

MINUTE ITEM

This Calendar Item No. 20
was approved as Minute Item
No. 20 by the State Lands
Commission by a vote of 3
to 0 at its 11/29/82
meeting.

CALENDAR ITEM

20

11/29/82
W 22965
Frey

CESSION OF CONCURRENT CRIMINAL JURISDICTION TO
THE UNITED STATES OVER A PARCEL
OF LAND AT BORON, SAN BERNARDINO COUNTY

Pursuant to Government Code section 126, the Commission is authorized on behalf of the State to cede concurrent criminal jurisdiction to the United States upon finding:

- a. That the lands are used for federal purposes.
- b. The United States has in writing requested such cession.
- c. The cession is in compliance with the laws of the United States.

The U.S. Bureau of Prisons maintains a prison in Boron, California. Within that facility there is a Federal Aviation Administration facility. By letter dated November 20, 1981, signed by Acting Attorney General Rudolph W. Giuliani, and by letter dated March 25, 1982, signed by Secretary of Transportation Drew Lewis, the United States requested a cession of concurrent criminal jurisdiction over the above mentioned parcels.

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On May 27, 1982, by calendar item C.23, the Commission authorized the staff to conduct a public hearing on whether the cession would be in the State's best interests. The hearing was noticed in newspapers of general circulation and the Clerk of the Board of Supervisors was served a notice of the hearing. The hearing was held on August 17, 1982. No comments regarding the cession were received at the hearing.

The staff believes that cession of concurrent criminal jurisdiction is in the best interests of the State and that it will facilitate the administration of criminal law over the parcels.

EXHIBITS: A. Location Map.
 B-1 and B-2. Land Descriptions.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE FOLLOWING CONDITIONS HAVE BEEN SATISFIED:
 - A. THE UNITED STATES HAS REQUESTED IN WRITING THAT THE STATE OF CALIFORNIA CEDE CONCURRENT CRIMINAL JURISDICTION OVER THE LAND DESCRIBED IN EXHIBITS "B-1" AND "B-2" ATTACHED AND BY REFERENCE MADE A PART HEREOF, SAID LANDS BEING WITHIN THE STATE OF CALIFORNIA.
 - B. THE LAND IS OWNED BY THE UNITED STATES AND USED FOR FEDERAL PURPOSES.
 - C. JURISDICTION CEDED PURSUANT TO GOVERNMENT CODE, SECTION 126, CONTINUES ONLY SO LONG AS THE LAND IS HELD BY THE UNITED STATES FOR THE ABOVE-DESCRIBED PURPOSES OR FOR FIVE YEARS, WHICHEVER PERIOD IS LESS.
 - D. IN CEDING SUCH 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.

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- e. 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 TO THE STATE, OR PERSONS AUTHORIZED BY THE STATE, THE RIGHT TO PROSPECT FOR, MINE, AND REMOVE SUCH DEPOSITS FROM THE LAND.
2. DETERMINE THAT THE CESSION OF JURISDICTION HEARING HELD ON AUGUST 17, 1982, COMPLIED WITH THE STATUTES AND REGULATIONS FOR THE CESSION OF CONCURRENT CRIMINAL JURISDICTION.
 3. DETERMINE THAT A CESSION OF CONCURRENT CRIMINAL JURISDICTION OVER THE LAND DESCRIBED IN EXHIBITS "B-1" AND "B-2" ATTACHED AND BY REFERENCE MADE A PART HEREOF IS IN THE BEST INTERESTS OF THE STATE OF CALIFORNIA.
 4. CEDE THE REQUESTED CONCURRENT CRIMINAL JURISDICTION OVER THE FEDERAL PRISON (DESCRIBED IN EXHIBIT "B-1") AND THE FEDERAL AVIATION ADMINISTRATION FACILITY (DESCRIBED IN EXHIBIT "B-2" AT BORON, CALIFORNIA. SAID CESSION TO BE EFFECTIVE UPON APPROVAL OF THIS CALENDAR ITEM BY THE COMMISSION, THE RECEIPT OF A LETTER OF ACCEPTANCE OF JURISDICTION BY THE UNITED STATES PURSUANT TO 40 USC 255, AND THE RECORDATION OF ALL NECESSARY DOCUMENTS WITH THE SECRETARY OF STATE AND THE SAN BERNARDINO COUNTY RECORDER.
 5. FIND THAT THIS ACTIVITY IS EXEMPT FROM CEQA PURSUANT TO PRC SECTION 21065.

