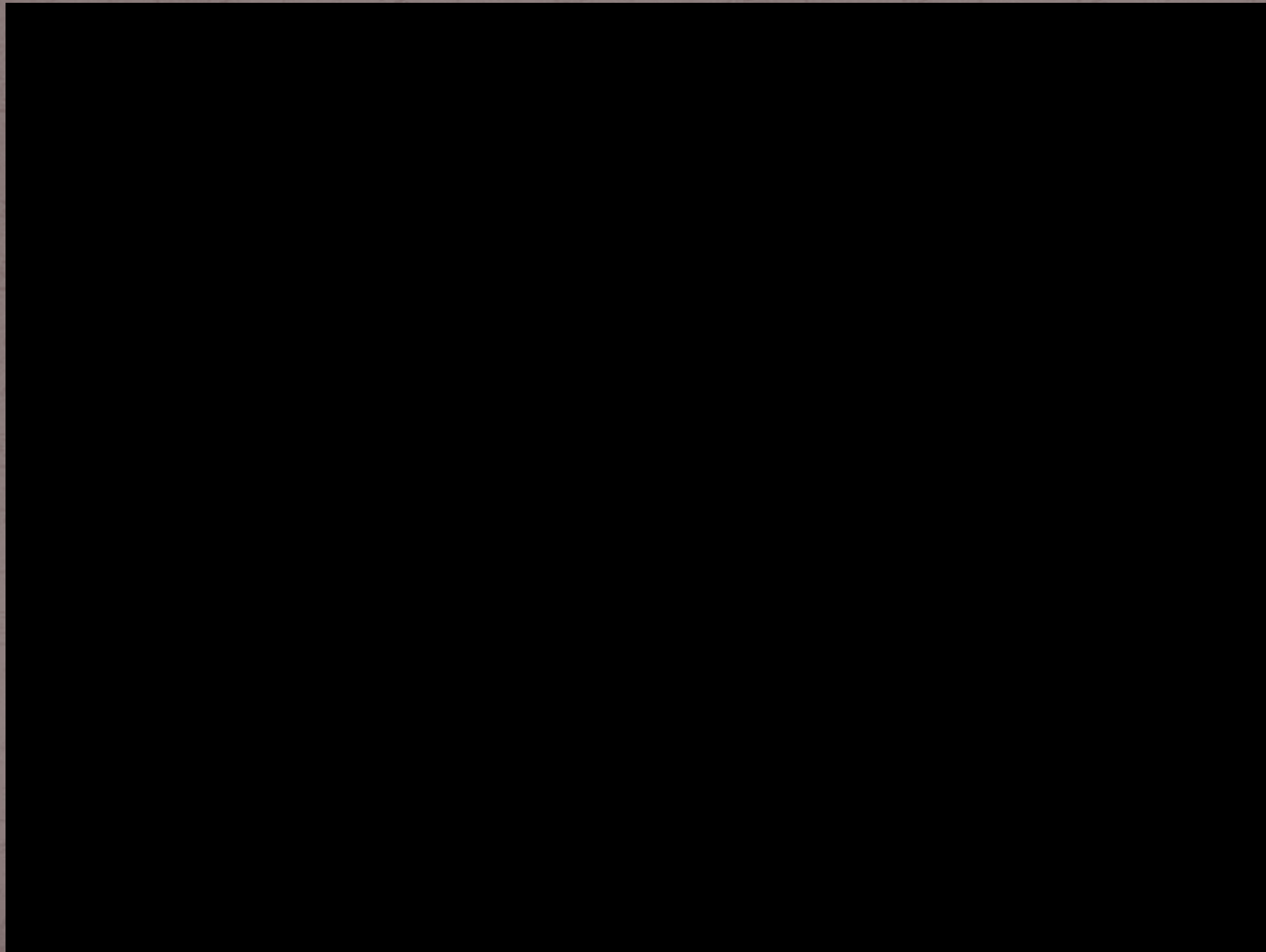


CROWLEY | FLECK...
ATTORNEYS

MINING LAW IN THE WEST



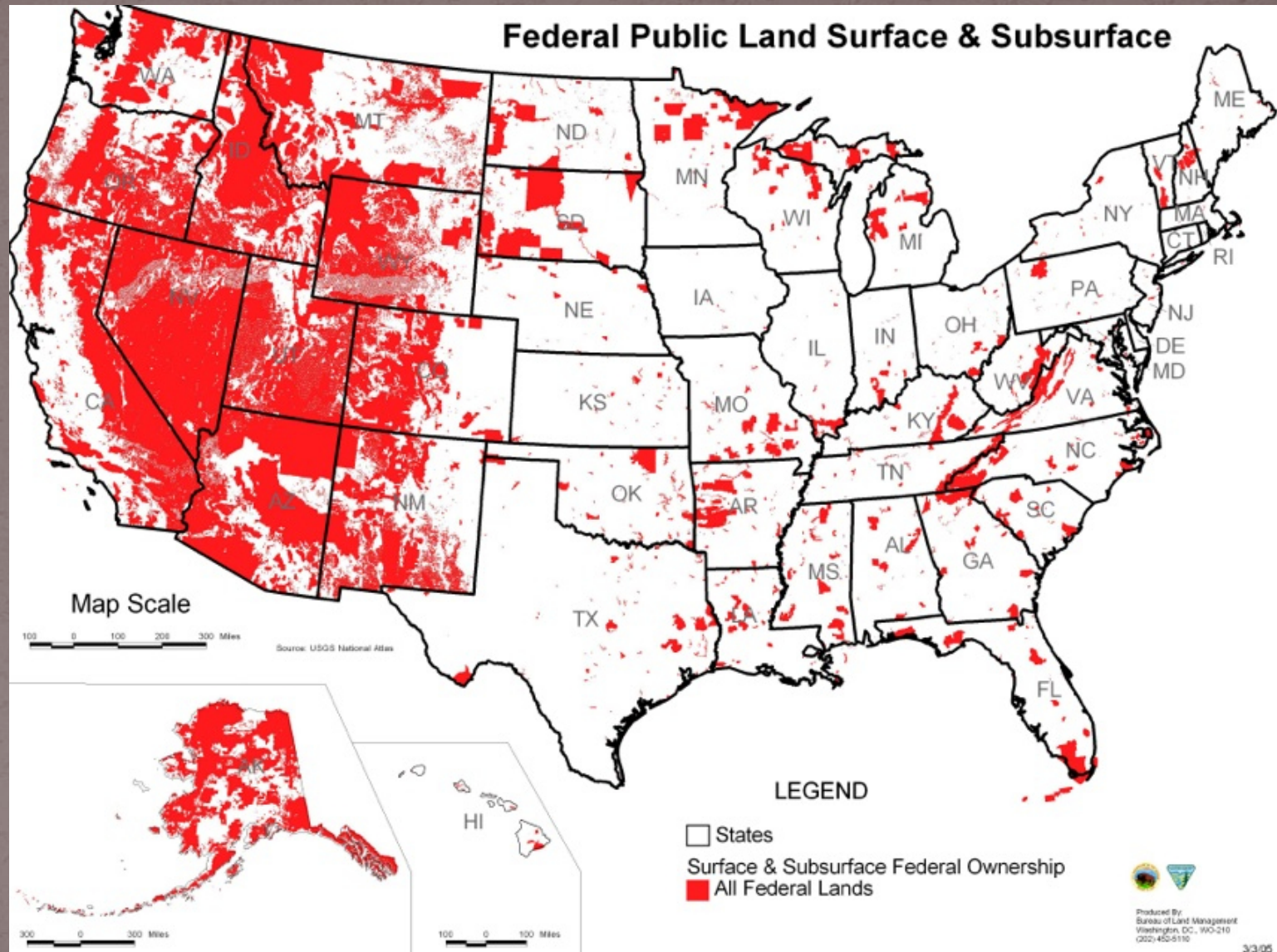
General Mining Law of 1872



General Mining Law of 1872

- Rooted in western mining traditions, old Spanish law and English common law.
- Self initiation process which promoted entrepreneurship, competition, economic growth and settlement of the American West
- Still prevalent today

