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STATE OF CALIFORNIA

State Lands Commission

Attn: Legal Unit

100 Howe Avenue, Suite 100- South  
Sacramento, CA 95825-8202

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County of  
Santa Barbara  
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08:02AM 03-Sep-2010 | Page 1 of 6

STATE OF CALIFORNIA

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**RESOLUTION OF RETROCESSION OF LEGISLATIVE JURISDICTION**  
(CALIFORNIA GOVERNMENT CODE SECTION 113)

Pursuant to Government Code Section 113 the State Lands Commission is authorized on behalf of the State of California to accept a retrocession of legislative jurisdiction from the United States and to establish proprietorial jurisdiction over the retroceded lands.

At its publicly held meeting on August 20, 2010, the State Lands Commission considered a request of the United States Department of the Air Force for a retrocession of partial legislative jurisdiction over approximately 71 acres of land within Vandenberg Air Force Base, Santa Barbara County and the establishment of proprietorial legislative jurisdiction over the same. After determining that the requirements of Government Code Section 113 had been met, the State Lands Commission accepted the retrocession and established proprietorial legislative jurisdiction over those lands as described in its Calendar Item C43, a copy of which is attached hereto.

Date: \_\_\_\_\_

8/30/10

By: \_\_\_\_\_

PAUL D. THAYER

EXECUTIVE OFFICER

CALIFORNIA STATE LANDS COMMISSION

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Sacramento

On Aug 30, 2010 before me, Kimberly L. Lunetta, Notary Public,  
Date Here Insert Name and Title of the Officer

personally appeared Paul D. Thayer  
Name(s) of Signer(s)



who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Place Notary Seal Above

Signature Kimberly L. Lunetta  
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

Title or Type of Document: Rescission of Retrocession of Legislative Jurisdiction  
Document Date: August 20, 2010 Number of Pages: 1 p. + 4 pgs of exhibits  
Signer(s) Other Than Named Above: \_\_\_\_\_

### Capacity(ies) Claimed by Signer(s)

Signer's Name: Paul D. Thayer

- ☐ Individual  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Attorney in Fact  
☐ Trustee  
☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

Signer Is Representing: Executive Officer  
CA State Lands  
Commission

RIGHT THUMBPRINT  
OF SIGNER  
Top of thumb here

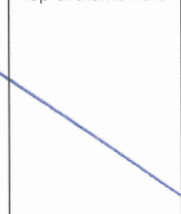


Signer's Name: \_\_\_\_\_

- ☐ Individual  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Attorney in Fact  
☐ Trustee  
☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

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OF SIGNER  
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CALENDAR ITEM  
C43

**FILE COPY**

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W26424

J.Frey

**RETROCESSION OF PARTIAL LEGISLATIVE JURISDICTION  
PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 113  
AT VANDENBERG AIR FORCE BASE, SANTA BARBARA COUNTY**

Pursuant to Government Code Section 113 the State Lands Commission is authorized on behalf of the State of California to accept a retrocession of legislative jurisdiction from the United States and thereby establish state legislative jurisdiction.

**BACKGROUND:**

The Department of the Air Force has requested that California accept a retrocession of partial legislative jurisdiction and establish proprietary legislative jurisdiction over a 71.33 acre parcel which is the proposed site of the California Space Center. The parcel is located near California State Highway 1 close to the main entrance of the Vandenberg Air Force Base. The California Space Authority, a California 501(c)(6) nonprofit corporation formed pursuant to California Government Code Sections 13999–13999.4, desires to lease the 71.33 acre parcel from the Air Force for the establishment of the California Space Center to promote space-related education, training and industry. Acceptance of the retrocession of jurisdiction would establish the Air Force's proprietary jurisdiction over the 71.33 acre parcel.

The United States acquired partial legislative jurisdiction over this parcel by cession from California in 1941. Under partial legislative jurisdiction the United States exercises all of the State's authority to enact and enforce civil and criminal law except for the State's power to tax. After the retrocession of partial jurisdiction and establishment of proprietary jurisdiction, the United States will continue to own the property and all civil and criminal law enforcement on it will be determined by California law. Recognition should be given to the fact that the United States, by virtue of its functions and authority under various provisions of the U. S. Constitution, has many powers and immunities not possessed by ordinary landholders with respect to areas in which it acquires an interest, and of the further fact that all its properties and functions are held or performed in a governmental rather than a proprietary capacity. This may impact California's ability to enact and enforce certain laws involving this parcel.

California Government Code Section 113 and the California Code of Regulations, Title 2, Sections 2700 et seq. authorize the State Lands Commission to accept such a retrocession if the following conditions are met:

**CALENDAR ITEM NO. C43 (CONT'D)**

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 State's best interests to accept the retrocession; and
3. The United States has agreed to pay for the costs associated with the retrocession process.

