MINUTE ITEM
This Calendar Item No. C72
was approved as Minute Item
No. 72 by the State Lands
Commission by a vote of 2
to Ø at its 2/27/96
meeting.

CALENDAR ITEM
C72

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AUTHORIZATION TO CONDUCT PUBLIC HEARING REGARDING RETROCESSION OF LEGISLATIVE JURISDICTION AND THE ESTABLISHMENT OF CONCURRENT LEGISLATIVE JURISDICTION AT MARE ISLAND NAVAL SHIPYARD, SOLANO COUNTY

PARTY:

United States of America
Department of the Navy
1000 Navy Pentagon
Washington, D. C. 20350-1000

BACKGROUND:

The United States exercises a combination of exclusive and proprietary jurisdiction over the Mare Island Naval Shipyard, Solano County. By letter dated January 18, 1996, the Department of the Navy has requested California accept a retrocession of all exclusive legislative jurisdiction over this facility and to establish concurrent legislative jurisdiction over the area previously under exclusive jurisdiction.

California Government Code Section 113 authorizes the State Lands Commission to accept such a retrocession and establishment of concurrent jurisdiction if the following conditions, among others, are met:

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

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.

The United States has made the written request for the retrocession and has agreed to bear the costs associated with the retrocession.

The Commissioner is 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. Comments received at the hearing and a staff recommendation regarding the retrocession will be presented to the Commission at a later date.

AB 884:

N/A

OTHER PERTINENT INFORMATION:

1. Exhibits "A" and "B" (attached to this calendar item and incorporated by reference as parts of it) are taken from a map and land description prepared by the Department of the Navy which depict the property which the Navy has determined to include within this retrocession of jurisdiction and establishment of concurrent jurisdiction. Exhibits "A" and "B" are to be used for the limited purpose of this retrocession and concurrent jurisdiction request as make by the Navy. Exhibits "A" and "B" are not to be used for the determination of the boundaries of or State title to lands granted by the State to the United States through Chapter 43, Statutes of 1854; Chapter 81, Statutes of 1897; and Chapter 1452, Statutes of 1963.

2. 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: Public Resources Code Section 21065 and 14. Cal. Code Regs. 15378.

EXHIBITS:

A. Location Map.
B. Land Description

IT IS RECOMMENDED THAT THE COMMISSION:

