

MINING CLAIMS AND SITES ON FEDERAL LANDS

BLM



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FOREWORD

The Bureau of Land Management (BLM) administers over 260 million acres of public lands and 700 million acres of subsurface minerals nationwide. BLM is responsible for the management of these lands, their resources, and their various values, with focus placed on what will best serve the needs of the American people. Management is based upon the principles of multiple use and sustained yield—a combination of uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources. These resources include recreation, range, timber, minerals, watershed, fish and wildlife habitat, and natural, scenic, scientific, and cultural values.

The Federal Land Policy and Management Act (FLPMA) of 1976 launched a new era for public land management in America. The Act provides that the public lands remain under the stewardship of the Federal Government, unless disposal is in the national interest, and that their resources be managed under a multiple-use concept that will best meet the present and future needs of the American people. This pamphlet provides information on one facet of one of these multiple uses: activities under the General Mining Law of 1872, as amended.





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INTRODUCTION

There are three basic types of minerals on Federal lands:

1. Locatable (subject to the General Mining Law of 1872, as amended)
2. Leasable (subject to the various Mineral Leasing Acts)
3. Salable (subject to mineral materials disposed of under the Materials Act of 1947, as amended)



Federal laws, regulations, and legal decisions have defined these minerals. Only those minerals that are locatable are discussed in this pamphlet.

The General Mining Law of May 10, 1872, as amended (30 U.S.C. §§ 22-54 and §§ 611-615) is the major Federal law governing locatable minerals. This law allows citizens of the United States the opportunity to explore for, discover, and purchase certain valuable mineral deposits on those Federal lands that are open for mining claim location and patent (open to mineral entry). These mineral deposits include most metallic mineral deposits and certain nonmetallic and industrial minerals. The law sets general standards and guidelines for claiming the possessory right to a valuable mineral deposit discovered during exploration. The General Mining Law allows for the enactment of State laws governing location and recording of mining claims and sites that are consistent with Federal law. The Federal regulations implementing the General Mining Law are found at Title 43 of the Code of Federal Regulations (CFR) in Groups 3700 and 3800.

This pamphlet gives a brief introduction to the Mining Law Administration program on Federal lands administered by the BLM. The last section provides additional sources for more information on the following topics:

- Geology and mineral resources of a particular area
- Mining and milling techniques
- Surface protection and reclamation requirements
- Other Federal and State legal requirements

The General Mining Law of 1872, as amended, has five elements:

1. Discovery of a valuable mineral deposit
2. Location of mining claims and sites
3. Recordation of mining claims and sites
4. Annual maintenance (annual assessment work or annual fees) for mining claims and sites
5. Mineral patents

The BLM's Mining Law Administration program involves mining claim recordation, annual maintenance (annual assessment work or annual fees), mineral patents, and surface management.

EXPLANATION OF LOCATION



Mining Claims and Sites

A person who is a citizen of the United States or has declared an intention to become a citizen with the Immigration and Naturalization Service may locate and hold a mining claim or site. A corporation organized under State law is considered a citizen and may locate and hold a mining claim or site. A corporation is held to the same standards as a citizen. Non-citizens are not permitted to own or have an interest in mining claims or sites. There is no limit to the number of claims and sites that you may be hold as a qualified claimant, as long as the requirements of the General Mining Law have been met.

A mining claim is a selected parcel of Federal land, valuable for a specific mineral deposit or deposits, for which you have asserted a right of possession under the General Mining Law. Your right is restricted to the development and extraction of a mineral deposit. The rights granted by a mining claim protect against a challenge by the United States and other claimants only after the discovery of a valuable mineral deposit. The two types of mining claims are lode and placer. In addition, mill sites and tunnel sites may be located to provide support facilities for lode and placer mining claims (43 CFR Part 3832).

