

### § 3833.1

burden; to the Information Collection Clearance Officer (783), Bureau of Land Management, 1849 C St. NW., Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project, 1004-0114, Washington, DC 20503.

[58 FR 38198, July 15, 1993, as amended at 59 FR 44858, Aug. 30, 1994; 64 FR 47021, Aug. 27, 1999; 67 FR 38206, June 3, 2002]

#### § 3833.1 Recordation of mining claims.

##### § 3833.1-1 Refundability of service charges, location fees, rental and maintenance fees.

(a) Service charges submitted for new recordings under § 3833.1-2 are not returnable or refundable after the document has received the processing for which the service charges were paid.

(b) Service charges submitted with documents to be filed pursuant to §§ 3833.2 and 3833.3 are returnable or refundable if, at the time of submission, the affected mining claim or site is determined to be null and void or abandoned by operation of law.

(c) Maintenance and location fees are not returnable or refundable unless the mining claim or site has been determined, as of the date the fees were submitted, to be null and void, abandoned by operation of law, or otherwise forfeited.

(d) Maintenance fees, location fees, or service charges made in duplicate for the same claim or site or otherwise overpaid are returnable or refundable. The money will be returned or refunded to the party who submitted it. The authorized officer may apply the fee to a future year if so instructed by the payor.

(e) Voluntary actions such as relinquishment of claims or sites, or payment of maintenance fees by a qualified small miner, shall not be a qualifying reason for obtaining a refund of such fees previously paid.

[59 FR 44858, Aug. 30, 1994]

##### § 3833.1-2 Recordation of mining claims, mill sites and tunnel sites located after October 21, 1976.

(a) The owner of an unpatented mining claim, mill site or tunnel site located after October 21, 1976, on Federal lands, excluding lands within units of

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

the National Park System shall file within 90 days after the date of location of that claim or site in the proper BLM office, a copy of the official record of the notice or certificate of location of that claim or site that was or will be filed under state law. If state law does not require the recordation of a notice or certificate of location of a claim or site, a notice or certificate of location containing the information in paragraph (b) of this section shall be filed. (See § 3734.1(a) of this title for mining claims and sites filed under Pub. L. 84-359 (69 Stat. 681) and § 3821.2 of this title for mining claims and sites filed on O and C lands).

(b) The copy of the notice or certificates filed in accordance with paragraph (a) of this section shall be supplemented by the following additional information unless it is included in the copy:

(1) The name or number of the claim or site, or both, if the claim or site has both;

(2) The name and current mailing address, if known, of the owner or owners of the claim or site;

(3) The type of claim or site;

(4) The date of location;

(5) For all claims or sites a description shall be furnished.

(i) This description shall recite, to the extent possible, the section(s), the approximate location of all or any part of the claim to within a 160 acre quadrant of the section (quarter section), or sections, if more than one is involved, and the township, range, meridian and State obtained from an official survey plat or other U.S. Government map showing either the surveyed or protracted U.S. Government grid, whichever is applicable.

(ii) The location of the claims or sites shall be depicted on either a topographic map published by the U.S. Geological Survey or by a narrative or a sketch describing the claim or site with reference by appropriate tie to some topographic, hydrographic, or man-made feature. Such map, narrative description, or sketch shall set forth the boundaries and position of the individual claim or site with such accuracy as will permit the authorized officer of the agency administering the lands or mineral interests in such lands

to identify and locate the claims or sites on the ground.

(iii) More than one claim or site may be shown on a single map or described in a single narrative or sketch if they are located in the same general area, so long as the individual claims or sites are clearly identified;

(6) In place of the requirements of paragraph (b)(5) of this section, an approved mineral survey may be supplied. A mining claim described by legal subdivisions, section, township, range, meridian and State fulfills the requirements of paragraph (b)(5) of this section.

(7) Nothing in the requirements for a map and description found in this section shall require the owner of a claim or site to employ a professional surveyor or engineer.

(c)(1) Beginning on October 13, 1993, mining claims cannot be located on lands patented under the Stockraising Homestead Act of 1916, as amended by the Act of April 16, 1993 (107 Stat 60); until the claimant has first filed a notice of intent to locate with the proper BLM State Office and has served a copy of the notice upon the surface owner(s) of record, by registered or certified mail, return receipt requested. Such notice shall be in the form and contain the information required in paragraph (d) of this section.

(2) The claimant shall wait 30 days after such service before entering the lands to locate any mining claims on the Stockraising Homestead Act lands.

(3) The authorized officer will not record any mining claim located on lands patented under the Stockraising Homestead Act, as amended, unless the claimant has complied with the requirements of this section, and all certificates or notices of location will be returned to the claimant without further action.

(4) The surface owner of land patented under the Stockraising Homestead Act, as amended, is exempt from the requirements of this section.

(5) All mining claims located on Stockraising Homestead lands are subject to the requirements of the Act of April 16, 1993. These additional requirements are found in subpart 3814 of this title.

(d) A separate notice of intent shall be filed and recorded in the appropriate BLM State Office for each separate surface ownership in an individual State.

