

Oregon Department of **ENERGY**

Energy Facility Siting Council Meeting

Virtual Meeting

September 18, 2026

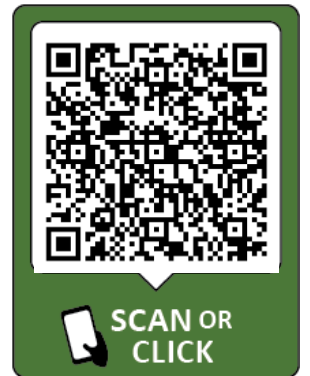


Opening Items:

- Call to Order
- Roll Call
- Announcements

Announcements

- Reminder to Council and anyone addressing the Council:
 - State your full name clearly at the start of your comment or question
 - Do not use the speakerphone feature, as it will create feedback
- You may sign up for email notices by clicking the link on the agenda or the Council webpage
- You can access the online mapping tool and any documents by visiting our website



Announcements Continued

- Please silence your cell phones
- Please use the “Raise Your Hand” feature in Webex to speak during the public comment period, or press *3 to raise your hand if you are participating by telephone.
- 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. Willful accusatory, offensive, insulting, threatening, insolent, or slanderous comments which disrupt the Council meeting are not acceptable. Pursuant to Oregon Administrative Rule 345-011-0080, any person who engages in unacceptable conduct which disrupts the meeting may be expelled.

Agenda Item A

Action Item & Information Item

Consent Calendar

- August 20-21 Council Meeting Minutes
- Council Secretary Report

September 18, 2026

Compliance Updates

Date	Facility	Incident/Non-Compliance	Status
5 Aug	Boardman to Hemingway Transmission Line	Construction-caused fire (access road)	Department determined CH in non-compliance with Fire Prevention and Suppression Plan requirements to have onsite weather stations to support fire watch/monitoring and inform construction activities. CH to correct issue by Sept 27.
8 Aug	Biglow Wind Project	Partial blade collar identified on ground	Department received follow up from CH on blade and hub retention.
12 Aug	Stateline Wind Project	Turbine identified with open axis hatch and missing bolt	Turbine is not operational. This is an ongoing issue with repowered turbines. CH indicated all repowered turbines are being repaired to address design flaw.
20 Aug	Wagon Trail Solar Project	Dust Complaint	CH added more water trucks. Issue resolved/but being monitored.
28 Aug	Biglow Canyon Wind Project	Inadvertent Discovery	Single isolated flake identified during construction. Agency notification process initiated.



