

MINUTE ITEM
This Calendar Item No. 46
was approved as Minute Item
No. 46 by the State Lands
Commission by a vote of 2
to 0 at its 4-12-88
meeting.

CALENDAR ITEM

A 9, 1, 25

46

04/12/88

S 3, 1, 4, 17

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 prior cessions of jurisdiction in 1977 and 1983, the National Park Service exercises 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 on January 27, 1988. By letter dated October 22, 1987, the National Park Service requested that jurisdiction again be ceded for an additional five years over these same park units.

On January 21, 1988, by Calendar Item C3, the Commission authorized the staff to conduct a public hearing on whether the cession would be in the State's best interests. The hearing was noticed in newspapers of general circulation and the clerks of the Board of Supervisors of the affected counties were served a notice of the hearing. The hearing was held on March 20, 1988. 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.

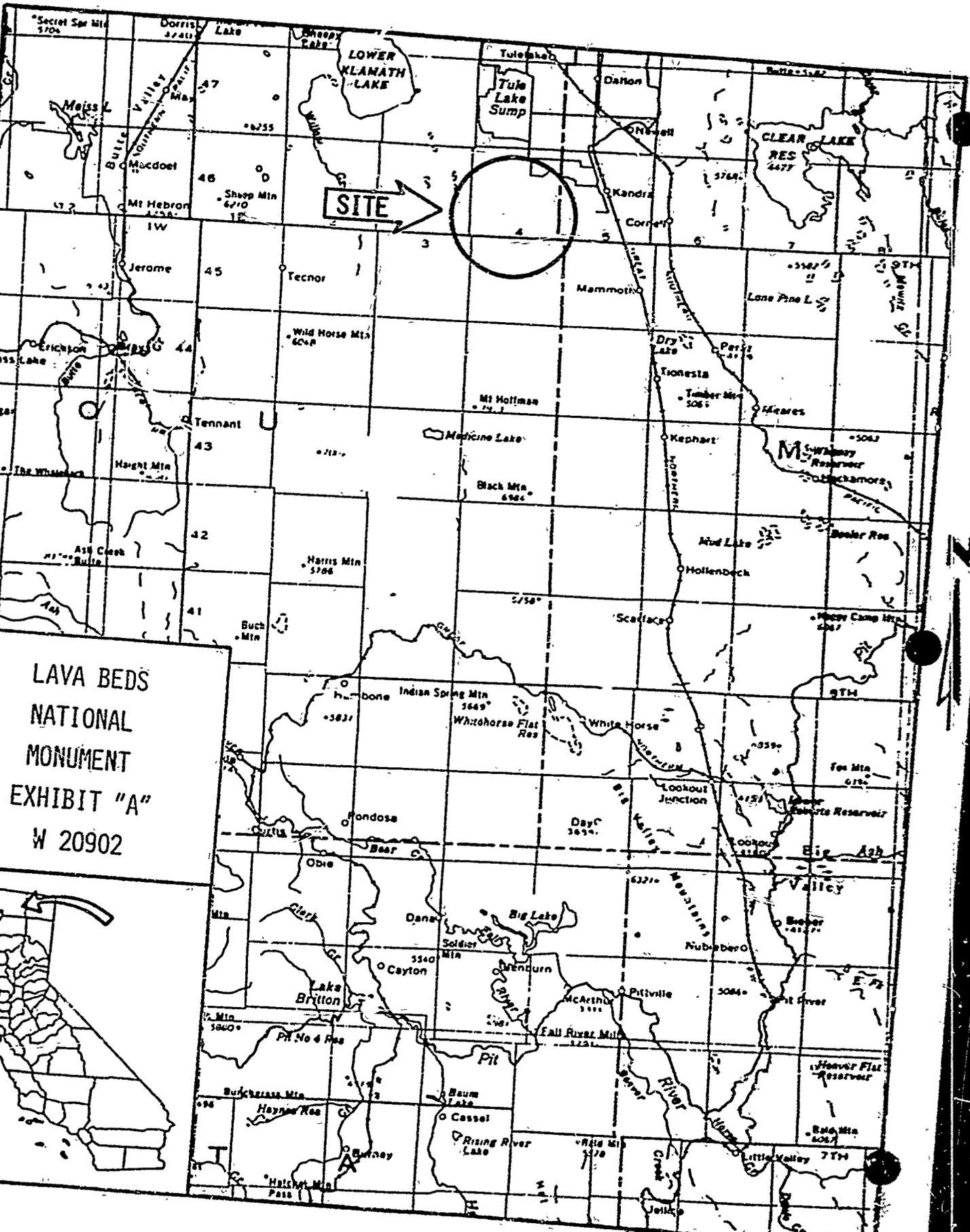
EXHIBITS: A. Location Maps A, B, C and D.
B. Land Descriptions A-1, B-1, C-1, and D-1.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
2. 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, CONTINUES 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 AUTHORIZED BY THE STATE, THE RIGHT TO PROSPECT FOR, MINE, AND REMOVE SUCH DEPOSITS FROM THE LAND.

