

# Staff Report 55

**APPLICANT:**

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United States Navy

**PROPOSED ACTION:**

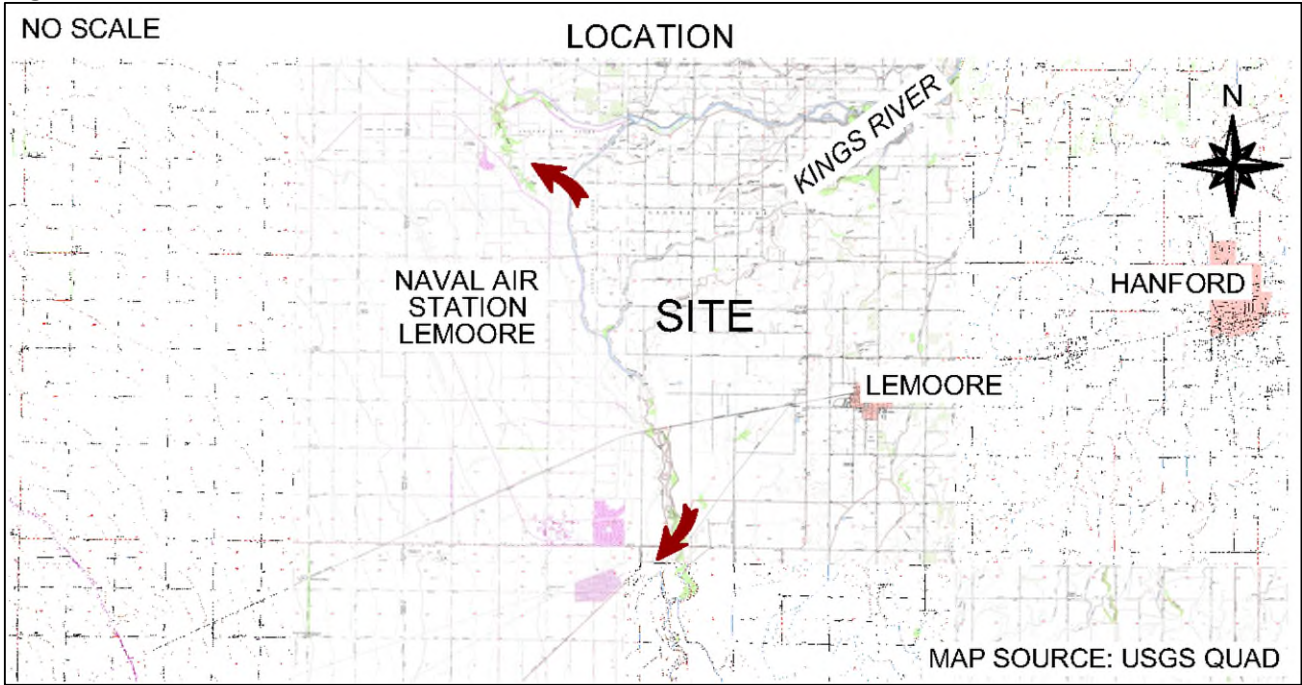
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Consider Cession of Jurisdiction to Establish Concurrent Criminal Jurisdiction pursuant to California Government Code Section 126.

