

**CALENDAR ITEM
C82**

A 34
S 18

01/26/12
W26519
J. Frey

**CONSIDER CESSION OF CONCURRENT CRIMINAL JURISDICTION
TO THE UNITED STATES NATIONAL PARK SERVICE
OVER 35 PARCELS OF LAND WITHIN KINGS CANYON
AND SEQUOIA NATIONAL PARKS, TULARE COUNTY**

PARTY:

United States National Park Service

AREA, LAND TYPE, AND LOCATION:

35 parcels of land within Kings Canyon and Sequoia National Parks, Tulare County.

PROPOSED ACTION:

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 for the shorter of five years or so long as the United States owns the property 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 or for the establishment, consolidation, and extension of national forests under the Act of Congress approved March 1, 1911, known as the Weeks Act, or for any other federal purpose;
- b. The cession is in compliance with the laws of the United States;
- c. The United States has in writing requested such cession subject to each and all of the conditions and reservations contained in Government Code section 126 and in Section 7 of Article X of the California State Constitution; 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; and

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- e. 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; and
- f. The United States has agreed to compensate the State for costs incurred in processing the cession.

Sequoia National Park and Kings Canyon National Park (originally named General Grant National Park) are wholly located within Tulare County and were created by an Act of Congress on September 25, 1890. The California Legislature by Chapter 51, Statutes of 1919 ceded exclusive legislative jurisdiction to the United States over these lands thereby enabling the United States to enforce California's civil and criminal statutes, as well as federal statutes and regulations, over federally owned lands within the two Parks. Within the boundaries of the two Parks were/are privately owned lands or lands administered by other federal agencies over which the United States has no legislative jurisdiction. Over the years the National Park Service has acquired some of these lands and incorporated them into one or the other of the two Parks.

By letter dated July 12, 2011, the National Park Service requested the State Lands Commission cede to it concurrent criminal legislative jurisdiction as provided for in California Government Code section 126. If granted, this cession will allow the United States and its agencies to enforce California criminal law over the 35 parcels identified in Exhibits A - E below to the same extent and effect that California now presently does. The cession will be for the shorter of five years or so long as the United States owns the property.

The National Park Service believes the cession is in the best interests of California and the United States. In a November 14, 2011, letter to the Commission, the National Park Service wrote:

The Park Service protection powers presently are limited to US Constitution Property Clause crimes against the Property of the United States which do not cover other general crimes that may occur against citizens of the County and visitors to the Parks, i.e. car burglary, assaults, etc. Under the cession of concurrent criminal jurisdiction, the NPS law enforcement personnel may assimilate, as federal law, the State statutes covering those and other crimes not directly related to the protection of Federal property. The areas in question are remote to the Sheriff's staff but are constantly within the patrol range of law enforcement National Park Rangers. ... The concurrent jurisdiction arrangement will also enable the Sheriff's Deputies to work in concert with Park Rangers on all mutual aid needs that commonly arise.

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The National Park Service has provided the Commission with a copy of a letter from Tulare County Sheriff Bill Wittman “supporting your efforts to gain concurrent jurisdiction on USPS land within Tulare County. Leveraging our resources together allows us to work more effectively and efficiently, benefitting both Tulare County and our local National Parks.”

A noticed public hearing was held on December 2, 2011. Notice of the hearing was published as required by section 126 and served upon the Clerk for the Board of Supervisors for Tulare County. Affidavits of the publication and service are found in the Commission's files. No comments in opposition to the cession have been received.

The Commission staff believes that the cession of concurrent criminal jurisdiction over these 35 parcels is in the best interest of the State of California in connection with the exercise of criminal jurisdiction over them.

OTHER PERTINENT INFORMATION

Pursuant to the Commission’s delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15060, subd. (c)(3), the staff has determined that this activity is not subject to the provisions of CEQA because it is not a “project” as defined by CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

EXHIBITS:

- A. Site Map.
- B. List of affected Assessor Parcels
- C. Map of Mineral King Area
- D. Map of Silver City Area
- E. Map of Alley Property, Chimney Rock, Buckeye Housing and Dillonwood Areas.

