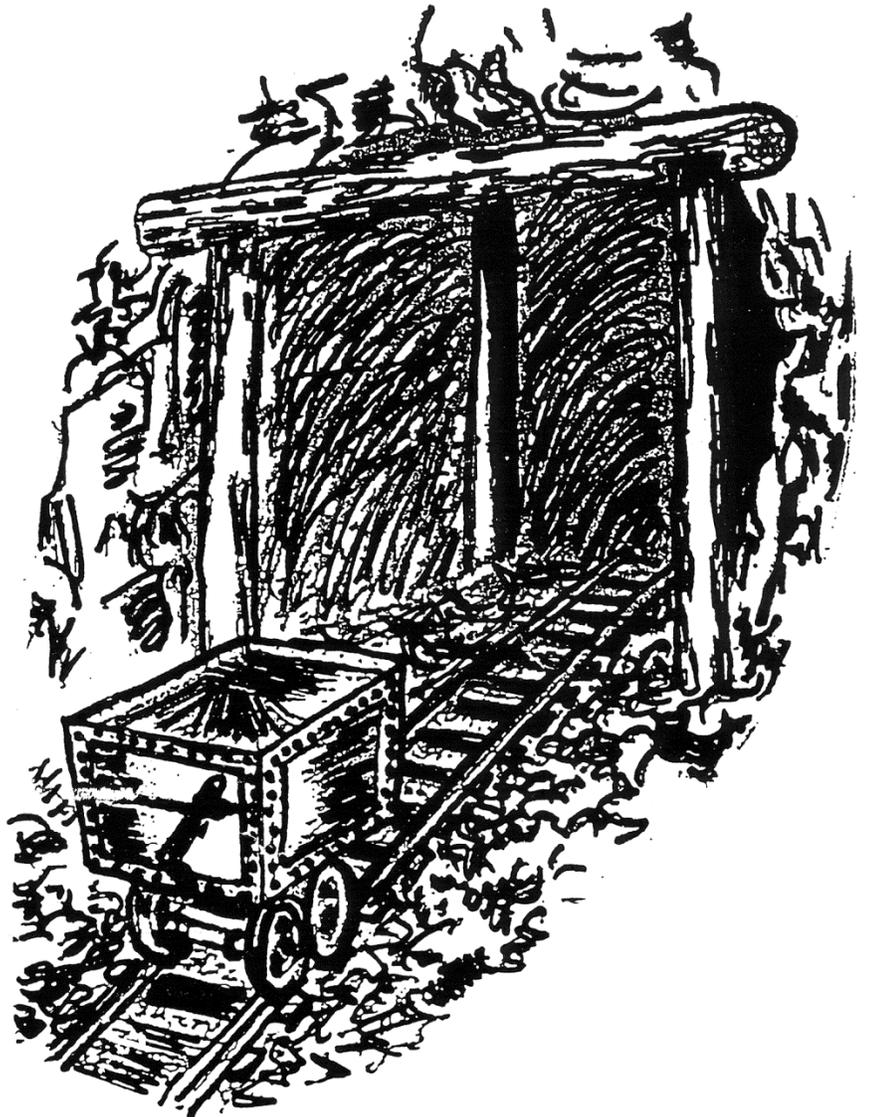
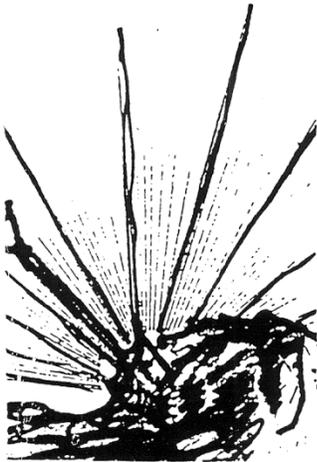
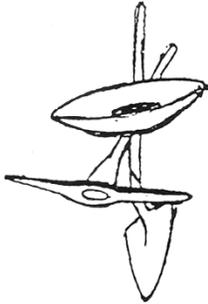


