

CALENDAR ITEM
C67

MINUTE ITEM
This Calendar Item No. C67
was approved as Minute Item
No. 67 by the State Land
Commission by a vote of 3
to 0 at its 7/6/95
meeting.

A 1, 2, 3, 6, 25, 28

07/06/95

W 20902

W 24191

Frey

S 1, 2, 3, 4, 12, 15

CESSION OF CONCURRENT CRIMINAL JURISDICTION
PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 126 AT
LAVA BEDS NATIONAL MONUMENT, MODOC AND SISKIYOU COUNTIES,
WHISKEY TOWN NATIONAL RECREATION AREA, SHASTA COUNTY,
POINT REYES NATIONAL SEASHORE, MARIN COUNTY,
PINNACLES NATIONAL MONUMENT, MONTEREY AND SAN BENITO COUNTIES,
REDWOOD NATIONAL PARK, DEL NORTE AND HUMBOLDT COUNTIES
DEVIL'S POSTPILE, NATIONAL MONUMENT, MADERA 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.

On December 13, 1994 Stanley Albright, Regional Director for the National Park Service, wrote the State Lands Commission requesting a cession of concurrent criminal jurisdiction over Lava Beds National Monument, Siskiyou and Modoc Counties, Whiskey Town National Recreation Area, Shasta County, Point Reyes National Seashore, Marin County, Pinnacles National Monument, San Benito and Monterey Counties, Redwood National Park, Del Norte and Humboldt

CALENDAR ITEM NO. C67 (CONT'D)

Counties and Devil's Postpile National Monument, Madera County pursuant to Government Code Section 126.

On December 21, 1994 the State Lands Commission authorized a public hearing for the purpose of determining whether it is in the best interest of the State to make the requested cessions. Notice of the hearing was published as required by Section 126 and served upon the Clerk of the Board of Supervisors for each of the affected counties. Affidavits of the publication and service are found in the Commission's files.

Hearings were held on May 31, 1995 and June 15, 1995 in the Commission's offices in Sacramento, California. There were no personal appearances by any members of the public. The United States appeared by submitting written comments. The comments focused the ability of the Park Service to provide more efficient law enforcement consistent with that outside of the Parks. Sheriff Mix of Modoc County submitted written comments opposing the cession for Lava Beds National Monument but withdrew them after having discussed the cession with the Superintendent of Lava Beds. It should be noted that the Park Service has entered into agreements with local law enforcement agencies for the purpose of defining the responsibilities of each agency for law enforcement purposes.

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.

EXHIBITS: A. Location Maps: A-1 through A-6
B. Land Descriptions: B-1 through B-6

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF CEQA PURSUANT TO 14 CAL. ADM. C. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. C. 15378.

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2. DETERMINE THAT THE PUBLIC HEARING HELD ON MAY 31, 1995, AND JUNE 15, 1995 COMPLIED WITH THE STATUTES AND 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 LAND DESCRIBED IN EXHIBITS "B-1" THROUGH "B-6" ATTACHED AND BY REFERENCE MADE A PART HEREOF, SAID LANDS BEING WITHIN THE STATE OF CALIFORNIA.
 - B. THE LAND IS 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.

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3. DETERMINE THAT A CESSION OF CONCURRENT CRIMINAL JURISDICTION OVER THE LANDS DESCRIBED IN EXHIBITS "B-1" THROUGH "B-6" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF IS IN THE BEST INTERESTS OF THE STATE OF CALIFORNIA.

4. CEDE CONCURRENT CRIMINAL JURISDICTION OVER LAVA BEDS NATIONAL MONUMENT, MODOC AND SISKIYOU COUNTIES, WHISKEY TOWN NATIONAL RECREATION AREA, SHASTA COUNTY, POINT REYES NATIONAL SEASHORE, MARIN COUNTY, PINNACLES NATIONAL MONUMENT, MONTEREY AND SAN BENITO COUNTIES, REDWOOD NATIONAL PARK, DEL NORTE AND HUMBOLDT COUNTIES, DEVIL'S POSTPILE, NATIONAL MONUMENT, MADERA COUNTY FOR THE LESSER OF FIVE YEARS OR SO LONG AS THE UNITED STATES OWNS THE LANDS CONDITIONED UPON THE RECEIPT OF A LETTER OF ACCEPTANCE OF JURISDICTION FROM THE UNITED STATES PURSUANT TO 40 U.S.C. 255.