Agenda Item B

Action Item

Oregon Trail Solar Facility Amendment 2 – Final Decision

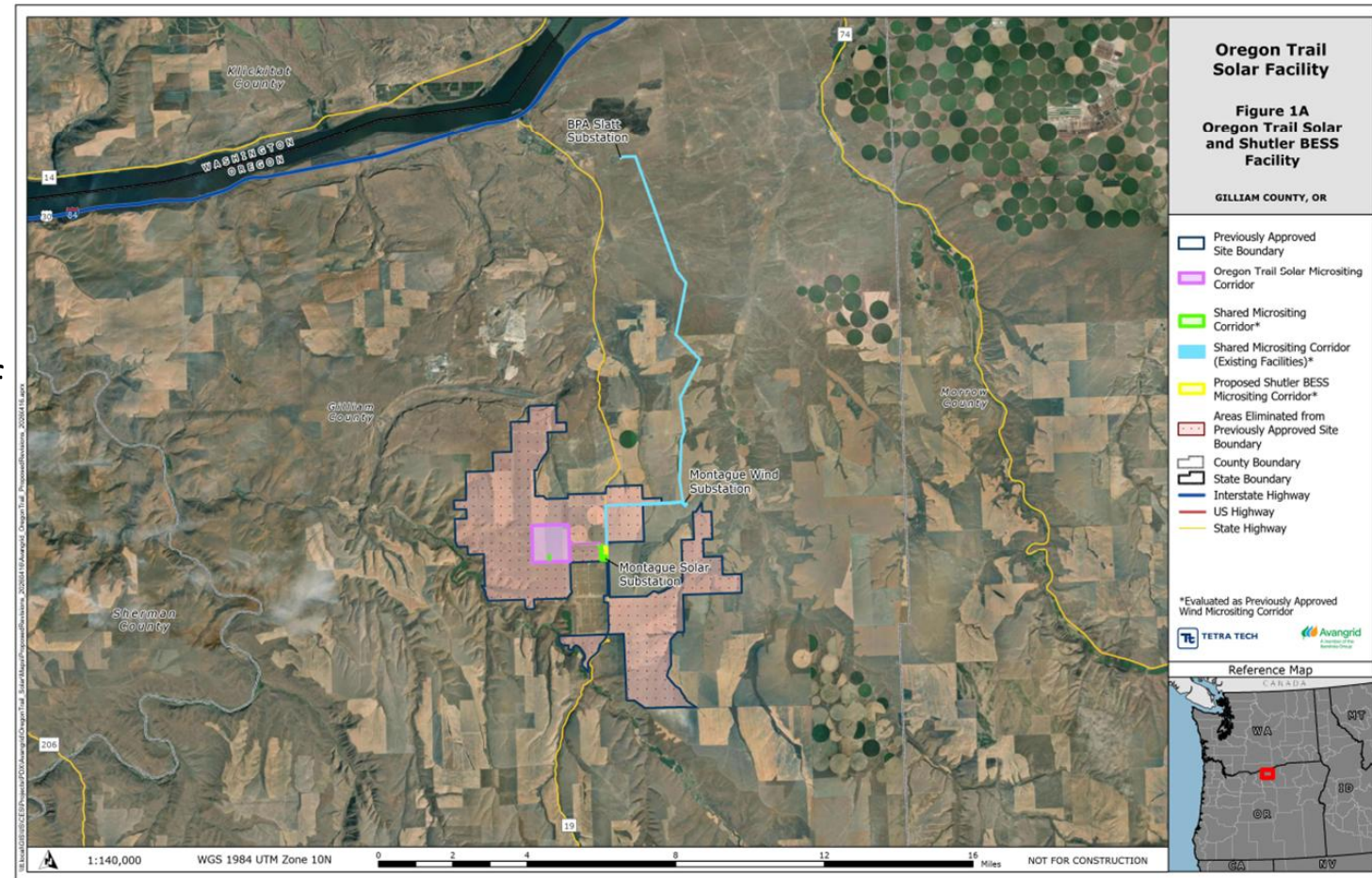
Chase McVeigh-Walker, Senior Siting Analyst

September 18, 2026

Oregon Trail Solar Facility Request for Amendment 2

Existing Facility Overview

- **Certificate Holder:** Oregon Trail Solar, LLC (certificate holder), a wholly owned subsidiary of Avangrid Power, LLC, the U.S. division of parent company Iberdrola, S.A.
- **Existing Facility:** (Currently under construction) 41 MWs of solar photovoltaic power generation components and 20 MWs of battery energy storage facility components.
- **Location/Site Boundary:** Gilliam County, approved 1,228 acre solar microsite area approx. 7.5 miles south of the City of Arlington.

