BEFORE THE
ENERGY FACILITY SITING COUNCIL
OF THE STATE OF OREGON

In the Matter of the Application for Site Certificate for the Yellow Rosebush Energy Center	))))	PROPOSED ORDER ON APPLICATION FOR SITE CERTIFICATE

December 5, 2025

Proposed Order is a track-changes version:
Red font, underline and strikethrough format, represent recommended changes from Draft Proposed Order (DPO) to Proposed Order

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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 use or 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.[1]

The Department's role is to review an A~~a~~pplication for a S~~s~~ite C~~c~~ertificate (ASC) (or Request for Amendment of ~~for an amendment to~~ a site certificate) and assess whether the ~~application~~ ASC meets the criteria established in statute for Council to approve the ~~application~~ ASC and issue a site certificate. In a ~~DPO~~Proposed Order, the Department evaluates issues raised on the record of the Draft Proposed Order (DPO), taking into consideration applicant responses to DPO comments, comments of the Council, and agency consultation with state agencies, and local and tribal governments. The Proposed Order provides ~~a preliminary~~ the Department's final 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~~ ASC 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~~ Proposed Order 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 proposed 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

[1] OAR 660-033-0130(38)(a).

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 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.[2] 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.[3] The Department or Council may amend the Project Order at any time and the Project Order is not a

[2] YRBNOIDoc42 Project Order 2024-01-2.

[3] OAR 345-015-0160(1)(f) and OAR 345-001-0010(2).

final order.[4] 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 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.[5] 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

[4] ORS 469.330(3,) ORS 469.330(4) and OAR 345-015-0160(3).

[5] 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.

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.

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 this ~~DPO~~Order

Date(s) Received	Commenter Name/Title	Agency	Comment Summary	Related EFSC Standard/ASC Exhibit/Section in ~~DPO~~Order
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 this ~~DPO~~Order

Date(s) Received	Commenter Name/Title	Agency	Comment Summary	Related EFSC Standard/ASC Exhibit/Section in ~~DPO~~Order
	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
08-25 to 09-30-2025	Sean Bailey, Planner; Daniel Dougherty, Planning Director; Arthur Smith, Public Works Director	Wasco County/ Special Advisory Group	Review of ASC and no additional comments on ASC. Requesting that applicant continue to coordinate with Wasco County Sheriff's Office, Oregon State Fire Marshall, and Bakeoven-Shaniko RFPA on Police and Fire Public Services. Feedback on interpretation of WCLUDO definition. Feedback on load restrictions for roads/bridges in Maupin addressed with third party permits and Road Use Agreement Conditions.	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
9-25-2025	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 this ~~DPO~~Order

Date(s) Received	Commenter Name/Title	Agency	Comment Summary	Related EFSC Standard/ASC Exhibit/Section in ~~DPO~~Order
			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 Draft Proposed Order

The Department issued the DPO on October 1, 2025- and, on the same date, issued ~~a~~ Public Notice, initiating a 32-day comment period closing on Monday, November 3, 2025 at 5:00 pm Pacific Time. The Council w~~ill conduct a~~ conducted 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 accepted written comments until the close of the Public Comment period on November 3, 2025~~, unless extended by Council upon request.[6]~~. ~~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.~~ At the close of the public comment period, the Department received comments from three reviewing agencies, the applicant, and 107 public comments (16 public comments; 66 members of the Laborer's Union International of North America (LIUNA)~~,~~ 25 members of Green Light America).

At the October 23, 2025 DPO public hearing, the Council extended the deadline for the applicant to respond to DPO public comments by from November 3 to November 7, 2025, based on applicant's request, to provide an adequate opportunity to respond to comments. The applicant provided responses to comments on November 7, 2025.

At its November 21, 2025 meeting, Council reviewed the DPO, comments received on the DPO, applicant responses to comments and Department recommendations for the Proposed Order. Changes presented in the Proposed Order in responses to issues raised in comments received are summarized in Table A-1 below.

~~[6] ORS 469.370(2).~~

Table A-1: Council Review of Issues Raised in Comments Received and Proposed Order Revisions

Name of Commenter/Organization	Comment Summary	Applicant Response	Department Evaluation / Recommendation
Reviewing Agencies			
Daniel Evans / Wetlands Specialist, Department of State Lands	DSL Concurrence with Wetland Delineation Report with notes on 3 vernal pools in analysis area.	N/A	Department recommends updating Proposed Order Section IV.R., Removal Fill to cite to the DSL letter and update the wetlands and WOS table.
Sean Bailey / Planner, Wasco County Planning Department[7]	Response to the Department's request for confirmation of legal parcel status, confirming legal parcel status of 04S15E000000100, a parcel within the proposed site boundary.	N/A	Department recommend changes in the Proposed Order Section IV.E.1.1 deleting recommended Land Use Condition 1, which required that, prior to construction, the applicant obtain confirmation from Wasco County on the legal parcel of 04S15E000000100. This condition is no longer needed given the county's confirmation obtained through agency consultation.
Carol Beatty / Mayor, City of Maupin	Oral Comments on potential impacts to housing from influx of up to 400 workers and lack of locally available workforce housing during construction.	Following the public hearing, the applicant followed up with the Mayor and is committed to addressing these concerns to ensure adequate housing is available for workers during construction of the facility. The applicant represents a new site certificate condition that commits to developing a housing plan for the construction workers in coordination with ODOE, the town of Maupin, and Wasco County prior to construction, which will identify strategies to minimize impacts to the local housing supply based on an ongoing evaluation of patterns of uses and potential shortages or changes in housing demand. The applicant proposes the following condition: *Prior to construction of any phase of the facility, the certificate holder shall provide to the Department and Wasco County a temporary housing plan for the construction workforce. The plan shall provide for coordination with contractors and local officials on housing options and strategies to minimize impacts to local housing supply based on an ongoing evaluation of patterns of uses and potential shortages or changes in housing demand.*	The Department recommends updating Proposed Order Section IV.M., *Public Services*, with recommended Public Services Condition 6 and 7 which implements the applicant's representation to develop and implement a Construction Workforce Housing Plan with Wasco County and the City of Maupin. Under OAR 345-015-0230(2), the Department coordinated with Mayor Beatty and Wasco County on the condition to confirm adequacy in addressing potential impacts to local services from increased demand.[8]
EFSC			
Anne Beier EFSC Council Member	Request for clarification in the Proposed Order about the Council's delegation of its authority for	N/A	Pursuant to ORS 469.402, the Council may delegate future review and approval of compliance with site certificate conditions to the

[7] Comments from Wasco County Planning Department were a result of agency consultation rather that comments on the record of the DPO, but are included here because it results in a recommended condition change.

[8] (2) Following the Council's meeting to review the draft proposed order, the Department must issue a proposed order in accordance with ORS 469.370(4), taking into consideration the comments of the Council, any public comments made at a public hearing, written comments received before the close of the record of the public hearing, and agency consultation…

Table A-1: Council Review of Issues Raised in Comments Received and Proposed Order Revisions

Name of Commenter/Organization	Comment Summary	Applicant Response	Department Evaluation / Recommendation
	the Department's future approval of mitigation plans and conditions.		Department. The Department recommends providing clarifying language for the Council's future delegation of authority for Department approval of mitigation plans and conditions in the Proposed Order.
Applicant Comments on DPO			
Applicant	Requested change or clarification for Recommended Retirement and Financial Assurance Condition 5 (CON-RF-01) and 6 (OPR-RF-01), specifically, subsection (c) contains a new clause reserving to the Department and Council "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." Applicant requests that the Department clarify the rationale for this clause, which seems to allow the Department to modify the retirement cost estimate at its discretion. Such a modification could result in significant cost to the Certificate Holder to maintain a higher bond amount without definition as to the circumstances under which such a change would be considered.	N/A	The Department has recommended, and Council has approved multiple recent site certificates that include subsection (c) which designates that the Department and Council have "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." The intent of this clause is to provide the Council the ability to adjust contingencies in the event that the facility is not operated in compliance with the terms and conditions of the site certificate, and the established decommissioning estimate may no longer be viable for site restoration. To ensure that the applicant has the ability to restore the site to useful, nonhazardous condition, the Department recommends Council authorize review and adjustment of contingencies applied to the decommissioning estimate, based on the Department's ongoing review of onsite environmental conditions and site certificate compliance. The circumstances that would merit the Department or Council adjusting the contingencies would be if there are recurring, ongoing, and/or severe issues with facility maintenance, or issues with health and safety of the public or the environment. The Department recommends subsection (c) be maintained in the conditions and the above clarification be provided to Section IV.G., in the Proposed Order.
Applicant	Requested changes to the Draft Site Certificate conditions PRE-FW-03, PRE-FW-04, PRE-FW-07. The applicant requests that these conditions be modified to include phasing options similar to PRE-FW-01 and PRE-FW-02: Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall submit the draft legal agreement for review and approval by the Department, in consultation with ODFW..	N/A	The Department concurs that adding the language "of the facility, facility component or phase, as applicable" is consistent with condition language in other conditions. The language also allows flexibility with how the applicant implements its construction phasing and pre-construction compliance. The Department recommends the applicants' proposed condition language changes be made to Proposed Order Section IV.H., to Recommended Fish and Wildlife Condition 8 and in the draft site certificate.

Table A-1: Council Review of Issues Raised in Comments Received and Proposed Order Revisions

Name of Commenter/Organization	Comment Summary	Applicant Response	Department Evaluation / Recommendation
	Applicant requests that the condition language or Draft Habitat Mitigation Plan, or both, acknowledge the potential that the plan may be modified during construction and operation of the facility.		
Applicant	Requested changes to the Draft Site Certificate condition Recommended Noise Control Condition 1 (PRE-NC-01). Applicant requests that condition be modified to specify that these copies are required only where there are exceedances. 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) for each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance with [criteria]".	N/A	The Department concurs with the applicants' request and suggested condition clarifying language. The applicant's suggested language does not substantively change the condition, but clarifies that the "noise waiver" would only be required to be submitted to the Department where it relies on the waiver/easement to demonstrate compliance with OAR 340-035-0035.
Applicant	Goal 3 exception analysis: argues that sufficient weight was not given to the overall analysis for the "local economic benefit" reason; and disagrees with the recommended rejection of the "minimal impacts to other resources" reason. See applicant comments for more details supporting their basis.	N/A	The Department disagrees with the applicants' arguments related to local economic benefits and discourages reliance on spending on support services (such as payment to local weed spray services) to demonstrate a benefit to the agricultural economy. The Department disagrees with the applicants' arguments related to the recommended rejection of the "minimal impact to other resources" reason. The other EFSC projects that relied on this reason were different than the proposed facility in that they all truly resulted in minimal impacts on other resources. The projects referred to by the applicant as those that set precedent for accepting this reason included: West End, Madras, and Sunstone. These projects truly had a minimal amount of significant or important habitat. The Madras Site was all Cat 4 and 5 habitat, West End was mostly Cat 4 and 5 with 20 acres of Cat 3; and Sunstone was only expected to impact around 40 acres of habitat total, mostly Cat 4 and 5 with 0.5 acres Cat 2 habitat. Yellow Rosebush is impacting nearly 5,000 acres of Cat 2 habitat. There is no comparison of this reason for this site to the other projects referenced.

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			The Department recommends that no changes be made in response to these comments.
Applicant	Requests that the Proposed Order Section IV.M.2.2, Table 22 be corrected to reflect total estimated use of 54.6 Mg. Requests that the sentence below, presented in Section IV.M.2.2, be revised: *Water during operation would ~~not~~ be provided by a public ~~or private~~ service provider or through an approved onsite well.*	N/A	The Department recommends that the Proposed Order Section IV.M.2.2 be amended as requested. The information should be corrected.
Applicant	Requests that the number of homesites references within the analysis area established for the Wildfire Prevention and Mitigation Standard be updated as follows: *ASC Exhibit V indicates that there are four homesites within the analysis area outside of the site boundary, and two homesites within the site boundary~~, with one homesite within the proposed solar micrositing area that~~ one of which would be removed prior to construction.~~[1] 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.~~*	N/A	The Department recommends that the Proposed Order Section IV.D.1.1. be amended as requested. The applicant's explanation of the discrepancy provides an acceptable reason to update the recommended findings of fact.
Public Comments			
Keela Carver	Oral Comments on permanent impacts to soils – it is all permanent; increased wildfire risk from facility and components and limited resources and capacity of an all volunteer RFPA; potential health risks and hazards if facility equipment burned for firefighters and need for specialized training and equipment; traffic impacts and safety hazards from influx of onsite workers during construction; local workforce promises versus realities (most workers are not local; visual impacts from facility).	See applicant responses by subject (soil, wildfire risk, firefighting resources).	Comment raised issues on several topics; however, issues were general in nature. See response in this table and applicant response by subject. No changes to the Proposed Order recommended in response to this comment.

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Wendell Claudfeller	Oral Comments on the value of the canyons and wildlife habitat that is to be avoided; issues with transmission and the 4.5 mile proposed alternative; fire risk and the issues of insurance cost for landowners; liability if fire burns onto the facility from an adjacent property; does not see likelihood of cheaper energy costs from the facility.	See applicant responses by subject (habitat, alternative transmission line route, wildfire risk and landowner liability, insurance rates).	Comment raised issues on several topics; however, issues were general in nature. See response in this table and applicant response by subject. Issues associated with land leases, purchases and property values are outside of EFSC jurisdiction. No changes to the Proposed Order recommended in response to this comment.
Michelle VanEynde	**Water Requirements: ORS 537.143 and ORS 537.144: Inconsistent water need estimates; adverse impacts from water use at the site without mitigation.**		
	The applicant has failed to provide mitigation plans regarding an extremely scarce resource and is in direct conflict with OAR 345-021-0010(1)(o)(G). The applicant has also failed to mention the stress this enormous quantity of water puts on the water table, neighboring wells and the surrounding cities.	Applicant provided evidence from multiple potential sources of water to show that the Project is not limited to obtaining water from one source. Specific water source(s) will be confirmed by the Department as part of the pre-construction compliance process (Public Services Condition 1 [PRE-PS-01])	The DPO includes recommended Public Services Condition 1, which would require that the applicant demonstrate to the Department that all construction-phase water is legally obtained through contract, purchase agreement or third-party permit. A requirement to demonstrate that water is legally obtained ensures that the source has an existing, reviewed water right or permit issued by Oregon Department of Water Resources, which is the regulatory agency responsible for ensuring that water use does not cause or create impacts on existing users or water sources. Changes to the Proposed Order are not recommended in response to this comment.
	actual documented requested emails from the developer, the actual needs do not match the documentation provided. The developer has requested 1M gallons of water annually from each of the potential water sources just for panel washing. Thus, it appears the document is not accurate. The most updated (derived from the actual correspondence) states the following water needs: 1,018,250 gallons annually (2,790 gallons per day)	N/A	To ensure that operational water sources are legally obtained and that there is sufficient water supply available, the Department recommends changes to the Proposed Order Section IV.M.2.2, *Water Service*, to include Recommended Public Services Condition 2 (similar to Public Services Condition 1), but applicable to water uses and sources during facility operations.
	ORS 537.143 and ORS 537.144 are very regulated and do not necessarily allow for a blind approval process. license is good for five years. The project is not intended to start for another two to three years at best and includes two phases of three years each. Limited licenses are not allowed for ongoing operations. None of the water suppliers have entered into a contract with the developer, nor have promised to sell bulk water	Each license only allows water to be used for construction for a maximum of five consecutive years and is authorized using a separate process from a groundwater permit, a surface water permit, or a water right transfer. Pursuant to ORS 537.143(2), a limited license is subordinate to all other authorized uses that rely upon the same source, or water affected by the source, and may be revoked at any time by OWRD if it is determined the use causes injury to any other water right or minimum perennial streamflow.	Applicant response sufficient. No changes to the Proposed Order recommended in response to this comment.

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		If a landowner is not able to provide water to the Project, other bulk water providers either alone or in combination have the ability to provide the estimated water needs of the Project. See Public Services Condition 1 [PRE-PS-01])	
	Soil Protection: The applicant cannot prove that "no water used on the site will be discharged into wetlands, streams and other waterways."		
	topography of the project shows hills throughout the project, as well, as areas that drain into the Buck Hollow Creek, which in turn flow into the Deschutes River and finally ending up in the Columbia River. The site boundary slopes range from 0 to 95 percent, with an average of 7.6 percent. The steepest slopes are located along the drainages on the northern and eastern boundaries along Buck Hollow Creek and the tributary drainage. Without a comprehensive soil erosion study, the water standards of OAR 345-021-0010(1)(o)(C) cannot be met.	Typically, solar panels will be set back at least 50 feet and often more than 500 feet from steeper slopes to minimize the potential for erosion and allow implementation of suitable best management practices in these areas, as well as to provide a fire break between solar panels and the canyon rims. Together, the desktop information and the requirements of the site certificate to conduct a site-specific geotechnical investigation (PRE-SS-01), obtain a 1200-C NPDES permit (PRE-SP-02), and implement best management practices with a Fugitive Dust Control Plan during construction (GEN-SP-01) allow the Council to ensure compliance with the standard. The setbacks implemented between the facility fenceline and the canyons, along with implementation of best management practices and Erosion and Sediment Control measures required under the Facility's NPDES permit will prevent such erosion from transporting sediment off-site. See Attachment 2 of the applicant responses which is the Oregon Department of Environmental Quality (ODEQ) 1200-C General Permit, that identifies measures that must be taken to avoid erosion during construction.	The solar micrositing area fenceline would be approximately 0.25 miles from ridges. Additionally, there will be a 50 foot vegetation maintenance area from the fenceline to the facility components that will act as a fire break and further separative distance from the major facility components to topographical features of concern. Clarifying edits to the Proposed Order Section Applicant response sufficient. A "comprehensive soil erosion study" is not required by Council's rules or standards.
	Wildfire: Section incomplete and misleading; applicant has NOT adequately characterized wildfire risk within the analysis area using current data from reputable sources. The applicant has not developed a fire mitigation plan with many sections in draft form.		
	analysis fails to mention how quickly fire spreads in eastern Oregon with our dry summers and extremely high winds.	At the time the data for the Overall Fire Risk table and figure was obtained (August 2023), there was limited data available for the area as exhibited by the "No Data" for 97 percent of the Project Site Boundary in Table V-7 of Exhibit V. Since the original data was gathered in 2023, the data gap has been significantly reduced in the Oregon CWPP Planning Tool, and a revised table has been developed. Applicant provides updated Overall Fire Risk Rating	DPO Section IV.N.1. describes Baseline and Seasonal Wildfire Risk and includes a discussion of Fuel Models (FM) that best describes vegetation at the site and analysis area. It describes that FM 122, which makes up 65 percent of the site boundary, is categorized as moderate load dry climate grass-shrub; which has an overall high spread rate. The Department recommends changes to the Proposed Order Section IV.N.1 to incorporate the applicant's updated Overall

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		for the site, which concludes that Overall Wildfire risk is moderate.	Fire Risk Rating Table, based on updated data obtained from the Oregon CWPP Planning Tool.
	data used extremely outdated data sets from 2018.		See applicant response. As provided in the above response, the Department recommends changes to the Proposed Order Section IV.N.1 to incorporate the applicant's updated Overall Fire Risk Rating Table, based on updated data obtained from the Oregon CWPP Planning Tool.
	Table V-7 – Overall Fire Risk, 92 % of data is missing		This is a result of data gaps in the previous CWPP data set. See response above. Importantly, in DPO Section IV.N.1, the Department recommends Council find that wildfire fire is moderate during winter (seasonally wetter) months and high during the summer months, during fire season.
	The local fire district is run by volunteers. They are not trained in solar fires. They do not have the equipment or training to extinguish solar fires.	To further address the concern regarding training for volunteer firefighters and emergency responders, the applicant proposes that the following condition be included in the Site Certificate: *Prior to and during facility construction and operation, the certificate holder shall provide annual advanced emergency response and fire training to local first responders. This training must be:* *(a) tailored to emergency and fire response at utility-scale solar and battery energy storage facilities,* *(b) conducted by qualified instructors, and* *(c) made available to the Southern Wasco County Ambulance Service, the Bakeoven-Shaniko Rural Fire Protection Association, the South Sherman Fire District, the Wasco County Sheriff's Office, and other local first responders at no cost to the attendees. If allowed by emergency response organization bylaws, the certificate holder shall compensate attendees for their time at a rate to be agreed with the emergency response organization.*	DPO Attachments W-1 and W-2 include construction and operational WMPs, which include pre-construction and operational training for fire departments and safety personnel. The Department recommends incorporating the applicant's training representations into the draft WMPs (that will be attached to the Proposed Order) with revisions to support implementation. To ensure that the Bakeoven-Shaniko Rural Fire Protection Association and Southern Wasco County Ambulance Service are compensated in the form of a donation, the Department recommends the following language be added to both the construction and operational WMP Section 2.1: Training, "Training will be provided at no cost to emergency service personnel. Certificate holder shall donate to Bakeoven-Shaniko Rural Fire Protection Association and Southern Wasco County Ambulance Service, Southern Wasco County Ambulance Service for their time and any necessary equipment for training."
	Positioning one water truck for a project this large is unrealistic and places undue fire risks on neighboring farms, as well as, the existing and surrounding counties.	The WMPs are based on ODOE's wildfire management plan templates to ensure that fire risks and mitigation strategies are comprehensively addressed. Measures included in the draft plans include vegetation-free, noncombustible space or gravel surfaces around service roads within the fence line, the interior side of the	The draft WMP's describe that water truck(s) or water sources must be onsite and must include equipment such as hoses, nozzles, and pumps to adequately extinguish fires that may occur. Construction occurs in phases, generally focusing in one location and for certain facility components (rather than site-wide), therefore, water truck(s) would be placed in proximity to the construction activities.

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		perimeter fence line, the collector substation, O&M building, and BESS. 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 draft construction and operation WMPs in relation to the fire season and fire danger levels: • *Non-Fire Season (Approx. October to May): Mowing is allowed at all times* • *Fire Season (Approx. June to September or as designated by ODF): Mowing is allowed before 1pm and after 8pm* • *Fire Weather Watch: Mowing is allowed before 10am or after 8pm* • *Red Flag Weather Warning: Mowing is prohibited at all times*	The Department recommends incorporating the applicant's representations into the draft WMPs (that will be attached to the Proposed Order) with revisions to support implementation.
	Public Services: Temporary housing and road wear		
	Housing temporary workers onsite. These additional drinking water and sewage needs have not been factored into the analysis presented. In fact, the analysis provides only for drinking water for 162 average onsite workers	See response above to comments from Mayor Beatty. The applicant represents a new site certificate condition that commits to developing a housing plan for the construction workers in coordination with ODOE, the town of Maupin, and Wasco County prior to construction, which will identify strategies to minimize impacts to the local housing supply based on an ongoing evaluation of patterns of uses and potential shortages or changes in housing demand.	In the ASC and the DPO the applicant does not propose, and Department does not recommend onsite temporary housing. DPO Section IV.M.2.8 states ".. the County later commented that Wasco County does not allow for temporary on site worker housing through a CUP or TUP.[9]" No changes recommended in the Proposed Order in response to this specific comment.

[9] 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.

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	There is no mention as to the wear on the roads or the congestion this would place on the community. This affects emergency response teams as well. If trucking from Maupin, the trucks would have to drive through the middle of town. This is not a feasible ongoing plan.	As required by Wasco County, a road use agreement will be signed with the county to ensure that roadways will be maintained, and any damage will be repaired during the construction process. Applicant proposed a new condition clarifying that a Traffic Management Plan will be required and incorporated with the County Road use Agreement or separately if not included. Applicant will implement the BMPs identified in the draft Construction Traffic Management Plan in ASC Exhibit U and addressed below, to reduce impacts along transportation routes and to minimize traffic through the City of Maupin during construction. Further, as required by Wasco County, a road use agreement will be signed with the county to ensure that roadways will be maintained and any damage will be repaired during the construction process. *Applicant proposes that the following condition be included in the Site Certificate:* *Prior to construction of the facility, or facility component, as applicable, the certificate holder shall:* *a. Submit to the Department an executed road use agreement between Wasco County and the certificate holder or its contractor. Any Final Construction Traffic Management Plan that is part of the road use agreements shall include, at a minimum, the provisions designated in ASC Exhibit U.* *b. If a Final Construction Traffic Management Plan designated in sub (a) is not included in road use agreements executed with Wasco County, then submit a Final Traffic Management Plan. A copy of the Final Traffic Management Plan shall be provided to the Department and the Wasco County Public Works Department. The Construction Traffic Management Plan shall, at a minimum, include the provisions in ASC Exhibit U.*	Impacts on roads and traffic concerns are discussed in Proposed Order, Section IV.M.2.5, *Traffic Safety*. To ensure that the measures addressed in the County's Road Use Agreement are implemented, which include compensation for any necessary road repairs from construction related damage, the Department recommended the Council impose Public Services Condition 2 and 3, which require the execution and implementation of a Road Use Agreement. Public Services Condition 2 also states that haul trucks are precluded from accessing the site via Highway 197 through Maupin, unless approved by ODOT and/or City of Maupin. To ensure that the measures addressed in the County's Road Use Agreement are implemented, which include compensation for any necessary road repairs from construction related damage, the Department recommended the Council impose Public Services Condition 2 and 3, which require the execution and implementation of a Road Use Agreement. The Department recommended amending Public Services Condition 2 to incorporate the Construction Traffic Management Plan and attach the plan to the Proposed Order.
	Roads will be destroyed for the six years of construction, along with the forty years of operation with water trucks continuing to drive through the town of Maupin and tear up the roads.	See response directly above.	See response directly above.
Constance Lee	**Soils (OAR 345-022-0022; Structural Standard: Noncompliance and incompleteness. Exhibit I relies primarily on NRCS desktop sources and omits basic geotechnical data and erosion analyses**		

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	No site-specific geotechnical data. The application provides no borings, laboratory testing (e.g., Atterberg limits, gradations), or compaction characteristics to evaluate construction suitability and reclamation feasibility.	Together, the desktop information and the requirements of the site certificate to conduct a site-specific geotechnical investigation (PRE-SS-01), obtain a 1200-C NPDES permit (PRE-SP-02), and implement best management practices with a Fugitive Dust Control Plan during construction (GEN-SP-01) allow the Council to ensure compliance with the standard.	The information requirements of the Structural Standard at OAR 345-022-0020(4)(b) and (c) establish that the DOGAMI consultation determines whether site-specific geotechnical work must be done for the purposes of inclusion in an ASC/determining the ASC complete. Otherwise, site-specific geotechnical work is a preconstruction requirement of the site certificate. As provided on the record of the ASC, Exhibit H Attachment H-1 includes the DOGAMI consultation notes, where site-specific geotechnical work necessary for ASC completeness was not requested/identified. Therefore, the site specific geotechnical work will be completed as part of a preconstruction condition requirement under Recommended Structural Condition 1, as presented in DPO Section IV.C.1. No recommended changes to the Proposed Order in response to this comment.
	No quantitative erosion modeling. There is no RUSLE/WEPP or equivalent analysis to estimate soil loss and sediment delivery from grading, road building, and vegetation removal—particularly important on canyon side-slopes.	See response above and description about the location of facility components set back from steep slopes and ridges. The setbacks implemented between the facility fenceline and the canyons, along with implementation of best management practices and Erosion and Sediment Control measures required under the Facility's NPDES permit, will prevent such erosion from transporting sediment off-site.	OAR 345-022-0022(2)(b) expressly states that information from reasonably available sources be used to identify soil conditions and assess potential impacts. While "quantitative erosion modeling" could be used to inform the analysis, it is not required under Council's rules or for the Soil Protection or Structural Standard. No recommended changes to the Proposed Order in response to this comment.
	No slope stability or hydrologic mapping. The record lacks a site-specific assessment of mass wasting/gully risks and sediment routing into Buck Hollow and other drainages.	See response above and description about the location of facility components set back from steep slopes and ridges.	No recommended changes to the Proposed Order in response to this comment.
	project area includes steep and highly erodible terrain feeding into the Buck Hollow drainage, which ultimately contributes to the Deschutes River basin and, downstream, the Columbia River. Construction-related disturbance, grading, and loss of vegetative cover can accelerate erosion and sedimentation	See response above and description about the location of facility components set back from steep slopes and ridges.	The Department recommends clarification added to the findings of fact in Proposed Order Section IV.D., *Soil Protection*, describing the distances of the solar micrositing area/facility components from ridges, slopes and waterways.
	Permanent alteration of canyon hydrology and slope stability, increasing landslide or gully formation risk.	See response above and description about the location of facility components set back from steep slopes and ridges.	No facility components are proposed within canyons or steep slopes, therefore, permanent alteration of canyon hydrology and slope

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			stability, increasing landslide or gully formation risk is not likely to occur as a result of facility construction. No recommended changes to the Proposed Order in response to this comment.
	Wildlife Habitat & Species (OAR 345-022-0060; OAR 345-022-0070; ODFW Policy OAR 635-415-0025; ORS 496.012): Mitigation plan is conceptual, geographically disconnected, and unsupported by measurable ecological standards or ratios; the application does not meet EFSC's wildlife habitat and species standards.		
	The applicant references ODFW categories but does not provide methods, data sources, or quantitative impact tables (temporary vs. permanent acres by habitat type/category)	As described in Exhibit P of the ASC, the applicant provided substantial evidence showing compliance with the Fish and Wildlife Habitat standard. The applicant has been in consultation with ODFW since May 2023 to coordinate and confirm survey protocols, discuss findings, and assess habitat avoidance and mitigation requirements and options.	DPO Section IV.H., *Fish and Wildlife Habitat*, Table 16 includes Estimated Habitat Impacts from Proposed Facility Construction and Operation, Table 17 includes Estimated Habitat Impacts and ODFW Habitat Mitigation Ratios. ASC Exhibit P, Section 4.0 includes a Description of Biological and Botanical Surveys Performed. Exhibit P, Attachment P-1: Draft Botanical Survey Report, Section 2.0 explains in more detail the methods for surveys for plants. The Department recommends adding a sentence and footnote summarizing methodologies for biological surveys to Section IV.H., of the Proposed Order.
	mitigation is proposed "on the Columbia Plateau" at Tygh Ridge Ranch and "within the facility boundary," yet provides no maps or distances between these areas and the impact. The mitigation concept (e.g., Tygh Ridge Ranch "on the Columbia Plateau") is off-site and separated from the project by steep canyons and the Deschutes River, with no functional corridor for displaced mule deer/elk. Without mapped locations, distances, and travel pathways—and without wildlife-friendly fencing and designated corridors—the proposal does not maintain movement or replace ecological function as required by OAR 345-022-0060(3) and ODFW's Habitat Mitigation Policy.	Avoidance measures identified in consultation with ODFW is that the fenced areas containing solar panels be contained on the plateau above Buck Hollow and Hauser Canyon, which reduces impacts to Priority Wildlife Connectivity Areas (PWCAs) and higher quality habitats including shrub-steppe habitats. Although the site boundary includes portions of these canyons, the Micrositing Corridor (area where facilities may be placed) avoid the canyons, and indeed the facility layout depicted in the ASC also avoids tributary channels leading to the canyons. Figure C-2 in Exhibit C demonstrates how canyons and their tributary channels are being avoided by the facility layout. The Draft Habitat Mitigation Plan states that the HMA Tygh Ridge Ranch is located 15 miles northwest of the facility, Figure 1 of Attachment P-2 shows the boundary of the Tyge Ridge Ranch and its location.	Applicant response sufficient. To reduce confusion about the location of the HMA and ODFW-recommended migration and mitigation value of the HMA, the Department recommends clarifying findings be added to Proposed Order Section IV.H., *Fish and Wildlife Habitat*.
	Mitigation plan offers no analysis of how wildlife will travel between disturbed areas and mitigation lands, nor how fences, roads, and arrays will affect migration corridors. Without designated open	The HMA was identified by ODFW as a priority area for conservation because it is used for seasonal elk migration between the Deschutes River and higher elevation forests, and because it extends into a PWCA region as well as two connectors	Applicant response sufficient. See response directly above.

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	corridors or wildlife-friendly fencing, the mitigation cannot offset lost connectivity, contrary to OAR 345-022-0060(3), which requires design measures to maintain wildlife movement.	that facilitate big game movement between regions. The HMA is sited along the northern boundary and borders Buck Hollow and Hauser Canyons, which are also mapped ODFW PWCAs. By protecting these PWCAs, big game movement is facilitated in the areas they are already most likely to use.	
	Additionally, Big Horned Sheep that are rare but present in the canyons around the Deschutes Rivers were not included in the wildlife survey. I believe that there are bighorn sheep and/or mountain goats that live in canyons adjacent to the project, yet there was no mention of them in their review	The applicant understands that there are herds of bighorn sheep in the area. Potential impacts to big game species were addressed in Exhibit P and impacts will be minimized through avoidance of the PWCAs. ODFW did not identify a need for species-specific surveys for any big game species (e.g. mule deer, elk, or bighorn sheep).	The applicant conducted a literature review, desktop analysis, used ODFW mapped habitat categories and species information, as well as information from field surveys to inform the habitat categorization for Exhibit P and information used under the Fish and Wildlife Habitat standard. Species-specific surveys are not required under the F&W habitat standard unless justified by ODFW and the Department. Big Horned Sheep are not listed in Oregon as a special status or T&E species,[10] therefore, species-specific field surveys are not required. Department recommends adding this statement to a footnote in Section IV.H., of the Proposed Order. The facility is setback from the canyons and ridges where Big Horned Sheep occupy, buffered with the HMA, as described elsewhere in this response table.
	Indirect effects to listed fish. The record lacks an erosion/sedimentation analysis for downstream steelhead habitat despite clear hydrologic connectivity. EFSC's wildlife standard requires avoidance/minimization of impacts to species' survival/recovery, regardless of federal vs. state listing labels. • Degradation of spawning habitat (from erosion and runoff) for native fish species, including steelhead, Chinook salmon, and trout in the Deschutes and Columbia Rivers. • Siltation of streambeds, reducing oxygenation and smothering aquatic invertebrates essential to riverine food webs.	The setbacks implemented between the facility fenceline and the canyons, along with implementation of best management practices and Erosion and Sediment Control measures required under the facility's NPDES permit required under (PRE-SP-02) and Fugitive Dust Control Plan under (GEN-SP-01), will prevent erosion from transporting sediment off-site and into waterways. See Attachment 2 of the applicant responses which is the Oregon Department of Environmental Quality (ODEQ) 1200-C General Permit, that identifies measures that must be taken to avoid erosion during construction.	See applicant response and responses above. The solar micrositing areas are within the site boundary and further setback from the ridges and canyons; at the closest point, the solar micrositing area is approximately 0.25 miles from the ridge. Comment does not take into consideration facility location in proximity to canyons, ridges and the implementation of the 1200-C permit. Comment does not provide facts to support degradation of fish spawning habitat or siltation of streambeds. No recommended changes to the Proposed Order in response to this comment.
	Threatened and Endangered Species OAR 345-022-0070: Species survey inadequacy		

[10] https://www.dfw.state.or.us/wildlife/diversity/species/threatened_endangered_candidate_list.asp

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	Sensitive species and survey adequacy. Portions of the analysis area (including steep canyon habitats most likely to host rare plants) were not surveyed. EFSC cannot conclude compliance with OAR 345-022-0070 when surveys are incomplete or mistimed.	The majority of the areas that were not surveyed are too steep for placement of facility components and will instead be included in the facility HMA. Due to access restrictions, the Alternate Gen-Tie route also has not yet been field surveyed. If the alternative gen-tie route is selected for construction, the site certificate contains conditions (PRE-TE-01, PRE-HC-01) requiring that field surveys be completed and results reviewed for impact assessment prior to construction. Botanical surveys were conducted from June 6–June 14, 2023, a timeframe when all of the target species, with the exception of sessile mousetail, were likely to be in flower (see Attachment P-1 in Exhibit P).	Applicant response sufficient. No recommended changes to the Proposed Order in response to this comment.
	Field surveys for rare plants were conducted in June 2023, outside the documented blooming season for sessile mousetail (Myosurus sessilis), which occurs March through May. The Applicant admits this limitation yet claims the species is "unlikely to occur."	Surveys were conducted just after the typical period of flowering for sessile mousetail (March-May) because only one vernal pool wetland (the plant's habitat) was found within the survey area. This wetland and the surrounding area were surveyed closely for sessile mousetail individuals but there was no evidence of the plant. Moreover, no element occurrence was identified in the Oregon Biodiversity Information Center (ORBIC) database within 5 miles of the Micrositing Corridor. This survey methodology and survey findings as well as impact analysis were reviewed by the Oregon Department of Agriculture to support a conclusion that the facility is not likely to adversely impact sessile mousetail.	During the review of the pASC, the Department consulted with Oregon Department of Agriculture (ODAg), Native Plant Conservation Program on the adequacy of the methods/surveys completed to evaluate potential presence of listed T&E plants. On September 18, 2024, ODAg staff confirmed review of pASC Exhibit Q and stated that, "The methods are adequate for locating T&E plants, and it looks like the steps they took to develop their target plan list was also adequate. We don't have any further comments on their methods of findings." The Department recommends adding supplemental findings in the record to Section IV.I, *Threatened and Endangered Species*, in the Proposed Order in response to this comment.
	Land Use: ORS 469.501(1)(c) and OAR 345-022-0000 through 345-022-0110: Goal 6 and Goal 5, By not addressing erosion risk in a site-specific, measurable manner, this application fails to demonstrate compliance with these land use goals		
	Goal 6 – Air, Water, and Land Resources Quality: Prohibits land uses that degrade water quality or cause soil erosion and sedimentation beyond acceptable limits, and Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces: Requires protection of sensitive natural resources and fish habitat.	N/A	Although the comments cited Land Use Goals, each of the goals cited is associated with water quality or natural resource impacts, raised in more specificity in other comments. No recommended changes to the Proposed Order in response to this comment.
	Water (OAR 345-021-0010(1)(o); OAR 345-022-0080; ORS ch. 537; ORS 540.610): Insufficient and uncertain supply		
	Municipal providers express limitations or uncertainty; informal emails are not binding water-right commitments.	Applicant provided evidence from multiple potential sources of water to show that the Project is not limited to obtaining water from one source. Specific water source(s) will be confirmed by	The DPO includes recommended Public Services Condition 1, which would require that the applicant demonstrate to the Department that all construction-phase water is legally obtained through contract, purchase agreement or third-party permit. A requirement to

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		the Department as part of the pre-construction compliance process (Public Services Condition 1 [PRE-PS-01]).	demonstrate that water is legally obtained ensures that the source has an existing, reviewed water right or permit issued by Oregon Department of Water Resources, which is the regulatory agency responsible for ensuring that water use does not cause or create impacts to existing users or water sources. Changes to the Proposed Order are not recommended in response to this comment.
	Reliance on private wells via temporary limited licenses (ORS 537.143) is inherently interruptible and subordinate, especially during drought or priority calls	If a landowner is not able to provide water to the Project, other bulk water providers either alone or in combination have the ability to provide the estimated water needs of the Project.	DPO Section IV.S., Water Rights, explains that 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. Under Recommended Water Rights Condition 2, 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. Changes to the Proposed Order are not recommended in response to this comment.
	High fire risk area with limited water, however, applicant states that "no mitigation is necessary" there are no commitments to • monitor groundwater levels at nearby wells; • Coordinate with local water districts on timing of withdrawals; or • Establish a reserve or emergency water supply for wildfire response.	See response above.	See response above. Additionally, Recommended Water Rights Condition 1 requires that, prior to operation, 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. Changes to the Proposed Order are not recommended in response to this comment.
	Public Services (OAR 345-022-0080): Public services/fire water conflict; Public Safety and Emergency Response Deficiencies		
	Diverting limited regional supplies for construction and O&M would strain small systems needed for firefighting and agricultural uses during peak fire seasons. The application proposes no groundwater monitoring, withdrawal timing coordination, or emergency reserves—failing the intent of OAR 345-022-0080 (Public Services).	Applicant provided evidence from multiple potential sources of water to show that the Project is not limited to obtaining water from one source. Specific water source(s) will be confirmed by the Department as part of the pre-construction compliance process (Public Services Condition 1 [PRE-PS-01]).	See responses above regarding site certificate conditions which require a demonstration that construction water is obtained from a legal source; well log monitoring as well as withdrawal limitations; and the recommended new Public Services Condition 2 in Proposed Order Section IV.M, to similarly require that during O&M, if water is obtained from offsite sources, that the applicant be required to demonstrate it has been obtained from a legal source.

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			Comment does not provide enough detail about potential impacts to "agricultural uses during peak fire season" to respond to. Changes to the Proposed Order are not recommended in response to this comment.
	Diverting limited regional supplies for construction and O&M would strain small systems needed for firefighting and agricultural uses during peak fire seasons. Maupin Rural Fire Protection District and South Wasco County Fire & Rescue—are small volunteer departments with limited water supply, inadequate tools and training for fighting electrical and lithium battery fires, and staffing.	To further address the concern regarding training for volunteer firefighters and emergency responders, the applicant proposes a new condition in the site certificate which addresses training fire and emergency personnel for fire protections with specific equipment on site. The applicant represents that, if permissible by the organizations, the applicant would compensate attendees for their time at a rate to be agreed with the emergency response organization. With an anticipated maximum of 400 workers on-site during construction of the Yellow Rosebush facility, it is highly unlikely that any fatal injuries would occur (average of less than 0.04 per 400 workers), while less than 2 non-fatal slips, trips, and falls would be anticipated annually on average, the majority of which would not require ambulance support. On-site protocols will focus on ways to prevent injuries in the first place, while also providing on-site treatment capability to avoid or minimize the need for off-site transfer. Attachment 1 to this letter provides an example safety plan from construction of a Savion facility; A similar plan will be implemented for Yellow Rosebush to aid in minimizing the likelihood of any emergency response need.	DPO Attachments W-1 and W-2 include construction and operational WMPs, which include pre-construction and operational training for fire departments, ambulance services and safety personnel. The training includes advanced instruction specific to utility scale solar components and battery storage systems. The Department recommends updating Section IV.M., Public Services, to incorporate the applicant's updated analysis of the probability of injuries on site and to amend the Construction and Operational WMP's to include following language be added to both the construction and operational WMP Section 2.1: Training, "Training will be provided at no cost to emergency service personnel. Certificate holder shall donate to Bakeoven-Shaniko Rural Fire Protection Association and Southern Wasco County Ambulance Service, Southern Wasco County Ambulance Service for their time and any necessary equipment for training." Recommended Land Use Condition 7 and 8 require the submission and implementation of the certificate holder's Emergency Response Plan during construction and Recommended Land Use Condition 9 and 10 require the submission and implementation of the certificate holder's Emergency Response Plan during operation of the facility. The Department recommends amending these conditions to cite the parent company's emergency and safety plans.
	Wildfire (OAR 345-022-0115): Incomplete/insufficient Wildfire Mitigation Plan (WMP), Risk characterization issues, Public safety, Community and Equity Considerations		
	The application provides draft plans with key items "to be provided later," contrary to OAR 345-022-0115(1)(b)'s requirement that EFSC review a complete plan before certification. Mapped defensible space, BESS-specific suppression design, Operational triggers, responder coordination.	The applicant developed Draft Construction Wildfire Management Plan (CON WMP) and a Draft Operational Wildfire Management Plan (OPR WMP) based on ODOE templates and in coordination with ODOE and the Oregon State Fire Marshal's Office, Maupin Volunteer Fire Department, Shaniko Volunteer Fire Department, South Sherman Fire District, and Bakeoven-Shaniko Rural Fire Protection Association. Consistent with Council precedent, the plans are prepared as draft plans, with the requirement that they be finalized prior to construction once the construction contractor is selected and final design has been	OAR 345-022-0115 requires that the facility be constructed and operated consistent with a WMP, and not a "complete plan before certification". Large energy facilities permitted with EFSC generally have not been though their final design and do not have equipment selected. As described in this response table and in the DPO, because final studies are conducted prior to construction and are based on final design of the facility, site certificate conditions refer to "draft" plans that must be finalized prior to construction or operation of the facility. Pursuant to ORS 469.402, the Council may delegate future review and approval of compliance with site certificate conditions to the

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		developed. This practice allows for the final plans to be tailored to construction methodologies and final equipment selection, and also affords the opportunity for continued coordination with local fire response agencies as the time of construction grows closer.	Department. All recent Council-approved energy facilities include conditions of approval in the site certificate that stipulate that pre-construction surveys be completed based on final design, where future review of the plan is delegated to the Department based on the criteria in the plan that are approved by Council. The measures that would be finalized in the CON and OPR WMP are final design features for wildfire mitigation and would be based on the final design and would be applicable to the facility as it would be constructed and operated. Changes to the Proposed Order are not recommended in response to this comment.
	The site is mapped as very high fire hazard, yet the narrative labels overall risk "moderate." Large portions of the site show "No Data," undermining the credibility of the risk analysis. Maps also show "No Data" for approximately 97% of the site boundary"	At the time the data for the Overall Fire Risk table and figure was obtained (August 2023), there was limited data available for the area as exhibited by the "No Data" for 97 percent of the Project Site Boundary in Table V-7 of Exhibit V. Since the original data was gathered in 2023, the data gap has been significantly reduced in the Oregon CWPP Planning Tool, and a revised table has been developed. Applicant provides updated Overall Fire Risk, which concludes that Overall Wildfire risk is moderate.	DPO Section IV.N.1., *Wildfire Prevention and Risk Mitigation*, describes Baseline and Seasonal Wildfire Risk and includes a discussion of Fuel Models (FM) that best describes vegetation at the site and analysis area. It describes that FM 122, which makes up 65 percent of the site boundary, is categorized as moderate load dry climate grass-shrub; which has an overall high spread rate. The Department recommends changes to the Proposed Order Section IV.N.1 to incorporate the applicant's updated Overall Fire Risk Rating Table, based on updated data obtained from the Oregon CWPP Planning Tool. Importantly, in DPO Section IV.N.1, the Department recommends Council find that wildfire fire risk is moderate during winter (seasonally wetter) months and high during the summer months, during fire season.
	South Wasco County as a High Fire Danger Area and a Wildland-Urban Interface (WUI) priority zone. Approving a large-scale industrial solar facility—introducing thousands of ignition points, electrical components, and transformers—directly conflicts with those public-safety efforts. Key risk factors include: • High winds funneled through canyon topography; • Continuous fine fuels (cheatgrass and dry forbs) with high ignition potential; • Limited access roads and long response times for local volunteer fire districts;	See applicant responses above.	See response above. Applicant evaluates the Wasco Council CWPP in ASC Exhibit W. DPO Section IV.N.1. evaluates the Wasco County 2024 Community Wildfire Protection Plan and WUIs. The facility is not located within any WUIs designated in the CWPP. Changes to the Proposed Order are not recommended in response to this comment.

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	• Battery Energy Storage System (BESS) introducing additional ignition and toxic smoke risks		
	Assuming municipal water or on-site water engines as a primary control measure is unrealistic for energized electrical/BESS events. Without proven methods and resources matched to local capability, EFSC cannot find the facility "is not likely to result in significant adverse impacts to people or property due to wildfire." Once the project is in operation water is an incorrect tool to fight electrical fire. In the recent fire in the Bakeoven facility in August of 2025 the fire had to be put out with shovels and dirt as the facility was energized and water would not extinguish the fire.	To further address concerns regarding training for volunteer firefighters and emergency responders, the applicant proposes that the following condition be included in the Site Certificate: *Prior to and during facility construction and operation, the certificate holder shall provide annual advanced emergency response and fire training to local first responders. This training must be:* *(a) tailored to emergency and fire response at utility-scale solar and battery energy storage facilities,* *(b) conducted by qualified instructors, and made available to the Southern Wasco County Ambulance Service, the Bakeoven-Shaniko Rural Fire Protection Association, the South Sherman Fire District, the Wasco County Sheriff's Office, and other local first responders at no cost to the attendees. If allowed by emergency response organization bylaws, the certificate holder shall compensate attendees for their time at a rate to be agreed with the emergency response organization.*	ASC Exhibit W and DPO Section IV.N.1., *Wildfire Prevention and Risk Mitigation*, describe water sources and one of the uses for water would be for fire mitigation. Under Public Services Condition 1 [PRE-PS-01], water quantities and sources would be verified prior to construction. As designated in the CON and OPR WMP, attached to the DPO, construction and operational personnel would be trained to prevent onsite fires and to extinguish fires, depending on the type and ignition source of the fire (vegetation , battery, electrical, etc.). The Department recommends incorporating the applicants' representations for additional, facility-specific trainings be incorporated into those plans.
	Council should also recognize the disproportionate burden placed on small rural communities—higher insurance costs, tax pressures for additional fire protection, and long-term public safety liabilities; avoid transferring long term risks to residents.	N/A	Issues such as insurance costs, land values, land purchasing, leasing, and building codes are matters outside of Council jurisdiction (ORS 469.401(4)). Issues associated with long-term public safety liabilities; avoid transferring long term risks to residents are not raised with enough detail to respond to. Changes to the Proposed Order are not recommended in response to this comment.
Susie Miles	**Public Services: Road conditions and impacts from construction; Impacts to South Wasco Co Ambulance**		
	Area of concern is Bakeoven Road between Maupin and the construction site. While the draft states traffic will come in via Hwy 97 (north and southbound), then east on Bakeoven RD, there is not a way to enforce that. Trucking will haul the shortest route, which will be across the bridge in Maupin and east on Bakeoven Rd.	Applicant will implement the BMPs identified in the draft Construction Traffic Management Plan in ASC Exhibit U and addressed in the applicant's represented new condition, to reduce impacts along transportation routes and to minimize traffic through the City of Maupin during construction. Further, as required by Wasco County, a road use agreement will be signed with the county to ensure that roadways will be maintained and any damage will be repaired during the construction process.	Public Services Condition 2 states that haul trucks are precluded from accessing the site via Highway 197 through Maupin, unless approved by ODOT and/or City of Maupin. To ensure that the measures addressed in the County's Road Use Agreement are implemented, which include compensation for any necessary road repairs from construction related damage, the Department recommended the Council impose Public Services

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Name of Commenter/Organization	Comment Summary	Applicant Response	Department Evaluation / Recommendation
			Condition 2 and 3, which require the execution and implementation of a Road Use Agreement. Changes to the Proposed Order are not recommended in response to this comment.
	How will the road be fixed?	The applicant will implement the BMPs identified in the draft Construction Traffic Management Plan to reduce impacts along transportation routes and to minimize traffic through the City of Maupin during construction and required by the road use agreement.	The Department recommends updated findings and amending Public Services Condition 3, requiring the inclusion of the draft Construction Traffic Management Plan with the execution and implementation of a Road Use Agreement.
	South Wasco Co Ambulance is completely staffed by volunteer EMTs. highly consider two means of support: 1) Provide funding for training additional EMTs, in the form of reimbursements. 2) Support the South Wasco County Ambulance with its own dispatch and response to emergencies, as it currently operates	Applicant spoke with a representative of Southern Wasco County Ambulance Service (SWCAS) and commits to maintaining an ongoing dialogue with SWCAS and other stakeholders to support volunteer emergency responders. Applicant is amenable to contributing financially to SWCAS to ensure they can adequately support the facility through construction and operation. Additionally, the applicant proposes additional on-site trainings and that, if permissible by the organizations, the applicant would compensate attendees for their time at a rate to be agreed with the emergency response organization. Applicant provides evaluation of statical probability of severe and minor injuries occurring onsite. Attachment 1 to the applicant responses provides an example safety plan from construction of a Savion facility; a similar plan will be implemented during construction and operation of the facility.	The Department recommends updating Section IV.M., Public Services, to incorporate the applicant's updated analysis of the probability of injuries on site. The Department recommends amending Attachments W-1 and W-2 which are the construction and operational WMPs, adding in the details for pre-construction and operational training for fire departments, ambulance services and safety personnel; and requiring the applicant to compensate/donate to participating emergency service providers that attended the training. Specifically, the WMP Section 2.1: Training states, "Training will be provided at no cost to emergency service personnel. Certificate holder shall donate to Bakeoven-Shaniko Rural Fire Protection Association and Southern Wasco County Ambulance Service, Southern Wasco County Ambulance Service for their time and any necessary equipment for training."
Alex Carr / EMS Administrator Southern Wasco County Ambulance Service (SWCAS), Inc., Maupin	**Public Services: Ambulance and emergency service providers**		
	SWCA provides 100% of the emergency medical services within the Wasco County area. We are an all-volunteer emergency medical transport organization. We would like to explore the possibility of support from your organization to help offset potential added costs to our service. The Yellow Rosebush project may increase our call volume, and as a volunteer agency, additional demand directly impacts our ability to respond effectively.	Applicant has spoken with a representative of Southern Wasco County Ambulance Service (SWCAS) and commits to maintaining an ongoing dialogue with SWCAS and other stakeholders to support volunteer emergency responders. Applicant is amenable to contributing financially to SWCAS to ensure they can adequately support the facility through construction and operation. Applicant provides evaluation of statical probability of severe and minor injuries occurring onsite. Attachment 1 to the applicant responses provides an example safety plan from construction of a	Recommended Land Use Condition 7 and 8 require the submission and implementation of the certificate holder's Emergency Response Plan during construction and Recommended Land Use Condition 9 and 10 require the submission and implementation of the certificate holder's Emergency Response Plan during operation of the facility. The Department recommends amending these conditions to cite the parent company's emergency and safety plans. The Department recommends updating Section IV.M., *Public Services*, to incorporate the applicant's updated analysis of the probability of injuries on site. The Department recommends amending the Construction and Operational WMP's to ensure that emergency

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Name of Commenter/Organization	Comment Summary	Applicant Response	Department Evaluation / Recommendation
	seeking funding to update aging equipment, provide advanced training and education for our volunteers, and strengthen volunteer recruitment and retention efforts are working to Update, fully equip and staff two ambulances to better meet the growing needs of our community.	Savion facility; a similar plan will be implemented during construction and operation of the facility.	agencies are compensated/donated to and would include following language be added to both the construction and operational WMP. The Department recommends adding the applicant's representation for advanced, facility-specific training for emergency personnel, with compensation available to the Construction and Operational WMPs.
Alvin Alexanderson	**Fish and Wildlife Habitat: Impacts within Big Game Winter Range for Mule Deer (BGWR) not accurately calculated or mitigated, suggests moving the site** Putting a big game exclusion area in BGWR is such a bad idea one wonders why it is being considered. This intervenor says solar arrays should go outside BGWR. Suppose there are 500,000 acres of designated BGWR and you take away 6 thousand acres leaving 400,994. If you change some plants on 6000 acres of already protected BGWR the total is still 400,994. No replacement has occurred. There is a net loss of quantity. we should be seeing at least an equal number of acres of suitable habitat being newly protected. This could be a conservation easement outside the current mapped range or newly designated replacement Solar arrays eliminate the habitat completely. No game animals can use it. It appears from the map that some parts of the proposed arrays could be placed closer to the Buckley substation in Sherman County outside the BGWR.	The applicant worked closely with ODFW to avoid, minimize, and appropriately mitigate identified impacts to both habitat and wildlife, resulting in a plan that has been thoroughly reviewed by ODFW as well as the Department to ensure that it is in compliance with ODFW's habitat mitigation policy.	The Fish and Wildlife Habitat 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, which must be avoided, and Category 6 the least valuable. ODFW's Mitigation Goal allow for in-kind and in-proximity mitigation for impacts within Category 2 habitat, such as much of the facility site boundary; mapped Category 2 Big Game Winter Range for Mule Deer habitat. See DPO Table 17: Estimated Habitat Impacts and ODFW Habitat Mitigation Ratios. Permanent impacts will occur within the perimeter fenceline, even if areas within the fenceline will be revegetated. These areas are considered permanent impacts to fish and wildlife habitat, and are quantified in the mitigation obligation for the facility and addressed in the Habitat Mitigation Plan (Attachment P-3 of the DPO), as required under .Recommended Fish and Wildlife Condition 8. Changes to the Proposed Order are not recommended in response to this comment.
	The first obligation of mitigation as written in the ODFW rule ..is avoidance. Avoidance of outright habitat destruction is possible here but was not practiced	See response above.	Avoidance of impacts is the first tier for each category, followed by an allowance of mitigation, if impacts are demonstrated to be unavoidable. The design features proposed by the applicant to avoid potential habitat and species related impacts are detailed in ASC Exhibit H Section 9.1, and imposed within a Wildlife Minimization and Monitoring Plan, required to be implemented under recommended Fish and Wildlife Condition 12. Additional avoidance requirements are

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			imposed in recommended Fish and Wildlife Condition 10 (flag and avoid impacts to streams, wetlands, and other sensitive habitat features and 13 (adhere to raptor nest buffers during sensitive nesting season). Changes to the Proposed Order are not recommended in response to this comment.
	the mitigation area chosen can not make up for the loss of habitat. Any such payment will not be enough and parties are entitled to have information and the opportunity to contest the issue.	See response above.	The HMA location, size and uplift actions have been reviewed by ODFW and the Department and are consistent with OAR 635-415-0025(1) through (6), and include: • Shrub Planting • Oregon White Oak Planting • Weed Control • Fence Removal • Fire Control • Monitoring implementation measures Under Recommended Fish and Wildlife Condition 7, 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. Changes to the Proposed Order are not recommended in response to this comment.
	The ODFW no-net-loss Rule is not a "goal." It is a condition that must be satisfied. The draft Habitat Mitigation Plan finds 4992 total acres of Category 2 affected habitat. Unless this includes the total acreage to be fenced out, it is incorrect. For no-net-loss, the replacement acreage must at least equal the acreage inside fences.	See response above.	See Proposed Order Table 17: Estimated Habitat Impacts and ODFW Habitat Mitigation Ratios. As described in Section IV.H.1., ODFW concurs with the mitigation ratios proposed by the applicant to establish the size of the HMA. Based upon the mitigation ratios shown in the table, 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 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.

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			Changes to the Proposed Order are not recommended in response to this comment.

Based on the Department's ongoing review of the facts and evidence on the record, the following recommended site certificate conditions, Section, and Plans were materially revised in the Proposed Order:

- Proposed Order Section IV.D., Soil Protection: The Department recommends adding the "amendment clause" to Attachment I to the Proposed Order, the Draft Fugitive Dust Control Plan imposed under Recommended Soil Protection Condition 1. The reasons that necessitate adding the plan amendment clause are provided in Proposed Order Section IV.A.1.1: ORS 469.402: Council Delegation to Department for Future Review and Approval of Site Certificate Conditions and Mitigation Plans.
- Proposed Order Section IV.K., Historic, Cultural, and Archaeological Resources: The Department recommends amending Table 21 with NRHP eligibility recommendations from the applicant's technical reports and SHPO concurrence.
- Proposed Order Section IV.Q., Noise Control Regulations for Industry and Commerce: The Department recommends updates to findings in Section and Table 28 summarizing compliance with OAR 340-035-0035 based on applicability of OAR 340-035-0035(1)(b)(B)(iii)(III), "Noise Waivers for Solar Facilities". The Department recommends amending recommended Noise Control Condition 2 to be based on the previously recommended Noise Control Condition 1.

II.D.2 Proposed Order

Concurrent with the issuance of ~~the~~ this Proposed Order, the Department ~~will~~ issued ~~a~~ Notice of Proposed Order and Contested Case.[11] Attachment 1 of the Notice of Proposed Order and Contested Case includes a summary of the material changes made from the DPO to the Proposed Order, presented in this order.[12]

Only those persons who commented 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."[13] 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

[11] See ORS 469.370(4) and OAR 345-015-~~0014.~~ 0403.

[12] ORS 469. 370(5)(b) The action recommended in the proposed order, including any recommended conditions of the approval, differs materially from that described in the draft proposed order, in which case only new issues related to such differences may be raised.

[13] ORS 469.370(3).

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.[14] The Council may base its Final Order on 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 general 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, which illustrates the proposed micrositing area within the larger site boundary.[15] Additional details regarding specific components, and discussion of alternative designs or technologies under consideration are provided in the sections that follow.

[14] ORS 469.370(7).

[15] YRBAPPDoc1-4 ASC Exhibit C. Project Location 2025-09-05, Figure C-1 and C-2

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[1]	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 foundation)	346,351	posts
Tracker System		
Tracker Strings	20,622	each
Combiner Boxes	6,800	each
Inverters and Step Up Transformer Stations		
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: • 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 disturbance corridor (limit)	123; 300	Acres; foot 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		

Table 2: Facility Component Summary

Component and Design Standard	No.	Unit
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		
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/ dead-end structures); quantity	25	each
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 with HVAC and fire suppression systems; SCADA	1,220	Per unit
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
Appurtenances	On foundation, graveled parking, On-site well, septic system, SCADA System	
Facility Roads		
Length - includes new (313.3 mi) and modified existing roads (2.1 mi)	33.4	miles
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 roads)		48	feet
Emergency Vehicle Grade Limit (new roads)		10	Percent
Road Material (new roads)		Gravel, compacted aggregate 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			
Quantity		2	each
Site size		3.5/20	acres
Description		Adjacent to O&M and in 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:

1. 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

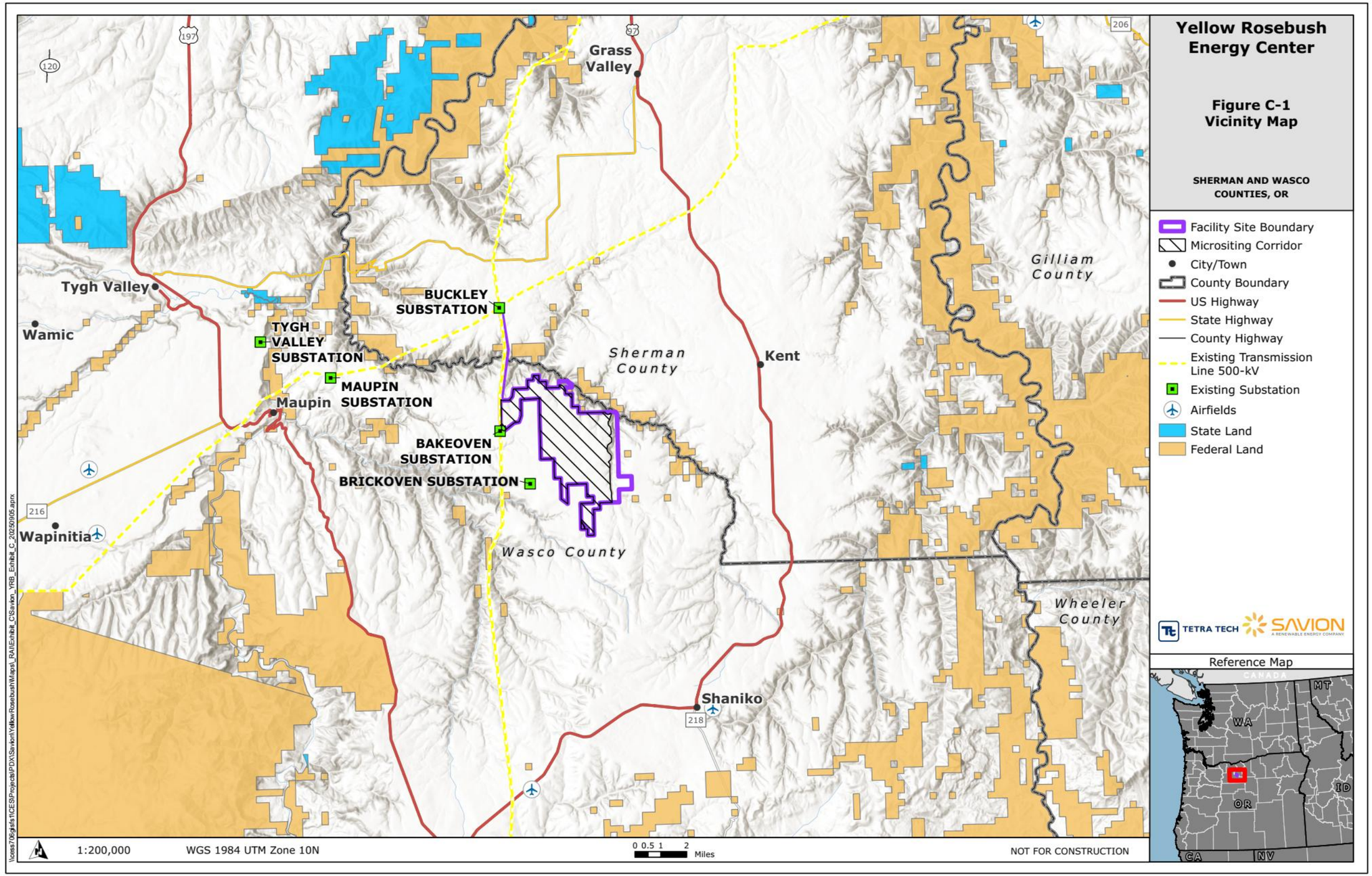
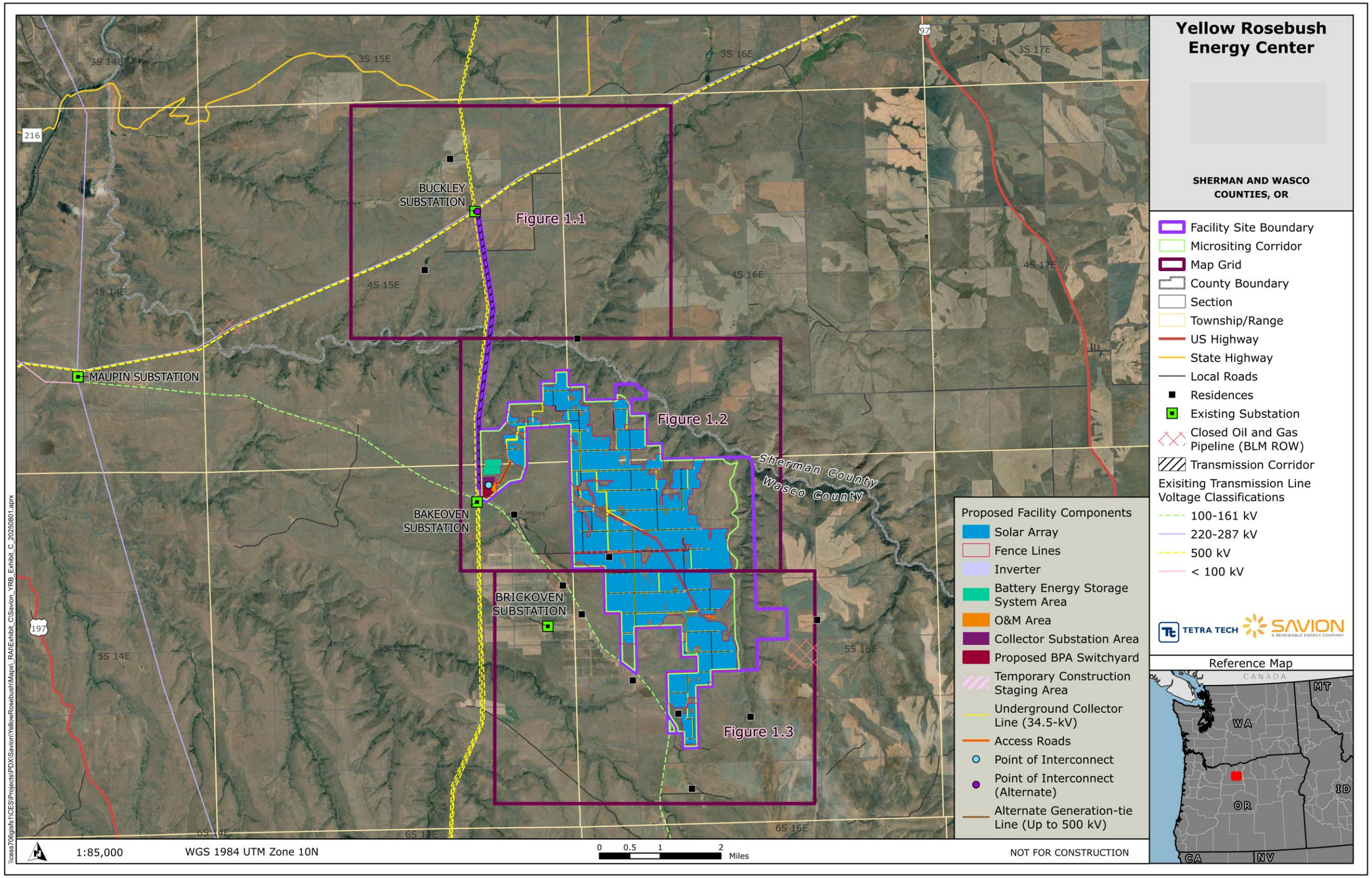


Figure 2: Proposed Facility Site Boundary, Micrositing Area, and Component Layout



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."[16] 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.[17] 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.[18] 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

[16] ORS 469.300(24).

[17] YRBAPPDoc1-3 ASC Exhibit B. Project Description 2025-09-05, Section 2.2.1.

[18] 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.[19] 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.[20] 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.[21] 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

[19] YRBAPPDoc1-3 ASC Exhibit B. Project Description 2025-09-05, Section 2.2.4.
[20] YRBAPPDoc1-3 ASC Exhibit B. Project Description 2025-09-05, Section 2.2.3.
[21] 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 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.

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 gen-tie 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 tall. 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.[22] 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.[23] 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

[22] YRBAPPDoc1-3 ASC Exhibit B. Project Description 2025-09-05, Section 3.3.

[23] 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:[24]

- 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-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.[25] 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

[24] 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.

[25] 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,

Oregon.[26] Table 3 below provides the Township, Range, and Sections occupied wholly, or in 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
4S	15E	0	Wasco	100
4S	15E	0	Wasco	1500
5S	15E	0	Wasco	300
4S	15E	0	Sherman	300
4S	15E	0	Sherman	301
4S	15E	0	Sherman	2100
4S	15E	0	Sherman	2200
4S	15E	0	Sherman	3200
4S	15E	0	Sherman	3400

Within the site boundary, there is a proposed transmission line corridor and solar micrositing area.[27] 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 proposed solar micrositing area is 7,026 acres (approximately 11 sq. miles), located entirely within Wasco County (See Figures 1 and 2 above). As discussed in Section IV.H., *Fish and Wildlife Habitat*, the eastern portion of the proposed site boundary, outside of the micrositing area for siting of facility components, includes some of the proposed habitat mitigation area (HMA).

III.C. Proposed Facility Construction, Operation and Retirement Activities

[26] 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".

[27] 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.

III.C.1. Proposed Construction Activities

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
- 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.[28] Water use estimates for dust control assume 100,000 gal per day, 6 days per week, will be 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

[28] 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).

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 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."[29] 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~~ Proposed Order 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*

[29] ORS 469.503(1).

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.

*****[30]

(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, 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.[31]

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 ORS 469.402: Council Delegation to Department for Future Review and Approval of Site Certificate Conditions and Mitigation Plans

Under ORS 469.402, if the Council elects to impose conditions on a site certificate or an amended site certificate that require subsequent review and approval of a future action, the

[30] 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.

[31] Administrative Order EFSC 1-2017, effective March 8, 2017.

Council may delegate the future review and approval to the Department if, in the Council's discretion, the delegation is warranted under the circumstances of the case.

As a matter of practicality, all site certificate conditions imposed in the site certificate include some form of Department review and/or approval. Therefore, all conditions have a nexus with ORS 469.402. Some conditions require that an applicant demonstrate that it has received proper permits or documentation, or require a demonstration that facility design adheres to established specifications. In these circumstances, the Department's role in finding compliance (approval) with the condition is to verify that the future action described in the condition was completed.

The primary circumstance necessitating the application of ORS 469.402 is associated with the uncertainty of financing and development of the facility; and engineering and design of large energy facilities prior to having secured engineering and design contractors. An energy facility proposed in an ASC represents a facility design that is approximately 30 percent complete. This stage in the facility design includes design features, dimensions, setbacks and resource avoidance areas that are informed by field surveys and desktop analysis conducted in preparation of an ASC. Final facility design, final engineering studies, and the selection of manufacturer and component specifications have yet to be completed or selected when an ASC is submitted.[32]

The timeline for permitting and construction of large energy facilities also necessitates the application of ORS 469.402. EFSC-approved energy facilities typically have three years to begin construction after Council approval, and then three years to complete construction. In this timespan, circumstances or conditions at the site change, which is why some conditions or mitigation plans include "truing up" information based on the final facility design which must be reviewed and approved prior to construction. For example, surveys for a state-listed Threatened and Endangered Species, Washington Ground Squirrel (WGS), are considered valid for three years because WGS colonies may relocate. Therefore, if construction occurs more than three years from the prior WGS surveys, additional surveys are needed to determine WGS locations. Additionally, in the timeframe between EFSC approval and construction, permits, approvals or filings with other agencies or local governments may expire, which would necessitate resubmission.

Similarly, ORS 469.402 is necessary because many Council standards, conditions of approval and mitigation plans depend on site-specific environmental conditions that change over time. For example, Wildfire Mitigation Plans require a future update of the wildfire risk at the site prior to construction and operation because wildfire risk changes over time. Reference resources used to assess wildfire risk also change.

[32] It is important to highlight that final facility design also changes during construction based on resources encountered, soil conditions, or additional setbacks or avoidance needed, therefore the final operational facility "as-builts" may differ from the pre-construction facility design, necessitating review of conditions prior to operation of the facility.

Under OAR 345-025-0016(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, and Council must include conditions that address monitoring and mitigation to ensure compliance with the standards contained in OAR Chapter 345, Division 22 and Division 24.[33] Therefore, when the Department determines an ASC to be complete, the information in the mitigation and monitoring plans is sufficient for the Department to recommend Council impose conditions requiring the future review and approval of the mitigation plans.

The following conditions require Department review and approval of a mitigation plan that must be finalized prior to construction or operation of the facility:
PRE-FW-01 Revegetation and Reclamation Plan
PRE-FW-02 Noxious Weed Control Plan
PRE-FW-04 Habitat Mitigation Plan
PRE-SP-01 Fugitive Dust Control Plan
PRE-WF-01 Construction Wildfire Mitigation Plan
PRO-WF-01 Operational Wildfire Mitigation Plan

Under OAR 345-025-0016, in preparation and during the review of the ASC, the applicant developed these monitoring and mitigation plans in consultation with the Department, state agencies and local governments. Importantly, the Department provided additional edits to the mitigation plans that were presented in redline format to the plans that were attached to the DPO for this facility, and these plans (and other plans attached to this order), were available for the public to comment on during the hearing on the DPO. As discussed in the applicable sections of this order, these mitigation plans are in draft form because they include preliminary assessments, impact totals, criteria for avoidance and minimization of impacts to resources, as well as success criteria to determine short and long term success of the mitigation measures defined in the plans. These plans are in preliminary or draft form because, as discussed above, they are based on the design of the facility as presented in the ASC and will be updated prior to construction and operation of the final designed facility, which could be several years in the future when it is important to capture circumstances at the site at that time.

Lastly, the mitigation plans include specific monitoring and success criteria to determine short and long term success of the mitigation measures defined in the plans. The mitigation plans listed above have an "amendment clause," which under ORS 469.402, allows Council and the Department, in conjunction with the applicant, to amend mitigation plans without a site certificate amendment under OAR 345-027-0350 through OAR 345-027-0375. The circumstances that necessitate the subsequent review and approval of a future action (amendment of a finalized mitigation plan) under ORS 469.402 are associated with ongoing compliance with the monitoring and success criteria. Ongoing compliance with monitoring and success criteria may need to be adapted based on site specific changes, environmental

[33] OAR 345-025-0016.

conditions, failing criteria, or new or emerging technologies or practices that could be more effective at mitigating an impact or restoring the site. As described in the amendment clause, the Department is required to notify Council of all Plan amendments, and Council retains the authority to approve, reject, or modify any amendment of the Plans agreed to by the Department because the delegation is not absolute.

~~*IV.A.1.1*~~*IV.A.1.2 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*~~*IV.A.1.3 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*~~*IV.A.1.4 Site Certificate Conditions: OAR Chapter 345, Div 25*

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;

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; 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.[34] 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 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.

[34] 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.

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.[35] The Department recommends the Council impose General Standard Condition 6:

General Standard Condition 5~~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 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 6~~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-05~~6~~; Final Order on ASC]

[35] 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.

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 7~~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.
> [Site Specific Condition OAR 345-025-0010(5); GEN-GS-06~~7~~; Final Order on ASC]

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.*

~~*IV.A.1.4*~~*IV.A.1.5* *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 ~~8~~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 ~~9~~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 1~~0~~1 (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~~ Order, 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.[36]

[36] Administrative Order EFSC 1-2002, effective April 3, 2002

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

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.[37]

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.

> **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]

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

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.

Experience Designing, Constructing, And Operating Solar Facilities

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.

[37] YRBAPPDoc1-5 ASC Exhibit D. Organizational Expertise 2025-09-05, Attachment D-1. 2025-04-04.

Savion was founded in 2019 and has over 175 employees working on projects across 28 states. Their headquarters is based in Kansas City, MO.[38] 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.

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

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 storage development pipeline of 22,105 MW and 19,251 MW, respectively, as summarized below.[39] Savion's website reports 3 GW of Solar and Energy Storage projects combined across 23 projects in 11 states as in operation, under construction and contracted. The same website shows 18 GW of solar energy development across 73 projects in 26 states and 14.8 GW of battery storage combined across 60 projects in 24 states.[40]

In Operation:

- Madison Fields Solar Project, PJM[41], Ohio, 180 MW, 12/31/2023 COD
- Kiowa Solar Project, 100 MW, SPP[42], Oklahoma, COD 12/31/2024
- Martin Solar Project, 111 MW, PJM, Kentucky, COD 12/31/2024

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[43], 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[44], Idaho, COD 9/30/2025

[38] Savion Energy webpage. Available at: https://savionenergy.com/about-us/ Accessed by the Department 2025-07-30.

[39] YRBAPP ASC, Exhibit D, Section 5.0

[40] Savion LLC. Company Webpage. Available at: https://savionenergy.com/project-map/ Accessed by the Department on July 30, 2025.

[41] 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.

[42] Ibid. SPP is the Southwest Power Pool, which covers Oklahoma, Kansas, and parts of Arkansas, Missouri, Texas, and New Mexico.

[43] 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.

[44] 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.

- 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

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

Access to Technical Expertise

As a subsidiary of Shell, Savion LLC and Yellow Rosebush Energy Facility, LLC have access to technical skills and resources from the parent company. As previously noted, the applicant has submitted Exhibit D, Attachment D-1 to affirm that the facility will have access to the technical expertise of the parent company. Once the facility is operational, Shell Renewable Asset Management International (SRAMI) will provide asset management for the facility. SRAMI will have over 20 years of experience in commercial, technical, and operational oversight of renewable assets in joint venture and wholly owned contexts. SRAMI will maintain operational hubs in Houston and The Hague, with staff in multiple locations within the Americas and the 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.

Recommended Organizational Expertise Condition 3 (PRE): 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:

a. Qualifications and contact information of the major design, engineering and construction contractor(s) and subcontractors, as applicable.
b. Construction contractor compliance history.
c. 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.

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

Recommended Organizational Expertise Condition 4 (PRE): 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. [PRE-OE-03; Final Order on ASC]

Recommended Organizational Expertise Condition 5 (CON): 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.

[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 78 through 101 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 incidents ~~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.

As discussed in Sections IV.E., Land Use, and IV.M., Public Services, the applicant may need to vacate Wilson Road and submit a Wasco County Petition to Vacate Public Lands template in the ASC. Additionally, the applicant's contractor will need to coordinate with ODOT for access and hauling permits and may need to coordinate with ODOT and the City of Maupin to understand any limitations for access within Maupin. These permits ~~would~~ need to be provided to the Department under the below recommended condition. The construction contractor would also 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.[45]

Under OAR 345-022-0010(4), if an applicant relies on a permit or approval issued to a third-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 Department recommends the Council impose Organizational Expertise Condition 12, as presented below, to ensure that the applicant and its contractors obtain all necessary permits and approvals prior to the beginning of construction.

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]

IV.B.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 has the organizational expertise to construct, operate and retire the proposed facility in compliance with Council standards and conditions of the site certificate.

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

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

[45] YRBAPPDoc1-6 ASC Exhibit E. Permits 2025-09-05

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

(b) The applicant can design, engineer, and construct the facility to avoid dangers to human safety and the environment presented by seismic hazards affecting the site, as identified in subsection (1)(a);

(c) The applicant, through appropriate site-specific study, has adequately characterized the potential geological and soils hazards of the site and its vicinity that could, in the absence of a seismic event, adversely affect, or be aggravated by, the construction and operation of the proposed facility; and

(d) The applicant can design, engineer and construct the facility to avoid dangers to human safety and the environment presented by the hazards identified in subsection (c).

(2) The Council may not impose the Structural Standard in section (1) to approve or deny an application for an energy facility that would produce power from wind, solar or geothermal energy. However, the Council may, to the extent it determines appropriate, apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.

(3) The Council may not impose the Structural Standard in section (1) to deny an application for a special criteria facility under OAR 345-015-0310. However, the Council may, to the extent it determines appropriate, apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.[46]

IV.C.1. Findings of Fact

The analysis area for geologic conditions and soil stability, as established in the Project Order, is the area within the proposed 8,075 acre site boundary. ASC Exhibit H also includes an evaluation of historic seismicity and potentially active faults within 50-miles of the proposed site boundary.

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

[46] Administrative Order EFSC 2-2017, effective October 18, 2017.

vicinity of the site boundary range from approximately zero to 95 percent, with an average slope of 7.6 percent.[47]

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, 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.[48]

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. [49] 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[50] 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 Exhibit H, provided comments

[47] YRBAPPDoc1-9 ASC Exhibit H. Geological Soil Stability 2025-09-05, Section 8.1.

[48] YRBAPP pASC Exhibit H. Geological Soil Stability DOGAMI Review Email 2025-05-08.

[49] 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.

[50] 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.

that were incorporated into the Exhibit 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.[51]

United States Geological Survey (USGS) data reviewed shows no potentially active faults are mapped within the site boundary (See Exhibit H, Figure H-2). A number of middle- and late-Quaternary-age faults are mapped within 50 miles of the site boundary. The nearest potentially active fault is a Class B fault located approximately 7 miles northwest of the site boundary. A Class B fault indicates geologic evidence demonstrating the existence of a fault or suggesting Quaternary deformation; however, the fault might not extend deeply enough to be a potential source of significant earthquakes. From 1974 to 2023, 54 earthquakes were recorded from within and extending 49 miles from the site boundary with magnitude from 3.0 to 4.6; which are illustrated on Figure 3, below.[52]

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)[53].

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:

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).

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.[54] Therefore, fault rupture risk within the proposed site boundary is low/unlikely. Faults and seismic activity will be

[51] YRBAPPDoc27-1 pASC Exhibit H. Geological Soil Stability DOGAMI Review Email 2025-05-08
[52] YRBAPPDoc1-9 ASC Exhibit H. Geological Soil Stability 2025-09-05, Table H-2.
[53] YRBAPPDoc1-9 ASC Exhibit H. Geological Soil Stability 2025-09-05 Section 7.2.4.
[54] YRBAPPDoc1-9 ASC Exhibit H. Geological Soil Stability 2025-09-05, Section 7.2.5.

further evaluated during pre-construction geotechnical investigation as required under Recommended Structural Standard Condition 1, below.

Liquefaction[55]

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 feet below ground surface with depths to bedrock range from 2 to 5 feet below ground surface, and the basalt bedrock is shallow with average depths from 0.5 to 2.5 feet below ground surface. Along with the relatively low significant seismic event potential, liquefaction of soils within the site boundary is considered low/unlikely.

Seismically Induced Landslides

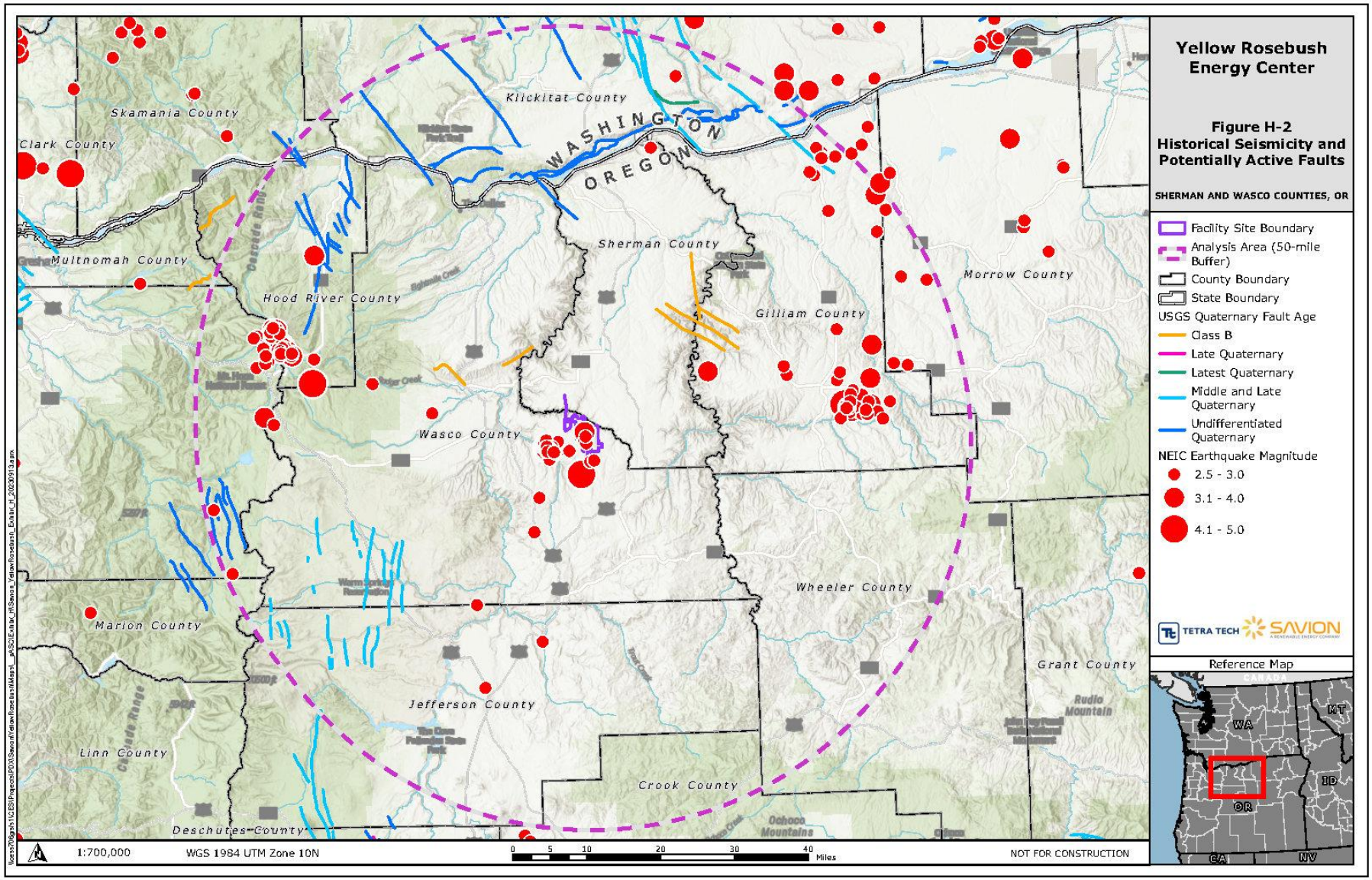
The general earthquake hazard within the proposed site boundary is rated low to moderate. Landslide risk increases to high along drainages with steep sides such as Karlen Draw or Hauser Canyon across the northern and eastern site boundary, therefore, seismically induced landslide risk is low within most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

Subsidence

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.

[55] 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.

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



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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.[56] 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.[57] 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~~and the tributary located in the eastern portion of the site boundary and the alternative transmission line corridor crosses Buck Hollow Creek.[58] 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

[56] YRBAPPDoc1-9 ASC Exhibit H. Geological Soil Stability 2025-09-05, Section 8.0.
[57] YRBAPPDoc1-9 ASC Exhibit H. Geological Soil Stability 2025-09-05, Section 8.1.
[58] 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:[59]

- Be based on and influence the final design of the facility;
- 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;[60]

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 pre-construction 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

[59] 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.
[60] YRBAPPDoc9-11 DPO Public Comment Lee 2025-11-02.

final seismic design criteria will be determined by the structural engineer based on the final geotechnical report.[61] 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 final 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.

[61] 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.[62]

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.[63] The proposed energy facility would ~~be sited~~use or occupy up to approximately 4,987 acres~~within a micrositing corridor occupying approximately 7,026 acres with a perimeter fence enclosing an estimated at 5,007.7acres~~.[64]

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.[65] 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

[62] Administrative Order EFSC 1-2007, effective May 15, 2007.
[63] YRBNOIDoc42 SIGNED Project Order w Attachments 2024-01-26
[64] ASC Exhibit C, Table C-2 Temporary and Permanent Disturbance Areas.
[65] U.S. Department of Agriculture, Natural Resources Conservation Service. 2024. Available at: USDA-NRCS Official Soil Series Description View By List Accessed by the Department 2024-11-12; Web Soil Survey Available at: Web Soil Survey 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[66]

NRCS Soil Unit/Soil Type ID	Est. Acres within site boundary[67]	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

[66] YRBAPPDoc1-10 ASC Exhibit I. Soil Conditions 2025-09-05, Table I-1 and I-2.

[67] U.S. Department of Agriculture, Natural Resources Conservation Service. 2024. Web Soil Survey. Available at: https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx Accessed by the Department 2024-11-12.

Table 4: Soil Types and Characteristics within Analysis Area[66]

NRCS Soil Unit/Soil Type ID	Est. Acres within site boundary[67]	Soil Erodibility (K-factor)	Wind Erosion Rating	Permeability
Areas within Wasco County				
Condon silt loam – 2 to 12 percent slopes/ CnC	4,226	0.37	6	Moderate
Condon-Bakeoven complex – 2 to 20 percent slopes/ CoC	886	0.37	6	Moderate
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
Areas within Sherman 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	7.03	Not Rated	Not Rated	Not Rated
Bakeoven very stony loam, 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

The Department has reviewed the NRCS databases[68] and the information included in the ASC Exhibit I and Exhibit K for soils and recommends that Council find that the applicant has adequately identified and characterized the soils within the analysis area

[68] Ibid.

Figure 4: Soils within Site Boundary

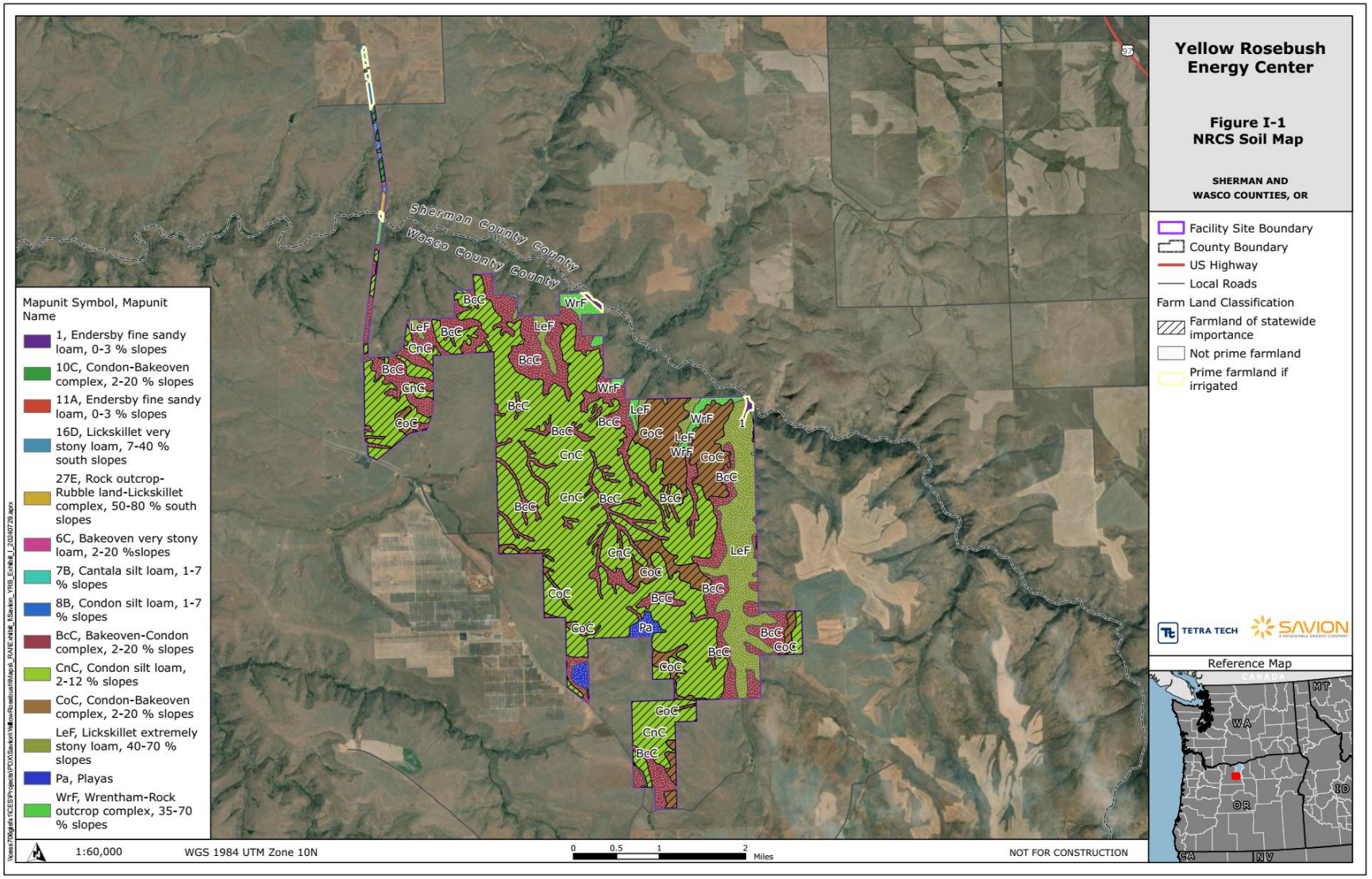
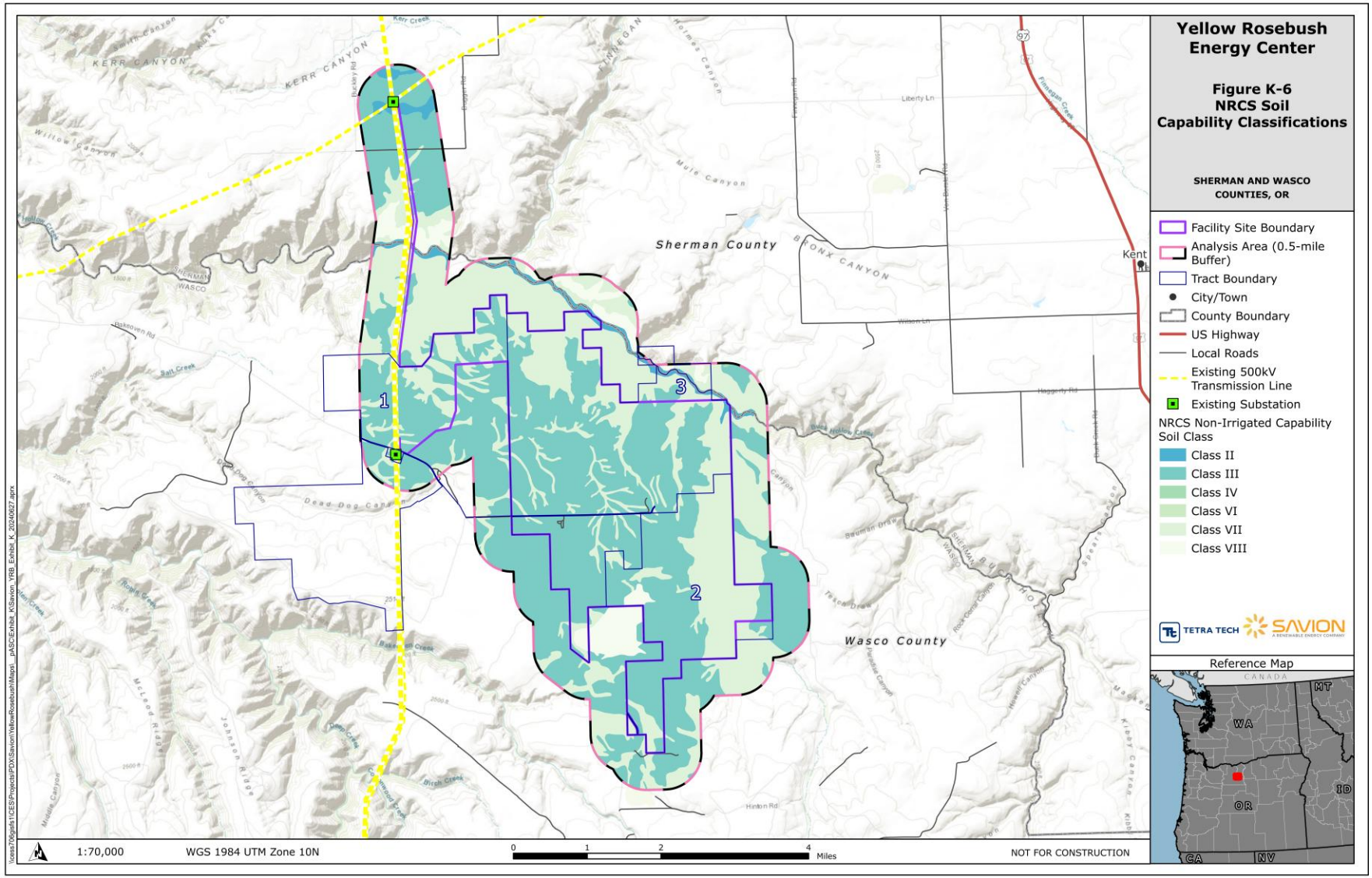


Figure 5: NRCS Soil Capability Classifications



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).[69] 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[70]

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

[69] The activities that would disturb soils would occur within the fenceline and not the entire site boundary. The larger site boundary includes areas that are part of the Habitat Mitigation Area, discussed in Section IV.H.; the solar micrositing area is located approximately 0.25 miles away from the ridgelines within the vicinity of the facility. YRBAPPDoc9-14 DPO Public Comment VanEynde 2025-11-03; YRBAPPDoc9-11 DPO Public Comment Lee 2025-11-02.

[70] YRBAPPDoc1-4 ASC Exhibit C. Project Location 2025-09-05, Table C-2.

Table 5: Estimated Temporary and Permanent Impacts of Facility Components[70]

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

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.
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

Proposed facility construction has the potential to result in adverse impacts to soils from activities such as grading and site preparation, vegetation removal, improving existing facility access roads, hauling and staging heavy equipment and facility components, and onsite fuel storage/fueling or maintaining construction equipment or vehicles. Additional impacts include mass grading to result in a balanced cut-fill quantity of earthwork for the establishment of new facility service roads, and construction of solar arrays, the BESS, the O&M building, the temporary staging areas, and the collection system and transmission lines. Along the alternate gen-tie line that extends into Sherman County, additional grading may be needed at pole locations or portions of access routes. This gen-tie route, if constructed, would cross Buck Hollow, paralleling the existing 500-kV transmission line. When crossing canyon-type features support structures are typically placed at the top of the slope on either side of the canyon such

that no permanent disturbance would occur within the canyon and temporary disturbance, if any, would be minimal along the canyon slopes. Applicable provisions of the National Pollutant Discharge Elimination System (NPDES) 1200-C construction permit and an Erosion and Sediment Control Plan (ESCP), discussed below, would apply to this area.[71]

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.[72]

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 construction-related 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~~ based on final design and prior to construction, in addition to one required for operations); and

[71] YRBAPPDoc12 Applicant Response to DPO Comments w Attchs 2025-11-07.

[72] YRBAPPDoc1-10 ASC Exhibit I. Soil Conditions 2025-09-05, Section 5.1

- 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 on-site to prevent the disturbance and tracking or loss of soils.

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. As presented in the condition, finalization of the plan includes updates based on final facility design, final contractor selection, soil conditions, and construction phasing.

> **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 ~~N~~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. A DEQ-issued 1200-C permit includes stormwater controls, natural buffer zones and/or equivalent erosion and sediment controls to control and

minimize potential offsite discharge impacts from construction activity to a surface water of the state.[73] 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.[74] 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

[73] See YRBAPPDoc9-11 DPO Public Comment Lee 2025-11-02; YRBAPPDoc12 Applicant Response to DPO Comments_w Attchs 2025-11-07. Additionally, Recommended Land Use Condition 1 requires that foundations of permanent structures (solar array posts, substation, O&M building, and battery energy storage system components) must be setback a minimum of 50 feet from non-fish bearing streams (ephemeral, intermittent and ponds).

[74] DEQ Construction Stormwater Application and Forms Manual. 2022. Accessed November 12, 2024: wqp1200cInfo.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.

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 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~~ submit 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.
[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 evidence on the record supports a conclusion that the facility complies with the statewide planning goals adopted by the Land Conservation and Development Commission.

OAR 345-022-0030

(1) To issue a site certificate, the Council must find that the proposed facility complies with the statewide planning goals adopted by the Land Conservation and Development Commission.

(2) The Council shall find that a proposed facility complies with section (1) if:

(a) The applicant elects to obtain local land use approvals under ORS 469.504(1)(a) and the Council finds that the facility has received local land use approval under the acknowledged comprehensive plan and land use regulations of the affected local government; or

(b) The applicant elects to obtain a Council determination under ORS 469.504(1)(b) and the Council determines that:

(A) The proposed facility complies with applicable substantive criteria as described in section (3) and the facility complies with any Land Conservation and Development Commission administrative rules and goals and any land use statutes directly applicable to the facility under ORS 197.646(3);

(B) For a proposed facility that does not comply with one or more of the applicable substantive criteria as described in section (3), the facility otherwise complies with the statewide planning goals or an exception to any applicable statewide planning goal is justified under section (4); or

(C) For a proposed facility that the Council decides, under sections (3) or (6), to evaluate against the statewide planning goals, the proposed facility complies with the applicable statewide planning goals or that an exception to any applicable statewide planning goal is justified under section (4).

(3) As used in this rule, the "applicable substantive criteria" are 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. If the special advisory group recommends applicable substantive criteria, as described under OAR 345-021-0050, the Council shall apply them. If the special advisory group does not recommend applicable substantive criteria, the Council shall decide either to make its own determination of the applicable substantive criteria and apply them or to evaluate the proposed facility against the statewide planning goals.

(4) The Council may find goal compliance for a proposed facility that does not otherwise comply with one or more statewide planning goals by taking an exception to the applicable goal. Notwithstanding the requirements of ORS 197.732, the statewide planning goal pertaining to the exception process or any rules of the Land Conservation and Development Commission pertaining to the exception process, the Council may take an exception to a goal if the Council 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.

(5) If the Council finds that applicable substantive local criteria and applicable statutes and state administrative rules 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.

(6) If the special advisory group recommends applicable substantive criteria for an energy facility described in ORS 469.300(11)(a)(C) to (E) or for a related or supporting facility that does not pass through more than one local government jurisdiction or more than three zones in any one jurisdiction, the Council shall apply the criteria recommended by the special advisory group. If the special advisory group recommends applicable substantive criteria for an energy facility described in ORS 469.300(11)(a)(C) to (E) or a related or supporting facility that passes through more than one jurisdiction or more than three zones in any one jurisdiction, the Council shall review the recommended criteria and decide whether to evaluate the proposed facility against the applicable substantive criteria recommended by the special advisory group, against the statewide planning goals or against a combination of the applicable substantive criteria and statewide planning goals. In making the decision, the Council shall consult with the special advisory group, and shall consider:

(a) The number of jurisdictions and zones in question;

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

(c) The level of consistence of the applicable substantive criteria from the various zones and jurisdictions.[75]

IV.E.1. Findings of Fact

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).

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

[75] Administrative Order EFSC 1-2003, effective September 3, 2003.

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.

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:

Wasco County

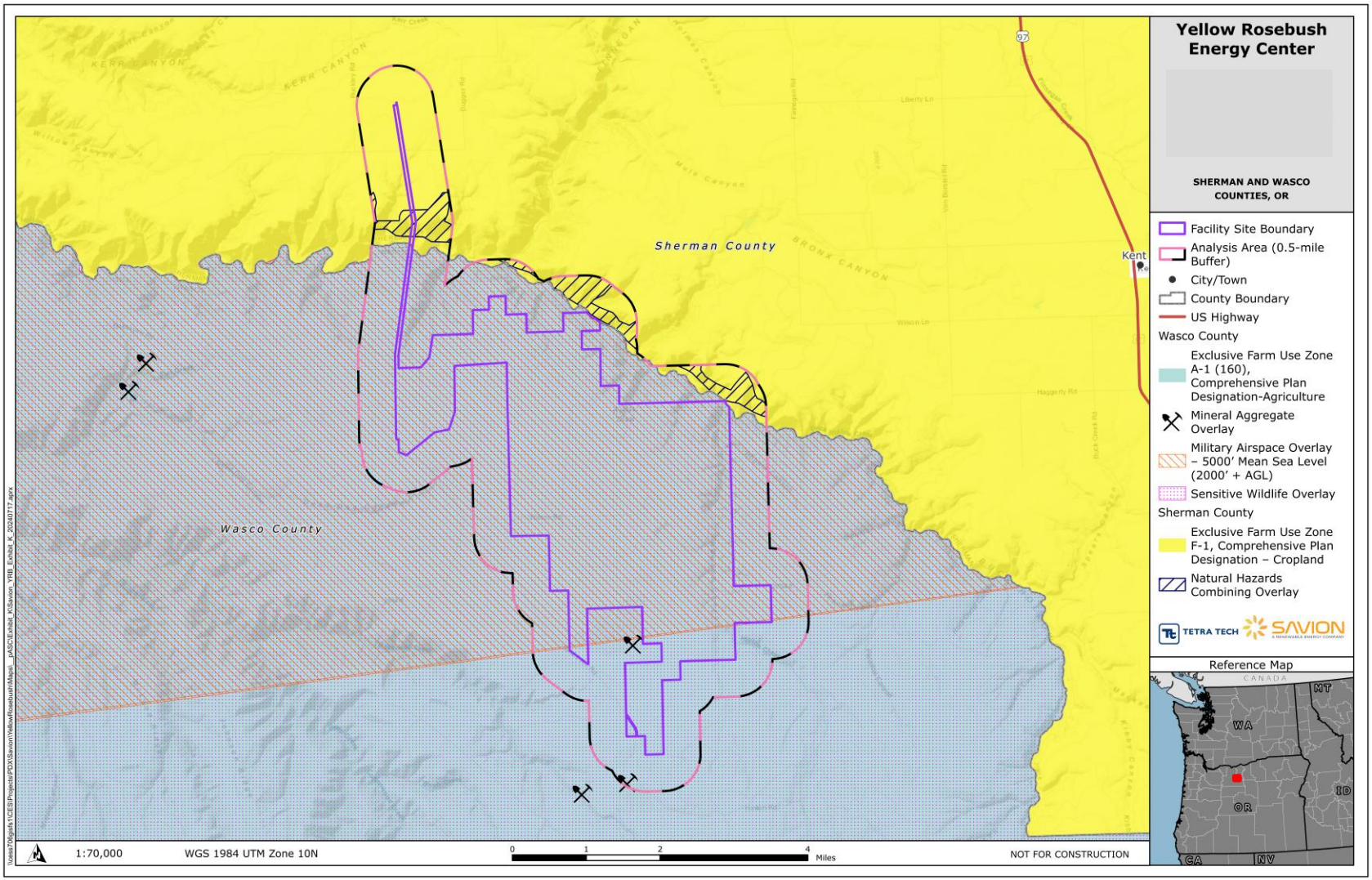
- Zone: Exclusive Farm Use (EFU) A-1 zone
- Use: Commercial Power Generating Facility (Utility Facility for the Purpose of Generating Power)
    - Up to 7,026 acres of solar PV power generation components
    - Point of Interconnect (POI) – 500 kV transmission line, less than one mile (estimated 1,000 feet)
- Use: Associated Transmission Line
- Overlay zones: Geological Hazards, Sensitive Wildlife Habitat, Sensitive Bird Site, Military Airspace

Sherman County

- Zone: EFU F-1 zone
- Use: Associated Transmission Line
    - 4.5 miles of 500 kV line (approximately 2.6 miles in Wasco County and 1.9 miles in Sherman County) – transmission line alternative and POI with Buckley Substation.
- Overlay zone: Natural Hazards Combining

The land use zone and zone overlays are presented in Figure 6 below.

Figure 6: Land Use Zones in Analysis Area



IV.E.1.1 Wasco County Local Applicable Substantive Criteria

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)[76]	
Chapter 1: Introductory Provisions	
Section 1.030	Severability (Legal Parcel Status)
Chapter 3: Basic Provisions	
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: Overlay 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: Conditional Use Review	
Section 5.020	Authorization to Grant or Deny Conditional Uses, and Standards and 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 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
C	General Standards
D-1	Specific Standards, Solar Energy Facilities
Chapter 20: Site Plan Review	

[76] Wasco County Land Use and Development Ordinance. 2023. Available online: https://cms5.revize.com/revize/wascocounty/docs/Planning%20Ordinances/FULL_LUDO_12.05.22_UPDATED_05.15.23.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 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.[77] 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

[77] YRBAPPDoc19-5 ASC SAG Comment 2025-08-25. YRBAPPDoc9-2 Reviewing Agency Consultation Wasco Planning 2025-10-07.

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
*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.					

~~Legal parcel status for account 12333 requires verification from the county. The Department 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.[78] Therefore, the conditional use requirements in WCLUDO Section 3.216 - Property Development Standards, Section 3.218 -

[78] 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.*
> > *. . .*
> > *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)*

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.

A. Setbacks

1. Property Line

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

exclusive farm use or forest use, the setback shall be a minimum 25 Feet from the property line.

iii. 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 in conjunction with farm use are not proposed. These setbacks are not applicable.

c. Farm structures shall be set back a minimum of 25 feet from the property line.

New farm structures are not proposed. These setbacks are not applicable.

d. Utility facilities necessary for public service shall be set back a minimum of 25 feet from the property line.

The primary and alternate gen-tie line are the only components of the facility that are considered 'utility facilities necessary for public service'. However, as stated above 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.[79] Therefore, the conditional use requirements in WCLUDO Section 3.216 - Property Development Standards do not apply.

e. Additions, modifications or relocation of existing structures shall comply with all EFU setback standards.

*****

Additions, modifications or relocations of existing structures are not proposed. These setbacks are not applicable.

f. Property line setbacks do not apply to fences, signs, roads, or retaining walls less than four (4) feet in height.

[79] Brentmar v. Jackson County, 321 Or 481, 496 (1995).

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.

2. Waterways

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 and Section IV.R., *Removal Fill Law*, identifies ~~52~~ 49 ephemeral waterways, 2 intermittent waterways and 2 ponds within the site boundary. These water bodies are

considered non-fish bearing streams. The proposed 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 12(a) requiring that foundation of permanent structures be setback a minimum of 50 feet from non-fish bearing streams identified in ASC Exhibit J.

> **Recommended Land Use Condition 12 (PRE)**: Prior to construction, certificate holder shall demonstrate that final facility site plan complies 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 minimum of 50 feet from non-fish bearing streams (ephemeral, intermittent and ponds).
> [PRE-LU-012, 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)(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 12 (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-012, 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. 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 applicable.

D. Signs:

1. Permanent signs shall not project beyond the property line.
2. Signs shall not be illuminated or capable of movement.
3. Permanent signs shall describe only uses permitted and conducted on the property on which the sign is located.
4. Size and Height of Permanent Signs:
a. Freestanding signs shall be limited to twelve square feet in area and 8 feet in height measured from natural grade.
b. Signs on buildings are permitted in a ratio of one square foot of sign area to each linear foot of building frontage but in no event shall exceed 32 square feet and shall not project above the building.
5. Number of permanent signs:
a. Freestanding signs shall be limited to one at the entrance of the property. Up to one additional sign may be placed in each direction of vehicular traffic running parallel to the property if they are more than 750 feet from the entrance of the property.
b. Signs on buildings shall be limited to one per building and only allowed on buildings conducting the use being advertised.

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 be attached per (5) to mark facility building or structures, and along the perimeter fence around the substation that include safety and warnings. The Department recommends Council impose a preconstruction condition to ensure that signage selected at final facility design complies with the above requirements.

Recommended Land Use Condition 23 ~~3~~ (PRO): Prior to installation of permanent facility signage, the certificate holder shall demonstrate that facility signage complies with WCLUDO Section 3.216(D).
[PRO-LU-01, 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(D).

6. Temporary signs such as signs advertising the sale or rental of the premise are permitted provided the sign is erected no closer than ten feet from the public road right-of-way. Election signs are permitted but shall not be set in place more than 45 days prior to an election and shall be removed within 45 days after an election.

The applicant 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-way. The Department recommends Council impose a preconstruction condition to ensure that temporary signage selected at final facility design complies with the above requirements.

> **Recommended Land Use Condition 34 (PRE):** Prior to installation of temporary facility signage, the certificate holder shall demonstrate that facility signage complies with WLCUDO Section 3.216(D)(6).
> [PRE-LU-023, 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(D)(6).

E. Lighting: *Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. Shielding and hooding materials shall be composed of non-reflective, opaque materials.*

Permanent outdoor lighting is proposed at the BESS, collector substation, and O&M building. Permanent outdoor lighting will use LED, backlight-shielded, motion-activated lights with one installed at each entrance and one on each side with no entrance.

To ensure compliance with WCLUDO Section 3.216(E), the Department recommends the Council impose the following condition:

> **Recommended Land Use Condition 45 (PRE):** Prior to installation of infrastructure with outdoor lighting, the certificate holder shall demonstrate that final outdoor lighting is designed to be limited in intensity, is shielded and hooded using non-reflective, opaque materials.
> [PRE-LU-034; 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(E).

F. Parking: *Off street parking shall be provided in accordance with Chapter 20.*

Parking standards for commercial and industrial uses are included in WCLUDO 20.05. Commercial energy facilities, utility facilities, and transportation facilities are not listed uses in this section. For this reason, the Department recommends that Council find this criterion is not applicable. Further evaluation of WCLUDO Chapter 20 is provided below.

G. New Driveways: *All new driveways and increases or changes of use for existing driveways which access a public road shall obtain a Road*

Approach Permit from the appropriate jurisdiction, either the Wasco County Public Works Department or the Oregon Dept. of Transportation.

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 5~~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:

a. 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-0~~4~~5; 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 section, development shall include any excavation or change in topography, such as home construction, associated roads, driveways, septic tank disposal fields, wells and water tanks. The written report of the engineering geologist or engineer shall certify that the development proposed may be completed without threat to public safety or welfare and shall be used in ministerially reviewing the development proposal.

The proposed solar micrositing area is not within an identified geologic hazard area. Nonetheless, a written report by an engineering geologist or engineer is required under the Council's Structural Standard and through recommended Structural Standard Condition 4 (PRE-SS-01).

Because the requirements of WCLUDO 3.720(2) are addressed by Council's Structural Standard and the Department's recommended condition, the Department recommends that Council find that the proposed facility will comply with this requirement.

3. In approval of a development permit, whether ministerial or through the Administrative Action procedures of Chapter 2 of this Ordinance, the following conditions may be imposed at the time of approval to ensure site and area stability:

a. Maintain vegetation and eliminate widespread destruction of vegetation.

b. Carefully design new roads and buildings with respect to:

i. Placement of roads and structures on the surface topography.

ii. Surface drainage on and around the site.

iii. Drainage from buildings and road surfaces.

iv. Placement of septic tank disposal fields.

c. Careful construction of roads and buildings.

i. Avoid cutting toeslopes of slump blocks.

ii. Careful grading around the site, especially avoiding over steepened cut banks.

iii. Re-vegetating disturbed areas as soon as possible.

d. Other conditions may be imposed to reasonably assure that the development is protected from damage by mass movement.

The proposed solar micrositing area is not within an identified geologic hazard area. The Department does not recommend Council impose the listed conditions to address geologic hazards. However, many of the above conditions are already recommended conditions in this order to address other environmental resources, particularly vegetation maintenance and revegetation requirements (see recommended Fish and Wildlife Conditions 1, 2 and 3).

Section 3.800: Sensitive Wildlife Habitat Overlay Zone (OZ-8)

Section 3.805 – Siting Standards

A. Within [OZ-8], subject to standards uses permitted in the underlying zone are subject to notice to and comment from the Oregon Department of Fish and Wildlife.
B. Within [OZ-8], conditional uses permitted in the underlying zone are subject to notice and comment from the Oregon Department of Fish and Wildlife. This includes conditional use requirements per Section 5.020 F.

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, [80] the preliminary ASC[81] and ASC and has concurred with habitat assessment, impact assessment, and proposed mitigation through the establishment of an off-site Habitat Mitigation Area (HMA) for permanent impacts.

The Department has coordinated and consulted with ODFW on the identification and 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 Department recommends that Council find that the facility will comply with this requirement.

Section 3.840: Sensitive Bird Site Overlay Zone (OZ-12)

Section 3.842 – Applicability

Sensitive bird site protection measures are applicable to all uses in the underlying zone(s).

A. Any use permitted or permitted conditionally in the zone is subject to the sensitive resource review procedure if located within the sensitive habitat protection area identified for the inventoried significant site.

B. The sensitive resource review requirement and resulting protection measures are applicable in addition to and shall be applied concurrently with all other applicable standards and criteria in the county WCLUDO.

If setbacks or buffers specified in this ordinance overlap or conflict, they should be varied in a manner to achieve, to the greatest extent possible, the overall protection of affected resources and public interest.

[80] YRBNOIDoc32 Reviewing Agency Comment ODFW 2023-11-30

[81] YRBAPPDoc22 pASC Reviewing Agency Comment ODFW 2024-10-15 ; YRBAPPDoc29 pASC Reviewing Agency Comment ODFW 2025-07-18

The proposed facility site is not located within the sensitive habitat protection area identified for an inventoried significant site.

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 ludovicianus) 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 pre-application 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.[82] For these reasons,

[82] 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.

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

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 protection, sewer and water facilities, telephone and electrical service, or solid waste disposal facilities.

D. The proposed use will not unduly impair traffic flow or safety in the area.

WCLUDO Section 5.020(C) and (D) require a demonstration that impacts of a proposed use would not significantly burden public facilities and services. Potential facility impacts to public 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.

Based on the recommended findings of fact and analysis presented in Section IV.M., *Public Services* of this order, and compliance with the recommended conditions, the Department recommends that Council find that the proposed facility would minimize noise, dust and odor to protect adjoining properties from such impacts and therefore would satisfy WCLUDO Section 5.020(C) and (D).

E. The effects of noise, dust and odor will be minimized during all phases of development and operation for the protection of adjoining properties.

WCLUDO Section 5.020(E) requires a demonstration that, during construction and operation, a proposed use would minimize noise, dust and odor to protect adjoining properties from such impacts. Wasco County assesses adjoining properties as those lands which share a common boundary line with the properties involved with the proposed use. Wasco County provides guidance for commercial power generating facilities within Chapter 19 of the WCLUDO,

Potential noise impacts from proposed facility construction and operation are evaluated in detail in Section IV.Q Noise Control Regulation of this order. The recommended findings of fact and analysis are incorporated herein by reference. Potential dust 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 are incorporated herein by reference

Proposed facility construction would not generate air emissions (other than fugitive dust) and no unusual odors are expected.

Based on the recommended findings of fact and analysis presented in Section IV.D., *Soil Protection* and IV.Q., *Noise Control Regulation*, of this order, and compliance with the recommended conditions, the Department recommends that Council find that the proposed facility would minimize noise, dust and odor to protect adjoining properties from such impacts and therefore would satisfy WCLUDO Section 5.020(E).

F. The proposed use will not significantly reduce or impair sensitive wildlife habitat, riparian vegetation along streambanks and will not subject areas to excessive soil erosion.

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 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 on-going 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 5~~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 6~~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-0~~5~~6, 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

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.[83] Structure is 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.[84]

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.[85] 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.[86] 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?

[83] https://cms5.revize.com/revize/wascocounty/document_center/Planning/FullWCLUDO_3_2021.pdf, Section 1.090 – Definitions, Accessed by the Department 9-24-2025.
[84] YRBAPPDoc19-6 ASC SAG Comment WCLUDO Interpretation Building Def 2025-09-24.
[85] YRBAPPDoc1-12 ASC Exhibit K. Land Use 2025-09-05, Section 4.1.2.13.
[86] YRBAPPDoc1-23 ASC Exhibit V. Wildfire Risk and Mitigation 2025-09-05, Figure V-1.

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 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~~ the perimeter fenceline~~s~~ will be designed to have 50-feet of defensible space (fuel break).[87] 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.[88] The BESS, substation and O&M building would be constructed on concrete slabs with gravel base with no vegetation present.[89]

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

[87] 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.

[88] https://cms5.revize.com/revize/wascocounty/document_center/Planning/FullWCLUDO_3_2021.pdf, Chapter 10, Section 10.120, page 9.

[89] YRBAPPDoc1-3 ASC Exhibit B. Project Description 2025-09-05, Section 2.5.

certificate; therefore, the Department recommends Council find that WCLUDO Section 10.120 would be satisfied.

Section 10.130: Construction Standards for Dwellings and Structures – Decreasing The Ignition Risks by Planning for A More Fire-Safe Structure

A. Is your building designed, built, and maintained to include the following features and materials necessary to make the structure more fire resistant?

1. Roof Materials: Do you or will you have fire resistant roofing installed to the manufacturers specification and rated by Underwriter's Laboratory as Class A, B, or its equivalent (includes but not limited to: slate, ceramic tile, composition shingles, and metal)? NOTE: To give your structure the best chance of surviving a wildfire, all structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the uniform building code.

WCLUDO Section 10.130 establishes roofing material requirements for dwellings and buildings. Buildings include the proposed O&M building and BESS. The proposed O&M building would include fire resistant roofing, such as metal roofing. "*Structural projections*" from the O&M building are not proposed. The proposed BESS will be contained inside fireproof steel Conex boxes.

The Department has reviewed the additional standards under 10.130 and recommends that Council find that none of the remaining standards apply to the proposed facility and require no additional evaluation.

Section 10.140: Access Standards – Providing safe access to and escape from your home.

A. Does your residential driveway meet standards for improved, all weather driveway surface and minimum driveway widths?

ASC Exhibit K describes the possible need to improve existing private driveways along Bakeoven Road or Wilson Road. If these road improvements are needed, a Road Approach Permit and a Road Use Agreement with the County would be required, prior to construction. As presented in Section IV.B., *Organizational Expertise*, the Department recommends Council impose Organizational Expertise Condition 12 requiring that the applicant identify and obtain all local, state and third-party permits needed for siting of this facility. Based on compliance with this condition, the Department recommends that Council find the facility would comply with this standard.

Section 10.150: Fire Protection and On-site Water Required

Ensuring dwellings have some fire protection available through manned or unmanned response.

A. Are you proposing to construct a dwelling inside a structural fire protection district?

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.[90] Corona-induced 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 µV/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).[91] 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 Conditions 1 and 2, 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.[92] 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.

[90] YRBAPPDoc1-12 ASC Exhibit K Land Use 2025-09-05, Section 4.2.1.18.
[91] YRBAPPDoc1-28 ASC Exhibit AA 2025-09-05, Section 5.1.
[92] YRBNOIDoc42 Project Order 2024-01-26, Table 12.

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;

(3) Scenic waterways designated pursuant to ORS 390.826, wild or scenic rivers designated pursuant to 16 U.S.C. 1271 et seq., and those waterways and rivers listed as potentials for designation;

(4) State parks and waysides as listed by the Oregon Department of Parks and Recreation;

(5) State wildlife areas and management areas identified in OAR 635-008;

(6) National and state fish hatcheries or national and state wildlife refuges;

(7) State natural heritage areas listed in the Oregon Register of Natural Heritage Areas pursuant to ORS 273.581;

(8) Wilderness areas established pursuant to The Wilderness Act, 16 U.S.C. 1131 et seq. and areas recommended for designation as wilderness areas pursuant to 43 U.S.C. 1782; and

(a) Exceptions to Protected Areas - Except where the following uses are regulated by federal, state or local laws, including but not limited to the Columbia River Gorge National Scenic Area Act and implement land use ordinances, the following may be approve in a protected area identified in subsection b above if other alternative routes or sites have been studied and been determined to have greater impacts

- *An electrical transmission line;*
- *A natural gas pipeline; or*
- *An energy facility located outside a protected area that includes an electrical transmission line or natural gas or water pipeline as a related or supporting facility located within a protected area.*

(b) Transmission Line & Pipeline Exception - The provisions of subsection b above do not apply to electrical transmission lines or natural gas pipelines routed within 500 feet of an existing utility right-of-way containing at least one transmission line or one natural gas pipeline.

(c) Additional Visual Mitigation Impacts for all Facilities - The design, construction and operation of the energy facility, taking into account mitigation, are not likely to result in significant adverse impact to scenic resources and values identified in subsection (b) above. Methods to mitigate adverse visual impacts could include but are not limited to:

(9) Building the energy facility near the edge of contiguous timber areas or using the natural topography to obscure the energy facility;

(10) Using materials and colors that blend with the background unless otherwise required by the Federal Aviation Administration or the Oregon Department of Aviation; and

(11) Retaining or planting vegetation to obscure views of the energy facility.

The Project Order established a two-mile analysis area for potential impacts to Protected Areas

based on the minimal potential for impacts beyond that distance given the topography and transportation routes near the site.[93] As described in Section IV.F., *Protected Areas*, there are 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:*
        (1) *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, anti-perching 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.*

[93] YRBNOIDoc43 Project Order 2024-01-26, Table 12.

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 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 1~~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 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 and will be finalized prior to construction and operation based on final facility design and a current wildfire assessment at the time. 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 and/or parent-company specific emergency response measures are developed and implemented ~~consistently with WCLUDO 19.030(C)(7), which requires~~and include a list of hospitals, identification of first responders and first aid techniques (consistent with WCLUDO 19.030(C)(7)), the Department recommends the Council impose Land Use Condition 7 and 8, presented below. ~~the following conditions~~:

Recommended Land Use Condition 7~~8~~ (PRE): Prior to construction, the certificate holder shall submit a Construction Emergency Response Plan (Site-Specific Safety Plan) to the Department, for review and approval. The plan shall be based on the contractor or parent company's corporate Safety Plan and~~, 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. Contractor and certificate holder emergency contact information.

[PRE-LU-0~~6~~7; Final Order on ASC]

Recommended Land Use Condition 8~~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]

Recommended Land Use Condition 9~~10~~ (PRO): Prior to operation, the certificate holder shall submit an Operational Emergency Response Plan (Site-Specific Safety Plan) to the Department, for review and approval. The plan shall be based on the parent company corporate safety plan and~~, 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]

Recommended Land Use Condition 10~~1~~ (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]

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.*

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 54 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.[94] 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

[94] 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.

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).

> *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 3~~1~~ and 4~~2~~.[95]

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.*

[95] 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.

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 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.

(4) Per the request of Wasco County, the permit holder (including possible successor if sold or transferred) shall describe the status of the financial assurance in a report (e.g., annual update report submitted to Wasco County).

(5) The financial assurance shall not be subject to revocation or reduction before retirement of the energy facility site.

WCLUDO 19.030(C)(19) requirements mirror the requirements of the Council's Retirement and Financial Assurance standard. The applicant's compliance with the Council's Retirement and Financial Assurance standard is presented in Section IV.G., *Retirement and Financial Assurance*. The recommended findings of fact and analysis from that section are incorporated herein by reference. Based on the analysis presented in Section IV.G. of this order, the Department recommends the Council find the requirements of WCLUDO 19.030(C)(19) are satisfied.

20. Final Location - The actual latitude and longitude location or Oregon State Plane NAD83 HARN (international feet) coordinates of the energy facility and related or supporting facilities shall be provided to the County GIS Department once commercial electrical power production begins. Alternatively, this information could be provided in GIS layer consistent with the datum referenced above or any other datum deemed acceptable by the Wasco County GIS Department.

The Department recommends the Council impose the following condition to ensure compliance with WCLUDO 19.030(C)(20):

Recommended Land Use Condition 11 (OPR): 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 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.
[OPR-LU-02; Final Order on ASC]

Based on compliance with the above condition, the Department recommends the Council find the requirements of WCLUDO 19.030(C)(20) are satisfied.

21. Power Production Reporting - The County may require a report of nonproprietary power production for any time frame after the energy facility

first begins production if permitted through the County. If requested, the permit holder shall have 180 days to produce said report

The proposed facility is not being permitted through the County, and the Wasco County Board 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.

D. Specific Standards - The following standards apply to specific types of energy facilities as described, in addition to the General Standards in Section C above.

b) Solar Energy Facilities

a. Ground Leveling – The solar energy facility shall be designed and constructed to minimize ground leveling and to the extent reasonably practicable, limit ground leveling to those areas needed for effective solar energy collection.

Slopes within the site boundary range from 0 to 95 percent. The site will require grading; the draft Site Certificate Section 4.3 requires that existing vegetation be maintained to the maximum extent practicable and that a grading plan be developed demonstrating that disturbance will be minimized and appropriate BMPs will be onsite and available based on the level of disturbance planned within a given area.

All clearing and grading activities will follow the BMPs listed in the NPES 1200-C permit under recommended Soil Protection Conditions 2 and 3.

b. Misdirection of Solar Radiation - The solar energy facility shall be designed, constructed, and operated to prevent the misdirection of concentrated solar radiation onto nearby properties, public roadways or other areas accessible to the public, or mitigated accordingly.

The requirements of WCLUDO Section 19.030(D)(1)(b) are applicable to concentrating solar-thermal power plants and are not applicable to the proposed photovoltaic power generation facility.

c. Glare - The solar energy facility shall be designed, constructed and operated such that any significant or prolonged glare is directed away from any nearby properties or public roadways, or mitigated accordingly.

As discussed in Section III., *Description of the Proposed Facility*, the facility will utilize photovoltaic modules with anti-reflective coating, which is expected to minimize glare. In addition, the use of tracking systems will ensure that any glare that is produced will be directed back towards the sun. Because the proposed facility is not expected to generate more than

minimal amounts of glare, the Department recommends the Council find the requirements of WCLUDO Section 19.030(D)(1)(c) are satisfied.

> *d. Cleaning Chemicals and Solvents - During operation of the solar energy facility, all chemicals or solvents used to clean solar panels or heliostats shall be low in volatile organic compounds and to the extent reasonably practicable, the permit holder shall use recyclable or biodegradable products.*

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

> *A. All provisions of this ordinance and other applicable ordinances are complied with.*
> *B. Elements of the site plan are arranged so that:*
> *1. Traffic congestion is avoided.*
> *2. Pedestrian and vehicular safety and welfare are protected.*
> *3. Significant features and public amenities are preserved and maintained.*
> *4. There will be minimal adverse effect on surrounding property.*
> *C. Proposed lighting is arranged to direct light away from adjoining properties.*
> *D. Proposed signs will not interfere with traffic or limit visibility by size, location or illumination.*

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

1. Storage warehouse, manufacturing establishment, rail or trucking freight 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.

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).

Section 20.055: Bicycle Parking Requirements

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:

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.

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.

Section 20.070: Off Street Loading

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.

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[96], 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

[96] YRBNOIDoc26 SAG NOI Comments Wasco County 2023-11-01.

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

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 transmission line will be constructed on approximately 160 to 180-foot-tall steel structures that will be spaced approximately 1,000 feet apart. As a result, the proposed alternate 500 kV 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 SCZO does not contain provisions adopting ORS 215.283(1)(c) for "utility facilities necessary for public service". Given the lack of County code provisions implementing the statute, ORS 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)

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.

Oregon Revised Statutes (ORS)

ORS 215.283(1)(c) and ORS 215.274

Transmission lines that meet the definition of an "*associated transmission line*" must consider the requirements of ORS 215.274.[97] 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).

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

[97] 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.

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.

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

(1) As used in this section, "associated transmission line" has the meaning given that term in ORS 469.300.
ORS 469.300(3): "Associated transmission lines" means 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.

(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 0 300 4S 16E 0 900 5S 16E 0 900	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 Family LLC	5S 16E 0 1300 5S 16E 0 2600	Yes No	**Farm Operation: Leased to Carver Family Ranches LLC for Cattle & Crop Production.**

Table 8: Landowners within Surrounding Lands

Landowner	Map and Tax Lot (MTL)	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 5S 16E 0 2300	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.

1

(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.

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.

> *(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).*

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

OAR 660-033-0130(38)

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

> *(38) A proposal to site a photovoltaic solar power generation facility shall be subject to the following definitions and provisions:*
>
> *(a) "Arable land" means land in a tract that is predominantly cultivated or, if not currently cultivated, predominantly comprised of arable soils.*

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

(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.

Each tract associated with the proposed site boundary is predominantly comprised of "arable 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 660-033-0130(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." ORS 195.300(10)(a) and (c) are applicable to the facility.

(c) "Dual-use development" means developing the same area of land for both a photovoltaic solar power generation facility and for farm use.

No dual-use development is proposed, therefore (c) is not applicable to the proposed facility.

(d) "Nonarable land" means land in a tract that is predominantly not cultivated and predominantly comprised of nonarable soils.

(e) "Nonarable soils" means soils that are not suitable for cultivation. Soils with an NRCS agricultural capability class V–VIII and no history of irrigation shall be considered nonarable in all cases. The governing body or its designate may determine other soils, including soils with a past history of irrigation, to be nonarable based on substantial evidence in the record of a local land use application.

