MINUTE ITEM
This Calendar Item No. C33
was approved as Minute Item
No. 33 by the State Lands
Commission by a vote of 3
to 0 at its 7-19-93
meeting.

CALENDAR ITEM

C33

A 27

S 15

07/19/93
W 25013
FREY

RETROCESSION OF JURISDICTION AT
SALINAS RIVER NATIONAL WILDLIFE REFUGE
MONTEREY COUNTY

PARTY:

United States Department of the Interior
Fish and Wildlife Service
911 N.E. 11th Avenue
Portland, Oregon 97232-4181

BACKGROUND:
The United States Fish and Wildlife Service believes it has exclusive legislative jurisdiction over lands comprising the Salinas River National Wildlife Refuge in Monterey County. The lands formerly belonged to the U.S. Coast Guard and the Department of Defense (Army).

California Government Code Section 113 authorizes the State Lands Commission to accept a retrocession of jurisdiction if the following conditions are met:

1. The United States has in writing requested that the State accept the retrocession;

2. The State Lands Commission has held a public hearing to determine whether it is in the State's best interests to accept the retrocession; and

3. The United States has agreed to pay for the costs associated with the retrocession process.

By letter dated April 29, 1991 the Fish and Wildlife Service requested Governor Wilson to accept a retrocession of all legislative jurisdiction over the Wildlife Refuge. This request was authorized by Public Law 100-653, "An act to reauthorize and amend certain wildlife laws, and for other purposes," November 14, 1988, (102 Stat. 3834; 16 U.S.C. 742m).

The State Lands Commission published on May 5, 1993 in the Salinas "Californian" a "Notice of Hearing to Determine Retrocession of Jurisdiction by the United States Over Land Known as the Salinas River National Wildlife Refuge." The Notice was also served on the Board of Supervisors for Monterey County.

The hearing was held on May 21, 1993 in the offices of the State Lands Commission. The United States Fish and Wildlife Service through oral testimony declared that the retrocession would be in the State's best interests because it would allow for the more efficient implementation of law enforcement measures. Mrs. Vivian Lapier, an adjacent landowner, testified in support of the retrocession. No comments or testimony opposing the retrocession were received.

The Fish and Wildlife Service has executed a contract to pay for costs incurred by the State Lands Commission in processing the retrocession.

Government Code Section 113 provides that, after the Commission has accepted the retrocession, its acceptance be filed with the Office of the Secretary of State and recorded in the Office of the Recorder for Monterey County.

AB 884:

N/A

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because this activity is not a "project" as defined by the State CEQA Guidelines.

   Authority: P.R.C. 21065 and 14 Cal. Code Regs. 15378.

EXHIBITS:

A. Location Map
B. Land Description
C. Form of Retrocession

IT IS RECOMMENDED THAT THE COMMISSION:

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

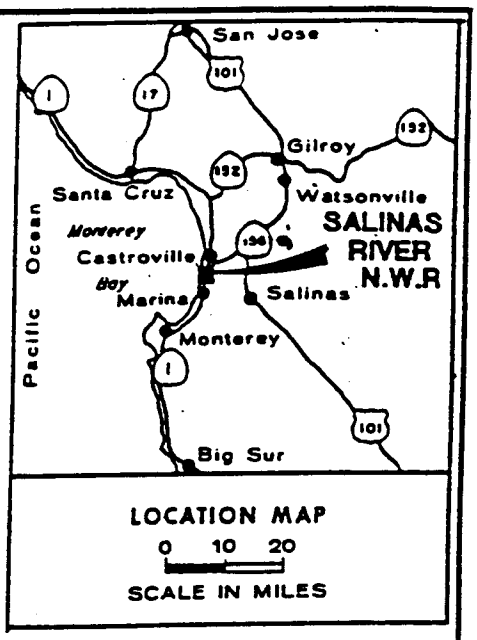
2. FIND THAT THE U.S. DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE HAS COMPLIED WITH ALL OF THE REQUIREMENTS OF GOVERNMENT CODE SECTION 113.

3. FIND THAT ACCEPTANCE OF THE RETROCESSION OF ALL LEGISLATIVE JURISDICTION OVER THE SALINAS RIVER NATIONAL WILDLIFE REFUGE AS DESCRIBED IN EXHIBIT "B" ATTACHED HERETO IS IN THE BEST INTERESTS OF THE STATE.

4. ACCEPT THE RETROCESSION OF ALL LEGISLATIVE JURISDICTION OVER THE SALINAS RIVER NATIONAL WILDLIFE REFUGE, MONTEREY COUNTY.

5. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE AN ACCEPTANCE OF RETROCESSION IN SUBSTANTIALLY THE SAME FORM AS FOUND IN EXHIBIT "C" ATTACHED HERETO.

