

**CALENDAR ITEM
C71**

| | | |
|---|----|------------|
| A | 23 | 06/22/17 |
| | | W 26519 |
| S | 8 | B. Johnson |

**CONSIDER CESSION OF CONCURRENT CRIMINAL JURISDICTION
PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 126
OVER 35 PARCELS OF LAND WITHIN KINGS CANYON AND
SEQUOIA NATIONAL PARKS, TULARE COUNTY**

PARTY:

United States National Park Service

AREA, LAND, TYPE, AND LOCATION:

35 parcels of land within Kings Canyon and Sequoia National Parks, Tulare County

PROPOSED ACTION:

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

- A. The United States has requested such cession in writing.
- B. The federal lands are held or leased 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 United States Constitution or other federal purpose.
- C. The cession is in compliance with the laws of the United States.
- D. A notice of the proposed cession has been given to the clerk for the board of supervisors of the county in which the federal lands are located at least 15 days before the proposed cession.
- E. The proposed cession is in the best interests of the State.
- F. The United States has agreed to compensate the State for costs incurred in processing the cession request.

Upon making these findings the State and the United States will equally share the State's criminal legislative jurisdiction over lands affected by the cession. The

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cession shall continue only so long as the lands are owned or leased by the United States and used for the purposes for which jurisdiction is ceded or for 10 years, whichever period is less. In ceding concurrent criminal jurisdiction, the Legislature and the State reserve their full jurisdiction over the land, water, and use of water with full power to control and regulate the acquisition, use, control, and distribution of water with respect to the land affected by the cession.

Kings Canyon National Park (originally named General Grant National Park) and Sequoia National Park were created by an Act of Congress on September 25, 1890. By Chapter 51, Statutes of 1919, the California Legislature ceded exclusive legislative jurisdiction to the United States over these National Parks, enabling the United States to enforce California's civil and criminal statutes, as well as federal statutes and regulations, over the federally-owned lands within the two parks.

At the time of Chapter 51's enactment, privately owned lands or lands administered by other federal agencies over which the United States had no legislative jurisdiction existed within the boundaries of the two parks. Over the years, the United States acquired some of these parcels by purchase or condemnation, or withdrew them from the public domain, and incorporated them into one or the other of the two parks. These lands are identified in Exhibit B. The California Legislature did not cede jurisdiction over the parcels identified in Exhibit B through Chapter 51, Statutes of 1919, because the United States did not have control of the properties at the time of its enactment.

The Commission, on behalf of the State, ceded concurrent criminal jurisdiction over the lands identified in Exhibit B in a regularly scheduled meeting on January 26, 2012 ([Calendar Item C82, January 26, 2012](#)). The cession was effective on August 16, 2012, the date the Tulare County Recorder recorded the Resolution of Cession, and lasts for 5 years. This cession will expire on August 16, 2017.

By a letter signed by Laura E. Joss, Regional Director, Pacific West Region, and dated May 18, 2017, the National Park Service has requested that the State again cede concurrent criminal legislative jurisdiction over the parcels identified in Exhibit B for a 10-year period. The previous version of Government Code section 126 authorized the Commission to cede concurrent criminal jurisdiction for periods no greater than 5 years. Effective January 1, 2015, the Legislature amended Government Code section 126 to authorize the Commission to cede concurrent criminal jurisdiction for periods of up to 10 years.

The National Park Service has provided the Commission with a copy of a letter from Mike Boudreux, Sheriff-Coroner of Tulare County, supporting the cession renewal.

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A notice of the proposed cession has been given to the Clerk of the Board of Supervisors for Tulare County on May 26, 2017. The United States has agreed to compensate the Commission for costs incurred during processing of its request. Finally, pursuant to 40 U.S.C. section 3112, a cession must be accepted by the United States to be effective. The United States has indicated in its May 18, 2017 letter that it will accept the cession when made by the Commission. If approved by the Commission, the cession will take effect when a Resolution of Cession is recorded in Tulare County.

