



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Release
3-354

Date
10/15/15

MANUAL TRANSMITTAL SHEET

Subject

H – 3830-1 Administration of Mining Claims, Mill Sites, and Tunnel Sites (Public)

1. Explanation of Materials Transmitted: This release transmits the Handbook for the Administration of Mining Claims.
2. Reports Required: None.
3. Materials Superseded: There are no previous handbook pages as this is the first release. Manual pages superseded by this release are listed under "REMOVE" below. No other directives are superseded.
4. Filing Instructions: File as directed below

REMOVE

INSERT

None

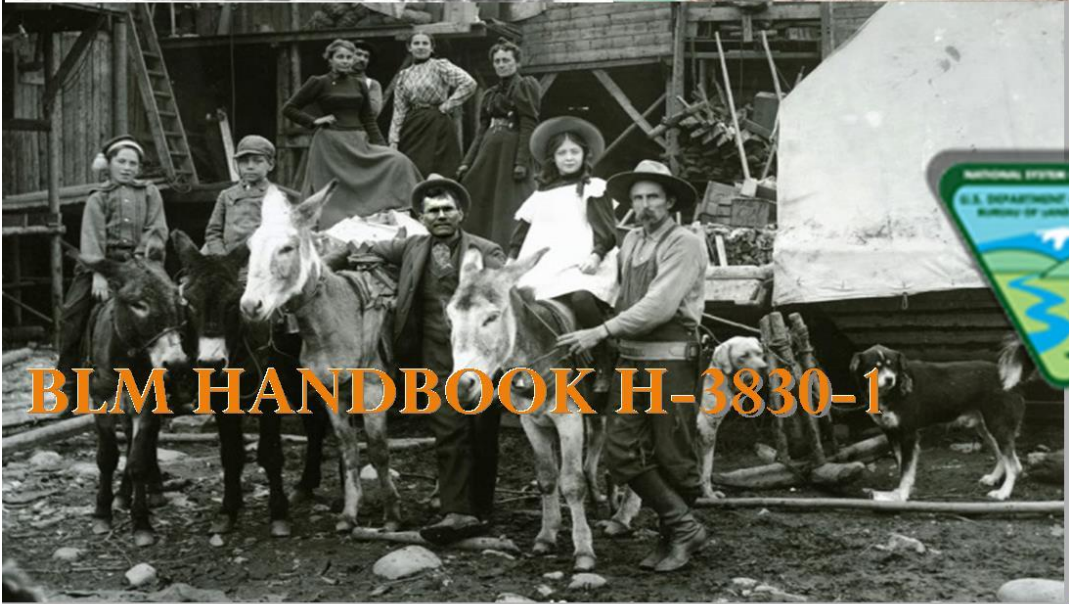
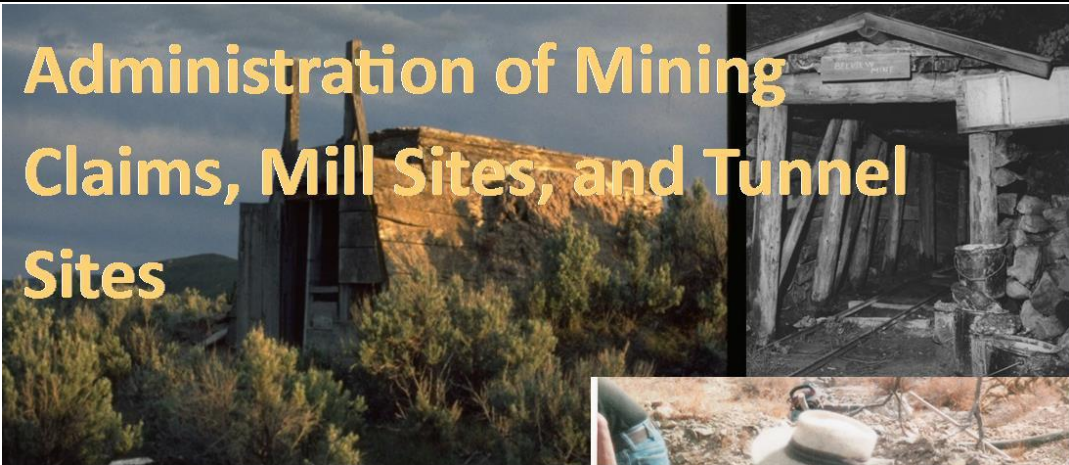
H-3830-1

(Total: 338 Sheets)

Michael Nedd
Assistant Director, Energy, Minerals and
Realty Management

Administration of Mining Claims, Mill Sites, and Tunnel Sites

BLM



BLM HANDBOOK H-3830-1

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

i

CHAPTER I - GENERAL PRINCIPLES OF MINING LAW ADMINISTRATION.....	I-1
A. INTRODUCTION	I-1
B. LEGAL AUTHORITIES	I-1
C. LANDS AFFECTED.....	I-3
D. PROFESSIONAL CONDUCT	I-3
E. FILES AND RECORDATION	I-3
F. OTHER REGULATIONS.....	I-5
CHAPTER II – MINERALS SUBJECT TO LOCATION AND GENERAL LOCATION PROCEDURES.....	II-1
A. GENERAL.....	II-1
B. LOCATION REQUIREMENTS	II-1
C. DESCRIPTION REQUIREMENTS.....	II-2
D. CONTENTS OF THE NOTICE/CERTIFICATE OF LOCATION. THE NOTICE/CERTIFICATE OF LOCATION MUST INCLUDE THE FOLLOWING INFORMATION (43 CFR 3832.12):	II-9
CHAPTER III – RECORDATION OF MINING CLAIMS AND SITES.....	III-1
A. WHO MAY LOCATE A MINING CLAIM, MILL OR TUNNEL SITE.....	III-1
B. ADJUDICATING CITIZENSHIP	III-1
C. WHERE TO RECORD MINING CLAIM DOCUMENTS.....	III-2
D. REQUIRED FEES	III-3
E. NEW NOTICE/CERTIFICATE OF LOCATION ADJUDICATING	III-9
F. MAINTENANCE FEES.....	III-15
G. WAIVERS FROM ANNUAL MAINTENANCE FEE PAYMENTS (WAIVER).....	III-19
H. ADJUDICATION OF ANNUAL FLPMA DOCUMENTS	III-28
I. ADJUDICATION OF RELOCATIONS AND AMENDMENTS	III-36
J. ADJUDICATION OF TRANSFERS OF INTEREST TO A MINING CLAIM/SITE	III-39
K. ADJUDICATION OF RELINQUISHMENTS AND/OR ABANDONMENTS	III-44
L. ADJUDICATION OF ADDRESS CHANGES OR NAME CHANGES	III-45
CHAPTER IV – SPECIAL PROCEDURES.....	IV-1
A. STOCK RAISING HOMESTEAD ACT LANDS ADJUDICATION.....	IV-1
B. CLAIMS LOCATED IN A POWERSITE WITHDRAWAL	IV-10
C. CONVERSION OF OIL PLACER MINING CLAIMS TO OIL AND GAS LEASES.....	IV-18
D. MINERAL LOCATIONS IN RECLAMATION WITHDRAWALS.....	IV-18
E. DEFERMENTS OF ASSESSMENT WORK.....	IV-19
F. SUBDIVISION OF A MINING CLAIM (SEGREGATED OR SEVERED)	IV-24
G. CONDITIONS FOR ACQUIRING A DELINQUENT CO-CLAIMANT’S INTEREST.....	IV-28
H. ADVERSE PROCEEDINGS	IV-32
CHAPTER V - DEFECTIVE DOCUMENTS.....	V-1
A. FAILURE TO COMPLY WITH THE REGULATIONS.....	V-1
CHAPTER VI – CASE MANAGEMENT.....	VI-1
A. DOCUMENT PROCESSING	VI-1
B. FILE MAINTENANCE	VI-4
C. CASE DISPOSITION.....	VI-6

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

D. ABBREVIATIONS AND ADDRESS STANDARDS	VI-6
CHAPTER VII – ILLUSTRATIONS	VII-1
ILLUSTRATION 1 – TELEPHONE OR VISIT CONVERSATION LOG	VII-2
ILLUSTRATION 2 – ADDRESS CLARIFICATION AND POWER OF ATTORNEY	VII-3
ILLUSTRATION 3 (SAMPLE 1 MT) – CHECK OR WORK SHEET	VII-5
ILLUSTRATION 4 (SAMPLE 2 UT) – CHECK OR WORK SHEET	VII-7
ILLUSTRATION 5 – OVER 90 DAYS DECISION	VII-8
ILLUSTRATION 6 – STANDARD RECLAMATION PARAGRAPH	VII-9
ILLUSTRATION 7 – STANDARD APPEAL WITH STAY INFORMATION PARAGRAPHS	VII-10
ILLUSTRATION 8 – DEFICIENCY NOTICE	VII-11
ILLUSTRATION 9 – NONCOMPLIANCE DECISION	VII-12
ILLUSTRATION 10 – LEGAL DESCRIPTION/MAP ADDITIONAL REQUIREMENT NOTICE	VII-14
ILLUSTRATION 11 – NONCOMPLIANCE DECISION	VII-15
ILLUSTRATION 12 – NULL AND VOID DECISION	VII-16
ILLUSTRATION 13 – NULL AND VOID IN PART DECISION	VII-18
ILLUSTRATION 14 – LATE FILED MAINTENANCE FEE DECISION	VII-19
ILLUSTRATION 15 – REFUND AND/OR RETURN OF DOCUMENT LETTER	VII-21
ILLUSTRATION 16 – REQUEST FOR MAINTENANCE FEE PRIOR TO SEPTEMBER 1	VII-22
ILLUSTRATION 17 – FAILURE TO FILE FORFEITURE DECISION	VII-23
ILLUSTRATION 18 – CURABLE DEFECT - NOTICE OF INTENT TO HOLD NOTICE	VII-24
ILLUSTRATION 19 – LATE FILED MAINTENANCE FEE WAIVER DECISION	VII-26
ILLUSTRATION 20 – WAIVER ADDITIONAL REQUIREMENT NOTICE	VII-27
ILLUSTRATION 21 – NONCOMPLIANCE DECISION	VII-28
ILLUSTRATION 22 – CLAIM NOT RECORDED WITH BLM OR CASE CLOSED AND NO RELOCATION LETTER	VII-29
ILLUSTRATION 23 – OVER 10 CLAIMS DECISION	VII-30
ILLUSTRATION 24 – LATE FILED FLPMA DOCUMENT DECISION	VII-32
ILLUSTRATION 25 – REQUESTING PROCESSING FEE NOTICE	VII-33
ILLUSTRATION 26 – PROOF OF LABOR ABANDONED AND VOID DECISION	VII-34
ILLUSTRATION 27 – AMENDMENT REJECTION DECISION	VII-36
ILLUSTRATION 28 – AMENDED NOTICE OF LOCATION REJECTED - ONLY PARTIAL PROCESSING FEE RECEIVED	VII-38
ILLUSTRATION 29 – TRANSFER OF INTEREST REJECTION DECISION – NO PROCESSING FEES .	VII-39
ILLUSTRATION 30 – TRANSFER OF INTEREST ACCEPTED/TRANSFER OF INTEREST REJECTION	VII-40
ILLUSTRATION 31 – RELINQUISHMENT ACCEPTED NOTICE	VII-42
ILLUSTRATION 32 – ONE CLAIMANT RELINQUISHMENT ACCEPTANCE	VII-43
ILLUSTRATION 33 – CURRENT ADDRESS REQUEST	VII-44
ILLUSTRATION 34 – FORM 3830-3 NOTICE OF INTENT TO LOCATE	VII-45
ILLUSTRATION 35 – NOITL REJECTION (FILED TOO EARLY)	VII-47
ILLUSTRATION 35A – NOITL – ADDITIONAL INFORMATION REQUIRED - AFFILIATES	VII-48
ILLUSTRATION 36 – NOITL ACCEPTANCE FORM LETTER	VII-49
ILLUSTRATION 37 – NOITL REJECTED PRIOR TO 90-DAY SEGREGATION PERIOD	VII-50
ILLUSTRATION 38 – NOITL REGULATORY INFORMATION REQUEST	VII-51
ILLUSTRATION 39 – NOITL REJECTED STATUTORY REGULATORY INFORMATION NOT RECEIVED	VII-53
ILLUSTRATION 40 – NOITL SERIAL REGISTER PAGE	VII-54

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

iii

ILLUSTRATION 41 – NOITL POSTING NOTICE.....	VII-55
ILLUSTRATION 42 – NOITL NULL AND VOID DECISION. CLAIM NOT COVERED BY NOITL .	VII-56
ILLUSTRATION 43 – STANDARD EXTRALATERAL RIGHTS PARAGRAPH.....	VII-57
ILLUSTRATION 44 – SURFACE OWNERSHIP ADDITIONAL REQUIREMENT NOTICE	VII-58
ILLUSTRATION 45 – SURFACE OWNER REJECTION DECISION	VII-59
ILLUSTRATION 46 – PLACER CLAIM IN A POWER SITE CLASSIFICATION	VII-61
ILLUSTRATION 47 – LODE CLAIM, MILL SITE OR TUNNEL SITE IN A POWER SITE	VII-62
ILLUSTRATION 48(A) – FERC REQUEST LETTER – NOTE: SEND AN ORIGINAL WITH SEVEN COPIES.	VII-63
ILLUSTRATION 48(B) – REPORT REQUEST NOTICE – NOTE: CAN BE USED FOR FERC, USFS, AND/OR BLM	VII-64
ILLUSTRATION 48(C) – OTHER AGENCY PL359 NOTIFICATION.....	VII-65
ILLUSTRATION 48(D) – FERC ELECTRONIC FILING INSTRUCTIONS	VII-66
ILLUSTRATION 49 – SURFACE MANAGEMENT AGENCY NOTIFICATION LETTER	VII-69
ILLUSTRATION 50 – CONTEST TRANSMITTAL FORM 1850-1.....	VII-70
ILLUSTRATION 51 – HEARING REQUIRED NOTICE	VII-72
ILLUSTRATION 52 – CERTIFICATE OF POSTING	VII-74
ILLUSTRATION 53- MOTION TO DISMISS	VII-75
ILLUSTRATION 54 – CERTIFICATE OF SERVICE	VII-77
ILLUSTRATION 55 – DEFERMENT GRANTED DECISION	VII-78
ILLUSTRATION 56 – DEFERMENT DENIED DECISION	VII-80
ILLUSTRATION 57 – QCD FOR SEVERED CLAIM REJECTION NOTICE (NO FEES).....	VII-82
ILLUSTRATION 58 – QCD FOR SEVERED CLAIM REJECTION DECISION (LEGAL DESCRIPTION DISCREPANCY)	VII-83
ILLUSTRATION 59- SAMPLE PUBLICATION NOTICE.....	VII-85
ILLUSTRATION 60 – NOTICE OF FORFEITURE ACQUIRING A DELINQUENT CO-CLAIMANT’S INTEREST IN A MINING CLAIM REJECTION NOTICE	VII-86
ILLUSTRATION 61 – DELINQUENT CO-OWNER ADDITIONAL REQUIREMENT NOTICE.....	VII-87
ILLUSTRATION 62 – NONCOMPLIANCE DECISION	VII-88
ILLUSTRATION 63 – FORFEITURE OF CO-OWNER’S RIGHTS DECISION.....	VII-89
ILLUSTRATION 64 – DELINQUENT CO-OWNER REQUIREMENT LETTER	VII-90
ILLUSTRATION 65 – PROCESSING FEE NOTICE.....	VII-91
ILLUSTRATION 66 – ADDITIONAL REQUIREMENT NOTICE	VII-92
ILLUSTRATION 67 – LATE FILED REJECTION DECISION	VII-94
ILLUSTRATION 68 – FORM 1842 -1 APPEAL INFORMATION FORM	VII-96
ILLUSTRATION 69 – STAY FORM 4.20 AND 4.21	VII-98
ILLUSTRATION 70 – NULL AND VOID IN PART DECISION.....	VII-99
ILLUSTRATION 71 – NOTICE TO LODE CLAIMANT – PORTION OF CLAIM MAY BE NULL & VOID 102	VII-102
ILLUSTRATION 72 –FORFEITURE DECISION – NO FEE RECEIVED.....	VII-103
ILLUSTRATION 73 – ABANDONED AND VOID DECISION – NO ASSESSMENT WORK FILED ...	VII-104
ILLUSTRATION 74 – NOTICE OF INTENT TO HOLD NOTICE REQUIRED.....	VII-106
ILLUSTRATION 75 – DECISION VACATED IN PART	VII-107
ILLUSTRATION 76 – DECISION VACATED	VII-108
ILLUSTRATION 77 – APPEAL ACKNOWLEDGEMENT LETTER	VII-109
ILLUSTRATION 78A – APPEAL TRANSMITTAL MEMORANDUM (WITHOUT THE FORM)	VII-110
ILLUSTRATION 78B – APPEAL TRANSMITTAL MEMORANDUM BLANK FORM.....	VII-111

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

iv

ILLUSTRATION 78C – APPEAL TRANSMITTAL MEMORANDUM – COMPLETED	VII-112
ILLUSTRATION 79 – STANDARD RELOCATION NOTIFICATION PARAGRAPH	VII-113
ILLUSTRATION 80 – REQUIREMENTS FOR TRANSFERRING ASSOCIATION PLACER MINING CLAIMS	VII-114
ILLUSTRATION 81 – ACKNOWLEDGEMENT OF DISCOVERY DOCUMENTATION SUBMITTED IN RESPONSE TO A NOTICE TO REDUCE ACREAGE	VII-116
ILLUSTRATION 82 – 30-DAY NOTICE TO CURE AN INSUFFICIENT PAYMENT	VII-117
CHAPTER VIII – REFERENCE MATERIAL.....	VIII-1
A. LR2000 DATA ELEMENT DICTIONARY	VIII-1
B. ALASKA LAND INFORMATION SYSTEM (ALIS)/ALASKA CASE RETRIEVAL ENTERPRISE SYSTEM (ACRES) DATA ELEMENT DICTIONARY.....	VIII-17
C. ALIS/ACRES CUSTOMER PROCESSING PROCEDURES.....	VIII-25
D. LR2000 CUSTOMER PROCESSING PROCEDURES.....	VIII-31
E. STOCK RAISING HOMESTEAD ACT OF 1916	VIII-40
F. 43 US CODE SEC. 299. RESERVATION OF COAL AND MINERAL RIGHTS.....	VIII-45
G. 43 CFR 3814	VIII-55
H. PUBLIC LAW 103-23 STOCK RAISING HOMESTEAD ACT AMENDMENT APRIL 16, 1993	VIII-58
I. CASE RECORDATION DATA STANDARDS FOR CONTESTS– IM 91-375.....	VIII-65
J. BLM PAYMENT PORTAL INTERNAL USER GUIDE	VIII-66
K. IBLA DECISION INDEX	VIII-75
<i>AMENDMENTS</i>	VIII-75
<i>ANNUAL FLPMA FILINGS</i>	VIII-76
<i>DECISIONS</i>	VIII-77
<i>DEFINITIONS</i>	VIII-79
<i>DISCOVERY</i>	VIII-80
<i>DUMMY LOCATOR</i>	VIII-80
<i>MAINTENANCE FEES</i>	VIII-81
<i>NEW LOCATION</i>	VIII-81
<i>NEW LOCATION – LAND STATUS</i>	VIII-85
<i>PAYMENTS</i>	VIII-86
<i>POSTMARK RULE</i>	VIII-86
<i>RECORDS NOTATION</i>	VIII-87
<i>STOCK RAISING HOMESTEAD ACT</i>	VIII-88
<i>TRANSFERS</i>	VIII-89
<i>WAIVERS</i>	VIII-89

Chapter I - General Principles Of Mining Law Administration

A. Introduction

In order for the Secretary of the Interior to carry out their responsibilities to protect the public domain lands placed under their administrative jurisdiction and to regulate their use and disposition under various laws, including the Mining Law of 1872, the Bureau of Land Management (BLM) established the 43 CFR 3830 regulations.

This handbook contains the procedures to follow when implementing the 43 CFR 3830 regulations. These regulations pertain to the recordation of mining claims, mill sites and tunnel sites on public domain lands, recordation of mining claims and tunnel sites on lands patented under the Stock Raising Homestead Act, mining claim maintenance fees, waiver of the maintenance fees, filing of proof of annual assessment work or notice of intention to hold mining claims, mill sites, or tunnel sites, and other supplemental maintenance action filings. This handbook should be used in conjunction with the pertinent Federal regulations, the BLM 3830 Manual (updated 2014), and other program guidelines and established policies.

B. Legal Authorities

The Mining Law of 1872, as amended, 30 U.S.C. §§ 22-54 (Mining Law) declares all valuable mineral deposits in lands belonging to the United States “to be free and open to exploration and purchase.” Several early court cases dealt with the rights of miners to prospect for minerals, and upon discovery of a mineral, to locate a mining claim. The following are the laws amending the Mining Law that are relevant to the BLM’s administration of mining claims.

1. Federal Land Policy and Management Act.

Section 314 of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. § 1744, amended the Mining Law to require persons holding mining claims and sites to record their mining claims with the Bureau of Land Management (BLM) by October 22, 1979. Section 314 also requires a claimant to record any mining claim, mill site, or tunnel site located after October 21, 1976, with the BLM, and to make annual filings to maintain all claims or sites, regardless of whether they were located before or after FLPMA. FLPMA provides the BLM with information on the locations and numbers of unpatented mining claims, mill, and tunnel sites in order to better manage the public lands. Section 314 also helps the BLM remove the cloud on title to lands where claims were recorded but abandoned and to determine the name and address of the current owner of record. Section 314 specifically states that failure to make the required filings conclusively constitutes an abandonment of the mining claim or site.

2. Maintenance Fee Statute.

The Omnibus Budget Reconciliation Act of 1993 (enacted August 10, 1993), as amended,

H-3830-1 - ADMINISTRATION OF MINING CLAIMS, MILL SITES, AND TUNNEL SITES (P)

I-2

30 U.S.C. §§ 28f-28l, provided that in lieu of the annual filing requirements in section 314 of FLPMA, mining claimants must pay an annual fee of \$100 per claim or site. This maintenance fee statute also required claimants who located claims and sites after its enactment to furnish the BLM with a one-time location fee of \$25 per claim or site at the time of recording a certificate of location. Failure to timely file the maintenance fee or location fee conclusively constitutes a forfeiture of the claim or site and the claim or site is void by operation of law. The maintenance fee statute provided the Secretary with the discretion to waive the fees for claimants who held 10 or fewer mining claims or sites, provided they comply with the previous requirements under section 314 of FLPMA and 30 U.S.C. § 28. The Secretary exercised this discretion to offer the waiver by promulgating the regulations at 43 CFR part 3835.

The Fiscal Year 1999 Omnibus Reconciliation Act of October 21, 1998, moved the original maintenance fee payment deadline of August 31 to September 1 to coincide with the assessment year, and added a 60-day waiver cure provision for defective small miner fee waivers. There is no cure for failing to timely file the maintenance fee waiver or paying the maintenance fee.

As directed by 30 U.S.C. § 28j, the Secretary of the Interior adjusts maintenance and location fees to reflect changes in the Consumer Price Index every 5 years or more frequently if the Secretary determines an adjustment to be reasonable. Accordingly, on July 1, 2004, the claim maintenance fee increased to \$125 per claim and the location fee increased to \$30 per claim (69 FR 40294); then again on June 29, 2009, the claim maintenance fee increased to \$140 per claim or site and the location fee increased to \$34 per claim (74 FR 30959); and the latest increase occurred on June 30, 2014, when the maintenance fee increased to a rate of \$155 and the location fee increased to \$37 per claim or site (79 FR 36662). The fee increases are always effective beginning with the assessment year following the date of publication in the *Federal Register*. Accordingly, new claims located on or after the first September 1 following the publication, will require the revised fees. Additionally, the annual maintenance fee for existing claims must be paid at the increased rate on or before the same September 1. In years where the amount of the fee is adjusted under 30 U.S.C. § 28j, claimants are afforded a 30-day opportunity in which to pay the increase as long as they timely paid the fees at the rate just prior to the increase.

The Consolidated Appropriations Act of 2012 (enacted December 23, 2011) amended the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. § 28f) by adjusting the maintenance fee for placer mining claims to be calculated based on the acreage of the claim instead of a flat fee for each claim. Accordingly, claimants are required to pay the maintenance fee for every 20 acres or portion thereof for each placer claim they hold. On July 27, 2012, this statutory change was implemented by publication in the *Federal Register* (77 FR 44155).

3. Stock Raising Homestead Act (SRHA) Amendments.

Public Law No. 103-23 dated April 16, 1993, amended the requirements to locate and maintain a mining claim or tunnel site on lands patented under the Stock Raising Homestead Act of December 29, 1916 (SRHA). The SRHA amendments provide that no person other than the surface owner may enter SRHA lands to explore for or to locate a mining claim on such lands without first filing a notice of intent to locate a mining claim (see Form 3830-3, "Notice of Intent

H-3830-1 - ADMINISTRATION OF MINING CLAIMS, MILL SITES, AND TUNNEL SITES (P)

I-3

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”) (NOITL), with the BLM and provide notice to the surface owner of their intent to enter upon the lands to explore for and locate mining claims. The surface owner may (1) provide the required form to locate mining claims or tunnel sites; or (2) locate claims or tunnel sites without furnishing the NOITL but provide evidence that s/he is the surface owner.

The BLM segregates the SRHA lands for 90 days beginning the day after the BLM receives a complete NOITL. During the first 30 days after the claimant notifies the surface owner, the claimant cannot explore for or locate mining claims or tunnel sites. During the next 60 days, the claimant may enter the lands to explore for and locate the mining claims or tunnel sites. The 90-day segregation period is automatically extended if the claimant is required to file a Plan of Operations under the BLM's regulations at 43 CFR part 3809 with a BLM field office and the plan has not been approved or disapproved.

C. Lands Affected

This handbook applies to the administration of mining claims and sites on all Federal lands, including those lands administered by agencies other than the BLM, including, except in circumstances noted, National Park Service lands. Under 43 CFR 3830.5, Federal lands means any lands or interest in lands owned by the United States, subject to location under the Mining Law, including, but not limited to, those lands within forest reservations in the National Forest System and wildlife refuges in the National Wildlife Refuge System.

D. Professional Conduct

The most frequent contact that the mining claimant has with the BLM is through you. **The impression left with the claimant depends largely on your manner and professionalism.**

In dealing with the public and other agencies, they may ask you to give advice or an opinion on many topics. You are not the attorney for the person making the inquiry, nor acting as a professional consultant, so on legal questions, you should cite the applicable law or regulation, refer to pertinent decisions, and suggest the person consult with a mining law attorney for legal advice. When the question is of a technical nature, refer the person to a mining engineer or geologist. **You should guard against giving information, legal advice, or suggestions that are not within your area of expertise or the responsibility of the BLM.**

E. Files and Recordation

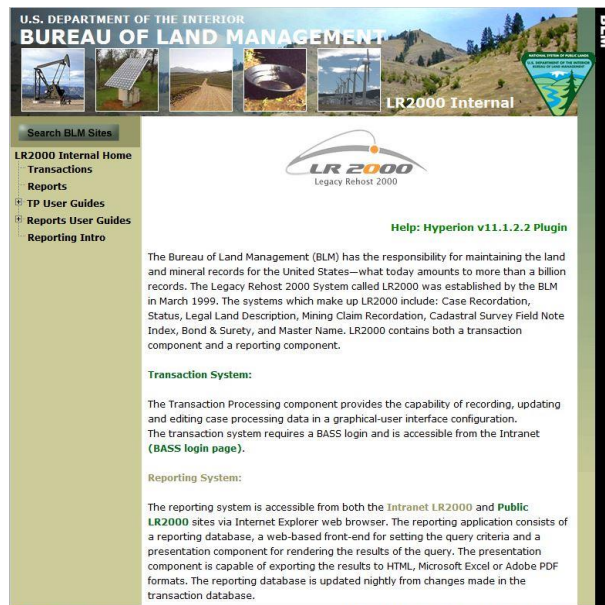
1. Filing. A filing system should consist of an individual file for all documents initially filed by a mining claimant. Chapter VI contains a comprehensive list of information normally found in a case file.
2. Documentation. To properly implement the 3830 regulations, the case file must document all actions. It is your responsibility to maintain a current and accurate

H-3830-1 - ADMINISTRATION OF MINING CLAIMS, MILL SITES, AND TUNNEL SITES (P)

I-4

filing system. **Without proper documentation, evidence will not exist to defend a decision.** Proper documentation may also prevent unnecessary judgments against the BLM. Document case files with official documents as well as with Memorandums to the File created by an adjudicator to document telephone conversations the adjudicator had with a claimant. Documenting telephone conversations or conversations when a claimant meets with you in person is critical to making certain a case file is complete and has all information needed to support a decision ([Illustration 1](#)).

3. Mining Claim Recordation System/Legacy Rehost 2000. In 1979, the BLM developed a program for the automated entry of all actions associated with implementation of the 3830 regulations within the Mining Claim Recordation System (MCRS). We designed this system to maintain the current status of all claim activity and the MCRS required input on a regular basis.



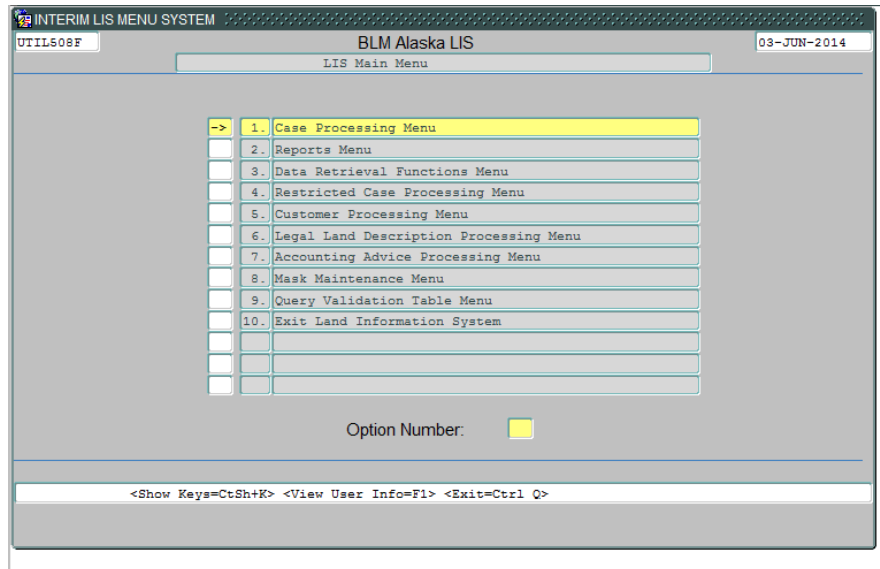
In 1999, the BLM's automated database system Legacy Rehost 2000 (LR2000) was deployed to make certain there would be no year 2000 (Y2K) issues with the existing system. The major differences between LR2000 and the MCRS are the architecture and means of access. LR2000 consists of nationally centralized databases accessed through the BLM Intranet and in addition to the MCRS, also contains data from the Case Recordation (CR), Legal Land Description (LLD), and the Status databases. The Transaction Processing system includes the capability to create, read, update, and delete records and actions in a graphical user interface within each database. The system generates reports using commercial, rather than custom, software. There may be differences in the format and entry screens but LR2000 adopted the information and terminology from the MCRS, so they are similar.

4. Mining Claim Recordation/Alaska Land Information System. In 1992, the Alaska

H-3830-1 - ADMINISTRATION OF MINING CLAIMS, MILL SITES, AND TUNNEL SITES (P)

I-5

Land Information System (ALIS) was deployed as a rehost of Alaska's previous database housed on a Burroughs computer system. ALIS is the electronic record of all BLM Alaska's case files. For mining claim recordation, it includes the automated entry of all actions associated with implementation of the 3830 regulations. ALIS is designed to maintain current status of all claim/site activity.



F. Other Regulations

The 3830 regulations apply to all public Federal lands open to mineral location, administered by the BLM as well as other agencies. In addition to the 3830 regulations, the lands may be affected by other regulations administered by various Federal, state, and local agencies governing health, safety, sanitation, and conservation practices on lands within their jurisdiction. In most cases, contact with these agencies is for information purposes only. However, some cases require official coordination.

Chapter II – Minerals Subject To Location And General Location Procedures

A. General

Unless the mineral within the land claimed is clearly subject to the leasing acts or the material sales act, we do not adjudicate what minerals may be subject to location as a recording matter. If the mineral claimed is an issue, the field office will resolve the matter through a formal mineral examination. The following definitions are given as background information for the adjudication staff when answering questions related to these issues.

1. Minerals Not Subject to Location under the Mining Law.

- a. Leasing Act Minerals: Minerals subject to the mineral leasing acts as specified in 43 CFR Parts 3100, 3200, 3400, or 3500; and
- b. Mineral Materials: Minerals identified as salable under the Mineral Materials Act of 1947 and 43 CFR Part 3600.

2. Characteristics of a Locatable Mineral. (43 CFR 3830.11, 3830.12)

- a. Basic Criteria: A mineral is subject to location if it is not subject to sale or lease and is:
 - (1) Recognized as a mineral by the scientific community; and
 - (2) Found on Federal lands open to mineral entry.
- b. Uncommon Varieties of a Mineral Material: The Surface Resources Act of 1955, 30 U.S.C. 611, generally removed sand, gravel, and other common variety minerals from location under the Mining Law, while protecting valid claims located for such minerals before the law's enactment. In addition, under 43 CFR 3830.12(b), certain varieties of mineral materials are locatable if they are uncommon because they possess a distinct and special value. In determining whether a mineral is a common or uncommon variety, please refer questions to a certified mineral examiner.

B. Location Requirements

1. General. In order to have a proper location, a mining claim or site claimant¹ must comply with all applicable state and Federal requirements. Any individual or corporation may locate any number of claims or sites; there is no limit. The claimant must record the notice/certificate of location in the local recording office, within the

¹ The claimant may or may not be the actual person (locator) who located the claim on the ground.

H-3830-1 - ADMINISTRATION OF MINING CLAIMS, MILL SITES, AND TUNNEL SITES (P)

II-2

timeframe governed by state law, and the appropriate BLM state office within 90 days of the date of location. See Chapter III – Recordation of Mining Claims.

2. Initial Procedures for Locating a Mining Claim/Site. (43 CFR 3832.11)
 - a. Mineral Estate: The United States must own the mineral estate and the mineral estate must be open to mineral location under the Mining Law;
 - b. Monuments: When required by state regulations, the corners of a mining claim or site must have the proper monuments that comply with state law. The BLM does not regulate what types of monuments may be used; and
 - c. Posting: The mining claimant must also post a notice or certificate of location in a conspicuous place on the claim or site in compliance with state posting requirements. This is usually a corner post, point of discovery, or centerline of the claim.

C. Description Requirements

1. General Description Requirements for All Mining Claims/Sites. The claim/site must be described by state, meridian, township, range, section, and aliquot part to the quarter section. A map or sketch must also be provided with the claim/site plotted in such a way that the location of the claim/site can be located on the ground. (43 CFR 3832.12)
 - a. Surveyed Lands: The claimant must use an official survey plat or other U.S. Government map that is based on the surveyed or protracted U.S. Public Land Survey System to describe the claims;
 - b. Mineral Survey Lands: For mining claims and sites located within an existing mineral survey, the official legal description must include the appropriate mineral survey number, meridian, township, range, section, quadrant, and state. **NOTE:** LR2000 does not accept mineral survey numbers. Record this information in the Remarks section of LR2000. The ALIS does accept mineral surveys as part of the legal description for the claim. Add the mineral survey number in the legal description in ALIS;
 - c. Unsurveyed Lands: The claimant must provide a metes-and-bounds description that fixes the position of the claim corners with respect to a specified claim corner. The corners are then tied to a discovery monument which is then tied to a mineral survey monument, or an official BLM/GLO survey monument, or survey corner. In all cases, the description of the land must be as compact and regular in form as reasonably possible and should conform to the U.S. Public Land Survey System and its rectangular subdivisions as much as possible;

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

II-3

- d. Protraction Block: For mining claims and sites located on lands within a protraction block, the official legal description is meridian, township, range, protraction block, quadrant, and state. **NOTE:** LR2000 does not accept protraction block section information. In the LR2000 description area, enter the section number that usually appears on the Master Title Plat (MTP). Record the protraction block information in the “Remarks” section of LR2000. In Alaska, all unsurveyed townships are protraction diagrams. Enter legal descriptions for mining claims into the ALIS and identify them to the quarter section; and
 - e. Global Positioning System (GPS) Units: GPS units vary in accuracy; therefore, we will not accept a notice/certificate of location with only GPS coordinates. The claimant must include the aliquot part land description on the notice of location and provide a map. If it is a lode claim or it is on unsurveyed lands, a metes-and-bounds description with a tie to a permanent object must be included on the notice.
2. Other Recording Statutes. When the claimant records a mining claim or site under FLPMA, the claimant must also comply with any other separate recording requirements existing under other Federal law if the claim or site is located on certain lands.
- a. Mining Claim Rights Restoration Act of 1955 (Public Law No. 84-359), 30 U.S.C. 621-625; 43 CFR 3811.2-6 and 43 CFR 3730: When locating claims or sites on lands withdrawn or reserved for power development (powersites), the claimant must mark the notice with the notation “Subject to PL 359” or “Located pursuant to the Act of August 11, 1955.” If such a notation is not on the notice, it may delay the processing procedures. See Chapter IV - Claims Located in a Powersite Withdrawal.
 - b. Revested Oregon and California (O&C) Railroad and Reconveyed Coos Bay Wagon Road Grant Lands Act (62 Stat. 162), 43 CFR 3811.2-5, 43 CFR 3821: When locating claims or sites on O&C lands, the claimant should mark the notice with “Located pursuant to the Act of April 8, 1948.” If such a notation is not on the notice, it will delay the adjudication procedure.
 - c. Mineral Locations in Reclamation Withdrawals. The Act of April 23, 1932 (47 Stat. 136; 43 U.S.C. 154) (Act), authorizes the Secretary of the Interior the discretion to open to location, entry and patent under the general mining laws with reservation of rights, ways and easements, public lands of the United States which are known or believed to contain valuable deposits of minerals and which are withdrawn from development and acquisition because they are included within the limits of withdrawals made pursuant to section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388; 43 U.S.C 416). An application to open lands to

H-3830-1 - ADMINISTRATION OF MINING CLAIMS, MILL SITES, AND TUNNEL SITES (P)

II-4

location under the Act may be filed by a person, association or corporation qualified to locate and purchase claims under the mining laws. See Chapter IV – Mineral Locations in Reclamation Withdrawals.

- d. Stock Raising Homestead Act of 1916 (SRHA) and SRHA Amendments; 43 U.S.C. § 299, 43 CFR part 3814: To locate a claim on SRHA lands, the claimant must file a notice of intention to locate a mining claim and provide notice to the surface owner as well as comply with other requirements before beginning operations. See Chapter IV- Stock Raising Homestead Act Lands Adjudication.

3. Types of Mining Claims and Sites.

- a. Lode Mining Claims (43 CFR 3832.21(a)): Lode mining claims may be located for minerals that occur as veins, lodes, ledges, or other rock in place. These will contain base and precious metals, gems and semi-precious stones, and certain industrial minerals, including but not limited to gold, silver, cinnabar, lead, tin, copper, zinc, fluorite, barite, or other valuable deposits.

Lode claims may not be located for mineral deposits that occur as bedded rock (stratiform deposits such as gypsum or limestone) or is a deposit of placer, alluvial (deposited by water), eluvial (deposited by wind), colluvial (deposited by gravity), or aqueous origin.

- (1) Shape and Size (43 CFR 3832.22 and 43 CFR 3832.12(b)): A lode claim is generally a parallelogram, which may not exceed 1,500 feet in length or 600 feet in width. However, a lode claim may be located in any shape, as long as the claim fits within the 1,500 feet by 600 feet dimensions. It must be described by metes-and-bounds beginning at the discovery point of the claim and include a tie to natural objects or permanent monuments which include:
 - (a) Township and section survey monuments;
 - (b) Official U.S. mineral survey monuments;
 - (c) Monuments of the National Geodetic Reference System;
 - (d) The confluence of streams or point of intersection of well-known gulches, ravines, or roads, prominent buttes, and hills; or
 - (e) Adjoining claims or sites.
- (2) Special Conditions: Under certain conditions, the side lines of a lode mining claim may be extended onto land not open to mineral entry in

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

II-5

order to obtain extra-lateral rights on the lands still open to mineral entry. The extension of lines onto the land not open to entry does not give the lode claimant any surface or mineral rights in such lands, but only serves to protect the apex rights on the land open to entry.² The extended portion of the lode claim is not null and void *ab initio*; however, you should send a notice to the lode claimant advising that they have not acquired mineral rights to the extended area ([Illustration 71](#)).

- (3) Noncontiguous Tracts: A lode claim may be separated into two noncontiguous tracts by an intervening patented mill site or other non-mineral patent, “provided the lode or vein upon which the location is based has been discovered on both parts of the lode.”³

b. Placer Mining Claims (43 CFR 3832.21(b)).

- (1) General: Mineral deposits typically located as a placer mining claim are:
 - (a) River sands or gravels bearing gold or valuable detrital minerals;
 - (b) Hosted in soils, alluvium (deposited by water), eluvium (deposited by wind), colluvium (deposited by gravity), talus, or other rock not in its original place;
 - (c) Bedded gypsum, limestone, cinders, pumice, and similar mineral deposits;
 - (d) Mineral-bearing brine (water saturated or strongly impregnated with salts and containing ancillary locatable minerals) not subject to the mineral leasing acts where a mineral subject to the Mining Law can be extracted as the primary valuable mineral; or
 - (e) Uncommon varieties of building stone located under the Building Stone Placer Act.
- (2) Shape and Size: Individual placer mining claims can be no more than 20-acre squares or rectangles that should be described by aliquot part and complete lots using the U. S. Public Land Survey system and its rectangular subdivisions. If a placer claim takes in a portion of a lot, the total claim area must be described by metes and bounds. Each 10-acre aliquot part of a placer mining claim must be mineral-in-character. (43 CFR 3832.21). Land within a placer location must be contiguous.

² [Santa Fe Mining](#), 79 IBLA 48 (1984); [Marilyn Dutton Hansen](#), 79 IBLA 214 (1984).

³ [Raymond E. Johnson](#), 57 I.D. 63, 65 (1939).

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

II-6

Exceptions to the public land survey requirement occur when the placer claim is:

- (a) Located on unsurveyed Federal lands;
 - (b) Located as a gulch or bench placer claim; or
 - (c) Confined by the boundaries of other mining claims or non-mineral lands.
- (3) Special Rules for Gulch or Bench Placer Claims or for Placer Locations on Unsurveyed Lands. (43 CFR 3832.12(c)(2))
- (a) The claimant can describe the lands by protracted survey if there is a protracted survey of record; or
 - (b) The claimant can describe the lands by metes-and-bounds, if a protracted survey is not available or if the land is not amenable to protraction.

NOTE: The term “complete lots” comes from the definition of lots in the Manual of Surveying Instructions. This is an excerpt of the appropriate section:

“10-200. Lots, whether those (1) on the north and west boundaries of a township, (2) created by segregation and patenting of lode mining claims, (3) created by meandered bodies of water, or (4) created by other special surveys, are a legal subdivision of official surveys. The subdivision of such lots into smaller legal subdivisions requires an official survey. A location certificate description "W 1/2 of lot 1" does not conform and cannot be made to conform to the rectangular or legal subdivisions of the PLSS, and an official survey of the land located and claimed is necessary (Holmes Placer, 29 Pub. Lands Dec. 368 (1899)).”

So, based on the above, this is why if a claim takes in only a portion of a lot, the whole claim must be described by metes and bounds.

c. Association Placer Mining Claims. (30 U.S.C. 36; 43 CFR 3832.22(b)(2))

General: A group of individuals or companies may aggregate their allowable per-claim acreage to locate and record a single association placer claim greater than 20 acres. An association placer claim may not exceed 160 acres and all the land within an association placer claim must be contiguous. Within the association,

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

II-7

each person or business entity may locate up to 20 acres. To obtain the full 160 acres, the association must consist of at least eight co-locators, each having a proportionate share in the claim. Smaller association placer claims may also be located. As an example, three co-locators may jointly locate an association placer claim no larger than 60 acres.

The locator(s) may not use the names of other persons as dummy locators (fictitious locators) to locate an association placer claim for the benefit of the remaining locator(s). 43 CFR 3832.22(b)(2). When a new location is received and the adjudicator suspects some of the claimants may be dummy locators, the adjudicator can attempt to confirm all claimants have a proportionate interest in the claim. If all claimants have the same address and it appears they are not related, we need to confirm there are no dummy locators. The regulations state that every customer must submit their current mailing address. Therefore, even if an agent is acting on behalf of all the claimants, we still require individual mailing addresses. In this case, the adjudicator will request that all claimants submit their individual mailing addresses along with a power of attorney giving the agent authority to act on their behalf ([Illustration 2](#)).

If a person listed as a claimant submits a notarized statement that they do not have an interest in the claim and never gave their permission to be listed as a claimant, remove that claimant from LR2000/ALIS and require the remaining claimants to reduce the claim size by filing an amended location notice.

If an association placer claim is described by metes-and-bounds, it must meet the following requirements in order to not split the Federal lands into narrow, long, or irregular shapes (43 CFR 3832.12(c)(3)):

A location by two persons must fit within the exterior boundaries of a square 40-acre parcel;

A location by four persons must fit within the exterior boundaries of two square 40-acre contiguous parcels;

A location by six persons must fit within the exterior boundaries of three square contiguous 40-acre parcels; and

A location by eight persons must fit within the exterior boundaries of four square contiguous 40-acre parcels.

d. Mill Site Locations.

- (1) Lands Subject to Location: Located on non-mineral land not contiguous to a vein or lode, a mill site is a form of surface entry used to support an

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

II-8

ongoing mining or milling operation. There are two types of mill sites (43 CFR 3832.31):

- (a) A dependent mill site, which is used for activities that support a particular patented or unpatented lode or placer mining claim or group of mining claims; and
 - (b) An independent or custom mill site. This is not dependent on a particular mining claim but provides milling or reduction processing for nearby lode mines or a lode mining district.
- (2) Shape and Size: The maximum size of an individual mill site is 5 acres, which may be in square or rectangular form. A mill site may be located and described in the same manner as a lode or placer mining claim. Lands where the United States does not own the surface estate, such as SRHA lands, are not open to mill site location (43 CFR 3832.33(b)).

e. Tunnel Site Locations.

- (1) Lands Subject to Location: A tunnel site is a subsurface right-of-way under Federal land open to mineral entry. It is 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 (43 CFR 3832.41).
- (2) Shape and Size: Tunnel sites are up to 3,000 feet in length (or to the end of the tunnel, whichever is shorter) and up to 1,500 feet in width and are generally located and recorded in the same manner as a lode mining claim with the additional requirements of (43 CFR 3832.42):
 - (a) Erecting a substantial post, board, or monument at the face of the tunnel, which is the point where the tunnel enters cover, upon which the location notice is placed;
 - (b) Giving the height and width of the tunnel on the location notice;
 - (c) Placing stakes or monuments on the surface along the boundary lines of the tunnel at proper intervals as required under state law from the face of the tunnel for 3,000 feet or to the end of the tunnel, whichever is shorter; and
 - (d) Protecting the tunnel site from other parties making locations of lodes within the sidelines of the tunnel and within the 3,000-foot length of the tunnel, unless such lodes appear upon the surface or

were previously known to exist.

- (3) Acquiring a Vein or Lode Discovered in a Tunnel Site Location (43 CFR 3832.44, 3832.45). The claimant may use the tunnel site for subsurface access to a lode claim or to explore for and acquire previously unknown lodes, veins, or ledges within the confines of the tunnel site. The claimant may acquire any blind veins, ledges, or lodes cut, discovered, or intersected by the tunnel, by locating a lode claim over them, if the veins, ledges, or lodes:
 - (a) Are located within 1,500 feet from the tunnel axis; and
 - (b) Were not previously known to exist on the surface and are within the limits of the tunnel.

The date of location of any lode claim located under the terms of the tunnel site is retroactive to the date of location of the tunnel site.

- (4) Diligent work requirement. If work ceases on the tunnel site for more than 6 consecutive months, the claimant will lose the right to possess all unknown, undiscovered veins, lodes, or ledges that the tunnel may intersect. If a field examination discovers the tunnel site is not being held in good faith, or it appears there has been an abandonment, the Interior Board of Land Appeals (IBLA) has ruled that the BLM may initiate a contest proceeding to determine validity instead of declaring the actual site abandoned and void through Decision (*David Hanson*, 182 IBLA 94 (2012)).

D. Contents of the Notice/Certificate of Location. The notice/certificate of location must include the following information (43 CFR 3832.12):

1. The name or names of the claimants, and in accordance with 43 CFR 1822.10, a current mailing address for each claimant;
2. The date of the location;
3. The name or number of the claim/site, or both, if applicable; and
4. A description of the claim or site.
 - a. Description required for recording purposes (43 CFR 3832.12(a)(1)). The claimant must describe all claims and sites by state, meridian, township, range, section, and by aliquot part to the quarter section. To obtain the land description, the claimant must use an official survey plat or other U.S. Government map that is

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

II-10

based on the surveyed or protracted U. S. Public Land and Survey System. If the claim cannot be described by aliquot part (if the land is unsurveyed), the claimant must provide a metes-and-bounds description that fixes the position of the claim corners with respect to a specified claim corner, discovery monument, or official survey monument. In all cases, the description of the land must be as compact and regular in form as reasonably possible and should conform to the U. S. Public Land System and its rectangular subdivisions as much as possible. See also 43 CFR 3832.12(b) and (c) for further description requirements for lode and placer claims; and

- b. Map or Narrative Requirements. (43 CFR 3832.12(a)(2))
 - (1) A topographical map published by the U. S. Geological Survey with a depiction of the claim or site; or
 - (2) A narrative or sketch describing the claim or site and tying the description to a natural object, permanent monument, or topographic, hydrographic, or manmade feature.
 - (a) The map or sketch must show the boundaries and position of the individual claim or site by aliquot part within the quarter section accurately enough for the BLM to identify the mining claims or sites on the ground.
 - (b) There can be more than one claim or site on a single map or sketch if they are located in the same general area and if the individual mining claims or sites are clearly identified.
 - (c) A locator is not required to employ a professional surveyor or engineer to establish the location's position on the ground.

Chapter III – Recordation Of Mining Claims And Sites

A. Who May Locate a Mining Claim, Mill or Tunnel Site

Those persons or entities qualified to locate mining claims or sites are (43 CFR 3830.3):

1. Citizens of the United States;
2. Legal immigrants who have filed an application for citizenship with the proper Federal agency;
3. Minors who have reached the age of discretion under the laws of their state of residence;
4. Business entities organized under the laws of any state, including but not limited to corporations and partnerships; and
5. Duly constituted and appointed agents acting on behalf of qualified locators.

“Age of discretion” is that age at which, pursuant to state law, an individual is legally entitled to manage their own affairs, and to enjoy civic rights. Age of discretion is a factual matter and the BLM will only inquire if we need the information for official purposes.

Limited liability companies (LLCs) fall under the definition of “business entities” and may locate mining claims. The current regulations do not specify whether trusts qualify as “business entities,” however the BLM has currently been accepting locations by trusts. Trusts will be addressed in a future rulemaking, but in the meantime, if there is a question as to the legitimacy of a trust or the trustee, you should send a 30-day notice requesting additional information regarding the trust.

B. Adjudicating Citizenship

In the case of an individual, proof of citizenship may consist of their own affidavit. In the case of a corporation or other business entity organized under the laws of the United States or of any state or Territory of the United States, filing of a certified copy of their charter or certificate of incorporation or organization will substantiate the proof of citizenship.

The BLM will adjudicate citizenship based upon our official records. We will not summarily challenge mining claimants with a foreign address and will only become involved in the adjudication of citizenship under any of the following situations:

1. Mineral Patent Application has been filed (43 CFR 3862.2);
2. The Public Interest Would be Served (i.e., public projects, withdrawals, administrative sites). The BLM will conduct further inquiry and act as needed. If no claimant is a

citizen, the BLM may contest the mining claim or site, or take appropriate action, in consultation with the Solicitor's Office.

3. A Third Party Challenges the Citizenship Requirement of a Mining Claimant. In cases where an adverse mining claimant or other person holding an interest in the lands alleges that the claimant of record is a non-citizen, the BLM should refer the adverse party to state court or other court of competent jurisdiction. The Department is not the forum for the resolution of private party disputes between rival claimants. If the state court declares the mining claim(s) or site(s) abandoned, issue a decision to that effect, and close the case file. However, if a state or Federal agency asks the BLM to investigate whether the locators are qualified the BLM may choose to investigate further and may, if warranted, initiate a contest (see BLM Manual on Contests and Protests).
4. Joint Ownership by a Non-Citizen and Qualified Locators. If one of the owners of a mining claim or site is not a citizen and the remaining owners are qualified locators as stated in Section II above, the mining claim or site remains a proper location and no further action is necessary by the BLM. The locators of an association placer mining claim must all be qualified to locate a claim. For every non-U.S. citizen, there must also be a qualified claimant in order to claim the full acreage.
5. Foreign Address. If we receive a notice/certificate of location with only a foreign address, the BLM will not challenge it unless we have a need to resolve this issue for official purposes.

No administrative case law exists regarding the effect that transferring of claims or sites to non-citizens has on the continuing viability of a mining claim that is not under patent application. Consequently, if a claimant asks you whether it is allowable to transfer or sell a claim or site to non-citizens or if a non-citizen can inherit a claim or site, you should state that you are unable to give legal advice and suggest that the claimant contact a mining law attorney.

C. Where to Record Mining Claim Documents

Sections 314(a) and (b) of FLPMA require the recordation of unpatented mining claims, mill sites, and tunnel sites (43 U.S.C. § 1744(a), (b)). Claimants are also required to file related documents, filings, and fees in the proper BLM office within specified time periods. The proper BLM office is the BLM state office having jurisdiction over the land in which the claims or sites are located (43 CFR 1821.10). Failure to record the required documents and pay the required processing fees within the time limits imposed by the statute constitutes a conclusive abandonment of the mining claim, mill site, or tunnel site, and the claim or site is void.

Claims or sites crossing state lines. The claimant must file mining claims or sites crossing state lines in only one BLM state office. You may suggest to the claimant to file in the state where the discovery is located; however, it is the claimant's choice where to file. Even though the claimant will only file their location notice in one BLM state office, you should make certain they

understand to comply with the state law requirements for both states.

In addition to the BLM State Office in Alaska, the Northern District Office's Records and Public Information Center, located in Fairbanks, may also receive and record documents, filings, and fees for all mining claims, mill sites, and tunnel sites located in the State of Alaska (see definition of "BLM State Office" in 43 CFR 3830.5).

NOTE: If an office receives a document and that office is not the proper office of filing, that office can choose to (1) either return the whole package (including the envelope and all fees) to the claimant explaining which office is the proper office of filing or (2) forward the whole package to the proper office of filing. If the wrong office receives a document and earns the money, the office can forward the document to the proper office with a copy of the Collections and Billings System (CBS) receipt. When the proper office receives the document, CBS personnel will update the existing transaction number so that the transaction becomes part of their state's records. The receiving office must make certain the document arrived timely. Keep all evidence such as envelopes from the forwarding office in the case file. The date of recordation is the date the proper office actually received the document. You must cross off or cancel all other date stamps or notations by any other office. *It is the claimant's responsibility to make certain documents and payments are timely received in the proper office, not the BLM's.*

The BLM will accept location notices/certificates that the claimant has or will record in the state or county recorder's office. In addition to the United States mining laws, there are state statutes relative to location and recording of mining claims and sites in the state, which the claimant must observe in the location of mining claims and sites. You can obtain information as to state laws locally or from state officials. The BLM does not adjudicate a claim based on state law.

NOTE: In accordance with 43 CFR 1822.14, if the last day to timely file or pay a fee falls on a day when the proper BLM office is officially closed, the BLM will consider the document or payment timely filed on the next day the office is officially open.

D. Required Fees

1. Table I contains the FY 2015 amounts payable to the BLM for the location, recordation, and maintenance of claims/sites. **Processing fees may be adjusted annually.** See 43 CFR 3000.12(a). The one-time location fee and maintenance fee payments are adjusted every 5 years, or at any other time as required by other statute. See 43 CFR 3834.21.

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

III-4

TABLE I (Current as of October 1, 2014)

Transaction	Amount due per mining claim or site	Waiver Available
Recording a mining claim or site location (43 CFR 3000.12 and 3830.21) must be paid within 90 days of location date.	A total sum which includes: (1) The processing fee for notices of location found in the fee schedule in § 3000.12 of this chapter; (2) A one-time \$37 location fee; and (3)(i) For lode claims, mill sites and tunnel sites, an initial \$155 maintenance fee; or (ii) For placer claims, an initial \$155 maintenance fee for each 20 acres of the placer claim or portion thereof.	No
Application to open lands to location (43 CFR 3000.12)	A \$10 processing fee	No
Amending a mining claim or site location (43 CFR 3000.12).	A \$10 processing fee	No
Transferring a mining claim or site (43 CFR 3000.12).	A \$10 processing fee, per claim, per transferee	No
Transfers of segregated or severed claims (43 CFR 3000.12).	A \$20 processing fee (new claim) A \$10 processing fee (transfer as above)	No
Maintaining a mining claim or site for one assessment year (43 CFR 3830.21). Must be paid on or before September 1.	(1) For lode claims, mill sites and tunnel sites, an annual maintenance fee of \$155 must be paid on or before September 1 each year. (2) For placer claims, a \$155 annual maintenance fee for each 20 acres of the placer claim or portion thereof must be paid on or before September 1 each year.	Yes, see 43 CFR 3835
Recording an annual FLPMA filing (43 CFR 3000.12). Must be received on or before December 30.	A \$10 processing fee	No
Submitting a petition for deferment of assessment work (43 CFR 3000.12). Must be filed/paid on or before September 1.	A \$110 processing fee	No
Maintaining an oil shale placer mining claim (States of Colorado, Utah, and Wyoming only) (43 CFR 3830.21). Must be paid by December 30.	An annual \$550 fee	No
Recording a notice of intent to locate mining claims on Stock Raising Homestead Act Lands (43 CFR 3000.12)	A \$30 processing fee	No

2. Acceptable Forms of Payment.

- a. Currency of the United States;
- b. Postal, bank, and commercial money orders payable in U.S. dollars to the

Department of the Interior--Bureau of Land Management;

- c. A personal, business, bank certified, or cashier's check or other negotiable instrument payable in U.S. dollars to the Department of the Interior--Bureau of Land Management;
 - d. A valid credit card that is acceptable to the BLM; or
 - e. An authorized debit from a declining deposit account with the BLM. We will deduct maintenance, location, and processing fees or add overpayments to the account only when authorized by the claimant.
3. Submission of Payment.
- a. **In Person.** A claimant may bring payments to the BLM state office by close of business on or before the due date. If the office is closed on the date the payment is due, payment is considered timely if it is received on the next business day the office is open (43 CFR 1822.14).
 - b. **Use of Credit Cards.** The claimant must send or fax a written authorization bearing their signature or they may give authorization by telephone if they can satisfactorily establish their identity to the BLM. The claimant must authorize payment on or before the due date.
 - c. **BLM Payment Portal.** Claimants may pay the required **annual** maintenance fee through the BLM's payment portal located at www.blm.gov/payportal/home.html. For instructions how to use this site, an online guide is available by clicking the "Help" option on the site.
 - d. **Mailing of Payments.**
 - (1) **United States mail.**
 - (a) The payment must be in an envelope postmarked on or before the due date (private postal meter stamps are not acceptable); and
 - (b) The proper BLM office must receive the payment no later than 15 calendar days after the due date.
 - (2) **Other mail delivery services.**
 - (a) The payment must be in an envelope clearly identified by a bona fide mail delivery service as being sent on or before the due date; and

- (b) The proper BLM office must receive the payment no later than 15 calendar days after the due date.

4. Insufficient Payments.

a. New Locations. If a claimant submits a new location for recording and the amount of money tendered will not cover the necessary amount for processing, location, and maintenance fees, we will proceed in the following manner:

- (1) Assignment of funds: We will apply the funds received in complete recording units. This means we will divide the funds received into complete units that cover the processing, location, and the maintenance fees for a mining claim or site.
- (2) Remaining new locations: If the 90-day recording period has not yet passed, the BLM will call the claimant if there is a telephone number, or issue a notice if time permits, for any outstanding fees needed to complete the recording of the remaining locations. We must receive these fees before the 90-day recording period expires. The recordation received date will be the date the fees are paid. After the 90-day period has expired, we will reject and return any remaining certificates or notices for which we cannot apply full payment. We will return the certificates or notices by decision, and the claims will be declared forfeited. Be sure to keep a copy of the rejected certificates or notices as evidence in case of an appeal. We will refund any remaining funds (except processing fees) that do not cover full payment for a claim.

b. No Fees Received for New Locations. If we do not receive fees at the time of recordation, the receiving official (accounting technician) should not serialize the notice/certificate of location and will return the entire package without further action.

If the notice/certificate of location is inadvertently serialized without the proper fees and then forwarded to adjudication, a forfeiture decision will be issued by adjudication. Cancel the date stamp by crossing it off, writing cancel, and initialing prior to returning the original. Be sure to keep a copy of the certificates or notices as evidence in case of an appeal. If the 90-day recording period has not passed, the claimant can be contacted by telephone and asked to provide a credit card payment for the fees. (43 CFR 3000.10(b)).

c. Partial Payments on Existing Mining Claims and Sites.

- (1) Payment by Serial Number. A partial payment will be applied in serial number order (lowest to highest) until the money runs out. We will allocate funds as maintenance fees first. We will credit any remaining

monies as processing fees if needed for transfers, amendments, annual filings, or any other administrative requirement for which a processing fee is due.

- (2) If we receive insufficient processing fees for administrative actions (transfers, amendments, etc.) on existing claims or sites, and the receiving official (accounting technician) discovers the deficiency, call the claimant to remit the remaining fees via a credit card that day (the due date).
 - d. **Insufficient Payments due to Statutory Increases.** The one-time location fee and maintenance fee payments are adjusted at least every 5 years based on the Consumer Price Index (CPI), or at any other time as required by other statute. For a CPI adjustment, the BLM will publish a notice in the *Federal Register* by July 1 of a given year to make the adjusted fees due on the upcoming September 1. In the case of an adjustment based on the CPI, if a claimant pays the fees timely but pays the fees based on the amount required prior to the adjustment, the BLM will send a Notice to the claimant allowing them 30 days in which to pay the additional amount required to meet the adjusted fees (*Illustration 82*). If the adjustment is required by other statute, consult the *Federal Register* notice announcing the adjustment to determine whether a similar opportunity to cure may be allowed.
5. **Bad Check Policy.** If we receive a check, negotiable instrument, or credit card for payment of processing, location, or maintenance fees that the issuing authority does not honor, and such refusal is not an error of the issuing authority, we will treat this as a nonpayment of the fees (43 CFR 3830.23(b)).
 - a. If prior to the filing deadline (e.g., 90 days, September 1, December 30), we determine a check is not honored by the bank, attempt to notify the claimant so they may replace the payment before the deadline. The claimant must make the second payment by cashier's check, money order, or some other type of guaranteed remittance.
 - b. If after the filing deadline, we will issue a decision declaring the claims/sites forfeited by operation of law. Insert a paragraph into the decision explaining that we may accept a replacement payment if this was an error of the issuing authority (bank, credit union, etc.). If the claimant contends the bank is responsible for the error, require a letter from the issuing institution detailing the facts and including a statement that they caused the error. Acceptance of the facts is at the discretion of the Authorized Officer. If the Authorized Officer agrees, the claimant may make the second payment after the deadline. Since the issuing institution caused the error, we do not require a guaranteed remittance.
 6. **Closed Claim/Site Policy.** The BLM has no authority to accept money or documents under the Mining Law for a mining claim/site that no longer exists. Once we have

determined that a mining claim/site is abandoned and void, null and void, or otherwise forfeited, and the administrative appeal period has expired, we will close the case record and we will not accept any further fees or documents relating to the claim/site. We will return processing fees only if the receiving official discovers the claims are closed claims while trying to process the payment. In this case, the accounting official will return the entire packet including the processing fees with no action taken. However, if adjudication reviews the document to determine if the closed claim has been relocated, the processing fee will always be earned. The adjudicator will NEVER reopen a closed case to earn processing fees. If a claim has not been relocated, the adjudicator will give manual instructions to CBS personnel to earn the processing fee to the following Commodity, Subject, and Action (CSA) in CBS: Commodity = Locatable Minerals; Subject = Mining Claims-Earned & Adjud-Transfers Only; Action = Nonrefundable Processing Fee No Authno. This CSA does not require an authorization number (serial number).

7. Refund Policy. **NOTE:** We recommend that the BLM not authorize a refund until 30 days after receipt of the remittance (personal check) to make sure that the payment clears the bank.
 - a. Processing Fees. Do not refund/return processing fees except: (1) those subject to the closed claim/site policy (see D.6. above); (2) overpayment of fees; or (3) for supplemental documents received without a BLM serial number and CBS accounting personnel return everything to the remitter without the package being submitted to adjudication. (Procedures established in WO IM 2011-176 – Procedures for Earning Nonrefundable Mining Law Processing Fees.)
 - b. Maintenance and Location Fees. Refund maintenance and location fees if the following criteria is met:
 - (1) Land not available. If the location is on land not open to mineral entry or otherwise not available for mining claim or site location and we determined the claim is null and void *ab initio*. (This does not include a top filed claim—these lands are open to mineral entry and we will retain the fees); or
 - (2) Closed mining claim. When the claimant submitted a mining claim or site for recording and the mining claim or site was already void. This does not apply when a 30-day notice to cure is sent to the claimant and the claimant does not respond within the time allowed and the claim or site is declared abandoned and void as of the time of filing. In these instances, there should be no refund of any fees.
8. Credits. The BLM may apply overpayments to future maintenance fee payments if the mining claimant requests such action in writing. The overpayment must be in full increments. (See WO IM 2011-073 Processing Duplicate Mining Claim or Site

Maintenance Fee Payments.)

E. New Notice/Certificate of Location Adjudicating

1. **General.** A notice or certificate of location is a written or printed notice used by the claimant to officially record a mining claim or site. The locator/claimant will record the notice or certificate with the proper BLM office and the local recording office. The notice or certificate should include the name of the claim or site, the names and individual mailing addresses of the locators/claimants, the date of location, the type of claim or site, and a complete legal description containing the state, meridian, township, range, section, and quarter section of the claim or site.

For all new mining claims and sites, we require claimants to pay a processing, a location, and an initial maintenance fee for the assessment year in which the mining claim or site is located. These fees are due at the time of recording with the BLM. (See Table I above.)

2. **Adjudication Process for New Claims or Sites.**

- a. **Receiving Official Steps:** Receive new location notice/certificate, date stamp, serialize, and receipt fees. Forward to adjudication, or route for automated entry, then forward to adjudication.

- b. **Adjudication Steps:**

- (1) Prepare a case file according to state procedures.
- (2) Request/print a copy of the MTP for the case file.
- (3) If applicable, enter the mining claim case file into a file/docket tracking system and/or mining claim log.
- (4) If applicable, prepare the check sheet (*Illustrations 3 and 4*) with the serial numbers, date received, and the date we entered the case file into a tracking system.
- (5) Affix serial numbers according to state office procedures to notices/certificates of location in alpha-numeric order. **Be sure to verify that each notice/certificate has a BLM-received date stamp.**
- (6) Verify that we have received the proper fees and ensure a copy of the CBS receipt is in the case file. (See Table I). **NOTE:** If a claim or site was located prior to September 1 but we received the notice/certificate of location on or after September 1 (some offices refer to this as a “bridge claim” because it “bridges” two assessment years), the claimant must pay

the initial maintenance fee for the year of location and the current assessment year within the 90-day filing period. If qualified and the claimant files a small miner fee waiver for the current assessment year, the claimant must file the small miner fee waiver at the time of recording with the BLM.

- (7) If the new claim is a placer claim, verify that the total acreage does not exceed the acreage allowed by law (20 acres per locator). An association placer claim may contain up to 160 acres if the proper number of claimants/locators are listed.
- (8) If we determine that there was an overpayment of fees, issue a refund. (See Refund Policy in Section D of this chapter.)
- (9) If we receive insufficient fees, attempt to contact the claimant for payment of additional fees. We must receive the additional payment within the 90-day filing period. (See Insufficient Payments in Section D of this chapter.)
- (10) Check the date of location. The locator/claimant must file (see definition below) the mining claim or site notice/certificate with the proper BLM state office, or in Alaska the Anchorage or Fairbanks Offices, within 90 days from the date of location of the claim or site. The 90-day period begins the day after the date of location. If the locator/claimant does not record the mining claim or site notice/certificate within the 90-day time limit, issue a rejection/abandoned and void decision (*Illustration 5*) (43 CFR 3833.1(a)). **NOTE:** If the notice/certificate is timely, but does not indicate a date of location or part of the date is missing, issue a 30-day notice to cure, requesting an amendment which has the corrected location date. If the date is present, but seems improbable or impossible and thus is an obvious error (for example, a location date of January 1, 2011, for a claim recorded on January 30, 2012, or a location date of January 1, 2013 submitted on January 2, 2012), issue a 30-day notice to cure.

Filed means a document is:

- (a) Received by the appropriate BLM state office on or before the due date; or
- (b)(1) Postmarked or otherwise clearly identified as sent on or before the due date by a bona fide mail delivery service; and
 - (2) Received by the appropriate BLM state office either;
 - (i) Within 15 calendar days after the due date; or
 - (ii) On the next business day, if the 15th day is not a business day (43 CFR 1822.14).

NOTE: This includes when the due date falls on a day when the office is

officially closed. In those instances, the filing can be considered timely if postmarked or received on the next official business day.

In general, if the envelope sent through the U.S. Postal Service (USPS) only has a private meter date on it and not a USPS postmark, the private meter stamp will not satisfy the requirement in (b)(1) if the document is received after the due date. However, if there is convincing evidence that the document was sent on or before the due date (for example, the document arrives the next calendar day after the due date, or the claimant submits documentation from their local post office that the post office does not cancel a private meter date), you may consider the private meter stamp as the date the document was sent.

If a BLM office other than the appropriate state office receives a document, that BLM office will forward the document and the envelope the document was mailed in to the appropriate state office. We do not consider the document filed until it is actually received at the appropriate state office. It is not the responsibility of any office to forward a document to the appropriate state office. For documents or payments that are not time sensitive (such as a waiver or maintenance fee payment), the best practice is to return the document to the claimant/remitter giving instructions where the document should be filed. The first “received” date stamp should be crossed off to make certain there are no misunderstandings as to which date is the true date of filing.

- (11) Check the notices/certificates of location for claim name and type of claim or site. Check the customer database to see if the claimant’s name and address is listed. As a general rule, an individual claimant should have only one active listing in the customer database. A company or corporation may have more than one active listing especially if located in different cities. If the notice/certificate lists a claimant already existing in the customer database but the address is different, verify it is the same claimant and then follow procedures for changing the address. If the claimant is not listed in the customer database, follow state office procedures to add new claimants to LR2000/ALIS. (See Chapter VIII - Reference Material for procedures.)

If necessary, you can obtain the addresses by contacting the claimant or remitter by telephone. You may also use addresses on cover letters, checks, receipt, etc. **Ensure that you document the case file to show how you obtained the address.**

Doing Business As (dba). If, for example you receive a document with the name John Smith dba Gold Hills Mining Co., in the “Owner Details” section of LR2000, try to input Smith John dba Gold Hills Mining Co. If

the full name does not fit, use the individual's name and enter the full name in the Remarks section at the bottom of the page. Interest relationship code is 58 (claimant).