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

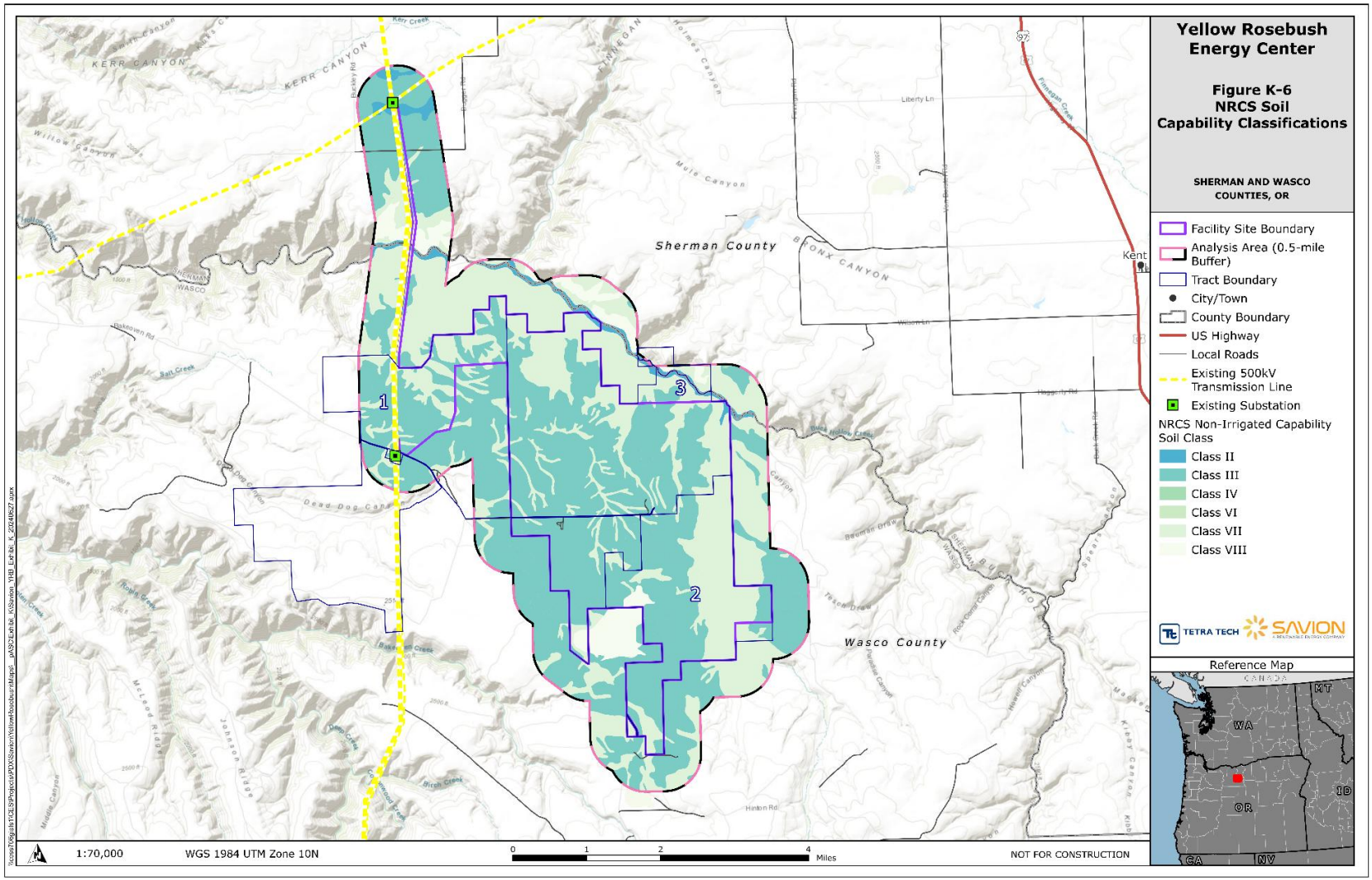


Table 9 below shows arable/non arable lands within the proposed site boundary and associated tracts. Based upon this information, the applicable provisions above are (a) "arable land", (b) "arable soils".

Table 9: Arable Lands by Tracts in Analysis Area

Tract	Owner	Total Tract Acreage	Acreage of Arable Soils[1]	Acreage of Cultivated Land and Arable Soils[2]	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%

1. 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.
2. 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.

> *(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 with fewer than 1320 feet of separation from the tract on which the new facility is proposed to be sited. Projects connected to the same parent company or individuals shall be considered to be in common ownership, regardless of the operating business 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, division 84.*

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

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.

<u>High value farmland under ORS 195.300(10)(a):</u>

> *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

- Based on soil capability classifications, assess whether the total area within each tract is predominantly composed of soils that are prime, unique, Class I or II soils[98].

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 high-value 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.

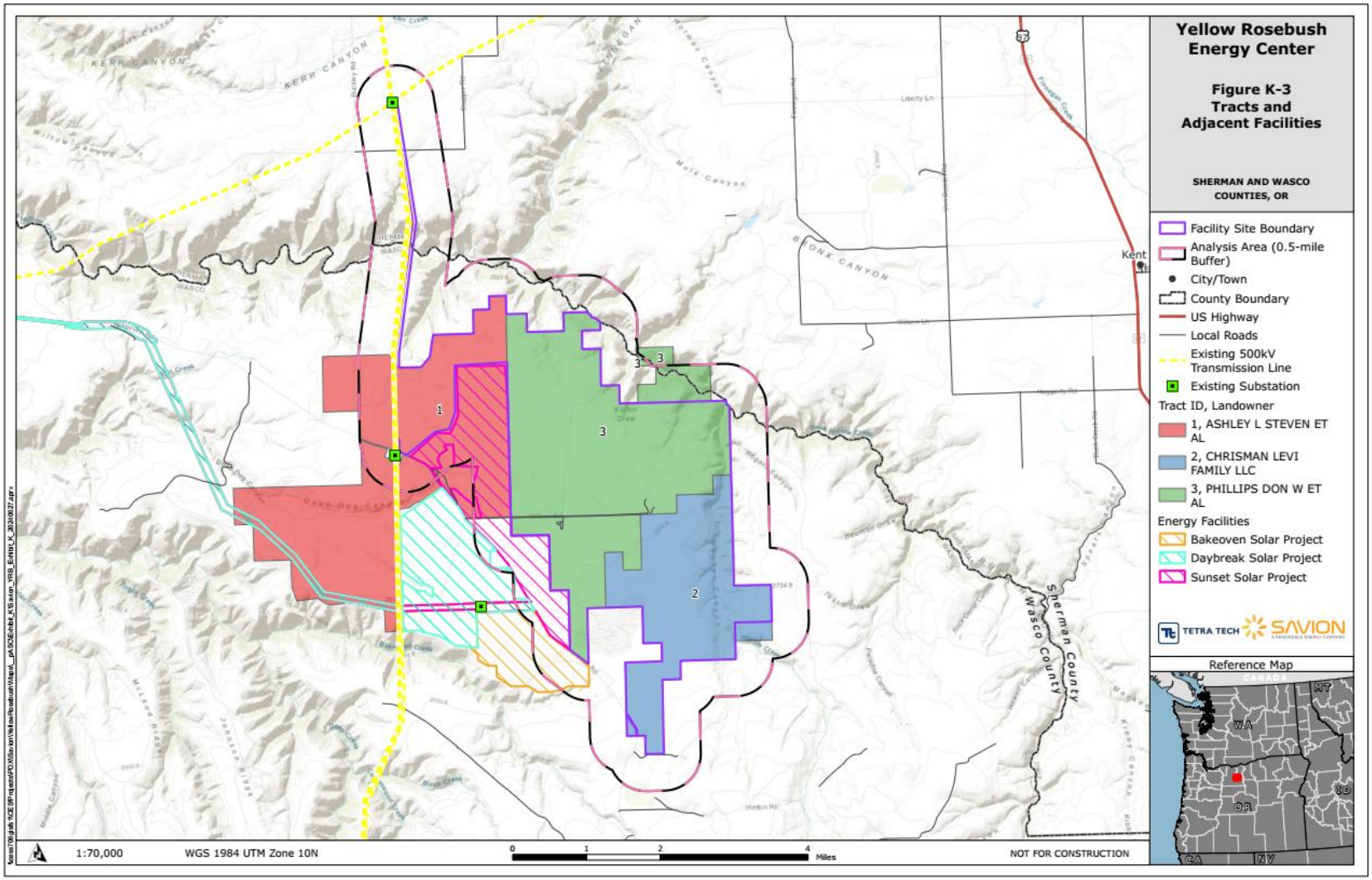
Table 10: Facility Land Tracts, Water Rights, Acreages and High Value Soils

Tract	Owner	Water Right[1]	Total Tract Acreage	Acreage of High Value Soils (HVS; NRCS Soils Class I, II, Prime, or Unique)			
				Irrigated Acreage of Tract[2]	Non-Irrigated Acreage of Tract	Total	Percent of Tract Area
1	ASHLEY L STEVEN ET AL	Permit: G 17321 * IR[3]	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[4]	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).

[98] 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



The facility site avoid all high-value farmland. As shown in Tables 10 and 11, while there is high-value farmland within the proposed tracts and within the Land Use analysis area, there is no 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)[1]	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%	0[2]	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)[2]	416.39	2%	0	0%	0.00	0%

Notes:

1. 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;

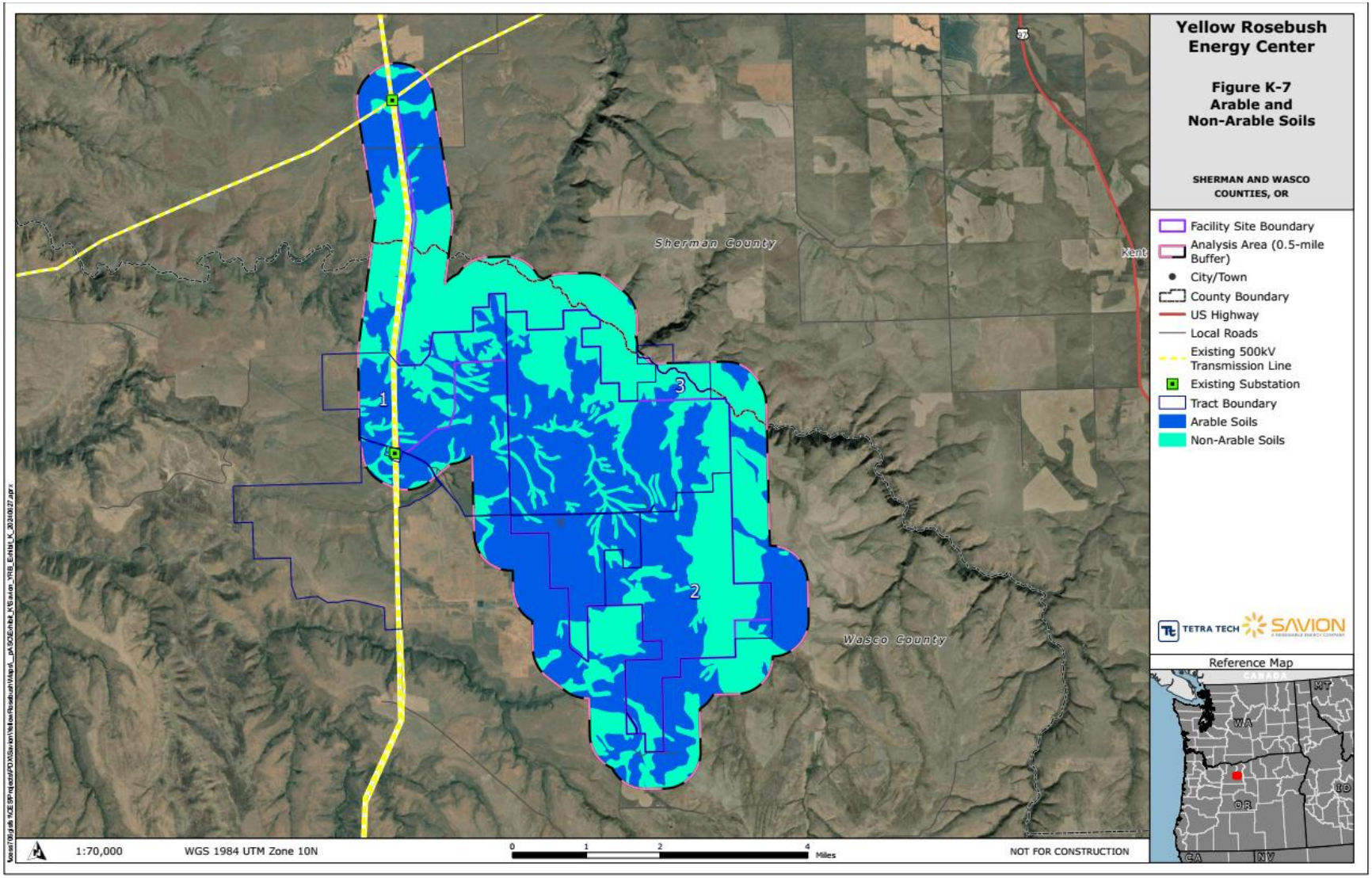
Because nonarable soils are available on the subject tract, factor (B)(i) does not apply.

(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

1



(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;

As provided by the landowners (See ASC Exhibit K, Section 4.5.1.2, Table K-7 and Figure K-4), only 230 acres of dryland crops are currently grown within the proposed site boundary and of those acres, only 160 are grown within the solar micrositing area.

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

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 analysis area and site boundary.

As described above, the combined total of high-value farmland across all three tracts comprises approximately 5% of the analysis area, but the proposed site boundary and solar micrositing corridor have been sited so that they contain no high-value farmland under ORS 195.300(10). Based on NRCS soil classification, there are no high-value soils present within the proposed micrositing corridor.

Based upon the Department's evaluation of the information provided in the ASC Exhibits H, I, K, and P, the Department recommends that Council find that the proposed solar facility would not be sited on high-value farmland and would satisfy OAR 660-033-0130(i)(A)-(C).

(D) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:

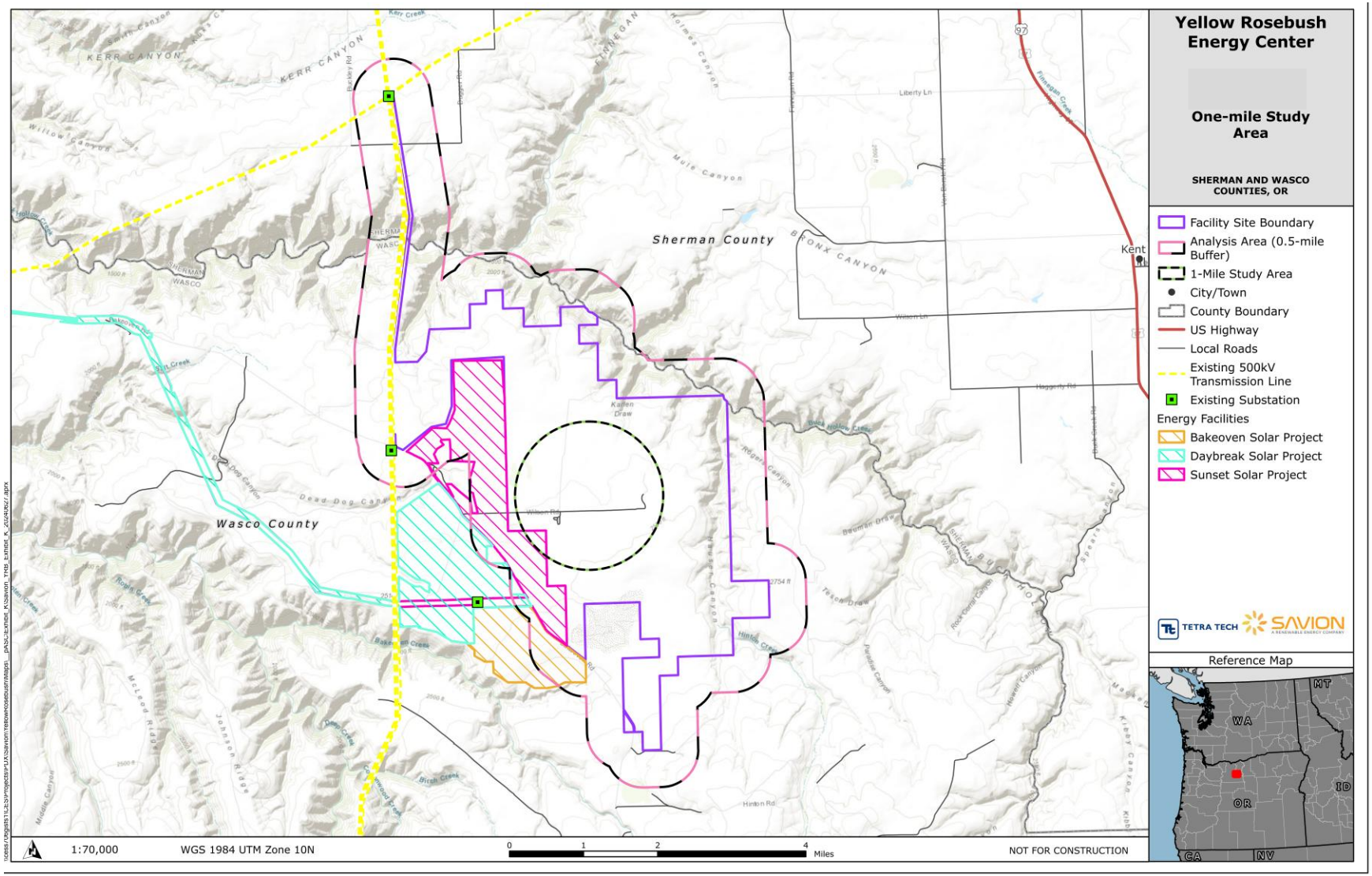
(i) If fewer than 80 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area, no further action is necessary.

(ii) When at least 80 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities within the study area, the local government or its designate must find that the photovoltaic solar power generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar power generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number

> *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).[99] Within these tracts, there is no high-value farmland, no lands with water rights and no lands that utilize irrigation.[100, 101, 102] Existing farm practices within each tract are summarized in Table 12 below.[103]

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.[104] 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. [105]

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.[106]

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

[99] OAR 660-033-0020(14) defines “tract” one or more contiguous lots or parcels under the same ownership.
[100] High-value farmland as defined in ORS 195.300(10).
[101] YRBAPPDoc1-12 ASC Exhibit K. Land Use 2025-09-05, Table K-8, Table K-9.
[102] YRBAPPDoc1-12 ASC Exhibit K. Land Use 2025-09-05, Figure K-5.
[103] 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.
[104] YRBAPPDoc1-12 ASC Exhibit K. Land Use 2025-09-05, Attachment K-1 Landowner letter from Bob Krein, A&K Ranch.
[105] YRBAPPDoc1-12 ASC Exhibit K. Land Use 2025-09-05, Attachment K-1 Landowner letter from Brad Chase of Levi Chrisman Family LLC.
[106] YRBAPPDoc1-12 ASC Exhibit K. Land Use 2025-09-05, Section 4.5.1.2.

- $7,000 in lost economic output.[107,108]

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.[109]

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.

[107] 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.
[108] "Outputs" refers to the value of goods and services produced.
[109] *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	<u>Current Tract Land in</u> • 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	<u>Current Tract Land in</u> • 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	<u>1989-2022 Tract Land in</u> • CRP: 2,388.4 acres • 48% of land in CRP <u>Current Tract Land in</u> • 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.

1

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.

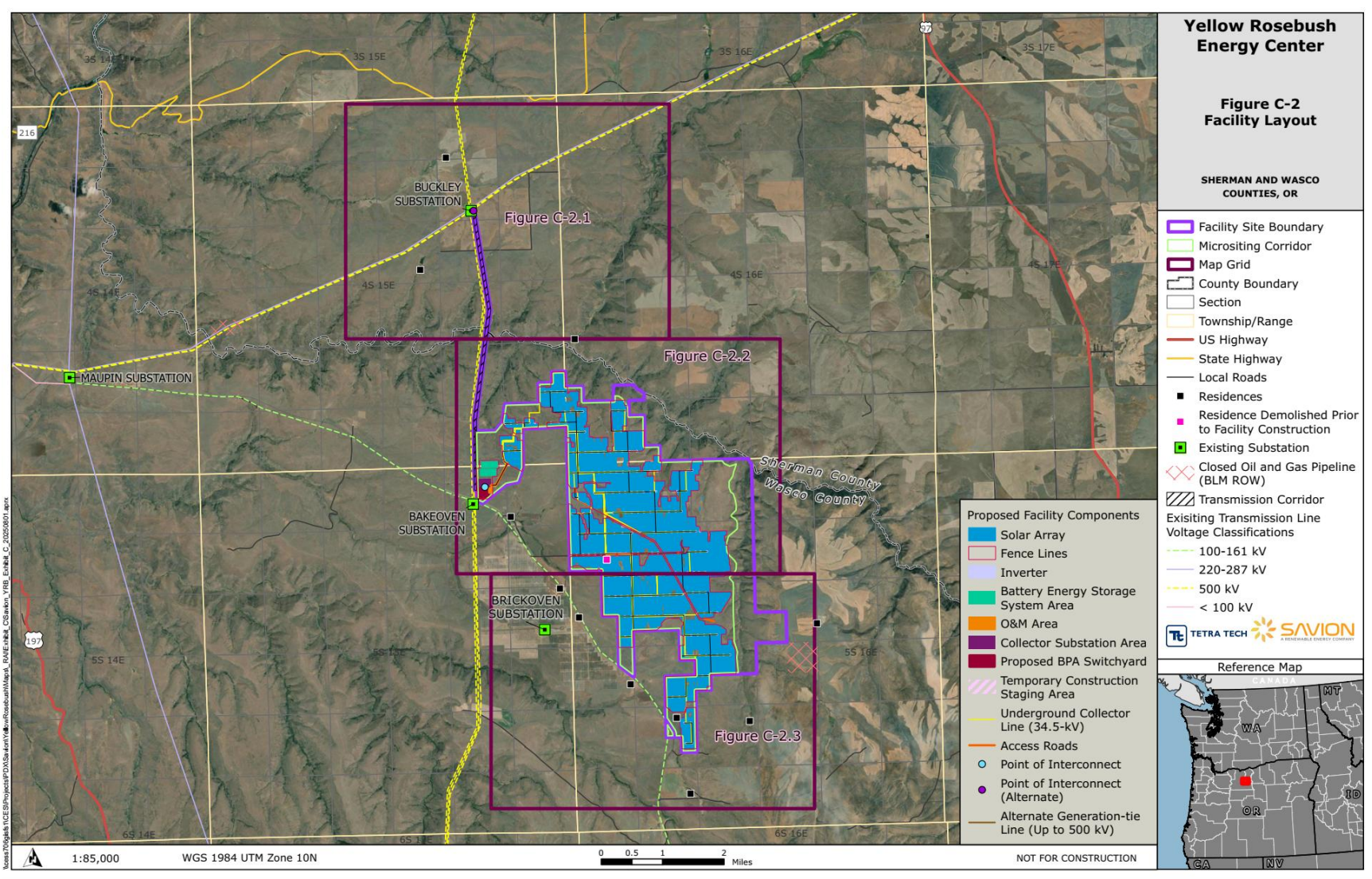
The Department, therefore, recommends the Council find that use of the site would have minimal impacts to high value farmland, water availability and any direct impacts to agricultural practices. The Department recommends that the Council find, based on these facts, that this is a reason that justifies 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.

Figure 11: Proximity of BPA's 500-kV Transmission Line and Buckley Substation to Proposed Facility Site



Department's Evaluation of Facts Related to: Locational Dependency

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. [110, 111]

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

[110] 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 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 Certificate for Nolin Hills Wind Power Project (2023).

[111] Oregon Department of Energy. Final Order on Application for Site Certificate for the Nolin Hills Wind Power Project (2023), Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2023-08- 30-NHW-APP-Final-Order.pdf ; Final Order on Applicant for Site Certificate for Madras Solar Energy Facility (2021) available online at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-08- 02-MSEF-Final-Order-SIGNED-Attachments.pdf ; and Final Order on Application for Site Certificate Bakeoven Solar Project, Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2020-04-24-BSP-ASC-Final-Order.pdf

minimum distance necessary for safety from the BPA transmission line corridor (60 – 260 feet). 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 completed resource surveys for the proposed transmission corridor, however~~t~~ the applicant would be required to do so and address any impacts to resources protected by Council standards prior to construction under Recommended Conditions PRE-FW-01, PRE-TE-01, PRE-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 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.[112] 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

[112] 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).[113] 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.[114] 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.[115]

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.[116]

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

[113] OAR 660-033-0020(14) defines "tract" one or more contiguous lots or parcels under the same ownership.
[114] YRBAPPDoc1-12 ASC Exhibit K. Land Use 2025-09-05, Attachment K-1 Landowner letter from Bob Krein, A&K Ranch.
[115] 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.
[116] 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.[117] Landowner lease payments will be of equal or greater value. A reduction of $7,400 per year in economic output~~s~~ 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.[118]

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.[119] 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

[117] YRBAPPDoc1-12 ASC Exhibit K. Land Use 2025-09-05. Attachment K-2 Economic and Agricultural Impacts Memorandum, p.26

[118] YRBAPPDoc1-12 ASC Exhibit K. Land Use 2025-09-05. Attachment K-2 Economic and Agricultural Impacts Memorandum, Table 6, p.19.

[119] 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.

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.[120] The Department recommends Council find this representation is not sufficient for Council to find any direct benefit to the agricultural community and economy.

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.

4. The Facility imposes minimal impacts to resources protected by Council standards.

Facts related to Impacts to Other Resources Protected by Council Standards.
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."[121]

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

[120] YRBAPPDoc1-12 ASC Exhibit K. Land Use 2025-09-05, p. 94.
[121] 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 waters 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.[122] The applicant also refers to private entity goals, such as PacifiCorp, that are geared towards greenhouse gas reduction through use of renewable energy sources.

Evaluation of Facts related to: Important State and Council Goals and Priorities.

Statewide Planning Goal 13 is an energy conservation goal, and does not require, directly or indirectly, the development of energy facilities on EFU land.[123] The Council has previously rejected reliance on responsiveness to Statewide Planning Goal 13, and local policies implementing the goal, as a reason to justify an exception from the requirement to preserve agricultural land for farm use under Statewide Planning Goal 3. The Council has also previously found that abstract consistency with the state's Renewable Portfolio Standard, without evidence that power produced by the proposed facility will be used to meet Oregon's energy goals, cannot be relied upon to justify an exception to Statewide Planning Goal 3.[124]

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.

Department's Recommendations on Reasons for Exception

In summary, the Department recommends Council find the following reasons justify taking an exception to Goal 3:

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.

Significant Environmental, Economic, Social and Energy Consequences

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.

Environmental Consequences

[122] YRBAPPDoc1-12 ASC Exhibit K Land Use 2025-09-05. Section 4.5.1.5, pg. 96-97.
[123] 1000 Friends of Oregon v. Jackson County, 292 Or App 173 (2018) at 192.
[124] 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.

The facility must satisfy the requirements of all applicable EFSC standards, rules and statutes. Applicable environmental EFSC standards include Soil Protection standard; Protected Areas standard; Recreation Standard; Scenic Resources standard; Fish and Wildlife Habitat standard; and the Threatened and Endangered Species standard, as evaluated in this order. Based on the 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 conclude~~s~~ 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~~ is 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 ~~a~~effects.

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.

** * * * *.*[125]

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.[126]

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.[127] 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.[128]

[125] 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.
[126] YRBNOIDoc42 SIGNED Project Order w Attachments 2024-01-26.
[127] YRBAPPDoc1-12 pASC Exhibit L. Protected Areas 2024-08-30, Section 6.0 References.
[128] Administrative Order EFSC 1-2002, April 3, 2002.

IV.G.1. Findings of Fact

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. [129]

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.[130] Roads will be retained and used for decommissioning activities, once concluded, roads 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

[129] YRBAPPDoc1-25 ASC Exhibit X. Retirement and Financial Assurance 2025-09-05, Section 2.0.

[130] YRBAPPDoc1-25 ASC Exhibit X. Retirement and Financial Assurance 2025-09-05, Section 3.0.

restoration. Accordingly, the Department recommends the Council impose Retirement and Financial Assurance Condition 1, as presented below.

> **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.
> [Mandatory Condition OAR 345-025-0006(7); GEN-RF-01; Final Order on ASC]

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:

> **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.[131] 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.[132]
- 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 on-site as a result of the original installation. Final seeding will use a mix of native grasses.

[131] YRBAPPDoc1-25 ASC Exhibit X. Retirement and Financial Assurance 2025-09-05, Section 4.1.

[132] A production rate is used to determine the number of worker hours needed to complete individual tasks.

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 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.

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.

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.

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, presented in the table below. ~~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				

Table 13: Proposed Facility Decommissioning Tasks and Cost Estimate

Task or Component	Quantity	Unit	Unit Cost ($)	Estimate ($)
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
1.1.4 Crew - Demob & Site Cleanup	2	Day	36,347.12	72,694.23
			Subtotal	***272,788.46***
1.2 Project Site Support				
1.2.1 Site Facilities	10	Month	3,255.00	32,550.00
1.2.2 Field Management	10	Month	53,947.28	539,472.80
			Subtotal	***572,022.80***
1.3. Substation Retirement				
1.3.1 Fence Removal	1	Day	1,354.33	1,354.33
1.3.2 Transformer Removal	4	Each	102,049.58	408,198.32
1.3.3 Control Building Removal	1	Each	2,508.66	2,508.66
1.3.4 UG Utility & Ground Removal	1	Day	1,354.33	1,354.33
1.3.5 Remove Foundations	1,000	Cubic Yard	27.85	27,846.68
1.3.6 Misc. Material Disposal	1	Each	2,675.00	2,675.00
1.3.7 Restore Yard	1	Each	40,451.63	40,451.63
			Subtotal	***484,388.95***
1.4. Switchyard Retirement				
1.4.1 Fence Removal	1	Day	1,354.33	1,354.33
1.4.2 UG Utility & Ground Removal	1	Day	1,354.33	1,354.33
1.4.3 Dismantle/Loadout Racks & Switching	1	Each	13,481.28	13,481.28
1.4.4 Remove Foundations to Subgrade	284	Cubic Yard	27.85	7,908.46
1.4.5 Misc. Material Disposal	1	Each	2,675.00	2,675.00
1.4.6 Restore Yard	1	Each	31,608.04	31,608.04
			Subtotal	***58,381.43***
1.5 500 kV Transmission Line Retirement				
1.5.1 Remove Structures	25	Each	5,391.45	134,786.25
1.5.2 Remove Foundations to Subgrade	25	Each	4,946.85	123,671.25
			Subtotal	***258,457.50***
1.6 O&M Building Removal				

Table 13: Proposed Facility Decommissioning Tasks and Cost Estimate

Task or Component	Quantity	Unit	Unit Cost ($)	Estimate ($)
1.6.1 Structure Demo	40	Ton	514.43	20,577.20
1.6.2 Remove Foundations To Subgrade	56	Cubic Yard	35.74	2,001.31
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 Removal				
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

Table 13: Proposed Facility Decommissioning Tasks and Cost Estimate

Task or Component	Quantity	Unit	Unit Cost ($)	Estimate ($)
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***
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
			Subtotal	***7,946,214.82***
TOTAL ESTIMATED COST ($Q2 2024)				**46,163,488.99**

Notes:

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~~ tenure 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.[133] 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.[134]

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:~~, below. Recommended Retirement and Financial Assurance Condition 5 and 6, below, apply during construction and operation of the facility and outline the process to annually update the bond or letter of credit for the facility.

The Council has approved recent site certificates that include subsection (c) in recommended Retirement and Financial Assurance Condition 5 and 6, which designates that the Department and Council have "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." The intent of this clause is to provide the Council the ability to adjust contingencies in the event the established decommissioning estimate may no longer be sufficient for site restoration (e.g., because the facility is not operated in compliance with the terms and conditions of the site certificate).

To ensure that the applicant has the ability to restore the site to a useful, nonhazardous condition, the Department recommends Council authorize review and adjustment of contingencies applied to the decommissioning estimate, based on the Department's ongoing review of site certificate compliance and the decommissioning estimate. The circumstances that would merit the Department or Council adjusting the contingencies would be if the Department learns of circumstances that demonstrate the existing contingency estimates may not be enough to restore the site to a useful, non-hazardous condition, such as recurring, ongoing, and/or compliance issues related to facility operation that may impact the underlying and/or surrounding land, or issues with health and safety of the public or the environment.[135]

[133] YRBAPPDoc1-14 ASC Exhibit M. Financial Capability 2025-09-05, Attachment M-2.

[134] Energy Facility Siting Council 2024 Financial Institution List.

[135] YRBAPPDoc11 DPO Applicant Comments on DPO 2025-10-22, EFSC Review of the DPO at its November 21, EFSC Meeting, See 2025-11-21 November EFSC Meeting transcript and recording at 03:27:04.829.

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.
b. Incorporate any additional decommissioning costs for facility changes which have 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.

[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 maintain health and safety of the public and environment.

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

Recommended Retirement and Financial Assurance Condition 6 (OPR): 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 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****[136]*

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).

Habitat Categories within the Analysis Area

Habitat categories within the analysis area include Category 2 and 6, as presented in Table 14 below. Habitat categories within the proposed micrositing area were based on field surveys, where habitat categorization within the analysis area was based on a desktop analysis, both developed in consultation with ODFW.[137] The entire analysis area is within ODFW's mapped Category 2 Big Game Winter Range for Mule Deer habitat. Cultivated lands, even if within ODFW's mapped Category 2 Big Game Winter Range, are considered Category 6.

[136] Administrative Order EFSC 1-2017, effective March 8, 2017.

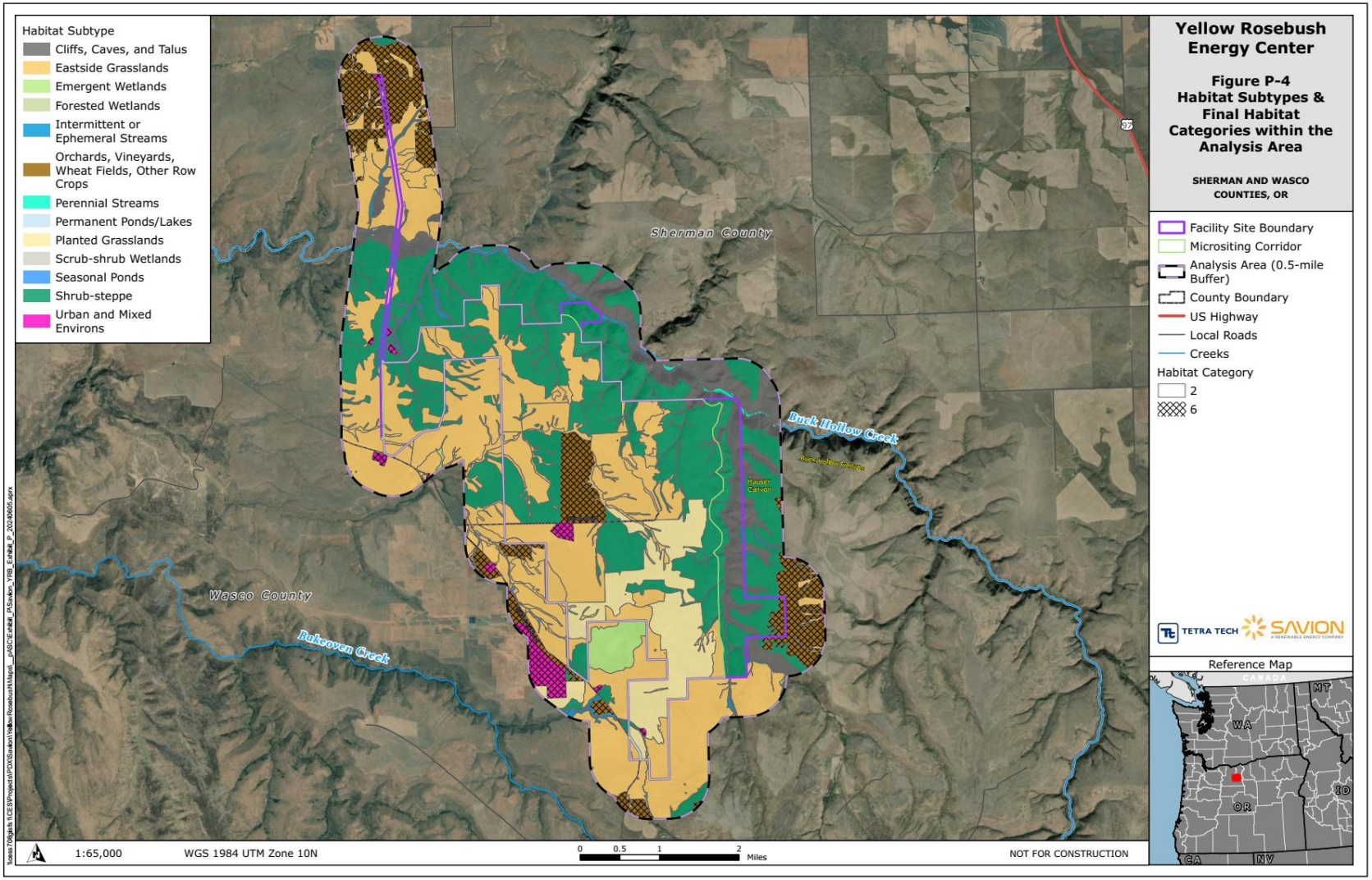
[137] Wildlife and habitat surveys were conducted within the majority of the proposed micrositing corridor in June 2023 to field verify habitat mapping. Each delineated vegetation polygon was assigned a habitat type, subtype, and habitat quality category guided by the draft habitat categorization table in ASC Exhibit P, Attachment P-1: Botanical Survey Report. See also YRBAPPDoc12 Applicant Response to DPO Comments_w Attchs 2025-11-07 in response to YRBAPPDoc9-11 DPO Public Comment Lee 2025-11-02.

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
2	2	Emergent Wetlands	—	3.9
		Forested Wetlands	0.4	5.1
		Intermittent or Ephemeral Streams	—	0.1
		Perennial Streams	—	53.0
		Scrub-shrub Wetlands	—	2.9
		Shrub-steppe	71.9	72.3
	Category 2 Total		72.3	137.3
2	3	Cliffs, Caves, and Talus	19.7	1,399.4
		Eastside Grasslands	402.3	947.9
		Emergent Wetlands	0.3	4.4
		Forested Wetlands	0.2	0.3
		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 Total		2,886.2	7,049.2
2	4	Eastside Grasslands	1,362.0	4,447.8
		Intermittent or Ephemeral Streams	0.2	80.4
		Perennial Streams	—	0.6
		Planted Grasslands	1,247.3	1,313.7
		Seasonal Ponds	—	1.7
		Shrub-steppe	149.2	1,425.1
	Category 4 Total		2,758.7	7,269.2
2	5	Eastside Grasslands	949.4	1,672.8
		Emergent Wetlands	0.5	241.6
		Intermittent or Ephemeral Streams	4.4	6.4
		Seasonal Ponds	1.4	5.2
		Shrub-steppe	—	107.9
	Category 5 Total		955.6	2,033.8
Category 2 Final Total			**6,672.9**	**16,489.5**
6	6	Wheat Fields and Other Row Crops	303.2	1,605.1
		Urban and Mixed Environs	49.7	287.6
	Category 6 Total		352.9	1,892.7
Category 6 Final Total			**352.9**	**1,892.7**
Grand Total			**7,025.8**	**18,382.2**

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

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 areas are considered permanent impacts to fish and wildlife habitat

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).

Table 16 below shows the estimated temporary and permanent impacts to habitat. 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.
* 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 habitats. 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 its 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 under CON-OE-01. 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 under CON-OE-01. 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.

Mitigation of Permanent Impacts to Habitat

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), discussed further below. To meet the mitigation goals for each habitat category, the applicant proposed a ratio approach, ranging from 0.5 acres to up 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[138]

Final Habitat Category[1]	Preliminary Habitat Category[2]	Habitat Subtype	Impact (acres)	Mitigation Ratio	Mitigation Need (acres)
Permanent Impacts[3]					
2	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
	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 Impacts[4]					

[138] Source: Draft Habitat Mitigation Plan, Table 3: Compensatory Mitigation Calculation (See Attachment P-3 of this order).

Table 17: Estimated Habitat Impacts and ODFW Habitat Mitigation Ratios[138]

Final Habitat Category[1]	Preliminary Habitat Category[2]	Habitat Subtype	Impact (acres)	Mitigation Ratio	Mitigation Need (acres)
2	2	Shrub-steppe	4.2	0.5:1	2.1
		Perennial Streams, Scrub-shrub wetlands	0.2	None	—
	3	Cliffs, Caves, Talus, Emergent Wetlands, Intermittent or Ephemeral Streams	3.8	None	—
		Eastside Grasslands	28.8	0.5:1	14.4
		Shrub-steppe	69.0	0.5:1	34.5
	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	—
6	6	Wheat Fields and Other Row Crops, Urban and Mixed Environs	28.3	None	—
Total			**5,218**		**6,675**

1. Final Category following application of ODFW Designated Mule Deer Winter Range overlay.
2. Current habitat condition and category as mapped by the Applicant prior to construction.
3. Permanent impact areas based on final design and include the Facility's footprint. No mitigation offered for Category 6 habitat.
4. 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.

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.[139, 140]

[139] YRBAPPDoc29 pASC Reviewing Agency Comment ODFW 2025-07-18; YRBAPPDoc19-12 ASC Review Agency Comment ODFW 2025-09-29

[140] 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(s) must include a maximum of 6,675 acres.

The applicant ~~has~~ prepared a draft HMP (see Attachment P-3 of this order) using two primary mitigation areas, developed in consultation with ODFW, to meet the HMA requirements in terms of acreage and suitable habitat with uplift potential. ~~an HMA identified in consultation with ODFW.~~ Tygh Ridge Ranch ~~as~~ is the primary potential site for the HMA which is located near the town of Tygh Valley, approximately 15 miles northwest of the facility and consists of approximately 5,020 acres. 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.[141] 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.[142]

~~, with~~In addition~~al~~ to the Tygh Ridge Ranch HMA, the applicant identifies 1,655 acres within the facility boundary located to the north and east as mitigation areas; these HMAs ~~areas identified~~are 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.[143]

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

[141] 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 the HMP.

[142] YRBAPP ASC Exhibit P. Fish and Wildlife Habitat 2025-09-05, Attachment P-2, Section 4.0, in response to YRBAPPDoc12 Applicant Response to DPO Comments_w Attchs 2025-11-07 and YRBAPPDoc9-8 DPO Public Comment Alexanderson 2025-11-02. See also YRBAPPDoc12 Applicant Response to DPO Comments_w Attchs 2025-11-07.

[143] YRBAPPDoc19-12 ASC Review Agency Comment ODFW 2025-09-29.

- Fire Control
- Monitoring ~~of~~ implementation measures

The HMP is in draft format because the project has not yet been approved and the final HMP must be based on final impacts from facility construction. 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 of the facility, facility component or phase, as applicable, 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.
> [PRE-FW-03; Final Order on ASC]
>
> **Recommended Fish and Wildlife Condition 8 (PRE)**: Prior to construction of the facility, facility component, or phase, as applicable, 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.[144]

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~~ were 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.

[144] Although known to inhabit surrounding areas, Big Horned Sheep are not listed in Oregon as a special status or T&E species, therefore, species-specific field surveys were not requested by ODFW and not required. YRBAPPDoc9-11 DPO Public Comment Lee 2025-11-02.

- **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 shrub-steppe 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

Common Name *Scientific Name*	Federal Status[1/]	ODFW Status in Columbia Plateau/ Columbia Basin[2/]	Habitat and Species Information	Sensitive Period(s)[3]	Observed or Expected Occurrence within Analysis Area	Potential Use of Habitat within Analysis Area
Mammals						
white–tailed jackrabbit *Lepus townsendii*[4]	–	–	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*	BCC	S	Closely associated with sagebrush steppe, generally with a canopy height of more than 5 feet. Often associated with big sagebrush (*Artemisia tridentata*). 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*[4]	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*	BCC	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[1/]	ODFW Status in Columbia Plateau/ Columbia Basin[2/]	Habitat and Species Information	Sensitive Period(s)[3]	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. 2002; 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 2021; 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.

[2] Oregon Department of Fish and Wildlife Status: SC = Sensitive-Critical Species, S = Sensitive Species.

[3] Period in which species is most sensitive to disturbance, such as nesting, mating, migrating, or hibernating.

[4] 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.

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Potential Impacts to Wildlife

Potential impacts to state-sensitive species from proposed facility construction include injury to or loss (fatality) due to collision with or crushing from construction equipment vehicles; and, general disturbance (noise and visual), which can interrupt wildlife behavior. In addition, there are risks to wildlife species during proposed facility operations from structure collision, vehicle collisions, disturbance related to artificial lighting and introduction or spread of noxious weeds.

Wildlife Impact Minimization ~~and Monitoring Plan~~Measures

As noted above, the ~~applicant has~~proposed micrositing of~~ed~~ the facility ~~to~~ would avoid the most sensitive habitat in the site boundary and did so in consultation with ODFW. To minimize impacts to habitat of state sensitive wildlife species, the applicant ~~has~~ proposes~~d~~ ~~to implement~~ numerous design measures which are compiled into ~~, construction restrictions and finalize a long-term Wildlife Minimization and Monitoring Plan (WMMP) similar to the draft plan in~~ Attachment P-4 to this order, Design Features to Minimize Wildlife Impacts. ~~that includes the following measures to minimize and avoid impacts to wildlife. Some m~~Minimization and avoidance 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~~listed facility design features, 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 of the facility, facility component, or phase, as applicable, 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]

Recommended Fish and Wildlife Condition 11 (PRE): Prior to construction of the facility, facility component, 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 0.5~~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.
[PRE-FW-06; Final Order on ASC]

Recommended Fish and Wildlife Condition 12 (PRE): Prior to construction of the facility, facility component or phase, 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~~ the Design Features to Minimize Wildlife Impacts included in Attachment P-4 to the Final Order on ASC, -updated based on final facility design~~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~~the release date 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	0.25 mile	Jan 1- Jul 1	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]~~

Recommended Fish and Wildlife Condition 1~~6~~8 (OPR): During operations, vehicles will be limited to 20 miles per hour on all facility access roads (excluding public roads). [OPR-FW-0~~4~~5; Final Order on ASC]

The Department has reviewed the information submitted in ASC Exhibit P, consulted with ODFW on study findings, potential impacts and required and recommendations, and with compliance with the above recommended conditions, impacts to state sensitive fish and wildlife will be minimized, avoided and mitigated to meet this Council standard.

IV.H.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 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 Habitat Mitigation Policy under OAR 635-415-0025.

IV.I. Threatened and Endangered Species: OAR 345-022-0070

To issue a site certificate, the Council, after consultation with appropriate state agencies, must find that:

(1) For plant species that the Oregon Department of Agriculture has listed as threatened or endangered under ORS 564.105(2), the design, construction and operation of the proposed facility, taking into account mitigation:

(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

(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 likelihood of survival or recovery of the species; and

(2) For wildlife species that the Oregon Fish and Wildlife Commission has listed as threatened or endangered under ORS 496.172(2), the design, construction and operation of the proposed facility, taking into account mitigation, are not

likely to cause a significant reduction in the likelihood of survival or recovery of the species.[145]

IV.I.1. Findings of Fact

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.[146]

Literature review identified no state listed T&E wildlife and one state-listed T&E plant species, Tygh Valley milkvetch (*Astragalus tyghensis*),[147] with the potential to occur within the analysis area.[148]

Wildlife and botanical field surveys were conducted on 7,026 acres in June 2023.[149], [150] Surveys were conducted just after the typical period of flowering for sessile mousetail (March-May) because only one vernal pool wetland (the plant's habitat) was found within the survey area. This wetland and the surrounding area were surveyed closely for sessile mousetail individuals but there was no evidence of the plant. Moreover, no element occurrence was identified in the Oregon Biodiversity Information Center (ORBIC) database within 5 miles of the Micrositing Corridor.[151] 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

[145] Administrative Order EFSC 1-2007, effective May 15, 2007.

[146] Per OAR 345-001-0010(35)(a); YRBNOIDoc42 Project Order 2024-01-26, Table 12.

[147] 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.

[148] YRBAPPDoc22 pASC Reviewing Agency Comment ODFW 2024-10-15.

[149] 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.

[150] On September 18, 2024, ODAg staff confirmed review of pASC Exhibit Q and stated that, "The methods are adequate for locating T&E plants, and it looks like the steps they took to develop their target plan list was also adequate. We don't have any further comments on their methods of findings." YRBAPPDoc18-1 pASC Reviewing Agency Comments Bot Survey ODAg_Marshall 2024-09-17.

[151] YRBAPPDoc12 Applicant Response to DPO Comments_w Attchs 2025-11-07, in response to YRBAPPDoc9-11 DPO Public Comment Lee 2025-11-02.

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.[152]

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.

> **Recommended Threatened and Endangered Species Condition 1 (PRE):** 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.
> [PRE-TE-01; Final Order on ASC]

IV.I.2. Conclusions of Law

Based on the foregoing analysis, the Department recommends that with compliance with the above recommended condition, the Council find that the design, construction and operation of the proposed facility is not likely to cause a significant reduction in the likelihood of survival or recovery of species listed as threatened or endangered by the Oregon Department of Agriculture or Oregon Fish and Wildlife Commission and, therefore meets Council's Threatened and Endangered Species standard in OAR 345-022-0070.

IV.J. Scenic Resources: OAR 345-022-0080

[152] 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).*

(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.

** * **

(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.

** * * [153]*

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.[154] 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.[155] The Department's recommendations for important or significant resources are reflected in Table 20, and discussed further in this section.

[153] Administrative Order EFSC 5-2022, effective December 19, 2022.

[154] YRBNOIDoc42 SIGNED Project Order w Attachments 2024-01-26.

[155] 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[1]
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[1]
Oregon Department of Transportation	Journey Through Time Scenic Byway Tour Route Management Plan (1996); 2024 Scenic Byways Program	Yes	No
Bureau of Land Management	Two Rivers Resource Management Plan Record of Decision (1986); Amendments (2001)	Yes	No
	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[2]			
Confederated Tribes of Siletz Indians. 2024.[3]	N/A	-	-
Confederated Tribes of the Umatilla Indian Reservation. 2024.[4]	N/A	-	-
Confederate Tribes of Warm Springs. 2024.[5]	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. https://www.grandronde.org/services/natural-resources/
3. https://ctsi.nsn.us/
4. https://ctuir.org/departments/natural-resources/
5. https://warmsprings-nsn.gov/tribal-programs/natural-resources/

1

IV.J.1.1 Important or Significant Scenic Resources in the Analysis Area

The Department accessed and reviewed the applicable portions of the plans listed in Table 20 above, and consistent with the applicant's evaluation in ASC Exhibit R, recommends the Council find that the facility will have no impact on any important or significant scenic resources within the analysis area.

IV.J.2. Conclusion of Law

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 ion 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).[156]

The project order defines the analysis area for direct impacts to archeologic sites and objects is the area within the site boundary.[157] 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 where all facility components would be located; ASC Exhibit S refers to this area as the direct analysis area. For indirect impacts to historic aboveground/built 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.[158] 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 (Siletz), 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/built 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:[159]

- 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

[156] 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

[157] YRBNOIDoc42 SIGNED Project Order w Attachments 2024-01-26.

[158] OAR 345-022-0090(1)(c) is not applicable to this facility.

[159] 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.

On July 11, 2023 and August 28, 2023, the applicant initiated coordination with Tribes identified 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 affected Tribes to review, comment, and provide applicable conditions. On August 28, 2023, HRA notified ~~Grand Ronde~~CTGR, CTWSRO~~CTWS~~, CTUIR, Siletz, and Burns Paiute of the planned shovel probe 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~~ ~~o~~On September 28, 2023, HRA emailed the Tribes to notify them the fieldwork surveys were complete and to seek feedback. The applicant received feedback from CTWSRO, ~~Grande Ronde~~CTGR, 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 defer to CTWSRO.[160]

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~~of 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 (~~only in~~ the solar micrositing area).[161] Archaeological ~~S~~surveys were conducted and recorded in accordance with SHPO's Guidelines for Conducting Field Archaeology in Oregon. [162] During 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 or~~,~~ historic period rock piles to avoid damage to resources, as is preferred by Tribes.[163]

[160] YRBNOIDoc22 CTUIR Response to NOI 2023-10-13.

[161] 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.

[162] 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.

[163] 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, which includes ~~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. The applicant~~,~~ ~~however,~~ may need to use the alternative transmission line corridor, but did not complete field surveys for cultural and archeological resources for that area. Therefore, if the applicant needs to construct and operate the alternative 4.5-mile transmission line, ~~it~~ the applicant 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~~resources, 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/or potential ~~historic~~ built environment ~~sites~~resources. 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~~resource, 2 built environment ~~sites~~resources, and 21 isolates) have been recommended not eligible for listing ~~o~~in the NRHP. The remaining 39 resources in the direct analysis area (38 archaeological sites and 1 isolate) ~~have been left~~are 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 ~~o~~in 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 Sites								
35WS455	Pre-Contact Lithic Scatter	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	105	344
35WS782	Historic Homestead	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	32	105
3696-A1	Historic Rock Pile Complex	Not Eligible	No further work needed.	Direct	B	Yes	0	0
3696-A2	Historic Rock Pile Complex	Not Eligible	No further work needed.	Direct	B	Yes	0	0
3696-A3	Historic Rock Pile Complex	Not Eligible	No further work needed.	Direct	B	Yes	0	0
3696-A4	Historic Rock Pile Complex	Not Eligible	No further work needed.	Direct	B	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	B	No	57	188
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	A, B	No	16	52
3696-E18	Pre-Contact Lithic Scatter	Unevaluated	Avoidance (30 meters)	Direct	A, B	No	241	790
3696-E24	Pre-Contact Stacked Rock Feature	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	17	54
3696-E27	Historic Fence Jacks	Not Eligible	No further work needed.	Direct	B	Yes	0	0
3696-E30	Historic Fence Jacks	Not Eligible	No further work needed.	Direct	B	No	36	119
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	A, B	No	51	167
3696-E42	Historic Fence Jacks	Not Eligible	No further work needed.	Direct	B	Yes	0	0
3696-E5	Historic Collapsed Building Remains (likely an agricultural outbuilding)	Not Eligible	No further work needed.	Direct	B	Yes	0	0
3696-E7	Historic Debris Scatter	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	47	153
3696-E73	Historic Fence Jacks	Not Eligible	No further work needed.	Direct	B	No	9	30
3696-E86	Pre-Contact Lithic Scatter	Unevaluated	Avoidance (30 meters)	Direct	A, B	No	309	1,014
3696-E87	Pre-Contact Lithic Scatter & Stacked Rock Feature	Unevaluated	Avoidance (30 meters)	Direct	A, B	No	523	1,715
3696-E89	Pre-Contact Lithic Scatter	Unevaluated	Avoidance (30 meters)	Direct	A, B	No	715	2,347

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-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	A, B	No	306	1,005
3696-J112	Pre-Contact Stacked Rock Feature	Unevaluated	Avoidance (10 meters)	Direct	A, B	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	A, B	No	10	34
3696-J13	Historic Debris Scatter	Not Eligible	No further work needed.	Direct	B	Yes	0	0
3696-J133	Historic Fence Jacks and Farm Equipment	Not Eligible	No further work needed.	Direct	B	Yes	0	0
3696-J66	Historic Debris Scatter	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	13	43
3696-J76	Historic Fence Jacks	Not Eligible	No further work needed.	Direct	B	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	B	No	34	111
3696-S113	Pre-Contact Stacked Rock Feature	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	130	426
3696-S114	Historic Structural Remains	Unevaluated	Avoidance (30 meters)	Direct	A, B	No	103	337
3696-S123	Historic Fence Jacks	Not Eligible	No further work needed.	Direct	B	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	B	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	B	Yes	0	0
3696-S17	Historic Debris Scatter (5 artifacts)	Not Eligible	No further work needed.	Direct	B	No	139	455
3696-S170	Historic Fence Jacks	Not Eligible	No further work needed.	Direct	B	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	B	No	125	409
3696-S186	Historic Fence Jacks	Not Eligible	No further work needed.	Direct	B	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	B	Yes	0	0
3696-S47	Historic Earthen Berms/Dams	Not Eligible	No further work needed.	Direct	B	No	38	124
3696-S55	Pre-Contact Stacked Rock Feature	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	11	36
3696-S58	Historic Well	Not Eligible	No further work needed.	Direct	B	No	25	81
3696-S59	Historic Farm Equipment	Not Eligible	No further work needed.	Direct	B	Yes	0	0
3696-S67	Multicomponent Historic Debris Scatter & Pre-Contact Lithic Artifact	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	38	124
3696-S68	Pre-Contact Stacked Rock Feature	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	39	127
3696-S69	Pre-Contact Stacked Rock Feature	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	63	206
3696-S70	Pre-Contact Stacked Rock Feature	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	11	36
3696-S71	Pre-Contact Stacked Rock Feature	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	14	45
3696-S83	Historic Structural Remains	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	55	181
3696-S84	Historic Fence Jacks	Not Eligible	No further work needed.	Direct	B	Yes	0	0
3696-S86	Historic Fence Jacks	Not Eligible	No further work needed.	Direct	B	Yes	0	0
Built Environment ~~Sites~~Resources								
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	Not Assessed~~Unevaluated~~	No further work needed.	Indirect	A	No	129	424
Buckley-Grizzly No. 1 Transmission Line	~~Historic~~ Transmission Line	Not Assessed~~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 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)
Buckley-Marion No. 1 Transmission Line	~~Historic~~ Transmission Line	Not Assessed~~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	Eligible~~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	A	No	98	321
~~Potential~~ Built Environment ~~Sites~~Resources								
89881 Bakeoven Road (Parcel ID 05S15E000010000)	Historic-period Building	Not Eligible~~Unevaluated~~	No further work needed.	Indirect	A	No	747	2,450
90380 Bakeoven Market Road (Parcel ID 05S15E01100)	Historic-period 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-period 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-period Building	Not Eligible~~Unevaluated~~	No further work needed.	Indirect	A	No	626	2,053
90703-91443 Hinton Road (Parcel ID 05S16E03300)	Historic-period Building	Not Eligible~~Unevaluated~~	No further work needed.	Indirect	A	No	1,035	3,397
92775 Hinton Road (Parcel ID 05S16E00006000)	Historic-period 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-period Building	Unevaluated	No further work needed.	Indirect	A	No	909	2,983
Archaeological & Built Environment ~~Sites~~Resources								
3696-E31	Historic-period Homestead & Building	Unevaluated (Archaeological Component)/Not Eligible (Built Environment Component)	Avoidance (30 meters)	Direct	A, B	No	151	495
3696-S9 ~~and Brick Structure~~	Historic-period Brick Structure and Debris	Not Eligible	No further work needed.	Direct	B	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	A, B	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

1

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.[164] 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 concur~~rence~~ 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:[165]

- Concurred with the determination that 49 of the archaeological resources identified are not eligible for listing in the NRHP;
- ~~Of the ten built resources, C~~concurred that the 3 transmission lines (Grizzly Nos 1, and 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, c~~Concurred that five of the seven agricultural properties ~~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 built resources 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 two identified ~~historic~~ built properties (90440 Bakeoven Market Road, 92775 Hinton Road) and the 39 unevaluated archaeological resources.[166] 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

[164] SHPO Case No. 23-1821.

[165] YRBAPPDoc26 pASC Reviewing Agency Comment SHPO_Kemmerlin 2025-03-31.

[166] YRBAPP pASC HRA 3696 Visual Impacts Memo 2025-07-22. Confidential.

methodologies for an impact assessment. However, because sub (a) of the standard cites to listing or likelihood of listing (eligibility) on the NRHP, the Department, Council, consultants, and SHPO rely on the *National Register Bulletin: How to Apply the National Register Criteria* for Evaluation for the NRHP criteria and NRHP evaluation methodologies to evaluate eligibility of resources potentially impacted by the facility. To determine which resources are protected under the standard, the NRHP criteria and methodologies are applied to archaeological resources within the site boundary and to ~~above-ground historic properties~~built resources within one mile of the site boundary.[167] The Department and historic and archeological consultants understand that SHPO requests and requires a full evaluation for each resource under each of the four 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 under each NRHP criteria.

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.

The NRHP criteria are applied to resources and, assuming the resources meet one or more of the NRHP criteria, the properties are assessed for seven aspects of integrity (~~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:[168]

- Define the essential physical features that must be present for a property to represent its significance.
- 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,

[167] 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.
https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf

[168] *Id*.

- 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.

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~~built resources 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 materials and their spatial ~~special~~ relationships. For properties eligible under Criterion D, integrity is based upon the property's potential to yield specific data that addresses important research questions.[169]

SHPO's 2016 guidelines for Conducting Field Archaeology in Oregon outline recommended field methods for shovel probing and excavating archaeological sites to be able to gather sufficient information to establish the criteria under which the resource is significant and its aspect(s) of integrity ~~and under which criteria the resource is significant~~.[170] However, the Department is aware that it is the preference of potentially-impacted Tribes that pre-contact sites are left intact, not excavated or disrupted with shovel probes or excavations. It is also common for there to be ~~missing or~~ information gaps for archaeological resources ~~historic property~~ or a TCP/ HPRCSIT, so that it is difficult to determine under which criteria a resource is significant and if it retains ~~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 either avoided or are ~~impacts are evaluated~~assessed and mitigated. Unevaluated does not mean that the resource has not been evaluated~~;~~, rather, it means that there is not~~'t~~ sufficient information available to fully evaluate the resource under each of the NRHP criteria, usually from lack of access, lack of 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, and/or mitigation ~~under NRHP criteria~~ where additional information is not available~~.~~, H~~h~~owever, resources must still be evaluated under each NRHP criterion, ~~still must be evaluated~~ which includes a discussion of limitations and assumptions ~~for criteria~~ where information is lacking or not available.[171]

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

[169] https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf VIII. HOW TO EVALUATE THE INTEGRITY OF A PROPERTY

[170] https://www.oregon.gov/oprd/OH/Documents/FieldGuidelines.pdf

[171] The designation of "unevaluated" can apply to archeological resources for the reasons discussed above, however, it is the position by historians and SHPO, that this designation is not applied to built resources.

listed or eligible ~~historic properties~~resources and defines an adverse effect as one that alters any 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.[172] The subject properties and resources are not listed as "historic properties," nor is the proposed facility a federal undertaking, nor is it ~~(~~located on federal land~~)~~. Further, Council's standard considers that taking into 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~~.[173,174] Therefore, because of the lack of federal nexus and inapplicability 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.

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 summarize~~d~~s the conclusions of ~~the~~ HRA's response memo, mainly that the ~~HRA response~~ memo question~~d~~s 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~~resources within the micrositing area. HRA conclude~~d~~s that there would not be significant adverse visual impacts to Parcel 05S15E01100 and Parcel 05S16E00006000 due to topography and (lack of) proximity of the facility to the built resources. Of the 39 unevaluated archeological features ~~within the site, there are~~ nine are stacked rock features ~~, which~~ that may experience a visual impact. HRA provide~~d~~s a discussion of the assumptions and limitations of available information and recommende~~d~~s that the nine 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~~

[172] In ~~T~~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, the Department did not receive any additional feedback.

[173] OAR 345-001-0010(22) "Mitigation" means taking one or more of the following actions listed in order of priority:
(a) Avoiding the impact altogether by not taking a certain action or parts of an action;
(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
(c) Partially or completely rectifying the impact by repairing, rehabilitating or restoring the affected environment;
(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;
(e) Partially or completely compensating for the impact by replacing or providing comparable substitute resources or environments; or
(f) Implementing other measures approved by the Council.

[174] OAR 345-001-0010(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.

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 recommended~~s~~ ~~that~~ a finding of no adverse visual impact ~~to these resources~~.

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 impact and is consistent with SHPOs definitions of mitigation.[175] The Department and Council consider the recordation conducted for the evaluation of a facility (~~recordation~~ within technical reports and SHPO databases), when paired with avoidance for NRHP eligible or listed resources, as ~~additional~~ sufficient for resolving/mitigating~~on~~ ~~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.[176]

To ensure that the unevaluated resources listed above in Table 21~~2~~ are avoided and protected during construction and operation of the facility, the Department compiled the resources with avoidance buffers in Attachments S-2 to this order. ~~and~~ The Department 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

[175] https://www.oregon.gov/oprd/OH/Documents/FieldGuidelines.pdf, page 58 of 153.

[176] 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.

likely to result in significant adverse impacts to archaeological objects, as defined in ORS 358.905(1)(a)[177], or archaeological sites, as defined in 358.905(1)(c).[178]

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~~Ineligible resources cannot be significantly associated with 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).[179] Because these resources are not eligible for listing ~~o~~in 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 ~~o~~in 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 under 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~~ which is also attached to this order as Attachment K. The IDP ~~is a plan~~ outlines~~ing~~ 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

[177] 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."

[178] 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.

[179] ORS 358.905(1)(b): Site of archaeological significance" means:
(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
(B)Any archaeological site that has been determined significant in writing by an Indian tribe.

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 4~~2~~ and 5~~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]

Recommended Historic, Cultural and Archeological Condition 5 (OPR): During operations, the certificate holder shall require all onsite employees and contractors to implement and adhere to the requirements of the Inadvertent Discovery Plan, as provided ~~for~~ in Condition PRE-HC-02. The IDP shall be reviewed and updated annually for current contact information.
[OPR-HC-01; Final Order on ASC]

IV.K.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 construction and operation of the facility~~,~~ is not likely to result in significant adverse impacts to historic, cultural or archaeological resources that have been listed on, or would likely be listed on the National Register of Historic Places or other archaeological objects or sites identified under OAR 345-022-0090.

IV.L. Recreation: OAR 345-022-0100

(1) To issue a site certificate, the Council must find that the design, construction and operation of a facility, taking into account mitigation, are not likely to result in a significant adverse impact to important recreational opportunities.

(2) The Council must consider the following factors in judging the importance of a recreational opportunity:

(a) Any special designation or management of the location;

(b) The degree of demand;

(c) Outstanding or unusual qualities;

(d) Availability or rareness;

(e) Irreplaceability or irretrievability of the opportunity.[180]

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' 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.[181]

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.[182]

IV.L.1.1 Recreational Opportunities within the Analysis Area

Recreational opportunities within the analysis area were evaluated by reviewing the following sources:

- 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

[180] Administrative Order EFSC 5-2022, effective December 19, 2022.
[181] OAR 345-021-0010(1)(t)(B).
[182] YRBNOIDoc42 SIGNED Project Order w Attachments 2024-01-26.

- Internet sites maintained by various commercial entities, including sites providing general recreation and tourism information and sites applicable to specific private-sector recreation opportunities (Google Earth 2023).

Based on review of these sources, one potential recreational opportunity was identified within the analysis area, the Sage Canyon Outfitters.

Importance Assessment

Sage Canyon Outfitters

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 non-guided hunting trips and lodging. Sage Canyon Outfitters are not managed under a state or local 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[183]. 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

[183] BSPAPPDoc2 Final Order 2020-04-24

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. ****[184]

IV.M.2. Findings of Fact

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 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.[185]

Impact Assessment Assumptions

Construction Assumptions[186]

- 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.

[184] Administrative Order EFSC 1-2002, effective April 3, 2002

[185] YRBNOIDoc42 SIGNED Project Order w Attachments 2024-01-26.

[186] 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.

- 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 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 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[1]	311,715 gal
Transmission line support structure foundations	78,000 gal
Inverter/transformer pad foundations	283,530 gal
Collector substations/switchyard foundations	62,400 gal
O&M building foundation	7,800 gal
Drinking water/sanitation	280,000 gal

Table 22: Estimated Maximum Water Use from Facility Construction and Operation

Water Use	Quantity
Total Estimated Construction Use	~~46.8~~54.6 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
Estimated Maximum Operational Use	1 Mgal
Notes: 1. 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)[187], the City of Maupin[188] and the City of Wasco[189] under an existing municipal water right.[190] 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~~S~~ 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:

[187] In February 2025, ~~correspondence from~~the DVWD ~~, the~~ General Manager ~~indicates~~ confirmed that DVWD has the capacity to supply water for construction. ASC Exhibit O, Attachment O-4.

[188] 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.

[189] 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.

[190] 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.

Recommended Public Services Condition 1 (~~PRE~~GEN): 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.
b. 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~~GEN-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~~between 533,500 and 1 million gallons of water per year will be required for drinking, sanitation, and solar panel washing. Water would be supplied via an exempt onsite well or municipal source with existing water rights. ~~, 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 gallons per day~~. If the final facility includes an exempt onsite well, the daily usage is limited to 5,000 gallons per day. Recommended Water Rights Conditions 1 and 2 require tracking of ~~address~~ exempt well water use ~~from an onsite well~~ during facility operations to maintain permit exempt status; otherwise, a permit would be required from OWRD.

To ensure that operational water obtained off-site is legally obtained by a water service provider, the Department recommends Council impose recommended Public Services Condition 2, below:[191]

Recommended Public Services Condition 2 (GEN): During every year of operations, the certificate holder shall:

a. Identify all water-related needs and estimate daily and annual water demand for facility operations.
b. Provide evidence such as a contract or purchase agreement demonstrating that adequate water supply to meet facility operational demand has been secured and that water for all operational activities will be legally obtained by service providers or third-party permits.

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

Because the applicant has demonstrated that it can obtain adequate water supply for the construction and operation of the proposed facility, and subject to the recommended conditions described above and applicable Water Rights Conditions described in this order, the Department recommends the Council find that the construction and operation of the proposed

[191] Response to YRBAPPDoc9-14 DPO Public Comment VanEynde 2025-11-03.

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.[192] 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.[193] 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.[194]

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.[195]

[192] YRBAPPDoc1-22 ASC Exhibit U. Public Services 2025-09-05, Section 3.3.2.3.
[193] YRBAPPDoc1-24 ASC Exhibit W. Waste Minimization 2025-09-05, Section 2.1.1.
[194] YRBAPPDoc1-22 ASC Exhibit U. Public Services 2025-09-05, Attachment U-2.
[195] *Ibid.*

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.[196]

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.[197] 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.[198] 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. As described in Section 4.1 of the draft site certificate and under Recommended Public Services Condition 3~~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.[199]

[196] YRBAPPDoc1-22 ASC Exhibit U. Public Services 2025-09-05, Attachment U-7, Section 2.4.

[197] 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.

[198] YRBAPPDoc19-14 ASC Reviewing Agency Comment Wasco County Roads Public Works 2025-09-30.

[199] YRBAPPDoc9-14 DPO Public Comment VanEynde 2025-11-03; K. Carver YRBAPPDoc9-0 DPO Public Hearing Transcript_Oral DPO Comments 2025-10-23 at 01:45:30.689. In YRBAPPDoc12 Applicant Response to DPO Comments_w Attchs 2025-11-07 proposes that if a Construction Traffic Management Plan designated is not included in road use agreements executed with Wasco County, then they would submit a Construction Traffic Management Plan that includes, at a minimum, the measures identified in ASC Exhibit U, Attachment U-7.

To minimize construction-related traffic impacts, the applicant includes a draft Construction Traffic Management Plan included in ASC Exhibit U, Attachment U-7 (Attached to this order as Attachment U-1)~~proposes to implement~~which includes the following measures:[200]

- Establishing a haul route plan in coordination with the City, County and ODOT once vendors have been selected and construction schedule developed. The haul route plan will confirm source locations and routes to be used during construction, as well as anticipated loads and haul schedule.
- Ingress and egress points to the site will be located and improved (if needed) to meet adequate capacity for existing and projected traffic volumes and to provide efficient movement of traffic, including existing and anticipated agricultural traffic.
- When slow or oversized wide loads are being hauled, appropriate vehicle and roadside signing and warning devices will be deployed. Pilot cars will be used as ODOT dictates, depending on load size and weight.
- Notifying the landowners through mailing, informal meeting, open house or other similar methods, prior to the start of construction to minimize disruptions to landowners, ranching and farming operations.
- Traffic control requests will be coordinated through the ODOT traffic engineer, County Public Works, and City of Maupin abiding by seasonal County road restrictions.
- Utilize traffic control devices on county roads that follow the Manual on Uniform Traffic Control Devices (MUTCD).
- 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.

The substantive measures identified in the Construction Traffic Management Plan are typically implemented via necessary ODOT Permits and within the Road Use Agreement executed with the County. ~~From~~ ODOT permits ~~which would~~ will be submitted to the Department under Organizational Expertise Condition 12. ~~and~~ The applicant provides a Wasco County Road Use Agreement template in ASC Exhibit U, Attachment U-12. Road Use Agreements are legally enforceable mechanisms that include an inventory of County managed roads that may be impacted by construction traffic, their current condition, measures to track damage to roads and compensate and/or repair any damage to roads. Additionally, the Road Use Agreement will include traffic control measures, dust suppression measures applied to County roads, BMPs for inclement weather.~~s (addressed below):~~

~~Utilize traffic control devices on county roads that follow the Manual on Uniform Traffic Control Devices (MUTCD).~~

~~Install temporary signage, lighting, and traffic control devices on US-97 and Bakeoven Road to indicate the presence of heavy vehicles and construction traffic.~~

[200] 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.

- ~~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.~~[201]

To ensure that the ~~measures addressed in the~~ County~~'s~~ Road Use Agreements are executed and implemented, the Department recommends the Council impose Public Services Condition 3~~2~~ and 4~~3~~, as shown below. Additionally, Recommended Public Services Condition 3 requires that a Construction Traffic Management Plan substantially to the Plan attached as Attachment U-1 to this order, be attached and included with executed Road Use Agreements.[202] ~~:~~

> **Recommended Public Services Condition 3~~2~~ (PRE):** Prior to construction of the facility or phase, as applicable, the certificate holder shall execute local and County Road Use Agreement(s) which will include a Construction Traffic Management Plan substantially similar to Final Order on ASC Attachment U-1. 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-01~~2~~; Final Order on ASC]
>
> **Recommended Public Services Condition 4~~3~~ (CON):** During construction, the certificate holder shall adhere to the terms and conditions of Road Use Agreement(s) executed under Condition PRE-PS-01~~2~~.
> [CON-PS-01; Final Order on ASC]

The Department recommends the Council find that subject to compliance with recommended Public Services Conditions 3~~2~~ and 4~~3~~, and other recommended site certificate conditions of 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

[201] 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.

[202] The Department acknowledges that there may be circular or duplicative requirements in the necessary third party ODOE Permits, County Road Use Agreement(s), and the Construction Traffic Management Plan. Applicant should ensure that BMPs in the Road Use Agreement and Construction Traffic Management Plan should be consistent with applicable ODOT permits.

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.[203]

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.[204]

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

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

[203] https://tools.oregonexplorer.info/OE_HtmlViewer/index.html?viewer=renewable&efsc=Yellow%20Rosebush; data layer – EFSC Energy Facilities and Airports.
[204] YRBNOIDoc28 Reviewing Agency Comment ODAv 2023-11-07; YRBNOIDoc30 DOD FAA Comment 2023-11-20;

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.[205]

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.[206] 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.[207] To address the Sheriff's concerns, the Department recommends Council impose Public Services Condition 54, which requires the certificate holder to provide on-site security during construction. The condition also requires the certificate holder to establish and maintain communication with the 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 54 (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 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

[205] YRBAPPDoc1-22 ASC Exhibit U. Public Services 2025-09-05, Attachment U-4.
[206] *Ibid.*
[207] YRBAPPDoc19-7 ASC SAG Comment Wasco County Sheriff_Magill 2025-09-25.

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 She~~r~~riff be established and maintained.[208] 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 Conditions 9 and 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[209] 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 ~~w~~Wildfire ~~m~~Mitigation ~~p~~Plans (WMPs) discussed further in Section IV.N, *Wildfire Prevention and Risk Mitigation*.

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

[208] YRBAPPDoc19-7 ASC SAG Comment Wasco County Sheriff_Magill 2025-09-25.

[209] *Ibid*., Attachment U-5.

to prevent fires and effectively assist when a fire is started on solar farms.[210] 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.[211] A requirement of both the construction and operational WMPs include the certificate holder providing annual on-site trainings that would provide advanced emergency response and fire training to local first responders including tailored to emergency and fire response at utility-scale solar and battery energy storage facilities and would be conducted by qualified instructors. As described further in Section IV.M.2.9., *Healthcare and Housing*, below, the BS-RFPA would be compensated for their attendance.[212]

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).[213] 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(s) 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

[210] 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.

[211] *Ibid.*

[212] Based on the applicant's representation that, if allowed by emergency response organization bylaws, the applicant will compensate attendees for their time at a rate to be agreed with the emergency response organization; the Department adds the following to both the WMP's: "Training will be provided at no cost to emergency service personnel. Certificate holder shall donate to Bakeoven-Shaniko Rural Fire Protection Association and Southern Wasco County Ambulance Service, Southern Wasco County Ambulance Service for their time and any necessary equipment for training." YRBAPPDoc12 Applicant Response to DPO Comments w Attchs 2025-11-07 in response to YRBAPPDoc9-10 DPO Public Comment Carr SWCAS 2025-11-02, YRBAPPDoc9-12 DPO Public Comment Miles 2025-11-02, YRBAPPDoc9-11 DPO Public Comment Lee 2025-11-02, YRBAPPDoc9-14 DPO Public Comment VanEynde 2025-11-03.

[213] 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.

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 this distance. Therefore, for the purpose its analysis, the applicant defines a -"commutable distance" as communities within 50 miles of the facility site boundary. Since a portion of the temporary workers will be hired locally, the applicant does not anticipate a significant impact 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.[214] Applicant indicates that there would be approximately 731,000 rental units available within the "commutable distance", however, the available units within Wasco and Sherman counties would be approximately 13,000 rental units. The Department emphasizes that typical construction working temporary housing is within RV parks or hotel/motels; which reduces the availability of temporary housing. During its comments on the NOI, Wasco County raised concerns about potential impacts of increased demand for housing generally, and RV parking facilities in particular.[215] However, the County later commented that Wasco County does not allow for temporary on site worker housing through a CUP or TUP.[216]

To address concerns about the lack of available housing for construction workers identified by the City of Maupin, the applicant represents that it would implement several measures to minimize and mitigate potential impacts to local housing, by providing a housing plan which will provide strategies to minimize impacts to the local housing supply based on an ongoing evaluation of patterns of uses and potential shortages or changes in housing demand.[217] Under OAR 345-015-0230(2), the Department coordinated with the City of Maupin on the proposed condition below to confirm its adequacy in about addresses future temporary housing options for construction personnel.[218] Based on the applicant's proposal, the Department recommends Council imposes Public Services Conditions 6 and 7, as shown below:

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[214] 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.

[215] YRBNOIDoc21-1 Public Information Meeting Recording 2023-11-02.

[216] 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.

[217] YRBAPPDoc12 Applicant Response to DPO Comments_w Attchs 2025-11-07, pp. 5-6; YRBAPPDoc9-0 DPO Public Hearing Transcript_Oral DPO Comments 2025-10-23, Mayor Beatty begins at 01:50:25.939.

[218] Email correspondence on November 19, 2025 and phone call on December 5, 2025. YRBAPP Proposed Order Agency Consultation OAR 345-015-0230(2)_Beatty 2025-11-19.

Recommended Public Services Condition 6 (PRE): At least 90-days prior to construction of any phase of the facility, the certificate holder shall provide to the Department, City of Maupin, and Wasco County a Construction Workforce Housing Plan. The Construction Workforce Housing Plan must include:

a. An evaluation of ongoing patterns of housing uses and potential shortages or changes in housing demand;
b. Consideration of concerns and suggestions from the City of Maupin and the County; and
c. Provide strategies to minimize impacts to the local housing supply.

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

Recommended Public Services Condition 7 (CON): During construction the certificate holder shall report on the implementation of the Construction Workforce Housing Plan required under PRE-PS-02, including any outstanding issues associated with workforce housing and potential solutions.
[CON-PS-03; Final Order on ASC]

The applicant estimates that up to 15 workers would require permanent housing during operation of the proposed facility.[219] The Department recommends the Council find that this level of housing demand is not likely to have a significant impact on housing availability.

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.

IV.M.2.9 Healthcare and Schools

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.

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.

[219] YRBAPPDoc1-22 ASC Exhibit U. Public Services 2025-09-05, Section 2.4.6.2.

The Wasco County Ambulance Service Area (ASA) Plan[220] outlines specific ambulance service areas, often contracting with multiple agencies like Mid-Columbia Fire and Rescue, Hood River Fire Department, Dufur Volunteer Fire and Rescue, and Southern Wasco County Ambulance Service, Inc., to provide comprehensive prehospital care. Wasco County has seven ASAs with different service organizations serving the ASAs. The facility site is located in ASA 4 which is served by Southern Wasco County Ambulance Service (SWCA) for emergency services.[221] ~~Wasco County provides ambulance service in the analysis area through contracts 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. According to 2023 National Safety Council data, the average fatality rate across the construction industry is 9.6 per 100,000 workers per year, while nonfatal slips, trips and falls averaged 151.9 per 10,000 workers. With an anticipated maximum of 400 workers on-site during facility construction, it is highly unlikely that any fatal injuries would occur (average of less than 0.04 per 400 workers), while less than 2 non-fatal slips, trips, and falls would be anticipated annually on average, the majority of which would not require ambulance support.[222]

As discussed above and in Section IV.E., *Land Use*, under recommended Land Use Conditions 7 and 8, the applicant or its contractor would submit and adhere to its corporate Site-Specific Safety Plan, which includes on-site protocols and training to prevent injuries in the first place, while also providing on-site treatment capability to avoid or minimize the need for off-site transfer and, if necessary, to stabilize an individual while waiting for emergency transport to arrive. The applicants' Site-Specific Safety Plan also requires that First Aid is provided by trained site personnel.

However, SWCA indicates that the organization is working to update, fully equip and staff two ambulances to better meet the growing needs of the community, and that proposed facility construction could increase their call volume, and as a volunteer agency, directly impact the demand of their ability to respond effectively.[223] 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. The trainings provided prior to construction and operation and during operation of the facility would be held on site with emergency service providers

[220] Mandated by Oregon Revised Statutes (ORS 682.062) and Oregon Administrative Rules (OAR 333-260). https://www.wascocountyor.gov/departments/emergency_management/ambulance_service_area_plan.php

[221] SWCA is an all-volunteer emergency medical transport organization serving South Wasco County since 1952. SWCA is a private, self-sustaining service, that does not receive financial support from Wasco County.YRBAPPDoc9-10 DPO Public Comment Carr SWCAS 2025-11-02.

[222] YRBAPPDoc12 Applicant Response to DPO Comments_w Attchs 2025-11-07 in response to YRBAPPDoc9-10 DPO Public Comment Carr SWCAS 2025-11-02.

[223] YRBAPPDoc9-10 DPO Public Comment Carr SWCAS 2025-11-02.

including Bakeoven-Shaniko Rural Fire Protection Association and the Southern Wasco County Ambulance Service, and would be tailored to emergency and fire response at utility-scale solar and battery energy storage facilities. The applicant represents that, if permissible by the organizations, the applicant would compensate attendees for their time at a rate to be agreed with the emergency response organization. Additionally, the applicant indicates that it is committed to continuing to collaborate with SWCA (and other fire and emergency service providers addressed in this order), and that it is amenable to contributing financially to SWCA to ensure they can adequately support the facility through construction and operation.[224] To ensure that the Bakeoven-Shaniko Rural Fire Protection Association and Southern Wasco County Ambulance Service are compensated in the form of a donation, the Department recommends the following language be added to both the construction and operational WMP Section 2.1: Training, "Training will be provided at no cost to emergency service personnel. Certificate holder shall donate to Bakeoven-Shaniko Rural Fire Protection Association and Southern Wasco County Ambulance Service, Southern Wasco County Ambulance Service for their time and any necessary equipment for training."

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:

[224] YRBAPPDoc12 Applicant Response to DPO Comments_w Attchs 2025-11-07.

(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;

(B) Seasonal wildfire risk, based on factors that are expected to remain fixed for multiple months but may be dynamic throughout the year, including but not limited to, cumulative precipitation and fuel moisture content;

(C) Areas subject to a heightened risk of wildfire, based on the information provided under paragraphs (A) and (B) of this subsection;

(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; and

(E) All data sources and methods used to model and identify risks and areas under paragraphs (A) through (D) of this subsection.

(b) That the proposed facility will be designed, constructed, and operated in compliance with a Wildfire Mitigation Plan approved by the Council. The Wildfire Mitigation Plan must, at a minimum:

(A) Identify areas within the site boundary that are subject to a heightened risk of wildfire, using current data from reputable sources, and discuss data and methods used in the analysis;

(B) Describe the procedures, standards, and time frames that the applicant will use to inspect facility components and manage vegetation in the areas identified under subsection (a) of this section;

(C) Identify preventative actions and programs that the applicant will carry out to minimize the risk of facility components causing wildfire, including procedures that will be used to adjust operations during periods of heightened wildfire risk;

(D) Identify procedures to minimize risks to public health and safety, the health and safety of responders, and damages to resources protected by Council standards in the event that a wildfire occurs at the facility site, regardless of ignition source; and

(E) Describe methods the applicant will use to ensure that updates of the plan incorporate best practices and emerging technologies to minimize and mitigate wildfire risk.

** * * * **[225]

(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

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.[226]

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), 2023 and 2025b Tool Oregon Explorer;
- 2018 USFS, Pacific Northwest Quantitative Wildfire Risk Assessment: Methods and Results;
- Conservation Biology Institute 2020 data;

[225] Administrative Order EFSC 2-2022, effective July 29, 2022.

[226] OAR 345-001-0010(35)(c) and YRBNOIDoc42 SIGNED Project Order w Attachments 2024-01-26.

- Wasco County 2024 Community Wildfire Protection Plan;[227]
- Oregon Department of Forestry 2024 Wildfire Risk Explorer.

Baseline and Seasonal Wildfire Risk

Baseline wildfire risk within the analysis area is evaluated based on factors expected to remain fixed for multiple years, including topography of the site, vegetation, existing infrastructure, regional climate, and burn probability. These are discussed in ASC Exhibit V, Section 2.1, incorporated herein and summarized, in part, below.

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.[228] The primary carrier of fire in FM 122 is grass and shrubs; which have an overall high spread rate.[229] Thirty-three percent of the site boundary is 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 indicates a potentially quick rate of fire spread.

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.

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.[230]

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.

Existing infrastructure within the wildfire analysis area includes Buckley Substation, transmission lines, the 500-kilovolt Bonneville Power Administration John Day to Grizzly

[227] 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.

[228] YRBAPPDoc1-23 ASC Exhibit V. Wildfire Risk and Mitigation 2025-09-05, Section 2.1.2.

[229] YRBAPPDoc1-23 ASC Exhibit V. Wildfire Risk and Mitigation 2025-09-05, Section 2.2.3.

[230] 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.

Transmission Line, farming operations, and various businesses such as a hunting preserve. Three energy facilities are located outside the wildfire analysis area, but within 10 miles of the site boundary: the Bakeoven Solar Project, Daybreak Solar Project, and Sunset Solar Project. Paved roads within the wildfire analysis area include Bakeoven Road, Wilson Road, and Hinton Road. Wilson Road, which is a two-lane paved road that runs east to west approximately though the center of the facility site. There are several unnamed graveled roads within the 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.[231] ~~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.[232]~~

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.[233] According to the 2018 CWPP data ~~T~~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. Overall Wildfire Risk Rating from the 2025 Updated CWPP Planning Tool's "Integrated Expected Wildfire Risk" data is provided in Table 23 below. Based on the updated data, the majority (48 percent) of the site boundary is mapped as moderate wildfire risk, 25 percent is mapped as low and eight percent is mapped as high wildfire risk.[234] Importantly, as stated at the beginning of this section, the Department recommends Council find that wildfire fire is moderate during winter (seasonally wetter) months and high during the summer months, during fire season.

[231] 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. YRBAPPDoc11 DPO Applicant Comments on DPO 2025-10-22.

[232] ~~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.~~

[233] 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.

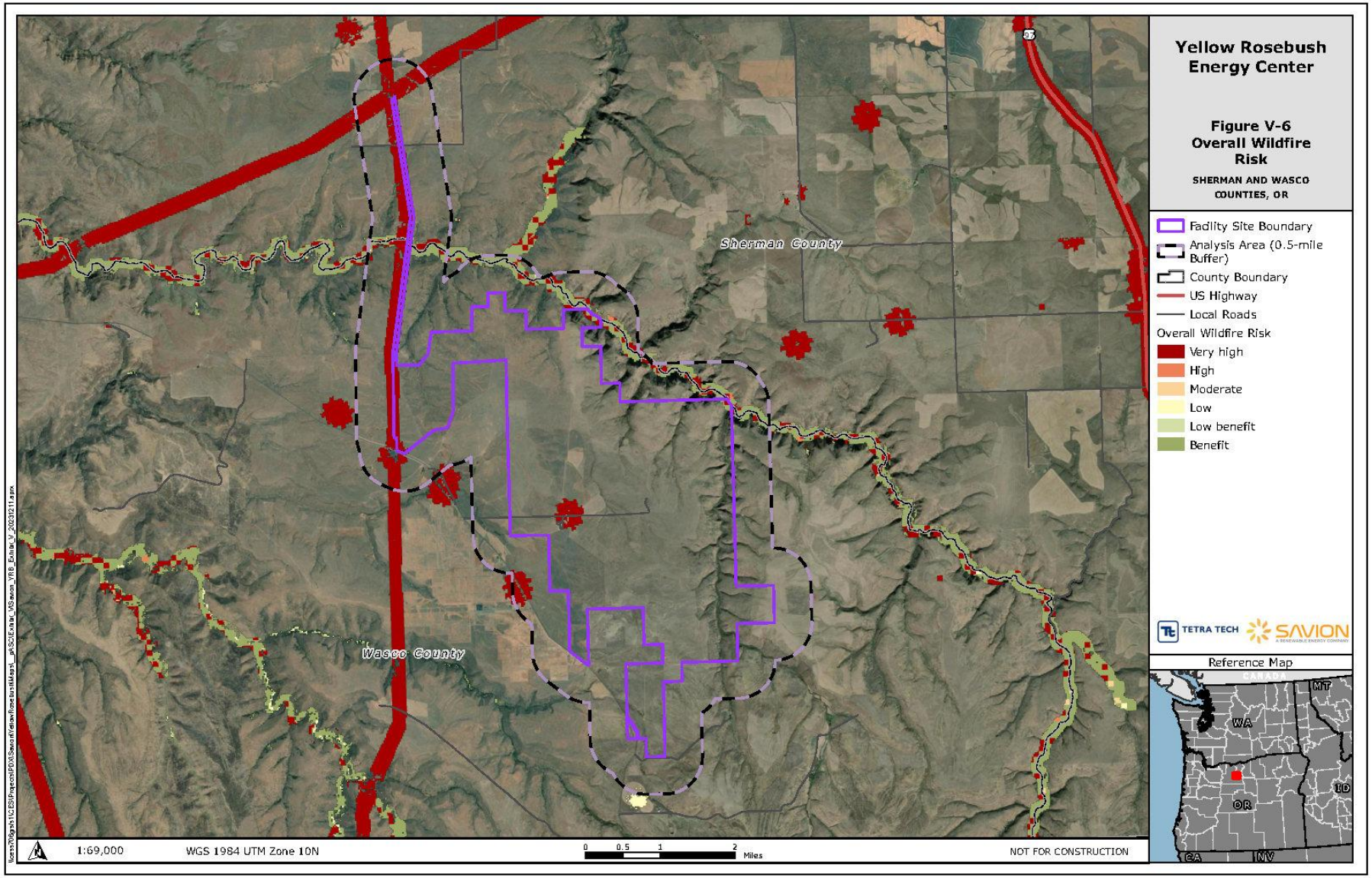
[234] See YRBAPPDoc12 Applicant Response to DPO Comments_w Attchs 2025-11-07, in response to YRBAPPDoc9-14 DPO Public Comment VanEynde 2025-11-03; YRBAPPDoc9-11 DPO Public Comment Lee 2025-11-02.

Table 23: Overall Wildfire Risk (2025)

Overall Fire Risk Rating	Acres of Analysis Area	Percent of Analysis Area	Acres in Site Boundary	Percent in Site Boundary
Very High	76	0%	28	0%
High	2,365	13%	623	8%
Moderate	8,040	44%	3,838	48%
Low	3,021	16%	1,994	25%
Neutral	344	2%	79	1%
Low Benefit	1,072	6%	733	9%
Moderate Benefit	835	5%	224	3%
High Benefit	166	1%	28	0%
	15,918	87%	7,547	93%

1. No data are available in the CWPP Planning Tool for overall fire risk rating for 13 percent of the analysis area and 7 percent of the Site Boundary. Therefore, the columns will not total 100 percent.

Figure 13**: Overall Wildfire Risk within Analysis Area (2018)**

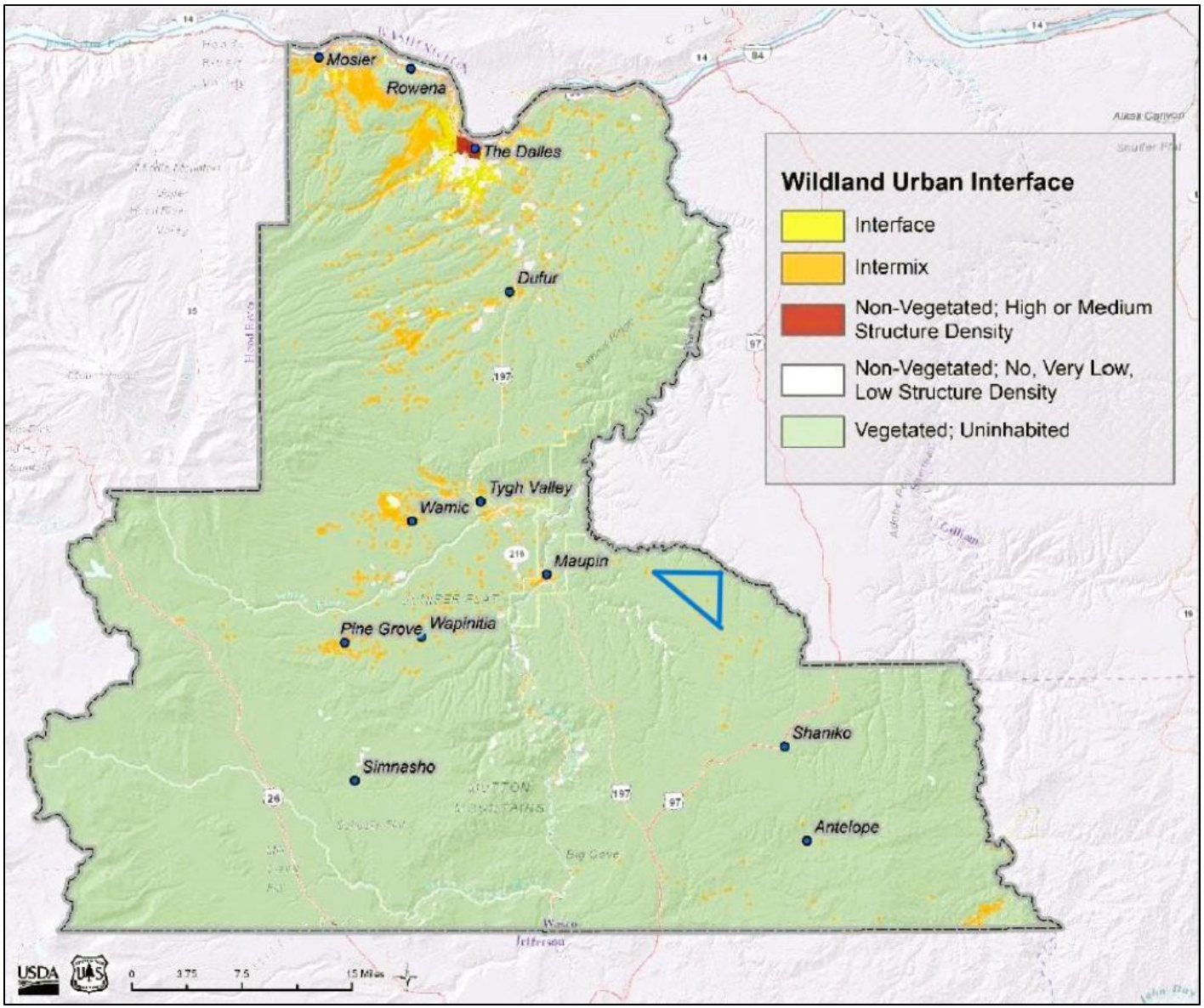


The Wasco County 2024 Community Wildfire Protection Plan (Wasco County CWPP) is a planning tool for the fire and land managers of Wasco County, and provides a framework for local agencies associated with wildfire suppression and protection services to assess the risks and hazards associated with wildland urban interface areas (WUIs) and to identify strategies for reducing those risks. The Wasco County CWPP defines WUIs as any area where the combination of human development and vegetation have potential to result in negative impacts from wildfire on the community.[235] Figure 14 below shows WUIs in Wasco County with the approximate facility location detailed in blue outline. Most of the facility site boundary and 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 wildland vegetation within a 40-acre radius. These are places where structures and wildland vegetation are interspersed.

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.[236] There are no WUIs in the south county near the proposed transmission line alternative.

[235] https://cms5.revize.com/revize/wascocounty/docs/Planning%20Reference/CWPP%20--%20FINAL%2004-17-2024%20w%20signature%20page.pdf, Pp. 15-17.
[236] 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)



1

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.

- Vegetation will be cleared and maintained along perimeter service roads to provide vegetation clearance for fire safety.[237]
- 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.[238]
- 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.[239] 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.[240] The standards for maintaining the minimum 50 foot fuel break area include:[241]

- 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

[237] *Id*.
[238] YRBAPPDoc1-3 ASC Exhibit B. Project Description 2025-09-05, Section 2.5.
[239] YRBAPPDoc19 pASC Bakeoven-Shaniko RFPA Comments 2024-10-04.
[240] YRBAPPDoc19 ASC Applicant Response to RFPA pASC Comments 2025-09-10.
[241] 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.[242] 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.[243] Finalization 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, local fire departments, the Department, emergency service professionals, and the certificate holder. Also designated in the WMPs, annual training would be held during construction and operation that will provide advanced emergency response and fire training to local first responders tailored to emergency and fire response at utility-scale solar and battery energy storage facilities to be

[242] YRBAPPDoc19-15 ASC Reviewing Agency Comment RFPA w ODOE Response_Carver 2025-09-30.

[243] 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, there~~y~~ may be several iterations of the WMPs during construction and the life of the facility.

conducted by qualified instructors.[244] As discussed in Section IV.M.2.9., *Public Services, Healthcare and Schools*, based on applicant representations to compensate/donate to emergency service providers, the Department recommends the following language be added to both the construction and operational WMP Section 2.1: Training, "Training will be provided at no cost to emergency service personnel. Certificate holder shall donate to Bakeoven-Shaniko Rural Fire Protection Association and Southern Wasco County Ambulance Service, Southern Wasco County Ambulance Service for their time and any necessary equipment for training."

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.

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.

[244] As recommended to be imposed as a requirement in the WMPs, the applicant will compensate attendees for their time at a rate to be agreed to with the emergency response organization. YRBAPPDoc12 Applicant Response to DPO Comments w Attchs 2025-11-07 in response to YRBAPPDoc9-10 DPO Public Comment Carr SWCAS 2025-11-02, YRBAPPDoc9-12 DPO Public Comment Miles 2025-11-02, YRBAPPDoc9-11 DPO Public Comment Lee 2025-11-02, YRBAPPDoc9-14 DPO Public Comment VanEynde 2025-11-03.

- 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. WMP finalization is necessary to reflect final facility design, completion of coordination with local fire departments and updating of the wildfire risk assessment based on available data at that time.

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~~ below conditions. WMP finalization is necessary to reflect final facility design, any fire prevention measures determined in coordination with local fire departments and updating the wildfire risk assessment based on available data at that time. ~~:~~

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.****[245]*

IV.O.1. Findings of Fact

IV.O.1.1 *Construction*

Solid Waste

[245] Administrative Order EFSC 1-2007, effective May 15, 2007.

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.[246] 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.[247]

Wastewater generated from facility construction will result from construction personnel using portable toilets, and from the washdown of concrete trucks. The construction contractor will 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.[248]

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.[249] 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.[250]

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

[246] YRBAPPDoc1-24 ASC Exhibit W. Waste Minimization 2025-09-05, Section 2.1.1.
[247] YRBAPPDoc1-24 ASC Exhibit W. Waste Minimization 2025-09-05
[248] YRBAPPDoc1-24 ASC Exhibit W. Waste Minimization 2025-09-05
[249] Id.
[250] Id.

regulations.[251] 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.

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:

> **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:
> 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.
> [PRE-WM-01; Final Order on ASC]
>
> **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

[251] YRBAPPDoc1-22 ASC Exhibit U. Public Services 2025-09-05

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.[252] 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.[253]

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:

> **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]

[252] YRBAPPDoc1-22 ASC Exhibit U. Public Services 2025-09-05

[253] YRBAPPDoc1-22 ASC Exhibit U. Public Services 2025-09-05, Attachment U-2.

Wastewater

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.*[254]

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

[254] Administrative Order EFSC 1-2007, effective May 15, 2007

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.[255] 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.[256]

The results of the modeling for electrical fields are summarized in the table below and represent that both transmission line routes can be operated such that the AC electric field will not exceed 9 kV/m at 1 meter above the ground surface.

Table 24: Electrical Field Modeling Results for the Proposed 500 kV Transmission Line

Line Description	Electric Field (kV/m)		
	200 feet Left	Peak Value	200 feet Right
Primary Transmission Line	0.155 (west)	3.796, 20 feet right (east) of centerline	0.086 (east)
Alternative 4.5 Mile	0.34 (west)	4.014, 186-192 feet right (east) of centerline	0.276 (east)

[255] YRBAPPDoc1-28 ASC Exhibit AA. EMF 2025-09-05, Section 2.1.

[256] 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 24: Electrical Field Modeling Results for the Proposed 500 kV Transmission Line

Line Description	Electric Field (kV/m)		
	200 feet Left	Peak Value	200 feet Right
Transmission Line			
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 25: Magnetic Field Modeling Results for the Proposed 500 kV Transmission Line

Line Description	Exh AA Figure	Magnetic Field (mG)		
		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

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 line. The primary concern is the potential for small electric currents to be induced by electric 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 electric charge in proximity to high-voltage transmission lines. Object characteristics, degree of 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.

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. 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.

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.

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:

> **Recommended Siting Standards for Transmission Lines Condition 1 (GEN):** The certificate holder shall:
>
> 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
> 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

(1) Standards and Regulations:

** * * * **

(b) New Noise Sources
(B) New Sources Located on Previously Unused Site:

(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.
*****

(iii) For noise levels generated or caused by a wind or solar energy facility:

(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 owning the wind or solar energy facility may conduct measurements to determine the actual ambient L10 and L50 background level.

(II) The "actual ambient background level" is the measured noise level at the appropriate measurement point as specified in subsection (3)(b) of this rule using generally accepted noise engineering measurement practices. Background noise measurements shall be obtained at the appropriate measurement point, and for wind energy facilities

synchronized with wind speed measurements of hub height conditions at the nearest wind turbine location. "Actual ambient background level" does not include noise generated or caused by the proposed wind or solar energy facility.

*(III) The noise levels from a wind or solar energy facility may increase the ambient statistical noise levels L10 and L50 by more than 10 dBA (but not above the limits specified in Table 8), if the person who owns the noise sensitive property executes a legally effective easement or real covenant that benefits the property on which the wind or solar energy facility is located. The easement or covenant must authorize the wind or 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.****

(3) Measurement:

(a) Sound measurements procedures shall conform to those procedures which are adopted by the Commission and set forth in Sound Measurement Procedures Manual (NPCS-1), or to such other procedures as are approved in writing by the Department;

(b) Unless otherwise specified, the appropriate measurement point shall be that point on the noise sensitive property, described below, which is further from the noise source:

A. 25 feet (7.6 meters) toward the noise source from that point on the noise sensitive building nearest the noise source;

B. That point on the noise sensitive property line nearest the noise source.

** * * * **

(5) Exemptions: Except as otherwise provided in subparagraph (1)(b)(B)(ii) of this rule, the rules in section (1) of this rule shall not apply to:

** * **

(c) Sounds created by the tires or motor used to propel any road vehicle complying with the noise standards for road vehicles;

** * **

(g) Sounds that originate on construction sites.

*****

(k) Sounds created by the operation of road vehicle auxiliary equipment complying with the noise rules for such equipment as specified in OAR 340-035-0030(1)(e);

** * **

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,[257] including noise rules adopted by the Environmental Quality Commission and previously administered by the Department of Environmental Quality (DEQ).[258, 259]

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 under those standards, the approach and results of predicted construction-noise impacts is evaluated in this section.

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 Administration Roadway Construction Noise Model.[260] Table 26~~5~~, below, lists the typical sound levels associated with common construction equipment at various distances. For reference,

[257] 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).
[258] 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.
[259] "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.
[260] Federal Highway Administration Roadway Construction Noise Model User's Guide, FHWA-HEP-05-054, January 2006.

classroom chatter has an approximate dBA of 70 and a soft whisper is a dBA of approximately 40.[261]

Table 26: Estimated Construction Noise Levels

Construction Equipment	Expected Sound Level by Distance (dBA)			
	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

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.

IV.Q.1.2 Operational Noise

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 industrial or commercial source from exceeding the limits in Table 2~~6~~7 below, or from increasing the L_{10} or L_{50} ambient statistical noise levels by more than 10 dBA in any one hour.

Table 27: Statistical Noise Limits for New Industrial and Commercial Noise Sources

Statistical Descriptor[1]	Maximum Permissible Hourly Statistical Noise Levels (dBA)	
	Daytime (7:00 AM - 10:00 PM)	Nighttime (10:00 PM - 7:00 AM)
L50	55	50
L10	60	55
L1	75	60

Notes:
1. 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.

Source: OAR 340-035-0035, Table 8

[261] https://www.osha.gov/noise.

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.[262] 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.[263] 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:

- 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[264]

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.

[262] "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."
[263] 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).
[264] YRBAPP ASC Exhibit Y. Noise Regulations 2025-09-05, Figure Y-2

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 Noise Sensitive Receptors within the analysis area.

Modeling results are provided in Table 28~~7~~, below, and indicate that the facility can comply with the 50 dBA L_{50} nighttime maximum permissible noise level prescribed by ODEQ because the loudest modeled noise level~~s~~ 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). As shown in Table 28, below, ~~T~~there are six predicted exceedances of the 10 dBA ambient degradation standard at NSR IDs 1, 2, 3, 4, 5, and 12

Table 28: Acoustic Modeling Results on Noise Sensitive Receptors

NSR ID	~~Participation Status~~	Ambient (Background dBA)	Facility Noise (Inverters, BESS Units, Transformers) (dBA)	Facility Noise (Alternative 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*~~No*
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*~~No*

* Compliance with OAR 340-035-0035 is met ~~With~~by a demonstration of no noise exceedances based on final noise assessment under Noise Control Condition 2, designing the facility to avoid exceedances, or a noise waiver required under Noise Control Condition 1.

~~There are six predicted exceedances of the 10 dBA ambient degradation standard at NSR IDs 1, 2, 3, 4, 5, and 12~~

NSRs 1, 2, and 3 are within the one-mile analysis area for the alternative transmission line. If the 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 these NSRs.

To ensure that final facility design would comply with OAR 340-035-0035 or to determine if micrositing changes or noise waivers (discussed below) are necessary, the Department recommends the Council impose Noise Control Condition 1 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 1 (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-01~~2~~; Final Order on ASC]

~~; however, NSR IDs 4, 8 and 12 are identified as project participants, therefore~~ ~~u~~Under OAR 340-035-0035(1)(b)(B)(iii)(III), to demonstrate compliance with OAR 340-035-0035, the applicant may execute a legally effective easement or real covenant (or a "noise waiver") ~~for the property~~ with persons who own the noise sensitive property which benefits the property on which the wind or solar energy facility is located (benefits the applicant or facility).[265] 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. ~~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~~it can secure the appropriate noise wavers to demonstrate compliance with OAR 340-035-0035(1)(b), the Department recommends Council impose the following condition~~s~~ requiring the submission of the noise wavers prior to construction of the facility, if micrositing the facility to avoid exceedances and the noise assessment under

[265] In ASC Exhibit Y, the applicant differentiates between the applicability of noise wavers based on whether or not NSRs with exceedances are participating landowners or not. The Department emphasizes that if a wind or solar facility would increase the ambient noise levels by more than 10 dBA at an NSR property that is inside or outside the site boundary, for Council to find compliance with the DEQ noise rule, the facility would need to execute an easement or covenant per the rule.

Recommended Noise Control Condition 1 still result in expected noise exceedances at any NSRs within the 1-mile analysis area.[266]

> **Recommended Noise Control Condition 2~~1~~ (PRE):** Prior to construction of the facility and ~~solar arrays, substation or battery energy storage system~~based on outcomes of PRE-NC-01, the certificate holder must submit to the Department copies of executed legally effective easement(s) or real covenant(s) (noise waivers) for each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance with OAR 340-035-0035. 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-02~~1~~; OAR 340-035-0035(1)(b)(B)(iii)(III); Final Order on ASC]

~~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.

[266] YRBAPPDoc11 DPO Applicant Comments on DPO 2025-10-22.

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).[267] State jurisdictional waters include among other types of waterways, wetlands, rivers, and intermittent and perennial streams, lakes, and ponds.[268]

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 concurred with the applicant's wetland delineation (based on DSL requested revisions) on October 22, 2025; DSL concurrence on the wetland delineation (referred to as a jurisdictional determination)~~, once received, will~~ expires within 5 years from the date of the letter, unless renewed.[269]

The results of the revised wetland delineation affirmed by DSL ~~identified 11 palustrine emergent wetlands, one desktop delineated riverine wetland, 49 ephemeral waterways, two intermittent waterways, and four livestock ponds in the study area~~are as shown in Table 2~~9~~8 below:

Table 29: Wetlands and Water of the State within the Analysis Area

Wetland / WOS ID	(Subclass) Wetland Type	Cowardin	Acres
WT-122	Riverine (Flow-through)	PEM	0.003
WT-123	Riverine (Flow-through)	PEM	0.01
WT-124	Riverine (Flow-through)	PSS	0.16
WT-212	Riverine (Flow-through)	PEM	0.15
WT-499	Riverine (Flow-through)	PSS	0.45
* WT-500	Flats	PEM	0.26
* WT-502	Flats	PEM	0.19
* WT-503	Flats	PEM	0.01

[267] ORS 196.800(15) defines "Waters of this state." The term includes wetlands and certain other waterbodies.
[268] 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.
[269] YRBAPPDoc9-1 DPO Reviewing Agency Comments DSL Concurrence 2025-10-22.

Table 29: Wetlands and Water of the State within the Analysis Area

Wetland / WOS ID	(Subclass) Wetland Type	Cowardin	Acres
Wetland Total			1.233
See DSL WD # 2024-0071, Table 6a (Streams)	Ephemeral Waterway	49	N/A
	Intermittent Waterway	2	N/A
	Livestock Ponds	4	N/A
Total WOS Features		55	N/A

* WT500, WT502, and WT503 are vernal pools that meet the state's criteria for Aquatic Resources of Special Concern.
Source: Approved October 22, 2025 DSL WD # 2024-0071. YRBAPPDoc9-1 DPO Reviewing Agency Comments DSL Concurrence 2025-10-22 and YRBAPPDoc1-11 ASC Exhibit J. Wetlands 2025-09-05, Table 5.

~~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 Department confirmed that the facility site is designed to avoid wetlands or other WOS by comparing the maps with locations of wetlands and WOS provided in the DSL wetland delineation and ASC Exhibit C, Figures C-2.1, 2.2, and 2.3.[270] 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 1~~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 jurisdictional determination[271] is in place ~~during~~ before construction of the proposed facility so

[270] See Figures 5.1 and 5.1 Wetland Delineation Detail Map and the subsequent wetland feature tax lot detail maps. YRBAPPDoc9-1 DPO Reviewing Agency Comments DSL Concurrence 2025-10-22.

[271] 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

the applicant can ensure that final facility design avoids wetlands and WOS, 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.

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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[272] under an existing municipal water right.[273]

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.

[272] Applicant has provided letters from the Deschutes Valley Water District, City of Wasco and City of Maupin.

[273] 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.[274] 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.[275] 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.

[274] See OAR 690-190-0005 for exempt groundwater use recording requirements in rule.
[275] 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~~ Pproposed Oorder, 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 December 5, 2025

The OREGON DEPARTMENT OF ENERGY

By: Todd Cornett
Todd Cornett (Dec 5, 2025 13:07:24 PST)

Todd Cornett, Assistant Director of Siting

Attachments:

Attachment A: Draft Amended Site Certificate
Attachment C: Draft Proposed Order Index/Comments
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: Design Features to Minimize Wildlife Impacts~~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 U-1: Draft Construction Traffic Management Plan
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

ENERGY FACILITY SITING COUNCIL

OF THE STATE OF OREGON

DRAFT

SITE CERTIFICATE FOR THE YELLOW ROSEBUSH ENERGY CENTER

ISSUE DATE

DATE, 2025

Redline track changes represent changes from DPO to Proposed Order

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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
5S	16E	0	Wasco	1000
5S	16E	0	Wasco	1300
4S	16E	0	Wasco	300
4S	15E	0	Wasco	100
4S	15E	0	Wasco	1500
5S	15E	0	Wasco	300
4S	15E	0	Sherman	300
4S	15E	0	Sherman	301
4S	15E	0	Sherman	2100
4S	15E	0	Sherman	2200
4S	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[1]	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 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

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: • 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 disturbance corridor (limit)	123; 300	Acres; foot 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		
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/ dead-end structures); quantity	25	each
Height of structures	160-180	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 systems; SCADA	1,220	Per unit
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~~
Appurtenances	On foundation, graveled parking, On-site well, septic system, SCADA System	
Facility Roads		
Length - includes new (33.3 mi) and modified existing roads (2.1 mi)	33.4	miles
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 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		
Quantity	2	each
Site size	3.5/20	acres
Description	Adjacent to O&M and in other areas within fenceline	

Table 2: Facility Component Summary

Component and Design Standard	No.	Unit
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: 1. The energy facility would occupy up to 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.[1] 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

[1] 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.[2] 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.[3] 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

[2] YRBAPPDoc1-3 ASC Exhibit B. Project Description 2025-09-05, Section 2.2.4.
[3] 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 gen-tie 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 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 collects 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.).[4] 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

[4] 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: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]	
GEN-GS-01	The certificate holder 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 was issued; c. In compliance with all applicable permit requirements of other state agencies. [General Standard Condition 1; Mandatory Condition OAR 345-025-0006(3); Final Order on ASC]
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-0~~5~~6	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 67; Mandatory Condition OAR 345-025-0006(11); Final Order on ASC]
GEN-GS-067	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. [General Standard Condition 78; Site Specific Condition OAR 345-025-0010(5); Final Order on ASC]
STANDARD: Organizational Expertise (OE) [OAR 345-022-0010]	
GEN-OE-01	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. [Organizational Expertise Condition 1; Mandatory Condition OAR 345-025-0006(15); Final Order on ASC]
GEN-OE-02	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. [Organizational Expertise Condition 9; Final Order on ASC]
GEN-OE-03	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. [Organizational Expertise Condition 10; OAR 345-026-0170; Final Order on ASC]
GEN-OE-04	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;

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~~ incidents 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: Soil 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]
STANDARD: Retirement and Financial Assurance (RF) [OAR 345-022-0050]	
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: Historic, 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]
GEN-PS-01	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.

Condition Number	General (GEN) Conditions
	b. 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. [Public Services Condition 1; Final Order on ASC]
GEN-PS-01	During every year of operations, the certificate holder shall: a. Identify all water-related needs and estimate daily and annual water demand for facility operations. b. Provide evidence such as a contract or purchase agreement demonstrating that adequate water supply to meet facility operational demand has been secured and that water for all operational activities will be legally obtained by service providers or third-party permits. [Public Services Condition 2; Final Order on ASC]
STANDARD: Siting Standards for Transmission Lines (TL) [OAR 345-024-0090]	
GEN-TL-01	The certificate holder shall: 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 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. [Siting Standards for Transmission Lines Condition 1; Final Order on ASC]

5.3 Pre-Construction (PRE) Conditions

Condition 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 8~~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	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: a. Qualifications and contact information of the major design, engineering and construction contractor(s) and subcontractors, as applicable. b. Construction contractor compliance history. c. 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. [Organizational Expertise Condition 3; Final Order on ASC]

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	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. [Organizational Expertise Condition 12; Final Order on ASC]
STANDARD: Structural (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: Soil 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: Land 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-01~~2~~	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 12; Final Order on ASC]
PRE-LU-023	Prior to installation of temporary facility signage, the certificate holder shall demonstrate that facility signage complies with WCLUDO Section 3.216(D)(6). [Land Use Condition 34; Final Order on ASC]
PRE-LU-034	Prior to installation of infrastructure with outdoor lighting, the certificate holder shall demonstrate that final outdoor lighting is designed to be limited in intensity, is shielded and hooded using non-reflective, opaque materials. [Land Use Condition 45; Final Order on ASC]
PRE-LU-045	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 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. [Land Use Condition 56; Final Order on ASC]
PRE-LU-056	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. [Land Use Condition 67; Final Order on ASC]
PRE-LU-067	Prior to construction, the certificate holder shall submit ~~to the Department, for review and approval,~~ a Construction Emergency Response Plan (Site-Specific Safety Plan) to the Department fore review and approval. The plan shall be based on the contractor or parent company's corporate Safety Plan and includeing but not limited to safety protocols and: 1. Location and travel routes to nearby hospitals 2. Telephone numbers for emergency responders, 3. First aid techniques; 4. Contractor and certificate holder emergency contact information. [Land Use Condition 78; 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

Condition Number	Preconstruction (PRE) Conditions
	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. b. Incorporate any additional decommissioning costs for facility changes which have 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: Fish 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 of the facility, facility component or phase, as applicable, 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 of the facility, facility component or phase, as applicable, 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 of the facility, facility component or phase, as applicable, 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, facility component or phase, as applicable, if construction is scheduled to overlap with the raptor nesting season (February 1 –

Condition Number	Preconstruction (PRE) Conditions
	August 31), the certificate holder shall conduct a raptor nest survey within 0.5~~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. [Fish & Wildlife Habitat Condition 11; Final Order on ASC]
PRE-FW-07	Prior to construction of the facility, facility component or phase, as applicable, 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~~ the Design Features to Minimize Wildlife Impacts included in Attachment P-4 to the Final Order on ASC, updated based on final facility design~~of this order), to be prepared in consultation with ODFW~~. [Fish & Wildlife Habitat Condition 12; Final Order on ASC]
STANDARD: Threatened 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: Historic, 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]

Condition Number	Preconstruction (PRE) Conditions
STANDARD: Public Services (PS) [OAR 345-022-0100]	
~~PRE-PS-01~~	~~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.~~ ~~b. 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.~~ ~~[Public Services Condition 1; Final Order on ASC]~~
PRE-PS-01~~2~~	Prior to construction of the facility or phase, as applicable, the certificate holder shall execute local and County Road Use Agreement(s) which will include a Construction Traffic Management Plan substantially similar to Final Order on ASC Attachment U-1. 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 3~~2~~; Final Order on ASC]
PRE-PS-02	At least 90-days prior to construction of any phase of the facility, the certificate holder shall provide to the Department, City of Maupin, and Wasco County a Construction Workforce Housing Plan. The Construction Workforce Housing Plan must include: a. An evaluation of ongoing patterns of housing uses and potential shortages or changes in housing demand; b. Consideration of concerns and suggestions from the City of Maupin and the County; and c. Provide strategies to minimize impacts to the local housing supply. [Public Services Condition 6; Final Order on ASC]
STANDARD: Wildfire 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: Waste 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.

Condition Number	Preconstruction (PRE) Conditions
	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: Noise Control Regulations (NC) [OAR 340-035-0035]	
PRE-NC-01~~2~~	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. [Noise Control Condition 1; Final Order on ASC]
PRE-NC-02	Prior to construction the facility and based on outcomes of PRE-NC-01~~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) (noise waivers) for each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance with OAR 340-035-0035. 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 2~~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	Construction (CON) Conditions
STANDARD: Organizational Expertise (OE) [OAR 345-022-0010]	
CON-OE-01	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

Condition Number	Construction (CON) Conditions
	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]
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: Land 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 8~~9~~; Final Order on ASC]
STANDARD: Retirement and Financial Assurance (RF) [OAR 345-022-0050]	

<table>
<tr><th>Condition Number</th><th>Construction (CON) Conditions</th></tr>
<tr><td>CON-RF-01</td><td>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 maintain health and safety of the public and environment.
[Retirement and Financial Assurance Condition 5; Final Order on ASC]</td></tr>
<tr><td colspan="2">STANDARD: Fish and Wildlife Habitat (FW) [OAR 345-022-0060]</td></tr>
<tr><td>CON-FW-01</td><td>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 under CON-OE-01. 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]</td></tr>
<tr><td>CON-FW-02</td><td>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 under CON-OE-01. 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]</td></tr>
<tr><td>CON-FW-03</td><td>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~~the release date as shown in the T~~t~~able 19 below:
ODFW Raptor Nest Buffers and Seasonal Restrictions
<table>
<tr><th>Species</th><th>Spatial Buffer</th><th>Seasonal Restriction</th><th>Release Date if Unoccupied</th></tr>
<tr><td>western burrowing owl</td><td>0.25 mile</td><td>April 1 to Aug 15</td><td>May 31</td></tr>
<tr><td>golden eagle</td><td>0.5 mile</td><td>Feb 1- Aug 15</td><td>May 15</td></tr>
<tr><td>red-tailed hawk</td><td>300-500 feet</td><td>Mar 1- Aug 15</td><td>May 31</td></tr>
<tr><td>ferruginous hawk</td><td>0.25 mile</td><td>Mar 15- Aug 15</td><td>May 31</td></tr>
</table></td></tr>
</table>

<table>
<tr><th>Condition Number</th><th>Construction (CON) Conditions</th></tr>
<tr><td></td><td>
<table>
<tr><td>Swainson’s hawk</td><td>0.25 mile</td><td>April 1- Aug 15</td><td>May 31</td></tr>
<tr><td>prairie falcon</td><td>0.25 mile</td><td>Mar 15- Jul 1</td><td>May 15</td></tr>
<tr><td>peregrine falcon</td><td>0.25 mile</td><td>Jan 1- Jul 1</td><td>May 15</td></tr>
<tr><td>American kestrel</td><td>0.25 mile</td><td>Mar 1- Jul 31</td><td>May 15</td></tr>
</table>
[Fish & Wildlife Habitat Condition 13; Final Order on ASC]</td></tr>
<tr><td>CON-FW-04</td><td>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]</td></tr>
<tr><td>CON-FW-05</td><td>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]</td></tr>
<tr><td>~~CON-FW-06~~</td><td>~~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]~~</td></tr>
<tr><td colspan="2">STANDARD: Historic, Cultural and Archeological (HC) [OAR 345-022-0090]</td></tr>
<tr><td>CON-HC-01</td><td>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]</td></tr>
<tr><td colspan="2">STANDARD: Public Services (PS) [OAR 345-022-0100]</td></tr>
<tr><td>CON-PS-01</td><td>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-01<u>2</u>~~2~~.
[Public Services Condition <u>4</u>~~3~~; Final Order on ASC]</td></tr>
<tr><td>CON-PS-02</td><td>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 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.</td></tr>
</table>

Condition Number	Construction (CON) Conditions
	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. [Public Services Condition 54; Final Order on ASC]
CON-PS-03	During construction the certificate holder shall report on the implementation of the Construction Workforce Housing Plan required under PRE-PS-02, including any outstanding issues associated with workforce housing and potential solutions. [Public Services Condition 7; Final Order on ASC]
STANDARD: Wildfire 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: Organizational Expertise (OE) [OAR 345-022-0010]	
PRO-OE-01	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. [Organizational Expertise Condition 7; Final Order on ASC]
STANDARD: Soil Protection (SP) [OAR 345-022-0020]	
PRO-SP-01	Prior to operation, the certificate holder shall submit to the Department an Operational Spill Prevention Control and Countermeasures (SPCC) Plan. [Soil Protection Condition 8; Final Order on ASC]
STANDARD: Land Use (LU) [OAR 345-022-0030]	
PRO-LU-01	Prior to installation of permanent facility signage, the certificate holder shall demonstrate that facility signage complies with WCLUDO Section 3.216(D). [Land Use Condition 2~~3~~; Final Order on ASC]
PRO-LU-02	Prior to operation, the certificate holder shall submit an Operational Emergency Response Plan (Site-Specific Safety Plan) to the Department, for review and approval. The plan shall be based on the parent company corporate safety plan and ~~, 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. [Land Use Condition 9~~10~~; Final Order on ASC]
STANDARD: Wildfire Prevention and Risk Mitigation (WF) [OAR 345-022-0115]	
PRO-WF-01	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. [Wildfire Prevention and Risk Mitigation Condition 3; Final Order on ASC]
STANDARD: Waste Minimization (WM) [OAR 345-022-0120]	
PRO-WM-01	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. [Waste Minimization Condition 3; Final Order on ASC]
STANDARD: Other - Water Rights (WR)	

Condition Number	Pre-Operational (PRO) Conditions
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 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

Condition Number	Operational (OPR) Conditions
STANDARD: General 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 9~~10~~; Mandatory Condition OAR 345-025-0006(2); Final Order on ASC]
OPR-GS-02	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

Condition Number	Operational (OPR) Conditions
	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. [General Standard Condition 101; OAR 345-026-0080(1); Final Order on ASC]
STANDARD: Organizational 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: 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: Land Use (LU) [OAR 345-022-0030]	
OPR-LU-01	During operation, the certificate holder shall implement the Operational Emergency

Condition Number	Operational (OPR) Conditions
	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. [Land Use Condition 101~~1~~; Final Order on ASC]
OPR-LU-02	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 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: Retirement and Financial Assurance (RF) [OAR 345-022-0050]	
OPR-RF-01	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 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]	
OPR-FW-01	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. [Fish & Wildlife Habitat Condition 3; Final Order on ASC]
OPR-FW-02	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. [Fish & Wildlife Habitat Condition 6; Final Order on ASC]
OPR-FW-03	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. [Fish & Wildlife Habitat Condition 9; Final Order on ASC]
~~OPR-FW-04~~	~~During operation, the certificate holder shall adhere to the requirements of the Operational Wildlife Minimization and Monitoring Plan (Attachment P-4). Monitoring~~

Condition Number	Operational (OPR) Conditions
	~~records shall be maintained throughout operation and included in the annual report submitted to the Department pursuant to OAR 345-026-0080.~~ ~~[Fish & Wildlife Habitat Condition 17; Final Order on ASC]~~
OPR-FW-0~~45~~	During operations, vehicles will be limited to 20 miles per hour on all facility access roads (excluding public roads). [Fish & Wildlife Habitat Condition 16~~8~~; Final Order on ASC]
STANDARD: Historic, Cultural and Archeological (HC) [OAR 345-022-0090]	
OPR-HC-01	During operations, the certificate holder shall require all onsite employees and contractors to implement and adhere to the requirements of the Inadvertent Discovery Plan, as provided ~~for~~ in 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]	
OPR-WF-01	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. [Wildfire Prevention and Risk Mitigation Condition 4; Final Order on ASC]
STANDARD: Waste Minimization (WM) [OAR 345-022-0120]	
OPR-WM-01	During operations, the certificate holder shall adhere to the requirements of the Operational Recycling Plan or protocol developed under Condition PRO-WM-01. [Waste Minimization Condition 4; Final Order on ASC]
STANDARD: Other – Water Rights (WR)	
OPR-WR-01	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. [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.

Condition Number	Retirement (RET) Conditions
STANDARD: Retirement and Financial Assurance (RF) [OAR 345-022-0050]	
	[Retirement and Financial Assurance Condition 2; Mandatory Condition OAR 345-025-0006(9); Final Order on ASC]
RET-RF-02	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. [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

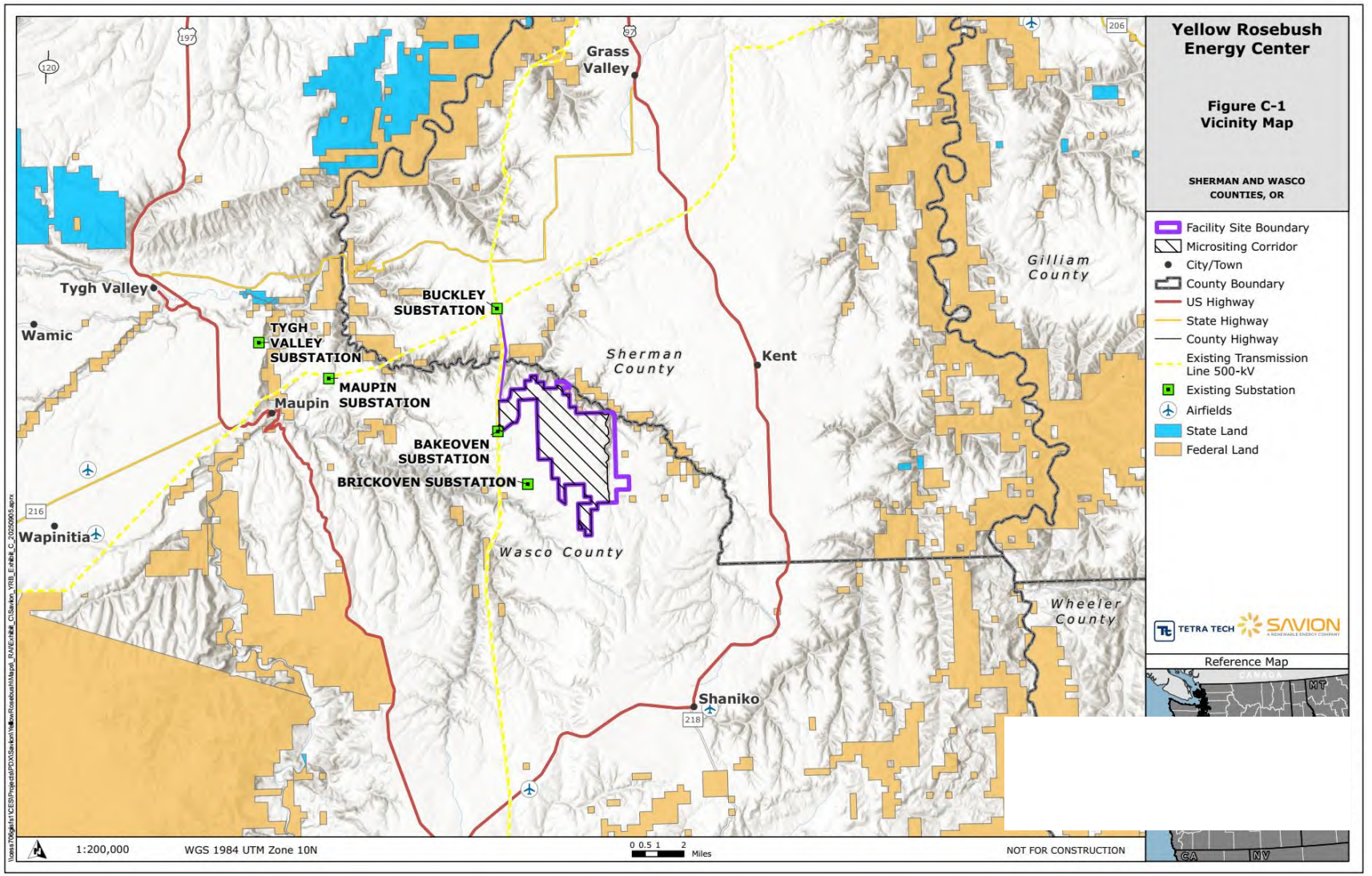
This site certificate may be executed in counterparts and will become effective upon signature by the Chair of the Energy Facility Siting Council and the authorized representative of the certificate holder.

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**
By: _____	By: _____
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
Eduardo Guerrero, Geology Hazard Specialist	Oregon Department of Geology and Mineral Industries	9/26/2025	Structural Standard; Exhibit H: Geological Soil Stability; DPO Section IV.C

Outlook

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
To TARDAEWETHER Kellen * ODOE <Kellen.TARDAEWETHER@energy.oregon.gov>; Watson, Jeff SAVI-DRN/X <jwatson@savionenergy.com>
Cc Powers, Chris SAVI-DRN/X <cpowers@savionenergy.com>; SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>; McLaneGodwin, Linsey <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

Tetra Tech | Complex World, Clear Solutions| Environmental Services Divisions
19803 North Creek Parkway | Bothell, WA 98011 | tetratech.com

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TETRA TECH

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

⚠ **CAUTION:** This email originated from an external sender. Verify the source before opening links or attachments. ⚠

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

OREGON DEPARTMENT OF ENERGY

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

Docusign Envelope ID: 708F19C6-106B-411A-A03B-814041FAC67C

SAVION
A RENEWABLE ENERGY COMPANY

422 Admiral Blvd, Kansas City, MO 64106
www.savionenergy.com

September 10, 2025

Via Email
Kathleen Sloan
Kellen Tardaewether
Oregon Department of Energy
550 Capitol St. NE, 1st 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.

Applicant Response: 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.

Applicant Response: 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

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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:

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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[1] 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.

Applicant Response: 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

[1] see Exhibit P, Attachments P-3 and P-4

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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,

Signed by:
Jeff Watson
DD2DA4D86792483...

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.

Outlook

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.

CTUIR Logo

CTUIR Logo (Vertical Bar)

Teara Farrow Ferman
Cultural Resources Protection Program Manager
Department of Natural Resources
Assistant General Manager, Átaw Consulting, LLC
Confederated Tribes of the Umatilla Indian Reservation

CTUIR Logo (Horizontal Bar)

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 <EricQuaempts@ctuir.org>; Teara Farrow Ferman <TearaFarrowFerman@ctuir.org>; Audie Huber <AudieHuber@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

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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, Range, Section, Tax Lot	Account #	Approximate Acres within Site Boundary	Legal Parcel	Deed History
5S 16E 0 0900, 5S 16E 0 1000 & 5S 16E 0 1100	12534, 12533 & 12532	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
4S 16E 0 0300	12341	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	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
*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

--

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

Outlook

Re: YRB Quick WCLUDO Interpretation Question

From TARDAEWETHER Kellen * ODOE <Kellen.TARDAEWETHER@energy.oregon.gov>
Date Wed 9/24/2025 2:23 PM
To Daniel Dougherty <danield@co.wasco.or.us>
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

Logo for New Sig.png

Kellen Tardaewether
Senior Siting Analyst
550 Capitol St. NE Salem, OR 97301

C: 503-586-6551
P (In Oregon): 800-221-8035
Stay Connected.png

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 <Kellen.TARDAEWETHER@energy.oregon.gov> 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

Logo for New Sig.png

Kellen Tardaewether
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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.