Federal Public Land Surface & Subsurface



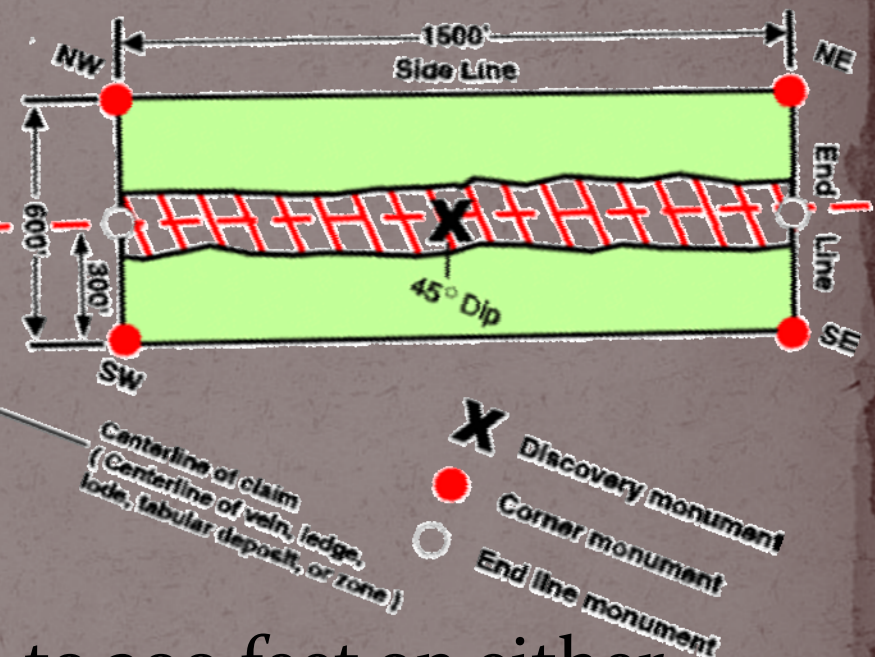
Locatable Minerals Under the General Mining Law:

Recent Examples: Copper, Silver, Gold, Lead, Garnet, Yogo Sapphires, Jade, Platinum, Palladium, Rhodium, Nickel, Chromite, Cobalt, Rare Earth Minerals, Diamondiferous Kimberlites, Lamproites, Uranium, Bentonite, Limestone suitable for cement production or metallurgical grade, Gypsum, Unique Silica Sands

Not Currently Locatable (Leaseable Minerals): Oil, Gas, Coal, Geothermal, Phosphate, Sodium, Potassium, Sulfur, Gilsonite, Trona, Common Varieties of Sand, Clay or Gravel, Saleable Minerals

What type of Claim is Appropriate?

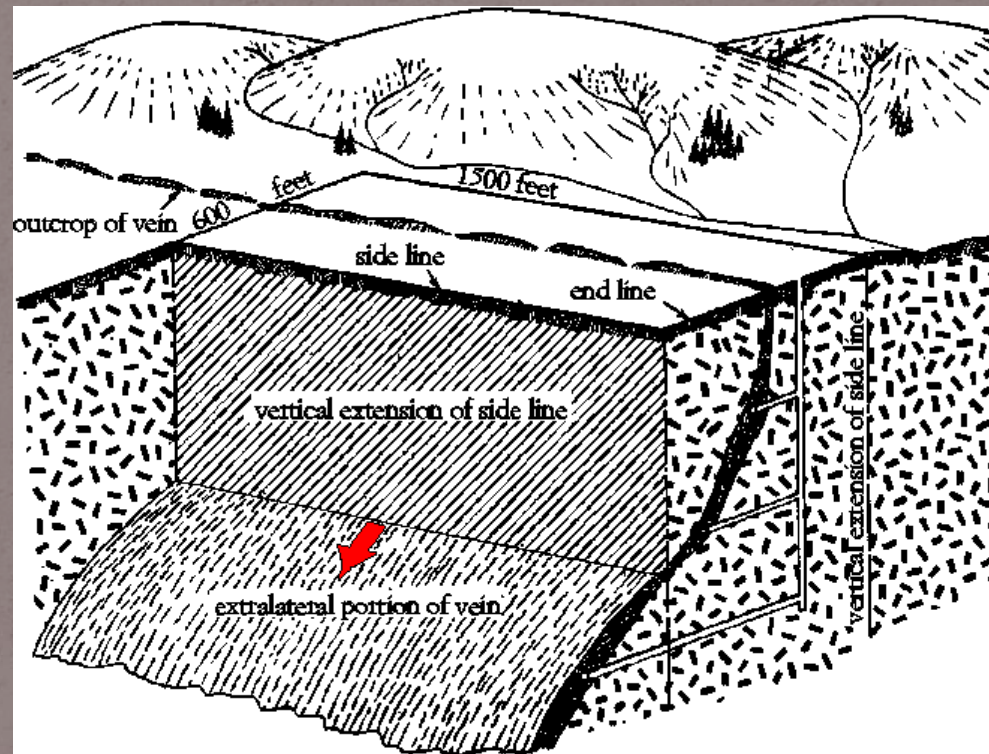
- Lode Claims



Wyoming Law limits width to 300 feet on either side of discovery shaft, which shall be equally distant from each sideline of the claim. W.S. 30-1-110.

