

MINUTE ITEM

This Calendar Item No. C68 was approved as
Minute Item No. C68 by the California State Lands
Commission by a vote of 3 to 0 at its
9/19/00 meeting.

CALENDAR ITEM

C68

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

09/19/00

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

W 20902

W 24191

J. Frey

**CONSIDERATION OF REQUEST FOR CESSION OF JURISDICTION
PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 126
AT LAVA BEDS NATIONAL MONUMENT, SISKIYOU AND MODOC COUNTIES,
WHISKEY TOWN NATIONAL RECREATION AREA, SHASTA AND TRINITY
COUNTIES, POINT REYES NATIONAL SEASHORE, MARIN COUNTY,
PINNACLES NATIONAL MONUMENT, SAN BENITO AND MONTEREY 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.
- e. the United States has agreed to compensate the State for costs incurred in processing the cession.

The United States presently has requested a renewal of its cession of concurrent criminal jurisdiction over 6 units of the National Park System in California: Lava Beds National Monument, Siskiyou And Modoc Counties, Whiskey Town National Recreation Area, Shasta and Trinity Counties, Point Reyes National Seashore, Marin County, Pinnacles National Monument, San Benito And Monterey Counties, Redwood National Park, Del Norte And Humboldt Counties, Devil's Postpile National Monument, Madera County. California has previously ceded concurrent criminal jurisdiction in 1977, 1982,

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1988 and 1995. The 1995 session expires in September, 2000.

A noticed public hearing was held on September 15, 2000. Notice of the hearing was published as required by Section 126 and served upon the Clerks for the Boards of Supervisors for the various affected Counties. Affidavits of the publication and service are found in the Commission's files.

The Commission staff believes that the session 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.

EXHIBIT:

A-1 – A-6. Land Descriptions

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND 14 CAL. CODE REGS. 15378.
2. DETERMINE THAT THE PUBLIC HEARING HELD ON SEPTEMBER 15, 2000 COMPLIED WITH GOVERNMENT CODE SECTION 126 AND THE REGULATIONS DEALING WITH THE SESSION 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 LANDS DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF, SAID LANDS BEING WITHIN THE STATE OF CALIFORNIA.
 - B. THE LANDS ARE HELD BY THE UNITED STATES FOR THE ERECTION OF FORTS, MAGAZINES, ARSENALS, DOCKYARDS AND OTHER NEEDFUL BUILDINGS WITHIN THE PURVIEW OF CLAUSE 17 OF SECTION 8 OF ARTICLE 1 OF THE CONSTITUTION OF THE UNITED STATES OR OTHER PUBLIC PURPOSE.
 - C. THE LANDS WERE ACQUIRED BY THE UNITED STATES BY PURCHASE OR DONATION OR WERE WITHDRAWN FROM THE PUBLIC DOMAIN.

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- 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 EXCEPT THAT THE CESSION SHALL NOT BE EFFECTIVE UNTIL THE UNITED STATES HAS EXECUTED AN ACCEPTANCE OF JURISDICTION PURSUANT TO 40 USC 255.
 - H. THE UNITED STATES HAS AGREED TO COMPENSATE THE STATE FOR ITS COSTS INCURRED IN PROCESSING THE CESSION.
3. DETERMINE THAT A CESSION OF CONCURRENT CRIMINAL JURISDICTION OVER THE LANDS DESCRIBED IN EXHIBIT A-1 – A-6 ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF IS IN THE BEST INTERESTS OF THE STATE OF CALIFORNIA BECAUSE THE UNITED STATES WILL THEN HAVE THE AUTHORITY TO CONDUCT INVESTIGATIONS AND PROSECUTIONS OF CRIMINAL OFFENSES AT THESE FACILITIES.
4. CEDE CONCURRENT CRIMINAL JURISDICTION OVER LANDS AT LAVA BEDS NATIONAL MONUMENT, SISKIYOU AND MODOC COUNTIES, WHISKEY TOWN NATIONAL RECREATION AREA, SHASTA AND TRINITY COUNTIES, POINT REYES NATIONAL SEASHORE, MARIN COUNTY, PINNACLES NATIONAL MONUMENT, SAN BENITO AND MONTEREY 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.

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6. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE AND CAUSE TO BE RECORDED, IN THE COUNTIES IN WHICH THE NATIONAL PARK LANDS ARE LOCATED, A CERTIFICATE OF CESSION OF JURISDICTION RECITING THIS CESSION BY THE STATE LANDS COMMISSION.

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EXHIBIT "A-1"

LAVA BEDS NATIONAL MONUMENT

All that lands 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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EXHIBIT "A-2"

POINT REYES NATIONAL SEASHORE

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

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EXHIBIT "A-3

PINNACLES NATIONAL MONUMENT

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 1, 1933, 48 Statute 1701; December 5, 1941, 55 Statute 1709.

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EXHIBIT "A-4"

WHISKEYTOWN NATIONAL RECREATION AREA

All that land known as Whiskeytown National Recreation Area located in Shasta County, California, as described in Volume 37 Federal Register N. 212, page 23369.

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EXHIBIT "A-5"

REDWOOD NATIONAL PARK

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 Statute. 931 and amended by Public Law 95-250 dated March 27, 1978 92 Statute. 163.

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Exhibit A-6

DEVIL'S POSTPILE NATIONAL MONUMENT

W24191

LAND DESCRIPTION

In unsurveyed T.4S. R.26E. M.D.M.

Beginning at Corner No. 1 at the junction of

King Creek and Middle Fork San Joaquin R.

Thence N. 200 chains to Corner No. 2

Thence E. 40 chains to Corner No. 3

Thence S. 200 chains to Corner No. 4

Thence W. 40 chains to Corner No. 1, the
place of beginning, containing approximately 800 Acres.

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