

# Staff Report 54

**APPLICANT:**

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U.S. Marine Corps

**PROPOSED ACTION:**

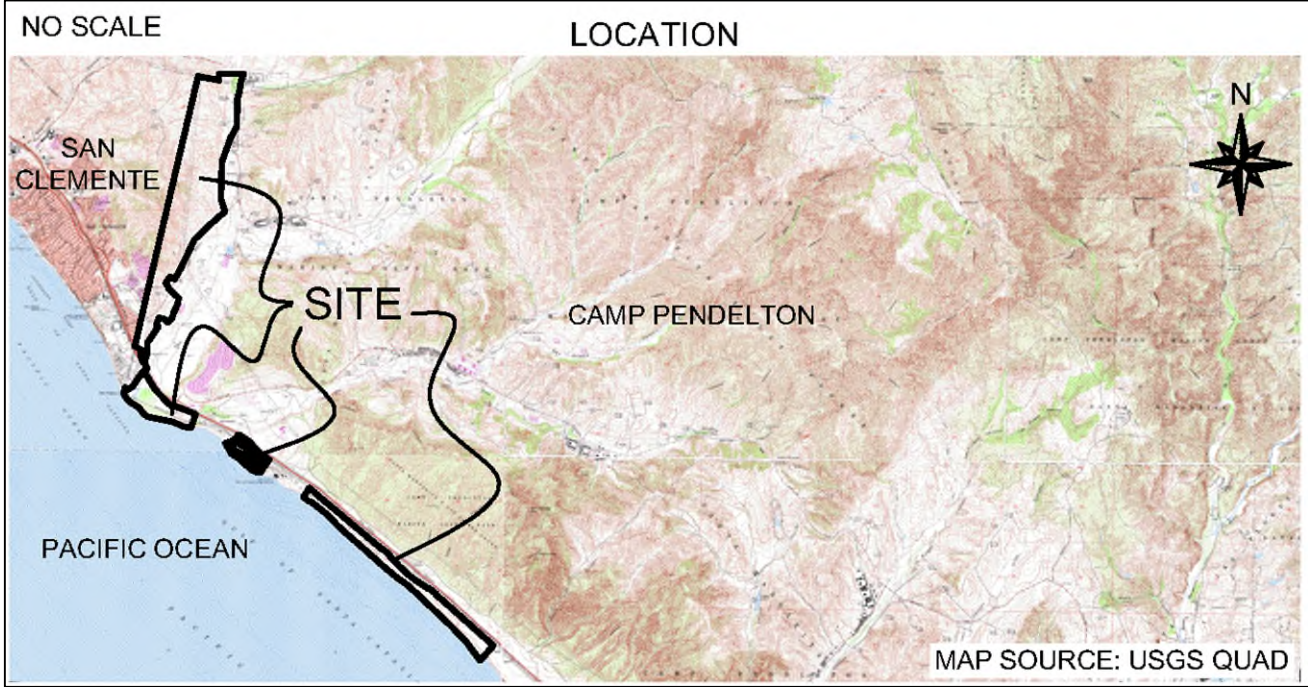
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Consider Acceptance of Retrocession of Partial Jurisdiction to Establish Concurrent Jurisdiction pursuant to California Government Code Section 113.