Bureau of Land Management March 2012
Oregon/Washington State Office

Oregon/Washington Information Guide:

Locating Mining Claims



NOTICE TO MINING CLAIMANT

The mining laws permit the prospector and miner to make reasonable use of a mining claim as long as the use is incident and necessary to prospecting, mining and processing operations. A mining claimant has a right to use his claim for mining purposes only. The purpose of the claim is to protect the miner's discovery. However, an erroneous impression sometimes exists to the effect that the act of staking a mining claim is the shortest route to obtaining public land for a weekend retreat, or other similarly unlawful purpose. A mining claim does not give the claimant exclusive use of the claim. The public may use the surface of a mining claim for any purpose allowed on other public lands other than mining. The public may not interfere with valid mining activities.

Since a mining claimant has merely a possessory interest in the location, the United States has paramount title in the land, which it has a duty and right to protect against waste and unauthorized use. Any use of the surface of an unpatented claim for purposes unrelated to mining is unauthorized and, therefore, considered to be in trespass. Whether the claim is valid or invalid, the Bureau will proceed to terminate the unauthorized use and collect any damages from the beginning of the wrongful occupancy.

The unauthorized use of a mining claim can become a very serious problem for the claimant, particularly when a valuable improvement is constructed or placed on an unpatented claim. Such a person stands to lose all of his/her investment, including the claim itself, due to such trespass action. In many cases, we have found that unauthorized use began because of the claimant's lack of knowledge or understanding of the mining laws. Therefore, we are providing these cautions to owners of mining locations in an effort to prevent any future difficulties and encourage the proper use and development of public lands.

A claimant may limit or restrict public recreational use of/or public access across claims or portions of claims that are actively used for prospecting, mining, or processing operations only in the following situations:

1. The mining claimant or operator has a valid Mining Notice or authorized Mining Plan and has deposited a reclamation bond that has been accepted by the BLM for disturbances related to their mining activity.
2. Where public recreational use of a claim would endanger or materially interfere with legitimate mining pursuits or;
3. In cases where the mining operation is hazardous and could lead to personal injury. The claimant may protect his mining equipment and operations area with appropriate signs or other lawful means if permitted by the local BLM office.

Recreationists may use the surface of most mining claims for any legal recreational pursuit, including hunting, fishing, and camping but must respect the rights of mining claimants.

The right to manage the surface of most unpatented mining claims is vested with the federal government. Recreation is a recognized use of the public lands, specifically on claims located after 1955 and certain other claims located prior to 1955, and is authorized by statute and regulation.

A mining claimant may not fence or otherwise discourage free access and use of the land, within the bounds described above. A mining claimant is required under state and federal laws to provide adequate warning devices when using explosives during prospecting or mining operations.

Persons who are denied access to or across unpatented mining claims should immediately leave the area, verify their location and report the situation to the nearest office of the Bureau of Land Management.

The public cannot cross private land to reach public land, where no public thoroughfare exists, unless the landowner's permission has been granted.

Two of the laws referred to in the regulations are the General Mining Law of 1872 (30 U.S.C. 22-54) and the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1701 *et seq*). Laws prior to 1872, such as the 1866 Mining Law, do not apply (*Hal Anthony*, 178 IBLA 238).

Locating a claim

The location of a mining claim involves a series of steps. We do not maintain a general map of existing claims or of areas open to mineral entry. Many lands are still open to mineral location, but **you** must research where those lands are located. You first need to determine the exact location of the area you are interested on the ground as defined by the Public Land Survey System (township, range, section). You may purchase maps or there are several websites that display maps. Be sure the land is open to mineral entry by checking the master title plats (MTP). Copies of the MTPs may be purchased for \$1.10 each. One MTP covers one township, approximately 36 square miles. You may view these plats and other information regarding minerals at www.blm.gov/or/programs/minerals.