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3) because the activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

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AUTHORIZATION:

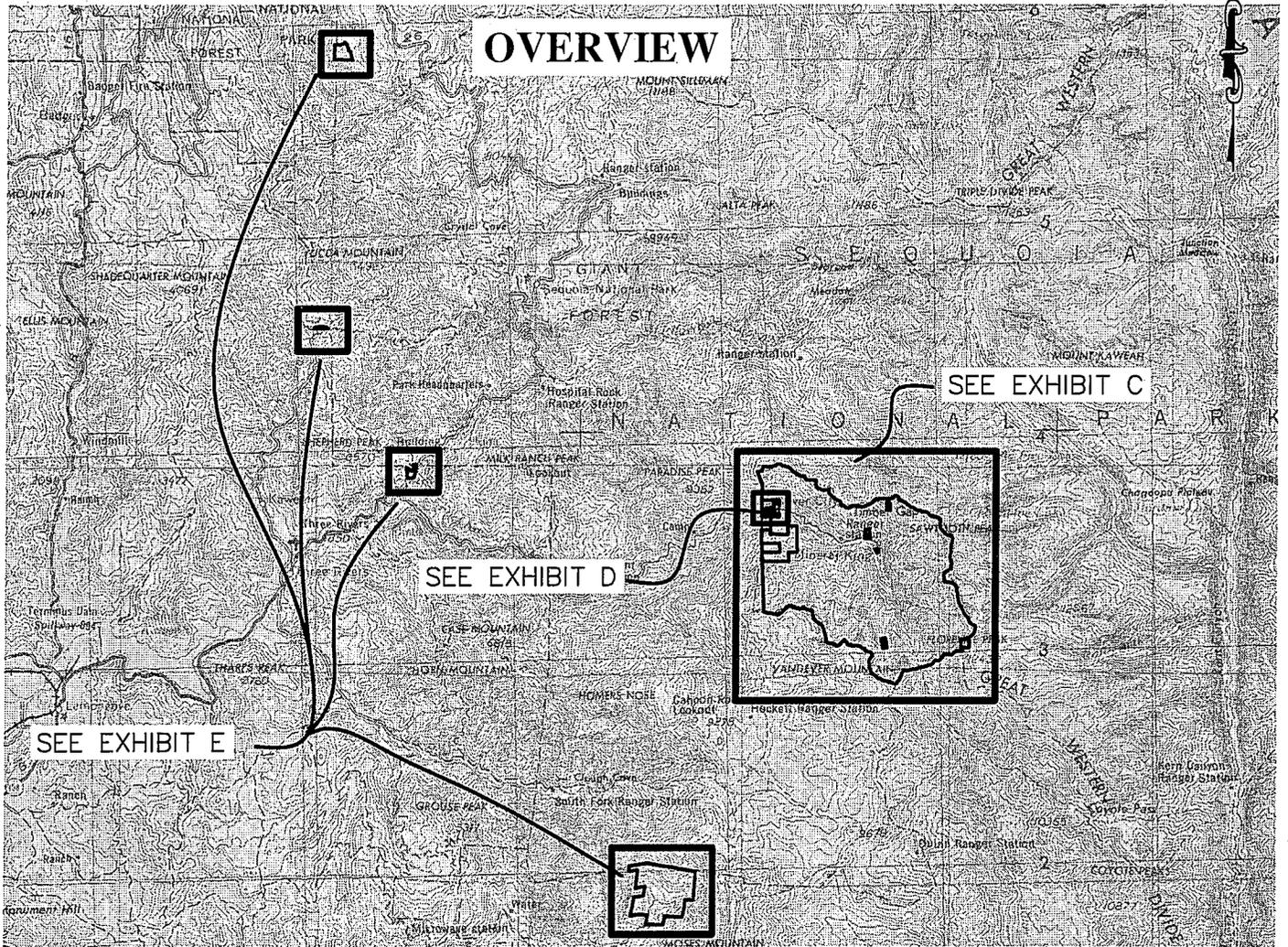
1. Determine that the public hearing held on December 2, 2011, complied with Government Code section 126 and California Code of Regulations, Title 2, section 2600 et seq. dealing with the cession of concurrent criminal jurisdiction and that the following requirements have been satisfied:
 - A. The United States has by letter dated July 12, 2011, requested in writing that the State of California cede concurrent criminal jurisdiction subject to the conditions in California Government Code section 126 and Section 7 of Article X of the California State Constitution over 35 parcels of land within Kings Canyon and Sequoia National Parks, Tulare County as identified and described by Tulare County Tax Assessor Parcel Number in Exhibit "B" 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 or other public purpose within the purview of Clause 17 of Section 8 of Article 1 of the Constitution of the United States, or for the establishment, consolidation, and extension of national forests under the Act of Congress approved March 1, 1911, known as the Weeks Act, or for any other federal purpose in that they are used by the United States as part of its national park system.
 - C. The lands were acquired by the United States by purchase or condemnation or transfer from another federal agency (i.e., former public domain lands).
 - 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 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.

