travel. All off-road vehicle travel will be required to stay on the identified paths. No off-road vehicle travel will be permitted while working alone. Travel off road or parking in vegetated areas will be restricted during fire season as designate din this Plan.
- Areas with grass that are as tall or taller than the exhaust system of a vehicle must be wetted before vehicles travel through it.
- Workers will be instructed to shut off the engine of any vehicle that gets stuck, and periodically inspect the area adjacent to the exhaust system for evidence of ignition of vegetation. Stuck vehicles will be pulled out rather than "rocked" free and the area will be inspected again after the vehicle has been moved.
- The contractor(s) will designate a location for field fueling operations at the temporary construction yards. Any fueling of generators, pumps, etc. shall take place at this location only.

- Fuel containers, if used, shall remain in a vehicle or equipment trailer, parked at a designated location alongside a county right-of-way. No fuel containers shall be in the vehicles that exit the right-of-way except the five-gallon container that is required for the water truck pump.
- All power driven machinery will be kept free of excess flammable material which may create a risk of fire.

#### 3.6 Fire Precaution Levels and Restrictions during Fire Season

#### Definitions:

Non-Fire Season – Approximately October - May

Fire Season – Approximately June-September, formally designated by the Oregon Department of Forestry (ODF). Under ORS 478.960 (4), a Fire Chief can establish Fire Season within a Fire District when ODF, under ORS 477.505, declares Fire Season. Begins seasonal restrictions for public and industry.

Fire Weather Watch - A fire weather watch is issued when there is a high potential for the development of a red flag event. A watch is issued 18 to 96 hours in advance of the expected onset of criteria. Intent of a fire weather watch is to alert forecast users at least a day in advance for the purposes of resource allocation and fire fighter safety. A watch means critical fire weather conditions are possible but not imminent or occurring.

Red Flag Weather Warning - A red flag warning is used to warn of impending or occurring red flag conditions. Its issuance denotes a high degree of confidence that weather and fuel conditions consistent with local red flag event criteria will occur in 48 hours or less. Specific Red Flag criteria differ for each situation and district in Oregon. Be extremely careful with open flames and other activities that emit sparks.

<u>Hot Work -</u> Any cutting, grinding, welding, or other activity that creates spark or open flame.

#### <u>Fire Watch Service -</u>

Fire watch shall:

- Be physically capable and experienced to operate firefighting equipment.
- Have facilities for transportation and communications to summon assistance.
- Observe portions of the facility where equipment activity occurred during the day.

Upon discovery of a fire, fire watch personnel must: First report the fire, summon any necessary firefighting assistance, describe intended fire suppression activities; then, after determining a safety zone and an escape route that will not be cut off if the fire increases or changes direction, immediately proceed to control and extinguish the fire, consistent with firefighting training and safety.

<u>Fire-Prevention Measures and Restrictions Associated with Fire Season:</u>

Certificate holder shall maintain a log when construction activities are impacted by Fire Restrictions during Fire Season as designed in this Section. The log will include:

- The date;
- Fire Precaution Level;
- Description of actions taken, including if any measures were taken to reduce wildfire risk that are not identified in this Plan.

#### **Non-Fire Season**

- All hot work (must be conducted on roads or on non-combustible surfaces.
- Smoking in designated areas only.



#### **Fire Season**

- Before the start of each daily shift, at approximately 07:00 a.m. local time, a designated individual will check the fire danger posting by the National Weather Service for any Red Flag Warnings for that day.
- All hot work (any cutting, welding, or other activity that creates spark or open flame) must be conducted on roads or on non-combustible surfaces.
- Water source meeting specifications in this Plan will be on site during fire season.
- Following the completion of hot work, the Certificate Holder or contractor(s) must maintain a fire watch for 60 minutes to monitor for potential ignition.
- Fire watch shall be on duty during any breaks and for one hour after all power driven machinery used by the operator has been shut down for the day.
- Smoking in designated areas only.



# Fire Weather Watch

- No hot work permitted.
- Driving and parking only permitted on graveled surfaces.
- Fire watch shall be on duty during any breaks and for one hour after all power driven machinery used by the operator has been shut down for the day.
- No smoking on site.



- No hot work permitted.
- On-site personnel must be aware of Red Flag Warning.
- Driving and parking only permitted on graveled surfaces.
- Fire watch shall be on duty during any breaks and for one hour after all power driven machinery used by the operator has been shut down for the day.
- No smoking on site.

**Table 1: Fire Prevention Measures During Fire Season Summary** 

		R	13 13 13 13 13 13 13 13 13 13 13 13 13 1	તે તે તે Red Flag Warning	
Requirement	Non-Fire Season	Fire Season	Fire Weather Watch		
Fire weather advisory	Not required	Check for fire weather advisory daily before work begins.	Check for fire weather advisory daily before work begins.	Check for fire weather advisory daily before work begins. Onsite personnel must be aware of Red Flag Warning.	
On-site water source	N/A	As specified in Section 3.2	As specified in Section 3.2 and 3.3.	As specified in Section 3.2 and 3.3.	
Hot work	Only permitted on roads or on non-combustible surfaces.	Only permitted on roads or on non-combustible surfaces; fire watch required for 60 minutes after completion	Not Permitted	Not Permitted	
Fire Watch Service	Not required	During breaks and for 60 minutes after all power-driven machinery has been shut down for the day.	During breaks and for 60 minutes after all power-driven machinery has been shut down for the day.	During breaks and for 60 minutes after all power-driven machinery has been shut down for the day.	
Driving and Parking	As described in Section 3.5.	As described in Section 3.5.	Only permitted on roads or on non-combustible surfaces and Section 3.5.	Only permitted on roads or on non-combustible surfaces and Section 3.5.	
Smoking	Designated areas only	Designated areas only	Not permitted	Not permitted	

#### 3.7 Vegetation Management

#### 3.7.1 Vegetation-free, Noncombustible Space, and Vegetation Standards

Vegetation within the fence line and below the solar arrays will be maintained in accordance with the approved Revegetation and Reclamation Plan for the facility.

- Vegetation will be limited to a height of 10-12 inches, with a minimum clearance of 12 inches from electrical equipment. Vegetation near, at, or taller than the maximum height shall be removed or mowed.
- Mowing must be done in advance of fire season or accordance to any fire restrictions.
- At no point shall vegetation come in contact with electrical equipment.
- Vegetation buildup in the fence line(s), shall be removed.
- Any vegetation removed from the site will be disposed of and not stored onsite. Certificate holder and contractors will prevent the accumulation of combustible "burn piles" on site.

The following areas will be managed to be vegetation-free, noncombustible space, or gravel surface:

- 20-foot-wide service roads within solar fence line, composed of gravel, compacted aggregate base, or another commercially available suitable surface and able to support 75,000 pounds.
- Vegetation will be cleared by mowing and maintained along service roads to provide a vegetation clearance area for fire safety.
- The fenced areas around the collector substation, O&M building, and BESS will be graveled, with no vegetation present.

Vegetation in these areas will be managed by the following techniques:

- Low-height native vegetation planted and maintained inside the fenced area;
- Mowing: and
- Chemical (herbicide) application as directed by the Noxious Weed Control Plan.

#### 3.8 Construction Training(s)

#### 3.8.1 Safety Training

Once a year after construction begins, organize and hold an on-site training with certificate holder and construction personnel, inviting equipment manufacturers, specialty contractors, local fire department(s), participating and adjacent landowners, emergency management office personnel, ODOE, and any other emergency management agency that covers:

- The location of electrical facility components and the fire safety measures associated with each component that have been constructed;
- Description of remaining construction phasing;
- The type, location, and proper use of fire protection equipment;
- Fire protection equipment usage and maintenance requirements;
- The location(s) of water source(s) and proper usage, storing and maintenance for the pump, hose nozzle; and water hose;

- Overview of smoking policy and locations;
- Overview of procedures and restrictions of construction activities during Fire Season, Fire Weather Watches, and Red Flag Warnings designated in this Plan;
  - o Designation of individual(s) responsible for Fire Watch Service;
  - Designation of individual(s) responsible for checking fire danger/designations for the day.
- Rescue, Alarm, Contain and Extinguish (RACE) procedures including:
  - o Rescue anyone in danger (if safe to do so);
  - o Alarm call the control room, who will then determine if 911 should be alerted;
  - o Contain the fire (if safe to do so); and
  - o Extinguish the incipient fire stage (if safe to do so).
- Provide information and encourage attendees County's emergency management notification system.

# 4.0 Plan Updates: Amendments and Reporting Requirements:

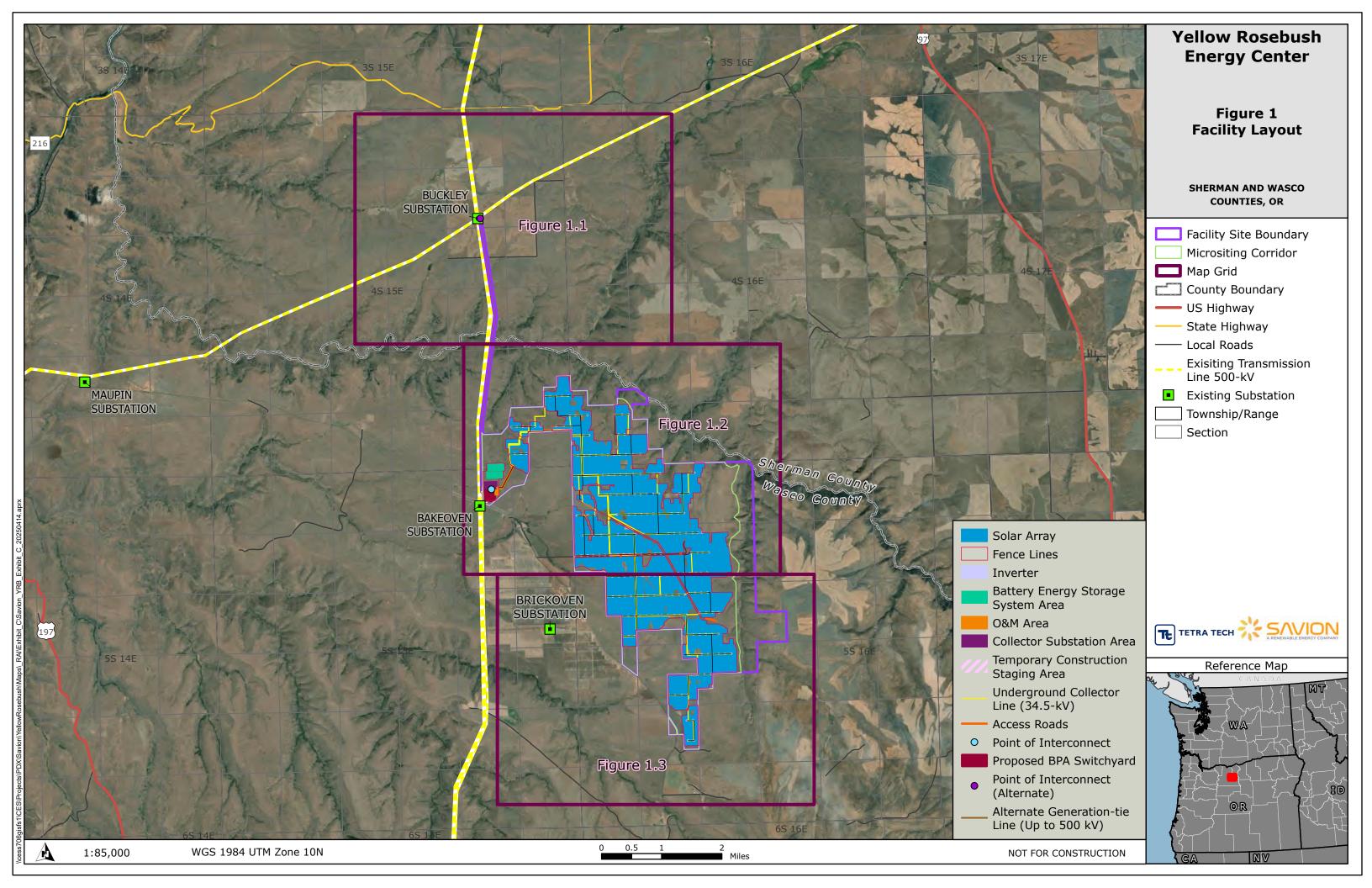
The following information must be provided to the Department in the semi-annual construction report required per OAR 345-026-0080:

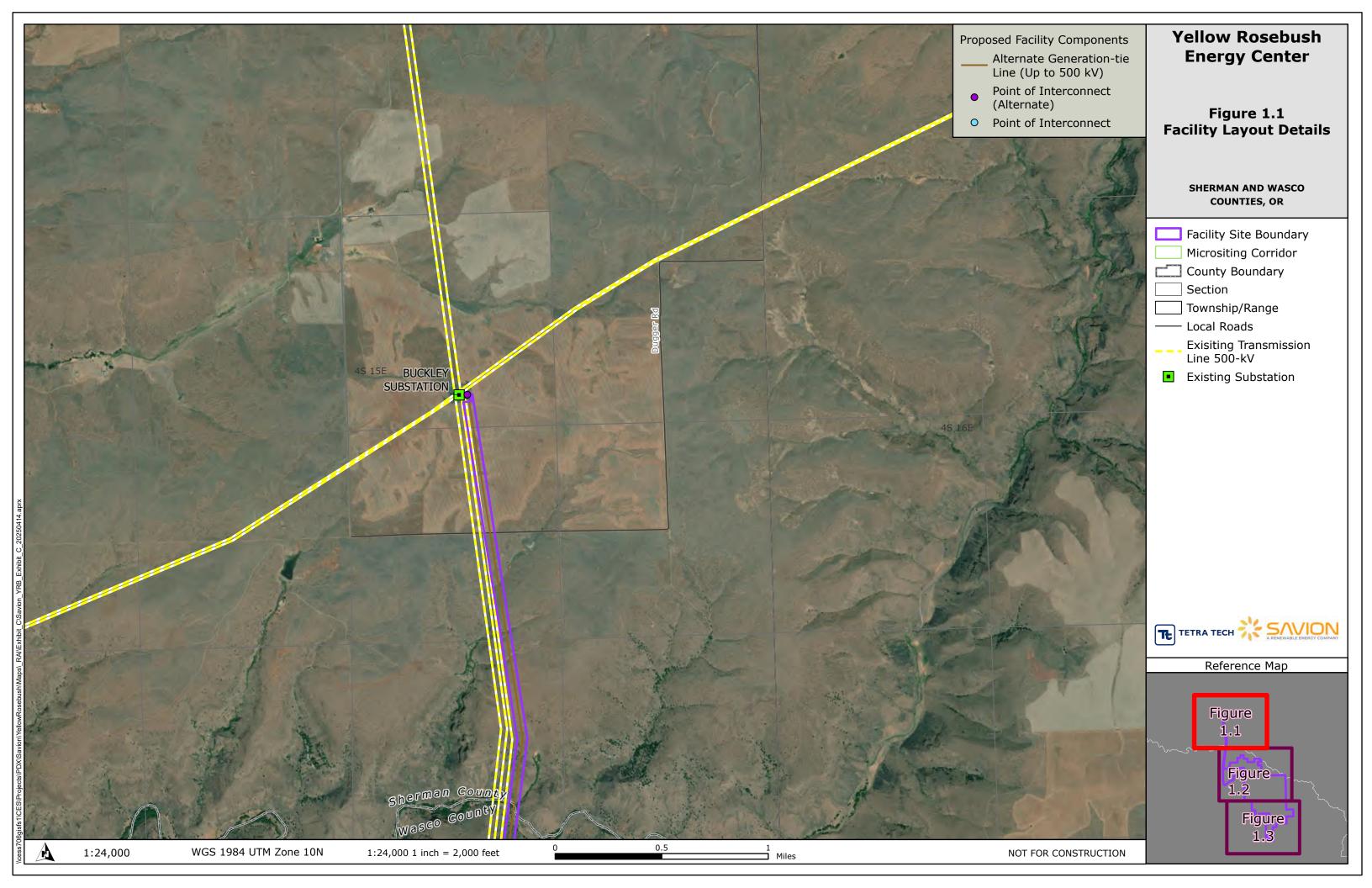
- Section 3.1 and 3.2, any changes in wildfire risk at the site or changes in facility components or preventative features.
- Section 3.4, any changes in local fire protection agency personnel and operational managers.
- Section 3.4, any changes in analysis area residence/landowner addresses or contact information.
- A copy of the Fire Season Restriction Log identified in Section 3.6.

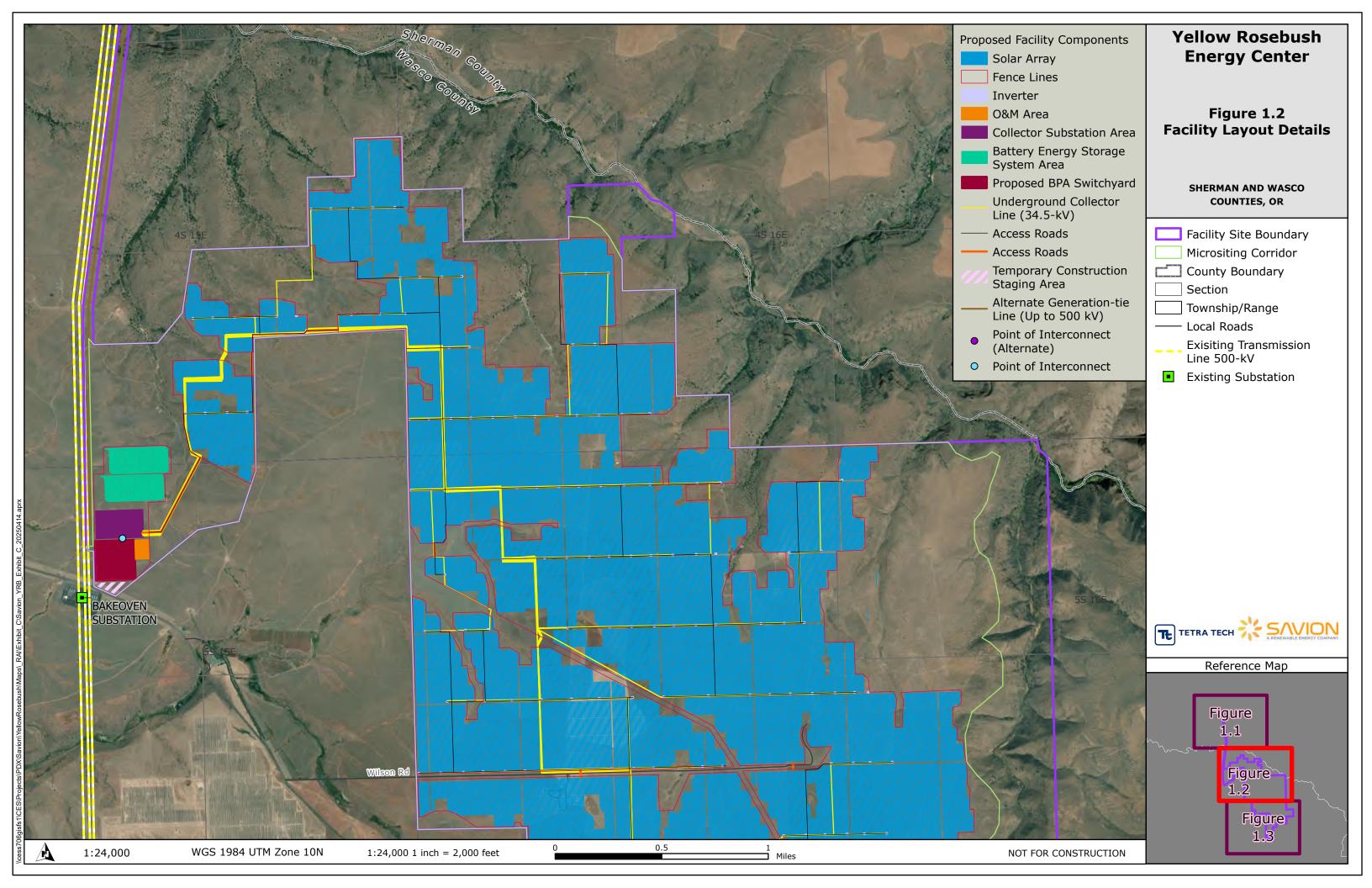
Information from the semi-annual construction reporting may be used to establish the performance of the WMP. If determined by certificate holder or Department, adjustments or improvements must be proposed to ensure the WMP provides wildfire mitigation. Any Department required updates shall be implemented within 14 days, unless otherwise agreed to by the Department based on a good faith effort to address wildfire hazard.