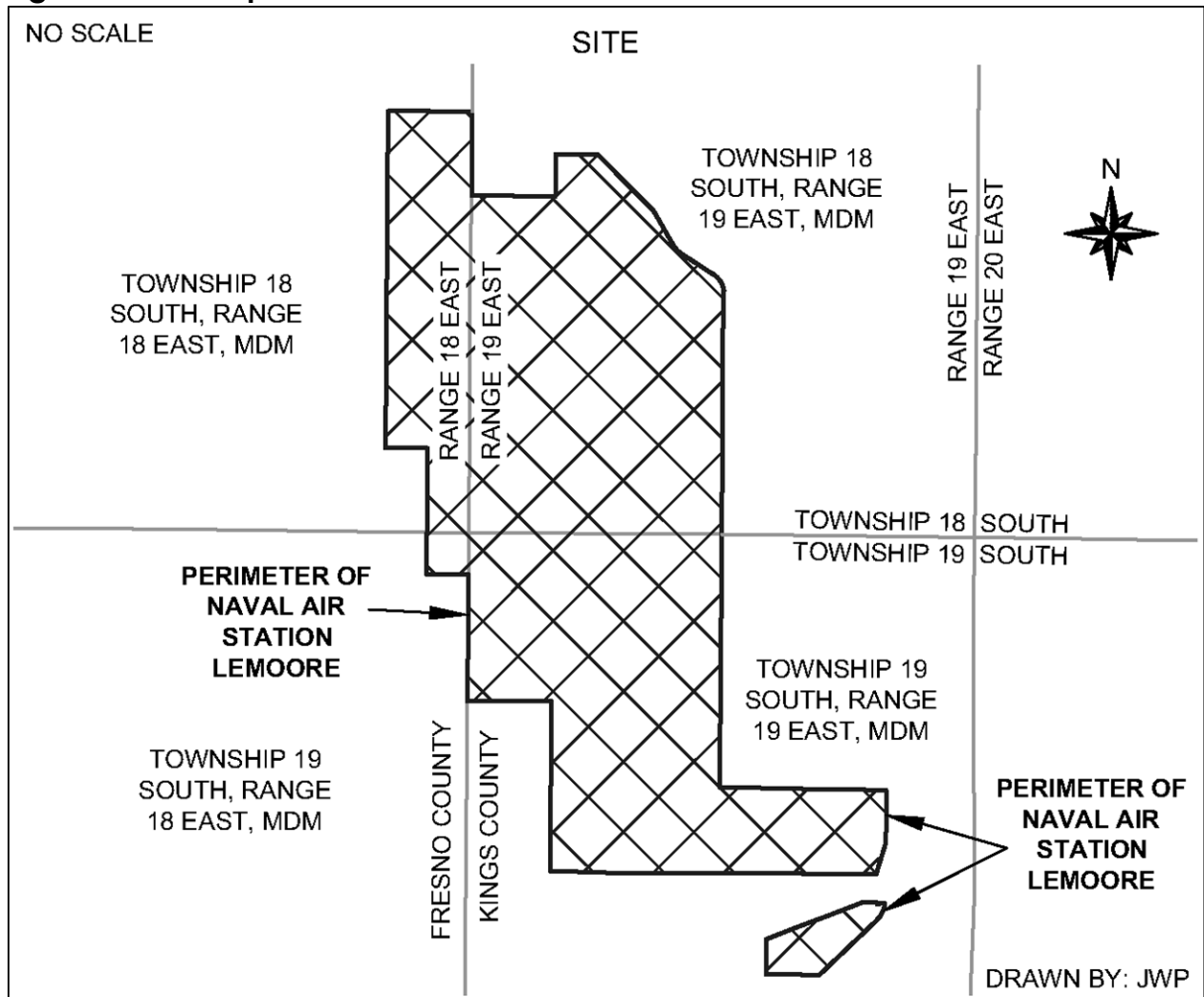
**AREA, LAND TYPE, AND LOCATION:**

Federal land comprising Naval Air Station Lemoore (NAS), Kings County and Fresno 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 within a geographic area. Pursuant to Government Code sections 126 and 113, the Commission is authorized, on behalf of the State of California, to cede concurrent criminal legislative jurisdiction to and accept retrocessions of legislative jurisdiction from the United States. When the State cedes concurrent criminal legislative jurisdiction, it grants the federal government authority to enforce State criminal law over federal property yet retains its enforcement authority.

The United States seeks cessions because criminal law of the United States is limited, whereas State criminal law is much more comprehensive. The State, generally, has the authority to exercise its criminal law on federal lands, but the United States

cannot do the same without receiving a cession of legislative jurisdiction. This concurrent, or shared, authority provides for greater flexibility in enforcing criminal law. State or local law enforcement officials may struggle to access large or remote federal properties, such as military bases or national parks. However, if the state cedes concurrent criminal legislative jurisdiction over such properties, federal law enforcement officials may respond to incidents, ensuring a timelier response while reducing strain on state and local officials.