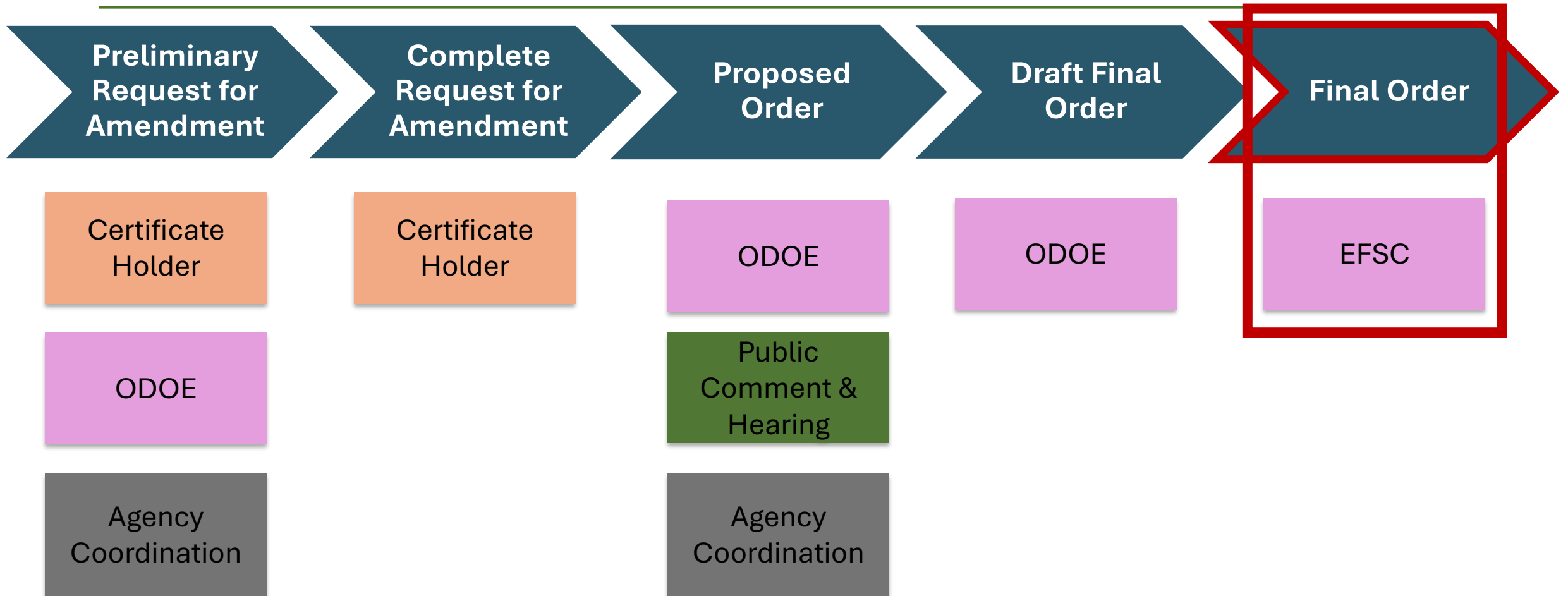


Oregon Trail Solar Facility Request for Amendment 2

Overview

1. Split the approved including components, site boundary and micrositing areas into two site certificates; each with its own site boundary and certificate holder.
 - Oregon Trail Solar Facility Site Certificate Amendment 2: 41 MWs of solar photovoltaic power generation components
 - Shutler Battery Energy Storage System Facility: 20 MWs of battery energy storage facility components
2. Eliminate wind turbines as an approved generating component.
3. Amend site certificate conditions to be consistent with the site certificate split.

Oregon Trail Solar Facility Request for Amendment 2 Process



Oregon Trail Solar Facility: Request for Amendment 2

Procedural History

Milestone	Responsible Party	Date
Preliminary RFA Filed	Certificate Holder	May 22, 2026
Complete RFA Filed	Certificate Holder	July 31, 2026
Proposed Order/Public Notice issuance	Department	July 31, 2026
Proposed Order Public Comment Period *	Public	July 31, 2026 – August 28, 2026
Proposed Order Public Hearing	Department	August 20, 2026
Council's Draft Final Order Review	Council	September 18, 2026

* No comments were received during the Proposed Order Comment Period.

Oregon Trail Solar Facility Request For Amendment 2

Review of Draft Final Order

Draft Final Order finds that the changes proposed in RFA2 would not result in new or different impacts not previously evaluated by Council for the following Council standards:

- **Structural Standard** OAR 345-022-0020
- **Soil Protection** OAR 345-022-0022
- **Land Use** OAR 345-022-0030
- **Protected Areas** OAR 345-022-0040
- **Fish & Wildlife Habitat** OAR 345-022-0060
- **Threatened and Endangered Species**
OAR 345-022-0070
- **Scenic Resources** OAR 345-022-0080
- **Historic, Cultural and Archaeological Resources** OAR 345-022-0090
- **Recreation** OAR 345-022-0100
- **Public Services** OAR 345-022-0110
- **Wildfire Prevention and Risk Mitigation**
OAR 345-022-0115
- **Waste Minimization** OAR 345-022-0120
- **Oregon Noise Control Regulation**
OAR 340-035-0035
- **Oregon Removal-Fill Law**
OAR 141-085-0500 through OAR 141-085-0785
- **Oregon Water Rights**
OAR 345-022-0000(1)(b)); (OAR 345-021-0010(1)(o)(F)

Oregon Trail Solar Facility Request For Amendment 2

Review of Draft Final Order

General Standard of Review: OAR 345-022-0000 (Section III.A.1., pg. 15-17)

Recommended Findings of Fact:

- Removal of battery energy storage system related conditions from the Oregon Trail Solar facility, solar generation related conditions from the proposed Shutler BESS facility, and the removal of wind generation conditions from both facilities.

