

**CALENDAR ITEM
C54**

S 1, 2, 3, 4, 8, 12, 14, 15

10/ 29/10
W20902
W24191
W26213
Colson
Frey

A 1, 2, 6, 12, 13, 25, 28

**Cession of Concurrent Criminal Jurisdiction
Pursuant To Government Code Section 126
At Redwood National Park, Del Norte and Humboldt Counties,
Whiskeytown National Recreation Area, Shasta County,
Lava Beds National Monument, Siskiyou and Modoc Counties,
Pinnacles National Monument, Monterey and San Benito Counties,
Devils Postpile, Madera County, Pt. Reyes National Seashore, Portion of Golden
Gate National Recreation Area and Muir Woods National Monument, Marin County
and Portion of Golden Gate National Recreation Area, San Francisco 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 for not more than five years to the United States upon finding:

- a. The land is held or leased 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, water, and use of water with full power to control and regulate the acquisition, use, control, and distribution of water with respect to the land affected by the cession.
- e. The State excepts and reserves 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 the deposits from the land.
- f. The United States has agreed to compensate the State for costs incurred in processing the cession.

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Presently, the United States has concurrent criminal legislative jurisdiction over 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. The cessions of jurisdiction over these areas were the subject of Commission action on August 8, 2005 and they are effective for five year periods ending between November 2010 and January 2011.

On June 1, 2009 the United States acquired concurrent criminal legislative jurisdiction over portions of the Golden Gate National Recreation Area (GGNRA) including Muir Woods and certain tide and submerged lands leased from the State of California through the State Lands Commission in Marin County (PRC 8828). Simultaneously the United States also acquired concurrent criminal legislative jurisdiction over tide and submerged lands leased from the State of California through the State Lands Commission in San Francisco County (PRC 8828). These cessions are effective until 2014.

Pursuant to the cessions of concurrent criminal jurisdiction the United States and the State of California share the same degree of criminal legislative authority including the power to arrest and prosecute crimes within the national park mentioned in this agenda item. The cession of concurrent criminal jurisdiction does not affect civil jurisdiction within these national parks, which is held by the State.

By letter dated August 30, 2010 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 all of 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 criminal offenses that may occur on its lands. The National Park Service has had agreements in place with local law enforcement agencies over these areas for many years and a new cession of jurisdiction will allow the agreements to remain effective.

The National Park Service has requested that the Commission amend the cession of concurrent criminal jurisdiction made in 2009 over the GGNRA including Muir Woods National Monument in Marin County as well as state owned tidelands leased to the National Park Service in Marin and San Francisco Counties to run simultaneously with cessions over other National Park facilities considered herein for administrative convenience. (There are some tracts of land within the GGNRA in Marin County which were formerly part of Fort Berry and Fort Baker and are under permanent and continuous concurrent civil and criminal jurisdiction. Because of this, those tracts are not a part of this cession.)

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A noticed public hearing for all of the areas was held on October 8, 2010 at the Commission's offices in Sacramento. 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. A representative of the National Parks Service, Ralph Mihan, attended the hearing. 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.
- A-1. Map depicting lands at Redwood National Park subject to the cession of jurisdiction.
- B. Land Description – Whiskeytown National Recreation Area, Shasta County.
- B-1. Map depicting lands at Whiskeytown National Recreation Area subject to the cession of jurisdiction.
- C. Land Description – Lava Beds National Monument, excepting tracts 01-101, 01-102, 01-113, Siskiyou and Modoc Counties.
- C-1. Map depicting lands at Lava Beds National Monument subject to the cession of jurisdiction.
- D. Land Description – Pinnacles National Monument, Monterey and San Benito Counties.
- D-1. Map depicting lands at Pinnacles National Monument subject to the cession of jurisdiction.
- E. Land Description – Pt. Reyes National Seashore, Marin County.
- E-1. Map depicting lands at Pt. Reyes National Seashore subject to the cession of jurisdiction.
- F. Land Description – Devils Postpile National Monument, Madera County
- F-1. Map depicting lands in Devils Postpile National Monument subject to the cession of jurisdiction.
- G. Land Description – Portion of Golden Gate National Recreation Area including leased state owned tide and submerged lands in the Pacific Ocean, Marin County.
- G-1. Map depicting lands in Marin County subject to the cession of jurisdiction.
- H. Land Description – Muir Woods National Monument.
- H-1. Map depicting lands at Muir Woods National Monument subject to

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the cession of jurisdiction.

- I. Land Description – Portion of Golden Gate National Recreation Area comprising leased state owned tide and submerged lands in the Pacific Ocean, San Francisco County.
- I-1. Map depicting tide and submerged lands in San Francisco County subject to the cession of jurisdiction.

IT IS RECOMMENDED THAT THE COMMISSION:

1. Find that this activity is exempt from the requirements of CEQA pursuant to 14 Cal. Code Regs. section 15061 because the activity is not a project as defined by Public Resources Code section 21065 and 14 Cal. Code Regs. section 15378.
2. Determine that the public hearing held on October 8, 2010 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 - I" attached and by reference made a part hereof, said lands being within the State of California.
 - B. The lands are owned or leased by the United States and held 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. Jurisdiction ceded herein shall continue for the lesser of five years or so long as the United States owns or leases 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

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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 - I" 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 committed on these lands.
4. Cede concurrent criminal jurisdiction over the national park facilities listed below for the lesser of five years or so long as the United States owns or leases them:
- A. Redwood National Park in Del Norte and Humboldt Counties;
 - B. Whiskeytown National Recreation Area in Shasta County;
 - C. Lava Beds National Monument in Siskiyou and Modoc Counties;
 - D. Pinnacles National Monument in Monterey and San Benito Counties;
 - E. Pt. Reyes National Seashore, Marin County;
 - F. Devils Postpile in Madera County;
 - G. Portions of the Golden Gate National Recreation Area including leased state owned tide and submerged lands in the Pacific Ocean in Marin County; and
 - H. Muir Woods National Monument, Marin County
 - I. Portion of the Golden Gate National Recreation Area in San Francisco comprising leased state owned tide and submerged lands in the Pacific Ocean;

all as described in Exhibits "A - I" and shown on Exhibits A-1 - I-1 hereto.

5. Authorize the Executive Officer to issue a Resolution of Cession of Concurrent Criminal Jurisdiction for each national park area and have it recorded in the official records for the county in which it is located.