



FEBRUARY 9, 2026



# MINING CLAIM PACKET

## MONTANA-DAKOTAS BUREAU OF LAND MANAGEMENT

MT921 SOLID MINERALS  
BUREAU OF LAND MANAGEMENT  
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## **Enclosures**

Encl. 1. Mining Claim Filing Requirements 2024.08.22	
Encl. 2. Form 3830-002 Maintenance Fee Waiver Certification	
Encl. 3. Form 3830-004 Affidavit of Annual Assessment Work	
Encl. 4. Form 3830-005 MF Lode, Mill, Tunnel Payment Form	
Encl. 5. Form 3830-005a MF Placer Payment Form	
Encl. 6. Form 3830-003 Notice Of Intent To Locate	
Encl. 7. New Claim Fees Effective 2024.09.01	
Encl. 8. Master Title Plat	
Encl. 9. Notice of Location	
Encl. 10. Notice of Intent to Hold	
Encl. 11. Quit Claim Deed	

List of Acronyms

ACQ	Acquired Lands
ALIS	Alaska Land Information System
BLM	Bureau of Land Management
CFR	Code of Federal Regulations
COL	Certificate of Location
DOI	Department of the Interior
FLPMA	The Federal Land Policy and Management Act of 1976
GLO	General Land Office
LLD	Legal Land Description
LR2000	Legacy Rehost 2000 case management system
MF	Maintenance Fee
MLRS	Mineral and Lands Records System
MT	Montana
MTDKs	Montana-Dakotas
MTP	Master Title Plat
MTRS	Meridian, Township, Range, Section
NOI	Notice of Intent to Hold
NOITL	Notice of Intent to Locate
PB	Protracted Block
PD	Public Domain Lands
PLSS	Public Land Survey System
POL	Proof of Labor (also called an Affidavit of Assessment Work)
QCD	Quitclaim Deed
SD	South Dakota
SMW	Small Miner's Waiver (also called Maintenance Fee Waiver Certification or Waiver)
SRHA	Stock-Raising Homestead Act
USDA	United States Department of Agriculture
USFS	United States Forest Service
USGS	United States Geological Survey
WSA	Wilderness Study Area



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## Preface

### **Notice to Mining Claimants**

Compliance with the Federal regulations for Federal unpatented mining claims and sites does not relieve you of responsibility to comply with all other applicable local and state laws.

Exploration, mining, and mineral processing activities involving locatable minerals on BLM administered land and Federal minerals are controlled by the regulations at 43 CFR § 3715 and § 3809 and in Wilderness Study Areas (WSAs) at 43 CFR § 3802.

All Code of Federal Regulations are available online at: [www.ecfr.gov](http://www.ecfr.gov)

Montana Code Annotated 2023: Manner of Locating Claim:

[https://leg.mt.gov/bills/mca/title\\_0820/chapter\\_0020/part\\_0010/section\\_0010/0820-0020-0010-0010.html](https://leg.mt.gov/bills/mca/title_0820/chapter_0020/part_0010/section_0010/0820-0020-0010-0010.html)

South Dakota Legislature Codified Laws: <https://sdlegislature.gov/Statutes/45-4>

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An electronic version of the Mining Claims Packet can be found at

<https://www.blm.gov/programs/energy-and-minerals/mining-and-minerals/about/montana>

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This document is accurate, complete, and current to the best of our knowledge and is provided for informational purposes only. This document is subject to change. Please contact the Montana-Dakotas State Office at 406-896-5326 if you have any questions about the content herein.

Responsibility for knowing and fulfilling federal and state regulations rests ultimately with the claimant.

## **Regulatory Authority**

**Mining operations are governed by the regulations in 43 CFR § 3830, § 3715 and § 3809**

The purposes of these subparts are to:

- a) Prevent unnecessary or undue degradation of public lands by operations authorized by the mining laws. Anyone intending to develop mineral resources on the public lands must prevent unnecessary or undue degradation of the land and reclaim disturbed areas. This subpart establishes procedures and standards and ensure that operators and mining claimants meet this responsibility; and
- b) Provide for maximum possible coordination with appropriate State agencies to avoid duplication and to ensure that operators prevent unnecessary or undue degradation of public lands.

Any use of the surface for the proposed mining on an unpatented claim is only allowed in accordance with regulations. Use of the surface for purposes unrelated to mining is not authorized under these regulations and could be considered a trespass. The unauthorized use of a mining claim can become a very serious problem for the claimant, particularly when a valuable improvement is constructed or placed on an unpatented claim. In many cases unauthorized use begins because of a claimant's lack of knowledge of the mining laws.

<https://www.ecfr.gov/current/title-43/subtitle-B/chapter-II>

## **Before You Locate or Purchase a Mining Claim**

It is important for any prospective claimant to understand what an unpatented mining claim is and what rights and/or responsibilities the owner of an unpatented mining claim has.

A mining claim recorded with the BLM is provided a BLM serial number. The serial number is a nine-digit number prefixed “MT” or a number of six or fewer digits prefixed with “MMC”. The seller of the properly recorded mining claims and sites should be able to provide you with the BLM serial number of the claims or sites recorded with the BLM.

**What is a mining claim?** A mining claim is a selected parcel of Federal land, valuable for a specific mineral deposit, for which you have asserted a right of possession under the General Mining Law of 1872, as amended. Your right is restricted to the development and extraction of a mineral deposit. The surface of an unpatented mining claim is NOT your private property; the ownership and management of the claim remains with the United States. The BLM or Forest Service has the right to manage the surface and surface resources on an unpatented mining claim. This includes recreational public use of the area and public access across lands covered by the unpatented mining claim.

**Who can hold an interest in a mining claim?** A person who is a citizen of the United States or has declared an intention to become a citizen may locate and hold a mining claim. Non-citizens are not permitted to own or have interest in mining claims or sites.

**What should I look for or have on my mining claim?** Both Federal and State laws apply when locating a mining claim. Your claim or site boundaries must be distinctly and clearly marked to be readily identifiable on the ground. A mining claim may require a discovery monument and corner posts depending upon state law. The discovery monument must be tied to some well-known, permanent object. For placer claims, each 10 acres must be shown to be mineral-in-character. The claim should be posted with a Notice of Location which includes the legal description, claim name, and claimant name and address.

**What can I do on my mining claim?** Exploration and mining activities on BLM administered lands are controlled by the regulations at 43 CFR § 3715 and § 3809. Exploration and mining activities on Forest Service lands are administered by the Forest Service regulations contained in 36 CFR §228 Part A. These regulations require you to prevent unnecessary or undue degradation to the lands. If your activity is other than casual use, or if your proposed operation could likely cause “significant disturbance of surface resources” you must submit a notice or plan of operations to either the BLM Field Office and/or the Forest Service Office. A Notice of Operation is required for exploration activities covering 5 acres or less. A Plan of Operation is required where activities involve the surface disturbance of more than 5 acres. The concept of casual use is applicable to BLM managed lands only.

## **Can I camp on my unpatented mining claim?**

Without an approved plan of operations, you have the same rights and restrictions as the public. If the area is open to camping to the public, then it is permissible. However, you need to check with the BLM Field Office or the local District Ranger for areas open to camping. Under Federal law, in order to occupy the public lands under the mining laws for more than 14 calendar days in any 90-day period, a claimant must be involved in certain activities that:

- a) are reasonably incident to mining;
- b) constitute substantially regular work;
- c) are reasonably calculated to lead to the extraction and beneficiation of minerals;

- d) involve observable on-the-ground activity that can be verified; and
- e) use appropriate equipment that is presently operable, subject to the need for reasonable assembly, maintenance, repair, or fabrication of replacement parts.

All five of these requirements must be met for occupancy to be permissible (43 CFR § 3715.2).

**Can I construct buildings or other improvements on my unpatented mining claim?** You may not construct, place, or maintain any kind of building or other structure, road, trail, fence or enclosure, or place or store equipment without the prior approval of a Plan of Operations from the BLM or Forest Service. Intermittent or casual mineral exploration and development do not justify the use of such structures.

**Can I keep the public off of my claim?** The public has the conditional right to cross mining claims or sites for recreational and other purposes and to access Federal lands beyond the claim boundaries.

## Recreational Gold Prospecting on Public Land

Recreational mining and panning are allowed on “open” federal land. Many of the gold-bearing placer streams are patented and are therefore not open to public use. Of the public lands that are open to mining, some 20,000 unpatented mining claims are in the Montana-Dakotas. The mining claim provides the right of the claimant to search for and develop minerals. The recreational miner or panner should not go onto another person’s claim for prospecting or panning without the claimant’s permission.

The BLM does not maintain a listing of federal lands that are open and available for mining claims or recreational use. Should you want to prospect or pan on public land, you will need to identify if those lands are open to mineral entry and location, and further determine if those lands have existing unpatented mining claim(s). A report can be generated from MLRS that contains any active mining claims located within the specific township, range, section, and quarter section queried. Should you wish to prospect on existing unpatented mining claims, you must have permission from the current claimant.

A recreational miner with a pick, metal detector, shovel, or gold pan does not need a special permit on BLM land in Montana and the Dakotas. A person using a suction dredge will need a permit from the Water Protection Bureau, DEQ, 1520 East Sixth Ave. PO Box 200901, Helena, MT 59620-9001 (406-444-3080). The Montana Department of Natural Resources and Conservation, and the U.S. Army Corps of Engineers may also require permits for suction dredging.

Q: Where can I prospect?

A: On public land

Q: How do I find out if there is an existing claim on the land I want to prospect?

A: You are able to run a Query through MLRS using township, range, section, and quarter section.

Q: What if there is an existing claim?

A: Ask claimant for permission to enter the claim

Q: What if I want to suction dredge?

A: You must obtain a permit from the appropriate agency

## Mineral & Land Records System (MLRS)

The Bureau of Land management (BLM) has developed MLRS to replace the Legacy Rehost 2000 (LR2000) case management system, Alaska Land Information System (ALIS), and land status records (e.g., Master Title Plats, Historical Indices, Tract Books). The database contains information for unpatented mining claims data and can be found on the internet at <https://mlrs.blm.gov/s/>

### **Who should register with MLRS?**

Any person who has business with the BLM involving mining claims should register for an account with MLRS.

### **What can I do in MLRS without an account?**

Without an account, you can find historical and current land status information, access frequently asked questions, read how-to documents, and watch self-paced video tutorials.

### **What can I do in MLRS when I have an account?**

By creating an account, you can manage your mining claims online. Currently you can use MLRS to submit a new claim or site, or an amended certificate of location. You can transfer ownership of a claim, you can relinquish a claim, and you can pay annual maintenance fees or submit an affidavit of assessment work.

### **What I CANNOT do in MLRS when I have an account**

You will NOT be able to file a waiver of maintenance fee through MLRS. A waiver must be filed on paper with original signatures from all claimants.

### **I am a business owner but never received, or may have lost, my Customer ID Number.**

#### **How can I retrieve it?**

If you have misplaced your Customer ID Number, please log a ticket with MLRS BLM help desk. Make sure to select “MLRS” from the application drop down.

### **What is login.gov and why do I need it for MLRS?**

[Login.gov](#) is a service that offers online access to government applications such as MLRS. It provides an extra layer of protection to ensure your information is secure and private.

### **MLRS Help, Comments, and Questions**

Any comments or questions can be emailed to [BLM\\_OC\\_MLRS\\_Support@blm.gov](mailto:BLM_OC_MLRS_Support@blm.gov)

Submission of a help desk ticket can be done here: [phd.blm.gov](https://phd.blm.gov)

The MLRS Public Portal has additional information here: <https://mlrs.blm.gov/s/help-center>

## Unpatented Mining Claims and Sites

### **Lode Mining Claim**

- Veins, ledges, or other rock in place;
- Not to exceed 1500 ft. by 600 ft. or 20.66 acres;
- Must state the quarter section and be accompanied by a map describing the location of the claim by a metes & bounds description;
- From the submitted description, the BLM must be able to locate the claim on the ground (43 CFR § 3832.12 and § 3832.21).

Lode claims must be described by metes and bounds beginning at the discovery point on the claim and include a tie to a natural object or permanent monument (including township and section survey monuments, official U.S. mineral survey monuments, monuments of the National Geodetic Reference System, or the confluence of streams of point of intersection of well-known gulches, ravines, or roads, prominent buttes, and hills, or adjoining claims or sites.

### **Placer Mining Claim**

- Rock not in original place (river sands or gravel);
- May not exceed 20 acres per individual claimant
- Maximum size is 160 contiguous acres with at least 8 locators;
- Must be described by aliquot part;
- If in an unsurveyed township, the COL must state the quarter section, can be described by a metes & bounds description, and must provide an accurate map describing the location of the claim;
- From the submitted description, the BLM must be able to locate the claim on the ground (43 CFR § 3832.12 and § 3832.21).