Oregon Trail Solar Facility Request For Amendment 2

Review of Draft Final Order

Organizational Expertise (OAR 345-022-0010) - Sec. III.A.2., p:17-20

Recommended Findings of Fact:

- Proposed new certificate holder is Shutler Energy Storage, LLC, a project specific LLC wholly owned by Avangrid Power, LLC (parent company or Avangrid).
- Shutler Energy Storage, LLC relies upon the organizational expertise and experience of Avangrid to meet the standard.
- Avangrid affirms new Certificate holder will have access to sufficient resources and expertise to construct, and operate the Facility.
- The proposed new certificate holder's parent company has experienced compliance issues within the last 6 years for EFSC jurisdictional facilities, but the issues have been resolved.

Oregon Trail Solar Facility Request For Amendment 2

Review of Draft Final Order

Retirement and Financial Assurance: OAR 345-022-0050 (Section III.A.3., pg. 20-23)

Recommended Findings of Fact:

- The changes proposed in RFA2 would not result in changes to decommissioning tasks, nor the decommissioning estimate Council previously approved.
- Consistent with the proposed splitting of previously approved facility components, the decommissioning cost estimates for both the amended OTS facility and SBESS facility are \$2,663,265 and \$217,356 (2nd Quarter 2026 dollars), respectively. These amounts were reviewed and verified by the Department as part of preconstruction compliance review.

Oregon Trail Solar Facility Request For Amendment 2

Review of Draft Final Order

Recommended updates to Draft Final Order:

Retirement and Financial Assurance: OAR 345-022-0050 (Section III.A.3., pg. 21)

- Based on a clarification question provided by Vice Chair Beier:

Additional (non-substantive) clarification was added to the evaluation of Estimated Costs of Site Restoration to better describe the difference in decommissioning cost estimates from RFA1, and the estimates provided in RFA2.

Council Options

Option 1

Approve RFA2 and adopt draft Final Order as Final Order

Option 2 – Recommended

Approve RFA2 and adopt draft Final Order as Final Order, with Changes

Option 3

Deny RFA2 and issue a Final Order with denial reasoning



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ENERGY



Council Deliberation

Agenda Item C

Public Comment

Public Comment

Items Closed for Public Comment

- Muddy Creek Energy Park
- Deschutes Solar and Battery Energy Storage System
- Speedway Energy Facility
- Cascade Renewable Transmission Line

Time Limit

- 7 Minutes per commentor

September 18, 2026

How to Raise Your Hand in Teams

Phone Participants

- Press *5 on your telephone keypad to raise your hand
- Press *5 again on your telephone keypad to lower your hand
- Press *6 to unmute yourself when you are called on

Webinar Participants

The top right of the main window is a set of icons:

- Click on the hand  to raise your hand
- When called on, click the mic icon to unmute 
- Click on the hand icon to lower your hand after your comment



BREAK

Agenda Item D

Action Item

Yellow Rosebush Energy Center

Continuation of Review of Exceptions Material Change Hearing Possible Final Decision

