MINUTE ITEM

This Calendar Item No. 36 was approved as Minute Item No. 36 by the State Lands Commission by a vote of 2 to 0 at its 4/24/86 meeting.

CALENDAR ITEM

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04/24/86
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CESSION OF CONCURRENT CRIMINAL JURISDICTION,
NATIONAL TRAINING CENTER AND FORT IRWIN,
SAN BERNARDINO COUNTY

Pursuant to Government Code 126 the State Lands Commission is authorized on behalf of the State to cede concurrent criminal jurisdiction to the United States upon finding:

a. The land is held for the erection of forts, arsenals and other needful buildings within the purview of clause 17 of Section 8 of Article 1 of the Constitution of the United States;

b. The cession is in compliance with the laws of the United States;

c. The United States has in writing requested such cession; and

d. The State reserves jurisdiction over the land, for purposes of water acquisition and management.

On December 11, 1985 Mr. John O. Marsh, Jr., Secretary of the Army wrote Governor George Deukmejian and requested a cession of concurrent criminal jurisdiction over the National Training Center and Fort Irwin pursuant to Government Code Section 126.

On January 23, 1986, Calendar Item 33, the State Lands Commission authorized a public hearing for the purpose of determining whether it is in the best interest of the State to grant cession of concurrent criminal jurisdiction to the United States over the lands described in Exhibit "A".

The hearing was scheduled for March 31, 1986 at 10:00 a.m. at the Commission's office at 245 Broadway, Long Beach, California. Notice thereof was published in the Barstow Desert Dispatch on March 12, 1986, and notice of said hearing was

personally served on the clerk of the Board of Supervisors of San Bernardino County. Affidavits of publication and service are filed in the records of the Commission.

The hearing was held as noticed. The Army presented written testimony of Colonel Frank C. Miller, Jr., Chief of Staff. Oral testimony was received from Major James Lazarek, Deputy Staff Judge Advocate and Major Stoney Lohr, Provost Marshall. Testimony focused on the remoteness of the facility, its large civilian and military population, scarcity of Sheriff's patrols and the need for consistent and fair application of law to a mixed civilian and military population. No adverse or other testimony was received.

The staff believes that cession of concurrent criminal jurisdiction is in the best interest of the State of California in connection with the administration of police power over the area.

EXHIBITS: A. Land Description.
B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.

2. DETERMINE THAT THE CESSION OF JURISDICTION HEARING HELD ON MARCH 31, 1986, COMPLIED WITH THE STATUTES AND REGULATIONS FOR THE CESSION OF CONCURRENT CRIMINAL JURISDICTION AND THAT THE FOLLOWING CONDITIONS HAVE BEEN SATISFIED:

   A. THE UNITED STATES HAS REQUESTED IN WRITING THAT THE STATE OF CALIFORNIA CEDE CONCURRENT CRIMINAL JURISDICTION OVER THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF, SAID LANDS BEING WITHIN THE STATE OF CALIFORNIA.

   B. THE LAND IS HELD BY THE UNITED STATES FOR THE ERECTION OF FORTS, MAGAZINES, ARSENALS, DOCKYARDS, AND OTHER NEEDFUL BUILDINGS WITHIN THE PURVIEW OF CLAUSE 17 OF SECTION 8 OF ARTICLE 1 OF THE CONSTITUTION OF THE UNITED STATES.

C. THE LAND WAS ACQUIRED BY THE UNITED STATES BY PURCHASE OR WITHDRAWN FROM THE PUBLIC DOMAIN.

D. JURISDICTION CEDED PURSUANT TO THE GOVERNMENT CODE 126 CONTINUES ONLY SO LONG AS THE LAND IS HELD BY THE UNITED STATES FOR THE ABOVE DESCRIBED PURPOSES OR FOR FIVE YEARS, WHICHEVER PERIOD IS LESS.

E. IN CEDING SUCH CONCURRENT CRIMINAL JURISDICTION THE LEGISLATURE AND THE STATE RESERVE JURISDICTION OVER THE LAND, WATER AND USE OF WATER WITH FULL POWER OF CONTROL AND REGULATE THE ACQUISITION, USE, CONTROL AND DISTRIBUTION OF WATER WITH RESPECT TO THE LAND AFFECTED BY SUCH CESSION.

F. IN CEDING CONCURRENT CRIMINAL JURISDICTION THE LEGISLATURE AND THE STATE EXCEPT AND RESERVE TO THE STATE ALL DEPOSITS OF MINERALS, INCLUDING OIL AND GAS, IN THE LAND, AND TO THE STATE, OR PERSONS AUTHORIZED BY THE STATE, THE RIGHT TO PROSPECT FOR, MINE, AND REMOVE SUCH DEPOSITS FROM THE LAND.

3. DETERMINE THAT A CESSION OF CONCURRENT JURISDICTION OVER THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF IS IN THE BEST INTERESTS OF THE STATE OF CALIFORNIA.