Also check with the county recorder's office in which the claim is to be located and on www.blm.gov/lr2000 for active mining claims in the area of interest. View the Tutorial for instructions on running reports. Paper printouts are available for \$.13 per page. Note: LR2000 only identifies claim locations to the nearest ¼ section (160 acres), while most mining claims are described to twenty acres.

If you locate a mining claim over another mining claim, BLM does not get involved. Rival claimant issues are a civil matter to be decided in court; nor do we refund fees. Blank forms for Notice of Location of Placer Claim or Notice of Location of Lode claim may be purchased at many stationary stores. Blank forms and examples of forms may also be found on the internet, but make sure that the form you choose is accepted in the state for which the mining claim location is to be filed.

New Claims/Sites

Under Oregon State Law, the Location Notice must be filed for record in the county in which the claim is located within 60 days after the date of location. Under Washington State Law, the Location Notice must be filed for record in the county in which the claim is located within 30 days for a placer claim and 90 days for a lode claim after the date of location. A fee is usually charged in both states. Requirements for monumenting your claim on the ground are found under state law. Be advised that sometimes animals or people may remove markers.

Within 90 days of the date of location, a copy of the Location Notice that was recorded with the county and a map of sufficient scale to identify the claims on the ground shall be recorded at the BLM State Office. The following information is required on the copy of the Location Notice: name of claim/site, name and current mailing address of locator(s), type of claim or site, date of location, and legal land description. If one person is designated as agent, also include copies of the notarized designation of agent forms. You cannot locate both a placer and a lode claim as one claim, or more than one claim on one form. Separate location notices are required.

An individual placer claim may not exceed 20 acres in size. An association placer claim may not exceed 160 acres. Within the association, each person or business entity may locate up to 20 acres. To obtain the full 160 acres, the association must consist of at least eight co-locators.

Each mining claimant of an association placer claim must be qualified to locate a claim, have a bona fide interest in the claim, and have located the claim independently, for their own self-interest, and in good faith. The law is well established that a person cannot use the names of his friends, relatives, or employees as dummy locators in order to locate for his own benefit a greater area of placer ground than is allowable by law. Any claim located using dummy locators is not a valid mining claim. Each locator of an association placer claim must provide their mailing addresses. If only one address is provided, each locator will be required to submit additional documentation.

By recording a location notice with BLM, the locators are representing to the United States government that they meet the qualifications for locating an association placer claim and that they are not using the names of other persons as dummy locators to locate more than 20 acres per claim for their own benefit. The use of dummy locators in an attempt to appropriate more than 20 acres per bona fide individual claimant is a fraud upon the United States which can cause the entire claim to be void. In accordance with 43 CFR 3830.9, if you file a document that you know contains false, erroneous, or fictitious information or statements, you may be subject to criminal penalties under 18 U.S.C. 1001 and 43 U.S.C. 1212. The maximum penalty is 5 years in prison and/or a fine of \$250,000.

Fees

For claims located on or after September 1, 2009, a \$189 per claim/site fee is required at the time of recordation with the BLM. This fee covers a \$15 processing fee, a \$34 location fee, and a \$140 maintenance fee for the assessment year in which the claim/site was located. The assessment year begins on September 1. For any NEW claims located prior to September 1, but filed with the BLM after September 1, you must file your waiver certification with the location notice (in the same envelope). If you do not qualify for a waiver, you must pay an additional \$140 maintenance fee per claim. If you file a waiver form, you must also file a notice of intent to hold or proof of labor on or before December 30 with a \$10 per claim service fee.

Legal Land Descriptions

Placer claims must be described by aliquot parts and complete lots unless they meet one of these three exceptions:

1. Located on unsurveyed Federal lands;
2. Gulch (ie bed of a river within steep, nonmineral canyon walls) or bench (ie terrace or former flood plains made of gravel or sediment or both on the valley wall or slope above the current riverbed, created when the river previously was at a higher topographic level than now) placer claims; or
3. Bounded by other mining claims or nonmineral lands.

