

**Forest Service Handbook
National Headquarters - Washington Office
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**Forest Service Handbook 5509.11 – Title Claims, Sales, and Grants Handbook
Chapter 50 – Mining Claims**

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Duration: This amendment is effective until superseded or removed.

Superseded Directive: Title Page; 5509.11, Contents; 00--1 thru 52; 5509.11,60 Contents; 5509.11,60; 5509.11-92-3, 2/25/92; 5509.11-92-2, 2/25/92; 5509.11-92-1, 2/25/92; Entire Handbook issued 2/88

Approved by: F. Dale Robertson, Chief

Date approved:

Responsible Staff:

POSTING NOTICE. Amendments are numbered consecutively by Handbook number and calendar year. Post document in numerical order of chapters (1109.12, sec. 4.32, ex. 01). Remove entire national text of the Handbook and replace with this amendment. DO NOT REMOVE SUPPLEMENTS OR INTERIM DIRECTIVES. Retain this transmittal as the first page of this document.

Explanation of changes:

This amendment is a reissuance of FSH 5509.11 to conform the format and structure of the Handbook to the requirements of electronic directive issuance.

This amendment makes no substantive changes to the text. The only changes made are those necessary to meet new format requirements or to correct spelling, punctuation, or unit names.

This Handbook is now available electronically in the National Information Center in the same format as the paper copy. Henceforth, amendments to this Handbook will be issued to Forest Service units electronically on a document basis.

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51 - Occupancy Based Upon Mining Claims

Most of the reserved National Forest lands are subject to the location of certain minerals under the Mining Law of 1872, as amended (30 U.S.C. 21-54, et seq.) (FSM 2803).

A mining claimant acquires certain rights that are explained in more detail in FSM 2810, particularly in FSM 2813. In brief, the mining claimant is entitled to prospect, locate, and mine locatable minerals and to reasonably use the ground surface for that purpose. The holder of a mining claim is also entitled to claim access subject to the Secretary of Agriculture's rules and regulations. Upon the discovery of a valuable mineral in commercial quantities, the claim may be eligible for a mineral patent (FSM 2815).

Procedures to eliminate uses of the surface where such uses are not reasonably necessary or where the claimant is not actually involved in authentic minerals-related activities are in FSM 2818. Such use is an encroachment upon National Forest System lands.

52 - Actions After Claim Has Been Declared Null and Void

Upon being notified that a Department of the Interior decision declaring the claim null and void has become administratively final, the Forest Supervisor shall take action to resolve the unauthorized occupancy pursuant to FSM 2818 and FSM 5335.

If the administrative decision is appealed, protested, or occupancy continues, the Forest Supervisor will make attempt to stop the unauthorized occupancy through additional contacts with the individual. If the encroachment cannot be terminated through negotiation or an administrative resolution is not appropriate, initiate procedures to obtain a court order. If not done previously, prepare a trespass (report FS-5500-U), using the format in FSM 5343. Include pertinent mining claim related information. Refer also to FSM 2828 and chapter 10 of this handbook for supplemental information.