### **Bench Placer**

- The deposit is on a hillside
- Are described by metes and bounds or by aliquot parts
- Must be identified by the claimant as being a Bench placer claim
- Must provide evidence of the bench

### **Gulch Placer**

- The deposit is in a gulch
- Are described by metes and bounds or by aliquot parts
- Must be identified by the claimant as being a Gulch placer claim
- Claimant must provide evidence and calculations from a topographic map that both sides of the Gulch exceed a 60% slope

Placer claims must be described by aliquot part and complete lot using the U.S. Public Land Survey System (PLSS) except when the placer claim is on unsurveyed federal land (though if the protraction block is exactly 640 acres the claim must be described by aliquot parts), is a Gulch or Bench placer, or is bounded by other mining claims/nonmineral lands/lands that cannot be claimed.

If one of the exceptions above applies, you may describe the land by metes and bounds and provide a tie as described under lode claims.

Placer claims may not be described in aliquot parts smaller than 10 acres.

- ❖ Placer claims described by metes and bounds are always subject to the following rule (“40-Acre

Rule” or “Snow Flake Rule”):

- 1) A location by 1 or 2 persons must fit within the exterior boundaries of a square 40-acre parcel
- 2) A location by 3 or 4 persons must fit within the exterior boundaries of 2 square 40-acre contiguous parcels
- 3) A location by 5 or 6 persons must fit within the exterior boundaries of 3 square contiguous 40-acre parcels
- 4) A location by 7 or 8 persons must fit within the exterior boundaries of 4 square contiguous 40-acre parcels

❖ Placer claims described by Aliquot parts must be as compact and regular in form as reasonably possible and conform to the PLSS and its rectangular subdivisions as much as possible. The 40-acre rule is applied on a case-by-case basis.

## **Sites**

A mining site or mineral entry is not a mining claim but is used to facilitate the mining operation.

### **Mill Site**

- Non-mineral land not contiguous to a vein or lode and is used for activities related to mineral development of associated lode or placer, or for independent milling or reduction
- Not to exceed 5 acres
- Description of the location of the site can be by aliquot part or metes & bounds

Mill sites may not exceed 5 acres and are located in the same manner as a lode or placer mining claim, except that it must be on land that is not mineral-in-character, and you must use or occupy each two-and-a-half-acre portions of a mill site in order for that portion of the mill site to be valid according to CFR regulations.

### **Tunnel Site**

- Subsurface right-of-way used for access to lode claims or exploration of undiscovered lodes;
- Not to exceed 3000ft. in length with a radius of 1500 ft. ([43 CFR § 3832.41](#))
- Does not provide rights to minerals encountered

COLs for tunnel sites must include the names of the claimants, the actual or proposed course or direction of the tunnel (limited to 3000' length and a width within the sidelines of the tunnel), the height and width of the tunnel, and the course and distance from the face or starting point to some permanent well known natural objects or permanent monuments, in the same manner as required to describe a lode.

## Locating and Maintaining a Simple Mining Claim or Site in Federal Land in Montana, North Dakota, or South Dakota

### **Identification of a location and describe it using PLSS**

If you are not familiar with the public Land Survey System (PLSS) please read this article: [Public Land Survey System](#). Additional sources can be found at the [GLO Records Reference Center](#).

### **Confirm that there is federally-managed land open to mineral entry using a Master Title Plat (MTP)**

Please research the area before you prospect, stake, or file a mining claim to be sure the area is open to mining entry. The full BLM Surface Management Maps are available in digital format free of charge online at <http://www.blm.gov/maps>. The USFS maps are digitally available for purchase at <https://www.fs.usda.gov/visit/maps>. The US Geological Survey, National Geospatial Program has topographic maps available digitally or for purchase at [US Topo: Maps for America](#). The BLM Interactive Map can be found online at [Discover Your Public Lands](#). These web locations can help you obtain the coordinates used to enter your claim into MLRS.

- MTPs are available at the [GLO Records Website](#)
  - Fill in the State, Township, Range, and Meridian
  - Choose from the Document Type picklist that you want the Mater Title Plat
- The document [Reading a Master Title Plat](#) will help with interpretation of MTP acronyms and symbols.

### Master Title Plat

The Master Title Plat (MTP) will help you determine if the land is open to mining, is subject to a power site classification, is located within a lot, or has other status issues that may affect how you locate the claim. The MTP is a composite diagram of a township depicting basic survey information and Historical Indices, including:

- Title Transfer Information
  - Patents, Sales, Exchanges, Re-conveyance, Acquisitions, etc.
- Use Authorizations
  - Withdrawals, Segregations, Leases, Permits, Rights of Way, etc.
- Power Site Withdrawals

The historical indices provide a chronological history of all land actions in the township as noted on the MTP. The MTP does not show topography or landmarks, so it is important to use other research material to be sure you are in the correct area. The notation of lands included will appear at the bottom in the center of the outline. When researching the MTP, always read the right-side margin. When the entire township is managed by one agency, this will be stated in the margin and no withdrawal line will appear on the MTP.

Common abbreviations found on an MTP are:

- D/C = a reservation of ditches or canals to US. This reservation is an easement for ditches or canals which may be constructed by the US.
- PL 167 = Public Law 167 pertains to administrative jurisdiction by the US over the surface resources on unpatented mining claims and the lands are open to multiple uses.

- Withdrawal line (— • —) used for US Forest, National Wildlife Refuges, etc.
- Withdrawal line ( ---- ) used for leases, permits etc.
- R&PP - a Recreation and Public Purpose Lease.
- ALL MIN - All minerals are reserved to the US, meaning they remain US property.
- SG - State school grant lands
- QCD from US - is a quit claim deed from the US to convey ownership
- NOM - the area is not open to mining claims or not open to mineral entry.
- Recon to US – lands reconveyed to the US
- RSTD MIN - restricted minerals, the US does not own the entire mineral estate
- ACQ - means the land or minerals were acquired for a monetary amount by the US.

### **Research Other Active Unpatented Mining Claims in an Area**

If you are interested in knowing where other unpatented mining claims are located within your area of interest, you may run a geographic report online at <http://www.blm.gov/mlrs>. Click on MLRS reports or view the layer of active mining claims. For MLRS technical support, such as running reports or access to the system, you can submit a help desk ticket at <https://phd.blm.gov>.

Overstaking an existing unpatented mining claim located in the same area is a potential risk with unpatented mining claims. Claims may be located on the same ground at the same time. Should this happen, the BLM will not be involved in resolving disputes between claimants. Conflicts between unpatented mining claims must be resolved by the parties involved or by a civil court of law. If there are questions regarding the actual location of a mining claim or site, you may request copies of the COL and map from the official case file by contacting the BLM MTDKs State Office Public Room.

### **How to Determine if there are active claims in the target quarter section**

- Use the report “Mining Claims-Geographic Report” in MLRS
- The Admin State is MT for claims in MT, ND, or SD.
- Enter the Meridian, Township, Range, and Section (MTRS).
  - Hover over “Meridian Township Range Section” to see how to code the MTRS.
  - Principal Meridian Montana is 20
  - Black Hills Meridian is 07
    - Example: Principal Meridian Montana, T10S, R6E, Sec. 14 = 20 0100S 0060E 014
  - Type it in, do not use the picklist. You may have to put in spaces after entering text.
- If you correctly enter the MTRS, but when you click out of the box the entry disappears, then there are no claims in that section.
- Enter the case disposition as Active
- Enter the quadrant of the quarter section in which you are interested.
- Click the OK button
- Receive a report of all the active claims in the quarter section.
  - “No Results” means no claims meet your criteria or you have entered information incorrectly.
- Obtain the COLs/maps submitted by the claimant for each active claim.
  - If there are legacy serial numbers and legacy lead file numbers, use those to request COLs/maps from the public room
    - The Public Room will provide a request form that you must submit
- If there are not legacy numbers, use the nine-digit serial number to access the COLs/maps using MLRS.
  - In MLRS, choose “Mining Claims Research” as the reason for your visit.

- Create for yourself a map of the active claims within your target quarter section (consider using an MTP or a topo map as a base) so you know where you may or may not prospect for claim minerals.

## Access – Is the land accessible?

Knowing how to access lands can avoid trespass problems among users and owners of both public and private lands. This information is intended to promote public awareness concerning access to Public Lands with minimum interference to adjacent private landowners.



### Federal Public Lands

The primary Federal land management agencies in Montana, North Dakota, and South Dakota are the BLM and U.S. Forest Service (USFS). It is important to know where the boundaries of Federal land lie when exploring or prospecting. Private land is not open to prospectors or mining claimants. If you do not have permission to be on private lands or those managed by other agencies, you will be considered as trespassing and can be prosecuted. Crossing private lands to access public lands is not permitted unless you first obtain permission from the private landowner. The BLM provides public information, such as brochures and maps, online and at our State Office public room. BLM maps are also available at most field offices.

It is very important that you have access to your claim. If you need to cross private land, make sure to have an agreement with the landowner. You do not want to be in a trespass situation.

### How do I gain access to Federal Public Lands?

Legal access to Federal land is provided by a system of public and agency roads and trails. Public roads are intended to meet the transportation needs of the public user. A public road is any Federal or state highway or county road administered by the state or county, whereas BLM and USFS roads and trails are maintained for the administration and use of Federal lands. Although open to the public, agency officials may restrict or control the use of these roads for seasonal use, emergency use, the protection of sensitive or critical resources, or to meet specific management needs. Authorized private use of Federal land, such as livestock grazing, does not allow the lessee to post or sign the land as being private. The lessee of Federal lands cannot deny legal access or charge an access fee for others to use said lands.

### How do I gain access to private lands?

To access private lands, you must have obtained access from the landowner. “ASK FIRST” to get access to private lands. The landowner has the right to deny access on or across private lands and may charge an access or user fee for the use of those private lands.

### How do I recognize public access routes on the road?

Major access routes or points of access to Federal Public Lands are identified by signs with an agency logo. USFS roads and BLM roads are marked with signs bearing road numbers and white arrows depicting routes open to motorized travel or with signs giving mileage to a geographical location or recreation area.

### What resources are available if access problems arise?

Federal Agencies: Report the incident immediately to the nearest Forest Service Ranger District office or BLM Field Office with specifics of the incident, particularly the exact location where the incident occurred.

## Locating the Claim or Site

When you are ready to locate a claim, you should:

1. Make a discovery of the mineral.
2. Post a notice of location conspicuously on the claim. Notice should contain claim name, claim type, location date, claim description (legal land description in metes and bounds or PLSS), claimant's name and address.
  - a. The action of posting the notice of location establishes the Location Date
3. Stake the claim according to state laws
  - a. Federal law specifies that claim boundaries must be distinctly and clearly marked to be readily identifiable. Most states have statutes and regulations concerning the actual staking and recording of mining claims so claimants should refer to the appropriate state agency for additional requirements before locating a claim.
  - b. Stake and monument the corners of a mining claim or site which meets applicable state monument requirements and the size limitations described in [43 CFR § 3832.22](#) for lode and placer claims, [43 CFR § 3832.32](#) for mill sites, and [43 CFR § 3832.42](#) for tunnel sites.
  - c. In Montana, within 30 days of Location Date
  - d. In Montana, there must be a stake at each corner
  - e. In South Dakota the claim is not considered located until it is staked
  - f. In South Dakota, there must be a stake at each corner as well as the midpoint of each end and each side
4. Create a Certificate of Location (COL)  
Federal regulations at [43 CFR § 3833.11](#) requires the following information on the COL:
  - a. The name or number, or both, of the claim or site
  - b. Names and current mailing addresses of all the locators of the claim/site
  - c. The type of claim or site (lode claim, placer claim, mill site, tunnel site)
  - d. The date of location
  - e. A complete description of the lands you have claimed as required in [43 CFR § 3832](#)
    - i. Statement giving the state, meridian, township, range, section, and all quarter section(s) within which the claim/site is located.
  - f. A map of the location
    - i. A U.S. Geological Survey topographical map with a depiction of the claim/site  
OR
    - ii. A narrative or sketch describing the claim or site and tying the description to a natural object, permanent monument or topographic, hydrographic, or man-made feature.
      - You must show on a map the boundaries and position of the individual claim or site by aliquot part within the quarter section accurately enough for BLM to identify the mining claims or sites on the ground
      - You may show more than one claim or site on a single map or describe more than one claim or site on the map
      - You are not required to employ a professional surveyor or engineer to establish the location's position on the ground
5. Record the COL/map with the Clerk & Recorder's Office of the county in which the claim is located within 60 days of the Location Date



There is not an official COL form available for use. When submitting a COL to the BLM, please write COL at the top of the submitted document.

6. Once a mining claim is staked it must be properly documented and described on a Certificate of Location (COL) and be accompanied by a map. A separate COL is required for each mining claim or site recorded. Multiple COLs filed at the same time may share the same map.
7. Page charges and margin requirements vary by county
8. File the COL and map with the BLM.