The Commission may cede concurrent criminal legislative jurisdiction only 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.

The cession shall be made at a publicly noticed meeting of the Commission. The cession shall vest when the Commission has received notice of the United States' acceptance of the cession and certified copies of the Commission's orders or resolutions making the above findings have been recorded in the office of the county recorder of each county in which any part of the land is situated.

Upon vesting of the cession, the State and the United States will equally share the State's criminal legislative 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.

## **PROPOSED ACTION:**

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The United States currently exercises proprietary jurisdiction over NAS Lemoore. The U.S. Navy has requested the State of California cede concurrent criminal legislative jurisdiction over lands at the station, more particularly described in Exhibit A. If accepted, the cession would be in effect for 10 years.

## **STAFF ANALYSIS AND RECOMMENDATION:**

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### **AUTHORITY:**

Government Code section 126.

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

Ceding concurrent criminal legislative jurisdiction over NAS Lemoore 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 independently enforce criminal law for crimes committed on these facilities 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 at these facilities, if needed. For these reasons, staff believes that the cessions of concurrent criminal legislative jurisdiction are in the best interests of the State.

NAS Lemoore provided letters of support for the cession from the City of Lemoore Police Department, the Kings County Sheriff's Office, Fresno County Sheriff's Office, the California Highway Patrol, and the United States Department of Justice for the Eastern District of California.

### **CONCLUSION:**

For these reasons, staff believes the cession of partial jurisdiction to establish 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 126.

**OTHER PERTINENT INFORMATION:**

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- 1. Approval or denial of the cession is a discretionary action by the Commission. Each time the Commission approves or rejects a cession, it exercises legislatively delegated authority. If the Commission denies the requested cession, all legislative jurisdiction will remain with the State. If the Commission approves the requested cession, the United States will share concurrent criminal legislative jurisdiction with the State but have no right to a new cession upon expiration of the requested cession.
- 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 cession to the Clerk for the Board of Supervisors, for both Kings County and Fresno County, on September 24, 2024. The cession area lies primarily within Kings County, but a small portion lies within Fresno County.
- 4. The subject cession 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: Cession of Jurisdiction, Naval Air Station Lemoore, Kings County and Fresno County

**RECOMMENDED ACTION:**

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It is recommended that the Commission:

**AUTHORIZATION:**

- 1. Find that the requirements of Government Code section 126 have been satisfied as follows:

- 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, within Kings and Fresno Counties, 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. Notice of the proposed cession has been given to the clerks for the boards of supervisors of Kings and Fresno Counties, in which the federal lands are located, at least 15 days before the proposed cessions.
  - e. The proposed cessions are 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 cessions.
2. Cede concurrent criminal legislative jurisdiction to the United States over the lands described in Exhibit A for so long as the lands are owned by the United States and used for federal purposes or for 10 years, whichever period is less.
  3. Authorize the Executive Officer or her designee to execute Resolutions of Cession of Concurrent Criminal Legislative Jurisdiction for the cessions and have them recorded in the official records of Kings and Fresno Counties.

**EXHIBIT A**

**BA 2998**

**LAND DESCRIPTION**

All or portions of Sections 8, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32 and 33 of Township 18 South, Range 19 East of the Mount Diablo Base and Meridian and all or portions of Sections 4, 5, 6, 7, 8, 9, 16, 17, 20, 21, 22, 23, 26, 27, 28, 29, 34 and 35 of Township 19 South, Range 19 East of the Mount Diablo Base and Meridian, in the County of Kings, State of California, and all or portions of Sections 12, 13, 24, 25 and 36 of Township 18 South, Range 18 East, of the Mount Diablo Base and Meridian and all or portions of Section 1, Township 19 South, Range 18 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, as shown on Record of Survey Book 53 Pages 30 through 41, Document Number 20080016806 filed 02-05-2008 in Fresno County, California, being more particularly described as follows:

