

**STAFF REPORT  
C80**

A 30  
S 17

02/27/18  
FJ 0127.3  
P. Huber

**CONSIDER CESSION OF CONCURRENT CRIMINAL LEGISLATIVE JURISDICTION  
PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 126  
OVER LANDS AT FORT HUNTER LIGGETT, MONTEREY COUNTY**

**PARTY:**

United States, Department of the Army, Corps of Engineers

**AREA, LAND, TYPE, AND LOCATION:**

A portion of Fort Hunter Liggett, Monterey County.

**PROPOSED ACTION:**

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

- A. The United States has requested such cession in writing.
- B. The federal lands are held for the erection of forts, magazines, arsenals, dockyards and other needful buildings within the purview of clause 17, section 8, article I of the United States Constitution or other federal purpose.
- C. The cession is made pursuant to and in compliance with the laws of the United States.
- D. A notice of the proposed cession has been given to the clerk for the board of supervisors of the county in which the federal lands are located at least 15 days before the proposed cession.
- E. The proposed cession is in the best interests of the State of California.
- F. The United States has agreed to bear all costs and expenses incurred by the Commission in making the cession.

Upon making these findings and the Commission having made a cession, the State and the United States will equally share the State's criminal legislative

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jurisdiction over lands affected by the cession. The cession shall continue only so long as the lands are owned by the United States and used for the purposes for which jurisdiction is ceded or for 10 years, whichever period is less. In ceding concurrent criminal legislative jurisdiction, the State reserves its full civil legislative jurisdiction including its jurisdiction over the land, water, and use of water with full power to control and regulate the acquisition, use, control, and distribution of water with respect to the land affected by the cession.

The Commission ceded concurrent criminal jurisdiction over a portion of the lands within Fort Hunter Liggett in 1991 ([Item C17, July 15, 1991](#)) and 1998 ([Item C114, December 16, 1998](#)). These cessions have expired pursuant to their terms.

By letter signed by Paul D. Cramer, Deputy Assistant Secretary of the Army, dated October 27, 2017, the United States has requested that the State of California again cede concurrent criminal legislative jurisdiction over these lands for a 10-year period for military purposes.

The lands comprising Fort Hunter Liggett in Monterey County were acquired by purchase or condemnation and are all owned by the United States.

A notice of the proposed cession was sent to the Clerk of the Board of Supervisors for Monterey County on January 25, 2018.

The United States has agreed to bear all costs and expenses incurred by the Commission in making the cession.

Staff believes all pertinent federal law has been complied with and the United States has indicated in its October 27, 2017 letter that its acceptance of the cession, as required by 40 U.S.C. section 3112, will be effective upon the Commission having made the requested cession and recording it in the official records of Monterey County.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Government Code section 126.

**State's Best Interests Analysis:**

Ceding concurrent criminal legislative jurisdiction over Fort Hunter Liggett to the United States will share the State's authority to make and enforce criminal law with the United States. Accordingly, the United States could

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independently enforce criminal law for crimes committed on Fort Hunter Liggett instead of relying on local law enforcement to respond and enforce the law. Thus, the proposed cession would alleviate the burden on local law enforcement agencies while preserving their authority to enforce the law for crimes committed on Fort Hunter Liggett, if needed. For these reasons, staff believes that the cession of concurrent criminal legislative jurisdiction is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

1. This action is consistent with Strategy 3.1 of the Commission's Strategic Plan to "foster, improve, and enhance relationships, to engage the legislature, public, local, state and federal agencies, legislative grantees, Commission lessees, potential applicants, non-governmental organizations, and the regulated community."
2. Staff recommends that the Commission find that the subject cession of jurisdiction does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, sections 15060, subdivision (c)(3), and 15378.

**EXHIBIT:**

- A. Land Description

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the subject cession of jurisdiction is not subject to the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15060, subdivision (c)(3) because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378.

**AUTHORIZATION:**

1. Find that the following requirements of Government Code section 126 have been satisfied:

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- A. The United States has requested in writing that the State cede concurrent criminal legislative jurisdiction over the lands described in Exhibit A attached and by reference made a part hereof, said lands being within Monterey County, State of California.
  - B. The lands are held by the United States for the erection of forts, magazines, arsenals, dockyards, and other needful buildings within the purview of clause 17 of section 8 of article I of the Constitution of the United States, or for another federal purpose.
  - C. The cession is made pursuant to and in compliance with the laws of the United States.
  - D. A notice of the proposed cession has been given to the clerk for the board of supervisors of Monterey County, in which the federal lands are located, at least 15 days before the proposed cession.
  - E. The proposed cession is in the best interests of the State.
  - F. The United States has agreed to compensate the State of California for its cost incurred in processing the cession.
- 2. Find that cession of concurrent criminal legislative jurisdiction over the lands described in Exhibit A attached hereto and by reference made a part hereof is in the best interests of the State because the United States will then have the authority to conduct investigations and prosecutions of criminal offenses on these lands and will be able to assist local law enforcement.
  - 3. Cede concurrent criminal legislative jurisdiction to the United States over the lands identified in Exhibit A, Monterey County, for so long as the lands are owned by the United States and used for military purposes or for 10 years, whichever period is less.
  - 4. Authorize the Executive Officer or her designee to execute a Resolution of Cession of Concurrent Criminal Legislative Jurisdiction and have it recorded in the Official Records of Monterey County.

## 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

SW1/4 NE1/4;

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,

Lot 3,

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;

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;

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;

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;

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;

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: 27 February 2018

END OF DESCRIPTION