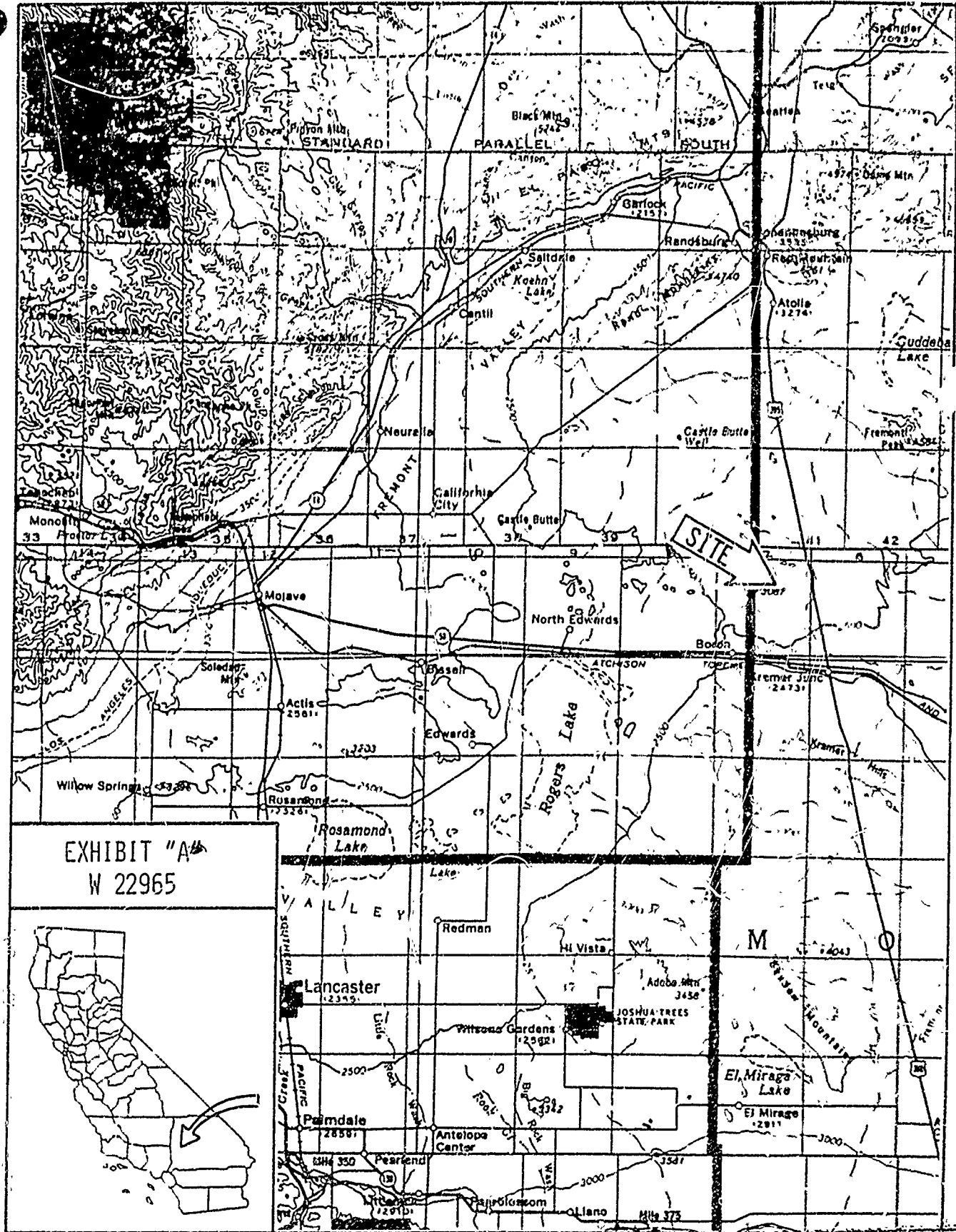


EXHIBIT "A"
W 22965



EXHIBIT "B-1"

LAND DESCRIPTION

1/ 22965

Four parcels of land in Sections 1 and 2, T11N, R7W, SBM, San Bernardino County, California, described as follows:

PARCEL 1

That portion of the NW $\frac{1}{4}$ 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 $\frac{1}{4}$ 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 W $\frac{1}{2}$ of Section 1, T11N, R7W, SBM, described as follows:

BEGINNING at the W $\frac{1}{2}$ 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 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 $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 1, T11N, R7W, SBM.

EXCEPTING THEREFROM the portion described as follows:

BEGINNING at the W $\frac{1}{2}$ 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 $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence along said north line S 89° 36' 04" W 664.73 feet, more or less, to the point of beginning.

PARCEL 4

Lot 1 of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ 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 in the NE $\frac{1}{4}$ 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.

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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 14.35 feet;
9. N 44° 56' 36" W 19.50 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

PREPARED NOV. 10, 1982 BY BOUNDARY AND TITLE UNIT, LEROY WEED, SUPERVISOR.

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EXHIBIT "B-2"

LAND DESCRIPTION

W 22965

A parcel of land in Section 2, T11N, R7W, SBM, San Bernardino County, California, 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 in the NE 1/4 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" W 318.23 feet to the true point of beginning.

END OF DESCRIPTION

PREPARED NOV. 10, 1982 BY BOUNDARY AND TITLE UNIT, LEROY WEED, SUPERVISOR.

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