9507894

RECORDED AT THE REQUEST OF
AND WHEN RECORDED MAIL TO:
STATE OF CALIFORNIA
State Lands Commission
Attn: Legal Unit
100 Howe Avenue, Suite 100- South
Sacramento, CA 95825-8202

STATE OF CALIFORNIA
OFFICIAL BUSINESS
Document entitled to free recordation
pursuant to Government Code Section 27383

Recorded at the Request of
STATE OF CALIFORNIA
SEP 19 1995
SAN BENITO COUNTY RECORDER
1:50 P m FEE: 0
INDEXED - COMPARED

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CESSION OF CONCURRENT CRIMINAL LEGISLATIVE JURISDICTION

(CALIFORNIA GOVERNMENT CODE SECTION 126)

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. Jurisdiction ceded continues only so long as the land continues to belong to the United States and is held by it for the purpose for which jurisdiction is ceded in accordance and in compliance with each and all of the limitations, conditions, and reservations prescribed in Section 126 or for five years, whichever period is less.

At its publicly held meeting on July 6, 1995 the State Lands Commission considered a request of the United States Department of the Interior, National Park Service for a cession of concurrent criminal jurisdiction over certain lands within Lava Beds National Monument, Siskiyou and Modoc Counties, Whiskey Town National Recreation Area, Shasta County, Point Reyes National Seashore, Marin County, Pinnacles National Monument, San Benito and Monterey Counties, Redwood National Park, Del Norte and Humboldt Counties, and Devil's Postpile National Monument, Madera County. After determining that the requirements of Government Code Section 126 had been met, the request of the National Park Service was approved by the State Lands Commission. See Exhibit A. Pursuant to Title 40, Section 255 of the United States Code the National Park Service has accepted the cession by letter dated August 21, 1995. See Exhibit B.

Date: September 13, 1995

By: Robert C. Hight
ROBERT C. HIGHT, EXECUTIVE OFFICER

9507894

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5907

State of California

County of Sacramento

On September 13, 1995 (DATE) before me, Angel D. Roberts, Notary Public (NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"),

personally appeared Robert C. Hight * (NAME(S) OF SIGNER(S)),

[X] personally known to me - **OR** - [ ] proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

OFFICIAL NOTARY SEAL
ANGEL D. ROBERTS
Notary Public — California
SACRAMENTO COUNTY
My Comm. Expires NOV 20,1995

WITNESS my hand and official seal.

Angel D. Roberts
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

[ ] INDIVIDUAL
[ ] CORPORATE OFFICER

TITLE(S)

[ ] PARTNER(S) [ ] LIMITED [ ] GENERAL
[ ] ATTORNEY-IN-FACT
[ ] TRUSTEE(S)
[ ] GUARDIAN/CONSERVATOR
[X] OTHER: Executive Officer

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)
State Lands Commission

DESCRIPTION OF ATTACHED DOCUMENT

Cession of Concurrent Criminal Legislative Jurisdiction
TITLE OR TYPE OF DOCUMENT

one
NUMBER OF PAGES

09/13/95
DATE OF DOCUMENT

None
SIGNER(S) OTHER THAN NAMED ABOVE

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EXHIBIT "A"

CALENDAR ITEM
C67

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

07/06/95
W 20902
W 24191
Frey

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

CESSION OF CONCURRENT CRIMINAL JURISDICTION
PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 126 AT
LAVA BEDS NATIONAL MONUMENT, MODOC AND SISKIYOU COUNTIES,
WHISKEY TOWN NATIONAL RECREATION AREA, SHASTA COUNTY,
POINT REYES NATIONAL SEASHORE, MARIN COUNTY,
PINNACLES NATIONAL MONUMENT, MONTEREY AND SAN BENITO 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.

On December 13, 1994 Stanley Albright, Regional Director for the National Park Service, wrote the State Lands Commission requesting a cession of concurrent criminal jurisdiction over Lava Beds National Monument, Siskiyou and Modoc Counties, Whiskey Town National Recreation Area, Shasta County, Point Reyes National Seashore, Marin County, Pinnacles National Monument, San Benito and Monterey Counties, Redwood National Park, Del Norte and Humboldt

Counties and Devil's Postpile National Monument, Madera County pursuant to Government Code Section 126.

On December 21, 1994 the State Lands Commission authorized a public hearing for the purpose of determining whether it is in the best interest of the State to make the requested cessions. 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 affected counties. Affidavits of the publication and service are found in the Commission's files.