4. AUTHORIZE THE EXECUTION ON BEHALF OF THE COMMISSION OF A RESOLUTION GRANTING A CESSION OF CONCURRENT CRIMINAL JURISDICTION AND ALL OTHER NECESSARY DOCUMENTS TO MAKE IT EFFECTIVE, SAID RESOLUTION TO BE EFFECTIVE ON RECEIPT OF FORMAL NOTICE OF ACCEPTANCE OF JURISDICTION PURSUANT TO 40 U.S.C. 255.

5. AUTHORIZE THE DISTRIBUTION OF CERTIFIED COPIES OF SAID RESOLUTION AS FOLLOWS:

A. ONE COPY TO BE FILED WITH THE SECRETARY OF STATE, STATE OF CALIFORNIA.

B. ONE COPY TO BE RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY.

C. ONE COPY TO BE MAILED TO JOHN O. MARSH, JR., SECRETARY OF THE ARMY, DEPARTMENT OF THE ARMY, WASHINGTON, D.C. 20314.

EXHIBIT "A"

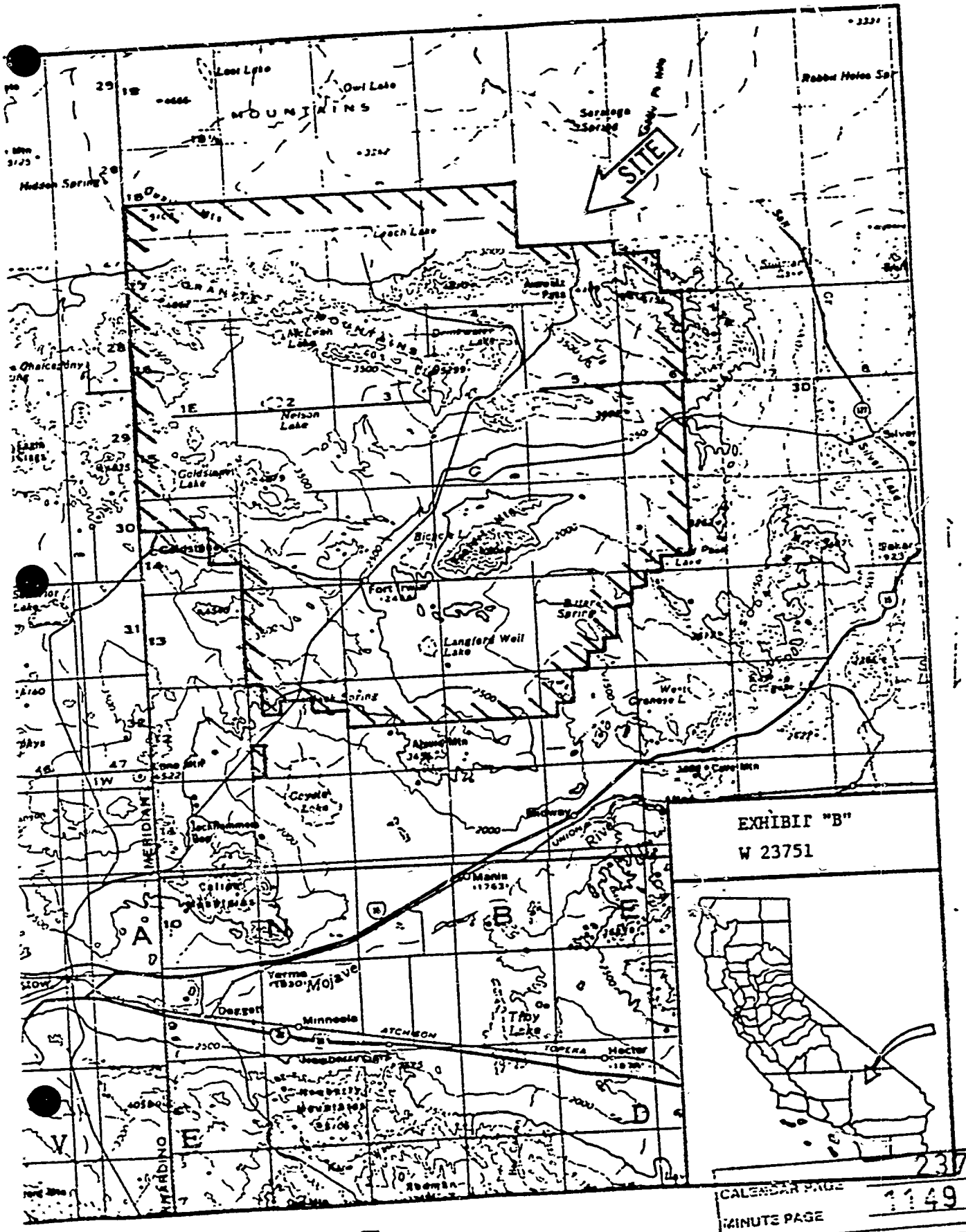
LAND DESCRIPTION

W23751

All that portion of the Fort Irwin Military Reservation, San Bernardino County, California, shown on the Corp of Engineers, South Pacific Division, Drawing No. 262-FP-1, Revision of November 18, 1983, a copy of which is on file with California State Lands Commission.

END OF DESCRIPTION

PREPARED DECEMBER 26, 1985, BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.



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