(CALENDAR ITEM NO. 46 CONT'D)

3. DETERMINE THAT THE CESSION OF JURISDICTION HEARING HELD ON MARCH 20, 1988, COMPLIED WITH THE STATUTES AND REGULATIONS FOR THE CESSION OF CONCURRENT CRIMINAL JURISDICTION.
4. DETERMINE THAT THE 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.
5. 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.



LAVA BEDS
 NATIONAL
 MONUMENT
 EXHIBIT "A"
 W 20902

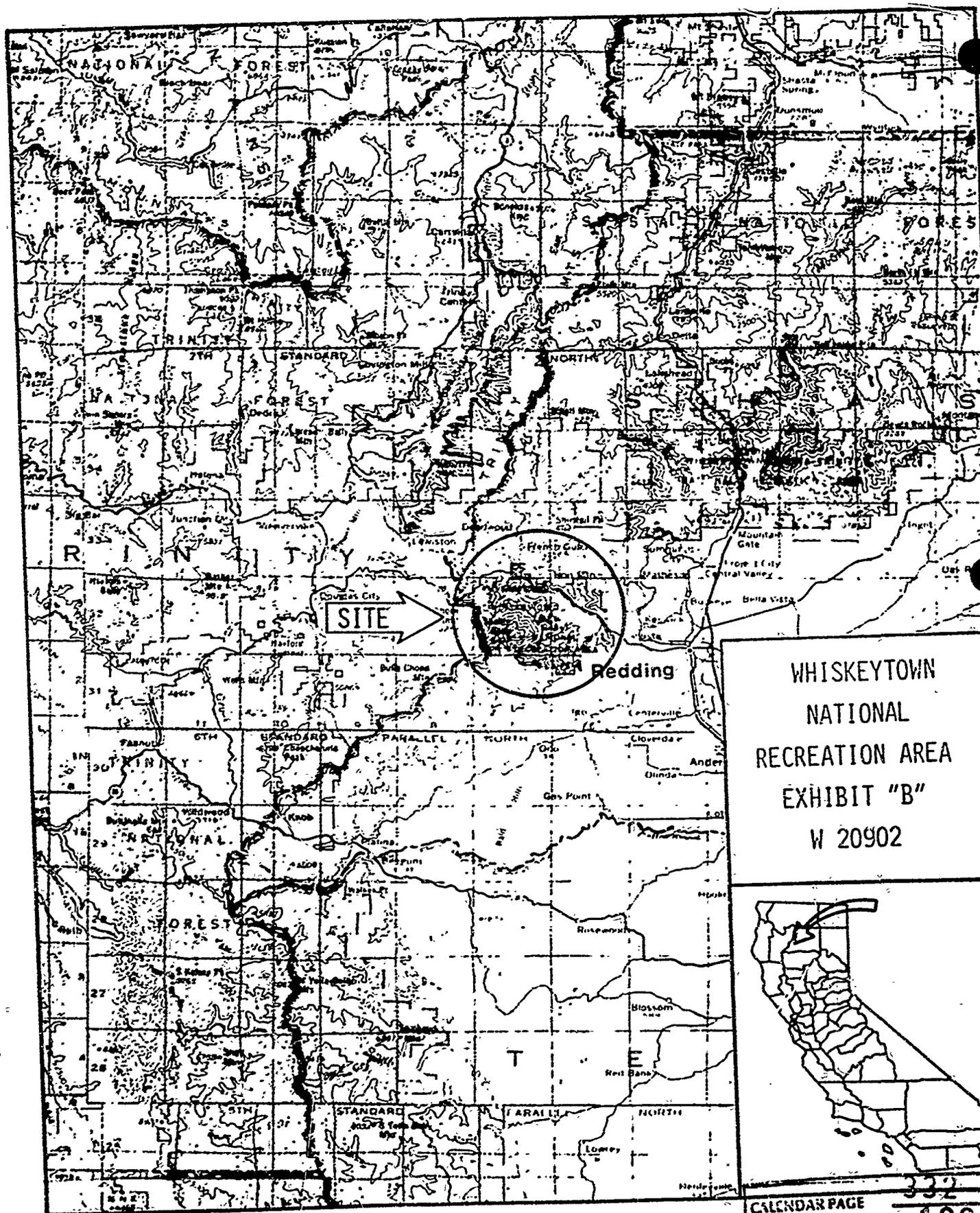


EXHIBIT "A-1"

W 2090Z

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.

