

DOCKETED

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Project Title:	Darden Clean Energy - Compliance
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Document Title:	02-10 Responses to 5_27_26 through 6_1_26
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



June 1, 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 buffer reductions for a grouping of nest boxes titled "Darden Clean Energy Project (23-OPT-02C), 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 27, 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.

Nesting boxes:

The project owner has observed multiple nest boxes installed by adjacent landowners along the length of S Napa Avenue from W Kamm Avenue to the main laydown yard. The nest boxes identified within the Request are located at the following locations:

- Scattered along S Napa Ave (linearly north-south from 36.531°, -120.225° to 36.487°, -120.225°)

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

Project Owner's Request: The project owner has requested to authorize slow-speed traffic to pass through any future nest box buffers along S Napa Ave, and proposes that for construction activities or staging affected by future nest-avoidance buffers associated with these nest boxes, specific BRRs will be submitted. Approximately 1,200 daily vehicle trips are expected, allowing low-speed traffic along the existing NW Artery

access road located approximately 80 feet from the next box poles. The project owner further requests the buffer reduction for the duration of the 2026 nesting season.

The project owner proposes the following protective measures:

- Vehicle speeds will be limited to 10 mph within the buffer zones.
- Only one vehicle is allowed within an avoidance buffer at any given time.
- Personnel will remain inside vehicles and will not be permitted to stop the vehicle, open vehicle doors or windows, or walk within the buffer zones, except under emergency conditions.
- No ground disturbance (e.g., road improvements) will occur within the buffer zones. If additional work within future buffers is required, additional buffer reduction requests will be submitted for that specific work.
- A Biological Monitor will be present to spot check any active nests in these nest boxes and to observe traffic effects on an active nest.
- Biological Monitors will have "stop work" authority if distress is noted that risks nest failure.

CPM Response for 80-foot buffer(s) along S Napa Avenue: 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 considered that the nest boxes are installed along an existing public road.

The request to allow traffic along S Napa Avenue and adjacent the existing nest boxes 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**.

Additional requirements that apply to this approval are as follows:

- a. The Designated Biologists (DBs) and/or Biological Monitor(s) (BMs) shall continue to conduct pre-construction surveys and monitoring per COC **BIO-8** and the approved Plan, including Section 2.3, which requires both pre-construction surveys and pre-activity sweeps to identify the presence of nesting birds.
- b. Any future occupation of the nest boxes by non-special-status species (i.e. species not listed under state or federal endangered species acts, not designated by the state as species of special concern, fully protected, or watch list, or afforded protections by a local agency or other statute) shall be documented via email to the CPM. The notification shall contain the date of established occupancy, species occupying the nest box, nest box coordinates, monitoring regime, and any other pertinent information. The email shall also reference the

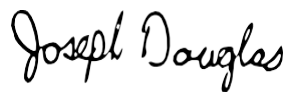
original date of the Request (May 27, 2026) and the BRR number (BRR #29). No further action is necessary to implement a reduced buffer, however, implementation of the reduced buffer remains subject to all protective measures identified in this BRR.

- c. Any future occupation of the nest boxes by special-status-species shall require a supplemental buffer reduction request sent via email request according to BIO-8.
- d. Implementation of the requirements of this buffer reduction request 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.

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



California
ENERGY COMMISSION



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**NATURAL
RESOURCES
AGENCY**

May 29, 2026

Charity Wagner
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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 Swainson's hawk nest buffer reduction "23-OPT-02C Darden Clean Energy Project, Buffer Reduction Request for a Swainson's Hawk Nest at Area 14" (Request). The Request is dated May 26, 2026. The condition of certification (COC) that applies to these activities is BIO-10(4) 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 a tree, approximately 60 feet above-ground, occupied by a pair of Swainson's hawks. The pair has been observed demonstrating incubating behavior.

The Swainson's hawk's nest identified within the Request is located at the following location:

- Northwestern section of Area 14 along S El Dorado Ave (36.453151°, - 120.212178°)

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 200 feet near S El Dorado Avenue, a public road, as described above. The reduced 200-foot buffer will allow for continued foot traffic and

ongoing construction activities. Activities include inverter pile survey and distribution, inverter pile installation, sub grade, medium voltage cable installation, tracker and pile material deliveries, pile installation, tracker material distribution, torque tube install, tracker install, module offload, module install, harness install, mod wire, inverter install and term, load break disconnect install and term, module support, direction boring, fencing, mowing, roadwork, and earthwork, foundation work in the gen-tie corridor, drilling, setting, concrete pouring, and stringing.