Jesse Ratcliffe, Oregon Department of Justice
Senior Assistant Attorney General

September 18, 2026

Yellow Rosebush Energy Center: Overview

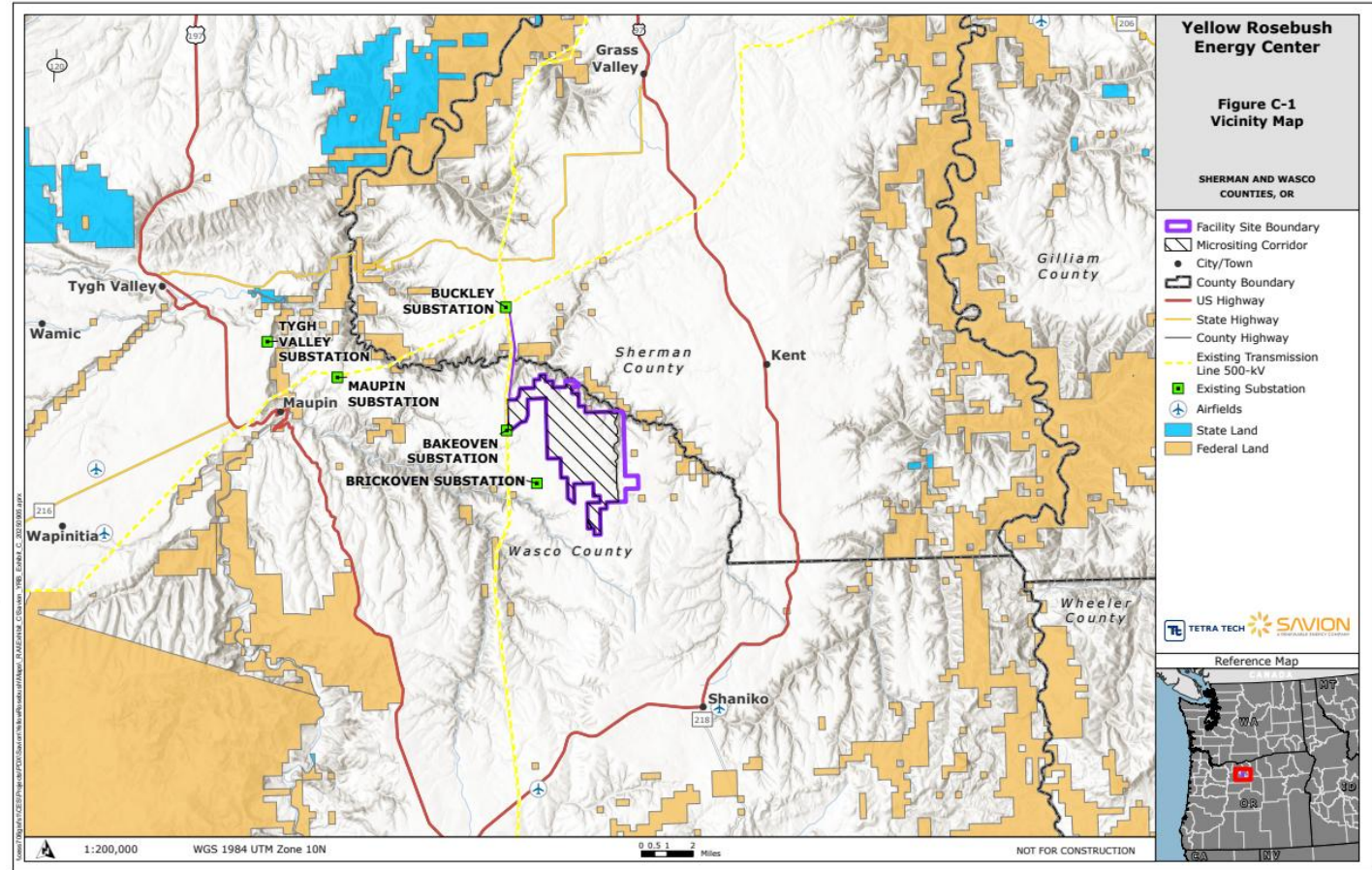
- **Continuation of review of Proposed Contested Case Order Exceptions**
- **Material Change Hearing**
- **Possible Adoption of Final Order**

Yellow Rosebush Energy Center: Project Overview

Applicant: Yellow Rosebush Energy Center, LLC., a subsidiary of Savion, LLC., which is owned by Shell Energy

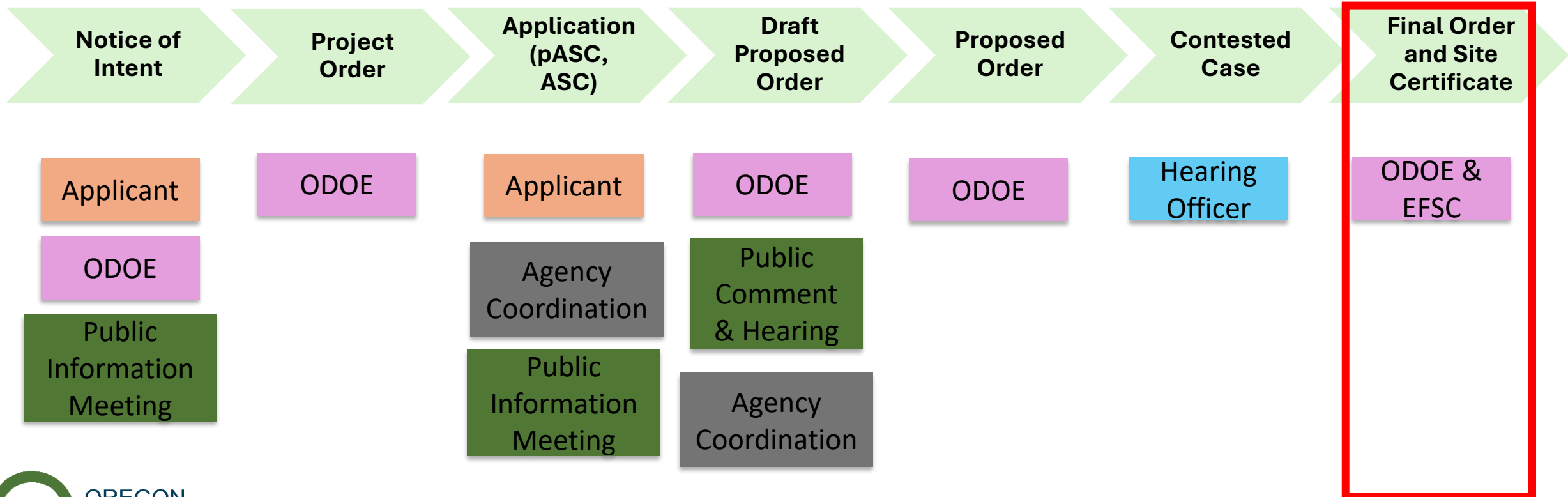
Proposed Facility: 800 MW solar photovoltaic power generation facility with related and supporting facilities.