(1) Each notice of intent submitted shall be accompanied by evidence of title of the surface owner(s). Evidence of title shall be either a certificate of title or abstract of title certified by a person, association, or corporation authorized by State law to execute such a certificate within that State, and acceptable to the Bureau of Land Management.

(2) The notice of intent shall contain:

(i) The names(s), mailing address(es), and telephone number(s) of the person(s) filing the notice;

(ii) The names(s), mailing address(es), and telephone number(s) of the surface owner(s);

(iii) The legal description of the lands to which the notice applies, to the nearest 5-acre subdivision or lot;

(iv) The total number of acres under the specific notice of intent filed to the nearest whole acre;

(v) A brief description of the proposed mineral activities;

(vi) A map and legal description of the lands to be subject to mineral exploration, including access route(s);

(vii) The name, mailing address, and telephone number of the person managing such activities; and

(viii) A statement of the dates on which such activities will take place.

(3) The legal description shall be based on the public land survey or on such other description as is sufficient to permit the authorized officer accurately to record the notice on the BLM land status records (i.e., to the nearest 5-acre subdivision or lot).

(4) Upon acceptance of a notice of intent by the authorized officer, the notice of intent will be entered upon the official land status records of the Bureau of Land Management.

(5) The total acreage covered at any time by notices of intent filed by any person and by affiliates of such person may not exceed 6,400 acres of such lands in any one State and 1,280 acres of such lands nationwide for a single surface owner.

(6) If the surface owner(s) sells all or part of the surface during the authorized exploration period, the person who

filed the notice of intent is not required to notify the new surface owner(s) prior to entry during the authorized exploration period.

[42 FR 5300, Jan 27, 1977, as amended at 44 FR 9722, Feb. 14, 1979; 47 FR 56305, Dec. 15, 1982; 48 FR 7179, Feb. 18, 1983; 55 FR 17754, Apr. 27, 1990; 58 FR 38198, July 15, 1993; 59 FR 44859, Aug. 30, 1994]

**§ 3833.1-3 Service charges, rental fees, maintenance fees, and location fees; form of remittance and acceptance.**

(a) *Payment and acceptance policy.* All service charges, maintenance fees, and location fees shall be payable by United States currency, postal money order, or negotiable instrument payable in United States currency, and shall be made payable to the Department of the Interior—Bureau of Land Management, or by a valid credit card acceptable to the Bureau of Land Management. A check or negotiable instrument, including credit cards submitted for payment of charges and/or fees, for which payment is not honored by the issuing authority, and such refusal is not an error of the issuing authority, will be deemed to be a nonpayment of the charges or fees for which the check or negotiable instrument, including a credit card order, was tendered. See § 3833.1-4 (f) and (g) for payments made by credit cards or from Declining Deposit Accounts.

(b) *Recordation of new mining claims, mill sites, or tunnel sites with the Bureau of Land Management.* (1) New location notices or certificates submitted for recording pursuant to § 3833.1-2 that are not accompanied by full payment of the maintenance and location fees required by § 3833.1-4 or 3833.1-5 will not be accepted, and the submittal will be returned without further action by the authorized officer. The claimant may resubmit the filings with the proper payment of service charges and fees within the same 90-day filing period referred to in § 3833.1-2(a).

(2) Failure to provide full payment of service charges set forth in § 3833.1-4 will be curable for new location notices or certificates submitted for recording pursuant to § 3833.1-2 when the proper maintenance and location fees have been submitted. Such documents will be noted as being recorded on the date

received provided that the claimant submits the proper service charge either within 30 days of receipt of a deficiency notice sent by the authorized officer, or on or before the 90th day of the filing period referred to in § 3833.1-2(a), whichever date is later.

(3) If the proper service charges have not been tendered pursuant to paragraph (b)(2), and if the claimant has not provided written instructions regarding the application of the funds received with the original filing, the authorized officer will apply such funds and serialize the claims in the order received. All notices or certificates for which there are insufficient funds to cover all service charges and maintenance and location fees will be returned to the claimant.

(c) *Mining claims, mill sites, and tunnel sites recorded and serialized by the Bureau of Land Management.* (1) Failure to provide full payment of service charges set forth in § 3833.1-4 will be curable for documents and filings made pursuant to §§ 3833.2 and 3833.3 and amended locations filed under § 3833.1. Such documents and filings will be noted as being recorded on the date initially received, provided that the claimant submits the proper service charge within 30 days of receipt of a deficiency notice from the authorized officer. Failure to submit the proper service charge as required by this paragraph will cause filings made pursuant to §§ 3833.2 and 3833.3 and amended locations filed under § 3833.1 to be rejected and returned to the claimant/owner. If a payment is received that partially covers the claims submitted, the payment shall be applied to mining claims and sites in ascending numerical order of serialization.

(2) If a claimant fails to submit the proper maintenance fees on or before each September 1, the authorized officer will apply the fees received to existing recorded and serialized mining claims and sites in ascending numerical order of serialization, unless otherwise directed by the claimant. The authorized officer will note the deficient fees as being paid on the original date received, provided that the claimant submits the proper fees within 30 days of receipt of a deficiency notice from the authorized officer, if that much