### **Important Reminders for the Certificate of Location and Map**

- ❖ If the paperwork is not uploaded into MLRS, it must be filed with MTDKs State Office.
- ❖ Appropriate filing fees are applicable
- ❖ Only when a claimant files the COL and map with applicable fees will a serial number be assigned to the claim
- ❖ The claimant must record the COL and map with the county clerk and recorder office.

### **County & BLM Recordation**

#### County Recordation

The COL and map must be recorded in the local county office (Clerk & Recorder) where the claim/site is located.

#### BLM Recordation

You must record in the proper BLM State Office a copy of the notice of certificate of location that you recorded or will record in the local recording office by the 90<sup>th</sup> day after the date of location.

If you fail to record a mining claim or site with the BLM and the local recording office by the 90<sup>th</sup> day after the date of location, it is abandoned and void by operation of law.

Recording a mining claim or site, filing any other documents with the BLM, or paying fees or service charges, does not make a claim or site valid if it is not otherwise valid under applicable law ([43 CFR § 3833.1](#))

### **Special or Additional Filing Requirements in Certain Areas**

#### Irregular Sections

Protracted townships and sub-divided sections may not be broken down into smaller parcels without a survey, therefore mining claims or sites in these areas may be described by metes and bounds

#### Placer Mining Claims Located in Lots

A placer mining claim must be described by PLSS and claim the entire lot. To locate a placer claim on only a portion of a lot, you must describe the claim by metes and bounds. The claim can only be in a part of one lot and a tie point, and the lot number must be provided. Note that one placer claim, or association placer claim may not encompass portions of two or more lots.

#### Power Site Reservations and Classifications

Mining claims filed within a power site reservation have additional filing requirements. If the notation on the plat is 'Wdl Pwr Site Res', meaning 'Power Site Reservation Withdrawal Area', claims must be filed pursuant to the regulations at [43 CFR § 3730](#).

## How to File a New Mining Claim in MLRS

1. Once logged in, click “File a New Case” from the homepage
2. Next, click on ‘File a New Mining Claim’ from the available options
3. On the New Claim window, complete the following steps to proceed:
  - a. Claim Type: Select your claim type. There are four types of claims you can select: Lode, placer, mill site, tunnel site.
  - b. Claim Name: Type the name of your claim
  - c. Enter the Date of Location: Select a date of location. The date of location is required to be within 90 days of the filing.
  - d. Click Save and Continue to proceed to the next step
4. On the Claimants page, choose your co-claimant(s).
  - a. If you do not have co-claimant(s) you can skip this step.
  - b. Lookup Co-Claimant(s): In this field, you can enter a co-claimant by searching for their name, mailing address, phone number, or email address. Once you have selected your co-claimant, click ‘Add Claimant’
  - c. Click Save and Continue to proceed to the next step
5. On the Plot Claim step, you have 4 different options to choose from to populate your legal land description (LLD) on your claim. Option 1 Enter your staking coordinates; Option 2 Select area on the map; Option 3 Upload a GIS file; and Option 4 Manually enter your land description.
  - a. Because there are several different methods to populate your LLD we will not go into detail here for instructions to complete this action. Tools to complete this action can be found at the following links:
    - i. [How to File a Mining Claim](#)
    - ii. [How to Plot a Mining Claim \(Video Tutorial\)](#)
    - iii. [How to Upload a GIS File When Filing a New Claim](#)
    - iv. [How to Select Area on the Map When Filing a New Claim](#)
    - v. [How to Select Area on the Map When Filing a New Claim](#)
  - b. These articles can also be found on the MLRS website by typing “New Claim” in the search box. The search will result in additional links that will provide knowledge, tips, and tricks on how to stake the coordinates of your new claim.
  - c. Once you have entered all necessary information, proceed to the next step.
6. You must upload your Notice/Certificate of Location (COL) and Map
  - a. Click Upload Files to upload the file(s) to your claim
  - b. After you have completed uploading your file(s), click Save and Continue to proceed to the next step
7. On the Payment page, please review and verify your information
  - a. Click Submit Payment and File to be redirected to Pay.Gov and complete your payment information.
  - b. If you are filing multiple claims, you can save time by following the directions below:
    - i. Click Save & Create New Claim to create your other claims. All new claims will automatically be saved as a Draft
    - ii. Once you have all your claims created, click Save & Bulk Pay to pay for all your claims at once
8. Select your form of payment then click Continue to enter your payment details
9. Fill in the required fields to process your payment



If you are having trouble with the format of your coordinates, try this conversion tool:

<https://www.gps-coordinates.net/gps-coordinates-converter>

- a. Click Continue to proceed to the next step
10. Select the checkbox to authorize the charge to the payment information you entered
  - a. Click Continue to finalize your payment and to be redirected to MLRS
11. Your claim has been filed and is now in review.
  - a. MLRS has generated a serial number for your new claim as a unique identifier for reference. You will receive a confirmation email
  - b. Click Close to exit.

**When the adjudication of the claim is complete you will receive:**

- A Recordation Receipt, confirming that the claim is set to Active, or
- A Notice of Deficiency letter, indicating problems with the recordation of the claim.
  - An Amended COL should be used to correct deficiencies
    - Write 'amended' and the assigned serial number at the top of the amended COL
    - Include the fee for each amended COL

## Land Status

The MTDKs State Office performs a land status determination on the land and minerals within the area encompassed by the mining claim or site to determine if it is open to location under the General Mining Law of 1872, as amended.

If the lands are not open to location under the General Mining Law of 1872, as amended, the State Office will issue an official Decision declaring the mining claim or site null and void. Claimants are due a refund of the initial location and maintenance fee(s) when the land is not open to location.

When a COL for mining claim or site is received the claims goes through a preliminary adjudication review for:

- Acreage errors on COL and map
- Complete name and mailing address for each claimant
- Missing or incorrect legal description on Col and map
- Location date; missing or over 90 days from the date of filing

## **Curable Defects**

If the State Office finds an error or a discrepancy in the paperwork filed to locate the mining claim or site, we will issue a Notice to the claimants. A Notice is issued if a discrepancy exists in the location paperwork and is considered a curable defect, meaning the claimants may fix the error by filing an amendment to the COL and/or map within the given time frame. Once the claim is complete, an official case file will be available for public viewing in our Dockets library. Claimants are issued a Notice of Recordation letter with copies of the filing, and a receipt for paid fees.

## Maintaining a Claim or Site

Annual maintenance fees may be mailed to the MTDKs State Office or paid in person in the MTDKs State Office Public Room. The public room is open from 8:00 am to 4:00 PM Monday through Friday. In-person payments will not be accepted outside of these hours. Please do not leave any payments with the security guards at the front desk.

When paying annual maintenance fees, please use the appropriate form. Links to two forms are listed here:

[Maintenance Fee Payment Form for Lode Claims, Mill Sites, and Tunnel Sites](#)

[Maintenance Fee Payment Form for Placer Mining Claims](#)

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**\*\*The BLM does not bill mining claimants each year. It is the claimant's responsibility to meet the deadlines.\*\***

**\*\*The annual maintenance requirement is due on or before September 1<sup>st</sup> each year\*\***

**\*\*The maintenance fee payment is for the next assessment year (i.e., looking forward, not for the current year)\*\***

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## **What if you Miss the Annual Filing Deadline?**

Failure to pay the required annual maintenance fee on or before September 1 will cause the claimant to forfeit their mining claim or site ([43 CFR § 3830.91\(a\)\(4\)](#)). Failure to meet this deadline is a non-curable defect, resulting in closure of the claim.

## Filing Maintenance Fee Waivers

To waive the maintenance fee requirement for mining claim(s) or site(s) each claimant, and all other entities under that claimant's control (including businesses, spouses, and minor children) must hold ten or fewer claims in or to qualify as a "small miner". The definition of a small miner can be found at 43 CFR § 3835.11.

Maintenance Fee Waiver Certifications may not be filed online using MLRS. Current regulations require an original signature for Waivers; therefore, the State Office requires the original paperwork. The Maintenance Fee Waiver Certification Form can be found here: [Maintenance Fee Waiver Certification Form](#). Waivers must be filed with the BLM by September 1 prior to the assessment year you are applying for. There is no fee requirement to file the waiver.

Please note:

- A maintenance fee waiver becomes void if the mining claim or site is transferred to individuals or entities who do not qualify
- An agent may only sign for an owner when a notarized designation of agent has been received by the BLM State Office.
- When filing a waiver, you must also file an Affidavit of Annual Assessment work. The form can be found here: [Affidavit of Annual Assessment Work](#).
- A Notice of Intent to Hold can be filed, if appropriate.
- Filing a waiver instead of paying the maintenance fee is an option, not a requirement.
- There is no county recordation requirement for the waiver form.

## Affidavit of Assessment Work (Proof of Labor)

When a waiver is filed for a mining claim, the claimant must perform a minimum of \$100 of labor and improvements on the claim during the assessment year for which the waiver is filed and file an affidavit of assessment work. The affidavit must be filed every year by December 30<sup>th</sup>. There is \$15 fee per claim for filing the affidavit.

Please note:

- Affidavits should be signed and notarized
  - State Laws require recordation of the affidavit of assessment work
- Assessment work is not a requirement for owners of mill or tunnel sites as these items have no mineral value
  - A Notice of Intent to Hold is used for Mill Sites and Tunnel Sites
- The Affidavit of Assessment Work is due by **December 30<sup>th</sup>** (not 31<sup>st</sup>)
- The Affidavit of Annual Assessment Work form can be found here: [Affidavit of Annual Assessment Work](#).

### **What work qualifies as Assessment Work?**

- Reasonable value of meals to miners who receive board in addition to salary
- Value of blasting supplies
- Construction and maintenance of access road to mining claim
- Sinking shafts and running tunnels or drifts
- Installation of Mining machinery or fixtures
- Employment of a watchman when necessary to protect structures or property used in developing a claim
- Drilling, excavations, and removal of samples from a mining claim
- Geological, geochemical, and geophysical surveys
- Sampling and Assaying

### **What work does not qualify as Assessment Work?**

- Removal of water from a mine for inspection of prospective buyer
- Eating utensils, groceries, and bedding
- Amount paid for horses used in development work
- Payment for iron rails or tools
- Material taken to a claim but not used
- Reconnaissance surveys of mining claims
- Use of a claim to deposit waste from other claims
- Employment of a watchman to prevent relocations or where there is no valuable improvement to machinery to protect.

## Notice of Intent to Hold

A Notice of Intention to Hold Mining Claim(s)/Site(s) (NOI) ([43 CFR § 3835.31\(d\)](#)) must be filed in the following circumstances:

- It is the first year you have located your claim, and a small miner waiver has been filed for the upcoming year (assessment work is not required the first year of location)
- A small miner waiver has been filed on a tunnel or mill site claim (assessment work is not required on mining sites)
- The maintenance fee was paid for the past year, and a small miner waiver is being filed for the upcoming assessment year (switching from paying maintenance fee to filing as a small miner waiver)
- The BLM has issued a decision granting a deferment of assessment work

There is no official form available for an NOI. When submitting an NOI, the claimant must include:

- The BLM serial number(s) and claim name(s)
- The current mailing address of the claimant(s)
- Statement as to why assessment work is not required
- Signature of claimant(s) or their designated agent
- The processing fee of \$15 fee per claim or site

## Other Post-Location Actions for Claims and Sites

### **Transferring Interest in a Mining Claim or Site**

An unpatented mining claim is considered real property of which a person's interest may be transferred, purchased, or conveyed to another. State laws govern transferring mining claims or sites are found at [43 CFR § 3833.32](#).

When an owner of an unpatented mining claim sells, assigns, or otherwise conveys all or any part of their interest in the claim they must file a transfer document with the county recorder's office and with the MTDKs State Office. The date the transfer document is signed and notarized is the effective date for the transfer.

The transfer document must state:

- The Grantor's name
- The Grantee's name and current mailing address
- The BLM serial number(s), mining claim or site name(s)
- The Grantor's signature
- Signature of a notary public (state requirement)

The BLM has a \$15 nonrefundable processing fee (per claim/per grantee) due at the time of filing with the BLM.

### **Transferring Association Placer Mining Claims**

You may transfer, sell, or otherwise convey an association placer mining claim at any time to an equal or greater number of mining claimants.

If an association placer claim is transferred to an individual or association (group of people/entities) that is smaller in number than the current owners, you must:

- Provide a mineral report documenting the discovery of a valuable mineral deposit before the transfer; or
- You must reduce the acreage of the claim, so that you meet the 20-acre (or part thereof) per claimant/owner limit.

Per [43 CFR § 3830.5](#), a discovery means that you have found a valuable mineral deposit. Any association placer claim transferred that does not meet these requirements is not a valid mining claim.

