



United States Department of the Interior



FISH AND WILDLIFE SERVICE

2800 Cottage Way, Ste 2606
Sacramento, CA 95825

In Reply Refer To:
FWS/LR8/IR08/IR10

February 14, 2022

Catherine McCalvin
Manager, SWP Ecosystem Improvements Branch
Division of Integrated Science and Engineering
Department of Water Resources
3500 Industrial Blvd.
West Sacramento, CA 95691
Catherine.McCalvin@water.ca.gov

Dear Ms. McCalvin:

The United States Fish and Wildlife Service (USFWS) is in receipt of ten letters concerning eight easement parcels, directed to the USFWS Realty Office and/or to the Sacramento National Wildlife Refuge Complex regarding the State of California Department of Water Resources (DWR) proposal to implement the Yolo Bypass Salmonid Habitat Restoration and Fish Passage Project (Big Notch Project or Project). These letters identified that the USFWS holds conservation easements upon properties over which DWR is proposing to acquire flowage easements. The letters also invited submission of written comments within forty-five (45) days, to include identification of any potential conflicts between the proposed public use and the terms of the USFWS conservation easements. In addition, the USFWS Fisheries and Aquatic Conservation Program has been approached by DWR concerning flowage over an easement in which the USFWS holds a beneficial interest. This letter provides the USFWS' initial response to each of the prospective notice letters that we anticipate DWR will be providing, including those received to date and those anticipated to be forthcoming.

The conservation easements are federally-held real property interests, in which title is held in the name of the United States of America. Some of these easements were obtained by the United States for the purpose of protecting migratory bird habitat, and they are administered as part of the National Wildlife Refuge System. In addition, the USFWS is a third-party beneficiary of a conservation easement to a property containing the Pope Ranch Conservation Bank, providing protection in perpetuity for the giant garter snake, which is listed under the Endangered Species Act as a threatened species.

Please find enclosed a table indicating the USFWS' preliminary assessment of potential properties in which the United States holds conservation or other beneficial interests that may be affected by the Big Notch Project. Because DWR has not yet officially notified the USFWS of all properties that it considers will be affected, the USFWS at this time cannot complete an assessment of the public uses proposed for the property and the purposes and terms of the applicable and affected conservation easements. Accordingly, this letter simply provides DWR notice that there are federal land interests that may be affected by this Project and that must be addressed in accordance with federal law.

DWR indicated it would like to schedule a meeting to discuss next steps and would be interested in addressing the conservation easements in a comprehensive manner. The USFWS agrees with this comprehensive approach and looks forward to working with DWR and the Bureau of Reclamation to assess how the Project may affect easement lands. In the meantime, please consider this letter as the USFWS' response to any further notification letters that DWR plans to send regarding additional USFWS conservation easement properties.

Sincerely yours,

Polly Wheeler
Assistant Regional Director
Refuges Program
United States Fish and Wildlife Service
California Great Basin Region
2800 Cottage Way, Suite W-2606
Sacramento, CA 95825

Enclosure – Preliminary Table of Affected USFWS Conservation Easement Properties

cc: Ashley Wilson, Right-of-Way Agent, DWR Ashley.wilson@water.ca.gov
Fahmi Kassis, Right-of-Way Agent, DWR Fahmi.kassis@water.ca.gov
Jesus Cedenno, Right-of-Way Agent, DWR Jesus.Cedenno@water.ca.gov
Craig Denisoff, Right-of-Way Agent, DWR Craig.Denisoff@water.ca.gov