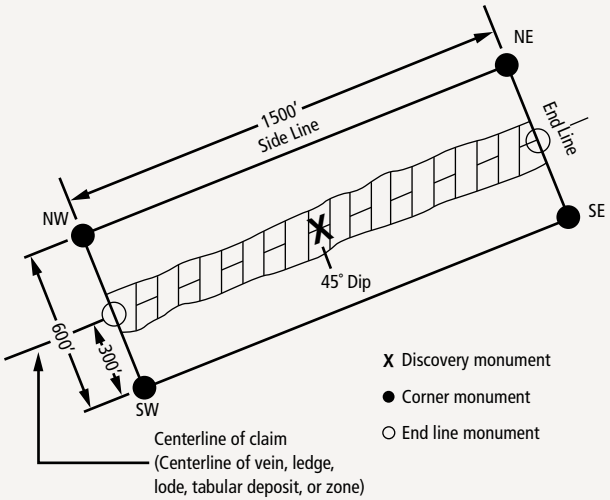
Lode Claims cover classic veins or lodes having well-defined boundaries and also include other rock in-place bearing valuable mineral deposits. Examples include quartz or other veins bearing gold or other metallic mineral deposits and large volume, but low-grade disseminated metallic deposits, such as Carlin-type gold deposits and copper-bearing granites.

Lode claims are usually located as parallelograms with the side lines parallel to the vein or lode (see Figure 1). Descriptions are by metes and bounds surveys (giving the length and compass bearing of each boundary line from a central point or monument to each corner post, and then sequentially around the perimeter of the claim). Federal statute limits a lode claim to a maximum of 1,500' in length along the vein or lode. The width is a maximum of 600', 300' on either side of the center-line of the vein or lode. The end lines of the lode claim must be parallel to qualify for underground extralateral rights. Extralateral rights involve the rights to minerals in vein or lode form that extend at depth outside the vertical boundaries of the claim. (43 CFR Part 3832, Subpart B).

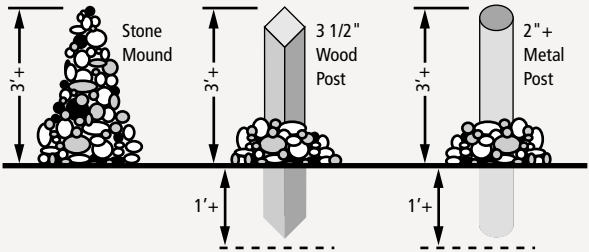
Placer Claims cover all those deposits not subject to lode claims. Originally, placer claims included only deposits of mineral-bearing sand and gravel containing free gold or other detrital minerals. By congressional acts and judicial interpretations, many nonmetallic bedded or layered deposits, such as gypsum and high-calcium limestone, are located as placer claims. Where possible, placer claims are to be located by legal subdivision, such as the E1/2NE1/4NE1/4, Section 2, Township 10 South, Range 21 East, Mount Diablo Meridian (30 U.S.C. § 35 and 43 CFR 3832, Subparts A and B). The maximum size of a placer claim you may locate is 20 acres (see Figure 2). An association of two locators may locate 40 acres, and three may locate 60 acres, etc. The maximum area of an association placer claim permitted by law is 160 acres for eight or more persons.

The maximum size of a placer claim for a corporation is 20 acres per claim. Corporations may not locate association placer claims unless they are in association with other private individuals or other corporations as co-locators. (43 CFR Part 3832, Subpart B).

Drawing of an ideal lode mining claim (Metes and Bounds survey method) in California (Cal. Pub. Res. Code, Chapt. 4, Sec. 2316).



Most State laws require conspicuous and substantial monuments for all types of claims and sites.



NOTE: Many States have other requirements for monuments. Other forms of monuments can be used in California as long as they are conspicuous and substantial. Due to wildlife fatalities, BLM does not allow the use of perforated or uncapped pipe as monuments, corner posts, or side line posts.

Figure 1. Example of Methods of Monumenting Mining Claims in California

RECORDING A MINING CLAIM OR SITE



As established by Section 314 of FLPMA, as amended, your claims and sites must be recorded with the proper BLM State Office within 90 days of the date of location and recorded with the proper county in accordance with their requirements. In Alaska, claims and sites can also be recorded with the BLM Northern Field Office located in Fairbanks.

County: State laws require filing the original location notice or certificate in the county recorder's office, county clerk's office, or borough office. The proper county or borough is the one in which your claim or site is located. Each State has its own requirement for when a location notice must be filed and recorded. The maximum period is 90 days from the staking of your claim or site on the ground. However, some States require earlier filings, such as 60 or 30 days from the date of location.

Location notices must contain the following basic information (43 CFR Part 3832, Subpart A, and Part 3833, Subpart A):

- The date of location on the ground
- The names and addresses of the locator(s)
- The name of the claim or site
- The type of claim or site
- The acreage claimed
- A description of the parcel on the ground

Local printing companies, office supply stores, stationery stores, and BLM offices are sources for obtaining State location notice and certificate forms.



