

This Calendar Item No. 33
was approved by the Commission
No. 33 by the State Lands
Commission by a vote of 3
to 0 at its 3/31/77
meeting.

MINUTE ITEM

3/31/77
SCL
(KS)

33. CESSION OF CONCURRENT CRIMINAL JURISDICTION - W 20902.

Upon motion duly made and carried, the following resolution was adopted by the Commission by a vote of 3-0:

THE STATE LANDS COMMISSION:

1. FINDS AND DECLARES THAT THE CONDITIONS AND RESERVATIONS PRESCRIBED IN SUBDIVISIONS (A), (B), (C), (G), OF SECTION 126 OF THE CALIFORNIA GOVERNMENT CODE, AS AMENDED BY CHAPTER 686, STATUTES OF 1976, HAVE BEEN FOUND TO HAVE OCCURRED AND TO EXIST AND THAT CESSION OF CONCURRENT CRIMINAL JURISDICTION WITHIN THOSE CERTAIN LANDS ACQUIRED BY THE U.S. DEPARTMENT OF INTERIOR AND NATIONAL PARK SERVICE NOW USED BY THE U.S. DEPARTMENT OF THE INTERIOR AND NATIONAL PARK SERVICE AS NATIONAL PARKS AND NATIONAL RESERVATION AREAS (WHISKEYTOWN NATIONAL RECREATION AREA, SHASTA COUNTY; PT. REYES NATIONAL SEASHORE, MARIN COUNTY; PINNACLES NATIONAL MONUMENT, SAN BENITO/MONTEREY COUNTIES; AND LAVA BEDS NATIONAL MONUMENT, MODOC/SISKIYOU COUNTIES), MORE PARTICULARLY DESCRIBED IN EXHIBITS A-1 THROUGH A-4, ATTACHED AND BY REFERENCE MADE A PART HEREOF, IS IN THE INTEREST OF THE STATE.
2. BY ORDER AND RESOLUTION: CEDES CONCURRENT CRIMINAL JURISDICTION TO THE U.S. DEPARTMENT OF INTERIOR, NATIONAL PARK SERVICE OVER THE AREAS DESCRIBED IN EXHIBITS A-1 THROUGH A-4 ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF SO LONG AS THE LAND CONTINUES TO BELONG TO THE UNITED STATES AND IS HELD BY IT FOR NATIONAL PARK PURPOSES, SUBJECT TO EACH AND ALL OF THE LIMITATIONS, CONDITIONS AND RESERVATIONS DESCRIBED IN GOVERNMENT CODE SECTION 126, AS AMENDED BY CHAPTER 686, STATUTES OF 1976, INCLUDING BUT NOT LIMITED TO THE RESERVATIONS SET FORTH IN SUBSECTIONS (E) AND (H) THEREOF, OR FOR 5 YEARS, WHICHEVER IS LESS, SUCH CONCURRENT CRIMINAL JURISDICTION SHALL VEST IN THE UNITED STATES WHEN CERTIFIED COPIES OF THE COMMISSION'S ORDERS OR RESOLUTIONS HAVE BEEN FILED IN THE OFFICE OF THE SECRETARY OF STATE AND RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF EACH COUNTY IN WHICH ANY PART OF THE LANDS SO CEDED IS SITUATED.
3. AUTHORIZES THE EXECUTIVE OFFICER AND STAFF OF THE STATE LANDS DIVISION TO EXECUTE AND FILE ALL NECESSARY DOCUMENTS TO MAKE THIS CESSION OF CONCURRENT CRIMINAL JURISDICTION EFFECTIVE.

Attachment:
Calendar Item 33 (6 pages)

1, 9, 24, 29, 34, 67, 75
S 1, 2, 11, 16, 17, 34, 38

CESSION OF CONCURRENT CRIMINAL JURISDICTION

On May 27, 1975, the State Lands Commission authorized a public hearing to determine whether or not it was in the interest of the State to cede concurrent jurisdiction to the United States Department of Interior, National Park Service. A public hearing was held pursuant to Section 126, of the California Government Code. The evidence presented at that hearing resulted in further negotiations. These negotiations have produced the following: Section 126, of the California Government Code has been amended by Chapter 686, Statutes 1976, to allow the State Lands Commission to cede only concurrent criminal jurisdiction to the National Park Service and the cession is limited to a maximum period of 5 years; also, the National Park Service executed with the Sheriffs of each of the counties containing the areas where concurrent criminal jurisdiction will be ceded, an agreement outlining the specific authority of each law enforcement agency involved. These agreements are on file in the office of the State Lands Division.

All requirements of Section 126, as amended, have been met by the parties involved. All the conditions and reservations prescribed in subdivisions (a), (b), (c), and (g) of Section 126, as amended, have occurred and exist. Such cession would be in the interest of the State. All other reservations prescribed by Section 126, as amended, including but not limited to the reservations set forth in subdivisions (e) and (h), are hereby reserved to the State without exception. Jurisdiction ceded pursuant to Section 126 as amended, continues 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 said Section 126, as amended, or for 5 years, whichever period is less.

