

# There are many reasons to think the SPRNCA doesn't and shouldn't exist

The recent proposed MOU between the Fort, the County, Sierra Vista, and BLM is full of justifications for various actions based on the presumptive existence of the SPRNCA

2. My primary motive for pointing out the discrepancies in the origination of the SPRNCA is to protect Ft. Huachuca



3. The origin of the federal claim is the 1976 Supreme Court decision *Kleppe vs. New Mexico*. Since the below claim *is absurd* according to the Constitution, it thus gives insight into how the Supreme Court mistakenly decided.

“And while the furthest reaches of power granted by the Property Clause have not yet been definitively resolved, we have repeatedly observed that **the power** over the public land thus entrusted **to Congress is without limitations**”.

# 4. Presumed Concurrent Jurisdiction

It is presumed that your Second Amendment Right to bear arms does not apply in the SPNCA. “Report violations to the BLM OR the Sheriff’s Office”



# The SPRNCA presumptive existence, is “extra-Constitutional”

- **18 USC Code 7, Territorial Jurisdiction, para (3)** Any lands reserved or acquired for the use of the [United States](#), and under the exclusive or concurrent jurisdiction thereof, or any place purchased or **otherwise acquired** by the [United States](#) by **consent of the legislature** of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building.
- **The purposes of US Const Art, 1 Sec. 8, Clause 17 are retained (No SPRNCA). The requirement for consent of the State Legislature is retained.**

6. Congress further violates the doctrine of separation of powers by assigning the presumptive “unlimited power” to the Executive

- Secretary of Agriculture is the Executive Branch
- EXCHANGES
- Sec. 206. [43 U.S.C. 1716] (a)
- A tract of public land or interests therein may be disposed of by exchange by **the Secretary** under this Act and a tract of land or interests therein within the National Forest System may be disposed of by exchange by **the Secretary** of Agriculture under applicable law....

7. Under presumptive authority, The FLPMA allows taking State land and adding land to what is known as “Public (federal) Lands”.

Definitions:

- (e) The term “public lands” means any land and interest in land owned by the United States within the several States and administered by the Secretary of the Interior through the Bureau of Land Management, **without regard to how the United States acquired ownership, except—**
- Wilderness

# 8.

## USC Title 40-255

- but the **head or other authorized officer** of any department or independent establishment or agency **of the Government** may, in such cases and at such times as he may deem desirable, accept or **secure from the State** in which any lands or interests therein under his immediate jurisdiction, custody, or control are situated, **consent to or cession of such jurisdiction, exclusive or partial**, not theretofore obtained, over any such lands or interests as he may deem desirable and **indicate acceptance of such jurisdiction on behalf of the United States by filing a notice of such acceptance with the Governor** of such State or in such other manner as may be **prescribed by the laws of the State** where such lands are situated. **Unless and until the United States has accepted jurisdiction over lands hereafter to be acquired as aforesaid, it shall be conclusively presumed that no such jurisdiction has been accepted.**\_

**9. However, this phrase; “*without regard to how the United States acquired ownership*” does not include fraud, or contrary to existing rights, which are many, and preexist the  
FLPMA**

- I believe it can be demonstrated that the long term strategy and practice of the Feds and BLM is to gain power “subject to existing rights” and “cooperative agreements”; but then bulldoze or bribe away those rights in subsequent decades

**10. Neither the Supreme Court nor any branch of the federal government gets to erase parts of the Constitution apart from the procedures outlined in Article 5.**

- **Article 4, Section 3:** “The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States;...”
- **Quoting the “Nothing” clause, “...;and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.”**

# 11. Here is the claim of “any particular State”, that being Arizona.

Preamble We the people of the State of Arizona, grateful to Almighty God for our liberties, do ordain this Constitution. ARTICLE I. STATE BOUNDARIES 1.