Commission staff believes that the cession of concurrent criminal legislative jurisdiction over the lands described in Exhibit B is in the best interest of the State in connection with the exercise of criminal jurisdiction over these lands.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 3.1 of the Commission's Strategic Plan to "foster, improve, and enhance relationships, to engage the Legislature, public, local, state and federal agencies, legislative grantees, Commission lessees, potential applicants, non-governmental organizations, and the regulated community."
2. The staff recommends that the Commission find that the subject cession of jurisdiction does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, sections 15060, subdivision (c)(3), and 15378.

EXHIBITS:

- A. Site Map
- B. List of affected Assessor Parcels
- C. Map of Mineral King Area
- D. Map of Silver City Area
- E. Map of Alley Property, Chimney Rock, Buckeye Housing and Dillonwood Areas

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject cession of jurisdiction is not subject to the requirements of CEQA pursuant to California Code of Regulations, title 14,

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section 15060, subdivision (c)(3) because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378.

AUTHORIZATION:

1. Find that the following requirements of Government Code section 126 have been satisfied:
 - A. The United States has requested in writing that the State cede concurrent criminal legislative jurisdiction over the lands described in Exhibit B attached and by reference made a part hereof, said lands being within the State.
 - 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 for another federal purpose. The United States acquired the lands by purchase or condemnation, or withdrawal from the public domain, in compliance with federal law.
 - C. The cession is pursuant to and in compliance with federal law.
 - D. A notice of the proposed cession has been given to the clerk for the board of supervisors of Tulare County, in which the federal lands are located, at least 15 days before the proposed cession.
 - E. The proposed cession is in the best interests of the State.
 - F. The United States has agreed to compensate the State for its cost incurred in processing the cession.
2. Find that cession of concurrent criminal legislative jurisdiction over the lands within Kings Canyon and Sequoia National Parks described in Exhibit B attached hereto is in the best interests of the State because the United States will then have the authority to conduct investigations and prosecutions of criminal offenses on these lands and will be able to assist local law enforcement.
3. Cede concurrent criminal legislative jurisdiction to the United States over the lands within Kings Canyon and Sequoia National Parks described in Exhibit B attached hereto, for so long as the lands are owned or leased by the United States and used for the purposes for which jurisdiction is ceded, or for 10 years, whichever period is less.

