

MINUTE ITEM

This Calendar Item No. 047
was approved as Minute Item
No. 47 by the State Lands
Commission by a vote of 3
to 0 at its 5/5/92
meeting.

CALENDAR ITEM

A 29

047

05/05/92

W 24715

Frey

S 14

CESSION OF CONCURRENT CRIMINAL JURISDICTION
AT FORT HUNTER LIGGETT, MONTEREY COUNTY

PARTY:

Department of the Army
U. S. Army Corps of Engineers
1325 "J" Street
Sacramento, California 95814

The United States, through the Department of the Army, Corps of Engineers, has submitted, in writing, a request that the State of California cede concurrent criminal jurisdiction over proprietary lands within the boundaries of Fort Hunter Liggett in Monterey County.

Pursuant to Government Code Section 126 the State Lands Commission is authorized on behalf of the State of California 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 United States Constitution;
- (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 May 14, 1991 Mr. Marvin Fisher, Chief, Real Estate Division, U.S. Army, Corps of Engineers, wrote the State Lands Commission and requested a cession of concurrent criminal jurisdiction over

CALENDAR ITEM NO. C 4 7 (CONT'D)

Fort Hunter Liggett Military Reservation pursuant to Government Code Section 126. Currently the United States has only proprietary jurisdiction over the Reservation.

On July 15, 1991 the State Lands Commission authorized a public hearing for the purpose of determining whether it is in the best interest of the State to make the requested cession. Notice of the hearing was published in the Salinas Californian and served upon the Clerk of the Board of Supervisors for Monterey County. Affidavits of the publication and service are found in the Commission's files.

The Hearing was held on August 27, 1991 in the Commission's offices in Sacramento, California. There were no personal appearances by any members of the public and no written comments were received. Mr. Benjamin Dudek of the Corps of Engineers represented the United States.

In its application, the United States indicated that concurrent criminal jurisdiction is desirable to preserve security, good order and discipline on the Reservation. Further, State and local law enforcement agencies lack sufficient resources to patrol the Reservation and prevent incidents from occurring. The United States is specifically concerned with poaching of game and the growing of marijuana on the Reservation.

The Commission staff believes that the cession of concurrent criminal jurisdiction is in the best interest of the State of California in connection with the exercise of criminal jurisdiction over the facility.

AB 884:
N/A

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines, the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a project as defined by CEQA and the State CEQA Guidelines.

EXHIBITS:

- A. Property Description
- B. Site Map

CALENDAR ITEM NO. C 4 7 (CONT'D)

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF CEQA PURSUANT TO 14 CAL. CODE REGS. C. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. C. 15378.
2. DETERMINE THAT THE PUBLIC HEARING HELD ON AUGUST 27, 1991 COMPLIED WITH THE STATUTES AND REGULATIONS DEALING WITH THE CESSION OF CONCURRENT CRIMINAL JURISDICTION AND THAT THE FOLLOWING REQUIREMENTS 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 LANDS WERE ACQUIRED BY THE UNITED STATES BY PURCHASE OR WERE WITHDRAWN FROM THE PUBLIC DOMAIN.
 - D. JURISDICTION CEDED HEREIN SHALL CONTINUE FOR THE LESSER OF FIVE YEARS OR SO LONG AS THE UNITED STATES OWNS THE LANDS.
 - E. IN CEDING 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 JURISDICTION, THE LEGISLATURE AND THE STATE EXCEPT AND RESERVE TO THE STATE ALL DEPOSITS OF MINERALS, INCLUDING OIL AND GAS, IN THE LAND, AND THE RIGHT TO PROSPECT FOR, MINE, AND REMOVE SUCH DEPOSITS FROM THE LAND.

