MINUTE ITEM

This Calendar Item No. C60 was approved as Minute Item No. 60 by the California State Lands Commission by a vote of 3 to ϕ at its 4-17-06 meeting.

CALENDAR ITEM
C60

S 12, 16, 18, 22

A 17, 31, 32, 34, 45

04/17/06
W 25229
W 25230
W 25266
W 25787
W 26067
J. Frey

Cession of Concurrent Criminal Jurisdiction
To The United States Bureau of Prisons
Pursuant To California Government Code Section 126
At Federal Prison Camp, Boron, San Bernardino County
At Federal Correctional Institution, Taft, Kern County
At Metropolitan Detention Center, Los Angeles, Los Angeles County
At United States Penitentiary, Atwater, Merced County
At Federal Correctional Institution, Mendota, Fresno 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 or for the establishment, consolidation, and extension of national forests under the act of congress approved march 1, 1911 known as the weeks act, or for any other federal purposes;

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 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;

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

Presently, the United States has concurrent criminal jurisdiction over the Federal Prison Camp, Boron, the Federal Correctional Institution, Taft, the Metropolitan Detention Center, Los Angeles and the United States Penitentiary, Atwater. These cessions expire pursuant to Government Code Section 126 in the 4th Quarter, 2006 or early 2007. The United States has proprietorial legislative jurisdiction over the United States Federal Correctional Institution, Mendota, California.

By letter dated February 23, 2006 the United States has requested that the State of California cede concurrent criminal legislative jurisdiction over all of these facilities for five years. With regard to the sites presently under concurrent jurisdiction, the United States has previously stated: "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. In particular, 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." With regard to the Mendota site the United States believes "... it is mutually desirable, and in the interest of sound administration of a federal penal institution, that the United States has concurrent criminal jurisdiction with the State of California as to this site." County law enforcement agencies having jurisdiction where these facilities are located have sent the Commission letters supporting the United States obtaining jurisdiction.

A noticed public hearing was held on April 4, 2006. Notice of the hearing was published as required by Section 126 and served upon the Clerk of the Board of Supervisors for the various counties and upon the city clerk for the City of Los Angeles. 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 believes that the cession of concurrent criminal jurisdiction over these five facilities is in the best interest of the State of California in connection with the exercise of criminal jurisdiction over them.

EXHIBITS:

Exhibit A	Land Description for Federal Prison Camp, Boron
Exhibit B	Land Description for Federal Correctional Institution, Taft
Exhibit C	Land Description for Metropolitan Detention Center, Los Angeles
Exhibit D	Land Description for US Penitentiary, Atwater
Exhibit E	Land Description for Federal Correctional Institution, Mendota

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 APRIL 4, 2006 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 EXHIBITS "A" – "E" ATTACHED AND BY REFERENCE MADE A PART HEREOF, SAID LANDS BEING WITHIN THE STATE OF CALIFORNIA BY SUBMITTING A LETTER DATED FEBRUARY 23, 2006 REQUESTING A CESSION OF CONCURRENT CRIMINAL JURISDICTION.

   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, OR FOR THE ESTABLISHMENT, CONSOLIDATION, AND EXTENSION OF NATIONAL FORESTS UNDER THE ACT OF CONGRESS APPROVED MARCH 1, 1911 KNOWN AS THE WEEKS ACT, OR FOR ANY OTHER FEDERAL PURPOSE IN THAT THEY ARE USED BY THE UNITED STATES BUREAU OF PRISONS FOR THE OPERATION OF FEDERAL PRISONS.

   C. THE LANDS WERE ACQUIRED BY THE UNITED STATES BY PURCHASE OR CONDEMNATION 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 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 EXHIBITS "A" – "E" 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 BY EXECUTING A REIMBURSEMENT AGREEMENT ON FILE WITH THE COMMISSION.

5. CEDE CONCURRENT CRIMINAL JURISDICTION TO THE UNITED STATES OVER THE FEDERAL PRISON CAMP, BORON, SAN BERNARDINO COUNTY, FEDERAL CORRECTIONAL INSTITUTION, TAFT, KERN COUNTY, METROPOLITAN DETENTION CENTER, LOS ANGELES, LOS ANGELES COUNTY, UNITED STATES PENITENTIARY, ATWATER, MERCED COUNTY, FEDERAL CORRECTIONAL INSTITUTION, MENDOTA, FRESNO COUNTY

FOR THE LESSER OF FIVE YEARS OR SO LONG AS THE UNITED STATES OWNS THE LANDS; SAID CESSIONS TO BE EFFECTIVE UPON RECEIPT BY THE COMMISSION OF A LETTER OF ACCEPTANCE OF THE CESSIONS FROM THE UNITED STATES AS REQUIRED BY 40 USC 3112 AND RECORDATION OF THE CERTIFICATES OF CESSION OF CONCURRENT CRIMINAL JURISDICTION IN THE OFFICIAL RECORDS OF THE COUNTIES WHERE THE AFFECTED LANDS ARE LOCATED.