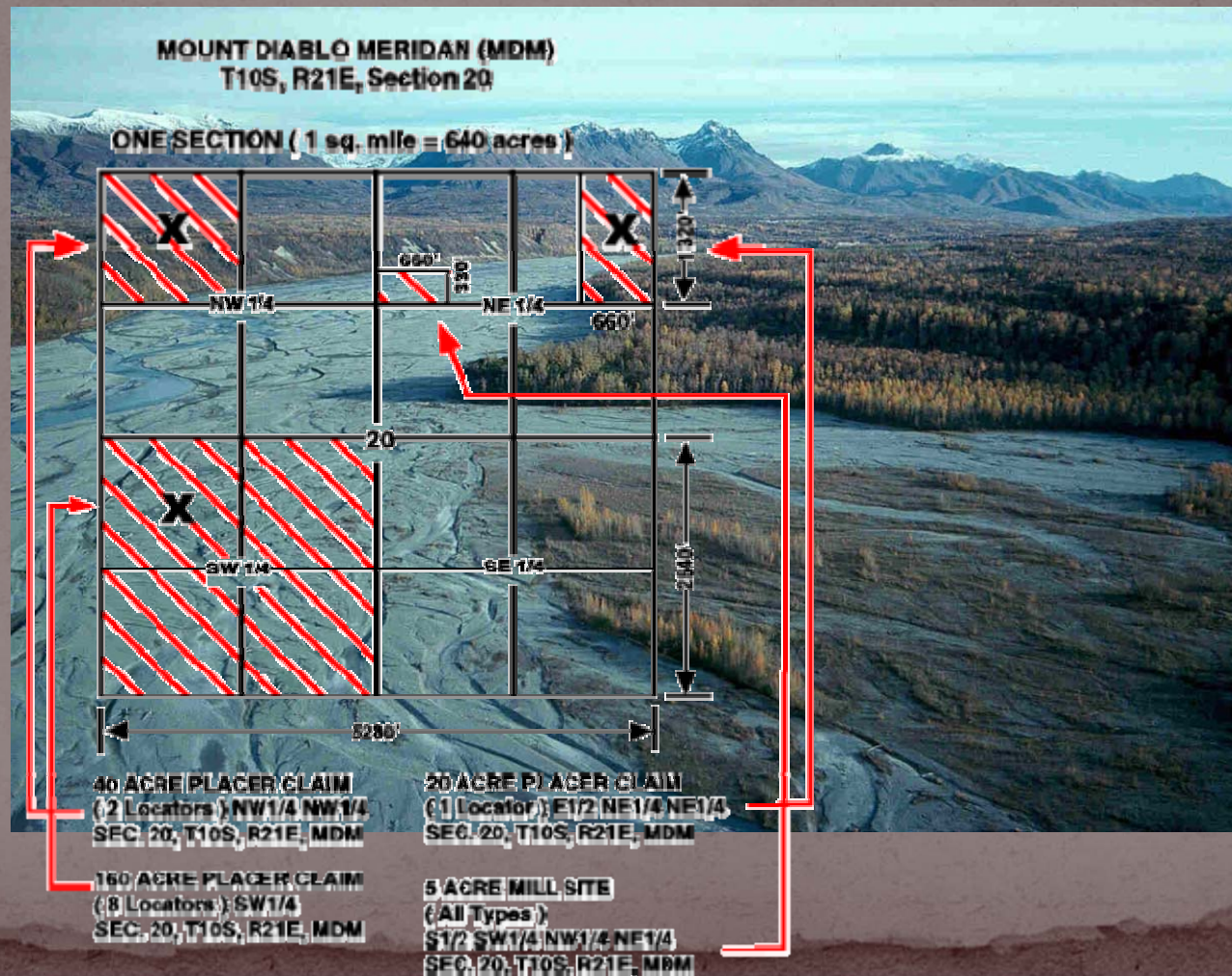
What type of Claim is Appropriate?

- Lode Claims – Extralateral Rights



What type of Claim is Appropriate?