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- G. The cession is pursuant to and in compliance with the laws of the United States.
 - H. The United States has agreed to compensate the State for its costs incurred in processing the request for the cession.
2. Determine that a cession of concurrent criminal jurisdiction over 35 parcels of land within Kings Canyon and Sequoia National Parks, Tulare County as identified and described by Tulare County Tax Assessor Parcel Number in Exhibit "B" attached hereto and by reference made a part hereof is in the best interests of the State of California because United States law enforcement personnel may assimilate, as federal law, the State statutes covering crimes not directly related to the protection of Federal property at these National Parks and thereby assist local law enforcement with their duties.
 3. Cede concurrent criminal jurisdiction to the United States over 35 parcels of land within Kings Canyon and Sequoia National Parks, Tulare County as identified and described by Tulare County Tax Assessor Parcel Number in Exhibit "B" for the lesser of five years or so long as the United States owns the lands; said cession to be effective upon recordation of the Certificate of Cession of Concurrent Criminal Jurisdiction in the official records of Tulare County.
 4. Authorize the Commission's Executive Officer to issue a Certificate of Cession of Concurrent Criminal Jurisdiction over 35 parcels of land within Kings Canyon and Sequoia National Parks, Tulare County as identified and described by Tulare County Tax Assessor Parcel Number in Exhibit "B", Tulare County and have it recorded in the official records of Tulare County.

