

### § 3833.1-3

### 43 CFR Ch. II (10-1-03 Edition)

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

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