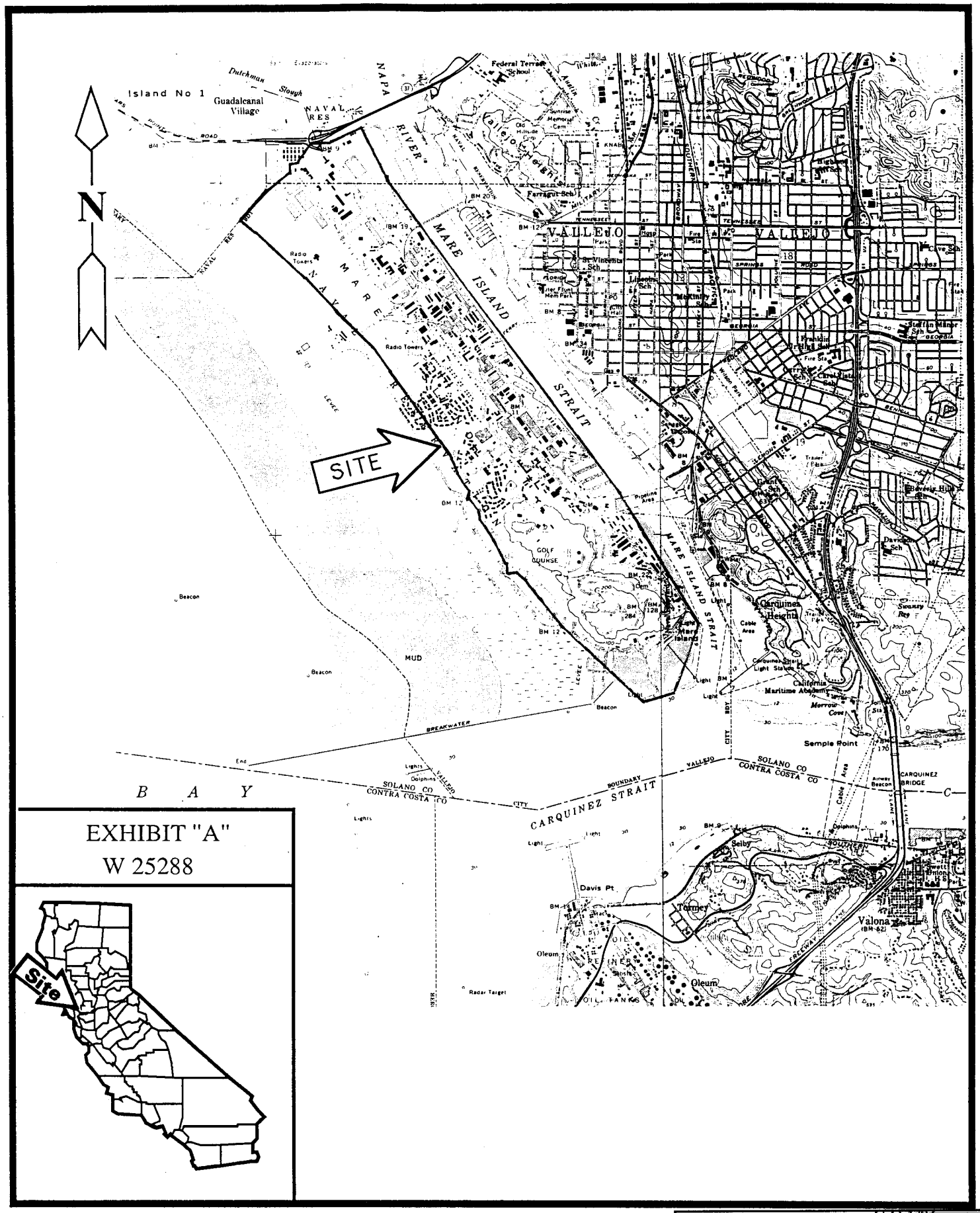
1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND 14 CAL. CODE REGS. 15378.

2. FIND THAT THE U.S. DEPARTMENT OF THE NAVY HAS REQUESTED THAT THE COMMISSION ACCEPT A RETROCESSION OF ALL EXCLUSIVE LEGISLATIVE JURISDICTION AND ESTABLISH CONCURRENT JURISDICTION AS SPECIFIED IN GOVERNMENT CODE SECTION 113 OVER LANDS FORMERLY UNDER EXCLUSIVE JURISDICTION AND COMPRISING A PORTION OF THE MARE ISLAND NAVAL SHIPYARD, SOLANO COUNTY AS SHOWN IN EXHIBITS "A" AND "B" ATTACHED HERETO.

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 EXCLUSIVE LEGISLATIVE JURISDICTION AND THE ESTABLISHMENT OF CONCURRENT LEGISLATIVE JURISDICTION OVER THE MARE ISLAND NAVAL SHIPYARD, SOLANO COUNTY AS DESCRIBED IN EXHIBITS "A" AND "B" ATTACHED HERETO.

4. FIND THAT EXHIBITS "A" AND "B" ARE TO BE USED FOR THE LIMITED PURPOSE OF THIS RETROCESSION AND CONCURRENT JURISDICTION

REQUEST AS MADE BY THE NAVY. EXHIBITS "A" AND "B" ARE NOT TO BE USED FOR THE DETERMINATION OF THE BOUNDARIES OF OR STATE TITLE TO LANDS GRANTED BY THE STATE TO THE UNITED STATES THROUGH CHAPTER 43, STATUTES OF 1854; CHAPTER 81, STATUTES OF 1897; AND CHAPTER 1452, STATUTES OF 1963.