NO SCALE

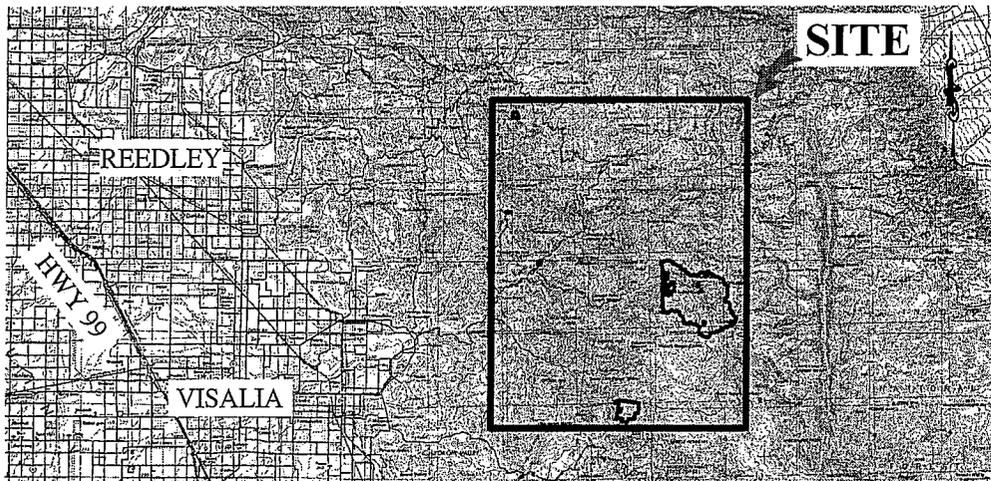
SITE



SEQUOIA & KINGS CANYON NATIONAL PARKS

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit A

W 26519
SEQUOIA & KINGS CANYON
NATIONAL FORESTS
2011 JURISDICTIONAL
CESSION
TULARE COUNTY



DJF 11/30/11

EXHIBIT B

W 26519

SEQUOIA and KINGS CANYON NATIONAL PARKS					
CESSION OF CONCURRENT CRIMINAL JURISDICTION					
DECEMBER 2011					
Tulare County Assessor Parcel Number	National Park	National Park Service Tract Number	Acreage	Conveyance Date to National Park Service	Tulare County Recording Data/Federal Statute/Other
144-050-001	Sequoia	01-120	1541.12	Dec 4 2001	2001-0091710
144-050-002	Sequoia	01-120		Dec 4 2001	2001-0091710
144-050-003	Sequoia	01-120		Dec 4 2001	2001-0091710
144-050-004	Sequoia	01-120		Dec 4 2001	2001-0091710
069-080-041	Sequoia	05-108	2.23	May 25 1949	1368/303
069-070-027	Sequoia	05-109	38.53	Jun 11 1951	1525/24
037-010-023	Sequoia	05-110	11.83	Jun 13 2008	2008-0042076
009-080-002	Kings Canyon	05-122	1675	Sep 28 1984	98 Stat. 1626
Not Assigned	Sequoia	06-101	14825.2	Jul 13 1980	92 Stat. 3467
070-100-008	Sequoia	06-103	80.66	Jul 13 1980	92 Stat. 3467
070-160-01	Sequoia	06-107	20.66	Mar 25 1998	98-020830
070-160-03	Sequoia	06-108	40	Feb 24 1981	3841/748
070-100-014	Sequoia	06-110	421.55	Apr 30 1987	4562/311
Not Assigned	Sequoia	07-103	4.46	Nov 9 1983	4128/954
070-007-01	Sequoia	07-104	0.17	Apr 4 1985	15939
070-070-003	Sequoia	07-105	6.68	Feb 27 1985	4313/636
070-070-008	Sequoia	07-105		Feb 27 1985	4313/636
070-080-003	Sequoia	07-105		Feb 27 1985	4313/636
070-080-005	Sequoia	07-105		Feb 27 1985	4313/636
070-180-007	Sequoia	07-106	0.5	Jul 8 1981	3880/334
070-090-045	Sequoia	07-108	0.17	Nov 3 1980	3811/731
070-090-047	Sequoia	07-109	0.41	Oct 24 1980	3808/684
070-090-048	Sequoia	07-109	0.41	Oct 24 1980	3808/684
070-090-051	Sequoia	07-113	0.38	Oct 24 1980	3808/684
070-090-050	Sequoia	07-115	0.28	Oct 17 1980	3807/150
070-070-002	Sequoia	07-145	100.8	Feb 5 1985	4272/818
070-070-004	Sequoia	07-145		Feb 5 1985	4272/818
070-070-005	Sequoia	07-145		Feb 5 1985	4272/818
070-070-006	Sequoia	07-145		Feb 5 1985	4272/818
070-070-007	Sequoia	07-145		Feb 5 1985	4272/818
070-080-006	Sequoia	07-145		Feb 5 1985	4272/818
070-080-007	Sequoia	07-145		Feb 5 1985	4272/818
070-080-011	Sequoia	07-145		Feb 5 1985	4272/818
070-180-011	Sequoia	07-147	11.6	Aug 16 1990	51525
070-180-011	Sequoia	07-148	0.92	Aug 16 1990	51525



SEE EXHIBIT D

PRIVATE LANDS
(TYPICAL)