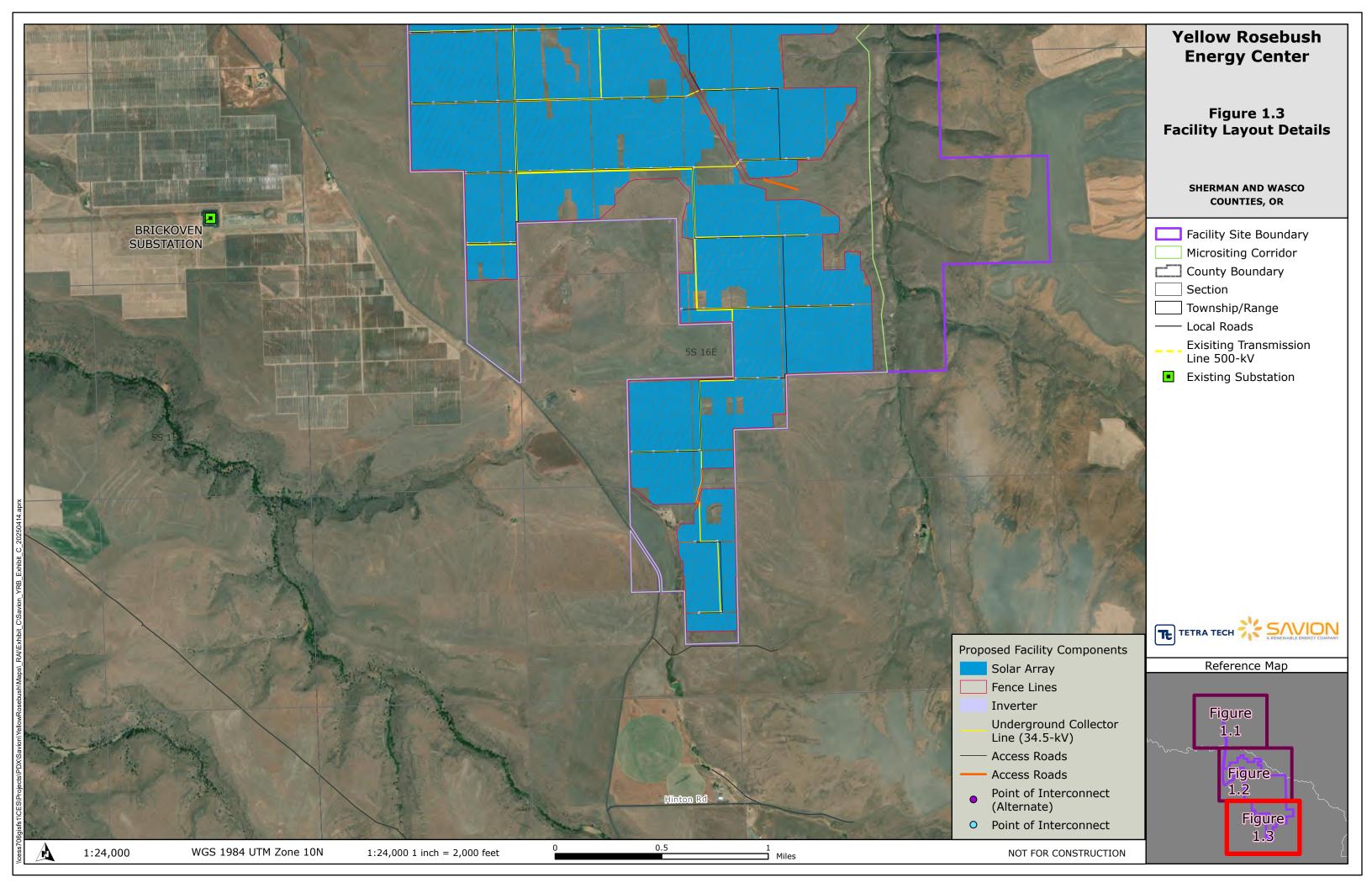
This Plan may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council (EFSC) or ODOE, acting within its delegated authority of EFSC. Such amendments may be made without amendment of the site certificate. EFSC authorizes ODOE to agree to amendments to this Plan. ODOE will notify EFSC of all amendments, and EFSC retains the authority to approve, reject, or modify any amendment of this Plan agreed to by ODOE.

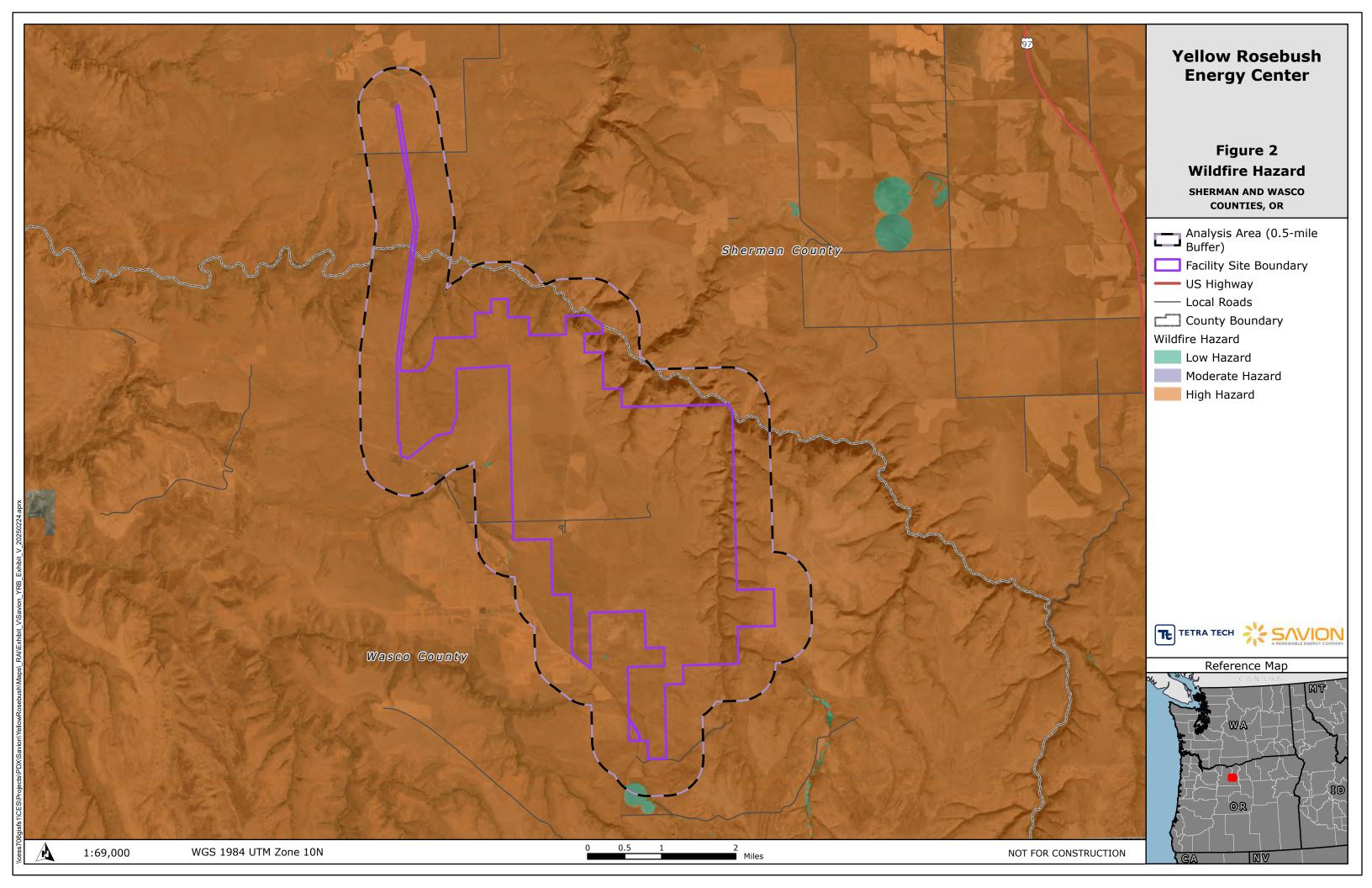
	Draft Construction Wildfire Mitigation Plan
Attachment 1: Residence/Landov	wner Outreach Letter

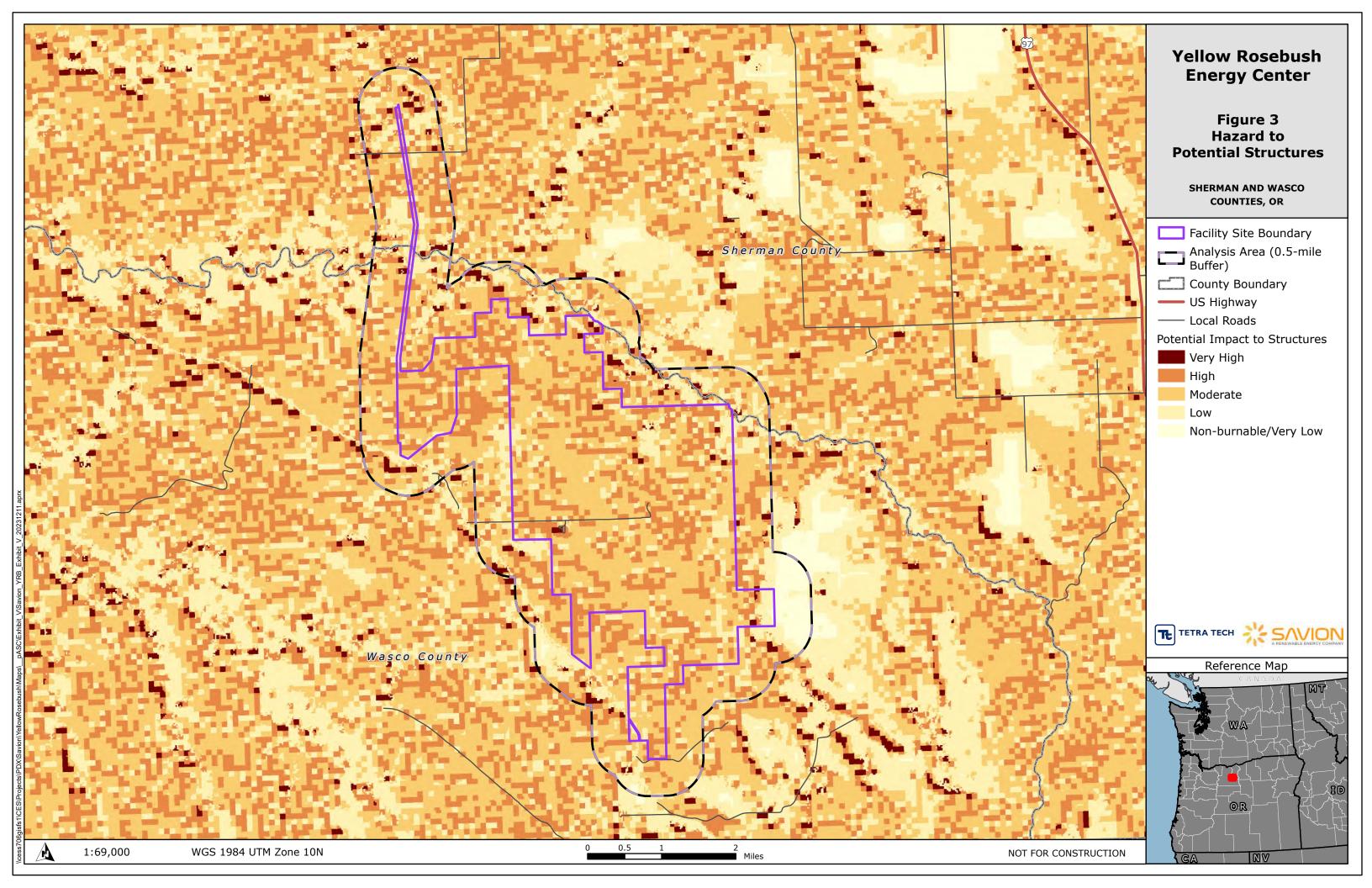












#### **COMPANY LOGO/LETTERHEAD**

#### DATE

#### RE: Community Outreach Letter for XXX Energy Facility

My name is XXX and I'm the XXX for XX LLC. We are the certificate holder of the XXX Energy Facility, approved by the Oregon Energy Facility Siting Council (EFSC). Construction of the facility will start/was completed in XX. The facility is a XX megawatt solar facility located XX. You are receiving this letter because your address is within 0.5 miles from the facility site boundary and we want to make sure you are aware of the following information:

- Safety at the facility is our highest priority. We have emergency procedures in place in the event
  of an emergency on site or off site that may impact the facility and adjacent areas. This includes
  an EFSC Wildfire Mitigation Plan (WMP) that addresses vegetation management, facility
  inspections, and maintenance protocols to ensure that the facility minimizes fire risk. The WMP
  also requires fire protection equipment to be on site and allows for emergency access for fire
  departments in the event of a fire on site or off site.
- In the event of an emergency on site or off site that cannot be addressed by facility personnel, local emergency and law enforcement will be contacted and procedures designated by the XX County's Office of emergency management will be followed, if necessary.
- If you have not already done so, we recommend you sign up for XX County emergency notification system. You may sign up via the County's webpage or directly via this link: Link: XX

Please contact me if you have any questions about the facility, XX company, or any other concerns regarding construction and operation of the facility. Further, the Oregon Department of Energy (ODOE) is staff to EFSC and can be contacted if you have questions. Follow the link below for contact information:

https://www.oregon.gov/energy/facilities-safety/facilities/Pages/Compliance-Program.aspx

Thank you,
NAME
TITLE

**CONTACT INFORMATION** 

Attachment W-2: Draft Operational Wildfire Mitigation Plan

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### **Draft Operational Wildfire Mitigation Plan**

### **Applicable EFSC Site Certificate Conditions**

**Wildfire Prevention and Risk Mitigation Condition 3 (PRO):** Prior to operation of the facility or phase, as applicable, the certificate holder shall:

- a. Finalize the Operational Wildfire Mitigation Plan, as provided in Attachment XX to the Final Order on ASC. The final Operational Wildfire Mitigation Plan shall be submitted to the Department for review and approval.
- b. Complete pre-operational tasks and actions designated in the Operational Wildfire Mitigation Plan approved under sub a of PRO-WF-01.
   [PRO-WF-01, Final Order on ASC]

Wildfire Prevention and Risk Mitigation Condition 4 (OPR): During operation, the certificate holder shall:

- a. Implement the Operational Wildfire Mitigation Plan required under PRO-WF-01, included as Attachment XX to the Final Order on ASC.
- b. After the first operational year, annually review and update Operational Wildfire Mitigation Plan as designated in the Plan, and submit the results in the annual report for that year.
- c. Updates to the Wildfire Mitigation Plan may be required if determined necessary by the certificate holder or the Department to address wildfire hazard to public health and safety. Any Department required updates shall be implemented within 14 days, unless otherwise agreed to by the Department based on a good faith effort to address wildfire hazard.

[CON-WF-01, Final Order on ASC]

## 1.0 Finalizing Wildfire Mitigation Plan Prior to Operation (PRO)

### 1.1 Update Applicable Sections of WMP

To finalize this WMP prior to operation of the facility:

Update Section 3.1 based on final facility design including a brief description of the facility.

Update Section 3.2 and include in this WMP the facility site maps described in Section 3.2.

Update Section 3.4 with fire department, certificate holder, and operational manager contact information and emergency response procedures. Describe fire detection, fire suppression, and emergency shut off systems that will be activated in the event of a fire. Update Section 3.4 with analysis area residence contact information and confirm analysis area residence contact letter sent to residences within site boundary and 0.5 miles from the facility.

Update section 3.6 to describe vegetation management and areas that will be managed to be vegetation-free, noncombustible space, or gravel surface.

Update Section 3.7 and Table 2: *Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results*, based on manufacturer recommendations associated with each type of facility component and vegetation management consistent with this WMP and Revegetation Plan; and include an appendix with excerpts of manufacturer recommendations.

Update Section 3.10 with any additional details about facility monitoring.

Update Section 4.0 with any additional standards for future review and plan updates. Note that Table 2: *Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results,* will be used as a compliance checklist by the Department to establish the performance of the WMP. If determined by certificate holder or Department, adjustments or improvements must be proposed to ensure the WMP provides wildfire mitigation.

### 2.0 Prior to Operation Task list (PRO)

Prior to operation of the facility, complete the activities in Sections 2.1 and 2.2.

### 2.1 Training (PRO)

Before beginning operation, the certificate holder will hold an on-site training for operational personnel, inviting equipment manufacturers, specialty contractors, local fire department(s), participating and adjacent landowners, emergency management office personnel, ODOE, and any other emergency management agency. The training will cover:

- The location of electrical facility components and the fire safety measures associated with each component;
- Battery-specific safety protocols, including how to appropriately address chemical fires, in the event of an emergency;
- The type, location, and proper use of fire protection equipment;

- Fire protection equipment maintenance requirements;
- The location(s) of water source(s) and proper usage, storing and maintenance for the pump, hose nozzle; and water hose;
- Overview of smoking policy and locations;
- Overview of procedures and restrictions of operational maintenance activities during Fire Season and Red Flag Warnings designated in this Plan;
  - Designation of individual(s) responsible for Fire Watch Service;
  - Designation of individual(s) responsible for checking fire danger/designations for the day.
- Overview of procedures for Rescue, Alarm, Contain and Extinguish (RACE) procedures, including:
  - o Rescue anyone in danger (if safe to do so);
  - o Alarm call the control room, who will then determine if 911 should be alerted;
  - o Contain the fire (if safe to do so); and
  - o Extinguish the incipient fire stage (if safe to do so).
- Provide information and encourage attendees to sign up for the County's emergency management notification system.

Training attendee list and training materials must be provided to the Department to demonstrate compliance.

The certificate holder will fill out and submit to the Department the template residence outreach letter provided as Attachment 1 of this WMP. Once Department confirms the letter to be sufficient, the certificate holder will mail to each residence within the 0.5 mile analysis area. Certificate holder will confirm mailing and submit to Department.

### 2.2 Facility Site Map(s) Submission (PRO):

Submit updated site maps from Section 3.2 concurrently to local fire department(s), County emergency management office, and the Department.

### 3.0 Operational Wildfire Mitigation Plan (OPR)

### 3.1 Summary of As-Built Facility Description with Design Features

The Facility consists of an up to 800-megawatts (MW) solar energy generation facility and an up to 800-MW battery energy storage system (BESS) and related or supporting facilities, within the 8,075-acre Facility site boundary in Wasco and Sherman counties, Oregon.

### Facility Components:

- Solar Array Areas
- Collector Lines (overhead and underground)
- BESS
- Collector Substation
- Operations & Maintenance (O&M) Building
- Generation-tie Line (500 kV)
- Existing Road Improvements, New Site Access and Service Roads
- Perimeter Fence Line

### 3.2 Facility Site Map(s):

This Operational WMP includes facility site maps.

Figure 1 identifies the following:

- The location of facility access points as shown on Figure 1. The primary access point is located at Wilson Road at the western portion of the facility; and
- Location and dimensions of facility roads. The perimeter and service roads within the solar array will be up to 20 feet wide with up to a 48-foot turning radius.

### Figure 2 identifies the following:

Wildfire risk at the site;

### Figure 3 identifies the following:

• High-fire consequence areas/resources (includes existing infrastructure, residences, sensitive habitat, or cultural resources).

The following information will be verified and provided in a revised final Operational WMP prior to construction:

- Location of vegetation free, noncombustible, defensible spaces;
- A description and the location of emergency access procedures, including how emergency responders and/or adjacent landowners may access site for fire protection equipment or to extinguish an onsite fire when personnel will not be onsite (e.g. The facility will be gated and accessible by key available in a lock box or some other approved method at each entrance. Local fire departments and emergency officials will receive codes to access the facility in the event of a fire.);
- The type and location of fire protection equipment onsite;
- The location(s) of water source(s) that will be onsite during construction. (e.g. Water trucks on site during construction will be staged at the O&M building and moved to locations where construction/hot work will be conducted); and
- The phasing for construction, including location of vegetation removal and grading, for facility features and components.

### 3.2.1 Facility Design Features that Reduce Wildfire Risk

- The separation distance between each solar array string is approximately 20 and 30 feet, which allows for adequate separation of solar blocks to provide first-responder access along interior roads as well as for operational inspections, equipment and vegetation maintenance.
- The solar array includes shielded electrical cabling, as required by applicable code.
- Inverters will be placed on concrete foundations approximately 10 feet by 20 feet; a gravel base will extend a minimum of four feet beyond the concrete foundation.
- The BESS will be contained within self-contained enclosures in accordance with applicable UL Solutions, National Electric Code, and National Fire Protection Association standards, and will be placed on concrete foundations. A gravel base will extend a minimum of four feet beyond the container concrete pads.

- The perimeter and service roads within the solar array will be up to 20 feet wide with up to a 48-foot turning radius.
- Vegetation will be cleared and maintained along perimeter service roads to provide vegetation clearance for fire safety.
- The O&M building and battery storage system would be located on land flatter than a 40 percent slope (WCLUDO Section 10.110(A)).
- The O&M building and BESS would be set back at least 50 feet from any slopes greater than 30 percent (WCLUDO Section 10.110(B)).
- A 50-foot fire fuel break will be cleared and maintained around the O&M building and BESS (WCLUDO Section 10.120(A) and (B)). The BESS, substation and O&M building would located within a separate fenceline and constructed on concrete slabs with gravel base extending from the structure; the fenced areas around the BESS, collector substation, and O&M building will be graveled with no vegetation present.
- Vegetation in the transmission corridor, and particularly around related infrastructure (e.g., poles), would be maintained pursuant to the Minimum Vegetation Clearance Distances defined under North American Electric Reliability Corporation and National Electric Code standards.
- Facility components will meet National Electrical Code and Institute of Electrical and Electronics Engineers standards.
- The SCADA system provides remote operation, including shut off, and monitoring of the facility's solar array, BESS, and collector substation components.
- WCLUDO Section 10.120 defensible space standards applicable to at least 50 feet from the interior of the fenceline to all facility electrical components. The standards for maintaining the minimum 50 foot fuel break area include: 2
  - Ground cover maximum 4 inches tall:
  - Trees limbed up approximately 8 feet from the ground,
  - Trees kept free from dead, dry, or flammable material;
  - Ladder fuels must be removed;
  - No shrubs or tall plants under trees;
  - Shrubs only in isolated groupings that maximize edges of ornamental beds to avoid continuous blocks of ground fuel;
  - Keep shrubs and ornamental beds 15 feet away from edge of buildings and drip line of tree canopy; and
  - Use well irrigated or flame resistant vegetation

### 3.3 Specifications for Fire Protection Equipment

The following fire suppression equipment will be carried in vehicles conducting maintenance activities and stored on-site at the O&M building:

- Fire Extinguisher: Dry chemical. 2A:10BC (5 pounds), properly mounted or secured;
- Pulaski:
- Hand Shovel: Round point. 26 to 28 in "D" Handle, blade 12 inches long and 10 inches wide;
- Collapsible Pail or Backpack Pump: 5-gallon capacity; and
- Drip Can: 5-gallon capacity.

<sup>&</sup>lt;sup>1</sup> YRBAPPDoc19 ASC Applicant Response to RFPA pASC Comments 2025-09-10.

<sup>&</sup>lt;sup>2</sup> https://cms5.revize.com/revize/wascocounty/document\_center/Planning/FullWCLUDO\_3\_2021.pdf, Chapter 10, Section 10.120, page 9.

During fire season (as designated in this Plan) water truck(s)/water source, water buffalo, or tank with minimum 500-gallon capacity must be on site. The water truck or water supply shall include the following, unless approved by the Department:

- Pump should be maintained ready to operate and capable of providing a discharge of not less than 20 gallons per minute at 115 psi at pump level. Note: Volume pumps will not produce the necessary pressure to effectively attack a fire start. Pressure pumps are recommended. Provide enough hose (500 feet minimum) not less than 3/4" inside diameter to reach areas where power driven machinery has worked.
- Water supply, pump, and at least 250' of hose with nozzle must be maintained as a connected, operating unit ready for immediate use.

