

**CALENDAR ITEM
C84**

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06/27/00
(W 25442)
J. Frey

**RETROCESSION OF EXCLUSIVE
AND PARTIAL LEGISLATIVE JURISDICTION
PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 113
AT MCCLELLAN AIR FORCE BASE, SACRAMENTO COUNTY**

Pursuant to Government Code Section 113 the State Lands Commission is authorized on behalf of the State of California to accept a retrocession of legislative jurisdiction from the United States and thereby establish state legislative jurisdiction.

BACKGROUND:

The United States exercises exclusive and partial legislative jurisdiction over 1864 acres of the 3000 acres more or less of land that comprise McClellan Air Force Base, Sacramento County. The remainder of the facility is under proprietary jurisdiction. The Department of the Air Force has requested that California accept a retrocession of all exclusive and partial legislative jurisdiction over 1864 acres so as to establish uniform proprietary legislative jurisdiction over the entire base.

California Government Code Section 113 and the California Code of Regulations Sections 2700 et seq. authorize the State Lands Commission to accept such a retrocession if the following conditions are met:

1. The United States has requested in writing 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.

By letter dated January 14, 1999, the United States has made the written request for the retrocession. It also has agreed to bear the costs associated with the retrocession. The noticed hearing was held on March 8, 1999. At the hearing the County of Sacramento

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requested that the retrocession not be accepted by the Commission until October 1, 1999. The American River Fire District also appeared and testified that it did not have sufficient funds or manpower for the additional duties. The Air Force offered no testimony. No other comments in support of or opposition to the retrocession were received. Since the hearing, the Air Force and the County and Fire District have met and concurred on the date of October 1, 2000 as a mutually acceptable date for the effectiveness of the transfer of jurisdiction to the State. The Sacramento County Board of Supervisors concurs.

PERCENT STREAMLINING ACT DEADLINE:

N/A

OTHER PERTINENT INFORMATION:

1. McClellan AFB has been identified for closure by the United States effective July 13, 2001. Pending closure, restoration and conveyance, Sacramento County and the United States have entered into a 50-year lease for use of the Base as a technology center with a private airfield. The proposed use is based on Sacramento County's General Reuse Plan and was the preferred alternative in the PEIS/EIR mentioned below.
2. In 1997, pursuant to the National Environmental Protection Act and the California Environmental Quality Act, the United States and Sacramento County conducted an environmental analysis of the Base prior to entering into the lease. The draft PEIS/EIR was circulated and the final draft issued in 1997. The time for challenge of the document has passed.
3. Among the many issues evaluated in the environmental document, hazardous waste and pesticide impacts were found to be less than significant. The analysis found that there were no impacts due to ordnance, radon, and radiological substances. However, the document states that there are some biologically sensitive areas, such as wetlands, that can be impacted by future development. Mitigation measures addressing these areas are found in the PEIS/EIR.
4. Separately, under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 as amended and other federal law, the United States has identified hazardous substances such as lead based paint, asbestos and deep ground water contamination. The United States is working with federal and state agencies to restore the contaminated sites. Some parcels may have use restrictions placed on them if it is not feasible to restore them to highest use such as residential. It is estimated that some of the parcels will not be restored until 2037.

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5. Because of the contamination the United States cannot convey any of the Base property to Sacramento County until it has been restored. Thus Sacramento County will take title to the property in a piecemeal fashion after each parcel has been cleaned up. Any contamination discovered after conveyance will also be removed by the United States. It is anticipated that the last parcel will be conveyed in 2037.
6. 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 California Code of Regulations Section 15378.

Exhibits A: 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 P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.
2. FIND THAT THE U.S. DEPARTMENT OF THE AIR FORCE HAS REQUESTED IN WRITING THAT THE COMMISSION ACCEPT A RETROCESSION OF EXCLUSIVE AND PARTIAL LEGISLATIVE JURISDICTION OVER LANDS COMPRISING MCCLELLAN AIR FORCE BASE, SACRAMENTO COUNTY.
3. FIND THAT THE UNITED STATES HAS AGREED TO PAY FOR THE COSTS OF THE RETROCESSION PROCESS.
4. FIND THAT THE STATUTORY PUBLIC HEARING HELD ON MARCH 8, 1999 COMPLIES WITH THE PUBLIC HEARING REQUIREMENT OF GOVERNMENT CODE SECTION 113.
5. DETERMINE THAT IT IS IN THE BEST INTERESTS OF THE STATE OF CALIFORNIA TO ACCEPT THE RETROCESSION OF JURISDICTION REQUESTED BY THE UNITED STATES BECAUSE THE RETROCESSION WILL ALLOW STATE ENFORCEMENT TO PROVIDE PROTECTION OF THE PROPERTY AND WILL ALSO PROMOTE REDEVELOPMENT OF THE PROPERTY FROM MILITARY USES