- Placer Claims

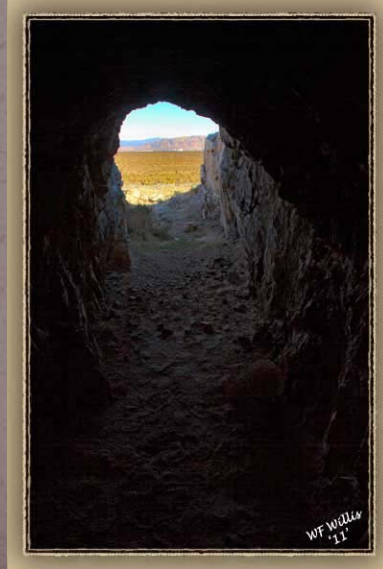


What type of Claim is Appropriate?

- Mill Sites



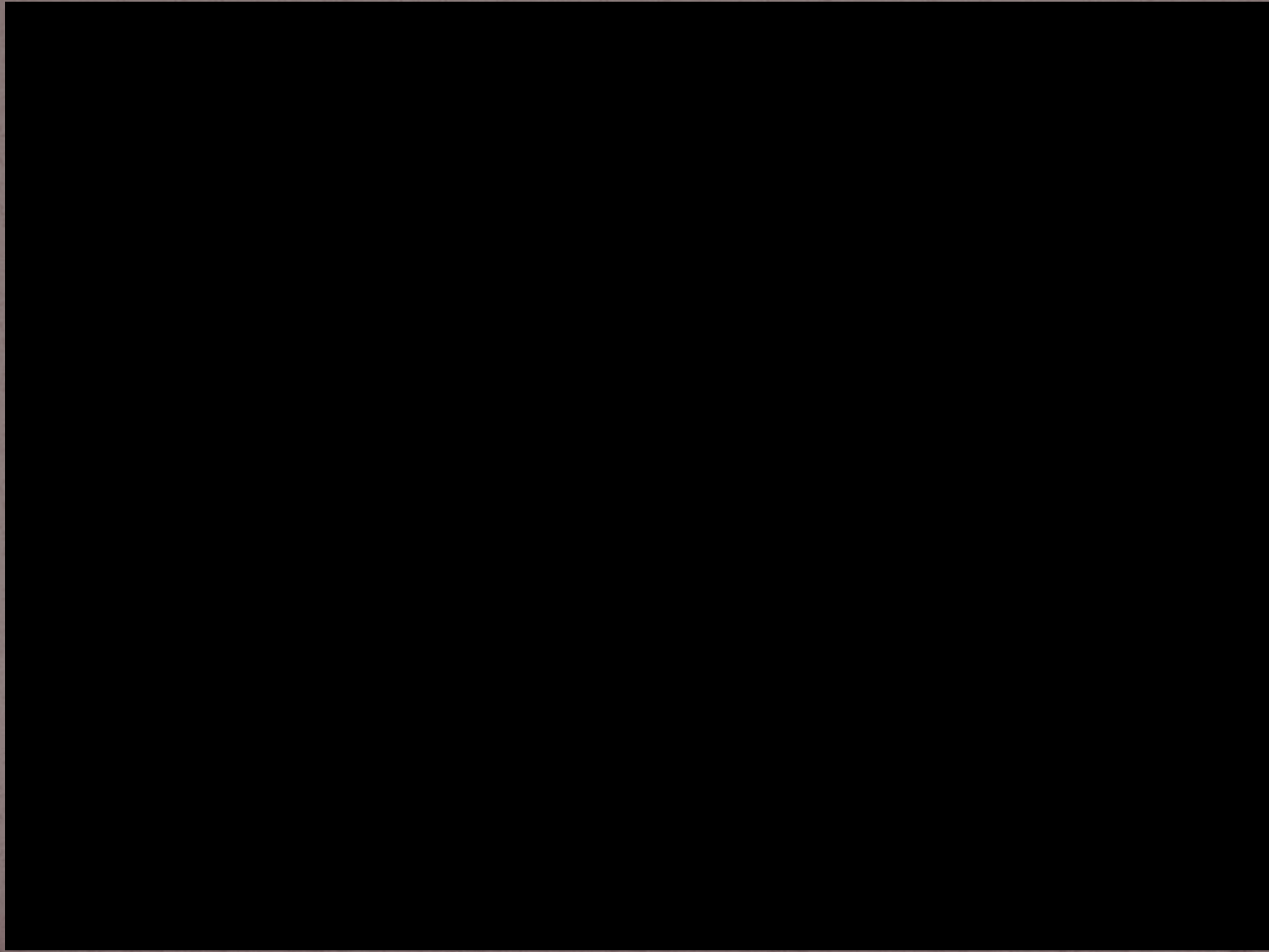
- Tunnel Sites



The image features a rectangular piece of aged, textured paper with a light beige or cream color. The paper has a visible fibrous texture and slightly irregular, deckled edges. It is set against a dark brown, almost black, background that frames the paper. Centered on the paper is the text "How do I Locate My Mining Claim?" in a black, serif font.

