

DOCKETED

Docket Number:	23-OPT-02C
Project Title:	Darden Clean Energy - Compliance
TN #:	271171-1
Document Title:	11-20_CEC_Responses to BRR_4-23 through 5-26_C_and_D
Description:	DARDEN CLEAN ENERGY PROJECT (23-OPT-02C) REQUEST FOR BUFFER REDUCTION
Filer:	susan fleming
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	7/2/2026 10:25:34 AM
Docketed Date:	7/2/2026



May 26, 2026

Charity Wagner
IPX Power
9450 SW Gemini Drive
Beaverton, Oregon 97008

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

The Compliance Project Manager (CPM) has reviewed a request for a Swainson's hawk nest buffer reduction "23-OPT-02C Darden Clean Energy Project, Buffer Reduction Request for a Swainson's Hawk Nest at Area 12" (Request). The Request is dated May 20, 2026. The condition of certification (COC) that applies to these activities is **BIO-10** Swainson's Hawk Impact Avoidance, Minimization, and Mitigation Measures for Take.

Swainson's Hawk Nest:

The project owner has been actively surveying and monitoring Swainson's hawk presence and behavior at the project site and has identified a pair of Swainson's hawks engaged in nest building, copulating and incubating eggs. The Swainson's hawk's nests identified within the Request are identified within the COC **BIO-9** Swainson's Hawk Conservation Strategy Revision 4 (Strategy) as Nest ID #7, which is located at the following location:

- Northwestern section Area 12, at the southwest corner of the S Colusa Avenue and W Davis Avenue intersection (36.472064°, -120.193035°)

Buffer Reduction Request for Swainson's Hawk's Nest Buffer per Condition of Certification BIO-10(4) and the Darden Swainson's Hawk Conservation Strategy

Project Owner's Request: The project owner has requested to reduce the preliminary 1,000 feet buffer to 250 feet associated with Nest #7. The reduced buffer will allow for ongoing access to affected roads and construction areas within the northwestern portion of Area 12 and southeast corner of Area 10. Specific activities include distribution and installation of materials such as inverters and inverter piles, trackers and associated materials, torque tubes, harnesses, modules, and piles; subgrading; medium-voltage and module wiring installation and support

activities; medium voltage skid-to-skid work; load break disconnect box installation and termination; laydown yard use; directional boring; and fence installation.

A Swainson's hawk Designated Biologist (DB) or a Biological Monitor (BM) under supervision of the DB will monitor all activities between the 1,000-foot and 250-foot reduced buffer area. The work activities are scheduled for Monday through Saturday from 6:00 AM to 4:30 PM and will last through the end of fledging season, estimated in late July. Equipment used would entail the use of trucks, semi-trucks, buggies, forklifts, pile drivers, skid steers, excavators, concrete trucks, blades, loaders, cranes, backhoes, drill rigs, water trucks, and hydrovac trucks. Up to 100 ground personnel would be used; however, no foot traffic would be within the 250-foot buffer.

CPM Response: Maps and imagery (Google Earth Pro) of the project site were reviewed, as well as the Swainson's Hawk Conservation Strategy (COC **BIO-9**), Revision 4 (Strategy) for the project. Staff also considered that the nest became occupied by a pair during ongoing construction activities, indicating these individuals may be habituated to such activities. Therefore, continuing these activities is not expected to cause disturbance to the pair. The Request to reduce the Swainson's hawk's nest buffers for Nest #7 is approved, pursuant to **BIO-10**, Item 4. Specifically, project activities and protective measures shall be as described in the Request under "Protective Measures." The approval for this buffer reduction shall remain in effect through the end of the fledging season, up to **September 15, 2026**.

Additional requirements that apply to these approvals are as follows:

The DB(s) and/or BMs shall continue to protect and monitor the nest per COC **BIO-10** and the Strategy. This includes, but is not limited to, compliance with Section 6.2.5 of the Strategy, which requires immediate cessation of all work within any reduced buffer if Swainson's hawk are visibly stressed by project activities or workers, as determined by the DB based on behavioral observations of the affected individuals. In addition, the DB shall identify and implement adaptive measures as necessary. Such adaptive measures may include reducing the extent, noise, or hours of activities, reducing speed limits, providing additional sound or visual barriers per Section 6.2.4 of the Strategy, as well as increasing buffers per Section 6.2.4 of the Strategy. Regular reporting is also required by Section 6 of the Strategy. The implementation of the requirements of this buffer reduction approval, along with any additional adaptive measures, shall be reported in the applicable Monthly Compliance Report.

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.

Thank you for your continued coordination, and 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 style with a large, stylized "J" and "D".

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
Protection Division

From: [Douglas, Joseph@Energy](mailto:Douglas.Joseph@Energy)
To: [Sarah Sperling](mailto:Sarah.Sperling)
Cc: [Shahi, Hurshbir@Energy](mailto:Shahi.Hurshbir@Energy); [Fooks, Brett@Energy](mailto:Fooks.Brett@Energy); cwagner; [Will Lutkewitte](mailto:Will.Lutkewitte); [Audrey Rhodes](mailto:Audrey.Rhodes); [Catherine Simoneau](mailto:Catherine.Simoneau); [Logan Nonnez](mailto:Logan.Nonnez); [Christina Shushnar](mailto:Christina.Shushnar); [Evelyn Wetmore](mailto:Evelyn.Wetmore); [Crisp, Ann@Energy](mailto:Crisp.Ann@Energy); [Watson, Carol@Energy](mailto:Watson.Carol@Energy); [Eric Schaad](mailto:Eric.Schaad)
Subject: Re: 23-OPT-02C Darden | Modification of BIO-10(4) Swainson"s Hawk Buffer Reduction
Date: Thursday, May 21, 2026 9:49:53 AM
Attachments: [image001.png](#)
[4-17-26_Request_for_Monitor_Reduction.pdf](#)

Sarah,

Please see the conditional approval of the modification to the April 17, 2026 Buffer Reduction Request below:

CEC staff has reviewed the request below from Darden IPX (via DB Sarah Sperling) to increase the level of effort for construction of solar installation activities within a Swainson's hawk reduced buffer area (150–1,000 feet). The work would be consistent with the conditions approved in the previously approved Buffer Reduction Request (BRR), submitted April 17, 2026, and approved April 23, 2026. The original 1,000-foot buffer was reduced to 150 feet with CPM approval. The requested modification of the existing reduced buffer would allow continued construction within Area 3 of the laydown yard, solar arrays, and other Area 3 construction activities. Per Audrey Rhodes' email dated May 20, 2026, visual barriers have not yet been erected; however, materials are en route, and, per the approved BRR, the DB will monitor and report on this ongoing effort in MCRs.