Hearings were held on May 31, 1995 and June 15, 1995 in the Commission's offices in Sacramento, California. There were no personal appearances by any members of the public. The United States appeared by submitting written comments. The comments focused the ability of the Park Service to provide more efficient law enforcement consistent with that outside of the Parks. Sheriff Mix of Modoc County submitted written comments opposing the cession for Lava Beds National Monument but withdrew them after having discussed the cession with the Superintendent of Lava Beds. It should be noted that the Park Service has entered into agreements with local law enforcement agencies for the purpose of defining the responsibilities of each agency for law enforcement purposes.

The Commission staff believe that the cession 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.

EXHIBITS: A. Location Maps: A-1 through A-6
B. Land Descriptions: B-1 through B-6

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF CEQA PURSUANT TO 14 CAL. ADM. C. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. C. 15378.

CALENDAR ITEM NO. C67 (CONT'D)

2. DETERMINE THAT THE PUBLIC HEARING HELD ON MAY 31, 1995, AND JUNE 15, 1995 COMPLIED WITH THE STATUTES AND REGULATIONS DEALING WITH THE 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 LAND DESCRIBED IN EXHIBITS "B-1" THROUGH "B-6" ATTACHED AND BY REFERENCE MADE A PART HEREOF, SAID LANDS BEING WITHIN THE STATE OF CALIFORNIA.

B. THE LAND IS 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.

C. THE LANDS WERE ACQUIRED BY THE UNITED STATES BY PURCHASE OR WERE WITHDRAWN FROM THE PUBLIC DOMAIN.

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.

CALENDAR ITEM NO. C67 (CONT'D)

3. DETERMINE THAT A CESSION OF CONCURRENT CRIMINAL JURISDICTION OVER THE LANDS DESCRIBED IN EXHIBITS "B-1" THROUGH "B-6" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF IS IN THE BEST INTERESTS OF THE STATE OF CALIFORNIA.

4. CEDE CONCURRENT CRIMINAL JURISDICTION OVER LAVA BEDS NATIONAL MONUMENT, MODOC AND SISKIYOU COUNTIES, WHISKEY TOWN NATIONAL RECREATION AREA, SHASTA COUNTY, POINT REYES NATIONAL SEASHORE, MARIN COUNTY, PINNACLES NATIONAL MONUMENT, MONTEREY AND SAN BENITO 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 CONDITIONED UPON THE RECEIPT OF A LETTER OF ACCEPTANCE OF JURISDICTION FROM THE UNITED STATES PURSUANT TO 40 U.S.C. 255.

5. AUTHORIZE THE FILING AND RECORDING OF THIS CALENDAR ITEM WITH THE OFFICE OF THE SECRETARY OF STATE, STATE OF CALIFORNIA AND THE COUNTY RECORDER FOR EACH OF THE AFFECTED COUNTIES AS REQUIRED BY GOVERNMENT CODE SECTION 126.

CALENDAR PAGE	600
MINUTE PAGE	

EXHIBIT "B-1"

W 20902

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.

EXHIBIT "B-2"

W 20902

POINT REYES NATIONAL SEASHORE
IN THE COUNTY OF MARIN
STATE OF CALIFORNIA

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.

END OF DESCRIPTION

EXHIBIT "B-3"

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.

EXHIBIT "B-4"

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.

EXHIBIT "B-5"