**Parcel 1**

Beginning at the Northwest corner of Section 22, Township 19 South, Range 19 East, Mount Diablo Base and Meridian;

THENCE Easterly along the Northerly line of said Section 22, South 88°48'10" East, 2,603.22 feet to the North Quarter corner of said Section 22;

THENCE continuing Easterly along the Northerly line of said Section 22, South 88°48'44" East, 2,602.59 feet to the Northeast corner of said Section 22;

THENCE Easterly along the Northerly line of said Section 23, South 89°10'08" East, 2,627.52 feet to the North Quarter corner of said Section 23;

THENCE continuing Easterly along the Northerly line of said Section 23, South 89°09'49" East, 2,627.64 feet to the Northeast corner of said Section 23;

THENCE leaving said Northerly line of said Section 23, Southerly along the Easterly line of said Section 23, South 0°10'17" West, 2,649.22 feet to the East Quarter corner of said Section 23;

THENCE continuing Southerly along the Easterly line of said Section 23, South 0°09'34" West, 702.52 feet to a point along the Easterly line of said Section 23 marked with a 6" concrete monument with 3" brass disc stamped "U.S. NAVY LS 3997 1994" as shown on said RS 53/30-41;

THENCE leaving said Easterly line along the Westerly line of Lot 6 of said Section 23, South 17°12'34" West, 2,030.88 feet to a point on the Southerly line of said Section 23, also being the centerline of State Highway 198, said point being North 89°22'16" West, 595.48' from the Southeast corner of said Section 23;

THENCE Westerly along said Southerly line of said Section 23, also being the centerline of State Highway 198, North 89°22'16" West, 2,043.05 feet to the South Quarter corner of said Section 23;

THENCE continuing Westerly along the Southerly line of said Section 23, also being the centerline of State Highway 198, North 89°27'43" West, 2,644.26 feet to the Southwest corner of said Section 23;

THENCE leaving said Southerly line of said Section 23, continuing Westerly along said centerline of State Highway 198, North 89°33'26" West, 5,278.77 feet;

THENCE leaving said centerline, South 0°03'30" West, 33.00 feet to a point on the Southerly Right of Way of State Highway 198;

THENCE Westerly along the Southerly Right of Way of State Highway 198, South 89°44'52" West, 5,275.37 feet;

THENCE continuing Westerly along the Southerly Right of Way of State Highway 198, North 87°54'27" West, 5,242.68 feet;

THENCE leaving said Southerly Right of Way line, North 0°35'52" East, 33.01 feet to the Southwest corner of said Section 20, said point also being on said centerline of State Highway 198;

THENCE Northerly along the Westerly line of said Section 20, North 0°35'31" East, 2,650.23 feet to the West Quarter corner of said Section 20;

THENCE continuing Northerly along the Westerly line of said Section 20, North 0°35'14" East, 2,650.23 feet to the Northwest corner of said Section 20;

THENCE Northerly along the Westerly line of said Section 17, North 0°33'11" East, 2,650.69 feet to the West Quarter corner of said Section 17;

THENCE continuing Northerly along the Westerly line of said Section 17, North 0°33'04" East, 2,650.72 feet to the Northwest corner of said Section 17;

THENCE leaving said Westerly line, Westerly along the Southerly line of said Section 7, North 89°49'10" West, 2,654.59 feet to the Southerly Quarter corner of said Section 7;

THENCE continuing Westerly along the Southerly line of said Section 7, North 89°49'38" West, 2,631.91 feet the Southwest corner of said Section 7, said point also being a point on the County line of Fresno County and Kings County;

THENCE leaving said Southerly line, Northerly along the Westerly line of said Section 7 and said County line, North 0°31'27" East, 2,644.10 feet the Westerly Quarter corner of said Section 7;



THENCE continuing Northerly along the Westerly line of said Section 7 and said County line, North 0°30'57" East, 2,645.04 feet to the Northwest corner of said Section 7;