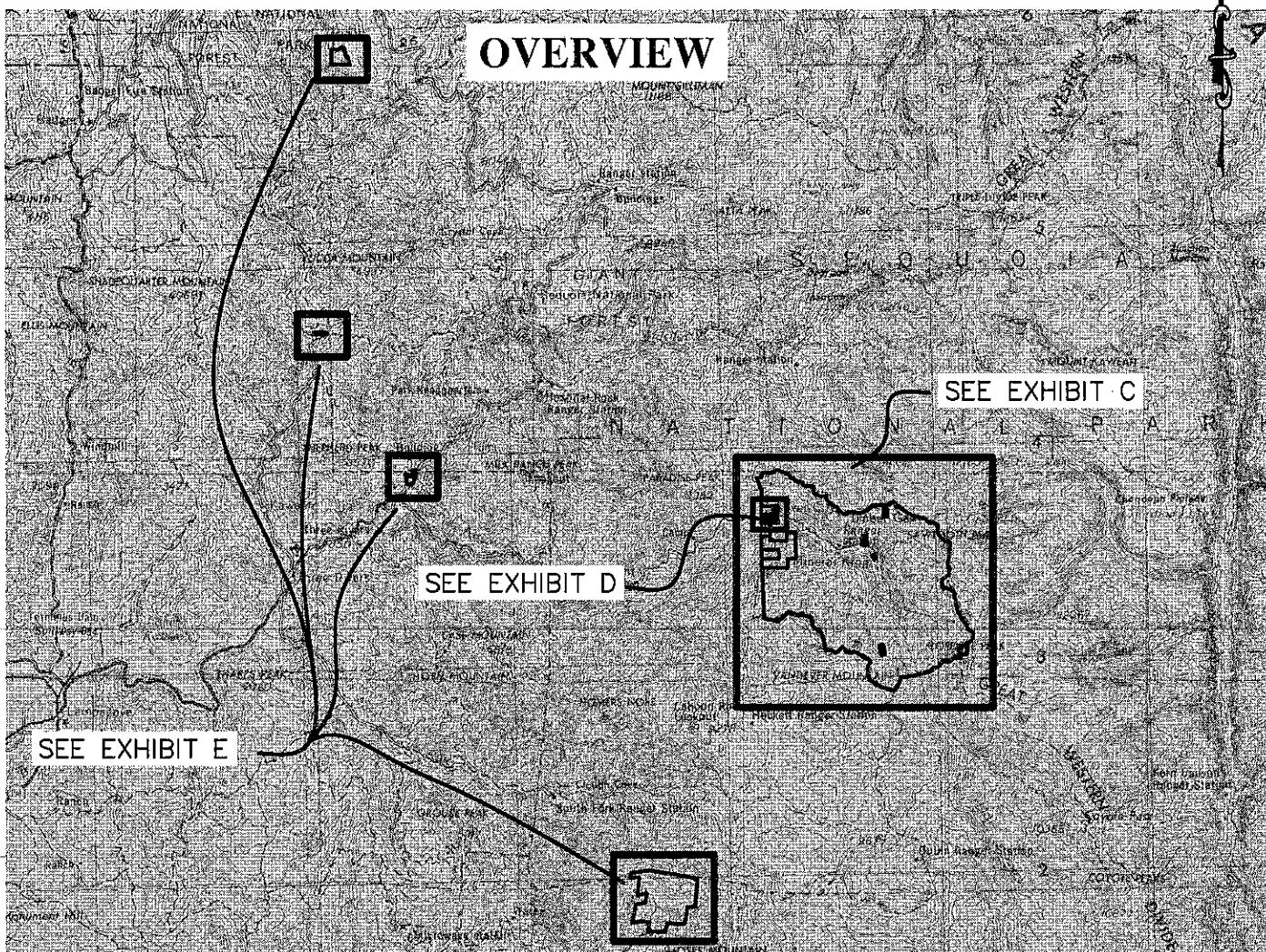
CALENDAR ITEM NO. C71 (CONT'D)

4. Authorize the Executive Officer or her designee to execute a Resolution of Cession of Concurrent Criminal Legislative Jurisdiction and have it recorded in the Official Records of Tulare County.

