



Non-Energy Leasable Minerals – Prospecting Permits

Prospecting Permit Applications

The following is general information on prospecting permits as covered by the Public Domain Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 *et seq.*), the Acquired Lands Mineral Leasing Act of 1947, as amended (30 U.S.C. 351-359), and the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1701 *et seq*) which authorizes the management and use of the public lands. The regulations governing these minerals are found in the 43 CFR 3500 regulations.

Background:

The Bureau of Land Management (BLM) leases certain solid minerals, like phosphate, sodium, potassium, sulphur, gilsonite, or a hardrock mineral, on public and other Federal lands. These lands include areas managed by the BLM and the Forest Service. BLM can also lease these minerals on certain private lands, provided that the mineral rights are owned by the Federal government. BLM will issue prospecting permits in areas where we do not know a mineral deposit exists. A prospecting permit gives you the exclusive right to prospect on and explore for leasable mineral deposits. You may remove only material needed to demonstrate the existence of a valuable mineral. If the permittee, during the term of the permit, demonstrates the discovery of a valuable deposit of the leasable mineral for which BLM issued the permit, BLM may issue a preference right lease to that permittee without competition. There are other requirements for preference right leases.

How do I apply for a prospecting permit?

1. Prospecting Application and Permit, form 3510-1 (most current version), must contain the following:
 - a. Three originally signed copies, which must be legible and dated.
 - b. Name and address
 - c. A statement of your qualifications and holdings
 - d. A complete and accurate land description.
 - e. Three copies of any maps needed to accompany the description.
2. The first year's rental must be paid at the time of filing.
3. Before performing any case processing, BLM requires a deposit of any payments intended to reimburse the United States for reasonable costs with respect to applications, by Section 304(b) of FLPMA. We have estimated the reasonable cost to process a prospecting permit is \$6,500.00. The fees are used for land status determination, a mineral report, review of exploration and reclamation plans, surface inspections, environmental decisional document, the formal recommendation, processing bonds, and issuance of permit. If the costs are less than the deposit, a refund will be authorized. The processing costs may substantially exceed the amount of this initial deposit, particularly if it is determined that an Environmental Impact Statement is required.
 - a. *The applicant can comment on this proposed fee at any time during the application process;*
 - b. *The applicant can ask for BLM's approval to do all or part of any study or other activity according to the standards BLM specifies, thereby reducing BLM's cost for processing the application;*
 - c. *BLM will then give the applicant a final estimate of the processing fee amount after considering the comments submitted and any BLM-approved work that the applicant will do.*
 - d. *If the surface of the lands are managed by the Forest Service, NEPA costs will be negotiated between the applicant and the Forest Service.*

Please note that any fees submitted, in no way will insure favorable action on an application. This handout is intended to describe the initial application process only. There are other requirements for prospecting permits, which can be found at 43 CFR 3500.