### **Transferring Mining Claims Held by a Maintenance Fee Waiver**

If you currently hold mining claims under a waiver and you purchase, inherit, or otherwise obtain mining claim or sites that are subject to a waiver:

- All claimants and related parties must only hold interest in 10 or fewer claims/sites nationwide throughout the entire assessment year to continue to hold any of the claims under a small miner waiver.
- If you and your related parties on the claim/site no longer qualify for the waiver, the annual maintenance fee for the current assessment year must be paid by the end of the assessment year for all claims that are held by a waiver.

## **Address Changes**

To change the address of a claimant, submit a letter with the BLM serial number(s), the claim or site name(s), the owners' name, and updated address to the BLM State Office. There is no charge to file this information.

## **Amendments to COL for Mining Claims**

Amendments are used to:

- Correct or clarify omissions or defects in the original COL
- Change legal descriptions due to an error made on the original COL
- Change the claim name

An amendment to a COL for an active mining claim or site can be made at any time. The amendment must be filed with the county recording office before it is filed with the MTDKs State Office. An amended COL must be recorded with the BLM within 90 days after you record the amended COL at the county recording office.

An amendment to a COL may be made by creating a new COL and map and clearly stating that the document is an amendment to an existing mining claim and noting the serial number at the top of the document. The BLM requires a \$15 nonrefundable processing fee to file an amended COL.

If an amendment to a COL is being filed in response to a Notice or Decision issued by the BLM, then you are required to properly file the amended COL within 30 days from the date you receive the Notice or Decision.

## **Relinquishment of a Mining Claim**

If you choose to relinquish your interest to federal government, you must file a notice of relinquishment with the county recorder's office and the BLM State Office. No form is required for this action.

The notice of relinquishment must state:

- The BLM serial number and claim or site name
- The name and address of the claimant
- The date of the letter (sets the date of relinquishment)
- The signature of all owners who are abandoning their interest in the claim or site
- There is no charge to file this document

## What is a Bridge Claim?

A bridge claim is term used to describe the situation when a claimant locates a mining claim at the end of the assessment year but waits until after the beginning of the new assessment year to file with the BLM.

There is no bridge between assessment years; When a new mining claim's location date is prior to September 1, but not filed with the BLM until after the annual filing deadline of September 1, two maintenance fees are due. A maintenance fee for the assessment year in which the claim was located and a maintenance fee for the assessment year that was due on the September 1.

If a claimant qualifies, there is the option to file a waiver for the maintenance fee for the upcoming assessment year. This is the maintenance fee which is normally due before September 1; not the maintenance fee for the year in which the claim is located which is part of the initial fees due to locate a mining claim. A qualifying waiver may ONLY be filed at the time the claim is recorded with the BLM as a new mining claim or site.

## **Reclamation Requirements**

If you have disturbed the surface of lands encompassed by your mining claim(s) and/or site(s), you must continue to follow the requirements set forth in all applicable laws and regulations, including the regulations of the applicable surface management agency. For lands administered by the BLM the regulations are found in [43 CFR § 3715](#) and [§ 3809](#).

If your mining claim(s) and/or site(s) are located on lands withdrawn from mineral location and entry, or your mining claim(s) or site(s) were located prior to July 23, 1955, this decision extinguishes any valid existing rights you may have had associated with these claim(s) and/or site(s), which may affect any current or pending surface use authorizations. Please contact the applicable surface management agency regarding any current or pending use authorization for the lands subject to these mining claims or sites.

If you fail to remove structures, material, equipment, and any personal property at the conclusion of your occupancy or operations on federal lands, the surface management agency may dispose of the property, and you will remain liable for the costs incurred in removing and disposing of the property.

## Rockhounding on Public Land

Rockhounding is an allowed recreational activity on public land administered by the BLM. The usual rockhound materials, including agates and stones, may be collected in reasonable quantities for hobby use. Petrified wood collection on BLM lands is limited to 25 pounds plus one piece per day to a maximum of 250 pounds per year.

Rockhounds are allowed to collect rocks found on the surface of the ground and may use hand shovels and picks in digging. Special caution should be taken to avoid a possible cave-in and all holes must be filled. Digging deep enough for a cave-in is not casual use. Power equipment or explosives may not be used for excavation or to collect materials or wood without written authorization from the appropriate BLM office.

The Archeological Resources Protection Act of 1979 prohibits the excavation, taking, or destruction of any historic or prehistoric site, or any object of antiquity on lands under federal jurisdiction. Vertebrate and other fossils of "recognized scientific interest" are protected by the Paleontological Resources Preservation Act. Common invertebrate and plant fossils may be collected in reasonable amounts for personal, non-commercial use.

Permits are required for the collection of certain fossils. The BLM will only grant permits to qualified institutions for bona fide scientific research and permits are not issued to causal recreationists, even though they may have an interest in fossils.

Sites having apparent scientific or historical potential, such as cabins, prehistoric campsites, buffalo jumps, fossil beds, etc., should be reported to the nearest BLM office. They will then be evaluated by BLM resource specialists.

The BLM has provided an index to our surface/mineral management maps in the FIGURES AND DIAGRAMS section of this document. The individual maps will reflect federal ownership of lands. These maps do not indicate where you might find petrified wood, agates, geodes, sapphires, or other rock hounding items. Many of the areas have unpatented or private mining claims on or near them. Always ask permission before crossing or entering upon private property.

Specific information on the geology of Montana and the distribution of various minerals is available from the geologists in our local BLM offices. For additional information, you may also want to contact the Montana Department of State Lands, Helena, MT; the U.S. Forest Service Missoula, MT; The Montana Bureau of Mines and Geology, Butte, MT; or local universities.

If you have questions, please contact the MT State Office Public Room at 406-896-5004.

## WHAT CAN I TAKE?

- Petrified Wood:
  - 25 pounds plus one piece per day
  - Maximum of 250 pounds per year
- Some fossils: common vertebrate or plant fossils
  - Do not remove fossils that are of "recognized scientific interest"
- Agates and Stones
  - Reasonable quantities for hobby use only

## DO NOT:

- Use powered machinery
- Use explosives
- Dig caves
- Sell material commercially

## Details and Things To Remember

1. If a waiver is filed for lode and placer claims – An assessment document must be received. ([43 CFR § 3835.31](#))
2. If a waiver is filed for a mill or tunnel site – A Notice of Intent to Hold must be received ([43 CFR § 3835.31](#))
3. If switching from fees to waiver – a Notice of Intent to Hold must be received for the calendar year ([43 CFR § 3835.15\(a\)](#)).
4. If switching from Waiver to fees – An assessment document must be received
5. An NOI must be received for 1<sup>st</sup> year of location ([43 CFR § 3835.15\(a\)](#)) if a waiver is filed.
6. All claims must be listed on the maintenance fee document, waiver document, or assessment document. If fees are received and the claims or sites are not listed, and if not amended before September 1, the unlisted claims will be forfeited ([43 CFR § 3835.92](#))
7. Fees must be received with NOITL applications ([43 CFR § 3838.11](#))
8. The same claimant cannot file another NOITL for the same lands until 30 days after the first one expires ([43 CFR § 3838.13\(d\)](#)).
9. The total amount of acres needs to be listed on your COL.
10. The State Office is not required to send out notifications that the annual maintenance fee payments are due; it is the responsibility of the claimant to pay the fee or file a waiver prior to September 1 of each year.

## FAQs

### **AMENDED CERTIFICATES OF LOCATION (AMENDED COLs)**

#### **Do amended COLs have to show they are county-recorded to be recorded by the BLM?**

Yes.

#### **If an amended COL is made in response to a Notice letter putting forth a deficiency in a new claim, when must it be recorded with the BLM?**

It must be recorded with the BLM within 30 days of receiving the deficiency letter (and it must show county recordation).

#### **If an amended COL is made without being in response to a letter putting forth a deficiency in a new claim, when must it be recorded with the BLM?**

It must be recorded with the BLM within 90 days of being recorded with the county (and it must show county recordation).

### **CASUAL USE**

#### **What rules apply to gold panning?**

Gold panning is allowed on BLM lands without special permits, unless expressly prohibited (i.e., where the mineral rights have been claimed). Gold panning is an example of what is typically considered casual use. Casual use is defined as those activities that cause little or no surface disturbance (43 CFR § 3809.5(1&2)). There may be special rules that apply to certain areas. Contact the Surface Management Agency's field office with jurisdiction over the area where you intend to gold pan for further guidance before you begin.

#### **I like to go collect rocks in a minimal amount as a hobby; do I need a mining claim to legally collect?**

No.

#### **I have a favorite place on Public Land where I dig for minerals, but I do not find many that I take with me. Does this activity still qualify as rock hounding?**

It may qualify as casual use according to BLM regulations. Check with the appropriate Federal Surface Management Agency.

### **CERTIFICATES OF LOCATION (COLs)**

#### **Does a COL for a new claim have to be recorded in the county?**

Yes. In MT and SD, the COL for a new claim must be recorded with the county in which the claim is located within 60 days of locating the claim. The county will need the original form.

#### **Does a COL for a new claim have to be recorded in the county before recording it with the BLM?**

No. The COL may be recorded in the county and with the BLM at the same time.

#### **Does the BLM need the original copy of the COL for a new claim?**

No. You should retain the original COL and send a photocopy to the BLM.

### **Is there an official COL form?**

No, there is not an official COL form. This document offers information that goes over what has to be on the COL for claims staked in MT or SD.

## **FLPMA PAPERWORK**

### **What is a FLPMA document?**

A FLPMA document that satisfies requirements listed in Section 314 of FLPMA.

### **What are the two FLPMA documents?**

The affidavit of assessment work (proof of labor) and the notice of intent to hold (NOI) are the two FLPMA documents.

### **When are FLPMA documents due?**

FLPMA documents are due by **December 30** (not 31). They may be submitted at the same time as the waiver for the upcoming assessment year, if desired.

### **Why are FLPMA documents due on December 30 instead of December 31?**

The wording in FLPMA Section 314 specifically states that “[t]he owner of an unpatented lode or placer mining claim ... shall, prior to December 31 of each year ... file the instruments required by paragraphs (1) and (2) of this subsection...”

### **Should FLPMA documents be recorded in the county?**

Yes. FLPMA documents should be recorded annually in the county in which the claim is located.

### **Do FLPMA documents have to show they are county-recorded to be recorded by the BLM?**

Showing county recordation is not required for BLM recordation. Some claimants record their FLPMA document with the county and the BLM at the same time, and later send a copy of the county-recorded document to the BLM to show county recordation.

### **Under what circumstances should a Notice of Intent to Hold be filed when lode or placer claims are involved?**

An NOI should be filed by December 30 of the calendar year in which the first waiver for a claim is filed. An affidavit of assessment work may substitute for a notice of intent to hold if it contains all the information required by an NOI.

### **Under what circumstances should a Notice of Intent to Hold be filed when a Mill Site or tunnel site is involved?**

An NOI should be filed annually when a waiver is filed for a Mill Site or tunnel site. Note that because Mill Sites and tunnel sites do not grant mineral rights, the affidavit of assessment work is never the proper FLPMA document to file for them.

### **What information must an NOI contain?**

An NOI must contain a statement of your intention to hold the mining claims/sites for the calendar year in which the assessment year ends, and that you will file a notice of intent to hold in the county where the

claim is located, the name and BLM serial number of the mining claim/site, any known changes in the mailing addresses of the claimants, and the appropriate fee for each claim or site.

**Where is an NOI form available?**

There is no formal NOI form sanctioned by the Federal government. You may contact the public room at your BLM state office to request a form if you wish.

**What information must an affidavit of assessment work (proof of labor) contain?**

A POL must include the name and BLM serial number of the claim(s) for which you did assessment work, any known changes in the mailing addresses of the claimants, the appropriate per-claim fee, a statement (affidavit) of assessment work that you performed on the claim and which you filed or will file in the county where the claim is located.

**Where is an affidavit of assessment work form available?**

An affidavit of assessment work form is available on the BLM Electronic Forms page.

<https://www.blm.gov/services/electronic-forms>

## **LODE CLAIMS**

**Can a lode claim cross quarter section, section, township, range, county, or state lines?**

Yes, it can.

**What is the longest a lode claim can be?**

1500 feet

**What is the greatest width a lode claim can be?**

600 feet

**Can a lode claim be drawn (on paper only) over an area not open to mineral entry?**

Yes, but this does not obtain for the claimant the rights to minerals on non-mineral land or the right to go onto the private land.

**Why would I draw a lode claim (on paper only) over an area not open to mineral entry?**

In order to keep the claims sidelines parallel to preserve extralateral rights.

**What is a ghost post?**

A ghost post is a corner post that would be located on private land if that were permissible. It is in fact not there, so it is considered a “ghost.”

**What is a witness post?**

A witness post is a post that refers to a ghost post. It is an actual post, placed on federal land open to mineral entry, which states—for example—that a ghost post is located 50' directly north.

**Can lode claims be of the Association type?**

No. Lode claims can never exceed 1500' in length and 600' in width (amounting to 20.661 acres, but not requiring more than one claimant), no matter how many claimants there are.