If the claim meets one of the exceptions, include a cover letter stating the exception. Also include a map of the claim. Describe the claim by [metes and bounds](#). In all instances, a claim must also meet the following requirements:

- A location by 1 or 2 persons must fit within the boundaries of a square 40 acre parcel (1320 feet x 1320 feet);

- By 3 or 4 persons in 2 square 40 acre parcels
- By 5 or 6 persons in 3 square 40 acre parcels
- By 7 or 8 persons in 4 square 40 acre parcels

A lode claim may be no larger than 1500' by 600'. Please see the examples at the end of the package for further information on describing your claim.

REMEMBER: Include a map of sufficient scale to identify the claims on the ground and their relationship to the section corners. You may use a USGS topographic map, a master title plat, or a sketch with sufficient reference to geographic features to locate the claims on the ground.

Stock Raising Homestead Act

There are specific procedures for locatable mineral exploration and development on split estate land. Split estate land is land where the surface was patented under the homestead entries, and the minerals were reserved to the United States under the Stock Raising Homestead Act (SRHA) of 1916.

Public Law 103-23, amendment to the 1916 SRHA, requires anyone wishing to explore land subject to the SRHA for the purpose of staking a mining claim to first file a Notice of Intent to Locate a Mining Claim (NOITL) with the appropriate BLM State Office. Claimants must file a NOITL (Form 3830-3) prior to entering SRHA land to explore for minerals, or to locate mining claims. A nonrefundable filing fee of \$30 must accompany the NOITL, or it will be returned unrecorded.

*NOTE: If you own the surface estate of SRHA lands and want to explore or locate a mining claim on the Federally reserved mineral estate, you do not need to file a NOITL. Include with your location notice a copy of your deed or tax records.

Please contact us for more information regarding SRHA, or visit the website at <http://www.blm.gov/or/programs/minerals> and navigate through locating and recording a mining claim to locating claims on Stock Raising Homestead Act lands.

Maintenance Fees

If you or any co-owners own or control more than 10 claims nationwide, you must pay the maintenance fee postmarked on or before September 1 each year. Claimants who file the annual maintenance fee **must** include a document listing the claim/site name(s) and BLM serial number(s) for which the fees are being paid. The fee is \$140.00 per claim. If you choose to pay over the phone, first either e-mail or fax a list of claims to us.

If you obtain a mining claim that is subject to a waiver, you must also qualify for the waiver to continue to apply the waiver to the mining claim you received in the transfer. If you do not qualify for the waiver, you must pay the annual maintenance fee by September 1 following the date the transfer became effective under state law (ie \$280 per claim).

Maintenance Fee Waiver Certification (Form 3830-2)

If you qualify under the waiver requirements for a claim, file a copy of Form 3830-2 with the BLM State Office postmarked on or before September 1 every year.

1. All owners and related parties must have an interest in 10 or less claims/sites in the U.S. on September 1st. For example, a husband and wife may only hold 10 claims. You must also include in the count any claims held by control through a corporation. See the regulations for further details.

2. The waiver certification **must** include the claim/site name(s) and BLM serial number(s) that you wish to hold.

3. The name, address, and **original** signature of **all** the owners must be listed. If an agent or power-of- attorney signs for an individual, include a notarized designation of agent signed by the claimant with the claimant's current mailing address.

4. Include the dates under statements 1 and 2. For example, a waiver filed September 1, 2011, would be filed for the assessment year beginning 2011 and ending 2012. You are attesting that you own 10 or less claims/sites on September 1, 2011.

5. On or before December 30, you must file an **affidavit of annual assessment work** (proof of labor) or notice of intent to hold with the BLM State Office along with the **\$10 service fee per claim/site**.

