

## Mining Claim Information:

Section 1: This section includes general information on the Mining Law, claim location, maintenance and costs.

- A) General Cost/Fee information
- B) General description of the process of researching and locating a mining claim

Section 2 : This section includes more detailed information on maintaining mining claims, associated costs and an introduction to the permitting requirements for conducting surface activities on a mining claim.

- A) More detailed cost/fee information
- B) General description of the requirements for maintaining a mining claim and conducting surface activities on a mining claim

Section 3: This section includes additional detailed information on the permitting requirements for conducting operations on mining claims.

- A) Summary of the BLM, Forest Service and DEQ requirements for surface disturbance
- B) CFR and MCA References
- C) Office and contact information

Section 4: Various websites with land status or mining claim information

Section 5: A general discussion of assessment work.

## 1) General Description of the Process of Researching and Locating a Mining Claim

The process for locating mining claims on Federal Lands (Forest Service and BLM) is not complicated but there are procedures established by state and federal laws that must be followed in order to make sure you end up with a legal claim and don't waste time and money recording a claim that may not be legal.

You'll need to do some background research to determine if the area you're interested in locating claims is: a) federal land open to the location of mining claims, b) not already claimed by someone else

In order to do this you'll need to either check land status records at a BLM or Forest Service Office or check online. The website for the land status information is:

<http://www.glorerecords.blm.gov/>

Interpreting land status plats can be a challenge, so if you're not sure you understand the Master Title Plat, you'll need to contact BLM or the Forest Service for help.

After you've done that and established that the lands are federal lands and open to the location of claims, then you can use LR2000 to check for other claims in the area: <http://lr2000.blm.gov/>

After you've completed this background work and confirmed the land is open to locating claims and there are no other claims where you're interested, then you're ready to actually locate your claim.

You need to decide one more thing as you go to locate your claim. Are you locating your claim for hard rock (vein) deposits or placer (gold bearing gravel) deposits? The General Mining Law has different types of claims so you need to be sure you're locating the proper claim.

Now you're ready to locate your claim!

Post a Notice of Location at your Point of Discovery, where you've found minerals, with the following information: Date of Location, Name of Claim, Name of locator(s), approximate dimensions and directions to either a survey or claim corner.

Within 30 days after posting the Notice of Location, monument your claim on the ground with corner posts.

Within 60 days after posting the Notice of Location record the claim with the County Clerk in the county where the claim is located.

Within 90 days after posting the Notice of Location record the claim with the Bureau of Land Management in Billings. Unless the claim is recorded with BLM within 90 days, the claim is VOID! Be sure to include the appropriate fees per claim with your initial filing with BLM!

See Montana Bureau of Mines and Geology Special Publication 87 (A Guide to Staking Mining Claims in Montana) for additional info.

## **2) General Description of the Requirements for Maintaining Claims**

The fee paid to BLM when you initially locate your claim (\$212 after September 1, 2014) includes the first year's Maintenance Fee of \$155. This fee covers the Mining Law's assessment requirement for the assessment year (September 1 – August 31) the claim was located during. To continue to hold the claim you can either pay the \$155 Maintenance Fee every year before September 1, or file the Maintenance Fee Waiver form with BLM State office before September 1 and perform \$100 worth of Assessment Work on each claim. Both should be sent to the Bureau of Land Management, Montana State Office P.O. 5001 Billings, MT 59101-4669. If performing Assessment Work, you must record your Affidavit of Annual Labor with both the County Clerk and Recorder and BLM. If you are paying the Maintenance Fee you must file a copy of the Maintenance Fee Payment Record with the County Clerk and Recorder.

**If you hold or control more than 10 claims you must pay the Maintenance Fee! Attempts to scam the system by using family members or proxy locators can lead to the voiding of your claims!**

If you're performing assessment work, the work should be for the benefit and development of your mining claim. Some activities that are clearly recognized as meeting this requirement include: value of equipment purchased to support mineral exploration activities, access road construction or maintenance, sinking shafts or driving tunnels/adits, drilling or excavating for the purpose of collecting samples, installing mining equipment and payment for workers hired to perform assessment work.

