MINUTE ITEM

This Calendar Item No. 25 was approved as Minute Item No. 25 by the State Lands Commission by a vote of 3 to 0 at its 12/16/82 meeting.

CALENDAR ITEM

25

12/16/82
W 20902
Frey

CESSION OF JURISDICTION
AT LAVA BEDS NATIONAL MONUMENT,
WHISKEYTOWN NATIONAL RECREATION AREA,
PT. REYES NATIONAL SEASHORE,
PINNACLES NATIONAL MONUMENT

Pursuant to Government Code Section 126, the Commission is authorized on behalf of the State to cede concurrent criminal jurisdiction to the United States upon finding:

a. That the lands are used for federal purposes.

b. The United States has in writing requested such cession.

c. The cession is in compliance with the laws of the United States.

Under a prior cession of jurisdiction in 1977 the National Park Service exercised concurrent criminal jurisdiction over Lava Beds National Monument, Whiskeytown National Recreation Area, Pt. Reyes National Seashore and Pinnacles National Monument. Pursuant to Government Code Section 126 that cession automatically terminated in October 1982. By letter dated September 30, 1982 the National Park Service requests that jurisdiction again be ceded for an additional five years over these same park units.

On October 28, 1982, by Calendar Item 48, the Commission authorized the staff to conduct a public hearing on whether

A 1, 9, 24, 29

S 1, 2, 11, 17

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the cession would be in the State's best interests. The hearing was noticed in newspapers of general circulation and the Clerks of the Boards of Supervisors of the affected Counties were served a notice of the hearing. The hearing was held December 3, 1982 No comments regarding the cession were received at the hearing.

The staff believes that cession of concurrent criminal jurisdiction is in the best interests of the State and that it will facilitate the administration of criminal law over the parcels.

AB 884: N/A.

EXHIBITS:
A. Location Maps - A, B, C and D.
B. Land Descriptions - A-1, B-1, C-1, and D-1.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE FOLLOWING CONDITIONS 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 "A-1", "B-1", "C-1" AND "D-1" ATTACHED AND BY REFERENCE MADE A PART HEREOF, SAID LANDS BEING WITHIN THE STATE OF CALIFORNIA.

   B. THE LAND IS OWNED BY THE UNITED STATES AND USED FOR FEDERAL PURPOSES.

   C. JURISDICTION CEDED PURSUANT TO GOVERNMENT CODE, SECTION 126 CONTINUE ONLY SO LONG AS THE LAND IS HELD BY THE UNITED STATES FOR THE ABOVE-DESCRIBED PURPOSES OR FOR FIVE YEARS, WHICHEVER PERIOD IS LESS.

   D. IN CEDING SUCH CONCURRENT CRIMINAL JURISDICTION THE LEGISLATURE AND THE STATE RESERVE JURISDICTION OVER THE LAND, WATER AND USE OF WATER WITH FULL POWER OR CONTROL AND REGULATE THE ACQUISITION, USE, CONTROL AND DISTRIBUTION OF WATER WITH RESPECT TO THE LAND AFFECTED BY SUCH CESSION.

   E. IN CEDING CONCURRENT CRIMINAL JURISDICTION THE LEGISLATURE AND THE STATE EXCEPT AND RESERVE TO THE STATE ALL DEPOSITS OF MINERALS, INCLUDING OIL

AND GAS, IN THE LAND, AND TO THE STATE, OR PERSONS AUTHORIZES BY THE STATE, THE RIGHT TO PROSPECT FOR, MINE, AND REMOVE SUCH DEPOSITS FROM THE LAND.

2. DETERMINE THAT THE CESSION OF JURISDICTION HEARING HELD ON DECEMBER 3, 1982, COMPLIED WITH THE STATUTES AND REGULATIONS FOR THE CESSION OF CONCURRENT CRIMINAL JURISDICTION.