5. AUTHORIZE THE FILING AND RECORDING OF THIS CALENDAR ITEM WITH THE OFFICE OF THE SECRETARY OF STATE, STATE OF CALIFORNIA AND THE COUNTY RECORDER FOR EACH OF THE AFFECTED COUNTIES AS REQUIRED BY GOVERNMENT CODE SECTION 126.

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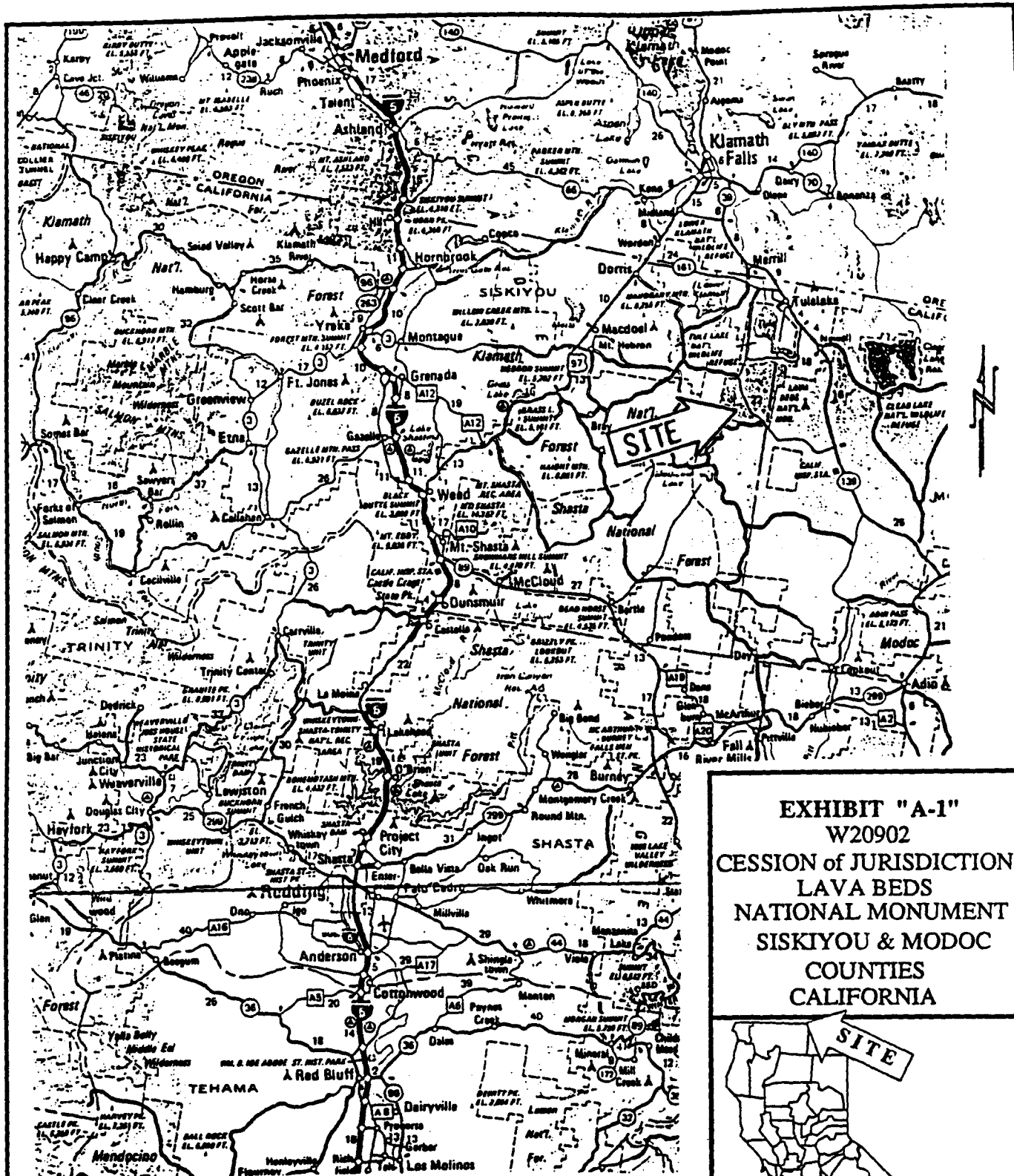


