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## ISSUES

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## TAKE ACTION

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## STOCK RAISING HOMESTEAD ACT OF 1916 (SRHA)

### Background

- SRHA allows ranchers to homestead (i.e. privatize) lands originally deemed of no value except for livestock grazing and the growing of forage.
- SRHA homesteaders own surface rights to the land, but federal government retains the mineral rights underneath.
- Over 70 million acres of public lands were privatized under SRHA, including 2,986,746 acres in Arizona alone.
- Much of these 70 million acres has since been developed for home sites and subdivided and sold as smaller parcels -- something SRHA never intended.

### The 1872 Mining Law -- the Surface Owner's Enemy

Since the Federal Government retains the mineral rights under this act, the [1872 Mining Law](#) applies to these minerals. This means:

- SRHA lands are open to mineral entry even though the surface land is private. **As a result, anyone has the right to enter these lands, search for minerals, file a mining claim, and then file a plan of operations to mine.**
- Although SRHA was amended in 1993 to require notification of the surface owner before their land is entered, the landowner has no right to prevent entry or stop mining from taking place on the property.
- The Bureau of Land Management (BLM) is charged with administering mining on these lands.

### Notification and Entry Requirements

Those intending to file a mining claim are required by law to provide the surface owner notice (referred to as a Notice of Intent to Locate, or NOITL) before they can enter SRHA lands.

Once notice has been given:

- No one -- including the surface owner -- may conduct mineral activities except the person who filed notice.
- The claimant must wait 30 days after a NOITL has been submitted before entering SRHA land.
- While the surface owner is allowed to request that their lands be entered at a convenient time, they may not prevent entry.
- The claimant has a further 60 days to explore and stake mining claims.

### Plan of Operation and Bonding

After a mining claim is staked, the mining claimant cannot conduct mineral activities (other than non-surface disturbing activities) without

- written consent from the surface owner,
- or an approved plan of operations from the BLM.

If the claimant submits a plan of operations, the BLM has 60 days to approve the plan, but can get an extension of an unspecified amount of time to comply with other applicable laws.

The claimant must file a reclamation bond to cover tangible losses during operations and/or permanent losses if the land is not returned to pre-mining agricultural production levels. The BLM decides the amount and conditions of the bond. The surface owner cannot be reimbursed for loss of property values as a result of mining claims or operations. During the time that operations take place, the surface owner receives an annual rental payment based on fair market rental conditions for agricultural land.

### FOR MORE INFORMATION

- [Fact sheet](#) on SRHA and mining claims
- [Text](#) of the SHRA pertaining to mineral rights

## COMMUNITY VOICES

 **Sansu, Ghana**

"AGC has the power to destroy my livelihood and also shoot me without any provocation."



- BLM Wyoming's [website](#) regarding claims on SRHA lands
- BLM [fact sheet](#) on Notice of Intent to Locate

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