This request is approved. All monitoring, reporting, and implementation of other required measures shall remain consistent with the conditions outlined in the CPM approval letter (attached).

Joseph Douglas | Compliance Project Manager
California Energy Commission
Siting, Transmission, and Environmental Protection Division
Safety and Reliability Branch
Compliance Monitoring and Enforcement Unit
715 P Street, MS-2000, Sacramento, CA 95814
Work/Cell: (916) 956-9527
Email: joseph.douglas@energy.ca.gov

From: Sarah Sperling <ssperling@rinconconsultants.com>
Sent: Wednesday, May 20, 2026 1:53 PM
To: Douglas, Joseph@Energy <Joseph.Douglas@energy.ca.gov>
Cc: Shahi, Hurshbir@Energy <Hurshbir.Shahi@energy.ca.gov>; Fooks, Brett@Energy <Brett.Fooks@energy.ca.gov>; cwagner <cwagner@ipxpower.com>; Will Lutkewitte <wlutkewitte@ipxpower.com>; Audrey Rhodes <arhodes@ipxpower.com>; Catherine Simoneau <csimoneau@ipxpower.com>; Logan Nonnez <Lnonnez@ipxpower.com>; Christina Shushnar <cshushnar@rinconconsultants.com>; Evelyn Wetmore <ewetmore@rinconconsultants.com>; Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Watson, Carol@Energy <Carol.Watson@energy.ca.gov>; Eric

Schaad <eschaad@rinconconsultants.com>

Subject: 23-OPT-02C Darden | Modification of BIO-10(4) Swainson's Hawk Buffer Reduction

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.

23-OPT-02C Darden Clean Energy Project
BIO-10(4) and SWHA Conservation Strategy Buffer Reduction Modification

Hi Joe,

The project has a need to increase the effort of the solar installation activities associated with the Swainson's hawk (SWHA) nest (ID #176) located north of the Area 3 laydown yard in the southwest corner of Area 3 (36.504366, -120.205543). The associated Buffer Reduction Request (BRR) was previously submitted to the CEC on 4/17/26 and approved on 4/23/26, authorizing activities associated with the laydown yard and construction of solar arrays.

Since submission of the original BRR, we have found a need to expand the quantity of those solar array construction efforts in order to continue in line with the construction schedule, including:

- Use of additional equipment (approx. 4 concrete trucks, 1 blade, 11 skid steers, 1 crane, 1 backhoe, 2 drill rigs, 1 water truck, 2 hydrovac trucks)
- Initiating work sooner in the day at 6:00AM due to earlier sunrise
- Expanded activities and ground personnel associated with fencing installation, directional boring, and solar array installation (approx. 500 person-days, with many activities being able to be conducted sequentially to reduce the number of ground personnel within the buffer concurrently)

Work has been ongoing in accordance with the approved BRR, and construction activities have not been observed to be risking failure to the SWHA nest. The SWHA pair continue to incubate, switching throughout the day occasionally. Behaviors observed during recent construction include continued nest building, food deliveries, and defensive behaviors against other SWHA in the vicinity. Given that the nest continues to remain unaffected in any substantial way by the work that is already occurring, and that the full-time biological monitor has stop work authority if the increase in activities risks nest failure, we would like to proceed with increasing the level of construction effort as indicated above within the reduced pedestrian buffer area (150 – 1,000 feet) under the conditions approved in the existing BRR.

Thanks,

Sarah Sperling

Senior Biologist/Project Manager

ssperling@rinconconsultants.com



805-644-4455 Main | 805-321-5581 Direct | 661-619-5444 Mobile



May 15, 2026

Charity Wagner
IPX Power
9450 SW Gemini Drive
Beaverton, Oregon 97008

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

The Compliance Project Manager (CPM) has reviewed a request for a barn owl nest buffer reduction "Darden Clean Energy Project (23-OPT-02C), Barn Owl Nest Buffer Reduction Request in Accordance with Condition of Certification, BIO-8(5) and the Nesting Bird Management Plan" (Request). The Request is dated May 8, 2026. The condition of certification (COC) that applies to these activities is **BIO-8**, Nesting Bird Avoidance and Minimization Measure and Tricolored Blackbird Avoidance and Minimization Measures.

Barn owl nest:

The project owner has observed a pair of barn owl nesting in a nest box adjacent to and west of S Yuba Avenue between W Clarkson Avenue and W Elkhorn Avenue, on the eastern edge of the project boundary. The nest identified within the Request is located at the following location:

- Eastern edge of project boundary, within Area 7 (36.497411°, -120.17044 °).

Buffer Reduction Request for Barn Owl Nesting Buffer per Condition of Certification BIO-8(5) and the Darden Nesting Bird Management Plan

Project Owner's Request: The project owner has requested to the following

1. Reduce the preliminary buffer of 500 feet to 25 feet for security fence installation, and
2. Reduce the buffer from 500 feet to 50 feet to allow for construction of a detention basin, perimeter berm, and access roads.

Once the access roads are completed, vehicle traffic of about 125 trips per day will occur. Reduction of the current 500-foot buffer would allow for continued construction, and will allow for continued project-related traffic. Such project traffic includes worker ingress and egress from daily work sites; project material and equipment transport; and deliveries. No ground-disturbing activities would occur within the buffer. The work activities are scheduled to occur through July, which is when any nestlings would be anticipated to fledge.

