

Inland Litigation Under the Outer Continental Shelf Lands Act

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For the first 50 years of offshore oil and gas development, coastal states exercised exclusive jurisdiction over their adjacent seabed. But as deposits proved to be significant, the federal-state dispute over control of these “tidelands” became a “question of major importance.” In *United States v. California* (1947), the U.S. Supreme Court entered the fray, declaring that “the Federal Government rather than the state has paramount rights” in the tidelands and “full dominion over the resources of the soil under that water area, including oil.” This “effectively eviscerated coastal states’ claims to ownership of offshore resources.”

Congress responded in 1953 by passing a pair of laws to clarify state-federal control of those offshore oil and gas resources. First, Congress granted title to the three-mile coastal belt of submerged lands back to the states under the Submerged Lands Act. Second, with the *41 Outer Continental Shelf Lands Act (OCSLA), Congress claimed federal control over the remaining “subsoil and seabed” that surrounds the United States.

This federally controlled area—the Outer Continental Shelf—is made up of more than 1.7 billion subsea acres and generally extends seaward up to 200 nautical miles from the U.S. coast. And under OCSLA, Congress expressed the “urgent need” to explore and develop the Outer Continental Shelf’s “vast resources,” including its oil and gas deposits.

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