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6. ACCEPT THE RETROCESSION OF EXCLUSIVE AND PARTIAL LEGISLATIVE JURISDICTION OVER MCCLELLAN AIR FORCE BASE, SACRAMENTO COUNTY AS DESCRIBED IN EXHIBIT A ATTACHED HERETO EFFECTIVE OCTOBER 1, 2000.
7. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE A DOCUMENT ENTITLED "RETROCESSION OF JURISDICTION" DESCRIBING THE COMMISSION'S ACTION.
8. AUTHORIZE THE FILING OF THE "RETROCESSION OF JURISDICTION" WITH THE SACRAMENTO COUNTY RECORDER AS REQUIRED BY GOVERNMENT CODE SECTION 113.

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**EXHIBIT A
MCCLELLAN AIR FORCE BASE**

PARCEL UNDER EXCLUSIVE LEGISLATIVE JURISDICTION

A parcel of land situated in the County of Sacramento, State of California, said parcel being a portion of Sections 24, 32, and 33, Township 9 North, Range 6 East, Mount Diablo Base and Meridian of the Subdivision of the Rancho Del Paso, as shown on Record of Survey map recorded March 04, 1911 in Book "A" of Surveys at Page 94, Sacramento County Records, and more particularly described as follows:

COMMENCING for reference at the Section corner common to Sections 33, 34, 37, and 38 of said Subdivision of the Rancho Del Paso, said point being at the intersection of the center lines of A Street and Watt Avenue, and being the TRUE POINT OF BEGINNING;

THENCE, along the section line common to Sections 23, 24, 33, and 34, South 89° 02' 30" West, a distance of 7,927 feet, more or less, to the north ¼ corner of Section 24;

THENCE, South 01° 50' 21" east, a distance of 5,280 feet, more or less, to the south ¼ corner of Section 24;

THENCE, along the section line common to Sections 24 and 25, North 89° 02' 30" East, a distance of 2,640 feet, more or less, to the section corner common to Sections 24, 25, 32, and 33;

THENCE, along the section line common to Sections 25 and 32, South 01° 45' 45" East, a distance of 4,253.99 feet, more or less, to the intersection with the most northerly side of the Southern Pacific Railroad right-of-way;

THENCE, along the northerly line of the Southern Pacific Railroad right-of-way, North 38° 31' 15" East, a distance of 8,166.23 feet, more or less, to the intersection with the section line common to Sections 33 and 38;

THENCE, along said section line, North 01° 45' 45" West, a distance of 3,230.47 feet, more or less, to the TRUE POINT OF BEGINNING.

CONTAINING, 1094.00 Acres, more or less.

END OF DESCRIPTION

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MCCLELLAN AIR FORCE BASE

PARCELS UNDER PARTIAL LEGISLATIVE JURISDICTION

PARCEL ONE

A parcel of land situated in the County of Sacramento, State of California, said parcel being a portion of Section 32, Township 9 North, Range 6 East, Mount Diablo Base and Meridian of the Subdivision of the Rancho Del Paso, as shown on the Record of Survey Map, recorded March 04, 1911 in Book "A" of Surveys at Page 94, Sacramento County Records, and more particularly described as follows:

COMMENCING for reference at the section corner common to Sections 32, 33, 38, and 39 of said Subdivision of the Rancho Del Paso, said point marked by a railroad spike set on the center line of Watt Avenue, as shown on Record of Survey Map recorded December 11, 1979, in Book 34 of Surveys, at Page 37, of said county;

THENCE, South 00° 22' 28" West, a distance of 784.82 feet;

THENCE, North 89° 38' 54" West, a distance of 1,529.44 feet;

THENCE, South 00° 22' 00" West, a distance of 708.92 feet, to the TRUE POINT OF BEGINNING;

THENCE, South 00° 22' 00" West, a distance of 728.80 feet;

THENCE, North 89° 38' 00" West, a distance of 1,838.56 feet;

THENCE, North 39° 55' 58" East, a distance of 943.45 feet;

THENCE, South 89° 42' 10" East, a distance of 1,237.63 feet, to the TRUE POINT OF BEGINNING.