Outlook

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

OREGON DEPARTMENT OF ENERGY

Kellen Tardaewether
Senior Siting Analyst
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P (In Oregon): 800-221-8035

Stay connected!

SHERIFF'S OFFICE

511 Washington St., Ste.102 • The Dalles, OR 97058
p: [541] 506-2580 • **f:** [541] 506-2581 • www.co.wasco.or.us

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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SHERIFF'S OFFICE

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Pioneering pathways to prosperity.

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.

SHERIFF'S OFFICE

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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

Outlook

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 for New Sig.png

Kellen Tardaewether
Senior Siting Analyst
550 Capitol St. NE Salem, OR 97301

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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 for New Sig.png
> **Kellen Tardaewether**
> Senior Siting Analyst
> 550 Capitol St. NE Salem, OR 97301
>
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> Kstay Connected.png

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 for New Sig.png

Kellen Tardaewether
Senior Siting Analyst
550 Capitol St. NE Salem, OR 97301

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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

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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

CXogo for New Sig.png

Kellen Tardaewether
Senior Siting Analyst
550 Capitol St. NE Salem, OR 97301

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Outlook

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 <lanem@co.wasco.or.us>; ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>; SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>; Daniel Dougherty <danield@co.wasco.or.us>

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.

Oregon
Tina Kotek, Governor

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

Oregon
Tina Kotek, Governor

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- 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: https://earthquake.usgs.gov/education/

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

Outlook

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: Oregon.gov/ODA/Plant-Conservation
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 <listedplants@oda.oregon.gov>
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,

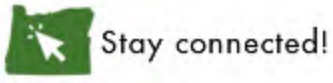
Kathleen Sloan

Senior Siting Analyst

ODOE Siting Division

Ph: 971.701.4913

State of Oregon: Facilities - Energy Facility Siting



50
YEARS of SERVICE
OREGON
DEPARTMENT OF
ENERGY

Oregon
Tina Kotek, Governor

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, Jessica.S.Wilkes@odfw.oregon.gov. 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: http://www.dfw.state.or.us/wildlife/diversity/species/threatened_endangered_candidate_list.asp

- 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 http://www.dfw.state.or.us/fish/passage/

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: http://www.dfw.state.or.us/lands/mitigation_policy.asp 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)	• ODFW appreciates avoiding direct impacts to nesting raptors by adopting the recommended seasonal and spatial activity restrictions for raptor species (Table P-6). • 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).
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)	• 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. • 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

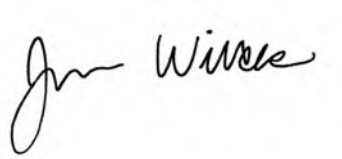
Yellow Rosebush Solar Project Comments on the Application for Site Certificate (ASC); Exhibit P From ODFW	
Pg. / Para. / Sentence Reference (as needed)	**Comment or Information Request**
	for uplift to benefit impacted species from the proposed facility location. • We recommend developing more clarification 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. • 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. • 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.
Attachment P-2; Draft Habitat Mitigation Plan; Section 4.1 (Tygh Ridge HMA)	• 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). • 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. • 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. • 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). • 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.
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 From ODFW	
Pg. / Para. / Sentence Reference (as needed)	**Comment or Information Request**
Section 5.0 – 6.0 (Monitoring and Success Criteria)	to provide assistance when developing protocols and criteria. • 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.
Attachment P-3; Draft Revegetation and Reclamation Plan; Section 1.0 (Introduction)	• 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. • 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 (*Mycoplasma ovipneumoniae*) 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. • ODFW commends the inclusion of having adaptive management built into the revegetation plan to allow for flexibility in case conditions or treatment methods change.
Attachment P-3; Draft Revegetation and Reclamation Plan; Section 3.0 (Description of Temporary and Permanent Impacts)	• 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. • 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. • Depending on the type of activity and impact, there may be a need for a higher mitigation ratio for impacts to

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,



Jessica Wilkes, Acting Regional Habitat Biologist, Deschutes District

Cc:

Andrew Meyers, The Dalles
Sara Gregory, Bend
Jeremy Thompson, Salem
Applicant

Outlook

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
Jessica.salgado@dsl.oregon.gov
https://www.oregon.gov/dsl

Outlook

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, 3rd 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 temporary 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

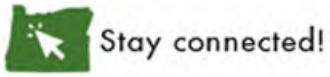
<Jeremy.L.THOMPSON@odfw.oregon.gov>
Subject: RE: ODOE:ODFW Coordination on Yellow Rosebush Energy Center Comments

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 <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>
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[1]	Preliminary Habitat Category[2]	Habitat Subtype	Impact (acres)	Mitigation Ratio	Mitigation Need (acres)
Permanent Impacts[3]					
2	2	Perennial Streams, Scrub-shrub wetlands	—	2:01	—
		Shrub-steppe	52.8	2:01	106
	3	Cliffs, Caves, Talus, Emergent Wetlands, Intermittent or Ephemeral Streams	0.3	2:01	0.6
		Eastside Grasslands	228	2:01	456
		Shrub-steppe	1,210	2:01	2,420
	4	Eastside Grasslands	1,123	1.5:1	1,685
		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[4]					
2	2	Shrub-steppe	4.2	0.5:1	2.1
		Perennial Streams, Scrub-shrub wetlands	0.2	None	—
	3	Cliffs, Caves, Talus, Emergent Wetlands, Intermittent or Ephemeral Streams	3.8	None	—
		Eastside Grasslands	28.8	0.5:1	14.4
		Shrub-steppe	69.0	0.5:1	34.5
	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	—
6	6	Wheat Fields and Other Row Crops, Urban and Mixed Environs	28.3	None	—
Total			**5,218**		**6,675**

1. Final Category following application of ODFW Designated Mule Deer Winter Range overlay.
2. Current habitat condition and category as mapped by the Applicant prior to construction.
3. Permanent impact areas based on final design and include the Facility's footprint. No mitigation offered for Category 6 habitat.
4. 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.

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 <Jessica.S.Wilkes@odfw.oregon.gov>
Cc: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>; TARDAEWETHER Kellen * ODOE

<Kellen.TARDAEWETHER@energy.oregon.gov>
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.

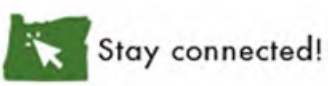
- In the attached ODFW comment letter, page 1, 3rd row in the table states, "We recommend a 2:1 mitigation ask for functioning intact Category 2 habitats (i.e., sagebrush steppe, grasslands, wetlands) that would be impacted by this project, as well as intact Category 3 and 4 habitats that are within 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, 3rd 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.
  - 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



Outlook

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

OREGON DEPARTMENT OF ENERGY

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

OREGON DEPARTMENT OF ENERGY

Kellen Tardaewether
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550 Capitol St. NE Salem, OR 97301

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P (In Oregon): 800-221-8035

Stay connected!

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 you!

Kellen

OREGON DEPARTMENT OF ENERGY

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

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 <kathleen.sloan@energy.oregon.gov> 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 taxpayer 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

Stay connected!

OREGON DEPARTMENT OF ENERGY
50 YEARS/SERVICE

TARDAEWETHER Kellen * ODOE

From: KEMMERLIN Aspen * OPRD
Sent: Monday, March 31, 2025 3:44 PM
To: 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

Oregon
Tina Kotek, Governor

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: Comments on the Record of the DPO

C-1: Comment Index and Comments Received on DPO

C-2: Applicant Responses to Comments on DPO

Commenter Index of Comments Received on the Draft Proposed Order for the Yellow Rosebush Energy Center

Name of Commenter	Title/Organization	Date of Comment	Comment Summary
Reviewing Agencies			
Daniel Evans	Wetlands Specialist, Department of State Lands	10/3/2025	DSL Concurrence with Wetland Delineation Report with notes on 3 vernal pools in analysis area.
Sean Bailey	Planner, Wasco County Planning Department	10/7/2025	Confirmation of land parcels and statuses in site boundary.
Applicant			
Jeff Watson	Development Manager, Savion LLC (Applicant)	10/22/2025	Written Comments on DPO, specific recommended edits and changes to condition language and some sections of DPO evaluation, including additional comments on Land Use and Goal 3 and Department's evaluations of reasons recommended by the Department for granting goal exception.
Jeff Watson	Development Manager, Savion LLC (Applicant)	10/23/2025	Oral comments on Savion and local efforts to engage and benefit local community during development phase of facility.
Chris Powers	Sr. Director, Environmental Permitting, Savion LLC (Applicant)	10/23/2025	Oral comments on planning and environmental review, selection of Habitat Mitigation Areas, avoidance of high value habitat, and case for net benefit to habitat through the HMA and Habitat Mitigation Plan
Jeff Watson	Development Manager, Savion LLC	10/23/2025	Oral Comment in response to Councilmember Devlin's questions: multiple options for water, including potential to purchase locally.
Jeff Watson	Development Manager, Savion LLC (Applicant)	10/23/2025	Preliminary oral responses with clarification that they want to take time to prepare written responses: timeline is based on BPA queue and when they are prepared to sign an interconnection agreement; soonest they expect to start construction would be 2028-2029; Water resources are available and they have the ability to purchase from a vendor with a water right if the city cannot provide; comments and concerns about traffic, housing and fire safety are heard and will be incorporated into plans and work Wasco County agreements; requested until Friday November 7, 2025 to respond to comments.
Travis Narra	Head of Development, Savion LLC. (Applicant)	10/23/2025	Oral Comments on proposed schedule and need for an offtaker before they can commit to starting construction but they need an EFSC site certificate to obtain an

Name of Commenter	Title/Organization	Date of Comment	Comment Summary
			offtaker agreement with BPA. Shell Energy has resources to support and finance these projects
EFSC			
Richard Devlin	EFSC Council Member	10/23/2025	Oral comments and questions to applicant on land use, water sources to be used for construction and operations, potential for irrigation to support agriculture, or lack of agriculture in site boundary.
Cindy Condon	EFSC Vice-Chair	10/23/2025	Oral Comments on Organizational Expertise and appreciates letter from Parent Company provided by applicant on expertise and resources available; requested details on planned timing or schedule for construction and operations;
Anne Beier	EFSC Councilmember	10/23/2025	Oral Comments to thank public for participating; traffic concerns raised and traffic plan and desire to incorporate Wasco County feedback on housing and traffic issues; Council process and review and final approval of plans and draft plans/role of Council; desire to see updates to plans from DPO to Proposed Order based on input and additional coordination.
Marcy Grail	EFSC Councilmember	10/23/2025	Oral Comments to thank public for participating; importance and role of first responder in the local community and encouraged developer to find resources to help them offset the needs and costs of responding; importance of hiring local labor when possible.
Richard Devlin	EFSC Councilmember	10/23/2025	Oral comments on the role of EFSC and the scope of review and the Oregon Administrative Rules; importance of relationship with local community; importance of Mayor Beatty's comments on housing and traffic; importance of applicant response and written responses to comments raised; issues will arise and importance of developers relationship and commitment to local community to resolve.
Public Comments			
Keela Carver		10/23/2025	Oral Comments on permanent impacts to soils; limited resources and capacity of an all volunteer RFPA; potential health risks and hazards if facility equipment burned for firefighters and need for specialized training and equipment; traffic impacts local workforce; visual impacts from facility.

Name of Commenter	Title/Organization	Date of Comment	Comment Summary
Dago Aranda	Business Manager, Laborer Union International of North America (LIUNA) Local 737	10/23/2025	Oral Comments on behalf of LIUNA members and the benefits of these types of projects for union members and available work, good paying jobs, benefits to the state and local economic benefits.
Carol Beatty	Mayor, City of Maupin	10/23/2025	Oral Comments on potential impacts to housing from influx of up to 00 workers and lack of locally available workforce housing during construction.
Ryan Sheehy	Member of Public	10/23/2025	Oral Comments on facility siting, need for energy, that the facility has been sited as well as it can be for minimal impacts to resources, lack of viability of agriculture for EFU zoned dryland farming without irrigation, potential benefits of farming solar.
IRL Mike Davis	Owner, Tygh Ridge Ranch (HMA site)	10/23/2025	Oral and written comments on habitat mitigation and proposed HMA site on his lands and its potential for enhancement and benefits of conservation.
Wendell Claudfeller	Public	10/23/2025	Oral Comments on the value of the canyons and wildlife habitat that is to be avoided; issues with transmission and the 4.5 mile proposed alternative; fire risk and the issues of insurance cost for landowners and liability concerns
Don Phillips	Participating Landowner	10/23/2025	Oral and written comments on land use, lack of viable agriculture on project lands, additional information on CRP and values of dryland crops.
Bob Krein	Participating Landowner	10/23/2025	Oral Comments on lack of agricultural potential, limits of CRP and local economic benefit of the facility.
Mike Fouracre	Public	10/23/2025	Oral Comments on impacts of facilities on surrounding landowners and need for compensation for impacts to property values; benefit of visual buffers around facility (trees or hedges, vegetation)
Michelle VanEynde	Public	10/23/2025, 11/03/2025	Oral and Written Comments on mitigation and minimization efforts, lease agreement details, wildlife corridor and impacts, letter of credit requirements and how costs to decommission; water sources to be relied upon; questions about EFSC review process in general.
LIUNA Local 737 Members (65)	Laborers Union International of North America (LIUNA) Local 737 – 65 union members	10/23/2025	Written Comments in the form of form letters signed and submitted by 65 individual LIUNA members in support of the project; economic development and meeting Oregon's energy goals; good jobs.

Name of Commenter	Title/Organization	Date of Comment	Comment Summary
Brad Chase	Ranch Manager, Chrisman Ranch (participating landowner)	10/24/2025	Written Comments submitted at the Oct 24, 2025 EFSC meeting on lack of agricultural potential of land in project; history of Chrisman Ranch, CRP status of lands, lack of viability of land for agricultural production; economic and ecological benefits of project.
Morgan Michel on behalf of 24 people	Public, Green Light America	10/31/2025	Written Comments submitted via email that included 24 form letters signed by 24 individuals in support of the proposed facility; meets Oregon's energy goals; and is consistent with State Land Use Planning Goals 2,3,6,9,11 and 13.
Constance Lee	Public	11/02/2025	Written Comments submitted via comment portal: combination of industrial solar facilities with large lithium battery storages is going to cumulatively change the landscape, impact water resources, increase fire danger, negatively impact wildlife, as well as increase the need for emergency services which will ultimately put a financial burden on county tax payers. Application does not demonstrate compliance with EFSC standards for soils, wildlife habitat and species, water/public services, or wildfire. Requests Council deem application incomplete and require additional evaluation of all of the above. If not adequately addressed in additional studies and data, requests Council deny the application for site certificate.
Susie Miles	Public	11/02/2025	Comments submitted via comment portal on Public Safety, potential impacts of increased traffic and road use on the public and road conditions and impacts to Bakeoven Road and concerns about impacts on the South Wasco County Ambulance Service (SWCAS) due to lack of resources, funding, training and capacity; All volunteer and first responders to the area in an incident.
Alex Carr	EMS Administrator Southern Wasco County Ambulance Service (SWCAS), Inc., Maupin	11/02/2025	SWCAS provides 100% of the emergency medical services within the Wasco County area, including the proposed facility, with the exception of the Buckley Substation; project may increase call volume. As an all-volunteer organization they receive no funding from the County and are requesting financial support from the applicant to offset the potential increased service demand and need to respond as a result of the facility.

Name of Commenter	Title/Organization	Date of Comment	Comment Summary
Alvin Alexanderson	Public	11/02/2025	Written comments submitted via email on concerns about impacts to Category 2 Big Game Winter Range; impacts of facility exclusion fence and permanent impacts to habitat; proposed HMA at Tygh Ridge is already protected as Category 2 Big Game Winter Range so HMA/HMP is not creating habitat so, there is a net loss in habitat quality; compliance with Goal 5 is required; new habitat should be created to offset habitat impacts to Cat 2.
Steve Ashley	Public, Participating Landowner	11/03/2025	Written comments submitted via comment portal on the lack of viable agriculture for the land in the site boundary, the economic benefits of solar and suitability of the site for solar with; support of the project.
Jefrrey Gritz	Business Mgr./Sec-Treas., Laborers Union International of North America (LIUNA), Oregon and S. Idaho	11/03/2025	Written comments submitted via comment portal in support of the project, meeting Oregon's energy needs and goals for renewables, economic benefits in terms of work and jobs, and training programs.
Betty Odom	Public (adjacent landowner)	11/03/2025	Incomplete comment submitted via comment portal. Subject header says " Adjacent landowner's concerns regarding the project" but no attachments and no comments included. Emailed the submitter to request she email her submission and to let her know that no comments came through in her portal submission. No response.

Oregon
Tina Kotek, Governor

Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
(503) 986-5200
FAX (503) 378-4844
www.oregon.gov/dsl

State Land Board

Tina Kotek
Governor

Tobias Read
Secretary of State

Elizabeth Steiner
State Treasurer

October 22, 2025

Savion Energy
Attn: Jeff Watson & Adam Williams
422 Admiral Blvd.
Kansas City, MO 64106

Re: WD # 2024-0071 **Approved with Revisions**
Wetland Delineation Report for Yellow Rosebush Energy Center, Wasco County; T4S R15E TL 1500 (Portion); T4S R16E TL 300 (Portion); T5S R15E TL 100 (Portion); T5S R16E TLs 1000, 1100, and Portions of TLs 900, 1300, 2000, 2300, 2400

Dear Jeff Watson & Adam Williams:

The Department of State Lands has reviewed the wetland delineation report prepared by Tetra Tech Inc., for the site referenced above. Please note that the study area includes only a portion of the tax lots described above (see the attached maps). Based upon the information presented in the report and additional information submitted upon request, we concur with the wetland and waterway boundaries as mapped in revised Figures 5, 5.1 through 5.2.42 of the report. Please replace all copies of the preliminary wetland maps with these final Department-approved maps.

Within the study areas, 17 wetlands (WT122-124, WT201, WT203, WT212, WT313, WT434, WT440, WT443, WT445, WT499, WT500-504), 55 waterways, and 5 livestock ponds (LP01-LP04 and OW502) were identified. Wetlands WT122-124, WT212, WT499, WT500, WT502, and WT503 (totaling approximately 1.23 acres), and intermittent streams ST407a and ST447 are subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands or below the ordinary high-water line (OHWL) of the waterway (or the 2-year recurrence interval flood elevation if OHWL cannot be determined). Wetlands WT201, WT203, WT313, WT434, WT440, WT443, WT445, WT501, and WT504, the livestock ponds, and all ephemeral waterways are exempt from Removal-Fill Law jurisdiction per OAR 141-085-0515(6), -0515(7), and -0515(3), respectively.

According to the information provided, WT500, WT502, and WT503 are vernal pools that meet the state's criteria for Aquatic Resources of Special Concern. This could affect the eligibility protocols for compensatory mitigation if a DSL permit is required.

This concurrence is for purposes of the state Removal-Fill Law only. We recommend that you attach a copy of this concurrence letter to any subsequent state permit application to speed application review. Federal, other state agencies or local permit requirements may apply as well. The U.S. Army Corps of Engineers will determine jurisdiction under the Clean Water Act, which may require submittal of a complete Wetland Delineation Report.

Please be advised that state law establishes a preference for avoidance of impacts to waters of this state. Because measures to avoid and minimize impacts to waters of this state may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. If you have any questions, please contact the Wetland Ecologist for Wasco County, Jessica Salgado, PWS, at (541) 408-1892.

Sincerely,

Daniel Evans

Daniel Evans, PWS
Wetland Ecology Specialist

Enclosures

ec: Jessica Taylor, Tetra Tech Inc.
Lauren Stebbins, PWS, Tetra Tech Inc.
Kathleen Sloan, ODOE
Wasco County Planning Department
US Army Corps of Engineers
Richard Fitzgerald, DSL
Joy Lovett, ODFW

WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

A complete report and signed report cover form, along with applicable review fee, are required before a report review timeline can be initiated by the Department of State Lands. All applicants will receive an emailed confirmation that includes the report's unique file number and other information.

Ways to submit report:

- **Under 50MB -** A single unlocked PDF can be emailed to: wetland.delineation@dsl.oregon.gov.
- **50MB or larger -** A single unlocked PDF can be uploaded to the Jurisdiction Box.com folder. Email wetland.delineation@dsl.oregon.gov of the new upload.
- Unbound paper report and signed cover form can be mailed to: Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279.

Ways to pay review fee:

- By credit card on DSL's epayment portal after receiving the unique file number from DSL's emailed confirmation.
- By check payable to the Oregon Department of State Lands attached to the unbound paper report OR attached to the complete signed cover form if report submitted electronically.

Contact and Authorization Information

☒ Applicant ☐ Owner Name, Firm and Address:

Jeff Watson, Savion Energy
422 Admiral Blvd, Kansas City MO, 64106

Business phone # **410-349-7679**
Mobile phone # (optional)
E-mail: jwatson@savionenergy.com

☒ Authorized Legal Agent, Name and Address (if different):

Adam Williams, Savion Energy
422 Admiral Blvd, Kansas City MO 64106

Business phone # **510-220-2626**
Mobile phone # (optional)
E-mail: awilliams@savionenergy.com

I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.

Typed/Printed Name: Adam Williams **Signature:** Adam Williams

Date: 11/29/23 Special instructions regarding site access:

Project and Site Information

Project Name: Yellow Rosebush Energy Center

Latitude: 45.165293° Longitude: -120.853775°
decimal degree - centroid of site or start & end points of linear project

Proposed Use:
Solar Arrays and Battery Storage

Tax Map # 4S 15E 0 1500 | 5S 16E 0 2300
Tax Lot(s) Se 5S 16E 0 1000 | 5S 16E 0 2400
Tax Map # 5S 16E 0 1100 | 4S 16E 0 300
Tax Lot(s) 5S 16E 0 1300 | 5S 16E 0 900
Township QQ
Use separate 5S 16E 0 2000 | 5S 15E 0 100 n information

Project Street Address (or other descriptive location):
11 miles east of the town of Maupin, up on the plateau.

City: Maupin County: Wasco

Waterway: N/A River Mile: N/A

Wetland Delineation Information

Wetland Consultant Name, Firm and Address:
Jessica Taylor, Tetra Tech Inc.
14 E Main Street, Suite 210
Walla Walla WA 99362

Phone # (509) 386-5036
Mobile phone # (if applicable) (509) 386-5036
E-mail: jessica.taylor@tetratech.com

The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.

Consultant Signature: Jess Taylor Date: 11/20/2023

Primary Contact for report review and site access is ☒ Consultant ☐ Applicant/Owner ☐ Authorized Agent

Wetland/Waters Present? ☒ Yes ☐ No Study Area size: 7,026 Total Wetland Acreage: 2.02 acres of total wetlands

Check Applicable Boxes Below

☐ R-F permit application submitted
☐ Mitigation bank site
☒ EFSC/ODOE Proj. Mgr: Kathleen Sloan
☐ Wetland restoration/enhancement project (not mitigation)
☐ Previous delineation/application on parcel
If known, previous DSL # _____

☐ Fee payment submitted $ _____
☐ Resubmittal of rejected report ($100)
☐ Request for Reissuance. See eligibility criteria. (no fee)
DSL # _____ Expiration date_____
☐ LWI shows wetlands or waters on parcel
Wetland ID code _____

For Office Use Only

DSL Reviewer: JS Fee Paid Date: ____ / ____ / ____ DSL WD # 2024-0071

Date Delineation Received: 02 / 07 / 2024 DSL App.# _____

Revised Table 5. Summary of Wetlands within the Study Area

# of Features	Wetland Name	Figure	(Subclass) Wetland Type	Cowardin	Acres	continues offsite	General Conditions
1	* WT-122	5.1.18	Riverine (Flow-through)	PEM	0.003	No	Small depressional wetland in ephemeral drainage, likely fed by groundwater.
2	* WT-123	5.1.15	Riverine (Flow-through)	PEM	0.01	No	Small depressional wetland in ephemeral drainage where a seep occurs.
3	* WT-124	5.1.15	Riverine (Flow-through)	PSS	0.16	No	Wetland begins within site boundary where drainage has seeps. Water was observed in channel and continues offsite to the north. Vegetation is dense and there is a closed canopy over water.
4	WT-201	5.1.07	Riverine (Flow-through)	PEM	0.1	No	Hydrology for wetland in drainage comes from overflow from livestock watering troughs. Water comes from pump in drainage.
5	WT-203	5.1.09	Depressional (Closed Nonpermanent)	PEM	0.01	No	Artificially created livestock watering area meets wetland criteria. It appears that swale was dug out and a berm created on downhill side to create ponding of surface flow.
6	* WT-212	5.1.02,05	Riverine (Flow-through)	PEM	0.15	No	Wetland in ephemeral drainage originates from multiple seeps along drainage bottom.
7	WT-313	5.1.18	Depressional (Closed Nonpermanent)	PEM	0.16	No	Artificially created wetland/habitat/livestock pond has Pacific tree frogs in soil cracks and wetland plants growing where water has receded. Piped water provides hydrology for wetland.
8	WT-434	5.2.38	Depressional (Closed Nonpermanent)	PEM	0.02	No	Artificially created feature from livestock water.
9	WT-440	5.2.32	Depressional (Closed Nonpermanent)	PEM	0.04	No	Artificially created excavated livestock pond meets vernal pool wetland criteria. Not an ARSC.
10	WT-443	5.2.38	Depressional (Closed Nonpermanent)	PEM	0.28	No	Artificially created excavated livestock pond meets wetland criteria.
11	WT-445	5.2.41	Depressional (Closed Nonpermanent)	PEM	0.01	No	Artificially created small wetland in excavated livestock pond.
12	* WT-499	5.1.16	Riverine (Flow-through)	PSS	0.45	Yes	Scrub-shrub wetland in valley bottom.
13	* WT-500	5.1.10	Flats	PEM	0.26	No	Vernal Pool
14	WT-501	5.2.39	Flats	PEM	0.14	No	Wetland (impounded by berm), not created in Waters of the State
15	* WT-502	5.2.39	Flats	PEM	0.19	No	Wetland (impounded by berm), vernal pool may have been created in Waters of the State
16	* WT-503	5.2.39	Flats	PEM	0.01	No	Wetland (shallow excavation), vernal pool may have been created in Waters of the State
17	WT-504	5.2.33	Flats	PEM	0.03	No	Wetland (impounded by berm), not created in Waters of the State

Legend:
- wetlands and ponds artificially-created in upland
- Aquatic Resources of Special Concern (ARSC) vernal pools

* Waters of This State

Tables 6a-6c. Summary of Other Waters' Continuation Beyond the Study Area

Table 6a. Streams

# of Features	Stream Feature	Continues offsite	
1	ST-114	No	
2	ST-115	Yes	
3	ST-116	Yes	
4	ST-120	No	
5	ST-121	Yes	
6	ST-122	No	
7	ST-124	No	
8	ST-125	No	
9	ST-202	Yes	
10	ST-204	Yes	
11	ST-205	No	
12	ST-206	No	
13	ST-207	No	
14	ST-208	No	
15	ST-209	Yes	
16	ST-210	No	
17	ST-211	No	
18	ST-213	No	
19	ST-215	No	
20	ST-216	No	
21	ST-300	Yes	
22	ST-303	No	
23	ST-307	Yes	
24	ST-309	Yes	
25	ST-310	No	
26	ST-400	Yes	
27	ST-403	No	
28	ST-404	No	
29	ST-405	Yes	
30	ST-407a	No	Intermittent, 743.8' long, 4' wide, Figure 5.1.16
31	ST-407b	No	
32	ST-408	Yes	
33	ST-409	No	
34	ST-410	No	
35	ST-411	No	
36	ST-412	No	
37	ST-413	No	
38	ST-414	Yes	
39	ST-415	No	
40	ST-416	No	
41	ST-418	No	
42	ST-419	Yes	
43	ST-425	Yes	
44	ST-426	Yes	
45	ST-427	No	
46	ST-428	Yes	
47	ST-429	No	
48	ST-430	No	
49	ST-431	No	
50	ST-432	Yes	
51	ST-433	Yes	
52	ST-447	Yes	Intermittent, 3211' long, 3' wide, Figures 5.2.40, 5.2.42
53	ST-450	No	
54	ST-451	No	
55	ST-454	Yes	

Table 6b. Desktop-Delineated Livestock Ponds

# of Features	Desktop Delineated Other Waters Feature	Continues offsite
1	LP-01	No
2	LP-02	No
3	LP-03	No
4	LP-04	No

Table 6c. Field-Delineated Livestock Ponds

# of Features	Field Delineated Other Waters Feature	Continues offsite
5	OW-500	No

DSL Note: Intermittent streams designated on Table 6A are Waters of this State.
Features identified on Tables 6B and 6C are not state jurisdictional

Yellow Rosebush Energy Center

Figure 1
Project Location

WASCO COUNTY, OR

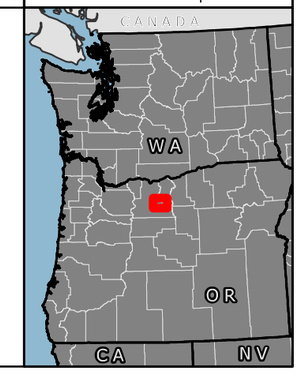
Study Area
County Boundary
US Highway
State Highway

TETRA TECH
SAVION
A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic

Reference Map



1:100,000

WGS 1984 UTM Zone 10N

0 1 2 4 6 8 Miles

NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Center

Figure 2
Tax Lot Index Map

WASCO COUNTY, OR

Sherman County
Wasco County
Figure 2.1
Figure 2.2
Finnegan Rd
Von Borstel Rd
Wilson Ln
Baksoyen Rd
Wilson Rd
Hinton Rd

Map Grid
Study Area
County Boundary
Local Roads

TETRA TECH
SAVION
A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Aerial; Wasco County-Taxlots

Reference Map

1:50,000

WGS 1984 UTM Zone 10N

0 0.5 1 2 3 4 Miles

NOT FOR CONSTRUCTION

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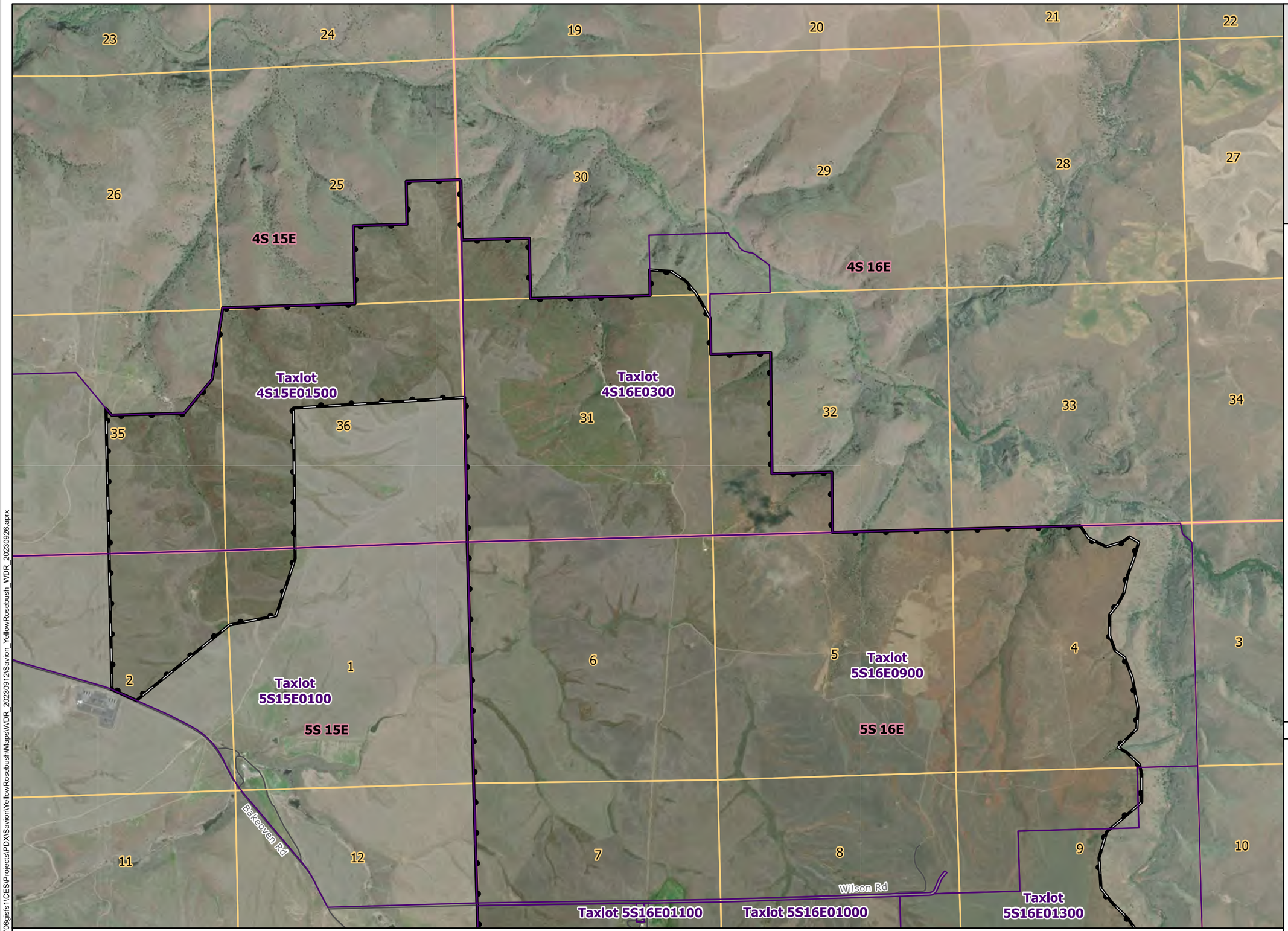
Yellow Rosebush Energy Center

Figure 2.1
Tax Lot Detail Map

WASCO COUNTY, OR



- Study Area
- Taxlot Boundary
- Township/Range
- Section
- Local Roads

TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources	Reference Map
Savion-Project Infrastructure; Tiger-Roads; ESRI-Aerial; Wasco County-Taxlots	Figure 2.1 Figure 2.2

1:24,000 WGS 1984 UTM Zone 10N 0 0.5 1 2 Miles

NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Center

Figure 2.2
Tax Lot Detail Map

WASCO COUNTY, OR

Taxlot 5S16E01000
Taxlot 5S16E01300
Taxlot 5S16E02000
Taxlot 5S16E02400
Taxlot 5S16E02300
5S 15E
5S 16E
Bakeoven Rd

Study Area
Taxlot Boundary
Township/Range
Section
Local Roads

TETRA TECH
SAVION
A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Aerial; Wasco County-Taxlots

Reference Map

Figure 2.1
Figure 2.2

1:24,000

WGS 1984 UTM Zone 10N

0 0.5 1 2 Miles

NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Park

Figure 5
Wetland Delineation Index Map

WASCO COUNTY, OR

Sherman County
Wasco County

Figure 5.1

Figure 5.2

Map Grid
Study Area
County Boundary

DSL WD# 2024-0071
Approval Issued: 10/22/2025
Approval Expires: 10/22/2030

All delineated wetlands and waters are considered to extend outside of the study area unless otherwise noted

Wetland boundaries, sample plots, and photo points were collected using a sub-meter grade GPS device collecting real-time, sub-meter GNSS data. Mapped features are </= 1 meter of the ground location.

TETRA TECH

SAVION
A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Aerial

Reference Map

1:50,000

WGS 1984 UTM Zone 10N

0 0.5 1 2 3 4 Miles

NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Park

Figure 5.1
Wetland Delineation Detail Map

WASCO COUNTY, OR

Figure 5.1.01
Figure 5.1.02
Figure 5.1.03
Figure 5.1.04
Figure 5.1.05
Figure 5.1.06
Figure 5.1.07
Figure 5.1.08
Figure 5.1.09
Figure 5.1.10
Figure 5.1.11
Figure 5.1.12
Figure 5.1.13
Figure 5.1.14
Figure 5.1.15
Figure 5.1.16
Figure 5.1.17
Figure 5.1.18
Figure 5.1.19
Figure 5.1.20
Figure 5.1.21
Figure 5.1.22
Figure 5.1.23
Figure 5.1.24
Figure 5.1.25
Figure 5.1.26
Figure 5.1.27
Figure 5.1.28
Figure 5.1.29

Taxlot 4S16E0300
Taxlot 4S15E01500
Taxlot 5S15E0100
Taxlot 5S16E0900
Taxlot 5S16E01100
Taxlot 5S16E01000
Taxlot 5S16E01300

- Detailed Map Grid
- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Sample Plot
- Field Delineated Stream
- Desktop Delineated Other Water Feature
- Field Delineated Wetland

DSL WD# 2024-0071
Approval Issued: 10/22/2025
Approval Expires: 10/22/2030

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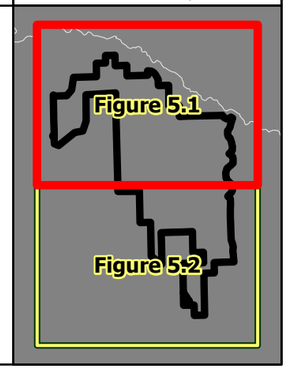
TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Aerial

Reference Map



1:24,000 WGS 1984 UTM Zone 10N

0 0.5 1 2 Miles

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Yellow Rosebush Energy Park

Figure 5.2
Wetland Delineation Detail Map

WASCO COUNTY, OR

Figure 5.1.27
Figure 5.1.28
Figure 5.1.29
Figure 5.2.30
Figure 5.2.31
Taxlot 5S16E01000
Figure 5.2.32
Figure 5.2.33
Figure 5.2.34
Figure 5.2.35
Figure 5.2.36
Taxlot 5S16E02000
Figure 5.2.37
Figure 5.2.38
Taxlot 5S16E01300
Taxlot 5S16E02400
Figure 5.2.39
Taxlot 5S16E02300
Figure 5.2.40
Figure 5.2.41
Figure 5.2.42

- Detailed Map Grid
- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Sample Plot
- Field Delineated Stream
- Desktop Delineated Other Water Feature
- Field Delineated Wetland

DSL WD# 2024-0071
Approval Issued: 10/22/2025
Approval Expires: 10/22/2030

All delineated wetlands and waters are considered to extend outside of the study area unless otherwise noted

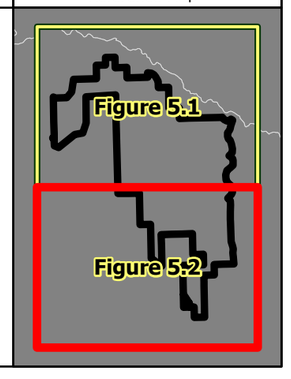
Wetland boundaries, sample plots, and photo points were collected using a sub-meter grade GPS device collecting real-time, sub-meter GNSS data. Mapped features are </= 1 meter of the ground location.

TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Aerial

Reference Map



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WGS 1984 UTM Zone 10N

0 0.5 1 2 Miles

NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Park

Figure 5.1.01
Wetland Delineation Map

WASCO COUNTY, OR

(#34)
(#3)
(#35)
(#2)
SP-302
ST-303
(#36)
(#37)
ST-300
(#1)
Taxlot
4S16E0300

- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Sample Plot
- Field Delineated Stream

DSL WD# 2024-0071
Approval Issued: 10/22/2025
Approval Expires: 10/22/2030

All delineated wetlands and waters are considered to extend outside of the study area unless otherwise noted

Wetland boundaries, sample plots, and photo points were collected using a sub-meter grade GPS device collecting real-time, sub-meter GNSS data. Mapped features are </= 1 meter of the ground location.

TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic

Reference Map

1:2,400 WGS 1984 UTM Zone 10N 0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

\\Cess706gisfs1\CES\Projects\PDX\Savion\YellowRosebush\Maps\WDR_20230912\Savion_YellowRosebush_WDR_20241113.aprx

Yellow Rosebush Energy Park

Figure 5.1.02
Wetland Delineation Map

WASCO COUNTY, OR

Taxlot
4S16E0300

(#39)

ST-307

(#38)

ST-209

WT-212

SP-212b

SP-212a

(#63)

- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Sample Plot
- Field Delineated Stream
- Field Delineated Wetland

DSL WD# 2024-0071
Approval Issued: 10/22/2025
Approval Expires: 10/22/2030

All delineated wetlands and waters are considered to extend outside of the study area unless otherwise noted

Wetland boundaries, sample plots, and photo points were collected using a sub-meter grade GPS device collecting real-time, sub-meter GNSS data. Mapped features are </= 1 meter of the ground location.

TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic

Reference Map

1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Park

Figure 5.1.03
Wetland Delineation Map

WASCO COUNTY, OR

SP-109
(#23)
ST-116
(#28)
(#27)

- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Sample Plot
- Field Delineated Stream

DSL WD# 2024-0071
Approval Issued: 10/22/2025
Approval Expires: 10/22/2030

All delineated wetlands and waters are considered to extend outside of the study area unless otherwise noted

Wetland boundaries, sample plots, and photo points were collected using a sub-meter grade GPS device collecting real-time, sub-meter GNSS data. Mapped features are </= 1 meter of the ground location.

TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic

Reference Map

1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

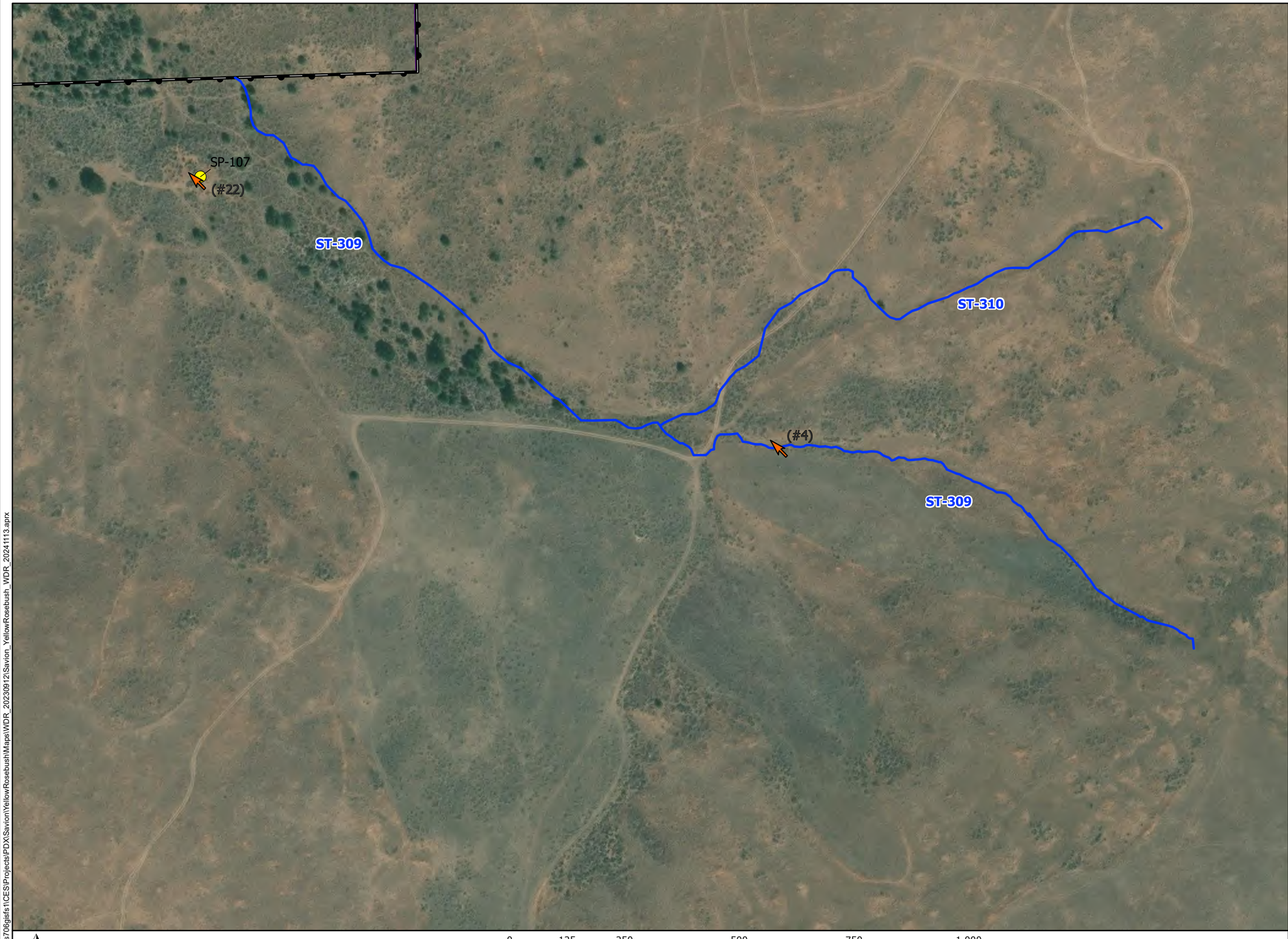
NOT FOR CONSTRUCTION

\\Cess706gisfs1\CES\Projects\PDX\Savion\YellowRosebush\Maps\WDR_20230912\Savion_YellowRosebush_WDR_20241113.aprx

Yellow Rosebush Energy Park

Figure 5.1.04
Wetland Delineation Map

WASCO COUNTY, OR



- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Sample Plot
- Field Delineated Stream

DSL WD# 2024-0071
Approval Issued: 10/22/2025
Approval Expires: 10/22/2030

All delineated wetlands and waters are considered to extend outside of the study area unless otherwise noted

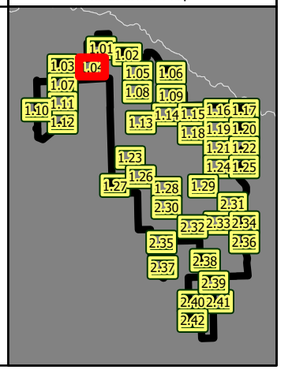
Wetland boundaries, sample plots, and photo points were collected using a sub-meter grade GPS device collecting real-time, sub-meter GNSS data. Mapped features are </= 1 meter of the ground location.

TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic

Reference Map



1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Park

Figure 5.1.05
Wetland Delineation Map

WASCO COUNTY, OR

- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Sample Plot
- Field Delineated Stream
- Field Delineated Wetland

DSL WD# 2024-0071
Approval Issued: 10/22/2025
Approval Expires: 10/22/2030

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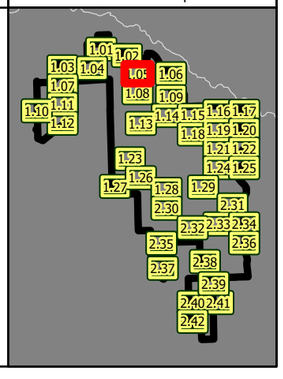
TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic

Reference Map



1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Park

Figure 5.1.06
Wetland Delineation Map

WASCO COUNTY, OR

- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Field Delineated Stream

DSL WD# 2024-0071
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Approval Expires: 10/22/2030

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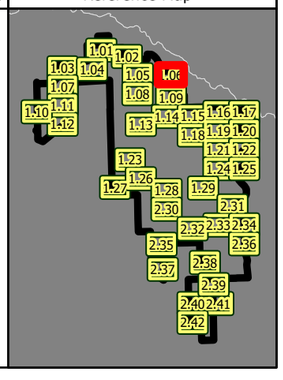
TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources	Reference Map
Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic	

1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Park

Figure 5.1.07
Wetland Delineation Map

WASCO COUNTY, OR

Taxlot 4S15E01500

(#24)

(#41)

WT-201

SP-201a

(#10)

SP-201b

(#11)

ST-115

(#26)

(#25)

ST-202

(#12)

- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Sample Plot
- Field Delineated Stream
- Field Delineated Wetland

DSL WD# 2024-0071
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TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic

Reference Map

1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Park

Figure 5.1.08
Wetland Delineation Map

WASCO COUNTY, OR

- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Field Delineated Stream

DSL WD# 2024-0071
Approval Issued: 10/22/2025
Approval Expires: 10/22/2030

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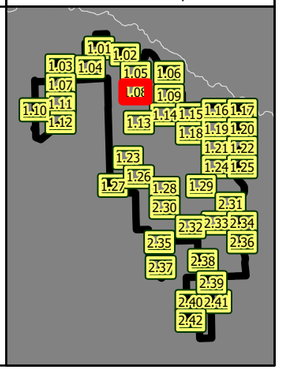
TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources	Reference Map
Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic	

1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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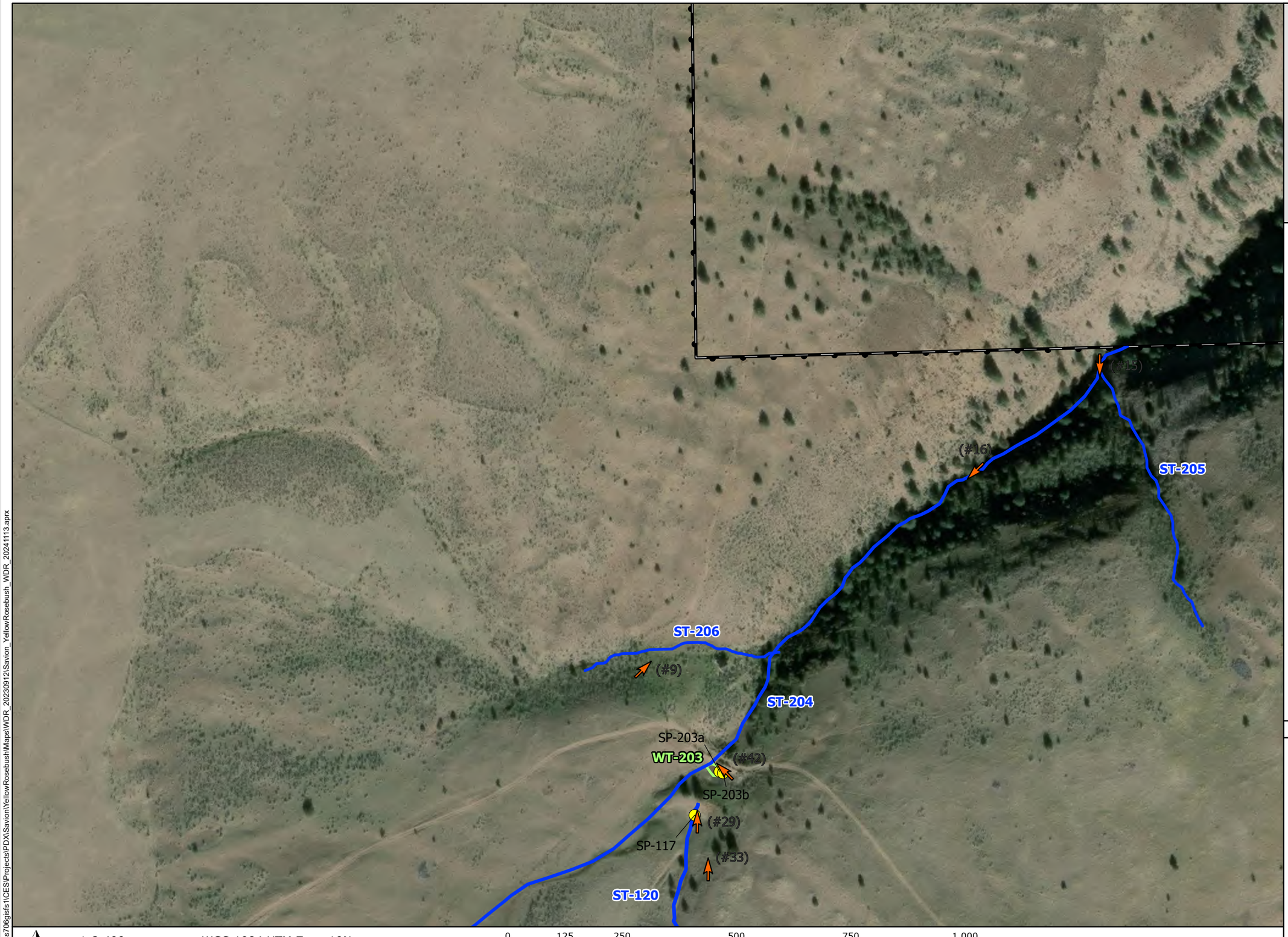

Yellow Rosebush Energy Park

Figure 5.1.09
Wetland Delineation Map

WASCO COUNTY, OR

- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Sample Plot
- Field Delineated Stream
- Field Delineated Wetland

DSL WD# 2024-0071
Approval Issued: 10/22/2025
Approval Expires: 10/22/2030

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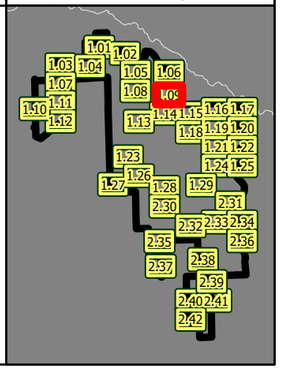
TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic

Reference Map



1:2,400 WGS 1984 UTM Zone 10N 0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Park

Figure 5.1.10
Wetland Delineation Map

WASCO COUNTY, OR

- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Sample Plot
- Field Delineated Wetland

DSL WD# 2024-0071
Approval Issued: 10/22/2025
Approval Expires: 10/22/2030

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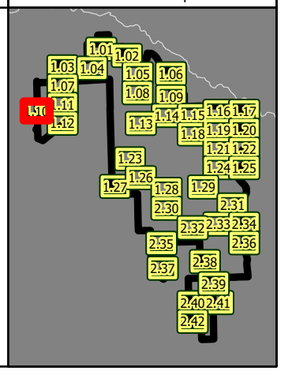
TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources	Reference Map
Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic	

1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Park

Figure 5.1.11
Wetland Delineation Map

WASCO COUNTY, OR

ST-202

(#13)

Taxlot
5S15E0100

(#21)

SP-105

- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Sample Plot
- Field Delineated Stream

DSL WD# 2024-0071
Approval Issued: 10/22/2025
Approval Expires: 10/22/2030

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TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic

Reference Map

1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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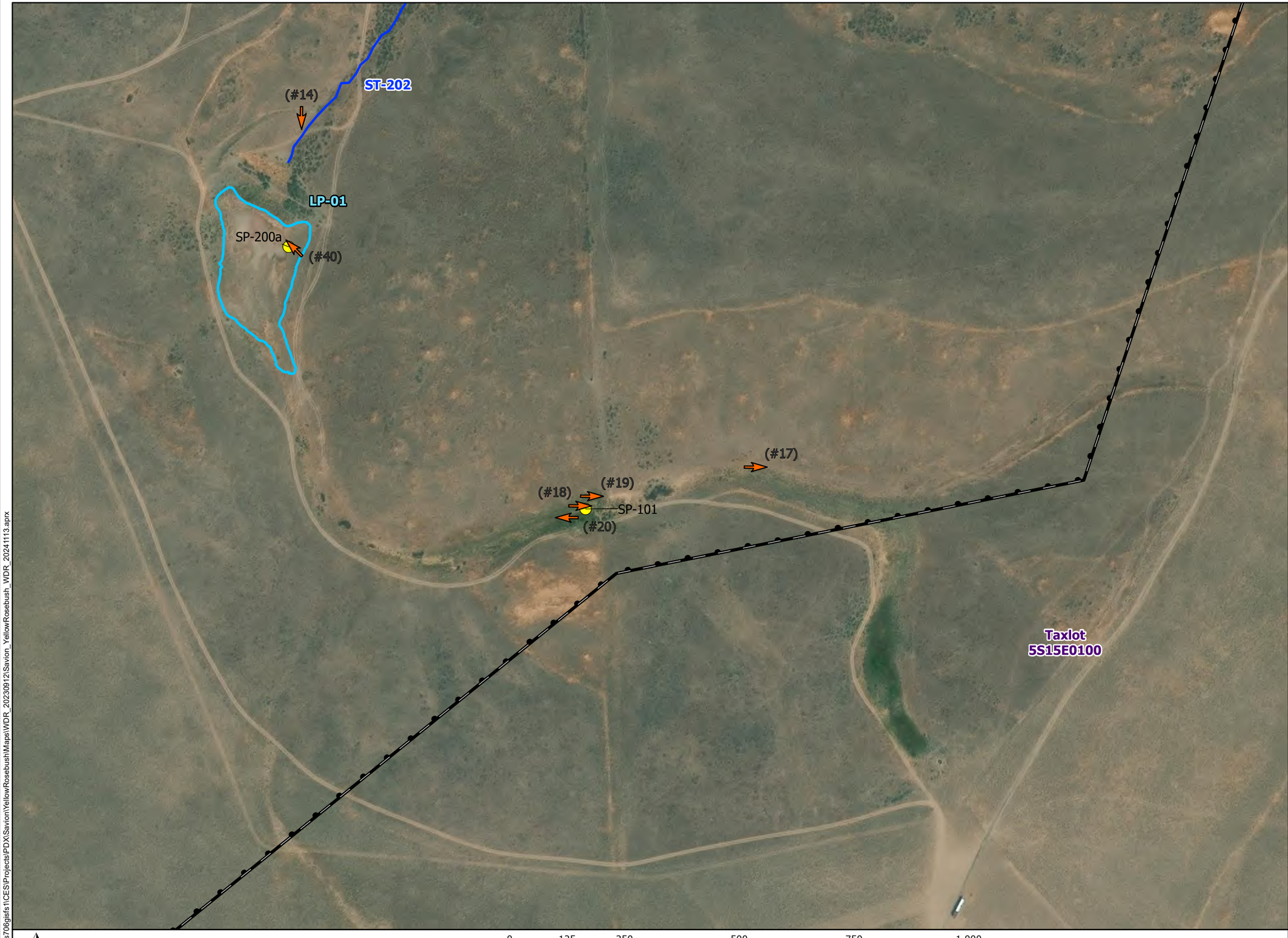
Yellow Rosebush Energy Park

Figure 5.1.12
Wetland Delineation Map

WASCO COUNTY, OR



- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Sample Plot
- Field Delineated Stream
- Desktop Delineated Other Water Feature

DSL WD# 2024-0071
Approval Issued: 10/22/2025
Approval Expires: 10/22/2030

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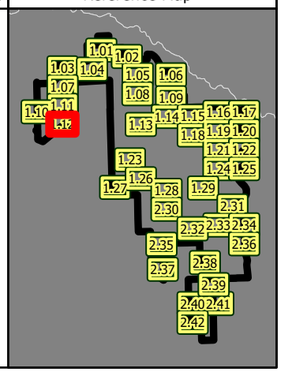
TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources	Reference Map
Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic	

1:2,400 WGS 1984 UTM Zone 10N 0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Park

Figure 5.1.13
Wetland Delineation Map

WASCO COUNTY, OR

- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)

DSL WD# 2024-0071
Approval Issued: 10/22/2025
Approval Expires: 10/22/2030

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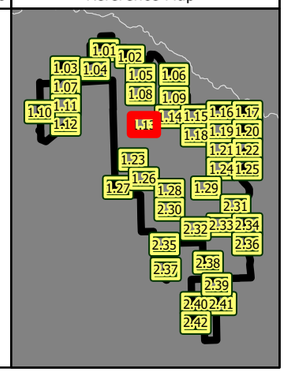
TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources	Reference Map
Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic	

1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Park

Figure 5.1.14
Wetland Delineation Map

WASCO COUNTY, OR

Taxlot 4S16E0300

(#94)

ST-204

ST-120

(#32)

(#31)

(#30)

Taxlot 5S16E0900

ST-114

(#51)

- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Field Delineated Stream

DSL WD# 2024-0071
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TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic

Reference Map

1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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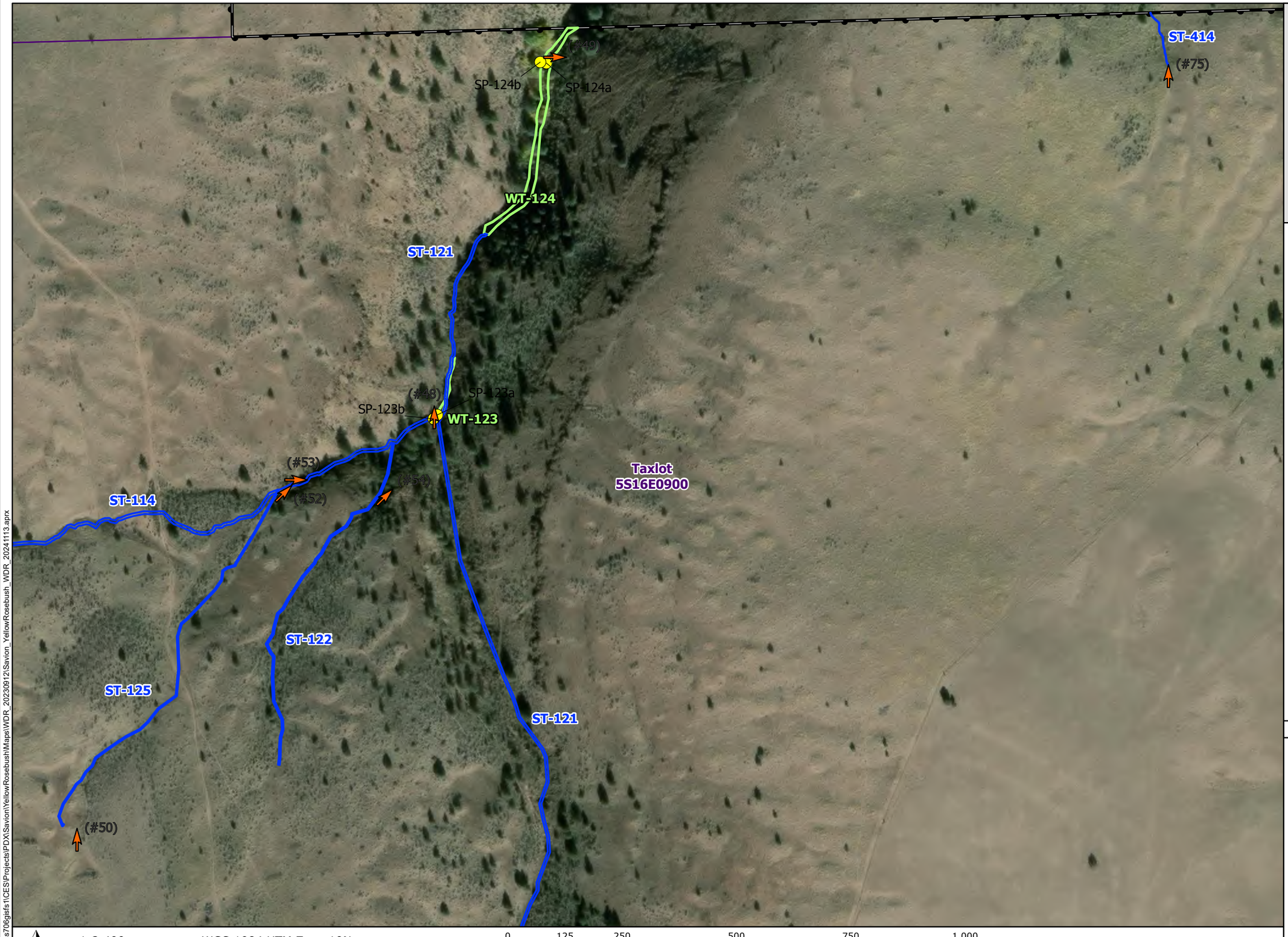
Yellow Rosebush Energy Park

Figure 5.1.15
Wetland Delineation Map

WASCO COUNTY, OR



- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Sample Plot
- Field Delineated Stream
- Field Delineated Wetland

DSL WD# 2024-0071
Approval Issued: 10/22/2025
Approval Expires: 10/22/2030

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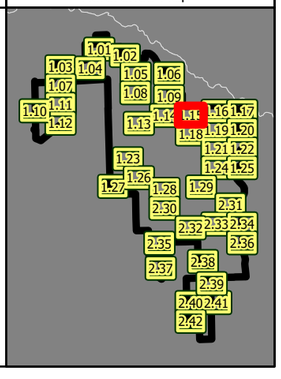
TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources	Reference Map
Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic	

1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Park

Figure 5.1.16
Wetland Delineation Map

WASCO COUNTY, OR

ST-408
ST-409
(#74)
(#73)
ST-416
(#76)
ST-415
(#77)
ST-413
ST-410
(#88)
(#89)
ST-411
ST-407a
743.8 ft length,
4 ft max width
ST-407b
(#78)
(#91)
(#90)
ST-412
WT-499
(#92)
ST-425

- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Field Delineated Stream
- Field Delineated Wetland

DSL WD# 2024-0071
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TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic

Reference Map

1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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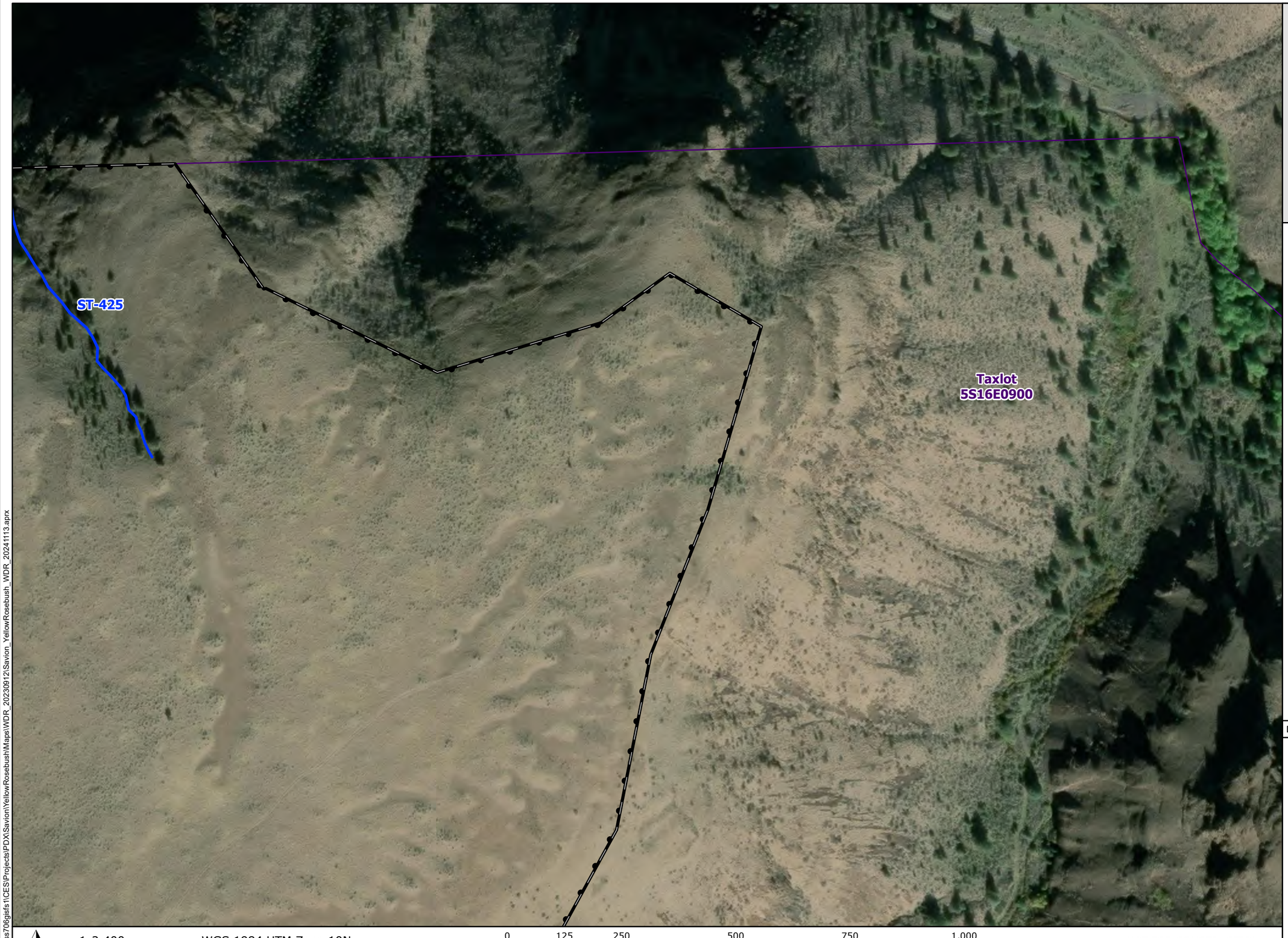
Yellow Rosebush Energy Park

Figure 5.1.17
Wetland Delineation Map

WASCO COUNTY, OR



- Study Area
- Taxlot Boundary
- Field Delineated Stream

DSL WD# 2024-0071
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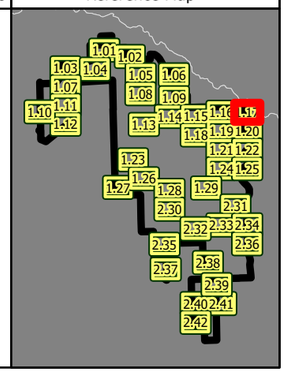
TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources	Reference Map
Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic	

1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Park

Figure 5.1.18
Wetland Delineation Map

WASCO COUNTY, OR

- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Sample Plot
- Field Delineated Stream
- Desktop Delineated Other Water Feature
- Field Delineated Wetland

DSL WD# 2024-0071
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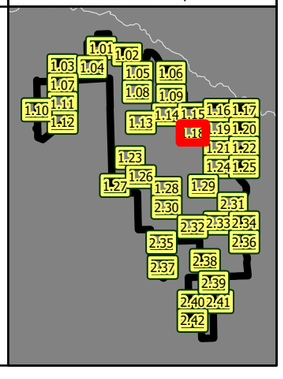
TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic

Reference Map



1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Park

Figure 5.1.19
Wetland Delineation Map

WASCO COUNTY, OR

Study Area
Taxlot Boundary
Field Delineated Stream

DSL WD# 2024-0071
Approval Issued: 10/22/2025
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TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic

Reference Map

1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Park

Figure 5.1.20
Wetland Delineation Map

WASCO COUNTY, OR

- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Field Delineated Stream

DSL WD# 2024-0071
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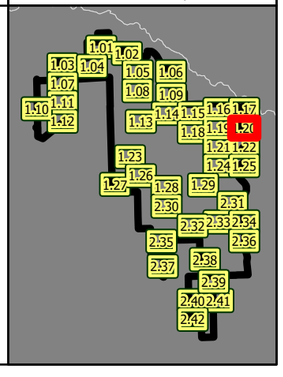
TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic

Reference Map



1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Park

Figure 5.1.21
Wetland Delineation Map

WASCO COUNTY, OR

- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Sample Plot
- Field Delineated Stream

DSL WD# 2024-0071
Approval Issued: 10/22/2025
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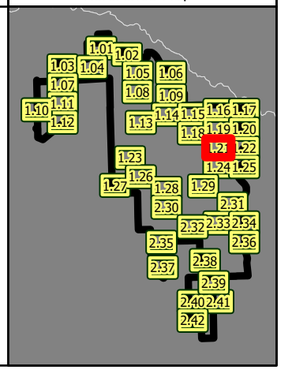
TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic

Reference Map



1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Park

Figure 5.1.22
Wetland Delineation Map

WASCO COUNTY, OR

ST-403

(#85)

Taxlot
5S16E0900

ST-400

(#83)

(#84)

Taxlot
5S16E01300

- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Field Delineated Stream

DSL WD# 2024-0071
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TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic

Reference Map

1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

\\Cess706gisfs1\CES\Projects\PDX\Savion\YellowRosebush\Maps\WDR_20230912\Savion_YellowRosebush_WDR_20241113.aprx

Yellow Rosebush Energy Park

Figure 5.1.23
Wetland Delineation Map

WASCO COUNTY, OR

- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)

DSL WD# 2024-0071
Approval Issued: 10/22/2025
Approval Expires: 10/22/2030

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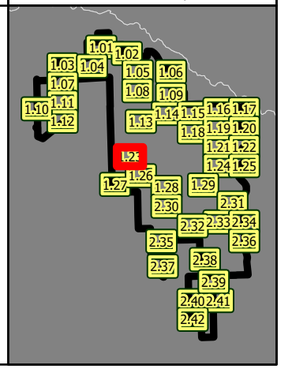
TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic

Reference Map



1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

\\Cess706gisfs1\CES\Projects\PDX\Savion\YellowRosebush\Maps\WDR_20230912\Savion_YellowRosebush_WDR_20241113.aprx

Yellow Rosebush Energy Park

Figure 5.1.24
Wetland Delineation Map

WASCO COUNTY, OR

ST-407b

(#114)

Taxlot
5S16E0900

Taxlot
5S16E01300

- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Field Delineated Stream

DSL WD# 2024-0071
Approval Issued: 10/22/2025
Approval Expires: 10/22/2030

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TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic

Reference Map

1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Park

Figure 5.1.25
Wetland Delineation Map

WASCO COUNTY, OR

Taxlot
5S16E0900

ST-426

(#116)

Taxlot
5S16E01300

- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Field Delineated Stream

DSL WD# 2024-0071
Approval Issued: 10/22/2025
Approval Expires: 10/22/2030

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TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic

Reference Map

1:2,400

WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Park

Figure 5.1.26
Wetland Delineation Map

WASCO COUNTY, OR

Study Area

Taxlot Boundary

Photo Point (# Photo Number)

DSL WD# 2024-0071
Approval Issued: 10/22/2025
Approval Expires: 10/22/2030

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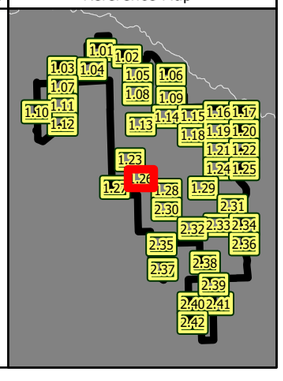
TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources	Reference Map
Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic	

1:2,400 WGS 1984 UTM Zone 10N 0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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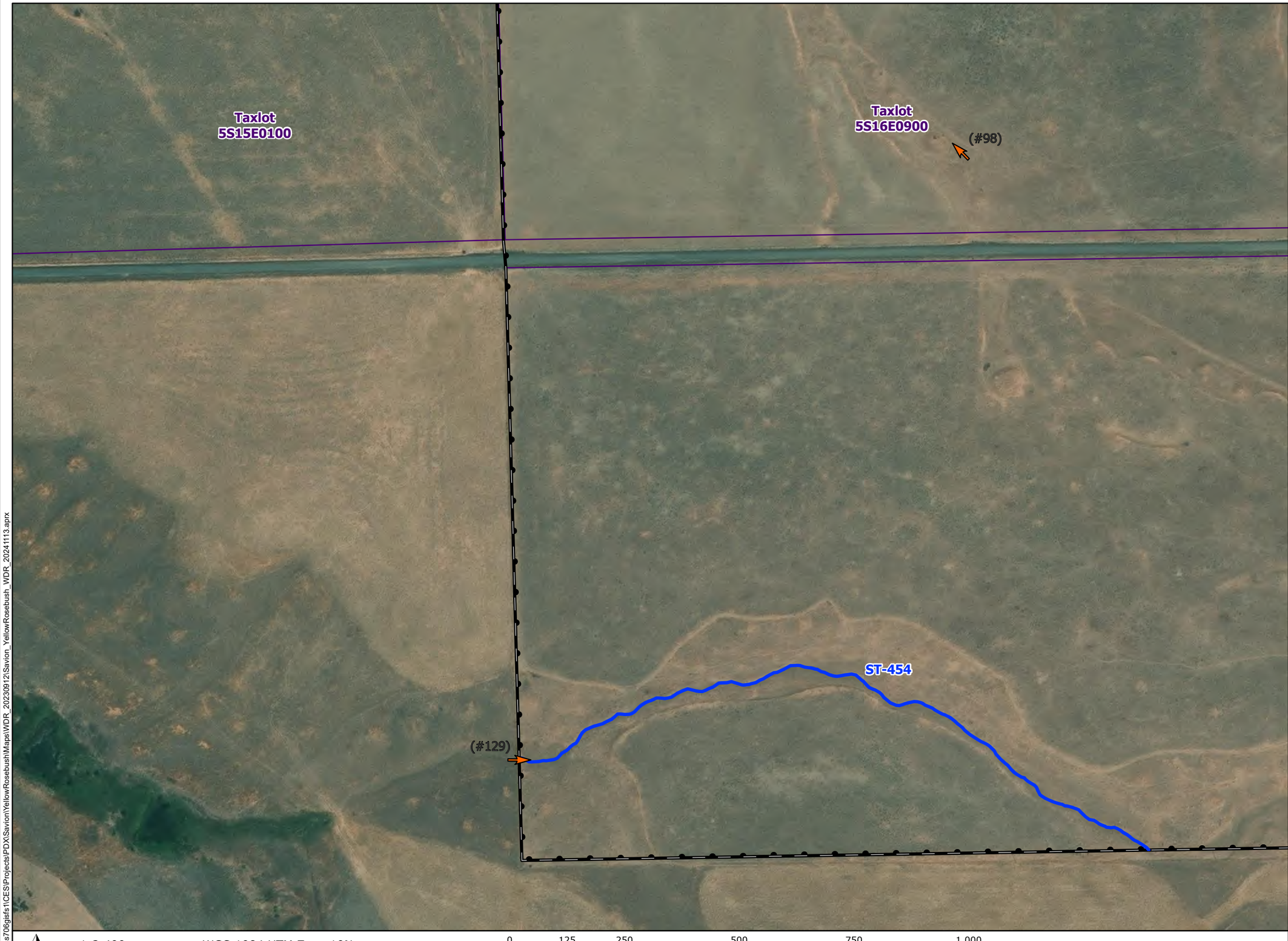

Yellow Rosebush Energy Park

Figure 5.1.27
Wetland Delineation Map

WASCO COUNTY, OR

- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Field Delineated Stream

DSL WD# 2024-0071
Approval Issued: 10/22/2025
Approval Expires: 10/22/2030

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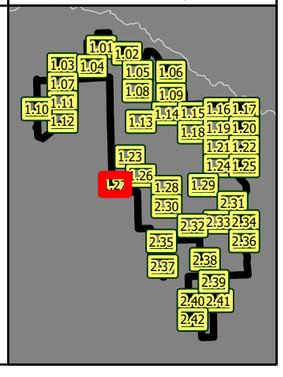
TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic

Reference Map



1:2,400

WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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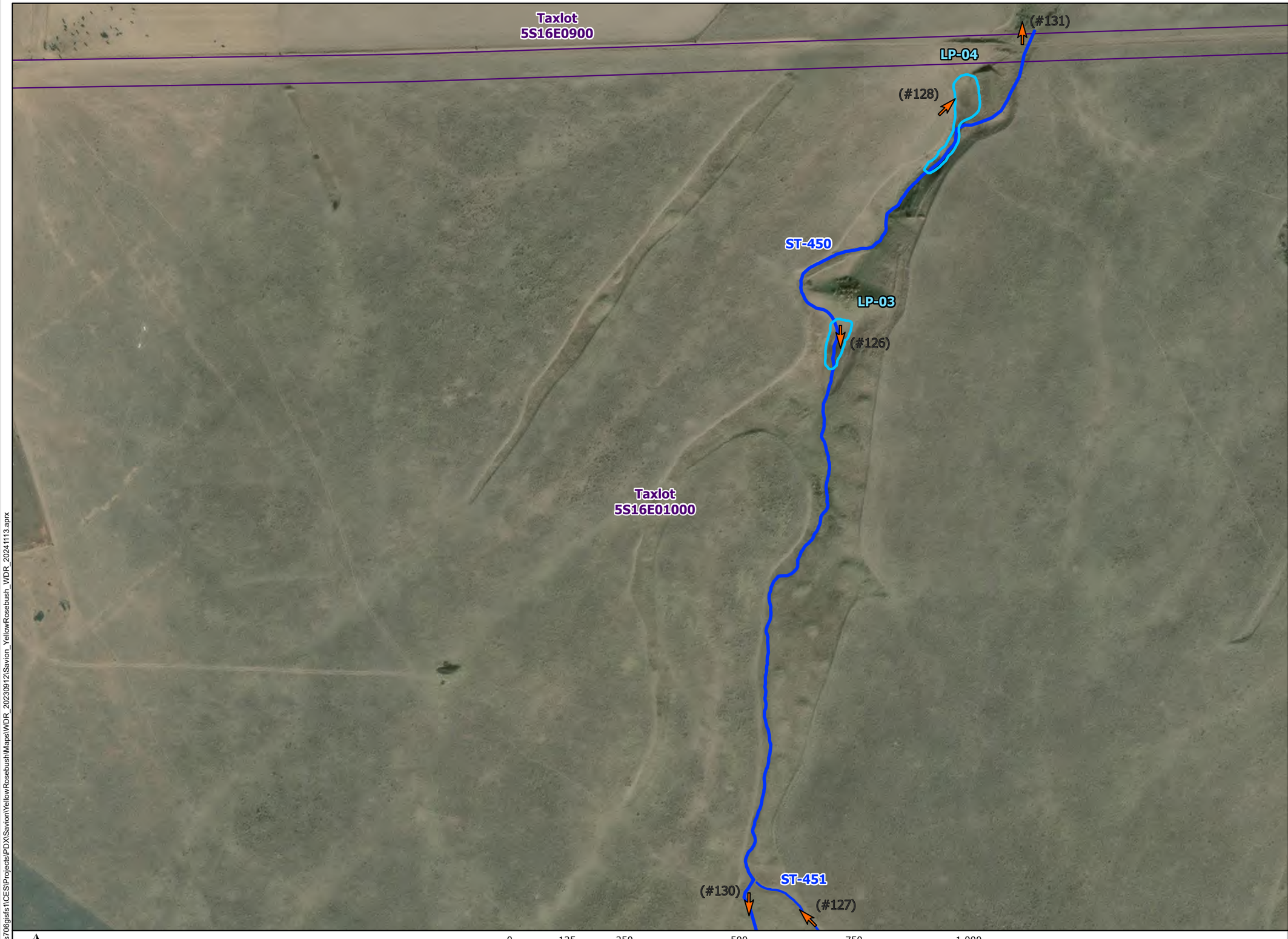

Yellow Rosebush Energy Park

Figure 5.1.28
Wetland Delineation Map

WASCO COUNTY, OR

- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Field Delineated Stream
- Desktop Delineated Other Water Feature

DSL WD# 2024-0071
Approval Issued: 10/22/2025
Approval Expires: 10/22/2030

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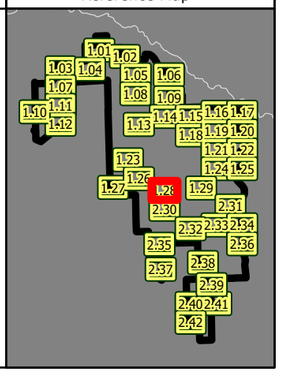
TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic

Reference Map



1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Park

Figure 5.1.29
Wetland Delineation Map

WASCO COUNTY, OR

- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Sample Plot

DSL WD# 2024-0071
Approval Issued: 10/22/2025
Approval Expires: 10/22/2030

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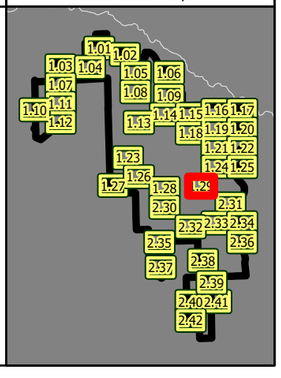
TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic

Reference Map



1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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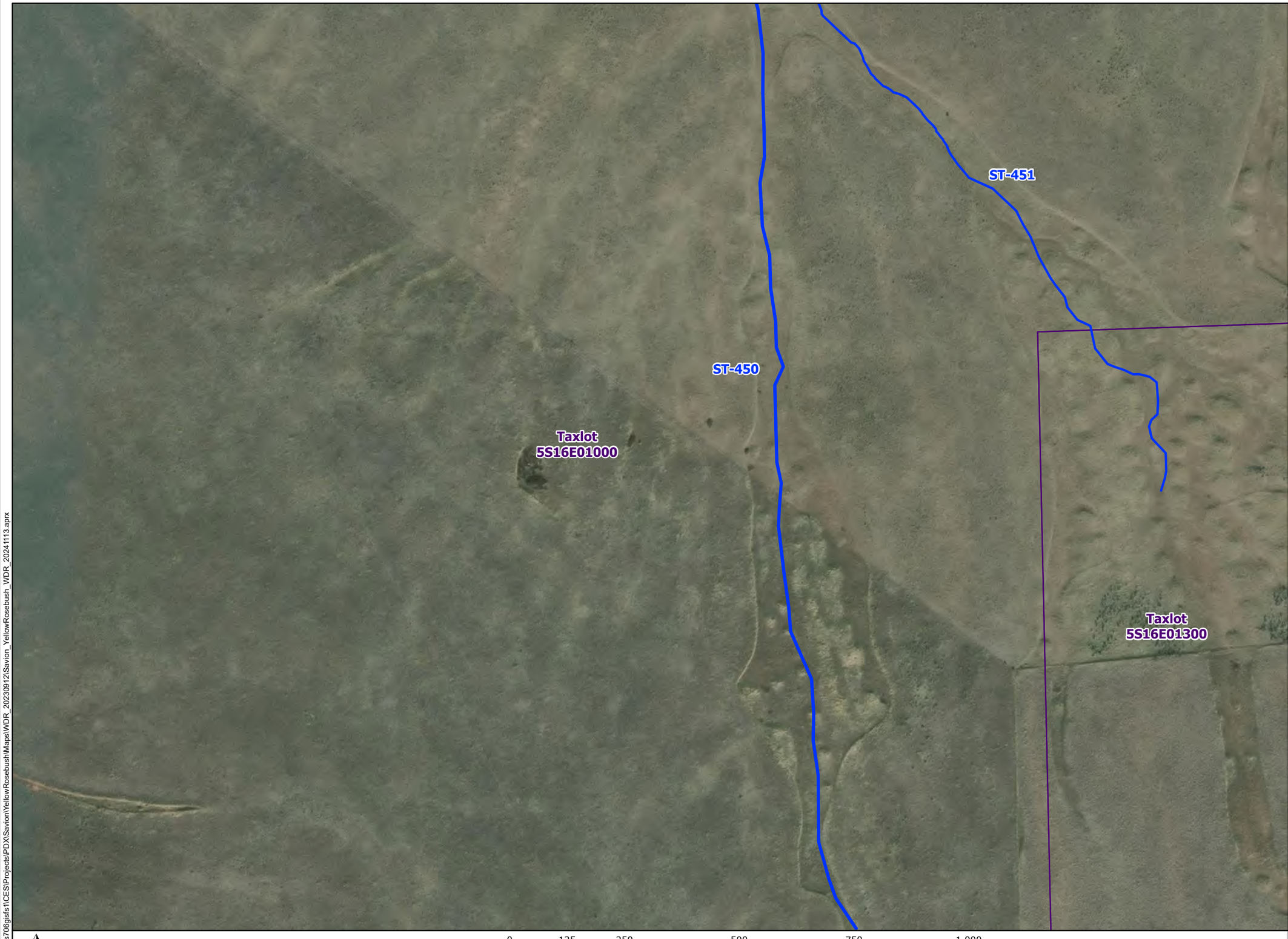

Yellow Rosebush Energy Park

Figure 5.2.30
Wetland Delineation Map

WASCO COUNTY, OR

- Study Area
- Taxlot Boundary
- Field Delineated Stream

DSL WD# 2024-0071
Approval Issued: 10/22/2025
Approval Expires: 10/22/2030

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TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources	Reference Map
Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic	

1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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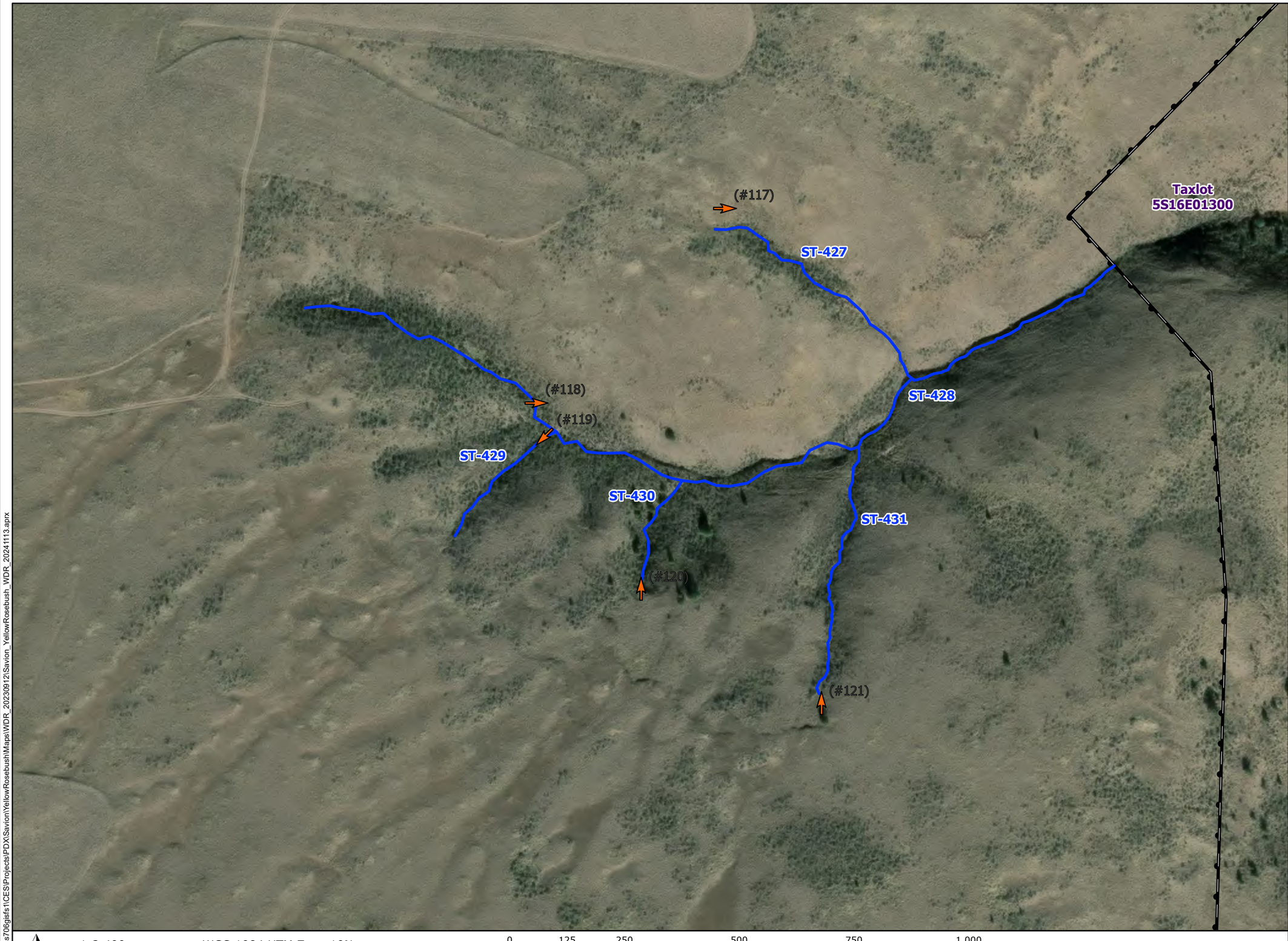
Yellow Rosebush Energy Park

Figure 5.2.31
Wetland Delineation Map

WASCO COUNTY, OR



- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Field Delineated Stream

DSL WD# 2024-0071
Approval Issued: 10/22/2025
Approval Expires: 10/22/2030

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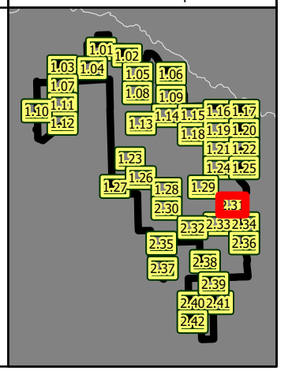
Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic

Reference Map



1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Park

Figure 5.2.32
Wetland Delineation Map

WASCO COUNTY, OR

- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Sample Plot
- Field Delineated Wetland

DSL WD# 2024-0071
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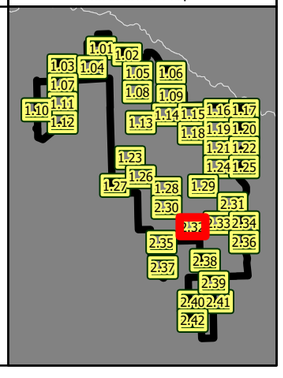
TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic

Reference Map



1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Park

Figure 5.2.33
Wetland Delineation Map

WASCO COUNTY, OR

- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Sample Plot
- Field Delineated Stream
- Field Delineated Wetland

DSL WD# 2024-0071
Approval Issued: 10/22/2025
Approval Expires: 10/22/2030

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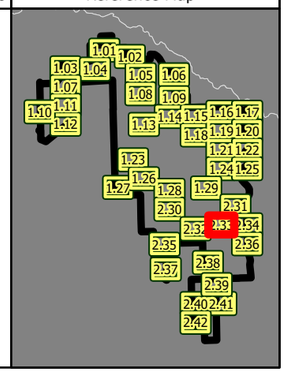
TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic

Reference Map



1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Park

Figure 5.2.34
Wetland Delineation Map

WASCO COUNTY, OR

- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Field Delineated Stream

DSL WD# 2024-0071
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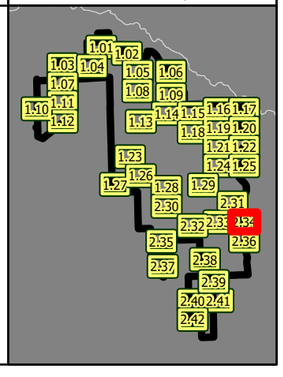
Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic

Reference Map



1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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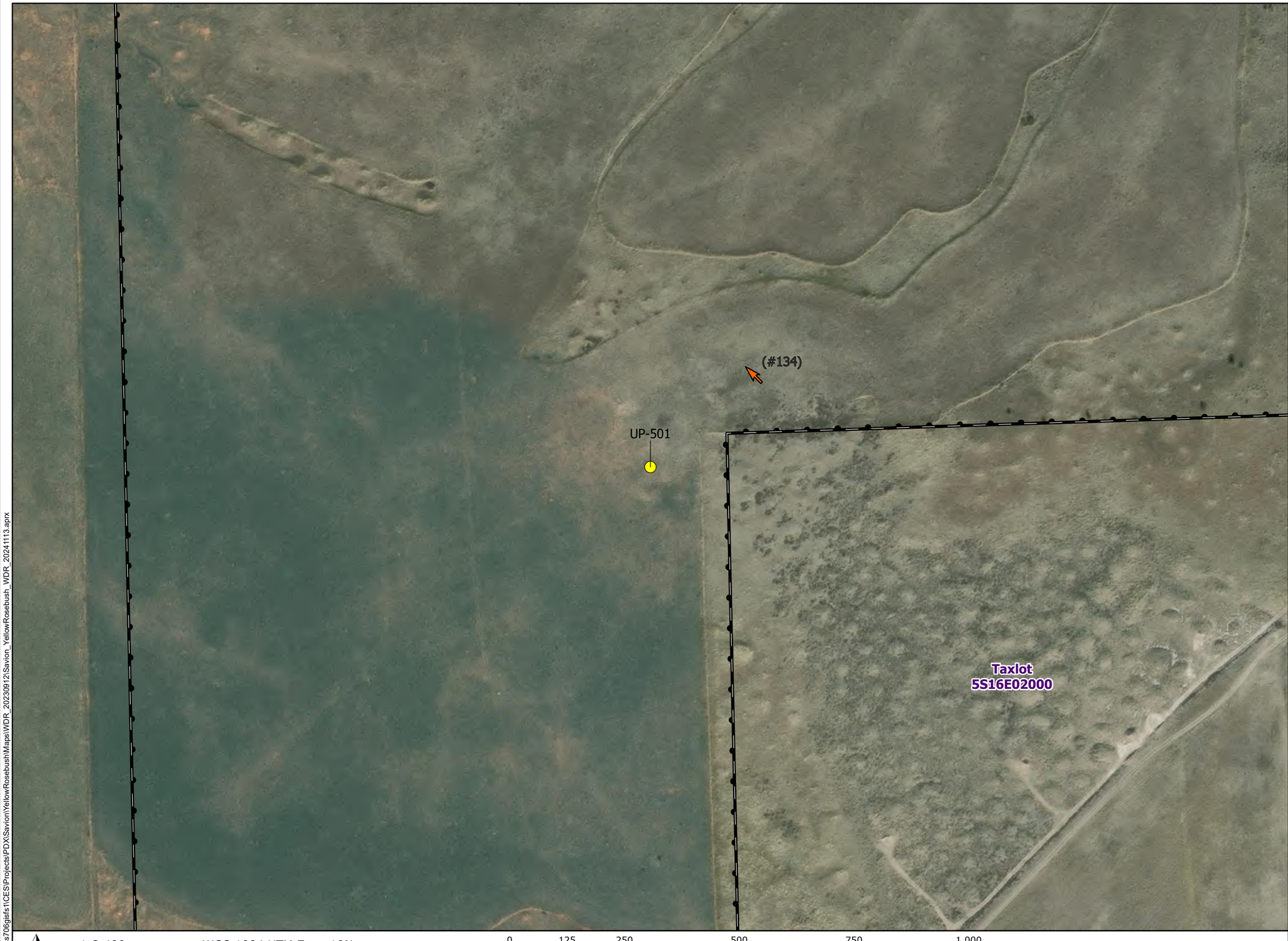
Yellow Rosebush Energy Park

Figure 5.2.35
Wetland Delineation Map

WASCO COUNTY, OR



- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Sample Plot

DSL WD# 2024-0071
Approval Issued: 10/22/2025
Approval Expires: 10/22/2030

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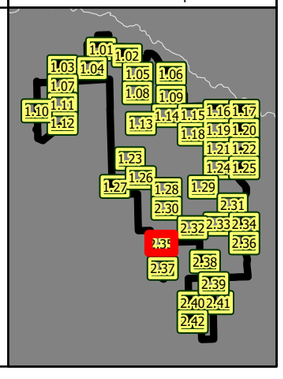
TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic

Reference Map



1:2,400 WGS 1984 UTM Zone 10N 0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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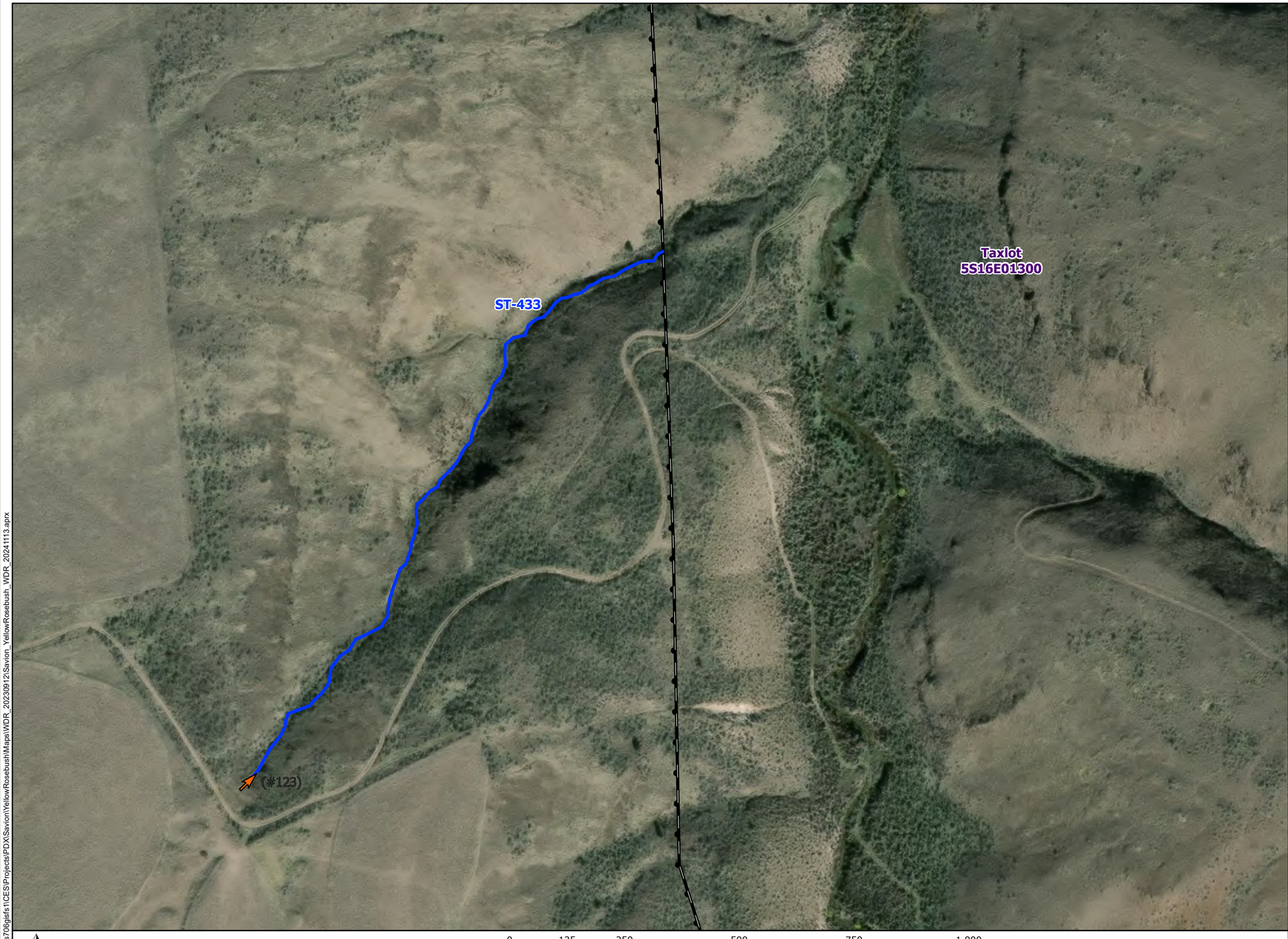

Yellow Rosebush Energy Park

Figure 5.2.36
Wetland Delineation Map

WASCO COUNTY, OR

- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Field Delineated Stream

DSL WD# 2024-0071
Approval Issued: 10/22/2025
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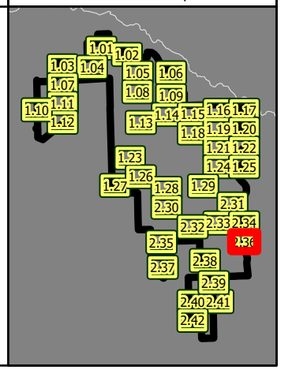
TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic

Reference Map



1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Park

Figure 5.2.37
Wetland Delineation Map

WASCO COUNTY, OR

- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Sample Plot

DSL WD# 2024-0071
Approval Issued: 10/22/2025
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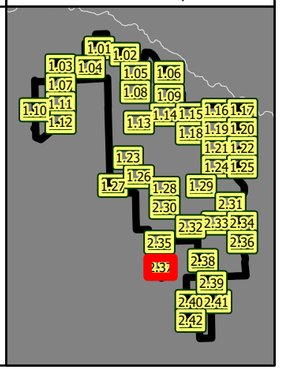
TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources	Reference Map
Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic	

1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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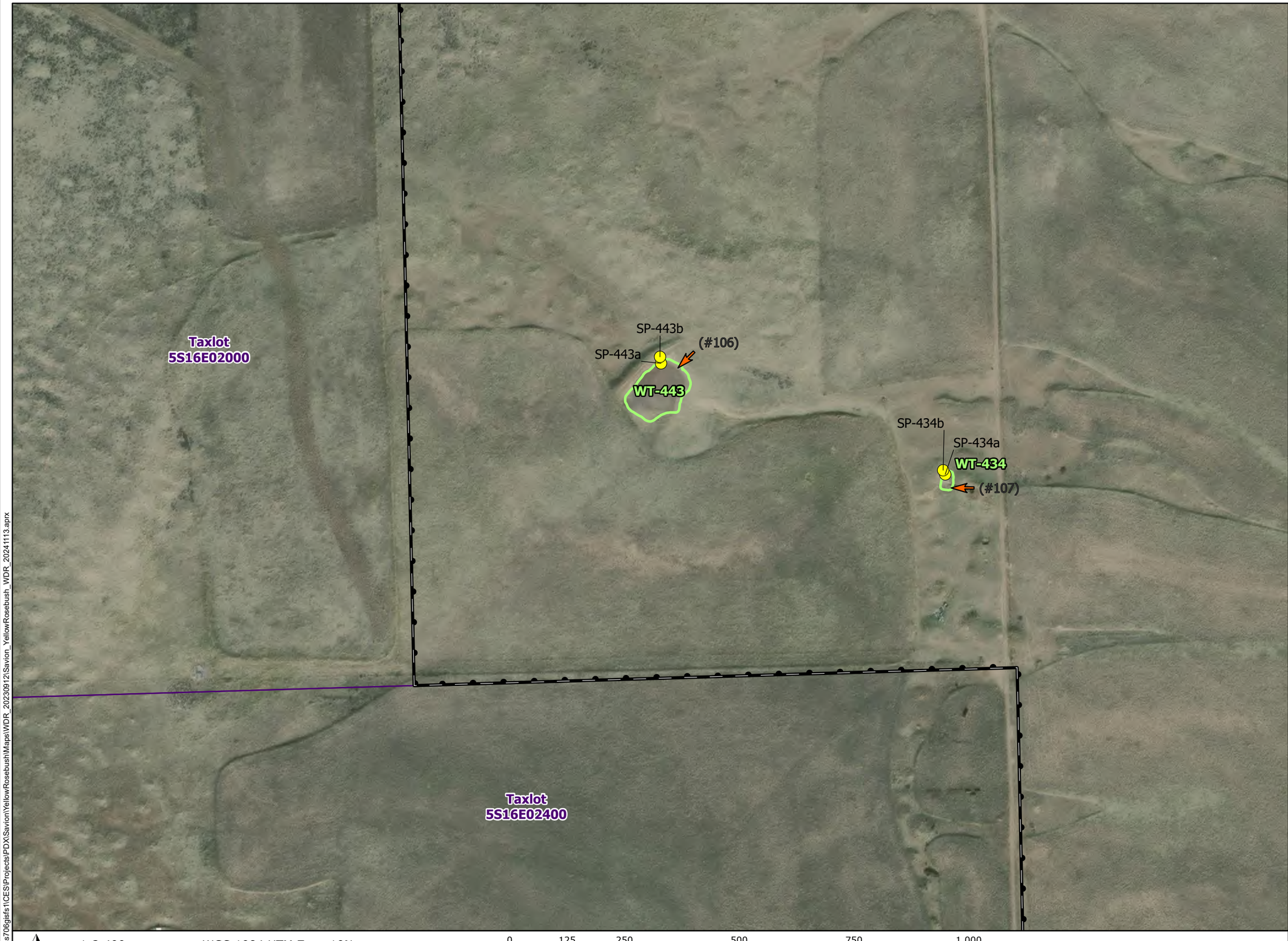
Yellow Rosebush Energy Park

Figure 5.2.38
Wetland Delineation Map

WASCO COUNTY, OR



- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Sample Plot
- Field Delineated Wetland

DSL WD# 2024-0071
Approval Issued: 10/22/2025
Approval Expires: 10/22/2030

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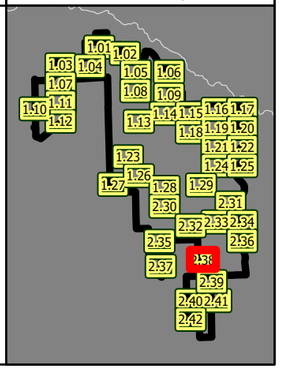
TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources	Reference Map
Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic	

1:2,400 WGS 1984 UTM Zone 10N 0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Park

Figure 5.2.39
Wetland Delineation Map

WASCO COUNTY, OR

Taxlot
5S16E02400

(#136)
OW-502
(#138)
WT-503
WT-502
(#137)
SP-502b
SP-502a
SP-501b
SP-501a
(#135)
WT-501

- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Sample Plot
- Field Delineated Stream
- Field Delineated Wetland

DSL WD# 2024-0071
Approval Issued: 10/22/2025
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TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic

Reference Map

1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Park

Figure 5.2.40
Wetland Delineation Map

WASCO COUNTY, OR

Taxlot
5S16E02300

3211.05 ft length,
3' max width

ST-447

(#125)

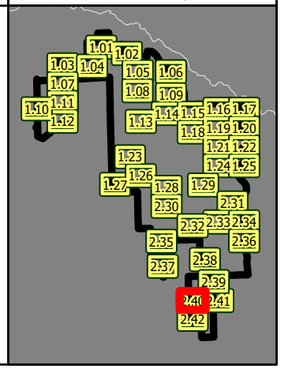
- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Field Delineated Stream

DSL WD# 2024-0071
Approval Issued: 10/22/2025
Approval Expires: 10/22/2030

All delineated wetlands and waters are considered to extend outside of the study area unless otherwise noted

Wetland boundaries, sample plots, and photo points were collected using a sub-meter grade GPS device collecting real-time, sub-meter GNSS data. Mapped features are </= 1 meter of the ground location.

TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources	Reference Map
Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic	

1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

\\Cess706gisfs1\CES\Projects\PDX\Savion\YellowRosebush\Maps\WDR_20230912\Savion_YellowRosebush_WDR_20241113.aprx

Yellow Rosebush Energy Park

Figure 5.2.41
Wetland Delineation Map

WASCO COUNTY, OR

(#109)
(#108)
SP-445b
SP-445a
(#110)
WT-445

- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Sample Plot
- Field Delineated Wetland

DSL WD# 2024-0071
Approval Issued: 10/22/2025
Approval Expires: 10/22/2030

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TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic

Reference Map

1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

\\Cess706gisfs1\CES\Projects\PDX\Savion\YellowRosebush\Maps\WDR_20230912\Savion_YellowRosebush_WDR_20241113.aprx

Yellow Rosebush Energy Park

Figure 5.2.42
Wetland Delineation Map

WASCO COUNTY, OR

Taxlot 5S16E02300

ST-447

3211.05 ft length,
3' max width

(#111)

(#124)

SP-446

(#112)

- Study Area
- Taxlot Boundary
- Photo Point (# Photo Number)
- Sample Plot
- Field Delineated Stream

DSL WD# 2024-0071
Approval Issued: 10/22/2025
Approval Expires: 10/22/2030

All delineated wetlands and waters are considered to extend outside of the study area unless otherwise noted

Wetland boundaries, sample plots, and photo points were collected using a sub-meter grade GPS device collecting real-time, sub-meter GNSS data. Mapped features are </= 1 meter of the ground location.

TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Data Sources

Savion-Project Infrastructure; Tiger-Roads; ESRI-Topographic

Reference Map

1:2,400 WGS 1984 UTM Zone 10N

0 125 250 500 750 1,000 Feet

NOT FOR CONSTRUCTION

\\Cess706gisfs1\CES\Projects\PDX\Savion\YellowRosebush\Maps\WDR_20230912\Savion_YellowRosebush_WDR_20241113.aprx

Outlook

Re: YRB - Legal Parcel Status Check

From Sean Bailey <seanb@co.wasco.or.us>
Date Tue 10/7/2025 3:57 PM
To ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>
Cc SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Good afternoon all,

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

Thanks

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

> Morning Sean,
>
> We identified an additional parcel that had not been evaluated by the Yellow Rosebush applicant team. Could you confirm if the evaluation of legal parcel status is accurate?
>
> Tax lot 04S15E00000100 ODOM, BETTY JEAN ETAL is located in Wasco County, will be crossed by the alternate gen-tie line and is subject to WCLUDO Section 1.030. Please see our updated deed history for this tax lot below:
>
> **Table K-1. Legal Status of Parcels within the Facility Site Boundary**
>
> | **Township, Range, Section, Tax Lot** | **Account #** | **Approximate Acres within Site Boundary** | **Legal Parcel** | **Deed History** |
> |---|---|---|---|---|
> | 4S 15E 0 0100 | 12333 | 3,575 | Yes | Pre-1974 Deed #: Book 138, Pages 190-192, dated 10/23/1958 (with portion removed by Book 113, Page 50); Current Deeds #: 2006-001633, |

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

Thank you,
Sarah

Sarah T. Esterson
Senior Policy Advisor

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

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

Hi Kate,

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

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

04S15E00000300

04S15E00000301

04S15E00002100

04S15E00002200

04S15E00003200

04S15E00003400

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

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

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

Thanks,

Linsey McLane-Godwin (she/her) | Environmental Planner | **Part-Time Remote: Hours 9AM to 4PM (Pacific Time)**
Office **+1 (503) 721-7215** | Mobile **+1 (541) 714-3060** | linsey.mclanegodwin@tetratech.com

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From: McLaneGodwin, Linsey
Sent: Wednesday, September 24, 2025 2:32 PM
To: 'SLOAN Kathleen * ODOE' <Kathleen.SLOAN@energy.oregon.gov>
Cc: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>; TARDAEWETHER Kellen * ODOE <Kellen.TARDAEWETHER@energy.oregon.gov>; Watson, Jeff SAVI-DRN/X <jwatson@savionenergy.com>; Powers, Chris SAVI-DRN/X <cpowers@savionenergy.com>; Fossum, Linnea <Linnea.Fossum@tetratech.com>
Subject: RE: YRB - Additional questions/info requests - Land use

Hi Kate,

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

Thanks,

Linsey McLane-Godwin (she/her) | Environmental Planner | **Part-Time Remote: Hours 9AM to 4PM (Pacific Time)**
Office **+1 (503) 721-7215** | Mobile **+1 (541) 714-3060** | linsey.mclanegodwin@tetratech.com

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From: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
Sent: Wednesday, September 24, 2025 1:46 PM
To: Powers, Chris SAVI-DRN/X <cpowers@savionenergy.com>; Watson, Jeff SAVI-DRN/X <jwatson@savionenergy.com>; McLaneGodwin, Linsey <linsey.mclanegodwin@tetratech.com>; Fossum, Linnea <linnea.fossum@tetratech.com>
Cc: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>; TARDAEWETHER Kellen * ODOE <Kellen.TARDAEWETHER@energy.oregon.gov>
Subject: YRB - Additional questions/info requests - Land use

⚠️ **CAUTION:** This email originated from an external sender. Verify the source before opening links or attachments. ⚠️

Hi All,

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

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

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

Can you confirm?

Thanks

Kate

--

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

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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.

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

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422 Admiral Blvd, Kansas City, MO 64106
www.savionenergy.com

October 20, 2025

Via Email
Kathleen Sloan
Oregon Department of Energy
550 Capitol St. NE, 1st Floor
Salem, OR 97301

Re: Yellow Rosebush Energy Center – Draft Proposed Order

Dear Ms. Sloan:

Thank you for the opportunity to provide these comments on behalf of Yellow Rosebush Energy Center, LLC (Applicant). We appreciate working with Oregon Department of Energy (ODOE) and look forward to the continued process with the Department and the Oregon Energy Facility Siting Council (EFSC).

Overall, the Applicant agrees with the findings and proposed conditions in the Draft Proposed Order (DPO) on the final Application for Site Certificate (fASC) for the Yellow Rosebush Energy Center (Facility). We appreciate the hard work that has gone into reviewing and analyzing this project on the part of ODOE as well as other state agencies. We have a few comments and requests for your consideration. Below is a summary of our comments.

Requested Changes to the Draft Site Certificate:

- **CON-RF-01 and OPR-RF-01/ Recommended Retirement and Financial Assurance Condition 5 (CON) and 6 (OPR)**

  Although these requirements for adjustment to the decommissioning cost estimate are generally standard and understood, Subsection (c) contains a new clause reserving to the Department and Council "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." The Applicant respectfully requests that the Department clarify the rationale for this clause, which seems to allow the Department to modify the retirement cost estimate at its discretion. Such a modification could result in significant cost to the Certificate Holder to maintain a higher bond amount without definition as to the circumstances under which such a change would be considered. The Applicant notes that the submitted decommissioning cost estimate was established by professional estimators with decades of industry experience, in accordance with Council precedent as well as published standards. The Applicant requests that subsection (c) either be removed or be revised to clarify where or when such an adjustment might be required.

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- **PRE-FW-03, PRE-FW-04, PRE-FW-07**
  The Applicant requests that these conditions be modified to include phasing options similar to PRE-FW-01 and PRE-FW-02:

  Prior to construction of the facility, facility component or phase, as applicable, 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.

  Prior to construction of the facility, facility component or phase, as applicable, 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.

  Prior to construction of the facility, facility component or phase, as applicable, 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.

  Further, in light of the potential need to reassess mitigation quantities and ratios post-construction, the Applicant requests that the condition language or Draft Habitat Mitigation Plan, or both, acknowledge the potential that the plan may be modified during construction and operation of the facility (i.e., after the "final" HMP has been approved).

- **PRE-NC-01 / Recommended Noise Control Condition 1 (PRE)**
  The Applicant requests that this condition be modified to specify that these copies are required only where there are exceedances. Suggested revision:

  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) for each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance with [criteria]".

Requested Changes to the Draft Proposed Order:

- **IV.E.1.3 - Goal 3 Exception reasons** – The Applicant appreciates and agrees with ODOE's recommendation overall that the Council find there are sufficient reasons to justify granting an exception to Goal 3 for construction of this energy facility. However, we feel that some information provided in the ASC was not given sufficient weight in the overall analysis and would like to re-emphasize certain points. Specifically, important facts related to local economic benefits were not fully addressed in the DPO, and the findings regarding minimal impacts to resources protected by council standards are not consistent with precedent or with findings in other sections of the DPO. Additional detail regarding the Goal 3 exception is provided below.

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- **IV. M.2.2 – Water Service**
  The Applicant requests that Table 22 be corrected to reflect a total estimated construction use of 54.5 Mgal (not 46.8 Mgal, which is the amount required for dust control only). Further, the text immediately following Recommended Public Services Condition 1 on p. 202 should be corrected as follows:

  Water during operation would ~~not~~ be provided by a public ~~or private~~ service provider or through an approved on-site well.

- **IV.N.1.1 - Areas Subject to Heightened Risk of Wildfire and High-Fire Consequence Areas**
  Paragraph 2 indicates there is a discrepancy regarding the number of homesites within and near the site boundary. The Applicant notes that the analysis area for wildfire and land use (the area within and extending 0.5 mile from the site boundary) is different from the analysis area for noise (the area within and extending 1 mile from the site boundary). There are 4 residences within 0.5 mile of the site boundary plus two homesites within the site boundary, one of which would be removed prior to construction (note that the Applicant inadvertently misstated the number of homesites inside the site boundary in one location of Exhibit V). The 1-mile analysis area for noise includes 12 residences (see Figure Y-3). Only 6 of these residences are within the 0.5-mile analysis area for wildfire, not seven (DPO p. 215). Therefore, the number of homesites within the analysis area for wildfire should be updated here to reflect the appropriate analysis area by cited standard. The revised text should read as follows:

  ASC Exhibit V indicates that there are four homesites within the analysis area outside of the site boundary, and two homesites within the site boundary, ~~with one homesite within the proposed solar micrositing area that~~ one of which would be removed prior to construction.[1] ~~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.~~

Goal 3 Discussion:

The Applicant appreciates ODOE's recommendation that the Council find that an exception to Statewide Planning Goal 3 is justified. However, only two of the five reasons presented in the ASC were found to be sufficient. The Applicant asks that the Council consider the following additional detail regarding the other reasons as there is sufficient evidence provided to demonstrate that these reasons also should be found to support the Goal 3 exception. A summary of this evidence is provided here for further consideration.

Local Economic Benefit

The DPO acknowledges the minimal impact on the Wasco County agricultural economy that would result from taking this land out of agricultural use ($7,400 per year; ECOnorthwest 2024, p. 26). This is a negligible component of the agricultural economic output of Wasco County, and the Applicant agrees with the Department's determination that no mitigation for this impact is warranted.[1] However,

[1] On page 136 of the DPO, the Department found that "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

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operation of the facility would result in significant benefit to the local agricultural economy in the form of property taxes and in the form of direct, indirect, and induced economic benefit resulting from job creation and spending during operation of the facility. Although these dollars cannot be directly tied to specific impacts on the agricultural economy, it is undeniable that there will be a benefit to the County's agricultural economy that far exceeds the minimal impact resulting from taking the land out of agricultural production.

The ECOnorthwest economic impact analysis concluded that facility operations at full build out would support $10.8 million in indirect economic output, exclusively in the Wasco County economy (p. 12). This amount represents expenditures on goods and services by suppliers to the project. The goods and services required during project operation include equipment maintenance, which would generally be unrelated to the agricultural economy, as well as weed and vegetation management support, which are activities provided by the agricultural sector.

Although at this time the Applicant has not signed any contracts that would guarantee a specific dollar amount to be spent on specific goods and services within the local agricultural economy, there is important evidence in the ASC to demonstrate that operation of the facility would result in economic benefit to the agricultural economy in the area and specifically in Wasco County. This evidence includes the following:

- Though the specific suppliers for weed and vegetation management goods and services have not yet been determined, the Applicant provided an estimate based on reimbursement rates used by the Wasco County Soil and Water District. The estimate includes spending on ground spraying for weeds along with mowing to keep vegetation height down. These activities are estimated to cost $161,000 per year (which would be a portion of the total $10.8 million in indirect economic output estimated by ECOnorthwest from project operations). This is a conservative estimate in that the actual amount may well be much higher once contracts have been negotiated. These types of services are invariably provided by local companies and individuals and would not reasonably be procured from vendors out of the local area.

  Although it is not possible to provide signed contracts at this stage of project development and planning, the Applicant is currently in negotiations with local contractors to provide such services. It is clear that even with the conservative assumptions described above, operation of the facility will result in a significant net benefit to the local agricultural economy, with direct project spending as well as a portion of tax revenue to the County far exceeding the minimal loss to the agricultural economy resulting from taking these acres out of agricultural use.

- As noted in the DPO, the estimated property taxes paid to the County would result in an estimated $258 million over a forecasted 40-year operational lifetime, or an average of approximately $6.45 million per year (compared to an estimated $12,000 per year without the project). Wasco County's FY 2025 budget for all services, exclusive of a special project with the sheriff's office (Resolution Center), is $100,131,166. The Yellow

a reason that justifies an exception to Goal 3 for the proposed site."

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> Rosebush facility property tax payments would increase the County's budget by an average of more than 6 percent annually, a portion of which would benefit the farming community. It is notable that agricultural sales alone represent about 6 percent of the County's total economic output, not accounting for all of the economic activity associated with growing and managing the products sold. As a result, it is reasonable to assume that some percentage of the property taxes paid by the project would benefit the agricultural economy. For example, the Wasco County Fiscal Year 2025 Budget has a Public Works Fund for roads and weed and pest control, a Supplemental Road Fund for supplemental road service, a Road Reserve Fund, and a County Fair Fund. Construction and maintenance of roads used by farmers and their suppliers, weed and pest control, and the County Fair for showing and selling livestock all have strong ties to the agricultural economy. The exact amount of this tax payment that would directly benefit the farming community is not known and would be at the County's discretion, but even assuming only 1 percent of the tax payment benefits the agricultural economy, that would add up to over $60,000 per year. This is a very conservative estimate given the nature of Wasco County's economy and of County spending.

While the exact dollar amounts that will directly benefit the local agricultural economy during operations cannot be reliably calculated at this stage, a conservative estimate of the portion of project spending that would necessarily go back to the local farming community is over $220,000 ($161,000 + $60,000). This amount is more than 25 times ($7,400 x 25 = $185,000) the amount of estimated loss to the agricultural economy resulting from withdrawing these lands from agricultural activity and should be considered a net economic benefit to Wasco County's agricultural economy.

Minimal Impacts to Resources Protected by Council Standards

The Department recommends that because impacts to resources will require mitigation, that the Council find impacts to these resources are greater than minimal. This is inconsistent with Council findings on other recent solar projects, and also inconsistent with the EESE discussion on p. 145 of the DPO where the Department recommends that Council find impacts are not significant.

The operational facility is not expected to directly or indirectly impact any protected areas (IV.F.2), recreational opportunities (IV.L.2), soils (IV.D.2), or scenic resources (IV.J.2). 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 to provide their services (IV.M.3). The facility will be constructed and operated consistent with the Council's Waste Minimization Standard (IV.O.2) and Wildfire Prevention and Risk Mitigation Standard (IV.N.2). The facility will also avoid impacts to wetlands and waters of the state. Further, ODOE recommends that the Council find the facility is not likely to result in adverse impacts to threatened or endangered species.

Although under OAR 345-022-0090(2) the Council has the option of issuing a site certificate for this facility without making a finding regarding adverse impacts to historic, cultural, or archaeological resources, a thorough review of information developed on this topic led ODOE to recommend that the Council find that the facility is indeed not likely to result in adverse impacts to these resources.

The Department bases its conclusion that the facility does not meet the "minimal impacts" reason on the fact that there are adverse impacts to fish and wildlife habitat that require mitigation. The Applicant

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has worked extensively with ODFW to ensure that impacts to high quality habitat have been minimized, and that impacts that cannot be avoided entirely are mitigated. While the majority of the site is classified as Category 2, this classification results from the designation of the entire area as big game winter range; the majority of impacts (64 percent) will occur in habitat that would otherwise be classified Category 4 or Category 5. An additional 29 percent of permanent impacts will occur in habitat that would otherwise be classified as Category 3. However, the proposed mitigation ratios are based on the big game winter range classification, with the result that mitigation inside the fenceline is at a higher ratio than what would apply based solely on the quality of the underlying habitat. This mitigation approach aligns with ODFW recommendations and will result in a net benefit, in addition to no net loss, to habitat quality and quantity. As recommended by the Department, this mitigation approach is consistent with the mitigation goals of ODFW's Habitat Mitigation Policy.

The Council has previously found that impacts to resources including habitat and cultural resources, when mitigated, do not preclude a finding that the facility has minimal impacts to resources protected by Council standards. For example:

- West End Solar Project (Final Order, 2023, p. 94): "*Permanent impacts from this facility are to lands that are largely comprised of eastside grasslands and shrub-steppe, and are suitable for Washington Ground Squirrel and Laurence's milkvetch, although surveys did not find evidence that these species are present*." Impacts to fish and wildlife habitat required mitigation in accordance with ODFW's Habitat Mitigation Policy. However, the Council still found for this project that 'minimal impacts to resources protected by Council standards' was a reason that supported granting a Goal 3 exception for this facility.
- Madras Solar Energy Project (Final Order, 2021, p. 103): *"The surveys and literature review (which include general field reconnaissance, a review of topographic and geologic maps, aerial photographs, existing reports and studies, soil surveying (both web based and site specific), habitat categorization and wildlife surveys, wetland delineation, raptor and eagle nest surveys, and a pedestrian survey) support Council's findings that the site's uniqueness should be considered an acceptable reason to take an exception to Goal 3."* While the wildlife and raptor and eagle nest surveys identified that the facility avoided protected species, habitat mitigation was still required for permanent impacts to habitat, and a draft Habitat Mitigation Plan was required and submitted. Even with this habitat mitigation, the Council found that 'no impacts to other resources protected by Council standards' was a reason that supported granting a Goal 3 exception for this facility.
- Sunstone Solar Project (Final Order, November 18, 2024, p. 125): "*The construction and operation of the facility would result in some impacts to cultural resources of significance to the Confederated Tribes of the Umatilla Indian Reservation; however, the applicant has worked with the Tribes to identify appropriate mitigation and the Tribes have indicated that their concerns have been addressed*." Although there are impacts to resources protected by Council standards, because these impacts are mitigated, the Council accepted the argument that the 'minimal impacts' reason is one of the reasons to justify an exception to Statewide Planning Goal 3.

The DPO states on p. 143 that it is only appropriate to rely on the 'minimal impacts to other resources' reason "when a facility avoids all potentially significant impacts to resources, and no additional mitigation is required to demonstrate compliance with the Council's standards." This statement is not

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consistent with the Council's findings on prior solar projects, as demonstrated by the examples above. We respectfully request that the Department make its recommendations in light of these prior precedents.

While we acknowledge and appreciate that the Department has recommended granting an exception to Statewide Planning Goal 3 based on two reasons (locational dependency and lack of impact to high-value farmland) and believe those reasons are sufficient to support a Goal 3 exception, we believe the DPO does not capture the strength of the other reasons listed above and respectfully request that the Council consider relying on the above "reasons" in addition to locational dependency and lack of impact to high-value farmland in light of this information.

Thank you for your consideration and please let us know if you would like to discuss any of these requests. 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,

Signed by:
Jeff Watson
DD2DA4D86792483...

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.

OPTION AGREEMENT FOR CONSERVATION EASEMENT

THIS OPTION AGREEMENT FOR CONSERVATION EASEMENT ("**Agreement**") is made and dated as of the date of execution hereby by the final party to sign the Lease (the "**Effective Date**") by and between TYGH RIDGE RANCH L.L.C., a Washington limited liability company ("**Owner**"), and YELLOW ROSEBUSH ENERGY CENTER, LLC, a Delaware limited liability company, or its designee ("**Grantee**"). Each of Owner and Grantee is sometimes referred to as a "**Party**" and collectively as the "**Parties.**"

RECITALS

A. Owner owns the real property located in Wasco County, Oregon and legally described on Exhibit A attached hereto (the "**Property**").

B. Grantee intends to construct and operate a solar energy generation facility located in Wasco County, Oregon, and commonly known as the Yellow Rosebush Energy Center (the "**Project**").

C. In connection with development of the Project, Grantee may be subject to certain habitat mitigation requirements and Grantee may be able to satisfy some or all of those requirements through the recordation of a conservation easement against the Property.

D. Accordingly, Grantee seeks from Owner, and Owner is willing to grant to Grantee, an exclusive, irrevocable option and right (without any obligation) to enter into a long-term conservation easement held by a third-party holder in accordance with Oregon law, on the Property or a portion thereof to be identified in Grantee's Notice of Exercise (defined below), all upon the terms and conditions set forth in this Agreement.

NOW, THEREFORE, in consideration of these premises and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner and Grantee agree as follows:

AGREEMENT

1. EXCLUSIVE OPTION. Owner grants Grantee the exclusive right and option (the "**Option**") during the Option Term (defined below) to enter into one or more conservation easements in substantially the form attached hereto as Exhibit B as same may be modified to comply with applicable law, the requirements of any regulatory agency, or both (the "**Conservation Easement**") for the use of the Property, or any portion thereof, for conservation purposes related to a solar energy generation system (the "**Project**").

1.1 **Exercise of Option**. Grantee may exercise the Option, from time to time, by delivering a written notice of exercise of the Option in the form set forth in Exhibit C (each, a "**Notice of Exercise**") to Owner by no later than 5:00 p.m., Pacific Time, on the date the Option Term (defined below) expires (the "**Termination Date**").

1.2 **Lapse of Option**. This Agreement shall automatically terminate, without further action by any Party or the necessity of any notice, or execution or recording of any further documentation, and the rights granted by Owner to Grantee in this Agreement shall be of no further force or effect with

respect to any portion of the Property for which a Notice of Exercise has not been delivered to Owner within the time required by Section 1.1.

2. TERM. This Option will become effective on the Effective Date and will end on the date that is six (6) years after the Effective Date, unless earlier terminated in accordance with the provisions herein or extended pursuant to this Agreement or by a writing signed by both Parties ("**Option Term**"). Grantee shall have the right to extend the Option Term for two (2) additional, consecutive periods of one (1) year each and shall exercise such extension options, if it all, by delivering a written notice to Owner on or before the last day of the Option Term (as the same may previously have been extended). The Option Term shall also terminate upon the date of commencement of the Conservation Easement made effective by the exercise of the Option.

3. FEASIBILITY STUDIES; GRANT OF LICENSE.

3.1 **Feasibility Studies**. During the Option Term, and at Grantee's sole cost, Grantee and Grantee's employees, contractors, agents, licensees and consultants (collective, the "**Grantee Parties**") shall be entitled to make such investigations, examinations, and studies of the Property as Grantee deems necessary or desirable ("**Feasibility Studies**"), including, without limitation, site surveys; reviewing the condition of title, any lease or sublease affecting the Property, any contract or other commitment with respect to the Property, soil properties, environmental conditions, and the status of habitat and endangered or threatened species on the Property; investigating and pursuing land use, permitting and energy development regulatory matters. During the performance of Feasibility Studies, Grantee shall cause the Grantee Parties to use commercially reasonable efforts to prevent disturbance of Owner's ongoing operations on the Property. In addition, Grantor shall permit representatives of regulatory agencies having jurisdiction over the Project, Grantee's proposed habitat mitigation plan with respect to the Property, or both to enter and inspect the Property in connection with their evaluation of the suitability of the Property.

3.2 **Owner's Reports**. During the Option Term, Owner shall give Grantee reasonable access to review any surveys, title reports, surface reports (*i.e.,* soil, drainage, geotechnical, environmental and flood control reports) ("**Owner's Reports**") that Owner has in its possession or under its control. Within thirty (30) days after the Effective Date, Owner shall (a) deliver to Grantee copies of the Owner's Reports that are in Owner's possession as of the Effective Date, and (b) instruct any third party in possession of other Owner's Reports to provide to Grantee copies of each such report.

3.3 **License**. Owner grants to Grantee and the Grantee Parties for the entire Option Term, an irrevocable license to enter, access and use the Property for the purposes of conducting Feasibility Studies, together with a right of ingress and egress on, over, and across the Property for such purposes ("**License**").

