



Unpatented Mining Claims



It is important for any prospective buyer to understand what an unpatented mining claim is and what the rights of an owner of an unpatented mining claimant are.

Who can stake a mining claim?

A person who is a citizen of the United States or has declared an intention to become a citizen may locate and hold a mining claim. You may prospect and locate mining claims on lands open to mineral entry.

What is a mining claim?

A mining claim is a selected parcel of Federal land, valuable for a specific mineral deposit, 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 surface of an unpatented mining claim is NOT private property. If you staked a mining claim on National Forest System lands, ownership remains federal lands administered by the Forest Service. The Forest Service has the right to manage the surface and surface resources on an unpatented mining claim. This includes recreational public use of the area and public access across lands covered by the unpatented mining claim.

How is the surface managed on unpatented mining claims?

Exploration and mining activities are administered by the Forest Service by regulations of the Secretary of Agriculture contained in 36 CFR 228 Part A. These regulations require that if your proposed operation could likely cause “significant disturbance of surface resources” you must submit a plan of operations. Contact your local USFS Ranger District Office for information on any of your proposed activities.

Can I camp on my unpatented mining claim?

Without an approved plan of operations, you have the same rights and restrictions as the public. If the area is open to camping to the public, then it is permissible. Please check with your local Ranger District for areas open to camping.

Can I construct buildings or other improvements on my unpatented mining claim?

You may not construct, place, or maintain any kind of building or other structure, road, trail, fence or enclosure, and place or store equipment without the prior approval of a plan of operation from the Forest Service. Intermittent or casual mineral exploration and development do not normally justify the use of such structures.



For additional information on unpatented mining claims go to:

http://www.blm.gov/pgdata/etc/medialib/blm/wo/MINERALS_REALTY_AND_RESOURCE_PROTECTION_/energy.Par.28664.File.dat/MiningClaims.pdf

Reference: (Marks, M., Gallatin National Forest, May 16, 2011 document)