- (12) If the claim name, location date, claim type, acreage, or any addresses are missing, or if the document is not legible, prepare a 30-day notice to cure requesting the additional information ([Illustration 8](#)).
 - (a) If a 30-day notice to cure is issued and a response is not timely received and there is still time left in the 90-day recording period, the adjudicator will issue a decision rejecting the recordation of the claim. In the decision, the claimant should be notified they have the option of refiling the claim (with all the required information and fees) as long as it is received within the 90-day period after the location date of the claim. The maintenance and location fees will be refunded.
 - (b) If the 90-day recording period has expired, a decision will be issued declaring the claim or site abandoned and void. The maintenance and location fee will be refunded. If the claimant wants to refile, they will need to relocate (new location date) the claim first, refiling with the county and the BLM. (43 CFR 3830.94(d) ([Illustration 9](#))).
- (13) Check the legal description and acreage to make certain there is no discrepancy. (See Chapter II, Location Requirements.). All claims or sites require a map, sketch, or narrative description of the claim location. Maps are preferred. There are some exceptions (43 CFR 3832.12):
 - (a) If the claimant does not furnish a map or a complete legal description, prepare an additional requirement notice allowing 30 days for the claimant to furnish the information ([Illustration 10](#)). **NOTE:** Send the notice by certified or registered mail, return-receipt requested. The 30-day period begins the day after the claimant receives the notice.
 - (b) If we do not receive the requested information in the time allowed, issue a final decision declaring the claims or sites abandoned and void for failing to supply the requested information (43 CFR 3830.94(d) ([Illustration 11](#))). **NOTE:** Do not give an extension of time to file the requested information.
- (14) Check the land status where the claim or site is located.
 - (a) Ensure the MTP and/or Historical Index (HI) is for the correct

township and range.

- (b) Verify the lands are open to location.
- (c) Verify that the legal description on the map matches the description on the notices/certificates of location. If you question where the claim or site is located, compare the map with a topographic map. If the description places the claim or site in different locations, request an amendment or new map within 30 days. (See I - Adjudication of Relocations and Amendments Section below.)
- (d) If the lands are segregated or withdrawn and closed to mineral location, or if the land is unsurveyed and the claim or site appear to be on land not open to mining, issue a Null and Void or Null and Void in Part *ab initio* Decision ([Illustrations 12](#) and [13](#)).
- (e) If the lands are withdrawn for a powersite (PL 359), see Chapter IV – Claims Located in a Powersite Withdrawal.
- (f) Verify copies of all supporting land action documents that affect the claims/sites are in the mining claim case file. (See Chapter V – Decisions and Notices Section.)
- (g) Verify the legal description in LR2000 under Land Description Details to make certain the geopolitical data (county, field office, surface managing agency) is correct according to the location notice and map. If there is a geopolitical split in the township, in other words, more than one county, field office, or surface managing agency, and LR2000 completes the geopolitical data based on the information in the Legal Land Description (LLD) data base, make certain the claim is actually located in more than one geopolitical area. If it is not, then LR2000 should be updated to delete the geopolitical data that does not apply to the claim.

Land Description Details

Meridian: Township: Range: Section: Search Column:

Meridian	Twp	Range	Sec	NE	NW	SW	SE	Geo St	County	Office	SMA
21	0210N	0110E	005	X			X	CA	PLUMAS,SIERRA	EAGLE LAKE FIELD OFFICE	PLUMAS NF,TAHOE NF

Locations:

For example, in the above details, LR2000 indicates this particular claim is in Plumas and Sierra Counties, California. To remove one of the counties if the claim is not actually located in both, click on “Update Location Details.”

Del?	Meridian	Twp	Range	Sec	NE	NW	SW	SE	Case Land Agc	Geo St	County	Office	Agency Text
<input type="checkbox"/>	21	0210N	0110E	005	X			X		CA	PLUMAS,SIERRA	EAGLE LAKE FIELD OFFICE	PLUMAS NF,TAHOE NF

From the “Land Description Update” Screen, click on the words “Plumas Sierra” (or whatever counties show in the data) under the County heading.

Case Land Geopolitical References
21-0210N-0110E-005-X---X

Del?	County/Office/LLD Agency
<input type="checkbox"/>	PLUMAS / EAGLE LAKE FIELD OFFICE / PLUMAS NF
<input checked="" type="checkbox"/>	SIERRA / EAGLE LAKE FIELD OFFICE / TAHOE NF

If the claim is just located in one of the selections above, check the “Del?” box next to the line that needs to be deleted and then click the Delete button.

The line will delete once the “Delete” button is clicked. Exit out of this screen to return to the Land Descriptions Details where there will then only be information for one geopolitical group.

Land Description Details

Meridian: Township: Range: Section: Search Column:

Meridian	Twp	Range	Sec	NE	NW	SW	SE	Geo St	County	Office	SMA
21	0210N	0110E	005	X			X	CA	PLUMAS	EAGLE LAKE FIELD OFFICE	PLUMAS NF

- (15) For all states except Alaska, complete data entry for new claims and/or sites into LR2000 by completing the following:
 - (a) Case Header Details which includes the Case Type, Claim Name, Lead File Number, and Case Acres. NOTE: The acreage field must be completed so that the Curr Mnt Fee field is properly populated.
 - (b) Owner Details. The Interest Relationship field is automatically populated with code 58 – Claimant.
 - (c) Land Description Details. The Geopolitical Data is automatically populated based on the information entered for Meridian,

Township, Range, Section and Quarter Section.

- (d) Action Details. **For LR2000**, enter Action Codes 395 – Recordation Notice Received; 403 – Location Date; 484 – Location Year Maintenance Fee; 500 – Map in Lead File; 501 – Accounting Advice in Lead File; and 669 – Land Status Checked (if applicable). You may have to use other action codes than those listed.
 - (e) Remarks if there are any additional comments that should be added regarding the file. If the full claim name does not fit in the claim name field, the full name of the claim should be added in this area.
- (16) For new claims or sites in Alaska, complete data entry for new claims and/or sites by entering data into the Alaska Case Retrieval Enterprise System (ACRES) by completing the required fields in the following:
- (a) Case Data. This section includes the case serial number, case type, and claim name and in addition, shows case status, case status action, and case status date.
 - (b) Customer Data. Enter each claimant name along with the interest relationship.
 - (c) Administrative/Status Action Data. Enter action codes 904 – Location Notice Filed; 906 – Location Date; 893 Lead Case; 251 – Claim/Lease Digitized (if applicable) and 255 – Land Status Checked (if applicable). You may have to use other action codes than those listed.
 - (d) Financial Action Data (entered through the CBS/ALIS interface). Codes include 020 – Claim Location Fee; 019 – Location Service Charge; and 902 – Claim Maintenance Fee.
 - (e) Land Description.
 - (f) General Remarks.

NOTE: When entering the name of the claim or site, enter the name into LR2000 exactly the way it's printed on the location notice, including any punctuation. For instance, if the claim name is Amy's Bar, the claim name should be entered including the apostrophe.

F. Maintenance Fees

1. General. The annual maintenance fee required by 30 U.S.C. §§ 28f(a) and 28l and 43

CFR 3834.10 to hold and maintain a mining claim, mill site, or tunnel site is due on or before September 1 of each year. The BLM will not prorate an annual maintenance fee for a mining claim or site that the claimant holds for only part of a year. The full fee is due even if the claimant holds the mining claim or site for just 1 day in an assessment year. (See Table 1.)

2. Claim/Site Names and Serial Numbers. The claimant(s) must provide a list of the claim/site names and the BLM-assigned serial numbers accompanied by the proper fees.
3. Adjudication of Maintenance Fees.
 - a. **Receiving Official Steps:** Receive maintenance fees, date stamp, and process receipt in CBS. Forward to adjudication or route for automated entry, then forward to adjudication.
 - b. **Adjudication Steps:**
 - (1) Verify that every page of the filing document has a legible date stamp. If the date stamp is illegible or missing, return to the receiving official for correction.
 - (2) Verify that the document notes the assessment year being paid. If not documented, assume the claimant is submitting the filing for the current assessment year.
 - (3) Check that the BLM received the fees on or before the due date. **NOTE:** The due date is always September 1 unless the due date is extended due to September 1 falling on a non-business day when the office is officially closed.
 - (a) If the postmark date is on or before the due date, but the receipt date is after, the filing is timely if received within 15 calendar days of the due date. Retain the envelope for case file documentation. Ensure that a copy of the envelope is in all affected case files. If the office is closed on the 15th day, the documents are timely filed on the next business day. Private postage meter stamps are not acceptable for filings received after the due date, except where there is convincing evidence that the document was sent on or before the due date. For example, the document arrives the next calendar day after the due date, or the claimant submits documentation from their local post office that the post office does not cancel a private meter date. **NOTE:** Always use the date a payment is received as the action date in LR2000 except when a payment is timely received after the due date. If a payment is

timely received after the due date, use the due date, extended due date, or the postmark date as the action date.

- (b) If the BLM receives the fees or the envelope containing the fees is postmarked after the due date, prepare a forfeiture decision (*Illustration 14*). Do not refund monies until after the appeal period has expired. If the claimant files an appeal, follow the Interior Board of Land Appeal's (IBLA) instructions regarding the fees.
- (4) Review case file to ensure the claims/sites are active and the claim names and/or serial numbers match.
- (a) If they do not match, and you cannot determine the correct name/number match through a search of the BLM records, call or write the claimant/remitter, state your findings, and request the corrected information. If the request for the required information is in writing, allow a 30-day response time. If it is an obvious error, correct the document (in red or pencil) and initial.
 - (b) If the BLM receives maintenance fees for closed mining claims/sites, after checking to see if the claims might have been relocated, return the fees to the remitter and notify the claimant that the claims are closed (*Illustration 15*). (See refund policy under Section D of this chapter.)
 - (c) If the BLM has no record of the claim/site being recorded with the BLM, return the entire packet.
 - (d) If the BLM telephones the claimant or agent requesting information, prepare a telephone confirmation with the information provided and document all affected case files.
- (5) Verify that the money received is sufficient for the number of claims/sites.
- (a) If correct, update LR2000. By updating LR2000, the money will be earned in CBS through the nightly interface. Following the procedures for your state, apply the proper notation to the document to show processing is complete.
 - (b) If insufficient funds are received, it is BLM policy that we apply the partial payment in serial number order until the money runs out. Prior to the due date, request the additional fees from the remitter either by telephone or prepare an Additional Requirement Notice (*Illustration 16*). The BLM must receive the additional

funds on or before the due date or the envelope containing the additional funds must be postmarked on or before the due date and received at the proper BLM office within 15 calendar days after the due date.

- (c) If an overpayment of maintenance fees is received, prepare a refund. (See Refund Policy under Section D of this chapter.)
- (6) Check for any claimant name or address changes. (See Adjudication of Address Changes or Name Changes in Section L of this chapter.)
- (7) Copy the receipt and documents and put in all affected case files. Follow state procedures regarding sending a copy of the documents to the remitter and/or owner of record.
- (8) Complete data entry for maintenance fees into LR2000 **AC 782 – Maintenance Fees Payment**. Action remarks for AC 782 should reflect the 4-digit assessment year in the first 4 places, followed by a semi-colon, then the amount received. For example: 2015;\$155. Enter the applicable receipt number in the “Receipt Nr” field. **NOTE:** This instruction is current through the 2015 assessment year. Maintenance and location fees are adjusted every 5 years in accordance with 30 U.S.C. 28j(c) and new action codes may be established at that time to accommodate the increased maintenance fee in LR2000.

	Date (mm/dd/yyyy)	Code	Action Taken	Action Remarks	Receipt Nr
1	07/10/2004	403	LOCATION DATE		
2	08/13/2004	395	RECORDATION NOTICE RECD	\$25.00;1	927501
3	07/22/2014	782	MAINTENANCE FEE PAYMENT	2015;\$155	3083087

If a claimant is paying for multiple claims and sites, entry of the receipt of the fees may be entered into LR2000 using the Mass Action update screen. The Mass Action update screen may be used to update 1 to 50 consecutive numbers at one time. Be certain to always use the most current action code to record the maintenance fees.

Mass Add/Delete/Update Action Data

Starting Serial Number Ending Serial Number

Action Data:	
Action Code:	<input type="text"/> <input type="button" value="Lookup"/>
Action Remark:	<input type="text"/>
Action Date:	<input type="text"/>
Receipt Nr:	<input type="text"/>
<input type="button" value="Add"/> <input type="button" value="Delete"/>	

Update Action Data:	
Action Code:	<input type="text"/> <input type="button" value="Lookup"/>
Action Remark:	<input type="text"/>
Action Date:	<input type="text"/>
Receipt Nr:	<input type="text"/>
<input type="button" value="Update"/>	

Complete data entry for maintenance fees into ALIS AC 902 – **Claim Maintenance Fee**.

- (9) If the BLM does not receive a payment or waiver on or before September 1, prepare a forfeiture decision ([Illustration 17](#)).
4. Maintenance Fee Payments Received through the BLM Payment Portal. Annual maintenance fee payments paid through the BLM payment portal are receipted through CBS and notation of the payment is programmatically entered into LR2000. For a complete guide regarding these types of payments, see Chapter VIII – Reference Material.

G. Waivers from Annual Maintenance Fee Payments (Waiver)

1. General. A waiver from payment of annual maintenance fees may be available under certain circumstances.
2. Qualifications for Obtaining a Waiver. The claimant(s) of a lode or placer mining claim, mill site, or tunnel site may request a waiver from payment of the annual maintenance fee under certain conditions. If the claimant qualifies, the BLM will allow the waiver and will waive the annual maintenance fee. The claimant(s) of a waived claim or site under a small miner fee waiver must perform assessment or other qualifying work and make the appropriate FLPMA filing (either an assessment work notice or notice of intent to hold) by December 30 of the calendar year in which the small miner fee waiver is filed as well as by the December 30 following the end of the assessment year for which the BLM waives the maintenance fees. The BLM may not waive location and maintenance fees required for the initial recording of a mining claim or site. Table II gives the situations and requirements for obtaining a waiver from payment of the annual maintenance fee. (43 CFR 3835.11)

Table II

TYPE OF WAIVER	QUALIFICATIONS
(a) Small Miner	All related parties must hold no more than a total of 10 mining claims or sites nationwide, and all co-claimants must qualify for the small miner fee waiver. If one co-claimant on a claim does not qualify, then none of the claimants are qualified. Claimants must complete and submit BLM Form 3830-2.
(b) Servicemembers Civil Relief Act (formerly the Soldiers' and Sailors' Civil Relief Act)	All co-claimants must be military personnel on active duty status.
(c) Reclamation	Maintenance fees can be waived for mining claims or sites that are undergoing final reclamation under subparts 3802, 3809, or 3814, if the claimant does not intend to continue mining, milling, or processing operations on those sites.
(d) Denial of Access	The claimant has received a declaration of taking or a notice of intent to take from the National Park Service (NPS) or other Federal agency; or the United States has otherwise denied access to the mining claim or site.

3. Requests for a Waiver. All waiver requests for the upcoming assessment year must be filed on or before September 1. The claimant must file the waiver request for the mining claim or site on or before September 1 for the waiver request to be eligible.

There is one exception to this September 1 deadline: if the claimant locates a newly recorded mining claim or site during one assessment year and the claimant timely records the claim or site on or after September 1 (bridge claim), then the claimant may submit the small miner fee waiver request after September 1, but only if the claimant submits a request for a waiver for the assessment year that began on September 1 at the time of the recording of the mining claim or site with the BLM. If the claimant does not file a small miner fee waiver request at the time of recording, the claimant must pay the maintenance fee for the assessment year that just began on September 1 within the 90-day recording period.

4. Information Required for a Waiver. All waiver requests must include:
 - a. The names and mailing addresses of all claimants who maintain an interest in the mining claims or sites listed on the waiver document;
 - b. The original signatures of the claimants of the mining claims or sites who are requesting the waiver, or the original signature of the authorized agent of the owner or owners of those mining claims or sites. The claimant must file or have on file with the BLM a notarized power of attorney or other legal document with

the BLM for the person signing to constitute an authorized agent;

- c. The claim names and the serial numbers of the mining claims/sites for which the waiver is requested; and
 - d. The assessment year for which waiver of the maintenance fee is requested. If the claimant does not document the assessment year, assume the filing is for the current assessment year due. It is a curable defect if the waiver contains the wrong assessment year, and the BLM will issue a notice to cure, allowing the claimants either 30 or 60 days to cure, depending on the type of waiver filed. For the small miner fee waiver, the claimants are always given 60 days in which to cure the defect and 30 days for a different type of waiver.
5. Small Miner Fee Waiver Filings.
- a. To file for a small miner fee waiver, the claimant must use BLM Form 3830-2. By completing Form 3830-2, each claimant is declaring and certifying that:
 - (1) They and all related parties hold no more than a total of 10 mining claims and sites nationwide; and
 - (2) They have completed or will complete assessment work required by the Mining Law to maintain their claims by the end of the applicable assessment year.
 - b. If the claimant uses a waiver as a Notice of Intent to Hold (NOI) by writing “Notice of Intent to Hold” on the waiver and submitting the applicable processing fee for each claim or site, process the document in accordance with Section H of this chapter, Adjudication of Annual FLPMA Documents.
6. Servicemembers Civil Relief Act (formerly the Soldiers’ and Sailors’ Civil Relief Act) Waiver Filings.

Authority: Section 505 of the Servicemembers Civil Relief Act (formerly the Soldiers' and Sailors' Civil Relief Act) protects mining claims and sites from forfeiture for nonperformance of assessment work while the owner serves in the military. All claimants of record must be military personnel on active duty status (43 CFR 3835.11(b)). Enlistment in the reserves is not normally enough to qualify as “active duty” for purposes of this waiver; rather, the claimant must provide evidence that the military considers the claimant to be in active duty status.

The claimant’s application for a waiver must include a notice that they have entered the military and that the claimants are excused from performing assessment work.

The BLM will automatically renew the waiver as long as the claimant remains on active duty. The claimant will be responsible to comply with maintenance fee requirements again as of the first September 1 or six months after the claimant is released from active duty status or from a military hospital, whichever is later.

7. Reclamation Waiver Filings.

- a. The application must include a certified and/or notarized statement that:
 - (1) The claimant is reclaiming the mining claims or sites;
 - (2) The claimant intends to end mining operations on the claims or sites permanently; and
 - (3) Refers to a reclamation plan previously submitted to and approved by the BLM; or refers to a reclamation plan approved by a surface managing agency other than the BLM.
- b. The claimant must fulfill their annual FLPMA requirements by filing an assessment work document stating the nature of the reclamation work performed (43 CFR 3835.12).

8. Denial-of-Access Waivers Filings.

- a. The application must include a statement that the claimant has received a declaration of taking or a notice of intent to take from the NPS or other Federal agency, or a statement that a surface management agency or court has denied, in writing, them access to the mining claim or site.
- b. The claimant must submit copies of all official documents received that demonstrate the declaration of taking, notice of intent to take, or denial of access.
- c. An application for NPS approval of a Plan of Operations (PoO) does not justify a denial-of-access waiver. While the NPS is reviewing the claimant's PoO, or if the NPS disapproves the PoO but has not denied access, or issued a declaration of taking or a notice of intent to take, the claimant must pay the annual maintenance fee (43 CFR 3835.11d(3)).
- d. The claimant must fulfill their annual FLPMA requirement by filing a Notice of Intent to Hold (43 CFR 3835.31).

The claimant must use BLM Form 3830-2 (Maintenance Fee Payment Waiver Certification) when requesting the small miner fee waiver from payment of the annual maintenance fees. For other types of waivers, the claimant may submit the request in writing; the BLM does not require a specific form.

NOTE: Forms with an approved Office of Management and Budget (OMB) number must not be modified by anyone without prior OMB approval. Modifying an approved form would violate the Paperwork Reduction Act, 44 U.S.C. 3507(h)(3).

9. Renewal of Waivers. Table III below summarizes the length of time permitted for each type of waiver and the manner in which a claimant may renew a waiver.

Table III

TYPE OF WAIVER	DURATION	RENEWAL REQUIREMENTS
Small Miner	One assessment year	Apply for a small miner fee waiver by each September 1
Servicemembers Civil Relief Act (formerly Soldiers' and Sailors' Civil Relief Act)	Until 6 months after release from active duty status or from a military hospital or the next September 1, whichever is later	The BLM will automatically renew the waiver if the claimant continues to meet the qualifications. The claimant must notify the BLM within 6 months after they leave active duty status.
Reclamation	One assessment year	Apply for a reclamation waiver by each September 1
Denial of Access	One assessment year	Apply for waiver certification by each September 1

10. Changing From a Small Miner Fee Waiver to Payment of Maintenance Fees. A claimant who is currently holding claims under a small miner fee waiver and decides to switch and pay the maintenance fee for the upcoming assessment year, must:
- a. Perform the required assessment work in the assessment year for which the waiver was effective.
 - b. File the affidavit of annual assessment work required by December 30 immediately following the close of the assessment year in which the claimant performed the assessment work; and
 - c. Pay the maintenance fee on or before September 1 for the upcoming assessment year.
11. Changing From Payment of Maintenance Fees to Filing a Small Miner Fee Waiver. A qualified small miner who is currently not under a waiver and decides to switch and request a waiver for the upcoming assessment year is required to:

- a. Submit a waiver request on or before September 1 for the upcoming assessment year;
 - b. File an NOI on or before the December 30 immediately following the submission of a waiver request. If the NOI is not received by December 30, it is NOT a curable defect unless it is for the calendar year in which the claim is located or it is for a mill or tunnel site. The BLM may issue a reminder notice to the claimant to submit the NOI along with the proper fees ([Illustration 18](#)). **NOTE:** An affidavit of annual assessment work cannot be accepted in place of the NOI unless it meets all the regulatory requirements of what is to be included in an NOI;
 - c. Perform the required assessment work in the assessment year for which the BLM waived the maintenance fee; and
 - d. File an affidavit of assessment work on or before the December 30 immediately following the close of the assessment year in which the claimant performed the assessment work.
12. Transfers of Mining Claims or Sites Held under a Small Miner Fee Waiver.
- a. Verify the transferee is qualified for a waiver. If a transferee has purchased, inherited, or otherwise obtained mining claims or sites that are subject to a waiver, they must also qualify for the waiver in order for the BLM to continue to apply the waiver to the mining claims or sites. You must verify that the transferee(s) qualified for the waiver each assessment year the transfer was in effect and maintenance fees were waived.
 - b. Transfer effective under state law in the current assessment year and transferee is not qualified for a waiver. If a transferee purchased, inherited, or otherwise obtained mining claims or sites that are subject to a waiver and they do not qualify for a waiver, they must pay the annual maintenance fee(s) for the current assessment year for the claims they just acquired and any claims they held under a waiver for the current assessment year. Issue a notice to the transferee stating that the maintenance fees for the transferred claims and any other claims held by the transferee under a waiver are due on or before the September 1 following the date the transfer was effective.
 - c. Transfer effective under state law prior to current assessment year. If the transfer was effective in an assessment year prior to the current assessment year, and the transferred claims were held under a waiver for one or more of those intervening years (for example the transfer was effective June 1, 2009, and the claim was held under a waiver in the 2009 and 2010 assessment years), whether the transferee will be able to pay maintenance fees for any year where a waiver was filed that was not signed by the transferee will depend on the type of waiver and whether

there were other owners at the time.

NOTE: The main thing to make certain is that if claims held under a waiver are transferred, the new owner must be qualified to continue to hold the claims under waiver. If the transfer was effective in a previous assessment year and the claims were held under waiver during that time, the adjudicator must determine if the waiver filed at that time is still acceptable based on the new owner's qualifications. If not, the claims may be forfeited.

13. Adjudication of Waivers.

- a. **Receiving Official Steps:** Receive waiver, date stamp, and process receipt in CBS, if necessary (no fee is required for the waiver, however, claimants often remit monies with the waiver). Forward to adjudication or route for automated entry, then forward to adjudication.
- b. **Adjudication Steps:**
 - (1) If the claimant remits money, proceed with state policy of either refunding immediately or retaining the fees until the BLM receives the FLPMA document. (See Refund Policy under Section D of this chapter.)
 - (2) Check that the document has a BLM-received date stamp.
 - (a) If the receipt date is on or before the due date (September 1 unless extended due to offices being officially closed), continue the adjudication process.
 - (b) If the BLM receives the waiver after the due date, but it is postmarked on or before the due date and received within 15 calendar days after the due date, staple the envelope to the original document to provide evidence that the claimant timely filed the waiver. If the office is closed on the 15th day, the documents are timely filed on the next business day. Make sure all affected case files contain a copy of the envelope. **Private postage meter stamps are not acceptable except if there is clear evidence that the document was sent by the due date. For example, the document is received the day after the due date or the claimant provides information noting that the post office does not cancel private postage meter stamps if the date on the stamp is the same date the post office received the envelope. NOTE:** Always use the date a waiver is received as the action date in LR2000 except when a waiver is timely received after the due date. If a waiver is timely received after the due date, use the due date, extended due date, or the postmark date as the action date.

- (c) If the BLM receives the waiver in an envelope postmarked after the due date, or receives the waiver more than 15 calendar days after the due date (even if timely postmarked), prepare a forfeiture decision ([Illustration 19](#)).
- (3) Review case files to assure the claims or sites are active and the claim names/serial numbers match. Verify that the claimant has completed all required annual requirements for previous assessment years. Verify ownership and make sure all claimants have signed the waiver. **We must receive original signatures.** If the claimants cannot obtain the original signatures of all co-owners, they must pay the maintenance fees in order to maintain the claims or sites. **ALWAYS** request a power of attorney if an agent signs the waiver on behalf of the claimants.
- (a) If the BLM does not receive all claimants' names, addresses, and original signatures, prepare an additional requirement notice requesting the additional information ([Illustration 20](#)). A copy of the original waiver received may be sent to the claimant(s) to be used for the remainder of the signatures required or a new form may be sent if the claimant(s) did not send in a form with original signatures. Never return an original waiver. Allow 60 days for compliance. **No extension of time will be allowed.** If the BLM does not receive the additional information for the small miner fee waiver and the claimant does not pay the maintenance fee, prepare a forfeiture decision ([Illustration 21](#)).
- (b) If the BLM receives a small miner fee waiver for closed mining claims/sites, return the package to the claimant, after checking to make certain the claimant did not relocate the claims. If only a portion of the claims/sites are closed, adjudicate as above and notify the claimant stating that some of the claims/sites are closed ([Illustration 22](#)). If the claimant enclosed a FLPMA document with the waiver, verify that the document is associated with the waiver filed the previous assessment year; if so, retain the document and any processing fee.
- (c) If there is no record that the claimant ever recorded the claim or site with the BLM, call or write a letter to the claimant and request that they give you the BLM serial number. Since you are not certain if the claimant recorded the claims with the BLM, only give 30 days for a response. If you speak to the claimant by telephone, prepare a telephone confirmation to document the file. If unable to reach by telephone, prepare a letter ([Illustration 22](#)). If the BLM determines that the claimant did not record the claims with the

BLM, return the entire package.

- (4) Check the LR2000 Nationwide Listing Report to assure that each claimant holds no more than 10 mining claims, mill sites, or tunnel sites or any combination thereof nationwide. Check the ALIS customer database. (See Chapter VIII - Reference Section for instructions for ALIS or on Alaska's homepage use the ACRES program).

MINING CLAIMS REPORTS

- MC Action Code
- MC Claim Name/Number Index
- MC Customer Information
- MC FLPMA Documents Required
- MC Geo Index
- MC Geo Report
- MC Live Mining Claims Fee Verification Report
- MC Maintenance Fees Paid through BLM Pay Portal
- MC Mass Action Codes
- MC Mining Claim Labels
- MC Missing Land Status Check
- MC Missing Serial Number List
- MC Nationwide Listing
- MC New Pend CBS
- MC Recordation Receipt
- MC Serial Number Index
- MC Serial Register Page - Live
- MC Serial Register Page - Mass

MINING CLAIMS - MISSING YEARLY

- MC Missing Yearly Adjudication
- MC Missing Yearly Attachments
- MC Missing Yearly Output

MC NATIONWIDE LISTING (LR2000 INTERNAL REPORTS)
Please Choose Which Criteria You Would Like to Filter On

MUST CHOOSE ONE AND ONLY ONE OF THE FOLLOWING CRITERIA

Customer Name *

----- OR -----

MC Customer Address *

----- OR -----

Customer Name from file *

CHOOSE ANY OF THE FOLLOWING CRITERIA

Location Date

Customer Address

Customer City

Customer State

Select Criteria

NOTE: The Nationwide Listing in LR2000 can be queried by Customer Name or mining claim Customer Address. If there is a question whether a claimant might be a related party to a company or another claimant, running a query by the address may be helpful if more than one claimant is using the same address. This could give the indication that the parties are related and is especially useful if claimants do not appear to be related by holding the same claims.

- (a) All owners must meet the 10-claim limit. If one claimant does

not qualify, none qualify. If a claimant submits a small miner fee waiver and one or all of the claimants hold more than 10 claims, all of the claims for which no maintenance fees were paid are forfeited. In addition, the claimants may be subject to criminal penalties under 18 U.S.C. § 1001 (43 CFR 3835.92(d)) because they signed the waiver attesting, under penalty of perjury, that they each own 10 or fewer mining claims or sites.

- (b) If there is a question of the relationship between claimants and together they hold more than 10 claims or sites and one or more of the claimants has filed a small miner fee waiver, issue a notice requesting the claimants clarify their relationship. If evidence shows that the claimants are related parties and together they hold over 10 claims or sites, all of the claims that were held under a waiver are forfeited ([Illustration 23](#)). In this instance, there is no opportunity to pay the maintenance fee on any claims listed on a waiver, since holding more than 10 claims and filing for a waiver is not a curable defect.
- (5) Check for any change of address. Update the address according to address change procedures (see Adjudication of Address Changes or Name Changes in Section L of this chapter).
- (6) Keep the original waiver document and return a copy to the claimant/remitter. Place a copy of the waiver in each affected case file.
- (7) In LR2000 and ALIS, enter **AC 913 – Maintenance Waiver Document Filed** for the first serial number listed on the waiver. The BLM uses AC 913 for reporting purposes to count the number of waivers filed. AC 913 is used only once for each document regardless of how many claims are listed. Complete data entry for maintenance fee waivers into LR2000 (**AC 477 – Active Military Waiver; AC 479 – Reclamation Waiver; AC 483 – Waiver Filed** (for use with Denial-of-Access and Small Miner Waivers)). Complete data entry for maintenance fee waivers into ALIS (**AC 903 – Small Miner Certificate Received; AC 894 Deferment Request Filed, 895 Deferment Granted, 896 Deferment Denied; ALIS – AC 971 – Soldier Sailors Waiver.**). In LR2000, type the assessment year in action remarks and in ALIS, enter the year in the assessment year field. **NOTE:** If a waiver is defective, in LR2000 replace **AC 483 – Waiver Filed** with **AC 486 – Unacceptable Waiver**, making certain to use the same date the original waiver was filed. **Be sure to remove AC 483 if AC 486 is used.** Make certain the assessment year is recorded for AC 486.

H. Adjudication of Annual FLPMA Documents

1. General. Payment of the maintenance fee removes the requirement to record assessment work or notices of intent to hold under the Mining Law and FLPMA. If the claimant filed a small miner fee waiver in the previous assessment year, then the claimant must also file a FLPMA filing to complete the requirements of that waiver.

The assessment year begins at 12:01 a.m. September 1 and ends at 12:00 a.m. September 1 the following year. The Mining Law does not require the performance of assessment work in the assessment year the claim is located. However, the BLM requires an NOI to hold the claim if a small miner fee waiver is filed for the next assessment year. Failure to file this NOI is a curable defect only if it occurs in the calendar year the claim is located. For example, if the claim is located on June 1, 2015, and the claimant files a waiver on August 28, 2015, the claimant must file an NOI by December 30, 2015. The failure to file the NOI by December 30, 2015, is curable in this instance. However, when a claimant switches from paying the maintenance fee and files a waiver in any subsequent year, the failure to file an NOI by the December 30 immediately following the filing of the waiver is not curable.

Beginning with the assessment year that begins after the claimant located a mining claim, the claimant must expend \$100 in labor or improvements for each claim for each assessment year for which they filed a small miner fee waiver, reclamation waiver, or denial-of-access waiver. Assessment work is not required for mill sites and tunnel sites. Therefore if the sites qualify as part of a waiver, the claimant must file an NOI by December 30 of each year under waiver. The failure to file an NOI for mill sites and tunnel sites is curable.

For lodes and placer claims under waivers, the claimant must file an affidavit of assessment work, (also known as proof of labor (POL)) on or before December 30 each year under waiver. The failure to timely file an affidavit of annual assessment work is not a curable defect.

2. Required Documents. (See Table IV below).

Table IV

Situation	Affidavit of Assessment work required	Notice of Intent to Hold required
Claimant pays annual maintenance fees	No	No
Claimant has a small miner fee waiver that covers mining claims	Yes, by December 30 for each assessment year they obtained a small miner fee waiver.	Yes, but only as described in paragraph (c) of 43 CFR 3835.31.
Claimant has a small miner fee waiver that	No affidavit of assessment	Yes, an NOI is required

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

III-30

Situation	Affidavit of Assessment work required	Notice of Intent to Hold required
covers mill or tunnel sites	work is required for mill or tunnel sites.	for mill and tunnel sites.
Claimant has a Servicemembers Civil Relief Act Waiver (previously known as Soldiers' and Sailor's Civil Relief Act)	No	No
Claimant has a reclamation waiver	No	Yes (43 CFR 3835.31)
Claimant has a denial of access waiver	No	Yes (43 CFR 3835.31)
Claimant has a deferment of assessment work	No	Yes, See Chapter IV – Deferments of Assessment Work.

3. Contents of an Affidavit of Assessment Work or POL. The required processing fees must accompany an affidavit of assessment work or POL for each mining claim affected. The claimant should submit the following when filing the affidavit or POL: (See Table I.)
 - a. The name of each mining claim and the BLM-assigned serial numbers, if available, identifying the mining claims;
 - b. Any known changes in the mailing addresses of the claimants; and
 - c. An exact legible reproduction or duplicate (other than microfilm or other electronic media) of either:
 - (1) The affidavit of assessment work that the claimant filed or will file in the county/state recorder's office where the claim is located; or
 - (2) The report of geological, geochemical, and geophysical surveys filed in the county where the claim is located (43 CFR 3836.13).

4. Contents of an NOI. The proper processing fees must accompany an NOI for each mining claim/site affected. The NOI should include the following information: (See Table I.)
 - a. An exact legible reproduction or duplicate of a letter or other notice with:
 - (1) Signatures of one or more of the claimants or their agent;
 - (2) A statement of their intention to hold the mining claims/sites for the calendar year in which the assessment year ends; and
 - (3) A statement verifying that they filed or will file the NOI in the county/state recorder's office where the claim is located.
 - b. If applicable, the NOI should also include:
 - (1) A copy of the BLM decision granting a deferment of the annual assessment work;
 - (2) A copy of a pending petition for deferment of the annual assessment work including the date the claimant(s) submitted the petition; or
 - (3) Any other documentation supporting why the claimant is filing the NOI instead of proof of labor.
 - c. The name and the BLM-assigned serial number of the mining claim or site; and

- d. Any known changes in the mailing addresses of the claimants.
5. Assessment Work Requirements. For the most part, we do not adjudicate what constitutes acceptable assessment work. However, the general conditions are:
- a. Scope of Work. A mining claimant may perform assessment work on an individual claim or one or more claims in a group of contiguous lode or placer claims that cover the same mineral deposit. A mining claimant may also perform assessment work on adjacent or nearby lands if the work supports development of the minerals on the claim(s). The dollar amounts expended must equal at least \$100 per claim.
 - b. Qualifying Assessment Work. Assessment work includes, but is not limited to:
 - (1) Excavations and construction. Drilling, excavations, driving shafts and tunnels, sampling (geochemical or bulk), road construction on or for the benefit of the mining claim; and
 - (2) Geological, geochemical, and geophysical reports/surveys. The claimant cannot use these reports/surveys as assessment work for more than 2 consecutive years or for more than a total of 5 years on any one mining claim. No survey may repeat any previous survey of the same claim and still qualify as assessment work (43 CFR 3835.32(d)(2) and 43 CFR 3836.14(c)).
 - c. Recording of the Geological, Geochemical, and Geophysical Reports/Surveys. If the claimant uses a report/survey performed for the annual assessment work, the claimant must record it with the BLM and the county. The report should contain:
 - (1) The location of the work performed in relation to the point of discovery and boundaries of the claim;
 - (2) The nature, extent, and cost of the work performed;
 - (3) The basic findings of the surveys; and
 - (4) The name, address, and professional background of persons conducting the work and analyzing the data.

6. Adjudication of a FLPMA Filing.

a. **Receiving Official Steps:** Receive FLPMA document (Proof of Labor or Notice of Intent to Hold), date stamp, and process receipt in CBS. Forward to adjudication or route for automated entry, then forward to adjudication.

b. **Adjudication Steps:**

- (1) Verify that every page of the document has a legible date stamp and the assessment year is documented. If the date stamp is illegible or missing, the receiving official must correct this.
- (2) Although the claimant may perform assessment work at any time after September 1, the claimant must file a FLPMA document in the calendar year in which the assessment year ends. For instance, a FLPMA document for the 2011 assessment year (ending September 1, 2011) must be filed in calendar year 2011, on or before December 30, 2011. A FLPMA document received in the calendar year that the small miner fee waiver is filed is not acceptable for recording and will be returned to the claimant with instructions to re-file after the first of the year. The processing fee will not be refunded so the claimant will also be reminded to pay another processing fee when they re-file the document.
- (3) If the assessment year is not documented, the assumption can be made that the filing is being filed for the current assessment year. If the assessment year is clearly a mistake, issue a 30-day notice to the claimant to make the correction. However, if it appears that the assessment year is wrong because the affidavit or NOI is a photocopy of a previous document, including the signatures, reject the affidavit stating it is not acceptable because it does not contain information for assessment work completed for the current assessment year.
- (4) Verify that the BLM received the FLPMA filing and fees on or before December 30.
 - (a) If the postmark date (**private postage meter stamps are not acceptable as proof for the postmark date**) is within the time period allowed and the BLM received the filing within 15 calendar days after the due date, staple the envelope to the original document to provide evidence that the assessment was timely filed. If the office was closed on the 15th day, the documents are timely filed if filed on the next business day. Make sure a copy of the envelope is filed in all affected case files. Use December 30 as the LR2000 action date.
 - (b) If the claimant does not timely file the FLPMA documents, prepare

an abandoned and void decision (*Illustration 24*). **Do not refund the processing fee.** Processing fees are nonrefundable under 43 CFR 3000.12(a).

- (c) In accordance with 43 CFR 1822.14, if a claimant tries to file a required document or pay a fee on a day the proper BLM office is officially closed, the BLM will consider the document or payment timely filed on the next day the office is officially open.
- (5) Review the case file to assure the claims/sites are active and the claim names and/or serial numbers match.
- (a) If they do not match, call or write the claimant/remitter, state your findings, and request that they give you the information needed. If the request for the required information is in writing and the due date has not yet passed, the claimant can provide the information on or before the due date. If the claimant then fails to provide the information by the due date or the due date has already passed at the time of the initial request, allow a 30-day response time. If it is an obvious error and the BLM can identify the correct claim name or serial number without contacting the claimant, notate the document with the correct information and initial. If you receive the information by telephone, prepare a telephone confirmation which documents the information received in the telephone conversation. No new claims can be added to the document after the due date.
 - (b) If you receive the FLPMA documents for closed mining claims/sites, notify the claimant that the claims/sites are closed. Do not refund the processing fees unless the receiving official discovers the closed claims. In that case, return the entire packet including the processing fees with no action taken. However, if the receiving official sends the packet to an adjudicator, then the processing fees must be retained and earned.
 - (c) If you receive the FLPMA documents for mining claims that the claimant did not record with the BLM, notify the claimant that there is no record of the claims. Do not refund the processing fees to the remitter unless the receiving official determines that the BLM has not recorded the claims/sites. In that case, return the entire packet including the processing fees with no action taken. However, if the receiving official sends the packet to an adjudicator, the BLM must retain and earn the processing fees.
- (6) Check the case file for FLPMA filings and processing fees previously

received for the current assessment year. If the BLM has processed a FLPMA filing for the current year:

- (a) Check to see if the second document is a county-recorded copy. If so, place it in the file. Keep the processing fees if submitted.
 - (b) If it is a second filing from a different claimant, process as usual and retain the fees submitted.
- (7) Verify that the fee is sufficient for the number of claims/sites. (See Table I.)
1. If correct, continue to adjudicate.
 2. If the FLPMA document was received timely but the BLM does not receive the required processing fees, the IBLA has ruled this is a curable defect. If insufficient funds are received, it is BLM policy that we apply the partial payment in serial number order until the money runs out. Prior to the due date, request the additional fees from the remitter either by telephone or prepare an Additional Requirement Notice ([Illustration 25](#)). If it is well before the December 30 due date, the notice should state the fee is due by December 30. If it is close to or after the due date, then require the remittance within 30 days from receipt of the notice. The BLM must receive the additional funds on or before the due date or the envelope containing the additional funds must be postmarked on or before the due date and received at the proper BLM office within 15 calendar days after the due date. Make certain the claimant has at least 30 days in which to submit the fees since it is a curable defect. If the BLM did not receive the fees timely after a 30-day notice, prepare an Abandoned and Void Decision for the affected claims ([Illustration 26](#)).
 3. If an overpayment of processing fees occurs, prepare a refund. See Refund Policy in Section D of this chapter.
- (8) Check for any address or name changes of claimants. (See Section L of this chapter to follow address or name change procedures.)
- (9) Copy the receipt and FLPMA documents and put them in all affected case files.
- (10) Complete data entry for FLPMA documents into LR2000 (**AC 480 – Evidence of Assessment Filed; AC 481 – Notice of Intent to Hold**). Put assessment year in remarks. Enter the serial numbers in LR2000 using the

mass action screen (1 to 50 consecutive numbers). Complete date entry for FLPMA documents into ALIS (**AC 900 – Evidence of Assessment Filed; AC 912 – Notice of Intent to Hold**). Enter the assessment year in the assessment year field.

I. Adjudication of Relocations and Amendments

1. **General.** A relocation of a claim or site is the establishment of a claim or site that was previously recorded, but for one reason or another is no longer active. The BLM treats the relocation as a new mining claim, mill site, or tunnel site and requires a new notice/certificate of location and fees. (See Section E of this chapter - New Notice/Certificate of Location Adjudication.)

As provided in 43 CFR 3833.21, an amendment means the act of making a change in an active mining claim or site, such as omissions or other defects in the original notice or certificate of location that need to be clarified. The BLM may use an amendment to correct the legal description of the claim or site, the mining claim name, the date of location (if it is an obvious error), or to accurately describe the position of the discovery or boundary monuments.

An amended location notice always relates back to the original date of location, and an amendment is not possible if the original location is void.

The claimant must record an amended notice/certificate of location with the BLM within 90 days after recording the amended notice or certificate in the local recording office. The BLM will not recognize any amendment to a mining claim or site until the claimant records it with the county. The amendment takes effect when the claimant records it with the local recording office under state law or such other time as provided for by state law. **NOTE:** The BLM uses the date of receipt for annual and quarterly reporting purposes.

2. **Filing an Amendment.** An amendment may not be used to:
 - a. Transfer any interest or add owners to a mining claim or site;
 - b. Establish a relocation of claims/sites which were previously closed for any reason;
 - c. Change the type of claim/site;
 - d. Change the date of location unless it is to correct an obvious error in the original location notice; or
 - e. Enlarge the size of the mining claim or site or otherwise take in new ground that was not part of the original location notice (this requires a new location).

3. Filing an amendment after the land is closed to mineral entry. An amendment cannot change the legal description after the land is closed to mineral entry unless it is:
 - a. Reducing the size;
 - b. Correcting or clarifying defects or omissions in the original notice/certificate of location;
 - c. Correcting the legal description; or
 - d. Submitting an accurate description of the position of discovery or boundary monuments.

4. Processing fee. There is a processing fee for each claim/site amended. (See Table I.)
NOTE: If an amendment is being filed with the BLM in response to a 30-day cure notice and the claimant does not include the processing fee along with the amendment, DO NOT give the claimant another 30 days to cure because of the missing payment. The claimant only has the original 30 days in which to submit the amendment and the processing fee. The claimant can be notified the processing fee is required as long as notification and receipt are completed within the original 30-day cure period.

5. Adjudication of Amendments.
 - a. **Receiving Official Steps:** Receive amendment document, date stamp, and process receipt in CBS. Forward to adjudication or route for automated entry, then forward to adjudication.

 - b. **Adjudication Steps:**
 - (1) Verify that every page of the document has a legible date stamp. If the date stamp is not legible or missing, return to the receiving official for correction.
 - (2) Verify that the county has recorded the amendment. If the amendment is not recorded, return the document to the claimant unrecorded and earn the processing fee ([Illustration 27](#)).
 - (3) Verify that the county-recorded amendment along with the proper fees is received fees on or before the 90th day after recording with the local office.
 - (a) If the postmark date is on or before the 90th day of the local office recording, but the receipt date is after the 90th day, the filing is

- timely if received within 15 days of the 90th day.
- (b) If the amendment document is received and/or postmarked after the 90th day of county recording, prepare a Rejection Decision or Notice (*Illustration 27*). **Do not refund monies** remitted. Processing fees are nonrefundable under 43 CFR 3000.12(a).
 - (c) In accordance with 43 CFR 1822.14, if a claimant tries to file a required document or pay a fee on a day the proper BLM office is officially closed, the BLM will consider the document or payment timely filed on the next day the office is officially open.
- (4) Review the case file to assure the claims/sites are active and the claim names and/or serial numbers match.
- (a) If the document is timely received and the serial numbers do not match, call or write the claimant/remitter and state your findings and request that they give you the information needed. If the request for the required information is in writing, allow a 30-day response time. If the information is received by telephone, prepare a telephone confirmation with the information that was provided over the telephone.
 - (b) If the BLM receives an amendment for a (1) closed mining claim/site, or (2) claim/site never recorded with the BLM, or if the amendment was (3) not recorded in the county, or (4) recorded but the BLM receives it after the 90-day period following county recordation, the BLM will return the document unrecorded and earn the processing fee. If the receiving official discovers one of the above-listed discrepancies or deficiencies, the receiving official may return the entire packet including the processing fees with no action taken. However, once the receiving official forwards the packet to an adjudicator, the BLM must retain and earn the processing fees.
- (5) Verify that the payment is sufficient for the number of claims/sites. (See Table I.)
- (a) If correct, continue adjudication process.
 - (b) If insufficient funds, the BLM will apply the partial payment in serial number order until the money runs out. If applicable, call the claimant to remit the deficient fees that day. **NOTE:** The fees are due at the time of filing. If the fees are not received and

claimant cannot be reached by telephone, prepare a Rejection Decision ([Illustration 28](#)).

- (c) If there is an overpayment of processing fees, prepare a refund. (See Refund Policy in Section D of this chapter.)
- (6) If the amendment changes the township and range description, be sure to request a new Master Title Plat and HI. Check land status. Verify that the amended map and amended description are due to an inadvertent error on the original location and that the claimant is not attempting to actually change the location of the claim to a new township and range. If the claim takes in additional or different ground, reject the amendment. If the land is not open to location, process the amendment in accordance with Chapter V - Null and Void Decisions.
- (7) Check for any address or name changes of claimants. (See Section L of this chapter regarding adjudication of address or name changes.) Copy the receipt and documents for all affected case files.
- (8) Complete data entry for amendment documents into LR2000 (**AC 635 – Amended Location Filed**). Complete data entry for amendments into ALIS (**AC 004 – Amended/Corrected Location/Notice Received**). Be sure to change pertinent information in LR2000 or ALIS such as the legal description, acreage and/or name change, etc. If an amendment is not acceptable and the BLM returns it unrecorded, update LR2000 with **AC 398 – Doc Returned Unrecorded (be sure to update action remarks in accordance with current data standards)**.

J. Adjudication of Transfers of Interest to a Mining Claim/Site

1. **General.** A transfer of interest is a sale, assignment, transfer through inheritance, or conveyance of total or partial ownership or legal interest in a mining claim or site. State law governs the transfer of ownership to a mining claim or site. A transfer is effective in the manner and on the date provided by state law, not the date the owner records the transfer with the BLM. **Note:** The BLM uses the date of receipt for annual and quarterly reporting purposes. Additionally, the BLM does not keep track of each claimant's percentage of ownership.
2. **A Notice of Transfer Must Include:**
 - a. The name and, if available, the serial numbers the BLM assigned to the claim or site when the notice/certificate of location was originally recorded;
 - b. The name and current mailing address of each transferee;

- c. A copy of the county recorded legal instrument or document used to transfer the interest in the claim/site under state law. **Note:** A mortgage or deed of trust is not an instrument used to transfer the interest in a mining claim or site. Even though the regulations do not require a county-recorded copy, transfers are regulated by state law and this will help the adjudicator determine when the transfer is effective; and
 - d. The full processing fee.
3. Death of a Claimant: An interest in a mining claim or site is an interest in real property and is treated as such in state probate proceedings when a mining claimant dies. Upon notification of the death of a claimant, the procedures below should be followed:
- a. If probate of the estate has been completed, the following must be submitted:
 - (1) A copy of the decree of distribution; and
 - (2) A copy of the death certificate.
 - b. If probate of the estate has not been completed, the following must be submitted:
 - (1) Evidence of the authority of the executor or administrator to act on behalf of the estate; and
 - (2) A copy of the death certificate.
 - c. When there is no will and/or probate proceedings are not required, the following must be submitted:
 - (1) A copy of the will, if one exists, or a notarized statement signed by the heirs that they are the only heirs of the deceased; and
 - (2) A copy of the death certificate.

If the procedures in Step b above are followed, the ownership record of the affected claims or sites will be changed to “the estate of -----, in care of [executor or personal representative].” **NOTE:** If the claims are located in a community property state and the laws in that state provide that a surviving spouse automatically acquires the deceased party’s possessions and property, a death certificate can suffice to change the records if the surviving spouse is listed on the death certificate. At the end of the probate proceedings, the new owner(s) of the mining claim or site must file the necessary document(s) with the BLM and at that time ownership of the affected mining claim or site will be updated accordingly. If there is no surviving spouse and no will, and there are co-claimants in addition to the deceased claimant, the co-

claimants can publish out (see Chapter IV section G) the deceased claimant in order to have the claimant removed from the records. The full processing fee is required to update the records after a death is reported and the documents are filed.

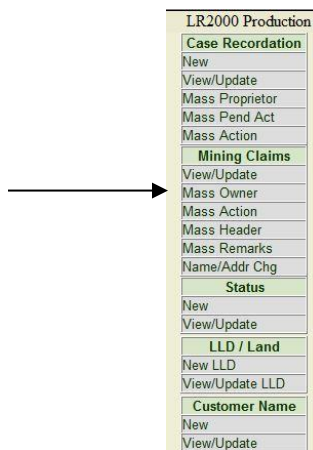
4. Notification to Claimant of Record: The BLM will only notify the claimant of record of any action it takes regarding a mining claim or site. Even if the owner records a transfer with the local recording office, we will not recognize the acquired interest or send notice of any BLM action, decision, or contest regarding the mining claim/site until the owner records the transfer with the BLM. The Department will treat the last owner of record as the responsible party for maintaining the mining claim/site until the owner records a notice of transfer with the BLM. In addition, the BLM does not accept mortgages, deeds of trust, lease agreements or options to purchase to support a transfer of ownership. Return these documents when received or note that the documents are filed with the BLM for record purposes only.
5. Association Placer Mining Claims – Special Requirements: It is permissible to transfer, sell, or otherwise convey an association placer mining claim at any time to an equal or greater number of mining claimants. However, if a transfer of an association placer claim occurs to an individual or an association that is smaller in number than the association that located the claim, then:
 - a. The discovery of a valuable mineral deposit must have occurred before the transfer; or
 - b. If there was no discovery prior to the date of transfer, the claimant(s) must reduce the acreage of the claim to meet the 20-acre per locator limit. A mineral examination is usually required to determine whether a discovery of a valuable mineral deposit existed on the date of the transfer; followed by a contest proceeding to declare the claim invalid. However, the adjudicator may request validation from the claimant(s) that there was discovery of a valuable mineral deposit. If the claimant(s) do not furnish evidence of a discovery, the adjudicator should request a reduction in acreage to meet the 20-acre per locator limit.

NOTE: Arizona developed a document with the requirements for transferring an association placer claim ([Illustration 80](#)) that can be used when writing to the claimant(s) to ask about discovery. If the claimants respond to the request for information regarding a discovery and send documentation, a geologist in your office should review the documentation to see if it is adequate to show a discovery. If the geologist does determine that the claimant has given sufficient evidence, the file should be noted, but since there has not been an actual mineral examination, the information from your geologist should only show that a preliminary examination of the documentation was done and that it in no way replaces a complete mineral examination. A Notice to the claimant may be used to document and accept the claimant's discovery information ([Illustration 81](#)). The documentation submitted by the claimant may contain proprietary data and must be treated as confidential.

6. Processing Fee. For each mining claim/site transferred, each transferee must pay the full processing fee specified in Chapter III, Table 1.
7. Adjudication of Transfers of Interest.
 - a. **Receiving Official Steps:** Receive transfer document, date stamp, and process receipt in CBS. Forward to adjudication or route for automated entry, then forward to adjudication.
 - b. **Adjudication Steps:**
 - (1) Verify that every page of the document has a legible date stamp. If the date stamp is illegible or missing, return to the receiving official for correction.
 - (2) Review the case file to assure the claims/sites are active and the claim names and/or serial numbers match.
 - (a) If they do not match, call or write the claimant/remitter, state your findings, and request that they give you the information needed. If the request for the required information is in writing, allow a 30-day response time. If you receive the information by telephone, prepare a telephone confirmation with the information provided over the telephone.
 - (b) If a transfer for a closed mining claim/site or a claim/site never recorded with the BLM is received, do not refund the processing fee unless the receiving official discovers the claim is closed or not recorded with the BLM. If so, then the receiving official may return the entire packet including the processing fees with no action taken. However, if the receiving official sends the packet to an adjudicator, we must retain the processing fees.
 - (3) Verify that the transferor is an owner of the claim(s) and determine if they are conveying all interest and should be removed as an owner of record or only a portion of their interest and should remain as an owner of record.
 - (4) Verify that the money amount is sufficient for the number of transferees per each claim/site. (See Table I.)
 - (a) If correct, continue adjudication process.
 - (b) If insufficient funds, the BLM will apply the partial payment in serial number order until the money runs out. If applicable, call

the claimant to remit the deficient fees that day. **Note:** The fees are due at the time of filing. If unable to contact the claimant for the fees, prepare a Rejection Decision ([Illustration 29](#)).

- (c) If we receive the fees with more than one transfer document, and the fees do not cover the total amount due, make a determination if the fees are adequate to process the earliest effective dated document(s) in their entirety. If so, finish processing those with the proper fees and prepare a Rejection Decision or No Action letter for any others ([Illustration 30](#)).
- (d) If an overpayment of processing fees, prepare a refund. (See Refund Policy above.)
- (5) Copy the receipt, notate documents according to your state's procedures, and place a copy in all affected lead case files.
- (6) Complete data entry for transfer documents into LR2000 (**AC 396 – Transfer of Interest Filed**). Action Code 396 should be entered for each claimant transferring their interest in the claim. For instance, if there are eight claimants transferring their interest, AC 396 should be entered eight times with each entry having the name of a claimant transferring the claim in action remarks. Since AC 396 interfaces with CBS to earn the processing fee, the adjudicator should use the MC Mass Owner Update screen in LR2000 to make the entries because there is an option to note AC 396 to LR2000 that does not transfer funds to CBS.



For complete instructions how to use the Mass Owner Update screen, refer to the Mining Claim User Guide found on the LR2000 homepage.

Complete date entry for transfer documents into ALIS (**AC 586 – Transfer of Interest Filed/Acknowledged**). Make sure to update the customer databases in both LR2000 and ALIS to show the new claimant(s). If a transfer document is not acceptable and returned unrecorded, update LR2000 with **AC 398 – Doc Returned Unrecorded** (*be sure to enter action remarks in accordance with the data standards*). This action interfaces with CBS to earn the nonrefundable processing fee. Tie each new claimant name to each serial number in case processing in ALIS. Please be aware that you may need other codes.

K. Adjudication of Relinquishments and/or Abandonments

1. General. A relinquishment is a voluntary act whereby a claimant terminates their interest in a mining claim. There is no specific form or fee for filing relinquishments.
2. Adjudicating a Relinquishment or Intent to Abandon.
 - a. **Receiving Official Steps:** Receive relinquishment or intent to abandon document and date stamp. Forward to adjudication or route for automated entry, then forward to adjudication.
 - b. **Adjudication Steps:**
 - (1) Verify the mining claim case file to determine:
 - (a) That the claims are active; and
 - (b) That the person(s) submitting the relinquishment or intent to abandon has an interest in the claim. If the claimant does not have an interest in the claim, send an Additional Requirement Notice

explaining that our records do not show that person as an owner of the claim, and request the person submit any documents showing a transfer of interest. If the person does not respond, or cannot produce such a document, return the relinquishment/abandonment document as unacceptable. If there are multiple owners, all owners must sign the document in order to close the claim.

- (2) If all claimants signed the relinquishment document, send a notice accepting the relinquishment. The notice must inform the claimants that they are responsible for all reclamation of the claim. Send a copy of the notice to the surface management agency ([Illustration 31](#)).
- (3) If not all claimants have signed the relinquishment document, send a notice to all claim holders accepting the relinquishment and notifying them that only the signees have relinquished their interest ([Illustration 32](#)).
- (4) Place a copy of the relinquishment document in each affected case file.
- (5) If the BLM has closed or is closing all the mining claims in the case file, follow your state's procedures for closing a case file.
- (6) If only some of the co-owner(s) relinquished their interest in the mining claims, follow the procedures in steps 2-3 above except computer input would be **AC 313 - Indiv Claimant Relq**. Enter the claimant name in remarks. **NOTE:** The MC Mass Owner Update screen in LR2000 can also be used to notate LR2000 with AC 313. If the owner(s) relinquished only a portion of the land in the mining claim, follow the procedures in steps 1-4 above except computer input would be **AC 312 - Relq Filed (Partial)**. Input legal description in remarks. Be sure to change the legal description, if necessary, in LR2000 if the owner(s) relinquished a portion of the claim.
- (7) Complete data entry for relinquishment documents into LR2000 **AC 311 – Relq Filed (In Total); AC 312 – Relq Filed (Partial); AC 313 – Indiv Claimant Relq**. Add the claimant name in remarks. Complete data entry for relinquishment documents into ALIS **AC 780 – Relinquishment Filed; AC 781 – Relinquishment [Partial] Filed; AC 782 – Relinquishment Accepted; AC 783 – Relinquishment [Partial] Accepted; AC 784 – Relinquishment Accepted in Part; AC 785 – Relinquishment Unaccepted/Denied**.

L. Adjudication of Address Changes or Name Changes

1. **General**. The BLM does not require processing fees for an address or name change. However, make sure any name changes are merely a change to the name of the entity

and not a transfer of the claims. The claimant can submit an address change separately or through other documents submitted for recording, such as annual payments and filings.

2. Adjudicating an address or name change.

a. **Receiving Official Steps:** Receive address or name change and date stamp. Forward to adjudication or route for automated entry, then forward to adjudication.

b. **Adjudication Steps:**

- (1) If not done in a separate document, circle or notate the new name or address in red on the letter, affidavit, envelope, etc., date, and surname. If the name or address change involves the envelope, file the original envelope in the lowest lead file and make copies for subsequent files as supporting evidence.
- (2) If the document does not list serial numbers, run an LR2000 customer information report for all active claims and attach it to the document. **NOTE:** The following instructions can be used to update the customer database, however, there is another option to do a mass change for all active claims or sites and make an entry for either a name change and/or an address change. These instructions can be found in Chapter VIII – Reference under Section D – [LR2000 Customer Processing Procedures](#).
- (3) Update the mining claim customer database with the address or name change. If the claimant also exists in the case recordation customer database, notify the customer maintainer for case recordation (if different than the customer maintainer for mining claim recordation) of the address or name change.
- (4) For LR2000, update each serial number individually or use the mass owner update screen. Enter the following actions into LR2000: **AC 170 - Change of Address Filed** or **AC 171 - Change of Name Received** using the date received as the action date. In remarks, type the claimant(s) name. In LR2000, use the MC Name/Addr Chg feature.

In ALIS, update customer information using the Maintain Customer form. This will update either the customer name or customer address or both. Update each case record using code **AC 920 - NAME CHANGE** or **AC 892 - ADDRESS CHANGE**. For multiple cases, you can use the Multiple Case Processing or Random Case Processing forms.

3. Requesting a Correct Address.

- a. Complete the form letter requesting a correct address ([Illustration 33](#)). Send the letter to a co-owner, attorney, agent, lessee, etc. Use **AC 247 - Future Action Suspense** in LR2000 to track the 30 days allowed for a response. When the additional information is received, be sure to remove AC 247 from LR2000 so that it doesn't appear in a future report.
- b. Enter **AC 104 - Additional Info Required**, using the date of the request. In action remarks, enter NEED ADDRESS and the last name of the owner whose new address you require.
 - (1) When the corrected address is received, it is optional to enter **AC 113 - Additional Evidence Received** into the database using the date of receipt of the correct address. In action remarks, enter RECD ADDRESS and last name. It is mandatory to enter **AC 170 – Change of Address Filed** with claimant's name in action remarks.
 - (2) If the corrected address is not received, enter **AC 888 - Undeliverable Address** into the database using the current date. In remarks, type the owner's name. **NEVER** remove an undeliverable address from the Customer Name database. Additionally, you should check the box next to the word UNDELIVERABLE in the update customer screen in the customer name data base. If the address is ever updated to a current address, the check mark will programmatically clear when the update is made. See below.

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

III-48

Customer Name Update Screen

System ID: MC

Name: FRANGOS EVANGELOS

Proprietor #: 2345782

Category: P - PRIVATE

Address: 1 BEVERLEY CRESCENT

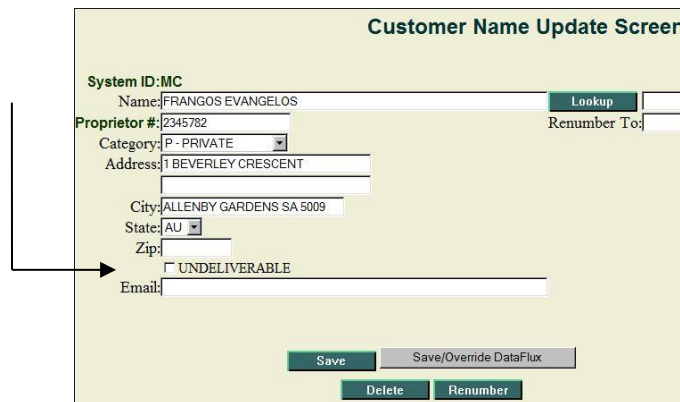
City: ALLENBY GARDENS SA 5009

State: AU

Zip:

UNDELIVERABLE

Email:



Chapter IV – Special Procedures

A. Stock Raising Homestead Act Lands Adjudication

1. General. Stock Raising Homestead Act (SRHA) lands are lands patented under the Stock Raising Homestead Act of 1916, as amended (30 U.S.C. § 54 and 43 U.S.C. § 299), or were originally entered under the Homestead Act of 1862, as amended, and patented under the SRHA after December 29, 1916.

These lands are different from most Federal lands because the United States owns the mineral estate of SRHA lands, but not the surface estate (split-estate land). Patents issued under the SRHA and Homestead Act entries patented under the SRHA reserved the mineral estate to the United States along with the right to enter, mine, and remove any reserved minerals that may be present in the mineral estate. (See Section 9 of the 1916 Act in the Reference Section.)

NOTE: For lands patented under the SRHA and then reacquired by the United States, the procedures specified in 43 U.S.C. § 299 and implemented by 43 CFR 3838, do not apply because the surface is no longer under private ownership. Once lands that were patented under the SRHA return to Federal ownership, they lose their status as “SRHA lands.” Based on this, a mining claimant would follow the standard procedures for locating a mining claim under applicable regulations. Additionally, even though mill site location is not allowable on “SRHA lands,” since the reacquired surface is no longer considered “SRHA land,” a mining claimant may locate a mill site on the reacquired surface. No opening order is required prior to locating a mill site.

[Public Law \(P.L.\) 103-23](#) (SRHA amendments) passed into law on April 16, 1993, amending the SRHA of 1916. The 1993 SRHA amendments define the procedures that individuals or companies must follow prior to locating mining claims on SRHA lands for minerals reserved to the United States.

Prior to locating mining claims on SRHA lands, individuals or companies must record, with the BLM, a “Notice of Intent to Locate a Lode or Placer Mining Claims(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” (NOITL) Form 3830-3 ([Illustration 34](#)), accompanied by the processing fee identified in Chapter III, Table I.

In addition to the pre-location requirements, if the operations are located on SRHA lands, and the surface owner has not given consent, the locator must also comply with the requirements in 43 CFR parts 3809 and 3814 before they begin operating.

The surface owner may locate, record, and maintain mining claims and tunnel sites

after providing proof of surface ownership. The surface owner is not required to file a NOITL before locating a mining claim, but may choose to do so in order to have the benefit of the 90-day segregation period (referred to in the 1993 SRHA amendment as the exploration period).

2. Segregation Period.

- a. On the day **after** the BLM receives a “properly completed and executed” NOITL, Form 3830-3, containing all statutory information along with the required processing fee, the BLM will begin the 90-day segregation period for the SRHA lands covered by the NOITL.
- b. The applicant shall provide written notice of the NOITL to the surface owner(s) of record, by registered or certified mail, return-receipt requested. The notice shall be provided at least 30 days before entering the lands described in the NOITL and shall contain the following information (43 CFR 3838.12):
 - (1) A brief description of the proposed mineral activities;
 - (2) A map and legal description of the lands to be subject to mineral exploration;
 - (3) The name, address and phone number of the person managing such activities; and
 - (4) A statement of the dates on which such activities will take place.
- c. Entry by the applicant to the lands covered by the NOITL is not allowed until 30 days after the surface owner has signed the certified/registered mail card indicating they received notification of the NOITL. During the remainder of the segregation period, the applicant may explore and stake the mining claims. The number of days remaining in the segregation period after the surface owner receives notification of the NOITL will vary. For example, if the field office is processing a mining plan of operations under 43 CFR part 3809 filed within the segregation period, the segregation period will continue beyond the 90 days until the BLM makes a decision on the proposed plan. Or, if the applicant had served the surface owner prior to filing the NOITL with the BLM, the number of days remaining could be up to the full 90-day segregation period.
- d. If any statutory information is missing on the NOITL, the NOITL is not acceptable, will be rejected, and the segregation period will not begin until the applicant files a complete NOITL application and meets all of the statutory requirements.

3. Limitations and/or Restrictions.

- a. An applicant may not locate a mill site on SRHA lands.
- b. An applicant may locate mining claims 30 days after the surface owner signed the certified card and on or before the end of the 90-day segregation period. The BLM does not require the applicant to record the mining claims within the 90-day segregation period, but the location date of the claims must fall within that period.

NOTE: The 90-day segregation period continues for the full 90-day period even if the applicant withdraws or relinquishes their NOITL, either in whole or in part, prior to the end of the segregation period. Additionally, if the applicant withdraws or relinquishes their NOITL, the segregation period continues and the applicant or affiliate(s) may not file another NOITL for the withdrawn or relinquished lands for 30 days after the segregation period ends (not 30 days after the withdrawal or relinquishment of the NOITL).

- c. The segregation period will expire 90 days following the filing of an acceptable NOITL with the BLM, unless the applicant files a mining plan of operations under 43 CFR part 3809 with the BLM field office during the 90-day segregation period. If the applicant files a plan, the BLM will extend the 90-day segregation period until the field office approves or denies the plan. In accordance with 43 CFR 3809, the BLM does not require applicants to locate a claim before filing a plan of operations on SRHA lands.
- d. After the 90-day segregation period expires, the applicant or anyone affiliated with the applicant may not submit another NOITL for the same land until 30 days after the 90-day segregation period ended. If the BLM receives another NOITL from the applicant or anyone affiliated with the applicant, prior to the required 30-day waiting period, reject the NOITL ([Illustration 35](#)).
- e. The term “affiliate” means, with respect to any person, any other person that controls, is controlled by, or is under common control with such person. The applicant of the NOITL and/or their affiliates may not at any time hold NOITLs within their 90-day segregation period:
 - (1) For more than 1,280 acres of land owned by a single surface owner in any one state; or
 - (2) For more than 6,400 acres of land, owned by multiple surface owners, in any one state.
- f. If the applicant wants to enter lands with multiple surface owners, the applicant must file a separate NOITL for each parcel according to the surface owner. The BLM must track acreage limitations per surface owner, and per total acreage statewide. Use the Case Rec LR2000 Case Info-Customer/Land report to track

acres. The applicant may file a single NOITL where there are multiple owners, but only if all those owners share ownership in the lands included in the NOITL.

4. Adjudicating the NOITL.

a. **Receiving Official Steps:** When the BLM receives the NOITL (Form 3830-3) along with the processing fee, the mail room will date stamp all documents and the envelope and transfer the package to accounts. Accounts will serialize the NOITL and process the fee. Accounts will forward the NOITL to the Mining Law adjudication staff, or route for automated entry, then forward to adjudication.

b. **Adjudication Steps:**

- (1) Verify the NOITL is submitted on Form 3830-3 and the required proper processing fee (43 CFR 3000.12 (Chapter III, Table I)) is received so that the NOITL may be processed. The NOITL is not acceptable if the proper fees are not received and should be returned unserialized. If the NOITL is returned due to lack of a processing fee, be sure to cross off the date stamp showing the NOITL was filed at the BLM. If the NOITL is refiled along with the processing fee, the NOITL will receive a new date stamp to show when it was properly filed. If a telephone number for the applicant is provided, the accounting technician (or adjudicator) can attempt to contact the applicant and ask that they pay the processing fee by credit card over the telephone.
- (2) Verify that the following **Statutory Information** is on the NOITL, which the BLM must receive before segregation can begin:
 - (a) Name and mailing address of the NOITL applicant (Note: phone number is not a statutory requirement); and
 - (b) Complete legal description of entire area covered by the NOITL. The legal description shall be based on the public land survey or another type of description that is sufficient to note the NOITL to the land status records.
- (3) Perform Land Status.
 - (a) Verify the lands in the NOITL are subject to application. Print a copy of every patent covered by the NOITL and read them and the Historical Index (HI) very carefully to determine the status of the mineral estate. Place a copy of the patents in the NOITL file. Forward the information to the Title & Records section in your state to notate the Master Title Plat (MTP) and/or notate the HI. Place a copy of the MTP and/or HI in the case file.

- (b) If the applicant provides the surface owner information in the NOITL, verify same surface owner owns all the land covered by the NOITL. A separate NOITL must be received for each parcel with a different surface owner.
- (4) Check the statewide acreage limitation (1,280 per surface owner and 6,400 acres for multiple owners). Verify that the legal description and acreage match as shown on the NOITL and map. When checking the statewide acreage limitation, be certain that not only the acreage for the applicant is verified, but also that the acreage for an affiliate or suspected affiliate is verified. The acreage limitations are the combined acreages for the applicant and affiliate. If there is reason to believe that affiliates have exceeded the acreage limitation, a Notice should be sent to all parties requesting additional information regarding their affiliation. If the requested information is not received within the time allowed or information is received which shows the parties are affiliated and the acreage limitation has been exceeded, the latest filed NOITL will be voided and any claims located within the excess acreage will be declared null and void *ab initio* ([Illustration 35a](#)).
- (5) If the NOITL is acceptable with the processing fee and all statutory information, post a copy of the NOITL in the Information Access Center.
- (6) Verify that the following **Regulatory Information** is received (43 CFR 3838.11 and 43 CFR 3838.12):
 - (a) Total number of acres to the nearest whole acre;
 - (b) The name, mailing address, and telephone number of the affected surface owner(s);
 - (c) Evidence of surface ownership which can be a current copy of the County Assessor's receipt listing the legal description and person or company paying property taxes, or county tax documents or a title insurance document;
 - (d) A copy of the certified/registered card showing proof of service on the surface owner. If the surface owner refuses service of the NOITL, or the NOITL is returned by the United States Postal Service (USPS) as "unclaimed," the applicant must submit proof to the BLM that the applicant attempted service. To prove attempted service, the applicant must send the BLM either (1) the envelope used to mail the NOITL to the surface owner and clearly marked "refused" or "unclaimed" by the USPS, or (2) a statement from the

USPS stating they attempted delivery on specific dates. Proof of service, refused or unclaimed service, or last attempted delivery is the date of the USPS notation on the certified/registered card or the date of the card's return to the sender, whichever is earlier.