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

4. CEDE THE REQUESTED CONCURRENT CRIMINAL JURISDICTION OVER THE LANDS IN EXHIBITS "A-1", "B-1", "C-1" AND "D-1". SAID CESSION TO BE EFFECTIVE UPON APPROVAL OF THIS CALENDAR ITEM BY THE COMMISSION, THE RECEIPT OF A LETTER OF ACCEPTANCE OF JURISDICTION BY THE UNITED STATES PURSUANT TO 40 USC 255, AND THE RECORDATION OF ALL NECESSARY DOCUMENTS WITH THE SECRETARY OF STATE AND THE COUNTY RECORDERS.

5. FIND THAT THIS ACTIVITY IS EXEMPT FROM CEQA PURSUANT TO P.R.C. SECTION 21065.

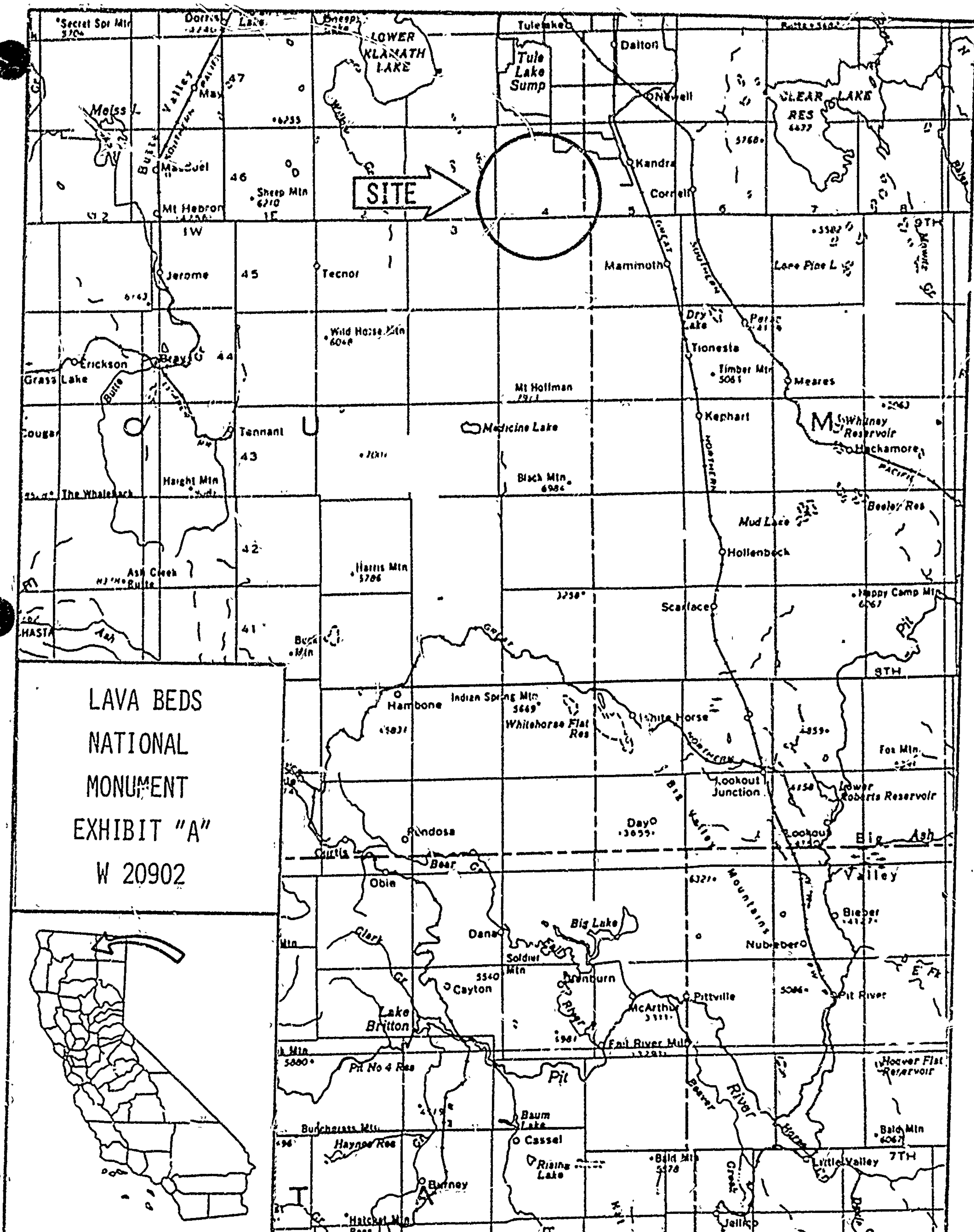

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EXHIBIT "A-1"

