Mining Law of 1872 Encyclopedia Article

Mining Law of 1872

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Mining Law of 1872

The General Mining Law of 1872 was enacted to promote the exploration and development of domestic mineral resources, primarily in the West. The law permits U.S. citizens to freely prospect for hard rock minerals, such as copper and gold, on federal lands not closed to or withdrawn from mining. Once a **deposit** is discovered, the prospector can stake a claim for ownership of the deposit, develop it, and obtain a **patent** for the land and mineral rights to the **claim**. Once the patent has been granted, the claim becomes private property for a small fee to the government.

The law, and whether or not it should be reformed, is hotly debated in both the public and private sectors. The lack of environmental controls under the Mining Law is a major issue that has spurred a host of reform proposals. Supporters of the law make the point that existing federal and state antipollution requirements are sufficient without creating new and possibly redundant laws. Also, much of the contention is centered on the patenting and claim system, and whether the government should assess a **royalty** for the extracted minerals. Because of the absence of royalties, critics view the existing system as a giveaway of federal lands. Proponents of maintaining the existing system argue that an incentive is still necessary for those who take the substantial financial risk to develop a mineral deposit, because mining the entire process is lengthy and involves high costs. They cite that to find and develop a new mineral deposit in the United States can take from four to eight years. The long duration is primarily owing to the lengthy permitting process that must be completed prior to establishing whether the site can be profitably developed.

Law-reform efforts address such issues as the institution of royalty fees, reserving federal land for a specific use that may preclude mineral development, and forcing public lands miners to bear the entire cost for the cleanup of past practices.

Internet Resource

Humphries, Marc. "Mining on Federal Lands." Congressional Research Service Issue Brief IB89130. Available from http://www.house.gov/price.