MINUTE ITEM
This Calendar Item No. C54 was approved as Minute Item No. 54 by the California State Lands Commission by a vote of 3 to 0 at its 8-8-05 meeting.

# CALENDAR ITEM
# C54

S 1, 2, 3, 4, 12, 14, 15

A 1, 2, 6, 25, 28

08/08/05
W20902
W24191
J. Frey

## CESSION OF CONCURRENT CRIMINAL JURISDICTION PURSUANT TO GOVERNMENT CODE SECTION 126 AT REDWOOD NATIONAL PARK, DEL NORTE AND HUMBOLDT COUNTIES, WHISKEYTOWN NATIONAL RECREATION AREA, TRINITY AND SHASTA COUNTIES, LAVA BEDS NATIONAL MONUMENT, SISKIYOU AND MODOC COUNTIES, PINNACLES NATIONAL MONUMENT, MONTEREY AND SAN BENITO COUNTIES, DEVILS POSTPILE, MADERA COUNTY AND PT. REYES NATIONAL SEASHORE, MARIN 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.

Presently, the United States presently has concurrent criminal legislative jurisdiction over Redwood National Park, Del Norte and Humboldt Counties, Whiskeytown National Recreation Area, Trinity and Shasta Counties, Lava Beds National Monument, Siskiyou

and Modoc Counties, Pinnacles National Monument, Monterey and San Benito Counties, Devils Postpile, Madera County and Pt. Reyes National Seashore, Marin County. The cessions of jurisdiction over these areas were the subject of Commission action on September 19, 2000 and they were effective on various dates for five year periods in November and December 2000.

By letter dated July 23, 2005 the United States acting through the National Park Service has requested that the State of California renew its cessions of concurrent criminal legislative jurisdiction over these areas for another five years. The United States believes that concurrent criminal jurisdiction is needed to allow the United States to conduct federal investigations and prosecutions of certain criminal offenses that may occur on its lands.

A noticed public hearing for all of the areas was held on August 3, 2005. 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 counties in which these lands lie. Affidavits of the publication and service are found in the Commission's files. No comments in opposition to the proposed cessions were received.

The Commission staff believes that the cessions of concurrent criminal jurisdiction are in the best interest of the State of California in connection with the exercise of criminal jurisdiction over these National Park lands.

**Exhibits:**

A. Land Description – Redwood National Park, Del Norte and Humboldt Counties
B. Land Description – Whiskeytown National Recreation Area, Trinity and Shasta Counties
C. Land Description – Lava Beds National Monument, Siskiyou and Modoc Counties
D. Land Description – Pinnacles National Monument, Monterey and San Benito Counties
E. Land Description – Pt. Reyes National Seashore, Marin County
F. Land Description – Devils Postpile National Monument

**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 AUGUST 3, 2005 COMPLIED WITH GOVERNMENT CODE SECTION 126 AND THE REGULATIONS DEALING WITH 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 LANDS DESCRIBED IN EXHIBITS "A - F" ATTACHED AND BY REFERENCE MADE A PART HEREOF, SAID LANDS BEING WITHIN THE STATE OF CALIFORNIA.

   B. THE LANDS ARE OWNED BY THE UNITED STATES AND HELD FORTHE 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. JURISDICTION CEDED HEREIN SHALL CONTINUE FOR THE LESSER OF FIVE YEARS OR SO LONG AS THE UNITED STATES OWNS THE LANDS.

   D. 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.

   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 THE RIGHT TO PROSPECT FOR, MINE, AND REMOVE SUCH DEPOSITS FROM THE LAND.

   F. THE CESSION IS PURSUANT TO AND IN COMPLIANCE WITH FEDERAL LAW AND THE UNITED STATES HAS AGREED TO ACCEPT THE CESSION SUBJECT TO THE CONDITIONS REFERENCED IN GOVERNMENT CODE SECTION 126.

G. THE UNITED STATES HAS AGREED TO COMPENSATE THE STATE FOR ITS COSTS INCURRED IN PROCESSING THE CESSIONS.

3. DETERMINE THAT CESSIONS OF CONCURRENT CRIMINAL JURISDICTION OVER THE LANDS DESCRIBED IN EXHIBITS "A - F" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF ARE IN THE BEST INTERESTS OF THE STATE OF CALIFORNIA BECAUSE THE UNITED STATES WILL THEN HAVE THE AUTHORITY TO CONDUCT CRIMINAL INVESTIGATIONS AND MAKE PROSECUTIONS OF CRIMINAL OFFENSES ON THESE LANDS.

