“Fixing” the Submerged Lands Act Boundary

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Esri Ocean GIS Forum
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* Fixing (permanently immobilizing) the Federal-State SLA Boundaries

* Benefits to fixing the SLA Boundary

* States where the SLA Boundary has already been fixed

* Fixing the SLA Boundary for the Commonwealth of Virginia: background, current status, next steps

* Update on North Carolina and South Carolina

* Fixing the SLA Boundary of Cook Inlet Planning Area, State of Alaska: background, current status, next steps
Official boundaries between State and Federal waters *can move over time* as changes in the coastline occur due to the natural processes (e.g., erosion).

SLA as amended allows for the SLA Boundaries of coastal states to be *permanently fixed (immobilized)* by way of a final decree from the Supreme Court of the United States (SCOTUS).

Boundaries must be described by coordinates in the decree.

Ambulations of the baseline *have no effect on a fixed SLA boundary*.

OCSLA Section 8(g) Zone Boundary also becomes fixed.
Benefits to Fixing the Submerged Lands Act Boundary

* Provide certainty to lessors, regulators, lessees, and operators, and avoid future submerged lands litigation.

* Assure continuity in contractual relationships and regulatory authority with regard to both offshore mineral and renewable energy development.

* Greater certainty as to the identity of the lessor to potential lessees. As long as the SLA boundary is ambulatory, today’s Federal lessee may find a portion of its lease within state jurisdiction tomorrow or a state lease subject to federal jurisdiction.

* Give certainty to revenue expectations of a State and the U.S. for energy projects. This includes Federal revenues that are shared with states under a formula that uses the SLA boundary.
The SLA Boundary has been fixed six times so far

- Louisiana (1981)
- Mississippi (1990)
- Alabama (1993)
- Texas (1998)
- Alaska - Beaufort Sea and Chukchi Sea (2000)
- California (2014)
9 nm - Texas
3 nm - Louisiana
3 nm Mississippi & Alabama
9 nm Florida (SLA bdry not fixed)
Texas - Louisiana
8(g) WRAP AROUND
RESTORED 2009

Area Type
- Within 3NM of Louisiana
- Within 3NM of Texas
- Within 3NM of Both States
- 8(g) Shared 50 / 50
- Federal Non-8(g)

MBB 4/23/2009
Florida – Alabama Section 8(g) Zone “Wrap Around”

Pensacola Official Protraction Diagram (OPD) 2014
Non-Ambulatory Federal/State Boundary in the Beaufort and Chukchi Seas

- Chukchi Sea
- Beaufort Sea
- National Petroleum Reserve - Alaska (NPR-A)
- Arctic National Wildlife Refuge (ANWR)
- Point Hope
- Wainwright
- Barrow
- Deadhorse
- Kaktovik

Federal/State Offshore Boundary fixed by Supreme Court Decree
Virginia signs *half of the 2009* Supplemental Official Block Diagrams (*SOBDs*) – December 10, 2009

BOEM sends letter to VA *requesting a meeting* to discuss fixing the SLA Boundary – June 17, 2014

BOEM/VA *Meeting in Richmond* – June 4, 2015

Virginia response letter: *desire to fix* – November 23, 2015

- Caveat: request to reconsider Chesapeake Bay closing line
2009 SOBDs (signed by VA—five total)

Salisbury Official Protraction Diagram (OPD)
Mouth of Chesapeake Bay

2009 SOBDs (signed by VA – two total)

2005 SOBDs (unsigned by VA – 66 total)

Chincoteague OPD – May 1, 2006
Mouth of Chesapeake Bay

2005 SOBDs (unsigned by VA – 22 total)

2009 SOBDs (unsigned by VA – seven total)
Mouth of Chesapeake Bay – Current Closing Line
Mouth of Chesapeake Bay – Closing Line Proposed by VA (green)
Mouth of Chesapeake Bay – Closing Line
Proposed by VA (green)
U.S. Baseline Committee

- **Created:** August 7, 1970

- **Purpose:** To provide an interagency forum to discuss and make determinations on all questions relating to the *official delimitation of the U.S. Coastline*

