



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**

NATIONAL OCEAN SERVICE

Office of Coast Survey

Silver Spring, Maryland 20910-3282

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CEPOA-RD  
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Dear Ms. Firstencel:

This letter is in regard to a U.S. Army Corps of Engineers' Public Notice (POA-2000-495-M3) for proposed work at Douglas Harbor in Gastineau Channel, Alaska and potential confusion over the precise location of the U.S. territorial sea in the absence of certain baseline features on NOAA's nautical charts. As further described below, NOAA's nautical charts, which are primarily used for navigation, are not the only source of information available for decision-making regarding the application of law.

NOAA conforms to decisions of the U.S. Baseline Committee with regard to the delimitation of the U.S. maritime zones as well as the designation of the U.S. baseline. The Committee, which is chaired by the U.S. Department of State, was formed in 1970 to answer questions about the exact location and nature of the U.S. baseline following U.S. ratification of the United Nations Convention on the Territorial Sea and Contiguous Zone. It established that NOAA's nautical charts contain the official depiction of the U.S. baseline as well as the U.S. maritime limits (territorial sea, contiguous zone, and exclusive economic zone). In accordance with customary international law, the U.S. baseline is the charted low water line and includes closing lines across entrances to legal bays and rivers. These closing lines serve to separate U.S. internal waters from the U.S. territorial sea. NOAA works closely with the Committee to ensure that its nautical charts accurately depict the U.S. baseline; however, with a legislative mandate to support safe commerce and transportation through U.S. waterways, NOAA typically depicts only those closing lines that impact the charted Three Nautical Mile Line, previously the U.S. territorial sea, due to concerns of chart clutter and obscuring critical information. In striking a balance between concerns of enforcement and chart clutter, some exceptions to NOAA's policy have been made in the past.

Gastineau Channel was initially designated as a juridical bay by the U.S. Baseline Committee at its meeting on May 23, 2001; however, it was not charted by NOAA because the specified closing line did not impact the charted Three Nautical Mile Line. On January 19, 2006, the Committee reaffirmed the closing line and made slight modifications to the headland coordinates based on a larger scale nautical chart. Relevant excerpts from the minutes of the January meeting are as follows:



17315\_1—Gastineau Channel and Taku Inlet with Bay Closing Lines (Taku Inlet, Gastineau Channel, Admiralty Cove, unnamed bay south of Admiralty Cove, 1 of 3 segments of Lynn Canal [*Outer Pt headland is drawn from this chart*]), 11/01/02, 23<sup>rd</sup> ed., 1:40,000

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120. Gastineau Channel (*length=1.202*)

58-12-18.14N 134-13-10.34W 17315\_1

58-11-52.00N 134-15-17.32W 17315\_1

Even though the Committee's approved closing line does not appear on NOAA's nautical charts, the U.S. considers Gastineau Channel as internal waters. If the U.S. Army Corps of Engineers is concerned with long-term confusion over the status of the waters within Gastineau Channel and wishes for NOAA to chart the closing line, please let me know. I can be reached at [Meredith.Westington@noaa.gov](mailto:Meredith.Westington@noaa.gov).

Sincerely,



Meredith Westington  
Chief Geographer  
NOAA/NOS/Office of Coast Survey

Cc: David Sullivan, DOS Office of the Legal Adviser for Oceans, Environment and Science  
Peter Oppenheimer, NOAA Office of General Counsel for International Law