

AMENDED IN SENATE AUGUST 30, 2000
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

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

February 12, 1999

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 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.

Vote: ~~majority~~ 2/3. Appropriation: ~~no~~ 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 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:



1 1352.5. (a) The San Francisco Baylands Restoration
2 Program Account is hereby established within the
3 Wildlife Restoration Fund, as provided for by Section
4 19632 of the Business and Professions Code, for the
5 purpose of acquiring and restoring wetlands and lands
6 that may be enhanced to support wetlands in the San
7 Francisco Bay area in order to achieve the objectives of
8 the Baylands Ecosystem Habitat Goals Report (Goals
9 Report).

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

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

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

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

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

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

39 (3) If the board determines to acquire all or a portion
40 of the Cargill property, a matching federal appropriation



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

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

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

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

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