### **Can a single lode claim be divided into parts by non-mineral land?**

Yes; lode claims are not required to be contiguous. But minerals must be present in both parts of the claim.

## **MILL SITES**

### **Do mill sites give claim to minerals?**

No, in fact Mill Sites can only be located on non-mineral land.

### **How are mill sites described?**

Mill Sites are described in the same manner as a lode or a placer mining claim. In other words, a Mill Site may be described by PLSS or by metes and bounds.

### **What is the maximum size of a mill site?**

Mill sites may not exceed 5 acres

## **MINING LAW OF 1872, AS AMENDED**

### **Is the General Mining Law of 1872, as amended, still in effect?**

Yes. The General Mining Law of 1872 as amended regulates mining on Public Land. Budget Acts by Congress, portions of the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, and the Surface Resources Act of 1955 affect this law. Further, the Federal regulations for unpatented Mining claims or sites on Public Land may be found in the Code of Federal Regulations (CFR) under Title 43 "Public Lands," Section 3802, 3809, and 3830.

### **What was the effect of the Mining Law of 1872?**

The Mining Law of 1872 opened the public lands of the United States to mineral acquisition by the location and maintenance of mining claims.

### **What minerals are governed by the Mining Law of 1872, as amended?**

This Federal law governs all locatable minerals on Federal lands that are open to mineral entry, allowing US citizens to explore for, discover, and claim valuable deposits of locatable minerals.

### **What does "open to mineral entry" mean?**

It means that the land is open for mining claim location.

### **What are examples of locatable minerals?**

Examples include, but are not limited to, gold, sapphires, silver, copper, lead, copper, zinc, nickel, fluorspar, mica, certain uncommon varieties of limestones and gypsum, tantalum, heavy minerals in placer form, gemstones. Locatable minerals are defined in the regulations as having the following three characteristics: recognized as a mineral by the standard experts; not subject to disposal under some other law than the Mining Law of 1872; and make the land more valuable for mining than for farming.

### **What is the relationship between FLPMA and the Mining Law of 1872?**

FLPMA did not amend the 1872 mining law, but it did affect the recordation and maintenance of claims by requiring that existing and new claims and sites be recorded with the BLM.

**Where are the Federal regulations found that implement the Mining Law of 1872, as amended?**

These regulations are found at Title 43 of the CFR, in Groups 3700 and 3800. These may be accessed online at [ecfr.gov](http://ecfr.gov).

**How can I get information on mining claims that date back to the early 1800's or 1900's?**

Research the General Land Office Records website or Federal Land Records on microfiche in the BLM Public Room. Historic mining claim information may be found online at the General Land Office Records website (<https://glorecords.blm.gov/>) or by contacting the BLM Public Room. To do an effective search, you will need to have some basic information on the mining claim, such as legal description, Mineral Survey number, or the original patent serial number. Records of official surveys as well as original patents are available.

**NEW CLAIMS AND NEW CLAIM MAPS**

**Where do I send my new claim COL/map and fee for federal recordation?**

New claims must be filed in the BLM state office of the state in which the claim is located.

**Who do I contact if I have questions about my mining operation?**

Contact the Surface Management Agency, the BLM field office, or USFS ranger district office that has jurisdiction over the location where you propose surface-disturbing activities. In addition, you must contact the appropriate State Surface Management Office.

**If I file a mining claim or site over a historic mining site, do I have any rights to the abandoned equipment?**

No. If a Federal unpatented mining claim is located over the remains of a previous mining operation (abandoned mining claim) and the new mining claimant removes, damages, or uses property left on the abandoned claim, he/she may be subject to civil and criminal liability. Unauthorized removal and/or sale of property abandoned by a prior locator on an unpatented mining claim can constitute a criminal act under 18 USC 641.

**If the boundaries of private land or a withdrawn area such as a wilderness area are not marked on the ground, am I still responsible for trespassing?**

Yes. It is the claimant's responsibility to determine their location in relation to the private property or withdrawn land to avoid trespassing. You are responsible for knowing your location.

**As the BLM and the USFS are both Federal agencies, are their regulations for mining operations the same?**

No. The regulations for mineral activity on Federal land are issued by each Federal Surface Management Agency. This means the Federal regulations will be different according to the Federal agency who manages the surface estate.

**What is involved in reclamation of a mining claim?**

*Reclamation* is the rehabilitation of mined land to mitigate the adverse environmental effects of mining. Some components of reclamation include: the isolation, control, or removal of acid-forming, toxic, or deleterious substances; the regrading and reshaping to conform with adjacent landforms, facilitating revegetation, controlling drainage, and minimizing erosion; the rehabilitation of fisheries or wildlife habitat; the placement of growth medium and establishment of self-sustaining revegetation; the removal or stabilization of buildings, structures, or other support facilities associated with an exploration or

mining project; the plugging of drill holes and the closure of underground workings and ancillary facilities; and providing for post-mining monitoring, maintenance, or treatment of disturbed or impacted areas.

**Is there information on the location of unpatented mining claims or sites available on-line?**

Yes. Current information on unpatented mining claims may be found by searching the MLRS database. A query for active or closed mining claims or sites may be run by selecting a report under the title "Public Mining Claim Reports." If you have questions regarding running a MLRS report, contact the MLRS helpdesk.

**Is it possible to determine the exact location of a claim using MLRS?**

No. The exact location of the claim can be found by locating the claim markers on the ground. Requesting a copy of the certificate of location and map from the official case files kept in the Dockets Library, may be helpful as a guide to locating the claim markers. Some documents within an official mining claim case file may be copied for the public. A fee may be assessed for copy work dependent upon pages copied and time needed for copying. Contact the BLM Public Room for more information.

## **NOTICE OF LOCATION**

**Is there an official notice of location form to place on the claim?**

There is not an official form for the notice of location that is placed on the land in a conspicuous place on the claim or site. The notice must include the name(s) of locators, the date of location, a description of the claim or site, the name or number of the claim or site, or both if the claim or site has both.

## **PLACER CLAIMS**

**Can placer claims cross quarter section, section, township, range, county, or state lines?**

Generally, no, simply because placer boundaries must generally be congruent with PLSS boundaries. Only under very specific conditions is crossing PLSS lines acceptable—when the claim must be described by metes and bounds (bearings and distances) because it is a portion of a lot or is located in a protracted block or is a bona fide bench or gulch placer.

**Can placer claims be located following the trace of the mineral in the surface, in the same way that lode claims can?**

In general, it cannot; placer claim boundaries usually must conform to PLSS boundaries.

**Is a placer claim of only 20 acres with more than one claimant considered an Association Placer Claim?**

No, the acreage being above 20 (but not exceeding 160 acres) is what determines that a placer is an association placer claim. The number of claimants alone does not make a claim an association placer claim.

**Can a placer claim be divided into parts by non-mineral land?**

No; a placer claim must be contiguous (unlike a lode claim). Federal Aid Highways are among the things that can make a placer claim non-contiguous; however, roads that are not Federal Aid Highways do not make placer claims non-contiguous. Acquired land and private land also make placer claims non-

contiguous. Reconveyed land where the mineral rights were not reconveyed also makes a placer claim non-contiguous.

## **RELINQUISHMENTS**

### **What does it mean to relinquish my interest in a claim?**

Relinquishing one's interest in a claim or site is essentially giving the claim up and returning the mineral interest to the federal government.

### **How do I go about relinquishing my interest in a claim?**

There is no form for relinquishment. You simply create a short letter stating that you relinquish all rights to the claim. The letter should include the serial number and name of the claim. Sign and date the letter and mail to BLM State Office, 5001 Southgate Dr., Billings, MT 59101.

### **When does the relinquishment become effective?**

The relinquishment becomes effective on the date the letter is received in our office.

### **What is the fee for a relinquishment?**

There is no fee for a relinquishment.

### **There are multiple claimants on our claim. May I relinquish my interest in the claim without affecting the other claimants' interests?**

Yes. When you relinquish your interest in the claim, we will remove your name as a claimant, but the other claimants will remain on the claim.

## **SNOW FLAKE RULE/40-ACRE RULE**

### **What is the Snow Flake Rule?**

The Snow Flake Rule was established by law in 1908 and states that if you are describing an association placer claim by metes and bounds, you must meet the following requirements, according to the number of persons in the association: a location by 1 or 2 persons must fit within the exterior boundaries of a square 40-acre parcel; a location by 2 or 4 persons within the exterior boundaries of 2 square 40-acre contiguous parcels; a location by 5 or 6 persons, 3 square 40-acre contiguous parcels; a location by 7 or 8 persons, 4 square contiguous 40-acre parcels.

### **Why was the Snow Flake Rule instituted?**

The Snow Flake rule was instituted in order to keep claims in compact form and to prevent Federal lands from being split into narrow, long, or irregular shapes.

## **STAKING A CLAIM**

### **I want to locate a mining claim or site on US Forest Service (USFS) land; do I follow the same procedure to locate?**

Yes. The regulations and procedures to locate and maintain a mining claim or site on Federal land are the same for BLM and USFS land. However, the regulations and procedures to begin mining operations are different depending on the Surface Management Agency (BLM or USFS). Contact the appropriate Federal Surface Management Agency prior to conducting surface-disturbing activities on your mining claim.

### **Who can locate a mining claim?**

United States Citizens and those who have filed an application for citizenship as well as business entities organized under the laws of any state (43 CFR § 3830.3) can locate a mining claim.

**May non-citizens stake claims?**

Claims may be staked by legal immigrants who have declared their intention to become a U.S. citizen.

**May corporations stake claims?**

Yes, so long as the corporation is organized under the laws of any U.S. state. The government considers a corporation the same as a U.S. citizen.

**May an agent locate a mining claim on behalf of a claimant?**

Yes. The agent and the claimant should be clearly identified on the Certificate of Location.

**How many claims may a claimant hold?**

There is no limit on the number of claims or sites a claimant may hold.

**Where may claims never be staked?**

This is a list of some specific areas where claims may not be staked; do not consider the list complete: Claims may not be staked on acquired minerals, national parks, national monuments, Indian reservations, various types of reclamation projects under the Bureau of reclamation, military reservations, scientific testing areas, wildlife protection areas managed by the U.S. Fish and Wildlife Service, areas designated by congress as part of the National Wilderness Preservation System, areas designated as a wild portion of a Wild and Scenic River, areas withdrawn by congress for study as a Wild and Scenic River, and areas closed to mineral entry by a special act of congress, regulation, or public land order.

**STATE REQUIREMENTS**

**Are there state requirements for mining claims?**

Yes. Provisions of the mining law allow for the development of local rules that are consistent with Federal law. Therefore, individual states can have their own manner of locating and recording mining claims, tunnel sites, and mill sites. Always check for state-specific laws and regulations, which may be found through an internet search.

**STOCK-RAISING HOMESTEAD ACT (SRHA) and NOITL**

**When did the Stock-Raising Homestead Act go into law?**

December 29, 1916

**When was the Stock-Raising Homestead Act amended?**

The Stock Raising Homestead Act (SRHA) of 1916 was amended on April 16, 1993, by Public Law 103–23, § 1(c). The amendments took effect 180 days after the enactment date. The amendment addressed problems with subsurface estates and required that the surface owner be notified before their land is entered for mining. However, the landowner cannot prevent entry or mining on their property.

**What is the connection between the Stock-Raising Homestead Act as amended and split estate?**

The Stock-Raising Homestead Act of 1916 created much split-estate land, with the individual to whom the surface was patented holding the surface rights and the Federal government retaining subsurface rights. An individual interested in exploring the locatable minerals on SRHA land may file a NOITL and follow all guidance in order to access the minerals.

**If I own land originally patented under SRHA, do I have the right to sell the subsurface mineral resources?**

No, because those minerals are reserved to the federal government. They are under the jurisdiction of the Department of the Interior and administered by the BLM. To sell or use these minerals may put you in trespass.

**What minerals does filing a NOITL give me claim to?**

Filing a NOITL does not give you claim to any minerals. Within the guidelines, it gives you exclusive rights to explore for locatable minerals and locate claims or sites during a very specific window of time.

**TUNNEL SITES**

**What is a tunnel site?**

A subsurface right-of-way under federal land open to mineral entry, used for access to lode mining claims or to explore for blind or undiscovered veins, lodes, or ledges not currently claimed or known to exist on the surface.

**Do tunnel sites give claim to minerals?**

No, a tunnel site is not a claim, and does not convey the right to the minerals discovered. If minerals are discovered, you may separately locate a lode claim to possess the rights to the minerals.

**WAIVERS**

**Should waivers be recorded in the county?**

No. Waivers are not recorded in the county.

**Do all signatures on waivers have to be original?**

Yes. Original signatures are required.

**Do waivers have to be submitted on paper?**

Yes, because original signatures are required.

**Can waivers be submitted using MLRS?**

No. Submission of a form electronically demonstrates that there was not an intent to provide an original signature.