EXHIBIT "A-1"
 W20902
 CESSION of JURISDICTION
 LAVA BEDS
 NATIONAL MONUMENT
 SISKIYOU & MODOC
 COUNTIES
 CALIFORNIA



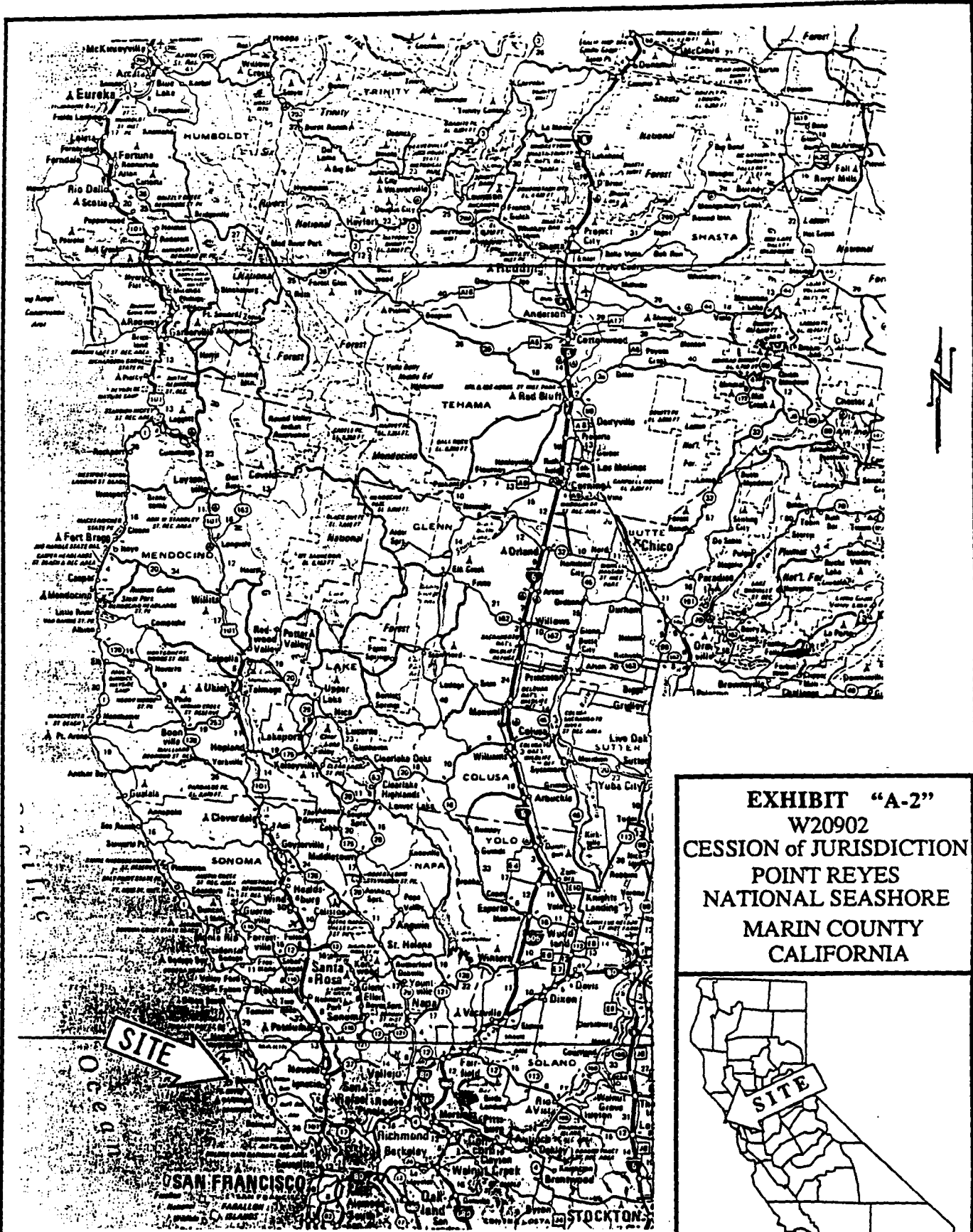
LOCATION MAP
 NO SCALE

EXHIBIT "B-1"

