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STATE OF CALIFORNIA
STATE LANDS COMMISSION
100 HOWE AVE. SUITE 100 SOUTH
SACRAMENTO, CA 95825
ATTN: LEGAL UNIT
TELEPHONE: (916) 574-1850

**STATE OF CALIFORNIA - OFFICIAL
BUSINESS**

DOCUMENT ENTITLED TO FREE
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PURSUANT TO GOVERNMENT
CODE SECTION 27383

Recorded in Official Records, County of Orange
Gary Granville, Clerk-Recorder

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RETROCESSION OF LEGISLATIVE JURISDICTION

California Government Code Section 113

WHEREAS the United States, acting by and through the Department of the Navy, pursuant to Title 10, Section 2683 of the United States Code, by letter dated December 1, 1998 has requested that the State of California accept a retrocession of partial legislative jurisdiction from the United States over lands comprising a portion of Marine Corps Air Station El Toro; and

WHEREAS the California State Lands Commission, pursuant to California Government Code Section 113, has been authorized by the California State Legislature to accept such a retrocession; and its Executive Officer has been authorized by the Commission on June 27, 2000 to execute this instrument;

NOW, THEREFORE, I, Paul D. Thayer, Executive Officer of the California State Lands Commission hereby certify that the Commissioners for the California State Lands Commission met on June 27, 2000 and accepted a retrocession of partial legislative jurisdiction from the United States over those lands comprising a portion of Marine Corps Air Station El Toro described in Exhibit A hereto. A copy of the Commission's Agenda Item No. 95 describing the terms and conditions of the retrocession is attached hereto as Exhibit B.

Paul D. Thayer

PAUL D. THAYER, EXECUTIVE OFFICER
CALIFORNIA STATE LANDS COMMISSION

Date: _____

6/27/00

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Los Angeles

SS.

On

6/27/00

Date

, before me,

Alan C. Scott, Notary Public

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared

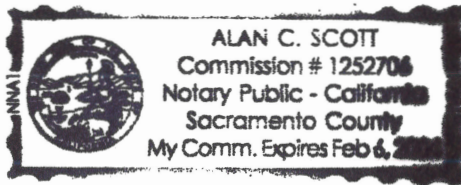
Paul D. Thayer

Name(s) of Signer(s)

☒ personally known to me

☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ 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]
Signature of Notary Public

Place Notary Seal Above

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

Title or Type of Document:

Abdication of Legislative Jurisdiction

Document Date:

27 Jun 00

Number of Pages:

8

Signer(s) Other Than Named Above:

None

Capacity(ies) Claimed by Signer

Signer's Name:

☐ Individual

☐ Corporate Officer — Title(s):

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☒ Other: Executive Officer

Signer Is Representing:

California State Lands Commission

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

EXHIBIT A

MARINE CORPS AIR STATION EL TORO

LEGAL DESCRIPTION

For

RETROCESSION OF LEGISLATIVE JURISDICTION

All of that land lying and being situate in the County of Orange, State of California, being a portion of Blocks 140, 141, 154, 155, 173 and 174 of Irvine's Sub-division as recorded in Book 1, Page 88 of miscellaneous Records Maps filed in the County Records Office of Orange County, California, and more particularly described as follows:

"Beginning at the point of intersection of the Northeasterly right-of-way line of the Atchison, Topeka and Santa Fe Railroad and the northwesterly line of Lot 286 of Block 140, said point being 50 feet northeasterly from the westerly corner of said Lot 286; thence from said point of beginning north $39^{\circ} 59' 50''$ east along the northwesterly line of Lots 286 and 279 of said Block 140, 5230.98 feet to the most northerly corner of said Lot 279; thence north $39^{\circ} 57' 54''$ east along the northwesterly line of Lots 278 and 271 of Block 141, 3962.08 feet to the center line of said Lot 271, thence south $50^{\circ} 01' 26''$ east with the center line of said Lot 271 and Lot 272 of said Block 5281.56 feet thence south $49^{\circ} 59' 06''$ east with the center line of Lots 273 and 274 of Block 154, 3965.23 feet to the center of said Lot 274; thence south $39^{\circ} 56' 59''$ west with the center line of said Lot 274 1320.53 feet to the northeasterly line of Lot 275; thence south $49^{\circ} 58' 06''$ east with the northeasterly line of said Lot 275 and the northeasterly line of Lot 302 of Block 174, 2523.35 feet to a point; thence south $40^{\circ} 00' 13''$ west across Lot 302 and across Lot 303 of Block 173, 3481.76 feet to a point on a northerly line of a drainage ditch; thence with a northerly line of said drainage ditch south $67^{\circ} 14' 20''$ west 2619.37 feet to the southeasterly line of Lot 283 Block 155; thence south $39^{\circ} 59' 00''$ west with the southeasterly line of said Lot 283, a distance of 2,061.63 feet to the northeasterly right-of-way line of said Atchison, Topeka and Santa Fe Railroad; thence north $50^{\circ} 00' 00''$ west with said right-of-way 10,570.13 feet to the point of beginning, containing 2318.833 acres, more or less."