4. EXCLUSIVITY. During the Option Term, Owner shall not grant a license, easement, option, leasehold, or other rights to the Property to any person, utility, or other entity, nor permit any third party to undertake activities on the Property, or otherwise encumber the Property in a manner that is inconsistent with Grantee's rights hereunder, that might materially reduce the Property's value as habitat mitigation or interfere with Grantee's ability to implement a habitat mitigation plan with respect to the Property, or that would be inconsistent with the Conservation Easement. Owner, however, expressly reserves the right to (i) use the Property during the Option Term subject to and in a manner that is consistent with Grantee's exercise of its rights under the License and this Agreement, provided, however, that in no event shall Owner do anything with or to the Property that might materially reduce its value as habitat mitigation or interfere with Grantee's ability to implement a habitat mitigation plan with respect to the Property and (ii) sell or otherwise transfer the Property subject to this Agreement and Grantee's rights hereunder.

5. **OPTION FEES.** As consideration for the Option and all rights granted to Grantee pursuant to this Agreement, Grantee shall make an annual payment [redacted]

6. **PURCHASE PRICE.** The purchase price for the Conservation Easement at each closing shall be equal to [redacted]

7. **DEFAULT; TERMINATION.**

7.1 **Defaults**. Each of the following events shall constitute an event of default by the Parties and shall permit the non-defaulting Party to terminate this Agreement and pursue all other appropriate remedies.

(a) The failure or omission by Grantee to pay any amount required to be paid hereunder when due, and such failure or omission has continued for ten (10) days after the date Grantee receives written notice from Owner of such failure or omission to pay; or

(b) The failure or omission by any Party to observe, keep, or perform any of the other terms, agreements, or conditions set forth in this Agreement, and such failure or omission has continued for thirty (30) days, or such longer period required to cure such failure or omission, not to exceed ninety (90) days if such failure or omission cannot reasonably be cured within such thirty (30)-day period, after written notice from the other Party.

7.2 **Termination by Grantee**. Grantee, at its sole and absolute discretion, shall have the right to terminate this Agreement at any time immediately upon written notice to Owner. Any termination of this Agreement, whether by an event of default or pursuant to the terms of this Agreement,

shall also terminate any obligation of Grantee to pay any Option Fee due after the termination date. Owner shall be entitled to retain the full amount of any Option Fee paid prior to the termination date.

7.3 **Effect of Termination**. If Owner and Grantee do not execute the Conservation Easement prior to the Termination Date, then following the Termination Date Grantee shall cause the Memorandum (as defined below) to be released or otherwise discharged.

8. CONFIDENTIALITY. Owner shall maintain in confidence, for the sole benefit of Grantee, all information pertaining to this Agreement, Grantee's methods of operation, methods of construction, methods of power production, whether disclosed by Grantee or discovered by Owner, as applicable, unless such information either (i) is in the public domain by reason of prior publication through no act or omission of Owner, or (ii) was already known to Owner at the time of disclosure.

9. REPRESENTATIONS, WARRANTIES, AND COVENANTS OF OWNER. Owner makes the following representations and warranties to Grantee, which representations and warranties shall be effective as of the execution of this Agreement, and shall continue to be effective at and survive commencement of any Conservation Easement:

(a) Owner has the full power and authority to enter into and consummate this Agreement and the Conservation Easement with respect to its ownership interest in the Property. Owner is the sole owner of the Property.

(b) As of the Effective Date, Owner's interest in the Property may be subject to one or more encumbrances recorded in the real property records of Wasco County, Oregon. Owner agrees that, in the event the Option is exercised, and at the request of Grantee, Owner will use commercially reasonable efforts to obtain any consent, non-disturbance, or cooperation agreement from lien holders and any and all other persons having an interest in the Property at the time each Notice of Exercise is delivered. To Owner's knowledge, there are no unrecorded agreements affecting the Property.

(c) No litigation, bankruptcy proceeding, or condemnation of or relating to the Property is pending and, to the best of Owner's knowledge, no litigation or administrative actions are proposed, threatened, or anticipated with respect to any matter affecting the Property. If Owner learns of any litigation or administrative action proposed, threatened, or instituted with respect to the Property prior to delivery of a Notice of Exercise, Owner shall promptly deliver notice thereof to Grantee.

(d) To the best of Owner's knowledge, the Property, and Owner's title to and use thereof, is currently in full and complete compliance with all governmental laws, ordinances, orders, rules, and regulations applicable to the Property.

10. CLOSING. If Grantee exercises the Option in the manner and at the time herein set forth, the conveyance of the Conservation Easement will close, in escrow, at the offices of a title company selected by Grantee (the "**Title Company**") on the date designated in a Notice of Exercise (the "**Closing Date**"), which date shall be not later than fifteen (15) business days after the date of Grantee's Notice of Exercise. On the Closing Date:

10.1 Owner shall execute and deliver to Grantee or Grantee's nominee, and the designated holder thereof the Conservation Easement and shall execute, acknowledge, and deliver the memorandum of the Conservation Easement contemplated therein.

10.2 Grantee shall pay to the Title Company (as closing agent) the balance due on the Purchase Price, which will be paid to Owner by Title Company upon recording of the Conservation Easement.

10.3 Each party shall pay one-half of the escrow fee charged by the Title Company in connection with this transaction. Grantee shall pay the cost of recording the memorandum of the Conservation Easement and any other costs of Closing.

10.4 Owner and Grantee shall deliver such other instruments as are customarily executed in the County and State where the Property is located to effectuate the granting of the Conservation Easement.

11. ASSIGNMENT. Grantee shall have the right to assign its interest in this Agreement without the consent of Owner. No such assignment shall relieve Grantee of its obligations under this Agreement unless Grantee assigns in writing, and the assignee assumes in writing, Grantee's entire interest hereunder, in which event Grantee shall have no continuing liability under this Agreement from and after the effective date of such assignment and assumption.

12. EFFECT OF AGREEMENT. The Parties intend that this Agreement creates a valid right in favor of Grantee to use the Property described in each Notice of Exercise on the terms set forth in the Conservation Easement. Therefore, upon recording of the Memorandum in the real property records of Wasco County, Oregon, the exclusive right and option granted to Grantee in Section 1 shall be deemed an encumbrance upon the Property that shall run with the land and shall be binding upon the Property, Owner, and its successors and assigns, and shall inure to the benefit of each of the Parties hereto and their respective successors and assigns. Owner covenants and agrees that during the Option Term, any conveyance, sale, or transfer of the Property or any interest therein, and any lien or encumbrance attached to the Property, shall be subject to Grantee's rights under this Agreement.

13. PERMITTING AND ENTITLEMENT WORK. During the Option Term, Owner shall reasonably assist and cooperate with Grantee, at no expense to Owner, in (i) complying with or obtaining any land use permits and approvals, and any other permits and approvals required for the Project and (ii) resolving title defects. Without limiting the generality of the foregoing, Owner agrees (a) upon Grantee's request, to execute, and, if appropriate, cause to be acknowledged and recorded, any application, document, map or instrument that is reasonably requested by Grantee in connection with the Project, (b) upon Grantee's request, to attend or send a representative to hearings and other meetings related to permits, (c) upon Grantee's request, to execute and deliver an estoppel certificate certifying as to the status of the Parties' performance under this Agreement, certified to Grantee and any third party lender, investor or other financing provider with whom Grantee has entered into or intends to enter into an agreement for the financing of the Project, and otherwise in form and substance reasonably acceptable to such Grantee and to such third-party lenders, investors or financing parties, and (d) not to interfere with or oppose any effort by Grantee to develop the Project. Grantee shall pay, directly or through reimbursement to Owner within thirty (30) days, all reasonable costs and expenses that may be incurred by or assessed to Owner, directly or indirectly, with respect to the matters set forth in this Section 13.

14. INDEMNITY. Grantee shall indemnify, defend, and hold Owner and Owner's partners, managers, employees, lenders, and affiliates harmless from and against all actions, claims, demands, expenses (including attorneys' fees and costs), and liabilities arising directly from Grantee's negligence or intentional misconduct in exercising Grantee's rights hereunder, except to the extent caused by the negligence or willful misconduct of Owner or Owner's invitees, or permittees.

15. MISCELLANEOUS PROVISIONS.

15.1 **Notices**. All notices, payments, and other communications to the Parties under this Agreement shall be delivered by (a) certified or registered mail (return receipt requested), (b) personal delivery, (c) nationally recognized courier service which provides written evidence of delivery; or (d) (excepting payment) electronic mail to the addresses below, or to such other addresses as the Parties may, by such notice, specify from time to time. Notice by certified or registered mail, personal delivery or courier services shall be deemed to have been received when delivered. Notice by electronic mail shall be deemed to have been received when transmitted (unless transmitted after 5:00 p.m. at the place of receipt or on a day that is not a business day, in which case it shall be deemed received on the next business day).

If to Owner:	If to Grantee:
Tygh Ridge Ranch L.L.C. Attn: Mike Davis 82859 Hwy 216 Tygh Valley, Oregon 97063 Email: _____	Yellow Rosebush Energy Center, LLC c/o Savion, LLC 422 Admiral Boulevard Kansas City, Missouri 64106 Email: alipscomb@savionenergy.com

15.2 **Waiver**. The failure of a Party to insist on the strict performance of any provision of this Agreement or to exercise any right, power, or remedy upon a breach of any provision of this Agreement shall not constitute a waiver of any provision of this Agreement or limit the Party's right to enforce any provision or exercise any right in the future.

15.3 **Modifications; Amendments**. No modification or amendment of this Agreement shall be valid or effective unless made in writing and executed by the Parties.

15.4 **Governing Law; Attorney's Fees**. This Agreement and any disputes arising out of this Agreement shall be governed by and construed under the laws of the state of Oregon. Should an action or proceeding be brought by any party to interpret or enforce any provision of this Agreement, the prevailing party in such action or proceeding shall be entitled to an award of its attorney's fees and costs incurred therein, in addition to any other relief awarded.

15.5 **Remedies**. Each Party hereto acknowledges that if this Agreement is breached, the non-breaching Party hereto may be irreparably harmed and may not be made whole by monetary damages. Accordingly, it is agreed that, in addition to any other remedy to which it may be entitled in law or in equity, any non-breaching Party may be entitled to an injunction or injunctions to prevent breaches of this Agreement and/or to compel specific performance.

15.6 **Counterparts**. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

15.7 **Recording**. Owner and Grantee shall execute and acknowledge a memorandum of this Agreement in the form attached as Exhibit E and incorporated herein by this reference (the "**Memorandum**"). Grantee will, at its expense, record the Memorandum in the real property records of Wasco County, Oregon.

15.8 **No Partnership**. Nothing contained in this Agreement shall be construed to create an association, joint venture, trust or partnership covenant, obligation or liability on or with regard to any one or more of the Parties.

15.9 **Entire Agreement**. This Agreement, including attached Exhibits, contains the entire and final understanding of the Parties and supersedes all prior agreements and understandings between the Parties related to the subject matter of this Agreement.

[Signature Page Follows]

IN WITNESS WHEREOF, Grantee and Owner have caused this Agreement to be executed and delivered by their duly authorized representatives.

OWNER:

TYGH RIDGE RANCH L.L.C.,
a Washington limited liability company

By: Molly Hartley

Name: Molly Ann Davis Hartley

Title: Owner

Date: 05/02/2025

GRANTEE:

YELLOW ROSEBUSH ENERGY CENTER, LLC,
a Delaware limited liability company

By: _____
Aaron Lipscomb, Authorized Person

Date: 5/12/25

YELLOW ROSEBUSH ENERGY CENTER, LLC,
a Delaware limited liability company

By: _____

Name: Scott Zeimetz

Title: Authorized Person

Date: 5/12/25

EXHIBIT A

DESCRIPTION OF THE PROPERTY

THE FOLLOWING REAL PROPERTY LOCATED IN THE COUNTY OF WASCO, STATE OF OREGON:

The Southeast quarter of the Northeast quarter, the East half of the Southeast quarter, the Southwest quarter of the Southeast quarter of Section 34, and the Southwest quarter of the Northeast quarter, the Northwest quarter of the Southeast quarter, the South half of the Northwest quarter, and the North half of the Southwest quarter of Section 35, all in Township 3 South, Range 13 East of the Willamette Meridian, in the County of Wasco and State of Oregon.

03S13 E00 04100 00 Acct No. 10381

The following described real property lying in Wasco County, Oregon:

Lot 1, and 60 acres off the East side of Lots 2 and 3, being all of said Lot 2 and enough of said Lot 3 to constitute and make the full amount of 60 acres, the West line of said 60 acre tract to run parallel with the North and South Section line, in Section 3;
ALSO that portion of the Southeast quarter of the Northeast quarter lying North of State Highway No. 216, EXCEPTING THERE FROM a tract described as follows:
Beginning at a point 1980 feet East and 760 feet South of the Northwest corner of Section 3;
thence South 82°56' East 834.6 feet to a point, thence South 02°00' West 400 feet to a point on the Northerly right of way line of State Highway No. 216,
thence in a Southwesterly direction along said right of way line 509 feet; thence West 320 feet;
thence North 560 feet to the point of beginning, all in Township 4 South, Range 13 East of the Willamette Meridian, in the County of Wasco and State of Oregon.
ALSO EXCEPTING THEREFROM a tract described as follows:
Beginning at a point on the North line of Section 3, Township 4 South, Range 13 East of the Willamette Meridian, Wasco County, State of Oregon, which is South 89°30'22" East 1924.55 feet from the Northwest corner of said Section 3;
thence South 0°40'55" West 760 feet to the true point of beginning of this description; thence continuing South 0°40'55" West 560 feet;
thence East 67.8 feet to an existing fence line; thence North along said fence line 560 feet;
thence North 82°56' West 67.8 feet to the true point of beginning.
ALSO EXCEPTING THEREFROM a tract described as follows
Beginning at a point on the North line of Section 3, Township 4 South, Range 13 East of the Willamette Meridian, Wasco County, State of Oregon, which is South 89°30'22" East 1924.55 feet from the Northwest corner of said Section 3;
thence South 0°40'55" West 760 feet;
thence South 82°56' East 67.8 feet; more or less, to an existing fence line;
thence North along said fence line 760 feet; more or less, to the North line of said Section 3; thence North 89°30'22" West 67.8 feet to the point of beginning.
ALSO EXCEPTING THEREFROM that portion conveyed to Wasco County, Oregon by deed dated March 24, 1936 and recorded March 24 1936 in the records of Wasco County, Oregon under Book 86, Page 540.

04S13 E03 00 100 00 Acct No. 10425

The following described real property lying in Wasco County, Oregon:
Township 3 South, Range 13 East of the Willamette Meridian, Wasco County, Oregon
Section 23: The Northeast 1/4; the Northeast 1/4 of the Southeast 1/4 and the following 2 tracts:
Beginning at the Northeast corner of the NE1/4SE1/4 of said Section 23, thence West along the Section line 495 feet; thence South at right angles 2640 feet; thence East at right angles 495 feet; thence North at right angles 2640 feet to the point of beginning.
Beginning at the Northeast corner of the NW1/4SE1/4 of said Section 23; thence West along the North boundary of the NW1/4SE1/4 and the NE1/4SW1/4 of said Section 1815 feet; thence South at right angles 358.5 feet; thence East at right angles 1815 feet; thence North at right angles 358.5 feet to the point of beginning.
Section 24: The North 1/2; The North 1/2 of the Southwest 1/4; and the Northwest 1/4 of the Southeast 1/4.
All in the County of Wasco and State of Oregon.

03S13 E00 02800 00 Acct No. 9793

The following described real property lying in Wasco County, Oregon:

Township 3 South, Range 14 East of the Willamette Meridian, Wasco County, Oregon:
Section 18: Lot 4 and the following described tract:
Beginning at the Southeast corner of the Southeast 1/4 of the Southwest 1/4 of said Section 18; thence West along the South line of said Section 1320 feet to the Southwest corner of said Southeast 1/4 of the Southwest 1/4; thence North along the West line of said Southeast 1/4 of the Southwest 1/4 1320 feet; thence East along the North line of said Southeast 1/4 of the Southwest 1/4 330 feet; thence Southeasterly in a straight line to the point of beginning.
Section 19: The Northeast 1/4 of the Northwest 1/4 and Lots 1, 2 and 3.

03S14 E00 02300 00 Acct No. 9811
Acct No. 9450

The following real property located in Township 4 South, Range 13 East of the Willamette Meridian: West half of Northeast quarter lying North of North right-of-way of the Dalles California Highway
EXCEPTING: Lot 3

04S13 E04 00300 00 Acct No. 14925

The following described real property lying in Township 3 South, Range 13 East of the Willamette Meridian, in Wasco County, Oregon.

The South half of the Southeast quarter of the Southwest quarter of Section 28; Southwest quarter of the Northeast quarter; East half of the Northwest quarter; North of the Southwest quarter lying East of the Dalles- California Highway; West half of the Southeast quarter, all in Section 33;

EXCEPTING THEREFROM a parcel of real property described as: Beginning at a point which is 1523 feet East and 832 feet South of the Northwest corner of Section 33, Township 3 South, Range 13 East of the Willamette Meridian, Wasco County, Oregon, thence South 9°33' East 218 feet; thence South 81°44' East 132.2 feet; thence North 8°16' East 375 feet; thence South 81°44' East 600 feet; thence South 8°16' West 800 feet; thence North 81°44' West 600 feet; thence North 8°16' East 375 feet; thence North 81°44' West 167.8 feet; thence 9°33' West 120 feet; thence North 11°26' East 145.6 feet to the point of beginning; ALSO EXCEPTING HIGHWAY.

03S13 E33 00100 00 Acct No. 10374

The following described real property lying in Township 3 South, Range 13 East of the Willamette Meridian, in Wasco County, Oregon.
That portion of the Southeast quarter lying southerly and easterly of State Highway 197, all in Section 21; That portion of the Northwest quarter of the Southwest quarter and that portion of the West one-half of the Northwest quarter lying Southerly and Easterly of State Highway 197, Southwest Quarter of the Southwest quarter, East half of the Southwest quarter, Southeast Quarter, all in Section 22; West 825 feet of the East half of the Northwest quarter, Southwest quarter of Northwest quarter, West half of Southwest quarter, Northeast quarter of Southwest quarter, Southeast quarter of Southwest quarter, South 961.5 feet of Northwest quarter of Southeast quarter, South half of Southeast Quarter,
EXCEPTING the East 495 feet of the North 358.5 feet of the Northeast quarter of the Southwest quarter, all in Section 23; South half of the Southwest quarter, all in Section 24; Northwest quarter of Northwest quarter, Northwest quarter of Southwest quarter, Southwest quarter of Northwest quarter, all in Section 25; North half of the North Half, South half of the North half, South half, all in Section 26; All of Section 27; Northeast quarter of Southeast quarter, South half of Southeast quarter, East half of Northeast quarter, West half of Northeast quarter, East half of Northwest quarter, Northeast quarter of Southwest quarter lying East of The Dalles-California Highway, Northwest quarter of Southeast Quarter, Southeast quarter of Southwest quarter lying east of The Dalles-California Highway,
EXCEPTING A parcel of land lying in the NW1/4SE1/4, SW1/4SE1/4, NE1/4SW1/4 and the SE1/4SW1/4 of Section 28, Township 3 South, Range 13 East, W.M., Wasco County, Oregon, and being a portion of that property described in that Quitclaim Deed to Tygh Ridge Ranch, L.L.C., recorded February 3, 1997 as Microfilm No. 97-0481, Records of Wasco County; more particularly described as follows: Beginning on the center line of the relocated The Dalles- California Highway at Engineer's Station 2274+39.34 P.O.S.; thence South 73°12'13" East 1,318.38 feet; thence South 0°00'00" East 1,655.76 feet; thence South 90°00'00" West 1,416.52 feet more or less to the center line of the relocated The Dalles - California Highway at Engineer's Station 2295+13.45 P.O.T.; thence Northerly along said center line to the point of beginning, which center line is described as follows: Beginning at Engineer's center line Station 2270+81.84 P.S., said station being 2,671.16 feet North and 1,734.28 feet East of the Southwest corner of Section 28, Township 3 South, Range 13 East, W.M.; thence on a spiral curve left (the long chord of which bears South 25°13'32" West 499.48 feet) 500.00 feet; thence on a 1,637.02 foot radius curve left (the long chord of which bears South 14°16'45" West 291.76 feet) 292.14 feet; thence on a spiral curve left (the long chord of which bears South 3°19'58" West 499.48 feet) 500.00 feet; thence South 0°25'00" West 1,263.89 feet to Engineer's center line Station 2296+37.88 P.S. EXCEPT therefrom that portion of said property lying within the existing right of way. Bearings are based upon an Oregon State Highway Division survey. See Drawing 8B-25-8, dated March, 1962. This parcel of land contains 53.16 acres, more or less, outside the existing right of way, all in Section 28; East half of East half, Northwest quarter of Northeast quarter, all in Section 33; Northeast quarter of Northeast quarter, West of Northeast quarter, West half, Northwest quarter of Southeast quarter,
EXCEPTING County Road, all in Section 34; North half of North half, all in Section 35.

03S13 E00 02700 Acct No. 1037
Acct No. 9792

EXHIBIT B

FORM OF CONSERVATION EASEMENT

GRANT OF CONSERVATION EASEMENT

THIS GRANT OF CONSERVATION EASEMENT (this "**Conservation Easement**") is made effective as of this _____ (the "**Effective Date**"), by and among (i) [TYGH RIDGE RANCH L.L.C., a Washington limited liability company][Insert Name of Successor Owner of Property] ("**Grantor**"), (ii) [YELLOW ROSEBUSH ENERGY CENTER, LLC, a Delaware limited liability company][Insert Name of Successor Owner of Project] ("**Developer**"), and (iii) [Insert Holder], [Insert entity type of Holder] and a "holder" under Oregon Revised Statutes ("**ORS**") 271.715(3) to hold this Conservation Easement ("**Grantee**"). Grantor and Grantee are referred herein collectively as the "**Parties**" and, individually, as a "**Party**".

RECITALS

A. Grantor is the sole owner in fee simple of that certain real property located in Wasco County, Oregon, more particularly described in Exhibit A, and depicted on Exhibit A-1, attached hereto and incorporated herein by this reference (the "**Conservation Easement Property**").

B. Developer is the lessee of certain real property legally described in Exhibit B attached hereto and incorporated herein by this reference (the "**Benefitted Properties**"), on which Developer intends to construct and operate an electrical generation facility located in Wasco County, Oregon, and commonly known as the "[Yellow Rosebush Energy Center][Insert Current Name of Project]" (the "**Project**").

C. In connection with development of the Project, Developer must meet certain requirements related to habitat mitigation, as more particularly described in the [Insert Permit/Site Certificate Information] dated _____ and that certain Habitat Mitigation Plan dated _____ and attached hereto as Exhibit C and incorporated herein by this reference (collectively, the "**Mitigation Plan**").

D. The Conservation Easement Property is of a nature that satisfies, in whole or in part, Developer's habitat mitigation obligation under [Insert Permit/Site Certificate Information] so long as such land is managed and restricted in use as set forth in this Conservation Easement.

E. Grantor and Developer are parties to that certain Option Agreement for Conservation Agreement dated _____ __, 2025 (as it may have been amended from time-to-time, the "**Option**"), pursuant to which Grantor granted Developer the right to obtain a Conservation Agreement, as defined in the Option, for the benefit of a third-party such as Grantee. Developer exercised the Option on _____.

F. Therefore, Grantor, Grantee, and Developer wish to restrict the use of the Conservation Easement Property to the uses described in the Mitigation Plan.

DECLARATION AND AGREEMENT

NOW THEREFORE, in consideration of the premises stated above, and the mutual promises, covenants, conditions, restrictions stated herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor, Grantee, and Developer agree as follows:

1. **Grant of Easement/Compensation**. Grantor does hereby grant, convey and warrant to Grantee, for the benefit of Developer, the Project, and the Benefitted Properties, a non-exclusive easement over, under, and across the Conservation Easement Property for the Conservation Purposes (as defined below). As consideration for the rights granted to Grantee pursuant to this Conservation Easement, Developer has paid to Grantor the Purchase Price (as defined in the Option).

2. **Grantor's Negative Easement**. Grantor does further grant for the benefit of Developer, Grantee, and the Benefitted Properties the following negative easement: during the Term of this Conservation Easement, the Conservation Easement Property will not be used in any manner that (i) is inconsistent with Developer's habitat mitigation obligation in accordance with and as contemplated by the Mitigation Plan or (ii) would otherwise render the Conservation Easement Property non-compliant with Developer's required habitat mitigation under the Mitigation Plan (collectively, the "**Conservation Purposes**").

3. **Improvements**. Grantor shall obtain the prior written consent of Grantee (which shall not be unreasonably withheld, conditioned or delayed provided the applicable improvements are consistent with the Conservation Purposes) with respect to the nature and location of any new improvements to be constructed by Grantor on the Conservation Easement Property. If any improvements (including fencing or watering spring improvements) are constructed by Grantor on or within the Conservation Easement Property then such improvements shall be maintained at the sole cost and expense of Grantor.

4. **Access**. Grantor hereby grants to Grantee an access right over and across Grantor's other properties adjacent to the Conservation Easement Property sufficient to provide Grantee (including its respective employees, agents, subcontractors and representatives) reasonable motor vehicle access between a public road and the Conservation Easement Property during the term of this Conservation Easement for the use of the Conservation Easement Property by Grantee for the Conservation Purposes. Grantor also agrees to allow the Oregon Department of Energy and the Oregon Department of Fish and Wildlife reasonable access to monitor the implementation of the Mitigation Plan within the Conservation Easement Property. ODOE and ODFW shall provide Grantor and Developer notice at least seven (7) days prior to any site visit or inspection.

5. **Term**. This Conservation Easement shall commence on the Effective Date and shall terminate on the later of (i) the date on which the last of the Lease Agreements expires or is terminated or (ii) the date on which of all of the habitat mitigation obligations pursuant to the Mitigation Plan which may be satisfied by this Conservation Easement expire and are not reasonably anticipated to be reinstated (the "**Term**").

6. **Appurtenant**. The non-exclusive easements granted hereby shall be deemed appurtenant to Developer's rights as "lessee" under the Lease Agreements of the Benefitted

Properties. The rights, duties, privileges and immunities created under this Conservation Easement shall run with Project's rights in the Lease Agreements and the Benefited Properties and shall be binding upon and shall inure to the benefit of the respective heirs, tenants, subtenants, successors, mortgagees, permittees and permitted assigns of the Parties.

7. **Warranties and Prior Matters of Record**. Grantor hereby represents, warrants and covenants to Grantee: (1) that it is the lawful Grantor of the Conversation Easement Property; (2) that the Conservation Easement Property is free and clear of encumbrances and liens that would impede or prohibit the grant of this Conservation Easement or the exercise of Grantee's rights hereunder; and (3) that Grantee will have the quiet and peaceable possession of the Conservation Easement Property for the Conservation Purposes, and Grantor will defend against all persons who may lawfully claim the same. Such representations, warranties and covenants shall be obligatory upon the Grantor, including its heirs, successors, assigns and personal representatives. Grantee acknowledges, however, that the Conversation Easement Property may be subject to a pre-existing Conservation Reserve Program contract with the U.S. Department of Agriculture and associated conservation plan.

8. **Developer**. Developer has the right to enforce the terms and conditions of this Conservation Easement and is entitled to the same remedies as the Parties. For the avoidance of doubt, Developer shall have the same rights granted to Grantee pursuant to Section 4 of this Conservation Easement for access to the Conservation Easement Property. This Conservation Easement may not be terminated without the approval of Developer.

9. **Miscellaneous**.

a. Ownership. Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership of the Conservation Easement Property, including, without limitation, tax liability and the maintenance of adequate liability insurance coverage.

b. Enforcement. No failure by Grantee or its assignees to enforce the terms of this Conservation Easement in any one instance shall be construed as a waiver of such terms or a relinquishment of the right of future enforcement.

c. Indemnification. Grantor shall hold harmless, indemnify, and defend Grantee, and Developer and their members, directors, officers, employees, agents, contractors, heirs, personal representatives, successors, and assigns (collectively, "**Indemnified Parties**") from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including, without limitation, reasonable attorneys' and consultants' fees, arising from or in any way connected with injury to or the death of any person, or physical damage to or loss of any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Conservation Easement Property, regardless of cause, unless due solely to the negligence or misconduct of any of the Indemnified Parties.

d. Attorney Fees. If any action for breach of or to enforce the provisions of this Conservation Easement is commenced, the prevailing Party shall be entitled to recover from the losing Party the prevailing Party's reasonable attorneys' fees and costs incurred in such action, at trial or on any appeal if so awarded by the court.

e. Amendment. This Conservation Easement may be amended, modified, revoked or terminated only with the prior written consent of both Parties and Developer; provided, however, the Parties agree that the intent of this Conservation Easement is to satisfy Developer's required habitat mitigation under the Mitigation Plan, including any amendment thereto, and that Grantor shall not unreasonably withhold, condition or delay its consent to any amendment to this Conservation Easement to satisfy such intent.

f. Severability. If any provision of this Conservation Easement is or becomes illegal or unenforceable for any reason, the remaining provisions will remain in full force and effect.

g. Counterparts. This Conservation Easement may be executed in any number of counterparts, each of which shall be an original, but which together shall constitute one and the same instrument.

h. Permittees and Assignment. Grantee may permit its respective agents, contractors, licensees, lessees, representatives and employees to exercise the rights granted to it herein. This Conservation Easement shall at all times be appurtenant to the Benefitted Properties and thereby benefit any successor owner(s) of the Project and such transfer shall not require the consent of Grantor.

i. Recording. Grantor, Grantee, and Developer shall execute a memorandum of this Conservation Easement in the form attached as Exhibit D and incorporated herein by this reference. Developer will, at its expense, record such memorandum in the real property records of Wasco County, Oregon.

[signature pages to follow]

IN WITNESS WHEREOF, Grantor and Grantee have executed this Conservation Easement to be effective as of the Effective Date.

GRANTOR: [Insert Grantor],
[Insert Entity Type of Grantor]

By: _____
Name:
Title:

STATE OF _____)
) ss.
County of _____)

This record was acknowledged before me on _____, 20___, by _____, as the _____ of _____, a[n] _____, on behalf of said _____.

_____
Notary Public – State of _____

[*signature pages continue*]

GRANTEE: [Insert Grantee],
[Insert Entity Type of Grantee]

By: _____
Name:
Title:

STATE OF OREGON)
) ss.
County of _____)

This record was acknowledged before me on _____, 20___, by _____, as the _____ of [Insert Grantee], [Insert Entity Type of Grantee], on behalf of said _____.

_____
Notary Public – State of Oregon

DEVELOPER: [Insert Developer Name],
[Insert Entity Type of Developer]

[Insert Signature Block Appropriate for Entity]

[Insert Notary Block Appropriate for Place Where Executed and Entity]

EXHIBIT A to Grant of Conservation Easement

LEGAL DESCRIPTION OF CONSERVATION EASEMENT PROPERTY

[to be inserted]

EXHIBIT A-1 to Grant of Conservation Easement

DEPICTION OF CONSERVATION EASEMENT PROPERTY

[to be inserted]

EXHIBIT B to Grant of Conservation Easement

LEGAL DESCRIPTION OF BENEFITED PROPERTIES

[to be inserted]

EXHIBIT C to Grant of Conservation Easement

HABITAT MITIGATION PLAN

[to be inserted]

EXHIBIT D to Grant of Conservation Easement

MEMORANDUM OF GRANT OF CONSERVATION EASEMENT

REQUESTED BY AND
WHEN RECORDED RETURN TO

[Insert Address for Developer]

(Space above this line for Recorder's use only)

MEMORANDUM OF GRANT OF CONSERVATION EASEMENT

THIS MEMORANDUM OF GRANT OF CONSERVATION EASEMENT (this "**Memorandum**") is dated as of [_____] (the "**Effective Date**"), by and between (i) [TYGH RIDGE RANCH L.L.C., a Washington limited liability company][Insert Name of Successor Owner of Property] ("**Grantor**"), (ii) [YELLOW ROSEBUSH ENERGY CENTER, LLC, a Delaware limited liability company][Insert Name of Successor Owner of Project] ("**Developer**"), and (iii) [Insert Holder], [Insert entity type of Holder] and a "holder" under Oregon Revised Statutes ("**ORS**") 271.715(3) to hold this Conservation Easement ("**Grantee**"). Grantor and Grantee are referred herein collectively as the "**Parties**" and, individually, as a "**Party**".

A. Grantor, Grantee, and Developer entered into that certain Grant of Conservation Easement dated of even date herewith (the "**Conservation Easement**"), which by its terms grants to Grantee a non-exclusive easement on certain real property more particularly described in Exhibit 1 (the "**Conservation Easement Property**") for the Conservation Purposes defined in the Conservation Easement.

B. Owner and Grantee have executed and acknowledged this Memorandum for the purpose of providing constructive notice of the Conservation Easement.

C. Capitalized terms used but not otherwise defined in this Memorandum shall have the meanings assigned to them in the Conservation Easement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and sufficient consideration, the receipt and sufficiency of which is hereby acknowledged, Owner and Grantee provide record notice of the following:

1. **Term**. The Conservation Easement shall commence on the Effective Date and shall terminate on the date Developer's right under the last of the Lease Agreements, defined in the Conservation Easement, including any extension or replacement thereof, expires or terminates (the "**Term**"). Notwithstanding the foregoing, the Conservation Easement shall continue so long as any habitat mitigation obligations of Developer pursuant to the Mitigation Plan, as defined in the Conservation Easement, which may be satisfied by this Conservation Easement are continuing or are reasonably anticipated to be reinstated.

2. **No Conflict**. In the event of any conflict or inconsistency between the provisions of this Memorandum and the provisions of the Conservation Easement, the provisions of the Conservation

Easement shall control. Nothing in this Memorandum shall be deemed to amend, modify, change, alter, amplify, limit, interpret or supersede any provision of the Conservation Easement or otherwise limit or expand the rights and obligations of the parties under the Conservation Easement.

[*signature pages follow*]

IN WITNESS WHEREOF, Grantor, Grantee, and Developer have caused this Memorandum to be executed and delivered by their duly authorized representatives as of the Effective Date.

Easement to be effective as of the Effective Date.

GRANTOR: [Insert Grantor],
[Insert Entity Type of Grantor]

By: _____
Name:
Title:

STATE OF _____)
) ss.
County of _____)

This record was acknowledged before me on _____, 20___, by _____, as the _____ of _____, a[n] _____, on behalf of said _____.

_____
Notary Public – State of _____

[signature pages continue]

GRANTEE: [Insert Grantee],
[Insert Entity Type of Grantee]

By: _____
Name:
Title:

STATE OF OREGON)
) ss.
County of _____)

This record was acknowledged before me on _____, 20___, by _____, as the _____ of [Insert Grantee], [Insert Entity Type of Grantee], on behalf of said _____.

_____
Notary Public – State of Oregon

ACKNOWLEDGED AND ACCEPTED BY DEVELOPER:

DEVELOPER: [Insert Developer Name],
[Insert Entity Type of Developer]

[Insert Signature Block Appropriate for Entity]

[Insert Notary Block Appropriate for Place Where Executed and Entity]

EXHIBIT 1
TO
MEMORANDUM OF GRANT OF CONSERVATION EASEMENT

Description of the Conservation Easement Property

The land referred to herein below is situated in the County of Wasco, State of Oregon, and is described as follows:

APN: [_____]

EXHIBIT C

FORM OF NOTICE OF EXERCISE

(On The Letterhead of Grantee)

VIA CERTIFIED MAIL\RETURN RECEIPT REQUESTED

To Owner:
[Name]
[Address]
[Address]

Re: Notice of Exercise under Option Agreement for Conservation Easement By and Between Tygh Ridge Ranch L.L.C., a Washington limited liability company ("Owner") and Yellow Rosebush Energy Center, LLC, a Delaware limited liability company ("Grantee" or "Lessee") Dated [_____] ("Option Agreement")

To Whom it may Concern:

Please take notice that pursuant to the terms of the above-described Option Agreement, Lessee hereby exercises the Option to make effective the Conservation Easement that has been negotiated between Owner and Grantee and thereby use the portion (the "Conservation Property") of the real property (the "Property") described in Exhibit 1 and depicted on the site map attached as part of Exhibit 1. In accordance with Section 6 of the Option, Grantee hereby notifies Owner of the following calculations: (i) the Homestead Acreage is _____ (___) acres; (ii) the Ranch Acreage is _____ (___) acres; and (iii) the Purchase Price is _____ and __/100 Dollars ($_____.__). Enclosed is a copy of the Survey used to determine the foregoing amounts. Closing of the conveyance of the Conservation Easement shall be on [_____]. Capitalized terms used herein shall have the meaning given them in the Option Agreement unless otherwise defined herein.

Thank you in advance for your anticipated cooperation in this matter.

Sincerely,

Yellow Rosebush Energy Center, LLC,
a Delaware limited liability company

By:_____
Name: _____
Title: _____

Enclosure (Copy of Survey)

EXHIBIT 1 TO NOTICE OF EXERCISE

DESCRIPTION OF THE PROPERTY AND CONSERVATION PROPERTY

Property:

The land referred to herein below is situated in the County of Wasco, State of Oregon, and is described as follows:

APN: [_____]

Conservation Property:

[Insert Site Map]

EXHIBIT D
DEPICTION OF THE PROPERTY

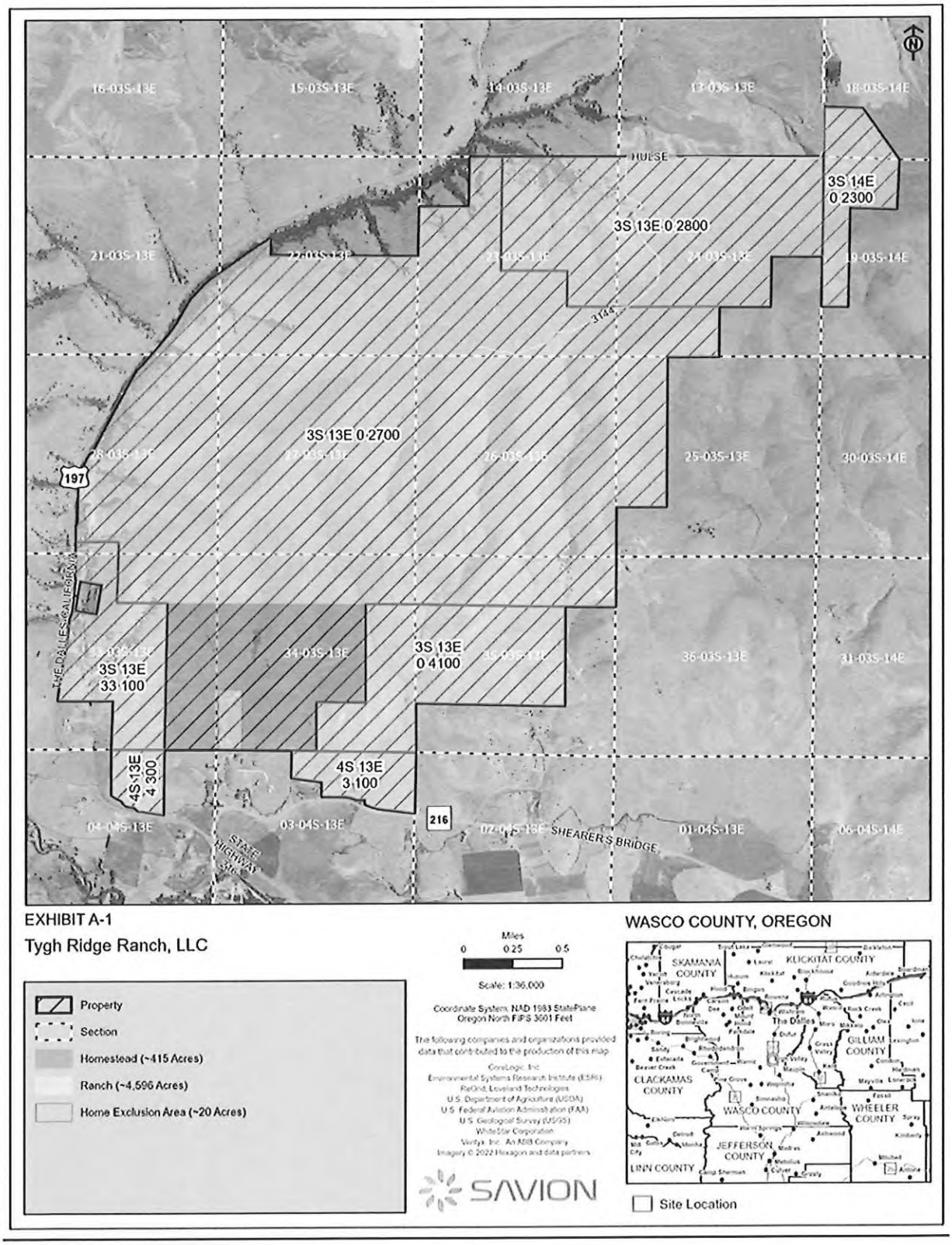

EXHIBIT E

MEMORANDUM OF OPTION AGREEMENT

REQUESTED BY AND
WHEN RECORDED RETURN TO

Yellow Rosebush Energy Center, LLC
422 Admiral Boulevard
Kansas City, Missouri 64106

(Space above this line for Recorder's use only)

MEMORANDUM OF OPTION AGREEMENT FOR CONSERVATION EASEMENT

THIS MEMORANDUM OF OPTION AGREEMENT FOR CONSERVATION EASEMENT (this "**Memorandum**") is dated as of [_____ __], 2025 (the "**Effective Date**"), by and between TYGH RIDGE RANCH L.L.C., a Washington limited liability company ("**Owner**"), and YELLOW ROSEBUSH ENERGY CENTER, LLC, a Delaware limited liability company ("**Grantee**").

A. Grantee and Owner entered into that certain Option Agreement for Conservation Easement dated of even date herewith (the "**Agreement**"), which by its terms grants to Grantee an option to use all or a portion of that certain land which is more particularly described in Exhibit 1 attached hereto and incorporated by this reference (the "**Property**") for certain conservation purposes.

B. Owner and Grantee have executed and acknowledged this Memorandum for the purpose of providing constructive notice of the Agreement.

C. Capitalized terms used but not otherwise defined in this Memorandum shall have the meanings assigned to them in the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and sufficient consideration, the receipt and sufficiency of which is hereby acknowledged, Owner and Grantee provide record notice of the following:

1. **Term**. For an Option Term of up to eight (8) years from the Effective Date, Grantee shall have the exclusive right to execute with Owner a conservation easement, or to direct Owner to execute a conservation easement with a holder consistent with Oregon law, on the terms set forth in the form of that conservation easement to be negotiated between Owner and Grantee ("**Conservation Easement**").

2. **Notice of Exercise**. If Grantee exercises its option to use the Property for conservation purposes, then Owner and Grantee, or a holder consistent with Oregon law, will execute the Conservation Easement.

3. **No Conflict**. In the event of any conflict or inconsistency between the provisions of this Memorandum and the provisions of the Agreement, the provisions of the Agreement shall control. Nothing in this Memorandum shall be deemed to amend, modify, change, alter, amplify, limit, interpret or supersede any provision of the Agreement or otherwise limit or expand the rights and obligations of the parties under the Agreement.

[signature pages follow]

IN WITNESS WHEREOF, the parties have executed this Memorandum as of the date first written above.

GRANTEE: YELLOW ROSEBUSH ENERGY CENTER, LLC,
a Delaware limited liability company

By: _____
Aaron Lipscomb, Authorized Person

STATE OF MISSOURI)
) ss.
COUNTY OF JACKSON)

BE IT REMEMBERED, that on this ____ day of _____, 2025, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Aaron Lipscomb, to me personally known, who being by me duly sworn did say that he is an Authorized Person of YELLOW ROSEBUSH ENERGY CENTER, LLC, a Delaware limited liability company, and that the within instrument was signed and delivered on behalf of said limited liability company by authority thereof, and acknowledged said instrument to be the free act and deed of said limited liability company for the purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial seal in the date herein last above written.

My Commission Expires:

_____
[SEAL]

_____
Notary Public in and for said County and State

Print Name:_____

GRANTEE: YELLOW ROSEBUSH ENERGY CENTER, LLC, a Delaware limited liability company,

By: _____

Name: _____

Title: Authorized Person

STATE OF MISSOURI)
) ss.
COUNTY OF JACKSON)

BE IT REMEMBERED, that on this ____ day of _____, 2025, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came _____, to me personally known, who being by me duly sworn did say that **[he/she]** is an Authorized Person of YELLOW ROSEBUSH ENERGY CENTER, LLC, a Delaware limited liability company, and that the within instrument was signed and delivered on behalf of said limited liability company by authority thereof, and acknowledged said instrument to be the free act and deed of said limited liability company for the purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial seal in the date herein last above written.

My Commission Expires:

_____

[SEAL]

_____

Notary Public in and for said County and State

Print Name:_____

GRANTOR: TYGH RIDGE RANCH L.L.C.,
a Washington limited liability company,

By: _____

Name: _____

Title: _____

STATE OF _____)
)ss.
County of _____)

This instrument was acknowledged before me on _____, 2025 by _____ _____, as _____ of TYGH RIDGE RANCH L.L.C., a Washington limited liability company, on behalf of said company.

_____
Notary Public for _____
My Commission Expires: _____

EXHIBIT 1
TO
MEMORANDUM OF OPTION AGREEMENT

Description of the Property

THE FOLLOWING REAL PROPERTY LOCATED IN THE COUNTY OF WASCO, STATE OF OREGON:

The Southeast quarter of the Northeast quarter, the East half of the Southeast quarter, the Southwest quarter of the Southeast quarter of Section 34, and the Southwest quarter of the Northeast quarter, the Northwest quarter of the Southeast quarter, the South half of the Northwest quarter, and the North half of the Southwest quarter of Section 35, all in Township 3 South, Range 13 East of the Willamette Meridian, in the County of Wasco and State of Oregon.

03S13 E00 04100 00 Acct No. 10381

The following described real property lying in Wasco County, Oregon:

Lot 1, and 60 acres off the East side of Lots 2 and 3, being all of said Lot 2 and enough of said Lot 3 to constitute and make the full amount of 60 acres, the West line of said 60 acre tract to run parallel with the North and South Section line, in Section 3;
ALSO that portion of the Southeast quarter of the Northeast quarter lying North of State Highway No. 216, EXCEPTING THERE FROM a tract described as follows:
Beginning at a point 1980 feet East and 760 feet South of the Northwest corner of Section 3;
thence South 82°56' East 834.6 feet to a point, thence South 02°00' West 400 feet to a point on the Northerly right of way line of State Highway No. 216,
thence in a Southwesterly direction along said right of way line 509 feet; thence West 320 feet;
thence North 560 feet to the point of beginning, all in Township 4 South, Range 13 East of the Willamette Meridian, in the County of Wasco and State of Oregon.
ALSO EXCEPTING THEREFROM a tract described as follows:
Beginning at a point on the North line of Section 3, Township 4 South, Range 13 East of the Willamette Meridian, Wasco County, State of Oregon, which is South 89°30'22" East 1924.55 feet from the Northwest corner of said Section 3;
thence South 0°40'55" West 760 feet to the true point of beginning of this description; thence continuing South 0°40'55" West 560 feet;
thence East 67.8 feet to an existing fence line; thence North along said fence line 560 feet;
thence North 82°56' West 67.8 feet to the true point of beginning.
ALSO EXCEPTING THEREFROM a tract described as follows
Beginning at a point on the North line of Section 3, Township 4 South, Range 13 East of the Willamette Meridian, Wasco County, State of Oregon, which is South 89°30'22" East 1924.55 feet from the Northwest corner of said Section 3;
thence South 0°40'55" West 760 feet;
thence South 82°56' East 67.8 feet; more or less, to an existing fence line;
thence North along said fence line 760 feet; more or less, to the North line of said Section 3; thence North 89°30'22" West 67.8 feet to the point of beginning.

ALSO EXCEPTING THEREFROM that portion conveyed to Wasco County, Oregon by deed dated March 24, 1936 and recorded March 24 1936 in the records of Wasco County, Oregon under Book 86, Page 540.

04S13 E03 00 100 00 Acct No. 10425

The following described real property lying in Wasco County, Oregon:
Township 3 South, Range 13 East of the Willamette Meridian, Wasco County, Oregon
Section 23: The Northeast 1/4; the Northeast 1/4 of the Southeast 1/4 and the following 2 tracts:
Beginning at the Northeast corner of the NE1/4SE1/4 of said Section 23, thence West along the Section line 495 feet; thence South at right angles 2640 feet; thence East at right angles 495 feet; thence North at right angles 2640 feet to the point of beginning.
Beginning at the Northeast corner of the NW1/4SE1/4 of said Section 23; thence West along the North boundary of the NW1/4SE1/4 and the NE1/4SW1/4 of said Section 1815 feet; thence South at right angles 358.5 feet; thence East at right angles 1815 feet; thence North at right angles 358.5 feet to the point of beginning.
Section 24: The North 1/2; The North 1/2 of the Southwest 1/4; and the Northwest 1/4 of the Southeast 1/4.
All in the County of Wasco and State of Oregon.

03S13 E00 02800 00 Acct No. 9793

The following described real property lying in Wasco County, Oregon:

Township 3 South, Range 14 East of the Willamette Meridian, Wasco County, Oregon:
Section 18: Lot 4 and the following described tract:
Beginning at the Southeast corner of the Southeast 1/4 of the Southwest 1/4 of said Section 18; thence West along the South line of said Section 1320 feet to the Southwest corner of said Southeast 1/4 of the Southwest 1/4; thence North along the West line of said Southeast 1/4 of the Southwest 1/4 1320 feet; thence East along the North line of said Southeast 1/4 of the Southwest 1/4 330 feet; thence Southeasterly in a straight line to the point of beginning.
Section 19: The Northeast 1/4 of the Northwest 1/4 and Lots 1, 2 and 3.

03S14 E00 02300 00 Acct No. 9811
Acct No. 9450

The following real property located in Township 4 South, Range 13 East of the Willamette Meridian: West half of Northeast quarter lying North of North right-of-way of the Dalles California Highway
EXCEPTING: Lot 3

04S13 E04 00300 00 Acct No. 14925

The following described real property lying in Township 3 South, Range 13 East of the Willamette Meridian, in Wasco County, Oregon.

The South half of the Southeast quarter of the Southwest quarter of Section 28; Southwest quarter of the Northeast quarter; East half of the Northwest quarter; North of the Southwest quarter lying East of the Dalles- California Highway; West half of the Southeast quarter, all in Section 33;

EXCEPTING THEREFROM a parcel of real property described as: Beginning at a point which is 1523 feet East and 832 feet South of the Northwest corner of Section 33, Township 3 South, Range 13 East of

the Willamette Meridian, Wasco County, Oregon, thence South 9°33' East 218 feet; thence South 81°44' East 132.2 feet; thence North 8°16' East 375 feet; thence South 81°44' East 600 feet; thence South 8°16' West 800 feet; thence North 81°44' West 600 feet; thence North 8°16' East 375 feet; thence North 81°44' West 167.8 feet; thence 9°33' West 120 feet; thence North 11°26' East 145.6 feet to the point of beginning; ALSO EXCEPTING HIGHWAY.

03S13 E33 00100 00 Acct No. 10374

The following described real property lying in Township 3 South, Range 13 East of the Willamette Meridian, in Wasco County, Oregon.
That portion of the Southeast quarter lying southerly and easterly of State Highway 197, all in Section 21; That portion of the Northwest quarter of the Southwest quarter and that portion of the West one-half of the Northwest quarter lying Southerly and Easterly of State Highway 197, Southwest Quarter of the Southwest quarter, East half of the Southwest quarter, Southeast Quarter, all in Section 22; West 825 feet of the East half of the Northwest quarter, Southwest quarter of Northwest quarter, West half of Southwest quarter, Northeast quarter of Southwest quarter, Southeast quarter of Southwest quarter, South 961.5 feet of Northwest quarter of Southeast quarter, South half of Southeast Quarter,
EXCEPTING the East 495 feet of the North 358.5 feet of the Northeast quarter of the Southwest quarter, all in Section 23; South half of the Southwest quarter, all in Section 24; Northwest quarter of Northwest quarter, Northwest quarter of Southwest quarter, Southwest quarter of Northwest quarter, all in Section 25; North half of the North Half, South half of the North half, South half, all in Section 26; All of Section 27; Northeast quarter of Southeast quarter, South half of Southeast quarter, East half of Northeast quarter, West half of Northeast quarter, East half of Northwest quarter, Northeast quarter of Southwest quarter lying East of The Dalles-California Highway, Northwest quarter of Southeast Quarter, Southeast quarter of Southwest quarter lying east of The Dalles-California Highway,
EXCEPTING A parcel of land lying in the NW1/4SE1/4, SW1/4SE1/4, NE1/4SW1/4 and the SE1/4SW1/4 of Section 28, Township 3 South, Range 13 East, W.M., Wasco County, Oregon, and being a portion of that property described in that Quitclaim Deed to Tygh Ridge Ranch, L.L.C., recorded February 3, 1997 as Microfilm No. 97-0481, Records of Wasco County; more particularly described as follows: Beginning on the center line of the relocated The Dalles- California Highway at Engineer's Station 2274+39.34 P.O.S.; thence South 73°12'13" East 1,318.38 feet; thence South 0°00'00" East 1,655.76 feet; thence South 90°00'00" West 1,416.52 feet more or less to the center line of the relocated The Dalles - California Highway at Engineer's Station 2295+13.45 P.O.T.; thence Northerly along said center line to the point of beginning, which center line is described as follows: Beginning at Engineer's center line Station 2270+81.84 P.S., said station being 2,671.16 feet North and 1,734.28 feet East of the Southwest corner of Section 28, Township 3 South, Range 13 East, W.M.; thence on a spiral curve left (the long chord of which bears South 25°13'32" West 499.48 feet) 500.00 feet; thence on a 1,637.02 foot radius curve left (the long chord of which bears South 14°16'45" West 291.76 feet) 292.14 feet; thence on a spiral curve left (the long chord of which bears South 3°19'58" West 499.48 feet) 500.00 feet; thence South 0°25'00" West 1,263.89 feet to Engineer's center line Station 2296+37.88 P.S. EXCEPT therefrom that portion of said property lying within the existing right of way. Bearings are based upon an Oregon State Highway Division survey. See Drawing 8B-25-8, dated March, 1962. This parcel of land contains 53.16 acres, more or less, outside the existing right of way, all in Section 28; East half of East half, Northwest quarter of Northeast quarter, all in Section 33; Northeast quarter of Northeast quarter, West of Northeast quarter, West half, Northwest quarter of Southeast quarter,
EXCEPTING County Road, all in Section 34; North half of North half, all in Section 35.

03S13 E00 02700 Acct No. 1037
Acct No. 9792

WEBVTT

1 "Katie Imes" (1309656832)
00:01:17.825 --> 00:01:21.943
I can't hear you guys if you can hear me, I don't know. This can't hear you.

2 "Marcy Grail" (675521536)
00:01:21.943 --> 00:01:23.072
Thank you Katie.

3 "Katie Imes" (1309656832)
00:01:23.072 --> 00:01:26.848
Oh, ok. Cause somebody just unmuted me. Yeah.

4 "Marcy Grail" (675521536)
00:01:26.848 --> 00:01:40.229
The same.

5 "Energy Siting" (3627597312)
00:01:40.229 --> 00:01:49.389
Okay, I think we have it figured out now. So councils council members. I'm, can you hear us?

6 "Marcy Grail" (675521536)
00:01:49.389 --> 00:01:52.549
Yes, this is Marcy. Okay.

7 "Katie Imes" (1309656832)
00:01:52.549 --> 00:01:54.569
Yes I can hear you. Great I.

8 "Energy Siting" (3627597312)
00:01:54.569 --> 00:02:18.980
I have noted we just called role and I just noted for the record you're both present, so, so mr. by you have a quorum. Mr. secretary. Are there any agenda modifications? Not at this time. So I have the following announcements for council members and anyone addressing the council, please remember to state your name clearly, and please do not use.

9 "Energy Siting" (3627597312)
00:02:18.980 --> 00:02:37.860
Is the speakerphone feature as it will create feedback. Please mute your phones and if you are joining us by phone and receive a call, please hang up from this call and dial back in after finishing your other call. For those signed in onto the webinar, please do not broadcast your webcam.

10 "Energy Siting" (3627597312)
00:02:37.860 --> 00:02:57.780
For tonight's public hearing, there are three ways to let us know you are interested in providing comments to the council. For those in person, please fill out a registration card and submit to Nancy Hatch, who is our technical wizard. For those using the Webex, you will need to use the raise your hand feature.

11 "Energy Siting" (3627597312)
00:02:57.780 --> 00:03:17.780
For those on the phone only you will need to press pound or star three, which will alert us that you want to speak, and we will go over these options again during that agenda item. Going further, if you want to receive future email notifications of council meetings, project my.

12 "Energy Siting" (3627597312)
00:03:17.780 --> 00:03:42.080
Project milestones or rule makings through our click dimensions program. You can do so by clicking on the link in the agenda or on the council webpage. Look for the green box on the right hand side of the page that says quote sign up for emails update. Unquote. You are also welcome to access the online project mapping tool and any documents by visiting our website. Please.

13 "Energy Siting" (3627597312)
00:03:42.080 --> 00:04:10.610
Please note that the audio and video of this meeting is being recorded or being recorded and maybe posted to the council's website following the meeting. Energy facility council meetings shall be conducted in a respectful and courteous manner where everyone is allowed to state their positions at the appropriate times consistent with council rules and procedures. Will Full accusatory, offensive, insulting, threatening, insulint or slandrous comments which disrupt the council meeting.

14 "Energy Siting" (3627597312)
00:04:10.610 --> 00:04:32.840
Are not acceptable. Pursuant to organ administrative rule 345-011-0080. Any person who engages in unacceptable conduct, which disrupts the meeting maybe expelled. Moving on to the consent calendar, we've got.

15 "Energy Siting" (3627597312)
00:04:32.840 --> 00:05:00.629
Approval of the 19 September 2025 council meeting minutes. I'm hoping that all council members have had a chance to review. Do we have a motion? So thank you counselor Devlin. Do we have a second? Thank you. Oh count it Yes. New council member, which we'll hear about in a moment. So, we've got a motion and a second.

16 "Energy Siting" (3627597312)
00:05:00.629 --> 00:05:19.870
Do we have any discussion? Secretary, can mr. secretary, can you please call the vote and buyer? Yeah. Richard Devlin? Yes. Katie Imes.

17 "Katie Imes" (1309656832)
00:05:19.870 --> 00:05:22.190
Yes.

18 "Energy Siting" (3627597312)
00:05:22.190 --> 00:05:29.287
Patty Perry, Cindy Conden. Yes, Marcy Grill.

19 "Marcy Grail" (675521536)
00:05:29.287 --> 00:05:34.731
I'm abstaining.

20 "Energy Siting" (3627597312)
00:05:34.731 --> 00:05:42.751
Ocean carries vice chair. Thank you mr. secretary. And next on the agenda is the council secretary report.

21 "Marcy Grail" (675521536)
00:05:42.751 --> 00:05:45.508
Excuse me vice chair of Conden.

22 "Energy Siting" (3627597312)
00:05:45.508 --> 00:05:47.790
Yes, I guess I shouldn't.

23 "Marcy Grail" (675521536)
00:05:47.790 --> 00:05:53.071
I said I'm upstating since I did not attend that meeting, I apologize.

24 "Energy Siting" (3627597312)
00:05:53.071 --> 00:06:03.389
Thank you, counselor Greyll. So moving on, ok. Council secretary report. Thank you very much.

25 "Energy Siting" (3627597312)
00:06:03.389 --> 00:06:21.659
So apologies for the noise. We've got a few more people than we anticipated, so I want to make sure everybody has a chair, so doing a little logist logistical changes right now, so apologies for that, but we'll keep pushing on. So I have a couple of staffing and council member updates.

26 "Energy Siting" (3627597312)
00:06:21.659 --> 00:06:41.659
So 1st, at the September council meeting, Secretary Esthersen announced that we had an ongoing recruitment to fill the compliance officer position. This was a position that was created in the last budget cycle. I'm happy to announce that we have filled that position. Our newest compliance officer is annah.

27 "Energy Siting" (3627597312)
00:06:41.659 --> 00:07:02.779
She comes to us from the nuclear Safety and energy security division within the Oregon Department of Energy where she served as the county energy Resilience Program coordinator, and prior to coming to the Department of Energy, Hannah was the education and outreach coordinator for the Jackson County soil and water Conservation district.

28 "Energy Siting" (3627597312)
00:07:02.779 --> 00:07:19.499
She has a bachelor's degree from the University of Oregon in planning public policy and management, a master's degree from Oregon State

University and water Resources policy and management, and PhD coursework from the University of Utah in Metropolitan planning policy and design.

29 "Energy Siting" (3627597312)
00:07:19.499 --> 00:07:35.549
We're very excited for Hannah to to begin working on projects. She started on 13 October. We're still in just in her second week, so just going through onboarding right now. And at this point we have a full compliance team, so three full time positions.

30 "Energy Siting" (3627597312)
00:07:35.549 --> 00:07:54.989
And I'm very excited to see where Hannah, Brett and Egan take the compliance program. A couple of council member updates. So, also Secretary Esthersen announced that our newest council member Patty Perry, was appointed by the governor and confirmed by the Senate.

31 "Energy Siting" (3627597312)
00:07:54.989 --> 00:08:13.259
So as a reminder, council member Perry is currently the planning director for the confederated tribes of the Indian reservation. So welcome council member Perry. Please do not hesitate to let us know anything that you need and if you wanna say anything to the council, you are more than welcome to.

32 "Energy Siting" (3627597312)
00:08:13.259 --> 00:08:30.719
Okay, while we have somebody coming on, we unfortunately have somebody going off. So council member Imes has announced that she has submitted her resignation effective at the end of this council or tomorrow's council meeting, so.

33 "Energy Siting" (3627597312)
00:08:30.719 --> 00:08:46.019
Based on kind of some changes in her personal circumstances she's needing to resign, so I just want to thank council member Imes for all of her hard work and particularly I think very important perspectives that she brought to the council.

34 "Energy Siting" (3627597312)
00:08:46.019 --> 00:09:06.019
And she has been living in the area where a lot of the facilities are located. So she brought that perspective of people who are actually living in and adjacent to these facilities and I thought represented them very well in addition to other insights and perspectives as well. So, thank you council member Eyes.

35 "Energy Siting" (3627597312)
00:09:06.019 --> 00:09:11.468
And read us anything that you'd like as well.

36 "Katie Imes" (1309656832)
00:09:11.468 --> 00:09:27.199

Thank you, Todd. Yeah, thank you Todd. I'm I'm really sorry to go because I feel like I'm just getting my feet wet. But I know that the counselor will carry on and.

37 "Katie Imes" (1309656832)
00:09:27.199 --> 00:09:33.712
Continue to do good work. Thank you for the opportunity.

38 "Energy Siting" (3627597312)
00:09:33.712 --> 00:09:52.789
Thank you. Glad to see you go. This is your meeting. I just want to say thank you counselor Imes for your service and something tells me we haven't seen the last of you. You can still get your.

39 "Energy Siting" (3627597312)
00:09:52.789 --> 00:10:00.169
Feet and knees wet. So thank you for your time and attention to the material. You added a lot to our meetings.

40 "Katie Imes" (1309656832)
00:10:00.169 --> 00:10:04.749
Thank you vice chair conference. I appreciate that. Thanks.

41 "Energy Siting" (3627597312)
00:10:04.749 --> 00:10:34.709
Slide please? Yes. Okay, so I have one project update. This is the Sunstone solar project request for amendment one. So the, this is a 1200 mW project and battery storage as a related in supporting facility. The project was approved in November of 2024.

42 "Energy Siting" (3627597312)
00:10:34.709 --> 00:10:52.229
Projects is located in Moral County, approximately 17 mi north of Lexington, and the parent company is Pinegate renewables. So request for amendment one was submitted in July of this year. Amendment one seeks to.

43 "Energy Siting" (3627597312)
00:10:52.229 --> 00:11:11.069
Do a few things. It would split the facility into six separate facilities. Remember this is the 14 sq mi one. So they're proposing to split it into six different site certificates, and also modify the transmission line corridor and reduce the number of switch yards from two to one.

44 "Energy Siting" (3627597312)
00:11:11.069 --> 00:11:27.149
And then increase the footprint of one of the approved substations, so mostly administrative, a couple of other, changes as well. So, if you recall at the September council meeting, council approved the.

45 "Energy Siting" (3627597312)
00:11:27.149 --> 00:11:47.149
New amendment rules. While you approve those rules, we have not filed them yet. Or Tom Jackman or our rulemaking coordinator has not filed them

with the secretary of state. The reason being is on tomorrow's agenda, we have the sunset, not sunstone, the sunset, I make them mistake all the time. The sunset a.

46 "Energy Siting" (3627597312)
00:11:47.149 --> 00:12:12.559
Amendment and council will review that and could issue a final decision, and so we want to make sure the timing of the existing rules and the new rules kind of work out. So we don't want there to be any confusion about the application of the new rules with that project, that amendment which is ongoing. So, if council makes a final decision tomorrow, Tom should file with the.

47 "Energy Siting" (3627597312)
00:12:12.559 --> 00:12:36.769
State shortly thereafter in the afternoon. But, this creates a little bit of a conundrum or a complication for us. So, going back to the Sunstone solar project amendment one, that project as big as it was or big as big as it is really didn't have.

48 "Energy Siting" (3627597312)
00:12:36.769 --> 00:13:03.029
Much in the way of public interest or controversy. You know, there was a few people who showed up, but they're really as for again as big as it was, it wasn't very concerning to, people who live around there or to any of the national resource groups, and so the new rules are going to allow for council to waive the in person.

49 "Energy Siting" (3627597312)
00:13:03.029 --> 00:13:18.599
In Proximity requirement for the public hearing. So there will be an automatic public hearing for all amendments and if there is an in proximity in person requirement, it's not required by statute, it's your own rules. So you approve those rules, they will go into effect.

50 "Energy Siting" (3627597312)
00:13:18.599 --> 00:13:35.219
We think that's a good idea. We also built in sort of an out, based on some circumstances, we, the department could request from the council to weigh that in proximity public hearing requirement.

51 "Energy Siting" (3627597312)
00:13:35.219 --> 00:13:52.349
So we want to do that, but because those rules are not effective yet, we cannot do that tonight. But the timing of that public hearing would likely be in November, so that's this complexity. So essentially.

52 "Energy Siting" (3627597312)
00:13:52.349 --> 00:14:10.079
The new rule will allow you to the council or the chair. We wanted to build in an opportunity for the chair because circumstances may come up, you know, kind of in between council meetings, which would make it difficult to get the whole council to review. So we are going to ask the chair once the rules go into effect to waive the improximity.

53 "Energy Siting" (3627597312)
00:14:10.079 --> 00:14:25.109
We're proposing that the meeting occur in salem. Public hearing would occur in Salem. Again, based on our prior experience, we don't think there's gonna be much interest from the public public on that. So we don't think, you know, there's gonna be much of a concern as a result.

54 "Energy Siting" (3627597312)
00:14:25.109 --> 00:14:42.989
So, but for transparency's sake, you know, we wanted to get it out in front of you and if you are ok doing a straw poll, I would seek to do a straw hole now. Again, it's not binding, but if you're absolutely not, we want to be in.

55 "Energy Siting" (3627597312)
00:14:42.989 --> 00:14:59.489
Proximity, you know, that would likely drive us then to be out in boardman for that public hearing. If you're ok, we would then be asking the chair to have the meeting in Salem. Does that make sense? It's again, it's a little chicken or, you know.

56 "Energy Siting" (3627597312)
00:14:59.489 --> 00:15:19.489
Kind of, so I want to make sure that I understand this we can take a strap hole and it's really meaningless until the chair, I mean, the chair is gonna make that decision.

57 "Energy Siting" (3627597312)
00:15:19.489 --> 00:15:40.679
And I would convey that to the chair. Yeah w whatever the strawpole says. Yeah. Thank you. And I, I guess I think of the, this as a pretty big project. It certainly has, you know, not really opposite, NO real opposition that we heard. But I am curious.

58 "Energy Siting" (3627597312)
00:15:40.679 --> 00:16:00.679
That with a change to anticipate that there wouldn't be comments, you know, questioning it and now we're having a meeting in Salem as opposed to where it is. So can I put into a a sort of a different perspective if if.

59 "Energy Siting" (3627597312)
00:16:00.679 --> 00:16:28.549
This project moved forward under the current rules, it would be a type B and there would be NO public hearing and there would be NO opportunity to comment in front of council, there would only be a written public comment period. So kind of again with with the new rules public hearing in front of council on all amendments, but again, you know, some of these can be, you know, very minor in nature and you know it's a big effort to.

60 "Energy Siting" (3627597312)
00:16:28.549 --> 00:16:44.789

Who, you know, go out to these places and and if there is, we believe there is, you know, interest, we're absolutely going to, you know, be out there. We don't believe that this one will have interest. Quick question.

61 "Energy Siting" (3627597312)
00:16:44.789 --> 00:17:04.789
So with the understanding that this would trigger a public hearing, not in proximity but in salem, if during the public hearing there were a number of comments about wait a minute.

62 "Energy Siting" (3627597312)
00:17:04.789 --> 00:17:26.959
You didn't come out to us, would that, would we have a chance to then say, ok, we're hearing you will keep the hearing open. Is that an option? I mean and that would be an option I think you'd have to just, you would have to think about how many people, you know, is there additional value to being there in person? Are those people.

63 "Energy Siting" (3627597312)
00:17:26.959 --> 00:17:58.639
We're still able to provide their comment either, you know, we don't necessarily want people to drive, have to drive to salum, to do that, but they could testify online on the phone as well. Sure. So just knowing that There's, we're creating that opportunity for hearing if we had a number of people who raised concerns, we would have an option but it's, it is just a little squishy with the rules not quite being in place, but as long.

64 "Energy Siting" (3627597312)
00:17:58.639 --> 00:18:29.999
Because we have that opportunity to hear from people. Yeah, and again this is for trans for full transparency. We don't want to hide any of this stuff, we want to kind of put it out there, make sure everybody's understanding what our thought is from staff. Again, you can agree with us, you don't have to, but, you know, we wanted to make sure that you all had a chance to think about this and that we didn't just later on after the rules are filed, go to the chair. Yep, but thank you for the opportunity. So this is really an opportunity to provide flexibility.

65 "Energy Siting" (3627597312)
00:18:29.999 --> 00:18:49.889
To deal with this situation as it exists. Yeah, and and again going back to the, you know, the nature or or the sort of aspect of the rules, currently we have type A and type B So if it's type B, there is NO public hearing. Yeah, there is NO ability to comment directly in front of the council. There's only a written public comment time frame.

66 "Energy Siting" (3627597312)
00:18:49.889 --> 00:19:05.339
It's a type A, same thing there is the ability, you know, to, there's a public hearing, it's in proximity, it's in front of council, you know, but with the new rules, we've eliminated the type A and type B There's a public hearing.

67 "Energy Siting" (3627597312)
00:19:05.339 --> 00:19:21.179
On all projects, on all amendments in front of council, there is value to that, I believe but does it justify, does each amendment justify going out to location? Some? Absolutely, and I believe some will not.

68 "Energy Siting" (3627597312)
00:19:21.179 --> 00:19:36.869
And we, we staff believe that this one will not. Thank you, and how would you like to do this job call? I will call kind of basically just do a similar roll call and I'll make note of it. Again, it's not binding, because the rules are not affected yet.

69 "Energy Siting" (3627597312)
00:19:36.869 --> 00:19:55.289
Cindy Condin? Yes. Richard Devlin? Yes, but I'll leave it up to the judgment of the people actually few meetings, not attend. Okay, the 1st day I am traveling.

70 "Energy Siting" (3627597312)
00:19:55.289 --> 00:20:15.289
The 1st, the 1st day I'm traveling all days by a certain airline and I will arrive in Portland back on 2nd day at about 02:00 A.M. in the morning, which will because of where I've been, will be equivalent about five or six in the morning. I have offered to be available for 2nd.

71 "Energy Siting" (3627597312)
00:20:15.289 --> 00:20:27.691
Day if necessary, but I do not anticipate being entirely awake. Julie noted. Katie Imes.

72 "Katie Imes" (1309656832)
00:20:27.691 --> 00:20:33.664
I'm gonna obstain since I will not be attending. Fair enough.

73 "Energy Siting" (3627597312)
00:20:33.664 --> 00:20:35.470
Mercy Grail.

74 "Marcy Grail" (675521536)
00:20:35.470 --> 00:20:50.988
I would be most likely attending. I'm trying in person, but we see how well that's working, so it doesn't have a whole big bearing for me.

75 "Energy Siting" (3627597312)
00:20:50.988 --> 00:21:08.369
Antire. Yes, I'm ok. Patty Perry. Yes. Thank you all and thanks for the sort of odd request. Thank you for bringing it to our attention.

76 "Energy Siting" (3627597312)
00:21:08.369 --> 00:21:28.369
Okay, next are the compliance updates, so getting advance the slide when you get a chance, Nancy. The 1st is Biglow canyon wind farm. This is a

450 mW project in Sherman County owned by Portland General Electric consists of 217 turbines. Since the.

77 "Energy Siting" (3627597312)
00:21:28.369 --> 00:21:49.679
Last council meeting, there were two incidents. So the 1st was that a PGD technician discovered a broken piece of the blade caller near turbin 339I don't have a map, but, and that was on 9 October. Turbine was taken offline and a root cause analysis is pending, so that one is still open.

78 "Energy Siting" (3627597312)
00:21:49.679 --> 00:22:07.709
And on 7 October, this PG technician reported turbin 65 was found with its door unlocked, and that's one of the requirements that.

79 "Energy Siting" (3627597312)
00:22:07.709 --> 00:22:22.859
The public are not able to access the equipment. And so that's one of the things that also needs to be remedied, so that one's still open. The other is not.

80 "Energy Siting" (3627597312)
00:22:22.859 --> 00:22:39.719
Yeah, Sarah does it better than I do with Patrick Waywitt solar field or field solar. This is a hundred and 62 mW solar project in Gilland County. It's on eleven, well, 1189 acres, and the owner is oven Grid, a parent company.

81 "Energy Siting" (3627597312)
00:22:39.719 --> 00:22:59.719
On 14 October, a small self contained fire affecting approximately eight five acres was discovered at the project site. It was inactive at the time somebody found it after had burned and then went out. No injuries or equipment damage, NO emergency response.

82 "Energy Siting" (3627597312)
00:22:59.719 --> 00:23:24.859
Was required and that's still under evaluation, so that's an open incident as well. Question. It's my understanding on Bigelo Canyon that we're having fairly regular compliance reporting since there have been a number of incidents. Is that still continuing? Yes, thank you.

83 "Energy Siting" (3627597312)
00:23:24.859 --> 00:23:41.879
Yes. Yeah, I mean, and as we talked about I think last council meeting, you know, they do have a, they are working on numerous things, so it may not result in all the issues that we're seeing, but for kind of the big things, the.

84 "Energy Siting" (3627597312)
00:23:41.879 --> 00:24:01.879
The transformer failures and the oil leaking kind of downside and on the blades. They do, and these are some of the kind of earlier wind turbines. So they they do have a plan. They are working through that. There's a lot

of effort going on, so we hope to see, you know, some pretty significant changes in.

85 "Energy Siting" (3627597312)
00:24:01.879 --> 00:24:18.839
2026, you know, into 2027 as they do a lot of those changes. So, and as we get more details on that, we'll, we'll provide that. But yes, the short answer to your question is there is a consistent pattern in varying types of things that are occurring out there. Thank you.

86 "Energy Siting" (3627597312)
00:24:18.839 --> 00:24:37.859
Alright, next slide, please. Oops, I think I got these ones off, so I'll go in my reverse order. That was my fault. So council meetings, so the next council meeting is in November.

87 "Energy Siting" (3627597312)
00:24:37.859 --> 00:24:57.859
On the 21st, as we talked about, you know, we haven't gone to the chair yet in terms of location, but we were seeking sort of your insights about the location, so likely now it will be in salem. We will need a meeting, it'll be one day, we'll provide more details to you later.

88 "Energy Siting" (3627597312)
00:24:57.859 --> 00:25:14.159
The December meeting is the 18th and the 19th. We do have a couple of projects that are nearing the public hearing phase, so we may need to have both of those days for you know an evening meeting with the public hearing and the regular counsel meeting on the 19th. Again, we'll be.

89 "Energy Siting" (3627597312)
00:25:14.159 --> 00:25:33.929
In touch about the specifics of those as we get closer to that. And then as we get kind of near the end nearing the end of the year, so we're in the Q4, we want to make sure that everybody starts planning for the next year in terms of dates. So Nancy had sent out the dates that are on the screen to everybody.

90 "Energy Siting" (3627597312)
00:25:33.929 --> 00:25:53.929
And I'm not looking for your response yet, but I think it helps to again look at the dates, make sure, you know, that they work, and if they don't, you know, please let us know cause what we'll do then is gather that information to either confirm these dates, get them locked on the calendar, knowing that very likely we have a quorum for all of you, so.

91 "Energy Siting" (3627597312)
00:25:53.929 --> 00:26:19.399
Doesn't mean that everybody has to be available for every meeting, so please let us know if, you know, you're definitely not available for some, that's fine. That'll just allow us to again assess whether these are the right dates or whether we need to move them. So, yeah. Thank you. And just Nancy did send out an email to all of us and so hopefully we've all responded and, gotten back to you or we'll we'll do that shortly.

92 "Energy Siting" (3627597312)
00:26:19.399 --> 00:26:40.279
Thank you. Yeah, and we'll, and we'll follow up, you know, again, because we want to lock these things in. So if we haven't heard from anybody, we'll follow up with that as well. Thank you. All right, next slide please. Yep, ok. So this will be my last item and it's kind of a big item, so this relates to the executive order 2525.

93 "Energy Siting" (3627597312)
00:26:40.279 --> 00:27:04.429
The governor Cotech issued on 6 October. So today I'm gonna give you a brief overview of the executive order and what the siting division is doing in response to that. So I have requested someone from the governor's office to come to come to the November meeting. I'm hoping they will be able to come. This is not our executive order. It's the governor's executive.

94 "Energy Siting" (3627597312)
00:27:04.429 --> 00:27:17.879
Order so there's some things that I'll be able to explain to you and tell you, others you you know better to ask questions, but I may not have the ability to provide answers cause again, it's not not our executive order.

95 "Energy Siting" (3627597312)
00:27:17.879 --> 00:27:37.619
So this was in response to the federal government's changes to renewable energy production and investment tax credits. In order for developers to be eligible, but they must now begin construction before 5 July 2026 and must be placed into service before 31 December 2027.

96 "Energy Siting" (3627597312)
00:27:37.619 --> 00:27:57.619
So these tax credits were previously available, but and I'm not aware of what the timelines were or if there were any limitations, but with the new federal administration has put those more definitive current timelines on there. And so the executive order is basically relating to trying to make sure that projects that came.

97 "Energy Siting" (3627597312)
00:27:57.619 --> 00:28:20.969
Can get into construction and operation in order to meet those, that we will make some efforts to help those in short. So the major elements for and and we're not the only ones listed in here, there are other agencies that are listed. I'm just really responding to the direction to the Oregon Department of Energy, really the siting division.

98 "Energy Siting" (3627597312)
00:28:20.969 --> 00:28:36.479
And the energy facility sighting council. We are both named. So the, you can see on the screen kind of the major elements for us. The 1st thing is to consult with developers. And again, I will get back to that one on the next slide. So the.

99 "Energy Siting" (3627597312)
00:28:36.479 --> 00:28:56.479
1st consult with developers, then prioritize projects, speed up review as allowed by statutes and rules, and this could include minimizing public comment time frames, minimizing reviewing agency comment time frames, not holding public information meetings. Those are not required, so last.

100 "Energy Siting" (3627597312)
00:28:56.479 --> 00:29:14.819
This month we were here to have a public information meeting at the completeness. Those are not legally required. They're op opportunities or options. We always do them, we think they're valuable. We think it helps people to prepare for the public hearing, but they take time and you know.

101 "Energy Siting" (3627597312)
00:29:14.819 --> 00:29:34.819
And resources and so those are the types of things that we would be looking at, you know, in addition to others. But we have a very sort of clear statutory process and the rules implement that. So, you know, there's not a tremendous amount of flexibility in those. So again, we'll have to look at what the opportunities are and those are just some examples.

102 "Energy Siting" (3627597312)
00:29:34.819 --> 00:29:51.899
Examples that I wanted to provide. So the other major thing is that we, the department and the council, would not pursue as a violation the construction of a project prior to the issuance of a site certificate.

103 "Energy Siting" (3627597312)
00:29:51.899 --> 00:30:07.709
But there are some caveats in there, so it's not just they can go out and do whatever they want. That's limited by, they have to get to the point where the application is deemed complete. So somebody can't just go out there and do it. They have to go through the notice of intent phase.

104 "Energy Siting" (3627597312)
00:30:07.709 --> 00:30:24.359
Unless it's you know a smaller facility would be exempt from the notice of intent phase, they would have to submit a preliminary application, we would review that preliminary application in order to deem it complete, and only then could they start construction.

105 "Energy Siting" (3627597312)
00:30:24.359 --> 00:30:39.569
They would have to provide a letter of credit, not a bond, only a letter of credit. The letter of credit would have to be, there's like a per megawatt dollar amount, and that's in the executive order. The letter of credit would have to be from an institution that's on the council's list.

106 "Energy Siting" (3627597312)
00:30:39.569 --> 00:30:56.189

And in the form that's approved by the council, the work would have to be the minimum necessary to meet the federal requirement. So they couldn't go out there and build the entire facility. It would have to be just the minimum necessary to meet that federal beginning construction requirement, which I.

107 "Energy Siting" (3627597312)
00:30:56.189 --> 00:31:12.509
Couldn't tell you exactly what that is. And then, importantly, known resources would have to be avoided. That's one of the points of being at completeness, not that we've done the full evaluation and have a site certificate and conditions and timing and all of those things.

108 "Energy Siting" (3627597312)
00:31:12.509 --> 00:31:29.789
But at a complete application, a lot of the most of not all the resources or at least known, therefore could be avoided. And then ultimately the developer must still meet all of the requirements of the siteing council and must receive a site certificate.

109 "Energy Siting" (3627597312)
00:31:29.789 --> 00:31:45.179
Just because they begin construction without a site certificate does not obligate the council to approve them later on. They still have the same burden to go through the remainder of the process and receive a site certificate to finish off construction of the remainder of the project.

110 "Energy Siting" (3627597312)
00:31:45.179 --> 00:32:03.749
Okay, before I move into the next slide question Yes, thank you. See there was question, just a question with respect to the letter of credit that the letter of credit referred to here is different than our security.

111 "Energy Siting" (3627597312)
00:32:03.749 --> 00:32:23.749
Required in a site certificate. So, as I, is that correct? It's a second letter. This isn't a financial assurance. It is. Yes. So that if they be if they construct that portion of the facility never finish the site review process and walk away, we've gotta letter credit to decommission the facility.

112 "Energy Siting" (3627597312)
00:32:23.749 --> 00:32:44.179
So it is, I mean it's a little difficult because it's not subject to a condition and, you know, there's the, you know, that evaluation hasn't been done, but it functionally is meant to be the same thing. And so it will have the same terms and conditions that we have talked about. It will.

113 "Energy Siting" (3627597312)
00:32:44.179 --> 00:33:06.209
Will be our Yeah and that that's in the form that that's been approved by the council. So it has to be in the exact form that we would, if somebody

who has a site certificate and begins construction has to submit a financial assurance, you know, instrument and they choose a letter of credit, it would be the exact same form.

114 "Energy Siting" (3627597312)
00:33:06.209 --> 00:33:21.539
It is interesting because the letter of credit language does site the site certificate, and so yeah ok thank you.

115 "Energy Siting" (3627597312)
00:33:21.539 --> 00:33:43.819
Under this scenario, where does it lead the opportunity for public input? They would still have to go through the process. So really again if somebody, you know, gets to completeness and then, you know, that's prior to 5 July 2026 and they begin construction in order to meet that.

116 "Energy Siting" (3627597312)
00:33:43.819 --> 00:34:08.389
That federal deadline, therefore, they're eligible then for those tax credits that they're not done. They still have to continue going through the whole FSEC process. So we would then still have, you know, at that point I don't know why we'd wave off public information meeting because they've already gotten the, you know, eligibility. We would likely still have the public information meeting. We would also have a public hearing like we're doing tonight. All of those.

117 "Energy Siting" (3627597312)
00:34:08.389 --> 00:34:26.729
Things would still be required. But after the start of construction, after the start of construction. Yeah, it just makes me a little queezy about just, just for the record yep ok definitely.

118 "Energy Siting" (3627597312)
00:34:26.729 --> 00:34:45.059
I talked to the secretary about this. I think some of the realities of this is if we can find projects where if parties bring projects to us, that are in a sense ready. I mean I think it's something we absolutely should do, but.

119 "Energy Siting" (3627597312)
00:34:45.059 --> 00:35:05.009
I didn't realizing three things, in the last year, we seems like almost every meeting or every other meeting we've had requests to extend times for construction or to start construction. The underlying realities of developers in terms of how much risk they want to take.

120 "Energy Siting" (3627597312)
00:35:05.009 --> 00:35:20.969
Do they have access to transmission lines, whether even they're within a quarter of a mile or a half a mile? Do they actually have access and how much risk do they wanna take? Do they actually have a party that will agree to purchase their power in the long term?

121 "Energy Siting" (3627597312)

00:35:20.969 --> 00:35:37.769
So I think it's worthwhile to obviously pull all the direction of the governor, and I'm hoping there's some projects that come forward that meet this standard, but it's a pretty high standard to be able to do all of those things in this shorter period of time.

122 "Energy Siting" (3627597312)
00:35:37.769 --> 00:35:56.699
And just a comment with respect to that I don't know if you know off the top of your head secretarynette, but how many projects do we have approved out there that really haven't moved forward? This is a great segue.

123 "Energy Siting" (3627597312)
00:35:56.699 --> 00:36:16.699
I'll move into the next slide. Okay. All right. So you all got it y'all perfectly got ahead of me, which, but actually it's it's great because you're setting me up perfectly. Okay, got it. So I'm gonna go back to the 1st thing that we really need to do, which is consult with developers. The executive order doesn't explain what that means. So, we've been kind of trying to figure that out.

124 "Energy Siting" (3627597312)
00:36:16.699 --> 00:36:43.459
So yesterday, we sent out a survey to all active projects. So these are ones essentially any project that is active that hasn't fully constructed everything. You know, we have some projects that have constructed part of it, and they still cons construct, you know, other parts of it, some that have been approved, that haven't begun construction, some that are in review, and then some that we've had some recent conversations with that haven't actually come in yet.

125 "Energy Siting" (3627597312)
00:36:43.459 --> 00:37:02.279
So we pulled that list together and got that out so thanks to Sarah and BV who put a lot of work into that and and making sure that that got out. We're trying to be as timely as possible, but these things a little complicated, you know, we don't have clear directions so we're having to kind of figure things out and do a lot of.

126 "Energy Siting" (3627597312)
00:37:02.279 --> 00:37:20.519
Connections with others to make sure we're kind of doing it, you know, in a reasonable way. So that went out yesterday. So we'll start to hear back from people, and I'm not gonna tell you everything that we're asking from people in there, but the big things are, do they have a power purchase agreement for someone to take their power?

127 "Energy Siting" (3627597312)
00:37:20.519 --> 00:37:40.519
Are they in the interconnect queue, you know, with BPA or, you know, one of the investor owned utilities? If so, where are they at in the interconnect queue? Will they be seeking to meet the federal physical

beginning construction requirement or the actual federal rules allow, and I'm gonna say this in a general way.

128 "Energy Siting" (3627597312)
00:37:40.519 --> 00:38:04.169
Because I don't know the specifics, somebody can buy equipment and meet that construction deadline without physically constructing. So I don't know the limitations on that, but there is that kind of option as well. So are they going to be, you know, using that method in order to meet that requirement? Yeah. And those were, those are the major questions that we're asking him. Again, there's some.

129 "Energy Siting" (3627597312)
00:38:04.169 --> 00:38:19.800
And so once we get those results back, then we're gonna have to do an analysis, you know, and kind of start to look at those and figure out, you know, which ones are the highest priority based on certain circumstances. We're also gonna look at projects right now that are in.

130 "Energy Siting" (3627597312)
00:38:19.800 --> 00:38:39.800
Preconstruction projects that are at the end of the review that may want to move forward that actually maybe outside of the executive order once they're approved, you know, we, those are projects that actually, if they want to move forward, you know, can actually get to that point in time. So we're gonna be of doing this full evaluation of the information that we.

131 "Energy Siting" (3627597312)
00:38:39.800 --> 00:38:57.630
We receive, you know, prioritize them, we'll seek input, you know, from the governor's office on that as well. And then, if we need to do anything, we will then reallocate our resources and come up with specific kind of targets and plans for each of the projects.

132 "Energy Siting" (3627597312)
00:38:57.630 --> 00:39:13.470
So, to the point that, you know, you were both making, we have nine approved projects. Nine approved projects equally more than 3 gW, for Windon solar generation, 2 gW of battery storage.

133 "Energy Siting" (3627597312)
00:39:13.470 --> 00:39:33.470
Three of these are actively working on meeting pre constructions right now, and likely they can begin construction prior to that deadline. The others we've not heard from them, again, hopefully we'll hear from them based on the survey, but some of these go back years. Again, you know, you've seen these time extension requests, NO power purchase agreements, NO interconnect.

134 "Energy Siting" (3627597312)
00:39:33.470 --> 00:39:54.110
So this executive order and this doesn't change any of that. So there may, you know, there maybe a lot of projects that want to utilize this

and try to move forward in order to get ready for that. There maybe none. I we don't know yet, but again, there are a lot of projects that the council has approved that already could have begun construction.

135 "Energy Siting" (3627597312)
00:39:54.110 --> 00:40:14.190
Years ago that happened, you know, and those are the physical limitations that we and you do not have any control over. And so thank you for that and just a final comment at our last meeting, we talked about removing language about the need for an extension.

136 "Energy Siting" (3627597312)
00:40:14.190 --> 00:40:30.660
And for for me that is a big thing and having it removed, I mean, you're going having to go back to consult with developers on the very things that I think that we should be asking.

137 "Energy Siting" (3627597312)
00:40:30.660 --> 00:40:50.988
When extensions are, are requested. It's all. Thank you. Okay, and that was the last of my items, so unless anybody has any questions, we can move on to what everybody's here for today, so my apologies for going along. Counselor Aimes counselor Greal, any comments?

138 "Marcy Grail" (675521536)
00:40:50.988 --> 00:41:08.071
No, I will say I concur with you about the, the need to not have extensions. It just seems like kicking the can usually doesn't work in most circumstances, so I'll be curious to see how this all plays out. Thank you.

139 "Energy Siting" (3627597312)
00:41:08.071 --> 00:41:09.672
Answer I'm?

140 "Katie Imes" (1309656832)
00:41:09.672 --> 00:41:12.547
No comments. Thank you. Thank you. All right, thank you.

141 "Energy Siting" (3627597312)
00:41:12.547 --> 00:41:25.350
Thank you very much. And I'm sorry I can't see you. I can't see anything so I I'm I'm just talking into air. And feel free to speak up if you have a question and I.

142 "Energy Siting" (3627597312)
00:41:25.350 --> 00:41:43.680
I'm not seeing that. So with that the secretary the secretary Cornette, thank you very much for that. And now we move into the Yellow Rosebastian Energy Center. We have a hearing on the draft proposed order, and we have Kate Sloan in the.

143 "Energy Siting" (3627597312)
00:41:43.680 --> 00:42:01.860

In the chair. So, and Sarah Esthersen, our senior site analysis analyst will, I think that's the right title, senior. That's ok. Yeah, she'll she'll, she'll give her proper title. We'll be our hearings officer tonight. So Kate, you had the floor.

144 "Energy Siting" (3627597312)
00:42:01.860 --> 00:42:21.860
Thank you vice chair of Conden. So my name is Kathleen Sloone for the record. I'm a senior siting analyst with the Oregon Department of Energy and tonight I'm gonna present basically the information item that precedes the public hearing. Sarah Esthersen will run the public hearing.

145 "Energy Siting" (3627597312)
00:42:21.860 --> 00:42:25.470
I guess I just wanted to make council aware.

146 "Energy Siting" (3627597312)
00:42:25.470 --> 00:42:45.470
We will be reviewing the draft proposed order at the November council meeting, so we'll go in depth into our evaluation as a department, the DPO, and any comments we've received and also our responses to comments. So tonight really is.

147 "Energy Siting" (3627597312)
00:42:45.470 --> 00:43:02.310
A quick overview for the purposes of just making people kind of give them some context of the project and then kick it over for the public hearing because that's really the purpose of us being here tonight. Next slide.

148 "Energy Siting" (3627597312)
00:43:02.310 --> 00:43:22.310
Oh, and it's for the yellow Roastbush Energy Center located in Wascow County. All right, so this slide is just to give you an overview of what we're gonna do. Like I said, I'm gonna give you an overview of some of the highlights in the draft proposed order and of the facility as proposed.

149 "Energy Siting" (3627597312)
00:43:22.310 --> 00:43:27.870
Rather than having the hearing overview from the vice chair, it's gonna be Sarah, so I didn't fix that slide.

150 "Energy Siting" (3627597312)
00:43:27.870 --> 00:43:47.870
And then we'll kick it over for public, and the order of speaking will be the applicant will have an opportunity to make some comments. We'll open it up for public comments in the room and then I believe Webex and then the phone and then it'll come back around to council to ask questions or.

151 "Energy Siting" (3627597312)
00:43:47.870 --> 00:43:57.750
Make comments and then at the end the applicant team will also have an opportunity to respond to comments tonight if they so choose.

152 "Energy Siting" (3627597312)
00:43:57.750 --> 00:44:17.750
Okay, so next slide. So the yellow Rosebush Energy Center, like I said, is located. It's off of Bake Oven Road here in Wascow County about 8 mi from Moppinn. It is proposed to be cited on an 8th of.

153 "Energy Siting" (3627597312)
00:44:17.750 --> 00:44:29.730
Thousand and 25 acre site boundary that is on privately owned land zoned for exclusive farm use. It's an 800 mW.

154 "Energy Siting" (3627597312)
00:44:29.730 --> 00:44:49.730
Solar facility with related and supporting facilities I'll talk about in a minute. And then they're also looking at two possible transmission point of interconnection to the BPA transmission line. One would be directly adjacent to the facility and the other one.

155 "Energy Siting" (3627597312)
00:44:49.730 --> 00:45:04.050
Would extend approximately 4.5 mi north of the facility, almost 2 mi of it into Sherman County to connect with another BPA facility, the Buckley station. So the.

156 "Energy Siting" (3627597312)
00:45:04.050 --> 00:45:23.640
Application in the draft proposed order includes both alternatives for the transmission. The applicant has indicated they would only build one and I'll talk a little bit more about that when I get to some of the specifics on the on the project. But the applicant.

157 "Energy Siting" (3627597312)
00:45:23.640 --> 00:45:40.320
Is Yellow Rosebush Energy Center LLC? They're a subsidiary of Savian LLC, which is owned by Shell Energy Group. The applicant team is here tonight, so they'll have an opportunity to introduce themselves. Next slide.

158 "Energy Siting" (3627597312)
00:45:40.320 --> 00:45:58.110
So this is a little more detail on just the proposed facility. The solar facility itself along with all of its required components, 34.5 KV collection system, it is also including up to.

159 "Energy Siting" (3627597312)
00:45:58.110 --> 00:46:15.510
800 mW of battery energy storage as an option. There will be a collector substation and O and M building. There will be a perimeter fence that will surround the entire facility. And there will also be.

160 "Energy Siting" (3627597312)
00:46:15.510 --> 00:46:32.280
Approximately 27 mi of new and improved excess roads, some staging areas, temporary staging areas, and they will be intertying into a 500 KVPA transmission court or existing.

161 "Energy Siting" (3627597312)
00:46:32.280 --> 00:46:50.310
Next slide. So this map might be a little hard to see. The purple outline is the site boundary. One of the things I wanted to highlight is.

162 "Energy Siting" (3627597312)
00:46:50.310 --> 00:47:06.090
If you look to the, the east, there's another green line that goes north to south, and that is that area is being.

163 "Energy Siting" (3627597312)
00:47:06.090 --> 00:47:26.090
Proposed as part of the habitat mitigation because there was prime habitat along that side in those consultations with ODFW, ODFW identified it as a priority habitat area, and they were able to design the project.

164 "Energy Siting" (3627597312)
00:47:26.090 --> 00:47:35.040
To avoid it, but I also have included part of it as possible for the HMA, their habitat visit negation area. Okay, next slide.

165 "Energy Siting" (3627597312)
00:47:35.040 --> 00:47:55.040
So, this slide has a lot of information on it, and it is important to go through for our process. So the applicant started with the notice of intent, which was back in 2023, out of which we issued a project order. There.

166 "Energy Siting" (3627597312)
00:47:55.040 --> 00:48:12.150
There was a public information meeting out here in Moffin at the time and the applicant came and we took a lot of public comment at the time and we issued the project order in January of 2024. And.

167 "Energy Siting" (3627597312)
00:48:12.150 --> 00:48:28.650
That project order is basically the requirements of the application, what needed to be included in the application per our understanding of the project, comments we've received, and also just our standards and rules. So from that, the applicant.

168 "Energy Siting" (3627597312)
00:48:28.650 --> 00:48:44.070
Prepared what is the preliminary application? The preliminary application was submitted 30 August of 2024. And we worked with the applicant and the reviewing agencies for about a year through a series of.

169 "Energy Siting" (3627597312)
00:48:44.070 --> 00:49:01.890
Requests for additional information and their responses to get to a complete application. So at the end of August, it was 28 August, we deemed it complete and we asked them to submit a complete application which they did on 5 September. So on 1 October.

170 "Energy Siting" (3627597312)
00:49:01.890 --> 00:49:21.510
Well, we had a public information meeting up here a month ago. So on 25 September, we had a public information meeting here in this room, in which the applicant presented on their project. We presented on our process and how to participate and kind of an overview of our.

171 "Energy Siting" (3627597312)
00:49:21.510 --> 00:49:41.510
Review process and how we were gonna proceed. And then we issued the draft proposed order on 1 October of this year. And we opened up a public comment period. That draft proposed order was posted to our webpage and we.

172 "Energy Siting" (3627597312)
00:49:41.510 --> 00:49:47.010
Issued a public notice of the draft proposed order and the public hearing.

173 "Energy Siting" (3627597312)
00:49:47.010 --> 00:50:07.010
And we are having that hearing tonight. Throughout this process, we've been having ongoing agency coordination just to make sure that they are reviewing and coordinating, giving us good input as we evaluate our standards. So that is where we are right now. Tonight we're having the.

174 "Energy Siting" (3627597312)
00:50:07.010 --> 00:50:23.460
Public hearing, the public comment period is open until 3 November at 05:00 in the evening. Tonight is the opportunity to provide oral testimony. Written comments can be submitted up until the close of the public comment period.

175 "Energy Siting" (3627597312)
00:50:23.460 --> 00:50:43.460
And then in November, we will be reviewing the draft proposed order with council, and we'll be looking at all the comments received and our evaluation of those comments will have ready for you at that time. So what happens next is after we go through council's.

176 "Energy Siting" (3627597312)
00:50:43.460 --> 00:50:58.110
Review of the draft proposed order, so that's after the public hearing, after public comment is closed. Council reviews the draft proposed order. The department has, I believe it's 21 days to issue a proposed order and that is the department's.

177 "Energy Siting" (3627597312)
00:50:58.110 --> 00:51:18.110
Second version of the order. When we issue that draft proposed order, we will also issue a notice, a public notice of proposed order and an opportunity to request to participate in the contested case. And one of the reasons I bring that up is because.

178 "Energy Siting" (3627597312)
00:51:18.110 --> 00:51:20.820
Because if you're here tonight and you want to make.

179 "Energy Siting" (3627597312)
00:51:20.820 --> 00:51:40.820
Oral testimony on the record or you want to submit comments on the record, those things need to happen in order for you to be eligible to request to participate in the contested case. So there's a couple things I'm gonna read because it's complicated and I'm not gonna remember.

180 "Energy Siting" (3627597312)
00:51:40.820 --> 00:51:44.220
People to remember it all. So.

181 "Energy Siting" (3627597312)
00:51:44.220 --> 00:52:01.170
As I said, the public comment period is still open and it will close on 3 November at 05:00 p.m.. We'll continue to review all the comments received on the record and our current plan is to review that with council at the November meeting.

182 "Energy Siting" (3627597312)
00:52:01.170 --> 00:52:21.170
The recommended findings in the DPA are DPO, which is the draft proposed order, are based on the information provided in the application for site certificate as well as the department's consultation and coordination with other state agencies, the local affected governments and affiliates.

183 "Energy Siting" (3627597312)
00:52:21.170 --> 00:52:28.920
The tribes. The issuance of the draft proposed order comes after several rounds of public engagement.

184 "Energy Siting" (3627597312)
00:52:28.920 --> 00:52:48.920
During the review of the notice of intent and completeness review of the application. So tonight's public hearing and the associated comment period are attended to provide interested members of the public with the opportunity to express their views or raise any concerns with the proposed facility or the recommended findings in the draft.

185 "Energy Siting" (3627597312)
00:52:48.920 --> 00:52:50.880
Proposed order.

186 "Energy Siting" (3627597312)
00:52:50.880 --> 00:53:10.880
After the close of the comment period, like I said, the department and after council's review will issue that proposed order with, will be our final departmental recommendations, and it'll consider all of the input that we received, including the input and direction we may receive from council.

187 "Energy Siting" (3627597312)
00:53:10.880 --> 00:53:14.250
When they review the draft proposed order.

188 "Energy Siting" (3627597312)
00:53:14.250 --> 00:53:34.250
The proposed order will be subject to a contested case proceeding, which will be conducted by a hearing officer that will be appointed. Any person who intends to raise any issue that maybe the basis of a contested case proceeding must raise the issue either in person at the hearing tonight.

189 "Energy Siting" (3627597312)
00:53:34.250 --> 00:53:54.250
Or in a written comment received by the department before the close of the public comment period. The person must raise the issue with sufficient specificity to afford the council, the department and the applicant an opportunity to respond.

190 "Energy Siting" (3627597312)
00:53:54.250 --> 00:54:14.250
Including statements of fact that support a person's position on the issue. And you'll hear more about this later. At the conclusion of the contesting case, the council shall issue a final order, either approving or rejecting the application. And so that will take you through all the chevrons on my slide, but the important part to realize is we're there kind of in the middle.

191 "Energy Siting" (3627597312)
00:54:14.250 --> 00:54:19.590
At the draft reports order phase. Next slide.

192 "Energy Siting" (3627597312)
00:54:19.590 --> 00:54:39.590
So I'm gonna go through these next slides very quickly. They will be posted to the website. I don't want council to feel like I'm giving you the bum's rush. I'm going through it really fast because we're gonna go through these at the next council meeting. It's really just to give an overview of some of the highlights in the draft proposed order.

193 "Energy Siting" (3627597312)
00:54:39.590 --> 00:54:59.590
So the applicant in the 1st standard that I'm gonna talk about is just general standards of review. And if people want to follow along, I have the page numbers in the draft proposed order where you can follow along in those sections. I guess I wanted to also say all these documents are on the project webpage should you want to review them. So.

194 "Energy Siting" (3627597312)
00:54:59.590 --> 00:55:18.900
So just really briefly, the applicant is planning to con to construct the facility in probably two phases at 400 mW each with each phase taking about three years to complete. And we have conditions that set the requirements.

195 "Energy Siting" (3627597312)
00:55:18.900 --> 00:55:38.900
For construction start and completion. Again, I had already mentioned they're looking at two alternatives for inner tie to the BPA 500 KB line that's already there. One has been fully surveyed as directly adjacent to the facility. The other one has.

196 "Energy Siting" (3627597312)
00:55:38.900 --> 00:55:58.260
Yet to be surveyed. And there's some reasons for that. They didn't have access. It wasn't necessarily their, their preferred alternative, but if it were to be selected, we have recommended conditions that are very clear that any unsurveyed portions of that transmission line would require.

197 "Energy Siting" (3627597312)
00:55:58.260 --> 00:56:13.530
Adequate survey and under our applicable standards may have additional conditions and requirements including mitigation depending on the findings of those surveys, and those surveys would be required only if that.

198 "Energy Siting" (3627597312)
00:56:13.530 --> 00:56:31.470
Alternative was selected for final design. So, just wanted to be fully transparent about that. Okay, next slide. So on to the next standard was organizational expertise.

199 "Energy Siting" (3627597312)
00:56:31.470 --> 00:56:51.470
The applicant team is here so they could certainly answer any questions that you might have. But just again, this is an applicant that is an LLC created for the facility, Yellow Rosebush Energy Center. They are a subsidiary of Savian LLC, which is the Renewable Energy arm.

200 "Energy Siting" (3627597312)
00:56:51.470 --> 00:56:55.680
Term of the shell energy group and they have.

201 "Energy Siting" (3627597312)
00:56:55.680 --> 00:57:15.680
23 projects in eleven states in operation construction and contracted, and they also have 18 gW of solar development across 73 projects in 26 states, and 14.8 gW of battery storage across 60 projects in.

202 "Energy Siting" (3627597312)
00:57:15.680 --> 00:57:27.270
24 states. We got that information from their web page. They also submitted a letter as part of their application materials to attest to the fact that.

203 "Energy Siting" (3627597312)
00:57:27.270 --> 00:57:46.560

Set yellow Rosebush and Savion have access to the expertise and qualifications of personnel, and resources from shell energy as, as an assurance. And we also just kind of wanted to_the.

204 "Energy Siting" (3627597312)
00:57:46.560 --> 00:58:02.790
Some of the conditions we have recommended, we feel like it's important that we specify that applicants and certificate holders if, you know, once a facility is approved that they identify for us.

205 "Energy Siting" (3627597312)
00:58:02.790 --> 00:58:19.350
Who their on site compliance person is, that person needs to be qualified. They need to provide us with their name and contact information, and we need to have that person clearly identified for the phases of construction and also for operations.

206 "Energy Siting" (3627597312)
00:58:19.350 --> 00:58:37.410
Next slide. So just in general, the soils in the bound, in the site boundary and in the analysis areas, anyone who lives out here will know, they are susceptible to dust and erosion.

207 "Energy Siting" (3627597312)
00:58:37.410 --> 00:58:57.410
Just basically, there are a lot of what they call aeomien lists. So wind blown deposits very fine, and they are susceptible to dust, propagation and erosion by wind and water. We have requirements and conditions that.

208 "Energy Siting" (3627597312)
00:58:57.410 --> 00:59:17.810
Include the required national pollution discharge illumination construction permit. We call it the nipties, the 1200 C, and it includes the fugitive dust requirements. There's a draft fugitive dust plan in the draft proposed order. These are all requirements.

209 "Energy Siting" (3627597312)
00:59:17.810 --> 00:59:25.020
Prior to construction that they obtain and they have to follow them for construction. We have.

210 "Energy Siting" (3627597312)
00:59:25.020 --> 00:59:45.020
Also recommended that we maintain some of those, what we call best management practices or BMPs to minimize erosion or loss of soils to extend past construction and during operations of the facility, and so that was one of.

211 "Energy Siting" (3627597312)
00:59:45.020 --> 00:59:58.680
The things that we have recommended in a draft proposed order as a condition. Because once that nippiece is terminated, those requirements terminate with them. So by adding a condition that these.

212 "Energy Siting" (3627597312)
00:59:58.680 --> 01:00:17.250
Best management practices continue during the life of this facility is something that we felt like we should add. Next slide. So we will have more opportunities to talk about land use, but the.

213 "Energy Siting" (3627597312)
01:00:17.250 --> 01:00:37.250
Because the facility would occupy over 7000 acres of for the micrositing area of land that is currently zoned for exclusive farm use. It does require what we call a goal three exception under the state state land use planning goal three. And these.

214 "Energy Siting" (3627597312)
01:00:37.250 --> 01:00:41.160
What are the reasons that a facility may.

215 "Energy Siting" (3627597312)
01:00:41.160 --> 01:00:58.410
Be granted by council an exception to goal three. So it could be that there is NO impact to high valued farmland or there is other evidence that there is a minimal impact to agriculture. It.

216 "Energy Siting" (3627597312)
01:00:58.410 --> 01:01:18.410
Maybe an argument that the facility is locationally dependent. It could be that the applicant can make the case that it creates local economic benefits, four and five are minimal impacts to resources and, the important state in county goals.

217 "Energy Siting" (3627597312)
01:01:18.410 --> 01:01:21.330
Priorities. So next slide.

218 "Energy Siting" (3627597312)
01:01:21.330 --> 01:01:41.330
This is kind of from our, from the rule, and this just kind of familiarize everybody in council that council may find goal compliance for a facility that does not otherwise comply with a statewide planning goals by taking an exception, so that's why I saying it means that exception.

219 "Energy Siting" (3627597312)
01:01:41.330 --> 01:01:47.730
The goal three because it exceeds the acreage. If the.

220 "Energy Siting" (3627597312)
01:01:47.730 --> 01:02:07.730
Council finds that the following standards are met. So reasons to justify why state policy should not apply or significant environmental economic, social or energy consequences anticipate as a result of the proposed facility that have been identified and adverse impacts will be mitigated.

221 "Energy Siting" (3627597312)

01:02:07.730 --> 01:02:08.760
Did in.

222 "Energy Siting" (3627597312)
01:02:08.760 --> 01:02:28.760
Accordance with the rules of council, and see the proposed facility is compatible with other adjacent uses or will be made compatible through measures designed to reduce adverse impacts. Okay, next slide. So the department, we're an evidentiary based process, so that in the applicant.

223 "Energy Siting" (3627597312)
01:02:28.760 --> 01:02:31.650
The applicant submits their.

224 "Energy Siting" (3627597312)
01:02:31.650 --> 01:02:51.360
Reasons for what they feel were, they five reasons, their justifications for the five reasons and how they felt that they could meet them. Based upon the department's evaluation of the application and what is submitted, we have recommended that council.

225 "Energy Siting" (3627597312)
01:02:51.360 --> 01:03:11.360
Find that they can take the goal exception based on reasons one and two. We felt that they were the strongest. So the facility does not impact high value farmland or water availability and would have minimal direct, indirect, induced impacts to agricultural activity.

226 "Energy Siting" (3627597312)
01:03:11.360 --> 01:03:16.710
Is at the site and the overall agricultural economy of Wasco County.

227 "Energy Siting" (3627597312)
01:03:16.710 --> 01:03:36.710
So the department found or recommends that council find that the use of the site would have minimal impacts to high value farmland, water availability, and any direct impacts to agricultural practices. There's a pretty extensive evaluation of that in the draft proposed order, but for the sake of.

228 "Energy Siting" (3627597312)
01:03:36.710 --> 01:03:52.320
Tonight. I am not gonna get into it. I'm just gonna summarize it here. And we did feel that based on these facts, this reason was solid and justifies an exception to goal three for this proposed site. And then the next slide.

229 "Energy Siting" (3627597312)
01:03:52.320 --> 01:04:12.320
And then 2nd reason that we felt was a strong case was the reason provided by the applicant on locational dependency. The facility intends to try to inter tie into the BPA transmission line that is already there.

230 "Energy Siting" (3627597312)

01:04:12.320 --> 01:04:14.730
And they are.

231 "Energy Siting" (3627597312)
01:04:14.730 --> 01:04:34.730
Designing the facility to co locate with those facilities by BPA. So we recommend that council accept the argument that proximity to bpa's existing John day to Grizley transmission line, which is the big line that that they do.

232 "Energy Siting" (3627597312)
01:04:34.730 --> 01:04:40.320
The run parall, they connect you right there or they'd run parallel to into.

233 "Energy Siting" (3627597312)
01:04:40.320 --> 01:04:57.450
Sherman county. And the proximity to the existing major transportation corridors does support a locational dependence reason that in part justifies the goal three. So it's a combination of the two that we felt would support the goal three.

234 "Energy Siting" (3627597312)
01:04:57.450 --> 01:05:17.450
So, part of the requirements for right retirement and financial assurance is that we ask the applicant to fill out a Excel spreadsheet of all of their equipment and their proposed decommissioning costs that we put through.

235 "Energy Siting" (3627597312)
01:05:17.450 --> 01:05:32.520
Our review and then we confirm or adjust those amounts in the draft proposed order. Sometimes the adjustment is the contingency amount that the department applies to it.

236 "Energy Siting" (3627597312)
01:05:32.520 --> 01:05:52.520
So in the draft proposed order, we estimated that the cost of decommissioning would be 46.2 million in quarter 02:20 $24, and the applicant has provided a comfort letter from city Bank that says that they would be comfortable of providing a.

237 "Energy Siting" (3627597312)
01:05:52.520 --> 01:05:56.970
Number of credit up $46 million to the applicant, so.

238 "Energy Siting" (3627597312)
01:05:56.970 --> 01:06:16.970
We have, requirements in conditions that that is all trued up and solidified prior to construction. Next slide. So for fish and wildlife habitat, the applicant worked pretty extensively with Oregon department and fish and wildlife.

239 "Energy Siting" (3627597312)

01:06:16.970 --> 01:06:36.930
Life to both categorize and characterize the habitat within the analysis area and the site boundary. Like I said, they also worked with them to identify priority areas within the site boundary that could be avoided in facility design. The.

240 "Energy Siting" (3627597312)
01:06:36.930 --> 01:06:53.340
Based upon all of that, they have identified approximately 4670 acres of permanent impacts and a hundred and 98 acres of temporary impacts to what is called.

241 "Energy Siting" (3627597312)
01:06:53.340 --> 01:07:08.820
Category two big game winner range, and it's an ODFW habitat category. Category two overlays the entire analysis or site boundary.

242 "Energy Siting" (3627597312)
01:07:08.820 --> 01:07:25.890
And it's category two for winter range for mule deer. So, based upon that fact, the mitigation ratios and the mitigation that was presented in the draft proposed order.

243 "Energy Siting" (3627597312)
01:07:25.890 --> 01:07:45.890
Is really about cat two. So regardless of where, where it would have fallen and like vegetation subtype, it's all treated as category two except for the areas that are developed, which are category six and don't require mitigation at all. The permanent in.

244 "Energy Siting" (3627597312)
01:07:45.890 --> 01:08:05.890
Impacts are mitigated through what is called a habitat mitigation plan. Permanent impacts are mitigated off site at a dedicated habitat mitigation area in the draft proposed order. The applicant identified two potential mitigation areas. They.

245 "Energy Siting" (3627597312)
01:08:05.890 --> 01:08:07.290
Also in their.

246 "Energy Siting" (3627597312)
01:08:07.290 --> 01:08:27.290
Since the DPO was issued and council got this in the comment supplement yesterday, they submitted some documentation and support of their securing the primary habitat mitigation area which is that Ty Ridge ranch area. Temporary impacts are.

247 "Energy Siting" (3627597312)
01:08:27.290 --> 01:08:41.940
Were mitigated through a re revegetation and reclamation plan and the implementation of anoxious weed plan. So that's kind of like the impacts inside the fence boundary are considered permanent, so they're mitigated off site.

248 "Energy Siting" (3627597312)
01:08:41.940 --> 01:08:58.710
And what's left are the little pieces that have to be revegetated like when they did commission roads or areas around the perimeter fence. So we have a range of fish and wildlife conditions in the draft proposed order that are intended to address of.

249 "Energy Siting" (3627597312)
01:08:58.710 --> 01:09:16.470
The finalization of draft plans, anything that needs to be considered prior to construction and then also implemented during construction or operations. Next slide. So again, just talked I already talked about this so we can probably skip this slide, but.

250 "Energy Siting" (3627597312)
01:09:16.470 --> 01:09:32.370
But, the tie Ridge ranch is one portion of the HMA that is not on the site boundary and it is also an area that was identified as a high priority area by ODFW for conservation.

251 "Energy Siting" (3627597312)
01:09:32.370 --> 01:09:52.370
And they worked closely with them to select it. So next slide. So for historic cultural and archaeological resources, the entire micrositing area and within the analysis area was surveyed for cultural.

252 "Energy Siting" (3627597312)
01:09:52.370 --> 01:10:07.260
For Resources and technical reports were prepared by qualified archaeologists and those were reports were submitted to the confederated Tribes of Warmsprings and who was the.

253 "Energy Siting" (3627597312)
01:10:07.260 --> 01:10:27.260
Tribe that is culturally affiliated with this area, we're within their seat and lands and also to the state historic preservation officer as part of the application review. And the only part of the facility that has not proposed facility that has not been served.

254 "Energy Siting" (3627597312)
01:10:27.260 --> 01:10:34.080
Vaporcultural resources is that alternative transmission line corridor. And so we've included our.

255 "Energy Siting" (3627597312)
01:10:34.080 --> 01:10:54.080
Require a recommended site certificate condition that makes it just like the general standard condition references it, but this specifies that if that alternative was selected, it would be required to go through all of that review and any kind of mitigation that.

256 "Energy Siting" (3627597312)
01:10:54.080 --> 01:11:00.720

Would be coming from that if there were things found. So the applicant has.

257 "Energy Siting" (3627597312)
01:11:00.720 --> 01:11:16.230
Committed to establishing buffers and avoiding all resources that were identified that were not evaluated under the national register for historic places.

258 "Energy Siting" (3627597312)
01:11:16.230 --> 01:11:34.950
And we haven't put we have included two conditions to make very clear that those avoidance buffers would need to be adhered to during construction and operations of the facility.

259 "Energy Siting" (3627597312)
01:11:34.950 --> 01:11:54.950
We did also reach out to the tribes on cultural resources, confederated tribes of Humatilla deferred to the confederated tribes of Warmsprings on this project, and we have not received any comments from confederated tribes of warmsprings. But we've reached out to them several times and they have had the report, so.

260 "Energy Siting" (3627597312)
01:11:54.950 --> 01:12:11.850
We still might get comment. Alright, next slide. Public services, just really briefly, so, you know, and this might be more of interest to some of the public that is here. The applicant is estimating that we're gonna have at peak.

261 "Energy Siting" (3627597312)
01:12:11.850 --> 01:12:31.850
400 workers on site during construction with an average probably more like two to 300. The traffic because of the, the way to access the facility would be either northbound or southbound most likely coming in on I 97 and using bay govern Road is the primary access.

262 "Energy Siting" (3627597312)
01:12:32.670 --> 01:12:52.670
Because of the influx of traffic and also because of comments we've received from the Wasco County sheriff on a n another facility that has undergone construction in the past few years. There were some very specific.

263 "Energy Siting" (3627597312)
01:12:52.670 --> 01:13:07.410
Get comments that the Wasco County sheriff has requested as part of coordination during construction with Wasco County to avoid any potential.

264 "Energy Siting" (3627597312)
01:13:07.410 --> 01:13:27.270
Either public safety or traffic impacts as a result of facility construction, and we've included those as recommended conditions along

with the, the letter from the sheriff is also in the draft proposed order. And I believe this might be my last slide. Okay, so.

265 "Energy Siting" (3627597312)
01:13:27.270 --> 01:13:46.380
The issue of the DPO is the opportunity for public comment, the notice the public notice opened that public comment period on 1 October. Again, I'm just gonna reiterate if you are interested in making comments, you still have time, you can.

266 "Energy Siting" (3627597312)
01:13:46.380 --> 01:14:06.380
Provide oral comments tonight at the hearing. If you don't want to make oral comments tonight, you can email them, you can submit them through our public comment portal. All this information will be on a subsequent slide. You can mail them to me, you can drop them off at the office or you can fax them to us. And you can do that.

267 "Energy Siting" (3627597312)
01:14:06.380 --> 01:14:10.500
And up until 05:00 P.M. on 3 November, so.

268 "Energy Siting" (3627597312)
01:14:10.500 --> 01:14:28.830
Pacific time. Okay, next slide. So what's important the reason I keep emphasizing that is because council will not and cannot accept comments after on the application or the draft preproced order after the public record closes. And so that.

269 "Energy Siting" (3627597312)
01:14:28.830 --> 01:14:48.830
Unless they extend it. So you can, you can, the council has that option but but they would it would have to be requested and they would have to grant an extension. So if you don't testify tonight or make oral comments tonight, just realize you can still make written.

270 "Energy Siting" (3627597312)
01:14:48.830 --> 01:15:08.010
Public comments up until 05:00 P.M. on a 3 November, and why that is important is because only people who comment on the draft proposed order on the record, which is during this time of public comment are eligible to participate in a contested case.

271 "Energy Siting" (3627597312)
01:15:08.010 --> 01:15:23.100
So for consideration in the contesting case, and this is important, issues must be submitted within the comment time frame. They must be within the jurisdiction of council, so it has to be related to a council standard or.

272 "Energy Siting" (3627597312)
01:15:23.100 --> 01:15:43.100
A regulation that they're reviewing as part of the process. And it must be raised with sufficient specificity to avoid, afford the council, the

Department of Energy and the certificate holder, the opportunity to respond, and they should include a statement of facts that support the person's position on the issue.

273 "Energy Siting" (3627597312)
01:15:43.100 --> 01:15:51.750
If Anybody has any questions about this, they can reach out to me or anybody else on the, in the department if you are interested in.

274 "Energy Siting" (3627597312)
01:15:51.750 --> 01:16:11.750
How to submit comments. Next slide. And so very briefly, we have received two comments to date from reviewing the agencies on the draft proposed order receive received a general comment letter from Department of State lands that does the wetlands remove.

275 "Energy Siting" (3627597312)
01:16:11.750 --> 01:16:18.120
Level review and we received an email from them actually today.

276 "Energy Siting" (3627597312)
01:16:18.120 --> 01:16:38.120
Just today, so it will be presented to council when we do the DPO review that actually concurred with the, with the wetland's delineation. And then Wasco County planning department responded to a request from us to confirm some clarify the legal status of a parcel.

277 "Energy Siting" (3627597312)
01:16:38.120 --> 01:16:45.720
Within the site boundary. Those are the only two reviewing agency comments we've received on the draft prepost order. We got good in.

278 "Energy Siting" (3627597312)
01:16:45.720 --> 01:17:04.500
We'll put from all reviewing agencies under preliminary. The applicant has also submitted written comments on the draft proposed order. That was the supplemental staff report that you got yesterday. It's also been posted to the meeting webpage and it's shown as attachment three.

279 "Energy Siting" (3627597312)
01:17:04.500 --> 01:17:24.500
And then to date we have not received any written public comments on the draft proposed order through email mail or the comment portal. So that's kind of where we are as of now. And then the next slide is where I'm gonna stop talking and I'm gonna turn it over to Sarah Esthersen, who's gonna run the public.

280 "Energy Siting" (3627597312)
01:17:24.500 --> 01:17:31.080
Public hearing, just want to thank everybody for their patience and we're interested in hearing what people have to say.

281 "Energy Siting" (3627597312)
01:17:31.080 --> 01:17:51.080

Thank you. Okay, good evening, everyone, and welcome. It's almost your turn. My name is Sarah Esthersen. I'm the senior policy advisor at the Oregon Department of Energy and tonight I'm serving as the presiding officer for this hearing. We are recording this hearing so that it maybe possi.

282 "Energy Siting" (3627597312)
01:17:51.080 --> 01:18:08.040
Part of the record. For the record, this is 23 October 2025. It's the public hearing on the draft proposed order on the application per site certificate for the yellow Rosebush Energy Center and the time is seven oh 3pM.

283 "Energy Siting" (3627597312)
01:18:08.040 --> 01:18:28.040
Tonight's hearing is being conducted via Webex telephone, and obviously here in person at the Mop and civic center. Next slide please, Nancy. Okay, we are obligated to tell you this again. A person who intends to raise any issue that maybe the basis.

284 "Energy Siting" (3627597312)
01:18:28.040 --> 01:18:39.900
For the contested case must raise the issue in person at the hearing or in a written comment submitted to the department before the date deadline stated in the notice of the public hearing.

285 "Energy Siting" (3627597312)
01:18:39.900 --> 01:18:59.640
And a person who intends to raise any issue that maybe the basis for a contested case must raise the issue with sufficient specificity to afford the council, the department, and the applicant in adequate opportunity to respond, including statements of fact that support the person's position on the issue.

286 "Energy Siting" (3627597312)
01:18:59.640 --> 01:19:19.640
Okay, and as Kate mentioned, the order of commenters tonight is going to start with the applicant. We will offer them an opportunity to provide comments and then we'll open it up for members of the public here in the room and then on Webex and on the telephone, then council will be, will have an opportunity to ask.

287 "Energy Siting" (3627597312)
01:19:19.640 --> 01:19:39.640
Ask questions or provide comments although council may ask questions to the applicant or any members of the public as we move through this hearing. And then if comments are received beyond from the applicant tonight, we will provide the applicant an opportunity to request to respond to those comments or request additional time to respond beyond the November.

288 "Energy Siting" (3627597312)
01:19:39.640 --> 01:19:59.220

Your 3rd deadline. Okay, so for any individuals that are interested in commenting tonight, we do ask that you start by stating your name and address for the record that is so that we can get you a notice with your opportunity to request a contested case at the next step.

289 "Energy Siting" (3627597312)
01:19:59.220 --> 01:20:19.220
So, next slide please, Nancy. Okay, we are ready applicant. Would you like to provide comments today? Okay.

290 "Energy Siting" (3627597312)
01:20:19.220 --> 01:20:36.540
Red lights on, so we're recording. Okay, great. Oh, let me go. Sure. Oh, yeah, sure.

291 "Energy Siting" (3627597312)
01:20:36.540 --> 01:20:56.540
Okay, good evening council members. Thank you for taking the time to be here tonight. My name is Jeff Watson and I'm a development manager at Savion Energy. Did you want me to spell my name? Okay, thanks. I lead project development efforts in the Pacific Northwest region.

292 "Energy Siting" (3627597312)
01:20:56.540 --> 01:21:12.990
And I'm the lead developer for the Yellow Rose Bush Energy Center project. 1st I wanted to extend my sincere appreciation to the Oregon Department of energy Staff for their thorough review of our application for site certificate and the thorough analysis presented in the draft proposed order.

293 "Energy Siting" (3627597312)
01:21:12.990 --> 01:21:32.990
It's clear a significant amount of time, expertise and care went into this process and we are grateful for their diligence. Our team only has a few comments on the substance of the DPO which we have provided provided to the council in writing, so I would like to use my time tonight to address the Wasco county community. We recognize the potential imp.

294 "Energy Siting" (3627597312)
01:21:32.990 --> 01:21:39.570
Packs a project like yellow rose Bush may have and we are committed to being a good neighbor in a positive force within Wasco County.

295 "Energy Siting" (3627597312)
01:21:39.570 --> 01:21:59.570
Throughout this process, we've prioritized early and consistent engagement with key county stakeholders to understand and address concerns. We've held ongoing discussions with the planning department, the sheriff's office, fire safety authorities, the county commissioners, and the Department official wildlife among many others. These conversations have highlighted.

296 "Energy Siting" (3627597312)
01:21:59.570 --> 01:22:13.230

Critical areas of concern, including fire safety, impacts on local resources such as law enforcement and emergency services and maintaining a safe and respectful press presence in the Wasco community during the construction phase.

297 "Energy Siting" (3627597312)
01:22:13.230 --> 01:22:30.570
We take these concerns very seriously and are doing everything we can to mitigate them by addressing these concerns in our development plan. This is not a one time effort. We are committing to main maintaining open lines of communication throughout the life of the project from development through operation.

298 "Energy Siting" (3627597312)
01:22:30.570 --> 01:22:47.820
Beyond regulatory engagement, our team has also sought to contribute to the broader Wasco county community. We've made terrible terrible donations to organizations such as the South Wasco County High Chool, South Wascow County Library Foundation, the county fair, and the dissuites Rim Clinic Foundation.

299 "Energy Siting" (3627597312)
01:22:47.820 --> 01:23:07.820
These contributions represent the beginning of what we hope to be long term partnerships with organizations dedicated to improving life within Moscow County. In addition to community investments, the yellow Rosebush Energy Center is expected to create approximately or upwards of 400 jobs during the construction phase, leveraging the skills.

300 "Energy Siting" (3627597312)
01:23:07.820 --> 01:23:27.820
Is a local workforce that has grown through previous energy projects in Wasco County and some of whom are here tonight behind us. Over its 40 year lifespan, the project will also generate millions of dollars in property tax, revenue, funding that will directly support local schools, infrastructure, and public services.

301 "Energy Siting" (3627597312)
01:23:27.820 --> 01:23:33.840
We believe this project will be meeting will deliver meaningful, long term benefits to Wasco County.

302 "Energy Siting" (3627597312)
01:23:33.840 --> 01:23:52.920
As the project moves through development, the yellow Rosebush team commits to acting with honesty, integrity, and excuse me, commits to acting with honesty, integrity, and respect. We will continue to engage regular regularly with stakeholders, listen carefully and respond responsibly. Our goal.

303 "Energy Siting" (3627597312)
01:23:52.920 --> 01:24:11.580
In building this project and being a member of this community is to avoid, minimize and mitigate any adverse impacts while maximizing the

benefits this project can bring to Wasco County. Thank you for your time and consideration today, and I will hand the mic over to my colleague Chris Powers. Thanks Jeff. Good evening council member. My name is Chris Powers.

304 "Energy Siting" (3627597312)
01:24:11.580 --> 01:24:31.580
I'm a senior director of permitting Environmental, I'm part of Savion's land stewardship group. I lead entitlements for all of Savion projects in the western region I'm also the permitting lead for this yellow rosebust project. I also want to thank staff for their efforts in reviewing and analyzing all of the information that we provided for this project. It takes a tremendous amount of work and.

305 "Energy Siting" (3627597312)
01:24:31.580 --> 01:24:37.500
I think we really appreciate Kate's time and Sarah's time and all the calls that you've been on with us.

306 "Energy Siting" (3627597312)
01:24:37.500 --> 01:24:57.500
As Jeff mentioned, we only have a few comments on the DPO and we provided those comments in writing that you have in your information. So for my time tonight I want to touch briefly on the fish and wildlife habitat standard and I really wanted to highlight our efforts that went into the project and.

307 "Energy Siting" (3627597312)
01:24:57.500 --> 01:25:02.250
That Kate actually referenced in her presentation earlier.

308 "Energy Siting" (3627597312)
01:25:02.250 --> 01:25:22.250
There was a treme tremendous amount of work that went into that with all of the stakeholders on this project in the agencies. So we we started conducting field studies in this project way back in spring of 2023. And at that time we also started our coordination with Organ department efficient Wildlife at that time. I think our 1st introduction.

309 "Energy Siting" (3627597312)
01:25:40.350 --> 01:26:00.060
64 % of those is comprised of shrub step and grassline habitat, that was field determined to be highly to very highly disturbed habitat, which essentially made it category four and five habitat. And that's based on I think Kate mentioned.

310 "Energy Siting" (3627597312)
01:26:00.060 --> 01:26:20.060
Odfnw's habitat category table where one is the best in a replaceable habitat and six being those areas that are developed and, and those sorts of things that don't require mitigation. So although our side is primarily comprised of those e side grass lands, planted grass lands, and some.

311 "Energy Siting" (3627597312)
01:26:20.060 --> 01:26:36.990
As Kate mentioned, because the whole analysis area is entirely within mule dear or winter range, all of that fields characterized three four and five habitat was determined to be based on odfnw's recommendation category two.

312 "Energy Siting" (3627597312)
01:26:36.990 --> 01:26:56.990
So, you know, We've committed to including Or.

313 "Energy Siting" (3627597312)
01:26:56.990 --> 01:27:16.990
Referring.

314 "Energy Siting" (3627597312)
01:27:16.990 --> 01:27:18.240
Thank you.

315 "Energy Siting" (3627597312)
01:27:18.240 --> 01:27:38.240
So the result in draft HMA addresses all impacts except for those category six that again are based on that big game winter range overlay which made them all category two classification, which essentially resulted in much of our impacts requiring a two to one mitigation ratio for everything within the fence line.

316 "Energy Siting" (3627597312)
01:27:38.240 --> 01:27:45.060
Instead of those much lower mitigation ratios, that would be commensurate with three, four, and five type.

317 "Energy Siting" (3627597312)
01:27:45.060 --> 01:28:05.060
So this mitigation approach aligns with odfnw's requirements and will we think result in an overall improvement to quality of the underlying habitat and is recommended by ODFNW and this and the department. This is consistent with the mitigation goals and requirements of odfnw's habitat mitigation policy.

318 "Energy Siting" (3627597312)
01:28:05.580 --> 01:28:25.580
So I I I do want to touch on the remaining part of our habitat mitigation areas cause I think it's really important to highlight that. So the ma majority of our mitigation obligation has been met by working with ODFNW and mr. Davis to establish a conservation easement on 5020 acres of his tieridge ranch, and that's.

319 "Energy Siting" (3627597312)
01:28:25.580 --> 01:28:44.940
Located only about 15 mi northwest of here. So the HMA is also located within the similar habitats which make it a great in kind and in proximity form of mitigation as outside mitigation policy.

320 "Energy Siting" (3627597312)
01:28:44.940 --> 01:29:04.940
So like the facility, the primary habitat on the ranch is up in grasslands followed by strub step, and there's also some organ wide oak present alonging along 1907. So again similar to the facility except for the very ranch, it's also within an ODD.

321 "Energy Siting" (3627597312)
01:29:04.940 --> 01:29:12.012
Big game winter range overlay. So like our site, the the ranch.

322 "Energy Siting" (3627597312)
01:29:12.000 --> 01:29:32.000
There's also there's also what they were referring to as pwcas that run along the ranch making this HMA as mentioned by ODF and W a critical connector.

323 "Energy Siting" (3627597312)
01:29:32.000 --> 01:29:50.820
There for pwcas in the area. So at the ranch, we're proposing number a number of enhancement actions, including plantings. We're doing some we're proposing some organ white oak plantings. We control and fencing removal to provide ecological and biodiversity uplift at the ranch.