Location/Site Boundary: Wasco County; 8,025-acre (12.6 sq. miles) site boundary.



Energy Facility Siting Process

Application for Site Certificate (ASC)



Yellow Rosebush Energy Center

Exceptions Group 1

Group 1 Theme: Whether the draft habitat mitigation plan satisfies the mitigation goals for habitat quantity and quality

- **1.1: Eliminating “quantity” of habitat from the no-net-loss equation, allowing net closure,**
- **1.4: Holding that changing the plants on existing winter range cannot offset a 50 mile maze of fence-out area twice the size of Portland International Airport,**
- **12: The [PCCO] misinterprets the no-net-loss Rule. It effectively eliminates the term “quantity” and allows unreplaced closure of BGWR. P. 41 Both quantity and quality must be preserved (Council’s words). The [PCCO] states Mitigation by the Applicant does not require physically replacing lost acres of range land. Applicant’s HMP results in a no net loss of habitat quantity or quality and provides a net benefit of habitat quantity or quality.”**
- **13: The [PCCO] incorrectly states: “Applicant’s mitigation plan accounts for the loss of quantity and/or quality habitat and is consistent with ODFW’s general fish and wildlife habitat mitigation goals and standards”. 3.2.3 The proposed mitigation plan does not meet the goals and applicable goals and standards.**

Yellow Rosebush Energy Center

Exceptions Group 2

Group 2 Theme: Whether Category 2 “avoidance” requires an alternative site analysis

- **1.2:** Holding that the developer’s choice of site is untestable, leaving the Council to “micro-siting” the arrangement of facilities,
- **1.11:** Holding that a substation picked by a developer justifies obliteration of BGWR at the site, no alternatives need be considered.
- **3:** The [PCCO] and PO excuse the developer from efforts to avoid installing 50 miles of big game barrier fence in BGWR. [PCCO] 3.2.1 p.39. Although some fencing will be needed around high voltage grid connections, the array fencing can go outside of BGWR.
- **4:** The [PCCO] limits the role of the Council to “micro-siting” design issues such as where equipment should be placed within the site boundary. 3.2.1 p 39. This abdicates the Council’s statutory siting authority.
- **5:** Alternatively, the fact of avoidability is disputed. The [PCCO] finds that impacts are unavoidable p. 39 3.2.1. The [PCCO] may not weigh evidence or pick a winner on a motion for summary disposition. A hearing is required.

Yellow Rosebush Energy Center

Exceptions Group 3

Group 3 Theme: Whether indirect impacts of fencing have been adequately considered

- **1.6: Disregarding previously approved abutting fences leaving a public highway as the only way for animals to go through the combined projects**
- **1.7: Dismissing the common sense increased risk of vehicle collisions**
- **1.8: Requiring no compensatory mitigation for deleterious effects of the fence occurring outside the fence,**
- **6: The [PCCO] fails to evaluate habitat degradation that will occur outside the fence. The mitigation plan provides no compensation for these effects. This violates the explicit text of the EFSC Fish and Wildlife Standard (OAR 345-022-0060). Exception is taken to the [PCCO] determination not to consider the issue based on these statements: “These are facts that, had the case proceeded to hearing, Mr. Alexanderson would have had a burden of persuasion to present evidence on. Thus, under OAR 137-003-0580(8), he has the burden of producing evidence in this motion for summary determination on any such issue. He has failed to provide such evidence.” p. 39. ODFW was made aware of the fence and the impact the fence and Proposed Facility would have on the habitat in the area. The Applicant worked with ODFW to develop the draft HMP.” p. 39.**

Yellow Rosebush Energy Center

Exceptions Group 3 – Cont'd.

