

MINUTE ITEM
This Calendar Item No. 32
was approved as Minute Item
No. 32 by the State Lands
Commission by a vote of 3
to 0 at its 3/23/89
meeting.

CALENDAR ITEM

A 32

32

03/23/89
W 24191
Frey

S 14

CESSION OF JURISDICTION
DEVIL'S POSTPILE NATIONAL MONUMENT

APPLICANT: National Park Service
Western Region
Attn: Phil Ward
450 Golden Gate Avenue
P. O. Box 36063
San Francisco, California 94102

The United States is the owner of Devil's Postpile National Monument, Madera County, California.

Pursuant to Government Code Section 126, the Commission is authorized, on behalf of the State, to cede concurrent criminal jurisdiction to the United States upon finding:

- (a) That the lands are used for Federal purposes.
- (b) The United States has, in writing, requested such cession.
- (c) The cession is in compliance with the laws of the United States.

By letter dated October 5, 1988, the National Park Service requested the State of California to cede concurrent criminal jurisdiction for five years, as prescribed by California Government Code Section 126, over Devil's Postpile National Monument. The lands comprising the monument are part of the public domain and withdrawn as part of the National Park system. The Park Service has requested the cession to ensure adequate law enforcement at the monument.

CALENDAR ITEM NO. 32 (CONT'D)

A Notice of Hearing was published in the Madera Tribune on November 28, 1988. A copy of the Notice was served on the Clerk of the Board of Supervisors for Madera County. The United States has agreed to pay for costs associated with the hearing.

The hearing was held as noticed on December 19, 1988. No adverse comments were received. The Sheriff of Madera County and the Park Service have entered into a Memorandum of Understanding regarding law enforcement responsibilities.

Commission staff believe the cession is in the best interests of the State of California.

Pursuant to Section 255 of Title 40 of the United States Code, the National Park Service accepts such jurisdiction as the State may cede.

The Madera County Board of Supervisors has written the Commission indicating that it approves of the cession as being in the best interest of the County of Madera.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Code Regs. 15378.

2. Authority: California Government Code Section 126.

EXHIBITS:
A. Land Description.
B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

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

CALENDAR ITEM NO. 33 (CONT'D)

2. FIND THAT THE FOLLOWING CONDITIONS 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 EXHIBIT "A".
 - (B) THE LAND IS OWNED BY THE UNITED STATES AND USED FOR FEDERAL PURPOSES.
 - (C) JURISDICTION, CEDED PURSUANT TO GOVERNMENT CODE SECTION 126, CONTINUES ONLY SO LONG AS THE LAND IS HELD BY THE UNITED STATES FOR THE ABOVE-DESCRIBED PURPOSES OR FOR FIVE YEARS, WHICHEVER PERIOD IS LESS.
 - (D) IN CEDING SUCH CONCURRENT CRIMINAL JURISDICTION, THE LEGISLATURE AND THE STATE RESERVE JURISDICTION OVER THE LAND, WATER, AND USE OF WATER WITH FULL POWER OR CONTROL AND REGULATE THE ACQUISITION, USE, CONTROL, AND DISTRIBUTION OF WATER, WITH RESPECT TO THE LAND AFFECTED BY SUCH CESSION.
 - (E) 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 TO THE STATE, OR PERSONS AUTHORIZED BY THE STATE, THE RIGHT TO PROSPECT FOR, MINE, AND REMOVE SUCH DEPOSITS FROM THE LAND.
3. DETERMINE THAT THE CESSION OF JURISDICTION HEARING HELD ON DECEMBER 19, 1988 COMPLIED WITH THE STATUTES AND REGULATIONS FOR THE CESSION OF CONCURRENT CRIMINAL JURISDICTION.
4. DETERMINE THAT THE CESSION OF CONCURRENT CRIMINAL JURISDICTION OVER THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED, AND BY REFERENCE MADE A PART HEREOF, IS IN THE BEST INTERESTS OF THE STATE OF CALIFORNIA.
5. CEDE THE REQUESTED CONCURRENT CRIMINAL JURISDICTION OVER THE LAND IN EXHIBIT "A". SAID CESSION TO BE EFFECTIVE UPON THE RECORDATION OF ALL NECESSARY DOCUMENTS WITH THE SECRETARY OF STATE AND THE MADERA COUNTY RECORDER.

