MINUTE ITEM
This Calendar Item No. C73 was approved as Minute Item No. 73 by the California State Lands Commission by a vote of 3 to Ø at its 9-17-01 meeting.

CALENDAR ITEM
C73

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S 17

09/17/01
W 22965
J. Frey

CESSION OF CONCURRENT CRIMINAL JURISDICTION PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 126 AT FEDERAL PRISON CAMP, BORON, SAN BERNARDINO 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, or other public purpose 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.

e. the United States has agreed to compensate the State for costs incurred in processing the cession.

Presently, the United States has concurrent criminal legislative jurisdiction over the Federal Prison Camp, Boron, CA. The cession of jurisdiction was made in October, 1996 for a period of five years. By letter dated July 9, 2001 the United States has requested that the State of California renew its cession of concurrent criminal legislative jurisdiction over this facility for another five years. The facility is currently deactivated but "Since the land may be needed for correctional use by the Bureau on short notice, renewal of concurrent criminal jurisdiction is necessary to ensure the applicability of concurrent jurisdiction in the event of reactivation." The United States believes that "Concurrent criminal jurisdiction is urgently needed to allow the United States to conduct federal investigations and prosecutions of certain criminal offenses that may occur on the land. Particularly in the event of reactivation of a penal facility at this site, we believe it is mutually desirable, and in the interests of sound administration of federal

0498
1848

penal institutions, that the United States have concurrent criminal jurisdiction with the State of California as to this site."

A noticed public hearing was held on August 13, 2001. Notice of the hearing was published as required by Section 126 and served upon the Clerk of the Board of Supervisors for San Bernardino County. Affidavits of the publication and service are found in the Commission's files. No comments in opposition to the cession were received.

The Commission staff believe 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 this facility.

EXHIBITS:

A. Land Description

IT IS RECOMMENDED THAT THE COMMISSION:

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

2. DETERMINE THAT THE PUBLIC HEARING HELD ON AUGUST 13, 2001 COMPLIED WITH GOVERNMENT CODE SECTION 126 AND THE REGULATIONS DEALING WITH 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 LANDS DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF, SAID LANDS BEING WITHIN THE STATE OF CALIFORNIA.

   B. THE LANDS ARE HELD BY THE UNITED STATES FOR THE ERECTION OF FORTS, MAGAZINES, ARSENALS, DOCKYARDS AND OTHER NEEDFUL BUILDINGS OR OTHER PUBLIC PURPOSE 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.

CALENDAR PAGE 1849
MINUTE PAGE 1849

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 CRIMINAL 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.

G. THE CESSION IS PURSUANT TO AND IN COMPLIANCE WITH THE LAWS OF THE UNITED STATES.

H. THE UNITED STATES HAS AGREED TO COMPENSATE THE STATE FOR ITS COSTS INCURRED IN PROCESSING THE CESSION.

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 BECAUSE THE UNITED STATES WILL THEN HAVE THE AUTHORITY TO CONDUCT FEDERAL INVESTIGATIONS AND PROSECUTIONS OF CRIMINAL OFFENSES AT THIS FACILITY.

4. DETERMINE THAT THE UNITED STATES HAS AGREED TO PAY FOR THE COSTS INCURRED IN THE CESSION PROCESS.

5. CEDE CONCURRENT CRIMINAL JURISDICTION OVER THE FEDERAL PRISON CAMP, BORON, SAN BERNARDINO COUNTY FOR THE LESSER OF FIVE YEARS OR SO LONG AS THE UNITED STATES OWNS THE LANDS.

6. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE A CERTIFICATE OF CESSION OF CONCURRENT CRIMINAL JURISDICTION AND HAVE IT RECORDED IN THE OFFICIAL RECORDS FOR SAN BERNARDINO COUNTY.

0498
CALENDAR PAGE
MINUTE PAGE 1850

EXHIBIT A

FEDERAL PRISON CAMP
Land Description for Jurisdictional Purposes

Four Parcels of land in Sections 1 and 2, T1 1N, R7W, SBM, San Bernardino County, California, described as follows:

PARCEL 1

That portion of the NW1/4 of Section 1, T11N, R7W, SBM, described as follows:

> BEGINNING at a point in the west line of said Section 1, distant N 0° 23' 08" E 117.48 feet from the west ¼ corner of said section: thence N 0° 23' 08" E 865.01 feet along said west line; thence N 89z 40' 21" E 664.72 feet; thence S 0° 23' 08" W 864.28 feet; Thence S 89° 36' 35" W 664.73 feet to the point of beginning.

PARCEL 2

That portion of the W ¼ of Section 1, T1 N, R7W, SBM, described as follows:

> BEGINNING at the W ¼ corner of said Section 1; thence along the west line of said Section N 0° 23' 08" E 117.48 feet of the south line of the north 318 acres of said Section; thence along said south line N 89° 36' 35" E 664.73 feet; thence S 0° 23' 08" W 455.40 feet; Thence S 89° 36' 24" W 661.47 feet to said west line of Section 1: Thence along said west line N 0° 10' 15" W 337.92 feet to the point Of beginning.

PARCEL 3

The NW 1/4 of the SW ¼ of the Section 1, T11N, R7W, SBM.

EXCEPTING THEREFROM the portion described as follows:

> BEGINNING at the W ¼ corner of said Section 1: thence along the west line of said Section S 0° 10' 15" E 337.92 feet; thence N 89° 36' 24" E 661.47 feet; thence N 0° 23' 08" E 337.98 feet, more or less, to the north line of said NW ¼ of the SW ¼; thence along said north line S 89° 36' 04" W 664.73 feet, more or less, to the point of beginning.

PAGE 0499
PAGE 01851

PARCEL 4

Lot 1 of the NE1/4 and the NE1/4 of the SE1/4 of Section 2, T11N, R7W, SBM; thence southerly along the easterly line of said Section 2, S 0° 23' 08" W 1372.07 feet to the NE corner of Lot 1 in the NE1/4 of said Section 2; thence westerly along the northerly line of said Lot 1 S 89° 56' 32" W 579.50 feet to the TRUE POINT OF BEGINNING; thence along the following twelve courses:

1. S 0° 03' 28" E 192.81 feet;
2. S 45° 03' 24" W 122.13 feet;
3. N 44° 56' 36" W 29.00 feet;
4. S 45° 03' 24" W 10.00 feet;
5. N 44° 56' 36" W 26.00 feet;
6. S 45° 03' 24" W 6.55 feet;
7. N 44° 56' 36" W 29.19 feet;
8. S 45° 03' 24" W 14.25 feet;
9. N 44° 56' 36" W 19.00 feet;
10. S 45° 03' 24" W 54.00 feet;
11. N 44° 56' 36" W 140.00 feet;
12. N 0° 03' 28" W 166.53 feet to said northerly line; thence along said northerly line N 89° 56' 32" E 318.23 feet to the true point of beginning.

END OF DESCRIPTION

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