

Submerged Lands Act

Agencies: Agencies of several U.S. coastal states

Citation: [43 U.S.C. §§ 1301 et seq.](#)

Enacted as: “Submerged Lands Act”, on May 22, 1953

Where Law Applies: Navigable waters, and lands beneath, within the boundaries of the respective coastal states out to 3 nautical miles from its coast line (3 marine leagues for Texas and the Gulf coast of Florida; to the international boundaries of the U.S. in the Great Lakes or other waters traversed by such boundaries). The term “coast line” is “the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters.” ([43 U.S.C. § 1301\(c\)](#)). Submerged Lands Act boundaries between coastal states and the U.S. are not fixed unless done so by a deliberate action of the U.S. Supreme Court (i.e., by a decree “fixing” the boundary by coordinates). The Submerged Lands Act Boundary (also known as the State Seaward Boundary or Fed-State Boundary) defines the seaward limit of a state’s submerged lands and the landward boundary of federally managed outer Continental Shelf lands.

Summary of the Law:

The Submerged Lands Act (SLA) ([43 U.S.C. §§ 1301 et seq.](#)) grants coastal states title to natural resources located within their coastal submerged lands out to three miles from their coastlines (three marine leagues for Texas and Florida’s Gulf of Mexico coastlines). The SLA defines “natural resources” to include oil, gas, and all other minerals, and fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine animal and plant life,” yet expressly excludes “water power, or the use of water for the production of power.” 43 U.S.C. § 1301(e). Title II addresses the rights and claims by the states to the lands and resources beneath navigable waters within their historic boundaries and provides for their development by the states. Title III preserves the control of the seabed and resources therein of the outer Continental Shelf beyond state boundaries and to the federal government and authorizes leasing by the Secretary of the Interior in accordance with certain specified terms and conditions.

Source: Bureau of Ocean and Energy Management, [Submerged Lands Act](#) (last visited July 25, 2013).

Legislative History:

Until 1937, coastal states controlled the seabed without dispute by the federal government. However, in that year, an unsuccessful effort was made to convince Congress to establish federal ownership over the seabed out to three miles from the coastline. (Aaron Shalowitz and Michael W. Reed, [Shore and Sea Boundaries](#) (1962-2000)). In 1945, the federal government brought a lawsuit against the state of California in the U.S. Supreme Court, *United States v. California*, [332 U.S. 19 \(1947\)](#), to determine which government owns or has paramount rights to the submerged lands within three miles of California’s coast, thereby also having a superior right to the oil and

gas below the land. The Supreme Court found that California did not own the seabed, but declined to explicitly acknowledge that the federal government owned those lands. (Corbitt, at 756). The Court reasoned that the federal government should prevail in the case because its responsibility for national security through the defense of the seas and for conducting foreign relations outweighed the interests of individual states. (*Id.*) In 1950, the U.S. Supreme Court discouraged Louisiana and Texas in a similar fashion, again on the basis of federal responsibilities of national interest. (*Id.*) In response to the litigation, Congress passed three bills to give coastal states partial ownership of the seabed. President Truman vetoed two of the bills (H.R.J. Res. 225, 79th Cong., 1st Sess. (1946) and S.J. Res. 20, 82d Cong., 2d Sess. (1952)), but President Eisenhower signed into law the third bill in 1953, known as the SLA. (*Id.*, at 757). This successful bill was intended to reverse the decisions of the Supreme Court and granted coastal states title to the seabed out to three miles from states' coastlines. (*Id.*) Each Gulf coast state could claim up to three marine leagues if its boundary extended that far when admitted as a state; the federal government sued the five Gulf coast states to limit the claims to three miles, but the Supreme Court extended the claim for Florida and Texas to three marine leagues. (*Id.*) The SLA was upheld in 1954 by the U.S. Supreme Court (*Alabama v. Texas*, [347 U.S. 272 \(1954\)](#)), emphasizing that Congress could relinquish to the states the federal government's property rights over the submerged lands without interfering with U.S. national sovereign interests.

Source: Bureau of Ocean and Energy Management, [Submerged Lands Act](#) (last visited July 25, 2013); James W. Corbitt, Jr., [The Federal-State Offshore Oil Dispute](#), 11 Wm. & Mary L. Rev. 755 (1970).

Cases:

- *Cobb Coin Co. v. Unidentified, Wrecked & Abandoned Sailing Vessel*, [549 F. Supp. 540 \(S.D. Fla. 1982\)](#). (See case summary).
- *Treasure Salvors, Inc. v. Unidentified, Wrecked & Abandoned Vessel*, [569 F.2d 330 \(5th Cir. 1978\)](#), modifying [408 F. Supp. 907 \(S.D. Fla. 1976\)](#). (See [case summary](#)).

Law Articles:

Donna R. Christie, *State Historic Interests in the Marginal Seas*, 2 Terr. Sea J. 151 (1992).

- This Article reviews the historical basis for assertion of state interests in the marginal seas and assesses the continuing vitality of state powers beyond their territorial limits.

Janet L. Dolgin, *A Jurisprudential Problem in the Submerged Lands Cases: International Law in a Domestic Dispute*, 90 Yale L. J. 1651 (1980-1981).

- This Note challenges the wisdom of the United States's application of international law to the domestic controversy of federal and state ownership of submerged lands adjacent to the United States coast.

Aaron L. Shalowitz, *Boundary Problems Raised by the Submerged Lands Act*, 54 Colum. L. Rev. 1021 (1954).

- Written shortly after the passage of the SLA, this article discusses potential issues that may arise under the SLA with regards to lands under the open sea.

Additional References:

Aaron Shalowitz and Michael W. Reed, Shore and Sea Boundaries. This volume is out of print but may be downloaded [here](#).

- This three-volume publication summarizes the technical and legal aspects of determining maritime boundaries in the U.S.
 - Volume One (1962): Addresses boundary aspects of the Submerged Lands Cases, the subsequent Submerged Lands Act of 1953, and the maritime boundary developments of the U.N. Conferences on Law of the Sea.
 - Volume Two (1964): Concerns the use and interpretation of Coast and Geodetic Survey data, particularly the early surveys and charts, with special emphasis on those features and aspects that have legal significance.
 - Volume Three (2000): Documents U.S. Supreme Court decisions and the resulting legal principles that have occurred since the publication of the earlier volumes.