Pursuant to the SRHA amendment, service is made to the address of record noted in the county tax records. In accordance with 43 CFR 1810.2(b), refusal of service is deemed served - under our regulations;

- (e) A brief description of the proposed mineral activity, including the name, mailing address, and telephone number of the person who will be managing the activities;
 - (f) A list of the dates on which the proposed mineral activity will take place;
 - (g) A map that corresponds to the legal description of the lands in the NOITL and includes existing access routes proposed to be used for casual use exploration purposes, primary area of interest, and types of activities to be conducted;
 - (h) If an agent filed the NOITL on behalf of another party, proof that the agent is authorized to act on behalf of the other party;
 - (i) Telephone numbers of everyone filing the NOITL; and
 - (j) The homestead patent number associated with the lands in the NOITL and the county and state where the land is located (information required on Form 3830-3).
- (7) All missing regulatory information is curable. The BLM will post the NOITL and note the land status records to begin the segregation period at the time the NOITL is received with all statutory information even if regulatory information missing. If any of the above regulatory information is not received, the applicant will be issued a 30-day notice to cure.

NOTE: If an amendment to the original NOITL is required, the applicant may amend the NOITL to correct regulatory defects as long as the correction **does not** include additional acreage. If the surface owner sells all or part of the surface to a new owner after the applicant records the NOITL with the BLM, the applicant does not have to serve a copy of the NOITL on the new surface owner. If the amendment changes the surface owner and the change is due to an inadvertent error on the applicant's part to list the correct surface owner, the applicant must serve the proper

surface owner with the NOITL and the applicant's 30-day waiting period would begin again after the proper surface owner is served.

There is no processing fee to record an amended NOITL. Place a copy of the amended NOITL on top of the original NOITL posted in the Information Access Center and in the NOITL case file. The amendment does not change the segregation dates.

- (8) Acceptance or Rejection of the NOITL.
 - (a) If the BLM accepts the NOITL, prepare an acceptance letter ([Illustration 36](#)).
 - (b) If mandatory statutory information is missing, the NOITL is not acceptable and will be rejected and returned to the applicant. The processing fee (if received) will not be refunded ([Illustration 37](#)). Send the Decision certified/registered mail, return-receipt requested.
 - (c) If only mandatory regulatory information is missing, the BLM will post the NOITL and the 90-day segregation period will begin effective the day after the acceptable NOITL is received. Prepare a 30-day notice requesting the missing regulatory information ([Illustration 38](#)). If the BLM does not receive the information requested within the time allowed, the BLM will reject the NOITL. If the NOITL is rejected, the segregation period stops because the segregation would be considered improper since the NOITL was no longer acceptable. Additionally, since the NOITL is considered void, the 30-day waiting period before a new NOITL for the same lands could be filed by the applicant would not apply. The BLM will declare any claims recorded in connection with the rejected NOITL null and void *ab initio* ([Illustration 39](#)).
- (9) If the BLM has an accepted NOITL on file, no other person, including the surface owner, may:
 - (a) Submit a new NOITL for any land included in the NOITL during the 90-day segregation period;
 - (b) Explore for minerals or locate a mining claim on the lands included in the NOITL; or
 - (c) File an application to acquire any interest under Section 209 of FLPMA and 43 CFR 2720 for the minerals in lands included in the NOITL.

- (10) Input into LR2000 **Case Recordation**: See WO IB 94-434 (July 20, 1994) ([Illustration 40](#)) and Chapter VIII Reference Section.
- (a) Serial Number;
 - (b) Case type - 381401, MIN DISP-SRHA-NOI; or 381402, MIN DISP-SRHA-PLA;
 - (c) Commodity;
 - (d) Total acres;
 - (e) Applicant name and address;
 - (f) Surface owner name and address. (**NOTE:** If the applicant and/or surface owner are not in the LR2000 customer database, then request either the customer maintainer or another authorized person enter the name into the system);
 - (g) Interest Relationship codes used:
 - 14 - Agent (person acting as agent for the applicant)
 - 26 - Owner (surface owner per the tax records)
 - 01 - Applicant (person filing the NOITL)
 - (h) Percent Interest should always be divided among applicants only to equal 100%. For example, if there are two applicants, each would have 50% interest. Agents and Owners should always be recorded as 0% interest;
 - (i) Location Details – legal description on NOITL; and
 - (j) Action Details – See Chapter VIII Reference Section for Mandatory, Required, and Optional Action Codes.
- (11) Prepare Posting Notice for the NOITL. Place a copy of posting notice ([Illustration 41](#)) in the NOITL case file and post the form with a copy of the incoming NOITL, map, and serial register page in the Information Access Center (IAC) for the 90-day segregation period. Be sure to (1) note the date of posting on the copy for the NOITL case file; and (2) send a copy of the NOITL to the appropriate BLM field office for posting. When the 90-day segregation period ends, the IAC should certify (using the bottom of the notice) that the Notice was posted for the proper period.

5. Adjudicating Mining Claims Recorded in Connection with the NOITL. When claimants file new claims or tunnel sites located on land patented with the minerals reserved under the SRHA, you must determine if the claimant had an approved NOITL on file for the land claimed, or if the claimant is the surface owner.
 - a. If you find the NOITL for the land claimed, make sure the land description on the notice or certificate of location and NOITL are the same and the claimant did not add additional SRHA lands that the NOITL did not segregate. There may be more than one NOITL for the area. Run the Case Rec Case Info-Customer/Land report using case type “begins with” 3814 which will show all NOITLs in a particular area by the dates filed. Verify that the location date falls within the date all NOITLs were in effect.
 - (1) Placer claim - If additional land covered by the mining claim is SRHA land and the claimant did not file the required NOITL, the portion not covered by the NOITL is Null and Void *ab initio* and the BLM must issue a decision regarding this land ([Illustration 42](#)).
 - (2) Lode claim - If additional land claimed is SRHA land, that portion outside the NOITL is considered extralateral rights only. The claimant does not have any right to use, occupy, or remove any minerals until the claimant files a required NOITL ([Illustration 43 – Standard Extralateral Rights Paragraph](#)).
 - b. Check the location date to make sure the claims were located at least 30 days after the surface owner signed the certified card and before the 90-day segregation period expired. The filing of a mining plan of operations may have extended the segregation period and thus the timeframe for locating the claims. If the claims are located after the 90-day segregation period because the claimant filed a plan prior to the expiration of the segregation period, check to be sure the date of location is before a determination was made on the plan. The segregation period ends when the plan is either approved or rejected.
 - c. If a notice of location is received for a mining claim that is located on SRHA lands and no NOITL is found for the claim:
 - (1) Prepare a notice requesting the claimant provide:
 - (a) Proof that they are the surface owner; or
 - (b) The serial number issued to the NOITL they filed prior to location. The name on the NOITL may be different from the owner of the claims ([Illustration 44](#)).

NOTE: The name of the person or company filing the NOITL does not have to match the name on the notice of location as an agent could be filing for the actual locators (*American Colloid Co., Bentonite Corp.*, 154 IBLA 7 (2000)).

- (2) If the claimant responds with proof such as a copy of the tax records or title documents showing that they are the surface owner, place this information in the mining claim file.
- (3) If the claimant provides proof that they filed the required NOITL, update LR2000 with the NOITL information.
- (4) If they are not the surface owner or they do not respond within the time allowed to the notice issued, issue a decision declaring the mining claims null and void *ab initio* for failure to file the required NOITL ([Illustration 45](#)). They must comply with the NOITL process if they wish to locate claims within the area or appeal our decision.

d. Place a copy of the NOITL, map, MTP, and patent in the mining claim file.

6. Mining Claim Recordation Data Entry.

- a. Once the claimant records the mining claims with the BLM in connection with a SRHA NOITL or if the claimant is the surface owner, enter the mining claim in LR2000 in the Mining Claim Recordation data base. (**See Chapter III – V New Notice/Certificate of Location Adjudication.**)
- b. Enter the following required Action Codes into MC LR2000: **AC 267 - Subject to SRHA, Action Remarks: NOITL Serial Number or Surface Owner** and **AC 880 - Reserved Mineral Estate, Action Remarks: Type of Patent (for example SRHA).**

B. Claims Located in a Powersite Withdrawal

1. General (43 CFR 3730). The purpose of the Mining Claims Rights Restoration Act of August 11, 1955 (PL 359), was to reopen to location lands that had been withdrawn or reserved for power development and other purposes, except for lands that:
 - a. Are included in any project operating or being constructed under a license or permit issued under the Federal Power Act or other Act of Congress, or
 - b. Are under examination and survey by a prospective licensee of the Federal Energy Regulatory Commission (FERC) under an active preliminary permit that FERC has not renewed more than once.

Locations made under PL 359 on lands withdrawn or reserved for power development within the revested Oregon and California (O&C) Railroad and Coos Bay Wagon Road Grant Lands also are subject to the provisions of the Act of April 8, 1948 (the O&C Lands Act). Special regulations for O&C Lands are at 43 CFR 3821.

NOTE: PL 359 did not reopen lands that were also affected by another type of withdrawal that prevents location. 43 CFR 3732.1. For example, if the lands are also covered by a withdrawal under the Pickett Act, the lands would be reopened to metalliferous minerals only.

2. Adjudicating a New Mining Claim Filed under PL 359.

a. **Receiving Official Steps:** Receive new notice/certificate of location, date stamp, serialize, and receipt fees. Forward to adjudication, or route for automated entry, then forward to adjudication.

b. **Adjudication Steps:**

- (1) Request or print a copy of the MTP for the case file.
- (2) According to the procedures in your state, make a notation on the case file indicating it is a claim filed under PL 359.
- (3) Place a copy of the powersite reserve/classification in the case file.
- (4) Following the procedures of your state, advise the claimant(s) that the BLM is requesting a report from FERC to determine if the FERC has any active projects within the boundaries of the claim(s). Some states may only send the claimant notification if the claimant did not originally mark their location notice PL 359. If your state does send notification to the claimant, this process is mandatory for placer claims and optional for lodes and sites. (*Illustrations 46 and 47. NOTE: One is for placer claims and one is for lode claims, mill sites and tunnel sites.*)
- (5) Request a report from FERC to determine if there are any active licenses, permits, or preliminary permits for a prospective license within the boundaries of the claim. The letter will include a copy of the notice/certificate of location, claimant's map(s), and MTP. The BLM must notify FERC even if the claim is only partially within the powersite area (*Illustration 48a*). (See *Illustrations 48b and 48c* for other report request samples.) As of March 15, 2011, FERC has new electronic filing instructions (*Illustration 48d*). FERC encourages electronic filing but will still accept hardcopy requests. **NOTE:** If you request the report through hardcopy, FERC requests you submit the original and seven copies of the request.

- (6) Additional Procedures for **Placer** Claims. In addition to a notice to FERC, Subsection 2(b) of the Act provides that the locator of a placer mining claim located **after** the date of PL 359 (August 11, 1955) must conduct **no mining operations** for a period of 60 days after filing a location notice with the BLM (43 CFR 3734.1 (a)). **NOTE:** If a placer mining claim is located entirely within a powersite withdrawal that was opened under Sec. 24 of the Federal Power Act, a report request is sent only to the FERC and is not subject to the 60-day prohibition against mining.
- (a) If the location notice identifies that the placer claim is in a powersite withdrawal or “filed pursuant to PL 359,” adjudicate the claim for complete information, timely filing, and land status, etc. If the BLM confirms the placer claim is within a powersite withdrawal, the BLM must process the claim as follows within 60 days from the date of recordation with the BLM in order to continue to suspend operations, if proceeding to a public hearing (43 CFR 3734.1 (a)). Using a notice sent by registered or certified mail, advise the owner(s) of a placer claim that:
- i. Their claim(s) is within a powersite withdrawal and the BLM has requested a report from FERC to determine if the lands are open to location;
 - ii. The BLM has requested a report from the surface management agency to determine if a public hearing is required; and
 - iii. Under PL 359, there can be **NO** mining operations on the claim for 60 days after the date the claimant recorded the notice or certificate of location with the PL 359 notation on it. The purpose of this 60-day period is so the surface managing agency can determine whether to request a public hearing to determine whether placer mining operations will substantially interfere with other uses of the lands within the placer claim. (*Illustration 46*)
- (b) If the location notice does not identify that the placer claim is in a powersite withdrawal or “filed pursuant to PL 359,” adjudicate the claim for complete information, timely filing, and land status. Advise the claimant, by 30-day notice, that the claim is within an area subject to PL 359 and request the claimant file an amendment noting the claim is subject to PL 359. If the claimant does not timely respond to the 30-day notice by filing an amendment making the claim subject PL 359, the claim will be forfeited by

decision. The 60-day suspension of operations does not begin until the claimant notifies the BLM by the filing of the amendment.

NOTE: If the BLM does not act prior to the 60-day timeframe, the BLM cannot further suspend claimant operations. However, even at the end of the 60-day period, the claimant cannot begin mining operations unless they have received surface use authorization from the surface managing agency.

- (7) If the FERC reports there are no active projects that conflict with the mining claim, then the lands are open to location. After the report is received from the FERC:
 - (a) Notify the claimants that the FERC reports there are no active projects that conflict with the mining claim;
 - (b) Place a copy of the FERC report in the case file; and
 - (c) According to your state's procedures, instruct Title & Records to notate the applicable records with all affected mining claims found to be in the PL 359 area. The applicable records could consist of the MTP, the HI, or the Index to Mineral Locations and Contests, depending on your state's procedures. A sample notation to the Index to Mineral Locations and Contests is: Action Date – Use the date the claim is filed under PL 359. Remarks – Indian Girl Lode Mining Claim. 3rd proviso of Sec. 2 does not apply. Additionally, if a report is received from the surface managing agency (see Step (11) below) that there is no objection to mining and a hearing is not necessary, for placer claims add the statement “No objection to placer mining” with the date of the surface managing agency report. **This step is not done in Alaska. Remove projects that have been vacated from the MTPs.**
- (8) If the FERC reports there are active projects that conflict with the mining claim:
 - (a) Place copies of report and/or map(s) of the project boundaries received from the FERC into the case file;
 - (b) Determine if any claim or site is entirely within the project area or just a portion;
 - (c) Issue a decision declaring the claim(s) Null and Void *ab initio* or Null and Void *ab initio* in Part with a 30-day appeal paragraph. If the claim is null and void in its entirety, refund the initial

maintenance and location fees because the claim was null and void at the time the claimant paid the fees and the land was not open at the time of location; and

- (d) If the BLM has not posted this project area, request to have the withdrawal updated on the MTP.
- (9) If the claimant files an Appeal, see Chapter V – Adjudication of Appeals.
- (10) If the BLM does not receive an appeal and the decision is null and void in part, forward to the appropriate office to have the right-hand margin notation revised on the MTP (if this procedure is done in your state) and update the HI or the Mineral Locations and Contests Index. If the decision is null and void in total, close the mining claim file and process the refund before forwarding it to the appropriate office for records notation. **The records notation step is not done in Alaska.**
- (11) Notice to Surface Management Agency (Placer Claims Only):
- (a) Because a notice of intention to hold a hearing must be sent to the claimant by the surface managing agency (either the BLM or Forest Service) within 60 days from the date a certificate or notice of location indicating that the claim is within a powersite withdrawal and/or located pursuant to PL 359 is recorded with the BLM, expedite all actions including notification and requests to the surface managing agency. The surface managing agency may request a hearing after the initial 60 days, but the claimant is not required to suspend operations pending the hearing.
 - (b) Send notification to the surface managing agency, (the BLM district office or Forest Service), with a copy to other agencies of interest, requesting their review as to any objections and if the case requires a hearing to determine whether placer mining operations will substantially interfere with other uses of the lands. Include the claimant's map, notice/certificate of location, and MTP ([Illustration 49](#)).
 - (c) **Give the surface managing agency a specific date by which to respond.** Keep in contact by email, telephone, or fax with the authorized officer to facilitate compliance within the 60-day deadline.
 - (d) If the BLM receives a report from the surface managing agency that states there are no objections to mining, note the land records as stated in (7)(c) above. No further action is necessary.

(12) Hearing Requested - If the surface managing agency requests a hearing (hearings in these cases are similar to contests and heard by an Administrative Law Judge (ALJ)):

(1) Create a case in Case Recordation according to the procedures in your state. Create two **contest** case files, one for the ALJ and a duplicate for the office. If the BLM is the surface managing agency, also prepare a duplicate file for the Solicitor's Office and include copies of the following documents (**See Contest Handbook**):

- i. Notices/certificates of location for the claims within the powersite;
- ii. Claimant's map(s);
- iii. Master Title Plat;
- iv. Powersite designation/documents;
- v. Decision to claimant;
- vi. Notice to and response from the FERC;
- vii. Notice to and response from the surface managing agency; and
- viii. Copy of the applicable statutes and regulations.

NOTE: If the surface managing agency listed the reasons for a hearing in their request, be sure to make a copy of the request and redact the reasons before sending request to the ALJ. **DO NOT** include the original document with reasons in the original file. Place the original request document in the duplicate file and make a copy for the Solicitor.

- (2) Prepare Transmittal of Contest or other Proceeding for Hearing (*Form 1850-1 [Illustration 50](#)*) requesting a hearing according to the Contest Handbook.
- (3) By overnight delivery, mail the **original** contest case file and an **original** Form 1850-1 to the Office of Hearings & Appeals (OHA). Be sure to place tracking information in the office duplicate file.
- (4) Send the claimant an original Form 1850-1 by **certified mail return-receipt**.

- (5) Transmit the duplicate file to the BLM Solicitor and prepare a transmittal memorandum outlining the main issues and any controversial issues of the case.
- (6) Enter contest case in LR2000 Case Recordation per IM 91-375 (*see Reference Section for Contest data input*). For Alaska, input data into ALIS. There will be additional action codes depending on what the ALJ orders, i.e., abandon and void the claims, remand the case back to the BLM.

NOTE: It is the responsibility of the surface managing agency to prepare for the hearing. *If the hearing request is cancelled or dismissed, the ALJ will issue an order.*

- (13) Notice to Claimant – In order to suspend operations, the decision of “Hearing Requested” must be sent by the surface managing agency within the 60-day period to inform the claimant(s) that the surface managing agency has requested a hearing. Placer mining operations **cannot take place** until after the hearing (*Illustration 51*). If the BLM did not timely notify the claimant(s), placer mining operations may proceed under an approved mining plan of operations.
- (14) Posting Procedures – It is optional for the BLM to post the Transmittal of Hearing Requested in the State Office Public Information Access Center (IAC) for 30 days. When the BLM removes the Transmittal the IAC, prepare a “Certificate as to Posting.” When completed, place the certificate in the case file (*Illustration 52*).

When the ALJ orders a hearing date, the BLM **must** post a notice of the time and place of hearing in the IAC for **no less** than 30 days **before** the hearing date. The purpose of the posting is to notify interested third parties of the date and place of the hearing. Any party, other than a Federal agency, wanting to appear and testify at a hearing in protest to placer mining operations must file a written notice of protest (request to testify) in the proper BLM office the notice of hearing is posted. The request to testify must be accompanied by the processing fee identified in § 3000.12 and must contain the party’s name and address and a statement showing the nature of the party’s interest in the use of the lands encumbered by the mining claim. A copy of the request to testify will be forwarded to the claimant, the ALJ, and the Solicitor’s Office. The notice of hearing remains posted until the ALJ reaches a decision and returns the original file. When posting the notice of hearing, you can use a “Certificate as to Posting” (*Illustration 52*).

- (15) Post Hearing - If the claimant does not file an appeal, the OHA will return the file to the BLM. Upon receipt of the file, the following steps will be

taken:

- (a) Sign and date the “Certificate of Posting” noting that the ALJ’s hearing time and date remained posted until the ALJ reached the final decision. Place in contest case file. Merge original file with duplicate.
 - (b) Notify the claimant of the Judge’s decision.
 - (c) If the ALJ decision allows the claimant to mine, send file to Title & Records to have the appropriate records updated.
- (16) Claimant (at their expense), must send a certified copy of the decision to County Recorder in the county where the claims are located (43 CFR 3736.2 (c)).
- (17) If an appeal is filed, the surface managing agency or the claimant may appeal the ALJ’s decision. If an appeal is filed, the OHA will forward the case file to the IBLA.
- (18) Request for “Withdrawal of Request for Hearing:”
- (a) If the surface managing agency decides they do not want a hearing after they have requested one, they can ask the agency counsel to submit a formal motion to dismiss ([Illustration 53](#)). Email the draft to the requesting agency for their review. The Authorized Officer must sign the “Contestant’s Motion to Dismiss without Prejudice and Withdrawal of Request for Hearing.”
 - (b) A Certificate of Service ([Illustration 54](#)) must be sent with a copy of the Motion to Dismiss to the following parties:
 - i. All claimants and their attorneys;
 - ii. All parties of interest (field offices, other agencies, etc.); and
 - iii. The ALJ who received the original Motion to Dismiss.
- (19) After receiving an Order of Dismissal without Prejudice issued by OHA:
- (1) Place copy in contest and mining claim case files.
 - (2) Send copy to the surface managing agency.
- (20) Complete data entry for PL 359 New Claims into LR2000/ALIS Mining Claim Recordation. **LR2000: AC 669 - Land Status Checked; AC 265**

- Subject to PL359; AC 217 - FERC/FPC Report Requested; AC 216 - FERC/FPC Report Received; and AC 211 - FERC/FPC Open to Mining. ALIS: AC 255 - Land Status Checked; AC 825 - Subj to PL359; AC 901 - FERC/FPA Open to Mining; AC 152 - Report Requested; AC 153 - Report Received. For Hearing actions in LR2000, use: AC 223 - Hearing Ordered, AC - 224 Hearing Not Required; AC 222 - Hearing Held; and AC 181 - Hearing Ended – PL 359. For actions in ALIS, use: AC 729 - Hearing Not Required; AC 730 - Hearing Requested; AC 731 - Hearing Ordered, and AC 732 Hearing Held. For action codes in LR2000, Case Recordation, relating to a contest/hearing, see Chapter VIII – Reference Material. Other action codes may apply.

C. Conversion of Oil Placer Mining Claims to Oil and Gas Leases

General. Under the provisions of 30 U.S.C. §§ 188(f), an oil placer mining claimant may seek to convert an oil placer mining claim to a noncompetitive oil and gas lease under Section 17(e) of the Mineral Leasing Act (30 U.S.C. §§ 226[e]). **All the oil placer claims that the BLM could convert were converted to oil and gas leases.** See 43 CFR 3830.92 for the criteria for this.

If a claimant forfeits an oil placer claim for failure to file, they may not relocate and must instead follow and comply with the oil and gas lease regulations at 43 CFR 3100.

D. Mineral Locations in Reclamation Withdrawals

General. Mineral Locations in Reclamation Withdrawals - 43 CFR 3816. The Act of April 23, 1932 (47 Stat. 136; 43 U.S.C. 154) (Act), authorizes the Secretary of the Interior the discretion to open to location, entry and patent under the general mining laws with reservation of rights, ways and easements, public lands of the United States which are known or believed to contain valuable deposits of minerals and which are withdrawn from development and acquisition because they are included within the limits of withdrawals made pursuant to section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388; 43 U.S.C 416).

An application to open lands to location under the Act may be filed by a person, association or corporation qualified to locate and purchase claims under the mining laws. The application must:

- a. Be executed in duplicate;
- b. Be filed in the proper BLM office;

- c. Describe the land the applicant desires to locate. If surveyed, the land must be described by legal subdivision or by metes and bounds if unsurveyed;
- d. Set out the facts upon which is based the knowledge or belief that the lands contain valuable mineral deposits, giving such detail as the applicant may be able to furnish as to the nature of the formation, kind and character of the mineral deposits;
- e. Be accompanied by the processing fee for applications to open lands to location found in Table I under Section D in Chapter III (43 CFR 3000.12).

Upon receipt of the application by the BLM, the duplicate copy of the application will be transmitted to the Bureau of Reclamation (BOR) along with a request for report and recommendation. If the BOR makes an adverse report regarding the application, the BLM will reject the application which is subject to right of appeal.

If the BOR gives the recommendation that the lands may be opened under the Act, the report will contain recommendations as to reservation of rights and /or the form of a contract with the BOR to be executed by the intending locator or entryman (claimant) as a condition precedent to the vesting of any rights in him. If the contract specifies a time of expiration, the adjudicator should check with the BOR to make certain the claimant requested renewal or extension of the contract. Claim(s) should not automatically be void because of the expiration date of the contract unless the claimant has intentionally abandoned the claim(s).

E. Deferments of Assessment Work

1. **General.** The Act of June 21, 1949 (63 Stat 214; 30 U.S.C. § 28b), authorized the temporary deferment of annual assessment work under certain conditions. A qualified mining claimant (a “small miner”) may obtain a temporary deferment from performing annual assessment work on their mining claims. They may include more than one mining claim in a deferment petition if the mining claims are contiguous.

If the BLM grants a deferment, it merely defers the assessment work (43 CFR 3836.20). The claimant must still complete the deferred assessment work for the deferred assessment year after the deferment period ends. The claimant may also elect to pay a maintenance fee at the end of the deferred period for the time that the claims were held under a BLM-granted deferment (43 CFR 3836.27(b)).

A deferment only applies when the claimant qualifies for a small miner fee waiver. If the claimant is not qualified for a small miner fee waiver, they are required to pay the maintenance fee and cannot obtain a deferment for payment of the maintenance fees.

2. Conditions that Permit a Deferral of Assessment Work (43 CFR 3836.21). Mining claimants may qualify for a deferment of assessment work if they have a mining claim or group of mining claims that they cannot enter or gain access to because:
 - a. Others own the lands surrounding the mining claims, including the BLM, and the land owner: (i) has refused to give the claimant a right-of-way; (ii) is in litigation regarding the right-of-way; or (iii) is in the process of acquiring the right-of-way under state law;
 - b. Some other legal impediment such as an injunction from a court which prevents access to the mining claim(s); or
 - c. The claimant has received a declaration of taking or notice of intent to take by an agency of the Federal Government.
3. Special Requirements for Lands Managed by the National Park Service (NPS). Correspondence rejecting or denying a plan of operations for incompleteness or inadequacy will not suffice for a deferment of assessment work. To obtain a deferment of assessment work on NPS managed lands, a qualified mining claimant must obtain a letter from the NPS and then submit that information to the BLM, along with other documents and information to support the petition for deferment of assessment work. The letter from the NPS must state:
 - a. The NPS has received and found the proposed plan of operations to be complete;
 - b. The NPS cannot act on the plan of operations until it conducts a validity exam; and
 - c. The NPS anticipates completing the validity exam after the assessment year ends.
4. Adjudicating Petitions for Deferment of Assessment Work.
 - a. **Receiving Official Steps:** Receive Petition for Deferment, date stamp, serialize, and receipt fees. Forward to adjudication, or route for automated entry, then forward to adjudication.
 - b. **Adjudication Steps:**
 - (1) Verify the claimant submitted the proper processing fees. See Chapter III, Table I.
 - (2) Verify the claim names and the BLM serial numbers to make sure they match.

- (3) Verify that the starting date of the 1-year period is for the current assessment year. The claimant should file the petition for deferment by September 1 that begins the assessment year for which a deferment is sought.
- (4) Verify that the claimant(s) recorded the petition for deferment in the local recording office, including a copy of the petition they are submitting to the BLM.
- (5) Verify that at least one of the claimant(s) of each of the mining claims signed the petition submitted to the BLM and also the claimant recorded the original notice with the local recording office.
- (6) Verify that a statement that the claimant plans to file a small miner fee waiver form by September 1. **NOTE:** The claimant(s) must also file a Notice of Intent to Hold by December 30 following the filing of the waiver form. If a petition for a deferment of assessment work is pending, the claimant must specify the petition's date of filing and serial number on the Notice of Intent to Hold.
- (7) If the claimant(s) are submitting the petition because the BLM or another party has denied a right-of-way, they must also describe (43 CFR 3836.23(b)):
 - (a) The ownership and nature of the land, including topography, vegetation, surface water, and existing roads, over which the claimant was seeking a right-of-way to reach the claims;
 - (b) The land over which the claimant is seeking a right-of-way by legal subdivision if the land is surveyed;
 - (c) Why the SMA denied or prevented the present use of the right-of-way;
 - (d) The steps the claimant(s) have taken to acquire the right to cross the lands; and
 - (e) Whether any other right-of-way is available and if so, why it is not feasible to use that right-of-way.
- (8) If the claimant is submitting the petition because of other legal impediments to access the claim, they must provide full details describing the legal impediments and submit copies of any documents that evidence the legal impediments (43 CFR 3836.23(c)).

- (9) If the BLM determines that the claimant warrants a deferment, issue a decision to the claimant granting the deferment and specifying the deferred assessment year (43 CFR 3836.26). Inform the claimant that they must record a copy of the BLM's decision regarding the petition in the local recording office ([Illustration 55](#)).
- (a) The BLM may grant a deferment for one assessment year. However, the deferment ends automatically if the reason for the deferment ends.
 - (b) The deferment period will begin on the date requested in the petition unless the BLM's approval sets a different date.
 - (c) The BLM may renew a deferment for one additional assessment year if a valid reason for a deferment continues.
 - (d) The deferred assessment work can begin any time after the deferment ends. However, it must be completed before the end of the following assessment year, i.e., the deferment ends on July 15, 2009, then all deferred assessment work must be completed by September 1, 2010. This is in addition to completing the assessment work due for the next assessment year as well if the claim is still under waiver, i.e., the assessment work for the 2010 assessment year would also have to be completed by September 1, 2010. The claimant also has the option of paying the maintenance fee for the next assessment year, after the assessment year for which the assessment work was deferred.
 - (e) Alternatively, the claimant can pay maintenance fees for the years deferred.
- (10) If the petition was timely filed before the assessment year began, but the BLM denies the petition for deferment of assessment work, after the assessment year has ended, issue a decision giving the claimant 60 days from the date they receive the decision denying the petition in which to pay the maintenance fee for the assessment year for which the deferment was sought. Inform the claimant that they must record a copy of the BLM's denial of the petition in the local recording office ([Illustration 56](#)).
- (11) Place copies of the petition for deferment and any decisions in the mining claim case file. The deferment takes the place of the affidavit of assessment work for that assessment year, but the claimant must complete the work at a later date (see (9)(d) above).
- (12) LR2000/ALIS. Deferments are assigned a serial number through Case

Recordation for money tracking purposes (WO IM 2004-070). The case type for a deferment is 385220.

- (13) Possible action codes in LR2000 case recordation: **AC 633 – Deferment Request Filed** and **AC 634 – Deferment Granted**. The action codes to use in the mining claim case file are: **AC 633 – Deferment Request Filed**, **AC 634 – Deferment Granted**, and **AC 896 – Deferment Denied**. **ALIS: In Alaska, enter deferment actions into ALIS. Since there is only the one fee and there can be multiple claims, there would only be a receipt for one serial number with the rest of the serial numbers, if there are any, would be put in the remarks part of the receipt. File the receipt in all affected claim files along with copies of the deferment request.**

NOTE: See the following IBLA decisions regarding deferments: *David Doremus*, 115 IBLA 336 (1990); *Horace S. Wilson* 120 IBLA 395 (1991); *Oliver Reese*, 34 IBLA 103 (1978); *Michael Greninger*, 119 IBLA 383, 386 (1991); *A.J. Maurer, Jr.* 36 IBLA 4, 9 (1978); *Andrew L. Freese*, 50 IBLA 26, 87 ID 396 (1980), *Clay Worst*, 128 IBLA 165 (1994).

F. Subdivision of a Mining Claim (Segregated or Severed)

1. General. Mining claimants may choose to subdivide (sell or otherwise convey) a specific portion of their lode or placer mining claim to another party. When the claimant executes and files the conveyance document with the BLM, the severed land becomes a new mining claim and the BLM treats it as such. Even though the BLM establishes a new case file and issues a new serial number, the claim still maintains all other original recordation information including the original location date. A claimant may segregate/sever a claim down to 10 acres, but no less than 10 acres. **NOTE:** There is nothing in the regulations that prevents lode claims from being severed; however, we will see mostly placer claims.
2. Adjudicating Segregated or Severed Notices/Certificates of Location.
 - a. **Receiving Official Steps:** Receive conveyance/transfer document and/or new certificates of location, date stamp, serialize, and receipt fees. Forward to adjudication, or route for automated entry, then forward to adjudication.
 - b. **Adjudication Steps:**
 - (1) Verify the BLM received proper fees for both the new claim(s) and the transfer of interest document. The new claim is not subject to the location fee or initial maintenance fee. However, the BLM requires a non-refundable processing fee to establish the new claim, which is the same fee required for new claims, and a non-refundable processing fee per grantee/per claim to record the transfer of interest. See Chapter III – Table I.
 - (a) If the BLM receives insufficient fees, call the claimants and request that they remit the deficient fees over the telephone with a credit card that day.
 - (b) If the BLM does not receive fees, issue a Rejection decision, returning the document as unprocessed due to lack of fees ([Illustration 57](#)).
 - (2) Verify that the claimant provided a map depicting the boundaries of the new claim.
 - (3) Verify that the original (or “parent”) claim was current, on the effective date of the deed, as to all annual requirements.
 - (4) Verify that the copy of the legal instrument or document that operates under state law to transfer the interest in the claim:

- (a) Provides the assigned serial number of the original/parent claim;
 - (b) Clearly identifies that the document transfers only a portion of the claim and that it segregates or severs the original mining claim;
 - (c) Provides the name and mailing address of the person(s) to whom the portion of the claim is being assigned;
 - (d) Provides the name of the Grantor(s). To create a segregated claim, **all** owners of record must be listed as grantor; and
 - (e) Provides an accurate legal description of the land contained within the new claim. If the legal description includes lands not in the original/parent claim or if the transfer for the severed portion of the claim is less than 10 acres, reject the recordation of the transfer ([Illustration 58](#)).
- (5) Prepare the new case file according to the procedures in your state. If applicable, be sure to include:
- (a) The accounting advice (receipt) for the new file;
 - (b) A copy of the original/parent location notice and any applicable amendments;
 - (c) Copies of the last maintenance fee documents, waivers, and affidavits of annual assessment that pertain to the parent claim from which the new claim is created;
 - (d) Copies of the applicable maps, status reports, Historical Indexes, Master Title Plats and any land status index data (powersite classifications, opening orders, etc.). Status review is not required because it was completed on the original/parent claim and the new claim ties back to the original;
 - (e) Copies of applicable work sheets/logs (maintenance fee/waiver/assessment logs);
 - (f) Copy of a new claim name list reflecting new claimant, serial number, and claim name; and
 - (g) The new quitclaim deed segregating the claim. This can be placed with the original location notice with a separation sheet on top that states, **“DO NOT SEPARATE DEED FROM NOTICE(S).”**

NOTE: If the deed is effective on or before September 1, we must receive a maintenance fee or waiver for the parent claim and the new claim for the upcoming assessment year.

Example: On August 8, 2009, a segregated deed is executed for the Silly Putty #2A and filed with the BLM on August 10, 2009. The filing of the deed severs the parent claim and creates a new claim. The parent claim and new claim are now two separate claims, and the BLM must receive a maintenance fee payment or waiver for each claim on or before September 1, 2009, for the 2010 assessment year.

If the claimant filed a waiver for the parent claim during the previous assessment year (on August 29, 2008, for the 2009 assessment year), the claimant for the parent claim must complete the 2009 annual assessment for both claims and a FLPMA document is required for both claims on or before December 30, 2009. This is required even if the owner of either claim pays maintenance fees for the upcoming assessment year (2010).

The claimant for the new claim must pay the maintenance fees or file a waiver for the next assessment year if the deed is executed after the current maintenance year begins (September 1).

Example: On September 20, 2009, a segregated claim deed is executed and filed with the BLM; the claimant met the 2010 annual filing requirement on August 29, 2009, for the parent claim. Because the 2010 requirements were met when only the original case existed, the new claim will require no maintenance fee or waiver until September 1, 2010, for the 2011 assessment year.

However, if a waiver was filed for the parent claim for the previous assessment year (on August 29, 2008, for the 2009 assessment year), be sure that when the 2009 annual assessment is filed for the parent claim, a copy is placed in the case file for the new claim as well.

- (6) LR2000/ALIS.
 - (a) New Claim Data Entry - When entering the initial information for the new segregated claim, copy the original/parent claim information to the new serial number. Change claimant's name(s) to the new owners and delete any non-pertinent information such as past deeds, additional information received codes, etc.

(b) Action Codes Required for LR2000:

403 - Location Date (Original date of parent claim)

395 – Recordation Notice Recd (Date segregated deed filed with the BLM. This code is entered through the CBS/LR2000 crosswalk when the case is created in LR2000.)

669 – Land Status (Date land status was done on parent claim)

501 – Acct Adv in Lead File __MC##### (New serial #)

484 – Location Year Maintenance Fee (only if the last assessment code/year is the location year, otherwise do not use this code on the segregated case.)

NOTE: Enter only the last assessment year codes. If the original/parent claim covered the maintenance fees/waivers/proof of labors, the applicable code(s) are:

782 - Rental/Maintenance Fee (or most current code)

685 – Addl/Curable Maint Fee (if applicable)

483 – Small Miner Cert Filed

480 – Evid of Assmt Filed

411 – Case Created by Transfer. Enter original/parent claim serial number in Action Remarks: Example: Out Of CAMC 21212.

(c) See Chapter VIII Reference Section for Data Elements for other action codes you may be required to enter in LR2000 and ALIS.

(d) Original/Parent Case Data Entry – Action Codes Required for LR2000:

396 - Trf of Interest Filed (use date deed is received at the proper BLM office). Be sure the original owner's name(s) is still listed for the remaining portion of the claim. In the general remarks enter: "Segregated Deed Received 00/00/0000 Effective 00/00/0000;" **and** "See __MC##### Segregated claim." Also, in remarks list the legal description of the portion of the claim that was segregated out.

410 – Case Segregated by Tfr- Use receipt date of transfer document and in remarks enter “INTO (insert applicable serial number).

- (e) See Chapter VIII Reference Section for Data Elements for other action codes you may be required to enter for LR2000 and ALIS.
- (f) Original/Parent Claim Legal Description - Remove segregated portion of land from the Parent Claim if it is a complete ¼ section or more. An example of this would be if the original legal description is the NE¼ and S½ of section 2, and the S½ of section 2 is being transferred. The S½ of section 2 is removed from the legal description of the parent claim. If it is a lode claim being segregated, have the claimant provide new metes-and-bounds descriptions for both the parent claim and the new claim. They must also furnish a map showing the new locations.
- (g) Update the Transfer of Interest log if applicable in your state.

G. Conditions for Acquiring a Delinquent Co-claimant’s Interest

1. General. The Mining Law provides for a procedure for mining claimants to remove from the title of the affected mining claim or site a co-claimant who is (i) delinquent in payment of their share of any required maintenance fees, or (ii) delinquent in performing their share of any required assessment work. Co-claimants may use this process if there is a deceased co-claimant and there were no provisions for distribution of the deceased co-claimant’s estate and there is no surviving spouse. A claimant may acquire a delinquent co-claimant’s interest in a mining claim or site under the following circumstances (43 CFR 3837.11):
 - a. The compliant claimant has performed the required assessment work, made improvements, or paid the required maintenance fees;
 - b. The delinquent co-claimant fails to contribute a proportionate share of the assessment work, expenditures, or maintenance fees by the end of the assessment year concerned;
 - c. The claimant has followed the procedures in 43 CFR 3837.21 to notify the delinquent co-claimant of the alleged delinquency;
 - d. If, within 90 days following the date the delinquent co-claimant received the notice provided for under 43 CFR 3837.21(a) or 90 days following the end of the publication period described in 43 CFR 3837.21(b), the delinquent co-claimant fails or refuses to contribute a proportionate share of the assessment work,

expenditures, or maintenance fees, the remaining claimants acquire the delinquent co-claimant's share in the mining claim or site.

NOTE: A claimant may not begin action to acquire a co-claimant's interest in a mining claim/site if the co-claimant is on active military duty.

2. Acquisition Procedures (Referred to as "Publishing Out") (43 CFR 3837.21). The claimant(s) must give the delinquent co-claimant written notice by mail using registered or certified mail, return-receipt requested, or by personal service. Or, if after a diligent search, the claimant(s) cannot locate the delinquent co-claimant, they must publish a notice in a newspaper nearest the location of the mining claims or sites at least once a week for 90 days (*Illustration 59*). **NOTE:** If the notice is not published for the proper time period, the notice is insufficient and the compliant claimant must begin the publication period again. Also, some states have different requirements for publishing out, so it is important to check your state requirements.
3. Time Allowed for a Delinquent Co-Claimant to Make Restitution (43 CFR 3837.22). The delinquent co-claimant must contribute a proportionate share of the assessment work, expenditures, or maintenance fees within 90 days after the date on which:
 - (a) The delinquent co-claimant received written notice by mail or personal service; or
 - (b) The 90-day newspaper publication period ended.
4. Notification and Evidence Required by the BLM of Acquired Delinquent Co-Claimant's Interests. In order to acquire a delinquent co-claimant's interests in a mining claim or site, the claimant must submit (43 CFR 3837.23, 3837.24):
 - a. Evidence that the claimant properly notified delinquent co-claimant;
 - (1) If the claimant gave written notice to the delinquent co-claimant by personal service, the claimant(s) must sign and submit a notarized affidavit explaining how and when they delivered the written notice to the delinquent co-claimant.
 - (2) If the claimant gave written notice to the delinquent co-claimant by mail, the claimant(s) must submit:
 - (a) A copy of the notice they mailed to the delinquent co-claimant; and
 - (b) A copy of the signed return-receipt card from the registered or certified envelope in which they sent the notice to the delinquent co-claimant. **NOTE:** The person who signs for the notice must be the delinquent co-claimant otherwise the requirements have not

been met. Use of restricted delivery should be used to ensure that only the delinquent co-claimant signs. Additionally, if the delinquent co-claimant is deceased, the notice should be to their “heirs, administrators, and to all whom it may concern.” A notice to a deceased co-claimant and their administrator, but not to their heirs would be deficient.

- (3) If the claimant(s) published the notice in a newspaper, they must submit:
 - (a) A statement from the newspaper publisher or the publisher’s authorized representative describing the publication, including the beginning and ending dates of publication;
 - (b) A printed copy of the published notice; and
 - (c) A notarized affidavit attesting that the claimant(s) conducted a diligent search for the delinquent co-claimant and they could not locate the delinquent co-claimant; therefore, notification by publication was necessary.
 - b. An originally signed and dated statement by all the compliant claimants that the delinquent co-claimant failed to contribute the proper proportion of the assessment work, expenditures, or maintenance fees within the period fixed by the statute; and
 - c. A processing fee for each claimant to transfer the delinquent co-claimant’s interest, as found in the in Chapter III, Table I.
5. Disputes Regarding Acquiring a Delinquent Co-Claimant’s Interest. If the claimants are engaged in a dispute regarding the acquisition of a delinquent co-claimant’s interests, they must resolve the dispute, without BLM involvement, in a court of competent jurisdiction or proceeding as permitted within the state where the disputed claims are located. The claimants must file with the BLM a certified copy of the judgment, decree, or settlement agreement resolving the dispute before the BLM will update its records (43 CFR 3837.30).
6. Adjudication for Acquiring a Delinquent Co-Claimant’s Interest.
- a. **Receiving Official Steps:** Receive documentation of delinquent co-claimant and conveyance documents, date stamp, and receipt fees. Forward to adjudication, or route for automated entry, then forward to adjudication.
 - b. **Adjudication Steps:**
 - (1) Examine the mining claim case file to:

- (a) Determine that the claims are active; and
 - (b) Determine that the claimant filing the notice is an owner of record. If the claimant is not an owner of record, return the documents and inform the claimant if they have proof of ownership, they can resubmit the filing accompanied by the proper nonrefundable processing fees for all transfer documents submitted.
 - (c) Check the effective date of any transfer received to make certain the transfer was effective before the claimant began the notice of forfeiture process.
- (2) Verify if any identified claimant listed as delinquent has contributed to the maintenance of the claim(s). If the claimant listed as delinquent has contributed, they will remain as an owner of record and the BLM will reject the Notice of Delinquent Filing ([Illustration 60](#)).
 - (3) Verify that the claimant submitted all the required information for the Notice of Delinquent Filing.
 - (a) If any information is missing from the delinquent notice filing, prepare an Additional Requirement Notice requesting the claimant submit the missing documents within 30 days from receipt of our notice. Send this notice certified/registered return-receipt mail ([Illustration 61](#)).
 - (b) If the BLM does not receive the additional information within the timeframe, prepare a rejection decision ([Illustration 62](#)).
 - (4) Check timeframes for publication dates to be sure the compliant claimant gave the full response time to the delinquent co-claimant.
 - (5) By registered/certified mail return-receipt requested, send a Decision to the compliant claimant with a “cc” copy to all compliant co-claimants acknowledging the transfer of interest through the procedures outlined in 43 CFR 3837 ([Illustration 63](#)).

NOTE: The BLM does not arbitrate or become a party to rival claimant disputes; they are civil matters and the State Court settles such disputes.

- (6) If the delinquent co-owner(s) fails to reimburse the other claimants their share of the mining claim maintenance costs within the timeframes allowed the delinquent co-claimant’s interest in the claim(s), by law, passes to the compliant claimant(s) who made the expenditures or

improvements.

- (a) If the BLM received fees with the Notice of Delinquent Filing, the transfer document acts as the claimant's notice of forfeiture. The effective date of the transfer is the day after all timeframes have expired.
 - (b) If the claimant did not submit the fees with the claimant's Notice of Delinquent Filing, call the claimant and ask them to remit fees via a credit card that day or submit the payment. The BLM will accept the filing only when the BLM receives the fees and all the other information required to publish out a delinquent owner. (*Illustration 64*).
 - (c) If the BLM does not receive the proper claim processing fees, prepare a decision rejecting and returning the Notice of Delinquent Filing unrecorded (*Illustration 65*).
- (7) Place a copy of all conveyance document(s) in all affected case files.
 - (8) Complete data entry for transfers into LR2000. **AC 396 – Transfer of Interest Filed.** Enter the delinquent claimant's name in remarks. Complete data entry for transfers into ALIS **AC 586 – Trf of Int Filed/Ack.**

H. Adverse Proceedings

1. Mineral Contest Proceedings. If a mining claim or site is being contested, the claimant(s) must maintain the mining claim or site (pay the annual maintenance fee or maintain a proper waiver) until the OHA issues its final decision.
2. Administrative Appeals. If a mining claim or site is deemed forfeited and the claimant(s) file an appeal, and a stay was granted by IBLA, the claimant(s) must maintain the mining claim or site through the appeals process. If the claimant does not request a stay, or the IBLA does not grant a stay, the BLM's decision remains in full force unless the IBLA reverses our decision. The BLM does not accept filings or fees for abandoned or forfeited claims. If the IBLA reverses the decision, the BLM would then issue a notice allowing the claimant(s) 30 days to pay all maintenance fees to bring the claim/site up to date with the current maintenance year. **NOTE:** The claimant must pay the maintenance fees because the small miner fee waiver is not acceptable to be filed for past assessment years.
3. Judicial Proceedings. If the owner of a mining claim/site, which was declared forfeited by the Department, seeks judicial review of the Department's decision, but does not obtain a stay of our decision, the mining claims or sites are not required to be

maintained under the regulations, because the forfeiture decision cancelled them. If the Court reverses the Department and reinstates the mining claims or sites, the BLM would then issue a notice allowing the claimant(s) 30 days to pay all maintenance fees to bring the claim/site up to date with the current maintenance year. **NOTE:** The claimant must pay the maintenance fees because the small miner fee waiver is not acceptable to be filed for past assessment years.

4. Third Party Challenges. In cases where an adverse mining claimant states that the owners abandoned a mining claim on file with the BLM because the owner filed annual filings with the BLM but not with the county recorder's office, the BLM will refer the adverse mining claimant to the state or Federal courts for adjudication. The BLM does not adjudicate private party disputes between rival claimants. If the court declares the mining claim(s) or sites abandoned, issue a decision to that effect and close the case.
5. Private Contest. A private contest is an administrative proceeding within the Department of the Interior that any person can bring who claims title to or a legal interest in the land adverse to the title or interest of another for any reason not shown by the BLM records (43 CFR Subpart E 4.450) (See H-3870-1 Adverse Claims, Protests, Contests, and Appeals). These proceedings are rare because these third party challenges are usually resolved through state courts.

Chapter V - Defective Documents

A. Failure to Comply with the Regulations

1. General. If there is a defect in a claimant's compliance with a statutory requirement, the defect is not curable if the statute does not give the Secretary authority to permit exceptions. A defect is curable if the regulations require the missing information or if the statute expressly allows time to cure.
2. Fatal Defects.
 - a. Forfeiture of Mining Claim or Site. Mining claims or sites are forfeited effective the date the BLM must receive documents or fees if the claimant fails to:
 - (1) Pay the full annual maintenance fee or submit a waiver request on or before September 1;
 - (2) Submit a listing of claims along with the maintenance fee payment on or before September 1;
 - (3) List any claims or sites they own on the waiver request and fail to pay an annual maintenance fee for the missing claims or sites on or before September 1; and
 - (4) Cure any defect in a timely filed small miner fee waiver request or pay the maintenance fee within 60 days after the BLM notifies the claimant to cure the defects.
 - b. Abandonment of Mining Claim or Site. The claimant has abandoned a mining claim or site and the claim or site is void, effective the date documents or fees are due, if the claimant fails to:
 - (1) Record a new mining claim or site within 90 days of the location date;
 - (2) Pay the location and initial maintenance fee within 90 days of the location date;
 - (3) File an annual document required by FLPMA on or before December 30;
or
 - (4) Submit missing documentation within the time allowed after receiving a BLM notice that a filing was defective. The response time is usually 30 days from the claimant's receipt of the notice except as stated in paragraph 2a(3) above regarding a defect in a small miner fee waiver.

- c. Null and Void *ab initio*. Mining claims or sites are null and void *ab initio* (from the beginning) if located on lands closed to mineral entry at the time of location.
3. Curable Defects. If there is a defect in the claimant's compliance with a regulatory requirement, then the defect is curable. Claimants must correct curable defects within the time allowed in the notice sent by the BLM. The notice is always sent by certified/registered return receipt requested. **NOTE: Never allow an extension of time in which to submit the requested information.**
- a. Other than a defective small miner fee waiver request, a claimant must cure any defective document within 30 days of receiving our notice. **NOTE:** The failure to file a notice of intent to hold required only by regulation is a curable defect and the BLM gives the claimant 30 days in which to cure.
 - b. A timely filed small miner fee waiver may have curable defects. The claimant must cure the defects or pay the annual maintenance fees within 60 days of receiving our notice requiring the correction of the defects. Items **not** curable on a small miner fee waiver:
 - (1) A waiver received with no signatures. If there is at least one claimant that signs the waiver, then the missing signatures can be cured. If there is no signature, there is no cure.
 - (2) A waiver that does not identify the claims or sites covered under the waiver. The claims and/or sites must be listed either on the waiver or on an attachment. The attachment must be timely filed with the waiver.
 - (3) A waiver filed by a claimant who is not qualified to hold claims or sites under a waiver. If a claimant applies for a small miner fee waiver and the claimant owns more than 10 claims or sites nationwide, the claims or sites will be forfeited. There is no opportunity for the claimant to then pay the maintenance fee (10-claim limit).
 - (4) An untimely filed waiver.
 - (5) A waiver filed through a fax machine is not acceptable because it does not contain original signatures. If a waiver is received through a fax machine on or before September 1, the adjudicator should try to contact the claimant to let them know the document is not acceptable and that the original waiver is still required on or before September 1.
 - (6) A waiver filed by a claimant that is not the current holder according to the BLM records. A forfeit decision would be issued to the claimant of record. If a transfer of the claim was completed prior to September 1, then the forfeiture decision can be vacated if the transfer document is submitted

as proof that the claim was transferred prior to September 1.

- c. A claimant may correct defects in their location of a mining claim, mill site, or tunnel site by filing a county-recorded amended notice/certificate of location. This includes the date of location if it is an obvious error or omission (43 CFR 3833.20). The BLM allows the claimant only 30 days in which to file the amendment to correct the defects when given notice by the BLM. This 30-day cure period is distinct from the requirement in the regulations that says the claimant must file an amendment within 90 days of being recorded at the local office. When the BLM notifies the claimant that the notice/certificate of location is defective and requires an amendment, the claimant must record the amendment at the local office and then file the amendment at the BLM within the 30-day time period.
 - d. For placer claims or mill sites that the claimant locates using an irregular survey or by lot of irregular sections, a claimant may use the Rule of Approximation to determine allowable acreage. (If there is a question on this issue, consult with your Cadastral Survey Office.)
 - (1) The Rule of Approximation applies only to surveyed public lands to determine maximum allowable acreage for land entries (placer claims in this part) where the excess acreage is less than the difference would be if the claimant excludes the smallest legal subdivision (10 acres) from the location or entry (See *Henry C. Tingley*, 8 Pub. Lands Dec. 205 (1889)).
 - (2) The claimant may not use the rule to obtain more acreage than allowed under the applicable law.
4. Enduring Responsibilities. If a claimant forfeits a mining claim or site, they remain responsible for:
- a. Reclamation. The claimant remains responsible for all reclamation and performance requirements imposed by subparts 3715, 3802, 3809, or 3814 of the regulations. Include the reclamation requirement paragraph in all final decisions ([Illustration 6](#)).
 - b. Other Responsibilities. The claimant retains any obligations and responsibilities imposed by other agencies or parties who have management authority over the claimant's surface or subsurface operations.
5. Decisions and Notices.
- a. Notice. A notice is correspondence that provides information for the claimant or requests the claimant to provide us with additional information. A notice should be sent by certified/registered mail if there is a due date or time limit for action by

the claimant and the BLM needs evidence to show delivery of the Notice. Notices do not include an appeals paragraph.

- b. Decision. A decision is any document in which the BLM notifies a claimant of a final action or an action that adversely affects the claimant(s) of record. A decision having an adverse effect on the claimant **always** provides the right of appeal and is always mailed certified/registered return-receipt requested.
- (1) Forfeiture Decisions. The BLM will issue a forfeiture decision when (a) the claimant fails to pay the maintenance fee or file a small miner fee waiver on or before September 1 of each year; or (b) the claimant fails to cure a defect in the small miner fee waiver within 60 days after receiving notification from the BLM. It is optional to include the standard relocation information when issuing a forfeiture decision ([Illustration 79](#)).
 - (2) Rejection Decisions. The BLM will issue a Decision rejecting the recordation of a new claim or site when (1) the owner fails to file new certificates/notices of location with the proper processing, location, and maintenance fees; and (2) the owner of a claim or site fails to provide complete information required for adjudicating after receiving a 30-day notice requesting additional information. When the recordation of a new claim or site is rejected, the BLM will return the filing without further action, retaining any fees available for processing fees. The claimant can then resubmit their corrected (if corrections were necessary) certificates/notices along with the proper fees as long as the BLM receives them within the 90-day filing period after the date of location.
 - (3) Abandoned and Void Decision. The BLM will issue an Abandoned and Void Decision when the claimant (1) fails to record a new notice/certificate of location with the BLM within 90 days after the location date; (2) fails to timely file their required FLPMA filings, along with the proper fees, on or before December 30 of each calendar year following the year of location; or (3) failing to remit the proper fees for a FLPMA document after the BLM issues a 30-day notice to cure or filing a notice of intent to hold when given a 30-day notice to do so. It is optional to include the standard relocation information when issuing an abandoned and void decision ([Illustration 79](#)).
 - (4) Null and Void, *ab initio* Decision. The claimant may locate mining claims, mill sites, or tunnel sites on any lands or mineral interests in lands owned by the United States which are open to location. Any claim or site located totally on lands not subject to location is null and void *ab initio*. Any placer claim or site that lies in part on lands closed to location is void as to that portion which overlaps the closed lands. Lode claims may be

partially projected onto lands not subject to location in order to configure the claim boundaries to secure extralateral rights. In this case, the BLM would issue a notice to the claimant stating that any claim boundaries that overlap on closed/segregated lands are not available to them.

NOTE: We will always include the Standard Reclamation Paragraph ([Illustration 6](#)) and the Standard Appeal with Stay Information ([Illustration 7](#)) in decisions notifying claimants that their claim is void even if the claim or site is located on lands managed by another agency. We will also include the Standard Reclamation Paragraph when a claimant relinquishes a claim.

6. Appeals. All final decisions issued are subject to the right of appeal. The BLM will include the standard appeal paragraph in all final decisions, or as an enclosure ([Illustration 7](#)).
7. Preparing Additional Requirement Notices

Adjudication Steps:

- a. Determine what additional information the BLM requires, and complete the appropriate additional requirement notice requesting the information. Allow 30 days for response ([Illustration 66](#)).
 - (1) If the BLM timely receives the additional evidence requested by our notice, process as outlined in the appropriate section of this handbook.
 - (2) If the BLM does not receive the evidence, prepare the appropriate decision for failure to provide the additional information. Processing fees are never refunded. If the claimant fails to cure a new location, the initial maintenance and location fees may be kept since the claimant has held the claim or site for a partial period during the assessment year.
 - (3) If the claimant files an appeal, complete adjudication as outlined in the Appeals Section 12 below.
 - (4) If the claimant does not file an appeal, proceed as outlined in closing a case file (Section 14 below).
- b. Review the certificates of location for the correct spelling of the claim name. Verify ownership and addresses so that the BLM mails the decision to the proper parties.
- c. Mailing of the Notice. Complete the processing as outlined in Chapter VI Document Processing.

- d. Place a copy of the notice in all affected case files.
 - e. Complete data entry for notices into LR2000 **AC 393 Decision/Notice Issued**. State what information is being requested (for a Notice) or the reason a Decision is issued. For example, “map requested,” “clarify legal desc,” or “no annual filing.” Complete data entry for notices into ALIS - **AC 718 Dec Issued**.
8. Adjudication of Late-Filed Claims.

Adjudication Steps:

- a. Verify that the BLM received the claims/sites after the 90-day deadline.
 - b. Prepare a Rejection Decision with the 30-day appeal period (*Illustration 67*). Include the Information on Taking Appeals to the IBLA, Form 1842-1 (appeal form) (*Illustration 68*). You may include the regulations at 43 CFR 4.21 (a) and (b) Stay of Appeal (*Illustration 69*) as enclosures with the decision.
 - (1) If the claimant files an appeal, complete adjudication as outlined in the Appeals Section 12 below.
 - (2) If the claimant does not file an appeal, proceed as outlined in closing a case file (Section 14 below).
 - c. Review the certificates of location for the correct spelling of the claim name. Verify ownership and addresses so that the BLM mails the decision to the proper parties.
 - d. Mailing of the Decision. Complete the processing as outlined in Chapter VI Document Processing.
 - e. Place a copy of the decision in all affected case files.
 - f. Complete data entry for the rejection decision in LR2000 - **AC 245 - Recordation Rejected** (*use the actual date of the decision rejecting the recordation*). Action code 245 closes the case; enter this code at the time the BLM issues the decision or after the appeal period. Complete data entry for decisions into ALIS **AC 006 – Location/Notice Rejected/Denied**. NOTE: Follow the data standards as to the dates used for all actions. (See Chapter VIII – Reference Material.)
9. Preparing Null and Void Decisions.

Adjudication Steps:

- a. Review the certificates of location, the map, the MTP, and HI to determine whether the claimant located mining claims/sites on lands closed to location, i.e., segregated, withdrawn, or patented lands.
 - b. The BLM issues Null and void, in part, *ab initio* Decisions on placer claims, tunnel sites, and mill sites. The BLM should only do a null and void in part, if the part BLM is closing can be clearly described. If it cannot, the BLM should issue a notice or decision stating that a portion of the land included in the claim is not open to mineral entry and care should be taken to avoid conducting mining operations on land closed to mineral entry (*Illustrations 70 and 71*). For lode claims that lie in part on withdrawn lands, the BLM issues a letter or notice to the claimant stating a portion of the claim/site lies on closed lands.
 - c. If the BLM determines that the claims lie totally on lands closed to mineral entry or location, issue a decision declaring the mining claim(s) null and void, *ab initio*. Prepare the decision “Mining Claims Declared Null and Void, *ab initio*” (*Illustration 12*).
 - d. Review the certificates of location for the correct spelling of the claim name. Verify ownership and addresses so that the BLM mails the decision to the proper parties.
 - e. Mailing of the Decision. Complete the processing as outlined in Chapter VI Document Processing.
 - f. Documentation verifying the segregation of the lands in question such as patent documents, withdrawal orders, public land orders, connecting sheets, and a copy of the MTP and HI may be included as enclosures with the decision along with the appeal form, Form 1842-1, (*Illustration 68*). The regulations at 43 CFR 4.21 (a) and (b) Stay of Appeal (*Illustration 69*) may also be included. Copy all enclosures, except the appeals form and Stay of Appeal, for the affected case files as supporting documentation for the decision.
 - g. Complete data entry for decisions into LR2000 **AC 239 – Declared Null & Void; AC 240 – Declared Null & Void in Part**. *Be sure to use the actual date of the decision which declares the claim null & void or null & void in part. Action code 239 changes the disposition of the case to Closed.* Complete data entry for decisions into ALIS **AC 740 – Null & Void Decision; AC 741 – Null & Void in Part Decision**). **NOTE:** Follow the data standards used for all actions. (See Chapter VIII – Reference Material.)
10. Preparing Forfeiture and/or Abandoned and Void Decisions.
- a. **Adjudication Steps:**

- a. Maintenance fees and maintenance fee waivers are due on or before September 1 and FLPMA filings are due on or before December 30. Based on the appropriate date and considering the postmark rule, determine if the timeframe for submitting the maintenance fee or FLPMA documents has expired.
- b. Run the missing yearly report from LR2000. Use the printouts to verify which claims require decisions. Research all files for current maintenance fees, maintenance fee waivers, or FLPMA filings. NOTE: If the BLM requires a notice of intent to hold because the claimant switched from paying maintenance fees to filing the maintenance fee waiver, then the BLM will issue a notice to cure this defect since this type of notice of intent is a curable defect.
- c. In Alaska, run the missing yearly report from ALIS in September for the forfeiture decisions and in January of the next year for the Abandonment decisions. Use the printouts to verify which claims require decisions. Research all files for current maintenance fee payments, maintenance fee waivers, or FLPMA filings.
- d. If the claimant filed documentation, verify whether the BLM adjudicated it and completed the data entry correctly.
- e. If the BLM did not receive a maintenance fee payment or maintenance fee payment waiver on or before September 1 (postmark rule applies), issue a Forfeiture Decision ([Illustration 72](#)). If the BLM did not receive a FLPMA filing on or before December 30 (postmark rule applies), issue an Abandoned and Void Decision ([Illustration 73](#)). NOTE: *The failure to file a Notice of Intent to Hold for mill or tunnel sites is a curable defect.*
- f. Review the certificates of location for the correct spelling of the claim name. Verify ownership and addresses so that the BLM mails the decision to the proper parties.
- g. Include the appeals form, Form 1842-1 ([Illustration 68](#)). You may include the regulations at 43 CFR 4.21 (a) and (b) Stay of Appeal ([Illustration 69](#)) as enclosures with the decision.
- h. Mailing of the Decision. Complete the processing as outlined in Chapter VI Document Processing.
- i. Complete data entry for decisions into LR2000 **AC 393 – Decision/Notice Issued; AC 631 – Claim Abandoned/Forfeited**. For AC 393, use the date the Decision was issued. For AC 631, ALWAYS use the date of forfeiture (September 1) or date of abandonment (December 30). Action

code 631 closes the case; enter this code at the time the BLM issues a decision or after the appeal period. Complete data entry for decisions into ALIS AC 890 – **Abandonment Claim Void**. **NOTE:** Follow the data standards as to the dates used for all actions. (See Chapter VIII – Reference Material.)

- b. Special Instructions:** For mining claims or sites included in a Forfeiture or an Abandoned and Void Decision which have been identified as having PL 167 surface rights under the Surface Resources Act for pre-1955 mining claims, or are included within a Mineral Survey:
- (1) Notify Cadastral to cancel the mineral survey.
 - (2) Notify Titles to remove the PL 167 notation for the affected mining claim from the MTP.
11. Mill Site or Tunnel Site, Additional Requirement. If the claimant submitted a small miner's fee waiver for mill or tunnel sites, the BLM requires a Notice of Intent to Hold (NOI) to maintain the claims.

Adjudication Steps:

- a. If the BLM receives the processing fees timely, adjudicate the NOI as in Chapter III - H Adjudication of Annual FLPMA Documents.
 - b. If the BLM does not receive an NOI and/or fees for a mining claim/site in the calendar year that the claimant located the claim/site was located, this is a curable defect. The BLM must issue an Additional Requirement Notice requesting the document and/or fees (*Illustration 74*). Allow 30 days for the claimant to furnish the required fees or NOI. If the claimant does not comply, issue an Abandoned and Void Decision with appeal rights. **No extension of time will be allowed.**
 - c. Complete data entry for notices/decisions into LR2000 AC 393 – **Decision/Notice Issued** and AC 631 – **Claim Abandoned/Forfeited**. Action code 631 changes the case disposition to Closed; enter this code at the time the BLM issues the decision or at the end of the appeal period according to your state's procedures. **For AC 393, use the date the decision was issued.** *For AC 631, ALWAYS use the date of forfeiture (September 1) or date of abandonment (December 30).* Complete data entry for notices/decisions into ALIS AC 718 **Dec Issued**. See Chapter VIII – Reference Material and follow the standards for each code to make certain the correct dates for the codes are used.
12. Adjudication of Appeals. All adverse decisions are subject to the right of appeal. **All appeals must be adjudicated and sent to the IBLA within 10 days of receipt at the BLM. If you cannot make this deadline, call the IBLA and ask**

for an extension. Each state office can determine whether they will accept a notice of appeal by fax or email (75 FR 64659—Oct. 20, 2010). If the BLM receives an appeal after regular business hours, the BLM considers it filed on the next business day (75 FR 64663 – Oct. 20, 2010).

NOTE: Once an appeal is filed, the BLM loses jurisdiction over the case and cannot take any further actions on the affected claims until the IBLA renders a decision. If the BLM finds that their decision is wrong after the claimant files an appeal, the BLM office must contact their local Solicitor’s Office to request that the case be remanded to the BLM for further action. After the IBLA returns a case, the BLM office can take any further action as required. If the original BLM decision is wrong, the adjudicator should prepare a decision vacating, or vacating in part, the original decision ([Illustrations 75 and 76](#)).

Adjudication Steps:

- a. Determine that the claimant timely filed the appeal no later than 30 days of receipt of the BLM’s decision, or within the grace period. If not timely filed, the BLM will reject the appeal (70 FR 64665 – Oct. 20, 2010).
 - b. Photocopy the entire case file(s) and place documents in a duplicate file for state office retention.
 - c. Photocopy the appeal and the decision for the Field Solicitor.
 - d. It is optional to send an Appeal Acknowledgement Letter to the claimants. A copy of this letter goes in the original and duplicate files ([Illustration 77](#)).
 - e. Send an Appeal Transmittal Notice to the IBLA by certified mail return-receipt requested or overnight mail service. It should include a contact person, telephone number, and fax number ([Illustrations 78a, 78b, and 78c](#)). Staple the original of this transmittal on the front of the lowest lead file. Place a copy in each original and each duplicate file. Send a copy to the Field Solicitor. If the case is unique, copy the Washington Office.
 - f. Complete data entry for appeals into LR2000 **AC 120 – Appeal Filed**. Complete data entry for appeals into ALIS **AC 700 – Appeal Filed**. (See Chapter VIII – Reference Material.) **NOTE:** Be sure to add the IBLA docket number to action remarks for AC 120 when the docket number is received from the IBLA.
13. When the Case Returns From the IBLA. The IBLA decision constitutes the final agency action and is effective on the date of issuance of the BLM decision, unless indicated otherwise. Or, if the decision was issued and closed by operation of law, use the filing deadline as the effective date, i.e., September 1, or December 30.

- a. **Types of IBLA Decisions and Orders.** An IBLA decision or order takes one of three actions: (1) allows the BLM's decision to stand; (2) changes the BLM's decision; or (3) directs the BLM to take further action. The IBLA uses these terms to describe the action it takes:
- (1) **Affirmed.** The IBLA upholds the decision and accepts the BLM's reasons for taking the action.
 - (2) **Affirmed as Modified.** The IBLA determines that the BLM's decision was correct but does not accept one or more of BLM's reasons for taking the action.
 - (3) **Vacated.** The IBLA finds the decision was incorrect and overturns the BLM decision. The case is then remanded to the BLM for further adjudication consistent with the IBLA's decision.
 - (4) **Set Aside.** The IBLA is unable to conclude whether the decision is correct or incorrect. For example, the decision may be correct, but the record on appeal is insufficient to support the action.
 - (5) **Remanded.** The IBLA sends the case back to the BLM for reasons such as an incomplete record, an inadequate decision, the need to develop more information, or the need to implement IBLA's decision.
 - (6) **Reversed.** The IBLA determines that the BLM decision is incorrect and orders the BLM to grant the appellant's request and complete the action which was appealed.
 - (7) **Referred for Hearing.** The IBLA determines that material issues of fact existed that could not be resolved on the basis of the record before it, and refers the matter to the Hearings Division for assignment to an Administrative Law Judge (ALJ) to convene a hearing. The order or decision sometimes includes instructions concerning the issues for resolution. The ALJ usually makes an initial decision, which, unless appealed back to IBLA, is final for the Department.
- b. **Implementing the IBLA Decision.** Implement the IBLA's decision based upon its instructions. When the IBLA affirms the decision, take the action cited in the BLM decision. For example, if the BLM rejected a late-filed Certificate of Location, close the case file following your state office procedures. Note the case record and make the appropriate LR2000/ALIS entry. If the IBLA decides in any other manner, such as a reversal, follow their instructions for the next steps.
- c. **Reconsideration.** The BLM or the appellant may request that the IBLA reconsider their original decision.

- (1) **Petition for Reconsideration.** A petition for reconsideration can be filed by the appellant or the BLM. It must be filed within 60 days of the date of the IBLA decision. It must specify the error in IBLA's decision and include all arguments and supporting documents. The petition may request that IBLA stay the effectiveness of the decision. No answer to the petition is required unless ordered by IBLA. The filing, pendency, or denial of a petition does not stay the effectiveness or affect the finality of the decision unless ordered by IBLA. A petition need not be filed to exhaust administrative remedies.
 - (2) **What IBLA Requires for the Reconsideration.** The IBLA does not grant a reconsideration to review arguments previously raised by the parties. The petitioner must present either convincing new legal arguments or relevant newly discovered evidence unavailable when the petitioner filed the notice of appeal. Petitions must state exactly the error claimed and include all arguments and supporting documents. If you think it is appropriate for the BLM to file a petition of reconsideration, discuss the matter with your supervisor and Regional Solicitor.
- d. **Hearings after Appeal to IBLA.** No further hearing will be allowed in connection with the appeal to IBLA. After considering the evidence, the IBLA may remand the case for further hearing if the IBLA considers this necessary to develop the facts. Additional evidence submitted after the close of a hearing can be used only to determine whether there is a basis for ordering a further hearing. The claimant can also appeal to the Director and/or the Secretary.
- e. **Court Appeals.** The appellant may appeal the IBLA decision in the Federal District Court where the mining claim is located. The statute of limitations for a party seeking review of an IBLA mining law decision in Federal District Court is 6 years from the date of the IBLA or Secretarial decision (see 28 USC 2401 [1988]). A district court's decision is appealable to the appropriate U.S. Circuit Court of Appeals. The U.S. Supreme Court, at its discretion, may review the Circuit Court decision.

If the claimant takes the case to Federal court after the IBLA decision, and the subsequent court decision calls for further BLM action, the state office will implement the court's decision. Update the LR2000/ALIS database, as appropriate. If the court remands the case for further work, the case will go back to IBLA. Pursuant to 43 CFR 4.29, the IBLA will maintain control of the case and direct the BLM as to what is required to meet the court's directives.

14. Steps for Closing the Case File if No Appeal is Filed. According to each state's procedures, the BLM can close a case at the time the BLM issues a decision or after the appeal period is over. Even if the claimant files an appeal, the BLM considers the case closed. However, if a claimant requests a stay and the IBLA grants the stay, the BLM would reopen the case.