W 20902

All that land known as Lava Beds National Monument located in Siskiyou and Modoc Counties, California, as created by presidential proclamation set forth on November 21, 1925, in United States Statutes at Large, Volume 44, page 2591, and supplemented by the following proclamations: April 27, 1951, No. 2925; Public Law 92-493, 86 Statute 811, October 13, 1972.

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LOCATION MAP
NO SCALE

EXHIBIT "A-2"
W20902
CESSION of JURISDICTION
POINT REYES
NATIONAL SEASHORE
MARIN COUNTY
CALIFORNIA



EXHIBIT "B-2"

W 20902

**POINT REYES NATIONAL SEASHORE
IN THE COUNTY OF MARIN
STATE OF CALIFORNIA**

Point Reyes National Seashore is situate in the County of Marin, State of California. Said lands of Point Reyes National Seashore in Marin County are described in Volume 37, Federal Register No. 212, page 23366.

END OF DESCRIPTION

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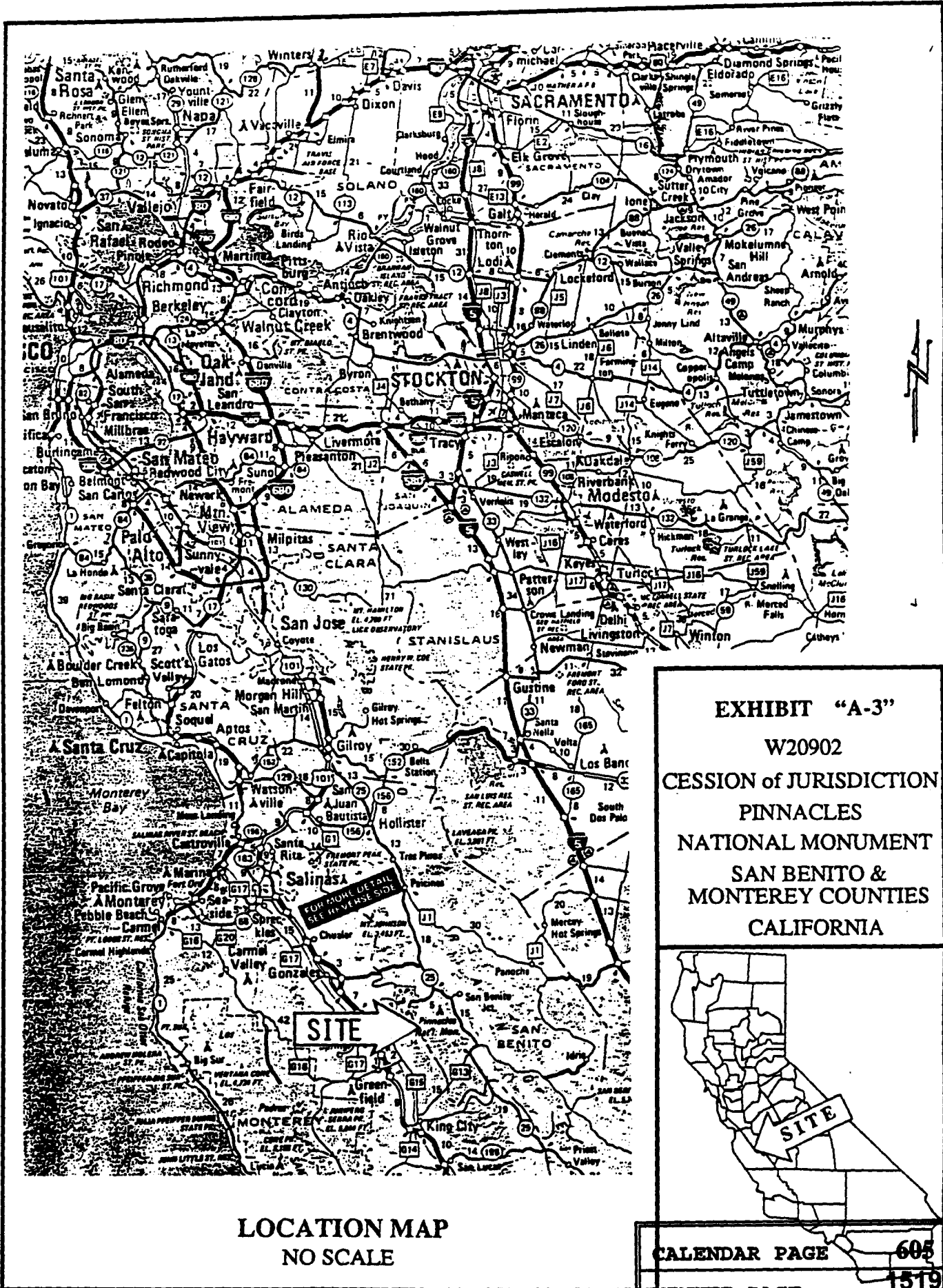