N.P.S. TRACT
06-103

N.P.S. TRACT
06-110

N.P.S. TRACT
06-101

N.P.S. TRACT
06-107

N.P.S. TRACT
06-108

LEGEND



CONCURRENT JURISDICTION
CEDED IN 2011

N.P.S. NATIONAL PARK SERVICE

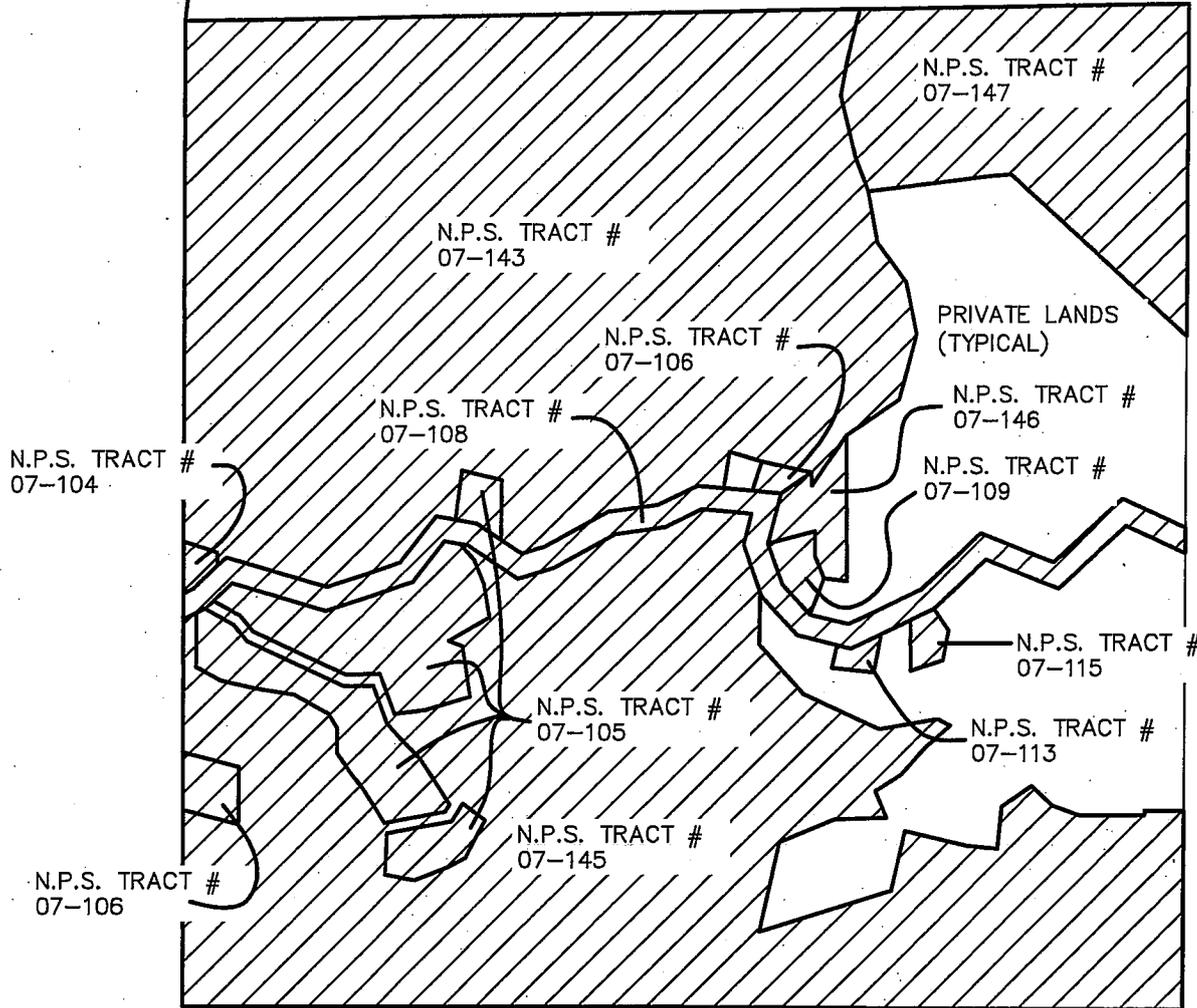
EXHIBIT C
MINERAL KING

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2011 JURISDICTIONAL CESSION
W 26519, SEQUOIA & KINGS CANYON
NATIONAL PARKS
TULARE COUNTY

