DOCKETED	
Docket Number:	23-OPT-02C
Project Title:	Darden Clean Energy - Compliance
TN #:	272969
Document Title:	Darden Clean Energy Project 23-OPT-02C
Description:	Batch Buffer Reduction Request for Known and Future Burrowing Owl Burrows During Non-Nesting Season Per COC BIO-12(6) and the Darden Burrowing Owl Plan
Filer:	susan fleming
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	9/29/2026 12:30:32 PM
Docketed Date:	9/29/2026

California ENERGY COMMISSION

CALIFORNIA NATURAL RESOURCES AGENCY

September 22, 2026

David Lungren
IPX Power
9450 SW Gemini Drive
Beaverton, Oregon 97008

DARDEN CLEAN ENERGY PROJECT (23-OPT-02C), BATCH BUFFER REDUCTION REQUEST FOR KNOWN AND FUTURE BURROWING OWL BURROWS DURING NON-NESTING SEASON PER CONDITION OF CERTIFICATION BIO-12(6) AND THE DARDEN BURROWING OWL PLAN

The Compliance Project Manager (CPM) has reviewed a batched request for burrowing owl buffer reductions "Darden Clean Energy Project (23-OPT-02C), Batch Buffer Reduction Request for Known and Future Burrowing Owl Burrows During Non-Nesting Season per Condition of Certification BIO-12(6) and the Darden Burrowing Owl Plan" (Request). The Request is dated August 28, 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 during construction and, based on historic and current data, has identified burrows that either are, or are likely to become occupied during the late 2026 to early 2027 non-nesting season (September 1, 2026, to January 31, 2027). This includes burrowing owl burrows that are classified as known and or potential burrowing owl burrows. The project owner has planned construction activities throughout the site in the same time period that could affect these nests and any associated buffer. The burrowing owl burrows identified within the Request include multiple known burrow locations across the site, in multiple construction areas; Area 3 north border, Area 7 southeast quadrant (documented, but since closed), Area 15 east border, and Area 16 (documented, but since abandoned).

Darden Clean Energy Project (23-OPT-02C), Batch Buffer Reduction Request for Known and Future Burrowing Owl Burrows During Non-Nesting Season 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 non-nesting season minimum buffer of 100 feet for "known and future" burrows to 50 feet for all known and future burrowing owl burrows for the non-nesting season (September 1, 2026 to January 31, 2027) to facilitate ongoing civil and solar scopes of work to complete project construction, security fence installation, vegetation management, and construction-related traffic throughout the project area, through January 31, 2027. The Burrowing Owl Designated Biologist (DB) would determine appropriate buffers based on individual tolerance and observed behavior. For known burrows where prior observation has deemed owls acclimated to adjacent construction activity, buffers would be reduced to 50 feet. If owls exhibit distress due to project activities, work will cease until the DB enacts protective measures such as increased buffers and/or visual/noise barriers per COC **BIO-12** and the Burrowing Owl Artificial Burrow Replacement and Mortality Reduction Plan (Plan). Newly discovered burrows will initially receive a preliminary buffer of 100 feet and, pending monitoring results, the DB may reduce the buffers to the 50-foot minimum. According to the Request, at the DB's discretion, vehicle travel on existing roads, inventory of equipment and materials, and removal of equipment and materials may occur within buffers when monitoring indicates that owls are tolerant of these activities.

The project owner proposes that all initial work within the reduced buffer area (100 to 50 feet) would be subject to full-time monitoring to confirm tolerance. If owls show signs of distress relating to work activities, the buffer would be increased until distress ceases. If monitoring indicates no signs of distress due to project activities, monitoring may be reduced to spot checks at the DB's discretion. Additional protective measures such as phased and/or sequenced construction activities, work schedule modifications, and enforcement of speed limits and spacing would be implemented, as needed, at the discretion of the DB.

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 most of the burrows within the project site have remained active during ongoing construction activities, indicating the owls are habituated to such activities. Additionally, staff considered that full-time monitoring of work in reduced buffers for known and potential burrows would support implementation of adaptive measures during encroachment activities.

Staff notes that COC **BIO-12** terms burrowing owl burrows as "known" or "potential" (items 6a and 6b, respectively). The request to reduce the minimum known (including atypical) and potential burrowing owl burrow buffers from 100 feet to 50 feet for all known and potential (future) burrowing owl burrows within and adjacent to the project site during non-nesting season as described in the Request is partially approved, pursuant to **BIO-12(6)**, please see **Table 1** for a comprehensive list of CPM-approved buffer activities. The request

is divided into potential and known burrows, according to BIO-12, Items 6a and b. For both known and potential burrows, a reduction to 50 feet for access road traffic is approved. For potential burrows, materials inventory and/or removal, full-time monitoring is required.

For known burrowing owl burrows, road access is approved, however, a Buffer Reduction Request (BRR) must be submitted to the CPM for other activities such as materials inventory and removal, and other project activities such as project construction and security installation. These will be reviewed on a case-by-case. Additional requirements are outlined below.

The approval for this buffer reduction shall remain in effect through the end of the burrowing owl non-nesting season, through January 31, 2027, inclusive.

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 regular vehicle traffic on existing roads where owls have become habituated to this activity. The project owner will, at all times, ensure that project activities, with the exception of vehicle traffic on existing roads, do not encroach on the minimum 100-foot buffer for known and atypical burrows. If encroachment on known and atypical burrow buffers for materials/equipment recovery or inventory becomes necessary, each instance of encroachment must be approved by the CPM by means of BRR submittals. If encroachment on potential burrow buffers for materials/equipment recovery or inventory becomes necessary, the DB may, at their discretion, grant encroachment permission to construction or other site personnel for these purposes.

Full-time monitoring shall be required during any encroachment into potential burrow minimum buffers approved by the DB. If encroachment monitoring confirms that the burrow is occupied by a burrowing owl, all work activities within the buffer will cease and the buffer will be increased to the 100-foot minimum required for known burrows.

The project owner remains subject, but 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 shall be reported in the applicable Monthly Compliance Reports.

Table 1: Burrowing Owl Buffer Reductions

Burrow Status (Potential/Known)	Buffer Distance per BIO-12	Activities Allowed	Activities with Conditions	Activities that require a BRR	Notes
Potential	50	Road access (encroachment)			No stopping vehicles without a DB or BM present/ routine monitoring
			Materials inventory/removal; project construction, security fence installation.		Requires full-time monitoring
				Vegetation management (i.e. herbicide use) within a BUOW buffer	Pursuant to the 9/21/2026 Herbicide Use email from CPM Joe Douglas, attached.
Known	100	Road Access within 100-foot buffer			No stopping without a DB or BM present
				Materials inventory/removal, project construction, security fence installation. within 100-foot buffer	Requires a subsequent BRR
				Vegetation management (i.e. herbicide use) within a BUOW buffer	Pursuant to the 9/21/2026 Herbicide Use email from CPM Joe Douglas, attached.

With the implementation of the above procedures and Condition of Certifications, the Compliance Project Manager 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

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