

Mineral survey plats and notes are invaluable when you're conducting examinations in the field. They are usually done in advance of the application for mineral patent, and are processed through the Cadastral Survey Section of the BLM state office. The district or field offices are usually not alerted to applications for or the conduct of mineral surveys until after the master title plat has been annotated. In the matter of mineral patent applications, validity must be shown by the date of first half of entry certificate. When withdrawals are involved, there are several critical dates cited by various decisions. This includes the showing of validity by the date of withdrawal, by the date of the validity determination, and date of contest hearing. For lodes discovered by tunneling, the 1984 U.S. versus Albert Parker, et al decision indicates as long as the tunnel is commenced before withdrawal of the land, and work is diligently prosecuted, the statute is complied with as lode deposits subsequently discovered in the tunnel can have location dates which tier to the location date of the tunnel site. It should be noted that since 1994 the Congress has opposed a moratorium on the BLM's processing of mineral patent applications, and generally validity examinations of mill sites are only undertaken when an imminent conflict with other higher and better use of the land is detected, or there is an issue with the use and occupancy of the site. Certified mineral examiners are enlisted that conduct site-specific validity examinations. Valid existing rights in the matter of wilderness and wilderness study areas apply to tunnel and mill sites. If there are questions, the latest published guidance should be sought from the surface management leads. Don't base use of decisions on summaries such as those

found in publications about the mining law. Read the entire decision, consider the particular circumstances, contact the examiners involved. Decisions or portions thereof do get overturned. Laws and regulations do not allow for the patenting of tunnel sites. There are no requirements that five hundred dollars of improvements be made upon or for the benefit of each mill site as part of a mineral patent application, which is a requirement for lode and placer claims under a mineral patent application. Improvements on mill sites can be cited in the mineral patent application for a pertinent unpatented lode or placer claims. As mentioned above, since 1994 there has been a Congressionally-imposed moratorium on the processing of mineral patent applications. There have been an array of pre-moratorium mineral patent applications that have been processed under the provisions of 43 CFR Part 3860. Now let's look at some general resources that are available to assist you in making mill and tunnel site validity determinations.