CALENDAR PAGE	331
MINUTE PAGE	1219



WHISKEYTOWN
 NATIONAL
 RECREATION AREA
 EXHIBIT "B"
 W 20902

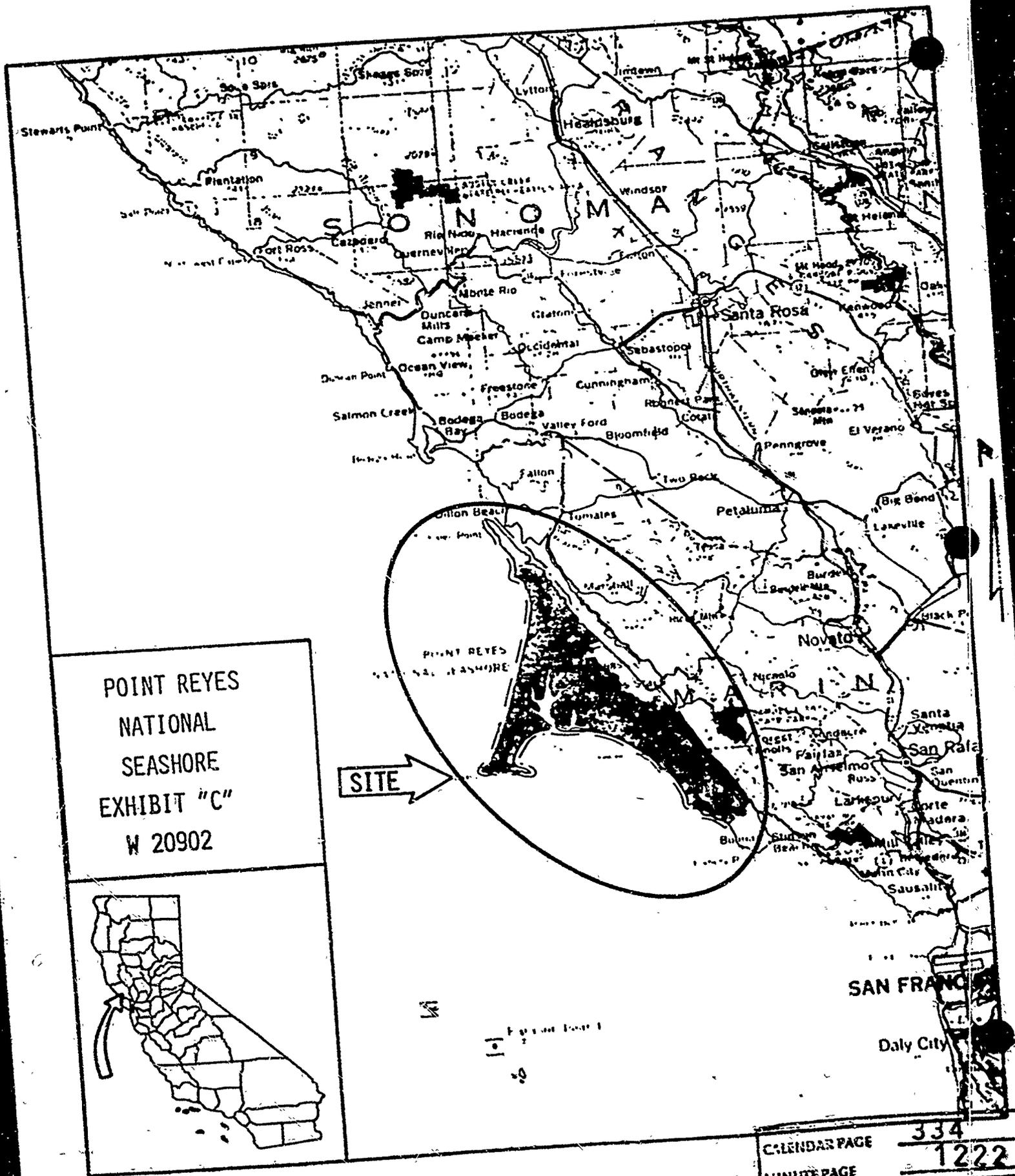


EXHIBIT "B-1"

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.