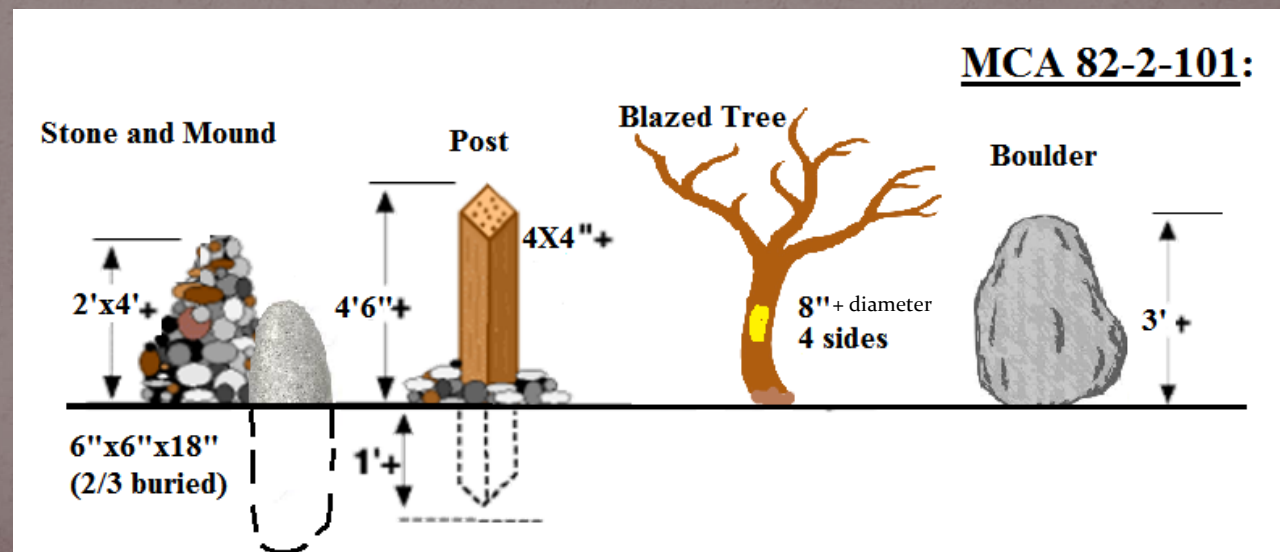
How do I Locate My Mining Claim?

How to Locate Your Mining Claim



How to Locate Your Mining Claim

- Comply with both federal and state law
- Post notice of location on site
 - Statutes require posting at point of discovery
- Mark claim boundaries in accordance with state law
- Record Certificate of Location in County and then file with BLM



How to Locate Your Mining Claim

- Wyoming:
 - **Lode Claims**—Post notice at point of discovery and mark boundaries with “six (6) substantial monuments of stone or posts, hewed or marked on the side . . . one (1) at each corner, and one (1) at the center of each side line.” W.S. 30-1-103.
 - **Placer**—Post notice in conspicuous location on claim and mark boundaries with “substantial posts or stone monuments at each corner of the claim.” W.S. 30-1-110.

How to Locate Your Mining Claim

- North Dakota:
 - **Lode Claims**—Requires “eight substantial posts hewed or blazed on the side and plainly marked with the name of the lode and the corner, end, or side they represent . . .” (Stone monuments are okay if the ground does not permit sinking of posts). NDCC 38-02-07.

