

Assembly Bill No. 398

CHAPTER 395

An act to add Section 1352.5 to the Fish and Game Code, relating to property acquisition, and making an appropriation therefor.

[Approved by Governor September 8, 2000. Filed with Secretary of State September 11, 2000.]

I am signing Assembly Bill 398, which establishes the San Francisco Baylands Restoration Program Account in the State Wildlife Restoration Fund and appropriates General Fund revenues to the Account for the purpose of acquiring and restoring San Francisco Bay wetlands and habitat which may include the Cargill Salt property.

However, in signing this measure, I am reducing the appropriation from \$30 million to \$25 million. I feel that this appropriation is sufficient to show the State's good faith in working with the federal government to make a joint purchase of these historic wetlands upon completion of an independent appraisal.

GRAY DAVIS, Governor

LEGISLATIVE COUNSEL'S DIGEST

AB 398, Migden. Property acquisition.

Existing law requires the Wildlife Conservation Board to authorize the acquisition of real property, rights in real property, water, or water rights as necessary to carry out the purposes of the Wildlife Conservation Law of 1947.

This bill would establish the San Francisco Baylands Restoration Program Account in the continuously appropriated Wildlife Restoration Fund, for the purpose of acquiring and restoring wetlands and lands that may be enhanced to support wetlands in the San Francisco Bay area. The bill would authorize the board to acquire any lands identified in the Baylands Ecosystem Habitat Goals Report, including property owned by the Cargill Salt Division, upon the performance of conditions prescribed in the bill.

The bill would require the Controller to transfer the sum of \$30,000,000 from the General Fund to the account, and appropriate that amount for expenditure by the board for the acquisition and restoration of property described in the report, thereby making an appropriation.

Appropriation: yes.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) It is desirable to restore and enhance large areas in the San Francisco Bay area to sustain diverse and healthy communities of fish and wildlife resources, to improve the water quality of the San



Francisco Bay, and to provide increased recreational and educational opportunities.

(b) The Baylands Ecosystem Habitat Goals Report (Goals Report), published in 1999 by a group of 100 scientists and resource managers, details the types, amounts, and distribution of wetlands and related habitats needed to sustain a healthy San Francisco Bay ecosystem. To achieve the recommendations of the Goals Report, it will be necessary to undertake a historic effort of the large-scale acquisition and restoration of properties throughout the Bay area. For example, the recommendations of the Goals Report for the South Bay subregion identify acquisition and restoration of the Cargill Salt ponds as a necessary step to sustain and recover populations of several endangered species and to improve the overall condition of the Bay's fish and wildlife resources.

SEC. 2. Section 1352.5 is added to the Fish and Game Code, to read:

1352.5. (a) The San Francisco Baylands Restoration Program Account is hereby established within the Wildlife Restoration Fund, as provided for by Section 19632 of the Business and Professions Code, for the purpose of acquiring and restoring wetlands and lands that may be enhanced to support wetlands in the San Francisco Bay area in order to achieve the objectives of the Baylands Ecosystem Habitat Goals Report (Goals Report).

(b) Funds in the account may be expended by the board to acquire any lands identified in the Goals Report that are available for acquisition subject to the following conditions:

(1) The purchase price shall not exceed the fair market value of the property, as determined by an appraisal conducted pursuant to Section 1348.2. The appraisal shall also consider and describe all the specific requirements and restrictions of relevant state and federal laws, including, but not limited to, the McAtteer-Petris Act (Title 7.2 (commencing with Section 66600) of the Government Code), related to the property value and development potential of lands considered for acquisition in the shoreline band of the San Francisco Bay area.

(2) The board has determined any of the following:

(A) Funds are available to implement the recommendations and objectives of the Goals Report for a significant portion of the property to be acquired by the board.

(B) Sufficient funding and authority exists for the long-term maintenance of all levees and dikes and all other land-use management requirements necessary to avoid environmental degradation for the property proposed to be acquired by the board.

(C) The property to be acquired by the board has no unique long-term maintenance requirements or has no land-use management requirements necessary to avoid environmental degradation.



(3) If the board determines to acquire all or a portion of the Cargill property, a matching federal appropriation for the acquisition of the Cargill property shall be deposited into an account solely for the acquisition of the Cargill property or a portion thereof.

(4) The board has consulted with the State Coastal Conservancy and determined that the proposed acquisition is consistent with most of the goals of the San Francisco Bay Area Conservancy Program, as described in Section 31162 of the Public Resources Code.

(5) The acquisition of the property will not result in any liability to the state for the cleanup of hazardous materials.

(c) “Cargill property,” for purposes of this section, means all property owned by the Cargill Salt Division that Cargill proposes to sell to the state and federal governments.

SEC. 3. The Controller shall transfer the sum of thirty million dollars (\$30,000,000) from the General Fund to the San Francisco Baylands Restoration Program Account. This amount is hereby appropriated from that account to the Wildlife Conservation Board for expenditure to implement the recommendations and objectives of the Baylands Ecosystem Habitat Goals Report, as described in Section 1. If the board determines to purchase the Cargill property, the balance of the purchase price shall be provided by a combination of state and local funds.