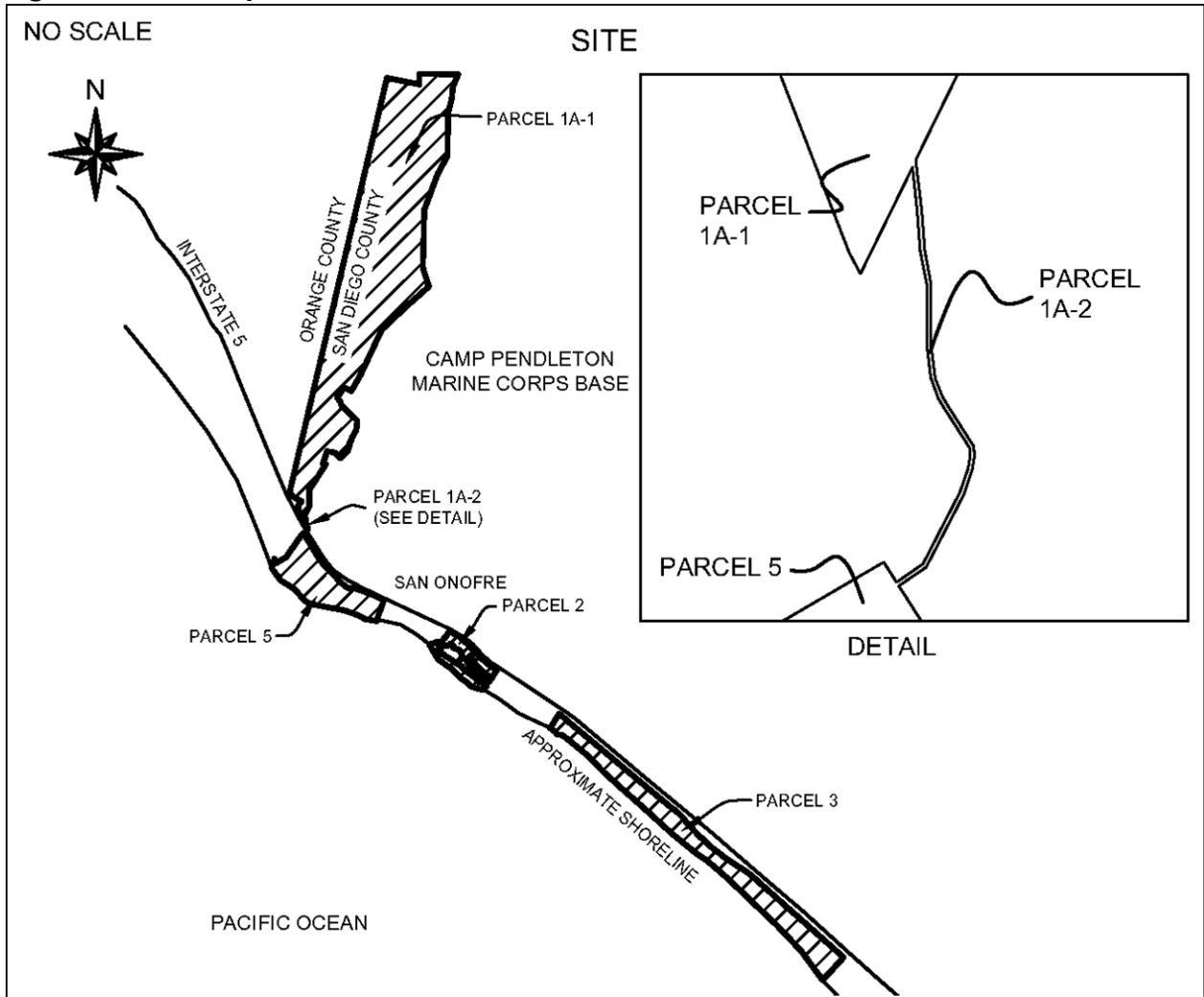
**AREA, LAND TYPE, AND LOCATION:**

Federal land near San Onofre State Beach, within Camp Pendleton, San Diego County (as shown in Figure 1 and Figure 2).

**Figure 1. Location**



**Figure 2. Site Map**



**BACKGROUND:**

Legislative jurisdiction is the authority to make and enforce laws. The State ceded all or most of its legislative jurisdiction over some federal properties in the late 1800s and early 1900s. These cessions have the now-unwanted consequence of preventing State or local law enforcement from assisting with incidents on these properties, as well as limiting the rights of residents and workers. Consequently, the United States often seeks to retrocede some of its sole responsibility for the lands in question to establish a lesser degree of legislative jurisdiction, allowing the application of California laws and cooperation with State and local law enforcement agencies.

The United States acquired much of modern-day Camp Pendleton, including the lands at issue near San Onofre State Beach, by condemnation on December 31, 1942. California Political Code section 34 ([Ch. 710, Stats. of 1939](#)), the relevant jurisdictional statute at that time for condemnations for military purposes, offered all of the state's jurisdiction other than the powers to serve process and to tax. The United States accepted this offer and established its jurisdiction by letter dated September 8, 1943.

In the early 1970s, the U.S. Marine Corps and the California Department of Parks and Recreation negotiated a lease of federal lands to the state, which established San Onofre State Beach. The U.S. Marine Corps requested that the Commission accept a retrocession to establish concurrent legislative jurisdiction first over a 405-acre beach in 1971 ([Item 10, October 28, 1971](#), as clarified and corrected by [Item 55, June 28, 2007](#)) and then over a larger area in 1973 ([Item 18, November 29, 1973](#)). These retrocessions were limited to the life of the lease, which expired on August 31, 2024.