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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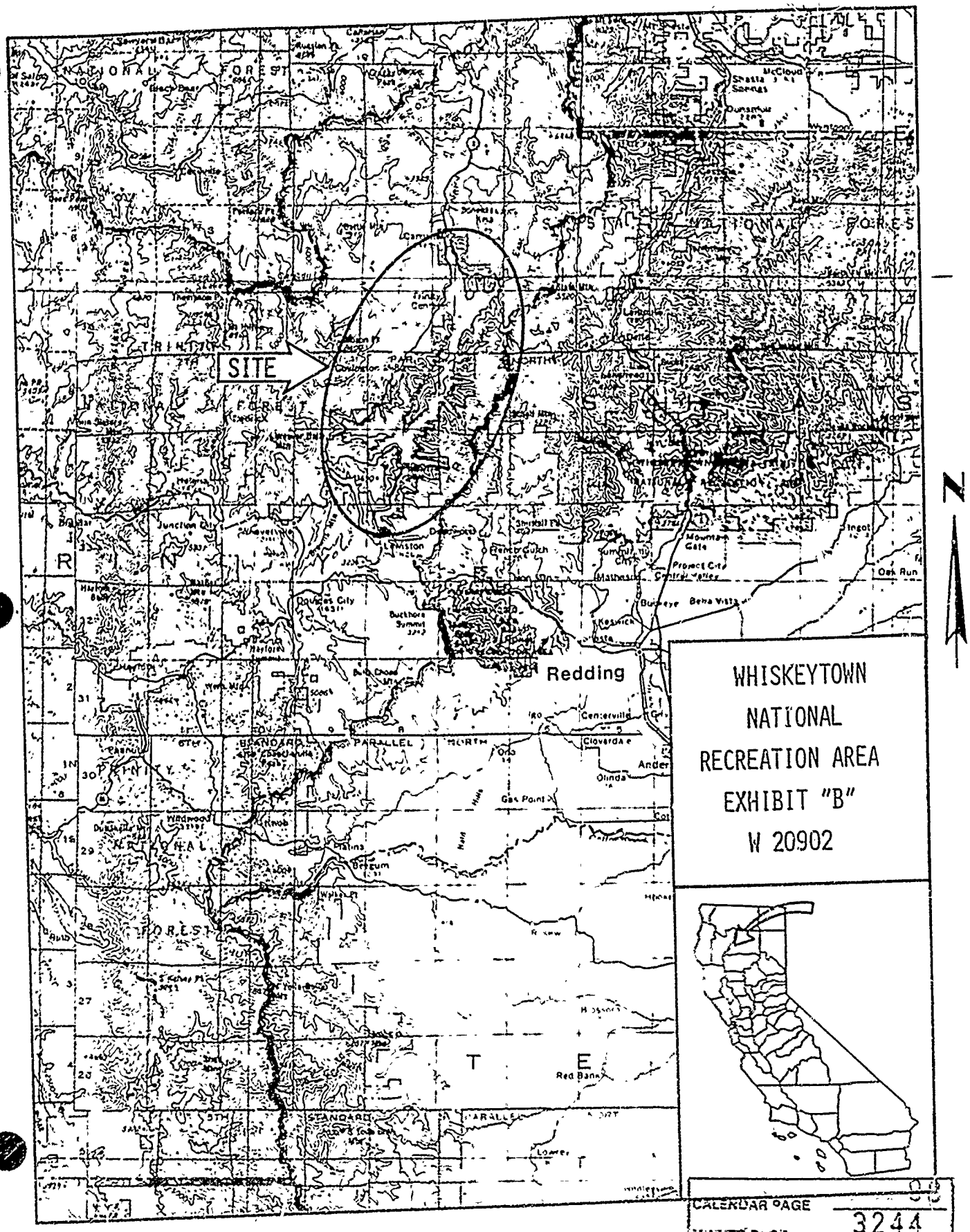