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, KERN, LOS ANGELES, MERCED AND FRESNO COUNTIES.

EXHIBIT A
Land Description
Federal Prison Camp
Boron, San Bernardino County, California

Four Parcels of land in Sections 1 and 2, T11 N, R7W, SBM, San Bernardino County, California, described as follows:

PARCEL 1

That portion of the NW1/4 of Section 1, T11 N, 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 1/4 corner of said Section;
Thence N 0° 23' 08" E 865.01 feet along said west line;
Thence N 89° 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 W1/4 of Section 1, T11N, R7W, SBM, described as follows:

BEGINNING at the W1/4 corner of said Section 1;
Thence along the west line of said Section N 0° 23' 08" E 117.48 feet to the south line of the north 318 acres of said Section;
Thence along said south line 89° 36' 35" E 664.73 feet;
Thence S 0° 23' 08" W 455.40 feet;
Thence 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 NW1/4 of the SW1/4 of Section 1, T11 N, R7W, SBM.

EXCEPTING THEREFROM the portion described as follows:

BEGINNING at the W/4 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/ of the SW/4;
Thence along said north line 89° 36' 04" W 664.73 feet, more or less, to the point of beginning.

PARCEL 4

Lot 1 of the NE1/4 and the NE1/4 of the SE1/4 of Section 2, T11N, R7W, SBM.

EXCEPTING THEREFROM that portion described as follows:

COMMENCING at the NE corner 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 to 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 the said northerly line;

Thence along said northerly line N 89° 56' 32" E 318.23 feet to the TRUE POINT OF BEGINNING.

EXHIBIT B
Land Description
Federal. Correctional Institution
Taft, Kern County, California

Being a portion of Section 27, T. 32, R. 24 E., 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°3123" 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 of 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 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) S 7°38'15" W, along said offset line, 1049.61 feet;
Thence (11) S 8°06'31" W, continuing along said offset line 1034.87 feet;
Thence (12) S 8°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.

EXHIBIT C
Land Description
Metropolitan Detention Center
Los Angeles, Los Angeles County, California

That real property within the City of Los Angeles, County of Los Angeles, State of California lying over those portions of U.S. Government Property described as follows:

Beginning at the centerline intersection of Aliso Street and Alameda Street;

Thence southerly along the centerline of Alameda South 01 degree 51 minutes 44 seconds West, 264.68 feet;

Thence westerly at right the centerline of Alameda Street North 88 degrees 08 minutes 16 seconds West, 50 feet to a point in the westerly right of way line Alameda Street which is the true point beginning:

Thence North 1 degree 51 minutes 44 seconds West, 219.72 feet;

Thence North 44 degrees 42 minutes 02 seconds East, 14.67 foot;

Thence North 06 degrees 11 minutes 05 seconds East, 26.40 feet;

Thence North 53 degrees 43 minutes 19 seconds West,210.88 feet; said course being parallel with the centerline of Aliso Street;

Thence South 37 degrees 27 minutes 00 seconds West, 79.55 feet;

Thence South 03 degrees 00 minutes 00 seconds West, 160.00 feet;

Thence South 52 degrees 33 minutes 00 seconds East,260.00 feet to the true point of beginning.

EXHIBIT D
Land Description
United States Penitentiary
Atwater, Merced County, California

Legal description for a portion of Castle Air Force Base for the U.S. Department of Justice, Federal Bureau of Prisons, designated as federal transfer sites B1, B2, B3, B4, and B5.
A portion of Sections 20, 21, 28 and 29, Township 6 South, Range 13 East, Mount Diablo Base and Meridian, situate in the County of Merced, State of California, more particularly described as follows:
Beginning at the Southeast corner of the Southwest quarter of Section 28;
Thence South 89° 38' 37" West along the centerline of Ladino Avenue and the South line of said Section 28, a distance of 2555.33 feet;
Thence North 38° 19' 53" West, a distance of 345.83 feet;
Thence North 02° 29' 05" East, a distance of 279.06 feet to the beginning of a curve concave to the Southwest, having a radius of 110.00 feet;
Thence Northwesterly along the arc of said curve, through a central angle of 90° 16' 20", a distance of 173.31 feet;
Thence North 87° 47' 15" West, a distance of 72.59 feet to the beginning of a curve concave to the Northeast, having a radius of 330.00 feet;
Thence Northwesterly along the arc of said curve, through a central angle of 49° 27' 22", a distance of 284.85 feet;
Thence North 38° 19' 53" West, a distance of 7396.96 feet to the North line of lot 45 as shown on the map of Liberty Colony, recorded in volume 7 of official plats at page 70, Merced County records;
Thence North 89° 54' 45" East along the North line of lots 45 - 52, inclusive, of said map, a distance of 5278.45 feet to the East line of said Section 20;
Thence South 02° 31' 38" West along said East line, a distance of 704.91 feet to a concrete monument with a brass cap as shown on the map entitled Segment "B" Real Estate Castle Air Force Base Military Reservation;
Thence South 38° 17' 50" East, a distance of 4133.09 feet to a concrete monument with a brass cap and the East line of the West half of said Section 28;
Thence South 00° 51' 00" West (the basis of bearings) along the East line of the West half of said Section 28, a distance of 2639.65 feet to the point of beginning.
Assessors Parcel No: 52-170-01 portion Parcel 1; 52-140-05 portion Parcel 1; 52-180-02 Parcel 3 & 4 and portion Parcel 1; 52-100-08 Parcel 2

