

JAN 17 1981

MICHAEL ROLAK, JR., CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

October Term, 1980
No. 5, Original, of
October Term, 1977

UNITED STATES OF AMERICA,

Plaintiff

v.

STATE OF CALIFORNIA,

Defendant

RECOMMENDED SUPPLEMENTAL DECREE

ALFRED A. ARRAJ
Special Master

IN THE
Supreme Court of the United States

October Term, 1980
No. 5, Original, of
October Term 1977

UNITED STATES OF AMERICA, Plaintiff

v.

STATE OF CALIFORNIA, Defendant

**RECOMMENDED SUPPLEMENTAL DECREE BY
SPECIAL MASTER**

The parties having moved for entry of a fourth supplemental decree herein and the matter having been referred to the Honorable Alfred A. Arraj as Special Master; the Special Master having taken evidence, held hearings, and filed his Report with the Court; the United States having acquiesced in the Special Master's recommendations relating to the closing lines for the Port of San Pedro and San Diego Bay, and the State of California having filed exceptions to that part of the report relating to Rincon Island and the 15 piers; the Court, after briefing and oral argument, having by its opinion of June 9, 1980, approved the recommendations of the Special Master; the State of California having filed a Petition for Rehearing and the Court having denied that Petition; and the Special Master, with the concurrence of the parties, having submitted to the Court a proposed supplemental decree; it is **ORDERED, ADJUDGED and DECREED** that the Decree of October 27, 1947 (332 U.S. 804), and the Supplemental Decrees heretofore entered in this cause on December 31, 1966 (382 U.S. 448), June 13, 1977 (432 U.S. 40), and November 27, 1978 (439 U.S. 30), be, and the same hereby are further supplemented as follows:

1. The inland waters of the Port of San Pedro include those waters enclosed by a straight line from the eastern end of the Long Beach breakwater (NOS Chart 18749, 33°43'23"N, 118°08'10"W) to the seaward end of the east jetty of Anaheim Bay (NOS Chart 18749, 33°43'36"N, 118°05'57"W).

2. The inland waters of San Deigo Bay are those enclosed by a straight line from the seaward end of Point Loma (NOS Chart 18772, 32°39'46"N, 117°14'29"W) to the point at which the line of mean lower low water intersects with the southern seaward end of the entire Zuniga jetty (NOS Chart 18772, 32°40'00.5"N, 117°13'40"W).

3. The following artificial structures do not form part of the coastline of California for purposes of establishing the federal-state boundary line under the Submerged Lands Act, 43 U.S.C. § 1301 *et seq.*:

- a. The Sharp Beach pier (NOS Chart 18685, 37°38'00"N, 122°29'41"W);
- b. The Morro Strand pier (NOS Chart 18703, 35°24'38.4"N, 120°52'31.9"W);
- c. The Port Orford pier (NOS Chart 18721, 34°28'09.6"N, 120°13'38.8"W);
- d. The Ellwood pier (NOS Chart 18721, 34°25'39"N, 119°55'20"W);
- e. The Santa Barbara Biltmore Hotel pier (NOS Chart 18725, 34°24'59.4"N, 119°38'30"W);
- f. The Carpinteria pier (NOS Chart 18725, 34°23'06"N, 119°30'4.6"W);
- g. The Punta Gorda causeway and Rincon Island (NOS Chart 18725, 34°20'48.1"N, 119°26'39"W);
- h. The Venice pier (NOS Chart 18744, 33°59'06"N, 118°28'35"W);
- i. The Manhattan Beach pier (NOS Chart 18744, 33°53'00"N, 118°24'48.2"W);
- j. The Hermosa Beach pier (NOS Chart 18744, 33°51'40.2"N, 118°24'16.9"W);
- k. The Huntington Beach pier (NOS Chart 18740, 33°09'14"N, 118°00'21"W);
- l. The Newport Beach pier (NOS Chart 18754, 33°36'22.0"N, 117°55'49.6"W);
- m. The Balboa Beach pier (NOS Chart 18754, 33°35'54.4"N, 117°54'01.1"W);
- n. The Oceanside pier (NOS Chart 18740, 33°11'29.4"N, 117°23'18"W);
- o. The Ocean Beach pier (NOS Chart 18754, 32°44'58.5"N, 117°15'30.5"W); and
- p. The Imperial Beach pier (NOS Chart 18772, 32°34'46.6"N, 117°08'08.0"W).

4. The parties having paid their own costs and having contributed

right

equally to a fund for expenses of the Special Master, any amounts remaining in said fund after deduction of all expenses by the Special Master shall be divided equally and returned to each party by the Special Master.

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

DATED: December 30, 1980

Respectfully submitted,

ALFRED A. ARRAJ
Special Master