Today, the Commission may accept retrocessions on behalf of the State pursuant to the express conditions of California Government Code section 113:

- A. The United States must in writing have requested state acceptance of the retrocession, and unless there is an officer of the United States empowered by a United States statute to retrocede jurisdiction, the request shall be by the act of Congress. The retrocession may return all jurisdiction to the state or may provide for concurrent jurisdiction.
- B. The proposed retrocession is in the best interest of the state.
- C. A notice of the proposed retrocession has been given to the clerk for the board of supervisors of each county in which the federal lands are located at least 15 days before the proposed retrocession is considered by the State Lands Commission.
- D. The United States has agreed to bear all costs and expenses incurred by the State Lands Commission in making the retrocession.
- E. The acceptance of the retrocession shall be made at a publicly noticed meeting of the State Lands Commission. The determination of the State Lands Commission shall be final and the retrocession of jurisdiction accepted shall become effective when certified copies of its orders or resolutions have been recorded in the office of the county recorder of each county in which any part of the land is situated. The State Lands

Commission shall keep copies of its orders or resolutions and make them available to the public upon request.

## **PROPOSED ACTION:**

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The U.S. Marine Corps and California Department of Parks and Recreation have negotiated a new lease for San Onofre State Beach. The U.S. Marine Corps has requested that the State of California accept a retrocession of jurisdiction over lands near San Onofre State Beach, more particularly described and shown as five separate parcels in Exhibit A. This includes the entire area to be leased to California Department of Parks and Recreation for the San Onofre State Beach and also areas adjacent to the lease premises that the public is likely to enter and access. The United States currently exercises partial legislative jurisdiction over these lands and seeks to establish concurrent jurisdiction. If accepted the retrocession would be indefinite.

## **STAFF ANALYSIS AND RECOMMENDATION:**

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### **AUTHORITY:**

Government Code section 113.

### **STATE'S BEST INTERESTS:**

The proposed retrocession would establish concurrent legislative jurisdiction over the lands described in Exhibit A, which are part of or adjacent to San Onofre State Beach. Accepting the retrocession would allow the state and the United States to share civil and criminal legislative jurisdiction. State agents, including California Park Rangers, Sheriff's staff, and local police, would be able to enforce State criminal law in the retroceded area. The United States would also retain its authority to enforce criminal laws on these lands, allowing federal, state, and local law enforcement authorities to work cooperatively.

The U.S. Marine Corps provided letters of support for the retrocession from California Department of Parks and Recreation, the federal Department of Justice, and the City of San Clemente. The Marine Corps also provided a copy of their Memorandum of Understanding with the Orange County Sheriff's Department, which establishes mutual support and cooperation between these agencies.

**CONCLUSION:**

For these reasons, staff believes that the retrocession of concurrent criminal legislative jurisdiction is in the best interest of the State. Further, staff believes that sufficient evidence exists to satisfy all requirements of Government Code section 113.

**OTHER PERTINENT INFORMATION:**

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1. Approval or denial of the retrocession is a discretionary action by the Commission. Each time the Commission approves or rejects a retrocession, it exercises legislatively delegated authority. If the Commission denies the requested retrocession, the state will continue to have only the powers to serve process and to tax within the area.
2. This action is consistent with the “Committing to Collaborative Leadership” Strategic Focus Area of the Commission’s 2021-2025 Strategic Plan.
3. Commission staff provided notice of the proposed retrocession to the Clerk for the Board of Supervisors of San Diego County on September 18, 2024. The retrocession area lies wholly within San Diego County but abuts Orange County. Staff therefore provided courtesy notice to the Clerk for the Board of Supervisors of Orange County, though this is not required by statute.
4. The subject retrocession of jurisdiction is not a project as defined by the California Environmental Quality Act because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, sections 15060, subdivision (c)(3), and 15378, subdivision (b)(5).

