MINUTE ITEM
This Calendar Item No. 11
was approved as Minute Item
No. 11 by the State Lands
Commission by a vote of 3
to 0 at its 6/5/91
meeting.

CALENDAR ITEM

11

A 61

S 25

06/05/91
W 23751
Frey

CESSION OF CONCURRENT CRIMINAL JURISDICTION
NATIONAL TRAINING CENTER AND FORT IRWIN
SAN BERNARDINO COUNTY

PARTY:

Department of the Army
Los Angeles District
Corps of Engineers
P. O. Box 2711
Los Angeles, California 90053-2325

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 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.

On April 10, 1991, Mr. P. W. Stone, Assistant Secretary of the Army, wrote Governor Wilson and requested a cession of concurrent criminal jurisdiction over the National Training Center and Fort Irwin pursuant to Government Code Section 126.

On May 1, 1991, the State Lands Commission authorized a public hearing for the purpose of determining whether it is in the best interest of the State to make the requested cession. Notice of the hearing was published in the Barstow Desert Dispatch and served upon the Clerk of the Board of Supervisors for San Bernardino County. Applications of the publication and service are found in the Commission's files.

CALENDAR PAGE 49
MINUTE PAGE 1062

The Hearing was held on May 24, 1991 in the Commission's offices in Sacramento, California. There were no personal appearances by any members of the public. The United States appeared by submitting written comments. The comments focused on the remoteness of the facility, its large civilian and military population, scarcity of sheriff's patrols, and the need for consistent and fair application of law to a mixed civilian and military population. The comments also reviewed the success of the current cession wherein the Army and a federal magistrate handle some criminal matters on the facility and thus relieve San Bernardino County Sheriff and District Attorney of some criminal cases.

The Commission staff believe 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 the facility.

AB 884:
N/A.

EXHIBITS:
A. Land Description
B. Location Map

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 P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.

2. DETERMINE THAT THE PUBLIC HEARING HELD ON MAY 24, 1991 COMPLIED WITH THE STATUTES AND 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 LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF, SAID LANDS BEING WITHIN THE STATE OF CALIFORNIA.

CALENDAR PAGE 50
MINUTE PAGE 1063

B. THE LAND IS 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 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.

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 ACQUISTION, 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.

3. DETERMINE THAT A CESSION OF CONCURRENT CRIMINAL 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 OF CALIFORNIA.

4. CEDE CONCURRENT CRIMINAL JURISDICTION OVER THE NATIONAL TRAINING CENTER AND FORT IRWIN FOR THE LESSER OF FIVE YEARS OR SO LONG AS THE UNITED STATES OWNS THE LANDS CONDITIONED UPON THE RECEIPT OF A LETTER OF ACCEPTANCE OF JURISDICTION FROM THE UNITED STATES PURSUANT TO 40 U.S.C. 255.

5. AUTHORIZE THE FILING AND RECORDING OF THIS CALENDAR ITEM WITH THE OFFICE OF THE SECRATARY OF STATE, STATE OF CALIFORNIA, AND THE COUNTY RECORDER FOR THE COUNTY OF SAN BERNARDINO, AS REQUIRED BY GOVERNMENT CODE SECTION 126.

CALENDAR PAGE 524
MINUTE PAGE 1083

EXHIBIT "A"
LAND DESCRIPTION

W 23751

Those certain parcels of land located within San Bernardino County, State of California, all on the San Bernardino Base and Meridian and described as follows:

All of Townships 15, 16, 17, North, Ranges 1, 2, 3, 4 East
All of Townships 13, 14, North, Ranges 2, 3, 4 East
All of Townships 14, 15, 16, North, Range 5 East
Sections 1, 2, 3, 4, 5, 8, 11,12, 30, 31, Township 12 North , Range 2 East
Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, Township 12 North, Range 3 East
Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, Township 12 North, Range 4 East
Sections 5, 6, 7, 8, 18,Township 12 North, Range 5 East
Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 27, 28, 29, 30, 31, 32, 33, Township 13 North, Range 5 East
Section 6 Township 13 North, Range 6 East
Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 23, 24 ,Township 14 North, Range 1 East
Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, Township 14 North, Range 6 East
Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34, Township 15 North 6 East
Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34 , Township 16 North, Range 6 East
Sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, Township 17 North, Range 5 East
Sections 19, 20, 21, 28, 29, 30, 31, 32, 33, Township 17 North, Range 6 East
Sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, Township 18 North, Ranges 1 , 2, 3, 4 North

