

Investigate Before Buying A Mining Claim



The BLM manages public lands to support many uses, including mining claims and mineral extraction. You can file mining claims on any public lands that are open to mineral entry, and the law encourages you to explore and develop minerals in

those areas. Congress designated some lands in Arkansas, Florida, Louisiana, and Mississippi open to mineral entry (mining claims).

A Federal unpatented mining claim describes a parcel of federal land that may contain valuable minerals. Any prospective buyer should understand federal mining laws, including the rights and responsibilities of an unpatented mining claim.

Keep in mind the phrase “buyer beware” when deciding to purchase a mining claim via an internet site. Sellers may provide incomplete or incorrect information about the mining claim or what type of operation is allowable on the claim. Some mining claims contain residual hazardous materials that the seller may not disclose; a buyer could take on a long-term financial responsibility as a result. Old mine shafts and other workings can result in expensive safety and financial responsibilities for a buyer.

How can I find out more? For general questions about Federal unpatented mining claims, call the BLM Eastern States State Office - Division of Natural Resources at 703-558-7754.

The BLM and Forest Service have local offices where you can ask questions and discuss your plans. We recommend you contact the local office of the agency that has jurisdiction over the area where the mining claim is located to discuss mining activities before you begin.

BLM Eastern States Offices

Eastern States State Office

5275 Leesburg Pike, Falls Church, VA 22041,
703-558-7754

Northeastern States District Office

626 E. Wisconsin Ave, Suite
200 Milwaukee, WI 53202-4617,
414-297-4400

Southeastern States District Office

273 Market Street Flowood, MS 39232,
601-919-4650



U.S. Department of the Interior
Bureau of Land Management

Buying A Mining Claim

Important Information You Should Know

BUREAU OF LAND MANAGEMENT
EASTERN STATES

Important Information You Should Know

Is a Federal unpatented mining claim property?

Yes – An unpatented mining claim is a unique form of property. Your right to the property is restricted to exploration, development and extraction of a mineral deposit at the site. The surface of almost all unpatented mining claims is not private property; the ownership and management of the surface and surface resources remains with the United States.

Should the mining claim's boundaries and discovery point be visible if I am in the area of the claim?

Yes – Although there may be mining claims in which the paperwork to locate is filed but no monuments are placed on the ground, federal regulations require mining claims to have four corner post monuments and to follow state monumenting requirements. Also, a notice of monument must be posted at the discovery point using a visible monument. The discovery point or a claim corner should be tied to a well-known, permanent object or surveyed corner near the mining claim.

Where should a Federal unpatented mining claim be on record?

As a basic precautionary standard, the seller of a Federal unpatented mining claim should provide you with an official BLM claim serial number and proof that the mining claim has been properly recorded in the county and with the BLM. Mining claims that are not recorded with the BLM do not give you any rights to federal minerals. Federal unpatented mining claims may be either active or closed on BLM records. A closed mining claim gives you no rights.

BLM records for mining claims are available on Mineral and Land Record System <https://mlrs.blm.gov/s/>, an online database that tracks BLM records, or by viewing the case files at the BLM Eastern State Office. You may contact the BLM at any time to inquire about the status of a mining claim.

If I have an active mining claim and someone else locates a claim on the same area, do I get a refund?

No – The BLM does not refund money or notify mining claimants of boundary conflicts between Federal unpatented mining claims. All issues between claimants are civil matters. We strongly recommend you research the area prior to filing a mining claim.

If the BLM determines a claim I purchased from a private seller is on lands closed to mineral entry, do I get a refund? No – If you purchase a mining claim before an official land status review is complete, the BLM may determine the claim is on land closed to mineral entry and that a refund is due. The BLM will refund the location fee and any maintenance fees to the person or company who paid the fees. Money exchanged between private parties is a civil matter.

If I purchase a Federal unpatented mining claim, do I have rights to any equipment or structures abandoned on the mining claim? No – Abandoned structures and equipment are not part of a new Federal unpatented mining claim. Once left on an abandoned mining claim, structures and equipment become federal property, and a mining claim does not confer any private property rights to these items. If a mining claimant placed the structures and equipment on the site, you may purchase them with the mining claim. As always, the buyer must take the responsibilities and liabilities that come with the purchase. It's important that you confirm that the person offering to sell the equipment and structures to you has the legal right to do so.

Can I construct buildings on my Federal unpatented mining claim? Yes – but with limits. Federal unpatented mining claims only give you rights to the location's minerals. Surface disturbance such as construction of a building, road, fence or enclosure necessary for mining must be authorized by the BLM or Forest Service before you start constructing anything. There may be penalties for beginning work without prior approval.

Can the government take possession of my mining claim and minerals with no warning? Yes – Owning a federal unpatented mining claim is not like owning private property. As an owner of an active Federal unpatented mining claim, you have exclusive rights to explore and extract the minerals within its boundary from the date you located the mining claim as long as the claim remains active. The government can examine your claim at any time to determine if you have valid existing rights. If you have these rights, the government must recognize these rights and allow you to continue mining or purchase these rights.

Do I have the right to keep the government and public out of my mining claim? No – a mining claim absolutely does not give you any rights to exclude public

land users from the land. The public has the conditional right to cross mining claims or sites for recreational and other purposes and to access federal lands beyond the claim boundaries. The public may not interfere with exploration or mining activities. Activities that require fencing or the exclusion of the public for legitimate safety reasons may be approved by agencies like the BLM, the Forest Service, the Mine Safety and Health Administration or state mine safety agencies.

Can I camp on my unpatented mining claim? Yes – Recreational camping is usually allowed on public lands; you can camp if the area is open to camping. As a mining claimant, you may have the right for extended occupancy on public lands if it is approved by federal land managers. Check with the local BLM or Forest Service office for specific regulations if your mining operation will require you to camp for an extended period of time or occupy an area closed to camping.

To occupy public lands for more than 14 days in any 90 day period, a mining claimant or operator must be carrying out approved activities; work on these activities regularly; conduct activities related to mineral extraction; perform verifiable on-the-ground activities; and use appropriate and operable equipment that is subject to reasonable assembly, maintenance, repair or construction of replacement parts. The claimant must meet all five of these requirements to occupy a claim or site.

How do I find out what I can do on my mining claim?

If your claim is on BLM-managed lands, you can find out what you can and can't do in the regulations in 43 CFR 3715 and 3809. If your mining claim is on Forest Service land, you can find more information in the regulations in 36 CFR 228 Part A. No mining related activity can begin until approved by the Forest Service District Ranger.

Most federal agencies have regulations to protect the surface resources of federal lands during exploration and mining activities. You must submit a notice or plan of operations before conducting surface-disturbing activities, except casual-use activities. You must also reclaim disturbed sites after you complete exploration and mining.

You may need to contact other management agencies for additional regulations. State and local governments may have mining and reclamation requirements, as well. You should check with all federal, state and local agencies for complete regulations. We advise mining claimants to be fully informed of all regulations regarding their mining claim.