**Do waivers have to have the signatures of all claimants?**

Yes.

**If I file a waiver by September 1 for a mill site or a tunnel site, what else should I file?**

You should file a Notice of Intent to hold (NOI) by December 30 (not 31).

**If this is the first year I have filed a waiver for a claim, what else should I file?**

You should file an NOI by December 30 (not 31).

**If I filed a waiver last calendar year, what must I file this calendar year?**

You must file an affidavit of assessment work (proof of labor) by December 30 (not 31).

**If I filed a waiver last year but a maintenance fee this year, what else must I file this year?**

You must pay this year's maintenance fee, and you must file an affidavit of assessment work (proof of labor) that reports on the assessment work you were required to do over the past assessment year because you filed a waiver last year. Failure to file this assessment work will result in closure of the claim.

**Where is a Waiver form available?**

You must use the Waiver form provided by the Federal government. It is available on the BLM electronic Forms page. <https://www.blm.gov/services/electronic-forms>

**OTHER**

**Do I need a mining claim to suction dredge on Public Land?**

No. If you intend to conduct suction dredging activities on Federal land it is in your best interest to contact the local BLM field office or FS ranger district to determine how you should proceed and what paperwork you may need to file. A mining claim gives the claimant the exclusive right to the minerals being claimed.

**Is a patented mining claim private property?**

Yes.

**Is an unpatented mining claim considered real property?**

Yes. The discovery of a valuable mineral deposit within the limits of a mining claim located on Public Lands in conformance with state and Federal statutes validates the claim; and the locator acquires an exclusive possessory interest in the mineral deposits within the claim. Further, the claim is property in the fullest sense of that term; and may be sold, transferred, mortgaged, and inherited without infringing any right or title of the United States...so long as [the claimant] complies with the provisions of the mining laws [*United States Supreme Court case of Wilbur v. U.S. ex rel Krushnic*, 280 US 306 (1930)]. The owner of an unpatented claim is entitled to mine, remove, and sell all valuable mineral deposits within his claim boundaries provided he follows the regulations for Surface Management under 43 CFR § 3809, and is entitled to such surface rights necessary for mining operations.

**Can I file a mining claim to get my own land in the mountains?**

No. A mining claim on Public Lands is a "possessory mineral interest." This means that a mining claimant has a limited right to the location for mining or milling purposes only. No deed accompanies this right. If the surface use is not otherwise encumbered, anyone may enter upon a claim on Public Lands for any purposes other than mining locatable minerals.

**If I file a mining claim, can I eventually obtain title (patent) to the land?**

No. As of October 1, 1994, Congress imposed a moratorium on spending appropriated funds for the acceptance or processing of mineral patent applications that had not yet received First Half Final Certificate (FHFC) or were not in Washington, D.C. for Secretarial review of FHFC on or before September 30, 1994. Until and unless the moratorium is lifted, the BLM will not accept any new patent applications.

**Does an active mining claim guarantee me rights to extract minerals without a bond?**

No. Prior to conducting surface-disturbing activities, contact the appropriate Federal Surface Management Agency and the Colorado Division of Reclamation, Mining and Safety to ensure the proper paperwork is filed and the appropriate financial guarantees are secured.

**Will I need a bond for my mining operation?**

Yes, if the level of activity of your operation is greater than casual use then a bond will be required. In addition, the bond will be determined by the location and activity level of your operation. Contact the appropriate Federal Surface Management Agency and the appropriate State Surface Management Office prior to conducting surface disturbing activities.

**What is Sustainable Development?**

The idea that we develop today to meet the needs of the present generation without compromising the ability of future generations to meet their own needs.

## Definitions

**Affidavit of Assessment Work:** A form that reports assessment work performed on claims during the previous assessment period (also known as Proof of Labor)

**Aliquot Parts:** In the context of the PLSS, an aliquot part is a standard subdivision of a section, such as a half section, a quarter section (160 acres), or quarter quarter section (40 acres).

**Amendment:** See Amended Certificate of Location

**Amended Certificate of Location:** A certificate of location which uses the same information as the original certificate of location, especially the same location date, but corrects some piece of information that was incorrect upon initial submission.

**Assessment Year:** The mining Assessment Year runs from September 1 to September 1. For example, Assessment Year 2023 ran from September 1, 2022, to September 1, 2023. Filings due September 1, 2022, were accepted until close of business on September 1, 2022. New claims located on September 1, 2022, were considered to be located in the 2023 Assessment Year.

**Assessment Work:** Assessment work is a requirement in mining law that requires owners of unpatented mining claims to make improvements on their claims each year to show that they are actively using them for mining purposes. Failure to comply with assessment work requirements can result in the loss of the claim and the legal right to the minerals within the claim boundaries. Assessment work is required when a maintenance fee is not paid, and a waiver is filed instead.

**Association Placer Claim:** A placer claim having more than twenty acres but not exceeding 160 acres, with at least one claimant for every twenty acres or part thereof. Be aware that the Snow Flake Rule governs the configuration of association placer claims.

**Base line:** A parallel of latitude, referenced to and established from the designated initial point, upon which all rectangular surveys in a defined area are based. Rows of townships run parallel to a baseline, north or south of it, forming ranges.

**Bureau of Land Management (BLM):** The BLM is a U.S. Government agency that manages public lands for the benefit of all Americans. The BLM's mission is to sustain the health, diversity, and productivity of public lands while ensuring their use and enjoyment for future generations.

**Casual Use:** This concept is applicable only to BLM-managed lands. Activities ordinarily resulting in no or negligible disturbance of the public lands or resources. Casual use includes the collection of geochemical, rock, soil, or mineral specimens using hand tools, hand panning, or non-motorized sluicing. Casual use *may* include the use of small portable suction dredges (NOTE: all suction dredges require a state permit). Casual use also includes the use of metal detectors, gold spars, or other battery-operated devices for sensing the presence of minerals. Hand and battery-operated dry washers are also used in a casual use scenario. Operators may use motorized vehicles for casual use activities provided the use is consistent with the regulations governing such use, off-road vehicle use designations contained in land use plans, and the terms of temporary closures ordered by either the BLM or Forest Service.

Casual use does NOT include the use of mechanized earth-moving equipment, truck-mounted drilling equipment, or motorized vehicles in areas when designated as closed to "off-road vehicles", or the use of chemicals or explosives.

<https://www.ecfr.gov/current/title-43/section-3800.3809.5>

**Certificate of Location (COL):** A COL is a document that notifies the public that a mining claim has been staked on a specific piece of land. It also allows state and federal entities to track claims and sites on public lands.

**Code of Federal Regulations (CFR):** The Code of Federal Regulations is a publication that contains the official text of general and permanent rules published by the executive departments and agencies of the U.S. Federal government.

**Department of the Interior (DOI):** The U.S. Department of the Interior protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors its trust responsibilities or special commitments to American Indians, Alaska Natives, Native Hawaiians, and affiliated Island Communities.

**Discovery:** A Discovery is when a claimant is required to show a reasonable prospect of making a profit from the sale of minerals from a claim or group of contiguous claims. Should a person consider investing time and money to develop a potentially viable mineral deposit, in order to constitute a valid discovery: "... upon a lode claim, three elements are necessary:

1. There must be a vein or lode of quartz or other rock-in-place;
2. The quartz or other rock-in-place must carry gold or some other valuable mineral deposit;
3. The two preceding elements, when taken together, must be such that as to warrant a prudent man in the expenditure of his time and money in the effort to develop a valuable mine."

For traditional placer claims, in addition to proof of a discovery of a pay streak, each 10 acres must be shown to be mineral-in-character; that is, that there is a reasonable expectation of further economic mineral under these lands. An actual exposure of the valuable mineral deposit is not necessary. (41 L.D. 321 (1912))

**Federal Land Policy and Management Act of 1976 (FLPMA):** The "organic act" for the BLM which defines the BLM's mission as one of multiple use and sustainable yield

**Forest Service (FS):** The Forest Service is a federal agency under the U.S. Department of Agriculture that manages 193 million acres of land, roughly the size of Texas. The Forest Service manages public lands in the form of national forests and grasslands, provides technical and financial assistance to state, private, and tribal forestry agencies and makes up the largest forestry research organization in the world.

**Grantor:** In a transfer of ownership of a mining claim, the grantor is the entity that originally held the claim (also known as transferor)

**Grantee:** In a transfer of ownership of a mining claim, the grantee is the entity to whom ownership of the mining claim is transferred (also known as transferee)

**Initial Point:** A component of the PLSS; the point where the meridian and base line intersect

**Lead file number:** The Lead file number is the serial number assigned to a jacket containing a series of claims or sites; it is the first of a consecutive series of serial numbers for claims or sites.

**Legacy file number:** Any BLM Serial Number assigned prior to the implementation of MLRS (January 25, 2021)

**Legacy Lead file number:** The Legacy Lead file number is the serial number assigned to a jacket containing a series of claims or sites prior to the implementation of MLRS (January 25, 2021); it is the first of a consecutive series of serial numbers using the previous numbering convention.

**Locatable Mineral:** Minerals which are subject to the Mining Law of 1872, as amended, include gold, silver, copper, and other hard rock minerals.

**Location Date:** The Location Date is the date that you made your discovery or located your claim. The date you file your COL must be within 90 days of your location date.

**Lot:** A subdivision of a section which is not an aliquot part of the section, but which is designated separately; a lot is often irregular in shape, and its acreage often varies from that of regular aliquot parts

**Lode Claim:** A claim to locatable minerals which are located within solid rock. This may also be called a hardrock claim.

**Maintenance Fee:** A mining claim maintenance fee is an annual fee that mining claimants must pay to maintain their claim, mill site, or tunnel site. The fee is due on or before September 1st of each year. Claimants can pay the fee online, in person at a BLM state office, or by mail. Failure to pay the fee on time or file a waiver with the BLM office results in forfeiture of the claim.

**Maintenance Fee Waiver Certification:** A forward-looking form used by claimants with control of ten or fewer claims/sites nationwide to waive the requirement that a Maintenance Fee be paid on those claims/sites (also known as a Waiver or a Small Miner's Waiver).

**Meridian:** See Principal Meridian

**Metes and Bounds Description:** The description of a parcel of land that is measured in distances and angles (bearing)

**Mill Site:** A location on non-mineral land and not contiguous to a vein or lode that is used for activities reasonably incident to mineral development on, or production from, the unpatented or patented lode or placer claim with which it is associated.

**Mineral and Land Records System (MLRS):** A federal government computer database that stores information about mining claims and is available to the public at [mlrs.blm.gov](http://mlrs.blm.gov)

**Mineral-in-Character:** Mineral-in-character is a term used by the Bureau of Land Management (BLM) to describe land that may contain valuable minerals. It can also mean that there is a reasonable expectation of finding more economic minerals under the land.

**Mining Claim:** A mining claim is a parcel of land for which the claimant has asserted a right of possession and the right to develop and extract a discovered, valuable, mineral deposit. Mining claims are either Lode Claims or Placer Claims.

**Notice of Operations:** For exploration activity greater than casual use and which causes surface disturbance of 5 acres or less of public lands, the operator must file a complete Notice of Operations with the responsible BLM District/Field Office 15 calendar days before commencing operations.

**Notice of Intent to Hold (NOI):** a FLPMA form which covers the calendar year in which it is filed and is due by **December 30**.

**Notice of Intent to Locate (NOITL):** A NOITL is submitted when a claimant wants to explore parcels on lands that had been previously patented under the Stock-Raising Homestead Act.

**Notice of Location:** A Notice of Location is a document that is posted to notify the public that a mining claim has been staked on a specific piece of land. The Notice must be posted in a visible location, such as on a discovery monument, and must include specific information.

**Placer Claim:** A claim to locatable minerals including all forms of deposit excepting veins of quartz or other rock in-place; usually these are unconsolidated or reworked sediments.

**Plan of Operations:** For exploration activity greater than casual use and which causes surface disturbance of more than 5 acres of public lands, the operator must file a complete Plan of Operations

with the responsible BLM District/Field Office. An approved plan shall include appropriate environmental protection and reclamation measures selected by the authorized officer that shall be carried out by the operator. An operator may prepare and submit with a plan, measures for the reclamation of the affected area.

**Principal Meridian:** A true meridian running through an initial point, which together with the baseline forms the highest-level framework for all rectangular surveys in a given area. Rows of ranges run parallel to the principal meridian, either east or west of it

**Proof of Labor (POL):** see Affidavit of Assessment Work

**Protracted Block (PB):** An unsurveyed area of which parts of, but not the entire, boundary has been surveyed

**Public Domain:** Public domain land is land that is owned by the United States government and managed by the Bureau of Land Management (BLM). The land is usually undeveloped and has no improvements.

**Public Land:** Public land is land that is owned by the government, either at the federal, state, or local level, or by a sovereign tribal nation. It's different from private land, which is owned by an individual, business, or other non-governmental organization. Public land includes forests, parks, deserts, mountains, historic sites, and more. It's called "public" because it belongs to all citizens and can be used for a variety of purposes, such as recreation, conservation, and resource extraction.