**EXHIBIT:**

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- A. Land Description and Plat: Retrocession of Jurisdiction, San Onofre State Beach, Camp Pendleton, San Diego County

**RECOMMENDED ACTION:**

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It is recommended that the Commission:

**AUTHORIZATION:**

1. Find that the requirements of Government Code section 113 have been satisfied as follows:
  - a. The United States has requested state acceptance of the retrocession in writing by an authorized officer of the United States.
  - b. The retrocession will establish concurrent jurisdiction.
  - c. The retrocession is in the best interest of the state.
  - d. A notice of the retrocession has been given to the clerk for the board of supervisors of each county in which the federal lands are located at least 15 days before the proposed retrocession is considered by the State Lands Commission.
  - e. The United States has agreed to bear all costs and expenses incurred by the State Lands Commission in making the retrocession.
  - f. The acceptance of the retrocession is made at a publicly noticed meeting of the State Lands Commission.
2. Accept a retrocession of partial legislative jurisdiction and establish concurrent legislative jurisdiction over the lands described in Exhibit A.
3. Authorize the Executive Officer, or designee, to execute a Resolution of Retrocession of Legislative Jurisdiction for the purposes described herein and have it recorded in the official records of San Diego County.

# EXHIBIT A

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## **LAND DESCRIPTION & PLAT**

Retrocession of Jurisdiction, San Onofre State Beach, Camp Pendleton, San Diego County

## EXHIBIT A

BA 3086

### LAND DESCRIPTION

Five parcels of land, lying in the County of San Diego, State of California, more particularly described as follows:

#### PARCEL 1A

##### Parcel 1A-1:

All of that land lying within a portion of Camp Joseph H. Pendleton Marine Corps Base, United States Government, in the unincorporated territory of the County of San Diego, State of California, being more particularly described as follows:

BEGINNING at a point on the Westerly line of said Camp Joseph H. Pendleton Marine Corps Base (hereinafter Camp Pendleton), as shown on that certain Record of Survey Map No. 18525 filed December 10, 2004 as File No. 2004-1163998 in the Office of the Recorder of said County, said point of beginning being identified as Point No. "3100" being a U.S. Navy Brass Cap marked "Camp Joseph H. Pendleton Boundary Line, Witness 1943" on said Record of Survey Map No. 18525; thence northerly along said Westerly line, North 13°13'37" East 3,314.60 feet (record North 13°13'37" East 3314.60 feet per said Record of Survey Map No. 18525) to a point on the North curb of that certain public road identified as El Camino Real, as relinquished to the County of San Diego by that certain Transportation Commission Resolution No. R2739 dated July 23, 1982 and recorded July 30, 1982 as Document No. 82-234365 of Official Records in the Office of the Recorder of said County, said point on said North curb being identified as Point No. "3096" on said Record of Survey Map No. 18525; thence continuing northerly along said Westerly boundary line North 13°13'37" East 13.47 feet to the TRUE POINT OF BEGINNING;

thence continuing northerly along said Westerly line of said Camp Pendleton, North 13°13'37" East 4,038.13 feet to an angle point on said Westerly line identified as Point No. "3101" on said Record of Survey Map No. 18525;

thence continuing northerly along said Westerly line of said Camp Pendleton, North 13°13'47" East 8,442.78 feet (record North 13°13'47" East 8,442.67 feet per said Record of Survey Map No. 18525) to an angle point on said Westerly line identified as Point No. "3106" on said Record of Survey Map No. 18525;

thence continuing northerly along said Westerly line of said Camp Pendleton, North 13°13'30" East 8,567.02 feet (record 8,566.99 feet per said Record of Survey Map No. 18525) to an angle point on the Northerly line of said Camp



Pendleton, said angle point identified as Point No. "3110" on said Record of Survey Map No. 18525;

thence southeasterly along said Northerly line of said Camp Pendleton, South 79°22'45" East 1,611.03 feet (record 1611.20 feet per said Record of Survey Map No. 18525) to an angle point on said Northerly line identified as Point No. "3111" on said Record of Survey Map No. 18525;

thence northerly along said Northerly line of said Camp Pendleton, North 00°41'15" East 510.88 feet (record 510.98 feet per said Record of Survey Map No. 18525) to an angle point on said Northerly line identified as Point No. "3112" on said Record of Survey Map No. 18525;

thence easterly along said Northerly line of said Camp Pendleton, South 89°17'37" East 1,897.92 feet (record 1897.95 per said Record of Survey Map No. 18525);

thence leaving said Northerly line of said Camp Pendleton, southerly along the Easterly line of Parcel 1 as described within that certain Lease Agreement between the United States of America and the State of California, identified as the "Second Amendment to Agreement of Lease NF(R)-13233" as referenced under Contract No. N6247401RP03233, dated April 16, 1981 (hereinafter Amended Lease Agreement), South 22°27'41" West 623.16 feet (record South 22°27'36" West 623.16 feet per said Amended Lease Agreement);

thence continuing southerly along said Easterly line of said Parcel 1 the following courses:

