

MINUTE ITEM

This Calendar Item No. 31
was approved as Minute Item
No. 31 by the State Lands
Commission by a vote of 3
to 0 at its 31/31/77
meeting.

CALENDAR ITEM

31.

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APPROVAL OF HEARING; AND
APPROVAL OF CONTRACT FOR REIMBURSEMENT

Government Code Section 113 provides for retrocession of jurisdiction by the United States of land within the State whenever the United States has requested in writing that the State accept such retrocession and the State Lands Commission, after a public hearing, has determined that the acceptance of such retrocession of concurrent jurisdiction is in the best interest of the State. Section 113, also provides that the State Lands Commission shall make rules and regulations governing the conditions and procedures of such hearings. Pursuant to this section of the Government Code, the State Lands Commission has enacted Section 2700 et seq., of Title 2 of the California Administrative Code. Specifically, Section 2706 requires that the officer of the United States requesting the retrocession of jurisdiction shall arrange for the payment of the cost of publication and any other costs that may be incurred.

On January 11, 1977, Hadlai H. Hull, Acting Secretary of the Army, addressed a letter to the State of California, requesting that the State accept a retrocession of concurrent jurisdiction over the Oakland Army Base, Oakland, California. Also submitted was an agreement for the reimbursing of the State Lands Commission for the costs incurred pursuant to the request for the retroceding of concurrent jurisdiction. Said agreement is on file in the office of the State Lands Division. This request by the U.S. Department of the Army is pursuant to 10 U.S.C. Section 2683.

Based upon the foregoing, it is necessary that the State Lands Commission hold a public hearing to determine whether retroceding of concurrent jurisdiction of such lands is in the best interest of the State. Notice of such hearing is to be published pursuant to Section 6061, of the Government Code, in the County of Alameda. After the hearing, the matter will be brought back before the Commission for its determination of State interest.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE STATE LANDS DIVISION STAFF TO HOLD A PUBLIC HEARING PURSUANT TO GOVERNMENT CODE SECTION 113 AND THE RULES AND REGULATIONS OF THE COMMISSION FOR THE PURPOSE OF DETERMINING WHETHER IT IS IN THE BEST INTEREST OF THE STATE TO RETROCEDE CONCURRENT JURISDICTION FROM THE UNITED STATES DEPARTMENT OF THE ARMY OF THE PARCEL OF LAND AT THE OAKLAND ARMY BASE, OAKLAND, CALIFORNIA.

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CALENDAR ITEM NO. 31. (CONTD)

2. APPROVE THE CONTRACT BETWEEN THE STATE LANDS COMMISSION AND THE U.S. DEPARTMENT OF ARMY, ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION; TO REIMBURSE THE STATE LANDS COMMISSION FOR COSTS PURSUANT TO THE REQUEST OF THE DEPARTMENT OF ARMY FOR A RETROCESSION OF CONCURRENT JURISDICTION.