**Public Land Survey System (PLSS):** The system using meridian and baseline, township, range, section, and aliquot parts or lots to specify an area of land

**Quarter Section:** An aliquot part of the PLSS that is a square equal to 160 acres, or  $2640' \times 2640'$

**Quarter Quarter Section:** An aliquot part of the PLSS that is a square equal to 40 acres, or  $1320' \times 1320'$

**Quitclaim Deed (QCD):** A document that can be used to transfer the title to mineral rights from one claimant to another

**Range:** A measure of the distance east or west from a referenced principal meridian, in units of six miles. A vertical column on townships in the PLSS.

**Relinquishment:** A mining claim relinquishment is a formal way for a mining claim owner to give up their rights to the claim.

**Section:** A component of the PLSS that is generally one mile square, or 640 acres. A Township contains 36 sections, always numbered 1 – 36.

**Split Estate:** A situation in which the surface rights and the subsurface rights are owned by different entities. Often this is a private entity owning surface rights and the federal government managing the subsurface.

**Small Miner's Waiver (SMW):** See Maintenance Fee Waiver Certification.

**Stock-Raising Homestead Act (as amended) (SRHA):** The Stock Raising Homestead Act (SRHA) of 1916 allowed settlers to claim 640 acres of public land for ranching purposes. The land had to be non-irrigable and designated as "stock raising" land by the Secretary of the Interior. The SRHA created "split estate" situations where homesteaders owned the surface rights to the land, but the federal government retained the mineral rights.

**Township:** A measure of the distance north or south from a referenced baseline, in units of six miles; also, a square parcel of land of 36 square miles defined by the intersection of a township and a range

**Transfer:** In the context of mining claims, to transfer a claim is to convey the mineral rights, in whole or in part, from a current claimant (grantor) to a new claimant (grantee)

**Tunnel Site:** A subsurface right-of-way under federal land open to mineral entry, used for access to lode mining claims or to explore for blind or undiscovered veins, lodes, or ledges not currently claimed or known to exist on the surface.

**United States Department of Agriculture (USDA):** The United States Department of Agriculture (USDA) provides leadership on food, agriculture, natural resources, and related issues. The USDA's mission is to: Provide economic opportunity through innovation, Promote agriculture production that better nourishes Americans, Help feed others throughout the world, and Preserve the nation's natural resources. The Forest Service operates under the USDA.

**Waiver:** See Maintenance Fee Waiver Certification

## Helpful Resources and Links

BLM Electronic Forms page. <https://www.blm.gov/services/electronic-forms>

BLM Interactive Map (Discover Your Public Lands): <https://gbp-blm-egis.hub.arcgis.com/>

BLM Locatable Minerals/Mining Claim home page: <https://www.blm.gov/programs/energy-and-minerals/mining-and-minerals/locatable-minerals/mining-claims> BLM Map Products page: <http://www.blm.gov/maps>

BLM Mining and Minerals Home Page: <https://www.blm.gov/programs/energy-and-minerals/mining-and-minerals>

BLM Montana Mining and Minerals home page <https://www.blm.gov/programs/energy-and-minerals/mining-and-minerals/about/montana>

Buying a Mining Claim brochure:

[https://www.blm.gov/sites/blm.gov/files/documents/files/2017\\_Buying%20Mining%20Claim.pdf](https://www.blm.gov/sites/blm.gov/files/documents/files/2017_Buying%20Mining%20Claim.pdf)

Code of Federal Regulations: <https://www.ecfr.gov/current/title-43 subtitle-B/ chapter-II>

General Land Office Records <https://glorecords.blm.gov/>

General Land Office Reference Center: <https://glorecords.blm.gov/reference/default.aspx>

GPS Coordinates Converter <https://www.gps-coordinates.net/gps-coordinates-converter>

MLRS Home Page: <http://www.blm.gov/mlrs>.

Montana Code Annotated 2023: Manner of Locating Claim:

[https://leg.mt.gov/bills/mca/title\\_0820/chapter\\_0020/part\\_0010/section\\_0010/0820-0020-0010-0010.html](https://leg.mt.gov/bills/mca/title_0820/chapter_0020/part_0010/section_0010/0820-0020-0010-0010.html)

South Dakota Legislature Codified Laws: <https://sdlegislature.gov/Statutes/45-4>

US Forest Services Map Products page: <https://www.fs.usda.gov/visit/maps>

USGS Maps Products page: [US Topo: Maps for America](https://usgs.gov/us-topo-maps-for-america)

Public Land Survey System informational page via Wikipedia:

[https://en.wikipedia.org/wiki/Public\\_Land\\_Survey\\_System](https://en.wikipedia.org/wiki/Public_Land_Survey_System)

\*The following links are pages that are included as enclosures with this packet:

Form: Maintenance Fee Waiver Certification Form (Enclosure 2):

<https://www.blm.gov/sites/default/files/docs/2024-07/3830-002.pdf>

Form: Affidavit of Annual Assessment Work (Enclosure 3):

<https://www.blm.gov/sites/default/files/docs/2024-06/3830-004.pdf>

Form: Maintenance Fee Payment Form for Lode Claims, Mill Sites, and Tunnel Sites (Enclosure 4):

[https://www.blm.gov/sites/default/files/docs/2024-07/3830-005\\_0.pdf](https://www.blm.gov/sites/default/files/docs/2024-07/3830-005_0.pdf)

Form: Maintenance Fee Payment Form for Placer Mining Claims (Enclosure 5):

<https://www.blm.gov/sites/default/files/docs/2024-07/3830-005a.pdf>

Form: Notice of Intent to Locate (Enclosure 6):  
[https://www.blm.gov/sites/default/files/docs/2024-06/3830-003\\_0.pdf](https://www.blm.gov/sites/default/files/docs/2024-06/3830-003_0.pdf)

Example Master Title Plat (Enclosure 8):  
[https://www.blm.gov/or/landrecords/files/MTP\\_Help.pdf](https://www.blm.gov/or/landrecords/files/MTP_Help.pdf)

\*The following links within MLRS may require sign-in:

<http://www.blm.gov/services/land-records/mlrs>.

[How to File a Mining Claim](#)

[How to Plot a Mining Claim \(Video Tutorial\)](#)

[How to Upload a GIS File When Filing a New Claim](#)

[How to Select Area on the Map When Filing a New Claim](#)

### **MLRS Help, Comments, and Questions**

Any comments or questions can be emailed to [BLM OC MLRS Support@blm.gov](mailto:BLM_OC_MLRS_Support@blm.gov)

Submission of a help desk ticket can be done here: [phd.blm.gov](http://phd.blm.gov)

The MLRS Public Portal has additional information here: <https://mlrs.blm.gov/s/help-center>

### **BLM Montana-Dakotas Contact Information:**

BLM Public Room: 406-896-5004

MTDKs State Office Adjudicators: 406-896-5326

MTDKs State Office Address:

5001 Southgate Drive  
Billings, MT 59101

## Figures and Diagrams

Figure 1. Placer Mining Claim

## PLACER MINING CLAIM

Boundaries and claim corners clearly marked within 30 days after posting notice of location; must record with county within 60 days and with BLM within 90 days of location date.