All internal combustion engines must be equipped with exhaust systems, mufflers and screens, or include an appropriate spark arrestor; and must be kept in good operating condition.

All combustion engines (including but not limited to off road vehicles, chainsaws, and generators) will be equipped with a spark arrester that meets U.S. Forest Service Standard 5100-1.

All power driven machinery will be kept free of excess flammable material which may create a risk of fire.

### 3.4 Facility Contact Information and Emergency Response Procedures

Smoke/fire detectors are located in the collector substation control room where the supervisory control and data acquisition (SCADA) system is located. Smoke/fire detectors are also integrated components within each BESS container. The detectors send a signal to the SCADA system, which notifies both onsite staff and a Remote Operating Center (ROC), an offsite support center staffed 24/7, of the potential event. Onsite staff and staff at the ROC will confirm the accuracy of the incident to avoid potential false alarms and alert local firefighting services in the event of a fire of any size. There will be onsite Facility staff seven days a week during regular working hours. In the event an offsite fire is visible to Facility staff, they will notify the local fire department.

The O&M building has basic firefighting equipment for use onsite during maintenance activities, such as shovels, beaters, portable water for hand sprayers, fire extinguishers, and other equipment.

Local fire department and county emergency management contact information:

- Bakeoven-Shaniko Rural Fire Protection Association
  - 541-910-0675 BS-RFPA Chairperson
  - o 9-1-1
- South Sherman Rural Fire Protection District
  - (541) 993-2929 District Administrator
  - o (541) 705-5211 District Fire Chief
  - 9-1-1
- Shaniko Volunteer Fire Department
  - (503) 508-4688 Scott Marrs (Fire Chief)
  - 9-1-1
- Maupin Volunteer Fire Department
  - o (541) 993-4730 Tom Troutman (Fire Chief)
  - 0 9-1-1

Fire department response times to the site:

• The Applicant will complete this information in coordination with the above listed fire responders prior to construction.

Certificate holder primary contact and contact of operational manager(s):

- Jeffrey Watson, Development Manager
  - Savion, LLC
  - 422 Admiral Blvd, Kansas City, MO 64106
  - jwatson@savionenergy.com
  - o (410) 349-7679
- Christopher Powers, Senior Director, Permitting & Environmental
  - Savion, LLC
  - 422 Admiral Blvd, Kansas City, MO 64106
  - cpowers@savionenergy.com
  - o (760) 522-7563
- Operational manager(s) contact information will be provided in the Final Operational WMP.

Provide list of residence addresses within the site boundary and 0.5 miles from the site boundary.

Map Tax Lot	Property Owner	Site Address
5S 15E 0 100	ASHLEY L STEVEN ET AL	PO BOX 158, Maupin OR 97037
		90530 Bakeoven Rd, Maupin OR
5S 15E 0 1100	ASHLEY VICKI	97037
		90530 Bakeoven Rd, Maupin OR
5S 16E 0 1201	ASHLEY VICKI	<mark>97037</mark>
		90530 Bakeoven Rd, Maupin OR
5S 16E 0 2200	ASHLEY VICKI	97037
		62261 Deer Trial Rd, Bend OR
5S 16E 0 1300	CHRISMAN LEVI FAMILY LLC	<mark>97701</mark>
	<b>CARVER FAMILY RANCHES</b>	91443 Hinton Rd, Maupin OR
5S 16E 0 600	LLC .	<mark>97037</mark>
5S 16E 0 1000	PHILLIPS DON W ET AL	PO BOX 689, Beavercreek OR
		<mark>97004-0689</mark>

Residence/landowner outreach letter is provided as Attachment 1 of this WMP. Use this letter to provide to new or updated residences with the analysis area as designated in Section 4.0, Plan Updates and Reporting Requirements.

Contact 911 in the event of:

- A fire or emergency on-site that cannot be addressed by personnel on-site and requires the assistance of fire or emergency medical personnel;
- A fire ignition on-site that spreads out of the fence line;
- Any fire off-site that does not have emergency responders on site.
  - To the extent that operational personnel can safely assist and/or provide equipment to help extinguish off-site fires until emergency responders are on site, it is encouraged to do so to assist in the spread of the fire, loss of life, property and damage to the environment.

### 3.5 Fire Precaution Levels and Restrictions during Fire Season

#### **Definitions:**

### Non-Fire Season – Approximately October - May

Fire Season – Approximately June-September, formally designated by the Oregon Department of Forestry (ODF). Under ORS 478.960 (4), a Fire Chief can establish Fire Season within a Fire District when ODF, under ORS 477.505, declares Fire Season. Begins seasonal restrictions for public and industry.

Fire Weather Watch - A fire weather watch is issued when there is a high potential for the development of a red flag event. A watch is issued 18 to 96 hours in advance of the expected onset of criteria. Intent of a fire weather watch is to alert forecast users at least a day in advance for the purposes of resource allocation and fire fighter safety. A watch means critical fire weather conditions are possible but not imminent or occurring.

Red Flag Weather Warning - A red flag warning is used to warn of impending or occurring red flag conditions. Its issuance denotes a high degree of confidence that weather and fuel conditions consistent with local red flag event criteria will occur in 48 hours or less. Specific Red Flag criteria differ for each situation and district in Oregon. Be extremely careful with open flames and other activities that emit sparks.

Hot Work -Any cutting, grinding, welding, or other activity that creates spark or open flame.

### **Fire Watch Service:**

Fire watch shall:

- Be physically capable and experienced to operate firefighting equipment.
- Have facilities for transportation and communications to summon assistance.
- Observe portions of the operation on which activity occurred during the day.

Upon discovery of a fire, Firewatch personnel must: First report the fire, summon any necessary firefighting assistance, describe intended fire suppression activities; then, after determining a safety zone and an escape route that will not be cut off if the fire increases or changes direction, immediately proceed to control and extinguish the fire, consistent with firefighting training and safety.

### Fire-Prevention Measures and Restrictions Associated with Fire Season:

Certificate holder shall maintain a log when operational activities are impacted by Fire Restrictions during Fire Season as designed in this Section. The log will include:

- The date:
- Fire Precaution Level:
- Description of actions taken, including if any measures were taken to reduce wildfire risk that are not identified in this Plan.

### Non-Fire Season

- All hot work must be conducted on roads or on non-combustible surfaces.
- Smoking in designated areas only.



### Fire Season

- Before the start of each daily shift, at approximately 07:00 a.m. local time, a designated individual will check the fire danger posting by the National Weather Service for any Red Flag Warnings for that day.
- All hot work (any cutting, welding, or other activity that creates spark or open flame) must be conducted on roads or on non-combustible surfaces.
- Water source meeting specifications in this Plan will be on site during fire season.
- Following the completion of hot work, the Certificate Holder or contractor(s) must maintain a fire watch for 60 minutes to monitor for potential ignition.
- Fire watch shall be on duty during any breaks and for one hour after all power driven machinery used by the operator has been shut down for the day.
- Smoking in designated areas only.





### Fire Weather Watch

- No hot work permitted.
- Driving and parking only permitted on graveled surfaces.
- Fire watch shall be on duty during any breaks and for one hour after all power driven machinery used by the operator has been shut down for the day.
- No smoking on site.





### Red Flag Weather Warning

- No hot work permitted.
- On-site personnel must be aware of Red Flag Warning.
- Driving and parking only permitted on graveled surfaces.
- Fire watch shall be on duty during any breaks and for one hour after all power driven machinery used by the operator has been shut down for the day.
- No smoking on site.

**Table 1: Fire Prevention Measures During Fire Season Summary** 

Requirement	Non-Fire Season	Fire Season	Fire Weather Watch	તે તે તે Red Flag Warning
Fire weather advisory	Not required	Check for fire weather advisory daily before work begins.	Check for fire weather advisory daily before work begins.	Check for fire weather advisory daily before work begins. On-site personnel must be aware of Red Flag Warning.

**Table 1: Fire Prevention Measures During Fire Season Summary** 

Requirement	Non-Fire Season	Fire Season	તું તું Fire Weather Watch	તે તે તે Red Flag Warning
On-site water source	N/A	As specified in Section 3.2	As specified in Section 3.2 and 3.3.	As specified in Section 3.2 and 3.3.
Hot work	Only permitted on roads or on non-combustible surfaces.	Only permitted on roads or on non-combustible surfaces; fire watch required for 60 minutes after completion	Not Permitted	Not Permitted
Fire Watch Service	Not required	During breaks and for 60 minutes after all power-driven machinery has been shut down for the day.	During breaks and for 60 minutes after all power-driven machinery has been shut down for the day.	During breaks and for 60 minutes after all power-driven machinery has been shut down for the day.
Driving and Parking	As described in Section 3.9.	As described in Section 3.9.	Only permitted on roads or on non-combustible surfaces and Section 3.9.	Only permitted on roads or on non-combustible surfaces and Section 3.9.
Smoking	Designated areas only	Designated areas only	Not permitted	Not permitted

### 3.6 Vegetation Management

### 3.6.1 Vegetation-free, Noncombustible Space

The following areas will be managed to be vegetation-free, noncombustible space, or gravel surface:

- 20-foot-wide service roads within solar fence line, composed of gravel, compacted aggregate base, or another commercially available suitable surface and able to support 75,000 pounds.
- Vegetation will be cleared by mowing and maintained along service roads to provide a vegetation clearance area for fire safety.
- The fenced areas around the collector substation, O&M building, and BESS will be graveled, with no vegetation present.

Vegetation in these areas will be managed by the following techniques:.

- Low-height native vegetation planted and maintained inside the fenced area;
- Mowing; and
- Chemical (herbicide) application as directed by the Noxious Weed Control Plan.

### 3.6.2 Vegetation Standards, Surveys and Management

Vegetation within the fence line and below the solar arrays will be maintained in accordance with the approved Revegetation Plan, Soil Reclamation Plan and Noxious Weed Plan for the facility.

- Vegetation will be limited to a height of 10-12 inches, with a minimum clearance of 12 inches from electrical equipment. Vegetation near, at, or taller than the maximum height shall be removed or mowed.
- Mowing must be done in advance of fire season or accordance to any fire restrictions.
- At no point shall vegetation come in contact with electrical equipment.
- Vegetation buildup in the fence line(s), shall be removed.
- Any vegetation removed from the site will be disposed of and not stored onsite. Certificate holder and contractors will prevent the accumulation of combustible "burn piles" on site.

A vegetation assessment survey of the fenced area will be completed at least twice a year to monitor for vegetation clearances and maintenance of fire breaks, and wildfire hazards. One survey will occur before the fire season begins, in May or June. The second survey will occur in October or November. Additional vegetation surveys and management may be required throughout the year based on seasonally heightened fire risk, vegetation growth, or observations from operational maintenance staff.

The survey will be conducted by the a vegetation specialist and will be used to assess the frequency of upcoming vegetation maintenance and will assess and document the following:

- Location;
- Species:
- Height;
- Proximity to facility components;
- Estimated growth rate;
- Abundance:
- Clearance/setbacks; and
- Risk of fire hazard.

Results of surveys shall be provided in the annual updates to this WMP, designated in Section 4.0.

Vegetation control includes: (to be consistent with this WMP, Revegetation Plan, Soil Reclamation Plan and Noxious Weed Plan.)

- Low-height native vegetation planted and maintained inside the fenced area;
- Mowing; and
- Chemical (herbicide) application.

### 3.7 Inspections and Maintenance

Facility components will be inspected and maintained as designated in Table 2: *Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results* below. Update Table 2 based on manufacturer recommendations associated with each type of facility component and vegetation management consistent with this WMP and Revegetation Plan.

Table 2 includes an operational check list that will be filled out designating which personnel conducted inspections and maintenance, the dates of inspections and maintenance, and results. As designated in Section 4.0, of this WMP, this table checklist will be submitted to demonstrate compliance with the WMP and used to determine if changes to the WMP are necessary. Other checklist may be provided prior to operation and in the annual review of the WMP, as approved by the Department.

Manufacturers' recommendations, or excerpts for inspections and maintenance are included as Appendix XX to plan. This appendix will be provided in a revised final Operational WMP prior to construction.

### Lock Out/Tag Out Program:

During maintenance activities, electrical equipment is de-energized and physically locked or tagged in the de-energized positions to avoid inadvertent events that could result in arc flash.

• Ensure equipment is maintained to prevent and control sources of ignition.

Table 2: Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results

A completed table will be provided in a revised final Operational WMP prior to construction.

Facility Component(s)	Inspection Procedure	Inspection Frequency	Standard <sup>1</sup>	Maintenance Schedule	Date and Personnel Completing Inspection(s); Inspection Results	Date and Personnel Completing Maintenance; Maintenance Results
System Protection	Protection Relays  • Verify calibration and check functionality.  Breaker Trip Testing  • Verify the ability to trip breakers via coil.	X	Manufacturer's maintenance recommendations	Repair or replace once every 5 years	Date: Personnel: Results:	Date: Personnel: Results:
System Protection	System Protection Potential Transducers ("PTs") and Current Transducers ("CTs")  • Verify calibration and check functionality.	X	Manufacturer's maintenance recommendations	Repair or replace once every 11 years	Notes:  Date:  Personnel:	Notes:  Date:  Personnel:
	• Verify cambration and thete functionality.		recommendations		Results: Notes:	Results: Notes:
Solar Inverter	<ul> <li>Visual inspection of inverter and surrounding area.</li> <li>Verify torque specifications.</li> <li>For alternating current (AC)/direct current (DC), perform inspection of communication and control power terminations.</li> <li>Cycle AC/DC disconnects, inspect AC/DC contactors and cooling fans.</li> <li>Perform infrared scan.</li> </ul> Inverter Testing and Preventative Parts Replacement <ul> <li>Preventative maintenance replacement of inverter parts (e.g.: cooling system and power supplies that are operating effectively but scheduled for replacement per</li> </ul>		Spill Prevention, Control, and Countermeasures (SPCC) Plan <sup>3</sup> Manufacturer's maintenance recommendations	Monthly SPCC Plan     Bi-annual Preventative     Maintenance     Per manufacturer's     recommendations	Date: Personnel:  Results: Notes:	Date: Personnel:  Results: Notes:
	manufacturer's recommendations).  Vegetation: Visual inspection during component inspections and visual inspections during vegetation surveys twice a year.	Vegetation: Twice a year during vegetation surveys and additional visual inspections during routine inspections of components.	Vegetation: Herbicide application on gravel pad around inverter to prevent vegetation growth. IEEE 80 NEC 70	Vegetation: Yearly, depending on vegetation condition. Or more frequent based on vegetation survey results or upon visual inspections listed above.	Date: Personnel: Results: Notes:	Date: Personnel: Results: Notes:
Tracker System	<ul> <li>Perform visual inspection of tracking components; sync data with the Applicant's Operations Center.</li> <li>Perform visual inspection of module clamps and rail fasteners for integrity.</li> <li>Perform visual inspection of gear drives and shaft assemblies for alignment.</li> <li>Grease gear boxes and/or drive shaft.</li> <li>Verify wind stow functionality and lubricate slew ring.</li> </ul>		Manufacturer's maintenance recommendations	Per manufacturer's recommendations	Date: Personnel: Results: Notes:	Date: Personnel: Results: Notes:

A completed table will be provided in a revised final Operational WMP prior to construction.

Facility Component(s)	Inspection Procedure	Inspection Frequency	Standard <sup>1</sup>	Maintenance Schedule	Date and Personnel Completing Inspection(s); Inspection Results	Date and Personnel Completing Maintenance; Maintenance Results
Solar Array Structures	<ul> <li>Perform visual inspection of mounting structures, grounding, and cabling.</li> </ul>		Manufacturer's maintenance recommendations	Repair or replace annually	Date: Personnel:	Date: Personnel:
					Results:	Results:
					Notes:	Notes:
Solar Array Panels,	At Applicant's sole discretion, to perform one of the following		Applicant's discretion	Repair or replace annually	Date:	Date:
Harnesses, and Combiner Boxes	options:  • Infra-red ("IR") Flyover  a. IR scan of Site providing DC health of the Facility down to string level reporting;		Manufacturer's maintenance		Personnel:	Personnel:
	<ul><li>or</li><li>Physical DC Health Inspection</li></ul>		recommendations		Results:	Results:
	<ul> <li>a. Perform visual inspection of whips and wires connectors for damage or exposed conductors in gutters of harness combiner boxes.</li> <li>b. Measure and record current of each whip using clampon meter and identify low performing whips.</li> </ul>				Notes:	Notes:
	Vegetation: Visual inspection during component inspections and visual inspections during vegetation surveys twice a year.	Vegetation: Twice a year during vegetation surveys and additional visual inspections during	to a height of 10-12 inches,	Vegetation: Twice a year, or more often, as designate din this Plan.	Date:	Date:
					Personnel:	Personnel:
		routine inspections of components	with a minimum clearance of 12 inches from electrical		Results:	Results:
			equipment. Methods include manual removal, mowing, or as designate din		Notes:	Notes:
Collector Substation	Perform visual inspection of the grounding system.		this Plan.	Repair or replace annually	Date:	Date:
Gonecioi Substation	<ul> <li>Perform thermographic and visual inspection.</li> <li>Perform uninterrupted power supply (UPS) inspection and maintenance.</li> </ul>		Manufacturer's maintenance recommendations North American Electric Reliability Corporation (NERC)	repair of replace annually	Personnel:	Personnel:
	Vegetation: Visual inspection during component inspections and visual inspections during vegetation surveys twice a year.	Vegetation: Twice a year during vegetation surveys and additional visual inspections during routine inspections of components.	Vegetation: Herbicide application on substation gravel pad. IEEE 80 NEC 70	Vegetation: Yearly, depending on vegetation condition. Or more frequent based on vegetation survey results or upon routine visual inspections.	Results: Notes:	Results: Notes:

A completed table will be provided in a revised final Operational WMP prior to construction.

Facility Component(s)	Inspection Procedure	Inspection Frequency	Standard <sup>1</sup>	Maintenance Schedule	Date and Personnel Completing Inspection(s); Inspection Results	Date and Personnel Completing Maintenance; Maintenance Results
BESS	<ul> <li>Set battery maintenance (system check, cell balancing).</li> <li>Battery cable, appearance, grounding, dust removal.</li> <li>Inspect battery management system alarms.</li> <li>Visual inspection of electrical terminations using thermal imager.</li> </ul>		Manufacturer's maintenance recommendations	Repair or replace annually	Date: Personnel:	Date: Personnel:
	Vegetation: Visual inspection during component inspections and visual inspections during vegetation surveys twice a year.	Vegetation: Twice a year during vegetation surveys and additional visual inspections during routine inspections of components.	Vegetation: Herbicide application on substation gravel pad. IEEE 80 NEC 70	Vegetation: Yearly, depending on vegetation condition. Or more frequent based on vegetation survey results or upon routine visual inspections.	Results: Notes:	Results: Notes:
Unit Control Enclosure Battery	<ul> <li>Check for correct operations of battery monitoring system and battery charging system.</li> <li>Perform visual inspection of the battery room, mounting rack, batteries, and connections.</li> </ul>		Manufacturer's maintenance recommendations	Repair or replace monthly	Date: Personnel: Results: Notes:	Date: Personnel: Results: Notes:
Unit Control Enclosure Battery	Perform individual cell float charge and specific gravity checks.		Manufacturer's maintenance recommendations	Repair or replace quarterly	Date: Personnel: Results: Notes:	Date: Personnel: Results: Notes:
Unit Control Enclosure Battery	Measure float cell voltage, pilot cell voltage, and electrolyte temperature of pilot cell.		Manufacturer's maintenance recommendations	Repair or replace annually	Date: Personnel: Results: Notes:	Date: Personnel: Results: Notes:
Supervisory, Control and Data Acquisition (SCADA) & Network Equipment	Plant equipment will be evaluated every 5 years to determine state of health and provide recommendations to Savion.		Manufacturer's maintenance recommendations	Upgrade, repair, or replace every 5 years	Date: Personnel: Results: Notes:	Date: Personnel: Results: Notes:
BESS Junction Box/ Auxiliary System/Miscellaneous	<ul> <li>Auxiliary equipment maintenance and inspection.</li> <li>Enclosure dust removal.</li> <li>Inspect cable entry, grounding, sealing, dust removal.</li> </ul>		Manufacturer's maintenance recommendations	Repair or replace annually	Date: Personnel:	Date: Personnel:

A completed table will be provided in a revised final Operational WMP prior to construction.

Facility Component(s)	Inspection Procedure	Inspection Frequency	Standard <sup>1</sup>	Maintenance Schedule	Date and Personnel Completing Inspection(s); Inspection Results	Date and Personnel Completing Maintenance; Maintenance Results
	<ul><li>Critical sensor calibration check.</li><li>Maintenance report.</li></ul>				Results: Notes:	Results: Notes:
BESS Fire Safety System	Fire alarm and detection system inspection.		Manufacturer's	Repair or replace annually	Date:	Date:
	<ul><li>Fire alarm and detection system maintenance.</li><li>Fire suppression System Inspection.</li></ul>		maintenance recommendations		Personnel:	Personnel:
					Results:	Results:
					Notes:	Notes:
BESS Thermal Management System	<ul><li>Thermal management system inspection.</li><li>Thermal management system maintenance.</li></ul>		Manufacturer's	Repair or replace semi-annually	Date:	Date:
	<ul> <li>Motor Lubrication.</li> <li>Clean Filters by rinsing with water.</li> </ul>		maintenance recommendations		Personnel:	Personnel:
	Electric Heater - Dust accumulation on the coil, signs of overheating on the heater frame, traces of water or rust				Results:	Results:
	on the electric heater control box.				Notes:	Notes:
BESS Thermal Management System	Coolant tester visual inspection.		Manufacturer's maintenance	Repair or replace annually	Date:	Date:
Management bystem			recommendations		Personnel:	Personnel:
					Results:	Results:
					Notes:	Notes:
BESS General	System configuration check.		Manufacturer's maintenance	Repair or replace annually	Date:	Date:
			recommendations		Personnel:	Personnel:
					Results:	Results:
					Notes:	Notes:
Medium Voltage (MV) and High Voltage (HV)	Clean out dirt and debris.     Perform a manual operation test		Manufacturer's	Repair or replace per manufacturer's recommendations	Date:	Date:
and High Voltage (HV)  Breaker  Perform a manual operation test.  Perform an electrical test.  Perform a gas leakage test.  maintenance recommendations		individual of 3 recommendations	Personnel:	Personnel:		
			NERC		Results:	Results:
			NEKC		Notes:	Notes:
Generator Step-Up (GSU) Transformer	<ul> <li>Perform a visual inspection and check for proper operation of fan motor, oil pump motor, and breather.</li> </ul>		SPCC Plan <sup>3</sup>	Repair, overhaul, refurbish, or replace per manufacturer's	Date:	Date:
-	Inspect and maintain substation transformer bushings			recommendations	Personnel:	Personnel:

A completed table will be provided in a revised final Operational WMP prior to construction.