END OF DESCRIPTION

CALENDAR PAGE 52
MINUTE PAGE 1065

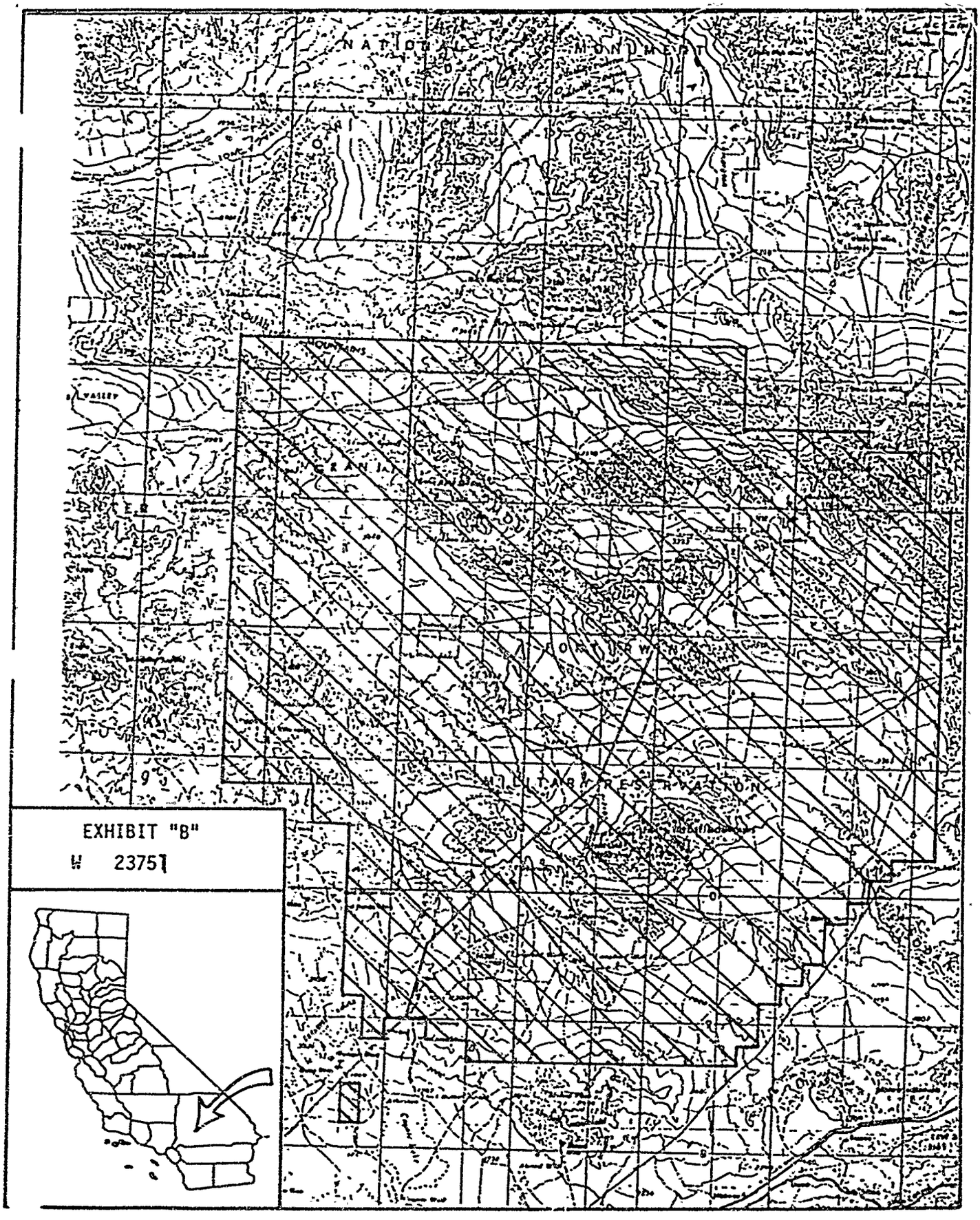

EXHIBIT "B"

W 23751

CALENDAR PAGE 53

MINUTE PAGE 1[illegible]