

<b>DOCKETED</b>	
<b>Docket Number:</b>	23-OPT-02
<b>Project Title:</b>	Darden Clean Energy Project
<b>TN #:</b>	260530
<b>Document Title:</b>	Application for Confidential Designation - Swainson's Hawk Studies
<b>Description:</b>	Application for Confidential Designation for four Swainson's hawk research study papers cited in the Darden Clean Energy Project Appendix V Swainson's Hawk Conservation Strategy.
<b>Filer:</b>	Evelyn Langsdale
<b>Organization:</b>	Rincon Consultants
<b>Submitter Role:</b>	Applicant Consultant
<b>Submission Date:</b>	12/6/2024 12:58:54 PM
<b>Docketed Date:</b>	12/6/2024

Subject: Application for Confidential Designation for *Four Swainson's Hawk Research Study Papers Cited in Darden Clean Energy Project Appendix V Swainson's Hawk Conservation Strategy (TN 253021)*. Docket number 23-OPT-02.

To whom it may concern:

IP Darden I, LLC c/o Intersect Power, LLC as applicant for the Darden Clean Energy Project, requests that the attached information be designated as confidential pursuant to 20 California Code of Regulations (CCR) Section 2505. This information is being supplied to the California Energy Commission (CEC) in response to a request from Ann Crisp, Senior Environmental Planner, Siting and Environmental Branch, CEC, received on November 20, 2024.

To support the Application for Confidential Designation, the following information has been provided and is consistent with the information requested in the Application for Confidential Designation (Title 20 Cal. Code. Regs., § 2505 Et Seq.) Revised 4/2023.

**Applicant:** IP Darden I, LLC c/o Intersect Power, LC

**Address:** 9450 SW Gemini Drive, PMB #68743 Beaverton, Oregon 97008-7105

1. Title, date and description (including number of pages) of the record for which you request confidential designation.

*Four Swainson's hawk research study papers prepared for projects other than the Darden Clean Energy Project, as cited in Darden Clean Energy Project Appendix V Swainson's Hawk Conservation Strategy:*

- *Estep Environmental Consulting. 2011. The Distribution and Abundance of Nesting Swainson's Hawks in the Vicinity of the Proposed RE Tranquillity LLC Solar Generation Facility. 64 pp.*
- \_\_\_\_\_. 2013. *Swainson's Hawk and Other Raptor Foraging Use of Solar Array Fields within an Agricultural Landscape in Sacramento County. 27 pp.*
- \_\_\_\_\_. 2016. *The Distribution and Abundance of Nesting Swainson's Hawks in the Vicinity of the Proposed RE Scarlet Solar Generation Facility. Prepared for RE Scarlet LLC. September. 100 pp.*
- \_\_\_\_\_. 2021. *Swainson's Hawk and Other Raptor Foraging Use of Solar Array Fields within an Agricultural Landscape in Sacramento County. Year 2. 41 pp.*

2. Specify the part(s) of the record for which you request confidential designation.

*The four Swainson's hawk research study papers referenced in 1, above, in their entirety.*

3. State and justify the length of time the Commission should keep the record confidential.

*The four Swainson's hawk research study papers should be kept confidential in perpetuity or until they have been made public by the author(s) and/or project developer(s)/owner(s).*

4. State the provisions of the Public Records Act or other law that allows the Commission to keep the record confidential, and explain why the provision(s) apply to that material.

*The research study papers document the results of investigations conducted at the expense of other private entities, including other renewable energy project developers. The results of those*

*investigations are owned by the author(s) and/or other project developer(s) such that the Applicant is not authorized to share publicly.*

5. Discuss the public interest in nondisclosure of the record. If the record contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please also state how it would be lost, the value of the information to the applicant, and the ease or difficulty with which the information could be legitimately acquired or duplicated by others.

*The public interest will be served by nondisclosure by respecting ownership of private intellectual property included in the four Swainson's hawk research study papers. Sharing such information without prior public disclosure by the owner(s) or pursuant to owner authorization would set an undesirable precedent for future projects and impinge on the rights of the owner(s).*

6. State whether the record may be disclosed if it is aggregated with other information or masked to conceal certain portions (including but not limited to the identity of the applicant). State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why.

*The information within the four Swainson's hawk research study papers that is relevant to the Darden Clean Energy Project has been summarized and referenced in the Darden Clean Energy Project Appendix V Swainson's Hawk Conservation Strategy, which is not confidential.*

7. State how the record is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred.

*The detailed information contained within the Swainson's hawk research study papers referenced in 1, above, has not been disclosed by the consultant to any parties beyond Applicant staff who are directly associated with the proposed project.*

I certify under penalty of perjury that the information contained in this application for confidential designation is true, correct and complete to the best of my knowledge and I am authorized to make the application and certification on behalf of the applicant.



Christina Shushnar

Rincon Consultants, Inc. Director – Natural Resources