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 200-foot reduced buffer area. The work activities are scheduled for Monday through Saturday from 6:00 AM to 6:00 PM and will last until the buffer is removed, 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, buggies, work/ pickup trucks, pile drivers, hydrovac trucks, backhoes, scrapers, dozers, loaders, bucket trucks, mini-excavators, pipe-fusers, plow, and excavators, and approximately 100 ground personnel.

The project owner has proposed the following three protective measures:

1. No foot-traffic activities will occur within the reduced 200-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 200 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 considered that the pair is reusing this nest (ID #37 per the Strategy) despite ongoing adjacent traffic along S El Dorado Avenue, 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 200 feet near the northwestern section of Area 14 and S El Dorado Ave 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**.

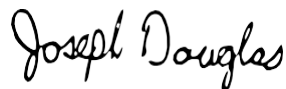
Additional requirements that apply to these approvals are as follows:

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 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.

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
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May 29, 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 "23-OPT-02C Darden Clean Energy Project, Buffer Reduction Request for a Barn Owl Nest adjacent to S Napa Ave and Southwest Area 5" (Request). The Request is dated May 26, 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, approximately 15 feet east of S Napa Ave, outside of the project site limits. The nest is contained within a maintained nest box, adjacent to open agricultural land on an elevated pole. The nest identified within the Request is located at the following location:

- 15 feet east of S Napa Ave (36.500634°, -120.225153°)

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 reduce the preliminary 500-foot buffer for birds of prey to 90 feet for access road use and solar construction activities, and 5 feet for vegetation management. Ongoing project traffic, including worker ingress and egress from daily work sites; project material and equipment transport and deliveries. Approximately 400 vehicles will pass through the buffer in the morning and again in the evening. Work includes two categories:

civil, consisting of laydown yard construction, ongoing use of laydown yard for material and equipment staging, portable toilets, storage containers, and vegetation management, and solar, consisting of inverter pile survey and distro, inverter pile install, sub grade, medium voltage (MV) home run, MV skid to skid, tracker material offload, pile offload, pile install, tracker material distro, torque tube install, tracker install, module offload, module install, harness install, mod wire, inverter install and term, load break disconnect install and term, module support, direction boring, and fencing.

Up to 100 ground personnel would be included, working Monday through Saturday from 5:00 AM to 6:00 PM, through fledging, estimated for July 28, 2026.

The following three measures are proposed:

1. No ground disturbing activities will occur within the reduced 90-foot buffer, and only vegetation management activities will occur up to 5 feet from the nest pole.
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 between 90 to 500 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 90-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 considered that the nest became active during ongoing construction activities, and the pair continues to maintain the nest and tend young; 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 500-foot buffer.

The Request to reduce the buffer to 90-foot for civil and solar construction work 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 31, 2026**.

CPM Response for 5-foot buffer: A five-foot buffer for vegetation management (including mowing, disking, pesticide application) is partially approved. The application of pesticides should not occur within 90 feet of the nest, where nestlings may immediately forage during first forays from the nest. Other forms of vegetation management such as mowing or disking may occur.

Additional requirements that apply to this approval are as follows:

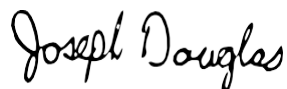
The Designated Biologists (DBs) and/or Biological Monitor(s) (BMs) shall continue to protect and monitor the nest per COC **BIO-8** and the approved Plan, including Section 2.7, which requires immediate cessation of all work within reduced buffers if nesting birds are visibly stressed by project activities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

In addition, the DB shall identify and implement adaptive measures as necessary 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.

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
Protection Division



May 29, 2026

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9450 SW Gemini Drive
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DARDEN CLEAN ENERGY PROJECT (23-OPT-02C) REQUEST FOR BUFFER REDUCTION

The Compliance Project Manager (CPM) has reviewed a batch request for four separate buffer reductions. The Requests are dated May 27, 2026, and contains the following requests for nest ID's #22, #23, #29, and #31. 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. This CPM communication is responsive to #22, #23, and #31. A separate response to #29 will be issued.

