

§ 49a. Mining laws of United States extended to Alaska; exploration and mining for precious metals; regulations; conflict of laws; permits; dumping tailings; pumping from sea; reservation of roadway; title to land below line of high tide or high-water mark; transfer of title to future State

The laws of the United States relating to mining claims, mineral locations, and rights incident thereto are extended to the Territory of Alaska: *Provided*, That, subject only to the laws enacted by Congress for the protection and preservation of the navigable waters of the United States, and to the laws for the protection of fish and game, and subject also to such general rules and regulations as the Secretary of the Interior may prescribe for the preservation of order and the prevention of injury to the fish and game, all land below the line of ordinary high tide on tidal waters and all land below the line of ordinary high-water mark on nontidal water navigable in fact, within the jurisdiction of the United States, shall be subject to exploration and mining for gold and other precious metals, and in the Chilkat River, and its tributaries, within two and three-tenths miles of United States survey numbered 991 for all metals, by citizens of the United States, or persons who have legally declared their intentions to become such, under such reasonable rules and regulations as the miners in organized mining districts may have heretofore made or may hereafter make governing the temporary possession thereof for exploration and mining purposes until otherwise provided by law: *Provided further*, That the rules and regulations established by the miners shall not be in conflict with the mining laws of the United States; and no exclusive permit shall be granted by the Secretary of the Interior authorizing any person or persons, corporation, or company to excavate or mine under any of said waters, and if such exclusive permit has been granted it is revoked and declared null and void. The rules and regulations prescribed by the Secretary of the Interior under this section shall not, however, deprive miners on the beach of the right given to dump tailings into or pump from the sea opposite their claims, except where such dumping would actually obstruct navigation or impair the fish and game, and the reservation of a roadway sixty feet wide under section 687a-2¹ of title 43, shall not apply to mineral lands or town sites. No person shall acquire by virtue of this section any title to any land below the line of ordinary high tide or the line of ordinary high-water mark, as the case may be, of the waters described in this section. Any rights or privileges acquired hereunder with respect to mining operations in land, title to which is transferred to a future State upon its admission to the Union and which is situated within its boundaries, shall be terminable by such State, and the said mining operations shall be subject to the laws of such State.

(June 6, 1900, ch. 786, title I, §26, 31 Stat. 329; May 31, 1938, ch. 297, 52 Stat. 588; Aug. 8, 1947, ch. 514, §1, 61 Stat. 916; Pub. L. 85-662, Aug. 14, 1958, 72 Stat. 615.)

¹ See References in Text note below.

Editorial Notes

REFERENCES IN TEXT

Section 687a-2 of title 43, referred to in text, was repealed by Pub. L. 94-579, title VII, §§703(a), 704(a), Oct. 21, 1976, 90 Stat. 2789, 2792.

CODIFICATION

Section was formerly classified to section 381 of Title 48, Territories and Insular Possessions.

AMENDMENTS

1958—Pub. L. 85-662 substituted “fish and game” for “fisheries” in three places, and inserted provisions permitting mining for all metals in Chilkat River, and its tributaries, within two and three-tenths miles of United States survey numbered 991.

1947—Act Aug. 8, 1947, permitted exploration for and mining of gold and other precious metals in beds of navigable streams.

1938—Act May 31, 1938, extended waters subject to exploration and mining for gold to include all water on shores, bays, and inlets of Alaska, and substituted Secretary of the Interior for Secretary of War, among other changes.

Statutory Notes and Related Subsidiaries

NON-IMPAIRMENT OF VALID CLAIMS AND RIGHTS

Act Aug. 8, 1947, ch. 514, §2, 61 Stat. 916, provided: “Nothing in this Act [amending this section] shall be deemed to affect or impair any valid claims, rights or privileges, including possessory claims under the first proviso of section 8 of the Act of May 17, 1884 (23 Stat. 26) [25 U.S.C. 280a], arising under any other provision of law.”

Executive Documents

ADMISSION OF ALASKA AS STATE

Admission of Alaska into the Union was accomplished Jan. 3, 1959, on issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

§ 49b. Mining laws relating to placer claims extended to Alaska

The general mining laws of the United States so far as they are applicable to placer-mining claims, as prior to May 4, 1934, extended to the Territory of Alaska, are declared to be in full force and effect in said Territory: *Provided*, That nothing herein shall be held to change or affect the rights acquired by locators or owners of placer-mining claims prior to May 4, 1934, located in said Territory under act August 1, 1912 (37 Stat. 242, 243) and amendatory act March 3, 1925 (43 Stat. 1118).

(May 4, 1934, ch. 211, §2, 48 Stat. 663.)

Editorial Notes

REFERENCES IN TEXT

Act August 1, 1912 (37 Stat. 242, 243) and amendatory act March 3, 1925 (43 Stat. 1118), referred to in text, were repealed by section 1 of act May 4, 1934. See sections 35 to 37 and 49b of this title.

CODIFICATION

Section was formerly classified to sections 119 and 381a of Title 48, Territories and Insular Possessions.