CALENDAR ITEM NO. 0 A 7 (CONT'D)

3. DETERMINE THAT A CESSION OF CONCURRENT CRIMINAL JURISDICTION OVER THE LANDS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF IS IN THE BEST INTERESTS OF THE STATE OF CALIFORNIA.
4. CEDE CONCURRENT CRIMINAL JURISDICTION OVER FORT HUNTER LIGGETT MILITARY RESERVATION FOR THE LESSER OF FIVE YEARS OR SO LONG AS THE UNITED STATES OWNS THE LANDS CONDITIONED UPON THE RECEIPT OF A LETTER OF ACCEPTANCE OF JURISDICTION FROM THE UNITED STATES PURSUANT TO 40 U.S.C. 255.
5. AUTHORIZE THE FILING AND RECORDING OF THIS CALENDAR ITEM WITH THE OFFICE OF THE SECRETARY OF STATE, STATE OF CALIFORNIA AND THE COUNTY RECORDER FOR THE COUNTY OF SAN BERNARDINO AS REQUIRED BY GOVERNMENT CODE SECTION 126.

332
1501

EXHIBIT "A"

W 24715

LAND DESCRIPTION

A parcel of land situate in the County of Monterey, State of California, Mount Diablo Meridian, more particularly described as follows:

Township 21 South, Range 5 East

Section 35

S1/2 SE1/4,

SE1/4 SW1/4;

Section 36

SW 1/4 NE1/4;

Township 21 South, Range 6 East

Section 23

Lot 1 according to an official plat of said land filed in the District Land Office;

Section 24

Lot 3,

Lot 4 according to an official plat of said land filed in the District Land Office;

Section 31

Lot 1,

Lot 2,

Lot 3,

Lot 4,

Lot 5,

Lot 6 according to an official plat of said land filed in the District Land Office,

SW1/4 SE1/4,

SE1/4 SW1/4;

Section 32

Lot 1 according to an official plat of said land filed in the District Land Office;

Township 22 South, Range 5 East

Section 1;

Section 2;

Section 10;

Section 11;

Section 12;

Section 13;

Section 14

N1/2,

SE 1/4;

Section 15

N1/2;

233

1532

Section 16
E1/2 E1/2 NE1/4;

Section 24
N1/2,
SE1/4;

Township 22 South, Range 6 East

Section 4

Lot 1,

Lot 2,

Lot 3,

Lot 4 according to an official plat of said land filed in the District Land Office,

SW1/4 SE1/4,

SE1/4 SW1/4,

W1/2 SW1/4;

Section 5

Lot 1,

Lot 2,

Lot 3,

Lot 4 according to an official plat of said land filed in the District Land Office,

SW1/4 NE1/4,

S1/2,

S1/2 NW1/4;

Section 6;

Section 7;

Section 8;

Section 9

Lot 1,

Lot 2,

Lot 3,

Lot 4 according to an official plat of said land filed in the District Land Office,

W1/2 E1/2,

W1/2;

Section 17;

Section 18;

Section 19;

Section 20

NE1/4 NE1/4,

W1/2 NE1/4,

SE1/4 SE1/4,

W1/2 SE1/4,

W1/2.

Section 21

Lot 1,

Lot 2,

234
1533

Lot 4 according to an official plat of said land filed in the District Land Office,
W1/2 NW1/4,
SW1/4 SW1/4;

Section 28

Lot 1,
Lot 2 according to an official plat of said land filed in the District Land Office,
NW1/4 NW1/4;

Section 29

N1/2,
N1/2 SE1/4;

Section 30

NE1/4 NE1/4;

Section 31

S1/2;

Section 32

SW1/4 SW1/4;

Section 33

Lot 3,
Lot 4 according to an official plat of said land filed in the District Land Office;

Township 23 South, Range 5 East

Section 1;
Section 2;

Section 3

SE1/4,
E1/2 SW1/4;

Section 10

NE1/4 NW1/4;

Section 12;

Section 13

E1/2;

Township 23 South, Range 6 East

Section 3

Lot 1,
Lot 2,
Lot 3,
Lot 4 according to an official plat of said land filed in the District Land Office,
W1/2 SW1/4;

Section 4

Lot 1,

Lot 2,

Lot 3,

Lot 4 according to an official plat of said land filed in the District Land Office,

