

“Developing Federal Maritime Zones: History and State of the Art”

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Ms. Westington first provided background for the maritime zones digital mapping project, which began in 2003. Essentially, NOAA evaluated all large scale nautical charts, examined the baseline, and redefined the U.S. maritime zones as set forth in under customary international law (United Nations Convention on the Law of the Sea). NOAA’s nautical charts contain the “official” depiction of the limits of U.S. national jurisdiction. Ms. Westington described the different jurisdictions projected from the U.S. baseline, including the 12 nautical mile territorial sea, the 24 nautical mile contiguous zone, and the 200 nautical mile exclusive economic zone (or EEZ). Ms. Westington also mentioned that NOAA charts a Three Nautical Mile Line, previously the outer limit of territorial sea until 1988 when the limit was expanded to 12 nautical miles. It is retained on nautical charts because there are some domestic laws that still reference a 3 nautical mile territorial sea. As background, basic terminology was addressed as follows: “Maritime boundaries” refer to lines between two opposite or adjacent coastal States or countries, and “maritime zones or limits” represent non-competing interests so the full breadth of each jurisdictional area is projected from the baseline.

The term EEZ was described in its international and domestic contexts. Internationally, the term references a zone that extends to 200 nautical miles and is contiguous to the territorial sea, whose outer limit is 12 nautical miles in the U.S. by Presidential Proclamation. Domestically, the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) references the term EEZ and defines it as a zone that extends to 200 nautical miles and is contiguous to the federal/state boundary.

In terms of establishing the outer limits of the maritime zones, the normal baseline (U.S.) derives from 1958 Convention on the Territorial Sea and Contiguous Zone as well as Article 5 in the 1982 Convention. According to Article 5, the baseline is the low water line along the coast marked on large-scale, officially recognized charts. Since the term low water does not represent a specific tidal datum, the U.S. interprets this article to reference the lowest charted datum, which is Mean Lower Low Water in the U.S. In 1970, U.S. Baseline Committee was formed as an inter-agency forum to discuss and make determinations on all questions relating to the official delimitation of the U.S. coastline. The Committee, which is chaired by the State Department, includes NOAA, Department of Interior/Minerals Management Service, and Department of Justice, NGA, U.S. Coast Guard, and others.

To evaluate the baseline, NOAA digitized relevant portions of the charted low water line from the largest scale, most recent edition nautical charts, including mouths of rivers and bays—which had to be defined, as follows:

- River: flows directly into sea; baseline is straight line across mouth
- Bay: area must be well marked indentation; area of bay must be greater than area of semi-circle whose diameter is a line drawn across mouth of indentation; line drawn across must not exceed 24 nautical miles in length

Other definitions were needed, as follows:

- Ports: permanent and integral part of harbor system; offshore installations and artificial islands not considered permanent harbor works; nor piers

- Low tide elevations, under Article 13: naturally formed features, above water at low tide and submerged at high tide

Other projects currently underway and areas of focus:

- Delimiting the territorial sea – the inner and outer limits
- Evaluating the charted baseline vs. the Submerged Lands Act coastline – how could they differ? (consider for example, rocks/jetties, storm changes)

All of this work is available for download and use in a GIS at two Websites:

<http://nauticalcharts.noaa.gov/csdl/mbound.htm>

<http://nauticalcharts.noaa.gov/csdl/eez.htm>