

would be if the smallest legal subdivision is excluded from the location or entry. In no case may you use the rule to obtain more acreage than allowed under the applicable law. (See *Henry C. Tingley*, 8 Pub. Lands Dec. 205 (1889)).

## PART 3833—RECORDING MINING CLAIMS AND SITES

### Subpart A—Recording Process

Sec.

- 3833.1 Why must I record mining claims and sites?  
 3833.10 Procedures for recording mining claims and sites.  
 3833.11 How do I record mining claims and sites?

### Subpart B—Amending Mining Claims and Sites

- 3833.20 Amending mining claims and sites.  
 3833.21 When may I amend a notice or certificate of location?  
 3833.22 How do I amend my location?

### Subpart C—Filing Transfers of Interest

- 3833.30 Filing transfers of interest in mining claims or sites.  
 3833.31 What is a transfer of interest?  
 3833.32 How do I transfer a mining claim or site?  
 3833.33 How may I transfer, sell, or otherwise convey an association placer mining claim?

### Subpart D—Defective Filings

- 3833.90 Defects in recordings or filings for mining claims and sites.  
 3833.91 What defects cannot be cured under this part?  
 3833.92 What happens if I do not file a transfer of interest?

AUTHORITY: 30 U.S.C. 22 *et seq.*, 621–625; 43 U.S.C. 2, 1201, 1457, 1701 *et seq.*; 62 Stat. 162; 115 Stat. 414.

SOURCE: 68 FR 61071, Oct. 24, 2003, unless otherwise noted.

### Subpart A—Recording Process

#### § 3833.1 Why must I record mining claims and sites?

FLPMA requires you to record all mining claims and sites with BLM and the local recording office in order to maintain a mining claim or site under the General Mining Law.

(a) If you fail to record a mining claim or site with the BLM and the local recording office by the 90th day after the date of location, it is abandoned and void by operation of law.

(b) Recording a mining claim or site, filing any other documents with BLM, or paying fees or service charges, as this part requires, does not make a claim or site valid if it not otherwise valid under applicable law.

#### § 3833.10 Procedures for recording mining claims and sites.

#### § 3833.11 How do I record mining claims and sites?

(a) You must record in the proper BLM State Office a copy of the notice of certificate of location that you recorded or will record in the local recording office by the 90th day after the date of location. If there is no recording requirement under state law (as in Arkansas), you still must record a document with BLM and the local recording office that contains the information required by this part.

(b) Your notice or certificate of location must include:

- (1) The name or number, or both, of the claim or site;
- (2) The names and current mailing addresses of the locators of the claim;
- (3) The type of claim or site;
- (4) The date of location; and
- (5) A complete description of the lands you have claimed as required in part 3832 of this chapter.

(c) When you record a notice or certificate of location, you must pay a processing fee, location fee, and initial maintenance fee as provided in § 3830.21 of this chapter.

(d) When you record a mining claim or site under this part, you still must comply with any other separate recording requirements existing under other Federal law. However, notices or certificates of location that you mark as being recorded under the Act of April 8, 1948, or the Act of August 11, 1955, satisfy the additional filing requirements of those Acts under subpart 3821 of this chapter for Oregon and California Revested Wagon Road Grant Lands (O & C