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EXHIBIT "B-1"

W 20902

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

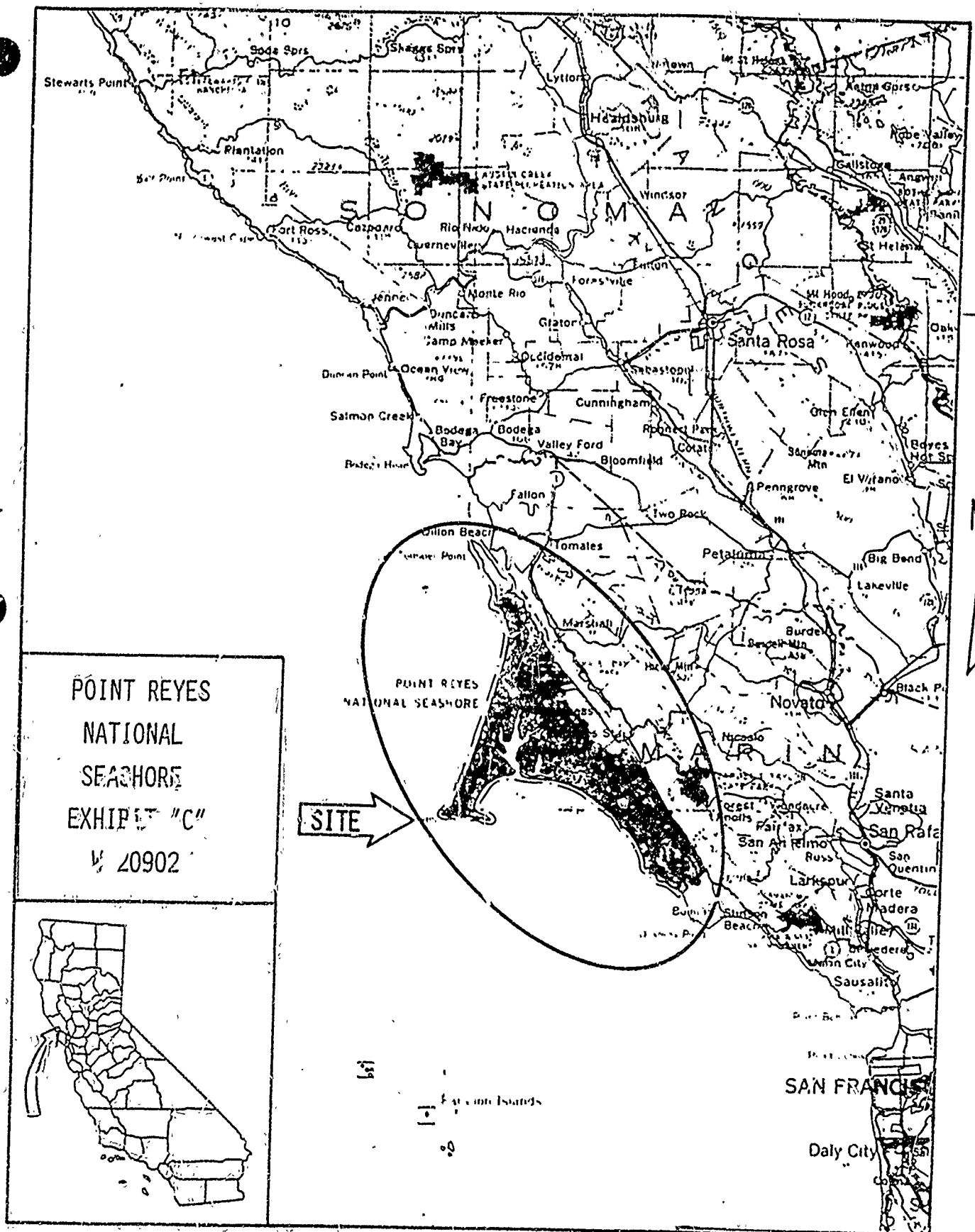

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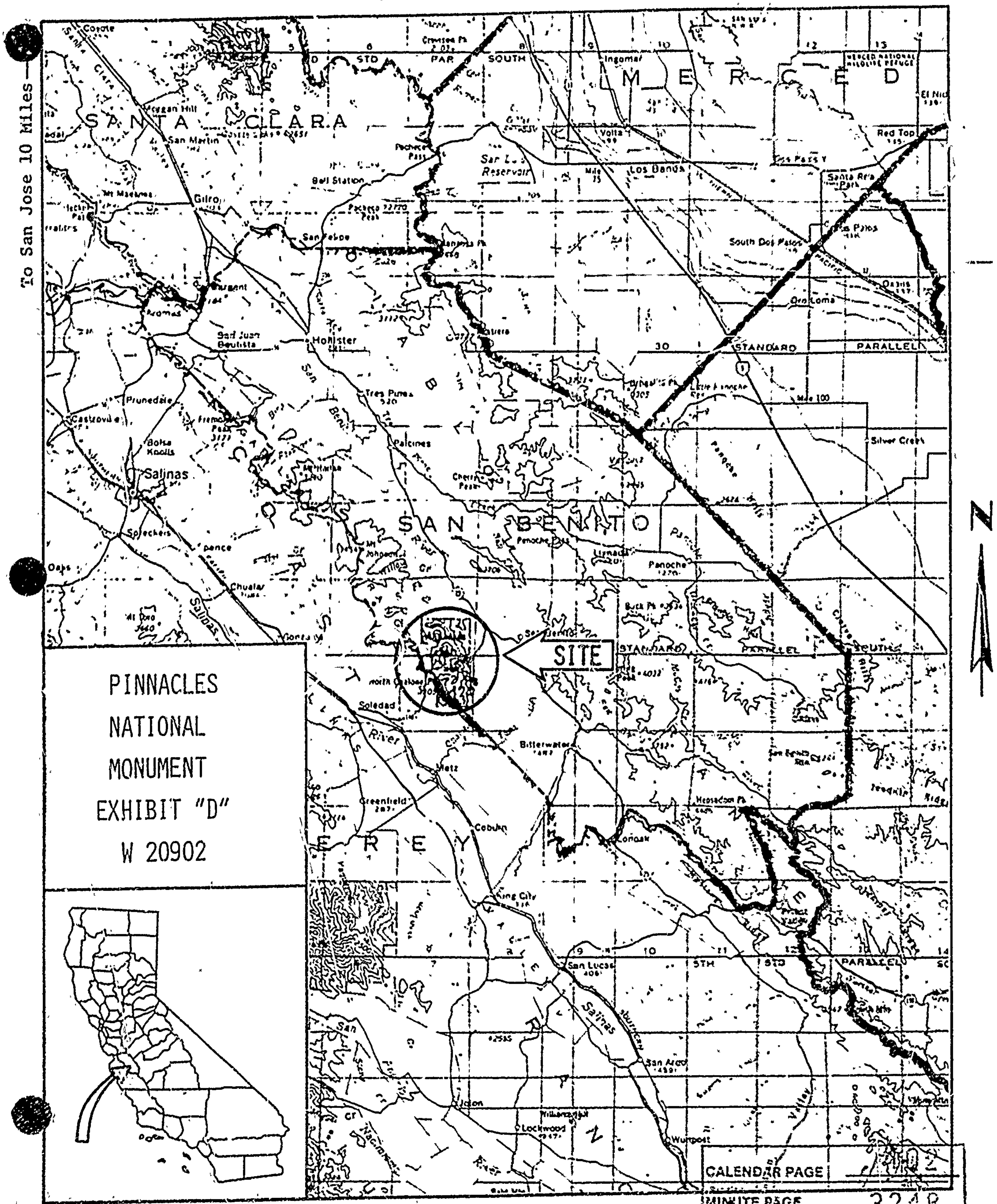
EXHIBIT "C-1"

W 20902

All that land known as Point Reyes National Seashore, located in Marin County, California, as described in Volume 37, Federal Register No. 212, page 23366.



PINNACLES

NATIONAL

MONUMENT

EXHIBIT "D"

W 20902

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EXHIBIT "D-1"

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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