Adjudication Steps:

- a. Determine that the time period allowed for filing an appeal has expired. Refer to the certified card and begin counting the days after the claimant receives the decision. The 30th day must be a working day. If the 30th day falls on a weekend or holiday, then use the first working day following the weekend or holiday. If the certified receipt has not come back, put a tracer on it before closing the decision. You may also check the United States Postal Service online tracking system website at: www.usps.com/shipping/trackandconfirm.htm. **NOTE:** If there is no record of the certified/registered card, the BLM will reissue the decision or notice.
- b. Stamp or notate the copy of the decision letter “No Appeal Filed. This Decision Final.” Add today’s date and initial. **NOTE:** Follow the data standards when entering actions in LR2000 or ALIS that close cases. **DO NOT USE** the end of the appeal period date as the date to close the case in LR2000 or ALIS.
- c. Stamp or notate the reason for closure on the affected certificate/notice of location and any amendments. **NOTE:** Do this step only if this is according to your state’s procedures.
- d. If all the mining claims in the case file are closed, stamp “CLOSED CASE” on the outside of the case file jacket. Also, indicate the date of closure on the outside of the case file jacket or according to your state’s procedures.
- e. Complete steps to issue a refund to the claimant, if it is due. (See Chapter III.)
- f. If the case was not closed at the time the BLM issued the decision, complete data entry for decisions into LR2000 or ALIS to make certain the disposition is changed to Closed. **NOTE:** Follow the data standards when entering actions in LR2000 or ALIS that close cases. **DO NOT USE** the end of the appeal period date as the date to close the case in LR2000 or ALIS. (See Chapter VIII – Reference Material.)

Chapter VI – Case Management

A. Document Processing

1. Correspondence Preparation.

- a. Type the appropriate letter, notice, or decision.
- b. Prepare all correspondence as follows:
 - (1) One original signed copy for each claimant of record. If the claimants all reside at the same address, send one original signed copy to the address, listing all the claimants. Depending on the situation, you can decide to send each claimant a signed original even if they all have the same address. For instance, if you want a separate delivery notice for each claimant, send each claimant the correspondence by certified return-receipt requested.
 - (2) One copy of the original for each case file affected by the correspondence.
 - (3) One copy of the original for cc and bc copies. The original and cc copy do not have any notation as to the bc copies being sent. You may need additional copies based upon your office procedures.
- c. Prepare an envelope. (Use the United States Postal Service (USPS) Addressing Standards, Publication 28, as the standard in the formatting and content of address information --WO IM No. 2001-211) **UPPERCASE LETTERS ARE PREFERRED.**
- d. Prepare a certified/registered card or overnight delivery service envelope, if you need evidence that the claimant received the document.
 - (1) Certified/registered mail or overnight delivery to all owners of record. (See IV.1.b.(1).)
 - (2) Regular mail to all cc and bc copies. There may be a situation that requires a cc copy to also be sent by certified/registered mail.
- e. If the correspondence requires further action, enter **AC 247 - Future Action Suspense** in LR2000/ALIS for each case file affected. Future action date should allow enough time for delivery of the correspondence in addition to the response time afforded the claimants (either 30 or 60 days from receipt). **NOTE:** Since AC 247 involves a follow-up action, always be sure to remove AC 247 when the follow-up action is completed.
- f. Signatures on correspondence are in accordance with the Delegation of Authority

manual.

2. Certified Mail and/or Registered Mail. The BLM must send notices and decisions which require a response from the mining claimant by certified/registered mail. Send certified if within the United States, and send registered if it is International Mail. Type “CERTIFIED MAIL--RETURN-RECEIPT REQUESTED” or “REGISTERED MAIL” at the beginning of such notices or decisions and indicate the certified/registered number on the case file copy for tracking purposes. Process certified/registered mail as follows:
 - a. Prepare a certified return-receipt card or registered card using the USPS addressing standards. **LIST ALL OWNERS, EVEN IF SEVERAL ARE LISTED AT THE SAME ADDRESS, ON THE CARD. DO NOT USE ET AL. YOU MAY NEED TO USE TWO CERTIFIED/REGISTERED CARDS.** (In some instances, you may want to serve each party its own copy so you know who has received it (43 CFR 1810.2)). Check the box on the card showing certified or registered as type of service and include the certified/registered number in the appropriate place on the card. The card may also include today’s date, your office code, surname, and every lead file number.
 - b. Place the certified/registered number label in the center at the top of the envelope. Place the certified/registered card on the back of a regular envelope and on the front of a large envelope.
 - c. Prepare the certified/registered log sheet including today’s date, mining claim, the certified/registered number, name and address, surname, office code, and the lowest serial number of the affected case files. (This step may be done elsewhere in your office.)
 - d. Use the same procedures for overnight delivery.
3. Filing Procedures When Return-Receipt Cards Are Returned from the USPS. Identify the affected lead file numbers on the certified/registered card.
 - a. Pull the case file(s) identified on the certified/registered card and double-check the certified/registered card number with the “written number” on the case file copy of the decision. **BE AWARE** there may be more than one decision in the case file.
 - b. Check the signature as well as the date signed. If the date is not on the card, the official/effective date will be the BLM’s receipt date stamp. You can also check online at the USPS tracking website to see when the USPS delivered the document. If you do this, make a copy of the tracking information for each of the case files.
 - c. Make copies of the certified/registered card for any additional files.

- d. Affix the original certified/registered card (with the receiving signature up) to the decision according to your state procedures. It is best not to cover any information on the decision. You may attach the certified/registered card to another sheet of paper. Remember to staple this additional sheet to the decision. Include the copies, if any, of the certified/registered card in any additional files.
 - e. Return the file(s) to Docket.
 - f. If using overnight delivery, use the date the package was delivered. You can also check the delivery service Internet tracking system to verify the delivery date.
4. Returned Mail
- a. Review the envelope to determine if the USPS stamped it “Refused,” “Unclaimed,” “Moved Forwarding Order Expired,” “No Forwarding Address on File,” or “Address Unknown.” Sometimes, if the claimant has moved and their forwarding order with the USPS has expired, the USPS will place a sticker on the envelope that shows the new address. The BLM can use this as our notification of an address change (See Chapter III - Address Changes).
 - b. Process returned mail according to your state’s policies. Each case file needs to be documented that the mailing was returned, either by making a notation on the correspondence that it was returned and why, or filing the envelope with a notation of what was in it. Place copies in each pertinent case file. Generally, we will not resend it via regular mail; however, if mail comes back with a new address, we can re-mail it (certified/registered, if applicable). Use the date the envelope is returned to the BLM as the date of receipt for computer notations and for calculating closure dates. If the claimant submitted an address change, prepare an envelope using the USPS address standards. Document each case file with the date that the BLM mailed it to the new address.
 - c. Update customer information in LR2000/ALIS if the claimant submits a new address. See Section A. 5 below.
 - d. If no address is available, update LR2000 with **AC 888** or ALIS with **AC 916 - Undeliverable Address** for each active claim listed under the claimant and note each case file. Be sure to enter the claimant’s name in Action Remarks if there is more than one claimant. If or when the BLM receives a new address, the BLM will delete these codes. Additionally, in the customer data base in the update screen, there is a box for each customer that can be checked if the address is no longer a good address. This box should be checked each time an office receives notification that the claimant no longer has a valid mailing address. If the address eventually gets updated, then the check mark in the box will programmatically be removed.

5. Entering New Names and Addresses in LR2000/ALIS. In some states a customer maintainer will enter this information, and in others an adjudicator may enter it. Follow the procedures in Chapter VIII – Reference for proper data entry of customer information.

B. File Maintenance

1. List of Documents Typically Found in a Mining Claim Case file. All documents are placed in chronological order from the bottom up. File these documents in the pertinent case files according to your office procedures. You may also use dividers and tabs to make the documents in the case file easier to locate.
 - Accounting Receipts. In older files, some states may have filed these on the left side of the case file;
 - Certificates/Notices of Location;
 - Amendments;
 - Transfers of Interest;
 - Any correspondence concerning the mining claims or sites including address or name changes, notices, and decisions;
 - Internal correspondence such as memos to the file or phone conversation records;
 - Master Title Plat(s);
 - Historical Index;
 - Claimant Map(s);
 - Affidavits of Assessment, Notices of Intent to Hold, Maintenance Fee documents, and Waiver Certifications; and
 - If applicable, Serial Number List, Check Sheet, and Suspense or Tickler reminders.
2. Case File Jacket Maintenance.
 - a. Jackets.

- (1) Edges. If the edge of the case file is beginning to get ragged, use binding

or strapping tape to reinforce the jacket to prevent further destruction. If taping has started to deteriorate, replace the entire jacket.

- (2) Numbers and bar codes, if applicable. If the numbers are fading or coming off the jacket, remove the old number and replace it with a new sticker. If all of the numbers are ragged, you may need to put on a tab cover and then replace all of the numbers. If the bar code is coming off, replace it with a new one.

- b. Prongs. If the prongs are broken, replace them. Use tape on the outside of the jacket to prevent it from being cut by the prong edge.

3. Document Preservation.

- a. Examiners should not edit documents; if corrections are needed, the examiner should initial by the corrections. Each piece has historical value and needs to be preserved as much as possible.
 - (1) If documents in a file are starting to get ragged from use, tape the tears or wrinkles to prevent further destruction (tape on the back of the document does not show on copy work or microfilm). If the document is extremely ragged, run a photocopy of the original document and staple it to the top of the original document.
 - (2) If the holes in the top of the document have been torn through, attach reinforcement stickers.
 - (3) Always staple filings together to prevent the loss of documents. Although this may cause the document to get ragged with the removal of staples for copy work, it is more important to have all the documents together.
- b. Serial Number/File Information List (if applicable in your state). If the list is messy or illegible, reprint a new one through LR2000/ALIS. Be sure that the latest current information is on this new list.
- c. Check and/or Work Sheet (if applicable in your state). Place a new check or work sheet page on top of the old check sheet if additional entries are needed.

4. Filing of Case files.

- a. Monitor the shelf location carefully. File the case files in serial number order. File active files and closed files separately. (Follow your own state's procedures.)
- b. Place the case file on the shelf in an orderly fashion, allowing the serial numbers to

readily show from either direction. It is periodically necessary to “shift” files in order to take up gaps or make room for additional files.

C. Case Disposition

Federal Records Center (FRC) Disposal/Retrieval. In accordance with the Bureau’s Records Retention Schedule 4/22, transfer closed mining claim case files to the FRC two years after the end of the fiscal year of closure date. The FRC will destroy the records after 50 years. There are specific forms and procedures for transferring these records to the FRC. Contact either your State Records Administration/Manager or State Office Dockets section for assistance.

If a customer wants to see a case file previously transferred to the FRC, you can suggest that the customer work directly with the FRC. The FRC charges the BLM for their time in retrieving the files. The BLM incurs charges for postage to and from the FRC. If the BLM needs to make the request for a case file to be retrieved from the FRC, contact either your State Records Administration/Manager or Information Access Center contact representative for assistance.

D. Abbreviations and Address Standards

1. Abbreviations. DO NOT ABBREVIATE FOR THE SAKE OF ABBREVIATING. If you need to abbreviate, look up the proper abbreviation. The Glossary Terms and Abbreviations can be found on the [WO Data Management SharePoint](#). In the column on the left, select “Reference Materials”. Under “Document Type: Internal”, the Abbreviation Guidelines document and the Glossary Terms and Abbreviation spreadsheet are shown.
2. Address Standards. WO-IM 2001-211 established a standard for all BLM address information by adopting the U.S. Postal Service's (USPS) Postal Addressing Standards as the official source for domestic address information. The BLM has adopted this standard, whether manual or automated. Use the Postal Addressing Standards, Publication 28, as the standard in the formatting and content of address information (<http://pe.usps.gov/cpim/ftp/pubs/Pub28/pub28.pdf>).
3. Other websites that may be used to verify names and addresses:
 - <http://www.melissadata.com/lookups/zipstreet.asp>. This website will give a list of street names within a specified zip code and the deliverable addresses for those streets. Melissadata.com has other search options available and found from the home page.
 - <http://www.whitepages.com>. This website can be used to find telephone numbers for claimants and to verify addresses. The site has a reverse look up option for the address that you can check the address to verify who the current resident is. If someone is not listed in the whitepages.com site, then their information may not

appear or it may appear with limited information only.

- <http://www.switchboard.com>. This is like the whitepages.com site, but sometimes telephone numbers will be listed on this site that are not listed on the whitepages.com site.
4. Validation of Addresses. Addresses entered into LR2000 are systematically validated through the software Data Flux. Data Flux attempts to validate the address in accordance with the USPS or Canadian Postal standards. After validation through Data Flux, the address may appear differently than what is shown on a document filed. For instance, claimants may not abbreviate words such as Road, Street, Avenue, etc., whereas Data Flux will normally abbreviate these words in accordance with USPS standards. Do not attempt to override entries validated by Data Flux just to match what is shown on a document. If the address does not validate through Data Flux, further information may be needed from the claimant to verify their correct mailing address. If you are not able to get a valid mailing address either because it was not submitted or you received mail that was returned by the USPS as undeliverable, you should always mark the box in the Customer Name Update Screen labeled UNDELIVERABLE. This box can be used in ad hoc LR2000 reports to identify those claimants without valid mailing addresses. Once this box is checked, if the address is updated, then the checkmark will programmatically delete once the new address is saved.

Customer Name Update Screen

System ID: MC

Name: WHITE ANNA MARIE

Proprietor #: 1188202

Category: P - PRIVATE

Address: 430 E 63RD ST

City: NEW YORK

State: NY

Zip: 100657918

UNDELIVERABLE

Email:

Customer details successfully saved for Customer Id 1188202

5. Use Upper Case Letters.
6. Allowable characters:
- All alpha keys (A-Z) and Space;

- All numeric keys (0-9);
 - Slash (/) or hyphen (-) cannot have space in front or behind, use only to link names, i.e., Ward-Williams;
 - Ampersand (&) must have a space before and after. The “&” cannot appear in the first or last position; and
 - Pound Sign (#) must have a space between the pound sign and the number.
7. State Names Abbreviated. Always abbreviate the state names such as Alaska (AK), Arizona (AZ), California (CA), Colorado (CO), District of Columbia (DC), Idaho (ID), Montana (MT), Nevada (NV), New Mexico (NM), Oregon (OR), Utah (UT), Wyoming (WY), etc. Canadian Province/Territory: Alberta (AB), British Columbia (BC), Manitoba (MB), New Brunswick (NB), Newfoundland (NF), Northwest Territories (NT), Nova Scotia (NS), Ontario (ON), Prince Edward Island (PE), Quebec (QC), Saskatchewan (SK), Yukon Territory (YT).
8. Post Office Boxes: Always abbreviate Post Office Box (PO BOX). Eliminate dual address lines. If both a physical street address and PO Box are available, use the PO Box. For addresses located in mail delivery stores, always abbreviate a private mail box as PMB and then the number. For example, PMB 353. This will be used in addition to the street address of the store.
9. BLM Glossary of Terms and Abbreviations. The following is a brief listing of some terms and abbreviations used in mining law and throughout this handbook. This list is not meant to represent a complete list of Bureau-approved abbreviations.

-A-

<i>ab initio</i>	Latin term meaning from the beginning.
<i>Acquired lands</i>	Federal lands obtained by the United States through purchase or transfer from a State or private individual and normally dedicated to a specific use.
<i>Appeal</i>	A request to the Interior Board of Land Appeals for a review of a decision issued. Filed by the party considered adversely affected, for the purpose of getting the effect of the decision reversed.
<i>ALJ</i>	Administrative Law Judge
<i>ALIS/ACRES</i>	Alaska Land Information System/Alaska Case Reporting

Enterprise System. The BLM's automated data base in Alaska.

Appropriations Act The Department of the Interior and Related Agencies
Appropriations Act.

AMDT Amendment

A/V or A & V Abandoned and Void

-B-

bc Blind Copy

BLM Bureau of Land Management

-C-

c/o In Care Of

CBS Collection & Billings System

cc Courtesy or Carbon Copy

CDI Controlled Document Index

CFR Code of Federal Regulations. The Code of Federal Regulations is a
codification of the general and permanent rules published in the
Federal Register by the Executive departments and agencies of the
Federal Government.

CoL Certificate of Location

-D-

DBA, dba, or d/b/a Doing Business As

DOL Date of Location

-E-

EO Executive Order

-F-

<i>FERC</i>	Federal Energy Regulatory Commission
<i>FLPMA</i>	Federal Land Policy and Management Act of 1976
<i>F & V</i>	Forfeit & Void
<i>FR</i>	<i>Federal Register</i>
<i>FS</i>	Forest Service

-H-

<i>HI</i>	Historical Index
-----------	------------------

-I-

<i>IBLA</i>	Interior Board of Land Appeals. The Department of the Interior, Office of Hearings and Appeals board that acts for the Secretary of the Interior in responding to appeals of decisions on the use and disposition of public land and resources. Because the IBLA acts for and on behalf of the Secretary of the Interior, its decisions usually represent the Department's final decision and are subject to appeal to the Federal courts.
-------------	--

-L-

<i>LR2000</i>	Legacy Rehost 2000 – The BLM's automated database in states other than Alaska.
---------------	--

-M-

<i>MF</i>	Maintenance Fee
<i>MTP</i>	Master Title Plat

-N-

<i>NPS</i>	National Park Service
<i>N/V or N & V</i>	Null and Void, <i>ab initio</i>

<i>NR, NUM, or #</i>	Number
<i>NOI</i>	Notice of Intent to Hold a mining claim or site
<i>NOITL</i>	Notice of Intent to Locate (Stock Raising Homestead Act Lands)
<i>NOL</i>	Notice of Location

-O-

<i>OHA</i>	Office of Hearings and Appeals
------------	--------------------------------

-P-

<i>PL</i>	Public Law
<i>PLO</i>	Public Land Order
<i>POL</i>	Proof of Labor
<i>PoO</i>	Plan of Operations

<i>Public Domain Lands</i>	Any or all of those areas of land ceded to the Federal Government by the Original States and to such other lands as were later acquired by treaty, purchase, or cession, and are disposed of only under the authority of Congress.
----------------------------	--

-Q-

<i>QCD</i>	Quit Claim Deed
------------	-----------------

-S-

<i>SME</i>	Small Miner Exemption (small miner's fee waiver)
<i>SO</i>	Secretarial Order
<i>SOL</i>	Solicitor's Office
<i>SRHA</i>	Stock Raising Homestead Act (PL 103-23) April 16, 1993

-T-

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VI-12

TUNL

Tunnel

TVA

Tennessee Valley Authority

Chapter VII – Illustrations

The illustrations found on the following pages are included for reference with the handbook and formatted so that any state office can use them. To ensure consistency, each office should follow the format for the decisions and notices and include the pertinent information for their particular state. As always, Bureau-approved correspondence manuals and guides must be followed when issuing any correspondence.

For the purposes of this handbook, only one illustration is included as a sample for each circumstance. If a sample does not fit your specific needs, you may modify the sample or you may also contact other offices for samples and direction. The majority of the illustrations are in the order they are referenced in the handbook.

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VII-2

ILLUSTRATION 1 – Telephone or Visit Conversation Log

U.S. Department of the Interior
Bureau of Land Management

CONVERSATION RECORD		Time Date	
Type Visit <input type="checkbox"/>		<input type="checkbox"/> Conference	<input type="checkbox"/> Telephone <input type="checkbox"/> Incoming <input type="checkbox"/> Outgoing
Location of Visit/Conference			
Name of Person(s) Contacted or in Contact With You	Organization (Office, Dept., Bureau, etc.)	Telephone	
Subject			
Summary			
Action Required			
Name of Person Documenting Conversation	Signature		Date
Action Taken			
Signature Title			Date

ILLUSTRATION 2 – Address Clarification and Power of Attorney

In Reply Refer To: _____ Date _____
Serial Number _____
3833 (Office Code) _____

CERTIFIED MAIL—RETURN RECEIPT REQUESTED

NOTICE

Claimant Name : Mining Claim Recordation
Mailing Address :
City, State, Zip :

Additional Information Required
Current Mailing Addresses and Power of Attorney

In accordance with 43 CFR 1822.10, all documents required to be filed with the Bureau of Land Management must contain the applicant's (claimant's) legal name and current address. Additionally, 43 CFR 3833.11(b)(2) requires that a certificate of location of a mining claim or site contain the names and current mailing addresses of the locators of the claim.

The location notices recently received for the (*insert claim names*), serialized as (*insert serial numbers*), respectively, listed more than one locator at the same mailing address. Additionally, there was only one claimant signature and it appears that claimant is signing on behalf of all claimants. Since not all the locators using the same mailing address appear to be related, and there was no authorization included from any of the claimants to assign power of attorney to one person, we will need the following information before the recordation of the above-named claims can be completed:

- A current mailing address for each claimant listed on the location notice regardless if the paperwork management is controlled by one party. If the party is related but does not actually reside at the same residence, their current mailing address is also required.
- A signed and notarized statement from each claimant that they authorized their name to be on the location notices and that they are an actual party to the location of the subject claims, and a legal document (such as a notarized power of attorney) showing that the person signing the location notice is the agent or authorized representative of the persons named on the location notice.

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VII-4

The above-named claimants are hereby afforded 30 days from receipt of this notice in which to furnish the requested information. Failure to do so will subject the recordation of the above-named claims to further adjudication which may result in a partial rejection of the recordation and a reduction in acreage claimed.

If BLM determines during further adjudication that the names of some or all of the locators listed on the location certificates are fictional and/or were used only to locate more than the allowed acreage, BLM may take action to invalidate the claim or site in its entirety. Additionally, the filing of any document that is known to contain false, erroneous, or fictitious information or statements may subject the claimant to criminal penalties under 18 U.S.C. § 1001 and 43 U.S.C. § 1212. The maximum penalty is 5 years in prison and/or a fine of \$250,000.

Any questions regarding this Notice should be directed to (*insert contact name and telephone number*), or at the address in the letterhead of this Notice.

Signature Block

ILLUSTRATION 3 (Sample 1 MT) – Check or Work Sheet

KEEP ON TOP

SERIAL NUMBER _____ CLAIM TYPE _____ DATE RECEIVED _____

DATA ENTRY COMPLETED _____ RECEIPT ISSUED _____

STATUS PROBLEMS/REMARKS _____

STOCK RAISING HOMESTEAD ACT LANDS NOITL Received _____

Acknowledged _____
_____ ANNUAL FILING

Waiver _____
Acknowledged _____
Assessment _____
Maintenance _____
Remarks _____

Data Entered _____

_____ ANNUAL FILING

Waiver _____
Acknowledged _____
Assessment _____
Maintenance _____
Remarks _____

Data Entered _____

_____ ANNUAL FILING

Waiver _____
Acknowledged _____
Assessment _____
Maintenance _____
Remarks _____

Data Entered _____

_____ ANNUAL FILING

Waiver _____
Acknowledged _____
Assessment _____
Maintenance _____
Remarks _____

Data Entered _____

_____ ANNUAL FILING

Waiver _____
Acknowledged _____
Assessment _____
Maintenance _____
Remarks _____

Data Entered _____

NOITL Serial Number _____
_____ ANNUAL FILING

Waiver _____
Acknowledged _____
Assessment _____
Maintenance _____
Remarks _____

Data Entered _____

_____ ANNUAL FILING

Waiver _____
Acknowledged _____
Assessment _____
Maintenance _____
Remarks _____

Data Entered _____

_____ ANNUAL FILING

Waiver _____
Acknowledged _____
Assessment _____
Maintenance _____
Remarks _____

Data Entered _____

_____ ANNUAL FILING

Waiver _____
Acknowledged _____
Assessment _____
Maintenance _____
Remarks _____

Data Entered _____

_____ ANNUAL FILING

Waiver _____
Acknowledged _____
Assessment _____
Maintenance _____
Remarks _____

Data Entered _____

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VII-6

RELINQUISHMENT RECEIVED _____	RELINQUISHMENT RECEIVED _____
Closed _____	Case Closed _____
Data Entered _____	Data Entered _____

AMENDMENT RECEIVED _____	AMENDMENT RECEIVED _____
Acknowledged _____	Acknowledged _____
Data Entered _____	Data Entered _____

AMENDMENT RECEIVED _____	AMENDMENT RECEIVED _____
Acknowledged _____	Acknowledged _____
Data Entered _____	Data Entered _____

TRANSFER OF INTEREST _____	TRANSFER OF INTEREST _____
Acknowledged _____	Acknowledged _____
Data Entered _____	Data Entered _____

TRANSFER OF INTEREST _____	TRANSFER OF INTEREST _____
Acknowledged _____	Acknowledged _____
Data Entered _____	Data Entered _____

ADDRESS CHANGE _____	ADDRESS CHANGE _____
Data Entered _____	Data Entered _____

ADD'L REQUIREMENT _____	ADD'L REQUIREMENT _____ Information
Recd _____	Information Recd _____
Data Entered _____	Data Entered _____

ADD'L REQUIREMENT _____	ADD'L REQUIREMENT _____ Information
Recd _____	Information Recd _____
Data Entered _____	Data Entered _____

ADD'L REQUIREMENT _____	ADD'L REQUIREMENT _____ Information
Recd _____	Information Recd _____
Data Entered _____	Data Entered _____

DECISION ISSUED (393) _____	DECISION ISSUED (393) _____
Case N/V In Part (240) _____	Case N/V In Part (240) _____
Case N/V & Closed (239) _____	Case N/V & Closed (239) _____
Case Closed (631) _____	Case Closed (631) _____

DECISION ISSUED (393) _____	DECISION ISSUED (393) _____
Case N/V In Part (240) _____	Case N/V In Part (240) _____
Case N/V & Closed (239) _____	Case N/V & Closed (239) _____
Case Closed (631) _____	Case Closed (631) _____

DECISION ISSUED (393) _____	DECISION ISSUED (393) _____
Case N/V In Part (240) _____	Case N/V In Part (240) _____
Case N/V & Closed (239) _____	Case N/V & Closed (239) _____
Case Closed (631) _____	Case Closed (631) _____

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

VII-7

ILLUSTRATION 4 (Sample 2 UT) – Check or Work Sheet

KEEP ON TOP-- THIS PAGE FOLLOWS CLAIM & OWNERSHIP INFO

Log _____ Mail Receipt/Tracking _____ Input _____ PreAdj/Green _____ Scan (963) _____

RECORDATION FEES PAID: _____ claims @ \$189 ea = \$ _____ Date _____ CBS RECEIPT (AA) # _____
 MAINTENANCE FEES PAID: _____ claims @ \$140 ea = \$ _____ Date _____ CBS RECEIPT (AA) # _____

COMMENTS: _____

Date stamped _____ Recorded within 90 days _____ Fees paid _____ Description _____ Map Filed _____
 Type of Location _____ Claimant Name _____ Readable _____ County Rec _____
 Additional Information Required(AIR) _____ (104)(393) _____ Info Received _____ (113) _____ Deficiency Satisfied _____ yes/ no

STATUS _____ LAND STATUS NOTES _____ VERIFY LR2000 _____

LETTER ISSUED (393) (104) Date _____ UMC _____ INFO RECD(113) SATISFIED _____
 LETTER ISSUED (393) (104) Date _____ UMC _____ INFO RECD(113) SATISFIED _____
 NOTICE ISSUED (393) Date _____ UMC _____
 NOTICE ISSUED (393) Date _____ UMC _____
 N&V DECISION ISSUED-CLOSED (239) Date _____ UMC _____ REFUND (379) AUTHORIZED _____
 (Dec.Appealed(120)/Affirmed-CL(361)/Reversed-Open(849)/in part/modified)
 N&V IN PART DECISION ISSUED (240) Date _____ UMC _____
 (Dec.Appealed(120)/Affirmed-CL(361)/Reversed-Open(849)/in part/modified)

NOTES: _____ MILL/TUNNEL SITES IN FILE
 _____ SRHA LANDS (880)(267)(NOITL UTU- _____ /SURFACE OWNER)

AMENDMENT (AM) / TRANSFER (TR) /
 CHANGE OF ADDRESS (CA) / CHANGE OF NAME (CN):
 UMC _____ by _____
 Rec'd _____ Input (AM(635)/CA(170)/CN(171)/TR(396))
 UMC _____ by _____
 Rec'd _____ Input (AM(635)/CA(170)/CN(171)/TR(396))
 UMC _____ by _____
 Rec'd _____ Input (AM(635)/CA(170)/CN(171)/TR(396))
 CLOSING ACTION--
 DECISION (393 & 631) & RELINQUISHMENT(311):
 UMC _____ by _____
 Date _____ Input (393) Date Closed _____ (631/311)
 (Dec.Appealed(120),Affirmed(361),Reversed(849),()) (NEED REFUND)
 UMC _____ by _____
 Date _____ Input (393) Date Closed _____ (631/311)
 (Dec.Appealed(120),Affirmed(361),Reversed(849),()) (NEED REFUND)
 PARTIAL RELINQUISHMENT-LAND/OWNERSHIP:
 UMC _____ by _____
 Rec'd _____ Input (LAND(312)/OWNERSHIP(313))
 UMC _____ by _____
 Date _____ Input (393) Date Closed _____ (631/311)
 (Dec.Appealed(120),Affirmed(361),Reversed(849),()) (NEED REFUND)

 ALL CLAIMS CLOSED & REFUNDS ISSUED-VERIFIED BY _____ STAMPED FILE CLOSED _____ /UP TRACKING _____

ANNUAL FILINGS FILED

FILING			MF/WA & YEAR POL/NOI	DATE PROCESSED AND INITIAL
YEAR	DATE REC'D	SERIAL NUMBERS		

ILLUSTRATION 5 – Over 90 Days Decision

In Reply Refer To:
Serial Number _____ Date _____
3842 (Office Code)

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

	DECISION	
Claimant Name	:	
Address	:	Mining Claim Recordation
City, Street, Zip	:	

Recordation Rejected
Mining Claim Declared Abandoned and Void

On *(insert date)*, this office received a location notice for the *(insert claim name)* unpatented mining claim. The claim was assigned Bureau of Land Management (BLM) serial number *(insert serial number)*. The location notice for the *(insert claim name)* mining claim shows a location date of *(insert location date)*.

Pursuant to regulations at 43 CFR 3833.11 (a), the owner of an unpatented mining claim or site must record in the proper BLM state office, a certificate of location within 90 days from the date of location. The *(insert claim name)* mining claim was located on *(insert location date)* and filed on *(insert date received)*, which is over 90 days from the location date of the claim.

In accordance with regulations at 43 CFR 3833.91, failing to record a mining claim or site within 90 days after the date of location will result in the forfeiture of the mining claim or site. Since the *(insert claim name)* mining claim was not received within the required time period the recordation of the *(insert claim name)* mining claim is rejected and the claim is hereby declared abandoned and void.

Insert Standard Reclamation Paragraphs

Insert Standard Appeal with Stay Information Paragraphs

The regulations at 43 CFR 3830.22(b)(1), authorize the refund of maintenance and location fees when the mining claim, as of the date the fees were submitted, was determined to be void. If no appeal to this Decision is filed, a refund in the amount of \$*(insert amount)* will be authorized and received within 4 to 6 weeks.

Any questions regarding this Decision should be directed to *(insert name of adjudicator)* at the address in the letterhead or at *(insert telephone number)*.

Signature Block

Enclosure

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 6 – Standard Reclamation Paragraph

The following standard reclamation information will be added to all Null and Void and Forfeiture Decisions, Notices accepting relinquishments or any other Notice to the claimant that might require reclamation of all or a portion of their claim:

You are required to reclaim all areas disturbed by your activities on lands encompassed by your mining claims. After you complete the reclamation, you must notify the authorized officer of the appropriate surface managing agency so that the authorized officer may conduct a final site inspection and determine whether you may be released from liability. If you fail to reclaim the land to the satisfaction of the authorized officer, the surface management agency may cite you for noncompliance under its surface management regulations.

For land administered by the BLM, if you fail to reclaim the land to the satisfaction of the authorized officer as required in 43 CFR Subpart 3809, the BLM will issue an order of noncompliance under 43 CFR 3809.601(a). If you fail to comply with the noncompliance order, the BLM may take further action under 43 CFR 3809.604. Failure to conduct reclamation is a prohibited act that may subject you to criminal penalties. See 43 CFR 3809.605(h) and 43 CFR 3809.700.

If your occupancy has been terminated and you fail to remove structures, material, equipment, and any personal property in accordance with the regulations in 43 CFR 3715.5-1, the BLM may dispose of the property. In accordance with 43 CFR 3715.5-2, you will remain liable for the costs the BLM incurs in removing and disposing of the property.

ILLUSTRATION 7 – Standard Appeal with Stay Information Paragraphs

The following appeal information will be added to every Decision that causes an adverse action against the claimant:

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board pursuant to Part 4, Subpart B, 4.21 of Title 43, Code of Federal Regulations, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

ILLUSTRATION 8 – Deficiency Notice

In Reply Refer To: _____ Date _____
Serial Number _____
3830 (Office Code)

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

NOTICE

Claimant Name _____ : _____ Mining Claim Recordation
Address _____ : _____
City, State, Zip _____ :

Additional Requirement

On *(insert date)*, this office received your Certificate of Location (CoL) for the *(name of claim)* mining claim, which was assigned Bureau of Land Management (BLM) serial number *(insert serial number)*. This serial number should be referenced in any future correspondence with this office regarding the *(insert claim name)* mining claim.

We are unable to complete recordation of the *(insert claim name)* mining claim because the required claim type was not included on your CoL. Enclosed is a copy of the CoL for your reference.

You are allowed 30 days from the date you receive this Notice to furnish an amended CoL which includes the required claim type. If you fail to furnish an amended CoL within the time allowed, the recordation of the *(insert claim name)* mining claim will be rejected and the claim will be deemed to be abandoned.

In accordance with the regulations at 43 CFR 3000.12, you must submit a nonrefundable filing fee of \$10 when filing the amended CoL with this office. In addition, the amended CoL must be recorded in the local county recording office prior to being filed with the BLM. Failure to do so will result in the rejection of the amended CoL and it will not be recorded. The amended CoL for the *(insert claim name)* must include serial number *(insert serial number)* and must also be clearly marked AMENDED. As a reminder, any time a claimant is going to record an amendment with the BLM, the amendment must first be recorded in the local office before being filed with the BLM.

Should you have any questions concerning this Notice, please contact *(insert name of adjudicator)* at the address in the letterhead or by calling *(insert telephone number of adjudicator)*.

Signature Block

Enclosure

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 9 – Noncompliance Decision

In Reply Refer To:
Serial Number
3830 (Office Code)

Date

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

DECISION

Claimant Name :
Address : Mining Claim Recordation
City, State, Zip Code :

Recordation Rejected

On (*insert date*), this office received the Certificate of Location (CoL) for the (*insert claim name*) mining claim, which was assigned Bureau of Land Management (BLM) serial number (*insert claim name*).

On (*insert date*), this office issued an additional requirement Notice to (*claimant name*) informing them that the CoL for the (*insert claim name*) mining claim was not complete as it did not contain the mining claim type. The Notice informed (*claimant name*) that an amended CoL that included the type of claim for the (*insert claim name*) mining claim would need to be recorded with the county recorder's office and with the BLM. A copy of the (*insert date*), Notice is enclosed with this Decision.

The (*insert date*), Notice afforded (*claimant name*) 30 days from their receipt of the Notice in which to submit the amended CoL with the required information. According to the information on the return (*insert date Notice was delivered*). The required amended CoL was not received in this office in the time allowed. In accordance with 3830.94(d), failing to furnish the required information in the time allowed will result in the forfeiture of the mining claim or site. Accordingly, the (*insert claim name*) recordation of the (*insert name of mining claim or site*) is hereby rejected for the failure of (*claimant name*) to furnish the required amended CoL.

Insert Standard Reclamation Paragraphs

Insert Standard Appeal with Stay Information Paragraphs

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VII-13

Any questions regarding this Decision should be directed to *(insert name of adjudicator)* at the address in the letterhead or *(insert telephone number)*.

Signature Block

Enclosures

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 10 – Legal Description/Map Additional Requirement Notice

In Reply Refer To:
Serial Numbers
3830 (Office Code)

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

NOTICE

Claimant Name :
Address : Mining Claim Recordation
City, State, Zip Code :

Additional Information Required

On (*insert date*), this office received a location certificate for the (*insert claim name*) lode mining claim, which has been assigned Bureau of Land Management (BLM) serial number (*insert serial number*). This serial number should be used in any future correspondence with this office regarding the (*insert claim name*) mining claim.

We are not able to use Global Positioning System (GPS) coordinates for conversion and are, therefore, unable to plot your claim from the description and map you provided. Additionally, the claim exceeds the allowable size for a lode mining claim (1,500 feet by 600 feet).

In accordance with 43 CFR 3832.12(b) (copy enclosed), lode claims must be described by metes-and-bounds beginning at the discovery point on the claim and include a tie to natural objects or permanent monuments. In order to correct the description and adjust the size of your claim, you need to file an amended certificate of location (CoL). In accordance with the regulations at 43 CFR 3000.12, you must submit a nonrefundable filing fee of \$10 when filing the amended CoL with this office. In addition, the amended CoL must be recorded in the local county recording office prior to being filed with the BLM. Failure to do so will result in the rejection of the amended CoL and it will not be recorded. The amended CoL for the (*insert claim name*) must include serial number (*insert serial number*) and must also be clearly marked AMENDED.

You are hereby afforded 30 days from your receipt of this notice in which to file the amended CoL with this office. Failure to do so will result in the recordation of the above-named claim being rejected.

If you have any questions regarding this Notice, please contact (*insert name of adjudicator*) at the address in the above letterhead or by telephone at (*insert telephone number*).

Signature Block

Enclosures

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 11 – Noncompliance Decision

In Reply Refer To:
Serial Number
3830 (Office Code)

Date

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

DECISION

Claimant Name :
Address : Mining Claim Recordation
City, State, Zip Code :

Recordation Rejected

On *(insert date)*, this office received the Certificate of Location for the *(insert claim name)* mining claim, which was assigned Bureau of Land Management (BLM) serial number *(insert serial number)*.

On *(insert date)*, this office issued an additional requirement Notice to *(claimant name)*, requesting a map which shows the location of the *(insert claim name)* mining claim be submitted to this office. A copy of the *(insert date)*, Notice is enclosed with this Decision.

The *(insert date)*, Notice afforded *(claimant name)* 30 days from receipt of the Notice in which to submit the requested map. According to the information on the return receipt card *(or insert the information used to calculate the date)*, the Notice was received on *(insert date Notice was delivered)*. The required map or any additional information regarding the location of the *(insert claim name)* mining claim was not received in this office in the time allowed. In accordance with 43 CFR 3830.94(d), failing to furnish the required information in the time allowed will result in the forfeiture of the mining claim or site. Accordingly, the recordation of the *(insert claim name)* mining claim is hereby rejected due to the failure of *(claimant name)* to furnish the required map.

Insert Standard Reclamation Paragraphs

Insert Standard Appeal with Stay Information Paragraphs

Any questions regarding this Decision should be directed to *(insert name of adjudicator)* at the address in the letterhead or by telephone at *(insert telephone number)*.

Signature Block

Enclosures

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 12 – Null and Void Decision

In Reply Refer To: _____ Date
Serial Number
3830 (Office Code)

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

DECISION

Claimant Name :
Address : Mining Claim Recordation
City, State Zip Code :

Mining Claim Declared Null and Void *Ab Initio*

On *(insert date)*, this office received a notice of location for the *(insert claim name)* mining claim, and issued Bureau of Land Management (BLM) serial number *(insert serial number)*. This number should be used in any correspondence with this office regarding this claim. The location notice and map show the *(insert claim name)* mining claim is located in the *(insert legal description – such as SE¼ sec. 5, T. 9 S., R. 4 E., Black Hills Meridian, South Dakota)*.

The official records of this office show the above-described lands are not open to mineral entry. *(Insert why the land is not open to mineral entry. See Illustration 12, page 2 for some examples.)*

Insert Standard Reclamation Paragraphs

Insert Standard Appeal with Stay Information Paragraphs

Maintenance and location fees are refundable if it is determined the mining claim was void at the time of recording with the BLM. If no appeal to this Decision is taken within the time allowed, a refund in the amount of *(insert amount)* will be authorized and a check from the U.S. Treasury received in 6 to 8 weeks. The processing fee paid at the time of recording is nonrefundable.

Any questions regarding this Decision should be directed to *(insert name of adjudicator)* at the address in the above letterhead or by telephone at *(insert telephone number)*.

Signature Block

Enclosures

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 12 – Null and Void *ab initio* in Whole Decision (page 2)

Sample paragraphs for reasons claim might be null & void.

1. **Patented Land:** The official records of this office show that (*insert legal description – such as sec. 5, T. 9 S., R. 4 E., Black Hills Meridian*) is patented under (*insert patent number*) which reserved no minerals to the United States. Accordingly, since the land embraced by the (*insert claim name*) is patented and not available for mineral location, the (*insert claim name*) mining claim is hereby declared null and void *ab initio*. A copy of Patent No. (*insert patent number*) is enclosed with this Decision.
2. **Land Exchange:** The official records of this office show that (*insert legal description – such as sec. 5, T. 9 S., R. 4 E., Black Hills Meridian*) is included within a pending land exchange application, (*insert serial number*). In accordance with the BLM's regulations, notation on public land records of an offer to exchange lands segregates the land so noted from all forms of appropriation under the mining laws for a period not to exceed 5 years. A mining claim located while the segregation is in effect is null and void *ab initio* and affords the locator no rights. Accordingly, the (*insert mining claim name*) mining claim is hereby declared null and void *ab initio*.
3. **Wilderness:** The official records of this office show that (*insert legal description – such as sec. 5, T. 9 S., R. 4 E., Black Hills Meridian*) is designated as wilderness, (*insert wilderness name and document number. For example, Doc's Pass, Public Law 111-1*), dated (*insert date*). This land is closed to mineral location under the United States mining laws. Accordingly, the (*insert mining claim name*) mining claim is hereby declared null and void *ab initio*.
4. **Railroad Grant & Surface Reconveyed:** The official records of this office show that (*insert legal description – such as sec. 5, T. 9 S., R. 4 E., Black Hills Meridian*) was transferred out Federal ownership on (*insert date*) by Railroad Grant (*insert grant number*). The surface estate was reconveyed to the United States by (*insert conveyance document number*) on (*insert date*), however, the minerals remain under private ownership and are not open to location. Accordingly, the (*insert claim name*) mining claim is hereby declared null and void *ab initio*.

ILLUSTRATION 13 – Null and Void In Part Decision

In Reply Refer To: _____ Date _____
Serial Number _____
3830 (Office Code) _____

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

DECISION

Claimant Name : _____
Address : _____ Mining Claim Recordation
City, State, Zip Code : _____

Mining Claim Declared Null and Void in Part *Ab Initio*

On *(insert date)*, this office received a location notice for the *(insert claim name)* unpatented placer mining claim, which was located on *(insert location date)*. The claim was serialized with Bureau of Land Management (BLM) serial number *(insert serial number)*.

The location notice and map for the *(insert claim name)* show the claim is located in the *(insert legal description: Ex: SE¼ sec. 13, T. 5 N., R. 3 E., Principal Mer., Montana.)* The official records of this office show that a portion of this land is included in *(insert reason lands are not open to mineral entry. Example: Patent No. 715415 and this patent did not reserve any minerals to the United States.)* Since the minerals were not reserved to the United States, the lands in Patent No. 715415 were not open to mineral location on *(insert location date)*. A copy of the Master Title Plat which shows the patented area highlighted in yellow and a copy of *(insert document name such as Patent No. 715415)* are enclosed with this Decision.

Accordingly, since the *(insert claim name)* mining claim is partially located on lands not open to mineral entry, the *(insert claim name)* mining claim is hereby declared null and void in part, *ab initio* (from the beginning) as to those lands located in *(insert document name and number such as Patent No. 715415)*.

Insert Standard Reclamation Paragraphs

Insert Standard Appeal with Stay Information Paragraphs

NOTE TO ADJUDICATOR: This Decision is for a placer claim that is null & void in part. You will need to determine if a refund is due of the initial maintenance fee for the lands null & void in part. If the claim contained only 20 acres or less at the time of recording, no partial refund will be necessary. There will be no refund of the location fee.

Any questions regarding this Decision should be directed to *(insert name of adjudicator)* at the address in the above letterhead or by telephone at *(insert telephone number)*.

Signature Block

Enclosures

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 14 – Late Filed Maintenance Fee Decision

In Reply Refer To:
Serial Number
3830 (Office Code)

Date

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

DECISION

Claimant Name :
Address : Mining Claim Recordation
City, State, Zip Code :

Untimely Filed Maintenance Fee Unacceptable
Mining Claim Forfeited by Operation of Law

Under 30 U.S.C. § 28f(a), the holder of an unpatented mining claim, mill site, or tunnel site must pay a maintenance fee for each claim or site on or before September 1 each year to hold the claim or site for the upcoming assessment year. See also 43 CFR. 3834.11(a)(2). Failure to comply with the maintenance fee requirement will be deemed conclusively to constitute a forfeiture of the claim or site and the claim or site will be deemed null and void by operation of law (30 U.S.C. § 28i).

The maintenance fee for the (*list claim name and serial number*) was received in this office on (*insert date*) and was postmarked (*insert postmark date*). Since the maintenance fee was not timely received or postmarked on or before September 1, 20__, it is unacceptable for processing. Regulation 43 CFR 3830.91(a)(3) states that you will forfeit your mining claims or sites if you fail to pay the annual maintenance fee on or before the due date. Accordingly, since the maintenance fee payment was not timely received, the (*insert claim name*) mining claim is hereby forfeited by operation of law as of September 1, 20__.

(OR use the following paragraph if the September 1 date was extended due to a day the office is officially closed or for a holiday.)

The maintenance fee for the (*list claim name and serial number*) was received in this office on (*insert date*) and was postmarked (*insert postmark date*). In accordance with 43 CFR 1822.14, the BLM considered timely any payments received or postmarked on or before September __, 20__. Since the maintenance fee was not received or postmarked on or before (*insert September 1, 20__ or the applicable date*), it is unacceptable for processing. Regulation 43 CFR 3830.91(a)(3) states that you will forfeit your mining claims or sites if you fail to pay the annual maintenance fee on or before the due date. Accordingly, since the maintenance fee payment was not timely received, the (*insert claim name*) mining claim is hereby forfeited by operation of law as of September 1, 20__. **(NOTE TO ADJUDICATOR:** *Even if the due date is extended due to office closure or a holiday, the claim or site will always be forfeited effective September 1 because that is the statutory due date.*)

Insert Standard Reclamation Paragraphs

Insert Standard Appeal with Stay Information Paragraphs

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VII-20

If no appeal is filed within the time allowed, a refund of the late maintenance fee payment will be authorized and should be received in 6 to 8 weeks from the date of processing.

Any questions regarding this Decision should be directed to *(insert name of adjudicator)* at the address in the above letterhead or by telephone at *(insert telephone number)*.

Signature Block

Enclosure

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 15 – Refund and/or Return of Document Letter

In Reply Refer To:
Serial Number
3830 (Office Code)

Date

Claimant Name
Mailing Address
City, State, Zip Code

Dear *(Insert Claimant Name)*:

On *(insert date)*, this office received a payment in the amount of \$___ which was submitted for the 20__ maintenance fee for the *(insert claim name)* mining claim, Bureau of Land Management (BLM) serial number *(insert serial number)*.

The payment is unacceptable because the *(insert claim name)* mining claim was deemed to be forfeited by operation of law by Decision dated *(insert date)*, for failure to timely submit either the maintenance fee payment or maintenance fee waiver for the *(insert year)* assessment year. No appeal to the *(insert date)*, Decision was filed and the case was closed. A copy of the *(insert date)* Decision is enclosed.

Accordingly, since the case for the *(insert claim name)* mining claim is closed and it does not appear the claim has been relocated, the maintenance fee payment for the *(insert year)* assessment year is unacceptable. Therefore, a refund in the amount of \$___ has been authorized, and you should receive a check from the U.S. Treasury in approximately 4 to 6 weeks.

This mining claim may be relocated and the new Certificate of Location filed with this office within 90 days after the date of location in accordance with the provisions of 43 CFR 3833.1-2(a), as long as there are no intervening rights and the lands are still open to mineral location.

Should you elect to relocate this claim, please be advised that the recordation of your relocation certificate must be accompanied by all the required fees. *(The applicable fees can be listed but please make certain to list new amount if fees have changed recently.)*

If you have any questions, please contact *(insert adjudicator's name)* at the address in the above letterhead or by telephone at *(insert telephone number)*.

Sincerely,

Signature Block

Enclosure

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 16 – Request for Maintenance Fee Prior to September 1

In Reply Refer To:

Serial Number
3830 (Office Code)

Date

CERTIFIED MAIL—RETURN RECEIPT REQUESTED

NOTICE

Claimant Name :
Address : Mining Claim Recordation
City, State, Zip Code :

Additional Requirement

On *(insert date)*, this office received *(insert dollar amount)* from *(insert claimant name)* which was to be applied to the *(insert assessment year)* claim maintenance fee payment for the following mining claims:

(Insert list of claim names and serial numbers)

The regulations at 43 CFR 3834.11(a)(2) provide that for each mining claim or site you must pay an annual maintenance fee on or before September 1 for each year in order to maintain a mining claim or site for the upcoming assessment year. The required fee is \$*(insert amount depending on type of claim or site)* per claim.

The payment received on *(insert date)*, is not sufficient to cover all the claims listed above. Accordingly, we have applied a \$*(insert amount depending on type of claim or site)* maintenance fee payment to the *(insert claim names)* mining claims only, which totals *(insert total amount applied)*.

This is to notify you that since your payment was not sufficient to cover all of the above-listed mining claims, the *(insert assessment year)* maintenance fee payment for the *(insert claim name(s))* is still due on or before September 1, 20___. Failure to furnish the required maintenance fee payment by the due date will result in the *(insert claim name(s))* mining claim(s) being forfeited by operation of law.

Since partial payments are not acceptable to be applied toward a maintenance fee, we have authorized a refund in the amount of *(insert amount of refund)* which is the amount remaining from the initial *(insert payment amount)* payment, and you should receive a check from the U. S. Treasury within 4 to 6 weeks.

If you have any questions regarding this Notice, please contact *(insert adjudicator's name)* at the address in the above letterhead, or by telephone at *(insert telephone number)*.

Signature Block

ILLUSTRATION 17 – Failure to File Forfeiture Decision

In Reply Refer To: _____ Date _____
Serial Number _____
3830 (Office Code) _____

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

DECISION

Claimant Name : _____
Street Address : _____ Mining Claim Recordation
City, State Zip Code : _____

Mining Claims Forfeited by Operation of Law

Under 30 U.S.C. § 28f(a), the holder of an unpatented mining claim, mill site, or tunnel site must pay a maintenance fee for each claim or site on or before September 1 each year to hold the claim or site for the upcoming assessment year. In accordance with regulations at 43 CFR 3835.10, the claim maintenance fee may be waived for a claimant who certifies in writing on or before September 1, the claimant had met the requirements for the fee to be waived. Failure to pay the required annual maintenance fee without having timely filed a qualifying request for a waiver on or before September 1, will cause the claimant to forfeit their mining claim or site (43 CFR 3830.91(a)(4)).

Our records show that we did not receive the maintenance fee payment on or before September 1, 20__, for the 20__ assessment year, for the following mining claims:

(Insert claim names and serial numbers. An enclosure can also be included that contains the claim names and serial numbers if there are too many to list in a decision.)

Since the maintenance fees were not paid for the *(insert assessment year)*, and there was no timely filing of a qualifying request for a fee waiver, the above-named mining claims are hereby declared forfeited for failure to pay the annual maintenance fees on or before September 1, 20__.

Insert Standard Reclamation Paragraphs

Insert Standard Appeal with Stay Information Paragraphs

Any questions regarding this Decision should be directed to *(insert name of adjudicator)* at the address in the letterhead or *(insert telephone number)*.

Signature Block

Enclosures

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 18 – Curable Defect - Notice of Intent to Hold Notice

NOTE: The failure to file a Notice of Intent to Hold when switching from the maintenance fee to a waiver in a subsequent year after location, is NOT a curable defect, except for mill sites or tunnel sites. Therefore, this Notice will be sent as a reminder only if there is sufficient time for the claimant to file a Notice of Intent to Hold by December 30.

In Reply Refer to: _____ Date
Serial Number
3830 (Office Code)

CERTIFIED MAIL—RETURN RECEIPT REQUESTED

NOTICE

Claimant Name :
Address : Mining Claim Recordation
City, State Zip Code :

Notice of Intent to Hold Required

On (*insert date*), this office received a Maintenance Fee Waiver Certification for assessment year (*insert year*), for the following mining claims:

(Insert claim names and serial numbers)

According to our records, maintenance fee payments were made for the above-listed claims for assessment years (*insert assessment years*).

The regulations at 43 CFR 3835.15 provide that a qualified small miner who previously paid maintenance fees may apply for a waiver of the maintenance fee for the upcoming assessment year. To apply for a waiver, the claimant must (1) submit a waiver request on or before September 1 for the upcoming assessment year; (2) file a notice of intent to hold on or before December 30 immediately following the submission of a waiver request; (3) perform the required assessment work in the assessment year for which BLM waived the maintenance fees; and (4) file an affidavit of assessment work on or before December 30 immediately following the close of the assessment year in which the assessment work was performed.

Accordingly, since you have applied for a waiver of the maintenance fee for (*insert assessment year*), you are required to file a Notice of Intent to Hold (NOI) for the (*insert previous assessment year*) assessment year. You must file the NOI on or before December 30, 20XX with this office. When filing the NOI, you should include a statement that you are filing the NOI because you were not required to perform assessment work for the (*insert assessment year*) assessment year as you had previously paid the maintenance fee. Your NOI must be accompanied by a nonrefundable processing fee of \$10 for each mining claim or site listed above. Failure to furnish the required NOI along with the processing fee on or before December 30 will result in the above-listed mining claims being declared forfeited by operation of law.

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VII-25

If you have any questions regarding this Notice, please contact (*insert adjudicator name*) at the address in the above letterhead or by telephone at (*list telephone number*).

Signature Block

ILLUSTRATION 19 – Late Filed Maintenance Fee Waiver Decision

In Reply Refer To: _____ Date _____
Serial Number _____
3830 (Office Code) _____

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

DECISION

Claimant Name : _____
Mailing Address : _____ Mining Claim Recordation
City, State Zip Code : _____

Maintenance Fee Waiver Certification Rejected
Mining Claim Forfeited by Operation of Law

On *(insert date)*, this office received a Maintenance Fee Waiver Certification (waiver) for the assessment year beginning September 1, 20__, and ending September 1, 20__, for the *(insert mining claim name)* mining claim, Bureau of Land Management (BLM) serial number *(insert serial number)*.

Under 30 U.S.C. § 28f(a), the holder of an unpatented mining claim, mill site, or tunnel site must pay a maintenance fee for each claim or site on or before September 1 each year to hold the claim or site for the upcoming assessment year. In accordance with regulations at 43 CFR 3835.10, the claim maintenance fee may be waived for a claimant who certifies in writing on or before September 1, the claimant had met the requirements for the fee to be waived. Failure to pay the required annual maintenance fee, without having timely filed a qualifying request for a waiver on or before September 1, will cause the claimant to forfeit their mining claim or site (43 CFR 3830.91(a)(4)).

The waiver request for the above-mentioned claim, which was postmarked on *(insert date)* and received on *(insert date)*, was not timely filed and is hereby rejected. Since the maintenance fee was not paid for the *(insert year)* assessment year, and the waiver was not timely filed, the *(insert claim name)* mining claim is forfeited for failure to pay the annual maintenance fee on or before September 1, 20__. Accordingly, the *(insert claim name)* is hereby deemed null and void by operation of law as of September 1, 20__.

Insert Standard Reclamation Paragraphs

Insert Standard Appeal with Stay Information Paragraphs

Any questions regarding this Decision should be directed to *(insert name of adjudicator)* at the address in the letterhead or by telephone at *(insert telephone number)*.

Signature Block

Enclosures

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 20 – Waiver Additional Requirement Notice

Date

In Reply Refer To:
Serial Number
3833 (Office Code)

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

NOTICE

Claimant Name :
Mailing Address : Mining Claim Recordation
City, State, Zip Code :

Additional Information Required

On *(insert date)*, this office received your Maintenance Fee Waiver Certification (waiver) Form 3830-2 for the *(insert year)* assessment year for the *(insert claim name)*, Bureau of Land Management (BLM) serial number *(insert serial number)*.

In accordance with 43 CFR 3835.10(b), all waiver requests must include: (1) the names and addresses of all claimants who maintain an interest in the mining claim or site; and (2) an original signature of each claimant requesting the waiver or the original signature of the authorized agent for each claimant requesting the waiver. In reviewing your timely-filed waiver, we determined the waiver is defective because your signature on the waiver is not an original signature.

Enclosed for your use is a new waiver for you to complete and sign. Please ensure your signature is original. If you are unable to provide an original signature, you must pay the *(insert amount of fee)* maintenance fee. In accordance with 43 CFR 3835.93, you are hereby afforded 60 days from your receipt of this Notice in which to either cure the defect in your waiver by returning the completed waiver with your original signature or to pay the maintenance fee. Failure to submit the waiver or pay the fee by the due date will result in the forfeiture of your mining claim by operation of law.

If you have any questions regarding this Notice, please contact *(name of adjudicator)* at the address in the letterhead above or by telephone at *(insert telephone number)*.

Signature Block

Enclosure

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 21 – Noncompliance Decision

In Reply Refer To:
Serial Number _____ Date _____
3830 (Office Code)

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

DECISION

Claimant Name : _____
Address : _____ Mining Claim Recordation
City, State, Zip Code :

Mining Claims Forfeited by Operation of Law

On *(insert date)*, this office received a Maintenance Fee Payment Waiver Certification (waiver) Form 3830-2 for the *(insert assessment year)* assessment year for the *(insert claim name)* mining claim, Bureau of Land Management (BLM) serial number *(insert serial number)*.

In reviewing the waiver, it was discovered that the waiver was defective because it did not contain an original signature for *(insert claimant name)*. Accordingly, on *(insert date)*, this office issued an additional requirement Notice (copy enclosed) affording *(insert claimant name)* 60 days from their receipt of the Notice in which to cure the defective waiver by submitting either (1) the waiver form with the required original signature; or (2) the required maintenance fee. Our records show the *(insert date)*, Notice was received on *(insert date green card was signed)* and as of this date, no response to the additional requirement Notice has been received.

Since the maintenance fee for the above-referenced mining claim for the *(insert year)* assessment year was not paid and a valid waiver request of the maintenance fee was not received, the claim is declared to be forfeited for failure to pay the annual maintenance fee on or before September 1, 20____. Accordingly the *(insert claim name)* is hereby deemed null and void by operation of law as of September 1, 20____.

Insert Standard Reclamation Paragraphs

Insert Standard Appeal with Stay Information Paragraphs

Any questions regarding this Decision should be directed to *(insert name of adjudicator)* at the address in the letterhead or by telephone at *(insert telephone number)*.

Signature Block

Enclosures

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 22 – Claim Not Recorded with BLM or Case Closed and no Relocation Letter

In Reply Refer To:
3833 (Office Code)

Date

CERTIFIED—RETURN RECEIPT REQUESTED

Claimant Name
Address
City, State, Zip Code

Dear *(Insert Claimant Name)*:

On *(insert date)*, you submitted a *(insert assessment year)* Maintenance Fee Waiver Certification (waiver) for the *(insert claim name)* mining claim.

Note: Use this paragraph when there is no record of the claim(s): We researched our records and find no evidence that this claim has ever been recorded in this office. Therefore, the waiver is being returned to you unrecorded. If, in fact, the claim has been recorded with the Bureau of Land Management (BLM), please complete the waiver with the BLM assigned serial number and return it to this office for further processing.

Note: Use this paragraph when the cases are closed and there is no evidence of relocation: Our records show that the case file for the *(insert claim name)* mining claim, BLM serial number *(insert serial number)*, was closed on *(insert date)*. We have researched our records and can find no evidence that the *(insert claim name)* mining claim has been relocated. Accordingly, we are returning the waiver to you unrecorded. If in fact the *(insert claim name)* mining claim has been relocated, please return the waiver making certain to include the new serial number. As a reminder, waivers must be filed on or before September 1. Failure to do so will result in the claim or site being declared forfeited by operation of law.

If you have any questions, please contact *(insert adjudicator)* at the address in the above letterhead or by telephone at *(insert telephone number)*.

Sincerely,

Signature Block

Enclosure

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 23 – Over 10 Claims Decision

In Reply Refer To: _____ Date _____
Serial Number _____
3833 (Office Code)

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

DECISION

Claimant Name : _____
Mailing Address : _____ Mining Claim Recordation
City, State, Zip Code : _____

Mining Claim Forfeited by Operation of Law

On *(insert date)*, this office received the Maintenance Fee Payment Waiver Certification for the *(insert claim name)* mining claim, Bureau of Land Management (BLM) serial number *(insert serial number)*, for the *(insert year)* assessment year.

In accordance with 43 CFR 3835.11(a)(1), in order to qualify for a waiver of the maintenance fee requirements, the claimant and all related parties shall hold no more than 10 mining claims, mill sites, and tunnel sites, or any combination thereof on Federal lands in the United States. Related party means (1) the spouse and dependent children of the claimant as defined in section 152 of the Internal Revenue Code, or (2) a person who controls, is controlled by, or is under common control with the claimant (43 CFR 3830.5). If their claims in aggregate exceed 10, they cannot individually qualify for the waiver. See Black Bear Mines Co., et al., Capital Silver Mines, Inc., et al., Mary Ann Mining Co., et al., 152 IBLA 387 (2000).

(Insert findings why the claimant(s) do not qualify to file a waiver. For instance, if the claimant is a related party to another claimant and between them they own more than 10 claims. It is not always that the claimant themselves owns 10 claims, it could be in conjunction with a related party.) Pursuant to 43 CFR 3835.92(a), if a claimant fails to submit a qualified waiver request and also fails to pay an annual maintenance fee on or before September 1, the affected mining claims or sites are forfeited. Or, you can also cite 43 CFR 3835.92(d): If you, a co-claimant, or any related parties, submit small miner waiver requests for more than 10 mining claims or sites and fail to pay the maintenance fee for each claim on or before September 1, you forfeit the mining claims and sites and you may be subject to criminal penalties under 18 U.S.C. § 1001.

Since *(insert claimants' names)* do not qualify for the waiver of the maintenance fee and the *(insert maintenance fee payment amount)* maintenance fee was not paid to the BLM on or before September 1, 20__, the *(insert claim name)* mining claim, is declared forfeited for failure to pay the annual maintenance fee. Accordingly, the *(insert claim name)* is hereby deemed null and void by operation of law.

Insert Standard Reclamation Paragraphs

Insert Standard Appeal with Stay Information Paragraphs

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VII-31

Any questions regarding this Decision should be directed to *(insert name of adjudicator)* at the address in the letterhead or by telephone at *(insert telephone number)*.

Signature Block

Enclosures

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 24 – Late Filed FLPMA Document Decision

In Reply Refer To: _____ Date _____
Serial Number _____
3833 (Office Code) _____

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

DECISION

Claimant Name : _____
Mailing Address : _____ Mining Claim Recordation
City, State, Zip Code : _____

Mining Claim Declared Abandoned and Void

On (*insert date*), this office received an Affidavit of Annual Assessment Work (affidavit) for the (*insert year*) assessment year for the (*insert claim name*) mining claim, Bureau of Land Management (BLM) serial number (*insert serial number*). The envelope containing the affidavit and a \$10 non-refundable processing fee was postmarked (*insert date*). A copy of the affidavit and envelope are enclosed with this Decision.

The Federal Land Policy and Management Act of 1976 (FLPMA) and regulations at 43 CFR 3835.30 provide that the owner of an unpatented mining claim or site must file an affidavit of assessment work performed on a claim or notice of intention to hold a site with the proper BLM office on or before December 30 of each calendar year following the year in which the claim or site was located. Failure to do so will result in the forfeiture of the claim or site (43 CFR 3830.91(a)(7)). The BLM’s regulation at 43 CFR 3830.5 defines “filed” as a document that is (a) received by the BLM on or before the due date; or (b) postmarked or otherwise clearly identified as sent on or before the due date by a *bona fide* mail delivery service, and then received by the appropriate BLM state office within 15 calendar days after the due date or the next business day if the 15th day is not a business day.

Since the envelope containing the affidavit for the (*insert claim name*) mining claim was not postmarked on or before the due date of December 30, (*insert year*), it is not considered to be timely filed and is, therefore, unacceptable. Accordingly, since the affidavit was not timely filed, the (*insert claim name*) mining claim is hereby declared abandoned and is void as of December 30, (*insert year*).

Insert Standard Reclamation Paragraphs

Insert Standard Appeal with Stay Information Paragraphs

Any questions regarding this Decision should be directed to (*insert name of adjudicator*) at the address in the letterhead or by telephone at (*insert telephone number*).

Enclosures

Signature Block

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 25 – Requesting Processing Fee Notice

Date

In Reply Refer To:
Serial Numbers
3830 (Office Code)

CERTIFIED MAIL—RETURN RECEIPT REQUESTED (Note: Sending the Notice by certified mail in this case, is just to be able to show the claimant was notified about their requirements to pay the other processing fee.)

NOTICE

Claimant Name :
Mailing Address : Mining Claim Recordation
City, State, Zip Code :

Affidavit of Labor
Additional Requirement

On *(insert date)*, you submitted a \$10 processing fee together with the Affidavit of Annual Assessment Work (affidavit) for the *(insert year)* assessment year for the *(insert claim names)* mining claims, Bureau of Land Management (BLM) serial numbers *(insert serial numbers)*, respectively.

The BLM's regulation at 43 CFR 3835.32(c) requires that the affidavit be accompanied by a nonrefundable processing fee of \$10 for each mining claim, mill site, or tunnel site. Since only \$10 was submitted with the affidavit for the above-named claims, we were only able to process the affidavit as it pertained to *(insert claim name)*.

You are hereby notified that the \$10 required processing fee for the *(insert claim name for the claim that still needs \$10)* mining claim must be remitted to this office on or before December 30, 20___. Failure to remit the processing fee will result in the *(insert claim name)* mining claim being declared abandoned and void.

NOTE TO ADJUDICATOR: If there is at least 30 days before December 30 for the claimant to pay the additional \$10, then another Notice would not have to be sent requesting the money and the claim could be declared abandoned and void. If the claimant is not given at least a 30-day time limit in which to pay, then another Notice would have to be sent so the claimant is given a full 30 days. IBLA ruled that the processing fee for FLPMA documents is a curable defect if not received by December 30 so you need to make certain they have 30 days. If the FLPMA document is processed close to December 30, it would be advisable to just wait after December 30 to send a Notice for payment.

Any questions regarding this Notice should be directed to *(insert name of adjudicator)* at the address in the letterhead or by telephone at *(insert telephone number)*.

Signature Block

ILLUSTRATION 26 – Proof of Labor Abandoned and Void Decision

In Reply Refer To: _____ Date _____
Serial Number _____
3830 (Office Code) _____

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

DECISION

Claimant Name : _____
Mailing Address : _____ Mining Claim Recordation
City, State, Zip Code : _____

Mining Claim Declared Abandoned and Void

On *(insert date)*, this office received the Affidavit of Annual Assessment Work (affidavit) for the *(insert year)* assessment year, for the following mining claims:

Claim Name **Serial Number**
(List claim names and serial numbers)

In accordance with 43 CFR 3835.32(c), a nonrefundable processing fee is required to be remitted along with the affidavit for each mining claim. On *(insert date)*, this office issued an additional requirement Notice requesting that *(insert claimant name)* remit the required nonrefundable processing fee of \$10 for each claim on or before December 30, 20__, for the above-listed mining claims. Failure to do so would result in the above-named claims being declared abandoned and void. A copy of the *(insert date)*, Notice is enclosed with this Decision.

The claimant was afforded 30 days from their receipt of the *(insert date)* Notice in which to remit the required processing fees. Our records show the *(insert date)*, Notice was received on *(insert date green card was signed)* and as of this date, no additional fees have been received and the affidavit therefore cannot be processed as to the *(insert claim names)* claims. Accordingly, the above-named claims are hereby declared abandoned and void effective December 30, 20__, for the failure to file the affidavit of annual assessment work along with the required processing fees.

Insert Standard Reclamation Paragraphs

Insert Standard Appeal with Stay Information Paragraphs

Forfeited, void or abandoned claims may be relocated subject to valid intervening rights of third parties or the United States. It is the claimant's responsibility to assure that the land is open to mineral entry at the time of location. New location notices, charges, and fees must be received by the proper BLM office within 90 days from the date of location. When recording new location notices with the BLM, a map and all required fees are required at the time of filing for each mining claim or site. Currently, the nonrefundable processing fee is *\$(insert fee)*, the location fee is *\$(insert fee)*, and the maintenance fee is *\$(insert fee)*. The maintenance fee for placer claims is calculated based on the total acreage in the claim and is required for each 20 acres or portion thereof in the claim. The notices of location must also be filed with the appropriate county recorder.

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VII-35

Any questions regarding this Decision should be directed to *(insert name of adjudicator)* at the address in the letterhead or by telephone at *(insert telephone number)*.

Signature Block

Enclosures

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 27 – Amendment Rejection Decision

In Reply Refer To: _____ Date _____
Serial Number _____
3830 (Office Code) _____

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

NOTICE

Claimant Name : _____
Mailing Address : _____ Mining Claim Recordation
City, State, Zip Code : _____

Amended Certificate of Location Returned Unrecorded

On *(insert date)*, this office received an amended Certificate of Location (amendment) for the *(insert claim name and serial number)* mining claim together with the required non-refundable \$10 processing fee. The *(insert claim name)* mining claim is located in *(insert name of county)* County, *(insert State name)*.

In accordance with 43 CFR 3833.22(a), an amended location certificate or notice must be recorded with the Bureau of Land Management (BLM) within 90 days after the certificate or notice is recorded in the local recording office. The BLM will not recognize any amendment to a mining claim until it is properly filed in the local recording office.

(Use this paragraph if amendment was not recorded in the county.) The amendment submitted for the above-named claim was not properly recorded with the *(insert name of county)* County Recorder's Office. Accordingly, since the amendment was not properly recorded prior to receipt in this office, the amendment is unacceptable for processing and is hereby returned unrecorded with the BLM. The amendment can be refiled with this office at a later date as long as it has been properly recorded with the *(insert name of county)* County Recorder's Office. Since the \$10 previously submitted with the amendment is a non-refundable processing fee, another \$10 will be required when the amendment is refiled. As a reminder, the amendment must be filed with this office within 90 days after recording in the local office.

(Use this paragraph if the amendment was recorded in the county but was not timely filed at the BLM.) The amendment submitted for the above-named claim was recorded with the *(insert name of county)* County Recorder's Office on *(insert date)*. Since the amendment was not received in this office within 90 days after the date of recording at the County Recorder's Office, the amendment is unacceptable for processing and is hereby returned unrecorded. The amendment can be refiled with this office at a later date as long as it has been properly recorded at the County Recorder's Office and is then received within 90 days of the date of that recording. Since the \$10 previously submitted with the amendment is a non-refundable processing fee, another \$10 will be required when the amendment is refiled.

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VII-37

Any questions regarding this Notice should be directed to (*insert name of adjudicator*) at the address in the letterhead or (*insert telephone number*).

Signature Block

Enclosures

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

**ILLUSTRATION 28 – Amended Notice of Location Rejected - Only Partial
Processing Fee Received**

In Reply Refer To: _____ Date _____
Serial Number _____
3830 (Office Code) _____

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

NOTICE

Claimant Name : _____
Address : _____ Mining Claim Recordation
City, State, Zip Code : _____

Amended Notice of Location Returned Unrecorded

On *(insert date)*, this office received amended certificates of location (amendment) for the *(insert mining claim names)*, Bureau of Land Management (BLM) serial numbers *(insert serial numbers)*, together with a \$10 non-refundable processing fee.

In accordance with regulations at 43 CFR 3000.12, claimants are required to pay a nonrefundable processing fee of \$10 per claim to record an amendment with the BLM. Since there was only a \$10 processing fee received, this office has processed the amendment for the *(insert claim name)* mining claim only. Since the processing fees were insufficient to process both amendments, the amendment for the *(insert claim name)* mining claim is hereby rejected for recordation and is being returned along with this Notice. The amendment can be resubmitted along with the \$10 processing fee, but must be received in this office within 90 days after the date the amendment is recorded at the local recording office (43 CFR 3833.22).

