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Project Title:	Darden Clean Energy - Compliance
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October 1, 2026

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

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

Dear David Lungren,

The Compliance Project Manager (CPM) has reviewed a request for a batch buffer reduction "Darden Clean Energy Project (23-OPT-02C), Batch Buffer Reduction Request for Known and Future Nesting Birds During Non-Nesting Season per Condition of Certification BIO-8(5) and the Darden Nesting Bird Management Plan" (Request). The Request is dated September 17, 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 birds:

The project owner has been observing nesting bird behavior throughout the project site. Active nests have been confirmed for, but are not limited to, the following species: mourning dove, lesser nighthawk, killdeer, red-tailed hawk, northern harrier, barn owl, great horned owl, American kestrel, Say's phoebe, western kingbird, loggerhead shrike, common raven, horned lark, northern mockingbird, red-wing blackbird, and western meadow lark. As of September 17, 2026, the project owner reports that there are active nesting birds that remain onsite, though the calendar non-nesting season (September 16 – January 31) is now in effect. Onsite nesting birds have generally exhibited behavior indicating acclimation to project activities, though individual behavior and tolerance has been dependent on nest and site-specific conditions.

Buffer Reduction Request for Darden Clean Energy Project (23-OPT-02C), Batch Buffer Reduction Request for Known and Future Nesting Birds During Non-Nesting Season per Condition of Certification BIO-8(5) and the Darden Nesting Bird Management Plan

Project Owner's Request: The project owner has requested the following project-wide buffer reductions for general nesting birds covered under the Darden Nesting Bird Management Plan (Plan) (excludes tricolored blackbird, Swainson's hawk, and burrowing owl) for the 2026-2027 non-nesting season (September 16, 2026 – January 31, 2027):

1. Reduce the preliminary buffer from 50 feet for non-raptors to a buffer determined at the discretion of the Designated Biologist (DB) and
2. Reduce the preliminary buffer from 500 feet for raptors to a buffer determined at the discretion of the DB.

Reduction of the current 500-foot raptor and 50-foot non-raptor buffers would allow for continued solar scope-of-work activities, and would facilitate continued project-related traffic. Such project traffic includes worker ingress and egress from daily work sites; project material and equipment transport; and deliveries. Monitoring and evaluation of specific behavior of individual nesting birds would continue to be the primary means by which the DB determines appropriate buffer distances. For newly discovered active nests, preliminary nesting season buffers would be implemented (50 feet for non-raptors and 500 feet for raptors) until sufficient biological monitoring has been completed to allow the DB to determine an appropriate reduced buffer size, if any. The Plan requires that proposed onsite buffers smaller than those identified in Table 2 of Section 2.6 the Plan would require that the project owner submit a written buffer reduction request to the CPM for review and approval before performing construction activities within the proposed reduced buffer. On existing roads, regular vehicle travel would occur within buffers at the discretion of the DB where monitoring has confirmed that birds are acclimated to this activity. Additionally, inventory and removal of construction materials and equipment would occur within buffers at the discretion of the DB where these activities can be completed without causing distress to nesting birds.

The following four protective measures are proposed:

1. No construction activities will occur within the reduced buffers; travel on existing roads and inventory/removal of equipment/materials may occur within buffers at the discretion of the DB and with the implementation of additional protective measures listed under #4 as needed.
2. A DB or Biological Monitor under the direction of a DB, will monitor activities performed within the reduced buffer area. Full-time monitoring will occur during initial construction activities within the reduced buffer

and until the DB has determined that construction activities are not causing distress to the birds risking nest failure, after which monitoring may be reduced to spot checks at the discretion of the DB.

3. If distressed behavior is observed, the buffer size will be increased and/or construction activity intensity will be reduced until no further distress is observed.
4. Where necessary based on species observations, additional protection measures will be implemented as needed including, installation of visual/sound barriers, phasing of construction to start farthest from the nest and progress closer to the nest over time, and/or construction sequencing to minimize simultaneous activities where feasible, and implementation of vehicle speed limits and spacing.

CPM Response: The request to reduce preliminary buffers from 500 feet for raptors and 50 feet for non-raptors at the discretion of the DB following appropriate monitoring as proposed in the Request is approved for non-raptors with no conditions. This activity is 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 Plan.

The request to reduce preliminary buffers from 500 feet for raptors at the discretion of the DB following appropriate monitoring as proposed in the Request is partially approved to a limit of a 50-foot buffer. Activities conducted within a 50-foot buffer would require a subsequent BRR. The approval for this buffer reduction request shall remain in effect through the end of this non-nesting season, up to **January 31st, 2027**. It is also noted that, according to Section 2.4 of the Plan, partially built nests, potential nesting material, dilapidated nests, and nests that flush adult individuals but do not contain eggs or young are not considered active. These nests may be noted for reference in survey and monitoring logs but will be considered inactive and may be removed by a Designated Biologist/Biological Monitor or incidentally destroyed during the course of lawful construction activities. However, nest start removal (removal of inactive nests once building has been detected) will not be employed for state or federally-listed species.

Additional requirements that apply to this approval are as follows:

The DBs and/or Biological Monitor(s) shall continue to protect and monitor nesting birds 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 individual nesting birds.

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 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

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

cc: Brett Fooks, Manager
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