MINUTE ITEM
This Calendar Item No. C39
was approved as Minute Item
No. 39 by the State Lands
Commission by a vote of 3
to 0 at its 11-9-93
meeting.

CALENDAR ITEM

C39

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11/09/93
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RETROCESSION OF JURISDICTION AT
MARINE CORPS LOGISTICS CENTER, SAN BERNARDINO COUNTY
AUTHORIZATION TO CONDUCT PUBLIC HEARING

PARTY:

United States of America
Department of the Navy
Naval Facilities Engineering Command
1220 Pacific Highway
San Diego, CA 92132-5190

BACKGROUND:

The United States exercises partial jurisdiction over the Marine Corps Logistics Center, San Bernardino County. The Department of the Navy has requested California accept a retrocession of partial federal criminal jurisdiction over this facility. The United States wishes to exercise concurrent criminal jurisdiction with the State of California and retain partial civil legislative jurisdiction.

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 August 16, 1993, the Department of the Navy requested that California accept a retrocession of so much of the United States' legislative jurisdiction that the United States and California would exercise concurrent criminal jurisdiction at

the end of the retrocession process. The United States wishes to retain all civil jurisdiction except that reserved to the California in the original cession. This request is made pursuant to Title 10, United States Code, Section 2683.

The United States has entered into a reimbursement agreement to compensate the Commission for costs associated with the retrocession.

The Commissioners are requested to authorize the Executive Officer or his delegate to conduct the required public hearing to receive comments on whether the retrocession is in the State's best interest.

AB 884: N/A

OTHER PERTINENT INFORMATION:

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.

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 NAVY HAS REQUESTED THAT THE COMMISSION ACCEPT A RETROCESSION OF PARTIAL FEDERAL CRIMINAL JURISDICTION OVER THE MARINE CORPS LOGISTICS BASE, BARSTOW, SAN BERNARDINO COUNTY UNDER GOVERNMENT CODE SECTION 113.

3. AUTHORIZE THE EXECUTIVE OFFICER OR HIS DELEGATE TO CONDUCT THE PUBLIC HEARING REQUIRED BY GOVERNMENT CODE SECTION 113 TO RECEIVE COMMENTS REGARDING THE PROPOSED RETROCESSION OF JURISDICTION OVER THE MARINE LOGISTICS CENTER, BARSTOW, SAN BERNARDINO COUNTY, CALIFORNIA AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO.