

### § 3830.3

(c) BLM is not the official recording office for ancillary documents concerning mining claims or sites, including but not limited to, leases, wills, judgments, liens, option agreements, and grubstake contracts.

#### § 3830.3 Who may locate mining claims?

Persons qualified to locate mining claims or sites under this part include:

(a) United States citizens who have reached the age of discretion under the law of their State of residence;

(b) Legal immigrants who have filed an application for citizenship with the proper Federal agency;

(c) Business entities organized under the laws of any state, including but not limited to corporations and partnerships; or

(d) Duly constituted and appointed agents acting on behalf of locators qualified under paragraph (a), (b), or (c) of this section.

#### § 3830.5 Definitions.

*Aliquot part* means a legal subdivision of a section of a township and range, except fractional lots, by division into halves or quarters.

*Amendment* means the act of making a change in a previously recorded mining claim or site as described in § 3833.21 of this chapter.

*Annual FLPMA documents* means either a notice of intent to hold, or an affidavit of assessment work, as prescribed in section 314(a) of FLPMA (43 U.S.C. 1744(a)). The term "proof of labor" (commonly used to describe this document) means the same as "affidavit of assessment work" as used in this part. See parts 3835 and 3836 of this chapter for further information.

*Assessment year* means a period of 12 consecutive months beginning at 12 noon on September 1 each year. See part 3836 of this chapter for further information.

*Bench placer claim* means a placer mining claim located on terraces or former floodplains made of gravel or sediment or both on the valley wall or slope above the current riverbed, and created when the river previously was at a higher topographic level than now.

*BLM State Office* means the Bureau of Land Management State Office listed

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in § 1821.10 of this chapter having jurisdiction over the land in which the mining claims or sites are situated. The Northern District Office in Fairbanks may also receive and accept documents, filings, and fees for mining claims or sites in Alaska.

*Claimant* means the person under state or Federal law who is the owner of all or any part of an unpatented mining claim or site.

*Closed to mineral entry* means the land is not available for the location of mining claims or sites because Congress, BLM, or another surface managing agency has withdrawn or otherwise segregated the lands from the operation of the General Mining Law, often subject to valid existing rights.

*Control* means actual control, legal control, or the power to exercise control, through or by common directors, officers, stockholders, a voting trust, or a holding company or investment company, or any other means. BLM may determine, based on evidence that we find adequate, that a stockholder who is not an officer or director, or who is not a majority shareholder, of a company or corporation exercises control as defined in these regulations.

*Discovery* means that a mining claimant has found a valuable mineral deposit.

*Federal lands* means any lands or interest in lands owned by the United States, subject to location under the General 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.

*Filed* means a document is—

(a) Received by BLM 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 after the 15th day, if the 15th day is not a business day (see subpart 1822 of this chapter).

*Final certificate* means a form that BLM issues during its processing of a

mineral patent application. (In 1999, BLM changed this form from two-part form to a single form that BLM completes toward the end of the patenting process.) The form indicates that BLM has reviewed the mineral patent application and conducted a validity determination and concluded that the applicant has:

- (a) Met all of the paperwork requirements;
- (b) Published notice of the patent application and received no adverse claims;
- (c) Paid the purchase price; and
- (d) Discovered a valuable mineral deposit on mining claims or located mill sites on lands that are not mineral-in-character and are properly used or occupied.

*FLPMA* means the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1701 *et seq.*).

*Forfeit* or *forfeiture* means the voidance or invalidation of an unpatented mining claim or site. The terms “abandoned and void”, “null and void,” “void ab initio” and “forfeited” have the same effect in these regulations.

*General Mining Law* means the Act of May 10, 1872, as amended, (codified as 30 U.S.C. 22–54).

*Gulch placer claim* means a placer claim located on the bed of a river contained within steep, nonmineral canyon walls. The form of the river valley and nonmineral character of the valley walls preclude the location of the claim by aliquot parts and a metes and bounds description is necessary.

*Local recording office* means the county or state government office established under state law where you are usually required to record all legal documents including, but not limited to, deeds and wills.

*Location fee* means the one-time fee that 30 U.S.C. 28g requires you to pay for all new mining claims and sites at the time you record them with BLM. See § 3830.21 for the table of fees.

*Maintenance fee* means the initial or annual fee that 30 U.S.C. 28f requires you to pay to hold and maintain mining claims or sites. See § 3830.21 for the table of fees.

*Metes and bounds* means a method of describing a parcel of land that does not conform to the rectangular U.S.

Public Land Survey System, using compass bearings and distances from a known point to a specified point on the parcel and then by using a continuous and sequential set of compass bearings and distances beginning at the point of beginning, continuing along and between the corners or boundary markers of the parcel’s outer perimeter, until returning to the point of beginning.

*Mineral-in-character* means land that is known, or can reasonably be inferred from the available geologic evidence, to contain:

- (a) Valuable minerals subject to location under the general mining law for purpose of locating mining claims or sites;
- (b) Mineral materials for purposes of disposal under part 3600 of this chapter.

*Mineral Leasing Acts* means the Mineral Leasing Act of [February 25,] 1920, as amended (30 U.S.C. 181 *et seq.*); the Geothermal Steam Act of 1970, as amended (30 U.S.C. 1001 *et seq.*); the Mineral Leasing Act for Acquired Lands of 1947, as amended, (30 U.S.C. 351 *et seq.*); and including all Acts referenced in 30 U.S.C. 505. The definition pertains to all minerals that BLM administers under Groups 3100, 3200, 3400, and 3500 of this chapter.

*Mineral materials* means those materials that—

- (a) BLM may sell under the Mineral Materials Act of July 31, 1947 (30 U.S.C. 601–604), as amended by the Surface Resources Act of 1955 (30 U.S.C. 601, 603, and 611–615); and
- (b) BLM administers under part 3600 of this chapter.

*Multiple Mineral Development Act* means the Act of August 13, 1954, as amended (30 U.S.C. 521–531).

*Nonmineral land* means land that is not mineral-in-character.

*Open to mineral entry* means that the land is open to the location of mining claims or sites under the General Mining Law.

*Patent* means a document conveying title to Federal surface and/or minerals.

*Recording* means the act of filing a notice or certificate of location with the local recording office and BLM, as required by FLPMA.

*Related party* means:

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(a) The spouse and dependent children of the claimant as defined in section 152 of the Internal Revenue Code of 1986; or

(b) A person who controls, is controlled by, or is under common control with the claimant.

*Segregate or segregation* means the Department of the Interior has closed the affected lands to mineral entry or withdrawn the affected lands from mining claim location, land transactions, or other uses as specified in a statute, regulation, or public land order affecting the land in question. The land remains segregated until the statutory period has expired, BLM ends the segregation under §2091.2-2 of this chapter, or the Department of the Interior removes the notation of segregation from its records, whichever occurs first.

*Service charge* means an administrative fee that BLM assesses under this part to cover the cost of processing documents.

*Site* means either an unpatented mill site authorized under 30 U.S.C. 42 or a tunnel site authorized under 30 U.S.C. 27.

*Small miner* means a claimant who, along with all related parties, holds no more than 10 mining claims or sites on Federal lands on the date annual maintenance fees are due, and meets the additional requirements of part 3835 of this chapter.

*Split estate lands* means that lands where United States owns the mineral estate as part of the public domain, but not the surface.

*Surface Resources Act* means the Act of July 23, 1955 (30 U.S.C. 601, 603, and 611-615).

*Unpatented mining claim* means a lode mining claim or a placer mining claim located and maintained under the General Mining Law for which BLM has not issued a mineral patent under 30 U.S.C. 29.

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### Subpart B—Providing Information to BLM

#### § 3830.8 How will BLM use the information it collects and what does it estimate the burden is on the public?

(a) The Office of Management and Budget has approved the collections of information contained in parts 3830-3838 of this chapter under 44 U.S.C. 3501 *et seq.* and has assigned clearance number 1004-0114.

(b) BLM will use the information collected to:

(1) Keep records of mining claims or sites;

(2) Maintain ownership records to those mining claims or sites;

(3) Determine the geographic location of the mining claims or sites recorded for proper land management purposes; and

(4) Determine which mining claims or sites the claimant wishes to continue to hold under applicable Federal statutes.

(c) BLM estimates that the public reporting burden for this information averages 8 minutes per response. This burden includes time for reviewing instructions, searching existing records, gathering and maintaining the data collected, and completing and reviewing the information collected.

(d) Send any comments on information collection, including your views on the burden estimate and how to reduce the burden, to: the Information Collection Clearance Officer (WO-630), Bureau of Land Management, Eastern States Office, 7450 Boston Boulevard, Springfield, Virginia 22153; and the Office of Management and Budget, Paperwork Reduction Project, 1004-0114, Washington, D.C. 20503.

#### § 3830.9 What will happen if I file a document with BLM that I know contains false, erroneous, or fictitious information or statements?

If you file a document that you know contains false, erroneous, or fictitious information or statements, you may be subject 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.