EXHIBIT "A-3"

W20902

CESSION of JURISDICTION

PINNACLES

NATIONAL MONUMENT

SAN BENITO &

MONTEREY COUNTIES

CALIFORNIA



LOCATION MAP
NO SCALE

EXHIBIT "B-3"

W 20902

All that land known as Pinnacles National Monument located in San Benito and Monterey Counties, California, as created by presidential proclamation set forth January 16, 1908, in United States Statutes at Large, Vol. 35, page 2177, and supplemented by the following proclamations: May 5, 1923, 43 Statute 1911; July 2, 1924, 43 Statute 1961; April 13, 1931, 47 Statute 2451; July 11, 1933, 48 Statute 1701; December 5, 1941, 55 Statute 1709.

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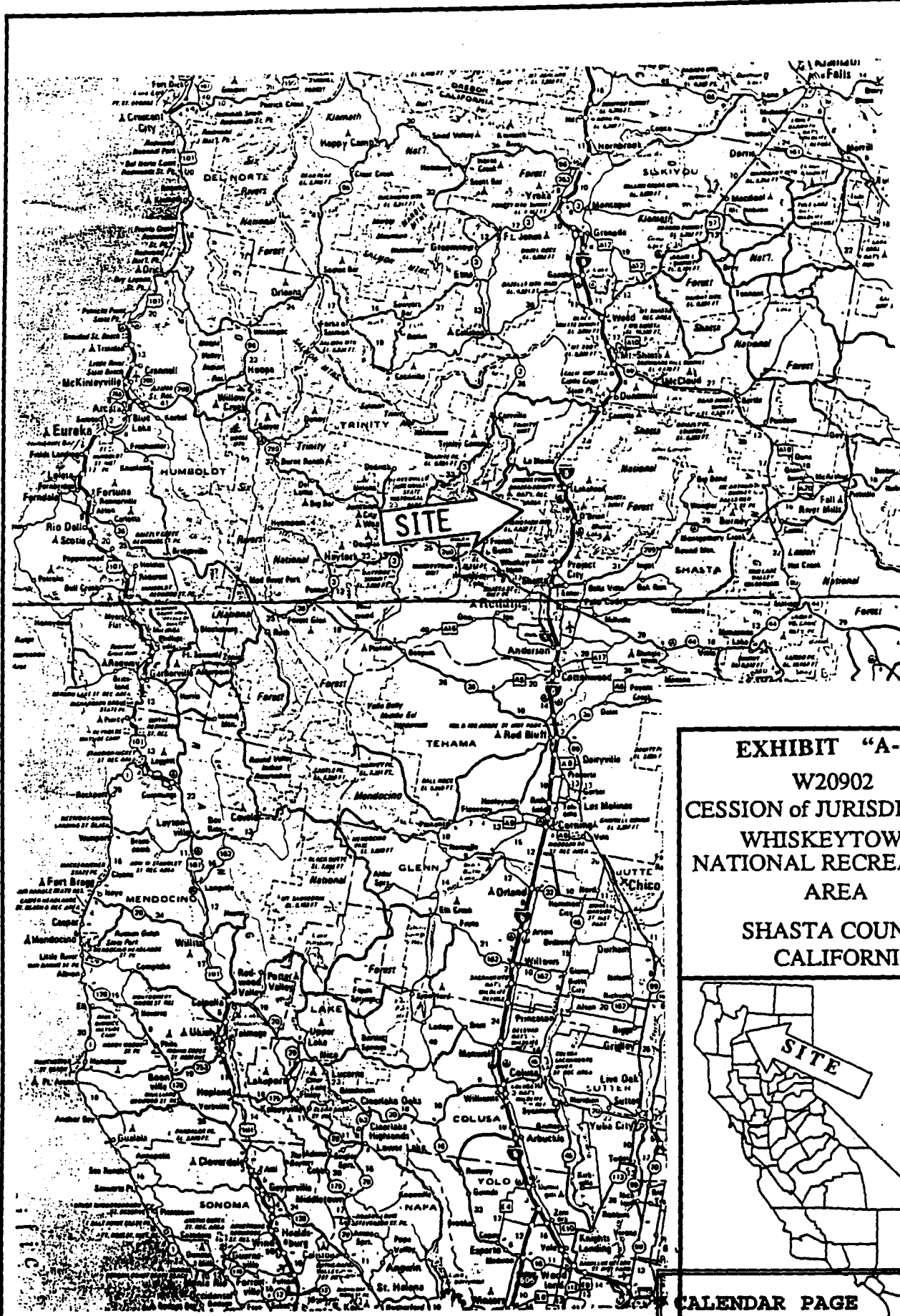