NO SCALE

SITE

OVERVIEW



SEQUOIA & KINGS CANYON NATIONAL PARKS

NO SCALE

LOCATION

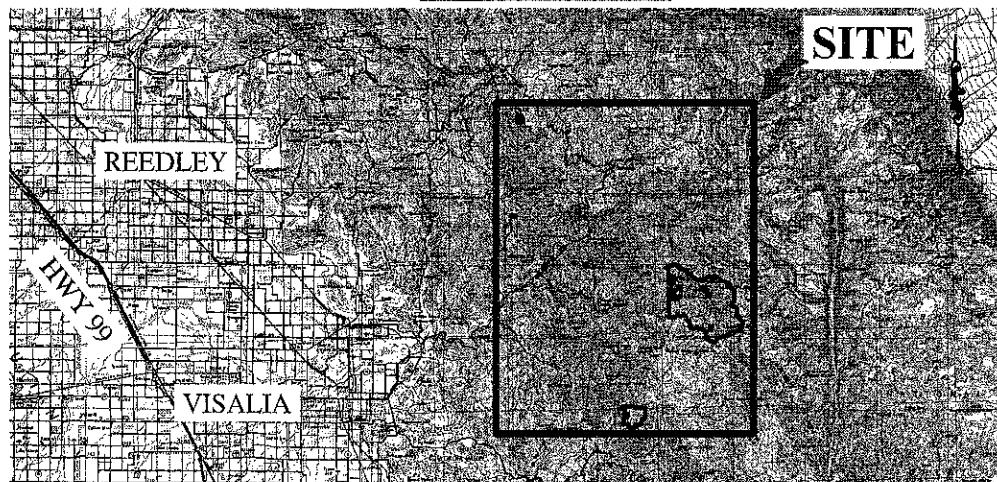


Exhibit A

W 26519
SEQUOIA & KINGS CANYON
NATIONAL FORESTS
