

MINUTE ITEM
This Calendar Item No. C55 was approved as
Minute Item No. 55 by the California State Lands
Commission by a vote of 3 to 0 at its
06/28/07 meeting.
CALENDAR ITEM
C55

A 73

06/28/07

S 38

W 9405

J. Frey

**AMENDMENT OF ACCEPTANCE OF RETROCESSION OF JURISDICTION OVER
405 ACRES OF LAND, CAMP PENDLETON, SAN DIEGO COUNTY**

PARTY: The United States Navy

BACKGROUND

Pursuant to Government Code Section 113 the State Lands Commission (Commission) is authorized on behalf of the State of California to accept a retrocession of jurisdiction from the United States and to establish concurrent jurisdiction upon the filing of such a request by the United States and the Commission finding that it is in the best interests of the State to accept the retrocession.

On March 30, 1971 the United States entered into a lease (NF(R) -11681) with the California Department of Parks and Recreation (Parks) whereby Parks would lease from the United States 405 acres of beach property at Camp Pendleton. At the time of the lease, the United States exercised partial legislative jurisdiction over those lands, that is the United States had all of the State's authority to enact and enforce law over Camp Pendleton except the power to tax which California had reserved back at the time of the cession in 1942. By letter dated April 8, 1971, the United States requested that California accept a retrocession of that jurisdiction and establish concurrent jurisdiction over the 405 acres leased to Parks for the lease term. Upon the establishment of concurrent jurisdiction, the United States and California would have the same authority to enact and enforce law over the retroceded lands.

The Commission conducted the noticed public hearing required by Section 113 and, at its October 28, 1971 meeting, accepted the retrocession of jurisdiction. A copy of the Commission's action was recorded in the office of the San Diego County Recorder and the California Secretary of State as required by Section 113.

It has recently come to the attention of the Commission's staff that the October 8, 1971 agenda item was incorrectly worded in that it provided for a retrocession of all legislative jurisdiction, resulting in the United States having only proprietary jurisdiction, when, in fact and as evidenced by its letter of request, the United States intended to retrocede only so much of its jurisdiction as was necessary to establish concurrent jurisdiction for the duration of the lease with Parks.

This agenda item recommends that the Commission amend its prior action to

CALENDAR ITEM NO. C55 (CONT'D)

reflect that the intent of the Commission on October 28, 1971 was to accept a retrocession of partial jurisdiction and to establish concurrent jurisdiction as requested by the United States over the 405 acres for so long as the lease to Parks was in effect.

EXHIBITS:

- A. Location Map
- B. Land Description.
- C. Minute Item 19, October 28, 1971

RECOMMENDED ACTION:

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. RATIFY THE FINDINGS OF THE OCTOBER 28, 1971 MEETING THAT THE UNITED STATES, THROUGH ITS AUTHORIZED REPRESENTATIVE, REQUESTED IN WRITING THAT CALIFORNIA ACCEPT A RETROCESSION OF JURISDICTION AND THAT A PUBLIC HEARING WAS CONDUCTED AS REQUIRED BY GOVERNMENT CODE SECTION 113 AND THE COMMISSION'S REGULATIONS IN EFFECT AT THAT TIME AND THAT ACCEPTANCE OF THE RETROCESSION IS IN THE BEST INTEREST OF THE STATE.
3. AMEND FINDING 1.C. OF MINUTE ITEM 19 TO READ: SAID REQUEST PROVIDED FOR A RETURN OF SO MUCH OF THE UNITED STATES' JURISDICTION SO AS TO RESULT IN CONCURRENT JURISDICTION IN THE STATE OF CALIFORNIA AND THE UNITED STATES FOR THE DURATION OF LEASE NF(R) - 11681.
4. AUTHORIZE THE RECORDATION OF THIS ACTION IN THE OFFICE OF THE RECORDER FOR SAN DIEGO COUNTY.