EXHIBIT "A-4"
 W20902
 CESSION of JURISDICTION
 WHISKEYTOWN
 NATIONAL RECREATION
 AREA
 SHASTA COUNTY
 CALIFORNIA



EXHIBIT "B-4"

W 20902

All that land known as Whiskeytown National Recreation Area located in Shasta County, California, as described in Volume 37 Federal Register No. 212, page 23369.

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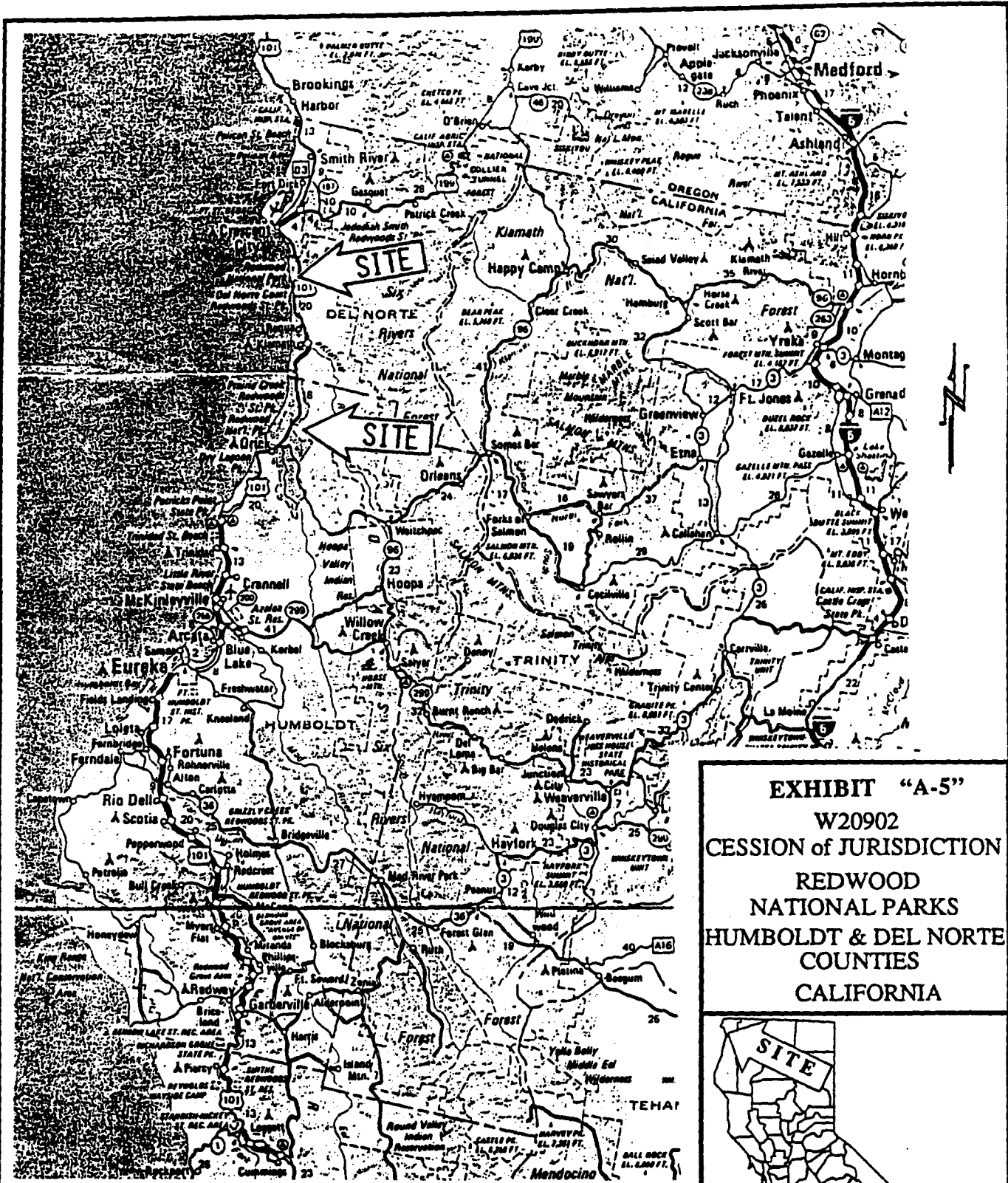
