

MINERAL PATENTS

A patented mining claim is one for which the Federal Government has passed its title to the claimant, making it private land. A person may mine and remove minerals from a mining claim without a mineral patent. However, a mineral patent gives the owner exclusive title to the locatable minerals. In most cases, it also gives the owner title to the surface and other resources. Requirements for filing mineral patent applications may be found in 43 CFR 3860 and BLM State Offices.

Mineral patents can be issued for lode and placer claims and mill sites, but not for tunnel sites.

Patenting requires the mining claimant to demonstrate the existence of a valuable mineral deposit that satisfies the prudent man and marketability tests (discovery). In addition, the applicant needs to:

1. have the claim surveyed (if it is a lode claim, a claim described by metes and bounds, or a claim situation on unsurveyed land) by a mineral surveyor selected from a roster maintained by the BLM State Office,
2. post a "notice of intent to patent" on the claim or site and publish it in a local newspaper for a 60-day period,
3. pay the BLM a nonrefundable \$250 application fee (and an additional \$50 filing fee for each additional claim/site in the application),
4. show the BLM evidence of a right of title to the claim or site,
5. show the BLM proof of discovery of a valuable mineral deposit, and
6. show the BLM proof that not less than \$500 worth of development work or improvements have been made to benefit each claim.

A Federal mineral examiner will examine the application and the claim(s) to verify that a discovery of a valuable mineral has been made. If all the requirements of the mining laws and regulations have been satisfied, the law allows the applicant to purchase the claim(s) or site(s) at the following rates: lode claims at \$5 per acre, placer claims at \$2.50 per acre, custom mill sites and mill sites associated with lode claims at \$5 per acre, and mill sites associated with placer claims at \$2.50 per acre.

THE APPROPRIATE BLM STATE OFFICE IS THE ONLY OFFICIAL FILING OFFICE FOR THE FEDERAL GOVERNMENT, except for the BLM Fairbanks Support Center in Alaska, which is also an acceptable filing office (see Figure 3). See Figure 4 for filing and patenting fees.

The above information was taken from the BLM Website on June 28, 2002. If there have been changes to BLM policy or regulations since then, some of the information above may be outdated. You may want to visit the [BLM site](#) to see if there have been any changes.