Any questions regarding this Notice should be directed to *(insert name of adjudicator)* at the address in the letterhead or by telephone at *(insert telephone number)*.

Signature Block

Enclosures

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 29 – Transfer of Interest Rejection Decision – No Processing Fees

In Reply Refer To:
Serial Number
3830 (Office Code)

Date

CERTIFIED MAIL—RETURN RECEIPT REQUESTED

NOTICE

Claimant Name :
Address : Mining Claim Recordation
City, State, Zip Code :

Transfer Documents Returned Unrecorded

On *(insert date)*, this office received Quit Claim Deeds from *(insert claimant's name)* which transfers interest in the *(insert claim names)* mining claims, Bureau of Land Management (BLM) serial numbers *(insert serial numbers)* to *(insert transferee's name)*. There was no processing fee received with the Quit Claim Deeds.

In accordance with regulations at 43 CFR 3833.32(c), for each mining claim or site transferred, each transferee must pay the full nonrefundable processing fee which is currently \$10 per claim or site (43 CFR 3000.12). Since the required processing fees were not received with the Quit Claim Deeds, the deeds cannot be processed and are hereby returned unrecorded. The deeds can be resubmitted for recording along with the proper processing fees in the amount of *(insert amount)*.

Any questions regarding this Notice should be directed to *(insert name of adjudicator)* at the address in the letterhead or by telephone at *(insert telephone number)*.

Signature Block

Enclosures

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 30 – Transfer of Interest Accepted/Transfer of Interest Rejection

In Reply Refer To:
Serial Numbers
3830 (Office Code)

Date

CERTIFIED MAIL—RETURN RECEIPT REQUESTED

NOTICE

Claimant Name :
Address : Mining Claim Recordation
City, State, Zip Code :

Quit Claim Deed Executed (Insert Date), Accepted
Quit Claim Deed Executed (Insert Date), Returned Unrecorded

On (insert date), this office received the following documents for recording:

1. Quitclaim Deed executed (insert date), whereby (insert claimant name) conveyed their interest in the following mining claims to (insert transferee's name):

<u>Serial Number</u>	<u>Claim Name</u>
(Insert Serial Numbers)	(Insert Claim Names)

2. Quitclaim Deed executed (insert date), whereby (insert claimant name) conveyed their interest in the following mining claims to (insert transferee's name):

<u>Serial Number</u>	<u>Claim Name</u>
(Insert Serial Numbers)	(Insert Claim Names)

Along with the documents above, a nonrefundable processing fee of \$20 was received. In accordance with regulations at 43 CFR 3833.32(c), for each mining claim or site transferred, each transferee must pay a nonrefundable processing fee which is currently \$10 per claim or site (43 CFR 3000.12). Since a total of 6 claims were being transferred to (insert transferee's name), a \$60 processing fee was required.

Since this office only received a \$20 processing fee, the (insert claim names) transfers will be recorded but we are not able to record the transfers for the (insert claim names) claims listed above because the required processing fee was not received. Accordingly, our records will now show that (insert transferee's name) is the owner of the (insert claim names) mining claims, and the deed for the (insert claim names) claims is being returned unrecorded. This deed can be resubmitted for recordation along with the required \$40 nonrefundable processing fee.

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VII-41

Any questions regarding this Notice should be directed to (*insert name of adjudicator*) at the address in the letterhead or by telephone at (*insert telephone number*).

Signature Block

Enclosures

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 31 – Relinquishment Accepted Notice

In Reply Refer To:
Serial Number
3830 (Office Code)

Date

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

NOTICE

Claimant :
Mailing Address : Mining Claim Recordation
City, State, Zip Code :

Relinquishment Accepted

On *(insert date)*, this office received a notice of relinquishment from *(insert claimant name)* for the *(insert mining claim names)* lode mining claims, Bureau of Land Management (BLM) serial numbers *(insert serial numbers)*. Your relinquishment became effective on *(insert date)*, the day it was filed, and the subject claims have been closed. A copy of the notice of relinquishment is included with this Notice.

Insert Standard Reclamation Paragraphs

Any questions regarding this Notice should be directed to *(insert adjudicator name)* at the address in the above letterhead or by telephone at *(insert telephone number)*.

Signature Block

Enclosure

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 32 – One Claimant Relinquishment Acceptance

In Reply Refer To:
Serial Number
3833 (Office Code)

Date

Remaining Claimant Name
Address
City, State, Zip Code

Relinquished Claimant Name
Address
City, State, Zip Code

Acknowledgement of Letter of Relinquishment

This office received a letter of relinquishment on *(insert date)* from *(insert claimant name)* for the *(insert claim name)* mining claim, Bureau of Land Management (BLM) serial number *(insert serial number)*. A copy of the letter of relinquishment is enclosed.

Since *(insert claimant name)* has relinquished their rights to the above-named claim, the BLM records for this claim now show that *(insert remaining claimant name)* is the sole owner and will be responsible for filing the annual maintenance fee payment, or if qualified, a request for a waiver of the maintenance fee payment. The payment or the waiver request is due in this office on or before September 1, 20__.

If there are any questions regarding this action, please contact *(insert name)* at the address in the above letterhead or by calling *(insert telephone number)*.

Signature Block

Enclosure

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 33 – Current Address Request

In Reply Refer To:
Serial Number
3830 (Office Code)

Date

Claimant Name
Mailing Address
City, State, Zip Code

Re: *(Insert claim names and serial numbers)*

Dear Claimant(s):

In reference to the above mining claims, please furnish this office with the correct **mailing** address for the claimants listed below. This information will allow us to update our records and keep all owners informed of any actions pertaining to the above-referenced mining claim(s). You may return this letter with the correct addresses, or if you choose to use a separate sheet, please be certain to include the above serial numbers.

CLAIMANT: *(Insert claimant name)*

Mailing Address: _____

City, State, Zip Code: _____

CLAIMANT: *(Insert claimant name)*

Mailing Address: _____

City, State, Zip Code: _____

Please contact this office at the address in the above letter or by telephone at *(insert telephone number)* if you have any questions regarding this request.

Sincerely,

Signature Block

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

VII-45

ILLUSTRATION 34 – Form 3830-3 Notice of Intent to Locate

Form 3830-3
(November 2010)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FORM APPROVED
OMB NO. 1004-0114
Expires: August 31, 2013

**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**

Homestead Patent Number

TO ALL WHOM IT MAY CONCERN:

This notice is filed under Public Law No. 103-23 of April 16, 1993 (107 Stat. 60), entitled "An Act to amend the Stock Raising Homestead Act to resolve certain problems regarding subsurface estates, and for other purposes." 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 claim(s), and/or tunnel site(s), as provided under the mining laws of the United States (30 U.S.C. 22, et seq.). The area covered by this notice and all other notices filed by the undersigned and any affiliate(s) of the undersigned, and which continue to be in effect on the date of this filing does not exceed 6,400 acres of such land in any one State and 1,280 acres of such land for a single entity. This notice, for a single State and surface of ownership, covers the following lands:

1/4	SECTION	TOWNSHIP	RANGE	MERIDIAN

in _____ County, State of _____.

Total acres under this notice _____.

Name and mailing address of affected surface owner(s):

Name and mailing address of person filing this notice:

Brief description of the proposed casual use exploration activities (i.e., activities that cause no more than a minimal disturbance to the surface resources and do not involve the use of mechanized earth-moving equipment, explosives, the construction of access roads, drill pads, or the use of toxic or hazardous materials):

Date(s) on which such activities will take place: _____

(Continued on page 2)

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VII-46

Attached is a map showing the existing access routes proposed to be used for casual use exploration purposes, primary areas of interest, and types of activities to be conducted.

The above described activities will be managed by:

Name _____

Mailing Address _____

Phone Number (include area code) _____

Dated this _____ day of _____, 20 _____.

Signature of:

(Person) (Affiliate)

18 U.S.C. 1001 and 43 U.S.C. 1212 make it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.



NOTICES

The Privacy Act and 43 CFR 2.48(d) require that you be furnished with the following information in connection with the information requested by this form.

AUTHORITY: 43 U.S.C. 299(b) and 43 CFR subpart 3814 and part 3838 permit collection of the information requested by this form.

PRINCIPAL PURPOSE: The BLM will use the information you provide to verify that you have complied with the pre-location requirements at 43 U.S.C. 299(b) and 43 CFR subpart 3814 and part 3838, and are therefore qualified to locate and record mining claims on land patented under the Stock Raising Homestead Act.

ROUTINE USES: The BLM will only disclose this information in accordance with the provisions at 43 CFR 2.56(b) and (c).

EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the requested information is required by 43 U.S.C. 299(b) and 43 CFR subpart 3814 and part 3838 for mining claimants who desire to locate a mining claim or tunnel site on land previously patented under the Stock Raising Homestead Act. Failure to comply and submit all the requested information or to complete this form will delay the BLM's processing of the form or may preclude the BLM's acceptance of your notice of intent to locate (NOITL) a mining claim or site on lands patented under the Stock Raising Homestead Act. Failure to comply with the requirements of 43 U.S.C. 299(b) and 43 CFR subpart 3814 and part 3838 will void your NOITL. Mining claims or sites located under a void NOITL are null and void from the beginning and will be cancelled by the BLM.

The Paperwork Reduction Act requires us to tell you that:

The BLM collects this information to determine whether or not you are qualified to locate a lode or placer mining claim and/or tunnel site on lands patented under the Stock Raising Homestead Act.

Submission of the requested information is necessary to obtain or retain a benefit.

You do not have to respond to this or any other Federal agency-sponsored information collection unless it displays a currently valid OMB control number.

BURDEN HOURS STATEMENT: Public reporting burden for this form is estimated to average 25 minutes per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. You may submit comments regarding the burden estimate or any other aspect of this form to: U.S. Department of the Interior, Bureau of Land Management (1004-0114), Bureau Information Collection Clearance Officer (WO-630), 1849 C St., N.W., Mail Stop 401 LS, Washington, D.C. 20240.

(Form 3830-3, page 2)

ILLUSTRATION 35 – NOITL Rejection (Filed Too Early)

In Reply Refer To: _____ Date _____
Serial Number _____
3838 (Office Code)

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

DECISION

Claimant :
Mailing Address : Notice of Intent to Locate
City, State, Zip Code :

Notice of Intent to Locate Rejected

On *(insert date)*, our office received a Notice of Intent to Locate a Lode or Placer Mining Claim(s) and/or Tunnel Site(s) on Lands Patented under the Stock Raising Homestead Act (SRHA) of 1916, as amended (NOITL). The NOITL was assigned Bureau of Land Management (BLM) serial number *(insert serial number)* and covers the following land in *(insert County and State name)*:

(insert complete legal description as shown on the NOITL.)

Regulations at 43 CFR 3838.13 state the NOITL will expire 90 days after it is submitted to the BLM. After the NOITL expires, another NOITL for the same lands is not allowed to be filed by the applicant or its affiliate until 30 days after the expiration of the previously filed NOITL.

Our records show an approved NOITL, BLM serial number *(insert serial number)*, which included the same lands as described above, expired on *(insert date)*. Since the NOITL received on *(insert date)* was received within 30 days after the expiration of the previously filed NOITL *(insert serial number)*, the NOITL filed on *(insert date)* is not acceptable and is hereby rejected.

Insert standard appeal with stay information paragraphs.

Any questions regarding this Decision should be addressed to *(insert name of adjudicator)* at the address in the above letterhead or by telephone at *(insert telephone number)*.

Signature Block

Enclosure

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 35a – NOITL – Additional Information Required - Affiliates

In Reply Refer To: _____ Date _____
Serial Number _____
3838 (Office Code)

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

NOTICE

Claimant : _____
Mailing Address : _____ Notice of Intent to Locate
City, State, Zip Code : _____

**Acreage Limitations
Additional Information Required**

On (*insert date*), our office received a Notice of Intent to Locate a Lode or Placer Mining Claim(s) and/or Tunnel Site(s) on Lands Patented under the Stock Raising Homestead Act (SRHA) of 1916, as amended (NOITL). The NOITL was assigned Bureau of Land Management (BLM) serial number (*insert serial number*) and covers the following land in (*insert County and State name*):

(insert complete legal description as shown on the NOITL.)

The SRHA states that a person and their affiliates may segregate under NOITLs a maximum acreage of 6,400 acres in any one State or 1,280 acres of land that is owned by a single surface owner. The SRHA defines “affiliate” to mean, with respect to any person, “any person which controls, is controlled by, or is under common control with, such person.”

We have reviewed your NOITL to determine whether it complies with these statutory acreage limitations. We have reason to believe that this NOITL and others you or your affiliates have filed exceed the allowable acreage. The NOITLs we believe were filed by affiliates are:

(List NOITLs and names of filers).

The combined acreage of these NOITLs is (amount of acreage). We believe that the filers of these NOITLs are affiliates because (*describe the evidence of noncompliance BLM has found*).

You must submit clarifying documentation regarding the nature of the affiliation between the parties on the listed NOITLs. You must submit your response to this office within 30 days from the date you receive this decision. If BLM does not receive your response within this time frame or the information you timely submit is inadequate to show that the filers of these NOITLs are not affiliates, BLM will void the NOITLs that exceed the statutory acreage limitation and were most recently filed by these affiliates (see 43 C.F.R. § 3838.91). Furthermore, BLM will declare any mining claims located under the requested NOITLs null and void from the beginning in a subsequent final decision (see 43 C.F.R. §§ 3830.91(a)(8) & (b); 3838.91).

Any questions regarding this Decision should be addressed to (*insert name of adjudicator*) at the address in the above letterhead or by telephone at (*insert telephone number*).

Signature Block

ILLUSTRATION 36 – NOITL Acceptance Form Letter

In Reply Refer To:
Serial Number
3814 (Office Code)

Date

CERTIFIED—RETURN RECEIPT REQUESTED

Applicant
Mailing Address
City, State, Zip Code

Notice of Intent to Locate Received and Posted

On *(insert date)*, this office received a Notice of Intent to Locate (NOITL) a mining claim under the Stock Raising Homestead Act of 1916, as amended. The NOITL was assigned Bureau of Land Management (BLM) serial number *(insert serial number)*, and should be referenced in any written correspondence you have with our office regarding your NOITL and when filing your new mining claim locations.

The NOITL was posted in our Information Access Center on *(insert date of posting)*. The 90-day segregation period of the land began on *(insert date of posting)* and will end *(insert date – 90 days after the date of posting)*.

The information provided along with your NOITL shows the surface owner was served a copy of your NOITL and that the certified card was signed by the surface owner on *(insert date)*. Accordingly, exploration under the NOITL can begin 30 days from that date and will continue through the remainder of the 90-day segregation period. Exploration is subject to the requirements of 43 CFR 3838.15. The effects of the 90-day segregation period will be extended if surface owner consent is not received and a plan of operations is required to be filed in accordance with the BLM regulations at 43 CFR 3809 within the 90-day period.

Any questions regarding the NOITL or this correspondence should be addressed to *(insert name of adjudicator)* at the address in the above letterhead, or by telephone at *(insert telephone number)*.

Signature Block

ILLUSTRATION 37 – NOITL Rejected Prior to 90-day Segregation Period

In Reply Refer To:
Serial Number
3838 (Office Code)

CERTIFIED MAIL-- RETURN RECEIPT REQUESTED

DECISION

Claimant :
Mailing Address : Notice of Intent to Locate
City, State, Zip Code :

Notice of Intent to Locate Rejected

On *(insert date)*, this office received your Notice of Intent to Locate a Lode or Placer Mining Claim(s) and/or Tunnel Site(s) on Lands Patented under the Stock Raising Homestead Act (SRHA) of 1916, as amended (NOITL). The NOITL covers the following land in *(insert County and State name)*:

(Insert complete legal description.)

The NOITL is missing the following **mandatory statutory** information that must be provided at the time the NOITL is filed with the Bureau of Land Management (BLM): *(Mark all that apply or can be formatted with bullets or numbering.)*

- Claimant name and address.
- Legal description of the land on which the NOITL applies. The legal description will be based on the public land survey or other sufficient description so that the NOITL can be noted and recorded on the public land status records.
- The processing fee as required by 43 CFR 3000.12. *(The adjudicator can list the current amount of the fee.)*

NOTE to Adjudicator: The processing fee must be received along with the NOITL. If there is no processing fee, the NOITL is not acceptable and should be automatically returned by accounting personnel (43 CFR 3830.97). If the processing fee is received and some or all of the other statutory information is not received, the NOITL will be rejected and the processing fee will be kept.

Accordingly, since the above statutory information *(or if it was just the processing fee, state since the processing fee was not received)* was not received, the NOITL is unacceptable and is hereby rejected and returned unrecorded. There is no segregation of the land until the NOITL is received with the statutory information and processing fee.

Insert Standard Appeal Paragraph with Stay Information.

Any questions regarding the NOITL or this Decision should be addressed to *(insert name of adjudicator)* at the address in the above letterhead, or by telephone at *(insert telephone number)*.

Signature Block

ILLUSTRATION 38 – NOITL Regulatory Information Request

In Reply Refer To:
Serial Number
3838 (Office Code)

CERTIFIED MAIL-- RETURN RECEIPT REQUESTED

NOTICE

Claimant :
Mailing Address : Notice of Intent to Locate
City, State, Zip Code :

Notice of Intent to Locate
Additional Information Required

On (*insert date*), this office received your Notice of Intent to Locate a Lode or Placer Mining Claim(s) and/or Tunnel Site(s) on Lands Patented under the Stock Raising Homestead Act (SRHA) of 1916, as amended (NOITL). The NOITL was assigned Bureau of Land Management (BLM) serial number (*insert serial number*) and covers the following land in (*insert County and State name*):

(Insert complete legal description.)

The NOITL was posted in our Information Access Center on (*insert date*). The 90-day segregation period of the land began on (*insert day after the acceptable NOITL was received*), however, the NOITL is missing the following mandatory regulatory information which must also be provided: (*Mark all that apply or can be listed with bullets or numbering.*)

- Evidence of title of surface owner. A copy of the county records showing who the taxpayer for the property is, a certificate of title, or proof of title insurance is acceptable as evidence;
- A copy of the certified mail receipt card showing the surface owner was served a copy of the NOITL;
- The names, mailing addresses, and telephone numbers of all known surface owners of the land included in the NOITL;
- A telephone number of the NOITL applicant;
- Total number of acres covered by the NOITL;
- Brief description of the proposed mineral activity;
- The name, mailing address, and telephone number of the person who will be managing the activities;
- A list of the dates on which the activities will take place;
- Map showing access routes.

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VII-52

The missing mandatory regulatory information is required and must be submitted. Once the requested information is received, a corrected NOITL will be posted with the original posting certificate.

Accordingly, you are hereby allowed 30 days from your receipt of this notice in which to furnish the mandatory regulatory information. Failure to furnish the mandatory regulatory information within the time allowed will result in the rejection of the NOITL, and any claims filed in connection with the NOITL will be declared null and void *ab initio*.

Any questions regarding the NOITL or this Notice should be addressed to (*insert name of adjudicator*) at the address in the above letterhead, or by telephone at (*insert telephone number*).

Signature Block

ILLUSTRATION 39 – NOITL Rejected Statutory Regulatory Information Not Received

In Reply Refer To:
Serial Number
3838 (Office Code)

CERTIFIED MAIL-- RETURN RECEIPT REQUESTED

DECISION

Claimant :
Mailing Address : Notice of Intent to Locate
City, State, Zip Code :

Notice of Intent to Locate Mining Claims Rejected

On *(insert date)*, this office received a Notice of Intent to Locate a Lode or Placer Mining Claim(s) and/or Tunnel Site(s) on Lands Patented under the Stock Raising Homestead Act (SRHA) of 1916 (43 U.S.C. § 29), as amended (NOITL) from *(insert name)*. The NOITL was assigned Bureau of Land Management (BLM) serial number *(insert serial number)* and covers the following land in *(insert County and State name)*:

(Insert complete legal description.)

By Notice dated *(insert date)*, this office requested the applicant *(insert name)* to submit missing mandatory regulatory information to complete the NOITL. A copy of the Notice is enclosed. The *(insert date)* Notice allowed the applicant 30 days from receipt of the Notice in which to furnish the required information. Failure to do so would result in the rejection of the NOITL. As of this date, we have not received the missing mandatory regulatory information. Accordingly, the NOITL is hereby rejected. Since the NOITL is rejected and is considered to be void and not properly filed, the segregation period is no longer in effect. Additionally, if any mining claim or tunnel site was located pursuant to this NOITL, they are considered null and void, *ab initio*.

NOTE TO ADJUDICATOR: If any mining claims or tunnel sites were located pursuant to this NOITL within the 90-day segregation period, and filed with the BLM, they will be declared null and void, *ab initio*.

Insert Standard Appeal Paragraph with Stay Information.

Insert Standard Reclamation Paragraphs if mining claims had been located.

Any questions regarding this Decision should be addressed to *(insert name of adjudicator)* at the address in the above letterhead, or by telephone at *(insert telephone number)*.

Signature Block

Enclosure

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VII-54

ILLUSTRATION 40 – NOITL Serial Register Page

**BUREAU OF LAND MANAGEMENT
CASE RECORDATION
(LIVE) SERIAL REGISTER PAGE**

Run Date/Time: 07/30/14 01:34 PM Page 1 of 1

01 12-29-1916;039STAT0864;43USC299 Total Acres
Case Type 381401: MIN DISP-SRHA-NOI 401.650 Serial Number
Commodity 911: ALL LOCATEABLE MIN. C NVN-- - 092214
Case Disposition: EXPIRED Case File Juris:

Serial Number: NVN--- - 092214

Name & Address		Int Rel	%Interest
HARVEY CLAYTON LLC	10355 BOUNDER LN	RENO Nv 895088235	CLAIMANT 100.000000000
THE JAMES R BOYCE REV LIV TRST	PO BOX 280	DYER Nv 890100280	OWNER 0.000000000

Serial Number: NVN--- - 092214

Mer Twp	Rng	Sec	SType	Nr SUFF	Subdivision	District/Resource Area	County	Mgmt Agency
21	0030S	0380E	033	ALIQ	NW/SW;	TONOPAH FIELD OFFICE	ESMERALDA	BUREAU OF LAND MGMT
21	0030S	0380E	034	ALIQ	SW;	TONOPAH FIELD OFFICE	ESMERALDA	BUREAU OF LAND MGMT
21	0040S	0380E	003	LOTS	3-4;	TONOPAH FIELD OFFICE	ESMERALDA	BUREAU OF LAND MGMT
21	0040S	0380E	004	LOTS	1-3;	TONOPAH FIELD OFFICE	ESMERALDA	BUREAU OF LAND MGMT

Serial Number: NVN--- - 092214

Act Date	Code	Action	Action Remarks	Pending Office
07/18/2013	347	FILING FEE RECEIVED	\$30.00;1	
07/18/2013	387	CASE ESTABLISHED		
07/18/2013	543	SEGREGATION (MINERAL)		
07/18/2013	552	LAND SEGREGATED		
07/22/2013	669	LAND STATUS CHECKED	ESC	
07/25/2013	600	RECORDS NOTED		
07/31/2013	104	ADDTL INFO RQSTD	PROOF SVC ON SRF OWNR	
08/19/2013	103	ADDTL INFO RECD	CRT CARD FROM SO	
08/21/2013	344	EXPLORATION AUTH DATE	07/22/2013	
09/01/2013	891	BEGINNING DATE		
10/16/2013	893	COMPLETION DATE		
10/16/2013	970	CASE CLOSED		
10/17/2013	234	EXPIRED		
12/12/2013	600	RECORDS NOTED		

Serial Number: NVN--- - 092214

Line Nr	Remarks

NO WARRANTY IS MADE BY BLM
FOR USE OF THE DATA FOR
PURPOSES NOT INTENDED BY BLM

ILLUSTRATION 41 – NOITL Posting Notice

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
(Insert BLM State Office or use Letterhead)

Serial Number _____

Beginning (*insert date*), the attached Notice of Intent to Locate segregates Federal locatable minerals for a period of 90 days, from exploration, location, or from application to acquire the minerals pursuant to Section 209 of the Federal Land Policy and Management Act. The segregation period expires on (*insert date*).

CERTIFICATE AS TO POSTING

I HEREBY CERTIFY that a Notice of Intent to Locate (Form 3830-3), a copy of which is attached, was posted in a conspicuous place in the Office shown above. The Notice was posted on the _____ day of _____, 20__, and remained posted until the _____ day of _____, 20__.

(Date)

(Signature of Officer)

(Title)

Notice must be kept posted during entire period of publication.

ILLUSTRATION 42 – **NOITL Null and Void Decision.** Claim Not Covered by
NOITL

In Reply Refer To:
Serial Number
3814 (Office Code)

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

DECISION

Claimant Name :
Address : Mining Claim Recordation
City, State, Zip Code :

Mining Claim Declared Null and Void *Ab Initio*

On *(insert date)*, this office received a Certificate of Location (CoL) for the *(insert claim name)* mining claim, which was assigned Bureau of Land Management (BLM) serial number *(insert serial number)*. The CoL for the *(insert claim name)* mining claim indicates the claim is located in the *(insert complete legal description such as: SW¹/₄ sec. 22, T. 13 N., R. 5 E., MD Mer.,)* in *(insert county and state name)*. According to the official records of this office, this land was patented and the mineral estate was reserved to the United States under the Stock Raising Homestead Act (SRHA) of 1916 (43 U.S.C. § 299), as amended. In accordance with 43 CFR 3838.11, mining claims cannot be located on lands patented under the SRHA until the claimant first files a notice of intent to locate (NOITL) with the proper BLM office and serves a copy of the NOITL upon the surface owner of record.

On *(insert date)*, this office issued a Notice to *(insert claimant name)* requesting additional information regarding the *(insert claim name)* mining claim and whether the claimant had filed the required NOITL or if perhaps the claimant was the surface owner of the above-described land. A copy of the Notice is enclosed with this Decision.

The *(insert date)*, Notice allowed *(insert claimant name)* 30 days from their receipt of the Notice in which to furnish the requested information. According to the information on the return receipt card *(or insert the information used to calculate the date)*, the Notice was received on *(insert date Notice was delivered)*. The requested information was not received in this office in the time allowed. Accordingly, since no response has been received, and there is no record of the required NOITL being filed in this office, the *(insert claim name)* mining claim is hereby declared null and void *ab initio*.

Insert Standard Reclamation Paragraphs

Insert Standard Appeal with Stay Information Paragraphs

Any questions regarding this Decision should be directed to *(insert name of adjudicator)* at the address in the above letterhead or by telephone at *(insert telephone number)*.

Signature Block

Enclosures

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 43 – Standard Extralateral Rights Paragraph

Care should be taken to avoid mining operations on land closed to mineral entry that could subject the operator to legal action.

In accordance with our Washington Office Manual guidance, this letter is to provide you with the following information:

“Under certain conditions, the end and side lines of a lode may be extended onto land not open to mineral entry in order to obtain extralateral rights on the land still open to mineral entry. The extension of lines onto the land not open to entry does not give the lode claimant any surface or mineral rights in such lands, but only serves to protect the apex rights on the land open to entry. The extended portion of the lode claim is not therefore, null and void *ab initio*. (Santa Fe Mining, Inc. (79 IBLA 48) (1984)).”

The portion of (insert claim name) mining claim lying outside the patented area is located on land open to mineral entry. That portion of the claim remains in compliance with the recordation requirements of 43 CFR 3838.

ILLUSTRATION 44 – Surface Ownership Additional Requirement Notice

In Reply Refer To:
Serial Number
3833 (Office Code)

Date

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

Notice

Claimant Name :
Mailing Address : Mining Claim Recordation
City, State, Zip Code :

Additional Information Requested

A land status review of the (*insert claim name*) unpatented mining claim, Bureau of Land Management (BLM) serial number (*insert serial number*) has been performed to determine the status of the land claimed on the date of location. The claim is located in (*insert legal description, including County*).

The (*insert claim name*) mining claim is located on split estate land where the surface is private and the minerals belong to the United States, reserved under the Stock Raising Homestead Act of 1916. A copy of the Master Title Plat is attached with this Decision. To locate and record a mining claim on the above-described land, a claimant must first file a Notice of Intent to Locate (NOITL), Form 3830-3 (copy enclosed), with the proper BLM State Office, and serve a copy of the NOITL upon the surface owner(s) of record, by registered or certified mail, return receipt requested (43 CFR 3838.11). The claimant must wait 30 days after the surface owner is served a copy of the NOITL before entering the lands to explore for minerals and/or locate a mining claim or tunnel site.

We have searched our records and find no indication that you filed a required NOITL prior to the location of the (*insert claim name*) mining claim. If in fact you did file the NOITL, please send us a copy of the NOITL along with the assigned BLM serial number that would have been provided when the NOITL was filed. If you are the surface owner of the above-described land, please provide proof of ownership by submitting a copy of the property tax receipt from the County Assessor's Office. The tax receipt must contain your name as the tax payer and the legal description of the taxed parcel.

You are hereby allowed 30 days from receipt of this Notice in which to supply the requested information. Failure to do so will result in the (*insert claim name*) mining claim being declared null and void *ab initio* in its entirety.

Any questions regarding this Notice should be directed to (*insert name of adjudicator*) at the address in the above letterhead or by telephone at (*insert telephone number*).

Signature Block

Enclosures

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 45 – Surface Owner Rejection Decision

In Reply Refer To:
Serial Number
3838 (Office Code)

CERTIFIED MAIL--RETURNED RECEIPT REQUESTED

DECISION

Claimant Name :
Mailing Address : Mining Claim Recordation
City, State, Zip Code :

Mining Claim Recordation Rejected
Location Notice Returned Unrecorded

On (*insert date*), this office received a Location Certificate for the (*insert claim name*) placer mining claim. The claim was issued Bureau of Land Management (BLM) serial number (*insert serial number*). In reviewing the location certificate, the following deficiencies were found:

1. The date of location on the location certificate was left blank. The date the claim is located is required in accordance with regulations at 43 CFR 3833.1(a) because your claim must be recorded with the BLM within 90 days of the date of location. Without this date on the location certificate, it cannot be determined if the location certificate was received within that 90-day time period.
2. The claim is located on lands that were patented under the Stock Raising Homestead Act of 1916 (SRHA), as amended. Even though the minerals were reserved to the United States when the lands were patented under the SRHA, the land is not available for mineral location until the claimant has filed a Notice of Intent to Locate (NOITL) with the proper BLM state office and a copy of the NOITL has been served upon the surface owner(s) of record by certified or registered mail (43 CFR 3838). In reviewing our records, there is no indication that the required NOITL has been filed for this claim.

Inadvertently leaving the date of location blank on the location notice would not in itself cause the recordation of the claim to be rejected, and would be a curable defect. However, since no NOITL has been received prior to the location of the (*insert mining claim name*) mining claim, the location certificate is not acceptable and the recordation of the claim is hereby rejected. A copy of the regulations for locating and recording mining claims and tunnel sites on SRHA lands is enclosed with this Decision.

Insert Standard Reclamation Paragraphs

Insert Standard Appeal with Stay Information Paragraphs

If no appeal to this Decision is taken, a refund of the location and maintenance fees in the amount of (*insert amount*) will be authorized and should be received from the U.S. Treasury within 4 to 6 weeks. The processing fee is nonrefundable and will not be returned.

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VII-60

Any questions regarding this Decision should be directed to *(insert name of adjudicator)* at the address in the above letterhead or by telephone at *(insert telephone number)*.

Signature Block

Enclosures

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 46 – Placer Claim in a Power Site Classification

In Reply Refer To:
Serial Number
3730 (Office Code)

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

NOTICE

Claimant Name :
Address : Mining Claim Location
City, State, Zip Code :

Claims Located in Power Site Classification

This office received a location notice for the (*insert claim name*) placer mining claim on (*insert date received*). The claim was issued Bureau of Land Management (BLM) serial number (*insert serial number*). This number should be used in all future correspondence with this office regarding the claim.

We completed the land status review for the (*insert claim name*) mining claim and our records show that on the date the claim was located, (*insert location date*), a portion or all of the land was withdrawn by (*insert power withdrawal or site information. Example: Power Site Classification 280 dated December 19, 1933, and Secretarial Order Interpretation No. 227 dated April 11, 1939*).

The Mining Claims Rights Restoration Act of August 11, 1955 (PL 359) (30 U.S.C. §§ 621-625), opened land withdrawn for power development to the location of mining claims. However, no land within a power project operating or being constructed under a license or permit issued under the Federal Power Act, or under a preliminary permit issued under the Federal Power Act, is open to mining claim location.

Consistent with PL 359, you are hereby notified that you may not conduct any placer mining operations on the (*insert claim name*) placer mining claim for the next 60 days while the Secretary of the Interior (*insert and the Secretary of Agriculture if applicable*) considers the possibility of holding a public hearing to determine whether placer mining operations would substantially interfere with other uses of the land. If it is determined during this 60-day period that a hearing is required, you will be notified that no mining can take place until the Secretary of the Interior has held the hearing and issued an appropriate order. If you are not notified within 60 days that a hearing will take place, you may begin placer mining operations, subject to compliance with all applicable state and federal laws and regulations.

Any questions regarding this Notice should be directed to (*insert name of adjudicator*) at the address in the above letterhead or by telephone at (*insert telephone number*).

Signature Block

ILLUSTRATION 47 – Lode Claim, Mill Site or Tunnel Site in a Power Site

In Reply Refer To:
Serial Number
3730 (Office Code)

Date

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

NOTICE

Claimant Name	:	
Address	:	Mining Claim Location
City, State, Zip Code	:	

Claims Located in Power Site Classification

We received location notices for the (*insert claim names*) unpatented lode mining claims, on (*insert date*). The claims have been serialized as (*insert serial numbers*). We reviewed the land status for the claims and have found the claims are located within Power Site Classification No. 455 (Public Land Order 3793) dated August 17, 1965.

The Mining Claims Rights Restoration Act of August 11, 1955 (PL 359) (30 U.S.C. §§ 621-625), authorizes the location of mining claims on public lands withdrawn for power purposes. Power site classifications are open to mineral entry, providing the Federal Energy Regulatory Commission (FERC) reports there are no active projects and that the third proviso of Section 2 of PL 359 does not apply.

We have requested a report from the FERC and you will be notified if there are any active projects that would conflict with your mining claim.

Any questions regarding this Notice should be directed to (*insert name of adjudicator*) at the address in the above letterhead or by telephone at (*insert telephone number*).

Signature Block

**ILLUSTRATION 48(a) – FERC Request Letter – NOTE: Send an original
with seven copies.**

In Reply Refer To:
Serial Number
3730 (Office Code)

Date

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
Mail Code: DHAC
888 1st St, NE
Washington, DC 20426

Dear Ms. Bose:

Enclosed are copies of the location notice with map for the (*insert claim name*) unpatented mining claim, serial number (*insert serial number*). The claim is located in (*insert complete legal description*). A copy of the Master Title Plat (MTP) for this township is enclosed. The (*insert claim name*) mining claim was located by (*insert claimant's name and mailing address*) on (*insert location date*). The location notice was received in this office on (*insert date received*).

According to the MTP, the claim is located within (*Insert power withdrawal information. For example: Power Site Classification 280 dated December 19, 1933, and Secretarial Order Interpretation No. 227 dated April 11, 1939.*) (*Note to adjudication: Replace this information with the applicable information for your case.*)

Please review the location for the (*insert claim name*) and send us your report regarding the availability of the lands for mineral entry and the applicability of the third proviso of Section 2 of Public Law 359. We would appreciate receiving your report by (*insert date*).

If you have any questions, please contact (*insert name*) at the address in the above letter, or by calling (*insert telephone number*).

Sincerely,

Signature Block

Enclosures

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

**ILLUSTRATION 48(b) – Report Request Notice – Note: Can be used for
FERC, USFS, and/or BLM**

In Reply Refer To:
Serial Number
3730 (Office Code)

Date

NOTICE

You are hereby notified that the placer mining claim listed below was filed in this office pursuant to Public Law 359 (PL 359) (69 Stat. 681). Please indicate your response on the duplicate copy of this notice and return it to this office by *(insert date)*.

Claimants: *(Insert claimant name(s))*

Name of Claim: *(Insert claim name)*

Serial Number: *(Insert serial number)*

Located: *(Insert location date)*

Location: *(Insert legal description. Example: SE¼SE¼ sec. 22, T. 32 N., R. 5 E., MD Mer., Calaveras County, California)*

Date of filing under PL 359: *(Insert date)*

Signature Block

Distribution:

Federal Energy Regulatory Commission with copy of Notice of Location and Status Report

The Third Proviso of Section 2 of the law does does not apply.

Forest Supervisor, *(Insert applicable Forest Service Office)* National Forest with copy of Notice of Location and Status Report

Bureau of Land Management, *(Insert District or Field Office Name)*, District or Field Office Manager

Placer mining operations would would not substantially interfere with other uses of the land within the claim.

Date signed: _____ Signature and Title _____

ILLUSTRATION 48(c) – Other Agency PL359 Notification

Note: It is optional to send this type of notification to other interested state or Federal agencies. The agencies listed below are just a sample of agencies only. Follow your state procedures regarding the applicable agencies within your state.

In Reply Refer To:
Serial Number
3730 (Office Code)

Date

NOTICE

___ Power Company (use the appropriate power company for your state), w/Notice of Location and status report

___ Department of Parks and Recreation, State of (insert state)

___ Department of Water Resources, State of (insert state)

___ Department of Fish and Game, Environmental Services Branch, State of (insert state)

___ Regional Water Quality Control Board, State of (insert state)

___ Bureau of Reclamation, Mid Pacific Region, U.S. Department of the Interior

You are hereby notified of the filing of the Notice of Location of a placer mining claim in this office pursuant to Section 2(b) of Public Law 359 (69 Stat. 681) of August 11, 1955.

Claimants: *(insert claimant name(s))*

Name of Claim: *(Insert claim name)*

Serial Number: *(Insert serial number)*

Located: *(Insert location date)*

Location: *(Insert legal description. Example: SE¹/₄SE¹/₄ sec. 22, T. 32 N., R. 5 E., MD Mer., Calaveras County, California)*

Date of filing under PL 359: *(Insert date)*

The surface managing agency listed below is evaluating the effect of placer mining on other uses of the land within the claim. Any facts which are relevant to other uses of the land, or any questions you may have should be communicated to that office by *(insert date)*.

Signature Block

___ U. S. Forest Service, Forest Supervisor, National Forest, *(insert complete address and contact information)*

___ Bureau of Land Management, Field Office Manager, *(insert Field or District Office)* Field Office, Bureau of Land Management *(insert complete address and contact information)*

ILLUSTRATION 48(d) – FERC Electronic Filing Instructions

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D.C. 20426

OFFICE OF ENERGY PROJECTS

March 15, 2011

Dear (Name):

This is to advise you of certain staff and procedural changes related to our review of Federal land issues. Periodically your office requests our review of Federal lands for such purposes as mining claims, oil and gas mineral leases, rights-of-way, and power site land withdrawals and vacations. These requests may have been mailed or faxed directly addressed to Mr. Mark Hooper, who was the lead staff person handling such requests. Mr. Hooper is no longer with the Commission, and his duties have been reassigned to other staff. New procedures to help ensure that your requests are properly recorded and processed in a timely manner are being implemented. The most significant change is the availability for you to file Federal lands review requests electronically via the Internet.

Filing your requests electronically will enable your documents to be entered and processed more quickly into our eLibrary system. This in turn will allow quicker access to images of the documents and related files. The Commission will assign your request a FERC Docket identifier with a prefix of MC, ML, EP, or DV as appropriate for mining claims, oil and gas mineral leases, rights-of-way, and power site land withdrawals and vacations. Please refer to <http://www.ferc.gov/docs-filing/elibrary/docket-prefix.pdf> on our website for a full list of Docket prefixes and their descriptions. A sample of this new format is MC##-%-~***; where # represents the fiscal year, % represents the numerical order of the filing, and * represents future or additional actions under the filing. The Docket identifier can be used to search the eLibrary system for documents of particular interest. The eLibrary system can also be searched by "Filed Date" or searched for a particular text string. To help ensure that the BLM reference number is recorded in the eLibrary description field, in all correspondence please include a Subject: line which includes your BLM reference number, and the type of request.

With regard to the BLM reference number, it will be text searchable from the FERC Generated PDF, using the General Search or the Advanced Search options in eLibrary. For example, the document(s) under MC 11-2-000 which relate to BLM reference number IMC202889, will be returned by the search variable shown below as long as the date ranges selected (or other limiting selections) don't otherwise rule out the document(s). The following image shows a sample text search on our web site.

ILLUSTRATION 48(d) – FERC Electronic Filing Instructions (page 2)

The screenshot shows the 'Advanced Search' page of the FERC website. On the left is a dark blue navigation menu with links for Search, Advanced Search, New Dockets, Docket Search, Daily Search, Request List, Logon, Help, Help - Accessible, and Login: Guest. The main content area is titled 'Advanced Search' and contains several search filters: 'Category' with checkboxes for 'Submittal' and 'Issuance'; 'Date' with checkboxes for 'Filed date', 'Document date', and 'Posted date', each with input fields for start and end dates; 'Docket' with two columns of input fields for 'Docket' and 'Sub Docket', accompanied by an example and a note; 'Library' with checkboxes for 'All listed below', 'Electric', 'Natural Gas', 'Oil', 'Hydro', 'Rulemaking', and 'General'; and 'Text Search' with an input field containing 'IMC202889' and checkboxes for 'Description' and 'Full Text'. At the bottom are 'Submit', 'Reset', and 'Help' buttons. The browser window title is 'FERC Advanced Search - Windows Internet Explorer' and the address bar shows 'http://elibrary.ferc.gov/jdmws/search/fercadvsearch.asp'.

Finally, when filing Federal lands review requests, we would appreciate it if you would include a latitude/longitude in decimal degrees representative of the proximity location of the area under review. This will help us to develop a GIS database of Federal lands reviewed for future reference.

ILLUSTRATION 48(d) – FERC Electronic Filing Instructions (page 3)

The Commission strongly encourages electronic filing. See 18 CFR 385.2001 (a) (1) (iii) and the instructions on the Commission's website at http://www.ferc.gov/docs_filing/efiling.asp for more information on electronic filing and registering for a FERC Online account. If you choose to not electronically file your requests, you may file an original and seven copies of the request with:

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
Mail Code: DHAC
888 First Street, N.E.
Washington, DC 20426

If this notification has been misdirected to you, please forward it to the appropriate office/staff. If you have questions regarding this letter, please contact Henry Woo at 202-502-8872, or at henry.woo@ferc.gov.

Sincerely,

Charles K. Cover, P.E.
Chief, Project Review Branch
Division of Hydropower Administration
and Compliance

ILLUSTRATION 49 – Surface Management Agency Notification Letter

In Response Refer To:
Serial Number
3730 (Office Code)

Date

Surface Management Agency Contact
Agency Name
Mailing Address
City, State, Zip Code

Dear *(insert contact name)*;

On *(insert date)*, our office received a location notice for the *(insert claim name)* placer mining claim, Bureau of Land Management serial number *(insert serial number)*. The claim is located in *(insert complete legal description)*, within *(insert the applicable classification information such as: Power Site Classification 280 dated December 19, 1933, and Secretarial Order Interpretation No. 227 dated April 11, 1939)*.

The Mining Claims Rights Restoration Act of August 11, 1955 (30 U.S.C. §§ 621-625), authorizes the location of mining claims on public lands withdrawn for power purposes. Power site classifications are open to mineral entry, providing the surface management agency and the Federal Energy Regulatory Commission (FERC) have no objection to mining.

In addition, placer mining claims recorded in power site withdrawals are subject to a 60-day waiting period whereby no mining will be conducted. During this 60-day period, the Secretary of the Interior must determine whether to hold a public hearing to determine whether placer mining operations would substantially interfere with other uses of the land.

Our records indicate that the *(insert claim name)* is located within the *(insert surface management agency name – for example Payette National Forest)*. As the surface management agency, please review the enclosed location notice, maps, and Master Title Plat (MTP) to determine if a public hearing will be required. We would appreciate receiving your report by *(insert date)*.

If you have any questions, please contact *(insert name)* at the address in the above letter, or by calling *(insert telephone number)*.

Sincerely,

Signature Block

Enclosures

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VII-70

ILLUSTRATION 50 – Contest Transmittal Form 1850-1

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

TRANSMITTAL OF CONTEST OR OTHER PROCEEDING FOR HEARING

To:
Administrative Law Judge

(City and State)

The proceeding identified herein and in the accompanying official records is transmitted to you for hearing and decision, pursuant to the rules of practice (43 CFR, Part 4) and/or other governing authority.

1. Parties
Contestant(s) or Proponent(s) VS. Contestee(s) or Respondent(s)

2. Kind of proceeding	3. Contest or other number(s)	
4. Date proceeding commenced	State	Number(s)
6. Lands are located in	5. Number of claims, entries, or leases involved	
8. Date for hearing	7. Suggested place for hearing <input type="checkbox"/> County seat <input type="checkbox"/> Other (explain in remarks)	
10. Costs to BLM (applies only to BLM contests) <input type="checkbox"/> Are reimbursable <input type="checkbox"/> Are not reimbursable	9. Filing of motion by Government, if a party, for prehearing conference <input type="checkbox"/> Is anticipated <input type="checkbox"/> Is not anticipated	

11. Remarks

Date	Signature
Copy to: Assistant Director (300)	Attachments: Related Official Files

(Instructions on reverse)

Form 1850-1 (March 1974)

INSTRUCTIONS

(Items not specified are self-explanatory)

Item 1 – In proceedings to which the United States is a party, specify the Federal agency directly involved. Ordinarily this will be the Bureau of Land Management or the Forest Service. Thus, for example, show as: U.S. through BLM, or U.S. through F.S.

If numerous private parties are involved, the name of each need not be shown. Name one or more of such parties followed by *et al* to indicate there are others.

Items 2 and 4 – Complete these items using whichever of the following is appropriate:

Kind of Proceeding:	Show as commencing date:
Contest of Desert Land Entry (43 CFR 2521.8))	
Contest of Homestead Entry (43 CFR 2511.4–2(f)))	
Contest of Oil and Gas Lease(s) (43 CFR 3000.4 and 43 CFR 3100))	Date answer to complaint was filed
Contest of Mineral Patent Application (43 CFR 3872))	
Contest of Mining Claim(s) not under P.A. * (43 CFR 3872))	
Placer Mining (43 CFR 3736.2))	Date of State Director's request to Administrative Law Judge that a hearing be held
Rights to Leasable Minerals (43 CFR 3742))	
Surface Rights (43 CFR 3713))	
Other (<i>identify briefly and cite statutory or other basis</i>))	Date of filing of a document or other action leading directly to the determination to refer to an Administrative Law Judge for a hearing

Item 5 – Show *only* the number of claims, etc., against which the proceeding itself is directed. *Do not* include any claims, applications, etc., which are not the subject of the proceeding even though they may involve the same lands.

for scheduling cases for hearing rests solely with the Administrative Law Judge.

Item 6 – Give State and County. In Alaska, locate with respect to geographic features or settlements (*e.g., two miles west of Talkeetna*).

Attachments – The official file transmitted to the Administrative Law Judge will include those documents essential to show the subject matter (*e.g., application for mineral patent*) of the proceeding and how it arose (*e.g., the complaint and answer*). The file will include up-to-date status information if pertinent to the disposition of the proceeding. *Do not* include in the file any reports of field examinations or *ex parte* filings by any parties dealing with questions of fact which will be at issue in the hearing before the Administrative Law Judge.

Item 8 – Use *only* for purpose of requesting priority in hearing the case and issuance of decision, such request to be fully explained under remarks. Authority

* Commonly referred to as "adversing" unpatented mining claims which conflict with other uses of the land or title transfer applications

ILLUSTRATION 51 – Hearing Required Notice

In Reply Refer To:
Serial Number
3736 (Office Code)

Date

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

NOTICE

Claimant Name :
Address : Mining Claim Recordation
City, State, Zip Code :

Hearing Required

On (insert date), this office received a location notice from (insert claimant name) for the (insert claim name) unpatented placer mining claim. The claim was assigned Bureau of Land Management (BLM) serial number (insert serial number). During our land status review, we determined that the (insert claim name) was located within (insert Power site or project information – Example: Power Site Classification No. 146, dated April 20, 1926). By Notice dated (insert date) (copy enclosed), the claimant was notified that:

1. Power Site Classifications are open to mineral entry, provided that the lands are not included in any project operated or being constructed under a license or permit issued under the Federal Power Act or are under examination and survey by a prospective licensee of the Federal Energy Regulatory Commission (FERC) under an uncancelled preliminary permit that has not been renewed more than once, and
2. Placer claims located within a power site withdrawal are subject to a 60-day waiting period whereby no mining operations will be conducted while the Secretary determines whether to hold a public hearing to determine if placer mining operations will substantially interfere with other uses of the lands..

On (insert date), the Mining Engineer/Hazmat Coordinator for the (insert surface managing agency) filed a request for a hearing to prohibit placer mining on the (insert claim name). In accordance with Section 2(b) of the Mining Claims Rights Restoration Act of August 11, 1955, (69 Stat. 681) a hearing will be held to determine one of the following results:

1. Complete prohibition of placer mining;
2. Permission to engage in placer mining upon the condition that the locator will, following placer operations, restore the surface of the claims to the condition in which they were immediately prior to those operations;
or
3. General permission to engage in placer mining.

Your file for the (insert claim name) has been forwarded to the Office of Hearings & Appeals and you will be notified by that office when a date has been set for the hearing. As this notice is being provided to you within the 60-day period described above, you are hereby advised that no mining operations are permitted on the (insert claim name) until after the hearing has been held.

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VII-73

Any questions regarding this Notice should be directed to (*insert name of adjudicator*) at the address in the above letterhead or by telephone at (*insert telephone number*).

Signature Block

Enclosure

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

cc: Insert appropriate cc copies such as for the applicable Forest Service.

ILLUSTRATION 52 – Certificate of Posting

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Use appropriate letterhead for your state office

Certificate as to Posting

Bureau Office: Insert State Office

Serial Number: Insert Mining Claim Serial Number

I HEREBY CERTIFY that a Transmittal of Contest or other Proceeding for Hearing , a copy of which is attached, was posted in a conspicuous place in this Office, shown above, for a period of at least thirty (30) days. The Notice was posted on the _____ day of _____, and remained posted until the _____ day of _____.

(Date)

(Signature of Officer)

(Title)

ILLUSTRATION 53- Motion to Dismiss

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
(Use appropriate letterhead for your state office)

UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF HEARINGS AND APPEALS
HEARINGS DIVISION

UNITED STATES OF AMERICA,)	Contest No. IDI-35723
through the BUREAU OF LAND)	
MANAGEMENT)	
)	
Contestant,)	CONTESTANT'S MOTION TO
)	DISMISS WITHOUT PREJUDICE
v.)	AND WITHDRAWAL OF REQUEST
)	FOR HEARING
<i>(Insert Claimant Name)</i>)	
)	
Contestee.)	
)	

The Bureau of Land Management does hereby move to withdraw its *(insert date)*, request for hearing on the *(insert claim name)* *(insert BLM serial number)* unpatented placer mining claim, without prejudice to re-file a request for a hearing at some future date. We have determined that the areas of concern can be protected through a plan of operations to be submitted by the claimants and approved by the Bureau of Land Management, *(insert BLM Field Office)*.

The Bureau of Land Management wishes to reserve the right to re-file a request for a P.L. 359 hearing if it determines that the aforementioned plan of operations will not protect the areas of concern. The Bureau of Land Management acknowledges that, by dismissing this action, the automatic suspension of mining operations pending a hearing, provided for under 30 U.S.C. § 621(b), will no longer be in effect. Further, the Bureau of Land Management acknowledges

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VII-76

that any request for re-hearing would be more than 60 days after the filing of the notice of location by the contestees; thus, the automatic suspension of mining operations pending a hearing would not be re-established.

Respectfully submitted this ____ day of _____.

Signature Block (*Signed by Solicitor's Office – NOT the BLM*)

ILLUSTRATION 54 – Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that on (*insert date*), I served a true and correct copy of the attached **CONTESTANT’S MOTION TO DISMISS WITHOUT PREJUDICE AND WITHDRAWAL OF REQUEST FOR HEARING** by certified mail, return receipt requested, on the following:

Administrative Law Judge
Office of Hearings and Appeals
405 South Main Street, Suite 400
Salt Lake City, Utah 84111

Claimant Name
Address
City, State, Zip Code

Signature Block (*Solicitor’s Office – NOT the BLM*)

ILLUSTRATION 55 – Deferment Granted Decision

In Reply Refer To:
Serial Number
3830 (Office Code)

CERTIFIED MAIL -- RETURN RECEIPT REQUESTED

DECISION

Claimant Name :
Address : Mining Claim Recordation
City, State Zip Code :

Petition for Deferment of Assessment Work Granted

On *(insert date)*, *(insert claimant name)* filed a Petition for Deferment of Assessment Work for the *(insert claim name and serial number)* for the assessment year beginning on September 1, *(insert year)* and ending on September 1, *(insert year)*, together with the required processing fee.

(Insert claimant name) met the requirements in regulations 43 CFR 3836 Subpart B for requesting a deferment of assessment work and is hereby granted a deferment from the performance of the assessment work for the *(insert year)* assessment year subject to the following conditions:

1. The deferment will terminate automatically if the reason for the deferment ends.
2. The deferred assessment work may be performed any time after the deferment ends *(insert deferment ending date)*, however, it must be completed before the end of the following assessment year *(insert ending of next assessment year)*. This is in addition to completing the regular assessment due at that time.
3. The deferment can be renewed for one additional assessment year if a valid reason for the deferment continues. A deferment can be renewed only one time.
4. You may choose to pay the annual maintenance fee for the deferred year instead of performing the deferred assessment work.

When the Bureau of Land Management (BLM) grants a deferment of assessment work, you must record a copy of the decision granting your petition in the county where the claims are located. You must also submit a notice of intent to hold to the BLM on or before December 30 of the calendar year in which the assessment year ends *(insert year)*. The notice of intent to hold must state that BLM has deferred the assessment work requirement (43 CFR 3835.31(c)).

When you submit a notice of intent to hold you are also required to submit:

1. A copy of the BLM decision granting a deferment of the annual assessment work; **or**
2. A copy of a pending petition for deferment of the annual assessment work including the date you submitted the petition; **or**
3. Any other documentation in the notice of intent to hold supporting why you are filing a notice of intent to hold instead of an assessment work filing; (43 CFR 3835.33); **and**

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VII-79

4. A \$10 non-refundable processing fee for each claim.

NOTE TO ADJUDICATOR: APPEAL PARAGRAPH NOT REQUIRED.

Any questions regarding this Decision should be directed to *(insert name of adjudicator)* at the address in the above letterhead or by calling *(insert telephone number)*.

Signature Block

Enclosure

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 56 – Deferment Denied Decision

In Reply Refer To:
Serial Number
3830 (Office Code)

Date

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

DECISION

Claimant Name :
Address : Mining Claim Recordation
City, State, Zip Code :

Petition for Deferment of Assessment Work Denied
Maintenance Fee Payment Required

On *(insert date)*, this office received a Petition for Deferment of the Assessment Work for the *(enter year)* assessment year from *(claimant name)* for the *(insert claim names, and if there are too many to list in the Decision, attach a separate listing)* mining claims, Bureau of Land Management (BLM) serial numbers *(insert serial numbers)*.

The reason given by *(insert claimant name)* for requesting the deferment of the assessment work is due to the death of Chester E. Farrow and the fact that his estate has not been settled thereby causing the funds in the estate to not be available. **(Note to adjudicator – The reason has been left as an example. You would insert the applicable reason after the phrase “due to the” in the first sentence.)**

The requirements for obtaining a deferment of assessment work are set forth in the BLM's regulations at 43 CFR 3836 Subpart B. Those regulations provide that a deferment may be granted only to mining claimants who file a qualifying small miner waiver (43 CFR 3836.23(a)(4)) and who have been denied access to the mining claim or group of mining claims or who have received from the Federal government a declaration of taking or notice of intent to take the claim (43 CFR 3836.21).

When a petition for deferment is denied by the authorized officer, the maintenance fees that were due on September 1, *(insert year)*, must be paid within 60 days of receipt of the decision of the authorized officer denying the petition for deferment. Failure to pay the maintenance fees will cause the claims included in the petition to be deemed forfeited by operation of law. Accordingly, *(insert claimant name)* is hereby allowed 60 days from their receipt of this Decision in which to pay the required maintenance fees for the *(insert claim names or they can be listed on an attachment)* mining claims.

Insert Standard Appeal with Stay Information Paragraphs

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VII-81

Any questions regarding this Decision should be directed to *(insert name of adjudicator)* at the address in the above letterhead or by calling *(insert telephone number)*.

Signature Block

Enclosures

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 57 – QCD for Severed Claim Rejection Notice (No Fees)

In Reply Refer To:
Serial Number
3830 (Office Code)

Date

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

NOTICE

Claimant Name :
Address : Mining Claim Recordation
City, State, Zip Code :

Quit Claim Deed Returned Unrecorded

On *(insert date)*, this office received a quitclaim deed for the *(insert claim name)* which transfers and severs a portion of the mining claim known as the *(insert claim name)*, Bureau of Land Management (BLM) serial number *(insert serial number)* (the “parent” claim).

The recordation of the quitclaim deed for the *(insert claim name)* is rejected and the quitclaim deed is returned unrecorded because the deed was received without the required processing fee. In accordance with regulations at 43 CFR 3833.32(c), for each mining claim or site transferred, a nonrefundable processing fee of \$10 per claim per transferee is required at the time a conveyance document is filed with the BLM. Additionally, when a transfer is received that severs acreage from the parent claim, an additional new mining claim processing fee (*\$insert current processing fee*) is required since a new case file with a new serial number will be created for the new severed claim.

Even though the deed is being returned unrecorded, the deed can be resubmitted to this office along with the proper processing fees, and all else being regular, the transfer will be processed in accordance with our office procedures and the records updated accordingly.

Any questions regarding this Notice should be directed to *(insert name of adjudicator)* at the address in the above letterhead or by calling *(insert telephone number)*.

Signature Block

Enclosures

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

cc: *(insert transferor’s name and address)* (w/o enclosures)

ILLUSTRATION 58 – QCD for Severed Claim Rejection Decision (Legal Description Discrepancy)

In Reply Refer To: _____ Date _____
Serial Number _____
3830 (Office Code)

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

DECISION

Claimant Name : _____
Address : _____ Mining Claim Recordation
City, State, Zip Code : _____

Quit Claim Deed Returned Unrecorded

On *(insert date)*, this office received a quitclaim deed for the *(insert claim name)* mining claim which transfers and severs a portion of the *(insert claim name)* placer mining claim (the "parent" claim), Bureau of Land Management (BLM) serial number *(insert serial number)*, together with nonrefundable processing fees totaling \$*(insert total money received)* (\$10 per transferee per claim for the transfer of interest and \$20 to establish a new case file). A new case file has been established for the *(insert new claim name)* mining claim, which has been serialized as *(insert new serial number)*. This new serial number should be used in any future correspondence with this office regarding the *(insert new claim name)* mining claim.

In reviewing the quitclaim deed and the legal description of the lands being transferred, it is noted that the deed lists land that was not originally included in the parent claim. Our records show that the description on the deed listed as the *(insert legal description)* is not part of the parent mining claim. A copy of the original location notice and map for the *(insert parent claim name)* are enclosed with this Decision.

A segregation deed creates a new and separate mining claim from a severed portion of a properly located and recorded parent unpatented mining claim. The new segregated claim can be created from **only** those lands located within the boundaries of the parent claim. No additional lands may be added. The deed for the *(insert new claim name)* describes land totaling 10 acres, but since the *(insert new claim name)* includes land that was not in the parent claim, there are actually only 5 acres being transferred from the parent claim, as shown on the attached worksheet.

The BLM policy in Washington Office Instruction Memorandum No. 2007-185, dated September 7, 2007, states that the BLM will not record transfer documents which subdivide an existing placer mining claim into parcels of less than 10 acres. Transfers of subdivided placer mining claims of less than 10 acres will be rejected and returned to the transferee without further action. Because the quitclaim deed submitted for the *(insert new claim name)* subdivides the parent claim as to only a 5-acre parcel, it is hereby rejected and returned unrecorded.

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VII-84

Insert Standard Appeal with Stay Information Paragraphs

Any questions regarding this Decision should be directed to *(insert name of adjudicator)* at the address in the above letterhead or by calling *(insert telephone number)*.

Signature Block

Enclosures

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

cc: *(insert transferor's name and address)*

ILLUSTRATION 59- Sample Publication Notice

RECEIVED
BLM ISOMR

AFFIDAVIT OF PUBLICATION

DEC 17 1998

8:00 A.M.

I, Colleen Babcock
of the Arco Advertiser, a weekly newspaper of
general circulation, published weekly at Arco, Idaho,
since March, 1969, do solemnly swear that a copy of
this notice, per clipping attached, was published
weekly in the regular and entire issue of said
newspaper, and not in any supplement thereof,

for 14 consecutive weeks, commencing with
the issue dated JUNE 11, 1998

and ending with the issue dated
SEPT. 10, 1998

Colleen Babcock

STATE OF IDAHO
COUNTY OF BUTTE

On this 10th day of September
in the year of 1998, before me, a Notary Public,

personally appeared
Colleen Babcock
known or identified to me to be the person whose
name subscribed to the within instrument, and being
by me first sworn, declared that the statements
therein are true, and acknowledged to me that he
executed the same.

Thomas D. Lund
Notary Public for Idaho
Residing at Arco, Id
My commission expires: 1-23-2004

**NOTICE OF
FORFEITURE**

TO: Harvey Beverland
Michael E. Ausich
Ann Ausich Theobald
Geraldine Beverland Sturman
Thomas C. Bennetts
Mrs. Louis (Eva) Ausich
Louis Sessina
Louis Ausich
And to the heirs, successors, assigns,
representatives or agents of any of
the above, whether known or un-
known and whether your interests
are of record or not of record, and to
all parties who hold a claim to any
interest in and to the mining prop-
erty described below.

You are hereby notified that since and
including the assessment year of 1993, the
undersigned has performed all labor and
assessment work and has contributed all
maintenance fees, improvements and
other costs involved in the upkeep, secu-
rity and maintenance of title and develop-
ment of the following unpatented mining
claims located in the Alder Creek Mining
District of Custer County, Idaho:

Claim Name	IMC#
Puzzler	19911
A. B. Fraction	19912
Lost Treasure	19914
New Hope	19918
Champion	19919
Money Gutter	19925
Phoenix	19925
Granite #1	19999
Granite #2	19900
Granite #3	19901

Further, you and all of you are notified
that no contributions of costs, expense,
labor or assessment work have been made
by you or any of you toward the mainte-
nance and upkeep of the claims since and
including the assessment year of 1993.

Therefore, you and each of you are no-
tified that in order to retain your inter-
ests or equities in such properties, you
must come forth and contribute your full
share of all expenditures, assessments
and improvements on such claims within
120 days after the first publication of this
notice. Each of you are held responsible
for your share of the contributions on any
claims over which you hold any interest
for the assessment year of 1993 and for
all years thereafter. Your contribution
must be made payable to the undersigned
co-owner who is responsible for and who
has executed this Notice.

Failure to respond by full payment to
the undersigned of all amounts owed
within the stated period at the address
noted will result in forfeiture of your in-
terest to the undersigned claimant.

Dated: June 1, 1998

Joseph L. Ausich
P.O. Box 61
Mackay, Idaho 83251

SUBSCRIBED AND SWORN TO before
me on this 1st day of June, 1998.

James R. Bennetts
Notary Public for Idaho
Residing at Challis
My Commission Expires: 1-21-99

(Pub. 5-11 thru Sept. 10, 1998)

ILLUSTRATION 61 – Delinquent Co-Owner Additional Requirement Notice

In Reply Refer To:
Serial Number
3837 (Office Code)

Date

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

NOTICE

Claimant Name :
Address : Mining Claim Recordation
City, State, Zip Code :

Notice of Termination of Interest in Mining Claims
Additional Requirement

On *(insert date)*, you submitted a Notice of Termination of Interest in Mining Claims (notice) together with documentation from the Office of the Sheriff showing *(insert delinquent claimant's name)* was personally served such notice of termination of their interest in *(insert claim name)* Bureau of Land Management (BLM) serial number *(insert serial number)*.

We are unable to record the above-mentioned notice because the notice did not contain the signatures of all the co-claimants. Regulation 43 CFR 3837.23 requires that an originally signed and dated statement by all the compliant co-claimants that the delinquent co-claimant failed to contribute the proper proportion of assessment work, expenditures, or maintenance fees within the period fixed by the statute must be submitted to the BLM.

The notice was personally served on *(insert delinquent claimant's name)* on *(insert date)*, and they are allowed 90 days to respond to the notice. Therefore, you are allowed until the end of this same 90-day period to provide documentation from *(insert claimant's name who didn't sign the original statement)* stating that *(insert delinquent claimant's name)* failed to contribute the proper proportion of assessment work, expenditures, or maintenance fees within the period fixed by the statute. Failure to do so will result in the notice not being processed and being returned.

Any questions regarding this Notice should be directed to *(insert adjudicator's name)* at the address in the above letterhead or by telephone at *(insert telephone number)*.

Signature Block

ILLUSTRATION 62 – Noncompliance Decision

In Reply Refer To: _____ Date _____
Serial Number _____
3837 (Office Code) _____

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

DECISION

Claimant Name : _____
Address : _____ Mining Claim Recordation
City, State, Zip Code : _____

Notice of Termination of Interest in Mining Claims
Rejected for Recordation

On *(insert date)*, we received a Notice of Termination of Interest in Mining Claims (termination) together with documentation from the Office of the Sheriff showing *(insert delinquent claimant's name)* was personally served such notice of termination of their interest in *(insert claim name)* Bureau of Land Management (BLM) serial number *(insert serial number)*.

On *(insert date)*, this office issued a Notice (copy enclosed) to *(insert claimant name)* requesting that, in accordance with 43 CFR 3837.23(b), an originally-signed statement from *(insert name of co-claimant(s) who did not previously submit the required statement)* be submitted to this office stating that the delinquent co-claimant failed to contribute the proper proportion of assessment work, expenditures, or maintenance fees within the period fixed by the statute. The Notice provided until the end of the 90-day period in which *(insert delinquent co-claimant's name)* had to respond, for *(insert name of co-claimant(s) who did not previously submit the required statement)* to submit the required information. As of this date, the required statement with the signature of all the compliant co-claimants has not been received. Accordingly, since the required statement has not been received, the recordation of the Notice of Termination of Interest in Mining Claims is hereby rejected.

Since the Notice of Termination of Interest is not accepted for recordation, the records of this office will continue to show that the *(insert claim name)* mining claim is held by: *(List all the names of the claimants.)*

Insert Standard Appeals with Stay Information Paragraph

Any questions regarding this Decision should be directed to *(insert adjudicator's name)* at the address in the above letterhead or by telephone at *(insert telephone number)*.

Signature Block

Enclosures

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 63 – Forfeiture of Co-Owner’s Rights Decision

In Reply Refer To:
Serial Number
3837 (Office Code)

Date

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

DECISION

Claimant Name :
Address : Mining Claim Recordation
City, State, Zip Code :

**Failure of a Co-Owner to Contribute
Forfeiture of Co-Owner’s Rights**

On *(insert date)*, this office received a copy of a publication of a “Notice of Forfeiture” (Notice) (copy enclosed) from *(insert name of claimant who filed the Notice)*. The Notice was filed to show *(insert name of claimant who failed to contribute)* has failed to contribute the proper proportion of the required expenditures for the maintenance of the *(insert claim name)* unpatented mining claim, Bureau of Land Management (BLM) serial number *(insert serial number)*.

In compliance with Federal regulation 43 CFR 3837.21(b), *(insert name of claimant who published the notice)* has properly published a notice advising *(insert name of claimant who failed to contribute)* or their heirs to come forth and pay their share of the expenses incurred for the maintenance of the *(insert claim name)* unpatented mining claim. The Notice was initially published on *(insert date of first publication)* and the publication period ended *(insert date – publication period is once a week for 90 days)*. *(Insert delinquent claimant name)* must respond to *(insert name of the claimant who published the notice)* by *(insert date)* which is 90 days from the ending date of the publication of the Notice, by contributing their proportionate share of such expenditures.

In accordance with 43 CFR 3837.11(a)(4), if the delinquent co-owner fails to contribute his/her proportionate share of expenditures within the time allowed, the delinquent co-owner’s interest in the claim, by law, passes to the co-owner who has made the expenditures or improvements. The time period has passed for *(insert delinquent claimant’s name)* to have contributed their proportionate share of the expenditures. Accordingly, the records for the *(insert claim name)* have been updated to show that *(insert delinquent claimant’s name)* is no longer an owner of the claim.

Any questions regarding this Decision should be directed to *(insert name of adjudicator)* at the address in the above letterhead or by calling *(insert telephone number)*.

Signature Block

Enclosures

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

cc: *(send copy to all co-claimants)*

ILLUSTRATION 64 – Delinquent Co-Owner Requirement Letter

In Reply Refer To:
Serial Number
3830 (Office Code)

Date

Claimant Name
Mailing Address
City, State, Zip Code

Dear *(insert claimant name)*:

On *(insert date)*, our office received a copy of a “Personal Notice” and signed U.S. Postal Service return-receipt card for a certified letter that you sent to *(insert co-claimant who received the notice)* concerning the *(insert claim name)* placer mining claim, Bureau of Land Management (BLM) serial number *(insert serial number)*. Upon review of the notice, it appears there is a personal disagreement between you and *(insert co-claimant’s name)*. The BLM is a recording office and does not get involved in private disputes between co-claimants.

If your intent is to acquire a delinquent co-claimant’s interest, there are procedures outlined in regulations at 43 CFR 3837 Subpart A--Conditions for Acquiring a Delinquent Co-Claimant’s Interest in a Mining Claim or Site which need to be followed before we can remove a co-claimant’s name from our records. After you have completed all the required steps outlined in these regulations, you may then file the proper notification with our office, along with the required non-refundable processing fee of \$10 per claim or site, and request that our office remove the co-claimant’s name from our records.

A copy of the above regulations is enclosed for your information. If you have any questions, please contact *(insert adjudicator’s name)* at the address in the above letterhead or by telephone at *(insert telephone number)*.

Sincerely,

Signature Block

Enclosure

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 65 – Processing Fee Notice

In Reply Refer To:
Serial Number
3837 (Office Code)

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

NOTICE

Claimant Name :
Address : Mining Claim Recordation
City, State, Zip Code :

Processing Fee Required
Transfer of Interest Returned Unrecorded

On *(insert date)*, this office received an Affidavit of Publication which was filed to show that in accordance with 43 CFR 3837.23, you had acquired *(insert delinquent co-claimant's name)* interest in the *(insert claim name)* mining claim, Bureau of Land Management (BLM) serial number *(insert serial number)*.

In accordance with 43 CFR 3837.23(c), a non-refundable processing fee for a transfer of interest is required when notifying the BLM that a claimant has acquired a delinquent co-claimant's interest in a mining claim. When you submitted the Affidavit of Publication, you were notifying this office that you had acquired *(insert delinquent co-claimant's name)* interest in the *(insert claim name)* mining claim. Accordingly, you were required to pay the non-refundable processing fee of \$10 when you filed the transfer of interest; however, no processing fee was received. Accordingly, the Affidavit of Publication is hereby returned unrecorded since no processing fee was received. The Affidavit of Publication, along with the required processing fee, may be resubmitted for recordation.

Any questions regarding this Notice should be directed to *(insert adjudicator's name)* at the address in the above letterhead or by telephone at *(insert telephone number)*.

Signature Block

Enclosure

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 66 – Additional Requirement Notice

In Reply Refer To:

Serial Number
3830 (Office Code)

Date

CERTIFIED MAIL—RETURN RECEIPT REQUESTED

NOTICE

Claimant Name :
Address : Mining Claim Recordation
City, State, Zip Code :

Additional Requirement

On (*insert date*), this office received a Certificate of Location (CoL), along with the recordation fees, for the (*insert claim name*) mining claim, Bureau of Land Management (BLM) serial number (*insert serial number*).