Annual Assessment Work

To keep a possessory interest in the claim, the claimant must perform a minimum amount of labor or make improvements worth \$100 each year.

Assessment work is work or labor performed in good faith that tends to develop the claim and directly helps in the extraction of minerals. Work that may not qualify as Annual Assessment is dewatering shaft to show perspective buyer, off-site improvements; the purchase of food, bedding and utensils, the payment for tools and materials not used, sampling and assaying, reconnaissance surveys of mining claims, uses of a mining claim not allowed under the mining regulations. Most State laws require the annual filing of an affidavit of assessment work with the proper county. Also, FLPMA requires the filing of an affidavit of annual assessment work with both the local county offices and the proper BLM State Offices.

Assessment work is not a requirement for owners of mill or tunnel sites. However, they must file a notice of intention to hold the site(s) with the BLM.

Performance of assessment work must be within a certain period referred to as the assessment year. The assessment year begins on September 1 and ends on September 1, of the next year.

Performance of assessment work need not occur during the first assessment year of location. If you file a waiver document, you must file either a notice of intent to hold the claim or a proof of labor with the BLM by December 30 with a **\$10 service fee per claim/site**.

Notice of Intent to Hold

A notice of intent to hold (NOI) a claim or site is a letter or a notice signed by the claimant(s) or their agent(s). It should include the BLM serial number(s) assigned to each claim/site(s), any change in mailing address of the claimant(s), and a reason why assessment work is not required. It must be accompanied with a \$10.00 filing fee per claim/site.

Changing from waiver to maintenance fee

If you (or the previous owner) filed a waiver in the previous year and you decide to pay the maintenance fee the next year, you must also file a proof of labor on or before the December 30th after paying the fee.

Changing from maintenance fee to waiver

If you (or the previous owner) paid the maintenance fee in the previous year and you decide to file a waiver the next year, you must also file either a notice of intent to hold or a proof of labor on or before the December 30th after filing the waiver.

Recording an Amendment

An amendment to a location for an active mining claim or site can be made at any time and must be filed with the appropriate county Recorder's Office and the proper BLM State Office. It can be made on the same type of form as was used for the original location. An amended location relates back to the original date that the mining claim or site was located. Changing the date of location makes it a re-location of the claim requiring the \$189 fee. The BLM has a \$10 nonrefundable processing fee to file an amendment.

Amendments are used to:

1. Correct or clarify omissions or defects in the original location certification;
2. Change legal descriptions due to an error made on the original certificate (the location on the ground cannot be changed); and
3. Change the claim name.

You may not use an amendment to:

1. Transfer any interest or add owners;
2. Relocate or re-establish claims you previously forfeited;
3. Change the type of claim; or
4. Enlarge the size of the claim (claim new land).

Amended location notices must be recorded at the proper county recorder's office prior to recordation with the BLM (43 CFR 3833.22). You must record amended location notices with the BLM within 90 days after you record the amendment in the local/county recording office. BLM will not recognize any amendment to your mining claim until you file it properly.

Recording a Transfer Document

Where an owner of an unpatented mining claim sells, assigns, or otherwise conveys all or any part of his interest in the claim, his transferee shall file the transfer document in the proper BLM State Office and also with the appropriate county Recorder's Office. Examples of transfer documents are transfer of interest, quitclaim deed, will, etc. The transfer document shall identify the transferee's name and signature, the name and address of the new owner, the claim or site name(s) and the BLM serial number(s). The BLM has a \$10 nonrefundable processing fee to file transfer documents for each claim or site (per document). Each transferee must pay the service charge. For example, if a husband and wife purchase one claim, the fee is \$20.

