

§ 3833.0-2

43 CFR Ch. II (10-1-02 Edition)

claims, mill sites, or tunnel sites on Federal lands;

(b) The filing in the same office of evidence of performance of annual assessment work or of a notice of intention to hold an unpatented mining claim;

(c) The payment in the same office of an annual maintenance fee, if required, for each mining claim, mill site, or tunnel site held by the claimant;

(d) Notifying the proper BLM office of the transfer of an interest in unpatented mining claims, mill sites, or tunnel sites.

(e) These regulations are not intended to supersede or replace existing recording requirements under state law except when specifically changed by the provisions of the Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S.C. 1701), and are not intended to make the Bureau office the official recording office for all ancillary documents (wills, liens, judgments, etc.) involving an unpatented mining claim, mill site or tunnel site.

[47 FR 56304, Dec. 15, 1982, as amended at 58 FR 38197, July 15, 1993; 59 FR 44857, Aug. 30, 1994]

§ 3833.0-2 Objectives.

The objectives of these regulations are:

(a) To determine the number and location of unpatented mining claims, mill sites, or tunnel sites located on Federal lands in order to assist in the surface management of those lands and the mineral resources therein;

(b) To remove any cloud on the title to those lands that may exist because they are subject to mining claims that may have been abandoned;

(c) To provide the BLM with information as to the location of active mining claims;

(d) To keep the BLM informed of transfers of interest in unpatented mining claims, mill sites, or tunnel sites.

[47 FR 56304, Dec. 15, 1982]

§ 3833.0-3 Authority.

(a) Sections 314(a) and (b) of the Federal Land Policy and Management Act (43 U.S.C. 1744), and 30 U.S.C. 28f-28k, as amended by the Act of November 5,

2001 (115 Stat. 414), require the recordation of unpatented mining claims, mill sites, and tunnel sites, and the filing of information concerning annual assessment work performed on unpatented mining claims in the proper BLM office within specified time periods. Section 314(c) of FLPMA provides that a failure to record the required documents within the time limits imposed by the statute constitutes a conclusive abandonment of the mining claim, mill site, or tunnel site, which shall be void.

(b) The Secretary has the general responsibility and authority for the management of Federal lands under 43 U.S.C. 2, 43 U.S.C. 1212, and 43 U.S.C. 1457, and section 310 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1740).

(c) The General Mining Law of May 10, 1872, section 2319 of the Revised Statutes (30 U.S.C. 22) provides that the exploration, location, and purchase of valuable mineral deposits shall be "under regulations prescribed by law," and section 2478 of the Revised Statutes, as amended (43 U.S.C. 1201), provides that those regulations will be issued by the Secretary.

(d) The Act of August 31, 1951 (31 U.S.C. 9701) and section 304(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734).

(e) The Acts of October 21, 1998 (112 Stat. 2681-232, 2681-235), and November 5, 2001 (115 Stat. 414) (30 U.S.C. 28f-28k), require an annual maintenance fee of \$100 to be paid to the proper State Office of the Bureau of Land Management for each non-waived mining claim, mill site, or tunnel site. With certain exceptions provided in § 3833.1-6, this fee is in lieu of the requirement to perform and record annual assessment work under 30 U.S.C. 28-28e and section 314(a) of FLPMA. Failure to pay the fee within the time limits prescribed by 30 U.S.C. 28f, constitutes a statutory abandonment and forfeiture of the non-waived mining claim, mill site, or tunnel site. Provisions relating to maintenance fees and waivers are contained in §§ 3833.0-3(f), 3833.1-5, 3833.1-6, and 3833.1-7.

(f) Section 2511(e)(2) of the Energy Policy Act of 1992 (30 U.S.C. 242) requires oil shale claim holders to pay an annual fee of \$550 per oil shale claim,