

Table 1: Authorities Applicable to Activities that Directly Affect Cultural Resources in U.S. Lands/Waters and in The Area/High Seas

Authority	Provisions and Constraints Relevant to Cultural Heritage	Waters (U.N. Law of the Sea Convention)	U.S. Internal Waters (<0 nm baseline) (e.g., bays, estuaries)	U.S. State Waters (0 - 3 nm)*	U.S. Territorial Sea (0 - 12 nm)*	U.S. Contiguous Zone (12 - 24 nm)	U.S. EEZ (3 - 200 nm)	High Seas (beyond 200 nm EEZ)
		Submerged Lands (seabed)	U.S. State Submerged Lands (inland)	U.S. State Submerged Lands (0 - 3 nm)*	U.S. OCS (3 - 12 nm)*	U.S. OCS (3 - 200 nm)*	U.S. OCS (3 - 200 nm)*	"The Area" (beyond OCS and EEZ)
<p>* U.S. state waters and submerged lands typically extend seaward to 3 nm of their coastline, with the exception of Texas, Puerto Rico, and the Gulf Coast of Florida, which extend to 9 nm. A state's coastline and corresponding seaward boundary are generally ambulatory; however, the seaward limit can be fixed by U.S. Supreme Court decree.</p>								
<p>Abandoned Shipwreck Act of 1987 (43 USC 2101 <i>et seq.</i>)</p> <p>Abandoned Shipwreck Act Guidelines (55 FR 50116, 55 FR 51528, 56 FR 7875)</p>	<ul style="list-style-type: none"> Asserts federal title to three categories of abandoned shipwrecks in or on state submerged land, and transfers that title to the respective state or territory, except for shipwrecks on federal and Indian land that are the property of the federal and Indian land owners. Provides that the maritime law of salvage and the common law of finds do not apply to shipwrecks subject to the Act. Encourages states to provide all interest groups access to shipwrecks for recreation, education, tourism, biological sanctuaries, historical research, and appropriate public and private sector recovery. Encourages states to create underwater parks to protect shipwrecks. Encourages states to manage shipwrecks in accordance with the Act and its advisory guidelines. 	Applies to abandoned shipwrecks as defined in the ASA that are in state submerged lands.	Applies to abandoned shipwrecks as defined in the ASA that are in state submerged lands.	Not applicable outside the Submerged Lands of U.S. States and territories	Not applicable outside the Submerged Lands of U.S. States and territories	Not applicable outside the Submerged Lands of U.S. States and territories	Not applicable outside the Submerged Lands of U.S. States and territories	
<p>Antiquities Act of 1906 (16 USC 431 <i>et seq.</i>)</p> <p>43 CFR Part 3 36 CFR Part 79</p>	<ul style="list-style-type: none"> Protects historic and prehistoric ruins and monuments and objects of antiquity on federally owned or controlled land. Regulates scientific research through a permit system. Requires that recovered artifacts are deposited in qualified repositories accessible to the public. Establishes criminal sanctions imposed upon violators. Authorizes the creation of national monuments by Presidential proclamation. Largely superseded by the Archaeological Resources Protection Act in 1979 but still applies in Monuments and other Federal marine protected areas where lands are owned or controlled by the Federal Government. 	Applies in Monuments and other Federal MPAs where lands are owned or controlled by Federal Government	Applies in Monuments and other Federal MPAs where lands are owned or controlled by Federal Government	Applies in Monuments and other Federal MPAs where lands are owned or controlled by Federal Government	Applies in Monuments and other Federal MPAs where lands are owned or controlled by Federal Government	Applies in Monuments and other Federal MPAs where lands are owned or controlled by Federal Government	Not applicable in The Area or High Seas as they are beyond the control and jurisdiction of any nation	
<p>Archaeological Resources Protection Act of 1979 (16 USC 470aa <i>et seq.</i>)</p> <p>43 CFR Part 7 36 CFR Part 79, 296 32 CFR Part 229 18 CFR Part 1312</p>	<ul style="list-style-type: none"> Protects archeological resources at least 100 years of age and of archeological interest located on public lands (e.g., Department of the Interior marine protected areas) and Indian lands Regulates scientific research through a permit system. Requires that artifacts recovered from federal land remain federal property and are deposited in qualified repositories except for artifacts subject to the Native American Graves Protection and 	Applies to archaeological resources in internal waters that are on public lands and Indian lands	Applies to archaeological resources on state waters that are on public lands and Indian lands	Not applicable on the OCS.	Not applicable on the OCS.	Not applicable on the OCS.	Not applicable outside U.S., except Section 6(c), the trafficking provision, which has been applied in certain circumstances when archaeological resources looted	