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CALENDAR PAGE	293
MINUTE PAGE	000592

EXHIBIT "B"

MARE ISLAND NAVAL SHIPYARD, VALLEJO, CALIFORNIA
LAND DESCRIPTION FOR RETROCESSION OF EXCLUSIVE JURISDICTION
AND ESTABLISHMENT OF CONCURRENT JURISDICTION

A tract of land being a portion of Tract No. 38 , Mare Island Navy Yard, as shown on the Official Government Plat delineating the Public Survey for Fractional Township No. 3 North, Range No. 4 West, Mount Diablo Meridian, California, based on the official U.S. Government Survey by the U.S. Cadastral Engineer, Francis E. Joy, approved by the U.S. Surveyor General on October, 24, 1923, and filed in the U.S. Surveyor General's Office , San Francisco, California; as said Tract 38 being acquired by the United States of America per the findings of the Supreme Court Decision, U.S. v O'Donnell 303 U.S. 501 (1938) granting fee title to the United States of America; and a portion of those lands where the United States of America acquired title as described in Chapter 81, Statutes of California, approved March 9, 1897, and being described for the purposed of retrocession of legislation for the area described as follows:

1. **BEGINNING** at a point designated AP-1 in the official Government Field Notes of the U.S. Cadastral Engineer Francis E. Joy, GLO, for said Tract No. 38, Mare Island Navy Yard , approved by the U.S. Surveyor General on October 24, 1923 and made apart of the Official Plat thereof; also said point AP-1 having California State Plane Zone 3 Coordinates of X=1,918,847.38 and Y=164,697.98; thence near the easterly shoreline of said Mare Island Shipyard and through those lands as mentioned in Chapter 81, Statutes of California, approved March 9, 1897, S26°13'55"E, 1,908.09 feet;

2. thence continuing near the easterly shoreline of said Mare Island Navy Yard and through those lands as mentioned in Chapter 81, Statutes of California, approved March 9, 1897, S35°58'07"E, 11,871.80 feet to a point on the most easterly portion of a tip of land southerly of pier 24;

3. thence continuing near the easterly shoreline of said Mare Island Navy Yard and through those lands as mentioned in Chapter 81, Statutes of California, approved March 9, 1897, S30°30'39"E, 4,943.49 feet to a point on the most southeasterly tip of pier 34;

4. thence through the submerged lands at the southerly portion of said Mare Island Navy Yard, being a portion of those lands as mentioned in Chapter 81, Statutes of California, approved March 9, 1897, S19°14'57"W, 2,226.96 feet;

5. thence continuing through the submerged lands at the southerly portion of said Mare Island Navy Yard, being a portion of those lands as mentioned in Chapter 81, Statutes of California, approved March 9, 1897, S74°53'13"W, 514.40 feet to the most southeasterly corner of pier 35;

6. thence along the southerly line of pier 35 and a portion of those lands as mentioned in Chapter 81, Statutes of California, approved March 9, 1897, S68°47'13"W, 494.15 feet to the most southwesterly corner of pier 35;

7. thence through the submerged lands and the uplands of the southerly portion of said Mare Island Navy Yard, and a portion of those lands as mentioned in Chapter 81, Statutes of California, approved March 9, 1897, N46°06'39"W, 3,686.35 feet to the westerly line of a portion of said Tract No. 38 , Mare Island Navy Yard, as shown on the Official Government Plat delineating the Public Survey for Fractional Township No. 3 North, Range No. 4 West, Mount Diablo Meridian, California, based on the official U.S. Government Survey by the U.S. Cadastral Engineer, Francis E. Joy, approved the U.S. Surveyor General on October, 24, 1923, and filed in the U.S. Surveyor General's Office , San Francisco, California;

8. thence along the westerly boundary line of said Tract No. 38, and a portion of those lands as mentioned in Chapter 81, Statutes of California, approved March 9, 1897, N35°49'22"W, 561.46 feet;

9. thence continuing along the westerly boundary line of said Tract No. 38, and a portion of those lands as mentioned in Chapter 81, Statutes of California, approved March 9, 1897, N40°04'10"W, 317.05 feet;

