



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, the surface remains public and is administered by the Forest Service. The Forest Service continues to be responsible for management of the surface and surface resources on unpatented mining claims, including public access to and across an unpatented mining claim as long as such use does not endanger or materially interfere with uses that are required for, and reasonably incidental to, mining-related purposes.

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: 1) if your activities "*might* cause significant disturbance of surface resources" you must submit a notice of intent or 2) if your proposed operation could "*likely* cause significant disturbance of surface resources" you must submit a plan of operations. Contact your local USFS Office for information if you have any question as to the potential for your claim-related activities to cause otherwise-prohibited surface disturbances.

Can I camp on my unpatented mining claim?

All users of our National Forests have the opportunity to camp within time limitations established by the Forest on which you are operating. Camping on your unpatented mining claim beyond those limits must be reasonably incidental to locatable mineral activities, and may require an approved plan of operations if impacts could result in otherwise-prohibited surface disturbances. Consult with the local Ranger District prior to any occupancy of your mining claim.

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. Prospecting and exploration activities usually do not justify the use of such structures.

Can I use previously abandoned buildings and equipment left on my unpatented mining claim?

Once an unpatented claim is abandoned, any buildings, structures, equipment, artifacts, etc. become property of the United States. Removal or use of such property requires Forest Service authorization.



For additional information on unpatented mining claims go to:

https://www.blm.gov/sites/blm.gov/files/PublicRoom_Mining_Claims_Brochure-2019.pdf



Forest Service

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