6. AUTHORIZE THE STAFF TO FILE THE ACCEPTANCE OF RETROCESSION WITH THE OFFICE OF THE SECRETARY OF STATE AND TO RECORD IT IN THE OFFICE OF THE RECORDER FOR MONTEREY COUNTY.



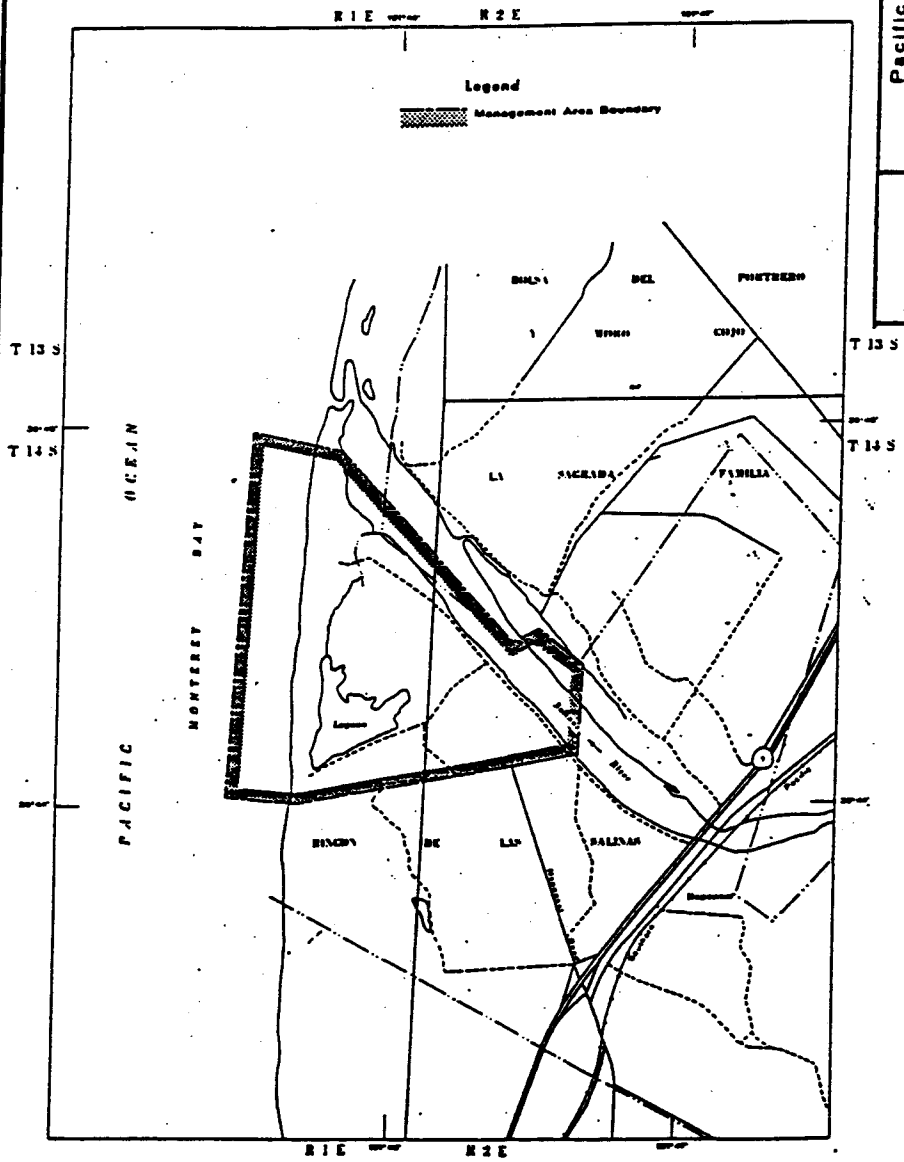
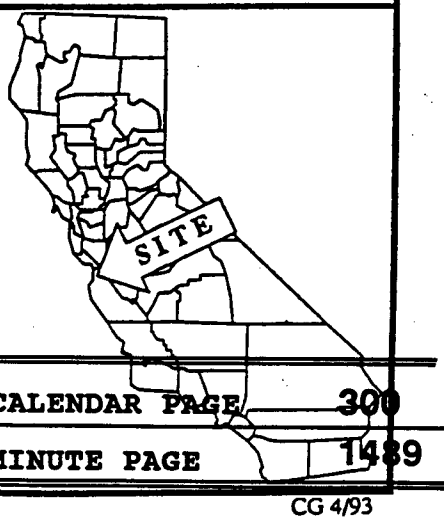


EXHIBIT "A"