EXHIBITS: A-1 - A-4. Land Descriptions.

IT IS RECOMMENDED THAT THE STATE LANDS COMMISSION:

1. FIND AND DECLARE THAT THE CONDITIONS AND RESERVATIONS PRESCRIBED IN SUBDIVISIONS (A), (B), (C), (G), OF SECTION 126, OF THE CALIFORNIA GOVERNMENT CODE, AS AMENDED BY CHAPTER 686, STATUTES 1976, HAVE BEEN FOUND TO HAVE OCCURRED AND TO EXIST AND THAT CESSION OF CONCURRENT CRIMINAL JURISDICTION WITHIN THOSE CERTAIN LANDS ACQUIRED BY THE U.S. DEPARTMENT OF INTERIOR AND NATIONAL PARK SERVICE NOW USED BY THE U.S. DEPARTMENT OF THE INTERIOR AND NATIONAL PARK SERVICE AS NATIONAL PARKS AND NATIONAL

A 1, 9, 24, 29,
34, 67, 75

S 1, 2, 11, 16,
17, 34, 38

CALENDAR ITEM NO. 33. (CONTD)

RESERVATION AREAS, (WHISKEYTOWN NATIONAL RECREATION AREA, SHASTA COUNTY; PT. REYES NATIONAL SEASHORE, MARIN COUNTY; PINNACLES NATIONAL MONUMENT, SAN BENITO/MONTEREY COUNTIES; AND LAVA BEDS NATIONAL MONUMENT, MODOC/SISKIYOU COUNTIES), MORE PARTICULARLY DESCRIBED IN EXHIBITS A-1 THROUGH A-4, ATTACHED AND BY REFERENCE MADE A PART HEREOF, IS IN THE INTEREST OF THE STATE.

2. BY ORDER AND RESOLUTION: CEDE CONCURRENT CRIMINAL JURISDICTION TO THE U.S. DEPARTMENT OF INTERIOR, NATIONAL PARK SERVICE OVER THE AREAS DESCRIBED IN EXHIBITS A-1 THROUGH A-4 ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF SO LONG AS THE LAND CONTINUES TO BELONG TO THE UNITED STATES AND IS HELD BY IT FOR NATIONAL PARK PURPOSES, SUBJECT TO EACH AND ALL OF THE LIMITATIONS, CONDITIONS AND RESERVATIONS DESCRIBED IN GOVERNMENT CODE SECTION 126, AS AMENDED BY CHAPTER 686, STATUTES 1976, INCLUDING BUT NOT LIMITED TO THE RESERVATIONS SET FORTH IN SUBSECTIONS (E) AND (H) THEREOF, OR FOR 5 YEARS, WHICHEVER IS LESS, SUCH CONCURRENT CRIMINAL JURISDICTION SHALL VEST IN THE UNITED STATES WHEN CERTIFIED COPIES OF THE COMMISSION'S ORDERS OR RESOLUTIONS, HAVE BEEN FILED IN THE OFFICE OF THE SECRETARY OF STATE AND RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF EACH COUNTY IN WHICH ANY PART OF THE LANDS SO CEDED IS SITUATED.
3. AUTHORIZE THE EXECUTIVE OFFICER AND STAFF OF THE STATE LANDS DIVISION TO EXECUTE AND FILE ALL NECESSARY DOCUMENTS TO MAKE THIS CESSION OF CONCURRENT CRIMINAL JURISDICTION EFFECTIVE.

Attachments: Exhibits A-1 through A-4.

EXHIBIT "A-1"

W 20902

LAVA BEDS NATIONAL MONUMENT
IN THE COUNTIES OF
MODOC AND SISKIYOU
STATE OF CALIFORNIA

Lava Beds National Monument was 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 Stat. 811, October 13, 1972.

END OF DESCRIPTION

EXHIBIT "A-2"

W 20902

WHISKEYTOWN UNIT
WHISKEYTOWN-SHASTA-TRINITY
NATIONAL RECREATION AREA
IN THE COUNTY OF SHASTA
STATE OF CALIFORNIA

Whiskeytown Unit, Whiskeytown-Shasta-Trinity National Recreation Area is situate in the County of Shasta, State of California. Said lands of Whiskeytown Unit in Shasta County are described in Volume 37 Federal Register No. 212, page 23369.

END OF DESCRIPTION

EXHIBIT "A-3"

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 "A-4"

W 20902

PINNACLES NATIONAL MONUMENT
IN THE COUNTIES OF
SAN BENITO AND MONTEREY
STATE OF CALIFORNIA

Pinnacles National Monument was created by a Presidential Proclamation set forth January 16, 1908, in United States Statutes at Large, volume 35, page 2177, and supplemented by the following proclamations: May 5, 1923, 43 Stat. 1911; July 2, 1924, 43 Stat. 1961; April 18, 1931, 47 Stat. 2451; July 11, 1933, 48 Stat. 1701; December 5, 1941, 55 Stat. 1709.

END OF DESCRIPTION