

No. 134, Original

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IN THE  
Supreme Court of the United States

STATE OF NEW JERSEY,  
*Plaintiff,*

v.

STATE OF DELAWARE,  
*Defendant.*

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**DELAWARE’S PROPOSED FORM OF JUDGMENT**

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The Special Master having ruled on Delaware’s and New Jersey’s cross-motions for summary judgment, I hereby recommend that the Court issue the following decree:

It is now ORDERED, ADJUDGED, and DECREED as follows:

1. New Jersey’s request for relief is denied and its complaint is dismissed with prejudice.
2. Under the 1905 Compact and this Court’s decision in *New Jersey v. Delaware*, 291 U.S. 361 (1934), New Jersey lacks any jurisdiction within the twelve-mile circle to regulate proposed or existing improvements on Delaware lands, regardless of whether they originate in New Jersey; or to grant, lease, or convey Delaware lands. Accordingly, BP’s proposed Crown Landing facility is subject to regulation under the Delaware Coastal Zone Act.
3. New Jersey is enjoined within the twelve-mile circle from exercising any riparian jurisdiction beyond its border with Delaware and from granting, leasing, or conveying Delaware lands.
4. The parties shall share equally in the compensation of the Special Master and the costs incurred by him in the exercise of his duties.
5. The Court retains jurisdiction of this cause for the purpose of issuing any order or direction which it may at any time deem to be proper in order to carry into effect any of the provisions of this decree.