2017 JURISDICTIONAL
CESSION
TULARE COUNTY



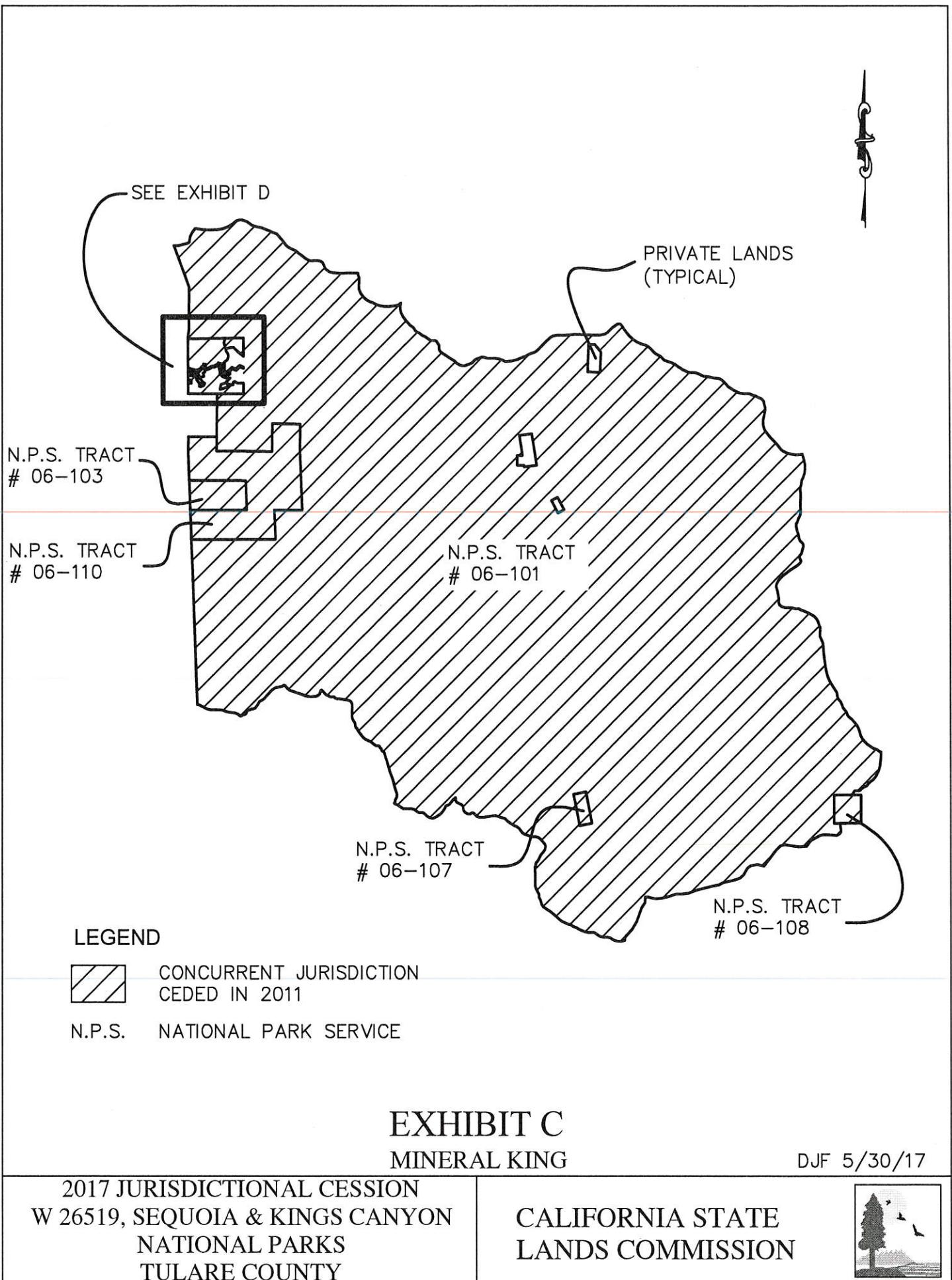
MAP SOURCE: USGS QUAD

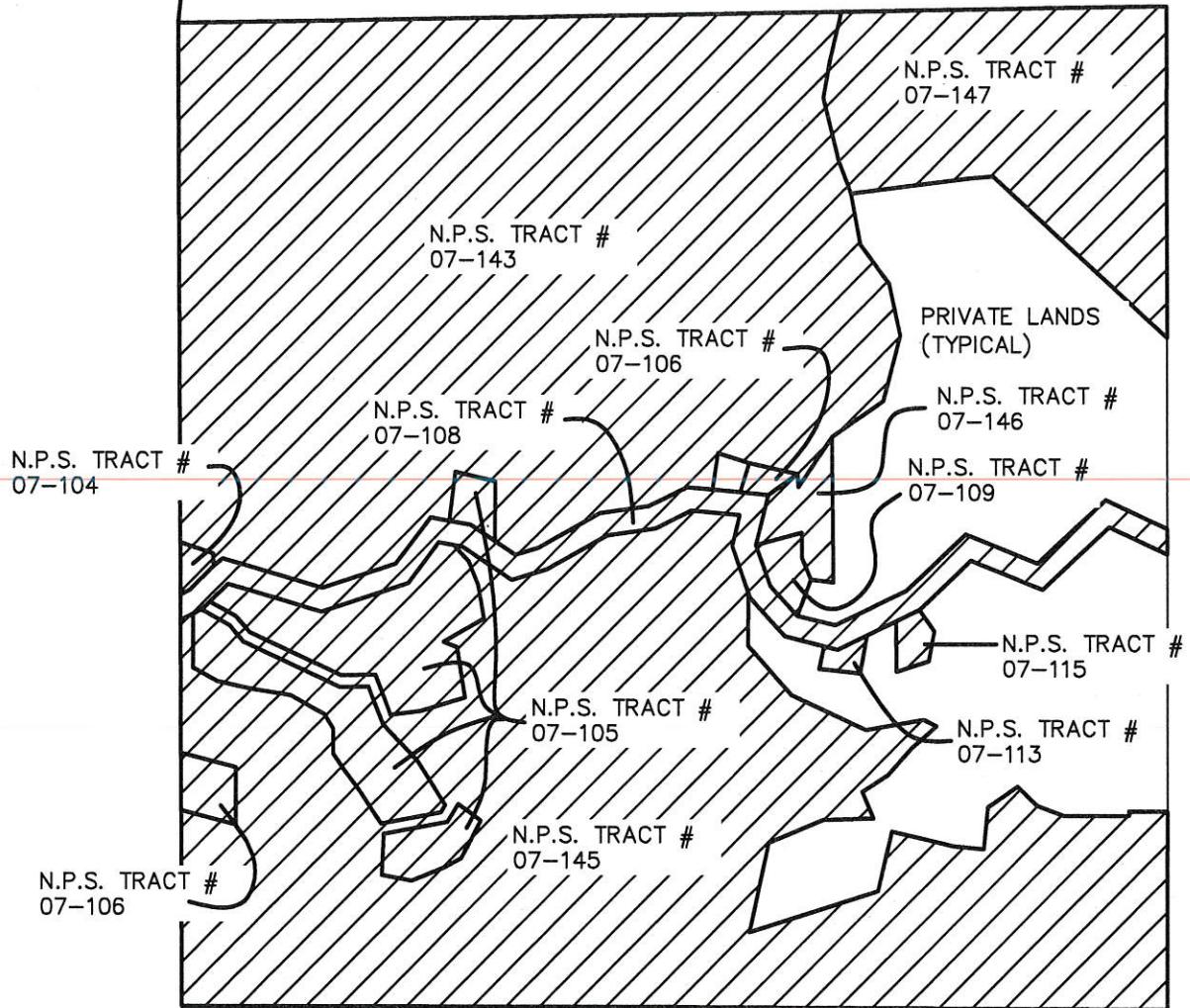
This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

