

MINUTE ITEM

This Calendar Item No. C114 was approved as Minute Item No. 114 by the California State Lands Commission by a vote of 3 to 0 at its 12/16/98 meeting.

**CALENDAR ITEM
C114**

S 15

12/16/98

A 27, 28

W 24715

J. Frey

**CESSION OF JURISDICTION PURSUANT TO
CALIFORNIA GOVERNMENT CODE SECTION 126
AT FORT HUNTER LIGGETT MILITARY RESERVATION, MONTEREY COUNTY**

BACKGROUND

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 proprietary legislative jurisdiction over the National Training Center and Fort Irwin, San Bernardino County. Previously, the United States had concurrent criminal jurisdiction which was ceded by the Commission in May 1992. That cession expired on May 31, 1997. By letter the United States has requested that the State of California cede concurrent criminal legislative jurisdiction over these facilities for another five years.

A noticed public hearing was held on October 1, 1998. Notice of the hearing was published as required by Section 126 and served upon the Clerk of the Board of Supervisors for Monterey County. Affidavits of the publication and service are found in

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the Commission's files. No comments in opposition to the cession were received.

The Commission staff believes 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
- B. Form of Certificate of Cessation of Jurisdiction

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 OCTOBER 1, 1998 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.

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- 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 AA@ 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 FORT HUNTER LIGGETT MILITARY RESERVATION, MONTEREY 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 JURISDICTION IN SUBSTANTIALLY THE SAME FORM AS FOUND IN EXHIBIT "A" ATTACHED HERETO.

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7. AUTHORIZE THE FILING AND RECORDING OF THE CERTIFICATE OF
CESSION OF JURISDICTION AND THIS CALENDAR ITEM WITH THE OFFICE
OF THE SECRETARY OF STATE, STATE OF CALIFORNIA AND THE
COUNTY RECORDER FOR MONTEREY COUNTY.

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EXHIBIT A

**Fort Hunter Liggett Military Reservation
Cession of Jurisdiction Land Description**

A parcel of land situate in the County of Monterey, State of California, Mount Diablo Meridian, more particularly described as follows:

Township 21 South, Range 5 East

Section 35
S1/2 SE1/4,
SE1/4 SW1/4;

Section 36
SW 1/4 NE 1/4;

Township 21 South, Range 6 East

Section 23
Lot 1 according to an official plat of said land filed in the District Land Office:

Section 24
Lot 3,
Lot 4 according to an official plat of said land filed in the District Land Office:

Section 31
Lot 1,
Lot 2,
Lot3,
Lot 4,
Lot 5,
Lot 6 according to an official plat of said land filed in the District Land Office,
SW1/4 SE1/4,
SE1/4 SW1/4;

Section 32
Lot 1 according to an official plat of said land filed in the District Land Office;

Township 22 South, Range 5 East

Section 1;
Section 2;
Section 10;
Section 11;
Section 12;
Section 13;

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Section 14

N1/2,
SE 1/4;

Section 15

N1/2;

Section 16

E1/2 E1/2 NE1/4;

Section 24

N1/2,
SE1/4;

Township 22 South, Range 6 East

Section 4

Lot 1,

Lot 2,

Lot 3,

Lot 4 according to an official plat of said land filed in the District Land Office,

SW1/4 SE1/4,

SE1/4 SW1/4,

W1/2 SW1/4;

Section 5

Lot 1,

Lot 2,

Lot 3,

Lot 4 according to an official plat of said land filed in the District Land Office,

SW1/4 NE1/4,

S1/2

S1/2 NW1/4;

Section 6;

Section 7;

Section 8;

Section 9

Lot 1,

Lot 2,

Lot 3,

Lot 4 according to an official plat of said land filed in the District Land Office,

W1/2 E1/2,

W1/2;

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Section 17;
Section 18;
Section 19;

Section 20
NE1/4 NE1/4,
W1/2 NE1/4,
SE1/4 SE1/4,
W1/2 SE1/4,
W1/2;

Section 21
Lot 1,
Lot 2,

Lot 4 according to an official plat of said land filed in the District Land Office,
W1/2 NW1/4,
SW1/4 SW1/4;

Section 28
Lot 1
Lot 2 according to an official plat of said land filed in the District Land Office,
NW1/4 NW1/4;

Section 29
N1/2,
N1/2 SE1/4;

Section 30
NE1/4 NE1/4;

Section 31
S1/2;

Section 32
SW1/4 SW1/4;

Section 33
Lot 3,
Lot 4 according to an official plat of said land filed in the District Land Office;

Township 23 South, Range 5 East
Section 1;
Section 2;

Section 3
SE1/4,
E1/2 SW1/4;

Section 10
NE1/4 NW1/4;

Section 12:

Section 13
E1/2;

Township 23 South, Range 6 East

Section 3

Lot 1,

Lot 2,

Lot 3,

Lot 4 according to an official plat of said land filed in the District Land Office
W1/2 SW1/4;

Section 4

Lot 1,

Lot 2,

Lot 3,

Lot 4 according to an official plat of said land filed in the District Land Office,
SW1/4 NE1/4,
SW1/4, SE1/4
SW1/4
S1/2 NW1/4;

Section 5;

Section 6;

Section 7;

Section 8;

Section 9;

Section 10

SE1/4

W1/2;

Section 11

Lot 4 according to an official plat of said land filed in the District Land Office,
SW1/4 SW1/4
SE1/4 NW1/4 SW1/4,
W1/2 NW1/4 SW1/4;

