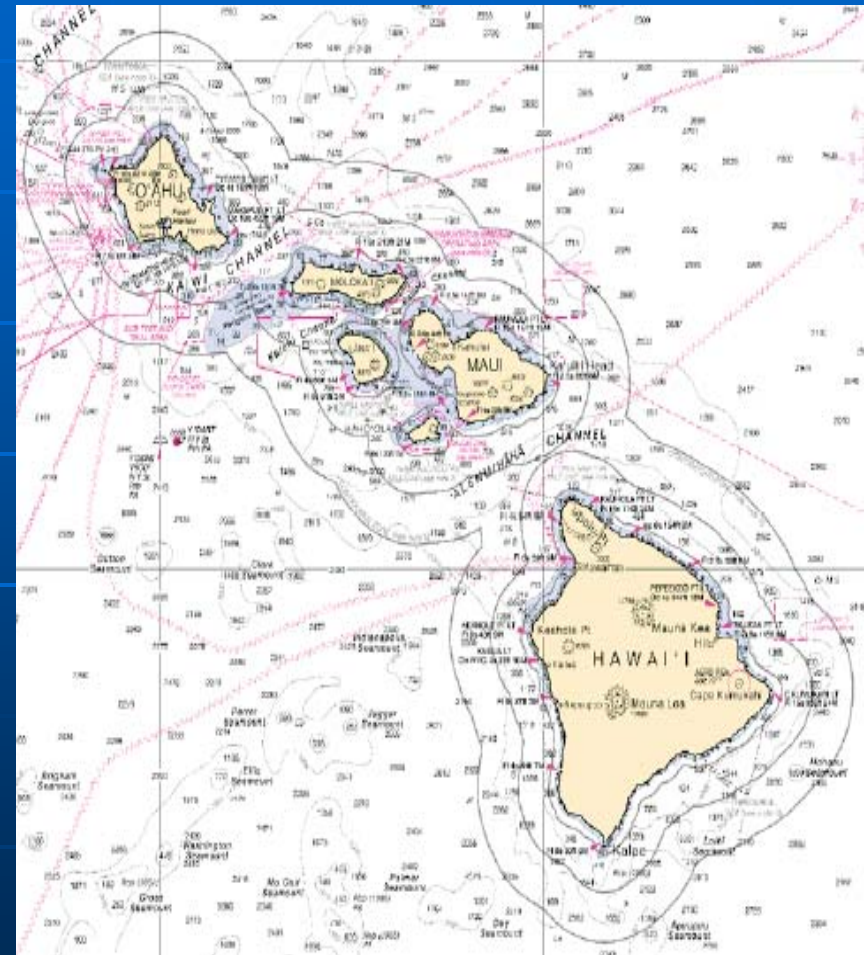


History of the Federal-State Boundary

What NOAA Charts Depict:

- “Old” Territorial Sea, federal law (3 mi.)
- “New” Territorial Sea, federal (12 mi.)
- Contiguous Zone, (24 mi.)
- Exclusive Economic Zone (200 mi.)





States Have Title to Lands Under “Navigable Waters”

Martin v. Waddell: 13 colonies succeeded to Crown's rights to submerged lands.

Pollard v. Hagan: Subsequently admitted states have same rights to submerged lands, under “equal footing” doctrine.

But Which “Navigable Waters”?



U.S. v. California

- "Conceding that the state has been authorized to exercise local police power functions in the part of the marginal belt within its declared boundaries, these do not detract from the Federal Government's paramount rights in and power over this area."

The Submerged Lands Act, 1953



Granted to States Under the SLA:

- Lands beneath navigable waters within the boundaries of the states, and the natural resources within such lands and waters (natural resources including oil/gas and all other minerals, as well as fish, clams, kelp, and other marine life but not including water power);
- The right to manage such lands and resources.

Not Granted Under the SLA:

- Federal installations/parcels (with accompanying resources) held by the federal government or later acquired from a state;
- Submerged lands held by the U.S. for a native American tribe;
- Structures of the United States necessary for navigational servitude
- In addition, the Act specifically retained for the United States the use and control of granted lands and waters for purposes of navigation, flood control, or production of power.

