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Supreme Court, U. S.
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MICHAEL RUBIN, JR., CLERK

No. 5, Original

In the Supreme Court of the United States

OCTOBER TERM, 1978

UNITED STATES OF AMERICA, PLAINTIFF

v.

STATE OF CALIFORNIA

UNITED STATES' PROPOSED THIRD
SUPPLEMENTAL DECREE

WADE H. MCCREE, JR.,
Solicitor General,
Department of Justice,
Washington, D.C. 20530.

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On May 15, 1978, this Court issued its opinion holding that California, and not the United States, has dominion over the submerged lands and waters within the Channel Islands National Monument. The Court requested the parties to "submit an appropriate decree within 90 days." Slip op. 9.

The United States herewith submits its proposed Third Supplemental Decree.

Respectfully submitted.

WADE H. MCCREE, JR.,
Solicitor General.

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**UNITED STATES' PROPOSED THIRD
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For the purpose of identifying with greater particularity parts of the boundary line, as defined by the Supplemental Decree herein of January 31, 1966, 382 U.S. 448, between the submerged lands of the United States and the submerged lands of the State of California, it is ORDERED, ADJUDGED AND DECREED that this Court's Supplemental Decree of January 31, 1966 be, and the same is hereby, further supplemented as follows:

1. The United States has no right, title or interest by virtue of the claim of right exception of Section 5 of the Submerged Lands Act, 67 Stat. 32, 43 U.S.C. 1313, in the tidelands (that is, lands lying between the lines of mean high water and mean lower low water) and submerged lands (that is, lands lying seaward of the line of mean lower low water) within the Channel Islands National Monument, established by Presidential Proclamation No. 2281, 52 Stat. 1541 (April 26, 1938), and extended by Presidential Proclamation No. 2825, 63 Stat. 1258 (February 9, 1949). With the exception of the foregoing provision, the terms of paragraph 12 of the Supplemental Decree entered herein January 31, 1966, 382 U.S. 448,

452-453, apply fully to the tidelands and submerged lands within the Channel Islands National Monument.

2. The land area above the mean high water line of Anacapa and Santa Barbara Islands, and the land area above the mean high water line of all islets and rocks within one nautical (geographical) mile of the coastline of Anacapa and Santa Barbara Islands are lands of the United States as to which the State of California has no title or property interest.

3. The Court retains jurisdiction to entertain such further proceedings, enter such orders, and issue such writs as from time to time may be deemed necessary or advisable to give proper force and effect to this decree and the prior decrees of this Court or to effectuate the rights of the parties in the premises.