324 "Energy Siting" (3627597312)
01:29:50.820 --> 01:30:10.820
So that's high ridge ranch, HMA did not meet all of our mitigation requirements for our site. So in addition to ranch, a lot of work went from our development team, our engineers in coordination with our landowners and ODF and W and we identified an additional 1600 and.

325 "Energy Siting" (3627597312)
01:30:32.210 --> 01:30:52.210
So habitat within the facility HMA is predominantly shrub step with patches of e side grassland. So the facility HMA borders and Houser canyons, which are also mapped as those ODFNW pwcas. And in coordination with ODFNW, we modified a facility layout to set back from the.

326 "Energy Siting" (3627597312)
01:30:52.210 --> 01:31:14.100
Those canyons that run along the north and east of that of the of the site that was that Kate was showing you before. And, with those setbacks it it's set back from the higher quality habitat that was identified there and it also set it back from those pwcas to facilitate wildlife movement in those adjacent canyons. And in fact.

327 "Energy Siting" (3627597312)
01:31:14.100 --> 01:31:34.100
These areas were referenced by Jeremy Thompson in his capacity as odfmw's energy coordinator during a presentation to you all in January. In fact, I think he showed a picture of our yellow Rosebus project, as an example of how they would like developers to use their data sets that they've been.

328 "Energy Siting" (3627597312)
01:31:34.100 --> 01:31:51.390
Working so hard and developing and the early and often coordination with them to better site a project and to come up with mitigation strategies and avoidance strategies to make it a better site a project. So in these in the in our facility hmas similar to what we're doing at the ranch.

329 "Energy Siting" (3627597312)
01:31:51.390 --> 01:32:11.390
We would propose to implement additional habitat enhancements, we control shrub plantings, that sort of thing. So we believe with these enhancements, the tiebridge RANCHMA and our facility HMA, we actually believe that there's a significant and a benefit to the wildlife habitat overall in washingt.

330 "Energy Siting" (3627597312)
01:32:11.390 --> 01:32:32.180
So thank you very much for your time tonight and I think Jeff and I will be around for questions too. And it should arise. Can I ask you both just a really quick clarifying question? Okay, so for Jeff or I'm sorry, mr. Watson.

331 "Energy Siting" (3627597312)
01:32:32.180 --> 01:32:47.370
Will be formal. On your comments related to Losco county community and contributions, local term, long term partnerships. Did you reference that in your written comments or was that just in your verbal comments?

332 "Energy Siting" (3627597312)
01:32:47.370 --> 01:33:10.250
I don't think yeah I don't think we referenced that in our. Okay, ok. Was that already included on the record? Not to my knowledge, NO. Okay, ok. And then mr. Powers, would you say that your comments were an explanation of what's already on the record or were you offering new or additional.

333 "Energy Siting" (3627597312)
01:33:10.250 --> 01:33:41.219
It's just a clarification of what's already on the record and I think we included some additional information in our response that you received yesterday. Okay. Because I think it outlines or it speaks to the .1 of the, the justifications for the exception minimization or it's it's escaping. I understand what you're saying. Okay ok and another clarifying point though like the reason why I wanted to speak.

334 "Energy Siting" (3627597312)
01:33:41.219 --> 01:34:01.219
Specifically about the hmas that a lot of went work went into it, but I think what it does, it created this really exciting product after two years of working with the agencies and everybody involved in this project, not just development, our engineering, our landowners, a lot of work went in.

335 "Energy Siting" (3627597312)
01:34:01.219 --> 01:34:20.009

To it with ODF and W two and and I I just wanted to point out that you know that I I worked, it used to be called Permit Environmental Group. We recently changed it over to call, we're called I'm part of the land stewardship group and it really is kind of the ethos of how Savion develops projects.

336 "Energy Siting" (3627597312)
01:34:20.009 --> 01:34:40.009
All of us in the permitting environmental group are, we look at ourselves as land stewards. And I think it it translates to all of the savvyion development team. We really wanna build a good project that everybody can be proud of and I and I do feel like we are providing significant uplift in, in habitat quality.

337 "Energy Siting" (3627597312)
01:34:40.009 --> 01:34:48.539
Be in Wascowe County and I just wanted to highlight that. Yeah, thank you for the clarification. Any questions from council?

338 "Energy Siting" (3627597312)
01:34:48.539 --> 01:35:08.539
This is more an observation, but I and staff can correct me, but I think this is one of the 1st mitigation plans we've seen that really looks at the connectivity areas and that's noteworthy and we're pleased to see that. So thank you.

339 "Energy Siting" (3627597312)
01:35:08.539 --> 01:35:28.169
That was a big emphasis point in all of our discussions with the Department official wildlife. I I think, I I don't, I don't know for sure, but I, that was one of the, it's a recently released data set, and they've been working really hard to come up with that data set to try to formulate what these important areas are.

340 "Energy Siting" (3627597312)
01:35:28.169 --> 01:35:44.939
And when it was identified that our project was bordering those, those areas, we felt like it was a really important part of what we do to work with ODF and W to try to incorporate those areas into our project.

341 "Energy Siting" (3627597312)
01:35:44.939 --> 01:36:00.509
Yeah, council member Devlin. This may seem a little bit of left field, but we've some projects where we've had some issues with compliance.

342 "Energy Siting" (3627597312)
01:36:00.509 --> 01:36:18.779
And I was wondering about this project in the future in terms of if I look at the project area, I can see slight evidence near the project, not very much of anything that is irrigated. You can go a considerable distance and then there's a lot that is irrigated.

343 "Energy Siting" (3627597312)
01:36:18.779 --> 01:36:36.989

During construction, you're gonna probably have a significant need for water. Do you have any, will you have any water rights on this site or are you going to have to transport water into the site? Yeah, I, I can speak to this. I I I think that.

344 "Energy Siting" (3627597312)
01:36:36.989 --> 01:36:55.289
We have identified a number of options for water. There are not water and and I'm not, if my terminology on on you know water rights and stuff isn't perfect, so excuse me, but there aren't.

345 "Energy Siting" (3627597312)
01:36:55.289 --> 01:37:15.289
Irrigation water rights on the land. However, the landowners do have the project landowners and surrounding landowners have water available to sell. So we have been talking with surrounding landowners of being ideally purchasing within the vicinity of the projects. We are aware of the issue.

346 "Energy Siting" (3627597312)
01:37:15.289 --> 01:37:33.719
Issues with the current issues with the the either the water table or what is going on in Molpin and that that may or may not be a reliable source at the time of construction. I think a last resort would be to bring the water in from outside via trucks. I.

347 "Energy Siting" (3627597312)
01:37:33.719 --> 01:37:51.209
Think that our goal is to try to, and we have identified a series of sources to try to purchase water within the vicinity vehicle project. I was just wondering because I when I look at the site and I looked at some of the areas here, obviously it had the land use classification it has.

348 "Energy Siting" (3627597312)
01:37:51.209 --> 01:38:07.469
But it didn't look like it had been in any type of agriculture production of any significant level in recent years at least. Generally yes, that is that is that is correct. Okay.

349 "Energy Siting" (3627597312)
01:38:07.469 --> 01:38:22.529
Thank you Madam. Thank you. Yep. Okay. Anyone else? Okay.

350 "Energy Siting" (3627597312)
01:38:22.529 --> 01:38:42.529
Thank you very much. Thank you. Thank you. Okay, next slide please Nancy. So before we open it up for members of the public, just again want to remind you this is not the last chance you have until 3 November. You can submit comments through our comment portal. You can email Kate, you can hand comments to her tonight, and then.

351 "Energy Siting" (3627597312)
01:38:42.529 --> 01:39:00.989

No, you can provide testimony. Okay, so we need to determine if we're gonna establish time limits. Nancy, how many comment cards do we have? Two, ok, has anyone filled out a comment card but interested in submitting comments? So that's five.

352 "Energy Siting" (3627597312)
01:39:00.989 --> 01:39:20.909
Five total, six, seven, ok. And then, for those on the Webex, can you please raise your, use the raise your hand feature if you're interested in commenting tonight? And for those on the phone, if you could please push star three.

353 "Energy Siting" (3627597312)
01:39:20.909 --> 01:39:41.099
And then Nancy let me know what you see. Yeah. One.

354 "Energy Siting" (3627597312)
01:39:41.099 --> 01:39:57.929
So that's nine. Secretary coordinate I was thinking if we had ten, we would have a time limit, but we only have nine people that are planning to comment. Do you want a 5 min time limit? Okay.

355 "Energy Siting" (3627597312)
01:39:57.929 --> 01:40:17.929
Okay, so because we have about nine or ten people that are interested, we're gonna set a 5 min time limit, so I believe we can set a timer online so that you can see how much time you have. Sure. So I think we can go through them and then if people are limited in time, I think it's important to give everybody an opportunity. We can go around.

356 "Energy Siting" (3627597312)
01:40:17.929 --> 01:40:35.339
We'll do a second round two. Okay. No, 5 min 5 min. Okay, 5 min we get through everybody and then, you know, if somebody didn't have a chance to finish, we can go back to them. Okay.

357 "Energy Siting" (3627597312)
01:40:35.339 --> 01:40:57.439
So I don't have the comment card or do you have those? Okay, we're gonna start with individuals in the room and then we'll move to those on Webex and then those on the phone.

358 "Energy Siting" (3627597312)
01:40:57.439 --> 01:41:14.549
Again, just as a reminder council can ask questions at any time. They will also have their own designated opportunity to provide comments that are offering the department direction or the applicant direction, and then the applicant will have an opportunity to respond should they choose to anything they hear tonight.

359 "Energy Siting" (3627597312)
01:41:14.549 --> 01:41:33.299
5 min. Yep, can get those or do you want to read them? Okay, 1st up.

360 "Energy Siting" (3627597312)
01:41:33.299 --> 01:41:50.189
It looks like Keila Carver? Kelia excuse me. And my name is Keleah Carber. I live at 914443 Hinton Road.

361 "Energy Siting" (3627597312)
01:41:50.189 --> 01:42:08.249
Which is actually facing bake Hub and road. So I'm not quite a neighbor of the project, but kind of on the backside. So I guess So I guess my thoughts are one.

362 "Energy Siting" (3627597312)
01:42:08.249 --> 01:42:23.669
Supposedly this project will be good for 40 years. I watched them build the one across the road. I watched them scrape everything off, level it all out. Even if you decommission it, and I did look at the application, you guys have excellent writers.

363 "Energy Siting" (3627597312)
01:42:23.669 --> 01:42:40.499
Whoever wrote it, they're brilliant, they're very good, but you can't put top soil back. And in an errored environment, I don't know, is it centuries, is it millennia? Before it rains enough for the grass to grow enough for it to come back? I don't think that is something.

364 "Energy Siting" (3627597312)
01:42:40.499 --> 01:42:59.459
You know, it's not going away. It's just like the Egyptians, right? They built in a desert, it's still sitting there 5000 years later. So I think the remains of this project in this Arrot environment are going to be sitting there 5000 years later.

365 "Energy Siting" (3627597312)
01:42:59.459 --> 01:43:19.199
Maybe the greater good it's worth it. I don't know. But I think that it's worth noting that it's not coming back. Also in this area, just like many of the other places these are cited, the 1st responders that are referenced in the application.

366 "Energy Siting" (3627597312)
01:43:19.199 --> 01:43:35.459
Are volunteers. They are unpaid and they do, I I I can't comment on the ambulance. I think they're great. They save lives, they're full people, but I am more familiar with the people who are fighting fires, my husband, our employees.

367 "Energy Siting" (3627597312)
01:43:35.459 --> 01:43:55.459
My brother in law, they have limited time for training. I like it when my husband comes home for dinner. He likes to spend time with his kids as to go to, you know, trainings on the weekends and learn more about complicated firefighting. And I think that in spite of the fact that the.

368 "Energy Siting" (3627597312)

01:43:55.459 --> 01:44:22.109
Application claims that the fi the fire risk is not increased. You just had previously in the meeting, and I, if my understanding is correct, it's the one over by Arlington. They had another fire, and I know I had, they had one this summer, and the Avengrid one on the other side of Bacon Road Road had a fire this summer. So anytime you increase human activity, you increase fire risk.

369 "Energy Siting" (3627597312)
01:44:22.109 --> 01:44:39.089
You just can't help it. I also think that the firefighting changes when you introduce all the junk, right? You know, I don't know what it's all made of, but there's gonna be plastic.

370 "Energy Siting" (3627597312)
01:44:39.089 --> 01:44:56.549
There's going to be motors. There's gonna be stuff with heavy metals, there's gonna be chip boards and walking mechanisms, and all of the smoke from that is going to be a much different level of toxicity. This kind of stuff that urban firefighters deal with.

371 "Energy Siting" (3627597312)
01:44:56.549 --> 01:45:14.489
And they wear specialized respiratory equipment to deal with that. And, you know, so then listing these people as our 1st responders who they're happy to go out and fight fire. They want to save their homes, their farmlands, their grazing land.

372 "Energy Siting" (3627597312)
01:45:14.489 --> 01:45:30.689
But they don't necessarily have time to do 02:00 of training a year to deal with specialized things like lithium ion batteries. So that's another thought.

373 "Energy Siting" (3627597312)
01:45:30.689 --> 01:45:48.629
The traffic, the comment about the traffic coming from 907I think to be patently false having watched the build on the last one, I would drive home from library group at about five to 05:30 p.m..

374 "Energy Siting" (3627597312)
01:45:48.629 --> 01:46:03.899
And I would meet 100 cars coming this way down the curves of Bake oven road. They were mostly pretty respectful drivers except the ones that weren't.

375 "Energy Siting" (3627597312)
01:46:03.899 --> 01:46:20.279
And, you know, there, I don't know, you know, I'm sure that people in other parts of the country need work too. I think it's great that all those people that showed up to do construction, but nobody local was hired.

376 "Energy Siting" (3627597312)

01:46:20.279 --> 01:46:40.279
In particular. I I hesitate to say nobody, but it must have been vanishingly few because I certainly didn't know of anybody that was working on the project. It's also true that it just is going to be a blight on the landscape. You go up on top of.

377 "Energy Siting" (3627597312)
01:46:40.279 --> 01:47:10.109
My place I walk up the hill, and you turn around and look back and it just looks like, you know, Lord of the wings rings. The black, the black, whatever fog, the mist, the land has been infected with it. You know, it looks like it's really dramatic when the sun hits Mounthod 1st thing in the morning and it hits the solar panels and now I'm done and I'll write the rest. Thank you so much.

378 "Energy Siting" (3627597312)
01:47:10.109 --> 01:47:30.109
Maybe or maybe my husband will do the other half of the list. Okay, alrighty, thank you so much. Okay, next up is Daggo Aranda.

379 "Energy Siting" (3627597312)
01:47:30.109 --> 01:47:48.479
Yeah evening council. My name is my office is at 17230 Northeast Sacramento Street in Portland and Oregon. Zip code is 97230.

380 "Energy Siting" (3627597312)
01:47:48.479 --> 01:48:03.629
Again, good evening. I'm a system business manager at labor's local 07:37 and I'm proud to represent my union local 07:37 the Labor's International Union of North America.

381 "Energy Siting" (3627597312)
01:48:03.629 --> 01:48:19.799
Joining me today are several of our members, men and women trained in the trades, the power organs infrastructure and clean energy future. We're here to voice our strong support for the yellow Rosebush solar project.

382 "Energy Siting" (3627597312)
01:48:19.799 --> 01:48:36.359
Launa has been excuse me, Launa has deep routes in Oregon and across the pacific Northwest. Our union represents thousands of construction workers who build everything from roads, bridges, and renewable energy installations.

383 "Energy Siting" (3627597312)
01:48:36.359 --> 01:48:56.009
We've been on the front lines of solar development for years, helping deliver safe, efficient and high quality projects that benefit at communities and the environment. The yellow Rosebush solar project is exactly the kind of initiative Organ needs. It aligns with the state's clean energy goals.

384 "Energy Siting" (3627597312)
01:48:56.009 --> 01:49:14.639

While creating, excuse me, real economic opportunities for working families. Solar projects like yellow Rosebush bring direct and lasting benefits to rural communities. La Una members many of whom live in Wascow County will be hired to build this project.

385 "Energy Siting" (3627597312)
01:49:14.639 --> 01:49:30.899
That means good paying jobs for local workers. During the construction crews will rely on nearby lodging, restaurants, gas stations, field supplies, injecting dollars into the local economy.

386 "Energy Siting" (3627597312)
01:49:30.899 --> 01:49:47.609
Our members are trained in safety, deficiency, and environmental stewardship. They're ready to deliver this project long time and on budget. This project isn't just about clean energy, it's about community investment, workforce development.

387 "Energy Siting" (3627597312)
01:49:47.609 --> 01:50:04.439
And economic resilience. Laurena local 07:37 stands firmly behind the yellow of the Rosebush solar project. We urge the decision makers to approve it and help Oregon continue leading the way in renewable energy.

388 "Energy Siting" (3627597312)
01:50:04.439 --> 01:50:25.939
Thank you for your time and consideration. Thank you, Misternda. Okay, next up, Carol Baity.

389 "Energy Siting" (3627597312)
01:50:25.939 --> 01:50:49.439
I'm Carol Bady. I happen to be the layer of this wonderful community. And I live at World Three L Rod Mopponin Oregon. What else did you want me to say? I forgot. That your good name and address is good. I only have one question.

390 "Energy Siting" (3627597312)
01:50:49.439 --> 01:51:09.439
If we have 400 workers come in, where are 400 workers going to be housed? Our population is 467. So I I want to know what kinds of plans are for the housing. I know when the other solar project was done, our RV.

391 "Energy Siting" (3627597312)
01:51:09.439 --> 01:51:28.799
But so again I asked, what are we gonna put 400 workers? And I I want to complement.

392 "Energy Siting" (3627597312)
01:51:28.799 --> 01:51:48.799
This board or council for your good work and your presentation. I've learned a lot listening to you and I can tell that you are committed to what you're doing and you want to do it right. And, thank you for doing that. But I would like to know where we're going to put 400 workers and their family.

393 "Energy Siting" (3627597312)
01:51:48.799 --> 01:52:09.949
Please. Thank you. Thank you mayor Baby, and we'll give the applicant an opportunity to respond at the end. Okay. Okay, Ryan Shei.

394 "Energy Siting" (3627597312)
01:52:09.949 --> 01:52:39.589
Hello, my name's Ryan Shee. I live in one oh seven Northeast Force Street Enterprise Oregon. I want to thank the council for giving me the opportunity to speak. I'm here tonight as a citizen of Oregon conservation of sorts and also a member of the executive board of Oregon solar and Industry Association. Although I'm not representing them tonight at the.

395 "Energy Siting" (3627597312)
01:52:39.589 --> 01:53:00.209
State that so you know that. I'm just here because I wanted to give my thoughts on this project. I think it might have a perspective that's a little bit different than some of the folks in the room. I've got food in many worlds. I grew up in will allow Oregon, which is the same size offins, so I understand the mayor's concerns.

396 "Energy Siting" (3627597312)
01:53:00.209 --> 01:53:15.959
I grew up on a cattle ranch and I did own a piece of dry land farm for a bit, went high school with dry land farmers, so I I understand some of the other perspectives of the person I even spoke. Growing up in that environment.

397 "Energy Siting" (3627597312)
01:53:15.959 --> 01:53:32.549
Working outside, being in a family that was making a living off the land and then watching our county kind of die as some of the industries went away. I ended up leaving as well and after 20 year hits and the Marine Corps came back to that area.

398 "Energy Siting" (3627597312)
01:53:32.549 --> 01:53:49.859
And struggled to find a job and that's a long way of and you probably don't want to hear all these details of my life, but I think it relates because at some point I ended up kind of falling backwards into development work and doing a few of my own solar projects and so I I feel like I have a.

399 "Energy Siting" (3627597312)
01:53:49.859 --> 01:54:06.989
Pretty strong understanding of all the different aspects of this and I just want to say I'm in support of this project. I've looked at the Resa map. This is one of the least impactful areas in Oregon. You could build a project to the scale on the other side of the fence.

400 "Energy Siting" (3627597312)
01:54:06.989 --> 01:54:25.139

We have a massive energy crisis coming. I've watched my power Bill go up by 51 % in the last four years and I think projects like this can help offset that. I think that there's a lot of good that can come out of this project and I believe that Savion will.

401 "Energy Siting" (3627597312)
01:54:25.139 --> 01:54:45.139
Treat it in a way that follow through on what they're saying they're gonna do and treat the community with respect, but also build something that's aligned with Organ's goals, with us as citizens that offset some of the potential issues coming up in the future energy costs being one of them. One of the reasons I got into solar in the 1st places was the.

402 "Energy Siting" (3627597312)
01:54:45.139 --> 01:55:09.919
Mag business decision. If you own a business and you watch your power costs go up, you solar is a great way to offset that. So I, I promote that where I can. We also work a lot on workforce development and I think this is a growing industry that my own nephew who's an electrician primarily works on my solar projects, so I'm as a family business owner, I'm not only saving.

403 "Energy Siting" (3627597312)
01:55:09.919 --> 01:55:43.429
Money but I'm employing my family, and I think that can be true for a lot of people and I think Boscowe County and this in this town will benefit from it like my town has with the projects that I've built. I also, want to say that for the project i've done a few ground mounted projects and I have security cameras or game cameras around them. And the 1st thing I do every morning when I get to work if I pull up those cameras and I look at all the wildlife that's gone through there. So I know they talk a lot about wildlife mitigation that's adjus.

404 "Energy Siting" (3627597312)
01:55:43.429 --> 01:56:00.659
Listen to or connected to, but what I've seen, and this is why I said from a conservation perspective, every morning what I see is rodents, cats, birds, caudies, all kinds of game animals going through there.

405 "Energy Siting" (3627597312)
01:56:00.659 --> 01:56:20.659
It's not uncommon for dear to jump the fence into my project to drop their fonds in the spring and they it's like almost like a little bit of predator protection for them, their fence might be a little higher than the one we built, but it's not a zero sum game on the environmental aspect in that area. It's just.

406 "Energy Siting" (3627597312)
01:56:20.659 --> 01:56:45.509
My personal observation of of what this project could be like. But also, you know, growing up with dryland farmers as my neighbors, and having a piece of it myself, you know, we, we farmed the government and it was never good farmland, never should have been farmlands, at least in the pieces I'm talking about and I've been to the bake oven site.

407 "Energy Siting" (3627597312)
01:56:45.509 --> 01:57:05.509
That top cell just blows away every time you tell it and I think that instead of asking the American taxpayer to provide some means of support for local families here, this is a better farm or farming the sun, it's more productive and more beneficial in a lot of different ways and I think the environment's part of that so.

408 "Energy Siting" (3627597312)
01:57:05.509 --> 01:57:27.149
So I still got 8 s left, so I'll wrap it up, but that's my opinion and and I think I've kind of seen it from all angles and and I hope everyone else can see that as well, but thank you for your time. Appreciate it. Thank you mr. Sheey. Next up Miss mr. Davis.

409 "Energy Siting" (3627597312)
01:57:27.149 --> 01:57:54.139
Yeah, what? It's mount spiral. Oh, ok. I see the answer. In real life, so a lot of people say that, you know. It's actually abbreviation for ireland. Okay yes, that's a different story. Anyway.

410 "Energy Siting" (3627597312)
01:57:54.139 --> 01:58:15.649
My name is Mike Davis. My address is 82859 highway 216 in Thai Valley, ok? I am the owner along with my family of Thai Ridge Ranch LLC. Okay, and for those who looked at the map, whereas it borders 1907 to go up Buttler Canyon towards the Dallas.

411 "Energy Siting" (3627597312)
01:58:15.649 --> 01:58:36.859
Everything to the right, ok? It's all part of the branch and it goes for about a little over 5000 acres of airtel acres. It's about 9 sq mi. It's been in the family a long time, my family home studied it in 1868 and was needed to them in 1871.

412 "Energy Siting" (3627597312)
01:58:36.859 --> 01:59:09.289
I'm not that old. Trust me, but there's a lot of the Davis blood's been in the Thai Valley for a long time. I was born actually up on top of Thai Ridge in a wheat truck, believe it or not. My wife, my mother just couldn't quite wait for about an hour and a half to the down so maybe that's what's wrong with me, I don't know. So, so there's a long generation of being here. I was I was born here, I was raised here, I went to high school here, ok. So there's a lot of.

413 "Energy Siting" (3627597312)
01:59:09.289 --> 01:59:31.079
A lot of those dirts in my blood, ok, NO matter where I want after and I won't bore you bore you with that. But I would like to do a couple things, and I'm keeping eye on the time, by the way. I'd like to express my support, sincere support for this solar project and this potential benefits to our community.

414 "Energy Siting" (3627597312)
01:59:31.079 --> 01:59:51.079
Our community, yours and mine, ok? And by the way, yes, I have notes here, so I'm trying to shorten my sound so I keep Gavin and I can give this to you as well, ok? Our family's intention back in the seventies when things started to really change because they, the, the.

415 "Energy Siting" (3627597312)
01:59:51.079 --> 02:00:14.189
Bills shut down and things were just in chaos. And so our intention when we looked in the seventies was that to really look at what we're doing with the property, ok, for long term, and what we really came up with is we wanted to be a good steward to our property because it's a lot of blood in that property and we want to be good stewards to it.

416 "Energy Siting" (3627597312)
02:00:14.189 --> 02:00:34.189
Okay, we really wanted to get into conservation and do the practices and really my dad was a big believer in habitat, protection, protection of the deer and the elk that streams through there all the time, ok? So along with what happened, we were engaged in a lot of projects.

417 "Energy Siting" (3627597312)
02:00:34.189 --> 02:00:53.759
Meaning for federal projects, CRP programs to programs, all sorts of things. And one of the things that we're involved with have been for a long time is to ODFW. Great people, by the way. Love ODFW. Love them, ok? Because they were really mindset.

418 "Energy Siting" (3627597312)
02:00:53.759 --> 02:01:13.759
Where we were coming from, and that is to protect the habitat for the birds, the games, and all the all that stuff, ok? So we have a long relationship with ODFW, sprouting here and there. We even did some seeding for the wildlife, the burn that happened, we was doing some seeding projects for them.

419 "Energy Siting" (3627597312)
02:01:13.759 --> 02:01:34.399
As well and for the ranches around this. So, my point here is the proposed project has a net benefit net benefit for the echological and the habitat conservation for Washville county. It's a net benefit here, guys. The project utilizes if we think about it, got a minute and a half.

420 "Energy Siting" (3627597312)
02:01:34.399 --> 02:02:04.229
Utilizes existing infrastructure and sits next door to another solar company, which we know. It utilizes degraded and minimal production agricultural land that is also low in quality habitat. This project leads the main wild type habitat in migration corridors remember the math? The migration corridors. It was really sensitive. Thank you ODFW and thank you Savioline for doing that. I think that's a great, great plus there.

421 "Energy Siting" (3627597312)

02:02:04.229 --> 02:02:23.459
Through the mitigation efforts, it's offset what minimal impact it really does have. Minimal impact, but this mitigation plan that they have, and you guys have read it, is substantial. So the mitigation with our ranch on Ty Ridge.

422 "Energy Siting" (3627597312)
02:02:23.459 --> 02:02:41.639
Aligns with our conservation plan already. Aligns with it. It was a natural I mean, wouldn't say NO to that one, ok? Because it's our plans for the organ White oak, which is really dear to our hearts, certainly mine, in fact, the Butler Canyon, they tell me.

423 "Energy Siting" (3627597312)
02:02:41.639 --> 02:03:01.639
That's just one of the longest single strands of organ Flago state. We gotta protect that, ok? Migration corridors from Muelder Elk, which is targeted by the ODFW. That's natural, right? This mitigation plan provides a general uplift of land and provides a much needed higher.

424 "Energy Siting" (3627597312)
02:03:01.639 --> 02:03:23.159
Air quality habitat than what is being used for the project. Think about that one, ok? Savion, Savion will be one sentence, will be a positive addition to our community and the echological around us, ok? I am very supportive of this project and encourages you as the board.

425 "Energy Siting" (3627597312)
02:03:23.159 --> 02:03:38.579
The responsible board to approve the project permit. Thank you. I'll shut up now. Thank you, mr. Davis. Would you like to have this? Yes, please. Windall Claudfeller?

426 "Energy Siting" (3627597312)
02:03:38.579 --> 02:04:01.979
I guess I'm gonna excuse me for animals alone here maybe five years old, not real happy with having to speak tonight. Oh, thank you. 58650 Buckley road Grass Valley Oregon.

427 "Energy Siting" (3627597312)
02:04:01.979 --> 02:04:21.539
I spent probably two days a week.

428 "Energy Siting" (3627597312)
02:04:21.539 --> 02:04:37.769
During the summer in that canyon. I hope they protect it with their boundaries and their setbacks. One thing about mitigation I'd like to ask mr. Davis what's he getting paid for this?

429 "Energy Siting" (3627597312)
02:04:37.769 --> 02:04:55.889
He didn't say that. It's substantial, so it's gonna look good for him. I think it ought to be closer to the project.

430 "Energy Siting" (3627597312)
02:04:55.889 --> 02:05:13.769
As a fact, I have 1600 acres entered into a contract with Planera who's planning a project at around substation. I do question the four and a half mile line.

431 "Energy Siting" (3627597312)
02:05:30.209 --> 02:05:47.789
My neck of the woods has the McNary line crossing this angle, the grizzly line going this way. Another four and a half miles of line isn't gonna make anybody happy.

432 "Energy Siting" (3627597312)
02:05:47.789 --> 02:06:05.849
Okay Julie Carter mentioned fired too much about it until we had some of our meetings and insurance.

433 "Energy Siting" (3627597312)
02:06:05.849 --> 02:06:25.849
To protect himself when he's liable through starting the fire next to one of these projects and you know they're gonna sue us. You can bet your bottom dollar, they're gonna sue the landowner if he accidentally starts the fire. So we need to get something like that worked into here that we have some protection.

434 "Energy Siting" (3627597312)
02:06:25.849 --> 02:06:42.779
As far as the sheeper power, I.

435 "Energy Siting" (3627597312)
02:06:42.779 --> 02:06:58.529
I think it's gonna cost us more. You're gonna see that, aren't it?

436 "Energy Siting" (3627597312)
02:06:58.529 --> 02:07:17.219
But still, that's a good point. It's out of the line now if we can't afford anymore, so trying to say it's cheaper, I don't agree. Anyway, I've rambled long enough. I get little up tight talking to.

437 "Energy Siting" (3627597312)
02:07:17.219 --> 02:07:32.400
The panels that don't really live here, I can't really connect with you. I'm sorry if you are having a problem with it, but anyway speak from my heart. Thank you. Thank you so much.

438 "Energy Siting" (3627597312)
02:07:32.400 --> 02:07:52.400
Thank you for being here. Mr. Dawn Phillips.

439 "Energy Siting" (3627597312)
02:07:52.400 --> 02:07:59.970
Down Philips I live at nine oh eight oh six Wilson Road.

440 "Energy Siting" (3627597312)

02:07:59.970 --> 02:08:15.870
I'm a landowner that's integral in this project. I want to apply a little bit of background and historical information specific to my property.

441 "Energy Siting" (3627597312)
02:08:15.870 --> 02:08:33.900
I've owned the property for 36 years. This oil type is sandy loan. All land within the boundary of the branches as EL.

442 "Energy Siting" (3627597312)
02:08:33.900 --> 02:08:53.850
And designated that way by the agriculture department and has remained in the conservation reserve program since I bought the property in 1989 until 2020I explored all alternatives and.

443 "Energy Siting" (3627597312)
02:08:53.850 --> 02:09:11.340
Farming that property and it is not economically viable. Leet farming on that property has a proven yield of 34 bush of vehicle compared to.

444 "Energy Siting" (3627597312)
02:09:11.340 --> 02:09:27.210
I think their average is 55 or 60 voices. In 1990, the selling price of weeks was $3.24 of butchool positive reduction.

445 "Energy Siting" (3627597312)
02:09:27.210 --> 02:09:43.470
$4.50 a but today rise a week, $5.04 a bushbooked up under the Chicago Ford of exchanger that's.

446 "Energy Siting" (3627597312)
02:09:43.470 --> 02:10:03.470
In 2012, Organ Day University did a study and came up with a cost of production a week to be $6.63 of pleasure.

447 "Energy Siting" (3627597312)
02:10:05.550 --> 02:10:23.850
That was before we've had the inflation of the last few years, which has run as high as 9 %. Only six times in the 36 years that I've owned that property as a market price a week exceeded the unexpected.

448 "Energy Siting" (3627597312)
02:10:23.850 --> 02:10:42.270
And five of those big years it was only marginal that's the economics of warming weed on that property it is marginal land the.

449 "Energy Siting" (3627597312)
02:10:42.270 --> 02:11:00.570
Property, I run cattle on the property as a means of dental production. We've done all the extensive gracing, intensive gracing practices et cetera, that property 5000 acres.

450 "Energy Siting" (3627597312)
02:11:00.570 --> 02:11:19.350

So consistently maintain about a hundred more units. So what I found over the years, if I go over that number, I lose weight gain. If I go under it, it increases.

451 "Energy Siting" (3627597312)
02:11:19.350 --> 02:11:36.510
Still the real very somewhere around a hundred, 250 animals with cats and The reason she was to port.

452 "Energy Siting" (3627597312)
02:11:36.510 --> 02:11:56.510
The Yellow roadmation interview standard and it does not have high value of the property where solar is temporary. It's not an exclusion of the property forever.

453 "Energy Siting" (3627597312)
02:11:56.510 --> 02:12:14.550
From agriculture Lifespan expected to be plenty to 40 years at the termination of the project is alerted.

454 "Energy Siting" (3627597312)
02:12:14.550 --> 02:12:29.790
Putting up the letter of credit, the solar infrastructure will be removed. This lail will be decompected. This oil will be replanted and it'll be returned to ADFU.

455 "Energy Siting" (3627597312)
02:12:29.790 --> 02:12:48.690
So this is a temporary use of the property that provides a lot of economic benefits that also. The economic benefits to the community, local county, and state.

456 "Energy Siting" (3627597312)
02:12:48.690 --> 02:13:06.300
800 mW with renewable power supplied to the grid will provide not the omega. But we'll provide power for a hundred and 82000 pounds.

457 "Energy Siting" (3627597312)
02:13:06.300 --> 02:13:21.960
Two to four years of well paying construction job per days, 20 to 40 years of maintenance jobs, property tags of age will increase by ten to 20 times.

458 "Energy Siting" (3627597312)
02:13:21.960 --> 02:13:38.580
And all benefits of the income taxes will be paid on labor that workers at, he'll be paid on a province of material suppliers.

459 "Energy Siting" (3627597312)
02:13:38.580 --> 02:13:56.490
He'll be paid on the profits of the contract bills and utility companies. He'll be paid when the utility company when they pass the yellow watts onto the consumer. Multiple levels of production to the.

460 "Energy Siting" (3627597312)
02:13:56.490 --> 02:14:13.500
The reason study and it's like a few minutes reason study solar is going worldwide. They're doing lots and lots of studies on it now.

461 "Energy Siting" (3627597312)
02:14:13.500 --> 02:14:30.870
The recent study reported soload panels create a microclimate by using the panel to create shade, or is the oil and air gapter, reduces evaporation.

462 "Energy Siting" (3627597312)
02:14:30.870 --> 02:14:47.520
And retains soil moisture so that my group find it over the duration of this project will greatly enhance the soil. I'm expecting that that land is returned.

463 "Energy Siting" (3627597312)
02:14:47.520 --> 02:15:07.050
But it will actually be improved by better agricultural sustainability that will be the end of today. Thank you so much mr. Phillips. Can we get a copy of your comments?

464 "Energy Siting" (3627597312)
02:15:07.050 --> 02:15:24.300
You have a copy? Okay. Yes. Okay. Well, thank you so much. 30 s. My opinion is project like this should be an outright permitted use.

465 "Energy Siting" (3627597312)
02:15:24.300 --> 02:15:42.690
Shouldn't have to go through all the steps of conditional use that yada yada yada. It provide significant benefits. Not only does it not take away any meaningful. It offers a replacement for CRP contracts.

466 "Energy Siting" (3627597312)
02:15:42.690 --> 02:16:03.770
This use beats all the goals of what the RP was set up for. Thank you so much. Okay, is there anyone else in the room? We don't have any more com.

467 "Energy Siting" (3627597312)
02:16:03.770 --> 02:16:11.430
Link cards, you do. Okay.

468 "Energy Siting" (3627597312)
02:16:11.430 --> 02:16:27.210
Thank you sir. My name is Bob crying. I'm at 8981 big Coven Road. I'm also a landowner on the project. Working with Yellow Rosebush has been.

469 "Energy Siting" (3627597312)
02:16:27.210 --> 02:16:43.890
Very, very good from the beginning. We also have another solar farm right across the road that's also on our place with another developer. It's just been, it's been a.

470 "Energy Siting" (3627597312)
02:16:43.890 --> 02:17:03.780
An easier go from the beginning, and I'm looking forward to working with them. Part of what Don was saying is we're right across the fence, our ground sucks. I mean it's shallow soils, CRP, it's been a CRP for 30 years, hasn't been farmed. We've been.

471 "Energy Siting" (3627597312)
02:17:03.780 --> 02:17:23.780
Going to the mailbox every October and we can't get her check right now, so it sucks. But yeah, it's I I think solar is a higher and better use for the ground. There's, hasn't been a lot of opposition to the previous solar farm that's sit situated across the road where this one's going.

472 "Energy Siting" (3627597312)
02:17:23.780 --> 02:17:44.820
Hasn't been a lot of overall huge negative comments. I think they're this is a pretty good spot to site solar. There might be other spots in the county that maybe aren't so well suited and that's probably why there's a lot more negative comments. As far as the traffic and the fires and all those things, they're all.

473 "Energy Siting" (3627597312)
02:17:44.820 --> 02:18:04.820
So far, the traffic was, you know, it was painful for a while, I think the sheriff's department handled it as good as they could, and I think that's something that's in the small towns anytime you see headlights you're annoyed with the person behind you. It's just the way it is. So any traffic increase.

474 "Energy Siting" (3627597312)
02:18:04.820 --> 02:18:28.400
This is annoying and I'll be the 1st to admit it's we're gonna, you know, as it grows, it'll be a little painful during the construction process, but that'll go away pretty shortly and you know as far as the mayor is concerned about where's everybody gonna stay? I don't know where everybody stayed last time, but the restaurants were full, the stores opened up earlier. Everybody I'm not saying everybody was open arms at.

475 "Energy Siting" (3627597312)
02:18:28.400 --> 02:18:48.710
People were here, but it got us through a couple more years and, you know, the difference between Mopping and Grass Valley are Mopping and some of these other dying towns. I'm not sure we have a beautiful river that goes through the middle of it, but I don't know that there's a lot of businesses in town that are like wow, we're really doing good. So I think any, anything in the.

476 "Energy Siting" (3627597312)
02:18:48.710 --> 02:19:05.640
This small area helps for economic development and I believe just with some of the things they've done already with the donations to the school and and different things, I I think that'll be a benefit to the community down the road. Like I said, I think our.

477 "Energy Siting" (3627597312)
02:19:05.640 --> 02:19:25.640
You know, farm, trying to go back and farm our ground is it there's nobody doing it. It's not gonna make any money. I mean we would have to go to $12 and then I still don't know if anybody would do it, but it's pretty marginal ground, but I will not take up all my 5 min and we've been here a long time and it's a.

478 "Energy Siting" (3627597312)
02:19:25.640 --> 02:19:57.050
Info process, but thank you guys very much for your time. Oh, you have fun. All right. I appreciate you but we're very much in support of the project. Thank you Mr.. I appreciate it. Okay, last call in the room. Anyone else interested in providing public comment? Okay. Yes sir. I didn't prepare any paperworker number but my name is Mike Foreigher I live here in Molfin and.

479 "Energy Siting" (3627597312)
02:19:57.050 --> 02:20:20.960
I'm sorry I didn't get your name. My name is Mike for Acrepen resident. Can I get your address for the record? I'm sorry. Oh, my address is 599 4th Street in Moppin. Okay, thank you. And my family has been, has been, I own some property up on Juniper Flatten and.

480 "Energy Siting" (3627597312)
02:20:20.960 --> 02:20:42.380
And engaged in some negotiations with one of the solar projects, proposed solar projects up there. And then as part of those negotiations I had suggested at one point because I I'm a supporter of solar, but I also am mindful of the impacts that it can have on.

481 "Energy Siting" (3627597312)
02:20:42.380 --> 02:21:02.380
Adjacent property owners and the area in general. I mean nobody frankly drives out here to see a solar farm. Classic classic old farm yes, but any case. Well, it's one of the things we have to sell. That's, that's that's, you know, one of the ways that we make our living here.

482 "Energy Siting" (3627597312)
02:21:02.380 --> 02:21:24.470
The, the so the the aesthetics of these projects matter and we had a gentleman in here at the city council meeting and actually we had a county council meeting here last night as well and he spoke about how his property up my.

483 "Energy Siting" (3627597312)
02:21:24.470 --> 02:21:43.710
Juniper Flat is going to be surrounded on three sides by solar panels and his property value is going to, you know, be fully expected to diminish significantly and I absolutely agree that's going to happen and the.

484 "Energy Siting" (3627597312)
02:21:43.710 --> 02:22:03.710

I I think as a condition of approval for projects like this, there should be some consideration given to compensation for adversely impacted properties who lose folks who lose property value as a result of the, the pro.

485 "Energy Siting" (3627597312)
02:22:03.710 --> 02:22:20.730
Project but I also, believe that there's there there are ways to, well there's at least one way to ameliarate some of that impact, which is to plant a vegetative screen around the perimeter of the project, at least in, in.

486 "Energy Siting" (3627597312)
02:22:20.730 --> 02:22:40.730
Appropriate areas and this is this is not, I mean this is something that we do, you know, our app come to do in the context of forestry with, with, with logging where we leave.

487 "Energy Siting" (3627597312)
02:22:40.730 --> 02:23:10.190
50 ft or a hundred and 50 ft I'm not sure what it is untouched, area along roadways. There are, in this area, in particular, there there's, there are a variety of juniper trees that, you know, are perfectly happy living here once they get established and will grow up to one in particular grows up to about 50.

488 "Energy Siting" (3627597312)
02:23:10.190 --> 02:23:26.190
Feet tall and then stops. So it's not, you know, you can do this so it's not an issue in terms of shading the solar panels or anything like that and but it will, if they're planned, if their spacing is.

489 "Energy Siting" (3627597312)
02:23:26.190 --> 02:23:46.190
Proper, it will, provide basically be a hedge and that, that, you know, if you're driving by, it's going to block your view and that's, I I think that's worth, the investment. I was in the contra.

490 "Energy Siting" (3627597312)
02:23:46.190 --> 02:24:15.720
Rest of our negotiations on my my wife's family's property, I made that suggestion and was told that that was just too expensive by the contractor, but I, I did some rough calculations myself and I find that hard to believe. I I also think that if it's a matter of cash flow, because I understand there's a lot of money spent on these projects before they start to get any revenue, you can always wait until the project starts.

491 "Energy Siting" (3627597312)
02:24:15.720 --> 02:24:35.720
Creating a, a revenue stream and then do the planning. So you're talking about projects that have at minimum of 20 year life and probably, you know, in many cases, 40 years or longer, the trees will grow to maturity in probably about ten years, so you you're sold.

492 "Energy Siting" (3627597312)
02:24:35.720 --> 02:24:54.540
Having much of the problem if not, you know, if not the whole thing. So I, I would recommend that whi while we're while we're doing this, that we consider those, aesthetic impacts and the and the.

493 "Energy Siting" (3627597312)
02:24:54.540 --> 02:25:14.310
And the consequences that they can have for, the value of adjacent properties. Thank you. Thank you very much. I got it. Yeah. Okay, do I one more last call or everyone in the room has.

494 "Energy Siting" (3627597312)
02:25:14.310 --> 02:25:39.230
Spoken if they were interested. Okay, we're now gonna go to Webex. If you are on the Webex and would like to provide comment, can you raise your hand? Just one call in, ok? So Nancy, if you could unmute them, please state your name and address for the record.

495 "Call-in User_4 (972814****)" (46358016)
02:25:39.230 --> 02:26:04.392
Oh it's it's me, right? This is Michelle Van Indy. I live in 8614. Dallas, Texas, our farm where I was raised from my mother lived is eight oh 691 old Weaponistra road. Hello? Hello. Yeah.

496 "Energy Siting" (3627597312)
02:26:04.392 --> 02:26:07.810
Yes, you can continue. It can hear you?

497 "Call-in User_4 (972814****)" (46358016)
02:26:07.810 --> 02:26:23.570
Okay, It's so it's hard for me to hear it. I have a general question why regarding the wildwide. I thought minimization.

498 "Call-in User_4 (972814****)" (46358016)
02:26:23.570 --> 02:26:39.180
We was more important than mitigation, but I thought that was part of the preferred standards organ standards, but it appears that only part of the land is being minimized and the rest is being mitigated over to.

499 "Call-in User_4 (972814****)" (46358016)
02:26:39.180 --> 02:26:59.180
And I was questioning how long this information I did not see in the packet when the proposed draft order. How long is the lease? Is this guaranteed for a number of years? I'm hoping it's guaranteed for the life of the project, I would assume who pays, is it the taxpayers or the developer who's paying?

500 "Call-in User_4 (972814****)" (46358016)
02:26:59.180 --> 02:27:20.520
And then how are the animals getting over there? I guess you're assuming they're going through these animal corridor corridors. Another question I

had was on the financial information. The whole letter of credit worries me. I look at the today's rate.

501 "Call-in User_4 (972814****)" (46358016)
02:27:20.520 --> 02:27:40.520
Of the cost side that was lined out earlier in today's proposal, tonight's proposal. And I've never heard of a project not being amortized out as far as future value of the costs, so I'm kind of curious why that's not done because we know a project that's handled today in today's dollars.

502 "Call-in User_4 (972814****)" (46358016)
02:27:40.520 --> 02:28:03.450
Future value of a completely different dollar amount, 20 years out, 30 years out, correct? So I'm not sure that today's dollars will handle any mitigation or or reclamation of the land in 2030 years. I also had some questions, I mean because I, you know, I worked in airline projects.

503 "Call-in User_4 (972814****)" (46358016)
02:28:03.450 --> 02:28:23.450
On the financial side, so I've never ever seen that where we didn't look at when you're building a construction project, you always look at the cost benefit analysis, net present value, of course, future value cost dollars, all of that. I just was curious why that information's not included in the draft proposed order unless it's just not part of the organ standards and that matter.

504 "Call-in User_4 (972814****)" (46358016)
02:28:23.450 --> 02:28:45.240
Might be. I just don't know enough about this to understand that. Another thing I had a question on was of water. I saw some letters that stated that there would be two water wells on property value various properties that were going to get construction exemptions. I also saw that there were going to be three.

505 "Call-in User_4 (972814****)" (46358016)
02:28:45.240 --> 02:29:05.240
Various municipality or I guess one of the water dissuites water, moffin, and Wasco County or not, not Wasco county, the other county. But they I don't see anything that's actually lined out concreted.

506 "Call-in User_4 (972814****)" (46358016)
02:29:05.240 --> 02:29:30.800
It just says we, you could just have to tell us whether or not you can or cannot allow water at some point to give us water. And so I was kind of confused why that was not more pinpointed at this point in the project. I would assume that you'd have that kind of really itemized at this point. I mean water's kind of important and I thought that at this point in the project that you'd have that pretty lined out and proof.

507 "Call-in User_4 (972814****)" (46358016)
02:29:30.800 --> 02:29:55.370
Pretty detailed. So I was kind of confused why that was not handled. And once again, you know, I'm not new to this solar project here, these solar

projects, so I'm trying to understand how oregon works and just just trying to understand how the process works and why the details are not more specified at this point in the project.

508 "Call-in User_4 (972814****)" (46358016)
02:29:55.370 --> 02:30:07.107
So I would appreciate any answers whatsoever. I'm not trying to attack anyone. I just want I just have many many questions. Thank you.

509 "Energy Siting" (3627597312)
02:30:07.107 --> 02:30:35.980
Thank you Michelle. So, you know, the format of this hearing is really that we're accepting comments and issues. It seems like most of your comments are questions and so I, if the applicant is able to respond, we will give them that opportunity, but I would also encourage you to reach out to Kate. She's the lead analyst. I can we can get you her comment information. She can help you understand where information is within the draft proposed.

510 "Energy Siting" (3627597312)
02:30:35.980 --> 02:30:55.473
Order and what type of issues are evaluated within our standards and within the order and the application. So she can, I would encourage you to work with her outside of this hearing format and then again, you know, you also have the applicant or can get access to the applicant's information as well.

511 "Call-in User_4 (972814****)" (46358016)
02:30:55.473 --> 02:31:04.169
So I Yeah, so I have Is it Katie or Kathleen? I've reached out to Kathleen. She's been a plethora of information for me.

512 "Energy Siting" (3627597312)
02:31:04.169 --> 02:31:10.252
Oh, ok. So you guys are already great Continue continue that path. Yes.

513 "Call-in User_4 (972814****)" (46358016)
02:31:10.252 --> 02:31:24.031
Yes, but I I will have to put this into comments if I cannot get some appropriate answers, but that's why I'm asking the questions now rather than commenting later on. I'd rather just have an open conversation about it, you know? Yeah.

514 "Energy Siting" (3627597312)
02:31:24.031 --> 02:31:26.464
I, I understand.

515 "Call-in User_4 (972814****)" (46358016)
02:31:26.464 --> 02:31:28.008
U.

516 "Energy Siting" (3627597312)
02:31:28.008 --> 02:31:30.748
You have until 3 November.

517 "Call-in User_4 (972814****)" (46358016)
02:31:30.748 --> 02:31:35.790
Yep. Okay.

518 "Energy Siting" (3627597312)
02:31:35.790 --> 02:31:43.260
So Nancy, could you confirm if there's anyone else on Webex or on the phone with their hand raised?

519 "Energy Siting" (3627597312)
02:31:43.260 --> 02:32:04.890
Yes. Okay, last call for Webex and on the phone for any individual that's interested in providing comment tonight. Give you 5 s. Okay, so.

520 "Energy Siting" (3627597312)
02:32:04.890 --> 02:32:21.060
Now we're gonna open the floor for the council. If you have any specific comments on the application or the draft proposed order that you would like to provide on the record, whether the department or the applicant, now is your opportunity to do that.

521 "Energy Siting" (3627597312)
02:32:21.060 --> 02:32:37.410
Yeah, take it away. Thank you, counselor Conden. I just wanted to, make mention of the fact that I appreciate both the applicant.

522 "Energy Siting" (3627597312)
02:32:37.410 --> 02:32:53.760
And Savvyion in providing the attestation for the resources necessary to build the project on the front end. I think that is just really a crucial element for applicants that.

523 "Energy Siting" (3627597312)
02:32:53.760 --> 02:33:09.510
Don't have much to show us in Savian's letter was pretty concrete or I take it as pretty concrete as saying we will provide the resources necessary to get this project done. So, thank you for.

524 "Energy Siting" (3627597312)
02:33:09.510 --> 02:33:30.530
Working through that and certainly applying it including it in writing. Much appreciated. And then I just have a question. I realized there's flexibility in terms of the timing of the project starting construction and then completing construction.

525 "Energy Siting" (3627597312)
02:33:30.530 --> 02:33:51.450
But I I think it's important for people in the room, including me to Do you have a plan for when construction will begin on the project and given the number of projects that you talked about or Kate had talked about that are on the table, that Savvyion.

526 "Energy Siting" (3627597312)

02:33:51.450 --> 02:34:10.320
Has relationships with the various companies I would guess, you know, how those compete for for being in the queue for development. So I think yeah.

527 "Energy Siting" (3627597312)
02:34:10.320 --> 02:34:31.340
Oh, ok, everyone's ok. So you've got that one. Okay. All right. 1st, thank you to everybody.

528 "Energy Siting" (3627597312)
02:34:31.340 --> 02:34:51.340
Who has joined us this evening. We really appreciate the local perspective. I know we kind of waltz in the town and then leave, but we take your comments to heart and knowing that the applicant is working with the community is good for us to hear, so we appreciate.

529 "Energy Siting" (3627597312)
02:34:51.340 --> 02:35:19.460
Take that. I do want to ask staff to do a couple of things and follow up. We heard about traffic and I know there's a traffic agreement with Roscow county. But I did a little drive out bake oven up to the top and then back down and with multiple cars, that would be dicey. So we.

530 "Energy Siting" (3627597312)
02:35:19.460 --> 02:35:48.630
Whatever has been learned in the past, let's incorporate that in our conditions and make sure that Wasco County is comfortable with that because I think there are probably lessons learned and I know some people will go to 97, but many people will come down to 1907. Housing, we've dealt with housing on other projects, mostly I think in Moral County.

531 "Energy Siting" (3627597312)
02:35:48.630 --> 02:36:08.630
And the county asked to, help put together a group that would help to flesh out some of the housing issues. So if you look at some of the decisions we've made probably within the last year helped me with this other council.

532 "Energy Siting" (3627597312)
02:36:08.630 --> 02:36:37.250
Members, we we put in some conditions about housing because when that many people come to town, even for a short time, and I know your RV parks have done really well by that but but how how does the community as a whole address housing? And then the 3rd issue is sort of a inside baseball issue. Last month we had a briefing on.

533 "Energy Siting" (3627597312)
02:36:37.250 --> 02:36:57.250
And how the council delegates authority to department staff to help review some of these final projects. So you heard about the habitat mitigation plan, which is being finalized kind of as we speak, and that's not.

534 "Energy Siting" (3627597312)
02:36:57.250 --> 02:37:22.440
Something that needs to come back to the full council, we want Department of Energy staff in consultation with Department official wildlife to work out any of the final issues, not even issues, but the final documentation. That doesn't have to come back to council, but we want to make explicit.

535 "Energy Siting" (3627597312)
02:37:22.440 --> 02:37:42.440
In our decisions where we're delegating to Department of Energy staff, and I'm happy to do a follow up with staff to highlight the things I've seen that I think we just need to be explicit where we're saying, ok, department, we have enough.

536 "Energy Siting" (3627597312)
02:37:42.440 --> 02:38:04.324
Evidence on the record for you to do the final review. So we just ask that when we come back with the next order that that language is specified. So thanks for your patience on that. And again, thank you all for showing up tonight.

537 "Marcy Grail" (675521536)
02:38:04.324 --> 02:38:11.144
Sorry. Go ahead.

538 "Energy Siting" (3627597312)
02:38:11.144 --> 02:38:15.050
Yes counselor gray off.

539 "Marcy Grail" (675521536)
02:38:15.050 --> 02:38:40.940
Okay, thank you. I just wanna say thank you to everybody who did show up and I would like to just emphasize two things. One, concerned about fire and the locals who actually volunteer. In my line of work, the people that I'm responsible for often are.

540 "Marcy Grail" (675521536)
02:38:40.940 --> 02:39:12.890
The 1st responders to go restore power, which means nothing's gonna happen in most cases until that occurs. They leave their homes, they leave their families, they leave their whatever side businesses they have to do their jobs, and I hope that the developer heard the the commitment to the community, but the concern for themselves on how do we do both. So I would just strongly encourage them to find additional reso.

541 "Marcy Grail" (675521536)
02:39:12.890 --> 02:39:36.830
Resources and support to help mitigate those issues. I'd also like to comment on lake local labor. I understand very clearly that we have specialized people who often go from project to project, but when you talk about people needing places to live, when you talk about the communities, I hope that you make a concerted.

542 "Marcy Grail" (675521536)
02:39:36.830 --> 02:39:54.300
Effort to look at how you utilize some of the local talent. It always strikes me as odd when you hear about somebody traveling states away to do the same work that's happening in their backyard. I'm well versed in how that happens and why, but again, I would just encourage.

543 "Marcy Grail" (675521536)
02:39:54.300 --> 02:40:16.646
Whether it's something that you deal with the schools and help people learn about construction or on an actual jobs. These are very difficult things. There's pros and cons to everything and I'd just like to tell staff, as always, you've done a wonderful job preparing us with information to make decisions. Thank you. Thank you.

544 "Energy Siting" (3627597312)
02:40:16.646 --> 02:40:31.080
Thank you, council member Grail. Council member Devlin, please? Thank you. I just wanted to put a couple of items on the record. One, I think the council here.

545 "Energy Siting" (3627597312)
02:40:31.080 --> 02:40:49.740
Is governed by obviously the US and state constitutions and state law and the regulations that have been developed. I once served in a capacity for a very long time where I was in the capacity of determining what those statutes would be.

546 "Energy Siting" (3627597312)
02:40:49.740 --> 02:41:09.420
But I'm NO longer in that capacity. I am here to basically administer the statutes that have been given to us in administrative rules that have been given to us. And that's the limits of our authority. Sometimes we feel like there are things that we should be considering, but if they're not one of our criteria, they're not part.

547 "Energy Siting" (3627597312)
02:41:09.420 --> 02:41:26.460
Of our examination of a project. However, sometimes I think one of the most important things with projects regardless of what type of projects they are, is relationships with the community in which they're being located or in which they're adjacent to.

548 "Energy Siting" (3627597312)
02:41:26.460 --> 02:41:46.460
I took very strongly the mayor's comments about the issues around housing and traffic and I don't know about the traffic one that's a little bit difficult to me. But I do think it would help and I'm not expecting a 32nd response from the developer of the project. I would prefer to have actually a response.

549 "Energy Siting" (3627597312)
02:41:46.460 --> 02:41:53.580

This was some of the things this evening in writing I think that's a better medium for doing this about how they.

550 "Energy Siting" (3627597312)
02:41:53.580 --> 02:42:09.840
I think that they'll be able to meet the housing requirements for these workers during that period. I mean, there maybe some creative solutions, but when I think about it, the, the mayor, you know, she, she's a mayor of a city with about 440 450 residents.

551 "Energy Siting" (3627597312)
02:42:09.840 --> 02:42:26.550
With less than 200 households, these are bigger cities by oregon standards, but they're not cities, which just point the little extra housing. I think Madress is about 50 plus miles south of here.

552 "Energy Siting" (3627597312)
02:42:26.550 --> 02:42:45.780
And, the Dell's is 40 mi plus north little bit different from north. It's not not going to be an easy thing, really, but I would appreciate to just hear some comments. It may not be one of our criterias that we can decide on a project.

553 "Energy Siting" (3627597312)
02:42:45.780 --> 02:43:04.650
But I do think it's important for these projects to maintain good relationships with the local community, not just during the project but obviously during the duration of their operation. And I do think there are gonna be some issues here that arise.

554 "Energy Siting" (3627597312)
02:43:04.650 --> 02:43:19.890
Okay, thank you. Any other council members have comments? Okay, would the applicant like to respond to any of the comments received from members of the public or council? Okay, thank you mr. Watson.

555 "Energy Siting" (3627597312)
02:43:27.480 --> 02:43:47.480
So, to Councilman Depulan's point, I think that we're going to try and to try to respond to these in writing because it's just going to be a bit more thorough that way. The other thing I will say is that.

556 "Energy Siting" (3627597312)
02:43:47.480 --> 02:44:07.580
To speak to Councilwoman Conden's point is that, you know, let's let me, I guess let me talk about or I'll I'll say this with how we're envisioning construction timelines and project timelines, which I will get to in, in a moment, it's not everything.

557 "Energy Siting" (3627597312)
02:44:07.580 --> 02:44:28.040
That we have here in our, in our permanent application is, is complete. A lot of these things will need to be completed before construction. There will need to be further development to, to find out exactly to the T how

we deal with things like traffic plan, how we deal with housing, particularly how we deal about fire. All of these things are things that, that our team are working.

558 "Energy Siting" (3627597312)
02:44:28.040 --> 02:44:47.940
Working on on a weekly basis, so I won't have all the answers for you today, but I can tell you that these are things we are working on and, and that, you know, what you're seeing here is, is just, you know, sort of a start of building that plan. So I'll try to kind of go one by one and if I forget anything, we will, we will definitely respond.

559 "Energy Siting" (3627597312)
02:44:47.940 --> 02:45:07.940
With written comments, so I'll respond to the, the timeline 1st and I I wish I had better information with that. That will fully depend on how Bonnaville Power processes its queue. They, I don't need to go into the backstory here. I think everyone's aware they are, they're seeing a lot of delays in how they're.

560 "Energy Siting" (3627597312)
02:45:07.940 --> 02:45:21.090
How they are able to process their queue. We are expecting to get our 1st round of interconnection studies 1st of three studies before we sign an LGIA. Hopefully in January, that date has already been delayed one year.

561 "Energy Siting" (3627597312)
02:45:21.090 --> 02:45:41.090
And they could delay it further, we don't have good. There's not a lot of visibility into their process. So when this project begins construction, we'll very much depend on how Bonoville can move through their queue. If I had to put in, if I had to put an idea out there as to like what we would, we would hope, what we're expecting given what we're seeing at.

562 "Energy Siting" (3627597312)
02:45:41.090 --> 02:45:50.280
I think the earliest we would see start of construction is 2028. It's probably more likely 2029. All of this is very much up in the air based on.

563 "Energy Siting" (3627597312)
02:45:50.280 --> 02:46:10.260
How Bonabelle can move through its process. So I wish I had more information. A lot of that is unfortunately out of our control. Out of anybody in this room, anyone in this room does not have control over that. I wish we had more, but we don't. So.

564 "Energy Siting" (3627597312)
02:46:10.260 --> 02:46:27.120
Would that answer your question around timeline, was there something else that yes, it did. So, but I am curious how do other projects compete with it, understand like one thing. Yeah. Get to make.

565 "Energy Siting" (3627597312)

02:46:27.120 --> 02:46:43.410
Like projects in our portfolio in your portfolio or here impacted by we actually have our vice president of development here. I think he would be best served to answer that question. There you go.

566 "Energy Siting" (3627597312)
02:46:43.410 --> 02:47:03.410
Hi Travis Narra I'm head of development, that's Avian. So to answer that question, we allocate capital, you know, based on which projects are ready and what will get the highest returns and the one thing we just don't have in this industry is control over any timeline. We call it a solar coaster.

567 "Energy Siting" (3627597312)
02:47:03.410 --> 02:47:07.620
Because we've been through in the past.

568 "Energy Siting" (3627597312)
02:47:07.620 --> 02:47:27.620
Five years COVID, supply chain disruptions, tariffs, more tariffs, and now, you know, federal essentially shut down of assessments on these projects. So, so predicting a timeline is next impossible. We do our best. What we.

569 "Energy Siting" (3627597312)
02:47:27.620 --> 02:47:45.090
Have to have that to make any project work is the land, the permit, which is why we're here, a power purchase off take agreement and then interconnection. And in an ideal world, those all come together at the same time, and it never happens.

570 "Energy Siting" (3627597312)
02:47:45.090 --> 02:48:01.830
So we try to line them up to the degree we can. Right because without a project you've got nothing. So there are there's a need for power, I think everybody knows that.

571 "Energy Siting" (3627597312)
02:48:01.830 --> 02:48:18.150
But, you know, think of any off taker. They're, they're going to want to know that you can permit the project, that you can build the project, right? So this is a step towards that. We think there will be plenty of demand once that's ready and then the longest tent and.

572 "Energy Siting" (3627597312)
02:48:18.150 --> 02:48:35.100
Here we go. Get that right, clearly out here is BPA and and when can we get online? So, when we allocate capital, you know, there could be two or three projects that get ready about the same time you know shell.

573 "Energy Siting" (3627597312)
02:48:35.100 --> 02:48:52.050
One nice thing with working for Shell is they're they have a very large balance sheet, and they also we also have capital partners. We've

completed some rounds with a company called Aries recently. So our ability is there once the project has, has those returns. Occasionally, we find other.

574 "Energy Siting" (3627597312)
02:48:52.050 --> 02:49:09.330
Companies that are more ready to build it and, you know, we buy and sell projects from each other and it just, that is more functions of whose capital's ready at the right time. But, yeah, so the so we do look at it from a portfolio view and you know when is a project ready?

575 "Energy Siting" (3627597312)
02:49:09.330 --> 02:49:24.840
You know, we've got projects in Texas that can be ready in two years. It's just a totally different permitting environment. They have their own interconnection system that has its pros and cons that we won't get into, but it, it, you just never know, right? So.

576 "Energy Siting" (3627597312)
02:49:24.840 --> 02:49:40.620
Here it's it's just a longer cycle, but once it's ready, we think that there will be plenty of chances to get off take and it'll be a very economic project, you know, 800 mW is a huge win if we can get it built, so.

577 "Energy Siting" (3627597312)
02:49:40.620 --> 02:49:58.140
Thank you. Thank you. All right, thanks. Thanks Travis. I will answer some of the questions that were brought up. There was a question on the phone about water. At this stage, based on.

578 "Energy Siting" (3627597312)
02:49:58.140 --> 02:50:17.220
The, and I thought that, you know, talking about timelines was important to answer all the subsequent questions. At this stage, it was important and required of us in the process to show feasibility of water procurement, which we we did. We show that we could feasibly from multiple different sources.

579 "Energy Siting" (3627597312)
02:50:17.220 --> 02:50:37.220
Acquire the amount of water that was, that was expected to be needed for a project in this area of this size for, by our engineering team and, and, you know, other experts on that. It's too early for us to have contracts for that water at this stage, but we have shown the ability to secure contracts. The contracts for the amount of water.

580 "Energy Siting" (3627597312)
02:50:37.220 --> 02:50:45.270
We need from multiple different sources. So at that stage, that's the information we can provide at this point and we feel like we did that adequately.

581 "Energy Siting" (3627597312)

02:50:45.270 --> 02:51:04.230
And just to mention, when anything is settled on, it will be fully permitted and be up to council standards according to our project permit. So that was about water. So I wanted to speak to, you know.

582 "Energy Siting" (3627597312)
02:51:04.230 --> 02:51:24.230
Traffic housing and fire safety. You know, these these these items are particularly for traffic and housing, they are are things that were brought up to us by the planning department very early on is that we're concerns for this community.

583 "Energy Siting" (3627597312)
02:51:24.230 --> 02:51:33.930
That were issues with past projects. We got a lot of feedback to our traffic plan to avoid.

584 "Energy Siting" (3627597312)
02:51:33.930 --> 02:51:52.590
Like critical roads through Moppinn, particularly that bridge in the choke point over there with, you know, large trucks with, you know, the equipment being moved that way. So we, you know, utilized the information we have from previous projects to the best of our ability.

585 "Energy Siting" (3627597312)
02:51:52.590 --> 02:52:12.590
As far as housing and fire go, I would say those are two areas that are very much still in progress and we are very much still working on and learning as to what we can do. From a housing perspective, one thing that I have, you know, one idea we have that we're working on is I've engaged with councilmen Scott Peggy I think is how you pronounce.

586 "Energy Siting" (3627597312)
02:52:12.590 --> 02:52:32.590
His last name I always have trouble with it. He has an idea of wanting to be able to house people on site with RVs, that's actually currently not allowed in Oregon. He is working on a bill that would potentially move that forward. So there are a lot of ideas or initiatives out there that can help us solve this problem.

587 "Energy Siting" (3627597312)
02:52:32.590 --> 02:52:51.990
Problem, we know it's an issue, we don't have the answer right now. We do know where there were pain points in past projects. I will say that we have some time to solve this problem, given what I said about BPA. So we know this is an issue, there are certain ideas that we are.

588 "Energy Siting" (3627597312)
02:52:51.990 --> 02:53:11.990
Looking into further to see if it's something that we can actually utilize, and there are other ideas that, that we have as well. So not all the answers are there yet. Moving to to fire safety, this is, we know, I I would say, you know, it's hard to say what is up most important, but.

589 "Energy Siting" (3627597312)
02:53:11.990 --> 02:53:13.560
Given the climate.

590 "Energy Siting" (3627597312)
02:53:13.560 --> 02:53:33.560
What we've seen at other projects nearby, things we've heard from the community, this is, is a very, very important issue and we're taking very seriously. We have a fire management plan. I would say that, you know, you know, Chris and I on our permitting team, this is something we're having calls on weekly. We are trying to understand what it means to build a project and hear what it means to have in.

591 "Energy Siting" (3627597312)
02:53:34.170 --> 02:53:54.170
A a proper, not only, you know, what are the necessary prevention methods, how do we best respond? How do we best prepare the authorities that are involved in working with this? We don't have all the answers yet. This is something that we're, we're really working on and something that we realize is really, really important.

592 "Energy Siting" (3627597312)
02:53:54.170 --> 02:54:13.260
Important in this area in this climate. So I guess particularly to those last two items I would just say we we understand, we hear how important these items are, and we are going to continue working to create the best in practice, sort of plans or responses to to each one of these issues.

593 "Energy Siting" (3627597312)
02:54:18.090 --> 02:54:36.630
So there were, am I missing any other questions? I think there was, I think that that covers most of the questions and like I said, we will, you know.

594 "Energy Siting" (3627597312)
02:54:36.630 --> 02:54:56.630
We will, it's always good for us to follow up and written comment because then we can, you know, discuss this as a team and be very detailed in our response. But I think I will leave it there in terms of which questions I respond to unless anyone points out something I forgot. Okay, so mr. Watson and Savian.

595 "Energy Siting" (3627597312)
02:54:56.630 --> 02:55:12.750
Teams so I believe the department will have the ability to get you the Webex recordings so that you'll have access to the audio of this evening's comments, and we can get you a Webex.

596 "Energy Siting" (3627597312)
02:55:12.750 --> 02:55:31.950
Transcript but it's a little messy. It would take a little bit more time to get you a better looking transcript. So that gives you given those limitations about eleven days to 3 November to respond. Do you think that

that's adequate or would you like to request that council extend that time frame?

597 "Energy Siting" (3627597312)
02:55:31.950 --> 02:55:51.950
You're ok with the timeline? We think that's an adequate timeline yes. Well, yeah, you have until 3 November to respond. If comments come in on 3 November.

598 "Energy Siting" (3627597312)
02:55:51.950 --> 02:56:02.160
Then you'd be limited. If you request to extend it, it would only apply to you and it would give you the ability to respond to comments that come in between now and the 3rd that you're not aware of.

599 "Energy Siting" (3627597312)
02:56:02.160 --> 02:56:18.150
So, yeah, we should extend it. Yeah, I think we'd like to extend just in case we get comments within the last day or two, so we have had a quick time to respond. Okay, so one day or a week at this.

600 "Energy Siting" (3627597312)
02:56:18.150 --> 02:56:35.100
Three day three the comment period or the comment yeah let's let's let's look at right yeah can we can we do a work of business yeah at 05:00 P.M. Friday.

601 "Energy Siting" (3627597312)
02:56:35.100 --> 02:56:50.760
Okay, so does council need to take a motion to extend it? Okay. So council, do you agree to extend the record for the applicant to respond to comments until 7 November? Okay, that appears to be granted. Yes, go ahead.

602 "Energy Siting" (3627597312)
02:56:50.760 --> 02:57:10.760
Just a question. Will the audio of this meeting be available sooner than the transcript just in case you wanted to listen to this hear hearing tomorrow? Yeah, but before I mean so it's if it's gonna be the transcript is gonna be not in good shape. Well, the Webex transcripts we can get you with the recording.

603 "Energy Siting" (3627597312)
02:57:10.760 --> 02:57:17.520
Being tomorrow. If you wanted something that was, had been proof red, that would take a little bit more.

604 "Energy Siting" (3627597312)
02:57:17.520 --> 02:57:37.520
Sorry. Yeah, recording's fine. Okay. Okay, so with that, again, we'll accept comments through the comment portal portal by email or hand delivery tonight.

605 "Energy Siting" (3627597312)

02:57:37.520 --> 02:57:56.490
It is now 08:42. Thank you for the marathon. 842pM. On 23 October 2025, the public hearing portion of the comment period on the draft proposed order on the application for site certificate for the yellow Rosebush Energy Center has concluded.

606 "Energy Siting" (3627597312)
02:57:56.490 --> 02:58:11.730
Now the time is 08:43 and the 23 October 24th 2025 meeting of the energy facility. Siding council is now recessed until tomorrow morning at 08:30 A.M..

607 "Energy Siting" (3627597312)
02:58:11.730 --> 02:58:24.012
Thank you. Thanks for your participation.

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ENERGY FACILITY SITING COUNCIL (EFSC)/ Public Hearing
Date: October 23, 2025 Location: Maupin, Oregon
REGISTRATION FOR PUBLIC COMMENT ON YELLOW ROSEBUSH ENERGY CENTER DRAFT PROPOSED ORDER

Name: Carol Beatty 403 El Ron Maupin

Address: PO Box 92 Maupin

I represent (if applicable) Carol Beatty mayor
Print your name OR your organization/business name.

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My email address is: _____

☒ I wish to submit verbal comments and/or
☐ I wish to submit the following written comment:

I have a question:
What kind of housing will be provided for 400 workers.

PLEASE NOTE: If there are a large number of speakers, it may be necessary to limit the amount of time each speaker is allowed.

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ENERGY FACILITY SITING COUNCIL (EFSC)/ Public Hearing
Date: October 23, 2025 Location: Maupin, Oregon
REGISTRATION FOR PUBLIC COMMENT ON YELLOW ROSEBUSH ENERGY CENTER DRAFT PROPOSED ORDER

Name: Ryan Sheehy

Address: 107 NE 4th ST Enterprise, OR 97828

I represent (if applicable) Ryan Sheehy

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ENERGY FACILITY SITING COUNCIL (EFSC)/ Public Hearing
Date: October 23, 2025 Location: Maupin, Oregon
REGISTRATION FOR PUBLIC COMMENT ON YELLOW ROSEBUSH ENERGY CENTER DRAFT PROPOSED ORDER

Name: IRA MICHAEL DAVIS

Address: 82859 HWY 216, TYGH VALLEY, ORE

I represent (if applicable) TYGH RIDGE RANCH LLC

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ENERGY FACILITY SITING COUNCIL (EFSC)/ Public Hearing
Date: October 23, 2025 Location: Maupin, Oregon
REGISTRATION FOR PUBLIC COMMENT ON YELLOW ROSEBUSH ENERGY CENTER DRAFT PROPOSED ORDER

Name: Don Phillips

Address: 90806 Wilson Rd Maupin Ore

I represent (if applicable) LANDOWNER

Print your name OR your organization/business name.

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☑ I wish to submit verbal comments and/or

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ENERGY FACILITY SITING COUNCIL (EFSC)/ Public Hearing
Date: October 23, 2025 Location: Maupin, Oregon
REGISTRATION FOR PUBLIC COMMENT ON YELLOW ROSEBUSH ENERGY CENTER DRAFT PROPOSED ORDER

Name: BOB Krein

Address: PO Box 158 Maupin OR 97037

I represent (if applicable) AEK Ranches / SOIF

Print your name OR your organization/business name.

☐ Send me future notifications about Council meetings via email.
My email address is: Kreinconsulting@yahoo.com

☑ I wish to submit verbal comments and/or

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ENERGY FACILITY SITING COUNCIL (EFSC)/ Public Hearing
Date: October 23, 2025 Location: Maupin, Oregon
REGISTRATION FOR PUBLIC COMMENT ON YELLOW ROSEBUSH ENERGY CENTER DRAFT PROPOSED ORDER

Name: Keela Carver

Address: 91443 Hinton Rd Maupin

I represent (if applicable) _____

Print your name OR your organization/business name.

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PLEASE NOTE: If there are a large number of speakers, it may be necessary to limit the amount of time each speaker is allowed.

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*See reverse for tips on giving testimony

ENERGY FACILITY SITING COUNCIL (EFSC)/ Public Hearing
Date: October 23, 2025 Location: Maupin, Oregon
REGISTRATION FOR PUBLIC COMMENT ON YELLOW ROSEBUSH ENERGY CENTER DRAFT PROPOSED ORDER

Name: Diego Granda

Address: 17230 NE Sacramento St. Portland

I represent (if applicable) Linxa Local 737

Print your name OR your organization/business name.

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☒ I wish to submit verbal comments and/or

☐ I wish to submit the following written comment:

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PLEASE NOTE: If there are a large number of speakers, it may be necessary to limit the amount of time each speaker is allowed.

Submitted in person @ hearing 10/23/25

Oct. 23, 2025

Ms. Kathleen Sloan, Senior Siting Analyst

Oregon Department of Energy

550 Capital Street NE

Salem, Oregon 97301

Re: Yellow Rosebush Energy Center

Ms. Sloan:

Attached please find a written synopsis of my verbal testimony, as presented, at the public hearing convened in Maupin on this date by ODOE.

I request that this information be included in the public record in favor of the Commissions' approval of the Draft Proposed Order (DPO).

Don W. Phillips

Don W. Phillips

90806 Willson Road

Maupin, Oregon 97037

Oct 23, 2025

ODOE Hearing – YRB

YRB Ventures LLC, Landowner

As a landowner of property integrated in the Yellow Rosebush Energy Center project, I want to supply some historical and operating data on my specific property in support of the findings in the DPO.

We have owned the property for 36 years.

The soil type is sandy loam. All land within the boundary of the ranch is classified as HEL by the Agriculture Department, and has remained in the Conservation Reserve Program from acquisition until 2020.

Wheat Farming has not been economically viable the entire time that we have owned the property. The property has a proven yield of 34 bu per acre compared to Wasco County average of 55 bu. In 1990 the selling price of wheat was $3.24 per bu and the cost of production was $4.50. Today the price of wheat is $5.04 and cost of production is estimated to be over $7.00 per bu, without accounting for actual inflation. In 2012 a study by OSU reported a cost of production of wheat to be $6.63 per bu. Only 6 times in 34 years did the market price exceed the cost of production, 2011 - $7.05, 2012 - $7.50, 2013

- $6.99, 2021 - $7.04, 2022 - $9.51, 2023 - $7.22. Six years out of 36 does not make growing wheat on this property economically viable, especially when 5 of the 6 years are only marginally profitable, based on the OSU study. This property can produce a minimum family wage by raising cattle, but the economic return is limited by the lands' AUM carrying capacity. The maximum capacity is approximately 100 mother cows, with intensive grazing practices. This property clearly does not meet the definition of high value agriculture land.

The reasons to support the Yellow Rosebush Energy Center are:

It is not high value agriculture land.

The use of the property as a Solar Farm is temporary. The estimated life of the proposed solar project is 20 – 40 years. At its termination the solar infrastructure is to be removed, the land to be restored to its original condition and returned to EFU zoning.

The economic benefits to the communities, local, county, state:

800 MW of clean renewable power supplied to the grid, enough to power 182,000 homes.

2 – 4 years of well-paying construction jobs

20 – 40 years of maintenance jobs

Property Taxes paid for local and county communities increase by an estimated 10x, or more.

Income taxes will be paid to the state at all levels, on labor wages, on profits earned by local material suppliers, on profits generated on electric contract sales to public utilities, and on profits from public utility company delivered kw to customers. The taxes collected go to the general fund to the benefit of all Oregonians.

A recent study reported "Solar panels create a microclimate by using the panels to create shade, lowers soil and air temperature, reduces evaporation, and retains soil moisture". This provides long term benefit to the land. It accomplishes goals the Conservation Reserve Program was designed for. With the microclime enhancement, and long-term non-disturbance or cultivation of the soil, it enhances the soil quality by reducing erosion and provides humus build-up of the soil and carbon sequestration. My expectation is that by the conclusion of the solar project, and subsequent restoration of the land, the soil condition will be greatly improved and more viable to be returned to agricultural endeavors.

My opinion is that projects such as Yellow Rosebush Energy Center should be considered as an outright permitted use under Statewide Planning Goals. Not one requiring a Conditional Use application, because such use is temporary and provides economic benefits substantially greater than its current, operation and use.

It provides significant benefits for Maupin, for Wasco County, and for the State of Oregon. Not only does it not take away any meaningful agriculture production, it offers a replacement for CRP contracts, saving the taxpayer Federal money, and puts idle property back into business operation and production.

I offer this testimony in support of the Yellow Rosebush Energy Center project.

Signed:

YRB Ventures LLC,

Land Owner

Don W Phillips

Member Manager

USDA **United States Department of Agriculture**
Farm Service Agency

2018 Wasco County, OR

Farm: 1285
Tract: 26

Date: 12/7/2017

N

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions
- Section Boundary
- CLU Boundary

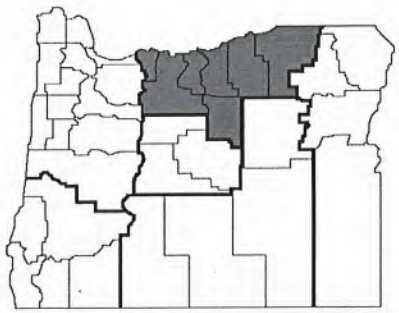
USDA FSA maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or the 2016 ortho rectified imagery for Oregon. The producer accepts the data 'as is' and assumes all risks associated with its use. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations, or contact NRCS.

1 " = 1,819 '

Enterprise Budget

Wheat (Winter) Following Fallow, Direct Seed, 12-18 inch Precipitation Zone, North Central Region

Clark Seavert[1], Steven Petrie[2] and Sandy Macnab[3]
[1]Agricultural Economist, Department of Agricultural & Resource Economics, [2]Director of the Columbia Basin Agricultural Research Center, and [3]Extension Cereal Grains, Sherman/Wasco Counties, all of Oregon State University.



AEB 0036, October 2012

This enterprise budget estimates the typical costs and returns of producing winter wheat using direct seed production practices in a 12-18 inch precipitation zone. It should be used as a guide to estimate actual costs and returns and is not representative of any particular farm. The major assumptions used in constructing this budget are discussed below. Assistance provided by area producers and agribusinesses is greatly appreciated.

Cropping Pattern

This budget is based on a 3,800-acre farm with 1,900 acres in winter wheat production each year following 1,900 acres of fallow. The average annual precipitation is 12 to 18-inches. Wheat yields in this cropping system range from 50 to 80 bushels per acre. A typical yield in this budget is 65 bushels per acre.

Land

A land lease charge of $188 per acre is included to represent the cost of leasing or owning land. This correlates to the payment a landowner would receive under a one-third crop-share lease, the most common arrangement in this area, under our assumed prices and yields.

Labor

Typically tractor drivers and harvest labor cost approximately $12 per hour, all of which include social security, worker's compensation, unemployment insurance, and other labor overhead expenses. For this study, owner labor is valued at the same rate as tractor driver rates, and all labor is assumed to be a cash costs. Labor hours are calculated based on machinery hours.

Capital

Interest on operating capital (5 percent) is treated as a cash expense. One-third of the cash expenses are borrowed for 12-months. Interest on intermediate (6 percent) and long-term capital (4 percent) is treated as a non-cash opportunity cost to the owner.

Machinery and Equipment

The machinery and equipment used in this budget is sufficient for a 3,800-acre farm in an 12-18 inch precipitation zone. A detailed breakdown of machinery values is shown in Table 2. Note: Precision technologies, such as GPS auto-steer and spray boom controller, are included in this budget, which increase machine efficiencies and lowers labor and machinery and equipment hours. Estimated machinery costs are shown in Table 3. The machinery costs are estimated based on the total farm use of the machinery. Gasoline costs $4.02, on-road diesel $4.10 and off-road diesel $3.55 per gallon. Table 4 shows the labor, variable, and fixed costs for certain machinery operations.

Operations

The cultural operations are listed approximately in the order in which they are performed. A 485-hp crawler tractor is used for pulling the bank out wagon, rotary mower, field sprayer, and drill. Grain is harvested using a combine, a bank out wagon, semi-truck and trailer and an older truck. The grain is hauled to Pendleton. A $0.05 per bushel assessment is paid to the Wheat Commission. A miscellaneous charge of $10 per acre, which includes additional labor, repairs and maintenance, and materials not included in field operations.

Results

The price for wheat is $8.50 per bushel, the average price at Portland in 2012. The total gross income in this budget does not include any government program payments. Variable cash production costs were $173 per acre, giving a net return above variable cash costs of $379 per acre. Total costs were $431 per acre when all costs are considered. A break-even price of $2.66 per bushel would be required to cover variable cash costs, and $6.63 per bushel to cover total costs. Tables 5 and 6 show the returns per acre for cash and total costs at various yields and prices.

This budget was partially funded through award 32011-68002-30191 from USDA National Institute for Food and Agriculture

OREGON STATE UNIVERSITY
EXTENSION SERVICE

Table 1. Winter Wheat After Fallow Rotation, Direct Seed, 12-18 inches Precipitation Zone, $/acre economic costs and returns.

GROSS INCOME			Quantity	Unit	$/Unit	Total	Price/Bu	Your Income
Winter Wheat			65	bushels	8.50	$552.50	$8.50	
Total **gross** income						$552.50	$8.50	

VARIABLE CASH COSTS	Description		Labor	Machinery	Materials	Total	Cost/Bu	Your Cost
Fallow establishment & maintenance								
Rotary mower	1.00	appl.	1.06	5.90	0.00	6.96	0.11	
Herbicides	3.00	appl.	0.87	12.07	33.00	45.93	0.71	
Chemicals	$11.00	/acre						
Crop Production								
Drill seed	1.00	appl.	0.61	3.72	58.58	62.92	0.97	
Wheat seed	75.00	lbs						
	$ 0.19	/lb						
Nitrogen	70.00	lbs						
	$ 0.60	/lb						
Sulfur	10.00	lbs						
	$ 0.70	/lb						
Herbicides	1.00	appl.	0.29	4.02	12.00	16.31	0.25	
Chemicals	$11.00	/acre						
Harvesting Operations								
Combine			0.69	3.01	0.00	3.70	0.06	
Hauling grain			2.27	8.36	0.00	10.62	0.16	
Wheat Commission	$ 0.05	/bu	0.00	0.00	3.25	3.25	0.05	
Other Charges								
Pickup & truck repairs, fuel & lube			0.00	9.63	0.00	9.63	0.15	
Other machinery			0.00	0.42	0.00	0.42	0.01	
Miscellaneous			4.47	1.00	5.00	10.47	0.16	
Interest: operating capital	12.00	mons	0.00	0.00	2.81	2.81	0.04	
Total **variable** costs			**$10.25**	**$48.12**	**$114.64**	**$173.02**	**$2.66**	
Total **gross income** minus **variable** costs						**$379.48**	**$5.84**	

FIXED CASH COSTS	Unit	Total	Cost/Bu	Your Cost
Insurance - Hail, Fire & Crop Revenue Coverage[1]	acre	22.50	0.35	
Total **fixed cash** costs		**22.50**	**$0.35**	
Total **gross income** minus **variable** plus **fixed cash** costs		**$356.98**	**$5.49**	

FIXED NON-CASH COSTS	Unit	Total	Cost/Bu	Your Cost
Machinery and equipment - depreciation & interest	acre	$38.46	0.59	
Pickup, truck & ATV - depreciation & interest	acre	9.36	0.14	
Land interest charge	acre	187.85	2.89	
Total **non-cash** costs		**$235.68**	**$3.63**	
Total **fixed** costs		**$258.18**	**$3.97**	
Total of all costs per acre		**$431.19**	**$6.63**	
Net projected returns		**$121.31**	**$1.87**	

[1]Hail & Fire ($4.50/acre) & 85% Crop Revenue Coverage at ($18/acre).

Table 2. Machinery Cost Assumptions

Machine	Size	Current Market Value	Hours or Miles of Annual Use	Expected Life (Years)
Tractor, rubber tracked	485 hp	$200,000	567	15
Combine, used	30' Hillside	125,000	109	10
Rotary mower	26'	53,000	167	15
Field sprayer	90'	55,000	183	15
Air seeder	45'	145,000	97	15
Bank out wagon	850 bushel capacity	49,000	120	20
Pickup	3/4 ton 4X4, new	40,000	15,000	10
Truck & trailer	Semi, used	52,000	3,000	10
Truck	2 1/2 ton, older	18,000	2,400	10
ATV	4-wheeler new	9,500	3,000	5
Precision technologies	GPS auto-steer, etc.	21,550	N/A	7
Other machinery		16,000	N/A	10

Table 3. Machinery Cost Calculations

		---- Variable Costs ----		---- Fixed Costs ----		
Machine	Size	Fuel & Lube	Repairs & Maint.	Deprec-iation	Interest	Total Cost
		---------- Costs per Hour ----------				
Tractor, rubber tracked	485 hp	$40.83	$13.40	$18.92	$21.16	$94.30
Combine, used	30' Hillside	29.80	22.75	93.14	68.91	214.60
Rotary mower	26'	0.00	12.72	19.08	18.99	50.79
Field sprayer	90'	0.00	112.52	90.32	89.92	292.77
Air seeder	45'	0.00	18.87	18.50	24.56	61.92
Bank out wagon	850 bushel capacity	0.00	9.60	0.24	0.16	10.00
		---------- Costs per Mile ----------				
Pickup	3/4 ton 4X4, new	$0.46	$0.21	$0.22	$0.16	$1.05
Truck & trailer	Semi, used	0.94	0.83	1.43	1.04	4.24
Truck	2 1/2 ton, older	0.92	0.29	0.62	0.45	2.28
ATV	4-wheeler new	3.85	0.02	0.52	0.19	4.58
		---------- Costs per Acre ----------				
Precision technologies	GPS auto-steer, etc.	$0.00	$0.57	$1.62	$0.68	$2.87
Other machinery		0.00	0.42	0.84	0.51	1.77

Table 4. Estimated Cost of Each Operation with Power-Unit.

Operation	Tractor	Miles per Hour	Acres per Hour	Labor Cost per Acre	--- Machine Costs --- Variable Cost per Acre	Fixed Cost per Acre	Total Cost per Acre
Combine, used	N/A	6.0	17.46	$0.69	$3.01	$9.28	$12.98
Rotary mower	Tractor, rubber tracked	4.0	11.35	1.06	5.90	6.89	13.84
Field sprayer	Tractor, rubber tracked	4.0	41.46	0.29	4.02	5.31	9.63
Air seeder	Tractor, rubber tracked	4.5	19.64	0.61	3.72	4.23	8.57

Table 5. Estimated Per Acre Returns Over Cash Costs at Varying Yields and Prices.

Price/Bushel	Bushels per Acre 50	55	60	65	70	75	80
$ 7.00	$ 154.48	$ 189.48	$ 224.48	$ 259.48	$ 294.48	$ 329.48	$ 364.48
$ 7.50	$ 179.48	$ 216.98	$ 254.48	$ 291.98	$ 329.48	$ 366.98	$ 404.48
$ 8.00	$ 204.48	$ 244.48	$ 284.48	$ 324.48	$ 364.48	$ 404.48	$ 444.48
$ 8.50	$ 229.48	$ 271.98	$ 314.48	$ 356.98	$ 399.48	$ 441.98	$ 484.48
$ 9.00	$ 254.48	$ 299.48	$ 344.48	$ 389.48	$ 434.48	$ 479.48	$ 524.48
$ 9.50	$ 279.48	$ 326.98	$ 374.48	$ 421.98	$ 469.48	$ 516.98	$ 564.48
$10.00	$ 304.48	$ 354.48	$ 404.48	$ 454.48	$ 504.48	$ 554.48	$ 604.48
$10.50	$ 329.48	$ 381.98	$ 434.48	$ 486.98	$ 539.48	$ 591.98	$ 644.48

Table 6. Estimated Per Acre Returns Over Total Costs at Varying Yields and Prices.

Price/Bushel	Bushels per Acre 50	55	60	65	70	75	80
$ 7.00	$ (81.19)	$ (46.19)	$ (11.19)	$ 23.81	$ 58.81	$ 93.81	$ 128.81
$ 7.50	$ (56.19)	$ (18.69)	$ 18.81	$ 56.31	$ 93.81	$ 131.31	$ 168.81
$ 8.00	$ (31.19)	$ 8.81	$ 48.81	$ 88.81	$ 128.81	$ 168.81	$ 208.81
$ 8.50	$ (6.19)	$ 36.31	$ 78.81	$ 121.31	$ 163.81	$ 206.31	$ 248.81
$ 9.00	$ 18.81	$ 63.81	$ 108.81	$ 153.81	$ 198.81	$ 243.81	$ 288.81
$ 9.50	$ 43.81	$ 91.31	$ 138.81	$ 186.31	$ 233.81	$ 281.31	$ 328.81
$10.00	$ 68.81	$ 118.81	$ 168.81	$ 218.81	$ 268.81	$ 318.81	$ 368.81
$10.50	$ 93.81	$ 146.31	$ 198.81	$ 251.31	$ 303.81	$ 356.31	$ 408.81

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MARKETS

US MARKETS

MARKET MOVERS | DOW 30 | NASDAQ 100 | SECTORS

SYMBOL	PRICE	CHANGE	%CHANGE
US 10-YR	3.949	-0.004	-0.101 ▼
EUR/USD	1.16	-0.001	-0.121 ▼
*GOLD	4,098.4	+33	+0.81 ▲
*OIL	60.07	+1.57	+2.68 ▲
NASDAQ	22,740.396	-213.27	-0.93 ▼
S&P 500	6,699.4	-35.95	-0.53 ▼
DJIA	46,590.41	-334.33	-0.71 ▼
VIX	18.6	+0.73	+4.09 ▲

Stock Indexes

SYMBOL	PRICE	CHANGE	%CHANGE
*NYSE	21,514.71	-56.45	-0.26 ▼
UTIL	1,142.36	-0.19	-0.02 ▼
*RUSS 2K	2,451.552	-36.133	-1.45 ▼
TRAN	15,720.38	-217.27	-1.36 ▼
NASD 100	24,879.005	-248.126	-0.99 ▼

Commodities

SYMBOL	PRICE	CHANGE	%CHANGE
*SOYBEAN	1,052.25	+2.25	+0.21 ▲
*WHEAT	504	+0.25	+0.05 ▲
*SILVER	48.015	+0.334	+0.7 ▲
*CORN	423.5	+0.5	+0.12 ▲
*NAT GAS	3.441	-0.009	-0.26 ▼
*RBOB GAS	1.894	+0.029	+1.56 ▲
*ULSD HO	2.304	+0.055	+2.43 ▲
*COPPER	5.017	+0.022	+0.43 ▲

Treasurys

SYMBOL	YIELD	CHANGE
		+0.01 ▲
		+0.008 ▲
US 6-MO	3.791	+0.005 ▲
US 2-YR	3.442	-0.002 ▼
US 10-YR	3.949	-0.004 ▼
US 30-YR	4.532	-0.007 ▼
US 1-YR	3.568	+0.005 ▲

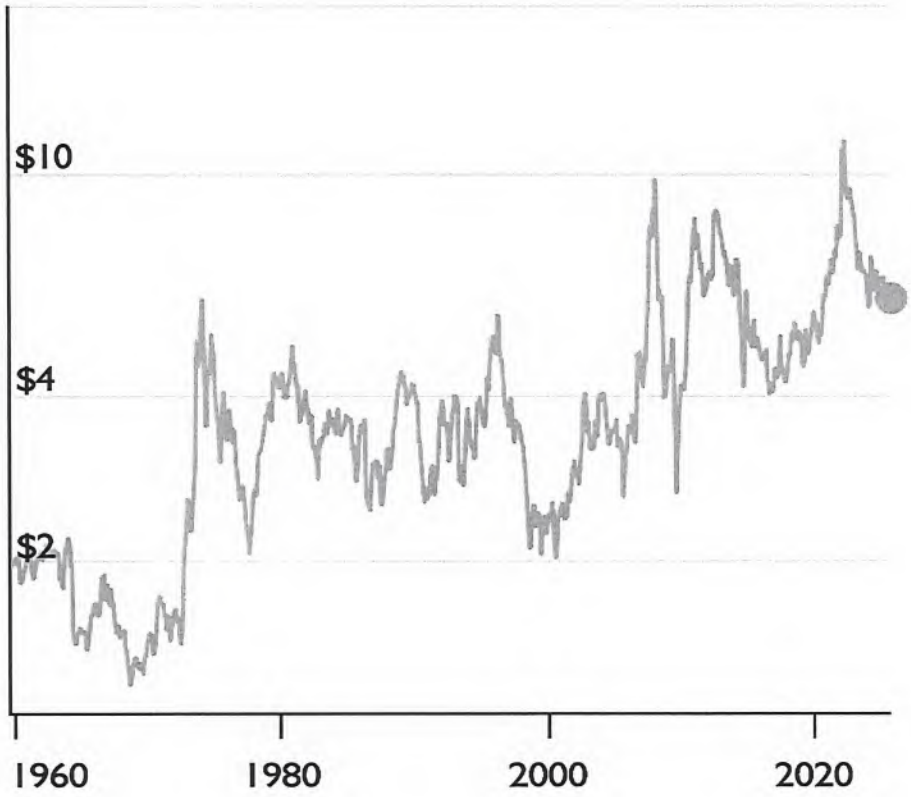
CNBC MARKETS VIDEO WATCHLIST MENU

Currencies

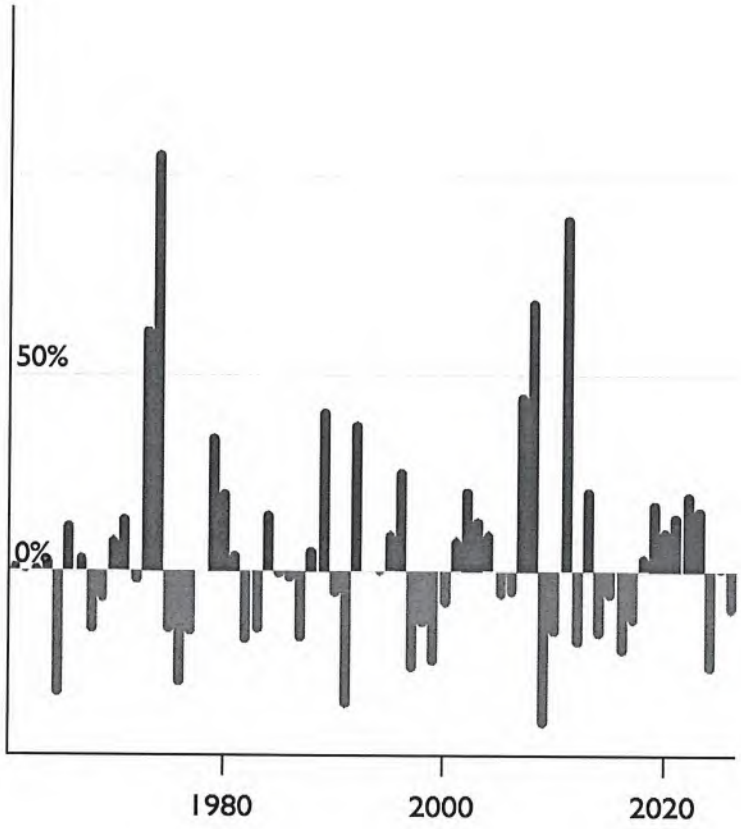
SYMBOL	PRICE	CHANGE	%CHA

Wheat Prices | Historical Chart | Data | 1959-2025

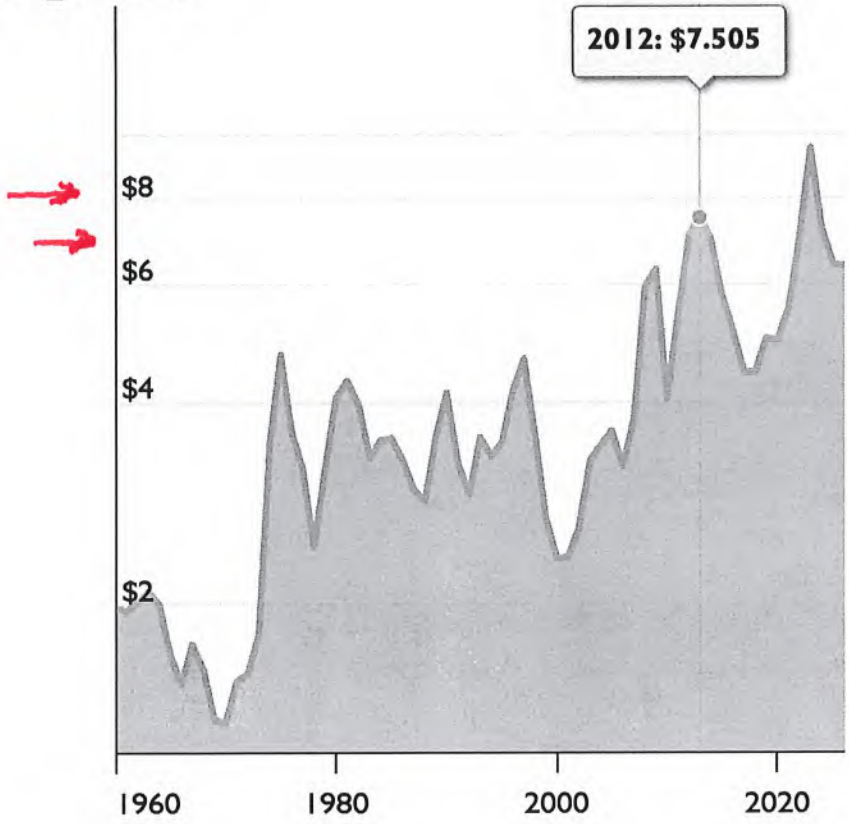
Historical Chart



Annual % Change



Annual Average Price



My name is Mike Davis and I am the 5th generation rancher in Tygh Valley. Our Ranch borders Hwy 197 in Butler Canyon and covers about 9 square miles along Tygh Ridge. I was raised here and graduated from Maupin High School.

I would like to express my support for this solar project and its potential benefits for our community.

Our families long term intentions for our ranch is the conservation sturadship and long term habitat protection. We are engaged with Farm Service in their grassland conservaton program and with ODFW regarding the lands potential as a conservation area.

This proposed project has a net benefit for ecological and habitat conservation in Wasco County

This project utilizes existing energy infrastructure and sits next door to another solar project. It utilizes degraded and minimally production agricultureal land that is also low quality habitat. This project leaves the main wildlife habitat and migration corridors in surrounding canyons untouched.

Through the mitigation efforts it offset what minimal impact it does have.

Mitigation with our Ranch on Tygh Ridge aligns with our conservaton plan for Oregon White Oak, migration corridors for Mule Deer and Elk.....which is targeted by the State Fish and Wildlife.

This mitigation plan provides a general uplift of the land and provides a much needed higher quality habitat than what is being used for the project.

Savion will be a positive addition to our community and ecology. I am very supporting of this project and encourage the board to approve the project permit.

Submitted in Person @ hearing 10/23/25

Outlook

FW: Yellow Rosebush Concerns - Updated comment

From Energy Siting * ODOE <Energy.SITING@energy.oregon.gov>
Date Tue 11/4/2025 9:07 AM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

1 attachment (2 MB)
Solar Farm - Yellowrose 11-03-25 comment.docx;

From: Michelle Van Eynde <michelle75209@yahoo.com>
Sent: Monday, November 3, 2025 4:49 PM
To: Energy Siting * ODOE <energy.siting@energy.oregon.gov>
Subject: Yellow Rosebush Concerns - Updated comment

You don't often get email from michelle75209@yahoo.com. Learn why this is important

So sorry, this is an updated version of the email from a few minutes ago. Thank you!

Dear Oregon Energy Facility Siting Council (EFSC) Members,

I am writing in regards to the Yellow Rosebush Energy Center proposed project. I grew up on Juniper Flat, attended school in Maupin and my family continues to own land across the river on Juniper Flat. I have strong concerns regarding multiple areas within the proposed project order that are incomplete and lacking appropriate documentation, required studies and the necessary research required by the Oregon EFSC Standards to be considered for a solar industrial site certification.

Water Requirements Standard:

OAR 345-021-0010(1)o (A) provides a description of water usage during construction and operation of the proposed project.

Construction Needs: Per the proposed project, water needs during the construction of the facility are estimated at:

- **36.4 million gallons annually (62,917 gallons per day) minimum in annual average conditions**
- **54.5 million gallons annually (94,204 gallons per day) maximum during dry weather conditions and high temperatures**.

The maximum needs are much more reflective of the area as Bake Oven is very dry and very hot for many months of the year. The proposal fails to state the definition of "annual average conditions" vs. "dry weather conditions with high temperatures," so it is very unclear the discrepancy in needs. Please note, these numbers reflect both annual and daily consumption. The project plan include two phases that encompass three years each.

Operation Needs:

The proposal states the primary water needs during the operation of the facility are O&M building water use and annual panel washing through periodical washing throughout the year. O&M staff requires 50 gallons per day @ 365 days = 18,250 per year. It appears that the estimated operational water needs are as follows:

- **539,250 gallons annually (1,477 gallons per day)**

Upon reading through the actual documented requested emails from the developer, the actual needs do not match the documentation provided. The developer has requested **1M gallons of water annually from each of the potential water sources just for panel washing**. Thus, it appears the document is not accurate. The most updated (derived from the actual correspondence) states the following water needs:

- **1,018,250 gallons annually (2,790 gallons per day)**

OAR 345-021-0010(1)(o)(B) A description of each source of water and the applicant's estimate of the amount of water the facility will need during construction and during operation from each source under annual average and worst-case conditions.

The proposal states that the participating landowner has applied for a temporary limited license from the Oregon Water Resources Department (OWRD) to access an existing well for construction purposes and a neighbor MAY apply for a limited license as well. The license is good for five years. The project is not intended to start for another two to three years at best and includes two phases of three years each. ORS 537.143 and ORS 537.144 are very regulated and do not necessarily allow for a blind approval process. Relying on a private well for construction purposes is highly skeptical and not a long-term plan, especially when looking at the huge water needs. "Pursuant to ORS 537.143(2), a limited license is subordinate to all other authorized uses that rely upon the same source, or water affected by the source, and may be revoked at any time by OWRD if it is determined the use causes injury to any other water right or minimum perennial streamflow." Limited licenses are not allowed for ongoing operations.

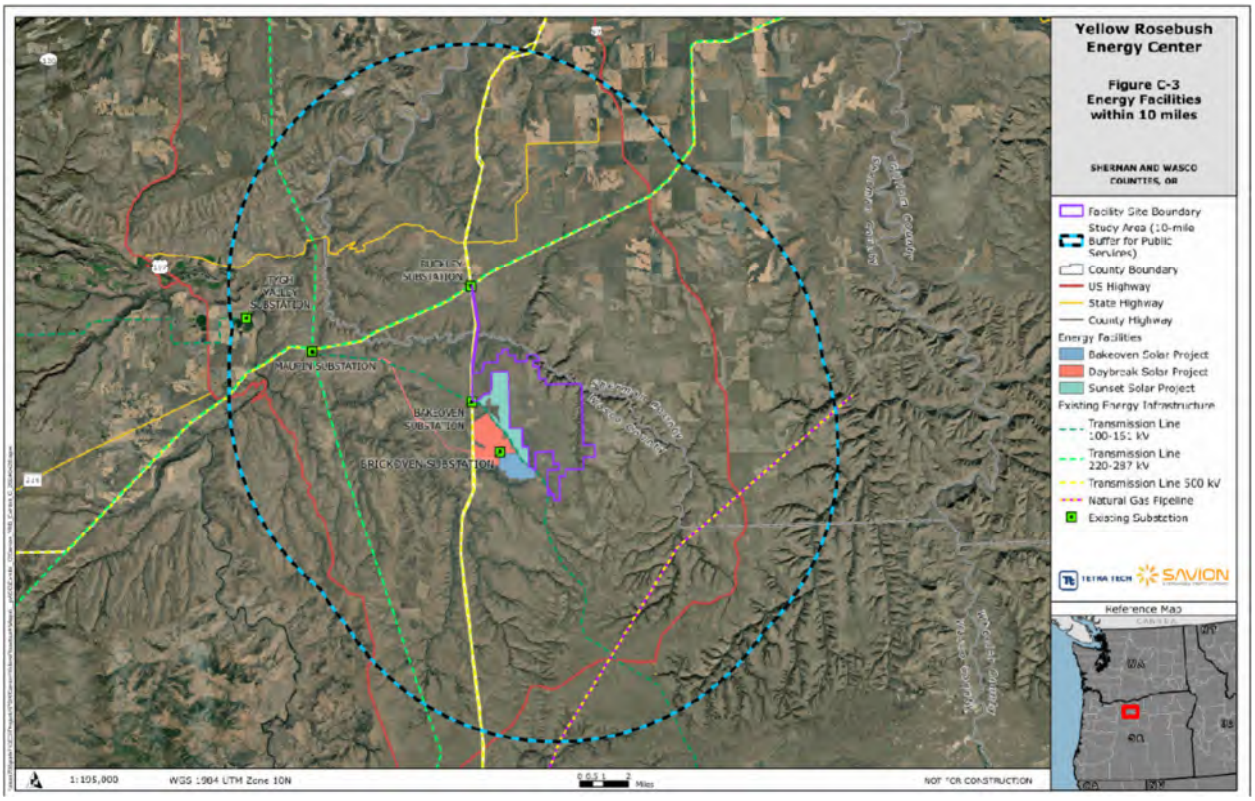
During operations, the applicant expects to rely on an exempt well allowed under ORS 537.545. This is a huge gamble to assume a well will be allowed for industrial purposes over the next 40 years. The proposal also states three localities that MAY provide bulk water, although none of these entities have entered into a contract with the developer, nor have promised to sell bulk water. Assuming bulk water sales will happen, the water will need to be trucked in over the entirety of its 40-year operations.

- The City of Maupin can not provide water at this time due to its infrastructure.
- Deschutes Valley Water District mentions seasonal constraints.
- The City of Wasco expresses conflicts with another potential project.

OAR 345-021-0010(1)(o)(C)
A description of each avenue of water loss or output from the facility site for the uses described in (A), the applicant's estimate of the amount of water in each avenue under annual average and worst-case conditions and the final disposition of all wastewater.

Per the proposal:
"Water use for concrete production and dust control will result in water loss primarily through evaporation from wetted road surfaces and from curing concrete. No water used on the site will be discharged into wetlands, streams, and other waterways. Due to the dry conditions at the proposed Facility and the relatively low rates of water use and application, it is expected that any excess water used during construction will be lost within or near the proposed Facility site boundary, primarily through evaporation and infiltration."

The applicant failed to perform a comprehensive soil erosion study. The topography of the project shows hills throughout the project, as well, as areas that drain into the Buck Hollow Creek, which in turn flow into the Deschutes River and finally ending up in the Columbia River. Assuming that during dry months, the land will absorb any water impacts is nothing more than an assumption. The applicant also fails to mention the wet winter months. Yes, there is snowfall. Yes, there are thunderstorms. The applicant cannot prove that "no water used on the site will be discharged into wetlands, streams and other waterways." That is a false statement. The topography map proves otherwise. Per the Exhibit H page 2, "The site boundary slopes range from 0 to 95 percent, with an average of 7.6 percent. The steepest slopes are located along the drainages on the northern and eastern boundaries along Buck Hollow Creek and the tributary drainage." Without a comprehensive soil erosion study, the water standards of OAR 345-021-0010(1)(o)(C) can not be met. It also appears the project is in direct violation of the Oregon Goal 6 – Air, Water, and Land Resources that prohibit land uses that degrade water quality or cause soil erosion and sedimentation beyond acceptable limits.



OAR 345-021-0010(1)(o)(G) A description of proposed actions to mitigate the adverse impacts of water use on affected resources.

This section of the proposal simply states:
"No adverse impacts are expected to occur from proposed Facility water use during construction or operation. Solar energy facilities have minimal water requirements. Because construction and operation of the Facility will not create significant impacts on water resources, no mitigation measures are proposed."

A potential 327,000,000 Gallons of water used to build a solar industrial site seem pretty significant to those that live in the community. Water is a scarce resource, especially on Bake Oven. 94,204 gallons a day to build an industrial site when that water could be used in a more conscientious manner is definitely an adverse impact. The applicant has failed to provide mitigation plans regarding an extremely scarce resource and is in direct conflict with OAR 345-021-0010(1)(o)(G). The applicant has also failed to mention the stress this enormous quantity of water puts on the water table, neighboring wells and the surrounding cities. Water reserves are essential for fire prevention in the dry, fire prone Wasco County.

Additional Items not addressed within the proposal:

- The developer fails to mention other water needs such as the never-ending fire mitigation need. Stating that "fire prevention represents a minor water use" is naïve at best, especially during construction during dry, hot and windy summer months. Positioning one water truck for a project this large is unrealistic and places undue fire risks on neighboring farms, as well as, the existing and surrounding counties.
- In the October 23rd public hearing, the developer mentioned the county is working on housing temporary workers onsite. These additional drinking water and sewage needs have not been factored into the analysis presented. In fact, the analysis provides only for drinking water for 162 average onsite workers.
- There is no clear direction of water sources once the project becomes online. A mention is made of an exempt well and potential bulk sales from three various municipalities. If bulk sales are approved, water would have to be trucked in for the next 40 years. There is no mention as to the wear on the roads or the congestion this would place on the community. This affects emergency response teams as well. If trucking from Maupin, the trucks would have to drive through the middle of town. This is not a feasible ongoing plan.
- There is no mention of or research done when looking at existing county well guidelines and restrictions. It is assumed within the proposal that wells can be used in various manners for both the construction and ongoing operations without thought as to the effect on the water tables.

Conclusion:

Water is a scarce resource, especially in eastern Oregon. Using millions of gallons of water to build and maintain a solar industrial site puts a huge strain on neighboring properties, existing water for farming and ranching and necessary water reserves for fire season. Water is a precious commodity and should be

preserved. This particular standard is inconclusive in the proposal. It lacks the necessary information and research to proceed in issuing a citing certification. It also is in direct violation of Oregon's Goal 6 which focuses on the protection and improvement of air, water, and land resources quality, requiring local governments to consider environmental impacts in their planning processes.

Wildfire Prevention and Risk Mitigation Requirements Standard:

This section of the proposal was particularly incomplete and misleading. The narrative continues to focus on one home within the site boundary (that will be removed prior to construction of the project) and four homes nearby. The analysis fails to mention how quickly fire spreads in eastern Oregon with our dry summers and extremely high winds. In fact, no mention was made of the high winds or the fact that the town of Maupin is just a mere 9 miles away. Much of the data used extremely outdated data sets from 2018. There have been numerous fires since 2018, including one on the neighboring Bake Oven Solar Project just this past summer.

Per Table V-7 Overall Fire Risk Rating, 4% was considered VERY HIGH probability. 92% has no data. Yes, 92% has NO DATA. In what world is this a conclusive study? It is no secret how wicked fires are in eastern Oregon. To then conclude the fire risk is Moderate is nothing short of a lie. There is no mention why 92% of the data is missing. This is in direct conflict with OAR 345-022-0115(1).

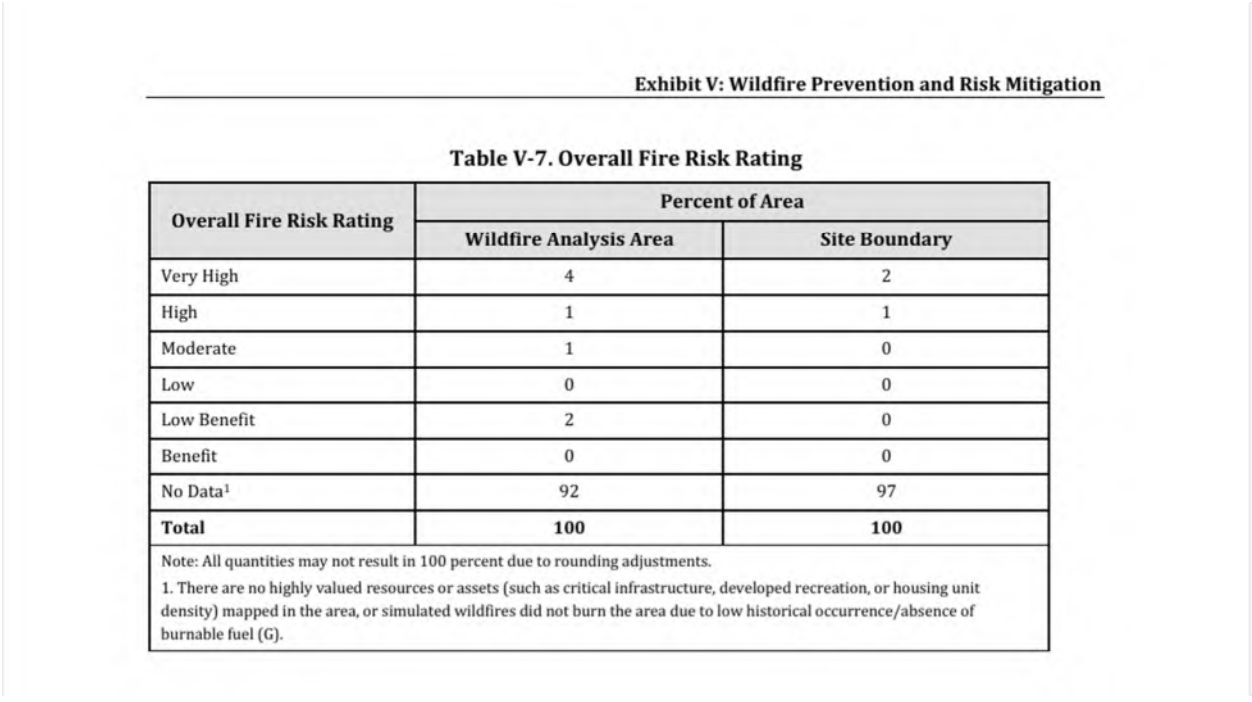


Exhibit V: Wildfire Prevention and Risk Mitigation

Table V-7. Overall Fire Risk Rating

Overall Fire Risk Rating	Percent of Area	
	Wildfire Analysis Area	Site Boundary
Very High	4	2
High	1	1
Moderate	1	0
Low	0	0
Low Benefit	2	0
Benefit	0	0
No Data[1]	92	97
Total	**100**	**100**

Note: All quantities may not result in 100 percent due to rounding adjustments.

1. There are no highly valued resources or assets (such as critical infrastructure, developed recreation, or housing unit density) mapped in the area, or simulated wildfires did not burn the area due to low historical occurrence/absence of burnable fuel (G).

On Exhibit O, Page 1, Footnote 1:
"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)." There is no mention of these materials within the Wildfire Standard. There is no mention if these potentially used items are flammable.

There is nothing but a draft of the fire mitigation plan. The local fire district is run by volunteers. They are not trained in solar fires. Many would not realize that solar fires cannot be put out with water. They do not have the equipment or training to extinguish solar fires. Fire is an extremely serious issue in our community. The Fire Mitigation Plan is still in draft version.

Conclusion:
In summary, the applicant has NOT proven to be in compliance with OAR 345-022-0115(1). They have not adequately characterized wildfire risk within the analysis area using current data from reputable sources. The applicant has not analyzed 92% of the area and has used data from 2018. The applicant has not developed a fire mitigation plan with many sections still in draft form. The applicant is not in compliance with OAR 345-022-0115(1) and should not be issued a site certification.

Statement:
The Energy Facility Siting Council's standards for new energy facilities are required to protect natural resources, ensure public health and safety, and protect against adverse environmental impacts. In general, the standards ask three fundamental questions:

1. Does the applicant have the appropriate abilities to build this energy facility?
2. Is the site suitable?
3. Would the facility have adverse impacts on the environment and the community?

While there are numerous inconsistencies and missing data within the draft proposal, it boils down to the fact that the Yellow Rosebush Energy Center will have a direct negative impact on our water and land, thus impacting fish and wildlife. Water levels will be drained with millions of gallons of water required to build and maintain the operations of this project. The land will be destroyed with no plans to ever recover it. By approving this project, wildfire risk is exacerbated and in direct conflict with the Oregon Wildfire Risk Mitigation Plan. This, in turn, places additional unwarranted stresses on the community including volunteer fire departments and emergency response teams. The project is poorly sited. Placing additional electrical

equipment in a dry, windy, extremely high fire area is irresponsible and unnecessarily endangers public safety.

Roads will be destroyed for the six years of construction, along with the forty years of operation with water trucks continuing to drive through the town of Maupin and tear up the roads. There are no known benefits to the community. It is reported that their may be tax benefits to the county, but that information is also lacking with no proven documentation. If anything, the residents of Wasco County will be paying more for the repairs to the roads and any increased utility costs to the transmission lines.

Yellow Rosebush Energy Center is in direct conflict with Oregon's Goal 2 which minimizes impacts on neighbors and natural resources. The project is also in direct conflict with Oregon's Goal 3 which is supposed to use low-yield farmland. Per Exhibit I, table I-1 and Table I-2, Farmland of Statewide Importance encompasses 5,133 acres of the project.

I highly recommend EFSC deny the application until the inconsistencies and missing data can be provided. Thank you for your time.

Michelle Van Eynde

Michelle75209@yahoo.com

Mailing Address: 8614 Chadbourne Rd, Dallas, TX 75209

Outlook

Re: Yellow Rosebush Concerns - Updated comment

From Michelle Van Eynde <michelle75209@yahoo.com>
Date Tue 11/4/2025 10:52 AM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

It replaces the previous comment. Thank you for asking!

> On Nov 4, 2025, at 12:03 PM, SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov> wrote:
>
> Hi Michelle,
>
> I am confirming receipt of this updated comment letter from you in time for the record.
>
> Is this in addition to your previous comment or does it replace the previous comment?
>
> Just let me know
>
> Kathleen Sloan
> Senior Siting Analyst
> ODOE Siting Division
> Ph: 971.701.4913
>
> State of Oregon: Facilities - Energy Facility Siting
>
> <Outlook-yk2myrwy.png>
> <Outlook-k2s30zsd.png>

From: Energy Siting * ODOE <Energy.SITING@energy.oregon.gov>
Sent: Tuesday, November 4, 2025 9:07 AM
To: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
Subject: FW: Yellow Rosebush Concerns - Updated comment

From: Michelle Van Eynde <>
Sent: Monday, November 3, 2025 4:49 PM
To: Energy Siting * ODOE <energy.siting@energy.oregon.gov>
Subject: Yellow Rosebush Concerns - Updated comment

You don't often get email from michelle75209@yahoo.com. Learn why this is important

So sorry, this is an updated version of the email from a few minutes ago. Thank you!

<Solar Farm - Yellowrose 11-03-25 comment.docx>

recvd @ hearing
10/23/25

LiUNA! LOCAL 737

Feel the Power

To the Energy Facility Siting Council (EFSC),

I am a member of LIUNA Local 737, a labor union representing nearly 3,000 members across the state of Oregon. I am writing to emphasize the importance of the Yellow Rosebush Energy Center in Maupin that is currently under your review.

The proposed 800-megawatt solar power generation facility is an integral component in achieving the state's goal of 80% carbon-free electricity by the year 2030. Projects like Yellow Rosebush Energy Center, developed in partnership with Savion Energy, are essential to reach our long-term goals for greenhouse gas reduction. These projects also provide significant economic benefits to their local communities, creating local jobs with family sustaining wages.

I urge you to pass the Draft Proposed Order during the Council Review, ensuring a sustainable future for our state.

Name (print): Terry Wilcox Uribe

Name (sign): [signature]

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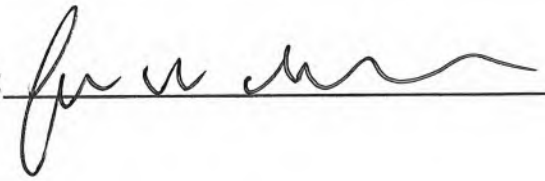
Name (print): Felisha Senske

Name (sign): 

Rcvd @ hrng
10/23/25

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Name (print): Jason A. Murphy

Name (sign): Jason A. Murphy

Record @ hearing
10/23/25

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Name (print): Kevin Kennel

Name (sign): KOKO

Rec'd @ hearing
10/23/25

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Name (print): Maria Alfaro

Name (sign):

Record@hearing
10/23/25

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Name (print): Gary Wilkinson

Name (sign): Gary Wilkinson

Record@hearing
10/23/25

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Name (print): Michael Evans

Name (sign): Michael Evans

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Name (print): Osvaldo Fernanda

Name (sign):

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Name (print): Ivan Maldonado

Name (sign):

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Name (print): Mitchell Hall

Name (sign): Mitchell Hall

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I urge you to pass the Draft Proposed Order during the Council Review, ensuring a sustainable future for our state.

Name (print): Buddy Jalli

Name (sign):

LiUNA! LOCAL 737

Feel the Power

To the Energy Facility Siting Council (EFSC),

I am a member of LIUNA Local 737, a labor union representing nearly 3,000 members across the state of Oregon. I am writing to emphasize the importance of the Yellow Rosebush Energy Center in Maupin that is currently under your review.

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Name (print): Danielle McKnight

Name (sign):

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Name (print): Frank Martinez

Name (sign):

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Name (print): Scott Brasfield

Name (sign): Scott Brasfield

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Name (print): Anacleto

Name (sign): Anacleto Aguirre Sobrevilla

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Name (print): William Stroup

Name (sign): William J Stroup

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Name (print): Chelsea Shaffer

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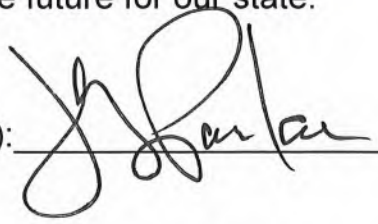
Name (print): 

Name (sign): JODI GUETZLOE PARKER

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Name (print): Blanca Klucas

Name (sign): [signature]

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Name (print): Angie Robinson

Name (sign): Angie M Robinson

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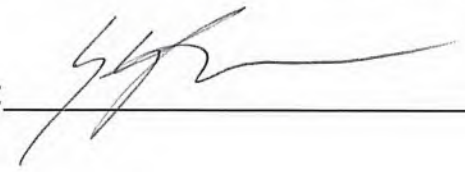
Name (print): Shane Chavez

Name (sign): 

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Name (print): Arati Serrano Jorge

Name (sign): Arati S J

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Name (print): Jeff A Olson

Name (sign):

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Name (print): Matthew Jensen

Name (sign): Matthew

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Name (print): Violet Baez López

Name (sign): Violet Baez Lopez

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Name (print): Mike Collazo

Name (sign): Mike Collazo

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Name (print): RAYMOND MARTINEZ

Name (sign):

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Name (print): Adolfo mendoza

Name (sign): AdMendoza

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Name (print): DUSTIN OWENS

Name (sign):

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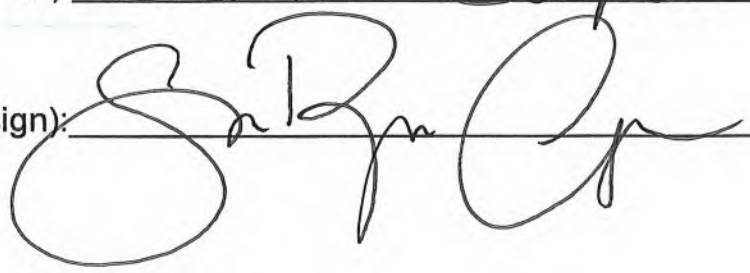
Name (print): Serena Cooper

Name (sign): 

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Name (print): Lance D. B Malone

Name (sign): Lance D. B Malone

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Name (print): Adonis Resendiz-Monroy

Name (sign): Adonis RM

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Name (print): Preston Dyer

Name (sign):

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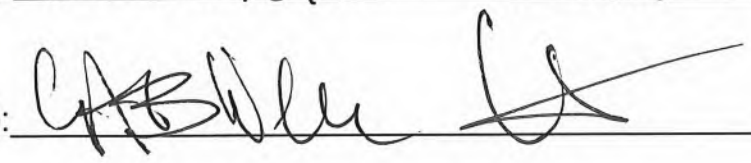
Name (print): Gabrielle Cowan

Name (sign): 

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Name (print): WALT DRISCOLL

Name (sign): Walter Driscoll

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Name (print): Karen Andreassen

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Name (print): Mario Calderon

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Name (print): MARK BRITO

Name (sign):

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Name (print): Bo Klum

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Name (print): Jose Alonso

Name (sign):

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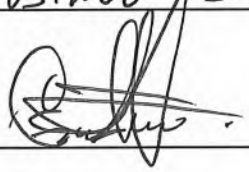
Name (print): GUSTAVO ENRIQUEZ.

Name (sign): 

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Name (print): MAIJA SCHUTTER

Name (sign):

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Name (print): Scott Thurman

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I urge you to pass the Draft Proposed Order during the Council Review, ensuring a sustainable future for our state.

Name (print): Matt Mavis

Name (sign): Matt Mavis

LiUNA! LOCAL 737

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Name (print): Dagoberto Aranda

Name (sign):

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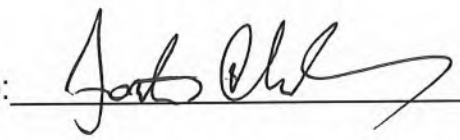
Name (print): Jontae Clardy

Name (sign): 

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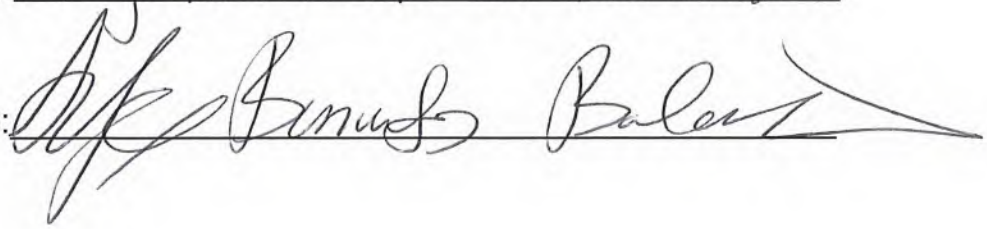
Name (print): Arijanet Barrueto Balanos

Name (sign): 

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Name (print): Bernardo Suenes Carrillo

Name (sign): Bernardo

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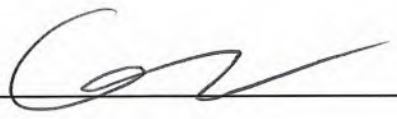
Name (print): Gilbert Brow

Name (sign): 

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Name (print): Robert Huntzinger

Name (sign):

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Name (print): Brenda NW Aranda

Name (sign):

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Name (print): Andrew Amador

Name (sign):

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Name (print): LORI Bauman

Name (sign): LORI B

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Name (print): Yanett Nelly Guadarrama Castro

Name (sign):

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Name (print): QUILL ONSTEAD

Name (sign):

Chrisman Ranch Statement

Submitted by: Brad Chase

In person 10/27/2025 @ ESRC meeting

Oregon Roots

The Chrisman family's Oregon story began in 1844, when Levi Chrisman's father and grandfather traveled the Oregon Trail by covered wagon. Few families can trace their roots in the state that far; The Chrismans are proud to be one of them. After a short time in the Willamette Valley, Campbell Chrisman (Levi's father) moved to The Dalles in 1859. Campbell farmed near Dufur, where Levi Chrisman was born on May 18, 1869. From 1870 to 1887, Campbell and his wife Mary raised seven children and operated a grocery and feed store in The Dalles. When Campbell retired in 1887, the family had already become part of the fabric of Wasco County life.

Work, Service, and Character

Levi attended school in The Dalles and the old Wasco Academy. After a brief stint with the railroad, he and his brother Frank opened a meat market in 1890 on the main street in The Dalles. Levi ran the shop until 1906, when voters elected him Sheriff of Wasco County. He served for 22 years, enforcing the law through challenging times, including Prohibition, and earning the respect of the community. Levi and his wife Edna raised five children: Edna, Neva, Robert, Cecil, and Elsie.

Acquisition of the Ranch

Levi purchased what is now known as the Chrisman Ranch in 1920's. The property lies in classic north-central Oregon rangeland—open grass, native shrub, and draws that have supported grazing and wildlife for more than a century. The ranch remains family owned.

Chrisman Ranch — Land Use History and Suitability for Solar

Agricultural history and why cropping ceased

The ranch operated as dryland wheat for portions of the twentieth century. By the 1980s, yield and pricing pressure made row-crop production marginal on this site. An internal report from 1987 shows only $16,204 in wheat sales—reflecting low rainfall, thin topsoil, and market conditions at the time. With minimal precipitation and wind-exposed soils, continued tillage increased erosion risk without improving returns. As a result, active cropping was phased out.

Conservation Reserve Program (CRP) participation

To stabilize soils and restore native cover, the family enrolled substantial acreage in the Conservation Reserve Program beginning in 1992. CRP has helped:

- reduce erosion and protect topsoil,
- reestablish perennial grasses and forbs,
- improve habitat function for mule deer, raptors, and pollinators, and
- lower weed pressure and road-maintenance demands.

Why traditional agriculture is not viable here

- Minimal rainfall and limited soil depth constrain dryland wheat productivity.
- Input costs (fuel, equipment, seed, herbicides) outpace likely yield on these acres.
- Market volatility and transportation costs add further drag to returns.
- Returning CRP acres to tillage would reverse conservation gains and increase erosion risk.

Suitability for utility-scale solar

The same characteristics that limit cropping—open aspect, high solar resource, large contiguous fields, and limited competing agricultural value—make the site well-suited for solar. Solar allows the land to remain largely in perennial cover, with targeted weed control and

limited ground disturbance compared to annual tillage. Properly designed setbacks, wildlife movement corridors, and vegetation management can maintain habitat values while producing reliable energy.

Hauser Canyon

Hauser Canyon is a central natural feature on the ranch. Family observations since at least 1995 indicate year-round water in the canyon, supplied by a spring near the fork of Hauser and Hinton Canyons on our property. While Hinton Canyon is typically dry by the time it reaches our boundary, Hauser Canyon retains water in the channel and in persistent pools, with observable movement through most of the canyon and nearly to the Phillips property line. This reliable moisture keeps soils cooler and supports a narrow riparian band that remains functional when surrounding uplands are dry.

Vegetation along the bottom includes dense grasses and forbs, with scattered willow and shrub pockets where moisture persists. Banks are generally stable, and vegetated benches help trap sediment during storm pulses. The canyon's form creates extensive edge habitat as upland grasses and shrubs transition into the riparian strip. Trail cameras and direct observations document mule deer and elk, as well as coyote, bobcat, cougar, bear, badger, raccoon, upland birds (chukar, quail), hawks and other raptors, and a variety of rodents, snakes, frogs, and lizards.

Functionally, Hauser Canyon serves as a movement corridor across the property and into adjacent open habitat. Because the topography concentrates use and sections are already fenced, it is feasible to manage access seasonally and adjust any grazing to protect banks and post-flow regrowth.