Equipment utilized includes, motor graders, water trucks, sheepsfoot rollers, smooth-drum rollers, tractors with disc attachments, forklifts, skid steers with attachments for driving posts, unrolling chain link, stretching barbed wire, scrapers, dozers, and up to six ground personnel with equipment operators. Activities would occur Monday through Saturday from 6:00 AM to 4:30 PM.

The following three measures are proposed:

1. No ground disturbing activities will occur within the reduced 25-foot buffer. Work within the 25 – 50-foot buffer will be reduced to only activity associated with security fence installation.
2. Per COC **BIO-8** and the NBMP, a full-time Biological Monitor will be required to be present during all work within the reduced buffer area between 500 and 25 feet.
3. The Biological Monitor will have “stop work” authority in the event they witness any signs of distress due to work activities.

CPM Response for 25-foot buffer: Maps and imagery (Google Earth Pro) of the project site were reviewed, as well as the Nesting Bird Management Plan (Plan) for the project. Staff also performed routine coordination with the California Department of Fish and Wildlife. Staff also considered that the nest became active during ongoing construction activities, and the pair continues to maintain the nest and perform incubation activities; therefore, continuing these activities is not expected to cause disturbance to the pair. Initial monitoring of the pair has shown no reaction to ongoing activities outside of the preliminary 500-foot buffer.

The request to allow traffic through the 500-foot buffer and adjacent the barn owl-occupied nest box for construction of the security fence is approved pursuant to COC **BIO-8**, Item 5. Specifically, project activities and protective measures shall be as described in the Request, and as directed by **BIO-8** and the approved Nesting Bird Management Plan (Plan), with additional details following. The approval for this buffer reduction shall remain in effect through the end of this breeding season, up to **August 31st, 2026**.

CPM specific requirements: Construction of the security fence shall begin at the outer edge (i.e., 500 feet) of the buffer and work inward toward the nest. Simultaneous construction of the security fence both to the north and the south of the nest will not be allowed within 200 feet of the nest but shall be performed consecutively to the maximum extent practical.

CPM Response for 50 foot buffer: The request to allow traffic through the 500-foot buffer and within 50 feet of the barn owl-occupied nest box for construction of a detention basin, perimeter berm, and access roads is approved pursuant to COC **BIO-8**, Item 5. Specifically, project activities and protective measures shall be as described in the Request, and as directed by **BIO-8** and the CPM-approved approach as detailed below. The approval for the monitoring approach shall remain in effect for this buffer reduction request response through the end of this breeding season, up to **August 31st, 2026**.

CPM specific requirements: Construction of the access roads shall not take place simultaneously within 100 feet of the nest, if still active.

Additional requirements that apply to this approval are as follows:

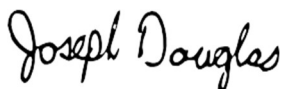
The Designated Biologists (DBs) and/or Biological Monitor(s) (BMs) shall continue to protect and monitor the nest per COC **BIO-8** and the approved Plan, including Section 2.7, which requires immediate cessation of all work within reduced buffers if nesting birds are visibly stressed by project activities or workers, as determined by the DB based on behavioral observations of the affected barn owl, as assessed by CPM required twice daily spot checks.

In addition, the DB shall identify and implement adaptive measures per Section 2.6.1 of the Plan, as well as increasing buffers per Section 2.6 of the Plan. Regular reporting is also required by Section 3 of the Plan. Implementation of the requirements of this buffer reduction approval, along with any additional adaptive measures, shall be reported in the applicable Monthly Compliance Report.

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.

Thank you for your continued coordination, and if you have questions or concerns, please contact me at (916) 956-9527 or e-mail at joseph.douglas@energy.ca.gov.

Sincerely,



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
Protection Division



May 18, 2026

Charity Wagner
IPX Power
9450 SW Gemini Drive
Beaverton, Oregon 97008

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

The Compliance Project Manager (CPM) has reviewed a request for a Swainson's hawk nest buffer reduction "23-OPT-02C Darden Clean Energy Project, Buffer Reduction Request for a Swainson's Hawk Nest at Intersection of W. Cerini Avenue and S. El Dorado Avenue" (Request). The Request is dated May 13, 2026, and revised May 14, 2026. The condition of certification (COC) that applies to these activities is **BIO-10** Swainson's Hawk Impact Avoidance, Minimization, and Mitigation Measures for Take.

Swainson's Hawk Nest:

The project owner has been actively surveying and monitoring Swainson's hawk presence and behavior at the project site and has identified a nest in tree, approximately 50 feet above-ground, occupied by a pair of Swainson's hawks. The pair has been observed incubating. The Swainson's hawk's nest identified within the Request is located at the following location:

- Near the intersection of W. Cerini Avenue and S. El Dorado Avenue (36.457924°, -120.212181°)

Buffer Reduction Request for Swainson's Hawk's Nest Buffer per Condition of Certification BIO-10(4) and the Darden Swainson's Hawk Conservation Strategy

Project Owner's Request: The project owner has requested to reduce the preliminary 1,000 feet buffer to 225-500 feet near the intersection of W. Cerini Avenue and S. El Dorado Avenue as described above. The reduced 500 feet buffer will allow for construction of an access road, security fence installation, basin construction, MV cable plowing, and activities associated with

foundation work in the gen-tie corridor. The reduced 225 feet buffer would be utilized for boring. A Swainson's hawk Designated Biologist (DB) or a Biological Monitor (BM) under supervision of the DB will monitor all activities between the 1,000-feet and 250-500-feet reduced buffer area. The work activities are scheduled for Monday through Saturday from 6:00 AM to 6:30 PM and will last through the end of the Swainson's hawk nesting season, estimated for mid-July, and would entail the use of motor graders, sheepsfoot rollers, smooth-drum rollers, tractors with disc attachments, forklifts, skid steers, drill rigs, telehandlers, water trucks, cranes, concrete trucks, semi-trucks, scrapers, dozers, loaders, bucket trucks, mini-excavators, pipe-fusers, plow, excavators, six operators, and 14 ground personnel.