W 20902

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

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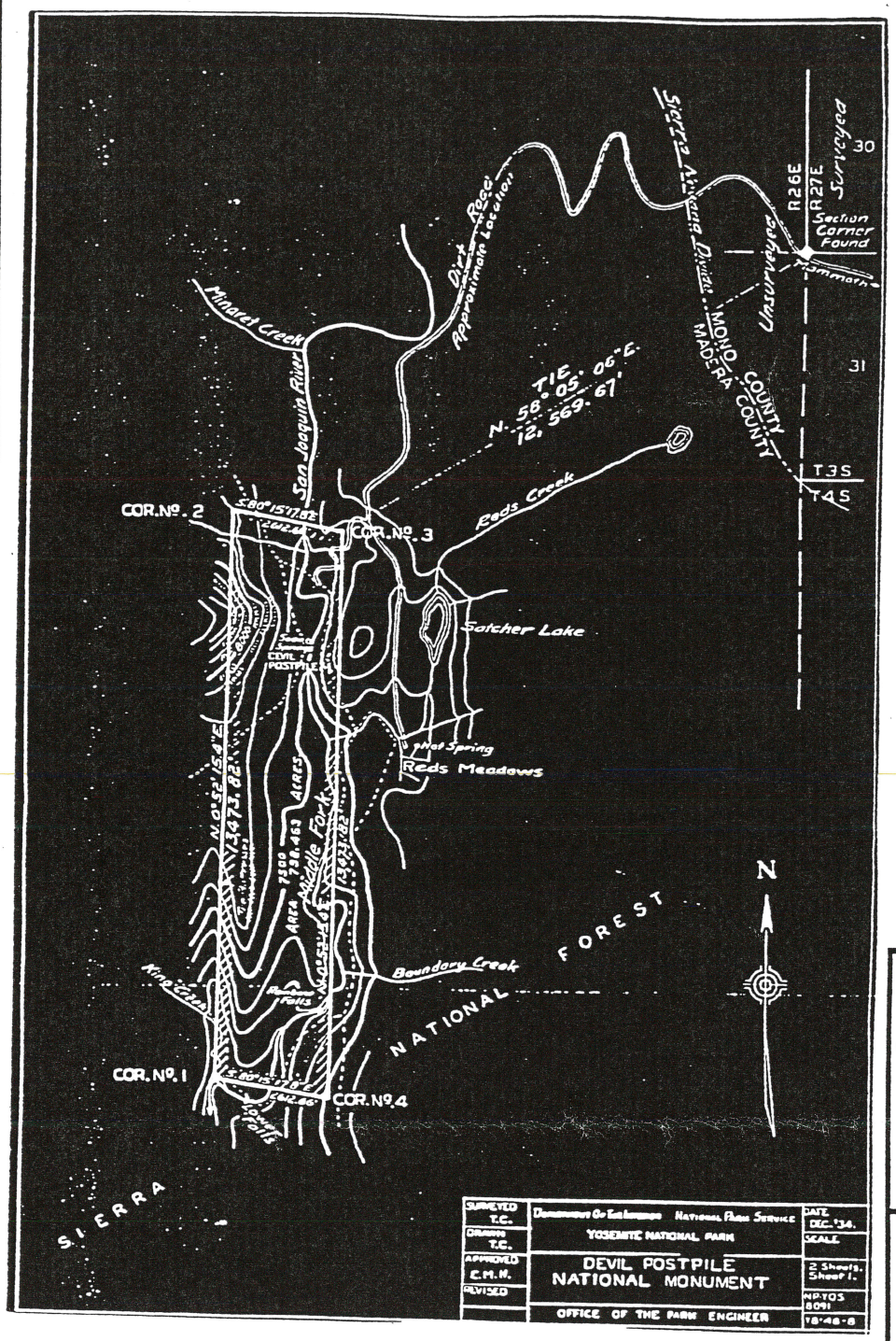


EXHIBIT "B-6"
W24191
CESSION of JURISDICTION
DEVILS POSTPILE
NATIONAL MONUMENT
MADERA COUNTY
CALIFORNIA



NO SCALE

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RL95

EXHIBIT "B"

9507894 BE

United States Department of the Interior

NATIONAL PARK SERVICE
P.O. Box 37127
Washington, D.C. 20013-7127

IN REPLY REFER TO:

SEP 8 1995

W46(650)

Honorable Gray Davis
Lieutenant Governor of California
Sacramento, CA 95825

Dear Mr. Davis:

Pursuant to Section 126 of the California Government Code, the National Park Service has petitioned the California State Lands Commission for another five (5) year cession of concurrent criminal jurisdiction over federally-owned lands in Lava Beds National Monument, Modoc/Siskiyou Counties; Whiskeytown National Recreation Area, Shasta County; Point Reyes National Seashore, Marin County; Pinnacles National Monument, Monterey/San Benito Counties; Redwood National Park, Humbolt/Del Norte Counties; and Devil's Postpile National Monument, Madera County. On July 6, 1995, the California State Lands Commission ceded to the National Park Service concurrent criminal jurisdiction over these federally-owned lands.

As required by 40 U.S.C. 255, the National Park Service hereby accepts the State of California's cession of concurrent jurisdiction in the above specified lands effective upon recordation in each of the affected counties and filed with the California Secretary of State.

Sincerely,

Roger Kennedy
Director

END OF DOCUMENT