Request #22 (Barn owl nest):

The project owner has observed a pair of barn owl nesting in a nest box directly west of Interstate 5 (I-5) right-of-way within the gen-tie corridor. The nest identified within the Request is located at the following location:

- Owl box facing southwest within the gen-tie corridor (36.42837°, - 120.388464°)

Request #23 (Barn owl nest):

The project owner has observed a pair of barn owl nesting in a nest box within an open agricultural field within the gen-tie line corridor. The nest identified within the Request is located at the following location:

- Owl box facing east within the gen-tie right-of-way (36.434075°, - 120.376725°)

Request #31 (Horned lark nest):

The project owner has observed a pair of horned lark nesting along NW Artery Road. The nest identified within the Request is located at the following location:

- Ground nest along NW Artery Road, northwest of the main laydown yard (36.476753°, -120.229596°)

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

Project Owner's Request #22 and #23: The project owner has requested to reduce the preliminary buffer of 500 feet to 150 feet for completion of site surveys and silt fence installation at each of these two nest boxes. No ground-disturbing activities would occur within the buffers. The work activities at each site are scheduled to occur through July, which is when any nestlings would be anticipated to fledge from their respective nest boxes. Equipment utilized at each site would include 1 truck with a tilt deck trailer and 1 skid steer with a plow attachment, and up to 5 personnel. 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.
2. Per COC BIO-8 and the NBMP, a Biological Monitor will be required to be present during traffic along the interior access road. A monitor will spot check nesting activity during high-traffic periods to ensure nest disturbance is not occurring.
3. The Biological Monitor will have "stop work" authority in the event they witness any signs of distress due to work activities.

Project Owner's Request #31: The project owner has requested to reduce the preliminary buffer of 50 feet to 25 feet for traffic access. Reduction of the current 50-foot buffer would allow for continued construction traffic access on the NW artery access road. No ground-disturbing activities would occur within the buffer. The work activities are scheduled to occur until the nest has been fledged, consisting of approximately 1,200 daily trips, including worker ingress and egress from daily work sites; project material and equipment transport and deliveries; and water trucks. No equipment or ground personnel are required. Equipment transported would include motor grader, smooth drum roller, aggregate delivery trucks, forklifts, skid steers, drill rigs, telehandlers, water trucks, semi-trucks, buggies, work/ pickup trucks, pile drivers, hydrovac trucks, backhoes, scrapers, dozers, loaders, bucket trucks, mini-excavators, pipe-fusers, plow, excavators, tractor with disk attachment, tractor with spray trailer/ attachment, and aggregate delivery trucks. Activities would occur Monday through Saturday from 6:00 AM to 6:00 PM.

The following three measures are proposed:

1. No ground disturbing activities will occur within the reduced 25-foot buffer.
2. Per COC **BIO-8** and the NBMP, a Biological Monitor will be required to be present during traffic along the interior access road. A monitor will spot check nesting activity during high-traffic periods to ensure nest disturbance is not occurring.
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 considered that the nests became active during ongoing construction activities, and the pairs continue to maintain the nests and perform typical behavior such as incubation activities; therefore, continuing these activities is not expected to cause disturbance to the nests. Initial monitoring of the nests has shown no reaction to ongoing activities outside of the preliminary 500-foot buffer.

Buffer Requests #22 and 23: The request to allow construction activities through the 500-foot buffer and adjacent the barn owl-occupied nest boxes for construction of the silt fence and continued surveying 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 31, 2026**.

Buffer Request #31: The request to allow traffic through the 50-foot buffer to within 25 for traffic access 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**.

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, 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. 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
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May 28, 2026

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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 burrowing owl (BUOW) buffer reduction "Darden Clean Energy Project (23-OPT-02C), Buffer Reduction Request for Known Burrowing Owl Burrows per Condition of Certification BIO-12(6) and the Darden Burrowing Owl Plan" (Request). The Request is dated May 22, 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 three known burrowing owl burrows (two main plus one "satellite") occupied by at least 2 owls and multiple nestlings on the project site. The three burrowing owl burrows identified within the Request are located in the following area:

- Southeastern section of Darden Area 7 between W Clarkson Ave and W Elkhorn Ave (36.493017°, -120.173789°)

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 225 feet to enable access to and construction of an interior road, a basin, perimeter berm, security fencing, and would facilitate construction of the solar scope of work. No activity would occur within the 225-foot 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 owner proposes the use of visual barriers in the form of stacked hay bales. The hay bales would be stacked by hand at least

two bales high (approximately 32 inches in height) and placed approximately 225 feet from the burrows at the edge of the requested buffer or at an appropriate distance as determined by the CPM-approved Burrowing Owl Designated Biologist (DB).