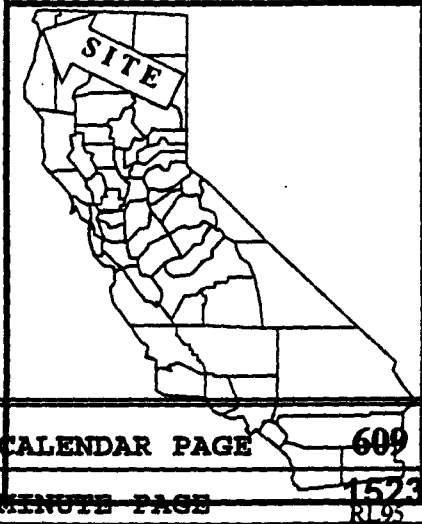


EXHIBIT "A-5"
W20902
CESSION of JURISDICTION
REDWOOD
NATIONAL PARKS
HUMBOLDT & DEL NORTE
COUNTIES
CALIFORNIA



LOCATION MAP
NO SCALE

EXHIBIT "B-5"

W 20902

All those lands known as Redwood National Park, in Humboldt and Del Norte Counties, California, established by Public Law 90-545, dated October 2, 1968 (82 Stat. 931) and amended by Public Law 95-250 dated March 27, 1978 (92 Stat. 163).

