

**DOCKETED**

<b>Docket Number:</b>	23-OPT-02
<b>Project Title:</b>	Darden Clean Energy Project
<b>TN #:</b>	253027
<b>Document Title:</b>	Appendix R Application for Confidential Request_Darden Clean Energy
<b>Description:</b>	Application for confidential request for Appendix R Species Observed and with Potential to Occur and 10-mile CNDDDB.
<b>Filer:</b>	Evelyn Langsdale
<b>Organization:</b>	Rincon Consultants
<b>Submitter Role:</b>	Applicant Consultant
<b>Submission Date:</b>	11/7/2023 12:22:44 PM
<b>Docketed Date:</b>	11/7/2023

Subject: Application for Confidential Designation *Darden Clean Energy Project Opt-in Application Appendix R Species Observed and with Potential to Occur and 10-mile CNDDB (Confidential), Fresno County, California*. Docket number 23-OPT-02.

To whom it may concern:

IP Darden I, LLC and Affiliates 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) as Appendix R of its opt-in application for the Darden Clean Energy Project docketed on November 7, 2023.

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 and Affiliates c/o Intersect Power, LLC

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

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

*Darden Clean Energy Project Opt-in Application Appendix R Species Observed and with Potential to Occur and 10-mile CNDDB (Confidential), October 2023, 44 pp. The record includes mapped locations of rare plants, animals, and natural communities from the California Department of Wildlife (CDFW) California Natural Diversity Database (CNDDDB).*

**1(b).** Specify the part(s) of the record for which you request confidential designation.

*The Appendix referenced in 1(a) in its entirety.*

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

*The Appendix referenced above should be kept confidential in perpetuity. If locations of rare biological resources are released to the public, individuals of the species or their habitats may be harmed by collection or harvest, or destroyed to avoid future compliance with regulatory requirements protecting these resources.*

**3(a).** 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 the record.

*The CNDDDB and its associated databases are proprietary databases owned by CDFW, and their use is limited to subscribed users who, under the CNDDDB license agreement, may not release the data to the public or non-subscribers without permission from CDFW unless it is displayed in a way or at a scale (1:350,000 or greater) such that viewers cannot determine the precise location of the resources mapped (California Department of Fish and Wildlife, Biogeographic Data Branch, California Natural Diversity Database License Agreement for the California Natural Diversity Database, June 2018, available online at:*

*[https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=75516#:~:text=a\)%20The%20user%20ma](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=75516#:~:text=a)%20The%20user%20ma)*

[y%20not,as%20allowed%20by%20this%20agreement.&text=d\)%20The%20CNDDDB%20and%20Spotted,the%20public%20or%20non%2Dsubscribers\).](#)

**3(b).** 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 preventing the potential harm and/or destruction of rare plants, animals, and natural communities. Harm to/destruction of these species and/or natural communities could impact the persistence of these resources, thus limiting future recreational viewing and/or scientific study.*

**4.** 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 disclosed in the confidential appendix identified in 1(a) has been provided at a scale of at least 1:350,000, which would preclude viewers from determining the exact location of the resources, in Section 5.12 Biological Resources of the opt-in application for the project.*

**5.** 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.

*Although the CNDDDB data referenced herein is available to other database subscribers, the information contained within the appendix referenced in 1(a) has not been disclosed by the consultant in a project-specific context 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