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	<p>Repatriation Act of 1990 (25 USC 3001 <i>et seq.</i>).</p> <ul style="list-style-type: none"> Disposition of artifacts recovered from Indian lands is subject to the consent of the Indian landowner. Establishes criminal and civil penalties imposed on violators. Provides authority to withhold confidential information when deemed necessary to protect sites. Explicitly does not apply to the OCS (see "public lands" definition) 							outside the U.S. are then illicitly trafficked within the U.S.
<p>National Park Service Organic Act of 1916 (54 USC 100101 <i>et seq.</i>, formerly 16 USC 1 <i>et seq.</i>)</p> <p>36 CFR Parts 1, 2, 3, 7</p> <p>Cultural Resource Management Guideline, NPS-28</p>	<ul style="list-style-type: none"> Establishes the national park system for federal designation and management of lands and waters to conserve scenery, natural and historic objects, and wildlife, and to provide for the enjoyment of those resources in a manner that leaves them unimpaired for the enjoyment of future generations. About 40% of the 391 units of the national park system contain submerged lands with bottomlands typically owned by either the Federal or State Government. At least 62 park units contain SCR and at least another 45 units may contain SCR. About 59 park units contain state submerged land and another 32 units may contain state submerged land. 	Applies to cultural resources in national park units located in internal waters	Applies to cultural resources in national park units located in state waters	Not applicable	(there are no national park units in the Territorial Sea)	(there are no national park units in the Contiguous Zone)	(there are no national park units in the EEZ)	Not applicable outside the EEZ.
<p>Presidential Statement on United States Policy for the Protection of Sunken Warships (Jan. 19, 2001)</p> <p>Department of State Notice 4614: Protection of Sunken Warships, Military Aircraft and Other Sunken Government Property (69 FR 5647-5648) (includes policies of other nations)</p> <p>Sunken Military Craft Act (SMCA) (10 U.S.C. §</p>	<ul style="list-style-type: none"> Each nation has its own laws and rules relating to its sunken warships and other sovereign vessels. Typically, explicit procedures must be followed for a nation to formally abandon its sunken warships and other sovereign vessels or transfer title to another party. Under customary international law and U.S. Government policy, such vessels are considered to remain the property of the sovereign to which it belonged at the time of sinking regardless of its location or the passage of time since it sank. U.S. policy is clarified in the Presidential Statement issued on January 19, 2001. France, Germany, Japan, the Russian Federation, Spain, and the United Kingdom have advised the U.S. Government of their policies on this matter (see Department of State Public Notice 4614 issued on February 5, 2004). The Sunken Military Craft Act (SMCA) 	<p>Applies to sunken State craft of the US and other nations wherever located, including internal waters and submerged lands</p> <p>The SMCA applies to US and foreign sunken military craft located in U.S. waters, including internal waters and associated submerged lands</p>	<p>Applies to sunken State craft of the US and other nations wherever located, including in the Territorial Sea and associated submerged lands</p> <p>The SMCA applies to US and foreign sunken military craft located in U.S. waters, including State waters and associated submerged lands</p>	<p>Applies to sunken State craft of the US and other nations wherever located, including in the Territorial Sea and the associated Outer Continental Shelf</p> <p>The SMCA applies to US and foreign craft located in U.S. waters, including the Territorial Sea and the associated Outer Continental Shelf</p>	<p>Applies to sunken State craft of the US and other nations wherever located, including in the Contiguous Zone and the associated Outer Continental Shelf</p> <p>The SMCA applies to US and foreign craft located in U.S. waters, including the Contiguous Zone and the associated Outer Continental Shelf</p>	<p>Applies to sunken State craft of the US and other nations wherever located, including in the EEZ the associated Outer Continental Shelf</p> <p>The SMCA applies to US and foreign craft located in U.S. waters, including the EEZ and the associated Outer Continental Shelf</p>	<p>Applies to sunken State craft of the US and other nations wherever located, including in the High Seas and The Area</p> <p>The SMCA applies to US craft wherever located including the High Seas, The Area, and maritime zones of foreign nations.</p>	