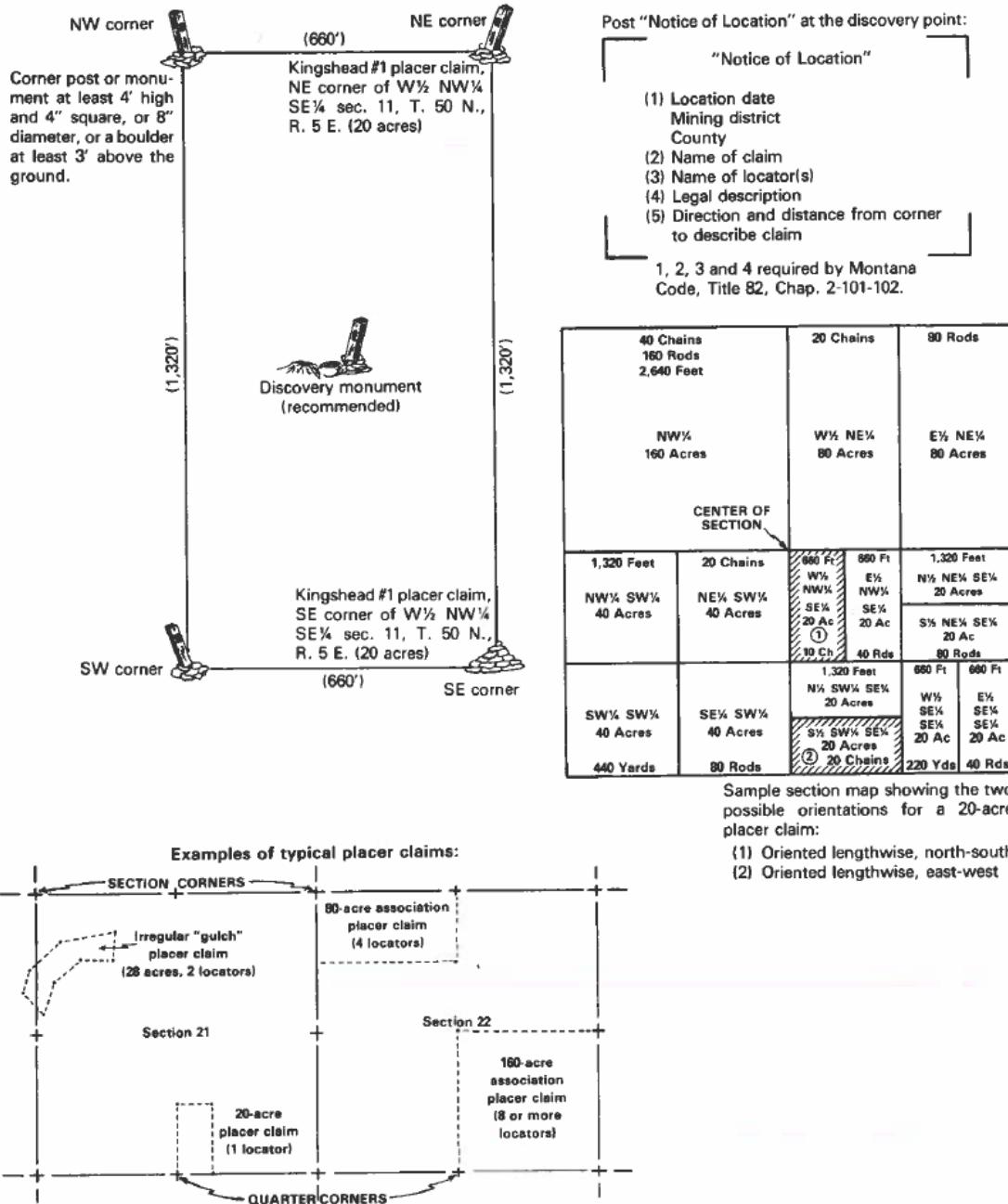


Figure 2. Lode Mining Claim

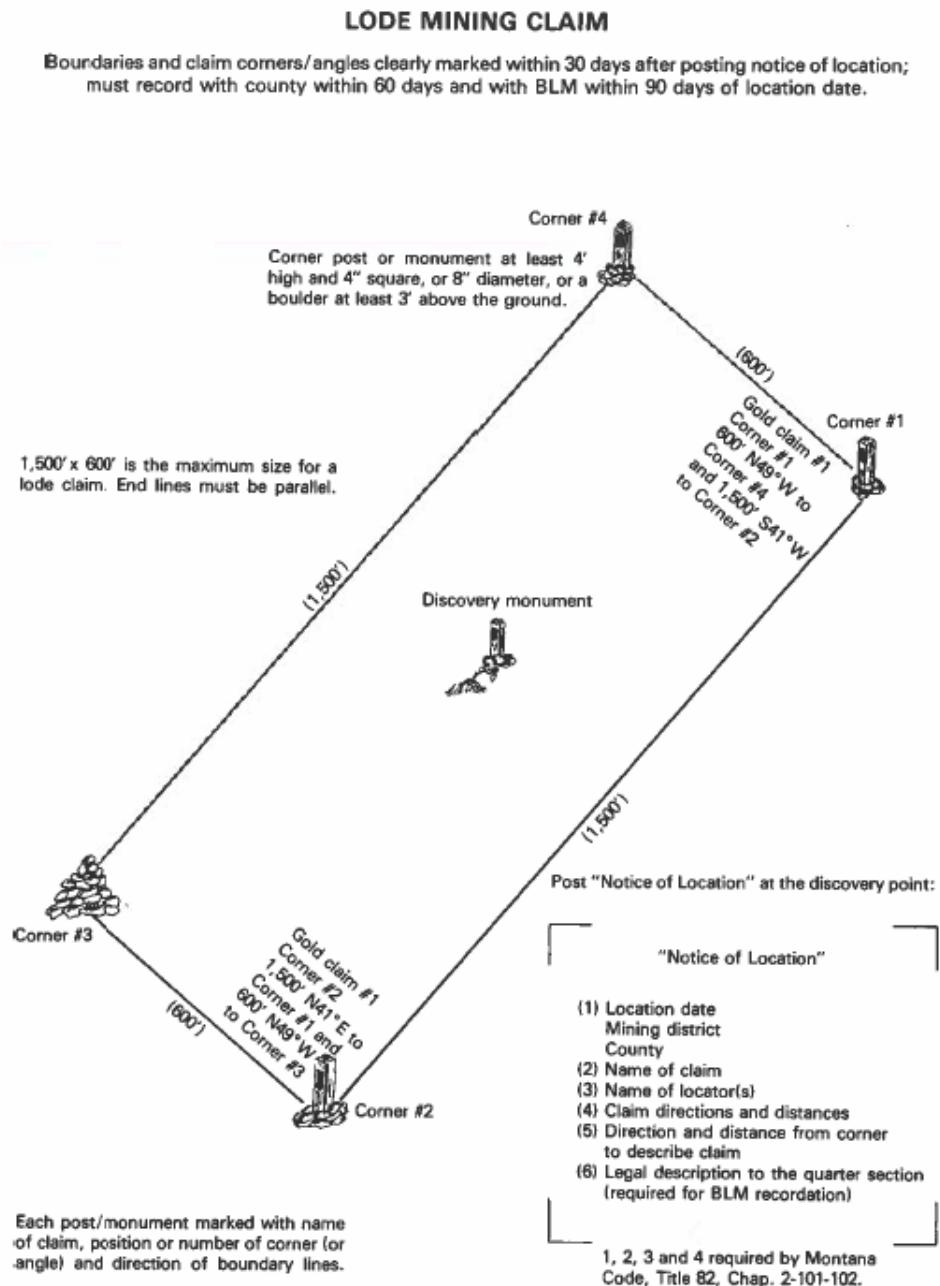


Figure 3. Township Diagram

Form 9600-18  
(February 1979)  
(formerly 9180-19)

U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

TOWNSHIP DIAGRAM \*

Township	Range			Meridian			State	
36	31	32	33	34	35	36	31	
	6	5	4	3	2	1	6	
12	7	8	9	10	11	12	7	
13	18	17	16	15	14	13	18	
24	19	20	21	22	23	24	19	
25	30	29	28	27	26	25	30	
36	31	32	33	34	35	36	31	
	6	5	4	3	2	1	6	
<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>								

\* SCALE: 1 INCH = 1 MILE

LAND DESCRIPTION DIAGRAM

**Table of Land Measurements**

STANDARD	IRON	PARALLEL
TAN		
MERIDIAN		
TAN		
MERIDIAN		
BASE		
ASW B2W R1W PRIN T1S		
CIPAL 1M LINE GRW HSE		
T1S		

Diagram showing division of tract  
into Townships

Diagram showing division of tract  
into Townships

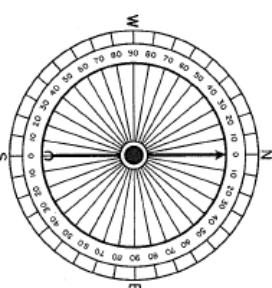
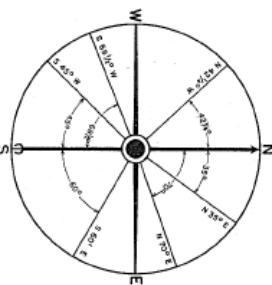


Diagram showing division of tract  
into Townships

Diagram showing division of tract  
into Townships

LINEAR MEASURE		SQUARE MEASURE	
1 inch =	.0833 ft.	144 sq. in. =	1 sq. foot
7.92 inches =	1 link	9 sq. feet =	1 sq. yard
12 inches =	1 foot	30½ sq. yds. =	1 sq. rod
1 vara =	33 inches	16 sq. rods =	1 sq. chain
2 3/4 feet =	1 vara	1 sq. rod =	27 1/2 sq. ft.
3 feet =	1 yard	1 sq. ch. =	4356 sq. ft.
25 links =	16 1/2 feet	10 sq. chs. =	1 acre
25 links =	1 rod	160 sq. rods =	1 acre
100 links =	1 chain	4840 sq. yds. =	1 acre
16 1/2 feet =	1 rod	43560 sq. ft. =	1 acre
5½ yards =	1 rod	640 acres =	1 sq. mile
4 rods =	100 links	1 sq. mile =	1 section
66 feet =	1 chain	36 sq. miles =	1 Twp.
80 chains =	1 mile	6 miles sq. =	1 Twp.
320 rods =	1 mile	1 sq. mi. =	2.59 sq. km.
8000 links =	1 mile		
5280 feet =	1 mile		
1760 yards =	1 mile		

36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
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1	6	5	4	3	2	1	6

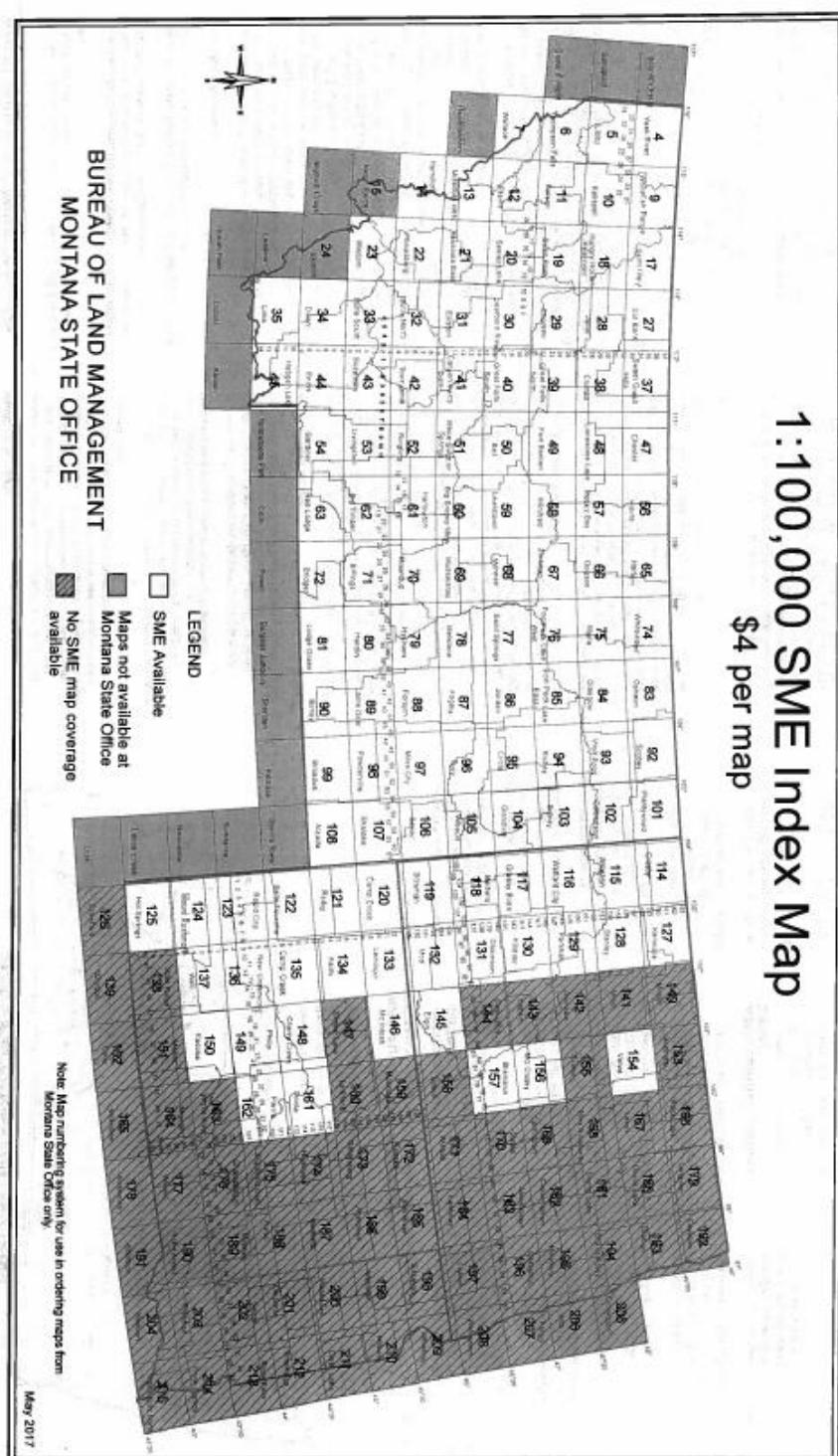
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12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18

Figure 5. 1:100,000 SME Index Map



## MAP ORDERING INFORMATION

This index describes the maps that are published by the Bureau of Land Management in Montana. The maps show land ownership and geographic features.

The following map series are in the scale of 1:100,000 (about 50 inch per mile). Each map covers about 1,700 square miles.

—**Surface Management Edition (SME):** This map reflects surface ownership, roads (access not defined), and various geographic features. Most show topographic features.

—**SME, Minerals Edition:** This edition is a SME map with an overprint showing federally owned minerals.

**Other Maps Available:**

Upper Missouri River Breaks National Monument	
Fort Benton to Judith Landing	
Springdale to Park City	
Justin Landing to Kipp Recreation Area	\$4.00
UNIRIBUM Transportation Map	\$10.00
Yellowstone Frontier's Guide	
Park City to Pompeys Pillar	
Captain Clark to Fourt	
For West to Bonfield	
Powder River Depot to Glendive	
Inlets to Confluence	
Garnet Resource Area Travel Plan	
Beartraphead-Crossridge National Forest	
North	
Central	
South	
Pioneer Mountain Area BLM Roads	

To order BLM maps, list the name and number of maps you want and enclose the appropriate payment. Please do not mail cash. BLM accepts prepayment by credit card, check or money order. Checks and money orders should be payable to BLM and mailed to BLM Maps, 5001 Southgate Drive, Billings, MT 59101. You can order your maps by phone @ (406) 866-5004 using your credit card. Maps can also be purchased in our office.

Other maps available from:

USGS Map Store	National Forest Maps
P.O. Box 28286	USFS Regional Office
Denver, CO 80225	Missoula, MT 59807

[www.usgs.gov](http://www.usgs.gov)

BLM maps for bordering states:

Idaho State Office	Wyoming State Office
1387 South Vinson Way	5533 Yellowstone Road

Boise, ID 83706

Chugwater, WY 82009

307-775-6299

Priority flat rate shipping charges will apply.

What's the difference between pink and yellow BLM lands on the maps...?

Some of the lands administered by BLM are designated in pink on our maps. The government purchased most of these lands from homesteaders under the Homestead-Jones Farm Tenant Act. The BLM land designated in yellow is public domain land. Both types of land are open to the public for recreation and subject to access conditions.

Land status information was correct at the time the maps were printed. However, due to land sales and exchanges, some parcels are no longer administered by BLM and other parcels have been acquired. If you have questions regarding land status, contact the local BLM office.

In Montana, BLM offices are located in Billings, Butte, Dillon, Glasgow, Great Falls, Havre, Lewistown, Malta, Missoula, and Miles City. There are also BLM offices in Dickinson, North Dakota, and Belle Fourche, South Dakota.

A word about access... .

Most of the eight million acres of public land administered by BLM in Montana is open year round to public use. The public can use these lands for recreation, unless the lands have been officially closed due to fire danger or other emergency hazard. Sometimes roads, or lands may be closed to protect resource values. Check with the local BLM office regarding restrictions.

Government roads, thoroughfares or waterways that provide legal access may be used to gain access to public lands. Persons who believe they are improperly denied access to public lands should notify the nearest BLM office after identifying the location or name kept in mind, however, that the public CANNOT CROSS PRIVATE LANDS to reach public and no public thoroughfares.

The landowner's permission must be obtained before crossing private lands.

Conditions sometimes arises when BLM-administered land is leased for grazing. The lease does not allow or restrict authorized public use of the land, and grazing leases cannot materially lessen signs or other devices on public lands. A few leases participate in a grazing program in which BLM-administered lands used for grazing can be leased to public use if a corresponding amount of private lands is made available to the public. Such lands must be clearly posted with open and closed signs.

Office regarding restrictions.

## OFFICES OF MONTANA, NORTH DAKOTA AND SOUTH DAKOTA

### MONTANNA STATE OFFICE

#### 5001 Southgate Drive

Billings, Montana 59101

Telephone: (406) 899-5004

### DAKOTA DISTRICT

#### 105 North Parkmont

Butte, MT 59701

Telephone: (406) 533-7800

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## BUREAU OF LAND MANAGEMENT OFFICE BOUNDARIES AND LOCATIONS

