



# Protecting National Parks from Mining

## The Claim System Explained

### Public Lands Available for Mining Claims

The Mining Law of 1872 allows individuals to locate, claim, explore, and develop hardrock minerals on public lands open to mining. These are public lands that have not previously been set aside for [other purposes](#), such as areas withdrawn from mineral exploration, national parks, monuments, wilderness and other conservation areas.

### Staking a Mining Claim

Staking a mining claim involves setting four stakes into the ground to mark a maximum of 20 acres and completing paperwork with the local Bureau of Land Management (BLM) office. Then, the claim holder pays a one-time processing (\$20) and location (\$40) fee, and an annual maintenance fee (\$200) thereafter, or \$10 per acre per year. As of 2023, there were over 490,000 active claims on public lands – the highest number of active claims this century. Staking a mining claim does not grant one the right to begin mining activities, nor does it require one to explore the land at all. Unlike other public lands users, miners have the discretion to determine the location of mine claims, making the claim system totally unique from every other public land user group, which otherwise provides land managers this decision-making authority through land management planning, environmental analysis and a public review process.

### Claims to Support Ancillary Mining Activities

Claim holders can locate mill site claims of up to five acres to support activities necessary to mineral development, such as mineral processing operations and waste facilities.

### Perfecting a Mining Claim

Once a claim is staked, it is up to the claim holder to validate the claim by proving discovery of a valuable mineral deposit. Discovery on each claim is based on the physical exposure of the mineral deposit and a determination that the mineral could be mined, removed and marketed at a profit through a BLM administered claim validity exam. Only when these criteria are met does a claim become valid.

### Patenting a Mining Claim

Prior to 1994, claim holders could obtain a patent to their valid claim. A mineral patent converts the publicly owned lands and minerals on the claim into private property. Since the passage of the General Mining Law in 1872, over 3.2 million acres of public land, and an estimated excess of \$300 billion in mineral wealth, have been transferred out of public ownership. The BLM has been prohibited by acts of Congress from accepting any new mineral patent applications since 1994, but the durability of the prohibition is dependent on continual congressional extensions.

### Mining on Mining Claims

Mine claimants can conduct casual use activities on their claims, such as hand digging, and even disrupt up to five acres of public land on their mining claim without validating their claim or going through any public review or environmental impact analysis. Only when a claim holder wants to expand their impact beyond five acres must they go through an environmental and public review process. Claim holders extracting mineral deposits from their claims are not required to pay a royalty despite the minerals being publicly owned.



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### Mining Claims within Conservation Areas

Over 3,500 mining claims are located within national parks and national monuments nationwide. When a new conservation area is created, such as a national park or monument, and mining claims exist within its boundaries, those claims remain only if they were validated prior to the creation of the conservation area. Claims meeting these criteria are subject to valid existing rights and can be maintained inside the new conservation area, though mining activities on these claims are subject to heightened environmental review.

### Other Public Land Uses on Mining Claims

Unpatented mining claims do not prevent other public land uses. However, the presence of mining claims in an area can deter future land management efforts and investments for conservation, restoration, recreation, or renewable energy development because those benefits could be lost in the process of future mining activities (i.e. disrupted trail systems).

### Improving the Claim System to Protect Parks

National parks are places that bring us together even in divided times. Poll after poll shows Americans overwhelmingly support protecting national parks on both sides of the political aisle, united behind clean air, clean water, and healthy wildlife. NPCA is committed to securing bipartisan victories for the parks with commonsense mining law reform and mobilizing park supporters to protect these cherished landscapes. Now, more than ever, our parks need your help.

### Total Claims by State and Proximity to National Parks and Monuments

STATE	TOTAL CLAIMS	CLAIMS W/IN 30 MILES OF NATIONAL PARKS AND MONUMENTS	CLAIMS INSIDE NATIONAL PARKS AND MONUMENTS
Alaska	6,918	1,891	137
Arizona	56,130	32,865	888
California	23,664	16,275	1,708
Colorado	11,374	7,288	72
Idaho	29,428	2,224	5
Montana	24,175	8,809	76
Nevada	252,040	25,850	299
New Mexico	9,963	3,674	23
Oregon/Washington*	9,329	2,411	48
Utah	31,128	18,567	480
Wyoming	38,026	4,212	60
<b>TOTAL</b>	<b>492,178**</b>	<b>123,788***</b>	<b>3,767***</b>

\*The Bureau of Land Management combines mining claim counts for Washington and Oregon

\*\*Includes 3 mining claims located in the BLM Eastern States

\*\*\*Totals remove double counting near state and conservation borders

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