NO SCALE

SITE

Exhibit A

W9405

CAMP PENDLETON
RETROCESSION
JURISDICTION
SAN DIEGO COUNTY



AREA SUBJECT TO RETROCESSION



CAMP PENDLETON

SAN DIEGO COUNTY
ORANGE COUNTY

STATE BEACH

POWER PLANT

STATE BEACH

PACIFIC OCEAN

000230

CALENDAR PAGE

001705

MINUTE PAGE

EXHIBIT B
Land Description

A parcel of land in the County of San Diego, State of California, consisting of portions of Sections 29, 30, 31, 32, and 33, Township 9 South, Range 6 West, and Sections 3 and 4, Township 10 South, Range 6 West, of Rancho Santa Margarita, according to Record of Survey Map 794, filed January 17, 1940, in the Office of the County Recorder of said San Diego County, more particularly described as all of that certain land lying southwesterly of the right-of-way of the Atchison, Topeka and Santa Fe Railway Company Main Line, and extending southeasterly a distance of eighteen thousand, two hundred twenty feet (18,220) from the southeast boundary of an easement for construction and operation of a nuclear generating station, granted to Southern California Edison Company and San Diego Gas and Electric Company, containing four hundred five (405) acres, more or less, as delineated on a map entitled "State Beach", on file in the office of the State Lands Commission and by this reference made a part hereof.

19. AUTHORIZATION FOR THE ACCEPTANCE OF RETROCESSION OF JURISDICTION OF LANDS FORMERLY A PART OF THE CAMP PENDLETON MARINE BASE; SAN DIEGO COUNTY - W 9405.

After consideration of Calendar Item 10 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. DETERMINES THAT THE RETROCESSION HEARING HELD ON SEPTEMBER 30, 1971, COMPLIED WITH THE STATUTES AND RULES AND REGULATIONS FOR RETROCESSION OF JURISDICTION, AND THAT THE FOLLOWING CONDITIONS HAVE BEEN SATISFIED:
 - a. THE UNITED STATES HAS REQUESTED IN WRITING THAT THE STATE OF CALIFORNIA ACCEPT THE RETROCESSION OF JURISDICTION OF THE LANDS DESCRIBED IN EXHIBIT "A", SAID LANDS BEING WITHIN THE STATE OF CALIFORNIA.
 - b. SAID REQUEST WAS MADE BY AN OFFICER OF THE UNITED STATES EMPOWERED BY A UNITED STATES STATUTE TO CEDE JURISDICTION TO THE STATE OF CALIFORNIA.
 - c. SAID REQUEST PROVIDED FOR A RETURN OF ALL JURISDICTION TO THE STATE OF CALIFORNIA.
2. DETERMINES THAT A RETROCESSION OF JURISDICTION OF THE LANDS DESCRIBED IN EXHIBIT "A", WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN, IS IN THE BEST INTERESTS OF THE STATE OF CALIFORNIA.
3. AUTHORIZES THE EXECUTIVE OFFICER TO EXECUTE ON BEHALF OF THE COMMISSION A RESOLUTION ACCEPTING RETROCESSION OF JURISDICTION AND ALL OTHER NECESSARY DOCUMENTS TO MAKE IT EFFECTIVE.
4. INSTRUCTS THE EXECUTIVE OFFICER TO DISTRIBUTE CERTIFIED COPIES OF SAID RESOLUTION AS FOLLOWS:
 - a. ONE COPY FILED WITH EDMUND G. BROWN, JR., SECRETARY OF STATE, STATE OF CALIFORNIA.
 - b. ONE COPY RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY.
 - c. ONE COPY MAILED TO N. C. SIMONSON, CAPTAIN, CEC, USN, ASSISTANT COMMANDER FOR REAL PROPERTY MANAGEMENT, DEPARTMENT OF THE NAVY, WASHINGTON, D.C.

Attachment:

Calendar Item 10 (3 pages)

CALENDAR ITEM

10/71
W 9405
VJB

10.

AUTHORIZATION FOR THE ACCEPTANCE OF RETROCESSION OF JURISDICTION OF LANDS FORMERLY A PART OF THE CAMP PENDLETON MARINE BASE; SAN DIEGO COUNTY - W 9405.

