

AMENDED IN SENATE AUGUST 24, 2000  
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 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 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 a sum not to exceed \$150,000,000 from the General Fund to the account for expenditure by the board for the acquisition and restoration of property described in the report, thereby making an appropriation.~~

Vote: <sup>2</sup>/<sub>3</sub> majority. Appropriation: ~~yes~~ 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  
2 the following:

3 (a) It is desirable to restore and enhance large areas in  
4 the San Francisco Bay area to sustain diverse and healthy  
5 communities of fish and wildlife resources, to improve the  
6 water quality of the San Francisco Bay, and to provide  
7 increased recreational and educational opportunities.

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

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

25 1352.5. (a) The San Francisco Baylands Restoration  
26 Program Account is hereby established within the



1 Wildlife Restoration Fund, as provided for by Section  
2 19632 of the Business and Professions Code, for the  
3 purpose of acquiring and restoring wetlands and lands  
4 that may be enhanced to support wetlands in the San  
5 Francisco Bay area in order to achieve the objectives of  
6 the Baylands Ecosystem Habitat Goals Report (Goals  
7 Report).

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

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

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

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

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

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

37 (3) If the board determines to acquire all or a portion  
38 of the Cargill property, a matching federal appropriation  
39 for the acquisition of the Cargill property shall be



1 deposited into an account solely for the acquisition of the  
2 Cargill property or a portion thereof.

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

8 (c) "Cargill property," for purposes of this section,  
9 means all property owned by the Cargill Salt Division that  
10 Cargill proposes to sell to the state and federal  
11 governments.

12 ~~SEC. 3. The Controller shall transfer a sum not to~~  
13 ~~exceed one hundred fifty million dollars (\$150,000,000)~~  
14 ~~from the General Fund to the San Francisco Baylands~~  
15 ~~Restoration Program Account for allocation to the~~  
16 ~~Wildlife Conservation Board for expenditure to~~  
17 ~~implement the recommendations and objectives of the~~  
18 ~~Baylands Ecosystem Habitat Goals Report, as described~~  
19 ~~in Section 1 of this act.~~