EXHIBIT B

W 26519

| SEQUOIA and KINGS CANYON NATIONAL PARKS cession of concurrent criminal jurisdiction | | | | | |
|--|---------------|------------------------------------|---------|--|--|
| May 2017 | | | | | |
| Tulare County Assessor Parcel Number | National Park | National Park Service Tract Number | Acreage | Conveyance Date to National Park Service | Tulare County Recording Data/Federal Statute/Other |
| 144-050-001 | Sequoia | 01-120 | 1541.12 | Dec 4 2001 | 2001-0091710 |
| 144-050-002 | Sequoia | 01-120 | | Dec 4 2001 | 2001-0091710 |
| 144-050-003 | Sequoia | 01-120 | | Dec 4 2001 | 2001-0091710 |
| 144-050-004 | Sequoia | 01-120 | | Dec 4 2001 | 2001-0091710 |
| 069-080-041 | Sequoia | 05-108 | 2.23 | May 25 1949 | 1368/303 |
| 069-070-027 | Sequoia | 05-109 | 38.53 | Jun 11 1951 | 1525/24 |
| 037-010-023 | Sequoia | 05-110 | 11.83 | Jun 13 2008 | 2008-0042076 |
| 009-080-002 | Kings Canyon | 05-122 | 1675 | Sep 28 1984 | 98 Stat. 1626 |
| Not Assigned | Sequoia | 06-101 | 14825.2 | Jul 13 1980 | 92 Stat. 3467 |
| 070-100-008 | Sequoia | 06-103 | 80.66 | Jul 13 1980 | 92 Stat. 3467 |
| 070-160-01 | Sequoia | 06-107 | 20.66 | Mar 25 1998 | 98-020830 |
| 070-160-03 | Sequoia | 06-108 | 40 | Feb 24 1981 | 3841/748 |
| 070-100-014 | Sequoia | 06-110 | 421.55 | Apr 30 1987 | 4562/311 |
| Not Assigned | Sequoia | 07-103 | 4.46 | Nov 9 1983 | 4128/954 |
| 070-007-01 | Sequoia | 07-104 | 0.17 | Apr 4 1985 | 15939 |
| 070-070-003 | Sequoia | 07-105 | 6.68 | Feb 27 1985 | 4313/636 |
| 070-070-008 | Sequoia | 07-105 | | Feb 27 1985 | 4313/636 |
| 070-080-003 | Sequoia | 07-105 | | Feb 27 1985 | 4313/636 |
| 070-080-005 | Sequoia | 07-105 | | Feb 27 1985 | 4313/636 |
| 070-180-007 | Sequoia | 07-106 | 0.5 | Jul 8 1981 | 3880/334 |
| 070-090-045 | Sequoia | 07-108 | 0.17 | Nov 3 1980 | 3811/731 |
| 070-090-047 | Sequoia | 07-109 | 0.41 | Oct 24 1980 | 3808/684 |
| 070-090-048 | Sequoia | 07-109 | 0.41 | Oct 24 1980 | 3808/684 |
| 070-090-051 | Sequoia | 07-113 | 0.38 | Oct 24 1980 | 3808/684 |
| 070-090-050 | Sequoia | 07-115 | 0.28 | Oct 17 1980 | 3807/150 |
| 070-070-002 | Sequoia | 07-145 | 100.8 | Feb 5 1985 | 4272/818 |
| 070-070-004 | Sequoia | 07-145 | | Feb 5 1985 | 4272/818 |
| 070-070-005 | Sequoia | 07-145 | | Feb 5 1985 | 4272/818 |
| 070-070-006 | Sequoia | 07-145 | | Feb 5 1985 | 4272/818 |
| 070-070-007 | Sequoia | 07-145 | | Feb 5 1985 | 4272/818 |
| 070-080-006 | Sequoia | 07-145 | | Feb 5 1985 | 4272/818 |
| 070-080-007 | Sequoia | 07-145 | | Feb 5 1985 | 4272/818 |
| 070-080-011 | Sequoia | 07-145 | | Feb 5 1985 | 4272/818 |
| 070-180-011 | Sequoia | 07-147 | 11.6 | Aug 16 1990 | 51525 |
| 070-180-011 | Sequoia | 07-148 | 0.92 | Aug 16 1990 | 51525 |





LEGEND



CONCURRENT JURISDICTION
CEDED IN 2011

N.P.S.