CONTAINING, 25.71 Acres, more or less.

PARCEL TWO

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A parcel of land situated in the County of Sacramento, State of California, said parcel being a portion of Section 34, Township 9 North, Range 6 East, Mount Diablo Base and Meridian of the Subdivision of the Rancho Del Paso, as shown on Record of Survey Map, recorded March 04, 1911 in Book "A" of Surveys at Page 94, Sacramento County Records, and more particularly described as follows:

COMMENCING for reference at the section corner common to Sections 33, 34, 37, and 38 of said Subdivision of the Rancho Del Paso, said point being at the intersection of the center lines of A Street and Watt Avenue;

THENCE, along the section line common to said Sections 33 and 34, South 89° 08' 26" West, a distance of 1,320.28 feet to the TRUE POINT OF BEGINNING;

THENCE, North 00° 00' 59" West, a distance of 1,320.00 feet;

THENCE, North 89° 08' 26" West, a distance of 1,320.19 feet,

THENCE, South 00° 00' 59" East, a distance of 1,320.00 feet;

THENCE, South 89° 08' 26" East, a distance of 1,320.19 feet, to the TRUE POINT OF BEGINNING.

CONTAINING, 40.00 Acres, more or less.

PARCEL THREE

A parcel of land situated in the County of Sacramento, State of California, said parcel being a portion of Sections 23, 24, 25 and 34, Township 9 North, Range 6 East, Mount Diablo Base and Meridian of the Subdivision of the Rancho Del Paso, as shown on Record of Survey Map, recorded March 04, 1911 in Book "A" of Surveys at Page 94, Sacramento County Records, and more particularly described as follows:

COMMENCING for reference at the section corner common to Sections 33, 34, 37, and 38 of said Subdivision of the Rancho Del Paso, said point being at the intersection of the center lines of A Street and Watt Avenue;

THENCE, along the section line common to said Sections 33 and 34, South 89° 08' 26" West, a distance of 3,960.27 feet, to the TRUE POINT OF BEGINNING;

THENCE, North 00° 00' 59" West, a distance of 1,979.04 feet;

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THENCE, North 89° 09' 32" West, a distance of 1,321.42 feet;
THENCE, North 00° 03' 33" West, a distance of 132.00 feet;
THENCE, South 89° 09' 32" East, a distance of 453.32 feet;
THENCE, North 00° 03' 33" West, a distance of 528.00 feet;
THENCE, North 89° 09' 32" West, a distance of 453.75 feet;
THENCE, South 00° 03' 33" East, a distance of 330.22 feet;
THENCE, North 89° 08' 36" West, a distance of 330.00 feet;
THENCE, North 00° 03' 33" West, a distance of 330.00 feet;
THENCE, North 89° 09' 36" West, a distance of 330.00 feet;
THENCE, South 00° 01' 23" East, a distance of 1,319.22 feet;
THENCE, North 89° 08' 15" West, a distance of 661.00 feet;
THENCE, South 00° 00' 48" East, a distance of 659.46 feet;
THENCE, North 89° 08' 00" West, a distance of 661.42 feet;
THENCE, North 00° 02' 58" East, a distance of 100.00 feet;
THENCE, North 89° 08' 00" West, a distance of 475.71 feet;
THENCE, North 42° 36' 55" West, a distance of 275.74 feet;
THENCE, North 00° 05' 09" East, a distance of 360.70 feet;
THENCE, North 89° 09' 43" West, a distance of 336.97 feet;
THENCE, North 42° 36' 55" West, a distance of 246.45 feet;
THENCE, North 35° 51' 55" West, a distance of 262.27 feet;
THENCE, North 00° 04' 51" East, a distance of 48.19 feet;
THENCE, North 89° 09' 23" West, a distance of 660.10 feet;

THENCE, North 00° 04' 33" East; a distance of 220.00 feet;

THENCE, North 89° 09' 43" West, a distance of 660.00 feet;

THENCE, South 00° 04' 15" West, a distance of 1,979.30 feet, more or less, to the center line of Ascot Avenue;

THENCE, along said center line, North 89° 10' 42" East, a distance of 659.93 feet;

