2000-0062042

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STATE OF CALIFORNIA
State Lands Commission
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RESOLUTION OF 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 September 19, 2000, 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 State Lands Commission ceded concurrent criminal jurisdiction to the United States over those lands described in its Agenda Item C68 a copy of which is attached hereto. Pursuant to 40 USC 255, the United States accepted the cession by letter dated November 3, 2000 a copy of which is attached hereto.

Date: 11/13/00

By: Paul D Thayer
PAUL D. THAYER
EXECUTIVE OFFICER
CALIFORNIA STATE LANDS COMMISSION

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Sacramento } ss.

On 11/13/00 (Date), before me, Alan C Scott, Notary Public (Name and Title of Officer (e.g., "Jane Doe, Notary Public")),

personally appeared Paul D Thayer (Name(s) of Signer(s)),

☒ personally known to me
☐ 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.

WITNESS my hand and official seal.

ALAN C. SCOTT
COMMISSION #1252706
NOTARY PUBLIC – CALIFORNIA
SACRAMENTO COUNTY
COMM. EXPIRES FEB 6, 2004

Place Notary Seal Above

Signature of Notary Public

OPTIONAL

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

Description of Attached Document

Title or Type of Document: Resolution of Cession of Concurrent Criminal Legislative Jurisdiction

Document Date: 11/13/00 Number of Pages: 1

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☒ Other: Executive Officer

Signer Is Representing: State Lands Commission

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MINUTE ITEM
This Cale[illegible] Item No. C68 was approved as Minute Item No. 68 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

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

09/19/00
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,

1988 and 1995. The 1995 cession 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 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.

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 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 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.

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.

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.

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

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

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.

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.

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.

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.

United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240

RECEIVED
NOV 3
STATE LANDS COMMISSION

IN REPLY REFER TO:
W46(2460)

NOV 3 2000

Ms. Kathleen Connell
Attn: California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, California 95825-8202

Dear Ms. Connell:

Pursuant to Section 126 of the California Government Code, the National Park Service (NPS) has petitioned the California State Lands Commission for another 5 year cession of concurrent criminal jurisdiction over federally-owned lands in Lava Beds National Monument (Modoc/Siskiyou Counties); Whiskeytown-Shasta-Trinity National Recreation Area (Shasta County); Point Reyes National Seashore (Marin County); Pinnacles National Monument (Monterey/San Benito Counties); and Devil's Postpile National Monument (Madera County). On September 19, 2000, the California State Lands Commission ceded to the National Park Service concurrent criminal jurisdiction over these federally owned lands for another 5 year period of time.

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,

Robert Stanton
Director

Acting

forwarded to:
POT, JRF
Date: 11-9-00 by KL