

**Bureau of Land Management, Interior**

**§ 3833.1-5**

time remains before September 1. If there are less than 30 days before September 1, the correct fees shall be filed (see §3833.0-5(m)) by such claimant on or before the September 1 deadline. Failure to submit the proper fees will cause the forfeiture of remaining claims or sites by the claimant/owner.

[59 FR 44859, Aug. 30, 1994, as amended at 64 FR 47021, Aug. 27, 1999]

**§ 3833.1-4 Service charges and location fees.**

(a) Each notice or certificate of location of a mining claim, mill site, or tunnel site filed for recordation shall be accompanied by a non-refundable service charge of \$10.00.

(b) Each notice or certificate of location of a mining claim, mill site, or tunnel site that is located on or after August 11, 1993, and before September 30, 2003, shall, when filed with BLM, be accompanied by a one time nonrefundable location fee of \$25.

(c) Annual filings submitted pursuant to §3833.2 shall be accompanied by a nonrefundable service charge of \$5.00 for each mining claim, mill site, or tunnel site. A service charge is not required to accompany the rental fee submitted in lieu of assessment work or Notice of Intent to Hold as required by §3833.1-5 or the certified statement of exemption required to be filed by §3833.1-7.

(d) Amendments to a previously recorded notice or certificate of location shall be accompanied by a nonrefundable service charge of \$5.00 for each mining claim, mill site, or tunnel site.

(e) Each transfer of interest document filed pursuant to §3833.3 shall be accompanied by a nonrefundable service charge of \$5.00 for each mining claim, mill site, or tunnel site affected.

(f) The claimant/owner may authorize the BLM to charge payment of service charges, maintenance fees, and location fees to his or her credit card under §3833.1-3(a) by transmitting a facsimile authorization bearing the signature of the claimant/owner to the authorized officer, or the authorized officer may accept such authorization by telephone if the identity of the claimant/owner is established to the satisfaction of the authorized officer.

(g) The claimant/owner may also maintain a declining deposit account with the State Office of the BLM where the mining claims and sites are recorded for the payment of service charges, maintenance fees, and location fees. The authorized officer may deduct the necessary service charges and fees from or add overpayments to such account only at the direction of the claimant/owner.

[58 FR 38198, July 15, 1993, as amended at 59 FR 44860, Aug. 30, 1994; 64 FR 47021, Aug. 27, 1999; 67 FR 38206, June 3, 2002]

**§ 3833.1-5 Maintenance fees.**

Except as provided in §§3833.0-3(f), 3833.1-6, and 3833.1-1 (d) and (e), each claimant shall pay a nonrefundable maintenance fee of \$100 for each mining claim, mill site, or tunnel site to the proper BLM office for each specified assessment year for which the claimant desires to hold the mining claim, mill site, or tunnel site. The assessment years covered by 30 U.S.C. 28f, begin at 12 o'clock noon on September 1, 1994, and end at 12 o'clock noon on September 1, 2004.

(a)(1) The initial \$100 nonrefundable maintenance fee for the assessment year in which the mining claim or site is located shall be paid for each mining claim, mill site, or tunnel site at the time of its filing with BLM pursuant to section 314(b) of FLPMA and §3833.1-2. If such claims or sites are located prior to September 1, and the notice of location is properly filed within the FLPMA time frame but after September 1, then the \$100 fee that was due on September 1 for the succeeding assessment year shall be paid at the time of filing the location notice along with the initial \$100 fee.

(2) The initial maintenance fee described in paragraph (1) is not subject to the waiver provisions contained in §§3833.1-6 and 3833.1-7.

(b) Under 30 U.S.C. 28f, a nonrefundable maintenance fee of \$100.00 for each mining claim, mill site, or tunnel site shall be paid annually on or before September 1 for the subsequent assessment year beginning at 12 o'clock noon on September 1 of that year. The payments are due on each September 1 through September 1, 2003. At the time of payment, the claimant/owner shall

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submit a list of claim names and BLM serial numbers assigned to each mining claim or site for which the maintenance fee is being paid.

(c) There will be no proration of rental or maintenance fees for partial years of holding of mining claims, mill sites, or tunnel sites.

(d) A small miner may, under the waiver provisions of §§ 3833.1-6 and 3833.1-7, perform assessment work and file the affidavit of labor pursuant to § 3833.2 in lieu of paying the rental or maintenance fee.

(e) The owner of an oil shale placer claim shall pay the required \$550 annual rental fee to the proper BLM State Office on or before each December 30.

(f) The payment of the required maintenance fee for a mining claim, mill site, or tunnel site satisfies the requirement to file an affidavit of assessment work or a notice of intention to hold pursuant to § 3833.2.

(g) If a waived mining claim or site is transferred in total or in part to a party not qualified for a waiver, the waiver is forfeited for the mining claim or site or portion of interest therein transferred to the unqualified party. The maintenance fee for the previously waived claim or site will be paid for the assessment year in which the transfer was effective under State law pursuant to § 3833.3. The applicable deadline is the August 31 on or immediately after which the transfer is effective under State law.

(h) The Secretary will adjust the location and maintenance fees every 5 years, based upon the Consumer Price Index (CPI) as published by the Bureau of Labor Statistics, Department of Labor. The Secretary may adjust the location and maintenance fees sooner, if he deems it reasonable, based upon changes in the CPI.

(1) Public notice of any adjustment of maintenance or location fees will be provided by July 1 of the assessment year prior to the assessment year to which the adjustment becomes effective.

(2) Any such adjustment of maintenance or location fees to reflect changes in the CPI will be payable no later than the second August 31 fol-

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lowing the July 1 by which the notice of the adjustment was given.

[59 FR 44860, Aug. 30, 1994, as amended at 64 FR 47021, Aug. 27, 1999; 67 FR 38206, June 3, 2002]

**§ 3833.1-6 Maintenance fee waiver qualifications under the Act of November 5, 2001, and other exceptions.**

A small miner may, under certain conditions described in this section and in § 3833.1-7, perform the assessment work required under 30 U.S.C. 28-28e and record it pursuant to Section 314(a) of FLPMA and § 3833.2 in lieu of paying the maintenance fee. Assessment work shall conform to the requirements contained in subpart 3851 of this title.

(a) In order to qualify for a waiver of the maintenance fee requirements, a small miner shall meet all of the following conditions:

(1) 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 on the date the payment is due, which is each September 1. For purposes of determining the small miner waiver, oil shale claims shall not be counted toward the 10 claim limitation for the small miner waiver of the \$100 maintenance fee. A claimant who owns 10 or fewer claims, mill sites, and tunnel sites, and otherwise meets the requirements of this section, is not precluded from paying the maintenance fee in addition to filing for a small miner waiver.

(2) All mining claims and sites held by a claimant and all related parties shall be counted toward the 10 claim and site limit.

(3) Mill and tunnel sites of a qualified small miner, if listed upon the exemption certificate along with the affected lode and placer mining claims, are waived from payment of the maintenance fee.

(b) Mining claims and sites that are undergoing final reclamation, as approved by the authorized officer pursuant to subparts 3802, 3809, or 3814 of this title, with no intent by the owner thereof to continue mining, milling, or processing operations upon or under the mining claims or sites, are excused from payment of the maintenance fees.