

AMENDED IN ASSEMBLY JUNE 17, 2008

AMENDED IN ASSEMBLY JUNE 26, 2007

AMENDED IN SENATE APRIL 10, 2007

**SENATE BILL**

**No. 404**

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**Introduced by Senator Kehoe**  
(Coauthor: Assembly Member Saldana)

February 21, 2007

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An act to ~~amend Section 5093.33 of~~ *add Section 5003.20* to the Public Resources Code, relating to public resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 404, as amended, Kehoe. ~~California Wilderness Act. Parks: conveyances.~~

*Existing law imposes various conditions on the transfer of certain state properties, including requiring some of those properties to be used for park purposes. Existing law regulates the sale of surplus state property.*

*This bill would require a transfer of any interest in specified state-owned real property located in the City of San Diego to be subject to a condition requiring that property to be used for park purposes in perpetuity.*

~~The California Wilderness Act establishes a California wilderness preservation system composed of state-owned areas designated by the Legislature as "wilderness areas" and units of the state park system classified as "state wildernesses" by the State Park and Recreation Commission.~~

~~This bill would prohibit the boundaries of a wilderness area from being modified or adjusted in a manner that results in a dedesignation~~

of a previously designated wilderness area, unless the commission makes a recommendation for that modification or adjustment to the Legislature, and the Legislature approves the recommendation in a statute.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 5003.20 is added to the Public Resources  
2 Code, to read:  
3 5003.20. Notwithstanding the provisions of Division 3  
4 (commencing with Section 11000) of Title 2 of the Government  
5 Code that relate to the disposition of state-owned real property,  
6 a transfer of any interest in the approximately 2.5 acres located  
7 at 2829 Juan Street in the City of San Diego shall be subject to  
8 the condition that the property shall be operated, maintained, and  
9 improved for park purposes in perpetuity, consistent with any  
10 covenants, conditions, and restrictions in the deed transferring  
11 the property.

12 SECTION 1. Section 5093.33 of the Public Resources Code  
13 is amended to read:

14 5093.33. (a) There is hereby established a California  
15 wilderness preservation system to be composed of state-owned  
16 areas designated by the Legislature as "wilderness areas" and units  
17 of the state park system classified as "state wildernesses" by the  
18 State Park and Recreation Commission pursuant to Article 1.7  
19 (commencing with Section 5019.50) of Chapter 1. These areas  
20 shall be administered for the use and enjoyment of the people in  
21 a manner that will leave them unimpaired for future use and  
22 enjoyment as wilderness, provide for the protection of those areas,  
23 preserve their wilderness character, and provide for the gathering  
24 and dissemination of information regarding their use and enjoyment  
25 as wilderness. State-owned areas shall not be designated as  
26 "wilderness areas" except as provided for in this chapter or by  
27 subsequent legislative enactment.

28 (b) Notwithstanding the inclusion of an area within the system,  
29 a wilderness area shall continue to be subject to the jurisdiction of  
30 the state agency or agencies having jurisdiction over the area  
31 immediately prior to its inclusion in the system. The secretary shall

1 adopt guidelines for the management of wilderness areas. Each  
2 state agency or agencies having jurisdiction over a wilderness area  
3 shall adopt regulations for the management of the areas consistent  
4 with the guidelines adopted by the secretary and the objectives of  
5 this chapter. The regulations shall include provisions to protect  
6 endangered or rare native plant and animal species.

7 (e) A wilderness area, in contrast to those areas where man and  
8 his own works dominate the landscape, is hereby recognized as  
9 an area where the earth and its community of life are untrammled  
10 by man, where man himself is a visitor who does not remain. A  
11 wilderness area is further defined to mean an area of relatively  
12 undeveloped state-owned land that has retained its primeval  
13 character and influence or has been substantially restored to a near  
14 natural appearance, without permanent improvements or human  
15 habitation, other than semi-improved campgrounds and primitive  
16 latrines, that is protected and managed so as to preserve its natural  
17 conditions, and that:

18 (1) Appears generally to have been affected primarily by the  
19 forces of nature, with the imprint of man's work substantially  
20 unnoticeable.

21 (2) Has outstanding opportunities for solitude or a primitive and  
22 unconfined type of recreation.

23 (3) Has at least 5,000 acres of land, either by itself or in  
24 combination with contiguous areas possessing wilderness  
25 characteristics, or is of sufficient size as to make practicable its  
26 preservation and use in an unimpaired condition.

27 (4) May also contain ecological, geological, or other features  
28 of scientific, educational, scenic, or historical value.

29 (d) The boundaries of a wilderness area shall not be modified  
30 or adjusted in a manner that results in a dedesignation of a  
31 previously designated wilderness area, unless the State Park and  
32 Recreation Commission makes a recommendation for that  
33 modification or adjustment to the Legislature, and the Legislature  
34 approves the recommendation in a statute.