The project owner has proposed the following three protective measures:

1. No foot-traffic activities will occur within the reduced 225-foot buffer.
2. Per COC **BIO-10** and the SWHA Plan, a full-time SWHA Designated Biologist (DB) or Biological Monitor (BM) under supervision of the DB will be present during all work within the reduced buffer area between 1,000 and 225 feet, as well as all work occurring within 0.25 mile of the nest.
3. The SWHA DB or BM will have "stop work" authority in the event they witness any signs of distress due to work activities.

CPM Response: Maps and imagery (Google Earth Pro) of the project site were reviewed, as well as the Swainson's Hawk Conservation Strategy (COC **BIO-9**), Revision 4 (Strategy) for the project. Staff also performed routine coordination with the California Department of Fish and Wildlife. Staff also considered that the pair continue to tend the nest during ongoing construction activities and road activity, indicating these individuals may be habituated to such activities. Therefore, continuing these activities is not expected to cause disturbance to the pair.

The request to reduce the Swainson's hawk nest buffer from 1,000 feet to 250-500 feet near the intersection of W. Cerini Avenue and S. El Dorado Avenue is approved, pursuant to **BIO-10**, Item 4. Specifically, project activities and protective measures shall be as described in the Request under "Protective Measures". The approval for this buffer reduction shall remain in effect through the end of the nesting season, up to **September 15, 2026**.

Additional requirements that apply to these approvals are as follows:

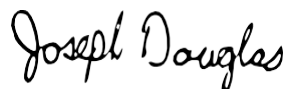
CPM specific requirements: Simultaneous construction activities both to the north and the south of the nest will not be allowed within the 2225 to 500-foot buffer zone of the nest but shall be performed consecutively to the maximum extent practical.

The DB(s) and/or BMs shall continue to protect and monitor the nest per COC **BIO-10** and the Strategy. This includes, but is not limited to, compliance with section 6.2.5 of the Strategy, which requires immediate cessation of all work within any reduced buffer if Swainson's hawk are visibly stressed by project activities or workers, as determined by the DB based on behavioral observations of the affected individuals. In addition, the DB shall identify and implement adaptive measures as necessary. Such adaptive measures may include reducing the extent, noise, or hours of activities, reducing speed limits, providing additional sound or visual barriers per Section 6.2.4 of the Strategy, as well as increasing buffers per Section 6.2.4 of the Strategy. Regular reporting is also required by Section 6 of the Strategy. The implementation of the requirements of this buffer reduction approval, along with any additional adaptive measures, shall be reported in the applicable Monthly Compliance Report.

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.

Thank you for your continued coordination, and if you have questions or concerns, please contact me at (916) 956-9527 or e-mail at joseph.douglas@energy.ca.gov.

Sincerely,



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
Protection Division

From: [Douglas, Joseph@Energy](mailto:Douglas.Joseph@Energy)
To: cwagner
Cc: [Shahi, Hurshbir@Energy](mailto:Shahi.Hurshbir@Energy); [Fooks, Brett@Energy](mailto:Fooks.Brett@Energy); [Will Lutkewitte](mailto:Will.Lutkewitte); [Audrey Rhodes](mailto:Audrey.Rhodes); [Catherine Simoneau](mailto:Catherine.Simoneau); [Logan Nonnez](mailto:Logan.Nonnez); [Christina Shushnar](mailto:Christina.Shushnar); [Evelyn Wetmore](mailto:Evelyn.Wetmore); [Crisp, Ann@Energy](mailto:Crisp,Ann@Energy); [Watson, Carol@Energy](mailto:Watson.Carol@Energy); [Eric Schaad](mailto:Eric.Schaad); ssperling@rinconconsultants.com
Subject: 23-OPT-02C Darden | Modification of BIO-8 Great Horned Owl Buffer Reduction
Date: Thursday, May 14, 2026 12:54:34 PM
Attachments: [image002.png](#)
[CEC Response to the 3-20-26 Nesting Bird Buffer Request.pdf](#)

Charity,

Please see the below conditional approval of the 5/13/26 request for modification of the previously approved 3/20/2026 buffer reduction request.

CEC staff has reviewed the request below from Darden IPX (via DB Sarah Sperling) to increase the level of effort for construction of solar arrays within the reduced buffer area (250–500 feet). The work would be consistent with the conditions approved in the previously approved Buffer Reduction Request, dated March 27, 2026.

The requested increase would allow continued construction of project access roads, solar arrays, the associated laydown yard, and the use of South Colusa Avenue within the reduced buffer area. The original 500-foot buffer was reduced to 250 feet with CPM approval.

This request is approved. All monitoring, reporting, and implementation of other required measures shall remain consistent with the conditions outlined in the CPM approval letter (attached).

Joseph Douglas | Compliance Project Manager
California Energy Commission
Siting, Transmission, and Environmental Protection Division
Safety and Reliability Branch
Compliance Monitoring and Enforcement Unit
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Email: joseph.douglas@energy.ca.gov

From: Sarah Sperling <ssperling@rinconconsultants.com>
Sent: Wednesday, May 13, 2026 11:09 PM
To: Douglas, Joseph@Energy <Joseph.Douglas@energy.ca.gov>
Cc: Shahi, Hurshbir@Energy <Hurshbir.Shahi@energy.ca.gov>; Fooks, Brett@Energy <Brett.Fooks@energy.ca.gov>; cwagner <cwagner@ipxpower.com>; Will Lutkewitte <wlutkewitte@ipxpower.com>; Audrey Rhodes <arhodes@ipxpower.com>; Catherine Simoneau <csimoneau@ipxpower.com>; Logan Nonnez <lnonnez@ipxpower.com>; Christina Shushnar <cshushnar@rinconconsultants.com>; Evelyn Wetmore <ewetmore@rinconconsultants.com>; Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Watson, Carol@Energy <Carol.Watson@energy.ca.gov>; Eric

Schaad <eschaad@rinconconsultants.com>

Subject: 23-OPT-02C Darden | BIO-8 Great Horned Owl Buffer Reduction

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.