South 06°58'24" West 640.73 feet;

thence South 12°51'02" West 754.66 feet;

thence South 00°52'49" West 2,062.77 feet;

thence South 28°08'58" West 1,034.38 feet;

thence South 20°00'27" West 1,882.40 feet;

thence South 01°42'45" West 2,853.77 feet;

thence South 18°36'36" East 972.92 feet to the Westerly line of that portion of leased land revested to the United States of America as shown on that certain Record of Survey Map No. 10983 filed April 9, 1987 as File No. 87-191056 in the Office of the Recorder of said County;

thence continuing southerly along said Westerly line of said revested lease land the following courses:

South 49°03'26" West 1,231.46 feet (record South 49°03'25" West 1231.43 feet per said Record of Survey Map No.10983);

thence South 46°32'58" West 1,910.11 feet (record South 46°32'58" West 1910.07 feet per said Record of Survey Map No. 10983);

thence South 25°06'03" West 2,492.18 feet (record South 25°05'48" West 2492.26 feet per said Record of Survey Map No. 10983);

thence South 30°14'15" West 909.51 feet (record South 30°14'33" West 909.60 feet per said Record of Survey Map No.10983);

thence North 61°58'36" West 361.43 feet (record North 61°58'24" West 361.47 feet per said Record of Survey Map No.10983);

thence South 62°02'39" West 68.02 feet (record South 62°02'48" West 67.98 feet per said Record of Survey Map No.10983);

thence South 35°41'40" West 537.61 feet (record South 35°41'33" West 537.59 feet per said Record of Survey Map No. 10983);

thence South 34°53'08" East 289.00 feet (record South 34°54'34" East 289.20 feet per said Record of Survey Map No. 10983);

thence South 18°24'36" East 180.89 feet (record South 18°19'59" East 180.88 feet per said Record of Survey Map No. 10983);

thence leaving said Westerly line the following courses:

South 45°28'59" East 1,057.34 feet;

thence South 03°05'26" West 270.08 feet;

thence South 08°28'36" West 184.72 feet;

thence South 28°47'59" West 461.01 feet;

thence South 16°39'01" West 158.32 feet;

thence South 37°07'42" West 117.99 feet;

thence South 01°04'38" West 112.89 feet;

thence South 17°08'53" West 286.22 feet;

thence South 44°50'29" West 497.38 feet;

thence North 47°16'16" West 373.22 feet;

thence North 77°43'58" West 400.27 feet to said Westerly line of said revested lease land as shown on said Record of Survey Map No.10983;

thence continuing southerly along said Westerly line, South 18°04'50" West 647.23 feet (record South 18°04'07" West 647.08 feet per said Record of Survey Map No. 10983);

thence southeasterly along said Westerly line South 69°46'48" East 161.33 feet (record South 69°47'28" East 161.48 feet per said Record of Survey Map No. 10983) to the Easterly line of Parcel 4 as described within said Amended Lease Agreement;

thence southerly along said Easterly line of said Amended Lease Agreement the following courses:

South 34°00'26" West 1,471.20 feet (record South 34°00'00" West per said Amended Lease Agreement);

thence South 00°00'47" West 819.92 feet (record South 00°00'00" West 820.00 feet per said Amended Lease Agreement);

thence South 26°01'59" West 760.09 feet (record South 26°00'56" West 760.186 feet per said Amended Lease Agreement) to the Easterly Right-of-Way line of that portion of Interstate Freeway Route 5, identified as 11-SD-5-71.4 as shown on that certain Right of Way Map identified as "L.O. 4163A" dated December, 1981 filed in the Right-of-Way records of the California Department of Transportation, District 11 (hereinafter L.O. Map);

thence northerly along said Easterly Right-of-Way line the following courses:

North 27°05'25" West 55.95 feet (record North 27°07'15" West per said L.O. Map);

thence North 21°13'01" West 440.93 feet (record North 21°16'19" West 440.90 feet per said L.O. Map);

thence North 14°00'30" West 182.32 feet (record North 14°00'29" West 182.28 feet per said L.O. Map);

thence North 18°05'29" East 67.65 feet (record North 18°05'35" East 67.76 feet per said L.O. Map) to the beginning of a non-tangent 740.00 foot radius curve, concave northwesterly, to which a radial line bears South 41°24'34" East;

thence northeasterly along the arc of said curve and said Easterly Right-of-Way line, through a central angle of 02°53'05" a distance of 37.26 feet to the South line of said El Camino Real as shown on said L.O. Map;

thence leaving said Easterly Right-of-Way line northeasterly along the Southeasterly line of said El Camino Real and said 740.00 foot radius curve, through a central angle of 17°10'10" a distance of 221.75 feet to the Easterly line of said El Camino Real;

thence westerly along said Easterly line of said El Camino Real the following courses:

