



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

MANUAL TRANSMITTAL SHEET

Release

3-161

Date

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Subject

3890 - MINERAL INVESTIGATIONS

1. Explanation of Material Transmitted: This release updates Rel. 3-103 of 1/3/85 and cross references this Manual Section with other Manual Sections that are necessary for mining law administration work.
2. Reports Required: None.
3. Material Superseded: Manual pages superseded by this release are listed under "REMOVE" below. No other directives are superseded.
4. Filing Instructions: File as directed below.

REMOVE:

All of 3890 (Rel. 3-125)

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(Total: 2 Sheets)

Assistant Director for
Energy and Mineral Resources

3890 - MINERAL INVESTIGATIONS

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.01 Purpose. This Manual Section and future Sections will provide:

A. Procedures for conducting validity examinations of mining claims and mill sites located under the Mining Law of 1872, as amended. The Handbook for Mineral Examiners, H-3890-1, contains technical standards and guidelines for the performance of mineral examinations, from field work through report writing and testifying as an expert witness. Reference is made in the handbook to the legal criteria for determining mining claim validity as adjudicated by the Department and sanctioned by the Federal Courts. Further guidance is found in Manual Section 3891.

B. Other Manuals and Handbooks will be issued to address policy, procedures, and technical standards, respectively, for the initiation of mineral contests and the appraisal of locatable-type mineral estates for acquisition or disposal. Bureau policy with respect to interpretation of the "prudent man rule," "marketability," "mineral-in-character," and other definitions pertinent to mining claim validity is found in Manual Sections 3891 and 3896, and in Washington Office Instruction Memoranda issued to reflect up-to-date policy.

.02 Objective. To recognize valid mining claims and mill sites, recommend adverse action against invalid mining claims and mill sites, ascertain compliance with the mining laws, and to obtain fair market value for the Federal locatable mineral estate if sold or exchanged.

.03 Authority. The authority of the Secretary of the Interior with respect to administration of the public lands or interests in lands was stated by the U.S. Supreme Court in Cameron v. United States, 252 U.S. 450 (1920):

"By general statutory provisions the execution of the laws regulating the acquisition of rights in the public lands and the general care of these lands is confided to the Land Department, as a special tribunal; and the Secretary of the Interior, as the head of the Department, is charged with seeing that this authority is rightly exercised to the end that valid claims may be recognized, invalid ones eliminated, and the rights of the public preserved."

This authority is delegated to the Director, Bureau of Land Management by Reorganization Plan No. 3 of 1946 (60 Stat. 1099), Reorganization Plan No. 3 of 1950 (64 Stat. 1262), and Departmental directive at 235 DM 1.1A and 135 DM 1.3B.

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.04 Responsibility.

→ A. Assistant Director for Energy and Mineral Resources has the responsibility for oversight concerning the technical standards for all mineral investigations conducted under the mining laws. ←

B. State Directors take all actions on mining claims and mill sites pursuant to the mining laws. Ensures that only mineral examiners/mineral specialists perform mineral examinations or mineral evaluations as specified in Bureau Manual Section 3060.1 and its glossary.

C. Deputy State Directors for Minerals carry out functions of the State Director, as delegated, on all mining law actions. Ensures that mineral examiners/mineral specialists are available to review and approve mineral reports as provided in Bureau Manual Section 3060.3.

D. District Managers take all actions on mining claims and mill sites pursuant to the mining laws as delegated. Ensures that mineral examiners/mineral specialists are available in the District to perform the necessary mineral reports as provided in Bureau Manual Section 3060.1. If the required expertise is not available in the District, the District Manager shall request the necessary expertise through the State Director.

.05 References. See Bureau Manual Section 3060.

.06 Policy. See Bureau Manual Section 3060.06.

.07 Scope. This Manual Section and other identified Sections will contain the Department's technical and legal standards for the mineral examination and evaluation of locatable minerals, and the actions required of the Bureau, at the field level, to determine the validity of mining claims and sites under the mining laws. Evaluation includes actions taken in response to mineral conveyances under Section 209 of FLPMA.