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<p>* U.S. state waters and submerged lands typically extend seaward to 3 nm of their coastline, with the exception of Texas, Puerto Rico, and the Gulf Coast of Florida, which extend to 9 nm. A state's coastline and corresponding seaward boundary are generally ambulatory; however, the seaward limit can be fixed by U.S. Supreme Court decree.</p>								
<p>113 <i>et seq.</i> (Enacted as Title XIV of P.L. 108-375; 28 Oct 2004)</p> <p>32 CFR 767</p> <p>NOAA Navy Interagency Agreement</p>	<p>confirms that sunken U.S. military craft are sovereign property of the United States regardless of their location or the passage of time.</p> <ul style="list-style-type: none"> The U.S. Navy, Army, Air Force, and the Department under which the U.S. Coast Guard operates are all authorized by the SMCA to issue regulations for permitting activities directed at sunken military craft under their purview. 							
<p>1986 RMS <i>Titanic</i> Maritime Memorial Act (16 USC 450rr)</p> <p>Agreement Concerning the Shipwrecked Vessel RMS <i>Titanic</i> (Signatories: UK 2003, US 2004)</p> <p>Guidelines for Research, Exploration and Salvage of RMS <i>Titanic</i> (66 FR 18905, 65 FR 35326)</p> <p>International Maritime Organization (IMO) Circular on RMS <i>Titanic</i> Maritime Memorial (MEPC.1/Circ.779, Jan. 31, 2012)</p> <p>Consolidated Appropriations Act, 2017 (Public Law 115-31) Section 113</p>	<ul style="list-style-type: none"> 1986 Act encourages the US Department of State, in consultation with NOAA, to negotiate an international agreement with the United Kingdom, France, Canada, and other interested nations to recognize RMS <i>Titanic</i> as an international maritime memorial, protect it from unscientific salvage and preserve its cultural, and historical significance. It also encourages NOAA in consultation with DOS and others to develop guidelines for the conduct of research, exploration, and, if appropriate, salvage of the RMS <i>Titanic</i>. The IMO Circular on <i>Titanic</i>, issued in response to a request from NOAA, the U.S. National Park Service, the U.S. Coast Guard, strongly recommends that vessels take a number of protective measures when operating within 10 nm or 15 nm up-current of specified coordinates surrounding the wreck. These measures include refraining from discharge garbage, blackwater, and other discharges, where to drop ballast and what type of ballast materials should be used, refrain from installing or placing plaques, fixtures, etc. on the wreck, and complying with existing IMO standards. Section 113 of the Consolidated Appropriations Act, 2017, prohibits any person from conducting "any research, exploration, salvage, or other activity that would physically alter or disturb the wreck or wreck site of the RMS <i>Titanic</i> unless authorized by the Secretary of Commerce per the provisions of the Agreement 	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	<p>The 1986 Act, Agreement, Guidelines, and 2017 Act apply to <i>Titanic</i>, her cargo and other contents, including those items which are scattered on the ocean floor in her vicinity, and any portions of the hull</p> <p>IMO Circular includes measures for vessels to take when operating within 10 nm or within 15 nm up-current of specified coordinates surrounding the wreck.</p>	

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	<p>Concerning the Shipwrecked Vessel RMS Titanic. The Secretary of Commerce shall take appropriate actions to carry out this section consistent with the Agreement.”</p> <ul style="list-style-type: none"> Under Article 4 of the Agreement, each party is to take “appropriate actions” to enforce measures taken pursuant to the Agreement against it nationals and vessels flying its flag and to prohibit activities in its territory including its maritime ports, territorial sea, and offshore terminals, that are inconsistent with the Agreement. 							