THENCE Northerly along the Westerly line of said Section 6 and said County line, North 0°29'12" East, 2,643.06 feet to the Westerly Quarter corner of said Section 6;

THENCE leaving said Westerly line and said County line, continuing in Fresno County Westerly along East-West center section line, North 89°23'07" West, 2,643.15 feet to the Center Quarter corner of said Section 1, Township 19 South, Range 18 East;

THENCE Northerly along the North-South center section line of said Section 1, North 0°28'31" East, 2,640.39 feet to the South Quarter corner of said Section 36, Township 18 South, Range 18 East;

THENCE Northerly along the North-South center section line of said Section 36, North 0°20'39" East, 5,287.33 feet to the South Quarter corner of said Section 25;

THENCE leaving said North-South center section line of said Section 36, Westerly along the Southerly line of said Section 25, North 89°27'59" West, 2,638.06 feet to the Southwest corner of said Section 25;

THENCE leaving said Southerly line of said Section 25, Northerly along the Westerly line of said Section 25, North 0°32'43" East, 2,644.05 feet to the West Quarter corner of said Section 25;

THENCE continuing Northerly along the Westerly line of said Section 25, North 0°32'18" East, 2,643.83 feet to the Northwest corner of said Section 25;

THENCE Northerly along the Westerly line of said Section 24, North 0°24'11" East, 2,652.75 feet to the West Quarter corner of said Section 24;

THENCE continuing Northerly along the Westerly line of said Section 24, North 0°24'11" East, 2,652.75 feet to the Northwest corner of said Section 24;

THENCE Northerly along the Westerly line of said Section 13, North 0°21'01" East, 2,652.18 feet to the West Quarter corner of said Section 13;

THENCE continuing Northerly along the Westerly line of said Section 13, North 0°22'23" East, 2,652.93 feet to the Northwest corner of said Section 13;

THENCE Northerly along the Westerly line of said Section 12, North 0°31'48" East, 2,638.63 feet to the West Quarter corner of said Section 12;

THENCE continuing Northerly along the Westerly line of said Section 12, North 0°33'05" East, 2,638.56 feet to the Northwest corner of said Section 12, said point also being on the Northerly Right of Way line of Oakland Avenue (Grangeville Road);

THENCE leaving said Westerly line of said Section 12, Easterly along the Northerly line of said Section 12 and said Northerly Right of Way line, South  $89^{\circ}43'45''$  East, 2,643.15 feet to the North Quarter corner of said Section 12;

THENCE continuing Easterly along the Northerly line of said Section 12 and said Northerly Right of Way line, South  $89^{\circ}44'08''$  East, 2,642.54 feet to the Northeast corner of said Section 12, said point being on the County line of Fresno County and Kings County;

THENCE leaving said Northerly line of said Section 12 and said Northerly Right of Way line, Southerly along the Easterly line of said Section 12 and said County line, South  $0^{\circ}34'50''$  West, 2,649.31 feet to the East Quarter corner of said Section 12;

THENCE continuing Southerly along the Easterly line of said Section 12 and said County line, South  $0^{\circ}32'16''$  West, 2,651.72 feet to the Southeast corner of said Section 12;

THENCE leaving said Easterly line and said County line between Fresno County and Kings County and continuing into Kings County, Easterly along the Northerly line of said Section 18, Township 18 South, Range 19 East, South  $89^{\circ}32'51''$  East, 2,622.02 feet to the North Quarter of said Section 18;

THENCE continuing Easterly along the Northerly line of said Section 18, South  $89^{\circ}31'58''$  East, 2,639.49 feet to the Northeast corner of said Section 18;

THENCE leaving said Northerly line of said Section 18, Northerly along Westerly line of said Section 8, North  $0^{\circ}46'11''$  East, 2,662.82 feet to the West Quarter corner of said Section 8;

THENCE leaving said Westerly line of said Section 8, Easterly along East-West Quarter line, South  $89^{\circ}38'34''$  East, 2,640.85 feet to a point on the Northeasterly Right of Way line of Grangeville Road;

