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October 8, 2026

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DARDEN CLEAN ENERGY PROJECT (23-OPT-02C), BUFFER REDUCTION REQUEST FOR KNOWN BURROWING OWL BURROWS IN ACCORDANCE WITH CONDITION OF CERTIFICATION BIO-12(6) AND THE DARDEN BURROWING OWL PLAN

Dear David Lungren,

The Compliance Project Manager (CPM) has reviewed a batched request for burrowing owl buffer reductions "Darden Clean Energy Project (23-OPT-02C), Buffer Reduction Request for Known Burrowing Owl Burrows in accordance with Condition of Certification BIO-12(6) and the Darden Burrowing Owl Plan" (Request). The Request is dated October 5, 2026, and was received after business hours. The condition of certification (COC) that applies to these activities is **BIO-12** Burrowing Owl Impact, Avoidance, Minimization, and Take Mitigation.

Burrowing Owl Burrows:

The project owner has been actively surveying and monitoring burrowing owl presence and behavior at the project site during construction and, based on historic and current data, has identified burrows that are known to be occupied during the late 2026 to early 2027 non-nesting season (September 1, 2026, to January 31, 2027) in Area 15, along S Butte Avenue. The project owner has planned construction activities throughout the site in the same time period that could affect these burrows and would encroach on any associated buffer currently established. The burrowing owl burrows identified within the Request include multiple known burrow locations, and could include additional known burrowing owl burrows in the vicinity along S Butte Avenue as subsequently identified after filing of this Request.

Darden Clean Energy Project (23-OPT-02C), Batch Buffer Reduction Request for Known Burrowing Owl Burrows During Non-Nesting Season per Condition of Certification BIO-12(6) and the Darden Burrowing Owl Plan (Plan)

Project Owner's Request: The project owner has requested to reduce the non-nesting season minimum buffer of 100 feet for five known burrows to 50 feet for all known burrowing owl burrows for the non-nesting season (September 1, 2026, to January 31, 2027) to facilitate installation of a perimeter security fence, construction of a basin and berms, and associated civil and solar scopes the project along S Butte Avenue, through January 31, 2027. One burrow would be an exception, with a buffer reduction to 10 feet to accommodate the proposed security fence installation work at the southern end of the ditch occupied by burrowing owls..

The Burrowing Owl Designated Biologist (DB) would perform full-time monitoring and determine if the reduced buffers are appropriate or need to be expanded. The Biological Monitor may also perform initial full-time monitoring with the reduced buffer area, with monitoring reduced to spot checks based on the discretion of the DB. These decisions would be based on individual tolerance and observed behavior. According to the Request, at the DB's discretion, activities associated with solar and civil scope such as fence installation and berm and basin construction may occur within buffers when monitoring indicates that burrowing owls are tolerant of these activities.

Equipment entailed for the proposed construction efforts include include use of skid steers, buggies, forklifts, motor graders, scrapers, sheepsfoot rollers, and dozers. Personnel required would include equipment operators and approximately 35 ground personnel, working Monday through Saturday, approximately 6:00 AM to 5:30 PM.

The project owner has proposed the following three protective measures, in accordance with BIO-12 and the Plan:

1. A BUOW DB, or Biological Monitor under the direction of a BUOW DB, will monitor all activities within the reduced buffer area. Full-time monitoring will occur during initial construction activities within the reduced buffer and until the BUOW DB has determined that construction activities are not causing distress to the BUOW, after which monitoring may be reduced to spot checks at the discretion of the BUOW DB.

2. 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.

3. 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 burrow and progress closer to the burrow over time, construction sequencing to minimize simultaneous activities where feasible, scheduling activities to occur during times of day when the owls are underground, and implementation of vehicle speed limits and spacing.

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 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 initial full-time monitoring of work in reduced buffers for known and potential burrows would support implementation of adaptive measures during encroachment activities.

Further, existing conditions site as burrowing owl burrow placement, e.g. located along the banks of ditches facing away from the project site (east-facing at Area 15), therefore experiencing some level of visual and acoustic buffering by the ditch and adjacent berms and vegetation.

The request to reduce the minimum known (including atypical) burrowing owl burrow buffers from 100 feet to 50 feet for known burrowing owl burrows along S Butte Avenue in Area 15 during non-nesting season as described in the Request is approved, pursuant to **BIO-12(6)**. This includes permission reduce the buffer to 10 foot for the burrow located at the southern end of the ditch along S Butte Avenue, as requested.

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:

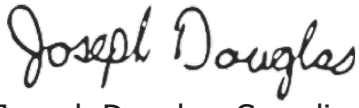
The Designated Biologists (DBs) and/or Biological Monitor(s) (BMs) shall continue to protect and monitor the burrows per COC **BIO-12** and the Plan. Initial full-time monitoring shall be required during any encroachment into burrow minimum buffers approved by the DB. If encroachment monitoring identifies any new burrows that are occupied by burrowing owl, all work activities within the buffer will cease and a buffer 50 foot will be established.

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.

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

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

Sincerely,



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
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