As described in the Request, "Hay bales will be arranged in a semi-circular configuration, with an opening maintained to the north to avoid completely encircling the burrows. The opening will be oriented on the northern side of the burrows 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 and associated equipment. Should the hay bales be found to require maintenance to remain effective as a visual and audible deterrent, targeted repairs will be made in the most efficient manner possible. 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 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 DB or a Biological Monitor under supervision of the DB 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 motor graders, water trucks, sheepsfoot rollers, smooth-drum rollers, tractors with disc attachment, scrapers, dozers, trucks, semi-trucks, buggies, forklifts, pile drivers, skid steers, excavators, concrete trucks, graders, loaders, RT crane, backhoes, drill rigs, and hydrovac trucks.

CPM Response: Maps and imagery (Google Earth Pro) of the project site were reviewed, as well as the Plan for the project. Staff also considered that the burrows have remained active during ongoing construction and monitoring activities, indicating the owls are somewhat habituated to such activities.

Therefore, the request to reduce the known burrowing owl buffer of 1,600 feet to 225 feet in the southeastern section of Darden Area 7, while maintaining monitoring as described in the Plan, is approved pursuant to COC **BIO-8**, Item 5, and as further detailed below.

CPM Specific Requirements: Visual barriers are to be erected at one burrow at a time (not simultaneously) to avoid flushing owl. Construction activities within 225 feet of both to the east and west of the burrows, once buffered with visual barriers, shall be avoided if possible until the visual barriers have been in place and the DB and or Biological Monitor working under the DB, has determined that they are successful at preventing signs of disturbance. These measures are intended to prevent enclosure and subsequent abandonment of the active burrows identified in the Request. Protective measures shall be implemented as described in the Request under "Buffer Reduction Request Details," with the exception of the visual barrier stipulation and zonal restriction for regular construction activities detailed above.

The approval for this buffer reduction shall remain in effect through the end of the burrowing owl nesting season, up until **August 31, 2026**.

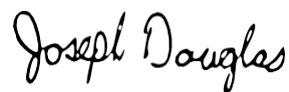
Additional requirements that apply to these approvals are as follows:

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. 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. Additionally, if such BUOW disturbance is detected during installation of the visual deterrent, the CPM-approved BUOW DB shall increase the buffer distance for the remaining visual barrier installation from the respective burrow accordingly, ensuring that the visual barrier is constructed to minimize sightline from the burrow to construction areas. 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,



Joseph Douglas, Compliance Project Manager
Compliance Monitoring and Enforcement Unit
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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 lesser nighthawk nest buffer reduction "Darden Clean Energy Project (23-OPT-02C), Lesser Nighthawk 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 26, 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.

Lesser nighthawk nest:

The project owner has observed a pair of lesser nighthawk nesting on the ground, adjacent a stack of ladders in the laydown yard adjacent the east BESS pad. The nest identified within the Request is located at the following location:

- Laydown Yard/East BESS pad (36.47875°, -120.215551°).

Buffer Reduction Request for Lesser Nighthawk 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 allow removal of staged materials within the laydown yard from within the 50-foot nest buffer. These materials are to the south and east of the nest, while the ladders immediately adjacent and south of the nest will remain in place to form a visual buffer. Ongoing construction monitoring at the nest site has not documented any adverse reactions from the nesting pair. Work activities would be scheduled for one day, entailing the use of up to six ground personnel, one forklift, one flatbed truck, and one pickup.

The following two measures are proposed:

1. No ground disturbing activities will occur within the reduced 50-foot buffer.
2. Work within the buffer will occur within one day.
3. The ladder stack which currently forms a visual barrier will remain in place until the nesting is complete.
4. The Biological Monitor will have "stop work" authority in the event they witness any signs of distress due to work activities.

CPM Response for 50-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 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 50-foot buffer.

The Request to implement removal of staged materials within the laydown yard 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**, or until the nest has fledged, as confirmed by the DB.