THENCE along said Right of Way line, South  $44^{\circ}43'43''$  East, 4,713.58 feet to the beginning of a curve concave southwesterly, said curve has a radius of 1,540.00 feet;

THENCE southeasterly along said curve and said Right of Way line through a central angle of  $14^{\circ}31'50''$  an arc distance of 390.56 feet to a point of tangency;

THENCE continuing along said Right of Way line, South  $30^{\circ}11'53''$  East, 2,424.08 feet to the beginning of a curve concave northeasterly, said curve has a radius of 1,460.00 feet;

THENCE southeasterly along said curve and said Right of Way line through a central angle of  $26^{\circ}54'00''$  an arc distance of 685.46 feet to a point of tangency;

THENCE continuing along said Right of Way line, South  $57^{\circ}05'53''$  East, 2,373.15 feet to the beginning of a curve concave southwesterly, said curve has a radius of 1,540.00 feet;

THENCE southeasterly along said curve and said Right of Way line through a central angle of  $47^{\circ}03'44''$  an arc distance of 1,264.94 feet to a point on the Easterly line of Section 21;

THENCE leaving said Right of Way line, Southerly along the Easterly line of said Section 21, South  $1^{\circ}17'31''$  West, 4,735.85 feet to the Southeast corner of said Section 21;

THENCE Southerly along said Easterly line of Section 28 Range 19 East, South  $0^{\circ}11'32''$  West, 2,644.89 feet to the East Quarter corner of said Section 28;

THENCE continuing along said Easterly line of said Section 28, South  $0^{\circ}11'39''$  West, 2,644.89 feet to the Southeast corner of said Section 28;

THENCE Southerly along said Easterly line of Section 33, South  $0^{\circ}12'39''$  West, 2,640.19 feet to the East Quarter corner of said Section 33;

THENCE continuing along said Easterly line of said Section 33, South  $0^{\circ}12'52''$  West, 2,640.63 feet to the Southeast corner of said Section 33;

THENCE Southerly along said Easterly line of Section 4 Township 19 South, Range 19 East, South  $0^{\circ}24'16''$  West, 2,643.18 feet to the East Quarter corner of said Section 4;

THENCE continuing along said Easterly line of said Section 4, South  $0^{\circ}24'10''$  West, 2,640.39 feet to the Southeast corner of said Section 4;

THENCE Southerly along said Easterly line of Section 9, South  $0^{\circ}24'38''$  West, 2,657.05 feet to the East Quarter corner of said Section 9;

THENCE continuing along said Easterly line of said Section 9, South  $0^{\circ}24'13''$  West, 2,657.20 feet to the Southeast corner of said Section 9;

THENCE Southerly along said Easterly line of Section 16, South  $0^{\circ}44'14''$  West, 2,651.35 feet to the East Quarter corner of said Section 16;

THENCE continuing along said Easterly line of said Section 16, South  $0^{\circ}44'58''$  West, 2,651.28 feet to the Southeast corner of said Section 16 and Point of Beginning.

## **Parcel 2**

Commencing at the Northwest corner of Section 34, Township 19 South Range 19 East;

THENCE Easterly along the Northerly line of Section 34, South 89°21'15" East, 3,069.59 feet to the Point of Beginning;

THENCE leaving said Northerly line of said Section 34, North 0°09'37" East, 1,150.70 feet along a line parallel with the East line of the Southeast Quarter of Section 27 to a point on the Southerly PG&E Right of Way line, recorded in Book 802, Page 600 Kings County, January 13, 1962;

THENCE Northeasterly along said PG&E Right of Way line, North 69°11'37" East, 2,355.51 feet to a point on the Easterly line of Section 27 to a point on the Southerly PG&E Right of Way line, recorded in Book 794, Page 938 Kings County, November 20, 1961;

THENCE Northeasterly along the said PG&E Right of Way line, North 69°11'37" East, 1,728.97 feet to a point on the East-West Quarter centerline of Section 26 to a point on the Southerly PG&E Right of Way line, recorded in Book 804, Page 93 Kings County, March 19, 1962;