Hi Joe,

I talked with Carol on the phone yesterday regarding an increase in effort for the solar installation activities associated with the great horned owl nest located on South Colusa Avenue, just north of the intersection with West Clarkson Avenue, near the southeast corner of Darden Area 3 (36.50346, -120.188617). The associated Nesting Bird Buffer Reduction Request was previously approved by the CEC on 3/30/26 and authorized the use of existing public access roads and construction of project access roads, solar arrays, and the associated laydown yard.

While construction of solar arrays is a covered activity under the approved Buffer Reduction Request, we have found a need to expand the quantity of those solar array construction efforts in order to continue in line with the construction schedule. Below is a list of solar array associated activities that are expected to occur between now and the estimated nest fledging date in early June. Most of these activities will be on the west side of the great horned owl buffer and happening sequentially, so that only 1-2 activities in the below list will be occurring in the buffer at the same time.

- Array pile distribution (1-2 day duration): approx. 2 skid steers with operators, 2-3 people on the ground periodically
- Array pile install (1-2 day duration): approx. 6 pile driver machines with operators on the ground
- Tracker Material offload and staging (1-2 day duration dependent on delivery schedules): approx. 2 forklifts and 1 skid steer with operators, 5-6 people on the ground periodically, semi-truck delivery traffic estimated 5 trucks (approx. 1 at a time)
- Tracker Material Distribution and Slew Drives (1-2 day duration): approx. 1 skid steer and operator, estimated 15 people on the ground
- MV Plow (1 day duration) – approx. 1 plow, 2 excavators, 1 motor grader, and 1 water truck all with operators. Up to approx. 6 people on the ground (only as needed)

Work has been ongoing in accordance with the Buffer Reduction Request, and construction activities have not been observed to be risking failure to the great horned owl nest. The great horned owl adult continues to be observed all day on the nest presumably still incubating, as no chicks (or adult behavior suggesting presence of chicks) have been observed. Given that the nest continues to remain unaffected in any substantial way by the work that is already occurring, and that the full-time biological monitor will have stop work authority if the increase in activities risks nest failure, we would like to proceed with increasing the level of effort for construction of solar

arrays within the reduced buffer area (250-500 feet) under the conditions approved in the existing Buffer Reduction Request.

Thanks,



Sarah Sperling

Senior Biologist/Project Manager

ssperling@rinconconsultants.com

805-644-4455 Main | 805-321-5581 Direct | 661-619-5444 Mobile



April 30, 2026

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

The Compliance Project Manager (CPM) has reviewed a request for a barn owl nest buffer reduction "Darden Clean Energy Project (23-OPT-02C), Barn Owl Nest Buffer Reduction Request in Accordance with Condition of Certification, BIO-8(5) and the Nesting Bird Management Plan" (Request). The Request is dated April 29, 2026, and was received after close of business hours. The condition of certification (COC) that applies to these activities is **BIO-8**, Nesting Bird Avoidance and Minimization Measure and Tricolored Blackbird Avoidance and Minimization Measures.

Barn owl nest:

The project owner has observed a pair of barn owl nesting in a box offsite along S Napa Avenue at the northwest corner with an unmarked existing public road, north of Darden Area 1. The nest identified within the Request is located at the following location:

- North of Area 1 (36.527061°, -120.22505°).

Buffer Reduction Request for Barn Owl Nesting Buffer per Condition of Certification BIO-8(5) and the Darden Nesting Bird Management Plan

Project Owner's Request: The project owner has requested to one, allow traffic through the existing 500-foot buffer along S Napa Avenue, and two, to reduce full-time biological monitoring of the nest to "periodic spot checks" (detailed further below). The buffer protects a nesting pair of barn owl in a raised nest box. Reduction of the current buffer would allow the project owner to continue ongoing use of S Napa Avenue, an existing public access road, and will allow for continued access project-related traffic. Such project traffic includes worker ingress and egress from daily work sites; project material and equipment transport; and deliveries. No ground-disturbing activities would occur within the buffer. The work activities are scheduled to occur through early July, which is when any nestlings would be anticipated to fledge. Work traffic would include up to 400 vehicles in the morning, and 400 vehicles the evening. Activities would occur Monday through Saturday.

The following three spot check measures are proposed:

1. No ground disturbing activities will occur within the reduced 500-foot buffer.
2. Spot checks will be conducted consistent with the below methodology
 - a. Spot checks shall be conducted on days when project-related traffic occurs within 500 feet of the barn owl nest.
 - b. Each spot check shall last for a duration of at least 30 minutes, or until the presence and behavior of barn owl(s) at the owl box is determined
 - c. Spot checks are not required if project-related traffic will not occur within the 500-foot buffer on a specific day (i.e. weekends or holidays, if no work occurs).
3. The Biological Monitor will have "stop work" authority in the event they witness any signs of distress due to work activities.

CPM Response: Maps and imagery (Google Earth Pro) of the project site were reviewed, as well as the Nesting Bird Management Plan (Plan) for the project. Staff also performed specific coordination with the California Department of Fish and Wildlife on April 30, 2026. Staff also considered that the nest became active during ongoing construction activities, indicating this pair is habituated to such activities; therefore, continuing these activities is not expected to cause disturbance to the pair. Initial monitoring of the pair has shown no reaction to ongoing activities outside of the preliminary 500-foot buffer.

Part One: COC BIO-8 item 5: The request to allow traffic through the 500-feet buffer and adjacent the barn owl-occupied nest box is approved pursuant to **COC BIO-8**, Item 5. Specifically, project activities and protective measures shall be as described in the Request, and as directed by **BIO-8** and the approved Nesting Bird Management Plan (Plan). The approval for this buffer reduction shall remain in effect through the end of this breeding season, up to **August 31st, 2026**.