10. thence continuing along the westerly boundary line of said Tract No. 38, and a portion of those lands as mentioned in Chapter 81, Statutes of California, approved March 9, 1897, N35°19'24"W, 653.94 feet;

11. thence continuing along the westerly boundary line of said Tract No. 38, and a portion of those lands as mentioned in Chapter 81, Statutes of California, approved March 9, 1897, N43°33'59"W, 488.78 feet;

12. thence continuing along the westerly boundary line of said Tract No. 38, and a portion of those lands as mentioned in Chapter 81, Statutes of California, approved March 9, 1897, S72°22'49"W, 330.03 feet;

13. thence continuing along the westerly boundary line of said Tract No. 38, and a portion of those lands as mentioned in Chapter 81, Statutes of California, approved March 9, 1897, N01°23'48"E, 250.99 feet;

14. thence continuing along the westerly boundary line of said Tract No. 38, and a portion of those lands as mentioned in Chapter 81, Statutes of California, approved March 9, 1897, N22°19'09"W, 323.67 feet;

15. thence continuing along the westerly boundary line of said Tract No. 38, and a portion of those lands as mentioned in Chapter 81, Statutes of California, approved March 9, 1897, N26°34'50"W, 667.16 feet;

16. thence continuing along the westerly boundary line of said Tract No. 38, and a portion of those lands as mentioned in Chapter 81, Statutes of California, approved March 9, 1897, N29°49'40"W, 171.74 feet;

17. thence continuing along the westerly boundary line of said Tract No. 38, and a portion of those lands as mentioned in Chapter 81, Statutes of California, approved March 9, 1897, N33°04'30"W, 475.59 feet;

18. thence continuing along the westerly boundary line of said Tract No. 38, and a portion of those lands as mentioned in Chapter 81, Statutes of California, approved March 9, 1897, N11°27'35"W, 297.90 feet;

19. thence continuing along the westerly boundary line of said Tract No. 38, and a portion of those lands as mentioned in Chapter 81, Statutes of California, approved March 9, 1897, N44°48'56"W, 363.28 feet;

20. thence continuing along the westerly boundary line of said Tract No. 38, and a portion of those lands as mentioned in Chapter 81, Statutes of California, approved March 9, 1897, N28°04'45"W, 191.56 feet;

21. thence continuing along the westerly boundary line of said Tract No. 38, and a portion of those lands as mentioned in Chapter 81, Statutes of California, approved March 9, 1897, N00°08'51"E, 211.36 feet;

22. thence continuing along the westerly boundary line of said Tract No. 38, and a portion of those lands as mentioned in Chapter 81, Statutes of California, approved March 9, 1897, N36°19'21"W, 442.56 feet;

23. thence continuing along the westerly boundary line of said Tract No. 38, and a portion of those lands as mentioned in Chapter 81, Statutes of California, approved March 9, 1897, N22°50'01"W, 733.21 feet;

24. thence continuing along the westerly boundary line of said Tract No. 38, and a portion of those lands as mentioned in Chapter 81, Statutes of California, approved March 9, 1897, N31°34'35"W, 1,274.86 feet;

25. thence continuing along the westerly boundary line of said Tract No. 38, and a portion of those lands as mentioned in Chapter 81, Statutes of California, approved March 9, 1897, N36°49'19"W, 1,017.23 feet;

26. thence continuing along the westerly boundary line of said Tract No. 38, and a portion of those lands as mentioned in Chapter 81, Statutes of California, approved March 9, 1897, N34°34'26"W, 1,063.48 feet;

27. thence continuing along the westerly boundary line of said Tract No. 38, and a portion of those lands as mentioned in Chapter 81, Statutes of California, approved March 9, 1897, N34°11'27"W, 672.43 feet;

28. thence continuing along the westerly boundary line of said Tract No. 38, and a portion of those lands as mentioned in Chapter 81, Statutes of California, approved March 9, 1897, N44°48'56"W, 1,129.48 feet;

