

Justification Statement for OMB 1004-0114

Non-substantive change request for
Form 3830-3 – “Notice of Intent to Locate a Lode or Placer
Mining Claim(s) and/or a Tunnel Site(s) on Lands Patented under
The Stock Raising Homestead Act of 1916, As Amended by the
Act of April 16, 1993”

The Bureau of Land Management (BLM) requests non-substantive changes for BLM Form 3830-3, which is one of several information collection activities authorized by control no. 1004-0114 (expires January 31, 2020). The information that is collected in accordance with control number 1004-0114 enables the BLM to maintain records of mining claims and tunnel sites on Federal lands, and enables the BLM to determine which mining claims and tunnel sites that claimants wish to continue to hold.

Background

The collection activities authorized by control number 1004-0114 for Form 3830-3 pertain to Federal mineral resources underneath privately owned surface estates. These Federal mineral resources are open to mineral entry as a result of the Stock Raising Homestead Act (SRHA).

As originally enacted in 1916, the SRHA authorized the establishment of “split estates” on certain Federal lands. Homesteaders received title to parcels of the surface estate, and coal and other minerals were reserved to the United States. Most of the SRHA was repealed in 1976, but two provisions (43 U.S.C. 299 and 301) remain in place so that the BLM can manage the mineral resources that were reserved to the United States on SRHA lands.

The regulations at 43 CFR Part 3838, Subpart B provide that any person, other than the surface owner, must submit Form 3830-3 to the BLM before locating and recording a mining claim or tunnel site on SRHA lands. Surface owners are not required to file Form 3830-3, but are subject to other requirements if they want to locate mineral resources on SRHA lands.

Persons who are required to file Form 3830-3 must submit that form to the BLM, and serve a copy of that form upon each affected surface owner of record, as ascertained from the local tax records. Proof of such service must be submitted to the BLM. The locator must wait 30 days after serving the surface owner before entering the lands or locating a mining claim or tunnel site upon the lands so noticed. The notice segregates the lands from mineral entry or mineral sale on behalf of the locator for 90 days from acceptance by the BLM. The BLM is required to post the notice on its official land records.

Requested Non-Substantive Changes

The BLM seeks modifications of Form 3830-3 that would clarify that more than one surface owner and more than one locator may be involved in a notice of intent to locate a lode or tunnel site on SRHA lands. These modifications are consistent with 43 CFR 3838.12, which requires such a notice to include the names, mailing addresses, and telephone numbers of everyone who is filing Form 3830-3, and of all known surface owners of the affected SRHA lands.

This request seeks to modify Form 3830-3 as follows:

Location of Wording	Current Wording	Proposed Wording	Summary of Proposed Changes
<p>Second sentence of introductory paragraph of Form 3830-3</p>	<p>“The undersigned places all interested parties on notice that, within 90 days of filing this notice with the Bureau of Land Management (BLM) and after 30 days from the date of receipt of a copy of this notice by the surface owner(s) of a record, the undersigned intends to enter the lands described below to explore for a valuable mineral deposit(s) and to locate a mining claims(s) and/or tunnel site, as provided under the mining laws of the United States (30 U.S.C. 22, et seq.).”</p>	<p>“The undersigned place(s) all interested parties on notice that, within 90 days of filing this notice with the Bureau of Land Management (BLM) and after 30 days from the date of receipt of a copy of this notice by the surface owner(s) of a record, the undersigned intend(s) to enter the lands described below to explore for a valuable mineral deposit(s) and to locate a mining claims(s) and/or tunnel site, as provided under the mining laws of the United States (30 U.S.C. 22, et seq.).”</p>	<p>Change “The undersigned places” to “The undersigned place(s)” <i>and</i> Change “the undersigned intends” to “the undersigned intend(s). . . .”</p>
<p>Heading for information about surface owners on page 1 of Form 3830-3</p>	<p>“Name and mailing address of affected surface owner(s):”</p>	<p>“Name(s), telephone number(s), and mailing address(es) of affected surface owner(s):”</p>	<p>Change “name and mailing address” to “Name(s), telephone number(s), and mailing address(es)”</p>

Location of Wording	Current Wording	Proposed Wording	Summary of Proposed Changes
<p>Heading for information about locators on page 1 of Form 3830-3</p>	<p>“Name and mailing address of person filing this notice”</p>	<p>“Name(s), telephone number(s), and mailing address(es) of person(s) filing this notice”</p>	<p>Change “name and mailing address of person filing this notice” to “Name(s), telephone number(s), and mailing address(es) of person(s) filing this notice”</p>