Group 3 Theme: Whether indirect impacts of fencing have been adequately considered

- **7: The [PCCO] refuses consideration of cumulative effects of abutting fencing based on an incorrect claim that Intervenor did not timely raise the issue. P 43 Section 3.2.6.**
- **14: The PO, the ASC and the HMP all fail to show where and how much Priority Wildlife Connectivity Area will be crossed or blocked by the project. The applicant's required inventory of habitat degradation and closure is incomplete, preventing a finding of unavailability, net loss or benefit. Intervenor takes this Exception 14 as to any determination of those standards without an account of fencing and/or arrays located in or blocking PWCAs.**

Yellow Rosebush Energy Center

Exceptions Group 4

Group 4 Theme: Procedural Issues

- **1.9: Holding that a Proposed Order is presumed correct and complete and that Intervenor must provide evidence on standards the applicant must satisfy,**
- **1.10: Deciding fact disputes on summary determination as if a hearing had already been held**
- **10: The [PCCO] improperly shifts the burden of disproving “in-proximity” to Intervenor saying he would have to prove the mitigation site is not in-proximity. [PCCO] p. 43.**
- **11: The [PCCO] incorrectly states that a proposed order creates a presumption that the applicant has satisfied all requirements and standards. P. 41 No such presumption exists under Oregon Administrative Rules or the Oregon Administrative Procedures Act.**

Yellow Rosebush Energy Center

Exceptions Group 5

Group 5 Theme: Whether the proposed habitat mitigation area satisfies the in proximity definition

- **1.3: Blinding itself to the state’s expert findings of mule deer conditions and needs, specifically the statutory Mule Deer Management Plan (MDMP) and the supporting Delineation of Mule Deer Herd Ranges data on how mule deer use their habitat, and what is causing their population collapse,**
- **1.5: Redefining “in-proximity” (meaning close) as anywhere on the Columbia Plateau stretching from Mt. Hood to Pendleton,**
- **2: The [PCCO] holds that the facts and causes of mule deer population decline are not relevant. It specifically rejects the Mule Deer Management Plan (MDMP) and the included study “Delineating Mule Deer Herd Ranges. [PCCO] p. 32. The information there is the best and only available evidence. Without it there is little to inform the Council on any aspect of mule deer habitat use, change or compensatory mitigation.**

Yellow Rosebush Energy Center

Exceptions Group 5 – Cont'd.

Group 5 Theme: Whether the proposed habitat mitigation area satisfies the in proximity definition

- **8: Movant YR seeks summary determination that the mitigation site qualifies and satisfies the mitigation Rule. Intervenor objects to the finding at p. 42, 3.2.4 that the Tygh Ridge Ranch selected for the HMP is in-proximity to the project. . . . YR did not present any evidence describing the home range of project mule deer. . .**
- **9: The [PCCO] rejects the only evidence presented on the home range of the affected sub-population. The [PCCO] states “The identified land is within the same home range as the affected wildlife populations reside.” p. 39. The evidence is contrary. This issue is central to the “in-proximity” standard. Arguments regarding Exceptions 8 and 9 apply to both.**

Yellow Rosebush Energy Center

Material Change Hearing

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~~ demonstrating that the chosen HMAs are consistent with the in-proximity definition in OAR 635-415-0005(13), as approved by the Department in consultation with ODFW and based on:

- the impacts associated with the final facility design,
- the legal agreement required under Fish and Wildlife Condition 7, and
- Mapping of the HMAs, watershed boundary and big game home range based on ODFW's available technical data.

Council Options

Option 1 - Recommended

Approve the Proposed
Order and CCO, as
amended, and Issue a
Final Order/Grant
Issuance of a Site
Certificate

Option 2

Approve the Proposed
Order and CCO and Issue
a Final Order/Grant
Issuance of a Site
Certificate

Option 3

Deny the Proposed Order
and CCO and Issue a Final
Order/Deny Issuance of a
Site Certificate



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Council Deliberation



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