CALIFORNIA STATE
LANDS COMMISSION





LEGEND

-  CONCURRENT JURISDICTION
CEDED IN 2011
- N.P.S. NATIONAL PARK SERVICE

EXHIBIT D
SILVER CITY

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2011 JURISDICTIONAL CESSION
W 26519, SEQUOIA & KINGS CANYON
NATIONAL PARKS
TULARE COUNTY

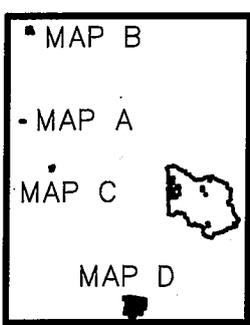
CALIFORNIA STATE
LANDS COMMISSION



A

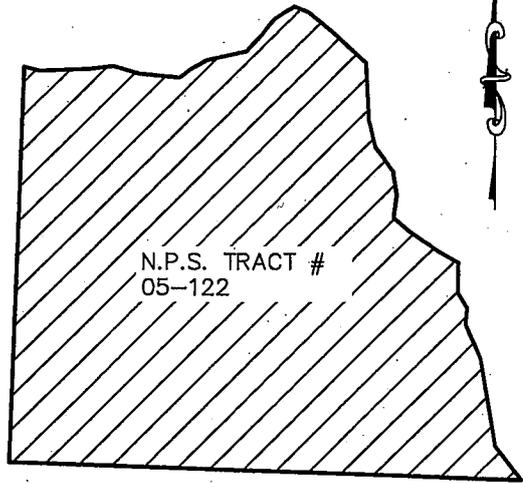


N.P.S. TRACT #
05-110



ALLEY PROPERTY

B

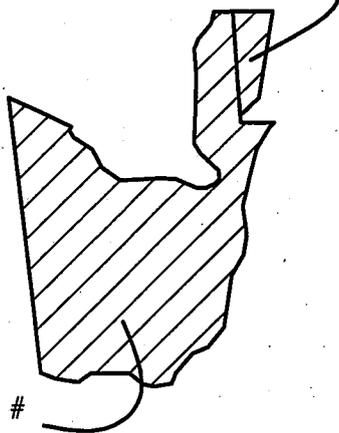


N.P.S. TRACT #
05-122

CHIMNEY ROCK

C

N.P.S. TRACT #
05-108



N.P.S. TRACT #
05-109

BUCKEYE HOUSING

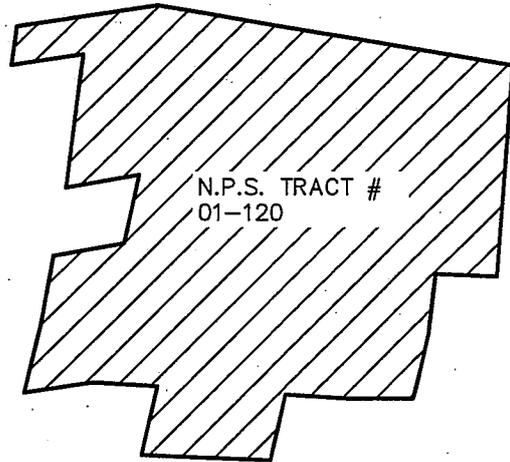
LEGEND



CONCURRENT JURISDICTION
CEDED IN 2011

N.P.S. NATIONAL PARK SERVICE

D



N.P.S. TRACT #
01-120

DILLONWOOD

EXHIBIT E

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2011 JURISDICTIONAL CESSION
W 26519, SEQUOIA & KINGS CANYON
NATIONAL PARKS
TULARE COUNTY

CALIFORNIA STATE
LANDS COMMISSION