Table 2: Authorities Applicable to Activities that May Indirectly Affect Cultural Resources in U.S. Lands/Waters and in The Area/High Seas

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<p>Coastal Zone Management Act (16 USC 1451 et seq.)</p> <p>15 CFR Parts 923, 930</p>	<ul style="list-style-type: none"> Encourages U.S. coastal states and territories to manage their coastal zones consistent with federal CZMA standards. Provides grants to states that develop and implement federally approved coastal management programs. For states that identify cultural heritage as state resources, the grants and plans may be used for their management such as the designation of shipwrecks as areas of particular concern. States with federally approved coastal management programs may review federal actions that have reasonably foreseeable effects on any coastal use or resource of the state's coastal zone. Such federal action must be consistent with the enforceable policies of the state's coastal management program. 	Applies to cultural heritage in or on State submerged lands and internal waters provided they are within the boundaries of state coastal zone and identified as state resources	Applies to cultural heritage in or on State submerged lands and Territorial Sea provided they are within the boundaries of state coastal zone and identified as State resources	Not applicable except that Federal Consistency may be triggered if the Federal actions may have reasonably foreseeable effects on coastal uses or resource(s) of the State's coastal zone, including cultural resources	Not applicable except that Federal Consistency may be triggered if the Federal actions may have reasonably foreseeable effects on coastal uses or resource(s) of the State's coastal zone, including cultural resources	Not applicable except that Federal Consistency may be triggered if the Federal actions may have reasonably foreseeable effects on coastal uses or resource(s) of the State's coastal zone, including cultural resources	Not applicable except that Federal Consistency may be triggered if the Federal actions may have reasonably foreseeable effects on coastal uses or resource(s) of the State's coastal zone, including cultural resources	Not applicable except the OCS and EEZ
<p>National Environmental Policy Act of 1969 (42 USC 4321 et seq.)</p> <p>40 CFR Parts 1500-1508</p>	<ul style="list-style-type: none"> Requires federal agencies to include in their decision-making processes appropriate and careful consideration of all environmental effects of proposed actions, analyze potential environmental effects of proposed actions and their alternatives, avoid or minimize adverse effects of proposed actions, and restore and enhance environmental quality to the extent practicable. 	Applies to major federal actions on State submerged lands and internal waters	Applies to major federal actions on State submerged lands and Territorial Sea	Applies to major federal actions on the outer continental shelf and in the Territorial Sea	Applies to major federal actions on the outer continental shelf and in the Contiguous Zone	Applies to major federal actions in the EEZ that significantly affect the environment including cultural resources	Executive Order 12114, Environ mental Effects Abroad of Major Federal Actions , may apply in high seas and Area	
<p>National Historic Preservation Act of 1966 (NHPA) (16 USC 470 et seq.)</p> <p>36 CFR Parts 60, 61, 63, 65, 73, 78, 79, 800</p> <p>Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation</p> <p>ACHP Guidance: Working with §106</p>	<ul style="list-style-type: none"> Establishes the National Register of Historic Places (NRHP) composed of districts, sites, buildings, structures and objects significant in American history, architecture, archeology, engineering and culture (which generally requires that properties are 50 years of age or older). Requires federal agencies to implement comprehensive historic preservation programs. Assists states, territories, local governments, and Indian tribes in implementing comprehensive historic preservation programs. Requires federal agencies to consider the effects of proposed federal, federally assisted or federally licensed projects on properties that meet the NRHP 	Applies to federal undertakings in internal waters that affect historic properties including SCR that are listed or eligible for the NRHP	Applies to federal undertakings in the Territorial Sea that affect historic properties including SCR that are listed or eligible for the NRHP	Applies to federal undertakings in the Territorial Sea that affect historic properties including SCR that are listed or eligible for the NRHP	Applies to federal undertakings in the Contiguous Zone that affect historic properties including SCR that are listed or eligible for the NRHP	Applies to federal undertakings in the EEZ that affect historic properties including SCR that are listed or eligible for the NRHP	Application in The Area is determined by the legislation authorizing the federal undertaking. Note: Section 402 NHPA applies in foreign countries, World Heritage Sites and listing of cultural heritage sites in other countries akin to the NRHP	