In accordance with 43 CFR 3833.33, you may transfer, sell, or otherwise convey an association placer mining claim at any time to an equal or greater number of mining claimants. If you want to transfer an association placer claim to an individual or an association that is smaller in number than the association that located the claim you – a) must have discovered a valuable mineral deposit before the transfer; or b) upon notice from BLM, you must reduce the acreage of the claim, if necessary, so that you meet the 20-acre per locator limit. Per 43 CFR 3830.5, a discovery means that you have found a valuable mineral deposit. Any association placer claim transferred that does not meet these requirements is not a valid mining claim.

If you obtain a mining claim that is subject to a waiver, you must also qualify for the waiver to continue to apply the waiver to the mining claim you received in the transfer. If you do not qualify for the waiver, you must pay the annual maintenance fee by September 1 following the date the transfer became effective under state law (ie \$280 per claim).

Recording an Abandonment (Relinquishment)

Upon abandonment of a claim or site (relinquishment) to the Federal Government, file a notice with the BLM State Office. No particular form is required; a letter is acceptable. Be sure to include the claim or site name(s) and the BLM serial number(s). All current owners who are abandoning their interest must sign the document. There is no charge to file these documents.

Recording a Change of Address

The change of address document shall identify the claim or site name(s), the BLM serial number(s), and the owners name and new address. There is no charge to file this document.

Mining Claim Forms

For BLM mining claim forms, visit the following website: <https://www.blm.gov/blmforms>. Navigate to Forms Central, BLM Forms, Grouped by Form Numbers, and the 3000-3999 series. Here you will find the Maintenance Fee Waiver Certification (Form 3830-2), as well as my other mineral forms.

Affidavits of annual assessment work done (proof of labor), notice of location, and quit claim deeds are State forms. Contact your local legal document stationary store. We do not sell these forms. Blank forms and example of forms may also be found on the internet, but make sure that the form you choose is accepted in the state for which the document is to be filed.

Mineral Patents

Mineral Patent Moratorium: Effective October 1, 1994, Congress imposed a moratorium on spending appropriated funds for the acceptance or processing of mineral patent applications that had not yet received First Half Final Certificate (FHFC) or were not in Washington, D. C. for secretarial review of FHFC on or before September 30, 1994. Until the moratorium is lifted or otherwise expires, the BLM will not accept any new patent applications.

EXPLORATION, MINING, AND RECLAMATION

If you plan to conduct exploration and/or mining operations on Public Lands or Forest Lands, you will need to contact either the local BLM or USFS Field Office beforehand, depending on what lands you will be on. Depending on the type and size of the proposed activity, you will most likely have to file either a notice or a plan of operations with the local BLM or USFS office including submittal of a financial guarantee or bond to assure that reclamation will be completed. Casual use activity, such as staking mining claims, does not require a notice or plan unless there will be significant surface disturbing activity. Reclamation of disturbed areas is required.

Copies of State of Oregon mining regulations and permits for **sand and gravel** are available from the Oregon Department of Mineral Industries, Mined Land Reclamation Office, 229 Broadalbin St., S.W., Albany, OR 97321-2246, phone (541) 967-2039, or online at www.leg.state.or.us. Navigate to the Oregon Revised Statutes, Chapter 517. **Suction dredge and other mining permits** may be obtained from the Oregon Department of Environmental Quality (ORDEQ) at 811 SW Sixth Ave., Portland, OR 97204-1390, phone (503) 229-5696 or online at <http://www.deq.state.or.us/wq/wqpermit/mining.htm>. Additional placer mining information may be obtained online at http://www.oregon.gov/DSL/PERMITS/ga_placerinfo.shtml.

For the State of Washington, contact the Washington Department of Natural Resources, Division of Geology and Earth Resources, Natural Resources Building, 1111 Washington St. S.E., Olympia, WA 98504-7007, phone (360) 902-1450 or online at <http://apps.leg.wa.gov/rew> and navigate to Title 78.