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 or BM based on behavioral observations of the affected nesting pair.

In addition, the DB shall identify and implement adaptive measures as necessary 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, 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
Protection Division



March 27, 2026

Marisa Mitchell
Intersect Power
548 Market Street
San Francisco, California 94104

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

Dear Marisa Mitchell,

The Compliance Project Manager (CPM) has reviewed a request for a great horned owl buffer reduction "Darden Clean Energy Project (23-OPT-02C), Great Horned 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 March 20, 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.

Great horned owl nest:

The project owner has observed a pair of great horned owls nesting on a power pole transformer. The two great horned owls identified within the Request are located at the following location:

- On S. Colusa Avenue, just north of the intersection with W. Clarkson Avenue, near the southeast corner of Darden Area 3 (36.50346°, -120.188617°).

Buffer Reduction Request for Great Horned 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 reduce the existing 1500-foot buffer in the southeast corner of Darden Area 3 to a 250-foot buffer. The buffer protects two great horned owls nesting on a transformer. Reduction of the current buffer would allow the project owner to continue regular use of S. Colusa Avenue, a public access road, for project activities and

will allow for the construction of project access roads, solar arrays, and the associated laydown yard. The work activities are scheduled to occur into the summer, through late June, which is when any great horned owl nestlings would be anticipated to fledge. Work would entail the use of 2 graders, 4 rollers, 2 water trucks, and 2 ground personnel during that time frame.

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 nest has shown no reaction to ongoing activities outside of the preliminary 500-foot buffer.

The request to modify the buffer adjacent to Area 3 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 under "Buffer Reduction Request Details." 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 these approvals are as follows. The Designated Biologists (DBs) and/or Biological Monitor(s) (BMs) shall continue to protect and monitor the nests as per COC **BIO-8** and the 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 great horned owl. The Request indicates two ground personnel may be used, staff notes that Biological Monitors and/or Designated Biologists(s) 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 MCR.

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.

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 cursive script that reads "Joseph Douglas".

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



March 27, 2026

Marisa Mitchell
Intersect Power
548 Market Street
San Francisco, California 94104

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

Dear Marisa Mitchell,

The Compliance Project Manager (CPM) has reviewed a request for burrowing owl burrow buffer reductions "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 March 20, 2026. The condition of certification (COC) that applies to these activities is **BIO-12**, Burrowing Owl Impact Avoidance, Minimization, and Take Mitigation Measures.

Burrowing Owl Nests:

The project owner has observed burrowing owls associated with five known burrows in Darden Area 3, and approximately 10 known burrows in Darden Area 15. No nesting or mating behavior has been documented in either of these areas during monitoring by onsite Designated Biologists (DBs) or Biological Monitors (BMs). As burrowing owl may utilize multiple burrows at a time for rest, shade, escape from predators, etc, it is not possible to know exactly how many burrowing owl inhabit the known burrows. Burrowing owl burrows within the Request are located at the following locations:

- Between El Dorado Avenue (36.516453°, -120.206760°) and S. Colusa Avenue (36.516584°, -120.188466°) on the north side of Darden Area 3.
- Between W Cerini Ave (36.458487°, -120.157062°) and W Harlan Ave (36.444115, -120.157115) on the east side of Darden Area 15.

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

Project Owner's Request: The project owner has requested to temporarily reduce known burrowing owl burrow buffers in Areas 3 and 15, as needed, to allow vegetation mowing throughout the burrowing owl nesting season (ending on August 31st or when the last burrowing owl eggs have fledged). Currently on the north side of Area 3 there are pre-existing (reduced) 1,000-foot avoidance buffer for known burrowing owl burrows; the owner requests to reduce these to 100 feet. Additionally, on the east side of Area 15, the owner requests the temporarily reduce the 1,000-foot avoidance buffer for known burrowing owl burrows to 50 feet. Mowing will be needed to maintain the property as conditioned by the Westlands Water District Covenant (Covenant):

"Owner agrees (i) to mow, disc, spray, or otherwise maintain the average vegetation height on the Property at or below twelve inches (12"), or such lower height as may be required by applicable laws and regulations, including fire protection ordinances (and as evidenced by a notice of non-compliance from the agency responsible for enforcing the applicable law or regulation requiring lower height), excepting trees and tree covered areas, and (ii) to mow, disc, spray, or otherwise control the height of vegetation on the Property, excepting trees and tree covered areas, not less frequently than twice annually, provided that in each case vegetation management shall be in compliance with, and governed by, the Management Plan and Exhibit B. Owner shall manage noxious weeds on the Property in compliance the PCA's guidance and recommendations, and in no event shall Owner permit noxious weeds to comprise more than 5 percent by area of any acre of beneficial/planted grass species."