North 61°17'49" West 80.00 feet (record North 61°25'38" West 80.00 feet per said L.O. Map);

thence South 73°42'51" West 23.44 feet (record South 73°34'22" West 23.47 feet per said L.O. Map);

thence North 55°13'05" West 535.11 feet (record North 55°09'09" West 535.49 feet per said L.O. Map) to the beginning of a tangent 460.00 foot radius curve, concave northeasterly;

thence northwesterly along the arc of said curve and said Northerly line of said El Camino Real, through a central angle of 10°21'22" a distance of 83.14 feet (record 10°19'16" 82.86 feet per said L.O. Map) to the TRUE POINT OF BEGINNING.

Containing 1,409.3 acres, more or less.

The Basis of Bearings for the above description is derived from California Coordinate System of 1983 (CCS83), Zone 6, NAD 83, Epoch Date 1991.35, U.S. Survey Feet units.

All distances, as described above, are grid distances. Ground distances may be obtained by multiplying the described grid distances by the mean combination conversion factor 1.0000576 feet.

Parcel 1A-2:

A portion of State Parks Lease Parcel 1A as shown on that certain Record of Survey No. 25066 filed December 1, 2023 as File No. 2023-7000543 in the Office of the Recorder of San Diego County, more particularly described as follows:

BEGINNING at the northerly terminus of that course described as S 26°1'20" W 273.38 feet as shown on Sheet 3 of said Record of Survey, thence along said Lease Parcel 1A the following 13 courses:

- 1) S 6°36'04" E 98.38 feet;
- 2) S 4°27'57" E 95.22 feet;
- 3) S 10°35'11" E 75.75 feet;
- 4) S 0°04'58" W 138.46 feet;
- 5) S 7°33'03" E 79.47 feet;
- 6) S 19°49'48" E 51.98 feet;

- 7) S 29°17'52" E 22.65 feet;
- 8) S 32°48'52" E 111.50 feet;
- 9) S 4°47'17" E 17.47 feet;
- 10) S 9°33'23" W 31.10 feet;
- 11) S 19°00'48" W 57.55 feet;
- 12) S 27°16'16" W 186.65 feet;
- 13) S 55°17'29" W 73.24 feet to a point on the northerly boundary of State Parks Lease Parcel 5 as shown on said Record of Survey; thence along said Lease Parcel 1A and Lease Parcel 5 S 32°19'21" E 10.01 feet; thence leaving said Lease Parcel 5, and continuing along said Lease Parcel 1A the following 13 courses:

- 1) N 55°17'29" E 76.15 feet;
- 2) N 27°16'18" E 189.87 feet;
- 3) N 19°00'48" E 59.10 feet;
- 4) N 9°33'23" E 33.19 feet;
- 5) N 4°47'17" W 21.22 feet;
- 6) N 32°48'52" W 113.69 feet;
- 7) N 29°17'52" W 21.52 feet;
- 8) N 19°49'48" W 50.08 feet;
- 9) N 7°33'03" W 77.73 feet;
- 10) N 0°04'58" E 138.73 feet;
- 11) N 10°35'11" W 76.15 feet;
- 12) N 4°27'57" W 94.87 feet;
- 13) N 6°36'04" W 114.19 feet;

thence leaving said Lease Parcel 1A, S 26°01'20" W 18.56 feet to the POINT OF BEGINNING.

## **PARCEL 2**

That portion of Rancho Santa Margarita Y Las Flores, United States Marien Corps Base Camp Joseph H. Pendelton, in the County of San Diego, State of California, more particularly described as follows:

That parcel of land depicted as Parcel 2 on Record of Survey number 25066, filed December 1, 2023 in the Office of the County Recorder fo said County.

## **PARCEL 3**

That portion of Rancho Santa Margarita Y Las Flores, United States Marien Corps Base Camp Joseph H. Pendelton, in the County of San Diego, State of California, more particularly described as follows:

That parcel of land depicted as Parcel 3 on Record of Survey number 25066, filed December 1, 2023 in the Office of the County Recorder fo said County.

