

Public Law 85-303

AN ACT

To grant to the Territory of Alaska title to certain lands beneath tidal waters, and for other purposes.

September 7, 1957
[H. R. 6760]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act—

Alaska.
Offshore lands.

(a) The term "natural resources" includes, without limiting the generality thereof, oil, gas, and all other minerals, but does not include fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine animal and plant life, or waterpower, or the use of water for the production of power; and

"Natural resources".

(b) The term "pierhead line" means a pierhead line established, now or in the future, by the Corps of Engineers of the Department of the Army: *Provided*, That the pierhead line shall be a line parallel to the existing line of mean low tide at such distance offshore from the line of mean low tide that said pierhead line shall encompass, to the landward, all stationary, manmade structures (but shall not encompass any part of breakwaters, bridges, or piers used for vessel dockage which part extends beyond such a parallel line marking the seaward extremity of other manmade structures) which were in existence as of February 1, 1957, to the seaward of the particular townsite for which the pierhead line is being established, and shall encompass no more: *And provided further*, That the determination of the location of a pierhead line by the Corps of Engineers shall be conclusive.

"Pierhead line".

SEC. 2. (a) Except as provided in section 3, there is granted to the Territory of Alaska (hereinafter called the "Territory") all the right, title, and interest of the United States in and to all lands within the Territory of Alaska, including improvements thereon and natural resources thereof, lying offshore of surveyed townsites in the Territory, between the line of mean high tide and the pierhead line. For the purposes of this Act, the term "line of mean high tide" shall mean the meander line as heretofore established by Government survey, or, in the event that such a survey has not been made, the present line of mean high tide. Upon the acceptance by the Secretary of the Interior (hereinafter called the "Secretary") at any future time of the survey of any other townsite in the Territory, all the right, title, and interest of the United States in and to the lands, including improvements thereon and natural resources thereof, lying offshore of that surveyed townsite, between the line of mean high tide and the pierhead line, shall pass to the Territory, in the same manner and subject to the same conditions as set forth in this Act for lands lying offshore of townsites which are now surveyed.

Grant of U. S. title, etc.

"Line of mean high tide".

(b) The Territory may manage and dispose of any tract of land acquired by it under subsection (a) of this section, and of any revenues or proceeds therefrom, in such manner as the legislature of the Territory may direct, except that in the disposition, by sale, lease, or otherwise, of any tract which is occupied or developed for municipal, business, residential, or other beneficial purposes on the date of approval of this Act, the Territory shall afford a preference right to the occupant thereof on the date of approval of this Act, or his successor in interest, or, if the Territory deems it more advisable, shall dispose of the tract to the incorporated town or independent school district to which it is adjacent. If such an occupied or developed tract is conveyed to an incorporated town or school district, the town or district shall, in its disposition of the tract, afford a similar prefer-

Management and disposal.

ence right to the occupant of the tract. Where the tract is occupied by a person other than the owner of the improvements thereon, the owner of the improvements shall, for the purposes of this subsection, be considered the occupant of the tract: *Provided*, That all oil, gas, or other minerals shall be reserved to the Territory in the event that any part or all of said granted lands are sold or disposed of to a political subdivision or to any other person or organization, such minerals to be subject to exploitation under mineral lease from the Territory only.

Restrictions.

(c) The Territory shall not be authorized to manage or dispose of any tract of land granted to the Territory under this Act until the Secretary of the Army has submitted to the Secretary of the Interior and the Governor of the Territory maps showing the pierhead line established by the Corps of Engineers with respect to the tract so granted.

(d) Nothing in this Act shall affect the use, development, improvement, or control by or under the constitutional authority of the United States of such lands and waters for the purposes of navigation or flood control or the production of power, or be construed as the release or relinquishment of any rights of the United States arising under the constitutional authority of Congress to regulate or improve navigation, or to provide for flood control, or the production of power.