The CoL for the subject claim was not complete and is missing the item(s) checked (√) below that must be included:

- Quarter Section Section Township Range Meridian
in which the claim(s)/site(s) is/are located was omitted from the CoL. Each CoL must include the description of the land in which the claim/site is located in and must identify the quarter section, section, township, range and meridian.
- Date of Location was omitted.
- Type of claim or site was omitted. The CoL must indicate if CoL is for a lode or placer claim or mill or tunnel site.
- Map was not submitted or the map submitted is insufficient. A map outlining the mining claims/sites within a section (showing section boundaries) must also be submitted for claims/sites. More than one claim/site may be shown on a single map so long as each individual claim/site is clearly identified.
- Other: _____

In order to modify the description, date of location, or the type of location on the CoL, an amended CoL is required. In accordance with the regulations at 43 CFR 3000.12, you must submit a nonrefundable filing fee of \$10 when filing the amended CoL with this office. In addition, the amended CoL must be recorded in the local county recording office prior to being filed with the BLM. Failure to do so will result in the rejection of the amended CoL and it will not be recorded. The amended CoL for the (*insert claim name*) must include serial number (*insert serial number*) and must also be clearly marked AMENDED. As a reminder, any time a claimant is going to record an amendment with the BLM, the amendment must first be recorded in the local office before being filed with the BLM.

You are hereby allowed 30 days from your receipt of this Notice to file the amended CoL with our office. Failure to do so will result in the recordation of the (*insert claim name*) mining claim being rejected and the claim being declared forfeited.

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VII-93

Any questions regarding this Notice should be directed to (*insert adjudicator's name*) at the address in the above letterhead or by telephone at (*insert telephone number*).

Signature Block

ILLUSTRATION 67 – Late Filed Rejection Decision

In Reply Refer To: _____ Date _____
Serial Number _____
3830 (Office Code)

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

DECISION

Claimant Name : _____
Address : _____ Mining Claim Recordation
City, State, Zip Code : _____

Mining Claim Recordation Rejected
Mining Claim Declared Abandoned and Void

On (*insert date*), this office received a Certificate of Location (CoL) for the (*insert claim name*) placer mining claim, which was issued Bureau of Land Management (BLM) serial number (*insert serial number*). The location date on the CoL is (*insert date of location*).

In accordance with the Federal Land Policy and Management Act of 1976 and regulations at 43 CFR 3833.11(a), the CoL must be filed within 90 days after the date of location of the claim. A CoL can be received within 15 days after the 90-day expiration period in an envelope postmarked on or before the 90-day deadline. Failure to file the claim within the required time period will be deemed conclusively to constitute an abandonment of the claim.

The (*insert claim name*) mining claim was located on (*insert location date*) and was received in this office for recording on (*insert receipt date*), which is (*insert number of days*) days after the date of location. The envelope was postmarked (*insert postmark date*). Since the CoL was not filed within 90 days after the date of location, the (*insert claim name*) mining claim is considered abandoned and is hereby declared void.

The (*insert claim name*) mining claim may be relocated and the new CoL refiled with the BLM within 90 days after the date of the new location date as long as there are no intervening rights and the lands are open to mineral location. If the claim is refiled, the CoL must be accompanied by a map and all required fees at the time of filing for each mining claim or site. Currently, the nonrefundable processing fee is \$(*insert fee*), the location fee is \$(*insert fee*), and the maintenance fee is \$(*insert fee*). The maintenance fee for placer claims is calculated based on the total acreage in the claim and is required for each 20 acres or portion thereof in the claim. The CoLs must also be filed with the appropriate county recorder.

Insert Standard Reclamation Paragraph

Insert Standard Appeals with Stay Info Paragraph

If at the end of the appeal period, no appeal to this Decision has been filed, a refund of the maintenance and location fee in the amount of \$(*insert amount*) will be authorized. If an appeal is filed, the fees will be

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VII-95

kept and processed accordingly, based on the Decision by the IBLA.

Any questions regarding this Decision should be directed to (*insert adjudicator's name*) at the address in the above letterhead or by telephone at (*insert telephone number*).

Signature Block

Enclosures

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VII-96

ILLUSTRATION 68 – Form 1842 -1 Appeal Information Form

Form 1842-1
(September 2020)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL.....

A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that they wish to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE

NOTICE OF APPEAL.....

WITH COPY TO SOLICITOR.....

3. STATEMENT OF REASONS

Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO SOLICITOR.....

4. SERVICE OF DOCUMENTS

A party that files any document under 43 CFR Subpart 4, must serve a copy of it concurrently on the appropriate official of the Office of the Solicitor under 43 CFR 4.413(c) and 4.413(d). For a notice of appeal and statement of reasons, a copy must be served on each person named in the decision under appeal and for all other documents, a copy must be served on each party to the appeal (including intervenors). Service on a person or party known to be represented by counsel or other designated representative must be made on the representative. Service must be made at the last address of record of the person or party (if unrepresented) or the representative, unless the person, party or representative has notified the serving party of a subsequent change of address.

5. METHOD OF SERVICE....

If the document being served is a notice of appeal, service may be made by (a) Personal delivery; (b) Registered or certified mail, return receipt requested; (c) Delivery service, delivery receipt requested, if the last address of record is not a post office box; or (d) Electronic means such as electronic mail or facsimile, if the person to be served has previously consented to that means in writing. All other documents may be served by (a) Personal delivery; (b) Mail; (c) Delivery service, if the last address of record is not a post office box; or (d) Electronic means, such as electronic mail or facsimile, if the person to be served has previously consented to that means in writing.

6. REQUEST FOR STAY.....

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a Notice of Appeal (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your Notice of Appeal (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the Notice of Appeal and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

(Continued on page 2)

H-3830-1 - ADMINISTRATION OF MINING CLAIMS, MILL SITES, AND TUNNEL SITES (P)

VII-97

43 CFR SUBPART 1821-GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Grand Junction, CO and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota, and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ----- New Mexico, Kansas, Oklahoma, and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management.

(Form 1842-1, September 2020)

ILLUSTRATION 69 – Stay Form 4.20 and 4.21

§ 4.20 Purpose.

In the interest of establishing and maintaining uniformity to the extent feasible, this subpart sets forth general rules applicable to all types of proceedings before the Hearings Division and the several Appeal Boards of the Office of Hearings and Appeals.

§ 4.21 General provisions.

(a) *Effect of decision pending appeal.* Except as otherwise provided by law or other pertinent regulation:

(1) A decision will not be effective during the time in which a person adversely affected may file a notice of appeal; when the public interest requires, however, the Director of an Appeals Board may provide that a decision, or any part of a decision, shall be in full force and effective immediately;

(2) A decision will become effective on the day after the expiration of the time during which person adversely affected may file a notice of appeal unless a petition for a stay pending appeal is filed together with a timely notice of appeal; a petition for a stay may be filed only by a party who may properly maintain an appeal;

(3) A decision, or that portion of a decision, for which a stay is not granted will become effective immediately after the Director or an Appeals Board denies or partially denies the petition for a stay, or fails to act on the petition within the time specified in paragraph (b)(4) of this section.

(b) *Standards and procedures for obtaining a stay.* Except as otherwise provided by law or other pertinent regulation:

(1) A petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (i) The relative harm to the parties if the stay is granted or denied,
- (ii) The likelihood of the appellant's success on the merits,
- (iii) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (iv) Whether the public interest favors granting the stay;

(2) The appellant requesting the stay bears the burden of proof to demonstrate that a stay should be granted;

(3) The appellant shall serve a copy of its notice of appeal and petition for a stay on each party named in the decision from which the appeal is taken, and on the Director or the Appeals Board to which the appeal is taken, at the same time such documents are served on the appropriate officer of the Department; any party, including the officer who made the decision being appealed, may file a response to the stay petition within 10 days after service; failure to file a response shall not result in a default on the question of whether a stay should be granted; service shall be made by delivering copies personally or by sending them by registered or certified mail, return receipt requested;

(4) The Director or an Appeals Board shall grant or deny a petition for a stay pending appeal, either in whole or in part, on the basis of the factors listed in paragraph (b)(1) of this section within 45 calendar days of the expiration of the time for filing a notice of appeal;

(c) *Exhaustion of administrative remedies.* No decision which at the time of its rendition is subject to appeal to the Director or an Appeals Board shall be considered final so as to be agency action subject to judicial review under 5 U.S.C. 704, unless a petition for a stay of decision has been timely filed and the decision being appealed has been made effective in the manner provided in paragraphs (a)(3) or (b)(4) of this section or a decision has been made effective pending appeal pursuant to paragraph (a)(1) of this section or pursuant to other pertinent regulation.

(d) *Finality of decision.* No further appeal will lie in the Department from a decision of the Director or an Appeals Board of the Office of Hearings and Appeals. Unless otherwise provided by regulation, reconsideration of a decision may be granted only in extraordinary circumstances where, in the judgment of the Director or an Appeals Board sufficient reason appears therefore. Requests for reconsideration must be filed promptly, or within the time required by the regulations relating to the particular type of proceeding concerned, and must state with particularity the error claimed. The filing and pendency of a request for reconsideration shall not operate to stay the effectiveness of the decision involved unless so ordered by the Director or an Appeals Board. A request for reconsideration need not be filed to exhaust administrative remedies.

(36 FR 7186, Apr. 15, 1971, as amended at 58 FR 4942, Jan. 19, 1993)

ILLUSTRATION 70 – Null and Void In Part Decision

In Reply Refer To: _____ Date _____
Serial Number _____
3830 (Office Code)

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

DECISION

Claimant Name : _____
Address : _____ Mining Claim Recordation
City, State, Zip Code : _____

Mining Claim Declared Null and Void In, Part *Ab Initio*

On *(insert date received)*, this office received a notice of location for the *(insert claim name)* placer mining claim. The location date for the *(insert claim name)* mining claim is *(insert location date)*. This claim has been issued Bureau of Land Management (BLM) serial number *(insert serial number)* which should be referred to in any future correspondence with our office regarding this claim. The location notice and map for the *(insert claim name)* mining claim show the claim is located in the *(insert legal description – example: N½, SE¼ sec. 7, T. 1 N., R. 4 E., MD Mer., Plumas County, California)*.

Insert Reason Paragraph from Page 2

Accordingly, since the above-described land was withdrawn from mining location on the date the *(insert claim name)* was located, the *(insert claim name)* is hereby declared null and void in part, *ab initio* as to the *(insert legal description of the portion within the withdrawal)*.

Insert Standard Reclamation Paragraph

Insert Standard Appeals Paragraph

Any questions regarding this Decision should be addressed to *(insert adjudicator name)* at the above address in the letterhead or by telephone at *(insert telephone number)*.

Signature Block

Enclosures

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 70 – Null and Void In Part Decision (page 2)

Sample paragraphs for abandoned & void in part.

1. **Recreation & Public Purposes Withdrawal or other withdrawal:** The official land records of this office show the (*insert land description*) is withdrawn under the provisions of the Recreation and Public Purposes Act (R&PP Act) (16 U.S.C. § 473) (*or insert other act that may withdraw the lands*). The R&PP Act withdrew these lands from all forms of appropriation under the public land laws, including the mining laws. A copy of the Public Land Order that withdrew the land is enclosed with this Decision.
2. **Federal Aid Highway:** The official land records of this office show a right-of-way as it existed in (insert year of location). The highway, serialized as (insert serial number) is XX feet wide on each side of the center line. The right-of-way was issued under the Federal Highway Act of August 27, 1958. All Federal Aid Highways are appropriated and transferred to the State of (insert State name). Therefore, the lands within the right-of-way were closed to the location and entry of mining claims on (insert date of grant), the date the right-of-way was granted and remain closed on (insert date of location of the claim), the date of attempted location of the (insert claim name).
3. **Forest Service Roadside Zone:** The President, in Executive Order No. 10355, authorized the Secretary of the Interior to make withdrawals using (1) the authority vested in the President by the Act of June 25, 1910, as amended on August 24, 1912 (the Pickett Act) and (2) using the authority as President of the United States to make withdrawals. While the Pickett Act did not authorize the Secretary of the Interior to withdraw metalliferous minerals, the authority of the office of the President does allow the President to delegate to the Secretary of the Interior the authority to withdraw metalliferous minerals.

Thus Public Land Order 3342 (PLO 3342), using the authority vested in the President, withdrew certain lands from the mining laws of the United States for use by the United States Forest Service. Included in the withdrawal was one for the protection of existing forest roads and highways and adjacent roadside zones. One roadside zone was for all land lying within 200 feet of the centerline of U.S. Highway 50 and California Forest Highway No. 32 in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 26, among other lands. These lands were withdrawn from the mining laws on the date the PLO was published in the Federal Register, March 6, 1964. Therefore, that portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 26 lying within the roadside zone was closed to the location and entry of mining claims on March 6, 1964, and remained closed on September 1, 2008, the date of attempted location. (*Note: All the information for the California PLO has not been deleted because it seemed like it would be more helpful to the adjudicator.*)

INCLUDED IN DECISIONS FOR FEDERAL AID HIGHWAYS AND ROADSIDE ZONES

Amended Location Notice Required

(The above will be added to the title of the Decision under Null and Void in Part)

In addition, it appears that the right-of-way divides the (*insert claim name*) placer mining claim into two noncontiguous parcels. 30 U.S.C. § Subsection 36 states, "This section authorizes an association location of contiguous claims only, and clearly implies that claims not contiguous may not be joined in a single location." Placer mining claims must be described in 10-acre tracts, but two or more tracts must be contiguous (43 CFR 3832.12(c)).

This situation can be corrected by filing an amended location notice to exclude the noncontiguous parcel. There is a \$10.00 nonrefundable processing fee for each claim for filing amended location notices with the BLM. The noncontiguous parcel may be filed as a separate claim, subject to valid intervening rights of third parties or the United States; and if the subject land is public land that is open to mineral location. A new certificate of location may be

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VII-101

filed for the new claim within 90 days from the date of relocation accompanied by a map and all required fees.

Currently, the nonrefundable processing fee is $$(insert\ fee)$, the location fee is $$(insert\ fee)$, and the maintenance fee is $$(insert\ fee)$. The maintenance fee for placer claims is calculated based on the total acreage in the claim and is required for each 20 acres or portion thereof in the claim. The notices of location must also be filed with the appropriate county recorder.

Unless an appeal is filed in response to the null and void *ab initio* portion of this Decision, an amended location notice or a relinquishment/abandonment of one of the portions of the claims must be filed with this office within 30 days from receipt of this Decision. Failing to do so will result in the rejection of the recordation of the (insert claim name) mining claim.

ILLUSTRATION 71 – Notice to Lode Claimant – Portion of Claim May be Null & Void

(Note: This Illustration differs from Illustration 13 in that it involves only a lode claim and it's more of a notification to the claimant that the patented land is not available for mineral location.)

In Reply Refer To:
Serial Number
3830 (Office Code)

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

NOTICE

Claimant Name :
Address : Mining Claim Recordation
City, State, Zip Code :

Patented Land Not Available for Mineral Location

On *(insert date)* our office received a notice of location and map for the *(insert claim name)* lode mining claim, which was assigned Bureau of Land Management (BLM) serial number *(insert serial number)*. The location notice and map for the *(insert claim name)* show the claim to be located in *(insert legal description - Example: A portion of the SE¹/₄ sec. 7, T. 10 N., R. 3 E., Principal Meridian, Montana)*.

In a review of the official land records of this office, it was discovered that the *(insert legal description – Example: SE¹/₄ sec. 7, T. 10 N., R. 3 E., Principal Meridian)* was patented with no mineral reservation, out of Federal ownership on *(insert date)*, and is therefore not available for mineral location. Under certain conditions, the end and side lines of a lode may be extended onto land not open to mineral entry in order to obtain extralateral rights on the land still open to mineral entry. The extension of lines onto the land not open to entry does not give the lode claimant any surface or mineral rights in such land, but only serves to protect the apex rights on the land open to entry. The extended portion of the lode claim is, therefore, not considered null and void, but to avoid any potential trespass, you should check the location of your claim in relation to the patented area.

Insert Standard Reclamation Paragraph

Any questions regarding this Notice should be addressed to *(insert adjudicator name)* at the above address in the letterhead or by telephone at *(insert telephone number)*.

Signature Block

ILLUSTRATION 72 –Forfeiture Decision – No Fee Received

(Note: This Illustration differs from Illustration 14 to show no maintenance fee was received. Illustration 14 is regarding an untimely payment.)

In Reply Refer To:
Serial Number
3830 (Office Code)

Date

CERTIFIED MAIL-- RETURN RECEIPT REQUESTED

DECISION

Claimant Name :
Address : Mining Claim Recordation
City, State, Zip Code :

Mining Claim Forfeited by Operation of Law

Under 30 U.S.C. § 28f(a), the holder of an unpatented mining claim, mill site, or tunnel site must pay a maintenance fee for each claim or site on or before September 1 each year to hold the claim or site for the upcoming assessment year. See also 43 CFR § 3834.11(a)(2). Failure to comply with the maintenance fee requirement will be deemed conclusively to constitute a forfeiture of the claim or site and the claim or site shall be deemed null and void by operation of law (30 U.S.C. § 28i).

Our records show that we did not receive the maintenance fee payment on or before September 1, (*insert year*) for the (*insert claim name*) (*insert type of claim or site*) mining claim, Bureau of Land Management (BLM) serial number (*insert serial number*). Accordingly, since we did not receive the maintenance fee payment for the (*insert assessment year*) assessment year on or before September 1, (*insert year*), the (*insert claim or site name*) mining claim is hereby declared forfeited and the claim is deemed null and void by operation of law as of September 1, (*insert year*).

Insert Standard Reclamation Paragraph

Insert Standard Appeals Paragraph

Any questions regarding this Decision should be addressed to (*insert adjudicator name*) at the above address in the letterhead or by telephone at (*insert telephone number*).

Signature Block

Enclosures

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

**ILLUSTRATION 73 – Abandoned and Void Decision – No Assessment Work
Filed**

In Reply Refer To: _____ Date
Serial Number _____
3830 (Office Code)

CERTIFIED MAIL-- RETURN RECEIPT REQUESTED

DECISION

Claimant Name :
Address : Mining Claim Recordation
City, State, Zip Code :

Mining Claim Declared Abandoned and Void

In accordance with section 314(a) of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C § 1744(a), the owner of an unpatented mining claim or site located after October 21, 1976, is required to file with the Bureau of Land Management (BLM) an affidavit of assessment work on or before December 30 of each year following the calendar year in which the claim is located. Failure to do so constitutes conclusive abandonment of the claim and renders it void.

Under 30 U.S.C. § 28f(a), the holder of an unpatented mining claim, mill site, or tunnel site must pay a maintenance fee for each claim or site on or before September 1 each year to hold the claim or site for the upcoming assessment year. See also 43 C.F.R. § 3834.11(a)(2). Congress, however, provided the Secretary of the Interior the discretion to waive the fee for a claimant who certified in writing that on the date the payment was due, the claimant and all related parties owned 10 or fewer mining claims or sites on public lands and had performed assessment work required under the Mining Law of 1872.

On *(insert date)*, *(insert claimant name)* filed a Maintenance Fee Waiver Certification for the *(insert mining claim name)* unpatented mining claim , BLM serial number *(insert serial number)* with this office. Accordingly, *(insert claimant name)* was required to file an affidavit of assessment work with this office on or before December 30, *(insert year)* for the *(insert mining claim name)* mining claim (43 CFR § 3835.31). According to our records, no affidavit of assessment work has been received. Accordingly, since the affidavit of assessment work was not filed with this office as prescribed by law, the *(insert mining claim name)* unpatented mining claim is hereby declared abandoned and void by operation of law.

Insert Standard Reclamation Paragraph

Insert Standard Appeals Paragraph

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VII-105

Any questions regarding this Decision should be addressed to (*insert adjudicator name*) at the above address in the letterhead or by telephone at (*insert telephone number*).

Signature Block

Enclosures

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 74 – Notice of Intent to Hold Notice Required

In Reply Refer To:
Serial Number
3830 (Office Code)

Date

CERTIFIED MAIL—RETURN RECEIPT REQUESTED

NOTICE

Claimant Name :
Mailing Address : Mining Claim Recordation
City, State Zip Code :

Additional Requirement

On *(insert date)*, this office received a notice of location, along with a payment in the amount of *(insert amount)* for the *(insert claim name)* mining claim, which was located on *(insert date)*. The *(insert claim name)* mining claim was assigned Bureau of Land Management (BLM) serial number *(insert serial number)*. This number should be used in any future correspondence with our office regarding the *(insert claim name)* mining claim.

In accordance with regulations at 43 CFR 3835.31(c) and 3835.33, assessment work is not required to be performed during the same assessment year in which a claim is located; however, the claimant is required to file a notice of intent to hold (NOI) by December 30 of the calendar year in which the assessment year ends. Based on this, you were required to file an NOI by December 30, *(insert year)*, for the *(insert year)* assessment year. According to our records, the required NOI has not been received.

Failure to file the NOI is a curable defect, and you are hereby notified that you must submit the NOI for the *(insert year)* assessment year along with the required \$10 per claim processing fee. Your NOI should contain the statement that you are filing the NOI because you located the claim during the *(insert year)* assessment and were not yet required to perform assessment work. A copy of 43 CFR 3835.33 which lists the requirements when filing your NOI, is enclosed for your information. *Note to adjudicator: Option to enclose a sample copy of an NOI.*

You are hereby allowed 30 days from your receipt of this Notice in which to submit the NOI to this office. Failure to do so will result in the forfeiture of the *(insert claim name)* mining claim under separate Decision.

Any questions regarding this Notice should be addressed to *(insert adjudicator name)* at the above address in the letterhead or by telephone at *(insert telephone number)*.

Signature Block

Enclosures

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 75 – Decision Vacated in Part

In Reply Refer To:
Serial Number _____ Date _____
3830 (Office Code)

CERTIFIED MAIL—RETURN RECEIPT REQUESTED

DECISION

Claimant Name :
Mailing Address : Mining Claim Recordation
City, State Zip Code :

Decision Vacated in Part

This office issued a Decision dated (*insert date*), (copy enclosed) which declared the (*insert claim names*) mining claims, Bureau of Land Management (BLM) serial numbers (*insert serial numbers*), respectively, abandoned and void for the failure of (*insert claimant name*) to submit the required affidavit of assessment work on or before December 30, 20__.

In response to the above-named Decision, (*insert claimant name*) submitted evidence showing the required document had actually been received in this office [or postmarked by the due date] for the (*insert claim name and serial number*) on (*insert date*). Accordingly, since the affidavit of assessment work was filed on or before December 30 for the (*insert claim name*) mining claim, the Decision dated (*insert date*) is hereby vacated in part as it pertains to (*insert claim name*) mining claim only, and the Decision remains in full force and effect as to the remaining claims.

Any questions regarding this Decision should be should be addressed to (*insert adjudicator name*) at the above address in the letterhead or by telephone at (*insert telephone number*).

Signature Block

Enclosure

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 76 – Decision Vacated

In Reply Refer To:
Serial Number _____ Date _____
3830 (Office Code)

CERTIFIED MAIL—RETURN RECEIPT REQUESTED

DECISION

Claimant Name :
Mailing Address : Mining Claim Recordation
City, State Zip Code :

Decision Vacated

This office issued a Decision dated (*insert date*), (copy enclosed) which declared the (*insert claim name*) mining claim, Bureau of Land Management (BLM) serial number (*insert serial number*), abandoned and void for the failure of (*insert claimant name*) to submit the required affidavit of assessment work on or before December 30, (*insert year*).

In response to the above-named Decision, (*insert claimant name*) submitted evidence showing the required document had actually been received in this office on (*insert date*). Accordingly, since the affidavit of assessment work was timely received, the Decision dated (*insert date*) is hereby vacated. The records of this office have been updated to reflect the (*insert claim name*) mining claim is in compliance with the requirements under 43 CFR 3830 for the (*insert assessment year*) assessment year.

Any questions regarding this Decision should be should be addressed to (*insert adjudicator name*) at the above address in the letterhead or by telephone at (*insert telephone number*).

Signature Block

Enclosure

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 77 – Appeal Acknowledgement Letter

In Reply Refer To:
Serial Number
3830 (Office Code)

Date

Claimant Name
Address
City, State, Zip Code

APPEAL ACKNOWLEDGMENT

This acknowledges receipt of the Notice of Appeal filed by (*insert claimant name*) in connection with the (*insert claim name*) mining claim, and the Decision dated (*insert Decision date*).

The case file, including the Notice of Appeal, will be forwarded to the Interior Board of Land Appeals, Office of Hearings and Appeals, for appropriate consideration. That office will advise you directly of the action taken in the case.

The Appeals Procedures, 43 CFR, Section 4.400, are outlined in the enclosed information sheet.

Signature Block

Enclosure

NOTE: In accordance with the BLM Correspondence Manual, enclosures are to be listed in the body of the correspondence and are no longer listed at the bottom.

ILLUSTRATION 78a – Appeal Transmittal Memorandum (without the form)

In Reply Refer To:
Serial Number
3830 (Office Code)

Date

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

APPEAL TRANSMITTAL

Memorandum

To: Board of Land Appeals, Office of Hearings and Appeals

From: Chief, Branch of Solid Minerals

Subject: Transmitting Appeal of (*Insert Claimant Name*)

Kind of Application: Mining Claim Recordation

Attached is a Notice of Appeal filed by (*insert claimant name*) on behalf of (*insert appropriate other names if applicable*) of the Decision dated (*insert date*) entitled (*insert title of Decision*) for (*insert claim name and serial number*).

- (X) There are no conflicting cases of record.
- () The conflicting cases shown on the status sheet have been properly noted as to the appeal.
- () The records of the conflicting or referenced cases identified below are transmitted herewith for use in connection with the appeal:

Signature Block

1-Attachment

1-Case file (*insert serial number*)

cc: (*Insert Appropriate Field Solicitor's Office and address*) w/copy of Forfeiture Decision and Notice of Appeal

ILLUSTRATION 78b – Appeal Transmittal Memorandum Blank Form



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

IN REPLY REFER TO:

Certified Mail Receipt Requested

Memorandum

To: Board of Land Appeals, Office of the Secretary

From:

Subject: Transmitting Appeal of:

Kind of Application

Referring to the above-cited case, I am transmitting a notice of an appeal from the decision of the

_____ dated _____, 20__

- There are no conflicting cases of record.
- The conflicting cases shown on the status sheet have been properly noted as to the appeal and favorable action thereon suspended pending final action on the appeal.
- The records of the conflicting or reference cases identified below are transmitted herewith for use in connection with the appeal.

Enclosure (copy of decision)

cc: BLM; W.O. _____

Form 1842-2 (July 1999)

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VII-112

ILLUSTRATION 78c – Appeal Transmittal Memorandum – Completed



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Insert State Office
Insert State Office Address
Insert City, State Zip Code

IN REPLY REFER TO:

Insert Serial Number
3830 (Office Code)

Insert Date

Certified Mail Receipt Requested

Memorandum

To: Board of Land Appeals, Office of the Secretary

From: **Chief, Branch of Solid Minerals (appropriate organization name)**

Subject: Transmitting Appeal of: **Insert claimant or appellant name**

Kind of Application **Mining Claim Recordation**

Referring to the above-cited case, I am transmitting a notice of an appeal from the decision of the

Insert title of person who signed Decision dated **Insert Decision date & year**, 20__

- There are no conflicting cases of record.
- The conflicting cases shown on the status sheet have been properly noted as to the appeal and favorable action thereon suspended pending final action on the appeal.
- The records of the conflicting or reference cases identified below are transmitted herewith for use in connection with the appeal.

Enclosure (copy of decision) **Note: This shows Enclosure and it should actually be attachment. List the case file and serial number. Example: Case file CAMC111**

cc: BLM; W.O. **320 - Attn: Insert name of contact in WO-320**
Insert appropriate Field Solicitor's Office and address w/copy of Decision and Notice of Appeal

Form 1842-2 (July 1999)

ILLUSTRATION 79 – Standard Relocation Notification Paragraph

It is optional to use the following relocation notification paragraph when issuing a Decision notifying a claimant(s) their claim has been forfeited:

Forfeited or abandoned claims and sites that have been declared void by operation of law may be relocated subject to valid intervening rights of third parties or the United States. It is the claimant's responsibility to assure that the land is open to mineral entry at the time of location. New location notices, charges, and fees must be filed in the proper BLM office within 90 days from the date of location. When recording new location notices with the BLM, a map and all required fees are required at the time of filing for each mining claim or site. Currently, the nonrefundable processing fee is \$(*insert fee*), the location fee is \$(*insert fee*), and the maintenance fee is \$(*insert fee*). The maintenance fee for placer claims is calculated based on the total acreage in the claim and is required for each 20 acres or portion thereof in the claim. The notices of location must also be filed with the appropriate county recorder.

ILLUSTRATION 80 – Requirements for Transferring Association Placer Mining Claims

REQUIREMENTS FOR TRANSFERRING ASSOCIATION PLACER MINING CLAIMS

Under the Mining Law of 1872, 30 U.S.C. 36, an “association of persons” may locate placer mining claims in excess of 20 acres in size. The Bureau of Land Management’s (BLM) regulations at 43 CFR 3833.33(a) allow mining claimants to transfer or convey an association placer claim to a smaller number of owners than originally located the claim, including a single owner, under certain conditions.

What are the restrictions when transferring or conveying an association placer mining claim to a smaller number of owners than originally located the claim?

Under the BLM’s regulations at 43 CFR 3833.33(a), it is permissible to transfer or convey an association placer claim over 20 acres in size to a smaller number of owners than originally locate the claim only if a “discovery of a valuable mineral deposit” was made within the limits of the claim prior to the date of transfer.

What does “discovery of a valuable mineral deposit” mean?

For purposes of the Mining Law, “discovery of a valuable mineral deposit” means that minerals have been found within the boundaries of the mining claim and that the evidence is of such a character that a person of ordinary prudence would be justified in the further expenditure of their labor and means, with a reasonable prospect of success, in developing a valuable mine. In addition, for a discovery to exist the deposit must be marketable; that is, of such value that it can be mined, removed and disposed of at a profit.

A discovery has not been made until sufficient work has been done to show that the material can be produced and sold at a profit under conditions present at the time of transfer. The mineral deposit possessing in and of itself a present or prospective value for mining purposes must be actually and physically exposed in sufficient quantities to justify development of the mining claim through actual mining operations. If the deposit requires additional exploration to delineate the ore reserves and determine grade or quality before development may be confidently started, a discovery has not been made.

Sampling must have occurred on the subject claim. You will need several quantitative samples to adequately show a discovery of an association placer mining claim. Sampling should be done at as many places on the claim as may be necessary to establish the continuity and extent of the deposit. Until sampling has been completed, it is rarely possible to develop anything more than an informed guess as to the nature of any deposit. There must be something beyond a mere surmise, speculation, belief, or geological theory or impression of the existence of minerals on a

mining claim to constitute a discovery of a valuable mineral deposit that would satisfy the regulations for transferring or conveying an association placer mining claim. Mere indications of existence of minerals within the boundaries of the claim or on adjoining lands are not sufficient to support a discovery of a valuable mineral deposit.

What information should I provide to the BLM to support that my association placer mining claim(s) had a discovery of a valuable mineral deposit at the time of transfer or conveyance?

Although the BLM's analysis is made on a case-by-case basis, the following information will generally be helpful to the BLM to support that a discovery of a valuable mineral deposit existed on the association placer mining claim(s) prior to the date of transfer:

1. A map showing the claim location and claim boundary.
2. Sampling information.
 - a. Map showing sampling locations;
 - b. Sample volume and interval;
 - c. Material sampled;
 - d. Raw gold recovered and raw gold weight (grams/bank cubic yards); and
 - e. Raw gold value (\$/bank cubic yard)
 - i. Using the price of gold per Troy ounce at the time the discovery was made; and
 - ii. Gold value must be adjusted for fineness as placer gold is never 100% pure.
3. Reserve Estimate.
 - a. Map showing deposit boundaries;
 - b. Method used to calculate reserve estimate; and
 - c. Cut-off grade.
4. Development Costs (\$/bank cubic yard).
 - a. Road construction;
 - b. Exploration;
 - c. Mobilization;
 - d. Ponds;
 - e. Stripping;
 - f. Plant construction;
 - g. Buildings;
 - h. Pipe/couplings; and/or
 - i. Demobilization.
5. Cost of Equipment – list all equipment and the cost less salvage value.
6. Cost of Operation (\$/bank cubic yard) – equipment operation, labor and supplies.
7. Reclamation costs.

**ILLUSTRATION 81 – Acknowledgement of Discovery Documentation
Submitted in Response to a Notice to Reduce Acreage**

In Reply Refer To: _____ Date _____
Serial Number _____
3830 (Office Code) _____

CERTIFIED MAIL—RETURN RECEIPT REQUESTED

NOTICE

Claimant Name : _____
Address : Mining Claim Recordation
City, State, Zip Code : _____

Acknowledgement of Documentation Submitted

A Notice dated (*insert date of Notice*) required that the above-listed mining claims be amended to reduce the acreage of the claims because the claims are association placer mining claims and have been transferred to a smaller number of claimants than originally located the claims.

The Notice stated that in accordance with 43 CFR 3833.33, 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 you want to transfer an association placer claim to an individual or an association that is smaller in number than the association that located the claim, you – (a) must have discovered a valuable mineral deposit before the transfer; or (b) upon notice from BLM, you must reduce the acreage of the claim so that you meet the 20-acre per locator limit.

In response, rather than amend the claims to reduce the acreage you submitted documentation you believe shows such a discovery. This Notice acknowledges that we received the documentation you submitted and that our office has made the determination that you will not be required to reduce the claim acreage at this time. Our decision is based solely on the documentation you submitted and even though you will not be required to reduce the claim acreage at this time, no factual determination has been made by this office that a valid discovery has been made. That determination cannot be made without a complete mineral validity examination, and our office will not be pursuing that type of examination at this time.

Any questions regarding this Notice should be directed to (*insert name of adjudicator*) at the address in the letterhead or by telephone at (*insert telephone number*).

Signature Block

ILLUSTRATION 82 – 30-Day Notice to Cure an Insufficient Payment

In Reply Refer To:
Serial Number
3830 (Office Code)

Date

CERTIFIED MAIL—RETURN RECEIPT REQUESTED

NOTICE

Claimant Name :
Address : Mining Claim Recordation
City, State, Zip Code :

Additional Fees Required

This office timely received a maintenance fee payment on *(insert date)* for the *(insert year)* assessment year for the *(insert claim or site name or enclose a listing as an Exhibit)* lode *(or placer, mill site or tunnel site)* mining claim.

Regulation 43 CFR 3830.21 regarding required fees was amended by a notice published in the *Federal Register* *(insert FR citation – for example 79 FR 36662, June 30, 2014)*, which increased the fees beginning with the *(insert year)* assessment year, which began on September 1, *(insert year)*. The maintenance fees were increased to *\$(insert amount)* for lode claims, mill sites and tunnel sites, and *\$(insert amount)* for each 20 acres or portion thereof for placer claims.

Accordingly, your maintenance fee payment in the amount of *\$(insert amount)* to cover the *(insert year)* assessment year for the *(insert claim or site name)* is insufficient due to the increase in fees. The balance of *\$(insert amount)* must be paid to cover the full maintenance fee payment for the *(insert year)* assessment year.

In accordance with 43 CFR 3834.23(d), you are hereby allowed thirty (30) days from receipt of this Notice to remit the additional fees to this office. If the required fee(s) are not received within 30 days from receipt of this notice, a decision will be issued declaring the claim(s)/site(s) forfeit and void by operation of law.

Any questions regarding this Notice should be directed to *(insert name of adjudicator)* at the address in the letterhead or by telephone at *(insert telephone number)*.

Signature Block

Chapter VIII – Reference Material

A. LR2000 Data Element Dictionary

The input code requirements are: (M) Mandatory action for all case files; (R) Required if the action occurred on the mining claim; and (O) Optional to input if the action occurred on the mining claim. Codes without the M, R, or O beside them are Non-Input Codes and are not to be used in Mining Claim Recordation. These codes will eventually be deleted from this Data Element Dictionary.

Domain Name	Domain Code & Input Rqmt	Line No.	Description
MINERAL REPORT APPROVED	013	01	THIS IS A NON-INPUT CODE.
TRESPASS SETTLED	018	01	THIS IS A NON-INPUT CODE.
APPLICANT DECEASED	039 (O)	01 02 03	ENTER DATE OF APPLICANT/INTEREST HOLDER'S DEATH AS VERIFIED ON ACTION CODE SCREEN
SENT TO WASHINGTON	060	01 50	THIS IS A NON-INPUT CODE. USE CODE 960, CASE SENT TO
ADDL INFO REQUIRED	104 (O)	01 02 20 21	ENTER DATE ADDITIONAL EVIDENCE IS REQUESTED. OPTIONAL TO ENTER TYPE OF INFORMATION REQUESTED IN ACTION REMARKS
ADDITIONAL INFO RECEIVED	113 (O)	01 02 20 21	ENTER DATE ADDITIONAL INFORMATION IS RECEIVED. OPTIONAL TO ENTER TYPE OF INFORMATION RECEIVED IN ACTION REMARKS.
APPEAL WITHDRAWN	118 (R)	01	ENTER THE DATE AN APPEAL IS WITHDRAWN.
APPEAL DISMISSED	119 (R)	01 20 21	ENTER DATE APPEAL IS DISMISSED ENTER DECISION CITATION IN ACTION REMARKS.
APPEAL FILED	120 (R)	01 20 21	ENTER DATE NOTICE OF APPEAL IS FILED. PUT IBLA DOCKET NUMBER IN ACTION REMARKS WHEN RECEIVED.
APPLICATION REJ/DEN	125	01	THIS IS A NON-INPUT CODE.
SUSPENDED	127	01	THIS IS A NON-INPUT CODE.
STAY REQUESTED	136 (R)	01 02 03	ENTER DATE REQUEST FOR A STAY IS FILED. IN CONJUNCTION WITH AN APPEAL TO THE INTERIOR BOARD OF LAND APPEALS.
STAY GRANTED	137 (R)	01 02 03 04 05 06	ENTER DATE OF ORDER ISSUED BY INTERIOR BOARD OF LAND APPEALS GRANTING THE REQUEST FOR A STAY, i.e., THE EFFECT OF THE DECISION APPEALED FROM IS SUSPENDED PENDING THE OUTCOME OF THE APPEAL IN IBLA.
STAY DENIED	138 (R)	01	ENTER DATE OF ORDER ISSUED BY INTERIOR

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

VIII-2

Domain Name	Domain Code & Input Rqmt	Line No.	Description
		02 03 04 05	BOARD OF LAND APPEALS (IBLA) DENYING A STAY, i.e., THE DECISION ON APPEAL IS IN EFFECT DURING THE PENDENCY OF THE APPEAL IN IBLA.
CASE CLOSED	146 (R)	01 02 03 04 40 50 51	ENTER DATE CASE IS CLOSED. EXAMPLE OF USE: TO CLOSE A CASE WHEN ONE CLAIM HAS BEEN ASSIGNED TWO SERIAL NUMBERS. ALTERS CASE DISPOSITION TO CLOSED. DO NOT USE IF CODE 239, 271, 311, OR 631 HAS BEEN USED.
LITIGATION FILED	148 (R)	01 02 03 20 21	ENTER DATE LITIGATION ACTION FILED. INCLUDES ALL CASE TYPES UNDER JUDICIAL REVIEW. ENTER CIVIL ACTION NUMBER IN ACTION REMARKS.
CASE RECEIVED	149	01	THIS IS A NON-INPUT CODE
CONTEST SENT HRNG&APPLS	161 (R)	01 02	ENTER DATE COMPLAINT AND ANSWER SENT TO ADMINISTRATIVE LAW JUDGE FOR HEARING.
CASE SENT TO NARA	163 (R)	01 02 20 21 22 23 24 25 26 27	ENTER DATE CASE SENT TO NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. NOTE FEDERAL RECORDS CENTER (SEE DE2926 FOR APPROPRIATE CODE) AND ACCESSION NO. BEGINNING IN 1 ST POSITION OF ACTION REMARKS. ENTER FORMAT IS: A SLASH (/) IS REQUIRED BETWEEN FRC AND ACCESSION NO.; ACCESSION NUMBER MUST HAVE DASHES (-) BETWEEN COMPONENTS. END ENTRY WITH A SEMICOLON. EXAMPLE: DEN/049-88-0025;
FRC RETRIEVAL NUMBERS	164 (R)	01 02 20 21 22 23 24 25 26 27 28	ENTER DATE SENT TO NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. NOTE AGENCY BOX NUMBER AND FRC LOCATION NUMBER BEGINNING IN 1 ST POSITION OF ACTION REMARKS. ENTER FROMAT: A SLASH (/) IS REQUIRED BETWEEN AGENCY BOX NO. AND FRC LOCATION NO., A DASH (-) IS REQUIRED BETWEEN AGENCY BOX NOS., FOR EXAMPLE 209 OF 300 BOXES. END ENTRY WITH A SEMICOLON. EXAMPLE: 209-300/SB9387435;
CASE SENT TO IBLA	165 (R)	01 20 21	ENTER DATE CASE SENT TO IBLA. ENTER IBLA DOCKET NUMBER IN ACTION REMARKS; IBLA 94-000.
CASE SENT TO DIRECTOR	167	01 20	THIS IS A NON-INPUT CODE USE CODE 960, CASE SENT TO.
ADDRESS CHANGE FILED	170 (R)	01	ENTER DATE ADDRESS CHANGE IS RECEIVED.
CHANGE OF NAME RECEIVED	171 (R)	01 02	ENTER DATE CHANGE OF NAME RECOGNIZED. USUALLY REFERS TO A CORPORATE NAME

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

VIII-3

Domain Name	Domain Code & Input Rqmt	Line No.	Description
		03 04 20 21 22	CHANGE; INCLUDES DISSOLUTION OF CORPORATION OR PARTNERSHIP. ENTER PRIOR NAME IN ACTION REMARKS. REMARKS TO FACILITATE RECORD TITLE SEARCH.
CONTEST/COMPLAINT ANSWER	178 (R)	01 02	ENTER DATE CONTEST/COMPLAINT ANSWERED BY CONTESTEE.
CONTEST/COMPLAINT DISMIS	179 (R)	01 02 20	ENTER DATE CONTEST/COMPLAINT DISMISSED BY APPROPRIATE AUTHORITY. CITE LEGAL REFERENCE IN ACTION REMARKS.
CONTEST FILED	180 (R)	01 02 20 21 22 23 24 25 26	ENTER DATE GOVERNMENT OR PRIVATE CONTEST IS INITIATED. ENTER BY WHOM IN ACTION REMARKS. PLACE CONTEST SERIAL NUMBER IN ACTION REMARKS. FOR MINERAL PATENT APPLICATIONS THE SERIAL NUMBER WILL BE THE MINERAL PATENT APPLICATION SERIAL NUMBER. FOR OTHER CONTESTS, IT WILL BE THE SERIAL NUMBER ASSIGNED VIA CASE TYPE 3872.
HEARING ENDED – PL 359	181 (R)	01 02 20 21 22	ENTER DATE HEARING IN CONFORMANCE WITH PL 359 & 43 CFR 3730 IS HELD. ENTER RESULTS OF HEARING IN ACTION REMARKS (MINING ALLOWED, MINING ALLOWED SUBJECT TO BOND, MINING DENIED).
DECISION FINAL – NO APPEAL	187	01	THIS IS A NON-INPUT CODE
DECISION VACATED	188 (R)	01 02 20 21 22 23 40	ENTER DATE OF DECISION WHICH VACATES OR RESCINDS A PRIOR DECISION CITE THE DECISION BEING VACATED OR RESCINDED BY LEGAL REFERENCE, OR THE DATE IF A BLM DECISION IN ACTION REMARKS. ALTERS CASE DISPOSITION TO RECORDED.
FERC/FPC OPEN TO MINING	211 (R)	01 02 03 04 05 06 07	ENTER DATE DETERMINATION IS MADE THAT FEDERAL ENERGY REGULATORY COMMISSION OR FEDERAL POWER COMMISSION HAS NO OBJECTION AND LAND IS OPEN TO MINING UNDER PL 359. THIS ONLY APPLIES TO MINING CLAIMS IN POWERSITE WITHDRAWALS.
FINAL CERTIFICATE ISSUED	212	01 50	THIS IS A NON-INPUT CODE. USE ACTION CODE 630.
FERC/FPC REPORT RECEIVED	216 (R)	01 02 03	ENTER DATE REPORT IS RECEIVED. APPLIES ONLY TO MINING CLAIMS/SITES LOCATED IN POWERSITE WITHDRAWALS UNDER PL 359.
FERC/FPC REPORT RQSTD	217 (R)	01 02 03	ENTER DATE REPORT REQUESTED. APPLIES ONLY TO MINING CLAIMS/SITES LOCATED IN POWERSITE WITHDRAWALS UNDER PL 359.

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

VIII-4

Domain Name	Domain Code & Input Rqmt	Line No.	Description
HEARING HELD	222 (R)	01 02 20 21	ENTER DATE HEARING IN CONJUNCTION WITH 43 CFR PART 4 IS HELD. OPTIONAL TO ENTER PLACE OF HEARING IN ACTION REMARKS.
HEARING ORDERED	223 (R)	01 02 03 20	ENTER DATE HEARING IS SCHEDULED UNDER 43 CFR PART 4 BEFORE HEARINGS OFFICER OR ADMINISTRATIVE LAW JUDGE. IF BLM NOTE IN ACTION REMARKS.
HEARING NOT REQUIRED	224 (R)	01 02 03	ENTER DATE DETERMINATION IS MADE THAT NO HEARING IS REQUIRED PURSUANT TO PL 359 AND 43 CFR 3730.
DECLARED NULL & VOID	239 (R)	01 02 20 21 40	ENTER DATE OF DECISION DECLARING MINING CLAIM NULL AND VOID. ENTER REASON IN ACTION REMARKS (LAND STATUS OR DISCOVERY) ALTERS CASE DISPOSITION TO CLOSED.
DECLARED N/V IN PART	240 (R)	01 02 20 21	ENTER DATE OF DECISION DECLARING MINING CLAIM NULL AND VOID IN PART. ENTER REASON IN ACTION REMARKS (LAND STATUS OR DISCOVERY)
RECORDATION REJECTED	245 (R)	01 02 03 04 05 06 07 08 20 21 22 40	ENTER THE DATE OF THE DECISION DECLARING A NEW CLAIM OR SITE FORFEITED OR ABANDONED DUE TO (1) THE NEW CLAIM OR SITE NOT BEING TIMELY RECEIVED FOR RECORDING AT THE BLM; (2)THE CLAIMANT FAILING TO CURE A DEFECT IN THE NEW LOCATION WITHIN THE TIME ALLOWED BY THE BLM; OR (3) THE NEW LOCATION NOT BEING RECEIVED WITH THE PROPER FEES. ENTER REASON IN ACTION REMARKS. EXAMPLE: OVER 90 DAYS; FAILURE TO CURE; OR INSUFFICIENT FEES. ALTERS CASE DISPOSITION TO CLOSED.
FUTURE ACTION SUSPENSE	247 (O)	01 02 20 21 22	ENTER DATE FILE NEEDS TO BE REVIEWED FOR FURTHER ACTION. OPTIONAL TO ENTER REASON IN ACTION REMARKS. REMOVE CODE ONCE ACTION IS COMPLETED.
SUBJECT TO PL 359	265 (R)	01 02 03 04	ENTER DATE OF DETERMINATION THAT THE MINING CLAIM IS SUBJECT TO THE PROVISIONS OF PUBLIC LAW 83-359, MINING IN POWERSITE WITHDRAWALS. (43 CFR 3730).
SUBJECT TO O&C	266 (R)	01 02 03 04 05 06 07	ENTER DATE OF DETERMINATION THAT THE MINING CLAIM IS SUBJECT TO THE PROVISIONS OF PUBLIC LAW 80-477. THE ACT THAT OPENED THE OREGON AND CALIFORNIA RAILROAD REVESTED LANDS AND THE COOS BAY WAGONROAD RECONVEYED LANDS TO THE OPERATION OF THE 1872 MINING LAW.

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

VIII-5

Domain Name	Domain Code & Input Rqmt	Line No.	Description
		08	(43 CFR 3821)
SUBJECT TO SRHA	267 (R)	01 02 03 04 05 06	ENTER DATE NOTICE OF INTENT TO LOCATE ON STOCK RAISING HOMESTEAD ACT LANDS WAS RECEIVED. USE FOR CLAIMS SUBJECT TO THE ACT OF APRIL 16, 1993. CROSS REFERENCE CLAIM SERIAL NUMBER TO NOITL CASE TYPE 3814.
CLAIM PATENTED	271 (R)	01 20 21 40 60 61 62	ENTER DATE MINERAL PATENT IS SIGNED. ENTER MINERAL PATENT CASE FILE NUMBER IN ACTION REMARKS. ALTERS CASE DISPOSITION TO CLOSED. FORMAT FOR ENTRY OF APPLICATION NUMBER IS GEO STATE, ADMIN STATE, & NUMBER; NO SPACES, i.e., SDMT11786 OR WAOR22876.
PATENT CANCELLED	272	01	THIS IS A NON-INPUT CODE.
PATENT CANC IN PART	273	01	THIS IS A NON-INPUT CODE.
SUPP PATENT ISSUED	274	01	THIS IS A NON-INPUT CODE.
PROOF OF PUB RECEIVED	291	01	THIS IS A NON-INPUT CODE.
PROTEST DISMISSED	298 (R)	01	ENTER DATE PROTEST IS DISMISSED.
PROTEST FILED	299 (R)	01 02 03 04 05	ENTER DATE PROTEST FILED. A PROTEST IS AN OBJECTION TO ANY PROPOSED ACTION BY THE BUREAU THAT DOES NOT MEET THE CRITERIA OF A CONTEST.
PUB IN NEWSPAP DIRECTED	300	01	THIS IS A NON-INPUT CODE.
PURCHASE PRICE RECEIVED	302	01	THIS IS A NON-INPUT CODE.
RELQ ACCEPTED	310	01	THIS IS A NON-INPUT CODE.
RELQ FILED (IN TOTAL)	311 (R)	01 02 03 40	ENTER DATE RELINQUISHMENT FILED. USE ONLY WHEN ALL OWNERS HAVE GIVEN UP ALL LAND INTEREST IN THE CLAIM. ALTERS CASE DISPOSITION TO CLOSED.
RELQ FILED (PARTIAL)	312 (R)	01 02 03	ENTER DATE RELINQUISHMENT FILED FOR ONLY PART OF THE LANDS IN THE CLAIM.
INDIV CLAIMANT RELQ	313 (R)	01 02 03 04	ENTER THE DATE AN INDIVIDUAL CLAIMANT RELINQUISHES INTEREST IN MINING CLAIM. THIS DOES NOT AFFECT OTHER CLAIMANTS OF THE CLAIM.
NOTICE OF TRSPAS RECD	358	01	THIS IS A NON-INPUT CODE.
CLAIM FC CANCELLED	359 (R)	01 02 03 20 21 22 50 51	ENTER DATE OF DECISION CANCELLING THE CLAIM FINAL CERTIFICATE. USE WITH MINERAL PATENT (CASE TYPE 386X). ENTER PATENT APPLICATION SERIAL NUMBER AND DATE FINAL CERTIFICATE ISSUED IN ACTION REMARKS. USE ONLY WITH CASE TYPES 3841, 3842, 3844.

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

VIII-6

Domain Name	Domain Code & Input Rqmt	Line No.	Description
DECISION AFFIRMED	361 (R)	01 02 03 04 05 20 21 22	ENTER DATE BLM DECISION IS AFFIRMED, AFFIRMED IN PART OR AFFIRMED AS MODIFIED, WITH NO REMAND BY REVIEWING OFFICIAL, IBLA, OR NEXT HIGHEST APPELLATE LEVEL. CITE LEGAL BASIS (CFR, IBLA DECISION, SO OPINION, ETC) FOLLOWED BY "IN PART" OR "MODIFIED" IN ACTION REMARKS.
DEC AFFIRMED IN PART	362	01 50	THIS IS A NON-INPUT CODE USE ACTION CODE 361.
DEC AFFIRMED AS MODIFIED	363	01 50	THIS IS A NON-INPUT CODE USE ACTION CODE 361.
DEC REMANDED FOR ACTION	365 (R)	01 02 20	ENTER DATE OF DECISION REMANDING THE CASE FOR FURTHER ACTION. CITE LEGAL REFERENCE IN ACTION REMARKS.
DEC REVRSD & REMANDED	366	01 50	THIS IS A NON-INPUT CODE USE ACTION CODE 849.
DEC VACATED IN PART	370	01	THIS IS A NON-INPUT CODE
BOND APPROVED	376	01	THIS IS A NON-INPUT CODE
BOND REQUIRED	377	01	THIS IS A NON-INPUT CODE
BOND PERIOD TERMINATED	378	01	THIS IS A NON-INPUT CODE
REFUND AUTHORIZED	379 (R)	01 20 21 22 23 24 25 26	ENTER DATE REFUND IS AUTHORIZED. ENTER AMOUNT OF REFUND IN ACTION REMARKS BEGINNING IN FIRST POSITION OF ACTION REMARKS ENTER DOLLAR SYMBOL FOLLOWED BY AMOUNT REFUNDED TO TWO DECIMAL PLACES (EX: \$100.50). ENTER THE CBS RECEIPT NUMBER OF THE INITIAL COLLECTION RECEIPT IN THE "RECEIPT NUMBER" FIELD.
TITLE REV/RECON TO US	381	01	THIS IS A NON-INPUT CODE.
ADVERSE CLAIM FILED	385	01	THIS IS A NON-INPUT CODE
CASE REINSTATED/REOPENED	388 (R)	01 40	ENTER DATE CLOSED CASE REOPENED. RETURNS CASE TO RECORDED DISPOSITION.
HEARING REQUESTED	389 (R)	01 02 20 21	ENTER DATE HEARING IS REQUESTED PURSUANT TO TITLE 43 CFR PART 4, SUBPART E. OPTIONAL TO ENTER REASON IN ACTION REMARKS.
CURABLE \$25 MAINT FEE	391 (R)	01 02 03 04 20 21	ENTER DATE \$25 CURABLE PORTION OF THE MAINTENANCE FEE WAS RECEIVED. WILL ONLY BE USED FOR 2005 ASSESSMENT YEAR. ENTER RECEIPT NUMBER IN THE RECEIPT NUMBER FIELD ENTER ASSESSMENT YEAR IN THE FIRST FOUR SPACES OF ACTION REMARKS.
MONIES RECEIVED	392 (M)	01 02 03	ENTER DATE MONIES RECEIVED, DOLLAR AMOUNT IN ACTION REMARKS AND CBS RECEIPT NUMBER IN THE RECEIPT NUMBER FIELD
DECISION/NOTICE ISSUED	393 (R)	01	ENTER DATE A BUREAU NOTICE OR BUREAU,

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

VIII-7

Domain Name	Domain Code & Input Rqmt	Line No.	Description
		02 03 20 50 51 52	ADMINISTRATIVE LAW JUDGE, OR INTERIOR BOARD OF LAND APPEALS DECISION IS ISSUED. ENTER REASON IN ACTION REMARKS. DO NOT USE WHEN USING ACTION CODE 239 – DECLARED NULL & VOID OR ACTION CODE 240 DECLARED N/V IN PART.
CURABLE SVC CHARGE	394 (R)	01 02 03 20 21	ENTER DATE CURABLE SERVICE CHARGE WAS RECEIVED; THIS IS ONLY FOR A NEW MINING CLAIM. ENTER RECEIPT NUMBER IN THE RECEIPT NUMBER FIELD.
RECORDATION NOTICE RECD	395 (M)	01 02 40	ENTER DATE NOTICE IS RECEIVED (DATE-STAMPED) BY BLM. THIS SETS DISPOSITION TO PENDING.
TRF OF INTEREST FILED	396 (R)	01 02 03 04 05 06 80 81	ENTER DATE TRANSFER OF INTERST IS RECEIVED BY BLM. ENTER THE STATE'S EFFECTIVE DATE IN GENERAL REMARKS. USE WHEN CLAIMANT CONVEYS ALL OR PART INTEREST IN THEIR CLAIM. OLD OWNER PROGRAMMATICALLY MOVED TO ACTION REMARKS.
SURFACE RIGHTS DTRMINED	397 (R)	01 02 03 20 21 22 23 24	ENTER DATE SURFACE RIGHTS DETERMINAITON COMPLETED AND CLAIMANT RIGHTS RECOGNIZED UNDER PL 84-167. ENTER IN ACTION REMARKS DATE OF DETERMINATION FROM PUBLICATION FILE, (CASE TYPE 3710), OR CONTEST FILE IF VERIFIED STATEMENT WAS CONTESTED & RIGHT WERE DETERMINED TO VEST IN THE CLAIMANT.
DOC RETURNED UNRECORDED	398 (R)	01 02 20 21 22 23 24 25 26 27 28 50 51	ENTER DATE UNACCEPTABLE DOCUMENT RETURNED TO CLAIMANT. ENTER AMOUNT TO BE EARNED IN ACTION REMARKS FOLLOWED BY A SEMICOLON. AFTER THE SEMICOLON, ENTER THE ACTION CODE FOR THE TYPE OF DOCUMENT. EXAMPLE: \$20;396 OR \$10;635. IF MULTIPLE CASES ARE AFFECTED, ENTER ACTION CODE ONCE IN LR2000 FOR EACH CASE WITH APPROPRIATE DOLLAR AMOUNT IN ACTION REMARKS. ENTER RECEIPT NUMBER IN RECEIPT NUMBER FIELD.
CURABLE \$15 MAINT FEE	399 (R)	01 02 03 04 20	ENTER DATE \$15 CURABLE PORTION OF THE MAINTENANCE FEE WAS RECEIVED. WILL ONLY BE USED FOR 2010 ASSESSMENT YEAR. ENTER RECEIPT NUMBER IN THE RECEIPT NUMBER FIELD ENTER ASSESSMENT YEAR IN FIRST FOUR SPACES

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

VIII-8

Domain Name	Domain Code & Input Rqmt	Line No.	Description
		21	OF ACTION REMARKS
LOCATION DATE	403 (M)	01 02 40	ENTER DATE OF LOCATION OF UNPATENTED MINING CLAIM. THIS CODE SETS CASE DISPOSITION TO ACTIVE.
COUNTY RECORDATION	404 (O)	01 02 20 21 22	ENTER DATE DOCUMENT WAS RECORDED WITH THE COUNTY. OPTIONAL TO ENTER VOLUME, BOOK, PAGE NUMBER OR RECEPTION NUMBER IN ACTION REMARKS. EXAMPLE: NNNN;NNNN;NNNN
CASE SEGREGATED BY TRF	410 (R)	01 02 03 04 05 20 21 22	USE ONLY ON PATENT CASE. ENTER DATE THE TRANSFER OF INTEREST THAT SUBDIVIDED THE CLAIM WAS RECEIVED. USE ACTION CODE 411 CASE CREATED BY TRF ON NEW CASE. ENTER SERIAL NUMBER OF NEW CASE IN ACTION REMARKS. EX: INTO CAMC29333. ENTER EFF DATE OF DEED IN REMARKS.
CASE CREATED BY TRF	411 (M)	01 02 03 04 05 20 21 22	USE ONLY ON NEW CASE. ENTER DATE THE TRANSFER OF INTEREST THAT SUBDIVIDED THE CLAIM WAS RECEIVED. ENTER ACTION CODE 410 CASE SEGREGATED BY TRF ON PARENT CASE. ENTER SERIAL NUMBER OF PARENT CASE IN ACTION REMARKS. EX: OUT OF CAMC22222. ENTER EFF DATE OF DEED IN REMARKS.
ACTIVE MILITARY WAIVER	477 (R)	01 02 03 20 21	ENTER DATE BLM ACCEPTED THE WAIVER APPLICATION AND NOTICE OF MILITARY DUTY. ENTER ASSESSMENT YEAR IN FIRST FOUR SPACES OF ACTION REMARKS.
LEAVE ACTIVE MILITARY	478 (R)	01 02 03 20 21	ENTER DATE BLM ACCEPTED A NOTICE THE CLAIMANT LEFT ACTIVE MILITARY DUTY. ENTER ASSESSMENT YEAR IN FIRST FOUR SPACES OF ACTION REMARKS.
RECLAMATION WAIVER	479 (R)	01 02 20 21	ENTER DATE BLM ACCEPTED THE RECLAMATION WAIVER. ENTER ASSESSMENT YEAR IN FIRST FOUR SPACES OF ACTION REMARKS.
EVID OF ASSMT FILED	480 (R)	01 02 03 04 05 20 21 50	ENTER DATE EVIDENCE OF PROOF OF LABOR OR AFFIDAVIT OF ASSESSMENT WORK PERFORMED WAS FILED (DATE STAMPED). IF TIMELY FILE AFTER DECEMBER 30 TH , ENTER DATE AS 12/30/XXXX. ENTER ASSESSMENT YEAR IN THE FIRST FOUR SPACES OF ACTION REMARKS. USE ONLY WITH CASE TYPES 3841 AND 3842.
NOTICE OF INTENT TO HOLD (R)	481 (R)	20	ENTER ASSESSMENT YEAR IN FIRST FOUR

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

VIII-9

Domain Name	Domain Code & Input Rqmt	Line No.	Description
		21	SPACES OF ACTION REMARKS.
MAINTENANCE FEE/\$100 (R)	482 (R)	01 02 03 20 21	ENTER DATE THIS \$100 MAINTENANCE FEE WAS RECEIVED. ENTER THE RECEIPT NUMBER IN THE RECEIPT NUMBER FIELD. ENTER ASSESSMENT YEAR IN FIRST FOUR SPACES OF ACTION REMARKS.
SMALL MINER CERT FILED	483 (R)	01 02 03 04 20 21	ENTER DATE THAT THE SMALL MINER CERTIFICATION FOR EXEMPTION/WAIVER FROM THE CLAIM RENTAL/MAINTENANCE FEE WAS RECEIVED. ENTER ASSESSMENT YEAR IN FIRST FOUR SPACES OF ACTION REMARKS.
LOCATION YEAR/MAINTENANCE FEE	484 (M)	01 02 03	ENTER DATE OF LOCATION YEAR THAT THE FIRST MAINTENANCE FEE IS RECEIVED AND THE CBS RECEIPT NUMBER IN THE RECEIPT NUMBER FIELD
MULTIPLE PAYMENT	485 (R)	01 02 20 21 22 23 24 25 26 27 28 29 30	ENTER DATE A MULTIPLE PAYMENT IS RECEIVED FOR A CLAIM/SITE. ENTER THE ACTION CODE NUMBER RELATED TO THE REASON FOR THE MULTIPLE PAYMENT IN ACTION REMARKS ENDING WITH A SEMICOLON FOLLOWED BY THE RELATED ASSESSMENT YEAR. MAY ONLY USE THE FOLLOWING ACTION CODES FOR THE REASON IN ACTION REMARKS: 480 (EVIDENCE OF ASSESSMENT FILED),481 NOTICE OF INTENT TO HOLD), OR MOST RECENT MAINTENANCE FEE PAYMENT CODE (e.g., 482, 582, 682) EXAMPLE: 480;2009 ENTER THE RECEIPT NUMBER IN THE RECEIPT NUMBER FIELD.
UNACCEPTABLE WAIVER	486 (R)	01 02 03	ENTER DATE THAT AN UNACCEPTABLE WAIVER FILING WAS RECEIVED. ENTER ASSESSMENT YEAR IN FIRST FOUR SPACES OF ACTION REMARK
REMAND REQUESTED	487 (R)	01 02	ENTER DATE OF MEMORANDUM REQUESTING REMAND OF THE CASE FROM IBLA.
ASSESS DOC RECEIVED	488 (R)	01 02 03 04 20 21 22 23 24 25 26 27 28 60	ENTER DATE THAT AN ASSESSMENT DOCUMENT WAS RECEIVED. USE THIS ONLY WHEN THE DOCUMENT WAS NOT REQUIRED BY BLM (i.e. EVIDENCE OF ASSESSMENT FILED WHEN A MAINTENANCE FEE WAS RECEIVED.) ENTER THE ACTION CODE NUMBER RELATED TO THE REASON FOR THE ADDITIONAL ASSESSMENT DOCUMENT RECEIVED IN ACTION REMARKS FOLLOWED BY A SEMICOLON AND THE RELATED ASSESSMENT YEAR. ENTER THE RECEIPT NUMBER FIELD. ACTION REMARK REASONS FOR ASSESSMENT DOCUMENT RECEIVED: 480 (FOR EVIDENCE OF ASSESSMENT FILED) 481 (FOR NOTICE OF INTENT TO HOLD) EXAMPLE FOR ACTION REMARKS: 480;2002

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

VIII-10

Domain Name	Domain Code & Input Rqmt	Line No.	Description
APPRAISAL/REAPPR RQSTD	489	01	THIS IS A NON-INPUT CODE.
MINERAL APPRIASAL RQST	490	01	THIS IS A NON-INPUT CODE.
LITIGATION COMPLETED	491 (R)	01 02 03	ENTER DATE JUDICIAL ACTION ON THE CASE IS COMPLETED. INCLUDES CIVIL ACTIONS IN REGARD TO ADVERSE CLAIMS.
TITLE ACCEPTED BY US	494	01	THIS IS A NON-INPUT CODE
DUP FILE SENT TO IBLA	495	01	THIS IS A NON-INPUT CODE.
CURABLE MAINTENANCE FEE	499 ®	01 02 03 20 21 22 23 24 25 26	ENTER THE DATE THE CURABLE MAINTENANCE FEE PAYMENT WAS RECEIVED. ENTER ASSESSMENT YEAR IN FIRST FOUR SPACES OF ACTION REMARKS BEFORE THE SEMICOLON (;) AND THE PROGRAMMED DOLLAR AMOUNT. FOR EXAMPLE: 2015;\$15. ENTER RECEIPT NUMBER IN THE RECEIPT NUMBER FIELD.
MAP IN LEAD FILE	500 (R)	01 20 21 22 23 24 25 26	ENTER DATE OF RECORDING. IN LEAD CASE OPTIONAL TO ENTER INCLUSIVE SERIAL NUMBERS OF ALL CLAIMS WITHIN THE LEAD CASE IN ACTION REMARKS FOLLOWED BY A SEMICOLON, EX: NMC84132-84200; IN CASES OTHER THAN LEAD CASE, ENTER SERIAL NUMBER OF LEAD CASE IN ACTION REMARKS.
ACC ADV IN LEAD FILE	501 (M)	01 20 21 22 23 24 25 26	ENTER DATE OF RECORDING. IN LEAD CASE OPTIONAL TO ENTER INCLUSIVE SERIAL NUMBERS OF ALL CLAIMS WITHIN THE LEAD CASE IN ACTION REMARKS FOLLOWED BY A SEMICOLON, EX: NMC84132-84200; IN CASES OTHER THAN LEAD CASE, ENTER SERIAL NUMBER OF LEAD CASE IN ACTION REMARKS.
NOTICE ACCEPTED	517	01	THIS IS A NON-INPUT CODE.
NOTICE TERMINATED	518	01	THIS IS A NON-INPUT CODE.
CASE IN WSA	566 (R)	01 02 03 04 20 21	ENTER DATE ACKNOWLEDGEMENT OR IDENTIFICATION IS MADE WHERE LANDS HAVE BEEN IDENTIFIED TO BE IN WHOLE OR IN PART, IN A WILDERNESS STUDY AREA. ENTER NAME AND/OR NUMBER OF WSA IN ACTION REMARKS.
CLAIM IN DWA	567 (R)	01 02 03 04 20	ENTER DATE ACKNOWLEDGEMENT OR IDENTIFICATION IS MADE WHERE LANDS HAVE BEEN IDENTIFIED TO BE IN WHOLE OR IN PART IN A DESIGNATED WILDERNESS AREA. ENTER NAME OF DWA IN ACTION REMARKS.
MAINTENANCE FEE/\$125	582 (R)	01 02	ENTER DATE THE \$125 MAINTENANCE FEE WAS RECEIVED. ENTER RECEIPT NUMBER IN

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

VIII-11

Domain Name	Domain Code & Input Rqmt	Line No.	Description
		03 20 21	THE RECEIPT NUMBER FIELD. ENTER ASSESSMENT YEAR IN FIRST FOUR SPACES OF ACTION REMARKS.
RECORDS NOTED	600	01 02 03 04 05 06	ENTER DATE NOTATION IS EITHER MADE ON OR REMOVED FROM THE MASTER TITLE PLAT AND/OR HISTORICAL INDEX. USE ALSO WHEN NOTING THE TRACT BOOKS IN THE EASTERN STATES OFFICE.
CLAIM FINAL CERT ISSUED	630 (R)	01 20 21 22 23 50 51	ENTER DATE FINAL CERTIFICATE SIGNED. IF SUPPLEMENTAL OR CORRECTED, NOTE IN ACTION REMARKS. OPTIONAL TO ENTER PATENT APPLICATION SERIAL NUMBER IN ACTION REMARKS. USE ONLY WITH CASE TYPES 3841, 3842 AND 3844.
ABANDONMENT CLAIM VOID	631 (R)	01 02 03 04 05 06 07 08 09 20 21 22 40	ENTER DATE MINING CLAIM OR SITE DEEMED ABANDONED AND VOID OR FOFEITED BY STATUTE. USE DATE OF STATUTORY ABANDONMENT OR DATE CLAIM OR SITE IS CONSIDERED FORFEITED. DO NOT USE DATE OF DECISION. DATE WILL EITHER BE 09/01/XXXX OR 12/30/XXXX (USE APPROPRIATE YEAR IN PLACE OF XXXX.) ALWAYS USE IN CONJUNCTION WITH AC 393 DECISION ISSUED, TO RECORD THE ACTUAL DATE OF THE DECISION. ENTER REASON FOR DECISION IN ACTION REMARKS (NO MAINTENANCE FEE; NO WAIVER CURE; NO FLPMA DOCUMENT, ETC.) ALTERS CASE DISPOSITION TO CLOSED.
VOID BY OPERATION OF LAW	632	01 50	THIS IS A NON-INPUT CODE. USE CODE 631.
DEFERMENT REQUEST FILED	633 (R)	01 02 03 20 21	ENTER DATE REQUEST FOR DEFERMENT IS FILED. USE FOR CASE TYPES 3841 AND 3842 ONLY. ENTER ASSESSMENT YEAR REQUESTED IN FIRST FOUR SPACES OF ACTION REMARKS.
DEFERMENT GRANTED	634 (R)	01 02 20 21	ENTER DATE DEFERMENT OF ASSESSMENT WORK IS GRANTED. ENTER ASSESSMENT YEAR DEFERRED IN FIRST FOUR SPACES OF ACTION REMARKS.
AMENDED LOCATION FILED	635 (R)	01 02	ENTER DATE AMENDED LOCATION NOTICE OR CERTIFICATE IS FILED
BOND TERMINATION RQSTD	636	01	THIS IS A NON-INPUT CODE
CASE CLOSED CONVERSION	666	01 02	USED FOR CONVERSION PURPOSES ONLY. WILL NOT BE CONVERTED TO ALMRS/IOC.
LAND STATUS CHECKED	669 (R)	01 02 20	ENTER DATE LAND STATUS RECORD IS CHECKED. OPTIONAL TO ENTER INITIALS OF STATUS

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

VIII-12

Domain Name	Domain Code & Input Rqmt	Line No.	Description
		21	VERIFIER IN ACTION REMARKS.
SUSPENSION LIFTED	678	01	THIS IS A NON-INPUT CODE.
MAINTENANCE FEE/\$140	682 (R)	01 02 03 20 21 22 23 24 25 26 27 28	ENTER DATE THE \$140 MAINTENANCE FEE WAS RECEIVED. ENTER RECEIPT NUMBER IN THE RECEIPT NUMBER FIELD. PRIOR TO ASSESSMENT YEAR 2012, ENTER ASSESSMENT YEAR IN FIRST FOUR SPACES OF ACTION REMARKS. AFTER JULY 27, 2012, REMARKS WILL BE FORMATTED WITH THE ASSESSMENT YEAR AND TOTAL MAINTENANCE FEE AMOUNT DUE. EXAMPLE: 2013;\$1,120. FOR LODE, MILL SITE, AND TUNNEL SITE CASES, THE AMOUNT WILL BE \$140. FOR PLACER CLAIMS, TOTAL AMOUNT DUE IS BASED ON TOTAL ACREAGE IN THE CLAIM.
ADDL/CURABLE MAINT FEE	685	01 02 03 04 20 21 22 23	ENTER DATE ADDITIONAL OR CURABLE PORTION OF MAINTENANCE FEE WAS RECEIVED. WILL ONLY BE USED IF THE ASSESSMENT YEAR IS EQUAL TO OR GREATER THAN 2012. ENTER RECEIPT NUMBER IN THE RECEIPT NUMBER FIELD. ENTER ASSESSMENT YEAR FOLLOWED BY A SEMICOLON AND THEN THE DOLLAR AMOUNT IN ACTION REMARKS. EXAMPLE: 2012;\$280.
ORDER ISSUED	705	01	THIS IS A NON-INPUT CODE.
PATENT ISSUED IN PART	710	01	THIS IS A NON-INPUT CODE.
PENDING RESOLUTION	777	01 02 03	THIS IS A NON-INPUT CODE. THIS CODE MUST BE DELETED ONCE THE LOCKE DECISION HAS BEEN APPLIED.
SURFACE RIGHTS – OWNER	779	01 50	THIS IS A NON-INPUT CODE. USE CODE 397.
MAINTENANCE FEE PAYMENT	782	01 02 20 21 22 23 24 25 26	ENTER DATE THE MAINTENANCE FEE PAYMENT WAS RECEIVED. ENTER ASSESSMENT YEAR IN FIRST FOUR SPACES OF ACTION REMARKS BEFORE THE SEMICOLON (;) AND THE PROGRAMMED DOLLAR AMOUNT. FOR EXAMPLE: 2015;\$155 ENTER RECEIPT NUMBER IN THE RECEIPT NUMBER FIELD.
MINERAL REPORT RECEIVED	840	01	THIS IS A NON-INPUT CODE.
QUIT CLAIM DEED RECEIVED	844	01	THIS IS A NON-INPUT CODE.
DECISION REVERSED	849 (R)	01 02 03 20	ENTER DATE OF DECISION REVERSING OR REVERSING IN PART AND REMANDING THE CASE. CITE LEGAL REFERENCE IN ACTION REMARKS.
MINERAL REPORT RECEIVED	851	01	THIS IS A NON-INPUT CODE.
PUBLISHED IN NEWSPAPER	860	01	THIS IS A NON-INPUT CODE.
RESERVED MINERAL ESTATE	880 (R)	01 02	ENTER DATE CLAIM OR SITE LOCATED ON FEDERAL RESERVED MINERAL ESTATE.

