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Procedures for Locating and Recording Mining Claims and Tunnel Sites on Stock Raising Homestead Act (SRHA) Lands

Stock Raising Homestead Act (SRHA) of December 29, 1916, as amended (30 U.S.C. 54 and 43 U.S.C. 299) by the Act of April 16, 1993, Public Law 103-23, and [43 CFR 3838](#), requires special procedures that must be complied with by claimants prior to locating mining claims on land where the surface is patented and the minerals are reserved to the United States and are disposed under the (SRHA).

The claimant must submit a Notice of Intent to Locate (NOITL) ([Form 3830-3](#)), which you may obtain from the Bureau of Land Management (BLM), with the proper BLM State Office and submit a non-refundable service charge for processing the NOITL. Filing a NOITL segregates the land from all forms of appropriation for 90-days for the party filing the NOITL.

The claimant must serve a copy of the NOITL on the surface owner(s) of record, by registered or certified mail, return receipt requested.

A NOITL must contain the following information:

Statutory Information ([43 CFR 3838](#))

The following statutory information **must** be included with the NOITL:

1. The name(s) and address(s) of all known surface owner(s);
2. The name and address of claimant filing the NOITL. An agent may file the NOITL on behalf of others as long as the NOITL is accompanied with proof that the agent is authorized to act on behalf of the others;
3. Legal description of the lands on which the NOITL applies. The legal description shall be based on the public land survey or other sufficient description so that the NOITL can be noted and recorded on the land status records;
4. A map showing the area described on the NOITL, including access routes; and
5. Dates of activities when work will begin and end.

The information above is **mandatory** information that is required before the segregation period begins and before the NOITL can be posted to the public land records.

If any of the statutory information is missing the NOITL will not be posted to the land status records, or in the public room until all the statutory information is received.

Regulatory Information

The following regulatory information is required on the NOITL:

1. \$30.00 (non-refundable) Service Fee;
2. Evidence of title of surface ownership. Acceptable forms of title documents are:
 - a. A current copy of the County Assessor's receipt listing the legal description and person or company paying property taxes, or
 - b. A title or proof of title insurance;
3. A copy of the certified card, registered mail receipt or Federal Express receipt containing proof that the surface owner was served a copy of the NOITL;
4. The telephone number(s) of all known surface owner(s);
5. The telephone number of the claimant or agent filing the NOITL;
6. Total number of acres covered by the NOITL; and
7. Brief description of proposed mineral activities, including the name, mailing address, and telephone number of the person who will be managing the activities.

Land covered by the NOITL

All land covered by the NOITL must be owned by the same person or group of people. If you have multiple owners in the area, you must have a separate NOITL for each land owner. A claimant is allowed 1280 acres covered by an NOITL **per surface owner** in any one state. The maximum acreage covered by NOITL's (multiple surface owners) for a single claimant is 6400 acres in any one state.

Segregation Period

The 90-day segregation period begins after a complete NOITL and processing fee is received and accepted by the BLM. The NOITL is posted and noted to the public land records as soon as possible after its receipt by BLM. The segregation period will not begin until all of the statutory requirements are met.

The 90-day segregation period ends on the 90th day, even if it falls on a weekend or a holiday.

Exploration and Location of Mining Claims

The claimant **must wait 30 days** from the date the surface owner is served with the NOITL (owner signs the certified card) and when statutory requirements are met to begin exploration and staking claims. The claimant is not allowed to enter the land covered by the NOITL during this 30-day period.

The claimant may explore and stake mining claims during the remainder of the 90-day segregation period, approximately 60 days.

Changes in Surface Owners of SRHA Lands

If the surface owner transfers all or part of the surface to a new owner after you have recorded a NOITL and served it on the surface owner, you do not have to serve a copy of the NOITL on the new surface owners.

Plan of Operation (Plan) and Bonding

After mining claims are staked, a mining claimant or operator may not conduct mineral activities except under the following conditions:

1. Written consent from the surface owner(s); or
2. An approved plan of operations from BLM.

A plan of operations will be filed in the appropriate BLM Field Office pursuant to the standards described at 43 CFR 3809. Within 60 days of its receipt, the BLM Field Office will approve the plan, or notify the claimant/operator of any deficiencies in the plan. The 60-day time frame to approve the plan may be extended for an unspecified amount of time, if necessary to comply with other applicable requirements of law.

The State Office will be notified of a plan if filed within the 90-day segregation period. The 90-day segregation period may be extended by at least 60 days, if additional time is required to comply with other applicable requirements of law.

The appropriate BLM Field Office will determine the bond amount, prepare the necessary environmental document and estimated reclamation costs for the plan.

A reclamation bond shall be filed and maintained with the BLM State Office, pending final reclamation of the project area. The State Office will receive, adjudicate, accept, and release financial guarantees (bonds), and collect on forfeitures.

The operator or mining claimant(s) shall post fees in amounts sufficient to cover tangible losses incurred by the surface owner during operations and permanent losses that may result if the lands are not reclaimed to pre-mining agricultural production levels.

An annual rental payment is required to be paid to the surface owner(s), based upon fair market rental conditions.

Mining Claims Recorded in Connection with a NOITL

1. Only the person(s) or their agent that filed the NOITL can locate claims.
2. The legal description(s) on the location certificate(s) must be within the legal description given on the NOITL.
3. The **location date** of the claims must be 30 days after the surface owner signed the certified card and when statutory requirements are met and before the 90-day segregation period expired.

After your NOITL expires, you are not allowed to submit another NOITL for the same lands until 30 days after the expiration of the previously-filed NOITL.

Surface Owners of SRHA Land

The owner of patented surface affected by the Act **is not required to file a NOITL**. The only requirement of the surface owner is to provide proof of surface ownership. This can be accomplished by providing a copy of the tax records or title evidence documents.

Pre-Act Mining Claims (Non-Grandfathered)

Claims that were located and recorded with BLM on SRHA lands prior to the April 16, 1993, amendment were not completely "grandfathered".

1. Pre-Act claims do not require BLM intervention, if surface owner and claimant have an agreement on mining operations.
2. Pre-Act operations with a BLM bond outstanding are subject to BLM review, but only if surface owner requests it.
3. Pre-Act claims with no pre-act operations will need either surface owner consent filed with BLM, or to file a Plan of Operation (Plan) and go through the new approval process for use authorization of a Plan.

The claimant needs to submit a letter to BLM stating that he/she has the consent of the surface owner to operate and that no BLM intervention is necessary. The surface owner must sign this letter. BLM does not need to know the details of the agreement(s).

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