EXHIBIT E
Land Description
Federal Correctional Institution
Mendota, Fresno County, California

That portion of Sections 1 and 12, Township 14 South, Range 14 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on westerly right of way line of State Highway 33, said point lying on the south line of said Section 12, distant thereon, N89°20'07"W, 80.00 feet from the southeast corner thereof;

Thence along the westerly right of way line of said State Highway 33, the following eleven (11) courses:

(1) N1°26'47"E, 30.00 feet to a point on the north right of way line of California Avenue; thence
(2) N46°03'11"E, 71.19 feet to a point lying 30 feet west, measured at right angles from the east line of the southeast quarter of said Section 12;thence
(3) N1°26'29"E, parallel with and 30 feet west measured at right angles from the east line of the southeast quarter of said Section 12, a distance of 2578.41 feet to a point on the north line of the southeast quarter of said Section 12; thence
(4) N1°26'15"E, parallel with and 30 feet west measured at right angles from the east line of the northeast quarter of said Section 12, a distance of 2615.39 feet; thence
(5) N58°31'47"W, 82.72 feet to a point on the north line of the northeast quarter of said Section 12; thence
(6) N61°24'00"E, 82.72 feet to a point lying 30 feet west, measured at right angles from the east line of the southeast quarter of said Section 1; thence
(7) N1°25'56"E, parallel with and 30 feet west measured at right angles from the east line of the southeast quarter of said Section 1, a distance of 2500.66 feet; thence
(8) N58°34'37"W, 42.72 feet to a point lying 67 feet west, measured at right angles from the east line of the southeast quarter of said Section 1, and 95 feet south, measured at right angles from the north line of the southeast quarter of said Section 1; thence
(9) N1°25'56"E, parallel with and 67 feet west measured at right angles from the east line of the southeast quarter of said Section 1, a distance of 30.00 feet; thence
(10) N61°25'41"E, 42.72 feet to a point lying 30 feet west, measured at right angles from the east line of the southeast quarter of said Section 1; thence
(11) N1°25'56"E, parallel with and 30 feet west, measured at right angles from

the east line of the southeast quarter of said Section 1, a distance of 44.64 feet to a point on the north line of the southeast quarter of said Section 1;

Thence S89°54'52"W, along the north line of the southeast quarter of said Section 1, a distance of 2750.59 feet to the point of intersection of the north line of the southeast quarter of said Section 1 with a line lying 378.98 feet (379.00 ground feet) east, measured at right angles from the west line of the southeast quarter of said Section 1;

Thence N1°22'48"E, parallel with and 378.98 feet (379.00 ground feet) east, measured at right angles from the west line of the northeast quarter of said Section 1, a distance of 477.13 feet to the point of intersection of a line 378.98 feet (379.00 ground feet) east, measured at right angles from the west line of the northeast quarter of said Section 1, and a line 476.97 feet (477.00 ground feet) north, measured at right angles from the south line of the northeast quarter of said Section 1;

Thence S89°54'52"W, parallel with and 476.97 feet (477.00 ground feet) north, measured at right angles from the south line of the northeast quarter of said Section 1, a distance of 379.10 feet to a point on the west line of the northeast quarter of said Section 1;

Thence S1°22'48"W, along the west line of the northeast quarter of said Section 1, a distance of 477.13 feet to the center quarter corner of said Section 1;

Thence S89°54'35"W, along the north line of the southwest quarter of said Section 1, a distance of 2659.99 feet to the west quarter corner of said Section 1;

Thence S1°19'40"W, along the west line of the southwest quarter of said Section 1, a distance of 2642.17 feet to the northwest corner of said Section 12;

Thence S1°18'35"W, along the west line of said Section 12, a distance of 2631.21 feet to the west quarter corner of said Section 12;

Thence continuing along the west line of said Section 12, S1°18'35"W, 2631.20 feet to the southwest corner of said Section 12;

Thence S89°19'41"E, along the south line of the southwest quarter of said Section 12, a distance of 2650.94 feet to the south quarter corner of said Section 12;

Thence S89°20'07"E, along the south line of the southeast quarter of said Section 12, a distance of 2570.60 feet to the point of beginning.

Containing 966.36 acres, more or less.

The basis of bearings for this description is California State Plane Coordinates, Zone 4, NAD 83 (1991.35 Epoch) as determined by fast-static GPS observation from H.P.G.N. CA 0606 and U.S.C.& G.S. station Mendota Reset, taken as N89°42'10"E. Distances for this description are California State Plane Coordinates, Zone 4 Grid, unless otherwise specified. Divide each distance by 0.999934301601 to obtain ground distances.