By letter dated July 19, 2010 the United States made the written request for the retrocession. Commission staff believed that wording of the original request was not completely clear. On August 4, 2010, Kenneth Barrett, legal counsel for Air Force, sent a letter clarifying that the United States desires California to accept a retrocession of partial legislative jurisdiction and establish United State's proprietary jurisdiction over the 71.33 acre parcel. The United States also agreed to bear the costs associated with the retrocession. Those costs were ultimately borne by the California Space Authority. The noticed hearing was held on August 13, 2010. Laura Ornelaz representing the Air Force attended the hearing by telephone. The letters from the United States were entered into the record. No comments in support of or opposition to the retrocession were received in writing.

**PERMIT STREAMING ACT DEADLINE: NA**

**OTHER PERTINENT INFORMATION:**

1. The Santa Barbara County Sheriff's Office, which is the local law enforcement agency that would be responsible for the 71.33 acre parcel after the retrocession, does not oppose the retrocession of partial legislative jurisdiction.
2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15060(c)), the staff has determined that this activity is exempt from the requirements of the CEQA because this activity is not a "project" as defined by the State CEQA Guidelines.

Authority: Public Resources Code Section 21065 and 14 California Code of Regulations Section 15378.

**EXHIBIT:**

A: Land Description

**IT IS RECOMMENDED THAT THE COMMISSION:**

1. Find that the activity is exempt from the requirements of the CEQA pursuant to

**CALENDAR ITEM NO. C43 (CONT'D)**

14 Cal. Code Regs. 15060(c)(3) because the activity is not a project as defined by P.R.C. section 21065 and 14 Cal. Code Regs. 15378.

2. Find that the U.S. Department of the Air Force has requested in writing that the Commission accept a retrocession of partial legislative jurisdiction and establish proprietary legislative jurisdiction over 71.33 acres of land located within the Vandenberg Air Force Base, Santa Barbara County.
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 August 13, 2010 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 to provide protection of the property and will also support the state's space enterprise economic development by encouraging space-related education, training and industry.
6. Accept the retrocession of partial legislative jurisdiction and establish proprietary legislative jurisdiction over the 71.33 acre parcel of the Vandenberg Air Force Base, Santa Barbara County as described in Exhibit A attached.
7. Authorize the Executive Officer to execute a document entitled "Resolution of Retrocession of Legislative Jurisdiction" describing the Commission's action.
8. Authorize the filing of the "Resolution of Retrocession of Legislative Jurisdiction" with the Santa Barbara County Recorder as required by Government Code Section 113.



**EXHIBIT A  
LAND DESCRIPTION  
VANDENBERG 71.33 ACRE PARCEL**

That portion of the Jesus Maria Rancho, in the County of Santa Barbara, State of California, as shown on the map filed in Book 3, Page 28 of Miscellaneous Maps in the Office of the County Recorder of said County, described as follows:

Commencing at the National Geodetic Survey (NGS) station designated "PINE", which has an NGS Permanent Identifier of "DZ1686", and which has a California Coordinate System, Zone 5, North American Datum of 1983 (CCS83), Northing of 2,093,068.984 U.S. Feet and an Easting of 5,807,082.796 U.S. Feet for the purposes of this description;

Thence, N 33°11'43" E, a distance of 4028.66 feet to a point having a CCS83 Northing of 2,096,440.202 and an Easting of 5,809,288.460, being the True Point of Beginning;

Thence 1<sup>st</sup>, N 52°28'21" E, perpendicular to the southwesterly line of State Highway 1, as described in the easement deed from the Department of the Air Force to the County of Santa Barbara recorded August 21, 1962 in Book 1947, Page 782 of Official Records of said County, a distance of 1471.41 feet, more or less, to a point on said southwesterly line;

Thence 2<sup>nd</sup>, N 37°31'39" W, along said southwesterly line, a distance of 2111.64 feet,

Thence 3<sup>rd</sup>, S 52°28'21"W, perpendicular to said southwesterly line, a distance of 1471.41 feet, more or less, to an intersection with a line passing through the True Point of Beginning that is parallel with said southwesterly line;

Thence 4<sup>th</sup>, S 37°31'39" E, along said parallel line, a distance of 2111.64 feet, more or less, to the True Point of Beginning

Containing 71.33 acres, more or less.

Description provided by the United States.

THE UNDERSIGNED, ACTING IN THIS BEHALF FOR THE STATE LANDS COMMISSION, HAS HEREBY CERTIFIED THAT THE ANNEXED IS A WHOLE, TRUE AND CORRECT COPY OF THE ORIGINAL RECORD COPY, CONSISTING OF 4 PARTS, ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION, THAT SAID COPY HAS BEEN COMPARED BY THE UNDERSIGNED WITH THE ORIGINAL, AND IS A CORRECT TRANSCRIPT THEREFROM.

IN WITNESS WHEREOF, THE UNDERSIGNED HAS EXECUTED THIS CERTIFICATE AND AFFIXED THE SEAL OF THE STATE LANDS COMMISSION THIS 23 DAY OF Aug. A.D. 2010

*J. Frey*