NATIONAL PARK SERVICE

EXHIBIT D
SILVER CITY

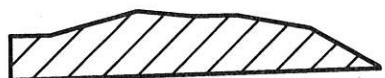
DJF 5/30/17

2017 JURISDICTIONAL CESSION
W 26519, SEQUOIA & KINGS CANYON
NATIONAL PARKS
TULARE COUNTY

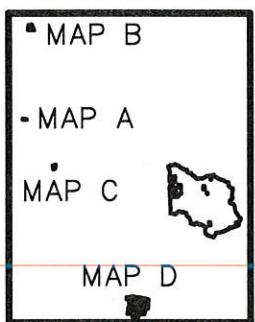
CALIFORNIA STATE
LANDS COMMISSION



A

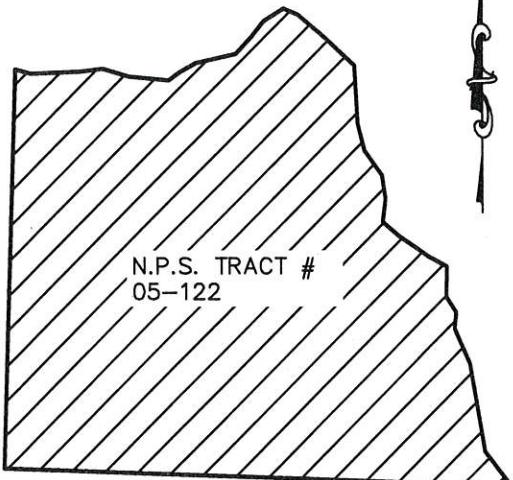


N.P.S. TRACT #
05-110



ALLEY PROPERTY

B

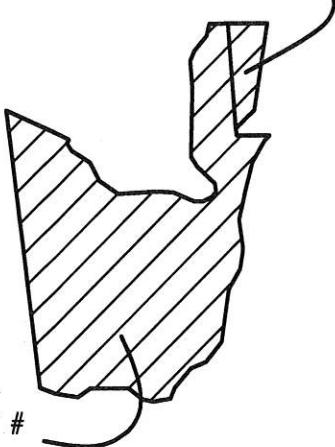


N.P.S. TRACT #
05-122

CHIMNEY ROCK

C

N.P.S. TRACT #
05-108



N.P.S. TRACT #
05-109

BUCKEYE HOUSING

LEGEND

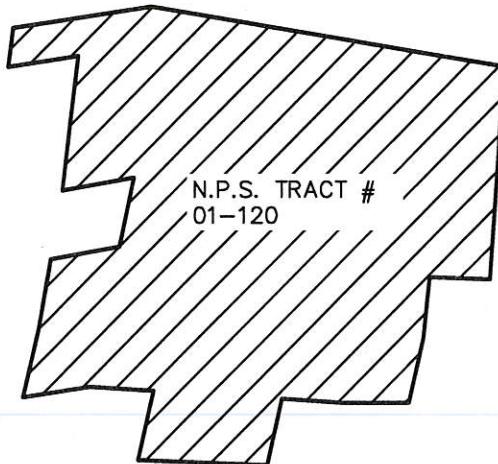


CONCURRENT JURISDICTION
CEDED IN 2011

N.P.S. NATIONAL PARK SERVICE

D

N.P.S. TRACT #
01-120



DILLONWOOD

EXHIBIT E

DJF 5/30/17

2017 JURISDICTIONAL CESSION
W 26519, SEQUOIA & KINGS CANYON
NATIONAL PARKS
TULARE COUNTY

CALIFORNIA STATE
LANDS COMMISSION

