

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

MANUAL TRANSMITTAL SHEET

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Subject

3800 - MINING CLAIMS UNDER THE GENERAL MINING LAWS - (Public)

1. Explanation of Material Transmitted: This release updates, revises, and replaces the existing Manual Section 3890 - Mineral Investigations. The new Manual Section now conforms to the recent release of new manuals and Handbooks in this subject-function area. This Manual Section was last revised in 1987.
2. Reports Required: None.
3. Material Superseded: Rel. 3-124, All.
4. Filing Instructions: File as directed below.

REMOVE

3800

(Rel. 3-124, all)

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(Total: 4 Sheets)

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3800 – MINING CLAIMS UNDER THE GENERAL MINING LAWS - (Public)

.01 Purpose. This Manual Section contains the Bureau’s policies and procedures for the administration of the General Mining Laws on all public lands, or reserved mineral interests in such lands within the jurisdiction of the United States.

.02 Objectives. The Bureau will timely adjudicate mining claim documents and collect the required fees to keep the status of all mining claim files current. Decision will be promptly issued for mining claims or sites that are forfeited under the various laws. Surface management actions will be promptly attended to and decisions made that will prevent unnecessary or undue degradation of the public lands. Determinations will be made on location, discovery and acceptable use on mining claims or sites for valid existing rights, common variety minerals and mineral patent applications by Certified Mineral Examiners. Invalid mining claims and sites will be adjudicated to finality, including contest proceedings when necessary.

03. Authority.

A. Statutes, General.

1. Act of April 25, 1812 (2 Stat. 716, Revised Statute § 453, 43 U.S.C. § 2).
2. Act of September 28, 1850 (9 Stat. 520, Revised Statute § 2478, 43 U.S.C. § 1201).
3. The Lode Law of July 4, 1866 (14 Stat. 86, Revised Statute § 2318, 30 U.S.C. § 21).
4. The Placer Act of July 9, 1870 (16 Stat. 217, Revised Statute § 2329, 30 U.S.C. 35).
5. The General Mining Law of May 10, 1872 (19 Stat. 91, 30 U.S.C. §§ 21-54).
6. The Act of September 20, 1922 (42 Stat. 857, Revised Statute § 2450, 43 U.S.C. §§ 1161-1164).
7. The Act of April 8, 1948 (62 Stat. 162); the O and C Lands Act.
8. The Multiple Mineral Development Act of August 14, 1954 [P. L. 83-585] (68 Stat. 708, 30 U.S.C. § 521 et seq.).
9. The Surface Resources Act of July 23, 1955 [P. L. 84-167] (69 Stat. 368, 30 U.S.C. §§ 611-615).
10. The Mining and Minerals Policy Act of December 31, 1970 (84 Stat. 1876, 30 U.S.C. § 21a).

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11. The Mining in the Parks Act of September 28, 1976 (90 Stat. 1342, 16 U.S.C. § 1901).

12. The Federal Land Policy and Management Act of October 21, 1976 [FLPMA] (90 Stat. 2743, 43 U.S.C. § 1701).

13. National Materials and Minerals Policy, Research, and Development Act of October 21, 1980 (94 Stat. 2305, 30 U.S.C. § 1601).

B. Laws, Specific.

1. The Act of August 4, 1892 (27 Stat. 348, 30 U.S.C. § 161), the Building Stone Placer Act.

2. The Stockraising Homestead of December 29, 1916 [SRHA] (39 Stat. 864, 107 Stat. 60, 43 U.S.C. § 299).

3. The Act of December 22, 1928 (45 Stat. 1069, 43 U.S.C. §§ 1068-1068b); Color-of-Title.

4. The Act of April 23, 1932 (47 Stat. 136, 43 U.S.C. § 154).

5. The Act of June 18, 1934 (48 Stat. 984, 25 U.S.C. § 463); Tohono O’Odham Indian Reservation in Arizona.

6. The Alaska Public Sale Act of August 30, 1949 (63 Stat. 679, 43 U.S.C. §§ 687b-687b-4).

7. The Mining Claim Rights Restoration Act of August 11, 1955 [P. L. 84-359] (69 Stat. 682, 30 U.S.C. §§ 621-625).

8. The Wilderness Act of September 3, 1964 (78 Stat. 890, 16 U.S.C. §§ 1131-1136).

9. Wild and Scenic Rivers Act of October 2, 1968 (82 Stat. 906, 16 U.S.C. §§ 1271-1287).

10. The California Desert Protection Act of October 31, 1994 (108 Stat. 4471, 16 U.S.C. § 410aaa et seq.).

C. Delegations. The Secretary of the Interior’s authority to administer the public land and mineral laws has been delegated to the Director, Bureau of Land Management by Departmental Directives 135 DM 1.3B, 209 DM 7, and 235 DM 1.1A.

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.04 Responsibility.

A. The Director is responsible for signing mineral patents and final certificates in mineral patent applications. This responsibility may not be re-delegated further.

B. Assistant Director for Minerals, Realty, and Resource Protection is responsible for the overall management, oversight, and technical matters pertaining to administration of the General Mining Laws. The Assistant Director is also responsible for reviewing and approving the technical and policy content of mineral training courses given through the National Training Center and elsewhere.

C. State Directors, by delegations issued pursuant to Manual Section 1203, and subject to the limitations stated in paragraph “A” above, may take all actions on mining claims pursuant to the General Mining Laws and the Federal Land Policy and Management Act. All mining law adjudication actions under these provisions may not be delegated further.

D. Field Office Managers, as authorized by the regulations and the State Directors, administer the surface management regulations and the General Mining Laws on the public lands and under the reserved mineral estates of lands with private surface and Federal minerals.

.05 References. See Manual Sections 3809, 3830, 3860, 3870, and 3890.

.06 Policy. Our policy is to encourage the domestic mining industry to explore, develop, and extract minerals from the public lands, and reserved Federal mineral estates, while regulating such uses to ensure that the public lands are not subject to unnecessary or undue degradation from such activities. We will also ensure that the public lands, and our Federal interests in reserved mineral estates, are not misused or abused by parties that use the General Mining Laws for purposes over than what is permissible under the General Mining Laws or FLPMA.