SE1/4 NE1/4,

SW1/4 SE1/4,

SW1/4,

S1/2 NW1/4;

Section 5;

Section 6;

Section 7;

Section 8;

Section 9;

Section 10

SE1/4,

W1/2;

Section 11

Lot 4 according to an official plat of said land filed in the District Land Office,

SW1/4 SW1/4,

SE1/4 NW1/4 SW1/4,

W1/2 NW1/4 SW1/4;

Section 14

Lot 1,

Lot 2 according to an official plat of said land filed in the District Land Office,

W1/2 SE1/4,

W1/2;

Section 15;

Section 16;

Section 17;

Section 18;

Section 19

E1/2,

E1/2 W1/2;

Section 20;

Section 21;

Section 22

N1/2,

E1/2 SE1/4,

NW1/4 SE1/4,

W1/2 SW1/4;

335

1535

Section 23
SE1/4 NE1/4,
W1/2 NE1/4,
S1/2,
NW1/4;

Section 24
Lot 2 according to an official plat of said land filed in the District Land Office;

Section 25
Lot 4 according to an official plat of said land filed in the District Land Office,
SW1/4 SE1/4,
SE1/4 SW1/4,
W1/2 W1/2;

Section 26;

Section 27
E1/2 NE1/4,
SW1/4 NE1/4,
SE1/4,
W1/2;

Section 28;
Section 29;

Section 30
E1/2,
E1/2 W1/2;

Section 31
E1/2,
E1/2 W1/2,
Lot 1,
Lot 2,
Lot 3 according to an official plat of said land filed in the District Land Office;

Section 32;
Section 33;
Section 34;
Section 35;

Section 36
Lot 1 according to an official plat of said land filed in the District Land Office,
SE1/4 NE1/4,
W1/2 NE1/4,
S1/2,
NW1/4;

Township 23 South, Range 7 East

Section 16
Lot 3 according to an official plat of said land filed in the District Land Office;

337

1539

Section 31
SW1/4 SE1/4,
E1/2 SW1/4,
Lot 3,
Lot 7 according to an official plat of said land filed in the District Land Office;

Township 23 South, Range 8 East
Section 23
The South 547.0 feet of the SE1/4 NW1/4;

Section 32
Lot 3,
Lot 4,
Lot 5,
Lot 7,
Lot 10 according to an official plat of said land filed in the District Land Office;

Section 36
Lot 4 according to an official plat of said land filed in the District Land Office;

Township 24 South, Range 6 East
Section 1;
Section 2;
Section 3;
Section 4;

Section 5
N1/2,
SE1/4;

Section 6
Lot 1,
Lot 2 according to an official plat of said land filed in the District Land Office;

Section 9
NE1/4;

Section 10;
Section 11;
Section 12;

Township 24 South, Range 7 East

Section 5
Lot 1,
Lot 2,
Lot 3,
Lot 4,
Lot 5 according to an official plat of said land filed in the District Land Office,
SE1/4 SE1/4,
W1/2 SE1/4,
SW1/4,

333

1537

S1/2 NW1/4;

Section 6;
Section 7;
Section 8;
Section 17;

Section 18

E1/2,
Lot 1,
Lot 2,
Lot 3,
Lot 5,
Lot 6,
Lot 7 according to an official plat of said land filed in the District Land Office;

Section 20

E1/2,
NW1/4;

Township 24 South, Range 8 East

Section 19
SE1/4 SW1/4;

Section 30

SE1/4,
E1/2 W1/2,
Lot 2,
Lot 3,
Lot 4 according to an official plat of said land filed in the District Land Office;

Section 31

NE1/4,
E1/2 SE1/4,
NW1/4 SE1/4,
E1/2 NW1/4,
Lot 1 according to an official plat of said land filed in the District Land Office;

Section 32

S1/2,
SE1/4 NW1/4,
W1/2 NW1/4;

Section 33

SW1/4 SW1/4.

CONTAINING 43,678.60 acres, more or less.

