

AMENDED IN SENATE JUNE 28, 2011

AMENDED IN ASSEMBLY APRIL 5, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 384

Introduced by Assembly Member Chesbro

February 14, 2011

An act to add Section 4659 to the Public Resources Code, relating to state forest land.

LEGISLATIVE COUNSEL'S DIGEST

AB 384, as amended, Chesbro. State forest land: Jackson Demonstration State Forest.

Existing law authorizes the Department of Forestry and Fire Protection to engage in the management, protection, and reforestation of state forests and requires the Department of Parks and Recreation to have control of the state park system.

This bill would authorize the Director of General Services, subject to the approval of the Department of Forestry and Fire Protection, to grant an option to the City of Fort Bragg and the County of Mendocino for either entity to acquire title to certain property for the purpose of developing a solid waste transfer station. The bill would require, if this option is exercised, that the entity acquiring title to the property execute and record in favor of the Department of Parks and Recreation a covenant restricting the uses and activities at a specified Caspar Landfill property and an option to ~~grant ownership to that department of~~ *purchase* a specified portion of the Caspar Landfill property. The bill would authorize the Department of Forestry and Fire Protection and the

Department of Parks and Recreation to be compensated for the loss of certain property, as provided.

The bill would also authorize the Department of Parks and Recreation, with the approval of the Director of General Services, to transfer a certain portion of Russian Gulch State Park to the Department of Forestry and Fire Protection, to be included as a part of the Jackson Demonstration State Forest, if the City of Fort Bragg or the County of Mendocino exercises that option.

The bill would ~~also~~ provide that if successful development and operation of a solid waste transfer station does not occur 10 years from the date of recordation of the transfer document, the title to the property would revert back to the Department of Forestry and Fire Protection and the entity acquiring title would be required to reimburse the state for the administrative costs incurred by the state to process the reversionary documents.

The bill would also require the city or county to indemnify the state against liability that arises from any injury caused by, or any remediation required by, any contamination on the landfill. The bill would require the Department of Parks and Recreation to authorize access to the landfill property to the county in order for the county to perform monitoring, as specified.

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. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The City of Fort Bragg and the County of Mendocino seek
- 4 to improve solid waste management in the greater Fort Bragg area
- 5 by developing a commercial transfer station capable of efficiently
- 6 managing all solid waste generated in the vicinity.
- 7 (b) Following a comprehensive siting study, a potential site of
- 8 up to 17 acres was identified for a transfer station located within
- 9 a portion of the Jackson Demonstration State Forest, on its northern
- 10 boundary.
- 11 (c) The State Board of Forestry and Fire Protection adopted a
- 12 resolution on April 7, 2010, that stated that transfer of this site to
- 13 the city or county would not cause significant adverse
- 14 programmatic impacts to the Jackson Demonstration State Forest.

1 (d) The Department of Forestry and Fire Protection, on behalf
2 of the state, may be compensated for loss of the up to 17-acre site
3 by transfer from the Department of Parks and Recreation, on behalf
4 of the state of 12.6 acres in Russian Gulch State Park, which is
5 separated from the remainder of the state park by a county road.

6 (e) The Department of Parks ~~of~~ and Recreation, on behalf of
7 the state, may be compensated, in turn, for loss of the 12.6 acres
8 in Russian Gulch State Park specified in subdivision (d) by the
9 grant of a restrictive covenant on 60 acres of city and county
10 property on the north boundary of the state park, which is currently
11 a closed landfill and small volume transfer station, whose continued
12 operation causes undesirable impacts on the state park, and by an
13 option to buy 35 acres of the city and county property.

14 (f) The interests and welfare of the state will be advanced by
15 granting an option to the city and the county to take title to the
16 Jackson Demonstration State Forest site, subject to the additional
17 terms described in subdivisions (d) and (e), if the city and the
18 county complete a site selection process and environmental review
19 that finds that this site shall be the selected alternative.

20 SEC. 2. Section 4659 is added to the Public Resources Code,
21 to read:

22 4659. (a) For purpose of this section, the following definitions
23 shall apply:

24 (1) "City" means the City of Fort Bragg.

25 (2) "County" means the County of Mendocino.

26 (3) "Entity acquiring title" means either the city or the county,
27 whichever exercises the option specified in subdivision (c) to take
28 title to the property.

29 (4) "Property" means the certain real property described as the
30 easterly 17 acres, more or less, of that portion of Mendocino
31 County Assessor's Parcel Number 019-150-05 which is north of
32 State Highway 20, located in a portion of the Jackson
33 Demonstration State Forest.