Facility Component(s)	Inspection Procedure	Inspection Frequency	Standard <sup>1</sup>	Maintenance Schedule	Date and Personnel Completing Inspection(s); Inspection Results	Date and Personnel Completing Maintenance; Maintenance Results
	<ul> <li>and control panel.</li> <li>Perform visual inspection of bushings for indications of local heating, oil leaks, proper oil level and indication of contaminants.</li> </ul>		Manufacturer's maintenance recommendations		Results: Notes:	Results: Notes:
Inverter Step-up Transformer	<ul> <li>Perform infrared scans on low side of transformer when power is &gt;80%.</li> <li>Verify temperature and pressure sync with the contractor's Operations Center.</li> <li>Perform visual inspection of the physical integrity of the enclosure and check for oil leakage.</li> <li>Perform visual inspection for damage or discoloration of bushings.</li> <li>Perform oil sample analysis on MV transformer(s).</li> <li>Collect MV transformer oil sample(s) for 3rd party analysis.</li> <li>Perform electrical test of transformer.</li> <li>Verify integrity of surge arresters and check for proper tap position.</li> </ul>		SPCC Plan <sup>3</sup> Manufacturer's maintenance recommendations	Replace or repair per manufacturer's recommendation	Date: Personnel:  Results: Notes:	Date: Personnel:  Results: Notes:
	Vegetation: Visual inspection during component inspections and visual inspections during vegetation surveys twice a year.	Vegetation: Twice a year during vegetation surveys and additional visual inspections during routine inspections of components.	Vegetation: Herbicide application on gravel pad around inverter to prevent vegetation growth. IEEE 80 NEC 70	Vegetation: Yearly, depending on vegetation condition. Or more frequent based on vegetation survey results or upon visual inspections listed above.	Date: Personnel: Results: Notes:	Date: Personnel: Results: Notes:
Overhead electrical lines	Visual inspection of components, grounding and APLIC measures.		APLIC		Date: Personnel:	Date: Personnel:
1. The Operational SPCC	Vegetation: Visual inspection of vertical clearance distance between conductor and vegetation.		Vegetation: National Energy Reliability Corporation (NERC) - Vegetation maintenance standard FAC-003-0.  Mow vegetation to achieve clearance requirements between conductor and ground.	Vegetation: Yearly, depending on vegetation condition.	Results: Notes:	Results: Notes:

### 3.8 Use of Vehicles and Power Driven Machinery at Site

The following best management practices (BMPs) to minimize fire risk from vehicle travel, equipment use, and fueling activities will be implemented at the site during operational activities:

- The movement of vehicles will be planned and managed to minimize fire risk.
- As necessary, contractor(s) or operational personnel will be responsible for identifying and marking paths for all off-road vehicle travel. All off-road vehicle travel will be required to stay on the identified paths. No off-road vehicle travel will be permitted while working alone. Travel off road or parking in vegetated areas will be restricted during fire season as designate din this Plan.
- Areas with grass that are as tall or taller than the exhaust system of a vehicle must be wetted before vehicles travel through it.
- Workers will be instructed to shut off the engine of any vehicle that gets stuck, and periodically inspect the area adjacent to the exhaust system for evidence of ignition of vegetation. Stuck vehicles will be pulled out rather than "rocked" free and the area will be inspected again after the vehicle has been moved.
- Fuel containers, if used, shall remain in a vehicle or equipment trailer, parked at a designated location alongside a county right-of-way. No fuel containers shall be in the vehicles that exit the right-of-way except the five-gallon container that is required for the water truck pump.
- All power driven machinery will be kept free of excess flammable material which may create a risk of fire.

### 3.9 **Operational Training(s)**

### 3.9.1 Annual Safety Training

Organize and hold an on-site training with operational personnel, inviting equipment manufacturers, specialty contractors, local fire department(s), participating and adjacent landowners, emergency management office personnel, ODOE, and any other emergency management agency, that covers:

- The location of electrical facility components and the fire safety measures associated with each component;
- Battery-specific safety protocols, including how to appropriately address chemical fires, in the event of an emergency;
- The type, location, and proper use of fire protection equipment;
- Fire protection equipment maintenance requirements;
- The location(s) of water source(s) and proper usage, storing and maintenance for the pump, hose nozzle; and water hose;
- Overview of smoking policy and locations;
- Overview of procedures and restrictions of operational maintenance activities during Fire Season and Red Flag Warnings designated in this Plan; Rescue, Alarm, Contain and Extinguish (RACE) procedures, including:
  - Rescue anyone in danger (if safe to do so);
  - o Alarm call the control room, who will then determine if 911 should be alerted;

- Contain the fire (if safe to do so); and
- o Extinguish the incipient fire stage (if safe to do so).
- Provide information and encourage attendees to sign up for the County's emergency management notification system.

Training attendee list and training materials must be provided to the Department to demonstrate compliance.

### 3.9.2 Electrical Safety Program

All operational workers will be trained in electrical safety and the specific hazards of the facility. This training will address:

- Minimum experience requirements to work on different types of electrical components;
- Lockout/tagout procedures
- Electrical equipment testing and troubleshooting;
- Switching system;
- Provisions for entering high voltage areas (e.g., substation);
- Minimum approach distances; and
- Required personal protective equipment.

### 3.10 Facility Monitoring

Facility components that are monitored via the supervisory, control, and data acquisition (SCADA) system are the solar inverters, collector substation and battery energy storage system (BESS).

Facility components will be monitored remotely with the SCADA system 24 hours a day, 7 days a week.

Smoke/fire detectors will be placed in the collector substation control room where the SCADA system is located. Smoke/fire detectors are also integrated components within each BESS container. The detectors send a signal to the SCADA system, which notifies both onsite staff and a Remote Operating Center (ROC), an offsite support center staffed 24/7, of the potential event. Onsite staff and staff at the ROC will confirm the accuracy of the incident to avoid potential false alarms and alert local firefighting services in the event of a fire of any size. There will be onsite facility staff seven days a week during regular working hours. In the event an offsite fire is visible to facility staff, they will notify the local fire department.

Facility has remote shutdown capabilities at the inverter level and plant level, allowing facility electrical components to be disconnected in the event of electrical fault, fire, or other hazardous occurrences. This remote shutdown can be triggered manually or automatically by sensors within the SCADA system.

### 4.0 Plan Updates: Amendments and Reporting Requirements

The following information must be provided to the Department in the annual report required per OAR 345-026-0080::

• Section 3.1 and 3.2, any changes in wildfire risk at the site or changes in facility components or preventative features.

- Section 3.4, any changes in local fire protection agency personnel and operational managers.
- Section 3.4, any changes in analysis area residence/landowner addresses or contact information.
- Fill out Table 2: *Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results*, with the dates, personnel, and results of inspections and maintenance performed. A different form or checklist of operational inspection, vegetation management, and maintenance may be used if approved by the Department.
- A copy of the Fire Season Restriction Log identified in Section 3.5.

The certificate holder must review this WMP annually to determine if updates to the WMP are necessary. In its annual review, the certificate holder will evaluate changes in standards, policies, future technologies or best practices that could be implemented at the facility to address wildfire prevention or protection, including but not limited to those identified in Table 3, below.

Information from the annual reporting and from the certificate holder or Department review of sources in Table 3 may be used to establish the performance of the WMP. If determined by certificate holder or Department, adjustments or improvements must be proposed to ensure the WMP provides wildfire mitigation. Any Department required updates shall be implemented within 14 days, unless otherwise agreed to by the Department based on a good faith effort to address wildfire hazard.

This Plan may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council (EFSC) or ODOE, acting within its delegated authority of EFSC. Such amendments may be made without amendment of the site certificate. EFSC authorizes ODOE to agree to amendments to this Plan. ODOE will notify EFSC of all amendments, and EFSC retains the authority to approve, reject, or modify any amendment of this Plan agreed to by ODOE.

**Table 3: Standards for Future Review** 

<b>Reference</b>	<b>Description</b>	<b>Method</b>
American Clean Power	Industry ground that establishes best practices for renewable energy projects.	The applicant is a member of ACP and participates in best practice development <sup>1</sup> .
National Electric Reliability	National Energy Reliability Corporation develops electrical standards for large energy facilities.	The applicant will follow NERC Standard FAC-003-0 for its vegetation management program of transmission lines <sup>2</sup> , or updates to this standard as approved by NERC.
Oregon Specialty Building Codes	Building codes applicable to inhabitable spaces, including the O&M building and the substation enclosure.	Remodeling to the O&M and enclosure structure that requires permits will follow any updates to the OSPC at that time.

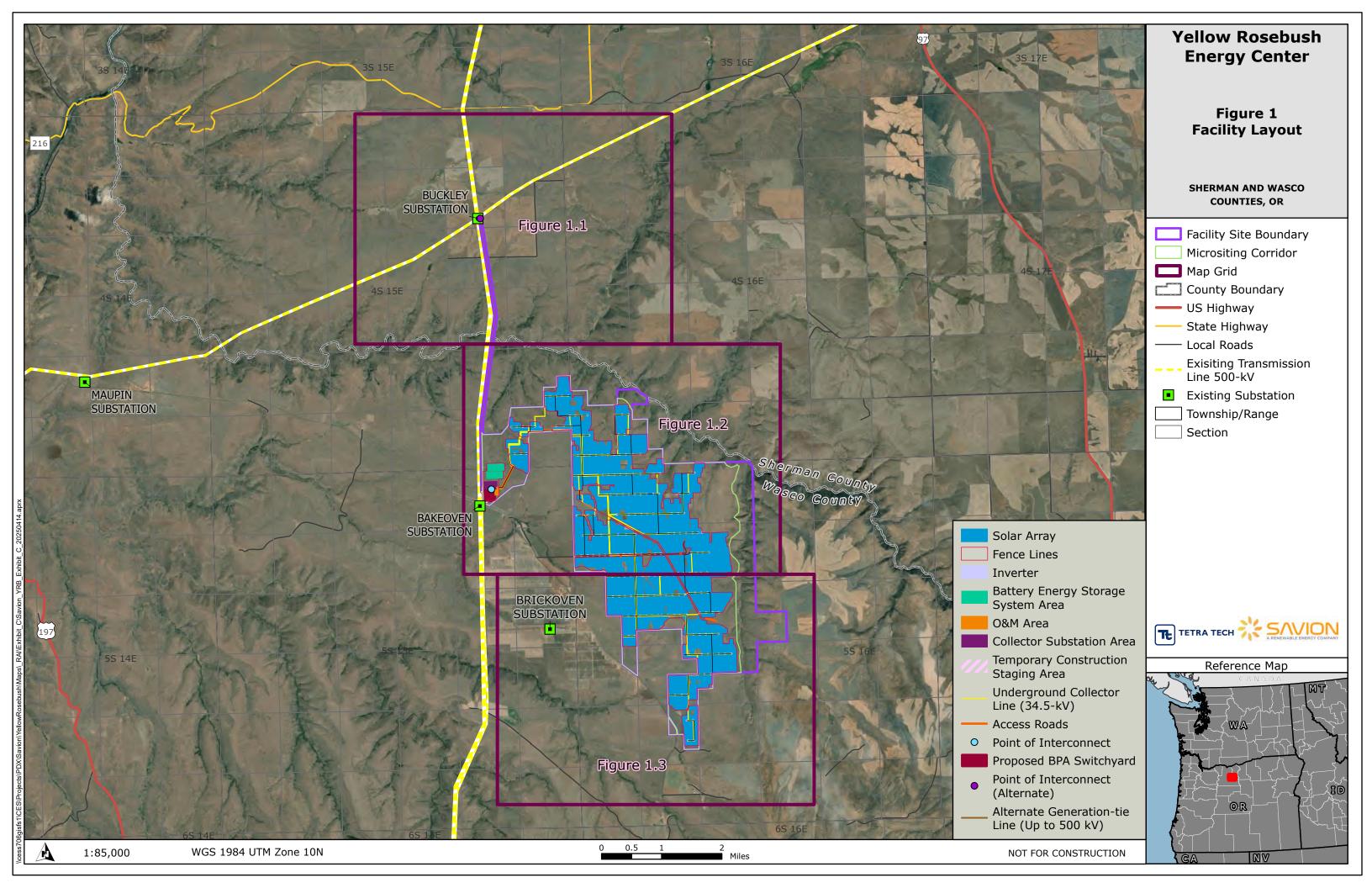
Table 3: Standards for Future Review

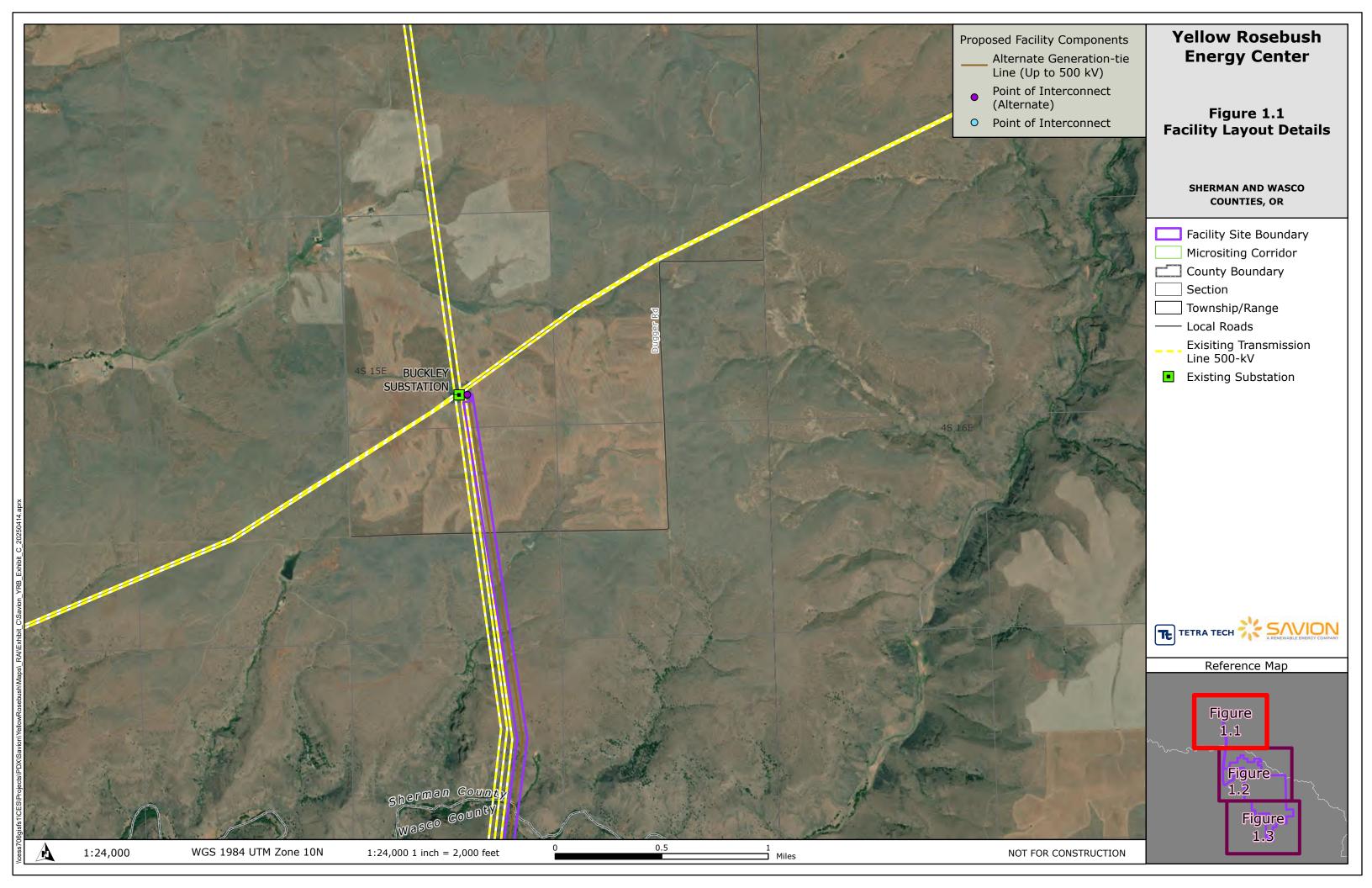
Reference	<b>Description</b>	<b>Method</b>
Oregon Fire Code	The Oregon State Fire Marshal adopts the Oregon Fire Code, establishing minimum fire prevention and protection systems requirements applicable to certain structures, including but not limited to, energy systems.	The applicant will adhere to any applicable standards of the Oregon Fire Code and will incorporate features necessary to meet those standards into the design of the facility. Certificate holder will annually review and apply applicable standards that may apply to an operational facility.
NFPA Codes and Standards	The National Fire Protection Association publishes codes and standards intended to minimize the possibility and effects of fire and other risks/	The applicant will identify and adhere to any applicable codes and standards and will incorporate features necessary to meet those standards into the design of the facility. Certificate holder will annually review and apply applicable standards that may apply to an operational facility.
APLIC	Avian protection methods for electrical facility reduce fires related to bird/mammal nests on electrical equipment.	The applicant will follow APLIC guidelines on all overhead transmission infrastructure.  An operational wildlife monitoring
ORS chapter 477, OAR chapter 629-043	Standards and rules for fire prevention	program will inspect for wildlife nesting on facilities that could cause fire, and take actions following applicable laws (e.g., MBTA).  The applicant will be familiar with and operate consistently with the applicable standards, including any updates to rules or standards and will provide a summary of standards that are updated and implemented at the facility.
OAR chapter 860, division 024	Safety standards for transmission lines adopted by Oregon PUC	The applicant will maintain consistency with any applicable vegetation clearance requirements, pruning standards, and high fire risk zone safety standards and will provide a summary of standards that are updated and implemented at the facility.

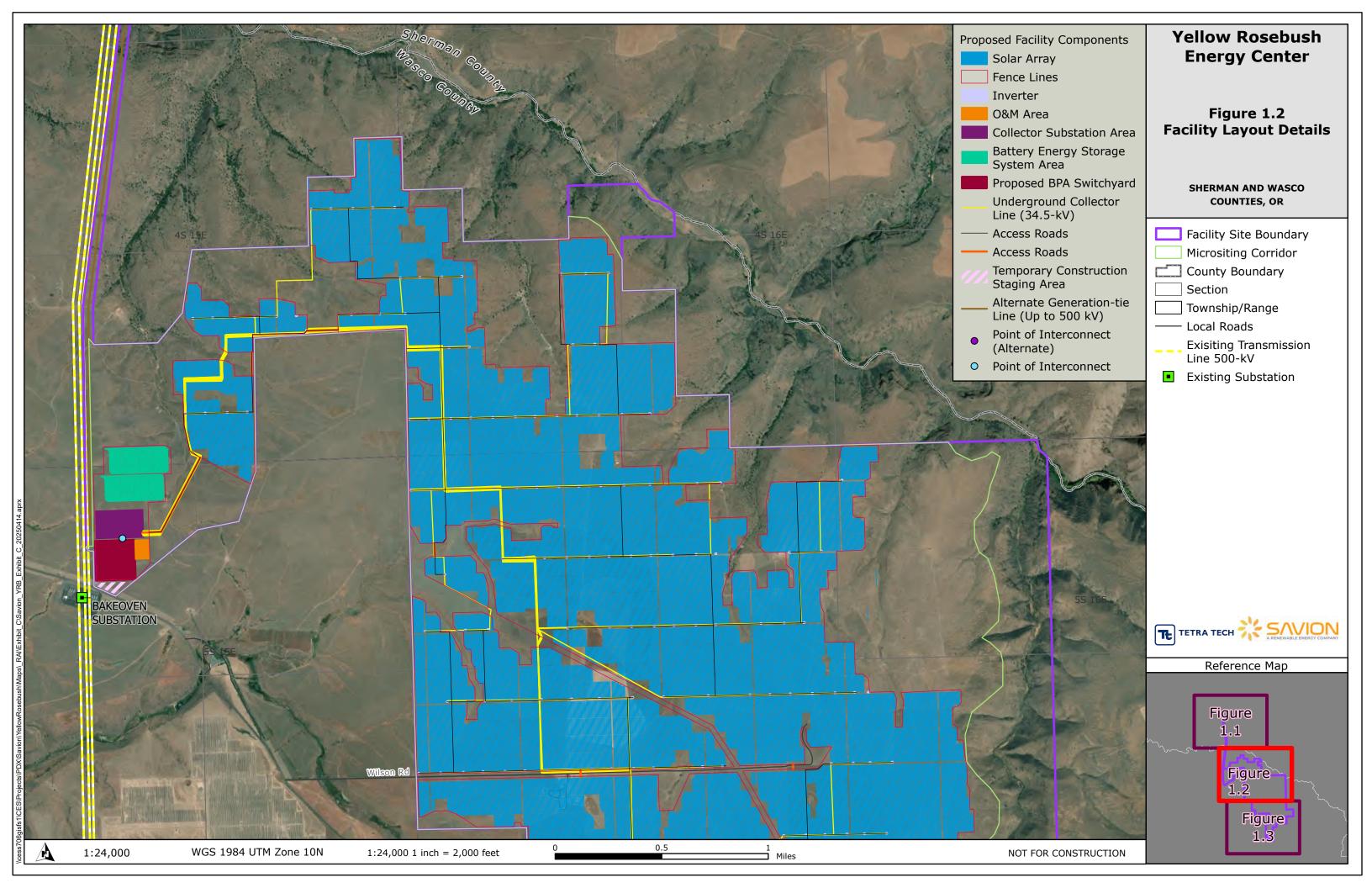
<sup>1.</sup> Link to ACP Standards & Practices: <a href="https://cleanpower.org/resources/types/standards-and-practices/">https://cleanpower.org/resources/types/standards-and-practices/</a>.