EXHIBIT "A"
LAND DESCRIPTION

W 24191

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.

END OF DESCRIPTION.

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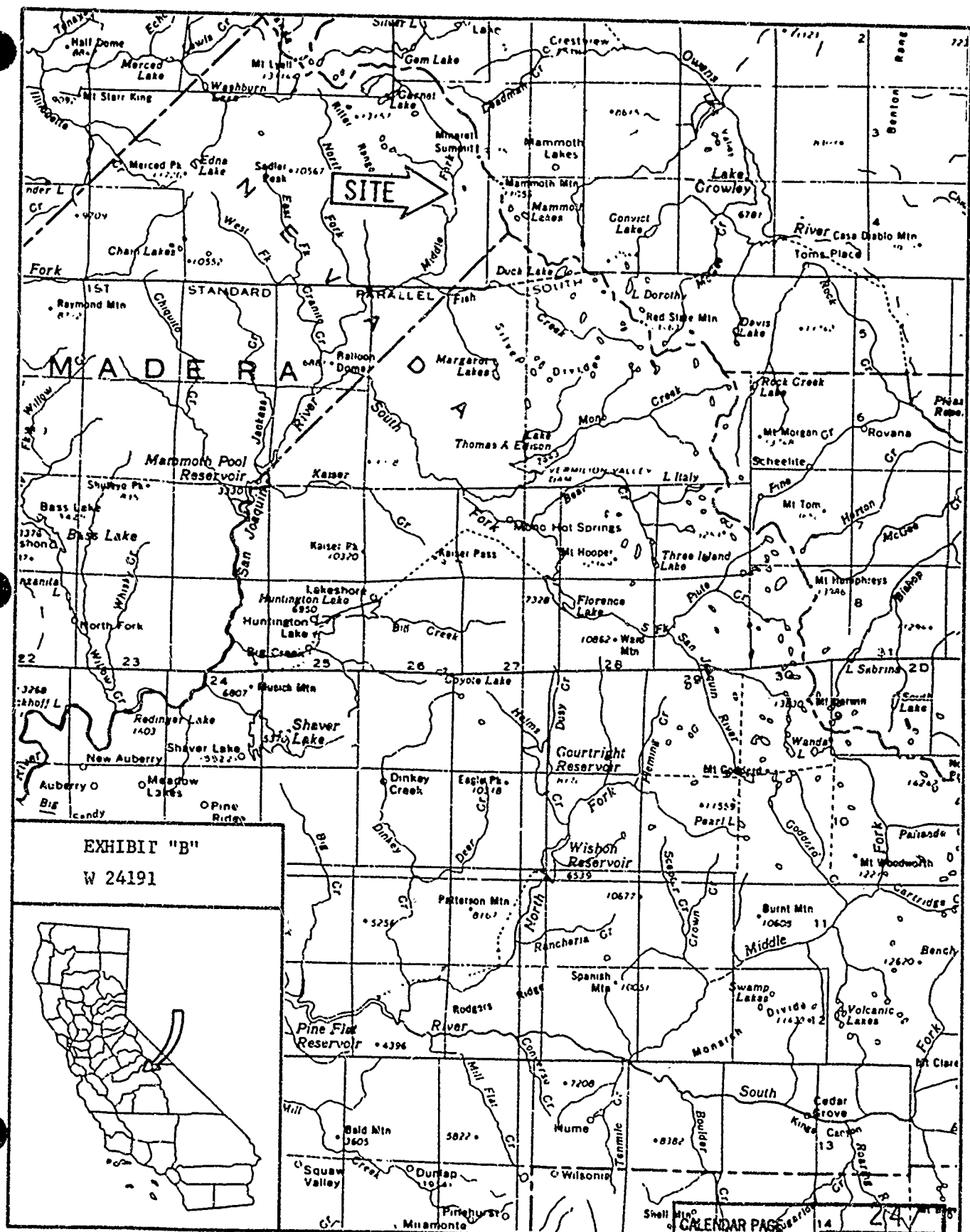


EXHIBIT "B"
W 24191