4. CEDE CONCURRENT CRIMINAL JURISDICTION FOR THE LESSER OF FIVE YEARS OR SO LONG AS THE UNITED STATES OWNS THE LANDS OVER EACH OF THE FOLLOWING NATIONAL PARK FACILITIES: REDWOOD NATIONAL PARK IN DEL NORTE AND HUMBOLDT COUNTIES, WHISKEYTOWN NATIONAL RECREATION AREA IN SHASTA COUNTY, LAVA BEDS NATIONAL MONUMENT IN SISKIYOU AND MODOC COUNTIES, PINNACLES NATIONAL MONUMENT IN MONTEREY AND SAN BENITO COUNTIES, DEVILS POSTPILE IN MADERA COUNTY AND PT. REYES NATIONAL SEASHORE IN MARIN COUNTY – ALL AS DESCRIBED IN EXHIBITS "A-F" HERETO.

5. AUTHORIZE THE EXECUTIVE OFFICER TO ISSUE A CERTIFICATE OF CESSION OF CONCURRENT CRIMINAL JURISDICTION FOR EACH NATIONAL PARK AREA AND HAVE IT RECORDED IN THE OFFICIAL RECORDS FOR COUNTY IN WHICH IT IS LOCATED.

## EXHIBIT A

## REDWOOD NATIONAL PARK

All the lands known as Redwood National Park located in Humboldt and Del Norte Counties, California as created by Act of Congress October 2, 1968 (Public Law 90-545 (82 Stat. 931)) as shown on Map #NPS-Red-7114A and 7114B; as amended by Act of Congress, March 27, 1978 (Public Law 95-250 (92 Stat. 163)) as shown on Map #167-80005-D dated March 1978.

## EXHIBIT B

## WHISKEYTOWN NATIONAL RECREATION AREA

All the land known as Whiskeytown National Recreation Area located in Shasta County, California, as described in Public Law 89-336 (79 Stat. 1295) approved November 8, 1965.

## EXHIBIT C

## LAVA BEDS NATIONAL MONUMENT

All the lands known as Lava Beds National Monument located in Siskiyou and Modoc Counties, California, as created by presidential proclamation #1755 set forth on November 21, 1925 (44 Stat. 2591), and supplemented by the following: proclamation #2925 dated April 27, 1951; Public Law 92-493 (86 Stat. 811) dated October 13, 1972; Public Law 93-477 (88 Stat. 1445) dated October 26, 1974.

## EXHIBIT D

## PINNACLES NATIONAL MONUMENT

All the land known as Pinnacles National Monument located in Monterey and San Benito Counties as created by presidential proclamation set forth in #796 dated January 16, 1908 (35 Stat. 2177), and supplemented by the following proclamations: #1660, May 7, 1923 (43 Stat.1911); #1704, July 2, 1924 (43 Stat. 1961); #1948, April 13, 1931 (45 Stat. 2451); #2050, July 11, 1933 (48 Stat. 1701); #2528, December 5, 1941 (55 Stat. 1709); and # 7266, January 11, 2000 (65 F.R. 2831).

## EXHIBIT E

## POINT REYES NATIONAL SEASHORE

All the lands known as Point Reyes National Seashore located in Marin County, California as created by Act of Congress, September 13, 1962 (Public Law 87-657 (76 Stat. 538)); as amended by Act of Congress, December 26, 1974 (Public Law 93-550 (88 Stat. 1744)); Act of Congress, November 10, 1978 (Public Law 95-625 (92 Stat. 3486)) on map entitled "Boundary Map Point Reyes National Seashore" numbered 612-80,008-E, May 1978; Act of Congress, March 5, 1980 (94 Stat. 67).

## EXHIBIT F

## DEVILS POSTPILE NATIONAL MONUMENT

All the lands known as Devils Postpile National Monument located in Madera County, California as created by Proclamation #1166, July 6, 1911 (37 Stat. 1715).