THENCE, South 00° 00' 25" West, a distance of 6,601.19 feet;

THENCE, South 89° 07' 02" East, a distance of 1,319.80 feet;

THENCE, South 00° 00' 06" East, a distance of 1,321.64 feet, more or less to the center line of Bell Avenue;

THENCE, South 00° 01' 26" West, 2,641.58 feet, more or less, to the intersection of 24th Street and North Avenue;

THENCE, along the center line of said North Avenue, South 89° 07' 26" East, a distance of 1,406.41 feet;

THENCE, South 01° 43' 26" East, a distance of 309.00 feet;

THENCE, South 31° 49' 34" West, a distance of 504.00 feet, more or less, to the northerly right-of-way line of Southern Pacific Railroad;

THENCE, along the said northerly Right-of-way line, North 40° 19' 34" East, a distance of 2,334.57 feet, more or less, to the section line common to Sections 25 and 32 as shown on the map of the subdivision of the Rancho Del Paso;

THENCE, along said section line, North 01° 45' 45" West, a distance of 4,253.99 feet, more or less, to the section corner common to Sections 24, 25, 32, and 33;

THENCE, along the section line common to said Sections 24 and 25, South 89° 02' 30" West, a distance of 2,640.00 feet, more or less, to the south ¼ Corner of said Section 24;

THENCE, North 01° 50' 21" West, a distance of 5,280.00 feet, more or less, to the north ¼ Corner of said Section 24;

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THENCE, along the section line common to Sections 23 and 24, North 89° 08' 26" East, a distance of 3,965.73 feet, more or less, to the TRUE POINT OF BEGINNING.

CONTAINING, 703.60 Acres, more or less.

END OF DESCRIPTION

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**MCCLELLAN AIR FORCE BASE
SACRAMENTO RIVER DOCK ANNEX**

EXCLUSIVE LEGISLATIVE JURISDICTION

A parcel of land situated in the County of Sacramento, State of California, said parcel being a portion of Section 27, Township 9 North, Range 4 East, Mount Diablo Base and Meridian, and more particularly described as follows:

BEGINNING at the point of intersection of the center line of the 16 foot wide concrete pavement on the crown of the so-called river levee of the Reclamation District No. 1000 with the westerly boundary line of the 45.96 acre parcel of land conveyed by deed dated September 20, 1915 from Natomas Company of California to George W. Peltier, recorded in Book 428 of Deeds, Page 471, Sacramento County Records, said point being further described as being located South 00° 23' 30" West, a distance of 2883.27 feet and North 78° 48' 30" West, a distance of 590.20 feet from the northeast corner of said Section 27, and southerly 68.4 feet from the northerly boundary line of the right-of-way of the said river levee, said point also being the **TRUE POINT OF BEGINNING**;

THENCE, along the center line of said concrete pavement, North 78° 48' 30" West, a distance of 301.30 feet;

THENCE, along a tangent curve concave to the left having a radius of 1876.44 feet, a distance of 209.90 feet to a point, said point being at the intersection of the center line of the said concrete pavement with the easterly boundary line of the 30.00 acre parcel of land conveyed by deed dated May 25, 1917 from Natomas Company of California to Alden Anderson, recorded in Book 470 of Deeds, Page 331, Sacramento County Records;

THENCE, along said easterly boundary line, South 10° 00' 00" East, a distance of 180 feet, more or less, to a point on the left bank of the Sacramento River;

Thence, in an easterly direction, following the meanders of the said left bank of the said Sacramento River, downstream, a distance of 480 feet, more or less, to its intersection with the said westerly boundary line of the said 45.96 acre parcel of land, said point of intersection being upstream along the said left bank of the said Sacramento River, a distance of 590 feet from the east boundary line of said Section 27;

THENCE, along said westerly boundary line, North, a distance of 140 feet, more or less, to the **TRUE POINT OF BEGINNING**.

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Said parcel of land being a portion of Sacramento County Swamp Land Survey No. 907, Section 27, Township 9 North, Range 4 East, Mount Diablo Base and Meridian, and also being a portion of the tract of land described as Parcel 3 in that certain easement for levee purposes conveyed by Natomas Company of Sacramento to Reclamation District No. 1000, and dated July 25, 1917.

CONTAINING, 1.65 Acres, more or less.

END OF DESCRIPTION

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