District Offices for Oregon and Washington

BURNS DISTRICT OFFICE
28910 Hwy 20 West
Hines, OR 97738
Phone: (541) 573-4400

COOS BAY DISTRICT OFFICE
1300 Airport Lane
North Bend, OR 97459-2000
Phone: (541) 756-0100

EUGENE DISTRICT OFFICE
3106 Pierce Pkwy, Ste. E
Springfield, OR 97477
Phone: (541) 683-6600

LAKEVIEW DISTRICT OFFICE
1301 S. "G" St.
Lakeview, OR 97630
Phone: (541) 947-2177

KLAMATH FALLS RESOURCE AREA
2795 Anderson Ave., Bldg 25
Klamath Falls, OR 97603-7891
Phone: (541) 883-6916

MEDFORD DISTRICT OFFICE
3040 Biddle Rd.
Medford, OR 97504
Phone: (541) 618-2200

PRINEVILLE DISTRICT OFFICE
3050 N E Third St.
Prineville, OR 97754
Phone: (541) 416-6700

ROSEBURG DISTRICT OFFICE
777 N. W. Garden Valley Blvd.
Roseburg, OR 97470
Phone: (541) 440-4930

SALEM DISTRICT OFFICE
1717 Fabry Rd. SE
Salem, OR 97306
Phone: (503) 375-5646

TILLAMOOK RESOURCE AREA
4610 Third St.
Tillamook, OR 97141
Phone: (503) 815-1100

SPOKANE DISTRICT OFFICE
1103 N. Fancher Rd.
Spokane, WA 99212-1275
Phone: (509) 536-1200

WENATCHEE RESOURCE AREA
915 N. Walla Walla St.
Wenatchee, WA 98801-1521
Phone: (509) 665-2100

VALE DISTRICT OFFICE
100 Oregon St.
Vale, OR 97918
Phone: (541) 473-3144

BAKER RESOURCE AREA
3825 11th St.
PO Box 947
Baker City, OR 97814
Phone: (541) 523-1256

Forest Service
Pacific NW Regional Office
333 SW First Ave
PO Box 3623
Portland, Oregon 97208

Colville National Forest
765 S. Main, Federal Bldg
Colville, Washington 99114
509-684-7000

Deschutes National Forest
1001 SW Emkay Drive
Bend, Oregon 97702
541-383-5300

Fremont-Winema National Forest
1301 South G. Street
Lakeview, Oregon 97630
541-947-2151

Gifford Pinchot National Forest
10600 NE 51st Circle
Vancouver, Washington 98682
360-891-5000

Malheur National Forest
431 Patterson Bridge Road
John Day, Oregon 97845
541-575-3000

Mt. Baker-Snoqualmie National Forest
2930 Wetmore Avenue, Suite 3A
Everett, Washington 98201
425-783-6000

Mt. Hood National Forest
16400 Champion Way
Sandy, Oregon 97055
503-668-1700

Ochoco National Forest
3160 NE 3rd Street
Prineville, Oregon 97754
541-416-6500

Olympic National Forest
1835 Black Lake Blvd SW
Olympia, Washington 98512
360-956-2402

Rogue River-Siskiyou National Forest
3040 Biddle Road
Medford, Oregon 97504
541-618-2200

Siuslaw National Forest
4077 SW Research Way, PO Box 1148
Corvallis, Oregon 97339
541-750-7000

Umatilla National Forest
2517 SW Hailey Avenue
Pendleton, Oregon 97801
541-278-3716

Umpqua National Forest
2900 NW Stewart Pkwy
Roseburg, Oregon 97471
541-672-6601

Wallowa-Whitman National Forest
1550 Dewey Ave, PO Box 907
Baker City, Oregon 97814
541-523-6391

Okanogan-Wenatchee National Forest
215 Melody Lane
Wenatchee, Washington 98801
509-664-9200

Willamette National Forest
3106 Pierce Parkway, Suite D
Springfield, Oregon 97477
541-225-6300

Columbia River Gorge National Scenic Area
902 Wasco Street, Suite 200
Hood River, Oregon 97031
541-308-1700