34 (5) "Solid waste transfer station" has the same meaning as
35 transfer station, as defined in Section 40200.

36 (b) Notwithstanding any other law, the Director of General
37 Services, subject to the approval of the Department of Forestry
38 and Fire Protection, may grant an option to the city or to the county,
39 for either entity to acquire title to the property for the purpose of
40 developing a solid waste transfer station.

1 (c) The option agreement shall have a term of five years, from
2 the date of execution, for the city or county to exercise the option
3 and take title to the site.

4 (d) Following the transfer of title, the entity acquiring title shall
5 complete the development of, and open, a solid waste transfer
6 station no later than 10 years from the date of recordation of the
7 transfer document or the title to the property shall revert back to
8 the Department of Forestry and Fire Protection and the entity shall
9 reimburse the state for the administrative costs incurred by the
10 state to process the reversionary documents.

11 (e) If the entity acquiring title to the property is successful in
12 opening a solid waste transfer station on the site, all delivery and
13 acceptance of solid waste shall cease at the existing Caspar Landfill
14 property, also known as Mendocino County Assessor's Parcel
15 Numbers 118-500-10 and 118-500-11.

16 (f) The Department of Forestry and Fire Protection, on behalf
17 of the state, may be compensated for loss of up to 17 acres of the
18 Jackson Demonstration State Forest by transfer from the
19 Department of Parks and Recreation, on behalf of the ~~State of~~
20 ~~California~~ state, of 12.6 acres in Russian Gulch State Park, which
21 is separated from the remainder of the state park by a county road.

22 (g) The Department of Parks and Recreation, on behalf of the
23 state, may be compensated, in turn, for loss of the 12.6 acres in
24 Russian Gulch State Park specified in subdivision (f) by the grant
25 of a restrictive covenant on 60 acres of city and county property
26 on the northern boundary of the state park, which is currently a
27 closed landfill and small volume transfer station, and by an option
28 to buy 35 acres of the city and county property.

29 (h) If the city or county exercises the option to take title to the
30 property pursuant to this section, the Department of Parks and
31 Recreation, with the approval of the Director of General Services,
32 may transfer to the Department of Forestry and Fire Protection
33 jurisdiction over that portion of Russian Gulch State Park northeast
34 of Mendocino County Road 409, being 12.6 acres, more or less,
35 and being a portion of Mendocino County Assessor's Parcel
36 Number 118-520-02, to be included as a part of the Jackson
37 Demonstration State Forest under the direction of the Department
38 of Forestry and Fire Protection.

1 (i) If the option to acquire the property is exercised, the entity
2 acquiring title to the property shall execute and record in favor of
3 the Department of Parks and Recreation both of the following:

4 (1) A covenant restricting the uses and activities at the Caspar
5 Landfill property to prevent any significant nuisance impacts on
6 Russian Gulch State Park. The form of this restrictive covenant
7 shall be approved, prior to recordation, by the Department of Parks
8 and Recreation.

9 (2) An option with a term of 99 years and a price of one dollar
10 (\$1.00) to ~~grant ownership of~~ *purchase* the westernmost 35 acres
11 of the Caspar ~~landfill~~ *Landfill* property, described in subdivision
12 (e), with road access to that property.

13 (j) The entity acquiring title to the property shall reimburse the
14 state for the difference in the appraised value of the assets that are
15 to be exchanged, if the state is found to be receiving less value,
16 and for reasonable administrative costs incurred to complete the
17 transfer of title.

18 (k) The entity acquiring title of the property shall be solely
19 responsible for compliance with the California Environmental
20 Quality Act (Division 13 (commencing with Section 21000) in
21 connection with the transfer of property ownership and
22 development of the solid waste transfer station.

23 (l) The exchange of lands carried out pursuant to this section
24 shall be based on current fair market value and subject to the terms
25 and conditions, and with the reservations, restrictions, and
26 exceptions that the Director of General Services determines are in
27 the best interests of the state, including the condition that the
28 exchange shall result in no net cost or loss to the state.

29 (m) (1) *If the state exercises the option to purchase the*
30 *westernmost 35 acres of the Caspar Landfill property, pursuant*
31 *to paragraph (2) of subdivision (i), the city or county shall*
32 *indemnify the state against any liability that arises from any injury*
33 *caused by, or any remediation required by, any contamination on*
34 *the Caspar Landfill property that is transferred to the state.*

35 (2) *The Department of Parks and Recreation shall authorize*
36 *access to the property described in paragraph (1) to the county in*
37 *order for the county to perform monitoring, including monitoring*

- 1 *of ground water to ensure that there is no leakage or contamination*
- 2 *from the landfill.*

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