

1982 WL 189080 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 16, 1982

*1 James A. Timmerman, Jr.
Executive Director
Department of Wildlife and Marine Resources
Rembert C. Dennis Building
Columbia, South Carolina 29201

Dear Dr. Timmerman:

You have requested an opinion as to how far seaward the State's shrimping laws may be enforced. The question has arisen because present NOAA Charts use a different method for determining the three-mile limit than had previously been used. In general, the line as drawn on the newer maps expands the territorial waters of South Carolina so that areas formerly thought not to be within the state are now depicted as state waters.

The statute which defines zones for shrimping purposes is § 50-17-1590, as amended in 1976. The seaward boundary of each of the three zones is described as extending "to the three-mile territorial limit" or "to the three-mile limit."

The right of the states to extend their jurisdictions to the three-mile seaward limit stems from a Congressional grant of this territory in 1953. [43 U.S.C. § 1312](#) provides in part that "the seaward boundary of each original coastal state is approved and confirmed as a line three geographical miles distant from its coast line...."

It is apparent that by enacting § 50-17-1590, the General Assembly intended to extend enforcement of the state's shrimping laws to the limit of the three-mile boundary. The only practical limitation on the location of three-mile limit line is the extent of the claim of the United States Government. Thus, to the extent that maps prepared by the U.S. Government indicate a line which puts certain areas within the State's territorial waters, there is no question that those lands may properly be considered state lands and within the legislative intent expressed in § 50-17-1590. Accordingly, it is the opinion of this office that for purposes of § 50-17-1590, the three-mile territorial limit should be regarded as extending at least as far as the line depicting it on present NOAA coast charts.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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