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

VIII-13

Domain Name	Domain Code & Input Rqmt	Line No.	Description
		20 21 22	ENTER TYPE OF SURFACE PATENT IN ACTION REMARKS, i.e., STOCK RAISING HOMESTEAD, COLOR-OF-TITLE, ETC.
CASE DESTROYED	885 (M)	01 02 03 04 05 20	ENTER DATE CASE DESTROYED. CASE MAY NOT BE DESTROYED UNTIL SIX YEAR AND THREE MONTHS HAVE ELAPSED FROM DATE OF CASE CLOSURE AS PER 1272 RECORDS DISPOSITION, SCHEDULE 4. OPTION TO ENTER BY WHOM IN ACTION REMARKS
UNDELIVERABLE ADDRESS	888 (R)	01 02 03 04 05 06 07	ENTER DATE OF DETERMINATION THAT ADDRESS OF RECORD IS INCORRECT AND NO FORWARDING ADDRESS HAS BEEN FILED. USE ON ALL CASE TYPES. USE WHEN CLAIM IS ACTIVE AND ADDRESS IS INVALID. THIS CODE MUST BE DELETED IF THE INVALID ADDRESS IS CHANGED TO A VALID ADDRESS.
DEFERMENT DENIED	896 (R)	01 02 03 04	ENTER DATE DECISION IS SIGNED DENYING CLAIMANTS REQUEST FOR DEFERMENT OF ASSESSMENT WORK UNDER 43 CFR 3852. USE ONLY WITH 3841 AND 3842 CASE TYPES.
MAINT WAIVER DOC FILED	913 (R)	01 02 03 20 21	ENTER DATE DOCUMENT RECEIVED. ACTION ENTERED ON FIRST LISTED SERIAL NUMBER ONLY. ENTER ASSESSMENT YEAR IN ACTION REMARKS. EXAMPLE: 2010
CASE SENT TO	960 (R)	01 20 21	ENTER DATE CASE SENT TO ANOTHER OFFICE. REQUIRED TO ENTER WHERE OR TO WHOM SENT IN ACTION REMARKS.
CASE MICROFILMED	963 (R)	01 20 21	ENTER DATE CASE FILE IS MICROFILMED. OPTIONAL TO ENTER BY WHOM IN ACTION REMARKS.
AUTOMATED RECORD VERIF	974 (R)	01 02 20 21	ENTER DATE THE AUTOMATED CASE RECORD WAS VERIFIED. ENTER INITIALS OF VERIFIER IN ACTION REMARKS.
CODE TO BE DEFINED	999	01 02 03 04	THIS IS A NON-INPUT CODE. REQUEST A NEW CODE FROM THE SERVICE CENTER THROUGH YOUR STATE DATA ADMINISTRATOR.

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

VIII-14

CASE RECORDATION CODES FOR CONTESTS			
Domain Name	Action Code		Description
CASE ESTABLISHED	387 (M)		ENTER DATE THE HEARING IS REQUESTED FROM THE SMA.
REPORT REQUESTED	910 (R)		ENTER DATE NOTICE WAS SENT TO SMA REQUESTING IF THEY WANTED A HEARING OR IF A SOLICITORS OPINION IS REQUIRED. IN REMARKS – ENTER TO WHOM THE REPORT IS REQUESTED
REPORT RECEIVED	911 (R)		ENTER DATE THE REPORT IS RECEIVED AT BLM. IN REMARKS – ENTER FROM WHOM THE REPORT IS RECEIVED.
HEARING REQUESTED	389 (R)		ENTER DATE THE HEARING IS REQUESTED FROM THE SMA.
HEARING ORDERED	223 (R)		ENTER DATE HEARING IS ORDERED BEFORE HEARINGS OFFICER OR ADMINISTRATIVE LAW JUDGE. IF BLM, NOTE IN ACTION REMARKS. OPTIONAL TO ENTER DATE AND LOCATION OF SCHEDULED HEARING IN ACTION/GENERAL REMARKS. PENDING ENTITY REQUIRED FOR MINERALS, OPTIONAL FOR LANDS.
HEARING HELD	222 (R)		ENTER DATE THE HEARING IS HELD.
CONTEST FILED OR ISSUED	180 (M)		ENTER DATE GOVERNMENT OR PRIVATE CONTEST IS INITIATED. ENTER BY WHOM IN ACTION REMARKS.
REFERENCE NUMBER	501 (R)		ENTER DATE THE HEARING IS REQUESTED. IN ACTION REMARKS – REFERENCE THE MINING CLAIM SERIAL NUMBER.
CONTEST SENT HRNG/APLS	161 (R)		ENTER THE DATE THE CONTEST CASE FILE IS SENT TO THE ALJ. IN REMARKS – ENTER TO WHOM AND WHERE THE FILE WAS SENT. EX: ALJ SALT LAKE CITY; OR IBLA;
CONTEST COMPLAINT ANSWERED	178 (R)		ENTER THE DATE THE ALJ OR IBLA RENDERED THEIR DECISION IN REMARKS – TYPE OF DECISION RENDERED
CONTEST DISMISSED	179 (R)		ENTER DATE CONTEST IS DISMISSED.
CASE CLOSED	970 (M)		ENTER DATE CONTEST FILE IS CLOSED

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

VIII-15

CASE RECORDATION CODES FOR SRHA INPUT			
Domain Name	Action Code		Description
CASE ESTABLISHED	387 (M)		ENTER THE DATE THE NOITL IS RECEIVED. PENDING ENTITY IS REQUIRED
FILING FEE RECEIVED	347 (O)		ENTER DATE FILING FEE IS RECEIVED. IN REMARKS - ENTER AMOUNT RECEIVED. \$30.00;
LAND STATUS CHECKED	669 (O)		ENTER DATE LAND STATUS IS CHECKED. IN REMARKS - ENTER EMPLOYEES INITIALS.
ADD'L INFO REQUESTED	104 (O)		ENTER DATE ADDITIONAL INFORMATION IS REQUESTED. IN REMARKS - ENTER TYPE OF INFORMATION WAS REQUESTED AND FROM WHOM. PENDING ENTITY IS REQUIRED.
ADD'L INFO RECEIVED	103 (O)		ENTER DATE ADDITIONAL INFORMATION IS RECEIVED. IN REMARKS - ENTER TYPE OF INFORMATION REQUESTED AND FROM WHOM. REMOVE PENDING ENTITY FROM ACTION CODE 104
APPLICATION WITHDRAWN	130 (R)		ENTER DATE NOTICE IS WITHDRAWN. REMOVE PENDING ENTITY FROM ACTION CODE 387
APLN REJ/DENIED	125 (R)		ENTER DATE OF DECISION REJECTING OR DENYING THE NOTICE IN REMARKS - ENTER REASON FOR REJECTION. EX: PRIOR FILING. REMOVE PENDING ENTITY FROM ACTION CODE 387.
LAND SEGREGATED	552 (R)		ENTER DATE AFTER THE NOTICE WAS FILED WITH BLM
SEGREGATION (MINERAL)	543 (R)		ENTER DATE AFTER THE NOTICE WAS FILED WITH BLM
BEGINNING DATE	891 (R)		ENTER DATE CLAIMANT INTENDS TO OCCUPY THE LAND AS SPECIFIED IN THE NOTICE. IF MULTIPLE DATES, ENTER THE FIRST STARTING DATE.
COMPLETION DATE	893 (R)		ENTER DATE CLAIMANT INTENDS TO DISCONTINUE OCCUPYING THE LAND AS SPECIFIED IN THE NOTICE. IF MULTIPLE DATES, ENTER THE LAST ENDING DATE.
EXPLORATION AUTHORIZATION DATE	344 (R)		ENTER BEGINNING DATE OF AUTHORIZED EXPLORATION. THIS DATE IS, BY LAW, THE 31ST DAY AFTER THE NOTICE HAS BEEN SERVED ON THE SURFACE OWNER. IN REMARKS - ENTER THE DATE SURFACE OWNER SIGNED THE CERTIFIED CARD. EX: 10271948; REMOVE PENDING ENTITY FROM ACTION CODE 387.

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

VIII-16

Domain Name	Action Code	Description
EXPIRES	763 (R)	NORMALLY THE NOTICE SEGREGATES THE LAND FOR 90 DAYS. HOWEVER, IF A PLAN OF OPERATION IS FILED WITHIN THE SEGREGATION PERIOD, THE SEGREGATION CONTINUES UNTIL THE PLAN IS APPROVED, DISAPPROVED, OR OTHERWISE CLOSED. IF A PLAN IS FILED WITHIN THE SEGREGATION PERIOD, CHANGE THE EXPIRES DATE TO 01/01/9999. UPON APPROVAL, DISAPPROVAL, ETC. OF THE PLAN, DELETE THIS CODE AND ENTER CODE 234 EXPIRED. IN REMARKS – ENTER THE DATE THE SEGREGATION PERIOD SHOULD TERMINATE.
APPEAL FILED	120 (R)	ENTER DATE THE NOTICE OF APPEAL IS FILED. PENDING ENTITY IS REQUIRED.
APPEAL DISMISSED	119 (R)	ENTER DATE APPEAL IS DISMISSED BY APPROPRIATE AUTHORITY. REMOVE PENDING ENTITY FROM ACTION CODE 120.
APPEAL WITHDRAWN	930 (R)	ENTER DATE CLAIMANT WITHDREW THE APPEAL. REMOVE PENDING ENTITY FROM ACTION CODE 120.
DECISION AFFIRMED	361 (R)	ENTER DATE DECISION IS AFFIRMED. REMOVE PENDING ENTITY FROM ACTION CODE 120.
DECISION REMANDED	365 (R)	ENTER DATE DECISION IS REMANDED. REMOVE PENDING ENTITY FROM ACTION CODE 120.
DECISION REVERSED AND REMANDED	366 (R)	ENTER DATE DECISION IS REVERSED AND REMANDED. REMOVE PENDING ENTITY FROM ACTION CODE 120.
TERMINATED	244 (R)	ENTER DATE AUTHORIZED EXPLORATION PERIOD TERMINATES.
SEGREGATION TERMINATED	372 (R)	ENTER DATE SEGREGATION TERMINATES, 90-DAYS FROM THE DATE OF FILING WITH BLM.
CASE CLOSED	970 (M)	ENTER THE DATE THE AUTHORIZED EXPLORATION TERMINATES.

B. Alaska Land Information System (ALIS)/Alaska Case Retrieval Enterprise System (ACRES) Data Element Dictionary

The highlighted rows are the actions used for surface management case files in ALIS/ACRES.

Action Date	Action Code	Action Description	Action Remarks	Receipt Number	Assmt Yr
Date Received	003	AMEND/CORR LOC/NOT RQSTD	Reason for Amendment		
Date Received	004	AMEND/CORR LOC/NOT RECD	Reason for Amendment		
Date Received	006	LOC/NOT REJ/DENIED	Reason for Rejection		
Date Received	007	LOC/NOT REJ/DENIED PART	Reason		
Date Received	019	LOCATION SERVICE CHARGE		Entered through the CBS/ALIS Interface	
Date Received	020	CLAIM LOCATION FEE		Entered through the CBS/ALIS Interface	
Date Received	056	AMENDMENT FEE RECEIVED		Entered through the CBS/ALIS Interface	
Date Received	072	FILING FEE RECEIVED		Entered through the CBS/ALIS Interface	
Date Received	085	CREDIT CARD CREDIT AUTHD		Entered through the CBS/ALIS Interface	
Date Received	090	CREDIT CARD CREDIT ISSUD		Entered through the CBS/ALIS Interface	
Date Received	091	REFUND ISSUED		Entered through the CBS/ALIS Interface	
Date Received	092	AUTHORIZED REFUND		Entered through the CBS/ALIS Interface	
Date Received	099	STOP PAYMENT/NSF			

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

VIII-18

Action Date	Action Code	Action Description	Action Remarks	Receipt Number	Assmt Yr
Date Received	110	ANNUAL FILING FEE RECD		Entered through the CBS/ALIS Interface	
Date Received	111	TRF OF INT FEE RECD		Entered through the CBS/ALIS Interface	
Date Received	112	ADDTL INFO/EVID RQSTD	Document/Info Requested		
Date Received	113	ADDTL INFO/EVID RECD	Document/Info Received		
Date Received	121	COMPL EXAM/RPT COMPLETED			
Date Received	131	FIELD REPORT APPROVED			
Date Received	138	MINERAL VAL EXAM RQSTD			
Date Received	139	MINERAL VAL RPT WRITTEN			
Date Received	140	LOC MIN EXAM/RPT RQSTD			
Date Received	141	MINERAL EXAM/RPT APPV			
Date Received	143	LSE MIN EXAM/RPT RQSTD			
Date Received	152	REPORT REQUESTED	Report Name		
Date Received	153	REPORT RECEIVED			
Date Received	169	ADM-JURIS TRFD	To whom?		
Date Received	199	CASES CONSOLIDATED	Other serial number		
Date Received	207	CONFLICT IDENTIFIED			
Date Received	219	DECEASED			
Date Received	230	EXT OF TIME RQSTD	Amount of time		
Date Received	231	EXT OF TIME GRANTED	Amount of time		

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

VIII-19

Action Date	Action Code	Action Description	Action Remarks	Receipt Number	Assmt Yr
Date Received	232	EXT OF TIME DENIED	Reason		
Date Received	251	CLAIM/LEASE DIGITIZED			
Date Received	255	LAND STATUS CHECKED			
Date Received	272	EA INITIATED			
Date Received	273	EIS ANALYSIS INITIATED			
Date Received	274	CX INITIATED			
Date Received	275	CX DETERMINED			
Date Received	276	EA APPROVED			
Date Received	277	EIS APPROVED			
Date Received	278	DNA INITIATED			
Date Received	279	DNA CONCLUDED			
Date Received	290	NAME CHANGE RECOGNIZED	Name		
Date Received	397	SURFACE RGT DET/RECOG			
Date Received	408	REG SOL OPN/CONCUR RQSTD			
Date Received	413	TITLE RECOVERY COMMENCED			
Date Received	454	LANDS IN USFS WSA			
Date Received	513	DET MIN IN CHARACTER			
Date Received	514	DET NON-MIN IN CHARACTER			
Date Received	520	RECONSIDRTN REQST DENIED			
Date Received	529	REG SOL OPINION RCVD			

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

VIII-20

Action Date	Action Code	Action Description	Action Remarks	Receipt Number	Assmt Yr
Date Received	538	RECONSIDERATION GRANTED			
Date Received	540	FILING FEE REQUIRED			
Date Received	586	TRF OF INT FILED/ACK	Effective Date by State Law		
Date Received	700	APPEAL FILED	IBLA Docket Number		
Date Received	701	APPEAL DISMISSED	IBLA Number		
Date Received	702	APPEAL WITHDRAWN	Reason		
Date Received	705	STAY REQUESTED			
Date Received	706	STAY GRANTED	IBLA Number		
Date Received	707	STAY DENIED	IBLA Number		
Date Received	708	DEC REMANDED	IBLA Number		
Date Received	709	CONTEST FILED OR ISSUED	Serial Number		
Date Received	710	CONTEST COMPLT ANSWERED			
Date Received	711	CONTEST COMPLT DISMISSED	Reason		
Date Received	712	CONTEST SENT HRNG&APPLS			
Date Received	718	DEC ISSUED	Reason		
Date Received	719	DEC AFFIRMED	IBLA Number		
Date Received	720	DEC REVRSD & REMANDED	IBLA Number		
Date Received	721	DEC VACATED/RESCINDED	Reason		
Date Received	722	DEC MODIFIED	Reason		
Date Received	725	DEC AFFRMD PART/RVSD PT	IBLA Number		

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

VIII-21

Action Date	Action Code	Action Description	Action Remarks	Receipt Number	Assmt Yr
Date Received	729	HEARING NOT REQUIRED			
Date Received	730	HEARING REQUESTED			
Date Received	731	HEARING ORDERED	Date of Hearing		
Date Received	732	HEARING HELD			
Date Received	736	LITIGATION FILED	Court Document Number		
Date Received	737	LITIGATION COMPLETED			
Date Received	740	NULL AND VOID DECISION	Reason		
Date Received	741	NULL AND VOID IN PT DEC	Reason		
Date Received	745	PROTEST FILED	Reason		
Date Received	747	PROTEST DISMISSED	Reason		
Date Received	748	PROTEST WITHDRAWN	Reason		
Date Received	752	RECONSIDERATION RQSTD	IBLA Number		
Date Received	753	REMAND REQUESTED			
Date Received	755	SHOW CAUSE ORDER ISSUED			
Date Received	780	RELQ FILED			
Date Received	781	RELQ (PARTIAL) FILED			
Date Received	782	RELQ ACCEPTED			
Date Received	783	RELQ (PARTIAL) ACCEPTED			
Date Received	784	RELQ ACCEPTED IN PART			
Date Received	785	RELQ UNACPT/DENIED			

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

VIII-22

Action Date	Action Code	Action Description	Action Remarks	Receipt Number	Assmt Yr
Date Received	825	SUBJ TO PL 359			
Date Received	870	EXCLUDED FROM CONVEYANCE			
Date Received	872	FINAL CERT ISSUED			
Date Received	873	FINAL CERT CANCELLED			
Date Received	879	CLAIM PATENTED			
Date Received	880	PATENT CANCELLED			
Date Received	883	QUIT CLAIM DEED RECEIVED			
Date Received	884	TITLE REV/RECNV TO US			
Date Received	885	TITLE ACCEPTED BY U S			
Date Received	890	ABANDONMENT CLAIM VOID			
Date Received	891	AMENDED LOCATION FILED			
Date Received	892	ADDRESS CHANGE FILED			
Date Received	893	LEAD CASE			
Date Received	894	DEFERMENT REQUEST FILED	Reason		
Date Received	895	DEFERMENT GRANTED			
Date Received	896	DEFERMENT DENIED	Reason		
Date Received	897	INSUFFICIENT FILINGS			
Date Received	898	CLAIM FORFEITED			
Date Received	900	EVID OF ASSMT FILED			Yes
Date Received	901	FERC/FPA OPEN TO MINING			

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

VIII-23

Action Date	Action Code	Action Description	Action Remarks	Receipt Number	Assmt Yr
Date Received	902	CLAIM MAINTENANCE FEE		Entered through the CBS/ALIS Interface	Yes
Date Received	903	SMALL MINER'S CERT FILED			Yes
Date Received	904	LOCATION NOTICE FILED			
Date Received	905	LOC ON RES MIN ESTATE			
Date Received	906	LOCATION DATE			
Date Received	912	NOTICE OF INTENT TO HOLD			Yes
Date Received	913	MAINT WAIVER DOC FILED - entered into first serial number on document			
Date Received	914	SURFACE MGT FILE ESTB			
Date Received	916	UNDELIVERABLE ADDRESS			
Date Received	958	CASE REOPENED			
Date Received	960	CASE SENT TO			
Date Received	961	CASE RECEIVED FROM			
Date Received	962	CASE SENT TO NARA			
Date Received	963	CASE RECALLED NARA			
Date Received	964	CASE MICROFILMED - Not used			
Date Received	965	CASE DESTROYED			
Date Received	967	CLOSED WITHOUT ACTION			
Date Received	970	CASE CLOSED			

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VIII-24

Action Date	Action Code	Action Description	Action Remarks	Receipt Number	Assmt Yr
Date Received	974	AUTOMATED RECORD VERIF			
Date Received	992	T & E RES CONCERN			

C. ALIS/ACRES Customer Processing Procedures

OBJECTIVE: The objective of this handbook is to guide you through the set of automated tasks that affect customer information stored in the customer tables of ALIS/ACRES. In order to be able to create and maintain customer information, you must understand the concepts used in storing customer information in ALIS/ACRES.

OVERVIEW: Customer processing encompasses an independent section of the ALIS/ACRES separate from land and mineral case information. It is possible for a customer's data to reside in the System's customer section, but not be associated with any case in ALIS/ACRES. However, a customer **must** exist in the customer section of the ALIS/ACRES to be included in a case.

How a Customer's Information is stored in ALIS/ACRES: Each customer has ONE customer ID number. Each customer can have MULTIPLE names or addresses within one customer ID number. For example, a customer with customer number 1357 could have more than one name by which they are known as well as two addresses. It would appear in ALIS/ACRES as:

<i>CUST ID</i>	<i>CUST NAME NUM</i>	<i>CUSTOMER NAME</i>
1357	001	Jane Q. Public
	002	Jane Q. Maiden Name
	<i>CUST ADDRESS NUM</i>	<i>CUSTOMER ADDRESS</i>
	001	234 Uphill Lane, Anchorage, AK 99510
	002	P O Box 46, Yakutat, AK 99501

CUSTOMER PROCESSING PROCEDURES

Customers may be entered and maintained in ALIS from two points on the ALIS/ACRES Main Menu: the Customer Processing Menu or the Case Processing Menu. Where to Process customer information in ALIS/ACRES:

1. ADD new customers - use the Customer Processing Menu or Multiple Case Processing Menu
2. DELETE existing customers - use the Customer Processing Menu
3. UPDATE customer information - use the Customer Processing Menu
4. ASSOCIATE CUSTOMER TO CASE - use the Case Processing Menu
5. QUERY customer information - use Case Retrieval Menu or Customer Processing Menu

1. CUSTOMER PROCESSING MENU

Within the Customer Processing Menu you will find:

Add/Delete Customer

Maintain Customer File

Find Customer by Name

Customer Processing Reports Menu [The “Customer Processing Reports Menu” as created in the earlier versions of ALIS/ACRES is no longer available.]

2. ADD/DELETE CUSTOMER FORM

a. Add Customers: Select Add/Delete Customer.

b. Check to see if the customer exists in ALIS/ACRES: When the *Add/Delete Customer* screen appears, the cursor will appear in the Customer ID Number field. Press F3 (List of Values or LOV) to query the ALIS/ACRES to check if the customer exists in the database.

(1) **Name:** Pressing LOV will bring the “*Find Customer by Name*” form. Type in the last name of the customer and the first initial of the first name followed by a percent sign (%) with no space between the first initial and the percent sign (%) (example: DOE J%). Press the F8 (Execute Query) key to execute the query. This will bring forward all customers with the same last name and the same first initial. You may find many or a few customers with the same name. At times, there will be duplicate customers with a slight variation of how the name was entered. For example, a customer with the first name of William may have been entered as William or Bill or William with a middle initial. When you find these duplications, they need to be corrected. Contact the public room personnel to make the necessary corrections by *merging the* customer numbers.

(2) **Address:** Using the escape and number 4 keys (press the escape key and then the number 4 key), you can check the address of the customer.

(3) **Customer Exists:** If the customer is already in the database, you do not need to proceed any further with this form. Use Control+Q (Exit/Cancel) to exit the form and go to Case Processing to associate the customer to a case.

c. Creating a New Customer: If the customer does not already exist in the database, you must create the customer in ALIS/ACRES. Use Control+Q to exit out of the

Find Customer by Name form if you have not done so already.

- (1) **Code:** Enter or tab to the Code field. This field identifies the customer as an Agency, a Corporation, or a Private individual. Agency –all agencies whether Federal, state, county, municipal, city, town, etc. Corporation - (businesses) includes partnerships, unincorporated groups, Doing Business As (DBA), churches, schools, native corporations, family or partnership trusts, etc. Private includes all persons and individual trusts. If customer code selected is either “A” or “C”, there will be two lines for the name. If the customer code selected is “P”, there is only one line. After the customer code is selected, proceed to the “Name Line 1” field.
 - (2) **Name:** Enter the name using the Customer Name standards, refer to IB No. AK 96-036, dated January 25, 1996.
 - (3) **Address:** After entering the name, proceed to the Address Line 1 field. Enter the address using the address standards in IB No. AK 96-036, dated January 25, 1996. After entering the address, at the ZIP code field, press F10 (Commit) to save the data. ALIS/ACRES will assign the NEXT AVAILABLE customer number.
 - (4) **Additional names and addresses:** If you need to add more names or addresses for the customer, proceed to the *Maintain Customer File* form.
- d. Delete Customers:** If the customer is no longer linked to any cases, the customer name can be deleted from the database. The ALIS/ACRES will not allow any deletions as long as a customer is still linked to any case.
- (1) **Open the form:** To delete a customer, use the *Add/Delete Customer Form*.
 - (2) **Enter customer ID:** Enter the customer number in the customer number field to retrieve the customer that needs to be deleted.
 - (3) **Delete Record:** press Shift F6 (delete record). ALIS/ACRES will ask you if you are sure you wish to delete this customer from the database. Select yes to delete, select no if you decide the customer needs to remain in the database.

- 3. MAINTAIN CUSTOMER FILE FORM:** This form is used to change an address for a customer, add additional names to the customer ID, or add additional addresses to the

customer ID.

- a. **Select *Maintain Customer File*** from the menu. The form looks the same as the Add/Delete form but has a different function. Cursor will rest in the Customer ID field. If you know the customer number, enter it in the customer ID field and press enter or tab key to bring the customer information to the screen. If you do not know the customer number, use F3 (LOV) to query the database. This will bring the *Find Customer by Name* form to the screen. Find your customer by using the procedures listed in number 2 of the Add/Delete Customer procedures.
 - b. **Changing an address:** Either enter the customer number into the customer ID field or query the ALIS/ACRES for the customer. Use the tab or enter key to get to the Address Line 1. Make the changes in the address and press the commit key, F10.
 - c. **Adding additional names:** Use the tab or enter key to get to the Customer Name Line 1. Press the F6 key (Create Record) to create a new record. The ALIS/ACRES will blank out the customer name lines and put the next available name number in the name number field. Add your new customer name and press the commit key, F10.
 - d. **Adding additional addresses:** Use the tab or enter key to get to the Customer Address Line 1. Press the F6 key (Create Record) to create a new record. The ALIS/ACRES will blank out the customer address lines and put the next available address number in the address number field. Add your new customer address and press the commit key, F10.
4. **CASE PROCESSING MENU.** To access the *Maintain Case/Customer Association* form on the Case Processing Menu, choose the Single Case Processing Menu. You then enter the case serial number and press Enter to return the case information. When the correct case is displayed choose the menu item *Maintain Case/Customer Association*.

Maintain Case/Customer Association. You may use the *Maintain Case/Customer Association* form to add or delete customers from a case. You may also use this form to access the *Add/Delete Customer* form to add customers to the database.

This is the process to add customers to a specific case from the database by identifying the customer's relationship to the case with the interest relationship field. As an example, the BLM main customer number (without creating a new customer number) could be linked to any number of cases, identifying the relationship of the BLM to the customer by the interest relationship field. Any customer in the database

could be tied to a case in that manner. Also, you may have the same main customer number tied to a case using different name numbers or different address numbers.

5. ADD A NEW CUSTOMER TO A CASE

- a. **Open the form:** To access the *Maintain Case/Customer Association* form in the Case Processing Menu, choose the Single Case Processing Menu. You then enter the case serial number and press Enter to return the case information. When the correct case is displayed choose the menu item *Maintain Case/Customer Association*.
- b. **Open the *Add/Delete Customer Form*:** To add a customer to the database from this form, **press control+shift+F3** (you may only do this function from the first Customer ID number field on the form). This will bring the *Add/Delete Customer* form to the screen. Add your new customer following the procedures stated above. Use **Control+Q** to exit the *Add/Delete Customer* form and the ALIS will bring you back to the *Maintain Case/Customer Association* form with the new customer entered and the cursor in the interest relationship field.
- c. **Enter Customer's Interest Relationship:** Use the F3(LOV) key to query the interest relationship field if you do not know the number for the interest relationship you need to use. If using the F3 key, select the needed interest relationship and then press enter or tab key to bring you back to the *Maintain Case/Customer Association* form.
- d. **Commit:** Press commit, F10 to add the customer to the case.

6. ADD AN EXISTING CUSTOMER TO A CASE

- a. **Open the form:** To access the *Maintain Case/Customer Association* form in the Case Processing Menu, choose the Single Case Processing Menu. You then enter the case serial number and press Enter to return the case information. When the correct case is displayed choose the menu item *Maintain Case/Customer Association*.
- b. **Enter customer ID:** Press F6 to create record. The cursor will move to next customer ID field. If you know the customer number, enter it and press the tab or enter key.
- c. **Query for customer ID:** If you do not know the customer number, use the F3

(LOV) to bring the *Find Customer Name* form to the screen. Enter your name query, move the cursor to the name you need, and press the tab or enter key. This will bring the customer number back to the *Maintain Case/Customer Association* form.

- d. **Enter Customer's Interest Relationship:** Cursor will move to the interest relationship field. Enter interest relationship.
- e. **Choose the Customer Name:** Tab or enter to name number field and put in the name number...001 or if you have more than one name to the customer you may select another name number (use the up/down arrows to see additional names).
- f. **Choose the Customer's Address:** Tab or enter to the address field and enter 001 or select another address number (use the up/down arrows to see additional addresses).
- g. **Commit:** After entering all of the data for your new case customer, press the commit key, F10.

7. REMOVE A CUSTOMER FROM A CASE

- a. **Open the form:** To access the *Maintain Case/Customer Association* form in the Case Processing Menu, choose the Single Case Processing Menu. You then enter the case serial number and press Enter to return the case information. When the correct case is displayed choose the menu item *Maintain Case/Customer Association*.
- b. **Enter customer ID:** Move cursor to the customer number field of the customer you wish to remove from the case.
- c. **Delete record:** Press the Shift F6 (delete record) key. This will remove the customer from the case. You do not need to use the commit key. **NOTE:** You may NOT delete the last customer from the case. If you need to remove the last customer and add another, you must first add the new customer to the case before you can remove the only existing customer on the case.

8. **ADD CUSTOMER TO RANGE OF CASES.** This form is mainly used for mining claims where there is a lead serial number for one claim and other serial numbers for multiple claims. **NOTE:** All of the cases have to be the same case type and status.

- a. **Open the form:** To access the *Add Case/Customer Association to Block of Cases* form, use the *Multiple Case Processing Menu*.
- b. **Land Office:** Enter the Land Office designation (AA or FF).
- c. **Range of Serial Numbers:** Enter the range (block) of consecutive serial numbers.
- d. **Add Existing Customers:** Add customers following the *Maintain Case/Customer Association* procedures above.
- e. **Add new customer:** To add new customers to the database using the *Add Case/Customer Association to Block of Cases*, follow steps 2, 3, and 4 under the **ADD NEW CUSTOMER TO A CASE** listed above.

D. LR2000 Customer Processing Procedures

Customer Maintainers: A Customer Maintainer is a state designated lead who is responsible for making certain names entered into the Customer Data Base are in accordance with established guidelines and data standards. The Customer Maintainer is responsible for determining who in their state will have permission to enter names into the Customer Data Base.

Prior to entering a new claimant name and/or address, check to see if the claimant is already listed in the customer database. Remember each change in input will create a new identity, i.e., Betty Jean Jones vs Betty J Jones or Betty Jones. Each claimant should have only one name and address listed in the LR2000 customer database for **active** claims. The exception is for a company with locations in multiple cities. If a claimant has a separate address for a summer and a winter home, they are responsible for making certain the correct address is on record depending on where they are residing at the time. It is not the adjudicator's responsibility to try to determine where the claimant is living at the time. For historic reasons addresses on closed claims should not be changed.

NOTE: Data entry into LR2000 can be done in lower case letters as LR2000 converts data to capital letters.

The following instructions are the written instructions for entering new customers or changing information for existing customers. Step-by-step instructions with graphics are also available in the Mining Claim Transaction Processing User Guide found at the LR2000 internal website homepage at <http://lr2000.blm.gov/>.

H-3830-1 - ADMINISTRATION OF MINING CLAIMS, MILL SITES, AND TUNNEL SITES (P)

VIII-32

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

LR2000 Internal

Search BLM Sites

LR2000 Internal Home

- Transactions
- Reports
- TP User Guides
 - Case Rec
 - Mining Claims
 - LLD/Status
 - Bond Surety
 - Cad Field Note
 - Serial No.
 - Automation
 - Historical Index
- Reports User Guides
 - Reporting Intro



LR 2000
Legacy Rehost 2000

Help: Hyperion v11.1.2.2 Plugin

The Bureau of Land Management (BLM) has the responsibility for maintaining the land and mineral records for the United States—what today amounts to more than a billion records. The Legacy Rehost 2000 System called LR2000 was established by the BLM in March 1999. The systems which make up LR2000 include: Case Recordation, Status, Legal Land Description, Mining Claim Recordation, Cadastral Survey Field Note Index, Bond & Surety, and Master Name. LR2000 contains both a transaction component and a reporting component.

Transaction System:

The Transaction Processing component provides the capability of recording, updating and editing case processing data in a graphical-user interface configuration. The transaction system requires a BASS login and is accessible from the Intranet (**BASS login page**).



LEGACY REHOST 2000

MINING CLAIMS

TRANSACTION PROCESSING SOFTWARE

USER GUIDE

SEPTEMBER 16, 2005
L&RPO: LR2000_MC_TPSUG_DV11.00_(2005-09-16)

UNITED STATES DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
LAND & RESOURCE PRODUCTS OFFICE
DENVER FEDERAL CENTER
DENVER, CO 80202-0001

1 / 72

http://web.blm.gov/elearning/Common_Files/SUGs/LR2000/MCR/LR2000_MC_TPSUG.pdf

1. ENTERING NEW CUSTOMERS

- a. To determine if a new customer name needs to be added in LR2000, select View/Update under Customer Name.
- b. Select MC from the pull-down menu for System ID.
- c. Type either the last name of an individual or the first word of a company name in the Name box.
- d. Click the Lookup button.
- e. In the pick list, scroll through the list of customers to determine if there is a claimant with the same name and address as the customer you're searching for.
- f. If the customer exists, click the cancel button. You will be able to enter your new case into LR2000 without adding a new customer name. If the customer is not in the pick list, you will need to make a new entry for the customer before adding your case into LR2000.
- g. To enter a new name, select New under Customer Name.
- h. Select MC from the pull-down menu for System ID.
- i. Enter claimant's name in the Proprietor Section. Names for individuals should always be entered as: Last, First, Middle Initial, without punctuation between names. Titles such as SR, JR and III should be used and will always be added to the end of the entry. For instance, John Black, Jr., will be entered as BLACK JOHN JR. Company names are entered as shown on the document. With a few exceptions, the first word of the name should not be abbreviated.
- j. Select the appropriate Category for your customer. The category identifies the customer as an Agency, a Corporation, or a Private individual. Agency –all agencies whether Federal, state, county, municipal, city, town, etc. Corporation - (businesses) includes partnerships, unincorporated groups, Doing Business As (DBA), churches, schools, native corporations, family or partnership trusts, etc. Private includes all persons and individual trusts.
- k. Enter the claimant's Address, City, State, and Zip code.
- l. Click the SAVE button.
- m. If your address does not validate through Data Flux (a warning message will appear), recheck the address to make certain you are entering it correctly. DO NOT use abbreviations in the address line as Data Flux will automatically convert any part of the address that should be abbreviated. If you have entered the address just as it is on the document, then you should attempt to figure out why the address is not validating.
- n. If the address does not validate, do not attempt to make any corrections in this screen. Doing so will cause another entry to be made in the Customer Data Base. If you need to make a correction after you have already clicked Save, then make the correction in

- the View/Update screen.
- o. To research why your address may not be validating, these websites may be useful in determining a correct address:
 - (1) <http://www.usps.com>: This site can be used to check the street address to see if it's a valid mailing address. You can also check city names in a zip
 - (2) www.whitepages.com: This site can be used to look for the claimant's address by the claimant name. You can also do a reverse lookup by checking the address itself. If the claimant is not listed in the telephone directory, then they may not appear at this site.
 - (3) www.melissadata.com/lookups/zipstreet.asp: This site has many lookup features. This particular link is used to check street names by zip code. Many times, an agent may fill out paperwork and will not spell a street name correctly and you can find the correct spelling at this site. Also, you can check to see if the actual street number exists for that street.
 - (4) www.google.com: When all else fails, sometimes you can "Google" (lookup) a street address to see if it even exists. If it does, sometimes the reason it will not validate through Data Flux is because it is not an established mailing address. You can also Google a company name and then check the company's website to make certain you have their correct mailing address.

NOTE: The above are used as tools to help find correct addresses. Never change an address solely on what you may find at one of these sites, unless it is just to correct the spelling of a street name. Always document the case file with your findings when correcting an address without having anything in writing. You can also print out copies from the sites to document the case file to show where you found the data.

2. **CHANGING CUSTOMER NAME and/or ADDRESS.** If you have edit privileges to make an address change in LR2000, you can make the change by following these steps. If you do not have privileges to edit a name or address, then you will need to email your state's Customer Maintainer(s) and provide them with your claimant's address information update.
 - a. In LR2000, select View/Update under Customer Name.
 - b. Select MC from the pull-down menu for System ID.
 - c. Type either the last name of an individual or the first word of a company name in the Name box.
 - d. Click the Lookup button.

- e. In the pick list, scroll through the list of customers to locate the customer name to be updated. Highlight the customer name by clicking on the name once.
- f. Click Select.
- g. Enter the customer's updated information by typing over the existing information. Be sure to use the USPS address standards found in Chapter VI of this handbook.
- h. When all the updated information has been entered, click Save.
- i. If the address does not validate against Data Flux, follow the steps in A.15. above to try to determine why.

3. COMBINING CUSTOMER ENTRIES USING THE RENUMBER FEATURE

- a. In LR2000, select the View/Update button under Customer Name.
- b. Select MC from the pull-down menu for System ID.
- c. Type either the last name of an individual or the first word of a company name in the Name box.
- d. Click the Lookup button.
- e. Scroll through the list of customers to determine if there are multiple entries with the same address for one customer that can be combined into one entry.
- f. Select the first entry that can be combined into another customer. Highlight the customer name and address by clicking once on the name.
- g. Click Select.
- h. The customer information will appear in the left-hand side of the update screen.
- i. On the right-hand side of the update screen, in the first blank line, follow step 3 above.
- j. Click the Lookup button.
- k. Again, scroll through the pick list until you see the name and address of the customer that the first customer will be combined with. Highlight the entry and click the Select button. Make certain this is the customer you want to remain in the customer database after the two entries are combined.
- l. After selecting this customer, the full name and address will appear on the right-hand side of the update screen. Check once again to make certain you want to combine the name and address on the left-hand side to the name and address on the right-hand side. After the entries are combined, all claims previously listed under the claimant name and address on the right-hand side will be listed under the claimant name and address on the left-hand side.
- m. In the toolbar listed below both entries, click the Renumber button. A message at the bottom of the screen will appear indicating that the first Customer Proprietor Number changed to the second Customer Proprietor Number.

4. DELETING A CUSTOMER

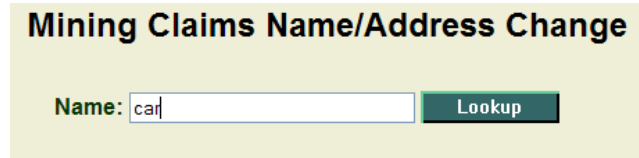
- a. In LR2000, select the View/Update button under Customer Name.
- b. Select MC from the pull-down menu for System ID.
- c. Type either the last name of an individual or the first word of a company name in the Name box.
- d. Click the Lookup button.
- e. Scroll through the pick list and locate the customer to be deleted and highlight that customer by clicking on the entry once.
- f. Click Select.
- g. The customer data will appear on the left-hand side of the screen. Verify this is the correct customer to be deleted.
- h. Click Delete in the toolbar at the bottom of the screen. **NOTE:** There is a safety feature that will not let you delete a customer if the customer is attached to a case, regardless of the case disposition. As long as the customer appears in LR2000 as a customer on any case, LR2000 will not allow the customer entry to be deleted.
- i. If you receive a warning message that the customer cannot be deleted as long as the name is attached to any cases, then you should try to determine why you were instructed to delete that customer or if you know the customer should be deleted, why the customer name is still attached to cases in LR2000.

5. MINING CLAIMS NAME/ADDRESS CHANGE SCREEN

When a claimant changes their name and/or address, the change should be made only for those claims or sites that are active. Closed claims should remain with the old claimant name and address to maintain the integrity of the case at the time of closure. The following process is used to change a claimant name or address only on active claims. LR2000 Mining Claim users will need to request permission to have access to this screen if they do not already have access. It is suggested that users that have the Mining Claim Customer update permission get permission to this screen.

The 'new' name and/or address will need to be added to the Mining Claim customer database *before* the change can be made on this screen. Before adding a new entry, however, you should first verify if the claimant has both active and closed claims and sites. If the claimant only has active claims or sites, you do not need to make a new entry in the name data base and will simply change the address or name as appropriate on the existing entry. You can still use this function to update all the active cases with the action for either a name or address change. If the claimant has both active and closed claims or sites, add the new name and/or address to the MC Customer through the "New" Customer Name screen.

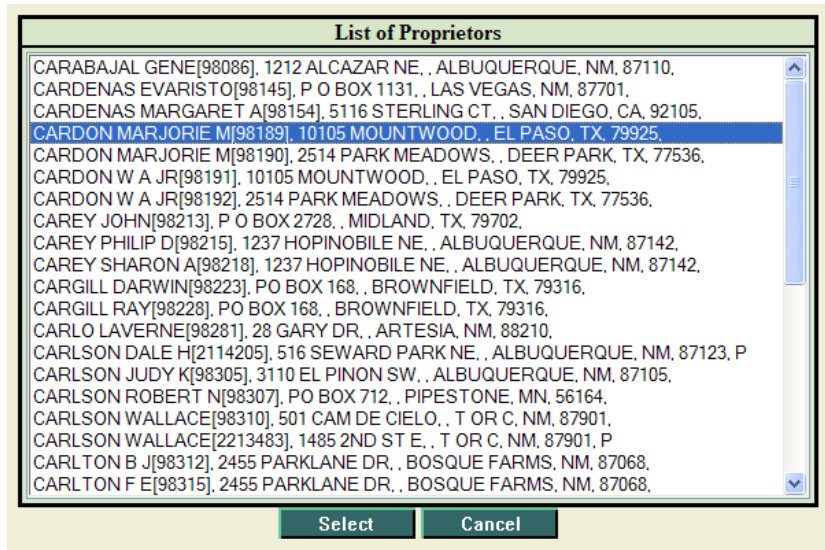
Once that is completed, access the 'Name/Addr Chg' function under Mining Claims in the left hand column. Type the 'Old/Changed' customer name or partial name in the name field and click 'Lookup'.



Mining Claims Name/Address Change

Name:

Select/highlight the 'Old' Customer name/address from the pick list and click 'Select'.



List of Proprietors

CARABAJAL GENE[98086], 1212 ALCAZAR NE., ALBUQUERQUE, NM, 87110,
CARDENAS EVARISTO[98145], P O BOX 1131., LAS VEGAS, NM, 87701,
CARDENAS MARGARET A[98154], 5116 STERLING CT., SAN DIEGO, CA, 92105,
CARDON MARJORIE M[98189], 10105 MOUNTWOOD., EL PASO, TX, 79925,
CARDON MARJORIE M[98190], 2514 PARK MEADOWS., DEER PARK, TX, 77536,
CARDON W A JR[98191], 10105 MOUNTWOOD., EL PASO, TX, 79925,
CARDON W A JR[98192], 2514 PARK MEADOWS., DEER PARK, TX, 77536,
CAREY JOHN[98213], P O BOX 2728., MIDLAND, TX, 79702,
CAREY PHILIP D[98215], 1237 HOPINOBILE NE., ALBUQUERQUE, NM, 87142,
CAREY SHARON A[98218], 1237 HOPINOBILE NE., ALBUQUERQUE, NM, 87142,
CARGILL DARWIN[98223], PO BOX 168., BROWNFIELD, TX, 79316,
CARGILL RAY[98228], PO BOX 168., BROWNFIELD, TX, 79316,
CARLO LAVERNE[98281], 28 GARY DR., ARTESIA, NM, 88210,
CARLSON DALE H[2114205], 516 SEWARD PARK NE., ALBUQUERQUE, NM, 87123, P
CARLSON JUDY K[98305], 3110 EL PINON SW., ALBUQUERQUE, NM, 87105,
CARLSON ROBERT N[98307], PO BOX 712., PIPESTONE, MN, 56164,
CARLSON WALLACE[98310], 501 CAM DE CIELO., T OR C, NM, 87901,
CARLSON WALLACE[2213483], 1485 2ND ST E., T OR C, NM, 87901, P
CARLTON B J[98312], 2455 PARKLANE DR., BOSQUE FARMS, NM, 87068,
CARLTON F E[98315], 2455 PARKLANE DR., BOSQUE FARMS, NM, 87068,

The following screen will appear. Verify that the customer presented is the 'Old' customer name and/or address or Customer ID.

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VIII-38

Type the 'new' or partial customer name in the field next to the new "Change To" field and click Lookup.

Mining Claims Name/Address Change

Name: CARDON MARJORIE M
Cust ID:
Address: 10105 MOUNTWOOD
City: EL PASO
State: TX
Zip: 79925
Category:

Change To:

New Cust ID:
Address:
City:
State:
Zip:
Category:

The next screen will appear with the 'new' customer information and an Update Type field. Verify that this is the new customer name and/or address.

Mining Claims Name/Address Change

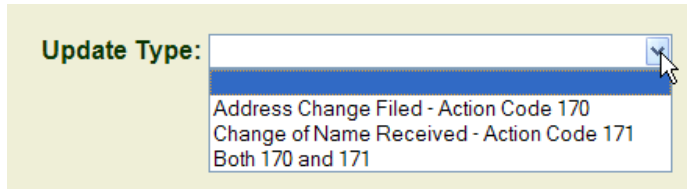
Name: CARDON MARJORIE M
Cust ID:
Address: 10105 MOUNTWOOD
City: EL PASO
State: TX
Zip: 79925
Category:

Change To:

New Cust ID:
Address: 2514 PARK MEADOWS
City: DEER PARK
State: TX
Zip: 77536
Category:

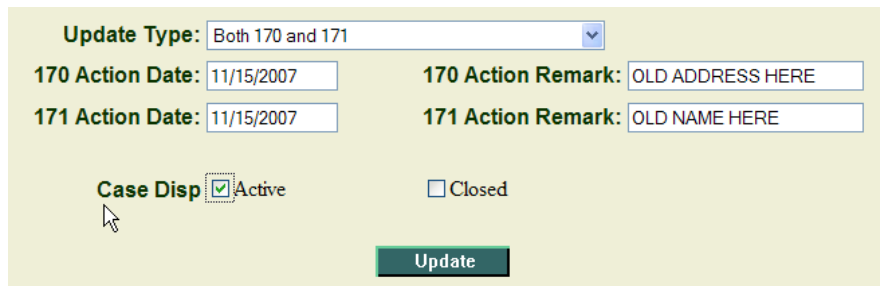
Update Type:

Highlight the action you need: Address Change, Name Change or Both.



The screenshot shows a dropdown menu titled "Update Type:". The menu is open, showing three options: "Address Change Filed - Action Code 170", "Change of Name Received - Action Code 171", and "Both 170 and 171". A mouse cursor is pointing at the dropdown arrow.

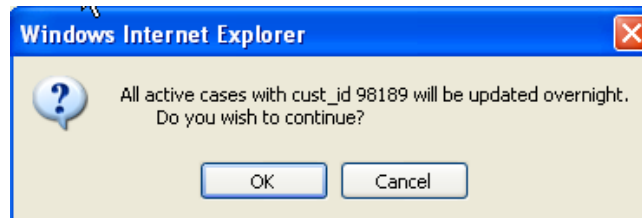
Once you select the action to be performed, another portion of the screen will be displayed. Add in the Action Date and any Action Remarks for the respective action code(s). Then select to change the 'Active' claims only to the new Name and/or Address.



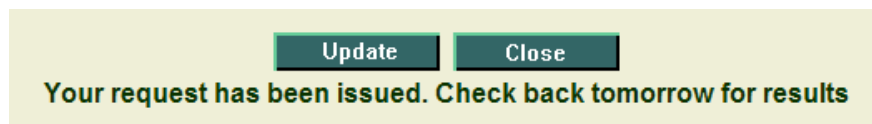
The screenshot shows a form with the following fields and options:

- Update Type:** Both 170 and 171
- 170 Action Date:** 11/15/2007
- 170 Action Remark:** OLD ADDRESS HERE
- 171 Action Date:** 11/15/2007
- 171 Action Remark:** OLD NAME HERE
- Case Disp:** Active Closed
- Update** button

Once you click 'Update' you will be prompted to verify that the active cases with the old cust_id will be changed overnight (to the new cust_id).



When you click 'OK' you will get the following message.



H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VIII-40

E. Stock Raising Homestead Act of 1916

December 29, 1916. [H.R. 407.] [Public, No. 290.]	CHAP. 9. — An Act To provide for stock-raising homesteads, and for other purposes.
Public lands. Stock-raising homestead entries on, allowed.	<i>Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,</i> That from and after the passage of this Act it shall be lawful for any person qualified to make entry under the homestead laws of the United States to make a stock-raising homestead entry for not exceeding six hundred and forty acres of unappropriated unreserved public land in reasonably compact form: <i>Provided, however,</i> That the land so entered shall theretofore have been designated by the Secretary of the Interior as “stock-raising lands.”
<i>Proviso.</i> Lands to be designated.	
Character of lands to designated.	SEC. 2. That the Secretary of the Interior is hereby authorized, on application or otherwise, to designate as stock-raising lands subject to entry under this Act lands the surface of which is, in his opinion, chiefly valuable timber, are not susceptible of irrigation from any known source of water supply, and are of such character that six hundred and forty acres are reasonably required for the support of a family: <i>Provided,</i> That where any person qualified to make original or additional entry under the provisions of this Act shall make application to enter any unappropriated public land which has not been designated as subject to entry (provided said application is accompanied and supported by properly corroborated affidavit of the applicant, in duplicate, showing prima facie that the land applied for is of the character contemplated by this Act), such application, together with the regular fees and commissions, shall be received by the register and receiver of the land district in which said land is located and suspended until it shall have been determined by the Secretary of the Interior whether said land is actually of that character. That during such suspension the land described in the application shall not be disposed of; and if the said land shall be designated under this Act, then such application shall be allowed; otherwise it shall be rejected, subject to appeal; but no right to occupy such lands shall be acquired by reason of said application until said lands have been designated as stock-raising lands.
<i>Proviso.</i> Applications for undesignated lands.	
Suspension until determination.	
No occupancy prior to designation.	
Areas of 640 acres allowed.	SEC. 3. That any qualified homestead entryman may make entry under the homestead laws of lands so designated by the Secretary of the Interior, according to legal subdivisions, in areas not exceeding six hundred and forty acres, and in compact form so far as may be subject to the provisions of this Act, and secure title thereto by compliance with the terms of the homestead laws: <i>Provided,</i> That a former homestead entry of land of the character described in section two hereof shall not be a bar to the entry of a tract within a radius of twenty miles from such former entry under the provisions of this Act, subject to the requirements
<i>Proviso.</i> Additions to former entries.	

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VIII-41

Limit.	of law as to residence and improvements, which, together with the former entry, shall not exceed six hundred and forty acres: <i>Provided further,</i> That the entryman shall be required to enter all contiguous areas of the character herein described open to entry prior to the entry of any noncontiguous land: <i>Provided further,</i> That instead of cultivation as required by the homestead laws the entryman shall be required to make permanent improvements upon the land entered before final proof is submitted tending to increase the value of the same for stock-raising purposes, of the value of not less than \$1.25 per acre, and at least one-half of such improvements shall be placed upon the land within three years after the date of entry thereof.
Selection of contiguous lands.	
Improvements instead of cultivation required.	
Additions to pending homestead entries.	SEC. 4. That any homestead entryman of lands of the character herein described, who has not submitted final proof upon his existing entry, shall have the right to enter, subject to the provisions of this Act, such amount of contiguous lands designated for entry under the provision of this Act as shall not, together with the amount embraced in his original entry, exceed six hundred and forty acres, and residence upon the original entry shall be credited on both entries, but improvements must be made on the additional entry equal to \$1.25 for each acre thereof.
Improvements required.	
Homesteaders may enter additional contiguous lands.	SEC. 5. That persons who have submitted final proof upon, or received patent for, lands of the character herein described under the homestead laws, and who own and reside upon the land so acquired, may, subject to the provisions of this Act, make additional entry for and obtain patent to contiguous lands designated for entry under the provisions of this Act, which, together with the area theretofore acquired under the homestead law, shall not exceed six hundred and forty acres, on proof of the expenditure required by this Act on account of permanent improvements upon the additional entry.
Improvements required.	
Relinquishment of former homestead to make grazing entry.	SEC. 6. That any person who is the head of a family, or who has arrived at the age of twenty-one years and is a citizen of the United States, who has entered or acquired under the homestead laws, prior to the passage of this Act, lands of the character described in this Act, the area of which is less than six hundred and forty acres, and who is unable to exercise the right of additional entry therein conferred because no lands subject to entry under this Act adjoin the tract so entered or acquired or lie within the twenty mile limit provided for in this Act, may, upon submitting proof that he resides upon and has not sold the land so entered or acquired and against which land there are no encumbrances, relinquish or reconvey to the United States the land so occupied, entered, or acquired, and in lieu there, within the same land-office district, may enter and acquire title to six hundred and forty

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VIII-42

Conditions.	acres of the land subject to entry under this Act, but must show compliance with all the provisions of this act respecting the new entry and with all the provisions of existing homestead laws except as modified herein.
No commutation. R.S., sec. 2301, p. 421. Vol.26, p. 1098.	SEC. 7. That the commutation provisions of the homestead laws shall not apply to any entries made under this Act.
Preferential right to enter contiguous lands.	SEC. 8. That any homestead entrymen or patentees who shall be entitled to additional entry under this Act shall have, for ninety days after the designation of lands subject to entry under the provisions of this Act and contiguous to those entered or owned and occupied by him, the preferential right to make additional entry as provided in this Act: <i>Provided</i> , That where such lands contiguous to the lands of two or more entrymen or patentees entitled to additional entries under this section are not sufficient in area to enable such entrymen to secure by additional entry the maximum amounts to which they are entitled, the Secretary of the Interior is authorized to make an equitable division of the lands among the several entrymen or patentees, applying to exercise preferential rights, such division to be in tracts of not less than forty acres, or other legal subdivision, and so made as to equalize as nearly as possible the area which such entrymen and patentees will acquire by adding the tracts embraced in additional entries to the lands originally held or owned by them: <i>Provided further</i> , That where but one such tract of vacant land may adjoin the lands of two or more entrymen or patentees entitled to exercise preferential right hereunder, the tract in question may be entered by the person who first submits to the local land office his application to exercise said preferential right.
<i>Provisos.</i> Division between two or more applicants.	
Allowance to first applicant.	
Coal and mineral deposits reservation.	SEC. 9. That all entries made and patents issued under the provisions of this Act shall be subject to and contain a reservation to the United States of all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same. The coal and other mineral deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal and mineral land laws in force at the time of such disposal. Any person qualified to locate and enter the coal or other mineral deposits, or having the right to mine and remove the same under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented, as provided by this Act, for the purpose of prospecting for coal or other mineral therein, provided he shall not injure, damage, or destroy the permanent improvements of the entryman or patentee, and shall be liable to and shall compensate the entryman or patentee for all damages to the crops on such lands by reason of such prospecting. Any person who has acquired from the United States the coal or other mineral deposits in any such land, or the right to mine and remove the same, may reenter and occupy so much of
Disposal under mining laws.	
Locating and prospecting allowed.	
Surface entries for mining purposes permitted.	

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VIII-43

Conditions. the surface thereof as may be required for all purposes reasonably incident to the mining or removal of the coal or other minerals, first, upon securing the written consent or waiver of the homestead entryman or patentee; second, upon payment of the damages to the crops or other tangible improvements to the owner thereof, where agreement may be had as to the amount thereof; or, third, in lieu of either of the foregoing provisions, upon the execution of a good and sufficient bond or undertaking to the United States for the use and benefit of the entryman or owner of the land, to secure the payment of such damages to the crops or tangible improvements of the entryman or owner, as may be determined and fixed in an action brought upon the bond or undertaking in a court of competent jurisdiction against the principal and sureties thereon, such bond or undertaking to be in form and in accordance with rules and regulations prescribed by the Secretary of the Interior and to be filed with and approved by the register and receiver of the local land office of the district wherein the land is situate, subject to appeal to the Commissioner of the General Land Office: *Provided*, That all patents issued for the coal or other mineral deposits herein reserved shall contain appropriate notations declaring them to be subject to the provisions of this Act with reference to the disposition, occupancy, and use of the land as permitted to an entrymen under this Act.

Proviso.
Mining patents
subject to grazing rights,
use of land.

Water holes, etc.,
reserved for public use.
Vol. 36, p. 847.
Ante, p. 518.

Provisos.
Withdrawal for access,
stock movements, etc.

Regulation of drive-
ways.

Movement of stock.

SEC. 10. That lands containing water holds or other bodies of water needed or used by the public for watering purposes shall not be designated under this Act but may be reserved under the provisions of the Act of June twenty-fifth, nineteen hundred and ten, and such lands heretofore or hereafter reserved shall, while so reserved, be kept and held open to the public use for such purposes under such general rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That the Secretary may, in his discretion, also withdraw from entry lands necessary to insure access by the public to watering places reserved hereunder and needed for use in the movement of stock to summer and winter ranges or to shipping points, and may prescribe such rules and regulations as may be necessary for the proper administration and use of such lands: *Provided further*, That such driveways shall not be of greater number or width than shall be clearly necessary for the purpose proposed and in no event shall be more than one mile in width for a driveway less than twenty miles in length, not more than two miles in width for driveways over twenty and not more than thirty-five miles in length and not over five miles in width for driveways over thirty-five miles in length: *Provided further*, That all stock so transported over such driveways shall be moved an average of not less than three miles per day for sheep and goats and an average of not less than six miles per day for cattle and horses.

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

VIII-44

Regulations, etc.

SEC. 11. That the Secretary of the Interior is hereby authorized to make all necessary rules and regulations in harmony with the provisions and purposes of this Act for the purpose of carrying the same into effect.

Approved, December 19, 1916.

F. 43 US Code Sec. 299. Reservation of Coal and Mineral Rights

- (a) General provisions. All entries made and patents issued under the provisions of this subchapter shall be subject to and contain a reservation to the United States of all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same. The coal and other mineral deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal and mineral land laws in force at the time of such disposal. Any person qualified to locate and enter the coal or other mineral deposits, or having the right to mine and remove the same under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented, as provided by this subchapter, for the purpose of prospecting for coal or other mineral therein, provided he shall not injure, damage, or destroy the permanent improvements of the entryman or patentee, and shall be liable to and shall compensate the entryman or patentee for all damages to the crops on such lands by reason of such prospecting. Any person who has acquired from the United States the coal or other mineral deposits in any such land, or the right to mine and remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining or removal of the coal or other minerals, first, upon securing the written consent or waiver of the homestead entryman or patentee; second, upon payment of the damages to crops or other tangible improvements to the owner thereof, where agreement may be had as to the amount thereof; or, third, in lieu of either of the foregoing provisions, upon the execution of a good and sufficient bond or undertaking to the United States for the use and benefit of the entryman or owner of the land, to secure the payment of such damages to the crops or tangible improvements of the entryman or owner, as may be determined and fixed in an action brought upon the bond or undertaking in a court of competent jurisdiction against the principal and sureties thereon, such bond or undertaking to be in form and in accordance with rules and regulations prescribed by the Secretary of the Interior and to be filed with and approved by the officer designated by the Secretary of the Interior of the local land office of the district wherein the land is situate, subject to appeal to the Secretary of the Interior or such officer as he may designate: Provided, That all patents issued for the coal or other mineral deposits herein reserved shall contain appropriate notations declaring them to be subject to the provisions of this subchapter with reference to the disposition, occupancy, and use of the land as permitted to an entryman under this subchapter.

- (a) Exploration; location of mining claims; notices
(1) In general

- (A) Notwithstanding subsection (a) of this section and any other provision of law to the contrary, after the effective date of this subsection no person other than the surface owner may enter lands subject to this subchapter to explore for, or to locate, a mining claim on such lands without –
 - (i) filing a notice of intention to locate a mining claim pursuant to paragraph (2); and
 - (ii) providing notice to the surface owner pursuant to paragraph (3)
 - (B) Any person who has complied with the requirements referred to in subparagraph (A) may, during the authorized exploration period, in order to locate a mining claim, enter lands subject to this subchapter to undertake mineral activities related to exploration that cause no more than a minimal disturbance of surface resources and do not involve the use of mechanized earthmoving equipment, explosives, the construction of roads, drill pads, or the use of toxic or hazardous materials.
 - (C) The authorized exploration period referred to in subparagraph (B) shall begin 30 days after notice is provided under paragraph (3) with respect to lands subject to such notice and shall end with the expiration of the 90-day period referred to in paragraph (2)(A) or any extension provided under paragraph (2).
- (2) Notice of intention to locate a mining claim

Any person seeking to locate a mining claim on lands subject to this subchapter in order to engage in the mineral activities relating to exploration referred to under paragraph (1)(B) shall file with the Secretary of the Interior a notice of intention to locate a claim on the lands concerned. The notice shall be in such form as the Secretary shall prescribe. The notice shall contain the name and mailing address of the person filing the notice and a legal description of the lands to which the notice applies. The legal description shall be based on the public land survey or on such other description as is sufficient to permit the Secretary to record the notice on the land status records of the Secretary. Whenever any person has filed a notice under this paragraph with respect to any lands, during the 90-day period following the date of such filing, or any extension thereof pursuant to this paragraph, no other person (including the surface owner) may –

- (A) file such a notice with respect to any portions of such lands;
- (B) explore for minerals or locate a mining claim on any portion of such lands;
or
- (C) file an application to acquire any interest in any portion of such lands pursuant to section 1719 of this title. If, within such 90-day period, the

person who filed a notice under this paragraph files a plan of operations with the Secretary pursuant to subsection (f) of this section, such 90-day period shall be extended until the approval or disapproval of the plan by the Secretary pursuant to subsection (f) of this section.

(3) Notice to surface owner

Any person who has filed a notice of intention to locate a mining claim under paragraph (2) for any lands subject to this subchapter shall provide written notice of such filing, by registered or certified mail with return receipt, to the surface owner (as evidenced by local tax records) of the lands covered by the notice under paragraph (2). The notice shall be provided at least 30 days before entering such lands and shall contain each of the following:

- (A) A brief description of the proposed mineral activities.
- (B) A map and legal description of the lands to be subject to mineral exploration.
- (C) The name, address and telephone number of the person managing such activities.
- (D) A statement of the dates on which such activities will take place.

(4) Acreage limitations

The total acreage covered at any time by notices of intention to locate a mining claim under paragraph (2) filed by any person and by affiliates of such person may not exceed 6,400 acres of lands subject to this subchapter in any one State and 1,280 acres of such lands for a single surface owner. For purposes of this paragraph, the term "affiliate" means, with respect to any person, any other person which controls, is controlled by, or is under common control with, such person.

(b) Consent

Notwithstanding subsection (a) of this section and any other provision of law, after the effective date of this subsection no person may engage in the conduct of mineral activities (other than those relating to exploration referred to in subsection (b)(1)B) (!1) of this section) on a mining claim located on lands subject to this subchapter without the written consent of the surface owner thereof unless the Secretary has authorized the conduct of such activities under subsection (d) of this section.

(c) Authorized mineral activities

The Secretary shall authorize a person to conduct mineral activities (other than those relating to exploration referred to in subsection (b)(1)(B) of this section) on lands subject to this subchapter without the consent of the surface owner thereof if such person complies with the requirements of subsections (e) and (f) of this section.

(d) Bond

- (1) Before the Secretary may authorize any person to conduct mineral activities the Secretary shall require such person to post a bond or other financial guarantee in an amount to ensure the completion of reclamation pursuant to this subchapter. Such bond or other financial guarantee shall ensure –
 - (A) payment to the surface owner, after the completion of such mineral activities and reclamation, compensation for any permanent damages to crops and tangible improvements of the surface owner that resulted from mineral activities; and
 - (B) payment to the surface owner of compensation for any permanent loss of income of the surface owner due to loss or impairment of grazing, or other uses of the land by the surface owner to the extent that reclamation required by the plan of operations would not permit such uses to continue at the level existing prior to the commencement of mineral activities.
- (2) In determining the bond amount to cover permanent loss of income under paragraph (1)(B), the Secretary shall consider, where appropriate, the potential loss of value due to the estimated permanent reduction in utilization of the land.

(e) Plan of operations

- (1) Before the Secretary may authorize any person to conduct mineral activities on lands subject to this subchapter, the Secretary shall require such person to submit a plan of operations. Such plan shall include procedures for –
 - (A) the minimization of damages to crops and tangible improvements of the surface owner;
 - (B) the minimization of disruption to grazing or other uses of the land by the surface owner; and
 - (C) payment of a fee for the use of surface during mineral activities equivalent to the loss of income to the ranch operation as established pursuant to subsection (g) of this section.
- (2) The Secretary shall provide a copy of the proposed plan of operations to the surface owner at least 45 days prior to the date the Secretary makes a determination as to whether such plan complies with the requirements of this

subsection. During such 45-day period the surface owner may submit comments and recommend modifications to the proposed plan of operations to the Secretary.

- (3) (A) The Secretary shall, within 60 days of receipt of the plan, approve the plan of operations if it complies with the requirements of this subchapter, including each of the following:
- (i) The proposed plan of operations is complete and accurate.
 - (ii) The person submitting the proposed plan of operations has demonstrated that all other applicable Federal and State requirements have been met.
- (B) The Secretary shall notify the person submitting a plan of operations of any modifications to such plan required to bring it into compliance with the requirements of this subchapter. If the person submitting the plan agrees to modify such plan in a manner acceptable to the Secretary, the Secretary shall approve the plan as modified. In the event no agreement can be reached on the modifications to the plan which, in the opinion of the Secretary, will bring such plan into compliance with the requirements of this subchapter, then the Secretary shall disapprove the plan and notify both the surface owner and the person submitting the plan of the decision.
- (C) The 60-day period referred to in subparagraph (A) may be extended by the Secretary where additional time is required to comply with other applicable requirements of law.
- (D) The Secretary shall suspend or revoke a plan of operation whenever the Secretary determines, on the Secretary's own motion or on a motion made by the surface owner, that the person conducting mineral activities is in substantial noncompliance with the terms and conditions of an approved plan of operations and has failed to remedy a violation after notice from the Secretary within the time required by the Secretary.
- (4) Final approval of a plan of operations under this subsection shall be conditioned upon compliance with subsections (e) and (g) of this section.
- (f) Fee

The fee referred to in subsection (f)(1) of this section shall be –

- (1) paid to the surface owner by the person submitting the plan of operations;
- (2) paid in advance of any mineral activities or at such other time or times as may be agreed to by the surface owner and the person conducting such activities; and
- (3) established by the Secretary taking into account the acreage involved and the degree of potential disruption to existing surface uses during mineral activities (including the loss of income to the surface owner and such surface owner's

operations due to the loss or impairment of existing surface uses for the duration of the mineral activities), except that such fee shall not exceed the fair market value for the surface of the land.

(g) Reclamation

Lands affected by mineral activities under a plan of operations approved pursuant to subsection (f)(3) of this section shall be reclaimed, to the maximum extent practicable, to a condition capable of supporting the uses to which such lands were capable of supporting prior to surface disturbance. Reclamation shall proceed as contemporaneously as practicable with the conduct of mineral activities.

(h) State law

- (1) Nothing in this subchapter shall be construed as affecting any reclamation, bonding, inspection, enforcement, air or water quality standard or requirement of any State law or regulation which may be applicable to mineral activities on lands subject to this subchapter to the extent that such law or regulation is not inconsistent with this title.(!2)
- (2) Nothing in this subchapter shall be construed as affecting in any way the right of any person to enforce or protect, under applicable law, the interest of such person in water resources affected by mineral activities.

(i) Inspections

Should any surface owner of land subject to this subchapter have reason to believe that they are or may be adversely affected by mineral activities due to any violation of the terms and conditions of a plan of operations approved under subsection (f) of this section, such surface owner may request an inspection of such lands. The Secretary shall determine within 10 days of the receipt of the request whether the request states a reason to believe that a violation exists, except in the event the surface owner alleges and provides reason to believe that an imminent danger exists, the 10-day period shall be waived and the inspection conducted immediately. When an inspection is conducted under this paragraph, the Secretary shall notify the surface owner and such surface owner shall be allowed to accompany the inspector on the inspection.

(j) Damages for failure to comply

- (1) Whenever the surface owner of any land subject to this subchapter has suffered any permanent damages to crops or tangible improvements of the surface owner,

or any permanent loss of income due to loss or impairment of grazing, or other uses of the land by the surface owner, if such damages or loss result from –

- (A) any mineral activity undertaken without the consent of the surface owner under subsection (c) of this section or an authorization by the Secretary under subsection (d) of this section; or
 - (B) the failure of the person conducting mineral activities to remedy to the satisfaction of the Secretary any substantial noncompliance with the terms and conditions of a plan under subsection (f) of this section; the surface owner may bring an action in the appropriate United States district court for, and the court may award, double damages plus costs for willful misconduct or gross negligence.
- (2) The surface owner of any land subject to this subchapter may also bring an action in the appropriate United States district court for double damages plus costs for willful misconduct or gross negligence against any person undertaking any mineral activities on lands subject to this subchapter in violation of any requirement of subsection (b) of this section.
- (3) Any double damages plus costs awarded by the court under this subsection shall be reduced by the amount of any compensation which the surface owner has received (or is eligible to receive) pursuant to the bond or financial guarantee required under subsection (e) of this section.

(4) Payment of financial guarantee

The surface owner of any land subject to this subchapter may petition the Secretary for payment of all or any portion of a bond or other financial guarantee required under subsection (e) of this section as compensation for any permanent damages to crops and tangible improvements of the surface owner, or any permanent loss of income due to loss or impairment of grazing, or other uses of the land by the surface owner. Pursuant to such a petition, the Secretary may use such bond or other guarantee to provide compensation to the surface owner for such damages and to insure the required reclamation.

(k) Bond release

The Secretary shall release the bond or other financial guarantee required under subsection (e) of this section upon the successful completion of all requirements pursuant to a plan of operations approved under subsection (f) of this section.

(l) Conveyance to surface owner

The Secretary shall take such actions as may be necessary to simplify the procedures which must be complied with by surface owners of lands subject to this subchapter who apply to the Secretary to obtain title to interests in such lands owned by the United States.