CALENDAR ITEM
95

S 33
A 71

06/27/00
W 25514
J. Frey

**RETROCESSION OF PARTIAL LEGISLATIVE JURISDICTION
PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 113
AT MARINE CORPS STATION EL TORO, ORANGE COUNTY**

The Department of the Navy has requested that the State Lands Commission, acting pursuant to Government Code section 113, accept retrocession of legislative jurisdiction over that portion of Marine Corps Air Station El Toro (MCAS El Toro) that is subject to partial legislative jurisdiction in the Federal Government. For the reasons set forth below, staff recommends that the Commission accept the requested retrocession of legislative jurisdiction.

BACKGROUND:

This request was first brought before the Commission for consideration on December 3, 1999. At the meeting the Commission heard extensive testimony from its staff, the Department of Toxic Substances Control (DTSC), the U.S. Navy, Orange County and many members of the public. The bulk of the testimony focused on the presence of toxic substances on the property and the cleanup process. The DTSC, the Navy and Orange County acknowledged the presence of toxic waste and stated that these substances were being cleaned up through a program involving the Navy, DTSC and the Santa Ana Regional Water Quality Control Board.

Several groups, including the El Toro Reuse Planning Authority (ETRPA), also protested the County's proposed conversion of the property to a cargo aviation facility. ETRPA alleged that the Commission must conduct an environmental analysis because acceptance of the retrocession was the first step leading to the proposed reuse of the property as an airport.

The Commission also heard testimony indicating that Orange County and the Navy had entered into a renewable short term lease for eight areas on the Base for various activities including a child care center, a golf course, horse stables, RV storage and the old Officers Club.

CALENDAR ITEM NO. 95 (CONT'D)

After hearing this testimony, the Commission raised concerns about the toxics issue and deferred accepting the retrocession pending additional progress in the environmental cleanup.

CURRENT SITUATION:

Since December 1999 a number of events have occurred. In March 2000 the citizens of Orange County passed Measure F requiring, among other things, approval by a two-thirds majority vote of the county voters for conversion of MCAS to a civilian airport. Secondly, the U. S. Navy has recently stated that it will terminate its lease with Orange County for the property unless there is an acceptance of retrocession before July 1, 2000. This stems from the Navy's inability to provide services to the property since departure of military personnel. The County has received protests because of the potential loss of the day care center, the RV storage area and the horse stables. To avoid losing these interim uses, the County and the Navy have renewed their requests for Commission of retrocession.

On June 9, 2000 ETRPA sent the Commission a letter withdrawing its opposition to the retrocession and supporting it because ETRPA no longer believes the retrocession is subject to CEQA. In so doing ETRPA cites the passage of Measure F and the infeasibility of interim aviation uses because of the lack of necessary environmental review. ETRPA notes that the County's draft Environmental Impact Report for civilian reuse of El Toro does not analyze aviation uses and that the Navy has indicated that there will be no aviation related uses of the property without a NEPA document having been first prepared.

DTSC reports that the Navy continues to cooperate with it and the Santa Ana Regional Water Quality Control Board in the cleanup of the property. In March 1999 DTSC had identified some 883 Locations of Concern, 369 of which required further investigation. In March 2000 the number of areas requiring further investigation had been reduced to 271 – approximately a 25 per cent reduction. Originally there were 24 sites identified as Installation Restoration Program Sites identified and classified as contaminated. That number has been reduced 11. The cleanup work continues and DTSC reports that it will be several years before the entire process is completed.

Under the federal Comprehensive Environmental Response, Compensation, and Liability Act (42 USC 9601 et seq.) the Navy may not sell property on which toxic substances have stored for more than one year and have been known to have been released until any contamination has been cleaned up. Any deed for the sale of such property must contain a notice of the type and quantity of the hazardous substances, notice of the time of storage, release and disposal of the substances, and a description of the remedial action taken by the United States. Further the United States covenants in the deed that all remedial action necessary to protect human health and the

CALENDAR ITEM NO. 95 (CONT'D)

environment has been accomplished and that, if further contamination is discovered, the United States will take the necessary steps to remove the contamination. (See 42 USC 9620) The Navy is, of course, aware of these statutes and will not convey the property until the cleanup is finished. Orange County representatives have indicated that the County will not take title to the property until the cleanup has taken place.

