

DOCKETED	
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Project Title:	Darden Clean Energy - Compliance
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Document Title:	REQUEST FOR BUFFER REDUCTION - Burrowing Owl (BIO-12)
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June 9, 2026

Sarah Sperling
IPX Power
9450 SW Gemini Drive
Beaverton, Oregon 97008

DARDEN CLEAN ENERGY PROJECT (23-OPT-02C) REQUEST FOR BUFFER REDUCTION

Dear Sarah Sperling:

The Compliance Project Manager (CPM) has reviewed a request for a modification to a previous burrowing owl buffer reduction "Darden Clean Energy Project (23-OPT-02C), Buffer Reduction Request for Known Burrowing Owl Nesting Buffer in accordance with Condition of Certification, BIO-12(6) and the Darden Burrowing Owl Plan" (Request). The Request is dated June 3, 2026; however, it was received after business hours. The condition of certification (COC) that applies to these activities is **BIO-12** Burrowing Owl Impact, Avoidance, Minimization, and Take Mitigation.

Burrowing Owl Burrows:

The project owner has been actively surveying and monitoring burrowing owl presence and behavior at multiple known burrowing owl burrows located in the north side of Area 3 and the east side of Area 15, with nesting activity being performed at one of them (Area 15, project owner's nest ID #105). A buffer reduction request (BRR) for these groups of known burrowing owl burrows was first requested by the project owner on February 3, 2026, reducing the buffer from 1,600 feet to 1,000 feet, and then modified to 100 feet in Area 3 and 50 feet in Area 15 on March 27, 2026, by the CPM. The burrowing owl burrows identified within the Request are located at the following locations:

- Area 3, north side: Between El Dorado Ave (36.516453°, -120.206760°) and S Colusa Ave (36.516584°, -120.188466°)

- Area 15, east side: Between W Cerini Ave (36.458487°, -120.157062°) and W Harlan Ave (36.444115°, -120.157115°)

Buffer Reduction Request for Known Burrowing Owl Burrows Nesting Buffer per Condition of Certification BIO-12(6) and the Darden Burrowing Owl Plan

Project Owner's Request: Since the original February 3, 2026, Request (CPM-approved February 18, 2026), the project owner has continued to monitor these known burrowing owl burrows for any signs of disturbance and to document the status of the nest. This modification would allow for full solar and civil construction activities and vegetation management. The owner has committed to have the contractor begin work as far from the burrows as possible - well outside the preliminary 1,000-foot buffer - to minimize distress to burrowing owl. Over the course of construction, activities will progress closer to the burrows. This progression of activities will provide an opportunity for burrowing owl to become gradually desensitized to the work as it moves closer to the burrows.

The project owner has proposed the following 4 measures:

1. No construction activities will occur within the reduced 50-foot buffer for non-nesting burrows; no construction activities will occur within 100 feet of active nesting burrows.
2. A burrowing owl Designated Biologist (DB) or qualified Biological Monitor (experienced with construction monitoring and burrowing owl behavioral observations), under the direction of a burrowing owl DB, will monitor all activities performed on the PV block within the reduced buffer area (i.e., 50 – 1,600 feet).
3. WEAP training for crews working within the temporary reduced buffer will emphasize the need to limit disturbance to necessary activities only.
4. The burrowing owl DB or Biological Monitor will have "Stop Work" authority in the event they observe burrowing owl becoming distressed during construction activities.

The work activities are scheduled for Monday through Saturday; 12 hours; from 6:00 AM to 6:00 PM, and will last through the end of burrowing owl nesting season. Equipment utilized differs from the originally-approved work, and is now expected to include motor graders, scrapers, sheepsfoot rollers, smooth-drum rollers, tractors with disc attachments, forklifts, skid steers, drill rigs, telehandlers, water trucks, cranes, semi-trucks, buggies, work/ pickup trucks, pile drivers, hydrovac trucks, backhoes, dozers, loaders, bucket trucks, mini-excavators, pipe-fusers, plow, excavators, and concrete trucks. Personnel would include equipment

operators and up to 350 ground personnel for the solar work and up to 5 ground personnel for the civil work.

CPM Response: Maps and imagery (Google Earth Pro) of the project site were reviewed, as well as the Plan for the project. A 50-foot buffer is expected to be sufficient in these areas due to the visual and acoustic barriers provided by the topography of the berms and ditches as well as the vegetation height, which naturally buffers the burrows from the construction limits of disturbance. Staff also considered that the burrows have remained active during ongoing construction activities, indicating the owl(s) is habituated to such activities. Therefore, the request to reduce the known burrowing owl buffers in Area 3 to 50 feet non-nesting (100 feet nesting) and in Area 15 to 50 feet non-nesting (100 feet nesting) is approved pursuant to COC BIO-8, Item 5. Protective measures shall be implemented as described in the Request under "Buffer Reduction Request Details." The approval for this buffer reduction shall remain in effect through the end of the burrowing owl nesting season, up until **August 31, 2026**.

Additional requirements that apply to these approvals are as follows:

The DBs and/or Biological Monitor(s) shall continue to protect and monitor the burrows per COC **BIO-12** and the Plan, with the exception of the monitoring reduction detailed above. This includes, but is not limited to, compliance with Section 3.6.3 of the Plan, which requires immediate cessation of all work within any reduced buffer if burrowing owl(s) are visibly stressed by project activities or workers, as determined by the DB based on behavioral observations of the affected burrowing owl(s). Regular reporting is also required by Section 4 of the Plan. The implementation of the requirements of this buffer reduction approval shall be reported in the applicable Monthly Compliance Reports.

With the implementation of the above measures and applicable COCs, the CPM has determined that the requested buffer modifications would not result in any new or substantially more severe environmental impacts, within the meaning of California Code of Regulations, title 14, section 15162.

If you have questions or concerns, please contact me at (916) 956-9527 or e-mail at joseph.douglas@energy.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Joseph Douglas". The signature is written in a cursive, slightly slanted style.

Joseph Douglas, Compliance Project Manager
Compliance Monitoring and Enforcement Unit
Safety and Reliability Branch
Siting, Transmission and Environmental Protection
Division

cc: Brett Fooks, Manager
Compliance Monitoring and Enforcement Unit
Safety and Reliability Branch
Siting Transmission and Environmental
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