

AMENDED IN SENATE AUGUST 18, 2000

AMENDED IN SENATE AUGUST 8, 2000

AMENDED IN ASSEMBLY MAY 28, 1999

AMENDED IN ASSEMBLY APRIL 8, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 398**

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**Introduced by Assembly Member Migden**  
**(~~Principal coauthor: Assembly Member Dutra~~)**  
*(Principal coauthors: Assembly Members Dutra and*  
*Mazzoni)*

February 12, 1999

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

LEGISLATIVE COUNSEL'S DIGEST

AB 398, as amended, 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 require the board to authorize the acquisition of property in San Francisco Bay currently owned by the Cargill Salt Division, upon the performance of conditions prescribed in the bill.~~

*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 ~~appropriate~~ require the Controller to transfer a sum not to exceed \$150,000,000 from the General Fund to the ~~Wildlife Restoration Fund~~ account for expenditure by the board for the acquisition and restoration of ~~the~~ property described in the report, thereby making an appropriation.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: yes. 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 that~~
- 2 *SECTION 1. The Legislature finds and declares all of*
- 3 *the following:*
- 4 *(a) It is desirable to restore and enhance large areas in*
- 5 *the San Francisco Bay area to sustain diverse and healthy*
- 6 *communities of fish and wildlife resources, to improve the*
- 7 *water quality of the San Francisco Bay, and to provide*
- 8 *increased recreational and educational opportunities.*
- 9 *(b) The Baylands Ecosystem Habitat Goals Report*
- 10 *(Goals Report), published in 1999 by a group of 100*
- 11 *scientists and resource managers, details the types,*
- 12 *amounts, and distribution of wetlands and related*
- 13 *habitats needed to sustain a healthy San Francisco Bay*
- 14 *ecosystem. To achieve the recommendations of the Goals*
- 15 *Report, it will be necessary to undertake a historic effort*
- 16 *of the large-scale acquisition and restoration of properties*
- 17 *throughout the Bay area. For example, the*
- 18 *recommendations of the Goals Report for the South Bay*
- 19 *subregion identify acquisition and restoration of the*
- 20 *Cargill Salt ponds as a necessary step to sustain and*



1 recover populations of several endangered species and to  
2 improve the overall condition of the Bay's fish and  
3 wildlife resources.

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

6 1352.5. (a) The San Francisco Baylands Restoration  
7 Program Account is hereby established within the  
8 Wildlife Restoration Fund, as provided for by Section  
9 19632 of the Business and Professions Code, for the  
10 purpose of acquiring and restoring wetlands and lands  
11 that may be enhanced to support wetlands in the San  
12 Francisco Bay area in order to achieve the objectives of  
13 the Baylands Ecosystem Habitat Goals Report (Goals  
14 Report).

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

19 (1) The purchase price shall not exceed the fair  
20 market value of the property, as determined by an  
21 appraisal conducted pursuant to Section 1348.2. The  
22 appraisal shall also consider and describe all the specific  
23 requirements and restrictions of relevant state and  
24 federal laws, including, but not limited to, the  
25 McAteer-Petris Act (Title 7.2 (commencing with Section  
26 66600) of the Government Code), related to the property  
27 value and development potential of lands considered for  
28 acquisition in the shoreline band of the San Francisco Bay  
29 area.

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

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

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



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

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

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

15 (c) "Cargill property," for purposes of this section,  
16 means all property owned by the Cargill Salt Division that  
17 Cargill proposes to sell to the state and federal  
18 governments.

19 SEC. 3. The Controller shall transfer a sum not to  
20 exceed one hundred fifty million dollars (\$150,000,000)  
21 from the General Fund to the San Francisco Baylands  
22 Restoration Program Account for allocation to the  
23 Wildlife Conservation Board for expenditure to  
24 implement the recommendations and objectives of the  
25 Baylands Ecosystem Habitat Goals Report, as described  
26 in Section 1 of this act.

27 ~~it is desirable to restore and enhance the significant area~~  
28 ~~of former marshland and wildlife habitat in San Francisco~~  
29 ~~Bay currently owned by the Cargill Salt Division.~~

30 ~~SEC. 2. (a) A sum not to exceed one hundred fifty~~  
31 ~~million dollars (\$150,000,000) is hereby appropriated~~  
32 ~~from the General Fund to the Wildlife Restoration Fund~~  
33 ~~for the acquisition by a state agency, or state and federal~~  
34 ~~agency, of approximately 19,000 acres of salt ponds, or~~  
35 ~~portion thereof, in San Francisco Bay currently owned by~~  
36 ~~the Cargill Salt Division.~~

37 ~~(b) "Cargill property," for purposes of this section,~~  
38 ~~means the 19,000 acres owned by the Cargill Salt Division~~  
39 ~~that Cargill proposes to sell to the state and federal~~  
40 ~~governments.~~



1 ~~(c) The moneys appropriated pursuant to this section~~  
2 ~~shall not be released for the acquisition of the property~~  
3 ~~until all of the following conditions are met:~~

4 ~~(1) The purchase price for the Cargill property, or~~  
5 ~~portion thereof, shall not exceed the fair market value of~~  
6 ~~the property, or portion thereof, as determined by an~~  
7 ~~appraisal pursuant to Section 1348.2 of the Fish and Game~~  
8 ~~Code.~~

9 ~~(2) A matching federal appropriation for the~~  
10 ~~acquisition of the Cargill property, or portion thereof,~~  
11 ~~shall be deposited into an account established solely for~~  
12 ~~the acquisition of the Cargill property or a portion~~  
13 ~~thereof.~~

14 ~~(3) The Wildlife Conservation Board shall authorize~~  
15 ~~the acquisition of the Cargill property, or portion thereof,~~  
16 ~~pursuant to Section 1348 of the Fish and Game Code,~~  
17 ~~except that the board shall not make the authorization~~  
18 ~~until the board has identified funds for the preparation~~  
19 ~~and implementation of a restoration plan for the Cargill~~  
20 ~~property.~~