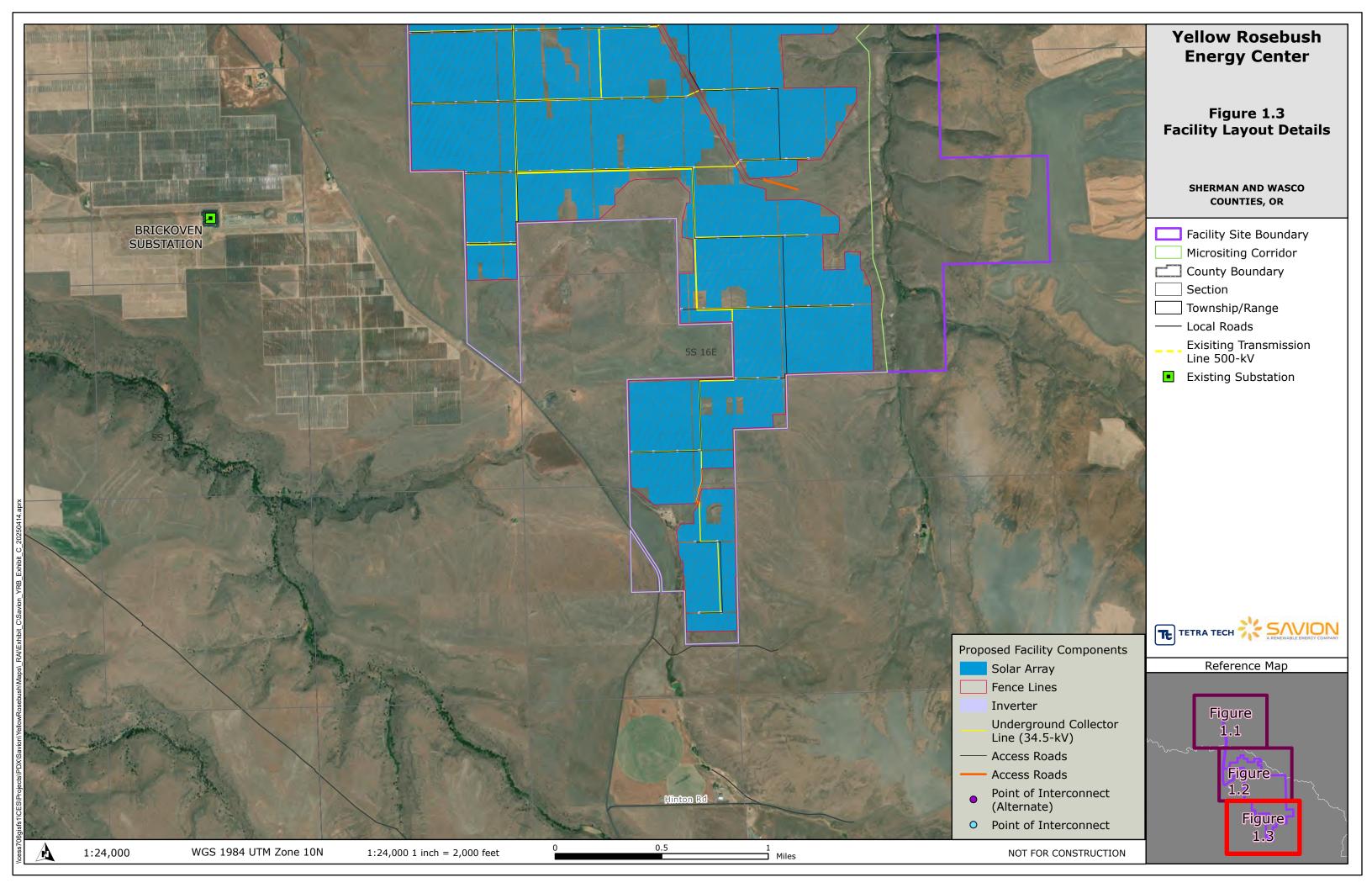
<sup>2.</sup> NERC FAC-003-0: https://www.nerc.com/pa/Stand/Reliability%20Standards/FAC-003-0.pdf.

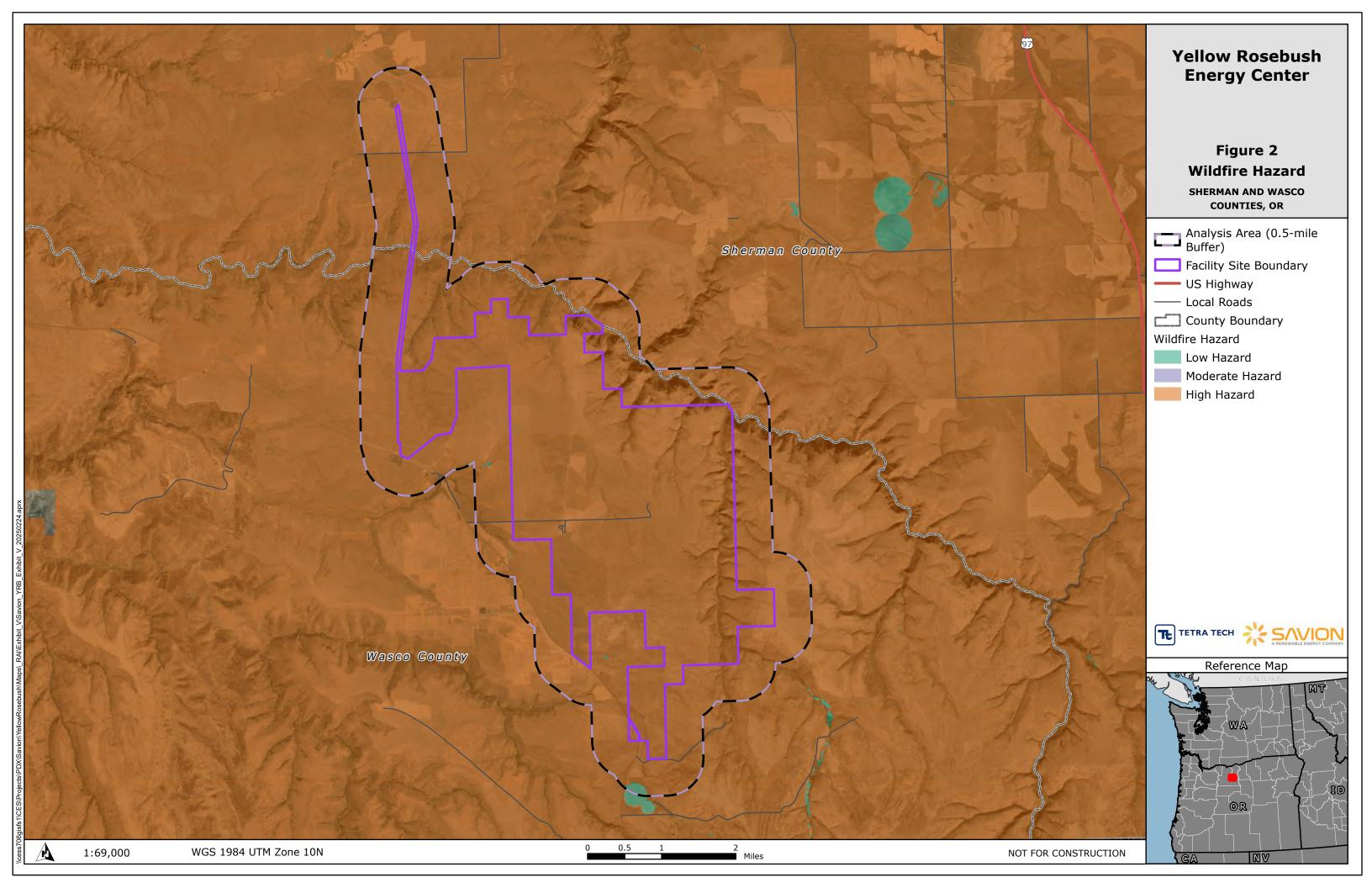


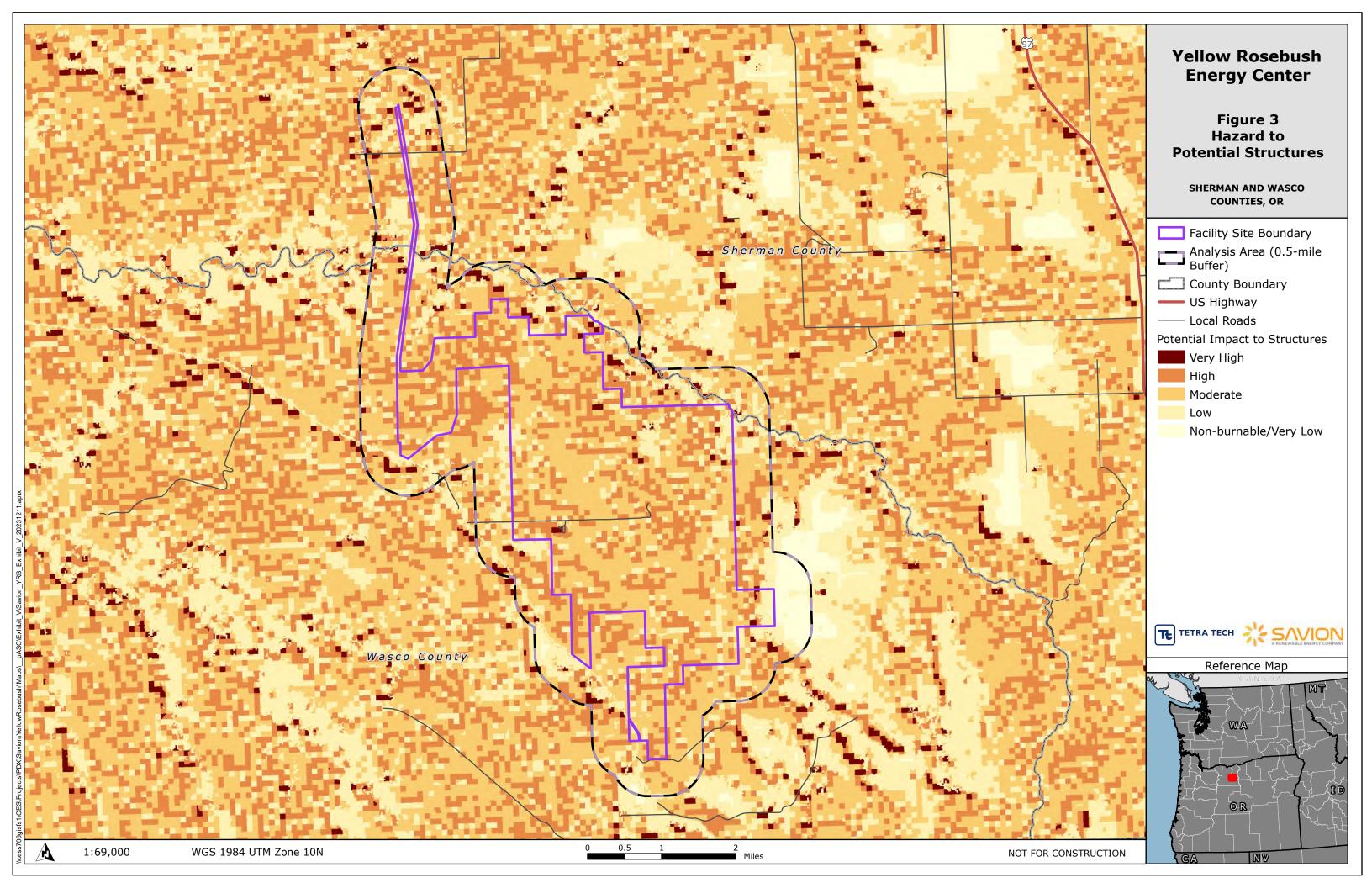












### **COMPANY LOGO/LETTERHEAD**

#### DATE

### RE: Community Outreach Letter for XXX Energy Facility

My name is XXX and I'm the XXX for XX LLC. We are the certificate holder of the XXX Energy Facility, approved by the Oregon Energy Facility Siting Council (EFSC). Construction of the facility will start/was completed in XX. The facility is a XX megawatt solar facility located XX. You are receiving this letter because your address is within 0.5 miles from the facility site boundary and we want to make sure you are aware of the following information:

- Safety at the facility is our highest priority. We have emergency procedures in place in the event
  of an emergency on site or off site that may impact the facility and adjacent areas. This includes
  an EFSC Wildfire Mitigation Plan (WMP) that addresses vegetation management, facility
  inspections, and maintenance protocols to ensure that the facility minimizes fire risk. The WMP
  also requires fire protection equipment to be on site and allows for emergency access for fire
  departments in the event of a fire on site or off site.
- In the event of an emergency on site or off site that cannot be addressed by facility personnel, local emergency and law enforcement will be contacted and procedures designated by the XX County's Office of emergency management will be followed, if necessary.
- If you have not already done so, we recommend you sign up for XX County emergency notification system. You may sign up via the County's webpage or directly via this link: Link: XX

Please contact me if you have any questions about the facility, XX company, or any other concerns regarding construction and operation of the facility. Further, the Oregon Department of Energy (ODOE) is staff to EFSC and can be contacted if you have questions. Follow the link below for contact information:

https://www.oregon.gov/energy/facilities-safety/facilities/Pages/Compliance-Program.aspx

Thank you,
NAME
TITLE

**CONTACT INFORMATION** 

### Attachment X-1: Retirement Unit Cost and Assumptions

# Attachment X-1. Retirement and Restoration Cost Estimate Summary and Detailed Assumptions



CBS Position Code	Description	Forecast (T/O) Quantity Unit of Measure	Unit Cost T	otal Cost (Forecast)
1	YELLOW ROSEBUSH SOLAR RETIREMENT	1.00 Lump Sum	\$45,772,770.64	\$45,772,770.64
1.1	Equipment & Facilities Mob / Demob	1.00 Lump Sum	\$272,788,46	\$272,788.46
1.1.1	Equipment Mob	1.00 Lump Sum	\$121,800.00	\$121,800.00
1.1.2	Site Facilities	1.00 Lump Sum	\$5,600.00	\$5,600.00
1.1.3	Crew Mob & Site Setup	2.00 Day	\$36,347.12	\$72,694.23
1.1.4	Crew Demob & Site Cleanup	2.00 Day	\$36,347.12	\$72,694.23
1.2	Project Site Support	1.00 Lump Sum	\$572,022.83	\$572,022.83
1.2.1	Site Facilities	10.00 Month	\$3,255.00	\$32,550.00
1.2.2	Field Management	10.00 Month	\$53,947.28	\$539,472.83
1.3	Substation Retirement	1.00 Each	\$484,388.95	\$484,388.95
1.3.1	Fence Removal	1.00 Day	\$1,354.33	\$1,354.33
1.3.2	Transformer Removal	4.00 Each	\$102,049.58	\$408,198.32
1.3.3	Remove Control Building	1.00 Each	\$2,508.66	\$2,508.66
1.3.4	UG Utility & Ground Removal	1.00 Day	\$1,354.33	\$1,354.33
1.3.5	Remove Foundations To Subgrade	1,000.00 Cubic Yard	\$27.85	\$27,846.68
1.3.6	Misc. Material Disposal	1.00 Each	\$2,675.00	\$2,675.00
1.3.7	Restore Yard	1.00 Each	\$40,451.63	\$40,451.63
1.4	Switchyard Retirement	1.00 Each	\$58,381.42	\$58,381.42
1.4.1	Fence Removal	1.00 Day	\$1,354.33	\$1,354.33
1.4.2	UG Utility & Ground Removal	1.00 Day	\$1,354.33	\$1,354.33
1.4.3	Dismantle & Loadout Racks & Switching	1.00 Each	\$13,481.28	\$13,481.28
1.4.4	Remove Foundations To Subgrade	284.00 Cubic Yard	\$27.85	\$7,908.46
1.4.5	Misc. Material Disposal	1.00 Each	\$2,675.00	\$2,675.00
1.4.6	Restore Yard	1.00 Each	\$31,608.04	\$31,608.04
1.5	Transmission Line Retirement	1.00 Lump Sum	\$258,457.38	\$258,457.38
1.5.1	Structure Removal	25.00 Each	\$5,391.45	\$134,786.21
1.5.2	Remove Foundations To Subgrade	25.00 Each	\$4,946.85	\$123,671.17
1.6	O&M Building Removal	1.00 Each	\$30,181.42	\$30,181.42
1.6.1	Structure Demo	40.00 Ton	\$514.43	\$20,577.01
1.6.2	Remove Foundations To Subgrade	56.00 Cubic Yard	\$35.74	\$2,001.31
1.6.3	Remove Stone Base & Parking	1.00 Lump Sum	\$3,803.10	\$3,803.10
1.6.4	Material T&D	40.00 Ton	\$95.00	\$3,800.00
1.7	DC Storage Retirement	800.00 MW	\$3,103.13	\$2,482,504.94
1.7.1	Battery Removal & Disposal	800.00 MW	\$1,986.36	\$1,589,088.28
1.7.2	Structure & Components Removal	800.00 MW	\$1,116.77	\$893,416.66
1.8	Solar Array Retirement	1.00 Lump Sum	\$24,510,516.65	\$24,510,516.65
1.8.1	Fence Removal	268,418.00 Linear Feet	\$1.30	\$350,209.90
1.8.2	Solar Panel Removal & Disposal	2,037,360.00 Each	\$8.58	\$17,470,776.58
1.8.3	Solar Rack (Trackers) & Post Removal	1.00 Lump Sum	\$6,689,530.18	\$6,689,530.18
1.9	Inverter / Transformer Removal	199.00 Each	\$2,485.76	\$494,666.01
1.9.1	Disconnect Electrical	199.00 Each	\$401.02	\$79,802.78
1.9.2	Loadout Inverter & Transformer	199.00 Each	\$709.74	\$141,238.23
1.9.3	Trucking - Per Load	199.00 Each	\$1,375.00	\$273,625.00
1.10	Remove Inverter / Transformer Foundations	1,474.00 Cubic Yard	\$27.85	\$41,046.01
1.10.1	Excavate / Remove Foundation	1,474.00 Cubic Yard	\$15.87	\$23,397.17
1.10.2	Concrete Transport Offsite	1,474.00 Cubic Yard	\$11.97	\$17,648.84
1.11	Site Restoration - Partial Site Seeding	1.00 Lump Sum	\$2,123,191.75	\$2,123,191.75
1.11.1	Site Roads - Removal & Restoration	123,781.00 Linear Feet	\$1.71	\$212,066.18
1.11.2	Spot Grade Disturbed Areas	1,757.00 Acre	\$287.72	\$505,525.58
1.11.3	Re-Seed With Native Vegetation - Roads & Areas Disturbed By Construction	1,757.00 Acre	\$800.00	\$1,405,600.00

Yellow Rosebush Energy Center Application for Site Certificate

1.12	Contractor Markups	1.00 Lump Sum	\$6,500,590.25	\$6,500,590.25
1.12.1	Home Office, Project Management (5% Of Cost)	1.00 Lump Sum	\$1,566,407.30	\$1,566,407.30
1.12.2	Contractor OH & Fee (15% Of Cost)	1.00 Lump Sum	\$4,934,182.95	\$4,934,182.95
1.13	ODOE Applied Contingencies	1.00 Lump Sum	\$7,944,034.56	\$7,944,034.56
1.13.1	1% Performance Bond	1.00 Lump Sum	\$378,287.36	\$378,287.36
1.13.2	10% Administrative and Project Management	1.00 Lump Sum	\$3,782,873.60	\$3,782,873.60
1.13.3	10% Future Development Contingency	1.00 Lump Sum	\$3,782,873.60	\$3,782,873.60

Yellow Rosebush Energy Center Application for Site Certificate

Estimate Summary
TETRA TECH, INC.