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Section 14

Lot 1,
Lot 2 according to an official plat of said land filed in the District Land Office,
W1/2;

Section 15;
Section 16;
Section 17;
Section 18;

Section 19

E1/2;
E1/2 W1/2

Section 20;
Section 21;

Section 22

N1/2,
E1/2 SE1/4,
NW1/4 SE1/4,
W1/2 SW1/4;

Section 23

SE1/4 NE1/4,
W1/2 NE1/4,
S1/2,
NW1/4;

Section 24

Lot 2 according to an official plat of said land filed in the District Land Office;

Section 25

Lot 4 according to an official plat of said land filed in the District Land Office,
SW1/4 SE1/4,
SE1/4 SW1/4
W1/2 W1/2;

Section 26;

Section 27

E1/2 NE1/4,
SW1/4 NE1/4,
SE1/4,
W1/2;

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Section 28;

Section 29;

Section 30

E1/2,

E1/2 W1/2;

Section 31

E1/2,

E1/2 W1/2,

Lot 1,

Lot 2,

Lot 3 according to an official plat of said land filed in the District Land Office,

Section 32;

Section 33;

Section 34;

Section 35;

Section 36

Lot 1 according to an official plat of said land filed in the District Land Office,

SE1/4 NE1/4

W1/2 NE1/4,

S1/2,

NW1/4;

Township 23 South, Range 7 East

Section 16

Lot 3 according to an official plat of said land filed in the District Land Office;

Section 31

SW1/4 SE1/4,

E1/2 SW1/4,

Lot 3,

Lot 7 according to an official plat of said land filed in the District Land Office,

Township 23 South, Range 8 East

Section 23

The South 547.0 feet of the SE1/4 NW1/4;

Section 32

Lot 3,

Lot 4,

Lot 5,
Lot 7,
Lot 10 according to an official plat of said land filed in the District Land Office;

Section 36

Lot 4 according to an official plat of said land filed in the District Land Office,

Township 24 South, Range 6 East

Section 1;

Section 2;

Section 3;

Section 4;

Section 5

N1/2,

SE1/4;

Section 6

Lot 1,

Lot 2 according to an official plat of said land filed in the District Land Office,

Section 9

NE1/4;

Section 10;

Section 11;

Section 12;

Township 24 South, Range 7 East

Section 5

Lot 1,

Lot 2,

Lot 3,

Lot 4,

Lot 5 according to an official plat of said land filed in the District Land Office,

SE1/4 SE1/4,

W1/2 SE1/4,

SW1/4,

S1/2 NW1/4;

Section 6;

Section 7;

Section 8;

Section 17:

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Section 18

E1/2;

Lot 1,

Lot 2,

Lot 3,

Lot 5,

Lot 6,

Lot 7 according to an official plat of said land filed in the District Land Office;

Section 20

E1/2;

NW1/4;

Township 24 South, Range 8 East

Section 19

SE1/4 SW1/4;

Section 30

SE1/4,

E1/2 W1/2,

Lot 2,

Lot 3,

Lot 4 according to an official plat of said land filed in the District Land Office;

Section 31

NE1/4,

E1/2 SE1/4,

NW1/4 SE1/4,

E1/2 NW1/4,

Lot 1 according to an official plat of said land filed in the District Land Office;

Section 32

S1/2,

SE1/4 NW1/4,

W1/2 NW1/4;

Section 33

SW1/4 SW1/4.

CONTAINING 43,678.60 acres, more or less.

DATE: 19 March 1991

END OF DESCRIPTION

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RECORDED AT THE REQUEST OF
AND WHEN RECORDED MAIL TO:
STATE OF CALIFORNIA
STATE LANDS COMMISSION
100 HOWE AVE. SUITE 100 SOUTH
SACRAMENTO, CA 95825
ATTN: LEGAL UNIT
TELEPHONE: (916) 574-1850

**STATE OF CALIFORNIA - OFFICIAL
BUSINESS**
DOCUMENT ENTITLED TO FREE
RECORDATION
PURSUANT TO GOVERNMENT
CODE SECTION 27383

CESSION OF CONCURRENT CRIMINAL LEGISLATIVE JURISDICTION

California Government Code Section 126

WHEREAS the United States acting by and through the Department of the Army has requested that the State of California cede concurrent criminal legislative jurisdiction to the United States over lands comprising Fort Hunter Liggett Military Reservation ; and

WHEREAS the California State Lands Commission, pursuant to California Government Code Section 126, has been authorized by the California State Legislature to cede such jurisdiction; and

WHEREAS the United States, acting by and through the Department of Army and pursuant to Title 40, Section 255 of the United States Code, by letter dated August 14, 1998 has agreed to accept such cession of concurrent criminal legislative jurisdiction; and

WHEREAS the Executive Officer of the State Lands Commission has been authorized to execute this instrument;

NOW, THEREFORE, I, Robert C. Hight, Executive Officer of the California State Lands Commission hereby certify that the Commissioners for the California State Lands Commission met on December 16, 1998 and ceded concurrent criminal legislative jurisdiction to the United States over those lands comprising Fort Hunter Liggett Military Reservation. A copy of the Commission's Agenda Item No. C114 describing the terms and conditions of the cession is attached hereto as Exhibit A.

ROBERT C. HIGHT, EXECUTIVE OFFICER
CALIFORNIA STATE LANDS COMMISSION

Date: _____

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