

Date of Hearing: June 11, 2024

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Diane Papan, Chair

SB 1009 (Dahle) – As Introduced February 1, 2024

SENATE VOTE: 37-0

SUBJECT: Mount Shasta Fish Hatchery: lease

SUMMARY: Authorizes the director of the Department of General Services (DGS), with the consent of the Department of Fish and Wildlife (DFW), to lease a portion of the Mt. Shasta Fish Hatchery to the Mt. Shasta Museum Association at no cost for the operation of a historical museum and for environmental educational purposes. Specifically, **this bill:**

- 1) Restricts the use of the leased property to the operation of a historical museum and for environmental educational purposes.
- 2) Requires the Mt. Shasta Museum Association to permit reasonable public access to the building, to obtain and maintain liability insurance for the leased building, and to maintain the leased building at all times.
- 3) Provides the lease shall be at no cost, have a term not to exceed 25 years, and allow for the possibility of renewal.
- 4) Requires the lease to provide that the state, as specified, shall be held harmless from, and indemnified against, any liability resulting from the acts or omissions of the Mt. Shasta Museum Association performed in the course of the lease agreement.
- 5) Makes findings and declarations that the operation of Building A as a historical museum and for educational purposes will serve a statewide public purpose.

EXISTING LAW:

- 1) Establishes DGS in the Government Operations Agency under the control of the DGS director and provides centralized services including planning, acquisition, construction, and maintenance of state buildings and property (Government Code §§ 14600–14602).
- 2) Provides that fish and wildlife resources are held in trust for the people of California by and through DFW and establishes the mission of DFW to manage California’s diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment of the public [Fish and Game Code (FGC) § 711.7, 712.1].
- 3) Requires the Fish and Game Commission to establish fish hatcheries for the purpose of stocking the waters of the state with fish, and requires DFW to maintain and operate those hatcheries (FGC § 1120).
- 4) Authorizes DGS, with DFW’s consent, to lease to the Friends of Mt. Whitney Hatchery at no cost, for a term not to exceed 25 years, with the possibility of renewal, the Mt. Whitney Fish

Hatchery, or any part of the hatchery, as specified, for environmental education purposes and other related activities designed to benefit the hatchery and the community (FGC § 1122.5).

FISCAL EFFECT: Unknown. This bill is keyed fiscal.

COMMENTS:

- 1) **Purpose of this bill.** This bill authorizes DGS, with DFW's consent, to lease Building A, and the associated storage building to the Mt. Shasta Museum Association at no cost for the operation of a historical museum and for environmental education purposes. According to the author, "the Mt. Shasta Sisson Museum welcomes 14,000 visitors annually. Preserving and safeguarding this historical treasure is crucial to its continued contribution to the community's educational and cultural growth. Additionally, it is essential to maintain the museum's accessibility to visitors worldwide so that they can appreciate its value and significance."
- 2) **Background.** DFW owns and operates the historic Mt. Shasta Hatchery property and buildings to produce trout for statewide recreation. The Mt. Shasta Hatchery opened in 1888 and is the oldest operating trout hatchery west of the Mississippi. In 1909, Hatchery Building A was built, and production was increased to nearly 66 million trout and salmon eggs annually.

The Mt. Shasta Sisson Museum is a donation-based, self-supported, mostly volunteer-operated museum. Its mission is to assist in illuminating the past, present, and future of the Mt. Shasta region. The Mt. Shasta Museum Association, Inc. formed when the Hatchery Building became available as a possible community museum in 1979. The building had been slated for destruction. With assistance from the Legislature via SB 323 (Johnson), Chapter 1041, Statutes of 1981, discussed further below, the museum opened to the public on July 4, 1983, in the newly renovated building.

The museum has hosted more than 500,000 guests since its opening in 1983. It consists of three large exhibit halls and an events room for special activities and displays. The museum is generally open from the beginning of April through the first two weeks of December. During the three-and-a-half winter months that the museum is closed, volunteers create and install new exhibits and conduct basic maintenance. Funding for the exhibits and upkeep come from donations, grants, store sales, and memberships.

Previous authorization. SB 323, as noted above, authorized DGS to lease to the Mt. Shasta Chamber of Commerce at no cost a portion of the Mt. Shasta Fish Hatchery. SB 323 limited the term of the lease to 25 years and authorized DGS to impose any other terms and conditions that it deemed appropriate. For the last 15 years, after the 25-year term ended, the museum has operated under a month-to-month lease extension with DGS, also at no cost. According to the Mt. Shasta Sisson Museum, DFW has indicated that it believes a more permanent arrangement is needed. This bill also mirrors a current provision in law (see Existing Law #5), which authorizes DGS, with the consent of DFW, and at no cost, to lease a portion of the ground floor of the Mt. Whitney Fish Hatchery building to the Friends of the Mt. Whitney Hatchery.

- 3) **Arguments in support.** Local entities write in support of this bill. The Mt. Shasta Museum Association writes that it has been operating the Mt. Shasta Sisson Museum for over 40

years. They indicate that the Museum “operates on a nearly strictly volunteer basis, it could not continue if it were now to have to pay a market rate rental on the now restored building.”

- 4) **Related legislation.** AB 193 (Maze), Chapter 563, Statutes of 2005, authorizes DGS, with the consent of DFW, and at no cost, to lease the Mt. Whitney Fish Hatchery facilities to the Friends of the Mt. Whitney Hatchery for term not to exceed 25 years, and with the possibility of renewal.

SB 323 (Johnson), Chapter 1041, Statutes of 1981, authorizes DGS, with the consent of the DWF, at no cost, to lease to the a portion of the Mt. Shasta Fish Hatchery to the Mt. Shasta Chamber of Commerce, for a term not to exceed 25 years and subject to any other terms and conditions that DGS deems appropriate.

REGISTERED SUPPORT / OPPOSITION:

Support

Friends of Siskiyou County Museum
Mount Shasta Bioregional Ecology Center
Mount Shasta Chamber of Commerce
Mt. Shasta City Council
Mt. Shasta Sisson Museum Association
Siskiyou County Office of Education
Over 100 individuals

Opposition

None on file

Analysis Prepared by: Stephanie Mitchell / W., P., & W. / (916) 319-2096