MINUTE ITEM
This Calendar Item No. C74 was approved as Minute Item No. 74 by the California State Lands Commission by a vote of 3 to Ø at its 9-17-01 meeting.

CALENDAR ITEM
C74

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S 16

09/17/01
W 25230
J. Frey

CESSION OF CONCURRENT CRIMINAL JURISDICTION PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 126 AT TAFT CORRECTIONAL INSTITUTION, TAFT, KERN 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 presently has concurrent criminal legislative jurisdiction over the Federal Correctional Institution Taft 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 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 penal institutions, that the United States have concurrent criminal jurisdiction with the State of California as to this site."

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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 Kern County. Affidavits of the publication and service are found in the Commission's files. A letter opposing the cession based on prison related issues was received by the staff. A response to this letter was presented to the staff by the Bureau of Prisons. Both letters can be found in the file.

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.

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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 CORRECTIONAL INSTITUTION, TAFT, KERN 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 KERN COUNTY.

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EXHIBIT A

FEDERAL CORRECTIONAL INSTITUTION, TAFT
Land Description for Jurisdictional Purposes

BEING A PORTION OF SECTION 27, T. 32S. R.24E., M.D.B. AND M., IN THE COUNTY OF KERN, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE ABOVE SAID SECTION 27;
THENCE (1) N 89°21'24"W. ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION, 1578.70 FEET TO A POINT OF INTERSECTION WITH AN OFFSET LINE, 40 FEET EASTERLY OF A ROW OF CHEVRON U.S.A. INC. PIPELINE MARKERS AS THEY EXISTED ON THE SITE IN FEBRUARY 1992, SAID POINT BEING THE TRUE POINT OF BEGINNING;
THENCE (2) CONTINUING N 89°21'24"W, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SAID SECTION, 1026.67 FEET TO THE SOUTH QUARTER CORNER OF THE SECTION;
THENCE (3) N 89°32'30"W, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 27, 2642.26 FEET TO THE SOUTHWEST CORNER OF THE SECTION;
THENCE (4) N 0°31'23"E, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION, 2639.63 FEET TO THE WEST QUARTER CORNER OF THE SECTION;
THENCE (5) N 0°30'48"E, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 27, 2639.98 FEET TO THE NORTHWEST CORNER OF THE SECTION;
THENCE (6) S 89°25'51"E, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION, 2632.00 FEET TO THE NORTH QUARTER CORNER OF THE SECTION;
THENCE (7) S 89°28'26"E, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 27, 1438.36 FEET TO A POINT OF INTERSECTION WITH THE NORTHERLY EXTENSION OF THE WEST LINE OF THAT CERTAIN PARCEL GRANTED TO THE STANDARD PIPELINE COMPANY PER THE DOCUMENT RECORDED IN BOOK 3166, AT PAGE 64, OFFICIAL RECORDS;
THENCE (8) S 0°39'23" W ALONG SAID EXTENSION AND SAID WEST LINE FO SAID PARCEL AND PARALLEL WITH THE EAST LINE OF SAID SECTION 27 1590.00 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL;
THENCE (9) S 4°27'14" E, 396.62 FEET TO A POINT OF INTERSECTION WITH A LINE PARALLEL WITH AND 395.13 FEET SOUTH OF AS MEASURED AT RIGHT

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ANGLES TO THE SOUTH LINE OF SAID PARCEL, SAID POINT ALSO BEING A POINT OF INTERSECTION WITH SAID OFFSET LINE, 40 FEET EASTERLY OF SAID CHEVRON U.S.A., INC., PIPELINE MARKERS;
THENCE (10) S7°38'15"W, ALONG SAID OFFSET LINE, 1049.61 FEET;
THENCE (11) S8°06'31"W, CONTINUING ALONG SAID OFFSET LINE 1034.87 FEET;
THENCE (12) S8°12'15"W, CONTINUING ALONG SAID OFFSET LINE 1235.20 FEET TO THE TRUE POINT OF BEGINNING.
CONTAINING 20,880,943.38 SQ. FT., 479.361 ACRES, MORE OR LESS

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