How to Locate Your Mining Claim

- Each Claim Must Have a Discovery!
 - Prudent Man Test
 - Marketability Test



How to Maintain Your Mining Claim

- **DON'T FORGET—SEPTEMBER 1ST!!!!**
- Annual Maintenance Fees
 - \$155 per claim/site for unpatented lode claims, mill sites and tunnel sites.
 - \$155 for 20 acre placer claim, plus \$155 for every additional 20 acres or portion thereof.
- Small Miner's Exemption
 - Annual work requirement
 - File waiver documents
 - File affidavit

- **What rights are Included with my Claim?**

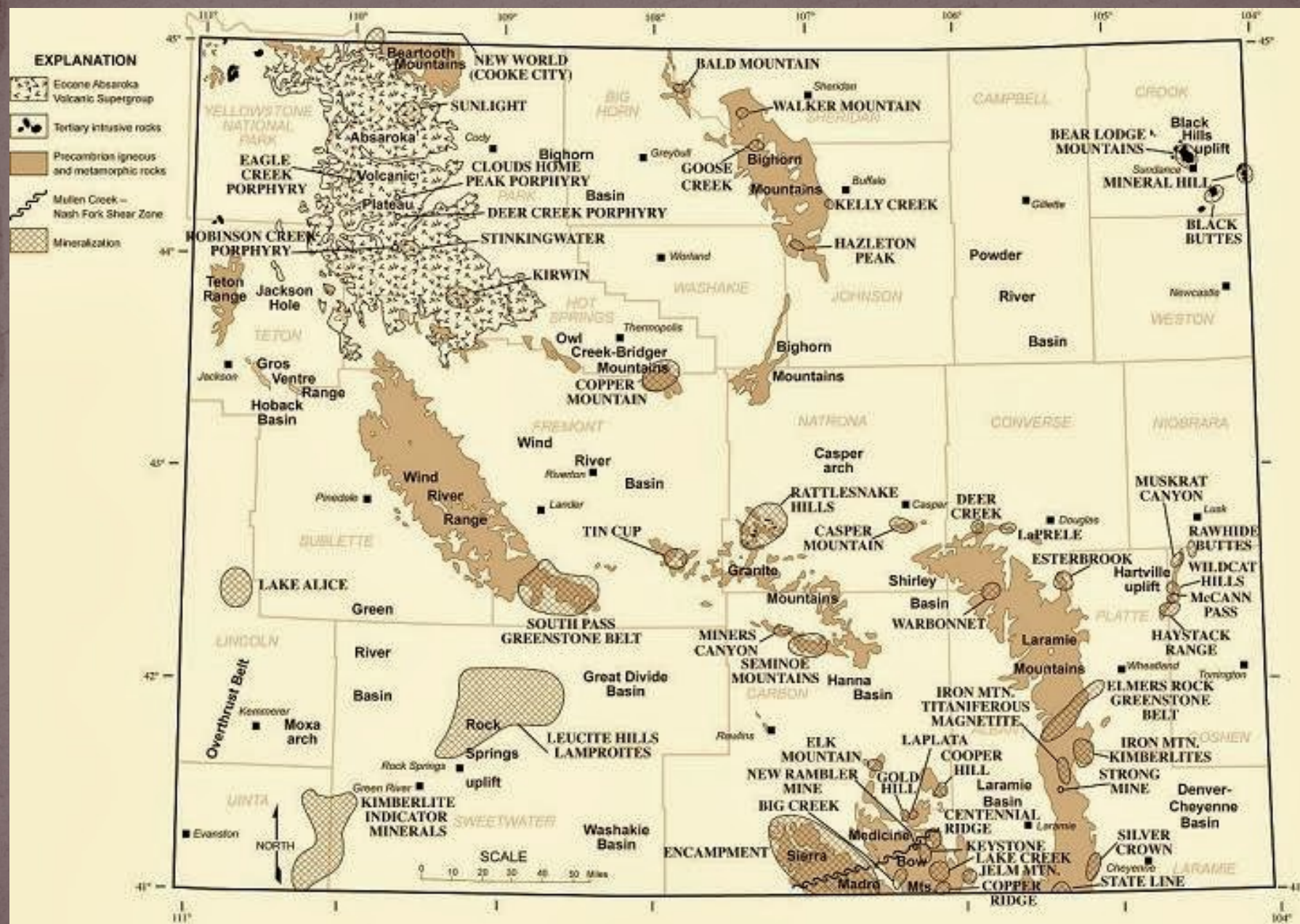
- Under General Mining Law—Unpatented claim owners have rights to surface and mineral deposits. See 30 U.S.C. 26.
- Multiple Use Act of 1955—The surface rights of unpatented claim owners are limited to mining activities and mineral deposits.

