



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

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MANUAL TRANSMITTAL SHEET

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Subject

3864 - MILL SITE CLAIM PATENT APPLICATIONS

1. Explanation of Material Transmitted: This release updates the previous manual to conform to recent administrative and judicial decisions and the revised rules that became effective on January 3, 1989.
2. Reports Required: None
3. Material Superseded: The material superseded by this release is listed under "Remove" below. No other directives are superseded.
4. Filing Instructions:

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3864 - MILL SITE PATENT APPLICATIONS

.01 Purpose. This Manual Section provides the Bureau's policies and procedures for processing mill site patent applications. The adjudication process is covered in Handbook 3860-1 - Mineral Patent Application Processing.

.02 Objectives. The objective of this Manual Section is to ensure that the applicant has met all of the statutory and regulatory requirements for obtaining a mineral patent for a mill site.

.03 Authority.

A. The 1872 Mining Law, as amended; 17 Stat. 92, R.S. 2337; 30 U.S.C. 42(a); and the Act of March 18, 1960; 74 Stat. 7, 30 U.S.C. 42(b).

B. 43 CFR 3864.

.04 Responsibility. See Manual Section 3860.04.

.05 References. See Manual Section 3862.05.

.06 Policy. See Manual Section 3860.06.

.07 File and Records Maintenance. See Manual Section 3860.07.

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.1 Mill Site Patents.

.11 General Requirements. The processing procedures and steps for a mill site are the same as for a lode claim with certain exceptions and additional requirements which are outlined below.

A. Nonmineral Land. Only nonmineral land (land that is not mineral in character) can be located for a mill site. See Chapter II, page 3, in Handbook 3890-1 for the definition of mineral in character.

B. Size. A mill site cannot exceed 5 acres in size. There is no limit to the number of mill sites that can be held by a single claimant.

C. Survey. Mill sites on surveyed lands can be located and described by legal subdivision and aliquot parts. Mill sites located by metes and bounds or on unsurveyed lands must have a mineral survey pursuant to 43 CFR 3861.

D. Private Surface with Federal Minerals Reserved. Mill sites cannot be located on lands where the surface is patented and the locatable minerals are reserved to the United States. These include Stock Raising Homestead Act lands (43 U.S.C 299) and lands patented as homestead entries under the Taylor Grazing Act (43 U.S.C. 315f).

E. Improvements. The \$500 requirement for improvements on mining claims does not apply to mill sites.

F. Use. Mill sites must be used or occupied for mining and milling purposes only, or uses reasonably in support of mining and milling purposes as commonly recognized in the mining industry.

.12 Types of Mill Site Applications.

A. Dependent Mill Sites. These are mill sites that are located in support of a patented or unpatented lode or placer claim. They may be physically adjoining to existing mining claims or may be some distance from them. In addition to the requirements of .11 above, the associated mining claim must also be valid (have a discovery) under the mining law.

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B. Independent Mill Sites. These are mill sites that provide custom milling and treatment of ores taken from several mining properties, not necessarily owned by the applicant. They are not located in association with a given lode claim. This type of mill site must contain a "quartz mill or reduction works" (30 U.S.C. 42(a)). A "quartz mill or reduction works" in modern terms means any facility which grinds, crushes, or pulverizes the ore for processing. It also means any facility for the production of metals or of mineral products from the ores, such as smelters, reduction furnaces and other similar types of facilities.

C. Patented Mining Claims. Mill sites may be located and patented in association with a previously patented lode or placer mining claim. The patented mining claim must be in use for mining operations, and it must not be dormant or in use for nonmining purposes.

.13 Specific Requirements.

A. Posting. Dependent mill sites must have the notice of intention to patent and survey plat posted on both the mill site and the associated mining claim if that claim is also under patent application.

B. Proof of Nonmineral Character. This must be supported by the statements of two disinterested witnesses who are familiar with the land in question and who affirm that the land is not mineral land. The applicant must furnish proof in the form of a mineral report that shows the land applied for is not mineral in character.

C. Purchase Price. Independent mill sites and mill sites for which an application is filed in conjunction with a lode claim, are sold for \$5 per acre or fraction thereof (30 U.S.C. 42(a)). Mill sites in conjunction with a placer claim are sold for \$2.50 per acre or fraction thereof (30 U.S.C. 42(b)).