END OF DESCRIPTION

DATE: 9 SEPTEMBER 1991

339

1533

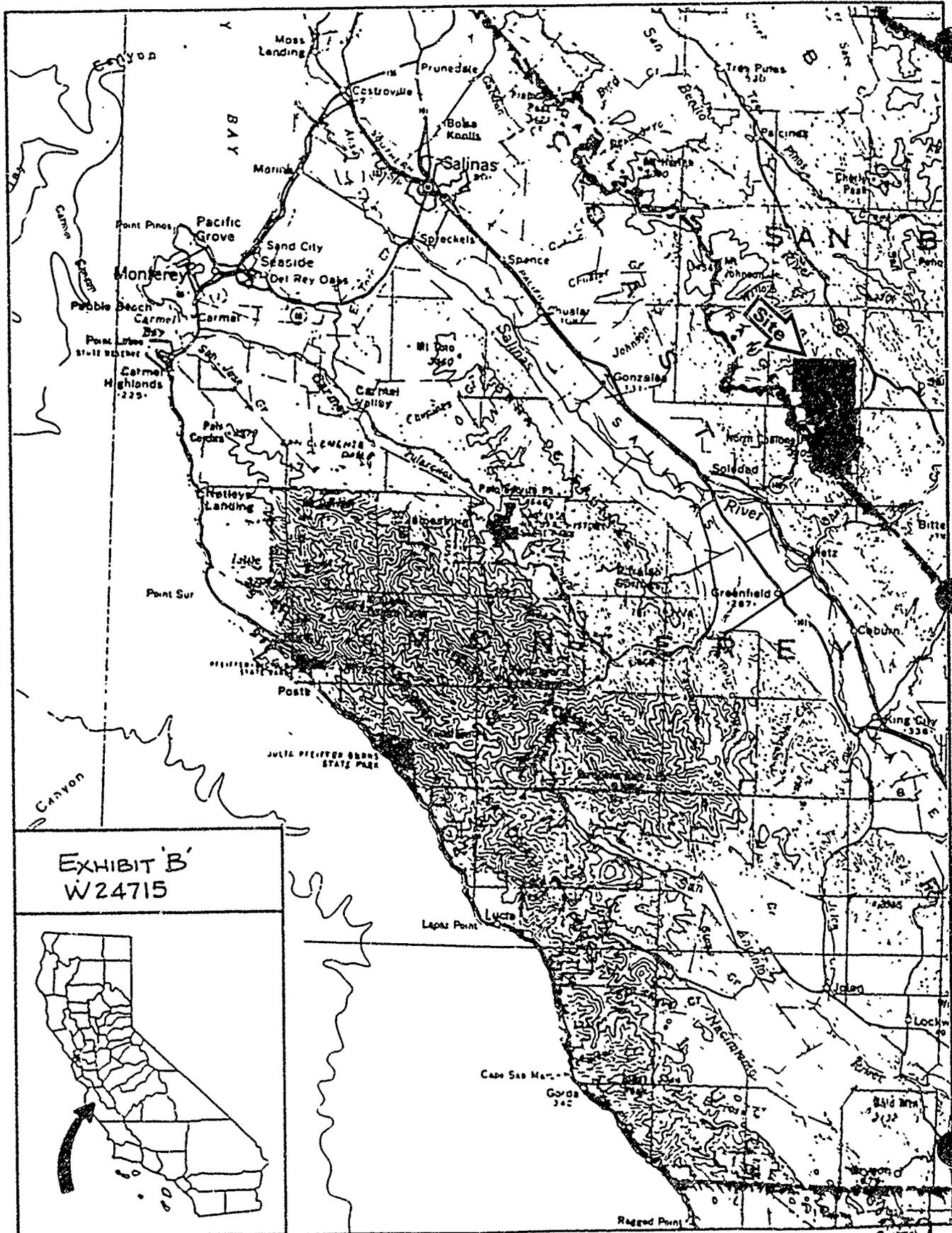


EXHIBIT 'B'
W24715



1500