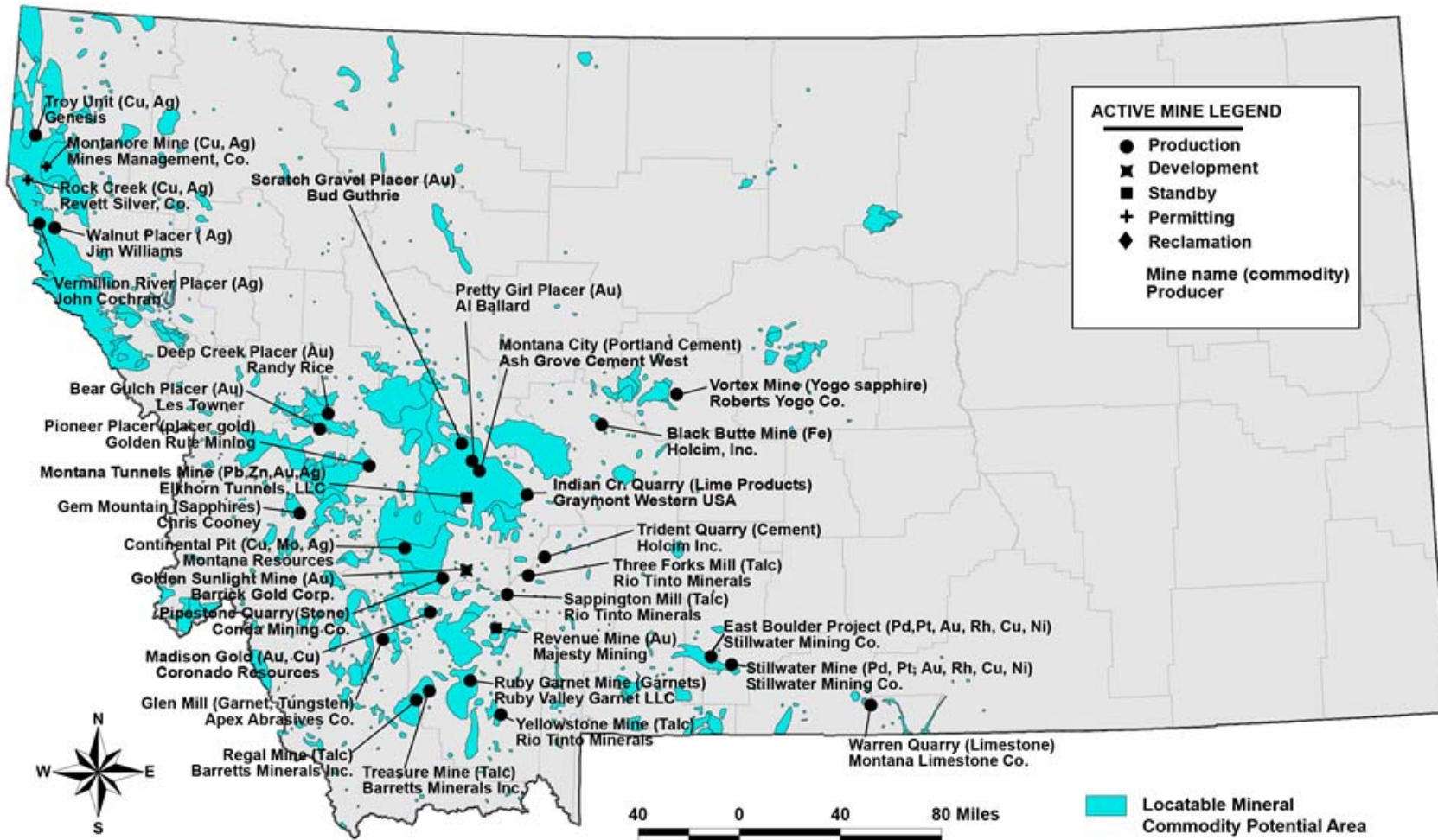
- **Patented vs. Unpatented Claims**

- Patented claims are fee property
- Effect of the Patent
- A moratorium has been placed on the patenting of mining claims

How do you Transfer Mining Claims?

- For unpatented claims, generally use quitclaim
- Use full description of the claims
 - Patented Claims:
 - Recommend using claim name, township, range, section, and mineral survey number.
 - Unpatented Claims:
 - Recommend using claim name, BLM serial number, township, range, section where each claim is located.
- Record Transfer with County *and* File with BLM





Locatable Mineral Commodities



Questions?