Proposed Mitigation Area

Hauser Canyon is well-suited for wildlife mitigation due to its perennial water, intact riparian structure contiguous with uplands,

straightforward management (weed control, targeted reseeding, seasonal access timing, and photo-point monitoring), and demonstrated wildlife use. Given the relative rarity of year-round water in this area, Hauser Canyon can provide durable habitat benefits without intensive new infrastructure.

Path Forward: Sustainable Use and Habitat Protection

Across generations, the Chrisman family has prioritized practical stewardship: maintaining fences and roads, controlling invasive weeds, protecting water features, and coordinating non-commercial recreational hunting to respect seasonal habitat use. Given the site's physical limits and current market realities, traditional agriculture is no longer an economically sound use. Utility-scale solar—paired with a wildlife mitigation lease for Hauser Canyon—offers a productive alternative that aligns with state energy goals, protects soils and habitat, and keeps the land viable for the next generation.

Brad Chase

Ranch Manager

Great Grandson of Levi Chrisman

6261 Deer Trail Road
Burns OR 97701

Dear Oregon Energy Facility Siting Council,

I'm writing today with my support for the Yellow Rosebush Energy Center, a solar and energy storage project in Wasco County, that aligns well with Oregon's Statewide Land Use Planning Goals as well as the need to move towards cleaner energy. This project is well-sited and minimizes impacts on neighbors and natural resources, which is (Goal 2) of Oregon's Land Use Planning. Utilizing low-yield farmland and willing landowners it helps to preserve agricultural land for future generations (Goal 3). Given the state of finances in Oregon and Waco County, Yellow Rosebush will also bring much-needed jobs and over $1 billion in local investment, supporting schools, emergency services, and local infrastructure (Goal 9 & Goal 11). This project strengthens grid reliability and helps Oregon meet its clean energy goals, while protecting air, water, and land resources (Goal 6 & Goal 13). I want to urge EFSC to approve the Yellow Rosebush Energy Center in Wasco County and help us build a cleaner, stronger, and more resilient future in the NW. Thank you for your consideration.

Sincerely,

Thor Hinckley

7421 SE Grant St

Portland, OR 97215-4180

Dear Oregon Energy Facility Siting Council,

Hello - I'm taking time to write because ill want to voice support for the Yellow Rosebush Energy Center, a solar and energy storage project that aligns with Oregon's Statewide Land Use Planning Goals. The project is thoughtfully sited within an existing energy corridor, minimizing impacts on neighbors and natural resources (Goal 2: Land Use Planning). It uses non–high-yield farmland and works with willing landowners, helping preserve agricultural land for future generations (Goal 3: Agricultural Lands). Economically, Yellow Rosebush will bring jobs, lease payments, and over $1 billion in local investment, supporting schools, emergency services, and local infrastructure (Goal 9: Economic Development; Goal 11: Public Facilities and Services). By generating enough clean energy to power roughly 182,000 homes and pairing it with battery storage, the project strengthens grid reliability and helps Oregon meet its clean energy goals, while protecting air, water, and land resources (Goal 6: Air, Water, and Land Resources Quality; Goal 13: Energy Conservation). I urge EFSC to approve the Yellow Rosebush Energy Center in Wasco County, helping Oregon build a cleaner, stronger, and more resilient future. Thank you for your consideration.

Sincerely,

Jennifer Stout

Portland, OR 97219

Dear Oregon Energy Facility Siting Council,

I am 83 years old, turning 84 next week, so I will not live to see the results of the Yellow Rosebush Energy Center but I'm writing to express my support for it, because it is a solar and energy storage project that aligns with Oregon's Statewide Land Use Planning Goals. But I do believe each one of us has a responsibility to care for our earth, our home which was gifted to each of us freely, through no effort of our own. Let me explain my support. The project is thoughtfully sited within an existing energy corridor, minimizing impacts on neighbors and natural resources (Goal 2: Land Use Planning). It uses non–high-yield farmland and works with willing landowners, helping preserve agricultural land for future generations (Goal 3: Agricultural Lands). Economically, Yellow Rosebush will bring jobs, lease payments, and over $1 billion in local investment, supporting schools, emergency services, and local infrastructure (Goal 9: Economic Development; Goal 11: Public Facilities and Services). By generating enough clean energy to power roughly 182,000 homes and pairing it with battery storage, the project strengthens grid reliability and helps Oregon meet its clean energy goals, while protecting air, water, and land resources (Goal 6: Air, Water, and Land Resources Quality; Goal 13: Energy Conservation). I urge EFSC to approve the Yellow Rosebush Energy Center in Wasco County, helping Oregon build a cleaner, stronger, and more resilient future. Thank you for your consideration.

Sincerely,

Bill Denham

4908 SE 38th Ave

Portland, OR 97202-4012

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Sincerely,

dave King

8716 N Edison St

Portland, OR 97203-5316

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Sincerely,

Diana Huntington

2480 Fillmore St

Eugene, OR 97405-1825

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Sincerely,

Keith Miller

3384 SE Milwaukie Ave

Portland, OR 97202-1775

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Sincerely,

Lynda Bishop

156 SE 75th Ave

Portland, OR 97215-1493

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Sincerely,

Beth Levin

3043 NE 51st Ave

Portland, OR 97213-2415

Dear Oregon Energy Facility Siting Council,

I'm writing to express my support for the Yellow Rosebush Energy Center, a solar and energy storage project that aligns with Oregon's Statewide Land Use Planning Goals. The project is thoughtfully sited within an existing energy corridor, minimizing impacts on neighbors and natural resources (Goal 2: Land Use Planning). It uses non–high-yield farmland and works with willing landowners, helping preserve agricultural land for future generations (Goal 3: Agricultural Lands). Economically, Yellow Rosebush will bring jobs, lease payments, and over $1 billion in local investment, supporting schools, emergency services, and local infrastructure (Goal 9: Economic Development; Goal 11: Public Facilities and Services). By generating enough clean energy to power roughly 182,000 homes and pairing it with battery storage, the project strengthens grid reliability and helps Oregon meet its clean energy goals, while protecting air, water, and land resources (Goal 6: Air, Water, and Land Resources Quality; Goal 13: Energy Conservation). I urge EFSC to approve the Yellow Rosebush Energy Center in Wasco County, helping Oregon build a cleaner, stronger, and more resilient future. Thank you for your consideration.

Sincerely,

Debora Gray

Portland, OR 97214

Dear Oregon Energy Facility Siting Council,

I'm writing to express my support for the Yellow Rosebush Energy Center, a solar and energy storage project that aligns with Oregon's Statewide Land Use Planning Goals. The project is thoughtfully sited within an existing energy corridor, minimizing impacts on neighbors and natural resources (Goal 2: Land Use Planning). It uses non–high-yield farmland and works with willing landowners, helping preserve agricultural land for future generations (Goal 3: Agricultural Lands). Economically, Yellow Rosebush will bring jobs, lease payments, and over $1 billion in local investment, supporting schools, emergency services, and local infrastructure (Goal 9: Economic Development; Goal 11: Public Facilities and Services). By generating enough clean energy to power roughly 182,000 homes and pairing it with battery storage, the project strengthens grid reliability and helps Oregon meet its clean energy goals, while protecting air, water, and land resources (Goal 6: Air, Water, and Land Resources Quality; Goal 13: Energy Conservation). I urge EFSC to approve the Yellow Rosebush Energy Center in Wasco County, helping Oregon build a cleaner, stronger, and more resilient future. Thank you for your consideration.

Sincerely,

Kathrn Sundermann

5847 NE 31st Ave

Portland, OR 97211-6739

Dear Oregon Energy Facility Siting Council,

I’m writing to express my support for the Yellow Rosebush Energy Center, a solar and energy storage project that aligns with Oregon’s Statewide Land Use Planning Goals. We need these kinds of projects to reach Oregon's renewable energy goals. This project, while in Wasco County will serve the whole state. The project is thoughtfully sited within an existing energy corridor, minimizing impacts on neighbors and natural resources (Goal 2: Land Use Planning). It uses non–high-yield farmland and works with willing landowners, helping preserve agricultural land for future generations (Goal 3: Agricultural Lands). The project has a 30 year lifetime, when this timelimit is reached the project, if it is renewed, may be even more useful. If not the land can be easily returned to other uses. Economically, Yellow Rosebush will bring jobs, lease payments, and over $1 billion in local investment, supporting schools, emergency services, and local infrastructure (Goal 9: Economic Development; Goal 11: Public Facilities and Services). By generating enough clean energy to power roughly 182,000 homes and pairing it with battery storage, the project strengthens grid reliability and helps Oregon meet its clean energy goals, while protecting air, water, and land resources (Goal 6: Air, Water, and Land Resources Quality; Goal 13: Energy Conservation). I urge EFSC to approve the Yellow Rosebush Energy Center, helping Wasco County and Oregon build a cleaner, stronger, and more resilient future. This project will benefit the entire state, not just Wasco County. Thank you for your consideration.

Sincerely,

Katie Larsell

13831 NE Klickitat Ct

Portland, OR 97230-2932

Dear Oregon Energy Facility Siting Council,

Please approve the Yellow Rosebush Energy Center, a solar and energy storage project that aligns with Oregon's Statewide Land Use Planning Goals. Our clean and renewable energy needs are higher every day, and this will help to further the goal of keeping Oregon economically and sustainably strong. After recently driving through areas of Idaho using wind turbines to produce power, I am eager to see non–high-yield farmland here in Oregon put to work, profiting farmers and preserving fertile land for the future. Economically, Yellow Rosebush will bring jobs, lease payments, and over $1 billion in local investment, supporting schools, emergency services, and local infrastructure. Our rural areas need this assistance. I like that Yellow Rosebush will provide enough clean energy to power roughly 182,000 homes but will minimize impacts on neighbors and our natural resources--air, water and land. I urge EFSC to approve the Yellow Rosebush Energy Center in Wasco County, helping Oregon build a cleaner, stronger, and more resilient future. Thank you for your consideration.

Sincerely,

Teresa Mueller

Eugene, OR 97405

Dear Oregon Energy Facility Siting Council,

I'm writing to express my support for the Yellow Rosebush Energy Center, a solar and energy storage project that aligns with Oregon's Statewide Land Use Planning Goals. The project is thoughtfully sited within an existing energy corridor, minimizing impacts on neighbors and natural resources (Goal 2: Land Use Planning). It uses non–high-yield farmland and works with willing landowners, helping preserve agricultural land for future generations (Goal 3: Agricultural Lands). Economically, Yellow Rosebush will bring jobs, lease payments, and over $1 billion in local investment, supporting schools, emergency services, and local infrastructure (Goal 9: Economic Development; Goal 11: Public Facilities and Services). By generating enough clean energy to power roughly 182,000 homes and pairing it with battery storage, the project strengthens grid reliability and helps Oregon meet its clean energy goals, while protecting air, water, and land resources (Goal 6: Air, Water, and Land Resources Quality; Goal 13: Energy Conservation). I urge EFSC to approve the Yellow Rosebush Energy Center in Wasco County, helping Oregon build a cleaner, stronger, and more resilient future. Thank you for your consideration.

Sincerely,

Kurt Reuter

Eugene, OR 97405

Dear Oregon Energy Facility Siting Council,

I’m writing to express my support for the Yellow Rosebush Energy Center, a solar and energy storage project that aligns with Oregon’s Statewide Land Use Planning Goals. The project is thoughtfully sited within an existing energy corridor, minimizing impacts on neighbors and natural resources (Goal 2: Land Use Planning). It uses non–high-yield farmland and works with willing landowners, helping preserve agricultural land for future generations (Goal 3: Agricultural Lands). Economically, Yellow Rosebush will bring jobs, lease payments, and over $1 billion in local investment, supporting schools, emergency services, and local infrastructure (Goal 9: Economic Development; Goal 11: Public Facilities and Services). By generating enough clean energy to power roughly 182,000 homes and pairing it with battery storage, the project strengthens grid reliability and helps Oregon meet its clean energy goals, while protecting air, water, and land resources (Goal 6: Air, Water, and Land Resources Quality; Goal 13: Energy Conservation). I urge EFSC to approve the Yellow Rosebush Energy Center in Wasco County, helping Oregon build a cleaner, stronger, and more resilient future. Thank you for your consideration. Sincerely, Sigrid Kellenter Girdner

Sincerely,

Sigrid Kellenter Girdner

6504 N Commercial Ave

Portland, OR 97217-1900

Dear Oregon Energy Facility Siting Council,

I'm writing to express my support for the Yellow Rosebush Energy Center, a solar and energy storage project that aligns with Oregon's Statewide Land Use Planning Goals. The project is thoughtfully sited within an existing energy corridor, minimizing impacts on neighbors and natural resources (Goal 2: Land Use Planning). It uses non–high-yield farmland and works with willing landowners, helping preserve agricultural land for future generations (Goal 3: Agricultural Lands). Economically, Yellow Rosebush will bring jobs, lease payments, and over $1 billion in local investment, supporting schools, emergency services, and local infrastructure (Goal 9: Economic Development; Goal 11: Public Facilities and Services). By generating enough clean energy to power roughly 182,000 homes and pairing it with battery storage, the project strengthens grid reliability and helps Oregon meet its clean energy goals, while protecting air, water, and land resources (Goal 6: Air, Water, and Land Resources Quality; Goal 13: Energy Conservation). I urge EFSC to approve the Yellow Rosebush Energy Center in Wasco County, helping Oregon build a cleaner, stronger, and more resilient future. Thank you for your consideration.

Sincerely,

Rick Beam

19773 Bellevue Way

West Linn, OR 97068-2274

Dear Oregon Energy Facility Siting Council,

I'm writing to express my support for the Yellow Rosebush Energy Center, a solar and energy storage project that aligns with Oregon's Statewide Land Use Planning Goals. This project is just the type of development we need to increase our use of the Sun for energy, instead of continuing to pollute our environment with Fossil Fuels. This project is thoughtfully sited within an existing energy corridor, minimizing impacts on neighbors and natural resources (Goal 2: Land Use Planning). It uses non–high-yield farmland and works with willing landowners, helping preserve agricultural land for future generations (Goal 3: Agricultural Lands). Economically, Yellow Rosebush will bring jobs, lease payments, and over $1 billion in local investment, supporting schools, emergency services, and local infrastructure (Goal 9: Economic Development; Goal 11: Public Facilities and Services). By generating enough clean energy to power roughly 182,000 homes and pairing it with battery storage, the project strengthens grid reliability and helps Oregon meet its clean energy goals, while protecting air, water, and land resources (Goal 6: Air, Water, and Land Resources Quality; Goal 13: Energy Conservation). I urge EFSC to approve the Yellow Rosebush Energy Center in Wasco County, helping Oregon build a cleaner, stronger, and more resilient future. Thank you for your consideration. Sincerely, Dr. Charlotte Peterson

Sincerely,

Charlotte Peterson

13505 SE River Rd

Portland, OR 97222-8225

Dear Oregon Energy Facility Siting Council,

I urge EFSC to approve the Yellow Rosebush Energy Center in Wasco County. It is just the kind of development we need to meet statewide goals and provide more reliable, diversified, cheaper, and cleaner electricity in the region. It specifically meets goals including good land use planning; preserving agricultural land; economic development; protecting air, water and land; and energy conservation. Please support this important project. Yours, Frank Selker

Sincerely,

Frank Selker

4225 SW Agate Ln

Portland, OR 97239-1502

Dear Oregon Energy Facility Siting Council,

I'm writing to express my 100% support for the Yellow Rosebush Energy Center, a solar and storage project that aligns with Oregon's Statewide Land Use Planning Goals. The project is thoughtfully sited within an existing energy corridor, minimizing impacts on neighbors and natural resources (Goal 2: Land Use Planning). It uses non–high-yield farmland and works with willing landowners, helping preserve agricultural land for future generations (Goal 3: Agricultural Lands). Economically, Yellow Rosebush will bring jobs, lease payments, and over $1 billion in local investment, supporting schools, emergency services, and local infrastructure (Goal 9: Economic Development; Goal 11: Public Facilities and Services). By generating enough clean energy to power roughly 182,000 homes and pairing it with battery storage, the project strengthens grid reliability and helps Oregon meet its clean energy goals, while protecting air, water, and land resources (Goal 6: Air, Water, and Land Resources Quality; Goal 13: Energy Conservation). Wasco county needs this for all the reasons stated above. Sincerely, Laurie Bagley

Sincerely,

Laurie Bagley

2115 View Ct

The Dalles, OR 97058-3366

Dear Oregon Energy Facility Siting Council,

As a citizen concerned about clomate change, I'm writing to express my support for the Yellow Rosebush Energy Center, a solar and energy storage project that aligns with Oregon's Statewide Land Use Planning Goals. The project is thoughtfully sited within an existing energy corridor, minimizing impacts on neighbors and natural resources (Goal 2: Land Use Planning). It uses non–high-yield farmland and works with willing landowners, helping preserve agricultural land for future generations (Goal 3: Agricultural Lands). Economically, Yellow Rosebush will bring jobs, lease payments, and over $1 billion in local investment, supporting schools, emergency services, and local infrastructure (Goal 9: Economic Development; Goal 11: Public Facilities and Services). By generating enough clean energy to power roughly 182,000 homes and pairing it with battery storage, the project strengthens grid reliability and helps Oregon meet its clean energy goals, while protecting air, water, and land resources (Goal 6: Air, Water, and Land Resources Quality; Goal 13: Energy Conservation). I urge EFSC to approve the Yellow Rosebush Energy Center in Wasco County, helping Oregon build a cleaner, stronger, and more resilient future. Thank you for your consideration.

Sincerely,

Michael Schultz

2714 NE Bryce St

Portland, OR 97212-1638

Dear Oregon Energy Facility Siting Council,

I'm writing to express my support for the Yellow Rosebush Energy Center, a solar and energy storage project that aligns with Oregon's Statewide Land Use Planning Goals. The project is thoughtfully sited within an existing energy corridor, minimizing impacts on neighbors and natural resources (Goal 2: Land Use Planning). It uses non–high-yield farmland and works with willing landowners, helping preserve agricultural land for future generations (Goal 3: Agricultural Lands). Economically, Yellow Rosebush will bring jobs, lease payments, and over $1 billion in local investment, supporting schools, emergency services, and local infrastructure (Goal 9: Economic Development; Goal 11: Public Facilities and Services). By generating enough clean energy to power roughly 182,000 homes and pairing it with battery storage, the project strengthens grid reliability and helps Oregon meet its clean energy goals, while protecting air, water, and land resources (Goal 6: Air, Water, and Land Resources Quality; Goal 13: Energy Conservation). I urge EFSC to approve the Yellow Rosebush Energy Center in Wasco County, helping Oregon build a cleaner, stronger, and more resilient future. Thank you for your consideration.

Sincerely,

Rebecca Haas

5219 SE Belmont St

Portland, OR 97215-1834

Dear Oregon Energy Facility Siting Council,

I'm writing to express my support for the Yellow Rosebush Energy Center, a solar and energy storage project that aligns with Oregon's Statewide Land Use Planning Goals. The project is thoughtfully sited within an existing energy corridor, minimizing impacts on neighbors and natural resources (Goal 2: Land Use Planning). It uses non–high-yield farmland and works with willing landowners, helping preserve agricultural land for future generations (Goal 3: Agricultural Lands). Economically, Yellow Rosebush will bring jobs, lease payments, and over $1 billion in local investment, supporting schools, emergency services, and local infrastructure (Goal 9: Economic Development; Goal 11: Public Facilities and Services). By generating enough clean energy to power roughly 182,000 homes and pairing it with battery storage, the project strengthens grid reliability and helps Oregon meet its clean energy goals, while protecting air, water, and land resources (Goal 6: Air, Water, and Land Resources Quality; Goal 13: Energy Conservation). I urge EFSC to approve the Yellow Rosebush Energy Center in Wasco County, helping Oregon build a cleaner, stronger, and more resilient future. Thank you for your consideration.

Sincerely,

jim stuller

2260 Liberty St NE

Salem, OR 97301-8356

Dear Oregon Energy Facility Siting Council,

I'm writing to express my support for the Yellow Rosebush Energy Center, a solar and energy storage project that aligns with Oregon's Statewide Land Use Planning Goals. The project is thoughtfully sited within an existing energy corridor, minimizing impacts on neighbors and natural resources (Goal 2: Land Use Planning). It uses non–high-yield farmland and works with willing landowners, helping preserve agricultural land for future generations (Goal 3: Agricultural Lands). Economically, Yellow Rosebush will bring jobs, lease payments, and over $1 billion in local investment, supporting schools, emergency services, and local infrastructure (Goal 9: Economic Development; Goal 11: Public Facilities and Services). By generating enough clean energy to power roughly 182,000 homes and pairing it with battery storage, the project strengthens grid reliability and helps Oregon meet its clean energy goals, while protecting air, water, and land resources (Goal 6: Air, Water, and Land Resources Quality; Goal 13: Energy Conservation). I urge EFSC to approve the Yellow Rosebush Energy Center in Wasco County, helping Oregon build a cleaner, stronger, and more resilient future. Thank you for your consideration.

Sincerely,

K Larsen

2056 Charnelton St

Eugene, OR 97405-2820

Dear Oregon Energy Facility Siting Council,

I'm writing to express my support for the Yellow Rosebush Energy Center, a solar and energy storage project that aligns with Oregon's Statewide Land Use Planning Goals. The project is thoughtfully sited within an existing energy corridor, minimizing impacts on neighbors and natural resources (Goal 2: Land Use Planning). It uses non–high-yield farmland and works with willing landowners, helping preserve agricultural land for future generations (Goal 3: Agricultural Lands). Economically, Yellow Rosebush will bring jobs, lease payments, and over $1 billion in local investment, supporting schools, emergency services, and local infrastructure (Goal 9: Economic Development; Goal 11: Public Facilities and Services). By generating enough clean energy to power roughly 182,000 homes and pairing it with battery storage, the project strengthens grid reliability and helps Oregon meet its clean energy goals, while protecting air, water, and land resources (Goal 6: Air, Water, and Land Resources Quality; Goal 13: Energy Conservation). I urge EFSC to approve the Yellow Rosebush Energy Center, helping Wasco County and Oregon build a cleaner, stronger, and more resilient future. Thank you for your consideration.

Sincerely,

Lauren Ulrich

1541 Mckinley Ct

Eugene, OR 97402-3439

Dear Oregon Energy Facility Siting Council,

I'm writing to express my support for the Yellow Rosebush Energy Center, a solar and energy storage project that aligns with Oregon's Statewide Land Use Planning Goals. Projects which produce more power and protects the environment and is useful for the community are what we should be approving for Oregon. As we know there are only so many rivers which can be dammed, as as we have seen, their type of power has its environmental problems such as harming fish. The benefits of this solar energy project are great for the community it serves with seemingly limited environmental problems. As a clean energy enthusiast, I fully support this project.

Sincerely,

Joann Macey

10360 SE Waverly Ct

Milwaukie, OR 97222-7470

Outlook

FW: Submitting Written Comments on Yellow Rosebush Energy Center

From Energy Siting * ODOE <Energy.SITING@energy.oregon.gov>
Date Fri 10/31/2025 2:54 PM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

1 attachment (105 KB)
Yellow Rosebush EFSC Letters.pdf;

From: Morgan Michel <morgan@greenlightamerica.org>
Sent: Friday, October 31, 2025 1:32 PM
To: Energy Siting * ODOE <energy.siting@energy.oregon.gov>
Subject: Submitting Written Comments on Yellow Rosebush Energy Center

You don't often get email from morgan@greenlightamerica.org. Learn why this is important

Hello,

Please see the attached 24 written public comments on the Draft Proposed Order for the Yellow Rosebush Energy Center. Please confirm that these comments have been entered into the docket.

Thank you,
Morgan Michel

Outlook

New Public Comment submitted for project : Yellow Rosebush Energy Center

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From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>
Date Sun 11/2/2025 7:45 AM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization: None
Submitted by: Constance Lee
Email: constanceannettelee@gmail.com
Zip Code: 97037

Siting Project Phase: *DPO*

Comment Summary:
Concerns Regarding Yellow Rose Bush Solar Facility

Please Click on the following link to view the full Comment Details

Comments Regarding Concerns to the Yellow Rosebush Energy Center – EFSC Submission

To: Oregon Energy Facility Siting Council (EFSC)
From: Constance Lee
Date: November 2, 2025

Dear Council Members,

I submit these comments regarding the Yellow Rosebush Energy Center. I support responsibly sited renewable energy, but large industrial facilities must not degrade farmland, public safety, or the environment. Projects that are well sited should be able to meet all EFSC standards and applicable ordinances without "creative" interpretations. I urge the Council to scrutinize the application's compliance with EFSC standards for wildlife habitat, water, soils, and wildfire. South Wasco county already has one solar facility (approximately 1,500 acres) in operation. There are several more that have been proposed (approximately another 30,000 acres). Although the standards only access each facility on its' own merits, I think it is worth noting that the combination of these industrial solar facilities with large lithium battery storages is going to cumulatively change the landscape, impact water resources, increase fire danger, negatively impact wildlife, as well as increase the need for emergency services which will ultimately put a financial burden on county tax payers.

Standard: Soils

My concerns center on the incompleteness of the soils analysis, the lack of site-specific geotechnical and erosion data, and the potential for irreversible environmental damage to the surrounding canyons, including Buck Hollow Canyon, and the Deschutes and Columbia River systems.

Noncompliance with ODOE and EFSC Soils Standards

According to OAR 345-021-0010(1)(i) and OAR 345-022-0022 (Soil Protection Standard), an Application for Site Certificate must demonstrate that:

"The design, construction, and operation of the facility are not likely to result in a significant adverse impact to soils, considering the characteristics of the soils present at the site, proposed reclamation methods, and mitigation measures."

The submitted Exhibit I – Soil Conditions report does not meet these requirements for the following reasons:

- **Absence of geotechnical borings and lab testing**: No subsurface data (such as borehole logs, Atterberg limits, or compaction tests) were provided. Reliance solely on NRCS data fails to demonstrate construction suitability or post-disturbance recovery potential.

- **Lack of quantified erosion analysis**: No modeling (e.g., RUSLE or WEPP) is included to estimate potential soil loss or runoff under construction conditions, as required for high-risk topographies such as canyon slopes.
- **Inadequate mapping of slope stability or hydrologic features**: No assessment of how soil disturbance could exacerbate slope failure, sediment transport, or gully formation into Buck Hollow or adjacent drainages.

These omissions render the soils assessment incomplete and noncompliant with the ODOE and EFSC's site certification standards.

Erosion and Sedimentation Impacts on the Canyon and Downstream Ecosystems

The project area includes steep and highly erodible terrain feeding into the Buck Hollow drainage, which ultimately contributes to the Deschutes River basin and, downstream, the Columbia River. Construction-related disturbance, grading, and loss of vegetative cover can accelerate erosion and sedimentation, leading to:

- Increased sediment loads in Buck Hollow Creek and connected waterways.
- Degradation of spawning habitat for native fish species, including steelhead, Chinook salmon, and trout in the Deschutes and Columbia Rivers.
- Siltation of streambeds, reducing oxygenation and smothering aquatic invertebrates essential to riverine food webs.
- Permanent alteration of canyon hydrology and slope stability, increasing landslide or gully formation risk.

These impacts conflict with OAR 345-022-0020 (Protection of Fish and Wildlife Habitat), which requires that a site certificate holder "design, construct, and operate the facility in a manner that protects fish and wildlife habitat, considering the site's characteristics and mitigation measures."

Conflict with Oregon Land Use and Environmental Protection Policies

Under **ORS 469.501(1)(c)** and **OAR 345-022-0000 through 345-022-0110**, EFSC is obligated to ensure compliance with statewide planning goals, including:

- **Goal 6 – Air, Water, and Land Resources Quality**: Prohibits land uses that degrade water quality or cause soil erosion and sedimentation beyond acceptable limits.
- **Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces**: Requires protection of sensitive natural resources and fish habitat.

By not addressing erosion risk in a site-specific, measurable manner, this application fails to demonstrate compliance with these land use goals.

Personal Statement of Concern

As a community member who lives near and values the Deschutes River ecosystem, I am deeply concerned that construction activities without adequate erosion control will irreversibly damage the canyon and its waterways. The Buck Hollow watershed is a fragile, interconnected landscape — even moderate soil disturbance can have cascading effects on water quality, wildlife migration, and fisheries health downstream.

Our region has already experienced erosion-related degradation in similar projects, and the absence of comprehensive mitigation planning here poses an unacceptable risk to the environment and to the people who depend on these natural systems for recreation, livelihood, and cultural heritage.

Wildlife

The Yellow Rosebush Energy Center fails to meet the wildlife protection and habitat mitigation standards established under Oregon law.

The application's Exhibit P (Fish and Wildlife Habitat) and related exhibits are incomplete, noncompliant, and scientifically insufficient for EFSC to make findings under OAR 345-022-0060 (Fish and Wildlife Habitat Standard), OAR 345-022-0070 (Threatened and Endangered Species Standard), and OAR 635-415-0025 (ODFW Habitat Mitigation Policy).

Applicable EFSC Standards and Oregon Ordinances

Under OAR 345-022-0060, the Council may approve a site certificate only if the applicant demonstrates that the design, construction, and operation of the facility are not likely to result in significant adverse impact to fish and wildlife habitat. When impacts are unavoidable, the applicant must provide compensatory mitigation consistent with the ODFW Habitat Mitigation Policy (OAR 635-415-0025).

Under OAR 345-022-0070, the applicant must identify all threatened, endangered, and state-sensitive species likely to occur in the analysis area, evaluate potential impacts, and demonstrate avoidance or mitigation.

Additionally, ORS 496.012 establishes Oregon's state policy to maintain all species of wildlife at optimum levels and to protect their habitats.

Absence of Functional Connectivity

The applicant proposes mitigation "on the Columbia Plateau" at **Tygh Ridge Ranch** and "within the facility boundary," yet provides **no maps or distances** between these areas and the impact site. Without clear location data, EFSC cannot evaluate whether mitigation lands are ecologically connected or accessible to displaced wildlife, violating the ODFW Mitigation Policy's .

If the applicant had provided complete information to the council, you would have noticed that the Tygh Ridge ranch is not in close proximity to the project due to terrain constraints. Between the project and the Tygh Ridge Ranch runs the Deschutes River with steep canyons making it

impossible for displaced mule deer and elk to access the mitigated habitat on Tygh Ridge except for using Shears Bridge as a corridor to access this habitat. (See photos below).

The project lies within Mule Deer Winter Range (Category 2 habitat) and across canyon drainages (Bronx Canyon and Buck Hollow). The mitigation plan offers no analysis of how wildlife will travel between disturbed areas and mitigation lands, nor how fences, roads, and arrays will affect migration corridors. Without designated open corridors or wildlife-friendly fencing, the mitigation cannot offset lost connectivity, contrary to OAR 345-022-0060(3), which requires design measures to maintain wildlife movement.

In summary, the proposed mitigation sites are mostly located off-site and at undefined distances, separated by canyons, highways, The Deschutes River, and private lands. Wildlife displaced from the Yellow Rosebush project area—especially mule deer, elk, and raptors—would have no direct movement corridor to reach Tygh Ridge or other off-site parcels.

EFSC precedent and ODFW policy both require mitigation to be adjacent or functionally linked to impacted habitat; otherwise, it does not effectively replace ecological function.

Additional Omissions and Non-Compliance

- No quantitative erosion or hydrology modeling to assess downstream effects on riparian or aquatic habitats
- I believe that there are bighorn sheep and/or mountain goats that live in canyons adjacent to the project, yet there was no mention of them in their review

The current record for the Yellow Rosebush project fails to provide EFSC with the necessary data to ensure protection of Oregon's wildlife and habitats. The mitigation plan is incomplete, geographically disconnected, and unsupported by measurable ecological standards. Approving this application as-is would conflict with Oregon's Statewide Planning Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) and the State's wildlife-conservation policy under ORS 496.012.

Standard: Wild Fire

This project is proposed in one of the most fire-prone regions in the state, where recent wildfires have repeatedly threatened lives, property, and critical infrastructure. Despite this, the developer's Wildfire Mitigation Plan (WMP) and risk analysis are incomplete, internally inconsistent, and insufficient to meet state wildfire safety requirements.

EFSC Wildfire Standard (OAR 345-022-0115)

Under **OAR 345-022-0115**, EFSC may approve a site certificate only if the applicant demonstrates that the facility:

1. Is not likely to result in significant adverse impacts to people or property due to wildfire;
2. Has accurately characterized the wildfire risk using current data; and
3. Will be constructed and operated in compliance with an approved Wildfire Mitigation Plan.

The Yellow Rosebush application fails each of these criteria.

Incomplete and Deficient Wildfire Mitigation Plan

The developer submitted only draft versions of its Construction and Operations Wildfire Mitigation Plans. These documents repeatedly state that critical information—such as response times, firefighting resources, equipment locations, water supply, and final road access plans—will be "provided later."

This violates OAR 345-022-0115(1)(b), which requires that EFSC review and approve a complete mitigation plan before issuing a certificate.

The plan also lacks:

- **Mapped defensible-space zones** or vegetation-free buffer areas around solar arrays and the battery storage system;
- **BESS-specific fire suppression design**, including extinguishing agents, venting strategy, or coordination with local responders;
- **Performance metrics** (e.g., vegetation height limits, inspection frequencies, or operational triggers for Red Flag Warnings);
- **Responder coordination details**, including fire district agreements, dispatch procedures, or mutual-aid resources.

Without these, EFSC cannot make the required finding that the facility "will not pose an unacceptable risk of wildfire ignition or spread."

Contradictory and Outdated Fire Risk Analysis

The wildfire hazard maps in Exhibit V identify the site as "very high fire hazard", with average flame lengths between 4–8 feet. However, the narrative concludes that the overall fire risk is "moderate." This contradiction undermines the credibility of the applicant's risk characterization under **OAR 345-022-0115(1)(a)**.

The maps also show **"No Data"** for approximately 97% of the site boundary, yet the applicant asserts that fire risk has been "adequately assessed." EFSC's rule explicitly requires current, complete data for risk evaluation.

Recent Wildfire Activity and Elevated Fire Danger in South Wasco County

South Wasco County has experienced **repeated and severe wildfire events** within the past five years: Below is a verified list of significant, publicly documented wildfires in *South Wasco County* (Maupin / Tygh Valley / Wamic / Juniper Flat / Bakeoven corridor and adjacent high country) over roughly the past five fire seasons

Fire	Month & Year	Acres (approx.)	Where / brief description
Deep Creek Fire	Sep 2025	~100	SE of Maupin near Bakeoven Rd; fast-moving grass fire; solar facility threatened; air tankers ordered. (Central Oregon Fire Information)
Smock Road Fire	Jun 2025	~3–4	West of Maupin on Smock Rd; brief Level 3 "Go Now" then lowered; controlled within hours. (KATU)

Fire	Month & Year	Acres (approx.)	Where / brief description
Long Bend Fire	Jul 2024	~1,000 (remapped from ~625)	~4 miles SW of Maupin; wind-driven grass fire; evacuations to "Get Set." (KATU)
Larch Creek Fire	Jul 2024	10,686–13,800+	Between Dufur & Tygh Valley; major WUI event; Pine Hollow & Wamic evacuations; OSFM mobilization (multiple task forces). (osfminfo.org)
Boulder Fire	Jul 2023	233	Wasco Co. Mt. Hood/Badger Creek area (SW Wasco high country); Level-3 evacuations at nearby campgrounds. (Watch Duty)
Miller Road (aka Dodge) Fire	Aug 2022	10,847–11,186	Juniper Flat / Tygh Valley / Maupin area; rapid spread in grass/juniper; Conflagration Act invoked; FEMA aid. (Central Oregon Fire Information)
White River Fire *(edge of 5-yr window)*	Aug–Sep 2020	~11,184 (peaked higher in some reports)	Near Pine Grove/Badger Creek Wilderness ~14 mi from Maupin; lightning-caused; widespread evacuations. (nwccinfo.blogspot.com)
Maupin Brush Fire	May 2021	~15	South of Maupin near Hwy 197; multi-agency initial attack kept size small. (City of Maupin)

These fires occurred in the same landscape of cheatgrass, sagebrush, and juniper vegetation identified in the project's own wildfire maps—vegetation known for extreme flammability and rapid spread rates.

High Fire Danger and Statewide Emergency Investments

The State of Oregon and Wasco County have formally recognized South Wasco County as a High Fire Danger Area and a Wildland-Urban Interface (WUI) priority zone.

- In May 2024, Wasco County received a $5.9 million Community Wildfire Defense Grant (CWDG) to implement the 2024 Community Wildfire Protection Plan.

- The Oregon State Fire Marshal (OSFM) and Oregon Department of Forestry (ODF) are investing millions of dollars in defensible-space programs, roadside fuel breaks, and rural fire capacity improvements throughout the county.

These investments highlight that state and local agencies are already allocating substantial resources to reduce wildfire risk. Approving a large-scale industrial solar facility—introducing thousands of ignition points, electrical components, and transformers—**directly conflicts** with those public-safety efforts.

Site Characteristics That Exacerbate Fire Risk

The site sits within open grasslands and canyon terrain that promote rapid wind-driven fire spread.
Key risk factors include:

- High winds funneled through canyon topography;
- Continuous fine fuels (cheatgrass and dry forbs) with high ignition potential;
- Limited access roads and long response times for local volunteer fire districts;
- Battery Energy Storage System (BESS) introducing additional ignition and toxic smoke risks.

These conditions mirror the "very high hazard" classification in Oregon's wildfire hazard mapping framework and ODF's ongoing rulemaking under ORS 476.392.

Public Safety and Emergency Response Deficiencies

The local fire agencies—primarily Maupin Rural Fire Protection District and South Wasco County Fire & Rescue—are small volunteer departments with limited water supply, inadequate tools and training for fighting electrical and lithium battery fires, and staffing. The developer's plan assumes response times and suppression capacity that do not align with local reality, nor does it take into account that state or BLM agencies usually are called to fight large fires in the area due to the fact that the local volunteer fire departments due not have adequate resources to fight the fires in our area. Under OAR 345-022-0115(1)(b)(D), EFSC must confirm that emergency-response capabilities are sufficient to control fires. This record does not allow that finding.

In addition, the developer states that a fire engine with water will be stationed at the project. Once the project is in operation water is an incorrect tool to fight electrical fire. In the recent fire in the Bakeoven facility in August of 2025 the fire had to be put out with shovels and dirt as the facility was energized and water would not extinguish the fire.

The Yellow Rosebush Energy Center's wildfire materials do not meet the standards set forth in OAR 345-022-0115 or Oregon's wildfire-safety ordinances. Approving a large industrial solar and battery facility in a very high wildfire hazard zone, surrounded by recent burn scars and limited firefighting capacity, would endanger local residents, first responders, and public lands.

Oregon's renewable energy goals must not come at the expense of public safety and responsible siting in fire-prone areas.

Standard: Threatened and Sensitive Species

While the Applicant's Exhibit Q provides a detailed summary of threatened and endangered species review, significant gaps and omissions undermine the completeness of the analysis and preclude a finding of compliance with EFSC's approval standards.

Incomplete Field Survey Coverage

The Applicant acknowledges that 1,049 acres were not field-surveyed during the 2023 season, including the alternate 500 kV gen-tie corridor and steep canyons along Buck Hollow and Hauser Canyons. These areas will only be surveyed "prior to construction."

This approach is inconsistent with OAR 345-021-0010(1)(q)(A), which requires identification of *all* threatened and endangered species *that may be affected by the proposed facility*. Without site-specific data from these unsurveyed areas, EFSC cannot reasonably determine the project's true potential to impact state-listed plants or wildlife.

Notably, these unsurveyed canyons contain habitats most likely to support rare and state-listed plants, such as *Tygh Valley milkvetch*, *Henderson's ricegrass*, and *Hepatic monkeyflower*, which are associated with rocky slopes, basalt cliffs, and seep zones. Deferring surveys until after site certification undermines the Council's ability to assess avoidance and mitigation feasibility before granting approval.

Inadequate Seasonal Survey Timing

Field surveys for rare plants were conducted in June 2023, outside the documented blooming season for sessile mousetail (*Myosurus sessilis*), which occurs March through May. The Applicant admits this limitation (Exhibit Q § 3.2.7) yet claims the species is "unlikely to occur." Such a conclusion, made without an appropriately timed survey, fails to meet OAR 345-022-0070(1)(b), which requires evidence that the facility design is *not likely to cause a significant reduction in the likelihood of survival or recovery of the species*. EFSC cannot rely on a survey conducted outside the optimal detection period as sufficient evidence of absence.

Failure to Address Indirect Impacts: Erosion and Sedimentation Effects on Steelhead

Although the Applicant acknowledges that Middle Columbia River steelhead (*Oncorhynchus mykiss*) are present in the analysis area, Exhibit Q dismisses the species because it is "federally listed and not state-listed." This exclusion ignores the EFSC's mandate under OAR 345-022-0070(2) to ensure that *the design, construction, and operation of a facility are not likely to cause a significant reduction in the likelihood of survival or recovery of wildlife species*—regardless of federal or state jurisdiction.

The project site drains to the Deschutes River system, where sedimentation and erosion are well-documented threats to steelhead habitat quality. Construction of large solar fields, access roads, and transmission corridors will significantly increase soil disturbance and runoff potential

in steep canyon terrain. Exhibit Q contains no analysis or mitigation plan for erosion control, riparian protection, or sediment transport impacts to steelhead spawning and rearing habitat downstream. This omission renders the application incomplete with respect to both the EFSC wildlife standard and ORS 496.172(4) obligations for state agency consultation on listed species.

Standard: Water

The application fails to demonstrate a secure and lawful water supply under **OAR 345-021-0010(1)(o)** and **OAR 345-022-0080 (Public Services)**, and it does not adequately consider Oregon's water rights protections under **ORS Chapter 537** or **ORS 540.610** (beneficial use). The project's large-scale water demands for construction and maintenance would divert or compete with limited regional water supplies essential to farms, ranches, and firefighting operations.

Limited Water Availability and Uncertain Sources

Exhibit O shows that the Applicant intends to withdraw 36 to 55 million gallons of water for construction activities and over 500,000 gallons annually for washing solar panels. However, none of the proposed sources are guaranteed or sustainable:

- City of Maupin explicitly states that it cannot sell bulk water due to infrastructure limitations.
- City of Wasco expresses uncertainty and notes possible conflicts with other projects and the need to clarify its water rights.
- Deschutes Valley Water District only provided an informal email of potential capacity — no binding agreement or right confirmation.
- Private landowners' wells would require temporary limited licenses that are subordinate and revocable under ORS 537.143, meaning supply could be cut off during drought or priority calls.

Fire Safety Risks Exacerbated by Water Diversions

The project area is classified as a high fire danger zone by ODF and local emergency services. Water supplies in rural Wasco and Sherman counties are already limited for firefighting response — small reservoirs, agricultural ponds, and municipal hydrants are the primary sources.

By dedicating municipal and well water to construction and ongoing panel washing, the Applicant's plan would reduce local firefighting reserves and pressure during peak fire season. The project's thousands of truckloads of water use (over 60,000 gpd in peak construction) will also strain transport routes needed for emergency services.

Lack of Mitigation or Monitoring Commitments

Despite these clear risks, the Applicant concludes that **"no mitigation is necessary."** There is no commitment to:

- Monitor groundwater levels at nearby wells;
- Coordinate with local water districts on timing of withdrawals; or
- Establish a reserve or emergency water supply for wildfire response.

This omission violates the intent of **OAR 345-022-0070 (Threatened and Endangered Species)** and **OAR 345-022-0080 (Public Services)**, which require that facility design and operation avoid significant reductions in community or ecological resilience.

In summary please consider the following and ensure the developer has met ALL standards fully and completely as the water, soils, wildlife, and public safety are at risk in rural communities throughout Oregon as the state pushes forward with its' renewable energy agenda.

1) Soils (OAR 345-022-0022; OAR 345-021-0010(1)(i))

Noncompliance and incompleteness. Exhibit I relies primarily on NRCS desktop sources and omits basic geotechnical data and erosion analyses needed to demonstrate that "design, construction, and operation are not likely to result in a significant adverse impact to soils."

- **No site-specific geotechnical data.** The application provides no borings, laboratory testing (e.g., Atterberg limits, gradations), or compaction characteristics to evaluate construction suitability and reclamation feasibility.
- **No quantitative erosion modeling.** There is no RUSLE/WEPP or equivalent analysis to estimate soil loss and sediment delivery from grading, road building, and vegetation removal—particularly important on canyon side-slopes.
- **No slope stability or hydrologic mapping.** The record lacks a site-specific assessment of mass wasting/gully risks and sediment routing into Buck Hollow and other drainages.

Downstream impacts. The site drains to Buck Hollow and other canyons and ultimately the Deschutes/Columbia systems. Expected disturbances may elevate sediment loads, degrade spawning habitat (steelhead/Chinook/trout), smother benthic communities, and alter slope stability—contrary to OAR 345-022-0020's requirement to protect fish and wildlife habitat.

Land use consistency. The application does not demonstrate consistency with Statewide Planning **Goal 6** (water/land resources quality) and **Goal 5** (resource protection). Absent site-specific, measurable erosion controls and post-construction stabilization criteria, EFSC cannot find compliance.

2) Wildlife Habitat & Species (OAR 345-022-0060; OAR 345-022-0070; ODFW Policy OAR 635-415-0025; ORS 496.012)

Exhibit P and related materials are incomplete.

- **Habitat classification and impacts.** The applicant references ODFW categories but does not provide methods, data sources, or quantitative impact tables (temporary vs. permanent acres by habitat type/category).
- **Connectivity/mitigation siting.** The mitigation concept (e.g., Tygh Ridge Ranch "on the Columbia Plateau") is off-site and separated from the project by steep canyons and the Deschutes River, with no functional corridor for displaced mule deer/elk. Without mapped locations, distances, and travel pathways—and without wildlife-friendly fencing and designated corridors—the proposal does not maintain movement or replace ecological function as required by OAR 345-022-0060(3) and ODFW's Habitat Mitigation Policy.
- **Sensitive species and survey adequacy.** Portions of the analysis area (including steep canyon habitats most likely to host rare plants) were not surveyed; some botanical surveys were conducted outside optimal phenology (e.g., sessile mousetail). EFSC cannot conclude compliance with OAR 345-022-0070 when surveys are incomplete or mistimed. Additionally, Big Horned Sheep that are rare but present in the canyons around the Deschutes Rivers were not included in the wildlife survey.
- **Indirect effects to listed fish.** The record lacks an erosion/sedimentation analysis for downstream steelhead habitat despite clear hydrologic connectivity. EFSC's wildlife standard requires avoidance/minimization of impacts to species' survival/recovery, regardless of federal vs. state listing labels.

Result: The mitigation plan is conceptual, geographically disconnected, and unsupported by measurable ecological standards or ratios; the application does not meet EFSC's wildlife habitat and species standards.

3) Water (OAR 345-021-0010(1)(o); OAR 345-022-0080; ORS ch. 537; ORS 540.610)

Insufficient and uncertain supply. The application contemplates **36–55 million gallons** for construction and >**500,000 gallons/year** for panel washing yet identifies no secure, lawful, and reliable sources:

- Municipal providers express limitations or uncertainty; informal emails are not binding water-right commitments.
- Reliance on private wells via temporary limited licenses (ORS 537.143) is inherently interruptible and subordinate, especially during drought or priority calls.

Public services/firewater conflict. Diverting limited regional supplies for construction and O&M would strain small systems needed for firefighting and agricultural uses during peak fire seasons. The application proposes no groundwater monitoring, withdrawal timing coordination, or emergency reserves—failing the intent of OAR 345-022-0080 (Public Services).

4) Wildfire (OAR 345-022-0115)

Incomplete/insufficient Wildfire Mitigation Plan (WMP). The application provides draft plans with key items "to be provided later," contrary to OAR 345-022-0115(1)(b)'s requirement that EFSC review a complete plan before certification. Missing elements include:

- Mapped defensible space/vegetation-free buffers;
- BESS-specific suppression design and venting strategy;
- Operational triggers (e.g., Red Flag shut-down/inspection frequencies/vegetation height limits);
- Detailed responder coordination (agreements, dispatch protocols, water points, access, training).

Risk characterization issues. The site is mapped as **very high fire hazard**, yet the narrative labels overall risk "moderate." Large portions of the site show "No Data," undermining the credibility of the risk analysis. The region has a recent history of fast-moving wildfires, limited volunteer capacity, long response times, and fine-fuel continuity—conditions that amplify ignition and spread potential, especially with energized equipment and BESS.

Public safety. Assuming municipal water or on-site water engines as a primary control measure is unrealistic for energized electrical/BESS events. Without proven methods and resources matched to local capability, EFSC cannot find the facility "is not likely to result in significant adverse impacts to people or property due to wildfire."

Community and Equity Considerations

While EFSC's rules focus on environmental/resource standards, the Council should also recognize the disproportionate burden placed on small rural communities—higher insurance costs, tax pressures for additional fire protection, and long-term public safety liabilities—while project benefits accrue primarily to private developers. Responsible siting must avoid transferring those long-term risks to residents.

Requested EFSC Actions

1. **Deem the application incomplete** pending submission of:
    - Site-specific geotechnical/erosion analyses and a quantified soil-loss/sediment-delivery model with enforceable stabilization criteria;
    - Complete wildlife habitat impact tables (acres by type/category) and a mitigation plan that provides **adjacent or functionally connected** habitat with measurable performance standards, monitoring, and adaptive management;
    - Complete, seasonally appropriate rare-plant and wildlife surveys for all unsurveyed acres and canyon habitats;

- A secure, lawful, and non-interruptible water-supply plan supported by executed agreements and water-right documentation, plus groundwater monitoring and emergency reserves;
- A **final** Wildfire Mitigation Plan meeting OAR 345-022-0115 with detailed BESS measures, defensible-space mapping, operational triggers, and formal responder agreements.

2. If these deficiencies cannot be cured, deny the Application for Site Certificate.

Summary

The Yellow Rosebush application, as filed, does not demonstrate compliance with EFSC standards for soils, wildlife habitat and species, water/public services, or wildfire. It lacks site-specific technical analyses, relies on uncertain and potentially conflicting water sources, proposes mitigation that is geographically disconnected from impacts, and provides only draft wildfire materials inadequate for a very high hazard setting. Approving the project under these conditions would risk long-term environmental damage, public safety, and community resilience. I respectfully request that EFSC require the applicant to remedy these deficiencies—or deny certification if they cannot be fully and transparently addressed.

Thank you for considering these comments.

Respectfully submitted,
Constance Lee

Outlook

New Public Comment submitted for project : Yellow Rosebush Energy Center

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From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>
Date Sun 11/2/2025 10:35 AM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization: private party
Submitted by: Susie Miles
Email: susie1915@gmail.com
Zip Code: 97037

Siting Project Phase: *DPO*

Comment Summary:
Bakeoven Road Deterioration

Please Click on the following link to view the full Comment Details

Public Services Exh U Section 3.3.5 Traffic Safety and Operations, pages 12-15

I have severe concern for Bakeoven Road during the stress of construction and repair afterward. My main area of concern is Bakeoven Road between Maupin and the construction site. While the draft states traffic will come in via Hwy 97 (north and southbound), then east on Bakeoven RD, there is not a way to enforce that. Trucking will haul the shortest route, which will be across the bridge in Maupin and east on Bakeoven RD. "The Applicant assumes there will be a peak of 35 trucks per day visiting the site, resulting in 70 one-way trips per day. A variety of truck types will be required for material and equipment deliveries. These include heavy-duty trucks, such as semi-trailer dump trucks and 40-foot container trucks, that will be carrying gravel and other materials required to improve or construct new access roadways. These heavy-duty trucks will also provide concrete for component foundations and materials for the module blocks themselves. In addition to concrete and gravel, single-unit water tank trucks delivering water to the site will be required. Water will be needed for dust control during road construction. Semi-trailer flat beds carrying electrical equipment and materials required for solar panel construction and power transmission also will be necessary." What is the guarantee for limiting truck traffic on Bakeoven Rd between Maupin & the site? There isn't one! Therefore my plea is for an after plan: how will the road be fixed? Wasco Co hot-patched Bakeoven Rd after Avagrid built their solar farm. It is horrible! It makes snow plowing difficult, it is so rough.

Workers will stay first in Maupin, then Tygh Valley, then Wamic area. Passenger cars and trucks will be a danger to the residents living on Bakeoven during the 6 years of construction. They will also degrade Bakeoven RD.

I simply disagree with the Hwy 97 routing that the draft states. It is a joke. We all know that Bakeoven RD between Maupin & the site, and the Maupin bridge will be overused, stressed and practically ruined. AND the traffic won't care if it's high season or low season on the Deschutes River.

Please include a plan for the deterioration, upkeep and final repair of Bakeoven Rd.

Outlook

New Public Comment submitted for project : Yellow Rosebush Energy Center

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From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>
Date Sun 11/2/2025 10:20 AM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization: private party
Submitted by: Susie Miles
Email: susie1915@gmail.com
Zip Code: 97037

Siting Project Phase: *DPO*

Comment Summary:
South Wasco Co Ambulance Services

Please Click on the following link to view the full Comment Details

Exhibit U: Public Services, page 22, 3.3.6.1 Police

Our local South Wasco Co Ambulance is completely staffed by volunteer EMTs. They are a very small crew, continuing to serve our community and its greater geographic area. With the added stress to their resources with this construction project, it is critical that they have enough EMTs and resources available. During emergency, response will not be coming from The Dalles or Madras. The distance is too great, and therefore an emergency turned in to a nightmare. It is critical that our South Wasco Co Ambulance be able and available at all times for response. The difference between 20 minutes and 2 hours saves lives! I encourage Savion to highly consider 2 means of support:

1) Provide funding for training additional EMTs, in the form of reimbursements.

2) Support the South Wasco County Ambulance with its own dispatch and response to emergencies, as it currently operates.

Outlook

New Public Comment submitted for project : Yellow Rosebush Energy Center

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From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>
Date Sun 11/2/2025 4:03 PM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization: Southern Wasco County Ambulance Service
Submitted by: Alex Carr
Email: swcaems@hotmail.com
Zip Code: 97037

Siting Project Phase: *DPO*

Comment Summary:
Ambulance Service Area for Yellow Rose Bush

Please Click on the following link to view the full Comment Details

Hello,

My name is Alex Carr, and I serve as the Ambulance Administrator for Southern Wasco County Ambulance Service (SWCA), located in Ambulance Service Area (ASA) 4—where the Yellow Rosebush Solar Site will be situated. SWCA provides 100% of the emergency medical services within the Wasco County area, with the exception of the Buckley substation of your project.

We are an all-volunteer emergency medical transport organization that has proudly served South Wasco County since 1952.

After reviewing your proposal packet, specifically page 17, section 3.3.7 – Healthcare, paragraph 3, we would like to explore the possibility of support from your organization to help offset potential added costs to our service. The Yellow Rosebush project may increase our call volume, and as a volunteer agency, additional demand directly impacts our ability to respond effectively.

We are currently seeking funding to update aging equipment, provide advanced training and education for our volunteers, and strengthen volunteer recruitment and retention efforts. Additionally, we are working to Update, fully equip and staff two ambulances to better meet the growing needs of our community.

In closing, SWCA is a private, self-sustaining service. Wasco County does not provide any financial support to volunteer ambulance services. As volunteerism becomes increasingly difficult to maintain, we are incredibly proud of our dedicated team who continue to serve their community with professionalism and care.

We appreciate your consideration and welcome the opportunity to discuss how your organization might partner with us in supporting local emergency medical readiness.

Alex Carr, EMS Administrator

Southern Wasco County Ambulance Service, Inc.

PO Box 125, Maupin, OR 97037

Office 541 395-2598 I Cell 503 442-8977

SWCAEMS@hotmail.com

Outlook

FW: Yellow Rosebush Comments and Request for Contested Case

From Energy Siting * ODOE <Energy.SITING@energy.oregon.gov>
Date Mon 11/3/2025 8:00 AM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

1 attachment (62 KB)
Comments on the Proposed Order and equest for a contested case - Google Docs.pdf;

From: Al7401 <al7401@aol.com>
Sent: Sunday, November 2, 2025 9:37 AM
To: Energy Siting * ODOE <energy.siting@oregon.gov>
Subject: Yellow Rosebush Comments and Request for Contested Case

Please confirm receipt of the attached comments
Thank you

Alvin Alexanderson
503 705 8040

Comments on the Proposed Order and Request for a Contested Case.

Quotes from the PO and draft Plan are in bold.

If this is a good idea why not use 100 square miles of big game winter range for solar and maybe other good uses like airports, data centers and EV auto factories etc?. Was Oregon's BGWR protected all these years so it could be developed now? Apparently, some think so.

The proposed facility site is within Wasco County's Sensitive Wildlife Habitat Overlay Zone (OZ23 8) due to its location in Big Game Winter Range for Mule Deer. Except for developed land, 24 which is considered Category 6 habitat, the entire site is considered Category 2 "essential" 25 habitat due to its location in Big Game Winter Range. No one has explained the initial choice of BGWR for 50 miles of fence and total destruction of many square miles of essential habitat for mule deer. Putting a big game exclusion area in BGWR is such a bad idea one wonders why it is being considered. This intervenor says solar arrays should go outside BGWR. This is easily done in southern Sherman county just northeast of the site.

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. This means most of the proposed mitigation site is already protected as BGWR. Rearranging plants does not add to mule deer BGWR.

Suppose there are 500,000 acres of designated BGWR and you take away 6 thousand acres leaving 400,994. If you change some plants on 6000 acres of already protected BGWR the total is still 400,994. No replacement has occurred. <u>There is a net loss of quantity.</u>

What we should be seeing is at least an equal number of acres of suitable habitat being newly protected. This could be a conservation easement outside the current mapped range or newly designated replacement area or possibly several additions where landowners would grant easements prohibiting development and otherwise keeping the area big game friendly.

ODFW appreciates the applicant's efforts to locate a mitigation area to move towards a "no net loss" approach. Actual compliance is required because this principle implements Goal 5 in Oregon. ODFW is free to change the rule in accordance with the rules and statutes for doing so. But the agency, and especially its staff, are not empowered to ignore, relax or define it away ad hoc. Not to say they have. But the facts do not yet show compliance by the applicant.

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.
Therefore, impacts to Category 2 are unavoidable due to the Facility's interconnection location and the overlapping mule deer winter range. This can mislead readers to a false

conclusion. While it is true that the transmission line will have to cross category 2 habitat, the deer will not be fenced out along the line. There is small damage from towers and roads. Almost all the plants survive and deer still use the land.

Solar arrays eliminate the habitat completely. No game animals can use it. The harm is not limited to the square miles inside the fence. Fawns have no inherited knowledge of fences. They crash into them and are eaten. Pregnant does will travel extra miles using up winter stores of fat. Some will detour on the highway and become roadkill. ODFW knows that fawn mortality is primarily due to skinny mothers and coyotes.

The question here is whether the arrays could be sited outside of BGWR. Just a couple miles northeast of the project land begins a vast area of Sherman County many times the square miles needed for the project. It appears from the map that some parts of the proposed arrays could be placed closer to the Buckley substation in Sherman County outside the BGWR.

The first obligation of mitigation as written in the ODFW rule for 13 years or so is avoidance. Avoidance of outright habitat destruction is possible here but was not practiced. There is ample land nearby and outside BGWR for the arrays. The electricity to be generated is not needed in BGWR. There are many interconnection points outside BGWR and closer to electric loads. The applicant has failed the avoidance requirement.

The final mitigation approach will offer enough suitable habitat to achieve the ODFW goal of no net loss of habitat quantity or quality. Insufficient facts are presented for this statement. It could be postponing an essential condition until the contested case is over. A siting permit cannot be granted without facts showing that the standard is met. So far there is not much replacement acreage secured for the deer. (An undefined part of the HMA may count as replacement.)

Recommended Fish and Wildlife Condition 8 (PRE): Prior to construction, the certificate 7 holder shall finalize the Habitat Mitigation Plan, as provided in Attachment P-3 of this 8 Order, based on the impacts associated with the final facility design and the legal 9 agreement, as approved by the Department. 10 [PRE-FW-04; Final Order on ASC]

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] This is a required finding in this proceeding in order to satisfy the Rule that allows for payments. The central question I am raising is that the mitigation area chosen can not make up for the loss of habitat. Any such payment will not be enough and parties are entitled to have information and the opportunity to contest the issue. Saying this will be done later after a contested case is over may be fine for minor details. Not so if it is used to keep intervenors from challenging he most consequential issue in the case.

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 by means of an outright purchase, conservation easement, or similar conveyance. The ODFW no-net-loss Rule is not a "goal." It is a condition that must be satisfied. It is plain on the face of this PO that there will be a net loss of several square miles of BGWR, exact number not stated in the Draft Plan or Order. Changing the ownership or management of some other part of BGWR doesn't change the total.

The draft Habitat Mitigation Plan finds 4992 total acres of Category 2 affected habitat. Unless this includes the total acreage to be fenced out, it is incorrect. For no-net-loss, the replacement acreage must at least equal the acreage inside fences. Making extra acreage better for some other species can not be used to offset loss of BGWR. On the other hand no-net-loss should not require replacement of acreage within the site that remains open to BG, such as the transmission corridor. The array and equipment fencing removes the area inside. It damages the area outside to the extent that it enables predation and results in extra travel. Both need to be addressed.

The Draft Plan says this: **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.** It is unclear what this means in light of distorted definitions discussed above. It should be clarified along with acreage of the "footprint of the fenced area" and the specific land area of replacement. This should include credit for the non-BGWR part of the HMA being newly protected, acreage not specified in the draft Plan.

Other questions to be asked at the hearing. Why are we seeing distortion and obfuscation of a very straightforward sensible rule to not reduce the overall acreage of essential habitat? Why are the iconic mule deer being ousted when it is clear that loss of habitat is one of the most serious causes of their 50% decline in Central Oregon? What does this tell the next developers about avoiding BGWR? What are the cumulative effects considering the adjacent Bakeoven projects are already evicting the deer?

My family is a landowner in the Madras area. We own designated mule deer WR also being used by pronghorn and elk.

Please conduct a Contested Case. I intend to participate.

s/Alvin Alexanderson

Outlook

New Public Comment submitted for project : Yellow Rosebush Energy Center

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From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>
Date Mon 11/3/2025 9:12 AM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization: A&K Ranches
Submitted by: Steve Ashley
Email: lstevenashley@gmail.com
Zip Code:

Siting Project Phase: *DPO*

Comment Summary:
In support of Yellow Rosebush Energy Center

Please Click on the following link to view the full Comment Details

My name is Steve Ashley, and my family has been farming and ranching on Bakeoven since the 1930s. The name Yellow Rosebush Energy Center comes from the yellow roses that still grow where my grandpa first lived — a small but meaningful connection to our family's history here.

We've spent over 90 years picking rocks from fields that only have inches of soil. This ground was never ideal for farming, and that's been proven generation after generation. Wheat prices are the same as when I was a freshman in high school in Maupin, while the cost of everything else — trucks, fuel, equipment — has gone up tenfold. Wheat yields have barely improved, and alternative crops like lavender and hemp just can't thrive with our limited soil and rainfall.

If we want our land to stay in the family and remain productive for future generations, we need to start farming something new — the sun and the wind. Properly designed, projects like Yellow Rosebush can coexist with ranching and wildlife while finally making this land work for the people who live on it.

I've worked with other developers before, but Savion stands out. They respond quickly, listen carefully, and genuinely work to fit their project to the land rather than force the land to fit their project. They're professional, thoughtful, and respectful — the kind of people I'd gladly work with again.

I wholeheartedly support this project.
Steve Ashley, landowner

Outlook

New Public Comment submitted for project : Yellow Rosebush Energy Center

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From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>
Date Mon 11/3/2025 11:53 AM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization: LIUNA Oregon & S Idaho
Submitted by: Jeffrey Gritz
Email: jgritz@osidcl.org
Zip Code:

Siting Project Phase: *DPO*

Comment Summary:
Comment Submitted - LIUNA

Please Click on the following link to view the full Comment Details

LiUNA! OREGON & SOUTHERN IDAHO DISTRICT COUNCIL OF LABORERS

Feel the Power

Jeffrey D. Gritz
Business Manager/Secretary-Treasurer
jgritz@osidcl.org

Submission on behalf of the Oregon and Southern Idaho District Council of Laborers to the Oregon Energy Facility Siting Council

Comments regarding the Yellow Rosebush Energy Center

On behalf of the Oregon and Southern Idaho District Council, Laborers International Union of America (LIUNA), we want to thank you for the opportunity to provide comments regarding the Draft Proposed Order (DPO) for the Yellow Rosebush Energy Center Application for Site Certificate. We urge this Council to approve the DPO for this project.

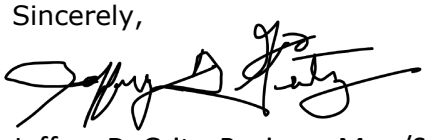
If Oregon wants to meet its clean energy goals, solar production will need to be a critical component. The Yellow Rosebush Energy Center provides an opportunity to move closer to achieving these goals. We have increased electricity demands throughout the State making every renewable project important for Oregon businesses and residents to have reliable, affordable power.

Our Union also supports this project because developers like Savion LLC, and many other developers have previously utilized skilled workers from the local and surrounding communities in Eastern Oregon. It is important to highlight these efforts, as we have encouraged developers to explore the opportunities for creating hundreds of jobs for local workers, providing economic benefit back to the communities in which these workers live.

We are committed to helping make this project successful. Our members are trained and skilled in solar energy technologies, being part of the trade unions that have built many of the utility scale solar farms in Oregon dating back over a decade. We take pride in every project we are a part of and know that we can add value to this one as well. We also operate the largest apprenticeship program for Construction Craft Laborers in Oregon. Our training center provides certified instructors that train our members and apprentices. Along with the on-the-job training our employer partners provide, this creates a safe and skilled work environment ensuring the job is done safely and on time.

I support the approval of this DPO, as this project will bring good jobs to the communities our members live in, and also help with meeting the energy goals of Oregon. We ask the Commission to approve the DPO. Thank you for your consideration of my comments.

Sincerely,



Jeffrey D. Gritz, Business Mgr./Sec-Treas.
17230 NE Sacramento Street
Ste. 201 Portland, Or 97230
503-760-2933 Office / 541-968-5998 Work Cell

Outlook

Fw: New Public Comment submitted for project : Yellow Rosebush Energy Center

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From SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
Date Mon 11/3/2025 10:19 AM
To odombetty43@yahoo.com <odombetty43@yahoo.com>

Hi Betty,

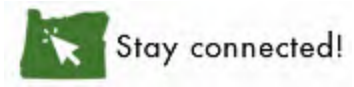
You submitted a comment in the comment portal but all that come through was the subject heading "Adjacent landowner concerns regarding the project". There is no comment in the comment box and no documents were attached.

If you have additional comments to submit, you can send them in an email to me today before 5 PM and I will add them to you comment portal submittal.

At this time there are no real comments attached or included in your comment portal submission, just the header.

Kathleen Sloan
Senior Siting Analyst
ODOE Siting Division
Ph: 971.701.4913

State of Oregon: Facilities - Energy Facility Siting



From: ODOE ITService * ODOE <ODOE.ITService@oregon.gov>
Sent: Monday, November 3, 2025 6:42 AM
To: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
Subject: New Public Comment submitted for project : Yellow Rosebush Energy Center

Organization: None
Submitted by: Betty Odom
Email: odombetty43@yahoo.com
Zip Code: 97037

Siting Project Phase: *DPO*

Comment Summary:

Adjacent landowner's concerns regarding the project

Please Click on the following link to view the full Comment Details

Docusign Envelope ID: 96355CCD-1D7F-4F42-BDA0-FC501EA37A62

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November 7, 2025

Via Email
Kathleen Sloan
Oregon Department of Energy
550 Capitol St. NE, 1st Floor
Salem, OR 97301

Re: Yellow Rosebush Energy Center – DPO Hearing Comments

Dear Ms. Sloan:

Thank you for the opportunity to respond to the comments provided during the Draft Proposed Order (DPO) Public Hearing held October 23, 2025, on behalf of Yellow Rosebush Energy Center, LLC (Applicant). We appreciate working with the Oregon Department of Energy (ODOE) and look forward to the continued application review process for the Yellow Rosebush Energy Center (Project) with the Department and the Oregon Energy Facility Siting Council (EFSC or Council).

The Applicant appreciates the numerous supportive comments that were made both at the hearing and in written comments. We have worked hard in collaboration with local landowners, local agencies, and ODFW to strike a balance, minimizing impacts both to sensitive habitat and to productive agricultural land and mitigating for those impacts that will occur, resulting in construction and operation of an energy generation facility that will help support Oregon's clean energy future. In this letter we provide additional information and clarification to help address some of the concerns raised by residents and local agencies during the comment period on the DPO.

Before diving into the detailed comments, we would like to correct a misconception about the location of proposed facility components that underpinned several of the comments. No panels will be placed in the canyons or other steep topography. Solar panels and related electrical components will remain within the identified micrositing area, which includes a setback from the canyons. The alternate gen-tie route, if constructed, would cross Buck Hollow, paralleling the existing 500-kV transmission line. When crossing canyon-type features such as this, support structures are typically placed at the top of the slope on either side of the canyon such that no permanent disturbance would occur within the canyon and temporary disturbance, if any, would be minimal along the canyon slopes. The existing line at this location provides an example of how this crossing is typically accomplished.

<u>Fire Hazard and Emergency Response</u>
Several comments were received both in writing and at the Public Hearing expressing concerns about risk of wildfire and the ability of volunteer emergency responders to respond to fire or medical emergencies that may occur during facility construction and operation. Comments included a concern about the level of detail presented in the draft Wildfire Mitigation Plans, whether the fire danger was correctly characterized, and whether emergency response teams are sufficiently staffed to be able to

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effectively respond to fires and other emergencies (such as medical emergencies) that could occur during construction and operation of the facility.

Fire Hazard

The Applicant respects and acknowledges the risk of wildfire in and around the Project area. As part of the Application for Site Certificate (ASC), the Applicant has developed a Draft Construction Wildfire Management Plan (CON WMP) and a Draft Operational Wildfire Management Plan (OPR WMP) in coordination with ODOE and the Oregon State Fire Marshal's Office, Maupin Volunteer Fire Department, Shaniko Volunteer Fire Department, South Sherman Fire District, and Bakeoven-Shaniko Rural Fire Protection Association. These plans are based on ODOE's wildfire management plan templates to ensure that fire risks and mitigation strategies are comprehensively addressed. Measures included in the draft plans include vegetation-free, noncombustible space or gravel surfaces around service roads within the fence line, the interior side of the perimeter fence line, the collector substation, O&M building, and BESS. Consistent with Council precedent, the plans are prepared as draft plans, with the requirement that they be finalized prior to construction once the construction contractor is selected and final design has been developed. This practice allows for the final plans to be tailored to construction methodologies and final equipment selection, and also affords the opportunity for continued coordination with local fire response agencies as the time of construction grows closer.

One comment was concerned with an apparent contradiction between areas identified as "very high fire hazard" shown on Figure V-6 (in Exhibit V) and flame lengths of 4-8 feet, compared to the conclusion of moderate overall fire risk for the facility as a whole. There was also concern expressed about data availability. Here we provide a summary and some additional context to help address these concerns.

Overall wildfire risk is quantified as a combination of the fire likelihood (burn probability), fire intensity (e.g., flame length), and the impacts (susceptibility) of highly valued resources or assets for which risk is being evaluated. The overall fire risk data in Exhibit V was sourced from the Oregon Community Wildfire Protection Plans (CWPP) Planning Tool[1], which is a data source sponsored by the Oregon Department of Forestry and completed by Oregon State University in collaboration with the Oregon Department of Forestry, Washington State Department of Natural Resources, the U.S. Bureau of Land Management, and the U.S. Forest Service. At the time the data for the Overall Fire Risk table (see Exhibit V: Section 2.4 and Table V-7) and figure was obtained (August 2023), there was limited data available for the area as exhibited by the "No Data" for 97 percent of the Project Site Boundary in Table V-7 of Exhibit V. The data that was available showed that 3 percent of the Project Site Boundary had a "Very High" or "High" overall fire risk. Since the original data was gathered in 2023, the data gap has been significantly reduced in the Oregon CWPP Planning Tool, and a revised table has been developed (see Table 1 below). The updated data set reflects "No Data" available for just 6.5 percent of the Project Site Boundary. The results of the revised overall fire risk[2] analysis within the Project Site Boundary support the previous conclusion that the overall fire risk is moderate due to the majority of the Project Site Boundary (85 percent) having a moderate to low or even beneficial overall fire risk.

[1] Oregon CWPP Planning Tool, https://oregon-explorer.apps.geocortex.com/webviewer/?app=fccd4dfc5a974213aa1fa6a01b9c07e1

[2] Which is now called the "Integrated Expected Wildfire Risk" by the Oregon CWPP Planning Tool.

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In summary, this updated overall fire risk rating table does not alter the original conclusion presented in fASC Exhibit V. We concluded that the overall wildfire risk for the Facility was considered moderate due to the combination of mapped and modeled hazards to potential structures, burn probability, and expected intensity as measured by expected average flame length, fuels, weather, and topography.

Table 1. Overall Fire Risk Rating

Overall Fire Risk Rating	Acres of Analysis Area	Percent of Analysis Area	Acres in Site Boundary	Percent in Site Boundary
Very High	76	0%	28	0%
High	2,365	13%	623	8%
Moderate	8,040	44%	3,838	48%
Low	3,021	16%	1,994	25%
Neutral	344	2%	79	1%
Low Benefit	1,072	6%	733	9%
Moderate Benefit	835	5%	224	3%
High Benefit	166	1%	28	0%
Total[1]	15,918	87%	7,547	93%

1. No data are available in the CWPP Planning Tool for overall fire risk rating for 13 percent of the analysis area and 7 percent of the Project Site Boundary. Therefore, the columns will not total 100 percent.

In order to further reduce fire risk specifically associated with mowing and vegetation maintenance, the Applicant proposes to follow the mowing and vegetation management schedule described in the draft construction and operation 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): Mowing is allowed at all times
- Fire Season (Approx. June to September or as designated by ODF): Mowing is allowed before 1pm and after 8pm
- Fire Weather Watch: Mowing is allowed before 10am or after 8pm
- Red Flag Weather Warning: Mowing is 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.

The construction and operations WMPs will be further refined and finalized prior to construction in coordination with local stakeholders, with the aim of developing facility infrastructure that reduces the fire protection and emergency response burden to local agencies to the maximum extent practicable.

Emergency Response

Savion has spoken with a representative of Southern Wasco County Ambulance Service (SWCAS) and commits to maintaining an ongoing dialogue with SWCAS and other stakeholders to support volunteer emergency responders. This dialogue will continue up to and through construction to ensure the

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organization has what they need to adequately support the Project. Savion is amenable to contributing financially to SWCAS to ensure they can adequately support the Project through construction and operation.

While injuries and medical emergencies can occur at any time, even with careful safety plan implementation, injury statistics for the construction industry reflect that the probability of injury during construction of the Yellow Rosebush facility is low, and the probability that such an injury would require emergency medical treatment is even lower. According to the National Safety Council,[3] the average fatality rate across the construction industry is 9.6 per 100,000 workers per year, while nonfatal slips, trips and falls averaged 151.9 per 10,000 workers. With an anticipated maximum of 400 workers on-site during construction of the Yellow Rosebush facility, it is highly unlikely that any fatal injuries would occur (average of less than 0.04 per 400 workers), while less than 2 non-fatal slips, trips, and falls would be anticipated annually on average, the majority of which would not require ambulance support. When a robust health and safety plan is implemented on the job site, the frequency of injury is significantly reduced. Attachment 1 to this letter provides an example safety plan from construction of a Savion facility in Oklahoma (SOLV Energy Site-Specific Safety Plan Choctaw Fields). A similar plan will be implemented for Yellow Rosebush to aid in minimizing the likelihood of any emergency response need.

Savion and its construction contractors have experience working in remote areas. On-site protocols will focus on ways to prevent injuries in the first place, while also providing on-site treatment capability to avoid or minimize the need for off-site transfer and, if necessary, to stabilize an individual while waiting for emergency transport to arrive. For example, heat-related injuries are some of the most common injuries experienced by solar facility construction workers in hot summer climates. Under conditions that may lead to heat stress, the construction contractor maintains on-site supplies including on-site ice trucks, water stations, coolers, and electrolytes, and workers are provided with mandatory breaks in air-conditioned trailers. These types of supplies and protocols are mandated by construction on-site safety managers and enforced through required trainings of those site management teams. Workers are trained to understand heat safety protocols, and requirements are posted in job site trailers and provided to workers on wallet (3x5) cards. Examples of these materials are provided in Attachment 1.

To further address the concern regarding training for volunteer firefighters and emergency responders, the Applicant proposes that the following condition be included in the Site Certificate:

> *Prior to and during facility construction and operation, the certificate holder shall provide annual advanced emergency response and fire training to local first responders. This training must be:*
>
> *(a) tailored to emergency and fire response at utility-scale solar and battery energy storage facilities,*
>
> *(b) conducted by qualified instructors, and*
>
> *(c) made available to the Southern Wasco County Ambulance Service, the Bakeoven-Shaniko Rural Fire Protection Association, the South Sherman Fire District, the Wasco County Sheriff's Office, and other local first responders at no cost to the attendees. If allowed by emergency*

[3] NSC (National Safety Council). 2023. Work-related Incidence Rate Trends. https://injuryfacts.nsc.org/work/industry-incidence-rates/work-related-incident-rate-trends/. Accessed November 2025.

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response organization bylaws, the certificate holder shall compensate attendees for their time at a rate to be agreed with the emergency response organization.

Traffic Management/Safety

Concerns regarding construction worker commute traffic were expressed at the public hearing on October 23. These concerns seemed primarily focused on the potential that workers may create excessive traffic or hazardous driving conditions for local residents, and that heavy traffic could degrade road conditions.

The Applicant is aware of traffic concerns in the region associated with commuting by construction workers. In Exhibit U of the ASC, the Applicant identified likely primary and secondary transportation routes and prepared a draft Construction Traffic Management Plan (Attachment U-7) to address potential traffic concerns along these routes. The Applicant will implement the BMPs identified in the draft Construction Traffic Management Plan to reduce impacts along transportation routes and to minimize traffic through the City of Maupin during construction. Further, as required by Wasco County, a road use agreement (Attachment U-12 to the ASC) will be signed with the county to ensure that roadways will be maintained and any damage will be repaired during the construction process. The Applicant proposes that the following condition be included in the Site Certificate:

Prior to construction of the facility, or facility component, as applicable, the certificate holder shall:
a. Submit to the Department an executed road use agreement between Wasco County and the certificate holder or its contractor. Any Final Construction Traffic Management Plan that is part of the road use agreements shall include, at a minimum, the provisions designated in ASC Exhibit U.
b. If a Final Construction Traffic Management Plan designated in sub (a) is not included in road use agreements executed with Wasco County, then submit a Final Traffic Management Plan. A copy of the Final Traffic Management Plan shall be provided to the Department and the Wasco County Public Works Department. The Construction Traffic Management Plan shall, at a minimum, include the provisions in ASC Exhibit U.

The Applicant will continue to coordinate with the Wasco County Sheriff's Office prior to construction to verify these concerns are addressed. Management of traffic will also be supported through compliance with Public Services Condition 4 (CON)[4], which requires regular coordination with the Wasco County Sheriff's Office and ODOE to discuss and address any traffic issues.

Construction Housing

At the October 23, 2025, public hearing in Maupin, Mayor Carol Beatty raised questions regarding where workers would be housed. These concerns were based on the town's experience during construction of a neighboring solar facility. Following the public hearing, the Applicant followed up with the Mayor and is committed to addressing these concerns to ensure adequate housing is available for workers during construction of the Facility.

[4] Yellow Rosebush Energy Center – Draft Proposed Order on Application for Site Certificate – October 1, 2025, pp. 207-208.

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The Applicant understands that housing for construction workers is an important topic and has provided an assessment of the anticipated housing needs in Exhibit U consistent with the requirements of OAR 345-021-0010. While the information provided in the ASC is sufficient to demonstrate that the Public Services standard (OAR 345-022-0110) is met, the Applicant is willing to commit to developing a housing plan for the construction workers in coordination with ODOE, the town of Maupin, and Wasco County prior to construction. The plan will provide strategies to minimize impacts to the local housing supply based on an ongoing evaluation of patterns of uses and potential shortages or changes in housing demand.

We also suggest inclusion of a condition in the Site Certificate to require development of a housing plan similar to the condition that was included for the Sunstone Solar Facility:

> *Prior to construction of any phase of the facility, the certificate holder shall provide to the Department and Wasco County a temporary housing plan for the construction workforce. The plan shall provide for coordination with contractors and local officials on housing options and strategies to minimize impacts to local housing supply based on an ongoing evaluation of patterns of uses and potential shortages or changes in housing demand.*

Habitat Mitigation

Several comments were received questioning whether the habitat impacts would be sufficiently mitigated. Specifically, commenters questioned whether the Tygh Ridge Ranch Habitat Mitigation Area (HMA) is sufficiently "in proximity" to the Project, and whether potential impacts to big game are being adequately avoided or mitigated. The Applicant takes great pride in having worked closely with ODFW to avoid, minimize, and appropriately mitigate identified impacts to both habitat and wildlife, resulting in a plan that has been thoroughly reviewed by ODFW as well as the Department to ensure that it is in compliance with ODFW's habitat mitigation policy.

As described in Exhibit P of the ASC, the Applicant has provided substantial evidence showing compliance with OAR 345-021-0010(1)(p). The Applicant has been in consultation with ODFW since May 2023 to coordinate and confirm survey protocols, discuss findings, and assess habitat avoidance and mitigation requirements and options. Among the avoidance measures identified in consultation with ODFW is that the fenced areas containing solar panels be contained on the plateau above Buck Hollow and Hauser Canyon, which reduces impacts to Priority Wildlife Connectivity Areas (PWCAs) and higher-quality habitats including shrub-steppe habitats. Although the leased parcels ("Facility Site Boundary") include portions of these canyons, the Micrositing Corridor (area where facilities may be placed) avoid the canyons, and indeed the facility layout depicted in the ASC also avoids tributary channels leading to the canyons. Figure C-2 in Exhibit C demonstrates how canyons and their tributary channels are being avoided by the facility layout. While specific component locations may shift somewhat within the Micrositing Corridor during final design, it is not practical to place solar panels on steeply sloped areas. Typically, solar panels will be set back at least 50 feet and often more than 500 feet from steeper slopes to minimize the potential for erosion and allow implementation of suitable best management practices in these areas, as well as to provide a fire break between solar panels and the canyon rims.

Setbacks from the canyon rims not only reduce impacts to some of the higher value shrub-steppe habitat within the Project Site Boundary, but these setbacks and the facility HMA also facilitate wildlife movement in the adjacent canyons. In fact, these areas were referenced by Jeremy Thompson, in his

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capacity as ODFW's energy coordinator, during his presentation at the January 17, 2025, EFSC hearing regarding the Fish and Wildlife Habitat Standard. He used the Yellow Rosebush project as an example of how developers should be adjusting their projects using ODFW's data and how developers should be coordinating with ODFW prior to submitting their application.

One commenter suggests that the Applicant has not disclosed the location of the Tygh Ridge Ranch HMA in the application. The Draft Habitat Mitigation Plan (HMP; Attachment P-2 of Exhibit P in the fASC) states that the Tygh Ridge Ranch is located 15 miles northwest of the Facility, while Figure 1 of Attachment P-2 shows the boundary of the Tyge Ridge Ranch and its location directly north of the intersection of State Highways 197 and 216 in Wasco County. This HMA was identified by ODFW as a priority area for conservation because it is used for seasonal elk migration between the Deschutes River and higher elevation forests, and because it extends into a PWCA region as well as two connectors that facilitate big game movement between regions.[5] Specific habitat enhancement actions that are planned both for the Facility HMA and the Tygh Ridge HMA are described in the Draft HMP.

The Project avoids direct impacts to Buck Hollow and Hauser Canyons and adjacent sensitive habitat within the Project Site Boundary; therefore, these areas are available for use as mitigation. As described in the Draft HMP (Attachment P-2 to the ASC), the facility HMA is sited along the northern boundary and borders Buck Hollow and Hauser Canyons, which are also mapped ODFW PWCAs. By protecting these PWCAs, big game movement is facilitated in the areas they are already most likely to use. Similarly, a commenter questioned why no species-specific surveys for bighorn sheep were conducted. The Applicant understands that there are herds of bighorn sheep in the area. Potential impacts to big game species were addressed in Exhibit P and impacts will be minimized through avoidance of the PWCAs. ODFW did not identify a need for species-specific surveys for any big game species (e.g. mule deer, elk, or bighorn sheep).

A commenter also expressed concern that portions of the Project Site Boundary were not field-surveyed or were surveyed outside the identification period of the species. The majority of the areas that were not surveyed are too steep for placement of facility components and will instead be included in the facility HMA. Due to access restrictions, the Alternate Gen-Tie route also has not yet been field-surveyed. In the case that this route is selected for construction, the Site Certificate contains conditions (PRE-TE-01, PRE-HC-01) requiring that field surveys be completed and results reviewed for impact assessment prior to construction.

One comment expressed a concern that *Myosurus sessilis* (sessile mousetail) was not surveyed within the appropriate window. Botanical surveys were conducted from June 6–June 14, 2023, a timeframe when all of the target species, with the exception of sessile mousetail, were likely to be in flower (see Attachment P-1 in Exhibit P). Surveys were conducted just after the typical period of flowering for sessile mousetail (March-May) because only one vernal pool wetland (the plant's habitat) was found within the

[5] As provided by the ODFW Mitigation Policy, "In-proximity Habitat Mitigation" means habitat mitigation measures undertaken within or in proximity to areas affected by a development action. For the purposes of this policy, "in proximity to" means within the same home range, or watershed (depending on the species or population being considered) whichever will have the highest likelihood of benefiting fish and wildlife populations directly affected by the development.

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Survey Area. This wetland and the surrounding area were surveyed closely for sessile mousetail individuals but there was no evidence of the plant. Moreover, no element occurrence was identified in the Oregon Biodiversity Information Center (ORBIC) database within 5 miles of the Micrositing Corridor. This survey methodology and survey findings as well as impact analysis were reviewed by the Oregon Department of Agriculture to support a conclusion that the facility is not likely to adversely impact sessile mousetail.

Soil Erosion Impacts

Commenters expressed concern that evidence provided regarding soil characteristics and avoidance/minimization measures was not sufficient to demonstrate compliance with OAR 345-022-0022 (Soil Protection Standard). Together, the provision of the desktop information and the requirements of the site certificate to conduct a site-specific geotechnical investigation (PRE-SS-01), obtain a 1200-C NPDES permit (PRE-SP-02), and implement best management practices during construction (GEN-SP-01) allow the Council to ensure compliance with the standard.

The Applicant understands the concern that soils at this location are susceptible to erosion and intends to maintain best management practices to avoid and minimize erosion or soil degradation at the site and ensure compliance with the Soil Protection Standard. At this stage of development and with a design that has not yet been finalized, a desktop analysis of soil characteristics is sufficient to identify appropriate additional studies and Site Certificate Conditions that can be implemented to avoid and minimize impacts. Site Certificate Conditions PRE-SP-01 (Fugitive Dust Control Plan), PRE-SP-02 (NPDES 1200-C Permit and Erosion and Sediment Control Plan), and PRE-SP-03 (Construction Spill Prevention Countermeasures and Control Plan) will be implemented to avoid adverse impacts to soils.

Commenters also expressed a concern about the potential for erosion to result in sediment transport to Buck Hollow Creek and connected waterways, causing degradation of fish habitat. The setbacks implemented between the facility fenceline and the canyons, along with implementation of best management practices and Erosion and Sediment Control measures required under the Facility's NPDES permit, will prevent such erosion from transporting sediment off-site. Attachment 2 to this letter provides a copy of the Oregon Department of Environmental Quality (ODEQ) 1200-C General Permit, which identifies measures that must be taken to avoid erosion during construction. Site Certificate Conditions PRE-SP-02 and GEN-SP-01 require that the certificate holder obtain an NPDES 1200-C General Permit from ODEQ, and conduct construction activities in accordance with its requirements. Further, the facility's Draft Revegetation and Reclamation Plan (Attachment P-3 to the fASC) requires that disturbed areas be revegetated following construction. Site Certificate Conditions PRE-FW-01 and CON-FW-01 require that this plan be finalized prior to construction and implemented during construction of the facility.

Because implementation of the 1200-C General Permit and associated Erosion and Sediment Control Plan will prevent erosion from transporting sediment off-site, there will not be any impacts to fish habitat.

Water Use/Supply

Commenters expressed concern that water availability has not been sufficiently demonstrated and requested clarification of the water needs for the Project.

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Potential water providers were asked to confirm whether, and how much, water they could provide during facility construction. The following information was identified in inquiries to each of the water providers contacted:

> *"Construction water use is estimated at a maximum of approximately 36.4 million gallons (Mgal; up to 62,917 gallons per day) over the phased construction of the Facility and under annual average conditions. A worst-case water estimate could increase the total construction water use total to approximately 54.5 Mgal for full build-out of the Facility, with approximately 1.51 Mgal per month."*

Based on responses obtained from the various providers contacted, the Applicant provided evidence from multiple potential sources of water to show that the Project is not limited to obtaining water from one source. The Applicant does not intend to obtain water from all of the potential sources identified. The Applicant instead showed a range of water source options to the Department to indicate that more than enough water could be available at the time of construction, and that there will be flexibility at the time of construction in the case that one or more of these providers is unable to supply the full requested amount.

The specific water source(s) will be confirmed by the Department as part of the pre-construction compliance process (Public Services Condition 1 [PRE-PS-01; Final Order on ASC])[6]. The potential water sources all indicated they were interested in providing water for construction and operation, although some providers identified limitations on the amount of water they could provide, depending on the timing of construction of this project and other renewable projects in the area. The City of Maupin, whose reservoir is currently damaged, stated they were actively obtaining funding to repair its reservoir with an anticipated completion in January 2027. Once repairs are complete, the City of Maupin anticipates that it likely would be able to provide sufficient water to support facility construction.[7]

One comment indicated concern that water would not be successfully provided through the limited licenses discussed in Exhibit O. The Applicant is aware of this possibility as stated in Exhibit O: *"Each license only allows water to be used for construction for a maximum of five consecutive years and is authorized using a separate process from a groundwater permit, a surface water permit, or a water right transfer.[8] Pursuant to ORS 537.143(2), a limited license is subordinate to all other authorized uses that rely upon the same source, or water affected by the source, and may be revoked at any time by OWRD if it is determined the use causes injury to any other water right or minimum perennial streamflow."* However, as discussed above, if a landowner is not able to provide water to the Project, other bulk water providers either alone or in combination have the ability to provide the estimated water needs of the Project.

Thank you for your consideration and please let us know if you would like to discuss any of this information. If you have any questions, or require further information, please contact me at:

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[6] Yellow Rosebush Energy Center – Draft Proposed Order on Application for Site Certificate – October 1, 2025, pp. 202.
[7] Water System Improvements – Phase 1, accessed November 2025, https://cityofmaupin.org/projects/water-system-improvements-phase-1/
[8] *Limited Licenses*, accessed July 2025. https://www.oregon.gov/owrd/programs/waterrights/otherauth/pages/ll.aspx

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Jeffrey Watson
Development Manager
Yellow Rosebush Energy Center, LLC
422 Admiral Blvd
Kansas City, MO 64106
jwatson@savionenergy.com
(410) 349-7679

Sincerely,

Signed by:
Jeff Watson
DD2DA4D86792483...

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.

Enclosures/Attachments:

Attachment 1. Safety Materials
- 1.1 SOLV Energy Site-Specific Safety Plan Choctaw Fields
- 1.2 Heat Safety Protocols

Attachment 2. 1200-C Construction Stormwater General Permit

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SAVION
A RENEWABLE ENERGY COMPANY
422 Admiral Blvd, Kansas City, MO 64106
www.savionenergy.com

Attachments

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SOLV Energy SITE-SPECIFIC SAFETY PLAN CHOCTAW FIELDS

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MASTER ENVIRONMENTAL HEALTH AND SAFETY PLAN

INTRODUCTION

This Site-Specific Safety Plan (SSSP) has been prepared, exclusively, to accommodate all phases of the construction activities associated with the development/redevelopment:

Jobsite Address: 3511 US-HWY 70
Fort Towson, OK 74735

Relevant Safety and Environmental Documents for Review

The following documents are available for review:

1. Name of Document: SOLV Energy Site Safety Plan
   Location: SE Jobsite Office
2. Name of Document: Crisis Management & Emergency Plan
   Location: SE Jobsite Office
3. Name of Document: SOLV Energy Site-Specific Dust Control Plan
   Location: SE Jobsite Office

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PURPOSE OF THIS DOCUMENT

The SSSP serves three "Key" functions:

- The SSSP identifies key personnel and project organization.
- The SSSP is the primary health and safety resource tailored specifically for the project and sets forth the minimum work practice standards for all work on the project including, but-not-limited-to requirements for: incident reporting, Incident investigation and medical management, public safety, employee safety, transportation, waste management, excavation, equipment management, site security, emergency response and site evacuation, environmental conditions, construction safety, agency relations, sanitation, decontamination, hazard awareness and training and so forth.
- The SSSP sets the minimum environmental health and safety standards contractors will use to incorporate into their own individual HSPs or JHAs.

PROJECT MANAGEMENT AND STAFF ORGANIZATION

General Contractor Key Personnel

Operations Manager (OM)		
Name: Mike Schott, Operations Manager	Office:	
	Mobile:	(619) 327-1381
	Email:	Mschott@solvenergy.com
Project Engineer (PE)		
Name: Lucas Fancher	Office:	
	Mobile:	(479) 426-5486
	Email	Lucas.fancher@solvenergy.com
Project Superintendent (PS)		
Name: Oscar Rodriguez	Office:	
	Mobile:	(661) 492-6893
	Email:	Oscar.rodriguez@solvenergy.com
SE&H Director		
Name: Michael Darling, Director, MBA, CSP, CHST, CESCP, CEAS	Office:	(408) 470-9981
	Mobile:	(408) 470-9981
	Email:	MDarling@solvenergy.com

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Sr. SE&H Manager (SSM)			
Name	Nick Boudoures	Office:	
		Mobile:	(760) 504-9731
		Email:	nboudoures@solvenergy.com
Site Safety Manager			
Name:	Wilfredo Ramos	Office:	(858) 204-7450
		Mobile:	(858) 204-7450
		Email:	wilfredo.ramos@solvenergy.com

Owner/Developer Key Personnel

Owner Representative:			
Name:	Michael Domangue	Phone:	(832) 985-4731
Company:	Bureau Veritas	Fax:	
Address:	3511 US-70 HWY		
	Fort Towson, OK 74735		
Developer/Owner			
Name:	Ana Bolling	Phone:	(816) 912-7489
Company:	SAVION	Fax:	
Address:	422 Admiral Blvd		
	Kansas City, MO 64106		

Emergency Contacts - Agencies

Regional Water Resources Board		Phone:	(405) 530-8800
Address:	3800 North Classen Boulevard, Oklahoma City, OK 73118		
Local OSHA Office		Phone:	(405) 608-4160
Address:	5104 N. Francis Ave., Suite 200		
	Oklahoma City, OK 73118		
State Office of Emergency Services		General:	
		Warning Center: Phone:	1-800-832-8224
		Hazardous Material Spills: Phone:	1-800-832-8224

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National Response Center: Phone:	1-800-424-8802
CHEMTREC: Phone:	1-800-424-9300
Fish & Game, Environmental Division Phone:	(405) 521-3851
Address:	1801 N Lincoln Blvd
	Oklahoma City, OK 73152
Police/Fire Department Phone:	(580) 837-2628 OR 911
Local Hospital/Urgent Care Clinic	
Phone: (580) 317-9500	
Address:	Choctaw Memorial Hospital ER
	1405 E Kirk St., Hugo, OK 74743

PERSONNEL ROLES AND ORGANIZATIONAL RESPONSIBILITIES

Management Team

The Management team for this Project includes SOLV Energy's Operations Manager (OM), SOLV Energy's Superintendent, and Owner's Representative.

All inquiries and decisions regarding this Project should be addressed to O&M or Superintendent who will act as liaison to the Management Team.

Management Team Members, by name, for this Project include:

OM: Mike Schott, Operations Manager

PM: Dean Byrd

Superintendent: Oscar Rodriguez

Owner's Representative: Michael Domangue

Safety Representative: Wilfredo Ramos SOLV Safety Manager

Developer Personnel

Developer Representative: Ana Bolling

The representative is the liaison between the developer and the OM and SUPERINTENDENT. However, any questions regarding the Project should be directed through the OM or SUPERINTENDENT.

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General Contractor Personnel

SOLV Energy's Operations Manager (OM)

OM is charged with the overall responsibility for the successful completion of field operations. OM's responsibilities include, but are not limited to:

- Prepare and organize project activities on-site.
- Review and approve the site-specific HSP.
- Provide operational needs, supplies, etc.
- Coordinate cost controls.

SOLV Energy's Project Engineer (PE)

The Project Engineer is charged with the responsibility to work with the developers, OM and the Superintendent to assure the quality and accuracy of the engineering plans. The Project Engineer responsibilities include but are not limited to:

- Oversees engineering and design.
- Manages construction drawings and works with owner to assure accuracy and completeness.
- Coordinates with OM and Superintendent to interpret engineering drawings.
- Provide and coordinate contractual obligations.
- Provide materials and supplies.

SOLV Energy's Superintendent

Superintendent coordinates Contractor and Subcontractor activities on the site. The Superintendent's responsibilities include but are not limited to:

- Hold and maintain a current OSHA 10 Hour Training Card (current to mean within five (5) years) and a current First Aid/ CPR certification.
- Prepare and organize project activities onsite.
- Supervise Contractors and Subcontractors for compliance with job scope and quality.
- Supervise field operations and implement safety procedures.
- Develop the Site-Specific Safety Plan with the Division Safety Manager.
- Enforce implementation of Site-Specific Safety Plan and established health and safety practices for the jobsite.

Subcontractor Supervisors

All subcontractor supervision on site will work with the SB Superintendent to coordinate work activities to maximize the safety of everyone on site. The Subcontractor supervisor's responsibilities will include but are not limited to:

- Hold and maintain a current OSHA 10 Hour Training Card (current to mean within five (5) years) and a current First Aid/ CPR certification.
- Conduct daily Pre-Task Plans with employees.
- Conduct effective weekly safety meetings with all their employees.

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- Ensure appropriate training for all employees prior to commencement of work on site.
- Continuously evaluate employees and provide additional training as necessary.

Project Employees
All project employees will attend the jobsite safety orientation prior to commencing work on the project. Employees are trained in the use of the JHA and OJT. Employees will participate in Pre-Task-Planning daily. They will actively participate in the jobsite safety program and will report any, and all unsafe acts, behaviors or conditions that they encounter. ***ALL EMPLOYEES HAVE STOP WORK AUTHORITY AND WILL EXERCISE THIS AUTHORITY IN A PROFESSIONAL AND APPROPRIATE MANNER.***

JOBSITE SAFETY POLICY AND MISSION STATEMENT

It is the policy of SOLV Energy's to provide a safe and healthy work environment. All contractors (all tiers) will adapt the project safety program and include it into their own safety program. Everyone involved in the project will actively participate in the safety efforts of the project and will ensure that all employees follow the programs and procedures that are established for this project. In the event, that a safety committee is established, all subcontractors will participate in safety committee activities. The levels of participation will be determined by the project superintendent and division safety manager.

The Site Name Project safety team is a collaborative effort between SOLV Energy and all of the professional subcontractors on site. Our goal is to work together as a team to promote and support project safety for every employee, worker, visitor and the public. This goal will be reached through Teamwork, Training, Respect and Trust. As a team, we will lead by example, work to help prevent injuries and to eliminate hazards. We will be pro-active, encourage active participation from all employees and workers on our site and work to create good positive safety behaviors and a strong safety culture on this and all other jobsites where our teams work.

GENERAL SITE REQUIREMENTS

General Site Conditions and Requirements Applicable to All General and Subcontractor Personnel.

In the event of the discovery of human remains or potentially significant deposits of cultural material are encountered during construction, there shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent remains. The coroner having jurisdiction shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, the coroner shall notify the Native American Heritage Commission, which shall identify the most likely descendent (MLD) of the deceased Native American. The disposition of the remains shall comply with State law (Public Resources Code Section 5097.98 [b]).

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As required by the state the work is being done in, each Subcontractor shall develop their Injury, Illness and Prevention Program (IIPP) and shall provide written documentation to Superintendent verifying existence of program.

Each Subcontractor shall provide a copy of their Hazard Communication Program to the Superintendent at the onset of activities at the Project.

Each Subcontractor is required to provide one employee per crew/shift that holds current standard First Aid training. Standard first aid training covers First Aid and CPR.

Any hazardous material products brought onto the project will be cleared with the SBS or SSSM. Safety Data Sheets (SDS) will accompany each product and must be turned in to the Superintendent as soon as the material enters the Project. Each Subcontractor will be responsible for submitting a list of SDS on the job. The SOLV Energy's Superintendent shall maintain an SDS binder on the job site.

Job Hazard Analysis (JHA) / Pre-Task-Plan (PTP)

Each subcontractor shall perform a Job Hazard Analysis for jobs:

1. New to their crews
2. Not done by their crews in more than 6 months
3. Tasks which require complicated instructions.

These shall remain on the site for review by the SOLV Energy's Superintendent, SSSP and DSM's.

Each subcontractor shall perform and document Pre-Task Planning to identify any hazards related to their daily work. These plans must be documented and reviewed on a daily basis with the employees performing the work. Employees are also required to actively participate in the pre-task planning process.

Site Security/Visitors

All visitors to the Project shall enter and exit through the designated jobsite gate(s) and will report directly to the SOLV Energy jobsite office. A Visitors Sign-in Log will be available inside the SOLV Energy office where visitors must sign in and out. All visitors, including the owner's representatives, consultants, architects, etc. are required to sign in and be escorted while on site (unless they have completed the site safety orientation). All visitors must wear appropriate footwear (no open-toed, tennis or high heeled shoes allowed), long pants, shirts with sleeves, and all required personal protective equipment while on site (Hard Hat, Safety Glasses and High Visibility Vests).

Incident Reporting

All Incidents and Near Misses will be reported to the Superintendent and Site Safety Manager as soon as possible. Care of the injured is the priority. A follow-up completed written Incident investigation report will be submitted to the Superintendent within 72 hours of the Incident. SOLV Energy will notify the owner as soon as possible of any incident involving property damage or personal injury that occurs on site and will follow

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up with investigation reports upon availability. ***Post-Incident drug testing is required. See Superintendent for additional information.***

Incidents resulting in injury *will be reported as soon as possible. A written Incident Report will be completed in 72 hours (about 3 days). Care is the priority. No injured person requiring medical care will leave the site unescorted by their immediate supervisor or a designee.* ***Any admission to a hospital or death requires notification to OSHA and the SOLV Energy DSM within 8 hours.*** *First Aid cases should be administered On-Site using a medical service if possible. A Risk Alert will be generated as soon as possible.*
Incident investigation(s) will be handled by each Subcontractor using its own internal reporting system. A copy of this report will be submitted to the Superintendent as described above.

Incident investigations involving hazardous materials or waste will be handled jointly by each Subcontractor and the Superintendent. This is to ensure that the cause of the Incident is completely determined, and proper precautions implemented for other activities in the area or performing similar work, and the information is relayed to other Subcontractors.

An Incident/ Incident Review Conference will be held after all facts are gathered for the final Incident investigation. This review should include the injured employee, his/ her partner or coworker (if involved), subcontractor supervisor, safety manager and the SOLV Energy project team members as appropriate to determine the root cause and any additional measures that need to be taken to ensure that the injurious situation is not repeated.

Safety Audits/Inspections/ Third Party Inspections
Each Contractor is expected to conduct reasonable and customary self-audits of their operations and promote safe work practices. Daily safety inspections of work areas are required. Inspections should include, but are not limited to the following items:

- Work areas.
- Tools and Materials.
- Overall Site Conditions.
- Work Habits of Employees/ Unsafe Acts and/or Behaviors – Attitude Matters.

Each Contractor will be required to submit a copy of their job site safety inspection to the Superintendent on a weekly basis, however, the documentation must be available for review upon request.

All contractors (regardless of tier) will participate in any third party (owner rep, insurance company, consultant, etc.) inspection on the project, as required. Any observations and suggestions made during these inspections will be corrected in a timely manner and a formal written response is to be prepared and sent within 48 hours of receiving any report as a result of these inspections, as necessary.

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Action Plan for OSHA Inspections
If a OSHA Compliance Officer approaches any contractor, they will refer them to a SOLV Energy Superintendent. **Immediate notification to the SOLV Energy Safety Department** will be made. A member of the SE Safety Team will manage the visit via phone call.

Tailgate/Toolbox Training
Each Subcontractor is required to attend any safety meeting held by SOLV Energy. In addition, each contractor must conduct their own Weekly Site Safety Meeting for their employees. This training must be relevant to work activities taking place on site and must be documented and effective. A copy of the meeting records, which must enumerate the content of the meeting and contain an attendance roster, shall be turned into the Superintendent on a weekly basis.

A schedule of weekly tailgate/ safety meetings must be provided to SOLV Energy at the beginning of the project so that the Superintendent can occasionally participate. Any permanent changes to this schedule must be reported to SOLV Energy. Inconsistent meeting schedules or too many changes may result in SOLV Energy setting the schedule for the weekly safety meetings for the subcontractor.

Contractor Safety Orientation Meeting
Prior to mobilization to the project site, each subcontractor is required to sit down for a Subcontractor "Safe Start" Orientation. This orientation will include the SOLV Energy Superintendent and requires attendance from site supervision of the subcontractor responsible for work on this project. All required safety documentation should be submitted at this meeting, including the subcontractors IIPP, complete inventory list of all materials to be brought to the project site with attached SDS as appropriate, training records for supervisors and Competent Person's to be on site including, at minimum, current First Aid/ CPR certification and an OSHA 10-hour training card received within the past five years.

In addition, each subcontractor is required to provide at their orientation, their own Site-Specific Safety Plan which must include, at minimum:

- Identification of project personnel and their responsibilities on the site.
- Schedule of weekly safety meetings for subcontractor.
- Incident Investigation procedures.
- Emergency procedures with designated medical clinic and hospital and maps to each attached.
- List of First Aid/ CPR trained personnel assigned to the project.
- Planned locations of First Aid supplies for their work.
- List of Competent Persons to cover subcontractor scope of work.
- List of training requirements for subcontractor scope of work.
- Required Personal Protective Equipment and the location of equipment.
- Disciplinary program.
- Fall Protection and Fall Rescue Plan.
- Heat Illness Training Program and Schedule.

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- Global Harmonization System Training and Hazard Communication Program.
- Code of Safe Work Practices for subcontractor scope of work.
- Pick Plans – Crane work if applicable
- LOTO / Red Rope / Energization plan.
- WEAP issues for the site.

Employee Safety Orientation Meeting

Contractor and subcontractor employees will not be permitted to begin work without participating in the on-site safety orientation. Topics discussed during this orientation will include general safety requirements, project specific safety requirements, hazard communication, Environmental issues, site security procedures, emergency procedures, fire prevention and rescue procedures, site evacuation procedures, traffic control and any other applicable site or project rules and regulations. All subcontractors shall fully instruct /orient their respective personnel on the requirements of this "Project Specific Safety Plan" and the safety practices required by their assignments ***prior to the start of any work/task on this project***. Orientation documentation will be given to the site Admin daily. All visitors will receive orientation prior to leaving the office/job trailer areas or will be escorted always while on the site to ensure their safety. This includes representatives of the owner, architects, consultants or any other personnel that may come to the project. All visitors must sign in at the SOLV Energy jobsite office prior to entering the project.

Project Disciplinary Program

All subcontractors and their employees will participate in the jobsite safety program. Failure to actively participate in the safety efforts of the project team will result in a progressive disciplinary action plan. Knowing and accepting that 88 percent of incidents in construction are the direct result of unsafe acts and behaviors, it is crucial to the success of any safety program that good safe acts and habits are promoted at all times. The following disciplinary program will be implemented on this project:

Per the SOLV Energy IIPP and Site-Specific Safety Program for this jobsite, SOLV Energy's Safety Manager, DSP and/or Superintendent reserves the right to remove anyone from the site "at will" for a serious safety infraction. The following disciplinary procedures will be used for this project:

1. The first offense will result in verbal coaching with the employee and notification of the company representative. Depending on the infraction, training/ re-training may be required.
2. A second infraction will result in a suspension from the project for the rest of the day and the following three (3) working days. If an employee is suspended for a safety violation, that individual will also be disqualified from working overtime in the week of the suspension. Upon the return of the employee to the jobsite, he/ she will be required to attend the jobsite orientation as re-training. A meeting with the employee, their company DSP, supervisor and

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the SOLV Energy Safety Manager and Superintendent(s) will also take place to discuss the situation and correct the behavior.

3. A third violation will result in permanent removal from the jobsite/ termination of the employee. If an employee is removed/ terminated from the jobsite, a meeting with the SOLV Energy Safety Manager, Superintendent and the subcontractor DSP and supervision will take place. An action plan will be required to be submitted from the company within 48 hours of the meeting detailing steps that will be taken to re-enforce and strengthen their company safety program for the jobsite.

A serious violation (i.e. Fall Protection) may result in immediate termination from the site.

Failure to follow LOTO procedure may result in immediate termination from the site.

Noise

Noise exposures above 85dBA may be expected when working near or operating machinery and equipment (e.g. graders, backhoes and generators*).*

If noise levels cannot be controlled under this limit, the Superintendent shall be notified and the work may be suspended until suitable controls can be implemented.

Personnel will be required to wear approved hearing protection to maintain exposures below 85dBA. Anyone involved in Pier-Pounding will wear both ear plugs and ear muffs.

Sanitation Stations and Drinking Water

Superintendent will be responsible for providing sanitation stations. At least one toilet and one wash facility will be provided for each 20 employees or fraction thereof of each sex. Each individual Subcontractor is responsible for providing potable drinking water to its own workers as required by Cal/OSHA's Heat Stress Standard.

First Aid Station

Each Subcontractor is required to provide a minimum of at least one first aid/CPR trained supervisor and first aid kit/supplies that meet Cal/OSHA Standards.

A central first aid station will be designated at the SOLV Energy's trailer to facilitate off-site emergency response and off-site medical emergency facilities will be posted on the bulletin board in the SOLV Energy's trailer. Subcontractors are required to advise their own employee(s) of the name and telephone number of the designated facility and the location of this information on the project site.

Fire Protection Requirements/ Plan

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Each Subcontractor is required to have at least one 20lb ABC fire extinguisher properly tagged with a current inspection. A current inspection indicates servicing and/or inspection within the past twelve months.

Fire extinguishers shall be inspected at the start of the project and not less than once per month thereafter.

The following table enumerates the minimum fire protection necessary per item and activity. These minimum standards are required for every Subcontractor working on the project.

Cranes, forklifts, aerial devices, loaders, backhoes, etc.	10: BC	1 per piece of equipment
Work generating sparks or open flames	10: ABC	1 per operation
Temporary heating devices	4A: 40BC	1 per piece of equipment
Fueling areas	Dry chemical or carbon dioxide 20 ABC	2 per station
Floors	10: ABC	2 per floor <3,000 ft2 or every 100 ft of travel

Stored oxygen and acetylene shall be stored separately, at least a minimum of 20 feet or separated by a wall not less than 5 feet in height. Storage of cylinders means the caps are on tight. If stored on the cart – caps shall be on and valves off the tanks.

If this project includes some burning and/or welding all burning and welding operations should provide a fire watch person and/or burning blankets and a fire extinguisher to protect adjacent areas. Appropriate (leathers, face shields, etc.) shall be used. • identify and control ignition sources • Before starting any hot work: - confirm flammable materials has been removed or isolated - I obtain authorization • Before starting any hot work in a hazardous area, confirm: - A gas test has been completed - Gas will be monitored continually

Excavation and Trenching

A competent person will be responsible for supervising excavations, drilling, and trenching. Type A, B, C soils will be checked by the competent person, daily, to determine the minimum type and level of protection necessary. Soil inspections shall be checked and documented daily by the competent person for the duration of the soil excavation.

Objects and spoils shall not be stored within 2 feet of the edge or the height of the piles of all excavations.

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When employees are required to be in trenches a trench inspection form shall be completed daily. When over 4 feet deep, adequate means of exit, such as ladders, ramp or steps, shall be provided and located to require no more than 25 feet lateral travel. Ladders will be in good condition, extend from the floor of the trench to 3 feet above the top of the excavation, and be secured at the top. **No step or A-frame ladders shall be used in trenches.**

At 5 feet trenching shall be protected by benching, sloping or shoring.

At 6 feet the edges of the trenches will be marked with signage or red tape. If the edge is hidden by topography, they will be marked with red tape to make them visible to vehicles and personnel.

All underground utilities shall be checked two days in advance of excavation and provisions made for their protection. All appropriate and/or required utility location services shall be contacted. Potholing or ground surveying is recommended to verify findings.

The determination and design of the supporting system shall be based on careful consideration of the following: depth of the cut; anticipated changes in the soil due to air, sun, freezing temperature and water; and ground movement caused by vehicle vibration and earth pressures (not only the angle or repose).

All temporary access/ egress must be in place prior to any excavation that reaches below 24'. Two separate points of access/ egress must be provided by either temporary stairs, ramps and/or ladders. Work with a valid permit when required. • have confirmed if a permit is required • am authorized to perform the work • understand the permit • have confirmed that hazards are controlled, and it is safe to start • stop and reassess if conditions change

In case of emergency, workers will be able to leave the trench or excavation quickly.

UTILITIES IDENTIFICATION AND PROTECTION

Introduction

Each contractor shall be required to identify, locate, arrange for removal and/or protect, any utilities, which might interfere with work to be performed. Or within 25 feet within known existing IT conduits. Pot-Holing or Ground Surveying will be done if underground utilities are suspected in an area.

Public Utilities

Because public utilities are not controlled by the General Contractor these utilities can be installed, removed, relocated, activated or deactivated without General Contractor

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knowledge that these activities ever occurred. Therefore, it is essential that the location of these items be determined prior to the start of any work. The General Contractor shall locate public utilities by either consulting with the individual utility company or calling a recognized underground service locator.

Protecting Utilities
Once identified and located, each contractor shall take all steps necessary to protect utilities from damage. Each contractor shall:

- Use hand or controlled mechanical excavation procedures for underground utilities.
- Shore, support, brace and/or reinforce (as necessary) any utility.
- Clearly mark or identify any exposed utilities and provide appropriate warning or danger signs as needed to protect employees, the public and the utility itself.

Notification
At least three (3) working days (72 hours) prior to breaking ground or performing work which will impact Utilities, each contractor shall notify in writing the General Contractor's Superintendent, all public utility companies and any persons having property, structures or improvement near the work area.

Fall Protection (Where Applicable)
All contractors (all tiers) must implement and enforce a mandatory 6-foot fall protection policy for this project and ensure that they are in compliance with all OSHA fall protection regulations. No employees shall be on top of containers without fall restraint.

Fall protection shall be provided on all fixed elevated surfaces above 6' feet for all trades. This will include work around the perimeter of floors, shafts, walls and/ or roof edges or roof openings. The 6' fall protection rule does not pertain to ladders and scaffolding as long as this equipment is used within the guidelines provided by the manufacturer and/or OSHA standards, whichever is more stringent.

Subcontractors that work from temporary elevated surface heights of 6' foot or more will be required to provide a written fall protection and fall rescue plan (for fall arrest). This plan shall be submitted and approved prior to Subcontractor starting any work on site. **FALL RESTRAINT IS THE PREFFRED SYSTEM.**

All employees shall wear a full body harness and double shock-absorbing lanyard system anytime a worker is required to disconnect and reconnect to travel around an obstacle (100% Fall Protection). At no time will a worker be totally "unhooked". Fall restraint is preferred over fall arrest. **No arrest system may be used for heights less than 18 ½ feet.** If an arrest system is used, a *written fall rescue plan must be on the site and the personnel trained to retrieve a suspended worker.*

Materials should not to be stored within six (6) feet of any perimeter edge, unless secondary means of securing the material is in place and permission from the

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Superintendent is obtained. All materials on the uppermost floor during construction must be secured to prevent it from being blown off of the building.

All employees using any fall arrest and /or restraint system must have current (within the past year) training on the appropriate fall protection system being used.

Controlled Access Zone (CAZ), Warning Line Systems and/or Controlled Decking Zones are not recommended to be used. These zones require an attendant.

Whenever possible, guardrails or some other passive fall protection system is to be utilized in lieu of a personal fall arrest / restraint system. Protect yourself against a fall when working at height. • inspect my fall protection equipment before use • secure tools and work materials to prevent dropped objects •tie off 100% to approved anchor points while outside a protected area

Traffic Control and Pedestrian Protection
Orange/yellow-orange, or equivalent safety vests will be provided for all employees, flagmen and traffic monitors working around heavy moving or rotating equipment. Each contractor is responsible to provide the appropriate equipment, signage and personal protective equipment required for traffic/ pedestrian control.

Introduction
Each contractor and subcontractor has a responsibility to provide a job site that is free of recognizable hazards, which could cause possible exposures or loss to the general public.

Public Liability Safe Work Rules
All traffic signs or devices used for protection of the public shall conform to American National Standards Institute, Manual of Uniform Traffic Control Devices for Streets and Highways or other Governmental Requirements, whichever offers the greatest degree of safety.

Barricades, cones, K rails, and/or similar protective devices shall be used whenever employees or the public are exposed to traffic or similar hazards.

When traffic patterns are closed or altered due to work activity, instructional or warning signs shall be posted.

Flagmen and signalmen shall be trained by each contractor in the required procedures for safely moving and processing traffic around construction activities; all training will be documented.

In addition, all activities involving traffic control must have a pre-task plan completed daily and must include the unique hazards of performing traffic control duties specific to the site.

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Employees working adjacent to traffic shall wear a high visibility vest. Refer to the Cal/OSHA regulations on safety vests.

Risk Assessment: a risk assessment must be performed. The scope of the risk assessment must be appropriate for the task. All tasks require a JHA and daily pre-task plan.

Hazard Identification and Mitigation: Identify hazards, Provide mitigation for those identified, hazards, Ensure the ongoing effectiveness of mitigations
For control of work activities, ensure that acceptable work conditions are communicated to affected personnel.

Changes in Work Scope and/or Conditions: Stop the work, Reassess the hazards, Verify effectiveness of existing and/or any new safeguards prior to recommencing work.

Training and Competency: all workers will be trained and/or competent for the task they are to perform.

Fitness for Duty: confirm that all workers are fit for duty.

Temporary Access/ Egress to Structure
Prior to the structure reaching a height of 2 stories or 24' high temporary access must be provided by means of either temporary stairs, ladders and/ or ramps. A minimum of two (2) separate means of access/ egress must be provided. If ramps are used, they must be installed in a way that they will not deflect and must be a minimum of 20" in width. Ensure that all ramps have non-slip materials placed on them to avoid slip hazards.

Confined Space Entry Requirements
For confined space work identified as permit required, an entry permit shall be performed only under the supervision of a competent person. Only trained and authorized employees shall be allowed to enter any confined space. A Confined Space Entry Permit has been provided for use by SOLV Energy. Subcontractors may also use any equivalent permit. **SOLV Energy Safety Department should be consulted for this work.**

Confined Space applies to all open top vessels, confined spaces, pits, closed vessels, sewers, tanks, silos, vats, bins, tubs, pits, and pipes or other areas which must be entered through a manhole or other constructed opening. These procedures prescribed minimum standards for preventing employee exposure to dangerous air contaminations, oxygen deficiency, hazards from fixed or mobile Mechanical/electrical equipment, the presence of combustibles, and establish minimum requirements for safe entry, work processes and emergency rescue. Work with a valid permit when required. •have confirmed if a permit is required •am authorized to perform the work •understand the

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permit •have confirmed that hazards are controlled, and it is safe to start • I stop and reassess if conditions change.

Entry and Operation Procedures
The requirement such as, but not limited to, safety glasses, hard hats, self-contained breathing apparatus, body harness and lanyard, hoists, atmospheric testing devices, ventilation blowers, and communication devices will be provided by each subcontractor as required for each job.

Employees will be trained by their supervisors in the use of safety equipment, operating and rescue procedures, including instructions about the hazards, which are likely to be experienced. Said training will be documented.

Housekeeping
Daily housekeeping is a part of this job safety plan with special emphasis placed on stairways. All stairways will be artificially lit and be clean of debris. Each subcontractor is responsible to remove their debris from the building on a daily basis. Failure to do so will require SOLV Energy employees to remove the debris and associated costs will be charged to the respective contractor.

Scaffolds
All Subcontractors using scaffolding on this site must be trained in the proper use of scaffolding. This includes rolling, aluminum and frame type scaffolds. All frame type scaffolds must be green tagged by the contractor who erects the scaffold. Nobody is permitted to work on any scaffold unless it has been green tagged and inspected daily by a competent person. All scaffolding, regardless of type, must be inspected daily by a competent person. If any scaffold or scaffold part is damaged or questionable, it is to be removed from service immediately and, if necessary, the scaffold red tagged until repaired.

Electrical
LOTO / Red Rope / Energization Plans shall be reviewed and approved by the SOLV Energy Safety Department.

All temporary power sources will be provided with Ground Fault Circuit Interrupters (GFCI), and all cords, plugs and receptacles shall be checked for damage daily. Testing of the ground and labeling of the cords will be performed as needed or at least monthly. Remove any damaged equipment from use and tag out of service until repaired.
Verify isolation and zero energy before work begins. • have identified all energy sources • confirm that hazardous energy sources have been isolated, locked and tagged • have checked there is zero energy and tested for residual or stored energy.

Tools and equipment shall be routinely inspected and tested before use.

Cranes

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Crane erection and maintenance and care shall comply with the manufacture's specifications and limitations. Rated local capacities and recommended operating speeds shall be visible to the operator. Crane certifications must be in the cab at all times and all crane operators must have a current certification. **A proposed pick plan shall be submitted to SOLV Energy Safety 3 days prior (at a minimum) for review and approval.**

Cranes shall be level and located on firm footing or cribbing when necessary and accessible areas within the swing radius of the rear-rotating superstructure of the crane shall be barricaded or cordoned off to avoid being struck by the crane.

Cranes shall be annually inspected and a record of this inspection shall be provided upon request.

All cranes must have a current (within 30 days prior to commencement of operations) third party annual inspection.

Critical Lift Plans will be written and reviewed with everyone involved for any crane pick exceeding 75% of capacity. Critical Lifts are the exception and all means will be reviewed before approval of this plan.

Only qualified riggers and signalers will be allowed to work with cranes. Certifications/ Qualifications must be provided to SOLV Energy prior to work commencing. Keep yourself and others out of the line of fire. • position myself to avoid: - moving objects - vehicles - pressure releases - dropped objects • establish and obey barriers and exclusion zones •take action to secure loose objects and report potential dropped objects.
Plan lifting operations and control the area. • confirm that the equipment and load have been inspected and are fit for purpose • only operate equipment that I am qualified to use • establish and obey barriers and exclusion zones • never walk under a suspended load

Scissors Lifts
If scissors lifts are required on this project the following standards shall apply:

- A scissors lift shall not travel in an elevated position with men in the basket.
- Chains and gates shall be utilized whenever the scissors lift is in an elevated position.
- All operating and maintenance instructions and recommendations must be followed.
- The manufacturers operating manual shall be with the equipment at all times.

Aerial Lifts, Snorkel Lifts, Boom Supported Work Platforms
If aerial lifts, snorkel lifts, or boom supported elevating work platforms are required on this project the following standards shall apply:

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- All personnel in the lifts shall be tied-off to an appropriate location on the lift.
- Lifts shall not travel in an elevated position with personnel in the basket.
- All operating and maintenance instructions and recommendations must be followed.
- The manufacturers operating manual shall with the equipment at all times. Keep yourself and others out of the line of fire. •position myself to avoid: - moving objects - vehicles - pressure releases - dropped objects • establish and obey barriers and exclusion zones • take action to secure loose objects and report potential dropped objects

Forklifts
No modifications or additions that affect the capacity or safe operations of the equipment shall be made without the manufacture's written approval. In no case shall the original safety factor of the equipment be reduced and only trained and certified personnel shall be permitted to operate forklifts.

If a load is lifted by two or more trucks working in unison, the proportion of the total load carried by any one truck shall not exceed its capacity.

Operator must have a current certification in their possession. Nobody operating any piece of equipment on site is permitted to be using a phone, radio or other handheld device that may distract him/ her from the task at hand. Two way radios or a hands free device is permitted if used for the sole purpose of communications in connection with the operation being performed. Plan lifting operations and control the area. • I confirm that the equipment and load have been inspected and are fit for purpose • only operate equipment that I am qualified to use • establish and obey barriers and exclusion zones • never walk under a suspended load

Tools
Impact tools, such as drift pins, wedges and chisels shall be kept free of mushroomed heads.

The wooden handles of tools shall be kept free of splinters or cracks and shall be kept tight in the tool.

When working along the perimeter of the building or at a shaft opening, tools and materials shall be secured to prevent them from falling to a level below.

Lock Out/Tag Out
Before any modifications, maintenance, or repairs are done on equipment, tools, or power panels, the energy source shall be disconnected or turned off (turn valve, pull fuse, switch breaker) and locked out or blocked out with a padlock, chain or both to ensure energy source is locked off.

1. Place a tag at the disconnect point, identifying who you are, who you work for, and why you locked it off. Never move or remove another person's tag.

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2. Be sure to release residual energy (i.e. lead line grounding circuits).
3. Test equipment or energy source to ensure it will not run. Turn on equipment or test circuits to ensure it is disconnected.
4. Restore energy safely when you are finished with your repairs. Remove lock and tag.

Personal Protective Equipment (PPE)
The minimum personal protective equipment (PPE) required for everyone on site includes hard hats (ANSI Z89), high visibility clothing, sturdy work boots, shirtsleeves (no tank tops), long pants, and safety glasses (ANSI Z87) standard are to be worn at all times. Goggles, and/or face shields shall be worn as necessary for additional eye and face protection.

Each subcontractor is responsible to provide all required personal protective equipment to their employees and visitors. Anyone not wearing the appropriate gear will be escorted off of the project. This includes visitors to the site. A small quantity of basic PPE will be maintained by SOLV Energy at the on-site office for visitors only.

Respiratory protection shall be worn, as necessary, to prevent breathing harmful concentrations of paint, welding fumes, concrete and sheetrock dust, solvent vapors, etc. Any employee required to wear a respirator must first receive a medical evaluation and fit test. The evaluation and fit test are only valid for a one-year period. Both must be documented and a list of authorized employees to wear respirators must be provided to SOLV Energy. Failing to provide the list of authorized/ cleared employees will cause delays to the work to be performed.

Hot Work
A hot work permit will be required for any work activity performed in an enclosed environment, including but not limited to inside a building or a confined space, that generates sparks, open flames or creates in any way a potential fire hazard. A fire watch may also be required if the slag/ sparks fall to a lower level out of the sight of the employee performing the work. Fire watch must be maintained for a minimum of 30 minutes after work has completed. Work with a valid permit when required. • have confirmed if a permit is required • am authorized to perform the work •understand the permit •have confirmed that hazards are controlled, and it is safe to start • I stop and reassess if conditions change

CONTINGENCY AND EMERGENCY RESPONSE PROCEDURES

Site Evacuation Plan / Assembly Area
Site evacuation procedures are required as part of an emergency response plan. Every job site should at the outset, determine a safe corridor for escape and assembly.

Examples of emergencies requiring a site evacuation include:

- Explosion from underground pocket of flammable/combustible gases.

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- Equipment fire or explosion.
- Inclement weather.
- Toxic gas/vapor release from subsurface pocket of gases or containers.
- Cave-in from excavated trenching.

Evacuation routes are established upwind and cross from the direction of wind flow as determined by either a windsock or other visual means of determining air movement. In the event of an evacuation signal, every worker is required to cease operations, note the wind pattern and move in a cross and upwind direction to the designated assembly point.

Response to a Release of Hazardous Materials/Wastes, Liquids, Unusual Smell or Odor

If there is a release, i.e. oil, diesel, or other petroleum product, hazardous waste, or the perception of an unusual foul or irritating smell or odor, immediately evacuate the area by moving across and up-wind from the source to the designated assembly point. Remain there until cleared to return. Notify SOLV Energy Management Team prior to resuming operations.

If the identity of the released product/waste or odor is known and does not pose an immediate threat to the safety and/or health of the workers or the environment, notify the SSM and implement steps to contain and control the release.

Fire

Alert and immediately evacuate personnel away from the immediate area. Notify SOLV Energy Management Team regarding any size fire that occurs on the Project. If necessary, the Management Team will notify the Fire Department by calling 911.

For small fires (a fire that can be controlled with one 20 lb., fire extinguisher), contain and extinguish the fire as quickly as possible.

For large fires, immediately evacuate the affected area and report to the designated assembly point.

Explosions

Following an explosion, immediately survey the affected area for injured workers. If safe to enter, remove the injured to a safe distance. Injured workers will be transported to the nearest emergency medical facility.

Immediately evacuate the affected area and report to the designated assembly point. If a fire develops, follow emergency procedures for fire control and evacuation, as described above.

Incidents

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All incidents/incidents shall be reported to the Superintendent and Site Safety Manager immediately for investigation and follow-up. A written incident report shall be submitted to the Superintendent within 24 hours of the incident.

For incidents involving personal injury, immediately apply appropriate first aid and transport the injured party to the designated medical facility as needed. Never allow the injured employee to transport themselves. The project management will summon emergency medical response for injuries requiring emergency assistance. ***A Risk Alert and an Incident Report online must be filled out for all injury/ significant incidents within 24 hrs.***

Vehicle Incidents
Stop the vehicle as soon and as safely as possible. Assess the damage to the vehicle and collateral damage to equipment and any other objects. If injuries are sustained, follow the Incident procedures above. Report all vehicle incidents to your supervisor immediately. *A Risk Alert and an Incident Report online must be filled out for all incidents/incidents within 24hrs.*

Follow safe driving rules. • always wear a seatbelt • do not exceed the speed limit, and reduce my speed for road conditions • do not use phones or operate devices while driving • am fit, rested and fully alert while driving • follow journey management requirements

Equipment Failure or Power Outage
Turn off equipment or power. Assess damage and notify your supervisor. Wait for further instructions.

Natural Disaster/Earthquake
Complete the following:

1. Shut down all operations/equipment in a safe effective manner.
2. Check all personnel for injury and follow appropriate procedures
3. Inspect all fuel/oil/waste water tankage and/or containment structures for signs of leakage or damage.
4. Inspect all operational units for proper operations made, and manually check to insure all automatic and alarmed features are working properly.
5. Inspect all piping, values, and fixed pumping units for damage.
6. Re-inspect electrical circuits and power supplies for damage.
7. Report to assembly point and wait further instructions.

Exposure Assessment
Subcontractors will become familiar with the potential hazards on the job, as described in the SSSP, train, manage and provide appropriate measures to protect their employees.

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Each Subcontractor shall provide appropriate tools, i.e., PPE, equipment, environmental exposure monitors, to assess and assure that its own employees are working in a safe area and manner.

Liaison, Notification Requirement for Incidents, Incidents and Injuries
Should any of the events listed above occur, Superintendent shall be contacted immediately. The SSM will assist Subcontractors in resolving the issue and coordinate the preparation of a written report to the PM within 24 hours.

SOLV Energy will notify the owner immediately and will also determine the appropriate reporting and notification procedures involving notification to local authorities.

MEDICAL MANAGEMENT PLAN

The following medical management plan is established to be in accordance with California Title 8 §1512. At least one (1) supervisor will hold a current First-Aid/ CPR certification from each contractor on site and each contractor on site will provide adequate first aid supplies for their employees on site. A sufficient amount of eye-wash will be maintained on site and, when necessary, eye-wash stations will be made available. Emergency procedures and Incident/ incident reporting procedures shall be reviewed with all employees and personnel that perform work on site at the jobsite safety orientation.

Medical Support Facilities
Emergency medical facilities shall be identified and posted for emergency response. The following designated medical facilities have been established for this project:

Local Hospital / Clinic: Phone: (580) 317-3500

Address: Choctaw Memorial Hospital ER
1405 E Kirk St., Hugo, OK 74743

After Hours Clinic: Phone: (580) 317-3500

Address: Choctaw Memorial Hospital ER
1405 E Kirk St., Hugo, OK 74743

First Aid: On-Site Health & Safety Phone: (719) 821-7968

First Aid is provided by trained site personnel. If additional First Aid is requested by the employee, On-Site Health & Safety may be contacted with the injured employees consent.

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NOTE: Maps to the above facilities are posted on the jobsite bulletin board and a copy of these directions along with a medical authorization form (when required) is available from the SOLV Energy project superintendent or project manager on site.

HEAT ILLNESS PLAN

This plan is covered under the SOLV Energy Heat Stress Program. This plan will be implemented on each jobsite by the site superintendent or his appointee. Every jobsite is required to designate a recovery location on site for any employee who reports symptoms of Heat related illness. The recovery location shall be shaded and have readily available cool potable drinking water and first aid supplies. Training is also to be provided to all employees on an annual basis in compliance with the SOLV Energy Heat Stress Program and Cal/OSHA regulations. All subcontractors are required to conduct training and provide an adequate amount of potable drinking water for their employees on site. The Heat Plan is to be used when temperatures reach, or are expected to reach, 80 degrees. (See the Heat Plan for more detail).