## Designation of boundaries

- Section 1. The boundaries of the State of Arizona shall be as follows, namely: Beginning at a point on the Colorado River twenty English miles below the junction of the Gila and Colorado Rivers, as fixed by the Gadsden Treaty between the United States and Mexico, being in latitude thirty-two degrees, twenty-nine minutes, forty-four and forty-five one-hundredths seconds north and longitude one hundred fourteen degrees, forty-eight minutes, forty-four and fifty-three one-hundredths seconds west of Greenwich; thence along and with the international boundary line between the United States and Mexico in a southeastern direction to Monument Number 127 on said boundary line in latitude thirty-one degrees, twenty minutes north; thence east along and with said parallel of latitude, continuing on said boundary line to an intersection with the meridian of longitude one hundred nine degrees, two minutes, fifty-nine and twenty-five one-hundredths seconds west, being identical with the southwestern corner of New Mexico; thence north along and with said meridian of longitude and the west boundary of New Mexico to an intersection with the parallel of latitude thirty-seven degrees north, being the common corner of Colorado, Utah, Arizona, and New Mexico; thence west along and with said parallel of latitude and the south boundary of Utah to an intersection with the meridian of longitude one hundred fourteen degrees, two minutes, fifty-nine and twenty-five one-hundredths seconds west, being on the east boundary line of the State of Nevada; thence south along and with said meridian of longitude and the east boundary of said State of Nevada, to the center of the Colorado River; thence down the mid-channel of said Colorado River in a southern direction along and with the east boundaries of Nevada, California, and the Mexican Territory of Lower California, successively, to the place of beginning.
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## 12. The SPRNCA is not Found in ARS 37-620

Vesting of concurrent criminal jurisdiction in the United States  
over certain lands and areas

- B. Concurrent criminal jurisdiction vests as to the lands in each area identified in subsection D of this section **when the United States submits to the governor** of this state a formal written request for concurrent criminal jurisdiction accompanied by a satisfactory legal description and plat of the area, and on **approval by the governor granting concurrent jurisdiction the legal description and plat shall be filed by the governor with the county recorder**

**13. This list found in Found in ARS 37-620 continues (a) through (v), but does not include the SPRNCA**

- D. The lands subject to this section are all those lands that are owned or controlled by the United States and that are now or hereafter included within the exterior boundaries of:
  - 1. The national park service lands consisting of:
    - (a) Canyon de Chelly national monument.
    - (b) Casa Grande Ruins national monument.
    - **(c) Chiricahua national monument.**
    - **(d) Coronado national memorial.**

14. Perhaps Former Governor Mecham attempted to do an “end around” in 1987, assuming these lots are what later became part of the SPRNCA, but if so, he did not have that presumed authority, **without the legislature**. Furthermore this deed is a cession, not a “concurrent jurisdiction”, and contains provision for current rights.

STATE OF ARIZONA  
DEED OF RECONVEYANCE  
96-93115

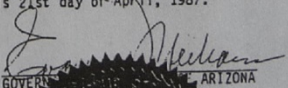
For and in consideration of the granting of certain lands as authorized by the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1201 et. seq.) THE STATE OF ARIZONA does herewith remise, release, quitclaim, grant, convey and relinquish to the UNITED STATES OF AMERICA its interest in the lands described as follows:

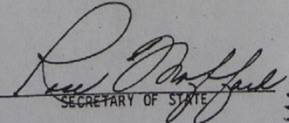
TWP.	RGE.	SEC.	SUBDIVISION	ACRES
18S	21E	29	W2SE	80.00
		32	Lots 2 and 7	54.52
20S	21E	2	Lots 1 - 7; S2NE; SENW; SE	529.60
		4	Lots 1 - 4	135.72
		8	A11	640.00
		9	Lots 1 - 4; W2W2	290.20
		17	A11	640.00
21S	21E	3	Lots 1 - 4	179.16
		12	N2NE; NWSW; S2SE	200.00
		13	N2NE	80.00
21S	22E	7	Lots 3 and 4	67.36
		19	N2NE	80.00
		20	Lots 1 - 3; N2NW; N2SE	263.55
		29	Lots 1 - 3	63.81
22S	21E	12	Lots 2 - 4; SWSE	134.26


The above described parcels contain 3,438.18 acres, more or less.

Subject to existing reservations, easements, or rights-of-way heretofore legally obtained and now in full force and effect.

IN WITNESS WHEREOF, I, Evan Mecham, Governor of the State of Arizona, have caused this DEED OF RECONVEYANCE to be executed and the GREAT SEAL of the State of Arizona to be attached hereto this 21st day of April, 1987.

  
 GOVERNOR ARIZONA

  
 SECRETARY OF STATE



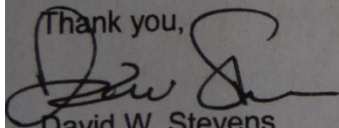
**15.** This letter from our current County Recorder indicates that the letter required from the Governor to the past County Recorder could not be found. BOS members have been provided with the 1992 BOS resolution against expansion of the SPRNCA found by Mr. Stevens

April 15, 2021

To whom it may concern,

The Recorder's office executed a search for San Pedro Riparian National Conservation Area (SPRNCA), from 1985 to current. We located one document that referred to SPRNCA, see document attached.

Thank you,



David W. Stevens  
Cochise County Recorder