

TITLE 43 - PUBLIC LANDS
CHAPTER 29 - SUBMERGED LANDS
SUBCHAPTER I - GENERAL PROVISIONS

§ 1301. Definitions

When used in this subchapter and subchapter II of this chapter—

- (a) The term “lands beneath navigable waters” means—
- (1) all lands within the boundaries of each of the respective States which are covered by nontidal waters that were navigable under the laws of the United States at the time such State became a member of the Union, or acquired sovereignty over such lands and waters thereafter, up to the ordinary high water mark as heretofore or hereafter modified by accretion, erosion, and reliction;
 - (2) all lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line three geographical miles distant from the coast line of each such State and to the boundary line of each such State where in any case such boundary as it existed at the time such State became a member of the Union, or as heretofore approved by Congress, extends seaward (or into the Gulf of Mexico) beyond three geographical miles, and
 - (3) all filled in, made, or reclaimed lands which formerly were lands beneath navigable waters, as hereinabove defined;
- (b) The term “boundaries” includes the seaward boundaries of a State or its boundaries in the Gulf of Mexico or any of the Great Lakes as they existed at the time such State became a member of the Union, or as heretofore approved by the Congress, or as extended or confirmed pursuant to section 1312 of this title but in no event shall the term “boundaries” or the term “lands beneath navigable waters” be interpreted as extending from the coast line more than three geographical miles into the Atlantic Ocean or the Pacific Ocean, or more than three marine leagues into the Gulf of Mexico, except that any boundary between a State and the United States under this subchapter or subchapter II of this chapter which has been or is hereafter fixed by coordinates under a final decree of the United States Supreme Court shall remain immobilized at the coordinates provided under such decree and shall not be ambulatory;
- (c) The term “coast line” means 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;
- (d) The terms “grantees” and “lessees” include (without limiting the generality thereof) all political subdivisions, municipalities, public and private corporations, and other persons holding grants or leases from a State, or from its predecessor sovereign if legally validated, to lands beneath navigable waters if such grants or leases were issued in accordance with the constitution, statutes, and decisions of the courts of the State in which such lands are situated, or of its predecessor sovereign: Provided, however, That nothing herein shall be construed as conferring upon said grantees or lessees any greater rights or interests other than are described herein and in their respective grants from the State, or its predecessor sovereign;
- (e) The term “natural resources” includes, without limiting the generality thereof, oil, gas, and all other minerals, and fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine animal and plant life but does not include water power, or the use of water for the production of power;
- (f) The term “lands beneath navigable waters” does not include the beds of streams in lands now or heretofore constituting a part of the public lands of the United States if such streams were not meandered in connection with the public survey of such lands under the laws of the United States and if the title to the beds of such streams was lawfully patented or conveyed by the United States or any State to any person;
- (g) The term “State” means any State of the Union;
- (h) The term “person” includes, in addition to a natural person, an association, a State, a political subdivision of a State, or a private, public, or municipal corporation.

(May 22, 1953, ch. 65, title I, § 2, 67 Stat. 29; Pub. L. 99–272, title VIII, § 8005, Apr. 7, 1986, 100 Stat. 151.)

Amendments

1986—Subsec. (b). Pub. L. 99–272 inserted “, except that any boundary between a State and the United States under this subchapter or subchapter II of this chapter which has been or is hereafter fixed by coordinates under a final decree of the United States Supreme Court shall remain immobilized at the coordinates provided under such decree and shall not be ambulatory”.

Short Title of 1995 Amendment

Pub. L. 104–58, title III, § 301, Nov. 28, 1995, 109 Stat. 563, provided that: “This title [amending section 1337 of this title and enacting provisions set out as notes under section 1337 of this title] may be referred to as the ‘Outer Continental Shelf Deep Water Royalty Relief Act’.”

Short Title of 1986 Amendments

Pub. L. 99–367, § 1, July 31, 1986, 100 Stat. 774, provided: “That this Act [enacting section 1865 of this title, amending section 1343 of this title, and repealing section 1861 of this title] may be referred to as the ‘OCS Paperwork and Reporting Act’.”

Section 8001 of title VIII of Pub. L. 99–272 provided that: “This title [amending this section and sections 1332 and 1337 of this title and enacting provisions set out as a note under section 1337 of this title] may be referred to as the ‘Outer Continental Shelf Lands Act Amendments of 1985’.”

Short Title

Section 1 of act May 22, 1953, provided that: “This Act [enacting subchapters I and II of this chapter] may be cited as the ‘Submerged Lands Act’.”

Section 1 of act Aug. 7, 1953, ch. 345, 67 Stat. 462, provided that: “This Act [enacting subchapter III of this chapter] may be cited as the ‘Outer Continental Shelf Lands Act’.”

Separability

Section 11 of act May 22, 1953, provided that: “If any provision of this Act [enacting subchapters I and II of this chapter], or any section, subsection, sentence, clause, phrase or individual word, or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase or individual word to other persons and circumstances shall not be affected thereby; without limiting the generality of the foregoing, if subsection 3(a)1, 3(a)2, 3(b)1, 3(b)2, 3(b)3, or 3(c) [section 1311 (a)(1), (a)(2), (b)(1), (b)(2), (b)(3), (c) of this title] or any provision of any of those subsections is held invalid, such subsection or provision shall be held separable and the remaining subsections and provisions shall not be affected thereby.”

Naval Petroleum Reserve

Section 10 of act May 22, 1953, revoked Ex. Ord. No. 10426, Jan. 16, 1953, 18 F.R. 405, “insofar as it applies to any lands beneath navigable waters as defined in section 2 hereof [this section]”. Ex. Ord. 10426 set aside certain submerged lands as a naval petroleum reserve and transferred functions with respect thereto from the Secretary of the Interior to the Secretary of the Navy.

Application to State of Alaska

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.

Applicability of subchapters I and II of this chapter to the State of Alaska, see section 6(m) of Pub. L. 85–508, set out as a note preceding section 21 of Title 48.

Application to State of Hawaii

Applicability of this chapter to the State of Hawaii, see section 5(i) of Pub. L. 86–3, Mar. 18, 1959, 73 Stat. 6, set out as a note preceding section 491 of Title 48, Territories and Insular Possessions.