In response to a request of N. C. Simonson, Captain, CEC, USN, Assistant Commander for Real Property Management, Department of the Navy, Washington, D.C., pursuant to Title 10, United States Code Section 2683, and pursuant to Minute Item 21, page 347, of the Commission's meeting of May 27, 1971, and pursuant to the provisions of Title 2, Article 8, Sections 2700 to 2710, inclusive, of the California Administrative Code, a hearing was held on September 30, 1971, at 10:00 a.m., in the Los Angeles Office of the State Lands Division, to determine if acceptance of retrocession of jurisdiction was in the best interests of the State.

Notice of the hearing was published in the San Diego Union on September 1, 1971, and notice was served upon the Clerk of the San Diego County Board of Supervisors on September 16, 1971, and mailed to the U. S. Navy and all parties requesting notice.

No one appeared at the hearing in opposition to the retrocession, and no adverse comments were received.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT THE RETROCESSION HEARING HELD ON SEPTEMBER 30, 1971, COMPLIED WITH THE STATUTES AND RULES AND REGULATIONS FOR RETROCESSION OF JURISDICTION, AND THAT THE FOLLOWING CONDITIONS HAVE BEEN SATISFIED:
 - a. THE UNITED STATES HAS REQUESTED IN WRITING THAT THE STATE OF CALIFORNIA ACCEPT THE RETROCESSION OF JURISDICTION OF THE LANDS DESCRIBED IN EXHIBIT "A", SAID LANDS BEING WITHIN THE STATE OF CALIFORNIA.
 - b. SAID REQUEST WAS MADE BY AN OFFICER OF THE UNITED STATES EMPOWERED BY A UNITED STATES STATUTE TO CEDE JURISDICTION TO THE STATE OF CALIFORNIA.
 - c. SAID REQUEST PROVIDED FOR A RETURN OF ALL JURISDICTION TO THE STATE OF CALIFORNIA.
2. DETERMINE THAT A RETROCESSION OF JURISDICTION OF THE LANDS DESCRIBED IN EXHIBIT "A", WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN, IS IN THE BEST INTERESTS OF THE STATE OF CALIFORNIA.
3. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE ON BEHALF OF THE COMMISSION A RESOLUTION ACCEPTING RETROCESSION OF JURISDICTION AND ALL OTHER NECESSARY DOCUMENTS TO MAKE IT EFFECTIVE.
4. INSTRUCT THE EXECUTIVE OFFICER TO DISTRIBUTE CERTIFIED COPIES OF SAID RESOLUTION AS FOLLOWS:

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CALENDAR ITEM 10. (CONTD.)

- a. ONE COPY FILED WITH EDMUND G. BROWN, JR., SECRETARY OF STATE, STATE OF CALIFORNIA.
- b. ONE COPY RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY.
- c. ONE COPY MAILED TO N. C. SIMONSON, CAPTAIN, CEC, USN, ASSISTANT COMMANDER FOR REAL PROPERTY MANAGEMENT, DEPARTMENT OF THE NAVY, WASHINGTON, D.C.

Attachment: Exhibit "A"

EXHIBIT "A"

A parcel of land in the County of San Diego, State of California, consisting of portions of Sections 29, 30, 31, 32, and 33, Township 9 South, Range 6 West, and Sections 3 and 4, Township 10 South, Range 6 West, of Rancho Santa Margarita, according to Record of Survey Map 794, filed January 17, 1940, in the Office of the County Recorder of said San Diego County, more particularly described as all of that certain land lying southwesterly of the right-of-way of the Atchison, Topeka and Santa Fe Railway Company Main Line, and extending southeasterly a distance of eighteen thousand, two hundred twenty feet (18,220) from the southeast boundary of an easement for construction and operation of a nuclear generating station, granted to Southern California Edison Company and San Diego Gas and Electric Company, containing four hundred five (405) acres, more or less, as delineated on a map entitled "State Beach", on file in the office of the State Lands Commission and by this reference made a part hereof.