(m) Definitions

For the purposes of subsections (b) through (n) of this section –

- (1) The term “mineral activities” means any activity for, related to or incidental to mineral exploration, mining, and beneficiation activities for any locatable mineral on a mining claim. When used with respect to this term –
 - (A) the term “exploration” means those techniques employed to locate the presence of a locatable mineral deposit and to establish its nature, position, size, shape, grade and value;
 - (B) the term “mining” means the processes employed for the extraction of a locatable mineral from the earth; and
 - (C) the term “beneficiation” means the crushing and grinding of locatable mineral ore and such processes are employed to free the mineral from the other constituents, including but not necessarily limited to, physical and chemical separation techniques.
- (2) The term “mining claim” means a claim located under the general mining laws of the United States (which generally comprise 30 U.S.C. § chapters 2, 12A, and 16, and sections 161 and 162) subject to the terms and conditions of subsections (b) through (p) of this section.
- (3) The term “tangible improvements” includes agricultural, residential and commercial improvements, including improvements made by residential subdividers.

(n) Minerals covered

Subsections (b) through (o) of this section apply only to minerals not subject to disposition under –

- (1) the Mineral Leasing Act (30 U.S.C. § 181 and following);
- (2) the Geothermal Steam Act of 1970 [30 U.S.C. § 1001 et seq.]; or
- (3) the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. § 601 and following).

References In Text

The effective date of this subsection, referred to in subsecs. (b)(1)(A) and (c), is the date 180

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

VIII-53

days after Apr. 16, 1993. This title, referred to in subsec. (i)(1), is unidentifiable because act Dec. 29, 1916, does not contain titles.

The Mineral Leasing Act, referred to in subsec. (p)(1), is act Feb. 25, 1920, ch. 85, 41 Stat. 437, as amended, which is classified generally to chapter 3A (Sec. 181 et seq.) of Title 30, Mineral Lands and Mining.

For complete classification of this Act to the Code, see Short Title note set out under section 181 of Title 30 and Tables.

The Geothermal Steam Act of 1970, referred to in subsec. (p)(2), is Pub. L. 91-581, Dec. 24, 1970, 84 Stat. 1566, as amended, which is classified principally to chapter 23 (Sec. 1001 et seq.) of Title 30. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 30 and Tables.

The Materials Act of 1947, referred to in subsec. (p)(3), is act July 31, 1947, ch. 406, 61 Stat. 681, as amended, which is classified generally to subchapter I (Sec. 601 et seq.) of chapter 15 of Title 30. For complete classification of this Act to the Code, see Short Title note set out under section 601 of Title 30 and Tables.

Amendments

1993 - Pub. L. 103-23 designated existing provisions as subsec. (a), inserted heading, and added subsecs. (b) to (p).

EFFECTIVE DATE OF 1993 AMENDMENT

Section 1(c) of Pub. L. 103-23 provided that: "The amendments made by this Act [amending this section] shall take effect 180 days after the date of enactment [Apr. 16, 1993]." REGULATIONS
Section 1(d) of Pub. L. 103-23 provided that: "The Secretary of the Interior shall issue final regulations to implement the amendments made by this Act [amending this section] not later than the effective date of this Act [see Effective Date of 1993 Amendment note above]. Failure to promulgate these regulations by reason of any appeal or judicial review shall not delay the effective date as specified in paragraph (c)."

Transfer Of Functions

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg.

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

VIII-54

Plan No. 3 of 1950, Secs. 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Words “officer designated by the Secretary of the Interior” substituted for “register” and “Secretary of the Interior or such officer as he may designate” substituted for “Commissioner of the General Land Office” on authority of section 403 of Reorg.

Plan No. 3 of 1946. See note set out under section 1 of this title.

Act Mar. 3, 1925, abolished office of surveyor general and transferred administration of all activities in charge of surveyors general to Field Surveying Service under jurisdiction of United States Supervisor of Surveys.

Report To Congress On Foreign Mineral Interests

Section 2 of Pub. L. 103-23 directed Secretary of the Interior to submit report to Congress within 2 years after Apr. 16, 1993, on acquisition of mineral interests made after such date by foreign firms on lands subject to this section.

G. 43 CFR 3814

Mineral reservation in entry and patent; mining and removal of reserved deposits; bonds.

(a) Section 9 of the Act of December 29, 1916 (39 Stat. 864; 43 U.S.C. § 299), provides that all entries made and patents issued under its provisions shall contain a reservation to the United States of all coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same; also that the coal and other mineral deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal and mineral land laws in force at the time of such disposal.

(b) Said section 9 also provides that any person qualified to locate and enter the coal or other mineral deposits, or having the right to mine and remove the same under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented under the Act, for the purpose of prospecting for the coal or other mineral therein, provided he shall not injure, damage, or destroy the permanent improvements of the entryman or patentee and shall be liable to and shall compensate the entryman or patentee for all damages to the crops on the land by reason of such prospecting. Under the Act of June 21, 1949 (30 U.S.C. § 54), a mineral entryman on a stock raising or other homestead entry or patent is also held liable for any damage that may be caused to the value of the land for grazing by such prospecting for, mining, or removal of minerals except that vested rights existing prior to June 21, 1949, are not impaired.

(c) It is further provided in said section 9 that any person who has acquired from the United States the coal or other mineral deposits in any such land or the right to mine and remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining or removal of the coal, or other minerals, first, upon securing the written consent or waiver of the homestead entryman or patentee; or, second, upon payment of the damages to crops or other tangible improvements to the owner thereof under agreement; or, third, in lieu of either of the foregoing provisions, upon the execution of a good and sufficient bond or undertaking to the United States for the use and benefit of the entryman or owner of the land, to secure payment of such damages to the crops or tangible improvements of the entryman or owner as may be determined and fixed in an action brought upon the bond or undertaking in a court of competent jurisdiction against the principal and sureties thereon. This bond on Form 3814 must be executed by the person who has acquired from the United States the coal or other mineral deposits reserved, as directed in said section 9, as principal, with two competent individual sureties, or a bonding company which has complied with the requirements of the Act of August 13, 1894 (28 Stat. 279; 6 U.S.C. § 6-13), as amended

by the Act of March 23, 1910 (36 Stat. 241; 6 U.S.C. § 8, 9), and must be in the sum of not less than \$1,000. Qualified corporate sureties are preferred and may be accepted as sole surety. Except in the case of a bond given by a qualified corporate surety there must be filed therewith affidavits of justification by the sureties and a certificate by a judge or clerk of a court of record, a United States district attorney, a United States commissioner, or a United States postmaster as to the identity, signatures, and financial competency of the sureties. Said bond, with accompanying papers, must be filed with the authorized officer of the proper office, and there must also be filed with such bond evidence of service of a copy of the bond upon the homestead entryman or owner of the land.

(d) If at the expiration of 30 days after the receipt of the aforesaid copy of the bond by the entryman or owner of the land, no objections are made by such entryman or owner of the land and filed with the authorized officer against the approval of the bond by them, he may, if all else be regular, approve said bond. If, however, after receipt by the homestead entryman or owner of the lands of copy of the bond, such homestead entryman or owner of the land timely objects to the approval of the bond by said authorized officer, the said officer will immediately give consideration to said bond, accompanying papers, and objections filed as aforesaid to the approval of the bond, and if, in consequence of such consideration he shall find and conclude that the proffered bond ought not to be approved, he will render decision accordingly and give due notice thereof to the person proffering the bond, at the same time advising such person of his right of appeal to the Director of the Bureau of Land Management from the action in disapproving the bond so filed and proffered. If, however, the authorized officer, after full and complete examination and consideration of all the papers filed, is of the opinion that the proffered bond is a good and sufficient one and that the objections interposed as provided herein against the approval thereof do not set forth sufficient reasons to justify him in refusing to approve said proffered bond, he will, in writing, duly notify the homestead entryman or owner of the land of his decision in this regard and allow such homestead entryman or owner of the land 30 days in which to appeal to the Director of the Bureau of Land Management. If appeal from the adverse decision of the authorized officer be not timely filed by the person proffering the bond, the authorized officer will indorse upon the bond "disapproved" and other appropriate notations, and close the case. If, on the other hand, the homestead entryman or owner of the lands fails to timely appeal from the decision of the authorized officer adverse to the contentions of said homestead entryman or owners of the lands, said authorized officer may, if all else be regular, approve the bond.

(e) The coal and other mineral deposits in the lands entered or patented under the Act of December 29, 1916, will become subject to existing laws, as to purchase or lease, at any time after allowance of the homestead entry unless the lands or the coal or other mineral deposits are, at the time of said allowance, withdrawn or reserved from

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

VIII-57

disposition.

[35 FR 9743, June 13, 1970, as amended at 41 FR 29122, July 15, 1976]

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VIII-58

H. Public Law 103-23 Stock Raising Homestead Act Amendment April 16, 1993

107 STAT. 60

PUBLIC LAW 103-23—APR. 16, 1993

Public Law 103-23
103d Congress

An Act

Apr. 16, 1993
[H.R. 239]

To amend the Stock Raising Homestead Act to resolve certain problems regarding
subsurface estates, and for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. MINING CLAIMS ON STOCK RAISING HOMESTEAD ACT
LANDS.

43 USC 299.

(a) MINERAL ENTRY UNDER THE STOCK RAISING HOMESTEAD
ACT.—Section 9 of the Act of December 29, 1916, entitled "An
Act to provide for stock-raising homesteads, and for other purposes"
(43 U.S.C. 29), is amended by adding the following at the end
thereof:

"(b) EXPLORATION; LOCATION OF MINING CLAIMS; NOTICES.—

"(1) IN GENERAL.—(A) Notwithstanding subsection (a) and
any other provision of law to the contrary, after the effective
date of this subsection no person other than the surface owner
may enter lands subject to this Act to explore for, or to locate,
a mining claim on such lands without—

"(i) filing a notice of intention to locate a mining claim
pursuant to paragraph (2); and

"(ii) providing notice to the surface owner pursuant
to paragraph (3).

"(B) Any person who has complied with the requirements
referred to in subparagraph (A) may, during the authorized
exploration period, in order to locate a mining claim, enter
lands subject to this Act to undertake mineral activities related
to exploration that cause no more than a minimal disturbance
of surface resources and do not involve the use of mechanized
earthmoving equipment, explosives, the construction of roads,
drill pads, or the use of toxic or hazardous materials.

"(C) The authorized exploration period referred to in
subparagraph (B) shall begin 30 days after notice is provided
under paragraph (3) with respect to lands subject to such
notice and shall end with the expiration of the 90-day period
referred to in paragraph (2)(A) or any extension provided under
paragraph (2).

"(2) NOTICE OF INTENTION TO LOCATE A MINING CLAIM.—
Any person seeking to locate a mining claim on lands subject
to this Act in order to engage in the mineral activities relating
to exploration referred to under paragraph (1)(B) shall file
with the Secretary of the Interior a notice of intention to
locate a claim on the lands concerned. The notice shall be
in such form as the Secretary shall prescribe. The notice shall
contain the name and mailing address of the person filing

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VIII-59

PUBLIC LAW 102-23—APR. 16, 1993

107 STAT. 61

the notice and a legal description of the lands to which the notice applies. The legal description shall be based on the public land survey or on such other description as is sufficient to permit the Secretary to record the notice on the land status records of the Secretary. Whenever any person has filed a notice under this paragraph with respect to any lands, during the 90-day period following the date of such filing, or any extension thereof pursuant to this paragraph, no other person (including the surface owner) may—

“(A) file such a notice with respect to any portions of such lands;

“(B) explore for minerals or locate a mining claim on any portion of such lands; or

“(C) file an application to acquire any interest in any portion of such lands pursuant to section 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719). If, within such 90-day period, the person who filed a notice under this paragraph files a plan of operations with the Secretary pursuant to subsection (f), such 90-day period shall be extended until the approval or disapproval of the plan by the Secretary pursuant to subsection (f).

“(3) NOTICE TO SURFACE OWNER.—Any person who has filed a notice of intention to locate a mining claim under paragraph (2) for any lands subject to this Act shall provide written notice of such filing, by registered or certified mail with return receipt, to the surface owner (as evidenced by local tax records) of the lands covered by the notice under paragraph (2). The notice shall be provided at least 30 days before entering such lands and shall contain each of the following:

“(A) A brief description of the proposed mineral activities.

“(B) A map and legal description of the lands to be subject to mineral exploration.

“(C) The name, address and phone number of the person managing such activities.

“(D) A statement of the dates on which such activities will take place.

“(4) ACREAGE LIMITATIONS.—The total acreage covered at any time by notices of intention to locate a mining claim under paragraph (2) filed by any person and by affiliates of such person may not exceed 6,400 acres of lands subject to this Act in any one State and 1,280 acres of such lands for a single surface owner. For purposes of this paragraph, the term ‘affiliate’ means, with respect to any person, any other person which controls, is controlled by, or is under common control with, such person.

“(c) CONSENT.—Notwithstanding subsection (a) and any other provision of law, after the effective date of this subsection no person may engage in the conduct of mineral activities (other than those relating to exploration referred to in subsection (b)(1)(B)) on a mining claim located on lands subject to this Act without the written consent of the surface owner thereof unless the Secretary has authorized the conduct of such activities under subsection (d).

“(d) AUTHORIZED MINERAL ACTIVITIES.—The Secretary shall authorize a person to conduct mineral activities (other than those relating to exploration referred to in subsection (b)(1)(B)) on lands subject to this Act without the consent of the surface owner thereof

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VIII-60

107 STAT. 62

PUBLIC LAW 103-28—APR. 16, 1993

if such person complies with the requirements of subsections (e) and (f).

"(e) BOND.—(1) Before the Secretary may authorize any person to conduct mineral activities the Secretary shall require such person to post a bond or other financial guarantee in an amount to insure the completion of reclamation pursuant to this Act. Such bond or other financial guarantee shall ensure—

"(A) payment to the surface owner, after the completion of such mineral activities and reclamation, compensation for any permanent damages to crops and tangible improvements of the surface owner that resulted from mineral activities; and

"(B) payment to the surface owner of compensation for any permanent loss of income of the surface owner due to loss or impairment of grazing, or other uses of the land by the surface owner to the extent that reclamation required by the plan of operations would not permit such uses to continue at the level existing prior to the commencement of mineral activities.

"(2) In determining the bond amount to cover permanent loss of income under paragraph (1)(B), the Secretary shall consider, where appropriate, the potential loss of value due to the estimated permanent reduction in utilization of the land.

"(f) PLAN OR OPERATIONS.—(1) Before the Secretary may authorize any person to conduct mineral activities on lands subject to this Act, the Secretary shall require such person to submit a plan of operations. Such plan shall include procedures for—

"(A) the minimization of damages to crops and tangible improvements of the surface owner;

"(B) the minimization of disruption to grazing or other uses of the land by the surface owner; and

"(C) payment of a fee for the use of surface during mineral activities equivalent to the loss of income to the ranch operation as established pursuant to subsection (g).

"(2) The Secretary shall provide a copy of the proposed plan of operations to the surface owner at least 45 days prior to the date the Secretary makes a determination as to whether such plan complies with the requirements of this subsection. During such 45-day period the surface owner may submit comments and recommend modifications to the proposed plan of operations to the Secretary.

"(3)(A) The Secretary shall, within 60 days of receipt of the plan, approve the plan of operations if it complies with the requirements of this Act, including each of the following:

"(i) The proposed plan of operations is complete and accurate.

"(ii) The person submitting the proposed plan of operations has demonstrated that all other applicable Federal and State requirements have been met.

"(B) The Secretary shall notify the person submitting a plan of operations of any modifications to such plan required to bring it into compliance with the requirements of this Act. If the person submitting the plan agrees to modify such plan in a manner acceptable to the Secretary, the Secretary shall approve the plan as modified. In the event no agreement can be reached on the modifications to the plan which, in the opinion of the Secretary, will bring such plan into compliance with the requirements of this Act, then

BLM HAN

I.

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VIII-61

PUBLIC LAW 103-23—APR. 16, 1993

107 STAT. 63

the Secretary shall disapprove the plan and notify both the surface owner and the person submitting the plan of the decision.

"(C) The 60-day period referred to in subparagraph (A) may be extended by the Secretary where additional time is required to comply with other applicable requirements of law.

"(D) The Secretary shall suspend or revoke a plan of operation whenever the Secretary determines, on the Secretary's own motion or on a motion made by the surface owner, that the person conducting mineral activities is in substantial noncompliance with the terms and conditions of an approved plan of operations and has failed to remedy a violation after notice from the Secretary within the time required by the Secretary.

"(4) Final approval of a plan of operations under this subsection shall be conditioned upon compliance with subsections (e) and (g).

"(g) FEE.—The fee referred to in subsection (f)(1) shall be—

"(1) paid to the surface owner by the person submitting the plan of operations;

"(2) paid in advance of any mineral activities or at such other time or times as may be agreed to by the surface owner and the person conducting such activities; and

"(3) established by the Secretary taking into account the acreage involved and the degree of potential disruption to existing surface uses during mineral activities (including the loss of income to the surface owner and such surface owner's operations due to the loss or impairment of existing surface uses for the duration of the mineral activities), except that such fee shall not exceed the fair market value for the surface of the land.

"(h) RECLAMATION.—Lands affected by mineral activities under a plan of operations approved pursuant to subsection (f)(3) shall be reclaimed, to the maximum extent practicable, to a condition capable of supporting the uses to which such lands were capable of supporting prior to surface disturbance. Reclamation shall proceed as contemporaneously as practicable with the conduct of mineral activities.

"(i) STATE LAW.—(1) Nothing in this Act shall be construed as affecting any reclamation, bonding, inspection, enforcement, air or water quality standard or requirement of any State law or regulation which may be applicable to mineral activities on lands subject to this Act to the extent that such law or regulation is not inconsistent with this title.

"(2) Nothing in this Act shall be construed as affecting in any way the right of any person to enforce or protect, under applicable law, the interest of such person in water resources affected by mineral activities.

"(j) INSPECTIONS.—Should any surface owner of land subject to this Act have reason to believe that they are or may be adversely affected by mineral activities due to any violation of the terms and conditions of a plan of operations approved under subsection (f), such surface owner may request an inspection of such lands. The Secretary shall determine within 10 days of the receipt of the request whether the request states a reason to believe that a violation exists, except in the event the surface owner alleges and provides reason to believe that an imminent danger exists, the 10-day period shall be waived and the inspection conducted immediately. When an inspection is conducted under this para-

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VIII-62

107 STAT. 64

PUBLIC LAW 103-23—APR. 16, 1993

graph, the Secretary shall notify the surface owner and such surface owner shall be allowed to accompany the inspector on the inspection.

"(k) DAMAGES FOR FAILURE TO COMPLY.—(1) Whenever the surface owner of any land subject to this Act has suffered any permanent damages to crops or tangible improvements of the surface owner, or any permanent loss of income due to loss or impairment of grazing, or other uses of the land by the surface owner, if such damages or loss result from—

"(A) any mineral activity undertaken without the consent of the surface owner under subsection (c) or an authorization by the Secretary under subsection (d); or

"(B) the failure of the person conducting mineral activities to remedy to the satisfaction of the Secretary any substantial noncompliance with the terms and conditions of a plan under subsection (f);

the surface owner may bring an action in the appropriate United States district court for, and the court may award, double damages plus costs for willful misconduct or gross negligence.

"(2) The surface owner of any land subject to this Act may also bring an action in the appropriate United States district court for double damages plus costs for willful misconduct or gross negligence against any person undertaking any mineral activities on lands subject to this Act in violation of any requirement of subsection (b).

"(3) Any double damages plus costs awarded by the court under this subsection shall be reduced by the amount of any compensation which the surface owner has received (or is eligible to receive) pursuant to the bond or financial guarantee required under subsection (e).

"(l) PAYMENT OF FINANCIAL GUARANTEE.—The surface owner of any land subject to this Act may petition the Secretary for payment of all or any portion of a bond or other financial guarantee required under subsection (e) as compensation for any permanent damages to crops and tangible improvements of the surface owner, or any permanent loss of income due to loss or impairment of grazing, or other uses of the land by the surface owner. Pursuant to such a petition, the Secretary may use such bond or other guarantee to provide compensation to the surface owner for such damages and to insure the required reclamation.

"(m) BOND RELEASE.—The Secretary shall release the bond or other financial guarantee required under subsection (e) upon the successful completion of all requirements pursuant to a plan of operations approved under subsection (f).

"(n) CONVEYANCE TO SURFACE OWNER.—The Secretary shall take such actions as may be necessary to simplify the procedures which must be complied with by surface owners of lands subject to this Act who apply to the Secretary to obtain title to interests in such lands owned by the United States.

"(o) DEFINITIONS.—For the purposes of subsections (b) through (n)—

"(1) The term 'mineral activities' means any activity for, related to or incidental to mineral exploration, mining, and beneficiation activities for any locatable mineral on a mining claim. When used with respect to this term—

"(A) the term 'exploration' means those techniques employed to locate the presence of a locatable mineral

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VIII-63

PUBLIC LAW 103-23—APR. 16, 1993

107 STAT, 65

deposit and to establish its nature, position, size, shape, grade and value;

"(B) the term 'mining' means the processes employed for the extraction of a locatable mineral from the earth; and

"(C) the term 'beneficiation' means the crushing and grinding of locatable mineral ore and such processes are employed to free the mineral from the other constituents, including but not necessarily limited to, physical and chemical separation techniques.

"(2) The term 'mining claim' means a claim located under the general mining laws of the United States (which generally comprise 30 U.S.C. chapters 2, 12A, and 16, and sections 161 and 162) subject to the terms and conditions of subsections (b) through (p) of this section.

"(3) The term 'tangible improvements' includes agricultural, residential and commercial improvements, including improvements made by residential subdividers.

"(p) MINERALS COVERED.—Subsections (b) through (o) of this section apply only to minerals not subject to disposition under—

"(1) the Mineral Leasing Act (30 U.S.C. 181 and following);

"(2) the Geothermal Steam Act of 1970 (30 U.S.C. 100 and following); or

"(3) the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following)."

(b) TECHNICAL CONFORMING AMENDMENT.—Section 9 of the Act of December 29, 1916, entitled "An Act to provide for stock-raising homesteads, and for other purposes" (43 U.S.C. 299) is amended by inserting "(a) GENERAL PROVISIONS.—" before the words "That all entries made".

(c) EFFECTIVE DATE.—The amendments made by this Act shall take effect 180 days after the date of enactment. 43 USC 299 note.

(d) REGULATIONS.—The Secretary of the Interior shall issue final regulations to implement the amendments made by this Act not later than the effective date of this Act. Failure to promulgate these regulations by reason of any appeal or judicial review shall not delay the effective date as specified in paragraph (c). 43 USC 299 note.

SEC. 2. REPORT TO CONGRESS ON FOREIGN MINERAL INTEREST. 43 USC 299 note.

(a) REPORT.—The Secretary of the Interior is directed to submit a report to the Congress within 2 years after the date of enactment of this Act on the acquisition of mineral interests made after the date of enactment of this Act by foreign firms on lands subject to the Act of December 29, 1916, entitled "An Act to provide for stock-raising homesteads, and for other purposes" (43 U.S.C. 299).

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VIII-64

107 STAT. 66

PUBLIC LAW 103-28—APR. 16, 1993

(b) DEFINITION.—For purposes of this section, the term “foreign firm” means a business entity that conducts business operations in the United States and is 51 percent or more owned and controlled by a foreign person or entity.

Approved April 16, 1993.

LEGISLATIVE HISTORY—H.R. 239 (S. 336):

HOUSE REPORTS: No. 102-44 (Comm. on Natural Resources).

SENATE REPORTS: No. 103-21 accompanying S. 336 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 139 (1993):

Mar. 29, 30, considered and passed House.

Apr. 1, considered and passed Senate.

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

VIII-65

I. Case Recordation Data Standards for Contests– IM 91-375

Government Contests (43 CFR 3872)

Record Number: Serial Number
 Proprietor: Contestee(s)
 Case Type: 392001 (BLM) or 392002 (FS)
 Commodity Codes: 911 (all locatable minerals)
 Interest Relationship: 59 (Contestee)

<u>DATE</u>	<u>A/C</u>	<u>REMARKS</u>
Enter date case is established	387	CASE ESTABLISHED
Enter date report is approved	013	MINERAL REPORT APPROVED. Enter date mineral report is signed by certified review mineral examiner.
Enter date case is established	265	SUBJECT TO PL 359
Enter date complaint is issued	180	CONTEST FILED OR ISSUED
Enter date complaint is answered	178	CONTEST COMPLT ANSWERED
Enter date complaint is dismissed	179	CONTEST COMPLT DISMISSED
Enter date case is sent to ALJ	161	CONTEST SENT ADM LAW JDG
Enter date hearing is requested	389	HEARING REQUESTED
Enter date hearing is set by ALJ action	223	HEARING ORDERED. Enter place in remarks.
Enter date hearing is held	222	HEARING HELD
 **When case file is returned from the Office of Hearings and Appeals, continue processing as appropriate. Action codes which may be included:		
Enter date decision is issued	239	DECLARED NULL AND VOID
Enter date decision is vacated	188	DECISION VACATED
Enter date case is closed	970	CASE CLOSED

J. BLM Payment Portal Internal User Guide



BLM PAYMENT PORTAL

MINING CLAIM MAINTENANCE FEES

INTERNAL USER GUIDE

April 25, 2014

BLM PAYMENT PORTAL FOR MINING CLAIMS

1.1 Background

Annual maintenance fees for existing mining claims and sites in all states except Alaska may be paid through the BLM Payment Portal at www.blm.gov/payportal/home.html. This site is available 24 hours a day. The BLM payment portal provides the ability to query eligible mining claims and sites for payment through an interface with the Legacy Rehost (LR2000) public reporting data base; select claims and sites to be paid; and then transfer to Pay.gov for payment of the maintenance fees for the selected claims and sites. At this time, only credit card payments are accepted and treasury limits apply. Once payments are paid to BLM by the bank, a Collection and Billings System (CBS) transaction and receipt will automatically be created. LR2000 will then automatically create the applicable action code (AC) to record the payment and export the data to CBS to earn the money. Creation of the applicable AC in LR2000 will happen immediately after the nightly incremental process.

A complete user guide is available for the payment portal and can be accessed by clicking "Help" from the Search screen.



2 Claims Available for Payment:

Only active mining claims and sites where the last assessment year in LR2000 is current will be available for payment. For example, to make a payment for the 2015 assessment year, claims and sites must be current through the 2014 assessment year. Once a case has been paid through the payment portal, a

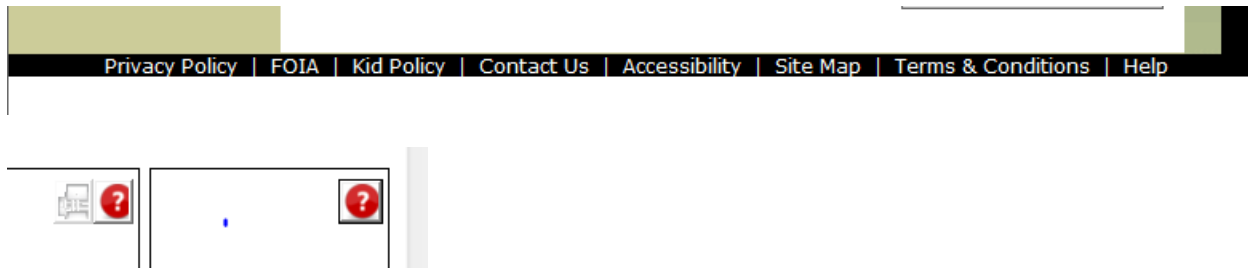
flag is set preventing the claim or site from being selected again for payment. All payments for the 2015 assessment year must be completed by midnight, Eastern Daylight Time (EDT) on September 2, 2014. At 12:01 a.m. (EDT) on September 3, 2014, only claims or sites where the last assessment year is 2015 will be available for payment.

2.1.1 Missing Claims on Payment Portal

If a claimant searches for a claim or site, and the claim or site does not appear in the results, the search criteria may need to be refined or the claim or site is not available to be paid. Some of the reasons the claim or site may not appear in the results are: (1) The claim or site may not be current in their annual requirements; (2) the case is closed; (3) the case is pending and complete data is not available; (4) the fee has already been paid for the current year; or (5) the last assessment year was not calculated properly for the last action.

2.1.2 Payment Portal Instructions

Instructions for using the BLM payment portal can be found by clicking “Help” on the bottom right of the screen or by clicking on any red question mark on the search screen.



2.1.3 Help Desk Tickets

A help desk ticket can be submitted by clicking “Contact Us” at the bottom of the mining claims search screen. Sonia Santillan, Kathryn Ferguson, and Donna Barron will all receive emails of Help Desk Tickets from the BLM Payment Portal.

2.1.4 Receipts From Pay.gov

Once the user makes a successful payment at pay.gov, they will receive a receipt (shown below) from Pay.gov that shows an Agency Tracking Id. This id is a transaction id that is assigned when the user selects a case for payment on the payment portal. You will be able to query by that number if needed in the MC Maintenance Fees Paid through the BLM Pay Portal report.

H-3830-1 - ADMINISTRATION OF MINING CLAIMS, MILL SITES, AND TUNNEL SITES (P)

VIII-69

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

Online Payment
Step 3: Confirm Payment 1 | 2 | 3

Thank you.
Your transaction has been successfully completed.
It is recommended you [print a copy](#) for your records.

[Print this window.](#)

Pay.gov Tracking Information
Application Name: Payment Portal
Pay.gov Tracking ID: 3FOLP8DL
Agency Tracking ID: 648392006
Transaction Date and Time: 08/27/2013 15:52 EDT

Payment Summary

Address Information	Account Information	Payment Information
Account Holder Name: Power Resources Billing Address: 1810 golf dr Billing Address 2: test City: billings State / Province: MT Zip / Postal Code: 59105 Country: USA	Card Type: Discover Card Number: *****1117 serial_number: WMC101195 cost_center_state: WY	Payment Amount: \$1,820.00 Transaction Date and Time: 08/27/2013 15:52 EDT

[Return to your agency website](#)

2.1.5 Payment Portal Transactions in LR2000

Once a user selects a claim or site for payment and clicks on the “Proceed to Pay” button, the user must then agree to the terms and conditions and click on the next “Proceed to Pay” button. Note: When clicking the Proceed to Pay button, the user will also be alerted that they must complete the full address field in Pay.gov when making their payment. If the user does not complete all the address fields, the payment will be rejected from CBS. Clicking the Proceed to Pay button will transfer the user to the Pay.gov site where a transaction is then created. All transactions made through the BLM payment portal will show in a payment portal order table in the LR2000 transaction data base within approximately one hour. Transactions that were cancelled from Pay.gov will also be inserted in the payment portal table. You can view the Daily Payment Portal Transaction in LR2000 from the transaction data base by going to the MC Pay Portal Report under Transaction Reports.

Transaction Rpts
Mass Upd Report
MC CBS Export
CBS Import Rpt
MC PayPortal Rpt
Data Scan
Case Scan

H-3830-1 - ADMINISTRATION OF MINING CLAIMS, MILL SITES, AND TUNNEL SITES (P)

VIII-70

▲ Daily Payment Portal Transactions to LR2000

Search Criteria

Assessment Year

Payment Date

Payment Date between 08/29/2013 and 09/03/2013

Serial Nr 392

Serial Number

Receipt Number 392 2871742

(defaults to payments made today)

[Printable Format \(legal/landscape\)](#)

PP Receipt Nr	Status	Error Msg	Order Conf	Timestamp	Serial Nr 392	AssmtYr	PP Total \$	SN \$	Serial Number	Type	Acres	Act 392 RcpHr	Agency Trk ID	682 Act Date	Act	Remarks
1	PP59840541	MATCHED	59840541	08/30/2013 10:09:44	CMC284245	2014	1400.00	140.00	CMC284245	Lode	20.66	2871742	59840541	08/30/2013	682	2014,\$140
2	PP59840541	MATCHED	59840541	08/30/2013 10:09:44	CMC284245	2014	1400.00	140.00	CMC284244	Lode	20.66	2871742	59840541	08/30/2013	682	2014,\$140
3	PP59840541	MATCHED	59840541	08/30/2013 10:09:44	CMC284245	2014	1400.00	140.00	CMC284240	Lode	20.66	2871742	59840541	08/30/2013	682	2014,\$140
4	PP59840541	MATCHED	59840541	08/30/2013 10:09:44	CMC284245	2014	1400.00	140.00	CMC284239	Placer	20	2871742	59840541	08/30/2013	682	2014,\$140
5	PP59840541	MATCHED	59840541	08/30/2013 10:09:44	CMC284245	2014	1400.00	140.00	CMC283473	Mill	5	2871742	59840541	08/30/2013	682	2014,\$140
6	PP59840541	MATCHED	59840541	08/30/2013 10:09:44	CMC284245	2014	1400.00	140.00	CMC284241	Lode	20.66	2871742	59840541	08/30/2013	682	2014,\$140
7	PP59840541	MATCHED	59840541	08/30/2013 10:09:44	CMC284245	2014	1400.00	140.00	CMC283472	Mill	5	2871742	59840541	08/30/2013	682	2014,\$140

Clicking on the “Run Report” button will default to payments made on the date you are running the report.

For all other queries, enter a date range and/or the Serial Number that received AC 392, and/or Serial Number, and/or Receipt Number.

All AC 682s that are populated in LR2000 for payments through the BLM Payment Portal will always show an insert user as PAYPORT.

	Serial Nr Full	Act Cd	Act Dt	Receipt Nr	Action Remark	Insert User	Insert Dt
1	CMC283471	682	08/30/13 00:00:00	2871742	2014;\$140	PAYPORT	09/03/13 18:02:26
2	CMC283472	682	08/30/13 00:00:00	2871742	2014;\$140	PAYPORT	09/03/13 18:02:26

If you open a case where a payment portal transaction is pending, you will receive a message as shown below:

Last modified: 03/31/2014 09:46:28

Status
 Last Assmt Yr

Serial Number

WARNING: PAYMENT PORTAL TRANSACTION(S) OUTSTANDING

Serial Register Page	Lead SN	CBS Receipt Nr	Assmt Yr	Order Conf Nr	Order Timestamp	Status	Total Dlr Amt
1	WMC2268349		2015	1930515218	04/01/2014 10:25	APPROVED	\$140.00

Case Header Details

3 CBS Transactions and Receipts

Once a payment portal transaction is paid to BLM by the bank, a receipt will be automatically created in CBS. All payment portal transactions in CBS will have a login id of MCFAUTO.

H-3830-1 - ADMINISTRATION OF MINING CLAIMS, MILL SITES, AND TUNNEL SITES (P)

VIII-71

Order Items																
OITranID	XferOI	OrderID	Login	OI-Date	Type	Qty	UnitPrice	Total	BillNumber	BillLineBIID	CostCtr	ReptOrg	WBS	Commodity	Subject	Action
16425956		2957764	MCFAUTO	08/30/2013	C	1.00	0.00	1400.00			LLCO950000	LLCO950000	LOCA	LMMC	MINING CLAIM MONI	
26432913	6425956	2957764	LR2KMCII	09/04/2013	T	1.00	0.00	-1400.00			LLCO950000	LLCO950000	LOCA	LMMC	MINING CLAIM MONI	
36432914	6432913	2957764	LR2KMCII	09/04/2013	T	10.00	0.00	1400.00			LLCO950000	LLCO950000	LOCA	MCTR	MAINTENANCE FEE S	

3.1.1 Printing CBS Receipts for Pay Portal Transactions

User: kferguso
Office: LLOC621000
System: Production

Form Buttons 508

- ▶ Logoff
- ▶ Change Password
- ▶ Help
- ▶ Print
- ▶ Reports

Collections

- ▶ Reprint Receipt
- ▶ Fix Interface Errors

Reprint Receipt

Order/Transaction Number **

Receipt # **

DDA # **

Resource Bill Number **

CBS Bill Number **

Receipt Reference **

Order Date Range: From 08/29/2013 To 09/05/2013 Login MCFAUTO

Interface Permit/Issue Number

Item Info

Serial Numbers: From To

Commodity

Subject

Fund

Functional Area WBS

To print CBS Receipts for transactions from the BLM Payment Portal:

1. Click on Reprint Receipt function in CBS.
2. Enter a date range and login of MCFAUTO. (MCFAUTO must be in all caps)

Click Search.

User: kferguso
Office: LLOC621000
System: Production

Form Buttons 508

- ▶ Logoff
- ▶ Change Password
- ▶ Help
- ▶ Print
- ▶ Reports

Collections

- ▶ Reprint Receipt
- ▶ Fix Interface Errors

Reprint Receipt

Order/Transaction Number **

Receipt # **

DDA # **

Resource Bill Number **

CBS Bill Number **

Receipt Reference **

Order Date Range: From 08/29/2013 To 09/05/2013 Login MCFAUTO

Interface Permit/Issue Number

Item Info

Serial Numbers: From To

Commodity

Subject

Fund

Functional Area WBS

Reprint Receipt
[Cancel](#)

Line	Print	Transaction #	Receipt #	Order Date	Order Amount	Customer	Remitter
1		2957757	2871733	08/29/2013	0.00	BARBARA GUEST	BARBARA GUEST
2		2957764	2871742	08/30/2013	1400.00	THOMAS P MALONEY	THOMAS P MALONEY
3		2957765	2871743	08/30/2013	2380.00	DANIEL A HARMAN	DANIEL A HARMAN

Click the Print icon for each transaction. (There is currently a ticket in process to allow the capability to select multiple receipts and/or all receipts for printing).

4 LR2000 Report for BLM Payment Portal Transactions

A new report named MC Maintenance Fees Paid through the BLM Pay Portal has been posted to production. This report is a live report and runs against the transaction data base. This report displays a list of claims paid by the receipt number.

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

Reporting Application

[Return to Report Menu](#) [Plugin Instructions](#) (Test)

MC MAINT FEES PAID THROUGH BLM PAY PORTAL (LR2000 INTERNAL REPORTS)

Please Choose Which Criteria You Would Like to Filter On Help with IE8
Help Migrating to Hyperion 11.1.2.2

MANDATORY CRITERIA

Admin State *

MUST CHOOSE ONE AND ONLY ONE OF THE FOLLOWING CRITERIA

CBS Receipt Number *

OR

CBS Receipt Range *

OR

Order Date *

OR

Agency Tracking ID *

[Select Criteria](#)

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

VIII-73

You must select an Admin State and either a CBS Receipt Number, CBS Receipt Range, Order Date, or an Agency Tracking Id (which is equal to the transaction id created on payment portal) The Agency Tracking Id is shown on the receipt the payer receives from pay.gov.

The Report output is displayed below. There will be a separate page for each receipt so that a copy can be printed and placed in each lead file for a particular receipt. If the report output has more than one lead file number for a receipt, you will receive an output for each lead file.

**H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)**

VIII-74

Run Date: 04/01/14

**DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MINING CLAIMS**

Run Time: 12:53 PM

MC Maintenance Fees Paid Through the BLM Pay Portal

Page 1 of 13

CBS Receipt: 2871742

Printed For Lead File # CMC284239

Agency Tracking ID: 59840541

Number of BLM Serial Nr: 10

Assessment Year: 2014

Paid On: 08/30/2013

Total Amount Paid: \$1,400.00

Claim Name	BLM Serial No	Lead File No	Amount Paid
SENTINEL	CMC283471	CMC283471	\$140.00
GOLDEN AGE	CMC283472		\$140.00
LOUIS	CMC283473		\$140.00
HIDDEN SPLENDOR	CMC284239	CMC284239	\$140.00
RIFE	CMC284240		\$140.00
COLUMBINE	CMC284241		\$140.00
LEHMAN	CMC284242		\$140.00
PRINCESS	CMC284243		\$140.00
SENTINEL WEST	CMC284244		\$140.00
WANDERING JEW	CMC284245		\$140.00

Run Date: 04/01/14

**DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MINING CLAIMS**

Run Time: 12:53 PM

MC Maintenance Fees Paid Through the BLM Pay Portal

Page 2 of 13

CBS Receipt: 2871742

Printed For Lead File # CMC283471

Agency Tracking ID: 59840541

Number of BLM Serial Nr: 9

Assessment Year: 2014

Paid On: 08/30/2013

Total Amount Paid: \$1,400.00

Claim Name	BLM Serial No	Lead File No	Amount Paid
SENTINEL	CMC283471	CMC283471	\$140.00
GOLDEN AGE	CMC283472		\$140.00
LOUIS	CMC283473		\$140.00
HIDDEN SPLENDOR	CMC284239	CMC284239	\$140.00
RIFE	CMC284240		\$140.00
COLUMBINE	CMC284241		\$140.00
LEHMAN	CMC284242		\$140.00
PRINCESS	CMC284243		\$140.00
SENTINEL WEST	CMC284244		\$140.00
WANDERING JEW	CMC284245		\$140.00

K. IBLA Decision Index

The following is a listing of some IBLA and judicial court decisions which may be referenced when writing Notices or Decisions. This only represents a small portion of Decisions which may be used for reference. Though these decisions may be used for reference, **they should not be cited in the body of the Notice or Decision.** Instead, cite to the applicable regulation.

Amendments

IBLA/Court Approved Reasons for Amendments:

The IBLA and the courts have supported the validity of amendments where there are defects in the location notice. *Rasmussen Drilling, Inc. v. Kerr-McGee Nuclear Corp.*, 571 F.2d 1144, 1156-57 (10th Cir 1978), *cert. denied*, 439 US 862 (1978) (original COL listed claims in wrong section, but rival claimants had actual knowledge of proper section); *Nylund v. Ward*, 187 P. 514, 515-16 (Colo. 1919) (original COL did not tie the claim to any natural object); *McEvoy v. Hyman*, 25 F. 596, 599-600 (CCD Colo 1885) (defective COLs may be amended); *Karen N. Owen*, 176 IBLA 168 (2008) (COL had an error in the location date).

Amendment of COL re Ownership and Difference between Amendment and Relocation:

Coates-Lahusen, 69 IBLA 137 (1982): An amended location generally relates back to the original location; a mining claimant has the right to amend their location to correct various minor defects; an amended location is “made in furtherance of the original location and for the purpose of giving additional strength or territorial effect thereto, while a relocation is a new and independent location,” an amendment can be used to make a change in the record owners of a claim where such change is reflective of an existing fact.

Amendment Cannot Take in New Ground:

Lairy D. Brookshire et al., 56 IBLA 73 (1981): An amended location notice generally relates back to the date of the original location notice. A location notice cannot be considered an amended location, so as to relate back to a location which predates a withdrawal, where the location notice describes additional or new land not contained in the original location.

Annual FLPMA Filings

Annual Filing Timely Made But for Wrong Year:

James L. Gleave, 112 IBLA 281 (1990): The Board noted that there is no statutory requirement that a mining claimant file proof of labor with respect to any specific assessment year. In fact, section 314 does not even mention the “assessment year.” “The failure to file a proof of labor for any specific assessment year is merely a curable defect of which a party must be given notice and an opportunity to correct before a claim can be declared abandoned and void.” *Id.* at 284.

Annual Filing Must Be Made During the Calendar Year that the Assessment Year Ends:

Red Top Mercury Mines, Inc., 96 IBLA 391 (1987): The claimant filed an affidavit of assessment work on December 10, 1980. The affidavit was intended to cover work accomplished in August and September 1980, and would be sufficient to cover the mining assessment year ending at noon on September 1, 1981, (the 1981 assessment year). The Board ruled “that filing a proof of labor on December 10, 1980, did not excuse Red Top from filing a proof of labor or notice of intention to hold the subject claims in the 1981 calendar year.” *Id.* at 395. “The Ninth Circuit Court of Appeals upheld the Board decision and stated that the combined affidavit of annual labor filed by the plaintiff in 1980 for the 1980 and 1981 assessment years does not satisfy the 1981 filing requirement. A filing each year is required.” The IBLA's decision was affirmed in *Red Top Mercury Mines, Inc. v. United States*, 887 F.2d 198 (9th Cir. 1989).

Regulatory Forfeiture of Mill Site Waived If BLM Fails to Notify Mill Site Owner of Defective NOI Filing or Failure to File NOI Before Later Annual Filing:

James J. Kohring, 89 IBLA 345 (1985): The BLM declared a mill site claim abandoned and void because the claimant failed to file a notice of intention to hold the mill site locations for 1979. The claimant failed to respond to a decision issued July 5, 1983, requesting that the 1979 notice be filed. By the time the BLM notified the claimant of the defective 1979 filing, the records show he had filed annual notices of intention to hold the mill sites in 1980, 1981, 1982 and 1983. Because the interim annual filings had been made between the year during which no filing was made and the date of the BLM decision, the Board ruled in favor of the claimant, stating “where BLM fails to notify a mill site claimant to cure a defective filing prior to the time a subsequent annual filing is made, BLM has effectively waived the defective filing and may not declare a mill site claim abandoned and void based on absence of that document from the file.”

BLM May Issue Abandonment Decisions for Mining Claims Abandoned in Previous Assessment Years:

Donald E. Stewart, 104 IBLA 48, 50 (1988): The BLM is not estopped from declaring an unpatented mining claim abandoned and void for failure to make an annual filing even though the failure to file occurred several years earlier.

Annual Filing Rejected if Land No Longer Federal Land:

Charles Renfro, 96 IBLA 311, 314 (1987): If the land on which a claim is located is conveyed out of Federal ownership, the annual filing required by Section 314 of the Federal Land Policy and Management Act must be rejected when the land is no longer public land under the jurisdiction of the Department.

Notice of Intent to Hold – Curable or Not:

David McCarty, 181 IBLA 224 (2011): If a notice of intent to hold must be filed on or before December 30 of any year following the calendar year in which the claim was located, the failure to file such notice of intent to hold shall be deemed conclusively to constitute an abandonment of the mining claim.

Larry G. Andrus Jr., (on recon.), 169 IBLA 353 (2006): Claim was located on 8/24/04, and filed on 8/30/04; on 8/30/04, initial maintenance fee paid for 2004 Assessment year; on 8/30/04, waiver was filed for 2005 Assessment year; no NOI was filed by 12/30/04; IBLA found this a curable defect as the requirement for the NOI for the calendar year in which a mining claim is located was regulatory a requirement.

Decisions

BLM Should Request Board to Set Aside Decision and Remand if Original Basis Cannot Be Sustained:

Robert D. Thompson, 140 IBLA 70, 74 (1997): The BLM should request the Board to set aside a decision and remand to the BLM where the original basis of the BLM decision can no longer be sustained. The Board said at 74:

In the future, we would hope that, when BLM discovers, after a notice of appeal has been filed, that the original basis of its decision cannot be sustained, it would request the Board to set aside that decision and return jurisdiction over the matter to the State Office, even in those situations in which the State Office believes that sufficient, independent grounds exist to reiterate the conclusions reached in its original decision.

Extension of Time to Cure Not Allowed:

Melvin Peterson, 180 IBLA 152 (2010): A defective Waiver Certification must be cured, or the appropriate maintenance fees paid, within 60 days of receipt of the BLM's written notice of the defect, or the involved mining claims will be forfeit by operation of law. The timely cure of some, but not all, of the defects is ineffective to cure the Waiver Certification, and the claims are properly declared forfeited. The BLM is without authority to extend that statutory deadline.

Tim Dann, 181 IBLA 91 (2011): Pursuant to 43 CFR 3830.94(b), a claimant will have 30 days after receipt of written notification from the BLM in which to cure a defective certificate of location, or the involved mining claim will be forfeited by operation of law. The BLM is without authority to extend that regulatory deadline except through rulemaking. The relevant regulation states that “[i]f you have filed *any defective document* other than a defective fee waiver request, you must cure the defects within *30 days* of receiving BLM's notification of the defects” (43 CFR§ 3830.94(b) (emphasis added)).

Constructive Service Rule – Address of Record:

David Robertson, 107 IBLA 114 (1989): Transmission of a document to a party's last address of record by registered or certified mail, return-receipt requested, constitutes constructive service even though delivery was unsuccessful. In such a case, the date of service is the date the item is received back by BLM. Application of the constructive service rule is based on two assumptions: First that BLM's decision was sent to appellant's last address of record, and second, that the Postal Service properly performed its duties. With respect to the first assumption, upon return of an item as undeliverable, the BLM is required to check its files to verify that the address to which the item was sent was correct and to determine whether a new address has been provided since the date the notice or decision was sent. If a change of address is found, notice must be sent to the new address to perfect service. With respect to the second assumption, a party may defeat application of the constructive service rule by showing error in Postal Service procedure amounting to negligence in transmitting the decision. The BLM, having selected the Postal Service as its agent for the purpose of transmitting an official document, must bear the consequences of the failure of the Postal Service to make adequate attempts at delivery.

Definitions

Location:

Uinta Tunnel, Mining & Transp. Co. v. Ajax Gold Mining Co., 141 F. 563 (8th Cir. 1905): The term “location” is frequently used in a restricted sense to represent the posting of the location notice and marking the boundaries. However, in order to perfect the possessory right of the locator, a discovery of a valuable mineral deposit must be made within the limits of the claim, because a location is not possible without a discovery. The act of “location” includes the posting of the notice, recording where required and marking the claim boundaries.

Mining Claim versus Location:

St. Louis Smelting Company v. Kemp, 104 U.S. 636 (1881). Although the terms “mining claim” and “location” are sometimes used indiscriminately to indicate the same thing, there is a distinction. A “mining claim” refers to the appropriated land; whereas, a “location” refers to the act of appropriating the land.

Related Parties:

Ridge Top Mining Co., 175 IBLA 198 (2008): Under 30 U.S.C. § 28f(d)(2)(B), a “related party” is a person who controls, is controlled by, or is under common control with the claimant. The term control is defined as including “actual control, legal control, and the power to exercise control, through or by common directors, officers, stockholders . . . or any other means.” Appellants argued that under their LLC Agreement, no individual Member or Manager exercises independent authority because “all ordinary management decisions” of the company require a majority vote of Managers. However, the Board has held that a person who has the power to exercise control by any means may be considered a related party when BLM finds evidence that it determines to be adequate to support such a finding. A waiver that is filed by related parties is invalid and not subject to cure.

Failure to Pay Constitutes “Abandonment” Under Rental Fee Regulations and “Forfeiture” Under Maintenance Fee Regulations:

Great American Gold Co., 141 IBLA 170 (1997): The BLM erroneously declared claims “abandoned and void” for failure to pay the maintenance fee. Under the rental fee regulations, claims are declared abandoned for failure to pay the fee or file the small miners waiver; however, “under 43 CFR 3833.4(a)(2), the failure to pay the maintenance fee or file the waiver certification within the time prescribed does not constitute an abandonment of the claims;

instead, such a failure ‘shall be deemed conclusively to constitute a forfeiture’ of the claims.” *Id.* at 172.

Discovery

One Discovery for Each Placer Location:

U.S. v. McCall, 7 IBLA 21 (1972): A single discovery of a valuable mineral deposit is sufficient to validate a placer location, whether it be of 20 acres by an individual, or of 160 acres or less by an association of persons. However, each 10-acre subdivision within the claim must be mineral in character.

Discovery Required Before Transfer of Association Placer Claim:

U.S. v. Harenburg, 9 IBLA 77, 86 (1973): Although it is permissible for an individual to acquire an association placer claim over 20 acres in size, it is essential that there were sufficient individuals to make the original location, and furthermore, that a discovery was made within the limits of the claim prior to the date of transfer. This is a case involving a contest; however, the IBLA was clear that a discovery must be made prior to the date of transfer or the individual may be required to reduce the acreage if requested to do so by the BLM.

Dummy Locator

Donald D. Hall, 95 IBLA 33 (1986): The Board considered a case where two claimants located a 40 acre placer claim. However, there was the possibility that the claim might have been located for the benefit of a corporation which would have the legal status of an individual. If “a locator has knowledge of a concealed interest and is a party to the use of dummy locators, the location is deemed fraudulent and is invalid in its entirety.” *Id.* at 35. Otherwise, it is simply void as to the excess.

Maintenance Fees

Maintenance Fees While Case Pending Before IBLA:

LeNore L. Baird, 142 IBLA 335 (1998): If the BLM issues a decision and the decision is NOT stayed while on appeal to IBLA, no maintenance fees are due nor can they be accepted. The IBLA cites to IM 98-01, which states that if BLM's decision ends up being reversed and the claim(s) reinstated, the adjudicator should give claimant 30 days to pay the delinquent maintenance fees or file a small miner fee waiver request, if annual work was performed during the applicable timeframe.

Darrell Palmer, 156 IBLA 360 (2002): If BLM decision stayed while on appeal to IBLA, claimant must still comply with maintenance requirements while appeal is pending. Failure to timely pay the maintenance fee or file a qualifying small miner waiver will result in the forfeiture of the claim(s) and the appeal being declared moot.

Drilling Consultants, Inc., 177 IBLA 44 (2009): If claim is unidentified on maintenance fee document, so it has neither claim name nor serial number listed, the maintenance fees are not properly submitted and the claim is forfeit and void.

New Location

Bridge Claims:

Bear Creek Mining Co., 160 IBLA 308 (2004): If a newly located mining claim "bridges" the September 1 annual deadline, (i.e., located in one assessment year, but recorded in the subsequent assessment year), the claimant must file the initial maintenance fee at the same time as recording the claims (the initial maintenance fee may not be waived), and may either file the annual maintenance fee at the same time or may establish entitlement to a fee waiver for its claim and pay no fee. If the requisite filings are made with BLM within the 90-day filing period allowed for new claims, the claimant has complied. Where the claimant makes two filings, one for the initial maintenance fee and another presenting a maintenance fee payment for the current assessment year within the 90-day period, the claimant has complied. Note: This case dealt with the previous regulations when determining that the small miner waiver could be filed any time within the 90 days. The current regulations at 43 CFR 3835.14(a)(2) are clear that the waiver must be filed at the time of recording the new mining claim.

Lisa Tucker, 167 IBLA 82 (2005): Bridge claims, the claimant submitted insufficient funds to cover the location, service and initial maintenance fee for the location year, as well as the annual maintenance fee for the current assessment year. IBLA reaffirms rule in *Bear Creek Mining* that claimants have the full 90 days to submit annual maintenance fees, but recognizes that the regulations have changed with respect to when the waiver must be filed.

Location by Minors:

Thompson v. Spray, 14 P. 182 (Cal. 1887): Minors who are citizens may locate mining claims. Also, parents of minors may locate claims on behalf of their children. *U.S. v. Haskins*, 59 IBLA 1, 88 (1981); *West v. U.S.*, 30 F.2d 739 (D.C. Cir 1929).

Claims Must Be Owned in Part by U.S. Citizens:

J. Garth Woodworth, 78 IBLA 112 (1983): The BLM declared eight lode mining claims null and void because the owner, as recorded under Section 314 of the Federal Land Policy and Management Act, was not a United States citizen. On appeal, however, the appellant furnished documents that established that the claims were owned in part by United States citizens. On this basis, **the Board reversed the BLM decision.**

In *J. Garth Woodworth*, *supra* at 113, the Board also pointed out that the “appellant has the burden to demonstrate that these claims are owned, at least in part, by citizens of the United States.” In this case, the Board directed the appellant to furnish it with a list of the current owners of the claims and their current mailing addresses, to identify those owners who are United States citizens, and to supply evidence of or proof of citizenship. As required in 30 U.S.C. 24 (1976), proof of citizenship may consist, in the case of an individual, of their own affidavit; in the case of an association of persons unincorporated, of the affidavit of their authorized agent, made on their own knowledge, or upon information and belief; and in the case of a corporation organized under the laws of the United States, or of any State or Territory, by the filing of a certified copy of their charter or certificate of incorporation. Note: It is not clear from the IBLA's decision why BLM took action against the mining claims. In general, the Department's position is that citizenship is relevant only as to location and patenting, and need not be determined at other times. See *Hugh McCallum Woodworth*, 72 I.D. 233 (1965).

North Noonday Mining Co. v. Orient Mining Co., 1 F. 522 (CCD Cal.1880): If a citizen and an alien jointly locate a claim **not exceeding the area allowed by one locator**, the location is valid as to the citizen and a conveyance from the two gives a valid title.

More Than One Claim Included in Location Notice:

Waldron Enterprises Mining, 88 IBLA 54 (1985): BLM declared 13 placer mining claims abandoned and void for failure to meet the recordation requirements because the claimant had included all claims in one location notice. The IBLA found that the failure to file separate COLs for each claim rendered the COL “absolutely void” except as to the first claim on the COL. Because the COL was “absolutely void” under state law, it could not be said to have been properly recorded with the BLM.

Lands Embraced in Placer Claims Must Be Contiguous:

Robert J. Collins, 129 IBLA 341, 344 (1994): The Board held that lands embraced within an association placer claim must be contiguous. Where a claimant has separate tracts that are not contiguous, the claimant has the opportunity to select which tract will be preserved under the original claim.

Melvin Helit, 147 IBLA 45, 49 (1998): When a claim improperly contains noncontiguous parcels, “when the BLM is apprised of such a situation, the correct procedure is to notify the claimant of the problem and offer the claimant the opportunity to correctly identify that part of the claim which contains the discovery point and, should the claimant so desire and the land remain open to location, to relocate, as separate claims, the remaining noncontiguous parcels.” Where the claimant does not appeal the determination or re-describe the claim in conformity with the statute, it is proper to declare the claim null and void in its entirety.

Lands Embraced in Placer Claims – Must be Compact and Regular in Form

Snow Flake Fraction Placer, 37 L.D. 250 (1908) and *George Kendall*, et al., 184 IBLA 71 (2013): Both decisions discuss the describing of placer mining claims and the requirement to keep all claims and sites compact and regular in form as reasonably possible and to conform to the U.S. Public Land Survey System. The Snow Flake decision discusses placer claims described by metes and bounds and the George Kendall decision discusses describing placer claims by aliquot part.

BLM Acceptance of Notices Does Not Validate Otherwise Invalid Claims:

Boyard Tanner, 113 IBLA 387, 391 (1990): The fact that the BLM initially accepted copies of the certificates of location of the subject mining claims for recordation does not establish that the land was open to mineral entry on the date of location or, more importantly, preclude BLM from later declaring these claims null and void ab initio because the land was not then open.

Acceptance did not validate claims which were otherwise invalid at the time of their inception or preclude a subsequent finding that the land claimed was not open to entry.

Computing the 90-Day Period:

FLPMA requires the owner of an unpatented mining claim located after October 21, 1976, to file a copy of the official record of the notice of location with the BLM within 90 days after the date of location. In *Warren J. Fytem*, 58 IBLA 381 (1981), the Board determined that in computing the 90-day period, the date of the location is not included but the last day of the period is included.

The 90-day period begins the day after the date of location. If the 90th day falls on a day when the office is closed to the public, consider the 90th day as the next day the office is open to the public. *BLM Manual* 3833.12A.

BLM Cannot Void Claim for Failure of Claimant to Submit Information Not Required by Regulations:

Add-Ventures, Ltd., 95 IBLA 44, 48 (1986): The BLM had required a claimant to submit a proof of chain of title and when the claimant failed to do so the claims were declared void. The Board held that because “neither the statute nor regulations require a mineral locator to submit evidence of title other than a location notice, BLM did not have authority to require appellant to submit documentation establishing a chain of title. Consequently, BLM could not have declared appellant's claims void either on the basis of the documents of title supplied or for failure to supply them.”

The BLM had mistakenly presumed that the regulation 43 CFR 3833.4(b) (1985) could be used as a basis to declare the claims null and void. This regulation provided that the BLM may determine a claim to be void if a claimant fails to file information requested to cure a deficiency. However, the “regulatory procedure for dealing with curable defects which allows a claim to be declared invalid for failure to file requested information applies only when the information sought by BLM is required by regulation. It does not apply to other information BLM believes might be useful to its administration of mining claim records. When BLM wishes to obtain such additional information, it should simply request that the mining claim owner provide it.” *Id.* at 48. Note that the current regulations promulgated in 2003 no longer have the language relied upon in this case. The current regulations at 43 CFR 3833 are clear that BLM may only decision out claims for failure to meet regulatory or statutory requirements.

New Location – Land Status

Map Showing Claim in Wrong Area Is Curable Defect:

The Carrow Co., 115 IBLA 102, 103 (1990): The claimant appealed from a BLM decision declaring a claim null and void *ab initio* because a legal description on a map showed the claim to be on state land. The description in the notice was by metes-and-bounds and the claim was tied to a ranch house. The Board held that where a map required by departmental regulation has not accurately depicted the situs of the claim, the defect is curable and the claimant may amend the location notice to correct an error in the legal description, so long as the claim as marked on the ground does not take in additional ground. *Also see Outline Oil Corp.*, 95 IBLA 255, 259 (1987).

Boundaries of Lode Claims May Be Extended Over Appropriated Land (Extralateral Rights):

Seth M. Reilly, 112 IBLA 273 (1990): The Board discussed the well-established rule that the boundaries of a lode claim may be extended onto land not subject to location for the purpose of claiming unappropriated ground with its boundaries. *Del Monte Mining Co. v. Last Chance Mining Co.*, 171 U.S. 55 (1898); *Santa Fe Mining Inc.*, 79 IBLA 48 (1984).

Floating Claims:

In *Melvin Helit*, 146 IBLA 362, 370 (1998), the Board held that if the locators have attempted to locate a “floating claim” (one that can vary at any time by the claimants’ subjective declarations as to what is or is not a part of the claim), and it is impossible to ascertain what lands are covered by a mining claim based on either the description in the notice or the markings on the ground, the claim is properly declared null and void.

Material Sale Contracts:

Cambrillic Natural Stone Unique Minerals, Inc. (on recon.), 165 IBLA 140 (2005): Materials sale contracts do not segregate the land from mining location, but such locations are subject to the outstanding contract of sale. Also, minerals may be sold under the Materials Act only if they are not subject to location under the mining laws.

Taylor Grazing Act:

Amax Specialty Minerals, 100 IBLA 60 (1987): Lands patented under the exchange provisions of section 8 of the Taylor Grazing Act of 1934, as amended, 43 U.S.C. § 315g (1964) (repealed by Section 7705(a) of the Federal Land Policy and Management Act of 1976) with a reservation of the minerals to the United States are subject to appropriation under the mining or mineral leasing laws. See 43 CFR 3811.2-9.

Payments

Dishonored Checks:

Gary L. Carter (on recon.), 132 IBLA 46 (1995): When a check in payment of a fee is tendered but dishonored by the bank, it must be a bank error, as admitted by the bank, in order to accept substitute payment for a dishonored check if the time for submitting payment has passed; otherwise, the claims are void.

Loco Mining Co., 155 IBLA 153 (2001): A mining claimant whose maintenance fee payment was dishonored by the bank appealed the voidance of its mining claims because the owner was told by the BLM that the agency may accept a replacement payment as long as the funds arrive before the BLM receives notice that there was a problem with the payment. The Board held that even though the information was not correct in this case, the BLM was not estopped from declaring the claims forfeited and null and void. The BLM's misadvice was not in the form of a crucial misstatement in an official decision. Further, reliance on such misadvice was irrelevant, since it was not given until after the mandatory statutory deadline for making payment (when the BLM was no longer authorized to accept maintenance fees) and since reliance on any misadvice may not create rights not authorized by law.

Postmark Rule

Kathleen K. Rawlings, et al., 137 IBLA 368 (1997): History of postmark rule.

Western Utah Copper, 174 IBLA 337 (2008): Postmark rule applies to new claims. Also, a private postage meter stamp is sufficient to satisfy the postmark rule where a U.S. Postal Service employee explained that the Postal Service considered the date affixed by North American's Pitney-Bowes postage meter as the "official date for when the mail was deposited for delivery," essentially adopting that postage meter stamp as its own postmark.

James J. McGarvey, 174 IBLA 299 (2008): A maintenance fee waiver certification is timely received by the BLM pursuant to 43 CFR 3830.5 when it is received no later than 15 days after the due date provided that it had been sent to the BLM in an envelope postmarked on or before the due date, even though originally sent to the wrong address.

Records Notation

Notation Rule:

B.J. Toohey, 88 IBLA 66 (1985): History of the notation rule.

Segregative Effect Must Be Removed by the Same Type of Action That Caused It:

Boyd Tanner, 113 IBLA 387, 391 (1990): The notation rule requires that lands segregated by a particular action are restored by the same type of action. For example, if a segregative effect is established by noting the records, the segregative effect can only be removed by again noting the records. However, if the segregative effect of an application is noted in the *Federal Register*, the relinquishment of that application must similarly be noted in the *Federal Register* before the segregative effect can be removed.

Notation Rule Does Not Apply/No Opening Order or Other Action Necessary:

David Cavanaugh, 89 IBLA 285, 300-01 (1985): Where Section 204 of FLPMA (43 U.S.C. § 1714 provides for segregation to terminate in 2 years from the date of the *Federal Register* notice regarding the filing of a withdrawal application, the notation rule does not apply. If there is no acceptance or rejection of the application, the segregative effect automatically terminates at the end of the 2-year period, even if the notation remains on the records. Note: Withdrawal applications filed before the enactment of FLPMA are subject to the notation rule.

Richard Bargaen, 117 IBLA 239, 243 (1991). Where Congress creates a withdrawal that terminates on a date specifically stated in the statute, the BLM has no authority to extend the withdrawal by taking the position that either (1) an opening order is necessary to make the lands available to location, or (2) that the segregative effect can be continued by the notation rule.

Casey E. Folks, Jr. et al, 183 IBLA 24 (2012) *recon. denied* 183 IBLA 359 (2013): Lands within an expired FLPMA withdrawal that withdrew lands from the mining laws and that are not subject to an overlapping withdrawal or segregation still in effect, are automatically and immediately open to mineral location and entry upon expiration of the withdrawal. See also

Washington Office Instruction Memorandum No. 2014-042 dated February 5, 2014.

Claimants Have Constructive Notice of Withdrawals:

John F. and Vickie L. Malone, 89 IBLA 341, 344 (1985): Claimants are charged with constructive knowledge of the existence of withdrawals. The BLM is not required to promptly check the legal status of every claim to advise locators they are on lands not open to entry under the mining laws. The Board said the “BLM cannot be expected to promptly determine the legal status of each individual claim, considering the volume of records for unpatented mining claims it is expected to review.”

Wolfram Jack Mining Corporation, 176 IBLA 183 (2008): Section 204(j) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1714(j) (2000), provides that the Secretary “shall not make, modify, or revoke any withdrawal created by Act of Congress.” Lands are closed to entry or appropriation when Congress declares them withdrawn by statute, the legal effect of which does not depend upon the BLM’s promptness in noting the withdrawal in the public land records.

Effect of Withdrawals on Mining Claims:

Jack Stanley, 103 IBLA 392, 394 (1989): Where lands covered by mining claims are withdrawn from future entries “subject to valid existing rights,” the withdrawal attaches, as of the date of the withdrawal, to all land described by the withdrawal, including the lands covered by the mining claims. So long as the claims are valid, the withdrawal is ineffective as to the lands embraced by the claims. However, when the claims terminate, the withdrawal automatically becomes effective, to the lands covered by the entry, thus closing them to future entries. No further action is required to effect the withdrawal.

Stock Raising Homestead Act

Claims Located on Lands Patented under the Stock Raising Homestead Act:

Margaret L. Berggren, 171 IBLA 297 (2007): Surface owner CAN file NOITL and enjoy benefit of 90-day segregation. While surface owner is not required to file NOITL to prospect and locate mining claims, they can file one and therefore enjoy the benefit of the 90-day segregation.

Karry Keith Klump, 141 IBLA 166 (1997): The appellant had located a claim on lands patented

under the Stock Raising Homestead Act (Act), as amended, 43 U.S.C. §§ 291-299 (1994), but had not complied with the notice requirements imposed by the 1993 amendment to the Act that became effective on October 13, 1993. The BLM declared the claim null and void because Klump failed to give notice to the Department and the affected landowner before making his location as required by 43 U.S.C. § 299(b) (1994). The Board upheld the BLM's decision because written notice must be given to the surface owner by registered or certified mail at least 30 days before entering the lands. *Id.* at 168-69

American Colloid Co., 154 IBLA 7 (2000). Where BLM's regulation and notice form relating to the location of mining claims on lands patented under the Stock Raising Homestead Act, as amended, require only the name of the person filing the notice, and the name of the person managing exploration and claim location activities, a properly filed and served notice which does not identify either the name of the mining association or the names and addresses of the individual members is valid, and a decision declaring the mining claims located by the mining association null and void by reason of such alleged defect will be reversed.

Transfers

(See entries for association placer transfers and transfers of claims under a waiver.)

Waivers

Failing to list claims on waiver results in abandonment of those claims:

Burbank Gold, Ltd., 138 IBLA 17 (1997): If claimant lists 10 or fewer claims on waiver, and its POL lists the same claims, and there is nothing in record that appears to contradict intent to abandon claims not listed, claimant qualifies for waiver and the non-listed claims are considered abandoned.

No FLPMA filings required if maintenance fee is paid for the same assessment year:

Cheryl Jong, 142 IBLA 75 (1997): Maintenance fees paid in 1994; waiver and maintenance fees paid in 1995 for 1996 Assessment Year, waiver filed on August 26, 1996, and notice of intent to hold filed December 11, 1996; ruling was that claims were not void; no POL was required for 1996 Assessment Year because maintenance fees paid for 1996 Assessment Year.

Patrick M. Layman (on recon.), 144 IBLA 367 (1998): Decision declaring claims forfeit and void for no POL by 12/30/94; Layman paid rental fees for 1993 Assessment Year and 1994

Assessment year; on September 2, 1994, Layman filed waiver; IBLA found that no POL for Assessment year 1994 was required.

"Related Parties":

Silver Crystal Miners, 147 IBLA 146 (1999): Under maintenance fee statute and regulations 43 CFR 3833.1-6, definition of related parties expanded and includes “person who controls, is controlled by, or under common control with the claimant;” this would include common directors, officers, stockholders, voting trust or a holding company or investment company; Joe Swisher as president of Silver Crystal would be a “related” party as would other corporations of which Swisher is an officer.

Ridge Top Mining Co., 175 IBLA 198 (2008): Having filed a waiver and then having it discovered that claimant and related parties hold more than 10 claims is not a curable defect because requirement of holding 10 or fewer claims is a statutory requirement.

Requirements for transferees of waived claims:

Frank E. & Carol Sieglitz, 170 IBLA 286 (2006): If a transferee qualifies for a waiver, the POL must be performed and filed by 12/30 following the end of that Assessment Year; if the transferee does not qualify, they must pay the annual maintenance fee for the Assessment Year for which the waiver was obtained by 9/1 following the date the transfer became effective under state law. The transferees qualified for waiver and were therefore **required** to file POL, rather than have the option of paying the maintenance fees.

Randi Rovetto, 177 IBLA 257 (2009): Waiver was filed 8/24/07 for 2008 Assessment Year; 8/22/08 QCD was filed which took the claimant over 10 claims and maintenance fees paid; no 2008 POL; payment of 2008 maintenance fees proper and stopped requirement for 2008 POL; however, in fn 6, says that Randi Rovetto would have also had to pay maintenance fee for 2009 Assessment Year by 9/1/08. When the claimant no longer qualifies to hold claims under a small miner waiver, then maintenance fees are due for not only the claims transferred, but also on any claims held under a current assessment year waiver.

Opportunity to cure documents associated with waived claims:

Debra Smith, 179 IBLA 220 (2010): Failure to timely pay processing fee for POL for Assessment Year 2009; claimant timely filed 2009 POL with no money; IBLA says not forfeit and void because fee requirement is regulatory not statutory and claimant should be allowed to cure.

H-3830-1 - ADMINISTRATION OF MINING CLAIMS,
MILL SITES, AND TUNNEL SITES (P)

VIII-91

Melvin Peterson, 180 IBLA 152 (2010): Defective waiver must be cured or maintenance fees paid within 60 days of BLM notice of defect; cure of some but not all of the defects does not cure the defect and claims are forfeit and void; no extension of time beyond the 60 days can be given.

Photocopies of previous waivers do not satisfy certification requirement for the current year:

Thomas L. Carufel, Dorothea L. Johnson, 155 IBLA 340 (2001): A mining claimant seeking a waiver of the requirement to pay the annual mining claim maintenance fee must file an annual certification of their qualifications for a waiver on the date payment is due. The refiling of a photocopy of a certification of qualifications previously executed by claimants and filed for a different assessment year does not constitute a timely filed certification of qualifications for a waiver and the claim is properly held to be forfeited and void.