MINUTE ITEM
This Calendar Item No. C48 was approved as Minute Item No. 48 by the California State Lands Commission by a vote of 3 to Ø at its 4-9-02 meeting.

CALENDAR ITEM
C48

S 36

A 64

04/09/02
W 23751
J. Frey

CESSION OF CONCURRENT CRIMINAL JURISDICTION PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 126 AT THE NATIONAL TRAINING CENTER AND FORT IRWIN, 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.

The United States presently has concurrent criminal legislative jurisdiction over the National Training Center and Fort Irwin, San Bernardino County. This jurisdiction was ceded by the California State Lands Commission on June 5, 1991 and renewed for another five years in 1996. The prior cession has expired. By letter dated February 14, 2002 the United States has requested that the State of California again cede concurrent criminal legislative jurisdiction over these facilities for another five years.

A noticed public hearing was held on March 29, 2002. 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 these facilities.

EXHIBITS:

A. Land Descriptions

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF 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. DETERMINE THAT THE PUBLIC HEARING HELD ON March 29, 2002 COMPLIED WITH THE GOVERNMENT CODE SECTION 126 AND THE REGULATIONS DEALING WITH THE 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.

   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 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 THESE FACILITIES.

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 NATIONAL TRAINING CENTER AND FORT IRWIN, SAN BERNARDINO COUNTY FOR THE LESSER OF FIVE YEARS OR SO LONG AS THE UNITED STATES OWNS THE LANDS. THE CESSION SHALL NOT BE EFFECTIVE UNTIL THE RECEIPT OF A LETTER OF ACCEPTANCE OF JURISDICTION FROM THE UNITED STATES PURSUANT TO 40 U.S.C. 255 COPY OF THIS ACTION HAS BEEN RECORDED.

6. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE A CERTIFICATE OF CESSION OF JURISDICTION.

7. AUTHORIZE THE FILING AND RECORDING OF THE CERTIFICATE OF CESSION OF JURISDICTION AND THIS CALENDAR ITEM WITH THE COUNTY RECORDER FOR SAN BERNARDINO COUNTY.

EXHIBIT A

National Training Center and Fort Irwin
Cession Land Description

Those certain parcels of land located within San Bernardino County, State of California, all on the San Bernardino Base and Meridian and described as follows:

All of Townships 15, 16, and 17 North, Ranges 1, 2, 3, and 4 East.
All of Townships 13 and 14 North, Ranges 2, 3, and 4 East.
All of Townships 14, 15, and 16 North, Range 5 East.

Sections 1, 2, 3, 4, 5, 8, 11, 12, 30, and 31 Township 12 North, Range 2 East.
Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, Township 12 North, Range 3 East.
Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, Township 12 North, Range 4 East.
Sections 5, 6, 7, 8, and 18, Township 12 North, Range 5 East.
Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 27, 28, 29, 30, 31, 32, and 33 Township 13 North, Range 5 East.
Section 6, Township 13 North, Range 6 East.
Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 23 and 24, Township 14 North, Range 1 East.
Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, and 32, Township 14 North, Range 6 East.
Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33 and 34 Township 15 North, Range 6 East.
Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34 Township 16 North, Range 6 East.
Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, Township 17 North, Range 5 East.
Sections 19, 20, 21, 28, 29, 30,31, 32, and 33, Township 17 North, Range 6 East.
Sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36 Township 18 North, Ranges 1, 2, 3 and 4 North.

End of Description