THENCE Northeasterly along the said PG&E Right of Way line, North 69°11'37" East, 2,383.61 feet to the North line of Parcel 9 as described in the Declaration of Taking, Civil F-729-Civ filed October 27, 1972, Eastern District of California;

THENCE Easterly along the North line of said Parcel 9, South 89°13'13" East, 885.83 feet to a point on the U.S. Government Meander Line of 1855, per GLO Survey 1855;

THENCE Southerly along said Meander line of 1855, South 1°07'39" East, 106.06 feet to the Northerly line of Parcel 22 as described in said Declaration of Taking;

THENCE Easterly along said Northerly line, South 89°15'59" East, 81.59 feet;

THENCE continuing along said Northerly line, North 60°52'41" East, 152.32 feet;

THENCE continuing along said Northerly line, South 89°13'13" East, 245.08 feet to the Easterly line of said Parcel 22;

THENCE along said Easterly line, South 28°07'30" East, 83.27 feet to the beginning of a non-tangent curve concave westerly, said curve has a radius of 1,760.00 feet, to which a radial line bears South 82°24'20" East, said curve being the Northwesterly Right of Way line of Avenal Cutoff;

THENCE continuing along said Northwesterly Right of Way line, Southerly along said curve through a central angle of 26°50'03" an arc distance of 824.28 feet to a point on the East-West Quarter line of Section 26,

THENCE continuing along said Northwesterly Right of Way line and said curve, Southwesterly along said curve through a central angle of 12°09'56" an arc distance of 373.70 feet;

THENCE continuing along said Northwesterly Right of Way line, South 46°35'39" West, 4,941.35 feet;

THENCE leaving said Northwesterly Right of Way line, Westerly along a line parallel with the Northerly line of Section 35 as established per GLO Survey of 1855, North 89°28'14" West, 1,119.19 feet to a point on the line common between Sections 34 and 35;

THENCE Westerly along a line parallel with the Northerly line of said Section 34, North 89°21'15" West, 2,195.49 feet;

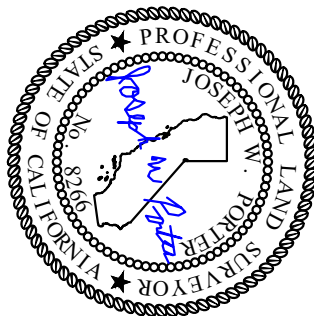
THENCE North 0°10'26" East, 1,080.01 feet to a point on the line common between Sections 27 and 34 and Point of Beginning.

The above description perimeter property line dimensions are based upon Record of Survey filed in Book 53 of Records of Surveys, Pages 30-41, in the office of the County Recorder of Fresno County, California, on February 5, 2008 and Record of Survey filed in Volume 22 of Licensed Surveyor's Plats, Page 77, in the office of County Recorder of Kings County, California, on February 14, 2008.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared 09/26/2024 by the California State Lands Commission Boundary Unit.



TOWNSHIP 18  
SOUTH, RANGE  
18 EAST, MDM

TOWNSHIP 18  
SOUTH, RANGE  
19 EAST, MDM

RANGE 18 EAST

RANGE 19 EAST

RANGE 19 EAST  
RANGE 20 EAST

**PARCEL 1**

TOWNSHIP 18 SOUTH  
TOWNSHIP 19 SOUTH

**PERIMETER OF  
NAVAL AIR  
STATION  
LEMOORE**

TOWNSHIP 19  
SOUTH, RANGE  
19 EAST, MDM

TOWNSHIP 19  
SOUTH, RANGE  
18 EAST, MDM

FRESNO COUNTY

KINGS COUNTY

**PERIMETER OF  
NAVAL AIR  
STATION  
LEMOORE**

**PARCEL 2**



SCALE 1" = 8000'

# EXHIBIT A

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JWP 9/26/2024

LAND DESCRIPTION PLAT  
BA2998, NAVAL AIR STATION LEMOORE  
FRESNO AND KINGS COUNTIES

CALIFORNIA STATE  
LANDS COMMISSION