- Chaired by the Department of State with representatives from:
  - Department of Commerce (NOAA)
  - Department of Justice
  - Department of the Interior (BOEM, FWS)
  - Department of Homeland Security (USCG)
  - Department of Navy
  - Department of Defense (NGA)
  - Environmental Protection Agency (EPA)
  - Federal Communications Commission (FCC)
Fixing the SLA Boundary for the Commonwealth of Virginia

* Virginia *passes enabling legislation* – March 11, 2016

* BOEM *provides GIS data* to Virginia – May 26, 2016

* U.S. Baseline Committee *saw no justification* to move the closing line at the mouth of the Chesapeake Bay – June 21, 2016
National Baseline points reflected on Chart 12211 (41st Ed. - January 2003  1:80,000)
Approved by BC June 2004.
Fixing the SLA Boundary for the Commonwealth of Virginia

* BOEM and Virginia will be fixing on the SLA Boundary as shown on Supplemental Official Block Diagrams dated 2005 and 2009.

* Virginia *did not sign any* of the 2005 SOBDs (total of 88)

* Virginia *signed seven* of the 2009 SOBDs

* Virginia *did not sign seven* of the 2009 SOBDs
Fixing the SLA Boundary for the Commonwealth of Virginia


* Virginia requests that the *lateral boundaries* dividing VA with North Carolina and Maryland *be recognized* in the decree – July 27, 2016

* **BOEM revises the SOBDs** to reflect the lateral boundaries – October 2016

* **BOEM revises legal description** to reflect coordinates of lateral boundary / SLA boundary intersections – October 2016
Supplemental Official Block Diagram:
Block No. 6505

VA – NC lateral boundary
Intersection with SLA boundary
Official Block Diagram (OPD): Currituck Sound
Next Steps - Virginia

* VA signs unsigned SOBDs (95 total)

* SOL Office drafts petition to DOJ for Supplemental decree – SCOTUS jurisdiction under *U.S. v. Maine et al* No. 35 Original (1975)

* DOJ Review
North Carolina has not yet signed SOBDs (2005, 2007, 2009)

BOEM sends letter to NC requesting a meeting to discuss fixing the SLA Boundary – December 3, 2014

BOEM/NC Meeting in Raleigh – April 7, 2015

BOEM follow-up letter to NC asking for a decision by October 1, 2015

1998 Opinion of NC Deputy Attorney General: Fixing the SLA boundary would violate State constitution
* South Carolina *has not yet signed the SOBDs* (2007, 2009)

* BOEM sends letter to SC *requesting a meeting* to discuss fixing the SLA Boundary – December 3, 2014

* BOEM/SC Meeting in Charleston – March 26, 2015

* BOEM follow-up letter to SC *asking for a decision* by October 1, 2015
Fixing the SLA Boundary of Cook Inlet Planning Area – State of Alaska

* BOEM letter to Alaska, anticipating that 16 unsigned SOBDs will be signed – June 22, 2015

* Alaska response letter: desire to fix. AK signs all 16 remaining SOBDs – August 5, 2015

* BOEM informs Alaska about potential jurisdictional issues when using a Supreme Court decree to fix the Cook Inlet SLA Boundary – September 11, 2015

* BOEM/AK Meeting in Anchorage – September 29, 2015
  * Discussion focused on options to enable fixing the SLA boundary
Cook Inlet Planning Area
OPDs and Blocks – Cook Inlet Planning Area

SOBD date range: January 3, 1994 – May 30, 2006 (300 total)
Alternate closing lines (preferred by Alaska)
Supplemental Official OCS Block Diagram

Supplemental Official Block Diagrams – Mt. Katmai OPD

Signed by AK
August 5, 2015
(16 total)
Next Steps - Alaska

* BOEM and AK reach agreement on instrument to fix SLA Boundary (e.g. SCOTUS decree or agreement)

* Drafting of decree

* DOJ Review
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For further info on the California SLA boundary:
https://www.boem.gov/Fixing-California-SLA-Boundary/