Job Code: Yellow Rosebush Solar
Description: Decommissioning Estimate

Position Code				Cost	Item				
	CBS Position Code	Quantity UM	Description		UM/Day		Currency	Unit Cost	Total Cost
1.1.1	1	1.00 Lump Sum		OLAR	0.00	Detail	U.S. Dollar	45,772,770.64	45,772,770.64
Persource Code   Description   Hours   Quantity UM   Currency   Unit Cost   Total Cost   ERNTRIC   Rental Equip Transp-Large   12.00 Each   U.S. Dollar   10.000.00   120.000.000.000.000.000.000.000.000.000.	1.1	1.00 Lump Sum	Equipment & Facilities Mo	ob / Demob	0.25	Detail	U.S. Dollar	272,788.46	272,788.46
RENTRIC   Rental Equip Transp-Large   12.00 Each   U.S. Dollar   10.000.00   120.	1.1.1	1.00 Lump Sum	Equipment Mob		0.00	Detail	U.S. Dollar	121,800.00	121,800.00
	Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
1.12	JERNTRLG	Rental Equip Transp-L	arge		12.00 Each	U.S. [	Dollar	10,000.00	120,000.00
Note	JERNTRSM	Rental Equip Transp-S	Small		12.00 Each	U.S. [	Dollar	150.00	1,800.00
DOCONMOB   Connex Box Mob   Connex Box	1.1.2	1.00 Lump Sum	Site Facilities		0.00	Detail	U.S. Dollar	5,600.00	5,600.00
NOTELTRN   Trailer Trasp SetupTrotwn	Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
1.1.3   2.00 Day	JOCONMOB	Connex Box Mob			8.00 Each	U.S. [	Dollar	300.00	2,400.00
Resource Code   Description   Hours   Quantity UM   Currency   Unit Cost   Total Cost   Description   GENERAL LABORER   1,200.00   60.00 Each (hourly)   U.S. Dollar   45.44   54.533.16	JOTRLTRN	Trailer Trnsp/Setup/Tr	dwn		4.00 Each	U.S. [	Dollar	800.00	3,200.00
Decido   General Laborer   1,200.00	1.1.3	2.00 Day	Crew Mob & Site Setup		1.00	Detail	U.S. Dollar	36,347.12	72,694.23
101011 OPERATOR   320.00   16.00 Each (hourly)   U.S. Dollar   56.75   18,161.07	Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
1.1.4   2.00 Day   Crew Demob & Site Cleanup   1.00   Detail   U.S. Dollar   36,347.12   72,694.23	_060100	GENERAL LABORER		1,200.00	60.00 Each (hourly)	U.S. [	Dollar	45.44	54,533.16
Resource Code   Description   Hours   Quantity UM   Currency   Unit Cost   Total Cost	_010101	OPERATOR		320.00	16.00 Each (hourly)	U.S. [	Dollar	56.75	18,161.07
December   December	1.1.4	2.00 Day	Crew Demob & Site Clea	nup	1.00	Detail	U.S. Dollar	36,347.12	72,694.23
101011 OPERATOR   320.00   16.00 Each (hourly)   U.S. Dollar   56.75   18,161.07	Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
1.2	_060100	GENERAL LABORER		1,200.00	60.00 Each (hourly)	U.S. [	Dollar	45.44	54,533.16
1.2.1   10.00 Month   Site Facilities   0.00   Detail   U.S. Dollar   3,255.00   32,550.00	_010101	OPERATOR		320.00	16.00 Each (hourly)	U.S. [	Dollar	56.75	18,161.07
Resource Code   Description   Hours   Quantity UM   Currency   Unit Cost   Total Cost	1.2	1.00 Lump Sum	Project Site Support		0.00	Detail	U.S. Dollar	572,022.83	572,022.83
ACCONNEX   Connex Box   A0.00 Month   U.S. Dollar   150.00   6,000.00     ROFFTRL   Office Trailer - 12x60   10.00 Month   U.S. Dollar   500.00   5,000.00     ACCONNEX   Connex Box   10.00 Month   U.S. Dollar   500.00   5,000.00     ACCONNEX   Connex Box   10.00 Month   U.S. Dollar   300.00   3,000.00     ACCONNEX   Connex Box   10.00 Month   U.S. Dollar   300.00   3,000.00     ACCONNEX   Connex Box   10.00 Month   U.S. Dollar   300.00   3,000.00     ACCONNEX   Connex Box   10.00 Month   U.S. Dollar   55.00   5,000.00     ACCONNEX   Connex Box   10.00 Month   U.S. Dollar   55.00   5,000.00     ACCONNEX   Connex Box   10.00 Month   U.S. Dollar   55.00   5,000.00     ACCONNEX   Connex Box   10.00 Month   U.S. Dollar   55.00   5,000.00     ACCONNEX   Connex Box   10.00 Month   U.S. Dollar   55.00   5,000.00     ACCONNEX   Connex Box   10.00 Month   U.S. Dollar   55.00   5,000.00     ACCONNEX   Connex Box   10.00 Month   U.S. Dollar   55.00   5,000.00     ACCONNEX   Connex Box   10.00 Month   U.S. Dollar   55.00   1,000.00     ACCONNEX   Connex Box   Connex	1.2.1	10.00 Month	Site Facilities		0.00	Detail	U.S. Dollar	3,255.00	32,550.00
DROFFTRL   Office Trailer -12x60   10.00 Month   U.S. Dollar   500.00   5,0	Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
DOTSTAID	JRCONNEX	Connex Box			40.00 Month	U.S. [	Dollar	150.00	6,000.00
Office Supplies(\$/prs/mo)	JROFFTRL	Office Trailer -12x60			10.00 Month	U.S. [	Oollar	500.00	5,000.00
Port-a-John Unit(s) (4)   60.00 Month   U.S. Dollar   300.00   18,000.00	JO1STAID	1st Aid Supplies			10.00 Month	U.S. [	Oollar	300.00	3,000.00
1.2.2         10.00 Month         Field Management         0.05         Detail         U.S. Dollar         53,947.28         539,472.83           Resource Code         Description         Hours         Quantity UM         Currency         Unit Cost         Total Cost           90FXX02         Field - Proj Superintendent         2,200.00         1.00 Each (hourly)         U.S. Dollar         83.18         183,000.40           RPUTRK05         F-250 4X4 3/4 TON PICKUP         6,600.00         3.00 Each (hourly)         U.S. Dollar         11.07         73,029.00           90FEL00         Field - Engr. Tech         2,200.00         1.00 Each (hourly)         U.S. Dollar         39.57         87,062.85           90FXX03         Field - SHSO         2,200.00         1.00 Each (hourly)         U.S. Dollar         89.26         196,380.58           1.3         1.00 Each         Substation Retirement         0.02         Detail         U.S. Dollar         484,388.95         484,388.95           1.3.1         1.00 Day         Fence Removal         1.00         Detail         U.S. Dollar         1,354.33         1,354.33           Resource Code         Description         Hours         Quantity UM         Currency         Unit Cost         Total Cost           01010	JOOFFSUP	Office Supplies(\$/prs/r	no)		10.00 Month	U.S. [	Oollar	55.00	550.00
Resource Code         Description         Hours         Quantity UM         Currency         Unit Cost         Total Cost           90FXX02         Field - Proj Superintendent         2,200.00         1.00 Each (hourly)         U.S. Dollar         83.18         183,000.40           RPUTRK05         F-250 4X4 3/4 TON PICKUP         6,600.00         3.00 Each (hourly)         U.S. Dollar         11.07         73,029.00           90FEL00         Field - Engr. Tech         2,200.00         1.00 Each (hourly)         U.S. Dollar         39.57         87,062.85           90FXX03         Field - SHSO         2,200.00         1.00 Each (hourly)         U.S. Dollar         89.26         196,380.58           1.3         1.00 Each         Substation Retirement         0.02         Detail         U.S. Dollar         484,388.95         484,388.95           1.3.1         1.00 Day         Fence Removal         1.00         Detail         U.S. Dollar         1,354.33         1,354.33         1,354.33           Resource Code         Description         Hours         Quantity UM         Currency         Unit Cost         Total Cost           .010101         OPERATOR         10.00         1.00 Each (hourly)         U.S. Dollar         56.75         56.75         567.53 <tr< td=""><td>JRPRTAJH</td><td>Port-a-John Unit(s) (4)</td><td></td><td></td><td>60.00 Month</td><td>U.S. [</td><td>Dollar</td><td>300.00</td><td>18,000.00</td></tr<>	JRPRTAJH	Port-a-John Unit(s) (4)			60.00 Month	U.S. [	Dollar	300.00	18,000.00
Pope	1.2.2	10.00 Month	Field Management		0.05	Detail	U.S. Dollar	53,947.28	539,472.83
RPUTRK05	Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
90FEL00   Field - Engr. Tech   2,200.00   1.00 Each (hourly)   U.S. Dollar   39.57   87,062.85   90FXX03   Field - SHSO   2,200.00   1.00 Each (hourly)   U.S. Dollar   89.26   196,380.58   1.3   1.00 Each   Substation Retirement   0.02   Detail   U.S. Dollar   484,388.95   484,388.95   484,388.95   1.3.1   1.00 Day   Fence Removal   1.00   Detail   U.S. Dollar   1,354.33   1,354.3	_90FXX02	Field - Proj Superinten	dent	2,200.00	1.00 Each (hourly)	U.S. [	Dollar	83.18	183,000.40
90FXX03   Field - SHSO   2,200.00   1.00 Each (hourly)   U.S. Dollar   89.26   196,380.58     1.3	RPUTRK05	F-250 4X4 3/4 TON PI	CKUP	6,600.00	3.00 Each (hourly)	U.S. [	Dollar	11.07	73,029.00
1.3         1.00 Each         Substation Retirement         0.02         Detail         U.S. Dollar         484,388.95         484,388.95           1.3.1         1.00 Day         Fence Removal         1.00         Detail         U.S. Dollar         1,354.33         1,354.33           Resource Code         Description         Hours         Quantity UM         Currency         Unit Cost         Total Cost           .010101         OPERATOR         10.00         1.00 Each (hourly)         U.S. Dollar         56.75         567.53           .060100         GENERAL LABORER         10.00         1.00 Each (hourly)         U.S. Dollar         45.44         454.44           RBACKH09         Deere 710J BACKHOE, 1.62CY         10.00         1.00 Each (hourly)         U.S. Dollar         33.24         332.35           1.3.2         4.00 Each         Transformer Removal         0.17         Detail         U.S. Dollar         102,049.58         408,198.32	L90FEL00	Field - Engr. Tech		2,200.00	1.00 Each (hourly)	U.S. [	Dollar	39.57	87,062.85
1.3.1         1.00 Day         Fence Removal         1.00 Detail         U.S. Dollar         1,354.33         1,354.33           Resource Code         Description         Hours         Quantity UM         Currency         Unit Cost         Total Cost           .010101         OPERATOR         10.00         1.00 Each (hourly)         U.S. Dollar         56.75         567.53           .060100         GENERAL LABORER         10.00         1.00 Each (hourly)         U.S. Dollar         45.44         454.44           RBACKH09         Deere 710J BACKHOE, 1.62CY         10.00         1.00 Each (hourly)         U.S. Dollar         33.24         332.35           1.3.2         4.00 Each         Transformer Removal         0.17         Detail         U.S. Dollar         102,049.58         408,198.32	_90FXX03	Field - SHSO		2,200.00	1.00 Each (hourly)	U.S. [	Dollar	89.26	196,380.58
Resource Code         Description         Hours         Quantity UM         Currency         Unit Cost         Total Cost           .010101         OPERATOR         10.00         1.00 Each (hourly)         U.S. Dollar         56.75         567.53           .060100         GENERAL LABORER         10.00         1.00 Each (hourly)         U.S. Dollar         45.44         454.44           RBACKH09         Deere 710J BACKHOE, 1.62CY         10.00         1.00 Each (hourly)         U.S. Dollar         33.24         332.35           1.3.2         4.00 Each         Transformer Removal         0.17         Detail         U.S. Dollar         102,049.58         408,198.32	1.3	1.00 Each	Substation Retirement		0.02	Detail	U.S. Dollar	484,388.95	484,388.95
.010101         OPERATOR         10.00         1.00 Each (hourly)         U.S. Dollar         56.75         567.53           .060100         GENERAL LABORER         10.00         1.00 Each (hourly)         U.S. Dollar         45.44         454.44           RBACKH09         Deere 710J BACKHOE, 1.62CY         10.00         1.00 Each (hourly)         U.S. Dollar         33.24         332.35           1.3.2         4.00 Each         Transformer Removal         0.17         Detail         U.S. Dollar         102,049.58         408,198.32	1.3.1	1.00 Day	Fence Removal		1.00	Detail	U.S. Dollar	1,354.33	1,354.33
060100         GENERAL LABORER         10.00         1.00 Each (hourly)         U.S. Dollar         45.44         454.44           RBACKH09         Deere 710J BACKH0E, 1.62CY         10.00         1.00 Each (hourly)         U.S. Dollar         33.24         332.35           1.3.2         4.00 Each         Transformer Removal         0.17         Detail         U.S. Dollar         102,049.58         408,198.32	Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
RBACKH09 Deere 710J BACKH0E, 1.62CY 10.00 1.00 Each (hourly) U.S. Dollar 33.24 332.35  1.3.2 4.00 Each Transformer Removal 0.17 Detail U.S. Dollar 102,049.58 408,198.32	L010101	OPERATOR		10.00	1.00 Each (hourly)	U.S. [	Dollar	56.75	567.53
1.3.2 4.00 Each Transformer Removal 0.17 Detail U.S. Dollar 102,049.58 408,198.32	_060100	GENERAL LABORER		10.00	1.00 Each (hourly)	U.S. [	Dollar	45.44	454.44
	RBACKH09	Deere 710J BACKHO	E, 1.62CY	10.00	1.00 Each (hourly)	U.S. [	Dollar	33.24	332.35
1.3.2.1 4.00 Each Oil Removal & Disposal 1.00 Detail U.S. Dollar 66,283.89 265,135.54	1.3.2	4.00 Each	Transformer Removal		0.17	Detail	U.S. Dollar	102,049.58	408,198.32
	1.3.2.1	4.00 Each	Oil Removal & Disposal		1.00	Detail	U.S. Dollar	66,283.89	265,135.54

			Cost It	em				
CBS Position Code	Quantity UM	Description		UM/Day	Cost Source	Currency	Unit Cost	Total Cost
1.3.2.1.1	4.00 Each	Oil Removal		1.00	Detail	U.S. Dollar	908.89	3,635.54
Resource Code	Description		Hours	Quantity UM	Curre	ency	Unit Cost	Total Cost
L060100	GENERAL LABORER		80.00	2.00 Each (hourly)	U.S. D	ollar	45.44	3,635.54
1.3.2.1.2	64,000.00 Gallon	Oil Disposal		0.00	Detail	U.S. Dollar	4.00	256,000.00
Resource Code	Description		Hours	Quantity UM	Curre	ency	Unit Cost	Total Cost
USDISPOSAL	Disposal Fee's			256,000.00 Each	U.S. D	ollar	1.00	256,000.00
1.3.2.1.3	4.00 Each	Trucking - Per Load		0.00	Detail	U.S. Dollar	1,375.00	5,500.00
Resource Code	Description		Hours	Quantity UM	Curre	ency	Unit Cost	Total Cost
USTRUCKING	Trucking Sub			5,500.00 Each	U.S. D	ollar	1.00	5,500.00
1.3.2.2	4.00 Each	Dismantle & Loadout T	ransformer	0.20	Detail	U.S. Dollar	35,765.70	143,062.78
1.3.2.2.1	4.00 Each	Dismantle, Cut & Size		0.20	Detail	U.S. Dollar	30,265.70	121,062.78
Resource Code	Description		Hours	Quantity UM	Curre	ency	Unit Cost	Total Cost
L060100	GENERAL LABORER		800.00	4.00 Each (hourly)	U.S. D	ollar	45.44	36,355.44
L010101	OPERATOR		400.00	2.00 Each (hourly)	U.S. D	ollar	56.75	22,701.34
*REXCAV06A	Excav 100K w/ Bucket	& Grapple	200.00	1.00 Each (hourly)	U.S. D	ollar	124.54	24,907.00
*REXCAV06E	Excav 100K w/ Shear		200.00	1.00 Each (hourly)	U.S. D	ollar	185.50	37,099.00
1.3.2.2.2	16.00 Each	Trucking - Per Load		0.00	Detail	U.S. Dollar	1,375.00	22,000.00
Resource Code	Description		Hours	Quantity UM	Curre	ency	Unit Cost	Total Cost
USTRUCKING	Trucking Sub			22,000.00 Each	U.S. D	ollar	1.00	22,000.00
1.3.3	1.00 Each	Remove Control Buildin	ng	2.00	Detail	U.S. Dollar	2,508.66	2,508.66
1.3.3.1	1.00 Each	Demo		2.00	Detail	U.S. Dollar	1,133.66	1,133.66
Resource Code	Description		Hours	Quantity UM	Curre	ency	Unit Cost	Total Cost
L060100	GENERAL LABORER		5.00	1.00 Each (hourly)	U.S. D	ollar	45.44	227.22
L010101	OPERATOR		5.00	1.00 Each (hourly)	U.S. D	ollar	56.75	283.77
*REXCAV06A	Excav 100K w/ Bucket	& Grapple	5.00	1.00 Each (hourly)	U.S. D	ollar	124.54	622.68
1.3.3.2	1.00 Each	Trucking - Per Load		0.00	Detail	U.S. Dollar	1,375.00	1,375.00
Resource Code	Description		Hours	Quantity UM	Curre	ency	Unit Cost	Total Cost
USTRUCKING	Trucking Sub			1,375.00 Each	U.S. D	ollar	1.00	1,375.00
1.3.4	1.00 Day	UG Utility & Ground Re	emoval	1.00	Detail	U.S. Dollar	1,354.33	1,354.33
Resource Code	Description		Hours	Quantity UM	Curre	ency	Unit Cost	Total Cost
L010101	OPERATOR		10.00	1.00 Each (hourly)	U.S. D	ollar	56.75	567.53
L060100	GENERAL LABORER		10.00	1.00 Each (hourly)	U.S. D	ollar	45.44	454.44
RBACKH09	Deere 710J BACKHOE	E, 1.62CY	10.00	1.00 Each (hourly)	U.S. D	ollar	33.24	332.35
1.3.5	1,000.00 Cubic Yard	Remove Foundations	Γο Subgrade	73.68	Detail	U.S. Dollar	27.85	27,846.68
1.3.5.1	1,000.00 Cubic Yard	Excavate / Remove Fo	undation - Various	280.00	Detail	U.S. Dollar	15.87	15,873.25
Resource Code	Description		Hours	Quantity UM	Curre	ency	Unit Cost	Total Cost
L060100	GENERAL LABORER		35.71	1.00 Each (hourly)	U.S. D	ollar	45.44	1,623.01
L010101	OPERATOR		71.43	2.00 Each (hourly)	U.S. D	ollar	56.75	4,053.81
*REXCAV06C	Excav 100K w/ Hamme	er	35.71	1.00 Each (hourly)	U.S. D	ollar	160.97	5,748.75

			Cost I	tem				
CBS Position Code	Quantity UM	Description		UM/Day	Cost Source	Currency	Unit Cost	Total Cost
*REXCAV06A	Excav 100K w/ Bucket	•	35.71	1.00 Each (hourly)	U.S. D		124.54	4,447.68
1.3.5.2	1,000.00 Cubic Yard	Concrete Transport Offsite		100.00	Detail	U.S. Dollar	11.97	11,973.43
December Code	Description	· · · · · · · · · · · · · · · · · · ·	Harrie	Overette IIM	0		Hait Cook	Total Coat
Resource Code RDUTRK06	Description CAT D350D, 18CY-240	·v	100.00	Quantity UM 1.00 Each (hourly)	Curre U.S. D	-	Unit Cost 74.29	7,429.00
L080940	TEAMSTER	) i	100.00	1.00 Each (hourly)	U.S. E		45.44	4,544.43
1.3.6	1.00 Each	Misc. Material Disposal	100.00	0.00	Detail	U.S. Dollar	2,675.00	2,675.00
		<u>'</u>					,	
1.3.6.1	1.00 Each	Trucking - Per Load		0.00	Detail	U.S. Dollar	1,375.00	1,375.00
Resource Code	Description		Hours	Quantity UM	Curre	ency	Unit Cost	Total Cost
USTRUCKING	Trucking Sub			1,375.00 Each	U.S. D	Oollar	1.00	1,375.00
1.3.6.2	20.00 Ton	Disposal Cost		0.00	Detail	U.S. Dollar	65.00	1,300.00
Resource Code	Description		Hours	Quantity UM	Curre	ency	Unit Cost	Total Cost
USDISPOSAL	Disposal Fee's			1,300.00 Each	U.S. D	Oollar	1.00	1,300.00
1.3.7	1.00 Each	Restore Yard		0.19	Detail	U.S. Dollar	40,451.63	40,451.63
1.3.7.1	1.60 Acre	Remove Aggregate / Back	fill / Regrade	1.60	Detail	U.S. Dollar	2,115.37	3,384.59
Resource Code	Description		Hours	Quantity UM	Curre	ency	Unit Cost	Total Cost
L060100	GENERAL LABORER		20.00	2.00 Each (hourly)	U.S. D	-	45.44	908.89
L010101	OPERATOR		20.00	2.00 Each (hourly)	U.S. D	Oollar	56.75	1,135.07
REXCAV06B	Gradall - Excavator		10.00	1.00 Each (hourly)	U.S. D	)ollar	75.73	757.29
*RDOZER08	CAT D6 LGP Dozer		10.00	1.00 Each (hourly)	U.S. D	Oollar	58.34	583.35
1.3.7.2	1,290.00 Cubic Yard	Vegetative Cover		300.00	Detail	U.S. Dollar	27.74	35,787.04
1.3.7.2.1	1,290.00 Cubic Yard	Topsoil, Delivered		0.00	Detail	U.S. Dollar	20.00	25,800.00
Resource Code	Description		Hours	Quantity UM	Curre	ency	Unit Cost	Total Cost
IMSOIL	Topsoil			1,290.00 Cubic Yard	U.S. D	Oollar	20.00	25,800.00
1.3.7.2.2	1,290.00 Cubic Yard	Placement		300.00	Detail	U.S. Dollar	7.74	9,987.04
Resource Code	Description		Hours	Quantity UM	Curre	ency	Unit Cost	Total Cost
L010101	OPERATOR		86.00	2.00 Each (hourly)	U.S. D		56.75	4,880.79
RDOZER08	CAT D6N XL		86.00	2.00 Each (hourly)	U.S. E	Oollar	59.38	5,106.25
1.3.7.3	1.60 Acre	Re-Seed With Native Vege	etation	0.00	Detail	U.S. Dollar	800.00	1,280.00
Resource Code	Description		Hours	Quantity UM	Curre	ency	Unit Cost	Total Cost
USLANDSCAPE	Landscape Sub			1.60 Acre	U.S. D	Oollar	800.00	1,280.00
1.4	1.00 Each	Switchyard Retirement		0.08	Detail	U.S. Dollar	58,381.42	58,381.42
1.4.1	1.00 Day	Fence Removal		1.00	Detail	U.S. Dollar	1,354.33	1,354.33
Resource Code	Description		Hours	Quantity UM	Curre	ency	Unit Cost	Total Cost
L010101	OPERATOR .		10.00	1.00 Each (hourly)	U.S. D		56.75	567.53
L060100	GENERAL LABORER		10.00	1.00 Each (hourly)	U.S. D		45.44	454.44
RBACKH09	Deere 710J BACKHOE	, 1.62CY	10.00	1.00 Each (hourly)	U.S. D	Oollar	33.24	332.35
1.4.2	1.00 Day	UG Utility & Ground Remo	val	1.00	Detail	U.S. Dollar	1,354.33	1,354.33
Resource Code	Description		Hours	Quantity UM	Curre	ency	Unit Cost	Total Cost
L010101	OPERATOR		10.00	1.00 Each (hourly)	U.S. D	)ollar	56.75	567.53
L060100	GENERAL LABORER		10.00	1.00 Each (hourly)	U.S. D	Oollar	45.44	454.44
RBACKH09	Deere 710J BACKHOE	, 1.62CY	10.00	1.00 Each (hourly)	U.S. D	Oollar	33.24	332.35

