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DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

MANUAL TRANSMITTAL SHEET

Release
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Subject

MS – 3800 Mining Claims under the General Mining Laws (Public)

1. Explanation of Materials Transmitted: This release transmits the Handbook for Surface Management Bond Processing.
2. Reports Required: None
3. Materials Superseded: Manual pages superseded by this release are listed under "REMOVE" below. No other directives are superseded.
4. Filing Instructions: File as directed below

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3800 (Rel. 3 -318)

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3800

(Total: 5 Sheets)

Assistant Director, Energy, Minerals and
Realty Management

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HANDBOOKS

- H-1684-1 – FUND CODE HANDBOOK
- H-3809-1 – SURFACE MANAGEMENT
- H-3809-2 – SURFACE MANAGEMENT BOND PROCESSING HANDBOOK
- H-3830-1 – ADMINISTRATION OF MINING CLAIMS, MILL SITES, AND TUNNEL SITES
- H-3860-1 – MINERAL PATENT APPLICATIONS PROCESSING
- H-3870-1 – ADVERSE CLAIMS, PROTESTS, CONTESTS, AND APPEALS
- H-3890-3 – VALIDITY MINERAL REPORTS

Chapter 1. Overview

1.1 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.

1.2 Objectives

The Bureau will timely adjudicate mining claim documents and collect the required fees to keep the status of all mining claim files current. Decisions 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. Certified Mineral Examiners will make determinations on location, discovery and acceptable use on mining claims or sites for valid existing rights, common variety minerals and mineral patent applications. Invalid mining claims and sites will be adjudicated to finality, including contest proceedings when necessary

1.3 Authority

A. Statues, 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);
- 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.

1.4 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. *Deputy Directors and Assistant Director for Energy, Minerals, and Realty Management* are 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/District 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;

1.5 References

See Manual Sections 3809, 3830, 3833, 3860, 3861, 3862, 3863, 3863, 3870, 3890 and 3891;

1.6 Policy

The Bureau of Land Management's policy for the Mining Law Administration Program follows:

- A. 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 and 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 other than what is permissible under the General Mining Laws or FLPMA.
- B. To assure that monies appropriated for the Mining Law Administration Program (MLAP) are properly expended and recorded in the BLM's financial systems. Any costs coded to the program must directly relate to or directly benefit the program. Using MLAP funds for purposes unrelated to the administration of the Mining Law is a violation under 31 U.S.C. § 1301 (a). Any false entries or reports of expenditures is a violation of 18 U.S.C. § 2073.

- C. That supervisors will ensure all employees charging time to MLAP follow this policy. Supervisors are responsible for ensuring that employees charging time to MLAP are performing work that is directly related to the program's activities. Any bonuses or awards financed with program funds must be directly related to activity in the program.
- D. That contracts and services charged to MLAP must relate directly to the administration of the General Mining Laws. If MLAP contributes a portion of the costs for contracts or services, then the charges must be proportioned equitably to each participating program. Overhead support costs and shared service costs must be shared equitably among benefitting sub-activities. Those costs that include MLAP must be equitably proportioned.

1.7 File and Records Maintenance

All records and data will be managed according to established records retention and disposal policies. Refer to General Records Schedule (GRS)/BLM Combined Records Schedule.