

MINUTE ITEM
This Calendar Item No. C68
was approved as Minute Item
No. 68 by the State Lands
Commission by a vote of 2
to 0 at its 2/27/96
meeting.

CALENDAR ITEM
C68

A)
) Statewide
S)

02/27/96
W22649.4
J. Frey

MODIFICATION OF PROCEDURE FOR CESSIONS
AND RETROCESSIONS OF LEGISLATIVE JURISDICTION
PURSUANT TO GOVERNMENT CODE SECTIONS 113 AND 126

BACKGROUND:

From time to time the United States seeks to acquire concurrent criminal legislative jurisdiction over lands it holds or to relinquish legislative jurisdiction previously acquired from California. Such transfers of jurisdiction are authorized by Sections 113 and 126 of the California Government Code. These statutes require that the United States make a written request for a cession or retrocession and that the Commission hold a public hearing to determine whether the cession or retrocession is in the best interests of the State.

Presently many military bases are being closed in California and some of the properties are being leased to local communities. Because the United States has legislative jurisdiction over many of these properties, local government has no authority to enact ordinances or enforce civil and criminal law over them. In order to return these properties to full civilian control, the United States and the local communities desire that the United States retrocede its legislative jurisdiction back to the State.

Under current practice for processing these requests, Commission staff bring the United State's request to the Commission twice: first to obtain authorization to conduct the public hearing and a second time to bring a recommendation on whether the cession or retrocession should be authorized.

This process is time consuming and is presenting difficulties to the United States and local communities affected by the closure of military facilities and the transfer or leasing of those bases. Commission staff propose that the present practice be modified so that Commission staff need only bring the request of the United States to the Commission once for a final authorization and granting or denying of a cession or acceptance of a retrocession. To accomplish this the Commission staff request that the Executive

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Officer be delegated general authority to schedule and conduct the public hearing whenever the Commission is in receipt of a request by the United States for either a retrocession or cession of legislative jurisdiction. In this manner, Commission staff would process the United State's request, conduct the public hearing and then bring its recommendation to the Commission for its final discretionary action. Staff believe that such a modification of the processing procedure is consistent with the statutes and regulations governing the transfer of legislative jurisdiction.

AB 884: N/A

OTHER PERTINENT INFORMATION:

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because this activity is not a "project" as defined by the State CEQA Guidelines.

Authority: Public Resources Code Section 21065 and 14. Cal. Code Regs.15378.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE 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. GRANT THE EXECUTIVE OFFICER GENERAL AUTHORITY TO SCHEDULE AND CONDUCT A PUBLIC HEARING WHENEVER THE COMMISSION IS IN RECEIPT OF A REQUEST BY THE UNITED STATES FOR EITHER A RETROCESSION OR CESSION OF LEGISLATIVE JURISDICTION PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 113 AND 126; PROVIDED THAT THE RETROCESSION OR CESSION SHALL NOT BE EFFECTIVE UNTIL THE REQUEST OF THE UNITED STATES HAS BEEN BROUGHT BEFORE THE COMMISSION FOR FINAL APPROVAL OR DENIAL.