**Submerged lands
Act, effect.**

43 USC 1301.

SEC. 3. Any lands which are (1) within the purview of section 2 (a) of this Act, and (2) situated to the seaward of the "coastline" as that term is defined in section 2 (c) of the Submerged Lands Act of 1953 (67 Stat. 29), shall be subject to the said Submerged Lands Act and, as to such lands, the Territory shall have equal title, right, and interest as is accorded to States which are subject to that Act in relation to their similar lands; all other lands which come within the purview of section 2 (a) of this Act shall be subject to the provisions of this Act. There are excepted from the operation of the first sentence of this section and the operation of subsection (a) of section 2 of this Act—

Exceptions.

(a) all tracts or parcels of land together with all accretions thereto, resources therein, or improvements thereon, title to which has been lawfully and expressly acquired by the United States from the Territory of Alaska or from any party in whom title has vested under the laws applicable to the Territory, or the law of the United States, all lands expressly retained by or ceded to the United States, all lands acquired by the United States by gift or by proceedings under eminent domain, all lands filled in, built up, or otherwise reclaimed by the United States for its own use as long as so used, and any rights the United States has in lands presently and actually occupied by the United States under claim of rights;

(b) the lands underlying war housing project ALASKA-50083 located in Juneau, Alaska, together with such easements in, over, through, and upon the adjacent tidal flats as may be necessary to continue the existing main sewer line to deep water;

(c) any land which, on the date of approval of this Act, is held, or any land in which, on the date of approval of this Act, any interest is held, by the United States for the benefit of any tribe, band, or group of Indians, Aleuts, and Eskimos or for individual Indians, Aleuts, and Eskimos;

(d) all oil and gas deposits located in the submerged lands along the Arctic coast of naval petroleum reserve numbered 4 between the line of mean high tide and the pierhead line; and

(e) all structures and improvements, constructed by the United States in the exercise of its navigational servitude.

SEC. 4. (a) The United States retains all its navigational servitude and rights in and powers of regulation and control of the waters over and lands transferred under subsection (a) of section 2 for the constitutional purposes of commerce, navigation, national defense, and international affairs, all of which shall be paramount to, but shall not be deemed to include, proprietary rights of ownership, or the rights of management, administration, disposition, use, and development of the lands and natural resources which are specifically vested in the Territory by subsection (a) of section 2 of this Act.

Retention of
rights by U. S.

(b) In time of war or when necessary for national defense, and when the Congress or the President shall so prescribe, the United States shall have the right of first refusal to purchase at the prevailing market price, all or any portion of the natural resources granted under subsection (a) of section 2, or to acquire and use any portion of the lands granted thereby, by proceeding in accordance with due process of law and paying just compensation therefor.

National de-
fense.

SEC. 5. Nothing contained in this Act shall affect any right which may have been acquired under any law of the United States in lands subject to this Act and such rights, if any, shall be governed by the law in effect at the time at which they were acquired: *Provided, however,* That nothing contained in this Act is intended or shall be construed as a finding, interpretation, or construction by the Congress that the law under which such rights may be claimed in fact or in law applies to the lands subject to this Act, or authorizes or compels the granting of such rights in such lands, and that the determination of the applicability or effect of such law shall be unaffected by anything contained in this Act.

Prior rights.

SEC. 6. (a) The Secretary is hereby authorized to survey for the purposes of this Act the exterior boundaries of any area in the Territory which is now or in the future occupied as a town, village, or city, notwithstanding the fact that the lands within that area may not be subject to disposal under the public land laws, and upon his acceptance of a survey for such area, the area shall be deemed a surveyed townsite for the purposes of this Act.

Survey.

(b) The Secretary of the Army is authorized and directed to cause such pierhead lines to be established as may be requested by the Secretary of the Interior as necessary to carry out the terms of this Act.

Establishment of
pierhead lines.

Approved September 7, 1957.

Public Law 85-304

AN ACT

To amend the Act of June 9, 1880, entitled "An Act to grant to the corporate authorities of the city of Council Bluffs, in the State of Iowa, for public uses, a certain lake or bayou situated near said city".

September 7, 1957
[H. R. 8928]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 9, 1880, entitled "An Act to grant to the corporate authorities of the city of Council Bluffs, in the State of Iowa, for public uses, a certain lake or bayou situated near said city" (21 Stat. 171), is hereby amended by the insertion of a period immediately after "fifth principal meridian of Iowa", and by the deletion of all thereafter.

Council Bluffs,
Iowa.

Approved September 7, 1957.