CESSION OF CONCURRENT CRIMINAL LEGISLATIVE JURISDICTION
California Government Code Section 126

WHEREAS the United States acting by and through the Department of the Army has requested that the State of California cede concurrent criminal legislative jurisdiction to the United States over lands comprising the National Training Center and Fort Irwin; and

WHEREAS the California State Lands Commission, pursuant to California Government Code Section 126, has been authorized by the California State Legislature to cede such jurisdiction; and

WHEREAS the United States, acting by and through the Department of Justice and pursuant to Title 40, Section 255 of the United States Code, by letter dated April 22, 1996 has agreed to accept such cession of concurrent criminal legislative jurisdiction; and

WHEREAS the Executive Officer of the State Lands Commission has been authorized to execute this instrument;

NOW, THEREFORE, I, Robert C. Hight, Executive Officer of the California State Lands Commission hereby certify that the Commissioners for the California State Lands Commission met on May 9, 1996 and ceded concurrent criminal legislative jurisdiction to the United States over those lands comprising the National Training Center and Fort Irwin. A copy of the Commission's Agenda Item No. 83(H) describing the terms and conditions of the cession is attached hereto as Exhibit "A".

Robert C. Hight, Executive Officer
California State Lands Commission

Date: May 15, 1996
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of Sacramento

On May 15, 1996 before me, Sharon Shaw, Notary Public, personally appeared Robert C. Hight, whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Cession of Concurrent Criminal Legislative Jurisdiction - National Training Center and Fort Irwin

Document Date: May 15, 1996 Number of Pages: Seven

Signer(s), Other Than Named Above: None

Capacity(ies) Claimed by Signer(s)

Signer's Name: Robert C. Hight

Signer Is Representing:

State Lands Commission
CESSION OF CONCURRENT CRIMINAL JURISDICTION
PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 126
AT THE NATIONAL TRAINING CENTER AND FORT IRWIN,
SAN BERNARDINO COUNTY

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, or other public purpose 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.

e. the United States has agreed to compensate the State for costs incurred in processing the cession.

The United States presently has concurrent criminal legislative jurisdiction over the National Training Center and Fort Irwin, San Bernardino County. This jurisdiction was ceded by the California State Lands Commission on June 5, 1991 and will expire on June 5, 1996. By letter the United States has requested that the State of California cede concurrent criminal legislative jurisdiction over these facilities for another five years.

A noticed public hearing was held on May 1, 1996. Notice of the hearing was published as required by Section 126 and served upon the Clerk of the Board of Supervisors for San Bernardino County. Affidavits of the publication and service are found in the Commission's files. No comments in opposition to the cession were received.
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 these facilities.

EXHIBIT:
  H1. Land Descriptions
  H2. Form of Certificate of Cession of Jurisdiction

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. DETERMINE THAT THE PUBLIC HEARING HELD ON MAY 1, 1996 COMPLIED WITH THE GOVERNMENT CODE SECTION 126 AND THE 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 LANDS DESCRIBED IN EXHIBIT "H1" ATTACHED AND BY REFERENCE MADE A PART HEREOF, SAID LANDS BEING WITHIN THE STATE OF CALIFORNIA.

   B. THE LANDS ARE HELD BY THE UNITED STATES FOR THE ERECTION OF FORTS, MAGAZINES, ARSENALS, DOCKYARDS AND OTHER NEEDFUL BUILDINGS OR OTHER PUBLIC PURPOSE 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 ACQUISITION, 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.

G. THE CESSION IS PURSUANT TO AND IN COMPLIANCE WITH THE LAWS
OF THE UNITED STATES.

H. THE UNITED STATES HAS AGREED TO COMPENSATE THE STATE FOR
ITS COSTS INCURRED IN PROCESSING THE CESSION.

3. DETERMINE THAT A CESSION OF CONCURRENT CRIMINAL JURISDICTION
OVER THE LANDS DESCRIBED IN EXHIBIT "H1" ATTACHED HERETO AND BY
REFERENCE MADE A PART HEREOF IS IN THE BEST INTERESTS OF THE
STATE OF CALIFORNIA BECAUSE THE UNITED STATES WILL THEN HAVE
THE AUTHORITY TO CONDUCT FEDERAL INVESTIGATIONS AND
PROSECUTIONS OF CRIMINAL OFFENSES AT THESE FACILITIES.

4. DETERMINE THAT THE UNITED STATES HAS AGREED TO PAY FOR THE
COSTS INCURRED IN THE CESSION PROCESS.

5. CEDE CONCURRENT CRIMINAL JURISDICTION OVER THE NATIONAL
TRAINING CENTER AND FORT IRWIN, SAN BERNARDINO COUNTY FOR THE
LESSER OF FIVE YEARS OR SO LONG AS THE UNITED STATES OWNS THE
LANDS. THE CESSION SHALL NOT BE EFFECTIVE UNTIL THE RECEIPT OF
A LETTER OF ACCEPTANCE OF JURISDICTION FROM THE UNITED STATES
PURSUANT TO 40 U.S.C. 255.

7. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE A CERTIFICATE OF CESSION OF JURISDICTION IN SUBSTANTIALLY THE SAME FORM AS FOUND IN EXHIBIT "H2" ATTACHED HERETO.

EXHIBIT "H1"

NATIONAL TRAINING CENTER AND FORT IRWIN
CESSION LAND DESCRIPTION

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, 13, 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, 33 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 Township 15 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 Township 16 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 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
CESSION OF CONCURRENT CRIMINAL LEGISLATIVE JURISDICTION

California Government Code Section 126

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WHEREAS the California State Lands Commission, pursuant to California Government Code Section 126, has been authorized by the California State Legislature to cede such jurisdiction; and

WHEREAS the United States, acting by and through the Department of Justice and pursuant to Title 40, Section 255 of the United States Code, by letter dated _________ has agreed to accept such cession of concurrent criminal legislative jurisdiction; and

WHEREAS the Executive Officer of the State Lands Commission has been authorized to execute this instrument;

NOW, THEREFORE, I, Robert C. Hight, Executive Officer of the California State Lands Commission hereby certify that the Commissioners for the California State Lands Commission met on _____________ and ceded concurrent criminal legislative jurisdiction to the United States over those lands comprising the National Training Center and Fort Irwin. A copy of the Commission's Agenda Item No. _____ describing the terms and conditions of the cession is attached hereto as Exhibit "A".

ROBERT C. HIGHT, EXECUTIVE OFFICER
CALIFORNIA STATE LANDS COMMISSION

Date: ____________________________