			Cost Ite	em				
CBS Position Code	Quantity UM	Description		UM/Day	Cost Source	Currency	Unit Cost	Total Cos
1.4.3	1.00 Each	Dismantle & Loadout R	Racks & Switching	0.50	Detail	U.S. Dollar	13,481.28	13,481.28
1.4.3.1	1.00 Each	Dismantle, Cut & Size		0.50	Detail	U.S. Dollar	12,106.28	12,106.28
Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cos
L060100	GENERAL LABORER		80.00	4.00 Each (hourly)	U.S. [	Dollar	45.44	3,635.54
L010101	OPERATOR		40.00	2.00 Each (hourly)	U.S. [	Dollar	56.75	2,270.13
*REXCAV06A	Excav 100K w/ Bucket	& Grapple	20.00	1.00 Each (hourly)	U.S. [	Oollar	124.54	2,490.70
*REXCAV06E	Excav 100K w/ Shear		20.00	1.00 Each (hourly)	U.S. [	Dollar	185.50	3,709.90
1.4.3.2	1.00 Each	Trucking - Per Load		0.00	Detail	U.S. Dollar	1,375.00	1,375.00
Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cos
USTRUCKING	Trucking Sub			1,375.00 Each	U.S. [	Dollar	1.00	1,375.00
1.4.4	284.00 Cubic Yard	Remove Foundations	Го Subgrade	73.68	Detail	U.S. Dollar	27.85	7,908.46
1.4.4.1	284.00 Cubic Yard	Excavate / Remove Fo	undation - Various	280.00	Detail	U.S. Dollar	15.87	4,508.00
Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
L060100	GENERAL LABORER		10.14	1.00 Each (hourly)	U.S. [	Dollar	45.44	460.94
L010101	OPERATOR		20.29	2.00 Each (hourly)	U.S. [	Dollar	56.75	1,151.28
*REXCAV06C	Excav 100K w/ Hamme	er	10.14	1.00 Each (hourly)	U.S. [	Dollar	160.97	1,632.65
*REXCAV06A	Excav 100K w/ Bucket	& Grapple	10.14	1.00 Each (hourly)	U.S. [	Dollar	124.54	1,263.14
1.4.4.2	284.00 Cubic Yard	Concrete Transport Off	fsite	100.00	Detail	U.S. Dollar	11.97	3,400.45
Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
RDUTRK06	CAT D350D, 18CY-24	CY	28.40	1.00 Each (hourly)	U.S. [	Dollar	74.29	2,109.84
L080940	TEAMSTER		28.40	1.00 Each (hourly)	U.S. [	Oollar	45.44	1,290.62
1.4.5	1.00 Each	Misc. Material Disposa	I	0.00	Detail	U.S. Dollar	2,675.00	2,675.00
1.4.5.1	1.00 Each	Trucking - Per Load		0.00	Detail	U.S. Dollar	1,375.00	1,375.00
Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
USTRUCKING	Trucking Sub			1,375.00 Each	U.S. [	Dollar	1.00	1,375.00
1.4.5.2	20.00 Ton	Disposal Cost		0.00	Detail	U.S. Dollar	65.00	1,300.00
Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
USDISPOSAL	Disposal Fee's			1,300.00 Each	U.S. [	Dollar	1.00	1,300.00
1.4.6	1.00 Each	Restore Yard		0.24	Detail	U.S. Dollar	31,608.04	31,608.04
1.4.6.1	1.25 Acre	Remove Aggregate / B	ackfill / Regrade	1.60	Detail	U.S. Dollar	2,115.37	2,644.21
Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
L060100	GENERAL LABORER		15.63	2.00 Each (hourly)	U.S. [	Dollar	45.44	710.07
L010101	OPERATOR		15.63	2.00 Each (hourly)	U.S. [	Dollar	56.75	886.77
REXCAV06B	Gradall - Excavator		7.81	1.00 Each (hourly)	U.S. [	Dollar	75.73	591.63
*RDOZER08	CAT D6 LGP Dozer		7.81	1.00 Each (hourly)	U.S. [	Dollar	58.34	455.74
1.4.6.2	1,008.00 Cubic Yard	Vegetative Cover		300.00	Detail	U.S. Dollar	27.74	27,963.83
1.4.6.2.1	1,008.00 Cubic Yard	Topsoil, Delivered		0.00	Detail	U.S. Dollar	20.00	20,160.00
Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
IMSOIL	Topsoil			1,008.00 Cubic Yard	U.S. [	Dollar	20.00	20,160.00
1.4.6.2.2	1,008.00 Cubic Yard	Placement		300.00	Detail	U.S. Dollar	7.74	7,803.83
Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
1/20/2025 11:27 AM	2000.1941011			All Dights Descried	9411			1 of 1

			Cost I	Item				
CBS	0 (% 1)04	<b>.</b>			Cost			<b>T.10</b>
Position Code	Quantity UM	Description		UM/Day	Source	Currency	Unit Cost	Total Cost
L010101	OPERATOR		37.20	2.00 Each (hourly)	U.S. I		56.75	3,813.83
RDOZER08	CAT D6N XL		67.20	2.00 Each (hourly)	U.S. [		59.38	3,990.00
1.4.6.3	1.25 Acre	Re-Seed With Native Vegeta	tion	0.00	Detail	U.S. Dollar	800.00	1,000.00
Resource Code	Description	!	Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
USLANDSCAPE	Landscape Sub			1.25 Acre	U.S. [	Dollar	800.00	1,000.00
1.5	1.00 Lump Sum	Transmission Line Retiremen	t	0.02	Detail	U.S. Dollar	258,457.38	258,457.38
1.5.1	25.00 Each	Structure Removal		1.00	Detail	U.S. Dollar	5,391.45	134,786.21
1.5.1.1	25.00 Each	Cut / Lower Structure		2.00	Detail	U.S. Dollar	1,914.80	47,870.07
Resource Code	Description	1	Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
L060100	GENERAL LABORER	50	00.00	4.00 Each (hourly)	U.S. [	Dollar	45.44	22,722.15
L010101	OPERATOR	12	25.00	1.00 Each (hourly)	U.S. [	Dollar	56.75	7,094.17
*RXMISC14	MAN LIFT GAS 125ft	12	25.00	1.00 Each (hourly)	U.S. [	Dollar	53.52	6,690.00
*RXMISC23	GROVE RT 200 TON	12	25.00	1.00 Each (hourly)	U.S. [	Oollar	90.91	11,363.75
1.5.1.2	25.00 Each	Cut / Size Structure & Loadou	ıt	2.00	Detail	U.S. Dollar	2,101.65	52,541.14
Resource Code	Description	1	Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
L060100	GENERAL LABORER	75	50.00	6.00 Each (hourly)	U.S. [	Dollar	45.44	34,083.23
L010101	OPERATOR	12	25.00	1.00 Each (hourly)	U.S. [	Dollar	56.75	7,094.17
*RXMISC23	GROVE RT 200 TON	12	25.00	1.00 Each (hourly)	U.S. [	Dollar	90.91	11,363.75
1.5.1.3	25.00 Each	Trucking - Per Load		0.00	Detail	U.S. Dollar	1,375.00	34,375.00
Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
USTRUCKING	Trucking Sub	<u> </u>	10010	34,375.00 Each	U.S. [		1.00	34,375.00
	**************************************	****		04,070.00 Edon	0.0.1	Sonai	1.00	04,070.00
Assı	ume 9 ton per steel structure a	nd cable span						
1.5.2	25.00 Each	Remove Foundations To Sub	orade	0.96	Detail	U.S. Dollar	4.946.85	123,671.17
							,	,
1.5.2.1	25.00 Each	Excavate / Remove Foundati Depth	on - various	1.00	Detail	U.S. Dollar	4,898.95	122,473.83
Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
L060100	GENERAL LABORER	50	00.00	2.00 Each (hourly)	U.S. [	Dollar	45.44	22,722.15
L010101	OPERATOR	50	00.00	2.00 Each (hourly)	U.S. [	Dollar	56.75	28,376.68
*REXCAV06C	Excav 100K w/ Hamme	er 25	50.00	1.00 Each (hourly)	U.S. [	Dollar	160.97	40,241.25
*REXCAV06A	Excav 100K w/ Bucket	& Grapple 25	50.00	1.00 Each (hourly)	U.S. [	Dollar	124.54	31,133.75
1.5.2.2	75.00 Cubic Yard	Concrete Transport Offsite		75.00	Detail	U.S. Dollar	15.96	1,197.34
Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
RDUTRK06	CAT D350D, 18CY-24	CY	10.00	1.00 Each (hourly)	U.S. [	Dollar	74.29	742.90
L080940	TEAMSTER	•	10.00	1.00 Each (hourly)	U.S. [	Oollar	45.44	454.44
1.6	1.00 Each	O&M Building Removal		0.17	Detail	U.S. Dollar	30,181.42	30,181.42
1.6.1	40.00 Ton	Structure Demo		10.00	Detail	U.S. Dollar	514.43	20,577.01
Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
*REXCAV06A	Excav 100K w/ Bucket	& Grapple	10.00	1.00 Each (hourly)	U.S. [	Dollar	124.54	4,981.40
*REXCAV06E	Excav 100K w/ Shear	4	10.00	1.00 Each (hourly)	U.S. [	Dollar	185.50	7,419.80
L010101	OPERATOR	8	30.00	2.00 Each (hourly)	U.S. [	Dollar	56.75	4,540.27
L060100	GENERAL LABORER	8	30.00	2.00 Each (hourly)	U.S. [	Dollar	45.44	3,635.54
1.6.2	56.00 Cubic Yard	Remove Foundations To Sub	grade	71.43	Detail	U.S. Dollar	35.74	2,001.31

16.2.1   S6.00 Cubic Yard   Excepted / Remove Foundstion - Various   250.00   Detail   U.S. Dollar   17.76				Cost	Item				
Resource Code		Quantity UM	Description		UM/Day		Currency	Unit Cost	Total Cost
L0001100   GENERAL LABORER   2.24   1.00 Each (hourly)   U.S. Dollar   45.44   L010101   OPERATOR   4.48   2.00 Each (hourly)   U.S. Dollar   56.75   FREXCAV066   Exeav 100K will hammer   2.24   1.00 Each (hourly)   U.S. Dollar   56.75   FREXCAV066   Exeav 100K will hammer   2.24   1.00 Each (hourly)   U.S. Dollar   124.54   1.00 Each (hourly)   U.S. Dollar   124.55   1	1.6.2.1	56.00 Cubic Yard		oundation - Various	250.00	Detail	U.S. Dollar	17.78	995.57
L010101   OPERATOR	lesource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
REXCAV08C   Excert 100K w/ Hammer   2.24   1.00 Each (hourly)   U.S. Dollar   160.97	060100	GENERAL LABORER		2.24	1.00 Each (hourly)	U.S. [	Dollar	45.44	101.80
REXCAV06A   Excav 100K w/ Bucket & Grapple   2.24   1.00 Each (nourly)   U.S. Dollar   124.54     16.22   65.00 Cubic Yard   Concrete Transport Offsite   100.00   Detail   U.S. Dollar   17.96     Resource Code   Description   Hours   Quantity UM   Currency   Unit Cost   Tr. RDUTRK06   CAT D3500, 18CY-24CY   5.60   1.00 Each (nourly)   U.S. Dollar   45.44     1.0010101   OPERATOR   2.80   0.50 Each (nourly)   U.S. Dollar   45.44     1.0010101   OPERATOR   2.80   0.50 Each (nourly)   U.S. Dollar   66.75     1.6.3   1.00 Lump Sum   Remove Stone Base & Parking   1.00   Detail   U.S. Dollar   3.803.10     Resource Code   Description   Hours   Quantity UM   Qurrency   Unit Cost   Tr. RDOZER08   CAT D8 LGP Dozer   10.00   3.00 Each (nourly)   U.S. Dollar   58.34     1.0101010   OPERATOR   30.00   3.00 Each (nourly)   U.S. Dollar   58.34     1.0101010   OPERATOR   30.00   3.00 Each (nourly)   U.S. Dollar   58.34     1.0101010   OPERATOR   30.00   3.00 Each (nourly)   U.S. Dollar   74.29     RFEUWH08C   CAT 380 LOADER   10.00   1.00 Each (nourly)   U.S. Dollar   74.29     RFEUWH08C   CAT 380 LOADER   10.00   1.00 Each (nourly)   U.S. Dollar   74.29     RFEUWH08C   CAT 380 LOADER   10.00   1.00 Each (nourly)   U.S. Dollar   77.43     Resource Code   Description   Hours   Quantity UM   Quantity UM   U.S. Dollar   77.43     Resource Code   Description   Hours   Quantity UM   Quantity UM   Quantity UM   U.S. Dollar   1.00   1.00     1.7.1   800.00 MW   DC Storage Retirement   2.47   Detail   U.S. Dollar   1.00   1.00     1.7.1   800.00 MW   Eattery Removal & Disposal   5.00   Detail   U.S. Dollar   1.966.36   1.56     1.7.1   1.7.2   265.00 Each   Transport Batteries   0.00   Detail   U.S. Dollar   1.966.36   1.56     1.7.1.2   265.00 Each   Transport Batteries   0.00   Detail   U.S. Dollar   1.406.60   3.00     1.7.1.2   265.00 Each   Trucking - Per Load   0.00   Detail   U.S. Dollar   1.56.00   2.00     1.7.1.2   265.00 Each   Trucking - Per Load   0.00   Detail   U.S. Dollar   1.56.00   2.00     1.7.1.2   265.00 Each	)10101	OPERATOR		4.48	, ,,	U.S. [	Oollar	56.75	254.26
Resource Code	EXCAV06C	Excav 100K w/ Hamme	er	2.24	1.00 Each (hourly)	U.S. [	Dollar	160.97	360.56
Resource Code   Description   Hours   Quantity UM   Currency   Unit Cost   Total Post   Total			''		( ),			-	278.96
RDUTRK06	1.6.2.2	56.00 Cubic Yard	Concrete Transport Of	fsite	100.00	Detail	U.S. Dollar	17.96	1,005.74
L080940   TEAMSTER   5.60   1.00 Each (hourly)   U.S. Dollar   45.44   L010101   OPERATOR   2.80   0.50 Each (hourly)   U.S. Dollar   56.75   FFELWH09   CAT 966F LOADER, 425CY   2.80   0.50 Each (hourly)   U.S. Dollar   62.97		•							Total Cost
D010101   OPERATOR   2.80		,	CY		, ,,				416.02
RFELWH09					( ),				254.49
1.6.3			2507		, , , , , , , , , , , , , , , , , , , ,				158.91
Resource Code   Description   Hours   Quantity UM   Currency   Unit Cost   To RDOZER08   CAT D6 LGP Dozer   10.00   1.00 Each (hourly)   U.S. Dollar   58.34   L010101   OPERATOR   30.00   3.00 Each (hourly)   U.S. Dollar   56.75   1.00   1.00 Each (hourly)   U.S. Dollar   74.29   To RDUTRK06   CAT 9350D, 18CY-24CY   10.00   1.00 Each (hourly)   U.S. Dollar   74.29   To RDUTRK06   CAT 980 LOADER   10.00   1.00 Each (hourly)   U.S. Dollar   77.43   To RDUTRK06   CAT 980 LOADER   10.00   1.00 Each (hourly)   U.S. Dollar   To A.3   To A.3		•							176.32
RDOZER08	1.6.3	1.00 Lump Sum	Remove Stone Base 8	Parking	1.00	Detail	U.S. Dollar	3,803.10	3,803.10
L010101		<u> </u>							Total Cost
RDUTRK06					( ),				583.35
Notes:   Assume topsoil for restoration available onsite.					, , , , , , , , , , , , , , , , , , , ,				1,702.60
Notes:   Assume topsoil for restoration available onsite.			CY		, ,,				742.90
Assume topsoil for restoration available onsite.				10.00	1.00 Each (hourly)	U.S. I	Jollar	77.43	774.25
Resource Code   Description   Hours   Quantity UM   Currency   Unit Cost   Tourity UM   Currency   Unit Cost   U.S. Dollar   U.S. Dollar	Assun	ne topsoil for restoration avail	ilable onsite.						
USTRUCKING	1.6.4	40.00 Ton	Material T&D		0.00	Detail	U.S. Dollar	95.00	3,800.00
USDISPOSAL   Disposal Fee's   1,200.00 Each   U.S. Dollar   1.00   1	lesource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
1.7	STRUCKING	Trucking Sub			2,600.00 Each	U.S. [	Dollar	1.00	2,600.00
1.7.1	SDISPOSAL	Disposal Fee's			1,200.00 Each	U.S. [	Dollar	1.00	1,200.00
1.7.1.1	1.7	800.00 MW	DC Storage Retiremen	nt	2.47	Detail	U.S. Dollar	3,103.13	2,482,504.94
Resource Code         Description         Hours         Quantity UM         Currency         Unit Cost         To           L060100         GENERAL LABORER         9,600.00         6.00 Each (hourly)         U.S. Dollar         45.44         436           RLIFTS05         JCB 508C, 8,000lbs FRKLFT         3,200.00         2.00 Each (hourly)         U.S. Dollar         21.65         69           1.7.1.2         265.00 Each         Transport Batteries         0.00         Detail         U.S. Dollar         1,480.60         39           1.7.1.2.1         265.00 Each         Roll Off Liners         0.00         Detail         U.S. Dollar         105.60         2           Resource Code         Description         Hours         Quantity UM         Currency         Unit Cost         To          1.7.1.2.2         265.00 Each         Trucking - Per Load         0.00         Detail         U.S. Dollar         1,375.00         36           Resource Code         Description         Hours         Quantity UM         Currency         Unit Cost         To	1.7.1	800.00 MW	Battery Removal & Dis	sposal	5.00	Detail	U.S. Dollar	1,986.36	1,589,088.28
L060100   GENERAL LABORER   9,600.00   6.00 Each (hourly)   U.S. Dollar   45.44   436	1.7.1.1	160.00 Day	Remove Batteries, Loa	ad For Transport	1.00	Detail	U.S. Dollar	3,159.56	505,529.28
RLIFTS05         JCB 508C, 8,000lbs FRKLFT         3,200.00         2.00 Each (hourly)         U.S. Dollar         21.65         69           1.7.1.2         265.00 Each         Transport Batteries         0.00         Detail         U.S. Dollar         1,480.60         39           1.7.1.2.1         265.00 Each         Roll Off Liners         0.00         Detail         U.S. Dollar         105.60         2           Resource Code         Description         Hours         Quantity UM         Currency         Unit Cost         Total           UODCLINER         Rolloff Liner         265.00 Each         U.S. Dollar         105.60         27           1.7.1.2.2         265.00 Each         Trucking - Per Load         0.00         Detail         U.S. Dollar         1,375.00         36           Resource Code         Description         Hours         Quantity UM         Currency         Unit Cost         Total	lesource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
1.7.1.2         265.00 Each         Transport Batteries         0.00         Detail         U.S. Dollar         1,480.60         39           1.7.1.2.1         265.00 Each         Roll Off Liners         0.00         Detail         U.S. Dollar         105.60         2           Resource Code         Description         Hours         Quantity UM         Currency         Unit Cost         To           UODCLINER         Rolloff Liner         265.00 Each         U.S. Dollar         105.60         27           1.7.1.2.2         265.00 Each         Trucking - Per Load         0.00         Detail         U.S. Dollar         1,375.00         36           Resource Code         Description         Hours         Quantity UM         Currency         Unit Cost         To	060100	GENERAL LABORER		9,600.00	6.00 Each (hourly)	U.S. [	Dollar	45.44	436,265.28
265.00 Each   Roll Off Liners   0.00   Detail   U.S. Dollar   105.60   2	∟IFTS05	JCB 508C, 8,000lbs FF	RKLFT	3,200.00	2.00 Each (hourly)	U.S. [	Dollar	21.65	69,264.00
1.7.1.2.1     Resource Code   Description   Hours   Quantity UM   Currency   Unit Cost   To UODCLINER   Rolloff Liner   265.00 Each   U.S. Dollar   105.60   27   265.00 Each   Trucking - Per Load   0.00   Detail   U.S. Dollar   1,375.00   36   1.7.1.2.2     Resource Code   Description   Hours   Quantity UM   Currency   Unit Cost   To Unit Cost   T	1.7.1.2	265.00 Each	Transport Batteries		0.00	Detail	U.S. Dollar	1,480.60	392,359.00
UODCLINER         Rolloff Liner         265.00 Each         U.S. Dollar         105.60         27           1.7.1.2.2         265.00 Each         Trucking - Per Load         0.00         Detail         U.S. Dollar         1,375.00         36           Resource Code         Description         Hours         Quantity UM         Currency         Unit Cost         To	1.7.1.2.1	265.00 Each	Roll Off Liners		0.00	Detail	U.S. Dollar	105.60	27,984.00
UODCLINER         Rolloff Liner         265.00 Each         U.S. Dollar         105.60         27           1.7.1.2.2         265.00 Each         Trucking - Per Load         0.00         Detail         U.S. Dollar         1,375.00         36           Resource Code         Description         Hours         Quantity UM         Currency         Unit Cost         To	Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
Resource Code Description Hours Quantity UM Currency Unit Cost To									27,984.00
Resource Code Description Hours Quantity UM Currency Unit Cost To		265.00 Each	Trucking - Per Load		0.00	Detail	U.S. Dollar	1,375.00	364,375.00
· · · · · · · · · · · · · · · · · · ·	.7.1.2.2								
LISTRICKING Trucking Sub 364 375 00 Each LLS Dollar 1.00 364	lesource Code	Description		Hours		Curr	ency	Unit Cost	Total Cost
00+,010.00 Eaul 0.0. Dullal 1.00 00+	STRUCKING	Trucking Sub			364,375.00 Each	U.S. [	Dollar	1.00	364,375.00
1.7.1.3 3,456.00 Ton Disposal Fee's 0.00 Detail U.S. Dollar 200.00 69	1.7.1.3	3,456.00 Ton	Disposal Fee's		0.00	Detail	U.S. Dollar	200.00	691,200.00
Resource Code Description Hours Quantity UM Currency Unit Cost To	lesource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
USDISPOSAL Disposal Fee's 691,200.00 Each U.S. Dollar 1.00 691	SDISPOSAL	Disposal Fee's			691,200.00 Each	U.S. [	Oollar	1.00	691,200.00
1.7.2 800.00 MW Structure & Components Removal 4.90 Detail U.S. Dollar 1,116.77 89	1.7.2	800.00 MW	Structure & Componer	nts Removal	4.90	Detail	U.S. Dollar	1,116.77	893,416.66