Part Two: COC BIO-8 item 5: The request to allow monitoring via the below methodology is approved pursuant to COC **BIO-8**, Item 5. Specifically, project activities and protective measures shall be as described in the Request, and as directed by **BIO-8** and the CPM-approved approach detailed below. The approval for the monitoring approach shall remain in effect for this buffer reduction request response through the end of this breeding season, up to **August 31st, 2026**.

In addition, to the project owner proposed measures detailed above, spot check monitoring shall also be conducted morning and evening during the presence of project-related traffic for the first 72 hours of the buffer reduction implementation and subsequent introduction of project-related traffic (these days may not be consecutive if separated by holidays or weekends or other days off, consistent with 2a through c above). If no signs of disturbance are noted, and regular behavior such as adults feeding chicks, adults foraging, and routine behavior are documented to continue, spot check monitoring may be reduced to one time daily. During spot

check monitoring, the DB or BM shall note observations of the number and apparent health of chicks in addition to activities such as adults feeding chicks, adults foraging, and other routine behaviors.

Additional requirements that apply to this approval are as follows:

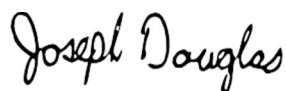
The Designated Biologists (DBs) and/or Biological Monitor(s) (BMs) shall continue to protect and monitor the nest per COC **BIO-8** and the approved Plan, including Section 2.7, which requires immediate cessation of all work within reduced buffers if nesting birds are visibly stressed by project activities or workers, as determined by the DB based on behavioral observations of the affected barn owl, as assessed by CPM required twice daily spot checks.

In addition, the DB shall identify and implement adaptive measures per Section 2.6.1 of the Plan, as well as increasing buffers per Section 2.6 of the Plan. Regular reporting is also required by Section 3 of the Plan. Implementation of the requirements of this buffer reduction approval, along with any additional adaptive measures, shall be reported in the applicable Monthly Compliance Report.

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.

Thank you for your continued coordination, and 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, flowing 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
Protection Division



April 28, 2026

Charity Wagner
IPX Power
9450 SW Gemini Drive
Beaverton, Oregon 97008

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

The Compliance Project Manager (CPM) has reviewed a request for a Swainson's hawk nest buffer reduction "Darden Clean Energy Project (23-OPT-02C), Swainson's Hawk Nest Buffer Reduction Request in Accordance with Condition of Certification, BIO-10(4), and Swainson's Hawk Conservation Strategy" (Request). The Request is dated April 24, 2026. The condition of certification (COC) that applies to these activities is **BIO-10** Swainson's Hawk Impact Avoidance, Minimization, and Mitigation Measures for Take.

Swainson's Hawk Nest:

The project owner has been actively surveying and monitoring Swainson's hawk presence and behavior at the project site and has identified two pairs of Swainson's hawks engaged in nest building, copulating and incubating eggs. The Swainson's hawk's nests identified within the Request are identified within the COC **BIO-9** Swainson's Hawk Conservation Strategy Revision 4 (Strategy) as Nest IDs #50 and #101, which are located at the following location:

- West of the southern corner of Area 8, across S Sonoma Avenue and Main project site access road (36.473073°, -120.248552°) West of the southwestern corner of Area 8, adjacent to S Sonoma Avenue (36.475110°, -120.248496°)

Buffer Reduction Request for Swainson's Hawk's Nest Buffer per Condition of Certification BIO-10(4) and the Darden Swainson's Hawk Conservation Strategy

Project Owner's Request: The project owner has requested to reduce the preliminary 1,000 foot buffer to 150 feet associated with nest #50, and from 1,000 feet to 600 feet associated with nest #101. The reduced foot traffic buffer will allow for ongoing activities associated with the laydown yard and construction of solar arrays. A Swainson's hawk Designated Biologist (DB) or a Biological Monitor (BM) under supervision of the DB will monitor all activities between the 1,000-foot and 150-foot reduced buffer area. The work activities are scheduled for Monday through Saturday from 5:30 AM to 4:30 PM and will last through the end of fledging season, estimated for late June/early August and would entail the use of 60 delivery trucks, approximately 300 personnel vehicles, 2-4 side-by-sides, one water truck, and 7 personnel. The personnel include 1-2 traffic safety flaggers; up to 5 ground personnel for complicated delivery traffic.

CPM Response: Maps and imagery (Google Earth Pro) of the project site were reviewed, as well as the Swainson's Hawk Conservation Strategy (COC **BIO-9**), Revision 4 (Strategy) for the project. Staff also performed routine coordination with the California Department of Fish and Wildlife. Staff also considered that the nest became occupied by a pair during ongoing construction activities, indicating these individuals may be habituated to such activities. Therefore, continuing these activities is not expected to cause disturbance to the pair. Further, the activity is considered low-intensity pursuant to the Strategy. The Request to reduce the Swainson's hawk's nest buffers for nests #50 and #101 is approved, pursuant to **BIO-10**, Item 4. Specifically, project activities and protective measures shall be as described in the Request under "Protective Measures". The approval for this buffer reduction shall remain in effect through the end of the fledging season, up to **September 15, 2026**.

Additional requirements that apply to these approvals are as follows:

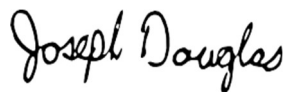
The DB(s) and/or BMs shall continue to protect and monitor the nest per COC **BIO-10** and the Strategy. This includes, but is not limited to, compliance with section 6.2.5 of the Strategy, which requires immediate cessation of all work within any reduced buffer if Swainson's hawk are visibly stressed by project activities or workers, as determined by the DB based on behavioral observations of the affected individuals. In addition, the DB shall identify and implement adaptive measures as necessary. Such adaptive measures may include reducing the extent, noise, or hours of activities, reducing speed limits, providing additional sound or visual barriers per Section 6.2.4 of the Strategy, as well as increasing buffers per Section 6.2.4 of the Strategy. Regular reporting is also

required by Section 6 of the Strategy. The implementation of the requirements of this buffer reduction approval, along with any additional adaptive measures, shall be reported in the applicable Monthly Compliance Report.

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.