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LOCATION MAP
NO SCALE

EXHIBIT "A-6"
W24191
CESSION of JURISDICTION
DEVILS POSTPILE
NATIONAL MONUMENT
MADERA COUNTY
CALIFORNIA



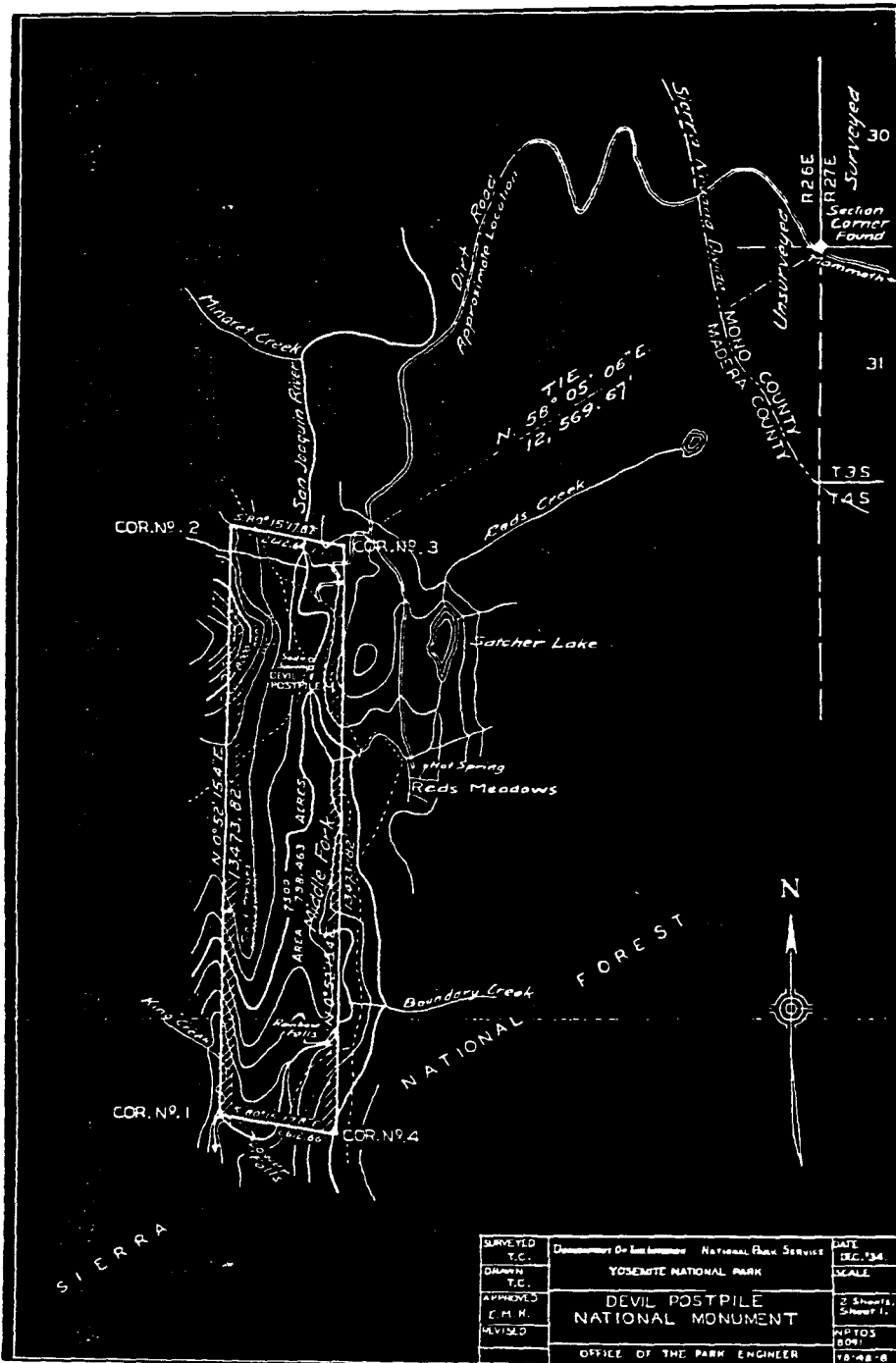


EXHIBIT "B-6"
W24191
CESSION of JURISDICTION
DEVILS POSTPILE
NATIONAL MONUMENT
MADERA COUNTY
CALIFORNIA



SURVEYED Y.C.	Department of Land Surveying	NATIONAL PARK SERVICE	DATE DEC. 1944
DRAWN T.C.	YOSEMITE NATIONAL PARK		SCALE
APPROVED E.M.H.	DEVIL POSTPILE NATIONAL MONUMENT		2 Sheets, Sheet 1.
REVISED	OFFICE OF THE PARK ENGINEER		PHOTOS 1901
			18-48-18

NO SCALE

CALENDAR PAGE

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411
1326
RL95