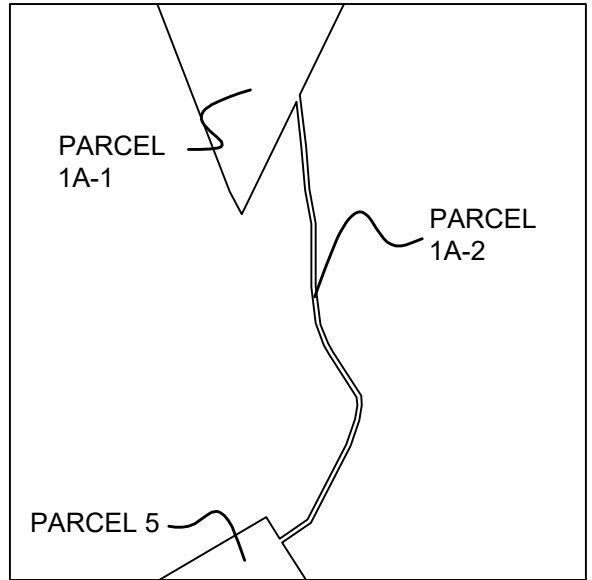
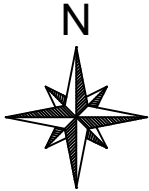
**PARCEL 5**

COMMENCING for reference at a 1-1/2" iron pipe with a brass cap marked 10-11-14-15, accepted as marking the Northwest corner of Section 14, Township 9 South, Range 7 West, San Bernardino Base and Meridian as said corner shown on Record of Survey Map No. 794, coordinates of said point being N 450,185.110 feet, E 1,591,041.500 feet; thence S 37° 16' 23" E, 6,343.334 feet to the TRUE POINT OF BEGINNING at the Southwesterly Right of Way of Interstate Highway 5, Coordinates of said point being N 445,137.349 feet, E 1,594,883.114 feet; thence S 19° 08' 29" W, 1,076.887 feet to the Mean High Tide Line of the Pacific Ocean; thence along said Mean High Tide Line N 81° 52' 12" W, 565.685 feet; thence N 61° 04' 25" W, 434.166 feet; thence N 70° 27' 48" W, 657.875 feet; thence N 79° 17' 28" W, 1,775.929 feet; thence N 54° 34' 59" W, 276.089 feet; thence N 42° 27' 59" W, 799.812 feet; thence N 58° 09' 03" W, 776.981 feet; thence N 36° 29' 45" W, 730.642 feet to the Northwesterly corner boundary of Camp Pendleton (Rancho Santa Margarita); thence N 13° 13' 43" E, 485.140 feet along said boundary line to the Southwesterly corner boundary of the U.S. Coast Guard Loran Station; thence along said boundary line along a curve concave Northeasterly, said curve having a radius of 2,764.930 feet and bearing N 52° 34' 35" E to the centerpoint, an arc length of 238.109 feet, through an angle of 04° 56' 02.5"; thence N 57° 26' 10" E, 511.500 feet; thence N 35° 14' 09" E, 1,371.920 feet to the Northeasterly corner boundary of the U.S. Coast Guard Loran Station; thence N 59° 39' 13" E, 92.310 feet along the Southeasterly boundary line of an Interstate Highway 5 Drainage Easement, part of Camp Pendleton (Rancho Santa Margarita), to the intersection of the Westerly Right of Way of Interstate Highway 5; thence S 32° 20' 00" E, 550.500 feet along said Right of Way; thence S 31° 20' 24" E, 475.130 feet; thence S 28° 56' 03" E, 421.030 feet; thence S 38° 48' 07" E, 493.810 feet; thence S 47° 44' 01" E, 306.610 feet; thence S 42° 54' 30" E, 809.650 feet; thence S 49° 56' 48" E, 414.870 feet; thence S 82° 32' 10" E, 70.860 feet; thence S 75° 47' 34" E, 70.000 feet; thence N 76° 23' 59" E, 101.370 feet; thence S 77° 42' 04" E, 250.000 feet; thence S 70° 52' 42" E, 336.700 feet; thence S 68° 15' 40" E, 396.960 feet; thence S 66° 56' 09" E, 550.570 feet; thence S 56° 44' 20" E, 151.323 feet to the TRUE POINT OF BEGINNING.

