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WILDLIFE  
HERITAGE  
FOUNDATION

**Statement of the Wildlife Heritage Foundation  
November 15, 2022**

Good morning Chairman and Members of the Water Commission:

My name is Darla Guenzler, Executive Director of the Wildlife Heritage Foundation. Our nonprofit organization is the holder of a conservation easement over a portion of the fee title property owned by the David and Alice Te Velde Revocable Family Trust dated April 21, 2006. The conservation easement is for the purpose of preserving agricultural land, open space and flood protection corridor values.

A portion of the property including an area encumbered by the conservation easement is proposed for condemnation in relation to the Yolo Bypass Salmonid Habitat Restoration and Fish Passage Project ("Big Notch Project"). This includes an area of the conservation easement to be fully condemned – not just a flowage easement. I have three points to share:

1. The holder of a conservation easement is an owner of property entitled to compensation determined pursuant to Section 1260.220 and Chapter 9 (commencing with Section 1263.010). The total compensation for the acquisition of all interests in property encumbered by a conservation easement shall not be less than, and shall not exceed, the fair market value of the fee simple interest of the property as if it were not encumbered by the conservation easement.
2. In 2013, at the time the conservation easement was created, the landowner sold a certain bundle of its rights and any appraised value of the property is irrevocably impacted. Those rights and their respective value are held by WHF.
3. As a nonprofit tax-exempt organization, public charity, and a nationally accredited land trust, WHF cannot give away its charitable assets or suffer a loss of conservation values. In this instance, it means that we must use the proceeds from any condemnation to replace the acres lost or impaired.

We request that the Department of Water Resources consider these points and involve WHF in any settlement negotiations with the landowner with regard to any compensation so that we may undertake the process of replacing those acres. We can also consider encumbering other acres of comparable conservation values that DWR may identify.

Thank you,

A handwritten signature in blue ink, appearing to read "Darla Guenzler", is displayed within a light gray rectangular box.

Darla Guenzler, Ph.D.  
Executive Director