Known burrowing owl burrows at these locations are on the banks of ditches that are either north-facing (Area 3) or east-facing (Area 15), as confirmed using Google Earth Pro imagery. These ditches then have berms on the project side of the ditches. These aspects of the known burrows provide both line-of-sight and noise buffering. Reduction of the current buffer would allow the project owner to access the area to perform weed maintenance as required by the Covenant. The work activities are scheduled to occur throughout the summer and encompassing nesting season. Work would entail the use of 2 tractors pulling mowing equipment that will operate in each area, and two to three ground personnel, for up to one day per mowing session.

CPM Response: Maps and imagery (Google Earth Pro) of the project site were reviewed, as well as the Burrowing Owl Artificial Burrow Replacement and Mortality Reduction Plan (COC **BIO-12**), Rev 3, November 2025 (Plan) for the project. Staff also performed routine coordination with the California Department of Fish and Wildlife. Based on these reviews, staff independently verified that known burrowing owl burrows are primarily located along the banks of ditches facing away from the project site (north-facing at Area 3 and east-facing at Area 15). Therefore, burrowing owl at these locations are visibly and acoustically buffered from construction activities by the topographic barriers provided by the ditches and adjacent berms.

The request to modify the buffer adjacent to Area 3 to 100 feet, and Area 15 to 50 feet, is approved pursuant to COC **BIO-12**, Item 6. Specifically, project activities and protective measures shall be as described in the Request under "Discussion". 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 these approvals are as follows. The Designated Biologists (DBs) and/or Biological Monitor(s) (BMs) shall continue to protect and monitor the burrows as per COC **BIO-12** and the Burrowing Owl Artificial Burrow Replacement and Mortality Reduction Plan (Plan). Such compliance includes, but is not limited to, compliance with section 3.6.3 of the Plan, which requires immediate cessation of all work within reduced buffers 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. In addition, the DB shall identify and implement adaptive measures. Such adaptive measures might include reducing the extent, noise, or hours of activities, reducing speed limits, providing additional sound or visual barriers per Section 3.6.4 of the Plan, as well as increasing buffers per Section 3.7 of the Plan. Regular reporting is also required by Section 4 of the Plan. Implementation of the requirements of this buffer reduction approval, along with any additional adaptive measures, shall be reported in the applicable MCR.

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.

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



March 27, 2026

Marisa Mitchell
Intersect Power
548 Market Street
San Francisco, California 94104

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

Dear Marisa Mitchell,

The Compliance Project Manager (CPM) has reviewed a request for a red-tailed hawk buffer reduction "23-OPT-02C Darden Clean Energy Project, Buffer Reduction Request for a Red-tailed Hawk Nest at Harlan Breaker-and-a-Half Switchyard" (Request). The Request is dated March 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 red-tailed hawks nesting in a transmission tower southwest of the breaker-and-a-half (BAAH) switchyard, but within the BAAH switchyard parcel. The nest identified within the Request is located at the following location:

- Transmission tower southwest of the BAAH project site (36.423212°, -120.410934°).

Buffer Reduction Request for Red-tailed Hawk 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 250-foot buffer, centered in the BAAH switchyard parcel. The buffer protects a nesting pair of red-tailed hawks on a transmission tower. Reduction of the current buffer would allow the project owner to continue ongoing site contouring and preparation of the BAAH switchyard. The work

activities are scheduled to occur through mid-June, which is when any nestlings would be anticipated to fledge. Work would entail the use of 1 paddle scraper, 2 graders, 1 dozer, 1 sheepsfoot roller, 1 disking tractor, 2 water trucks, and no ground personnel during that time frame, with activities occurring 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 red-tailed hawk 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 great horned owl. The Request indicates two 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 MCR.

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.

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 cursive script that reads "Joseph Douglas".

Joseph Douglas, Compliance Project Manager
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