



DEPARTMENT OF FISH AND WILDLIFE
Central Region
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



June 12, 2025

Matt Fowler
Senior Environmental Planner, District 5
California Department of Transportation
50 Higuera Street
San Luis Obispo, California 93401

**Subject: Scenic Route 68 Corridor Improvements Project (Project)
Responses to CDFW comments Draft Environmental Impact
Report/Environmental Assessment (DEIR/EA) and 4(f) Evaluation
SCH No.: 2019090448**

Dear Matt Fowler:

The California Department of Fish and Wildlife (CDFW) received your response to our comments on the DEIR/EA prepared by the California Department of Transportation (Caltrans), as lead agency, for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to review your response and to provide additional comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife resources. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

CDFW offers the following additional comments and recommendations to assist Caltrans in adequately identifying the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources.

Western Burrowing Owl: CDFW recommends that you update the nomenclature and status of burrowing owl (*Athene cunicularia*) to western burrowing owl (*Athene cunicularia hypugea*). The California Fish and Game Commission approved western burrowing owl as a candidate for potential listing as a protected species under the California Endangered Species Act (CESA) on October 10, 2024, and published

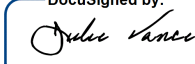
¹ CEQA is codified in the California Public Resources Code, section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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these findings in the California Regulatory Notice Register (Notice Register) on October 25, 2024. As such, western burrowing owl is now a candidate under CESA and receives the same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085). Western burrowing owl is protected at any time of year, including during the overwintering period, October through May. The Project area contains suitable overwintering habitat. CDFW recommends surveys for western burrowing owl during this period extending out to 500 meters from the Project area, as accessible, and protection of overwintering western burrowing owl by a buffer of at least 500 meters. If a western burrowing owl or a known western burrowing owl burrow (active or inactive) is detected, and implementation of the above no-disturbance buffers are not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an Incidental Take Permit pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

CDFW appreciates the opportunity to comment on the Project to assist Caltrans in identifying and mitigating the project's impacts on biological resources. If you have any questions, please contact Mary ("Mindy") Trask, Senior Environmental Scientist (Supervisor), at the address provided on this letterhead, by telephone at (559) 939-0282, or by electronic mail at mary.trask@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Julie A. Vance
Regional Manager