

25. AUTHORIZATION FOR PUBLIC HEARING RELATIVE TO RETROCESSION OF CONCURRENT JURISDICTION WITH THE UNITED STATES PARK SERVICE AT JOSHUA TREE NATIONAL MONUMENT, SAN BERNARDINO AND RIVERSIDE COUNTIES; WHISKEYTOWN UNIT, SHASTA COUNTY; PT. REYES NATIONAL SEASHORE, MARIN COUNTY; DEATH VALLEY NATIONAL MONUMENT, INYO AND SAN BERNARDINO COUNTIES; PINNACLES NATIONAL MONUMENT, SAN BENITO AND MONTEREY COUNTIES; AND APPROVAL OF CONTRACT IN CONNECTION THEREWITH - W 20902.

During consideration of Calendar Item 23 attached, Mr. James F. Trout, Manager, Land Operations, explained that there are provisions in the Government Code whereby the United States can take exclusive jurisdiction over various enclaves within the State of California. These enclaves are exempt from State taxes and other applicable State law. In this proposed calendar item, the Federal Government is requesting the State to share in the police power with the State in the subject areas by accepting concurrent jurisdiction. Mr. Trout further explained that, pursuant to the Public Resources Code, the Commission must authorize a public hearing to determine whether it is in the State's best interest to accept this concurrent jurisdiction. He pointed out that the Federal Government has reimbursed the Commission for the cost of the hearing.

Upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. AUTHORIZES THE STATE LANDS DIVISION STAFF TO HOLD A PUBLIC HEARING PURSUANT TO GOVERNMENT CODE SECTION 113 AND THE RULES AND REGULATIONS OF THE COMMISSION FOR THE PURPOSE OF DETERMINING WHETHER IT IS IN THE BEST INTEREST OF THE STATE TO ACCEPT CONCURRENT JURISDICTION WITH THE UNITED STATES NATIONAL PARK SERVICE ON THE PARCELS OF LAND AT JOSHUA TREE NATIONAL MONUMENT, SAN BERNARDINO AND RIVERSIDE COUNTIES; WHISKEYTOWN UNIT, SHASTA COUNTY; PT. REYES NATIONAL SEASHORE, MARIN COUNTY; DEATH VALLEY NATIONAL MONUMENT, INYO AND SAN BERNARDINO COUNTIES; PINNACLES NATIONAL MONUMENT, SAN BENITO AND MONTEREY COUNTIES, CALIFORNIA.
2. APPROVES THE CONTRACT BETWEEN THE STATE LANDS COMMISSION AND THE U. S. NATIONAL PARK SERVICE, ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, TO REIMBURSE THE STATE LANDS COMMISSION FOR COSTS PURSUANT TO THE REQUEST OF THE NATIONAL PARK SERVICE FOR RETROCESSION OF CONCURRENT JURISDICTION.

Attachment:
Calendar Item 23 (2 pages)

RETROCESSION OF JURISDICTION

Government Code Section 113 provides for retrocession of jurisdiction by the United States of land within this State whenever the United States has requested in writing that the State accept such retrocession and the State Lands Commission, after a public hearing, has determined that the acceptance of such retrocession of exclusive jurisdiction is in the best interest of the State. Section 113 also provides that the State Lands Commission shall make rules and regulations governing the conditions and procedures of such hearings. Pursuant to this section of the Government Code, the State Lands Commission has enacted Sections 2700, et seq., Title 2 of the California Administrative Code. Specifically, Section 2700 requires that the officer of the United States requesting the retrocession of jurisdiction shall arrange for the payment of the cost of publication and any other costs that may be incurred.

On February 26, 1975, Joseph L. Orr, Chief of Division of Resources Management and Visitor Protection for the Western Region of the National Park Service, addressed a letter to the State Lands Commission requesting that the State of California accept retrocession of concurrent jurisdiction of Joshua Tree National Monument, San Bernardino/Riverside Counties; Whiskeytown Unit, Shasta County; Pt. Reyes National Seashore, Marin County; Death Valley National Monument, Inyo/San Bernardino Counties; Pinnacles National Monument, San Benito/Monterey Counties. Also submitted was a contract executed by the National Park Service reimbursing the State Lands Commission for all costs incurred pursuant to the request for retrocession of jurisdiction.

This request by the National Park Service is pursuant to 10 U.S.C. Sections 1, 3 and 40 U.S.C. Section 255. Based upon the foregoing, it is necessary that the State Lands Commission hold a public hearing to determine whether acceptance of concurrent jurisdiction of such lands is in the best interest of the State. Notice of such hearing is to be published pursuant to Section 6061 of the Government Code in the Counties of San Bernardino/Riverside, Shasta, Marin, Inyo/San Bernardino and San Benito/Monterey.

EXHIBITS: A. Location Map. B. Contract.

CALENDAR ITEM NO. 23. (CONTD)

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE STATE LANDS DIVISION STAFF TO HOLD A PUBLIC HEARING PURSUANT TO GOVERNMENT CODE SECTION 113 AND THE RULES AND REGULATIONS OF THE COMMISSION FOR THE PURPOSE OF DETERMINING WHETHER IT IS IN THE BEST INTEREST OF THE STATE TO ACCEPT CONCURRENT JURISDICTION WITH THE UNITED STATES NATIONAL PARK SERVICE OF THE PARCELS OF LAND AT JOSHUA TREE NATIONAL MONUMENT, SAN BERNARDINO AND RIVERSIDE COUNTIES; WHISKEYTOWN UNIT, SHASTA COUNTY; PT. REYES NATIONAL SEASHORE, MARIN COUNTY; DEATH VALLEY NATIONAL MONUMENT INYO AND SAN BERNARDINO COUNTIES; PINNACLES NATIONAL MONUMENT, SAN BENITO AND MONTEREY COUNTIES, CALIFORNIA.
2. APPROVE THE CONTRACT BETWEEN THE STATE LANDS COMMISSION AND THE U. S. NATIONAL PARK SERVICE, ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, TO REIMBURSE THE STATE LANDS COMMISSION FOR COSTS PURSUANT TO THE REQUEST OF THE NATIONAL PARK SERVICE FOR RETROCESSION OF CONCURRENT JURISDICTION.