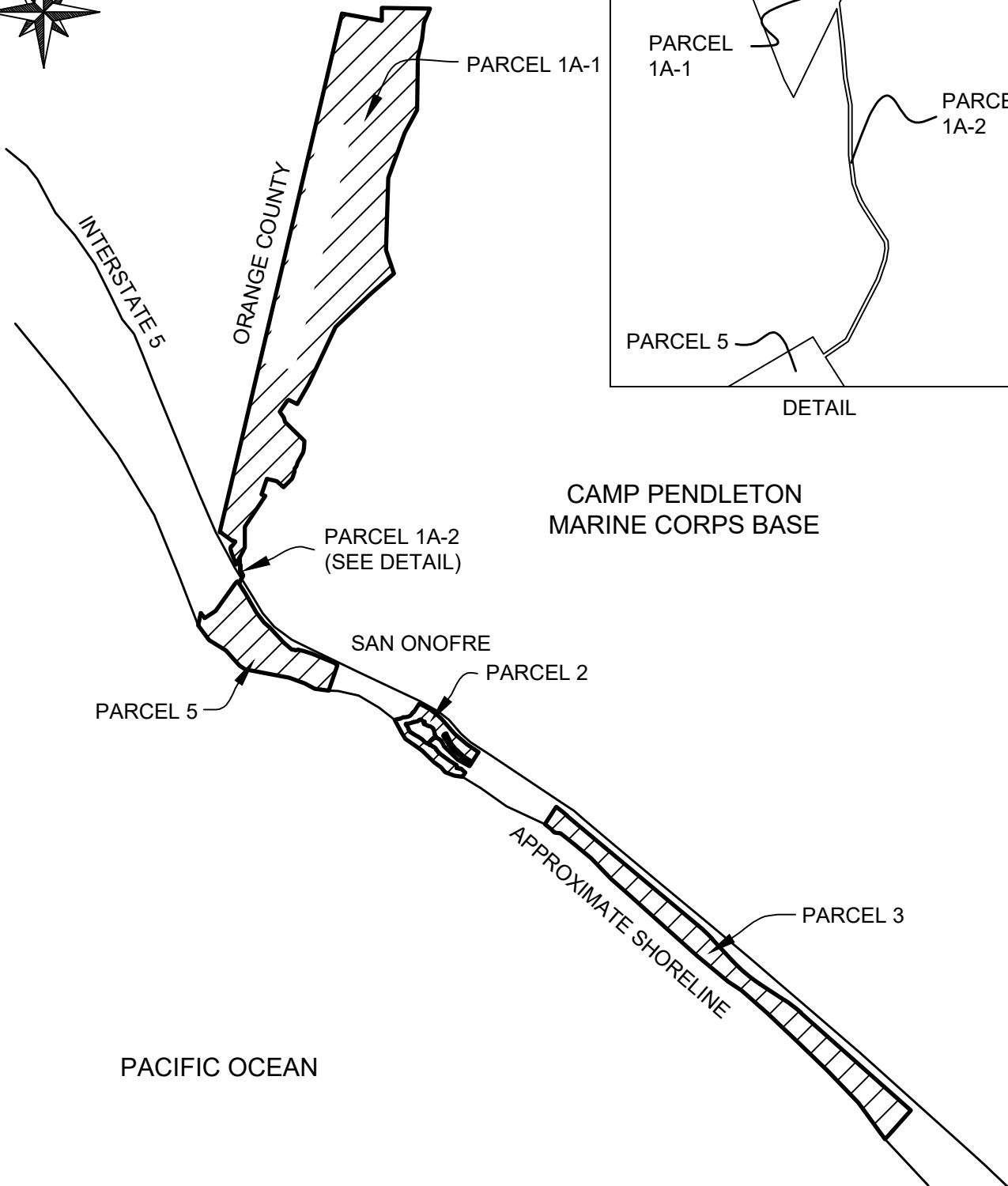
**END OF DESCRIPTION**

Prepared by the California State Lands Commission Boundary Unit 9/11/2024.





DETAIL



CAMP PENDLETON  
MARINE CORPS BASE

PACIFIC OCEAN

# EXHIBIT A

LAND DESCRIPTION PLAT  
BA 3086, UNITED STATES MARINE CORPS  
SAN DIEGO COUNTY COUNTY

CALIFORNIA STATE  
LANDS COMMISSION