The Designated Recovery Location for this site is: Site Office Parking Area
For additional information on Heat Related Illness of this plan, please contact: (Site Superintendent) at

Lightening Plan

1. Monitor weather conditions for reports of impending severe weather in your area. If warranted, continue to monitor weather conditions throughout the day. Use a lightening monitoring software to give the site personnel warning at:
    a. 50 miles (80.5 Km),
    b. 20 miles (33 Km), pull personnel from the field.
        i. Please be advised that storms can move from 30 to 70 mph (48 to 113 kph). **At 10 miles you can have fewer 25 minutes to clear the work area.**
    c. Recommendation is to stay out of the field minimum of 30 minutes after last strike within the 20 mile radius.
    d. http://www.lightningmaps.org/extra/coverage?lang=en is an example of live lightening monitoring.
2. All employees are to understand the site lightning safety plan in place, which includes what shelters are available to them at that work site.

SITE DUST CONTROL PLAN

This plan covers the construction activities on site and describes the minimum required procedures for managing exposure and risk from dust during construction. This plan applies to all construction contractors, whose workers may be exposed to and/or create dust on the Project. Each contractor shall prepare an environmental health and safety plan (HSP) or job hazard analysis (JHA), tailored to mitigate the dust created by their specific work.

Dust Control Requirements

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1. The Contractor/Sub-Contractor shall implement procedures to ensure that dust reduction systems maintain their effectives for the control of the dust created. This procedure shall maintain its effectiveness throughout the work shift.

Dust Control (Engineering Control)

1. The release of dust into the environment will be prevented by using a fine spray mist to wet down or use of dry sweep compounds on any visible dust to prevent it from emanating from any ground disturbance activities. In addition, the temporary storage of dust and/or soil piles and spoils must be covered, i.e. tarps, visqueen, etc. whenever dust control activities may not be employed.
2. The protective measures include spray misting as needed to prevent visible dust emissions while loading transport vehicles, minimizing drop heights, and a requirement to sweep up daily any tracking of dirt onto public streets.
3. The Contractor/Sub-Contractors are required to provide the proper PPE (Personal Protective Equipment) required to protect their employees from dust created by their job tasks.
    - The direct supervisor of the employee is required to verify the employee has the PPE required and is trained in its proper use and care.
    - This includes respirators and/or the use of dust masks.

Valley Fever

1. Valley Fever (coccidioidomycosis or “cocci”) is an infectious disease caused by a fungus called *Coccidioides* which lives in the soil and dirt in certain areas. The fungus usually infects the lungs causing flu-like symptoms. Most of the time symptoms get better on their own. Valley Fever is found in some areas of Arizona, Nevada, New Mexico, Utah, and Texas.
2. People can get Valley Fever by breathing in dust containing a form of the *Coccidioides* fungus called spores which are too small to be seen. Anyone who lives, works, or visits in an area with Valley Fever can be infect about 60% of people infected with Valley Fever have no symptoms and will fight off the infection naturally. The people who get sick usually develop a flu-like illness 1−3 week after exposure to the fungus.
3. Those who get sick can experience some of the following symptoms:
    • Fever • Muscle or joint aches • Headaches • Tiredness• Cough
    • Night sweats • Unexplained weight loss • Chest pain • Rash

    These symptoms can last a month or more but most people recover fully. Most people who have been infected become immune and will not get the infection again.

4. **Reducing Exposer to Valley Fever**
    a. When it is windy outside and the air is dusty, especially during dust storms:
    b. When working outdoors in dusty air, consider wearing an N95 mask or respirator.

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c. Wet down soil before disturbing it to reduce dust.
d. After work change out of clothes if covered with dirt. Take care not to shake out clothing and breathe in the dust before washing. Warn the person washing these clothes if you are not washing them yourself.

WEAP

1. Site will consider and follow all laws and regulations concerning the wildlife (Raptors, birds, mammals, reptiles and insects) that affect their work areas. Each person will be made aware of site-specific conditions for dealing with the wildlife on the site.
2. All persons will go through the WEAP orientation (if applicable) before going into the field. This training will be documented with the workers / visitor's signature on a training sheet.
3. As a general rule, no wildlife will be handled or moved without notification of the Site management personnel or environmentalist assigned to the site.

Pandemic Plan

1. SOLV Energy maintains and continually updates a COVID-19 plan that meets the CDC and local requirements.
    a. This plan is available for review as an addendum.
2. Any other specified pandemic shall have a plan implanted to protect workers as directed by the CDC.

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VISITOR SIGN-IN SHEET

PROJECT:
SOLV Energy #

The individual visitor signing below agrees to follow the reasonable direction of construction site personnel. In addition, he/she recognizes that this is a construction site which has inherent dangers and risks. The undersigned assumes the risk of visiting the site and agrees to hold __ (*Owner*) and SOLV Energy harmless from any and all claims of personal or property injury or damage arising out of the visit to the project site located at

ALL PERSONAL PROTECTIVE EQUIPMENT MUST BE USED AT ALL TIMES WHILE ON SITE.

	NAME	COMPANY	DATE	TIME IN	TIME OUT
01					
02					
03					
04					
05					
06					
07					
08					
09					
10					
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12					
13					
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15					
16					

FORMS/VISITORS

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SOLV Energy will comply with the most current OSHA requirements for employers to protect workers from the hazards associated with working in temperatures over 80 degrees (or any day 10 degrees higher than average in the last 5 days) and will elevate levels of awareness and supervision when temperatures equal, or are expected to reach or exceed, 95 degrees, otherwise known as "High Heat."

Important Note: There are references to OSHA in these guidelines, however, be aware that Fed/OSHA may still cite your project under the General Duty Clause when no state-specific standard is available.

*First Aid – always offer the most complete and accessible **on-site health & safety** services available for your project when heat illness events occur. There must be at least one employee/ supervisor on every jobsite with First Aid certification to administer heat stress protocols.

A. Outdoor temperatures above 80 degrees increase the risk of heatstroke or heat illness, especially with high humidity and the heat load from sunlight radiation. Shade must be always readily available for the number of employees on meal, recovery, or rest periods. When temperatures exceed 80 degrees, shade will be up and available for all employees.

B. The *shade shall be located as close as practicable* to the areas where employees areworking, and within walking distance from those active work areas, unless it can be demonstrated that terrain or other conditions prohibit locating the shade within the prescribed distance.

C. Shade may be provided by any natural or artificial means that does not expose employeesto unsafe or unhealthy conditions and that does not discourage access.

D. Individuals may have personal risk factors for heat illness that also contribute such asobesity, recent alcohol consumption, and lack of being acclimated to heat stress.

E. There can be an added burden of heat load on the body caused by exertion, clothing, andpersonal protective equipment. Wear light color clothing.

F. SOLV Energy requires that shade be provided if the National Weather Service forecast isfor temperatures greater than 80 degrees F. Check the next day's forecast at http://www.weather.gov/.

G. All SOLV Energy employees will be permitted to access shade provided by SOLV Energy. The shade will have adequate natural ventilation or fan ventilation. They must also notify their supervisor that they are suffering the symptoms of heat-related illness.

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H. SOLV Energy will supply sufficient water to employees; at least 2 gallons a day/4 cups per hour, per employee. The water provided shall be fresh, pure, and suitably cool, and shall be provided to employees free of charge. Each employee will be provided with bottled water or sanitary cups.

I. The *water shall be located as close as practicable* to the areas where employees are working and shall not in any event be farther than 400 feet walking distance from any employee at any time, other than when the employee is using a restroom or traveling between the restroom and an area where employees are working, unless the employercan demonstrate that conditions prohibit locating the drinking water within the prescribed distance.

J. It is highly important to drink small quantities of water, up to 4 cups per hour, when thework environment is hot, and employees are likely to be sweating more than usual in the performance of their duties.

K. It is important that workers become acclimatized to hot conditions so that the body becomes efficient at throwing off its heat burden. Acclimatization can take one to twoweeks to achieve. SOLV Energy will have a gradual work hardening heat acclimatization program for new workers. New employees will be assigned a buddy.

L. Employees shall be allowed and encouraged to take a rest and cool down in the shade for a period of no less than five minutes. An employee who takes a cool-down rest shall be encouraged to remain in the shade (no less than 5 minutes *in addition* to the time neededto access the shade).

M. Employees will be monitored by a designated person while on the job. If an employee shows any signs or symptoms of heat illness, First Aid services shall be called and/or administered by an employee already on the site. 911 may be called by any employee.
*Employees with heat illness symptoms shall not be returned to work for the remainder of that day and monitored closely for the next 1-3 days.

N. If a supervisor observes, or any employee reports, any signs or symptoms of heat illness in any employee, First Aid services shall be called and/or administered by an employee already on the site. *Employees with heat illness symptoms shall not be returned to work for the remainder of that day and monitored closely for the next 1-3 days.

O. If the signs or symptoms are indicators of severe heat illness (such as, but not limited to, decreased level of consciousness, staggering, vomiting, disorientation, irrational behavior, or convulsions), the employer must implement emergency response procedures.

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P. It is important that employees immediately report to their employer, directly or through the employee's supervisor, symptoms or signs of heat illness in themselves or in co-workers. Thiswill allow treatment and recovery to begin as soon as possible. Communication between supervisor and employees is critical. SOLV Energy also encourages the buddy system, and no worker should be left alone or isolated on high heat days.

Q. An employee exhibiting signs or symptoms of heat illness shall not be left alone or senthome without being offered onsite First Aid* and/or being provided with emergency medical services in accordance with SOLV Energy procedures.

R. The early warning sign of heat exhaustion is the cessation of sweating often accompanied bychills and 'goose bumps' on the skin. *If this occurs, you may have very limited time left to shut down your work and get to shade.* In direct sunlight, heat exhaustion can progress rapidly to heatstroke.

S. If heatstroke is suspected, or if the employee is progressing toward heatstroke, SOLV Energy requires immediate First Aid* procedures including spraying the victim with water and calling 911 for immediate emergency medical services.

T. In the event of an emergency, provide clear and precise directions to the work site as needed to emergency responders. These procedures shall include designating a person to beavailable to ensure that emergency procedures are invoked when appropriate.

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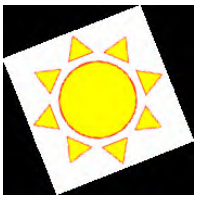
High Heat Procedures for Temperatures Confirmed or Expected to be 95°or more:

1. Daily/Pre-shift meetings will be held before the start of each work shift to review high heat procedures, encourage, and remind employees to drink plenty of water, remind employees of their right to take cool-down rests as needed, and to communicate any other relevant heat/temperature/weather-related information. NOTE:2 work shifts in same day = 2 pre-shift meetings.
2. Supervisors and/or coworkers must have a designated person – use the checklist – for monitoring workers for alertness and signs and symptoms of heat illness. The employer shall ensure effective employee observation/monitoring by implementing one or more of the following:
   (A) Supervisor or designee observation of 20 or fewer employees
   (B) Mandatory buddy system
   (C) Regular communication with sole employee such as by radio or cell phone
   (D) Other effective means of observation
3. Designate an onsite employee authorized to call for emergency medical services. If designated person is unavailable, other employees may call for emergency services.
4. Remind employees throughout the work shift to drink plenty of water.
5. Ensure that effective communication by voice, observation, or electronic means (if reception is reliable) is maintained so that employees can contact a supervisor when necessary.



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Training – Employee's Rights & Recognition of Heat Illness Symptoms

Effective training in the following topics shall be provided to each supervisory and non-supervisory employee before the employee begins work, where it can be reasonably anticipated that the risk of exposure arising from heat illness exists. The employer's procedures for complying with the requirements of this standard, include, but are not limited to:

- The environmental and personal risk factors for heat illness, as well as the added burden of heat load on the body caused by exertion, clothing, and personal protective equipment.
- The employer's responsibility to provide water, shade, cool-down rests, and access to FirstAid* as well as the employee's right to exercise their rights under this standard without retaliation.
- The importance of frequent consumption of small quantities of water, up to 4 cups per hour, when the work environment is hot, and employees are likely to be sweating more than usual in the performance of their duties.
- The different types of heat illness, and the common signs and symptoms of heat illness, and appropriate First Aid* and/or emergency responses to the different types of heat illness, andin addition, that heat illness may progress quickly from mild symptoms and signs to a serious and life-threatening illness.

Standard First Aid* Responses for Heat Illness: Heat Exhaustion

Heat exhaustion is one of the heat-related syndromes which range in severity from mild heat cramps to heat exhaustion to potentially life-threatening heatstroke.

Signs and symptoms of heat exhaustion often begin suddenly, sometimes after excessive exercise, heavy perspiration, and inadequate fluid intake. They resemble those of shock and may include:

- Feeling faint or dizzy
- Nausea
- Heavy sweating
- Rapid, weak heartbeat
- Low blood pressure
- Cool, moist, pale skin
- Low-grade fever
- Heat cramps
- Headache
- Fatigue
- Dark-colored urine

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If you suspect heat exhaustion:

- Get the person out of the sun and into a shady or air-conditioned location.
- Lay the person down and elevate the legs and feet slightly.
- Loosen or remove the person's clothing.
- Have the person drink cool water.
- Cool the person by spraying or sponging them with cool water and fanning.
- Monitor the person carefully. Heat exhaustion can quickly become heatstroke. If fever greater than 102 F (38.9 C), fainting, confusion or seizures occur, dial 911 or call for emergency medical assistance.

Heatstroke: First Aid*

Heatstroke is highly dangerous. It may result from exercise or heavy work in hot environments combined with inadequate fluid intake.

Young children, older adults, people who are obese and people born with an impaired ability to sweat are at high risk of heatstroke. Other risk factors include dehydration, alcohol use, cardiovascular disease, and certain medications.

Heatstroke is severe and potentially life-threatening. The body's normal mechanisms for dealing with heat stress, such as sweating and temperature control, are lost. The main sign of heatstroke is a markedly elevated body temperature — generally greater than 104˚ F (40˚ C) — with changes in mental status ranging from personality changes to confusion and coma. Skin may be hot and dry — though if heatstroke is caused by exertion, the skin may be moist.

Other signs and symptoms of HEAT STROKE/SEVERE HEAT ILLNESS may include, but are not limited to:

- Rapid heartbeat
- Rapid and shallow breathing
- Elevated or lowered blood pressure
- Cessation of sweating accompanied by chills and goose bumps
- Irritability, confusion, or unconsciousness
- Irrational behavior or convulsions
- Feeling dizzy or lightheaded
- Disorientation
- Staggering
- Headache
- Nausea or Vomiting
- Fainting, which may be the first sign in older adults

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If you suspect heatstroke:

- Move the person out of the sun and into a shady or air-conditioned space.
- Dial 911 or call for emergency medical assistance.
- Cool the person by covering them with damp sheets or by spraying with cool water.
- Direct air onto the person with a fan or newspaper.
- Have the person drink cool water, if able.

If you suspect heat cramps:

- Rest briefly and cool down.
- Drink clear juice or a sports drink containing electrolytes.
- Practice gentle, range-of-motion stretching and gentle massage of the affected muscle group.
- Seek medical attention if cramps do not subside after one hour.

Heat Cramps: First Aid*

Heat cramps are painful, involuntary muscle spasms that usually occur during heavy work in hot environments. The spasms may be more intense and more prolonged than typical nighttime leg cramps. Inadequate fluid intake often contributes to heat cramps.

Muscles most often affected include those of the calves, arms, abdominal wall and back, though heat cramps may involve any muscle group involved in physical activity.

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SUPERVISOR'S DAILY HEAT ILLNESS PREVENTION CHECKLIST

Water

- ☐ Plenty of fresh, cool, clean, drinking water located as close as possible to employees
- ☐ Water is provided free of charge to employees
- ☐ Remind employees throughout the work shift to drink plenty of water
- ☐ Plan in place for refilling water coolers or otherwise replenishing water throughout the day
- ☐ Identify the person responsible for monitoring and maintaining/replenishing water supply

  Name:_____ **Company:**_____ **Phone:**_____
- ☐ Add procedure to the Site-specific Safety Plan and the Site-Specific Orientation

Shade and Rest

- ☐ Shade available AT ALL TIMES for ALL EMPLOYEES to rest and cool down – *regardless of the weather*
- ☐ Shade accessible when the weather forecast is 80 degrees or higher
- ☐ Have checked the National Weather Service (NOAA) for the temperature

Training

- ☐ Employees trained to recognize and prevent heat illness BEFORE they start working
- ☐ Workers can identify symptoms of heat illness
- ☐ Plan in place to allow employees to get used to the heat ➔ acclimatization
- ☐ Active and immediate system for monitoring workers for alertness, and signs & symptoms of heat illness
- ☐ Plan in place to establish, implement, and maintain, effective Heat Illness Prevention Procedures, in compliance with OSHA regulations

Emergency Plan

- ☐ Everyone knows who to notify if there is an emergency
- ☐ Employees can describe their location if they need to call an ambulance
- ☐ Employees know who will provide First Aid*

Management

- ☐ Supervisor will verify that employees take breaks when performing high-stress work in extreme temperatures every two hours at a minimum (15 minutes).
- ☐ SOLV Energy requires that subcontractors provide breaks for their employees performing high-stress work in extreme temperatures every two hours (15 minutes).

Employee Reminders

- ☐ Drink water frequently
- ☐ Rest in the shade as needed – minimum 5 minutes once you get to the shade
- ☐ Look out for one another and report any symptoms ***immediately***
- ☐ Designated person will verify employee status and water replenishment every 2 hours

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HIGH HEAT PROCEDURES CHECKLIST ITEMS

(For temperatures confirmed or expected to be 95 degrees or above)

IN ADDITION TO ALL PREVIOUS STATED

- ☐ Daily/Pre-shift meetings held before the commencement of work to review high heat procedures.
- ☐ Have effective communication by voice, observation, or electronic means in place, so that employees at the work site can contact a supervisor when necessary (**Circle at least one** - cell phone - radio - voice communication) will be used if anyone is identified or indicates heat stress.
- ☐ Means for distribution of water (**Circle one** - ATV, Truck, Hand delivered by Supervisor)
- ☐ Designated employee monitoring workers trained to give first aid and call emergency services.
  Name:_____**Company:**_____**Phone:**_____
- ☐ Ensure effective employee observation/monitoring by implementing one or more of the following:

  (A) Supervisor or designee observation of 20 or fewer employees, or
  (B) Mandatory buddy system, or
  (C) Regular communication with sole employee such as by radio or cell phone, or
  (D) Other effective means of observation.

- ☐ **Person Designated as emergency contact for site / crew.**

  Name:_____**Company**_____**Phone** _____

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ACKNOWLEDGEMENT OF RECEIPT

NAME/*NOMBRE* _____

Print Legibly/*Letra de Molde*

SOLV ENERGY AND ALL AFFILIATED COMPANIES

As part of my safety orientation, I have received a copy of the Site-Specific Orientation and reviewed the Heat Plan. I understand that I am required to observe these rules and any other safety instructions given while employed by SOLV Energy Incorporated and all affiliated companies.

I also understand that if I am injured in the course of my work, I will report such injury to a supervisor at once, obtain First Aid if appropriate, or will obtain a Medical Service Order before going to the Doctor for medical treatment.

Como parte de mi orientación, he recibido la copia de las Reglas de Trabajo Seguro como dichas en el Manual de la Seguridad del Empleado. Entiendo que se require respetar estas reglas y cualquier otras instrucciones sobre la seguridad mientras esté empleado/a por SOLV Energy y/o cualquier de sus empresas.

De la misma manera, entiendo que si sufro lesión alguna durante mis labores, se la reportaré de inmediato al supervisor, obtendré Primeros Auxilios si sean necesarios, u obtendré la Orden de Servicio Médico antes de ir al Doctor para tratamiento médico.

_____	_____
Employee Signature/*Firma*	Witness/*Testigo*
_____	_____
Date/*Fecha*	Date/*Fecha*
_____	_____
Project Name/*Nombre Proyecto*	Project No./*Número Proyecto*

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HEAT ILLNESS

-KNOW THE SIGNS-

HEAT EXHAUSTION

OR

- Light Headed/Dizzy
- Excessive Sweat
- Faint and Rapid Pulse
- Cold, Pale, Clammy Skin
- Nausea/Vomiting
- Cramps

HEAT STROKE

- Throbbing Headache
- NOT SWEATING!
- Temperature of 103 Deg. +
- Skin Red and Dry
- STRONG Pulse
- Fainting/Confused
- Unconcious

WHAT TO DO:

Get to a cool place, drink water, pour water on and use cold compress on head/body, fan body.

CALL 911!

Take immediate action to keep victim as cool as possible, until help arrives!

FEEL SOMETHING? TELL SOMEONE!

SOLV ENERGY

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BE READY FOR EIGHTY!

Per Cal/OSHA standards, all job sites are required to provide shade, water, and rest stations at 80 degrees!

TIPS TO STAY COOL IN THE HEAT!

- Hydrate before work!
- Eat lighter meals
- Wear clothes that are breathable & protective
- **DO NOT** consume energy drinks, caffeine, or alcohol during or before work!
- Drink water/ hydrate even when you're not thirsty

HOW MUCH WATER DO WE CARRY?

2/8
GALS/HRS

JOBSITES SHOULD PROVIDE AT LEAST
2 GALLONS
OF WATER PER 8-HOUR SHIFT, FOR EACH WORKER!

DEADLY COMBO!

High temperatures and high humidity will increase the chance of working in very dangerous conditions!

Always check the relative humidity for your site and stay safe and hydrated.

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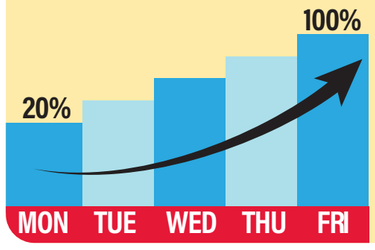
Prevent Heat Illness at Work

Outdoor and **indoor** heat exposure can be dangerous.

Ways to Protect Yourself and Others

Ease into Work. Nearly 3 out of 4 fatalities from heat illness happen during the first week of work.



- ✓ **New** and **returning** workers need to build tolerance to heat (acclimatize) and take frequent breaks.
- ✓ **Follow the 20% Rule.** On the first day, work no more than 20% of the shift's duration at full intensity in the heat. Increase the duration of time at full intensity by no more than 20% a day until workers are used to working in the heat.

Drink Cool Water

Drink cool water even if you are not thirsty — at least 1 cup every 20 minutes.

Take Rest Breaks

Take enough time to recover from heat given the temperature, humidity, and conditions.

Find Shade or a Cool Area

Take breaks in a designated shady or cool location.

Dress for the Heat

Wear a hat and light-colored, loose-fitting, and breathable clothing if possible.

Watch Out for Each Other

Monitor yourself and others for signs of heat illness.

If Wearing a Face Covering

Change your face covering if it gets wet or soiled. Verbally check on others frequently.

First Aid for Heat Illness

The following are signs of a medical emergency!

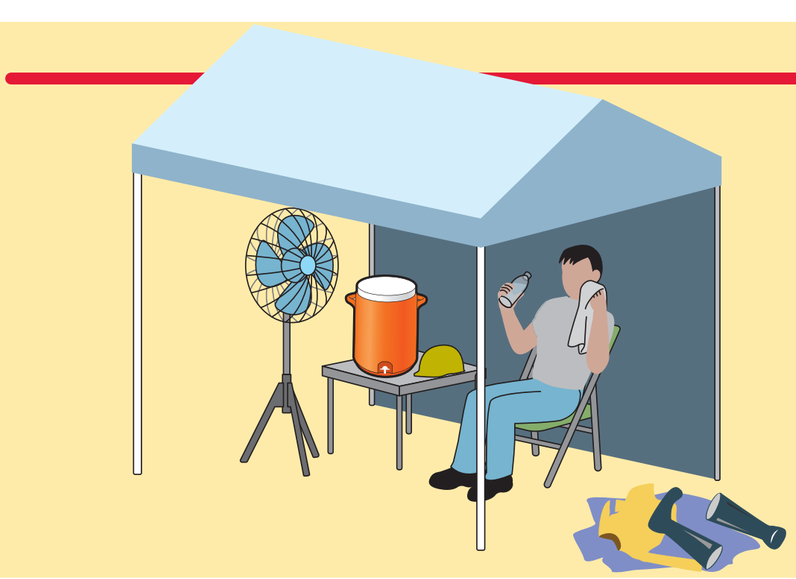
- Abnormal thinking or behavior
- Slurred speech
- Seizures
- Loss of consciousness

1. » CALL 911 IMMEDIATELY
2. » COOL THE WORKER RIGHT AWAY WITH WATER OR ICE
3. » STAY WITH THE WORKER UNTIL HELP ARRIVES

Watch for any other signs of heat illness and act quickly. When in doubt, call 911.

If a worker experiences:

- Headache or nausea
- Weakness or dizziness
- Heavy sweating or hot, dry skin
- Elevated body temperature
- Thirst
- Decreased urine output



Take these actions:

- » Give water to drink
- » Remove unnecessary clothing
- » Move to a cooler area
- » Cool with water, ice, or a fan
- » Do not leave alone
- » Seek medical care if needed

OSHA® Occupational Safety and Health Administration

For more information: 1-800-321-OSHA (6742)
TTY 1-877-889-5627 www.osha.gov/heat

Federal law entitles you to a safe workplace. You have the right to speak up about hazards without fear of retaliation. See **www.osha.gov/workers** for information about how to file a confidential complaint with OSHA and ask for an inspection.

OSHA 3431-05R 2021

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TRAINING ATTENDEE SIGN-IN

I have understood the materials presented and have had my questions answered satisfactorily. In the event of any other questions, I know the individuals to contact. ESPAÑOL: *He entendido todo el material presentado y me han contestado todas las preguntas que tenía. Si tengo alguna pregunta más en el futuro, sé con quién comunicarme.*

Training/Meeting: _____

Training Topic(s): _____

Trainer(s): _____

Date: _____

Location: _____

ATTENDEE'S NAME PLEASE PRINT	TITLE OR POSITION	COMPANY NAME or O&M or EPC	ATTENDEE'S SIGNATURE
1.			
2.			
3.			
4.			
5.			
6.			
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TRAINING ATTENDEE SIGN-IN

ATTENDEE'S NAME PLEASE PRINT	TITLE OR POSITION	COMPANY NAME or O&M or EPC	ATTENDEE'S SIGNATURE
8.			
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State of Oregon
Department of
Environmental
Quality

GENERAL PERMIT
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
CONSTRUCTION STORMWATER DISCHARGE PERMIT

Oregon Department of Environmental Quality
700 NE Multnomah St. Suite 600, Portland OR 97232
Telephone: (503) 229-5279 or 1-800-452-4011 (toll free in Oregon)

Issued pursuant to ORS 468B.050 and Section 402 of the Federal Clean Water Act

REGISTERED TO:

Date:

Gen 1200-C

File No.

EPA No.

Site:

PERMIT AREA

This 1200-C Construction Stormwater General Permit authorizes discharges in Oregon excluding tribal trust and reservation lands.

SOURCES COVERED BY THIS PERMIT

Permit coverage is required under this General Permit if the following activities have the potential to discharge to surface waters or to a conveyance system that leads to surface waters of the state in Oregon and do not have coverage under another NPDES permit:

a. Any construction activity and materials or equipment staging and stockpiling that will disturb one or more acres of land; or
b. Any construction activity and materials or equipment staging and stockpiling that will disturb less than one acre of land but is part of a common plan of development or sale that will ultimately disturb one or more acres of land; or
c. Any construction activity that results in the disturbance of less than one acre of land that is a necessary and required component (e.g. utilities, structure, or infrastructure) of a final project that will ultimately disturb one or more acres of land; or
d. Any construction activity that may discharge stormwater to surface waters of the state that may be a significant contributor of pollutants to waters of the state or may cause an exceedance of a water quality standard.

Justin Green
Water Quality Division Administrator

Effective: December 15, 2020
Expiration Date: December 14, 2025

Docusign Envelope ID: 96355CCD-1D7F-4F42-BDA0-FC501EA37A62

LIMITATIONS OF COVERAGE

This permit does not authorize:

a. In-water work or projects that may result in the discharge of fill or dredged material into waters of the U.S. and the state, which are regulated by other programs and agencies.

    1. DEQ recommends applicants identify, apply for and resolve any state (Department of State Lands) or federal (US Army Corps of Engineers) and DEQ 401 water quality certification requirements before applying for 1200-C NPDES permit coverage to prevent unintended non-compliance situations with other regulatory programs. If additional regulatory requirements, such as those listed above, are deemed necessary by other regulatory jurisdictions and agencies for the construction activity identified in the 1200-C application or Erosion and Sediment Control Plan, the registrant may be required to significantly alter the project and erosion and sediment controls to accommodate other regulatory jurisdiction requirements.

b. Stormwater discharges associated with industrial activities [as defined in 40 CFR §122.26(b)(14)] or stormwater associated with municipal separate sto1m sewer systems [as defined in 40 CFR §122.26(b)(8) and (b)(16)]. Such discharges are regulated through DEQ's NPDES Industrial Stormwater General Permits (1200-A/Z) or DEQ's NPDES MS4 Stormwater Permits; or another appropriate NPDES permit.
c. Post-construction stormwater discharges that originate from the site after completion of construction activities and the site is stabilized.
d. Stormwater discharges to underground injection control (UIC) systems.

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SCHEDULE A
CONTROLS AND EFFLUENT LIMITATIONS

1. CONSTRUCTION GENERAL PERMIT

Until this permit expires, is modified, revoked, or terminated the permit registrant is authorized to construct, install, modify, and operate erosion and sediment control measures and stormwater treatment and control facilities. The registrant may discharge stormwater and authorized non-stormwater discharges to surface waters of the state or conveyance systems leading to surface waters of the state only in conformance with all requirements, limitations, and conditions set forth in this permit.

Unless specifically authorized by this permit, by regulation issued by EPA, by another NPDES permit, or by Oregon Revised Statute, Administrative Rule, any other direct or indirect discharge to waters of the state is prohibited, including discharges to underground injection control systems.

To register for this permit, the eligibility conditions and permit coverage requirements must be met.

1.1 ELIGIBILITY CONDITIONS

1.1.1 Responsible person that must obtain coverage under this general permit

The following is considered a responsible person and must register with DEQ or Agent for coverage under this general permit if either of the following criterion are met:

a. The responsible person has operational control over construction plans and specifications, including the ability to make or approve modifications to those plans and specifications (e.g. in most cases this is the owner of the site, agent of owner, engineer); **or**
b. The responsible person has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (e.g. in most cases this is the general contractor).

The responsible person must register with DEQ or Agent for coverage under this permit before any land disturbance occurs.

1.2 APPLICATION REQUIREMENTS FOR PERMIT COVERAGE

A complete and accurate application must be submitted to DEQ or Agent at least thirty (30) days prior to the planned land disturbing construction activities. Construction activities are not authorized until DEQ or Agent issues discharge authorization.

1.2.1 Application submittal

The responsible person must ensure the application materials are submitted, and is hereafter referred to as the Permit Registrant (also referred to as Registrant, see Definitions). The registrant must sign the application in accordance with the signatory requirements of Schedule F Section D8.

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1.2.2 Application

The application must include the items below and be submitted to DEQ or Agent in the format required per Section 1.2.13:

a. A complete and accurate DEQ or Agent approved application form;
b. The Erosion and Sediment Control Plan (ESCP) developed for the project area that necessitates permit coverage;
c. A Land Use Compatibility Statement (LUCS) indicating that the proposed activities are compatible with the local government's acknowledged comprehensive plan; and
d. The application fee and annual fee for the first year of permit coverage according to OAR 340-045-0075, Table 70G.

1.2.3 Multi-Phase developments (e.g. residential subdivisions)

A map and description of each phase of the multi-phase development must be in the ESCP and submitted with the permit application. All phases of the development for which land use approvals are approved must be included in the ESCP. The addition of post-coverage phases within the proposed development will require separate 1200-C permit coverage. Construction activities, including stockpiling and staging, cannot commence within a phase unless that phase has a DEQ or Agent approved ESCP.

1.2.4 Construction projects that disturb five or more acres

Registrants seeking coverage under this permit for construction activities that disturb or are likely to disturb five or more acres after permit coverage is issued, are subject to a 14 calendar day public review period before permit registration is granted. The public review period will begin after DEQ or Agent determines that the application and ESCP are complete. If construction activities expand beyond five acres after permit coverage was originally assigned, a 14 calendar day public review period will be required. During the 14 calendar day public review period, registrants are not authorized to conduct construction activities in accordance with 340-045-0033(6)(b) until and unless permit coverage is approved by DEQ or Agent.

1.2.5 Discharge authorization

Permit coverage begins when the registrant receives documented notice from DEQ or Agent that the registration is approved.

1.2.6 Annual fee

Registrants must pay the annual fee, if applicable, until DEQ approves termination of permit coverage.

1.2.7 Changes to application information

Registrants must notify DEQ or Agent regarding any changes to the information provided on the 1200-C application by submitting the following within 30 days of occurring:

a. Changes to the registrant's mailing address, email address, and phone number;
b. Changes to the on-site contact person information; and

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c. Changes to the area/acreage affected by construction activity from the originally submitted LUCS requires a LUCS reflective of the project site.

1.2.8 Transfer of permit registration

Permit coverage may not be transferred to a third party without prior written approval from DEQ or Agent.

a. If the registrant intends to transfer permit registration to a new registrant:
    i. The current registrant must resolve all outstanding compliance and enforcement issues;
    ii. Pay all outstanding permit fees; and
    iii. Submit permit transfer form with the applicable fees prior to permit expiration and within 30 calendar days of the planned transfer.

b. If ownership changes (through sale, foreclosure or other means) and the previous registrant cannot be found:
    i. The new responsible person for the discharge source must:
        a) Register for coverage under the permit if the site is not stabilized; and
        b) Register for coverage under the permit prior to any additional land disturbance.
    ii. The new responsible person does not need to register for coverage under the permit if the site meets the conditions for termination (see Section 7.1) and there is no ongoing or additional land disturbance planned.

DEQ or Agent may terminate permit coverage after sixty (60) calendar days if the previous owner is nonresponsive and the site has not been transferred per the conditions above.

1.2.9 Environmental Management Plan

The registrant must complete an Environmental Management Plan (EMP, see Appendix A), pay the review fee, and submit the required documents found on DEQ's website and electronic reporting system with the 1200-C permit application when the following conditions exist or are anticipated. If these conditions are discovered after registering for permit coverage, the EMP must be approved before work at the site begins. An approved EMP becomes a component of the ESCP. An EMP must be submitted for the following:

a. If contaminated soils, contaminated groundwater, or hazardous materials will or have the potential to be encountered during construction activities. Provide detailed information with the Contaminated Media Management Plan (CMMP) on the nature and extent of the contamination (concentration, location, and depth) as well as pollution prevention and/or treatment BMPs proposed to control the discharge of impacted soil, groundwater, or hazardous building materials debris in stormwater. In the event that undocumented contamination, underground storage tanks, or other potentially hazardous conditions are encountered that are not addressed in the Environmental Management Plan, discharges exposed to the contaminated media must cease and DEQ must be notified within 48 hours. The discharges exposed to the contaminated media may not occur until DEQ approves the CMMP.
b. An active treatment system (e.g. electro-coagulation, flocculants, filtration, polymers, hydrochloric or sulfuric acid) for sediment, pH neutralization, or other pollutant removal

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is planned or implemented at the project site. When "cationic treatment chemicals" are proposed, the registrant must demonstrate to DEQ that appropriate controls and implementation procedures are used to ensure that the use of cationic treatment chemicals will not lead to discharges that cause an exceedance of water quality standards or harm aquatic life.

DEQ may assign coverage under this permit after the registrant has included appropriate controls and implementation procedures designed to ensure that the above activities will not lead to discharges that cause an exceedance of water quality standards. In the absence of authorization, the registrant must apply for and receive coverage under an individual permit prior to discharging from the site.

1.2.10 Procedures for denial or revocation of coverage

DEQ or Agent may refuse to authorize or revoke coverage under this general permit and require the responsible person to apply for an individual NPDES permit in accordance with the procedures in OAR 340-045-0033(10). If that occurs, DEQ or Agent will notify the registrant in writing that an individual permit is required.

1.2.11 Application considerations

DEQ or Agent will not authorize discharges under this permit if:

a. DEQ or Agent determines that application materials are incomplete or do not meet the permit requirements;
b. The site is covered under a different NPDES permit for the same discharge (i.e. 1200-CN), or any other NPDES permit for a stormwater discharge associated with construction activity (NPDES wastewater and industrial permit coverage for separate discharges associated with the site are allowed); or
c. DEQ or Agent determine that the conditions of this general permit are not adequate to achieve water quality standards or protect beneficial uses.

1.2.12 Renewal application for permit coverage

If a registrant intends to continue coverage under this permit after the permit expiration date of December 14, 2025 a complete renewal application must be submitted to DEQ along with any other required documents (i.e. ESCP) at least 180 days prior to permit expiration to ensure uninterrupted permit coverage unless DEQ grants permission to submit an application less than 180 days in advance.

1.2.13 Electronic system use requirement

Permit registrants must submit all required documents and payments using DEQ's electronic reporting system, available on DEQ's website, when directed to do so. Permit registrants unable to submit reports electronically (for example, those who do not have an internet connection) must contact DEQ to request a waiver. DEQ will notify the registrant if an electronic waiver request is approved or denied.

Permit registrants who obtain a waiver not to use DEQ's electronic reporting system must use the reporting forms provided to them by DEQ, if applicable, and an additional fee may be assessed. DEQ may limit the duration of approved waivers from electronic reporting.

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Permit registrants reporting to an Agent of DEQ must use the DEQ electronic reporting system when directed to do so.

1.3 AUTHORIZED STORMWATER DISCHARGES UNDER THIS PERMIT

The following is a list of stormwater discharges from construction sites that are authorized under this permit provided that all stormwater controls are designed, installed, and maintained (See Sections 2, 3, and 4) as required by this permit:

1.3.1 Stormwater discharges including stormwater runoff, snowmelt runoff, and surface water

These stormwater discharges also include drainage associated with construction activity described in the Sources Covered section of this permit.

1.3.2 Stormwater discharges from construction support activities at the construction site when:

a. The support activity is directly related to the construction site covered by this NPDES permit.
b. The support activity is not a commercial operation, nor does it serve multiple unrelated construction projects.
c. The support activity does not operate beyond the completion of the construction activity at the last construction project it supports; and
d. The appropriate control measures are implemented to ensure compliance with the discharge and water quality requirements of Sections 2 and 3 of this permit.

1.4 AUTHORIZED NON-STORMWATER DISCHARGES

The following non-stormwater discharges from construction sites are authorized if the terms and conditions of this permit are met, all necessary controls are implemented to minimize sediment transport, the discharge is not a significant source of pollutants and not contaminated, and the discharge is not prohibited by local ordinance:

a. Water and associated discharges from emergency firefighting activities;
b. Fire hydrant flushing;
c. Properly managed landscape irrigation;
d. Water used to wash equipment and vehicles (excluding the engine, undercarriage, and wheels/tires) provided there is no discharge of soaps, solvents, or detergents used;
e. Water used to control dust;
f. Potable water including uncontaminated water line flushings;
g. External building washdown, provided soaps, solvents, and detergents are not used, and external surfaces do not contain hazardous substances;
h. Pavement wash waters, provided spills or leaks of toxic or hazardous substances have not occurred (unless all spill material has been removed) and where soaps, solvents, and detergents are not used. Directing pavement wash waters into any surface water, storm drain inlet, or stormwater conveyance is prohibited, unless the conveyance is connected to a sediment basin, sediment trap, or similarly effective control for the pollutants present.

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Per 2.2.19.b, hosing of accumulated sediments on pavement into any stormwater conveyance is prohibited;

i. Uncontaminated air conditioning or compressor condensate;
j. Uncontaminated, non-turbid discharges of groundwater or spring water;
k. Foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated groundwater; and
l. Construction dewatering activities (including groundwater dewatering and well drilling discharge associated with the registered construction activity), provided that:
    a) The water is land applied in a way that results in complete infiltration with no potential to discharge to a surface water of the state, or the use of a sanitary or combined sewer discharge is authorized with local sewer district approval; or
    b) Best Management Practices and a treatment system approved by DEQ or Agent (see Section 1.2.9) are used to ensure compliance with discharge and water quality requirements in Section 2.4.

1.4.1 Combined discharges

Authorized stormwater discharges listed above in Sections 1.3.1 and 1.3.2 and authorized non-stormwater discharges in Section 1.4 combined in a common conveyance system are authorized under this permit.

1.5 PROHIBITED DISCHARGES

The following discharges are prohibited discharges and are not authorized by this permit:

a. Visually turbid discharge or discharge of sediment (see Section 2.2.11) from the construction site to surface waters or a conveyance system that leads to waters of the state;
b. Causing or contributing to an exceedance of any applicable water quality standard;
c. Concrete wastewater from washing tools and vehicles after pouring, prepping, or finishing concrete;
d. Wastewater from washing and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
e. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
f. Soaps, solvents, or detergents used in vehicle and equipment washing or external building washdown;
g. Wheel/tire wash wastewater, unless the discharge of wheel wash or tire bath wastewater is to a separate treatment system that prevents discharge to surface water, such as closed-loop recirculation or upland land application, or to the sanitary sewer with approval from the local jurisdiction;
h. Hydro-demolition water, and saw-cutting slurry; and
i. Toxics or hazardous substances from a spill or other release.

To prevent the above-listed prohibited non-stormwater discharges, registrants must comply with the applicable Pollution Prevention requirements in Section 2.3.

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2 TECHNOLOGY BASED EFFLUENT LIMITATIONS/CONTROL MEASURES

The control measures in this section are technology-based effluent limitations (TBELs).

2.1 GENERAL STORMWATER CONTROL DESIGN, INSTALLATION, AND MAINTENANCE REQUIREMENTS

Prior to and during the discharge of stormwater and authorized non-stormwater discharges to surface waters of the state, the registrant must design, install, and maintain effective stormwater control and treatment methods required in this section to prevent the discharge of pollutants in stormwater from construction activities that may cause or contribute to a violation of water quality standards. To meet this requirement, the registrant must:

2.1.1 Factors to consider when designing stormwater controls

Consider the following factors when designing stormwater controls:

a. The expected amount, frequency, intensity, and duration of precipitation;
b. The nature of stormwater runoff and run-on (See definitions) at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features; and
c. The soil type and range of soil particle sizes expected to be present on the site.

The stormwater controls must be designed to control stormwater volume, velocity, and peak flow rates to prevent discharges of pollutants in stormwater and to prevent channel and streambank erosion and scour (i.e. hydromodification) in the immediate vicinity of discharge points.

2.1.2 Design and install all stormwater controls in accordance with engineering and professional practices

Design and install all stormwater controls in accordance with appropriate, recognized and generally accepted engineering and professional practices, including applicable design specifications and manufacturer's instructions.

2.1.3 Installation of stormwater controls

Permit registrant must complete the installation of stormwater controls before each phase of construction activities begin as follows:

a. Install and implement any downgradient sediment controls (e.g. buffers, perimeter controls, discharge point controls, storm drain inlet protection) before construction activity in any portion of the site begins;
b. Install erosion prevention measures (e.g. matting, straw mulch, compost blankets) on cleared areas that will not be worked for 14 days; and
c. Following the installation of stormwater controls for initial construction activities the registrant must adjust stormwater controls and management strategies throughout the project site to meet and match the needs of each phase of construction as the project is implemented.

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2.1.4 Ensure that all stormwater controls are maintained and remain effective

Permit registrant must ensure that all stormwater controls are maintained and remain effective during permit coverage and are protected from activities that would reduce their effectiveness including:

a. Follow maintenance recommendations from the manufacturer and utilize appropriate, recognized and generally accepted engineering and professional practices based on site conditions. The registrant must document deviations from manufacturer recommendations in the inspection report.
b. Comply with any specific maintenance requirements for the stormwater controls implemented as required in this permit and in the ESCP. Regular maintenance is required and is not limited to response actions that result from inspections or identified problems.
c. Initiate repairs and replacements of stormwater controls when maintenance issues are discovered;
d. Record any stormwater controls installed (where none had previously been), repaired, replaced, or removed, as required in sections 5.2 and 6.5.

2.1.5 Maintaining erosion and sediment controls

Maintain specific erosion and sediment controls as follows:

a. Inspect and maintain erosion control measures (e.g. reseed, apply additional mulch, address blanket malformation and soil sloughing underneath).
b. Remove trapped sediment from sediment fence before it reaches one third of the above ground fence height.
c. Remove sediment before it reaches two inches above ground for sediment barriers such as straw wattles and biobags.
d. Clean catch basins before sediment retention capacity is reduced by 50 percent.
e. Remove sediments from sediment basins before design capacity is reduced by 50 percent.

2.2 EROSION PREVENTION AND SEDIMENT CONTROL AND TREATMENT REQUIREMENTS

The registrant must implement erosion prevention and sediment control, and treatment methods in accordance with the following requirements to prevent the discharge of pollutants in stormwater from construction activities. Registrant must ensure that soils are stable during all rain events throughout the year.

2.2.1 Activities before construction commences

Before construction activities commence the permit registrant must identify and protect any:

a. Riparian areas and vegetation including trees and associated root zones, and vegetation areas to be preserved;
b. Vegetated buffer zones between the site and sensitive areas (e.g. wetlands, springs, groundwater seeps, etc.), and other areas required to be preserved, especially in perimeter areas; and
c. Post-construction stormwater facilities designed and engineered to infiltrate or filter stormwater.

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2.2.2 Sequence clearing, grading and other land disturbing activities

Permit registrant must sequence clearing, grading and other land disturbing actives to the maximum extent practicable to prevent exposed inactive areas from causing erosion as per Section 2.2.20.

2.2.3 Prevent bypass and ponding

Create smooth surfaces between the soil surface and erosion and sediment controls when possible to prevent stormwater from bypassing controls or ponding.

2.2.4 Establish and maintain natural buffer zones and/or equivalent erosion and sediment controls

When a surface water of the state is located within 50 feet of the site's land disturbances:

a. The registrant must comply with local natural buffer zone requirements before proposing the following compliance alternatives. For any discharges to surface waters of the state located within 50 feet of the site's land disturbances, the registrant must comply with one of the following alternatives:
    i. Maintain a 50-foot undisturbed natural buffer zone; or
        1. Maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by erosion and sediment controls that achieve, in combination, the sediment load reduction equivalent to a 50-foot undisturbed natural buffer (see Appendix B); or
        2. If infeasible to provide and maintain an undisturbed natural buffer zone of any size, implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer zone.

b. If DEQ determines that the project requires a 401 water quality certification or impacts waters of the state, construction activities, including stockpiling and staging of materials, are prohibited from encroaching into the existing 50 foot natural buffer zone of any water of the state, unless otherwise authorized in the 401 water quality certification or any other applicable agency authorization; and the project may not claim the natural buffer zone alternatives of 2.2.4.a.

c. If a registrant's project has the potential to discharge to a waterbody that is listed as impaired and requiring a Total Daily Maximum Load (TMDL) for turbidity or sedimentation on the most recently approved Oregon 303(d) list (found on the "Water Quality Assessment" page of DEQ's website), or has an established TMDL for turbidity or sedimentation, the registrant must maintain established vegetated buffers that are sized at 50 feet (horizontally) plus an additional 25 feet (horizontally) per five degrees of slope, or propose control measures of equal effectiveness to DEQ or Agent for approval (when the discharge enters an impaired watershed unit, the listing will only be applied if there is a hydrologic connection between the receiving water and assessment water body causing the impairment).

d. Sediment and erosion control measures installed for any natural buffer zone requirement must be maintained and disposed of appropriately before project completion.

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See Appendix B for natural buffer zone guidance, additional conditions applicable to each compliance alternative, and for exceptions to the compliance alternatives.

For permit registrants that received permit coverage prior to December 14, 2020, the approved natural buffer zone width and approved erosion and sediment controls are deemed appropriate.

2.2.5 Vegetation

a. When possible preserve existing vegetation;
b. Direct stormwater to vegetated areas to maximize stormwater infiltration and filtering to reduce pollutant discharges where feasible;
c. Re-vegetate open areas as soon as the site is no longer active; and
d. Identify the composition of seed mix (percentage of annuals, perennials, and clover) and other plantings used to establish temporary cover in the ESCP.

2.2.6 Install sediment controls along all perimeter areas of the site that will receive stormwater runoff

For areas at "linear construction sites" (See Definitions) where perimeter controls are infeasible (e.g., due to a limited or restricted right-of-way), implement other practices to prevent pollutant discharges to perimeter areas of the site.

2.2.7 Prevent sediment track-out

To prevent sediment track-out onto public or private roads do the following:

a. Establish graveled or paved exits and parking areas prior to any land disturbance;
b. Restrict vehicle use to properly designated entry and exit points. Use appropriate stabilization techniques at all points that exit onto paved roads (e.g. aggregate stone with an underlying geotextile or non-woven filter fabric; and turf mats);
    i. Exception: Stabilization is not required for exit points at linear utility construction sites that are used only episodically and for very short durations over the life of the project, provided other exit point controls are implemented to prevent sediment track-out;
c. Implement additional track-out controls as necessary to ensure that sediment removal occurs prior to vehicle exit (e.g. wheel and tire washing, rumble strips, and rattle plates);
d. Gravel all unpaved roads located onsite unless temporary or permanent stabilization measures are not required (see section 2.2.20) ;
e. Cover all sediment loads leaving the site;
f. When trucking saturated soils from the site, use water-tight trucks or drain loads on site;
g. Where sediment has been tracked-out from the site onto paved roads, sidewalks, or other paved areas outside of the site, remove the sediment by the end of the same business day that the track-out occurs or by the end of the next business day if track-out occurs on a non-business day. Track-out must be removed by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal; and
h. Hosing or sweeping tracked-out sediment into any stormwater conveyance, storm drain inlet, or water of the state is prohibited.

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2.2.8 Locate stockpiles away from construction activities that contain sediment or soil

Manage stockpiles and locate them away from construction activities, and land clearing debris piles that contain sediment or soil as follows:

a. Locate the piles outside of any natural buffers established under Section 2.2.1 and away from any stormwater conveyances, drain inlets, and areas where stormwater flow is concentrated;
b. Install a sediment barrier (e.g. berms, dikes, fiber rolls, silt fences, sandbags, gravel bags, or straw bale) along all downgradient perimeter areas;
c. Soil stockpiles must be stabilized or covered at the end of each workday, and before weekends, holidays, or extended breaks in construction activities if needed based on weather forecasts;
d. Provide cover (e.g. tarps, blown straw or hydroseed) or appropriate temporary stabilization consistent with Section 2.2.20) for any piles not in use; and
e. Hosing down or sweeping soil or sediment accumulated on pavement or other impervious surfaces into any stormwater conveyance, storm drain inlet, or water of the state is prohibited.

2.2.9 Prevent wind erosion and control dust

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. Federal regulation 40 CFR Part 279 prohibits the use of used oil as a dust suppressant.

2.2.10 Steep slope (see Definitions) disturbances in areas where construction activities are not occurring or projected are prohibited

2.2.11 Prevent the discharge of sediment to surface waters or conveyance systems leading to surface waters of the state.

The following conditions indicate that sediment has left or is likely to leave the site and are prohibited:

a. Required stabilization has not been initiated or completed;
b. Earth slides or mud flows;
c. Concentrated flows of stormwater such as rills, rivulets, gullies or channels that cause erosion when such flows are not filtered, settled, or otherwise treated to remove sediment;
d. Sediment laden or turbid flows of stormwater that are not filtered or settled to remove sediment and turbidity;
e. Deposits of sediment at the construction site in areas that drain to unprotected stormwater inlets or to catch basins that discharge to surface waters. Inlets and catch basins with failing sediment controls due to a lack of maintenance or inadequate design are considered unprotected;
f. Sediment basins or traps without adequate wet or dry storage volume or sediment basins or traps that allow discharge of stormwater from below the surface of the wet storage portion of the basin or trap;
g. Deposits of sediment from the project site on any property (including public and private streets) outside of the construction activity covered by this general permit; and

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h. Deposits of sediment from the project site at discharge locations or the banks of any waters flowing within or immediately adjacent to the site.

2.2.12 Prevent soil compaction

In areas of the site where final vegetative stabilization will occur or where post-construction infiltration practices will be installed (See Section 2.2.1.c) the registrant must:

a. Preserve native topsoil by stockpiling or transferring to other locations, unless infeasible;
b. Restrict vehicle and equipment use in these locations to avoid soil compaction; and
c. Before seeding or planting areas of exposed soil that have been compacted, use techniques that rehabilitate and condition the soils as necessary to support vegetative growth.

2.2.13 Protect storm drain inlets

The following storm drain inlet protection measures are required:

a. Install inlet protection measures that remove sediment from discharges prior to entry into any storm drain inlet that conveys stormwater flow, provided the registrant has authority to access the storm drain inlet; and
b. Clean, or remove and replace, the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, remove the deposited sediment by the end of the same business day in which it is found or by the end of the following business day if removal by the same business day is not feasible.

2.2.14 For projects involving concrete, establish concrete truck and other concrete equipment washout areas before beginning concrete work.

In addition, registrants must:

a. Wash concrete trucks and equipment in an appropriately protected area or in designated concrete washout areas only.
b. Direct all concrete wash water into an impermeable-lined pit or leak-proof container designed so that overflows will not occur due to inadequate sizing or precipitation.
c. Locate activities away from waters of the state and stormwater inlets or conveyances so that stormwater coming into contact with these activities cannot reach waters of the state.
d. Concrete wash may not adversely affect groundwater.
e. Concrete washout and waste concrete management areas must be maintained and functional.
f. Handle (e.g. through disposal, reuse or recycle) wash water as waste. Do not dispose of concrete wash water or wash out concrete trucks onto the ground, or into storm drains, open ditches, streets, or streams.
g. Not dump excess concrete on site, except in designated concrete washout areas.
h. Handle (e.g. through disposal, reuse or recycle) hardened concrete waste consistent with handling of other construction wastes.
i. Concrete spillage or concrete discharge to surface waters of the state is prohibited.

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2.2.15 Establish material and waste storage areas, and other non-stormwater controls before construction activities commence

2.2.16 Control stormwater discharges

Control all stormwater discharges, including both peak flowrates and total stormwater volume, to prevent channel and streambank erosion and scour in the immediate vicinity of discharge points as follows:

a. Use erosion controls and velocity dissipation devices within and along the length of any stormwater conveyance channel and at any outlet to slow down runoff to prevent erosion.
b. Protect stream banks from concentrated flows by constructing runoff control measures (e.g. check dams, outlet protection (riprap), pipe slope drains, swales/dikes, surface roughening).

2.2.17 Engineered sediment basin or similar impoundment installed

If an engineered sediment basin or similar impoundment is installed the following must take place:

a. The design must be prepared and stamped by an Oregon Registered Professional Engineer per Section 4.1.b;
b. The basin or impoundment must be situated outside of any water of the state, any natural water quality buffers, and any post-construction stormwater facility designed and engineered to infiltrate established under Section 2.2.1;
c. The basin or impoundment must be designed to avoid collecting water from wetlands;
d. The basin or impoundment must be designed to provide storage for either of the following:
    i. Find the site's estimated 2-year, 24-hour precipitation. The 2-year, 24 hour precipitation can be found using the Precipitation Frequency Data Server (PFDS) developed by the National Oceanic and Atmospheric Administration's (NOAA) National Weather Service (NWS) or the Oregon Department of Transportation (ODOT) Precipitation Data Viewer; or
    ii. 3,600 cubic feet per acre drained.
e. The design must utilize outlet structures that withdraw water from the surface of the sediment basin or similar impoundment, unless infeasible;
f. The design must use erosion controls and velocity dissipation devices to prevent erosion at inlets and outlets; and
g. Follow maintenance requirements per Sections 2.1.4 and 2.1.5.

For permit registrants that received permit coverage prior to December 14, 2020, the approved sediment basin is deemed appropriate.

2.2.18 Engineered sediment basin or similar impoundment must be installed with engineered soils

An engineered sediment basin or similar impoundment must be installed on sites with engineered soils as follows:

a. For construction activity involving the use of engineered soils (soil amendments including, but not limited to Portland cement-treated base [CTB], cement kiln dust [CKD],

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or fly ash), the registrant must install an engineered sediment basin or similar impoundment in accordance with Section 2.2.17 (e.g. trap, pond) to treat high pH runoff (i.e. above 8.5 standard units) before discharge. The registrant is required to determine the acceptable pH water quality criteria range of site discharge based on criteria of the receiving waterbody according to OAR 340-041-0021. If necessary the registrant must adjust or neutralize the high pH water until it is in the range of pH Standard Units (su) using an appropriate treatment BMP such as carbon dioxide (CO_2) sparging or dry ice.

b. The permittee must obtain written approval from DEQ or Agent before using any form of chemical treatment other than CO2 sparging or dry ice (see Section 1.2.9). See Section 6.6.1 for pH sampling requirements.

2.2.19 Maintain site

a. Clean up sediment that leaves the site and place sediment back on the site and stabilize, or disposed of sediment properly within 24 hours. In addition, the source(s) of the sediment must be controlled to prevent continued or additional discharge within 24 hours of being identified, and a corrective action report submitted to DEQ or Agent per section 5.3. Until the sediment or turbidity are no longer visually detectable, immediate corrective actions or the implementation of additional and appropriate BMPs is required to ensure the registrant is not causing or contributing to a violation of water quality standards. Any instream cleanup of sediment may require authorization from the Oregon Department of State Lands.
b. Do not intentionally wash sediment into storm sewers or drainage ways. Methods such as vacuuming, dry mechanical sweeping, or manual sweeping must be used to cleanup released sediments.

2.2.20 Stabilize exposed portions of the site

Implement and maintain stabilization measures (e.g., seeding protected by erosion controls until vegetation is established, sodding, mulching, erosion control blankets, hydromulch, gravel) that prevent erosion from exposed portions of the site. Initiate the installation of temporary stabilization measures (e.g. blown straw and a tackifier, loose straw, compost mulch, temporary vegetative cover, crushed rock or gravel base), final vegetation cover, or permanent stabilization measures immediately whenever any land disturbing activities have permanently ceased or will be temporarily inactive on any portion of the site for 14 or more calendar days. Document the day the activities cease and the location on site in the visual monitoring report (see Section 6.5.e). Complete the installation of stabilization measures as soon as practicable, but no later than seven calendar days after stabilization has been initiated.

2.2.21 Final Stabilization Criteria (for any areas not covered by permanent structures). Prior to permit termination, registrants must:

Prior to permit termination, registrants must:

a. Establish uniform (i.e., evenly distributed, without large bare areas) perennial vegetation that provides 70 percent or more cover on all exposed areas**.** Limited allowable exceptions include:

    i. For sites where it is difficult to establish 70 percent coverage (e.g. arid, semiarid, or drought stricken areas), the registrant must cover exposed soil between planted or

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seeded areas with bio or photo degradable controls designed to prevent erosion without active maintenance, or propose a site-specific plan to DEQ for approval.

ii. Disturbed areas on farm use land as defined in ORS 308A.056 (e.g. pipelines across crop or range land, or staging areas for highway construction) that are restored to their preconstruction farm use are not subject to final vegetative stabilization criteria.

iii. Stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed, and only the minimum area needed remains disturbed (e.g., dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, materials);

b. Implement temporary bio or photo-degradable non-vegetative stabilization measures (e.g. mulch or rolled erosion control products) to provide effective cover while vegetation is being established, to prevent erosion of the seeded or planted area;
c. Ensure that final vegetative cover or permanent stabilization is established before temporary sediment controls are removed unless doing so conflicts with local requirements;
d. Ensure there is no reasonable potential for discharge from the site of construction-related sediment or turbidity to surface waters;
e. Remove and properly dispose of all construction materials, waste and waste handling devices, and remove all equipment and vehicles that were used during construction, unless intended for long-term use following the termination of permit coverage;
f. Remove all temporary stormwater controls that were installed and maintained during construction, except those that are intended for long-term use following the termination of permit coverage;
g. Remove sediment from permanent (post-construction) structural stormwater facilities by over excavating and replacing with growth media before vegetating; and
h. Remove all potential pollutants, including any sediment being retained by temporary erosion and sediment controls, and discontinued pollutant-generating activities associated with construction, unless needed for long-term use following the termination of permit coverage.

2.3 POLLUTION PREVENTION CONTROLS

The registrant must implement pollution prevention controls in accordance with the following requirements to prevent the discharge of pollutants to stormwater and to prevent the discharge of pollutants from spilled or leaked materials from construction activities, such as building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, fuels, lubricants, and other materials present.

The registrant must provide written spill prevention and response procedures, employee training on spill prevention and proper disposal procedures, spill kits available on site, regularly maintained vehicles and machinery, material delivery and storage controls, signage, and covered storage areas for waste and supplies.

2.3.1 General conditions

Provide an effective means of eliminating the discharge of any waste from any activities performed on site by implementing the following:

a. Locate activities away from waters of the state and stormwater inlets or conveyances so that stormwater coming into contact with these activities cannot reach waters of the state;

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b. Ensure adequate supplies are available at all times to handle spills, leaks, and disposal of liquids, and provide secondary containment (e.g. spill berms, decks, spill containment pallets);
c. Have a spill kit available on site and ensure personnel are available to respond expeditiously in the event of a leak or spill;
d. Clean up spills or contaminated surfaces immediately using dry clean up measures (do not clean contaminated surfaces by hosing the area down), and eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge; and
e. Store materials in a covered area (e.g., plastic sheeting, temporary roofs), or in secondary containment to prevent the exposure of these containers to precipitation or stormwater runoff, or a similarly effective means designed to prevent the discharge of pollutants from these areas.

2.3.2 Equipment and vehicle fueling and maintenance

a. Use drip pans and absorbents under or around vehicles; and
b. Dispose of or recycle oil and oily wastes in accordance with other federal, state, tribal, or local requirements.

2.3.3 Equipment and vehicle washing:

a. Ensure there is no discharge of soaps, solvents, or detergents in equipment and vehicle wash water.
b. Prevent the discharge of turbid vehicle wash water to waters of the state or conveyances that lead to waters of the state.

2.3.4 Building materials and building products:

Minimize material exposure in cases where the exposure to precipitation or to stormwater will result in a discharge of pollutants (e.g. elevate materials from soil to prevent leaching of pollutants).

2.3.5 Pesticides, herbicides, insecticides, and fertilizers:

Comply with all application and disposal requirements included on the registered pesticide, herbicide, insecticide, and fertilizer label (see also Section 2.3.6). When applying fertilizers, registrants must:

a. Apply at a rate and in amounts consistent with manufacturer's specifications;
b. Apply at the appropriate time of year for the location, and preferably timed to coincide as closely as possible to the period of maximum vegetation uptake and growth;
c. Avoid applying before heavy rains that could cause excess nutrients to be discharged;
d. Never apply to frozen ground;
e. Never apply to stormwater conveyance channels; and
f. Follow all other federal, state, and local requirements regarding fertilizer application.

2.3.6 Hazardous or toxic wastes

a. Separate hazardous or toxic waste from construction and domestic waste;

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b. Store waste in sealed containers, which are constructed of suitable materials to prevent leakage and corrosion, and which are clearly labeled with their contents in accordance with all applicable federal, state, tribal, or local requirements;
c. Store all outside containers within appropriately-sized secondary containment (e.g., spill berms, decks, spill containment pallets) to prevent spills from being discharged, or provide a similarly effective means designed to prevent the discharge of pollutants from these areas (e.g., storing chemicals in a covered area, having a spill kit available on site); and
d. Dispose of hazardous or toxic waste in accordance with the manufacturer's recommended method of disposal and in compliance with federal, state, tribal, and local requirements.

2.3.7 Construction and domestic wastes

a. Provide waste containers (e.g., dumpster, trash receptacle) that provide ground separation and are of sufficient size and number to contain construction and domestic wastes;
b. Keep waste container lids closed when not in use and close lids at the end of the business day for those containers that are actively used throughout the day. For waste containers that do not have lids, provide either (1) cover (e.g., a tarp, plastic sheeting, temporary roof) to prevent exposure of wastes to precipitation, or (2) a similarly effective means designed to prevent the discharge of pollutants (e.g., secondary containment);
c. Clean up and dispose of waste in designated waste containers; and
d. Clean up immediately if containers overflow.

2.3.8 Sanitary wastes

Position portable toilets so that they are secure and will not be tipped or knocked over, and located away from waters of the state and stormwater inlets or conveyances.

2.3.9 Washing applicators and containers

Washing applicators and containers used for stucco, paint, concrete, form release oils, curing compounds, or other materials:

a. No discharge of these liquid wastes is allowed in storm sewers or waters of the state;
b. Dispose of liquid wastes in accordance with applicable requirements;
c. Remove and dispose of hardened concrete waste consistent with the handling of other construction wastes in Section 2.3.7; and
d. Locate any washout or cleanout activities as far away as possible from waters of the state and stormwater inlets or conveyances, and, to the extent feasible, designate areas to be used for these activities with signs and in the ESCP and conduct such activities only in these areas.

2.3.10 Emergency spill notification requirements

Discharges of toxic or hazardous substances from a spill or other release are prohibited, consistent with Section 1.5. Where a leak, spill, or other release containing a hazardous substance or oil occurs during a 24-hour period, the registrant must notify the Oregon Emergency Response System at (800) 452-0311 as soon as the registrant has knowledge of the release. Contact information must be in locations that are readily accessible and available to all employees.

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2.4 CONSTRUCTION DEWATERING REQUIREMENTS

This section pertains to accumulated water from precipitation and uncontaminated groundwater seepage due to shallow excavation activities, not for the lowering of contaminated groundwater (see Section 1.2.9). Registrant must comply with the following requirements to prevent the discharge of pollutants in groundwater or accumulated stormwater that is removed from excavations, trenches, foundations, vaults, or other similar points of accumulation, in accordance with Section 1.5.

a. To the extent feasible, use vegetated, upland areas of the site to infiltrate dewatering water before discharge. The registrant is prohibited from using waters of the state as part of the treatment area;
b. Implement the appropriate control measures for dewatering discharges to prevent the discharge of pollutants;
c. Do not discharge visible floating solids or foam;
d. Use an oil-water separator or suitable filtration device (such as a cartridge filter) that is designed to remove oil, grease, or other products if dewatering water is found to contain these materials;
e. At all points where dewatering water is discharged, comply with the velocity dissipation requirements of Section 2.2.16;
f. With backwash water, either haul it away for disposal or return it to the beginning of the treatment process;
g. Replace and clean the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications;
h. If there is no alternative option, the use of a sanitary or combined sewer discharge is authorized with local sewer district approval; and
i. Active treatment systems for turbidity or any other pollutants must be designed and stamped by an Oregon Registered Professional Engineer.

3 WATER QUALITY-BASED EFFLUENT LIMITATIONS AND ASSOCIATED REQUIREMENTS FOR STORMWATER DISCHARGES

Discharges must be controlled to meet all applicable water quality standards. In addition, DEQ or Agent expects compliance with the permit conditions is compliance with applicable water quality standards. At any time the registrant becomes aware, or DEQ or Agent determines, that discharges do not meet applicable water quality standards, corrective actions must be undertaken as required in Sections 5.1.

3.1 GENERAL EFFLUENT LIMITATIONS TO MEET APPLICABLE IN-STREAM WATER QUALTY STANDARDS

Discharges must be controlled and may not cause or contribute to an exceedance of the applicable water quality standards as established in OAR 340-041; specifically OAR 340-041-0036: Turbidity (Nephelometric Turbidity Units, NTU); No more than a 10% (ten percent) cumulative increase in natural stream turbidities may be allowed, as measured relative to a control point immediately upstream of the turbidity causing activity.

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4 EROSION AND SEDIMENT CONTROL PLAN (ESCP)

The registrant must implement the ESCP at all times, from initial soil disturbance until permit registration is terminated. Failure to implement any of the control measures or practices described in the ESCP is a permit violation. The ESCP must be kept up-to-date throughout the term of coverage under this permit.

The registrant must ensure that an ESCP is revised as necessary to reflect site conditions, and submit revisions to DEQ or Agent in accordance with the requirements of this permit.

All permit registrants that received permit coverage prior to December 14, 2020 must update the ESCP content and site map to ensure that the requirements of this permit are addressed by February 15, 2021.

4.1 QUALIFICATIONS TO DEVELOP ESCP

a. For construction activities disturbing twenty or more acres, the ESCP must be developed and stamped by a professional with one of the following credentials, and their name and credentials must be included in the ESCP as a preparer:

   i. Certified Professional in Erosion and Sediment Control,
   ii. Certified Professional in Stormwater Quality,
   iii. Oregon Registered Professional Engineer,
   iv. Oregon Registered Landscape Architect; or
   v. Oregon Certified Engineering Geologist.

b. If engineered facilities such as sedimentation basins or diversion structures for erosion and sediment control are required, the ESCP must be prepared and stamped by an Oregon Registered Professional Engineer (see Sections 2.2.17 and 2.2.18).

4.2 DESIGN THE ESCP TO MEET THE OBJECTIVES

The ESCP must be designed to meet the following objectives:

a. To implement best management practices (BMPs) in accordance with appropriate, recognized, and generally accepted engineering practices to prevent erosion and sedimentation, and to identify, reduce, eliminate, or prevent contamination of stormwater and water pollution from construction activities.
b. To prevent violations of water quality standards, erosion and sediment transport from the project site, and meet 1200-C permit technology-based effluent limitations and treatment requirements.
c. To control peak volumetric flow rates and velocities of stormwater discharges to prevent scouring by means such as diverting, collecting, conveying, and/or controlling flows.

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4.3 ESCP FOR EACH PHASE OF CONSTRUCTION ACTIVITY

Sediment and erosion controls must be clearly depicted for each of the following four distinct phases of construction activities within the ESCP. In addition, a site description and site map must be developed for the following construction phases:

1. Demolition, clearing, grading, excavating and land development;
2. Street and utilities;
3. Vertical construction; and
4. Final landscaping and site stabilization.

4.4 ESCP CONTENTS

At a minimum, the ESCP must include the information specified below:

a. Clearly identify the ESCP preparer and their credentials or stamp within the ESCP per section 4.1.
b. Name of the site.
c. All contractors to perform work on site.

i. Once known, include a list of all contractors that will engage in construction activities on site, and the areas of the site where the contractor(s) will engage in construction activities. Revise the list as appropriate until permit coverage is terminated.
ii. Include a list of all personnel (by name and position) that are responsible for the design, installation and maintenance of stormwater control measures (e.g. ESCP developer, BMP installer (see Section 4.10), as well as their individual responsibilities.
iii. Personnel conducting visual monitoring must be identified in the ESCP. Provide the following for all personnel conducting visual monitoring of the project site:

1. Name and title;
2. Contact information; and
3. A description of certification per section 6.1, along with any certification numbers and expiration date.

d. Environmental Management Plan per section 1.2.9 if applicable.
e. Site Description must include the following:

i. A description of the construction activities, including structures that are planned for demolition;
ii. The size of the property (in acres and length in miles if a linear construction site);
iii. A statement that clearly identifies the 303(d) Category 4 and 5 impairment status of each receiving water body (when the discharge enters an impaired watershed unit, the listing will only be applied if there is a hydrologic connection between the receiving water and assessment water body causing the impairment);
iv. Any waterbodies to be impacted by construction activities and reference in 401 water quality certifications, USACE permit, DSL permit, and/or any other applicable agency authorization;
v. The total area expected to be disturbed by the construction activities (to the nearest quarter acre or nearest quarter mile if a linear construction site);
vi. A description of any on-site and off-site construction support activity areas covered by this permit (see Section 1.3.2) such as staging areas;

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vii. The maximum area expected to be disturbed at any one time, including on-site and off-site construction support activity areas;

viii. A description and projected schedule for the following:

1. Estimated start dates of construction activities in each portion of the site, including clearing and grubbing, mass grading, demolition activities, site preparation (i.e., excavating, cutting and filling), final grading, and creation of soil and vegetation stockpiles requiring stabilization;
2. Temporary or permanent stop dates of construction activities in each portion of the site;
3. Estimated dates of temporary or final stabilization of exposed areas for each portion of the site; and
4. Estimated dates of removal of temporary stormwater controls and construction equipment or vehicles, and the final end date of construction-related pollutant-generating activities.

ix. Type of fill material to be used, and of the site soils prior to disturbance;

x. Composition of seed mix and other plantings used to establish temporary cover;

xi. A statement indicating engineered soils will be used per section 6.6, and pH monitoring is required of sedimentation basins;

xii. Identify all authorized non-stormwater discharges in section 1.4 that will or may occur;

xiii. A list and description of all pollutant-generating activities on the site. For each pollutant-generating activity, include an inventory of pollutants or pollutant constituents (e.g., sediment, fertilizers, pesticides, paints, caulks, sealants, fluorescent light ballasts, contaminated substrates, solvents, fuels) associated with that activity, which could be discharged in stormwater from the construction site. The registrant must take into account where potential spills and leaks could occur that contribute pollutants to stormwater discharges, and any known hazardous or toxic substances, such as PCBs and asbestos, that will be disturbed, removed, stored, or used on site during construction;

xiv. Description of Stormwater Controls. For each of the Section 2.2 Erosion Prevention and Sediment Control and Treatment Requirements, Section 2.3 Pollution Prevention Controls, and Section 2.4 Construction Dewatering Requirements, as applicable to the site, the registrant must include the following in the detail design sheets of the ESCP:

i. A description of the specific control(s) to be implemented to comply with the requirements of this permit;
ii. Any applicable stormwater control design specifications (including references to any manufacturer specifications and/or erosion and sediment control manuals/ordinances relied upon);
iii. Routine stormwater control maintenance specifications; and
iv. Proposed timetable indicating when each sediment and control BMP is to be installed/implemented and the duration that it is to remain in place.

xv. Natural buffer zone and/or equivalent sediment controls (see Section 2.2.4 and Appendix B). The registrant must include the following in the narrative site description:

1. The compliance alternative to be implemented;
2. If complying with alternative 1, the width of natural buffer retained;
3. If complying with alternative 2 or 3, the erosion and sediment control(s) the registrant will use to achieve an equivalent sediment reduction, and any information the registrant relied upon to demonstrate the equivalency;

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4. If complying with alternative 3, a description of why it is infeasible for the registrant to provide and maintain an undisturbed natural buffer of any size;
5. For "linear construction sites" where it is infeasible to implement compliance alternative 1, 2, or 3, a rationale for this determination, and a description of any buffer width retained and/or supplemental erosion and sediment controls installed; and
6. A description of any disturbances that are exempt under Section 2.2.1 that occur within 50 feet of a water of the state.
7. A description of the vegetated buffers, sized at 50 feet (horizontally) plus an additional 25 feet (horizontally) per five degrees of slope or DEQ or Agent approved control measures of equal effectiveness for any waterbody that is listed as impaired and requiring a TMDL for turbidity or sedimentation on the most recently approved Oregon 303(d) list, or has an established TMDL for turbidity or sedimentation.

xvi. Perimeter controls for a "linear construction site" (see Section 2.2.6). For areas where perimeter controls are not feasible, include documentation to support this determination and a description of the other practices that will be implemented to prevent discharges of pollutants in stormwater associated with construction activities.

1. Note: Routine maintenance specifications for perimeter controls documented in the ESCP must include Sections 2.1.5.a and 2.2.6 requirement that sediment be removed before it has accumulated to one-third of the above-ground height of any perimeter control.

xvii. Sediment track-out controls (see Section 2.2.7). Document the specific stabilization techniques and/or controls that will be implemented to remove sediment prior to vehicle exit;

xviii. Sediment basins (see Section 2.2.17). The registrant must include the design storm method and calculations, and other design details in the ESCP. In circumstances where it is infeasible to utilize outlet structures that withdraw water from the surface of the sediment basin, include documentation to support this determination, including the specific conditions or time periods when this exception will apply;

xix. Treatment chemicals (see Section 1.2.9). The registrant must include the specific controls and implementation procedures designed to ensure that the use of cationic treatment chemicals will not lead to an exceedance of water quality standards;

xx. Stabilization measures (see Sections 2.2.20 and 2.2.21). The registrant must include the specific vegetative and/or non-vegetative practices that will be used;

xxi. Spill Prevention Procedures (see Section 2.3.10). The following must be included:

1. Procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases;
2. The ESCP may also reference the existence of oil Spill Prevention Control and Countermeasure (SPCC) plans developed for the construction activity (see Section 2.3.2.a), provided that the registrant keep a copy of on site or electronically available;
3. Waste management procedures (see Sections 2.3.1 and 2.3.4); and
4. The location of fertilizers applied on site (see Section 2.3.5).

xxii. Staff Training. Include documentation that the required personnel are trained in accordance with Section 6.1; and

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xxiii. Planned business days and hours for the project known at the time.

f. Site Map. Include a legible map, or series of maps, showing the following features of the site if applicable:

i. Roads and features for DEQ or Agent to locate and access the site;
ii. Boundaries of the property;
iii. Depict the drainage patterns of stormwater and authorized non-stormwater before and after major grading activities;
iv. Locations where construction activities will occur, including:

1. Locations where land disturbing activities will occur (note any phasing), including any demolition activities;
2. Approximate slopes before and after major grading activities (pre and post-elevation contours);
3. For steep slopes (see definitions), clearly label with the words "Steep slope" and include the percentage grade;
4. Locations where sediment, soil, or other construction materials will be stockpiled;
5. Clearly label any water of the state crossings with words "water crossing";
6. Designated points where vehicles will exit onto paved roads;
7. Locations of structures and other impervious surfaces upon completion of construction; and
8. Locations of on-site and off-site construction support activity areas covered by this permit (see Section 1.3.2).

v. Locations of springs, wetlands, surface waters, and all waters of Oregon within and one mile downstream of the site's discharge point. Also identify if any surface waters are 303(d) Category 4 and 5 listed as impaired (when the discharge enters an impaired watershed unit, the listing will only be applied if there is a hydrologic connection between the receiving water and assessment water body causing the impairment);
vi. Riparian areas and vegetation including trees and associated rooting zones, and vegetation areas to be preserved;
vii. Vegetated buffer zones and or equivalent sediment controls (see Section 2.2.4 and Appendix B) between the site and sensitive areas (e.g. wetlands), and other areas to be preserved, clearly label with the words "Natural Buffer Zone";
viii. Clearly label the type and extent of pre-construction cover on the site (e.g., vegetative cover, forest, pasture, pavement, structures);
ix. Temporary and permanent stormwater conveyance systems;
x. Location of concrete wash out;
xi. Location of sanitary facilities;
xii. Location of the nearest official rain gauge, or, if used, location of the registrant's onsite rain gauge;
xiii. Onsite water disposal locations (e.g. for dewatering);
xiv. Storm drain catch basins depicting inlet protection, and a description of the type of catch basins used (e.g. field inlet, curb inlet, grated drain, and combination);
xv. Septic drain field;
xvi. Existing or proposed drywells or other UICs;
xvii. Drinking water wells on site or adjacent to the site;
xviii. Planters;
xix. Detention ponds, storm drain piping, and inflow and outflow details (e.g. bottom elevations and inverts);

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xx. Post-construction stormwater facilities designed and engineered to infiltrate or filter stormwater and associated access restriction control measures (Section 2.2.12);
xxi. Locations of all potential pollutant-generating activities identified in Section 4.4.e.xiii;
xxii. Locations of stormwater controls, including any shared controls utilized to comply with this permit;
xxiii. Any other applicable features or controls that are associated with pollution prevention in stormwater discharges;
xxiv. Locations where polymers, flocculants, or other treatment chemicals will be used and stored;
xxv. Locations of engineered soils (see section 2.2.18);
xxvi. Locations of engineered sediment basins (see Section 2.2.17);
xxvii. Receiving water(s). Stormwater and authorized non-stormwater discharge point locations, including:

1. Locations where stormwater and/or authorized non-stormwater will be discharged to storm drain inlets; and
2. Locations where stormwater or authorized non-stormwater will be discharged directly to surface waters of the state.

xxviii. Perimeter controls for a "linear construction site" (see Section 2.2.6);
xxix. Sediment track-out controls (see Section 2.2.7); and
xxx. Stabilization measures (see Sections 2.2.20 and 2.2.21). The registrant must include the specific vegetative and/or non-vegetative practices that will be used.

4.5 ESCP CERTIFICATION

The ESCP must be signed and dated by the preparer and in accordance with Section 4.1 if applicable.

4.6 ESCP ATTACHMENTS

Once the registrant is assigned coverage under this permit, the registrant must include the following documents as part of the ESCP:

a. A copy of the application submitted to DEQ or Agent along with any correspondence exchanged between the registrant and DEQ or Agent related to coverage under this permit;
b. A copy of the 1200-C assignment confirmation provided by DEQ or Agent, along with the identification number provided by DEQ or Agent;
c. A copy of this permit (an electronic copy is available on the DEQ website and also acceptable); and
d. A copy of the DEQ approved Environmental Management Plan if applicable (see Section 1.2.9)

4.7 ON-SITE AVAILABILITY OF THE ESCP

The registrant must keep a current copy of the ESCP at the site and be available for inspections or upon request by DEQ or Agent. The ESCP can be stored electronically as long as the personnel on-site can access it and make it available for inspector review.

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4.8 ESCP REVISIONS

The ESCP and the site maps must be revised, within seven days of any of the following to accurately reflect site conditions and BMPs used onsite:

a. Changes to the construction plans that impact erosion and sediment control measures;
b. Changes to the stormwater control BMPs, their location, maintenance required, and any other revisions necessary to prevent and control erosion and sediment runoff;
c. An increase in construction activities to adjacent lots (see Section 1.2.7);
d. Other activities at the site that are no longer accurately reflected in the ESCP. This includes changes made in response to corrective actions triggered under Section 5. The ESCP does not need to be modified if the estimated dates in Section 4.4.e.viii change during the course of construction;
e. To reflect areas on the site map where operational control has been transferred (and the date of transfer) since initiating permit coverage;
f. If inspections by DEQ or Agent determine that ESCP revisions are necessary for compliance with this permit;
g. Where DEQ or Agent determines it is necessary to install and/or implement additional controls at the site in order to meet the requirements of this permit, the following must be included in the ESCP:
    i. A copy of any correspondence describing such measures and requirements; and
    ii. A description of the controls that will be used to meet such requirements.
h. Change of contractors that will engage in construction activities on site, and the areas of the site where the contractor(s) will engage in construction activities;
i. Change of any personnel (by name and position) that are responsible for the design, installation and maintenance of stormwater control measures (see Section 4.10);
j. Change of the Certified Erosion and Sediment Control Inspector, or of their contact information and any applicable certification and training experience;
k. To reflect any revisions to applicable federal, state, tribal, or local requirements that affect the stormwater controls implemented at the site; and
l. If a change in chemical treatment systems or chemically enhanced stormwater control is made, including use of a different treatment chemical, different dosage rate, or different area of application as applicable.

4.9 SUBMISSION OF ESCP REVISION TO DEQ OR AGENT

Revisions to the ESCP that require submission are a reporting requirement. The registrant must submit a revised version of the complete ESCP to DEQ or Agent within ten calendar days of the revision. If the registrant does not receive a response to the revisions from DEQ or Agent within ten calendar days of receipt, the proposed revisions are deemed accepted.

a. ESCP revisions must be submitted if they are made for the following reasons:
    i. Part of a corrective action requirement in Section 5;
    ii. Registrant change of address. The registrant must notify DEQ or Agent of their current address. Failure to do so may be used as grounds for termination of coverage;
    iii. An increase or decrease of the project size;
    iv. An increase or decrease of the size or location of disturbed areas;
    v. Change to BMPs (e.g. type, design, or location); or

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vi. Change of the certified visual monitoring inspector.

b. The registrant must maintain records showing the dates of all ESCP revisions. The records must include the name of the person authorizing each change (see Section 4.8 above) and a brief summary of all changes.
c. All revisions made to the ESCP consistent with Section 4.8 must be authorized by a person identified in Section 4.1 if applicable.
d. Approval of the revisions by DEQ or Agent prior to implementation is not required, however the addition of an Active Treatment System must be approved by DEQ or Agent before operating and requires submission of an Environmental Management Plan (see Section 1.2.9.c).

4.10 PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES

The registrant must document the names and contact information of personnel that have responsibilities for implementing stormwater control measures and complying with the permit and ESCP requirements at the project site. The list of personnel should be kept with the ESCP. If new or additional contractors are hired to implement control measures identified in the ESCP after construction has commenced, the contact information must be updated. The registrant must ensure that the following personnel are informed of the permit and ESCP requirements and their specific responsibilities:

a. Personnel who are responsible for the design, installation, maintenance, and/or repair of stormwater controls (including pollution prevention controls);
b. Personnel responsible for the application and storage of treatment chemicals (if applicable);
c. Personnel who are responsible for conducting inspections as required in Section 6.1; and
d. Personnel who are responsible for taking corrective actions as required in Section 5.

4.11 THE PERMIT REGISTRANT IS RESPONSIBLE FOR ENSURING THAT ALL ACTIVITIES ON THE SITE COMPLY WITH THE REQUIRMENTS OF THIS PERMIT

The registrant must make subcontractors and outside service providers aware of any permit requirements that apply to the work they are subcontracted to perform. The permit registrant must provide subcontractors and outside service providers easy access to an electronic or paper copy of applicable portions of this permit, the most updated copy of the ESCP, and other relevant documents or information that must be kept with the ESCP.

5 CORRECTIVE ACTIONS

The registrant must take corrective action(s) to comply with permit conditions, and must take corrective action if any of the following conditions exist:

a. The discharges are causing an exceedance of applicable water quality standards:
b. Sediment or turbidity (as described in Section 2.2.11) are visible in discharge from the permitted site within:

i. A conveyance system leading to surface waters; or

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ii. Surface waters from the discharge point.

c. If DEQ or Agent requires the registrant to take corrective actions to prevent or control the discharge of significant amounts of sediment or turbidity to surface waters or to conveyance systems that discharge to surface waters, or as the result of a permit violations found during an inspection;
d. A stormwater control needs repair or replacement (beyond routine maintenance required under Section 2.1.4);
e. A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly; or
f. A prohibited discharge has occurred (see Section 1.5).

5.1 CORRECTIVE ACTION TIMELINES

If any corrective action is required per Section 5 above, the registrant must implement that action according to the following**:**

a. Immediately take all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events;
b. Complete the corrective action by the close of the next business day when the problem does not require a new or replacement control or significant repair; and
c. When the problem requires a new or replacement control or significant repair, install the new or modified control and make it operational, or complete the repair, by no later than 24 hours from the time of discovery to ensure that the requirements of Section 3.1 are met. If it is infeasible to complete the installation or repair within 24 hours, the registrant must document in the records why it is infeasible to complete the installation or repair within the 24-hour timeframe and document the schedule for installing the stormwater control(s) and making it operational as soon as feasible after the 24 hour timeframe. Where these actions result in changes to any of the stormwater controls or procedures documented in the ESCP, the registrant must revise the ESCP in accordance with section 4.8.

5.2 CORRECTIVE ACTION DOCUMENTATION

Within 24 hours of each corrective action implemented, the registrant must document the corrective actions in a report that includes:

a. The site common name and identification number provided by DEQ or Agent file.
b. Identification of discharge locations that were out of compliance.
c. The period of noncompliance.
d. Names, titles and contact information of personnel conducting inspections.
e. The specific condition and the date and time it was identified.
f. Describe the noncompliance, and evaluate the stormwater control measures and practices to determine the cause of noncompliance.
g. Within 24 hours of completing the corrective action (in accordance with the timelines in Section 5.1), document the actions taken to address the condition, and steps taken to prevent the reoccurrence of the noncompliance including whether any ESCP revisions are required. Where these actions result in changes to any of the stormwater controls or procedures documented in the ESCP, the registrant must revise the ESCP in accordance with Section 4.8.
h. Each corrective action report must be signed by the permit registrant.

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i. The corrective action reports must be kept at the site or at an easily accessible location and made available to DEQ or Agent upon request.
j. The corrective action reports must be retained for three years after permit coverage is terminated.

5.3 SUBMIT A CORRECTIVE ACTION REPORT TO DEQ OR AGENT

Within 10 calendar days of identifying the need to take Corrective Actions as required in 5.a or 5.b above, the registrant must submit a corrective action report to DEQ or Agent. This report must include:

a. The site common name and identification number provided by DEQ or Agent;
b. Identification of outfalls that were out of compliance;
c. Names of personnel conducting visual monitoring;
d. A description of the noncompliance and its cause;
e. The period of noncompliance;
f. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance (such as specific BMPs that will be implemented or increased inspection frequency); and
g. ESCP revisions, if revisions were required to prevent and control erosion and sediment discharges.

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SCHEDULE B
MINIMUM MONITORING AND RECORDKEEPING REQUIREMENTS

6 VISUAL MONITORING AND REPORTING REQUIREMENTS

6.1 PERSON(S) RESPONSIBLE FOR VISUALLY MONITORING THE PROJECT SITE

Visual monitoring must be conducted by a Certified Erosion and Sediment Control or Storm Water Quality Inspector (Inspector). The Inspector must be certified in one of the following sediment and erosion control programs, or any other course approved at a future date by DEQ. DEQ has approved the following programs:

1. Certified Professional in Erosion and Sediment Control,
2. Certified Professional in Storm Water Quality,
3. Certified Inspector of Sediment and Erosion Control,
4. Washington State Certified Erosion and Sediment Control Lead,
5. Rogue Valley Sewer Services Erosion and Sediment Control Certification.

By May 15, 2021, permit registrants that received permit coverage prior to December 14, 2020 must have visual monitoring of sites under 5 acres conducted by a person certified in a DEQ approved erosion and sediment control program.

6.2 FREQUENCY OF VISUAL MONITORING INSPECTIONS

At a minimum, the Inspector must document the initial date of any construction staging, construction activities, or land clearing, and conduct and document a visual monitoring inspection of the project site per the following frequency:

a. On the initial date;
b. Once every 14 calendar days; and
c. Within 24 hours of any storm event, including snowmelt that results in discharge from the site.

Storm event information can be derived from weather stations that are representative of the site location, rain gauges or other appropriate weather documentation can be used in the inspection report. (Note: in many parts of Western Oregon, a storm event of 0.10 inches will result in a discharge from construction sites**).**

6.3 REDUCTIONS IN VISUAL MONITORING FREQUENCY

The Inspector must inspect stabilized areas no more than 14 days prior to a site becoming inactive to ensure that erosion and sediment control measures are in working order. For the following scenarios, the Inspector must clearly document the following conditions have begun in the written visual monitoring reports:

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a. The Inspector may reduce the frequency of inspections in any area of the site where the stabilization steps in 2.2.20 have been completed to twice per month for the first month, no less than 14 calendar days apart, then once per month. If construction activity resumes on a stabilized area of the site at a later date, the inspection frequency must immediately increase to that required in Section 6.2, as applicable. The Inspector must document the beginning and ending dates of site inactivity in the visual monitoring reports.
b. For "linear construction sites" where disturbed portions have achieved final stabilization per Section 2.2.21 at the same time active construction continues on others, the inspection frequency may be reduced to twice per month for the first month, no less than 14 calendar days apart, in any area of the site where the stabilization steps in 2.2.20 have been completed. After the first month, inspect once more within 24 hours of any storm event leading to discharge from the site. If there are no issues or evidence of stabilization problems (e.g. failure to establish 70% vegetative cover), inspections may be discontinued. If "wash-out" of stabilization materials and/or sediment is observed, following re-stabilization, inspections must resume at the inspection frequency required in Section 6.2.a. Inspections must continue until final stabilization is visually confirmed following a storm event leading to discharge from the site, or the occurrence of a storm event resulting in discharge from the project site.

Frozen conditions:

a. If construction activities are suspended due to frozen conditions, visual monitoring inspections may be temporarily suspended on the site until thawing begins (See Definitions) if:
    i. Runoff is unlikely due to continuous frozen conditions. If unexpected weather conditions (such as above freezing temperatures or rain events) make discharges likely, the Inspector must immediately resume the regular inspection frequency as described in Section 6.2, as applicable;
    ii. Land disturbances have been suspended; and
    iii. All disturbed areas of the site have been stabilized in accordance with Section 2.2.20.

b. If construction activities are conducted during frozen conditions, the visual monitoring inspection frequency may be reduced to once per month if:
    i. Runoff is unlikely due to continuous frozen conditions. If unexpected weather conditions (such as above freezing temperatures or rain events) results in likely discharges, the Inspector must immediately resume the regular inspection frequency as described in Section 6.2, as applicable; and
    ii. Disturbed areas of the site have been stabilized in accordance with Section 2.2.20.

6.4 REQUIREMENTS FOR VISUAL MONITORING

Visual Monitoring should be conducted during safe conditions and must include an evaluation of all elements of the ESCP including:

a. Confirmation that all stormwater controls are properly installed and are working as intended to prevent pollutant discharges;
b. Confirmation that the presence of conditions that could lead to spills, leaks, or other accumulations of pollutants on the site are addressed (See Section 2.3);

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c. Identification of any locations where new or modified stormwater controls are necessary to meet the requirements of Sections 2, 3 and 4;
d. Checking for the presence of visible erosion and sedimentation as outlined in Section 2.2.11 and document any indication of sediment that has left or is likely to leave the project site;
e. If a discharge is occurring during the inspection:
    i. Identification of all stormwater discharge locations at the site; and
    ii. Documenting the visual quality of the discharge and take note of the characteristics of the stormwater discharge, including color, odor, suspended solids, foam, oil sheen; and any other indicators of stormwater pollutants.
f. If no discharge occurred from site within 24 hours of a storm event, the inspector must document (e.g. date stamped photos of all points of discharge from the site) that no discharge from the site occurred;
g. Identification any portion of the project site where land disturbing activities have permanently ceased or will be temporarily inactive for 14 or more calendar days and note the initial date of cessation; and
h. Identification and documentation of any necessary maintenance under Section 2.1.4, corrective actions under Section 5, or stabilization measures under Sections 2.2.20 and 2.2.21.

The Inspector is not required to visually monitor areas that, at the time of the inspection, are considered unsafe; however nearby downstream locations of any receiving waterbodies must be inspected to the extent that such inspections are safe, accessible and practical.

6.5 VISUAL MONITORING INSPECTION REPORT

The inspection report must be completed within 48 hours of all site inspections. Inspection reports must include the following as applicable to the site:

a. The inspection date;
b. The name of the site and the identification number provided by DEQ or Agent;
c. Names, titles and contact information of the inspector;
d. A summary of the inspection, including the observations made in accordance with Section 6.5, the location of BMPs in need of any necessary maintenance or corrective actions, the location of any BMPs that failed to operate as designed or proved inadequate for a particular application, the location of where additional BMPs are needed that did not exist at the time of inspection, visual observations (e.g. clear, turbid, opaque, sheen) of the stormwater discharges from the site, or if a discharge from the site did not occur within 24 hours of a storm event (attach date stamped photos to report);
e. Any unauthorized discharges from the site;
f. Any portion(s) of the site where land disturbing activities have permanently ceased or will be temporarily inactive for 14 or more calendar days;
g. If complying with stabilization schedules for sites affected by unforeseen circumstances that delay the initiation and/or completion of vegetative stabilization, document the circumstances and the schedule for initiating and completing stabilization;
h. If complying with the stabilization schedules in arid, and semi-arid sites typical of Eastern Oregon (climate determination of the project site can be found in the National Climatic Data Center publication Climate of Oregon), or drought-stricken areas, the beginning and

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ending dates of the seasonally dry period and the schedule the registrant will follow for initiating and completing vegetative stabilization;

i. All pH sampling results conducted per section 6.6.1;
j. The alternative erosion and sediment control measures (see Section 2.2.6) and the inspection frequency (see section 6.3.b) for linear construction projects;
k. Reasons for changes or modifications to the ESCP;
l. Start and end dates subject to alternative inspection frequencies listed in Section 6.3;
m. If the Inspector is inspecting the site at the frequency specified in Section 6.2 or Section 6.3.b, the applicable rain gauge, weather station readings or other source of information that triggered the inspection (e.g. weather conditions during the inspection, the approximate amount of precipitation since the last inspection, and approximate amount of precipitation during the last 24 hours);
n. If the Inspector determines that it is unsafe to inspect a portion of the site or the inclement weather makes the site, or portions of the site inaccessible, the reasoning and the locations to which this condition applies must be documented;
o. Each inspection report must be signed by the Inspector with the following statement: "I certify that this report is true, accurate, and complete to the best of my knowledge, abilities, and belief";
p. All inspection reports should be kept in chronological order at the site or at an easily accessible location (electronically is acceptable), and made available at the time of inspection or upon request by DEQ or Agent; and
q. All visual monitoring notes, sampling records and inspection reports must be kept for three years from the date that the permit coverage expires or is terminated.

6.6 STORMWATER DISCHARGE MONITORING REQUIREMENTS

6.6.1 Monitoring the pH of stormwater captured in sediment basins/impoundments when engineered soils are used.

If construction activity involves the use of engineered soils (soil amendments including, but not limited to Portland cement-treated base, cement kiln dust, or fly ash), the registrant must conduct and document pH monitoring of stormwater captured in the sediment impoundment as described below:

a. The registrant must begin the pH monitoring period when the engineered soils are first exposed to precipitation and must continue every 7 calendar days and within 24 hours of the occurrence of discharge from the site, or the occurrence of a storm event of 0.10 inches or greater until final stabilization of the area of engineered soils is established (see Section 2.2.21).
b. Document the date when soil amendments were added and final stabilization achieved in the inspection Report per Section 6.5.
c. The registrant must monitor the pH of stormwater in the sediment basins/impoundments and at discharge locations that receive stormwater runoff from the area where engineered soils were used before the stormwater discharges to surface waters.
d. The benchmark value for pH is defined in Standard Units (su), and determined by the river basin containing the receiving waterbody according to OAR 340-041-0021. Anytime monitoring indicates that the pH of the site's stormwater is the maximum allowed su or greater, the registrant must either:

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i. Prevent the high pH water from entering storm sewer systems or surface waters; or
ii. Adjust or neutralize the high pH water until it is in the range of pH su acceptable for discharge to the river basin containing the receiving waterbody by using an appropriate treatment BMP such as carbon dioxide (CO2) sparging or dry ice. The registrant must obtain written permission from DEQ or Agent before using any form of chemical treatment other than CO2 sparging or dry ice per Section 1.2.9.

e. The registrant must perform pH monitoring on site within 15 minutes of sample collection with an accurately calibrated pH meter. The registrant must record the pH monitoring results and any pH adjustment treatments in the inspection report.

6.7 INSPECTIONS BY DEQ OR AGENT

The registrant must allow and make arrangements for DEQ or Agent to have access to the site at all reasonable times.

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SCHEDULE D
SPECIAL CONDITIONS

7 Schedule Precedence

Schedule F contains General Conditions that are included in all general permits issued by DEQ. In the event of any inconsistency between Schedule F and any other schedule of the permit, the requirements in Schedules A through D take precedence.

7.1 Availability of ESCP and Monitoring Data.

The Erosion and Sediment Control Plan and stormwater monitoring data must be made available to government agencies responsible for stormwater management in the permit registrant's area.

7.2 Other Requirements

Registration under this permit does not relieve the permit registrant from all other permitting and licensing requirements. Prior to beginning construction activities, the permit registrant must obtain all other necessary approvals.

7.3 TERMINATION OF PERMIT COVERAGE

DEQ or Agent will approve permit termination only if the conditions of Section 2.2.21 are met. Permit registrants are subject to the conditions of this permit until termination has been approved by DEQ or Agent, and must pay an annual fee, according to OAR 340-045-0075, Table 70G. To terminate permit coverage, the registrant must submit a complete and accurate Notice of Termination to DEQ or Agent in the format required.

7.3.1 Conditions for terminating permit coverage

The following must be completed prior to termination approval**:**

a. Submit photo-documentation that depicts the requirements for final vegetative or non-vegetative site stabilization in Section 2.2.21, unless the site has been inspected by DEQ or Agent within 30 calendar days and verified to meet the requirements of Section 2.2.21;
b. Resolve all outstanding compliance and enforcement issues;
c. Pay all outstanding permit fees;
d. For a common plan of development or sale, the existing 1200-C will be allowed to terminate when items 7.3.1.a, .b, and .c are met and when the remaining unstabilized area is covered by the 1200-C and/or 1200-CN.

As an alternative to termination, a registrant may:

a. Transfer control of all areas of the site for which the registrant is responsible under this permit to another registrant(s);
b. Obtain an individual NPDES permit for the discharge of stormwater associated with the construction activity under this general permit; or
c. If the project never started and the registrant no longer desires to commence construction activities requiring this permit, there are no additional requirements.

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7.4 EFFECTIVE DATE OF TERMINATION OF COVERAGE

Authorization to discharge under this general permit terminates when confirmation of permit coverage termination is issued by DEQ or Agent.

7.5 Local public agencies acting as DEQ's Agent

DEQ has authorized certain local governments and special districts to act as its Agent in implementing portions of this permit. The Agent conducts the following activities, including: application and ESCP review, inspections, monitoring data review, stormwater monitoring, compliance inspections and referrals for enforcement. Where DEQ has entered into such an agreement, DEQ or Agent will notify the permit registrant of other notifications or correspondence associated with this permit.

7.5.1 Permit-Specific definitions

a. *Agent*-a government entity or water resources management utility that has an agreement with DEQ to administer this general permit within their jurisdictional boundaries.
b. *Backwash water* (per Section 2.4.f)- refers to pumping water backwards through the filters media, sometimes including intermittent use of compressed air during the process. Backwashing is a form of preventive maintenance so that the filter media can be reused.
c. *Best Management Practices or BMPs* -schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural or managerial practices to prevent or reduce the pollution of waters of the state. BMPs include treatment systems, erosion and sediment control, source control, and operating procedures and practices to control site runoff, spillage or leaks, and waste disposal.
d. *Borrow Area*-the area from which material is excavated to be used as fill material in another onsite or off-site area.
e. *Cationic Treatment Chemicals*-polymers, flocculants, or other chemicals that contain an overall positive charge. Among other things, they are used to reduce turbidity in stormwater discharges by chemically bonding to the overall negative charge of suspended silts and other soil materials and causing them to bind together and settle out. Common examples of cationic treatment chemicals are chitosan and cationic PAM.
f. *Clean Water Act or CWA*-the Federal Water Pollution Control Act enacted by Public Law 92-500, as amended by Public Laws 95-217, 95-576, 96-483, and 97-117; USC 1251 et seq.
g. *Common Plan of Development or Sale*—is a plan to subdivide a parcel of land into separate parts for separate sale. This can be for residential, commercial, or industrial development. A construction activity is part of a larger common plan of development if it is completed in one or more of the following ways: in separate stages, in separate phases, and/or in combination with other construction activities.
h. *Conveyance System*-for the purposes of this permit, humanmade structures, such as a sewer, ditch, pipe, channel, swale, or similar component that is designed to carry water to and from stormwater control measures on a construction site; or any combination of such components.
i. *Construction Activity*-including but not limited to; clearing, grading, excavating, grubbing, stumping, demolition, and land disturbing activities. Construction activity does

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not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility as defined in 40 CFR 122.26(b)(15).

j. *CO_2 Sparging (*per Section 7.6*)*-is a technique in which carbon dioxide gas, sometimes introduced by dry ice, is bubbled through a liquid in order to lower the pH of the liquid.
k. *DEQ*-the Oregon Department of Environmental Quality.
l. *Detention*-the temporary storage of stormwater to improve quality or reduce the volumetric flow rate of discharge or both.
m. *Dewatering*-the removal and disposal of surface water or groundwater during site construction.
n. *Discharge Point*-the location where stormwater leaves the site. It includes the location where stormwater is discharged to surface water or a stormwater conveyance system.
o. *Encroach(ing)*- to intrude beyond a specified boundary without right or permission.
p. *Engineered soils (*per Section 6.6.1*)*-soils on site amended with cementitious compounds.
q. *Erosion*-the movement of soil particles or rock fragments by water or wind.
r. *Erosion and Sediment Control BMPs*-BMPs that are intended to prevent erosion and sediment transport, such as preserving natural vegetation, seeding, mulching and matting, plastic covering, sediment fences, and sediment traps and ponds. Erosion and sediment control BMPs are synonymous with stabilization and structural BMPs.
s. *Farm Use Land*-cropland, grassland, rangeland, pasture, and other land on which agricultural or forest-related products or livestock are produced. Agricultural lands include cropped woodland, marshes, incidental areas included in the agricultural operation, and other types of land used for the production of livestock.
t. *Hazardous Materials*-the materials defined in 40 CFR part 302 Designation, Reportable Quantities, and Notification.
u. *Legally Authorized Representative*-the following (please see 40 CFR §122.22 for more detail, if needed):

- For a corporation - president, secretary, treasurer, vice-president, or any person who performs principal business functions; or a manager of one or more facilities that is authorized in accordance to corporate procedure to sign such documents.
- For a partnership - general partner.
- For a sole proprietorship - owner.
- For a city, county, state, federal, or other public facility - principal executive officer or ranking elected official.
- For a Limited Liability Company - Member [articles of organization].
- For trusts – Acting trustee.

v. *Linear Construction Site*- Examples of linear construction projects include, but are not limited to, pipeline projects, highway construction, highway resurfacing and maintenance, airport runway construction and resurfacing tunnels, mass transit systems, and railroads.
w. *Local Government*-any county, city, town, or service district.
x. *National Pollutant Discharge Elimination System or NPDES*-the national program under Section 402 of the Clean Water Act for regulation of point source discharges of pollutants to waters of the United States.
y. *Native topsoil (*per Section 2.2.11*)*-top layer of soil on site.
z. *Natural Buffer*-for the purposes of this permit, an area of undisturbed natural cover surrounding surface waters within which construction activities are restricted. Natural

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cover includes the natural vegetation, exposed rock, and barren ground that existed prior to commencement of land disturbing activities.

aa. *Natural Vegetation*-vegetation that occurs spontaneously without regular management, maintenance, or species introductions or removals. For purposes of this permit, this includes invasive species.

bb. *Non-Stormwater Pollution Controls*-general site and materials management measures that directly or indirectly aid in minimizing the discharge of sediment and other construction related pollutants from the construction site.

cc. *Owner*-for the purposes of this permit, any person with a legal interest in the permitted activities or the property on which the permitted activities occur.

dd. *Permit Registrant*-for the purposes of this permit, the owner or registrant of the construction activity regulated by this permit that has submitted an application and received notice of registration under this general permit by DEQ.

ee. *Person*-individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the state and any agencies thereof, and the federal government and any agencies thereof.

ff. *pH neutralization (*per Section 6.6*)*-to bring the pH between 6.5 and 8.5 standard units.

gg. *Pollutant* as defined in 40 CFR §122.2-dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, domestic sewage sludge (biosolids), munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, soil, cellar dirt and industrial, municipal, and agricultural waste discharge into water. It does not mean sewage from vessels within the meaning of section 312 of the FWPCA, nor does it include dredged or fill material discharged in accordance with a permit issued under section 404 of the FWPCA.

hh. *Pollution or Water Pollution* as defined by ORS 468B.005(5)-such alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, silt or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state, which will or tends to, either by itself or in connection with any other substance, create a public nuisance or which will or tends to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses or to livestock, wildlife, fish or other aquatic life or the habitat thereof.

ii. *Responsible Person*-for the purposes of this permit, means any person associated with a construction project that meets either of the following two criteria:

(1) The person has operational control over construction plans and specifications, including the authority to make modifications to those plans and specifications; or

(2) The person has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a ESCP for the site or other permit conditions (for example, they are authorized to direct workers at a site to carry out activities required by the ESCP or comply with other permit conditions).

jj. *Runoff Controls*-BMPs that are designed to control the peak volume and flow rate or to prevent scour due to concentrated flows.

kk. *Sediment*-mineral or organic matter, typically deposited by water, air, or ice.

ll. *Sediment Basin/Impoundment (also includes traps/ponds)*-a sediment basin is a temporary pond built on a construction site to capture eroded or disturbed soil that is washed off during storm events, and protect the water quality of a nearby stream, river, lake, or bay. The sediment-laden soil settles in the pond before the runoff is discharged.

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mm. *Sequence*-the phased order that land disturbing activities are performed.
nn. *Site*-the area where the construction activity is physically located or conducted.
oo. *Shared Control*-a stormwater control, such as a sediment basin or pond, used by two or more operators that is installed and maintained for the purpose of minimizing and controlling pollutant discharges from a construction site with multiple registrants associated with a common plan of development or sale.
pp. *Steep Slopes*-defined as those that are 70 percent or greater in grade.
qq. *Storm Event*-EPA defines a storm event at 40 CFR 122.21(g)(7)(ii) as a rainfall event with greater than 0.1 inch of rainfall and at least 72 hours from the previously measurable—greater than 0.1 inch rainfall—storm event.
rr. *Stormwater as defined by 40 CFR §122.26(b)(13)*-stormwater runoff, snow melt runoff, and surface runoff and drainage.
ss. *Stormwater Conveyance*-a sewer, ditch, or swale that is designed to carry stormwater; a stormwater conveyance may also be referred to as a storm drain or storm sewer.
tt. *Stormwater run-on*-sources of stormwater that drain from adjacent land located upslope or upstream from the regulated site.
uu. *Stumping*- For the purposes of this draft permit, "stumping" is defined as "to clear the land of stumps."
vv. *Surface Runoff* -that portion of stormwater that does not infiltrate into the ground or evaporate, but instead flows onto adjacent land or watercourses or is routed to stormwater conveyance systems.
ww. *Surface Water*-all water naturally open to the atmosphere (for example, rivers, lakes, wetlands, reservoirs, ponds, streams, impoundments, oceans, estuaries, springs, etc.).
xx. *Thawing conditions*-when frozen water onsite melts and creates runoff that may possibly discharge.
yy. *Total Maximum Daily Load or TMDL*-a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet state water quality standards. It is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. Percentages of the TMDL are allocated by DEQ to the various pollutant sources.
zz. *Toxic Substances*-are materials that are poisonous to living organisms.
aaa. *Turbidity*-the optical condition of waters caused by suspended or dissolved particles or colloids that scatter and absorb light rays instead of transmitting light in straight lines through the water column. Turbidity may be expressed as nephelometric turbidity units (NTUs) measured with a calibrated turbidity meter.
bbb. *Underground Injection Control*-any system, structure, or activity that is created to place fluid below the ground or sub-surface (for example, sumps, infiltration galleries, drywells, trench drains, drill holes, etc.)
ccc. *Water or Waters of the State as defined by ORS 468B.005(10)*-lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters which do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.

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SCHEDULE F
NPDES GENERAL CONDITIONS

SECTION A. STANDARD CONDITIONS

A1. Duty to Comply with Permit

The permittee must comply with all conditions of this permit. Failure to comply with any permit condition is a violation of Oregon Revised Statutes (ORS) 468B.025 and the federal Clean Water Act and is grounds for an enforcement action. Failure to comply is also grounds for DEQ to terminate, modify and reissue, revoke, or deny renewal of a permit.

A2. Penalties for Water Pollution and Permit Condition Violations

The permit is enforceable by DEQ or EPA, and in some circumstances also by third-parties under the citizen suit provisions of 33 USC § 1365. DEQ enforcement is generally based on provisions of state statutes and Environmental Quality Commission (EQC) rules, and EPA enforcement is generally based on provisions of federal statutes and EPA regulations.

ORS 468.140 allows DEQ to impose civil penalties up to $25,000 per day for violation of a term, condition, or requirement of a permit.

Under ORS 468.943, unlawful water pollution in the second degree, is a Class A misdemeanor and is punishable by a fine of up to $25,000, imprisonment for not more than one year, or both. Each day on which a violation occurs or continues is a separately punishable offense.

Under ORS 468.946, unlawful water pollution in the first degree is a Class B felony and is punishable by a fine of up to $250,000, imprisonment for not more than 10 years, or both.

The Clean Water Act provides that any person who violates permit condition, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is **subject to a civil penalty not to exceed $25,000 per day for each violation.**

The Clean Water Act provides that any person who *negligently* violates any condition, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is **subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than 1 year, or both.**

In the case of a second or subsequent conviction for a *negligent* violation, a person shall **be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than 2 years, or both.**

Any person who *knowingly* violates such sections, or such conditions or limitations is **subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than 3 years, or both.**

In the case of a second or subsequent conviction for a *knowing* violation, a person shall be **subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than 6 years, or both.**

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Any person who *knowingly* violates section any permit condition, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be **subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both.**

In the case of a second or subsequent conviction for a *knowing* endangerment violation, a person shall be **subject to a fine of not more than $500,000 or by imprisonment of not more than 30 years, or both.**

An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, **be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions**.

Any person may be assessed an administrative penalty by the Administrator for violating any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act.

Administrative penalties for **Class I violations are not to exceed $10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $25,000.**

Penalties for **Class II violations are not to exceed $10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $125,000.**

A3. Duty to Mitigate

The permittee must take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit. In addition, upon request of DEQ, the permittee must correct any adverse impact on the environment or human health resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

A4. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and have the permit renewed. The application must be submitted at least 180 days before the expiration date of this permit.

DEQ may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date.

A5. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

a. Violation of any term, condition, or requirement of this permit, a rule, or a statute.
b. Obtaining this permit by misrepresentation or failure to disclose fully all material facts.
c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
d. The permittee is identified as a Designated Management Agency or allocated a wasteload under a total maximum daily load (TMDL).
e. New information or regulations.

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f. Modification of compliance schedules.
g. Requirements of permit reopener conditions
h. Correction of technical mistakes made in determining permit conditions.
i. Determination that the permitted activity endangers human health or the environment.
j. Other causes as specified in 40 CFR §§ 122.62, 122.64, and 124.5.
k. For communities with combined sewer overflows (CSOs):

(1) To comply with any state or federal law regulation for CSOs that is adopted or promulgated subsequent to the effective date of this permit.
(2) If new information that was not available at the time of permit issuance indicates that CSO controls imposed under this permit have failed to ensure attainment of water quality standards, including protection of designated uses.
(3) Resulting from implementation of the permittee's long-term control plan and/or permit conditions related to CSOs.

The filing of a request by the permittee for a permit modification, revocation or reissuance, termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

A6. Toxic Pollutants

The permittee must comply with any applicable effluent standards or prohibitions established under Oregon Administrative Rule (OAR) 340-041-0033 and section 307(a) of the federal Clean Water Act for toxic pollutants, and with standards for sewage sludge use or disposal established under section 405(d) of the federal Clean Water Act, within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

A7. Property Rights and Other Legal Requirements

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, or authorize any injury to persons or property or invasion of any other private rights, or any infringement of federal, tribal, state, or local laws or regulations.

A8. Permit References

Except for effluent standards or prohibitions established under section 307(a) of the federal Clean Water Act and OAR 340-041-0033 for toxic pollutants, and standards for sewage sludge use or disposal established under section 405(d) of the federal Clean Water Act, all rules and statutes referred to in this permit are those in effect on the date this permit is issued.

A9. Permit Fees

The permittee must pay the fees required by OAR.

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

B1. Proper Operation and Maintenance

The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

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B2. Need to Halt or Reduce Activity Not a Defense

For industrial or commercial facilities, upon reduction, loss, or failure of the treatment facility, the permittee must, to the extent necessary to maintain compliance with its permit, control production or all discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced or lost. It is not a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

B3. Bypass of Treatment Facilities

a. Definitions

(1) "Bypass" means intentional diversion of waste streams from any portion of the treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, provided the diversion is to allow essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs b and c of this section.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Prohibition of bypass.

(1) Bypass is prohibited and DEQ may take enforcement action against a permittee for bypass unless:

i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventative maintenance; and

iii. The permittee submitted notices and requests as required under General Condition B3.c.

(2) DEQ may approve an anticipated bypass, after considering its adverse effects and any alternatives to bypassing, if DEQ determines that it will meet the three conditions listed above in General Condition B3.b.(1).

c. Notice and request for bypass.

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, a written notice must be submitted to DEQ at least ten days before the date of the bypass.

(2) Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required in General Condition D5.

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B4. Upset

a. Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operation error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of General Condition B4.c are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the permittee can identify the causes(s) of the upset;
(2) The permitted facility was at the time being properly operated;
(3) The permittee submitted notice of the upset as required in General Condition D5, hereof (24-hour notice); and
(4) The permittee complied with any remedial measures required under General Condition A3 hereof.

d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

B5. Treatment of Single Operational Upset

For purposes of this permit, a single operational upset that leads to simultaneous violations of more than one pollutant parameter will be treated as a single violation. A single operational upset is an exceptional incident that causes simultaneous, unintentional, unknowing (not the result of a knowing act or omission), temporary noncompliance with more than one federal Clean Water Act effluent discharge pollutant parameter. A single operational upset does not include federal Clean Water Act violations involving discharge without a NPDES permit or noncompliance to the extent caused by improperly designed or inadequate treatment facilities. Each day of a single operational upset is a violation.

B6. Overflows from Wastewater Conveyance Systems and Associated Pump Stations

a. Definition. "Overflow" means any spill, release or diversion of sewage including:

(1) An overflow that results in a discharge to waters of the state; and
(2) An overflow of wastewater, including a wastewater backup into a building (other than a backup caused solely by a blockage or other malfunction in a privately owned sewer or building lateral), even if that overflow does not reach waters of the state.

b. Reporting required. All overflows must be reported orally to DEQ within 24 hours from the time the permittee becomes aware of the overflow. Reporting procedures are described in more detail in General Condition D5.

B7. Public Notification of Effluent Violation or Overflow

If effluent limitations specified in this permit are exceeded or an overflow occurs that threatens public health, the permittee must take such steps as are necessary to alert the public, health agencies

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and other affected entities (for example, public water systems) about the extent and nature of the discharge in accordance with the notification procedures developed under General Condition B8.

Such steps may include, but are not limited to, posting of the river at access points and other places, news releases, and paid announcements on radio and television.

B8. Emergency Response and Public Notification Plan

The permittee must develop and implement an emergency response and public notification plan that identifies measures to protect public health from overflows, bypasses, or upsets that may endanger public health. At a minimum the plan must include mechanisms to:

a. Ensure that the permittee is aware (to the greatest extent possible) of such events;
b. Ensure notification of appropriate personnel and ensure that they are immediately dispatched for investigation and response;
c. Ensure immediate notification to the public, health agencies, and other affected public entities (including public water systems). The overflow response plan must identify the public health and other officials who will receive immediate notification;
d. Ensure that appropriate personnel are aware of and follow the plan and are appropriately trained;
e. Provide emergency operations; and
f. Ensure that DEQ is notified of the public notification steps taken.

B9. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters must be disposed of in such a manner as to prevent any pollutant from such materials from entering waters of the state, causing nuisance conditions, or creating a public health hazard.

SECTION C. MONITORING AND RECORDS

C1. Representative Sampling

Sampling and measurements taken as required herein must be representative of the volume and nature of the monitored discharge. All samples must be taken at the monitoring points specified in this permit, and must be taken, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points must not be changed without notification to and the approval of DEQ. Samples must be collected in accordance with requirements in 40 CFR part 122.21 and 40 CFR part 403 Appendix E.

C2. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices must be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices must be installed, calibrated and maintained to insure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected must be capable of measuring flows with a maximum deviation of less than ± 10 percent from true discharge rates throughout the range of expected discharge volumes.

C3. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR part 136 or, in the case of sludge (biosolids) use and disposal, approved under 40 CFR part 503 unless other test procedures have been specified in this permit.

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For monitoring of recycled water with no discharge to waters of the state, monitoring must be conducted according to test procedures approved under 40 CFR part 136 or as specified in the most recent edition of Standard Methods for the Examination of Water and Wastewater unless other test procedures have been specified in this permit or approved in writing by DEQ.

C4. Penalties for Tampering

The federal Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit may, upon conviction, be punished by a fine of not more than $10,000 per violation, imprisonment for not more than two years, or both. If a conviction of a person is for a violation committed after a first conviction of such person, punishment is a fine not more than $20,000 per day of violation, or by imprisonment of not more than four years, or both.

C5. Reporting of Monitoring Results

Monitoring results must be summarized each month on a Discharge Monitoring Report form approved by DEQ. The reports must be submitted monthly and are to be mailed, delivered or otherwise transmitted by the 15th day of the following month unless specifically approved otherwise in Schedule B of this permit.

C6. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR part 136 or, in the case of sludge (biosolids) use and disposal, approved under 40 CFR part 503, or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report. Such increased frequency must also be indicated. For a pollutant parameter that may be sampled more than once per day (for example, total residual chlorine), only the average daily value must be recorded unless otherwise specified in this permit.

C7. Averaging of Measurements

Calculations for all limitations that require averaging of measurements must utilize an arithmetic mean, except for bacteria which must be averaged as specified in this permit.

C8. Retention of Records

Records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities must be retained for a period of at least 5 years (or longer as required by 40 CFR part 503). Records of all monitoring information including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit and records of all data used to complete the application for this permit must be retained for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of DEQ at any time.

C9. Records Contents

Records of monitoring information must include:

a. The date, exact place, time, and methods of sampling or measurements;
b. The individual(s) who performed the sampling or measurements;
c. The date(s) analyses were performed;
d. The individual(s) who performed the analyses;
e. The analytical techniques or methods used; and

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f. The results of such analyses.

C10. Inspection and Entry

The permittee must allow DEQ or EPA upon the presentation of credentials to:

a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
d. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by state law, any substances or parameters at any location.

C11. Confidentiality of Information

Any information relating to this permit that is submitted to or obtained by DEQ is available to the public unless classified as confidential by the Director of DEQ under ORS 468.095. The permittee may request that information be classified as confidential if it is a trade secret as defined by that statute. The name and address of the permittee, permit applications, permits, effluent data, and information required by NPDES application forms under 40 CFR § 122.21 are not classified as confidential [40 CFR § 122.7(b)].

SECTION D. REPORTING REQUIREMENTS

D1. Planned Changes

The permittee must comply with OAR 340-052, “Review of Plans and Specifications” and 40 CFR § 122.41(l)(1). Except where exempted under OAR 340-052, no construction, installation, or modification involving disposal systems, treatment works, sewerage systems, or common sewers may be commenced until the plans and specifications are submitted to and approved by DEQ. The permittee must give notice to DEQ as soon as possible of any planned physical alternations or additions to the permitted facility.

D2. Anticipated Noncompliance

The permittee must give advance notice to DEQ of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

D3. Transfers

This permit may be transferred to a new permittee provided the transferee acquires a property interest in the permitted activity and agrees in writing to fully comply with all the terms and conditions of the permit and EQC rules. No permit may be transferred to a third party without prior written approval from DEQ. DEQ may require modification, revocation, and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under 40 CFR § 122.61. The permittee must notify DEQ when a transfer of property interest takes place.

D4. Compliance Schedule

Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date. Any reports of noncompliance must include the cause of

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noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirements.

D5. Twenty-Four Hour Reporting

The permittee must report any noncompliance that may endanger health or the environment. Any information must be provided orally (by telephone) to the DEQ regional office or Oregon Emergency Response System (1-800-452-0311) as specified below within 24 hours from the time the permittee becomes aware of the circumstances.

a. Overflows.
   (1) Oral Reporting within 24 hours.
      i. For overflows other than basement backups, the following information must be reported to the Oregon Emergency Response System (OERS) at 1-800-452-0311. For basement backups, this information should be reported directly to the DEQ regional office.

         (a) The location of the overflow;
         (b) The receiving water (if there is one);
         (c) An estimate of the volume of the overflow;
         (d) A description of the sewer system component from which the release occurred (for example, manhole, constructed overflow pipe, crack in pipe); and
         (e) The estimated date and time when the overflow began and stopped or will be stopped.

      ii. The following information must be reported to the DEQ regional office within 24 hours, or during normal business hours, whichever is earlier:

         (a) The OERS incident number (if applicable); and
         (b) A brief description of the event.

   (2) Written reporting postmarked within 5 days.
      i. The following information must be provided in writing to the DEQ regional office within 5 days of the time the permittee becomes aware of the overflow:

         (a) The OERS incident number (if applicable);
         (b) The cause or suspected cause of the overflow;
         (c) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps;
         (d) Steps taken or planned to mitigate the impact(s) of the overflow and a schedule of major milestones for those steps; and
         (e) For storm-related overflows, the rainfall intensity (inches/hour) and duration of the storm associated with the overflow.

      DEQ may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

b. Other instances of noncompliance.
   (1) The following instances of noncompliance must be reported:

      i. Any unanticipated bypass that exceeds any effluent limitation in this permit;
      ii. Any upset that exceeds any effluent limitation in this permit;

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iii. Violation of maximum daily discharge limitation for any of the pollutants listed by DEQ in this permit; and
iv. Any noncompliance that may endanger human health or the environment.

(2) During normal business hours, the DEQ regional office must be called. Outside of normal business hours, DEQ must be contacted at 1-800-452-0311 (Oregon Emergency Response System).
(3) A written submission must be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission must contain:

i. A description of the noncompliance and its cause;
ii. The period of noncompliance, including exact dates and times;
iii. The estimated time noncompliance is expected to continue if it has not been corrected;
iv. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and
v. Public notification steps taken, pursuant to General Condition B**7.**

(4) DEQ may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

D6. Other Noncompliance

The permittee must report all instances of noncompliance not reported under General Condition D4 or D5 at the time monitoring reports are submitted. The reports must contain:

a. A description of the noncompliance and its cause;
b. The period of noncompliance, including exact dates and times;
c. The estimated time noncompliance is expected to continue if it has not been corrected; and
d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

D7. Duty to Provide Information

The permittee must furnish to DEQ within a reasonable time any information that DEQ may request to determine compliance with the permit or to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit. The permittee must also furnish to DEQ, upon request, copies of records required to be kept by this permit.

Other Information: When the permittee becomes aware that it has failed to submit any relevant facts or has submitted incorrect information in a permit application or any report to DEQ, it must promptly submit such facts or information.

D8. Signatory Requirements

All applications, reports or information submitted to DEQ must be signed and certified in accordance with 40 CFR § 122.22.

D9. Falsification of Information

Under ORS 468.953, any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, is subject to a Class C felony punishable by a fine not to exceed $125,000 per violation and up to 5 years in prison per ORS chapter 161. Additionally, according to 40 CFR § 122.41(k)(2), any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit including monitoring reports or reports of compliance

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or non-compliance will, upon conviction, be punished by a federal civil penalty not to exceed $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

D10. Changes to Indirect Dischargers

The permittee must provide adequate notice to DEQ of the following:

a. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of the federal Clean Water Act if it were directly discharging those pollutants and;
b. Any substantial change in the volume or character of pollutants being introduced into the POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
c. For the purposes of this paragraph, adequate notice must include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

SECTION E. DEFINITIONS

E1. *BOD* or BOD_5 means five-day biochemical oxygen demand.
E2. *CBOD* or $CBOD_5$ means five-day carbonaceous biochemical oxygen demand.
E3. *TSS* means total suspended solids.
E4. *Bacteria* means but is not limited to fecal coliform bacteria, total coliform bacteria, *Escherichia coli* (*E. coli*) bacteria, and *Enterococcus* bacteria.
E5. *FC* means fecal coliform bacteria.
E6. *Total residual chlorine* means combined chlorine forms plus free residual chlorine
E7. *Technology based permit effluent limitations* means technology-based treatment requirements as defined in 40 CFR § 125.3, and concentration and mass load effluent limitations that are based on minimum design criteria specified in OAR 340-041.
E8. *mg/l* means milligrams per liter.
E9. *µg/l* means microgram per liter.
E10. *kg* means kilograms.
E11. m^3/d means cubic meters per day.
E12. *MGD* means million gallons per day.
E13. *Average monthly effluent limitation* as defined at 40 CFR § 122.2 means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
E14. *Average weekly effluent limitation* as defined at 40 CFR § 122.2 means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.
E15. *Daily discharge* as defined at 40 CFR § 122.2 means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge must be calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge must be calculated as the average measurement of the pollutant over the day.
E16. *24-hour composite sample* means a sample formed by collecting and mixing discrete samples taken periodically and based on time or flow.
E17. *Grab sample* means an individual discrete sample collected over a period of time not to exceed 15 minutes.

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E18. *Quarter* means January through March, April through June, July through September, or October through December.
E19. *Month* means calendar month.
E20. *Week* means a calendar week of Sunday through Saturday.
E21. *POTW* means a publicly-owned treatment works.

Attachment I: Draft Fugitive Dust Control Plan

Attachment I: Draft Fugitive Dust Control Plan

Yellow Rosebush Energy Center
Draft Fugitive Dust Control Plan

Yellow Rosebush Energy Center
September 2025

Prepared for
Yellow Rosebush Energy Center, LLC
Amended by the Department November 2025

Prepared by

TETRA TECH

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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.

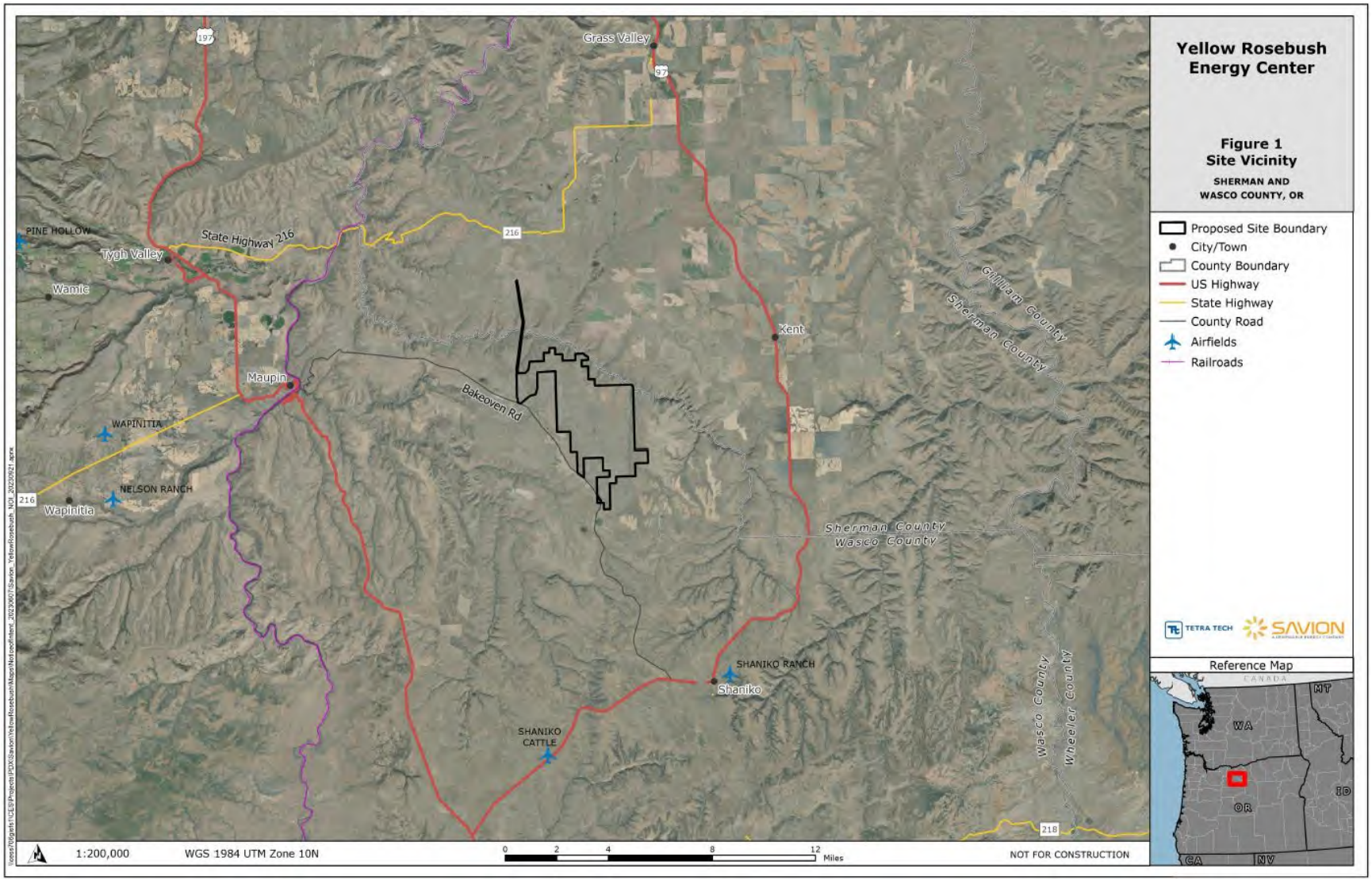

Figure 1. Site Vicinity

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"[1] 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.

[1]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.