W 25013

Salinas River National Wildlife Refuge

MONTEREY COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

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CG 4/93

EXHIBIT B

The lands affected by the retrocession of jurisdiction are as follows:

Parcel 1: All that certain land lying and being situated in the County of Monterey, State of California, being more particularly described as follows: Beginning at a point marked by a 1 1/2" pipe that bears North 19° 38′ West 24.605 chains from the Northeast corner of Lot 5, said point being shown as Post 67 on "Partition Map" marked Exhibit "C" in Action No. 1828 in the Superior Court of the State of California in and for the County of Monterey, filed January 19, 1893 in the Office of the Recorder of Monterey County, and from said point of beginning, South 80° 45′ west 5.582 chains to a point that bears North 9° 15′ West, 24.292 chains from a point shown as Post 133 on said Partition Map; thence South 80° 45′ West 23.826 chains to a point; thence South 80° 45′ West 20.002 chains to a point on the ordinary high water line of Monterey Bay; thence North 5° 0′ East 55.46 chains to a point; thence West .420 chains to a point; thence North 13° 6′ East 31.802 chains to a point; thence South 43° 10′ East 63.995 chains to a point; thence North 66° 0′ East 7.60 chains; thence South 52° 0′ East 15 chains to a point; thence South 2° 30′ West 21.489 chains; thence South 80° 45′ West 16.557 chains to the point of beginning, containing approximately 363.605 acres of land.

Parcel 2: A right of way for access road, forty feet in width, the North and Easterly line of which is described as beginning at a point that bears South 80° 45′ West, 0.589 chains from a 1 1/2" pipe that bears North 19° 38′ West, 24.605 chains from the Northeast Corner of Lot 5, shown as Post 67 on Partition Map marked Exhibit "C" in Action No. 1828, in the Superior Court of the State of California, in and for the County of Monterey, filed January 19, 1893 in the office of the County Recorder of said Monterey County; thence South 25° 20′ East, 5.815 chains; thence South 19° 38′ East, 11.411 chains to a point designated as Post 66 on the hereinabove described Partition Map; thence South 19° 38′ East 5.438 chains; thence South 10° 34′ East, 1.534 chains; thence South 19° 38′ East, 0.302 chains; thence South 28° 42′ East, 1.534 chains; thence South 19° 38′ East, 23.114 chains to an iron bar at a point designated as Post 68 on said Partition Map; thence North 63° 20′ East, 10.55 chains to a 4 x 4 inch post designated as Post 56 on said Partition Map; thence South 83° 05′ East, 3.424 chains, more or less, to the Northwesterly line of the right of way of the Castroville and Monterey County Road. The said access road comprises a continuous strip of land forty feet in width, extending from the herein named County Road and a line that bears South 80° 45′ West, from the place of beginning, containing 3.824 acres of land, more or less.

EXHIBIT C W 25013

RECORDED AT THE REQUEST OF
AND WHEN RECORDED MAIL TO:
STATE OF CALIFORNIA
State Lands Commission
1807 13th Street
Sacramento, CA 95814
Attn: Legal Unit
Telephone: (916) 322-2277

STATE OF CALIFORNIA-OFFICIAL BUSINESS - Document entitled to free recordation Pursuant to Government Code Section 27383

ACCEPTANCE OF RETROCESSION OF LEGISLATIVE JURISDICTION

California Government Code Section 113

California Government Code Section 113 authorizes the State Lands Commission (Commission) to accept a retrocession of jurisdiction if the following conditions are met:

1. The United States has in writing requested that the State accept the retrocession;

2. The State Lands Commission has held a public hearing to determine whether it is in the State's best interests to accept the retrocession; and

3. The United States has agreed to pay for the costs associated with the retrocession process.

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The hearing was held on May 21, 1993, in the offices of the State Lands Commission. The United States Fish and Wildlife Service through oral testimony declared that the retrocession would be in the State's best interests because it would allow for the more efficient implementation of law enforcement measures. No comments or testimony opposing the retrocession were received.

The Fish and Wildlife Service has executed a contract to pay for costs incurred by the Commission in processing the retrocession.

The Commission met on _____, 1993 to consider the Fish and Wildlife Service's request. By a vote of ___ to ___, the Commission found that the United States had complied with the statutory requirements and that the proposed retrocession was in the best interests of the State. After making these findings, the Commission accepted the retrocession of jurisdiction, resulting in the United States only having proprietary jurisdiction over the Salinas River National Wildlife Refuge. The Commission also directed that this certificate be recorded with the Recorder for the County of Monterey and that this certificate be filed with the office of the Secretary of State.

_____
EXECUTIVE OFFICER
CALIFORNIA STATE LANDS COMMISSION

Date:_____

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