Thank you for your continued coordination, and 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, flowing 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
Protection Division



April 28, 2026

Charity Wagner
IPX Power
9450 SW Gemini Drive
Beaverton, Oregon 97008

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

The Compliance Project Manager (CPM) has reviewed a request for a Swainson's hawk nest buffer reduction "Darden Clean Energy Project (23-OPT-02C), Swainson's Hawk Nest Buffer Reduction Request in Accordance with Condition of Certification, BIO-10(4) and Swainson's Hawk Conservation Strategy" (Request). The Request is dated April 24, 2026. The condition of certification (COC) that applies to these activities is **BIO-10** Swainson's Hawk Impact Avoidance, Minimization, and Mitigation Measures for Take.

Swainson's Hawk Nest:

The project owner has been actively surveying and monitoring Swainson's hawk presence and behavior at the project site and has identified a nest occupied by a pair of Swainson's hawks. The pair has been observed incubating. The Swainson's hawk's nest identified within the Request is located at the following location:

- Northern section of the permanent avoidance ESA in Area 11
(36.471182°, -120.221064°)

Buffer Reduction Request for Swainson's Hawk's Nest Buffer per Condition of Certification BIO-10(4) and the Darden Swainson's Hawk Conservation Strategy

Project Owner's Request: The project owner has requested to reduce the preliminary 1,000 feet buffer to 500 feet in the northern section of Area 11 as described above. The reduced foot traffic buffer will allow for ongoing activities associated with

solar arrays, mowing, roadwork, and earthworks associated with the O&M Pad. A Swainson's hawk Designated Biologist (DB) or a Biological Monitor (BM) under supervision of the DB will monitor all activities between the 1,000-foot and 500-foot reduced buffer area. The work activities are scheduled for Monday through Saturday from 6:00 AM to 4:30 PM and will last through the end of the Swainson's hawk nesting season and would entail the use of dozers, scrapers, water trucks, motor graders, rollers, 12 personnel.

CPM Response: Maps and imagery (Google Earth Pro) of the project site were reviewed, as well as the Swainson's Hawk Conservation Strategy (COC **BIO-9**), Revision 4 (Strategy) for the project. Staff also performed routine coordination with the California Department of Fish and Wildlife. Staff also considered that the nest became occupied by a pair during ongoing construction activities, indicating these individuals may be habituated to such activities. Therefore, continuing these activities is not expected to cause disturbance to the pair. The request to reduce the Swainson's hawk nest buffer from 1,000 feet to 500 feet in the northern section of Darden Area 11 is approved, pursuant to **BIO-10**, Item 4. Specifically, project activities and protective measures shall be as described in the Request under "Protective Measures". The approval for this buffer reduction shall remain in effect through the end of the nesting season, up to **September 15, 2026**.

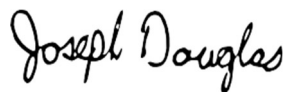
Additional requirements that apply to these approvals are as follows:

The DB(s) and/or BMs shall continue to protect and monitor the nest per COC **BIO-10** and the Strategy. This includes, but is not limited to, compliance with section 6.2.5 of the Strategy, which requires immediate cessation of all work within any reduced buffer if Swainson's hawk are visibly stressed by project activities or workers, as determined by the DB based on behavioral observations of the affected individuals. In addition, the DB shall identify and implement adaptive measures as necessary. Such adaptive measures may include reducing the extent, noise, or hours of activities, reducing speed limits, providing additional sound or visual barriers per Section 6.2.4 of the Strategy, as well as increasing buffers per Section 6.2.4 of the Strategy. Regular reporting is also required by Section 6 of the Strategy. The implementation of the requirements of this buffer reduction approval, along with any additional adaptive measures, shall be reported in the applicable Monthly Compliance Report.

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.

Thank you for your continued coordination, and if you have questions or concerns, please contact me at (916) 956-9527 or e-mail at joseph.douglas@energy.ca.gov.

Sincerely,

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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
Protection Division



April 28, 2026

Charity Wagner
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Beaverton, Oregon 97008

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

The Compliance Project Manager (CPM) has reviewed a request for a northern harrier nest buffer reduction "23-OPT-02C Darden Clean Energy Project, Buffer Reduction Request for a Northern Harrier Nest at S. Sonoma Avenue and W. Harlan Avenue" (Request). The Request is dated April 24, 2026. The condition of certification (COC) that applies to these activities is **BIO-8**, Nesting Bird Avoidance and Minimization Measure and Tricolored Blackbird Avoidance and Minimization Measures.

Red-tailed hawk nest:

The project owner has observed a pair of northern harrier nesting on the ground at the northeast corner of S. Sonoma Avenue and W. Harlan Avenue, north of Darden Area 16. The nest identified within the Request is located at the following location:

- North of Area 16 on the ground (36.443632°, -120.247483°).

Buffer Reduction Request for Northern Harrier Nesting Buffer per Condition of Certification BIO-8(5) and the Darden Nesting Bird Management Plan

Project Owner's Request: The project owner has requested to reduce the existing 500-foot buffer to a 215-foot buffer, north of Area 16. The buffer protects a nesting pair of northern harrier nesting on the ground. Reduction of the current buffer would allow the project owner to continue ongoing use of the existing public access roads, S. Sonoma Avenue and W, Harlan Avenue, and will allow for construction of project access roads, solar arrays, gen-tie structure installation, and access to other project construction areas within Area 13 and Area 16.

The work activities are scheduled to occur through mid to late July, which is when any nestlings would be anticipated to fledge. Work would entail the use of graders, water trucks, sheepsfoot rollers, smooth-drum rollers, tractor with disc attachment, forklifts, drill rigs, telehandlers, crane, skid steers, concrete trucks, semi-trucks, loaders, and bucket trucks during that time frame, including up to 12 ground personnel and six equipment operators. Activities would occur Monday through Saturday.

