

35. DEFENSE, UNITED STATES vs. CALIFORNIA, TIDE AND SUBMERGED LANDS -
W.O. 4721.31.

The Executive Officer explained that an interagency agreement with the Department of Justice, providing for the services of the Attorney General in the action United States vs. California, No. 5 Original, U. S. Supreme Court, was necessary because the funds for defense of California's portion of the action have been included by the Legislature in the budget of the State Lands Commission to be allocated to the Office of the Attorney General by service contract.

Assistant Attorney General Jay L. Shavelson reported that the Supreme Court had denied the State's petition for rehearing in the case by a four-to-two vote. In the State's Petition for Rehearing, the Court was especially requested to reconsider the ruling insofar as it affected Santa Monica and San Pedro Bays, both of which it was felt should be considered historic bays under the rules which the Court held applicable, and which are set forth in the 1958 Geneva Conference.

Continuing, Mr. Shavelson emphasized that the Decision of the Supreme Court in U. S. vs. California will not affect any existing leases issued by the State Lands Commission, nor will it affect the developments in the East Wilmington Field in the City of Long Beach. Mr. Shavelson further reported that a proposed decree had been received by the Office of the Attorney General from the United States and suggested modifications to that decree were being worked upon. He indicated that it could be anticipated that extensive dealings would be held with the United States in the matter of the decree's practical application.

Although it is the policy of both the United States and California to attempt to resolve any differences that exist without going back to the United States Supreme Court, it is not entirely improbable that at least on one or two issues further clarification from the Court may be necessary.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, THE FOLLOWING RESOLUTION WAS ADOPTED:

THE EXECUTIVE OFFICER IS AUTHORIZED TO EXECUTE AN INTERAGENCY AGREEMENT WITH THE DEPARTMENT OF JUSTICE PROVIDING FOR SERVICES OF THE ATTORNEY GENERAL IN THE ACTION UNITED STATES VS. CALIFORNIA, NO. 5, ORIGINAL, U. S. SUPREME COURT. SAID SERVICES ARE TO BE RENDERED DURING THE 1965-66 FISCAL YEAR AT A TOTAL COST NOT TO EXCEED \$175,000, PAYABLE FROM SUPPORT - STATE LANDS DIVISION.

Attachment

Calendar Item 17 (1 page)

17.

DEFENSE, UNITED STATES VS. CALIFORNIA, TIDE AND SUBMERGED LANDS - W.O. 4721.31.

At its meeting of March 28, 1963, the Commission adopted a motion authorizing and directing the Executive Officer to undertake full implementation of the defense of California's interest in Case No. 5, Original, in the United States Supreme Court, United States vs. California, relating to the location of the offshore boundaries between lands under the paramount jurisdiction of the United States and lands owned by the State.

Budget Item 148, Chapter 757/65 (Support State Lands Division) includes \$175,000 for costs of this litigation during the 1965-66 fiscal year.

It is proposed that an interagency agreement be entered into for the services of the Attorney General in litigating the location of these boundaries.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO EXECUTE AN INTERAGENCY AGREEMENT WITH THE DEPARTMENT OF JUSTICE PROVIDING FOR SERVICES OF THE ATTORNEY GENERAL IN THE ACTION UNITED STATES VS. CALIFORNIA, NO. 5, ORIGINAL, U. S. SUPREME COURT. SAID SERVICES ARE TO BE RENDERED DURING THE 1965-66 FISCAL YEAR AT A TOTAL COST NOT TO EXCEED \$175,000, PAYABLE FROM SUPPORT - STATE LANDS DIVISION.