If you have questions about whether work qualifies as Assessment Work, see the attached "Work that qualifies as assessment work" sheet or contact the BLM or Forest Service for more information. In a worst case scenario, you may need to contact an attorney familiar with the Mining Law.

Remember the main reason you perform assessment work is for the development of the minerals on your claim and to protect yourself from rival locators.

### **Work Involving Surface Disturbance (Montana)**

If your work involves disturbance of surface resources using mechanized equipment or disturbs more than 100 square feet you will need to permit your activities through the Montana Department of Environmental Quality. State and Federal laws governing surface disturbance are similar, but not identical. State laws might permit disturbance under an Exploration License or a Small Miner Exclusion Statement. BLM typically accepts disturbance in this category as a Notice, while under the Forest Service regulations a Notice of Intent or a Plan of Operations may be required depending on whether proposed operations might or will likely cause significant disturbance of surface resources. The agencies coordinate on bonding so that an operator generally submits only one bond. Larger operations (>5 acres) most likely require a Plan of Operations and a more detailed permitting process. A financial guarantee or bond adequate to reclaim the proposed disturbance will be required prior to any surface disturbance.

### **3) Summary of Permitting Requirements for Surface Disturbance**

If you've reached the point where you need to conduct operations that involve surface disturbance on your claim in order to develop additional information on the mineral potential, here is some information on the state and federal regulations and requirements:

State requirements: Activities on lands in the state of Montana that involve surface disturbance are regulated under the Metal Mine Reclamation Act (MMRA). For most activities focused on confirming mineral values an "Exploration License" is probably the most appropriate state permit. You propose your activities to DEQ using a standard application form or a similar document from the Forest Service or BLM. DEQ will work with the federal agencies to review the proposal and develop an appropriate reclamation bond for the project. An exploration license is a statewide license with projects being approved and bonded individually. You can often submit a copy of the proposal to the Forest Service or BLM to DEQ as the requirements are similar. It's a good idea to coordinate with the Surface Management Agency and DEQ before you actually submit anything to make sure you'll be submitting the appropriate paperwork. You'll be required to submit a bond for the estimated cost of reclamation.

In the event you'll be proposing actual mining the permitting requirements will shift a bit. You'll either be getting a Small Miner Exclusion Statement if you're disturbing less than 5 acres or getting an Operating Permit if you'll be disturbing more than 5 acres. Typically an Operating Permit will require submitting a detailed Plan of Operations to both the DEQ and Surface Management Agency, who will coordinate on the review and preparation of an environmental document. You'll be required to submit a bond for the estimated cost of reclamation.

BLM and Forest Service requirements are different:

BLM: For exploration operations less than 5 acres the BLM requires the submittal of a Notice. The BLM will coordinate the review of the proposed activity with DEQ, and as above you'll be required to submit a bond for the estimated cost of reclamation. A Notice is NOT a federal action and so BLM will review your proposal only to make certain there are no unavoidable environmental impacts. For all mining activity and exploration activities larger than 5 acres a detailed Plan of Operations is required. As noted above the BLM will coordinate on the review and preparation of an environmental document with DEQ. You'll be required to submit a reclamation cost estimate and a bond for the cost of reclamation.

Forest Service: The Forest Service requires a mining operator to submit a notice of intent to operate when the proposed operation might cause a significant disturbance of surface resources. An operator should submit a notice of intent if there is uncertainty on whether their impacts may be significant. After a notice of intent to operate is submitted, the District Ranger would determine whether the proposed operations would likely cause a significant disturbance of surface resources. If the District Ranger determines that the proposed operations would likely cause a significant disturbance of surface resources, the District Ranger would notify the operator that prior submission and approval of a plan of operations is required before operations commence.

You should check with the local Forest Service District Ranger's office for local concerns, as the local office may be able to help determine if a detailed Plan of Operations is required. As noted above the Forest Service will coordinate on the review and preparation of an environmental document with DEQ. You'll be required to submit a reclamation cost estimate and a bond for the cost of reclamation.

For operations that involve Suction Dredging, state permits are required and it's best to check with the BLM or Forest Service to determine additional permitting requirements.

For more detailed information on these requirements it's best to check with the agencies as they'll be better able to help you with any specific questions you might have.

