

MINUTE ITEM

9/24/70  
FDU

28. AUTHORIZATION FOR EXECUTIVE OFFICER AND ATTORNEY GENERAL TO FILE CLAIM IN BANKRUPTCY TO RECOVER \$6100 EXPENDED BY THE COMMISSION TO STUDY METHODS AND ALTERNATIVES FOR REMOVAL OF VESSEL "LaJENELLE" FROM STATE-OWNED TIDE AND SUBMERGED LAND, VENTURA COUNTY, AND FOR THE ATTORNEY GENERAL TO JOIN THE COMMISSION AS A PARTY PLAINTIFF IN PEOPLE v. WESTERN STEAMSHIP COMPANY, AGENTS, INC., ET AL., SUPERIOR COURT CASE NO. 52625, VENTURA COUNTY - W-2880.31.

After consideration of Calendar Item 10 attached, and upon motion duly made and carried, the following resolution was adopted:

1. THE COMMISSION AUTHORIZES THE EXECUTIVE OFFICER AND THE ATTORNEY GENERAL TO FILE AN APPROPRIATE CLAIM IN THE CASE ENTITLED IN THE MATTER OF WESTERN STEAMSHIP COMPANY, AGENTS, INC., BANKRUPT, UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA, BANKRUPTCY NO. 9063-F, TO RECOVER ALL EXPENDITURES MADE BY THE COMMISSION IN OBTAINING FROM SMITH-RICE COMPANY AN ESTIMATE DETAILING THE BEST METHODS AND ANY FEASIBLE ALTERNATIVE FOR THE REMOVAL OF THE VESSEL "LaJENELLE"; AND
2. THE COMMISSION AUTHORIZES THE ATTORNEY GENERAL TO JOIN THE COMMISSION AS A PARTY PLAINTIFF IN THE CASE ENTITLED THE PEOPLE OF THE STATE OF CALIFORNIA v. WESTERN STEAMSHIP COMPANY, AGENTS, INC., ET AL., SUPERIOR COURT FOR THE COUNTY OF VENTURA NO. 52625, SEEKING ALL APPROPRIATE RELIEF IN THE BEACHING AND REMOVAL OF VESSEL "LaJENELLE" FROM STATE-OWNED TIDE AND SUBMERGED LANDS.

Attachment:

Calendar Item 10 (1 page)

CALENDAR ITEM

9/70  
W-2880.31  
FDU

10.

AUTHORIZATION FOR EXECUTIVE OFFICER AND ATTORNEY GENERAL TO FILE CLAIM IN BANKRUPTCY TO RECOVER \$6100 EXPENDED BY THE COMMISSION TO STUDY METHODS AND ALTERNATIVES FOR REMOVAL OF VESSEL "LaJENELLE" FROM STATE-OWNED TIDE AND SUBMERGED LAND, VENTURA COUNTY, AND FOR THE ATTORNEY GENERAL TO JOIN THE COMMISSION AS A PARTY PLAINTIFF IN PEOPLE v. WESTERN STEAMSHIP COMPANY, AGENTS, INC., ET AL., SUPERIOR COURT CASE NO. 52625, VENTURA COUNTY.

On April 13, 1970, the 467-foot passenger ship "La Jenelle" broke loose from its mooring two miles offshore from Port Hueneme and washed ashore adjacent to the entrance of Port Hueneme harbor on State-owned tide and submerged lands. At its June meeting, the Commission authorized the execution of a contract to furnish a report detailing the best methods and any feasible alternatives for removal of the vessel. At the July meeting, this authorization was amended to increase the maximum amount of the contract to \$6200. A bill for \$6100 was submitted by the contractor, and this sum has now been paid.

The owner of the ship at the time of the beaching, Western Steamship Company, Agents, Inc., is now in bankruptcy proceedings, United States District Court, Southern District of California, Bankruptcy No. 9063-F. The office of the Attorney General advises that the report obtained by the Commission is also of benefit to the owner and to the administration of the bankruptcy's estate, and recommends that an appropriate claim be filed against the estate with the court. The final date for filing claims is January 7, 1971.

On May 1, 1970, the Attorney General, acting for himself and then the California Regional Water Quality Control Board, Los Angeles Region, instituted an action against the owners of the vessel, and others, seeking to have the fuel oil on board removed, to have water pollution abated, and damages and penalties. People v. Western Steamship Company, Agents, Inc., et al., Ventura Superior Court Case No. 52625. The Attorney General advises that it also might be appropriate for the Commission to join this lawsuit as a party plaintiff seeking, by amendment of the complaint, damages and any appropriate relief in aid of removing the vessel from State-owned tide and submerged lands. The vessel has now been sold through the bankruptcy proceedings.

IT IS RECOMMENDED THAT:

1. THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER AND THE ATTORNEY GENERAL TO FILE AN APPROPRIATE CLAIM IN THE CASE ENTITLED IN THE MATTER OF WESTERN STEAMSHIP COMPANY, AGENTS, INC., BANKRUPT, UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA, BANKRUPTCY NO. 9063-F, TO RECOVER ALL EXPENDITURES MADE BY THE COMMISSION IN OBTAINING FROM SMITH-RICE COMPANY AN ESTIMATE DETAILING THE BEST METHODS AND ANY FEASIBLE ALTERNATIVE FOR THE REMOVAL OF THE VESSEL "LaJENELLE"; AND
2. THE COMMISSION AUTHORIZE THE ATTORNEY GENERAL TO JOIN THE COMMISSION AS A PARTY PLAINTIFF IN THE CASE ENTITLED THE PEOPLE OF THE STATE OF CALIFORNIA v. WESTERN STEAMSHIP COMPANY, AGENTS, INC., ET AL., SUPERIOR COURT FOR THE COUNTY OF VENTURA NO. 52625, SEEKING ALL APPROPRIATE RELIEF IN THE BEACHING AND REMOVAL OF VESSEL "LaJENELLE" FROM STATE-OWNED TIDE AND SUBMERGED LANDS.