Baseline/Coastline to Measure States' SLA Boundary

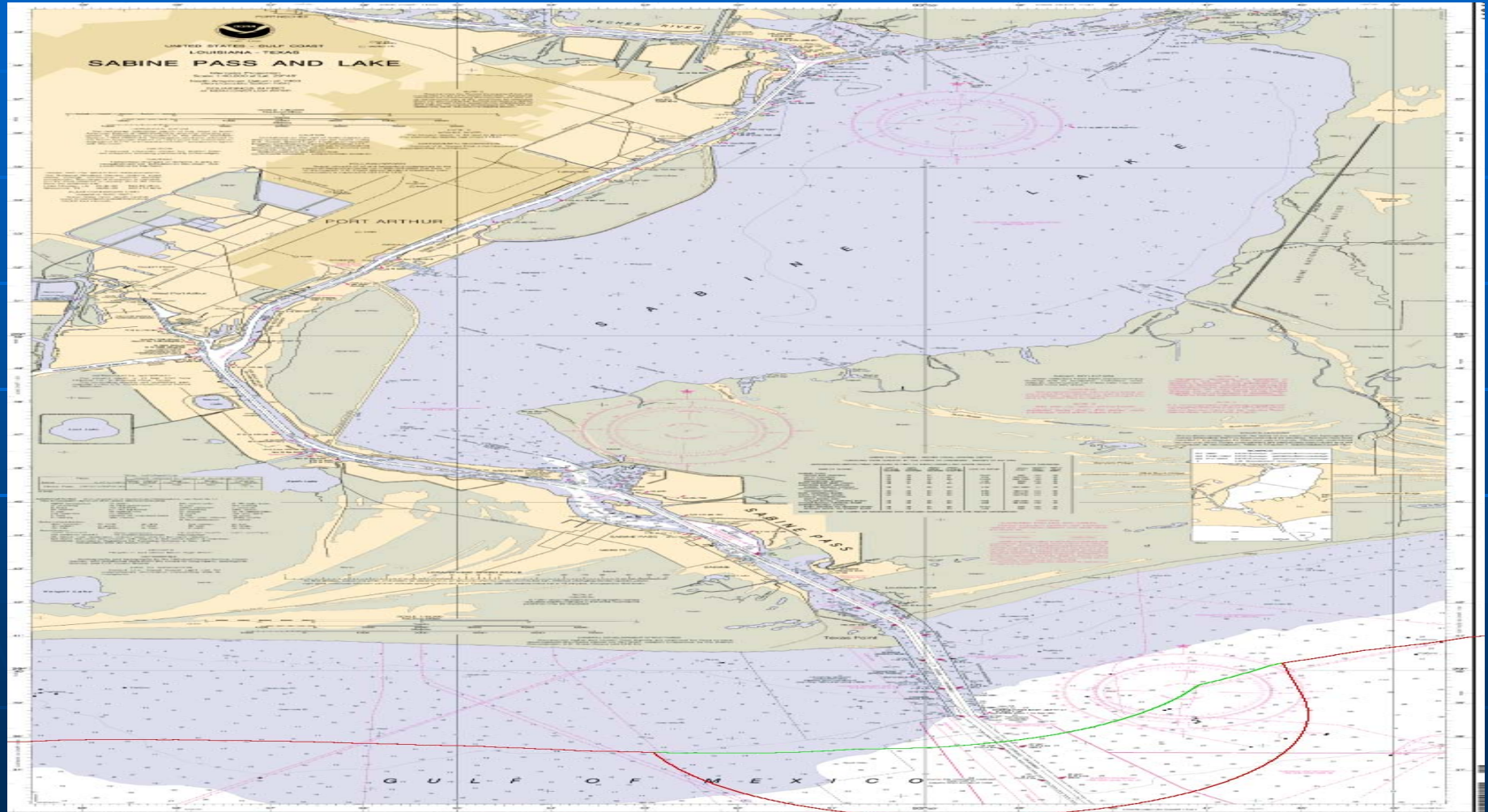
Seaward Boundary of state: "[a] line three geographical [nautical] miles distant from its coast line..."

Coast Line of state: "[t]he line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters" and mouths of inland water bodies.