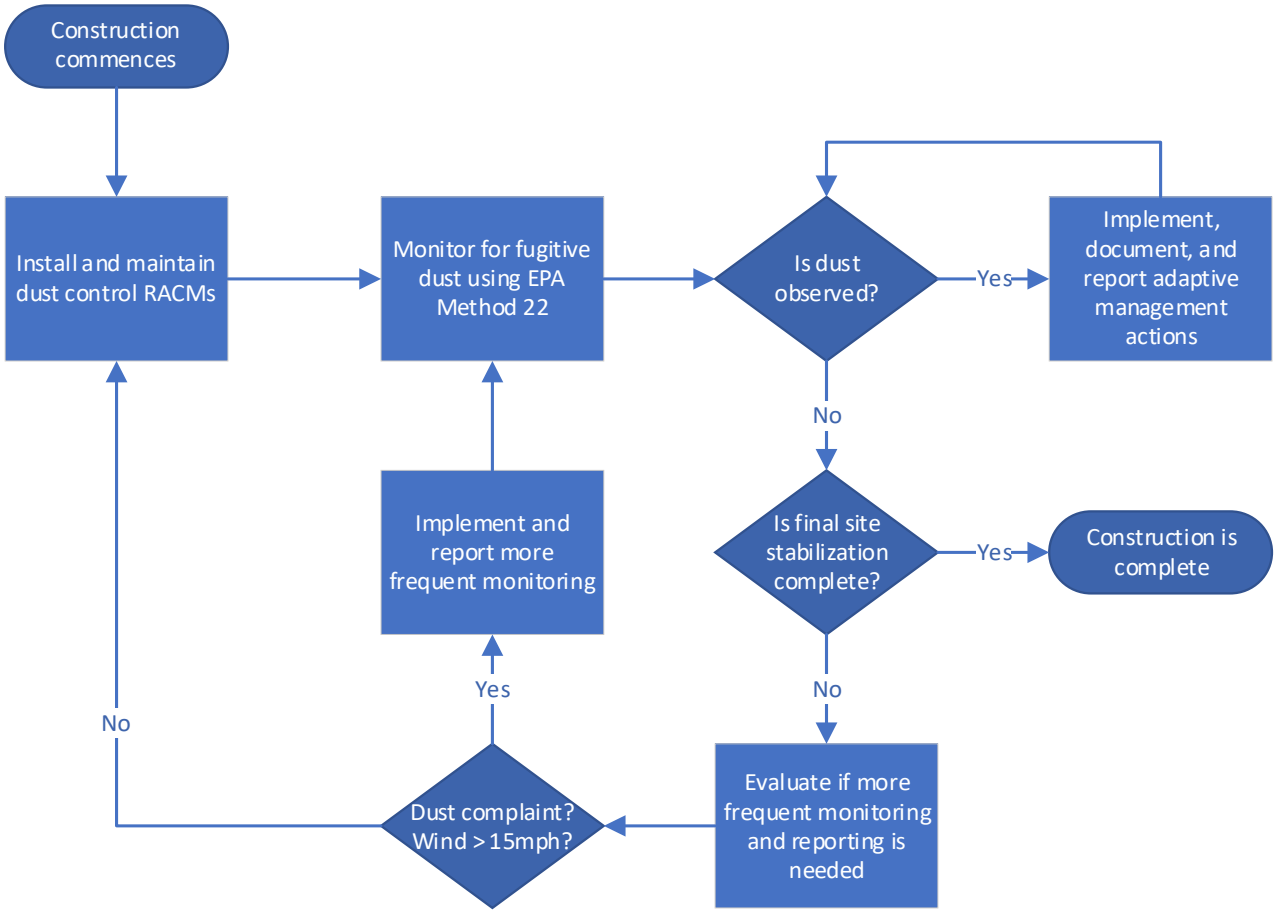

Figure 2. Dust Control Plan Flow Chart

3.0 Plan Amendment

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 under ORS 469.402. 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.

~~3.0~~4.0 References

NRCS. 2024. Web Soil Survey. https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. Accessed May 2024.

ODEQ (Oregon Department of Environmental Quality). 2019. OAR 340-208-0210 EPA Method 22. https://secure.sos.state.or.us/oard/viewAttachment.action?ruleVrsnRsn=256141

ODEQ. 2021. Construction Stormwater Best Management Practices Manual. https://www.oregon.gov/deq/wq/Documents/wqpBMPManual.pdf

Sherman County. 2003. Sherman County Zoning Ordinance. Amended June and July 2003. https://www.co.sherman.or.us/documents/sherman-county-zoning-ordinance/

Wasco County, 2022. Land Use and Development Ordinance. https://cms5.revize.com/revize/wascocounty/docs/Planning%20Ordinances/FULL_LUDO_12.05.22_UPDATED_05.15.23.pdf

Yellow Rosebush Energy Center (YREC). 2024a. Preliminary Application for Site Certificate, Exhibit K Land Use. Prepared for Yellow Rosebush Energy Center, LLC by Tetra Tech, Inc. https://www.oregon.gov/energy/facilities-safety/facilities/Pages/YRB.aspx

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

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Appendix 1: Fugitive Dust Sources and Reasonable Available Control Measures

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Yellow Rosebush Energy Center: Fugitive Dust Sources and Reasonable Available Control Measures (RACMs)

Construction Phase	RACM(s)	Supplemental RACM(s)
All Phases of Construction	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.
	If established, Worker Environmental Awareness Program training for all construction employees.	Additional trainings and refreshers for employees.
	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.
Site Access	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.
	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.	
Clearing, Grading, and Unstable Surfaces	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.
	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	• Water roads when dust is observed • Ensuring success of revegetation and replacing as needed • Road maintenance	Add gravel as needed

Appendix 2: EPA Method 22

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Attachment K-1: Farm Forest Easement

ATTACHMENT F - FOREST-FARM MANAGEMENT EASEMENT

Owner Name: _____ _____

_____ _____

Mailing Address: _____ _____

_____ _____

Owner(s), _____,
herein called the Grantor(s), is/are the owner(s)s of real property described as follows:

Township ____, Range_____, W.M., Section____, Tax Lot_____, Account_____

In accordance with the conditions set forth in the decision of Wasco County Planning Staff, dated {Month, Day, Year}, approving a Conditional Use Permit (File #XXX-XX-XXXXXX-XXXX) to include the above described property in the site boundary of a wind energy generation facility, Grantor hereby grants tothe Owners of all property adjacent to the above described property, a perpetual nonexclusive easement as follows:

1. The Grantors, their heirs, successors, and assigns hereby acknowledge by granting of this easement that the above described property is situated in an Exclusive Farm Use/ Forest/Forest-Farm zone in Wasco County, Oregon, and may be subjected to conditions resulting from farm or forest operations on adjacent lands. Farm operations include, but are not limited to, the raising, harvesting and selling of crops or the feeding, breeding, management and sale of livestock or poultry, application of chemicals, road construction and maintenance, and other accepted and customary farm management activities conducted in accordance with Federal and State laws. Forest operations include, but are not limited to reforestation of forest land, road construction and

After recording, please return original to: Wasco County Planning Department.

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 acknowledged 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

IN AND FOR THE COUNTY OF WASCO

FILED
WASCO COUNTY
2003 SEP 12 P 3:15
MARION LEBRETON COATS
COUNTY CLERK

IN THE MATTER OF THE ADOPTION OF)
AN AMENDED ORDINANCE PROVIDING)
PROTECTION FOR GENERALLY ACCEPTED) AMENDED
FARMING AND FORESTRY PRACTICES AND) ORDINANCE
ESTABLISHING A COMPLAINT MEDIATION)
PROCESS.)

RECEIVED
SEP
By

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.

RECEIVED
SEP 23 2003
By

Section 2. PURPOSE.

(1) Wasco County recognizes that complaints about farming 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.

1 – AMENDED ORDINANCE

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

(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 County Court; and

(c) Meet with the complainant and resource user any number of times if the Mediators 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.

Section 6. __ LAND USE DECISIONS. 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.

Section 7. __ EFFECT ON OTHER REMEDIES. 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.

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8 - AMENDED ORDINANCE

DONE AND DATED this 3rd day of September, 2003

WASCO COUNTY COURT

Dan Ericksen, County Judge

Scott McKay, County Commissioner

Sherry Holliday, County Commissioner

APPROVED AS TO FORM:

Eric J. Nisley
Wasco County District Attorney

9 – AMENDED ORDINANCE

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).
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.
3. Applicant shall develop and incorporate maps showing anticipated construction disturbance levels along with the total acreage and major activities associated with each level.
4. Applicant shall update Table 1 prior to construction to reflect the final impact acreage by habitat subtype for the final layout.
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.
6. Applicant shall develop and incorporate revegetation methods for each disturbance level in consultation with ODOE, ODA, ODFW, and the county weed departments.

[1] Oregon Department of Energy, Project Order for Yellow Rosebush Energy Center (January 2024)

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.
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.
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.
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 Habitat Category	Preliminary Habitat Category	Habitat Type	Habitat Subtype	Impacts (Acres)	
				Permanent	Temporary
2	2	Upland Grassland, Shrub-steppe and Shrubland	Shrub-steppe	52.8	4.2
		Open Water – Lakes, Rivers, Streams	Perennial Streams	-	<0.1*
		Wetlands	Scrub-shrub Wetlands	-	<0.1*
	Category 2 Total			**52.8**	**4.3**
2	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*
		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			**1,438**	**102**
2	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*
		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 Total			**2,331**	**80.9**
2	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*
		Upland Grassland, Shrub-steppe and Shrubland	Eastside Grasslands	847	10.5
		Wetlands	Emergent Wetlands	0.3*	-
	Category 5 Total			**848**	**11.1**
Category 2 Final Total				**4,670**	**198**
6	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**
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.
* 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:

Level 1 - Mowing: 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.

Level 2 – Overland Drive and Crush: 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.

Level 3 – Clear and Cut: 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 sub-surface 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.

Level 4 – Clear and Cut with Soil Removal: 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 measurements will be taken prior to construction. 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 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 7.2.2.2) 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 7.2.2.1). 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 shrub-steppe 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	Type	Percent Composition[1]
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

1. 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 0.1 5 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, monitoring 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, monitoring 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 7.2.2.5, 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[1]	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
	Shrub-steppe	69.0	4	1
4	Eastside Grasslands	48.2	3	1
	Shrub-steppe	18.1	2	1
	Planted Grasslands	14.6	2	1
5	Eastside Grasslands	10.5	1	1
		Total	15	7

1. 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 7.2.2.3. 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 7.2.2.5. 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 7.2.2.5.

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, monitoring 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.

Copies of the annual revegetation monitoring report for temporary disturbance areas will be included as part of the Applicant's semi-annual and 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 7.2.1.1 and 7.2.2.5).
- Communicate and attend calls with ODOE and ODFW and ODA about revegetation success as needed.

- Prepare monitoring reports for the Facility describing revegetation progress, as outlined in Sections 7.2.1.2 and 7.2.2.4.
- 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 from time to time by agreement of the certificate holder and the Energy Facility Siting Council (EFSC) or ODOE, acting within its delegated authority of EFSC under ORS 469.402. 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.

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Appendix A. Revegetation Monitoring Datasheet

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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~~Amended by Department November 2025

Prepared by

Tetra Tech, Inc.

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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

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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 corridor[1] (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).

[1] 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[1]	Diffuse knapweed	B*	B	A/B (depending on county region)	Two observed patches, one of which is expansive.
Cirsium arvense	Canada thistle	B	B/C [2]	A/B (depending on county region)	Infrequent small patches observed.
Cirsium vulgare	Bull thistle	B[3]	Not listed	C	Infrequent small patches observed.
Convolvulus arvensis	Field bindweed	B[3]	C	B	Infrequently found along two-track roads within the Survey Area.
Onopordum acanthium	Scotch thistle	B	Not listed	B/T	Rare; occurrences consisted of small to medium patches.
Teaniatherum caput-medusae	Medusahead	B	Not listed	C	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.

1. 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.
2. 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.
3. Weeds which could be targeted for biocontrol as part of their integrated pest management.

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

(*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, monitoring 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. 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.

During the first five years of operations monitoring, the 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 Monitoring	Pre-construction	• Map noxious weed infestations and flag where appropriate. • Verify construction personnel training on the importance of noxious weed control. • Coordinate with County Weed Managers • Obtain written approval for treatment methods from the counties and ODOE.
	During construction	• Notify landowners of proposed herbicide use on their lands prior to application. • Document compliance with prevention BMPs. Report compliance to ODOE. • Conduct informal but comprehensive weed surveys during the growing season to inform adaptive management.
Operations Monitoring	Post-construction and annually for the life of the Facility	• Conduct a site-wide noxious weed survey to identify areas for treatment. • Work with Weed Management Contractor on a post-emergent chemical treatment, mechanical, or other treatment plan to manage small populations. • Report on previous treatments' effectiveness, as applicable.
	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.
	During weed treatment	• Track where herbicide applications occur and rates of chemicals used.
	Seasonally for the first five years	• Monitor treated areas for effectiveness and to identify new noxious weed populations. • Make recommendations for chemical retreatment or mechanical or other controls to manage new or existing small noxious weed populations. • 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.

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	• Monitor treated areas for effectiveness and to identify new noxious weed populations. • Make recommendations for chemical retreatment or mechanical or other controls to manage new or existing small noxious weed populations. • 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 Plan Amendments

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 under ORS 469.402. 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.

~~8.0~~9.0 References

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Appendix A. 2024 Oregon Department of Agriculture Noxious Weed List

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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

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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).

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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

TETRA TECH

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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 HMP[1] 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.

[1] 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 Habitat Category	Preliminary Habitat Category	Habitat Type	Habitat Subtype	Impacts (Acres)	
				Permanent	Temporary
2	2	Upland Grassland, Shrub-steppe and Shrubland	Shrub-steppe	52.8	4.2
		Open Water – Lakes, Rivers, Streams	Perennial Streams	—	<0.1*
		Wetlands	Scrub-shrub Wetlands	—	<0.1*
	Category 2 Total			**52.8**	**4.3**
2	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*
		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			**1,438**	**102**
2	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*
		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 Total			**2,331**	**80.9**
2	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*
		Upland Grassland, Shrub-steppe and Shrubland	Eastside Grasslands	847	10.5
		Wetlands	Emergent Wetlands	0.3*	—
	Category 5 Total			**848**	**11.1**
Category 2 Final Total				**4,670**	**198**

Final Habitat Category	Preliminary Habitat Category	Habitat Type	Habitat Subtype	Impacts (Acres)	
				Permanent	Temporary
6	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**
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.

* 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.

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.

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 3~~Table 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[1]	Preliminary Habitat Category[2]	Habitat Subtype	Impact (acres)	Mitigation Ratio	Mitigation Need (acres)
Permanent Impacts[3]					
2	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
	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	—
Temporary Impacts[4]					
2	2	Shrub-steppe	4.2	0.5:1	2.1
		Perennial Streams, Scrub-shrub wetlands	0.2	None	—
	3	Cliffs, Caves, Talus, Emergent Wetlands, Intermittent or Ephemeral Streams	3.8	None	—
		Eastside Grasslands	28.8	0.5:1	14.4
		Shrub-steppe	69.0	0.5:1	34.5
	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	—
6	6	Wheat Fields and Other Row Crops, Urban and Mixed Environs	28.3	None	—
Total			**5,218**		**6,675**

1. Final Category following application of ODFW Designated Mule Deer Winter Range overlay.

2. Current habitat condition and category as mapped by the Applicant prior to construction.

3. Permanent impact areas based on final design and include the Facility's footprint. No mitigation offered for Category 6 habitat.

4. 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[2] 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.

[2] 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	5,040[1]	100

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, spot-spraying 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. Fire Control. 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. Fence Maintenance and Removal. 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. Habitat Protection. 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. Weed Control. 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. Fire Control. 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 and reporting 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 and monitoring will be conducted by qualified biologists and monitoring reports will be submitted to the Department annually with the annual operations report and will include:

- 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 certificate holder and the Oregon Energy Facility Siting Council (EFSC), or ODOE, acting within its delegated authority of EFSC under ORS 469.402. 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. https://www.dfw.state.or.us/resources/hunting/big_game/mule_deer/docs/Mule_Deer_Mgmt_Plan_Final.pdf. Accessed October 2023.

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ODFW. 2020. Oregon Mule Deer Initiative 5 Year Summary 2015 – 2019. https://www.dfw.state.or.us/resources/hunting/big_game/mule_deer/docs/Oregon%20Mule%20Deer%20Initiative%2015-19%20July%202021.pdf. Accessed October 2023.

Figures

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Appendix A. Draft Habitat Mitigation Area Fire Control Plan

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Yellow Rosebush Energy Center

Figure 1
Tygh Ridge Ranch Mitigation Area

WASCO COUNTY, OR

Wasco County

197

216

- Tygh Ridge Ranch Mitigation Area
- US Highway
- State Highway
- Local Roads
- County Boundary
- Spring (Location is Approximate)
- Existing Site Access Road (Location is Approximate)
- Potential Mitigation Activity Staging Area*

ODFW Big Game Winter Range Category 2 Habitat
- Deer
- Elk

NLCD Land Cover
- Cultivated Crops
- Deciduous Forest
- Developed, High Intensity
- Developed, Low Intensity
- Developed, Medium Intensity
- Developed, Open Space
- Emergent Herbaceous Wetlands
- Evergreen Forest
- Grassland/Herbaceous
- Mixed Forest
- Shrub/Scrub
- Woody Wetlands

The potential mitigation activity staging area is not included in the Tygh Ridge Ranch Habitat Mitigation Area.

TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Reference Map

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WGS 1984 UTM Zone 10N

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Yellow Rosebush Energy Center

Figure 2
Facility Habitat Mitigation Area

SHERMAN AND WASCO COUNTIES, OR

Habitat Subtype
- Cliffs, Caves, and Talus
- Eastside Grasslands
- Emergent Wetlands
- Forested Wetlands
- Intermittent or Ephemeral Streams
- Orchards, Vineyards, Wheat Fields, Other Row Crops
- Perennial Streams
- Permanent Ponds/Lakes
- Planted Grasslands
- Scrub-shrub Wetlands
- Seasonal Ponds
- Shrub-steppe
- Urban and Mixed Environs

- Facility Site Boundary
- Habitat Mitigation Areas
- Analysis Area (0.5-mile Buffer)
- County Boundary
- US Highway
- Local Roads
- Creeks

Sherman County

Wasco County

Buck Hollow Creek

Buck Hollow Canyon

Hauser Canyon

Wilson Road

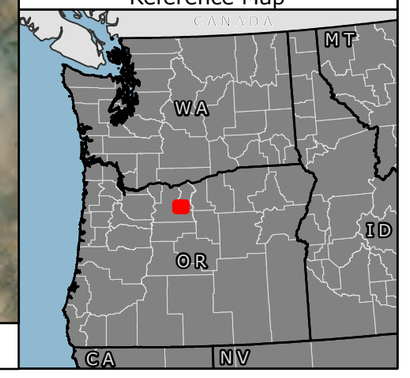
Bakeoven Road

Bakeoven Creek

97

TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Reference Map



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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

TETRA TECH

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3.0 Contact Information and Emergency Response Procedures 2
4.0 Use of Vehicles and Power Driven Machinery at HMA 3
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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
    - (541) 993-4266
    - 911
- Juniper Flat Rural Fire Protection District
    - (541) 328-6388 - Eugene Walters, District Fire Chief
    - 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
    - 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
    - (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.

10.0 Plan 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 under ORS 469.402. Such amendments may be made without amendment of the Site Certificate or HMP. 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.

Figure

Yellow Rosebush Energy Center

Figure 1
Tygh Ridge Ranch Habitat Mitigation Area Access Roads and Springs

WASCO COUNTY, OR

Wasco County

Tygh Ridge Rd

Huise Rd

216

197

- Tygh Ridge Ranch Mitigation Area
- Existing Site Access Road (Location is Approximate)
- Spring (Location is Approximate)
- Potential Mitigation Activity Staging Area*
- US Highway
- State Highway
- Local Roads
- County Boundary

The potential mitigation activity staging area is not included in the Tygh Ridge Ranch Habitat Mitigation Area.

TETRA TECH

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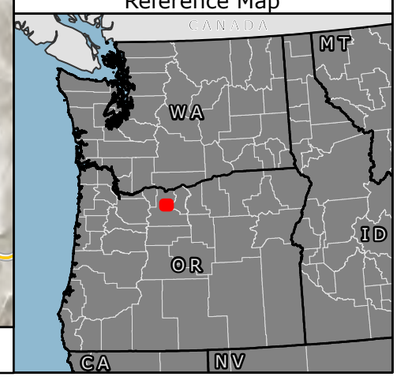
A RENEWABLE ENERGY COMPANY

Reference Map



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Attachment P-4: Design Features to Minimize Wildlife Impacts

Yellow Rosebush Energy Center
~~Draft~~ Amended for Proposed Order; November 2025
~~DRAFT~~ Design Features to Minimize Wildlife ~~Minimization and Monitoring Plan~~Impacts (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 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

- 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[1] 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. *PROCEDURES FOR INADVERTENT DISCOVERY OF ARCHAEOLOGICAL FEATURES AND MATERIALS*

*(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)

[1] Appropriate Native American Tribes will be identified by LCIS

If any person believes that they have located an archaeological object[2] or site[3], all work must stop immediately.

Discovery made in field _____(date/time) _____ (initials of discoverer)

Step 2. Secure and protect the area (within first hour after discovery)

Establish a **minimum** 30 meter/100-foot area of protection, or more as necessary, around the find(s). Exclude all vehicle traffic and non-essential foot traffic. Non-ground-disturbing work may continue outside of the area of protection with caution until the situation is assessed by a qualified archaeologist.[4]

Buffer established _____ (time) _____ (initials of person responsible)

Step 3. Notify (within first hour after discovery)

Notify the project manager, agency official (if applicable), and project archaeologist. If there is not an archaeologist on-site, or on retainer for the project, the project manager will contact an Oregon Qualified Archaeologist (which include agency and Tribal archaeologists) to assess the find.

Project Manager contacted _____ (time) _____ (initials of contactor)
Agency Official contacted _____ (time) _____ (initials of contactor)
Project Archaeologist contacted _____ (time) _____ (initials of contactor)

Step 4. Identify and Follow Guidance (timeline variable, as soon as possible)

If the archaeologist determines the find is an archaeological feature or object, or other cultural item or feature, OR if no qualified archaeologist can be contacted within the first hour of discovery, the **State Historic Preservation Office (SHPO) and appropriate Native American Tribes must be contacted**, and their guidance must be followed. SHPO, Native American Tribes, and project and agency personnel will determine in consultation how or if work may continue at the site. If the discovery is determined to *not* be archaeological or a cultural item, you may continue work. This determination should be confirmed in writing to the project manager and agency official.

SHPO contacted _____ (time) _____ (initials of contactor)

---

[2] "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).

[3] "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).

[4] Ground-disturbing work on different landforms distant from the find and outside of the buffer may continue.

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Appropriate Native American Tribes[5] _____ (time) _____ (initials of contactor)

B. *PROCEDURES FOR INADVERTENT DISCOVERY OF HUMAN REMAINS*

((INCLUDES HUMAN REMAINS, BURIALS, FUNERARY OBJECTS, OBJECTS OF CULTURAL PATRIMONY, AND SPIRITUAL OBJECTS)

It is expected that ALL potential human remains, burials, funerary objects, or objects of cultural patrimony that are identified will be reported and accounted for within 3 hours of discovery.[6] It is understood that there will be a single project point of contact to coordinate with the project archaeologist, SHPO, LCIS, OSP and appropriate Native American Tribes.

Step 1: Stop work (immediately after discovery)

If any person believes that they have located human remains[7], ALL work will stop immediately. Any human remains, regardless of antiquity or ethnic origin, will always be treated with dignity and respect.

Step 2. Secure and protect the area (as soon as possible, within c. 10 min)

Secure and protect the area of inadvertent discovery with a minimum of 100 meter/300 foot buffer, or more as necessary. The location and other information about the find should be treated as confidential and shared on a **need to know basis only**. Prevent all vehicle traffic and unauthorized foot traffic from entry.

Block remains from view and protect them from damage or exposure without touching or disturbing the remains, and leave them in place. **Do not take photographs** unless approved by the appropriate Native American Tribes and Oregon Legislative Commission on Indian Services (LCIS), and only for the purpose of identification. **Do not speak to the media or public** or post any information about the find on social media. Non-ground-disturbing work may continue outside of the buffer with caution.[8]

Buffer established _____ (time) _____ (initials of person responsible)

Step 3. Notify (within first hour after discovery) – see contact list below (section D)

1. Project Manager _____ (time) _____ (initials)
2. Agency Official _____ (time) _____ (initials)

[5] ALL Tribes designated by LCIS must be notified. Contacting one or some of the Tribes does not fulfill the obligation to notify.

[6] Modifications to reporting timelines can be made in consultation with SHPO and Tribes.

[7] Bone may be fragmented, weathered, or otherwise modified to make it difficult to identify, so when in doubt, stop work and call it in.

[8] Ground-disturbing work on different landforms distant from the find and outside of the buffer may continue.

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3. Oregon State Police[9] **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[10] _____ (time) _____ (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]: [555-555-5555]	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

[9] 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.

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D. *CONTACT INFORMATION*[11]

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 (LCIS)	Primary Contact: Dr. Elissa Bullion, State Physical Anthropologist	971-707-1372
	Secondary Contact: LCIS Office	503-986-1067
Oregon State Police (OSP)	Primary Contact: Sgt. Ryan Tague	541-576-4393
	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
Native American Tribes	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
	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

[11] ***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: Commission on Indian Services archaeology (oregonlegislature.gov)

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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.

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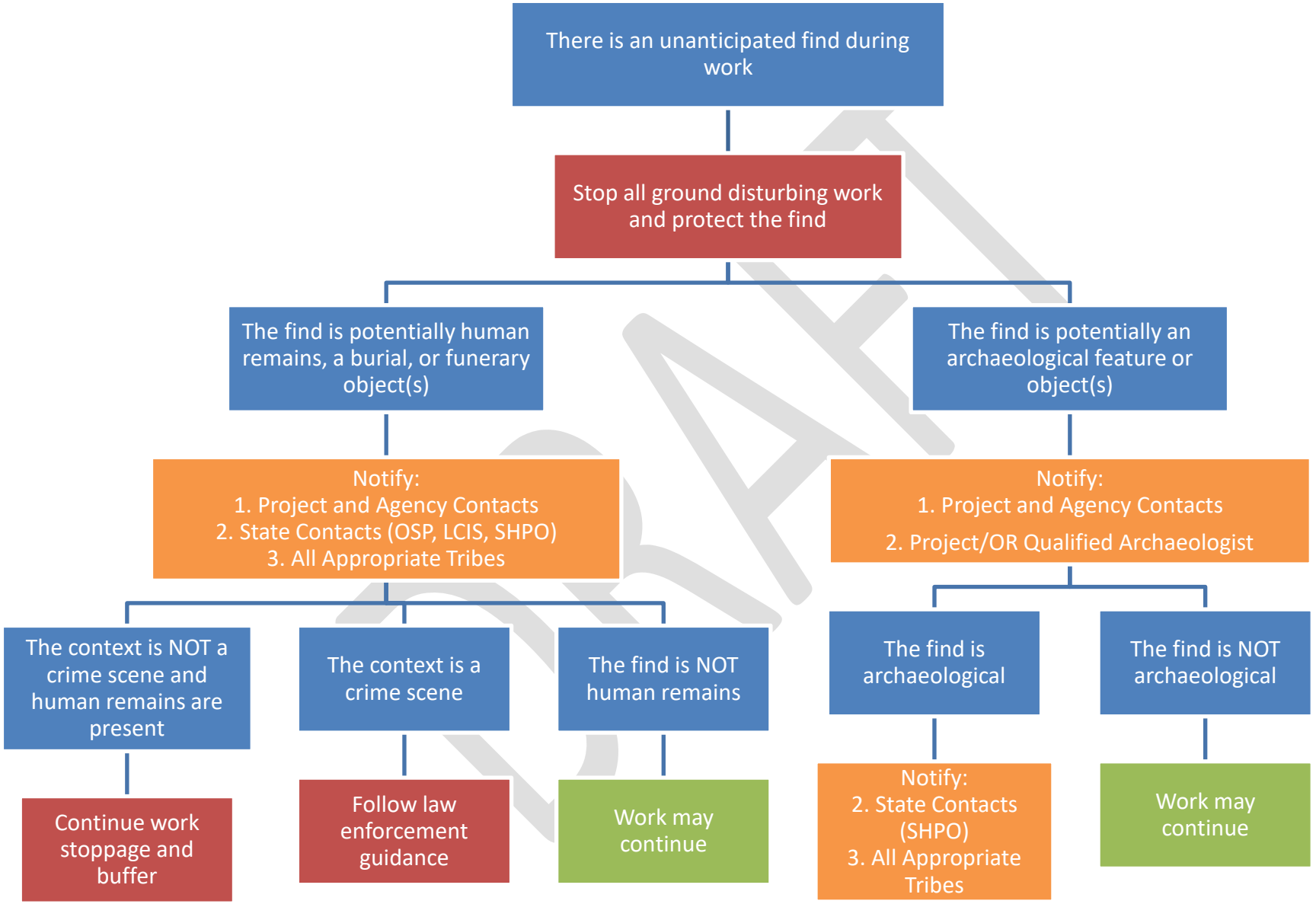
F. *PROCEDURE FLOW CHART*



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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

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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

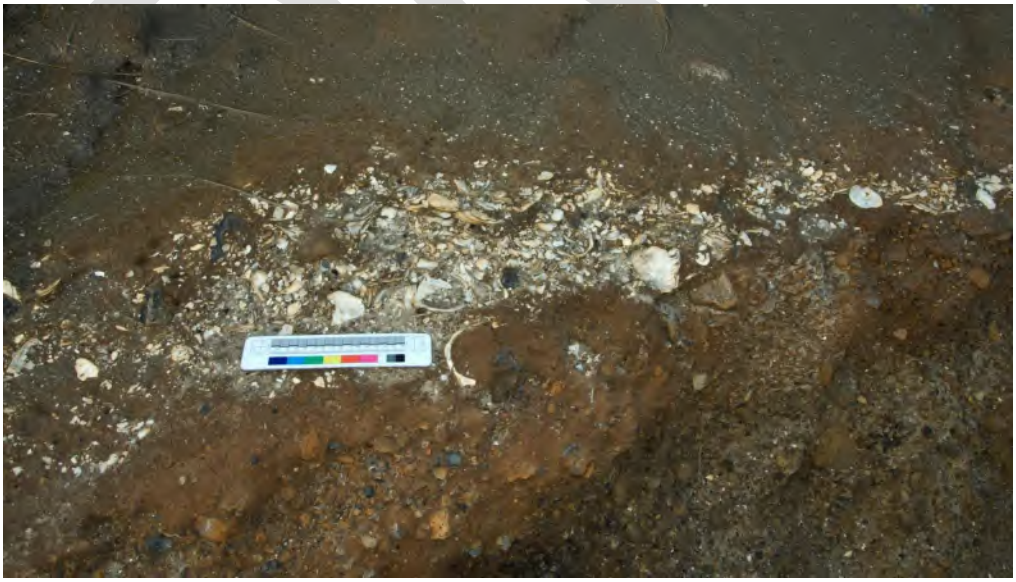

Figure 6.

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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

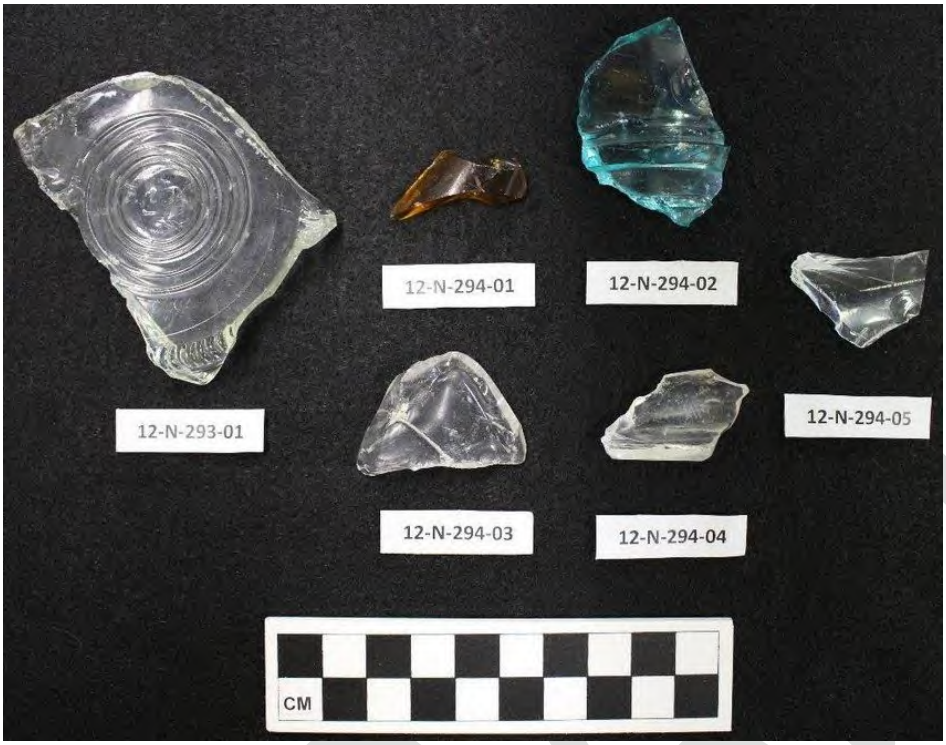

Figure 13. Historical glass

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	A, B	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	A, B	No	16	52
3696-E18	Pre-Contact Lithic Scatter	Unevaluated	Avoidance (30 meters)	Direct	A, B	No	241	790
3696-E24	Pre-Contact Stacked Rock Feature	Unevaluated	Avoidance (10 meters)	Direct	A, B	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	A, B	No	51	167
3696-E7	Historic Debris Scatter	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	47	153
3696-E86	Pre-Contact Lithic Scatter	Unevaluated	Avoidance (30 meters)	Direct	A, B	No	309	1,014
3696-E87	Pre-Contact Lithic Scatter & Stacked Rock Feature	Unevaluated	Avoidance (30 meters)	Direct	A, B	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	A, B	No	306	1,005
3696-J112	Pre-Contact Stacked Rock Feature	Unevaluated	Avoidance (10 meters)	Direct	A, B	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	A, B	No	10	34
3696-J66	Historic Debris Scatter	Unevaluated	Avoidance (10 meters)	Direct	A, B	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	A, B	No	130	426
3696-S114	Historic Structural Remains	Unevaluated	Avoidance (30 meters)	Direct	A, B	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	A, B	No	11	36
3696-S67	Multicomponent Historic Debris Scatter & Pre-Contact Lithic Artifact	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	38	124
3696-S68	Pre-Contact Stacked Rock Feature	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	39	127
3696-S69	Pre-Contact Stacked Rock Feature	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	63	206
3696-S70	Pre-Contact Stacked Rock Feature	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	11	36
3696-S71	Pre-Contact Stacked Rock Feature	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	14	45
3696-S83	Historic Structural Remains	Unevaluated	Avoidance (10 meters)	Direct	A, B	No	55	181
Archaeological & Built Environment Sites								
3696-E31	Historic Homestead & Building	Unevaluated (Archaeological Component)/Not Eligible (Built Environment Component)	Avoidance (30 meters)	Direct	A, B	No	151	495

Attachment U-1: Draft Construction Traffic Management Plan

Attachment U-1: Draft Construction Management Plan

Draft
Construction Traffic Management Plan

Yellow Rosebush Energy Center
Wasco and Sherman Counties, Oregon

Prepared for
Yellow Rosebush Energy Center, LLC

Prepared by

July 2024

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List of Appendices

Appendix A. Construction Transportation Routes [*To Be Replaced with Final Site Plan and Transportation Routes at Final Design*]

Appendix B. Detour Plan

Appendix C. Haul Route Plan

Appendix D. Traffic Control Plan Drawings

1.0 Introduction

1.1 Purpose and Scope

This draft Construction Traffic Management Plan (Plan) was prepared to meet the requirements of Wasco and Sherman counties as described in the Yellow Rosebush Energy Center (Facility) Exhibit U of the Application for Site Certification (ASC) submitted to the Oregon Energy Facility Siting Council (EFSC).

This draft Plan, per Oregon Department of Transportation's (ODOT) Traffic Control Plan Manual, is a "living document," and it will be updated as the roadway safety needs of the Facility change over the course of construction. It should be noted that the outline of this document is designed to be comparable with the ODOT Traffic Control Plan Manual's minimum requirements for a Transportation Management Plan, which typically only apply to significant ODOT highway construction projects. This document will be updated with input from EFSC and agencies identified by EFSC prior to the start of Facility construction.

1.2 Project Description

Yellow Rosebush Energy Center, LLC (Applicant) proposes to construct and operate the Facility. The Facility is a solar energy generation and battery storage facility located in Wasco and Sherman counties, Oregon. The Facility is located between U.S. Highway (US) 197 and US-97, approximately 9 miles east of Maupin, Wasco County, Oregon, and approximately 6 miles west of Kent, Sherman County, Oregon, as shown in Appendix A.

1.3 Contact Information

1.3.1 Applicant

Name/Contact:

Yellow Rosebush Energy Center, LLC

c/o Jeffrey Watson

Mailing address:

Yellow Rosebush Energy Center, LLC

422 Admiral Blvd.

Kansas City, MO 64106

Phone: (410) 349-7679

Email: jwatson@savionenergy.com

1.3.2 Preparer

Name/Contact:

Tetra Tech, Inc.

c/o Paul Hicks

Mailing address:

1750 S Harbor Way, Suite 400

Portland, OR 97201

Phone: (503) 727-2273

Email: paul.hicks@tetratech.com

2.0 Traffic Control and Management

2.1 Traffic Control Criteria

Facility construction traffic will primarily include the delivery of construction equipment, vehicles and materials, and daily construction worker trips. The vast majority of the equipment (e.g., solar modules, inverters, transformers, tracker steel, transmission support structures, substation circuit breakers, and substation steel) will be delivered to the Facility site in standard widths and lengths by trucks, vans, and covered flatbed trailers. Substation equipment, inverter enclosures, and cranes will be delivered to the Facility site on oversize vehicles.

This draft Plan was developed to address applicable traffic control mitigation needs in Wasco and Sherman counties. The counties require that traffic control devices used on county roads follow the Manual on Uniform Traffic Control Devices (MUTCD) published and updated by the Federal Highway Administration. In additional, ODOT-maintained roads are also required to follow this standard for the use and placement of traffic control devices. Measures to mitigate potential construction traffic concerns are outlined in this draft Plan. In addition, traffic control measures for the construction of entrance driveways along roads are discussed.

2.2 Traffic Control Measures

There are a few major roads that will be used by Facility traffic. The route for construction vehicles and workforce traffic will be via Interstate Highway 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 proposed Facility. This route is the preferred route for workforce traffic and the limited oversize deliveries for Facility construction, such as support poles for the transmission line or the main power transformers. Some workforce traffic may also come from the south (e.g., Madras), taking US-97 north/northeast to Bakeoven Road and then continuing

north to the Facility. Limited workforce traffic, such as passenger cars, pickup trucks, and delivery vans, may use US-197 traveling south and turning east on to Bakeoven Road to the Facility.

Typical construction operations, such as the construction of driveways, can be managed using shoulder closures and flagger-controlled single-lane closures along the route and near access points. For better warning and management of slow, left-turning construction traffic, portable changeable message signs can be used. This can provide advanced warning to motorists that construction traffic is in the area, and to slow down, watch for stopped cars, and take caution in inclement weather.

2.3 Traffic Control Devices and Personnel

Temporary signage, lighting, and traffic control devices will be installed on US-97 and Bakeoven Road. Signage may include but is not limited to appropriate signage and portable changeable message signs along access routes to indicate the presence of heavy vehicles and construction traffic.

The construction signage will consist of standard warning signs as shown in Figures 1 through 3. The drawings depict the minimum construction sign layout recommended for safety and to caution motorists to the presence of construction traffic in the area. Additional signs could be used in addition to the signs specified, such as “EQUIPMENT ON ROAD,” “TRUCK ACCESS,” “ROAD CROSSINGS,” “TO BE CLOSED (insert dates),” “NO CELL PHONE USE WHILE IN VEHICLE,” or “SLOW DOWN.” This plan does not include consideration of non-transportation related construction signage such as hard-hat area signs, etc.

Use of flaggers for traffic signalization on a daily basis is not anticipated as road and right-of-way work will be minimized to avoid changes in traffic patterns. The commuting hour construction traffic may experience minor slowdowns near the Facility site since the vehicles are going to the same location. However, the Facility site is very rural and existing traffic is below the road capacity; thus, there is no need for temporary flagging to improve operations during the commuting hour. Flaggers will be used only when necessary, on a temporary basis such as a lane or full road closure.

2.4 Managing and Directing Traffic

The following measures and best management practices are proposed for managing traffic during Facility construction:

- Prior to commencement of construction, and as directed by EFSC, the Applicant will seek input on this Draft Plan from ODOT, Wasco County and Sherman County, and the City of Maupin.
- A haul route plan will be developed and incorporated in this Plan once vendors have been selected and construction schedule developed. This haul route plan will confirm source locations and routes to be used during Facility construction, as well as anticipated loads and haul schedule.

- Detour plans and warning signage will be provided in advance of planned traffic disturbances.
- Ingress and egress points to the Facility site will be located and improved (if needed) to meet adequate capacity for existing and projected traffic volumes and to provide efficient movement of traffic, including existing and anticipated agricultural traffic.
- The Applicant will obtain necessary ODOT permits to transport regulated loads on State-managed roadways, such as trip permits for oversize and overweight loads.
- The Applicant will complete consultation with landowners to minimize disruptions to ranching and farming operations due to construction activities such as equipment delivery.
- The Applicant or its contractor and EFSC staff will meet prior to final site plan approval to outline steps for minimizing construction traffic impacts, including conflicts if State-imposed roadway restrictions could affect transporter routes.
- The Applicant or its contractor will provide advance notification to adjacent landowners and farmers through mailing, informal meeting, open house or other similar methods, when construction takes place in the vicinity of their homes and farms to help minimize access disruptions. The Applicant or its contractor will specify timing of deliveries of heavy equipment and building materials to the extent feasible.
- Construction vehicles will yield to school-related vehicles (e.g., school buses) and will lower their speed when approaching a school bus or bus stop along the transportation route.
- Advanced warning and proper roadway signage will be placed on US-97 and Bakeoven Road to warn motorists of potential Facility-related vehicles entering and exiting the roadway. Access to adjacent property will be maintained during Facility construction.
- When slow or oversized wide loads are being hauled, appropriate vehicle and roadside signing and warning devices will be deployed. Pilot cars will be used as ODOT dictates, depending on load size and weight.
- Carpooling among the construction workers will be encouraged to reduce traffic volume to and from the Facility site.
- The Facility will use appropriate signage where needed to direct the public from entering restricted areas. During construction, temporary barriers and traffic control measures will be used where applicable.
- Flaggers will be employed as necessary to direct traffic when large equipment is exiting or entering US-97 and Bakeoven Road to minimize risk of accidents. Should the Applicant or its construction contractor receive notice during Facility construction of transportation events (e.g., ODOT or County transportation projects, roadway incident, other traffic events) that give rise to a safety concern, the Facility construction manager will review this Plan in coordination with the applicable agency and address additional safety measures, including flagging, as may be appropriate for the situation.

- The Applicant or its contractor will maintain at least one travel lane so that roadways would not be closed to traffic due to construction vehicles entering or exiting public roads. If lane closures must occur, adequate signage for potential detours or delays will be posted.
- Advance notification will be provided to emergency providers and hospitals when public roads may be partially or completely closed.
- Emergency vehicles will be given the right-of-way as required by local, state, and federal requirements. If traffic accidents occur on-site or by site personnel entering or leaving the Facility site, the appropriate emergency services shall be notified. Incidents that occur on-site warrant an evaluation of what happened and what, if any, additional safety signs or protocols should be in place to prevent incidents.
- Traffic control requests will be coordinated through the ODOT traffic engineer, County Public Works, and City of Maupin abiding by seasonal County road restrictions.
- The Applicant or contractor will monitor the roads within and adjacent to the Facility for stray material inadvertently dropped or dispersed on the existing roads. If discovered, the contractor will remove the material as soon as possible.
- The Applicant or contractor will be responsible for damage to County roads directly caused by the Facility. The road(s) will be repaired consistent with terms of a Road Use Agreement with the counties.
- Facility construction traffic will be routed to minimize impacts on Maupin.
- The Applicant or contractor will conduct awareness training for construction workforce drivers, including appropriate techniques for sharing roads with recreation users (especially cyclists and during peak tourist season mid-June through early September).

2.5 Coordination with Agencies

The Applicant or contractor will be responsible for coordinating shoulder, lane or road closures with the various agencies. Local law enforcement will be contacted and informed of traffic control measures being implemented along the Facility transportation routes.

2.6 ODOT Traffic Control Plan Examples

Example ODOT traffic control plans are shown on Figures 1 through 3. Facility-specific traffic control plans will be developed by the Applicant's contractor as part of the construction package (see Appendix D [*final Traffic Control Plans to be included, if needed*]).

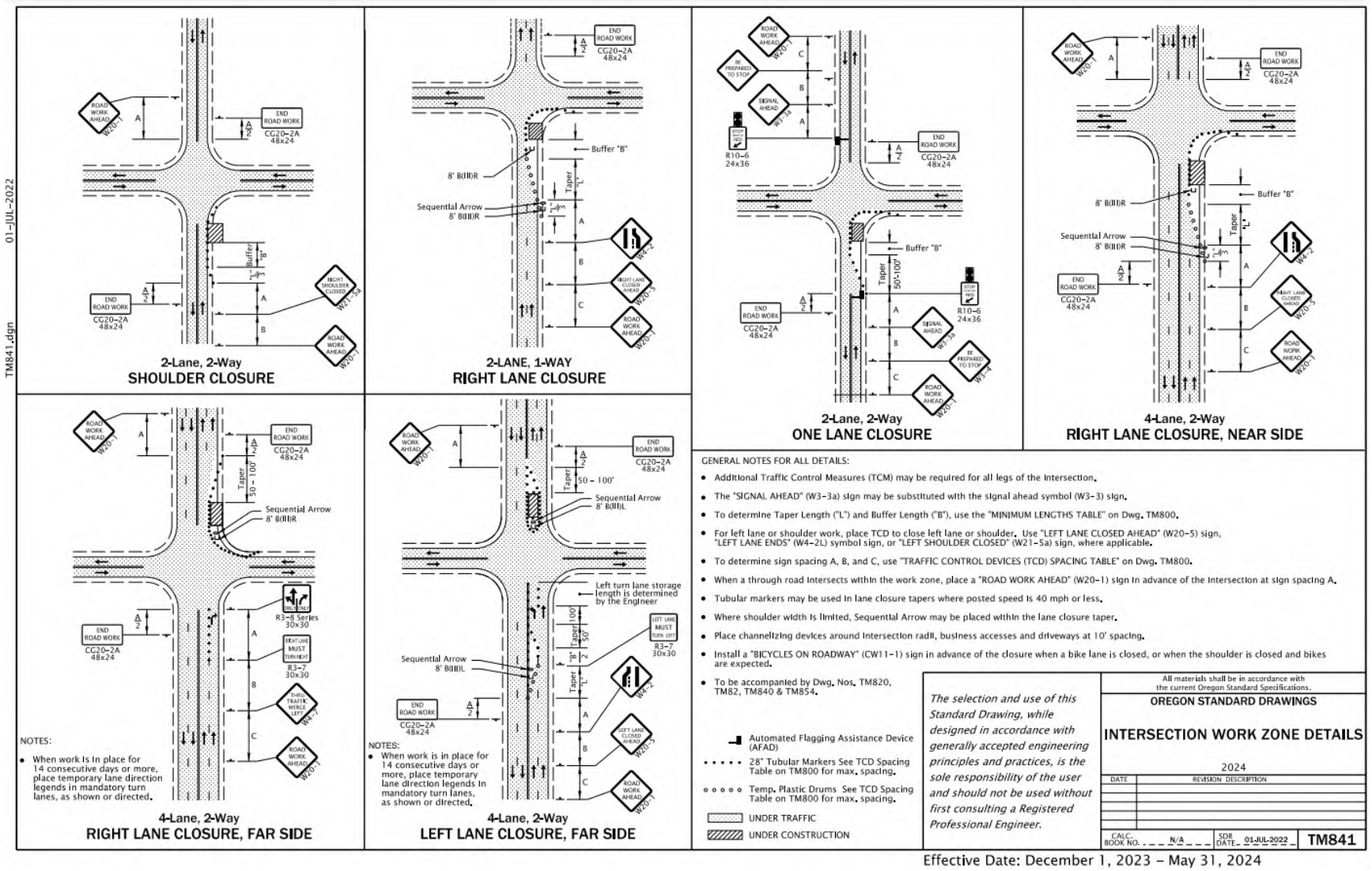


Figure 1. Example ODOT Traffic Control Plan Detail. Intersection Work Zone Details.

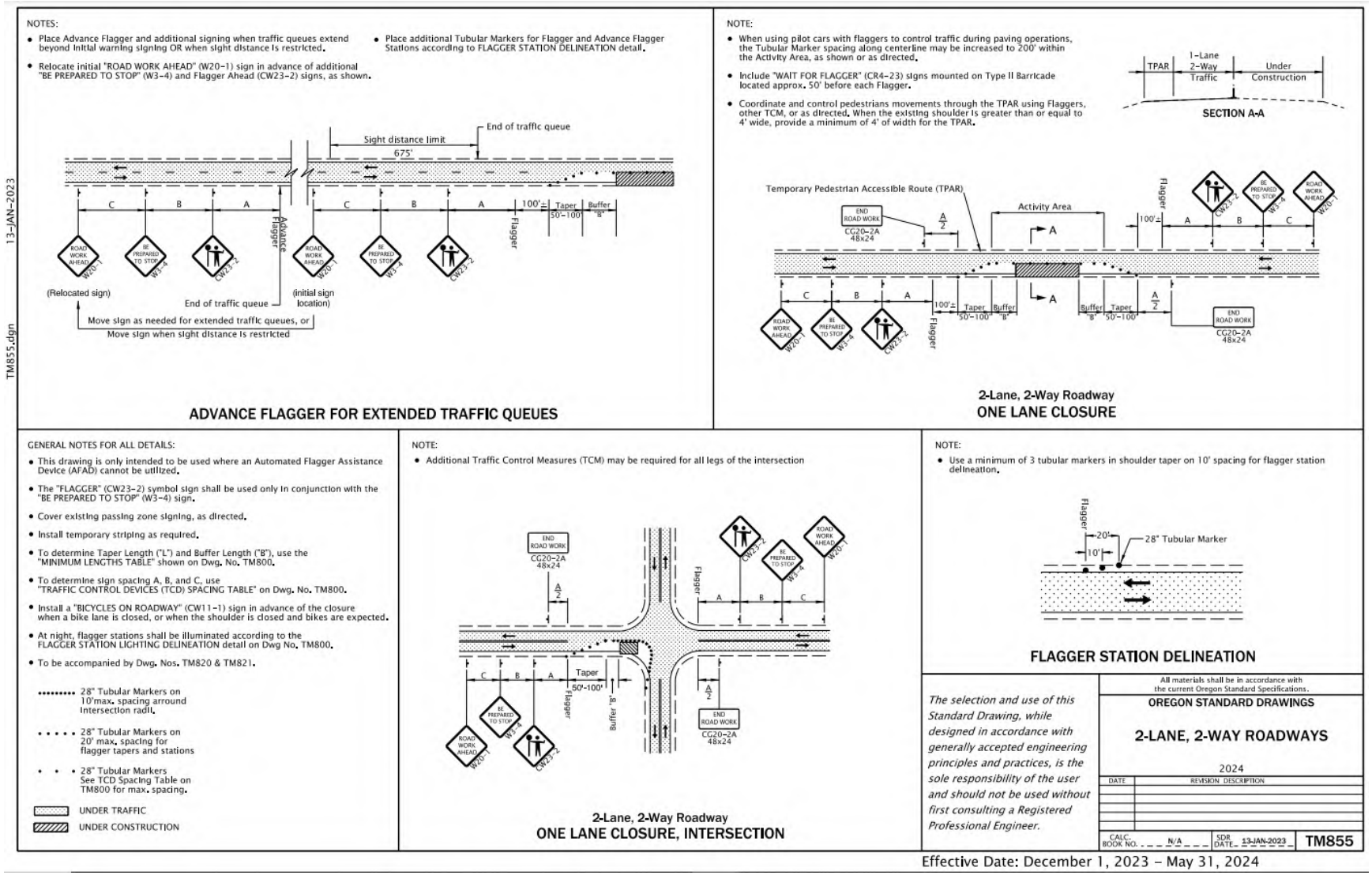


Figure 2. Example ODOT Traffic Control Plan Detail. 2-Lane, 2-Way Roadways – Flaggers.

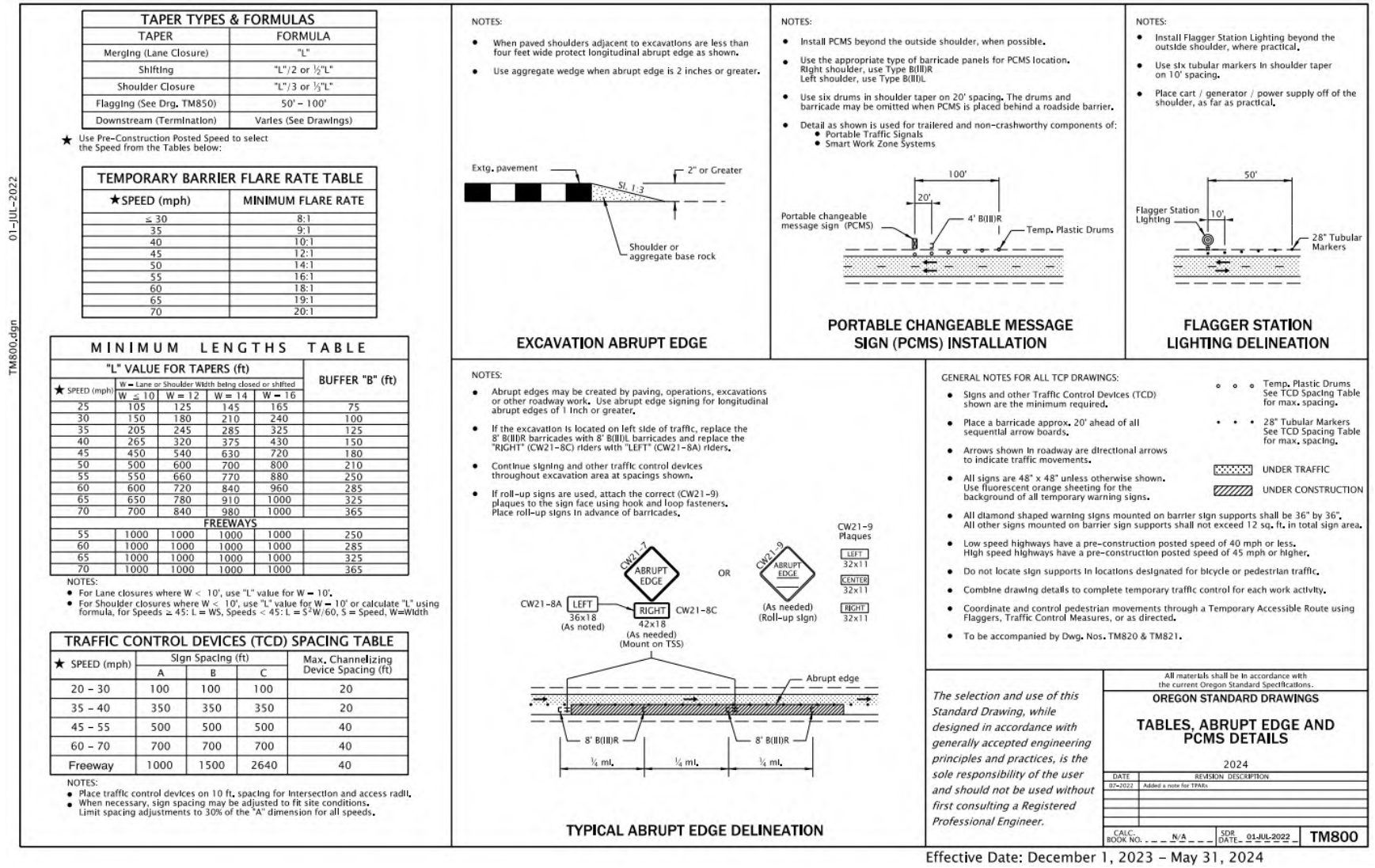


Figure 3. Example ODOT Traffic Control Plan. Tables, Abrupt Edge and PCMS Details.

3.0 Communication and Coordination

Updates to the Plan may be required to accommodate changes in the methods of construction, exceptional circumstances (e.g., interconnection to power outside of Facility limits), safety, or other concerns. This Plan is not intended to be final. It is a starting point to understand Facility construction and safety considerations. It is the responsibility of the Applicant's Construction Manager or designated on-site safety personnel to address traffic concerns should they arise. This Plan may be updated in coordination with EFSC, Wasco County and Sherman County, and the City of Maupin, as needed.

3.1 Communication Plan

The various tools described below provided a mechanism for the Applicant to communicate updates to the public and local stakeholders.

3.1.1 Media Outreach

The Applicant maintains a distribution list of local, regional, and statewide media outlets. Media outreach, including formal press releases and informal coordination with reporters, may be used to inform the public of Facility construction activities.

3.1.2 Stakeholder Distribution List

The Applicant maintains a contact list for interested stakeholder groups, including but not limited to business leaders and/or representatives from regional chambers of commerce; elected officials for cities and counties in the region; public utility districts; fire district representatives; and school district representatives. The stakeholder distribution list may be used to inform stakeholders of Facility construction activities.

3.2 Law Enforcement, Emergency Services, and other Agencies

3.2.1 Oregon State Patrol

Permits for oversized deliveries of equipment will be coordinated with the Oregon State Patrol as needed by the Applicant's contractor.

3.2.2 Oregon Department of Transportation

Permits, designs, and coordination for working in the right-of-way and/or improvements to existing roads or intersections will be provided separately to ODOT by the Applicant's contractor as necessary during Facility construction.

3.2.3 County Public Works

Permits, designs, and coordination for working in the right-of-way and/or improvements to existing roads or intersections will be provided separately to Wasco County's Department of Public Works and Sherman County Road Department by the contractor as necessary during Facility construction.

3.2.4 Private Landowners

If unforeseen circumstances require temporarily limiting access to an adjacent property, the Applicant or the Applicant's contractor will notify the landowner ahead of time and ensure that the work is done as quickly as possible.

3.2.5 Emergency Services

If traffic accidents occur on-site, or by site personnel entering or leaving the site, the appropriate emergency services shall be notified. Emergency services will always be able to access the site. No changes to infrastructure are anticipated that would impede access at any time during Facility construction. Incidents that occur on-site warrant an evaluation of what happened and what, if any, additional safety signs or protocols should be in place to prevent incidents.

3.3 Public Outreach

The Applicant will address complaints and concerns with the public either individually with the complainant or via one or more of the outlets described in the Communication Plan, Section 3.1

4.0 Conclusion

State and County roads may be temporarily affected by construction-related traffic. Truck traffic carrying materials and supplies to the Facility site would generally not coincide with morning and evening peak hours; rather, truck traffic would be dispersed throughout the working day. Private vehicle traffic would generally occur out of phase with the truck traffic, as the workers report earlier and leave later than most of the truck traffic. Given the estimated early start times (7 a.m.) and late finish times (7 p.m.) common to solar construction, worker commuting traffic may slightly overlap with peak commute traffic hours. Properly implemented traffic controls will minimize the impact to the community and commuting traffic. Portable changeable message signs discussed in Section 2.3 as well as the proposed measures and best management practices for managing traffic in Section 2.4 will, if needed, minimize potential traffic disruptions and safety concerns while maintaining the flow of truck traffic.

Appendix A.

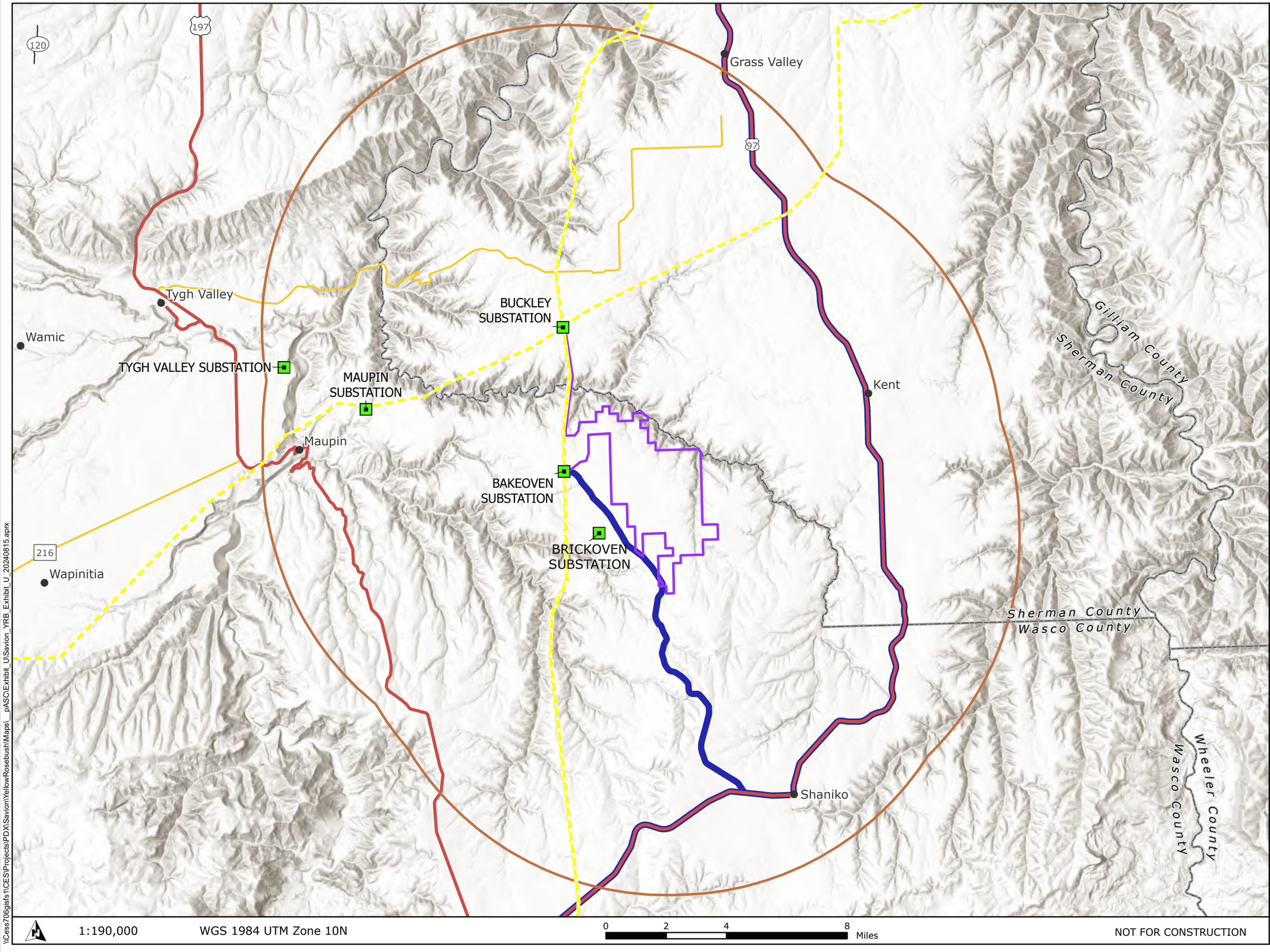
Construction Transportation Routes

[Final Site Plan and Transportation Routes to be Included Here]

Yellow Rosebush Energy Center

Appendix A Construction Transportation Routes

SHERMAN AND WASCO COUNTIES, OR



Facility Site Boundary
Public Services Analysis Area (10-mile buffer)
County Boundary
City/Town
US Highway
State Highway
County Highway
Existing Transmission Line (500-kV)
Existing Substation
Transportation Route

TETRA TECH
SAVION
A RENEWABLE ENERGY COMPANY

Reference Map

1:190,000
WGS 1984 UTM Zone 10N
0 2 4 8 Miles
NOT FOR CONSTRUCTION

\\Cess706gisfs1\CES\Projects\PDX\Savion\YellowRosebush\Maps_pASCI\Exhibit_U\Savion_YRB_Exhibit_U_20240815.aprx

Appendix B.

Detour Plan

[Final Detour Plan to be Included Here, if Needed]

Appendix C.

Haul Route Plan

[Final Haul Route Plan to be Included Here, if Needed]

Appendix D.

Traffic Control Plan Drawings

[Final Traffic Control Plan Drawings to be Included Here, if Needed]

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~~November 2025

Applicable EFSC Site Certificate Conditions

Wildfire Prevention and Risk Mitigation Condition 1 (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.

[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, Bakeoven-Shaniko Rural Fire Protection Association, the South Sherman Fire District, the Wasco County Sheriff's Office, Southern Wasco County Ambulance Service, Southern Wasco County Ambulance Service, ~~local fire department(s),~~ participating and adjacent landowners, emergency management office personnel, ODOE, and any other emergency management agency. The training shall be conducted by qualified instructors and ~~The training~~ will cover/be:

- Tailored to emergency and fire response at utility-scale solar and battery energy storage facilities;
- 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);
  - Alarm – call the control room, who will then determine if 911 should be alerted;
  - 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 will be provided at no cost to emergency service personnel. Certificate holder shall donate to Bakeoven-Shaniko Rural Fire Protection Association and Southern Wasco County Ambulance Service, Southern Wasco County Ambulance Service for their time and any necessary equipment for training.

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.[1] 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.

[1] YRBAPPDoc19 ASC Applicant Response to RFPA pASC Comments 2025-09-10.
[2] https://cms5.revize.com/revize/wascocounty/document_center/Planning/FullWCLUDO_3_2021.pdf, Chapter 10, Section 10.120, page 9.

- 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 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
  - 9-1-1
- South Sherman Rural Fire Protection District
  - (541) 993-2929 - District Administrator
  - (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
  - (541) 993-4730 – Tom Troutman (Fire Chief)
  - 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
  - (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 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
5S 15E 0 1100	ASHLEY VICKI	90530 Bakeoven Rd, Maupin OR 97037
5S 16E 0 1201	ASHLEY VICKI	90530 Bakeoven Rd, Maupin OR 97037
5S 16E 0 2200	ASHLEY VICKI	90530 Bakeoven Rd, Maupin OR 97037
5S 16E 0 1300	CHRISMAN LEVI FAMILY LLC	62261 Deer Trial Rd, Bend OR 97701
5S 16E 0 600	CARVER FAMILY RANCHES LLC	91443 Hinton Rd, Maupin OR 97037
5S 16E 0 1000	PHILLIPS DON W ET AL	PO BOX 689, Beavercreek OR 97004-0689

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.

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 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.

Fire-Prevention Measures and Restrictions Associated with Fire Season:

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.
- Mowing is allowed before 1pm and after 8pm.
- 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.
- Mowing is allowed before 10am or after 8pm.
- 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.
- Mowing is prohibited at all times.
- 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	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 3.2	As specified in Section 3.2 and 3.3.	As specified in Section 3.2 and 3.3.
Mowing	Allowed at all times	Mowing allowed before 1pm and after 8pm	Mowing is allowed before 10am or after 8pm	Mowing is prohibited at all times
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	Only permitted on roads or on non-combustible

Table 1: Fire Prevention Measures During Fire Season Summary

Requirement	Non-Fire Season	Fire Season	Fire Weather Watch	Red Flag Warning
			surfaces and Section 3.5.	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, Bakeoven-Shaniko Rural Fire Protection Association, the South Sherman Fire District, the Wasco County Sheriff's Office~~local fire department(s)~~, Southern Wasco County Ambulance Service, participating and adjacent landowners, emergency management office personnel, ODOE, and any other emergency management agency. The trainings shall be conducted by qualified instructors ~~that~~ and will cover/be~~s~~:

- Tailored to emergency and fire response at utility-scale solar and battery energy storage facilities;
- 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;
    - 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);
    - Alarm – call the control room, who will then determine if 911 should be alerted;
    - Contain the fire (if safe to do so); and
    - Extinguish the incipient fire stage (if safe to do so).
- Provide information and encourage attendees County's emergency management notification system.

Trainings will be provided at no cost to emergency service personnel. If allowed by emergency response organization bylaws, the certificate holder shall compensate attendees for their time at a rate to be agreed with the emergency response organization.

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.

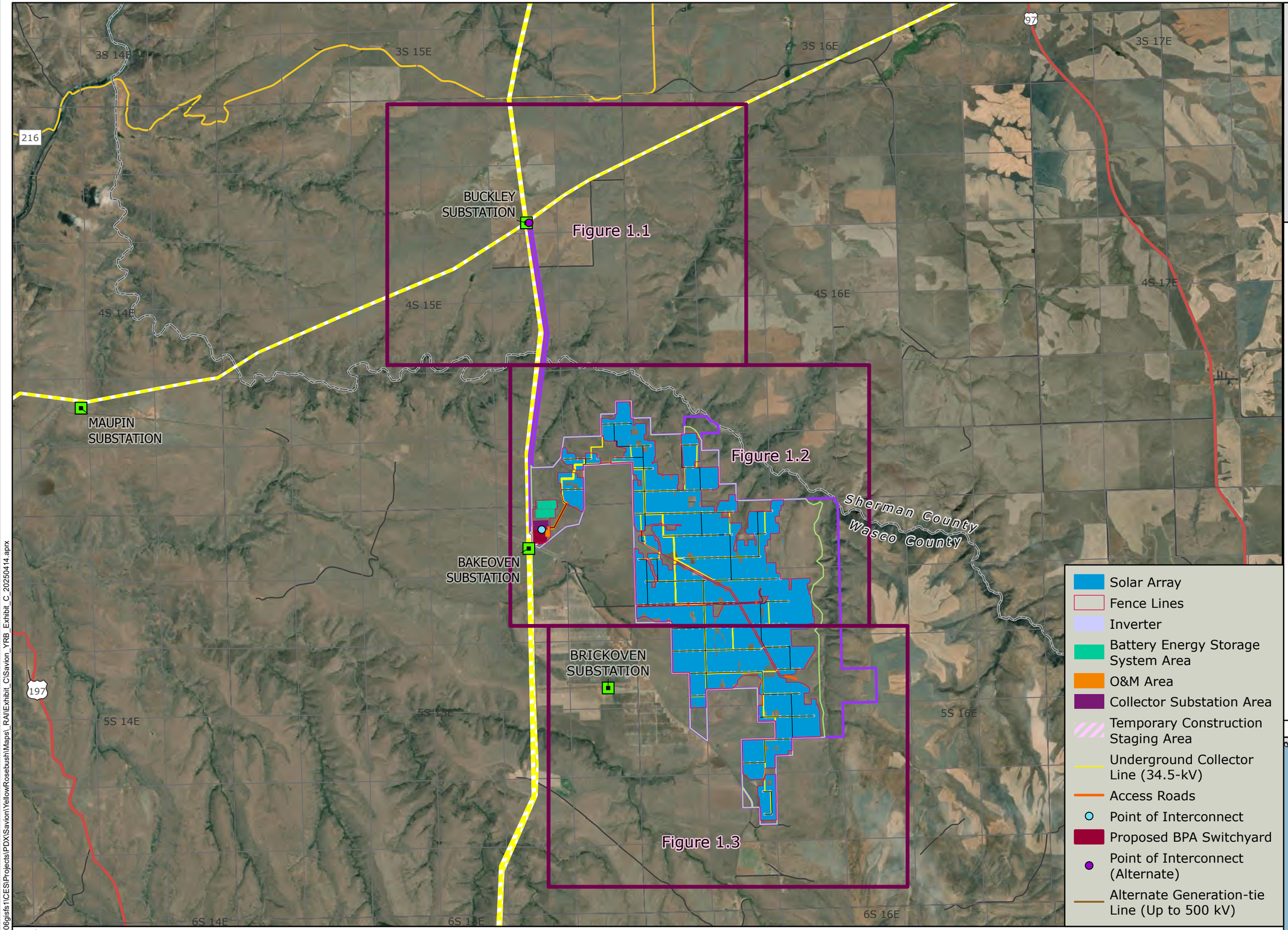
This Plan may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council (EFSC) or ODOE, acting within its delegated authority of EFSC under ORS 469.402. Such amendments may be made without amendment of the site certificate. EFSC authorizes ODOE to agree to amendments to this Plan. ODOE ~~will~~ 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.

Attachment 1: Residence/Landowner Outreach Letter

Yellow Rosebush Energy Center

Figure 1
Facility Layout

SHERMAN AND WASCO COUNTIES, OR

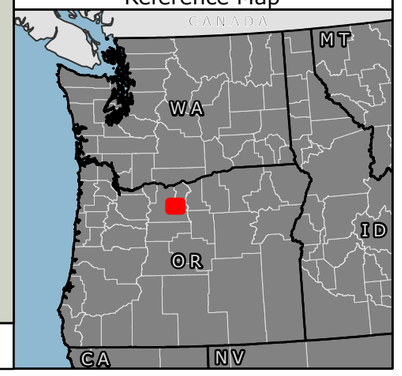


- Facility Site Boundary
- Micrositing Corridor
- Map Grid
- County Boundary
- US Highway
- State Highway
- Local Roads
- Exisiting Transmission Line 500-kV
- Existing Substation
- Township/Range
- Section

- Solar Array
- Fence Lines
- Inverter
- Battery Energy Storage System Area
- O&M Area
- Collector Substation Area
- Temporary Construction Staging Area
- Underground Collector Line (34.5-kV)
- Access Roads
- Point of Interconnect
- Proposed BPA Switchyard
- Point of Interconnect (Alternate)
- Alternate Generation-tie Line (Up to 500 kV)

TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Reference Map



1:85,000 WGS 1984 UTM Zone 10N

0 0.5 1 2 Miles

NOT FOR CONSTRUCTION

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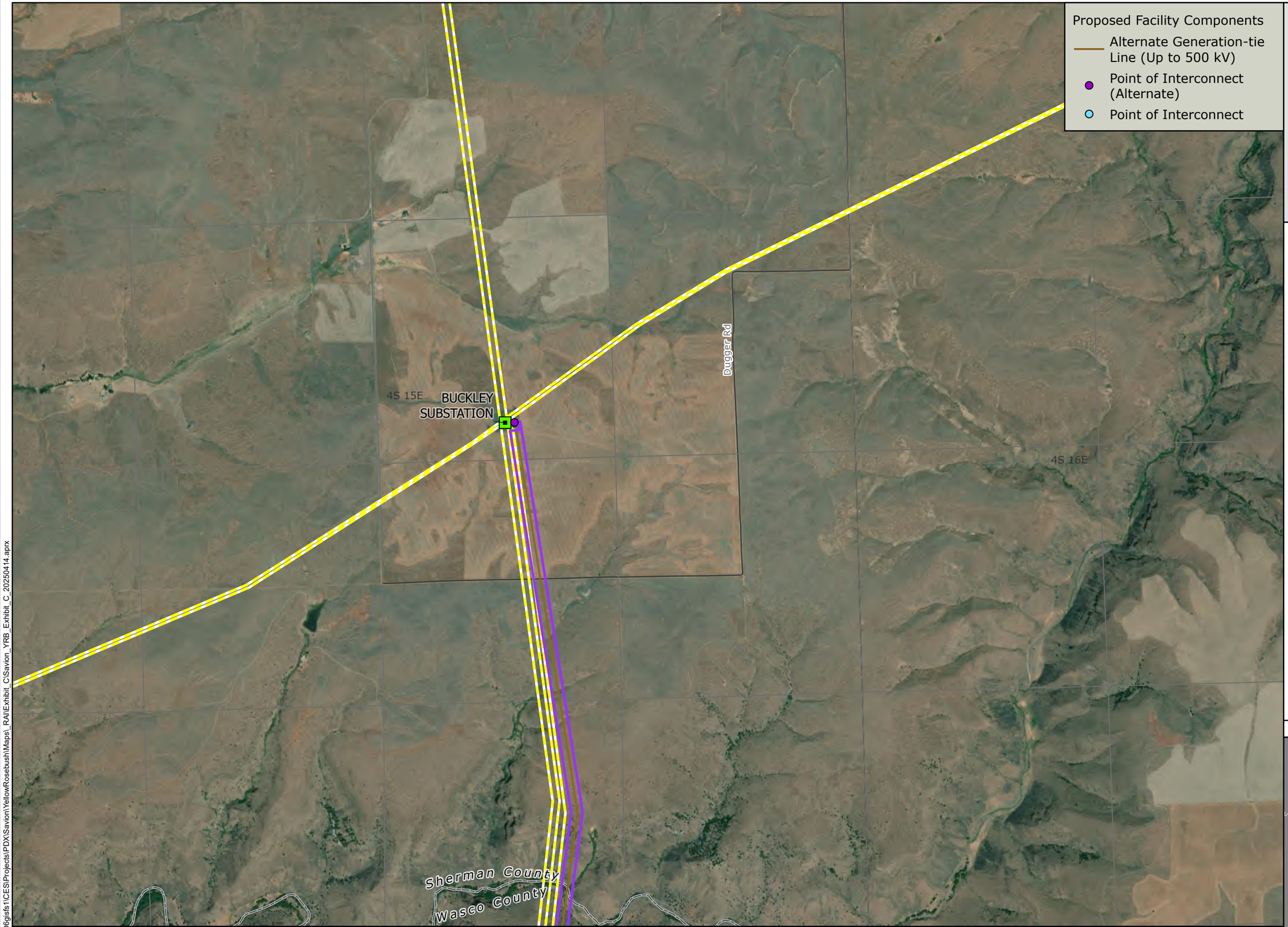
Yellow Rosebush Energy Center

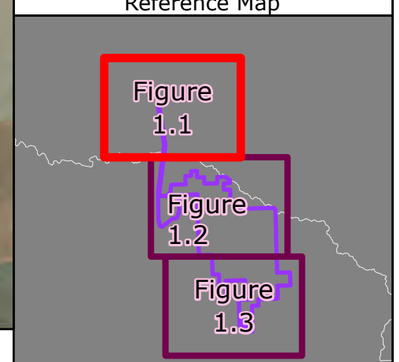
Figure 1.1
Facility Layout Details

SHERMAN AND WASCO COUNTIES, OR



TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Reference Map



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Yellow Rosebush Energy Center

Figure 1.2
Facility Layout Details

SHERMAN AND WASCO COUNTIES, OR

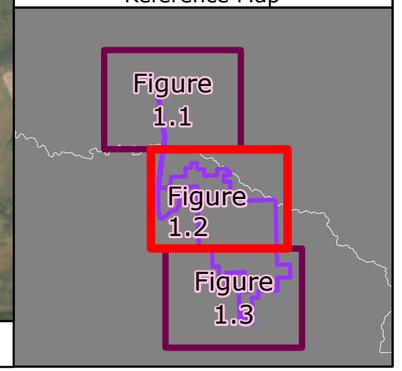
Sherman County
Wasco County
4S 15E
4S 16E
5S 15E
5S 16E
BAKEOVEN SUBSTATION
Wilson Rd

Proposed Facility Components
- Solar Array
- Fence Lines
- Inverter
- O&M Area
- Collector Substation Area
- Battery Energy Storage System Area
- Proposed BPA Switchyard
- Underground Collector Line (34.5-kV)
- Access Roads
- Access Roads
- Temporary Construction Staging Area
- Alternate Generation-tie Line (Up to 500 kV)
- Point of Interconnect (Alternate)
- Point of Interconnect

- Facility Site Boundary
- Micrositing Corridor
- County Boundary
- Section
- Township/Range
- Local Roads
- Exisiting Transmission Line 500-kV
- Existing Substation

TETRA TECH
SAVION
A RENEWABLE ENERGY COMPANY

Reference Map



1:24,000 | WGS 1984 UTM Zone 10N | 1:24,000 1 inch = 2,000 feet | 0 0.5 1 Miles | NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Center

Figure 1.3
Facility Layout Details

SHERMAN AND WASCO COUNTIES, OR

BRICKOVEN SUBSTATION

5S 16E

5S 15E

Hinton Rd

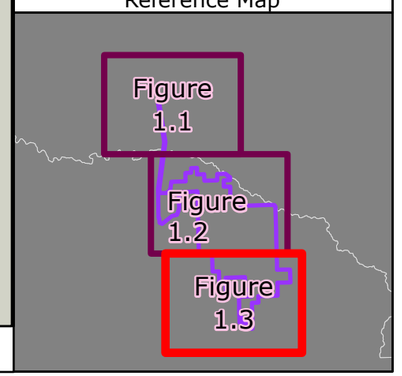
- Facility Site Boundary
- Micrositing Corridor
- County Boundary
- Section
- Township/Range
- Local Roads
- Exisiting Transmission Line 500-kV
- Existing Substation

Proposed Facility Components

- Solar Array
- Fence Lines
- Inverter
- Underground Collector Line (34.5-kV)
- Access Roads
- Access Roads
- Point of Interconnect (Alternate)
- Point of Interconnect

TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Reference Map



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Yellow Rosebush Energy Center

Figure 2
Wildfire Hazard

SHERMAN AND WASCO COUNTIES, OR

Sherman County

Wasco County

97

- Analysis Area (0.5-mile Buffer)
- Facility Site Boundary
- US Highway
- Local Roads
- County Boundary

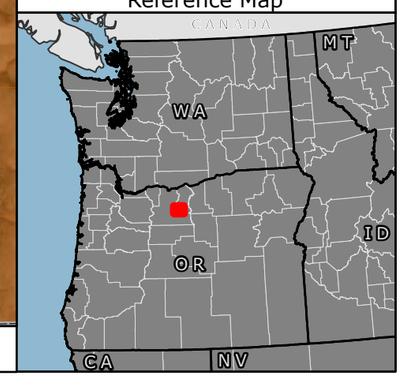
Wildfire Hazard

- Low Hazard
- Moderate Hazard
- High Hazard

TETRA TECH

SAVION
A RENEWABLE ENERGY COMPANY

Reference Map



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WGS 1984 UTM Zone 10N

0 0.5 1 2 Miles

NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Center

Figure 3
Hazard to Potential Structures

SHERMAN AND WASCO COUNTIES, OR

Sherman County

Wasco County

97

- Facility Site Boundary
- Analysis Area (0.5-mile Buffer)
- County Boundary
- US Highway
- Local Roads

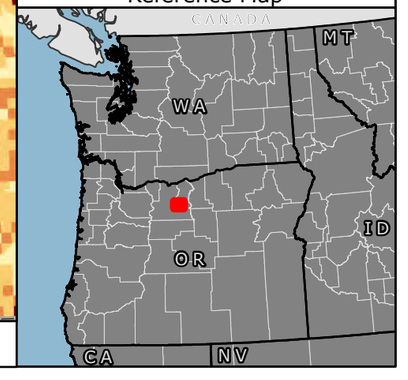
Potential Impact to Structures

- Very High
- High
- Moderate
- Low
- Non-burnable/Very Low

TETRA TECH

SAVION
A RENEWABLE ENERGY COMPANY

Reference Map



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WGS 1984 UTM Zone 10N

0 0.5 1 2 Miles

NOT FOR CONSTRUCTION

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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

Yellow Rosebush Energy Center

Amended by the Department November 2025

Applicable EFSC Site Certificate 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]

~~**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, Bakeoven-Shaniko Rural Fire Protection Association, the South Sherman Fire District, the Wasco County Sheriff's Office, Southern Wasco County Ambulance Service, Southern Wasco County Ambulance Service, Southern Wasco County Ambulance Service ~~local fire department(s)~~, participating and adjacent landowners, emergency management office personnel, ODOE, and any other emergency management agency. The training shall be conducted by qualified instructors and ~~training~~ will cover/be:

- Tailored to emergency and fire response at utility-scale solar and battery energy storage facilities;

- 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:
    - Rescue anyone in danger (if safe to do so);
    - Alarm – call the control room, who will then determine if 911 should be alerted;
    - 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 will be provided at no cost to emergency service personnel. Certificate holder shall donate to Bakeoven-Shaniko Rural Fire Protection Association and Southern Wasco County Ambulance Service, Southern Wasco County Ambulance Service for their time and any necessary equipment for training.

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.[1] 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;

[1] YRBAPPDoc19 ASC Applicant Response to RFPA pASC Comments 2025-09-10.
[2] https://cms5.revize.com/revize/wascocounty/document_center/Planning/FullWCLUDO_3_2021.pdf, Chapter 10, Section 10.120, page 9.

- 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.

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
  - 9-1-1
- South Sherman Rural Fire Protection District
  - (541) 993-2929 - District Administrator
  - (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
  - (541) 993-4730 – Tom Troutman (Fire Chief)
  - 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
  - (410) 349-7679
- Christopher Powers, Senior Director, Permitting & Environmental
  - Savion, LLC
  - 422 Admiral Blvd, Kansas City, MO 64106
  - cpowers@savionenergy.com
  - (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
5S 15E 0 1100	ASHLEY VICKI	90530 Bakeoven Rd, Maupin OR 97037
5S 16E 0 1201	ASHLEY VICKI	90530 Bakeoven Rd, Maupin OR 97037
5S 16E 0 2200	ASHLEY VICKI	90530 Bakeoven Rd, Maupin OR 97037
5S 16E 0 1300	CHRISMAN LEVI FAMILY LLC	62261 Deer Trial Rd, Bend OR 97701
5S 16E 0 600	CARVER FAMILY RANCHES LLC	91443 Hinton Rd, Maupin OR 97037
5S 16E 0 1000	PHILLIPS DON W ET AL	PO BOX 689, Beavercreek OR 97004-0689

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.
- Mowing is allowed before 1pm and after 8pm.
- 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.
- Mowing is allowed before 10am or after 8pm.
- 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.
- Mowing is prohibited at all times.
- 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	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 3.2	As specified in Section 3.2 and 3.3.	As specified in Section 3.2 and 3.3.
Mowing	Allowed at all times	Mowing allowed before 1pm and after 8pm	Mowing is allowed before 10am or after 8pm	Mowing is prohibited at all times
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.

Table 1: Fire Prevention Measures During Fire Season Summary

Requirement	Non-Fire Season	Fire Season	Fire Weather Watch	Red Flag Warning
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.

Draft Operational Wildfire Mitigation Plan

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[1]	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:	Date: Personnel:
					Results: Notes:	Results: Notes:
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	Date: Personnel:	Date: Personnel:
					Results: Notes:	Results: Notes:
Solar Inverter	• Visual inspection of inverter and surrounding area. • Verify torque specifications. • For alternating current (AC)/direct current (DC), perform inspection of communication and control power terminations. • Cycle AC/DC disconnects, inspect AC/DC contactors and cooling fans. • Perform infrared scan. Inverter Testing and Preventative Parts Replacement • Preventative maintenance replacement of inverter parts (e.g.: cooling system and power supplies that are operating effectively but scheduled for replacement per manufacturer's recommendations).		Spill Prevention, Control, and Countermeasures (SPCC) Plan[3] Manufacturer's maintenance recommendations	• Monthly SPCC Plan • Bi-annual Preventative Maintenance • Per manufacturer's recommendations	Date: Personnel:	Date: Personnel:
					Results: Notes:	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:	Date: Personnel:
					Results: Notes:	Results: Notes:
Tracker System	• Perform visual inspection of tracking components; sync data with the Applicant's Operations Center. • Perform visual inspection of module clamps and rail fasteners for integrity. • Perform visual inspection of gear drives and shaft assemblies for alignment. • Grease gear boxes and/or drive shaft. • Verify wind stow functionality and lubricate slew ring.		Manufacturer's maintenance recommendations	• Per manufacturer's recommendations	Date: Personnel:	Date: Personnel:
					Results: Notes:	Results: Notes:

Draft Operational Wildfire Mitigation Plan

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[1]	Maintenance Schedule	Date and Personnel Completing Inspection(s); Inspection Results	Date and Personnel Completing Maintenance; Maintenance Results
Solar Array Structures	• Perform visual inspection of mounting structures, grounding, and cabling.		Manufacturer's maintenance recommendations	Repair or replace annually	Date: Personnel:	Date: Personnel:
					Results: Notes:	Results: Notes:
Solar Array Panels, Harnesses, and Combiner Boxes	At Applicant's sole discretion, to perform one of the following options: • Infra-red ("IR") Flyover a. IR scan of Site providing DC health of the Facility down to string level reporting; or • Physical DC Health Inspection a. Perform visual inspection of whips and wires connectors for damage or exposed conductors in gutters of harness combiner boxes. b. Measure and record current of each whip using clamp-on meter and identify low performing whips.		Applicant's discretion Manufacturer's maintenance recommendations	Repair or replace annually	Date: Personnel:	Date: Personnel:
					Results: Notes:	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: Vegetation under solar arrays will be maintained to a height of 10-12 inches, with a minimum clearance of 12 inches from electrical equipment. Methods include manual removal, mowing, or as designate din this Plan.	Vegetation: Twice a year, or more often, as designate din this Plan.	Date: Personnel:	Date: Personnel:
					Results: Notes:	Results: Notes:
Collector Substation	• Perform visual inspection of the grounding system. • Perform thermographic and visual inspection. • Perform uninterrupted power supply (UPS) inspection and maintenance.		Manufacturer's maintenance recommendations North American Electric Reliability Corporation (NERC)	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:

Draft Operational Wildfire Mitigation Plan

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[1]	Maintenance Schedule	Date and Personnel Completing Inspection(s); Inspection Results	Date and Personnel Completing Maintenance; Maintenance Results
BESS	• Set battery maintenance (system check, cell balancing). • Battery cable, appearance, grounding, dust removal. • Inspect battery management system alarms. • Visual inspection of electrical terminations using thermal imager.		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	• Check for correct operations of battery monitoring system and battery charging system. • Perform visual inspection of the battery room, mounting rack, batteries, and connections.		Manufacturer's maintenance recommendations	Repair or replace monthly	Date: Personnel:	Date: Personnel:
					Results: Notes:	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:	Date: Personnel:
					Results: Notes:	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:	Date: Personnel:
					Results: Notes:	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:	Date: Personnel:
					Results: Notes:	Results: Notes:
BESS Junction Box/ Auxiliary System/Miscellaneous	• Auxiliary equipment maintenance and inspection. • Enclosure dust removal. • Inspect cable entry, grounding, sealing, dust removal.		Manufacturer's maintenance recommendations	Repair or replace annually	Date: Personnel:	Date: Personnel:

Draft Operational Wildfire Mitigation Plan

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[1]	Maintenance Schedule	Date and Personnel Completing Inspection(s); Inspection Results	Date and Personnel Completing Maintenance; Maintenance Results
	• Critical sensor calibration check. • Maintenance report.				Results: Notes:	Results: Notes:
BESS Fire Safety System	• Fire alarm and detection system inspection. • Fire alarm and detection system maintenance. • Fire suppression System Inspection.		Manufacturer's maintenance recommendations	Repair or replace annually	Date: Personnel:	Date: Personnel:
					Results: Notes:	Results: Notes:
BESS Thermal Management System	• Thermal management system inspection. • Thermal management system maintenance. • Motor Lubrication. • Clean Filters by rinsing with water. • Electric Heater - Dust accumulation on the coil, signs of overheating on the heater frame, traces of water or rust on the electric heater control box.		Manufacturer's maintenance recommendations	Repair or replace semi-annually	Date: Personnel:	Date: Personnel:
					Results: Notes:	Results: Notes:
BESS Thermal Management System	• Coolant tester visual inspection.		Manufacturer's maintenance recommendations	Repair or replace annually	Date: Personnel:	Date: Personnel:
					Results: Notes:	Results: Notes:
BESS General	• System configuration check.		Manufacturer's maintenance recommendations	Repair or replace annually	Date: Personnel:	Date: Personnel:
					Results: Notes:	Results: Notes:
Medium Voltage (MV) and High Voltage (HV) Breaker	• Clean out dirt and debris. • Perform a manual operation test. • Perform an electrical test. • Perform a gas leakage test.		Manufacturer's maintenance recommendations NERC	Repair or replace per manufacturer's recommendations	Date: Personnel:	Date: Personnel:
					Results: Notes:	Results: Notes:
Generator Step-Up (GSU) Transformer	• Perform a visual inspection and check for proper operation of fan motor, oil pump motor, and breather. • Inspect and maintain substation transformer bushings		SPCC Plan[3]	Repair, overhaul, refurbish, or replace per manufacturer's recommendations	Date: Personnel:	Date: Personnel:

Draft Operational Wildfire Mitigation Plan

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[1]	Maintenance Schedule	Date and Personnel Completing Inspection(s); Inspection Results	Date and Personnel Completing Maintenance; Maintenance Results
	and control panel. • Perform visual inspection of bushings for indications of local heating, oil leaks, proper oil level and indication of contaminants.		Manufacturer's maintenance recommendations		Results: Notes:	Results: Notes:
Inverter Step-up Transformer	• Perform infrared scans on low side of transformer when power is >80%. • Verify temperature and pressure sync with the contractor's Operations Center. • Perform visual inspection of the physical integrity of the enclosure and check for oil leakage. • Perform visual inspection for damage or discoloration of bushings. • Perform oil sample analysis on MV transformer(s). • Collect MV transformer oil sample(s) for 3rd party analysis. • Perform electrical test of transformer. • Verify integrity of surge arresters and check for proper tap position.		SPCC Plan[3] Manufacturer's maintenance recommendations	Replace or repair per manufacturer's recommendation	Date: Personnel:	Date: Personnel:
					Results: Notes:	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:	Date: Personnel:
					Results: Notes:	Results: Notes:
Overhead electrical lines	Visual inspection of components, grounding and APLIC measures.		APLIC		Date: Personnel:	Date: Personnel:
	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:
1. The Operational SPCC Plan for the Facility will require these components to be inspected monthly for spills. During these inspections, Operational Staff will also visually inspect the component and surrounding area.						

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 Bakeoven-Shaniko Rural Fire Protection Association, the South Sherman Fire District, the Wasco County Sheriff's Office, Southern Wasco County Ambulance Service, ~~, local fire department(s),~~ participating and adjacent landowners, emergency management office personnel, ODOE, and any other emergency management agency~~, that~~. The trainings shall be conducted by qualified instructors and will cover/be~~s~~:

- Tailored to emergency and fire response at utility-scale solar and battery energy storage facilities;
- 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);
    - Alarm – call the control room, who will then determine if 911 should be alerted;
    - 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.

Trainings will be provided at no cost to emergency service personnel. If allowed by emergency response organization bylaws, the certificate holder shall compensate attendees for their time at a rate to be agreed with the emergency response organization.

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 under ORS 469.402. Such amendments may be made without amendment of the site certificate. EFSC authorizes ODOE to agree to amendments to this Plan. ODOE ~~will~~ 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.

Table 3: Standards for Future Review

Reference	Description	Method
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[1].
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[2], or updates to this standard as approved by NERC.

Table 3: Standards for Future Review

Reference	Description	Method
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.
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 program will inspect for wildlife nesting on facilities that could cause fire, and take actions following applicable laws (e.g., MBTA).
ORS chapter 477, OAR chapter 629-043	Standards and rules for fire prevention in forest and range land administered by Oregon Department of Forestry	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.

1. Link to ACP Standards & Practices: https://cleanpower.org/resources/types/standards-and-practices/.
2. NERC FAC-003-0: https://www.nerc.com/pa/Stand/Reliability%20Standards/FAC-003-0.pdf.

Table 3: Standards for Future Review

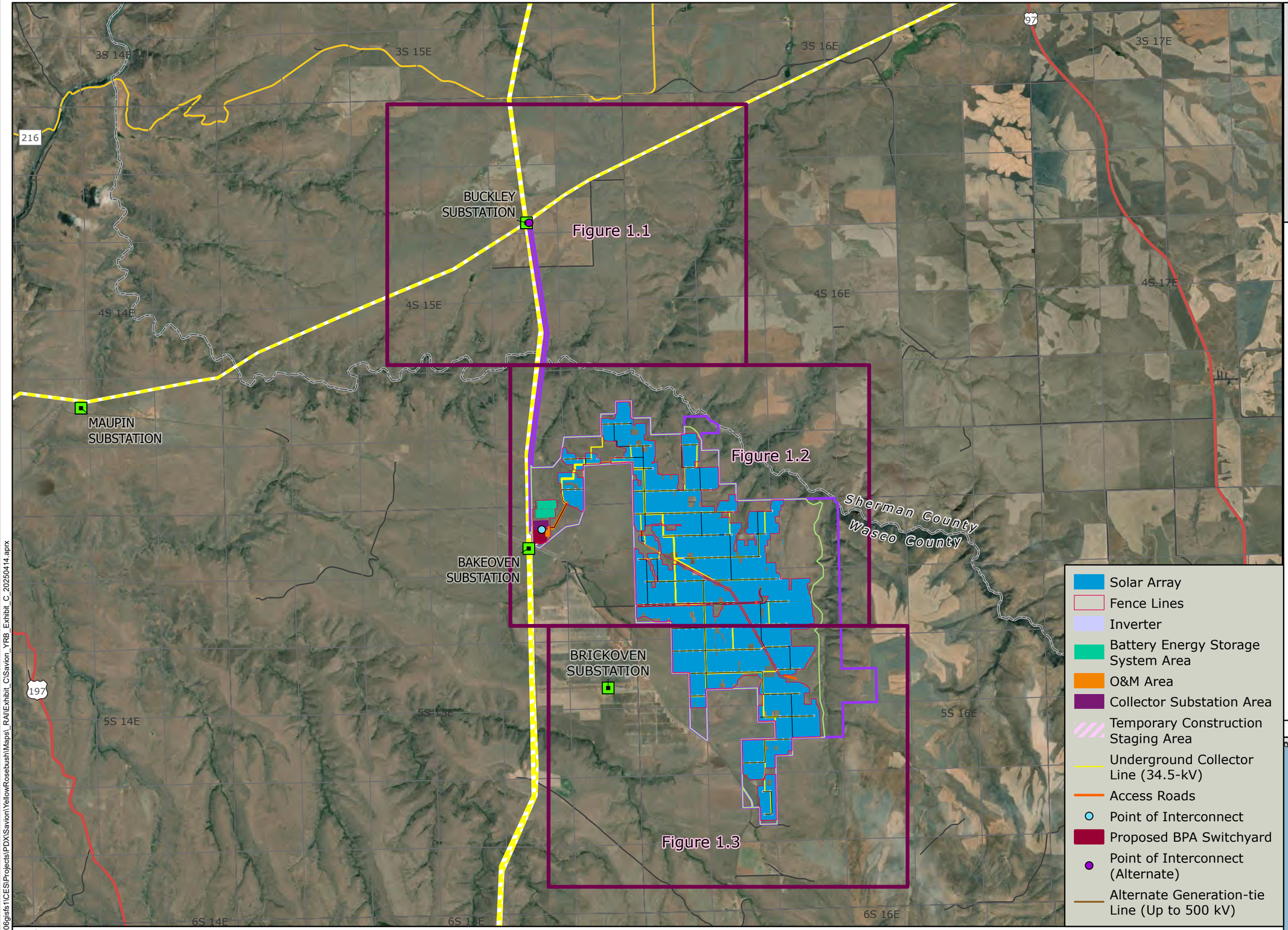
Reference	Description	Method

Attachment 1: Residence/Landowner Outreach Letter

Yellow Rosebush Energy Center

Figure 1
Facility Layout

SHERMAN AND WASCO COUNTIES, OR

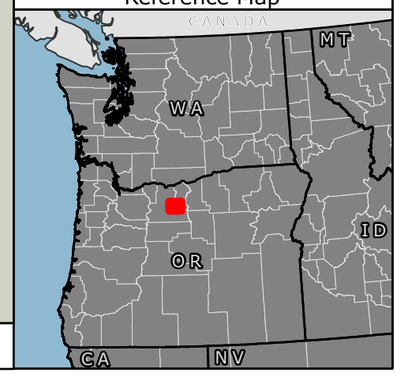


- Facility Site Boundary
- Micrositing Corridor
- Map Grid
- County Boundary
- US Highway
- State Highway
- Local Roads
- Exisiting Transmission Line 500-kV
- Existing Substation
- Township/Range
- Section

- Solar Array
- Fence Lines
- Inverter
- Battery Energy Storage System Area
- O&M Area
- Collector Substation Area
- Temporary Construction Staging Area
- Underground Collector Line (34.5-kV)
- Access Roads
- Point of Interconnect
- Proposed BPA Switchyard
- Point of Interconnect (Alternate)
- Alternate Generation-tie Line (Up to 500 kV)

TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Reference Map



1:85,000 WGS 1984 UTM Zone 10N

0 0.5 1 2 Miles

NOT FOR CONSTRUCTION

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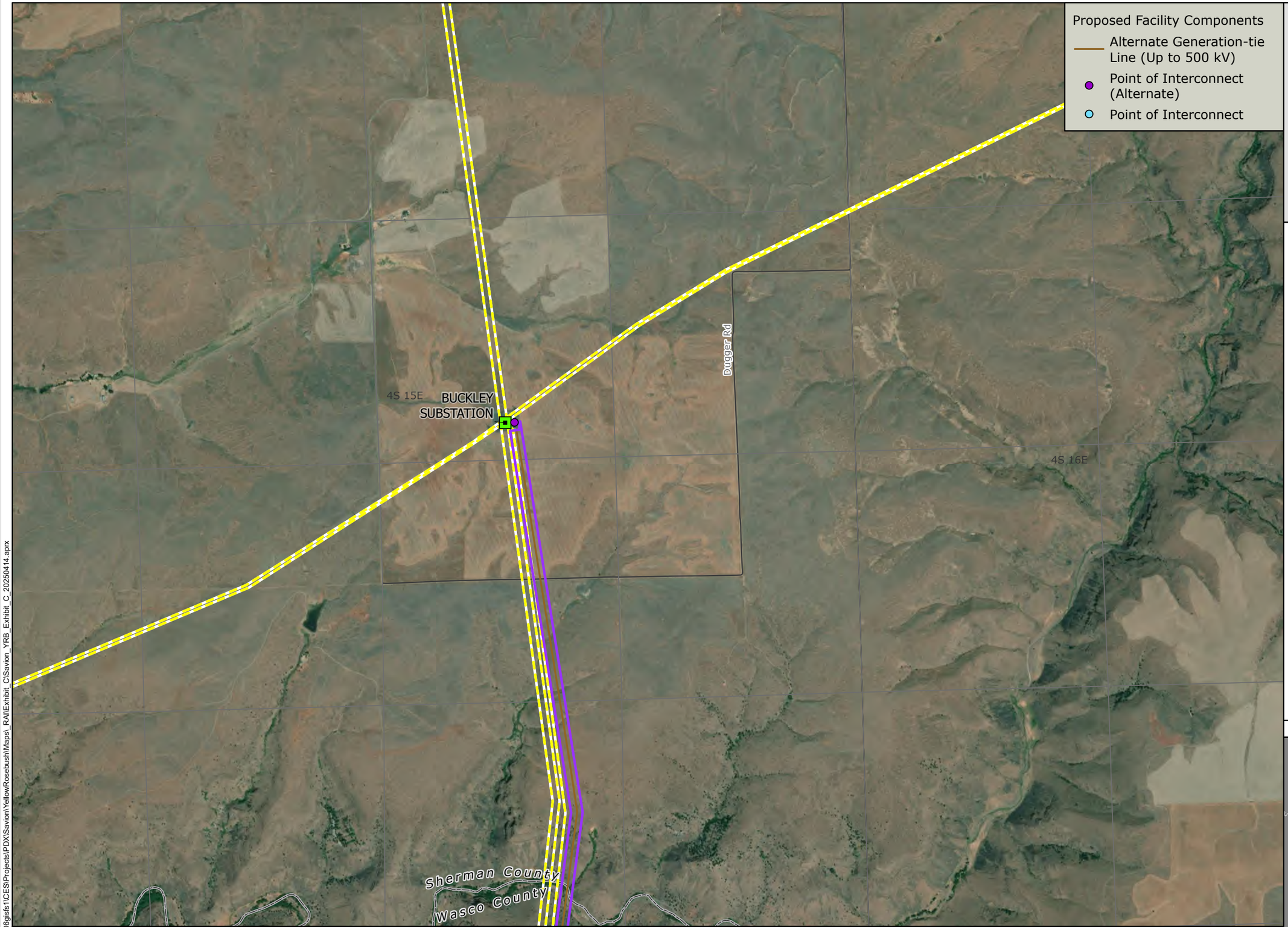
Yellow Rosebush Energy Center

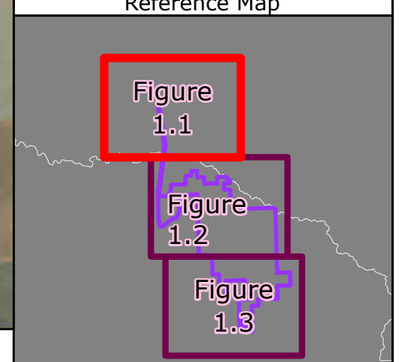
Figure 1.1
Facility Layout Details

SHERMAN AND WASCO COUNTIES, OR



TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Reference Map



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Yellow Rosebush Energy Center

Figure 1.2
Facility Layout Details

SHERMAN AND WASCO COUNTIES, OR

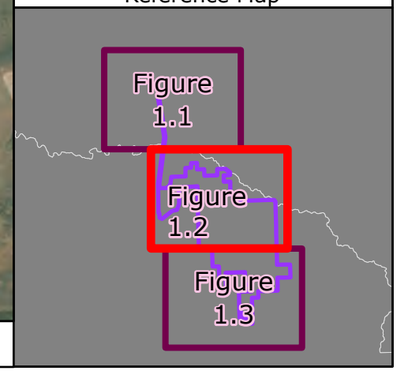
Sherman County
Wasco County
4S 15E
4S 16E
5S 15E
5S 16E
BAKEOVEN SUBSTATION
Wilson Rd

Proposed Facility Components
- Solar Array
- Fence Lines
- Inverter
- O&M Area
- Collector Substation Area
- Battery Energy Storage System Area
- Proposed BPA Switchyard
- Underground Collector Line (34.5-kV)
- Access Roads
- Access Roads
- Temporary Construction Staging Area
- Alternate Generation-tie Line (Up to 500 kV)
- Point of Interconnect (Alternate)
- Point of Interconnect

- Facility Site Boundary
- Micrositing Corridor
- County Boundary
- Section
- Township/Range
- Local Roads
- Exisiting Transmission Line 500-kV
- Existing Substation

TETRA TECH
SAVION
A RENEWABLE ENERGY COMPANY

Reference Map



1:24,000 | WGS 1984 UTM Zone 10N | 1:24,000 1 inch = 2,000 feet | 0 0.5 1 Miles | NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Center

Figure 1.3
Facility Layout Details

SHERMAN AND WASCO COUNTIES, OR

BRICKOVEN SUBSTATION

5S 16E

5S 15E

Hinton Rd

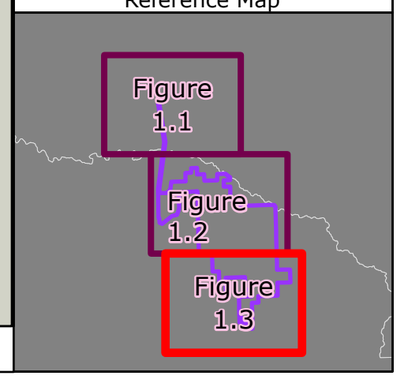
- Facility Site Boundary
- Micrositing Corridor
- County Boundary
- Section
- Township/Range
- Local Roads
- Exisiting Transmission Line 500-kV
- Existing Substation

Proposed Facility Components

- Solar Array
- Fence Lines
- Inverter
- Underground Collector Line (34.5-kV)
- Access Roads
- Access Roads
- Point of Interconnect (Alternate)
- Point of Interconnect

TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Reference Map



1:24,000 | WGS 1984 UTM Zone 10N | 1:24,000 1 inch = 2,000 feet | 0 0.5 1 Miles | NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Center

Figure 2
Wildfire Hazard

SHERMAN AND WASCO COUNTIES, OR

Sherman County

Wasco County

97

- Analysis Area (0.5-mile Buffer)
- Facility Site Boundary
- US Highway
- Local Roads
- County Boundary

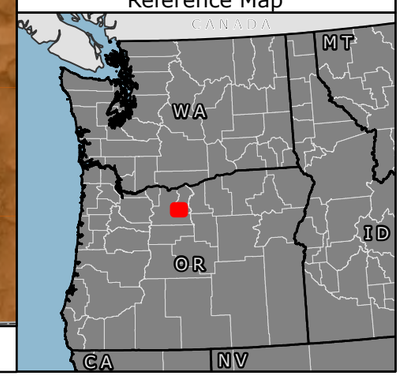
Wildfire Hazard

- Low Hazard
- Moderate Hazard
- High Hazard

TETRA TECH

SAVION
A RENEWABLE ENERGY COMPANY

Reference Map



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WGS 1984 UTM Zone 10N

0 0.5 1 2 Miles

NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Center

Figure 3
Hazard to Potential Structures

SHERMAN AND WASCO COUNTIES, OR

Sherman County

Wasco County

97

- Facility Site Boundary
- Analysis Area (0.5-mile Buffer)
- County Boundary
- US Highway
- Local Roads

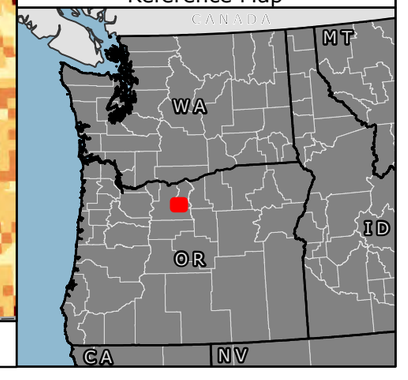
Potential Impact to Structures

- Very High
- High
- Moderate
- Low
- Non-burnable/Very Low

TETRA TECH

SAVION
A RENEWABLE ENERGY COMPANY

Reference Map



1:69,000

WGS 1984 UTM Zone 10N

0 0.5 1 2 Miles

NOT FOR CONSTRUCTION

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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

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CBS Position Code	Description	Forecast (T/O) Quantity	Unit of Measure	Unit Cost	Total 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

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

Estimate Summary
TETRA TECH, INC.
Job Code: Yellow Rosebush Solar
Description: Decommissioning Estimate

CBS Position Code	Quantity	UM	Cost Item Description	UM/Day	Cost Source	Currency	Unit Cost	Total Cost
1	1.00	Lump Sum	YELLOW ROSEBUSH SOLAR RETIREMENT	0.00	Detail	U.S. Dollar	45,772,770.64	45,772,770.64
1.1	1.00	Lump Sum	Equipment & Facilities Mob / Demob	0.25	Detail	U.S. Dollar	272,788.46	272,788.46
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	Currency	Unit Cost	Total Cost
UERNTRLG	Rental Equip Transp-Large		12.00	Each	U.S. Dollar	10,000.00	120,000.00
UERNTRSM	Rental Equip Transp-Small		12.00	Each	U.S. Dollar	150.00	1,800.00

CBS Position Code	Quantity	UM	Cost Item Description	UM/Day	Cost Source	Currency	Unit Cost	Total Cost
1.1.2	1.00	Lump Sum	Site Facilities	0.00	Detail	U.S. Dollar	5,600.00	5,600.00

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
UOCONMOB	Connex Box Mob		8.00	Each	U.S. Dollar	300.00	2,400.00
UOTRLTRN	Trailer Trnsp/Setup/Trdwn		4.00	Each	U.S. Dollar	800.00	3,200.00

CBS Position Code	Quantity	UM	Cost Item Description	UM/Day	Cost Source	Currency	Unit Cost	Total Cost
1.1.3	2.00	Day	Crew Mob & Site Setup	1.00	Detail	U.S. Dollar	36,347.12	72,694.23

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
L060100	GENERAL LABORER	1,200.00	60.00	Each (hourly)	U.S. Dollar	45.44	54,533.16
L010101	OPERATOR	320.00	16.00	Each (hourly)	U.S. Dollar	56.75	18,161.07

CBS Position Code	Quantity	UM	Cost Item Description	UM/Day	Cost Source	Currency	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

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
L060100	GENERAL LABORER	1,200.00	60.00	Each (hourly)	U.S. Dollar	45.44	54,533.16
L010101	OPERATOR	320.00	16.00	Each (hourly)	U.S. Dollar	56.75	18,161.07

CBS Position Code	Quantity	UM	Cost Item Description	UM/Day	Cost Source	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
1.2.1	10.00	Month	Site Facilities	0.00	Detail	U.S. Dollar	3,255.00	32,550.00

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
URCONNEX	Connex Box		40.00	Month	U.S. Dollar	150.00	6,000.00
UROFFTRL	Office Trailer -12x60		10.00	Month	U.S. Dollar	500.00	5,000.00
UO1STAID	1st Aid Supplies		10.00	Month	U.S. Dollar	300.00	3,000.00
UOOFFSUP	Office Supplies($/prs/mo)		10.00	Month	U.S. Dollar	55.00	550.00
URPRTAJH	Port-a-John Unit(s) (4)		60.00	Month	U.S. Dollar	300.00	18,000.00

CBS Position Code	Quantity	UM	Cost Item Description	UM/Day	Cost Source	Currency	Unit Cost	Total Cost
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
L90FXX02	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
L90FEL00	Field - Engr. Tech	2,200.00	1.00	Each (hourly)	U.S. Dollar	39.57	87,062.85
L90FXX03	Field - SHSO	2,200.00	1.00	Each (hourly)	U.S. Dollar	89.26	196,380.58

CBS Position Code	Quantity	UM	Cost Item Description	UM/Day	Cost Source	Currency	Unit Cost	Total Cost
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
L010101	OPERATOR	10.00	1.00	Each (hourly)	U.S. Dollar	56.75	567.53
L060100	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

CBS Position Code	Quantity	UM	Cost Item Description	UM/Day	Cost Source	Currency	Unit Cost	Total Cost
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

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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	Currency	Unit Cost	Total Cost
L060100	GENERAL LABORER	80.00	2.00	Each (hourly)	U.S. Dollar	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	Currency	Unit Cost	Total Cost
USDISPOSAL	Disposal Fee's		256,000.00	Each	U.S. Dollar	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	Currency	Unit Cost	Total Cost
USTRUCKING	Trucking Sub		5,500.00	Each	U.S. Dollar	1.00	5,500.00

1.3.2.2	4.00	Each	Dismantle & Loadout Transformer	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	Currency	Unit Cost	Total Cost
L060100	GENERAL LABORER	800.00	4.00	Each (hourly)	U.S. Dollar	45.44	36,355.44
L010101	OPERATOR	400.00	2.00	Each (hourly)	U.S. Dollar	56.75	22,701.34
*REXCAV06A	Excav 100K w/ Bucket & Grapple	200.00	1.00	Each (hourly)	U.S. Dollar	124.54	24,907.00
*REXCAV06E	Excav 100K w/ Shear	200.00	1.00	Each (hourly)	U.S. Dollar	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	Currency	Unit Cost	Total Cost
USTRUCKING	Trucking Sub		22,000.00	Each	U.S. Dollar	1.00	22,000.00

1.3.3	1.00	Each	Remove Control Building	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	Currency	Unit Cost	Total Cost
L060100	GENERAL LABORER	5.00	1.00	Each (hourly)	U.S. Dollar	45.44	227.22
L010101	OPERATOR	5.00	1.00	Each (hourly)	U.S. Dollar	56.75	283.77
*REXCAV06A	Excav 100K w/ Bucket & Grapple	5.00	1.00	Each (hourly)	U.S. Dollar	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	Currency	Unit Cost	Total Cost
USTRUCKING	Trucking Sub		1,375.00	Each	U.S. Dollar	1.00	1,375.00

1.3.4	1.00	Day	UG Utility & Ground Removal	1.00	Detail	U.S. Dollar	1,354.33	1,354.33

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
L010101	OPERATOR	10.00	1.00	Each (hourly)	U.S. Dollar	56.75	567.53
L060100	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

1.3.5	1,000.00	Cubic Yard	Remove Foundations To Subgrade	73.68	Detail	U.S. Dollar	27.85	27,846.68

1.3.5.1	1,000.00	Cubic Yard	Excavate / Remove Foundation - Various Depth	280.00	Detail	U.S. Dollar	15.87	15,873.25

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
L060100	GENERAL LABORER	35.71	1.00	Each (hourly)	U.S. Dollar	45.44	1,623.01
L010101	OPERATOR	71.43	2.00	Each (hourly)	U.S. Dollar	56.75	4,053.81
*REXCAV06C	Excav 100K w/ Hammer	35.71	1.00	Each (hourly)	U.S. Dollar	160.97	5,748.75

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CBS Position Code	Quantity	UM	Description	Cost Item UM/Day	Cost Source	Currency	Unit Cost	Total Cost
*REXCAV06A	Excav 100K w/ Bucket & Grapple		35.71	1.00 Each (hourly)	U.S. Dollar		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
Resource Code	**Description**		**Hours**	**Quantity UM**	**Currency**		**Unit Cost**	**Total Cost**
RDUTRK06	CAT D350D, 18CY-24CY		100.00	1.00 Each (hourly)	U.S. Dollar		74.29	7,429.00
L080940	TEAMSTER		100.00	1.00 Each (hourly)	U.S. Dollar		45.44	4,544.43
1.3.6	1.00	Each	Misc. Material Disposal	0.00	Detail	U.S. Dollar	2,675.00	2,675.00
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**	**Currency**		**Unit Cost**	**Total Cost**
USTRUCKING	Trucking Sub			1,375.00 Each	U.S. Dollar		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**	**Currency**		**Unit Cost**	**Total Cost**
USDISPOSAL	Disposal Fee's			1,300.00 Each	U.S. Dollar		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 / Backfill / Regrade	1.60	Detail	U.S. Dollar	2,115.37	3,384.59
Resource Code	**Description**		**Hours**	**Quantity UM**	**Currency**		**Unit Cost**	**Total Cost**
L060100	GENERAL LABORER		20.00	2.00 Each (hourly)	U.S. Dollar		45.44	908.89
L010101	OPERATOR		20.00	2.00 Each (hourly)	U.S. Dollar		56.75	1,135.07
REXCAV06B	Gradall - Excavator		10.00	1.00 Each (hourly)	U.S. Dollar		75.73	757.29
*RDOZER08	CAT D6 LGP Dozer		10.00	1.00 Each (hourly)	U.S. Dollar		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**	**Currency**		**Unit Cost**	**Total Cost**
IMSOIL	Topsoil			1,290.00 Cubic Yard	U.S. Dollar		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**	**Currency**		**Unit Cost**	**Total Cost**
L010101	OPERATOR		86.00	2.00 Each (hourly)	U.S. Dollar		56.75	4,880.79
RDOZER08	CAT D6N XL		86.00	2.00 Each (hourly)	U.S. Dollar		59.38	5,106.25
1.3.7.3	1.60	Acre	Re-Seed With Native Vegetation	0.00	Detail	U.S. Dollar	800.00	1,280.00
Resource Code	**Description**		**Hours**	**Quantity UM**	**Currency**		**Unit Cost**	**Total Cost**
USLANDSCAPE	Landscape Sub			1.60 Acre	U.S. Dollar		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**	**Currency**		**Unit Cost**	**Total Cost**
L010101	OPERATOR		10.00	1.00 Each (hourly)	U.S. Dollar		56.75	567.53
L060100	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
1.4.2	1.00	Day	UG Utility & Ground Removal	1.00	Detail	U.S. Dollar	1,354.33	1,354.33
Resource Code	**Description**		**Hours**	**Quantity UM**	**Currency**		**Unit Cost**	**Total Cost**
L010101	OPERATOR		10.00	1.00 Each (hourly)	U.S. Dollar		56.75	567.53
L060100	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

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CBS Position Code	Quantity	UM	Description	Cost Item UM/Day	Cost Source	Currency	Unit Cost	Total Cost
1.4.3	1.00	Each	Dismantle & Loadout 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	Currency	Unit Cost	Total Cost
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. Dollar	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	Currency	Unit Cost	Total Cost
USTRUCKING	Trucking Sub		1,375.00	Each	U.S. Dollar	1.00	1,375.00

1.4.4	284.00	Cubic Yard	Remove Foundations To Subgrade	73.68	Detail	U.S. Dollar	27.85	7,908.46
1.4.4.1	284.00	Cubic Yard	Excavate / Remove Foundation - Various Depth	280.00	Detail	U.S. Dollar	15.87	4,508.00

Resource Code	Description	Hours	Quantity	UM	Currency	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/ Hammer	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 Offsite	100.00	Detail	U.S. Dollar	11.97	3,400.45

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
RDUTRK06	CAT D350D, 18CY-24CY	28.40	1.00	Each (hourly)	U.S. Dollar	74.29	2,109.84
L080940	TEAMSTER	28.40	1.00	Each (hourly)	U.S. Dollar	45.44	1,290.62

1.4.5	1.00	Each	Misc. Material Disposal	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	Currency	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	Currency	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 / Backfill / Regrade	1.60	Detail	U.S. Dollar	2,115.37	2,644.21

Resource Code	Description	Hours	Quantity	UM	Currency	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	Currency	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	Currency	Unit Cost	Total Cost

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Cost Item								
CBS Position Code	Quantity UM	Description		UM/Day	Cost Source	Currency	Unit Cost	Total Cost
L010101	OPERATOR		67.20	2.00 Each (hourly)	U.S. Dollar		56.75	3,813.83
RDOZER08	CAT D6N XL		67.20	2.00 Each (hourly)	U.S. Dollar		59.38	3,990.00
1.4.6.3	1.25 Acre	Re-Seed With Native Vegetation		0.00	Detail	U.S. Dollar	800.00	1,000.00
Resource Code	**Description**		**Hours**	**Quantity UM**	**Currency**		**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 Retirement		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**		**Hours**	**Quantity UM**	**Currency**		**Unit Cost**	**Total Cost**
L060100	GENERAL LABORER		500.00	4.00 Each (hourly)	U.S. Dollar		45.44	22,722.15
L010101	OPERATOR		125.00	1.00 Each (hourly)	U.S. Dollar		56.75	7,094.17
*RXMISC14	MAN LIFT GAS 125ft		125.00	1.00 Each (hourly)	U.S. Dollar		53.52	6,690.00
*RXMISC23	GROVE RT 200 TON		125.00	1.00 Each (hourly)	U.S. Dollar		90.91	11,363.75
1.5.1.2	25.00 Each	Cut / Size Structure & Loadout		2.00	Detail	U.S. Dollar	2,101.65	52,541.14
Resource Code	**Description**		**Hours**	**Quantity UM**	**Currency**		**Unit Cost**	**Total Cost**
L060100	GENERAL LABORER		750.00	6.00 Each (hourly)	U.S. Dollar		45.44	34,083.23
L010101	OPERATOR		125.00	1.00 Each (hourly)	U.S. Dollar		56.75	7,094.17
*RXMISC23	GROVE RT 200 TON		125.00	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**	**Currency**		**Unit Cost**	**Total Cost**
USTRUCKING	Trucking Sub			34,375.00 Each	U.S. Dollar		1.00	34,375.00

Notes: **********
Assume 9 ton per steel structure and cable span
****

1.5.2	25.00 Each	Remove Foundations To Subgrade		0.96	Detail	U.S. Dollar	4,946.85	123,671.17
1.5.2.1	25.00 Each	Excavate / Remove Foundation - Various Depth		1.00	Detail	U.S. Dollar	4,898.95	122,473.83
Resource Code	**Description**		**Hours**	**Quantity UM**	**Currency**		**Unit Cost**	**Total Cost**
L060100	GENERAL LABORER		500.00	2.00 Each (hourly)	U.S. Dollar		45.44	22,722.15
L010101	OPERATOR		500.00	2.00 Each (hourly)	U.S. Dollar		56.75	28,376.68
*REXCAV06C	Excav 100K w/ Hammer		250.00	1.00 Each (hourly)	U.S. Dollar		160.97	40,241.25
*REXCAV06A	Excav 100K w/ Bucket & Grapple		250.00	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**	**Currency**		**Unit Cost**	**Total Cost**
RDUTRK06	CAT D350D, 18CY-24CY		10.00	1.00 Each (hourly)	U.S. Dollar		74.29	742.90
L080940	TEAMSTER		10.00	1.00 Each (hourly)	U.S. Dollar		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**	**Currency**		**Unit Cost**	**Total Cost**
*REXCAV06A	Excav 100K w/ Bucket & Grapple		40.00	1.00 Each (hourly)	U.S. Dollar		124.54	4,981.40
*REXCAV06E	Excav 100K w/ Shear		40.00	1.00 Each (hourly)	U.S. Dollar		185.50	7,419.80
L010101	OPERATOR		80.00	2.00 Each (hourly)	U.S. Dollar		56.75	4,540.27
L060100	GENERAL LABORER		80.00	2.00 Each (hourly)	U.S. Dollar		45.44	3,635.54
1.6.2	56.00 Cubic Yard	Remove Foundations To Subgrade		71.43	Detail	U.S. Dollar	35.74	2,001.31

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CBS Position Code	Quantity	UM	Description	Cost Item UM/Day	Cost Source	Currency	Unit Cost	Total Cost
1.6.2.1	56.00	Cubic Yard	Excavate / Remove Foundation - Various Depth	250.00	Detail	U.S. Dollar	17.78	995.57

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
L060100	GENERAL LABORER	2.24	1.00	Each (hourly)	U.S. Dollar	45.44	101.80
L010101	OPERATOR	4.48	2.00	Each (hourly)	U.S. Dollar	56.75	254.26
*REXCAV06C	Excav 100K w/ Hammer	2.24	1.00	Each (hourly)	U.S. Dollar	160.97	360.56
*REXCAV06A	Excav 100K w/ Bucket & Grapple	2.24	1.00	Each (hourly)	U.S. Dollar	124.54	278.96

1.6.2.2	56.00 Cubic Yard	Concrete Transport Offsite	100.00	Detail	U.S. Dollar	17.96	1,005.74

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
RDUTRK06	CAT D350D, 18CY-24CY	5.60	1.00	Each (hourly)	U.S. Dollar	74.29	416.02
L080940	TEAMSTER	5.60	1.00	Each (hourly)	U.S. Dollar	45.44	254.49
L010101	OPERATOR	2.80	0.50	Each (hourly)	U.S. Dollar	56.75	158.91
RFELWH09	CAT 966F LOADER, 4.25CY	2.80	0.50	Each (hourly)	U.S. Dollar	62.97	176.32

1.6.3	1.00 Lump Sum	Remove Stone Base & Parking	1.00	Detail	U.S. Dollar	3,803.10	3,803.10

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
*RDOZER08	CAT D6 LGP Dozer	10.00	1.00	Each (hourly)	U.S. Dollar	58.34	583.35
L010101	OPERATOR	30.00	3.00	Each (hourly)	U.S. Dollar	56.75	1,702.60
RDUTRK06	CAT D350D, 18CY-24CY	10.00	1.00	Each (hourly)	U.S. Dollar	74.29	742.90
*RFELWH08C	CAT 980 LOADER	10.00	1.00	Each (hourly)	U.S. Dollar	77.43	774.25

Notes: **********
Assume topsoil for restoration available onsite.
****

1.6.4	40.00 Ton	Material T&D	0.00	Detail	U.S. Dollar	95.00	3,800.00

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
USTRUCKING	Trucking Sub		2,600.00	Each	U.S. Dollar	1.00	2,600.00
USDISPOSAL	Disposal Fee's		1,200.00	Each	U.S. Dollar	1.00	1,200.00

1.7	800.00 MW	DC Storage Retirement	2.47	Detail	U.S. Dollar	3,103.13	2,482,504.94

1.7.1	800.00 MW	Battery Removal & Disposal	5.00	Detail	U.S. Dollar	1,986.36	1,589,088.28

1.7.1.1	160.00 Day	Remove Batteries, Load For Transport	1.00	Detail	U.S. Dollar	3,159.56	505,529.28

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
L060100	GENERAL LABORER	9,600.00	6.00	Each (hourly)	U.S. Dollar	45.44	436,265.28
RLIFTS05	JCB 508C, 8,000lbs FRKLFT	3,200.00	2.00	Each (hourly)	U.S. Dollar	21.65	69,264.00

1.7.1.2	265.00 Each	Transport Batteries	0.00	Detail	U.S. Dollar	1,480.60	392,359.00

1.7.1.2.1	265.00 Each	Roll Off Liners	0.00	Detail	U.S. Dollar	105.60	27,984.00

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
UODCLINER	Rolloff Liner		265.00	Each	U.S. Dollar	105.60	27,984.00

1.7.1.2.2	265.00 Each	Trucking - Per Load	0.00	Detail	U.S. Dollar	1,375.00	364,375.00

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
USTRUCKING	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	691,200.00

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
USDISPOSAL	Disposal Fee's		691,200.00	Each	U.S. Dollar	1.00	691,200.00

1.7.2	800.00 MW	Structure & Components Removal	4.90	Detail	U.S. Dollar	1,116.77	893,416.66

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CBS Position Code	Quantity	UM	Description	Cost Item 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	Currency	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	Currency	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. Dollar	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	Currency	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 & Disposal	0.00	Detail	U.S. Dollar	1.00	70,000.00

Resource Code	Description	Hours	Quantity	UM	Currency	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 Foundation	280.00	Detail	U.S. Dollar	15.87	26,698.81

Resource Code	Description	Hours	Quantity	UM	Currency	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/ Hammer	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 Offsite	100.00	Detail	U.S. Dollar	11.97	20,139.31

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
RDUTRK06	CAT D350D, 18CY-24CY	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 Retirement	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	Currency	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, 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	Currency	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	Currency	Unit Cost	Total Cost
RLIFTS05	JCB 508C, 8,000lbs FRKLFT	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. Dollar	56.75	1,156,270.05
L060100	GENERAL LABORER	101,868.00	50.00	Each (hourly)	U.S. Dollar	45.44	4,629,319.95

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CBS Position Code	Quantity	UM	Description	Cost Item UM/Day	Cost Source	Currency	Unit Cost	Total Cost

Notes: **********
Assumed production: 20 panels per laborer per hour,
Includes packaging and preparing for shipment offsite.
****

1.8.2.2	89,155.00	Ton	Disposal Cost	0.00	Detail	U.S. Dollar	65.00	5,795,075.00

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
USDISPOSAL	Disposal Fee's		5,795,075.00	Each	U.S. Dollar	1.00	5,795,075.00

Notes: **********
Assumption: 2,037,360 modules x 87.52 lbs each
****

1.8.2.3	3,963.00	Each	Trucking - Per Load	0.00	Detail	U.S. Dollar	1,375.00	5,449,125.00

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
USTRUCKING	Trucking Sub		5,449,125.00	Each	U.S. Dollar	1.00	5,449,125.00

Notes: **********
Assumption: 45,000 lbs per load. 2,037,360 modules x 87.52 lbs each
****

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
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

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
L010101	OPERATOR	20,622.00	16.00	Each (hourly)	U.S. Dollar	56.75	1,170,367.58
L060100	GENERAL LABORER	20,622.00	16.00	Each (hourly)	U.S. Dollar	45.44	937,152.35
*REXCAV06A	Excav 100K w/ Bucket & Grapple	10,311.00	8.00	Each (hourly)	U.S. Dollar	124.54	1,284,080.39
*REXCAV06E	Excav 100K w/ Shear	10,311.00	8.00	Each (hourly)	U.S. Dollar	185.50	1,912,638.95

Notes: **********
Assumed production: .5 hour per rack per crew. Crew to include
1 excavator w/shear, 1 excavator w/grapple, 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. 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

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
RDUTRK06	CAT D350D, 18CY-24CY	1,039.10	1.00	Each (hourly)	U.S. Dollar	74.29	77,194.74
L080940	TEAMSTER	1,039.10	1.00	Each (hourly)	U.S. Dollar	45.44	47,221.17

Notes: **********
10% of rack piles to utilize concrete pads for support.
346,351 piles x .1 = 34,635 pads x .3 cy per pad.
****

1.9	199.00	Each	Inverter / Transformer Removal	1.50	Detail	U.S. Dollar	2,485.76	494,666.01
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
L010110	Craft - MEP	663.33	1.00	Each (hourly)	U.S. Dollar	63.80	42,318.28
L060100	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

1.9.2	199.00	Each	Loadout Inverter & Transformer	3.00	Detail	U.S. Dollar	709.74	141,238.23

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CBS Position Code	Quantity	UM	Description	Cost Item UM/Day	Cost Source	Currency	Unit Cost	Total Cost

Resource Code	Description	Hours	Quantity	UM	Currency	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 TON	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	Currency	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 / Transformer Foundations	73.68	Detail	U.S. Dollar	27.85	41,046.01

1.10.1	1,474.00 Cubic Yard	Excavate / Remove Foundation	280.00	Detail	U.S. Dollar	15.87	23,397.17

Resource Code	Description	Hours	Quantity	UM	Currency	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/ Hammer	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 Offsite	100.00	Detail	U.S. Dollar	11.97	17,648.84

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
RDUTRK06	CAT D350D, 18CY-24CY	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 - Partial 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 - Removal & Restoration	5,000.00	Detail	U.S. Dollar	1.71	212,066.18

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
*RDOZER08	CAT D6 LGP Dozer	990.25	4.00	Each (hourly)	U.S. Dollar	58.34	57,766.12
L010101	OPERATOR	1,732.93	7.00	Each (hourly)	U.S. Dollar	56.75	98,349.81
RDUTRK06	CAT D350D, 18CY-24CY	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

Notes: **********
Assume topsoil for restoration available onsite.
****

1.11.2	1,757.00 Acre	Spot Grade Disturbed Areas	16.00	Detail	U.S. Dollar	287.72	505,525.58

Resource Code	Description	Hours	Quantity	UM	Currency	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

Notes: **********
Assumtion: 5,020 acres total property area.
Assume that 35% of the area distrubed by construction will be regraded.
****

1.11.3	1,757.00 Acre	Re-Seed With Native Vegetation - Roads & Areas Disturbed By Construction	0.00	Detail	U.S. Dollar	800.00	1,405,600.00

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
USLANDSCAPE	Landscape Sub		1,757.00	Acre	U.S. Dollar	800.00	1,405,600.00

Notes: **********
Assumtion: 5,020 acres total property area.
Assume that 35% of the area distrubed by construction will be re-seeded.
****

1.12	1.00 Lump Sum	Contractor Markups	0.00	Detail	U.S. Dollar	6,500,590.25	6,500,590.25

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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% Of Cost)	0.00	Detail	U.S. Dollar	1,566,407.30	1,566,407.30
Resource Code	**Description**		**Hours**	**Quantity**	**UM**	**Currency**	**Unit Cost**	**Total Cost**
USMARKUP5	5% Markup			31,328,146.00	Each	U.S. Dollar	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**	**Currency**	**Unit Cost**	**Total Cost**
USMARKUP	15% Markup			32,894,553.00	Each	U.S. Dollar	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**	**Currency**	**Unit Cost**	**Total Cost**
UODOE1	ODOE 1% Markup			37,828,736.00	Each	U.S. Dollar	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**	**Currency**	**Unit Cost**	**Total Cost**
UODOE2	ODOE 10% Markup			37,828,736.00	Each	U.S. Dollar	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**	**Currency**	**Unit Cost**	**Total Cost**
UODOE2	ODOE 10% Markup			37,828,736.00	Each	U.S. Dollar	0.10	3,782,873.60
Report Total:								45,772,770.64

Category	Total
Labor	10,228,407.48
Rented Equipment	4,823,914.34
Supplies	31,534.00
Materials	45,960.00
Subcontract	22,623,320.25
Travel-Risk-Adj	70,000.00
ODCs	7,949,634.56

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