

# Marine Managed Areas: Best Practices for Boundary Making - Appendix B

## Provided by NOAA's Coastal Services Center

### Appendix B: Primer on Marine Boundaries

**Submerged Lands Act Line** – This line is also referred to as the state seaward boundary. The Submerged Lands Act of 1953 (title 43, *U.S. Code*, section 1301) grants most coastal states rights out to 3 nautical miles (9 nautical miles for Texas and the Gulf coast of Florida, as well as Puerto Rico). Submerged Lands Act boundaries between states and the U.S. are ambulatory unless they are fixed by a deliberate action of the U.S. Supreme Court, that is, by a decree “fixing” the boundary by coordinates.

**Revenue Sharing Line** – This line, also referred to as the Limit of ‘8(g) Zone,’ extends 3 nautical miles beyond the state seaward boundary, or the Submerged Lands Act line. Revenues generated from resources such as oil and gas within this area are shared between the federal government and the coastal state. Any Limit of ‘8(g) Zone’ line based on a fixed Submerged Lands Act line is by default also fixed. Note that the Submerged Lands Act and Limit of ‘8(g) Zone’ lines are unique to the U.S. In most other countries, offshore territory is controlled by the federal government.

**Territorial Sea** – The territorial sea, previously at 3 nautical miles, was extended to 12 nautical miles from the U.S. baseline by Presidential Proclamation 5928 in 1988, in accordance with the United Nations Convention on the Law of the Sea (UNCLOS). The U.S. claims sovereignty in this area from the airspace down through the water column and into the subsoil.

**Contiguous Zone** – Established by Presidential Proclamation 7219 in 1999, this area, which extends offshore in the area between 12 and 24 nautical miles from the U.S. baseline, grants the U.S. the “control necessary to prevent infringement of its customs, fiscal, immigration or sanitary laws, and regulations within its territory or territorial sea.”

**Exclusive Economic Zone** – Presidential Proclamation 5030 created the 200-nautical-mile exclusive economic zone (EEZ) in 1983. The EEZ of the U.S. is an area beyond and adjacent to the territorial sea of the U.S., or, for purposes of domestic fisheries laws, extending from the state seaward boundary. Within the EEZ, the U.S. has (a) sovereign rights for the purpose of exploring, exploiting, conserving, and managing natural resources, whether living and nonliving, of the seabed and subsoil and the superjacent waters, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents, and winds; (b) jurisdiction as provided for in international law with regard to the establishment and use of artificial islands, installations and structures, marine scientific research, and the protection and preservation of the marine environment, and (c) other rights and duties provided for under international law.

**Continental Shelf** – Under international law, the Continental Shelf is defined to include the seabed and subsoil beyond the continental margin out to a distance of 200 nautical miles from the baseline.

**Note:** The territorial sea, contiguous zone, and EEZ are measured from baseline points, which are established along the mean lower low water (MLLW) line and may include offshore rocks and islands. Part II, Article 5, of UNCLOS states that the baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on officially recognized, large-scale nautical charts. The term **low water** does not reference a specific tidal datum; however, the lowest charted datum in the U.S. is MLLW, and that is the tidal datum of reference for the baseline. The Submerged Lands Act and revenue sharing lines are also measured from the baseline as described under Article 5 of UNCLOS; however, some U.S. domestic policy exceptions may apply when defining the coastline under the Submerged Lands Act.

Also important is the fact that, with erosion and accretion, the coastline can move. When that happens, the baseline and associated boundaries will all move with it. Maritime boundaries established through treaties with neighboring foreign States are permanent and will not be affected by any change in the baseline. Finally, all these boundaries are in nautical miles. Other offshore boundaries include those for national parks, marine sanctuaries, and so on.

#### *Other Domestic Marine Boundaries*

**NOAA Three Nautical Mile Line** – The three nautical mile line, previously identified as the outer limit of the territorial sea, is retained on NOAA’s nautical charts because it continues to depict the jurisdictional limit of certain state and federal laws.

**NOAA National Marine Sanctuary** – The purpose of the Marine Protection, Research, and Sanctuaries Act of 1972 was to prevent “unregulated dumping of material into the oceans, coastal, and other waters” that endanger “human health, welfare, and amenities, and the marine environment, ecological systems and economic potentialities.” Within this law, the transportation and dumping of radioactive, chemical, or biological substances were forbidden. Title III of this act, later called the National Marine Sanctuaries Act (title 16, *U.S. Code*, sections 1431 and following), charged the secretary of commerce to identify, designate, and manage marine sites for their conservational, ecological, recreational, historical, aesthetic, scientific, or educational value within significant national ocean and Great Lake waters. The NOAA National Marine Sanctuary Program is the agency of responsibility for establishing sanctuary boundaries. Boundary developers should obtain official boundary coordinates and associated information from the sanctuary program.