29. thence continuing along the westerly boundary line of said Tract No. 38, and a portion of those lands as mentioned in Chapter 81, Statutes of California, approved March 9, 1897, N43°04'01"W, 1,988.18 feet;

30. thence continuing along the westerly boundary line of said Tract No. 38, and a portion of those lands as mentioned in Chapter 81, Statutes of California, approved March 9, 1897, N47°52'28"W, 2,285.36 feet;

31. thence continuing along the westerly boundary line of said Tract No. 38, and a portion of those lands as mentioned in Chapter 81, Statutes of California, approved March 9, 1897, N54°52'28"W, 546.21 feet to a point designated AP-5 in the official Government Field Notes of the U.S. Cadastral Engineer Francis E. Joy, GLO, for said Tract No. 38, Mare Island Navy Yard , approved by the U.S. Surveyor General on October 24, 1923, and made apart of the Official Plat thereof; also said point AP-5 being the northwest corner of said Tract No. 38;

32. thence along the northerly boundary line of said Tract No. 38, N40°11'50"E, 1,286.58 feet to a point designated AP-4 in the official Government Field Notes of the U.S. Cadastral Engineer Francis E. Joy, GLO, for said Tract No. 38, Mare Island Navy Yard , approved by the U.S. Surveyor General on October 24, 1923, and made apart of the Official Plat thereof;

33. thence leaving the northerly boundary line of said Tract No. 38, and along the northerly boundary line of the Mare Island Naval Shipyard also being the southerly boundary line of that certain parcel of land conveyed to the City of Vallejo by deed from the United States of America, recorded in the Official Records of Solano County in Book 1978, Page 56592 on July, 12, 1978, N53°11'39"E, 821.14 feet;

34. thence continuing said northerly boundary line of the Mare Island Naval Shipyard also being the southerly boundary line of that certain parcel of land conveyed to the City of Vallejo by Deed from the United States of America, recorded in the Official Records of Solano County in Book 1978, Page 56592 on July, 12,1978, N89°06'34"E, 93.02 feet;

35. thence continuing said northerly boundary line of the Mare Island Naval Shipyard also being the southerly boundary line of that certain parcel of land conveyed to the City of Vallejo by Deed from the United States of America, recorded in the Official Records of Solano County in Book 1978, Page 56592 on July 12, 1978, N03°23'43"W, 325.93 feet;

36. thence continuing said northerly boundary line of the Mare Island Naval Shipyard also being the southerly boundary line of that certain parcel of land conveyed to the City of Vallejo by Deed from the United States of America, recorded in the Official Records of Solano County in Book 1978 , Page 56592 on July 12,1978, N86°43'47"E, 239.61 feet;

37. thence continuing said northerly boundary line of the Mare Island Naval Shipyard also being the southerly boundary line of that certain parcel of land conveyed to the City of Vallejo by Deed from the United States of America, recorded in the Official Records of Solano County in Book 1978 , Page 56592 on July 12,1978, N30°11'31"E, 737.25 feet to the northerly boundary line of said Tract No. 38, as described in the official Government Field Notes of the U.S. Cadastral Engineer Francis E. Joy, GLO, for Mare Island Navy Yard , approved by the U.S. Surveyor General on October 24, 1923, and made apart of the Official Plat thereof;

38. thence continuing along the northerly boundary line of said Tract No. 38, S89°51'35"E, 644.24 feet to a point designated AP-2 in the official Government Field Notes of the U.S. Cadastral Engineer Francis E. Joy, GLO, for Mare Island Navy Yard, approved by the U.S. Surveyor General on October 24, 1923, and made apart of the Official Plat thereof;

39. thence continuing along the northerly boundary line of said Tract No. 38, N64°57'52"E, 1,090.32 feet to the **POINT OF BEGINNING** designated AP-1 in the official Government Field Notes of the U.S. Cadastral Engineer Francis E. Joy, GLO,

Official Plat thereof; **END OF DESCRIPTION**.

This description was provided by the Department of the Navy and is used for purposes of retroceding legislative jurisdiction and was prepared from evidentiary documents as described in the above mentioned description.