If you use water in your operations, you must comply with Montana Water Rights law and obtain a water right. Application for water rights is made through the Water Rights Bureau, Montana Department of Natural Resources and Conservation, 406 444 6601.

The relevant CFR (Code of Federal Regulations) and MCA (Montana Code Annotated) cites are:

Forest Service Regulations: 36 CFR 228 A

BLM Regulations: 43 CFR 3809

Montana State Regulations: MCA 82-4-301 Small Miner Exclusion Provisions, 82-4-331 Exploration License

Contact Information:

### **BLM Mineral Specialists**

Dave Williams 406 533 7655 (Butte)

Joan Gabelman 406 533 7623 (Butte)

Chris Rye 406 329 3718 (Missoula)

Bob Gunderson 406 683 8000 (Dillon)

Connie Schaff 406 896 5060 (Billings) Mining Claim Recordation Information

### **Montana Department of Environmental Quality**

406 444 4953

### **U.S. Forest Service**

Contact the Forest Geologists to get more detailed contact information for your area of interest.

Gallatin/Beaverhead-Deerlodge National Forest, MaryBeth Marks 406-587-6709

Helena/Lewis and Clark National Forest, Beth Ihle 406 266-3425

Lolo, Bitterroot, and Flathead National Forest, Nancy Rusho 406 329-3775

Custer National Forest, Pat Pierson 406-255-1441

Kootenai National Forest, Bobbie Lacklen 406-283-7681

#### 4) Various Websites with Land Status or Mining Claim Information

1 is a general brochure which covers locating mining claims and the rights and responsibilities associated with unpatented mining claims.

2 is a link to the BLM Montana State Office Mining Claim Information pages. This site includes detailed information on several aspects of the Mining Law, claim location and maintenance and surface management.

3 is a direct link to the BLM's records system, which can also be used to check for mining claims.

4 This site enables you to access the General Land Office and BLM records. At this site you can find Master Title Plats that reflect federal land ownership and public land records. This information tells you what lands are "open to location". Also available at this site are mineral survey records.

5 is the Montana Cadastral site which enables you to check land ownership for virtually any land in the state of Montana.

6 is a link to the Forest Service locatable minerals website. The site includes downloads of notice of intent and plan of operations forms, regulations, and links to other sites that have information on mining activities on National Forests.

7 is a link to the Montana Department of Environmental Quality, Hard Rock Bureau site which has information on the Montana State permit requirements.

- 1) [http://www.blm.gov/pgdata/etc/medialib/blm/wo/MINERALS\\_REALTY\\_AND\\_RESOURCE\\_PROTECTION/\\_energy.Par.28664.File.dat/MiningClaims.pdf](http://www.blm.gov/pgdata/etc/medialib/blm/wo/MINERALS_REALTY_AND_RESOURCE_PROTECTION/_energy.Par.28664.File.dat/MiningClaims.pdf)
- 2) <http://www.blm.gov/mt/st/en/prog/mining.html>
- 3) <http://lr2000.blm.gov/>
- 4) <http://www.gloreords.blm.gov/>
- 5) <http://svc.mt.gov/msl/mtcadastral/>
- 6) [http://www.fs.fed.us/geology/locatable\\_minerals.html](http://www.fs.fed.us/geology/locatable_minerals.html)
- 7) <http://www.deq.mt.gov/hardrock/default.mcp>

If you copy and paste these links electronically, make sure the number in front of the web address doesn't get copied and pasted! If it does the websites will not open!

## **5) Work that 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.

### **Work that DOES NOT QUALIFY as Assessment Work:**

Removal of water from a mine for inspection of prospective buyer.

Eating utensils, groceries, and bedding.

Payment for iron rails or tools, but their value in developing the mine may qualify.

Material taken to a claim but not used.

Sampling and assaying.

Reconnaissance surveys of mining claims.

Use of a claim to deposit waste from other claim and building a flume to carry tailings to claim.

Employment of a watchman to prevent relocation; or where there is no valuable improvement or machinery to protect

**If you have questions about whether other work qualifies as assessment work, you may need to contact an attorney familiar with the Mining Law.**

**Remember the main reason you perform assessment work is for the development of the minerals on your claim and to protect yourself from rival locators.**