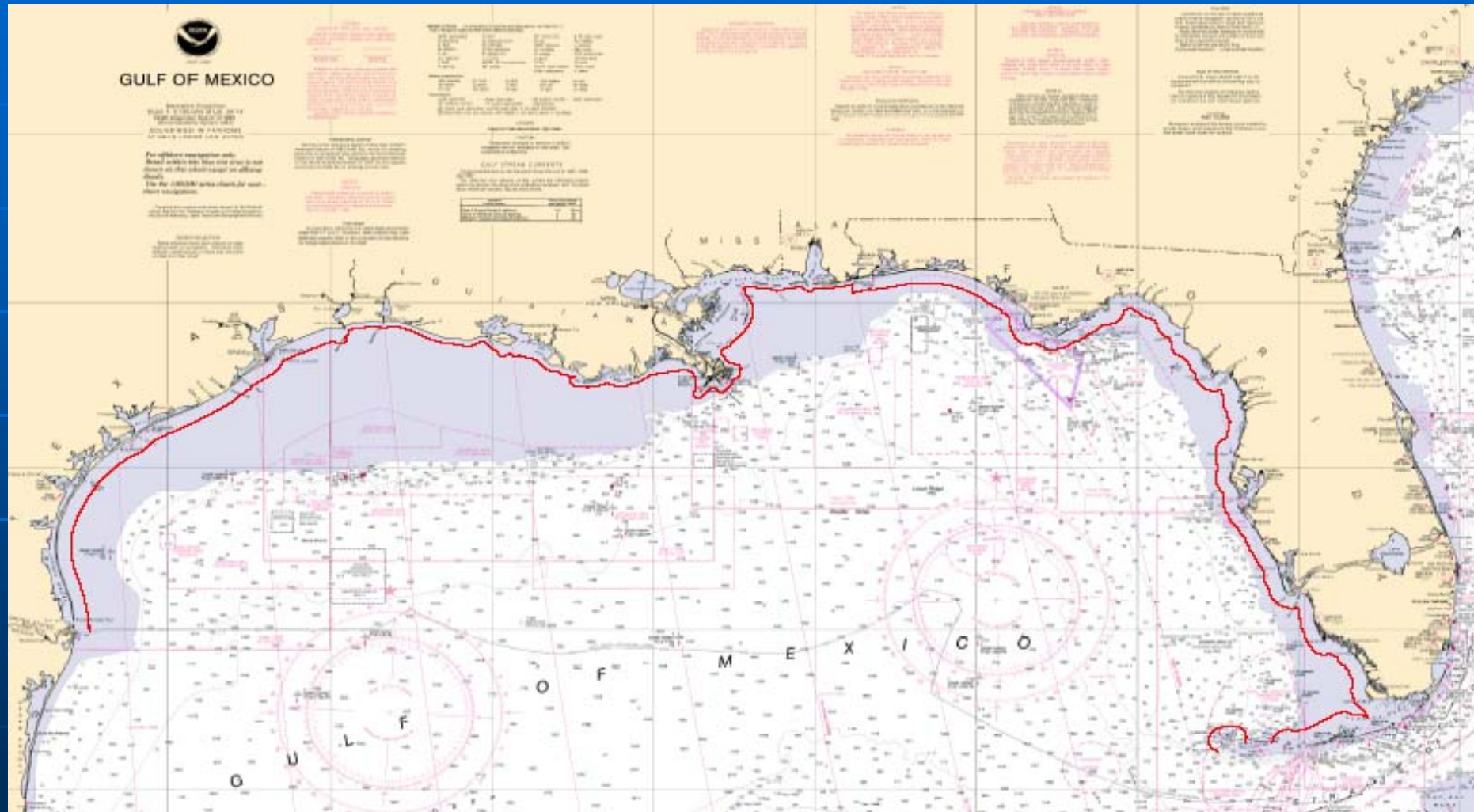
“Old” Territorial Sea Versus Seaward Limit of States



How the Boundaries Vary



The 9-Mile Boundary



Why Not Depict Both Lines?

- Chart Clutter
- Lines Would Run Concurrently Most of Time

Note X: Explanation to Mariners

"Within the 12-nautical mile Territorial Sea, established by Presidential Proclamation, some Federal laws apply. The Three Nautical Mile Line, previously identified as the outer limit of the territorial sea, is retained as it continues to depict the jurisdictional limit of the other laws. The 9-nautical mile Natural Resource Boundary off the Gulf coast of Florida, Texas, and Puerto Rico, and the Three Nautical Mile Line elsewhere remain in most cases the inner limit of Federal fisheries jurisdiction and the outer limit of the jurisdiction of the states. The 24-nautical mile Contiguous Zone and the 200-nautical mile Exclusive Economic Zone were established by Presidential Proclamation. Unless fixed by treaty or the U.S. Supreme Court, these maritime limits are subject to modification, as represented on future charts. The lines shown on the most recent chart edition take precedence."

Boundary Variation: Effects