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	<p>criteria.</p> <ul style="list-style-type: none"> Provides authority to withhold confidential information when deemed necessary to protect properties. 							
<p>Rivers and Harbors Act of 1899 (33 USC 401 et seq.)</p> <p>33 CFR Parts 325, 330</p>	<ul style="list-style-type: none"> Regulates dredge and fill activities in navigable waters through a permit system that may include conditions to protect or mitigate damage to cultural resources that meet the criteria for listing on the National Register of Historic Places. 	<p>Applies in internal navigable waters to dredge and fill activities, including those that may affect SCR</p>	<p>Applies in the Territorial Sea to dredge and fill activities, including those that may affect SCR</p>	<p>Applies in the Territorial Sea to dredge and fill activities, including those that may affect SCR</p>	<p>Was determined applicable in Bright Bank case exploring enforcement action against treasure hunters who used a drilling rig on Outer Continental Shelf</p>	<p>Was determined applicable in Bright Bank case exploring enforcement action against treasure hunters who used a drilling rig on Outer Continental Shelf</p>	<p>Not applicable outside the EEZ and Outer Continental Shelf</p>	
<p>Laws and rules of U.S. states (including territories and possessions of the United States) on public property, antiquities, and shipwrecks</p>	<ul style="list-style-type: none"> Each state has its own laws and rules relating to its public property, antiquities, and shipwrecks in or on its lands and submerged lands. While all coastal states have shipwrecks in their waters, only about half the states have legislation or programs that specifically address some aspect of SCR and only nine states have full-time programs dedicated to SCR. Typically, multiple agencies are given responsibilities, with a marine resources or submerged lands agency often having primary authority and the historic preservation agency serving as a technical advisor. About 22 states allow commercial salvage of historic shipwrecks although most do not allow it within state underwater parks and preserves and some do not allow it on properties listed or eligible for the NRHP. 	<p>Applies to SCR in internal waters that are on state owned land</p>	<p>Applies to SCR from 0 - 3 nm (with exceptions) in the Territorial Sea that are on state owned land</p>	<p>Not applicable</p>	<p>Not applicable</p>	<p>Not applicable</p>	<p>Not applicable</p>	
<p>Admiralty Jurisdiction and the Maritime Law of Salvage</p>	<ul style="list-style-type: none"> Provides authority for salvage awards to persons who rescue vessels in marine peril and return the vessels or their cargo to the stream of commerce. By federal courts in Admiralty Jurisdiction Art 3.2 Constitution Designed for application to recent maritime casualties but applied to SCR. Lacks uniform requirement to comply with archeological standards or consider the historical importance of the SCR. 	<p>May apply to SCR in internal waters that if SCR is not subject to the Abandoned Shipwreck Act, Archeological Resources Protection Act, Antiquities Act, Sunken Military Craft Act or National Marine Sanctuaries Act.</p>	<p>May apply to SCR in State submerged lands and waters if SCR is not subject to the Abandoned Shipwreck Act, Archeological Resources Protection Act, Antiquities Act, Sunken Military Craft Act or</p>	<p>May apply to SCR in Territorial Sea if SCR is not subject to the Antiquities Act, Sunken Military Craft Act or National Marine Sanctuaries Act.</p>	<p>May apply to SCR in Contiguous Zone and the Outer Continental Shelf if SCR is not subject to the Antiquities Act, Sunken Military Craft Act or National Marine Sanctuaries Act.</p>	<p>May apply to SCR in EEZ and the Outer Continental Shelf if SCR is not subject to the Antiquities Act, Sunken Military Craft Act or National Marine Sanctuaries Act.</p>	<p>May apply to SCR in high seas and The Area if SCR is not subject to the Sunken Military Craft Act.</p>	

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