CALENDAR PAGE	333
MINUTE PAGE	1221



POINT REYES
 NATIONAL
 SEASHORE
 EXHIBIT "C"
 W 20902



CALENDAR PAGE
 MINUTE PAGE

334
 1222

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.

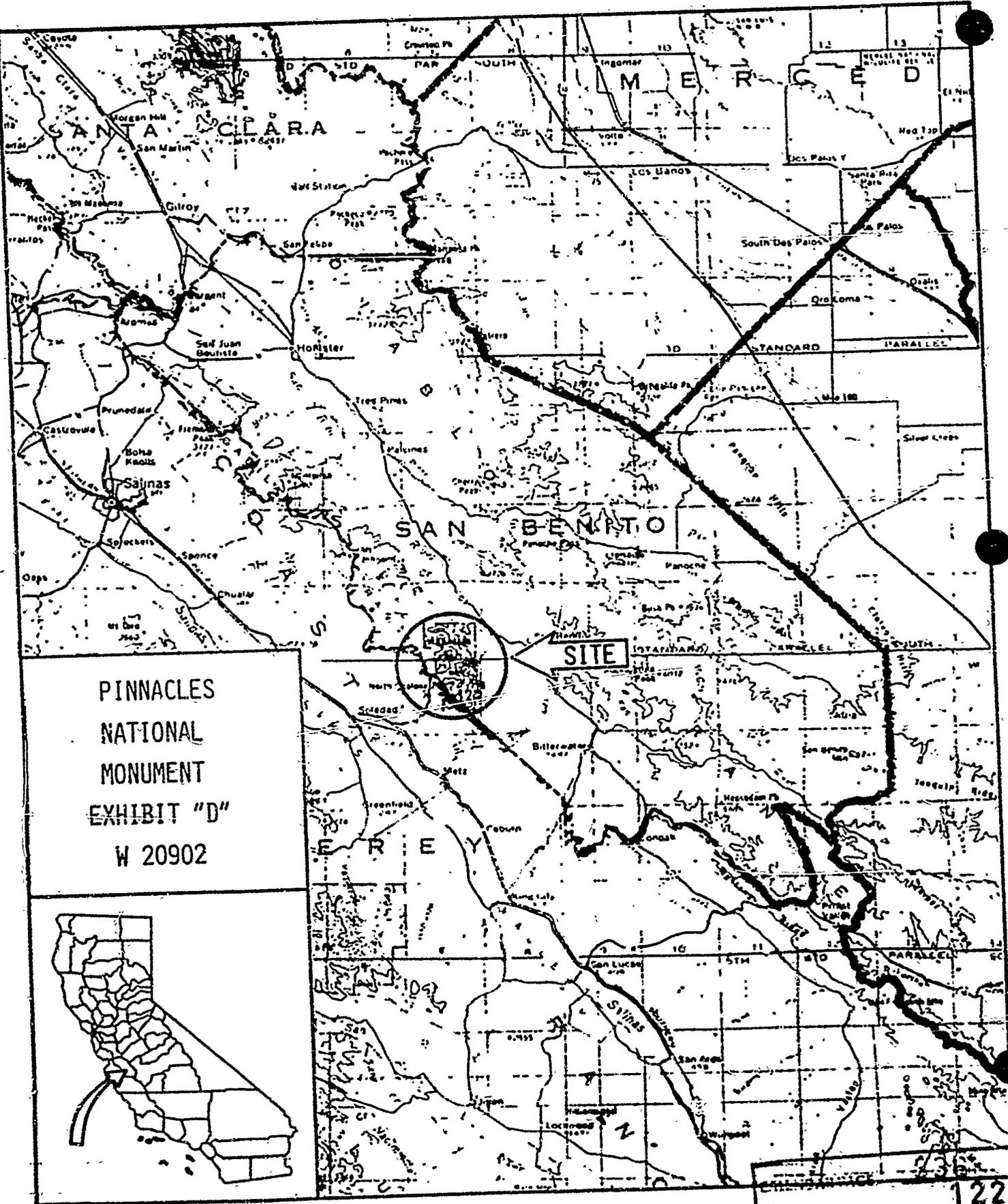
CALIFORNIA PAGE

335

MINUTE PAGE

1223

To San Jose 10 Miles



PINNACLES
NATIONAL
MONUMENT
EXHIBIT "D"
W 20902



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.

CALENDAR PAGE	337
MINUTE PAGE	1225