CPM Response: Maps and imagery (Google Earth Pro) of the project site were reviewed, as well as the Nesting Bird Management Plan (Plan) for the project. Staff also performed routine coordination with the California Department of Fish and Wildlife. Staff also considered that the nest became active during ongoing construction activities, indicating this pair is habituated to such activities; therefore, continuing these activities is not expected to cause disturbance to the pair. Initial monitoring of the pair has shown no reaction to ongoing activities outside of the preliminary 500-foot buffer.

The request to modify the buffer to 250 feet is approved pursuant to **COC BIO-8**, Item 5. Specifically, project activities and protective measures shall be as described in the Request, and as directed by **BIO-8** and the approved Nesting Bird Management Plan (Plan). The approval for this buffer reduction shall remain in effect through the end of this breeding season, up to **August 31st, 2026**.

Additional requirements that apply to this approval are as follows:

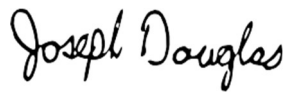
The Designated Biologists (DBs) and/or Biological Monitor(s) (BMs) shall continue to protect and monitor the nests per COC **BIO-8** and the approved Plan. Such compliance includes, but is not limited to, compliance with Section 2.7 of the Plan, which requires immediate cessation of all work within reduced buffers if nesting birds are visibly stressed by project activities or workers, as determined by the DB based on behavioral observations of the affected northern harrier. The Request indicates ground personnel may be used, staff notes that BMs and/or DBs monitoring the nest should pay close attention to any heightened behavioral responses during their presence.

In addition, the DB shall identify and implement adaptive measures, such adaptive measures might include reducing the extent, noise, or hours of activities, providing additional sound or visual barriers per Section 2.6.1 of the Plan, as well as increasing buffers per Section 2.6 of the Plan. Regular reporting is also required by Section 3 of the Plan. Implementation of the requirements of this buffer reduction approval, along with any additional adaptive measures, shall be reported in the applicable Monthly Compliance Report.

With the implementation of the above procedures and 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.

Thank you for your continued coordination, and 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, flowing 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
Protection Division



April 23, 2026

Charity Wagner
IPX Power
9450 SW Gemini Drive
Beaverton, Oregon 97008

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

The Compliance Project Manager (CPM) has reviewed a request for burrowing owl buffer reduction "23-OPT-02C Darden Clean Energy Project, BIO-12 Buffer Reduction Request for Construction of an Interior Road and Basin" (Request). The Request is dated April 14, 2026. 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 the project site and has identified two known burrowing owl burrows occupied by at least one owl on the project site. The two burrowing owl burrows identified within the Request are located at the following location:

- Southeastern section of Darden Area 7 (-36.492855°, -120.173531°)

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: The project owner has requested to reduce the preliminary nesting season buffer of 1,600 feet to 500 feet to continue construction of the interior road, basin and solar arrays and to maintain access along South Yuba Avenue. No activity will occur within the 500 feet buffer, except to implement visual and sound barriers in accordance with section 3.6.4 of the Darden Burrowing Owl Artificial Burrow Replacement and Mortality Reduction Plan.

Pursuant to the Plan, Section 3.6.4, and to further reduce potential visual and audible disturbance to known burrowing owl burrows, the project proposes the use of visual

barriers in the form of stacked hay bales. The hay bales will be stacked by hand at least three bales high (approximately 4 feet in height) and placed approximately 15 feet from the burrows or at an appropriate distance as determined by the CPM-approved Burrowing Owl Designated Biologist.

As described in the Request, "The hay bales will be arranged in a semi-circular configuration, with an opening maintained to allow burrow access. The opening will be oriented on the side of the burrow furthest from project-related activities to funnel BUOW activity away from project activities. Installation of hay bales is anticipated to require one to three days, utilizing up to six ground personnel. Should the hay bales be determined to require maintenance to remain effective as a form of visual and audible deterrence, targeted repairs will take place in the most efficient manner feasible. All activities within the 1,600-foot preliminary buffer, including visual deterrence installation and any potentially required maintenance, will be monitored by a BUOW Designated Biologist or Biological Monitor (experienced with construction monitoring and BUOW behavioral observations) under the supervision of an onsite BUOW Designated Biologist. Consistent with Section 3.3 of the BUOW Plan, once installed the deterrence will be monitored weekly using remote sensing cameras or in person observations by a BUOW Designated Biologist or Biological Monitor to confirm no adverse effects on the BUOW."

The project owner has further proposed that a Burrowing Owl Designated Biologist (DB) or a Biological Monitor under supervision of the DB will monitor all activities through the end of BUOW nesting season (August 31st) or until burrows become unoccupied. The work activities are scheduled for Monday through Saturday from 6:30 AM to 5:00 PM and will last through the end of burrowing owl nesting season. Equipment utilized is expected to include bulldozers, sheepsfoot rollers, discing tractors, water trucks, tractors, blades, rollers, haul trucks and scrapers.

CPM Response: Maps and imagery (Google Earth Pro) of the project site were reviewed, as well as the Plan for the project. Staff also performed routine coordination with the California Department of Fish and Wildlife. Staff also considered that the burrows have remained active during ongoing construction activities, indicating the owl(s) is habituated to such activities. Therefore, with installation of visual and audible barriers in the form of hay bale stacks, reducing the buffer while maintaining monitoring as described in the Plan, the request to reduce the known burrowing owl buffer of 1,600 feet to 500 feet in the southeastern section of Darden Area 7 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**.

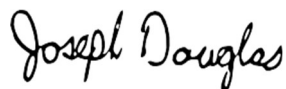
Additional requirements that apply to these approvals are as follows:

The Designated Biologists (DBs) and/or Biological Monitor(s) (BMs) 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 are visibly stressed by project activities or workers, as determined by the DB based on behavioral observations of the affected burrowing owl. Regular reporting is also required by Section 4 of the Plan. The implementation of the requirements of this buffer reduction approval, along with the installation of the hay bale stacks, 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.

Thank you for your continued coordination, and if you have questions or concerns, please contact me at (916) 956-9527 or e-mail at joseph.douglas@energy.ca.gov.

Sincerely,

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