The primary functions at MCAS El Toro now involve civilians and civilian activities, and the federal presence has been reduced to a minimum. Under the circumstances, it appears advisable to return administration of civil and criminal law regarding the subject 2,319 acres at the base to state and local government. Such state and local jurisdiction already exists over fully one-half of the base, as it has for many years. Now that the 2,319 acres at the core of the base have been subjected to civilian operation and control, acceptance of retrocession of jurisdiction over this acreage is appropriate in order that state and local government may exercise legislative jurisdiction over the whole of MCAS El Toro.

Under Government Code section 113 and California Code of Regulations section 2700 et seq., the State Lands Commission is authorized to accept a retrocession of jurisdiction if the following conditions are met:

1. The United States has requested in writing that the State accept a retrocession of jurisdiction;
2. The State Lands Commission has held a public hearing to determine whether it is in the best interests of the State to accept the retrocession; and
3. The United States has agreed to pay for the costs associated with the retrocession process.

The Department of the Navy submitted a written request for retrocession dated December 1, 1998, and a noticed public hearing was held on February 8, 1999. The record of the hearing was kept open to allow submission of additional information and materials by the parties at a later date. Such additional information and materials have been received. The Department of the Navy has agreed to pay for the costs associated with the retrocession process. Staff believes the requirements of Government Code Section 113 have been met and that the Navy's request is ready for consideration.

EXHIBITS:

- A. Land Description

CALENDAR ITEM NO. 95 (CONT'D)

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT ACTION ON THE RETROCESSION REQUEST IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO 14 CAL. CODE REGS. 15060 BECAUSE THE ACTION IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.
2. FIND THAT THE U.S. DEPARTMENT OF THE NAVY HAS REQUESTED IN WRITING THAT THE COMMISSION ACCEPT A RETROCESSION OF PARTIAL LEGISLATIVE JURISDICTION AND THE ESTABLISHMENT OF PROPRIETARY JURISDICTION OVER 2,319 ACRES OF LAND AT MARINE CORPS AIR STATION EL TORO, ORANGE COUNTY (MCAS EL TORO).
3. FIND THAT THE UNITED STATES HAS AGREED TO PAY FOR THE COSTS OF THE RETROCESSION PROCESS.
4. FIND THAT THE STATUTORY PUBLIC HEARING HELD ON FEBRUARY 8, 1999 COMPLIES WITH THE PUBLIC HEARING REQUIREMENT OF GOVERNMENT CODE SECTION 113.
5. DETERMINE THAT IT IS IN THE BEST INTERESTS OF THE STATE OF CALIFORNIA TO ACCEPT THE RETROCESSION OF JURISDICTION REQUESTED BY THE UNITED STATES BECAUSE THE RETROCESSION WILL ALLOW STATE AND LOCAL LAW ENFORCEMENT AND THE COURTS OF THE STATE TO ASSUME RESPONSIBILITY FOR THE ENFORCEMENT OF STATE CIVIL AND CRIMINAL LAW, INCLUDING THE PROTECTION OF PERSONS AND PROPERTY, THROUGHOUT THE WHOLE OF MCAS EL TORO.
6. ACCEPT THE RETROCESSION OF PARTIAL LEGISLATIVE JURISDICTION AND ESTABLISH PROPRIETARY JURISDICTION OVER 2,319 ACRES AT MCAS EL TORO, ORANGE COUNTY, AS DESCRIBED IN EXHIBIT A ATTACHED HERETO.
7. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE A DOCUMENT ENTITLED "RETROCESSION OF LEGISLATIVE JURISDICTION", DESCRIBING THE COMMISSION'S ACTION.

CALENDAR ITEM NO. **95** (CONT'D)

8. AUTHORIZE THE FILING OF THE RETROCESSION OF JURISDICTION WITH THE ORANGE COUNTY RECORDER AS REQUIRED BY GOVERNMENT CODE SECTION 113.

EXHIBIT A

MARINE CORPS AIR STATION EL TORO

LEGAL DESCRIPTION

For

RETROCESSION OF LEGISLATIVE JURISDICTION

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STATE OF CALIFORNIA }
COUNTY OF _____ } ss.

On _____ before me, _____, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

(This area for official notarial Seal)

GOVERNMENT CODE 27361.7

I certify under penalty of perjury that the Notary Seal on the document to which this statement is attached reads as follows:

NAME OF THE NOTARY: ALAN C. SCOTT
DATE COMMISSION EXPIRES: February 6, 2004
COUNTY WHERE BOND IS FILED: Sacramento
COMMISSION NUMBER: 1252706
MANUFACTURER/VENDOR NUMBER: NNAI
PLACE OF EXECUTION: Santa Ana, California DATE: June 29, 2020
SIGNATURE: Glenn R Peralta

I certify under penalty of perjury and the laws of the State of California that the illegible portion of this document to which this statement is attached reads as follows:

Place of Execution _____ Date _____

Signature: _____