			Co	st Item				
CBS Position Code	Quantity UM	Description		UM/Day	Cost Source	Currency	Unit Cost	Total Cost
1.7.2.1	80.00 Day	Refrigerant Recovery		1.00	Detail	U.S. Dollar	1,275.93	102,074.24
Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
L010110	Craft - MEP		1,600.00	2.00 Each (hourly)	U.S. [	Dollar	63.80	102,074.24
1.7.2.2	2,624.00 Ton	Structure Demo		43.33	Detail	U.S. Dollar	118.71	311,504.30
Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
*REXCAV06A	Excav 100K w/ Bucket	& Grapple	605.54	1.00 Each (hourly)	U.S. [	Dollar	124.54	75,410.73
*REXCAV06E	Excav 100K w/ Shear		605.54	1.00 Each (hourly)	U.S. [	Oollar	185.50	112,324.36
L010101	OPERATOR		1,211.08	2.00 Each (hourly)	U.S. [	Dollar	56.75	68,732.67
L060100	GENERAL LABORER		1,211.08	2.00 Each (hourly)	U.S. [	Dollar	45.44	55,036.54
1.7.2.3	264.00 Each	Trucking - Per Load		0.00	Detail	U.S. Dollar	1,375.00	363,000.00
Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
USTRUCKING	Trucking Sub			363,000.00 Each	U.S. [	Dollar	1.00	363,000.00
1.7.2.4	70,000.00 Gallon	Glycol Recovery & Dis	sposal	0.00	Detail	U.S. Dollar	1.00	70,000.00
Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
USLIQUID	Liquids T&D			70,000.00 Each	U.S. [	Dollar	1.00	70,000.00
1.7.2.5	1,682.00 Cubic Yard	Remove Foundations	To Subgrade	73.68	Detail	U.S. Dollar	27.85	46,838.12
1.7.2.5.1	1,682.00 Cubic Yard	Excavate / Remove F	oundation	280.00	Detail	U.S. Dollar	15.87	26,698.81
Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
L060100	GENERAL LABORER		60.07	1.00 Each (hourly)	U.S. [	Dollar	45.44	2,729.90
L010101	OPERATOR		120.14	2.00 Each (hourly)	U.S. [	Dollar	56.75	6,818.51
*REXCAV06C	Excav 100K w/ Hamme	er	60.07	1.00 Each (hourly)	U.S. [	Dollar	160.97	9,669.40
*REXCAV06A	Excav 100K w/ Bucket	& Grapple	60.07	1.00 Each (hourly)	U.S. [	Dollar	124.54	7,481.00
1.7.2.5.2	1,682.00 Cubic Yard	Concrete Transport O	ffsite	100.00	Detail	U.S. Dollar	11.97	20,139.31
Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
RDUTRK06	CAT D350D, 18CY-24	CY	168.20	1.00 Each (hourly)	U.S. [	Dollar	74.29	12,495.58
L080940	TEAMSTER		168.20	1.00 Each (hourly)	U.S. [	Dollar	45.44	7,643.73
1.8	1.00 Lump Sum	Solar Array Retiremen	nt	0.00	Detail	U.S. Dollar	24,510,516.65	24,510,516.65
1.8.1	268,418.00 Linear Feet	Fence Removal		5,124.80	Detail	U.S. Dollar	1.30	350,209.90
1.8.1.1	268,418.00 Linear Feet	Fence Removal		5,124.80	Detail	U.S. Dollar	1.06	284,209.90
Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
L010101	OPERATOR		1,571.29	3.00 Each (hourly)	U.S. [	Dollar	56.75	89,175.89
L060100	GENERAL LABORER		3,142.58	6.00 Each (hourly)	U.S. [	Dollar	45.44	142,812.22
RBACKH09	Deere 710J BACKHOE	E, 1.62CY	1,571.29	3.00 Each (hourly)	U.S. [	Dollar	33.24	52,221.78
1.8.1.2	48.00 Each	Trucking - Per Load		0.00	Detail	U.S. Dollar	1,375.00	66,000.00
Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
USTRUCKING	Trucking Sub			66,000.00 Each	U.S. [	Dollar	1.00	66,000.00
1.8.2	2,037,360.00 Each	Solar Panel Removal	& Disposal	10,000.00	Detail	U.S. Dollar	8.58	17,470,776.58
1.8.2.1	2,037,360.00 Each	Solar Panel Removal		10,000.00	Detail	U.S. Dollar	3.06	6,226,576.58
Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
RLIFTS05	JCB 508C, 8,000lbs FF	RKLFT	20,373.60	10.00 Each (hourly)	U.S. [	Dollar	21.65	440,986.57
L010101	OPERATOR		20,373.60	10.00 Each (hourly)	U.S. [	Oollar	56.75	1,156,270.05
L060100	GENERAL LABORER		101,868.00	50.00 Each (hourly)	U.S. [		45.44	4,629,319.95
1/20/2025 11:27 1				at Inc. All Dights Decorred				7 of 1

Notes				Cos	t Item				
18.22   29.155.00 Ton   Disposal Cest   Disp			•		UM/Day		Currency	Unit Cost	Total Cost
Persource Code   Description   Persource Code   Description   Description   Sp. 1905	Notes:	Assumed production: 20 panels pe Includes packaging and preparing	r laborer per hour, for shipment offsite.						
SEDISPOSAL   Disposal Fee's   S.795.075.00 Each   U.S. Dollar   1.00   5.795.075.00	1.8.2.2	89,155.00 Ton	Disposal Cost		0.00	Detail	U.S. Dollar	65.00	5,795,075.00
Motes	Resource Code	e Description		Hours	Quantity UM	Curre	ency	Unit Cost	Total Cost
1.8.2.3   3.963.00 Each	USDISPOSAL	•			5,795,075.00 Each	U.S. D	)ollar	1.00	5,795,075.00
Notes   Property   P	Notes:	Assumption: 2,037,360 modules x	87.52 lbs each						
STRUCKING   Trucking Sub   S,449,125.00 Each   U.S. Dollar   1.00   5,449,125.00	1.8.2.3	3,963.00 Each	Trucking - Per Load		0.00	Detail	U.S. Dollar	1,375.00	5,449,125.00
Notes	Resource Cod	e Description		Hours	Quantity UM	Curre	ency	Unit Cost	Total Cost
1.8.3	USTRUCKING				5,449,125.00 Each	U.S. D	Oollar	1.00	5,449,125.00
18.3.1   20.622.00 Each   Solar Rack (Trackers) & Post Removal   160.00   Detail   U.S. Dollar   257.21   5.304.239.27	Notes:	Assumption: 45,000 lbs per load. 2	,037,360 modules x 87	.52 lbs each					
Notes:   N	1.8.3	1.00 Lump Sum	Solar Rack (Trackers)	& Post Removal	0.00	Detail	U.S. Dollar	6,689,530.18	6,689,530.18
Description   OPERATOR   20,622.00   16.00 Each (hourly)   U.S. Dollar   56.75   1,170,367.58	1.8.3.1	20,622.00 Each	Solar Rack (Trackers)	& Post Removal	160.00	Detail	U.S. Dollar	257.21	5,304,239.27
Common   C	Resource Code	e Description		Hours	Quantity UM	Curre	ency	Unit Cost	Total Cost
REXCAV06A   Excav 100K w/ Bucket & Grapple   10,311.00   8.00 Each (hourly)   U.S. Dollar   124,54   1,284,080.39	L010101	OPERATOR		20,622.00	16.00 Each (hourly)	U.S. D	Oollar	56.75	1,170,367.58
REXCAVOBE   Excav 100K w/ Shear   10,311.00   8.00 Each (hourly)   U.S. Dollar   185.50   1,912.638.95	L060100	GENERAL LABORER		20,622.00	16.00 Each (hourly)	U.S. D	Oollar	45.44	937,152.35
Notes:   Assumed production: 5 hour per rack per crew. Crew to include 1 excavator wishear, 1 excavator wigrapple, 2 operators and 2 laborers. Includes post removal and sizing of steel for sale as scrap, and loadout to hault trucks.   1.83.2   917.00 Each   Trucking - Per Load   0.00   Detail   U.S. Dollar   1.375.00   1.260.875.00	*REXCAV06A	Excav 100K w/ Bucket	& Grapple	10,311.00	8.00 Each (hourly)	U.S. D	Oollar	124.54	1,284,080.39
Assumed production: .5 hour per rack per crew. Crew to include 1 excavator wishear, 1 excavator wigrapple, 2 operators and 2 laborers. Includes post removal and sizing of steel for sale as scrap, and loadout to haul trucks.  1.8.3.2 917.00 Each Trucking - Per Load 0.00 Detail U.S. Dollar 1,375.00 1,260,875.00  Resource Code Description Hours Quantity UM Currency Unit Cost Total Cost USTRUCKING Trucking Sub 1,260,875.00 Each U.S. Dollar 1.00 1,260,875.00  Notes:  Assumption: 45,000 lbs per load. 2000 LB per rack assembly w 1/2 piles  Assumption: 45,000 Lbs per load. 2000 LB per rack assembly w 1/2 piles  1.8.3.3 10,391.00 Cubic Yard Concrete Transport Offsite 100.00 Detail U.S. Dollar 11.97 124,415.91  Resource Code Description Hours Quantity UM Currency Unit Cost Total Cost  ROUTRK06 CAT 03500, 18CY-24CY 1,039.10 1.00 Each (hourly) U.S. Dollar 74.29 77,194.74  Notes:  1.9 199.00 Each Inverter / Transformer Removal 1.50 Detail U.S. Dollar 45.44 47,221.17  Notes:  1.9 199.00 Each Disconnect Electrical 3.00 Detail U.S. Dollar 401.02 79,802.78  Resource Code Description Hours Quantity UM Currency Unit Cost Total Cost  1.9.1 199.00 Each Disconnect Electrical 3.00 Detail U.S. Dollar 401.02 79,802.78  Resource Code Description Hours Quantity UM Currency Unit Cost Total Cost  1.9.1 199.00 Each Disconnect Electrical 3.00 Detail U.S. Dollar 401.02 79,802.78  Resource Code Description Hours Quantity UM Currency Unit Cost Total Cost  1.9.1 199.00 Each Disconnect Electrical 3.00 Detail U.S. Dollar 401.02 79,802.78  Resource Code Description Hours Quantity UM Currency Unit Cost Total Cost  2.485.76 494,666.01  2.485.76 494,666.01  2.485.76 494,666.01  2.485.76 494,666.01  2.485.76 494,666.01  2.485.76 494,666.01  2.485.76 494,666.01  2.485.76 494,666.01  2.485.76 494,666.01	*REXCAV06E	Excav 100K w/ Shear		10,311.00	8.00 Each (hourly)	U.S. D	Oollar	185.50	1,912,638.95
Notes:   Securce Code   Description   Hours   Quantity UM   Currency   Unit Cost   Total Cost	4022	laborers. Includes post removal an and loadout to haul trucks.	d sizing of steel for sale		0.00	Deteil	II C. Dallar	4 275 00	4 000 075 00
STRUCKING   Trucking Sub   1,260,875.00 Each   U.S. Dollar   1.00   1,260,875.00			Trucking - Per Load					,	
Notes:   Assumption: 45,000   Ibs per load. 2000LB   per rack assembly w/ 12 piles     1.8.3.3   10,391.00   Cubic Yard   Concrete Transport Offsite   100.00   Detail   U.S. Dollar   11.97   124,415.91     1.8.3.3   10,391.00   Cubic Yard   Concrete Transport Offsite   100.00   Detail   U.S. Dollar   11.97   124,415.91     1.8.3.3   10,391.00   Cubic Yard   Concrete Transport Offsite   100.00   Detail   U.S. Dollar   11.97   124,415.91     1.8.3.3   1.0.0   Each (hourly)   U.S. Dollar   74.29   77,194.74   1.0.0   1.0.0   Each (hourly)   U.S. Dollar   74.29   77,194.74   1.0.0   1.0.0   Each (hourly)   U.S. Dollar   1.0.0   Each (hourly)   U.S. Dollar   1.0.0   Each (hourly)   1.0.0   Each (				Hours	-		-		
Resource Code   Description   Hours   Quantity UM   Currency   Unit Cost   Total Cost		Assumption: 45,000 lbs per load. 2 per rack assembly w/ 12 piles	000LB		1,260,875.00 Each	U.S. C	Oollar	1.00	1,260,875.00
RDUTRK06	1.8.3.3	10,391.00 Cubic Yard	Concrete Transport O	ffsite	100.00	Detail	U.S. Dollar	11.97	124,415.91
1,039.10   1.00 Each (hourly)   U.S. Dollar   45.44   47,221.17	Resource Cod	e Description		Hours	Quantity UM	Curre	ency	Unit Cost	Total Cost
Notes: ************************************	RDUTRK06	CAT D350D, 18CY-240	CY	1,039.10	1.00 Each (hourly)	U.S. D	Oollar	74.29	77,194.74
10% of rack piles to utilize concrete pads for support. 346,351 piles x .1 = 34,635 pads x .3 cy per pad	L080940			1,039.10	1.00 Each (hourly)	U.S. D	Oollar	45.44	47,221.17
1.9.1         199.00 Each         Disconnect Electrical         3.00         Detail         U.S. Dollar         401.02         79,802.78           Resource Code         Description         Hours         Quantity UM         Currency         Unit Cost         Total Cost           .010110         Craft - MEP         663.33         1.00 Each (hourly)         U.S. Dollar         63.80         42,318.28           .060100         GENERAL LABORER         663.33         1.00 Each (hourly)         U.S. Dollar         45.44         30,144.72           RPUTRK05         F-250 4X4 3/4 TON PICKUP         663.33         1.00 Each (hourly)         U.S. Dollar         11.07         7,339.78	Notes:	10% of rack piles to utilize concrete 346,351 piles x .1 = 34,635 pads x	e pads for support. .3 cy per pad.						
Resource Code         Description         Hours         Quantity UM         Currency         Unit Cost         Total Cost           .010110         Craft - MEP         663.33         1.00 Each (hourly)         U.S. Dollar         63.80         42,318.28           .060100         GENERAL LABORER         663.33         1.00 Each (hourly)         U.S. Dollar         45.44         30,144.72           RPUTRK05         F-250 4X4 3/4 TON PICKUP         663.33         1.00 Each (hourly)         U.S. Dollar         11.07         7,339.78	1.9	199.00 Each	Inverter / Transformer	Removal	1.50	Detail	U.S. Dollar	2,485.76	494,666.01
.010110         Craft - MEP         663.33         1.00 Each (hourly)         U.S. Dollar         63.80         42,318.28           .060100         GENERAL LABORER         663.33         1.00 Each (hourly)         U.S. Dollar         45.44         30,144.72           RPUTRK05         F-250 4X4 3/4 TON PICKUP         663.33         1.00 Each (hourly)         U.S. Dollar         11.07         7,339.78	1.9.1	199.00 Each	Disconnect Electrical		3.00	Detail	U.S. Dollar	401.02	79,802.78
.010110         Craft - MEP         663.33         1.00 Each (hourly)         U.S. Dollar         63.80         42,318.28           .060100         GENERAL LABORER         663.33         1.00 Each (hourly)         U.S. Dollar         45.44         30,144.72           RPUTRK05         F-250 4X4 3/4 TON PICKUP         663.33         1.00 Each (hourly)         U.S. Dollar         11.07         7,339.78	Resource Code	e Description		Hours	Quantity UM	Curre	ency	Unit Cost	Total Cost
.060100         GENERAL LABORER         663.33         1.00 Each (hourly)         U.S. Dollar         45.44         30,144.72           RPUTRK05         F-250 4X4 3/4 TON PICKUP         663.33         1.00 Each (hourly)         U.S. Dollar         11.07         7,339.78	L010110	Craft - MEP		663.33	1.00 Each (hourly)	U.S. D	Oollar	63.80	42,318.28
RPUTRK05 F-250 4X4 3/4 TON PICKUP 663.33 1.00 Each (hourly) U.S. Dollar 11.07 7,339.78	L060100				, ,,,				
1.9.2 199.00 Each Loadout Inverter & Transformer 3.00 Detail U.S. Dollar 709.74 141,238.23	RPUTRK05	F-250 4X4 3/4 TON PI	CKUP	663.33	1.00 Each (hourly)	U.S. E	Oollar	11.07	7,339.78
	1.9.2	199.00 Each	Loadout Inverter & Tra	ansformer	3.00	Detail	U.S. Dollar	709.74	141,238.23

			Cost I	tem				
CBS Position Code	Quantity UM	Description		UM/Day	Cost Source	Currency	Unit Cost	Total Cos
Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
L060100	GENERAL LABORER		1,326.67	2.00 Each (hourly)	U.S. [	Dollar	45.44	60,289.44
L010101	OPERATOR		663.33	1.00 Each (hourly)	U.S. [	Dollar	56.75	37,646.39
RHYDCR06	GROVE RT880 73 TO	N	663.33	1.00 Each (hourly)	U.S. [	Dollar	65.28	43,302.40
1.9.3	199.00 Each	Trucking - Per Load		0.00	Detail	U.S. Dollar	1,375.00	273,625.00
Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
USTRUCKING	Trucking Sub			273,625.00 Each	U.S. [	Dollar	1.00	273,625.00
1.10	1,474.00 Cubic Yard	Remove Inverter / Tra Foundations	ansformer	73.68	Detail	U.S. Dollar	27.85	41,046.01
1.10.1	1,474.00 Cubic Yard	Excavate / Remove F	oundation	280.00	Detail	U.S. Dollar	15.87	23,397.17
Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
L060100	GENERAL LABORER		52.64	1.00 Each (hourly)	U.S. [	Dollar	45.44	2,392.32
L010101	OPERATOR		105.29	2.00 Each (hourly)	U.S. [	Dollar	56.75	5,975.32
*REXCAV06C	Excav 100K w/ Hamm	er	52.64	1.00 Each (hourly)	U.S. [	Dollar	160.97	8,473.66
*REXCAV06A	Excav 100K w/ Bucket	& Grapple	52.64	1.00 Each (hourly)	U.S. [	Dollar	124.54	6,555.88
1.10.2	1,474.00 Cubic Yard	Concrete Transport C	Offsite	100.00	Detail	U.S. Dollar	11.97	17,648.84
Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
RDUTRK06	CAT D350D, 18CY-24	CY	147.40	1.00 Each (hourly)	U.S. [	Dollar	74.29	10,950.35
L080940	TEAMSTER		147.40	1.00 Each (hourly)	U.S. [	Dollar	45.44	6,698.49
1.11	1.00 Lump Sum	Site Restoration - Pa	tial Site Seeding	0.01	Detail	U.S. Dollar	2,123,191.75	2,123,191.75
1.11.1	123,781.00 Linear Feet	Site Roads - Remova	l & Restoration	5,000.00	Detail	U.S. Dollar	1.71	212,066.18
Resource Code	Description		Hours	Quantity UM	Curr	encv	Unit Cost	Total Cost
*RDOZER08	CAT D6 LGP Dozer		990.25	4.00 Each (hourly)	U.S. [		58.34	57,766.12
L010101	OPERATOR		1,732.93	7.00 Each (hourly)	U.S. [		56.75	98,349.81
RDUTRK06	CAT D350D, 18CY-24	CY	495.12	2.00 Each (hourly)	U.S. [	Dollar	74.29	36,782.76
*RFELWH08C	CAT 980 LOADER		247.56	1.00 Each (hourly)	U.S. [	Dollar	77.43	19,167.49
Ass	**************************************	ilable onsite.						
1.11.2	1,757.00 Acre	Spot Grade Disturbed	d Areas	16.00	Detail	U.S. Dollar	287.72	505,525.58
Resource Code	Description		Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
*RDOZER08	CAT D6 LGP Dozer		4,392.50	4.00 Each (hourly)	U.S. [	Dollar	58.34	256,236.49
L010101	OPERATOR		4,392.50	4.00 Each (hourly)	U.S. [	Dollar	56.75	249,289.09
Ass Ass will	sumtion: 5,020 acres total propi sume that 35% of the area distr be regraded.	erty area. ubed by construction						
1.11.3	1,757.00 Acre	Re-Seed With Native & Areas Disturbed By	•	0.00	Detail	U.S. Dollar	800.00	1,405,600.00
			Hours	Quantity UM	Curr	ency	Unit Cost	Total Cost
Resource Code	Description							
USLANDSCAPE	Landscape Sub			1,757.00 Acre	U.S. [	Dollar	800.00	1,405,600.00
USLANDSCAPE  Notes: **** Ass Ass will		erty area. ubed by construction		-	U.S. [	Oollar	800.00	1,405,600.00

		Cost	! Item				
CBS Position Code	Quantity UM	Description	UM/Day	Cost Source	Currency	Unit Cost	Total Cost
1.12.1	1.00 Lump Sum	Home Office, Project Management (5% Cost)	Of 0.00	Detail	U.S. Dollar	1,566,407.30	1,566,407.30
Resource Code	Description	Hours	Quantity UM	Curre	ency	Unit Cost	Total Cost
USMARKUP5	5% Markup	3	31,328,146.00 Each	U.S. D	Oollar	0.05	1,566,407.30
1.12.2	1.00 Lump Sum	Contractor OH & Fee (15% Of Cost)	0.00	Detail	U.S. Dollar	4,934,182.95	4,934,182.95
Resource Code	Description	Hours	Quantity UM	Curre	ency	Unit Cost	Total Cost
USMARKUP	15% Markup	3	32,894,553.00 Each	U.S. D	Oollar	0.15	4,934,182.95
1.13	1.00 Lump Sum	ODOE Applied Contingencies	0.00	Detail	U.S. Dollar	7,944,034.56	7,944,034.56
1.13.1	1.00 Lump Sum	1% Performance Bond	0.00	Detail	U.S. Dollar	378,287.36	378,287.36
Resource Code	Description	Hours	Quantity UM	Curre	ency	Unit Cost	Total Cost
UODOE1	ODOE 1% Markup	3	37,828,736.00 Each	U.S. D	Oollar	0.01	378,287.36
1.13.2	1.00 Lump Sum	10% Administrative and Project Management	0.00	Detail	U.S. Dollar	3,782,873.60	3,782,873.60
Resource Code	Description	Hours	Quantity UM	Curre	ency	Unit Cost	Total Cost
UODOE2	ODOE 10% Markup	3	37,828,736.00 Each	U.S. D	Oollar	0.10	3,782,873.60
1.13.3	1.00 Lump Sum	10% Future Development Contingency	0.00	Detail	U.S. Dollar	3,782,873.60	3,782,873.60
Resource Code	Description	Hours	Quantity UM	Curre	ency	Unit Cost	Total Cost
UODOE2	ODOE 10% Markup	3	37,828,736.00 Each	U.S. D	Oollar	0.10	3,782,873.60
Report Total:							45,772,770.64
Category					Total		
Labor Rented Equipment Supplies Materials Subcontract Travel-Risk-Adj ODCs				4,8 22,6	28,407.48 23,914.34 31,534.00 45,960.00 23,320.25 70,000.00 49,634.56		